

PLANNING & ZONING COMMISSION MEETING MINUTES

May 16th, 2012

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:12 AM.

II. ROLL CALL

PRESENT: Tracy Tooz, Scott Kovash, George Nodland, Gene Jackson, Jerry Krieg, Earl Abrahamson, and Jason Hanson

ABSENT: Jay Elkin

STAFF: Ed Courton - City Planner, Shawn Soehren - City Engineer and Matt Kolling - City Attorney

STANDARD MOTIONS

1. MINUTES

Minutes for the meeting dated the March 21st, 2012 submitted for approval.

MOTION BY: Scott Kovash

SECOND BY: George Nodland

Motion to approve the minutes of March 21st, 2012.

DISPOSTION: Motion carried.

REGULAR AGENDA

1. SPECIAL USE PERMIT - To consider a Special Use Permit for a 3,000 unit Crew Camp Facility located via Energy Drive in the SE ¼ of Section 1, Township 139N, Range 96W.

Tracy Tooz abstains from this item.

Dennis VanLeeuwen, Greg Birdsall and Steve Crawford are presenting for Accommodate International. They present a binder of information to the Commissioners. Mr. VanLeeuwen states that the proposal follows the permit application. The executive summary describes the property. He points out in the 2nd page key points specific to the community. He has also brought some larger renderings of the property. He speaks about the repurposing of the units after their permit expires. Mr. VanLeeuwen describes the property, the amenities, the phasing plan, and interior dwelling unit plans.

Mr. Abrahamson asks about any fires on their current facilities. They have only had cooking fires, and also added the materials are noncombustible and will be sprinkled. Abrahamson asks about the average time stay of an employee. VanLeeuwen says roughly around twelve months, and the client usually rents out a block of rooms; it is the client's choice. He says when people start to move out they will start dismantling, away from where the people are still living.

Mr. Nodland asks about how long they think they will be here and how fast they will build. VanLeeuwen says they are projected to break ground this summer and then immediately go to erecting some buildings. He says he would like to see them up and operational in 14 months, and it is their hope that there will be some type of extension beyond the five years of their permit. Nodland asks how he thinks it's feasible to house 3000 workers. VanLeeuwen says they have sister companies that work with some of the producers in the area; they are finding it difficult to find housing for their employees. He believes there is a demand far beyond what they are going to be providing. He added that the first phase would be 1000 units. Nodland questioned the traffic. VanLeeuwen says they have paths for shuttle buses. He says that is one of the preferred ways to transport employees. He would like to lessen the impact of individual drivers. Nodland also asks about security. Mr. VanLeeuwen explains how these types of projects can put a burden on local police. He says there will be guards at all entry points and gates, and registered vehicles only allowed. He adds that the rules of conduct are clear cut for safety. There will be 24 hour security acting as law enforcement for the site. He adds that there will be a central command locations for emergency personnel.

Mr. Krieg asks for more clarification on phasing. VanLeeuwen clarified that in the fall, buildings would start going up and at the end of 2013 they would like to be done. Krieg also asks about parking. He thinks they may need to have extended size parking lots for larger vehicles. VanLeeuwen agrees, and he would like to be allowed more area for snow removal, and is aware they will probably have a need for larger parking lots. Krieg asks about grading. VanLeeuwen commented that buildings are staggered and dropped for grade; overall there is a 4% grade across the site.

Mr. Jackson asks what period of time the request is for. VanLeeuwen says for five years and then based upon the performance - a five year extension, and then a tail on the end to dismantle and repurpose. Jackson wants to hear more about "closed camp", and contracts. VanLeeuwen comments that with a closed camp they want to manage 10-15 large clients that would fill up the different phases. Certain clients could have an entire phase. 'Closed' means that they are only going to house long term contracts in a block. He says they have five groups that are interested in large blocks, and they would take up about half of their capacity. Jackson commented about the off-site traffic improvements on the motions. Soehren commented about the impact of traffic in the area, and how they will work with the applicant with traffic, and thinks there will have to be signals at some point. Jackson asks about Accommodate being part of the cost, and Soehren said that they would be involved along with others. Jackson asks about garbage pickup and snow removal. Accommodate is arranging that. Krieg asks if they are open to other companies besides big oil companies, and VanLeeuwen says they certainly are ok with that. They want to be a good partner with the City. They will have a minimum stay of 90 days. Nodland asks about the rooms and how they compare to an apt or hotel room, and if they are a threat to the hotel industry. VanLeeuwen states that they love the hospitality industry and their project is much different than a hotel. They are building to last a long time. He adds that floors are not carpeted, and walls are not sheet rock. The bathrooms will be built sturdy, with shower enclosures. They will be a significant step above other working housing.

Mr. Abrahamson asks about the time of the permit. Mr. Courton commented that it would be a 5 year maximum time period. Abrahamson asks about a storm shelter. VanLeeuwen says it is addressed in the safety plan, it hasn't been designed into the building plan yet, but they will have that in. Nodland asks what happens if two years down the road the oil industry slows. VanLeeuwen says they have talked about repurposing that site, and working with the City. He says if for some reason you have to take the units down, you can repurpose them. Nodland asks about examples of industries they have worked with. VanLeeuwen points out that on tab 5, second page in there is a picture of a building that is in Russian in the heavy industrial mining area. There are several groups out of Texas. Their company has over 100 years of experience.

Chairman Abrahamson opened the hearing for public comment.

Bob Zent says his main concern is traffic. He thinks traffic in that area is dangerous and he would like to hear something specific. Soehren commented that KLJ is doing traffic studies at this time; along with the project the DOT has planned he thinks there will have to be some changes.

Tim Priebe of Fisher Industries – property adjacent to the proposed property. He thinks this is a quality project. He has a few concerns, and agrees with Bob Zent. He does believe that it is a good idea, but would like to be part of discussions.

Mr. Courton reads the motions and conditions aloud for the public.

MOTION BY: George Nodland

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Special Use Permit for Accommodate Dickinson for a 3,000 unit Crew Camp Facility, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional:

- 1. Prior to issuance of any building permits, all plans shall be in conformance with the project plans described herein as Exhibit “A”.**
- 2. Prior to issuance of any building permits, a schedule of paving shall be approved by the City relative to entrances, drive aisles and parking lots.**
- 3. The applicant shall install trees and vegetation consistent with the application materials and approved by the City Planner prior to issuance of the first building certificate of occupancy. The City Planner may modify said plans depending on the phrasing schedule, but the perimeter planting must be installed after site grading.**
- 4. Prior to the second phase of development, off-site traffic improvements must be approved by the City and an implementation plan shall be approved to the satisfaction of the City Engineer.**
- 5. The SUP approval shall expire with any change of ownership. All subsequent owners of the property shall be required to reapply for SUP approval. Ownership shall be established prior to final approval of the SUP.**
- 6. The SUP approval shall expire five (5) years from the date of the first building certificate of occupancy.**
- 7. Prior to installing any structures on-site, the applicant must receive approval from the City.**
- 8. Prior to issuance of any building permits, the applicant shall submit a detailed reclamation plan, cost breakdown and reclamation bond to the satisfaction of the City Engineer.**
- 9. Prior to certificate of occupancy, the emergency management plan must be approved by the Stark County EMS Director.**
- 10. Prior to issuance of any building permits, the applicant shall pay \$400 per room to be received annually, on or before January 10th of each year. This fee does not include other fees associated with the project.**

11. **Prior to issuance of any certificate of occupancy for any habitable building, the Fire Department must confirm the building is consistent with the City's Fire Code with respect to separation distances for hazardous and flammable substances and other impacting uses.**

DISPOSITION: Motion carried (7-0, all in favor)

Krieg asks about planting trees, and where the phases fall. Mr. Courton says they will be working with the applicant; the applicant can post a bond, and put the landscaping in at a later date.

Abrahamson says it's a good project and hopes this will help the rent and housing shortage.

Jackson commented on the application of the crew camp that was denied because of locations and that this location is better for the city. He thinks this will be good for our facility.

Nodland comments that there is a need for this, and it's a great idea.

2. **FINAL PLAT** - To consider a Final Plat for S&B Subdivision and generally described in the NE ¼ of Section 32, Township 140N, Range 96W.

Will Ralph is here to answer any questions.

Jackson asks about the development agreement and the developers cost to do paving in States, and what is going to happen. Ralph says the agreement addresses more of the sanitary sewer. Soehren added that the agreement did not include the widening of State Ave. Mr. Kolling says this won't include State Avenue or 21st street, however if there is additional development they would like them to participate in the cost. Jackson pointed out there will be future special assessments and Ralph is aware of that. Jackson also added that there is some vagueness of the right of way.

Andrew Shrank is working with the owners south, and has discussed extending 19th Street.

Chairman Abrahamson opened the hearing for public comment. No one is here to comment.

MOTION BY: Jerry Krieg

SECOND BY: George Nodland

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for S&B Subdivision, as 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 (7-0, all in favor)

3. **FINAL PLAT** - To consider a Final Plat for Energy Center North and generally described in the SE ¼ of Section 16, Township 140N, Range 96W.

Andrew Schrank says they have revised the right of way along 33rd street, and that is their only change to the plat.

Jackson asks about paving of the streets. Tracy Tooze says they are taking the lead on the project with RDO; they are doing the streets. They are going to start with the center road.

Chairman Abrahamson opened the hearing for public comment. No one is here to comment.

Jackson asks about nonaccess lines on 33rd. Mr. Courton says they have sufficient regulations but if he feels it is necessary he can propose that; he doesn't feel it is necessary.

MOTION BY: Gene Jackson

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Energy Center North Subdivision, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

- 1. Prior to recordation of the plat, the road dedication of 120 foot from the centerline of the rights-of-way may be reduced if the North Dakota Department of Transportation agrees to a reduction in width.**
- 2. Interior streets must be paved to an industrial standard.**

DISPOSITION: Motion Carried (7-0, all in favor)

4. **FINAL PLAT** - To consider a Final Plat for Decker's 4th Subdivision and generally described in the SW ¼ of Section 16, Township 139N, Range 96W

Andrew Schrank is presenting. He states that there has been a revision to the right of way along 29th Ave SW.

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

MOTION BY: Jason Hanson

SECOND BY: George Nodland

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Decker's 4th Subdivision, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

DISPOSITON: Motion carried (7-0, all in favor)

5. **ZONING TEXT AMENDMENT** - To amend Section 39.05.006 "Planned Unit Development" and to allow greater flexibility in land uses.

Mr. Courton comments that since Steffes will be coming up with a PUD this would be a good time to modify this. He reads the changes aloud, and notes sections that were removed.

Abrahamson asks if it conflicts with SUP's. Courton says it opens the area for permitted and also special uses; he says you are allowed to condition above and beyond what a standard zoning would be. It provides innovation and flexibility. He feels very comfortable using them.

Mr. Kolling says he recommends approval.

Mr. Abrahamson opened the hearing for public comment. No one is here to comment.

MOTION BY: Jerry Krieg

SECOND BY: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Zoning Text Amendment for Section 39.05.006 "Planned Unit Development" , as depicted in the application materials, as 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 (7-0, all in favor)

Mr. Courton added that you can require the construction of R3's to be built with a certain amount of time when using a PUD.

6. **REZONE PETITION** - To consider a Rezone Petition from Ag to Planned Unit Development for a Tank Yard at the SW corner of 20th Street SW and Highway 22 and described as the NE1/4 of Section 21, Township 139N, Range 96W.

Joe Rothschiller with Steffes – describes the different changes that have been made in the last three months. He mentions it is 16.5 acres square instead of 12 acres. He comments that the use is for storing tanks. He would like to know if they can store other things on the land besides their tanks.

Mr. Courton says they can provide an updated survey before City Commission. He is in favor of this. He pointed out that he added to the motions storage of other uses similar to the storage of industrial tanks. Mr. Jackson added that there is a discrepancy in the dimensions they have. Rothschiller added that they do have that available. Krieg asks which direction they are going. Rothschiller replied it will be to the west. Kovash asks if they tanks will be empty, and Rothschiller confirmed that they will be. Mr. Kolling added that to approve this we would have to have the PUD change ordinance approved by City Commission.

Chairman Abrahamson opened the hearing for public comment. No one is here to comment.

Alvin Stockert has issues about the dirt and dust. His son has allergies. The noise is also a concern. Mr. Kolling commented on the noise ordinance and that only applies to the city limits, and not to the ETZ. The noise issue would have to be handled by the County.

Tammy Stang lives directly across. Has a question on the parking – she sees up to 10 cars parked there. She would like to see the continued effort on the dust control. She also has some concern on the traffic.

Kathy Evensons is concerned about the trucks coming in – there are no roads and there is dust everywhere from the trucks. She also believes traffic is a concern.

Nodland asks Mr. Rothschiller if he has any ideas on what to do with the dust. Rothschiller states he has been communicating with the neighbors, and has invested hundreds of thousands in trying to control the dirt and dust. He will watch the trucks going in and out. He added that there will be added parking. The noise is just part of their business. They have tried to come up with ideas on how to limit the pounding. The staff does go out and pick up garbage twice a year. They want to be good neighbors but they are a metal manufacturing business.

Abrahamson asks Courton if the PUD would address any of these issues. Courton says that they can add the conditions on to the PUD. He would like to see something done about the noise and the dust.

Krieg asks about the noise; if it's coming from the proposed area or their existing operation. Courton commented that he thought the noise is coming from their existing facility, and that the PUD is only for the 16 acres.

Rothschiller said the noise is coming from the existing facility. He would like staff to consider how long they have been there.

Nodland added that he thinks the plant used to run at normal hours, but now the demand has changed and is operating 24 hours.

Alvin Stockert clarified that the tank yard used to not be in his yard, but it has moved there and would like to see a noise condition placed.

MOTION BY: George Nodland

SECOND BY: Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezoning Petition from Ag to PUD, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional:

- 1. The SUP must be in conformance with the applicant materials and site plan at all times.**
- 2. Within six (6) months, Steffes Corporation must receive final plat approval for the segregation of subject property.**
- 3. The SUP shall expire if the property is sold or transfers to another owner from the applicant, Steffes Corporation or its subsidiary.**
- 4. The SUP use of a tank farm shall be the only permitted use for the property. The property may include other associated uses similar to the storage of industrial tanks approved by the City Planner.**
- 5. Upon termination of the PUD, the property shall revert to the Agriculture zoning district.**
- 6. All tree and other plantings shall remain in perpetuity and any dead or dying vegetation shall be promptly replaced.**
- 7. Dust suppressant must be used that meets the satisfaction of our City requirements.**

DISPOSITION: Motion carried (7-0, all in favor)

- 7. REZONE PETITION** - To consider a Rezone Petition AG to LI for property described in the NW ¼, NW ¼ of Section 7, Township 139N, Range 95W.

Andrew Schrank says they are going to subdivide into three lots. The two lots to west will be storage units, and east lot will be a hydraulic shop.

Jackson asks if it was adjacent to city limits. Courton says it's not contiguous to the city limits. He doesn't believe they need to be annexed into the city unless they have high water consumption. Jackson thinks the potential for annexation needs to be discussed as we go through the plotting process.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

Courton recommends approval. The City would not be opposed to annexation, and says we may modify our condition before it goes to city commission.

MOTION BY: Scott Kovash

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezone Petition from Ag to LI, as depicted in the application materials, as 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 (7-0, all in favor)

8. **FINAL PLAT** - To consider a Final Plat for Timbers 1st Addition and generally described in the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 29, Township 140N, 96W.

Tracy Tooze abstains from items #8 and #9

Jeff Schaumann from Arista Development is presenting. He says this is consistent with the preliminary and changes to the plat are noted on the map. The south property line has included the no access easement per staff's recommendation. And also there are also two access points – one to each lot.

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

Courton adds staff comments. They proposed they should have one access point; the fire chief felt two would be preferable. They have agreed to have individual access for lots one and two.

MOTION BY: George Nodland

SECOND BY: Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Timber's 1st Addition, as depicted in the application materials, as 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 (7-0, all in favor)

9. **PRELIMINARY PLAT** - Preliminary Plat for Lyons 2nd Subdivision and generally described as all of Lyons Subdivision and all of Lots 1,2 & 3, and part of Lot 4, Block 3 of North Industries First Addition situated in the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 27, Township 140N, Range 96W.

Jeff Schaumann states that copies of the preliminary plat were handed out. He has met with City staff about the development of 7th Ave, and has agreed to pay for 50%. He has met with the park district. He has submitted the preliminary utility plans. He states that there is a small sliver extending northward, and they have come to agreement on how to handle that piece of land.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

Jackson thinks the plat is fine and should be approved. He has a few items he would like to express: the sanitary sewer easement between lots 7 and 8, and the street dedication in the narrow strip on 40th street. He would like to see the utility easements in the rear yard instead of the front. Abrahamson agrees with Jackson. Schaumann states that they have done it that way because it's easier access to the utilities but does not have a problem showing them in the back.

MOTION BY: Gene Jackson

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Plat for Lyon's Subdivision, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. The Planned Unit Development (aka "PUD") shall be in substantial conformance at all times with the file materials described as Exhibit "A".
2. A continuous six (6) foot vinyl opaque fence or higher quality fence shall be installed along the easterly property line abutting the 7th Avenue East rights-of-way for Lots 14 through 25 & along the southern property boundary prior to any building receiving a certificate of occupancy.
3. Prior to Final Plat, a one (1) foot non-access easement shall be depicted on the plat along the eastern edge of Lots 14 through 25.
4. Prior to Final Plat, the plat shall be modified to include a 66 foot road dedication for the road segment between Lyons Avenue and 7th Avenue East. (South of Lot 25) unless the City Engineer and Fire Chief are satisfied with the proposed road extension alignment and width.
5. Prior to Final Approval of the PUD, the City shall review and approve the Planned Unit Development Plan described as part of Exhibit "A" attached.

DISPOSITION: Motion carried (7-0, All in favor)

Courton added that some of the conditions will merge with the PUD as it moves to City Commission.

10. **FINAL PLAT** - To consider a Final Plat for Southpark 1st Addition and generally described in part of the NE ¼ of Section 16, Township 139N, Range 96W. (State Avenue and SW 8th Street)

Dave Patience is presenting. He commented that the S ½ of the right of way to Southpark Street should be added to this plat, but would like to know first when States Street will be extended. Soehren asks about the intent of 8th Ave SW. Patience says he was going to leave it as is until State Ave gets extended. Soehren stated that he is working with developers on a time frame for extending that. Abrahamson asks if there is going to be adequate access to the apartments. Patience says he understands there is going to be limited access to 8th street, and it will have to be addressed on a site plan.

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

MOTION BY: Gene Jackson

SECOND BY: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Southpark 1st Addition, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. Southpark Loop shall be renamed to Southpark Street.
2. Prior to certificate of occupancy for the first building, Southpark Street shall be fully dedicated to the City, improved and paved to the satisfaction of the City Engineer.
3. Prior to recordation of the Final Plat, the 100-year floodplain designation must be accurately depicted.

DISPOSITION: Motion carried. (7-0, all in favor)

11. **FINAL PLAT** - To consider a Final Plat for Southpark 2nd Addition and generally described in part of the NE ¼ of Section 16, Township 139N, Range 96W. (Hwy 22 and 11th Street SE)

Dave Patience is presenting. He states this will be south of Winn complex. There are two proposed streets coming into the commercial area, and has no problems improving those streets. He explains the flood plains on the plat have come from the FEMA maps. Courton says it is sufficient. Courton requests that he change the Secretary of Planning and Zoning to Ed Courton, also added that the 2nd addition requires a signature for DOT and County Commissioner. Patience asks about ratification from the DOT in a separate document instead of signing the plat. Courton says that is fine. Mr. Tooz likes the development. He asks about the phases. Courton says the preliminary shows the road alignment and as they develop the interiors they will have to conform to that. If they want to modify we would have to approve that, and if can't come to an agreement then they would deny following phases. Abrahamson asks if there is a frontage road off of Hwy 22. Patience says there was never any dedication of that road. Courton comments that initially they had proposed an extension, but as staff we did not recommend that. Jackson says at the last meeting Patience described a sanitary sewer that was untraditional and asks if the City engineer was ok with that. Patience explained they have several options. They could get sanitary sewer from the 1st addition to the 2nd addition or whatever facility that would develop on the commercial site. They can put their own manhole there, and later could be hooked up to a central sewer system. Another option would be on a temporary basis; you could get by with a holding tank or a drain field. Patience believes that if there isn't a lot of use they could have a private facility, and if they sell later to a higher use they hook up to the City. Soehren agrees with Mr. Jackson, and would like to see a plan and an agreement with property owners. Jackson asks Soehren if he's ok with approving the plat with a condition on the sanitary sewer. Soehren is ok with that, and a condition will be added to the motions.

MOTION BY: Gene Jackson

SECOND BY: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Southpark 2nd Addition, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. **Prior to certificate of occupancy for the first building, 11th Street SW and 12th Street SW shall be improved and paved to the satisfaction of the City Engineer.**
2. **Prior to recordation of the Final Plat, the 100-year floodplain designation must be accurately depicted.**
3. **Prior to final plat recordation the City and developer will come to an agreement on sewer and water.**

DISPOSITION: Motion carried (7-0, all in favor)

12. **SPECIAL USE PERMIT** - To consider a SUP for a duplex on property described as Lots 10-12, Block 1 of Stow's Addition

No one is here to present the item. Courton suggests that if the public is here, we should take those comments, and move forward. As long as the neighborhood is ok – then it would be ok to approve.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

Courton has no problem with making a decision today and from this time forward he will add to the application that you must be present to have your item heard

MOTION BY: Tracy Tooz

SECOND BY: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Special Use Permit for a Duplex, as depicted in the application materials, as 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 (7-0, all in favor)

13. **REZONE PETITION** - To consider a Rezone Petition from CC to R2 for property described as a vacated portion of 2nd St NW and part of Lot 1, Block 2 of the KDIX Tower Addition.

There is no one here to present the item.

Chairman Abrahamson opens the hearing for public comment. No one is here to comment.

Courton says he has talked to the applicant and the surveyor may modify the plat. He is in approval. He supports this, but will not speak on behalf of the applicant.

Nodland asks about the water issue there. Soehren adds it does have a high water table. He says it has one of our main drainage areas and they will have to look at those issues. He doesn't believe there should be long term effects of the pond sitting there. Mr. Kovash asks Mr. Kolling how the new park ordinance would be affected. Kolling says they would have to pay a park impact fee. Tooz asks if there was a concern from staff about improving the streets. Soehren says staff does have concerns about the installation of the streets, and would like to see the street in before he starts building. Nodland thinks because of these concerns that the item should be continued if the parties are not here to present. Tooz would like to table this until staff is comfortable with it. Courton adds that this is for a rezone. Abrahamson says he doesn't have a problem going forward with the rezone.

MOTION BY: George Nodland

SECOND BY: Jason Hanson

Motion to continue to a further date due to issues and no presentation.

DISPOSITION: Motion carried (7-0, all in favor)

14. **PRELIMINARY PLAT** - To consider a Preliminary Plat Tweeten's 3rd Addition and generally described in the NE ¼ of Section 28, Township 140N, Range 96W.

Walt Smith is presenting.

Chairman Abrahamson opens the hearing for public comment.

Mr. Kolling questioned if this is adjacent to city limits and if it will be annexed. Courton added that this will be added in for annexation. Kovash asks about park district dedication as well. Courton says this is commercial so it would fall under payment in lieu.

MOTION BY: George Nodland

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Plat for Tweeten's 3rd Addition, as depicted in the application materials, as

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 (7-0, all in favor)

15. **PRELIMINARY PLAT** - To consider a Preliminary Plat for West Ridge 1st Addition and generally described in the S ½ of Section 31, Township 140N, Range 96W

Larry Nygaard from Roer's Development handed out a more recent preliminary plat. He says there have been a lot of different changes since the last time it was presented. They did a traffic study and it has been reviewed with Mr. Courton and the DOT. The right of way of West Ridge Drive has been extended to 100 ft, and also a relocation of an oil line. He notes they will have to make some changes to the right of way easements.

Nodland questions if there would be truck traffic. Nygaard said they do anticipate some truck traffic on West Ridge Drive, but not on Interstate Ave. Courton asks about lots two and three having access off of West Ridge Drive and 15th St. N. He doesn't think they need a 1ft non access easement, and there will be no direct access off the main road, and will add that as a condition. Discussion ensued about the accesses. Courton added that all the property will be annexed into the city. Nodland asks about the oil well regarding safety and distance. Courton says we currently we are at 100' setback, and there is a proposal to come to 300' around that. They are not going to have and habitable structures within that 300'. He also added 15th Street N needs to be 75' dedication from the centerline. Kovash comments about the plat not showing park dedication, and hopes they can address that issue today. Nygaard stated that they haven't had the opportunity to show much park dedication because the majority of it is commercial. He says there will be a 2nd addition that is mostly residential, and have been working with the school district about adding another school and a park area. They would pay in lieu of for this addition and have a significant amount in the other addition to the west. Kolling says the way they would work is take each additional subdivision as a separate unit and pay the park impact fees. Discussion ensued regarding park dedication.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

MOTION BY: George Nodand

SECOND BY: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Plat for West Ridge 1st Addition, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. **Road dedications for the following roads: 75 foot along the road extension along the northern property line and 120 foot along the road along the eastern property line boundary.**
2. **No commercial or residential buildings and/or activity centers shall be situated within specified separation distances per the City's International Fire Code regulations. Prior to Final Plat approval, the required separation distances shall be depicted.**

Plases note: {As of the date of this condition, the separation distance is 100 foot for most buildings, but the City is proposing on amending the distance to possible 300 foot}

DISPOSITION: Motion carried, (7-0, all in favor)

16. **REZONE PETITION** - To consider a Rezone Petition from R1 to R2 for property described as Lots 2,3,4,5,6 and 7, All in Block 1, in States 3rd Addition.

Neal Messer is presenting for Schwab Messer Construction. He says they are trying to blend into what is being developed in that area. They would like to put a buffer from commercial to R2 then R1. Krieg questioned if lot 2 was an R1 to R2 and Mr. Messer clarified that it is lots 3-7, and not lot 2.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

MOTION BY: Jason Hanson

SECOND BY: Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezone Petition from R1 to R2, as depicted in the meeting materials, as 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 (7-0, all in favor)

17. **FINAL PLAT** - To consider a Final Plat for Patterson Lake Industrial Park and generally described as an unplatted tract of land located in the W ½ of Section 12, Township 139N, Range 97W.

John Wilczek of KLJ is presenting for Chase Merritt. He notes there are several small issues. The first being water supply. He says he was notified that SW Water would not be able to serve it. The present owner has prepared information on wells in the area; you can find water 60-180 feet down. They are proposing separate wells on the lots. They would phase the project so the the first lots would be served by wells, and by the time it was complete SW water would be able to serve them. He says the sewer would be onsite systems, leach systems or drain fields.

Nodland asks about the 40' right away on 115th. Wilczek said he talked to Mr. Heiser, and he thinks something should be discussed with the County on improving the road. Jackson thinks we need more than 40'. Soehren commented that the County typically asks for 75'. Jackson asks who would pave the roads. Wilczek said it will be done as it's developed. Jackson thinks there needs to be a development agreement before the plat is filed and the County would need to be involved. He also says he believes the developer needs to take half the responsibility to improve 115th. Wilczek says he will sit down with Al Heiser and the other owner and see what is needed. He thinks that with the development agreement, and before a certificate of occupancy is issued, the roads need to be paved. Jackson is concerned about the lots being sold before the roads are paved. Abrahamson asks if this plat is pretty definite, and if there are many prospective buyers. Wilczek says it is definite, but he is not sure about buyers. Nodland emphasizes that there has to be some financial contribution from the developer on 115th. Abrahamson questioned the low land and drainage of lot 6, and Wilczek explains that area.

Chairman Abrahamson opened the hearing for public comment. No one was here to comment.

MOTION BY: Gene Jackson

SECOND BY: George Nodland

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for Patterson Lake Industrial Park, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. **Prior to Final Plat approval, the floodplain must be accurately denoted and depicted.**

2. **Prior to Final Plat approval there must be a development agreement addressing the interior streets and 115th Ave.**

DISPOSITION: Motion carried (7-0, all in favor)

18. **ITEM REMOVED**

19. **ZONING TEXT AMENDMENT** - To amend Chapter 34 "Subdivision of Land" and replace the chapter with new subdivision regulations to be included in the Dickinson Municipal Code.

Courton comments that they went through this amendment at a current work session, and there were some issues that were not rectified. He is ok with continuing it or discussing it at the next work session to discuss in detail. Courton mentions June 12 for the next work sessions. Mr. Jackson feels this has been discussed enough and trusts the staff and approve this. Tooz questions the application time requirements. Courton states that for Preliminary Plat it would be 60 days prior to meeting date, and for Final Plat a minimum of 30 - 45 days. Jackson suggests 35 days for Final Plat. Abrahamson believes it's a good idea and it should be approved.

MOTION BY: Gene Jackson

SECOND BY: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Zoning Text Amendment to amend Chapter 34 "Subdivision of Land", as depicted in the application materials, as 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 (7-0, all in favor)

20. **ADJOURNMENT**

MOTION BY: Tracy Tooz

SECOND BY: George Nodland

Motion to adjourn.

DISPOSITION: Motion carried (7-0, all in favor)

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton