

**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**October 28, 2019**

**Regular Meeting:** Planning Commission

**Location:** City Hall, Council Chambers, 515 2<sup>nd</sup> Avenue SW., City of Minot, N.D.

**Meeting Called to Order:** Monday, October 28, 2019 at 5:30 p.m.

**Presiding Official:** Chairman, Charles DeMakis

**Members in Attendance:** Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast

**Members Absent:** Bartsch, Larshus, Sivertson

**City Staff Present:** Brian Billingsley (Community & Economic Development Director), Lance Lang (Principal Planner), Stefanie Stalheim (Assistant City Attorney), Peter Baumgartner (Planner I), Lance Meyer (City Engineer), Emily Huettl (Assistant City Engineer), Police Chief Olson, Glenda Sorensen (Planning Assistant)

**Others Present:** Ramona Arneson, Cindy Sessions, Karl Bethel, Terry Peterson, Chad Wright

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**Meeting Called to Order by Chairman Charles DeMakis.**

**Approval of the September 30, 2019 Regular Meeting Minutes**

Motion by Commissioner Koop to approve September 30, 2019 Planning Commission Meeting minutes, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

**Motion carries**

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

**Item #1:**

**It is recommended that the City Council pass a motion on a request by Golf Minot, Inc., dba Minot Country Club, Applicant, to subdivide Lot 23, Block 1, The Bluffs Addition and Lots 23, 24 & 39, Block 1, The Bluffs Second Addition and Lots 11, 12 & 13, The Bluffs 7<sup>th</sup> Addition and Lot 1, The Bluffs 9<sup>th</sup> Addition to be known as The Bluffs 11th Addition to add depth to current residential lots surrounding the golf course.**

**It is also recommended that the City Council pass a motion on a request by Golf Minot, Inc., dba Minot Country Club, Applicant, to plat and add a previously unplatted portion of SW1/4NE1/4 of Section 6, Township 154 North, Range 82 West to the Country Club lot.**

**It is further recommended that the City Council pass an ordinance on a request by Golf Minot, Inc., dba Minot Country Club, Applicant, to rezone the unplatted portion of SW1/4NE1/4 of Section 6, Township 154 North, Range 82 West to the Country Club lot from AG District (Agricultural District) to R1 District (Single-Family Residential), and to pass an ordinance to annex this parcel as well. These properties are located adjacent to the north and west sides of the country club golf course.**

**Finding of Facts:**

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

- 1) The applicant has submitted a complete application.
- 2) The applicant's request is consistent with Minot's Comprehensive Plan.
- 3) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 4) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

**Staff Recommendations:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

- 1) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
- 2) The City shall follow North Dakota Century Code 40-51.2-07 to 40-51.2-11, "Annexation by Resolution of the City."

Chairman DeMakis asked the Principal Planner for staff comments.

Principal Planner Lang stated that the applicant is requesting approval of a seven (7) lot subdivision which consists primarily of increasing the size of certain existing R1 residential lots that border Minot Country Club and also including existing AG land that borders the golf course into the golf course lot. The AG land will be rezoned to R1 and annexed into the city limits as part of the golf course lot. The proposed lots are generally located along the west and northwest boundary of the golf course which is east of 13<sup>th</sup> Street SE along Valley Bluffs Drive, 20<sup>th</sup> Street SE, 21<sup>st</sup> Street SE and other local streets in the area.

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The proposed subdivision is the latest in an ongoing series of “Bluffs” subdivisions in recent years around the Minot Country Club golf course. Beginning in 2016 the golf course approached certain lot owners offering to sell additional square footage of land that is unusable to the golf course at a reasonable price so that the home owners could increase the size of their individual lots. This subdivision will be known as Bluffs 11th Addition, Lots 1 through 7. It is the third of these lot adjustment plats. Lot 1 is the golf course lot which will contain approximately 22.48 acres. The other six lots are not adjacent to one another, rather they are spread across a larger area. The assorted lots in this subdivision are located along the western edge of golf course property. For four of the proposed lots the additional land is to be added to the rear yards of the lots in the new plat. Proposed Lot 5 will gain a portion of the adjacent lot while proposed Lot 6 is a combination of two previously platted lots. All of these properties are zoned R1, Single-Family Residential District and the R1 zoning will simply be expanded to encompass the additional land added to each lot.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Wegenast asked if the Planning Department had received any comments from the public. Planner Lang stated that yes, mainly because the public did not understand the proposal.

Assistant City Attorney Stefanie Stalheim noted that the following be added to the record: “The City shall follow North Dakota Century 40-51.2-07 to 41-51.2-11.

Commissioner Baumann asked what the benefit to the landowner would be, and Lang stated that they will have more land.

Chairman DeMakis opened up comments from the public.

Ramona Arneson came forward to inquire how this item will affect her. She stated that she has pasture land up to the golf course on the north side. Planner Lang stated that it would not affect her and invited her to come in and speak with him if she needed further clarification or information.

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

### **Motion carries**

#### **Item #2**

**It is recommended that the City Council pass a motion on a request by Mike Reder, Applicant, to combine Lots 28, 29 & 30, Bluffs 7<sup>th</sup> Addition into two lots to be known as Bluffs 12<sup>th</sup> Addition, Lots 1 and 2. These properties are located at 52, 56 and 60 Valley Bluffs Court.**

### **Finding of Facts:**

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

- 5) The applicant has submitted a complete application.
- 6) The applicant's request is consistent with Minot's Comprehensive Plan.
- 7) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 8) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

### **Staff Recommendations:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application, subject to the following conditions, to the City Council:

- 3) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.

Chairman DeMakis asked for staff comments.

Peter Baumgartner, Planner I, stated that the applicant is requesting approval of a subdivision combining three existing lots, Lots 28, 29 and 30 of Bluffs 7<sup>th</sup> Addition, into two new lots to be known as Lots 1 and 2 of Bluffs 12<sup>th</sup> Addition. These properties are located at 52, 56, and 60 Valley Bluffs Court backing up to Minot Country Club golf course.

Two of the existing lots are under common ownership by the applicant. A house has been constructed on one of the lots (Lot 28), while Lot 29 remains vacant. Lot 30 also contains an existing residence (see Aerial View exhibit). The owner of Lot 30 and the owner of lots 28 and 29 have agreed to split the vacant lot between them such that a portion of it will be combined with Lot 30 and a portion will be combined with Lot 28. Therefore, Lot 29 will no longer exist.

The new common lot line is platted such that the majority of former Lot 29 stays with Lot 28 becoming Lot 2 of Bluffs 12<sup>th</sup> Addition. The new lot contains approximately 64,403.72 square feet of lot area or 1.478 acres. Proposed Lot 1 contains 32,984.41 square feet or 0.7572 acres. Both of the proposed lots exceed the minimum lot size requirements of 7,500 square feet in R1

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zoning by a considerable margin. The location of the new lot lines meets all setback requirements in R1 zoning bulk regulations.

All of the properties involved in this subdivision are zoned R1, Single-Family Residential district and shall remain so. The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts these properties as "Very Low Density Residential." The use of these properties is in conformance with the land use map designation.

Chairman DeMakis opened up comments from the commissioners. There were no comments from the commissioners.

Chairman DeMakis opened up comments from the public. No one from the public came forward.

Motion by Commissioner Offerdahl to approve based on findings of facts, staff recommendations and conditions, second by Commissioner Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast, nays:

### **Motion carries**

#### **Item #3**

**It is recommended that the City Council pass a motion on a request by Jennifer Guderjahn, Applicant, to merge Lot 3 and the east 100 feet of Lot 4, Block 3, Magic City Industrial Park Addition into a new subdivision to be known as Magic City Industrial Park 2<sup>nd</sup> Addition, Lot 1.**

**It is also recommended that the City Council approve a resolution for a Conditional Use Permit (CUP) for a 12,000 gallon above ground diesel fuel tank on Magic City Industrial Park 2<sup>nd</sup> Addition, Lot 1. This property is located at 3300 4<sup>th</sup> Avenue SE.**

#### **Finding of Facts:**

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

- 1) The applicant has submitted a complete application.
- 2) The proposed use is conditionally permitted by the terms of the ordinance and is subject to conditions of approval.
- 3) The applicant's request is consistent with Minot's Comprehensive Plan.
- 4) This request meets all of the bulk requirements of Minot's Zoning Ordinance.
- 5) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

#### **Staff Recommendations:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this preliminary plat application and conditional use permit, subject to the following conditions, to the City Council:

- 1) A stormwater management plan is required for development/disturbance of more than 2,000 sq. ft. A SWMP may not be required for tank only.
- 2) Erosion Control practices will need to meet State of North Dakota requirements and be approved by the City Engineer.
- 3) Connection fees are required when connections are made to City utilities.
- 4) Access locations to be approved by the City Engineer as a part of a future site plan.
- 5) One-hundred (100) foot setback from any property line.
- 6) The tank shall be of double-wall construction.
- 7) The tank and installation methods shall meet industry standards and all local, state, and federal requirements.
- 8) Any change in ownership requires the renewal of the conditional use permit
- 9) No later than six months after a subdivision design has been approved by the City Council, the applicant for design approval may submit the final form of the instrument or document to the City Engineer which is to be recorded in the office of the County Recorder in order to accomplish the subdivision or to establish the necessary predicate for the later accomplishment of the subdivision. That is, the subdivider shall submit the final form of the original of the appropriate instrument of conveyance, auditor's outlot plat, or plat, and the necessary copies thereof required by ordinance or by way of regulation. The City Engineer shall indicate his approval on the original by signing his name under a suitable statement or legend that expresses approval. However, if the documents or instrument for which approval is sought is a plat, then before the City Engineer approves it he shall first satisfy himself that the technical requirements of Section 28-27 have been complied with and that monuments have been placed at all block corners, lot corners, angle points, points of curves in streets which are depicted in the plat, and at such intermediate points as may be required.
- 10) If substantial construction has not taken place within one (1) year of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this title, but the six (6) month period shall not be deemed to commence until the effective date of this title.
- 11) An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplications for permits that have expired or have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance. Applications for conditionally permitted uses which consist of multiple structures to be developed on the property shall include a conceptual development plan showing the structures proposed. The conditional use permit is approved for the use of the property which does not require an amendment each time a structure is proposed; however, once proposed development exceeds the approved conceptual development plan or if the characteristics of use change, an amended application shall be submitted for consideration.

Chairman DeMakis asked the Principal Planner for staff comments.

Principal Planner Lang stated that the applicant is requesting the approval to merge Lot 3 with the east 100 feet of Lot 4 to create a new subdivision as well as the approval of a conditional

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use permit (CUP) for an above-ground 12,000-gallon clear diesel fuel tank meant for private use.

The applicant had initially wanted to place the 12,000-gallon fuel tank on Lot 3, but was unable to do so due to fire code requirements stating that it needed to be 100 feet from any lot line. Consequently, the property owner decided to combine the remaining east 100 feet of Lot 4 into Lot 3 to allow for the 100-foot setback (see Aerial View Exhibit). Additionally, the applicant has filed for a Conditional Use Permit (CUP) for the installation of the aforementioned 12,000-gallon fuel tank.

In the past, the west 100 feet of Lot 4 had been joined with Lot 5 for the Trinity Health Facility located on the lot. With the merger of The east 100 feet of Lot 4 with Lot 3, Lot 4 will cease to exist. The new lot will contain approximately 3.03 Acres which is well above the minimum lot size requirements of 10,000 square feet in a M1 zoned district.

All of the properties within the Magic City Industrial Park are zoned M1, Light Industrial District and will remain as such. The land use designation on the Future Land Use Map of the Comprehensive Development Plan depicts Lots 3 and 4 as "Industrial." The use of these properties is in conformance with the land use map designation.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Baumann asked if anything else was to be built on the site. Planner Lang stated no. Baumann further asked what the landscaping requirements were for M1 Zone. Planner Lang recited the requirements for landscaping in the M1 Zone, however, since no buildings are being constructed staff decided to waive the landscape requirements until a later time when a building permit may be requested.

Chairman DeMakis opened up comments from the public.

Cindy Sessions came forward with several concerns regarding safety. She asked what the adjacent buildings were and if the Fire Department had given their approval for the Conditional Use Permit. Planner Lang answered that one of the adjacent buildings is owned by Trinity and the others are various industrial uses. The Fire Department has reviewed this application. Ms. Sessions also inquired about the dimensions of the building and asked about the setback from the property line. Planner Lang stated that he did not have the specific dimensions and that the setback from the property line is 100'. Ms. Sessions also asked who was notified about this agenda item. Planner Lang stated that the notification area is 300' surrounding the property. She asked if this was a good place to locate a big storage tank or should it be somewhere else in the community. Lang responded that this site is zoned M1, Light Industrial and industrial zoning M1 or M2 would be the best place for a fuel storage tank.

Motion by Commissioner Wegenast to approve based on finding of facts, staff recommendations and conditions, second by Commissioner Offerdahl. The Chairman called for further discussion.

Commissioner Baumann asked if the trees are going to be removed, could they be replanted somewhere else. He believes the trees are an asset to the site and should remain. He suggested that any trees removed during construction or operation of the tank be replaced at a 1:1 ratio as a minimum. Lang asked if Commissioner Baumann is offering an amendment to the motion on the table.

Motion by Baumann to add an amendment to the conditions stating that the trees removed would be replaced with new trees on a 1:1 basis somewhere else on the site, second by Commissioner Offerdahl, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, nays: Wegenast.

The Chairman then asked for consideration of the original motion which was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast, nays: none

### **Motion carries**

#### **Item #4**

**It is recommended that the City Council pass an ordinance on a request by Rehab Services, Inc., Applicant, to rezone Blaisdell Bird Addition, Lots 23 & 24, Block 13 from C1 (Neighborhood Commercial District) to R2 (Two-Family Residential District) and to adopt a resolution to amend the Future Land Use Map accordingly.**

**It is also recommended that the City Council adopt a resolution for a Conditional Use Permit (CUP) on a request by Rehab Services, Inc., Applicant, to operate a Group Home providing support services and housing for individuals through a contract with North Central Human Services Center on a short-term basis. This property is located at 1820 4<sup>th</sup> Avenue NW and 404 19<sup>th</sup> Street NW.**

#### **Finding of Facts:**

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

- 1) The applicant has submitted a complete application.
- 2) The proposed use is conditionally permitted by the terms of the ordinance and is subject to conditions of approval.
- 3) The rehabilitation services provided are licensed and a copy of the license has been provided for the file.
- 4) The applicant's request for rezoning requires an amendment to the Future Land Use Map of the Comprehensive Plan.
- 5) This request does not meet all of the bulk requirements of Minot's Zoning Ordinance as it is a predeveloped site with a nonconforming structure on it.
- 6) The Minot Planning Commission has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of North Dakota Century Code and Minot City ordinances.

#### **Staff Recommendations:**

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval of this Land use map amendment to "Medium Density Residential", and the rezoning



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application to R2, Two-Family Residential District, and a conditional use permit to operate a group home, subject to the following conditions, to the City Council:

- 1) A Site plan submittal and review by the Engineering Department is required for site access and parking lot layout review prior to final issuance of the CUP.
- 2) Access directly onto 4th Ave NW shall be eliminated.
- 3) Access to the site/parking lot will remain from 19th St NW and from the alley.
- 4) This site shall be subject to the regulations in Chapter 25, Nonconforming Uses, in the Zoning Ordinance of the City of Minot. The structure shall not be replaced at the existing setback if destroyed greater than sixty percent (60%) of its reproduction value. The replacement location shall meet R2 setback requirements.
- 5) If substantial construction has not taken place within one (1) year of the date on which the conditional use permit was granted, the permit is void except that, on application, the council, after receiving recommendation from the Planning Commission, may extend the permit for such additional period as it deems appropriate. If the conditional use is discontinued for six (6) months, the conditional use permit shall become void. This provision shall apply to conditional use permits issued prior to the effective date of this title, but the six (6) month period shall not be deemed to commence until the effective date of this title.
- 6) There shall be no more than eight (8) persons receiving support services at this location at any given time plus up to two (2) staff persons. Rehabilitation services are continuous all day and all night every day (24/7).
- 7) An amended conditional use permit may be applied for and administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include reapplications for permits that have expired or have been denied, requests for substantial changes in conditions or expansions of use, and as otherwise described in this Ordinance. Applications for conditionally permitted uses which consist of multiple structures to be developed on the property shall include a conceptual development plan showing the structures proposed. The conditional use permit is approved for the use of the property which does not require an amendment each time a structure is proposed; however, once proposed development exceeds the approved conceptual development plan or if the characteristics of use change, an amended application shall be submitted for consideration.

Chairman DeMakis asked the Principal Planner for staff comments.

Principal Planner Lang stated that the applicant is requesting approval of an amendment to the Future Land Use Map of the Comprehensive Development Plan, a rezoning request and a conditional use permit (CUP) to allow a group home for short term support services for people suffering from drug and/or alcohol addiction at 1820 4<sup>th</sup> Avenue NW. These services are provided by ReHab Services, Inc. under contract with North Central Human Services Center.

This property consists of two small lots, one fronting on 4<sup>th</sup> Avenue NW the other on 19<sup>th</sup> Street NW. The structure on these lots is nonconforming because it does not meet the current front or side yard setbacks from the streets. The property is zoned C1, Neighborhood Commercial district (see Zoning Map exhibit). It has been used for various commercial uses in the past but recently it was purchased by ReHab Services and they are operating a group home from this location. They were not aware that Group Homes are a residential use and residential uses are

not allowed in C1 zones. In addition, a group home in R2 districts serving more than six (6) persons requires a conditional use permit which they do not have. This facility as proposed will accommodate up to eight (8) persons plus a staff person. Therefore, the applicant has requested a land use amendment, rezoning, and a CUP.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Offerdahl asked if the fire code was up to date. Planner Lang stated that the Fire Department generally attends the DRT (Development Review Team) meeting and that they do not remember anything.

Commissioner Baumann inquired about the sixteen (16) parking places, stating that there are eight (8) residents but they would not likely have two vehicles each. Planner Lang cited the parking formula per Chapter 23 of the Zoning Ordinance (Off-Street Parking) which requires a minimum of sixteen spaces.

Commissioner Baumann asked if this were a new C1 development site, where would we be with land requirements, and would there be a better use? Principal Planner Lang stated that these are small lots, fifty (50) feet wide, and therefore not well-suited to commercial development. Any modern commercial development would require more lot area to accommodate off-street parking and maneuvering, a twenty-foot wide landscaped buffer yard against the residential property to the north, street trees along both streets and building setbacks from both streets. At best, these lots could only support a very small commercial building unless additional land were added.

Chairman DeMakis opened up comments from the public.

Karl Bethel came forward and stated that he has lived in the neighborhood for approximately 25 years and that since the flood of 2011 there has been several changes to the building. Planner Lang agreed, even in his short time in Minot, this building has been a zoning concern. A drywall contractor had it for a while which was a zoning violation for C1 zoning. Mr. Bethel further noted that street access up to his property is unpaved and there are three large potholes and he wanted to know if the street was going to be paved. Planner Lang deferred the question to Engineering. City Engineer Lance Meyer came forward and stated that the road will not be paved, but that the potholes can be repaired by the Public Works Department.

Mr. Bethel further noted that heavy rains in the area causes the neighborhood to flood and that has been an issue since 1979. Planner Lang stated that nothing on the applicant's proposal will affect the flooding. Mr. Bethel said yes, he realizes this but just wants the City to know about the flooding issue. He also inquired about resident having felony convictions. Mr. Peterson from ReHab Services stated that it is possible that the residents may have felony convictions.

Chad Wright came forward and stated that although he is sympathetic to addiction and recovery, he does not want the rehab center in this area, due mainly because of the dark alley. He has children. They are already using this building. There are several people staying there. They smoke outside in the parking lot. This group home will devalue property values for the people that live in the neighborhood.

Cindy Sessions came forward and expressed her concern with the 300' notification area and inquired about the adjacent properties, and whether or not they were notified. She also stated

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that although she is sympathetic to addiction, she inquired if any of the commissioners would want the rehab center in their neighborhood. She also suggested that they conduct a site visit. Ms. Sessions is also concerned about the property owner's taxes going up.

Commissioner Wegenast asked if the Police were ok with this site. Lang asked Chief Olson, who was in the audience if he had any concerns for a group home at this location? Chief Olson stated "No."

Terry Peterson came forward, representing the Rehab Center, and answered questions. He noted that a privacy fence was being put up across the north property line and that he had talked to the resident at 408 19<sup>th</sup> Street NW. He further noted that this type of facility is proven to be successful and that the Rehab Center works with North Central Human Services, which is mandated by the state to provide a certain number of beds for this purpose. They have partnered with NCHS since 1993 and have been established since 1988. Mr. Peterson continued that the residents are drug tested when they return to the facility if they have been at work or other appointments and that recovery is approximately 3-6 months. They are learning life skills to succeed.

Commissioner Offerdahl asked if the Police Department get involved if a resident is "kicked out" for bad behavior. Mr. Peterson indicated that a person can be removed from the program for a number of reasons, basically not following the rules, but they wouldn't be kicked out on the street. The resident would return to North Central Human Services.

Commissioner Baumann asked what the average day looked like for the residents and the professionals. Mr. Peterson stated that the residents have passed the level of rehabilitation given at North Central Human Services and that the professionals have passed background checks, are med- certified and that the facility has monitored doors. Baumann further inquired if the residents are free to come and go or if they are they supervised. Mr. Peterson stated they are supervised and there are cameras on all the doors. Residents are not free to come and go as they wish. When they go it is to meet with their counselor, AA meetings, school or work.

Chairman DeMakis noted at this time that this board is advisory, and the final decision will be made by City Council next Monday night, November 4<sup>th</sup>.

Assistant City Attorney Stefanie Stalheim noted that people recovering are considered disabled, addiction is a disability and they cannot be discriminated against based on their disability. The action taken tonight needs to be based on zoning principles.

Cindy Sessions again came forward and addressed Chief Olson and Commissioner Wegenast, asking if they have looked at similar facilities, and if so, has there been crime or other problems. Wegenast asked how many of these types of facilities exist in Minot and where are they located. Lang said he has only lived here three years but a facility for women with addiction problems was approved a couple of years ago for up to sixteen (16) women plus staff and there have been no problems to date at that location.

Commissioner Barnett asked if there are any zoning requirements regarding this type of facility and its proximity to schools. Planner Lang answered none that he is aware of.

Motion by Commissioner Wegenast to approve based on finding of facts, recommendations and conditions, second by Commissioner Koop.

Commissioner Baumann asked for an amendment to require fifty percent (50%) of the landscaping for a C1 site be installed here. Mr. Lang said this will no longer be a C1 site if the rezoning is approved and there are no landscape requirements for R2. Lang also noted that this item will go to City Council on Monday, so all of the Planning Commission outcomes have to be to the City Clerk tomorrow. It is not feasible to do this unless the project is tabled for a month. Commissioner Baumann withdrew his amendment request.

The Chairman asked for vote on the original motion and it was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast, nays: none.

### **Motion carries**

#### **Other Business:**

Discussion on moving the Planning Commission monthly meeting date.

Option #1. First Tuesday of every month @ 5:30 in City Hall Chambers.

Option #2. First Thursday of every month @ 5:30 in City Hall Chambers.

Community and Economic Development Director Billingsley opened the discussion by stating the turnaround time for staff is short, and that changing the meeting date will alleviate this issue. It was unanimously decided that the meeting date will be moved to the first Tuesday of each month beginning January 1, 2020. The Commission will meet reinstate December meetings in December 2020.

Motion by Commissioner Koop to approve, second by Commissioner Hochhalter, and was carried by the following roll call vote: ayes: Barnett, Baumann, Bullinger, DeMakis, Hochhalter, Koop, Offerdahl, Wegenast, nays: none.

With no other business before the committee, Chairman DeMakis adjourned the meeting at 6:51pm.