

Zoning Commission Minutes

November 1, 2012

3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Chuck Steffan, Duane Grundhauser, Kurt Froelich, Sue Larsen, Klayton Oltmanns, Gene Jackson and Larry Messer present and Jay Elkin absent. Also present were Planner Steve Josephson, States Attorney Tom Henning, Auditor Kay Haag and Nicole Roberts.

Chuck Steffan moved to approve the minutes from the September 27, 2012 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Mike Fisher. The request was for a zoning change from Agricultural to Residential. The location being in the NW4NW4 of Section 22, Township 140, Range 95, containing approximately 5 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations for Mike Fisher. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Ron and Gail Dockter. The request was for a zoning change from Agricultural to Residential. The location being in the S2NW4 of Section 25, Township 139, Range 96, containing approximately 18 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial following the staff recommendations for Ron and Gail Dockter. Larry Messr seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Michael A Pierce. The request was for a zoning change from Agricultural to Residential. The location being in the NE4NE4 of Section 31, Township 139, Range 94, containing approximately 5 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Kurt Frohlich moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations for Michael A Pierce. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Rockwell Schank. The request was for a Conditional Use Permit for an Anhydrous Ammonia storage tank. The location being in the NE4 of Section 32, Township 137, Range 92. Chairman Hoff asked for anyone to speak for or against the Conditional use Permit. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall to limited through the inclusion of the following conditions.
 - a. **Development shall be limited to a 30,000 gallon anhydrous ammonia storage facility.**
 - b. **The location of the anhydrous ammonia storage facility shall be as generally shown on the drawing dated October 29, 2012.**
 - c. **The developer shall be responsible for all maintenance associated with the anhydrous ammonia facility.**
 - d. **The existing access point on 53rd Street SW shall be upgraded to be 30 feet wide with a 50 foot radius and will follow an 8 to 1 slope.**
 - e. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County**

Planning and Zoning Board and approval from the Stark County Commission.

- f. Development of the anhydrous ammonia storage facility shall be performed in accordance with the standards in “ANSI K61.1-Storage and Handling of Anhydrous Ammonia” as well as with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. The applicant proposes locating the facility on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Klayton Oltmanns moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations for Rockwell Schank. Kurt Frohlich seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Steven Kalajjian. The request was for a zoning change from Agricultural to Industrial and a Conditional Use Permit for a Planned Unit Development to allow commercial and industrial uses. The location being in the NW4 of Section 11, Township 139, Range 97, containing approximately 161 acres. Chairman Hoff asked for anyone to speak for or against the Conditional use Permit. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed rezoning to Industrial based upon the following findings:

1. The proposed rezoning is comparable to and compatible with the existing property to the south and southeast of the subject property; and
2. Development on the subject property shall be limited through the adoption of a conditional use for a planned unit development.

The request is consistent with the following objective of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

The request is consistent with the following implementation strategy of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Stark County supports the land use and zoning designation of an adequate supply of commercial and industrial land as needed to attract quality business and industrial development within the County. In particular this type of growth should be directed not only to areas adjacent to Dickinson but also to the rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield and the Highway 10 corridor between Dickinson and South Heart.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The adoption of a planned unit development should limit impacts of commercial and industrial uses upon the existing agricultural and residential uses in the vicinity; and
2. Development of the subject property shall be limited through the inclusion of the following conditions.
 - a. **The uses on the northernmost 400 feet of the subject property which is designated as “Commercial” on the survey received by the County on October 15, 2012 shall be limited to the following uses:**
 - i. **Retail and service uses including, but not necessarily limited to, grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, liquors stores, athletic and health clubs, automobile service station, used and new car lots, print shops, barber and beauty shop and sale and service of appliances; and**
 - ii. **Dry cleaning, pressing, tailor shops and laundromats.**
 - b. **The uses on the remaining southern portion of the subject property which is designated as “Industrial” on the survey received by the County on October 15, 2012 shall be limited to the following uses:**
 - i. **Truck stop and associated parking. The truck stop shall be located on the western portion of the Industrial area;**
 - ii. **Truck or freight terminal;**
 - iii. **Rail switching and classification yards;**
 - iv. **Cement and ready mix facilities;**
 - v. **Rail yards and terminals;**
 - vi. **Machine shop;**
 - vii. **Dairy locker plants; and**
 - viii. **Fuel and bulk storage plants.**
 - c. **Uses within 300 feet of the oil well wellhead shall be limited to parking and storage of non-flammable materials.**
 - d. **Prior to platting the subject property, the developer shall be required to amend the planned unit development to provide the following:**
 - i. **A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations;**
 - ii. **A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;**
 - iii. **A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements;**
 - iv. **A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans;**
 - v. **A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities;**

- vi. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design; and
 - vii. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.
- e. The developer shall dedicate 75 feet of right-of-way along 116th Avenue SW.
- f. Access points serving the subject property shall be determined in accordance with Stark County regulations.
- g. All parking, roads and entrances to the property shall be paved.
- h. Opportunities for cross access to adjacent properties with similar uses and zoning shall be indicated on the required planned unit development transportation plan.
- i. A twenty foot buffer area shall be required between commercial development on the subject property and agriculturally/residentially zoned property. A thirty foot buffer shall be required between industrial development and agriculturally/residentially zoned property.
- j. Screening between the subject property and agricultural/residential zoning shall be required is one of the following conditions is directly visible from and faces toward the boundary of agriculturally/residentially zoned property:
 - i. The rear elevation of buildings.
 - ii. Outdoor storage areas or storage tanks, unless otherwise screened.
 - iii. Loading docks, refuse collection points, and other service areas.
 - iv. Major machinery or areas housing a manufacturing process.
 - v. Major on-site traffic circulation areas or truck and/or trailer parking.
 - vi. Sources of glare, noise, or other environmental effects.
- k. A six foot opaque barrier shall be provided which visually screens the conditions listed in Condition k. from less intensive uses as follows:
 - i. A solid wood, vinyl and/or masonry fence or wall at least six feet in height;
 - ii. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting;
 - iii. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts; or
 - iv. A combination of these methods that achieves a cumulative height of six feet.

- i. The following actions will be required of the developer prior to obtaining building permits:
 - i. the developer shall plat the subject property in accordance with the Stark County Subdivision regulations; and**
 - ii. the County Engineer shall complete a site plan review to ensure that roads, stormwater and other required infrastructure are adequate.****

- m. Development of the subject property shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

ECONOMIC DEVELOPMENT-Coordinate plans to ensure an adequate supply of industrial and commercial land in appropriate locations.

LAND USE- Provide for proper growth management practices.

LAND USE-Avoid conflicts between land uses.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial and a Conditional Use Permit following the staff recommendations for Stephen Kalajjian. Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Luke Johnsen. The request was for a Conditional Use Permit for Construction Workforce Housing, aka a Crew Camp. The location being in Lots 5 through 8 in the Greenvale 3rd Subdivision of Section 9, Township 140, 96 with an address of 3189 11th Ave SW, Dickinson ND. Chairman Hoff asked for anyone to speak for or against the Conditional Use Permit. Chairman Hoff closed the public hearing.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The proposed conditional use would be located on property within the Industrial zoning district, therefore, it is consistent with the Stark County Zoning Ordinance; and;
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. Development shall be limited to Construction Workforce Housing for ten (10) people.**
 - b. The location of the construction workforce housing shall be as shown on the site plan with the date March 7, 2012.**
 - c. Construction workforce housing shall be a closed crew camp limited to employees of Wood Group Production Services, Inc.**

- d. Prior to occupancy, the developer shall replace the existing fence along the perimeter of the subject property with either a wooden or vinyl privacy fence at least six feet in height.**
- e. Any proposed change to the conditional use permit, including change of location of structures, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- f. The conditional use permit for construction workforce housing shall expire two years from the date of issuance. The permit may be extended by the Planning and Zoning Board upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
- g. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- h. Development of the construction workforce housing shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations for Luke Johnsen. Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner, Vision West, application deadline to be three weeks before the Zoning meeting beginning January 1st, 2013, Crew Camp fees, dedication of public land, site planning, PUD workshop and Highway 10 area corridor study.

Chuck Steffan moved to approve sending a Resolution to the applicant regarding procedural change. Klayton Oltmanns seconded. All voted Aye and the motion carried.

Chuck Steffan moved to adjourn. Kurt Frohlich seconded.