Regular Meeting: Planning Commission
Location: City Hall, Council Chambers, 515 2nd Avenue SW., City of Minot, N.D.
Meeting Called to Order: Tuesday, December 07, 2021, 5:30 p.m.
Presiding Official: Chairman Charles DeMakis
Members in Attendance: Chairman DeMakis, Vice-Chair Offerdahl, Commissioners Barnett, Baumann, Gates, Hochhalter, Iverson, Lider, Sessions, Wegenast
Members Absent: Commissioners Faken, Koop, Nesdahl
City Staff Present: Principal Planner John Van Dyke, Assistant Planner Peter Baumgartner, Assistant City Attorney Stefanie Stalheim, Assistant City Engineer Emily Huettl, Alderman Stephan Podrygula
Others Present: Kim Marsland (Personal Representative for Sylvia Melby), Ryan Hyllested, Jeff Reiter (public comment submitted to Planning Department)

Meeting Called to Order by Chairman DeMakis at 5:30 p.m.
Item #1 Roll Call
Item #2 Pledge of Allegiance
Item #3 Planning Commission Intro and Public Hearing Decorum
Item #4 Approval of Minutes
Motion by Commissioner Offerdahl to approve the November 02, 2021 Planning Commission Meeting Minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Lider, Offerdahl, Sessions, Wegenast, nays: none
Motion carries
The following are the recommendations of the Planning Commission:

Item #5 Case # 2021-12.01 Outlot Plat
Planning Commission recommends City Council approve two Outlot Plats to be known as Outlot 8 and Outlot 9. Both plats are part of an unplatted portion of land located in the SW ¼ of Section 8, Township 155N, Range 82W, Ward County ND.

The proposed Outlots are located at 1900 27th Street NE.

Planning Commission waived staff’s oral report on this item. Below is a summary of staff’s written report that is attached to the Planning Commission Agenda.

Public hearing request on an application from James M. Thompson, Personal Representative for the Estate of William G. Schriock, Jr., owner, which proposes the creation of two lots via Outlot Plat. The proposed lots to be known as Outlot 8 and Outlot 9 are both part of an unplatted portion of land located in the SW1/4 of Section 8, Township 155N, Range 82W, Ward County, ND.
The proposed Outlots are located at 1900 27th St. NE.

The application revolves around the desire of James Thompson, Personal Representative of the Estate of William G. Schriock, Jr., owner, to divide the deceased’s estate amongst the surviving family members. An aerial photo of the subject property can be found in Exhibit 1 of staff’s written report.

A copy of the outlot plat is provided in Exhibit 2 of staff’s written report. The proposed outlots meet the bulk lot and area requirements per Chapters 2.4 related to “AG” Agricultural District.

The zoning and future land use map designations of the subject property and surrounding area are provided in Exhibits 3 & 4 of staff’s written report, respectively.

Site photos are provided in Exhibit 5 of staff’s written report.

**FINDINGS OF FACT:**

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 consistent with the bulk requirements of the Minot Land Development Ordinance related to the “AG” Agricultural District.
3) The subdivision will meet the requirements of Section 10.2-6 subject to addressing the City Engineer’s requirements to include the Flood Insurance Rate Map (FIRM), the Base Flood Elevations (BFE), and the current effective FIRM on the plat.
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 staff findings of fact and recommend approval to City Council of the outlot plat for the proposed Outlots 8 & 9, subject to the following condition:

1) Show the preliminary Flood Insurance Rate Map (FIRM), the Base Flood Elevations (BFE), and the current effective FIRM on the plat.
2) 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 10.2-5 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 for comments from the public. No public comments.
Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Lider to recommend approval per staff recommendations with conditions based on findings of fact, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: all, nays: none

Motion Carries

Item #6 Case # 2021-12.02
Outlot Plat

Planning Commission recommends City Council approve two Outlots to be known as Outlots 6 & 7. The property is legally known as the East 340 ft. of the North 640.05 ft. of the NE1/4 of Section 15, Township 155N, Range 82W, Ward County, ND.

The proposed Outlots are located at 1761 72nd St. NE.

Planning Commission waived staff’s oral report on this item. Below is a summary of staff’s written report that is attached to the Planning Commission Agenda.

Public hearing request on an application from Mark Gagner, owner, for the creation of two Outlots to be known as Outlots 6 & 7. The property is legally known as the East 340 ft. of the North 640.05 ft. of the NE1/4 of Section 15, Township 155N, Range 82W, Ward County, ND.

The proposed Outlots are located at 1761 72nd St. NE.

The application revolves around the desire of Mark Gagner, owner, to divide the subject property into two Outlots. An aerial photo of the subject property can be found in Exhibit 1 of staff’s written report.

A copy of the Outlot Plat is provided in Exhibit 2 of staff’s written report. The proposed Outlots meet the bulk lot and area requirements per Chapters 2.4 to stay zoned as “RR” Rural Residential District.

The zoning designation of the property and surrounding area are provided in Exhibits 3 of staff’s written report, a Future Land Use Map exhibit is not included as the property does not have a designation.

Site photos are provided in Exhibit 4 of staff’s written report.

FINDINGS OF FACT:

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 consistent with the bulk requirements of the Minot Land Development Ordinance related to “RR” Rural Residential District.
3) The subdivision meets the requirements of Section 10.2-6 with the City Engineer not having any comment on the proposed outlot.
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 staff findings of fact and recommend approval to City Council of the outlot plat for the proposed Outlots 6 & 7, subject to the following condition:

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 10.2-5 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 for comments from the public. No public comments.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Offerdahl to recommend approval per staff recommendations with conditions based on findings of fact, second by Commissioner Sessions. ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Lider, Offerdahl, Sessions, Wegenast, nays: none

Motion Carries

Item # 7 Case # 2021-12.06 – Item tabled per applicant request until January 4, 2022 meeting.
Zoning Map Amendment and Planned Unit Development (PUD) Amendment

Planning Commission tabled the item per the applicant’s request until the 5:30pm Planning Commission Meeting on Tuesday, January 4, 2022.

Kim Marsland, Personal Representative for Sylvia Melby, came forward and inquired about the rezoning of the property. Principal Planner Van Dyke stated that there would be a “PUD” (Planned Unit Development) overlay to the zoning, allowing the restriction to first floor commercial comprising of 30% office or similar uses. Ms. Marsland’s second question was regarding her understanding that there would be a new building constructed. Principal Planner Van Dyke responded that there is no additional building to be constructed at the site, and that the PUD would only be approving the parking lot.

Ms. Marsland also commented that not everyone that was supposed to get a letter got one, including a representative of the Seventh Day Adventist Church, which is Southeast of the proposed expansion. Van Dyke responded that everyone within 300’ should be getting a letter and that staff would look into it.

Staff’s full report will be given at the Planning Commission Meeting scheduled for Tuesday, January 4, 2022, at 5:30pm, at City Hall.
Item #8 Case # 2021-11.10
Zoning Map Amendment

Planning Commission recommends City Council pass an ordinance on first reading for a Zoning Map Amendment from “C4” Planned Commercial to “C2” General Commercial with a Planned Unit Development (PUD) overlay for the purposes of building expansion. The property is legally known as Lot 7 of Dakota Square Second Addition to the City of Minot, North Dakota.

The property is located at 2400 10th St. SW.

Chairman DeMakis asked for staff’s report.

Public hearing request on an application from Ryan Hyllested, representing Dayton-Hudson Corp T-0085 (Target Corporation), owner for a zoning map amendment from “C4” Planned Commercial to “C2” General Commercial with a Planned Unit Development (PUD) overlay for the purposes of building expansion. The property is legally known as Lot 7 of Dakota Square Second Addition to the City of Minot, North Dakota.

The property is located at 2400 10th St. SW. An aerial view of the property and 300-foot notification area is provided in Exhibit 1.

The property owner (Target Corp.) is proposing a building expansion that includes façade and site improvements at their existing store in Minot. As part of the building expansion, they are modifying the parking lot and corresponding onsite circulation.

Having been a part of the mall since its inception, the existing Target site plan was last approved in 1992 and the site has remained relatively unchanged since that time. The remodel is very similar in nature to the Scheels relocation and expansion that was reviewed and approved in June of this year.

The applicant’s PUD submission can be found in Exhibit 2.

The zoning and Future Land Use (FLU) maps of the area are provided in Exhibits 3 & 4, respectively.

FINDINGS OF FACT:

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

1) The applicants have submitted a complete application.
2) The subject property is currently zoned “C4” Planned Commercial Development, which is a “legacy” zone.
3) Per Table 1.2: Zoning Equivalency Table Equivalent, the new zoning district which corresponds with “C4” Planned Commercial Development is “C2” General Commercial and “PUD” Planned Unit Development.
4) The applicant’s request is consistent with the City of Minot 2012 Comprehensive Plan Future Land Use Map designation of Commercial and the following Goals and Policies:
   • Economic Development Goal 2, Policy 3
   • Land Use Goal #2, Policy 2
5) The PUD submission provided in Exhibit 2 meets all the standards for approval per Section 2.23-4 of the Land Development Ordinance of the City of Minot.
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.
RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council a zoning map amendment from “C4” Planned Commercial District to “C2” General Commercial District with a “PUD” Planned Unit Development overlay subject to the following conditions:

1) A site plan review is required for development.
2) The approved PUD plan is provided in Exhibit 2.

Chairman Demakis asked for comments from the public.

Ryan Hyllested came forward to answer any questions. There was no questions/responses from the public.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Wegenast to approve based on staff’s finding of fact and recommendation, second by Commissioner Iverson.

Prior to the roll being called Planner Van Dyke requested the original motion include the late exhibit 8.

Commissioner Wegenast amended his first motion to include late exhibit 8.

Prior to the roll being called, Commissioner Baumann made a statement commending the applicant and the planning staff for making use of the tools in our new zoning code to increase permeable surfaces, which helps with storm water run-off and management and capitalizes on space we already have taxable income coming in and not having large retailers like Target build elsewhere.

Charles DeMakis asked for the roll to be called and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Lider, Offerdahl, Sessions, Wegenast, nays: none

Motion passes

Item # 9 Case # 2021-12.03
Subdivision Plat, Zoning Map Amendment, and Variance

Planning Commission recommends City Council approve a subdivision to rearrange platted lots as part of River Oaks 4th Addition to be known as River Oaks 6th Addition, approve a variance to the design standards set forth in Section 10.3-3 C. related to the allowable length of a dead-end street from 500 feet to approximately 1,000.00 ft., and pass an ordinance on first reading to change the zone from “R1”, Single-Family Residential District and “R2”, Two-Family Residential District to solely “R1”, Single-Family Residential District.

The subject property includes numerous lots within River Oaks 4th Addition along Rivers Edge Dr. SE, 19th Ave. SE, and 45th St. SE.

Chairman DeMakis asked for staff’s report.

Public hearing request on an application from Larry Gullickson, representing Gary Oakland, owner, for a subdivision plat to rearrange platted lots as part of River Oaks 4th Addition to create River Oaks 6th Addition. As part of the subdivision plat, the applicant seeks to vary from the subdivision design standards set forth in Section 10.3-3 C. related to the allowable length of a dead-end street from 500 feet to approximately 1,000 ft.
Further, the applicant proposes changing the zoning from “R1” Single-Family Residential District and “R2” Two-Family Residential District to solely “R1” Single-Family Residential District. The legal description of the proposed plat is All of River Oaks 4th Addition, Less River Oaks 5th Addition, Township 155N, Range 82W, City of Minot, Ward County, ND.

The subject property includes numerous lots within River Oaks 4th Addition along Rivers Edge Dr. SE, 19th Ave. SE, and 45th St. SE.

Larry Gullickson, representing Gary Oakland, owner, wishes to replat the existing River Oaks 4th Addition, Less River Oaks 5th Addition, into a new configuration through removal of platted 45th St SE. The applicant also wishes to rezone the resulting Block 3 from “R2” Two-Family Residential to “R1” Single-Family Residential. An aerial photo of the subject property can be found in Exhibit 1.

The preliminary plat for the proposed River Oaks 6th Addition is provided in Exhibit 2. Shown in the plat is the proposed 19th Ave SE, which has a length of approximately 1000’ from the start of the road to the beginning of the proposed cul-de-sac. In accordance with Section 10.3-3 C. relating to the length of a dead-end street, the maximum allowed length of the dead-end street, to the beginning of a cul-de-sac, is 500’. The applicant is requesting a variance to that section of code to allow for the proposed street. As part of 19th Ave SE’s cul-de-sac, the applicant is providing the necessary right-of-way to convert it into a through-road upon the development of the property to east. The proposed lots meet the bulk lot and area requirements per Chapters 2.6 related to the proposed “R1” Single-Family Residential District. The applicant’s submission for the variance request can be found in Exhibit 3.

The zoning and future land use map designation of the subject properties and surrounding area is provided in Exhibits 4 & 5, respectively.

Site photos are provided in Exhibit 6.

**FINDINGS OF FACT:**

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

1) The applicants have submitted a complete application.

2) The subject property is designated as either “Low Density Residential” or “Conceptual Greenway Connection” on the Future Land Use Map of the Comprehensive Plan.

3) The portion of the property that is being rezoned to “R1” Single-Family residential that is covered by the Low Density Residential (LDR) designation on the Future Land Use Map of the Comprehensive Plan does meet the density requirement of LDR designation.

4) The proposed lot configuration does meet the bulk requirements to either remain as or be rezoned to “R1” Single-Family Residential.

5) The subdivision meets the technical requirements of Sections 10.3-1 thru 10.3-5, with the exception of 10.3-3 C. which will be met if the variance request to increase the allowable length of the dead-end road from 500’ to approximately 1000’ is approved.

6) Section 9.1-7 H. 1. is satisfied due to the change in conditions stemming from the request to rearrange the lot lines in proposed Block 3 to allow for single-family dwellings.

7) Section 9.1-7 H. 2. is satisfied, as the City and other public agencies will be able to provide services to support the request.

8) Section 9.1-7 H. 3. is satisfied, as there exists no evidence that the proposed development will substantially diminish the condition or value of property in the vicinity.

9) Section 9.1-7 H. 4. is satisfied, as the proposed zoning map amendment is consistent with the purpose of the Land Development Ordinance of the City of Minot, the Future Land Use Map, goals of the Comprehensive
Plan, and other adopted policies of the City.

10) Section 9.1-3 G. 2 related to topography of the site is applicable to the applicant’s variance request due to significant topographical changes greatly limiting the feasibility of providing for an additional connection to bring the development into strict compliance of the LDO with regard to the 500’ maximum distance to a dead-end cul-de-sac.

11) The proposed subdivision is providing a more practical solution to long-term connectivity by including the necessary right-of-way to support a through-road connection to Sunset Ridge Rd. SE that would be required when the adjacent property redevelops.

12) This through-road connection is not presently provided for with the existing platted subdivision and the proposed subdivision is preferable to the existing lot layout and right-of-way configuration.

13) 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 staff findings of fact and recommend approval to City Council of the River Oaks 6th Addition plat and the request for a Zoning Map Amendment to Block 3 from “R2” Two-Family Residential District to “R1” Single-Family Residential District. Further, staff recommends approval of the requested variance from Section 10.3-3 C. to increase the allowable length of a dead-end cul-de-sac from 500’ to approximately 1000’, subject to the following conditions:

1) A Developers Agreement is required prior to recording the plat with requirements including but not limited to:
   a. A revised/amended storm water management plan is required for future development.
   b. A subdivision plan is required for development.
   c. Connection fees are required for future development ($3,787/acre).
   d. Roadway shall be standard urban section including sidewalks.
   e. Floodplain ordinance requirements must be met with lot markers set for no-built easements.

2) 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 10.2-5 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 for comments from the public.

Peter Baumgartner (Planner I) read into the record the following submittal from Jeff Reiter:

I will be unable to physically attend this planning commission meeting. I appreciate the opportunity to give my voice. I live on the very edge of the proposed subdivision/changes. I am fine with changing it from R-1 & R-2 to R-1 only. I am NOT in support of the application for a variance concerning Section 10.3-3 C related to the allowable length of a dead-end street from 500 feet to 1000. The proposed subdivision needs another ingress/egress. Rivers Edge Drive is very narrow
and cannot support such traffic and congestion. Additionally and most of all, this will create fire/emergency risks that are unwarranted. I’m an ex realtor and currently a commercial banker and I’ve been involved in several dozen residential subdivision developments over my 30+ and still ongoing career. I’m telling you, there needs to be at least one more street providing ingress/egress to the subdivision, at a minimum. The safety hazards and traffic congestion dictate. If this variance is allowed my house will be on the market immediately and I’ll be leaving Minot. I expected a subdivision at some point, but I did not expect a thoroughfare and excessive safety risks. I didn’t spend a half a million dollars on a home for such. Thank you for your thoughtful consideration. These rules exist for a reason.

Jeff Reiter

Commissioner Wegenast asked Baumgartner if the city staff had given a second look at it given the public comment/concern. Planner Baumgartner responded that he had looked at it and presumed that Mr. Reiter was unaware of the full extent of the existing subdivision and that there was not a through road for the existing River Oaks 4th Addition. Additionally, Baumgartner stated that he thought that (the proposed development) will be a better alternative for Mr. Reiter due to the decrease in density and potential traffic that is being proposed as part of River Oaks 6th.

Chairman DeMakis asked for a motion from the commissioners.

Prior to the roll being called Commissioner Baumann stated that he had been out in that area recently and asked if there was going to be upgrades to roadways and traffic flow out there. He stated he shares the public concern regarding the ingress and egress road and it not lining up with the city’s comprehensive plan transportation guidelines. Baumann’s overall question is if there are any other plans for additional traffic, or once this item is approved that it is done and the existing road be used for all of the additional homes to be there.

Planner Baumgartner responded that the entire proposed subdivision is happening within existed platted ground. As it stands, the closest road would be directly north of the development, access to which would be required to go through an existing home, or the applicant would have to buy out the property to the east and redevelop it. Baumgartner continued that there wasn’t much alternative than through the provision of the easement to turn the cul-de-sac into a through road when the property to the east develops.

Commissioner Sessions stated that she shares the same concerns, noting that the roads in that area are not good and are narrow and that adding 57 more homes in questionable. Sessions asked if the item could be rezoned to “R1”, but not the variance of 500’ to 1000’.

Chairman DeMakis stated that the motion does include both the rezone and the variance request, and that the motion would to be acted on the way it was presented.

Planner Baumgartner stated that if the variance were to be denied, the existing subdivision plat as they proposed it would not be in alignment with the subdivision code. If that were the case, staff’s recommendation would be changed to denial, as it would not be able to meet the code.

Motion by Commissioner Wegenast to recommend approval based on staff findings of fact and recommendations, second by Commissioner Barnett, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Lider, Offerdahl, Sessions, Wegenast, nays: none

Motion Carries
Item # 10 Case # 2021-12.04
Subdivision Plat and Variance

Planning Commission recommends City Council approve a subdivision plat to combine two Outlots into one to be known as Jefferson South Addition and approves a variance to the requirements of Section 2.12-6 H. to reduce the required 30’ perimeter landscaping buffer yard 10’ and to reduce the private road width of 36’, required by Section 2.12-6 L., to 24’. The legal description of the proposed plat is Outlots 13 & 14 and ½ vacated 13th Ave. SE of Section 29, Township 155N, Range 82W, City of Minot, Ward County, ND.

The property is unaddressed and located approximately 650 ft. south of the intersection of 11th Ave. SE and 35th St. SE.

Chairman DeMakis asked for staff's report.

Public hearing request on an application from Larry Gullickson, representing Oakland Communities of Minot, LLC, owner for a subdivision plat to combine two Outlots into one to be known as Jefferson South Addition. Further, a request is made for a variance to the requirements of Section 2.12-6 H. related to a 30’ buffer yard surrounding the perimeter of a manufactured home park and the requirements of Section 2.12-6 L related to the required private road width of 36’. The applicant requests relief from the buffer yard requirement along the north, west, and south boundaries of the subject property from 30’ to 10’ and to reduce the required private street width from 36’ to 24’. The legal description of the proposed plat is Outlots 13 & 14 and ½ vacated 13th Ave. SE of Section 29, Township 155N, Range 82W, City of Minot, Ward County, ND.

The property is unaddressed and located approximately 650 ft. south of the intersection of 11th Ave. SE and 35th St. SE.

The applicant, Larry Gullickson, representing Oakland Communities of Minot, LLC is looking to combine the existing Outlots 13 and 14 for the purpose of placing a 9 unit manufactured home park on it. An aerial photo of the subject property can be found in Exhibit 1.

The preliminary plat and proposed layout for Jefferson South Addition is provided in Exhibit 2. Due to limited size of the Outlots, the applicant is also requesting a variance to the requirements of Section 2.12-6 H. & L. related to the buffer yard and private road widths. The applicant's variance submission and site plan can be found in Exhibit 3. Through a separate application, the applicant and adjoining property owners are requesting to vacate a portion of 13th Ave SE, a portion of which will be included within the proposed subdivision and an easement to two lots further to the west is being provided along the south of the proposed subdivision. The proposed lot meets the bulk lot and area requirements per Chapters 2.12 related to the “MH” Manufactured Home District.

The zoning and future land use map designation of the subject properties and surrounding area is provided in Exhibits 4 & 5, respectively.

Site photos are provided in Exhibit 6.

FINDINGS OF FACT:

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

1) The applicants have submitted a complete application.
2) The property is designated as “Manufactured Home Park” on the Future Land Use Map of the Comprehensive Plan.
3) The applicant’s request is consistent with the bulk requirements of Chapter 2.12 of the Land Development Ordinance of the City of Minot related to the “MH” Manufactured Home Park District.

4) The subdivision meets the technical requirements of Sections 10.3-1 thru 10.3-4, with Section 10.3-5 not being applicable.

5) Section 9.1-3 G. 1. and 3. relating to the size of the property and exceptional practical difficulties are satisfied, as strict compliance with the LDO prevents reasonable use of the property as a manufactured home park.

6) Section 9.1-3 G. 5, relating to the effect of the variance on the character of the neighborhood is satisfied, as the proposed manufactured home park is surrounded by other manufactured home parks that do not maintain a buffer. Even a reduced buffer width will increase the aesthetics for the broader manufactured home park area.

7) Section 9.1-3 G. 6, relating to the granting of the variance not being contrary to the Comprehensive Plan is satisfied, as granting the variance is in alignment with Housing Goal #2 Policy #2.

8) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied in the case of the subdivision and approve or deny it in the case of the variance. 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 staff findings of fact and recommend approval to City Council of the Jefferson South Addition preliminary plat and approve the request for a variance to reduce the minimum width of a private road in a manufactured home park from 36’ to 24’ and to reduce the required buffer yard widths on the North, South, and West sides from 30’ to 10’, subject to the following conditions:

1) A Developers Agreement is required prior to recording the plat with requirements including but not limited to:
   a. A storm water management plan is required for future development.
   b. A subdivision plan is required for development.
   c. Connection fees are required for future development ($3,787/acre).
   d. Process to address water & sewer connections in the event of a future parcel sale and need for new water meter.

2) 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 10.2-5 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 for comments from the public. No public comments.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Baumann to recommend approval per staff recommendations with conditions based on findings of fact, second by Commissioner Sessions, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Offerdahl, Sessions, Wegenast, nays: none
Motion Carries

Adjournment

With no further business, Chairman DeMakis adjourned the meeting at 6:23 PM.