

## **PLANNING & ZONING COMMISSION MEETING MINUTES**

**January 16<sup>th</sup>, 2013**

### **OPENING CEREMONIES AND PRESENTATIONS**

#### **I. CALL TO ORDER**

Chairman Earl Abrahamson called the meeting to order at 7:11 AM.

#### **II. ROLL CALL**

**PRESENT:** Tracy Tooz, Scott Kovash, Thomas Grimm, Gene Jackson, Jerry Krieg, Earl Abrahamson, Jason Hanson and Jay Elkin

**ABSENT:**

**STAFF:** Ed Courton - City Planner, Nathan Peck -Assistant City Engineer and Matt Kolling - City Attorney, Steve Josephson-City/County Planner

### **STANDARD MOTIONS**

#### **1. MINUTES**

No minutes were available for approval.

### **REGULAR AGENDA**

#### **1. PRELIMINARY PLAT- To consider a Minor Subdivision Plat for Stoneridge Addition generally located southeast of 8<sup>th</sup> Street West between I-94 Business Loop and Dakota Boulevard.**

Shane Roers with Roers Development presented the Minor Subdivision Plat request for Stoneridge Addition. Mr. Roers stated the intent is to separate the bigger lots so that the smaller lots they created in this addition can be sold.

City Planner Ed Courton explained this is a Minor Subdivision Plat which is a final plat. Once it is approved by the Planning Commission we are able to get the Mylar recorded without the City Commission's approval.

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

**MOTION BY:** Scott Kovash

**SECOND BY:** Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the **Minor Subdivision Plat for Stoneridge Addition generally located southeast of 8<sup>th</sup> Street West between I-94 Business Loop and Dakota Boulevard** 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 final plat shall include the date that the minor subdivision plat was drawn.
2. The final plat shall include a line for the signature of the Planning and Zoning Commission secretary.

**DISPOSITION: Motion Carried (Unanimous)**

2. **FINAL PLAT - To consider a Final Plat for I-94 Industrial Park 3<sup>rd</sup> Addition generally described as a tract of land located in the NE 1/4 and the NW ¼ of Section 6, Township 139N, Range 95W.**

Andrew Schrank with Highlands Engineering presented the final plat for I-94 Industrial Park 3<sup>rd</sup> Addition. Mr. Schrank stated the previously there was a request for pavement in I-94 Industrial Park to the west of this development. There have been several discussions regarding the paved roads. The current owner of I-94 Industrial Park 3<sup>rd</sup> Addition does not feel that he should pave the previous development since it was platted during the first oil boom by another developer and has since sold lots to new owners. There is no development agreement in place regarding the pavement of the roads for the earlier subdivisions. A letter was sent regarding possibly special assessing that subdivision; however the county does not have any such special assessment district in place at this time.

Commissioner Jay Elkin stated in the new development the roads need to be paved.

City/County Planner Steve Josephson stated that the county just started preliminary discussions regarding establishing a special assessment districts. Currently the county does not have any such ordinance in place for special assessments.

Mr. Elkin stated that the county does have a new policy requiring all new developments within the ETZ have paved roads.

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

**MOTION BY:** Jay Elkin

**SECOND BY:** Gene Jackson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the **Final Plat for I-94 Industrial Park 3<sup>rd</sup> Addition generally described as a tract of land located in the NE 1/4 and the NW ¼ of Section 6, Township 139N, Range 95W.**

(AND) the following additional requirements:

1. To require pavement of all roads within the subdivision.

**DISPOSITION: Motion Carried (Unanimous)**

3. **SPECIAL USE PERMIT - To consider a Public Utility Special Use Permit to allow for a substation on a property zoned AG in an area generally described as the NE ¼ of Section 8, Township 139N, Range 96W.**

Dan Albrecht with MDU presented the Special Use Permit request. Mr. Albrecht stated that MDU purchased the property during the last oil boom. At that time it was not warranted to build the substation. With the research that MDU has gathered the substation is currently greatly needed.

Commissioner Gene Jackson asked about a fence to the property line.

Mr. Albrecht stated the new map shows that the fence will meet the 50 foot setback from the property line to where MDU will grade. The first 50 feet of MDU's property will not be graded.

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

**MOTION BY:** Jerry Krieg

**SECOND BY:** Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the **Public Utility Special Use Permit to allow for a substation on a property zoned AG in an area generally described as the NE ¼ of Section 8, Township 139N, Range 96W** 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 use on the site shall be limited to a transmission/distribution substation.
2. The site shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site.
3. The developer shall comply with the setbacks requirements of the Agricultural (AG) zoning district.
4. The maximum height of substation structures shall be 70 feet.
5. The developer shall be responsible for all maintenance associated with the substation, the substation compound and the roads accessing the substation.
6. The substation shall be galvanized and painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings. The color shall be approved by the Community Development Director.
7. Maximum fence height for the substation shall be eight (8) feet. The fence shall consist of seven (7) feet of mesh fabric and a one (1) foot extension of barbed wire. Fencing shall compile with the minimum requirements of the National Electrical Safety Code and IEEE standard 1119, "IEEE Guide for Fence Safety Clearances".
8. A landscaped buffer shall be provided along the perimeter of the facility. Screening along the site shall be achieved through a combination of six-foot poplar trees and evergreen or deciduous materials capable of providing a substantially opaque, hedge-like material and attaining a minimum height of six feet within three years of planting. Said landscaping plan shall be approved by the Community Development Director.
9. The SUP approval shall expire with any change of ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
10. Development of the substation shall comply with all applicable City, County, State and Federal requirements.
11. The utility shall report to the Planning Department if the substation is no longer in use. The substation shall be removed, at the utility's expense, within six (6) months of this notice and the site shall be restored by the utility to its pre-existing condition.

**DISPOSITON: Motion carried (Unanimous)**

4. **ORDINANCE ADOPTION - To consider adoption of an Adequate Public Facilities Ordinance to establish criteria for development approval, including transportation, sewer and water facilities.**

Mr. Courton explained the ordinance to the commissioners.

Commissioner Gene Jackson asked if we have required traffic studies in the past. Mr. Courton states we have and listed Roers Development, St. Joseph's Hospital and Sanford Clinic as some examples.

Commissioner Earl Abrahamson asked if the development could continue for approval if currently the public facilities were not adequate but in the near future it would be adequate.

Mr. Courton stated yes and used an example of a development that wants to develop land west of a dirt road but next year there is plans to pave that dirt road then possibly that development could continue to plan.

Mr. Courton stated currently these requirements are discussed in the development agreements that the City has been doing with the developers. This ordinance put into code for everyone to see upfront and then the City does not have to do negotiate with the developers. Mr. Courton stated if the projects are not in our Capital Improvement Plan then the developer will know what to expect when reading this ordinance.

Commissioner Tracey Tooz stated he believes this ordinance puts more responsibility on the commission when the development agreement addresses these issues. Mr. Tooz explained other issues he sees with the ordinance. Mr. Tooz believes that the Capital Plan Improvement needs to be in place before this ordinance is approved.

Mr. Courton stated he is willing to work with the commission to change the wording with the ordinance.

Mr. Jackson suggested looking at the ordinance again next month. Mr. Jackson also suggested another section in the ordinance that allows the commission to waive items if they seem to fit.

Mr. Abrahamson asked if any of the definitions in the ordinance are new.

City Attorney Matt Kolling stated that a lot of the definitions were new. The city would ensure that all definitions are consistent with all other definitions in the city's current plans and ordinances.

Discussion ensued.

Mr. Courton suggested setting up a meeting with himself, the assistant city engineer and commissioners that are interested in attending to discuss this ordinance and how it should be written.

5. **ADJOURNMENT**

**MOTION BY:** Jason Hanson

**SECOND BY:** Jerry Krieg

**Motion to adjourn at 8:32am.**

**DISPOSITION: Motion carried (Unanimous)**

**PREPARED BY:**

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Melissa Gjermundson

**APPROVED BY:**

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Steven Josephson