

PLANNING & ZONING COMMISSION MEETING MINUTES

August 21st, 2013

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman Earl Abrahamson called the meeting to order at 7:15am.

II. ROLL CALL

PRESENT: Tracy Tooz, Scott Kovash, Thomas Grimm, Gene Jackson, Jerry Krieg, Earl Abrahamson, and Jason Hanson

ABSENT: Jay Elkin

STAFF: Ed Courton – Community Development Director, William Watson - City Engineer, Matt Kolling - City Attorney, Steve Josephson-City/County Planner

Chairman Earl Abrahamson asked for the Commissioners and the public to speak clearly into the microphones for the recording. Planning and Zoning minutes will now only contain motions, conditions, and names of public comments. The Planning and Zoning Meeting recording is available online at www.dickinsongov.com.

STANDARD MOTIONS

1. MINUTES

No minutes were submitted for approval.

REGULAR AGENDA

1. REZONE PETITION - To consider a Rezoning Petition from Low-Density Residential to Limited Commercial. The site is located on Lots 1 and 2 of Block 12 of the Prairie Hills Fourth Addition Subdivision. The site is +/-0.44 acres.

Applicant did not show. Mr. Jackson says the City Engineer must approve the road and access points regarding these lots. Item was moved to last item to see if applicant arrived to present the rezone petition.

MOTION: TRACY TOOZ

SECOND: JERRY KRIEG

To be continued since applicant did not show.

DISPOSITION: Motion carried unanimously.

2. REZONE PETITION - To consider a Rezoning Petition from Rural Residential to Community Commercial. The site is located at 2200 State Avenue North. The site is +/- 5.83 acres.

Don Haight, president of Valley Plumbing and Heating, presented the rezone request.

Thomas Grimm abstained.

MOTION: Tracy Tooz

SECOND: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Donald Haught Rezoning petition from RR to CC, subject to the conditions listed above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. Prior to final adoption of the rezoning, the applicant will be required to make a cash payment in lieu of land to the Parks and Recreation District.
2. Prior to final adoption of the rezoning, the applicant shall plat the subject parcel in accordance with the subdivision requirements found in Chapter 34 of the Dickinson Municipal Code. The plat shall indicate the dedication of 75 feet of right-of-way along State Avenue North.
3. The property owner will be required to dedicate 75 feet of right-of-way for the centerline of State Avenue North. May be needed additional dedication along 21st St W.
4. Prior to approval of a final subdivision plat, the applicant shall be required to request an amendment of the subject parcel's Future Land Use Map designation from Residential to Commercial.

DISPOSITION: Motion carried unanimously to approve. Mr. Grimm abstained.

3. REZONE PETITION - To consider a Rezoning Petition from Medium Density Residential to Limited Industrial. The site is located on Lots 4 and 5 of Block 3 of the North Industries 1st Addition Subdivision. The site is +/-1.00 acre.

Tracy Tooz removed himself since he is the owner of Dickinson Energy Park, LLC. Shawn Soehren of Boundary Engineering represented for the owner. Fire Chief Robert Sivak made a public comment regarding the fire code.

MOTION: Gene Jackson

SECOND: Thomas Grimm

I move the Dickinson Planning and Zoning Commission recommend Denial of the Dickinson Energy Park Rezoning petition to rezone from R2 to LI as NOT being compliant with the Dickinson Comprehensive Plan and NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

DISPOSITION: Motion carried unanimously to deny. Tracy Tooz abstained.

4. REZONE PETITION - To consider a Rezoning Petition from Community Commercial and Agriculture to a Planned Unit Development. The site is generally located in the W1/2 of Section 5, Township 139n, Range 96W. The site is +/-58 acres.

Ron Raddin, of 5 Diamonds, LLC, presented the rezone petition and stated the property is 98 acres.

MOTION: Jerry Krieg

SECOND: Scott Kovash

I move the City of Dickinson Planning and Zoning Commission recommend Approval of PUD-2013-04 "Five Diamonds" to Rezone from CC and AG to PUD, as depicted in Exhibit A, as meeting

all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. Prior to issuance of any building permits, all plans shall be in conformance with the application materials and project plans described herein as Exhibit "A".
2. The PUD approval shall expire two (2) years from the date of the executed Ordinance if no significant development has occurred as determined by the Community Development Director.
3. Prior to installing any temporary or construction structures on-site, the applicant must receive approval from the City.
4. Prior to Final PUD approval, all building designs, including style, materials, site location and amenities shall be approved to the satisfaction of the Community Developer Director.
5. Prior to issuance of any building permits within five hundred (500) feet of the existing injection well situated adjacent to the Business Loop, the developer shall obtain a letter of approval from the Fire Department.
6. The timing of building permit issuance shall be described in the Development Agreement and any restrictions with respect to issuance of building permits shall be described therein.
7. Prior to Final PUD approval, the Community Development Director shall approve the PUD Plan, including a land use map as general illustrated in the application materials, including but not limited to the total number of residential units, commercial square footage, site-related amenities and development standards.
8. Prior to Final PUD approval, all access points providing ingress/egress to the site shall be approved by the City of Dickinson and NDDOT.
9. Prior to issuance of any sign permits for the commercial lots, the developer shall submit a uniform sign plan for the entire commercial property to be reviewed and approved by the Community Development Director.
10. All commercial buildings, outside storage and associated uses shall be in conformance with the City's Corridor Overlay District Ordinance. All building designs shall be approved by the Community Development Director and parking lots shall be situated behind the buildings as much as possible.
11. No overnight vehicle parking shall be allowed on-premises for commercially-designated properties.
12. All trash receptacles and/or dumpsters shall be enclosed with city-approved trash enclosures to the satisfaction of the Community Development Director and the Public Works Director.
13. Emergency vehicle access around commercial and multi-family buildings shall be maintained at all times and it shall be the determination of the Fire Department if required pavement striping and/or signage shall be installed. Said requirements shall be determined by the Fire Department prior to issuance of any building permits.
14. Residential units shall be permitted in commercially designated areas to encourage mixed-use development. Residential units shall be prohibited on the first floor and may be allowed above the first floor consistent with the City's Building and Fire Code.
15. Bicycle parking stands shall be provided for all multi-family and commercial properties to the satisfaction of the Community Development Director.
16. Prior to Final PUD approval, cross-access agreements shall be noted on the plat or in documentation approved by the Community Development Director.
17. The PUD approval shall be conceptual in nature and not to be interpreted as building permit approval. All development shall be required to be consistent with all applicable Federal and State regulations and the Dickinson Municipal Code.
18. A minimum eight foot wide sidewalk shall be constructed along Fairway Drive and six foot elsewhere within the development.
19. The PUD shall be limited to a total number of multi-family housing units not to exceed two hundred and fifty (250). This total would include any units in the commercially-designated area.
20. If the Final Plat isn't recorded prior to any building permit submittal, a Development Agreement must be approved by the City Commission.
21. Prior to issuance of any building permits, the Parks Department shall determine if a pedestrian/bike trail is necessary along the eastern property line according to the 2035 Comprehensive Plan. If so, proper documentation shall be submitted to the City and approved by the Community Development Director.
22. Change the Dickinson Town Center Name.

23. Look into the Street Lighting so that there is not a glow on the west side of Dickinson
24. Verify Park Fees.

DISPOSITION: Motion carried unanimously

5. **PRELIMINARY PLAT - To consider a Preliminary Plat for the Ben Lantz Subdivision. The site is generally located in the NW4 of Section 14, Township 139N, Range 96W. The site is +/-5.00 acres.**

Steve Rude of Advanced Engineering represented for the owners.

MOTION: Scott Kovash

SECOND: Jay Hanson

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Subdivision Plat for the Ben Lantz Subdivision, subject to the conditions listed above, as depicted in the application materials, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. Prior to adoption of the final plat, the applicant shall enter into an agreement allowing for access in perpetuity to Lot 1.
2. Prior to adoption of the final plat, any existing uses that constitute zoning code violations shall be removed from Lot 1.

DISPOSITION: Motion carried unanimously

6. **PRELIMINARY PLAT - To consider a Preliminary Plat for Woodhaven 1st Addition. The site is generally located in the SW4 of Section 26, Township 140N, Range 96W. The site is +/- 25 acres.**

Andrew Schrank of Highlands Engineering represented for the owners. Fire Chief Bob Sivak made public comment regarding fire code.

MOTION: Thomas Grimm

SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Woodhaven 1st Addition Preliminary Plat, as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. Prior to issuance of any building permits, all plans shall be in conformance with the project plans described herein as Exhibit "A".
2. Prior to Final Plat approval, the interior and perimeter road design and configuration shall be approved to the satisfaction of the City Engineer.
3. Prior to Final Plat approval, all off-site improvements, including but not limited to road(s), public sewer and water shall be approved to the satisfaction of the City Engineer and Public Works Director.
4. Prior to Final Plat approval, the civil plans must be 100% completed and all plans shall be approved to the satisfaction of the City Engineer.

- DISPOSITION: Motion carried unanimously to approve.**

Tracy Tooz removed himself since he is the owner of the subdivision. Shawn Soehren of Boundary Engineering represented Energy Center, LLC.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Energy Center North 1st Addition Final Plat, as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

Community Development Director Ed Courton presented the final plat.

MOTION: Jerry Krieg **SECOND:** Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Public Works Facility Final Plat, as depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare along with the following condition:

1. To include an access point on the plat.

DISPOSITION: Motion carried unanimously to approve.

9. FINAL PLAT - To consider a Final Plat for Replat of West Ridge 1st Addition. The site is located north of I-94, Exit 59 via West Ridge Drive. The site is +/- 52 acres.

Larry Nygard of Roers Development represented the final plat. Fire Chief Bob Sivak made public comment regarding access points.

MOTION: Gene Jackson

SECOND: Tracy Tooz

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat for the RE-Plat of West Ridge 1st Addition Plat, as conditioned above and depicted in Exhibit A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare, including the following additional conditions of approval:

1. The Development Agreement shall be signed by the developer and the conditions of approval shall be met to the satisfaction of the City of Dickinson.
2. The items described in the Agency Review Comment Sheet dated August 1, 2013 shall be completed to the satisfaction of the City Engineer.
3. All future street construction in the westridge 1st subdivision meets the minimum street width of 40feet.

DISPOSITION: Motion carried unanimously to approve.

10. ZONING TEXT AMENDMENT - To consider an amendment to Section 39.04.008, Table 4-3 to increase the minimum lot size for Rural Residential from one acre to five acres and Agriculture from five acres to forty acres.

Community Director Ed Courton discussed the amendment changes and asked for direction from the Commission.

11. ZONING TEXT AMENDMENT - To consider an amendment to Chapter 39 to include provisions for accessory dwelling units in commercial and industrial zoning districts.

Community Director Ed Courton discussed the amendment changes and asked for direction from the Commission.

Dale Jacobsen likes this ordinance and thanked the staff for their work.

MOTION: Tracy Tooz

SECOND: Thomas Grimm

To move forward with this amendment and work with the city attorney for proper language.

DISPOSITION: Motion carried unanimously.

12. ZONING TEXT AMENDMENT - To consider an amendment to Section 39.11 to allow existing residences in commercial districts.

Community Director Ed Courton discussed the amendment changes and asked for direction from the Commission.

MOTION: Gene Jackson SECOND: Tracy Tooz

To create a Villard Residential Overlay District.

DISPOSITION: Motion carried unanimously

13. APARTMENT ALLOCATION DISCUSSION – by Community Development Director

Community Director Ed Courton presented the apartment allocation material with the Commission. The Commission recommended approval to limit future apartments as a policy and to forward their recommendation onto the City Commission.

14. ADJOURNMENT

MOTION: TRACEY TOOZ SECOND: SCOTT KOVASH

To Adjourn at 10:11

DISPOSITION: Motion carried unanimously

PREPARED BY:

Melissa Gjermundson

APPROVED BY:

Ed Courton