

PLANNING & ZONING COMMISSION MEETING MINUTES

November 16, 2011

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:10 AM.

II. ROLL CALL

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

ABSENT: Larry Dockter

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

STANDARD MOTIONS

1. MINUTES

Minutes of the October 19, 2011 regular meeting submitted for approval.

City Attorney Matt Kolling noted a correction on page four where the minutes reflect that he stated the city has a development agreement with Hartl's and Lefor's to put in 10th Avenue West. Mr. Kolling explained the development agreement has not been signed at this point.

MOTION BY: Jason Hanson **SECOND BY:** Jerry Krieg
to approve minutes of the October 19, 2011 regular meeting with the correction noted.

DISPOSITION: Motion carried.

REGULAR AGENDA

1. **FINAL PLAT** – Koch's Meadow Hills 3rd Subdivision. The plat is situated in the NW ¼ of Section 28, Township 140N, Range 96W and is +/- 14 acres

Chairman Abrahamson opened the Public Hearing. Harvey Schneider from Toman Engineering and Mike Koch, the developer were present for the request. Mr. Schneider stated this is a 14.33 acre residential tract north of Koch's Meadow Hills 2nd consisting of three blocks and four lots. The zoning has been approved as R3. Access will come from 10th Avenue West and the continuation of 12th

Avenue West to connect to 34th Street. The plat will dedicate the remaining right-of-way to extend 10th Avenue West, 12th Avenue West and 34th Street West. Infrastructure will connect to 12th Avenue West. Annexation has been requested. A letter from James Kramer from the Park District dated October 28th was distributed to the board stating the Park Dist. would take cash in lieu of land for the first three phases. They are in the process of master planning the remaining acreage which will be presented at the December meeting where a 1.5 to 2 acre tract will be given to the Park Dist. for the balance of the land.

Gene Jackson asked where we were with the tree planting at the south end of Koch's 1st Subdivision. Mr. Koch explained they will be filing covenants today stating the tree planting will be done prior to issuing a Certificate of Occupancy. He stated there is a full section in the covenants specifying the type of trees. Some of the lots have already been sold, but he hasn't planted any trees as there is no water at this point. Jay Elkin questioned if this wasn't a condition placed on the developer. Mr. Jackson stated he had the same understanding as did Chairman Abrahamson and said we will need to review the minutes. Mr. Koch stated he doesn't have a problem with planting the trees but felt maintenance would be an issue without water. Mr. Koch stated he would wait to file the covenants. City Planner Ed Courton stated the majority of the time, landscaping is completed last, but the CO is required to move in, then it becomes difficult to address. He said it would be better to have the trees planted prior to the sale of any more lots. The concession was made to satisfy the neighboring property owners and he would provide the minutes at the next meeting. Greg Lefor stated it was his understanding that the trees were to be planted before any building permits were issued. He added if water is the issue, he would supply the water. He said they put up with the dirt and dust all summer as well as the contractors coming across his property. Mr. Lefor said he expects this to be taken care of. Mr. Courton stated he would follow up on it.

MOTION BY: Tracy Tooz

SECOND BY: Gene Jackson

To recommend approval of the final plat for Koch's Meadow Hills 3rd Addition, as depicted, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare with the stipulation the city take additional land on 10th Avenue West from the adjacent property owner.

City Attorney Matt Kolling asked for clarification of the condition to approve the plat. He stated we would have to annex that property before we approve the plat which will delay Mr. Koch. Mr. Tooz stated he would remove the condition only if Mr. Koch wished to pay for 10th Avenue West himself. Gene Jackson stated a good point is made with the stipulation but we are too late. It's not just annexation but also dedication which we don't have. Mr. Courton stated we've acquired land to the center line of 10th Avenue West. He stated they city will be looking at 10th Avenue West as a Federal Aid project and not city impact fees. We will acquire the dedication as we go through the process and once we have

the right-of-way we can ask for federal funds for the project. Tracy Tooz agreed to remove the condition of the motion. Jackson concurred.

Jay Elkin asked if we're putting the cart before the horse by approving the plat for Koch's 3rd when the trees haven't been planted for Koch's 1st. Gene Jackson said he would agree if this were the last phase, but Mr. Koch will be back with additional requests so we can still enforce the tree plantings. Mr. Koch stated he is not trying to get by with anything; they want it to work for everybody and are trying to find the right way to do things.

Scott Kovash said they've had several conversations since the last meeting and they are at a point where they are comfortable with approximately two acres in a specific area of the next phase. He asked if the Park District gets 5% of the total acreage or if they have to remove the streets and sidewalks. Ed Courton stated the dedication of 5% to the Park District is exclusive of any other dedications, so 5% of what is left over after streets and sidewalks, etc.

DISPOSITION: Motion carried.

2. **REZONING REQUEST** – To consider a rezoning request for Koch's Meadow Hills 2nd Subdivision, Block 1, Lots 1-10 from R1 to R2 and R3 in the NW ¼ of Section 28, Township 140N, Range 96W

Chairman Abrahamson opened the Public Hearing. Harvey Schneider from Toman Engineering stated they wish to rezone Lots 1, 2, 3 to R3 and Lots 4 – 10 to R2. The reason for the request is due to the proposed sale of land across the street in Koch's 3rd which is zoned R3. Mr. Schneider stated this will be more compatible allowing for a buffer to the R3 zone.

Greg Lefor stated when the original plat was approved it looked pretty good with a gradual transition from his RR property. He stated it has now become a mixture of R3, R2 and R1. He said he feels Mr. Koch was unable to sell the R1 lots and wants to cash in on selling the lots as R3. He said he's heard there will be 48 unit apartments all along 10th Avenue West as well as a new public school on 10th Avenue, he asked if that's what we want there.

City Planner Ed Courton explained this transition fits the area. He added the original master plan is not an entitlement, it is an expectation. He stated 10th Avenue West will be a major corridor where it makes sense to have higher densities. He added there may also be commercial and industrial developments along this road segment. Single family homes don't address our need for housing. This corridor makes planning sense for higher density. He stated he is very much in favor of the request and recommends approval.

Scott Kovash asked if this will change the amount of cash in lieu of land for this parcel. Cash in lieu of land is set at \$100.00 per single family lot, but how is it

addressed in multi-family developments. Mr. Courton explained there is a higher requirement for higher density at \$50.00 per dwelling unit for medium and high density zones. He added the computation may change with the Comprehensive Study taking place at this time. He stated it may change from radius vs. number of people.

MOTION BY: Jason Hanson

SECOND BY: Gene Jackson

To recommend approval of the rezoning petition for Koch's Meadow Hills 2nd Addition, as depicted, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

Gene Jackson noted that we're all concerned with the rezoning of Koch's 2nd but he will still come back for zoning on Koch's 3rd. Ed Courton clarified that the rezoning request for Koch's 3rd was approved last month to R3 based on the sale of that property. The City Commission has already approved the 1st reading and the 2nd reading will take place at the City Commission Meeting on November 21st.

DISPOSITION: Motion carried.

3. **PRELIMINARY PLAT AND REZONING** – To consider a Preliminary Plat for the Replat of Lyons' Subdivision and to include Rezoning from R1 to R2 for the interior portions of the Plat. The Plat is situated in the West ½ of the NE ¼ of Section 27, Township 140N, Range 96W.

Chairman Earl Abrahamson opened the Public Hearing. Tracy Tooz from Tooz Construction stated his desire to rezone from RR to R2 for the interior lots and to R1 for the exterior lots. The only change from his previously denied request was that Block 1 would be zoned R2 rather than R3.

City Attorney Matt Kolling stated there is a memorandum of understanding with Tooz Construction, owner of the property. He said the R2 zone on the north side doesn't maintain the memorandum as there is an R1 zone on the north, east and south boundaries. Mr. Tooz explained they also own those lots in North Industries which provide the detention pond. City Planner Ed Courton stated the access for 34th Street will need to proceed to 4th Avenue. He added there was a 30' access easement on the west boundary on the original plat which no longer exists on this plat. Mr. Tooz explained all affected parties are aware of the removal of that easement. Lots 5, 6 and 7 are owned by Roughrider Electric and the land will go back to them by removing the easement. They are aware of it and agree to it. Mr. Courton stated he wants to see that resolved before the final plat. Mr. Kolling added that issue is not addressed in the memorandum of understanding. Mr. Courton explained he just wants to make sure it lines up for water and sewer, stating these are not construction plans.

Gene Jackson stated this plat has come under a lot of scrutiny followed by an extensive agreement. He said he would be ready to approve noting some detail

things. He recommended putting the access easement back in so it can be deeded. He added the sewer easement needs to show configuration to 34th Street and 6th Avenue. Mr. Jackson also noted the dead end street from the north expressed concern that it should run through. He added the east/west street has only half a street but understands they don't own any more land. Ed Courton explained the dead end is from the six lots in North Hill Acres Subdivision, stating he is okay with that as the lots are in the county, adding they could replat if they were ever annexed and wished to increase density. Mr. Courton added that the eight lots on the east side are directly affected by the property to the east where there is dedication of 33' or only half the street. He explained we would not issue building permits to these lots without sufficient dedication for the development of the street. He added the north/south street would have to be built to urban standards. He said he has talked with Al Heiser concerning 40th Street and they've come to the conclusion it needs to be paved as he expects the property to develop to a higher density at some point.

MOTION BY: Jay Elkin

SECOND BY: Gene Jackson

To recommend approval of the preliminary plat for the Replat of Lyon's Subdivision, as depicted, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

Gene Jackson asked if we should add contingencies concerning the private access and the sewer easement. Chairman Abrahamson stated those could be addressed and satisfied at the final. Mr. Courton stated his wishes to attach conditions at the preliminary plat.

Jay Elkin amended the motion that the water and sewer easement and access easement be resolved acceptable to the City Engineer prior to the final plat.

DISPOSITION: Motion carried.

Gene Jackson noted the drawing for the rezoning request was not the same as the drawing for the replat. He asked for clarification that the rezoning will be Lots 1-3, Block 1, Lots 13-26, Block 1, Lots 36-44, Block 1 and Lots 1-10, Block 2 to be zoned R2 and the remaining lots to be zoned R3. Mr. Tooz agreed.

MOTION BY: Jay Elkin

SECOND BY: Jason Hanson

To recommend approval of the rezoning petition for the Replat of Lyon's Subdivision, as depicted, 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.

4. **SPECIAL USE PERMIT** – To consider a Special Use Permit from Weston Solutions to operate an office in the residence situated in the R3 zoning district on the property described as west part of Lots 5 & 6, Block A, Dakota Land and Colonization. (509 3rd Avenue West)

Chairman Abrahamson opened the Public Hearing. Members of Weston Solutions were present stating they have purchased the bed and breakfast in the R3 zoning district where they wish to use the 2nd floor for housing for Weston employees and the 1st floor for office space. They stated there would be no change in the hours of operation.

City Planner Ed Courton stated he met with Weston a couple of months ago. They are moving their operation to North Dakota where they are starting small. He stated the time spent at the bed and breakfast will be limited and the impact should be similar or less than the bed and breakfast. The request is for office space for field people. Mr. Courton stated this is a good mix use opportunity. We need to look at projects with respect to the surrounding area and he stated he feels this will work. They have enough parking and the operation will not increase traffic to the office. Jerry Krieg asked if there is the potential to need more parking. Mr. Courton explained there are three designated parking spaces and a two car garage and driveway. He said the impact should be the same as the bed and breakfast and they do meet the parking standard. Mr. Krieg asked if there would be room for client parking. Mr. Courton stated the motion could be conditioned to accommodate client parking by requiring the removal of the spa or add parking from the alley or condition the motion to review again in one year. Tracy Tooz said it wouldn't be prudent to tell a developer to remove parts of his property and stated he feels the use fits and there is plenty of parking. He said they came in for a SUP, they brought a plan and we should judge on that.

MOTION BY: Tracy Tooz

SECOND BY: Jay Elkin

To recommend approval of the rezoning of the Special Use Permit for Weston Solutions to operate an office in the R3 zoning district, as depicted, 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.

5. **REZONING REQUEST** – To consider a rezoning request from AG to RR for Lots 2 – 5, Vaagen Subdivision. The Plat is situated in SE¼ of Section 25, Township 140N, Range 96W.

Chairman Abrahamson opened the Public Hearing. Amanda Vaagen, representing the property owners, Keith Vaagen and Mathew Igaard stated the buyers or potential buyers of these lots cannot get financing on lots less than ten acres which are zoned AG.

Jay Elkin asked if they've checked with SW Water to make sure there is enough to serve these lots. Ms. Vaagen said she was told there would be plenty of water but if it is a concern she will follow up again. Mr. Elkin stated the County would like to see the owners tie into SW Water but would also be okay with individual wells if that's what the owners wanted.

Gene Jackson asked if there was any thought of further subdividing. Ms. Vaagen said no. He said if they do, they would have to look at putting in a street. Jay Elkin stated that is a big concern for the County. He said if a street is put in, it will be private and those purchasing lots there will need to be informed that their street is private and that the County will not be maintaining it. He said they have one subdivision where lots have been sold and homes have been built and the people living there didn't know the streets were private. He believes they should be dedicated as public streets. Mr. Elkin said he's not as concerned with this plat as it is not as heavily populated, but if the 40 acre tracts are split and the ten acre tracts are split further, it would be a concern. Mr. Courton agreed and stated he did have this discussion with Ms. Vaagen that if the lots are split further, dedicated roads would be required and they would have to be paved. He said eventually these could be urban roads. He feels any road within two miles needs to be dedicated right-of-way and needs to be paved, but that is not what's on the table today. Today we are looking at a rezone. Jay Elkin concurred and said he has no issue with the rezoning request. County Road Superintendant Al Heiser stated all four lots under discussion today will access 35th Street and will not have the issue with private roads.

MOTION BY: Jay Elkin **SECOND BY:** Jason Hanson
To recommend approval of the rezoning request for Lots 2-5, Vaagen Subdivision, as depicted, 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.

6. **PRELIMINARY PLAT** – To consider a Preliminary Plat for Westlie's Addition described as Lot 3 – 5, Block 2, Larson 1st Addition and Lot 5, Block 3, Mayer 1st Subdivision in the NE ¼ of Section 1, Township 139N, Range 96W. The plat is +/- 9 acres.

Chairman Abrahamson opened the Public Hearing. Tom Nantz, Store Manager stated they will utilize the entire parcel for the project containing a 3700 SF truck Center for Westlie.

Jay Elkin asked if the utility easements were being used and if not, they should be eliminated and cleaned up so they can build over the top of the easement. City Planner Ed Courton stated he received the proposed plan about two months ago. It is a unified development site where they will combine two lots from one

subdivision and other lots from another subdivision and the only way to do that would be to plat. He said the building plans are currently under review with some comments but overall staff favors the plan. They will need to pave 29th or portions of 29th to the site. Gene Jackson stated he would like to see a paved street and not dedicated right-of-way on private property. He said now the trucks are parking on the dedicated right-of-way. He suggested a development agreement with adjoining properties to participate in the street construction. Mr. Courton explained the concrete will be removed and 29th will be paved into the development before the curve. He stated approval could be conditioned if that's what the board wanted. Mr. Elkin asked if the street would be straightened. Mr. Courton stated they are proposing what was agreed to with the City Engineer. The dedication for 29th already exists and they are just replatting property around it and developing the road. He stated they'll have to work with adjacent property owners to realign 29th so will have to include the other owners in the process. Jerry Krieg asked if they will pave the access straight in and then 29th Avenue parallel to the access. Mr. Courton stated that was correct that 29th would be paved and the approach apron will need to be hard surface as well. They will have to include additional property to realign 29th Avenue. City Attorney Matt Kolling asked if the existing road will be taken out. Mr. Courton explained there are two different issues. The concrete in the existing access will be removed and the road developed. The existing building is to be removed. He stated the development plan is shown over the top of the preliminary plat to depict lot sizes, easements and right-of-way. That will be removed prior to the final. Stark County Road Superintendent Al Heiser stated the street is a mess to the Business Loop around Dakota Diner and this should take care of the congestion.

MOTION BY: Gene Jackson

SECOND BY: Jay Elkin

To recommend approval of the Preliminary Plat for Westlie's Addition, as depicted, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare adding the requirement that the City and owner complete a development agreement for the owner's responsibility of 29th Avenue.

Gene Jackson stated this is a really congested area and will become worse if there is development to the north, but we can't ask the developer to do more than his share. Jay Elkin agreed stating there are usually about 100 trucks parked in there and many are parked across 29th Avenue. Mr. Jackson stated he would want to see more information at the final. Mr. Courton stated the final won't give the detail you're asking for. They want to complete the development in order to apply for a building permit. He stated Tiger Discount wants to clean up the situation as well. They have acknowledged the issue and want to realign some approaches. This is the only site in the City with space for trucks to park. The Police and Fire Departments are always moving trucks with flammable liquids

DISPOSITION: Motion carried.

7. **STREET VACATION** – To consider a Street Vacation for Franklin Street between 14th Avenue and 16th Avenue East and situated between Block 20 and 21 of Washington 4th Addition.

Chairman Abrahamson opened the Public Hearing. Jeff Miller, resident of Block 20 for 22 years stated the nature of the street is very short with an odd shape. He stated he doesn't believe the street will ever be developed and if it were developed, it wouldn't relieve any traffic. He said 14th Avenue has two residents on the north end. There has been a history of the area being congested with snow and is never cleaned out well. There has always been a neighborhood effort for snow removal there. He said if the street were developed, it would be prone to being blocked by snow as it only serves two lots. It is a fragment of a current block and there is no need to develop it. The utility companies were granted easement in Lot 1, Block 20 which serves Lot 1, Block 21 and the utilities are already in place.

City Attorney Matt Kolling asked how they would access Lots 10 and 11, Block 2. Mr. Miller stated those lots are owned by the adjacent land owners who have access.

Gene Jackson noted that State Law would divide the vacated street to the adjacent land owners. He said they would need a metes and bounds description to divide the vacated street. Mr. Kolling agreed and said it may be more difficult with the curved street. The lots would extend to the centerline so it would be necessary to have that description.

Mr. Courton explained that when street right-of-way is dedicated there is an expectation that the street will be put in. We recently heard a request from the Braun Subdivision for a street vacation and we required them to replat. He explained that neighboring property owners were notified and although he didn't have the opportunity to check who owns lots 10 & 11, he believes they were tied to Lot 6 with unified ownership and none would be land locked by the street vacation. He said he had spoken to the Fire Department who said the vacation would not adversely affect response time. He added that all utilities have also signed off. Mr. Courton stated he is not opposed to the request but wouldn't favorably recommend the request either. He said if the board is more comfortable, they could require a replat.

Chairman Abrahamson asked if the street were vacated eliminating the current access, how would that be affected. Mr. Courton stated the city would require a curb and sidewalk which could not be driven over. He said it is right-of-way, not an improved road. Mr. Abrahamson asked if we would require a barricade. Attorney Matt Kolling stated that if the street is vacated, it is no longer available for public use so it would be up to the private property owners to barricade the street if they chose to. Mr. Jackson stated they city may receive calls to prevent traffic from going through there. Mr. Courton stated it may be best to recommend

denial of the street vacation, require a replat and as part of the replat require the curb and gutter to block access. Chairman Abrahamson asked if this is a policy issue and if we should allow street vacations or require the replat right away. Mr. Courton stated it is probably something we should discuss at a workshop meeting.

MOTION BY: Tracy Tooz

SECOND BY: Jerry Krieg

To recommend denial of the street vacation for Franklin Street between 14th Avenue East and 16th Avenue East, as depicted in Exhibit A, as NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare and require replatting and waive the replat fee.

Mr. Courton stated he had no objection to waiving the fee, but technically wasn't sure if it can be removed.

DISPOSITION: Motion carried.

8. **ZONING TEXT AMENDMENT** – To consider a Zoning Text Amendment to add a new Overlay District called “Corridor Overlay District” for major roads and to include standards for building and site design.

City Planner Ed Courton stated there were missing pages in the information provided with the packet. He provided those missing pages and stated he wouldn't anticipate a motion today. He encouraged members to read the provided information to be ready to discuss at the next workshop. Mr. Courton stated the intent would be to encourage capital improvement. He asked members to provide comments to include the major corridors of 10th Avenue West, 8th Street SE, State Avenue, Hwy 10, 21st Street, 34th Street (or 40th Street on the city side) and possibly Broadway.

9. **ZONING TEXT AMENDMENT** – To consider a Zoning Text Amendment of Section 39.09 “Off Street Parking” to require paving of an existing parking lot for additions greater than 50% of the existing building and/or parking lot.

City Planner Ed Courton stated this amendment was based on prior discussion of non-conforming parking lots in industrial subdivisions to bring the parking and driveway up to current standards where expansion of 50% or greater takes place. He stated that if a major enhancement by use or double the building footprint took place, they would need to pave. He added we may need to make it cumulative so they wouldn't expand by 30% one year and come back later for another 20% expansion to avoid the pavement requirement. He stated this is for required parking and not display areas. It would also include the approach apron which is required of new developments.

Jerry Krieg stated he would like see 35% rather than 50%. Chairman Abrahamson asked to put it in perspective. If someone has a 10000 SF building and the lot is not paved, if they increased by 50%, how much pavement would be required. Mr. Courton explained a typical approach is 20' to 35'. He would require the setback is 25' plus the circulation leading to the parking spaces be paved. Tracy Tooz said that is huge. He noted the original Marathon Oil facility was 7500 SF with 22 parking spaces. The original plan had no hard surface. He said in their case, it would have been a \$190,000 change order. He said that is not small business economics. Gene Jackson said changing to 35% would be more restrictive. He said this is a catch up thing, but a 10000 SF building would only have to add on 3500 SF. Mr. Krieg agreed but said a 50% expansion is too much and they don't happen that often. He said he believes if they expand at all, we should require it. He said they may choose to build a new building rather than expand. Mr. Jackson said we are looking at quality of place. He said he doesn't know the number but we do need to start somewhere because it is required for new construction. Mr. Courton stated he chose 50% as a common denominator for non-conformities. He added, as a Commission, they can reduce the number or increase it. He said we could look at it again in two years to see how many lots have come into compliance. He said 50% is easy to understand. He said he would keep a tally as developments come through and see if there is any affect after one year.

10. **SKETCH PLAT** – Oxy First Subdivision – an unplatted tract of land in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, Township 140N, Range 96W.

Terry Boehm from Kadrmas, Lee and Jackson stated this will be a 100 person office south of Solar Bee west of Hwy 22. Tracy Tooz questioned why the foundation is already in. City Planner Ed Courton stated this came up when they came in with their plans and they were told they would need to plat it. Solar Bee still owns the lot. He added he is okay with the sketch plat.

Jay Elkin asked if the easement was needed. Mr. Boehm stated they maintained the easement but he's not sure what it's for. Mr. Jackson thought it was probably the property owner to the west who wanted it but this platting won't affect that. City Attorney Matt Kolling agreed stating it needs to be shown on the plat. He said we would need approval from whoever is benefiting from it to have it removed. Mr. Boehm stated Oxy has no need to eliminate it. Mr. Jackson said if it's not needed and will bring up questions in the future, we should clean it up and have it removed. Mr. Kolling again stated that if it benefits the property to the west, they would still be able to use it whether it's shown on the plat or not. He would have to sign off to have it eliminated. It would still exist (even if not shown) if they didn't sign off on it.

Chairman Abrahamson asked if the building would conform. Mr. Courton stated it will be set off 300' to 400' from the road similar to the Baker Hughes facility. He

said it will be an enhancement for the area with commercial zoning along the corridor and industrial set further inward. He said he is pleased with what has been proposed so far.

11. **SKETCH PLAT AND REZONE DISCUSSION** – Sunrise Park Subdivision lying in the SW¼ of Section 2, Township 139N, Range 96W and rezoning from GC to R3.

Kim Kolling with Kolling Rentals stated this parcel is behind East End Auto where they wish to rezone to accommodate multi-family housing. City Planner Ed Courton stated he favors the rezoning east to west. Along with Business Loop will remain GC allowing for apartment housing for the east side of town. He explained he would require access on 1st Street SE but prohibit access from the Business Loop. He added he would like to link to Baker Avenue to the north and Suncrest Avenue so the roads will have to match up. Mr. Courton stated access on 1st Street SE is adequate for the density. This is one big lot so we want to make sure it links to the north. Mr. Kolling explained they own just the 4.8 acre piece and not what's north of 1st Street SE. Mr. Courton said they will need to subdivide and work with the surveyor.

Jerry Krieg asked if we wanted to keep commercial along Old Hwy 10. Mr. Courton explained the entire area is R1 with GC to the south and to the west along 10th Avenue East. He said it makes more sense to have R3 and leave the rest as R1. He added the city is looking at improving the 10th Avenue East/Villard intersection so we can't allow access on the Business Loop.

Gene Jackson questioned if the same party owns the ground to the east and if we could include that property in the platting process to clean everything up. Mr. Courton stated that because of the street situation, we can't force it. Baker ends on the north side of Lot 2. Jay Elkin asked if we would be extending 1st Avenue SE to Baker to accommodate several apartment complexes. Mr. Courton stated that is the intent. We will need to proceed with a formal application to plat and rezone.

12. **CODE ENFORCEMENT REPORT** – October, 2011

Provided as information. Mr. Courton stated he would like to work with a subcommittee of the Home Builders Association to propose changes to the building process to include issues with erosion control, the permitting process. He wants support for the process to become more defined for everyone to help eliminate problems with builders from out of the area. He said it will make the process more of a bureaucracy but we need to reign in – it is getting out of control. We need to find a median we can all work with.

Jay Elkin asked if it would be possible to add an inventory of lots to inform the board of what is out there. Mr. Courton stated we have hired an Engineering Specialist and the goal is to provide more information. Right now there is no

easy way in GIS. The process would be labor intensive and there is no time. He agreed that we need that information to make decisions but we will need more staff to provide that. Mr. Abrahamson stated it would be a great study for an engineering student. We could give an invitation for someone to come here and pad their resume'. He suggested the city work with Dickinson State University for an internship which could be paid or unpaid. Mr. Courton stated DSU is doing a base population study and once we get that number, the next question will be how many platted lots do we want. He added that Lynn Helms will be involved with our Comp Plan. North Dakota now has 4000 active oilwells and that is projected to be 35,000 to 50,000 in ten years which will escalate the demand for buildable lots. He explained one way to address the need is to increase density which will affect neighborhoods. He said we can keep our quality of life and not worry about demand but the industry will develop. They will go to the county or to Dunn County. There is no way to keep up with the demand.

13. **OTHER BUSINESS**

Mr. Courton stated there is another Comp Plan meeting scheduled for November 17th from 8:00 AM to 12:00 PM open to the public at the Badlands Activity Center. He said the dickinsonplan.com website has had over 1000 hits. He said the demand will exceed what we can do as a community. If we don't want to be the standard oil community, we need to bring in others who aren't in the oil industry.

The Planning and Zoning workshop meetings have been held on the 1st Wednesday of the month. He stated he is involved with the leadership and executive meetings on Wednesday mornings and has to miss them on the days of our workshop meetings so asked if they could be held either on Tuesday or Thursday mornings. The board agreed to the first Tuesday morning at 7:00 AM starting on December 6th. Mr. Courton stated he would have City Engineer Shawn Soehren attend to discuss roads in the ETZ, mixed use zones providing employee housing.

Chairman Abrahamson shared a letter written to Larry Gangl with the local DOT office concerning roadside beautification on the Hwy 22 North project. Tracy Tooz suggested the letter be sent to Paul Benning who is in charge of the corridors at the state level.

Matt Kolling introduced Becky Weldon, a DSU graduate and new attorney with their firm.

Scott Kovash asked to hold a meeting with Ed Courton, Shawn Kessel, Shawn Soehren, James Kramer, Matt Kolling and himself to update the dues to Park and Rec in subdivision platting before another big development comes before them. Mr. Courton stated it would be an easy amendment which could be placed on the agenda for the next meeting. He said the equivalency for cash in lieu of land should be based on the cost of the land.

14. **ADJOURNMENT**

There being no further business to discuss

MOTION BY: Tracy Tooz **SECOND BY:** Scott Kovash
to adjourn meeting. Meeting adjourned at 10:35 AM

DISPOSITION: Motion carried.

PREPARED BY:

Karen Amann

APPROVED BY:

Ed Courton