

# PLANNING & ZONING MEETING MINUTES

February 21<sup>st</sup>, 2018

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## **OPENING CEREMONIES AND PRESENTATIONS**

### **I. CALL TO ORDER**

Chairman Gene Jackson called the meeting to order at approximately, 7:10 AM.

### **ROLL CALL**

*Present were:* Chairman: Gene Jackson Vice Chairman:  
Commissioners: Scott Decker, Scott Bullinger Scott Karsky, and Dean Franchuk

*Absent:* Commissioner Jason Fridrich and Commissioner Shirley Dukart

*Staff:* City Engineer Craig Kubas, Planning Director Walter Hadley, City Attorney Janilyn Murtha and County Planner Steve Josephson

### **II. ORDER OF BUSINESS**

**MOTION BY:** Dean Franchuk **SECONDED BY:** Scott Decker

**DISPOSITION:** Motion carried unanimously.

**MOTION BY:** Scott Bullinger **SECONDED BY:** Scott Decker

Approve meeting minutes dated January 17<sup>th</sup>, 2017.

**DISPOSITION:** Motion carried unanimously.

### **III. ACTION ITEMS – AGENDA**

1. **SPECIAL USE PERMIT** – To consider Special Use Permit SUP-002-18 for the operation of a Group Daycare for a maximum of 12 children at one time on site. The applicant currently operates a State of North Dakota approved family daycare facility located on site at 768 4th Avenue East in Dickinson. The site is additionally described as Lot 1, Block 3 Springwood 2nd Addition to the City of Dickinson.

Planning Director Walter Hadley presented a Special use permit for a group daycare.

Cassie Goodrich owner of the daycare presented a new floor plan to allow her daycare to become a group daycare.

Ms. Goodrich stated that her daycare is currently a family daycare, there is a need for more daycare in the area so they would like to become a group daycare. Ms. Goodrich said she understands they can't use the basement, she presented a new floor plan without the basement included as area, and instead rooms upstairs that were previously unused will now be used for the daycare. Ms. Goodrich stated she will be extending the fence in the spring. Chairman Gene Jackson asked if they will be using the basement at all. Ms. Goodrich stated they moved their bedroom downstairs and won't be using the basement for the daycare. Mr. Hadley stated staff still recommends approval based on comments from fire department.

Fire Marshall Mark Selle stated a group daycare has a different approval standards and they will need a new fire inspection due to the different standards including emergency lighting and interconnected smoke alarms. Mr. Jackson asked how that would work if it's approved today. Mr. Selle stated they won't get a state license until they are re inspected and approved by the fire department. Mr. Selle added he doesn't see this being an issue if approved today. Mr. Hadley stated as a condition the item won't be presented to City Commission until the fire inspection is done.

Mr. Jackson asked if anyone from the public would like to comment, there being none the public portion of the hearing was closed. Mr. Jackson asked for a motion.

\*\*\***Approval with Conditions**\*\*\*

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the petition for a Special Use Permit SUP-002-18 for a Group Day Care, subject to any appropriate conditions required by the Commission, as meeting

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

1. The applicant shall construct a 6' tall solid fence to match the existing one if the additional yard area to the east is desired to be utilized for play area. The applicant shall obtain a fence permit and meet all requirements for the placement of the fence onsite.
2. The applicant shall coordinate with the Building/Fire Departments to ensure the structure meets the intent of the Building Code prior to opening the Group Day Care.
3. The applicant shall coordinate with the solid waste department on changing over the existing residential account to a commercial one at the time the Group Day Care begins or when the existing can is not adequate.
4. The applicant shall adhere to the submitted plan and proposed operation schedule presented and approved by the State of North Dakota. Any changes to the plan shall be reviewed by the State and the City prior to altering the operation or the site.
5. The Group Day Care hours of operation shall be limited to 7:00 am to 6:00 pm Monday through Friday.
6. All patrons shall be encouraged to use the driveways for pick up and drop off. Care should be taken to not promote pick up and drop off along 4<sup>th</sup> Avenue East during busy hours. Residents and employees shall use the coved parking to allow safe pick up and drop off of the children.

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

**MOTION BY:** Scott Bullinger    **SECOND:** Scott Decker

**DISPOSITION:** Motion declared duly passed.

2. **ZONING TEXT AMENDMENT** - To consider **TAM-001-18**, proposed amendments to the City of Dickinson Municipal Code Chapter 39 "Zoning" under the following sections: 39.03 Use Types; 39.04 Zoning District Regulations; and 39.07 Supplemental Site Development Regulations.

County Planner Steven Josephson presented additional changes to the Zoning Text Amendments to the Downtown Commercial (DC) zoning district regulations. Mr. Josephson stated there were some discussions after the last meeting and we decided to add these additions and amend the text, this is just legal clean up. Mr. Josephson stated that they added the microbrewer bub and distillery allowing the additional language to clear up any questions. There was a zoning district map added to show area coverage. Mr. Jackson asked if anyone from the public would like to comment. Commissioner Scott Decker asked for clarification of the locations of microbrewer bub and distillery.

Jennifer Strange director of the Downtown Dickinson Association stated that the Downtown Dickinson Association is in support of the amendment changes and new Downtown designs.

The public portion of the hearing was closed. Mr. Jackson asked for a motion.

**\*\*\*Approval\*\*\***

I move the City of Dickinson Planning and Zoning Commission recommend Approval of **TAM-001-18**, proposed changes to Article 39.03, Article 39.04 and Article 39.07 of the City of Dickinson Municipal Code as being compliant 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**):

**MOTION BY:** Scott Decker    **SECOND:** Scott Bullinger

**DISPOSITION:** Motion declared duly passed.

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### IV. WORK SESSION – AGENDA

#### 1. Residential Landscape Amendment - Chapter 39

Mr. Hadley presented a final version of the Residential Landscape Amendment. Mr. Hadley stated this is the redline version cleaned up, with comments from all staff, including the details requested at the previous meeting. Mr. Decker stated there is still a requirement for a tree in the front yard.

Mr. Jackson stated we are looking over the big picture, we as a board are still going to be telling people what to do, but how far do we want to go. Mr. Decker said we can encourage citizens to plant trees but he doesn't want to tell them where to plant them. Mr. Decker added I sit on both Planning and City Commission, as a City Commission we feel that citizens should plant trees where they want as long as they have trees, I see this having a hard time passing City Commission. Mr. Jackson asked if there needed to be any further discussion, the Planning Commission had no further comments on the Landscape Amendment.

#### 2. Marijuana Presentation at the March 20<sup>th</sup> City Commission Meeting

Mr. Hadley explained that representatives from the state will be here to discuss the Medical Marijuana standards, they will give a presentation and everyone is encourage to attend. There will be a lot of good information. This will be at the City Commission meeting March 20<sup>th</sup> starting at 4:30. Mr. Hadley stated there are example ordinances included for review for amendments. This will allow the city to prepare for the vote to legalize and figure out where the appropriate areas are for grow operations and dispensaries within the City of Dickinson.

Mr. Jackson asked what the timeline would be. Mr. Hadley stated he didn't know at this time.

Mr. Decker discussed briefly that there would only be two grow facilities within the state from what he understood. There will be distribution areas in Dickinson but a grow facility is unlikely. There was a discussion about locations for dispensary sites.

Mr. Hadley stated the Downtown Dickinson Association will weigh in on this as well. Mr. Jackson stated the feeling he gets is this will be highly regulated and it will be very carefully done here in North Dakota so even if it was across the street it wouldn't make a difference.

#### 3. Possibility of mandatory state approval of all new well's and pipelines

City Engineer Craig Kubas read correspondence from the league of cities regarding the natural resource committee for public input process. Mr. Kubas stated there have been discussions regarding oil wells specifically, there needs to be communication on sighting. Mr. Jackson stated this is important information, even if it's just within the ETZ, if pipelines are moved even a few 100ft it's good to know. Mr. Kubas added there is an application and permit process in place for notification prior to obtaining a state permit.

There was a discussion about well locations and the process of placement.

Chairman Jackson asked for a motion to Adjourn.

**MOTION BY:** Scott Decker **SECONDED BY:** Dean Franchuk  
Adjournment of the meeting at approximately 7:47 AM.

**DISPOSITION:** Motion carried unanimously.

PREPARED BY:

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Brandy Goetz

APPROVED BY:

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Walter Hadley