



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, November 13, 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 Troy Bosch
Commissioner Val Decker
Commissioner Zach Keller

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business

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

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

2. MINUTES

A. SEPTEMBER 11, 2024 MINUTES

Motion to approve minutes.

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

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

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

3. REGULAR AGENDA:

A. FINAL MAJOR PLAT (FLP-018-2024) - *Presented by: City Planner, Natalie Birchak*

To consider a Final Major Plat for the West Ridge 4th Subdivision Addition Being the Replat of Lots 13-15, Block 6 of the Replat of the West Ridge 1st Addition, Lots 1 and 17-12 of Block 1, located in the SW ¼ of Section 31, Township 140 North, Range 96 West in the City of Dickinson. The site consists of +/- 1.51 acres.

Natalie Birchak, City Planner, presents the final plat. She states the purpose of this subdivision is to construct nine units – seven townhouses on individual lots and two units on one duplex lot. The seven lots will be sold to the applicants and the two duplex units will be rented out by the developer. It is currently zoned R2. The preliminary plat was heard and approved at a prior meeting. Staff recommends approval of the plat.

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

Motion made by Commissioner Johansen, Seconded by Commissioner Decker.

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

B. FINAL MINOR PLAT (FLP-019-2024) - *Presented by: City Planner, Natalie Birchak*

To consider a Final Minor Plat for the Dvirnak 1st Subdivision, being a Replat of Lots 5A, 5B, & 6 in Block 3 of the County Oak Estates 2nd Addition, located in the SW ¼ of Section 28, Township 140N, Range 96W in the City of Dickinson. The site consists of +/- 0.72 acres.

Ms. Birchak presents the final minor plat. She says the purpose is to divide Lot 5B and combine the south 58' with Lot 6 to construct a detached garage on an already developed lot. The lot is currently zoned R2. She explained this could have been an administrative lot modification, but since it had been split in the past that required the minor plat. Staff recommends approval.

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

Motion 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 Bosch, Commissioner Decker, Commissioner Keller

C. SPECIAL USE PERMIT (SUP-006-2024) - Presented by: City Planner, Natalie Birchak

To consider a Special Use Permit for a kennel located at 10493 Highway 10 in the City of Dickinson's ETZ. The property is legally described as a tract in the SW¼ of Section 34, Township 140, Range 95. The site consists of +/- 2.5 acres.

Ms. Birchak presents the SUP and states the applicant is requesting to open a dog kennel. The applicant will be providing overnight boarding and pet training & daycare. Staff has received multiple letters of support as well as a petition of complaint signed by a majority of the homeowners. Staff recommends approval subjects to the conditions outlined in the staff report.

Applicant, Neveah Baranko, is present. Ms. Baranko states that she does understand the concern but promises to offer high quality services that benefit both dog owners as well as surrounding community. She has contacted County Road Superintendent, Al Heiser, regarding the roads and traffic – he has no concerns. She states is going to live on the property, so noise will be kept to a minimum. Her request of a maximum of 35 dogs does not reflect her daily intake, it is only for future growth. She plans on taking five to ten dogs a day. She states her daily intake will be what she can handle without it being a nuisance. She will be implementing a double barrier system to prevent any escapes. When dogs are not being supervised, they will be kept in indoor secure kennels which will not provide any access to the outdoors. Dogs will only be let out individually or in groups of compatible temperament. Ms. Baranko states that cleanliness is also a top priority since she will be living on the property. Dog waste will be picked up daily and disposed of according MGM Rural Sanitation guidelines, who she has spoken to. All dogs will have to have update to date vaccines and must pass behavior/ health assessment prior to care. She states that she operates a similar business in town and she has not received any complaints - she has received many positive comments and support. She speaks on the needs of dog care in the community.

Commissioner Val Decker wants to recap the insurance she is going through. Ms. Baranko states she is going through Kennel Pro and they cover everything on the property as well as if she takes the dogs off the property, and any damages under her care.

Chairman Fridrich asks if she reviewed the conditions from staff. She states she has and is in agreement.

Chairman Fridrich opens the public hearing.

Bonnie Warm, a property owner in the area, says she opposed to this request. Ms. Warm states that it is a commercial business in the middle of residential neighborhood. It is very close to town and this will have a negative impact on this peaceful neighborhood. She says day and night barking is common in this type of business. Ms. Warm says the home owners have built equity into their homes and this will make it harder to sell their property. She says that the doggy daycare that she now has is very different than what she plans to have. She believes this type of business, with the noise level, should be placed far out of town, not inside a residential area. Ms. Warm tells commissioners that if they would not like a dog kennel next to their property, she suggests they not put one next to her property. She asks that they please deny this permit request.

John Schneider, lives directly across from this proposed kennel. He is not in favor of this SUP request. He doesn't not believe Ms. Baranko's current business is similar in any way to what she is proposing. He is currently building a home further to the west – he says he would not have built a second home if there was going to be a dog kennel right across the road. He is asking for the commission to deny this request.

Florence Kuntz, property owner in the area, states that she was one of the first people to live in the neighborhood. She says that since they have lived there it has been a very peaceful, quiet place. She is concerned that wildlife, cows, etc will cause the dogs to be loud. She is opposed to this SUP.

Mr. Schneider asks what they can do about dogs barking if this permit is approved. Engineer-Community Development Director, Josh Skluzacek states that if there are many complaints, it can go in front of the City Commission and they can possibly revoke the permit. He is also worried about the dog waste and the smell. He is concerned about the traffic during the winter.

Dawn Pruitt states that she has been using Nevaeh's services for about a month and she has nothing but great things to say. Her dog is way better behaved, and her services have helped her out in many ways. She says that Ms. Baranko offers pick up and drop off services, so the traffic Mr. Schneider is worried about should not be an issue.

Caroline Marowski, says she knows Ms. Baranko through the Stark County 4-H Program. She offers dog training for the youth in the county. She believes this kennel is greatly needed in the community.

Stephanie Ulner has known Ms. Baranko since high school. Ms. Ulner has been showing and training dogs for the last 15 years, and has been working with Nevaeh for

the last couple of years. She says it is very hard to find enrichment/training for dogs in Dickinson. She believes dogs bark mainly due to boredom, and through the enrichment Ms. Baranko provides that will lessen the noise. She believes Dickinson could really benefit from this kennel.

Susie Lefor is a local realtor and is passionate for dogs. She is here to speak on behalf of Ms. Baranko. This is a need she sees constantly in our community. She believes this facility could be a game changer for our community, and is an ideal set up. She says they took a large speaker out there, playing dogs barking, and they could not hear it outside the building. She does not believe the resale values of homes will not be hurt with this dog kennel. It would be far less intrusive than other businesses in the area.

Missy Baranko, Neveah Baranko's mother, says she understands the concerns, and that is why Neveah's plan is so detailed. She reminds the commission that these same concerns came up during the meeting for her initial SUP in the city. She received a letter from one of those neighbors right on her fence line stating that they have had no problems or concerns at all. Additionally, they received a letter from one of the attendees of the initial SUP meeting. She had concerns and spoke against the SUP request at that time and has since changed her mind and has nothing but good things to say about Ms. Baranko. She says her and her family value rural life, peace and tranquility. They are excited to support their daughter in this business.

Ms Baranko wants to reiterate the nuisance concerns the neighbors have – which she completely understands. She says she understands that 35 sounds like a scary number but, she says the average number of dogs she plans to have a day would be about five to ten, which is what she has currently.

Commissioner Zach Keller asks if she could handle the 35 dogs. Ms. Baranko states that she would like to start at the five to ten range; she would not be ready for 35 dogs at this time, and would not take on more dogs than she can handle or becoming a nuisance to the area. Mr. Keller asked what the process would be if a dog was unmanageable. Ms. Baranko states that she would contact owners and, in the future, they would not be able to come back until the dog had further trainer/ screenings to where she could ensure they would not be a nuisance anymore.

Ms. Decker asks if SUP's are reviewed annually. Mr. Skluzacek states that we normally do not have annual reviews – but a presentation. You could add to the conditions that they have to have an annual review/renewal.

County Planner, Steve Josephson speaks on a kennel that was approved in the county. It is now in the ETZ. He says no complaints have been received on that facility.

Mrs. Decker asked if there was a plan to add staff members. Ms. Baranko states that she does not plan to add any future staff members until she feels like she needs help.

Mrs. Decker asks what the process of adding staff members if that were to ever happen. Ms. Baranko states that it would be a full on-boarding dog training process.

Chairman Jason Fridrich mentions that most of the concern is the number of dogs Ms. Baranko plans to have. He asks her if there is a compromise on that amount. Ms. Baranko says she would agree to take it down to 25 for the first year and expand from there.

Ms. Warm states that she does hear dogs but does not complain because it never does any good. She says it makes sense to stop things before things start.

Mrs. Kuntz states she owns most of the land surrounding the kennel. She asks if anyone would you really want to develop anything around a dog kennel.

Kimberly McGarvey states they live right across the street from the kennel. She is not opposed to dog kennel, just not in a residential area.

Dawn Huschka lives across the street from the property. She says her and the neighbors are not against Ms. Baranko or what she wants to do. They actually look up to her. She says they have no one to call when they have a noise complaint.

Missy Baranko, speaks about two neighbors that are adjacent to the Home Away from Home kennel that have had no complaints.

Mr. Schneider says he has had three people to buy his house but now he has no one to buy his property if this dog kennel special use permit goes through.

Chairman Fridrich closes the public hearing.

Commissioner Schwab speaks on comparing this facility to others that don't have surrounding homes. That is what he is concerned about.

Commissioner Johansen states that he believes that she will do a great job but has a hard time approving something that so many people are opposed to.

Motion to approve, subject to the conditions with the addition of limiting the number of dogs to 25: made by Commissioner Decker, Seconded by Commissioner Keller.

Voting Yea: Commissioner Haugen, Commissioner Bosch, Commissioner Decker,

Commissioner Keller, Chairman Fridrich

Voting Nay: Commissioner Franchuk, Commissioner Johansen, Commissioner Schwab

Voting Abstaining: Vice Chairman Bullinger

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. KLJ PRESENTATION- COMP PLAN/TRANSPORTATION PLAN UPDATE

City Planner Natalie Birchak introduces a brief update on the Comprehensive and Transportation Plan. Joel Quambeck from KLJ gives a presentation and summary of the slideshow shown (see www.dickinsongov.com/meetings/recent to see presentation).

7. ADJOURNMENT

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

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