

PLANNING & ZONING MEETING MINUTES

January 20th, 2021

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OPENING CEREMONIES AND PRESENTATIONS

I. CALL TO ORDER

Chairman, Jason Fridrich, called the meeting to order at approximately, 7:10.

ROLL CALL

Present Were:

Chairman: Jason Fridrich **Vice Chairman:** Scott Bullinger

Commissioners: Shirley Dukart, Troy Bosch, Brad Kordonowy, Scott Karsky and
Dean Franchuk

Absent: Planning Director, Walter Hadley

Ex-Officio Members: Mayor Scott Decker, Assistant City Engineer Loretta Marshik, City
Administrator Brian Winningham

City /County Planner Steve Josephson

City Attorney, Christina Wenko

II. ORDER OF BUSINESS

Chairman Fridrich asks if there were any additions or corrections to the Order of Business, Mr. Josephson stated there were no changes.

Motion to approve the order of business as presented.

MOTION BY: Scott Bullinger

SECONDED BY: Shirley Dukart

DISPOSITION: Vote... Aye 7, Nay 0, Absent

Motion carried unanimously.

MINUTES – Meeting minutes dated November 18th, 2020

Motion to approve meeting minutes dated November 18th, 2020.

MOTION BY: Scott Bullinger

SECONDED BY: Brad Kordonowy

DISPOSITION: Vote... Aye 7, Nay 0, Absent

Motion carried unanimously.

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4. No changes in the scope presented shall be allowed without first presenting to the Planning Director for concurrence or possibly amending this SUP approval.
5. The applicant shall obtain a building permit from Stark County if it is required.
6. The site shall be reviewed on an annual basis by staff for conformance to these conditions of approval.
7. Any security lighting on site shall be directional and shall not glare beyond the property line.

MOTION BY: Shirley Dukart

SECONDED BY: Dean Franchuk

DISPOSITION: Vote... Aye 7, Nay 0, Absent

Motion carried unanimously.

Chairman Fridrich comes back to this item and opens the public hearing. There being no comment the public hearing is closed.

MOTION TO AFFIRM THE VOTE AFTER PUBLIC HEARING WAS OPEN:

MOTION: Shirley Dukart

SECOND: Scott Bullinger

3. **SPECIAL USE PERMIT** – To consider a request for a Special Use Permit for the installation and operation of a cellular facility mounted on the existing structure located at 41 East Villard Street. The site is described as Lots 7-13, Block 4, Dickinson Townsite in the City of Dickinson, North Dakota.

Mr. Josephson introduces the request. He explains these antennae were placed on the site without a permit, and the request would legitimize the project. He adds a variance will be needed for the front yard setback requirement. The applicant is aware they will need to perform clean-up on the site. It is noted the Board of Adjustment has approved the variance. Ms. Dukart believes all improvements should be completed earlier than the proposed July 21, 2021 completion date. Building Official Leonard Schwindt states the applicant would need to disclose the material that will be used for the cables. The applicant states they would cover the cables with a material matching the building. In response to a question from Mr. Decker Mr. Schwindt states he has been in building two years ago. He states a building permit will be needed. There is concern regarding using a sheet of metal as a cover. Mr. Schwindt said the cover material could be a condition of the building permit. Chairman Fridrich would like to see what they are presenting before approval. Ms. Dukart asks Mr. Schwindt if he's okay with the with the proposed project completion date. Mr. Schwindt would like to see it moved up also. Mr. Decker asks if the permit will travel with owner, and Mr. Josephson confirms it does travel with the ownership.

Mr. Fridrich opens the public hearing. Mr. Goldshlak, who represents the applicant AT&T, is phoning in. Mr. Goldshlak states the material for the covering of the cabling is metal

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and is flexible. The applicant's main goal is to make the city and residents happy with projects appearance. Chairman Fridrich states they would probably be ok with it, but they should submit it for approval. Ms. Dukart asks why the applicant needs a completion date of July 21. The applicant's representative states the main reason is to give the applicant time to obtain all required permits.; if they can do it sooner they are willing to do that. Mr. Josephson states the date could be amended and allow for month to month extensions if necessary. Mr. Goldshlak adds that they have been in communication with the owner Mr. Jordheim and that the owner is aware of everything going on. He states they can forecast construction dates and keep staff updated of any changes. No change is made to the proposed July 21, 2021 completion date.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the petition for a Special Use Permit for SAC Wireless/AT&T, for the installation of telecommunications equipment and antennae at 41 East Villard Street, subject to the conditions listed above, as meeting all the requirements and intent of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

1. Development shall be limited to the telecommunications equipment and accessory equipment as indicated on the plans submitted.
2. The equipment storage shall be only on the interior of the structure, No outdoor storage shall be allowed on site.
3. The applicant shall cover all cabling on the north and west sides of the structure with a color matched box that fits in with the architecture and style of the structure.
4. The locations of the antenna and support equipment shall be limited to their depiction in the enclosed plans.
5. The developer shall be responsible for all maintenance associated with the antenna, and all aesthetic improvements required to this structure as part of this SUP approval.
6. The antenna structures shall allow for co-location of emergency operations if necessary.
7. The developer shall complete the updated building façade and repair improvements for all sides of the structure incorporating color coordination of antenna blocks with structure, a box that covers the cable network on the north and west sides of the structure in coordinating color, and first floor design alternative for additional color and or façade treatments to better meet the intent of the downtown design guidelines. All structure repair, outside cleanup, and aesthetic facade improvements shall be completed no later than July 21st 2021.
8. Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Advertising is strictly prohibited.
9. Security lighting shall be confined to the boundaries of the equipment only.
10. Any proposed change of use of the telecommunications equipment on or within the structure or, increase in height or change of location shall require

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- additional City of Dickinson Planning and Zoning Commission review, as well as final approval from the Dickinson City Commission.
11. Development of the telecommunications equipment installation shall be performed in accordance with all applicable City, County, State and Federal rules and regulations.
 12. The service provider shall report to the Planning and Zoning Director if the telecommunications equipment facility is no longer in use. The telecommunications facility shall be removed, at the service provider's expense, within six (6) months of such notice and the structure shall be restored by the service provider to its pre-existing condition.
 13. The applicant and owner shall remove all debris and weeds on site including the billboard skeleton that is on the ground on the north side of the building.
 14. Staff recommends the owner/applicant install directional security lighting and signage to discourage the deposit of debris by the public on-site.
 15. Staff recommends the applicant and owner provide a secure and aesthetic parking area control system that is painted the same color and include signage designating it as private property.
 16. All additions to the structure shall be color matched to their location on the structure including all support facilities. The whip antennae are exempt from this requirement.
 17. If on-site work requires closure of public rights-of-way the applicant shall obtain a permit from the City and allow for adequate and safe vehicular and pedestrian passage safely during construction.
 18. Prior to obtaining final approval from the City Commission on this SUP request, the applicant shall have obtained an approved variance from the Board of Adjustment for the placement of the proposed antennae on the south side of the structure in their current location.

MOTION BY: Scott Karsky

SECONDED BY: Troy Bosch

DISPOSITION: Vote... Aye 7, Nay 0, Absent

Motion carried unanimously.

WORK SESSION

1. UNDERGROUND MINING OVERLAY DISTRICT

Mr. Josephson presents this item. Staff brought this item to the commission a few months ago. A comprehensive plan policy recommends adopting a mining overlay district to discourage building over existing underground mines and to prevent building subsidence. City Commission tabled action on the proposed underground mining overlay district as Public Works staff expressed concerns over how this text amendment would negatively affect a proposed landfill expansion. Planning and Zoning staff reviewed landfill expansion

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study prepared for Public Works. Review of the study appears to indicate adoption of an underground mining overlay district would not impact facilities proposed as part of a future land fill expansion. Additionally, Planning and Zoning staff review of the proposed overlay district's language results in proposed changes to the overlay district text. The proposed changes would require bringing the proposed overlay district back to the Commission for a public hearing Mr. Josephson states the staff memorandum received by the Commission was sent to Public Works last week and that no response has been received. Mr. Fridrich requested staff submit the proposed underground mining overlay district be brought to a Site Plan Review for discussion. Mr. Fridrich would like to see sign off by all departments before it comes back to Planning and Zoning.

ITEMS NOT ON AGENDA:

Ms. Dukart asks about Highway 22 and North Dakota Department Of Transportation (NDDOT) responsibility. Exiting out of the State Highway Patrol office, there are many businesses along the access road, and the access road is across is the mall. It is difficult to make a left turn from the access road the Highway 22. She is wondering about putting up signage that people must stay in the right lane for right hand turns or to do something to make it easier to cross the road. Ms. Marshik states they can share the comments to the NDDOT but the department usually follows their standards and the answer will be no. Ms. Dukart states she and all the affected businesses will call NDDOT.

ADJOURNMENT

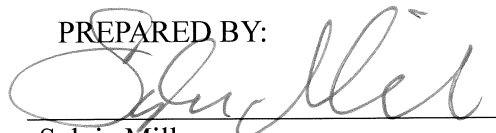
MOTION BY: Scott Karsky

SECONDED BY: Shirley Dukart

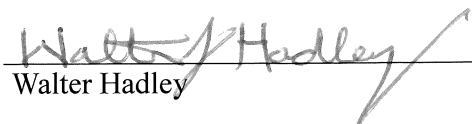
Adjournment of the meeting at approximately 7:51AM

DISPOSITION: Motion carried unanimously.

PREPARED BY:


Sylvia Miller

APPROVED BY:


Walter Hadley