

Regular Meeting: Planning Commission

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

Meeting Called to Order: Tuesday, February 01, 2022, 5:30 p.m.

Presiding Official: Chairman Charles DeMakis

Members in Attendance: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Kibler, Offerdahl, Sessions

Members Absent: Faken, Lider, Nesdahl, Wegenast

City Staff Present: Stefanie Stalheim (Assistant City Attorney), Emily Huettl (Assistant City Engineer), Brian Billingsley (Community & Economic Development Director), Stephen Podrygula (Alderman), Robby Brown (Fire Inspector), John Van Dyke (Principal Planner), Peter Baumgartner (Associate Planner)

Others Present: Blake Nybakken, Tammi Tibbals, Taylor Rovig

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 Baumann to approve the January 04, 2022 Planning Commission Meeting Minutes, second by Iverson, and was carried by the following roll call vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Kibler, Offerdahl, Sessions, nays: none

Motion carries

The following are the recommendations of the Planning Commission:

Item #5 Case # 2022-01.03

Outlot Plat

Planning Commission recommends City Council approve two Outlot Plats to be known as Outlot 24 and Outlot 25.

Planning Commission waived staff's oral report on this item. Below is a summary of staff's written report that is attached to the Planning Commission Agenda.

Public hearing request on an application from Jason E. Haugen and Ashley Haugen, owners representing Glen Schumaier, also an owner, to facilitate a lot line adjustment through the creation of two new outlots to be known as Outlot 24 and Outlot 25. The subject properties are legally described as being located in the SE ¼ of the SW ¼ of Section 34, Township 155 North, Range 82 West, Ward County, ND.

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 2 of 10

The properties are addressed at 6021 37th Ave SE and 6061 37th Ave SE.

The property owners are proposing a property boundary adjustment to adjust the shared property boundary between the two give the north third of Schumaier's property to the Haugens. An aerial photo of the subject property can be found in **Exhibit 1** of staff's written report.

A copy of the Outlot Plat is provided in **Exhibit 2** of staff's written report. The proposed Outlots meet the bulk lot and area requirements per Chapters 2.4 regarding "RR" Rural Residential District.

The zoning designation of the property and surrounding area is provided in **Exhibit 3** of staff's written report, a Future Land Use Map exhibit is not included as the property does not have a designation.

Site photos are provided in **Exhibit 4** 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 applicant's request is consistent with the bulk requirements of the Minot Land Development Ordinance related to "RR" Rural Residential District.
- 3) The outlot plat meets the requirements of Section 10.2-6.
- 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.

RECOMMENDATION:

Staff recommends the Planning Commission adopt staff findings of fact and recommend approval to City Council of the outlot plat for the proposed Outlots 24 & 25, subject to the following conditions:

- 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 asked for questions from the commissioners. No comments.

Chairman DeMakis opened the public hearing on the item. No public comments.

Chairman DeMakis asked for a motion from the commissioners.

Motion by Commissioner Offerdahl to recommend approval based on staff's findings of fact and recommendation, second by Commissioner Barnett, and was carried by the following vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Offerdahl, Sessions, nays: none, abstained: Kibler

Motion Carries

Item #6 Case # 2022-01.02

Major Subdivision Preliminary Plat, Zoning Map Amendment and Planned Unit Development (PUD)

Planning Commission recommends City Council approve a major subdivision preliminary plat for the proposed Highlander Estates Fourth Subdivision and a Zoning Map Amendment from "C1" Neighborhood Commercial District to "C2" General Commercial District with a "PUD" Planned Unit Development overlay, including all 24 conditions presented with the addition of a 25th condition that will require a six-foot landscaping berm or a suitable alternative along the property lines abutting 37th Avenue SW and 23rd Street SW.

Chairman DeMakis asked for staff's report.

Public hearing request on an application from Blake Nybakken representing Henry Land Holding, LLC for a zoning map amendment from "C1" Neighborhood Commercial District to "C2" General Commercial District with a "PUD Overlay" Planned Unit Development. The proposal seeks to establish seven midrise buildings up to 90 feet tall with four of the seven buildings comprised of commercial on the first floor and residential on the second floor and above. The remaining three buildings will be solely residential use. The proposal will include 468 residential units, approximately 53,277 s.f. of commercial space, and two public plazas. Two additional buildings to accommodate drive-thru food retail are also proposed. A plat containing 12 lots is also proposed to delineate the various buildings and uses on the site and is to be known as Highlander Estates Fourth Addition. The subject property is legally described as Lot 13, Highlander Estates Subdivision, Section 34, Township 155N, Range 83W, Ward County, North Dakota. The property is unaddressed and is located west of 2251 36th Ave. SW and north of the new Trinity Health hospital.

An aerial view of the property and 300-foot notification area is provided in **Exhibit 1**.

The property owner (Henry Land Holding, LLC) is proposing to construct a multi-phase, multi-use building complex with two programmable plazas. The first floor of four of the seven proposed buildings would include a total of approximately 53,277 s.f. of commercial space. Three of the seven buildings and the second floor and above of the other four buildings would include residential uses, either apartments or condominiums totaling 468 units.

The zoning and future land use maps of the subject property may be found in **Exhibit 2** and **Exhibit 3** respectively.

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

Per page 26 of the application found in **Exhibit 5**, uses of the programmable plazas include movie nights, activities for youth through seniors, art events, concerts, family fun nights and other recreational activities. Page 3 of Exhibit 5 also denotes a covered stage, community video board, and planned amenities to include an outdoor artificial ice rink. In

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 4 of 10

addition, Lot 5 of the preliminary plat on page 18 of Exhibit 5 will be home to a parking garage that will provide 350 spaces to be shared among the development's residents, employees, and patrons.

At the time of writing this staff report, the applicant has indicated that they are seeking to apply through the City's Tax Increment Financing (TIF) program to pay for some of the proposed public improvements including the parking structure and plazas. Very briefly and if approved, a bond would be issued by the City or another local government organization for a specified amount to cover certain infrastructure costs related to the development. Taxes on the increment (the difference between the taxes collected pre-construction and post-construction) would be allocated toward the bond payment. TIFs are a common public-private partnership redevelopment tool. TIFs are evaluated solely by City Council and not a part of this application. However, staff will provide recommendations and associated conditions based on both the presumption a TIF is approved and disapproved, as it will have an impact on certain aspects of the proposal.

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 property is currently zoned "C1" Neighborhood Commercial District.
- 3) The request is for a zoning map amendment to "C2" General Commercial District and "PUD Overlay" Planned Unit Development and a preliminary plat to establish Highland Estates Fourth Addition.
- 4) The applicant's request is consistent with the City of Minot 2012 Comprehensive Plan Future Land Use Map designating the area as a mixed-use corridor and the following Goals and Policies:
 - Housing Goal #1
 - Housing Goal #1, Policy #2
 - Land Use Goal #1, Policy #8
 - Land Use Goal #3, Policy #5/Transportation Goal #1, Policy #6
 - Economic Development Goal #2
- 5) The PUD submission provided in Exhibit 2 meets the standards for approval per Section 2.23-4 of the Land Development Ordinance of the City of Minot with conditions.
- 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.

RECOMMENDATION:

Staff recommends the Planning Commission adopt the staff findings of fact and recommend approval to City Council a zoning map amendment from "C1" Neighborhood Commercial District to "C2" General Commercial District with a "PUD Overlay" Planned Unit Development subject to the following conditions:

1. Sidewalks are required along 37th Ave SW and a 10' shared use path is required along 23rd St SW, as well as the reconfiguration/installation of sidewalks, paths, and ADA ramps on all quadrants of the intersection of 37th Ave SW and 23rd St SW.
2. An approved site plan is required for development.
3. Final driveway/access locations will be approved by the City Engineer during site plan review.
4. An approved traffic impact study is required for future development, including but not limited to special event parking analysis and public transit route identification and bus/ride share layout in coordination with the City.
5. Necessary improvements shall be made by the developer stemming from the results of condition #4.
6. An ADA accessible transit shelter; suitable location to be determined by the City of Minot Transit Division.

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 5 of 10

7. An approved storm water management plan is required for development.
8. Sewer connection fees are required for future development.
9. A Developers Agreement is required prior to recording the plat.
10. Final plat shall show:
 - a. current floodplain
 - b. proposed floodplain and elevation
 - c. existing easements
 - d. new access and utility easements – final locations to be determined
 - e. 7' right of way dedication along 23rd St SW
11. The site will consist of seven midrise buildings up to 90 feet tall, with four of the seven buildings comprised of commercial on the first floor and residential on the second floor and above. The remaining three buildings will be solely residential use. The proposal will include up to 468 residential units, up to 53,277 s.f. of commercial space, and two public plazas.
12. Uses are to be limited to those allowed within the underlying "C2" General Commercial District.
13. The public plazas are considered parks and associated facilities and outdoor recreation per Table 2.2 of the LDO.
14. The below elements, when taken together, will form the foundation of the PUD approval and must be received prior to the second reading of the ordinance, if the first reading is approved:
 - a. Page 6 and 26 - Narrative, parking minimum to align with Phasing and Parking Plan
 - b. Pages 8-15, Renderings, Outlot development removed
 - c. Page 20, Site layout
 - d. Page 21 Phasing and Parking Plan, Outlot lines removed
 - e. Page 22 Sign Exhibit
 - f. Page 25 Landscaping Plan, Outlot development removed
15. Outlots 11 and 12 shall be incorporated into Lots 7 and 10 and remain dedicated as parking as illustrated in page 20 of Exhibit 5.
16. Related to Signage:
 - a. Additional permitted signage shall be limited to attached signs meeting the requirements of Article 5 of the underlying zoning district.
 - b. Videoboard messaging is limited to promoting onsite residential, commercial, and public plaza activities, as well as the promotion of plaza sponsors and community-wide event promotion **or alerts** (e.g. Norsk Hostfest and North Dakota State Fair), **Amber/Silver alerts, and weather-related warnings**. *Bolded language added after comments by Alderman Podrygula.*
 - c. Sign area of the video board is limited to 414 s.f. and other dimensional standards shall refer to page 22 of Exhibit 5.
 - d. Other video message board standards including, but not limited to, maximum brightness, hold time, transitions, and automatic dimming shall follow the standards provided in Section 5.1-10 related to digital sign regulations in the LDO.
17. Trash handling and recycling enclosures shall meet the requirements of Section 4.2-3 and must be constructed of materials harmonious with the buildings erected onsite.
18. An access easement shall be included to satisfy Section 10.3-11 4.
19. The stormwater detention pond should be addressed to ensure it does not become the responsibility of the City should the development fail to be realized or continue as originally proposed. This may be handled via separation as a common lot and owned as undivided interest by the remaining lots, or inclusion of specific verbiage within the accompanying Development Agreement, TIF-related agreement, or other agreement/documentation to effect the same.
20. Lots 4 thru 6 should be addressed to ensure they do not become the responsibility of the City should the development fail to be realized or continue as originally proposed. This may be handled via separation as a common lot and owned as undivided interest by the remaining lots, or inclusion of specific verbiage within the accompanying Development Agreement, TIF-related agreement, or

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 6 of 10

other agreement/documentation to effect the same.

21. Non-access control lines to be included on the final plat along 23rd St. SW and 37th Ave. SW except for those approved locations as determined by the Engineering Department.
22. Install exterior access to the underground parking for all mixed-use and residential buildings. A stairwell on the end of the building going to all floors would be acceptable. Each building on the property shall have a separate Knox box and keys.

Conditions 23 and 24 were added following comments by Alderman Podrygula.

23. An Emergency Management Plan approved by the Ward County Emergency Manager is required prior to commencement of public plaza-related activities.

24. Condition 24 – Building construction shall meet the requirements, if any, of the Federal Aviation Administration (FAA).

Chairman DeMakis asked if there were questions for staff.

Commissioner Sessions, noting that it is projected to be a complex of 468 apartments, inquired how many apartment are going to be one (1) bedroom and how many are two (2) bedroom. Principal Planner Van Dyke responded that the exact distribution of apartments has not been determined, but at this point staff is relatively certain there will be no three (3) bedroom apartments.

Sessions, noting that the outlots will become parking areas, inquired as to how many parking spots are proposed, to which Van Dyke responded approx. 1,198 spots. Following up on the response, Sessions asked about community parking space, i.e. a commercial drive-through. Van Dyke stated that a parking analysis would be completed, and there are options available if necessary, such as adding an additional floor to the parking garage.

Commissioner Baumann thanked the Planning staff for their time and work on this large project. He further asked an engineering question regarding pedestrian crosswalks being below-grade or above-grade across 37th. City Assistant Engineer Emily Huettl came forward and addressed Baumann's concerns indicating that there will be a light at the intersection of 37th, and ultimately the parking study will reveal what the best option(s) are.

Commissioner Kibler asked what consideration had been given to the character of the building, i.e., is it intended to be an adult community, is it intended to be a mix of commercial and retail? Principal Planner Van Dyke stated that he would defer to Mr. Nybakken, who has several projects throughout North Dakota, and that he would be able to respond better to the question.

Commissioner Sessions asked an overall question regarding the cost of the park, TIF (Tax Increment Funding) and other financing tools. Principal Planner Van Dyke stated that he would let Mr. Nybakken answer those questions for accuracy, as well as answering any additional questions regarding financing of the project. Sessions also inquired about the size of the project, and it was noted that another project by this developer, Blu on Broadway, is five (5) stories and The Tracks project is proposed to be seven (7) stories.

Chairman DeMakis opened the public hearing on the item.

Blake Nybakken (COO Epic) came forward and answered the questions presented by the commissioners.

Commissioner Session complimented Nybakken on The Lights project in Fargo.

Commissioner Baumann thanked Nybakken and Epic for bringing this project to the Minot area, along with Blu on Broadway, and opened a discussion on several topics. Baumann's questions were in the vein of site adjustments, specifically human sized development rather than vehicle sized development. His main area of concern was the parking area and if the developer would be open to moving the first row or two of the parking to the back, which would bring the

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 7 of 10

building closer to the road and give the project more of an urban feel. Nybakken provided an overview and reasoning for the parking decision by clarifying where commercial and residential parking is proposed. Baumann further asked Nybakken if Epic was open to the idea of a 6' berm, which he believes would offer protection and comfort to the pedestrians. Nybakken was open to the idea and noted that on one of the submissions from Confluence did include a berm.

Commissioner Kibler inquired where the snow would go. Nybakken responded that their maintenance team does a great job and they make use of the options available to them, which would include hauling the snow to another location.

Commissioner Iverson inquired about restrooms being available in the common spaces that would be maintained by the building. Nybakken responded that there would be public access to restrooms on the northern most building from the inside of the plaza.

Nybakken also addressed the apartment mix, stating that there is about a 50/50 mix between studio and one bedroom apartment and two bedroom apartments, noting that they will be some three-bedroom units also.

Chairman DeMakis closed the public hearing and asked for a motion from the commissioners.

Motion by Commissioner Baumann to approve based on staff's findings of fact and recommendations, with the addition of a 25th condition that will require a six-foot (6') landscaping berm along 37th Avenue SW and the 23rd Street SW edges of the property, he then sought confirmation from Principal Planner Van Dyke that it is not "crazy. Van Dyke responded that is it not "crazy, but asked that conditions 23 and 24, which were not included in staff's written report, but were included in the presentation be included, Baumann added that the 6' berm be considered as condition 25, second by Commissioner Sessions.

Prior to the votes being call, Commissioner Barnett asked if the Planning Commission was being so strict with the proposed amendment regarding the landscaping, that they were hindering the applicant and maybe they could modify the amendment to be a little more flexible. Planner Van Dyke noted that it was a great question and that what really is pertinent is the visual aspect, and that the width needed may vary.

After discussion on amending the motion, Chairman DeMakis suggested that a vote be taken on the existing motion and that they then go from there.

With no further discussion on the motion, the motion was rejected by the following vote by the following vote: ayes: none, nays: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Offerdahl, Sessions, abstained: Kibler.

Motion fails

With the failure of the previous motion, Chairman DeMakis called for a new motion.

Motion by Baumann to approve based on staff's findings of fact and recommendations including all 24 conditions presented with the addition of a 25th condition that will require a six-foot landscaping berm or a suitable alternative along the property lines abutting 37th Avenue SW and 23rd Street SW, second by Sessions and was carried by the following vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Kibler, Offerdahl, Sessions, nays: none

Motion carries

Commissioner Baumann added that he hopes Mr. Nybakken knows that this is meant to hopefully give you the tools to help make this the best property possible and again stated appreciation for the project.

Item #7 Case # 2022-02.01
Conditional Use Permit Amendment

Planning Commission approves an amendment to Conditional Use Permits No. 3594 and 3712 to extend the deadline of completion from October 30, 2021 to June 15, 2022. The legal description of the property is Outlot 37 and the NE1/4 of the SW1/4 of the NW1/4 of the SE1/4, Section 29, Township 155N, Range 82W, Ward County, North Dakota.

The property address is 1820 Hwy 2 Bypass E.

Chairman DeMakis asked for staff's report.

The applicant, Taylor Rovig, representing Don Keller of D & DK Properties LLP, is seeking an amend their existing conditional use permits (CUPs) to extend the October 30, 2021 deadline for completing all of the associated conditions, to June 15, 2022. The applicant's submission explaining their compliance and the reasons for the extension can be found in **Exhibit 1**.

An updated aerial photo with the 600' notification area can be found in **Exhibit 2**. Further background information, including the zoning and future land use maps, can be found in the staff report for Case # 2021-05-02, which has been included in **Exhibit 3**.

A collection of site photos from both a drive-by inspection on 11/5/2021 and from staff's site inspection on 1/11/2022 can be found in **Exhibit 4**.

FINDINGS OF FACT:

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

- 1) The applicants have submitted a complete application.
- 2) The zoning and future land use designations of "M1" Light Industrial District and Industrial have not changed since the Conditional Use Permits were applied for.
- 3) The applicant did not meet the October 30 deadline for the completion of all of the conditions.
- 4) The applicant is in compliance with Condition 5 of Resolution No. 3712, relating to the placement of the diesel fuel tanks and Conditions 1 -3 of Resolution No. 3594 relating to a traffic study, stormwater management plan, and erosion control practices, respectively.
- 5) The applicant is out of compliance with Conditions 2a, 2b, & 4 of Resolution No. 3712 relating to screening requirements for outdoor storage areas, the amending of the landscaping plan, and the provision of a spill prevention, control, and countermeasure plan, respectively.
- 6) The applicant is in partial compliance with Condition 3 of Resolution No. 3712, relating to the required site improvements.
- 7) Conditions 1, 6, & 7 of Resolution No. 3712 relating to various procedural aspects of the application are not applicable to amendment request, and Conditions 4 & 5 of Resolution No. 3594 relate to conditions already addressed in these findings..
- 8) The Minot Planning Commission has the authority to hear this case and either approve or deny the requested amendment. The public notice requirements were met, the hearing was legally noticed and posted

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 9 of 10

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 approve the request to extend the deadline to complete the conditions associated with Resolutions No. 3594 and 3712 from 10/30/2021 to 6/15/2022.

Chairman DeMakis asked if there were questions for staff.

Vice-Chair Offerdahl asked Associate Planner Baumgartner to clarify if this is the second deadline that they have missed. Baumgartner responded that it is not necessarily the second missed deadline due to the fact that conditional use permits (CUPs) require that the applicant has shown substantial compliance within a years' time and that there was not a set deadline for compliance.

Chairman DeMakis opened the public hearing on the item.

Ms. Tibbals came forward with a concern regarding the asphalt plant aspect and stated the information that she had gathered, specifically the potentially harmful and toxic emissions from this type of plant. Ms. Tibbals presented the following questions:

- When was the last time the asphalt plant was updated and does it have moderate controls?
- Will the stack emissions be checked at the plant, and if so, by whom?
- Does the plant have a bag house for dust control and have the bags in the bag house been changed, and if so, by whom?
- How will the yard dust be handled from the truck traffic?
- Who is going to be responsible for monitoring the problems like air quality, smell, oil droplets, dust?
- Is the city going to monitor this?
- Will the city require cleanup for any problems that happen?
- Will the city have the authority to shut the plant down if we do have problems?
- How long will the plant be there?
- What are the hours of operation?
- Do the permits have to be renewed each year?

Principal Planner Van Dyke responded that the applicant is requesting an extension to the date to address the issues. Van Dyke asked Assistant City Attorney Stalheim for clarification whether we are adding conditions at this time, or are we restricted to only considering an amendment to the date? Stalheim confirmed that at this time we are considering a the extension of the CUP date deadline. As to the questions posed by Ms. Tibbals, which she stated are valid questions, she would recommend an investigation by the applicant, who may offer some clarification as well.

Taylor Rovig (Keller Paving and Landscaping) came forward to address a couple of the items Ms. Tibbals brought presented. Rovig stated that plant updates are updated annually and they are required to have certifications to be able to operate the plant. The Department of Health also completes inspections annually and can also stop by any time and take a look at what is going on. Rovig noted that when the plant opened this fall they did run into some issues with not enough water so the bag house was running dry, which did start the dust cloud that Ms. Tibbals referred to. At that time, a portable plant was in use, but a stationary plant will be in use before the deadline of June 15. Rovig also noted at this time the area is encompassed in asphalt; however, the trees have been ordered but not yet installed due to time conflicts towards the end of the year. A water truck will be on hand at all times to address any dust.

PLANNING COMMISSION

Regular Meeting

February 01, 2022

Page 10 of 10

Commissioner Barnett as to what extent the drought may have impacted their ability to plant the trees. Rovig responded that they have a well on-site and that watering of the trees should not be an issue.

Chairman DeMakis stated that he has concerns about the work being completed by the deadline and asked Rovig directly if the work will be done by the deadline, asking for a direct yes or no response. Rovig replied yes.

Vice-chair Offerdahl asked for clarification on the asphalt loop. His understanding is that it was to be paved, and is questioning if they are just going with gravel and water now. Rovig responded that the asphalt loop would be paved.

Commissioner Sessions asked Principal Planner Van Dyke if the concerns Tammi (Tibbals) brought forward could be taken up with the First District Health Unit, as far as their EPA section. Van Dyke responded that Ms. Tibbals could follow up with First District Health.

Chairman DeMakis closed the public hearing and asked for a motion from the commissioners.

Motion by Barnett to approve based on staff's findings of fact and recommendations and approve the request to extend the deadline to complete the conditions associated with the Resolution 3594 and 3712 from the original date of October 30, 2021 to June 15, 2022 to allow them to complete the remaining work, second by Iverson.

Chairman DeMakis then opened the motion up for discussion by the commissioners.

Prior to the roll being called, Commissioner Barnett acknowledged that as a body, the Planning Commission is not in a position to give advice, but she would like to encourage Ms. Tibbals to reach out to the proper government authorities.

Prior to the roll being called, Associate Planner clarified that the Planning Commission is the approving body in this case and not making a recommendation to the City Council.

Prior to the roll being called Commissioner Baumann suggested that the Planning Commission familiarize themselves with asphalt plants and the special conditions from the state regarding air quality, etc.

With no further discussion, the motion was carried by the following vote: ayes: Barnett, Baumann, DeMakis, Gates, Hochhalter, Iverson, Kibler, Offerdahl, Sessions, nays: none

Motion carries

Adjournment

With no further business, Chairman DeMakis adjourned the meeting at 6:58 PM.