

# PLANNING & ZONING MEETING MINUTES

July 18<sup>th</sup>, 2018

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## OPENING CEREMONIES AND PRESENTATIONS

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

Vice Chairman Jason Fridrich called the meeting to order at approximately, 7:10 AM.

### **ROLL CALL**

*Present were:* Chairman: Vice Chairman: Jason Fridrich  
Commissioners: Scott Decker, Shirley Dukart, Dean Franchuk, and Scott Karsky

*Absent:* Chair Gene Jackson, Scott Bullinger and County Planner Steve Josephson

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

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

**MOTION BY:** Scott Decker **SECONDED BY:** Shirley Dukart

**DISPOSITION:** Motion carried unanimously.

**MINUTES** – June 20<sup>th</sup>, 2018 submitted for approval

To approve meeting minutes dated June 20<sup>th</sup>, 2018.

**MOTION BY:** Scott Karsky **SECONDED BY:** Shirley Dukart

**DISPOSITION:** Motion carried unanimously.

### **III. ACTION ITEMS – AGENDA**

1. **REZONE** - to consider a Zone Change for Brown's Subdivision from Agricultural to Limited Industrial. The site is generally located within Lot 1 of Block 1 of Brown's Subdivision in the NE ¼ SW ¼ of Section 22, Township 140 North and is +/- 1.5 acres.

Mr. Hadley explained the request stating that there are two motions, Item 1 & Item 2 are combined. Mr. Hadley said there are no major issues, he has only received one comment via email and after talking with the person there were no major concerns. Additionally, Mr. Hadley added that the request area is included in the Industrial designation for the Future Land Use Map, which is a guideline for all future development within the city planning boundaries.

Vice Chairman Jason Fridrich opened up this portion of the hearing up for public comments, there being none this portion of the hearing was closed to the public.

City Engineer Craig Kubas added this is in the ETZ, bordering the City limits, immediately adjacent to the City but still in ETZ.

## PLANNING & ZONING MEETING MINUTES

July 18<sup>th</sup>, 2018

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

### ZONE CHANGE REZ-005-18 (Item 1)

I move the City of Dickinson Planning and Zoning Commission recommend Approval of REZ-005-18 Rezone to Limited Industrial, as depicted in Attachment A, and meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

**MOTION BY:** Shirley Dukart     **SECOND:** Scott Decker

**DISPOSITION:** Motion declared duly passed.

2. **PRELIMINARY FINAL PLAT** - to consider a Preliminary/Final Subdivision Plat for the Brown's Subdivision re-plat. The site is generally located within Lot 1 of Block 1 of Brown's Subdivision in the NE ¼ SW ¼ of Section 22, Township 140 North and is +/- 1.5 acres.

Mr. Hadley added that this property is adjacent to the City limits as Mr. Kubas indicated and the City may want to continue to analyze all future subdivision requests to determine if the City wants to extend services and require annexation. This property isn't necessarily one that needs to be annexed in as services for the city are quite some distance from this request.

Mr. Kubas gave a brief summary of the projects in that area.

Mr. Fridrich opened up this portion of the hearing up for public comments, there being none this portion of the hearing was closed to the public.

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

### FLP-007-18 Re-plat of Brown's Subdivision Final Plat (Item 2)

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-007-18 a Final Re-plat of Brown's Subdivision Final Plat, as depicted in Attachment A, and meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

1. The Applicant shall install separate mail boxes in the designated area by the USPS.
2. The Applicant shall submit the plat to the County Recorder for input and alteration of the proposed plat prior to being placed on an agenda for consideration for final plat approval by the City Commission.
3. The owners of lots 1 & 1A shall obtain a 911 address when plat is recorded and then post their correct 911 address on the site as directed by Stark County Emergency Management.
4. The applicant shall meet the requirements of the SW water authority for a separate meter pit being installed on each lot prior to recordation of the plat.
5. The existing access to Lot 1A seems to cut close to the intersection of 43<sup>rd</sup> Street East and the private drive (public right of way). If the current private drive is ever desired to be improved and becomes a publicly maintained street the applicant shall obtain an approach permit for lot 1A at an appropriate distance from the intersection on the private drive/43<sup>rd</sup> Street E from the Stark County Road Supervisor.

## PLANNING & ZONING MEETING MINUTES

July 18<sup>th</sup>, 2018

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

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**MOTION BY:** Shirley Dukart **SECOND:** Scott Karsky

**DISPOSITION:** Motion declared duly passed.

3. **FINAL PLAT** - to consider a request for a Final Plat for the Lupo Subdivision. The site is located in the SE ¼ of Section 30, Township 140 North, Range 96 West, 5PM, Stark County, North Dakota and is +/- 7 acres.

Mr. Hadley explained the request adding there were no public comments on the project. Mr. Hadley stated this is a good location for annexation but it was determined at the preliminary plat stage that it was not an area the Planning Commission would like to pursue for annexation.

Mr. Kubas said the Pine Crest Subdivision is across from this location.

Aaron Johansen the applicant was present and explained his intentions. Mr. Johansen added that they are not requesting to be annexed into the City and they have secured Southwest Water and State Septic approval for their sites.

Mr. Fridrich opened up this portion of the hearing up for public comments, there being none this portion of the hearing was closed to the public.

**MOTION BY:** Scott Karsky **SECOND:** Scott Decker

**DISPOSITION:** Motion declared duly passed.

Mr. Hadley presented a map depicting the areas that would not allow Medical Marijuana dispensaries, based on the 1000ft buffer required by State Code. Mr. Hadley added there is a delay with the State of North Dakota until January 2019 on the approval process for Western North Dakota. Staff will bring the revised ordinance back to the City Commission with revisions and work with the State of North Dakota on the definition of school grounds.

City Attorney Janilyn Murtha stated the draft version that was recommend to City Commission from the Planning Commission had changes at the City Commission level and will need to be revised. Ms. Murtha stated, we realized that the buffer was everywhere with daycares and licensed preschools, there will be an updated map removing the licenses daycares and licensed preschools.

Ms. Murtha added there was also a lot of potential lot exclusions on the Villard Street area based on the Department of health's policy.

Commissioner Scott Decker stated if recreational Marijuana gets passed has there been any discussions on the language for that. Ms. Murtha said this should be the same process as the Medical Marijuana. The 1000ft setback from schools will remain, that is at the federal level. Schools aren't defined so we will see how we go about that. Ms. Murtha added there is a meeting scheduled with Dr. Mitzel to help resolve any issues.

Mr. Decker stated that once the map is cleaned up it would be a good reference to have in place.

Ms. Murtha added there seem to be issues with the definition of school, to meet statute this needs to be cleared up via policy.

Ms. Murtha discussed some of the policy's adding they are all available online. Mr. Fridrich stated there is a lot of frustration on the amount of time it's taking to pass the Medical Marijuana policies.

## PLANNING & ZONING MEETING MINUTES

July 18<sup>th</sup>, 2018

Mr. Hadley added even though there are several projects out there, no one met the deadline for action items for August, and so there will be no meeting based on the Commissions policy. Mr. Fridrich asked what projects are coming up.

Mr. Hadley stated the largest is the re platting of Diamond Acres once again in two different locations and there are a number of potential Special Use Permits that are out there.

#### IV. **WORK SESSION – AGENDA**

1. NONE

**MOTION BY:** Shirley Dukart **SECONDED BY:** Scott Decker

Adjournment of the meeting at approximately 7:33 AM

**DISPOSITION:** Motion carried unanimously.

PREPARED BY:

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Brandy Goetz

APPROVED BY:

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Walter Hadley