

PLANNING COMMISSION MINUTES

Regular Meeting

June 02, 2020

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**PLANNING COMMISSION MINUTES**

**Regular Meeting**

**June 02, 2020**

**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:** Tuesday, June 02, 2020, 5:30 p.m.

**Presiding Official:** Chairman, Charles DeMakis

**Members in Attendance:** Chairman Demakis, Vice-Chairman Offerdahl, Nesdahl

**By Teleconference:** Barnett, Baumann, Gates, Hochhalter, Sivertson, Wegenast,

**Members Absent:** Bullinger, Koop

**City Staff Present:** Brian Billingsley, Community and Economic Development Director  
Lance Lang, Principal Planner

**By Teleconference:** Stefanie Stahlheim, Assistant City Attorney

**Others Present:** Meeting closed to the public due to COVID 19. Public comment accepted by portal on the City webpage or by mail. None received.

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

**Roll Call**

**Pledge of Allegiance**

**Approval of the May 05, 2020 Regular Meeting Minutes**

Motion by Commissioner Offerdahl to approve May 05, 2020 Planning Commission Meeting minutes, second by Baumann, and was carried by the following roll call vote: ayes: Barnett, Baumann, Wegenast, Sivertson, Demakis, Offerdahl, Nesdahl, Hochhalter, Gates, Lider. nays: none

**Motion carries**

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

**Item #1**

**Interim Use Permit – Section 23-155-83, Outlots 18-29 Less Right-of-Way**

Planning Commission recommends City Council adopt a resolution with certain conditions of approval on an application by Minot Public Schools for an IUP (Interim Use Permit) to allow two (2) additional modular classroom buildings to be added to the five (5) existing portable classroom buildings for a total of seven (7). The additional classroom space is needed due to an increase in students.

This property is located at 1000 6<sup>th</sup> Street SW.

**Finding of Facts:**

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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 Future Land Use Map, but the portable units are not a permanent solution for classroom capacity.
- 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 Interim Use Permit, subject to the following conditions, to the City Council:

1. Five (5) years after the passing of the Interim Use Permit (IUP) by City Council, the IUP will be reevaluated for either extension or termination subject to the plans and funding available to the School Board to provide a more permanent solution.
2. The City requests at least twelve (12) feet of separation between the proposed units.
3. The owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.

Chairman DeMakis asked the Principal Planner for staff comments.

Mr. Lang explained that the applicant is requesting approval of an Interim Use Permit (IUP) to allow two (2) additional portable modular classroom buildings to be installed at Jim Hill Middle School for a total of seven (7). The purpose of this project is to provide an appropriate amount of classroom space to compensate for an anticipated increase of eighty (80) to ninety (90) students. The property is located at 1000 6<sup>th</sup> Street SW. This property is zoned "P", Public zoning district.

Chapter 16 of the Minot Zoning Ordinance, "P" or Public zoning district, allows for "Modular classrooms on school property with a principal building." This use is classified as an interim use requiring the issuance of an Interim Use Permit (IUP) by the City Council. Therefore, the Minot School District is requesting an IUP to allow an additional two (2) portable units, each of which contains two (2) classrooms to accommodate the anticipated increase in students. Currently, there are ten (10) modular classrooms contained within five (5) portable units clustered around the northwestern corner of Jim Hill Middle School. The two (2) proposed units will be placed in the same vicinity to the east of the existing units. In the past, the five existing modular units were not brought to the attention of the Planning Department, but did secure proper permits from the Building Permitting and Inspections Department. Apparently, the requirement for an Interim Use Permit was not recognized and, as a result, there was no review before the Planning Commission and City Council.

The proposed units will look similar to the photographs of the existing units. The site plan sketch indicates eight (8) feet between units which seems awfully close especially given that the units are not fire sprinklered. The Facilities Director for Minot Public Schools said he would provide more separation between the units, at least twelve (12) feet, but there are existing site features that affect the ability to spread the units out further. There is a chain link fence around the existing units which will be enlarged to incorporate the two additional units. He also indicated that time is of the essence in getting these units moved in, installed and up and running for the upcoming school year. The units need to be shipped here,

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set on foundations, utilities need to be connected, fencing extended, and school related infrastructure such as computer links and data runs need to be provided to each classroom.

A Development Review Team (DRT) meeting was held to review this project. Staff expressed the need to find a permanent solution for the overcapacity problem. A permit term of five (5) years was discussed as the greatest amount of time the City should allow the interim units to be used before a more suitable solution is implemented. The Fire Chief expressed concerns for the safety of the children in these types of settings. The units will not be fire sprinklered. They will have local fire alarms and extinguishers, but the alarms will not ring into the 911 dispatch system. Someone will need to contact dispatch if there is an emergency. The Chief also expressed concern for the close proximity of these units to one another and to the principal school building. The units burn fast and the fire has a tendency to spread rapidly between structures. Principal Planner read a letter into the record from the Fire Chief to the Minot School District dated May 15, 2020 that expressed these concerns.

Chairman DeMakis opened up comments from the commissioners.

Commissioner Baumann stated that he felt it to be his civic duty as a citizen of Minot to point out that modular classrooms are a less than desirable standard to provide quality education to the school children of our community and a better solution needs to be identified, funded, and constructed as soon as possible.

Chairman DeMakis opened up comments from the public.

There were no comments on the public portal.

Chairman Demakis asked for a motion from the Commissioners.

Motion by Commissioner Offerdahl to approve based on finding of facts, staff recommendations and conditions, including the five-year time limit. Second by Commissioner Baumann.

Discussion. Principal Planner asked if the motion includes the separation distance between units of twelve feet? Offerdahl said yes, he amends his motion to include both conditions. The second by Commissioner Baumann was reaffirmed.

Assistant City Attorney, Stefanie Stalheim, spoke and asked the Principal Planner if the applicant has provided any assurances or indication that the units will in fact be removed when the permit expires as referenced in Chapter 30 of the Zoning Ordinance?

Mr. Lang stated no, there has been no discussion to date regarding this matter, but it could certainly be added as a third condition of approval.

Commissioner Offerdahl made an addendum stating the requirement for some type of financial surety to ensure the units are removed at the expiration of the permit be added as a third condition of approval. Second by Nesdahl. The addendum was carried by the following roll call vote: ayes: Barnett, Baumann, Wegenast, Sivertson, Demakis, Offerdahl, Nesdahl, Hochhalter, Gates, Lider. nays: none

**Motion carries.**

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Chairman Demakis asked for a vote on the original motion which was still on the floor.

The original motion was carried by the following roll call vote: ayes: Barnett, Baumann, Wegenast, Sivertson, Demakis, Offerdahl, Nesdahl, Hochhalter, Gates, Lider. nays: none

**Motion carries.**

With no other business before the committee, Chairman DeMakis adjourned the meeting at 5:50 PM.