



PLANNING AND ZONING MEETING MINUTES

Wednesday, May 13, 2026 at 7:10 AM MT
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

Mathew 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

ABSENT

Vice Chairman Scott Bullinger

Commissioner Mathew Rothstein

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve as presented.

Motion made by Commissioner Decker, Seconded by Commissioner Johansen.

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

2. MINUTES

A. APRIL 8TH, 2026 MINUTES

Motion to approve as presented.

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

3. REGULAR AGENDA

A. APPROVAL AND RATIFICATION OF APPOINTMENT OF JASON FRIDRICH AND DEAN FRANCHUK

Attorney Wenko explains that Commissioners Fridrich and Franchuk's terms expired in December 2025 and presents the item for approval and ratification of reappointment.

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

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

B. RIGHT-OF-WAY VACATION PETITION - Presented by City Planner, Natalie Birchak

To consider a Right-of-way Vacation Petition for a 66-foot-wide section of the 32nd Street Southwest access road, located to the south of Lots 8 & 9, Block 1, of the Northgate Industrial Site Subdivision, located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 10, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City's Extra-Territorial Zone. The section of right-of-way proposed to be vacated consists of +/- 0.71 acres.

Ms. Birchak presents the right-of-way vacation request, explaining that the subject ROW was originally platted as an access road but is not being utilized as such. Lots to the north are zoned General Industrial. 32nd Street will remain ROW, so there is no impact to access. Staff has received no comments and recommends approval. Commissioner Franchuk notes that he notified the county road superintendent, who has no objections.

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

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

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

C. FINAL MINOR PLAT (FLP-002-2026) - Presented by City Planner, Natalie Birchak

To consider a Final Minor Subdivision Plat for the Energy Center 7th Addition Subdivision, being the replat of Tract A of Lot 1 of Block 2 of the Energy Center 3rd Addition Subdivision, located in the SE ¼ of Section 1, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The site is zoned General Industrial (GI). The site consists of +/- 4.53 acres.

Chairman Fridrich states he will be abstaining from the vote on this item.

Ms. Birchak presents the minor plat request, explaining that the purpose is to subdivide the property into smaller lots for future development. Staff has received no comments and recommends approval.

Andrew Schrank of Highlands Engineering provides additional detail, noting several easements shown on the plat. An east-to-west private access easement provides access into the lots, with one approach aligning with the existing approach on Energy Drive. A stormwater and drainage easement is also included. Mr. Schrank explains that an existing detention pond is present but cannot function properly and will require the addition of an outlet structure, along with a drainage easement to the pond. Water and sanitary sewer utilities are present on the site.

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

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

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

D. SPECIAL USE PERMIT (SUP-001-2026) - Presented by City Planner, Natalie Birchak

To consider a Special Use Permit for a custom manufacturing business located at 2503 Fairway Street, Unit 8, on a property legally described as Lot 7 of Block 1 of the State 8th Addition Subdivision, and Lots 1, 2, & 3 of Block 1 of the State 9th Addition Subdivision, located in the SW ¼ of the NE ¼ of Section 5, Township 139 North,

Range 96 West, in the City of Dickinson. The lot is zoned Community Commercial (CC). The site consists of +/- 0.10 acres.

Ms. Birchak presents the Special Use Permit request, explaining that the applicant seeks to operate a small-scale business in the CC zoning district, primarily personal use with light commercial activity, minimal signage, and one permanent staff member. Staff considers the use custom manufacturing, has received no public comments, and recommends approval contingent on the conditions listed in the staff report:

- Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Mondays through Sundays.
- Operation of the business shall be as described in this staff report as well as in the material found in Attachment A.
- The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the business shall comply with all applicable City, County, State and Federal regulations.

Applicant Josh Whiteley addresses the Commission, stating he was unaware of the proposed hours of operation condition. He references page 3 of the pre-application letter, noting that the noise decibel levels cited do not align with the municipal code, and asserts that his business is better classified as trade services. Mr. Whiteley pushes back on the proposed 8:00 a.m. to 6:00 p.m. hours, advising that he holds full-time employment and requests an extension to 10:00 p.m., as well as the addition of Sunday operations. He states he will comply with all applicable codes and notes that the south-facing window facing residential properties will remain closed during operation. He also advises that he conducted his own decibel testing.

Ms. Birchak clarifies that the proposed conditions were based on the property's proximity to residential uses, despite being located in a commercial area. Attorney Wenko adds that if complaints are received, the SUP could be subject to reevaluation or revocation. Chairman Fridrich concurs that the use appears to align more closely with trade services and states he is not opposed to extending the hours. Mr. Whiteley notes that he resides nearby on the same street.

Following discussion, the Commission agrees to amend the hours of operation to 7:00 a.m. to 10:00 p.m., including Sundays.

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

***Motion to approve with amended hours of 7am-10pm and Sundays added. Review on a complaint basis made by Commissioner Johansen, Seconded by Commissioner Franchuk.**

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

D. **PRELIMINARY MAJOR PLAT (PLP-003-2026)** - Presented by City Planner, Natalie Birchak

To consider a Preliminary Major Subdivision Plat for the Dickinson South Cemetery Second Subdivision, being a parcel of land located in the S ½ of the SW ¼ of the NW ¼ of Section 16, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, in the City's Extra-Territorial Zone. The site is zoned Agriculture (AG). The site consists of +/- 7.59 acres.

Ms. Birchak presents the major plat request, noting the property is owned by the City of Dickinson. The purpose of the plat is to expand cemetery plots. She explains that while the plat was approved in 2024, it was not recorded within the required one-year period and is therefore being reheard. The City will also be bringing forward a rezoning request due to changes in agricultural lot sizes, as well as a Special Use Permit to address minimum lot size requirements. Staff has received no public comments and recommends approval contingent on approval of the rezone and SUP, which will be presented at the next meeting.

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

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

Voting Yea: Chairman Fridrich, 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

Commissioner Franchuk raises a concern regarding fictitious invoices being sent to Planning and Zoning applicants. He advises that scammers are targeting applicants with fraudulent billing. Chairman Fridrich clarifies for the public that the City will never send invoices via email, and encourages anyone with questions regarding billing to contact City Hall directly.

6. WORK SESSION

A. STORMWATER ORDINANCE UPDATE - Presented by City Engineer/Community Development Director, Joshua Skluzacek

City Engineer Joshua Skluzacek presents an update on the proposed Stormwater Ordinance revisions, noting this constitutes a substantial modification to the existing ordinance. He provides background, explaining that the City has been working to update and modernize its Stormwater Ordinance to better reflect state and industry standards. The proposed changes were developed collaboratively between the Engineering Department, Public Works Department, and a private consultant. A Stormwater Design Standards Manual is also being proposed concurrently. Mr. Skluzacek notes that he consulted with another engineer who confirmed the proposed changes are beneficial.

Leah Upchurch advises that the current code does not align with the City's MS4 permit and that these updates would bring the two into compliance.

Chairman Fridrich requests that a work session be scheduled to allow the Commission to review the changes prior to a formal vote, with the item returning for an official vote at the July Planning and Zoning meeting. Mr. Skluzacek asks the Commission to identify specific areas of focus for that session. Commissioner Decker requests that a redlined version of the ordinance be provided for review.

7. ADJOURNMENT

Motion made by Commissioner Decker, Seconded by Commissioner Schwab.

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

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/uuDImvzG8hQ>