



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, May 08, 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 Richard Haugen

Commissioner Mike Schwab

Commissioner Val Decker

ABSENT

Commissioner Aaron Johansen

Commissioner Jo Marie Kadrmas

Commissioner Troy Bosch

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business as presented.

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

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

2. MINUTES

A. APRIL 10TH, 2024 MINUTES

Motion to approve minutes as presented.

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

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

3. REGULAR AGENDA:

A. FINAL MINOR PLAT (FLP-009-2024) - *Presented by City Engineering/Community Development Director Joshua Skluzacek*

To consider a Preliminary Final Plat for the Fisher East Side Third Addition Subdivision, being a Replat of Lot 1A, Block 4, Fisher East Side Second Subdivision, located in Section 2, Township 139 North, Range 96 West, located in the City of Dickinson. The site consists of +/- 0.65 acres.

Mr. Skluzacek presents the minor plat request. He explains the applicant is creating two residential lots for development. There was a previous irregular plat that pushed this into a minor plat.

Andrew Schrank, Highlands Engineering is present, representing the applicant Venture Homes. He states this will be a single-family development. He stands for any questions.

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

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

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

B. REZONE (REZ-003-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Zoning Map Amendment from Agricultural (AG) to Rural Residential (RR) for a property located in the SE ¼ of Section 16, Township 139 North, Range 96 West, 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. Josephson presents the rezone request. He explains this applicant came to the last PZ meeting with a major plat and the direction from the commission was to table the item until the applicant applied for a rezone. He adds that this is outside of the City's Urban Service Area. Staff recommends approval.

Andrew Schrank, Highlands Engineering is present, representing the applicant. He stands for any questions.

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

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

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

C. PRELIMINARY MAJOR PLAT (PLP-003-2024) - Presented by City
Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Plat for Southfork Acres 2nd Subdivision located in the SE ¼ 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. Skluzacek presents the preliminary major plat request. He explains that this is in the ETZ and just outside the USA. He adds that staff met with the applicant this week and there is some concern regarding potential future access to the property to the north if that were to develop as well as connectivity through this subdivision. He says there is potential to create a development agreement - easterly access easement may be a considered a potential future ROW for future development to the north. The city would request that the property owners would waive their right to protest against that ROW dedication at that time. City staff recommends approval. There has been no public comment.

Chairman Fridrich asks about Dvorak Dr. being a paved county road - and if our policy says it needs to be asphalt. Mr. Skluzacek says it is dedicated ROW - he has discussed the paving of that road with the applicant. They would be willing to share in the cost to maintain a gravel surface. Discussion ensues regarding dedicated right of way and paving of the roads. Mr. Skluzacek states that if it is dedicated ROW they would be obligated to be paved and we would prefer the same for a private road. He says that coincides with what the County has recommended in the past. Mr. Fridrich has concerns with the access to that parcel.

Andrew Schrank is representing the applicant. He explains that the size of lots is due to the availability of infrastructure. He adds that a denser development wouldn't be able to be served. He speaks on the ROW – Dvorak Dr. was dedicated previously and is required to be paved. The connections are intended to be private access easements. He says to pave those would not be feasible. He goes on to speak more on the connections and access. He says if it takes allowing that property to be given up in the future at no cost to get this to move forward, they are agreeable to it. They just cannot pave those private roads. He also adds that Dvorak Dr is actually not a county road.

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

Mr. Skluzacek states they are comfortable with the easement dedication. He says pavement is still recommended. Discussion on historical precedence regarding pavement ensues. Mr. Skluzacek speaks on the approaches - there are some inconsistencies. The county does push to get them paved. Mr. Fridrich says he

wishes there was a clear policy on this issue. Mr. Skluzacek says they are discussing this for the new comp plan and transportation plan updates. It is discussed to possibly pave the approach to the ROW and leave the rest gravel.

Motion to meet County requirements for the approach permit conditions for access.

Motion to approve with above condition made by Vice Chairman Bullinger, Seconded by Commissioner Decker.

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

D. PRELIMINARY MAJOR PLAT (PLP-006-2024) – Presented by City Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Plat for The DSU Athletic Complex 2nd Addition Subdivision Being a Replat of Lot 1, Block 1 DSU Athletic Complex Addition and a Parcel of Land in the W ½ of Section 4, Township 139 North, Range 96 West located on the City of Dickinson. The site consists of +/- 58.57 acres.

Mr. Skluzacek presents the preliminary major plat request. He explains the applicants request to include a dedication of right of way. They are combining this with the north portion that was previously platted. This would eliminate the lot line for them to utilize the property. They would need to follow the Corridor Overlay District requirements. They are working on traffic, parking and stormwater management. Staff recommends approval and they have not received any public comment.

Mr. Schwab asks about taking 6th all the way to 13th. Mr. Skluzacek says this is something they are currently looking at - they didn't want to create a full thoroughfare. Mr. Haugen asks if they are putting parking in. They are looking at more of a holistic parking plan.

Andrew Schrank says they will add limited parking, mostly for trailer parking, which would be gravel. Public parking would be shared with the BAC and overflow into the softball complex. He says the BAC will still drive the maximum demand for this site - there will be no increase to parking maximum demand. They don't want the public using this as a cut-across. For soccer they would utilize the softball parking and street parking and possibly the trailer parking.

Chairman Fridrich opens the public hearing.

A Dickinson resident (name inaudible) - asks about the "7" - Mr. Schrank shows him a map to clarify his question. He has questions on the rodeo grounds and what will be placed there. Mr. Schrank clarifies. He also asks about the flooding aspect. Mr. Skluzacek says they are working on that. The public hearing is closed.

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

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

E. FUTURE LAND USE MAP AMENDMENT (FLM-003-2024) - Presented by City/County Planner, Steve Josephson

To consider a Future Land Use Map Amendment from Industrial to Residential for a parcel of unplatted land located in the SE 1/4 of the SW ¼ of Section 6, Township 139 North, Range 95 West, located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

Mr. Josephson presents the FLUM amendment. He has a handout for the commissioners (see video). He explains there is a rezone application and a plat that goes along with this item that is contingent on approval of this application. Staff recommends denial based on the comments that are in the staff report. He explains that this would create a residential island in an industrial area. He speaks on adjacent property owners possibly wanting to change their zoning - they spoke to the applicant about this at his preapplication meeting. He also suggested the applicant get involved in the process of updating our FLUM with the Comp Plan update. There is one other house there that is part of the lumber yard, but it is non-conforming. There is an access that they would file an easement for and go through the county's approach process.

Mr. Fridrich asks what would happen if they left it AG - they would need to change it to 5 acres. Then there would be no need to change the FLUM. Mr. Fridrich doesn't see it going through for the acreage they are requesting. He thinks we could work with them on a 5 acre - AG lot.

Andrew Schrank, Highlands Engineering is representing the applicant. He explains this a grandfather who wants to give his grandson this area. He is aware of the industrial designations around him. He thinks putting industrial here would create many access issues. His grandfather does not want to give up additional property - so doing 5 acres would be a challenge. He believes 2 acres would be creating less of an impact. Mr. Fridrich says we would be setting a precedent if we allowed this. Ms. Decker adds that doing 5 acres would not limit his farming.

There is discussion on how to proceed. Mr. Schrank says they would just come forward with a new plat. A FLUM and Rezone would not be necessary with a 5-acre plat. Mr. Josephson says they can withdraw those and should be able to modify their current application.

Mr. Schrank says if they recommend denial today, they will still present this to city commission. Ms. Wenko says she thinks they can go straight to the CC, but she will look further into it.

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

Mr. Josephson mentions doing a lot split.

Motion to deny the request.

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

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

F. REZONE (REZ-004-2024) - Presented by City/County Planner, Steve Josephson

To consider a Zoning Map Amendment from Agricultural (AG) to Rural Residential (RR) for a property located in the SE 1/4 of the SW 1/4 of Section 6, Township 139 North, Range 95 West located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

Mr. Josephson presents the rezone request. This is the same item as the previous item. Staff recommends denial.

Mr. Schrank ask about the comp plan updates for the FLUM and how long that will be. Mr. Skluzacek says the final plan will be published about 12 months from now. Mr. Josephson suggest using the public portal for the comp plan to work with the consultants doing the Comp Plan.

Motion to deny.

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

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

G. FINAL MINOR PLAT (FLP-010-2024) - Presented by City Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Final Plat for the Moore 1st Subdivision located in the SE 1/4 of the SW 1/4 of Section 6, Township 139 North, Range 95 West located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

Mr. Skluzacek presents the plat request. Based on the denial of the previous two request and the nonconformity staff recommended denial.

Chairman Fridrich opens the public hearing.

Dawson Moore, applicant, is present. He mentions eight residential houses and one industrial in the area. He says it doesn't make sense to him and it's not in the middle of nowhere. Mr. Skluzacek says they are zoned AG. Mr. Fridrich explains the code and how it restricts us to those rules. Mr. Moore asks if he got all the other houses as residential. Mr. Skluzacek recommends a greater FLUM amendment with other property owners. Mr. Josephson says some of those houses are non-conforming and are not platted.

The public hearing is closed.

Motion to deny.

Motion to deny made by Commissioner Schwab, Seconded by Vice Chairman Bullinger.

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

H. FINAL MINOR PLAT (FLP-011-2024) - Presented by City Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Final Plat for the Sullivan First Subdivision, being a Replat of Lot 2B, Block 4, Country Oaks Estates Second Addition Subdivision, located in Section 2, Township 139 North, Range 96 West, located in the City of Dickinson. The site consists of +/-0.33 acres.

Mr. Skluzacek presents the minor plat request. Staff recommends approval and they have received no public comment. This is a three unit building and they would like to split these to sell them.

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

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

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

I. ZONING TEXT AMENDMENT (ZTA-001-2024) – Presented by City/County Planner, Steve Josephson

To consider proposed amendments to Article 39.02 Definitions, Article 39.03 User Types, Article 39.04 Zoning District Regulations, and Article 39.06 Supplemental Use Regulations of the Dickinson Municipal Code regarding Group Living Facilities.

Mr. Josephson presents the zoning text amendment. This has been heard at prior PZ work sessions. He presents a handout of comments that someone on Teams submitted. He explains that if approved it would allow for the city to approve as a special use permit, a group living facility. We are not talking about a specific site today - it is just an amendment to the zoning code. He gives a brief history on this amendment. He explains two things that have changed since the work sessions. Staff recommends approval subject to the findings in the staff report.

Chairman Fridrich opens the public hearing.

Heather Ingman, Assistant Director/Direct Services Coordinator - Domestic Violence and Rape Crisis Center, presents on behalf of Jessica Odermann in support of the ordinance. She also speaks on her own support.

Lonnie Kern - says he can't think of any part of town that won't be negatively impacted from this. He thinks we will be drawing in a lot of undesirable people.

Kelly Scharff, owner of Phat Fish – says she heard there was a homeless shelter going in across from her business and she panicked. She asks that we all stay extremely transparent about this and give the community the opportunity to speak.

Allan Webster - SW District Health - he speaks on the emergency shelter that was set up in January and 11 people that utilized the shelter due to cold weather. The only people who came were homeless. This was his first experience with the homeless and he speaks on his positive experience during this.

Tom Solberg - Community Action - presents some numbers and data regarding homeless in Dickinson. He speaks on homeless prevention that they provide

Dr. Robert Baer - Exec Director of the United Way and City Commissioner - speaks on how much of a need this is in the community, especially for men.

Nevada Crimmins, resident and business owner - has an issue with the presumed location. He thinks this will hurt others in the process. He not protesting against shelters, just the location

Susan Josephson, President of the Homeless Coalition says there is no selected location at this point. They are looking at various locations. There would be 24-hour supervision.

Chairman Fridrich reiterates we are just approving the zoning code changes. There are no sites chosen. We are currently housing homeless with no regulations - this will put regulations on the books. This just starts the process and the public will be informed once locations are selected.

Mr. Josephson explains the notification and approval process.

Ms. Ingman addresses some of the residents' concerns.

Ms. Scharf asks if the code addresses if offenders would be allowed in the shelters. Ms. Wenko says that would be set by state and federal requirements during registration.

Chairman Fridrich closes the public hearing.

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

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

J. RENAISSANCE ZONE EXTENSION (REN-001-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Ten-Year Extension of the City of Dickinson Renaissance Zone Development Plan as adopted on July 1, 2004 and amended on July 23, 2012 and October 2, 2017. May 67, 2019, July 6, 2022, and January 9, 2024.

Mr. Josephson presents the Renaissance Zone Extension. The Century Code has changed and city's can now request ten year renewals rather than five years. There are no proposed changes to any of the blocks. Staff recommends approval.

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

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

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

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

Mr. Josephson lets the commission know about a workshop Vision West is having.

6. WORK SESSION

7. ADJOURNMENT

Motion made by Commissioner Schwab, Seconded by Commissioner Haugen.

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