

PLANNING & ZONING COMMISSION MEETING MINUTES

September 18th, 2013

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:14am.

II. ROLL CALL

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

ABSENT: Jason Hanson, Jerry Krieg, and Jay Elkin

STAFF: Ed Courton – Community Development Director, William Watson - City Engineer, Matt Kolling - City Attorney, Steve Josephson-City/County Planner

STANDARD MOTIONS

1. MINUTES

July 17th, 2013 Minutes submitted for approval.

MOTION: Tracy Tooz SECOND: Thomas Grimm

DISPOSITION: Motion carried unanimously.

REGULAR AGENDA

1. **REZONE PETITION** - To consider a Rezoning Petition from Low-Density Residential to Limited Commercial. The site is located on Lots 1 and 2 of Block 12 of the Prairie Hills Fourth Addition Subdivision. The site is +/-0.44 acres.

Matt Dondoneau presented the rezoning request.

MOTION: Gene Jackson SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Combined Asset Management Rezoning petition from R1 to LC, 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. **Prior to final adoption of the rezoning, the applicant shall be required to make a cash payment in lieu of land to the Dickinson Parks and Recreation District.**

2. Prior to final adoption of the rezoning, the applicant shall be required to request an amendment of the subject parcel's Future Land Use Map designation from Residential to Commercial.
3. Construction of 16th Ave E Street adjacent to Lot 1.

DISPOSITION: Motion carried unanimously.

2. **REZONE PETITION** - To consider a Rezoning Petition from Low-Density Residential to Medium- Density Residential. The site is located in Lots 11 through 20 of Block 3 and Lots 1 through 16 in Block 4 in the South View Homes 2nd Addition, SW4 of Section 10, Township 139N, Range 96W.

Mitch Rubin, of Highlands ND and development manager of the project, presented the rezoning request.

MOTION: Tom Grimm SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Southview Homes 2nd Add Rezoning Petition for Lots 11-20, Block 3 & Lots 1-16, Block 4 from low density residential to medium density residential, 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.

DISPOSITION: Motion carried unanimously.

3. **REZONE PETITION** - To consider a Rezoning Petition from Low-Density Residential to Medium-Density Residential and General Commercial. The site is located at Lot 10 of the Auditors Plat #9, NW4 of Section 10, Township 139N, Range 96W.

Mitch Rubin, development manager for Riverfront Estates, presented the rezoning request. Fire Chief Bob Sivak made public comment regarding the well sites to the east of this rezone request and this pertains to the item #4 also.

MOTION: Thomas Grimm SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Auditor's Plat #9, Lot 10 Rezoning Petition from low density residential to general commercial and medium density residential, 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 submission to the City Commission, the developer shall submit to the City legal descriptions for both rezoning properties.

DISPOSITION: Motion carried unanimously.

4. **PRELIMINARY PLAT** - To consider a Preliminary Plat for the Riverfront Estates. The site is Lot 10 of the Auditor's Plat #9 to the City of Dickinson, NW4 of Section 10, Township 139N, Range 96W. The site is +/- 36 acres.

Mitch Rubin, development manager for Riverfront Estates, presented the Preliminary Plat request.

MOTION: Gene Jackson

SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Riverfront Estates 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 Exhibit "A".
2. 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.
3. Prior to Final Plat submittal, the City Engineer shall determine the appropriate rights-of-way dedication for 6th Avenue SE.
4. Prior to Final Plat approval, all civil plans must be 100% completed and said plans shall be approved to the satisfaction of the City Engineer.
5. 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.
6. 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.
7. The Final Plat shall be consistent with North Dakota Century Code, conditions of approval and the Dickinson Municipal Code.
8. Prior to Final Plat approval submittal, the park/open space lot depicted on the plat shall be renamed to Tract 2 and a note on the plat shall depict the tract as owned by the Dickinson's Park District.
9. Prior to Final Plat approval, sewer and water design must be determined by the City's infrastructure consultants and approved to the satisfaction of the City Engineer.
10. Prior to Final Plat submittal, a Development Agreement shall be approved by City staff and signed by the developer describing all necessary conditions of approval.

DISPOSITION: Motion carried unanimously

5. **REZONE PETITION** - To consider a Rezoning Petition from Agriculture to Limited Industrial. The site is generally located in the NE4 of Section 6, Township 139N, Range 95W. The site is +/- 30.01 acres.
6. **PRELIMINARY PLAT** - To consider a Preliminary Plat for the I-94 Gateway Industrial Park Subdivision. The site is generally located in the NE4 of Section 6, Township 139N, Range 95W. The site is +/- 30.01 acres.

7. **PRELIMINARY PLAT** - To consider a Preliminary Plat for the Hospital Acres Second Subdivision. The site is generally located in the N2 of Section 5, Township 139N, Range 96W. The site is +/-67.30 acres.

Steven Josephson stated that the staff look at the July 29th, 2013 Site Plan Map. Lee Hancock, project manager, presented the Preliminary Plat request.

MOTION: Scott Kovash

SECOND: Thomas Grimm

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Hospital Acres Second 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 Exhibit "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 road design and configuration shall be approved to the satisfaction of the City Engineer.
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 civil plans must be 100% completed and all plans 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 developer shall submit a traffic study to the City and said study shall be approved by the City Engineer, unless waived by the City Engineer.
9. The Final Plat shall be consistent with North Dakota Century Code, conditions of approval and the Dickinson Municipal Code.
10. A construction phasing plan shall be included in the Final Plat submittal.
11. Prior to Final Plat approval, the developer shall dedicate parkland or pay fee-in-lieu of parkland in accordance to the City's Subdivision Regulations.
12. Prior to Final Plat approval, sewer and water design must be determined by the City's infrastructure consultants and approved to the satisfaction of the City Engineer.
13. Prior to Final Plat submittal, a Development Agreement shall be approved by City staff and signed by the developer describing all necessary conditions of approval.

DISPOSITION: Motion carried unanimously

8. **PRELIMINARY PLAT** - To consider a Preliminary Plat for the West Villard Subdivision. The site is generally located in the SW4 of Section 6, Township 139N, Range 96W. The site is +/- 6.43 acres.

Mel Wenko presented the Preliminary Plat request for Jody Arthaud, owner and applicant.

MOTION: Tracy Tooz

SECOND: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Subdivision Plat for the Villard Subdivision, 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. Prior to adoption of the final plat, the applicant shall enter into an agreement allowing for access in perpetuity to Lot 1.**
- 2. Prior to adoption of the final plat, any existing structures that do not meet the minimum setback requirements of the AG zoning district shall either be relocated or removed from Lot 1.**

DISPOSITION: Motion carried unanimously

9. **PRELIMINARY PLAT** - To consider a Preliminary Plat for the Dickinson Towne Centre Subdivision. The site is generally located in the W1/2 of Section 5, Township 139N, Range 96W. The site is +/-92 acres.

Ron Raddin of 5 Diamonds, LLC, presented the Preliminary Plat request. Commissioner Gene Jackson requested the following items to be part of the record:

1. To make sure the engineering department talks with DOT regarding the EB lane prior to allowing the grading.
2. Who will maintain the water way while grading?
3. Has the developer been working with city's consultants regarding water and sewer?
4. Staff has commented on north access point and waiting for DOT. IF we think that is good for the community then the City should go to DOT and request that access point. The north entry way on the east business loop.

Fire Chief Bob Sivak made public comment regarding the oil well site that is located within the Preliminary Plat area. Fire Chief Sivak stated the Fire Department is also in favor of the north access point and there are issues with how the hotels are depicted on the Preliminary Plat conceptual map.

MOTION: Tracy Tooz

SECOND: Thomas Grimm

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Five Diamonds 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 Exhibit "A".**
- 2. Prior to Final Plat approval, the City Engineer and Fire Chief shall approve the proper roadway turnaround design for Fairway Drive that terminates at the western plat boundary.**
- 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.
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) The Commercial Owners Association shall operate and maintain the facilities for the storm water denoted as Tract A shown herein. Storm water facilities include but are not limited to ponds, culverts, control structures, inlets and associated buffer areas; and 2) This plat must be in conformance at all times with the established standards set forth in the Five Diamonds Planned Unit Development.
9. Prior to any activity occurring within the delineated floodplain, the developer shall obtain all applicable approvals from the Army Corps, State and the City of Dickinson.
10. The Planned Unit Development ("PUD") shall be approved by the City Commission prior to the Final Plat.
11. Prior to Final Plat approval, the Fire Department shall approve all wellhead setbacks and illustrated radiuses around all such facilities in accordance with Chapter 40 of the Dickinson Municipal Code.
12. Prior to Final Plat approval, the North Dakota Department of Transportation shall provide a letter approving all access points along I-94 Business Loop and road dedication(s).
13. Prior to Final Plat approval, the City Engineer shall approve final version of the traffic study and all recommendations shall be incorporated as part of the road design and construction.
14. A construction phasing plan shall be included in the Final Plat submittal.
15. The storm water management lot shall be renamed from Lot 1 to Tract A.
16. Prior to Final Plat approval, the north access point must be approved by NDDOT and the City.
17. Prior to Final Plat submittal, the roundabout shall be removed from the plat.
18. Prior to Final Plat submittal, the letter from the Parks Board must be submitted to the City indicating park dedication or payment-in-lieu of park dedication.
19. Prior to Final Plat submittal, a Development Agreement shall be approved by City staff and signed by the developer describing all necessary conditions of approval, including but not limited to infrastructure and building permit issuance timelines.
20. Prior to Final Plat submittal, the developer shall submit a letter from the Parks Department indicating their preference of either parkland or fee-in-lieu. If a fee is required, the developer shall pay said fee prior to final plat submittal.
21. Prior to Final Plat submittal, the subdivision name shall be changed to another unique name.

DISPOSITION: Motion carried unanimously

10. **SPECIAL USE PERMIT** - To consider a request for a Special Use Permit for a Kennel. The site is located at 1181 Main Street South on Block 2 of Lot 8 of Franks 2nd Subdivision. The site is zoned General Commercial and is +/-0.25 acres.

Jared Twogood presented the Special Use Permit request. Mr. Twogood stated if the request gets approved he will purchase the property and live on the property. Shirley Dukart stated that the applicant cannot split the properties in the future. Chairman Abrahamson stated that the commission received 2 letters in opposition from Mary and Eugene Olheiser, and Mike Heinz.

Karen Lange made public comment in opposition. Keith Miller owns Miller Machine and Welding and lives 200 feet from this proposal made public comment in opposition.

MOTION: Gene Jackson

SECOND: Scott Kovash

To deny the Special Use Permit Request for a Kennel

DISPOSITION: Motion carried 3-2. Tracy Tooze and Thomas Grimm opposed the motion to deny.

11. **FINAL PLAT** - To consider a Final Plat for the Senn First Subdivision. The site is generally located in the SE4 of Section 7, Township 139N, Range 96W. The site is +/-6.72 acres.

Andrew Schrank, of Highlands Engineering, presented the Final Plat request.

MOTION: Tracy Tooze

SECOND: Thomas Grimm

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Subdivision Plat for the Senn First Subdivision Replat, subject to the condition 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. The Development Agreement shall be signed by the developer and the conditions of approval shall be met to the satisfaction of the City of Dickinson.**

DISPOSITION: Motion carried unanimously

12. **FINAL PLAT - To consider a Final Plat for the Oxy First Subdivision. The site is generally located in Section 16, Township 140N, Range 96W. The site is +/- 21 acres**

No representation was available to present the Final Plat request. Steven Josephson stated the building has already been built and this is to just finalize the formality.

Tracy Tooze removed himself due to conflict.

MOTION: Gene Jackson

SECOND: Thomas Grimm

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Oxy First Addition Final 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.

DISPOSITION: Motion carried unanimously. Tracy Tooze abstained.

13. **ADJOURNMENT**

MOTION: Tracy Tooze

SECOND: Scott Kovash

To Adjourn at 9:17am.

DISPOSITION: Motion carried unanimously

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Steven Josephson