

PLANNING COMMISSION MINUTES

Regular Meeting

August 4, 2020

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Regular Meeting: Planning Commission

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

Meeting Called to Order: Tuesday, August 4, 2020, 5:30 p.m.

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann (by phone), Charles DeMakis, Aaron Faken, Elisha Gates (by phone), Justin Hochhalter, Shane Lider, Dustin Offerdahl, Boyd Sivertson, Tammy Nesdahl-Zietz

Members Absent: Jody Bullinger, Todd Koop, Todd Wegenast

City Staff Present: Principal Planner Lance Lang, Community and Economic Development Director Brian Billingsley, Assistant City Planner Peter Baumgartner, Acting City Manager and Financial Director Dave Lakefield, City Attorney Kelly Hendershot, Assistant City Engineer Emily Huettl, Zoning Code Enforcement Inspector Margie Zietz

Others Present: Jonathan Rosenthal, Daniel Pfau

Meeting Called to Order by Chairman Charles DeMakis at 5:30 p.m.

Roll Call

Pledge of Allegiance

Approval of the July 07, 2020 Regular Meeting Minutes

Motion by Commissioner Faken to approve July 07, 2020 Planning Commission Meeting minutes, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson, Nesdahl-Zietz nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Subdivision – Proposed Plainview 5th Addition, Lot 1

Planning Commission recommends City Council approve a subdivision plat to consolidate Lots 10, 11 and Sublot "A" of Lot 11, S/D Lots 13-23, 27-42 & 45-53 S/D of Lot 3, Plainview Addition to create Lot 1, Plainview to be known as Plainview 5th Addition, Lot 1.

This property is located on 1715 46th Street SE.

Finding of Facts:

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

- 1) The applicant has submitted a complete application.
- 2) The applicant's request is consistent with Minot's Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 4) The 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

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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 for Plainview 5th Addition, subject to the following conditions, to the City Council:

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

Chairman DeMakis asked the Principal Planner for staff comments.

The applicants are requesting approval to consolidate three lots; Lot 10, Lot 11, and Sublot "A" of Lot 11, Plainview Addition to create proposed Lot 1, Plainview 5th Addition to the City of Minot. The applicants desire to add another accessory building on the lot. These properties are located at 1715 46th St SE.

The three existing lots are under common ownership by the applicant. Lot 10 has a house and detached garage on it while Lot 11 and Sublot "A" of Lot 11 are currently vacant.

Proposed Lot 1 will consist of approximately 88,644.35 square feet or 2.03 acres. The proposed lot meets the minimum lot size requirements of 3,000 square feet in MH zoning for a single lot. The location of the new lot lines meets all setback requirements in MH zoning bulk regulations.

The properties involved in this subdivision are currently zoned MH, Manufactured Home District, and will remain so. The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as being part of a "Manufactured Home Park." The requested lot consolidation is in conformance with the land use map designation and it will not be amended.

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

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

Chairman Demakis asked for a motion from the Commissioners.

Motion by Commissioner Offerdahl 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, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson, Nesdahl-Zietz nays: None

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Motion carries

Item #2

Variance – Elmwood Addition, Lots 84 & 84

Planning Commission recommends City Council deny a variance to Section 21-8, a) of the zoning ordinance, “Special Rules Concerning Accessory Buildings”, to allow an existing accessory building to remain on the property without a principal structure present.

This property is located at 605 18th Street SE.

Finding of Facts:

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

- 1) The applicant has submitted a complete application.
- 2) Per the staff’s analysis of this case, the applicant’s request is not consistent with Minot’s Comprehensive Plan.
- 3) There are no grounds for a hardship in this matter.
- 4) There are no topographical conditions.
- 5) There are no exceptional practical difficulties.
- 6) The property has active nuisance and zoning violations such as tall grass and weeds, piles of debris, unlicensed vehicles, and vehicles parked on the lawn. In addition, staff strongly suspects a commercial business is being operated from a residentially zoned property and the business does not meet the requirements for a legal home-based occupation.
- 7) The Minot Planning Commission has the authority to hear this case and decide whether it is 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.
- 8) If the request is denied the applicant has the right to appeal it to the Minot City Council, which can only grant an appeal with a majority vote.

Staff Recommendations:

Staff recommends the Planning Commission adopt the staff findings of fact and deny this variance application for the following reasons:

- 1) There is currently an active nuisance and zoning violation case (Case No. ZC20-087) on the subject property for piles of debris, having licensed personal vehicles and equipment parked on the lawn, and the suspected operation of an illegal home occupation on the premise. Additionally, the debris complaint was noted in a case from 2017 (Case No. ZC17-112).
- 2) There are no grounds for hardship in this case.
- 3) Even if the variance were approved, the applicant’s property would still be in violation of several other sections of the zoning ordinance:
 - a. Section 7-4.f. from the pre-2013 zoning ordinance states for R3B that “The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.” (emphasis added)
 - b. Section 5-4 Parts a), b), and c) from the current zoning ordinance say the same for R1 zoning.
 - c. Section 2-1 from the current ordinance outlines the requirements for a home occupation, namely that the occupation is managed and owned by a person residing on the premise. By removing the single-family home, maintaining that it is a home occupation would be impossible. It would then be considered an illegal commercial business operating out of a residential district. If there is no business currently being conducted from this locale, the

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garage cannot be used in the future for any such business because it would be in violation of the home occupation regulations.

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of a variance to allow an existing detached garage to remain on the property as the sole structure after the primary residential house has been removed. The property is located at 605 18th St SE.

The property currently has two structures on it, one blighted home that was damaged by the 2011 flood and a garage that is still in use. In the past, the City of Minot offered to purchase the property and raze both the house and garage as part of the “zombie home” buyout program. This property and structures were identified as spot blight under the HUD rules and an offer to purchase was made because the house is not livable. The applicant rejected the offer on the grounds that he uses the garage for storage and would like to continue to do so. His son lives across the street and also uses the garage. He planned on removing the house and has applied for a demolition permit which is pending based on the outcome of this variance request.

The applicant has submitted a variance request.

A variance requires proof of a hardship or exceptional practical difficulties. Hardship is not based on convenience or monetary gain by profit or by saving expenses. The owner or previous owners of the property cannot create a hardship. A hardship is generally a situation that is beyond the control of the owner such as steep topography. Staff does not find a hardship in this case. The applicant did not identify a hardship in his application.

Accessory buildings, as the name implies, are accessory to a primary use. Therefore, they cannot be located on any lot that does not have a primary use, in this case, a house. If the house is demolished the garage cannot remain, unless another house is constructed on the lot, or unless the property containing the garage can be added to another adjacent property under the same ownership that has a house on it and the parcels consolidated to make one lot.

In Chapter 21, Section 8a. of the Zoning Ordinance it states:

“No accessory building shall be permitted on any lot, in any zoning district, prior to the erection of the primary use structure thereon. Also, accessory buildings shall be subordinate to the existing primary building or use, regardless of the zoning district in which the primary or use is located. For example, a subordinate building to a single-family dwelling (use) in a RM District shall comply with accessory building regulations in Chapter 5”

Since the objective here is to avoid accessory structures as stand-alone improvements on residential lots, it holds true that an existing house cannot be removed which would result in the same situation as erecting an accessory building prior to the erection of the house. In either scenario, the end result is an accessory building with no primary use on the lot. Also, if the house were to be razed, the accessory building could not be subordinate to the existing primary building because there would be no primary building. Staff fields numerous requests on this issue. We have had customers that want to put an accessory building on a lot they own to store stuff, or as in this case, want to tear down a house but keep the garage to store stuff. Staff has consistently told these people they could not do that, and they have been compliant.

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In addition, there are several other zoning code sections that pertain:

Section 5-4 c) states “all accessory buildings to a residence shall be limited to a total coverage of twelve hundred (1,200) square feet, except the coverage shall not exceed that of primary structure.”

If the primary structure were to be removed from the lot, the garage could not be smaller than the square footage of the primary structure, since there is no primary structure.

Additionally, even if the variance were to somehow invalidate the accessory building requirements of R1 zoning, the existing zoning of R3B (a defunct zone) would still not allow an accessory building in the absence of a primary structure.

Section 7-4 f) of the pre-2013 zoning ordinance regulates “R-3” and “R-3 (B)” Multiple Residence Districts from the prior zoning code. It states, “The total coverage and floor area of all accessory buildings shall not exceed those of the primary structure.”

Once again, there is no measure for the size of an allowable accessory building because there is no primary structure.

If, for some reason, the Commission is contemplating approval of this variance, staff cautions to be mindful of the future precedent such an action might establish. There must be a clear and distinct hardship to justify this property and the situation presented as unique and worthy of special consideration. As previously mentioned, the Planning Office has received numerous requests to allow as accessory building on a lot by itself. Staff has consistently said no. If a variance is granted, it will jeopardize the ability of staff to regulate these situations in the future and will create a new trend of development that is not ideal in our residential districts.

In addition, the applicant has imported several mounds of dirt, rock, and debris to the site some time ago to be used as fill when the house is demolished. These piles of debris have been the subject of multiple complaints and nuisance violations, as noted in case number: ZC17-112 from 2017 (see Site Photos from ZC20-87 Exhibit on page 8-9). Additionally, as per case number: ZC20-087, the property is currently subject to Nuisance and Zoning Code Violations for the visual nuisance of piles of debris. Beyond the nuisance violations, this property is also under investigation by the City’s zoning compliance officer for multiple zoning violations including illegal parking of several vehicles and pieces of equipment on the grass and a suspected home-based occupation violation.

Section 5-4 b) states “accessory buildings for single family dwellings may be used for ...private use.”

It has come to the City’s attention that the son of the owner, who lives across the street, may be operating a landscaping business from the outbuilding and the lot. Based on past observances and recent photos taken by the Zoning Code Enforcement Inspector while working on ZC20-087 a possible business may be operating from the garage. The Code Enforcement Division issued a violation letter dated July 1, 2020.

The home occupation status is really not a concern for the Planning Commission. City Code Enforcement will continue to work with the owners to bring this matter to resolution.

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

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Chairman DeMakis opened up comments from the public.

Daniel Pfau, the son of the applicant, stepped forward on behalf of the father in favor of the application and stated the following:

- They believe that the house should be torn down,
- There are other houses in the neighborhood with residential zoning, that have only garages on the property, and have businesses being operated out of them,
- The garage has no water, sewer or electric,
- There are no grounds for the assertion that the vehicles are not unregistered
- The lawn is well maintained with the mounds of rock and debris only being there to fill in the basement once the house is torn down.

Chairman Offerdahl asked Mr. Pfau if there were any plans to rebuild to which he responded that they would like to rebuild it one day as a duplex, but it was financially unfeasible at the moment.

With no further comments from the public, Chairman DeMakis closed the hearing to public comments.

Chairman Demakis asked for a motion from the Commissioners.

Commissioner Bauman stated that he didn't have a motion but wanted to ask if there was mechanism in place to have the Zoning Code Enforcement Inspector examine the property again in the future, to which Zoning Code Enforcement Inspector Zietz responded that there was and that they have been keeping an eye on the property since the first complaint in 2017. Additionally, she clarified that when she looks at these complaints she sends the property the entirety of the relevant zoning sections in the letter to inform them of the possible violations on the property. Zietz concluded that she has been in contact with Doug Pfau, the property owner, and is working with him to clear up the violations, and that as far as the other properties in the neighborhood mentioned by Daniel Pfau go, their Home Based Operations may have been there before the current ordinance was passed. They would need to be investigated.

Commissioner Faken asked about one of the neighboring properties that Daniel Pfau had mentioned but was informed by Chairman DeMakis that it is not relevant to the case at hand and that we should return to topic.

Motion by Commissioner Offerdahl to deny based on lack of hardship, and in accordance with staff recommendations and Sections 21-8 a), 5-4 a-c), and 2-1, Minot Zoning Ordinance and 7-4,f) from the pre2013 ordinance, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson, Nesdahl-Zietz nays: None

Motion carries

Item #3

Outlot Plat and Rezoning – Proposed Outlot 6, Section 8-155N-82W

Planning Commission recommends City Council approve an outlot plat to square up existing tracts described as all of Outlot 3 and a portion of the SW Quarter of Section 8-155N-82W into a single outlot to be known as Outlot 6, S8-155N-82W.

Planning Commission further recommends the City Council pass an Ordinance on first reading to rezone said property from AG (Agricultural District) to RA (Agricultural Residential District).

This property is located at 2020 27th Street NE.

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Finding of Facts:

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

- 1) The applicant has submitted a complete application.
- 2) The Future Land Use Map of the Comprehensive Plan will need to be addressed for this area when the next update takes place.
- 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 outlot plat application and rezoning request, subject to the following conditions, to the City Council:

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

Chairman DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of the creation of a new outlot from land comprised of an existing outlot, Outlot 3, and a portion of the SW ¼ of Section 8-155N-82W. This new outlot will be known as Outlot 6 of Section 8-155N-82W. The applicant is also requesting to have the property rezoned from "AG" Agricultural District to "RA" Agricultural Residential. This property is located at 2020 27th Street NE.

The existing outlot, Outlot 3 is currently owned by the applicant while, while the unplatted portion of Section 8-155N-82W is currently owned by the applicant's father. Outlot 3 currently has the applicant's home on the property, while the portion of 8-155N-82W being added to the new outlot has an accessory building on it.

The new common lot line is platted such that all of Outlot 3 and a portion of the unplatted SW ¼ of Section 8-155N-82W will make up Outlot 6, while the remainder of the unplatted area will remain as is. Outlot 6 will consist of 451,282.6 square feet or approximately 10.36 acres. The proposed property will be rezoned from AG, Agricultural to RA, Agricultural Residential District. The property does not meet the minimum lot size requirement of twenty (20) acres to remain in AG zoning. It does, however, meet the minimum lot size requirements of two (2) acres for RA. The location of the new lot lines meets all setback requirements in the RA zoning bulk regulations.

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The land use designation on the Future Land Use Map of the Comprehensive Plan depicts these properties and a vast area on the east side of 27th Street NE as "Industrial". With the next Comprehensive Plan update staff will study this area with the consultant to determine whether these properties would best be depicted as "Low Density Residential" or remain "Industrial." At this time, it seems more prudent to delay amendments to the Future Land Use Plan as the likelihood of more low density residential in the immediate area is low. At some point in the future vacant land in this area may well develop as industry. The MADC Minot Industrial Park abuts this area to the east and there is access to rail spurs in this area. When the Land Use Map is amended it may make sense to show all the property between 27th Street and the rail spur low density residential as the street and rail provide good physical boundaries.

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

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

Chairman Demakis asked for a motion from the Commissioners.

Motion by Commissioner Baumann to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson nays: None, abstain: Nesdahl-Zietz

Motion carries

Item 4

Outlot Plat and Rezoning – Proposed Outlot 7, Section 8-155N-82W

Planning Commission recommends City Council approve an outlot plat to square up existing tracts described as all of Outlot 4 and a portion of the SW Quarter of Section 8-155N-82W into a single outlot to be known as Outlot 7, S8-155N-82W.

Planning Commission further recommends the City Council pass an Ordinance on first reading to rezone said property from RA (Agricultural Residential District) AG (Agricultural District) to RA (Agricultural Residential District) only.

This property is located at 1840 27th Street NE.

Finding of Facts:

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

1. The applicant has submitted a complete application.
2. The Future Land Use Map of the Comprehensive Plan will need to be addressed for this area when the next update takes place.
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

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Century Code and Minot City ordinances.

Staff Recommendations:

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

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

Chairman DeMakis asked the Principal Planner for staff comments.

This property is just south of the last agenda item so everything is virtually the same. The existing outlot, Outlot 4 is currently owned by the applicant, while the unplatted portion of Section 8-155N-82W is currently owned by the applicant's father. Outlot 34 currently has the applicant's home on the property, while the portion of 8-155N-82W being added to the new outlot has an accessory building on it.

The new common lot line is platted as such that all of Outlot 4 and a portion of the unplatted SW $\frac{1}{4}$ of Section 8-155N-82W will make up Outlot 7, while the remainder of the unplatted area will remain as such. Outlot 7 will consist of 485,248.4 square feet or approximately 11.14 acres.

Outlot 4 is zoned currently zoned RA, Agricultural Residential District while the unplatted portion of Section 8-155N-82W is zoned AG, Agricultural District, the proposed outlot will be rezoned to RA only while the remaining unplatted area will remain AG. The proposed combined property meets the minimum lot size requirements of two (2) acres to be zoned RA. The location of the new lot lines meets all setback requirements in the RA zoning bulk regulations.

The land use designation on the Future Land Use Map of the Comprehensive Plan needs to be addressed with the next update of the Comp Plan (see previous agenda item comments regarding this issue).

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

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

Chairman Demakis asked for a motion from the Commissioners.

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Motion by Commissioner Barnett, 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, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson nays: None, abstain: Nesdaahl-Zietz

Motion carries

Item 5

Subdivision – Proposed Northridge Villas 4th Addition

Planning Commission recommends City Council approve a subdivision plat to adjust interior lot lines for existing Lots 22 and 24-33, Block 1 of Northridge Villas 2nd Addition creating a new subdivision plat to be known as Northridge Villas 4th Addition.

This property is located on the south side of 9th Avenue NW, a private street, where it intersects with 27th Street NW extending over to 28th Street NW, also a private street, with lots arranged around the cul-de-sac.

Finding of Facts:

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

1. The applicant has submitted a complete application.
2. The Future Land Use Map does not address this area and must be revisited in the future.
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 the subdivision plat for Northridge Villas 4th Addition 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

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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 existing lots are all currently owned by the applicant are currently vacant.

The new lines are plotted such that:

Lot 32 becomes Lots 2a and 2b

Lot 30 becomes Lot 4a and 4B

Lot 28 becomes Lots 6a and 6b

Lots 33 and 34 become Lots 7a and 7b

Lot 25 becomes Lots 9a and 9B

Lot 22 becomes Lots 11a and 11B.

The remaining lots had their property lines modified to accommodate the lots that were split. Lots 1, 3, 5, 8, and 10 are all between approximately 7,653 and 10,759 square feet or between .18 and .25 acres. The split lots are all between 4,102 and 9,156 square feet or .09 and .21 acres. The proposed combined property meets the minimum lot size requirements of 3,500 square feet for R2 zoning. The location of the new lot lines meets all setback requirements in the R2 zoning bulk regulations.

The proposed lots are currently zoned R2/PUD, or Two-Family Residential District with a Planned Unit Development Overlay and that is how they are going to remain. At this time, the Future Land Use Map of the Comprehensive Plan does not depict this property with any designation which will need to be fixed when the Comprehensive Plan is updated. As it currently is, the proposed residential uses fit within the context of the neighborhood in which they are currently located.

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

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

Chairman Demakis asked for a motion from the Commissioners.

Commissioner Baumann came forward to thank both the staff and the developers for their efforts to make an infill neighborhood like this, with multiple dwelling styles and efficient use of infrastructure possible.

Motion by Commissioner Offerdahl, based on finding of facts, staff recommendations and conditions, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson, Nesdaahl-Zietz nays: None

Motion carries

Other Business: Election of Officers for the Next Year

For the position of Chairman of the Commission, Commissioner Offerdahl nominated the current Chairman Charles DeMakis to be Chairman for another term. Demakis accepted. The motion was carried by the following roll call vote: ayes: Barnett, Baumann, Faken, Gates, Hochhalter, Lider, Offerdahl, Sivertson, Nesdaahl-Zietz nays: None abstain: DeMakis

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For the position of Vice Chairman of the Commission, Commissioner Barnett nominated the current Vice Chairman, Commissioner Offerdahl to be Vice Chairman for another term. Offerdahl accepted. The motion was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Faken, Gates, Hochhalter, Lider, Sivertson, Nesdahl-Zietz nays: None abstain: Offerdahl

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:18 PM.