

PLANNING & ZONING COMMISSION MEETING MINUTES

January 18, 2012

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:23 AM.

II. ROLL CALL

PRESENT: Tracy Tooz, 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

Chairman Earl Abrahamson introduced and welcomed George Nodland to the Planning and Zoning Commission.

STANDARD MOTIONS

1. MINUTES

A. Minutes of the November 16, 2011 regular meeting submitted for approval.

Gene Jackson noted a correction on item #6. The sentence should read: *Gene Jackson stated he would like to see a paved street and not private use of a dedicated right-of-way.*

MOTION BY: Gene Jackson **SECOND BY:** Jay Elkin
To approve the November 16, 2011 minutes with the correction.

DISPOSITION: Motion carried.

B. Minutes of the December 21, 2011 regular meeting submitted for approval.

Gene Jackson noted a correction on item #9. The sentence should read: *Gene Jackson feels the cost is slightly high, as it is based on developed ground instead of raw ground.*

Gene Jackson noted that item #10 should read: *Replat of Hausauer Plat* at the title.

MOTION BY: Jason Hanson **SECOND BY:** Scott Kovash
To approve the December 21, 2011 minutes with the corrections.

DISPOSITION: Motion carried.

REGULAR AGENDA

- 2. REZONING PETITION** - To consider a Rezone Petition for Roer's Development from AG to GC, R-3, R-2, P, GI. The Plat is situated in the South Half of Section 31, Township 140N, Range 96W and is +/- 248 acres.

Chairman Abrahamson opened the Public Hearing. City Planner Ed Courton explained that R-1 should not have been part of this rezoning request. Larry Nygard represented Roer's Development Mr. Nygard explained that the GC zoning would be near I94, R-2 and R-3 zones would be for single family and townhomes, GI zone is for the oil well site that is currently situated on the land and the P zone will be for a park area. The area for the park is not suited to be developed.

Gene Jackson says the zoning request makes sense but was wondering if the city staff was comfortable with the rezoning request without water, sewer and transportation issues resolved or could they wait till platting to discuss these issues.

Mr. Courton stated the Board can decide. Mr. Courton feels comfortable the way it is preceding but it needs to be annexed first. City Attorney Matt Kolling concurred with Mr. Courton and added the issues can be discussed with platting.

Mr. Tracy Tooz asked about changing the oil well zone from GI to R2. Mr. Nygard would love to have that area as R2 right away but thought it needed to be zoned GI.

Scott Kovash requested Mr. Nygard to come to a Park Board Meeting before the platting to discuss the park zone.

MOTION BY: Jason Hanson

To recommend approval of the Rezone Petition from AG to GC, R-3, R-2, P and GI, as depicted in the application materials, as meeting all requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

SECOND BY: Jay Elkin

With the stipulation that prior to final approval of the rezone petition, the property shall be annexed into the city and move the deletion of GI to R-2.

DISPOSITION: Motion carried.

- 3. PRELIMINARY PLAT** – To consider a Preliminary Plat for Koch's Meadow Hills Subdivision. This is the remainder of the land for Koch's Meadow Hills and it is located in the NW1/4 of Section 28, Township 140N, Range 96W. The property is +/- 104 acres.

Harvey Schneider with Toman Engineering was presenting the preliminary plat for Koch's Meadow Hills Subdivision. The layout is very similar to the sketch plat. The preliminary plat has some rearranging on the south corridor where all but one cul-de-sac has been eliminated. They also modified some east-west streets in the south corridor.

Jan Pirkl lives just south of the development and has concerns about the SW corner of the plat. Ms. Pirkl discussed the drainage issues the property has and believes these

issues are not being addressed. Ms. Pirkl also stated that SW Water serves three properties in that area and Consolidated also has a line in the area.

Art Sickler lives on the south side of the development and he also has concerns about the water issues and safety issues. Mr. Sickler would like the developer to put up a fence that Mr. Sickler could maintain and it would keep kids out of his property since he has horses.

Mr. Schneider stated they are aware of the drainage issues and are currently doing a study. When the final plat is submitted they will also submit the study and plan. They also know that they will have to relocate utilities.

Jay Elkin recommended that the developer and the parties requesting a fence to work together to come to an agreement. Michael Koch would like the Planning and Zoning Commission to make an agreement whether he has to put up a fence or not.

Mr. Jackson would like to become more consistent with stipulations they put on the developers. Discussion ensued.

MOTION BY: Jay Elkin

SECOND BY: Gene Jackson

To recommend approval of the Preliminary Plat for Koch's Meadow Hills 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, prior to final plat approval, the drainage and grading plan shall be conceptually approved by the City Engineer; the City shall approve a Development Agreement describing, including but not limited to, annexation, city and developer responsibilities, funding, dedications, park fees and infrastructure improvements.

DISPOSITION: Motion carried.

4. **PRELIMINARY PLAT**– To consider a Preliminary Plat for Oxy First Subdivision. The Plat is situated in the SE ¼ of the NE ¼ of Section 16, Township 140N, Range 96W.

Chairman Abrahamson opened the Public Hearing. Jon Wilczek with Kadrmas, Lee and Jackson was presenting. Mr. Wilczek says they have reduced to 21 acres.

Mr. Tooz owns the property to the south and he knows that there has been some discussion about a possible frontage road.

Mr. Courton answered Mr. Kolling's question regarding the zoning stating it is zoned as Industrial.

Mr. Tooz requested to abstain since he owns the property to the south of the proposed preliminary plat.

MOTION BY: George Nodland

SECOND BY: Jason Hanson

To recommend approval of the Preliminary Plat for Oxy First Subdivision, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of public health, safety and welfare.

DISPOSITION: Motion carried.

5. **REZONING REQUEST** - To consider a Rezone Petition from R-2 to LC for Lots 4-7, Block 1, States 3rd Addition.

Chairman Abrahamson opened the Public Hearing. Neal Messer was presenting for Messer-Schwab Construction. Mr. Messer answered Chairman Abrahamson's question regarding accessing the property, the public use of 8th St W or 23rd Ave W. Mr. Courton stated access would be prohibited from Fairway Street.

MOTION BY: Jason Hanson

SECOND BY: Tracy Tooz

To recommend approval of the Rezone Petition from R-2 to LC for Lots 4-7, Block 1, States 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.

6. **REZONING REQUEST** – To consider a Rezone Petition from AG to R-3 for property located westerly of State Avenue and southerly of 21st Street West in the NE1/4 of Section 32, Township 140N, Range 96W on property. The site is +/- 20 acres.

Chairman Abrahamson opened the Public Hearing. Rick Leuthold, of Sanderson Stewart was presenting the rezoning request. Mr. Leuthold stated the developer would like to put high end residential rental properties on 15.6 acres that would be rezoned. This would not be a gated community and it would have at least two access points into the development. This property would also need to be annexed into the City of Dickinson.

Discussion ensued regarding the access points into the development, how the commission would like to see the overall development instead of just portions and park district fees. Mr. Jackson stated the Planning and Zoning Commission should not approve any more final plans until the park district ordinance is final.

Mike Rivinius lives by the proposed development and is worried about the traffic and the current bike paths. The intersection is dangerous with heavy truck traffic.

MOTION BY: Gene Jackson

SECOND BY: Jay Elkin

To recommend approval of the Rezone Petition from AG to R-3, 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 with the stipulation that prior to final approval of the rezone petition, the property shall be annexed into the City.

DISPOSITION: Motion carried.

7. **PRELIMINARY PLAT FOR REPLAT** - To consider a Preliminary Plat for the Replat of Hausauer Subdivision located in the SW1/4 of SE1/4 of Section 26, Township 140N, Range 96W.

Chairman Abrahamson opened the Public Hearing. Diane Hausauer wants to replat the remainder of the existing Hausauer Subdivision into two large lots. Ms. Hausauer is also requesting to vacate a street as part of the replat request.

MOTION BY: Gene Jackson

SECOND BY: Jay Elkin

To recommend approval of the preliminary plat for the replat of Hausauer 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 with the exception that the final plat not be considered until the city engineer gives us a recommendation of the street right away location and widths.

DISPOSITION: Motion carried.

8. **REZONING REQUEST** - To consider a Rezone Petition from MH to R-3 for the lots 10-18 Blk 3; Lots 12-22 Blk 4; Lots 1-22 Blk 5; Lots 1-18 Blk 6, Lots 1-18 Blk 7; Lots 1-22 Blk 8, Lots 1-22 Blk 9; Lots 1-18 Blk 10; Lots 10-18 Blk 11, Southview homes Addition.

Chairman Abrahamson opened the Public Hearing. Tom Langle was presenting a zoning change from MH to R-3. The developer would like to put in permanent housing instead of mobile homes.

MOTION BY: Jerry Krieg

SECOND BY: George Nodland

To recommend approval of the rezone petition from MH to R-3 for the lots 10-18 Blk 3; Lots 12-22 Blk 4; Lots 1-22 Blk 5; Lots 1-18 Blk 6, Lots 1-18 Blk 7; Lots 1-22 Blk 8, Lots 1-22 Blk 9; Lots 1-18 Blk 10; Lots 10-18 Blk 11, Southview homes 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.

9. **ZONING TEXT AMENDMENT** - To consider a Zoning Text Amendment to add a new Overlay District called "Corridor Overlay District" for major roads and to include standards for building & site design.

Mr. Courton explained the Corridor Overlay District document to the Planning and Zoning Commission members.

MOTION BY: Jay Elkin

SECOND BY: Gene Jackson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Zoning Text Amendment to add a Overlay District called "Corridor Overlay District" for major roads and to include standards for building and site design, 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. The Commission also recommends attaching staff's proposed amendments and amendments spoken at the meeting with the recommendation of adding 9th Avenue SE and 34th or 40th Avenue SW to the corridor.

10. **OTHER BUSINESS**

Planning and Zoning Commission's next workshop will be on February 14th, 2012.

11. **ADJOURNMENT**

There being no further business to discuss

MOTION BY: Scott Kovash
to adjourn meeting.

SECOND BY: Jason Hanson

DISPOSITION: Motion carried.

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton