

PLANNING & ZONING COMMISSION MEETING MINUTES

August 17, 2011

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Vice Chairman Tracy Tooz called the meeting to order at 7:10 AM.

II. ROLL CALL

PRESENT: Nancy MosBrucker, Tracy Tooz, Jerry Krieg, Jason Hanson, Scott Kovash and Gene Jackson

ABSENT: Jay Elkin, Earl Abrahamson, Ron Hartl, and Larry Dockter,

STAFF: Ed Courton, City Planner and Matt Kolling, City Attorney

STANDARD MOTIONS

City Planner Ed Courton informed the Board and the public that notice of a Public Hearing was sent to property owners within 300' of the Southview Homes 2nd Addition for a final plat; however, the required information was not received and this item has been pulled from the agenda.

1. MINUTES

Minutes of the July 13, 2011 workshop meeting submitted for approval.

MOTION BY: Nancy MosBrucker **SECOND BY:** Scott Kovash
to approve minutes of the July 13, 2011 workshop meeting.

DISPOSITION: Motion carried.

2. MINUTES

Minutes of the July 20, 2011 regular meeting submitted for approval.

MOTION BY: Jerry Krieg **SECOND BY:** Scott Kovash
to approve minutes of the July 20, 2011 regular meeting.

DISPOSITION: Motion carried.

REGULAR AGENDA

1. **FINAL PLAT** – Diamond Acres Subdivision, lying in Section 34, Township 140N, Range 96W and situated southerly of 21st Street East and westerly of 10th Avenue East containing +/- 105 acres.

Vice Chairman Tracy Tooz opened the Public Hearing. Walt Smith of Kadrmas, Lee and Jackson was present to answer any questions. City Planner Ed Courton stated the final plat has been reviewed by city staff and was found to be favorable for final plat. Mr. Courton stated to Mr. Smith that the larger lots abutting 21st Street would be rezoned to a commercial use but that would take another action through Planning and Zoning.

MOTION BY: Gene Jackson **SECOND BY:** Jason Hanson
To recommend approval of the final plat to the City Commission.

DISPOSITION: Motion carried.

2. **FINAL PLAT** – State 7th Addition (Replat of a portion of State Addition) located easterly of I-94 Business Loop and southerly of Fairway Street in Section 5, Twp 139N, Rge 96W containing +/- 16 acres.

Vice Chairman Tooz opened the Public Hearing. Walt Smith of Kadrmas, Lee and Jackson stated this has been a phase by phase project and they are presenting the final two phases today for final plat approval. City Planner Ed Courton stated he had no concerns with the final plats. He added any rezoning would need to be submitted separately so as not to slow the development.

MOTION BY: Jason Hanson **SECOND BY:** Nancy MosBrucker
To recommend approval of the final plat to the City Commission.

DISPOSITION: Motion carried.

3. **FINAL PLAT** – State 8th Addition (Replat of a portion of State Addition) located easterly of I-94 Business Loop and southerly of Fairway Street in Section 5, Twp 139N, Rge 96W containing +/- 21 acres.

Vice Chairman Tooz opened the Public Hearing. Walt Smith of Kadrmas, Lee and Jackson was present to answer any questions. Mr. Courton stated positive comments have been received about the Roer's Development.

MOTION BY: Scott Kovash **SECOND BY:** Jason Hanson
To recommend approval of the final plat to the City Commission.

DISPOSITION: Motion carried.

4. **SKETCH PLAT** – BK Subdivision – lying in the NW¼ of Section 15, Twp 140N, Rge 96W..

Don Schmelling, of Continental Real Estate stated this property is from the estate of Bob and Angie Kadrmas. They wish to plat the 129.42 acre tract on the east side of Hwy 22 for mixed use consisting of residential, industrial and commercial. He stated the parcel is surrounded by industrial use along with the residential Kralicek Subdivision to the south. They will ask for RR (Rural Residential) to buffer between an industrial zone and the Kralicek Subdivision and GC (General Commercial along Hwy 22 for the southern portion and LI (Limited Industrial) to the north. There will be no access to this property from Hwy 22. The residential lots will have access through the Kralicek Subdivision and the commercial and industrial lots would use the existing frontage road on the west side of Commercial Acres or to the north on 32nd Street SW. They would propose to vacate the right-of-way from Green Acres Industrial to prevent the industrial traffic from going through the residential sections. Mark Swenson, of Highlands Engineering stated the only industrial along Hwy 22 will be across from Power Fuels.

Mr. Schmelling stated the plots were advertised publically at the County Planning and Zoning meeting where City Administrator, Shawn Kessel opposed the request due to the recent extension of the city's ETZ.

City Planner Ed Courton stated we need to start considering all the requests we're getting to rezone from Agriculture to Industrial. The city's Comprehensive Plan will factor in industrial areas and where they're appropriate. He said the last thing we want to do is rezone AG to Industrial where they think they'll have services within five years when in reality, they may not. He said this situation is the same as Wyoming Casing and the Henry Brown property. The three residential properties along Hwy 22 may be against the industrial development. He said we may want to wait for the completion of the comp plan or we may want to adopt some interim policies concerning annexation and industrial land. These issues will be flushed out in the comp plan so we may want to hold off until the comp plan is completed.

Gene Jackson wished to clarify that the sketch plat is a review process. There is no public hearing today as no notice was given to the neighbors. He said this was presented for comment and we are not required to give approval today. Also, zoning is not on the table today. If there is opposition, it will be known at the Public Hearing. He added we will require paving of the streets and the owner will need to be aware of that. He noted a few other details of the sketch plat. Mr. Jackson stated he agrees with limiting access to the adjacent residential platted street. He also agrees with vacating the street right-of-way on the south side of Lot 11. He stated that if the DOT allows access to Hwy 22, he would want to see them line up with existing approaches across the highway and he would like to see continuation of the frontage road with coordinating access. Mr. Jackson also recommended that the parcel shown as Stark County document #3028577 be included in the plat. Mr. Schmelling stated that the property is owned by Gordon

Kadrmass which includes his residence within the AG zone. He added that he visited with the owners of the parcels shown as Stark County documents #3066594 and #3051797 and they showed no opposition as long as they were buffered properly.

Tracy Tooz agreed with comments made by Mr. Jackson. He said he would like to see the frontage road progress all the way to 32nd. He also agreed it would be favorable to remove the public right-of-way adjacent to the Mountain West property. Mark Swenson clarified that there are five access points in this section which is the maximum the DOT will allow. They have no plan to line up to 32 Q Avenue SW as it is likely to be rejected by the DOT unless the City supports the access.

As staff, we want to factor in every different aspect. The property is situated in a basin and providing services may be problematic. The area won't gravity flow and will need pumps. Mr. Courton stated we have every right to recommend denial and come back in six months following the comp plan. We need to decide if we will continue to allow industrial zoning along Hwy 22 all the way to Dunn County. Tracy Tooz stated there is a huge need for more industrial lots, but we need to make it clear what we want along Hwy 22. Gene Jackson suggested we discuss the philosophy and concept of industrial zoning along Hwy 22 at the mid month workshop meeting to be better prepared for the preliminary plat next month. Mr. Swenson agrees to look carefully at plats coming in during this time prior to completion of the comp plan but hopes not to see a moratorium and hold up the developers. He said with the Green River blocking some of the area, there are already many restrictions and they would like to move forward with these plats. There is a demand for industrial lots, but he also agrees with the policy for open space areas. He stated he would also like to see standards for landscape buffering. Mr. Courton stated the estimated time frame for completion of the comp plan is June of next year. He said it will be necessary to come up with temporary planning policies until then. He stated continuing to allow AG zoning to become industrial may be inconsistent with the plan. He said he is aware of the need for industrial property but we need to determine where it's appropriate. We need a vision the community for the future and possibly an industrial park.

5. **SKETCH PLAT** – Section 16 Industrial Park Subdivision – lying in NE¼ Section 16, Twp 140N, Rge 96W.

Don Schmelling of Continental Real Estate presented this sketch plat on behalf of the Bob and Angie Kadrmass estate as well. This property is on the west side of Hwy 22 behind Solar Bee. He again stated the industrial zone makes sense for the area. Mr. Courton stated this area would also require urban standard streets. Schmelling asked if just this subdivision would be required to put in paved streets or if the existing subdivisions around them would also be required. Courton said just the new development would need to be urban standard, paved

streets with curb and gutter. He said the others were developed in the county at a different rate but anything new or any large expansion would require the urban standard roads as well. Gene Jackson expressed caution of what the urban standard would be and we will need to involve the county in the decision. He stated it will definitely be a hard surface road but may not require curb at gutter at this time. Mark Swenson with Highlands Engineering noted that the property is more than one mile from city limits and in his opinion it will be a long time before infrastructure is extended to the area. He feels it will be better to build the streets with ditches, and then convert to curb and gutter if it is ever annexed into the city. He stated curb and gutter takes too much of the right-of-way, leaving no room for sewer. He asked that it be left as a rural section if they agree to pave. He also suggested a developer's agreement for special assessment which couldn't protest out once infrastructure is available.

Gene Jackson stated there is talk that Oxy Petroleum has purchased tract #3065492 where they plan to build. He stated they will be required to plat before a building permit can be issued and asked if they could be included in this plat. Mr. Schmelling stated that Solar Bee purchased property from the Kadrmass' and platted it as Lot 1, Block 1, SKF Subdivision. Solar Bee is selling a portion of this platted property to Oxy Petroleum.

Don Schmelling stated his client wants to move forward as they have interest in some of these lots. He said they were deferred to the city by the county and would like to move forward with the Preliminary Plat next month.

6. SKETCH PLAT – Koch's Meadow Hills Second Addition – part of NW ¼ Section 28, Twp 140N, Rge 96W.

Harvey Schneider from Toman Engineering and developer, Mike Koch were present to discuss the plat. This second phase shown in green abuts the 1st phase shown in yellow on the drawing provided. The south boundary abuts the north boundary of Koch's Meadow Hills 1st Subdivision and the east boundary along 10th Avenue East. The plat is in accordance with the master plan discussed in December, 2010. The infrastructure will come from 12th Avenue West. The grading and water and sewer installation are complete on the 1st Addition. Northern Improvement will be in to start paving next week.

Mr. Schneider asked if the Preliminary and Final Plats would be discussed together for approval since it is in line with what was proposed in the master plan. City Planner Ed Courton stated a master plan is conceptual, not an entitlement. Requirements for open space may change, then future phases would change. He suggested a Preliminary Plat for the entire area. The preliminary approval would be an entitlement which would give vested rights for the development. Gene Jackson agreed stating it's good to have a master plan but they could bring in preliminary plats for three or four phases and if approved, the final plat will come more easily.

Jerry Krieg asked what zoning is proposed for the plat. Mr. Schneider stated it would be all residential. All of Block 1 will be R1, all of Block 2 will be R3, Lots 1-7, Block 3 will be R3, Lots 8-12, Block 3 will be R2 and Lots 1-5, Block 4 will be R1 with Lot 6, Block 4 being R2. Gene Jackson questioned the lots sizes in Block 2 for the R3 zone. Mr. Schneider stated he hadn't checked on minimum lot sizes and noted they may need to be adjusted. Mr. Jackson asked if we would be prohibiting access on 10th Avenue West and asked if we had a non-access line on the 1st plat. Mr. Schneider stated they will be dedicating right-of-way for the future development of 10th Avenue West.

Scott Kovash stated that as we move north, the Park District may be looking to acquire land for parks. He said he would talk to James Kramer about it and they would get together with Mike Koch.

7. **SKETCH PLAT** – Sickler Subdivision – lying in the SW¼ of Section 28, Twp 140N, Rge 96W..

Owner, Art Sickler stated he owns the 20 acre parcel and he has his house for sale along with four acres and would like to keep the other 16 acres to the north with the zoning to remain AG.

City Planner Ed Courton stated he met with the realtor and Mr. and Mrs. Sickler and shared his comments on the request. He stated city policy will require annexation. The surrounding area is RR and he will require the road to be paved where it is now scoria. When sewer becomes available, they will have to connect as would the portion to the north if a home were built there. Gene Jackson suggested they talk with the developer to the north, Mr. Koch; to tie into sewer there. Tracy Tooz questioned if the private access easement should continue all the way through. Mr. Courton explained it is only to give access to the property off of 21st Street. He stated it is not an easement. Mr. Tooz asked if the private access is needed if there is right-of-way dedicated for 24th Street. Mr. Courton explained this enters the tract north of the four acre parcel. He said the current configuration of the driveway makes it necessary. This is to ensure that the existing driveway can remain. If the access is used for more than these two, it is no longer considered a driveway but will then become a road. Jerry Krieg asked if there is a road coming in from the east side at the north end. Mr. Courton explained that is a cul de sac. He added 24th Street terminates just short of Lot 1 and follows along the trees. He stated they could have access on the northern portion, he would be okay either way but the applicant preferred this way.

City Attorney Matt Kolling clarified that the entire 20 acres would require annexation. Mr. Courton stated it would. Gene Jackson stated this is awkward to plat stating this may be an opportunity for ghost platting. He suggested Mr. Sickler and Mr. Koch get together. Mr. Sickler stated he may decide to leave it as it is. Mr. Courton stated they will either need a sewer easement to the

northern portion or alignment of 24th Street for access to make sure it eventually transitions to urban development. He asked that those items be address on the preliminary plat.

8. CODE ENFORCEMENT REPORT – July, 2011

City Planner Ed Courton stated the report shows a significant increase in multi-family dwellings which require a more in depth review. He stated staff has a high work load getting permits issued, adding we are well ahead of last year. Values so far this year are at \$44.5 million compared to \$25.3 million last year.

9. ADJOURNMENT

There being no further business to discuss

MOTION BY: Jason Hanson **SECOND BY:** Jerry Krieg
to adjourn meeting. Meeting adjourned at 8:45 AM

DISPOSITION: Motion carried.

PREPARED BY:

Karen Amann

APPROVED BY:

Ed Courton