

PLANNING COMMISSION MINUTES

Regular Meeting

January 04, 2022

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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, January 04, 2022, 5:30 p.m.

Presiding Official: Chairman Charles DeMakis

Members in Attendance: Barnett, Baumann, DeMakis (Chair), Hochhalter, Iverson, Lider, Nesdahl, Offerdahl (Vice-Chair), Sessions, Wegenast

Members Absent: Faken, Gates, Kibler

City Staff Present: Principal Planner John Van Dyke, Assistant Planner Peter Baumgartner, Assistant City Attorney Stefanie Stalheim, Assistant City Engineer Emily Huettl

Others Present: Blake Nybakken (by phone)

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 December 07, 2021 Planning Commission Meeting Minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Iverson, Lider, Nesdahl, Offerdahl, Sessions, Wegenast, nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #5 Case # 2022-01.03 – Tabled until February 01, 2022 Planning Commission Meeting

Outlot Plat

Planning Commission continues the item until the February 1, 2022 Planning Commission meeting at 5:30 pm.

Chairman DeMakis asked for staff's report.

Principal Planner Van Dyke gave a brief presentation on the item, explaining that the item was a lot line adjustment and that due to a condition related to an easement on one of the outlots, the applicant was requesting that the item be tabled to the February meeting. He concluded that because of that request, staff had changed their recommendation to one of tabling until February.

Chairman DeMakis asked for questions from the commissioners. None of the commissioners had questions.

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Chairman DeMakis opened the public hearing on the item. No public comments.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Barnett to continue this item until the February 1, 2022 Planning Commission meeting, second by Commissioner Lider, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Iverson, Lider, Nesdahl, Offerdahl, Sessions, Wegenast, nays: none

Motion Carries

Item #6 Case # 2021-12.06

Zoning Map Amendment and Planned Unit Development (PUD) Amendment

Planning Commission recommends City Council pass an ordinance on first reading for a Zoning Map Amendment to the Planned Unit Development “PUD” overlay to remove the restriction to first floor commercial comprising of 30% office or similar uses. The application proposes expanding the overlay district to encompass a proposed parking area to provide ten (10) additional parking stalls as part of the Blu on Broadway development.

The property address is 1629 S. Broadway.

Chairman DeMakis asked for staff’s report.

Public hearing request on an application from Blake Nybakken representing Blu on Broadway, LLC and Northern Bottling Company (owners) for an amendment to the Planned Unit Development “PUD” overlay to remove the restriction to first floor commercial comprising of 30% office or similar uses. The application proposes expanding the overlay district to encompass a proposed parking area to provide ten (10) additional parking stalls as part of the Blu on Broadway development. The legal description for the properties are Lots 7 & 8, Block 2, Home Acres Addition Less Highway & Street and the South 60’ of East 120’ of West 150’ of Lot 3, Block 2, City of Minot, Ward County, ND.

The property address is 1629 S Broadway. An aerial view of the property and 300-foot notification area is provided in **Exhibit 1**.

In 2020, the Blu on Broadway project finalized approvals for the construction of a mixed-use building comprised of approximately 8,800 s.f. of commercial space on the first floor with 42 residential units located on the second floor and above. As part of this development, the applicant desired to provide 80 parking stalls in lieu of the 133 parking stalls required under the prior zoning code (pre-April 5, 2021). To alleviate the impact of the requested relaxation, the first floor commercial space was required to maintain a minimum of 3,000 s.f. of office space, a use that requires less parking than retail-related activity.

The applicant is proposing to construct 10 additional parking spaces on an adjoining lot and remove the 3,000 s.f. office space restriction.

The zoning and Future Land Use (FLU) maps of the area are provided in **Exhibits 2 & 3**, respectively.

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Site photos from staff's site visit are shown in **Exhibit 4**.

The originally approved PUD renderings and layout provided in the initial Development Review Team (DRT) meeting can be found in **Exhibit 5**. The recorded development agreement outlining the uses and restrictions for the property may be found in **Exhibit 6**. The applicant's proposed PUD amendment/expansion submission can be found in **Exhibit 7**.

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 properties are currently zoned "C2" General Commercial District with a "PUD Overlay" Planned Unit Development and "C2" General Commercial District.
- 3) 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
- 4) Subject to conditions, the PUD submission provided in Exhibit 7 meets all the standards for approval per Section 2.23-4 of the Land Development Ordinance of the City of Minot.
- 5) 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 an amendment to the "PUD Overlay" Planned Unit Development to remove the requirement of a minimum of 3,000s.f. office space on the ground floor. Further, staff recommends the expansion of the "PUD Overlay" Planned Unit Development to accommodate a parking lot for the development subject to the following conditions:

- 1) Shall meet requirements of Land Development Ordinance Section 6.1-2 F2. Site plan (a) shall include, but not limited to, the identifying sign (c), mid-block pedestrian crossing (d), and no-parking signs.
- 2) Site plan shall meet the landscape buffering and parking lot requirements per Sections 7.1-4. C. and 7.1-3. B. 3. related to buffer yards and screening of residential windows respectively along the east property boundary.
- 3) The Ordinance for the zoning map amendment to "C2" General Commercial District with a "PUD Overlay" Planned Unit Development will include both property's legal descriptions.
- 4) The architectural elevations and layout will defer to the applicant's original PUD submission and parking lot expansion provided in Exhibits 5 and 7 respectively.
- 5) An amended development agreement or a new development agreement to strike Planning Requirement 7. I. of the agreement recorded April 22, 2020 as instrument number 3038218 is required.
- 6) A resolution is necessary to memorialize the removal of condition 12. of Resolution No. 3633 is required.

Chairman DeMakis asked if there were questions for staff.

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Commissioner Sessions asked staff if the zoning is being changed from C2 to PUD. Principal Planner Van Dyke responded that yes, the zoning would be changed to PUD. Sessions further asked if the zoning was changing for the entire area, to which Van Dyke answered that the zoning would change for the area indicated in the renderings.

Commissioner Baumann asked if the bus stop and dog park, which was part of the original design submitted, would be relocated to the north (flip-flopped) or would the bus stop and dog park be omitted in lieu of the parking spots. Principal Planner Van Dyke stated that the original design was conceptual and is not sure what the applicant's intentions are. Commissioner Baumann also inquired if the applicant had considered any of the tools in the new zoning ordinance for variances. Van Dyke responded that as far as alternatives, shared parking would be the first alternative, but neither the China Star nor the church to the south would be viable. Baumann asked if the applicant had considered Marketplace, which is across Broadway, as a shared parking partner. Van Dyke responded that it would not be optimal for the employees or patrons to cross the street. Baumann asked if the 10 parking spots were for the use of the employee and Van Dyke stated that he believed that is what the applicant's intentions are.

Blake Nybakken added that in the original PUD, the reduced parking amount was derived from the shared parking model. The extra spaces are so that Epic does not limit themselves to just office users for the remaining spaces, but agrees that it will primarily be employee parking.

Commissioner Nesdahl asked staff about Epic's site plan that indicated notches on the west side of the street, and if the notches represented parking spots. Van Dyke responded yes and that there is currently parking on the west side of the street. Nesdahl asked what hours parking was allowed. Assistant City Engineer Emily Huettl came forward and responded that the parking is on the east side, not the west side, and that it is subject to the standard parking rules.

Commissioner Iverson noted that the area indicated in red has already been approved for additional parking, so are they essentially asking to move the additional parking from one area to another, or are they asking for additional parking? Van Dyke responded that what the commission has been provided is for illustrative purposes only, and that the concepts may change until it is entitled and locked in. Iverson asked for clarification regarding possible additional parking requests by Epic, on top what they are currently requesting, specifically, would they have to come back to the commission again. Van Dyke responded that yes, that is correct.

Van Dyke then took a moment to explain property entitlements.

Chairman DeMakis opened the public hearing on the item. No public comments.

Chairman DeMakis closed the public hearing and asked for a motion from the commissioners.

Motion by Commissioner Offerdahl to approve based on staff's finding of fact and recommendation, second by Commissioner Barnett, and was carried by the following vote: ayes: Barnett, Baumann, DeMakis, Hochhalter, Iverson, Lider, Nesdahl, Offerdahl, Sessions, Wegenast, nays: none

Motion passes

Adjournment

With no further business, Chairman DeMakis adjourned the meeting at 5:56 PM.