

PLANNING & ZONING MEETING MINUTES

June 16th 2021

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OPENING CEREMONIES AND PRESENTATIONS

CALL TO ORDER

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

ROLL CALL

Present Were:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

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

Absent: Chairman, Jason Fridrich

Ex-Officio Members: Mayor Scott Decker, Assistant City Engineer Loretta Marshik, City Attorney Christina Wenko

Also Present Were: City/County Planner, Steve Josephson
Planning Director, Walter Hadley

I. ORDER OF BUSINESS

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

There was no motion to approve the order of business as presented.

MOTION BY:

SECONDED BY:

DISPOSITION: Vote... Aye , Nay , Absent

Motion carried unanimously.

II. MINUTES – Meeting minutes dated May 19th, 2021

Motion to approve meeting minutes as presented.

MOTION BY: Scott Karsky

SECONDED BY: Shirley Dukart

DISPOSITION: Vote... Aye 6, Nay 0, Absent 1

Motion carried unanimously.

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III. AGENDA – ACTION ITEMS

1. **FINAL PLAT** - To consider a Final Plat to create Stable Estates, a 28 Rural Residential one-acre single family lots, and one 9.97 Agricultural common ownership lot for a shared condo stable area. The site includes a total of approximately 52 acres and is located in the NE ¼, SE ¼, of Section 8, Township 139N, Range 96 West within the City of Dickinson ETZ. The site is generally located between Palm Beach Road and State Avenue north of the Hearth River.

Mr. Hadley asks the applicant to explain any changes to this item since the Preliminary Plat was heard. Andrew Shrank of Highlands Engineering is representing the applicant, John Schneider. He explains the plat and layout with the common stable area and association where people could buy into that stable and house their horses. He states the changes are: 1. minor adjustment to the connection point road to Palm Beach Road. They have attempted to hit one of the lot lines and line up with garages instead of living room windows. 2. Reduction in number of lots. From 32 to 28; this will avoid existing waterline. 3. Increase to the AG lot (1) 10 acres to 11.6 acres. 4. Added private access easement; lots 3, 4, 5 would share an existing driveway. Mr. Shrank states they are in favor of all the conditions on the staff report. They would like a little clarification on the DA note stating prior to any building permits being issued all public improvements need to be in place. They have drafted a DA which would state public improvements adjoining lots would need to be complete before building permit issuance. Regarding the waterline easement; the city has located the line and the waterline is in the easement but it is close to the edge in some areas. Staff has requested additional easement; the owner has requested to be compensated for that. Mr. Karsky asks for clarification on the shared drive way on lots 3,4,5 on Block 1. Mr. Hadley states that item one on the roadway – he says that is not a problem. Mr. Hadley states regarding the water line easement, there has been staff discussion and we are not looking to purchase easements but are requiring an accurate and useable easement. Ms. Wenko adds there has been internal discussion regarding this easement but nothing has been decided; the language in the 1951 easement is a little loose. Mr. Hadley states staff recommends approval with the listed conditions and clarification on the two items.

The public hearing is open.

Carmi Howe is attorney representing Joe Pasicznyk. She speaks on the access road that multiple residents are not in favor of, and states the reasons why. She states there is no need for the access road; they do not want the quiet road having another access. They are in favor of the project, just not the extra access.

Mr. Pasicznyk states there is no need for another approach. He thinks the road will be ruined and safety compromised.

Mike Armstrong - resident of Palm Beach Road has lived on this road for 40 years. His concerns are the access road – he thinks one access would make much more sense. He thinks a lot of thought has to go into the existing roadway – it is too narrow; it can't handle that much traffic as is and is a real safety concern. He suggests a possible loop. He agrees he is not against development.

Mr. Karsky reads a portion of the staff report regarding who would be using the road. He doesn't see this increasing traffic on Palm Beach Road. Mr. Armstrong states he would never take an alternative access – he doesn't think anyone on PBR would use it.

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Wesley Shirky – also disagrees with the road. He suggests a frontage road.

Mr. Shrank responds to a few of the comments from the public. He believes the road will only make it safer. He states the way it is now, it would not be approved. If there was something preventing access at the entrance of this road, emergency services wouldn't be able to get in, so adding this road would only make it safer. He states that having no sidewalks is the rural road standard. He expects it would decrease the traffic on PBR - concrete trucks would have to follow any weight restrictions. Mr. Shrank also adds that lighting is not a standard in the county – he isn't sure if the developer plans to put any on the new road.

Mr. Pasicznyk asks about snow removal. Right now, it's all moved to one side. Mr. Shrank doesn't believe anything will change. They can push it into the ditch. Mr. Shrank states the developer is making improvements right now and wants it to look nice.

Ms. Dukart asks about a private entrance sign. Mr. Shrank states that would be up to the county. Ms. Wenko states it would probably be very difficult because it has been dedicated a public roadway, and agrees that it would be a county decision. Ms. Dukart asks if there is a sign for no construction trucks. Mr. Shrank states there has to be a way to get construction materials to the site, but weight restrictions would be in place.

Mr. Karsky comments on the traffic. He sees it as a temporary problem on PBR. Mr. Bosch states it is a dangerous road, but he doesn't think this adds much to it. He thinks the secondary access is a good thing for this development.

Ms. Dukart would like to see a weight and speed limit. Mr. Franchuk states there are already weight restrictions in place.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the Final Plat application: FLP-006-21 with the above listed conditions of approval and, 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.

(AND) the following additional requirements

1. The storm water management and grading plan shall be subject to approval by the City Engineer's office prior to recordation the final plat approval.
2. The applicant shall provide an accurate location on the plat and provide an adequate permanent easement to the City of Dickinson for the existing secondary water line being kept through the proposed development.
3. The applicant shall provide approval from the State of North Dakota Health Department for the storm water, animal housing, and septic approvals for the proposed development prior to the start of construction.
4. The applicant shall provide a development agreement for all public improvements and include a scope of work/schedule for completion of public improvements for consideration prior to final approval by the City Commission.

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5. The applicant/lot developers shall obtain approach permits from Stark County for all lots planned to access off of Palm Beach road.
6. The applicant shall follow the variance approval conditions granted by the Board of Adjustment for the existing accessory structures on site.
7. The applicant shall submit the proposed plat to the Stark County Recorder for review prior to preparing a final plat for signatures.
8. The applicant shall submit the final plat to Stark County EMS to obtain correct 911 addresses for the proposed plat prior to building permits being issued within the development.
9. The applicant shall record the final plat within six months of the Commission approval for final plat or the approval shall expire.
10. The applicant shall meet the intent of the FEMA/ City of Dickinson Floodplain requirements.
11. The applicant shall take care during construction to not disturb or destroy existing Rural Southwest Water valves in Palm Beach Road.

MOTION BY: Scott Karsky

SECONDED BY: Troy Bosch

DISPOSITION: Vote... Aye 5, Nay 1 (Franchuk), Absent 1

Motion carried with one (1) Nay vote.

2. **REZONE** – To consider a Zone Change from Rural Residential RR to Low Density Residential R1 for Lot 5, Block 1, of Weber’s Subdivision. The lot is approximately one acre in size and the applicant would like to split to utilize road frontage on both sides of the lot. The lot is located at 2332 8th Street East in the City of Dickinson.

Mr. Hadley states this property is a double frontage lot. He received one comment from the public. There are a few other lots that could take advantage of this type of zone change; it is adjacent to commercial. Mr. Bullinger asks about the access – which is now a private drive.

Matt Urlacher, applicant, represents Porter/Wilk Properties – he states there is water and sewer they can tie into directly. He spoke with a couple neighbors; they would like to keep the integrity of the neighborhood with no lights, no curb/gutter. Mr. Karsky asks for clarification on the access – it is 8th Street E. Mayor Decker adds that Dan Porter Motors is split by a public road; it is a very unique setup. Mr. Decker believes it is all maintained privately. There is discussion on if anyone would block the road, they don’t see that being a problem. Discussion ensues on the private drive. Mr. Decker asks if the driveways will be across from each other, so they line up. Mr. Urlacher states they might be off, but it won’t be far.

Public hearing is open. There is no public comment.

Mr. Karsky states this is similar to the Mother-in-law house we discussed in the past. He feels if he was a neighbor he would be disappointed it was changing. Mr. Hadley states there are other lots that have already been split. He states this is a progression.

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I move the City of Dickinson Planning and Zoning Commission recommend Approval of REZ-006-21 Zone Change from RR to R1, as depicted in Attachment A, and meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

MOTION BY: Shirley Dukart

SECONDED BY: Andrew Kordonowy

DISPOSITION: Vote... Aye 6, Nay 0, Absent 1

Motion carried unanimously.

IV. PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA

Mr. Karsky brings up spacing between a buildings and a well head. He states the code does not cover a plugged well head. He would like it addressed in future meetings. Mr. Hadley states they have learned a lot in the past few months and they will be amending our language.

Tracy Tooz – Dickinson Energy Park. He received a letter stating he needed to address this board from Mr. Blaine Dukart (Code Enforcement). This is a lot next to a PUD – it’s an R2 lot with semi-trailers on it, between the HUB and Walmart. It was part of an annexation and it became an R2 lot when it was Industrial. He states previously the board said it wasn’t willing to rezone the lot. He is hoping it could be light industrial storage. He believes it would be impossible to sell the lot with a home on it. Mr. Tooz states it is well maintained. Mr. Dukart states the parties complaining are RR neighbors. Mr. Hadley states we need to find out what the best fit would be in the neighborhood. Mr. Tooz could make a light storage work. The FLUM depicts it as residential. Since he is working on a solution that would address the letter. Ms. Wenko states to not take any additional enforcement action since it would take some time to get into compliance and he is here and willing to be in compliance. The board can make that recommendation as noted in these minutes.

V. ITEMS NOT ON THE AGENDA

(none)

VI. WORK SESSION

(none)

VII. ADJOURNMENT

MOTION BY: Shirley Dukart

SECONDED BY: Scott Karsky

Adjournment of the meeting at approximately 8:26 AM

DISPOSITION: Motion carried unanimously.

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PREPARED BY:

Sylvia Miller

APPROVED BY:

Walter Hadley