

**Regular Meeting: Planning Commission**

**Location:** City Hall, Council Chambers, 515 2nd Avenue SW, City of Minot, ND

**Meeting Called to Order:** Monday, July 29, 2019 at 5:30 p.m.

**Presiding Official:** Chairman, Jon Hanson

**Members in Attendance:** Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Sivertson, Wegenast.

**Members Absent:** Barnett, Baumann, Hochhalter, Keller.

**City Staff Present:** Billingsley, Lang, Meyer, Flanagan, Huettl, Kenny (Police), Stefanie Stalheim

**Others Present:** Matt Monson, Minot Gun Club, Chad Ackerman, Greg Vange, Mary Van Lith, Mark Black, Southwest Crossing, LLC.

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**Meeting Called to Order by Chairman Jon Hanson**

**Approval of the June 24, 2019 Regular Meeting Minutes.**

Motion by Commissioner Koop to approve without edits, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

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

**Item #1:**

**The City Council needs to pass a motion to approve a request by Brian Niess for a replat Outlot 9 and a portion of Outlot 29, Section 29-155N-82W into two new outlots. This property is located at 1625 27<sup>th</sup> Street SE.**

**Finding of Facts:**

1. The applicant owns two existing outlots and would like to replat them into two new outlots to better define the property based on the layout of the existing buildings.
2. The applicant has submitted two new outlot plats for review and consideration.

**Staff Recommendations and Conditions:**

Staff recommends approval of the outlot plats for proposed Outlot 53 and proposed Outlot 54, Section 29-155-82 subject to the following condition:

1. No new access points are allowed onto 27<sup>th</sup> St SE.

Motion by Commissioner DeMakis to approve based on the findings of fact, second by Commissioner Sivertson, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #2**

**The City Council needs to pass a motion to approve a request by Farm Credit Services of North Dakota for a PUD (Planned Unit Development) amendment to add a storage building to Prairie Green Second Addition Lots 7, 8, 9 of Block 18, Lot 2 of Block 19, and a replat of Lots 1-6, Block 19, plus vacated R.O.W. This property is located at 1400 31<sup>st</sup> Avenue S.W.**

**Finding of Facts:**

The applicant is remodeling an existing building and adding an accessory building in C4 zoning which is a defunct zoning district but ties back to the PUD zoning district.

1. The addition of a new building constitutes a major change to the existing site that must be reviewed by Planning Commission and City Council.
2. The applicant has submitted all required information for the PUD requirements.

**Staff Recommendations and Conditions:**

Staff recommends approval of the PUD application for renovation of the primary building and addition of a new accessory building subject to the following conditions:

1. No new access points are allowed onto 31<sup>st</sup> Ave SW

Principal Planner Lang presented the staff report to the Commissioners.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Nobody came forward.

Motion by Commissioner Bartsch to approve based on the findings of fact, second by Commissioner Larshus, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #3**

**The City Council needs to pass an ordinance to approve a request by the Bakken Development Group Minot I, LLC for a rezone from R4 (Planned Residence District) to R1S (Single-Family Residential District with Small Lot Flexibility) and approve a motion to subdivide Lots 16A thru 21B of Block 5 of Statesboro Addition into single family lots to be known as Ramstad Heights 3<sup>rd</sup> Addition. This property is located at 1451-1509 35<sup>th</sup> Avenue NW.**

**Finding of Facts:**

1. The developer has decided to pursue a different type of residential development in this subdivision that was previously platted and partially constructed.
2. Existing lots were platted to accommodate twin homes, but the developer would like to replat the existing lots by combining them to form larger lots that meet the R1S development standards. There are twelve (12) existing lots that will be combined to form six (6) new lots.
3. The current zoning is R4, Planned Residential District, which is a defunct zone. The developer has requested rezoning from R4 to R1S, Single-Family Residential District with Small Lot Capability.

**Staff Recommendations & Conditions:**

Staff recommends approval of the rezoning request from R4 to R1S and further recommends approval of the subdivision plat for Ramstad Heights 3<sup>rd</sup> Addition subject to the following conditions:

- a) Abandoned utility services must be capped at the utility mains in 15 Street NW.
- b) A fee of \$1,000.00 per lot shall be paid at the time of building permit application for the Minot Park District development fund.

Principal Planner Lang presented the staff report to the Commissioners.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Nobody came forward.

Motion by Commissioner Wegenast to approve based on the findings of fact, second by Commissioner Koop, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #4**

**The City Council needs to pass an ordinance to approve a request by the Bakken Development Group Minot I, LLC for a rezone from R4 (Planned Residence District) to R1S (Single-Family Residential District with Small Lot Flexibility) and approve a motion to subdivide Lot 15A of Block 8 of Statesboro Addition into single-family lots to be known as Ramstad Heights 4<sup>th</sup> Addition. This property is located on the 1400 block of 36<sup>th</sup> Avenue NW.**

**Finding of Facts:**

1. The developer has decided to pursue a different type of residential development in this subdivision that was previously platted and partially constructed.
2. Existing lots in the area were platted to accommodate twin homes and the lot in question was earmarked for future open space.
3. The developer would like to replat the existing lot into seven (7) new single-family lots.
4. The current zoning is R4, Planned Residential District, which is a defunct zone. The developer has requested rezoning from R4 to R1S, Single-Family Residential District with Small Lot Capability.

**Staff Recommendations & Conditions:**

Staff recommends approval of the rezoning request from R4 to R1S and further recommends approval of the subdivision plat for Ramstad Heights 4th Addition subject to the following conditions:

- a) Abandoned utility services must be capped at the utility mains in 36<sup>th</sup> Avenue NW.
- b) Sanitary sewer may on 36<sup>th</sup> Avenue may have to be extended to serve lot 7. Developer and engineer will need to verify depth and grade.
- c) A fee of \$1,000.00 per lot shall be paid at the time of building permit application for the Minot Park District development fund.

Principal Planner Lang presented the staff report to the Commissioners.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Nobody came forward.

Motion by Commissioner Offerdahl to approve based on the findings of fact, second by Commissioner DeMakis, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #5**

**The City Council needs to approve a motion on a request by Benjamin Hutchings for a replat of Outlot 15, Ridgedale Acres into two lots. This property is located at 4201 13<sup>th</sup> Street, NE.**

**Finding of Facts:**

The applicant owns a six (6) acre lot in the two-mile ETJ with an existing house and he would like to split the lot in half to allow another house on the new lot.

1. The property is zoned correctly as RA, Agricultural Residential District and will remain so.

**Staff Recommendations & Conditions:**

Staff recommends approval of the subdivision plat for Ridgedale Acres 5<sup>th</sup> Addition subject to the following conditions:

1. New access points must be approved by the township and built to township standards

Principal Planner Lang presented the staff report to the Commissioners.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Nobody came forward.

Motion by Commissioner Koop to approve based on the findings of fact, second by Commissioner Bartsch, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #6**

**The City Council needs to pass an ordinance to approve a request by Terry Davis for a rezone from AG (Agricultural District) to RA (Agricultural Residential District) and approve a motion for a subdivision plat of a four-lot rural residential subdivision to be known as Retriever Ridge Subdivision on property described as Section 25-156-83, S ½ of NE 1/4 of SE 1/4. This property is located at 6601 13<sup>th</sup> Street NE.**

**Finding of Facts:**

The applicant owns a 20 acre, plus or minus, parcel in the two-mile ETJ with a couple of houses and some outbuildings on it.

1. He came to the Development Review Team (DRT) meeting to discuss subdividing the property into four (4) lots.

2. The DRT team advised him that he would have to rezone to something other than AG because AG requires a twenty (20) acre minimum lot size. Staff recommended RA, Agricultural Residential as the appropriate zoning classification.
3. The applicant has submitted for rezoning to RA and a subdivision plat for proposed Retriever Ridge Subdivision.

**Staff Recommendations & Conditions:**

Staff recommends approval of the rezoning request from AG to RA and the proposed subdivision plat for Retriever Ridge Subdivision subject to the following conditions:

1. Storm Water Management Plan required.
2. Developer agreement required before the plat can be recorded.
3. 11<sup>th</sup> St NE must be built to township standards from 64<sup>th</sup> Avenue to the north property line of the plat.

Principal Planner Lang presented the staff report to the Commissioners.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Matt Monson, Minot Gun Club, Chad Ackerman, Greg Vange, and Mary Van Lith all testified in opposition to the application. They raised concerns on noise coming from the nearby gun range, storm water issues, and maintenance of the roads serving the development.

Motion by Commissioner Wegenast to approve based on the findings of fact and the conditions presented by staff adequately addresses the concerns of the objectors, second by Commission DeMakis, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion carries 9-0.**

**Item #7**

**The City Council needs to approve a resolution to approve a request by Southwest Crossing CCRC for a Planned Unit Development (PUD) to develop a retirement community, a resolution to approve a Comprehensive Plan Map Amendment from Low Density Residential and Medium Density Residential to High Density Residential, an ordinance to approve a rezone from R4 (Planned Development), R3 (Multi-Family Residential), R3C (Townhouse Residential) & R2 (Two-Family Residential) to RH (Residential High Density), and approve a motion for a subdivision plat to be known as Southwest Crossing CCRC Subdivision. The property is located at 4101-4231 & 4200-4238 Crossing Street SW and adjacent lots.**

**(Held from the July 24, May 28, & April 29 Planning Commission Meetings)**

**Finding of Facts:**

1. The development team for Southwest Crossing CCRC submitted a PUD application for the Planning Commission meeting in April requesting approval of the entire campus with the understanding that the project will be built out in phases and staff will review the submittals for each phase to insure that each phase is in substantial conformance with the approved PUD package and that the plans and specifications meet the development requirements of the City of Minot ordinance.
2. Planning Commission tabled the item for one month to allow staff and the applicant more time to address areas of concern.
3. Staff prepared a detailed request for additional information and sent it to the applicant.
4. The applicant submitted revised plans and support documents
5. Upon review of the new submittal, staff concluded that some information has been provided, however, some of the requested information was not provided.
6. The applicant wanted to present the plans to Planning Commission even though staff was recommending the project be held again until the additional information is provided.
7. The applicant did not meet the deadline for the June Planning Commission meeting but did make the deadline for the July meeting with the current 34-page PUD submittal.
8. All of staffs' concerns have been addressed or will be addressed under the conditions of approval listed below.

**Staff Recommendations & Conditions:**

Staff recommends that this PUD application be approved subject to the following conditions:

1. Bison Court Cul-de-sac needs to be reconstructed to meet city specifications by the developer.
2. Walking path(s) in the right of way must meet city specifications and be constructed of concrete. Maximum width of eight (8) feet unless additional right-of-way is dedicated on the plat to accommodate a larger path.
3. Any improvements in the floodplain must meet city floodplain ordinance requirements. A floodplain development permit is required for any work within the floodplain. A floodway certification may be needed based on new FEMA maps.
4. A developer agreement is required before the plat can be signed and recorded.
5. A storm water management plan is required and must meet the requirements of the original SW Crossing Development storm water management plan.
6. A traffic impact study is required, and any resulting improvements must be installed by the developer.
7. The sixteen (16) foot wide easement for the walking path that connects to 37<sup>th</sup> Avenue SW is not within the boundaries of this subdivision and therefore must be dedicated under separate instrument.

8. The general appearance and construction materials for the maintenance shop building and trash dumpster enclosures shall be based on the colors and construction materials of the residential garages, AND

Staff further recommends that the amendment to the Future Land Use Map and the rezoning request and the subdivision plat be approved for this project.

Chairman Hanson opened up comments from the commissioners. None were presented.

Chairman Hanson opened up comments from the applicant/public. Mark Black of Southwest Crossing, CCRC, testified in support of the application. He stated the landscaping will meet or exceed what is shown in the landscaping plan.

Motion by Commissioner Wegenast to approve based on the findings of fact and the conditions recommended by staff, second by Commissioner Koop, and was carried by the following roll call vote: ayes: Bartsch, Bullinger, DeMakis, Hanson, Koop, Larshus, Offerdahl, Siverston, and Wegenast, nays: none.

**Motion Carries 9-0.**

With no other business before the committee, Chairman Hanson adjourned the meeting at 6:35 p.m.

**Minutes prepared by: Brian Billingsley and Glenda Sorensen**