

PLANNING & ZONING COMMISSION MEETING MINUTES

March 20th, 2013

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:15 AM.

II. ROLL CALL

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

ABSENT: Jay Elkin and City Attorney Matt Kolling

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

STANDARD MOTIONS

1. MINUTES

No minutes were available for approval.

REGULAR AGENDA

1. REZONE PETITION - To consider a Rezoning Petition for Buffalo Bend from Low Density Residential to Medium-Density Residential. The site is generally located in the NE4 of Section 3, Township 139N, Range 96W. The site is +/-3.56 acres.

Neal Messer, on behalf of himself and Steve Schwab, presented the Rezone Request. Debbie Krebs and Daniel Krank made public comment.

MOTION: Jerry Krieg

SECOND: Jay Hanson

I move the City of Dickinson Planning and Zoning Commission recommend approval of the proposed rezoning from R1 to R2.

DISPOSITION: Motion carried unanimously.

2. PRELIMINARY PLAT -To consider a Preliminary Plat for Buffalo Bend. The site is generally located in the NE4 of Section 3, Township 139N, Range 96W. The site is +/-4.4 acres.

Neal Messer, on behalf of himself and Steve Schwab, presented the Rezone Request. There was no public comment.

MOTION: Jay Hanson

SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed preliminary subdivision plat subject to the conditions listed above.

1. **Prior to adoption of the final plat, a final stormwater management plan shall be reviewed and approved by the City Engineer.**
2. **Prior to adoption of the final plat, a final subdivision agreement shall be approved by the City after hearings before the Planning and Zoning Commission and the City Commission.**

DISPOSITION: Motion carried unanimously.

3. **REZONE PETITION** - To consider a Rezoning Petition from Medium-Density Residential for a Planned Unit Development for Office Uses. The site is located on Lots 1-3 of the Kuchenski Subdivision. The site is +/-0.75 acres.

Chuck Olson, of Endeavor Engineering, presented the Rezone Request. There was no public comment.

MOTION: Tracy Tooz

SECOND: Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend approval of the proposed rezoning from R2 to a Planned Unit Development (PUD) subject to the conditions listed above.

1. **Prior to Final Approval of the PUD ("PUD"), the City shall approve the Planned Unit Development Plan described as part of Exhibit "A" attached.**
2. **The Planned Unit Development shall be in substantial conformance at all times with the file materials described as Exhibit "A".**
3. **All access onto the site shall be approved by the City Engineer.**
4. **Prior to the issuance of a certificate of occupancy of any building, landscaping shall be installed along each roadway and on the site in accordance with the City's Landscape Ordinance as well as with the landscaping plan included in Exhibit "A".**
5. **No activity on site shall occur until a storm water management plan has been approved by the City. The stormwater pond shall be designed as a dry pond to lessen the impact of mosquitoes on the surrounding residential development.**

6. **Development of the PUD shall comply with all applicable City, County, State and Federal requirements.**
7. **An onsite lighting plan shall be submitted to the Community Development Director for approval.**

DISPOSITION: Motion carried unanimously.

4. **REZONE PETITION** - To consider a Rezoning Petition from General Commercial to High-Density Residential for five lots generally located on the south side of Aldrich Street and the west side of 8th Avenue E. The site is +/-one acre.

Ninetta Wandler, of Everett Real Estate, Inc, represented the property owners and presented the rezone request. There was no public comment.

MOTION: Jerry Krieg

SECOND: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend approval of the proposed rezoning from GC to R3.

DISPOSITION: Motion carried unanimously

5. **REZONE PETITION** – To consider a Rezoning Petition for West Ridge 2nd Addition from Agriculture to General Commercial, Medium Density Residential and High Density Residential. The site is generally described in the South ½ of Section 36, Township 140N, Range 97W and a portion of SW ¼ of Section 31, Township 140N, Range 96W. The site is +/- 357 acres.

Larry Nygard of Roers Development, along with Walt Smith of Advanced Engineering presented the Rezone Request. Leann and Dean Karsky made public comment regarding their farm which is around this proposed subdivision.

MOTION: Gene Jackson

SECOND: Thomas Grimm

I move the City of Dickinson Planning and Zoning Commission recommend Approval of Rezoning Petition from Agriculture (Ag) to Residential Medium & High Density Residential (R2 & R3) and General Commercial (GC), as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

1. **Prior to issuance of any building permits, the 15th Street West extension shall be designed and approved by the City Engineer. The road shall be the extended from 30th Avenue West to future 50th Avenue.**

2. **All commercial buildings, outside storage and associated uses shall be in conformance with the City's Corridor Overlay District Ordinance.**

DISPOSITION: Motion carried unanimously.

6. **PRELIMINARY PLAT**-To consider a Preliminary Plat for West Ridge 2nd Addition. The site is generally described in the South ½ of Section 36, Township 140N, Range 97W and a portion of SW ¼ of Section 31, Township 140N, Range 96W. The site is +/- 357 acres.

Larry Nygard of Roers Development, along with Walt Smith of Advanced Engineering presented the Preliminary Plat Request. There was no public comment.

MOTION: Jerry Krieg SECOND: Gene Jackson

To continue the Preliminary Plat Request.

DISPOSITION: Motion carried

7. **REZONE PETITION**- To consider a Rezoning Petition for Pinecrest from Agriculture to Planned Unit Development for Commercial and Residential Uses. The site is generally described as Gov't Lots 1 and 2 and E1/2NW1/4 of Section 31, Township 140N, Range 96W and a portion of the NE1/4 of Section 31, Township 140N, Range 96W and Gov't Lots 3 and 4 and the E1/2W ¼ of Section 30, Township 140N, Range 96W. The site is +/- 322 acres.

Clark Grenslen of Allegaint Engineering and Brian Bochman of Meyer Real Estate Company presented the rezone request. Tracy Tooz abstained from any discussion or vote. Public comment was made by Doug Decker and Laura Tooz.

MOTION: Gene Jackson SECOND: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of PUD-2013-01 "*Pinecrest Commons*" to Rezone from Ag to PUD, as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare along with the following conditions:

1. **Prior to issuance of any building permits, all plans shall be in conformance with the application materials and project plans described herein as Exhibit "A".**

2. The applicant shall install trees and vegetation consistent with Exhibit "A – Landscape Plan" for all cul-de-sacs, open space areas, HOA properties, etc. in the designated timeframe approved by the Community Development Director.
3. The PUD approval shall expire two (2) years from the date of the executed Ordinance if no significant development has occurred as determined by the Community Development Director.
4. Prior to installing any temporary or construction structures on-site, the applicant must receive approval from the City.
5. The construction of 21st Street West (west of the intersection of 21st Street/30th Avenue and extending westerly to the westernmost portion of the Pinecrest Plat) shall be designed and constructed prior to a designated timeframe established as part of the Development Agreement.
6. Prior to Final PUD approval, all trail design and locations shall be approved to the satisfaction of the Community Developer Director.
7. Prior to issuance of any building permits within five hundred (500) feet of the existing Cline oil facility situated north of 21st Street East, the Fire Department shall provide a letter of approval.
8. The developer shall meet the following requirements for the excluded parcel referenced as "Exception C" in the submitted application materials and commonly known as the "Decker" property: 1) A six (6) foot vinyl or high quality opaque fence installed around the perimeter of the property consistent with the City Code; 2) A City-approved entry gate for ingress and egress from the Decker property onto the developer's property, and the access shall be a direct route from 30th Avenue to the Decker property without unnecessary turns through the developer's lot and shall be approved by the City Engineer. Both the fence and gate shall be constructed at developer's expense and approved by the Community Development Director; and 3) All existing trees within ten (10) feet of the developer's property surrounding the Decker property shall be preserved in perpetuity or until such a time that the Decker property is rezoned commercial.
9. Prior to Final PUD approval, the developer shall designate a second, unobstructed road connecting the Mobile Home Park via 21st Street West. Said access road shall be approved by the City Engineer and Fire Department and have a minimum road width of twenty-five (25) feet consistent with the Section 39.06.003 (e) "Mobile Home Parks."
10. Prior to issuance of any building permits, the 15th Street West extension shall be designed and approved by the City Engineer. The road shall be the extended from 30th Avenue West to a point designated by the City Engineer. The timing of the road construction shall be described in the Development Agreement and any restrictions with respect to issuance of building permits shall be described therein.
11. All dedicated roads shall have a minimum rights-of-way width of sixty-six (66) foot and a minimum of forty (40) foot paved surface in accordance with City roadway policy.
12. Prior to Final PUD approval, the Community Development Director shall approve the land use map as general illustrated in the application materials, including but not limited to the total number of residential units and commercial square footage.

13. Prior to Final PUD approval, the following intersections shall be reviewed and approved: 1) Multi-family lots situated in the northern section of the plat via the main road leading into the mobile home park; and 2) All access points for the commercial lots.

14. Prior to issuance of any sign permits for the commercial lots, the developer shall submit a uniform sign plan for the entire commercial property to be reviewed and approved by the Community Development Director. {Staff's note: for instance, one pylon sign will be allowed along 30th Avenue and 21st Street. The City shall allow a 20% increase in total signage for all monument signage rather than pylon signs. Said sign plan shall be approved administratively by the Community Development Director and any appeals shall be decided by the City Commission}

15. All commercial buildings, outside storage and associated uses shall be in conformance with the City's Corridor Overlay District Ordinance. All building must front along 30th Avenue and 21st Street with parking lots behind the buildings as much as possible. {Staff's note: Even though the Ordinance does not currently include 30th Avenue, it is staff's recommendation that the Ordinance should apply to the development}

16. No overnight vehicle parking shall be allowed on-premises for commercially-designated properties.

17. All trash receptacles and/or dumpsters shall be enclosed with city-approved trash enclosures to the satisfaction of the Community Development Director and the Public Works Director.

18. Emergency vehicle access around commercial and multi-family buildings shall be maintained at all times and it shall be the determination of the Fire Department if required pavement striping and/or signage shall be installed. Said requirements shall be determined by the Fire Department prior to issuance of any building permits.

19. Residential units shall be permitted in commercially designated areas to encourage mixed-use development. Residential units shall be prohibited on the first floor and can be allowed above the first floor consistent with the City's Building and Fire Code.

20. Bicycle parking stands shall be provided for all multi-family and commercial properties to the satisfaction of the Community Development Director.

21. Prior to Final PUD approval, typical cross-sections depicted in the application materials shall be modified to the satisfaction of the City Engineer and Community Development Director.

22. The PUD approval shall be conceptual in nature and not to be interpreted as building permit approval. All development shall be required to be consistent with all applicable Federal and State regulations and the Dickinson Municipal Code.

23. Sidewalks located in the mobile home park shall be located on both sides of the road, unless interior (alley) sidewalks are constructed with direct access from the rear of each mobile home space. All dedicated roads shall install sidewalks on both sides of the road.

24. Prior to installation of any manufactured homes in the mobile home park, the developer shall meet all of the requirements described in Section 39.06.003 (e).

25. The PUD shall be limited to a total number of multi-family housing units not to exceed three hundred (300) for the entire development. This total would include any units in the commercially-designated area.

DISPOSITION: Motion carried unanimously. Tracy Tooz abstained.

8. **PRELIMINARY PLAT** -To consider a Preliminary Plat for Pinecrest. The site is generally described as Gov't Lots 1 and 2 and E1/2NW1/4 of Section 31, Township 140N, Range 96W and a portion of the NE1/4 of Section 31, Township 140N, Range 96W and Gov't Lots 3 and 4 and the E1/2W 1/4 of Section 30, Township 140N, Range 96W. The site is +/- 322 acres.

Brian Bochman of Meyer Real Estate Group presented the Preliminary Plat. Tracy Tooz abstained. Public comment was made by Doug Decker.

MOTION: Gene Jackson

SECOND: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Pinecrest Preliminary Plat, as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare along with the following conditions:

- 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 Final Plat approval, the cul-de-sac road design shall be approved to the satisfaction of the City Engineer and Fire Chief.**
- 3. Prior to Final Plat approval, the interior road design and configuration shall be approved to the satisfaction of the City Engineer. This includes but is not limited to required striping, signage, etc.**
- 4. Prior to Final Plat approval, all off-site improvements, including but not limited to road(s), public sewer and water shall be approved to the satisfaction of the City Engineer and Public Works Director.**
- 5. Prior to Final Plat approval, the grading and erosion control plan shall be approved to the satisfaction of the City Engineer.**
- 6. Prior to Final Plat approval, the developer's fair proportionate share of funding for all off-site improvements shall be addressed in the Development Agreement between the developer and the City to the satisfaction of the City Commission.**
- 7. Prior to recordation of the plat, the developer shall pay for all costs associated with the review of the development incurred by the City from contract consultants.**
- 8. Prior to Final Plat approval, the following notes shall be depicted on the mylar: 1) Tracts A-I shall be maintained by the Homeowner's Association; 2) Each lot must be in conformance with the approved grading plan. Said plan is available**

at the City; and 3) This plat must be in conformance at all times with the established standards set forth in the Pinecrest Commons PUD.

9. Prior to Final Plat approval, the developer shall submit a letter of acknowledgement and/or acceptance from Cline Oil and any other pipeline companies containing interest in existing easements and/or designated pipelines to the satisfaction of the Community Development Director and Fire Chief. All pipeline easements shall be depicted on the final plat and shall include setbacks approved by the Community Development Director and include a note on the plat stating, "No construction or grading activity shall occur within any of the designated pipeline easements depicted on the plat without express permission from all interested parties."

10. Prior to any activity occurring within the designated floodplain illustrated on the plat, the developer shall obtain all applicable approvals from the Army Corps, State and the City of Dickinson.

11. The Planned Unit Development shall be approved by the City Commission prior to the Final Plat.

12. Prior to Final Plat approval, a fifty (50) foot rights-of-way dedication shall be depicted on the plat along the westernmost portion of the plat running north to south, south of 21st Street West, unless the City Engineer waives this requirement and determines the road extension is unnecessary or should be modified for a future road extension through the property immediately to the south.

13. Prior to Final Plat approval, the Fire Department shall approve all wellhead setbacks and illustrated radiuses around all wellheads and associated facilities in accordance with Chapter 40 of the Dickinson Municipal Code.

14. Prior to Final Plat approval, the North Dakota Department of Transportation shall provide a letter approving all access points along 30th Avenue East and dedicated rights-of-way width.

15. Prior to Final Plat approval, the City Engineer shall approve final version of the Pinecrest traffic study and all recommendations shall be incorporated as part of the design of the roads, including road improvements.

16. The developer shall be responsible for off-site easements for public water lines associated with existing and/or proposed water storage reservoirs. The City Engineer and Public Works Director shall determine if the existing water reservoir situated easterly of the development has sufficient capacity to meet the water demands of the development and determine timelines for building permit issuance

17. The developer shall be responsible for off-site easements for sanitary sewer lines associated with existing and/or proposed sanitary sewer. The City Engineer and Public Works Director shall determine the wastewater demands of the development and timelines for building permit issuance.

18. The Final Plat shall be consistent with North Dakota Century Code, conditions of approval and the Dickinson Municipal Code.

19. Prior to Final Plat approval, Lot 4, Block 16 and Lot 1, Block 22 shall be removed as lots and described as tracts. *{Staff's note: The lots are too close the intersection and direct access from the road should be prohibited}*

20. A construction phasing plan shall be included in the Final Plat submittal.

21. Road "D" as referenced in the application materials shall be re-designed to a collector road standard, unless the City Engineer waives this condition.

DISPOSITION: Motion carried unanimously. Tracy Tooz abstained.

9. **ZONING TEXT AMENDMENT** - To consider a Zoning Text Amendment to amend the Sign Regulations in Article 39.10 of the Dickinson Municipal Code

City/County Planner Steven Josephson discussed the amendment changes regarding sign height/size and asked for direction from the Commission.

10. **ADJOURNMENT**

MOTION: Tracy Tooz

SECOND: Jason Hanson

Motion to adjourn at 10:47.

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton