Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, April 7, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

Due to the COVID-19 guidance on separation, there are only 34 seats available to the public. Please only attend the meeting if you have direct business before the Planning Commission. Written comments can be submitted to the Peter Baumgartner prior to the meeting at peter.baumgartner@minotnd.org. Live stream of this meeting is available at https://www.facebook.com/cityofminot

1. Roll Call
2. Pledge Of Allegiance
3. Approval Of January 07, 2020 And March 03, 2020 Minutes Of Regular Meeting Minutes

Documents:

01 (JAN) RECOMMENDATIONS 2020.PDF
03 (MAR) RECOMMENDATIONS 2020.PDF

4. Variance - Northern Plains Energy Park, Lots 7, 8 & 9, Block 3
A request by Melgaard Ventures, LLC, Owner, for a variance to have the hidden fasteners requirement waived for three (3) additional buildings being built by Melgaard Ventures, LLC.

This property is located at 500 40th Avenue NE.

Documents:

VARIANCE - NORTHERN PLAINES ENERGY PARK (MELGAARD VENTURES).PDF

5. Annexation, Future Land Use Map Amendment, And Subdivision – Hawks View 3rd Addition, Lots 1 & 2
Public hearing on a request by Ron and Linda Terfehr, Applicants, and Mark J. Frueh, Owner, to annex Lot 4 of Hawks View Addition into the corporate boundary of the City of Minot, and also an amendment to the Future Land Use Map of the Comprehensive Development Plan from “Low Density Residential” and “Very Low Density Residential” to “Very Low Density Residential” only, and to consider a proposed subdivision plat for Hawks View 3rd Addition, Lots 1 and 2.

This property is located at 1320 37th Avenue, SE.

Documents:

ANNEX, COMP PLAN, AND SUBDIVISION BY PLAT-HAWKS VIEW 3RD ADDITION.PDF

6. Subdivision, Future Land Use Map Amendment, And Zone Change – Essential Townhomes Addition

Documents:
Public hearing on a request by Andrew Thill, Applicant and Essential Living, Inc., Owner, for an amendment to the Future Land Use Map of the Comprehensive Development Plan from “Neighborhood Commercial” to “Medium Density Residential”, and to rezone proposed Lot 1 from District R4, Planned Residential District to District RM, Medium Density Residential District and to rezone proposed Lots 2 through 32 from District R4, Planned Residential District to District R3C, Townhouse Residential District, and also to replat this property into 33 lots as proposed Essential Townhomes Addition.

This property is located at 234 14th Avenue SE.

Documents:

ZONE CHANGE, SUBDIVISION PLAT, COMP PLAN AMENDMENT- ESSENTIAL TOWNHOMES ADDITION SD.PDF

7. Discussion Item
   Discussion to reduce the size of the Planning Commission.

8. Adjournment
Meeting Called to Order by Chairman Charles DeMakis.

Approval of the November 25, 2019 Regular Meeting Minutes

Motion by Commissioner Koop to approve November 25, 2019 Planning Commission Meeting minutes, second by Commissioner Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1
Avery’s Addition – Rezoning and Subdivision

It is recommended that the City Council approve the subdivision of property described as Outlot 12 and an unplatted portion of the SW1/4 of the SE1/4, Section 32, Township 155 North, Range 82 West, Ward County to create a one lot subdivision to be known as Avery’s Addition, Lot 1.

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) on Avery’s Addition, Lot 1.

This property is located at 3300 County Road 19 South

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 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 and rezoning request, 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.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of the subdivision of two portions of her property: Outlot 12 and an Unplatted Portion of the SW1/4 SE1/4 Section 32, Township 155 North, Range 82 West, into one (1) new lot to be known as Avery's Addition to the City of Minot; as well as the rezoning of the new Avery's Addition from AG, Agricultural District to RA, Agricultural Residential District. Outlot 12 is addressed at 3300 County Road 19 South, but actually takes access from a long shared driveway and the unplatted area is located north of the outlot, and adjacent to County Road 19.

Both the platted and unplatted portions of the property are currently owned by the applicant. Outlot 12 currently has a home on it while the unplatted portion currently has several agricultural accessory buildings on it. A portion of the unplatted land will be combined with Outlot 12, while the remainder of the unplatted land will be left unplatted.

A new lot line will run from the northwestern corner of Outlot 12 to the southernmost corner of Outlot 25, otherwise known as 3220 County Rd 19 South, separating the large remainder of the unplatted land which will be absorbed into the new lot proposed as Avery's Addition. Avery's
Addition will contain approximately 164,656.8 square feet of lot area or 3.78 acres. The proposed lot meets the minimum requirements of two (2) acres of lot area and the minimum lot width of 150 feet in RA zoning. The location of the new lot lines meets all setback requirements.

The two properties involved in this subdivision are currently zoned AG, Agricultural. The land contained in Avery Addition will be rezoned RA, Rural Agricultural, while the remainder of the unplatted portion will remain AG. Currently, both of these properties have the land use designation of “Very Low Density Residential” on the Future Land Use Map of the Comprehensive Development Plan. The character of the area is generally low and very low density residential, especially to the south, with more of a mixture of uses along County Road 19 and to the north and east given the proximity to Highway 52. As thus, the proposed use of these properties, when rezoned to RA, will be in conformance with the current land use map designation.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.

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

Motion carries

Item #2
Ramstad Heights 5th Addition – Rezoning and Subdivision Plat
It is recommended that the City Council approve the subdivision of property described as Lots 10A thru 18B, Block 6, Statesboro Addition and the vacated portion of Kodiak Street NW to create a nine-lot subdivision to be known as Ramstad Heights 5th Addition.

It is recommended that the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).

This property is located north of 32nd Avenue NW and west of Kodiak Street NW.

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 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 and rezoning, subject to the following conditions, to the City Council:

1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
2) Abandoned utility services must be capped at the utility mains.
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.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval to replat and rezone eighteen (18) existing lots described as: Lots 10A thru 18B, Block 6, Statesboro Addition, along with a vacated portion of Kodiak Street, into nine (9) R1S Lots to be known as Ramstad Heights 5th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots, Lots 10A thru 18B are located at 3201 to 3315 Kodiak Street.

The developer is requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility. Eighteen (18) existing twin home lots will be combined to form nine (9) new R1S lots for the new subdivision plat to be known as Ramstad Heights 5th Addition.

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, and 4th Additions wherein existing lots were combined to form larger lots. Combining two of the existing lots into one allows the proposed lots to meet the reduced minimum width and lot area requirements of the R1S district. The proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families. Currently, all eighteen (18) lots are designation of “Medium Density Residential” (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is
allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.

Motion by Commissioner Koop to approve original motion based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl and carried by the following vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast

ayes: none

Motion carries

Item #3
Ramstad Heights 6th Addition – Rezoning and Subdivision Plat
It is recommended that the City Council approve the subdivision of property described as Lots 1A thru 9B, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 6th Addition.

It is recommended that the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).

This property is located north of 32nd Avenue NW and east of Kodiak Street NW.

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 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 and rezoning request, subject to the following conditions, to the City Council:
1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
2) Abandoned utility services must be capped at the utility mains.
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.

Commissioner DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of replatting eighteen (18) existing duplex lots described as Lots 1A thru 9B of Statesboro Addition, into nine (9) larger R1S Lots to be known as Ramstad Heights 6th Addition. The applicant is also requesting rezoning of these lots. The purpose of this development is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots, Lots 1A thru 9B, are located at 3200 to 3314 Kodiak Street.

This property was originally platted as part of the Statesboro Additions designed for higher density twin homes. The proposed subdivision continues the recent trend in rethinking the lot layout, as with Ramstad Heights 6th Addition, by combining two existing lots into one larger lot. Eighteen (18) existing twin home lots will be combined to form nine (9) new single-family lots. The developer is also requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility. The proposed lots meet or exceed the minimum width requirements of an R1S lot at sixty (60) feet as opposed to the sixty-five (65) foot minimum width required in straight R1 zoning. The proposed lots also meet the minimum lot area requirement of 5,000 square feet listed in Chapter 5.2 of City Zoning Code. As such, the proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families.

Currently, all eighteen (18) lots are shown as having the designation of “Medium Density Residential” (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had comments.

Chairman DeMakis opened up comments from the public. No one from the public came forward with comments.
Motion by Commissioner Baumann to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Sivertson, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries

Item #4
Zoning Ordinance Text Amendment to Chapter 30, Administrative Procedures
It is recommended that the City Council pass an ordinance on first reading to amend Section 30-5(i) of Chapter 30 of the Minot Zoning Ordinance to remove the public hearing requirement from actions required by City Council on text amendment applications, rezoning application, conditional use permits and interim use permits because the public hearing requirement is satisfied at the Planning Commission meeting, the results of which are contained in the written recommendation to the City Council from the Planning Commission.

Chairman DeMakis opened up comments from the commissioners.

Chairman DeMakis voiced his concern as to whether the text amendment would end public testimony at City Council or if that option would still be there if either the public or the applicant do not agree with the advice the Planning Commission has given. Community and Economic Development Director Billingsley responded that he believed that the Mayor would have discretion to allow public comment during the meeting, but it would not be required of him. Chairman DeMakis then mentioned that the Planning Commission is an advisory board and that the comments and/or concerns stated during Planning Commission meeting need to be voiced at City Council as well. Director Billingsley responded with the fact that all of the meetings are recorded, and that the Aldermen and the Mayor have the ability to watch the meetings and testimony. Additionally, they will be able to review the written minutes and the video of the hearing. Chairman DeMakis responded by saying that Billingsley responses cleared some things up for him, but his concern was for the public and not for the Mayor and the Aldermen.

Commissioner Baumann asked if there is any opportunity for a member of the public to ask for a review or a second look at a decision that the Planning Commission makes. Director Billingsley replied that the only decision by the Planning Commission that the public has the ability to appeal is a variance and that everything else is a recommendation that is forwarded to the City Council, which makes the final decision. Commissioner Baumann then asked how the proposed text amendment would streamline city operations to which Director Billingsley responded that City Council has been getting longer, using the example that the City Council meeting the night before went for over three hours (3) without having any planning commission items on its agenda and that removing the requirement of a second public hearing could help reduce some of the unnecessary, redundant testimony that happens routinely. He imagines that if there was a highly controversial case that the Mayor would still open it up for comment.

Commissioner Wegenast asked if the four items recommended are brought up equally over the course of time or are some more common than others, are some weighted more than others, and could we eliminate some of them? Billingsley responded that the Planning Commission certainly could recommend that one or more of these types of cases keep their public hearing
requirements. Additionally, he brought up that the City currently use a model like Grand Forks in which it requires all of them to go before City Council, however, only annexations and appeals are required to have public hearings by state law. Principal Planner Lang responded to the question of which items are more or less common: there aren’t many text amendments usually, there are more in Minot than most communities because we’ve been working with the Zoning Ordinance Steering Committee, but they are not common normally; rezoning’s are quite common and planning staff sees a lot of them; staff also sees quite a few conditional use permits; interim use permits are not seen that often. He then went on to explain that any of these items could come up at any time and that they are all treated equally, and all require public hearings currently. The proposal here is to treat them all the same and not require public hearings for all of them.

Commissioner Offerdahl brought up what happened with Eastside Estates, when the Planning Commission chose to not recommend an R1 property be rezoned to MH but the City Council overturned that decision and allowed the property to be rezoned. Each decision should be based on the public testimony that was given at the respective public hearing and it is important to have more than one opportunity to be heard.

Chairman DeMakis followed up on Chairman Offerdahl’s comment, stating that rezoning’s and conditional uses are important and that those people that have opinions on it need to be heard. He understands that the Mayor has discretion, but that doesn’t mean that they will allow public comment and could decide that they don’t want to hear comment that night and that the public would then be “up the creek.”

Commissioner Barnett then asked how the amendment aligns with public hearing requirements that were required by state law. Director Billingsley responded that state law doesn’t require city’s to hold public hearings on these four applications, only on annexations and appeals.

Motion by Commissioner Wegenast to approve the language to not require having public hearings for text amendment applications and interim use permits at City Council and to continue requiring a second hearing for rezoning and conditional use permits, second by Commissioner Koop, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:58.
Regular Meeting: Planning Commission

Location: City Hall, Council Chambers, 515 2nd Avenue SW., City of Minot, N.D.

Meeting Called to Order: Tuesday, March 03, 2020

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Tim Bauman, Jody Bullinger, Charles DeMakis, Justin Hochhalter (By Phone), Todd Koop, Dustin Offerdahl, Todd Wegenast

Members Absent: Kelly Barnett, Boyd Sivertson

City Staff Present: Brian Billingsley (Community Development Director), Lance Lang (Principal Planner), Peter Baumgartner (Planner I), Stefanie Stalheim (Assistant City Attorney), Stephen Joersz (Traffic Engineer)

Others Present:

Meeting Called to Order by Chairman Charles DeMakis.

Approval of the February 04, 2020 Regular Meeting Minutes

Motion by Commissioner Koop to approve February 04, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast nays: none.

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Section 25-156N-83W, Outlot 15 – Subdivision Plat Land Use Map Amendment to “Commercial” and Rezone from AG & C2 to C2 only

Planning Commission recommends that the City Council approve a subdivision 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 to amend the Future Land Use Map of the Comprehensive Development Plan to designate the land use category for Outlot 15 as “Commercial”, and also to pass an ordinance on first reading to change the zone from AG (Agricultural District) and C2 (General Commercial District) to C2 (General Commercial District) only.

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.

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 will be 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.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this land use map amendment, rezoning, and preliminary plat application for an outlot, subject to the following conditions, to the City Council:

1) All 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.

Chairman DeMakis asked the Principal Planner for staff comments.

Principal Planner stated that the applicant is requesting approval of the platting of an outlot to be subdivided from the remainder of the 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 contains two zoning districts which is not allowed. The original property is located at 800 72nd Ave NE and the new outlot will be located on the east side of Highway 83 North.

The property is currently owned by the applicant. The east side of the property has a home and several agricultural buildings on it while the west side 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. 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 the 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 east side of the property is zoned AG, Agricultural while the west side of the property that will make up Outlot 15 is primarily zoned AG, but has a strip of C2 zoning parallel to the highway that is a holdover from when it was originally zoned by Ward County. The proposed outlot cannot consist of two different zoning districts, so the land contained in proposed Outlot 15 will be rezoned C2 while the remainder of the property will stay AG. 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 zoning into distinct lots is the proper thing to do for these parcels. The land use designation for proposed Outlot 15 shall be designated as “Commercial” on the Future Land Use Map.

Chairman DeMakis opened up comments from the commissioners. There were none.

Chairman DeMakis opened up comments from the public. No one came forward to speak on this matter.

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

Motion carries

Item #2

Zone Change – C2 to R1 and Future Land Use Map Amendment to “Low Density Residential” – Roses Subdivision, Outlot 15 in Section 20-155N-82W.

Planning Commission recommends that the City Council pass an ordinance on first reading to change the zone from C2 (General Commercial District) to R1 (Single-Family Residential District), and furthermore, to approve a resolution to amend the Future Land Use Map of the Comprehensive Development Plan of the City of Minot to from “Commercial” to “Low-Density Residential”.

This property is located at 811 37th Street SE.

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 land use map amendment and rezoning application to the City Council, subject to the following condition:

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.

Chairman DeMakis asked the Principal Planner for staff comments.

The Principal Planner stated that the applicant is requesting approval to rezone this property from C2, Commercial to R1, Single-Family Residential. In addition, the Future land Use Map is being amended to reflect the change from “Commercial” to “Low Density Residential.”

The property currently has a residential home on it with a detached garage and a shed in the back. It is in a location just south of East Burdick Expressway where the zoning districts transition from commercial highway frontage to a large residential neighborhood to the south. This lot is currently zoned C2, but the lot abutting it to the south is zoned R1. The applicant has requested R1 zoning so that the zoning is in conformance with the use of the property. If the rezoning is approved, this property will no longer be a legal non-conforming residential use in commercial zoning. The land use designation on the Future Land Use Map of the
Comprehensive Development Plan will be amended to reflect the zone change and use of the property as “Low Density Residential, or LDR.”.

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).

Chairman DeMakis opened up comments from the commissioners. There were no comments.

Chairman DeMakis opened up comments from the public. No one approached the podium to speak on this matter.

Motion by Commissioner Koop 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: Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast nays: none

**Motion carries**

**Item #3**  
**Zone Change – R1 to MH – Shady Dell Addition and a portion of vacated 42nd Street SE cul-de-sac**

It is recommended that the City Council deny an ordinance on first reading to change the zone from R1 (Single-Family Residential District) to MH (Manufactured Home District) to locate a manufactured home on this property based on testimony during the public hearing and concern that this rezoning may not be a fair imposition on other property owners in the area.

This property is located at 1015 42nd Street SE.

**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 as a mixed-use area predominated by low density housing with commercial and industrial uses to the west.
3) The 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) This request may be considered “spot” zoning.
6) 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 rezoning request based on the mixed-use character of the neighborhood, 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.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval to rezone his property from R1, Single-Family Residential District to MH, Manufactured Home District. The property is located at 1015 42nd Street SE.

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

While this property 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 District. 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 is acceptable for the proposed use as a single dwelling unit in a mixed-use, low density setting.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Baumann asked if the rezoning would be considered illegal spot zoning, to which Assistant City Attorney Stalheim responded it is only illegal if there are not any reasonable conditions to allow it and that Principal Planner Lang provided some in his report and it was up to the Commission to decide if they were enough.

Chairman DeMakis opened up comments from the public.

Mathew Kremer, the property owner, told the Commissioners that he bought this property in 2016 and it had a run-down house on it which he has since removed from the site. The former owner was a “hoarder" and Mr. Kremer had to do quite a bit of work to the property to clean it up. He was planning to build a home, but those plans fell through, so he has been trying to sell the property for the past couple of years. The only interest he has gotten in the property has been people that own a manufactured home in a manufactured home park that would like to own their own property instead of paying lot rent. He said the property is unique because it is surrounded by trees and other development such that a person cannot even see it from the road.

Larry Platz, the person interested in purchasing this property from Mr. Kremer, came forward to address the Commissioners. He said he and his wife are living in a manufactured home park and the owner keeps raising the lot rent to where it is becoming a financial hardship for them to remain there. The unit they own is a single-wide manufactured home and he realizes there is some negative notions attached to single-wide trailers, however he has updated his manufactured home with new siding, windows, doors, and flooring. He and his wife are proud of their manufactured home and they think of it truly as a home and not just a trailer.

Ms. Ehel told the commission that she is opposed to this rezoning because she is living in the single-family house abutting this property to the east and she is concerned about the effect on property values.

Mrs. Arne, the mother of Ms. Ehel stated that her daughter lives at the location, but her and her husband purchased these two lots to the east some time ago and have been working on the properties to make this a nice neighborhood. She does not feel that a manufactured home is appropriate here.

Motion by Commissioner Wegenast to deny based on the testimony heard today and based on the concern that this rezoning may not be a fair imposition on other property owners in the area, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: DeMakis, Hochhalter, Koop, Wegenast nays: Baumann, Bullinger, Offerdahl
Motion carries

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:05 PM.
PROJECT DESCRIPTION:
The applicant is requesting approval of a variance to waive the requirements for concealed or semi-concealed fasteners on metal siding for three (3) additional storage buildings that are proposed at 404, 500, and 504 40th Ave NE (see Vicinity Map exhibit).

BACKGROUND INFORMATION:
There are three (3) storage buildings around the perimeter of the site that were constructed over the past year; one large one on the north side that is about 243 feet in length and two on the east side that are 95 and
100 feet in length respectively. These buildings were constructed according to a site plan that was approved as part of a conditional use permit in April/May of 2019. Three (3) additional internal buildings are also depicted on the approved site plan. The applicant met all code requirements for construction materials and design elements on phase one including the use of hidden fasteners. The zoning ordinance requirement for hidden fasteners for metal construction, also known as concealed or semi-concealed fasteners, has been controversial. It was included in the 2013 update of the zoning ordinance along with the enhanced architectural design and construction materials requirements to enhance the visual aesthetics of metal buildings. The total allowable percentage of metal construction was also capped at 35% of any façade in commercial zoning districts. There is no cap on buildings in industrial zoning districts such as these storage units. Once the new rules were approved by the City Council, the Planning Department began to hear concerns regarding the cost difference between traditional exposed fasteners and the newly required hidden fasteners. After considerable discussion regarding building aesthetics, the Zoning Ordinance Steering Committee has proposed removal of the hidden fasteners provision in both commercial and industrial zoning districts. This change, along with a myriad of others, will be presented for consideration to the Planning Commission sometime later this year and ultimately on to the City Council for adoption. It is unknown whether the Council will support this change, but the construction community is strongly in favor of it. Unfortunately, this timetable is on no benefit to the applicant who intends to construct these buildings this spring.

The applicant approached the Planning Department with a request to have the hidden fasteners waived for the next three buildings because:

1) The three proposed buildings are internal to the site and will be completely screened from street view. There is security fencing covered with vinyl on the south and east sides along with existing buildings that screen the view from the streets. There is also an existing vegetative buffer yard on the west side. All of these prior improvements were recently constructed and are not shown on the current aerial map that is available on the city website from 2015. (See Aerial Exhibit).

2) The cost increase is significant and to no avail if no one will see the difference.

3) As previously mentioned, there is support from the construction community and the Zoning Ordinance Steering Committee to do away with the hidden fastener requirement altogether, although it is uncertain at this time if that will be the end result.

In Chapter Two (2) of the Zoning Ordinance the definition of “Architectural Metal” states

“The metal panels for architectural requirements shall not have exposed fasteners.”

This is the requirement from which the applicant seeks relief. Staff does not have the authority to waive this requirement, so the only alternative is to request a variance. Section 30-2, a) of the Administrative Chapter of the zoning ordinance states:

“The Planning Commission may grant a variance from the strict application of this title only in instances where their strict enforcement would cause undue hardship in complying with the official control, because of
circumstances unique to the individual property under consideration. A variance may be granted only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when such variances are consistent with the comprehensive plan.”

In order to qualify as a hardship there must be circumstances that are unique to the individual property under consideration. On the one hand, having to hide metal fasteners is currently required for all architectural metal and is not unique to the property, however, this particular property is developed such that a person cannot see the internal buildings from outside the property. A person standing on an adjacent property would never know if the fasteners are exposed or concealed. It should also be noted that it the land use for self-storage is currently consistent with the comprehensive plan designation of “Industrial”, the applicant did apply for and was granted a conditional use permit, and the applicant has used concealed fasteners on the buildings in phase one visible from the street. The applicant has been compliant with all aspects of development to this point.

The applicant has submitted the following narrative describing the variance request:

[Melgaard Ventures LLC ] is requesting to have the hidden fasteners requirement waived on the three additional buildings being built by Melgaard Ventures LLC. All three of these buildings will be completely screened from the street view by the existing buildings that are already built or by the solid vinyl security fence that is already in place. (See Picture 2). It is believed that this language is in place to be removed later in 2020, but Melgaard Ventures would like to move forward with building earlier this year.
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.
SUBMITTED PICTURE #2: This drawing is of the proposed buildings on the site.
Section 30-2. Variances:

a) Purpose: The Planning Commission may grant a variance from the strict application of this title only in instances where their strict enforcement would cause undue hardship in complying with the official control, because of circumstances unique to the individual property under consideration. A variance may be granted only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variance(s) are consistent with the comprehensive plan. The Planning Commission may impose conditions in the granting of variances. A condition must be directly related to the impact created by the variance.
b) Application: An application for a variance shall be filed with the Planning Director and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:
   1. The signature of each owner of affected property or his agent.
   2. The legal description of the property and the common address.
   3. A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
   4. The present use.
   5. A site plan drawn to scale demonstrating the requested variance.
   6. Meeting with City Planning staff prior to submittal of the application.

c) Referral to Planning Commission: The application shall be referred to the Planning Commission for study concerning the effect of the proposed variance upon the comprehensive plan, and upon the character and development of the surrounding neighborhood. The planning commission shall make a decision to grant or deny the variance, and may impose conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.

d) Approval; Denial: Variances require the approval of a majority vote of the Planning Commission. Variances may be denied by motion of the Planning Commission and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six (6) months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions.

e) Granting of Variances: The granting of variance shall be considered under the following conditions: Whereby, a reason of:
   1. Exceptional shallowness or shape of a specific piece of property;
   2. Exceptional topographical conditions, or
   3. Other extraordinary or exceptional situation or condition of a specific piece of property the strict application of any provision of this ordinance would result in:
      a. Exceptional practical difficulties (without the variance reasonable use of the property is not possible); or
      b. Unreasonable hardships: (due to circumstances unique to the property not created by the landowner, that would otherwise allow for reasonable use of the property) upon or fundamental unfairness to the owner of such property (as opposed to mere or even substantial inconvenience); or
      c. The denial to a property owner of a similar property right enjoyed by other property owners in the neighborhood – the Planning Commission may authorize, after notice and hearing, a variance to the strict application of the terms of this ordinance to the extent that justice may be done.

f) Before granting a variance, the Planning Commission must specifically find that it can be granted without substantial detriment to the public good and without actually impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

g) Any variance approved by the Planning Commission shall have a time limit of one (1) year after the Commission’s approval, during which the variance must be put into effect by the owner. Alternatively, the Planning Commission may establish a different time limit for any variance implementation if special circumstances warrant the same. If the time limit should expire before the variance is put into effect,
the Planning Director, upon the owner’s written request, may grant additional time, not to exceed the number of days originally allowed by the Commission.

h) Variances shall be approved by a majority vote of the Planning Commission (and majority vote of the City Council (4 affirmative votes) in the event of an appeal

i) The Planning Commission, or such city official as it may delegate, shall maintain as a public record open for inspection all variance applications. If an application was granted or modified and as modified granted, the Planning Commission shall prepare a written memorandum setting forth the reasons or justifications for the issuance of the variation which shall be attached to the application

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**

Current Comprehensive Plan Map Classification: Industrial

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. None
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. None

**VARIANCE REVIEW/HARDSHIP:**

Before granting a variance, the Planning Commission must specifically find that it can be granted without substantial detriment to the public good and without actually impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

- [ ] Narrowsness or Shallowness or shape of lot.  
- [ ] Exceptional topographical conditions.  
- [ ] Property rights enjoyed by neighbors.  
- [ ] Does NOT meet criteria for a variance  
- [x] Exceptional practical difficulties.  
- [ ] Unreasonable hardship.
- [x] Other exceptional situation (explain below).
Due to the unique conditions of this specific piece of property, the requirement for concealed fasteners does not meet its intended result because the buildings are not visible from outside the property, and to require such fasteners will be to no avail and will increase the construction cost substantially.

**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 proposed development was approved by Conditional Use Permit in 2019.
5) The project has been constructed to meet all requirements of the Minot ordinances to date.
6) The development is in character with the surrounding zoning and use of land.
7) The applicant feels his property is unique because of the screening elements in place from phase one.
8) No person will be able to see the internal buildings form the public right-of-way or the apartments to the west.
9) 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 approve this variance application, subject to the following conditions:

1) Due to the unique conditions of this specific piece of property, the requirement for concealed fasteners does not meet its intended result because the buildings are not visible from outside the property, and to require such fasteners will be to no avail and will increase the construction cost substantially. Reasoning for this variance request also takes into consideration lengthy ongoing discussions by City Staff, the Development Community, and the City of Minot Zoning Ordinance Steering Committee as to the validity of this requirement with the most recent direction being to ultimately remove the requirement from the ordinance in the near future at such time that the City Council approves the ordinance amendments.
Planning Commission
Staff Report

PROJECT DESCRIPTION:
The applicant is requesting approval of the annexation of Lot 4 of Hawks View Addition, as well as the subdivision of Lots 3 and 4 of Hawks View Addition into two new lots to be known as Lots 1 & 2 of Hawks View 3rd Addition. The Future Land Use Map of the Comprehensive Development Plan needs to be amended from “Low Density Residential” and “Very Low Density Residential” to “Very Low Density Residential” only. These properties are located at 1320 37th Ave SE (see Vicinity Map exhibit).
Lot 3 of Hawks View Addition is currently owned by a relative of the applicant while Lot 4 is currently owned by the applicant. On Lot 3 of Hawks View Addition, there is currently a residential home on top of a hill overlooking a portion of the First Larson Coulee. Lot 4 on the other hand currently occupies a secondary lower hill beneath and behind the home on Lot 3. After Lot 4 is annexed into city limits, it will be combined with a 1.45 Acre portion of Lot 3 to form Lot 2 Hawks View 3rd Addition, the remainder of Lot 3 will comprise Lot 1 of Hawks View 3rd Addition (see Aerial View exhibit).

Lot 1 of Hawks View 3rd Addition will consist of approximately 115,017 sq. ft. of lot area or approximately 2.640 acres. Lot 2 will consist of 112,956 sq. ft. of lot area or 2.593 acres, more or less. Both of the proposed lots meet the minimum lot area requirement of 9,500/7,500 square feet for corner/interior lots in R1 Zoning. The location of the new lot lines meet all setback requirements in R1 zoning regulations.

The properties contained in this subdivision are currently zoned R1, Single Family Residential District with no proposed change (see Zoning Map exhibit). The Future Land Use Map of the Comprehensive Development Plan currently designates the area that is proposed as Lot 1 of 3rd addition as “Low Density Residential” and proposed Lot 2 as both “Low Density Residential” and “Very Low Density Residential.” The applicant has requested both of the proposed lots be designated as “Very Low Density Residential.” The difference in elevation is approximately ninety-three (93) feet across these lots. This kind of steep topography limits the amount of density that can be developed in this area. Cutting roads into the hills and providing municipal water and sanitary sewer are also very challenging. For these reasons the designation of “Very Low Density” is appropriate (see Future Land Use Map).
VICINTY MAP: This map highlights the subject property and the 300-foot notification boundary surrounding the subject site.
ANNEXATION EXHIBIT:
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.
SUBDIVISION PLAT OVER AERIAL IMAGE

LOW DENSITY RESIDENTIAL

VERY LOW DENSITY RESIDENTIAL
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).

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.

**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).

**APPROVAL AND ACCEPTANCE OF SUBDIVISION 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).

The zoning ordinance contains the following information on annexations:

**Section 30-7. Annexation:**

a) Annexation requests shall follow provisions outlined in 40-51.2-07 through 40-51.2-11 of the North Dakota Century Code.

b) Prior to second reading of the annexation ordinance, a notice of annexation must be published a minimum of one (1) time. If annexation is to be reviewed by resolution, a notice shall be published once each week for two (2) weeks at least thirty (30) days before the public hearing is held.

c) Approval of annexation requires a minimum of four (4) votes of the City Council.

**NORTH DAKOTA CENTURY CODE**

40-51.2-07. Annexation by resolution of city.

1. The governing body of any city may adopt a resolution to annex contiguous or adjacent territory as follows:
a. The governing body of the city shall adopt a resolution describing the property to be annexed.

b. The governing body of the city shall publish the resolution and a notice of the time and place the governing body will meet to hear and determine the sufficiency of any written protests against the proposed annexation in the official newspaper once each week for two consecutive weeks. The governing body of the city shall mail at least seven days before the meeting, by certified mail, a notice to the owner of each parcel of real property within the area to be annexed at the person’s last-known mailing address. The notice must inform landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing. The owners of any real property within the territory proposed to be annexed within thirty days of the first publication of the resolution may file written protests with the city auditor protesting against the proposed annexation. The governing body of the city also shall mail at least seven days before the meeting, by certified mail, the notice of the time and place of the hearing to the governing body of each city, county, or township directly affected by the land area proposed to be annexed. No state-owned property may be annexed without the written consent of the state agency or department having control of the property. The governing body of the city, at its next meeting after the expiration of the time for filing the protests, shall hear and determine the sufficiency of the protests.

c. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of the resolution, the territory described in the resolution becomes a part of the city. When a copy of the resolution and an accurate map of the annexed area, certified by the executive officer of the city, are filed and recorded with the county recorder, the annexation becomes effective. Annexation is effective for the purpose of general taxation on and after the first day of the next January. However, the city shall continue to classify as agricultural lands for tax purposes all lands in the annexed area which were classified as agricultural lands immediately before the annexation proceedings until those lands are put to another use.

2. If the owners of one-fourth or more of the territory proposed to be annexed protest, or if a city that has extraterritorial zoning or subdivision regulation authority over the area petitioned to be annexed protests, the city may either stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in section 40-51.2-07.1.

40-51.2-07.1. Mediation.

The mediation committee must be comprised of a person appointed by the governor, representatives of the petitioners under section 40-51.2-03 or the protesters under section 40-51.2-07, the involved cities, counties, and townships, and any other parties having an interest in the proposed annexation. The governor’s appointee shall arrange and preside over the meeting and act as mediator at the meeting. The meeting may be continued until a resolution agreeable to all parties is reached or the mediator determines that continued mediation is no longer worthwhile.
40-51.2-08.

Petition to office of administrative hearings. If the governing body of a city involved in the dispute is not satisfied with the result of the mediation, the governing body may petition the director of the office of administrative hearings to hear the matter. If the annexation was initiated under section 40-51.2-07, the petition must include an accurate map of the area sought to be annexed, a description of the area, and the reasons for the annexation.

40-51.2-09.

Administrative law judge to be appointed - Hearing set. Upon receipt of a petition, the director of the office of administrative hearings shall appoint an administrative law judge to hear the petition. If the annexation was initiated under section 40-51.2-07, the administrative law judge shall determine whether the annexing city has substantially complied with all of the procedural requirements in the annexation process. If substantial compliance has been met, or if the annexation was initiated under section 40-51.2-03, the administrative law judge shall designate a time and place at which the petition will be heard. The time of the hearing may not be less than thirty days after receipt of the petition.

40-51.2-10.


40-51.2-11.

Notice required. At the time the administrative law judge sets the time and place of hearing, the administrative law judge shall direct the governing body of the annexing city to:

1. Publish a notice of the hearing and a copy of the petition, if the annexation was initiated under section 40-51.2-07, at least once a week for two successive weeks in the official newspaper of the city;

2. Mail a notice of the hearing and a copy of the petition, if the annexation was initiated under section 40-51.2-07, to the owner of each parcel of real property in the area to be annexed at the person's last-known mailing address;

3. Serve a copy of the notice and petition upon the chairman of the governing body of the county and township, if organized, in which the territory to be annexed lies; and 4. Serve a copy of the notice and petition upon the head of the governing body of any other city in whose extraterritorial zoning or subdivision regulation authority the land area petitioned to be annexed is located. The hearing must be held not less than thirty days after the first publication of the notice. Proof of publication and service of the notice and petition must be filed with the administrative law judge before the time of the hearing.

STAFF ANALYSIS:

Comprehensive Plan Analysis:
Current Comprehensive Plan Map Classification: Low and Very Low Density Residential

Proposed Comprehensive Plan Map Classification: Very 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 Planning Department
   a. None
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
6. Ward County Water Resource District
   a. None
7. North Prairie Water District
   a. This property is in North Prairie Rural Water District service area. Therefore, water should be provided by North Prairie per the established agreement with the city

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, annexation, and comprehensive plan amendment 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.

2) The City shall follow North Dakota Century Code 40-51.2-07 to 40-51.2-11, “Annexation by Resolution of the City.”
**APPLICATION DEPARTMENT:**

The applicant is requesting approval of a 32-lot residential subdivision containing an existing multi-family building known as South Park Terrace and an additional proposed 22 townhome lots to the west and south sides and nine lots reserved for future phase townhomes to the east. Also included is an amendment to the Future Land Use Map and rezoning. The large lot containing the apartment building is to be rezoned from R4, Planned Residence District to RM, Medium Density Residential District and the 31 townhouse lots are to be rezoned from R4 to R3C, Townhouse Residence District. Additionally, the Comprehensive Plan’s Future Land Use Map is going to be amended to reflect the change from “Neighborhood Commercial” to “Medium Density Residential”. This property is located at 234 14th Ave. SE (see Vicinity Map exhibit).
The property is currently owned by the applicant and has a multi-story apartment building on it (see Aerial View exhibit). The subdivision of the lot is the second phase of the development at South Park Terrace, which started in 2013. The first phase was to rehab the existing apartment building for low and moderate income residents as part of the HUD NDR grant funding, which was completed recently in 2018. The next phase consists of twenty-two (22) townhouse units on lots to the west and south of the apartment building. An additional phase is planned in the future to complete the final nine (9) proposed townhomes to bring the total to thirty-one (31). NDR Funds for HUD are also being used to finance part of this affordable housing project.

Currently, the property is a single lot containing 328,878 sq. ft. or 7.55 acres. Approximately 51% or 167,601 s.f. (3.85 acres) that exist around the apartment building is proposed as Lot 1 of the Essential Townhomes Addition. This lot will contain the apartment building and the frontage on 14th Ave SE. The remaining 3.7 acres or 161,172 sq. ft. has been divided into thirty-one (31) additional lots. The proposed townhouse lots vary in size from 3,772 sq. ft. to 16,983 sq. ft. As previously mentioned, these lots are arranged around the perimeter on the east, west and south sides with a u-shaped drive providing access through the site (see Subdivision Plat over Aerial exhibit).

Proposed Lot 1 is going to be zoned RM, Medium Density Residential District. The range of allowable density in RM zoning is six (6) to sixteen (16) dwelling units per acre. The apartment building contains forty (40) existing low to moderate income units on 3.85 acres with a gross density of approximately 10.4 d.u. per acre, well within the allowable density range. The remaining thirty-one (31) lots will be rezoned to R3C, Townhouse Residential District and all meet the minimum lot area requirement of 2,500 sq. ft., the minimum width requirement of 16 feet, and the minimum lot depth requirement of 100 feet.

The land use designation on the Future Land Use Map of the Comprehensive Development Plan currently has this property designated as “Neighborhood Commercial”, which is not in conformance with its current or proposed use. The map will be amended to “Medium Density Residential” to be consistent with the existing apartment use and the proposed townhomes (see Future Land Use Map exhibit).
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.

SUPPLEMENTAL INFORMATION

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).

**SUBDIVISION PLAT:**

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: Neighborhood Commercial

Proposed Comprehensive Plan Map Classification: Medium 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. A storm water management plan is required for development
   b. A site plan is required for development
   c. Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer
   d. Connection fees are required when connections are made to City utilities
   e. A Developer’s Agreement is required to be recorded along with the plat

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.
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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) A storm water management plan is required for development
2) A site plan is required for development
3) Erosion Control practices will need to meet State of North Dakota requirements and approved by the City Engineer
4) Connection fees are required when connections are made to City utilities
5) A Developer’s Agreement is required to be recorded along with the plat
6) 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.