

PLANNING COMMISSION MINUTES
Regular Meeting
January 07, 2020

Regular Meeting: Planning Commission

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

Meeting Called to Order: Tuesday, January 07, 2020 at 5:30 p.m.

Presiding Official: Chairman, Charles DeMakis

Members in Attendance: Kelly Barnett, Tim Baumann, Jody Bullinger, Todd Koop, Dustin Offerdahl, Sivertson, Todd Wegenast

Members Absent: Justin Hochhalter

City Staff Present: Brian Billingsley (Community & Economic Development Director), Lance Lang (Principal Planner), Peter Baumgartner (Planner I), Glenda Sorensen (Planning Assistant)

Others Present: Lance Meyer (City Engineer), Emily Huettl (Assistant City Engineer), Stefanie Stalheim (Assistant City Attorney), Alderman Podrygula

Meeting Called to Order by Chairman Charles DeMakis.

Approval of the November 25, 2019 Regular Meeting Minutes

Motion by Commissioner Koop to approve November 25, 2019 Planning Commission Meeting minutes, second by Commissioner Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast nays: None

Motion carries

The following are the recommendations of the Planning Commission:

Item #1

Avery's Addition – Rezoning and Subdivision

It is recommended that the City Council approve the subdivision of property described as Outlot 12 and an unplatted portion of the SW1/4 of the SE1/4, Section 32, Township 155 North, Range 82 West, Ward County to create a one lot subdivision to be known as Avery's Addition, Lot 1.

It is recommended that the City Council pass an ordinance on first reading to change the zone from AG (Agricultural District) to RA (Agricultural Residential District) on Avery's Addition, Lot 1.

This property is located at 3300 County Road 19 South

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 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 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 subdivision of two portions of her property: Outlot 12 and an Unplatted Portion of the SW1/4 SE1/4 Section 32, Township 155 North, Range 82 West, into one (1) new lot to be known as Avery's Addition to the City of Minot; as well as the rezoning of the new Avery's Addition from AG, Agricultural District to RA, Agricultural Residential District. Outlot 12 is addressed at 3300 County Road 19 South, but actually takes access from a long shared driveway and the unplatted area is located north of the outlot, and adjacent to County Road 19.

Both the platted and unplatted portions of the property are currently owned by the applicant. Outlot 12 currently has a home on it while the unplatted portion currently has several agricultural accessory buildings on it. A portion of the unplatted land will be combined with Outlot 12, while the remainder of the unplatted land will be left unplatted.

A new lot line will run from the northwestern corner of Outlot 12 to the southernmost corner of Outlot 25, otherwise known as 3220 County Rd 19 South, separating the large remainder of the unplatted land which will be absorbed into the new lot proposed as Avery's Addition. Avery's

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Addition will contain approximately 164,656.8 square feet of lot area or 3.78 acres. The proposed lot meets the minimum requirements of two (2) acres of lot area and the minimum lot width of 150 feet in RA zoning. The location of the new lot lines meets all setback requirements.

The two properties involved in this subdivision are currently zoned AG, Agricultural. The land contained in Avery Addition will be rezoned RA, Rural Agricultural, while the remainder of the unplatted portion will remain AG. Currently, both of these properties have the land use designation of "Very Low Density Residential" on the Future Land Use Map of the Comprehensive Development Plan. The character of the area is generally low and very low density residential, especially to the south, with more of a mixture of uses along County Road 19 and to the north and east given the proximity to Highway 52. As thus, the proposed use of these properties, when rezoned to RA, will be in conformance with the current land use map designation.

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.

Motion by Commissioner Offerdahl to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast: nays: none

Motion carries

Item #2

Ramstad Heights 5th Addition – Rezoning and Subdivision Plat

It is recommended that the City Council approve the subdivision of property described as Lots 10A thru 18B, Block 6, Statesboro Addition and the vacated portion of Kodiak Street NW to create a nine-lot subdivision to be known as Ramstad Heights 5th Addition.

It is recommended that the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).

This property is located north of 32nd Avenue NW and west of Kodiak Street NW.

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 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 and rezoning, subject to the following conditions, to the City Council:

- 1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
- 2) Abandoned utility services must be capped at the utility mains.
- 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 the Principal Planner for staff comments.

The applicant is requesting approval to replat and rezone eighteen (18) existing lots described as; Lots 10A thru 18B, Block 6, Statesboro Addition, along with a vacated portion of Kodiak Street, into nine (9) R1S Lots to be known as Ramstad Heights 5th Addition. The purpose of this project is to create a single-family residential subdivision with smaller, more affordable lots. The existing lots, Lots 10A thru 18B are located at 3201 to 3315 Kodiak Street.

The developer is requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility. Eighteen (18) existing twin home lots will be combined to form nine (9) new R1S lots for the new subdivision plat to be known as Ramstad Heights 5th Addition.

The proposed development concept follows the trend set by recent subdivision plats in this area including; Ramstad Heights Addition and Ramstad Heights 2nd, 3rd, and 4th Additions wherein existing lots were combined to form larger lots. Combining two of the existing lots into one allows the proposed lots to meet the reduced minimum width and lot area requirements of the R1S district. The proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families. Currently, all eighteen (18) lots are designation of "Medium Density Residential" (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is

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allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time.

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.

Motion by Commissioner Koop to approve original motion based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl and carried by the following vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast
ayes: nays: none

Motion carries

Item #3

Ramstad Heights 6th Addition – Rezoning and Subdivision Plat

It is recommended that the City Council approve the subdivision of property described as Lots 1A thru 9B, Statesboro Addition to create a nine-lot subdivision to be known as Ramstad Heights 6th Addition.

It is recommended that the City Council pass an ordinance on first reading to change the zone from R-4 (Planned Residential District) to R1S (Single-Family Residential District with Small Lot Flexibility).

This property is located north of 32nd Avenue NW and east of Kodiak Street NW.

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 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 and rezoning request, subject to the following conditions, to the City Council:

- 1) Kodiak Street NW., 32nd Avenue NW., and Hunter Avenue NW. need to be removed and replaced to city standards using the 2019 specifications and details.
- 2) Abandoned utility services must be capped at the utility mains.

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.

Commissioner DeMakis asked the Principal Planner for staff comments.

The applicant is requesting approval of replatting eighteen (18) existing duplex lots described as Lots 1A thru 9B of Statesboro Addition, into nine (9) larger R1S Lots to be known as Ramstad Heights 6th Addition. The applicant is also requesting rezoning of these lots. The purpose of this development is to create a single- family residential subdivision with smaller, more affordable lots. The existing lots, Lots 1A thru 9B, are located at 3200 to 3314 Kodiak Street.

This property was originally platted as part of the Statesboro Additions designed for higher density twin homes. The proposed subdivision continues the recent trend in rethinking the lot layout, as with Ramstad Heights 6th Addition, by combining two existing lots into one larger lot. Eighteen (18) existing twin home lots will be combined to form nine (9) new single-family lots. The developer is also requesting rezoning from the existing defunct zoning district R4, Planned Residential District, to District R1S, Single-Family Residential with Small Lot Flexibility. The proposed lots meet or exceed the minimum width requirements of an R1S lot at sixty (60) feet as opposed to the sixty-five (65) foot minimum width required in straight R1 zoning. The proposed lots also meet the minimum lot area requirement of 5,000 square feet listed in Chapter 5.2 of City Zoning Code. As such, the proposed lots meet the bulk requirements for R1S Zoning. The smaller lot size flexibility offers a more affordable starter home for empty nesters and young families.

Currently, all eighteen (18) lots are shown as having the designation of "Medium Density Residential" (MDR) on the Future Land Use Map of the Comprehensive Development Plan. Single-family housing is allowed in this land use category along with two-family or duplex zoning. Therefore, staff does not feel the land use map needs to be amended at this time.

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.

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Motion by Commissioner Baumann to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Sivertson, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries

Item #4

Zoning Ordinance Text Amendment to Chapter 30, Administrative Procedures

It is recommended that the City Council pass an ordinance on first reading to amend Section 30-5(i) of Chapter 30 of the Minot Zoning Ordinance to remove the public hearing requirement from actions required by City Council on text amendment applications, rezoning application, conditional use permits and interim use permits because the public hearing requirement is satisfied at the Planning Commission meeting, the results of which are contained in the written recommendation to the City Council from the Planning Commission.

Chairman DeMakis opened up comments from the commissioners.

Chairman DeMakis voiced his concern as to whether the text amendment would end public testimony at City Council or if that option would still be there if either the public or the applicant do not agree with the advice the Planning Commission has given. Community and Economic Development Director Billingsley responded that he believed that the Mayor would have discretion to allow public comment during the meeting, but it would not be required of him. Chairman DeMakis then mentioned that the Planning Commission is an advisory board and that the comments and/or concerns stated during Planning Commission meeting need to be voiced at City Council as well. Director Billingsley responded with the fact that all of the meetings are recorded, and that the Aldermen and the Mayor have the ability to watch the meetings and testimony. Additionally, they will be able to review the written minutes and the video of the hearing. Chairman DeMakis responded by saying that Billingsley responses cleared some things up for him, but his concern was for the public and not for the Mayor and the Aldermen.

Commissioner Baumann asked if there is any opportunity for a member of the public to ask for a review or a second look at a decision that the Planning Commission makes. Director Billingsley replied that the only decision by the Planning Commission that the public has the ability to appeal is a variance and that everything else is a recommendation that is forwarded to the City Council, which makes the final decision. Commissioner Baumann then asked how the proposed text amendment would streamline city operations to which Director Billingsley responded that City Council has been getting longer, using the example that the City Council meeting the night before went for over three hours (3) without having any planning commission items on its agenda and that removing the requirement of a second public hearing could help reduce some of the unnecessary, redundant testimony that happens routinely. He imagines that if there was a highly controversial case that the Mayor would still open it up for comment.

Commissioner Wegenast asked if the four items recommended are brought up equally over the course of time or are some more common than others, are some weighted more than others, and could we eliminate some of them? Billingsley responded that the Planning Commission certainly could recommend that one or more of these types of cases keep their public hearing

requirements. Additionally, he brought up that the City currently use a model like Grand Forks in which it requires all of them to go before City Council, however, only annexations and appeals are required to have public hearings by state law. Principal Planner Lang responded to the question of which items are more or less common: there aren't many text amendments usually, there are more in Minot than most communities because we've been working with the Zoning Ordinance Steering Committee, but they are not common normally; rezoning's are quite common and planning staff sees a lot of them; staff also sees quite a few conditional use permits; interim use permits are not seen that often. He then went on to explain that any of these items could come up at any time and that they are all treated equally, and all require public hearings currently. The proposal here is to treat them all the same and not require public hearings for all of them.

Commissioner Offerdahl brought up what happened with Eastside Estates, when the Planning Commission chose to not recommend an R1 property be rezoned to MH but the City Council overturned that decision and allowed the property to be rezoned. Each decision should be based on the public testimony that was given at the respective public hearing and it is important to have more than one opportunity to be heard.

Chairman DeMakis followed up on Chairman Offerdahl's comment, stating that rezoning's and conditional uses are important and that those people that have opinions on it need to be heard. He understands that the Mayor has discretion, but that doesn't mean that they will allow public comment and could decide that they don't want to hear comment that night and that the public would then be "up the creek."

Commissioner Barnett then asked how the amendment aligns with public hearing requirements that were required by state law. Director Billingsley responded that state law doesn't require city's to hold public hearings on these four applications, only on annexations and appeals.

Motion by Commissioner Wegenast to approve the language to not require having public hearings for text amendment applications and interim use permits at City Council and to continue requiring a second hearing for rezoning and conditional use permits, second by Commissioner Koop, and was carried by the following roll call vote: Barnett, Baumann, Bullinger, DeMakis, Koop, Offerdahl, Sivertson, Wegenast ayes: nays: None

Motion carries.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:58.