

PLANNING & ZONING COMMISSION MEETING MINUTES

October 16th, 2013

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

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

II. ROLL CALL

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

ABSENT: Jay Elkin, Matt Kolling - City Attorney, Steve Josephson-City/County Planner

STAFF: Ed Courton – Community Development Director, Craig Kubas – Contracted City Engineer

STANDARD MOTIONS

1. MINUTES

August 21st, 2013 minutes submitted for approval.

MOTION: Tracy Tooz SECOND: Gene Jackson

DISPOSITION: Motion carried unanimously.

REGULAR AGENDA

1. **REZONE PETITION** - To consider a Rezoning Petition from Agriculture to General Industrial. The site is generally located in the SW4 of Section 6, Township 139N, Range 95W. The site is +/-25 acres.

Shawn Soehren, of Boundary Engineering, presented the rezoning request for owner, Tracy Tooz. Tracy Tooz abstained.

MOTION: Scott Kovash SECOND: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Dickinson Energy Park, LLC Rezoning petition from AG to GI, subject to the condition listed above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. **Prior to the issuance of any building permits, the applicant shall plat the subject parcel in accordance with the subdivision requirements found in Chapter 34 of the Dickinson Municipal Code.**

DISPOSITION: Motion carried unanimously. Tracy Tooz abstained.

2. **REZONE PETITION** - To consider an Amendment to the existing Pinecrest Commons PUD 2013-01 with several modifications. The site is located south of 35th St SW and North of 15th Street.

Brian Bochman of Meyer Real Estate Group presented the rezoning request. Terry Dvorak made a request to preserve the existing tree along his property shown as Exhibit A on the PUD zoning map. Ed Courton, Community Development Director requested that the City's water storage facility lot be excluded.

MOTION: Thomas Grimm SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Pinecrest Commons PUD Amendment, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. The new R3 designation depicted in the application materials and referenced on the Zoning Map shall be limited to no more than five hundred and fifty-five (555) units.
2. Prior to Final PUD approval, the developer shall submit an updated Zoning Map to be approved by the Community Development Director.
3. The general layout of the roads, water storage facility and R3 (Apartment) locations are depicted for general reference only. The specific location will be determined later after consultation with the City.
4. The existing trees situated along the eastern edge of Exception "A" , also known as the Tooz Subdivision, Block 1, Lot 1, on the map provided by Meyer Real Estate Group be preserved , except for the City's two-acre lot for a water storage facility.

DISPOSITION: Motion carried unanimously.

3. **REZONE PETITION** - To consider a Rezoning Petition from Rural Residential to General Commercial and General Industrial. The site is generally located in the NW4 of Section 15, Township 140N, Range 96W. The site is +/- 46 acres.

Andrew Schrank of Highlands Engineering presented the rezoning request.

MOTION: Gene Jackson SECOND: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Great Lakes Rezoning petition, subject to the conditions listed above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. The applicant shall provide a minimum eight (8) foot high landscaped earthen berm on the southern portion of those properties adjacent to residentially zoned properties to the satisfaction of the Community Development Director.
2. The developer shall be responsible for the irrigation and maintenance of the landscape berm.
3. The rezoning will become effective upon approval and recordation of the Great Lakes Subdivision.

DISPOSITION: Motion carried unanimously.

4. **PRELIMINARY PLAT** - To consider a preliminary plat for the Great Lakes First Subdivision. The site is generally located in the NW4 of Section 15, Township 140N, Range 96W. The site is +/-139.22 acres.

Andrew Shrank of Highlands Engineering presented the preliminary plat.

MOTION: Scott Kovash SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Subdivision Plat for the Great Lakes First Subdivision Replat, subject to the conditions listed above, 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, including the following additional conditions of approval:

- 1. A letter from the North Dakota Department of Transportation stating that access onto North Dakota Highway 22 has been granted for the Great Lakes First Subdivision shall be submitted to City staff.**
- 2. A formal request for service from Southwest District Water shall be submitted to City staff.**
- 3. Prior to adoption of the final plat, the 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

5. **PRELIMINARY PLAT** - To consider a preliminary plat for the Kum & Go Addition Subdivision. The site is composed of Lot 9, Block 4, Kalisch's Subdivision as well as a portion of the W2 of the SW4 of Section 2, Township 139N, Range 96W. The site is +/-5.40 acres.

Jeremy Shephard of Olsson Associates presented the preliminary plat.

MOTION: Jason Hanson SECOND: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Kum & Go Addition Subdivision 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, including the following additional conditions of approval:

- 1. Prior to issuance of any building permits, all plans shall be in conformance with the project plans described herein as Attachment "A".**
- 2. Prior to Final Plat Approval, a final stormwater management plan shall be approved to the satisfaction of the City Engineer.**
- 3. Prior to Final Plat approval, the interior and perimeter access shall be approved to the satisfaction of the City Engineer.**
- 4. Prior to Final Plat approval, the civil plans must be approved to the satisfaction of the City Engineer.**

5. 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.
6. The Final Plat shall be consistent with North Dakota Century Code, conditions of approval and the Dickinson Municipal Code.
7. Prior to Final Plat approval, the developer shall dedicate parkland or pay fees-in-lieu of parkland in accordance to the City's Subdivision Regulations.
8. Prior to Final Plat submittal, the City Engineer shall determine if rights-of-way dedication is necessary and if so, the necessary width from the centerline of the rights-of-way.

DISPOSITION: Motion carried unanimously

6. **SPECIAL USE PERMIT** - To consider a request for a Special Use Permit for Off Street Parking. The site is located at 114 4th Avenue West on Lot 8, Block E of the Dakota Land and Colonization Company Subdivision. The site is zoned High-Density Residential and is +/-0.16 acres.

Terry Dvorak of Charbonneau Car Center presented the Special Use Permit request.

MOTION: Tracy Tooz SECOND: Jason Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the petition for a Special Use Permit for an off-street parking facility, subject to the conditions listed above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. Development of the site shall be generally in conformance with the site plan submitted on August 15, 2013, as amended.
2. The development shall be limited to off-street parking for the applicant's employees and customers. The use of the parking facility for stock vehicles or vehicles for sale or display shall be prohibited.
3. Hours of parking shall be 8:00 a.m. to 5:30 p.m. Mondays through Fridays and 8:00 a.m. to noon on Saturdays. The Community Development Director may approve minor adjustments to the hours of operation.
4. The project shall be developed in conformance with Section 39.09.006. as well as with all other applicable portions of the City of Dickinson Municipal Code.
5. Primary access shall be via 4th Avenue West.
6. Development and operation of the off-street parking facility shall comply with all applicable City, County, State and Federal requirements.
7. The SUP approval shall expire with any change of ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
8. Prior to operations that a fence is erected to North between the Catholic School.
9. Landscaping to be approved by Community Development.

DISPOSITION: Motion carried unanimously

7. ADJOURNMENT

MOTION: Tracy Tooz SECOND: Jason Hanson

To Adjourn at 8:04am.

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton