



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, October 18, 2023 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

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

[A.](#) September 20th, 2023 Minutes

3. REGULAR AGENDA:

[A.](#) **REZONE (REZ-005-2023)** - *Presented by: City Planner, Matthew Galibert*

To consider a Zoning Map Amendment from GC and CC to CC for a property located at 1005 East Villard and legally described as Lot 1C less 2 feet of the east boundary of Block 1 of the Kum & Go Addition. This lot is located in the City of Dickinson.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. RENAISSANCE ZONE UPDATES - *Presented by: City/County Planner, Steve Josephson*

7. ADJOURNMENT

MEETING LINKS

Meeting Packet: <https://tinyurl.com/PZ-10-18-2023-Packet>

Stream Link: <https://tinyurl.com/PZ-10-18-2023-Stream>

Teams Meeting: <https://tinyurl.com/PZ-10-18-2023-Teams>

Meeting ID: 257 755 997 527

Meeting Passcode: WZq8Dv

Teams Phone #: +1 701-506-0320

Phone Conference ID: 533 603 620#

Local Phone #: 701-456-7006

<https://dickinsongov.com/2023/10/18/planning-and-zoning-meeting-information---october-18-2023/>



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CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich

Vice Chairman Scott Bullinger

Commissioner Dean Franchuk

Commissioner Aaron Johansen

Commissioner Mike Schwab

Commissioner Troy Bosch

Commissioner Val Decker

ABSENT

Commissioner Richard Haugen

Commissioner Jo Marie Kadrmas

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve the order of business as presented.

Motion made by Commissioner Decker, Seconded by Commissioner Bosch.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk,

Commissioner Johansen, Commissioner Schwab, Commissioner Bosch, Commissioner

Decker

2. MINUTES

A. August 11th, 2023 Minutes

Motion to approve August 11th, 2023 minutes as presented.

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

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

3. REGULAR AGENDA:

A. FINAL PLAT (FLP-010-2023) - Presented by: City Engineer/Community Development Director Josh Skluzacek

To consider a Preliminary/Final Plat for TCB Subdivision being the re-plat of Lots 1C and 1D of the irregular plat, document number 3153495, and Lot 2, Block 1 of the Kum & Go Addition located in the SW ¼ of Section 2, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 4.41 acres.

Mr. Skluzacek presents the minor plat request. The main reason for the minor plat is an access and utility easement to the northern and eastern most lots. Mr. Skluzacek says there is some history behind this property. Originally, it included everything besides where Lucky's is located. When working with the new quick lube center it was observed there is a retaining wall that crosses lot lines; we were able to get that lot line shifted. Another unique attribute that is in the DA - there is an existing SWMP from when the Kum and Go Addition was platted. There was an expectation that a pond be constructed in the SW corner of the Kum and Go lot. That was never constructed. It was not taken into consideration when the East Bus Loop was designed. Mr. Skluzacek says there is sufficient hydrology - it does put that system at some limits. He says in working with the applicant when they are building Lots 3 or 4 they would look at a SWMP for the entirety of the subdivision and retention for that subdivision. He also mentions that staff noticed that on the lot where Lucky's is located -there is a unique rectangular shape that is CC and the rest is GC. We can't trace back why that shape is zoned CC. Based on all the development over the past few years, we don't know who's error is it. He recommends a rezone request for Lot 1 to GC and the City would waive the fee. This would be required because we don't allow two zoning districts on the lot.

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

I move the City of Dickinson Planning and Zoning Commission recommend approval of FLP-010-2023 TCB Subdivision Minor Plat subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare:

- **Subject to final review and approval by staff of the development agreement.**
- **Subject to final review**

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

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

B. FINAL PLAT (FLP-011-2023) - *Presented by City/County Planner, Steve Josephson*

To consider a Preliminary/Final Plat for CenterPointe Subdivision being the re-plat of Lot 6B, Block 3 of the West Ridge 1st Addition located in the S ½ of Section 31, Township 140N, Range 96W of the 5th Principal Meridian, Stark County, located within the City of Dickinson, ND. The site consists of +/- 4.35 acres.

Mr. Josephson presents the minor plat request. He explains this will be a tire service company on half of the lot; it is a replat, and the business will be on the eastern portion of the lot. It is zoned GC. Staff recommends approval.

Shawn Soehren, Houston Engineering is present to answer any questions.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-011-2023 CenterPointe Addition subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare

Motion made by Commissioner Bosch, Seconded by Commissioner Franchuk.

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

4. **PUBLIC ISSUES OF CONCERN NOT ON AGENDA**
5. **ITEMS NOT ON AGENDA**
6. **WORK SESSION**

A. BARNDOMINIUMS DISCUSSION - Presented by: City/County Planner, Steve Josephson

Mr. Josephson presents the work session item. A PowerPoint is presented. He states he could not find a lot of information from local places online; the material is from the housing industry. Barndominium is defined as:

- An oversized building that's either a retrofitted barn-to-home conversion or an open-concept steel building constructed from the ground up. It is usually built on a plot of land in rural areas where land is abundant, but this type of structure has also started popping up in exurban locations (Realtor.com August 8, 2023).
- The term "barndominium" is a portmanteau of "barn" and "condominium." Initially, it described a barn-like structure converted into a living space. However, in recent years, the definition has broadened to include new constructions designed to look like barns but are complete homes in their functionality (America's Best House Plans August 8, 2023).

Mr. Josephson says it is a shell and a large living area, mainly constructed of steel that looks like traditional barns on the exterior and a custom living space in the interior. "Shop House" or "Shouse" have a shop and a house under one roof. There is a dedicated work space and storage area. Mr. Josephson says he has been in touch with local governments. He says they don't address it in the zoning code but they need to meet the requirements of land development codes. There are some issues that can arise such as the size of the attached garage; it cannot exceed the sq. footage of the house. The amount of sq. footage of accessory structures on a lot has also been an issue and variances have been requested. He adds that this will be something found more often in the ETZ than in the City. Another consideration that will have to be taken is what the primary use of a 'shouse' will be. Chairman Fridrich says we have already allowed these in some areas, mainly in the ETZ is where we run into issues in our ordinance with the garage not being allowed to be bigger than the house. He says we need to figure out a lot size min we will allow them on. Mr. Schwab speaks on the septic minimums of 40,000 sq feet and not a full acre. There is discussion that if this is a business functioning in a residential area, it would create issues. Chairman Fridrich states he gets asked about these types of structures all the time. Does the city want to allow districts with larger attached garages? Chairman Fridrich says we need to look at a lot size, and zoning district where they would be allowed with restrictions on use, and the size of the accessory structure.

Building Official, Leonard Schwindt states a lot of our codes address a lot of these issues. If there is a garage door the building department will view it as a garage, although that may not be what it used for. He says the main issue is the detached structures. He states that detached structure maximums are a percentage of lot coverage. He would like to see a recommendation on what footprints would be

desired. He also adds that they are seeing a lot of these variance requests at Board of Adjustment. He does not see a concern on this building type. He states we could modify the code to be percentages for attached or detached structures.

Mr. Josephson says he will look at some of the research he has done for the County. Staff can come back with comparisons of other cities in this part of the state.

Chairman Fridrich asks why we care if the lots are big enough. Why do we care if the accessory is bigger than the living space? Mr. Josephson states when the code was written the circumstances may have been different, but we have to follow what we have now.

Mr. Schwab asks if it's 10' away why do we care if its detached or attached?

Mr. Josephson says staff will come back with a comparison chart.

7. ADJOURNMENT

Motion to adjourn.

Motion made by Commissioner Schwab, Seconded by Commissioner Bosch.

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

Unified Development Application

Have you had a pre-submittal meeting with City Staff?	Yes
Please upload the required letter you received following your presubmittal meeting:	Service Pro Express Lube Pre-Application Response Letter-FINAL.pdf
Name	Tracy Tooz
Applicant Email	tracyt@toozconstruction.com
Applicant Phone #	(701) 260-4431
Applicant Representative (if applicable)	Jeremy Wood
Applicant Representative Company	Northern Plains Engineering
Applicant Representative Email	jwood@nplainseng.com
Applicant Representative Phone #	(701) 690-8076

Type of Development Rezoning - Zoning Map Amendment

Owner Name Lucky's LLC

Owner Address 450 12th St W, Dickinson, ND, 58601

Owner Email tracyt@toozconstruction.com

Owner Phone # (701) 260-4431

Is the owner present to Sign Yes

Signature 

Will this application require any other action to complete the development? No

Metes and Bounds Description Lot 1C of Document Number 3153495

	1/4 Section	Township	Range
Legal - Section/Township/Range			
Description	SW Section 2	139	96

	Lot	Block	Addition
Legal - Lot/Block/Addition			
Description	1C	1	formerly Kum & Go Addition

Property Address / General Project Location 1005 E Villard St.

Total Square Footage or Acreage of Subject Property 50,468 Square feet

Existing Zoning CC - Community Commercial

Proposed Zoning GC - General Commercial

Rezone Calc Multiplier 1

Overlay District Description Villard St. Overlay District

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 750

Applicable Fees 750.00 USD

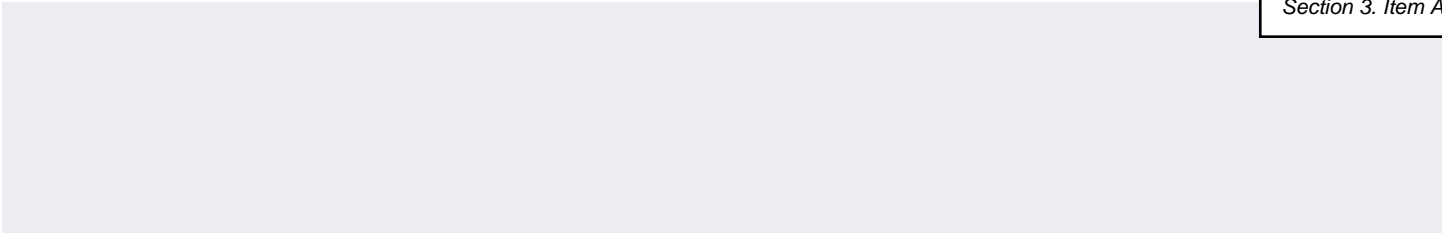
Application Fees Total: \$750.00

Transaction ID: 2vk454nm

==Payer Info==
First Name Jeremy
Last Name Wood

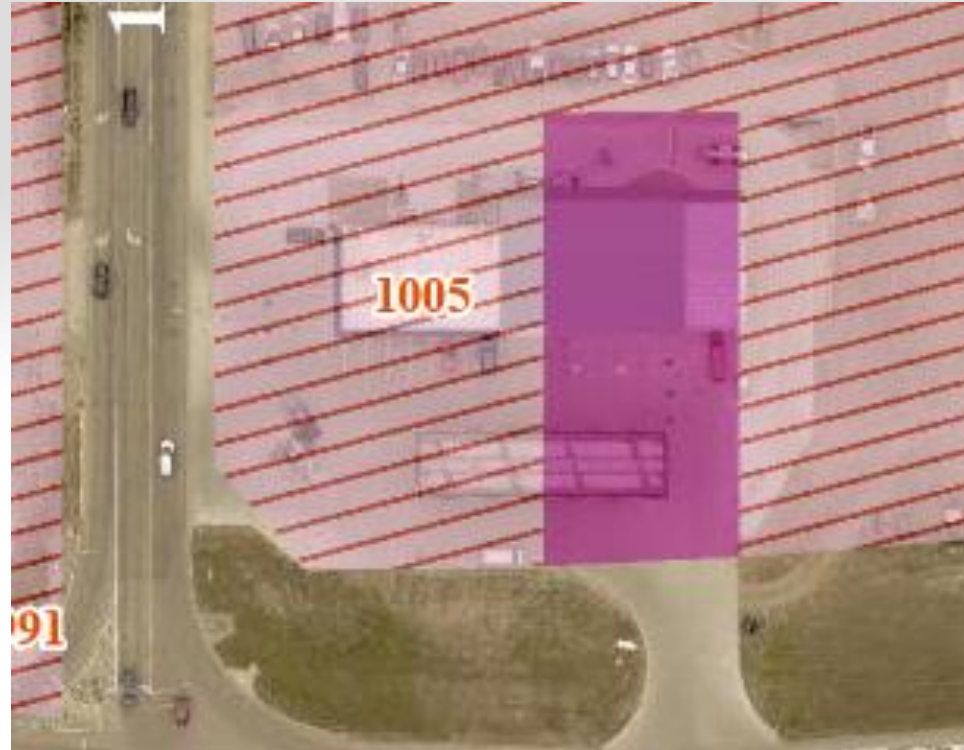
Applicant Signature 

Date 09-22-2023



CURRENT ZONING

Lot 1, Block 1 of TCB Subdivision





STAFF REPORT

To: Planning and Zoning Commission

From: City of Dickinson Development Team

Date: October 2, 2023

Re: REZ-005-2023 TCB Subdivision Rezone

OWNER/APPLICANT

Tracy Tooz
Tooz Construction
tracyt@toozconstruction.com
701 260 4431
1475 Atascosita Circle,
Dickinson, North Dakota, 58601

APPLICANT’S REPRESENTATIVE

Jeremy Wood
Northern Plains Engineering
jwood@nplainseng.com
701 690 8076

Public Hearings:	October 18, 2023	Planning and Zoning Commission
	November 7, 2023	City Commission
	November 21, 2023	City Commission

EXECUTIVE SUMMARY

To consider a petition rezone a parcel located in the SW ¼ Section 2, Township 139N, Range 96W from GC and CC to CC. The site consists of +/- 50,468 square feet. The subject contains both General Commercial (GC) and Community Commercial (CC) zoning districts and therefore does not comply with Article 39 Zoning of the municipal code. Due to the location being an intersection along the east business loop and a major ingress/egress for the residents to the north, staff recommends reconciliation of this parcel’s zoning status by rezoning this lot to Community Commercial.

REQUEST

- A. Request:** Following this parcel’s previous minor plat application, the applicant has agreed to reconcile the non-conformity of the parcel’s zoning district features. The parcel currently contains both General Commercial (GC) and Community Commercial (CC) zoning districts and the applicant requests approval such that the parcel can comply with Section 39.02.005 of the municipal code.
- B. Location/Legal Description/Area:** The lot proposed for this rezone is legally described as being a replat of Lot 1 of TCB Subdivision located within the SW ¼ Section 2, Township 139N, Range 96W of the 5th Principal Meridian, City of Dickinson, Stark County, North

Dakota. The subject parcel is generally located at the southeast corner of 10th Ave E and Interstate 94 Business Loop E.

C.

ZONING	GC
FUTURE LAND USE MAP DESIGNATION	Commercial
GROSS SITE ACREAGE	1.16 acres
LOTS PROPOSED	1

CURRENT ADJACENT LAND USE/ZONING		
Direction	Zoning	Land Use
North	R-1	Undeveloped residential
East	CC	Funeral service
South	Major Arterial, GI	East Business Loop, religious assembly
West	GC	Auto services

Context:

Previous Minor Plat Application Background (approved during 10.3.2023 City Commission Meeting)

The applicant proposed this development at a pre-application meeting which took place on March 28, 2023. At that time, the applicant was only proposing to subdivide Lot 1D, Block 1 of the Kum & Go Addition. While completing the engineering design review for the Service Pro Quick Lube shop, it was brought to the applicant's attention the existing retaining wall located on the west side of Lot 1D, Block 1 of the Kum & Go Addition crossed the lot line into Lot 1D. It was recommended either the lot line be modified to include the entire retaining wall within a single lot, or provide a different solution to minimize the risk of the retaining wall crossing the lot line. Therefore, Lot 1C was incorporated into this proposed plat which added an additional lot to this subdivision plat.

Current Context for rezoning:

During review of the previous minor plat application, staff noticed the zoning districts discrepancy and determined that the subject parcel is not in compliance with **Section 39.02.005 B:**

"1. Base Zoning District: A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. **No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development**"

Two zoning districts were identified to exist on the lot. After researching the property subdivision and rezone history, it was not clear how the portion of the lot remained Community Commercial while the remainder was General Commercial. Therefore, the applicant was requested to rezone the lot to Community Commercial, and the City of Dickinson agreed to waive the application fee due to the unknowns as to where the error occurred.

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** At this time, the lot supports a convenience storage and gas station at an intersection serving the residential neighborhood to the north. The uses on the parcel will be compatible with the existing uses in the immediate vicinity. The Community Commercial zoning district is intended to protect the quality of life near neighborhoods and at key intersections by providing development regulations driving commercial activity which is less likely to cause injury or nuisance to nearby residences while providing venue for commercial uses which are more likely to serve residential needs.
- **Compliance with Zoning and Subdivision Regulations:** If approved, the subject parcel will comply with zoning requirements. This petition satisfies all lot boundary requirements and rezone application requirements.

Public Input: As of the date of this report, City staff has not received any public comments.

Staff Recommendation: The City Development Team staff recommends **approval** of the rezone petition.

Attachments:

- A – Application Materials
- B – Current Zoning Map

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-005-2023 Lot 1 of TCB Subdivision Rezone** subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **REZ-005-2023 Lot 1 of TCB Subdivision Rezone** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*