



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, May 14, 2025 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich
Vice Chairman: Scott Bullinger
Dean Franchuk
Zach Keller
Val Decker
Rick Haugen
Aaron Johansen
Mike Schwab
Mathew Rothstein

CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich
Vice Chairman Scott Bullinger
Commissioner Dean Franchuk
Commissioner Aaron Johansen
Commissioner Richard Haugen
Commissioner Val Decker
Commissioner Zach Keller
Commissioner Mathew Rothstein

ABSENT

Commissioner Mike Schwab

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

ADDITION: OATH OF OFFICE FOR ZACH KELLER

1. ORDER OF BUSINESS:

Motion to approve Order of Business

Motion made by Commissioner Franchuk, Seconded by Commissioner Decker.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

2. MINUTES

A. APRIL 9TH, 2025 MINUTES

Motion to approve as presented.

Motion made by Vice Chairman Bullinger, Seconded by Commissioner Johansen.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

3. REGULAR AGENDA:

A. REZONING (REZ-002-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Low Density Residential (R-1) to Medium Density Residential (R-2) for Lots 2-4 of Block 14 of the Koch's Meadow Hills 4th Addition Subdivision in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.51 acres.

City Planner Natalie Birchak explained that the applicant is requesting the rezoning to allow for construction of single family attached residence which would not be permitted in R1 zoning. The applicant has also submitted an associated Irregular Plat that will be considered if this rezone is approved. There will also be another map amendment submitted in June to rezone the area to the west. Staff has not received any public comment and believes the request is compatible with surrounding land uses.

Applicant, Calvin Wahl presents his request. He states he would like to build twin homes.

Chairman Fridrich opens the public hearing.

Jan Prchal came forward and voiced concern about increased density and how that might affect neighborhood character. She noted that when this was zoned in 2021 there was going to be buffer zones and approving of this rezone would eliminate that buffer. She noted a preference for single-family homes but acknowledged that twin homes were already present nearby. She is concerned this will be turned into rental properties. She would not have a problem if they were duplexes that were individually owned – she has an issue with rental properties.

Mr. Wahl states these will be duplexes that are individually owned. Ms. Birchak states that the lot width of the lots as is proposed in the associated irregular plat would not allow for rental duplexes to be constructed. Ms. Prchal states that does ease her fears.

Chairman Fridrich closes the public hearing.

Motion to add that they will be sold and not for rent.

Motion made by Commissioner Johansen, Seconded by Vice Chairman Bullinger.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

B. FUTURE LAND USE MAP AMENDMENT (FLM-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Future Land Use Map Amendment from Residential to Agricultural for Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

Ms. Birchak presents the FLUM amendment. She explains that the purpose is to rezone the property from RR (Rural Residential) to AG (Agricultural), and that a FLUM amendment is required to do so. She notes that the surrounding properties on the map are all residential. Staff has received public comments in support of the request; however, staff recommends denial due to the lack of AG land in the area.

The applicant, Eric Jolliffe, is present. He states that his main reason for requesting the rezone is to reduce his property taxes by having it classified as AG. He plans to build one home on the property. Chairman Fridrich asks if leaving the zoning as RR would complicate his plans. Mr. Jolliffe responds that it would not—it is solely for tax purposes. Fridrich then asks if there is an intention to vacate the plat. Birchak clarifies that there is a plat that will be addressed after this, but it cannot be vacated. Mr. Jolliffe states he could proceed with the zoning remaining as RR.

Mr. Skluzacek recommends denying the FLUM amendment and the rezone. Chairman Fridrich suggests a withdrawal. The applicant agrees to withdraw the request.

C. REZONING (REZ-003-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from Rural Residential (RR) to Agriculture (AG) for Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

Applicant has agreed to withdraw this application.

D. PRELIMINARY MAJOR PLAT (PLP-002-2025) - Presented by City Planner, Natalie Birchak

To consider a Preliminary Major Subdivision Plat for the Jolliffe Acres Subdivision, being a replat of Blocks 1 & 2, and Lots 1-4 of Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision located in the E ½ of Section 9, Township 140 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 26.467 acres.

Ms. Birchak presents the major plat request, explaining that the purpose of the plat is to combine smaller residential lots to construct a single-family home and use the remaining land as a hobby farm. She notes that one comment in support of the request has been received.

Chairman Fridrich opens the public hearing. There being no comment the hearing is closed.

Motion made by Commissioner Decker, Seconded by Commissioner Johansen.
Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk,

Commissioner Johansen, Commissioner Haugen, Commissioner Decker,
Commissioner Keller, Commissioner Rothstein

E. SPECIAL USE PERMIT (SUP-002-2025) - *Presented by: City Planner, Natalie Birchak*

To consider a Special Use Permit for a group living facility in Community Commercial zoning at 2143 6th Avenue West. The property is legally described as the south 117 feet of Lot 3 and all of Lot 4 in Block 5 of Lutz's 1st Addition Subdivision, in the SE ¼ of the SE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.25 acres.

Ms. Birchak presents the Special Use Permit (SUP) request, explaining that the purpose of the SUP is to allow a group living facility in a property currently zoned Community Commercial (CC). She notes that the City has concerns with the application, specifically the lack of a clear list of organizations that will operate within the facility, a detailed funding plan, and a day-to-day operations plan. Based on these deficiencies, staff considers the application insufficient at this time.

Ms. Birchak adds that the City has received numerous letters of opposition, as well as some letters of support for companies proposed to operate in the facility. Staff recommends either denying the application as presented, or tabling the item to the next meeting to allow time for additional information and review.

Dakota Gant, representing United Way and serving as the applicant, is present. Tracy Tooze, who is also involved in the project, is also present and provides a handout to the commissioners. Mr. Gant states that he has submitted all additional information requested by the City. He presents an overview of the project and its intended purpose, referencing the following documents included in the handout (to be attached to the packet):

- Facility Use Plan
- Operations Summary
- Executive Summary
- Executive Summary: Financial Plan

Mr. Gant also states that House of Manna will operate out of the same location. He addresses concerns raised by residents.

Chairman Fridrich asks Ms. Birchak if the submitted materials meet the City's request. Ms. Birchak responds that it is a step in the right direction but emphasizes that staff needs time to review the new information thoroughly.

Chairman Fridrich opens the public hearing.

Al Webster, a Dickinson resident who has lived in the community for 24 years, speaks in support of the project. He states that he sees a need for this type of facility, believes the location is appropriate, and expresses confidence in the leadership behind the

project. He reads a letter of support from Sherry Adams with the Southwest District Health Unit.

Alison Wanner and Melissa Ward, representatives of SWMCC, speak in support of the project. They note that they work closely with Mr. Gant and support the mission and operations proposed.

Bruce Koppinger, representing the North Hills Townhome Association, shares concerns about the project. He cites safety, traffic, garbage, and visitor management as major issues and expresses disagreement with the proposed location.

Trevor Ernst speaks in opposition. He expresses concerns about setting a precedent and feels the location is inappropriate due to its proximity to schools. He also voices concerns about negative impacts on property values.

Jackie Miller, who lives three houses away from the proposed facility, says she agrees a facility like this is needed, but wants more clarity and accountability. She questions what will happen if “all these promises go south,” and asks how many law enforcement calls would be needed to trigger revocation of the SUP. She raises concerns about property values, safety, and staffing, stating that having only one or two staff members present at night is not enough. She does not feel reassured after hearing the current plan and reiterates that her primary concern is the location.

Ms. Birchak responds that the City reserves the right to revoke the SUP and that it will be subject to annual review. Revocation can occur at any time if issues arise. Chairman Fridrich adds that the Planning and Zoning Commission only makes a recommendation; the final decision will be made by the City Commission.

Jonathan Holth offers general comments of support, aligning the project with priorities under Governor Armstrong’s administration, particularly in behavioral health and recovery.

Miki Thompson, who lives on 22nd Street near the project site, shares safety concerns. She references a previously sent email and highlights issues with the intersection near the facility. She believes pedestrian traffic will increase and that safety will be impacted. She also expresses concern about potential loitering at Kostelecky Park and increased panhandling. She requests economic and safety impact reports specific to this location.

Amanda Engelstad, Stark County State’s Attorney, speaks in support of the facility. She notes that services in southwestern North Dakota are inadequate and emphasizes the regional need for this type of housing and support.

Tracy Tooz of Tooz Construction explains that he has been assisting Mr. Gant with the building and was the initial investor so that grant funding could be secured. He references his involvement with Hopes Landing since 2012, which helped formerly incarcerated individuals find employment. He challenges concerns about the economic impact and states that traffic and parking should not be major issues, as many residents will not have vehicles. He adds that visitors are not allowed, and this facility would provide individuals with an address and a place to live and work. He also notes

that Mr. Gant has not asked for any City funds and that the project is entirely grant-funded. Regarding the location, he acknowledges that no location will be perfect but emphasizes that this site is in good condition. The only major code concern so far is fire suppression. A loading and unloading area will need to be added for House of Manna. He also discusses the rationale for including House of Manna in the facility, citing improved centralization of services for the residents.

Commissioner Johansen questions why the required documents were not submitted earlier. He expresses concern about whether City staff have had adequate time to review the materials and shares his own concerns about location, traffic, and property values.

Commissioner Decker asks whether confirmation letters for funding have been submitted, which they have not. She questions the financial procedures with the City and requests clarification on operating expenses and required documentation. Ms. Birchak responds that the City is looking for detailed expenses and revenue projections, particularly for the first year, and how the operation will be sustained long-term.

Mr. Ernst comments that the House of Manna would involve outside visitors, potentially complicating the no-visitors policy.

Commissioner Rothstein asks whether individuals from outside the immediate area would be accepted. Mr. Gant confirms that if there is an available bed, services would be provided regardless of the individual's origin.

The public hearing is closed.

Following the hearing:

Commissioner Decker inquires about whether IDs are required and whether background checks would be conducted. Mr. Gant replies that case management will assist residents in obtaining necessary documents, as some of them do not currently have ID's. Decker also asks about pets, and Mr. Gant states that pets will be allowed but must have current vaccinations. It is discussed while residents are encouraged to follow certain rules, they may not be required to due to ARPA grant stipulations.

Commissioner Keller expresses interest in giving City staff more time to review the newly submitted documents. He acknowledges the concerns of nearby homeowners but believes no neighborhood would be perfect for this use. He believes the facility is well-suited to the proposed purpose.

Chairman Fridrich agrees that there will never be a "right" location. He adds that if the building remains vacant and boarded up, that too could negatively affect property values. While he does not state a position for or against the application, he believes the appropriate next step is to table the request and recommends a public forum be held between the applicant and community members. Keller adds that outside agencies should attend that forum as well.

Motion is made to table the item.

Motion made by Commissioner Decker, Seconded by Vice Chairman Bullinger.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

Absent: Commissioner Johansen

F. ZONING TEXT AMENDMENT (ZTA-001-2025) - Presented by City Planner, Natalie Birchak

To consider a zoning text amendment to Section 62-318 "Boundaries" of the City of Dickinson North Dakota Zoning Ordinance regarding adding Fairway Street to the Corridor Overlay District.

Ms. Birchak presents the zoning text amendment, explaining that the proposed change would incorporate Fairway Street into the Corridor Overlay District. This amendment would impact multifamily and commercial properties located along Fairway Street by applying design and development standards consistent with those in other overlay areas. She clarifies that single-family properties would be excluded from the requirements.

Chairman Fridrich asks whether existing properties undergoing renovations would be required to come into compliance with the overlay standards. Ms. Birchak responds that compliance would only be triggered if a renovation involves more than 50% of the property's value or square footage.

Chairman Fridrich opens the public hearing. There being no public comment, the hearing is closed.

Commissioner Bullinger asks how far the overlay extension will apply. Ms. Birchak confirms that it will apply only to the portion of the corridor specifically identified as Fairway Street and will extend to 5th.

Motion made by Commissioner Franchuk, Seconded by Vice Chairman Bullinger.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

Absent: Commissioner Johansen

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. AG MINIMUM LOT SIZE - Presented by City Planner, Natalie Birchak

Ms. Birchak presents the work session item and reviews a PowerPoint outlining agricultural zoning minimum lot sizes in other cities for comparison. The presentation includes a range of standards across numerous communities with findings that show:

- Communities often indicate the purpose of AG-zoning is to preserve the character of rural land and uses.
- Dickinson has the smallest minimum lot size requirement for AG districts. Minimum lot size averages around 10 acres.

Chairman Fridrich asks about the County's minimum lot size for agricultural zoning. City/County Planner, Steve Josephson, responds that Stark County requires a minimum of 40 acres.

City staff recommends increasing the City's minimum lot size for AG-zoned parcels to 10 acres.

Chairman Fridrich expresses agreement with the recommendation.

There is general consensus among the Commission that the ordinance should be updated to reflect the proposed 10-acre minimum.

B. DATA CENTERS TEXT REVIEW - *Presented by City/County Planner, Steve Josephson*

Mr. Josephson presents the zoning text amendment related to data centers for review. He explains that the proposed language would allow for a reduction in separation requirements if a hardship can be demonstrated. He notes that most cities in North Dakota do not currently address data centers in their zoning codes.

Chairman Fridrich brings up AI-focused data centers and notes that the nature of the use—such as crypto mining versus office-based AI operations—should influence the distance requirements. He emphasizes the need for flexibility in the zoning language to account for different types of data centers.

It is noted that data centers located within city limits would be connected to the fiber optic network.

Commissioner Haugen adds that the key factors seem to be related more to power requirements, facility size, and operational characteristics than to the specific use.

Mr. Josephson states that staff will consider adding a threshold to the language and will proceed with advertising the proposed amendment for the next Planning and Zoning Commission meeting.

7. ADJOURNMENT

Motion made by Commissioner Decker, Seconded by Commissioner Haugen.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Decker, Commissioner Keller, Commissioner Rothstein

Absent: Commissioner Johansen