



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, August 14, 2024 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
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 Aaron Johansen
Commissioner Richard Haugen
Commissioner Mike Schwab
Commissioner Val Decker
Commissioner Zach Keller

ABSENT

Commissioner Troy Bosch

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business.

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

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

A. INTRODUCTION OF NEW CITY PLANNER, NATALIE BIRCHAK

2. MINUTES

A. JULY 10TH, 2024 MINUTES

Motion to approve as presented.

Motion made by Commissioner Decker, Seconded by Commissioner Johansen.

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

3. REGULAR AGENDA:

A. RENAISSANCE ZONE APPLICATION (REN-002-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a request for a Renaissance Zone Project at a property legally described as Lot 7 Less 100' X 135', Block 1, 2nd Replat Prairie Hills 1st.

Mr. Josephson presents the renaissance zone application. He explains that this would be for purchase and improvement of a property. The applicant would invest 1.5 million dollars which exceeds 75% of the assessed value. They are asking for an 8-year property and income tax exemption. This is in an outlot in the Prairie Hills Mall. Staff recommends approval. The State has reviewed the application. This will be held at the same assessment rate for the eight-year period.

The applicant is not present.

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

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

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

B. FINAL MAJOR PLAT (FLP-015-2024) - *Presented by: City Engineer/Community Development Director, Josh Skluzacek*

To consider a Final Plat for the Wood Acres Subdivision located in the SW 1/4 of Section 30, Township 140 North, Range 96 West located in the City of Dickinson's ETZ. The site consists of +/- 20 acres.

Mr. Skluzacek presents the final plat. The Preliminary Plat was heard and approved at a prior meeting. There were a few things discussed at that meeting including a note that the proposed n/s right of way on the east side of the property shall be dedicated to the city for 25 years. After 25 years, the property owners within the subdivision may request a vacation of the Right-of-Way; and the above referenced Right-of-Way is reduced from 50 feet to 33 feet. There was also a note requested that the approach

onto 21st be paved within the 21st Street ROW. Those conditions will be added to the face of the plat.

The applicant nor a representative for the application is present.

Chairman Fridrich opens the public hearing.

Motion to approve with the conditions regarding ROW listed above to be added to plat.

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

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

C. REZONE (REZ-006-2024) - Presented by: City/County Planner, Steve Josephson

To consider a Zoning Map Amendment from Medium Density Residential (R2) to General Commercial (GC) for a property legally described as Lots 3 & 4 Block 3 of Fisher East Side Second Subdivision located in the SW 1/4 of Section 2. Township 139 North, Range 96 West in the City of Dickinson's ETZ. The site consists of +/-1.46 acres.

Mr. Josephson presents the rezone request. He states this rezone is consistent with the FLUM. There is also a pattern of GC in the area, so rezoning this to GC would be compatible to the zoning pattern that has been established. Staff recommends approval. He adds that the setbacks and buffer area have been added to the staff report. The applicant would need to meet those requirements.

Russ Heiser, applicant, is present. Mr. Fridrich asks if he is in agreement with the setbacks and buffer requirements. He states he is in agreement.

Chairman Fridrich opens the public hearing.

Tom Hopfauf owns a commercial lot across the street. He is not opposed but he would like to know what he is doing with the property. Mr. Heiser addresses his questions. He states that he plans on putting up two buildings as shop condos; there would be 15 to sell out. Some smaller and some bigger. They would be for man caves, vehicle storage, or very minimal small businesses. It will not be gated or secured, but there will be trees and a fence in the back. They will drive in on Carroll Street and exit on 15th.

Jessica Gappert (sp) is online and lives next to the property on Suncrest Avenue. (it is very hard to hear her online). She has concerns about the safety and security of children. She asks about hours, light, noise, foot traffic. Mr. Josephson states they will need to have a 30' landscape buffer, 6' fence, wall or berm. The impacts are not going to be any different than the other GC that's in the area. He adds that all development creates impacts. Building Official, Leonard Schwindt adds that we adopt codes to protect the environment, such as sound. Mr. Heiser does plan on doing an

association document. Mr. Schwab adds that most of the access to that building would be to the east.

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

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

D. ZONING TEXT AMENDMENT (ZTA-002-2024) - *Presented by: Building Official, Leonard Schwindt*

To consider a zoning text amendment to Article 39.04 Zoning District Regulations of the City of Dickinson North Dakota Zoning Ordinance regarding allowable accessory buildings to a residence as found in the Notes to Preceding Pages: Tables 4-2 and 4-3.

Building Official Schwindt presents the zoning text amendment. He explains this will increase the allowable detached structure to 1800 sq feet. The current code allows 1200 sq ft for a detached structure. Additionally, our code allows 250 sq ft for every half acre and this would change it to 350 sq feet per additional half acre thereafter. Historically the BOA hears these requests, and typically do approve these requests. He states staff recommends approval. Mr. Schwab asks about previous discussions about percentages of lot coverage for garages. Mr. Schwindt says the percentages work hand in hand with this change. Mr. Schwindt says they have researched other communities and they feel like this is the best fit. Mr. Schwindt comments on concrete being part of the percentage of lot coverage. The percentages are different depending on the zone.

Chairman Fridrich opens the public hearing.

Andrew Schrank, resident on Bluffs Drive, and Highlands Engineering is present. He supports the change. He has a few questions. He asks about it being more incremental so it's not such a drastic jump for a half-acre or if it could be a percentage tied to the lot size. He also asks if this applies to agricultural buildings. Mr. Schwindt asks that Mr. Josephson speak on the AG use. He is speaking as the County Planner. If something is designated as an AG building there is no limit to square footage. If it is in a platted subdivision and someone wants to put up a barn there is a different standard – detached accessory structures are 5% of total sq footage of the lot. Discussion continues on AG designation in the County. Mr. Schwindt says they are open to adjusting the 350 sq ft. He would like to move forward today and then make changes before bringing it to city commission. There is discussion on rounding up the acreage such as a tenth of an acre.

Motion to approve with the change from 350 sq feet for an additional half acre to 70 sq feet for an additional tenth acre.

Motion made by Commissioner Schwab, Seconded by Commissioner Johansen.

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

Commissioner Johansen, Commissioner Haugen, Commissioner Schwab,
Commissioner Decker, Commissioner Keller

E. ZONING TEXT AMENDMENT (ZTA-003-2024) - *Presented by: Building Official,
Leonard Schwindt*

To consider a zoning text amendment to Section 39.07.005 "Fence Regulations" of the City of Dickinson North Dakota Zoning Ordinance.

Mr. Schwindt presents the zoning text amendment. This clarifies that a fence permit is required to install a fence within the City of Dickinson. It also changes the person issuing the permit from the planning director to the building department. Discussion ensues on setbacks.

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, Vice Chairman Bullinger, Commissioner Franchuk,
Commissioner Johansen, Commissioner Haugen, Commissioner Schwab,
Commissioner Decker, Commissioner Keller

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

7. ADJOURNMENT

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

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