

PLANNING & ZONING MEETING MINUTES

September 16, 2020

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OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Vice Chair Scott Bullinger called the meeting to order at approximately, 7:11 AM.

ROLL CALL

Present were:

Chairman: **Vice Chairman:** Scott Bullinger

Commissioners: Shirley Dukart, Troy Bosch, and Dean Franchuk

Absent: Jason Fridrich, Brad Kordonowy, Scott Karsky

Ex-Officio Members: Mayor Scott Decker, Assistant City Engineer Loretta Marshik, Planning Director Walter Hadley, and City/County Planner Steve Josephson.

City Attorney, Christina Wenko

II. ORDER OF BUSINESS

Vice Chairman, Scott Bullinger asks if there were any additions or corrections to the Order of Business, Mr. Hadley stated there was no changes.

Motion to approve the order of business as presented.

MOTION BY: Troy Bosch

SECONDED BY: Shirley Dukart

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

MINUTES – Meeting minutes dated August 19th, 2020

Motion to approve meeting minutes dated August 19th, 2020 with one correction.

One Change: *Shirley Dukart to add last name to motion for item #2.*

MOTION BY: Shirley Dukart

SECONDED BY: Scott Bullinger

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

1. PRELIMINARY PLAT - To consider a preliminary plat for the replat of Lots 1-7, Block 5 Pinecrest 1st Addition (Pinecrest 2nd Addition).

This item was tabled last month. The applicant has received comments from Engineering. Mr. Hadley speaks about the 19 condition items. He states that the agreement with the adjacent land owner has not been resolved. Mr. Hadley believes that should be resolved and that would be a condition before final plat review. It is an agreement regarding a fence. Blake Carlson is here representing the owner; he presents a PowerPoint presentation. He states they have updated some of their street sections; he states they have added a second sidewalk on the inside loop. He presents their typical road section. One sided vs two-sided parking is discussed. They would not like to do a

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one-way street; they would like to stick to a 36' width. Mr. Carlson states they proposed one sided parking but believe it could be on both sides also. He proposes restrictions with parking trailers, boats for no more than 24 hours. Buffering to the east is discussed. He states they are not developing this area, it is future commercial development. They would like to add the buffer at the time of development of that commercial area. The north owner feels that fencing would not be needed. They also feel the agreement with Mr. Decker is not appropriate anymore because the proposed earlier development was commercial and this is residential. Mr. Carlson states it is a different LLC that owns the property. Mrs. Dukart states she has received many comments from the public. Mr. Bullinger comments that he prefers a two-way parking. Mayor Decker questions the pond and if it will fall on the city or the HOA. Ms. Marshik states that historically we have ended up maintaining them. There would be a requirement that the pond be built to city specifications. Mayor Decker asks about the park in this area. Mr. Carlson states they will pay the fee in lieu of the park. Mayor Decker states there is no park in that area. Mayor Decker also states the agreement needs to be rectified.

Doug Decker, adjacent landowner questions where we are with the agreement. Mr. Hadley requests that his legal representative speak with the city attorney to see if the agreement is still valid. If so, this would be a condition on the final plat. Mr. Decker asks for clarification on the parking, sidewalks, and the new ownership group. Ms. Dukart questions if public works, fire, etc have agreed on all this. Ms. Marshik states yes, they have all reviewed and agreed on the proposed conditions.

Public Hearing is open. There is no additional comments and the public hearing is closed.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary Plat of Pinecrest 2nd Addition, as depicted in Attachment A, with conditions, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

- 1. The storm water management and grading plan shall be subject to approval by the City Engineer, or their designee, prior to applying for a final plat approval by the City Commission.***
- 2. No building permits shall be issued by the City for structures within the Subject Property unless and until a hard-surfaced access point is provided to such structure, consistent with Fire Code requirements; provided, however, that the City may issue building permits on residential-zoned lots within the proposed Pinecrest 2nd Subdivision, prior to the completion of such hard-surfaced access points, provided that a sufficient road surface is in place in order to support emergency response to the site, including fire suppression, such determination to be made by the City Administrator or his designee. Certificates of Occupancy may be issued only after a permanent hard-surfaced access point is in place. A financial security shall be in place, at the time of final approval, and shall be outlined in the DA and MPA.***
- 3. The applicant shall provide adequate water and sewer plans to be approved by the City Engineer, or their designee, prior to applying for a final plat approval by the City Commission.***
- 4. The applicant shall provide a schedule of improvements for all public infrastructure and provide an engineer's estimate to establish a surety amount to be included with the MPA.***
- 5 The applicant shall provide current proposed HOA documents that address any HOA responsibilities and ensure they help enforce the no parking and ensure the preservation of the existing trees and their replacement upon their death.***

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6. The applicant shall provide a mailbox cluster site approved by the post office for the proposed development.

7. The applicant shall submit the final plat to the county recorder for their review and concurrence prior to the city commission review.

8. The applicant shall provide a lighting plan with either the city decorative style or traditional cobra head style to be approved by the City Engineer, or their designee, and included within the DA. (to include the main access roadway off of 15th as well)

9. The applicant shall provide a hydrant location map on the corners of the proposed development to limit the ability for blockage of the hydrants by parked cars. Additionally, the developer shall be responsible for all signage and striping in the proposed development.

10. The applicant shall require that all commercially zoned lots that adjoin the propose R1 lots provide an adequate buffer to be approved by the Planning Director at the time of development of those lots.

11. The applicant shall pay any outstanding park and recreation fees if there are any owned prior to being considered by the city commission for final plat approval.

12. If the applicants request is approved for sidewalk only on the interior of the roadway the applicant shall propose a mechanism or sequence on how those walks are going to be installed and who will pay for them. Additionally, all crosswalks shall be well lit and situated in areas that are planned for no parking. Signage should be provided as well.

13. The applicant shall address all proposed improvements outside of the public right of way and designate a plan to maintain those improvements.

14. The applicant shall provide temporary 911 addresses for each site that is being constructed prior to all of the public infrastructure being completed for the development.

15. The applicant shall have the previously reviewed and approved final plat submittals to the planning department prior to August 24, 2020 so that staff can do a notice for the September 16, 2020 planning commission meeting.

16. Applicant shall deed restrict all lots to preserve and require replacement of trees either by the lot owner or the proposed HOA.

17. The applicant shall build a fence per the agreement with the landowner to the north along the north property line.

18. The applicant shall require a minimum of a 20' wide buffer to the east commercial lots with a mix of plant materials and a fence to match the one being built along the north property owners' property.

19. The applicant shall work with the Park and Recreation Board to revisit the park land or cash in lieu park fees for the revised plan. The previous Pinecrest development did agree to fees and none have been paid to date. The Park Board shall provide a letter of approval for the final plat portion of this requested entitlement process.

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***ONE ADDED CONDITION: #20 Applicant shall resolve agreement with adjacent landowner**

MOTION BY: Shirley Dukart

SECONDED BY: Scott Bullinger

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

2. **FLUM** – To consider a future land use amendment from Industrial to Residential for all of Block 1 of the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼ of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.

Mr. Hadley explains the FLUM. They are changing from Industrial to Residential. He does not believe staff has any concern with it. He has not had any comments from the public.

Tracy Tooz is the owner, he is here to present. He states there is a house there and they have a purchase agreement right now. Mr. Tooz states he only has a concern with one condition; being the property lines. Mr. Hadley states they can deed restrict to that 50' area.

Public Hearing is open. No one from the public is here to comment; the public hearing is closed.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed Future Land Use Amendment from Industrial to Residential, as depicted in Attachment A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

MOTION BY: Troy Bosch

SECONDED BY: Shirley Dukart

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

3. **REZONE** – To consider a zone change from Industrial to Rural Residential for all of Block 1 of the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼ of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.

No additional comments

Public Hearing is open; no comment; public hearing is closed.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Rezoning application: For all of Block 1, Proposed North Energy Park Residential Subdivision, E ½ E ½ SW ¼ of Section 16, Township 140 North, Range 96 West, Stark County North Dakota as depicted in Attachment A, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

MOTION BY: Dean Franchuk

SECONDED BY: Shirley Dukart

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

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4. **PLAT** -To consider a preliminary/final plat for the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼ of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.

No additional comments

Public hearing is open; no comments; public hearing is closed.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Preliminary/Final Plat for North Energy Park Residential Subdivision, as depicted in Attachment A, with conditions, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. *The applicant shall provide current proposed HOA documents that address what they are responsible for and who will construct the proposed private drive and the easement road to the industrial property in Block 2.*
2. *The applicant shall provide a mailbox cluster site approved by the post office for the proposed development.*
3. *The applicant shall submit the final plat to the county recorder for their review and concurrence prior to the city commission review.*
4. *The applicant shall provide temporary 911 addresses for each site that is being constructed prior to all of the public infrastructure being completed for the development.*
5. *Applicant shall obtain an approach permit from Stark County for the proposed private drive.*
6. *The applicant shall require a minimum of a 50' wide buffer (easement/deed restriction) on the east and north property lines of all residential lots so when the industrial properties develop it will mitigate impact on residential properties.*

MOTION BY: Dean Franchuk

SECONDED BY: Troy Bosch

DISPOSITION: Vote... Aye 4, Nay 0, Absent 3

Motion carried unanimously.

WORK SESSION

West Villard Overlay District Changes-

Mr. Josephson presents the item. When this district was created several years ago it was created because there were some viable existing residential structures on commercial zoned property. If the structures were destroyed property owners could not build them back. Staff is proposing changes to this overlay district. Owners could convert existing residential structures to allow commercial uses that encourage a walkable connection to the existing West Villard commercial district. The changes would make the West Villard Overlay District similar to the downtown overlay district. He explains original build back requirements were inadvertently changed. Staff proposes reinstating the original language.

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Accessory Dwelling Units-

Mr. Josephson explains this would allow accessory dwelling structures to be constructed on residential zoned lots. Minimum size of an accessory dwelling unit would be 400 square feet and the maximum size would be 900 square feet. Accessory dwelling units would be smaller units for people to live in. The property owner would have to live in either the main residence or the accessory unit, and the property owner would not be able to sell off the accessory unit unless the new lot meets minimum zoning district requirements and unless it goes through the subdivision process. To prevent using the accessory units for short term rental, the minimum lease term would be one month. The outward appearance of the accessory unit would match the main. Mr. Decker believes this is a great idea. Accessory dwelling units are permitted in communities nationwide, but not many communities in North Dakota permit them.

Underground Mining Overlay District-

Mr. Josephson explains this is proposed amendment is based on a comprehensive plan policy. There are underground mines located in the City’s Extra Territorial Zone primarily the Lehigh area. The proposed overlay district’s purpose is to prevent structural subsidence occurring due to building over an underground mine. Only agricultural structures would be allowed to be built over an underground mine. Residential structures would be set back at least 500 feet from an underground mine, and public buildings such as schools and churches would set back at least 300 feet.

Public Zoning District Development Standards-

Mr. Josephson explains the Public zoning district, which is used for public buildings like schools and municipal buildings, currently has no development standards. If approved this amendment would establish minimum development standards for this district. The proposed setbacks are meant to protect a residential development in the vicinity. Mr. Zuroff questions if this would impact existing public utilities or lift stations. Mr. Josephson states it would not impact existing public utilities or lift stations.

ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Troy Bosch

Adjournment of the meeting at approximately 8:19 AM

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Sylvia Miller

APPROVED BY:

Walter Hadley