

PLANNING COMMISSION MINUTES

Regular Meeting

December 01, 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, December 01, 2020, 5:30 p.m.

Presiding Official: Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann (on Teams), Elisha Gates (on Teams), Todd Koop, Tammy Nesdahl, Dustin Offerdahl, Todd Wegenast

Members Absent: Jody Bullinger, Aaron Faken, Justin Hochhalter, Boyd Sivertson

City Staff Present: Community and Economic Development Director Brian Billingsley, Principal Planner John Van Dyke, Assistant City Planner Peter Baumgartner

Others Present: N/A

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

Roll Call

Pledge of Allegiance

Approval of the November 04, 2020 Regular Meeting Minutes

Motion by Commissioner Offerdahl to approve the November 04, 2020 Planning Commission Meeting Minutes, second by Commissioner Koop, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Comprehensive Plan/Future Land Use Map Amendment and Zone Change – Mellum’s First Addition

Planning Commission recommends City Council pass an ordinance on first reading to change the zone from “C1” Neighborhood Commercial District to “R1” Single-Family Residential District and adopt a resolution to amend the Future Land Use Map of the Comprehensive Plan from “Neighborhood Commercial” to “Low Density Residential”.

These properties are located at 300 & 304 6th Avenue NE.

Finding of Facts:

The Minot Planning Commission accepted the following findings of facts:

- 1) The applicants have submitted a complete application.
- 2) The applicants’ request will be consistent with Minot’s Comprehensive Plan, following the proposed amendments and is supported by Housing Goals #1, #2, and #5.

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- 3) The subject properties maintain a legal non-conforming residential use and corresponding legal non-conforming twin-home building due to changes in the zoning ordinance since the subject property and building were established.
- 4) A change in zoning district from C-1 Neighborhood Commercial to R-1 Single Family Residential will bring the use of the properties (residential) into conformity with the current code and the building (twin-home) will remain non-conforming.
- 5) A change in zoning district will bring the properties closer toward compliance with the current code.
- 6) The rezoning request is in character with the surrounding zoning and use of land.
- 7) 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 to City Council:

- 1) A zoning map amendment from "C1" Neighborhood Commercial District to "R1" Single-Family Residential District; and
- 2) To amend the Future Land Use Map of the Comprehensive Plan from "Neighborhood Commercial" to "Low Density Residential."

Staff has no recommended accompanying conditions.

Chairman DeMakis asked Principal Planner Van Dyke for comments.

The applicants are requesting to rezone the properties from C1 Neighborhood Commercial to R1 Single-Family Residential. In addition, the applicants are requesting that the Future Land Use Map of the Comprehensive Plan be amended from Neighborhood Commercial to Low Density Residential. These properties are located at 300 and 304 6th Ave NE.

Ms. Beach (applicant) is having difficulty refinancing the property due to the commercial zoning designation. Ms. MacIver Nelson (applicant) desires the residential zoning designation to align with the existing use of the property.

The applicants' twin home was built in 2005 under a previous edition of the zoning ordinance which allowed any use permitted in the R-3 Multiple Residence District to be constructed in the C-1 Neighborhood Commercial District, including attached, two-family dwellings. Changes to the zoning ordinance have left the building legal non-conforming.

Bringing the home into strict compliance with the existing zoning regulations would require "spot zoning", an act that assigns a zoning district to a very small area. Staff advised the applicant to request the rezone to R1 Single Family Residential to extend the boundary of the existing zone to the east and encompass the applicants' properties. The building will continue to be non-conforming; however, the commercial zoning designation will be removed and may provide relief to the applicant in securing refinancing.

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The rezone requires a future land use map amendment to ensure the zone change aligns with the comprehensive plan adopted by the City. This would expand the existing designation to the east of Low Density Residential to encompass the twin home.

Chairman DeMakis opened up comments from the commissioners. None of the commissioners had any questions for Principal Planner Van Dyke

Chairman DeMakis opened up comments from the public. No one from the public came forward to speak for or against the proposed rezoning or Future Land Use Map Amendment

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Wegenast to approve the motion based on staff findings and recommendations, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Koop, Nesdahl, Offerdahl, Wegenast nays: None

Motion passes

Other Business

Principal Planner Van Dyke covered the following points of additional business:

- An update for the timeline on the zoning ordinance rewrite, which was available for comment after the meeting through the end of the month.
- He informed the Planning Commission that there would not be a meeting in January due to there not having been any applications.
- Finally, he went over changes to City Council appointments to the Planning Commission that would adjust the expiration dates for all members to create more predictability. Two vacancies per year would be required to be filled by December 31 each year.

With no further business before the committee, Chairman DeMakis adjourned the meeting at 5:43 PM.