

PLANNING & ZONING MEETING MINUTES

August 16th, 2017

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Gene Jackson called the meeting to order at approximately, 7:10 AM.

ROLL CALL

Present were: Chairman: Gene Jackson Vice Chairman: Jason Fridrich
Commissioners: Scott Decker, Shirley Dukart, Scott Bullinger, Scott Karsky and Dean Franchuk

Absent:

Staff: City Engineer Craig Kubas, Planning Director Walter Hadley, City Attorney Haylee Cripe and County Planner Steve Josephson

II. ORDER OF BUSINESS

Consent Agenda

MOTION BY: Jason Fridrich **SECONDED BY:** Shirley
To approve the August 16th, 2017 Order of Business as presented.
DISPOSITION: Motion carried unanimously.

MOTION BY: Scott Bullinger **SECONDED BY:** Scott Karsky
Approve meeting minutes dated July 19th, 2017.
DISPOSITION: Motion carried unanimously.

III. ACTION ITEMS – AGENDA

1. REZ-003-17 a Rezone to consider an amendment of existing zoning in Koch's 5th (ordinance #1564) to amend a number of zoning designations that did not match the intent of the proposed subdivision development. The existing and proposed zoning will include PUD-Planned Unit Development, R-1 Single family residential, R-2 Medium family residential, R-3 High Density Residential, and Public zoning classifications.

Chairman Gene Jackson read the request for a Zoning amendment to Koch Meadow Hills 5th Addition. Planning Director Walter Hadley presented the request to amend ordinance #1564. Mr. Hadley stated this is just a house keeping issue to correct initially cited zones in ordinance 1564 that were incorrect to the appropriate zoning designations.

Chairman Gene Jackson opened the hearing up to the public.

Jan Prchal stated she is the adjacent land owner on States Avenue. Ms. Prchal voiced her concerns with the change. Ms. Prchal asked if this meets the current ordinances for drainage. City Engineer Craig Kubas stated this was reviewed when it was originally submitted, this change today is to correct zoning. The storm water pond will be city maintained in the future. Ms. Prchal asked how the city will maintain this, there's a storm water pond in Koch Meadow Hills 4th that's an eye sore. Ms. Prchal stated no one has responded to the requests for that area to be maintained, the city approves these and takes them over as public and then they aren't maintained.

Mr. Jackson stated do you have any issues with the zoning? Ms. Prchal stated not as long as the ordinances are being followed, and this falls under the new ordinances not old.

Mr. Hadley stated maintenance for the development was assumed by the owner, he isn't sure if the storm water facility was turned over to the city yet.

Mr. Kubas stated in the Development Agreement Koch Meadow Hills 5th Addition states the developer will maintain the ponds for 30 months, then the city will take over. Ms. Prchal stated she is referring to Koch Meadow Hills 4th this is still owned by Koch's. Mr. Kubas stated this is an ongoing battle for maintenance.

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Chairman Gene Jackson asked if anyone else from the public would like to make a statement, there being none this portion of the public hearing is closed.

MOTION BY: Shirley Dukart **SECONDED BY:** Jason Fridrich

***** Approval *****

ZONE CHANGE, REZ-003-17 - Koch Meadow Hills 5th Addition

I move the City of Dickinson Planning and Zoning Commission recommend Approval of REZ-003-17 Rezone to PUD-Planned Unit Development, R-1 Single family residential, and R-2 Medium family residential, as depicted in Attachment A, and meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

DISPOSITION: Motion carried unanimously.

IV. WORK SESSION – AGENDA

1. Prairie Creek Road - right of way, N of 15th Street W.

City Engineer Craig Kubas discussed the potential street vacation in Prairie Hills 4th Addition.

Mr. Kubas stated this wasn't built as street right of way, and is also in the flood plain. There was a lot split done on the larger lot, the City had no issues with the split. The owner was sent the letter from the enclosure to notify them of the City's intent.

Mr. Kubas said it isn't in the City's plan at this time to build this section of Prairie Creek Rd, this won't be an item the Planning & Zoning Commission has to act on it goes directly to the City Commission.

Mr. Kubas stated these vacations should be coming to Planning & Zoning for approval then to the City Commission. At this time that's not how we are doing it, this is just for informational purposes. There are lots the city owns but they are unbuildable.

2. Proposed changes to Low Density Zoning District

County Planner Steven Josephson discussed the proposed changes to the code for single family housing.

Staff has discussed whether single-family attached units and duplexes are appropriate in the Low Density Residential (R1) zoning district. Staff has proposed a zoning code text amendment that would remove single family attached and duplex uses in R1 zoning. This item is another housekeeping matter as this is how it has been administered by the Planning/Building Departments for some time.

Mr. Jackson asked what the differences were between a duplex and a single family attached home. Mr. Josephson stated single family attached homes share a fire wall and have separate lots. Duplexes are on one lot and the entire structure is under one ownership. Commissioner Jason Fridrich stated from his experience were not allowed in R1 zoning. Mr. Josephson stated the zoning code shows single-family attached residences as a permitted use. The consensus of the Planning and Zoning Commission was to schedule a public hearing on the proposed text amendment.

3. Update on Zone

County Planner Steven Josephson stated that he, Mr. Hadley and Museum Director Bob Fuhrman are present to discuss the Renaissance Zone map and proposed expansion. Staff has identified potential Renaissance Zone projects as well as possible historically significant structures in the proposed expansion areas. Mr. Hadley presented a map showing the location of potential Renaissance Zone projects as well as photographs of those sites. Mr. Hadley stated the proposed Renaissance Zone expansion areas is based upon discussions with Planning and Zoning commissioners and with local stakeholders. City staff also held an open house to receive input from the public. The proposed expansion reflects the maximum number of blocks the City can utilize at this time. If blocks added now are not utilized the Renaissance Zone can be amended, as it has in the past, to remove unproductive blocks and add blocks with proposed projects. As the current Renaissance Zone expires in July of 2019. Should the City choose to renew the Renaissance Zone for five more years, the results of the 2020 U.S. Census may allow for another expansion. The consensus of the Planning and Zoning Commission is to bring the Renaissance Zone Plan amendment forward to a public hearing.

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4. Airport Overlay District

Matt Nisbet with KLJ and Kelly Braun airport manager presented a review of the land use plan they have been working on.

Mr. Braun stated there is a land use plan drafted that's going to a public hearing. Mr. Nisbet stated we met starting last fall, there have been multiple discussions since, and including a 6 member airport zoning board that has had a number of meetings. There was also a June public input meeting.

Mr. Nisbet added some of the highlights are; air space protection based on FAA recommended zoning, surrounding zoning areas and restrictions, Policy recommendations and sample zoning. Mr. Nesbit said this will be an overlay district which will help with any potential issues for the airport. The airport authority would decide land use, while maintaining compatible uses with the airport. We applied the city's land use matrix, this helps identify the existing uses already and allow us to decide if a Special Use permit is required or if it's just not permitted.

Mr. Hadley added the city has incorporated a process with an agency checklist to notify the airport of what's going on currently. Mr. Jackson asked if there have been any meetings set up with the county. Mr. Nesbit advised, yes the end of the month. Mr. Josephson added the meeting is the 31st of August.

Mr. Jackson stated the only thing he can see coming into play would be towers. Mr. Nesbit stated we are hoping to form zoning that's as close to identical to the City's as we can. This creates a seamless transition as jurisdictional areas change. This protects federal funding for the airport, helping to stay in compliance.

Mr. Jackson stated, move forward this seems like good planning. Mr. Nesbit added Ms. Dukart and Mr. Decker were on the airport zoning board and were a great help.

5. Pet daycare

Mr. Hadley presented the discussion item for the Happy Hounds dog daycare with a draft of conditions. Mr. Hadley added the operation has been in place for 3 years, they were denied the home occupation Special Use Permit. The owners have been given until the end of the year to operate, while the city figures out how to move forward with this use. The list of conditions in the packet was created for this Special Use if the City Commission was going to consider approval at their last meeting. The list is a starting point for what should be considered as conditions for approval throughout the City. .

Mr. Jackson stated these conditions won't work for this current facility. Mr. Jackson asked for a summary from the city commission meeting. City Attorney Haylee Cripe explained what took place at the city commission meeting. Ms. Cripe added no one has an issue with how the daycare is being run, this is just a question of appropriate zoning. Mr. Decker added this should be fixed through an ordinance, not necessarily needing a Special Use Permit. If they have 10 pets we can't follow these guidelines they won't work, on top of creating an issue regarding pick up and drop off. Ms. Cripe stated the Planning Commission needs to decide where the dog day care is to be allowed and clarification on a definition. Ms. Cripe added these conditions aren't necessary if you don't allow the use in R-1, Ms. Uran should be included in the discussion of guidelines for the Code. The city commission feels there should be a place for this in our code. Mr. Josephson asked if this is amended, does the operator have to come back for a Special Use Permit.

Ms. Cripe stated they won't need to start over this would just need to be changed from home occupation to pet daycare. Mr. Jackson reiterated that the City Commission wanted a place for this facility in R-1 zoning, if so the presented conditions won't work. Mr. Karsky stated someone needs to sit down with Ms. Uran for her feedback.

Ms. Cripe suggested the conditions presented should be set aside until other steps in the process are covered.

Ms. Cripe stated step 1 would be to decide what a dog daycare is. This could include providing grooming services and times of operation but not overnight.

Mr. Jackson added there were grooming places in Dickinson that were doggy daycares, where you could drop your pet off in the morning and pick it up at 3:00pm. Mr. Hadley stated this should be "pet day care not just for dogs. Ms. Dukart added daycares have to go through a lot of steps to be in a residential area, a change like this needs to have the public directly involved. This facility may not meet the criteria when we are done. Mr. Decker stated there was a full room at the City Commission meeting all in favor of the dog daycare. Mr. Hadley added these were all clients and friends not neighbors. Mr. Fridrich stated he spoke to one of the neighbors directly behind the Uran's and they have no issues. Mr. Fridrich added he put this on his social

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media page and had over 100 comments and they were all for it. Mr. Jackson stated this is a model business, let's design it around this.

Ms. Cripe said step 2 we need to define what a pet is.

Mr. Decker suggested that the existing definition in the code should be used. Mr. Jackson asked for clarification on what "pets" are included, is it dogs, cats, and birds. Ms. Cripe read the definition for pets.

Ms. Cripe stated we can go through the zoning codes or you can just decide if it will be allowed in R-1. Ms. Dukart stated she feels this doesn't belong in R-1 zoning.

Mr. Decker stated we can fix this and have some say in the conditions or the City Commission will just approve it. Ms. Dukart stated I am not in favor of this and they shouldn't be allowed.

Mr. Jackson stated it seems the issue is if this is allowed in R-1, the ordinance should be developed for R-1 if we don't like it then we can change it. Scott Karsky added he is fine with it being allowed in R-1, but there needs to be parameters. Ms. Dukart stated they need to have permission from all the neighbors.

Ms. Cripe said the 3rd step would be to decide is if this is a Special Use Permit what zoning areas will this be allowed in, R-1, R-2 and R-3. Mr Decker stated there are houses around the college are that are single family but zoned R-3. Ms. Cripe stated if they apply for special use permit and they put an apartment number on the application you would know it isn't allowed.

Ms. Cripe said the 4th step would be to decide what requirements the Planning Commission would require, including whether they wish to set cap on animals based on square feet, and does the square footage include interior and exterior footage. Mr. Decker stated that Happy Hounds has a model to follow.

Mr. Jackson stated the conditions need to be addressed. Ms. Cripe added if the Planning Commission feels like Happy Hounds is a good standard then she can meet with Ms. Uran to design some requirements. Mr. Jackson added we need to keep it as simple as possible. Ms. Cripe stated she can draft an ordinance, with the outline already existing at Happy Hounds. Ms. Cripe stated they are currently allowed to operate as is until the end of the year. She stated she could have a draft ordinance for the next meeting to tweak and vote on, or the Commission could schedule another work session. Mr. Hadley stated we need to discuss the design standards. Mr. Jackson stated one more work session should be ok. Mr. Josephson stated there is code on animals already, will animal control be involved in this, this is similar to the day care, and social services looks at it for state requirements, anything brought forth should have animal control involved. Mr. Jackson added this isn't the same as care of humans.

Ms. Cripe added Article 5 deals with animals, we will reference back to that.

Ms. Cripe said the 5th step would be to decide who is responsible for the enforcement. Mr. Hadley stated he could enforce it if we follow the outlined conditions and that it would be reviewed on an annual basis with all other SUP approvals. This is a Special Use Permit and if there are multiple violations then the Special Use Permit is revoked. We can't assume that anyone operating a similar business will operate at the same levels as Happy Hounds. Ms. Cripe stated we can discuss this internally and figure it out.

MOTION BY: Scott Decker **SECONDED BY:** Shirley Dukart
Adjournment of the meeting at approximately 8:22 AM.

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Brandy Goetz

APPROVED BY:

Walter Hadley