

Zoning Commission Minutes

October 31, 2013
3:00 pm

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

Jay Elkin moved to approve the minutes from the September 26, 2013 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Mitch Erdle is requesting a Final Plat of the Antelope Subdivision located in the NW4 of Section 17, Township 139, Range 91 containing 133.94 acres.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Final Plat of the Antelope Subdivision subject to the conditions and following the staff recommendations for Mitch Erdle.

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the final plat subject to the following conditions:

1. The developer's name and address shall be shown on the final plat;
2. The date the site plan was created shall be shown on the final plat;
3. The zoning district of the subdivision shall be shown on the final plat;
4. National Flood Insurance Program information shall show on the final plat;
5. Access for Lots 1 through 4 to 83rd Avenue Southwest shall be determined by the County Road Superintendent; and
6. Prior to the issuance of building permits for Lots 6 through 9, 38th Street Southwest shall be improved to county road standards as determined by the Stark County Road Superintendent.

Chairman Hoff opened the public hearing for Gerald and Sharon Messer. The request was for a zoning change from Agriculture to Agricultural Residential on a parcel located in W2 of Section 20, Township 140, Range 91 containing 10 acres. Chairman Hoff asked anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agriculture to Agricultural Residential following the staff recommendations for Gerald and Sharon Messer.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

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.

Chairman Hoff opened the public hearing for Carlton LaBeff. The request was for a zoning change from Industrial and Commercial to Industrial with a Planned Unit Development Overlay District to allow commercial and industrial uses for a tract in the NE4 of Section 10, Township 139, Range 97 containing approximately 102.57 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Dean Burwick owner of Badlands Trailers voiced his concerns on the appearance and the road conditions of the west end of town. Discussion was held between the board and Mr. LaBeff concerning the conditions of the PUD overlay. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Industrial and Commercial to Industrial with a Planned Unit Development Overlay District following the staff recommendations for Carlton LaBeff.

Duane Grundhauser seconded. All voted Aye and motion carried.

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

1. The proposed rezoning is comparable to and compatible with the existing property to the south and east of the subject property;
2. Development on the subject property shall be limited through the adoption of a planned unit development overlay district.
3. 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
4. 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 shall be limited to the following uses:**
 - i. **Agriculture**
 - ii. **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;**
 - iii. **Dry cleaning, pressing, tailor shops and Laundromats;**
 - iv. **Electrical and plumbing shops;**
 - v. **Lumber yards;**
 - vi. **Professional offices, including, but not necessarily limited to, banks, insurance, real estate, medical clinics and offices, newspapers and law offices;**
 - vii. **Sale and service of farm implements;**
 - viii. **Wholesale establishments;**
 - ix. **Automobile dealerships;**
 - x. **Processing and packaging of materials;**
 - xi. **Nurseries, greenhouses and commercial gardens;**
 - xii. **Contractor's yard and operations;**
 - xiii. **Warehouses and wholesale dealerships;**

- xiv. Small animal veterinary hospitals;
- xv. Open storage;
- xvi. Kennels;
- xvii. Mini-warehouses;
- xviii. Truck stops; and
- xix. Vehicle parts storage.

b. With the exception of Lot 5, the uses on the remaining southern portion of the subject property shall be limited to the following uses:

- i. Agriculture;
- ii. All of the uses permitted in the Commercial portion of the site as listed in a.;
- iii. Truck stop and associated parking;
- iv. Truck or freight terminal;
- v. Rail switching and classification yards;
- vi. Cement and ready mix facilities;
- vii. Grain elevators;
- viii. Manufacturing of clay and concrete products;
- ix. Custom manufacturing;
- x. Construction yards;
- xi. Oilfield service business and industries;
- xii. Repair and storage of heavy equipment and machinery;
- xiii. Warehouses;
- xiv. Wholesale distribution outlets;
- xv. Wholesale vehicle auctions;
- xvi. Rail yards and terminals;
- xvii. Machine shop;
- xviii. Dairy locker plants; and
- xix. Fuel and bulk storage plants.

The maximum height of any industrial or agricultural building on the southern portion of the property shall not exceed forty-five feet.

c. Lot 5 shall be restricted to a fuel and bulk storage plant as approved in a conditional use permit by the Stark County Commission on October 1, 2013. Lot 5 shall be developed in accordance with the site plan and conditions of the conditional use permit approved by the Stark County Commission on October 1, 2013.

d. Prior to the issuance of building permits on Lots 1 through 4 , Lot 6, and Lot 7, 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. Access points serving the subject property shall be determined in accordance with Stark County regulations.
- f. All parking, roads and entrances to the property shall be paved.
- g. Opportunities for cross access to adjacent properties with similar uses and zoning shall be indicated on the required planned unit development transportation plan.
- h. 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.
- i. 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.
- j. A six foot opaque barrier shall be provided which visually screens the conditions listed in Condition i. from less intensive uses shall be achieved through the use of a landscaped earthen 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.
- k. Prior to the issuance of occupancy of any building, landscaping shall be installed and maintained by the property owners on Lots 1 through 4 and Lots 6 and 7 in accordance with a landscaping plan approved by the Zoning Administrator. The landscaping plan shall, at a minimum, be in conformance with the landscaping plan approved for Lot 5.
- i. The following actions will be required of the developer prior to obtaining building permits:
 - ii. the developer shall plat the subject property in accordance with the Stark County Subdivision regulations; and
 - iii. the County Engineer shall complete a site plan review to ensure that roads, stormwater and other required infrastructure are adequate.

1. 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 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.

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.

Carlton LaBeff is requesting a Final Plat of the Thomas Petroleum Subdivision located in the NE4 of Section 10, Township 139, Range 97 containing approximately 154 acres.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Final Plat of the Thomas Petroleum Subdivision subject to the conditions and following the staff recommendations for Carlton LaBeff.

Klayton Oltmanns seconded. All voted Aye and motion carried.

STAFF RECOMMENDATION: Approval of the final plat subject to the following conditions:

1. Lot 5 shall be developed in accordance with the Conditional Use Permit approved by the County Commission on October 1, 2013.
2. Development on Lots 1 through 4, Lot 6 and Lot 7 shall be in accordance with the adopted Planned Unit Development Overlay District.
3. A building permit for any structure may not be issued until all of the following improvements are constructed by the developer and approved by Stark County.
 - a. The improvements required are:
 - i. The grading of all roadways within the subdivision;
 - ii. The installation of storm water management facilities required to manage storm water in accordance with an approved storm water management plan and submittal of a statement from a consulting engineer that certifies

that the facilities were built in accordance with the approved storm water management plan;

- iii. The construction of any other required facilities, such as turning lanes or bridges; and
- iv. Any other improvements required by the Stark County Zoning Ordinance.
- v. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.

Chairman Hoff opened the public hearing for BJ and Lindsay Martin. The request was for zoning change from Agriculture to Agricultural Residential for Government Lots 1 and 8 located in Section 6, Township 140, Range 95 containing approximately 83.3 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Lynette Hondl voiced her concern about the current lack of upkeep to the property. Lynette submitted photos to the board. State's Attorney Tom Henning advised the board that this is a legal issue and doesn't have to be considered in the decision of the request. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the denial of a zoning change from Agricultural to Agricultural Residential due to the neighbors concern and that no one was here to represent the applicant.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Klayton Oltmanns moved to adjourn. Duane Grundhauser seconded.