Planning Commission
Meeting Agenda
March 03, 2020

Chair: Charles DeMakis
Vice Chair: Dustin Offerdahl

Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, March 03, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

1. Roll Call
2. Pledge Of Allegiance
3. Approval Of February 04, 2020 Minutes Of Regular Meeting

Documents:
02 (FEB) RECOMMENDATIONS 2020.PDF

4. Section 25-156N-83W, Outlot 15 - Subdivision Plat And Rezone From AG & C2 To C2 Only.
   A request by Cala and Devin Schmitt, Owners, to subdivide a portion of the NW Quarter of the NW Quarter and a portion of the SW Quarter of the NW Quarter in Section 25, Township 156 North, Range 83 West to create proposed Outlot 15 containing 50.00 acres, more or less, and also to rezone proposed Outlot 15 from AG and C2 to C2 only, and to amend the Future Land Use Map of the Comprehensive Development Plan of the City of Minot to “Commercial” for proposed Outlot 15. This property is located on the east side of U.S. Highway 83 from approximately 700 feet south of 72nd Avenue NE, extending south for 1,980 lineal feet, more or less.

Documents:
REZONE AND OUTLOT PLAT-OUTLOT 15.PDF

5. Zone Change – C2 To R1 And Future Land Use Map Amendment – Roses Subdivision, Outlot 15 In Section 20-155N-82W.
   Public hearing on a request by Sanford and M. Gail Slinde, Owners, for a zone change from C2, General Commercial District, to R1, Single-Family Residential District and a corresponding amendment to the Future Land Use Map designation of the Comprehensive Development Plan of the City of Minot from “Commercial” to “Low-Density Residential” for property described as Roses Subdivision, Outlot 15 in Section 20, Township 155 North, Range 82 West. This property is located at 811 37th Street SE.

Documents:
ZONE CHANGE AND COMP PLAN AMENDMENT- ROSES SD.PDF

6. Zone Change – R1 To MH – Shady Dell Addition And A Portion Of Vacated 42nd Street SE Cul-De-Sac
   Public hearing on a request by Matthew Kremer, Owner, for a zone change from R1, Single-Family Residential District to MH, Manufactured Home District, to locate a manufactured home on property located at 1015 42nd Street SE.

Documents:
REZONE SHADY DELL ADDITION.PDF
Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, March 03, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

Roll Call

Pledge Of Allegiance

Approval Of February 04, 2020 Minutes Of Regular Meeting

1. 02 (FEB) RECOMMENDATIONS 2020.PDF
2. Section 25 - 156N - 83W, Outlot 15 - Subdivision Plat And Rezone From AG & C2 To C2 Only.

A request by Cala and Devin Schmitt, Owners, to subdivide a portion of the NW Quarter of the NW Quarter and a portion of the SW Quarter of the NW Quarter in Section 25, Township 156 North, Range 83 West to create proposed Outlot 15 containing 50.00 acres, more or less, and also to rezone proposed Outlot 15 from AG and C2 to C2 only, and to amend the Future Land Use Map of the Comprehensive Development Plan of the City of Minot to "Commercial" for proposed Outlot 15. This property is located on the east side of U.S. Highway 83 from approximately 700 feet south of 72nd Avenue NE, extending south for 1,980 lineal feet, more or less.

REZONE AND OUTLOT PLAT - OUTLOT 15.PDF

3. Zone Change – C2 To R1 And Future Land Use Map Amendment – Roses Subdivision, Outlot 15 In Section 20 - 155N - 82W.

Public hearing on a request by Sanford and M. Gail Slinde, Owners, for a zone change from C2, General Commercial District, to R1, Single-Family Residential District and a corresponding amendment to the Future Land Use Map designation of the Comprehensive Development Plan of the City of Minot from "Commercial" to "Low-Density Residential" for property described as Roses Subdivision, Outlot 15 in Section 20, Township 155 North, Range 82 West. This property is located at 811 37th Street SE.

ZONE CHANGE AND COMP PLAN AMENDMENT - ROSES SD.PDF

4. Zone Change – R1 To MH – Shady Dell Addition And A Portion Of Vacated 42nd Street SE Cul-De-Sac.

Public hearing on a request by Matthew Kremer, Owner, for a zone change from R1, Single-Family Residential District to MH, Manufactured Home District, to locate a manufactured home on property located at 1015 42nd Street SE.

REZONE SHADY DELL ADDITION.PDF

Documents:
1. 2.
3. 4.
Documents:
5. 6.
Documents:
Meeting Called to Order by Chairman Charles DeMakis.

Approval of the January 07, 2020 Regular Meeting Minutes

Motion by Commissioner Offerdahl to approve January 07, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Wegenast nays: none

*The Planning Commission did not have a quorum and therefore the minutes will be reconsidered during the March 3, 2020 Planning Commission meeting.

Motion carries

The following are the recommendations of the Planning Commission:

**Item #1**

**Starr Subdivision - Rezoning and Subdivision Plat**

It is recommended that the City Council approve the subdivision to separate the North Half of Outlot 7 into two (2) rural residential lots to be knows as Lots 1 and 2 of proposed Starr Subdivision.

Furthermore, it is recommended that the City Council pass an ordinance on first reading to change the zone from AG (Agricultural District) to RA (Agricultural Residential District) since neither parcel can meet the minimum lot size in AG zoning of twenty (20) acres.

These properties are located at 7051 13th Street NE.
Finding of Facts:

The Minot Planning Commission should accept the following findings of facts:

1) The applicant has submitted a complete application.
2) The applicant's request is consistent with Minot's Comprehensive Plan.
3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
4) The rezoning request is in character with the surrounding zoning and use of land.
5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

1) Any driveway locations onto township roadways must be permitted by the township.
2) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of a subdivision to separate the North Half of Outlot 7 into two (2) rural residential lots to be known as Lots 1 and 2 of proposed Starr Subdivision. Additionally, the applicant would like to rezone the resulting properties from AG, Agricultural District to RA, Agricultural Residential District since neither parcel can meet the minimum lot size in AG zoning of twenty (20) acres. These properties are located at 7051 13th Street NE.

The North Half of Outlot 7 currently contains an existing residence screened by existing shelterbelts on the north and west sides. The remainder of the property is vacant.

The new common lot line is platted such that the majority of the North ½ of Outlot 7 will form proposed Lot 2 while the remaining portion which includes the residence, the shelterbelts and additional frontage along 13th Street NE will form proposed Lot 1 of Starr Subdivision. Proposed
Lot 1 contains approximately 87,111.86 square feet of lot area or 2.00 acres and is approximately 240 feet in width with approximately 364 feet of street frontage on 13th Street NE. Proposed Lot 2 contains 264,964.13 square feet or 6.08 acres with approximately 190 feet of street frontage on 13th Street NE and approximately 635 feet of street frontage on 72nd Avenue NE. Seven (7) feet of additional road right-of-way is shown on the plat providing forty feet of total road right-of-way from the centerline of both roads. A ten-foot (10') wide utility easement is provided along both road frontages. Both of the proposed lots exceed the minimum lot size requirements of two (2) acres in RA zoning. The location of the new lot lines meets all setback requirements in RA zoning bulk regulations.

The subject property is currently zoned AG, Agricultural district and is proposed to be changed to RA, Agricultural Residential. The land use designation on the Future Land Use Map of the Comprehensive Development Plan does not address this area of the two-mile jurisdiction. Therefore, the proposed land use for this property is not defined, however RA zoning is the proper zoning for these parcels.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if the City of Minot had an obligation to extend city services out to the Starr property. Principal Planner Lang responded that it does not unless the property is being annexed into the city and that the property in question is too far away to annex.

Chairman DeMakis opened up comments from the public.

Laverne Knapp addressed the Commission asking for help locating her property which was just outside of the City’s Two-Mile Extraterritorial Jurisdiction (ETJ), but still within the 300-foot notification zone. Principal Planner Lang helped locate her property on the map and assured her that it was only one existing property being affected and one new lot.

After the public hearing was closed, Assistant City Attorney Stalheim informed the Commission that there are 10 members appointed to the Commission by the City and three by the county, bringing the total to 13 with one position currently open in each category for 11 active members. Therefore, a quorum requires seven commission members and only six are present.

Chairman DeMakis called a recess until 5:45 to allow city staff time to get a hold of one of the missing commissioners, stating that “absent a quorum we cannot take action.”

During the recess, Commissioner Bauman suggested that staff maintain a commissioner contact sheet so that the Commission doesn’t find itself in this position again.

Assistant City Attorney Stalheim stepped out of the room to contact Commissioner Bullinger by telephone, who was then kept on the line to vote on the item.

Chairman Demakis put the item forward for discussion, for which there was none.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl, and was carried by the
following roll call vote: ayes: Barnett, Baumann, Bullinger*(by phone), DeMakis, Hochhalter, Offerdahl, Wegenast nays: none

Motion carries

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:50 PM.
PROJECT DESCRIPTION:
The applicant is requesting approval of the platting of an outlot to be subdivided from the rest of her property, located at 800 72nd Ave NE, to be known as Outlot 15 lying in the NW ¼ NW ¼ and the SW ¼ NW ¼ Section 25-156-83. Additionally, the applicant has also requested that the new outlot be rezoned to C2 from AG & C2 as it currently has a dual zoning which is not allowed. The original property is located at 800 72nd Ave NE and the new outlot will be located on the Eastside of Highway 83 North (see Vicinity Map Exhibit).
The property is currently owned by the applicant. The Eastside of the property currently has a home and several agricultural buildings on it while the Westside of the property that is going to be split off into the outlot is currently vacant.

The new common lot line dividing the property will run from 200 feet West of the Southeast most corner of Sublot B of Outlot 4 and extend to the southern border of the original property. Outlot 15 will contain approximately 2,174,428 square feet of lot area or 50.0 acres and is approximately 1098.08 feet in width with approximately 1980.21 feet of street frontage along Highway 83 North. The remainder of the property that is staying with the 800 72nd Ave NE address will contain approximately 3,441,675 square feet or 79.01 Acres (see Preliminary Plat exhibit). The proposed Outlot 15 meets the minimum requirements of 10,000 square feet of lot area and the minimum lot width of 100 feet. The remainder of the property meets minimum requirement of 20 acres to remain AG. The location of the new lot lines meets all setback requirements in the C2 and AG zoning bulk regulations.

The property involved in this outlot plat and rezone is currently shown as being zoned Ag & C2 on the City’s website. However, the Eastside of the property actually only zoned AG, Agricultural while the Westside of the property that will make up Outlot 15 primarily zoned AG and has a strip of C2 zoning running through it next to the highway that is a holdover from when it was zoned by Ward County. The land contained in Outlot 15 will be rezoned C2 while the remainder of the property will stay AG (see Zoning Map exhibit). The land use map designation on the Future Land Use Map of the Comprehensive Development Plan does not address this area of the two-mile jurisdiction. Therefore, the proposed land use for this property is not defined, however, the separation of AG and C2 into their own lots is the proper thing to do for these parcels (see Future Land Use Map).

**VICINITY MAP:** This map highlights the subject property and the 300-foot notification area.

![VICINITY MAP](image-url)
AERIAL VIEW: This aerial photograph was taken in 2015

ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.
CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

Lying in the NW¼ NW¼ of and the SW¼ NW¼, Section 25, Township 156 N, Range 83 W.

Owners: Devin & Cala Schmitt

NOTES:
- Basis of Bearing and Coordinates obtained from NGS OPUS Solution NAD 83 North Dakota North (3301) Int. Feet.
- Bearings and Distances may vary from previous plots due to different methods of measurement.
- Plat is subject to all prior Easements of record.

DESCRIPTION:
Outlot 15 of and the SW¼ NW¼, Section 25, Township 156 N, Range 83 W, described as follows:

Commencing at the Center of Section 25, Township 156 N, Range 83 W, of the 5th Principal Meridian, Ward County, North Dakota; Thence N 89°30’45” W, along the South Line, of the Northwest Quarter, of said Section 25, a distance of 1325.41 FT, to the Point of Beginning;
Thence N 89°30’45” W, along the South Line, of the Northwest Quarter, of said Section 25, a distance of 1098.04 FT, to a Point being on the East Right of Way Line of U.S. Highway #83; Thence N 0°39’54” E, along the said East Right of Way Line of U.S. Highway #83, a distance of 1980.21 FT, to the Southwest Corner of Sublot B of Outlot 4, a Plat being on file at the Ward County Recorder’s Office; Thence S 89°51’40” E, along the South Line of said Sublot B of Outlot 4, a distance of 1098.08 FT; Thence S 0°39’54” W, being Parallel to the said East Right of Way Line of U.S. Highway #83, a distance of 1986.89 FT, to the Point of Beginning.

Said described tract of land contains 50.00 Acres more or less.
In approving or disapproving a proposed subdivision design, the Commission will make a determination as to whether or not the proposed design meets the technical requirements imposed by Sections 28-40 through 28-44, inclusive, of this chapter, and if not, whether any such requirements should be waived. Additionally, as suggested by North Dakota Century Code 40- 48-09, the Commission shall bear in mind the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs. The development, in accordance with present and future needs, which will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and which will encourage adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, and the general embellishment of the area under its jurisdiction. Zoning Ordinance of the City of Minot, Section 28-24.

If the Commission approves the subdivision design it shall next be submitted to the City Council for final approval and for acceptance of all streets, alleys, public roadways, easements, parks, or other areas reserved or dedicated to the public. Zoning Ordinance of the City of Minot, Section 28-25(a).

**SUBDIVISION DESIGN STANDARDS:**

The design and layout of all subdivisions shall conform to the standards set forth in this division, to the extent that they are applicable given the nature of the subdivision or the method by which the subdivision is to be accomplished. Zoning Ordinance of the City of Minot, Section 28-40.

Relation of Streets to Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuance of existing streets in adjoining areas or their proper projection where the land is not subdivided, insofar as they may be deemed necessary by the Commission for public requirements. The street and alley arrangement should also avoid creating hardships to the owners of adjoining property when they plat their own land and seek to provide a convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted. Streets obviously in alignment with existing streets shall bear the names of the existing streets. All proposed street names shall be checked for duplication. Zoning Ordinance of the City of Minot, Section 28-41.

Street and Alley Width, Dead-End Streets: a) The widths and locations of major streets shall conform to widths and locations designated on the plan for major streets. b) The minimum width for minor streets shall be sixty-six (66) feet. When streets adjoin unsubdivided property, a half street at least thirty-three (33) feet in width must be dedicated. c) Dead-ended streets are to be avoided, but if necessary, in the opinion of the Commission, they shall terminate in a circular right-of-way with a minimum diameter of one hundred twenty (120) feet unless the Commission approves an equally safe and convenient space, provided that, however, no dead end street or street ending in a cul-de-sac shall be more than five hundred (500) feet in length from the
point of intersection with the cross street to the beginning of the cul-de-sac. d) Alleys, when provided, shall have a minimum width of twenty (20) feet. e) Necessary utility easements will be provided as required. Specifically, for storm sewers, sanitary sewers or water mains, permanent easements shall be a minimum of twenty (20) feet wide. Also, ten (10) feet wide public utility easements shall be provided along the front lot line of every lot. Zoning Ordinance of the City of Minot, Section 28-42.

Lot Arrangement: a) The lot arrangement and design shall be such that all lots will provide satisfactory building sites and street access, properly related to topography and the character of surrounding development. b) All side lines of lots shall be as near as possible at right angles to straight street lines, or radial to curved street lines, unless a variation from this rule will give a better street and lot plan. Lots with double frontage shall be avoided wherever possible. c) The minimum width and area of residential lots subject to the zoning authority of the City of Minot shall not be less than that specified in the zoning district in which the lot is located. d) All lots shall have at least one lot line abutting a street other than an alley. Zoning Ordinance of the City of Minot, Section 28-43.

Easements Along Streams: Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall provide an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course. Zoning Ordinance of the City of Minot, Section 28-44.

**APPROVAL AND ACCEPTANCE OF SUBDIVISON DESIGN:**

The applicant for subdivision design approval shall submit as part of his application the subdivision design documents referred to in Subsection (c). The Commission shall study the subdivision design documents and the supplemental materials to see whether or not the design conforms to the minimum standards and requirements set forth in this zoning ordinance, and if not, whether any of the requirements should be waived or varied. The Commission shall not grant final approval or disapproval of the design until it has conducted a public hearing thereon. Notice of the public hearing specifying the time and date thereof, the place where held, and the legal description of the premises to be affected by the proposed subdivision design shall be published once in a newspaper of general circulation within the City of Minot, with the publication to be at least seven (7) days prior to the date of the hearing exclusive of the date of publication and the date of the hearing. The public hearing may be continued by the Commission as it deems necessary in order to solicit additional views and opinions concerning the proposed subdivision design. This will allow applicant to submit requirements imposed at the public hearing, or for any other purpose; provided that, however, final approval or disapproval shall be granted within ninety (90) days of the initial hearing on the design. Zoning Ordinance of the City of Minot, Section 28-23(b).

**REZONING & MAP AMENDMENT PETITION REQUIREMENTS:**
PETITION REQUIREMENTS: All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.
5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.
6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.
7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

Zoning Ordinance of the City of Minot, Section 30-5(f).

Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).
ACTION BY PLANNING COMMISSION: No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).

The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

ACTION BY THE CITY COUNCIL: After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

STAFF ANALYSIS:

Comprehensive Plan Analysis:
Current Comprehensive Plan Map Classification: N/A

Proposed Comprehensive Plan Map Classification: No Change

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.
Public Agency Comments:
1. Minot Engineering Department.
   a. An access point(s) on US Hwy 83 and associated frontage/access roads must be approved by the NDDOT, in coordination with the City, as a part of a future site plan.
   b. A stormwater management plan is required for future development
2. Minot Park District.
   a. None
3. Minot Public Works Department
   a. None
4. City of Minot Fire Department
   a. None
5. Ward County Water Resource District
   a. The application requests to subdivide portions of the NW Quarter of Section 25, T156N, R83W along US HWY 83 for a distance of approximately 1,980 feet and encompassing an area of approximately 50 acres. If a SWMP exists, it should be checked to assure the new plan for development will still meet the requirements. If one does not exist, it may be required. No development as a result of this subdivision should obstruct any watercourse or divert surface water flows

FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:
1) The applicant has submitted a complete application.
2) The applicant’s request is consistent with Minot’s Comprehensive Plan.
3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application and rezoning request, subject to the following conditions, to the City Council:

1) An access point(s) on US Hwy 83 and associated frontage/access roads must be approved by the NDDOT, in coordination with the City, as a part of a future site plan.
2) A stormwater management plan is required for future development.
3) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or
plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
PROJECT DESCRIPTION:
The applicant is requesting approval to have his property rezoned from C2, Commercial to R1, Residential. Additionally, the Comprehensive plan map is being amended to reflect the change from Commercial to Low Density Residential. This property is located at 811 37th St. SE (see Vicinity Map exhibit).
The property currently has a residential home on it with a detached garage and a shed in the back (see Aerial View exhibit).

The subject property is currently zoned C2, General Commercial which is proposed to be changed to R1, Single Family Residential (see Zoning Map exhibit). The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently has this property as being projected to be Commercial, which is not in line with its current use. The proposed land use for the property is Low Density Residential, which is in line with the proposed zoning for the property and the current use of the structure. Therefore, while the current use is Commercial, changing it to Low Density Residential will bring it more in line with what it should be. (see Future Land Use Map).

VICINTY MAP: This map highlights the subject property and the 300-foot notification boundary surrounding the subject site.
AERIAL VIEW: This aerial photograph was taken in 2015.

ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is from the City of Minot’s official comprehensive plan map adopted in 2012.

CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

In approving or disapproving a proposed subdivision design, the Commission will make a determination as to whether or not the proposed design meets the technical requirements imposed by Sections 28-40 through 28-44, inclusive, of this chapter, and if not, whether any such requirements should be waived. Additionally, as suggested by North Dakota Century Code 40-48-09, the Commission shall bear in mind the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Minot and its environs. The development, in accordance with present and future needs, which will best promote the amenities of life, health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, and which will encourage adequate provision for light and air, surface drainage and sewage disposal, distribution of population, good civic design and arrangement. This will also include wise and efficient expenditure of public funds, adequate provisions of public utilities and other public requirements, and the general embellishment of the area under its jurisdiction. Zoning Ordinance of the City of Minot, Section 28-24.

If the Commission approves the subdivision design it shall next be submitted to the City Council for final approval and for acceptance of all streets, alleys, public roadways, easements, parks, or other areas reserved or dedicated to the public. Zoning Ordinance of the City of Minot, Section 28-25(a).
REZONING & MAP AMENDMENT PETITION REQUIREMENTS:

PETITION REQUIREMENTS: All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.
5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.
6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.
7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

Zoning Ordinance of the City of Minot, Section 30-5(f).

Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).
ACTION BY PLANNING COMMISSION: No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).

The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

ACTION BY THE CITY COUNCIL: After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

STAFF ANALYSIS:

Comprehensive Plan Analysis:
Current Comprehensive Plan Map Classification: Commercial

Proposed Comprehensive Plan Map Classification: Low Density Residential

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.
Public Agency Comments:
1. Minot Engineering Department.
   a. None
2. Minot Park District.
   a. None
3. Minot Public Works Department.
   a. None
4. City of Minot Fire Department.
   a. None
   a. None

FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:
1) The applicant has submitted a complete application.
2) The applicant’s request is consistent with Minot’s Comprehensive Plan.
3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
4) The rezoning request is in character with the surrounding zoning and use of land.
5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
**Application Date:** 1/21/2020  
**Date of Staff Report:** 2/4/2020  
**Staff Contact:** Peter Baumgartner, Planner I  
**Staff Recommendation:** Approval  
**Status:** New Application

| Staff Report Item #: 3 | Owner: Matthew Kremer  
|-----------------------| 6002 50th St. SE, Minot, ND, 58701  
| Project Number: 8020-3.3 | dhcyclist555@hotmail.com  
| Project Name: Shady Dell Addition | (701) 240-3248  
| Current Legal Description: Shady Dell Addition Lot 10 & a Portion of Vacated 42nd St. SE Cul-de-sac | Representative: N/A  
| Proposed Legal Description: No Change |  
| Present Address: 1015 42nd St. SE, Minot, ND. |  
| Entitlement Requested: Rezone from R1 to MH |  
| Relevant Zoning Code Sections: Chapters 5 & 17 |  
| **Existing Zoning Profile:** One R1 Lot |  
| **Proposed Zoning Profile:** One MH Lot |  
| Present Zone: R1 | Proposed Zone: MH  
| Present Use: Vacant R1 Lot | Proposed Use: Manufactured Home on a MH Lot  
| **Future Land Use Map:** Low Density Residential | **Future Land Use Map:** Low Density Residential |

**PROJECT DESCRIPTION:**  
The applicant is requesting approval to rezone his property from R1, Single-Family Residential to MH, Manufactured Homes. The property is located at 1015 42nd Street SE (see Vicinity Map exhibit).
BACKGROUND INFORMATION:

The property is currently vacant and is surrounded on all sides by other properties with an easement giving it access to 42nd Street SE. There is a house shown in the aerial photo from 2017, however, it was demolished in 2017 (see Aerial View exhibit).

While 1015 42nd Ave. SE does not meet the bulk requirements for an entire mobile home park, it does exceed the minimum lot requirements for a single manufactured home lot as outlined in Chapter 17 of the Zoning Supplement to the Minot Code of Ordinances.

The subject property is currently zoned R1, Single Family Residential district and is proposed to be changed to MH, Manufactured Home (see Zoning Map exhibit). The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently has this area projected as being Low Density Residential. Normally staff would recommend that the land use designation should be changed to Manufacture Home Park, however, since it is a single manufactured home rather than an entire park, city staff believes that the current land use designation fits with the proposed use (see Future Land Use Map).

VICINTY MAP: This map highlights the subject property and the 300-foot notification boundary surrounding the subject site.
AERIAL VIEW: This aerial photograph was taken in 2015.
ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is from the City of Minot’s official comprehensive plan map adopted in 2012.

REZONING & MAP AMENDMENT PETITION REQUIREMENTS:

PETITION REQUIREMENTS: All petitions requesting a change, amendment, or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or parts of districts proposed to be so altered. Such petition shall also recite facts
indicating that the proposed change will not be detrimental to the general public interest and the purposes of this ordinance, and shall further disclose the purpose for which such property is sought to be used. Zoning Ordinance of the City of Minot, Section 30-5(k).

Petitions for rezoning must also include the following information:

1. A generalized location map and aerial photograph showing the location of the proposed site in relation to the overall city.
2. Zoning of the subject parcel and all adjacent properties.
3. The land use designation on the City’s Future Land Use Map of the subject property and all adjacent properties.
4. A boundary survey of the site, drawn to scale, showing the property lines and any improvements present on the site, with dimensions and with north indicated. Other information such as locations of proposed wetlands, existing woodlands, water courses, or other natural features present on the site shall be shown. In some cases, staff may request more information to be shown to aid in evaluation of the development potential of the site such as contour lines or spot elevations.
5. A list of proposed uses, and whether said uses are either permitted, conditional, or interim in nature.
6. Location of all existing buildings, setback lines, structures, easements of record, or other encumbrances on the proposed site.
7. At a minimum, a written description of the applicant’s intent and vision for the development of the property shall be provided of known a conceptual layout of the site depicting proposed improvements including, but not limited to; buildings, parking, access points, outdoor service areas and loading spaces, landscaping, outdoor storage, etc. Applicants are encouraged to submit additional information that may further describe the applicant’s request.

Zoning Ordinance of the City of Minot, Section 30-5(f).

Applications for rezoning property which has not been previously platted shall also be required to plat the property in accordance with Chapter 28 of the Zoning Supplement. Additionally, applications for rezoning shall be consistent with the City of Minot’s Comprehensive Plan in terms of land use and be located within the stage growth area plans of the Comprehensive Plan to prevent premature subdivision and development. Zoning Ordinance of the City of Minot, Section 30-5(e).

**ACTION BY PLANNING COMMISSION:** No amendment, supplement, change or modification of this zoning ordinance or zoning map shall be made by the City Council without first a public hearing and consideration of the entitlement by the Planning Commission. Zoning Ordinance of the City of Minot, Section 30-5(h).

The Planning Commission may close the public hearing and forward its recommendations to the City Council at the same meeting at which it initially opens the public hearing, or may continue the item for further
consideration or for further public comment, or for both, at a later meeting. Zoning Ordinance of the City of Minot, Section 30-5(a).

No application for a rezoning of a property shall be accepted more than once in any six (6) month period except if the prior application was withdrawn before action was taken by the City Council, or if the Planning Commission determines that the circumstances surrounding a previous application for a rezoning has changed. Zoning Ordinance of the City of Minot, Section 30-5(e).

The Planning Commission approval shall be by majority vote of its members (simple majority of those present at the meeting). Zoning Ordinance of the City of Minot, Section 30-5(h).

Following a public hearing before and consideration by the Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within sixty (60) days after receipt thereof. Said recommendations shall include approval, disapproval or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendation shall be of an advisory nature only. Zoning Ordinance of the City of Minot, Section 30-5(h).

**ACTION BY THE CITY COUNCIL:** After receipt of the recommendation on any amendment from the Planning Commission, or in any event of the failure of the Planning Commission to so report, within ninety (90) days from the time of referral of the proposed amendment to the Planning Commission, the City Council shall hold a public hearing, after which the proposed amendment may be passed. City Council approval shall be by majority vote (four (4) affirmative votes). Zoning Ordinance of the City of Minot, Section 30-5(i).

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**
Current Comprehensive Plan Map Classification: N/A

Proposed Comprehensive Plan Map Classification: No Change

Staff finds that this request is consistent with the goals and objectives of the Minot Comprehensive Plan.

**Public Agency Comments:**
1. Minot Planning Department
   a. Chapter 17 lists a slew of requirements for MH Zoning that ranges from a detailed plan of the property that includes topography and drainage to the submission of a drainage study the impacts of a proposed Manufactured Home Park, planning staff is willing to wave these requirements on the understanding that the owner is only looking to put a single manufactured
home on the property which it believes would be no different than any other single-family dwelling.
2. Minot Engineering Department.
   a. None
3. Minot Park District.
   a. None
4. Minot Public Works Department.
   a. None.
5. City of Minot Fire Department.
   a. None
   a. This is a public hearing on a zone change request from Single-Family Residential (R1) to Manufactured Home District (MH) at 1015 42nd Street SE. If a SWMP exists, it should be checked to assure the new plan for development will still meet the requirements. If one does not exist, it may be required. No development as a result of this subdivision should obstruct any watercourse or divert surface water flows.

FINDINGS OF FACT:

The Minot Planning Commission should accept the following findings of facts:
1) The applicant has submitted a complete application.
2) The applicant’s request is consistent with Minot’s Comprehensive Plan.
3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
4) The rezoning request is in character with the surrounding zoning and use of land.
5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners,
angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.