



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, March 13, 2024 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich
Vice Chairman: Scott Bullinger
Dean Franchuk
Jo Marie Kadrmas
Troy Bosch
Val Decker
Rick Haugen
Aaron Johansen
Mike Schwab

CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich
Vice Chairman Scott Bullinger
Commissioner Dean Franchuk
Commissioner Aaron Johansen
Commissioner Richard Haugen
Commissioner Jo Marie Kadrmas
Commissioner Troy Bosch
Commissioner Val Decker

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Order of business presented for approval.

Motion to approve made by Commissioner Decker, Seconded by Commissioner Kadrmas.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

2. MINUTES

A. FEBRUARY 21ST, 2024 MEETING MINUTES

Minutes presented for approval.

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

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

3. REGULAR AGENDA:

A. SPECIAL USE PERMIT (SUP-002-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Special Use Permit to allow for above-ground chemical storage in the General Industrial (GI) zoning district. The property is legally described as Lots 2 & 3, Block 2, Replat of Dickinson Industries Subdivision within the City of Dickinson's Extra-Territorial Zone.

Mr. Josephson presents the SUP request for above ground chemical storage. The applicant is moving locations a number of blocks away. Staff recommends approval with conditions on the staff report. Fridrich asks about the police department on the staff report and that should be changed to the Stark County Sheriff's office and Rural Fire Dept.

Mr. Haugen asks about bulk storage. Mr. Josephson says they would have to come back if they make those changes; bulk is determined by the number of gallons. Mr. Josephson says this SUP application has been sent to the rural fire chief and stark county emergency management.

Bill Kainz from GEO Chemicals is present. He explains they are just moving a mile down the road outside of city limits. Their operations will remain the same. They are only a storage facility.

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

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

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas,

Commissioner Bosch, Commissioner Decker

B. FINAL MINOR PLAT (FLP-008-2023) *Presented by: City Engineer/Community Development Director, Josh Skluzacek*

To consider a Preliminary/Final Plat for Heart River Bottoms Subdivision located in the NE1/4 and in a portion of SE 1/4 of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra-Territorial Zone. The site consists of +/- 17.35 acres.

Mr. Skluzacek presents the final minor plat request. He explains this is two separate lots. This was originally submitted in 2023 and tabled due to some floodplain concerns. He explains where the floodplain lies in this plat. There is an access easement to connect to the southern lot.

Jordan Selinger is present to speak. He explains that along the west side of the lot there is an easement to access the back lot. Mr. Skluzacek states that floodplain concerns have been rectified, staff has no concerns. Mr. Selinger explains that where the structures will be built there are no floodplain concerns. The only concern on the conditions in the staff report he has is about the CO not getting issued until the road is in. Mr. Skluzacek states the approach permit would go through the county. If it's paved then the driveway is paved, vice versa with gravel. They will have to work through that with the county.

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

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

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

C. PRELIMINARY MAJOR PLAT (PLP-003-2024) *Presented by: City Engineer/Community Development Director, Josh Skluzacek*

To consider a Preliminary Plat for Southfork Acres 2nd Subdivision located in the SE 1/4 of Section 16, Township 139 North, Range 96 W, located in the City of Dickinson's ETZ. The property is currently legally described as Southfork Acres Subdivision Lot 1B Block 2. The site consists of +/- 51.11 acres.

Mr. Sluzacek presents the preliminary major plat request. He explains this is a replat of Southfork Acres, it is south of the urban service area boundary. The original plat of

this was approved last year. The number of lots is what brought this to the major plat category. It meets all codes and applicable requirements.

Chairman Fridrich asks about the FLUM showing residential. He asks why we are approving AG here. He says he remembers in the past being 40ac or more lots. Mr. Skluzacek states the intended use is residential. He says there could be concerns for future development - that being said the intended use is residential and keeping it AG for the 5 acres lots. Chairman Fridrich comments on it being able to be RR. Discussion ensues on what is allowed in RR vs AG. Chairman Fridrich is concerned about how close they are to the city boundary. Ms. Kadrmas asks about this from a tax standpoint. Chairman Fridrich asks about the adjacent properties. Mr. Josephson states they are AG and a mixture of commercial, R1. Chairman Fridrich mentions that not long ago this area was going to come into the city. He asks about a connection to State Ave – Mr. Skluzacek states due to drainage they would most likely not extend it to the south. He states there are some concerns with connectivity. Chairman Fridrich also mentions taking any ROW dedication. Mr. Skluzacek says future development of this area would be very complex and road connectively would be difficult and it would be difficult to define where the best place would be. Mr. Josephson mentions that when the plan was adopted it wasn't anticipated there would be development outside of the urban service area. There isn't much in the comp plan for guidance in situations like this, and needs to be addressed in the comp plan update. Chairman Fridrich is concerned about east/west access. He states we have to consider the future. Chairman Fridrich asks about the option of ghost platting.

Andrew Schrank, Highlands Engineering, is present representing the applicant. Mr. Bosch asks about them considering rezoning to RR/R1. Mr. Schrank says there would be no reason for the applicant to rezone since they are doing what is already allowed by the code so it wouldn't make sense for the applicant. Going from AG to RR - the taxes are 10 times more without a residence on the property. He adds that the other issue is that the residences to the west have concerns with density. They feel the five-acre lots fit the property. SW water has given the applicant eight taps so they are pushing those limits with water. He recommends changing the code if we don't want to allow it. He speaks on access and ghost platting - access to the west is not viable right now. There is no east to west access in Decker's Subdivision. The ROW shown to the north was never actually dedicated - it's shown as a future ROW. The east access already is connected to this roadway - Dvorak Drive. The next available access point is to the north east and there is an opening for an access option – that would be in their opinion the best place to put an east to west connection. They are proposing access easements that run northerly through this property. If this is ever annexed and becomes denser these access easements run to the north; now you can subdivide these lots and run the road if the city needs the ROW in the future. He states they did review the Comp Plan and updates. This was originally in the urban

service area, but those development plans fell through. He discusses some of the improvements that would need to be made such as pressure zones, sanitary sewer, and major infrastructure changes – so they felt the five-acre parcels were appropriate for that reason.

Mr. Fridrich states he is not concerned with the five acre lots. He is concerned with transportation issues and future access in this area. He says if we approve this our east/west access is cut off. Mr. Skluzacek states there is some ROW dedicated for 12th Street SW which is just north and east of this, which extends out to Hwy 22 that does make a connection across. 13th Street would be highly difficult. He explains that ghost platting can be very challenging from a buildable lot and an enforcement standpoint.

Chairman Fridrich asks for what the allowable differences are in AG and RR. Mr. Josephson reads from the code on what is allowed in AG vs RR. He mainly touches on animal production uses, duplexes/townhomes, restaurants, kennels, etc. Chairman Fridrich thinks this should definitely be RR. He says just because our code allows it doesn't mean it's the right thing to do. Mr. Schrank says if it is required, they will go to RR, but if everything is allowed why cause the applicant more time and money with uses that are already allowed. Chairman Fridrich says if their intent is to sell these off it should be zoned RR. Mr. Skluzacek says we can make it a condition of approval or Mr. Josephson says you can table this item until a rezone application comes in and approved.

Mr. Johansen agrees with Mr. Fridrich. This also doesn't make sense to him.

Chairman Fridrich opens the public hearing.

Kevin Kovash is a resident in the Decker Subdivision. He is concerned about the low-income housing proposed in 2017 and wouldn't want to go back there. In general, there are a couple of lots that drain into their subdivision. If there are animals there are different types of drainage will be running to their yards. He would like restrictive covenants on housing.

The public hearing is closed.

Motion to table until a rezone to RR is approved.

Motion to table made by Commissioner Johansen, Seconded by Commissioner Bosch.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadmas, Commissioner Bosch, Commissioner Decker

Additional discussion ensues on future transportation plan.

D. FUTURE LAND USE MAP AMENDMENT (FLM-002-2024) *Presented by City/County Planner, Steve Josephson*

To amend the Future Land Use Map from Industrial to Agricultural for a parcel of unplatted land located in the SW ¼ of Section 11, Township 139N, Range 96W, located in the City of Dickinson's ETZ. The site consists of +/- 27.83 acres.

Mr. Josephson presents the FLUM amendment request. He explains there is also a rezone application following this request. The applicant wants to rezone to AG and live on it. It is unusual as it is in the IN use area. He states much of the property will be difficult to develop due to the flood mapping. The staff recommendation of approval is based on the other properties in the area and the physical attributes of the area. Due to the flood hazard area, it cuts it off from the surrounding areas.

Mr. Schrank is representing the applicants. He states they are building a residence and hobby farm. He adds that it is trending to more an AG/ residential use in this area.

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

Motion to approve made by Commissioner Decker, Seconded by Commissioner Kadrmas.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

E. REZONE (REZ-002-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Zoning Map Amendment from General Industrial (GI) to Agricultural (AG) for a parcel of unplatted land located in the SW ¼ of Section 11, Township 139N, Range 96W, located in the City of Dickinson's ETZ. The site consists of +/- 27.83 acres.

Mr. Josephson presents the rezone request. This is a companion to the last item. Eh says AG zoning seems to be the most suitable to this area. Staff recommends approval.

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

Motion to approve made by Commissioner Kadrmas, Seconded by Commissioner Johansen.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

F. FINAL MAJOR PLAT (FLP-002-2024) *Presented by: City Engineer/Community Development Director, Josh Skluzacek*

To consider a Preliminary Plat for Dickinson South Cemetery Second Subdivision being a parcel of unplatted land located in the south half of the southwest quarter of the northwest quarter (S1/2SW1/2NW1/4) of Section 16, Township 139 North, Range 96 West, located in the City of Dickinson's ETZ. The site consists of +/- 7.60 acres.

Mr. Sluzacek presents the final plat request. The preliminary plat was heard and approved at last months meeting. This is for the new cemetery, it is an extension to the already platted section. Staff recommends approval.

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

Motion to approve made by Commissioner Bosch, Seconded by Vice Chairman Bullinger.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

Mr. Fridrich would like to see a work session on AG zoning code changes.

Mr. Franchuk brings up parking at the old hospital. This used to be a one way and people are parking at the wrong angle.

6. WORK SESSION

7. ADJOURNMENT

Motion made by Commissioner Kadrmas, Seconded by Commissioner Decker.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker