

**Board Members Present:** John Gudger, Chris Volzke, John Bryson and Robin Baye were present for the P&Z Meeting. Member Nick Sterling was absent.

**City Staff in Attendance:** Megan Nelms, City Planner, Building Inspector Kevin O'Hearn, Sabrina Kemper, Community Development Director and Sarah Osborn, City Clerk

Chairman John Gudger called meeting to order at 5:32pm on February 6, 2025, as a quorum was present.

Chairman Gudger asked if everyone had a chance to read the minutes from the previous meeting on January 2, 2025. Board Member Chris Volzke made a motion to approve the minutes. Board Member Robin Baye seconded the motion. Chairman Gudger called for a vote to pass the minutes of the January 2, 2025 P&Z meeting. All ayes, motion passed.

Chairman Gudger introduced the first item on the agenda, the Final Plat for the replat of Lots 2 & 3, Sage Addition and ask Megan for a staff report. Megan provided an overview of the application, stating that it was completing a boundary adjustment between Lots 2 & 3, Sage Addition. The Applicant is Lyle Vinich and the agent is ECS Engineering. The adjustment will reduce the size of proposed Lot 2A from 2.23 to 2.0 acres and increase proposed Lot 3A from 2.23 to 2.45 acres in size. The subdivision is located on the northwest side of the intersection of Chamberlin Rd and Pontiac Street and zoned as I-1 (Light Industrial). There is an existing shop building on proposed Lot 2A. There are just a few planning considerations. They are as follows:

**Planning Considerations:**

1. Add a 5' general utility easement around the boundary of each lot
2. Label the line shown on Lot 3A
3. Survey Reviews:
  - Verify the plat scale is 1" = 60' not 1" = 100'
  - Verify all line types in the legend match those on the plat face
  - Revise the plat in the vicinity map and Surveyors Certificate to match the Dedication.

**Staff Recommendations:**

Staff recommends approval of the Final Plat, pending all considerations being completed and recommends the Planning Commission make a do-pass recommendation on the application to City Council.

Board Member Bryson had questions regarding line labels. Steve Granger with ECS Engineers came forward. He stated that the next item on the agenda is the development plan related to this subdivision but wanted to clarify that he has not seen the site plan and has only worked on the plat. Kevin brought the site plan to the podium to show Steve. He let the

commission know that the line being discussed is the original lot line. He can add the line to the legend or remove it all together. Member Bryson asked him to just label the line. Megan stated she will revise the considerations to remove or label the line being vacated.

There was discussion regarding the 50' wide easement running along the eastern side of the subdivision. Mr. Granger said that the easement shows up on the original Sage Addition plat and it is recorded, but he was unsure about the site plan. Chairman Gudger referred to the site plan and detailed that the building is roughly 124' and based on those dimensions, the existing building is within the easement. Mr. Granger agreed and said it was a possible conflict. He thinks that it is one of the large transmission lines that runs up through there.

Megan stated that, in reviewing the aerial photo, there is not any overhead transmission infrastructure within the shown easement. She stated that based on the recording information, you can tell it is a very old easement. Megan recommended that they do locates and make sure the lines are not underground. Member Bryson advised he would like them to provide positive evidence of vacation of the easement. Mr. Granger said that may be hard to do, but he would provide some information to Megan. Megan said we could ask the City Attorney for more clarification as to the process of vacating the easement, based on who it is in favor of, and other issues. She reminded the commission that at this time, they are only reviewing the subdivision plat, not the development plan. Chairman Gudger made it clear that they would be approving the plat, but not the site plan at this time. Megan confirmed.

Chairman Gudger opened the floor for questions or comments from the commission or the public. There were none. Chairman Gudger then asked for a motion. Vice Chairman Volzke made a motion to approve the final plat for the resubdivision of Sage Addition, pending completion of all planning considerations. Member Bryson seconded the motion. All voted aye, motion carried.

Chairman Gudger introduced the next item on the agenda, the Vinich Development Plan, and asked Megan for a staff report. Megan provided an overview of the case, 25.01 DEV. The applicant is proposing to construct additions to an existing commercial shop building on Lot 2A, Sage Addition. The existing building is approximately 3,750 sf in size and the application proposes future additions of 3,600 sf on the north side of the existing structure and a second addition of 1,710 sf on the south side. The property is located on the northwest corner of the intersection of Chamberlin Rd and Pontiac St.

Megan provided an overview of the development plan review process and the criteria for approval. She provided details on the current application, stating that the site encompasses approximately 2.0-acres and is zoned I-1 (Light Industrial). The development plan notes that exterior lighting will be on the building, with no proposed parking lot illumination. Specifications for the types of exterior lighting for the building need to be provided. A 'potential future building' is depicted on the adjacent Lot 3A. It should be noted that any future development on Lot 3A will require a separate Development Plan application and review. She also advised that the applicant should also be aware of additional setbacks and buffering that will be required for commercial or industrial development adjacent to the residential Buffalo Meadows Addition.

Megan then provided a summary of the planning considerations for the development plan application:

**Planning Considerations:**

1. Submit a detailed lighting plan per Section 40.35 detailing the types of lighting proposed for the building, along with manufacturer's specifications.
2. Per Section 40.10(6) all required parking spaces and all driveways, entrances and exits from the parking area shall be paved with asphalt, concrete or similar permanent surface.
  - a. Nine (9) parking spaces are required. 14 are shown on the development plan with asphalt surfacing. This meets the intent of the regulations.
3. Submit a final drainage plan
4. Enter into an approved Site Plan Agreement upon approval of the Development Plan.
5. Obtain all required building permits for:
  - a. All site lighting
  - b. All on-premise signage.
6. Clarify and show the power 15' wide power easement on the site plan and clarify whether there is a holds infrastructure and the encroachment of the building in the easement.

**Staff Recommendation:**

Staff recommends approval of the Development Plan pending completion of all planning considerations and recommends the Planning Commission make a do-pass recommendation on the application to City Council.

Board Member Bryson had questions regarding the required paving area. There was general discussion centered around the requirements for paving the required parking area in industrial zoning districts. Megan stated that the commission will see upcoming amendments to the LDRs and she will be sure to include some clarifying language regarding parking surfacing at that time.

There was extensive discussion over the location of the 50' easement on the eastern portion of the property in relation to the existing building and proposed additions. Chairman Gudger state that he did not want to move the application forward without knowing more about the easement. Megan stated staff's recommendation is still approval, as the applicant and their agent will be required to provide information on the easement as part of completing the planning considerations prior to council review and approval. Chairman Gudger stated he feels the application should be tabled. There was general discussion by the commission on whether they wanted to review the development plan and easement information again before making a recommendation.

Chairman Gudger then asked if there was any other discussion. There was none. He then made a motion to table the Vinich Development Plan Application, pending additional information regarding the 50' wide easement. Vice-Chairman Volzke seconded the motion. All voted aye, motion carried.

Chairman Gudger introduced the final item on the agenda, the Vision Beyond Borders Development Plan and asked Megan to provide a staff report. Megan reminded the commission that the case had been tabled at the previous meeting and that the commission should entertain a motion to remove it from the table for consideration. Member Volzke motioned to remove the case from the table for review. Member Bryson seconded. All voted aye, motion carried.

Megan provided an overview of the case, 25.01 DEV, stating the case had been tabled at the previous meeting with a request from the commission that the applicant provide additional details and required items per the LDRs. The applicant is Patrick Klein with Vision Beyond Borders and the agent is Steve Granger with ECS Engineering.

Megan provided an overview of the development plan review process and the criteria for approval of a development plan. Vision Beyond Borders has applied to construct a new pole building for Vision Beyond Borders, located just off Yellowstone Highway, accessing via Radio Ave. She stated that the site encompasses .75-acres and is zoned C-1 (General Commercial).

Megan provided a summary of the outstanding items that were previously missing from the application that were now included, such as a detailed landscaping plan, exterior lighting plan and updated site plan. She stated that one outstanding issue remains. Per Section 40.10(6) all required parking spaces and all driveways, entrances and exits from the parking area shall be paved with asphalt, concrete or similar permanent surface. The development plan shows the (6) parking spaces. The applicant has indicated on the development plan and in the application their intent to utilize gravel surfacing across the remainder of the site with plans to pave in the future. Megan stated that the commission should evaluate this request and include a recommendation to city council to allow the exception to the paving requirement or request a revision of the application showing fully paved surface at the time of construction and building occupation. She also provided a summary of the planning considerations.

**Planning Considerations:**

1. The previous application contained a conceptual exterior lighting plan. A more detailed exterior lighting plan has been provided with this submittal and appears to be in conformance with the LDRs.
  - a. No parking lot lighting is proposed
  - b. Exterior lighting will be limited to the building with shielded wall-packs. The applicant needs to specify which model of the Sling Series Slender Wallpack light will be utilized.
2. Section 40.40(4), a minimum of 10% of the site shall be landscaped. A conceptual landscaping plan was submitted with the previous application. An updated, detailed landscape plan has been submitted and appears to be in conformance with the LDRs.
3. Per Section 40.10(6) all required parking spaces and all driveways, entrances and exits from the parking area shall be paved with asphalt, concrete or similar permanent surface.
  - a. If the Planning Commission desires to allow an alternate surfacing type, either temporarily or permanently, the motion and recommendation to Council should include language to that effect.
  - b.

4. Enter into an approved Site Plan Agreement upon approval of the Development Plan.
5. A new address will be assigned after approval of the site plan.
6. Provide final, City Engineer approved design plans for:
  - a. Final grading plan
  - b. Final access/approach plans
  - c. Final utility service plans
7. Obtain all required building permits for:
  - a. All site lighting
  - b. All on premise signage.

**Staff Recommendation:**

Megan stated that staff recommends APPROVAL of the Development Plan with the requirement that all paving requirements of the LDRs be met prior to occupancy of the building as well as all other planning considerations.

Chairman Gudger then asked if there were any questions from the commission. Vice Chairman Volzke questioned the updated drainage plan, saying it shows a small storm water detention area next to the thrift store, and he wants to confirm that a final drainage plan and design will be forthcoming. Megan confirmed that a final drainage plan would be required as part of the approval. Board Member Bryson commented there still wasn't a shared access easement shown for the access aisle between the two lots.

Board Member Bryson next asked about the paving requirement. Megan stated that staff suggests the commission make a recommendation on the request to delay the required paving to city council if they feel differently than the staff recommendation. Mike Elston and Jana Beeson with Vision Beyond Borders came forward to address the delayed paving request and the concerns they have about having to pave the lot immediately. Mr. Elston stated the request is that they be allowed to pave the property in phases. He stated that VBB is a non-profit organization and trying to be fiscally conservative with their construction and operating funds.

There was general discussion about the paving requirements and what would be paved when. Chairman Gudger stated that he would be okay with granting a 5-year time period by which they would have to have all required paving complete. Vice Chair Volzke disagreed, stating that enforcement of conditions like this is difficult with staff changes and things being forgotten over a period of time. He stated that he believes VBB has good intentions, but this isn't something that can be easily tracked.

Chairman Gudger asked Kevin if there was a way to enforce this through the CSO. Kevin explained that the paving usually happens a lot quicker due to trucks driving over the gravel and pavement. Kevin did say that there is no way to track it. In order to protect the asphalt, they will want to pave it sooner. Chairman Gudger asked if we could add a clause in the application.

Megan provided some additional information, stating that paving was a requirement for all lots within the commercial zoning districts. As Kevin stated, tracking mud, gravel and dirt onto city streets is not the city's best interest, hence the requirement for paved parking lots. Megan stated that if the commission made a

recommendation to allow the delayed paving and the council approved it, it would become a condition in the recorded Development Plan agreement that the applicant will be required to enter into with the city.

Board Member Bryson also had comments regarding the landscaping plan, stating he would like to see the landscaping closer to Yellowstone Highway, be recognizing that the landscaping is required to be installed on the lot being developed.

There was general discussion about the lot lines and a shared access and utility easement shown on the plat. Board Member Bryson stated that the site plan shows vehicles on the access drive to the parking area will be crossing over the lot line a bit and he doesn't want to see any issues if there are ever two different owners of the parcels.

Shawn Gustafson, ECS Engineering approached the commission and stated that the easement shown on the plat is a shared access and general utility easement, with 10' on each side of the property line. Clarification was provided and Megan stated that the commission was worried about the access coming off Radio Rd and the east/west property line. There was general consensus from the commission that the applicants should record a separate shared access agreement for the two lots.

Chairman Gudger then asked if there were any other comments or questions from the commission. There were none. Chairman Gudger then made a motion to recommend approval of the development plan and recommend to city council to allow for a 5-year delay of paving the required parking area and only require paving of the areas highlighted in yellow on the exhibit drawn by the applicants at the time of building occupancy. His motion also included an additional planning consideration to require a shared access agreement along the east/west property line to ensure access to the new commercial building on Lot 3. Board Member Bryson seconded the motion. All voted aye, motion carried.

Chairman Gudger then opened the floor for public comment. Shawn Gustafson approached the commission and apologized for being late to the building. He stated that he was working on the final drainage plan for the Vinich Development Plan and that he would send it to Megan shortly. He also commented on the easement issue and stated he would provide information to staff on that as well.

With no other business, Chairman Gudger adjourned the meeting at 6:57pm.

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John Gudger, Chairman

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Attest: Sarah Osborn, City Clerk