



PLANNING AND ZONING MEETING MINUTES

Wednesday, July 09, 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
Commissioner Dean Franchuk
Commissioner Aaron Johansen
Commissioner Richard Haugen
Commissioner Mike Schwab
Commissioner Val Decker
Commissioner Mathew Rothstein

ABSENT

Vice Chairman Scott Bullinger
Commissioner Zach Keller

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve as presented.

Motion to approve made by Commissioner Schwab, Seconded by Commissioner Franchuk.

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

2. MINUTES

A. JUNE 11TH 2025 MINUTES

Motion to approve as presented.

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

3. REGULAR AGENDA:

A. RENAISSANCE ZONE APPLICATION (REN-002-2025) - *Presented by City/County Planner, Steve Josephson*

To consider a request for a Renaissance Zone Project at a property with the address of 716 Villard Street West, legally described as Lot 6, Block 18, Young's Fifth Addition Subdivision.

Chairman Fridrich abstains from voting on this item.

City/County Planner Steve Josephson presents the rehab Renaissance Zone project. The lot is currently vacant. The applicants operate a business to the west and want to move here to serve beverages. The project exceeds the assessed true value by a significant amount. They are requesting an 8-year exemption.

The applicants are present online. Lori Ludwig, owner of Pops Soda Shack, states this will be a much better location for the employees of the store.

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

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

Voting Yea: Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein
Voting Abstaining: Chairman Fridrich

B. FINAL MAJOR PLAT (FLP-005-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Final 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.

City Planner Natalie Birchak presents the final plat request. This preliminary plat had been heard at a prior PZ meeting. Staff recommends approval.

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

Motion is for the final plat.

Motion to approve made by Commissioner Haugen, Seconded by Commissioner Schwab.

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

C. RENAISSANCE ZONE APPLICATION (REN-003-2025) - *Presented by City/County Planner, Steve Josephson*

To consider a request for a Renaissance Zone Project at a property with the address of 1500 Villard Street West, legally described as Lot 17A, Block 3, College Subdivision.

Mr. Josephson presents the rehab Renaissance Zone request. The applicants are operating a business on one of the lots. They have acquired several vacant lots and plan to build a 6,000 sq. ft. shop, connecting the structures together. The project involves improvements costing over one million dollars. They are requesting an 8-year exemption. Staff recommends approval.

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

Commissioner Decker will be abstaining.

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Rothstein
Voting Abstaining: Commissioner Decker

D. FINAL MINOR PLAT (FLP-006-2025) - *Presented by City Planner, Natalie Birchak*
To consider a Minor Subdivision Plat for the Schmidt Minor Subdivision located in the SE ¼ of Section 33, Township 140 North, Range 95 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 7.77 acres.

Ms. Birchak presents the minor plat request. She states the reason for this request to subdivide and build a primary residence on the lot. There is also a rezone request that accompanies this plat. Staff does recommend approval and has not received any public comment. It is currently zoned GC and will rezone a portion to RR.

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

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

E. REZONING (REZ-005-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Zoning Map Amendment from Agriculture (AG) and General Commercial (GC) to Rural Residential (RR) for Lot 1 of Block 1 of the proposed Schmidt Minor Subdivision located in the SE ¼ of Section 33, Township 140 North, Range 95 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 1.49 acres.

Ms. Birchak presents the rezone request. This item accompanies the prior minor plat. The applicant will construct a primary residence on this lot. Staff has not received any comments and recommends approval. Commissioner Schwab asks what the building located on there is used for. They are commercial buildings but none on the lot that will be rezoned are commercial.

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

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

F. SPECIAL USE PERMIT (SUP-003-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Special Use Permit amendment for a dog grooming home-based occupation in Low Density Residential (R-1) zoning at 270 29th Dakota Place. The property is legally described as Lot 7 in Block 4 of the Suncrest First Addition Subdivision in the NW ¼ of the SW ¼ of Section 2, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 0.27 acres.

Ms. Birchak presents the SUP request. The purpose of this SUP is for a dog grooming business. The applicant had a prior SUP but has moved locations. The property is zoned low density residential. Staff has not received any comments and recommends approval subject to the conditions on the staff report.

Mr. Johansen asks if there have been any issues with the prior SUP and the applicant confirms there have not. Johansen asks about the limit of animals. There will only be one at a time.

Kaylee Brewer, applicant, states there are some people that have 2-3 dogs in one home, but she is by appointment only.

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

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

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen,

Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

G. ZONING TEXT AMENDMENT (ZTA-002-2025) - *Presented by City Planner, Natalie Birchak*

To consider a zoning text amendment to Section 62-162 "Development Regulations" of the City of Dickinson North Dakota Zoning Ordinance regarding increasing the minimum required lot size of Agriculture-zoned lots from five (5) acres to ten (10) acres.

Ms. Birchak presents the ZTA. This has been discussed at two prior PZ work sessions. This would increase the min lot for AG - from 5 to 10 acres. She explains the benefits of changing this ZTA.

Johansen asks about existing lots; those would be grandfathered in. If they come back with significant development requests, they would have to replat, rezone, or request a variance with the Board of Adjustment. Schwab mentions the County going down in lot size. Mr. Franchuk and Mr. Josephson clarify that there has been no discussion of that. The County is at 40 acres.

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

Motion made by Commissioner Decker, Seconded by Commissioner Haugen.
Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. PROPOSED LOT MODIFICATION AMENDMENT - *Presented by City Planner, Natalie Birchak*

Ms. Birchak presents the amendment. This was discussed at a previous PZ work session. She presents the purpose of changes on PowerPoint and looks for feedback from the commission. The purpose of the changes would be:

- Lot combinations no longer allow the combination of lots that would match or exceed the minimum lot size of the next-lowest density zoning district.
- No change to lot line adjustments.
- Lot splits can no longer be utilized in conjunction with a rezone. A minor of major plat must be filed instead. Additionally, clarifies that only one lot can be split.
- A signature representing the Planning Department will be required.

There is discussion on how many of these submittals we've had this year. Mr. Skluzacek says we've already had 15 this year.

B. CHICKEN PRESENTATION - *Presented by June McCarty*

Ms. Birchak explains that City staff met with Ms. McCarty regarding the topic of allowing chickens in residential zoning. Staff wanted to bring the matter to the Planning and Zoning Commission to gather their thoughts and determine the next course of action.

June McCarty of Dickinson presents her proposal to allow chickens within city limits in residential areas. Her presentation is included in the meeting packet.

Chairman Fridrich comments that this issue has come up in the past. Commissioner Johansen asks about the current zoning regulations; chickens are not currently allowed. Ms. McCarty proposes allowing 4–6 hens, a number she selected based on average household size. Ms. Birchak adds that currently, only Agricultural (AG) and Rural Residential (RR) zones allow chickens within city limits.

Ms. Wenko comments on the implications for the Police Department and Code Enforcement. The Police Department is not in favor of taking on enforcement responsibility, which would leave it to Code Enforcement. Additionally, the animal shelter is not currently equipped to handle chickens, so facility upgrades would be necessary. Violations and fines would need to be considered. There are many factors to evaluate, and if this moves forward, logistics would need to be analyzed thoroughly. Additional staff may be required. Currently, violations can be classified as infractions or Class B misdemeanors.

Chairman Fridrich mentions that other cities have relatively low permit fees. Commissioner Decker asks about limits on the number of licenses in certain areas; Mandan and Hettinger had such limits, although Mandan was considering removing theirs. Ms. Wenko notes that chickens are allowed for homeschool purposes in some cases and that the current code contains some ambiguity around schools. A discussion follows regarding the definition of "schools" in the code.

Commissioner Johansen comments on the unknown financial impact of staffing and enforcement and the uncertainty surrounding how many residents would apply for permits. Ms. McCarty suggests a pilot program. Commissioner Haugen expresses concern that residents who are already keeping chickens illegally may not seek permits if a program is established.

Chairman Fridrich emphasizes that enforcement against those who do not follow regulations is a major concern. Ms. Wenko notes that enforcement would likely be complaint-based, with annual inspections, and that multiple departments and staff would be involved. There is also discussion about requiring notification to neighbors before keeping chickens.

Code Enforcement Officer Tiffany Stewart states that both animal control and code enforcement would be involved. Additional departments such as licensing, building,

and fire would also need to participate. She notes that many individuals currently fail to obtain required licenses and choose not to follow established rules.

Chairman Fridrich suggests that staff research how other cities handle enforcement and financial aspects. Public comment and engagement meetings would be necessary. An online petition supporting the proposal currently has 500 signatures.

7. ADJOURNMENT

Motion made by Commissioner Schwab, Seconded by Commissioner Johansen.

Voting Yea: Chairman Fridrich, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Decker, Commissioner Rothstein

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/wQKvobHwGPE>