

*PLANNING & ZONING COMMISSION
MEETING MINUTES
November 19th, 2014*

OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Earl Abrahamson, Scott Kovash, Gene Jackson, Jason Fridrich, Jay Elkin and Peggy O'Brien.

ABSENT: Adam Ballesteros and Natalie Pierce

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

STANDARD MOTIONS

III. MINUTES

Minutes for October 20th, 2014 submitted for approval.

MOTION: Gene Jackson

SECOND: Scott Kovash

Motion to Approve June 18th Minutes.

DISPOSITION: Motion carried unanimously.

REGULAR AGENDA

- 1. REZONE PETITION** - To consider a request to rezone from Agriculture to Planned Unit Development (PUD), R1, R2, CC, GC & Park for the Barons Vista development situated in the N1/2 of Section 6, Township 139N, Range 96W. The property is +/- 282 acres.

Shawn Soren with Boundary Engineering presented a preliminary layout of the R-1 PUD on behalf of (Walton Estate) Barron's Vista. Steve Syrcle Tri-State Consulting Engineering made comments on the project. Kathy Cronin spoke on real-estate and cost of the current market.

Discussions ensued among the members regarding traffic, density, Time line on the development and who will be developing the projects.

Members talked about possible restrictions for any GC areas of the PUD, and business that could be allowed in the development. It was suggested that the area be change to be just LC.

Terry Burkhardt made public comment strongly opposing smaller lot sizes he's not opposing the development just the lot sizes.

Community Development Director Ed Courton commented that LC will greatly limit the possibilities for Commercial Business, CC would be more appropriate. Mr. Courton suggested maybe a continuance would be best with a proposal, with what will be included in the commercial areas.

Chairman Earl Abrahamson suggested the applicant can always apply for a Change of Zone or a Special Use Permit.

Mel Wenko made public comment on behalf of Jody Arthaud owner of the land south of development. Mrs. Wenko stated they are not in favor of smaller lot sizes. They are concerned on the quality of the building and the potential to cut corners and build cheap homes. The cost to build here in Dickinson is expensive.

Mr. Fredrik asked Mr. Courton for clarification on what's being approved today Mr. Courton explains the options that the board has for the Rezone. Mr. Courton suggest continuing indefinitely- until getting a second access from a surrounding land owner.

Discussion ensued among the members regarding homes, lot sizes, population and how this project affect the city. City Engineer Craig Kubas noted If this is approved the right-of-way needs to be check so that it's consistent with the surrounding area.

City Attorney Matt Kolling noted the only issue being voted on today is the Rezone not the right-of-way. Mr. Kolling added that per City Code no building permits can be issued without a second access.

Mr. Courton added based on Mr. Kolling comments maybe the rezone is not appropriate and should be continued until the second access is acquired and needs to be attached as part of the rezone.

Mr. Abrahamson stated we don't want there to be unexpected expectations...

MOTION: Jay Elkin

SECOND: Peggy O'Brien

- number (if required), and any other information as required by government regulation advertising is strictly prohibited.
10. Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted.
 11. Security lighting for the equipment shelter shall be confined to the boundaries of the tower site.
 12. The tower shall be constructed of galvanized metal and shall be of an appropriate color to harmonize with the surroundings.
 13. Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the City of Dickinson Planning and Zoning Commission as well as approval from the Dickinson City Commission.
 14. Development of the radio tower shall be performed in accordance with all applicable City, County, State and Federal rules and regulations.
 15. The service provider shall report to the Community Development Director if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.

DISPOSITION: Motion carried unanimously.

3. FUTURE LAND USE MAP AMENDMENT - To consider an amendment to the Future Land Use Map of the City of Dickinson Comprehensive Plan from Residential to Public/Civic. The site is generally located in the N2 and the SW4 of Section 27, Township 139N, Range 96W on the southeast corner of 40th Street SW and North Dakota Highway 22. The site is +/-86.70 acres.

Marty Binek with the Stark County Park board Presented.

April Kitzen made public comment. Mrs. Kitzen lives at 4042 Hwy 22 south, she is not opposed to the fairgrounds just possibly the location. They are just 400 feet from the location, and she has children that play outside and is concerned with the amount of people this will bring next to her property.

Mr. Elkin is speaking but is Inaudible. Mr. Kolling states that Mr. Elkin should abstain from the vote as he is a member of the Stark County Park board.

Deborah Meyer, a neighbor of the Kitzen's to the south, spoke. Ms. Meyer inquired about the southern boundaries, and is in favor of the project. Mrs. Meyer asked questions about water and sewer and possible road dedication. Marty Binek explained the location of the project, and that it is not adjacent to the Meyer's property.

Mr. Josephson made the following comments:

- The property under its current AG zoning could be subdivided into several five-acre lots;
- Due to issues such as road dedication, mitigating the impacts of the development on adjacent properties, limiting the hours of operation and location of uses, buffering and screening, phasing of development, and other

issues, City staff has asked the developer to meet to discuss rezoning the property as a planned unit development.

- City water and sewer services will not be available to the site any time in the near future.

MOTION: Gene Jackson

SECOND: Scott Kovash

*****Approval*****

DISPOSITION: Motion carried **(with Commissioner Elkin abstaining)**

Camera froze:

Board continued discussion about Comprehensive Plans.

Mr. Kolling talked about the urban service area, boundaries, and Entitlements annexation utilities road networks infrastructures capital improvements. Expectations dollars we can expect to bring into city limits. Mr. Kubas spoke about Capital improvement lists, priority lists, providing off site utilities where needed. Mr. Kubas commented on Prioritization of money, in Projects benefiting the community and the priority of extending services and man power towards maintenance.

4. ADJOURNMENT

MOTION: Scott Kovash

SECOND: Peggy O'Brien

To Adjourn at 9:11 am

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Brandy Goetz

APPROVED BY:

Ed Courton

Work session:

TBD.