

PLANNING & ZONING MEETING MINUTES

March 15th, 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 Karsky and Dean Franchuk

Absent: Scott Decker, Shirley Dukart, Scott Bullinger and City Engineer Craig Kubas

Staff: Planning Director Walter Hadley, Assistant City Engineer Loretta Marshik
City Attorney Haylee Cripe and County Planner Steve Josephson

II. ORDER OF BUSINESS

Consent Agenda

MOTION BY: Jason Fridrich **SECONDED BY:** Scott Karsky

To approve the March 15th, 2017 Order of Business as presented.

Approval of meeting minutes dated February 15th, 2017; including the proposed corrections made by Commissioner Scott Bullinger.

DISPOSITION: Motion carried unanimously.

III. ACTION ITEMS – AGENDA

1. A request to consider REZ-002-17, ETZ Transition Zoning Map Amendments on 219 parcels located within the City of Dickinson's Extraterritorial Zone (ETZ) in Stark County.

City Planning Director Walter Hadley gave a brief introduction of the ETZ Transition Zoning Map Amendments.

County Planning and Zoning Director Steve Josephson explained the locations of the parcels are depicted on the map in Attachment A of the staff report. The purpose of the proposed amendment is to comply with Section 40-47-01.1 of the North Dakota Century Code requiring that before a city expands its extraterritorial zone, the city planning and zoning commission shall hold a zoning transition meeting. The purpose of the zoning transition meeting is to plan for an orderly transition from County zoning districts to City zoning districts. City staff would recommend approval of the rezoning.

Mr. Josephson stated it does not appear the City has held these meetings in the past. Several properties in the ETZ that were zoned by Stark County for large lot single-family development that are located in residential subdivisions appear on the City's zoning atlas with Agricultural zoning. Should the City ever decide in the future to expand its ETZ a zoning transition meeting would be held before the planning and zoning commission prior to the City Commission approving the ETZ expansion. Staff found the appropriate zoning for most of the single-family lots would be Rural Residential as most of the subject lots are over an acre in area. The RR building setbacks are similar to the previous County zoning. In the case of Lutz's 4th Subdivision, which the County rezoned to a Planned Unit Development with restrictive covenants as conditions, staff recommends rezoning to Mobile Home Residential (MH). Mr. Josephson added this is a public hearing, therefore the amendment can pass or be tabled in order for staff to make changes.

Chairman Gene Jackson interjected this is a large housekeeping item, the intent is to retain the intent of the zoning the County previously had, we don't want to change any of the existing zoning. Mr. Hadley added we received a number of calls asking if this was an annexation; this is not the City's intent. We do not want to change anything, we just want to have compatibility.

Commissioner Scott Karsky stated he received a call regarding the Transition Zoning Map Amendments and wants to be clear this transition is just semantics. Mr. Jackson stated this is just catch up, the County's zoning designations are different than the City's. Mr. Hadley stated the zoning regulations have to be compatible with City zoning regulations. Mr. Jackson added the City's zoning regulations are more permissive than the County's according to the documentation provided. Mr. Josephson added there are some areas where it is more permissive.

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Commissioner Jason Fridrich asked if approval of the amendments would create non-conforming uses. Mr. Josephson stated that will depend on the property; the County's old Residential, Agricultural zoning district allowed certain uses that are not allowed in Rural Residential zoning. Mr. Fridrich asked if there is a non-conforming use would have to go away immediately after the transition rezoning amendments are approved. Mr. Josephson said those uses can continue as legal non-conforming use. The use only goes away if it ceases use for a full year.

Chairman Gene Jackson opened the hearing to the public.

Mr. Lin Johnson made public comment stating his subdivision is changing from Agricultural to Rural Residential but the differences between AG and RR are not listed out in the publication. Mr. Johnson asked what he was going to lose or gain with these changes. Mr. Johnson added that in AG he can put up a storage lot, but if you change the zoning he can't. Mr. Johnson asked what the differences are in the zoning and how he would be restricted. Mr. Jackson asked where Mr. Johnson lives. Mr. Johnson stated he lives in Horse Haven owning six acres. Mr. Josephson stated it meets the minimum of 5 acres, allowing the lots to conform, adding the zoning could be left as Agricultural zoning. Mr. Johnson stated if he had known how this change affected him he might not be here.

City Attorney Haylee Cripe pointed out if you look under Section 39.04.008 of the City code there is a large chart under that section, chart 4-2 it has the different use types. It outlines permitted uses or if you are required to have Special Use Permit. Staff provided Mr. Johnson with a table highlighting the differences between AG and RR zoning, and after reviewing the table he stated he wanted the property to stay AG. Mr. Jackson stated to the P&Z's actions be memorialized for the record and to reference which charts or tables are being referred to. Mr. Josephson stated they are tables 2 and 3. Ms. Cripe stated we need to make these tables available on the website for the land owners.

Chairman Jackson asked if there were any other public comments; there being none the public portion of the hearing was closed.

Mr. Josephson stated just for a follow up the two changes should be reflected in any motion:

- Recommended Lutz's 4th Subdivision be rezoned to Mobile Home Residential (MH);
- Recommended Horse Haven Subdivision shall be zoned Agricultural (AG);
- The motion for approval shall reference Table 2 and 3 and not Table 1

MOTION BY: Dean Franchuk

SECONDED BY: Jason Fridrich

*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the ETZ Transition Rezoning requests, as listed in Tables 1 and 2 and in Attachment B, as being compliant with the City of Dickinson Comprehensive Plan as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

****Approval of tables 2&3 as amended****

DISPOSITION: Motion carried unanimously.

IV. WORK SESSION – AGENDA

1. Vacant lot – Discussion

Planning Director Walter Hadley presented a vacant lot summary report based on the GIS system.

Mr. Hadley stated this map shows vacant lots and percentages, this is just a tool at this point incorporating Assessing information along with GIS information. This corresponds with our comprehensive plan showing Single family versus Multifamily with the 65/35 split.

Mr. Hadley added the single family vacancies of the lots are surprising showing more Multifamily being built. Mr. Jackson asked for a better explanation of the percentages on the report. Mr. Hadley stated there aren't very many large lots left at this point where a large subdivision could be built, additionally most of the previously approved PUD's are t are expired.

Mr. Jackson asked what the Rolling Hills Subdivision is zoned on the map. Mr. Josephson stated Rolling Hills is a PUD.

Mr. Hadley said the PUD is expired and they would have to come back for entitlement.

Mr. Jackson noted this subdivision has the capacity for a large number of R-3 units we shouldn't deny anything that comes forward from this subdivision.

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Assistant City Engineer Loretta Marshik added the water is under design at this time this is a city project and could be causing a part of the delay.

Mr. Jackson added if there are R-3 proposed lots no matter where in town, we need to know what the status of these developments are including Rolling Hills, is this going to be developed and what state it's in.

Mr. Jackson stated that he would like to see the status by subdivision whether it's developed or not, what's the status of the plat, have they been recorded, how many lots are there and what's available. Mr. Jackson added he would like to see a report showing: subdivision by subdivision, zoning designation, plat status, how many residential lots there are. Mr. Hadley said we can show the PUD's but there are others that are inactive. Mr. Jackson said we need to know what's out there while considering upcoming requests. Mr. Hadley concurred but stated it would be a manual review process that will take some time.

Mr. Hadley stated if you look at the map it shows the area with vacant lots with in the city this is just a snap shot. Mr. Jackson added if you look at Koch Meadow Hills 4th you would be surprised to see there are a lot of empty lots in that subdivision. Mr. Hadley added this a preliminary project at this point and we will bring a more refined version. Mr. Hadley noted I need help from the GIS technician and he has a busy schedule. Mr. Jackson said maybe spend some time in the car looking at the developments.

Mr. Fridrich stated Sundance Coves and Woodhaven are not included. Mr. Jackson stated Dickinson Hills Barons aren't on here either, these need to be accounted for even if they aren't final platted they have been zoned and need to be accounted for. Mr. Hadley stated these may need to be grey scaled, maybe not counted these aren't really existing lots. Mr. Jackson said in our decision making we need to know what ground has been rezoned and how many potential lots there may be.

Mr. Jackson asked what potential projects are in the coming months. Mr. Hadley stated Diamond Acres has two replat's one along 21st street and the other south of Sax Motors. Baron's Vista, and Dickinson Hills those areas have some activity down the road. Two different parties will be developing them. Diamond Acres is working with parks and recreations on a bike path extension, there's another project coming in along Villard, and there are multiple other small projects coming in soon.

There being no further business Chairman Jackson asked for a motion to adjourn.

MOTION BY: Jason Fridrich **SECONDED BY:** Scott Karsky
Adjournment of the meeting at approximately 7:50 AM.

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Brandy Goetz

APPROVED BY:

Walter Hadley