

PLANNING COMMISSION MINUTES

Regular Meeting

August 03, 2021

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Regular Meeting: Planning Commission

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

Meeting Called to Order: Wednesday, August 03, 2021, 5:30 p.m.

Presiding Official: Chairman Charles DeMakis

Members in Attendance: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Sessions, Wegenast, Iverson

Members Absent: Faken, Lider

City Staff Present: Principal Planner Van Dyke, Assistant Planner Peter Baumgartner, Assistant City Attorney Stalheim, Assistant City Engineer Huettl, Building Official Tillema, Public Works Director Johannson

Others Present: Donna Bye (Houston Engineering), John Laskey (Northern Equipment)

Meeting Called to Order by Chairman DeMakis at 5:30 p.m.

Item #1 Roll Call

Item #2 Pledge of Allegiance

Item #3 Planning Commission Intro and Public Hearing Decorum

Item #4 Approval of Minutes

Motion by Commissioner Koop to approve the July 7, 2021 Planning Commission Meeting Minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Sessions, Wegenast, Iverson nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #6 Case # 2021-08-02

Future Land Use Map Amendment, Zoning Map Amendment and Subdivision

Planning Commission recommends City Council approve a subdivision to be known as Lots 1 & 2, Erdman's 2nd Subdivision, being a replat of Lot 4, Thurston's 2nd Addition and Outlot 4, all in the SW1/4 of Section 18, Township 155 North, Range 82 West of the 5th Principal Meridian, County of Ward, State of North Dakota, adopt a resolution to amend the Future Land Use from Industrial to Public/Semi-Public and pass an ordinance on first reading to change the Zoning Map from "M1" Light Industrial District to "P" Public Zone for Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision.

The properties are located at 1301, 1405, 1455, 1505 and 1515 Railway Avenue.

Chairman DeMakis asked Planner Baumgartner for his report.

Public hearing request on an application from Donna Bye representing Souris River Joint Water Resource District and William and Laverne Erdman, owners for a zoning map amendment and subdivision plat for the purpose of facilitating

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future construction of phase MI-5 of the flood control project. The proposed subdivision is to be known as Lots 1 & 2, Erdman's 2nd Subdivision, being a replat of Lot 4, Thurston's 2nd Addition and Outlot 4, All in the SW ¼ of Section 18, Township 155 North, Range 82 West of the 5th Principal Meridian, County of Ward, 2 State of North Dakota. Further, a Future Land Use Map Amendment from Industrial to Public/Semi-public and a Zoning Map Amendment from "M1" Light Industrial District to "P" Public Zone is requested for Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision. The properties are located at 1301, 1405, 1455, 1505, and 1515 Railway Ave. An aerial view of the property is provided in **Exhibit 1 of staff's written report**.

The application revolves around the ongoing flood control effort. This is phase MI-5 and includes five properties. Four (4) of the five (5) properties are owned by Souris River Joint Board (SRJB), while the fifth property is owned by William and Laverne Erdman. The shared property boundary between the two owners is proposed to be adjusted to accommodate construction of the levee in this location. The four properties owned by SRJB are proposed to be rezoned to "P" Public Zone and the future land use designation amended to Public/Semi-public. A new pump house will be constructed at this location as part of the project. Many of the onsite structures located on land owned by SRJB will be relocated or demolished to accommodate the project.

The preliminary plat for the proposed Erdman's 2nd Addition is provided in **Exhibit 2 of staff's written report**. The proposed lots meet the bulk lot and area requirements per Chapters 2.18 and 2.22 for "M1" Light Industrial District and "P" Public Zone respectively.

The zoning and future land use designation of the subject property and surrounding area is provided in **Exhibits 3 & 4 of staff's written report** respectively.

A Master Plan of the proposed improvements are included in **Exhibit 5 of staff's written report**.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The subject area is currently depicted as Industrial on the Future Land Use (FLU) Map of the 2012 City of Minot Comprehensive Plan.
- 3) The FLU map is requested to be amended to align with boundary adjustment between property owners to facilitate furtherance of the flood control project.
- 4) A change in zoning from "M1" Light Industrial District to "P" Public Zone for Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision will be in alignment with the FLU map, if amended as requested by the applicants.
- 5) The applicant's request is consistent with the bulk requirements of the Minot Land Development Ordinance.
- 6) A change in conditions does exist due to the proposed shared property boundary adjustment and furtherance of the flood control project per Section 9.1-7 H. 1.

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- 7) No additional public services will be required to support the request and Section 9.1-7 H. 2 is satisfied.
- 8) Staff finds no evidence that the proposed development substantially diminish the condition or value of property in the vicinity per Section 9.1-7 H. 3.
- 9) Per Section 9.1-7 H. 4., the zoning change is consistent with the purpose of the Zoning Ordinance and other adopted policies of the City, and will be consistent with the comprehensive plan, subject to amendment of the Future Land Use Map.
- 10) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the Erdman's 2nd Addition plat, and a zoning map amendment from "M1" Light Industrial District to "P" Public Zone, a Future Land Use Map amendment from Industrial to Public/Semi-public for Lots 1 thru 3 of Thurston's 2nd Addition and proposed Lot 2, Erdman's 2nd Subdivision, and Master Plan for the properties with the following condition:

- 1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 10.2-5 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

Chairman DeMakis opened the meeting for comments from the commissioners. No comments from the Commissioners.

Chairman DeMakis asked for comments from the public.

Donna Bye, representing Houston Engineering and Mr. & Mrs. Erdman, came forward and offered to take questions.

Chairman DeMakis asked for a motion from the commissioners.

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

Motion Carries

The following items are decided by the Planning Commission and final unless appealed to City Council.

Item #5 Case # 2021-08.01

Variance – WITHDRAWN BY APPLICANT

Item # 7 Case # 2021-08.03

Variance

Planning Commission approved a variance to the setback for a pylon sign. The pylon sign is proposed to replace the existing pole sign for Gate City Bank located at the northeast corner of 10th St. SW and 31st Ave. SW. The setback is requested to be reduced from 25 feet to 20 feet from the property line along 10th St. SW and from 40 feet to 11.5 feet from the property line along 31st Ave. SW. The property is legally known as Lot 2, Prairie Green 23rd Addition.

The property is located at 924 31st Ave. SW.

Chairman DeMakis asked Principal Planner Van Dyke for his report.

Public hearing request on an application from Jesse Liedberg representing Gate City Bank for a variance to the setbacks for a pylon sign. The pylon sign is proposed to replace the existing pole sign for Gate City Bank located at the northeast corner of 10th St. SW and 31st Ave. SW. The setback is requested to be reduced from 25 feet to 20 feet from the property line along 10th St. SW and from 40 feet to 11.5 feet from the property line along 31st Ave. SW. The property is legally known as Lot 2, Prairie Green 23rd Addition. The property is located at 924 31st Ave. SW. An aerial view of the property and 300-foot notification area is provided in **Exhibit 1 of staff's written report**.

Gate City Bank desires to replace the existing pole signs at two locations within the City of Minot with pylon signs. Regulatory setbacks for pylon signs are the same as the minimum for a principal structure. Strictly adhering to the required setbacks would place the pylon sign within the existing parking lot near one of the approaches onto 10th St. NW (see **Exhibit 2 of staff's written report**, shown in red).

A letter of intent is provided within **Exhibit 3 of staff's written report** outlining the basis for the request. The letter refers to "monument sign" as the type of sign for both the existing and replacement sign. Per City of Minot's definitions of signs, the existing sign is a pole sign and the desired sign is a pylon sign. The remainder of the report will use City of Minot's terminology to refer to these two signs.

The zoning district and future land use designation for the subject property and surrounding area is provided in **Exhibits 4 & 5 of staff's written report** respectively.

FINDINGS OF FACT:

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

- 1) The property is located within a "C2" General Commercial District within the City of Minot.
- 2) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this property as Commercial.

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- 3) The applicants have submitted a complete application for a variance per Section 9.1-3 C.
- 4) A unique hardship exists per Section 9.1-3. G. 4., as the City of Minot treats pylon signs different than pole signs in terms of setback requirements and is the only city of the four largest cities in North Dakota to do so.
- 5) The granting of the variance will not be contrary to the 2012 City of Minot Comprehensive Plan per Section 9.1-3. G. 6. Rather, the Planning Commission will evaluate amending setback requirements to pylon signs at a future Planning Commission meeting in furtherance of Aesthetic Goal 2.
- 6) The Minot Planning Commission has the authority to hear this case and decide whether 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.

RECOMMENDATIONS:

Staff recommends the Planning Commission adopt the staff findings of fact and approve a variance to Section 5.1-6 F., specifically Table 5.1-6(b) related to setbacks for a pylon sign from twenty-five feet (25') to twenty feet (20') from the property line along 10th St. SW and from forty feet (40') to eleven and one-half feet (11.5') from the property line along 31st Ave. SW.

Chairman DeMakis opened the meeting for comments from the commissioners.

Commissioner Wegenast asked for confirmation that the Traffic Engineer verifies the visibility (site-triangle). Principal Planner Van Dyke confirmed that was correct. Wegenast then asked what would the process be if the intersection was to change, and a visibility issue was then present. Assistant City Engineer Emily Huettl came forward and stated that the Engineering Department regularly checks on site-triangle issues, and if an issue arises, they would address it at that time with the property owner. Wegenast also confirmed that there would be a depiction of the proposed sign at the other location (separate item), and Van Dyke indicated that there would be.

Commissioner Gates asked if the site-triangle had been approved by Engineering after the light was removed at that intersection, and Van Dyke confirmed that yes, it was evaluated after the intersection change.

Commissioner Baumann asked if the current owner decided to make another change to the sign and/or a new owner wanted a modification would the variance need to come back to the commission, or would it be grandfathered in? Van Dyke noted that a variance runs with the land, and not the owner, and would be conveyed to the new owner if that was the case. He also noted that if the current owner wanted to modify the sign, it would not need to come back to the commission unless it went further into the setback.

Chairman DeMakis asked for comments from the public. No comments.

Chairman DeMakis asked for a motion from the commissioners.

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

Motion Carries

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Item #8 Case 2021-08.04

Variance

Planning Commission approved a variance to the setbacks for a pylon sign. The pylon sign in question is proposed to replace the existing pole sign for Gate City Bank at the northeast corner of 11th Avenue SW and S. Broadway. The setback is requested to be reduced from 40 feet to 0.5 feet from the property line along S. Broadway from 40 feet to 3.5 feet from the property line along 11th Avenue SW. The property is legally known as Westlies Addition, All of Block 1, Less North 195' and Less Westlies Second Addition.

The property is located at 1017 S. Broadway.

Chairman DeMakis asked Principal Planner Van Dyke for his report. Van Dyke stated that it was almost entirely similar to the previous request and that for the sake of brevity he would skip his presentation and stand for questions. Below is a summary of staff's written report that is attached to the Planning Commission Agenda.

Public hearing request on an application from Jesse Liedberg representing Minot Town and Country Investors, LLP for a variance to the setbacks for a pylon sign. The pylon sign is proposed to replace the existing pole sign for Gate City Bank located at the northeast corner of 11th Ave. SW and S. Broadway. The setback is requested to be reduced from 40 feet to 0.5 feet from the property line along S. Broadway from 40 feet to 3.5 feet from the property line along 11th Ave. SW. The property is legally known as Westlies Addition, All of Block 1, Less North 195' and Less Westlies Second Addition. The property is located at 1017 S. Broadway. An aerial view of the property and 300-foot notification area is provided in **Exhibit 1 of staff's written report.**

Gate City Bank desires to replace the existing pole signs at two locations within the City of Minot with pylon signs. Regulatory setbacks for pylon signs are the same as the minimum for a principal structure. Strictly adhering to the required setbacks would place the pylon sign within the existing onsite circulation area for drive- thru banking (see **Exhibit 2 of staff's written report**).

A letter of intent is provided within **Exhibit 3 of staff's written report** outlining the basis for the request. The letter refers to "monument sign" as the type of sign for both the existing and replacement sign. Per City of Minot's definitions of signs, the existing sign is a pole sign and the desired sign is a pylon sign. The remainder of the report will use City of Minot's terminology to refer to these two signs.

The zoning district and future land use designation for the subject property and surrounding area is provided in **Exhibits 4 & 5 of staff's written report**, respectively.

FINDINGS OF FACT:

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

- 1) The property is located within a "C2" General Commercial District within the City of Minot.
- 2) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this property as Commercial.
- 3) The applicants have submitted a complete application for a variance per Section 9.1-3 C.

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- 4) A unique hardship exists per Section 9.1-3. G. 4., as the City of Minot treats pylon signs different than pole signs in terms of setback requirements and is the only city of the four largest cities in North Dakota to do so.
- 5) The granting of the variance will not be contrary to the 2012 City of Minot Comprehensive Plan per Section 9.1-3. G. 6. Rather, the Planning Commission will evaluate amending setback requirements to pylon signs at a future Planning Commission meeting in furtherance of Aesthetic Goal 2.
- 6) The Minot Planning Commission has the authority to hear this case and decide whether 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.

RECOMMENDATIONS:

Staff recommends the Planning Commission adopt the staff findings of fact and approve a variance to Section 5.1-6 F., specifically Table 5.1-6(b) related to setbacks for a pylon sign from forty feet (40') feet to one-half foot (0.5') from the property line along S. Broadway from forty-feet (40') to three and one-half feet (3.5') from the property line along 11th Ave. SW.

Chairman DeMakis opened the meeting for comments from the public. No comments from the public.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Offerdahl to recommend approval per staff recommendations with conditions based on findings of fact, second by Commissioner Koop.

Chairman DeMakis opened the motion up for discussion:

Commissioner Wegenast stated that he believes there is a site-triangle issue with this variance therefore will not be supporting the motion.

Commissioner Baumann noted that he can see the sign area from his office, and is more concerned with the traffic light being an obstruction rather than the sign. Baumann would like to hear from the Traffic Engineer. Principal Planner Van Dyke explained that the site triangle for at this location would be very different than one for an uncontrolled intersection due to the traffic light controlling/directing traffic through the intersection. Van Dyke explained that vehicles should not be going through the light or taking a left turn without the signal indicating that they are allowed to do so. These are factors which alter a site triangle and why had approved the site triangle at this location.

With no further discussion, the motion was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Iverson nays: Wegenast

Motion Carries

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Item #9 Case # 2021-08.05

Variance

Planning Commission denied a variance to the curbing and conventional paving requirements contained in Section 6.1-5 B. and C. In addition, a variance to Section 4.1-6 C. c. related to screening of inoperable vehicles stored outside is requested to be eliminated as a requirement. Further, it also denied a variance to the landscaping requirements contained in Article 7 to allow a reduction in landscaping to only require two street trees, a four-foot landscape area along the north of the building, and a landscape area along east side of the building as shown on the site plan provided with the application. Finally, Planning Commission denied a variance to Section 6.1-5 A. 2.2. regarding paving for Americans with Disability Act (ADA) requirements is requested. The property is legally known as Lot 5, T.U.R. 2nd Addition.

The property is located at 6200 Hwy 2 E.

Chairman DeMakis asked Principal Planner Van Dyke for his report.

Public hearing request on an application from John S. Laskey representing Northwestern Equipment Inc., owner for a variance to the curbing and conventional paving requirements contained in Section 6.1-5 B. and C. In addition, a variance to Section 4.1-6 C. c. related to screening of inoperable vehicles stored outside is requested to be eliminated as a requirement. Further, a variance to the landscaping requirements contained in Article 7 to allow a reduction in landscaping to only require two street trees, a four-foot landscape area along the north of the building, and a landscape area along east side of the building as shown on the site plan provided with the application. Finally, a variance to Section 6.1-5 A. 2. 2. regarding paving for Americans with Disability Act (ADA) requirements is requested. The property is legally known as Lot 5, T.U.R. 2nd Addition. The property is located at 6200 Hwy 2 E. An aerial view of the property and 600-foot notification area is provided in **Exhibit 1 of staff's written report**.

On 06/09/2021, staff held a Development Review Team meeting to discuss necessary development improvements related to a building expansion for the subject property. The property currently does not meet standards for a number of different requirements, such as building design, paved parking, landscaping, and approach width. The site is grandfathered and no changes are required as-is. However, when sites expand and depending on the scale of improvements, sites must bring their property into compliance with current codes, as applicable. The proposed building expansion totals more than eighty percent of the existing building and therefore must conform to current standards for development.

A letter of intent and explanation of the development standards requested to be waived is provided in **Exhibit 2 of staff's written report**. The zoning and future land use of the subject property and surrounding area is provided in **Exhibits 3 & 4 of staff's written report**.

Van Dyke also read the following public comment into the record:

Having received your letter about the variance that has been applied for by John Laskey with Northwest equipment I have a couple of concerns. Since I own the property on three sides of his property, one of the concerns would be the drainage off of his property onto mine and how that would be handled. We have had problems in the past when heavy rains occur the water runs to the northeast corner of his property and across the front of mine, down the frontage road to a culvert crossing the frontage road. This could be a serious problem if there should be oil or other liquid spilled from vehicles and other sources that could carry to my property. There is another culvert to the west that should be considered.

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Another concern would be issues that may be created from stored vehicles or equipment or whatever encroaching into my access on his west side to the property I have to the south. This has not been a problem in the past but I want to make sure this will not create one.

Screening would need to be planned as I would not care to have it go any further to the north than the front of my building and create visibility problems for traffic going up or down the frontage road. There is also utilities along the west side of my building that should remain accessible.

I would not care to see the property turned into a inoperable vehicle storage yard.

Thanks for the opportunity to comment.

Premier Powerplants and Pumps inc

Box 129

Farson Wyo 82932

Kim Brown SHK 307-350-0350

FINDINGS OF FACT:

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

- 1) The property is located within a "C2" General Commercial District within the City of Minot.
- 2) The City of Minot 2012 Comprehensive Plan Future Land Use Map designates this property as Commercial.
- 3) The applicants have submitted a complete application for a variance per Section 9.1-3 C.
- 4) The variance does not satisfy the applicable criteria contained in Section 9.1-3 G. 3. related to Exceptional Practical Difficulties, as the design standards could be adhered to and the project would move forward.
- 5) The variance does not satisfy the applicable criteria contained in Section 9.1-3 G. 4. related to Unique Hardship, as the property is not unique and hardships may not include economic or fiscal considerations.
- 6) The variance does not satisfy the applicable criteria contained in Section 9.1-3 G. 3. related to Neighborhood, as the granting of a variance would prevent the commercial neighborhood from continuing to improve in character.
- 7) The variance does not satisfy the applicable criteria contained in Section 9.1-3 G. 3. related to Comprehensive Plan, as the granting of a variance is contrary to the 2012 City of Minot Comprehensive Plan, specifically Aesthetics Goal #1 and Aesthetics Goal #2.
- 8) The Minot Planning Commission has the authority to hear this case and decide whether it be approved or denied. The denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and deny a variance as requested by the applicant to the requirements contained in Section 6.1-5 B. and C., Section 4.1-6 C. c., Article 7, and Section 6.1-5 A. 2. 2.

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Chairman DeMakis opened the meeting for questions from the Commissioners. No questions/comments.

Chairman DeMakis opened the meeting for comments from the public.

Mr. Laskey, owner Northwestern Equipment, stated that his family has owned businesses in Minot since the 1950s, and this is the first time he has had to come before the Planning Commission. The main issue he is asking for the variance is regarding the paving. The new building addition is entirely on the south end and does not change anything on the frontage. The frontage road, according to Ward County, is an unmaintained road, owned by Nedrose Township. They had difficulty with the road, so they took it upon themselves to put pavement on it. They maintain the road including snow removal. Mr. Laskey's issue is that he is being asked to put a concrete approach on a gravel road. Mr. Laskey believes it does not make sense to pave the area. In reference to the earlier planner's comment regarding possible inoperable vehicles, Mr. Laskey noted that they work primarily on diesel trucks, and the only reason the vehicle might be sitting inoperable is that they have not had a chance to work on it yet. Mr. Laskey referenced the letter that was read into the record by Principal Planner Van Dyke. He stated that it was the first time he had been made aware of the letter and that any previous drainage onto the adjacent property had been worked out between the two parties. He further noted that he did not have a problem with the requested 3 trees; however, he would like to keep it to 2, but will comply with the requirement. In reference to the ADA signage, Mr. Laskey said he could not find it anywhere that ADA requirements that parking must be paved. They have an extremely solid gravel road with concrete aprons coming up to the doorway. He also agreed to put signs up in specific spots for ADA requirements and regulations. Mr. Laskey noted that the Engineer they are working with, Sean Weeks was unable to attend the meeting tonight due to a conflict in his schedule. As far as RDO is concerned, which is 3 properties to the east of his property, RDO did put a thin layer of asphalt in front of their building. They put the up concrete aprons, and Laskey is putting 15' concrete aprons all the way around the east and north side of the building where vehicles will be placed while they are waiting to come into the shop.

Commissioner Sessions asked Mr. Laskey how many vehicles were currently parked at the location awaiting repair. Laskey stated that more than they would like due to not having enough room in the shop, but stated approximately 14 or 15.

Chairman DeMakis asked Principal Planner Van Dyke to go back to the slide that shows variance requirements that need to be met. DeMakis asked Mr. Laskey to be specific as to what he believes qualifies as a hardship. Mr. Laskey agreed that he does not have a unique hardship. He believes the neighborhood, of which 90% is unpaved, is the number one reason he believes constitutes a hardship.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Wegenast to deny the variance based on staff recommendations and finding of fact, second by Commissioner Koop, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Sessions, Wegenast, Iverson nays: none

Motion Carries

Other Business

Chair and Vice-Chair Selection

Motion by Commissioner Wegenast to nominate Chairman DeMakis for Chair, and Commissioner Offerdahl for Vice-Chair, second by Commissioner Sessions, and was carried by the following roll call vote: Barnett, Baumann, DeMakis, Gates, Hochhalter, Koop, Nesdahl, Offerdahl, Sessions, Wegenast, Iverson nays: none

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Motion Carries

Chairman DeMakis welcomed the new commissioner, Erin Iverson, who replaced Boyd Sivertson.

Adjournment

With no further business, Chairman DeMakis adjourned the meeting at 6:22.