



# PLANNING AND ZONING MEETING MINUTES

Wednesday, June 21, 2023 at 7:10 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

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## **Commissioners:**

**Chairman:** Jason Fridrich

**Vice Chairman:** Scott Bullinger

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Dean Franchuk

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 Jo Marie Kadrmas

Commissioner Troy Bosch

Commissioner Val Decker

## **OPENING CEREMONIES: PLEDGE OF ALLEGIANCE**

Introduction of New Planner - Matthew Galibert

Mr. Skluzacek introduces the new City Planner.

**1. ORDER OF BUSINESS:**

*Motion to Approve Order of Business*

**Motion made by Commissioner Kadrmas, Seconded by Commissioner Johansen.**

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

**2. MINUTES**

A. April 19th 2023 Minutes

*Motion to approve as presented.*

**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 Kadrmas, Commissioner Bosch, Commissioner Decker

**3. REGULAR AGENDA:**

**A. SPECIAL USE REQUEST (SUP-002-2023)** To consider a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue in City of Dickinson's Extra-Territorial Zone.

Mr. Josephson presents the request for a home based dog grooming business. Ms. Latice Smith, owner, is here to present her request and answer any questions. She states she has a three car garage and one side is sectioned off and there is a separate entrance. She adds that her house is on a corner; the dog grooming would be on 10th street, and there are no neighbors there. There will only be one dog at a time being groomed, leashes will be required, and they will be inside until pickup. The dogs will not be in the yard. Her hours are: M-F, 9-5 with three appointments per day; there will be no crossing of dogs. She states there is a need in our community for this. She clarifies the concrete pad in the back is not for her shop.

The public hearing is open. There being no comment the public hearing is closed.

Mr. Josephson states staff recommends approval per the conditions on the staff report. The applicant is agreeable to those conditions.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of SUP-002-2023 the Bubble and Paw Home-Based Business/Home Occupation Special Use Permit petition, 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.*

(see any conditions of approval on Resolution/Ordinance)

**Motion made by Commissioner Johansen, Seconded by Commissioner Franchuk.**

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

**B. SPECIAL USE REQUEST (SUP-003-2023)** To consider a Special Use Permit to expand an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota.

Mr. Josephson presents the request for an expansion of a group daycare. He explains that she is requesting to expand from 12 to 30 children. There are some conditions that need to be met before she can get approval from the state. Staff recommends approval subject to those conditions listed on the staff report.

Ms. Marta Munoz is the owner of Bright Start Daycare and is here to present her request. She explains her intention was always to expand; her current clients are having more children. Her wait list for 30 children is already full. The requirement for a fire suppression system has slowed her down a bit.

Mr. Schwab asks if she has the whole building, which she does.

Mr. Bosch asks if the top floor is rental properties. She states it is for the daycare.

The public hearing is open. There being no comment the public hearing is closed.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of SUP-003-2023 the Bright Start Daycare Expansion Special Use Permit petition, 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. (see any conditions of approval on Resolution/Ordinance)*

**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 Kadrmaz, Commissioner Bosch, Commissioner Decker

**C. REZONE (REZ-002-2023)** - To consider a Zoning Map Amendment from R2 to PUD for properties legally described as Lots 20-24, Block 1 of the Replat of Riverview Addition 1 Subdivision and Lots 15-20, Block 2 of Fischer's Addition Subdivision located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 2.08 acres.

Mr. Josephson presents the rezone to PUD request. He explains that this area is developed with a number of duplexes. The current arrangement is that they are built across different lot lines, and will be replatted in the two items after this one. The minimum is 10,000 sf for a duplex and these lots do not meet the minimum lot width or off street parking so they would like some relief on this by doing a PUD.

Andrew Schrank, Highlands Engineering, presents the PUD request for Venture Commercial. He goes on to explain that this PUD consists of 11 existing lots along 2nd Ave SW. Nine duplex lots; two units a piece. This PUD will modify the lot size and width; front set back and parking requirements will also be modified. If reconstructed over 50% they will be required to meet city code. Four additional parking spaces will be added. If the construct 50% or over they would also need to meet the parking

requirements. Each building has its own water and sewer connections. This would allow the tenants to own and resell these buildings.

Chairman Fridrich asks about development of Lot 1. Mr. Shrank states there are no plans right now to develop that today but possibly down the road. Mr. Josephson adds that if one of these burns down, they could rebuild anything allowed in R2 zoning as long as it meets code. The plan would be to sell these as duplexes - not separate units.

The public hearing is open. There being no comment the public hearing is closed.

*I move the Dickinson Planning and Zoning Commission recommend Approval of REZ 002-2023 the Riverview Cottage rezoning petition from R2 to PUD as not being compliant with the City of Dickinson Comprehensive Plan, as not meeting all the requirements of the Dickinson Municipal Code, and as not being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)

**Motion 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 Kadrmias, Commissioner Bosch, Commissioner Decker

**D. PRELIMINARY PLAT (PLP-002-2023)** – To consider a Preliminary Plat for Riverview Cottages 1st Addition being the Replat of Lots 20-24, Block 1 of the Replat of Riverview Addition located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 1.11 acres.

Mr. Sluzacek presents the request for a Preliminary Plat. This is a companion to the prior item for PUD. He states that each building does have its own water and sewer service. This plat will also vacate an easement that ran under one of the buildings. The conditions for the PUD would fall under this plat specifically. He

clarifies that this is a Major Plat because it is over four lots. The final plat will be recorded at the same time as the PUD. Staff recommends approval.

Mr. Shrank presents the request for Venture Commercial. He states there are five lots on west side of 2nd Ave. There are several new utility easements on the plat. Mr. Schwab asks if there is a sidewalk/walkway to the building. Mr. Shrank states there is.

The public hearing is open. There being no comment the public hearing is closed.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of PLP 002-2023 the Riverview Cottage 1 st Addition Preliminary Subdivision Plat, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.*  
(see any conditions of approval on Resolution/Ordinance)

**Motion made by Commissioner Kadrmas, Seconded by Commissioner Haugen.**

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

**E. PRELIMINARY PLAT (PLP-003-2023)** – To consider a Preliminary Plat for Riverview Cottages 2st Addition being the Replat of Lots 15-20, Block 2 of the Replat of Fischer’s Addition located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 0.97 acres.

Mr. Skluzacek presents the request. This is the other side of the street in relation to the previous item on the agenda, and is almost identical. It is also a Major Plat due to being over four lots. Staff recommends approval.

The public hearing is open. There being no comment the public hearing is closed.

*I move the Dickinson Planning and Zoning Commission recommend Approval of PLP 003-2023 the Riverview Cottage 2 nd Addition as not being compliant with the City of Dickinson Comprehensive Plan, as not meeting all the requirements of the Dickinson Municipal Code, and as not being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)

**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 Kadrmass, Commissioner Bosch, Commissioner Decker

**F. REZONE (REZ-003-2023)** To consider a Zoning Map Amendment from CC to PUD for a property legally described as Lot 4, Block 1 of the District Addition Subdivision located in the NE ¼ of Section 32, Township 140N, Range 96W located within the City of Dickinson. The site consists of +/- 5.47 acres.

Mr. Josephson presents the PUD request. The applicant is proposing a commercial park with small businesses, with uses of the Limited Commercial zone. This will allow the ability to have a two story building with a dwelling unit above or below. The developer is asking for relief for some of the development standards with this PUD; some things can be approved administratively. The applicant has agreed to the conditions.

Mr. Shrank also presents this request for the applicant, Venture Commercial. He states this is 5.5 acres. This PUD would allow for a higher density commercial development. It is meant for smaller businesses that have very few employees, in turn traffic volumes will then be lower. There could also be some smaller retail. Also a shop condo use. The mixed use would have one dwelling per lot; apartment size space is restricted. He adds that purchasers will be able to buy rather than lease these units. Mr. Shrank speaks on these types of developments in other communities. He states that it meets five of the goals in the Comp Plan. The City will have no upfront cost for this development. This PUD would allow 22 commercial LC lots. Anything not written in PUD would follow the CC use. Mr. Shrank goes over the

PUD document and what those entail. Each lot would have its own water and sewer. The roadway would be the responsibility of the developer; other infrastructure would be the city's. The dwelling units would need to be owner occupied.

The public hearing is opened. There being no comment the public hearing is closed.

Mr. Fridrich asks how we are going to keep an eye on enforcing this. Mr. Josephson states that will be done during the permitting process. He states there is also a development agreement that will be part of this. Mr. Fridrich asks about who will police this. Mr. Skluzacek states we are open to feedback from the commissioners on these development agreements. Mr. Fridrich is concerned with compliance. Mr. Skluzacek states this would be handled like The Market Subdivision. He says we could add a stipulation that there is an annual review by code enforcement.

Mr. Shrank states they have a shared operating access and owner agreement that has worked very well at their other development, The Market. The city would govern the uses; it would be the same as any other commercial development. It should be brought to the City anytime uses change. Aaron Grinsteinner with Venture Commercial states the agreement is a recorded document and governs the shared access road. The lot owners manage it, but it is not an HOA. Mr. Shrank states most HOAs were set up for stormwater ponds. Mr. Schwab asks if the road will be continued and become a public road. Mr. Shrank says right now that is not the intent. If it goes well, the owner could connect it to 15th. Mr. Grinsteinner states the agreement would be controlled until all the lots are sold. There will also be restrictive covenants.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of REZ 003-2023 the District Business Park First Addition rezoning petition from CC to PUD, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)



**Motion made by Commissioner Johansen, Seconded by Commissioner Franchuk.**

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

**G. PRELIMINARY PLAT (PLP-004-2023)** – To consider a Preliminary Plat for The District Business Park First Addition being the Replat of Lot 4, Block 1 of the District Addition located in the NE ¼ of Section 32, Township 140N, Range 96W located within the City of Dickinson. The site consists of +/- 5.47 acres.

Mr. Skluzacek presents the preliminary plat request. This is a companion to the PUD in the previous item. There are easements and a turn around area on this plat. The sidewalk on the south side of 19th will be constructed by the developer. This is a Major Plat application.

The public hearing is opened. There being no comment the public hearing is closed.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of PLP-004-2023 the District Business Park First Addition preliminary plat petition as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)

**Motion made by Commissioner Haugen, Seconded by Commissioner Kadrmas.**

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

**H. PRELIMINARY/FINAL PLAT (FLP-003-2023)** - To consider a Preliminary/Final Plat for the Duchscher Subdivision a Replat of Lot 3, Block 1 of Braun Third Subdivision located in the SE ¼ of Section 34, Township 140N, Range 96W located in the City of Dickinson. The site consists of +/- 2.127 acres.

Mr. Skluzacek presents the preliminary/final plat request. This is a minor plat application and is two lots. They are creating a separate lot; access to the south lots is provided as an easement on the plat. Each lot does have access to utilities. They will need to be added to the north lot with standard service fees. There is no sidewalk on 14th Street E, and there is one condition for them to install the sidewalk with a new building permit for a new home.

Steve Duchscher, owner, is here to present. He explains this will be his retirement home on this lot. He explains there is a 50' easement between him and Brown's land. He is concerned about a fire hydrant possibly being in the sidewalk. His son will be buying property in the back.

The public hearing is open. Patricia Benzie Ridl from the public is here to speak. She gives a brief history of living in Dickinson for 50 years. She sees this as a great financial benefit to this area that she lives in.

The public hearing is closed.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-003-2023 Duchscher 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.*

(See any conditions of approval on Resolution/Ordinance)

**Motion made by Commissioner Kadrmas, Seconded by Commissioner Johansen.**

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

- I. PRELIMINARY/FINAL PLAT (FLP-004-2023)** - To consider a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N,

Range 96W located within the City of Dickinson's Extra Territorial Zone. The site consists of +/- 11.65 acres.

Mr. Skluzacek presents the minor plat request. This is related to a rezone that was approved a few months ago. There are three separate entities that have uses in this area, and a three lot split. Game and Fish, Parks and Rec, and the Bureau of Reclamation are the three entities. This is a final step in land transfer from the Bureau.

Benjamin Rae from Dickinson Parks and Rec is present. Shawn Soehren, Houston Engineering presents the request. Mr. Schwab asks about an access easement - that is lot 2. Mr. Soehren states there are not official access easements to the other lots, they have been there for years.

The public hearing is open. There being no comment, the public hearing is closed.

Mr. Schwab asks about a transfer on lot 2 if it will cause access issues. Mr. Rae states they would not be able to transfer since it is associated with the dam.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-004-2023 North Lake Subdivision 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.*

(see any conditions of approval on Resolution/Ordinance)

**Motion made by Commissioner Bosch, Seconded by Commissioner Schwab.**

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

#### **4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA**

#### **5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**7. ADJOURNMENT**

**Motioned by Mike Schwab, Seconded by Richard Haugen**

8:36 am