Subject: The City Planning Commission will meet in regular session at 5:30 on Tuesday, June 02, 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 May 05, 2020 Minutes Of Regular Meeting

   Documents:

   05 (MAY) RECOMMENDATIONS 2020.PDF

4. Interim Use Permit – Section 23-155-83, Outlots 18-29 Less Right-Of-Way
   Public hearing request on an application by Minot Public Schools for an IUP (Interim Use Permit) to allow two (2) additional modular classroom buildings to be added to the five (5) existing portable classroom buildings for a total of seven (7). The additional classroom space is needed due to an increase in students.

   This property is located at 1000 6th Street SW.

   Documents:

   IUP- JIM HILL MIDDLE SCHOOL.PDF

5. Other Business

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

Approval of the April 07, 2020 Regular Meeting Minutes

Motion by Commissioner Koop to approve April 07, 2020 Planning Commission Meeting minutes, second by Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Gates, Koop, Lider, Offerdahl, Sivertson nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #1
Rezoning and Subdivision – Ramstad Heights 7th Addition

Planning Commission recommends City Council approve a subdivision 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 pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility.)

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

Finding of Facts:

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

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

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

1. 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.

Chairman DeMakis asked the Principal Planner for staff comments.

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.

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.

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. The proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families. Currently, all 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.

The developer has contacted Planning Staff with concerns regarding the requirement for a Development Agreement as part of the land subdivision process. Staff advised the developer that this is an issue to be discussed with the Engineering Department. As this item moves forward to the City Council there will be an opportunity for the developer to discuss his concerns with the Engineering Department prior to the City Council meeting.
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 Koop to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Barnett, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Gates, Koop, Lider, Offerdahl, Sivertson nays: none

Motion carries

**Item #2**
**Rezoning and Subdivision – Ramstad Heights 8th Addition**

Planning Commission recommends City Council approve a subdivision 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 pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility.)

This property is located north of 32nd Avenue NW on the west of 14th Street NW.

**Finding of Facts:**

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

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

**Staff Recommendations:**

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

1. 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.

Chairman DeMakis asked the Principal Planner for staff comments.
This item is a “cookie-cutter” application to the first item- combining lots to build single-family homes and rezoning to R1S to take advantage of the smaller lot size standards. In this application, 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 existing lots are located at 3201 to 3315 14th St NW.

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.

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.

The developer has contacted Planning Staff with concerns regarding the requirement for a Development Agreement as part of the land subdivision process. As this item moves forward there will be an opportunity for the developer to discuss his concerns with the Engineering Department prior to the City Council meeting.

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

Motion carries

Item #3
Rezoning and Subdivision – Ramstad Heights 9th Addition

Planning Commission recommends City Council approve a subdivision 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 pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility.)

This property is located 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.

Finding of Facts:

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

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

1. 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.

Chairman DeMakis asked the Principal Planner for staff comments.

This is the third of three application tonight for Ramstad Heights to rezone to smaller lot size and combine existing duplex lots into single-family lots. In this application, 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 existing lots are located at 3206 to 3418 14th St NW.

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.

These properties are designated “Medium Density Residential” (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Staff does not feel the land use map needs to be amended at this time.

The developer had expressed concerns regarding the development agreement.

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

Motion carries
Item #4
Subdivision Plat – Galmac 2nd Addition

Planning Commission recommends City Council approve a subdivision 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.

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

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

Staff Recommendations:

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

1. 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 subdivder 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.

This is a very straightforward application. 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.

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 2nd Addition.

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. 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.

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 Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Gates, Koop, Lider, Offerdahl, Sivertson nays: none

Motion carries

Item #5
Subdivision Plat – The Bluffs 13th Addition, Lots 1A and 1B.

Planning Commission recommends City Council approve a subdivision 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.

Finding of Facts:

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

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

Staff Recommendations:

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

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

Again, this is a very straight-forward application, in this case 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.

The two existing lots are under common ownership by the applicant, both of the lots are currently vacant.

The new common lot line is platted to add lot area to proposed Lot 1B such that the two new lots become more comparable in lot size. The shift in the lot line makes it easier to accommodate the proposed duplex on the 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. 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. 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.

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

Motion carries

Item #6
Subdivision Plat and Annexation – SRT Addition, Lots 1 & 2

Planning Commission recommends City Council approve a subdivision 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, and to pass an ordinance of first reading to annex Lot 1 in to the City of Minot corporate limits.

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

Finding of Facts:

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

1) The applicant has submitted a complete application.
2) The applicant’s request 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.

Staff Recommendations:

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.

Chairman DeMakis asked the Principal Planner for staff comments.

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. These properties are located at 3615 N Broadway and along the north side of 36th Ave NW.

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. The remainder of the South 323.95’ will form Lot 2 of the SRT Addition.

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. 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. 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.

Access to Lot 8 of Jacks 3rd Addition must be established on the final plat because a subdivision plat cannot result in any “landlocked” lots.

Chairman DeMakis opened up comments from the commissioners. Commissioner Baumann asked if there would be any additional financial burdens associated with the annexation of the property for the City to Principal Planner Lang responded that there would not be any.

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

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

Motion carries

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:59 PM.
PROJECT DESCRIPTION:
The applicant is requesting approval of an Interim Use Permit (IUP) to allow two (2) additional portable modular classroom buildings to be installed at Jim Hill Middle School for a total of seven (7). The purpose of this project is to provide an appropriate amount of classroom space to compensate for an anticipated increase of eighty (80) to ninety (90) students. The property is located at 1000 6th Street SW (see Vicinity map exhibit). This property is zoned “P”, Public zoning district.
BACKGROUND INFORMATION:

Chapter 16 of the Minot Zoning Ordinance, “P” or Public zoning district, allows for “Modular classrooms on school property with a principal building.” This use is classified as an interim use requiring the issuance of an Interim Use Permit (IUP) by the City Council. Therefore, the Minot School District is requesting an IUP to allow an additional two (2) portable units, each of which contains two (2) classrooms to accommodate the anticipated increase in students. Currently, there are ten (10) modular classrooms contained within five (5) portable units clustered around the northwestern corner of Jim Hill Middle School. The two (2) proposed units will be placed in the same vicinity to the east of the existing units (see Aerial View exhibit). In the past, the
five existing modular units were not brought to the attention of the Planning Department, but did secure proper permits from the Building Permitting and Inspections Department. Apparently, the requirement for an Interim Use Permit was not recognized and, as a result, there was no review before the Planning Commission and City Council.

**AERIAL VIEW:** This aerial photograph was taken in 2015

- □ = Existing Modular Classroom
- □ = Proposed Modular Classrooms
SITE PLAN: This site plan was submitted by the applicant.
SITE PHOTOS: These photos of the existing modular classrooms were provided by the property owner.
This is a view of the area where the new units will be placed.

The proposed units will look similar to the photographs of the existing units. The site plan sketch indicates eight (8) feet between units which seems awfully close especially given that the units are not fire sprinklered. The Facilities Director for Minot Public Schools said he would try to provide more separation between the units, perhaps up to twelve (12) feet, but there are existing site features that affect the ability to spread the units out further. There is a chain link fence around the existing units which will be enlarged to incorporate the two additional units. He also indicated that time is of the essence in getting these units moved in, installed and up and running for the upcoming school year. The units need to be shipped here, set on foundations, utilities need to be connected, fencing extended, and school related infrastructure such as computer links and data runs need to be provided to each classroom.

The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in Sec. 30-3 of the Zoning Supplement to the City of
Minot Code of Ordinances. As part of the requirements the applicant must provide written responses to the following questions concerning the proposed interim use.

a. Will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
b. Will be harmonious with the general and applicable specific objectives of the city’s comprehensive plan and this title.
c. Will be designed, constructed, operated and maintained so to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
d. Will not be hazardous or disturbing to existing or future neighboring uses.
e. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
f. Will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
h. Will have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
i. Will not result in the destruction, loss, damage of a natural, scenic, or historic feature of major importance.
j. Will not depreciate surrounding property values.

The Facilities Director for Minot Public Schools provided the following statement:

It is the MPS position that all criteria listed above will be met.

He also provided the following supplemental information.

- Minot Public Schools, and in particular at the Jim Hill Middle School, currently has a compound of five modular classroom buildings. Due to student enrollments, and the influx of students from our feeder elementary schools, it is necessary to place two additional modular classrooms. We are anticipating 85+ students at Jim Hill and 35+ students at Eric Ramstad. These increases strain our facility capacities. While Ramstad can absorb the increase nearing the building design capacity, Jim Hill is already well over its limits.

- As with our past modular classroom placements there will be adequate fire detection and extinguishers available for the use in the event of a fire. There will be no plumbing service to the structures, and the HVAC is self-contained. Data services will be from the existing school, and there will be surveillance cameras in use. Xcel Energy has agreed to extend electrical requirements to a location in close proximity to the two units. Main Electric has supplied a quote to connect the electrical services to each.
• In placing the units, we will follow the direction provided by the building official/s. One of the units we currently own and it will be relocated from Jefferson School. Howe House Movers has been contacted. The 2nd unit has been purchased from Satellite Shelters out of Minneapolis. They are a turn-key operation providing sale, delivery, set-up, anchoring, and skirting.

• It is our intent to provide the necessary sidewalks and allow for sufficient space to remove snow. The compound would be extending to include the 2 new units with the fenced/secure area.

• While not ideal, modular classrooms are a necessity until such a time that a permanent addition can be funded and constructed. Discussions are in place that address the overcrowding issues and possible solutions.

• The existing unit, towards the west end of the north elevation of Jim Hill, is 16’ from Jim Hill. Moving to the east, the next new unit will be approximately 17.5’ from the school. The furthest east new unit will be approximately 19’ from the school. All three will be parallel to the school and have a minimum of eight feet between each unit, maybe more.

City staff met with the Facilities Director at a DRT (Development Review Team) meeting to discuss the addition of the two modular buildings. Since the property is located in a “P” zoning district, the zoning ordinance requires one member of the Planning Commission and one member of the City Council to attend the DRT meeting as well.

Discussion during the DRT meeting revolved around two main issues. First, a concern for fire safety with the number of units, none of which are sprinklered and located close together, and second, the need for a permanent solution to the capacity problem as opposed to an interim fix such as these portable units. A letter from the Fire Chief is included here expressing those concerns:
May 15, 2020

Minot Public School District
215 2nd Street SE
Minot, ND 58701

To Whom It May Concern,

This letter is in regards to the temporary classrooms that are being added at Jim Hill Middle School. As your Fire Chief, I have concerns with these temporary structures due to the construction and use. The lightweight construction of these modular structures is notorious for burning very quickly and has the ability to spread to other structures that are placed in close proximity. The layout of the current set of structures, as well as the plan for two more, do not provide enough space to ensure safety of the structures nearby. This will place the other structures in danger of fire under the current plan. I understand the need for the temporary classrooms to be in close proximity due to the movement between buildings, as well as the need for security. I just want to ensure that you are aware of the dangers you are placing your permanent building under during this time.

In regard to life safety, the use of these buildings is not of such that would warrant me to be as concerned about life safety at this time. These buildings are protected by a local fire alarm system which means that there is no notification system to the fire department in the event of a fire. This will delay a response as it will need to be called in to the dispatch center.

I am empathetic of the budgetary constraints and planning surrounding construction, as well as the need for additional space sooner rather than later due to your growth. We have asked for a 5-year time frame on the use of these temporary classrooms. I just can’t stress enough the need for a permanent solution.

Regards,

Kelli Kronschnabel
Fire Chief
The majority of the discussion at DRT centered around a permanent solution for the capacity issues that Minot Public School faces. As the name implies, an interim use permit is for a temporary use, a use that is allowed on an interim basis until a better solution is implemented. The zoning ordinance states:

The purpose and intent of allowing interim uses is: 1) to allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the comprehensive guide; and 2) to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.

With five existing modular classrooms, and now an addition of two more, the over-capacity burden is apparent and will likely only get worse as our community continues to grow. City staff would like to see some type of action plan from Minot Public Schools that provides a permanent solution to address the growth in student population. According to the Facilities Director, the school board is well aware of the issues it faces but the challenges are financial. The last referendum that was proposed by MPS was reduced in scope when it was approved by taxpayers. A new school was constructed and some additions to existing schools were authorized as well as the stop-gap measure of portable classrooms. The full referendum would have addressed the capacity issues in a comprehensive approach that would eliminate or significantly reduce the temporary classrooms. Instead, we are now adding more.

A future referendum from MPS is on the horizon, but it is uncertain when such an opportunity will move forward and how it will be received by the residents of Minot. One perspective that was raised during the discussion is the possibility that more portable classrooms may actually hurt the chances of approval of the next school bond proposal. Some citizens may question the need for additional school facilities if the capacity has already been addressed via portable classrooms. Some people may feel that portable class rooms are “good enough.” Whether that caveat occurs or not is unknown, but City staff wants the school board to hear the pleas for action loud and clear.

For these reasons, City staff is recommending a five (5) year limit on this Interim Use Permit. At that time, hopefully a more permanent solution will be in place or in the works. The situation can be re-evaluated and the permit could conceivably be extended on a limited basis if additional time is required to complete construction of classroom additions or new school buildings. The City is also recommending at least twelve (12) feet of separation between the two proposed units.

**STAFF ANALYSIS:**

**Comprehensive Plan Analysis:**
Current Comprehensive Plan Map Classification: Public/Semi-Public

Proposed Comprehensive Plan Map Classification: No Change
Staff finds that this request is consistent with the Future Land Use map of the Minot Comprehensive Plan, however the use of portable classrooms is only an interim solution to the capacity problem which needs to be addressed with additional permanent classroom space.

Department Head/Public Agency Comments:
Minot Fire Department.
Concerns from MFD are presented in a memo from the Fire Chief contained in this staff report. The memo expresses concern for the close proximity of the units to one another. At DRT, the Fire Chief requested more separation between the units, if possible. A distance of twelve (12) feet between units appears to be attainable.

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 Future Land Use Map, but the portable units are not a permanent solution for classroom capacity.
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 Interim Use Permit, subject to the following conditions, to the City Council:

1. Five (5) years after the passing of the Interim Use Permit (IUP) by City Council, the IUP will be reevaluated for either extension or termination subject to the plans and funding available to the School Board to provide a more permanent solution.
2. The City requests at least twelve (12) feet of separation between the proposed units.

SUPPLEMENTAL INFORMATION

The following information is an excerpt from the City of Minot Zoning Ordinance as it pertains to regulation of interim uses.

SECTION 30-4. INTERIM USES:
PURPOSE: The purpose and intent of allowing interim uses is: 1) to allow a use for a limited period of time that reasonably utilizes the property where it is not reasonable to utilize it in the manner provided in the comprehensive guide; and 2) to allow a use that is presently acceptable but that, with anticipated development, will not be acceptable in the future.

Application, Public Hearing, Notice, and Procedure: The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for conditional use permits as provided in Sec. 30-3 of the Zoning Supplement to the City of Minot Code of Ordinances.

STANDARDS: The Planning Commission shall recommend an interim use permit and the council shall issue such interim use permits only if it finds that such use at the proposed location:

1) Meets the standards of a conditional use permit set forth in Section 30-3.
2) Conforms to the zoning regulations, performance standards and other requirements.
3) Is allowed as an interim use in the zoning district.
4) Will terminate upon a date or event that can be identified with certainty.
5) Will not impose, additional costs on the public if it is necessary for the public to take the property in the future.
6) Will be subjected to, by agreement with the owner, any conditions that the city council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

TERMINATION: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs:

1) The date stated in the permit; or
2) A violation of conditions under which the permit was issued.

SECTION 30-3. CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:

INTENT: Conditional Use Permits (CUPs) are intended to permit certain land uses which, under special conditions and review, can be compatible with the uses permitted by right in a zoning district and are desirable to the development of the City as a whole. Only those uses identified in the zoning district regulations are eligible for a CUP under the procedures described in Section 30-3(a) of the zoning code. A conditional use permit shall not be granted unless it meets the minimum standards and requirements of the applicable zoning district where permitted. Zoning Ordinance of the City of Minot, Section 30-3(a).

Note: The application, public hearing, public notice, and procedure requirements for conditional use permits shall be the same as those for amendments as provided in Section 30-5 of the Zoning Ordinance of the City of Minot, except that the permit shall be issued on the affirmative vote of a majority of the entire council. Zoning Ordinance of the City of Minot, Section 30-3(a).
All applications for CUP permits must include at minimum:

- The signature of each owner of affected property or his agent.
- The legal description of the property and common address.
- Zoning of adjacent properties;
- A description of the request, proposed use and explanation as to how the conditional use at the proposed location will comply with the following CUP Standards:
  a. Will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.
  b. Will be harmonious with the general and applicable specific objectives of the city's comprehensive plan and this title.
  c. Will be designed, constructed, operated and maintained so to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
  d. Will not be hazardous or disturbing to existing or future neighboring uses.
  e. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.
  f. Will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
  g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
  h. Will have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.
  i. Will not result in the destruction, loss, damage of a natural, scenic, or historic feature of major importance.
  j. Will not depreciate surrounding property values.
- A site plan drawn to scale showing principal and accessory buildings, setback lines, parking lot layout and stall sizes, curbing, landscaping (area calculation, plan and planting schedule), ingress/egress, loading areas, screening/buffering, lighting/refuse/service areas, grading and utilities.
- Building Elevations/Floor Plan including existing and proposed: Provide front, sides and rear elevations with all building dimensions including height, materials and colors that are clearly labeled.
- Meeting with City Planning staff prior to submittal of the application.

When evaluating whether or not the CUP Standards are met, special consideration should be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such uses. Zoning Ordinance of the City of Minot, Section 30-3(b) – (c).

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).