Regular Planning Commission
Meeting Agenda
May 05, 2020

Chair: Charles DeMakis
Vice Chair: Dustin Offerdahl

Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, May 05, 2020 in City Hall Chambers, 515 2nd Avenue, SW.

Due to the COVID-19 public health emergency, City Hall is currently closed to the public. Members of the City Planning Commission may be attending this meeting electronically or by telephone. This meeting will be conducted with social distancing modifications consistent with the recommendations of the CDC. In person attendance at the meeting by the public will not be allowed.

Any member of the public seeking to submit comments relating to an Agenda item or public hearing should submit their comments on the City website. Members of the public may view the live airing of the City Planning Commission meeting on Channel 19 or streamed through the City’s YouTube channel.

1. Roll Call
2. Pledge Of Allegiance
3. Approval Of April 07, 2020 Minutes Of Regular Meeting

Documents:

04 (APR) RECOMMENDATIONS 2020.PDF

   The Planning Commission introduces two new members: Elisha Gates and Shane Allen Lider.

5. Rezoning And Subdivision – Ramstad Heights 7th Addition
   Public hearing request on an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Lots 8A thru 14B, Block 2, Statesboro Addition to create a seven-lot subdivision to be known as Ramstad Heights 7th Addition; and also to rezone said property from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

   This property is located north of 35th Avenue NW on the west side of Kodiak Street NW.

Documents:

SUBDIVISION AND REZONE RAMSTAD HEIGHTS 7TH.PDF

6. Rezoning And Subdivision – Ramstad Heights 8th Addition
   Public hearing request on an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Lots 10A thru 18B, Block 7, Statesboro Addition to create a nine-lot subdivision to be
known as Ramstad Heights 8th Addition; and also to rezone said property 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 on the west of 14th Street NW.

Documents:

SUBDIVISION AND REZONE RAMSTAD HEIGHTS 8TH.PDF

7. Rezoning And Subdivision – Ramstad Heights 9th Addition
   Public hearing request on an application by Four Seasons Construction, Inc., owner, and Ackerman Surveying & Associates, Inc., Applicant, to subdivide property described as Lots 1A thru 13B, Block 8, Statesboro Addition to create a fourteen-lot subdivision to be known as Ramstad Heights 9th Addition; and also to rezone said property from R-4, Planned Residential District to R1S, Single-Family Residential District with Small Lot Flexibility.

This property is located beginning approximately 100 feet north of 32nd Avenue NW on the east side of 14th Street NW extending north and transitioning to the north side of 14th Street NW to Kodiak Street NW.

Documents:

SUBDIVISION AND REZONE RAMSTAD HEIGHTS 9TH.PDF

8. Subdivision Plat – Galmac 2nd Addition
   A request by Jacquelyn Ortega, Applicant and Owner, to combine three existing lots described as Lots 14-16 and the west 13 feet of Lot 17, Galmac Subdivision of Elbow Park Manor Addition to create a one-lot subdivision to be known as Galmac 2nd Addition.

This property is located at 1814, 1900, and 1906 3rd Avenue SE.

Documents:

SUBDIVISION-GALMAC 2ND ADDITION.PDF

9. Subdivision Plat – The Bluffs 13th Addition, Lots 1A And 1B
   A request by Craig Tweten, Applicant and Owner, to adjust the lot line between Lots 5A and 5B, Block 4, Bluffs 2nd Addition by creating proposed Bluffs 13th Addition, Lots 1A and 1B.

This property is located at 3509 and 3513 Waggle Way.

Documents:

SUBDIVISION-BLUFFS 13TH ADDITION.PDF

10. Subdivision Plat And Annexation – SRT Addition, Lots 1 & 2
   A request by Ron Aberle of SRT and William Papineau, Owners, and Houston Engineering, Applicant, to combine a portion of Lots 6 and 7 and all of Lot 1, Jack’s 4th Addition to create Lot 1, Lot 2 will consist of the remainder of Lot 6 of Jack’s 3rd Addition, to be known as SRT Addition, Lots 1 & 2. Lots 1 will be annexed into the City of Minot corporate limits.

This property is located at 3615 N. Broadway extending approximately 1,254 lineal feet
west along the north side of 36th Avenue NW.

Documents:

ANNEX, SUBDIVISION - SRT ADDITION.PDF

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

Approval of the February 04, 2020 and March 03, 2020 Regular Meeting Minutes

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

Motion carries

Motion by Commissioner Offerdahl to approve March 03, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #1
Variance – Northern Plains Energy Park, Lots 7, 8 & 9, Block 3

Planning Commission recommends City Council approve an application 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.

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 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.

Staff Recommendations:

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.

Chairman DeMakis asked the Principal Planner for staff comments.

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.

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. 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 of 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.
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.

Assistant City Attorney Stefanie Stalheim reminded the Planning Commission that they are the deciding body for variances.

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

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

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

Motion carries

Item #2
Annexation, Future Land Use Map Amendment, and Subdivision – Hawks View 3rd Addition, Lots 1 & 2

Planning Commission recommends City Council pass an ordinance on first reading to annex Lot 4 of Hawks View Addition into the corporate boundary of the City of Minot and pass a resolution to amend 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.

It is further recommended that the City Council approve a subdivision plat to be known as Hawks View 3rd Addition, Lots 1 & 2.

This property is located at 1320 37th Avenue, 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
Staff Recommendations:

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, auditors 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.”

Chairman DeMakis asked the Principal Planner for staff comments.

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.

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.

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. 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.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if there would be any additional cost or responsibilities to the City with the annexation, such as for the provision of utilities and maintenance.

Principal Planner Lang responded the code says that if the City annexes it must serve the property with utilities within 12 months, however in this case it is already served with septic and water, we do not see the area getting any denser, and that this is ultimately just a family adjusting lot lines so there is no need to address the utilities issue.

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

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

Motion carries

Item #3
Subdivision, Future Land Use Map Amendment, and Zone Change – Essential Townhomes Addition

Planning Commission recommends City Council approve a subdivision to replat the lot at 234 14th Avenue SE into 33 lots to be known as Essential Townhomes Addition and to adopt a resolution to amend the Comprehensive Land Use Map from “Neighborhood Commercial” to “Medium Density Residential”.

It is further recommended the City Council pass an ordinance on first reading to change the zone on proposed Lot 1 from District R4 (Planned Residential District) to District RM (Medium Density Residential District) and to rezone proposed Lots 2 through 33 from District R4 (Planned Residential District) to District R3C (Townhouse Residential District).

This property is located at 234 14th Avenue 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 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.

Chairman DeMakis asked the Principal Planner for staff comments.

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.

The property is currently owned by the applicant and has a multi-story apartment building on it. 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.

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.

Principal Planner Lang then read into record a letter of opposition from to the project from Jessica Smestad, where she opposed the development of this project based on the following grounds:

- It will reduce their property value
- Result in a loss privacy for the abutting neighbors
- Increase noise, congestion, traffic, and crime in their neighborhood
- Eliminate precious greenspace, thereby impacting wildlife (birds, bees, deer, and the like) as well as recreational space, and
- Reduce safe access to the nearby park facilities, causing her to have to walk along a busy street with her two young children in order to get to the park.

Additionally, she had written that there is not a housing shortage in the City of Minot, calling into question the need for such a development project and there is actually a surplus of houses, with 217 homes being actively listed as of 3/20/2020. Ms. Smestad noted that a realtor supplied her with this information.

Disaster Resiliency Grant Manager John Zakian then provided the Planning Commission with some background on the case:

- The project was already reviewed and approved by the City Council in the context that there is a sub-recipient agreement, that is a developers agreement, in different format under federal rules with a non-profit organization and that Essential Living is a non-profit.
- The CDBG National Recovery Grant funds were already allocated and approved for the project.
- There is a current development agreement already in place which is part of the sub-recipient agreement, the one that planning staff brought forward was a specifically required development agreement related to the public utility requirements that Minot would be imposing on the project if it were approved.
- It is policy that all federally funded programs, especially projects like this, must comply with all city code requirements and as thus, the developments like this must be reviewed and approved of by all necessary bodies, they do not circumvent any of these processes. The City requested the subdivision, rezoning, and change to the land use map.
- In 2015 the City of Minot had submitted an action plan, a contract between the City and the United Stated Department of Housing and Urban Development (HUD), in which Minot had to specify how it was going to spend the HUD funding that it receives, and that it guarantees that it will be spent accordingly. That contract includes this project, and that Minot needs to move forward with the project or the city will be out of compliance with the agreement it made with HUD.

Mr. Zakian also addressed the disconnect on Low to Moderate Income (LMI) housing.

- There is a critical need for LMI housing in Minot that it is not currently provided.
- The LMI housing in Park South One have been at 100% occupancy for multiple months
- The other three are showing vacancy rates of 5% or less.
- There is currently a waiting list for Section 8 housing in Minot that is 245 people long. That number has grown from 200 at the beginning of the year.
The Minot Housing Authority normally gives out only eight (8) to ten (10) housing vouchers a year due to the low availability of Section 8 Housing, and the city does not have the supply of Section 8 housing to meet the minimum need of 245. The few that are would be approved for this project would go a long way.

There are no city funds being used for Park South 2 (this phase), just a mix of state and federal funds.

Chairman DeMakis opened up comments from the commissioners on Mr. Zakian’s remarks, there was none.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Bauman asked if the Developer will have to come back with an official site plan for the development after it is potentially approved by City Council, or will they be good to go right away after approval?

Principal Planner Lang responded that one of the conditions of approval requires a site plan and there will be further plan review by the various departments, however that will be administrative and that nothing further would be going to Planning Commission or City Council on the second phase of development.

Mr. Zakian also responded by saying that only the first 22 homes have funding allocated for the project and that they have not begun the process for the remainder yet.

Chairman DeMakis opened up comments from the public.

Blake Nybakken of Essential Living provided the following comments:

- Section 8.2 of the Zoning Ordinance for the R3C zoning designation (the designation of the new lots) mentions that the R3C district will be limited to medium density parcels that are immediately abutting single family residential, so he feels like they are putting an appropriate buffer in between the existing apartment and the homes.
- The sub-recipient agreement is done, the NDR funding has been awarded, and the project has been thoroughly reviewed and vetted.
- They have providing $725,000 worth of regional stormwater improvements that benefit the area.
- They are open to any suggestions from the neighbors such as fencing around the property.

Chairman DeMakis asked if there were any questions from the commissioners for Mr. Nybakken, there were none.

Chairman DeMakis then asked if there were any other individuals that wished to speak in support of the project, there were none.

Chairman DeMakis then asked if there were any who wished to speak in opposition of the project:

Mary Frost said that she opposed the project for the same reasons that were stated in the letter read by Principal Planner Lang, and had several questions:

- She asked about what kind of fence they were going to put up, to which Mr. Nybakken responded that they were open to it, but that it was not initially incorporated into the plans.
- Ms. Frost the asked how far away they were going to build from her property, to which Principal Planner Lang responded that the rear setback in R3C zoning is twenty-five (25) feet.
- She asked if there was going to be an alley created for the project to which Principal Planner Lang responded that he had been asked about that earlier in the day as well and that to his knowledge there was not going to be one.
Ms. Frost also mentioned that the area floods heavily, to which Mr. Lang responded that Essential Living spent $725,000 on a stormwater management plan to alleviate this condition. Ms. Frost then asked if the project and it’s stormwater management plan would cause it to run off into her yard. Planner Lang replied that the stormwater plan for this phase has to yet to be submitted, but that it must comply with the city’s rules and regulations.

Leyda Tadros commented that she truly opposes the development and that she believes that it can be built somewhere else and that the townhomes will bring the values of their homes down. She then asked several questions

- If she will be able to see the townhomes from her yard and asked how far away they will be. Mr. Nybakken responded that he didn’t have addresses on the plan that he was looking at, but that they will meet all zoning requirements for the property. He also mentioned that they won’t be developed on park land, but rather on undeveloped, private property and that he was open to providing any screening that may be necessary.
- Ms. Tadros then asked when they would start building to which Mr. Lang responded that they would like to get started this construction season.

Bonnie Freed said that she owned her home for 23 years and voiced several concerns:

- They own a deck that is several feet off the ground and that it wouldn’t be appealing to look into the yards of these “low income” families.
- She felt that a privacy fence would be appropriate but wasn’t sure if six (6) feet would be enough.
- There are many people that use their access through Park South Apartments to get to their backyard and that people can’t park on their busy street when they visit their homes.
- The abutting neighbors are opposed to the project and she hopes that the City would take opinions of the property owners into consideration.
- She believes that there is enough land around Minot that they don’t have to build where there are single-family homes.
- She concluded by stating that she’s pretty sure that if the Corona Virus was not an issue that there would be many of us (abutting neighbors) at the meeting and that the Commissioners should take some of these things into consideration.

Mr. Nybakken responded to those in opposition by addressing the negative stereotypes with LMI housing:

- The type of people that will be in the proposed townhomes are the type of people that already live within the existing apartment, such as single-parents, individuals on fixed income, essential services employees, and people whose wages are not sufficient for other housing options.
- He then brought up that it is a large site, but it is private property and that he hopes that we do not use this required zoning change to pick who their neighbors are or who the winners and losers are.
- Ms. Freed responded to Mr. Nybakken by saying that they do not consider that the people who would be living in these homes to be below them, but that the prices of their homes are going to be drastically lowered to by the homes that are going to be built behind them. Additionally, she stated that she believes that this kind of housing is needed in every city, and that she thought that some of her comments were misunderstood.

Isaac Tadros, the husband of the aforementioned Leyda Tadros, stated that he opposed the townhouses and that this low income project that is going to turn into a ghetto like all of the big cities and that the City cannot stop it from happening. He then claimed that his house, and all of the homes around the project that will be affected, would go down the tubes and that they are paying taxes just for that purpose. He then stated that the City of Minot just wanted to make some extra money and has decided to build some extra low-income houses here and there and stuff them anywhere and that the city was wrong to do it. He then described how kids use the park year-round and that if the City takes any part of it now, they will then take a little more each year in the future until the park is gone and that the playground won’t be there.
for the kids anymore. He further stated he believes that millions of tax dollars are going to go toward rebuilding and installing synthetic grass, which he described as wrong. He then started to go into the situations in Williston and Dickinson. At this time, Chairman DeMakis reminded him that this was about the City of Minot, not the cities of Williston and Dickinson. Mr. Tadros responded that in any case, history is going to repeat itself.

Chairman DeMakis then closed the Public Hearing.

Commissioner Wegenast then asked how we would best describe the privacy fence that was discussed earlier and if we would be adding it as a condition. Commissioner Lang responded that it would be best described as the installation of a six (6) foot privacy fence along the western side of the property that can be made of any material as long as it is a solid privacy fence.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, and to add the condition to add a six (6) foot privacy fence on the west side of the project, second by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Barnett, Bauman, DeMakis, Hochhalter, Offerdahl, Sivertson, Wegenast nays: none

Motion carries

**Item #4**
Discussion to reduce the size of the Planning Commission.

Mr. Billingsley stated that there are thirteen (13) membership seats on the Planning Commission currently, and that there are currently nine (9) commissioners serving on the commission. Of the thirteen members on Planning Commission, three (3) must be appointed by the Ward County Commissioners and must live in the city’s 2-mile jurisdiction. Of the four seats that are currently vacant, one (1) needs to be appointed by Ward County and the other three (3) are from the city. There is currently one person willing to join the commission, but otherwise recruitment is not going well. Mr. Billingsley proposed that the size of the commission be reduced from thirteen (13) to (11). Which would bring the quorum size down to six (6) rather than seven (7).

When asked, Assistant City Attorney Stalheim stated that the maximum that the city can appoint is 10 members and that the county appoints three in any case.

Chairman DeMakis then stated the proposed 11 is nice and that there wouldn’t be any tie votes, but in his experience it’s odd that the Chair votes even if there aren’t any ties. He then asked if the Chair voting on everything was in the City’s code or if it was North Dakota State Law? Chairman DeMakis then advocated for making the chair a non-voting member and reducing the membership down to ten (10) members, nine (9) voting members and the Chair to vote to break a tie if necessary. He clarified that he is asking if the chair has to vote or if it is just what happens here?

Ms. Stalheim said that she doesn’t see anything that states that but she can look into it and report back.

Chairman DeMakis brought up that the commission is having problems getting people to meetings. He then mentioned the idea of reducing the commission to nine (9) or eight (8) members, with five (5) or six (6) city members and three (3) county appointed members, therefore there wouldn’t be issues of a tie and that sometimes “less is more”. DeMakis then stated that while he would be fine with going from thirteen (13) to eight (8) members, if there were a person that would like to serve on the commission that we should pursue that.
Commissioner Wegenast then asked how we are recruiting members? Community and Economic Development Director Brian Billingsley responded that we’ve announced it at City Council Meetings and to various customers at the Public Works building with no success.

Mr. Billingsley then stated that this commission was the largest that he had ever worked with in his career and asked Principal Planner Lang if that was the case for him, which it was. Lang responded nine members has been his experience in other communities.

Commissioner Wegenast then suggested that we approach City Council, gather their thoughts, and come back to the issue later. Mr. Billingsley responded that it is a good idea, but that he was instructed to bring the thoughts of the Planning Commission to the Council.

Commissioner Wegenast said that quorum issues have been an ongoing issue and that he liked eight members to which Mr. Billingsley responded that if we went down to eight that one member would have to step down.

Commissioner Offerdahl asked planning staff to look into what the surrounding cities, such as Bismarck and Fargo, are doing.

Chairman DeMakis showed further support for a smaller Planning Commission, and that it would be more efficient.

Commissioner Offerdahl then asked Chairman Demakis if his eight (8) members were comprised of five (5) city representatives and three (3) county representatives. DeMakis responded that nine (9) would probably be better option and that way it would be six (6) and three (3), and the chair would vote in case of a tie. Mr. Billingsley reminded them that if we went to 9 members total, one would still have to step down from the current roster of Commissioners, and once again recommended that we go to 11 members.

Commissioner Wegenast suggested that planning staff should expand on their recruiting to which Commissioner Sivertson added that the Association of Builders has board members that are interested in serving as Planning Commissioners.

Commissioner Baumann asked if we (the Commissioners) know people who are interested, how they should be put in contact with planning staff to which Mr. Billingsley responded that they could contact any staff member and let them know that they are interested. Staff would then have to verify that they live in city limits. If they live in the 2-mile, they would have to get in contact with the County Commissioners and request appointment to the Planning Commission.

Mr. Billingsley then stated that he will go back to City Council with the suggestions of the Planning Commission and bring their suggestions back to the Commission in the near future.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:48 PM.
PROJECT DESCRIPTION:
The applicant is requesting approval to replat and rezone fourteen (14) existing lots described as; Lots 8A thru 14B, Block 2, Statesboro Addition into seven (7) R1S Lots to be known as Ramstad Heights 7th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots are located at 3501 to 3529 Kodiak Street (see Vicinity map exhibit).
**BACKGROUND INFORMATION:**

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. Fourteen (14) existing twin home lots will be combined to form seven (7) new R1S lots for the new subdivision plat to be known as Ramstad Heights 7th Addition (see Aerial View exhibit).

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, 4th, 5th, and 6th 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 (See Plat Map Exhibit). 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 (see Zoning Map Exhibit). Currently, all fourteen (14) lots are designated “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. The R1S District supports a higher density of development than typical single-family development. Therefore, staff does not feel the land use map needs to be amended at this time (see Future Land Use Map).

**VICINITY MAP:** This map highlights the subject property and the 300-foot notification area.
AERIAL VIEW: This aerial photograph was taken in 2015.
ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.
CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

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 28-23(b).

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

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

**APPROVAL AND ACCEPTANCE OF 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).
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.

The applicant states: “This [project] is pretty much the same as the past few plats [at Ramstad] consolidating twin lots into single family with R1S zone change. Mike Hayes will be the developer building the homes, same as the latest lots.”

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).

**REVIEW BY HEARING BODIES:**

**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: Medium Density

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:
City of Minot Engineering Department:
1) Abandoned utility services must be capped at the utility mains per Public Works Policy.
2) Developers Agreement is required to identify the required infrastructure improvements.

FINDINGS OF FACT:

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

RECOMMENDATION:

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

1. Abandoned utility services must be capped at the utility mains per Public Works Policy.
2. Developers Agreement is required to identify the required infrastructure improvements.
3. No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
PROJECT DESCRIPTION:
The applicant is requesting approval to replat and rezone eighteen (18) existing lots described as; Lots 10A thru 18B, Block 7, Statesboro Addition into nine (9) R1S Lots to be known as Ramstad Heights 8th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots are located at 3201 to 3315 14th St NW (see Vicinity map exhibit).
BACKGROUND INFORMATION:

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 8th Addition (see Aerial View exhibit).

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, 4th, 5th, and 6th Additions, and now 7th, 8th, and 9th Additions, wherein existing lots are 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 (See Plat Map Exhibit). 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 (see Zoning Map Exhibit). Currently, all eighteen (18) lots are designated “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. The R1S District supports higher development density than traditional single-family residential development. Therefore, staff does not feel the land use map needs to be amended at this time (see Future Land Use Map).

VICINITY MAP: This map highlights the subject property and the 300-foot notification area.
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.
PRELIMINARY PLAT OF RAMSTAD HEIGHTS 8TH ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA
(BEING LOT 10A THRU 18B BLOCK 7, STATESBORO ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA)

NOTES:
FOR PLANNING PURPOSES ONLY. AREAS AND
DISTANCES SUBJECT TO FINAL FIELD SURVEY.
SHAPE AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.
PLAT IS SUBJECT TO ALL PRIOR EASEMENTS
A VACUUM EASEMENT WILL BE ON THE
STREETSIDE OF EVERY LOT.

LOT BREAKDOWN
LOT 1 = 4681.10 SQ. FT.
LOT 2 = 7301.14 SQ. FT.
LOT 3 = 7301.14 SQ. FT.
LOT 4 = 7301.14 SQ. FT.
LOT 5 = 7301.14 SQ. FT.
LOT 6 = 7301.14 SQ. FT.
LOT 7 = 7301.14 SQ. FT.
LOT 8 = 7301.14 SQ. FT.
LOT 9 = 5801.44 SQ. FT.
TOTAL = 66015.84 SQ. FT.
OR 1.52 ACRES

ACKERMAN SURVEYING
& ASSOCIATES
301 S ST
MINOT, ND 58701

8
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.

APPROVAL AND ACCEPTANCE OF SUBDIVISON DESIGN:

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

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

Petitions for rezoning must also include the following information:

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

The applicant states: “This [project] is pretty much the same as the past few plats [at Ramstad] consolidating twin lots into single family with R1S zone change. Mike Hayes will be the developer building the homes, same as the latest lots.”

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).

REVIEW BY HEARING BODIES:

**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: Medium Density

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:
City of Minot Engineering Department:
1) Abandoned utility services must be capped at the utility mains per Public Works Policy.
2) Developers Agreement is required to identify the required infrastructure improvements.

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

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

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

The applicant is requesting approval to replat and rezone twenty-six (26) existing lots described as; Lots 1A thru 13B, Block 8, Statesboro Addition into fourteen (14) R1S Lots to be known as Ramstad Heights 9th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots are located at 3206 to 3418 14th St NW (see Vicinity map exhibit).
**BACKGROUND INFORMATION:**

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. Twenty-six (26) existing twin home lots will be combined to form fourteen (14) new R1S lots for the new subdivision plat to be known as Ramstad Heights 9th Addition (see Aerial View exhibit).

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, 4th, 5th, and 6th Additions, and now 7th, 8th, and 9th 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 (See Plat Map Exhibit). 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 (see Zoning Map Exhibit). Currently, all twenty-six (26) lots are designated “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. The R1S District supports higher development density than traditional single-family residential development. Therefore, staff does not feel the land use map needs to be amended at this time (see Future Land Use Map).

**VICINITY MAP:** This map highlights the subject property and the 300-foot notification area.
AERIAL VIEW: This aerial photograph was taken in 2015
ZONING MAP: This map highlights the current zoning of the subject property and the properties surrounding the subject site.
FUTURE LAND USE MAP: This is the City of Minot’s official comprehensive plan map adopted in 2012.
CONSIDERATIONS GOVERNING SUBDIVISION DESIGN APPROVAL AND CONDITIONS:

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

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

SUBDIVISION DESIGN STANDARDS:

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

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

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

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

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

**APPROVAL AND ACCEPTANCE OF 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).
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.

The applicant states: “This [project] is pretty much the same as the past few plats [at Ramstad] consolidating twin lots into single family with R1S zone change. Mike Hayes will be the developer building the homes, same as the latest lots.”

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).

**REVIEW BY HEARING BODIES:**

**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: Medium Density

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:**

City of Minot Engineering Department:

1) Abandoned utility services must be capped at the utility mains per Public Works Policy.
2) Developers Agreement is required to identify the required infrastructure improvements.

**FINDINGS OF FACT:**

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

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

**RECOMMENDATION:**

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

1. Abandoned utility services must be capped at the utility mains per Public Works Policy.
2. Developers Agreement is required to identify the required infrastructure improvements.
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

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**INSTRUCTIONS:**

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

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

**RECOMMENDATION:**

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

1. Abandoned utility services must be capped at the utility mains per Public Works Policy.
2. Developers Agreement is required to identify the required infrastructure improvements.
3. No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all
block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
PROJECT DESCRIPTION:
The applicant is requesting approval to replat three (3) existing lots described as; Lots 14, 15, 16 and the West 13 feet of Lot 17, Galmac Subdivision of Elbow Park Manor Addition into one (1) R1 Lot to be known as Galmac 2nd Addition. The purpose of this project is to merge all three parcels into one parcel in order to complete the appraisal for the sale of the property. The existing lots, are located at 1814, 1900, and 1906 3rd Ave SE (see Vicinity map exhibit).
The three existing lots are under common ownership by the applicant. An existing house and garage are located on Lot 14, while Lots 15, 16, and the West 13’ of Lot 17 are vacant. The owner of the properties is having all three lots merged to form Lot 1 of Galmac 2\textsuperscript{nd} Addition (see Aerial View exhibit).

The new lot will contain approximately 39,101.78 square feet of lot area or 0.9 acres, more or less. The proposed lot will exceed the minimum lot size requirements of 7,500 square feet in R1 zoning by a considerable margin. The location of the new lot lines meets all setback requirements in R1 Zoning.

All of the properties involved in this subdivision are zoned R1, Single-Family Residential district and shall remain so (see Zoning Map exhibit). The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as “Low Density Residential,” the proper and corresponding land use category for R1 zoning. The use of the proposed property is in conformance with the land use map designation (see Future Land Use Map).

**VICINITY MAP**: This map highlights the subject property.
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.

Medium Density Residential
SUBDIVISION PLAT
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.

**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).
REVIEW BY HEARING BODIES:

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: Medium Density

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:
No comments were received.

FINDINGS OF FACT:

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

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

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application and rezoning, 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.
# Planning Commission
## Staff Report

### Application Date: 3/24/20

### Date of Staff Report: 4/13/20

### Status: New Application

### Staff Report Item #: 5 (Agenda Item # 8)

- **Project Number:** 8020-5.5
- **Project Name:** The Bluffs 13th Addition
- **Current Legal Description:** Lots 5A and 5B, Block 4, The Bluffs Second Addition to the City of Minot
- **Proposed Legal Description:** The Bluffs 13th Addition into the City of Minot, North Dakota

### Entitlement Requested: Replat- Two existing lots into two proposed lots (lot line adjustment)

### Existing Zoning Profile: Two R2 Lots

<table>
<thead>
<tr>
<th>Present Zone:</th>
<th>R2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present Use:</td>
<td>Two vacant, R2 Lots</td>
</tr>
</tbody>
</table>

### Proposed Zoning Profile: Two R2 Lots

<table>
<thead>
<tr>
<th>Proposed Zone:</th>
<th>R2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Use:</td>
<td>Two vacant, R2 Lots</td>
</tr>
</tbody>
</table>

### Owner: Craig Tweten

3205 Woodside Dr. SE Minot, 58701
craigtweten@gmail.com
(701) 720-8286

### Representative: N/A

### PROJECT DESCRIPTION:

The applicant is requesting approval of a lot line adjustment to shift the lot line between two existing lots, Lots 5A and 5B, Block 4 of The Bluffs 2nd Addition. The two new lots will be known as Lots 1A and 1B of The Bluffs 13th Addition. These properties are located at 3509 and 3515 Waggle Way (see Vicinity Map exhibit).

### BACKGROUND INFORMATION:

The two existing lots are under common ownership by the applicant, both of the lots are currently vacant (see Aerial View exhibit).
The new common lot line is platted to add lot area to proposed Lot 1B such that the two now lots become more comparable in lot size. The shift in the lot line makes it easier to accommodate the proposed duplex on the two lots making the amount of square footage for each of the two units more balanced. The existing common side lot line will be shifted approximately 14.85 feet to the north west as measured from its existing position along the rear lot line. Proposed Lot 1A will contain approximately 10,165 square feet or 0.23 acres of land while proposed Lot 1B will contain approximately 10,317 square feet or approximately 0.24 acres (see Preliminary Plat exhibit). Both of the proposed lots exceed the minimum lot size requirements of 3,500 square feet in R2 zoning by a considerable margin. The location of the new lot lines meets all setback requirements in R2 zoning bulk regulations.

Both of the properties involved in this subdivision are zoned R2, Two-Family Residential district and shall remain so (see Zoning Map exhibit). The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as “Low Density Residential.” The use of these properties is in conformance with the land use map designation and it will not be amended (see Future Land Use Map).

VICINTY MAP: This map highlights the subject property.
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.
Preliminary Plat of The Bluffs Thirteenth Addition

Being Lots 5A and 5B,
of The Bluffs Second Addition,
to the City of Minot, North Dakota

\[ 1B \]
10317.46 FT²

\[ 1A \]
10164.92 FT²

\[ 4B \]

NOTES:

For planning purposes only.

Bearings and Distances may vary from previous
plats due to different methods of measurement.

Plat is subject to all prior easements of record.

A 10’ utility Easement is located on the street side
of every lot and where noted.

- Property Corners Platted
- Property Corners Proposed

Scale: 1" = 40'

Wold Engineering, P.C.
Consulting Engineers & Land Surveyors

915 East 11th Street – PO Box 237 – Bismarck, ND 58501
316 Eastside Drive – PO Box 1277 – Bismarck, ND 58502
110 8th Avenue Southwest – Minot, ND 58701
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.

**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).
STAFF ANALYSIS:

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

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:
Staff did not receive any comments.

FINDINGS OF FACT:

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

RECOMMENDATION:

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

1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor’s outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
**Application Date:** 3/30/20

**Date of Staff Report:** 4/14/20

**Status:** New Application

**Staff Report Item #: 6 (Agenda Item # 9)**

**Project Number:** 8020-5.6

**Project Name:** SRT Addition

**Current Legal Description:** Part of Lots 6 and 7, Jack’s Third Addition and all of Lot 1, Jack’s Fourth Addition

**Proposed Legal Description:** Lots 1 and 2, SRT Addition

**Present Address:** 3615 N Broadway

**Entitlement Requested:** Annexation and Replat- Three existing lots into two proposed lots

**Existing Zoning Profile:** One C2 and One C2CU Lot

**Present Zone:** C2 & CC2CU

**Present Use:** One SRT Telecommunication Facility and one vacant C2 Lot

**Uses Allowed in Present Zone:** See Chapter 11 for commercial uses.

**Future Land Use Map:** Commercial, Industrial, Public/Semipublic, & Low Density Residential

**Proposed Zoning Profile:** C2CU only

**Proposed Zone:** C2CU

**Proposed Use:** One SRT Telecommunication Facility and one vacant C2 Lot

**Uses Allowed in Proposed Zone:** See Chapter 11 for commercial uses.

**Future Land Use Map:** No Change

---

**PROJECT DESCRIPTION:**

The applicant is requesting approval of a new subdivision to create two new lots, Lots 1 and 2 of SRT Addition from part of Lots 6 and 7, Jack’s Third Addition and all of Lot 1, Jack’s 4th Addition. Lot 1 of the SRT Addition is going to be annexed into city limits now while Lot 2 will be annexed in at a later date (see Annexation exhibit). These properties are located at 3615 N Broadway and along the north side of 36th Ave NW (see Vicinity Map exhibit).
BACKGROUND INFORMATION:

The South 200 feet of Lot 7, Jack’s Third Addition and all of Lot 1 of Jack’s 4th Addition are currently owned by SRT while the South 323.95’ of Lot 6, Jack’s Third addition is currently owned by William Papineau. The portion of the subdivision that is currently owned by SRT was previously annexed into the city while the remainder has not. After the East 668’ of the South 323.95’ of Lot 6, Jack’s Third Addition has been annexed into city limits it will be combined with Lot 7 of Jack’s Third Addition and Lot 1 of Jack’s Fourth Addition to form Lot 1 of the SRT Addition (see Annexation exhibit). The remainder of the South 323.95’ will form Lot 2 of the SRT Addition. (see Aerial View exhibit).

Proposed Lot 1 will contain approximately 658,017 square feet or 15.01 acres of land while proposed Lot 2 will contain approximately 377,796 square feet or 8.673 acres (see Preliminary Plat exhibit). Both of the proposed lots exceed the minimum lot size requirements of 2 acres within Minot’s Extraterritorial Jurisdiction and minimum lot width of 100’ in C2 zoning by a considerable margin. The location of the new lot lines meets all setback requirements in C2 zoning bulk regulations.

The existing SRT property currently has a Conditional Use Permit (CUP) for a 70’ tower and a communication building that will now apply to the entire new lot, Lot 1 of SRT Addition. All of the properties involved in this subdivision are zoned General Commercial District and shall remain so (see Zoning Map exhibit). The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as being a varying combination of Commercial, Industrial, Low Density Residential, and Public/Semipublic. These land use designations need to be amended to “Commercial”, but this application does not require rezoning. City staff will address the land use issues with the next update to the Comprehensive Plan (see Future Land Use Map).

VICINITY MAP
ANNEXATION EXHIBIT: This map shows the area that is going to be annexed into city limits.
VICINTY MAP: This map highlights the subject property.

Proposed Annexation and Subdivision
SRT Addition
Being a Part of Lots 6 and 7, Jack's 3rd Addition
And All of Lot 1, Jack's Fourth Addition
To the City of Minot, North Dakota

IN CITY LIMITS

OUT OF CITY LIMITS

Map Created April 3, 2020
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.
PRELIMINARY PLAT OF SRT ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA.
BEING A PART OF LOTS 6 AND 7, JACK’S THIRD ADDITION AND ALL OF LOT 1,
JACK’S FOURTH ADDITION TO THE CITY OF MINOT, NORTH DAKOTA.
BEING IN THE NORTHEAST QUARTER OF SECTION 2,
TOWNSHIP 155 NORTH RANGE 83 WEST
OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MINOT, COUNTY OF WARD, STATE OF NORTH DAKOTA.

ACREAGE:
LOT 1 = 15.106 ac.
LOT 2 = 8.673 ac.
TOTAL ACREAGE = 23.779 ac.

NOTES:
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.
PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.

PREPARED BY:
JAMES P. HENNESSY, PLS
FOR AND ON BEHALF OF HOUSTON ENGINEERING.
701.852.7931
18 3RD STREET SE, MINOT ND, 58701

Prepared for:
SRT COMMUNICATIONS
MINOT, NORTH DAKOTA

Drawn by: JPH  Project No.: 9385-0002  Date: 04-23-2020
Checked by: DBKA  Scale: 1” = 200’  Sheet 1 of 2

P: 701.852.7931
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PRELIMINARY PLAT OF SRT ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA.
BEING A PART OF LOTS 6 AND 7, JACK'S THIRD ADDITION AND ALL OF LOT 1,
JACK'S FOURTH ADDITION TO THE CITY OF MINOT, NORTH DAKOTA.
BEING IN THE NORTHEAST QUARTER OF SECTION 2,
TOWNSHIP 155 NORTH RANGE 83 WEST
OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MINOT, COUNTY OF WARD, STATE OF NORTH DAKOTA.

SRT ADDITION
LOT 2
JACK'S THIRD ADDITION SOUTH 323.95' OF LOT 6
ZONING C2

10' UTILITY EASEMENT
1179.00'
36TH AVENUE NW

ACCORDING TO FIRM NUMBER
38101C0595 D, EFFECTIVE DATE JANUARY 19,
2000, SITE IS DESIGNATED AS "ZONE X" AREAS
DETERMINED TO BE OUTSIDE THE 500-YEAR
FLOODPLAIN

NOTES:
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE
TO DIFFERENT METHODS OF MEASUREMENT.

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS.

PREPARED BY:
JAMES P. HENNESSY, PLS
FOR AND ON BEHALF OF HOUSTON ENGINEERING.
701.852.7931
18 3RD STREET SE, MINOT ND, 58701

Prepared for:
WILLIAM PAPINEAU ETAL
MINOT, NORTH DAKOTA

HOUSTON
ENGINEERING INC.
Minot
P: 701.852.7931
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Drawn by: JPH Project No. 9385-0002 Date 04-03-2020
Checked by: DB/KA Scale: 1" = 200'
Sheet 2 of 2
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.

**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.

**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).

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**
Current Comprehensive Plan Map Classification: The current Future Land Use map shows several different land use designations for these properties. The map needs to be amended but no rezoning is requested for this property. Therefore, the land use plan will be addressed during the next update to the comprehensive plan.

Proposed Comprehensive Plan Map Classification: No Change at this time.

Staff finds that this request will be consistent with the goals and objectives of the Minot Comprehensive Plan once it is amended to “Commercial”.

**Public Agency Comments:**
City of Minot Engineering Department
1. The final plat shall show all existing easements
2. The final plat shall ensure access easement to Jack’s 3rd Addition, Lot 8

**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 prompts amendments to the Future Land Use Map during the next update to the Comprehensive Development Plan.
3) This request meets all of the bulk requirements of Minot’s Zoning Ordinance.
4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the
hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

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

1) The final plat shall show all existing easements
2) The final plat shall ensure access easement to Jack’s 3rd Addition, Lot 8
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.