

*PLANNING & ZONING COMMISSION
MEETING MINUTES*

September 21st, 2016

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OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Gene Jackson called the meeting to order at 7:10 am.

II. ROLL CALL

PRESENT: Chairman: Gene Jackson, Vice Chairman - Open
Commissioners: Jay Elkin, Shirley Dukart, Scott Decker, Jason Fridrich, Scott Bullinger and Scott Karsky

ABSENT:

STAFF: Planning Director, Walter Hadley, City Attorney Haylee Cripe, City Engineer Craig Kubas, and City/County Planner Steve Josephson

STANDARD MOTIONS

III. MINUTES

Minutes for August 17th, 2016 submitted for approval.

MOTION: Jay Elkin

SECOND: Shirley Dukart

DISPOSITION: Motion carried unanimously.

REGULAR AGENDA

1. **COMPREHENSIVE PLAN AMENDMENT - USA-001-16** - To consider an Amendment to the Urban Service Area Map of the Dickinson Comprehensive Plan. The site is +/- 5.5 acres and is generally situated in the SE ¼ of the SW ¼ of Section 29, Township 140 North, Range 96 West Stark County.

Shawn Soehren with Boundary Engineering presented a Comprehensive Plan Amendment to the Urban Service Area Map of the Dickinson Comprehensive Plan. The Applicants are working with the City Attorney on annexation. City staff recommends approval. No public comments.

MOTION: Shirley Dukart

SECOND: Scott Karsky

*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of USA-001-16 Comprehensive Plan Amendment to modify the Urban Service Area boundary, as depicted in Attachment A, as being consistent with the City of Dickinson Comprehensive Plan, as meeting all

the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements (**IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE**):

1. _____;
2. _____.

DISPOSITION: Motion carried unanimously.

2. **ELECTION** - Elect a Vice Chairman of the Planning & Zoning Commission.

Commissioner Jackson opened the nominations for Vice Chair. Commissioner Elkin nominated Jason Fridrich as Vice Chair; Chairman Jackson asked if there were any other nominations none were made. Mr. Jackson asked for a motion to cast a unanimous ballot for Mr. Fridrich, so moved by Scott Bullinger seconded by Shirley Dukart , all Commissioners voting in favor, Mr. Fridrich is elected Vice Chair.

***** Motion Carried*****

DISPOSITION: Motion carried - 6 Aye (0 absent)

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Work session:

- Airport Land Use update

Kelly Braun airport manager commented on the construction of a subcommittee for Airport Land Use. Matt Nesbit with KLJ stated this would be a three member commission, and has discussed with the City attorney how this procedurally can work. City Attorney Haylee Cripe laid out the statues and guidelines for the process for the temporary zoning commission, adding there would need to be a member from the City Planning & Zoning, County, Planning & Zoning, and Airport Authority. Commissioner Mr. Jackson asked if City Commission should be involved in the appointment of the member from the Planning board. The Commissioner’s had a discussion on the roles and possibilities of potential members.

Mr. Nesbit discussed how information would be gathered. The land use policy recommendations, how the Airport Zoning Commission would be formed; consisting of members from Stark County, Airport Authority, Airport Staff. The airport Commission along with KLJ will recommend various regulations and policies to be established and regulated then therefore adopted. Preliminary reports will be compiled, then public hearings will be held then final reports go to

the City/County Commissions. The first meetings will depend on when the board is established, starting within three to four months. Commissioner Decker added he is fine being a representative. There was a discussion regarding quorums, City Attorney Cripe suggested in order to have quorum two reps from each entity. Commissioner Dukart added she has been on the airport commission board in the past as a representative for the City, and would be willing to take on the roll as well.

Mr. Hadley added to let the minutes reflect there are two Commissioners and Mr. Kessel can finalize the decision and present this to the City Commission. Mr. Jackson agreed that the City Commission needs to be involved in the decision.

- Finalized Proposed Ordinance Amendments to 39.05.030 Corridor Overlay District

Mr. Jackson stated the proposed Ordinance Amendments to 39.05.030 are for review at this time, next month it will be added to the agenda for public hearing and voted on.

Mr. Jackson stated from his understanding the Planning Commission as a group is in agreement on the majority of the items, the Commissioners agreed.

Mr. Jackson stated to change Section 39.05.033 Corridor Overlay District application and Exceptions with regards to building additions/expansion not exceeding 33% that correction needs to be changed back to 50%, that's the number the group agreed on.

Mr. Jackson noted additional changes including the deletion of approval of building permits by Planning Director and verbiage change to Planning Director; the Commissioners are all ok with those and the change on the last page, being in favor of the property owner is great, the Commissioners are in favor of that change as well.

Mr. Hadley discussed standards on metal buildings in Section 39.05.034 Corridor Overlay District. He reiterated the design standards. Mr. Jackson interjected the issue being the semantics not that we don't want metal buildings. Mr. Decker stated do we want the term simple metal instead of, and metal for clarification? Mr. Jackson asked are we ok with the semantics, do we need clarification on this general description. There was a detailed discussion amongst the Planning and Zoning Commission.

Mr. Jackson instructed the Planners to go to an architect and general contractor for input on verbiage regarding "metal buildings" before it's approved at the next meeting.

Mr. Jackson then moved on to Lighting for Commercial Projects and added this will only apply to the corridor itself. Commissioner Fridrich asked what our lighting standard is. Mr. Kubas stated there is a decorative, residential and commercial standard of lighting. Mr. Hadley discussed the importance of commercial lighting. A detailed discussion ensued with the Planning Commission regarding the lighting on private property, cost, location of lighting, LED lighting, and location of the right of way line.

Mr. Jackson asked the Commission what their consensus was: Mr. Fridrich added he is against enforcing lighting standards; we don't need to tell people on private property what to do. Mr. Fridrich asked, what are the differences in costs? Mr. Kubas explained the lighting manufacturers, types, area of coverage, styles, cost's, safety differences, and energy efficiencies.

Mr. Decker noted he isn't sure we should be telling people what to do regarding lighting. The discussion ensued. Mr. Karsky is in favor of higher quality lighting in the gateway.

Mr. Jackson stated 100' from the street right of way line, seems to be the compromise the Commission is agreeing on. Summarizing Mr. Jackson noted the first 100' from the right of way at a minimum would need to fall under the proposed lighting standards discussed. This needs to be amended and brought back to the next meeting for a vote.

- Discussion allowing chickens in R-1 designated Zoning.

Ellery & Anna Dykeman presented a discussion to the Planning Commission to allowing chickens in R-1 Zoning.

The Dykeman's are pastors of a local church in Dickinson and have had chickens for about a year and a half not realizing they were not allowed. They would like for chickens to be allowed in R-1 zoning in Dickinson. It's important for their children to understand where their food comes from. We wanted to see Dickinson become a forward thinking and become part of the process. The Dykeman's are proposing no more than 6 chickens. Chickens can produce 4-5 eggs a week per chicken. That could feed a family well. No rooster's, hens only, they are quiet. Chickens make about 60 decibels in noise per chicken.

Mr. Karsky asked what happens in 2-3 years when they stop laying eggs then people don't want to butcher them they are like pets, does this become an issue for our animal control. Mr. Dykeman stated you can put them on Craig's List or Facebook; people in the country will take them. Mr. Jackson interjected, please address the disease portion of this. Mr. Dykeman said the main issue will be salmonella; good hygiene will eliminate this, with a small amount of birds it won't even be an issue. People would need to clean up after them like any other pet. Bird flu doesn't apply in small flocks. Shirley Dukart stated because you keep them cleaned up and under control doesn't mean everyone else will. Mr. Dykeman stated if there are rules in place just like with your barking dogs, they cannot be barking; if it's enough of an annoyance there's a means to stop it, we cannot guarantee everyone else will follow the same rules. We take good care of our chickens and just because some people may not do it, to say we aren't going to let anyone, if there's a smell you can have the same thing coming from dog kennels.

Mr. Jackson asked what their thoughts were on the research they were provided with regarding major cities in ND not allowing chickens in R-1 Zoning.

Mr. Dykeman said he thinks no one has done it yet. There's a cultural movement in the Dickinson area and people might want to do this. Shirley Dukart added this area has a population of 28,000 people and if everyone had 6 chickens could you imagine the problems with that many chickens. Mr. Dykeman said he could make the same argument if everyone had three dogs there would be the same problems. Mr. Decker asked what the containment size would be. Mr. Dykeman said roughly 4 square feet per chicken, 24 square feet per chicken, and a standard dog kennel would work.

Mr. Jackson asked Mr. Hadley if this was something if they were pursuing if an ordinance would need to be written or rewritten. Mr. Hadley said that's correct. Mr. Jackson asked if any of the Commissioners wanted to pursue the topic any further at this time; Shirley Dukart added there should be a Public hearing, Mr. Jackson said that would happen. Mr. Hadley added that the Commissioners would need to decide if it should go forward as a topic at this time. Mr. Jackson asked the Planning Commission if anyone there wanted to the discussion to move forward in a formal way, this issue can come back at a later date. There were no comments from the

Commissioners, Mr. Jackson said they will let it go for now and that it can be brought back up for discussion at another date.

Chairman Jackson asked if there was anything else:

Mr. Hadley added before the end of the year they will be discussing a Subdivision Ordinance, Downtown Overlay District, and Expansion of the Renaissance Zone.

Mr. Josephson added he may have Comprehensive Plan policy changes to the Land Use Element.

VI. ADJOURNMENT

MOTION: Jason Fridrich

SECOND: Shirley Dukart

To Adjourn at: 8:35 am.

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Brandy Goetz

APPROVED BY:

Walter Hadley