

PLANNING & ZONING COMMISSION MEETING MINUTES

December 21, 2011

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:10 AM.

II. ROLL CALL

PRESENT: Tracy Tooze, Scott Kovash, Gene Jackson, Jerry Krieg, Jason Hanson, Jay Elkin, and Earl Abrahamson

ABSENT: Larry Dockter

STAFF: Ed Courton, City Planner and Matt Kolling, City Attorney

City Planner introduces the new Administrative Assistant to the Engineering Department who is Melissa Gjermundson.

STANDARD MOTIONS

1. MINUTES

Approvals of the Minutes of the November 16, 2011 are tabled until the January, 2012 meeting.

REGULAR AGENDA

2. REZONING PETITION - To consider a Rezone Petition from AG to GC, LI and GI for property described in the SE1/4 of Section 16, Township 140N, Range 96 W.

Chairman Abrahamson opened the Public Hearing. Mark Swenson from Highlands Engineering states this rezoning petition is located along Highway 22. This rezoning would follow the corridor area design of commercial adjacent to Highway 22 and then transition to industrial. He states this area has a lot of interest in industrial uses. Swenson states the approach would match streets opposite the highway. Mr. Swenson has contacted DOT, but there has been no response.

Jeff Loh who lives in the Kralicek Subdivision is concerned that the area is now zoned agriculture and the rezoning petition would change the zoning from agriculture to general industrial, general commercial and limited industrial. Loh states some neighbors did not receive this notice because they are further than 300' from the property. Loh feels if this area is going to be rezoned that

everyone in the area should be notified. A petition was started by Mr. Loh and presented to the Commission. Loh states the neighbors are not in favor of the rezoning. He does not like all the noise and traffic this rezoning would bring to the area.

Sharon Carver King who also lives in the Kralicek's subdivision and is concerned about all the traffic that is on the highway already and this rezoning would add more traffic. She questions if an accident or someone getting really hurt for the City is needed to realize the dangers of this rezoning. She would like the Commission to consider what is going on right now and on the highway for people to travel.

Allen Cote who lives on 33rd Street, which is ½ mile west of the area, is also against the rezoning. When he moved to this area it was out in the country and quiet and he is very concerned about the potential noise.

George Nodland who lives in Kralicek Subdivision also stated that he moved out of the City to this area for the quietness and agriculture zoning. Mr. Nodland did some research to find out if industrial lots were sold in this area and he found very few lots already sold. He feels the lots that are sold already should be filled first and then other areas could be rezoned. Mr. Nodland is concerned about SW Water availability and water pressure. SW Water is already having some issues with the water pressure to the north. Mr. Nodland is also concerned about adequate fire protection. He would like to see the developers contact everyone who is involved with this rezoning to see if they would all agree to address safety and water. Mr. Nodland feels the City should look at annexing more and get the water and sewer installed at the developer's expense.

Boniface Knopik who is the longest living resident in the Kralicek Subdivision had moved out to this area for the peace and quiet and he would like to see the Commission slow down and represent those people who don't really want to have this area rezoned.

Mark Swenson state that many of the industrial lots are not sold because the subdivisions are not recorded. Some potential uses for the area would be commercial and not heavy industrial. The uses for this area would increase the tax base and would help to relive pressure on the need for industrial property.

Tracy Tooz who is a managing partner in Dickinson Energy Park and is the third owner of the 155 acres in this area has declared a conflict of interest and will not vote in this matter

Gene Jackson feels this area would be a good place to develop industrially and welcomes the fact. The decision is whether to allow commercial or industrial or what the land use should ultimately be. Mr. Jackson would like to wait until the

Comprehensive Plan is complete to continue on with the development in this area.

City Planner Ed Courton has been consistent with the comprehensive plan process and does see a tremendous amount of development going on to the north. Mr. Courton states a future land use map will soon be created to determine the proper land uses in this area. He does not feel holding off for a month or two will adversely impact the developer and will provide the Commission with more information to make an informative decision. He feels this is the right way to move for the City and for the future plans of the City.

Chairman Abrahamson does not think there should be such a hurry to rezone the property and the City should wait for the Comprehensive Plan.

Jay Elkin has spoken with SW Water and there is some concern about the water issues. He feels the Commission will take into consider the citizens that this rezoning will affect.

MOTION BY: Gene Jackson

SECOND BY: Jason Hanson

To table the request of rezoning from AG To GC, LI and GI for property described in the SE1/4 of Section 16, Township 140N, Range 96 W indefinitely.

DISPOSITION: Motion carried.

3. **REZONING REQUEST** – To consider a Rezone Petition from GC to R3 for lots 11-16, Block 5, Fisher's East Side 2nd Subdivision. This property is located westerly of 18th Avenue East.

Developer Jason Fridrich states there is a great demand for housing complexes and feels this area is a good fit for this housing project. He plans to develop this area in the spring and it is +/- 1 acre. The total living units would be up to whoever decides to purchase the property. Fridrich states there probably will be between 18 or 24 units.

Mr. Courton has reviewed this rezoning petition and is in favor of it.

MOTION BY: Jerry Krieg

SECOND BY: Tracy Tooz

To recommend approval of the rezoning petition from GC to R3 for lots 11-16, Block 5, and Fisher's East Side 2nd Subdivision. This property is located westerly of 18th Avenue East.

DISPOSITION: Motion carried.

4. **FINAL PLAT**– To consider a Final Plat for Westlie's Addition described as Lots 305, Block 2 Larson 1st Addition & Lo5 5, Block 3, May 1st Subdivision in the NE ¼ of Section 1, TWP 139N, Rge 96W. The site is +/-9 acres.

Chairman Abrahamson opened the Public Hearing. There was no representative from the requestor. Tim Priebe from Fisher Sand and Gravel states he is quite concerned about the traffic on Energy Drive and the intersection is becoming crowded. Mr. Priebe would like to have the traffic taken into consideration when vacating the road.

MOTION BY: Gene Jackson

SECOND BY: Tracy Tooz

To recommend approval of the Final Plat for Westlie's Addition. This property is located westerly of 18th Avenue East.

DISPOSITION: Motion carried.

5. **STREET VACATION** - To consider a Street Vacation Petition for the frontage road between Energy Drive and 28th Avenue East

Chairman Abrahamson opened the Public Hearing. Scott Wax states that most of the property in that area is owned by the same person and they would like to acquire the frontage road between Energy Drive and 28th Avenue East. Mr. Wax would like to develop a truck wash and have more truck parking. Mr. Wax would like to see the City vacate the road, so they do not have to patrol this road for unwanted traffic. This road will not be used for parking; it will be used for buildings just south of the road. It is basically a driveway for in and out of the properties.

Ed Courton stated that the road is not maintained by the City and should be vacated to the abutting property owners.

Gene Jackson states the actual ownership of this street will transfer to the adjacent property owner and go back onto the tax roll.

MOTION BY: Jay Elkin

SECOND BY: Jason Hanson

To recommend approval of the street vacation petition for the frontage road between Energy Drive and 28th Avenue East.

DISPOSITION: Motion carried.

6. **REZONING REQUEST** – To consider a Rezone Petition from AG to GI for the property described in the NE ¼ of Section 12, Township 139N, Range 96W.

Chairman Abrahamson opened the Public Hearing. Mark Swenson from Highland Engineering presents a rezoning petition for the listed property. He stated that there is a sewage lagoon and junk yard around this area along with railroad property. He feels this property would not be suitable for residential. It is

an undesirable area for any type of commercial and would be used for industrial uses only.

Larry Schnell from Western Livestock has concerns about the road that is being used around this area and the shape that it is in. Right now heavy trucks are not allowed on this road and he is concerned about the traffic this request will bring.

Chairman Abrahamson feels the traffic issue will be addressed in the Comprehensive Plan.

Gene Jackson states East Villard is on the long term replacement for federal highway monies.

Tracy Tooze who is a managing partner for Dickinson Energy Park and is the third owner of the 118 acres in this area has declared a conflict of interest and will not vote in this matter.

MOTION BY: Jerry Krieg

SECOND BY: Jay Elkin

To recommend approval of the rezoning petition from AG to GI for the property described in the NE ¼ of Section 12, Township 139N, Range 96W

DISPOSITION: Motion carried.

7. **REZONING REQUEST** – To consider a Rezone Petition from R1 to CC for the property lying in the S ½, NW ¼ of Section 33, Township 140N, Range 96.

Chairman Abrahamson opened the Public Hearing. Jon Kosteletzky is requesting the rezone for additional parking to accommodate the commercial building to the south. The completion of the building should be by the end of May.

Ed Courton states additional parking is needed, as the top floor of the building is proposed to be a restaurant and additional parking is needed.

Tracy Tooze who is a managing partner in Dickinson Energy Park has declared a conflict of interest and will not vote in this matter.

MOTION BY: Scott Kovash

SECOND BY: Jay Elkin

To recommend approval of the rezoning petition from R1 to CC for the property lying in the S ½, NW ¼ of Section 33, Township 140N, Range 96.

DISPOSITION: Motion carried.

8. **SPECIAL USE PERMIT** – To consider a Special Use Permit for a Tax and Bookkeeping Business for property located at 344 3rd Avenue West.

Chairman Abrahamson opened the Public Hearing. Deb Kerner states this property is just north of the Chamber of Commerce building along Highway 22 and has great exposure for a business. Ms. Kerner will be removing one shed on the lot for parking. At this time there will only be 2 employees, but feels more could be hired should the business grow.

Ed Courton explained to her that the development regulations for a commercial use would require the existing unimproved parking spaces to be paved. Ms. Kerner's site plan depicts parking spaces to the south of the building and she will need to prove legal access prior to occupancy. Ms. Kerner will also need to address building and fire code regulations prior to occupancy.

MOTION BY: Jay Elkin

SECOND BY: Scott Kovash

To recommend approval of the Special Use Permit application for a Tax and Booking Business at 344 3rd Avenue West.

DISPOSITION: Motion carried.

9. **ZONING AMENDMENTS** – To consider Zoning Text Amendment for Park District Fees in Chapter 34 “Subdivision” of the Dickinson Municipal Code.

City Attorney addressed the proposed changes to the City's Subdivision Ordinance for park land in the city limits. This discussion was driven by difficulties in getting appropriate park land for residential land and the insufficient current cash in lieu option for developer to pay to the Park District. The current regulations require land is set aside equal to 5% for parks. Commission discussion ensued addressing how the Parks District should acquire land; what to do with the land; and if the Parks District has the power to sell the land.

Scott Kovash states they had only a minimal amount of time to review this amendment and sees the need to review it further and is concern about the park fee being charged.

Parks and Rec Director James Cramer stated that they did take cash in lieu of creating a park in the Koch's Meadow Hills Subdivision as the school district was in progress of creating a park in the general area.

Gene Jackson feels the cost is a slightly high, as it is based on raw ground instead of developed ground.

Mr. Courton concurs with Mr. Kovash in that the City will give the Park District time to review the amendment and come back to the Commission when they are ready.

Attorney Kolling states the area in the ETZ and is not affected at this time. The current ordinance is limited to the city limits of Dickinson.

Scott Kovash along with James Cramer would like to have additional time to review this amendment and to bring it back to the Commission at a later date.

10. SKETCH PLAT

Ed Courton spoke about the sketch plat from prior conversations with the surveyor and property owner, as no one present to address the Commission. Mr. Courton states the purpose of this plat is to remove most of the lots and aggregate the subdivision together. Access to the proposed lots will need to be addressed and the requirement for paving the existing access road.

11. OTHER BUSINESS

Ed Courton would like to delay the next workshop discussion until the 10th of January due to the holidays.

12. ADJOURNMENT

There being no further business to discuss

MOTION BY: Jay Elkin

SECOND BY: Scott Kovash

to adjourn meeting. Meeting adjourned at 9:15 AM

DISPOSITION: Motion carried.

PREPARED BY:

Rita Binstock

APPROVED BY:

Ed Courton