



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, August 13, 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
Commissioner Dean Franchuk
Commissioner Aaron Johansen
Commissioner Richard Haugen
Commissioner Mike Schwab
Commissioner Val Decker
Commissioner Zach Keller
Commissioner Mathew Rothstein

ABSENT

Vice Chairman Scott Bullinger

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve as presented.

Motion made by Commissioner Haugen, Seconded by Commissioner Decker.

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

2. MINUTES

A. JULY 9TH 2025 MINUTES

Motion to approve as presented.

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

3. REGULAR AGENDA:

A. FINAL MINOR PLAT (FLP-007-2025) - Presented by: *City Planner, Natalie Birchak*

To consider a Minor Subdivision Plat for the Silvergate Addition Subdivision, being a replat of a Portion of Block C of the Messersmith & Simpson's 2nd Addition Subdivision, located in the SE ¼ of Section 3, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 0.556 acres.

City Planner Birchak presents the minor plat request. According to the applicant, the purpose of the subdivision is to divide the property to facilitate selling the two, four-plex buildings separately, as well as to establish a sanitary sewer easement for the lot to the north of the property. Staff has not received any public comments on this plat. The only concern was the size of the lots. They were under the required 16,000 square feet that is required for any four-plex in the R3 zoning district. However, the owner attended the August 11th Board of Adjustment meeting, and got approved for a lot size variance. Staff recommends approval subject to the conditions listed in the staff report and subject to obtaining that lot minimum square footage variance from the Board of Adjustments which has been obtained.

Chairman Fridrich comments regarding the utility concerns. Ms. Birchak explains that the sanitary sewer is shared by all three of those buildings. One of the requirements in the staff report is that if that sanitary sewer system is damaged and needs repair, they will instead separately connect those facilities to the sanitary sewer main instead of using shared utilities. Additionally, the utility easement on the north edge provides an access easement for 379 9th Avenue East so that if that sanitary sewer line gets damaged, it can be accessed and repaired.

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

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

B. PRELIMINARY MAJOR PLAT (PLP-003-2025) - Presented by *City Planner, Natalie Birchak*

To consider a Preliminary Major Subdivision Plat for the Stockert's 3rd Addition Subdivision, being a replat of Lots 1-3 of Block 2 of the Stockert's 1st Addition

Subdivision and Lot 1 of Block 1 of the Stockert's 2nd Addition Subdivision, located in the W ½ of Section 22, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 8.27 acres.

Ms. Birchak presents the major plat request. According to the applicant the purpose of the subdivision is to combine the existing commercial lot in order to construct an additional commercial building on the east half of the lot. The associated Stockert 1st rezone listed as REZ-006-2025 will be heard as the next item. Staff has not received any public comments. Staff would recommend approval of this plat contingent on approval of REZ-006-2025.

Andrew Shrank, Highlands Engineering makes comment that there are some vacations that go along with this plat. They are vacating the ROW easement that was part of Stockert's 2nd along the SW corner of this property and also some easements around the perimeter that will be vacated.

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

Motion made by Commissioner Decker, Seconded by Commissioner Franchuk.

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

C. REZONING (REZ-006-2025) - *Presented by City Planner, Natalie Birchak*

To consider a Zoning Map Amendment from Low Density Residential (R-1) to General Commercial (GC) for Lot 3 of Block 1 of the Stockert's 1st Addition Subdivision, located in the W ½ of Section 22, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 3.4 acres.

Ms. Birchak presents the rezone request. The purpose of this rezone is to conform with the zoning pattern for the lots that existed to the west prior to the proposed replatting of this property into a single lot. Staff has not received any public comments regarding this property. It's located within the mixed-use designation for the future land-use map, so the rezone is within the bounds of that future land-use map designation. Staff recommends approval of this rezoning request contingent upon final approval of Stockert's Third Subdivision.

Mr. Schrank notices an error in their application submittal. Their application was mistakenly for Block 1, when it should have been Block 2 so this item will need to be re-noticed.

Motion to table.

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

4. WORK SESSION

A. 90 MINUTE DOWNTOWN PARKING - *Presented by: City Planner Natalie Birchak*

City Planner Natalie Birchak presents an overview of a proposed 90-minute parking restriction in Downtown Dickinson. This initiative was developed in response to continued concerns from downtown business owners regarding vehicles parked long-term in front of storefronts during business hours. The proposal originated from a December development meeting with multiple downtown business owners. A follow-up letter was sent encouraging businesses to direct employees to use public parking lots. In-person discussions were also held with business owners and City staff.

The goal is to improve traffic circulation, support downtown businesses by increasing storefront access for visitors, and maintain adequate parking options for employees and residents.

The proposal introduces a 90-minute parking limit on specific downtown streets from 9:00 a.m. to 5:00 p.m. on weekdays. The current ordinance allows parking for up to 48 hours; this new limit would apply only to designated areas. Existing 5-minute and 10-minute zones (e.g., near the post office and Quick Print) would remain unchanged.

Employees, residents, and long-term visitors would be encouraged to use nearby public parking lots, which continue to allow all-day and overnight parking.

The proposed zone boundaries were aligned with the proximity of existing public parking lots to discourage overflow into adjacent residential streets.

Approximately 323 parking spaces are available in alternative public lots within close walking distance of the affected areas. These lots are intended to accommodate employees, residents, and visitors needing longer-term parking.

Estimated cost for implementation is \$2,000 for signage materials. Labor would be provided by the Public Works Department. The plan aims to use existing signposts along impacted roads to minimize additional installation.

Enforcement would be handled by the Dickinson Police Department through two possible approaches:

Complaint-Based Enforcement: Requires photographic evidence submitted through Municipal Court. Without photos, enforcement defaults to pavement chalking by officers who return after 90 minutes to issue a ticket if the vehicle is unmoved.

Routine Enforcement: Officers would periodically monitor streets, chalk pavement around tires, and issue tickets as needed. This method would be random and frequent enough to deter violators without creating a predictable schedule.

No ordinance amendment is required. Authority to implement this parking restriction comes from Municipal Code Section 58-547, which allows the City Traffic Engineer or authorized personnel to designate restricted parking zones as long as proper signage is in place.

Business owners have generally expressed support for the proposal to improve parking turnover and customer access. Some downtown residents have expressed concerns, citing the 90-minute limit as either too restrictive or not long enough. The proposal was presented to gather feedback and direction from the Commission on whether to proceed with implementation.

There is discussion on diagonal parking. The consensus seems to be that the streets are too narrow and visibility is a concern.

Commissioner Decker asks about manpower that enforcement will take for PD. Chief of Police, Joe Cianni said it would be more difficult to do the complaint driven enforcement. Animal control would also be used to fill in for their shifts.

Ms. Wenko goes over the long form complaint process that would be used for complaint driven enforcement. If officers were to chalk tires, they should be able to issue a ticket at that time.

Commissioner Fridrich expresses his concerns regarding the time it would take to enforce. Chief Cianni speaks in opposition to this 90-minute parking due to the burden it would place on the department. Discussion ensues regarding creating ordinances on things we cannot enforce and how those are just a waste of time.

Lori Strommen, owner of Quality Quick Print is allowed to speak. She says this has been a problem for 25 years. She asks if we can put signs up and not monitor them. Fridrich says he thinks if we sign this ordinance, we need to send a letter to all the business owners and tell them it will not be enforced, but if an officer observes a violation, they may get a ticket. City Attorney Wenko says once that sign is placed there is an expectation that the City would do something with it. City Engineer, Josh Skluzacek cannot support putting signs up that are not enforceable. He says we can bring this forward to the City Commission and discuss it from a budgetary

standpoint. Johansen agrees that it is not feasible. The consensus of the commission is they do not wish to see this change. Fridrich suggests the downtown business owners for a committee and bring it to the City Commission.

B. AUTO REPAIR CONCERNS - *Presented by: City Planner Natalie Birchak*

City Planner Natalie Birchak presents an analysis of municipal code as it relates to auto repair shops and auto-related businesses. The discussion was prompted by ongoing enforcement challenges and ambiguity in the city's code related to vehicle storage, outdoor storage, and screening requirements.

Birchak outlines several key questions:

- What are the current regulations around parking in the right-of-way for auto-related uses?
- How are auto services, vehicle storage, and outdoor storage defined and distinguished?
- Should the municipal code be clarified or amended to better address adjacent use compatibility?

She reviews several sections of the municipal code, including:

- Section 58-530 & 58-533: Restrictions on parking vehicles in the right-of-way, particularly for display or repair purposes.
- Definitions: Clarified distinctions between *vehicle storage*, *outdoor storage*, and *auto services* as defined in Chapter 62.
- Section 62-469: Development standards requiring all repair activities to occur within enclosed buildings, and any outdoor storage to be fully screened from view.
- Development regulations currently allow auto services in several commercial zones, but with varying levels of permitting (by right or SUP) depending on the specific use.
- Vehicle storage is inconsistently regulated and lacks a unifying definition, leading to confusion on enforcement.

Birchak presents proposed changes to the municipal code including:

- Removing "vehicle storage, general" from development regulations to prevent unintentional permitting in general commercial zones.
- Clarifying that operable and inoperable vehicles tied to auto services are not classified as "outdoor storage," but would still be subject to screening requirements.

A detailed inventory of auto service businesses in the city showed that many would be non-compliant depending on how the definitions are interpreted, particularly regarding visible vehicle storage from the public right-of-way or residential areas.

Birchak emphasizes that the proposed language would codify current enforcement practices to eliminate ambiguity, rather than impose stricter new requirements.

Commissioner Rothstein asks for clarification on whether parked vehicles awaiting repair (e.g., dropped off 2–3 days early) would be allowed. Birchak confirms that current parking limits (48 hours) would apply and anything beyond that could be cited.

Leonard Schwindt, Building Official, clarifies that under current practice, screening is required for trade service equipment (e.g., parts, tires), but not vehicles. He supports clarifying the code to align with enforcement.

Anthony Kleinwaechter, a resident of 963 First Street East, spoke during public comment. He describes long-standing issues with Schmidt Transmission located across from his home, including:

- Vehicles blocking his driveway.
- Fluid leaks washing into storm drains.
- Lack of required screening.
- Repeated complaints to the City since 2023 with no resolution.
- Over \$10,000 in personal attorney fees spent trying to enforce existing codes.

He expresses frustration with the city's failure to act, citing existing code violations and ongoing nuisance conditions.

Sandra Kuntz, attorney representing Mr. Kleinwaechter, voiced strong opposition to the proposed code change. She argues:

- The existing code already prohibits visible vehicle storage from residential areas and should be enforced.
- Rewriting the code to align with lax enforcement creates a legal and ethical problem.
- The City has a duty to enforce existing ordinances equally, not selectively.
- Enforcement inconsistency undermines public trust and places undue burden on residents.

City Attorney Christina Wenko responds, stating:

- The current code is ambiguous and leaves too much room for interpretation, especially in court.
- Clear language is needed to make enforcement practical, consistent, and defensible.
- If the Commission believes screening of vehicles is required, the code should reflect that explicitly and be enforced equitably across all businesses.
- She confirmed that enforcement of oil and fluid leaks falls under the MS4 stormwater permit and is still enforceable regardless of the proposed changes.

It was discussed whether amending the definition to require screening would place most businesses out of compliance. It was confirmed that yes, it likely would, and screening those vehicles would be “incredibly unfeasible” at many existing locations.

Birchak further states that any amendments would be brought forward as a Zoning Text Amendment at the September PZ meeting, with public hearing. Mr. Skluzacek also recommends notifying not just adjacent property owners within a 300 ft radius, but both affected businesses and their neighbors.

Commissioners agree to proceed with preparing proposed amendment language and sending broad notifications to ensure affected parties are aware and can participate in the public hearing process.

C. OIL WELL SPECIAL USE PERMIT REQUIREMENT - Presented by: City Planner
Natalie Birchak

City Planner Natalie Birchak presents an overview of the City's current permitting process for oil wells and proposed changes to align municipal procedures with North Dakota Century Code.

Key Discussion Points:

- Current Code Conflict: Municipal Code currently requires a *conditional use permit* for oil wells in AG and GI zoning districts, while the Zoning Ordinance typically refers to *special use permits*. This inconsistent terminology creates confusion.
- State Jurisdiction: North Dakota Century Code (§38-08-01 and §38-08-04) assigns full jurisdiction over oil and gas permitting to the North Dakota Industrial Commission (NDIC). Local governments may be informed and consulted but do not have authority to approve or deny well applications.
- Inspection Authority: The City may still inspect well locations to ensure conformance with applicable requirements; however, enforcement aligns with NDIC oversight.

Proposal Summary:

- Eliminate the Special/Conditional Use Permit requirement from City code for oil wells.
- Replace it with a City Commission resolution that:
 - Acknowledges receipt and review of the proposed oil well application.
 - Allows for a public hearing with 15 days' notice.
 - Documents City feedback to be submitted with the applicant's NDIC permit application.
- Continue to require oil companies to submit site plans and relevant documents to the City.
- Update municipal code to reflect:
 - Oil wells and resource extraction as *permitted* uses in AG and GI zoning districts.
 - Asterisk note requiring public hearing and NDIC approval.
 - Strike references to "conditional use permit" for inspections; clarify inspections are conducted to ensure NDIC conformance.
- Eliminate the Energy Commission, which has not met since 2019.

Chairman Fridrich asks for clarification regarding a recent oil well proposal, noting he had never seen a well permitted within city limits. Birchak clarified the proposal is in the ETZ, not city limits, and thus currently requires a conditional use permit under the Municipal Code. Mr. Skluzacek confirms that oil wells have historically been permitted within city limits in other ND cities and that the NDIC process does allow for such applications in GI zoning. He expressed concern that the City's current code oversteps legal bounds and could conflict with century code.

Staff to draft a Zoning Text Amendment for September's Planning & Zoning Commission meeting.

D. AIRBNB DISCUSSION - *Presented by: Local Residents*

Ms. Birchak introduces a discussion on short-term rental uses (commonly referred to as Airbnbs) following a development meeting with residents in an R-1 zoning district. The current zoning ordinance does not clearly define or permit short-term rentals in residential districts. The most similar defined use is "Bed & Breakfast," which is only allowed with a Special Use Permit in R-2 or by right in R-3 zones.

Danielle and Reed Madeiras are present and are formally requesting a Special Use Permit to operate a short-term rental in an existing residential home. They emphasize their intent to operate responsibly, impose quiet hours, prohibit parties, and maintain the property with oversight between stays.

Discussion among the Commission highlighted the following points:

- Existing Airbnbs are operating in Dickinson without permits.
- No known formal complaints have been filed to date, but neighboring property owners have raised concerns over nuisance issues (traffic, dogs, strangers on lawns).
- Current city code does not explicitly list short-term rentals as a permitted or conditional use, which staff noted means they are technically not permitted.
- There is interest in establishing clear code language to define and regulate short-term rentals, either as a permitted use or through limited oversight.
- Birchak states she just wants something in the code that states our stance when this situation comes up.

Roselle Unruh, a nearby resident, expresses concerns about a neighboring Airbnb not disclosing its use and subsequent problems with dogs, trespassing, and increased traffic on a shared private drive. Staff advised that many of these issues are already enforceable under existing nuisance and animal control ordinances.

Birchak will draft a definition and bring it forward as a workshop item to September's meeting.

5. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

6. ITEMS NOT ON AGENDA

7. ADJOURNMENT

Motion made by Commissioner Schwab, Seconded by Commissioner Decker.

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

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/kK8wXvOEm6E>