

## PLANNING COMMISSION MINUTES

Regular Meeting  
February 02, 2021  
Page 1 of 13

**Regular Meeting:** Planning Commission

**Location:** City Hall, Council Chambers, 515 2<sup>nd</sup> Avenue SW., City of Minot, N.D.

**Meeting Called to Order:** Tuesday, February 02, 2021, 5:30 p.m.

**Presiding Official:** Charles DeMakis

**Members in Attendance:** Kelly Barnett, Tim Baumann, Charles DeMakis, Elisha Gates, Justin Hochhalter, Todd Koop, Shane Lider, Dustin Offerdahl, Cynthia Sessions, Todd Wegenast

**Members Absent:** Aaron Faken, Tammy Nesdahl, Boyd Sivertson

**City Staff Present:** Community and Economic Development Director Brian Billingsley, Principal Planner John Van Dyke, Planner 1 Peter Baumgartner, Assistant City Engineer Emily Huettl, Assistant City Attorney Stefanie Stalheim, City Manager Harold Stewart

**Others Present:**

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

**Item #1 Roll Call**

**Item #2 Pledge of Allegiance**

**Item #10 Planned Unit Development –Section 25, Township 155N, Range 83 W, Outlots 4, 6, & 7 of the SW ¼ SW1/4 less Parcel 1-7A**

Item #10 was advanced and then pulled from the agenda and put on hold according to the wishes of the applicant following the below email correspondence:

From: Stefanie Stalheim

To: pfinn@lighthousemanagement.com

Mr. Finn,

I just spoke with Ms. Turman Lang regarding Lutheran Social Services (LSS)'s Application for a PUD that is slated to be heard before the City of Minot's Planning Commission tonight at 5:30 (see attached). Given Lighthouse Management Group, Inc.'s recent appointment as Receiver for LSS Housing in Cass Co. Case No. 09-2021-CV-00200, City staff asked me to reach out and see if you would like this Application held until the next Planning Commission Meeting?

The Representative for LSS that submitted the application is Eric Monson, and I have cc'd him on this email. I have also cc'd Gloria Larsgaard, an Architect with EAPC that I believe was retained by LSS to prepare the PUD application on their behalf. I do not know if either has plans to attend the meeting tonight, but wanted to include them on this email in case you had any follow-up questions for them or myself.

Also cc'd is the Minot City Attorney (Kelly Hendershot), the Minot Principle Planner (John Van Dyke), and the Minot City Manager (Harold Stewart). I also cc'd the attorneys that have made an appearance in Cass Co. Case No. 09-2021-CV-00200 – Michael Raum (LSS) and John Krings (Cornerstone Bank).

Please advise if Lighthouse Management Group, Inc. would like this Application held, and I will advise the Planning Commission accordingly.

PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 2 of 13

From: Katrina Turman Lang

To: Stefanie Stalheim

Dear Ms. Stalheim,

If you do not hear otherwise from Mr. Finn before the meeting, please hold the Application until the next Planning Commission Meeting.

From: Stefanie Stalheim

To: Katrina Turman Lang

We will do that. The next Planning Commission Meeting is scheduled for March 2, 2021 at 5:30pm. If you have any questions regarding the application or want to add/supplement the same, please do not hesitate to reach out to us.

\_\_\_\_\_End of e-mail correspondence\_\_\_\_\_

With City Staff having not heard back from Mr. Finn before the meeting, the project was placed on hold until a later date.

**Item #3 Planning Commission Intro and Public Hearing Decorum**

Chairman DeMakis went over the Planning Commission Intro and Public Hearing Decorum document after stating that the last time one such document was read was when he started on Planning Commission a few years ago.

**Item #4 Approval of the December 01, 2020 Regular Meeting Minutes**

Motion by Commissioner Offerdahl to approve the December 01, 2020 Planning Commission Meeting Minutes, second by Commissioner Wegenast, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: None

**Motion carries**

**The following are the recommendations of the Planning Commission:**

**Item #5**

**Subdivision – Woodside 20<sup>th</sup> Addition**

Planning Commission recommends City Council approve a subdivision plat to create a new subdivision from Lots 7 & 8, Block 1, Woodside 7<sup>th</sup> Addition to create a new subdivision to be known as Lot 1, Block 1, Woodside 20<sup>th</sup> Addition.

These properties are located at 3300 and 3301 Spruce Ln. SE.

**Finding of Facts:**

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

- 1) The applicants have submitted a complete application.
- 2) The applicant's request is not consistent with the Future Land Use Map designation of Low Density Residential with a density range of four to six units per acre.

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 3 of 13

- 3) The existing density range of Woodlands 7<sup>th</sup> Addition is approximately 1.44 units per acre; the proposed development would change the overall density to 1.33 units per acre, a nominal downward shift.
- 4) The relatively low density can be attributed to the area's steep topography.
- 5) The proposal aligns with the Comprehensive Plan of the City of Minot Housing Goal #1.
- 6) The applicant's request is consistent with the bulk requirements of the Minot's Zoning Ordinance.
- 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 subject to the following conditions:

- 1) Sidewalk is required to be completed along Spruce lane.
- 2) Driveways must be 24' apart.
- 3) The final plat shall include a 10' additional storm sewer easement.
- 4) The final plat may require an additional sanitary sewer easement to ensure 10' on each side of existing pipe.
- 5) The final plat shall include an adequate easement for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course as determined by the City Engineer.
- 6) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

### **Chairman DeMakis asked Planner Baumgartner for comments.**

Planner Baumgartner provided the following:

Public hearing request on an application from Shane Prough, owner, to create a new subdivision from Lots 7 & 8, Block 1, Woodside 7th Addition with the intention of building a detached garage. The resulting lot will be known as Lot 1, Block 1, Woodside 20th Addition. These properties are located at 3300 & 3301 Spruce Lane.

The applicant currently owns both Lot 7 and Lot 8 of Woodside 7<sup>th</sup> Addition. The applicant's home lies on Lot 7 and Lot 8 is currently vacant.

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 4 of 13

The newly created lot will be comprised of the entirety of the 274,525 square feet, or approximately 6.3 acres, that comprise the two original lots. The proposed lot meets the bulk lot and area requirements for the property per Section 5-7. While the proposed lot to be created is relatively large compared with other "R1" Single-Family Residential subdivisions, the area topography maintains significant slopes, rendering much of the land unviable for residential development. The topographically level area to be gained by the applicant for building purposes amounts to approximately 20,000 sq. ft.

### **Chairman DeMakis opened up comments from the commissioners.**

None of the commissioners presented any questions or comments for staff.

### **Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

### **Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Koop to approve per staff recommendations with conditions based on findings of fact, second by Commissioner Barnett, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: None

### **Motion passes**

#### **Item #6**

#### **Outlot Plat, Zone District Change, and Comprehensive Plan/Future Land Use Map Amendment – Outlot 31, NE ¼, SW ¼, Section 21, Township 155 North, Range 83 West.**

Planning Commission recommends City Council approve an outlot plat from an unplatted portion of the NE ¼ SW ¼ Section 21, Township 155 North, Range 83 West to be known as Outlot 31 of the NE ¼ SW ¼ Section 21, Township 155 North, Range 83 West, pass an ordinance on first reading to change the zone from "AG" Agricultural District to "P" Public Zone and adopt a resolution to amend the Future Land Use Map of the Comprehensive Plan from Low Density Residential with a Conceptual Greenway Connection overlay to Public/Semi-Public with no change to the Conceptual Greenway Connection overlay boundaries.

The property is part of an unplatted portion of the NE ¼ SW ¼ Section 21, Township 155 North, Range 83 West.

#### **Finding of Facts:**

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

- 1) The applicant has had the necessary pre-application meeting as described in Section 16-7
- 2) The applicants have submitted a complete application.
- 3) The applicants' request will be consistent with Minot's Comprehensive Plan following amendment of the Future Land Use Map and more accurately reflects the planned use of the property as part of the flood control project.
- 4) A change in zoning district from "AG" Agricultural District to "P" Public Zone will bring the property into alignment with the Future Land Use Map of Minot's Comprehensive Plan following its amendment.
- 5) The applicant's request is consistent with the bulk requirements of the Minot's Zoning Ordinance
- 6) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 5 of 13

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 "AG" Agricultural District to "P" Public District; and
- 2) To amend the Future Land Use Map of the Comprehensive Plan from "Low Density Residential with a Conceptual Greenway Connection" to "Public/Semi-Public with a Conceptual Greenway Connection." There is no change to the Conceptual Greenway Connection boundaries effected through this amendment; and
- 3) The preliminary plat as presented in Exhibit 2.

Subject to the following conditions:

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 Planner Baumgartner for comments.**

Planner Baumgartner provided the following:

Public hearing request on an application from Gravel Products Inc., owner, to plat an outlot from an unplatted portion of the NE ¼ SW ¼, Section 21, Township 155 North, Range 83 West, to be known as Outlot 31 of the NE ¼ SW ¼, Section 21, Township 155 North, Range 83 West. The applicant also requests a zoning district change from "AG" Agricultural District to "P" Public Zone and to amend the Future Land Use Map of the Comprehensive Plan from Low Density Residential with a Conceptual Greenway Connection overlay to Public/Semi-Public with no change to the Conceptual Greenway Connection overlay boundaries. The property is part of an unplatted portion of the NE ¼ SW ¼, Section 21, Township 155 North, Range 83 West.

The outlot plat, zoning amendment to "P" Public Zone, and amendment to the Future Land Use Map will facilitate furtherance of the ongoing flood control project.

The unplatted portion of land that the proposed outlot is going to be created from is currently owned by the applicant and is vacant. The remainder of the land to the east of proposed Outlot 31 will remain unplatted.

The proposed outlot will consist of 159,430.60 square feet, or approximately 3.66 acres. There are no minimum lot sizes or yard requirements for properties in the "P" Public Zone.

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 6 of 13

Neighboring zoning districts are provided.

The rezone requires a future land use (FLU) map amendment to ensure the zone change aligns with the comprehensive plan adopted by the City. To accomplish this, the designation on the FLU map would have to be changed from “Low Density Residential” with a Conceptual Greenway Connection to Public/Semi-Public with a Conceptual Greenway Connection. No change to the Conceptual Greenway Connection is being requested.

**Chairman DeMakis opened up comments from the commissioners.**

None of the commissioners presented any questions or comments for staff.

**Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

**Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Baumann to approve per staff recommendation with conditions based on findings of fact, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: None

**Motion passes**

### **Item #7**

#### **Zoning District Change – Subdivision of Lot 2, Block 20, Prairie Green Second Addition, Lot A, less a portion to Lot 1, Highland Plaza Addition**

Planning Commission recommends City Council pass an ordinance on first reading for a zoning district change from “C4” Planned Commercial District to “C2” General Commercial District of Subdivision of Lot 2, Block 20, Prairie Green Second Addition, Lot A, less a portion of Lot 1, Highland Plaza Addition for the purposes of building design alterations.

This property is located at 1515 24<sup>th</sup> Avenue, SW.

### **Finding of Facts:**

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

- 1) The applicants have submitted a complete application.
- 2) The applicants’ request is consistent with City of Minot 2012 Comprehensive Plan Future Land Use Map designation of Commercial.
- 3) The current zoning designation of the property, “C-4” Planned Commercial District, was made effectively “defunct” with the passing of the current zoning ordinance in 2013. In the current zoning ordinance, it is established that C2, General Commercial District coupled with a Planned Unit Development (PUD) are the successors to the C-4.
- 4) A Planned Unit Development (PUD) overlay is not necessary for this structure based on the intended uses of the property owner.
- 5) A Planned Unit Development (PUD) overlay is not recommended, as it does not align with the purpose of a PUD as provided in Section 13-2.
- 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

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 7 of 13

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 "C-4" Planned Commercial District to "C2" General Commercial District.

Staff has no recommended accompanying conditions.

### **Chairman DeMakis asked Principal Planner Van Dyke for comments.**

Planner Van Dyke provided the following:

Public hearing request on an application from Willy Fielhaber, owner, for a zoning district change for Subdivision of Lot 2, Block 20, Prairie Green Second Addition, Lot A, less a portion to Lot 1, Highland Plaza Addition from "C4" Planned Commercial District to "C2" General Commercial District for the purposes of building design alterations. The property is located at 1515 24th Ave. SW.

Mr. Fielhaber (applicant) wishes to make substantial changes to the façade of the building and remodel the interior to support a variety of office and retail commercial uses. "C4" Planned Commercial District is subject to strict design standards which prohibit the remodel as proposed. Any adjustments to the design of the structure may be achieved through a PUD amendment process. An alternative is to obtain a zoning amendment to "C2" General Commercial District which does not tie the property owner to the precise design requirements and would allow current and future building owners more flexibility to make alterations without first obtaining approval for a PUD amendment.

"C4" Planned Commercial District is considered a "defunct" zone that prescribes uses per the "C2" General Commercial District coupled with the adopted design standards at the time the "C4" Planned Commercial District zoning was approved. Effectively, it is most similar to "C2" General Commercial District with a PUD overlay related to the design of the building. The proposed change would remove the strict design requirements and the standard "C2" General Commercial District design standards would apply moving forward, if approved.

### **Chairman DeMakis opened up comments from the commissioners.**

None of the commissioners presented any questions or comments for staff.

### **Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

### **Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Wegenast to approve per staff recommendation based on findings of fact, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: None

### **Motion passes**

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 8 of 13

### **Item #8**

#### **Conditional Use Permit – Lots 4 & 5, Energy Park Addition**

Planning Commission recommends City Council approve a resolution for a Conditional Use Permit for hazardous material storage on Lots 4 & 5, Energy Park First Addition.

These properties are located at 320 & 420 64<sup>th</sup> Street SE.

#### **Finding of Facts:**

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

- 1) The applicants have submitted a complete application, including a written statement saying that they affirm to the conditional use standards as listed in Section 30-3.
- 2) The building was permitted in 2008 for storage purposes.
- 3) Using the building for storage purposes is permitted by right in the “M1” Light Industrial District; hazardous material storage requires a conditional use permit (CUP).
- 4) The property is located within an industrially zoned area of the City of Minot.
- 5) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this area as Industrial.
- 6) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

#### **Staff Recommendations:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council:

- 1) Issuance of a Conditional Use Permit for hazardous material storage for the structure presently addressed as 420 64<sup>th</sup> St. SE subject to the following conditions:
  - a. Storage of hazardous materials, temporary or otherwise is restricted to the permitted structure located at 420 64<sup>th</sup> St. SE.
  - b. The approved list of hazardous materials storage is limited to those provided in Exhibit 4.
  - c. Any changes to the approved list of hazardous materials as defined in Title 49 of the Code of Federal Regulations at Sec. 171.8 exceeding the reportable quantities defined in the same title Sec. 171.101 requires review by both the Building Official and Fire Department for compliance with the building and fire codes in effect at the time of the requested change and the permitted structure shall be modified as necessary prior to the storing of any new hazardous material.
  - d. Any change in ownership requires renewal of the conditional use permit.

#### **Chairman DeMakis asked Principal Planner Van Dyke for comments.**

Planner Van Dyke provided the following:

Public hearing request on an application from Eric Carnell, representing FBN Inputs, LLC for a Conditional Use Permit for hazardous material storage on Lots 4 & 5, Energy Park First Addition. These properties are located at 320 & 420 64<sup>th</sup> St. SE.

Eric Carnell (applicant) wishes to open a distribution facility for FBN Inputs, LLC, for the purpose of storing and distributing agricultural supplies to farmers in this region of the country. Some of the chemicals that will be stored and shipped to agricultural producers are classified as hazardous materials per Title 49 of



## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 9 of 13

the Code of Federal Regulations at Sec. 171.8, and therefore require a conditional use permit (CUP) per Section 14-4 g).

The site itself consists of an existing vacant structure with access to Highway 2 East from 64<sup>th</sup> St SE. The subject structure was built in 2008 and received its Certificate of Occupancy under Building Permit 08-400 as a storage building.

**Chairman DeMakis opened up comments from the commissioners.**

None of the commissioners presented any questions or comments for staff.

**Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

**Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Wegenast to approve per staff recommendation with conditions based on findings of fact, second by Commissioner Koop, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: None

**Motion passes**

### **Item #9**

#### **Zoning District Change – Lots 4 & 5 of Thompsons Sixth Plat**

Planning Commission recommends City Council pass an ordinance on first reading for a zoning district change from “R3” Multiple Residence District to “RM” Medium Density Residential District for Lots 4 & 5, Thompsons Sixth Plat for the purpose of constructing a convalescent home.

These properties are located at 4 39<sup>th</sup> Avenue SW.

#### **Finding of Facts:**

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

- 1) The applicants have submitted a complete application.
- 2) The applicants' request is consistent with the City of Minot 2012 Comprehensive Plan Future Land Use Map designation of Medium Density Residential.
- 3) The current zoning designation of the property, “R3” Multiple Residence District (R3), is considered “defunct” by policy with the passing of the current zoning ordinance in 2013. Section 1-2 6) of the zoning code establishes “RM” Medium Density Residential District the successor of R3.
- 4) A change in zoning district from “R3” Multiple Residence District to “RM” Medium Density Residential District will bring the property into conformity with the current code.
- 5) The zoning amendment request would not detract from the existing character of the neighborhood.
- 6) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

#### **Staff Recommendations:**

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 10 of 13

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council:

1) A zoning map amendment from "R3" Multiple Residence District to "RM" Medium Density Residential District.

Staff has no recommended accompanying conditions.

**Chairman DeMakis asked Principal Planner Van Dyke for comments.**

Planner Van Dyke provided the following:

Public hearing request on an application from Evette Melby, owner, for a zoning district change from "R3" Multiple Residence District to "RM" Medium Density Residential District for Lots 4 & 5, Thompsons Sixth Plat for the purposes of constructing a convalescent home. These properties are located at 4 39th Ave. SW.

Ms. Melby (applicant) wishes to expand the use of her convalescent/group home by building a second structure on Lot 5. After meeting with City Staff for a Development Review Team (DRT) the applicant wishes to rezone both lots from "R3" Multiple Residence District to "RM" Medium Density Residential District following our recommendation based on policy to address "defunct" zoned properties prior to initiating new development.

The property is currently zoned "R3" Multiple Residence District, which after the current zoning ordinance was adopted, was dropped from the list of recognized zoning districts and was instead considered to be renamed "RM" Medium Density Residential District. However, when the "R3" Multiple Residence District designation was dropped, none of the properties zoned as such had their designations legally changed; leaving it with what is effectively a "defunct" zoning designation. Changes to the zoning ordinance have left the building legal non-conforming.

Principal Planner Van Dyke also read the following public comments into record as part of his report:

1. Public Comment 1

- Name: David Tweten
- Address: 3710 1<sup>st</sup> St SE
- As a property owner within the notification boundary of the requested zoning district change for lots 4 & 5 Thompsons Sixth Plat I have strong reservations for allowing for the construction of a convalescent home without being given any details other than that single fact. It would only be reasonable to know the specific use for the home and details as to number of beds and working personnel, the type of construction proposed, and if there will be adequate parking, for starters. With the modicum of information provided, at this time I will have to voice my objections to this change of zoning and hope that you will recommend to deny this request. Thank you.

2. Public Comment 2

- Name: Tammy White
- Address: 3740 1<sup>st</sup> St SE
- My husband and I are property owners that may be adversely effected by the proposed zoning changes for lots 4 and 5 Thompsons 6th plat. We own lots 60 and 70 and also another house on our street in the south fork division as well as partial ownership in The Pines on 37th apartment complex. We are opposed to this proposed request for zoning change. We have received very little information on what kind of convalescent home this will be or already is. We are also concerned with the parking situation as I have already

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 11 of 13

stated that we are partial owners in the apartment complex adjacent to the home and are not wanting or needing any extra cars parking in our lot. How many people are allowed to reside in this facility and also employees need parking. It has come to my attention that this facility has been running since 2019 and just now we are finding out about it and are wondering what is changing in the facility that they are now needing to rezone the properties (are they expanding or just remodeling).

### 3. Public Comment 3

- Name: Danielle Gagne
- Address: 3727 1<sup>st</sup> St SE
- As resident of 1st st SE, I oppose this proposed zoning change until there is more information provided to the surrounding residents. We have already had issues with Main Street residents passing through our yards to get to Radio City Park. So I guess myself and my neighbors are looking for more details, this proposal very vague.

### **Chairman DeMakis opened up comments from the commissioners.**

Commissioner Wegenast asked about the parking situation on the property as he thought it could potentially become an issue. Principal Planner Van Dyke responded that city staff would apply the same parking standards as a nursing home: one (1) space per six (6) beds plus one (1) space per employee on the largest working shift. He further explained that the nature of a convalescent home is not typically auto centric, but the employees need to be provided parking, but the beds are reserved for those that are less likely to be using automobiles. Van Dyke then explained the site will need to follow all onsite parking, setback, and landscaping requirements for the district, the request is just bring the zoning of the property into alignment with the current code.

Commissioner Baumann then asked what kind of changes the neighbors could expect to see with this development. Principal Planner Van Dyke responded that site is made up of two 75' x 120' lots; on Lot 5 there is a garage that supports the home on Lot 4, the home on Lot 4 is also currently used as a convalescent home. The second lot, Lot 5 of Thompson's 6<sup>th</sup> Plat, is a buildable lot and it will receive all of the entitlement associated with RM zoning, there will be some vertical structure/development occurring on the site. He then advised them to be cautious of the intent of the applicant because, once entitled, the intent is time based, it can change tomorrow. Van Dyke concluded by encouraging the Planning Commission to evaluate whether or not the proposed zoning designation is appropriate based on the Comprehensive Plan and the adjacent area zoning designation.

### **Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

### **Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Wegenast to approve per staff recommendation based on findings of fact, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Wegenast nays: Sessions

**Motion passes**

**Motion passes**

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 12 of 13

### **Item #11**

#### **Subdivision – Livingston’s 9<sup>th</sup> Addition**

Planning Commission recommends City Council approve a subdivision from Block 4, Livingston’s 7<sup>th</sup> Addition to result in a new subdivision to be known as Livingston’s 9<sup>th</sup> Addition.

The property is located across the street to the south of 801 & 905 21<sup>st</sup> Ave. SE.

#### **Finding of Facts:**

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

- 1) The applicants have submitted a complete application.
- 2) The applicants’ request is consistent with the City of Minot 2012 Comprehensive Plan, specifically:
  - a. Land Use – Commercial/Industrial Goal #1; and
  - b. Land Use Goal #2 Policy #2
- 3) The applicant’s request is consistent with the bulk requirements of the 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 to City Council subject to the following conditions:

- 1) The recordable plat shall include the current floodplain
- 2) Per Section 28-44 related to the provision of an easement along streams shall be included on the recordable plat subject to approval by the Engineering Department.
- 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 Planner Baumgartner for comments.**

Planner Baumgartner provided the following:

Public hearing request on an application from James R. Myers, owner to create a new subdivision from Block 4, Livingston’s 7<sup>th</sup> Addition. The resulting subdivision will be known as Livingston’s 9<sup>th</sup> Addition. The property is located across the street to the south of 801 & 905 21<sup>st</sup> Ave. SE.

## PLANNING COMMISSION MINUTES

Regular Meeting

February 02, 2021

Page 13 of 13

The owner is requesting a Subdivision Plat to divide an approximately 19.85 acre commercial property into two (2) lots. Lot 1 will consist of 519,457 square feet, or approximately 12.00 acres. Lot 2 will consist of approximately 345,351 square feet or approximately 8.00 acres. The purpose for the request is to facilitate commercial construction on one of the lots in the near future.

The property is currently vacant land.

**Chairman DeMakis opened up comments from the commissioners.**

None of the commissioners presented any questions or comments for staff.

**Chairman DeMakis opened up comments from the public.**

No one from the public came forward with comment for or against the application.

**Chairman DeMakis asked for a motion from the commissioners.**

Motion by Commissioner Offerdahl to approve per staff recommendation with conditions based on findings of fact, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Lider, Offerdahl, Sessions, Wegenast nays: none.

**Motion passes**

### **Item #12**

#### **Other Business**

Principal Planner Van Dyke let the Planning Commission know that the new zoning ordinance will be on the agenda for the March Planning Commission meeting.

Principal Planner Van Dyke also displayed the readjusted city-appointed planning commissioner term expiration dates and clarified that the image on-screen only applied only to those appointed by the City; not Ward County, which are appointed by Ward County Commissioners.

### **Item #13**

With no further business before the committee, Chairman DeMakis adjourned the meeting at 6:20 PM.