

PLANNING & ZONING COMMISSION MEETING MINUTES

February, 15th, 2012

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:17 AM.

II. ROLL CALL

PRESENT: Tracy Tooz, Scott Kovash, Gene Jackson, Jerry Krieg, Jay Elkin, and Earl Abrahamson

ABSENT: Jason Hanson

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

Chairman Abrahamson introduces the new Administrative Assistant to the Engineering Department who is Sylvia Sayler.

Scott Kovash requested to add the amending of the park district ordinance as item #16.

STANDARD MOTIONS

1. MINUTES

Approval of the Minutes of the January 18, 2012 meeting are tabled until the March, 2012 meeting.

REGULAR AGENDA

2. REZONING REQUEST – 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 96W.

Chairman Abrahamson opened the Public Hearing. Tracey Tooz explained that the property would change from AG to GC, LI and GI. Mr. Tooz is working with Stark County regarding access. Mr. Jackson would like to see lots, blocks and streets on this petition even though it is only a rezoning petition. Mr. Elkin agrees with Mr. Jackson. Mr. Jackson understands that the rezone would make this property more marketable but Mr. Tooz's intention could be different from the person who may purchase the land. Discussion ensued regarding the Future Land Use Map and the rezoning petition.

Jeff Loh lives in the Kralicek subdivision and is representing many neighbors. They are still against the petition mainly because of the unknown land uses. Mr. Loh stated many different businesses can operate in the GC zone. Noise, traffic and hours of operation are still a concern. Mr. Loh explained that Mr. Tooz called a meeting on January 20th, 2012 to discuss the sketch plans. Mr. Loh stated the agreement was Mr. Tooz was going to develop a new plot point then contact Mr. Loh, Mr. Loh was then going to distribute the

new plan and have a meeting then with Mr. Tooz. Mr. Loh continued to explain that once Mr. Tooz and the neighbors would come to an agreement then it would be resubmitted to the Planning and Zoning Commission. Mr. Loh stated he did not have any contact with any developers and then received the public hearing notice letter. Five days after receiving the letter Mr. Loh received a call from Mr. Tooz.

Sharon King stated she was never contacted by developer even though she gave her contact information to Mr. Tooz after meeting like we agreed.

Dave Logos has lived in the Kralicek subdivision for 28 years. Mr. Logos will be losing peace and tranquility. Mr. Logos stated the wildlife would lose their home. Mr. Logos would like more input from Mr. Tooz about the rezoning areas.

Kevin Schmidt lives in the Kralicek subdivision. Mr. Loh already stated his concerns. Mr. Schmidt asked why not look at this property as residential instead of what is being proposed. Mr. Schmidt stated he doesn't think George Nodland's concerns have been addressed from last meeting either.

Allan Kody lives on 33rd Street SW which is about 1/16 mile from the proposed land. Mr. Kody is against the rezoning.

City Attorney Mr. Kolling spoke to both Mr. Tooz and Mr. Nodland before the meeting regarding a conflict of interest regarding this matter. Both Mr. Tooz and Mr. Nodland declared that they will abstain from the vote.

MOTION BY: Jay Elkin

SECOND BY: Gene Jackson

To Table the request of the Rezone Petition from AG to GC, LI and GI in the property described in the SE1/4 of Section 16, Township 140N, Range 96W pending an approval of a preliminary plat.

Mr. Krieg stated the board is not opposed of something happening on this land the board just wants more information.

Mr. Courton added that DOT has plans in the future to add five lanes of traffic on Highway 22.

DISPOSITION: Motion carried.

3. REZONING REQUEST - to consider a Rezone Petition from AG to GI for property described in the NE1/4 of Section 21, Township 139N, Range 96W.

Joe Rothschiller explained the rezoning request to change from AG to GI. Mr. Rothschiller stated there is a 16' gas pipe line under the property and Steffes Corporation would like to use this property as a tank yard to build oil tanks. The company does not have any plans at this time to build on this property.

Mr. Abrahamson asked for clarification since the application showed both GC and GI.

Mr. Courton explained that Steffes wanted to change to GI, but after a discussion it was decided that they would try to change to GC, which is a better since it works with our Corridor Overlay Plan. However, it was advertised as GI and Steffes needed GI for their plans. Staff resent letters to the residents within 300' with the correction. Chairman Abrahamson asked if GI works with the Corridor Overlay Plan. Mr. Courton stated it does not and that is why he recommends denial. Mr. Tooz asked if GC would work along the outside of the property and GI in the middle of the property. Mr. Courton stated GC does not work with the tanks.

Mr. Rothschiller explained that they have been using this property to hold tanks for the last 6 years. Mr. Rothschiller stated GC simply does not work with the holding tanks. Steffes chose to put the tanks near Hwy 22 so that they would not be near the residents. Mr. Rothschiller understands that businesses are growing up North and they need to comply with the Corridor Overlay Plan and that this is a tough situation since Steffes cannot just pick up and move.

Diane Melbye is representing the Lengowski's, property owners of section 21 and the west half of Section 21 is still AG.

Gaylon Baker is a Stark county resident and works for Stark Development Corporation. Mr. Baker drives by Steffes since he lives on the south side and Stark Development has done business with Steffes over years. Mr. Baker stated this property has unique features including the big pipe line that runs underneath and MDU is across road. When driving south of Dickinson, this area is a mix use area there are auto shops, houses, and other businesses. Mr. Baker stated this could be successful use of land that Steffes is requesting.

Paul Steffes discussed that there is a crown since the gas line is under the property. The land also is quit swampy in the spring time. There is a water problem on this land.

Warren Stang is a homeowner in area. Mr. Stang stated he is not against this rezoning; however, the blowing dust and dirt is big problem. Mr. Stang is concerned about the access. Mr. Stang would like to see a 400 ft buffer of trees if Steffes gets the rezoning. Mr. Stang questioned Steffes using the frontage roads for their equipment.

Brad Kordonowy lives east of the land and is concerned about truck traffic. Mr. Kordonowy suggested a frontage road along Steffes' side. The intersection is already dangerous and he agrees with the 400ft buffer.

Joe Rothschiller addressed Mr. Stang dust is concern. Steffes has been watering, putting scoria down and they are not done with fixing this problem.

Paul Steffes commented on the truck traffic. Steffes only loads 4 trucks per day on average.

Chairman Abrahamson stated that this property is not yet an Industrial site even though they are using it as such. Chairman Abrahamson stated it would be appropriate to support the comprehensive plan possibility of them doing work there may fall under a special use permit so that they can still function. Chairman Abrahamson asked for discussion with the board. Discussion ensued regarding what other zoning request

Steffes could use along with a special use permit so that there would be some restrictions.

Mr. Jackson stated that the Planning and Zoning Commission is working hard to keep our corridors less industrial than other cities have done. Now we have people and a company that respect. Mr. Jackson stated that once the property is rezoned to GI and if Steffes sells in future, the property is still GI. Mr. Jackson is hoping that it could be rezoned to GC with a special use permit.

Mr. Courton stated that the code does not allow the special use permit; however maybe Steffes could come back with a binding development agreement then a rezone request. Mr. Kolling agreed with Mr. Courton stating they could work together with Steffes regarding a binding development agreement like a Planned Unit Development. Discussion ensued regarding PUD's.

MOTION BY: Gene Jackson

SECOND BY: Jay Elkin

Move that we table to rezoning request agenda #2 NE1/4 Section 21.

DISPOSITION: Motion carried.

4. **REZONING REQUEST - to consider a Rezone Petition from R2 to R3 for property described in the Country Oaks Estate Second Addition, Lots 1-21, Block 4.**

Chairman Abrahamson opened the Public Hearing. Austin Sullivan with Sullivan Construction discussed the rezoning request to change from R-2 to R-3. The property is planned for apartment buildings. The original plans show that there would be no garages. Mr. Jackson would like to see that garages with the development. Mr. Courton concurs with Mr. Jackson that for the long term it would be good that the apartments have garages. Jim Sullivan with Sullivan Construction explained the new plans do include elevators and garages. The 2 story apartments would not have elevators but would include garages.

Mr. Elkin asked if there is any inventory on R-3 lots. Mr. Elkin does not want to overbuild. Discussion ensued regarding the possibility of overbuilding. Mr. Courton stated that right now we are not in any danger for overbuilding, and if we do overbuild just a little bit we could possibly work with Dickinson State University for possible housing for the students. Mr. Courton stated the City of Dickinson likes their quality of life and we will attract people from other communities even after the oil.

MOTION BY: Tracey Tooz

SECOND BY: Jerry Krieg

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezone Petition from R2 to R3, 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.

5. **REZONING REQUEST - To consider a Rezone Petition from R1 to R2 for property described in the Country Oaks Estate Second Addition, Lots 7-11, Block 6 and S1/2 of Lot 1, Block 6.**

Chairman Abrahamson opened the Public Hearing. Austin Sullivan with Sullivan Construction discussed the rezoning request to change from R-1 to R-2. Chairman Abrahamson asked Mr. Sullivan to describe the South half of Lot 1. Mr. Sullivan explained they do not own the North half of Lot 1.

Nick Schank lives at 2571 10 Ave E and would like to know what is going to happen to 11th Ave E this year. City Engineer Shawn Soehren explained that 11th Ave E along with other streets have been in discussion but there are no current plans. Mr. Soehren believes that there may be plans this summer. Discussion ensued regarding development for the future.

MOTION BY: Jerry Krieg

SECOND BY: Tracey Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezone Petition from R1 to R2, 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 include a meets and bounds description of the south 1/2 of lot 1.

DISPOSITION: Motion carried.

6. REZONING REQUEST - To consider a Rezone Petition from GC to R3 for Lots 1-4 of proposed Westlie's 2nd Addition Subdivision.

Darek Zahn with Westlie Motors is trying to staff the new business that will be in Dickinson and they would like to rezone and reshape lot lines to build housing for the employees. Mr. Zahn stated they would build 16 units with potential in the future building another 16 units. The 16 units would be two 8 plexes with garages for each unit. The dealership could have 30 employees.

Brad Fong is the owner of property in the area, Parkway Ford and car rental. Mr. Fong opposes this change. Mr. Fong explained he opposes any form of commercial to residential. Mr. Fong explained his reasons for the opposition including traffic safety. Mr. Fong looked into the cost of a good fence and it was priced at \$15,000. Mr. Fong is not opposed of more housing and stated there is other property rather than this property.

Kevin Landly is the manager of Butler Machinery and he stated he is opposed of the rezoning request. Mr. Landly sympathizes with Westlie Motor's since he understands the housing shortage in Dickinson and trying to find employees but he does not agree on more housing in a commercial zone.

Steve Blazing with Westlie Motors stated that Minot is in the same situation as Dickinson and Westlie Motors has employee housing in Minot. The families use the housing as transitional housing until the families find a home. The families are not concerned about the noise.

Mr. Fong stated that the transitional housing is a short term fix.

Chairman Abrahamson asked if anyone had any contact with type of situation. Mr. Courton stated this is a difficult situation the city is in need of residential housing but do we put it in a commercial area. Mr. Courton suggested maybe to redesign the property so there will be a buffer between the residential housing and the businesses.

Mr. Tooz stated that the residence will be less likely to complain since they know they will move into a commercial area.

Mr. Nodland stated that one person with Westlie's stated this housing would be for permanent use and the next person with Westlie's stated the housing would be used for transitional use. Mr. Nodland asked who would live in the housing after the boom slows down. Mr. Nodland stated if we have all these new R3 areas coming into Dickinson then the housing shortage will be less of a problem.

Mr. Krieg concurs with Mr. Nodland regarding that many R3 zones have been approved and that should help with the housing shortage. Discussion ensued about R3 zones in Dickinson.

MOTION BY: Jay Elkin

SECOND BY: Jerry Krieg

I move the Dickinson Planning and Zoning Commission recommend Denial of the Rezone Petition from GC to R3, as depicted in the application materials, as NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

Mr. Jackson stated we do value Westlie's and this is simply just a land use issue. Mr. Jackson hopes that Westlie's are successful.

DISPOSITION: Motion carried for denial. Aye-4 Nay-1 (Tooz)

7. PRELIMINARY PLAT - To consider a Preliminary Plat (Westlie's 2nd Addition) for Lots 2-4 & Lots 7-9, Block 3 of Mayer First Subdivision.

MOTION BY: Jerry Krieg

SECOND BY: Jay Elkin

I move the Dickinson Planning and Zoning Commission recommend Denial of the Preliminary Plat for Westlie's 2nd Addition, as depicted in the application materials, as NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

DISPOSITION: Motion carried for denial.

8. FINAL PLAT- To consider a Final Plat for Koch's Meadow Hill 4th Addition of proposed property described in the NW1/4 of Section 28, Township 140N, Range 96W.

Chairman Abrahamson opened the Public Hearing. Harvey Schneider with Toman Engineering explained the boundaries and different zoning for the final plat. The zoning will be on next month's agenda. If the final plat receives approval then it will also be requested that there will be an annexation into the city limits. Mr. Schneider stated that the park district accepted the cash-in-lieu.

Mr. Nodland asked if the drainage issues have been addressed. Mr. Schneider stated yes. Mr. Courton added that the two issues addressed last meeting that are still being worked on but nothing to hold this application up. Mr. Courton stated staff would recommend approval of final plat.

Mr. Jackson requested to hear about the process of development of this property. Mike Koch answered that almost all of the R3 areas have been sold, Power Fuels project is in the building process already and about 80%-85% of the rest of the development is spoken for already. Mr. Koch added that they need to add infrastructure in the entire development, just waiting for approval.

Mr. Jackson stated he is concerned that development does not take place and there will be gaps since it takes time to develop big lots and developments. Mr. Koch does not see any projected gaps since 80-85% of it is already sold and the developers are just waiting for the infrastructure. Discussion ensued regarding developing such a large area.

Chairman Abrahamson asked how the addresses work with the city. Mr. Courton stated to keep the streets in order they used both numbered and named streets. This does not affect EMS.

Chairman Abrahamson understands Mr. Jackson's concerns regarding empty lots and hopes that engineering dept has a handle on these concerns.

Mr. Jackson stated that the lots are sold but unknown when they will be developed.

MOTION BY: Tracey Tooz

SECOND BY: Jay Elkin

I move the City of Dickinson Planning and Zoning Commission recommend Final Plat Approval of the Koch's Meadow Hills 4th 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.

Mr. Jackson would like to hear about phasing first before voting.

Mr. Koch stated that he and Mr. Schneider worked with Mr. Courton and Mr. Soehren. At this time there are many contracts on the table. Mr. Koch wants this development to be nice for the City of Dickinson and it should be developed soon which will also help the City's housing needs.

DISPOSITION: Motion carried to recommend final plat. Aye- 4 Nay-1(Jackson)

Mr. Schneider discussed the proposed zoning. This is the proposal that he would like to submit to the city. They have eliminated the middle portion and moved it to LC zoning after discussions with Mr. Courton and Mr. Soehren.

Mr. Tooz asked if the oil well could be zoned something else. Mr. Koch would like the oil company to own the lot and the lawyers are currently working on this issue. Discussion ensued.

Mr. Jackson stated that some discussion was needed regarding 34th St/40th St SW since there may be setting some precedence for this road. Mr. Jackson is concerned that the board will eventually receive requests to the east and west of the property then to the north and south of the intersection all requesting rezoning and he is not sure if 4 miles of CC is necessary. When looking at this final plat the CC looks reasonable but if look at the big picture then maybe not reasonable. Mr., Jackson stated maybe the LC zone needs to be residential. Mr. Schneider stated he met with Mr. Courton and Mr. Soehren regarding the zoning and it was explained that in the LC zone someone could request a special use permit. Mr. Courton stated the LC zone allows multi-family housing it could be used as a mixed use zone based upon a special use permit. Discussion ensued.

9. **SKETCH PLAT – S&B Subdivision – situated in the NE1/4 of Section 32, Township 140N, Range 96W.**

done

Will Ralph with Sanderson Stewart explained the S&B Subdivision.
Staff discussed issues:

- Require Braxton to work with developers across the street and to the south to come up with a coordinated road alignment plan.
- Set up a meeting with Dickinson Parks and Recreation.

Mr. Kolling stated that even though there is no vote Mr., Tooz does abstain from the discussion since he has been involved with the development and owns land surrounding this development.

10. **SKETCH PLAT – Prairie Creek Subdivision- situated in the NW1/4 of section 33, Township 140N, Range 96W.**

Staff discussed issues:

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Ed: east side of state ave. staff has concerns road pattern. Road changes from what they submitted since west side of road would not meet. Also work with park and rec for walking path etc. maybe more benefit if more commercial zone on state ave. just like better road alignment. 75 ft from center line.

TT-dix energy park. Carl best will be property owner. Send in all 80 acres of to be annexed this Friday. This was just a thought to see what commission thought.

Gene: master planning needs to happen. Hear from city engineer before prelim plat stages. Need to make sure enough prelim design work done before prelim plat. (listen to video)

11. **SKETCH PLAT – Situated in the NE1/4 Section 16, Township 139N, Range 96W.**

Dave Patience with Swenson.....

Staff discussed issues:

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#9, #10, #11
parts or all
missing from
tape.

Dave Patience with Swenson ????????, Les Curn is the agent of person who owns which is John Holt, south of 8th st sw, westside of state ave? Provide corridor along side main st, multi family along roadways, trail system,, 200 single family units for long term plans. Nw corner and along main ave for prelim app. Tentive plans right now. Unstudied flood plain in this area.

Ed: staff comments: like the way working with existing flood plain, trailway with floodplain. Talk with park district right away. City not in favor of cul-de-sac's. Recommend to change to circule road or change that idea. One access point from hwy 22. talk with dot. Single family like how to propose. Will require you to work with owner to south for road alignment. This propety will have be annexed as well.

DP: if city annexed, then can increase access points onto hwy 22.

ed: if dot does not limit access rds then city will. Talk with dot about the access points.

Gene: like layout, we need to hear from city engineer that this layout works.

Dp: do want prelim plat for what we want to develop or of whole area.

Ed: whole area, so we can see roads etc.and have the information about how the roads are goingto be linked up before prelim.

Jerry: also research the pipelines and utilities that in this property.

DP: waiting for title information.

12. **SKETCH PLAT** – Situated in the SE 1/4 of Section 16, Township 139N, Range 96W.

Shawn Rowles with Centennial Home Development explained the sketch plat.

Staff discussion:

- 66 ft wide urban roads
- Suggested doing a PUD-could create a more compatible project
- 10 Foot linkage between the two park sites along the main road for blocks 1 & 2
- 6 ft fence to surround the private mini storage area.
- Revise roads plans with at least 2 major roads going North and South.
- Work with the developer to the north for proper road alignment to continue the roads for EMS.
- Can meet with Mr. Courton and Mr. Soehren if needed.

Mr. Krieg asked about the standard for 25' setback. Mr. Courton stated that setback will be looked at in the preliminary application. Mr. Courton once again strongly suggested going with a PUD.

done

Mr. Elkin stated the property must be annexed into the city. Mr. Kolling stated that more land area needed to be annexed into the city.

Tim Priebe stated property owners do have concerns with this development but the residents are happy to work with the developers and the city. Residents to the west will be oppositional towards this development.

Warren Stang stated he is against the trailer park and that they would be using his private road for access to the development.

Mark Swenson with High Land Engineering stated that road is a public right-of-way and he tried to contact owners to the north for road access. Mr. Swenson has worked on many mobile home park development in other cities and they turn out very nice. Buffers can be created.

Ed Praus stated that the main access point by Big E Praus Auction and Gilly's Auto is not a good access point especially in the winter.

13. **SKETCH PLAT – Prairie Ridge Subdivision-Lot 1 Block 1.**

done

Chris Bedeski with Madison Engineering explained the Prairie Ridge Subdivision property that is located at 10th St E and Elm Ave in Dickinson. Discussion ensued regarding setbacks.

Staff Discussion:

- City may allow the 60 ft right-of-way but not in favor of the 20ft setback for greater density.
- Meet with City Engineer.
- Board of Adjustment is the board that would hear about the variances requested.

14. **SKETCH PLAT – CAM Subdivision- situated on Lots 1-18 of Block 1 and Lot 8 of Block 2 in the Southview Estates 1st Subdivision in Section 15, Township 139N, Range 96W.**

done

Terry Boehm with Kadrmas Lee and Jackson explained the CAM Subdivision property. Discussion regarding lots ensued.

Staff Discussion:

- Each property will have their own issues with lot sizes
- Maybe rezone to accommodate the lot issue but not sure if in favor

15. **SKETCH PLAT – Patterson Lake Subdivision- situated in the Section 12, Township 139N, Range 97W.**

done

Terry Boehm with Kadrmas Lee and Jackson explained the Patterson Lake Subdivision. This property is 300 acres located west of Dickinson. Mr. Boehm presented two different layouts. Mr. Boehm stated this development would like to get annexed into the City of

Dickinson. Mr. Maus with Chase Merritt Management explained that Chase Merritt is looking for feedback and they are flexible. Mr. Maus stated if developing west is not as important as developing to the north and south then they may not want to develop this area. Mr. Elkin stated he has heard and sees a need for an Industrial zone in that area. Mr. Courton stated there is a big need for a Spur. Discussion ended with the developer needing to decide what they would like to develop.

Staff also discussed:

- Area is outside of the Future Land Use Map Urban Boundaries and the City is not looking at annexation; however, this is not set in stone.
- City is not in favor of linear annexation.
- Water is problematic at this time, would need to provide some kind of confirmation from Southwest Water.

16. SKETCH PLAT – Green Tree Development

done

Walt Smith with Advanced Engineering explained the Green Tree Development sketch plat.

Staff Discussion:

- Linkage of the 2 roads to match up with the roads to the west property.
- Rezone makes sense.

17. Park Ordinance: Article 34.20

#17, #18,
#19 done

Scott Kovash discussed the changes and higher fee amounts.

James Kramer with Dickinson Parks and Recreation stated the biggest change would be to attach the fees to the city fee schedule instead of in the ordinance. Staff then can look at the fees every year and not have to amend the ordinance.

MOTION BY: Scott Kovash **SECOND BY:** Jay Elkin
To recommend approval to City Commission as presented.

DISPOSITION: Motion carried.

18. WORKSHOP DISCUSSION – March workshop will be held the 2nd Tuesday of March at 7:10am.

19. ADJOURNMENT

There being no further business to discuss

MOTION BY: Tracey Tooze **SECOND BY:** Scott Kovash
to adjourn meeting. Meeting adjourned at 1:05PM

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton