



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, June 11, 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

Matthew Rothstein

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

Commissioner Mathew Rothstein

ABSENT

Commissioner Zach Keller

Commissioner Aaron Johansen

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business.

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, Commissioner Rothstein

2. MINUTES

A. MAY 14TH 2025 MINUTES

Motion to approve as presented.

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

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

3. REGULAR AGENDA:

A. REZONING (REZ-001-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Zoning Map Amendment from Unzoned and Community Commercial (CC) to Public (P) for Part of Block 4 of the Nuhaven 2nd Addition Subdivision in the NW ¼ of the SE ¼ of Section 33, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 3.40 acres.

City Planner, Natalie Birchak presents the request. This item had been heard and approved at prior April Planning and Zoning and City Commission meetings, but due to a noticing error the item is being heard and voted on again. There has been no public comment and staff recommends approval.

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

Motion to recommend approval made by Vice President Bullinger. Seconded by Commissioner Decker

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

B. FINAL MINOR PLAT (FLP-001-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Minor Subdivision Plat for the 16th St Business Plaza Addition Subdivision located in the SW ¼ of the NW ¼ of Section 34, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.21 acres.

City Planner, Natalie Birchak presents the request. This item had been heard and approved at prior April Planning and Zoning and City Commission meetings but due to a noticing error the item is being heard and voted on again. Staff has received no public comment and recommends approval of this project.

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

Motion made to recommend approval by Commissioner Franchuk, Seconded by Commissioner Haugen.

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

C. FINAL MAJOR PLAT (FLP-002-2025) - Presented by City Planner, Natalie Birchak

To consider a Major Subdivision Plat for the Jerry Williams Subdivision located in the SE ¼ of Section 22, Township 139 North, Range 96 West, located in the City of Dickinson's ETZ. The site consists of +/- 35.66 acres.

City Planner, Natalie Birchak presents the request. This item had been heard and approved at prior April Planning and Zoning and City Commission meetings but due to a noticing error the item is being heard and voted on again. She notes that there was also a road maintenance agreement submitted. Staff has not received public comments and recommends approval.

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

Motion made to recommend approval by Commissioner Schwab, Seconded by Commissioner Franchuk.

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

D. FINAL MINOR PLAT (FLP-003-2025) - Presented by City Planner, Natalie Birchak

To consider a Minor Subdivision Plat for the Badlands Storage Second Addition Subdivision located in the SE ¼ of the NE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 6.04 acres.

City Planner, Natalie Birchak presents the request. This item had been heard and approved at prior April Planning and Zoning and City Commission meetings but due to a noticing error the item is being heard and voted on again. There is also an associated SUP permit, and an easement vacation. Staff has not received any public comment and recommends approval.

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

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

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

E. SPECIAL USE PERMIT (SUP-001-2025) - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit amendment for a convenience storage facility in General Commercial zoning at 430 29th Street West. The property is legally described as Lot 1 in Block 1 of the Badlands Storage Subdivision, and Lot 1 in Block 1 of Tweeten's Third Addition Subdivision in the SE ¼ of the NE ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 6.04 acres.

City Planner, Natalie Birchak presents the request. This item had been heard and approved at prior April Planning and Zoning and City Commission meetings but due to a noticing error the item is being heard and voted on again. Staff has not received any public comment and recommends approval subject to conditions.

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

Motion made to recommend approval by Commissioner Haugen, Seconded by Commissioner Decker.

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

F. REZONING (REZ-004-2025) - 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 Lot 1 of Block 14 of the Koch's Meadow Hills 4th Addition Subdivision in the SW ¼ of the NW ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 0.573 acres.

City Planner, Natalie Birchak presents the rezoning request. Staff has not received any public comments and recommends approval. She states the lots to the east were rezoned at last week's City Commission meeting.

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

Motion made to recommend approval by Commissioner Decker, Seconded by Commissioner Franchuk.

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

G. FINAL MINOR PLAT (FLP-004-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Minor Subdivision Plat for the Reddish Corner Addition located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 0.385 acres.

Ms. Birchak presents the final plat request. The purpose of the plat is to combine the properties to comply with the zoning ordinance prohibiting private garages on residential lots without an existing primary structure. They are zoned R1. Staff has not received any public comment and recommends approval.

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

Motion made to recommend approval by Commissioner Franchuk, Seconded by Commissioner Haugen.

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

H. 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 SUP request. This was heard at the last pz meeting and staff has received the additional documents that were required. Staff does recommend approval subject to the conditions listed on the staff report. Staff has received numerous public comments for and against the project. There was also a public engagement meeting held on May 28th at City Hall.

Applicant, Dakota Gant, Executive Director of United Way, is present.

Commissioner Haugen asks about a concern regarding the potential hiring of high-risk sex offenders. Gant states that all applicants will undergo screening and background checks with North Dakota law enforcement to ensure this doesn't happen.

There is discussion about allowing entry without an ID. Gant explains that individuals may enter without an ID, but a case manager will assist them in obtaining one as soon as possible.

Commissioner Decker asks about commitment letters for funding, which are not included in the packet. Gant replies that he was unable to obtain them.

Commissioner Schwab asks about a majority of the funding coming from the treatment center. Gant explains it is its own entity within the building. Schwab questions why it is included in the same report. Gant clarifies that treatment-related funds – anything on the 2nd floor will be paid by SWMCC and the rest will be paid by the United Way. Discussion follows about current and future funding—some programs are already in operation.

Gant states the facility will operate 24/7. Discussion turns to the Bismarck facility, which Gant says is not comparable.

Commissioner Rothstein asks about policies and procedures related to gender identification, stating they conflict with a recent House bill. Gant responds that they will revise the policies to comply with the law. Rothstein also inquires about the House of Manna (HOM) and whether it will be part of the facility. Gant says if HOM believes they are jeopardizing the SUP approval, they are willing to remain in their current location.

Rothstein asks about a perimeter fence. Gant says there is an existing fence on the west side, and they plan to add fencing on the north side.

Haugen inquires about designated smoking areas. Gant confirms there will be designated smoking areas.

Schwab asks about full-time security. Gant says they will hire trained security personnel. If needed, they will train individuals to manage security in-house.

Schwab asks about transportation for residents. Gant states they will provide transportation using personal vehicles and may purchase vehicles if necessary.

Rothstein asks about staffing levels. If they don't meet minimum staffing, will they still operate? Gant says no—they will not operate above their approved tier without proper staffing.

Haugen asks about a 10:00 p.m. curfew and overnight staff. Gant confirms there will be more than one staff member on-site overnight.

Schwab asks if the grant funding allows for operational expenses. Discussion follows regarding grant eligibility. Heather Ingman with DVRCC explains some of the funding. Multiple grants are in use, and she explains how those funds are applied.

Chairman Fridrich opens the public hearing.

Bruce Koppinger, President of the North Hills Townhome Association, speaks in opposition. He has collected nearly 400 signatures on a petition. He believes the location is inappropriate and incompatible with the area. He raises concerns about potential funding shortfalls and the burden falling on Dickinson taxpayers. He also voices concerns about safety and declining property values. He notes that zoning in other North Dakota cities prevents similar facilities near residential areas and requests denial.

Alison Wanner (affiliation unclear) manages billing for services. She explains how funding is received—almost 100% of costs are covered—and they accept private insurance. She reminds the commission that similar services already operate out of the old hospital without issue. Schwab asks about the diversion program, and Wanner explains its function. She references a new House bill allowing only three counties in North Dakota to apply for such programs.

Sarah Moe, a private citizen, speaks in favor. She says the commission must support all Dickinson residents and states that denying this would go against the Constitution.

Trevor Ernst speaks in opposition, comparing the project to Villard Commons. He claims it does not support public health, safety, or welfare. He provides a handout referencing a research study and argues that some of the supporting documentation is inaccurate or misleading.

Phyllis Sackman, a nearby resident, asks whether there has been research on the project's impact on local businesses and if those businesses were consulted. She opposes the facility at this specific location.

Tracy Tooz, an investor, states that the SUP requirements have been met, including those for security. He has been an employer in Dickinson for many years and points out that grants require strict compliance and monitoring. He believes local homelessness numbers are underreported, citing untracked tent encampments. He also comments on the high cost of mental health services in the area.

Public hearing is closed.

Rothstein follows up about the smoking area. Gant says it will follow state and city regulations, though the specific location hasn't been determined. Rothstein asks how soon the facility will open if approved. Gant estimates 3–6 months.

Rothstein asks what procedures are in place if the SUP is revoked. Gant says they currently have none.

Schwab asks if future funding issues might impact SWCCC. Wanner says it should not be an issue. If necessary, the facility could relocate.

Haugen asks if any city or county funds will be used. Gant firmly states no—they will not seek city or county funding.

Schwab requests a staffing breakdown showing what United Way pays versus SWMCC. Gant says it's included in the documentation, but Schwab disagrees. Gant shows him where it's located and explains which entity covers each position.

Decker expresses concern about property values and disagrees with the business revenue plan. Schwab agrees.

Haugen shares similar concerns but is unsure if those fall under the Planning and Zoning Commission's purview. Commissioner Bullinger echoes Haugen's comments, believes the proximity to residential is acceptable, and recognizes the need.

Rothstein agrees there is a need and references the comprehensive plan and a 10-year plan to end homelessness. He feels the city hasn't made a strong effort to implement that plan and questions the lack of community engagement. He doubts whether this project reflects the interests of all Dickinson residents.

Commissioner Franchuk acknowledges the need but believes this site is not appropriate and raises concerns about finances.

Fridrich says he understands both sides. He admits he would not be comfortable having this facility near his own home. He emphasizes that health, safety, and welfare must include everyone. While he's personally concerned about reliance on grant funding as both a citizen and business owner, he recognizes that's outside P&Z's scope.

Motion to recommend denial made by Commissioner Decker. Seconded by Commissioner Franchuk.

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

Voting Nay: Commissioner Haugen

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

Steve Josephson announces Vision West will be holding a workshop in July and invites the Commissioners to attend.

6. WORK SESSION

A. AG - DISTRICT MINIMUM TEXT AMENDMENT - *Presented by City Planner, Natalie Birchak*

Ms. Birchak presents the proposed text amendment, which was discussed at the previous Planning & Zoning meeting. The amendment proposes changing the minimum lot size from 5 acres to 10 acres. She is seeking confirmation from the commission on whether it is acceptable to bring this forward at the July P&Z meeting. Anything already approved would be grandfathered in. The Commission recommends for her to proceed.

B. LOT MODIFICATIONS - *Presented by City Planner, Natalie Birchak*

Ms. Birchak presents the current lot modification process and asks whether the commission would like to see any changes. She shares a PowerPoint presentation with questions to consider and reviews the existing definitions of lot split, lot combination, and lot line adjustment. She also presents North Dakota Century Code 57-02-39, along with process comparisons from Bismarck, Williston, Fargo, and Grand Forks. She summarizes her findings.

Schwab asks whether a survey is still required if a lot line is being eliminated and whether hiring a surveyor could be avoided in that case. Birchak responds that a survey is still necessary when combining lots.

Fridrich asks whether there have been any issues with the current process. Birchak comments that the existing process is compliant with Century Code. She notes that there is no requirement for a city planner's signature on the plat and no ceiling on how many lots can be combined.

City/County Planner, Steve Josephson adds that a concern with large lot combinations is the lack of a public hearing process.

Fridrich argues that since density isn't changing, the public hearing might not be necessary. He agrees that planning input is important but does not believe the process needs to change.

Birchak states that she would like to see a change to the ceiling on the number of lots that can be combined.

7. ADJOURNMENT

9:04am

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, Commissioner Rothstein