



Regular Planning Commission Meeting
Wednesday, September 3, 2025, at 5:30 PM
City Council Chambers, City Hall (10 3rd Ave SW)

Any person needing special accommodation for the meeting is requested to notify the City Clerk's office at 857-4752.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INTRODUCTIONS AND DECORUM
 - 3.1. INTRODUCTIONS AND DECORUM HANDOUT
4. PLANNING COMMISSION
 - 4.1. APPROVAL OF THE JUNE 2025 REGULAR MEETING MINUTES
5. PUBLIC HEARING
 - 5.1. CASE #2025-35 - BATTLEGROUND ADDITION, LOT 11 - EASEMENT VACATION

Public hearing request by Chad Sherven representing Monica Porterfield, owner for an Easement Vacation for an unused utilities easement on a property zoned "MH" Manufacture Home District. The legal description for the property is Lot 11 Battle Ground Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 900 63rd Ave NE.

- 5.2. CASE #2025-36 - FLICKERTAIL ADDITION, LOT 18 - INTERIM USE PERMIT

Public hearing request by Jacob Fyling representing S&L Properties, owner for an Interim Use Permit on a property zoned "C2" General Commercial District for the placement of a temporary modular building. The legal description for the property is Lot 18, Flickertail Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 4600 N. Broadway.

- 5.3. CASE #2025-26 - LINHA'S 6TH ADDITION, LOTS 1 & 2 - PRELIMINARY PLAT

Public hearing request by Wayne Strand, owner for a preliminary plat on a property zoned "R1" Single Family Residential District and "AG" Agricultural District. The legal description for the property is Lots 1 & 2, Block 1, of Linha's 4th Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 3900 16th St. NW.

5.4. CASE #2025-39 - ABEL ACRES ADDITION - PRELIMINARY PLAT

Public hearing request by Rob Berard, Ackerman Surveying representing Dakota Boys and Girls Ranch Foundation, owner for a preliminary plat on property zoned "AG" Agricultural District. The legal description for the property is Outlot 8 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, Township 155 North, Range 83 West, Ward County, North Dakota.

5.5. CASE #2025-38 - MIDWEST MONTESSORI LLC - CONDITIONAL USE PERMIT

Public hearing request by Caleb Heilman, Midwest Montessori LLC, owner for a conditional use permit on a property zoned "R3B" Multiple Residence District (equivalent district "RM" Medium Density Residential) for a preschool and commercial daycare facility. The legal description for the property is Lot 1, North Minot 7th Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 812 8th St. NW.

5.6. CASE #2025-33 - ENDEAVOR HOLDINGS - CONDITIONAL USE PERMIT

Public hearing request by Jonathan Layne, Endeavor Holdings, owner for a conditional use permit for a group home facility on a property zoned "R1" Single Family Residential. The legal description for the property is S 50' of Lot 1, Block 15 & 20 including vacated street of Ramstads Riverview Subdivision to the City of Minot, Ward County, North Dakota.

The subject property address is 624 Main St. S.

5.7. CASE #2025-34 - SUMMER CLEANUP - TEXT AMENDMENTS

Public hearing request by Brian Billingsley, Community Development Director for the City of Minot, for a text amendment to the Land Development Ordinance of the City of Minot. This text amendment covers multiples sections: Chapter 2.2 Public "P" District Use addition for warehousing and Daycares, Chapter 2.3 Family Definition, Chapter 2.3 and Chapter 6.1 Shipping Containers Definition and Use Regulations, Chapter 2.24 Noise Buffer

Overlay, Chapter 2.25 Runway Buffer Overlay, Chapters 2.2 and Chapter 4.1 Group Homes Above Six (6) People, Chapter 5.1 Sign Code Maximums, Chapter 10.2 Easement Vacation with Minor Plats, Chapter 12.2 Stormwater Plan Requirements and Chapter 13.1 Nonconforming Manufacture Housing in Single Family Residential Zones.

6. MISCELLANEOUS AND DISCUSSION ITEMS
7. ADJOURNMENT

INTRO

The Planning Commission evaluates land use applications for compliance with the standards and procedural requirements outlined within the Zoning Supplement to the City of Minot (Zoning Code) and North Dakota Century Code. Further, the Planning Commission is tasked to ensure development within the City of Minot aligns with the City of Minot 2012 Comprehensive Plan (Comprehensive Plan).¹

Planning Department staff are assigned to support the Planning Commission by reviewing applications for compliance with the Zoning Code and alignment with the Comprehensive Plan. Staff summarizes this information to the Planning Commission in the form of written staff reports, which include a recommendation. Oral presentations summarizing a staff report and any additional information obtained since the date said staff report was written is provided as determined necessary by the Planning Commission.

Planning Commission is not required to follow City staff recommendation. However, a deviation from staff's recommendation may require clarification to the findings of fact along with clearly stated reasoning for any alternative recommendation.

Finally, staff is not able to anticipate all information entered into the record via Planning Commissioner discussion or provided by the public during the open public comment period. Staff is available to answer any questions which may arise through discussion.

The Planning Commission renders a decision for variances, interim use permits, and conditional use permits that may be appealed to City Council. The Planning Commission provides recommendations to City Council for all other land use applications.

DECORUM

Persons attending public hearings are expected to conduct themselves with decorum to assure fairness and equity in the proceedings. Participants must:

- Step to the podium/microphone each time you wish to be recognized by the Planning Commission to offer a comment, or to ask or answer a question, and state your name for the record. To ensure minutes of the meeting accurately reflect the individual for which statements are made a sign-in sheet is provided at the podium for those wishing to speak.
- Address all testimony, comments and questions to the Chair of the Commission and not the other participants, the applicant, or the staff. The Chair of the Commission will determine the appropriateness of all questions and when and where to direct them.
- Allow others in attendance an opportunity to present their testimony. Do not interrupt the proceedings with applause, heckling, outbursts or other disruptive behavior.
- Address the issues and application that are before the Commission. These proceedings are not the forum to discuss the appropriateness of particular land use policies, regulations, or alternatives.
- Please silence your phones or set them to vibrate at this time.

¹ Per N.D.C.C 40-48-09, the basic purpose of the plan:

...The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and the general embellishment of the area under its jurisdiction.

On June 3, 2025, a Regular Planning Commission Meeting of the Minot Planning Commission was held in the City Council Chambers, City Hall (10 3rd Ave SW). Chairman Offerdahl called the meeting to order at 05:30 PM.

1. ROLL CALL

Members Present: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson

Members Absent: Logan Longtin, Annette Mennem, Darrik Trudell

City Staff Present: Doug Diedrichsen, Dan Falconer, Hannah Hornberger, Emily Huettl, Nick Schmitz

Others Present: John Subick, Landon Bahl, Renee Hiller, Ted Duchsherer, Robert Carey

2. PLEDGE OF ALLEGIANCE

3. INTRODUCTIONS AND DECORUM

3.1. INTRODUCTIONS AND DECORUM HANDOUT

4. PLANNING COMMISSION

4.1. APPROVAL OF THE MAY 2025 REGULAR MEETING MINUTES

The motion to Approve May 2025 Regular Meeting Minutes was initiated by Planning Commission Representative Kibler seconded by Wolff and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5. PUBLIC HEARING

5.1. CASE #2025-17 - 1201 4TH ST NW - CONDITIONAL USE PERMIT

Mr. Diedrichsen reviewed the staff report.

The Commissioners and staff had a discussion.

Chairman Offerdahl opened the public hearing to the public for testimony.

No one appeared to testify.

Chairman Offerdahl closed the public hearing.

The motion to Approve based on staffs recommendation and findings of fact was initiated by Planning Commission Representative Baumann seconded by Planning Commission Representative Kibler and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.2. CASE #2025-19 - OUTLOT 20 SE 1/4 SEC 27-155-83 - CONDITIONAL USE

PERMIT

Mr. Diedrichsen reviewed the staff report.

The Commissioners and staff had a discussion.

Chairman Offerdahl opened the public hearing to the public for testimony.

Landon Bahl, applicant, informed the commissioners they would be removing old trees and planting new as well as tearing down the old Casa Motel building.

Chairman Offerdahl closed the public hearing.

The motion to Approve based on staff's recommendation and findings of fact was initiated by Planning Commission Representative Amick seconded by Planning Commission Representative Dockter and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.3. CASE #2025-20 - LIECHTY HOMES 7TH ADDITION - ANNEX, ZONING MAP AMENDMENT, PRELIMINARY PLAT

Mr. Diedrichsen reviewed the staff report.

The Commissioners and staff had a discussion.

Chairman Offerdahl opened the public hearing to the public for testimony.

No one appeared to testify.

Chairman Offerdahl closed the public hearing.

The motion to Approve based on staff's recommendation and findings of fact was initiated by Planning Commission Representative Baumann seconded by Erickson and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.4. CASE #2025-21 - PLAINVIEW ADDITION LOT 2 - INTERIM USE PERMIT

Mr. Falconer reviewed the staff report.

Chairman Offerdahl opened the public hearing to the public for testimony.

Mr. Falconer read a letter from a resident.

Renae Hiller, resident, voiced her concern.

Ted Duscherer, resident, gave background information on the property.

Rob Carey, resident, voiced his concerns.

Chairman Offerdahl closed the public hearing.

The motion to Deny based on city's future land use map was initiated by Planning Commission Representative Baumann seconded by Wolff and carried by the following roll call vote: ayes: None; nays: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson.

Motion Failed.

Commissioners had a discussion. Mr. Schmitz informed the legal criteria of the IUP.

The motion to Amendment to add one point of entrance is gated was initiated by Planning Commission Representative Baumann seconded by Erickson and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

The motion to Approve based on staff's recommendation and findings of fact with the additional conditions including: operations only during the hours of 9:30am to 4pm, inert material only, surety bond or irrevocable LOC plus 10% and one point of entrance is gated was initiated by Planning Commission Representative Kibler seconded by Wolff and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

5.5. CASE #2025-22 - 3100 4TH AVE SE (SIMPLOT) - CONDITIONAL USE PERMIT

Application was withdrawn.

6. MISCELLANEOUS AND DISCUSSION ITEMS

6.1. SIGN PRESENTATION

Mr. Falconer gave a presentation about our sign codes.

The Commissioners had a discussion.

The Planning Commission recommended staff come up with text amendments regarding this.

6.2. AUGUST MEETING DATE

Mr. Diedrichsen updated our commissioners about our staff's monthly activities.

The motion to cancel the July Planning Commission meeting and move the August Planning Commission to August 12, 2025 at 5:30pm in City Council Chambers at City Hall was initiated by Planning Commission Representative Kibler seconded by Erickson and carried by the following roll call vote: ayes: Tim Baumann, Erin Iverson, Kayla Johnson, Robert Kibler, Dustin Offerdahl, Serena Pontenila, Bradly Wolff, Robert Amick, Tanner Dockter, Casey Erickson; nays: None.

7. ADJOURNMENT

With no further business, Chairman Offerdahl adjourned the meeting at 7:25 pm.



Planning Commission Staff Report

Application Date: 06/30/2025
Date of Staff Report: 07/10/2025
Date of Planning Commission Meeting: 08/12/2025

Staff Contact: Doug Diedrichsen, Principal Planner
Staff Recommendation: Approval

Case Number: 2025-35
Project Name: Lot 11 Battleground Addition –
Easement Vacation

Current Legal Description: See the project
description below.

Proposed Legal Description: Lot 11 of
Battleground Addition to the City of Minot

Present Address: See the project description
below.

Owners: Monica Porterfield

Representative: Chad Sherven

Entitlements Requested: Easement Vacation

Present Zone(s): “MH” Manufactured Home
District

Present Use(s): Manufactured Home Residential

Uses Allowed in Present Zone(s): See Table 2.2
for allowed and conditionally permitted uses
within each district.

Present Future Land Use Map Designation: Rural
Residential

Proposed Zone(s): No Change

Proposed Use(s): No change

Uses Allowed in Proposed Zone(s): See Table 2.2 for
allowed and conditionally permitted uses within each
district.

Proposed Future Land Use Map Designation: No
Change

PROJECT DESCRIPTION:

Public hearing request by Chad Sherven representing Monica Porterfield, owner for an Easement Vacation for an unused utilities easement on a property zoned “MH” Manufacture Home District. The legal description for the property is Lot 11 Battle Ground Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 900 63rd Ave NE.

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The property owner seeks to vacate an unused utility easement in order to apply for a building permit for new construction. The requested vacation is for the easement on the subject property only and does not affect encumbrances on adjacent properties.

Letter of Intent can be found in **Exhibit 2**.

The Petition to Vacate and supplemental materials can be found in **Exhibit 3**.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibit 4**.

Site photos are provided in **Exhibit 5**.

STAFF ANALYSIS:

Easement Vacation Standards:

Chapter 40-39 of North Dakota Century Code covers the process of application and submittal for opening and vacation streets, alleys and public places. The applicant has submitted the necessary application documents required and noticing has been conducted as required per 9.2-1 (B) and (C).

NDCC 40-39-05. Petitions for vacation of streets, alleys, or public grounds to meet the following. No public grounds, streets, alleys, or parts thereof within a municipality shall be vacated or discontinued by the governing body except on a petition signed by all of the owners of the property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, shall be accompanied by a plat of such public grounds, streets, or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner. To that end, staff provides the following guidance

The owner of the property has submitted a petition to vacate a utility easement on their property accompanied by a copy of the current plat, a vacation exhibit prepared and stamped by a licensed land surveyor and a letter of intent for the request referring to a request for a building permit for new construction on the subject property that would encroach on the vacant easement. NDCC 40-39-05 is satisfied.

NDCC 40-39-06, requiring public hearing notification, is satisfied with public hearing notices being mailed via certified letter to all properties within 300', addition mailings to properties within 600' as required the Land

Development Ordinance of the City of Minot for application in the Extraterritorial Zoning Jurisdiction and publication of hearing notices as required by Section 9.2-1. B. of the Land Development Ordinance of the City of Minot.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

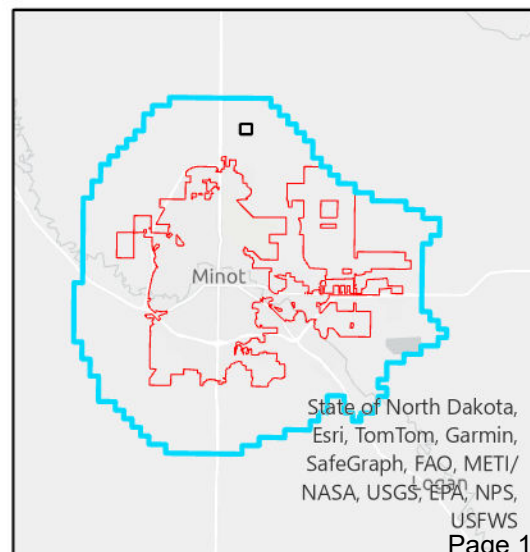
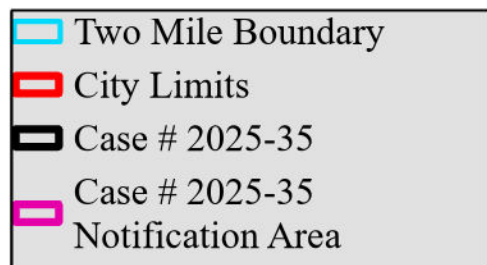
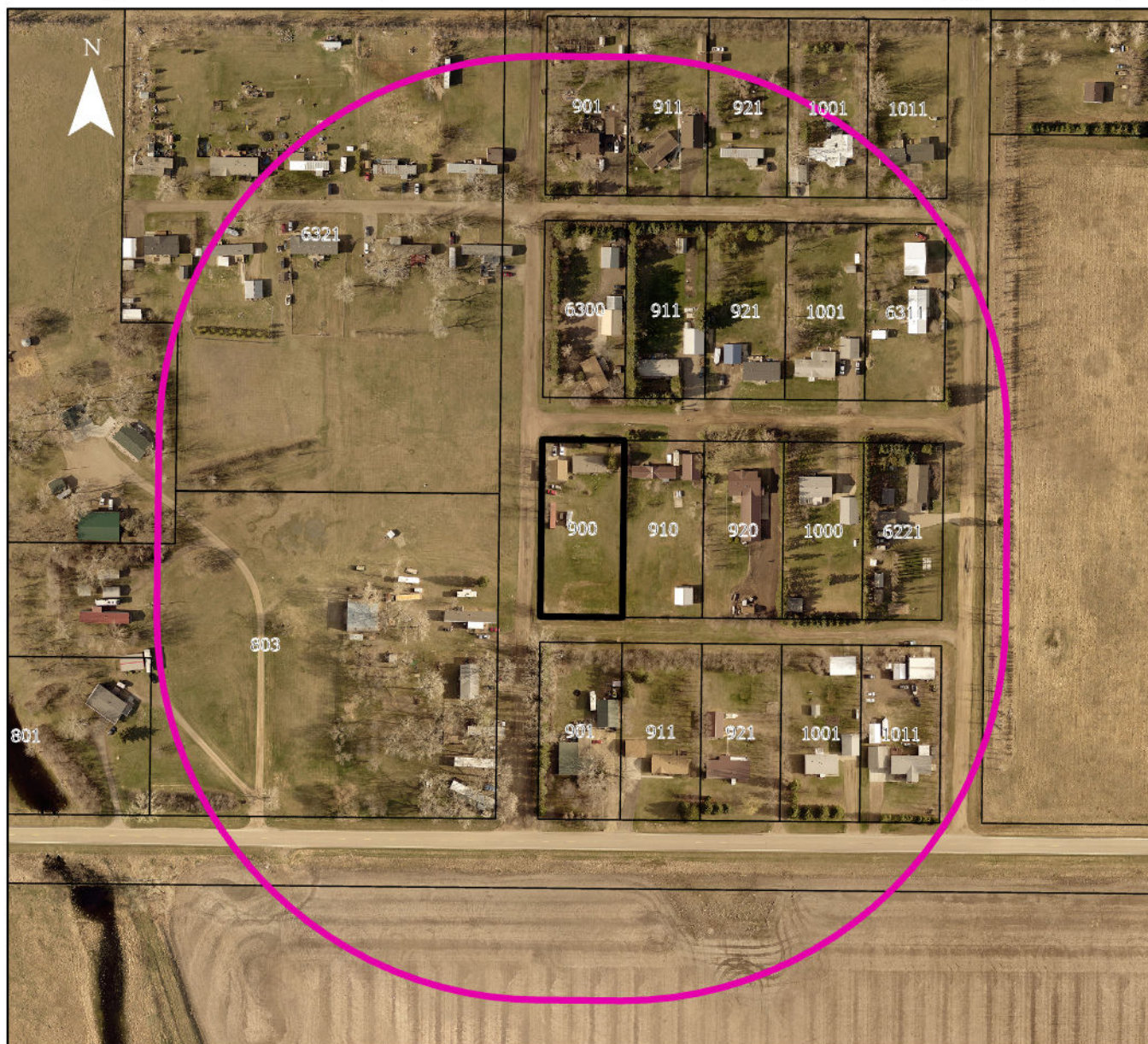
FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The property is zoned “MH” Manufactured Home District on the Official Zoning Map and has a “Rural Residential” designation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant’s request is consistent with the bulk requirements of Chapter 40-30 – North Dakota Century Code.
- 4) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the easement vacation. 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 RECOMMENDATION TO PLANNING COMMISSION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the petition for vacation of an easement.



Letter of Intent

I Chad Sherven, am asking for the unused easment to be vacated at Battleground addition lot 11. I want to remove existing structure to be replaced with new structure in same location.

Thank you.

Chad Sherven

City of Minot

Exhibit 3

1025 31st St SE
PO Box 5006
Minot, ND 58702
planner@minotnd.org
(701) 857-4122

Planning Department

Street/Alley Vacation & Easement Checklist

- ☒ 1) Meet with Planning Department to discuss future intentions.
- ☒ 2) Detailed description of request.
- ☒ 3) O and E Report from local abstract company for each property must accompany application to vacate.
- ☒ 4) Complete petition to Vacate. The owners of all properties abutting _____ respectfully petition the Mayor and City Council to vacate said

Signature of Owner _____

Legal Description of Property Monica L Porterfield - Deed Owner Battle Ground Addition - Lot 11

Signature of Owner _____

Legal Description of Property Chad Sherven - Contract Owner Battle Ground Addition - Lot 11

Signature of Owner _____

Legal Description of Property _____

Signature of Owner _____

Legal Description of Property _____

(Continue on separate sheet if further signatures are required)

I hereby certify that I circulated this instrument, that the signatures are true and correct and that I:

- ☒ Represent Myself only.
- ☐ Represent Myself and am acting as agent for the aforementioned property owners.
- ☐ Am acting as agent only for the aforementioned property owners

Chad Sherven
Signature of Applicant

7/17/25
Date

STATE OF NORTH DAKOTA)
COUNTY OF WARD) SS

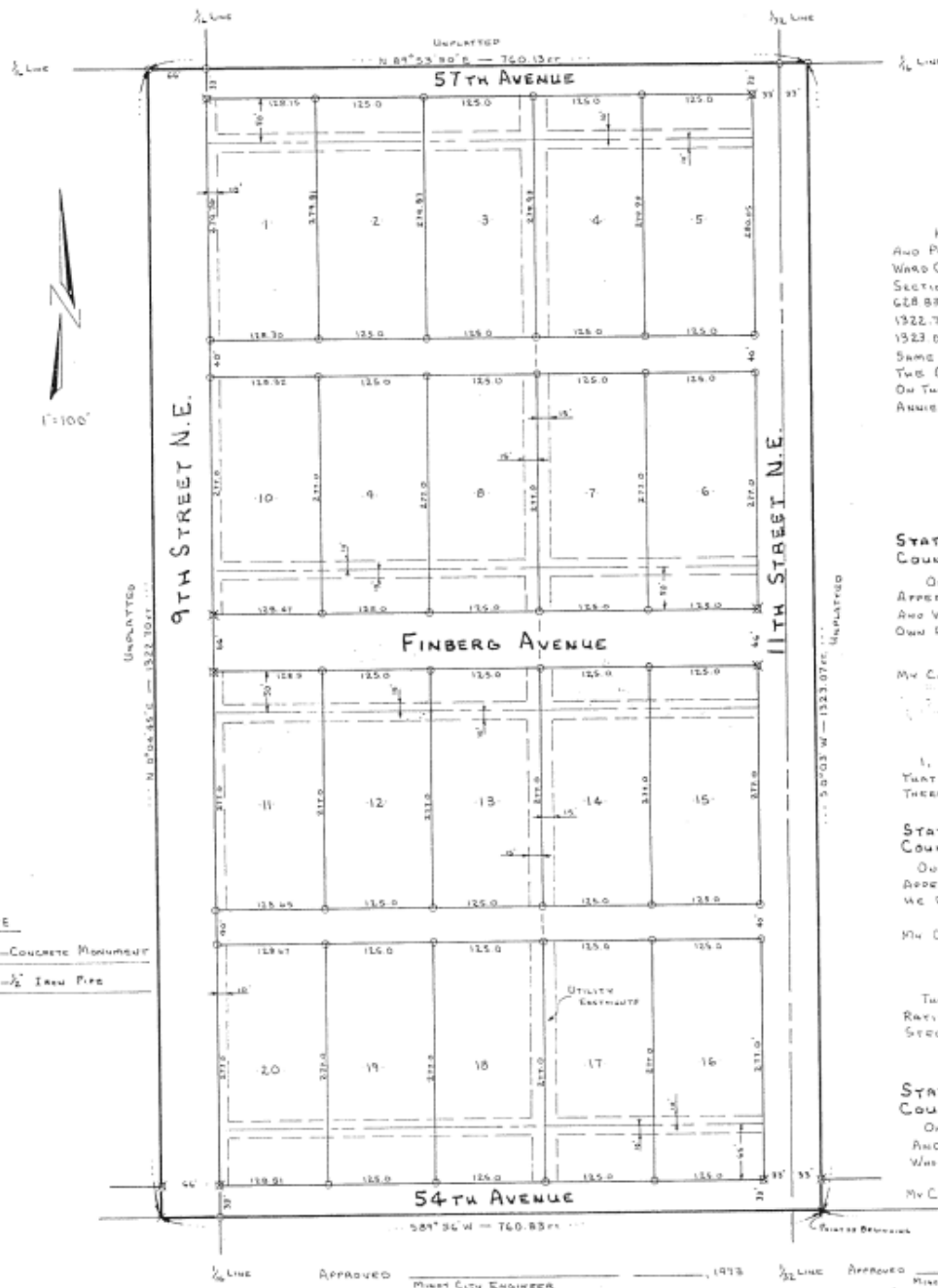
On this July 17th day of July, 2025, before me, a Notary Public in and for the said county and state, personally appeared Monica Porterfield known to me to be the person described and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Nathaniel Henjum
Notary Public

07-17-2025
Date

07-16-2029
My Commission Expires

NATHANIEL HENJUM
Notary Public
State of North Dakota
My Commission Expires July 16, 2029



BATTLE GROUND ADDITION

To
CITY OF MINOT, NORTH DAKOTA

DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS, THAT CHESTER H. GILLMORE AND ANNIE L. GILLMORE, HIS WIFE, BEING OWNER AND PROPRIETOR OF THAT CERTAIN TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 25, TOWNSHIP 156 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE S.E. CORNER OF SECTION 25, TOWNSHIP 156 NORTH, RANGE 83 WEST, THEN S 81° 56' W ALONG THE SOUTH LINE OF SAID SECTION 25, 628.83 FEET TO A POINT OF BEGINNING; THEN S 81° 56' W, ALONG SAID SECTION LINE, 760.83 FEET; THEN N 0° 04' 45" E 1322.70 FEET, TO THE E-W 1/2 LINE; THEN N 89° 53' 30" E, ALONG THE E-W 1/2 LINE, 760.13 FEET; THEN S 0° 03' W 1322.07 FEET, TO THE POINT OF BEGINNING. SAID TRACT CONTAINS IN ALL 25.1 ACRES, MORE OR LESS, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AS HEREIN SHOWN, TO BE KNOWN AS BATTLE GROUND ADDITION TO THE CITY OF MINOT, NORTH DAKOTA, AND HEREBY DONATES AND DEDICATES STREETS, AVENUES, AND ALLEYS SHOWN ON THE ACCOMPANYING PLAT TO THE PUBLIC USE FOREVER. IN WITNESS WHEREOF THE SAID CHESTER H. GILLMORE AND ANNIE L. GILLMORE, HIS WIFE HAVE HEREUNTO SUBSCRIBED THEIR SIGNATURES.

CHESTER H. GILLMORE

ANNIE L. GILLMORE

STATE OF NORTH DAKOTA } ss
COUNTY OF WARD

ON THIS ____ DAY OF ____, 1973, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED CHESTER H. GILLMORE AND ANNIE L. GILLMORE, HIS WIFE WELL KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES ____

NOTARY PUBLIC, WARD COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RONALD R. LA COUNT, SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE ABOVE DESCRIBED LAND; THAT LOTS, DISTANCES, AREA AND LOCATIONS AS INDICATED ON THE FOREGOING PLAT AND CONTAINED IN THE DESCRIPTION THEREOF ARE TRUE AND CORRECT.

STATE OF NORTH DAKOTA } ss
COUNTY OF WARD

ON THIS ____ DAY OF ____, 1973, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED RONALD R. LA COUNT, SURVEYOR, WELL KNOWN TO ME TO BE SUCH, AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AS HIS OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES ____

NOTARY PUBLIC, WARD COUNTY, NORTH DAKOTA

RATIFICATION

THE UNDERSIGNED AS THE LEGAL OWNER OF THE PROPERTY COVERED BY THIS FOREGOING PLAT DOES HEREBY ADOPT, RATIFY, AND CONFIRM THE ABOVE AND FOREGOING PLAT, AND DOES HEREBY JOIN IN DONATING AND DEDICATING THE STREETS, AVENUES AND DRIVES AS SHOWN ON SAID PLAT TO THE PUBLIC FOR PUBLIC USE.

DATED THIS ____ DAY OF ____, 1973

MATT FINBERG

JOHANNES FINBERG

STATE OF NORTH DAKOTA } ss
COUNTY OF WARD

ON THIS ____ DAY OF ____, 1973, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE MATT FINBERG AND JOHANNES FINBERG, HIS WIFE KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED, IN AND WHO EXECUTED THE FOREGOING RATIFICATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES ____

NOTARY PUBLIC, WARD COUNTY, NORTH DAKOTA

SECTION LINE S 81° 56' W - 628.83 ft



APPROVED
MINOT CITY ENGINEER

APPROVED
MINOT CITY PLANNING COMMISSION

APPROVED
WARD COUNTY PLANNING COMMISSION

ZONING



FUTURE LAND USE



0 212.5 425 850 Feet

Zoning

	AG
	MH
	R1
	RR

Both Maps

	Case # 2025-35
	Case # 2025-35 Notification Area

Land Use Type

	Agricultural and Open Space
	Rural Residential

Exhibit 5 – Site Photos



Facing East



Facing South



Facing North



Facing West



**Planning Commission
Staff Report**

Application Date: 07/09/2025
Date of Staff Report: 08/11/2025
Date of Planning Commission Meeting: 09/03/2025

Staff Contact: Daniel Falconer, Assistant Planner
Staff Recommendation: Approval

Case Number: 2025-36
Project Name: Flickertail Addition – IUP
Current Legal Description: Flickertail Addition Lot 18

Proposed Legal Description: No Change.

Present Address: 4620 Broadway N

Owners: S&L Properties

Representative: Jacob Fylling

Entitlements Requested: Interim Use Permit (IUP) for portable classroom.

Present Zone(s): “C2” General Commercial District.

Present Use(s): Religious assembly.

Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Present Future Land Use Map Designation: Gateway Commercial

Proposed Zone(s): No Change.

Proposed Use(s): Religious assembly and placing a modular classroom with IUP.

Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Proposed Future Land Use Map Designation: No Change.

PROJECT DESCRIPTION:

Public hearing request by Jacob Fylling representing S&L Properties, owner for an Interim Use Permit on a property zoned “C2” General Commercial District for the placement of a portable classroom. The legal description for the property is Lot 18, Flickertail Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 4620 N. Broadway.

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The applicant has requested an IUP to place a portable classroom on site. Calvary Chapel Minot purchased the classroom from Minot Public Schools with the intent of moving it onto the property at 4620 N Broadway and is proposing to use it as a classroom space during Sunday morning service.

Applicants Letter of Intent can be found in **Exhibit 2**.

A zoning and future land use map can be found in **Exhibit 3**.

Site pictures can be found in **Exhibit 4**.

A preliminary site plan showing the location of the portable classroom can be found in **Exhibit 5**.

STAFF ANALYSIS:

Interim Use Permit Analysis:

Section 9.1-5. of the Minot Land Development Code provides the procedures for permitting of interim uses within the City of Minot. Section 9.1-5. B. states that the application, public hearing, noticing, and procedural requirement for an interim use permit (IUP) are the same as those for a conditional use permit (CUP). Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-4 C. and noticing has been conducted as required per Section 9.2.

Section 9.1-5 C. states that the Planning Commission shall authorize an interim use permit only if they find that the following criteria are met:

1. An Interim Use Permit is the preferred method for authorizing the specified use, as defined by the zoning use matrix.
2. The date or event that will terminate the use can be identified with certainty.
3. The interim use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
4. The interim use will be subjected to, by agreement with the owner, any conditions that the Planning Commission has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the Interim Use Permit.

To that end, staff provides the following guidance:

Staff finds an interim use permit is the preferred method for authorizing portable classrooms, as noted in Table 2.2 Table of Uses – Miscellaneous Uses from the Land Development Ordinance (LDO) of the City of Minot, satisfying Section 9.1-5. C. 1.

Section 9.1-5. C. 2. relates to the identification of a certain date or event that will terminate the use. The portable classroom being sought is directly tied to an increase in attendance at Calvary Chapel and the desire to have a classroom space during the Sunday morning service. The applicant proposes a termination date of 2035, which would give time to secure funding for a permanent expansion of the assembly to add classroom space. Staff finds this timeline reasonable and recommends that to further delineate the date and/or event, as required by Section 9.1-5. C. 2., the following condition be added to satisfy said criteria:

The termination date shall be September 3rd, 2035, or upon the issuance of a certificate of occupancy for a permanent building expansion encompassing classroom capacity, whichever is sooner.

Section 9.1-5. C. 3., relating to the interim use not imposing additional costs on the public if it is necessary for the public to take the property in the future. Staff finds this criterion satisfied and does not recommend additional conditions of approval. If the portable classroom is present on the property after the permit expires it would become illegal non-conforming and would be referred to our standard code enforcement process. The cost to remove the classroom would be assessed to the property if necessary.

Section 9.1-5. C. 4. relates to additional conditions of approval that the Planning Commission deems appropriate, which may include a financial surety to remove the interim use from the property. Staff finds this criterion satisfied and does not recommend additional conditions of approval as described in the analysis of Section 9.1-5. C. 3.

Overall, staff finds that the Sections 9.1-5 C. 1. through 4. are met, subject to the conditions previously noted.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

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 zoned “C2” General Commercial District on the Official Zoning Map and has a “Gateway

Commercial” designation on the Future Land Use Map of the 2040 Comprehensive Plan.

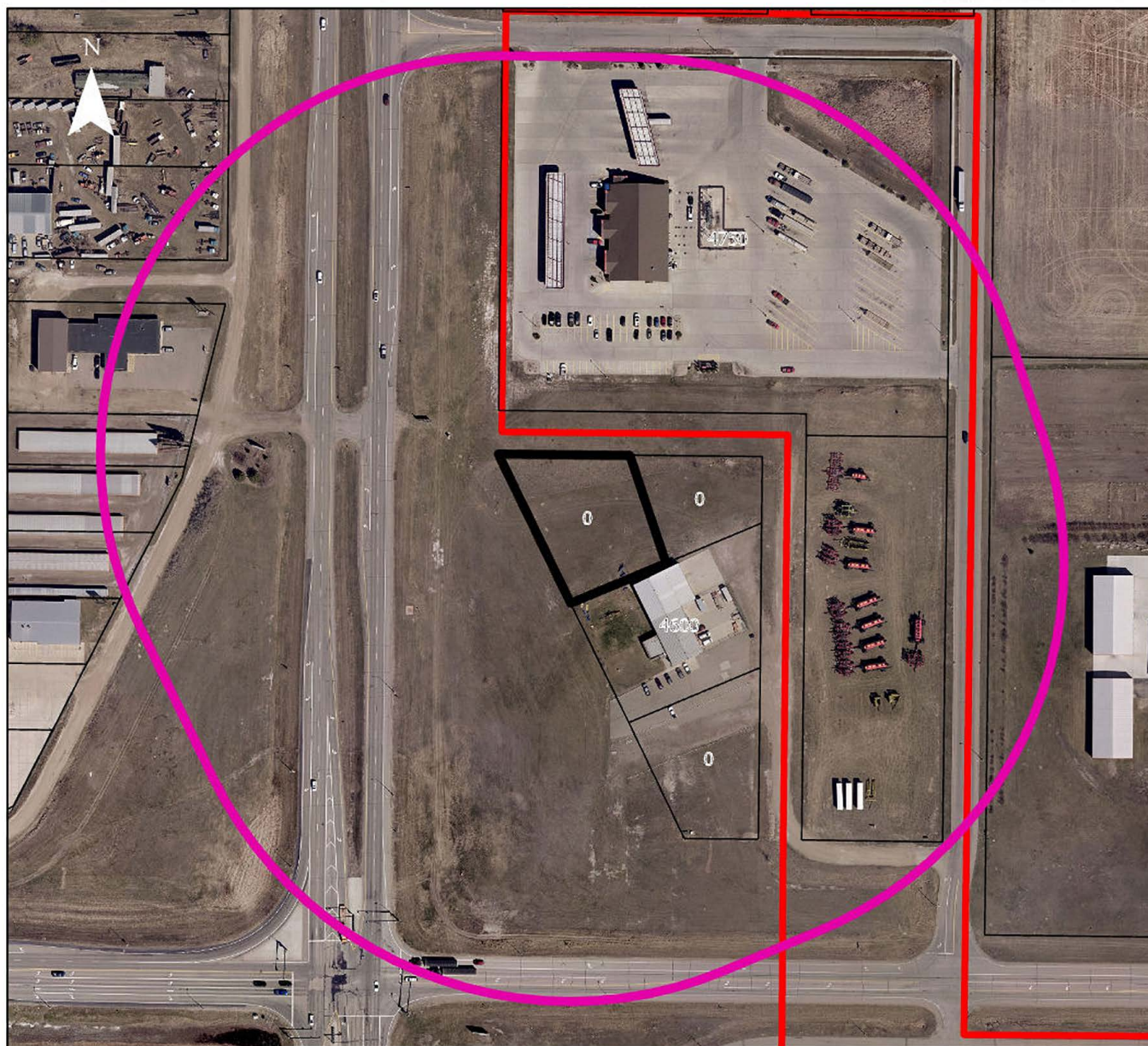
- 3) Section 9.1-5. C. 1. is satisfied as the preferred method of permitting portable classrooms is via interim use permits per Table. 2.2 Table of Uses of the Land Development Ordinance of the City of Minot (LDO).
- 4) Section 9.1-5. C. 2. is satisfied with the inclusion of the condition memorializing the termination date as September 3rd, 2035, or upon the issuance of a certificate of occupancy for a permanent building expansion encompassing classroom capacity, whichever is sooner.
- 5) Section 9.1-5. C. 3 & 4. are satisfied, as no further conditions are warranted due to other enforcement mechanisms currently in place.
- 6) The Minot Planning Commission has the authority to hear the Interim Use Permit case and decide whether it should be approved or denied, with or without conditions. 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 TO THE PLANNING COMMISSION:

Staff recommends the Planning Commission adopt the staff findings of fact and approve the Interim Use Permit for a portable classroom with the following recommended conditions.

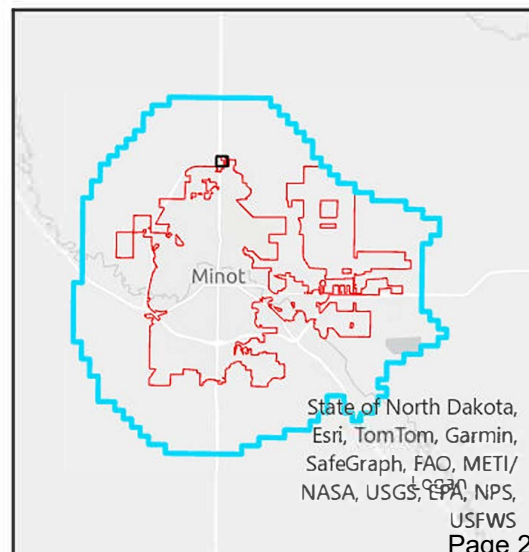
RECOMMENDED IUP CONDITIONS:

- 1) The termination date shall be September 3rd, 2035, or upon the issuance of a certificate of occupancy for a permanent building expansion encompassing classroom capacity, whichever is sooner.



0 170 340 680 Feet

-  Case # 2025-36
-  Case # 2025- 36
-  Notification Area
-  City Limits
-  Two Mile Boundary



Jake Fylling

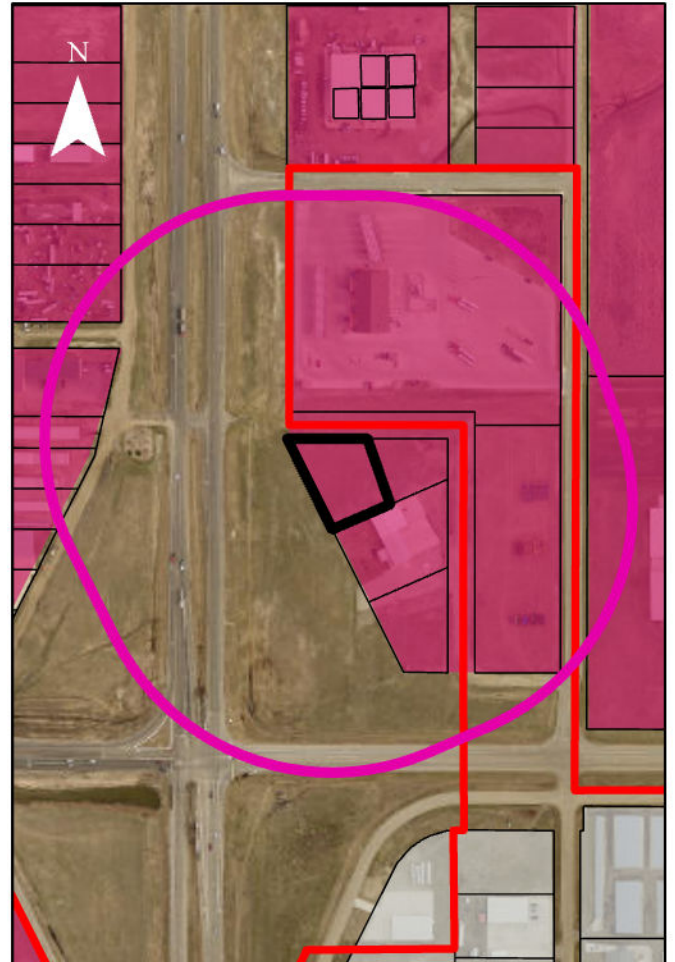
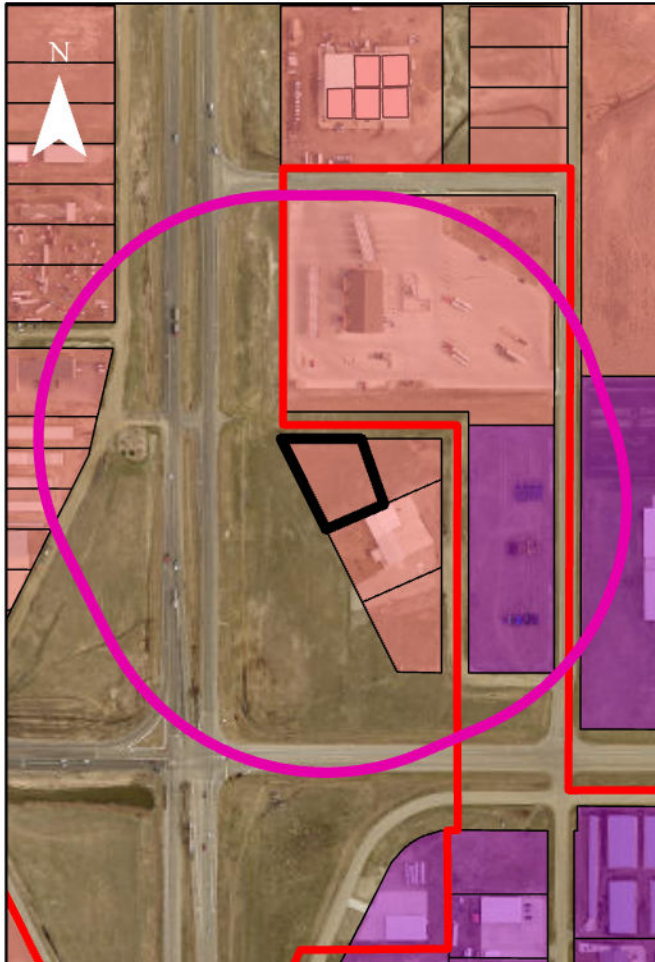
Bill Smith

Calvary Chapel – 4600 N Broadway

Calvary Chapel Minot has purchased a modular building from Minot Public Schools with the intent of moving that onto the property at 4600 N Broadway and using that as classroom space during Sunday morning service. Kevin Huwe will move the building and is willing to do so within the next month. The plan is to put the building on concrete piers to the North of the existing building.

ZONING

FUTURE LAND USE



0 235 470 940 Feet

Zoning

- C2
- M1

Both Maps

- Case # 2025-36
- Case # 2025- 36 Notification Area

Land Use Type

- Light Industrial
- Gateway Commercial
- Gateway Commercial

Exhibit 4 – Site Photos



Facing East



Facing North



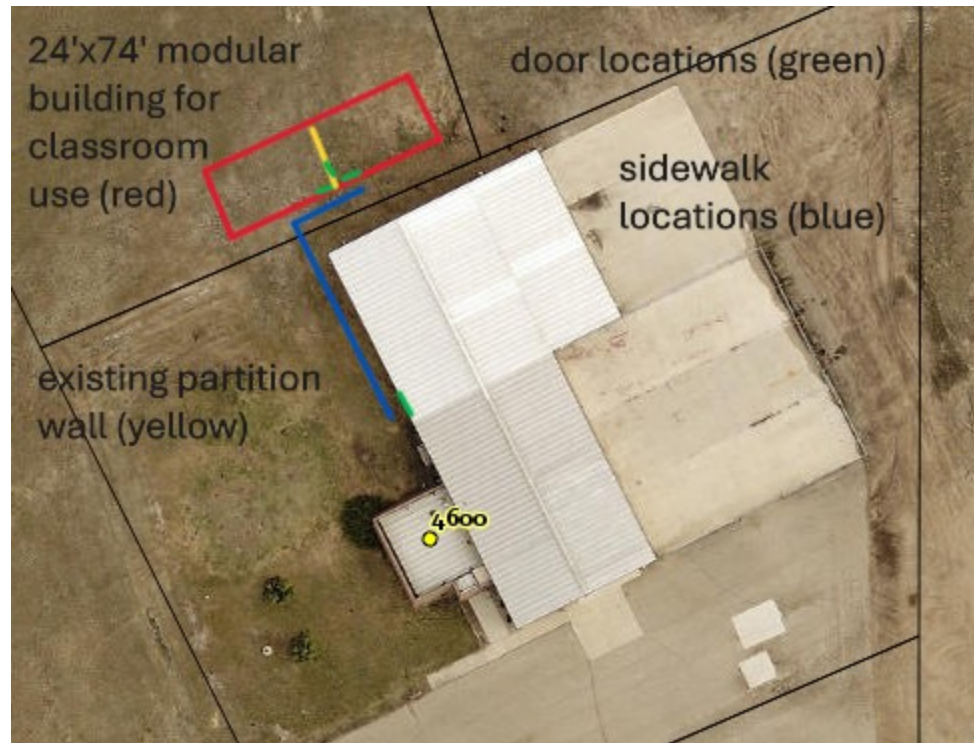
Facing Northwest



Facing West

EXHIBIT 5

Site Plan





Planning Commission Staff Report

Application Date: 06/05/2025
Date of Staff Report: 07/17/2025
Date of Planning Commission Meeting: 08/12/2025

Staff Contact: Doug Diedrichsen, Principal Planner
Staff Recommendation: Approval

Case Number: 2025-26
Project Name: Linha's 6th Addition – Preliminary Plat
Current Legal Description: See the project description below.
Proposed Legal Description: Lot 1 & 2 of Linha's 6th Addition to the City of Minot
Present Address: See the project description below.

Owners: Wayne Strand & Debbie Dyste
Representative: Wayne Strand
Entitlements Requested: Major Subdivision Preliminary Plat

Present Zone(s): "R1" Single Family Residential District, "AG" Agricultural District
Present Use(s): Agriculture, Single-Family Home
Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.
Present Future Land Use Map Designation: Suburban Residential

Proposed Zone(s): No Change
Proposed Use(s): No change with lot line readjustment
Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.
Proposed Future Land Use Map Designation: No Change

PROJECT DESCRIPTION:

Public hearing request by Wayne Strand, owner for a preliminary plat on a property zoned "R1" Single Family Residential District and "AG" Agricultural District. The legal description for the property is Lots 1 & 2, Block 1, of Linha's 4th Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 3900 16th St. NW.

An aerial photo of the subject property can be found in **Exhibit 1.**

BACKGROUND INFORMATION:

The property owner seeks to adjust the property lines for two lots lying in different zoning districts. The proposed subdivision will create two lots. Lot 1 will be 5.08 acres zoned “R1” Single family Residential and Lot 2 is 10.00 acres zoned “AG” Agricultural.

The preliminary plat can be found in **Exhibit 2.**

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibit 3.**

Site photos are provided in **Exhibit 4.**

STAFF ANALYSIS:

Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff’s report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not, whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout, which proposes two lots, each with adequate terrain and access to be suitable for development. Staff finds Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The name Linha’s 6th Addition has not yet been taken and is spelled correctly. Section 10.3-3. is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is not applicable, as there are no additional streets proposed via this subdivision.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as those properties to be zoned meet the minimum lots size of 7,500 Sq. Ft. for an “R1” Single Family Residential interior lot and ten (10) acres in the “AG” Agricultural District.

Section 10.3-12 relating to block design is not applicable.

The requirements of Section 10.3-13. A. relating to the dedication of right-of-way, easements, and street widths is satisfied with no additional right-of-way dedications are required.

Sections 10.3-14 relates to sidewalks, which are exempted within the “AG” Agricultural District subdivision unless required by the City Engineering or their designee. Sidewalks are not being required and therefore Section 10.3-14 is satisfied.

Section 10.3-15 related to public utilities is satisfied. The land is outside of the service area of the municipal water and sewer system. Each site is suitable, at a minimum, for agricultural uses related to farming and ranching.

Section 10.3-21 related to financial security for necessary infrastructure improvements is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and the following comments were received:
 - a. Engineering: Both parcels currently have and will continue to have special assessments related to District 478 held in abeyance until they annex, at which time they will be assessed.

FINDINGS OF FACT:

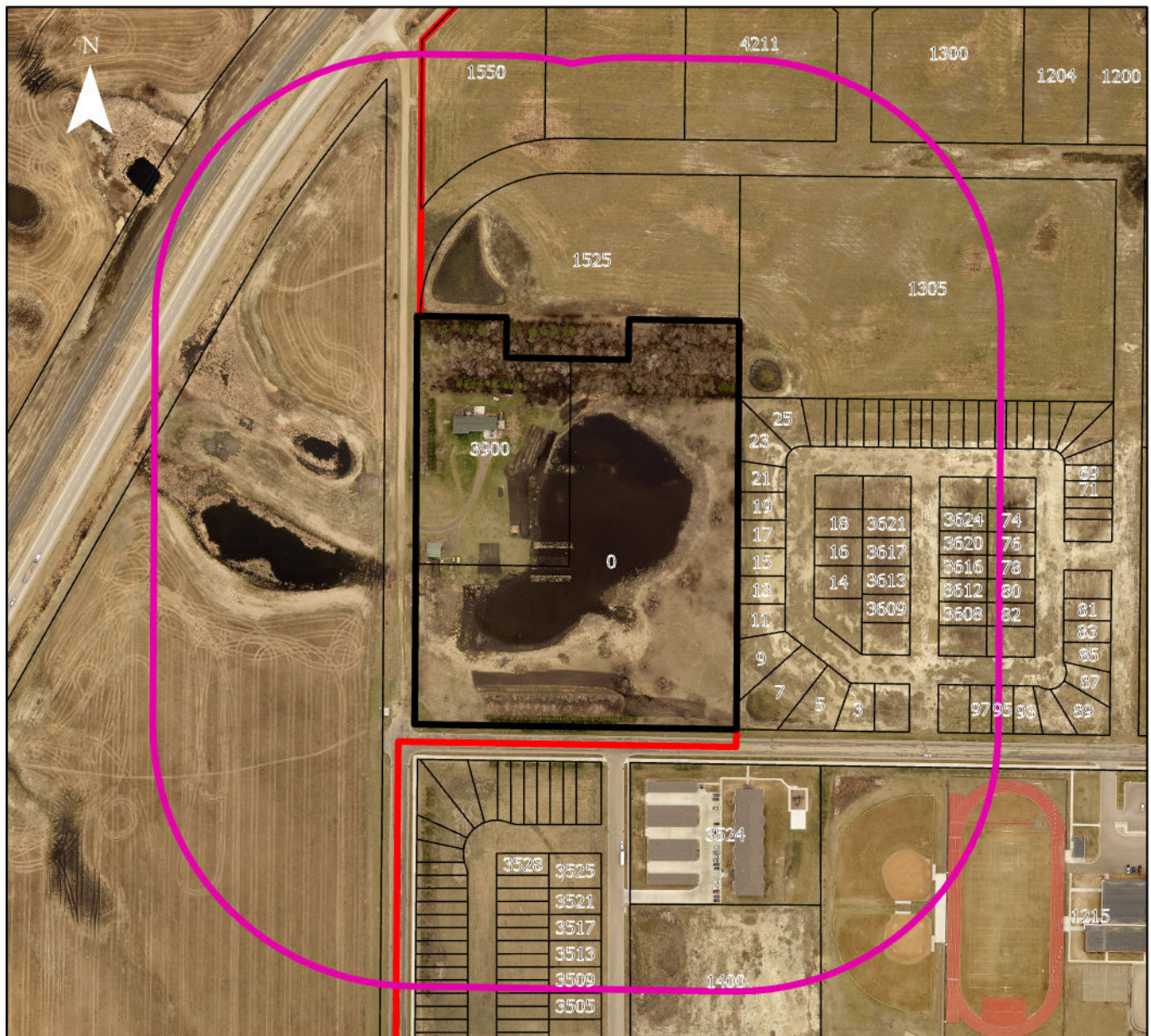
The Minot Planning Commission should accept the following findings of facts:

- 1) The applicants have submitted a complete application.
- 2) The property is zoned “R1” Single Family Residential & “AG” Agricultural District on the Official Zoning Map and has a “Suburban Residential” designation on the Future Land Use Map of the 2012 Comprehensive Plan.

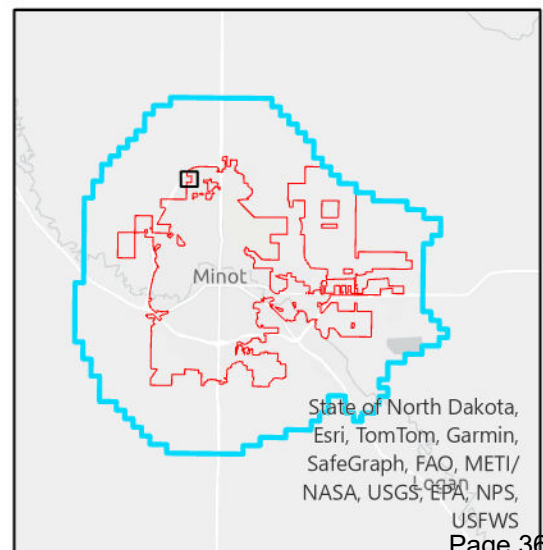
- 3) The applicant's request is consistent with the bulk requirements of Chapter 2.4 – "AG" Agricultural District and Chapter 2.6 "R1" Single Family Residential District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied.
- 5) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the Major Subdivision Preliminary Plat. 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.

SAFF RECOMMENDATION TO PLANNING COMMISSION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Linha's 6th Addition.

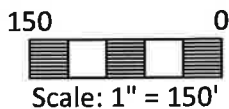
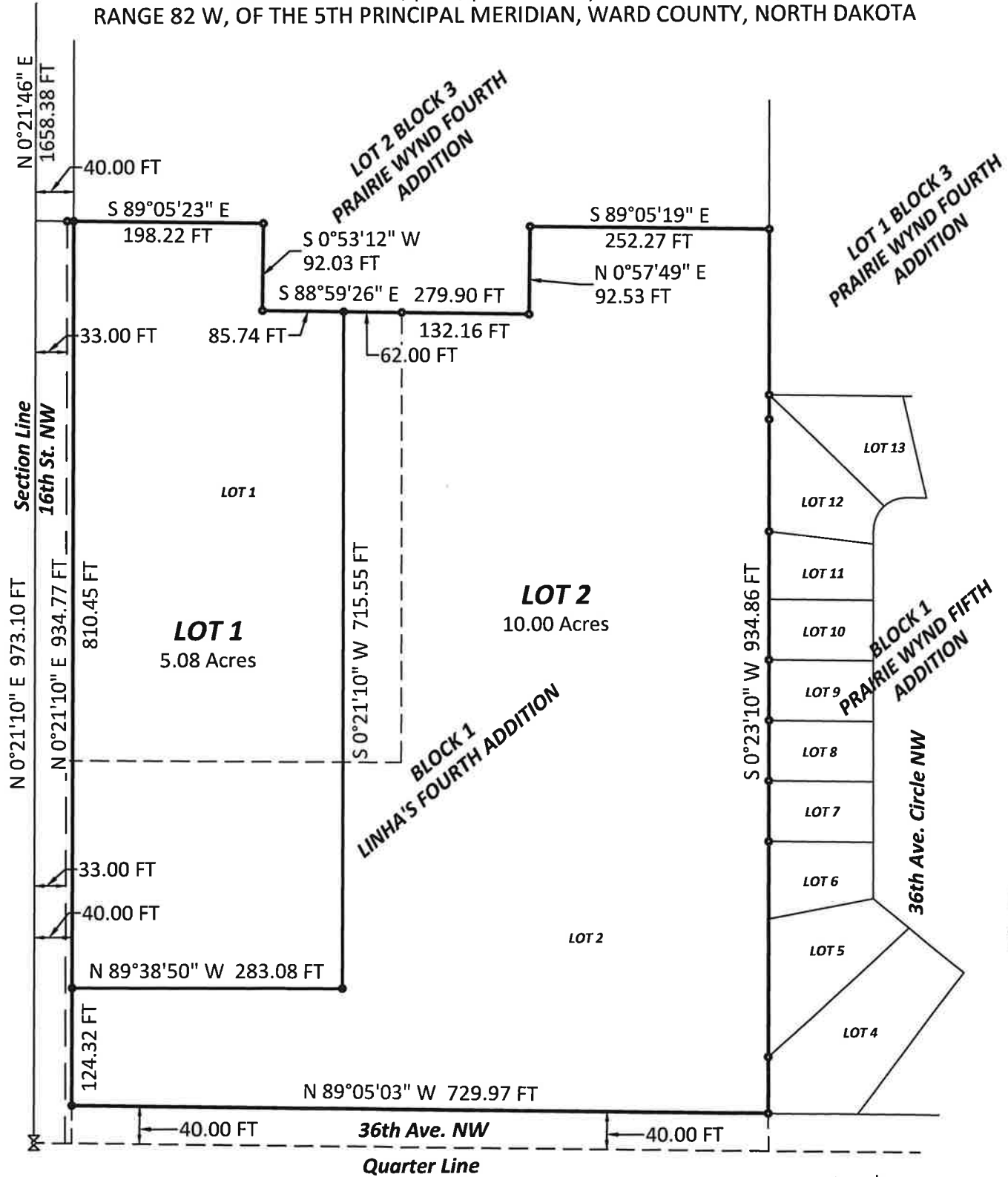


- Two Mile Boundary
- City Limits
- Case # 2025-26
- Case # 2025-26 Notification Area



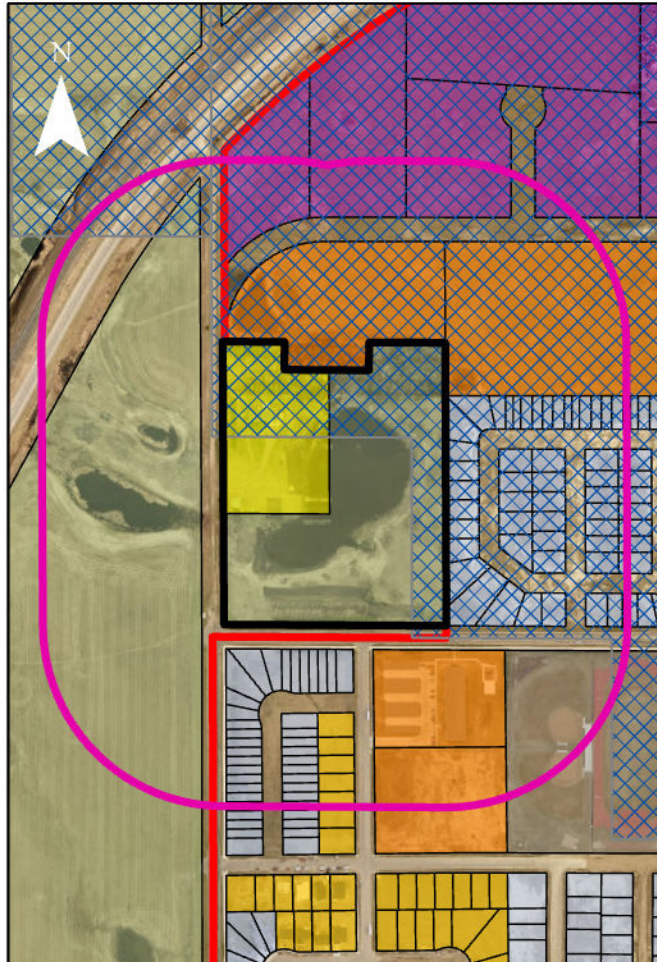
PRELIMINARY PLAT OF LINHA'S SIXTH ADDITION

TO THE CITY OF MINOT
BEING LOTS 1 AND 2 OF LINHA'S FOURTH ADDITION,
LYING IN THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 2, TOWNSHIP 155 N,
RANGE 82 W, OF THE 5TH PRINCIPAL MERIDIAN, WARD COUNTY, NORTH DAKOTA



915 East 11th Street - PO Box 237 - Bottineau, ND 58318
110 8th Avenue Southwest - Minot, ND 58701
316 Eastdale Drive - PO Box 1277 - Bismarck, ND 58502

ZONING



FUTURE LAND USE



0 300 600 1,200 Feet

Zoning

	AG
	M1
	P
	R1
	R1S
	R3
	RM
	R4

Both Maps

	Case # 2025-26
	Case # 2025-26 Notification Area

Land Use Type

	Suburban Residential
	Urban Residential
	General Commercial
	Gateway Commercial
	Mixed Use Center
	Light Industrial
	Public and Institutional

Exhibit 4 – Site Photos



Facing East



Facing South



Facing North



Facing West



Planning Commission Staff Report

Application Date: 07/23/2025
Date of Staff Report: 08/15/2024
Date of Planning Commission Meeting: 09/03/2025

Staff Contact: Doug Diedrichsen, Principal Planner
Staff Recommendation: Approval

Case Number: 2025-39
Project Name: Abel Acres Addition – Preliminary Plat
Current Legal Description: See the project description below.
Proposed Legal Description: Lot 1 & 2 of Abel Acres Addition to the City of Minot
Present Address: See the project description below.

Owners: Dakota Boys and Girls Ranch Foundation
Representative: Rob Berard, Ackerman Surveying
Entitlements Requested: Major Subdivision Preliminary Plat

Present Zone(s): “AG” Agricultural District
Present Use(s): Crop Production
Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.
Present Future Land Use Map Designation: Rural Residential

Proposed Zone(s): No Change
Proposed Use(s): vacant lot
Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.
Proposed Future Land Use Map Designation: No Change

PROJECT DESCRIPTION:

Public hearing request by Rob Berard, Ackerman Surveying representing Dakota Boys and Girls Ranch Foundation, owner for a preliminary plat on property zoned “AG” Agricultural District. The legal description for the property is Outlot 8 of the SW ¼ NW ¼ & NW ¼ SW ¼ Section 8, Township 155 North, Range 83 West, Ward County, North Dakota.

The subject property is unaddressed

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The property owner seeks to subdivide a single lot into two lots. The proposed subdivision will create two lots from unplatted land. Lot 1 will be 55.08 acres and Lot 2 is 10.00 acres.

The preliminary plat can be found in **Exhibit 2**.

The zoning and future land use map designation of the subject property and surrounding area is provided in **Exhibit 3**.

Site photos are provided in **Exhibit 4**.

STAFF ANALYSIS:

Subdivision Design Standards:

Section 10.2-7 C. of the Land Development Ordinance of the City of Minot (LDO) covers the process of application and submittal for a major subdivision preliminary plat. The applicant has submitted the necessary application documents required per Section 10.2-7 C. 2. and noticing has been conducted as required per 9.2-1 (B) and (C).

Section 10.2-7. D. requires that staff's report consider the nature of the proposed development as prescribed within Section 10.2-5 relating to whether or not it meets the technical requirements of Article 10, and if not, whether any such requirements should be waived. To that end, staff provides the following guidance based on the various requirements of Chapter 10.3 – Design Standards:

Section 10.3-1, requiring the proposed subdivision to be designed in accordance with the standards of Chapter 10.3, the Land Development Ordinance as a whole, and a list of various other plans and codes, is satisfied.

Section 10.3-2 prohibits the approval of the subdivision of land that is unsuitable for development due to a variety of reasons. Staff finds the proposed preliminary layout, which proposes two lots, each with adequate terrain and access to be suitable for development. Staff finds Section 10.3-2 is satisfied.

Section 10.3-3. requires that a subdivision name not already be utilized elsewhere and spelled correctly. The name Abel Acres Addition has not yet been taken and is spelled correctly. Section 10.3-3. is satisfied.

Section 10.3-4. A-F. relating to Street Names and Numbering is not applicable, as there are no additional streets proposed via this subdivision.

The requirements of Section 10.3-11. relating to the design of the individual lots has been satisfied as those properties to be zoned meet the minimum lots size of ten (10) acres in the “AG” Agricultural District.

Section 10.3-12 relating to block design is not applicable.

The requirements of Section 10.3-13. A. relating to the dedication of right-of-way, easements, and street widths is satisfied as the denotation of a thirty three foot (33’) statutory right-of-way along the section line lying along the western boundary.

Sections 10.3-14 relates to sidewalks, which are exempted within the “AG” Agricultural District subdivision unless required by the City Engineering or their designee. Sidewalks are not being required and therefore Section 10.3-14 is satisfied.

Section 10.3-15 related to public utilities is satisfied. The land is outside of the service area of the municipal water and sewer system. Each site is suitable, at a minimum, for agricultural uses related to farming and ranching.

Section 10.3-21 related to financial security for necessary infrastructure improvements is not applicable.

Section 10.3-22 is satisfied, as the applicant is required to follow all City permitting processes for construction.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

FINDINGS OF FACT:

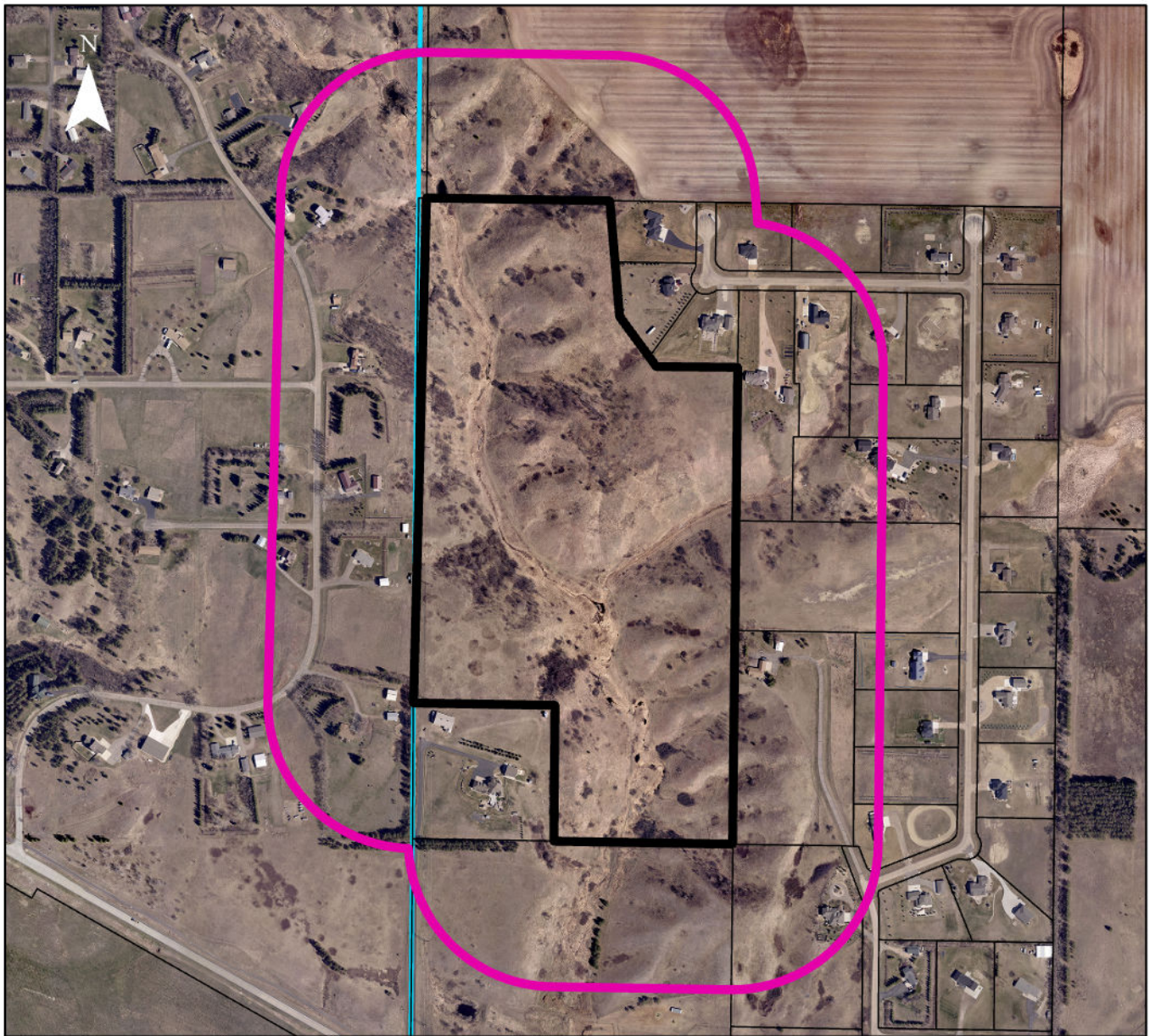
The Minot Planning Commission should accept the following findings of facts:

- 1) The applicants have submitted a complete application.
- 2) The property is zoned “AG” Agricultural District on the Official Zoning Map and has a “Suburban Residential” designation on the Future Land Use Map of the 2012 Comprehensive Plan.
- 3) The applicant’s request is consistent with the bulk requirements of Chapter 2.4 – “AG” Agricultural District of the Land Development Ordinance of the City of Minot (LDO).
- 4) The applicable sections of Chapter 10.3 related to subdivision design are satisfied.

- 5) The Minot Planning Commission has the authority to recommend approval, with or without conditions, or recommend denial of the Major Subdivision Preliminary Plat. 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.

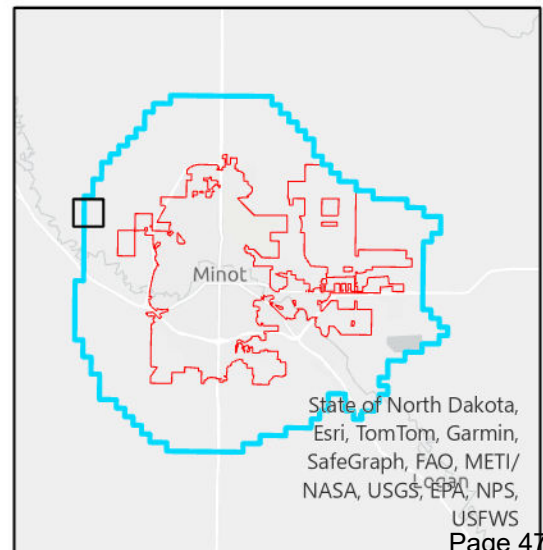
STAFF RECOMMENDATION TO PLANNING COMMISSION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend City Council approve the Major Subdivision Preliminary Plat for Abel Acres Addition with the condition that the 100 year regulatory flood zone be denoted on the final plat.

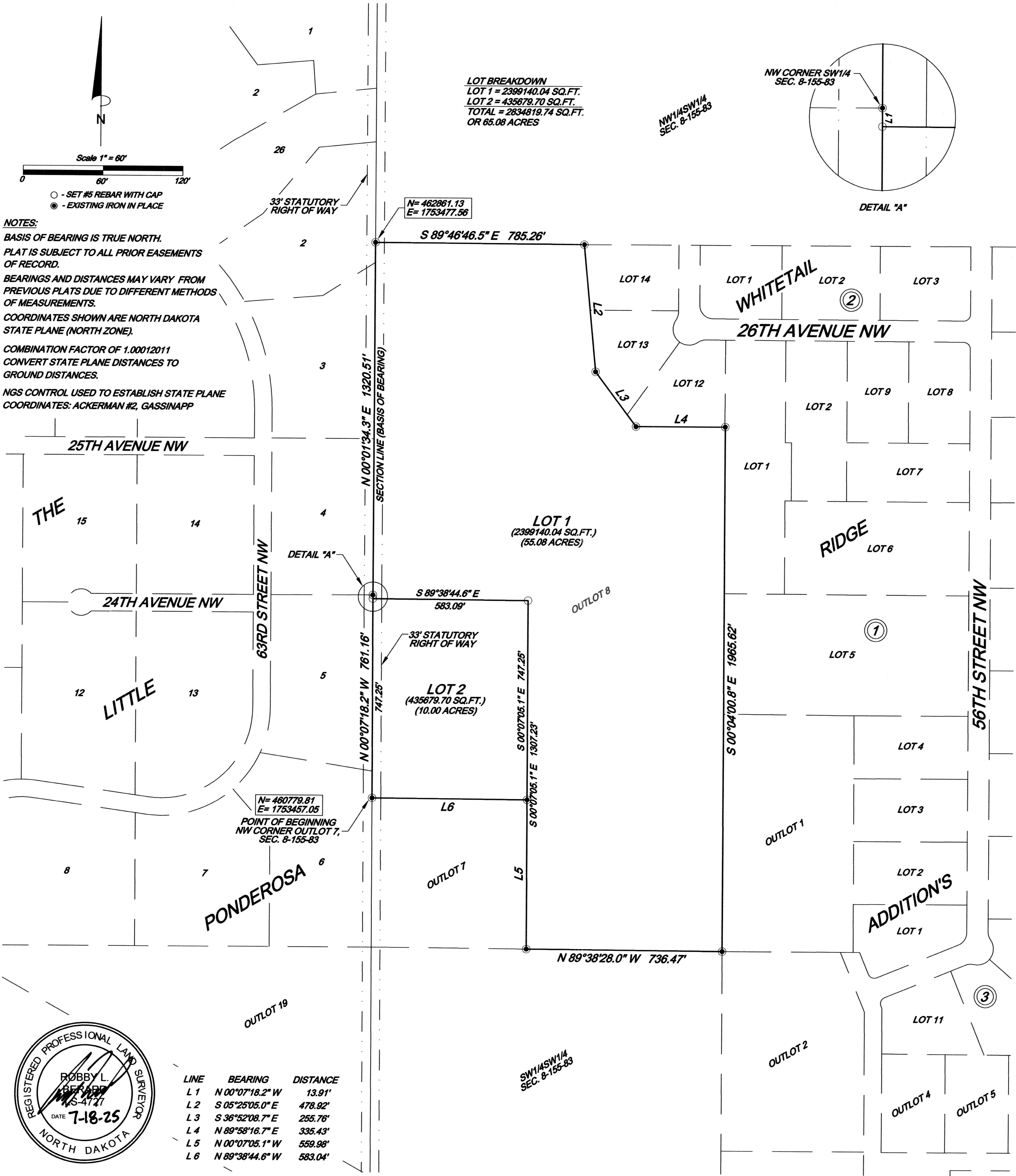


0 460 920 1,840 Feet

-  Case # 2025-39
-  Case # 2025-39 Notification Area
-  City Limits
-  Two Mile Boundary



ABEL ACRES ADDITION
TO THE CITY OF MINOT, NORTH DAKOTA
(BEING OUTLOT 8, SECTION 8, TOWNSHIP 155 NORTH, RANGE 83 WEST,
WARD COUNTY, NORTH DAKOTA)



DESCRIPTION

KNOW ALL MEN BY THESE PRESENTS THAT DAKOTA BOYS AND GIRLS RANCH FOUNDATION A.K.A. DAKOTA BOYS RANCH FOUNDATION, A NORTH DAKOTA CORPORATION, BEING OWNER AND PROPRIETOR OF OUTLOT 8, SECTION 8, TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF OUTLOT 7, SECTION 8, TOWNSHIP 155 NORTH, RANGE 83 WEST, WARD COUNTY, NORTH DAKOTA, A PLAT ON RECORD AT THE WARD COUNTY RECORDERS OFFICE; THENCE N 00°07'18.2" W, ALONG THE WEST BOUNDARY OF SECTION 8, A DISTANCE OF 761.16 FEET TO THE NORTHWEST CORNER OF THE SW1/4 OF SECTION 8; THENCE N 00°01'34.3" E, ALONG THE WEST BOUNDARY OF SECTION 8, A DISTANCE OF 1320.51 FEET THENCE S 89°46'46.5" E, A DISTANCE OF 785.26 FEET; THENCE S 05°25'05.0" E, A DISTANCE OF 478.92 FEET; THENCE S 36°52'08.7" E, A DISTANCE OF 255.76 FEET; THENCE N 89°58'16.7" E, A DISTANCE OF 335.43 FEET; THENCE S 00°04'00.8" E, A DISTANCE OF 1965.62 FEET; THENCE N 89°38'28.0" W, A DISTANCE OF 736.47 FEET; THENCE N 00°07'05.1" W, A DISTANCE OF 559.98 FEET; THENCE N 89°38'44.6" W, A DISTANCE OF 583.04 FEET TO THE WEST BOUNDARY OF SAID SECTION 8 AND TO THE POINT OF BEGINNING. TRACT CONTAINS 65.08 ACRES. HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON TO BE KNOWN AS ABEL ACRES ADDITION TO THE CITY OF MINOT, NORTH DAKOTA AND HEREBY DONATE AND DEDICATE THE EASEMENTS AS SHOWN HEREON, TO THE PUBLIC FOR PUBLIC USE, IN WITNESS WHEREOF THE OWNER HAS HEREUNTO AFFIXED HER SIGNATURE.

Sheila Miller
SHEILA MILLER, VP FINANCE, FACILITIES & TECHNOLOGY
DAKOTA BOYS AND GIRLS RANCH FOUNDATION
A.K.A. DAKOTA BOYS RANCH FOUNDATION,
A NORTH DAKOTA CORPORATION

STATE OF NORTH DAKOTA
COUNTY OF WARD

ON THIS 23rd DAY OF July, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED SHEILA MILLER, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING DESCRIPTION AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES:

ROBBY L. BERARD
Notary Public
State of North Dakota
My Commission Expires Dec. 28, 2027

NOTARY PUBLIC, COUNTY OF WARD, STATE OF NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBBY L. BERARD, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOREGOING DESCRIBED TRACT OF LAND, THAT LOTS, DISTANCES, AREAS AND LOCATIONS AS SHOWN ON THE FOREGOING PLAT AND CONTAINED IN THE DESCRIPTION THEREOF, ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

ROBBY L. BERARD, RLS NO. 4727



STATE OF NORTH DAKOTA
COUNTY OF WARD

ON THIS 18th DAY OF July, 2025, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED ROBBY L. BERARD, REGISTERED LAND SURVEYOR, WELL KNOWN TO ME TO BE SUCH AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AS HIS OWN FREE ACT AND DEED.

MY COMMISSION EXPIRES:

CHAD ATTERTON
Notary Public
State of North Dakota
My Commission Expires Nov. 11, 2028

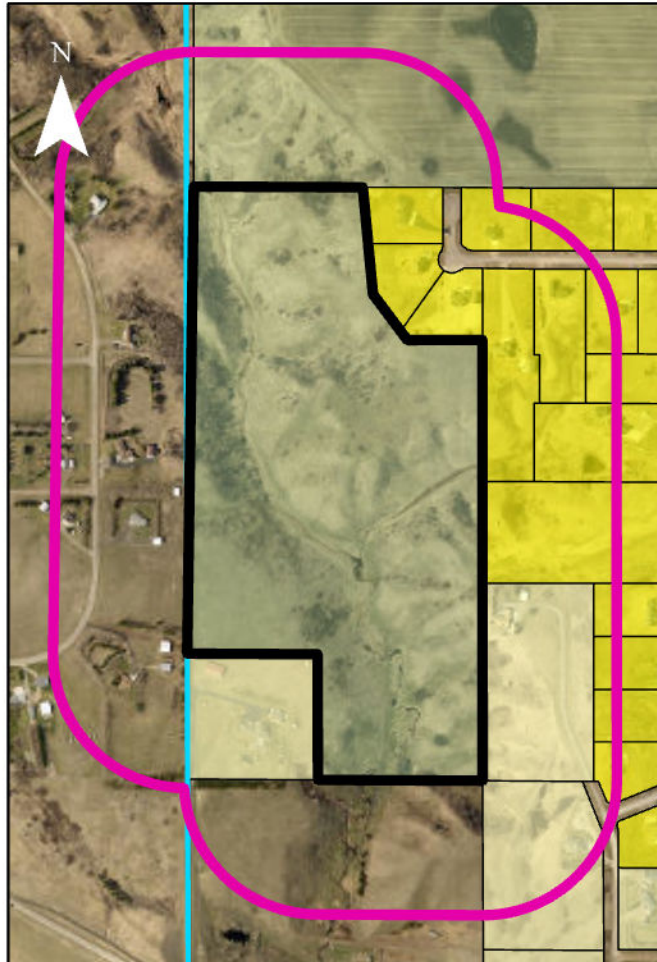
NOTARY PUBLIC, WARD COUNTY, STATE OF NORTH DAKOTA

APPROVED:

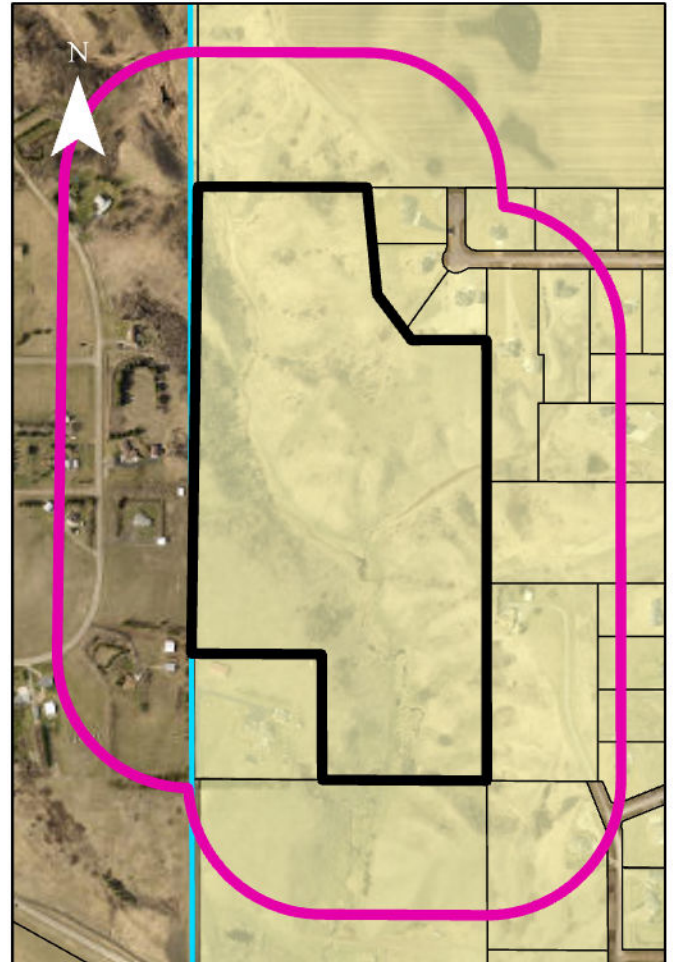
DATE:

CITY OF MINOT ENGINEER

ZONING

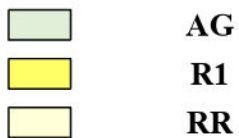


FUTURE LAND USE



0 400 800 1,600 Feet

Zoning



Land Use Type



Both Maps

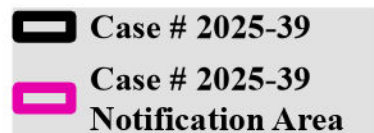


Exhibit 4 – Site Photos



Aerial Photo



Planning Commission Staff Report

Application Date: 07/22/2025 Date of Staff Report: 08/18/2025 Date of Planning Commission Meeting: 09/03/2025		Staff Contact: Doug Diedrichsen, Principal Planner Staff Recommendation: Approval	
Case Number: 2025-38 Project Name: Midwest Montessori LLC – CUP Current Legal Description: Lot 1, North Minot 7th Addition to the City of Minot Proposed Legal Description: No Change Present Address: 812 8 th St. NW.		Owners: Midwest Montessori LLC Representative: Caleb Heilman Entitlements Requested: See Project Description & Background Information	
Present Zone(s): “R3B” Multiple Residence District (equivalent district “RM” Medium Density Residential) Present Use(s): Vacant land & Single-family home Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district. Present Future Land Use Map Designation: Urban Residential		Proposed Zone(s): No Change Proposed Use(s): Pre-School/Daycare Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district. Proposed Future Land Use Map Designation: No Change	

PROJECT DESCRIPTION:

Public hearing request by Caleb Heilman, Midwest Montessori LLC, owner for a conditional use permit on a property zoned “R3B” Multiple Residence District (equivalent district “RM” Medium Density Residential) for a preschool and commercial daycare facility. The legal description for the property is Lot 1, North Minot 7th Addition to the City of Minot, Ward County, North Dakota.

The subject property address is 812 8th St. NW.

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The subject property is located at the intersection 812 8th St. NW. The property is owned and operated by Midwest Montessori LLC. and will be utilized as a daycare and pre-school, which is categorized as a Daycare Center and Pre-School under the Land Development Ordinance of the City of Minot (LDO). The LDO permits both of these by conditional use permit in the "R3B" Multiple Residence District (equivalent district "RM" Medium Density Residential). The applicant seeks to gain entitlements to operate which requires a conditional use permit.

A copy of the letter of intent and site plan may be found in **Exhibit 2**.

A map of the area zoning and future land use can be found in **Exhibit 3**.

Site photos can be found in **Exhibit 4**.

STAFF ANALYSIS:

Conditional Use Permit Analysis:

Section 9.1-4 of the Minot Land Development Ordinance (Zoning Ordinance) recognizes that certain land uses, when under special conditions and review can be compatible with uses that are permitted by right in a zoning district. The review of the conditional use permit (CUP) application and any special conditions imposed by either the Zoning Ordinance or City Staff should occur via a thorough public process as prescribed by Section 9.2-1 including a public hearing, direct noticing to neighboring property owners, and general public noticing within the Minot Daily News. Per Section 9.1-4 I., an amendment to a CUP follows the same process as a new application. The applicant has submitted the necessary application documents required per Section 9.1-4 C. and noticing has been conducted as required per Section 9.2-1.

Section 9.1-4 F. states that the Planning Commission shall find that the application meets all of the following, as applicable:

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and this Ordinance.
2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other properties within the area in which it is located.

4. The location, size, design, and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the siting, nature, and height of existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.
5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilities, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.
6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
7. Adequate access roads or entrance and exit drives exist or will be provided by the developer to prevent traffic safety hazards and minimize traffic congestion on public streets.
8. The request will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff finds the proposed use to be harmonious with the comprehensive plan future land use map designation of Urban Residential and the LDO. Section 9.1-4 F. 1. is satisfied.

Related to Section 9.1-4. F. 2 thru 4 generally relate to the overall impact of a proposal on property within the vicinity. Both daycare and pre-schools are permitted in the "R3B" Multiple Residence District (equivalent district "RM" Medium Density Residential) by conditional use permit. Staff finds that with available onsite off street parking the impact to other properties in the vicinity would be minimal, however any concerns regarding parking could be addressed in conditions. The property also abuts residential lots so conditions should reflect the need for effective buffering of commercial uses and residential development. A site plan was approved through the building permit process that included buffer yards and met the parking minimums for a early childhood development center, therefore, staff finds that Section 9.1-4. F. 2 thru 4 is satisfied with conditions.

Staff finds Section 9.1-4. F. 5. related to the provision of appropriate public services such as utilities and drainage systems is satisfied, as no new public utilities are being sought and existing public utilities are adequate to support the proposed use. Property must meet all requirements of building and fire codes regarding safety for children in a school and childcare setting as addressed in the conditions.

Staff finds that Sections 9.1-4. F. 6. and 7. related to maintaining community economic welfare and providing adequate road access, respectively, are satisfied. The approved building and site plan included adequate access to University Avenue and 8th St. NW, and improvements, if any were required, would be at the expense of the developer to satisfy these two evaluative criteria going forward.

Finally, Section 9.1-4. F. 8. is satisfied, as Staff does not have any evidence that the request will result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Comments:

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies within the City for review and no comments were received.

FINDINGS OF FACT:

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

- 1) The applicant has submitted a complete application.
- 2) The property is zoned "R3B" Multiple Residence District (equivalent district "RM" Medium Density Residential)
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Urban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 thru 8., with conditions, as outlined in the Staff Analysis section of staff's written report.
- 5) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied, with or without conditions. 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.

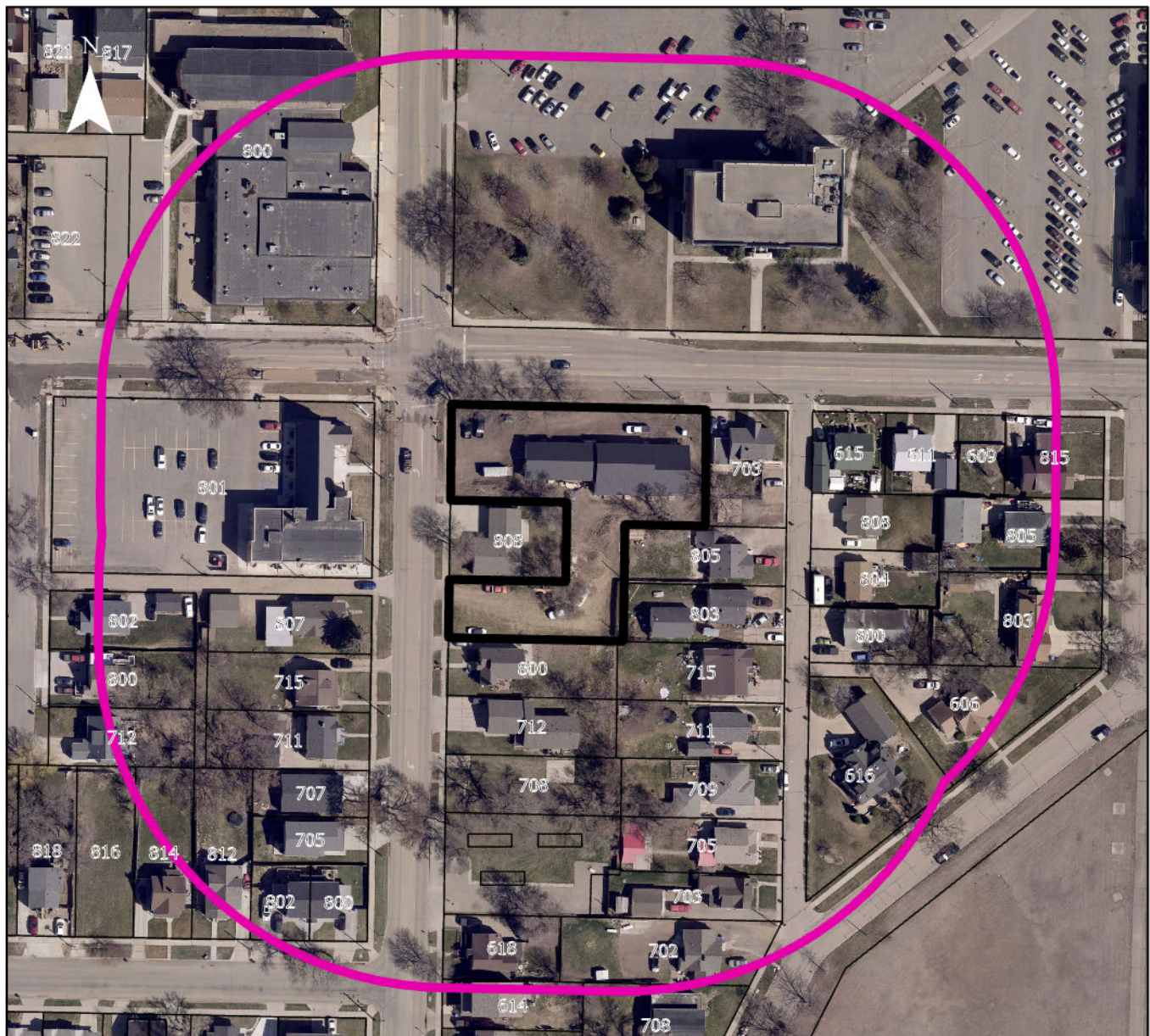
STAFF RECOMMENDATION TO PLANNING COMMISSION:

Staff recommends the Planning Commission adopt the staff findings of fact and approve the conditional use permit for a pre-school and daycare early learning facility with the following recommended conditions.

STAFF RECOMMENDED CONDITIONS TO PLANNING COMMISSION:

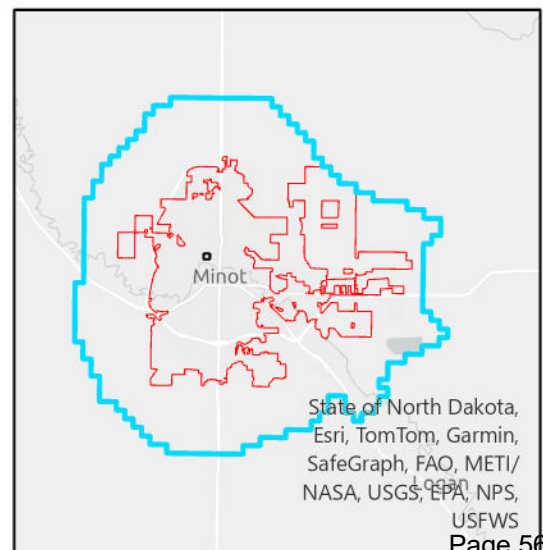
- 1. The maximum number of students/occupants shall not exceed the allowed maximum occupancy as determined by the state licensing authority.
- 2. Permits required for construction.
 - a. Any changes to the structure, egress of the occupants, proposed room dimensions, ceiling heights, etc. would have to be reviewed by the Building Division with a floor plan and submitted construction documents and will require appropriate building or remodel permits.
- 3. Fire protection must be constructed and maintained as required by fire code as determined by the Fire Chief or their designee.

4. Carbon Monoxide detection required within the building.
5. ADA Compliance may be required. Further review of the interior floor plan and scope of construction is required before this can be analyzed.
6. Licensing
 - a. The Conditional Use Permit (CUP) shall serve as the license from the City of Minot to operate this facility under the terms of the permit.
 - b. Upon issuance of this permit, the applicant shall be deemed the permittee or permit holder and agrees to the terms of this permit and to follow all ordinances and regulations of the City of Minot and all county, state, and federal laws and regulations.
 - c. The CUP can be revoked at any time by the Planning Commission following a show-cause hearing that has met the public hearing notification requirements.



0 95 190 380 Feet

-  Case # 2025-38
-  Case # 2025-38
-  Notification Area
-  City Limits
-  Two Mile Boundary



Letter of Intent

Heilman Properties LLC

1716 Terrace Drive
Minot, ND 58703
701-340-3547

July 23rd, 2025

City of Minot
10 3rd Avenue SW
Minot, ND 58701

To whom it may concern,

Heilman Properties LLC is submitting this letter of intent to apply for a permit to construct a preschool and daycare facility. The facility will be located at 812 8th St. NW in Minot, ND 58703.

The facility will help to address the shortage of high quality pre-K education and day time care services available to the citizens of Minot. All services will be provided by qualified education and childcare professionals. The facility will be rented by Midwest Montessori LLC, an operating entity licensed by the State of ND to provide childcare and pre-K education services. Midwest Montessori, it's Director and employed educators will work closely with the Department of Health and Human Services to ensure that we are providing education and care that meets, and hopefully exceeds, the standards set forth by them.

The estimated capital expenditure associated with this project is approximately \$1,200,000.00. The public has been notified of our intent to establish this project and a notice will be distributed to the surrounding residential community of our intent as well.

I can be reached at 701-340-3547 or by email at calebjheilman02@gmail.com with any questions regarding the proposed construction project on the corner of 8th Street and University Avenue.

Sincerely,

Caleb Heilman
Owner

Minot State University
Foundation Daycare Minot
New Building Construction Plans
Lot 1 of North Minot 7th Addition
To the City of Minot, ND

OWNERS/APPLICANTS:
Rick Hedberg
Executive Director
MSU Development Foundation
Phone - 701-858-4483
Email - rick.hedberg@minotstateu.edu

ENGINEER:
Jason Mayfield, PE
Wold Engineering, PC
110 8th Ave SW, Minot, ND 58701
Phone - 701-852-0338
Email - jmayfield@woldengr.com

SITE ADDRESS:
Lot 1 of North Minot 7th Addition

ZONING:
R3B Multiple Residential District

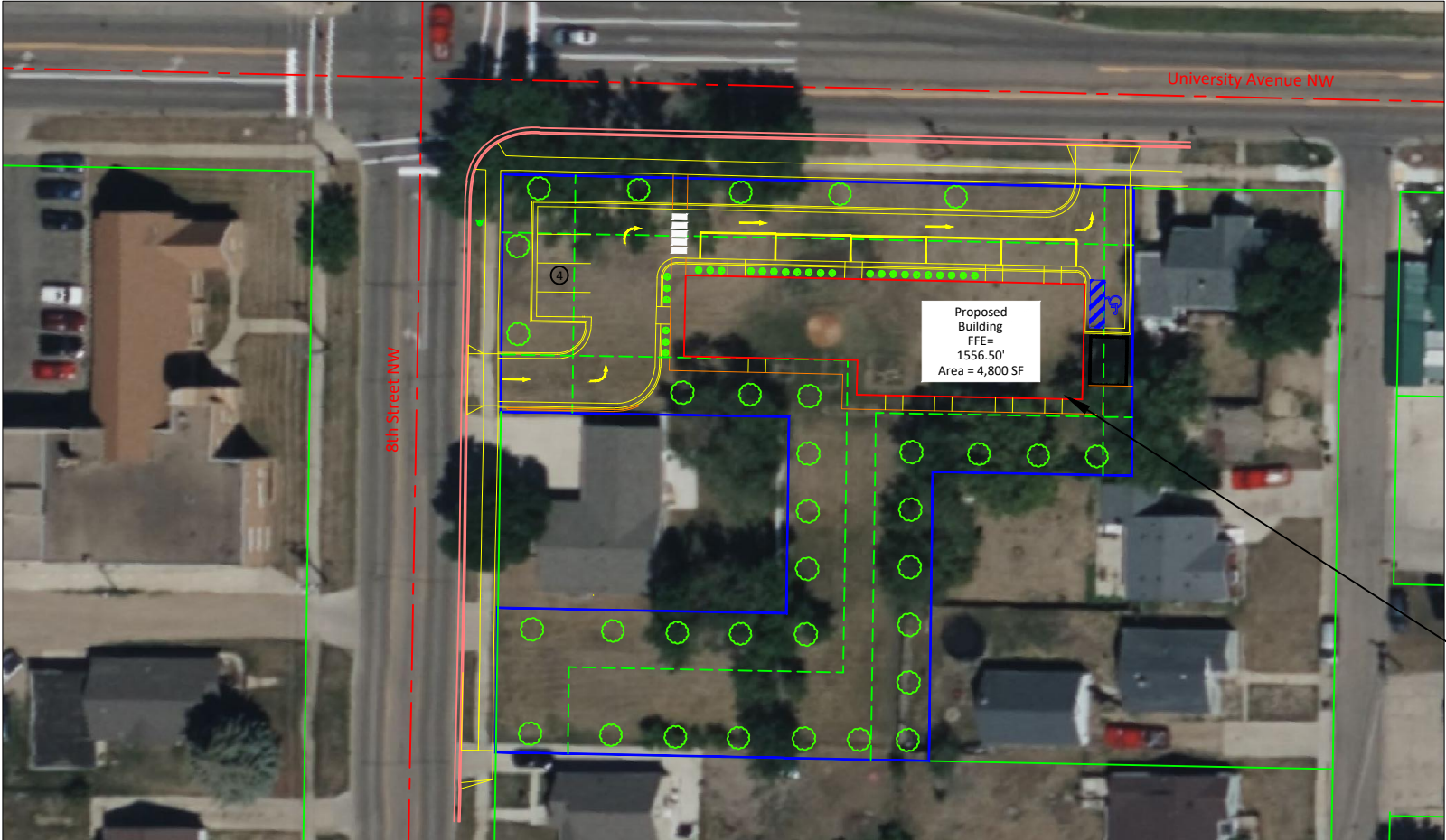
ZONING REQUIREMENTS:
Maximum height of any building - Max. 60'
Maximum Coverage - 50%
Minimum yard setbacks (after averaging):
Front (University Ave) - 20'
Sidestreet (8th Street) - 25'
Side - 10'
Rear - 25'
Parking Lot - 10' along all streets

SURVEY DATA:
Horizontal Datum: Ward County Ground US Feet
Vertical Datum: NAVD 1988
Date Surveyed: 02/27/24

NOTES:
The Utilities shown on these plans are for reference only and have not been verified. The Contractor is responsible for determining the exact locations of utilities prior to commencing work by calling 1-800-795-0555 (North Dakota One Call).

INDEX OF SHEETS

1	Cover Sheet and Location Map
2	Existing Conditions
3	Proposed Site Layout
4	Proposed Site Grading
5	Proposed Utility / Erosion Control Plan
6	Proposed Landscaping Plan



Location Map
City of Minot

DESIGNERS
Jason Mayfield, P.E.
Jon Martin, P.E.



WOLD
ENGINEERING, P.C.

915 East 11th Street ~ PO Box 237 ~ Bottineau, ND 58318
316 Eastdale Drive ~ PO Box 1277 ~ Bismarck, ND 58502
110 8th Avenue Southwest ~ Minot, ND 58701

I hereby certify that the attached plans were prepared by me or under my direct supervision and that I am a duly registered professional engineer under the laws of the state of ND.

APPROVED DATE 09/23/2024

Jason I. Mayfield, P.E.
Wold Engineering, P.C.

This document was Originally sealed by JASON I. MAYFIELD Registration Number PE-7877 on 09-23-24 The original document is stored at Wold Engineering, P.C. Minot, North Dakota

LEGEND

- CENTERLINE

LOT LINE

EXISTING SANITARY

EXISTING STORM DRAIN

EXISTING CURB AND GUTTER

EXISTING WATER

EXISTING ELECT.

EXISTING FIBER OPTIC

EXISTING TELEVISION
- EXISTING ELECT. BOX

EXISTING TELEPHONE BOX

CATCH BASIN INLET

EXISTING SANITARY MANHOLE

EXISTING STORM DRAIN MANHOLE

EXISTING FIRE HYDRANT

EXISTING GATE VALVE
- HANDICAP SYMBOL

ADA PLATE

PROPOSED HANICAP LOADING AREA

TRAFFIC CONTROL:

The Contractor will be required to design and submit for Engineer's approval a traffic control plan that follows all the requirements of the City of Minot Standard Specifications. This plan will also be required to show all phases of construction along with the traffic control that will be in place for each phase.

LEGEND:

- Building
- Pavement (Asphalt)
- Concrete
- Foundation Rock
- Lawn

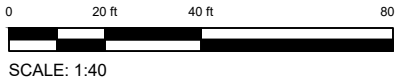
PARKING REQUIREMENTS:

Parking requirements have been waived on-site due to the agreement with Minot State University that allows the Daycare to use the Model and Crane Hall parking lots.

Pavement Markings shown on Plan will be required for both directional arrows and parking spaces.

SURVEY DATA:

Horizontal Datum: Ward County Ground US Feet
Vertical Datum: NAVD 1988
Date Surveyed: 02/27/24



This document was Originally sealed by JASON I. MAYFIELD Registration Number PE-7877 on 09-23-24 The original document is stored at Wold Engineering, P.C. Minot, North Dakota

DRAWN BY: JIM
CHECKED BY:
DATE: 09-23-24
SCALE(H): 1" = 40'
SCALE(V): 1" = 40'

REVISIONS:

915 East 11th Street ~ PO Box 237
Bottineau, ND 58318
316 Eastdale Drive ~ PO Box 1277
Bismarck, ND 58502
110 8th Avenue Southwest
Minot, ND 58701

WOLD
ENGINEERING, P.C.



MSU DEVELOPMENT FOUNDATION
NEW DAYCARE BUILDING PLANS
MINOT, ND

Proposed
Site Layout

SHEET
3 OF 6

Landscape Plant List

Symbol	Common Name	Scientific Name	Size	Qty.
DMP	Dwarf Mountain Pine	Pinus Mugo variety "Pumilio"	2 Gallon	27
SSC	Spring Snow Crabapple	Malus 'Spring Snow'	1 1/2" Cal.	5
HWM	Hot Wings Maple	Acer tataricum 'Garann'	1 1/2" Cal.	6
HLO	Honey Locust	Gleditsia triacanthos	1 1/2" Cal.	6
FAM	Flame Amur Maple	Acer ginnala 'Flame'	1 1/2" Cal.	5
BHS	Black Hills Spruce	Picea glauca var. densata	1 1/2" Cal.	6
RNS	Royal Splendor Norway Spruce	Picea abies 'Noel'	1 1/2" Cal.	5

LANDSCAPING NOTES:

1. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR AND SHALL MAINTAIN THE LANDSCAPING FOR 90 DAYS PAST THE FINAL INSPECTION.
2. GENERAL CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF PROJECT COMPLETION.
3. ALL PLANT MATERIAL SHALL MEET REQUIREMENTS SHOWN IN THE "AMERICAN STANDARDS FOR NURSERY STOCK" (ANSI Z60.1-1990).
4. ALL TREE AND SHRUB PLANTING AREAS SHALL BE EXCAVATED AND BACKFILLED WITH PLANT MIX. PROVIDE FERTILIZER WITH NOT LESS THAN 5% NITROGEN, 10% AVAILABLE PHOSPHORIC ACID AND 5% SOLUBLE POTASH. DISCARD SUBSOIL REMOVED FROM PLANTING AREA EXCAVATION. DO NOT MIX WITH PLAN MIX OR USE AS BACKFILL. SEE DETAILS FOR COMPLETE PLANTING PREPARATION. PREPARE PLANTING AREAS AND INSTALL PLANTS COMPLETELY PRIOR TO SEEDING.
5. NO PLANT MATERIAL SHALL BE SUBSTITUTED WITHOUT THE APPROVAL OF THE OWNER. ALL PLANTING LOCATIONS SHALL BE FLAGGED BY THE CONTRACTOR AND APPROVED BY THE OWNER, PRIOR TO INSTALLATION.
6. ALL SHRUBS SHALL BE INSTALLED IN PROPOSED PLANTING BEDS AND COVERED WITH CRUSHED STONE MULCH OR ACCEPTABLE EQUAL.
7. ALL GREEN SPACE TO BE SEEDED BY DRILLING INTO GROUND AT A RATE OF 4 LBS./1000 SQ. FT. AND FERTILIZED AT A RATE OF 50 LBS./20,000 SQ. FT. SPRAY FIBER MULCH IN WATER USING A HYDROSEEDER WITH TACKIFIER. USE CITY OF MINOT SEED MIX SPECIFICATIONS.

Landscaping Opinion of Cost (Labor Price Included)

Item Description	Unit	Quantity	Unit Price	Cost
Crushed Stone Mulch	TON	22	\$130.00	\$2,860.00
Shrubs	EA	27	\$140.00	\$3,780.00
Trees	EA	33	\$760.00	\$25,080.00
Topsoil	CY	420	\$18.00	\$7,560.00
Hydroseeding	SF	2,730	\$3.80	\$10,374.00
Seeding	SF	4,320	\$0.50	\$2,160.00
			Total	\$51,814.00

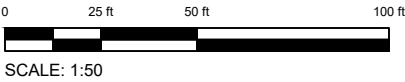
The cost of fabric is incidental to the project

LEGEND:

-  - Building
-  - Pavement
-  - Concrete
-  - Gravel (Future Pavement)
-  - Lawn

SURVEY DATA:

Horizontal Datum: Ward County
Ground US Feet
Vertical Datum: NAVD 1988
Date Surveyed: 02/27/24



This document was
Originally sealed by
JASON I. MAYFIELD
Registration Number
PE-7877 on 09-23-24
The original document
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Wold Engineering, P.C.
Minot, North Dakota

DRAWN BY: JIM
CHECKED BY:
DATE: 07-29-24
SCALE(H): 1" = 50'
SCALE(V): 1" = 50'

REVISIONS:

915 East 11th Street ~ PO Box 237
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WOLD
ENGINEERING, P.C.

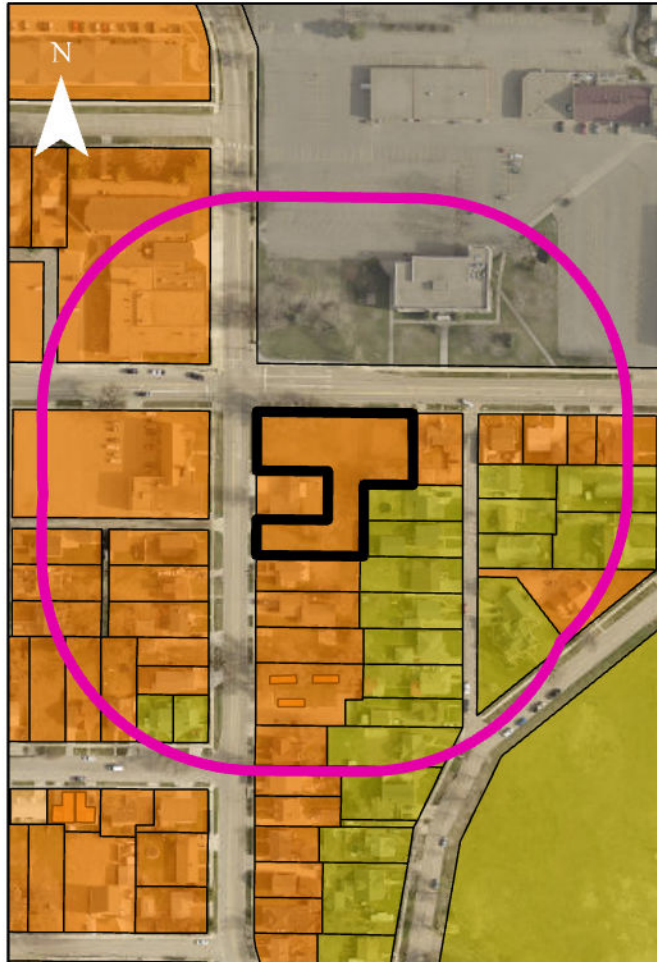


MSU DEVELOPMENT FOUNDATION
NEW DAYCARE BUILDING PLANS
MINOT, ND

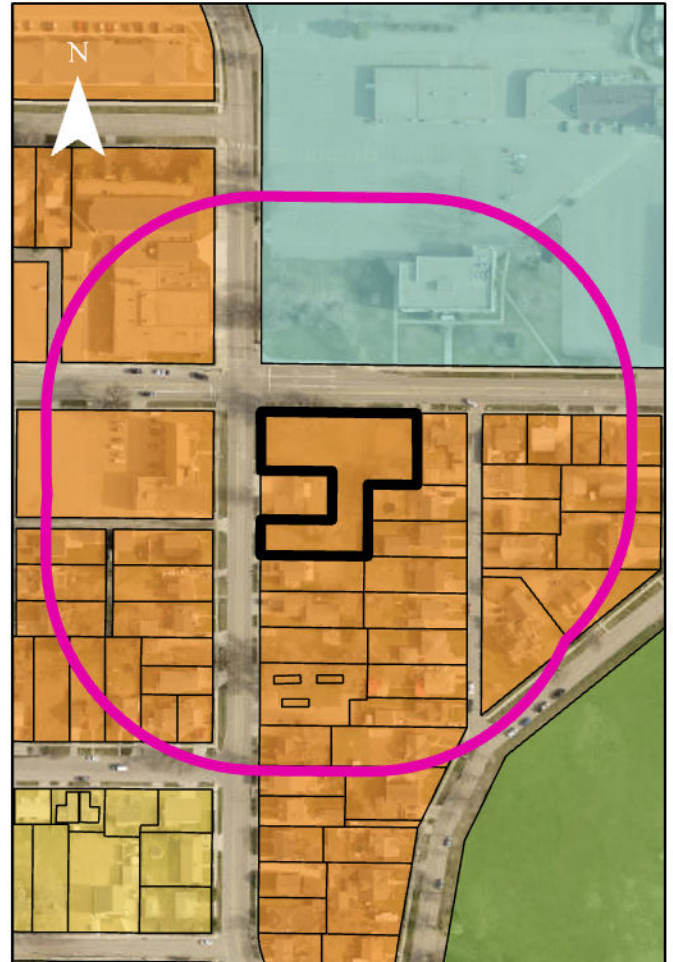
Proposed
Landscaping

SHEET
6 OF 6

ZONING



FUTURE LAND USE



0 130 260 520 Feet

Zoning

	P
	R2B
	R3
	R3B
	R3C

Both Maps

	Case # 2025-38
	Case # 2025-38 Notification Area

Land Use Type

	Suburban Residential
	Urban Residential
	Public Institutional
	Parks and Recreation

Exhibit 4 – Site Photos



Facing East



Facing South



Facing North



Facing West



Planning Commission Staff Report

Application Date: 06/27/2025

Date of Staff Report: 07/17/2025

Date of Planning Commission Meeting: 08/12/2025

Staff Contact: Doug Diedrichsen, Principal Planner

Staff Recommendation: Approval

Case Number: 2025-33

Project Name: Endeavor Sober Living – CUP

Current Legal Description: S 50' of Lot 1, Block 15 & 20 including vacated street of Ramstads Riverview Subdivision

Proposed Legal Description: No Change

Present Address: 1101 32nd Avenue SW.

Owners: Endeavor Sober Living

Representative: Jonathan Lane

Entitlements Requested: See Project Description & Background Information

Present Zone(s): "R1" Single Family Residential District

Present Use(s): Single family home

Uses Allowed in Present Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Present Future Land Use Map Designation: Suburban Residential

Proposed Zone(s): No Change

Proposed Use(s): Group Home with up to 10 residents plus staff

Uses Allowed in Proposed Zone(s): See Table 2.2 for allowed and conditionally permitted uses within each district.

Proposed Future Land Use Map Designation: No Change

PROJECT DESCRIPTION:

Public hearing request by Jonathan Layne, Endeavor Holdings, owner for a conditional use permit for a group home facility on a property zoned "R1" Single Family Residential. The legal description for the property is S 50' of Lot 1, Block 15 & 20 including vacated street of Ramstads Riverview Subdivision to the City of Minot, Ward County, North Dakota.

The subject property address is 624 Main St. S.

An aerial photo of the subject property can be found in **Exhibit 1**.

BACKGROUND INFORMATION:

The subject property is located at the intersection 624 Main St. S. The property is operated by Endeavor Sober Living and owned by Endeavor Holdings, LLC and is utilized as a sober living housing facility, which is categorized as a group home under the Land Development Ordinance of the City of Minot (LDO). The LDO permits up to six (6) residents and one (1) staff member within the "R1" Single Family Residential District. The applicant seeks to gain entitlements for (10) residents which requires a conditional use permit.

A copy of the letter of intent and floor plans may be found in **Exhibit 2**.

A letter of intent can be found in **Exhibit 3**.

A map of the area zoning and future land use can be found in **Exhibit 4**.

Site photos can be found in **Exhibit 5**.

STAFF ANALYSIS:

Conditional Use Permit Analysis:

Section 9.1-4 of the Minot Land Development Ordinance (Zoning Ordinance) recognizes that certain land uses, when under special conditions and review can be compatible with uses that are permitted by right in a zoning district. The review of the conditional use permit (CUP) application and any special conditions imposed by either the Zoning Ordinance or City Staff should occur via a thorough public process as prescribed by Section 9.2-1 including a public hearing, direct noticing to neighboring property owners, and general public noticing within the Minot Daily News. Per Section 9.1-4 I., an amendment to a CUP follows the same process as a new application. The applicant has submitted the necessary application documents required per Section 9.1-4 C. and noticing has been conducted as required per Section 9.2-1.

Section 9.1-4 F. states that the Planning Commission shall find that the application meets all of the following, as applicable:

1. The request will be harmonious with the general and applicable specific objectives of the City's Comprehensive Plan and this Ordinance.

2. The proposed conditional use at the specified location will not be detrimental to or endanger the health, safety, welfare, comfort, or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other properties within the area in which it is located.
4. The location, size, design, and operating intensity of the proposed conditional use will not prevent the development and use of neighboring property in accordance with the applicable zoning district. In making this determination, the Planning Commission will consider the siting, nature, and height of existing and proposed buildings and structures, and the extent and effectiveness of proposed buffering or landscaping.
5. Adequate public services and facilities exist or will be provided by the developer at the time of development, including adequate utilities, water and sewer systems, drainage structures, and other such facilities and services which are necessary to serve the development.
6. The request will not create excessive additional requirements for public facilities and services at public cost and will not be detrimental to the economic welfare of the community.
7. Adequate access roads or entrance and exit drives exist or will be provided by the developer to prevent traffic safety hazards and minimize traffic congestion on public streets.
8. The request will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Staff finds the proposed use to be harmonious with the comprehensive plan future land use map designation of Suburban Residential and the LDO. Section 9.1-4 F. 1. is satisfied.

Related to Section 9.1-4. F. 2 thru 4 generally relate to the overall impact of a proposal on property within the vicinity. Group homes for up to six (6) residents and staff as a general land use category are already permitted within "R1" Single Family Residential District without the requirement of a conditional use permit. Staff finds that with available onsite off street parking the impact to other properties in the vicinity would be negligible, however any concerns regarding parking could be addressed in conditions, staff finds that Section 9.1-4. F. 2 thru 4 is satisfied with conditions.

Staff finds Section 9.1-4. F. 5. related to the provision of appropriate public services such as utilities and drainage systems is satisfied, as no new public utilities are being sought and existing public utilities are adequate to support the proposed use. Property must meet all requirements of building and fire codes regarding safety of residents in group living accommodations as addressed in the conditions.

Staff finds that Sections 9.1-4. F. 6. and 7. related to maintaining community economic welfare and providing adequate road access, respectively, are satisfied. There is currently adequate access onto 7th Ave. SW, and improvements, if any were required, would be at the expense of the developer to satisfy these two evaluative criteria going forward.

Finally, Section 9.1-4. F. 8. is satisfied, as Staff does not have any evidence that the request will result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Comments:

- a) There were no public comments at the time of writing this staff report.
- b) The application was distributed to city departments and external public agencies within the City for review and no comments were received.

FINDINGS OF FACT:

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

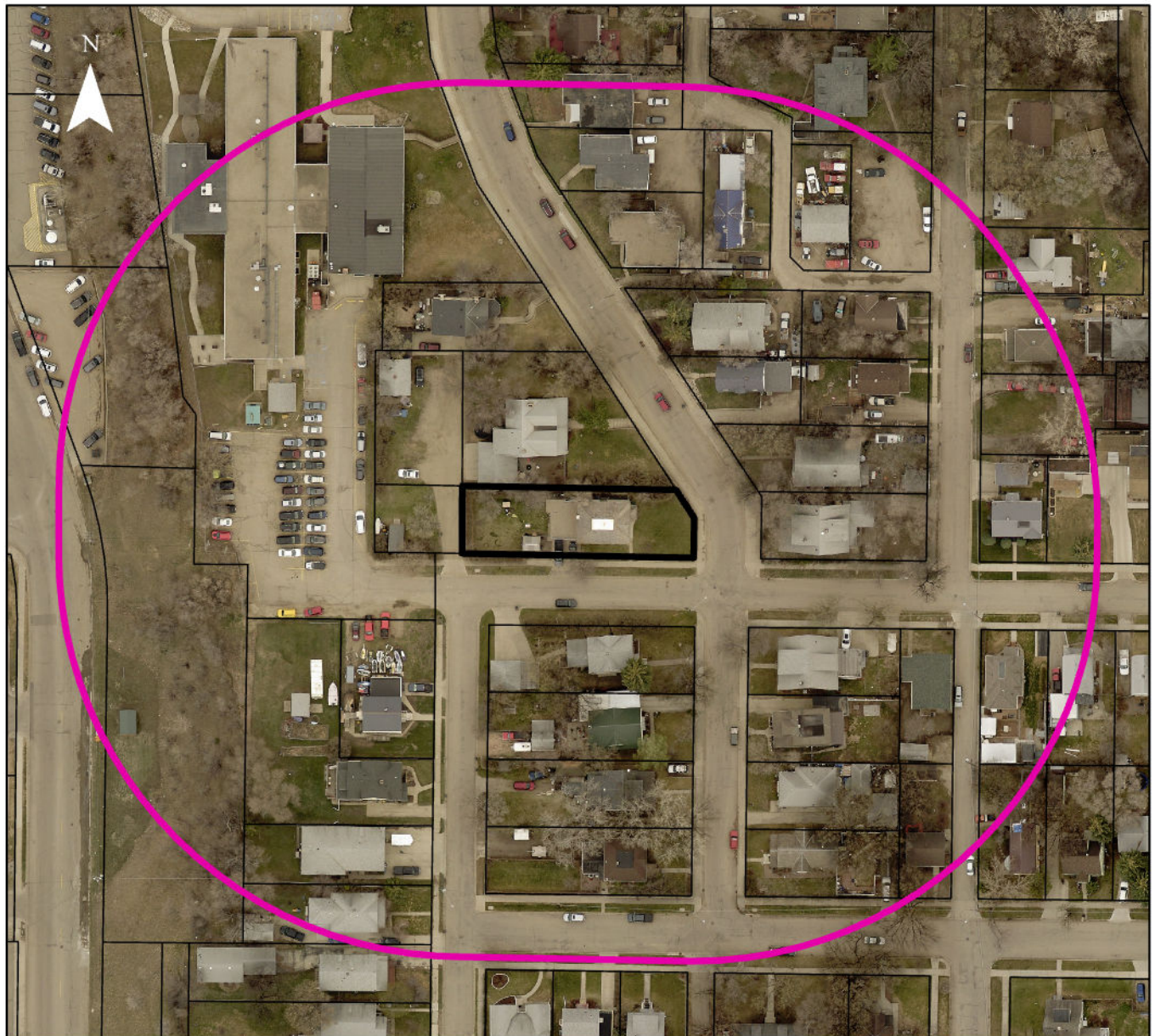
- 1) The applicant has submitted a complete application.
- 2) The property is zoned "R1" Single Family Residential District
- 3) The City of Minot 2040 Comprehensive Plan Future Land Use Map designates this area as Suburban Residential.
- 4) The proposal satisfies the evaluative criteria per Section 9.1-4. F. 1 thru 8., with conditions, as outlined in the Staff Analysis section of staff's written report.
- 5) The Minot Planning Commission has the authority to hear this case and decide whether it should be approved or denied, with or without conditions. 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 RECOMMENDATION TO PLANNING COMMISSION:

Staff recommends the Planning Commission adopt the staff findings of fact and approve the conditional use permit for a group home with up to ten (10) residents plus staff with the following recommended conditions.

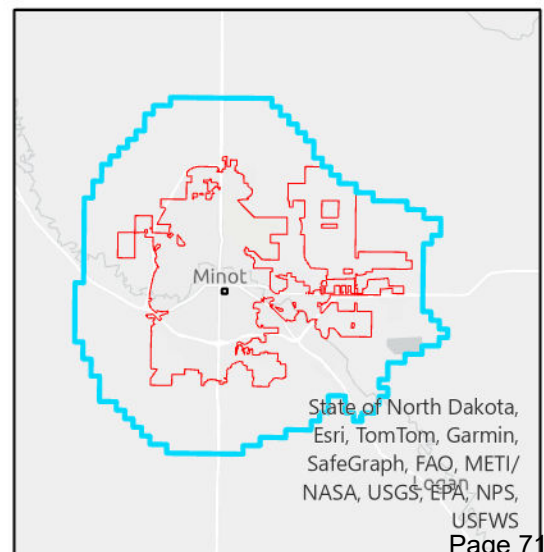
STAFF RECOMMENDED CONDITIONS TO PLANNING COMMISSION:

1. The maximum number of occupants shall not exceed Ten (10) persons, not including staff members
2. Permits required for construction.
 - a. Any changes to the structure, egress of the occupants, proposed room dimensions, ceiling heights, etc. would have to be reviewed by the Building Division with a floor plan and submitted construction documents and will require appropriate building or remodel permits.
3. Smoke detectors required. Interconnected smoke detectors required in each sleeping room, outside each sleeping room, and each story of the building.
4. Carbon Monoxide detection required within the building.
5. Egress windows with minimum 48- inch escape clearance from floor are required in all sleeping rooms in the basement.
6. ADA Compliance may be required. Further review of the interior floor plan and scope of construction is required before this can be analyzed.
7. Licensing
 - a. The Conditional Use Permit (CUP) shall serve as the license from the City of Minot to operate this facility under the terms of the permit.
 - b. Upon issuance of this permit, the applicant shall be deemed the permittee or permit holder and agrees to the terms of this permit and to follow all ordinances and regulations of the City of Minot and all county, state, and federal laws and regulations.
 - c. The permit shall be non-transferable and shall expire if the group home ceases operation. A change in occupancy shall be cause for an amended or new CUP.
 - d. The CUP can be revoked at any time by the Planning Commission following a show-cause hearing that has met the public hearing notification requirements.
8. Residents of the property must abide by the following restrictions: no sex offenders, no persons with violent criminal history, no persons requiring “personal care” such as daily personal assistance to function normally, no residents under 18, no weapons are permitted on the property, and no unprescribed or illegal drugs or alcohol are permitted on the property.
9. The residents of the property must maintain the yard and have no unnecessary litter.
10. On Street Parking is limited to the two spaces directly adjacent to the residence.

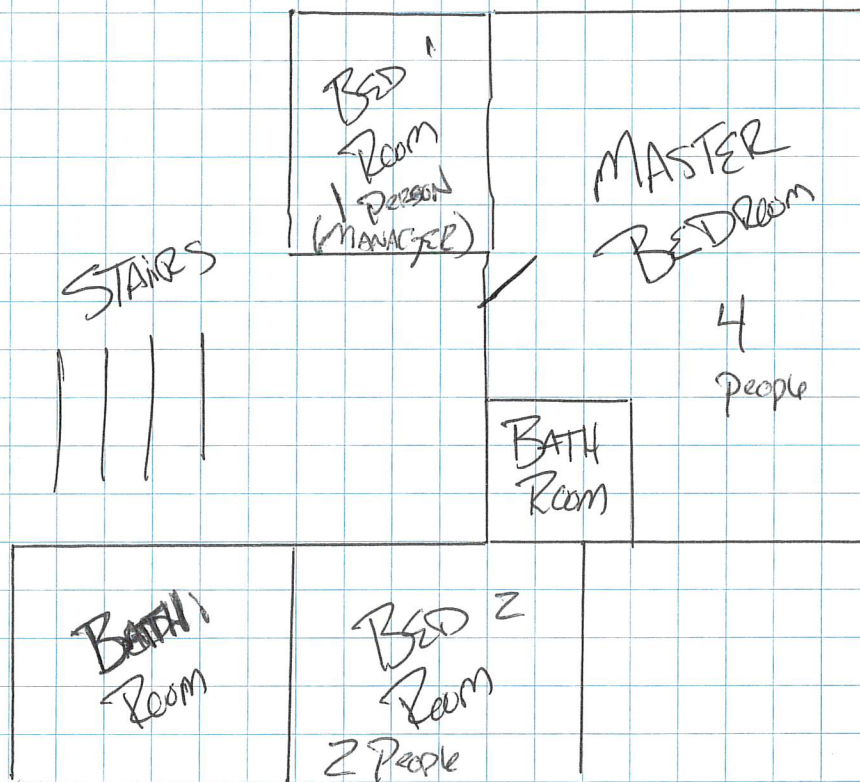


0 85 170 340 Feet

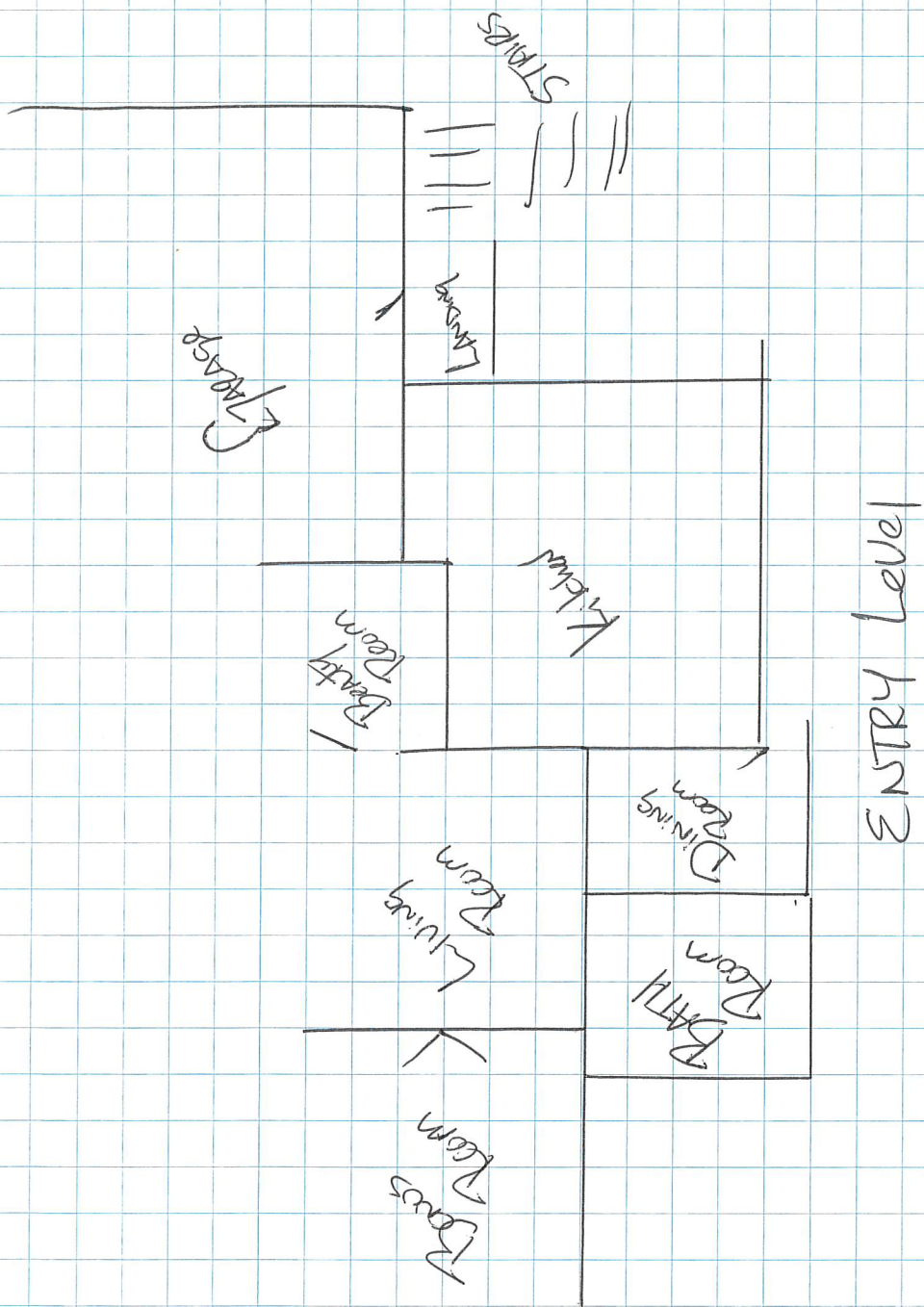
- Two Mile Boundary
- City Limits
- Case # 2025-33
- Case # 2025-33 Notification Area

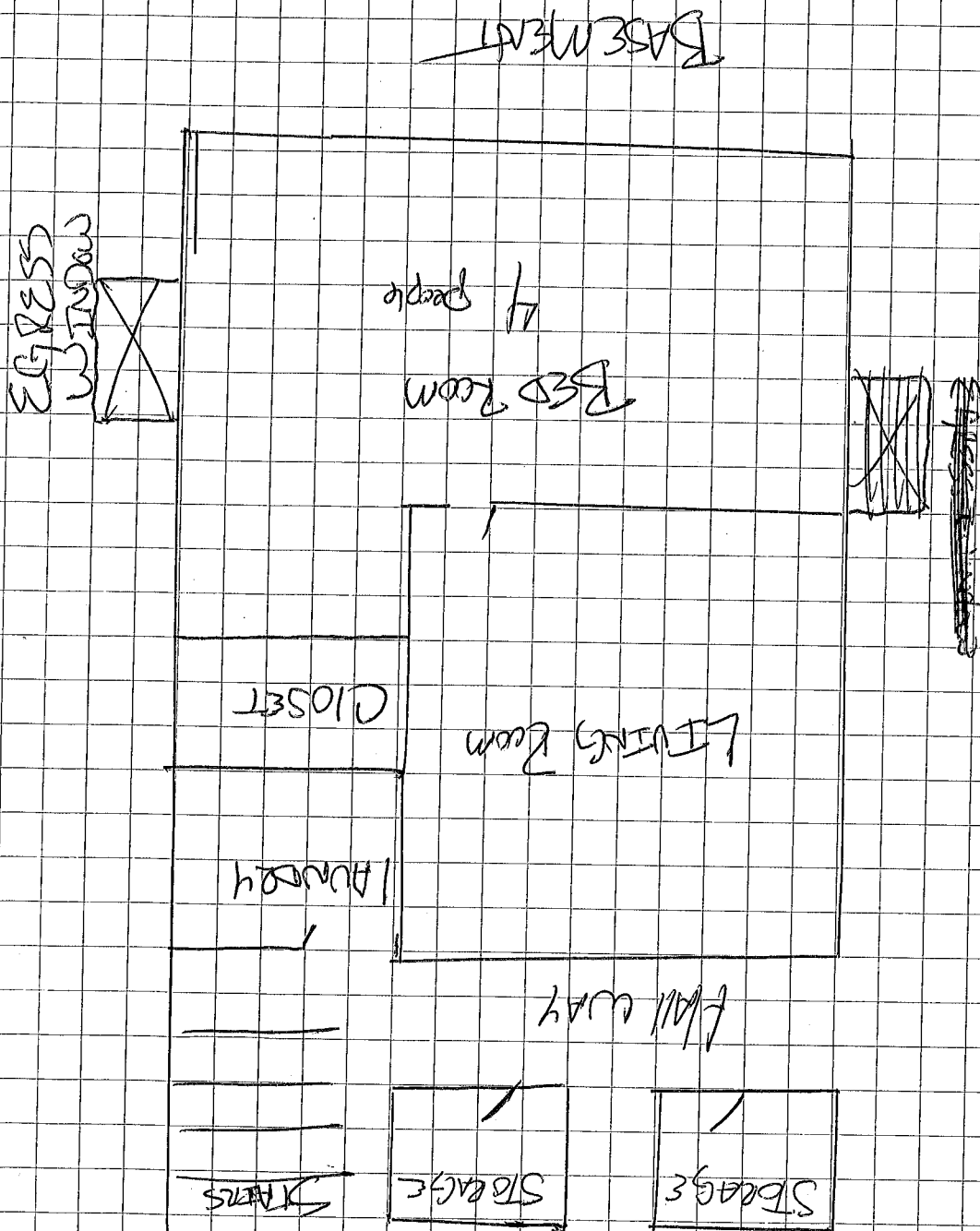


State of North Dakota,
Esri, TomTom, Garmin,
SafeGraph, FAO, METI/
NASA, USGS, EPA, NPS,
USFWS



TOP FLOOR





12909 Longview Dr
Arnegard ND, 58835

PO Box 1286
Watford City, ND 58854

1101 32ND AVE SE
MINOT, ND 58701

PO BOX 3104
MINOT, ND 58701

6/20/2025

City of Minot Planning Division
515 2nd Ave SW
Minot, ND 58701

To Whom It May Concern,

I am requesting a conditional use permit for 624 Main Street in Minot, North Dakota.

We purchased this property to expand our recovery housing program for women struggling with substance use. We already operate another recovery home in Minot and have seen growing demand, especially from women who are also mothers. This new location would allow us to provide stable housing and support services to more families.

The program at 624 Main Street will follow the same structure we use successfully at our existing property. It includes curfews, staff oversight, recovery meetings, and strict house rules. Our goal is to provide a safe, supportive living environment that helps residents stay clean and rebuild their lives.

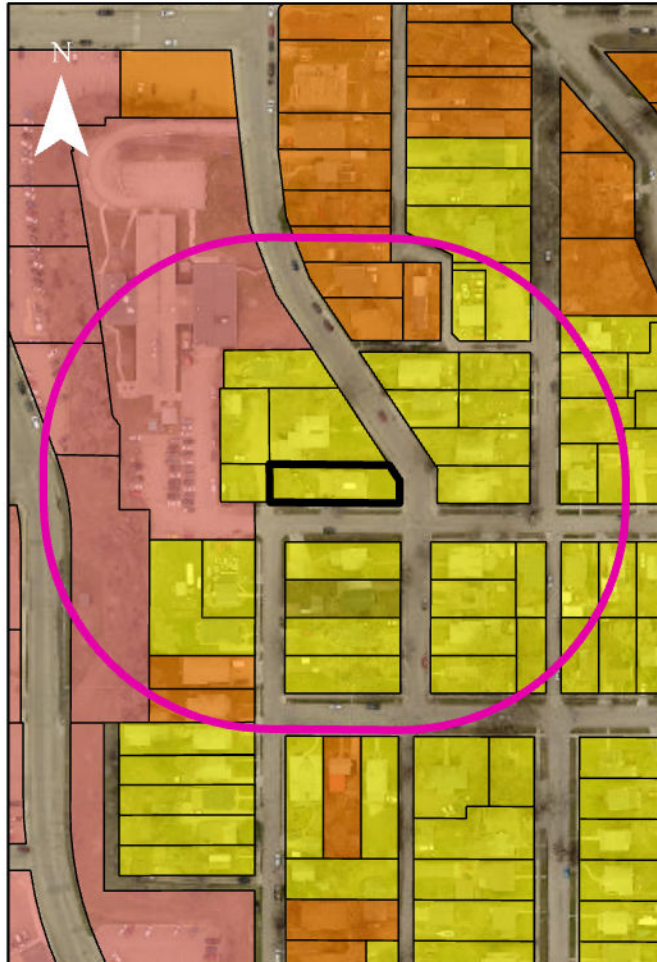
We will keep the property well-maintained, operate respectfully within the neighborhood, and follow all city regulations. We are committed to being a good neighbor and responsible operator.

Please let me know if you need additional information. I appreciate your consideration.

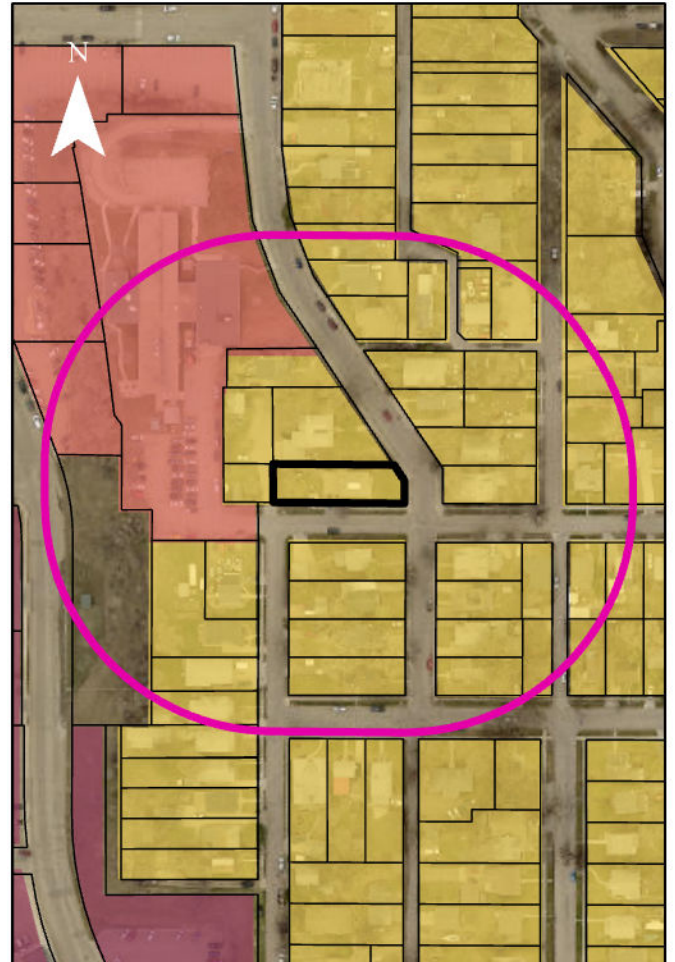
Best regards,
Jonathan Layne
Founder/Owner



ZONING

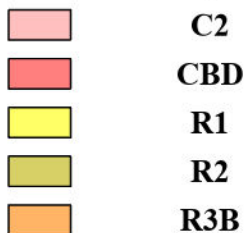


FUTURE LAND USE

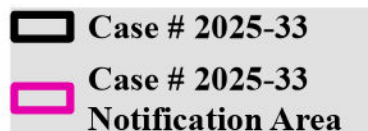


0 125 250 500 Feet

Zoning



Both Maps



Land Use Type

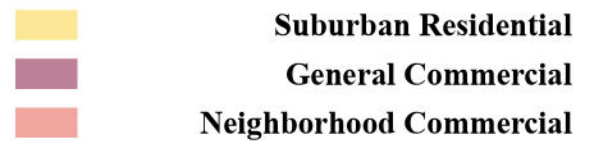


Exhibit 5 – Site Photos



Facing East



Facing South



Facing North



Facing West



Planning Commission Staff Report

Application Date: 6/30/2025
Date of Staff Report: 07/08/2025
Planning Commission Meeting: 08/12/2025

Staff Contact: Daniel Falconer, Assistant Planner
Staff Recommendation: Approval

Case Number: 2025-34

Project Name: Text Amendment – Summer 2025

Current Legal Description: N/a

Proposed Legal Description: N/a

Present Address: N/a

Entitlements Requested: Amendment to the
Land Development Ordinance of the City of
Minot

Owners: N/a

Representative: Brian Billingsley,
Community and Economic
Development Director, City of Minot

Present Zone(s): N/a

Present Use(s): N/a

Uses Allowed in Present Zone(s): N/a

Present Future Land Use Map Designation: N/a

Proposed Zone(s): N/a

Proposed Use(s): N/a

Uses Allowed in Proposed Zone(s): N/a

Proposed Future Land Use Map Designation: N/a

PROJECT DESCRIPTION:

Public hearing request by Brian Billingsley, Community Development Director for the City of Minot, for a text amendment to the Land Development Ordinance of the City of Minot. This text amendment covers multiples sections: Chapter 2.2 Public “P” District Use addition for warehousing and Daycares, Chapter 2.3 Family Definition, Chapter 2.3 and Chapter 6.1 Shipping Containers Definition and Use Regulations, Chapter 2.24 Noise Buffer Overlay, Chapter 2.25 Runway Buffer Overlay, Chapters 2.2 and Chapter 4.1 Group Homes Above Six (6)

People, Chapter 5.1 Sign Code Maximums, Chapter 10.2 Easement Vacation with Minor Plats, Chapter 12.2 Stormwater Plan Requirements and Chapter 13.1 Nonconforming Manufacture Housing in Single Family Residential Zones.

BACKGROUND INFORMATION:

The proposed text amendments are part of a “clean-up” ordinance that is performed, at a minimum, twice annually.

The text amendments, including a brief explanation for each of the respective ten (10) changes, may be found in **Exhibit 1**.

STAFF ANALYSIS:

Amendment to the Land Development Ordinance of the City of Minot Analysis:

Section 9.1-8 of the Land Development Ordinance of the City of Minot (LDO) provides the procedures for amending the LDO. Section 9.2 provides the noticing requirements for public hearings held by the Planning Commission. The applicant has submitted the necessary application documents required per Section 9.1-7 C. and noticing has been conducted as required per Section 9.2.

Section 9.1-8 I. requires the Planning Commission and City Council to find the following, as applicable:

1. Each amendment must not adversely affect the public health, safety, or welfare.
2. Each amendment is supported by a strategy, recommendation, or other concepts from the Comprehensive Plan.
3. Each amendment is necessary because of changed social or economic conditions in the areas affected.
4. Each amendment is necessary to improve the ordinance by introducing best practices or makes the ordinance easier to understand and use by the public.

Staff provides the following guidance:

Staff finds Section 9.1-8 I. 1. is applicable and satisfied, as the proposed changes aim to address concerns that have been brought to the attention of staff over time, providing paths forward for new uses and/or reducing requirements for redevelopment when certain site characteristics exist. The changes will not adversely affect the public health, safety, and/or welfare in each instance.

Section 9.1-8. I. 2. is applicable and satisfied. The Comprehensive Plan informs the city regarding best practices for land use management around Minot International Airport. The comprehensive plan offers the following FAA guidance: *“The FAA released a draft advisory circular in June 2021 which states: “Through federal grant assurances, airport sponsors and owners are obligated to pursue all reasonable and appropriate actions to secure and promote compatible land use and development. Airports owned and operated by the same jurisdiction that is the land use authority are expected to adequately control land use near the airport and*

prevent new incompatible development.” In essence, airport-land use compatibility is needed so MOT can maintain access to federal funding.” The two overlay districts being proposed will regulate incompatible land uses adjacent to the runways, in addition to greater nuisance mitigation from noise and other aircraft-related issues. The proposed changes are supported by a recommendation from the Comprehensive Plan.

Section 9.1-8. I. 3. is applicable, and satisfied. Proposed changes ensure a development environment that allows for ease of development within the city.

Section 9.1-8. I. 4. is applicable and satisfied, as the proposed changes are an effort to ensure that known potential inhibitors to development are not replicated the subsequent building season. The proposed changes will make the code easier to understand and use by staff and the general public.

Comments:

1. There were no public comments at the time of writing this staff report.
2. The application was distributed to city departments and external public agencies within the City for review and no comments were received.

FINDINGS OF FACT:

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

- 1) The applicant has submitted a complete application.
- 2) Section 9.1-8 I. 1- 4. are applicable and satisfied as noted in the Staff Analysis section of staff’s written report.
- 3) 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 RECOMMENDATION TO THE PLANNING COMMISSION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the zoning text amendment as provided in Exhibit 1.

August 2025 Text Amendments

List of changes:

- Public “P” District Use Addition for Warehousing and Daycare Centers – Chapter 2.2
- Family Definition – Chapter 2.3
- Shipping Containers Definition and Use Regulations Chapter 2.3 and Chapter 6.1
- Noise Buffer Overlay – Chapter 2.24
- Runway Buffer Overlay – Chapter 2.25
- Group Homes above 6 people – Chapter 2.2 and Chapter 4.1
- Sign code maximums – Chapter 5.1
- Easement vacation with minor plats – Chapter 10.2
- Stormwater Plan Requirements – Chapter 12.2
- Nonconforming MH in Residential – Chapter 13.1

Public “P” District Use Addition for Warehousing – Chapter 2.2

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Adult Entertainment Center															P						4.1-6.A.
Business Incubator												C	C	P		P					
Commercial Recreation	Commercial Recreation Indoor	C		C	C	C	C	C	C		P	P	P	P	P	P			C	P	
	Commercial Recreation Outdoor	C		C	C	C	C				P	P	C	P	P	P			C	C	
Food and Drink	Brew Pub, Cocktail Lounge, Bar, Winery	C	C								P	P	P	P	P	P			C	P	
	Restaurant (Dine-in Only)	C									P	P	P			P				P	
	Restaurant (Drive-thru)										P	P	C			P				P	4.1-6.B.
Motor Vehicle Uses	Auto Repair											P		P	P		C		C		4.1-6.C.
	Auto Maintenance											P		P	P		C		C		4.1-6.C.
	Oil Change Facility											P		P	P		C		C		4.1-6.C.
	Car Wash										C	P		P ¹			C			C	4.1-6.F.
	Convenience Store/Fuel Station										C	P		P ¹			P			C	4.1-6.D.
	Motor Vehicle Sales (Cars, Boats, RVs, Motorcycles, etc.)											P		P							4.1-6.G.
	Manufactured Homes and Modular Homes Sales Lot											C		C							
Office	Corporate Offices, Financial Offices, General Offices, and Medical Offices										P	P	P	P		P	P			P	
Parking	Off-Street Parking (Commercial)											C	C						C	C	
	Off-Street Parking (Non-Commercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Parking Structure											P	P						C	P	
Retail Sales and Services (Small)	Clinics and Pharmacies										P	P	P						P	P	ND Century Code (Medical Marijuana Dispensaries)
	General Merchandise										P	P	P	P ¹						P	
	Green House/Nursery	P	C									P		P			P				
	Laundry Services										P	P	P	P	P	P				P	
	Limited Food Sales										P	P	P	P ¹						P	
	Liquor Stores										P	P	P	P ¹						P	
	Salons										P	P	P							P	
Retail Sales and Services (Large)	Department Store										C	P	P							P	
	Furniture Stores and Showrooms											P	P	P		P				P	
	Home Improvement Center										C	P	P							P	
	Hotels and Motels											P	P							P	
	Retail Center, Mall, or Shopping Center										C	P	P							P	
	Supermarket										C	P	P							P	
	Truck Stops											C			P	P			P		4.1-6.E.

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Specialty Businesses	Funeral Homes	C									C	C	C	P						C	
	Crematories	C									C	C		P	P		C	P			
	Day Care Centers		C	C	C	C	C	C	C		P	P	P	P ¹					<u>P</u>	<u>P</u>	4.1-6.M.
	Day Care, Home-based	P	P	P	P	P	P	P	P	P										P	4.1-8.E.

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
General Industry	Construction Yards											C		P	P						4.1-7.C.
	Manufacturing, fabrication, processing, assembly, and packaging facilities											C		P	P		P	P			
	Research Park											C				P	P	P			
	Sales or service of industrial, agricultural, and construction equipment and semi-trucks											C		P	P	P	C	P			4.1-7.A.
Heavy Industry	Construction Batch Plant (Permanent)														C		C	P			4.1-7.B.
	Construction Batch Plant (Temporary)	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
	Grain Elevators														P		C	P			
	Manufacture or storage fertilizer, petroleum, and similar hazardous materials and compounds											C		C	C			C			4.1-7.G.
	Mining or extraction of oil, mineral, or aggregate resources	I												I	I		I	I			4.1-7.D. ; 4.1-7.E.
	Stockpiling of aggregate or dirt fill not associated with active development project											C									
Warehousing and Freight	Cargo Container Yards											C		P	P			P			4.1-7.F.
	Commercial Self Storage											C		P	P	P					
	Warehousing (Enclosed)											C		P	P	P	P	P	<u>C</u>		4.1-7.J.
	Warehousing (Open)											C		C	P	C	C	P	<u>C</u>		4.1-7.H.
	Railroad Terminals and Truck Terminals													P	P		P	P			4.1-7.I.
Waste Related Uses	Salvage Yards														C		C	C			4.1-7.K.
	Landfill														C				C		
	Recycling Collection and Processing (Hazardous)													C	C		C	C			
	Recycling Collection and Processing (Non-hazardous)													P	P		P		P		
	Sewer or Flood Protection Pumps																		P		
	Sewage Treatment Plant/Lagoons														C			C	C		

Family Definition – Chapter 2.3

Chapter 2.3. – Definitions

Family: An individual, or two (2) or more persons related by blood, marriage, guardianship or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Chapter 2.3 – Definitions

Cargo Container: A metal crate designed to store goods for freight transport, typically by ships, rail, or other types of transport.

SECTION 6-1.6. OUTSIDE STORAGE OF EQUIPMENT, MATERIALS, AND/OR INVENTORY

A. Commercial and Public Districts

1. The area occupied is not within a required front or required street side yard, except for vehicle and equipment sales display areas.
2. Unless otherwise approved as a conditional use, the storage area with all equipment, materials, and inventory is completely screened from the motoring public by fence or landscaping as provided for in Article 7, Landscaping.
3. Display and storage areas generally shall be improved to allow for good drainage and provide for neat appearance.
4. The storage area does not encroach upon required parking space, required loading space, or snow storage area for the use.
5. ~~Storage boxes, crates or other units~~ utilized for the purpose of storage and protecting materials from the weather, such as a cargo container, are considered outdoor storage. Such units are allowed provided they do not exceed six feet (6') in height, are located in a side or rear yard, and are fully screened from view from any public street according to the screening provisions found in Article 7, Landscaping.
6. All new commercial uses shall comply with the above procedures and standards. For the purposes of public health, safety and aesthetic appeal to the community, any outside storage existing upon the effective date of this Section shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.

B. Industrial Districts

1. An exception to the paving requirements of this Chapter can be made for outdoor storage areas and/or areas where track or heavy vehicles and equipment are parked in the M1 and M2 zoning districts where crushed and/or recycled rock, concrete or asphalt can be used within only the defined outdoor storage area, as approved during site plan approval, provided the site is completely screened from public view from a public roadway per Article 7, Landscaping.

2. An exception can be made from the above screening requirements for display purposes (not for storage) provided it is approved during the site plan approval.

3. Dust control provisions including sealant must be applied as needed or as determined by the Engineering Department.

4. All driveway entries from the street including the first fifty feet (50') back from the right-of-way shall be concrete or bituminous concrete. In addition, a buffer of concrete or other approved hard surface material shall be provided between the gravel and parking lot areas.

5. Storage boxes, crates or other units utilized for the purpose of storage and protecting materials from the weather are considered outdoor storage. Storage units are not limited by height; however, must be located in a side or rear yard and be fully screened from any public street.

6. All new industrial uses shall comply with the above procedures and standards. For the purposes of public health, safety and aesthetic appeal to the community, any outside storage existing upon the effective date of this Section shall be brought into compliance within twelve (12) months of written notification by certified mail to the property owner.

SECTION 6.1-7. RESIDENTIAL DISTRICTS – PARKING AND RELATED OUTDOOR STORAGE REQUIREMENTS

A. General

1. This section is not intended to prohibit storage of materials or vehicles and equipment engaged in contractual services for improvements to a given property.

2. Prohibitions:

a. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

b. No lot in any residential district shall be used for the outdoor storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

c. Cargo containers are prohibited in residential districts. This prohibition does not apply to residential property in the extraterritorial jurisdiction.

ed. Vehicles greater than one (1) ton gross empty weight, equipment used for construction, landscape services, snow removal services, and other commercial or agricultural equipment and trailers shall not be stored on any residential zoned property or on any

street within a residentially zoned district. This prohibition does not apply to property zoned “RR” Rural Residential, so long as it is accessory in nature to the primary residential use. Home Occupation and Home-based Business standards found in Section 4.1-8 B. apply.

d~~e~~. Recreational vehicles, recreational equipment and recreational trailers less than ten(10) tons gross empty weight may not be parked on any street within a residentially zoned district for a period exceeding seventy-two (72) hours.

Chapter 2.24. – “ANB Overlay” Airport Noise Buffer Overlay

SECTION 2.24-1. GENERAL DESCRIPTION

~~The Runway Buffer Overlay and Noise Buffer Overlay are~~ The Airport Noise Buffer Overlay is intended to regulate the ~~locations of noise sensitive uses, and otherwise regulate the~~ use of property in the vicinity of the Minot International Airport. ~~This~~ These overlay districts ~~is are~~ established in the interest of the public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Minot International Airport. It is further established that the City of Minot derives economic development and enhanced interstate commerce from the Minot International Airport and ~~the Airport Noise Buffer Overlay is~~ these overlays are necessary to protect this asset.

SECTION 2.24-2. USES

As allowed in the base zoning districts.

A. Noise sensitive uses include the following uses of property:

1. All Housing Uses (per Table 2.2).
2. All Public and Private Institutional Uses (per Table 2.2).
3. Day Care, both Home-based and Centers.
4. Any other use found in Table 2.2 and not identified in this section shall be deemed not noise sensitive.

SECTION 2.24-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the base zoning districts. Must also comply with FAA Height restrictions as dictated by 14 CFR Part 77.

SECTION 2.24-4. OVERLAY RESTRICTIONS

A.—Prohibited Uses

~~The following uses are prohibited within the Airport Noise Buffer Area, without regard to the underlying zoning, to-wit: Mobile home parks, outdoor music shows, amphitheaters, nature exhibits and zoos.~~

A. Building Design Requirements

- 1.—~~That portion of any building or structure occupied by humans, which is used within the Airport Noise Buffer Area in connection with any of the following uses (assuming the underlying zoning so permits), shall be so designed and constructed as to accomplish a noise level reduction of twenty-five (25) decibels(dB): Governmental services; transportation; parking; business and professional offices; the wholesale and the retailing of building materials; hardware and farm equipment; general retail trade; utilities; communications; general manufacturing; photographic and optical manufacturing; golf courses; riding stables; and water recreation.~~

That portion of any building or structure occupied by humans which is used within the **Airport** Noise Buffer **Area Overlay** in connection with any of the following noise sensitive uses (assuming the underlying zoning so permits) shall be so designed and constructed as to accomplish a noise level reduction of thirty (30) db: ~~Residential; other than mobile homes; transient lodgings; schools; hospitals; nursing homes; churches; auditoriums; and concert halls.~~ Proof of noise reduction is required to obtain a building permit.

B. Limitations Applicable to Uses in the Noise Buffer Overlay

No use in any of the zones described in this chapter shall:

1. Create communication or navigation interference between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and others.
3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create wildlife strike hazards.
6. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft.
7. Potentially cause detriment to the airport operations by emission of thermal plumes, fumes, dust, smoke, and/or creation of other negative influences.

C. Miscellaneous Provisions

1. Non-conforming Uses in the Noise Buffer Overlay
 - a. Shall follow Chapter 13.1 – Nonconforming Development
2. Appeals of Administrative Decisions
 - a. Shall follow Section 9.1-9. Appeal of Administrative Decisions
3. Enforcement
 - a. Shall follow Chapter 13.2 – Enforcement and Penalty
4. Conflicting Regulations
 - a. Shall follow Section 1.2-3. Conflicting Provisions

Chapter 2.25. – “ARB Overlay” Airport Runway Buffer Overlay

SECTION 2.25-1. GENERAL DESCRIPTION

The Runway Buffer Overlay and Noise Buffer Overlay are intended to regulate the use of property in the vicinity of Minot International Airport. These overlay districts are established in the interest of public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Minot International Airport. It is further established that the City of Minot derives economic development and enhanced interstate commerce from the Minot International Airport and these overlays are necessary to protect this asset.

SECTION 2.25-2. USES

As allowed in the Underlying zoning districts unless:

- A. It is a residential use that is defined as noise sensitive. Noise sensitive uses include the following uses of property and are conditionally permitted in the Runway Buffer Overlay:
 - 1. All Housing Uses (per Table 2.2).
 - 2. All Public and Private Institutional Uses (per Table 2.2).
 - 3. Day Care, both Home-based and Centers.
 - 4. Any other use found in Table 2.2 and not identified in this section shall be deemed not noise sensitive.
- B. It is a commercial use that exceeds a person per acre density that is deemed to impact airport operations by the Airport Director. The following uses are conditionally permitted in the Runway Buffer Overlay (per Table 2.2):
 - 1. Food and Drink
 - 2. Retail Sales and Services (Small)
 - 3. Retail Sales and Services (Large)
 - 4. Commercial Recreation

SECTION 2.25-3. LOT, HEIGHT, AREA, AND YARD SETBACK REQUIREMENTS

As specified in the underlying zoning districts. Must also comply with FAA Height restrictions as dictated by 14 CFR Part 77.

SECTION 2.25-4. OVERLAY RESTRICTIONS

A. Avigation Easements

Avigation easements shall be required at the discretion of the Airport Director or their designee. If an avigation easement is required, it must be recorded with Ward County before a building permit is issued.

B. Building Design Requirements

That portion of any building or structure occupied by humans which is used within the Runway Buffer Overlay in connection with any of the following noise sensitive uses (assuming the underlying zoning permits) shall be designed and constructed as to accomplish a noise level reduction of thirty (30) db. Proof of noise reduction is required to obtain a building permit.

C. Limitations Applicable to Uses in the Runway Buffer Overlay

No use in any of the zones described in this chapter shall:

1. Create communication or navigation interference between the airport and aircraft.
2. Make it difficult for pilots to distinguish between airport lights and others. (Municipal code)
3. Result in glare in the eyes of pilots using the airport.
4. Impair visibility in the vicinity of the airport.
5. Create wildlife strike hazards.
6. Otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft.
7. Potentially cause detriment to the airport operations by emission of thermal plumes, fumes, dust, smoke, and/or creation of other negative influences.

D. Miscellaneous Provisions

1. Non-conforming Uses in the Runway Buffer Overlay
 - a. Shall follow Chapter 13.1 – Nonconforming Development
2. Appeals of Administrative Decisions
 - a. Shall follow Section 9.1-9. Appeal of Administrative Decisions
3. Enforcement
 - a. Shall follow Chapter 13.2 – Enforcement and Penalty
4. Conflicting Regulations
 - a. Shall follow Section 1.2-3 Conflicting Provisions

Table 2.2 Table of Uses

Housing

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Group Living	Boardinghouse					C	C			C											
	Group Home (Up to 6 residents plus staff)	P	P	P	P	P	P	P	P	P	P	P	P						P	P	4.1-4.B.
	Group Home (7+ 12 residents plus staff)		C	C	C	C	C	C	C		P	P	P						P	P	4.1-4.B.
	Lodging House										C		C								
	Fraternity/Sorority						C	C	C										C		
	Multi-family	Apartments (5 units and above)						P		P										P	4.1-4.C.
	Duplex (2 units)					P	P		P												
	Triplex (3 units)						P		P												
	Quadplex (4 units)						P		P												
	Single Family	Single-family Attached (Twin Homes)					P	P		P											
	Single-family Attached (Town Homes)						P	P	P												4.1-4.D.
	Single-family Detached	P	P	P	P	P	P			P										P	
	Other Housing	Accessory Dwelling Unit	P	C	C	C	C														4.1-4.E.
	Assisted Living Facility						C	C	P		P		C						C	C	
	Nursing Home						C	C	P		P		C						C	C	
	Manufactured Home	P								P											4.1-4.F.

SECTION 4.1-4. HOUSING

A. Group Homes

1. All Districts Where Permitted:
- a. All group homes must be licensed with the State of North Dakota.

b. Group homes in the CBD District are only allowed above the street level except for a facility designed for occupancy by residents with disabilities.

c. Occupancy for group homes located in residential dwellings (single-family or multi-family) are restricted to two (2) adults per bedroom with a single exception for additional residents in a primary (master) bedroom as determined by the Planning Division.

d. When a Conditional Use Permit is required for group homes located in commercial buildings, the allowed occupancy to be based on a recommendation from the Fire Chief or their designee after review of a detailed floor plan provided by the applicant providing square footage, means of ingress & egress and any other relevant information as requested by City Staff.

Table 5.1-6(b). District Requirements for Detached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts			
		Agricultural and Residential Districts	C1, GMU, C2, C4	CBD, P	M1, M2, OP
All Detached Signs	Sign Quantity	Not Applicable ^(e)	1 per business, max 4 per lot	1 per business	1 per business, max 4 per lot
Pole Signs	Maximum Permanent Primary Tenant Sign Area (square feet/SF) ^(d)	Not Applicable ^(e)	3 SF per 1' lot frontage, up to 150 SF or 20% of the building façade, whichever is greater	3 SF per 1' lot frontage, up to 150 SF or 20% of the building façade, whichever is greater	3 SF per 1' lot frontage, up to 250 SF or 20% of the building façade, whichever is greater
	Minimum Primary Tenant Sign Area (square feet/SF) ^{(a)(d)}		50	50	60
	Maximum Height (feet)		45 ^(b)	45 ^(b)	50 ^(b)
	Minimum Ground Clearance (feet) ^(c)		14	14	14
	Sign Separation (linear feet)		300	None	300
	Front and Side Yard Setbacks		To Lot Line	None	To Lot Line
	Rear Yard Setback (feet)		10	None	10
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area ^(f)	Up to an additional 50% of primary/maximum sign area ^(f)	Up to an additional 60% of primary/maximum sign area ^(f)
Pylon Signs	All Setbacks	Not Applicable ^(e)	Same as pole signs subject to approval by the City Engineer or their designee.		
	Ground Clearance (feet)		Not Applicable		
	All other requirements		Same as pole signs		
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area ^(f)	Up to an additional 50% of primary/maximum sign area ^(f)	Up to an additional 60% of primary/maximum sign area ^(f)
	Maximum Height (feet)	Not Applicable ^(e)	6		

Table 5.1-6(b). District Requirements for Detached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts			
		Agricultural and Residential Districts	C1, GMU, C2, C4	CBD, P	M1, M2, OP
Monument Signs/Ground Signs	All Setbacks		Same as pole signs		
	Maximum Primary Tenant Size		None		
	Secondary Tenant Sign Area		Up to an additional 80% of primary/maximum sign area	Up to an additional 50% of primary/maximum sign area	Up to an additional 60% of primary/maximum sign area

Notes:

- If available lot frontage results in a smaller sign area than the minimum sign area, the minimum sign area may be used.
- 75' if sign faces a principal arterial outside of city limits, such as US Highway 2 or US Highway 83.
- 10' with ground protection (bollards, etc.)
- Sign area for a two-sided sign is calculated by one sign face.
- Permitted only as part of a conditional use permit or interim use permit. Existing signs tied to a nonconforming use are permitted until damaged beyond 50% or more of their value. At such time, they may only be rebuilt if connected to a new conditional use permit or interim use permit.
- Sign area may be allocated as-desired between multiple tenants so long as the total does not exceed the maximum allowed for both the primary and secondary tenants.

Table 5.1-6(c). District Requirements for Attached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts				
		AG, RR, R1, R1S, R2, RM	R3C, RH, MH	C1, GMU, C2, C4	CBD, P	M1, M2, OP
All Attached Signs	Sign Quantity	1 wall sign per home for home-based business	Not Applicable	Total sign area allowed may be divided into multiple signs.		
Wall Sign	Maximum <u>Permanent</u> Sign Area (square feet/SF) ^(c)	4 SF	Not Applicable	3 SF per 1' lot frontage, <u>max 200-SF^f or 20% of the building façade.</u>	1.5 SF per 1' of building frontage ^{(a)(b)} <u>or 20% of the building façade.</u>	3 SF per 1' lot frontage, <u>max 250-SF or 20% of the building façade.</u>

Table 5.1-6(c). District Requirements for Attached On-Premise Permanent Signs

Sign Type	Regulation Item	Zoning Districts				
		AG, RR, R1, R1S, R2, RM	R3C, RH, MH	C1, GMU, C2, C4	CBD, P	M1, M2, OP
				<u>whichever is greater</u>	<u>whichever is greater</u>	<u>whichever is greater</u>
	Maximum Height (feet) ^(c)	Not Applicable		45	45	50
	Minimum Distance from Ground (feet)			None	10 ^(e)	None
	Maximum Distance from Ground (feet)			Top of building wall	15 ^(e)	None
	Maximum Thickness (feet)			2	2	2
Projecting Sign/Flag Mount	Maximum Sign Area (square feet)	Not Applicable		50	50	50
	Minimum Ground Clearance (feet)			8	8	8
	Maximum Thickness (feet)			None	None	None
	Maximum Height (feet)			Top of building wall	Top of building wall	None
	Extension from building			May not extend over lot line. May not extend into the right-of-way ^(d)	May not extend over lot line. May not extend into the right-of-way ^(d)	May not extend over lot line. May not extend into the right-of-way ^(d)

Notes:

- In the CBD and P Districts, if the building is set back 50 feet (50') or more from the street curb, the maximum sign area for wall signs shall be 2.5 square feet per linear foot of building frontage.
- In the CBD and P Districts, each facade shall be calculated individually, and sign area may not be transferred between facades.
- Sign area for a two-sided sign is calculated by one sign face.
- Exception to right-of-way requirement requires application submittal to the Engineering Department for an encroachment permit.
- Placement outside of the minimum and maximum height is subject to review and approval by the Community Development Director or their designee.
- Tenants in regional retail shopping malls and strip malls may instead be allocated one (1) wall sign per façade of their tenant bay with the area of the sign being calculated at 20% of the area of the respective tenant's façade.

A. Size, Placement, and Quantity Restrictions for Temporary Signs

Table 5.1-9(b). Size, Placement, and Quantity Restrictions for Temporary Signs				
Temporary Sign Types	Sign Quantity	Area (Square Feet)	Max Height/Width (feet)	Setback
Balloon Sign/Inflatable Sign	Maximum 2 per property/ event for any combination of balloon/inflatable, blade, portable, banner and detached yard signs. 1 detached yard sign allowed per property in residential districts.	Not Applicable	Height: 30	Height of Sign
Blade Sign		Not Applicable	Height: 20 Width: 4	Lot Line
Portable Sign		64	8	Lot Line ^(a)
Banner Sign		48 SF in C1, GMU, and M1; 150 SF in C2, CBD, and M2	Not Applicable	Not Applicable
Detached Yard Sign		12 SF in residential districts; otherwise 40 SF	Not Applicable	Lot Line
Sandwich Board Sign	1 per business	12	Height: 4 Width: 3	Not Applicable ^(b)
Temporary Noncommercial Sign	1 per property Not Applicable	32 SF in any residential district and C1, otherwise 100 SF	Not Applicable	Lot Line
Notes: a. Portable signs with blinking, flashing, or fluttering lights or other illuminating devices which have a changing intensity, brightness, or color may not be displayed within 300' of any residential zoning district. b. Sandwich board signs must be placed within 20' of the associated business entrance and may be placed on private property or within the public sidewalk, so long as there is a minimum clearance of 5' for pedestrian access.				

SECTION 10.2-13 – Vacation of Right-of-Way

A. Intent.

Where a request includes the vacation of right-of-way adjoining a property the applicant(s) shall follow the standards and procedures of a Major Subdivision Preliminary Plat and Major Subdivision Final Plat in addition to the requirements of this Section. A Minor Subdivision Plat may **not** be utilized to facilitate a vacation of right-of-way.

B. Entire Segment of Right-of-Way Required.

Requests for a vacation of right-of-way must include one of the following circumstances:

1. The entirety of the requested vacated right-of-way segment terminates at each end by an intersecting and independently functioning segment of right-of-way that would not, through effect of the vacation, create a remnant segment of right-of-way which would not facilitate future connectivity or would interfere with existing connectivity, as determined by the City Engineer or their designee; OR
2. The entirety of the requested vacated right-of-way terminates at one end by another segment of intersecting and independently functioning right-of-way and at one end by private property such as a cul-de-sac or stub road that would not, through effect of the vacation, create a remnant segment of right-of-way.
3. A determination by the City Engineer or their designee and Planning Division that due to the number of property owners necessary to successfully fulfill the requirements in Section 10.2-13 B. 1. & 2. that it would be in the best interest of the City to allow a right-of-way vacation application from a subset of property owners for the portion of right-of-way abutting said property owners' land.

C. Property Owners' Signatures Required on Applications.

All property owners abutting the segment of the requested vacated right-of-way are required to sign the Major Subdivision Preliminary Plat and Major Subdivision Final Plat, or Minor Subdivision Plat, applications to be considered a complete application.

D. Property Owners' Property and Signatures Required on Plat.

The Major Subdivision Preliminary Plat and Major Subdivision Final Plat, or Minor Subdivision Plat shall include all property abutting the requested vacated right-of-way and the plat in recordable form shall include property owner signatures for all property owners party to the application.

E. Effect on Zoning Boundaries.

Section 2.1-4 provides for how zoning district boundaries are to be adjusted following any approved right-of-way vacation.

F. Establishing Publicly Inaccessible Right-of-Way Prohibited.

In no case shall a right-of-way vacation application be processed that would result in right-of-way that is inaccessible via the broader right-of-way network.

G. City Council, Resolution Required

City Council may approve, approve with conditions, or deny a request for a vacation of right-of-way or easement. A public hearing must be held at the City Council and shall involve sufficient notice per Section 9.2-1. A resolution, approved by two-thirds of all its members, is required.

The resolution shall be published as in the case of ordinances. A transcript of the resolution, duly certified by the city auditor, shall be filed for record and duly recorded in the office of the Ward County Recorder.

Chapter 12.2. – Storm Water Management Plan

Section 12.2-1. Storm Water Management Plan; When Required; Exceptions

- A.** Submission and approval of a storm water management plan shall be required for premises prior to undertaking any storm water alteration activities thereon, or prior to final plat approval of a subdivision thereof, whichever is earlier.

Subsection A shall not apply to any of the following:

1. Storm water alteration activities on any part of a subdivision that is included in a plat that has been approved by the City Council and recorded with the County Recorder on or before the original effective date of this chapter;
 2. Storm water alteration activities on individual lots or properties located within a subdivision or plat for which a Storm Water Management Plan has already been approved or in areas included within a Watershed Master Plan area, unless additional impervious area is added, runoff rates or design assumptions have changed, or grading activities modify the location of storm water discharge points;
 3. Storm water alteration activities involving the construction of a single-family or a two-family dwelling, as long as such construction affects less than one acre of land;
 4. Storm water alteration activities on a parcel for which a building permit has been approved on or before the original effective date of this chapter;
 5. Any utility service line installations; or
 6. Emergency work to protect life, limb, or property.
 7. Activities which the City Engineer determines will only have a de minimus effect on the amount of storm water flow, the quality of storm water flow, and the capacity of any existing or planned storm water system. In making such determination the City Engineer shall examine not only the particular activities being considered for de minimus treatment, but also the cumulative effect of all other similar and related activities reasonably likely to occur in the future. The applicant shall **may be required to** provide a technical memo with backup data to demonstrate the de minimus effect. The technical memo shall contain a site plan depicting the site with pre and post development improvements, a narrative analysis of the hydrologic and hydraulic analysis of the pre and post development flow rates, flow paths and discharge rates. The memo must be stamped and signed by a ND registered professional engineer.
- B.** A Storm Water Permit may still be required for any of the activities listed in subsection as determined by the City Engineer.
- C.** No person shall engage in storm water acceleration or alteration activities if approval of a storm water management plan in respect to such activities is required under Subsection (A), unless such approval is excused under Subsection (B) or waived under Section 12.1-3.

SECTION 13.1-4. NONCONFORMING STRUCTURES

A. Repairs/Maintenance

On any nonconforming structure, or portion of a structure containing a nonconforming use, repair and maintenance may be done. Work may include, but not be limited to, repair or replacement of nonbearing wall, fixture(s), wiring, plumbing, roofing, windows and siding. In addition, the cubic foot content that existed when the building became nonconforming shall not be increased.

Manufactured Home

Notwithstanding any other regulations to the contrary in this Ordinance, a nonconforming manufactured home may be removed from its site and replaced with another manufactured home of equal size on the same site provided the replacement unit is placed on the site within thirty (30) days after the removal of the first unit. If not replaced within thirty (30) days, the use of the site shall be required to conform to the zoning district in which the site is located.

Unsafe Structures

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance-and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.