



# PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, January 17, 2024 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

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

**CALL TO ORDER**

**ROLL CALL**

**OPENING CEREMONIES: PLEDGE OF ALLEGIANCE**

**1. ORDER OF BUSINESS:**

**2. MINUTES**

**A. December 20th, 2023 Minutes for Approval**

**3. REGULAR AGENDA:**

**A. CHAIRMAN APPOINTMENT FOR 2024**

**B. VICE CHAIR APPOINTMENT FOR 2024**

**C. SPECIAL USE PERMIT (SUP-001-2024)** - Presented by: City Planner, Matthew Galibert

To consider a Special Use Permit to allow for a heavy industrial use (“American Pulverizer car shredder”) in the General Industrial (GI) zoning district. The property is legally described as Lot 6, Block 2, Energy Center 1st Subdivision City of Dickinson, Stark County, North Dakota. This property is located in the City of Dickinson.

**D. FUTURE LAND USE MAP AMENDMENT (FLM-001-2024)** - Presented by: City Planner, Matthew Galibert

To consider a Future Land Use Map Amendment from Residential to Commercial for a property legally described as a parcel of land being a portion of Lots four (4), five (5), and six (6), Block one (1), State 8th Addition.

**E. REZONE (REZ-001-2024)** - Presented by: City Planner, Matthew Galibert

To consider a Zoning Map Amendment from Community Commercial (CC) to High-Density Residential (R-3) for a property legally described as a parcel of land being a portion of Lots four (4), five (5), and six (6), Block one (1), State 8th Addition.

**F. PRELIMINARY PLAT (PLP-001-2024)** - Presented by City Planner, Matthew Galibert

To consider a Preliminary Plat for State 9th Addition being the re-plat of Lots 4, 5, and 6, Block 1 of State 8th Addition, located in Section 5, Township 139N, Range 96W of the 5th Principal Meridian, Stark County, located within the City of Dickinson, ND. The site consists of +/- 3.09 acres.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA
5. ITEMS NOT ON AGENDA
6. WORK SESSION
7. ADJOURNMENT

**Link for viewing Planning and Zoning Commission Meeting:**

<https://www.dickinsongov.com/meetings>

**This link will not be live until approximately 7:05 am on January 17, 2023**

**Teams Meeting:** <http://tinyurl.com/PZ-01-17-2024-Teams>

**Teams Meeting ID:** 281 216 337 735      **Meeting Passcode:** kjmtqu

**Teams Phone #:** 1-701-506-0320      **Phone Conference ID:** 286 883 826#

**Local Phone #:** 701-456-7006

***Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator by the Friday preceding the meeting.***



# PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, December 20, 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

Dean Franchuk

Jo Marie Kadrmas

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 Jo Marie Kadrmas

Commissioner Val Decker

### 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 Kadrmas, Commissioner Decker

**2. MINUTES**

- A. November 15th, 2023 Minutes presented for approval.  
*Motion to approve minutes as presented.*

**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 Kadrmas, Commissioner Decker

**3. REGULAR AGENDA:**

**A. REZONE (REZ-006-2023) - Presented by: City Planner, Matthew Galibert**

To consider a Zoning Map Amendment from Community Commercial to Public for a property legally described as Block 1 of the of the Highway Department Addition, The City of Dickinson, Stark County, North Dakota. This property is located in the City of Dickinson.

Mr. Galibert presents the rezone request. The applicant is seeking relief from some zoning code requirements. They will be installing above ground fuel storage. According to the applicant, the storage tanks will accommodate ±10,000 gallons of diesel fuel storage and ±10,000 gallons of unleaded gasoline on site and are considered outdoor equipment, ancillary to primary operations. Mr. Galibert states that sometimes this zoning district (P) is used for industrial land uses. Staff has visited the location. Staff has received no comments from the public and recommends approval.

Andrew Schrank, Highlands Engineering is present and representing the applicant. He explains that the storage tanks need to be updated. They would like to put gas and diesel storage tanks above ground for their equipment. The request to Public is due to the size of the tanks. A special use permit will follow this request for the maintenance facility which is required by code. He also explains that they will be removing the old tanks.

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

Mr. Bullinger asks if there is a motion for screening and Mr. Galiberts clarifies that is not on either application.

This motion is contingent on the next item.

**Motion to recommend approval made by Commissioner Franchuk, Seconded by Commissioner Schwab.**

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

**B. SPECIAL USE PERMIT (SUP-005-2023) - Presented by: City Planner Matthew Galibert**

To consider a Special Use Permit to allow for a maintenance facility in the Public (P) zoning district. The property is legally described as Block 1 of the Highway Department



Addition, The City of Dickinson, Stark County, North Dakota. This property is located in the City of Dickinson.

Mr. Galibert presents the SUP request. This item is tied to the previous item. He explains that this SUP will allow space to park trucks and will not be visible. Staff has communicated the need to screen the above ground storage tanks from view. The applicant will explore these screenings, but they are not a condition on the staff report. Chairman Fridrich asks if it is typical to have an SUP on P zoned land. He asks if we issue a SUP to ourselves. Mr. Galibert clarifies that P doesn't always mean its land that we own. Mr. Skluzacek says they intend to bring in the projects for a pre-application meeting and we will ensure that all applicable ordinances are followed; regardless what has been done in the past, we now will be following all ordinances. Mr. Schwab asks if they are adding additional vehicles. Mr. Schrank says they are keeping their operations as is for now. In the future they will be adding some cold storage.

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

**Motion to recommend approval 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 Decker

**C. RENAISSANCE ZONE DEVELOPMENT PLAN AMENDMENTS - Presented by: City/County Planner, Steve Josephson**

A public hearing to consider amendments to Chapter VI of the City of Dickinson Renaissance Development Plan regarding the exemption period for residential rehabilitation projects and commercial projects, the percentage of investment for commercial projects, and ability of properties that previously received Renaissance Zone benefits to become eligible for additional benefits.

Mr. Josephson presents the Renaissance Zone text amendments. There had been a PZ workshop item during the last meeting regarding these revisions. He reviews those text amendments.

- **Increasing the tax exemption period for residential rehabilitation projects from five years to eight years;**
- **Increasing the benefit period for commercial projects to eight years if the investment amount is least 75% of the current true and full value;**
- **Allowing properties that had previously received Renaissance Zone benefits additional benefits after 30 years have lapsed from the completion of the initial project; and**
- **Allowing for two exceptions, or “islands”, to the primary contiguous zone.**

Mr. Fridrich asks about making changes to our Renaissance Zone. Mr. Josephson reminds the board that once we remove a property it can never be added back in. We will be bringing the renewal of the zone expansion back this summer when it runs out.

Mr. Bullinger asks about finding out which blocks have been removed. Mr. Josephson says he will get that list put together. Chairman Fridrich opens the public hearing. There being no comments the public hearing is closed.

**Motion to recommend approval 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 Kadrmas, Commissioner Decker

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

**5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**A. ENTRANCE SIGNS - Presented by: Mr. Skluzacek**

Mr. Skluzacek presents the Entrance Signs PowerPoint presentation (available in the online meeting packet). There was a work session with City Commission yesterday regarding these signs. He explains that part of the intent is to get these signs in place before the TRPL opening. There would be a clear line of sight with these signs so people can see them for a longer duration of time. Points of location and designations are shown on the map. Renderings of sign ideas area also shown on the presentation. He states we will work with other agencies such as the County to make sure where we place them are acceptable; there is also a lot of criteria from the NDDOT. Mr. Skluzacek says they have mostly been concentrating on the brick and mortar signs and not the digital. Mr. Galibert states him and Ms. Marshik drove to the sites that are selected - they are flexible. Mr. Skluzacek states we would pick four or five signs. The DOT would not allow these in the new roundabouts that will be built. During the City Commission work session, the one that was gravitated towards a brick and mortar sign. Mr. Schwab says he can see them being on interstate. Mr. Skluzacek says we can start digging into costs, risks, locations after we find out which signs are preferred. Once some research is done on the locations we will bring it back to PZ and to City Commission for a vote.

**B. PLANNING DEPARTMENT MONTHLY REPORT - Presented by: City Planner, Matthew Galibert**

Mr. Galibert presents the monthly report from the department. He discusses deadlines and meeting date changes. Staff is proposing some changes such as moving the PZ meeting dates to the 2nd Wednesday of the month instead of the 3rd. It gives a window between the PZ and CC meetings that would be beneficial for multiple reasons. He goes over the process of reviewing application submittals and what that all entails. There is discussion about publishing the legals in the Dickinson Press and the deadlines regarding that. There is discussion of starting the new schedule in February. Mr. Skluzacek speaks about maybe making ordinance amendments on timelines. The board agrees to the schedule changes - starting in March. Ms. Wenko states there is no motion needed to make these changes.

Mr. Galibert speaks on the Comp Plan/Transportation plan. The kick off meeting is 12/21. There will be an updated gant chart sent out.

**7. ADJOURNMENT**

*Motion to adjourn.*

**Motion made by Vice Chairman Bullinger, Seconded by Commissioner Johansen.**

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

**From:** Jotform  
**To:** [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Loretta Marshik](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)  
**Subject:** Re: Unified Development Application  
**Date:** Thursday, November 30, 2023 2:13:07 PM  
**Attachments:** [5771878100019823709\\_signature\\_19.png](#)  
[5771878100019823709\\_signature\\_23.png](#)  
[Acoustibloc sound supression.pdf](#)  
[Geotechnical and engineering drawings.pdf](#)  
[Letter to City of Dickinson.pdf](#)  
[City of Dickinson letter.pdf](#)  
[Contract for Deed.pdf](#)  
[Warrantv Deed.pdf](#)  
[5771878100019823709\\_signature\\_19.png](#)  
[5771878100019823709\\_signature\\_23.png](#)



## Unified Development Application

Have you met with Planning Staff regarding your application?  Yes

Please upload the letter or counseling form you received following your pre-application meeting: [City of Dickinson letter.pdf](#)

Name

Company

Applicant Email

Applicant Phone #

Type of Development

Owner Name

Owner Address

Owner Email

Owner Phone #

Is the owner present to Sign  Yes

Signature

Reginald Robertson

Will this application require any other action to complete the development? No

Metes and Bounds Description Sylvia Miller said we could skip this for now.

	1/4 Section	Township	Range
Description	01	139	096

Legal - Lot/Block/Addition	Lot	Block	Addition
Description	6	2	Energy Center 1st add

Property Address / General Project Location East Villard, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 126,324

Existing Future Land Use Map Category Industrial

Existing Zoning GI - General Industrial

Existing Use Industrial

Overlay District Description N/A

Special Use Permit for the following Use: American Pulverizer car shredder.

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Required Documentation Upload [Acoustibloc sound supression.pdf](#)  
[Geotechnical and engineering drawings.pdf](#)  
[Letter to City of Dickinson.pdf](#)

Deed for Property [Contract for Deed.pdf](#)  
[Warranty Deed.pdf](#)

Application Fees      Applicable Fees      350.00 USD

Total:      \$350.00  
Transaction ID:      aqwewn72

==Payer Info==  
First Name    Reginald  
Last Name    Robertson

Applicant Signature



Date      12-01-2023

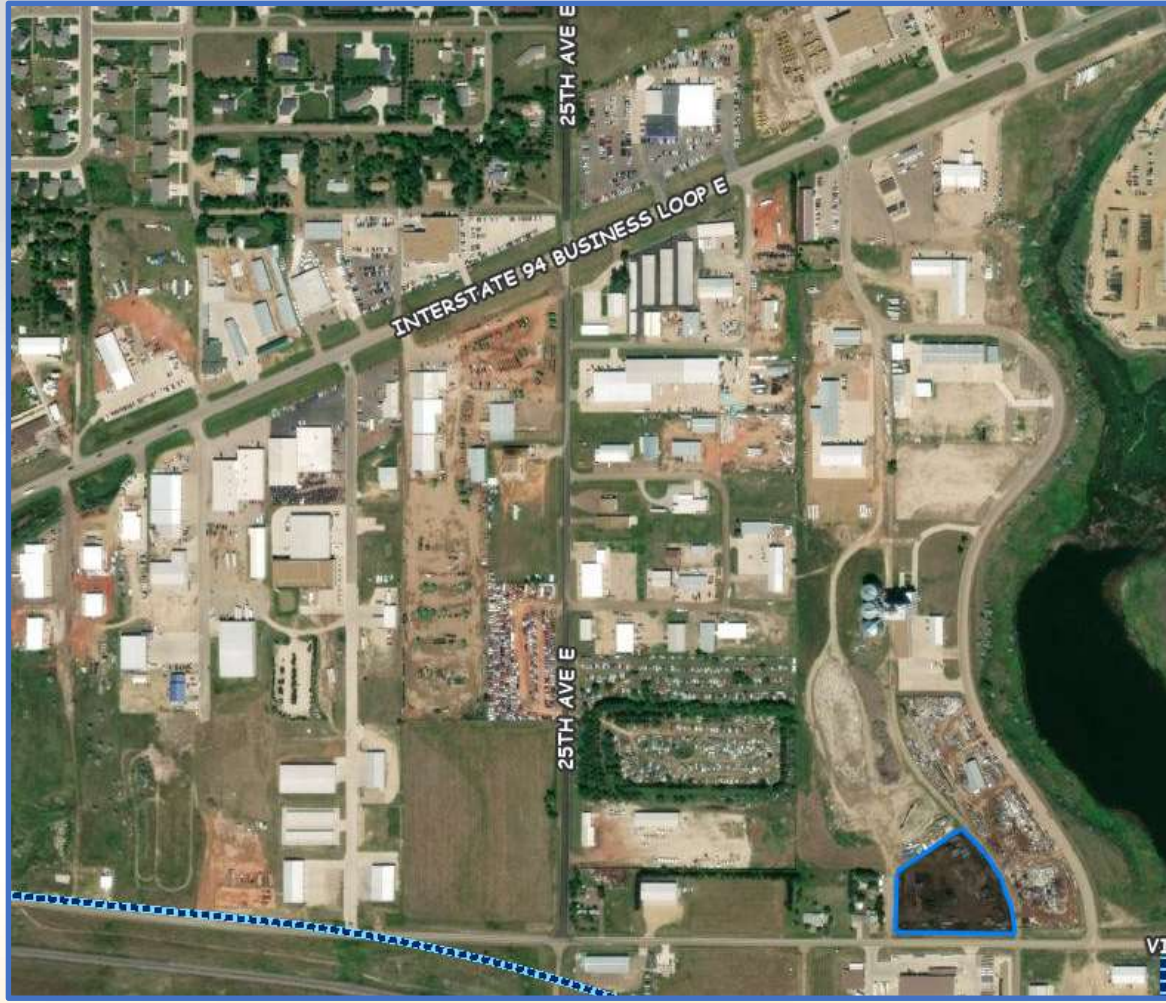
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You can [edit this submission](#) and [view all your submissions](#) easily.

# SUP-001-2024

## Special Use Permit

### Robertson Metal Recycling Heavy Industrial Use for a Car Shredder



Attn: City of Dickinson  
Planning department  
38 1<sup>st</sup> Street W  
Dickinson, ND 58601

We're installing an American Pulverizer 80 X 104 hammermill (shredder) for the purpose of processing car bodies, farm and industrial scrap. All fluids and contaminates will be removed before being induced in the shredder.

Sound suppression will be accomplished by using Acoustiblock sound suppression barriers. This material provides 27 db sound reduction.

The duration of this hammermill/shredder is for 20 plus years.

Electricity consumption is 8500 KVA. We've been in discussion with Shawn Olson, Line Superintendent for Roughrider Electric Cooperative. Shawn has approved our request for service and we have advanced Roughrider money to pay for connecting to service.

Explosions occur with shredders if gasoline or propane tanks are inadvertently shredded.

The first line of defense against explosions is a through inspection of material prior to shredding, the next level of protection is the shredder box which is 4" thick steel with 3" liners. Explosive force will not escape the box but sound will.

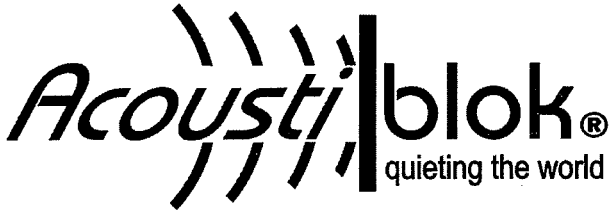
We have preordered enough acoustifence to erect a sound barrier 40 feet high around the shredder box.

We are erecting a 20 foot tall steel fence around Lot 6 where the shredder will be located. Traffic into our yard should not increase more than 5 trucks a day and then material will be moved within our yard and exit by railroad. This shredder will have minimum impact on street traffic.

We have through a broker offered to buy out our closest residential neighbor. We were initially turned down but will continue to try.







Made in the U.S.A



"a NASA Spinoff listed company"

Section 3. Item C.

**Estimate**

Date Nov-29-2023

Estimate # JEB10045730  
(Valid for 60 days)

Sales Rep jboland@acoustiblok.com

**Bill to:**

Robertson Metal Recycling, LLC  
Reggie Robertson

195 28th Ave East  
Dickinson, ND 58601

EM: Reggie@robertsonmetal.com

**Ship to:**

Robertson Metal Recycling, LLC  
Reggie Robertson

195 28th Ave East  
Dickinson, ND 58601  
USA

PH:701-227-4947

**Remit to:**

Acoustiblok, Inc.  
6900 Interbay Blvd  
Tampa, Florida USA 33616  
P:(813)980-1400  
F:(813)549-2653

P.O.#	Sales Rep	Terms	EST Ship Date	F.O.B	Ship Via	Ship Notes	EST Weight
	JEB	PRE-PAY e-check		Tampa, Fl	FreightWise		

Qty	Item	Description	Unit Price	Total Price
1	ProjectName	Robertson Metal Recycling - 40' x 150' Sound Barrier	\$0.00	\$0.00
25	AF6-M6XLB	NEW, Patented Industrial Acoustifence®. Material only- no grommets; Black; 6 ft. H x 40 ft. L x 1/8 in. thick, internally reinforced to 1,974 psi tensile strength. > 200mph wind load tested. Beautiful Foliage Overlay Available. Industrial product may have minor blemishes. SEE INSTALLATION SUGGESTIONS.	\$1,120.00	\$28,000.00
1	FRGHT-FreightWise	FreightWise. 5-6 Business day transit. Shipping is for (2) LTL Shipments. (4) 75x51 & (1) 78x24 pallets.	\$2,385.90	\$2,385.90
1	DISCLAIMER-FRT 01	Acoustiblok Inc. makes no guarantee nor assumes ANY liability whatsoever relative to shipping out or arrival times of shipments. Customer/consignee agrees to be responsible for storage and return freight charges for shipment not picked up or accepted. Customer must have ability to unload product, i.e. fork lift if lift gate not included in freight charge or noted on this document. Freight charges subject to change due to fuel index.	\$0.00	\$0.00

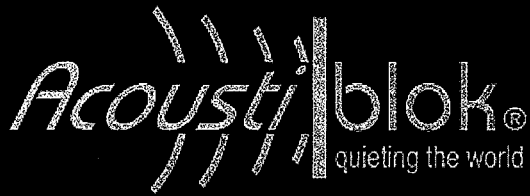
**NOTE: CREDIT CARD PROCESSING FEE, AMEX 3.5%, ALL OTHERS 3%**  
**Note:"TAKE OFF OR QUANTITY OF MATERIALS IS THE RESPONSIBILITY OF PURCHASER**

**Subtotal:** \$30,385.90  
**Sales Tax:** \$0.00  
**Total:** \$30,385.90

Signature below indicates acceptance of this Estimate including terms and conditions www.acoustiblok.com. Signing for Acoustiblok, Inc. *Lahnie Johnson* Lahnie Johnson, President. All sales final. No refunds/credits. No other warranties implied or verbal agreements beyond this contract. Estimates of quantities required or shipping times are only estimates. "Soundproof" is a degree of sound reduction impossible to be 100%. All of our Patented Products are "Sole Source" and ONLY sold through us.

Authorized Signature: \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_



# Product Data Sheet

## Product Name

**AcoustiFence® Noise Reducing Fences**

### For Manufacturer Info:

**Contact:**

Acoustiblok, Inc.  
6900 Interbay Boulevard  
Tampa, FL 33616  
Call - (813) 980-1400  
Fax - (813) 549-2653  
Email - [jboland@acoustiblok.com](mailto:jboland@acoustiblok.com)  
[www.acoustiblok.com](http://www.acoustiblok.com)

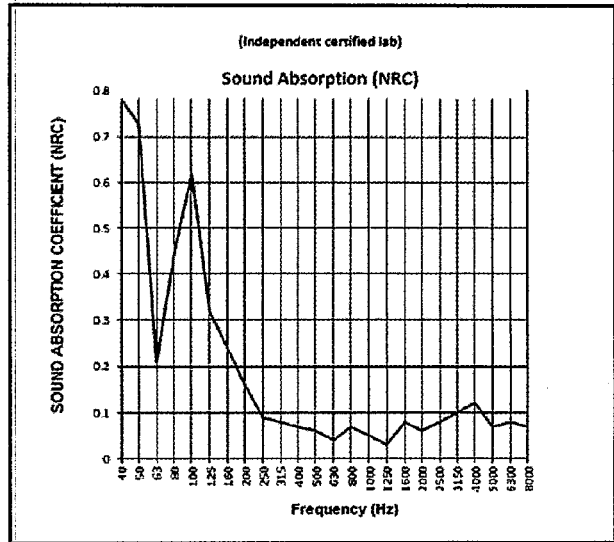
## Product Description

### Basic Use

AcoustiFence was originally developed by Acoustiblok, Inc. for noise isolation on offshore oil rigs, but has since proven successful in many other demanding outdoor settings, such as construction sites, commercial/industrial facilities, and residential communities.

### AcoustiFence Noise Reducing Fences

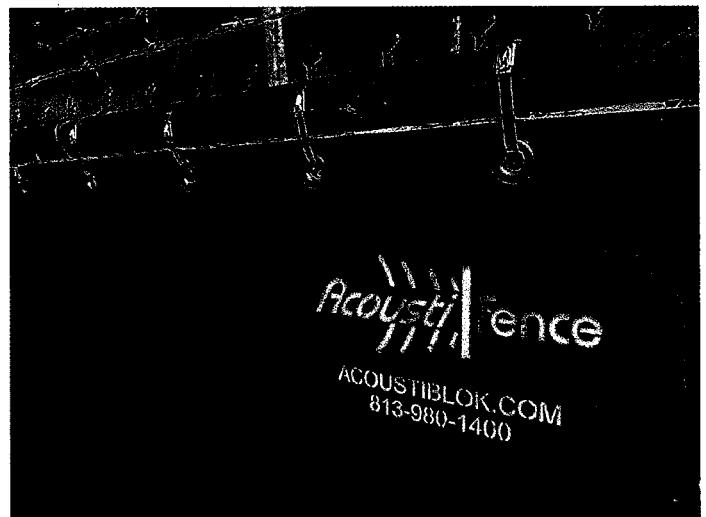
AcoustiFence is a unique, heavy-mineral filled, barium free, viscoelastic acoustical material that is made in the U.S.A. Unlike fences or shrubs, this material does extraordinarily well in blocking direct sound, and a unique characteristic of the material sets it apart from other sound barriers when dealing with very low frequencies.

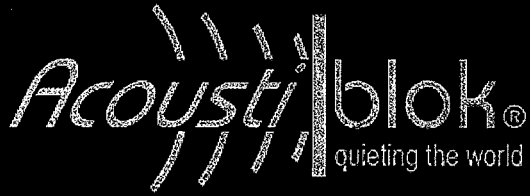


## Sound Absorption Test Results

### Benefits:

- Effectively reduces exterior noise
- Easy to install
- Resistant to UV, dirt and water
- Resistant to corrosion, mold and mildew





# Product Data Sheet

## Product Name

### AcoustiFence® Noise Reducing Fences

#### AcoustiFence Noise Reducing Fences continued...

In frequencies of 50Hz and below, the heavy limp AcoustiFence material actually begins to vibrate from low frequency sound waves. In essence it is transforming these low frequency sound waves into mechanical movement and internal friction energy. Laboratory tests indicate that this transformation process inhibits these lower frequencies from penetrating AcoustiFence, reducing their level by over 60 percent relative to the human ear. In addition, AcoustiFence becomes an absorbent material in these frequencies with test results show an NRC (noise reduction coefficient) as high as 0.78 (with 1.00 being the max). As such it is clear that AcoustiFence not only reduces sound as a barrier, but also acts as an acoustical absorbent material in very low frequencies, as opposed to reflecting those frequencies back like most other barriers. It is worth noting that lead sheets (which are toxic) work in the same manner.

#### Green AcoustiFence

One of Acoustiblok's most popular products, designed as an advanced sound barrier that easily attaches to most types of fencing, is now available in a new green shade that easily blends into the environment. This makes it ideal for landscaping projects, residential home use and any outdoor applications where blending into the natural foliage is a concern.

Green AcoustiFence has the same sound deadening properties and features as our original black AcoustiFence. In addition, this new version features advanced reinforced edging and stainless steel cable ties. Made and sourced in the USA, it comes in 6x30 foot sections and is one of the most effective first steps in reducing noise for industrial, commercial and residential projects.







# Product Data Sheet

## Product Name

**AcoustiFence® Noise Reducing Fences**

### Physical Properties

- Barium free, 15 Flame Spread Index (Class A For Flame Spread)
- Minimum STC 27 per ASTM E90-02 & ASTM E413-87
- Minimum TL 24 dBA @ 100Hz & 16dBA @ 40Hz
- 6' & 8' Wide Acoustifence available. Can be custom configured multiple ways
- Colors - Black & Green
- High UV resistance
- Heat tolerance: 200°F for 7 days, less than 1% shrinkage with no deformation.
- Freezes at -40°F. Do not unroll or flex frozen material. Properties not affected by freeze/thaw cycles.
- 15+ Year life expectancy
- No fungal or algal growth and no visible disfigurement, per ASTM D3273 and ASTM D3274 (rating=10)
- Tensile Strength - Black 1977 psi / Green 1714 psi
- Weight: 1 pound per square foot

### Material Specifications – Part # “Acoustifence 6x30 Industrial”

Acoustical Rating	STC 28 / OITC 22
Size	6 ft. (1.83m) x 30 ft. (9.14m) x 0.125 in. (3mm) 180 ft² (16.72m²)
Weight	185 lbs. (84Kg)
Fastening	Black brass grommets every 6 in. (152mm) along top edge with four grommets spaced along the bottom edge. Commonly installed horizontally.
Color	Black
(This is an industrial product and minor surface blemishes are a possibility.)	



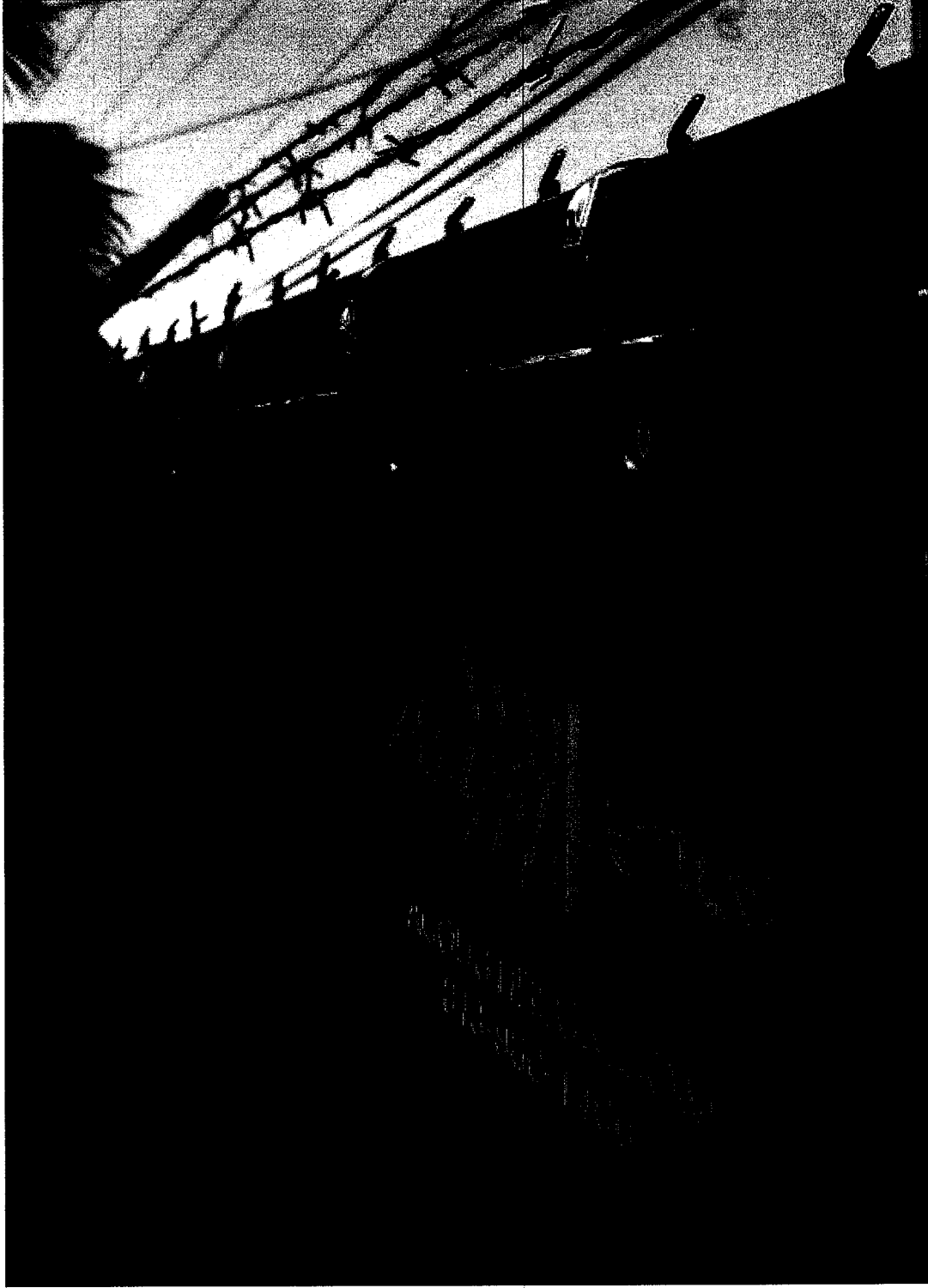
6900 Interbay Blvd.  
Tampa, Florida USA 33616  
Telephone: (813)980-1400  
[www.Acoustiblok.com](http://www.Acoustiblok.com)  
[sales@acoustiblok.com](mailto:sales@acoustiblok.com)

Information herein is, to the best of our knowledge and belief, accurate. However, since conditions of handling and use are beyond our control, we make no guarantee of results and assume no liability for damages incurred by the use of this material/product. All material/products may present unknown health hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards that exist. Final determination of suitability of this material/product is the sole responsibility of the user. No representations or warranties, either expressed or implied, of merchantability, fitness for a particular purpose or any nature are made hereunder with respect to the information contained herein or the material/product to which the information refers. It is the responsibility of the user to comply with all applicable federal, state and local laws and regulations. Specifications subject to change without notice.

## **Acoustifence Installation**

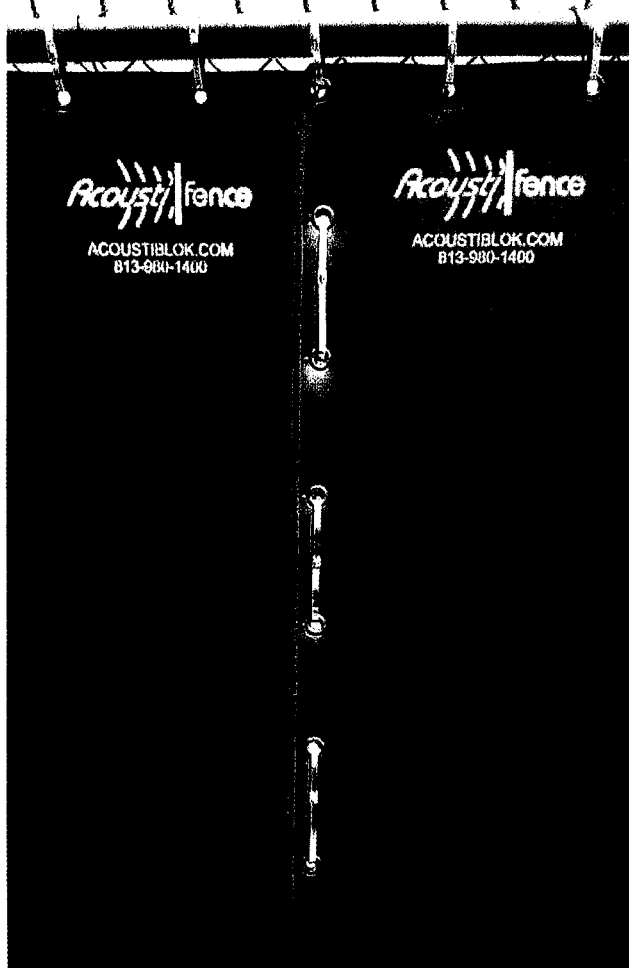
### **Top Rail, Overlap Seam, Bottom Edge & Grommet Plugs**

**Top Rail:** Acoustifence should hang just below the bottom of the top rail as pictured below. The stainless steel cable ties should only go around the top rail and not the chain link in case the section needs to be adjusted left or right along the rail. If the cable tie goes around the chain link, you will not be able to adjust the section in either direction.

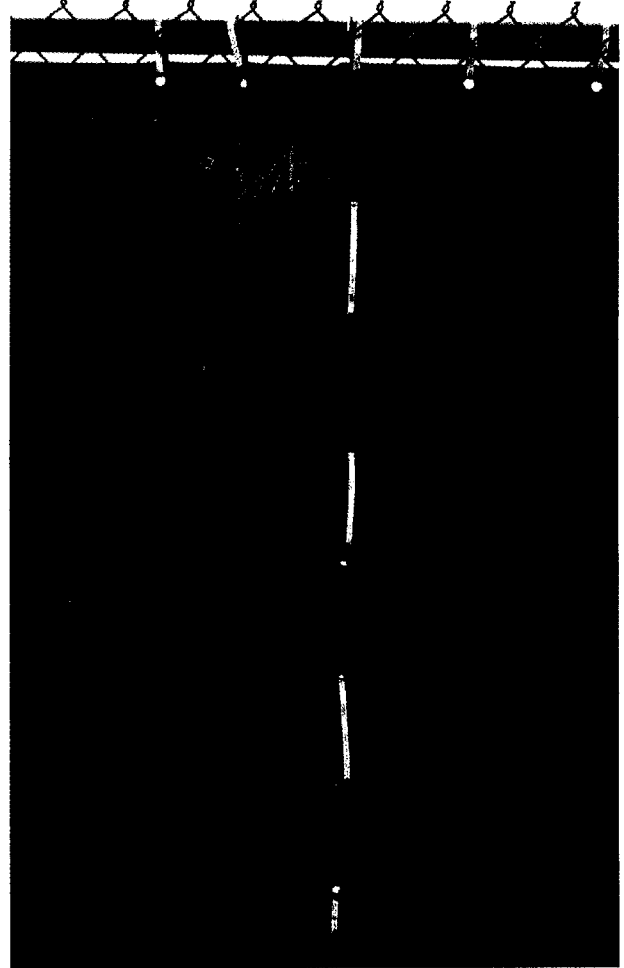


**Overlap Seam:** Additional Acoustifence sections will overlap the previous section by 2 inches and the grommets will sit on top of each other. The stainless steel cable ties are installed vertically and must also go around the chain link. This will hold the Acoustifence seam to the chain link and keep the Acoustifence seam from pulling away from the chain link. The cable tie should ideally go around 2 chain link sections. Close up below.

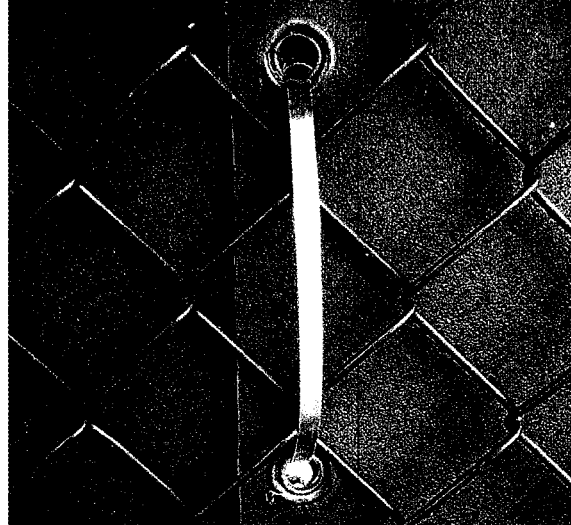
**Overlap Seam – Front Side**



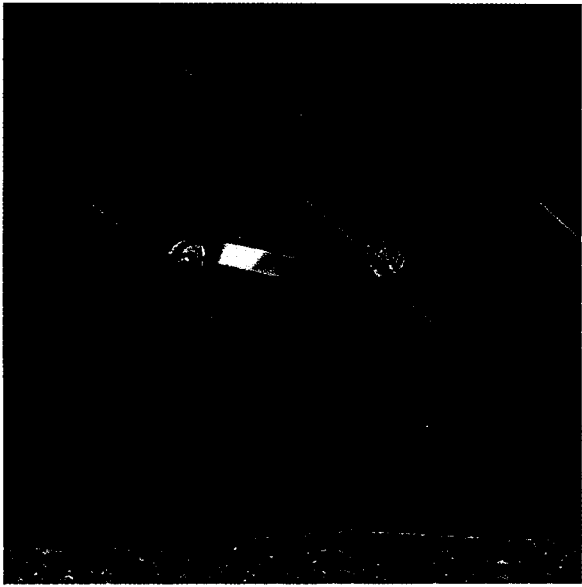
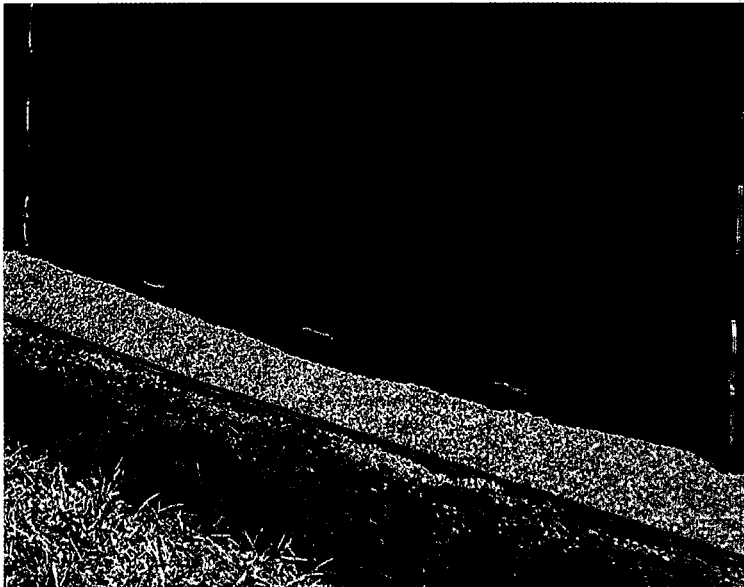
**Overlap Seam – Chain Link Side**



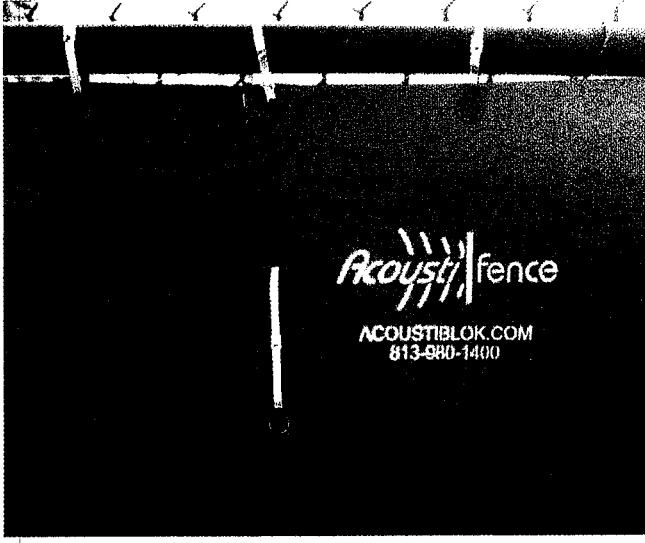
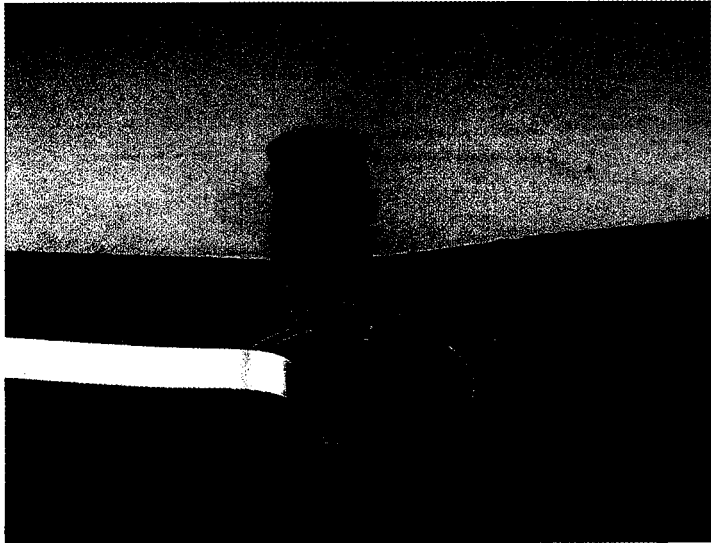
**Overlap Seam – Chain Link Side Close Up**



**Bottom Edge Double Grommets:** There are double sets up grommets 6 inches up from the bottom edge on both horizontally and vertically installed Acoustifence sections. This is so you can horizontally install stainless steel cable ties connecting the Acoustifence to the chain link. This keeps the bottom edge from pulling away from the fence. The remaining 6 inches of Acoustifence material should curve down onto the ground and be as airtight as possible or can be cut to fit or even buried into the ground. If there are air gaps at the bottom, you will have sound leaks.



**Grommet Plugs:** Grommet plugs are used so you do not get sound leaks through the grommet holes.





---

**From:** Dickinson ND <noreply@civicplus.com>  
**Sent:** Wednesday, January 10, 2024 3:14 PM  
**To:** Joshua Skluzacek <Joshua.Skluzacek@dickinsongov.com>  
**Subject:** Webform submission from: Citizen Concern

Submitted on Wed, 01/10/2024 - 3:13 PM

Submitted by: Anonymous

Submitted values are:

**Request Type**  
Zoning Violation

**Contact**  
Lori Sticka  
[lrsticka@gmail.com](mailto:lrsticka@gmail.com)

**Subject**  
Project:SUP-001-2024

**Message**

I ask that this special use permit be denied, if you do your research you will find these produce hazardous fumes, dust(auto fluff), and loud noise and the hammer mills will shake our house as only 300 feet away. We can't live in these circumstances and conditions. Aren't we allowed to live And enjoy our home and yard-would any of you approve of this permit if it were next to your home???? When we purchased our forever home we were in the county with cows in a pasture next to us. Beautiful and peaceful. This auto salvage yard should have never been allowed to be here in first place(no fault of their own) as city allowed it. The city should help this business in moving to a location where there is no homes or businesses near by. I beg you to deny special use permit-it is wrong on so many levels. Where are our rights to live in safe environment. It was when we moved here.

---

**From:** Dickinson ND <noreply@civicplus.com>  
**Sent:** Wednesday, January 10, 2024 10:09 AM  
**To:** Sylvia Miller  
**Subject:** Project:SUP-001-2024

Name: Lori Sticka  
Email: lrsticka@gmail.com

Message: I have sent via mail supporting evidence of the hazards of a car shredder, noise, fumes and dust(auto fluff). Please read and consider before making a decision. I respectfully ask that you deny the special use permit. Our life's would be put at risk. Thank you.

---

**From:** Dickinson ND <noreply@civicplus.com>  
**Sent:** Tuesday, January 9, 2024 5:49 PM  
**To:** Sylvia Miller  
**Subject:** Project:SUP-001-2024

Name: Lori sticka  
Email: lrsticka@gmail.com

Message: We received notice today of public hearing on placing an American pulverizer car shredder within 300 feet of our home. I have done research on this and have found the noise level and dust(fluff) produced from this operation is hazardous. There are currently lawsuits in Chicago and Pittsburgh about these hazards. The EPA has stepped in. In the researched it has shown if these machines are put inside buildings with noise reducing panels and proper capture of the dust it is recommended. I would ask that this permit be denied as we are getting up there in age and spend the majority of our time at our home. With this noise level and dust, it would make it inhabitants. We often have grandchildren at our home and I wouldn't want them exposed to the noise and hazardous fumes,dust etc. Please consider our health and concerns with this project. If it is approved please enforce a noise reduction fence and fumes are properly contained and regulations are followed. I have contacted the ND EPA department to get their input. I have articles,etc. That I can

forward to your board. Please decline this special use permit.

Prusticka  
 2691 East Villard Street  
 Dickinson, ND 58601  
 January 10, 2024

Dickinson Planning + Zoning Commission  
 38 1<sup>st</sup> Street West  
 Dickinson, ND 58601

I am writing in regards to project SUP-001-2024 as I won't be able to attend public meeting due to medical issue.

I would ask that this special use permit be denied due to the hazardous fumes, dust (auto fluff) + noise + the close proximity to our home.

As I have told the city many times before, when we were annexed back in the 80's we were assured by Art Baumgartner nothing but storage or in + out business would be allowed.

When we purchased our "forever home" we were in the country - we had cows next door.

I don't know how a heavy metal salvage yard was ever allowed to move in, but to no fault of Robertson's - they have a business to run - but we live here 24/7. As homeowners don't we have a right to enjoy our home + yard. As it is the are days we can't be outside or open



windows due to noise & smell.

I have done research on these car shredders & they are loud, cause alot of fumes & dust (auto fluff). They are considered hazardous & have been known to cause heart & health issues.

Please read attached articles - as I have complained to city many times that they should help relocate this business to an out of town location. Brenton workers are outside alot & I would think it would also affect them.

I respectfully ask that this special use permit be declined. I feel we have a right to enjoy our home - please ask yourselves would you want this next to your home that you have invested your life savings in.

Please decline special use permit  
SUP-001-2024

Respectfully,

Jeri Sticka

Ronald Sticka

Cahill says iron dust, which auto shredders produce a lot of, is highly toxic and can cause breathing and heart problems.

Oct 17, 2018

**N** <https://www.nrdc.org> > stories > cru...



**Crushing Cars Is a Loud, Smelly Business That's Terrible for Air Quality**



## Is auto shredder fluff hazardous?

Tiny particles of metal from the shredder and dust from the facility are also concerns from an air quality and public health perspective. In addition, **processing of auto shredder residue produces “auto fluff,” a material that can qualify for treatment as a hazardous waste.** Aug 2, 2018

 <https://www.nrdc.org> > bio > whats-...

**What's the Problem with a Facility that**



# Noise Control for a Metal Shredder and Recycling System

Luke A. Saxelby, j.c. brennan & associates, Inc., Auburn, California

This article examines the performance of a building enclosure for controlling community noise associated with a metal shredder and recycling system. The building enclosure was found to exceed expected performance. Additionally, community response is positive regarding the noise control performance of the enclosure.

Environmental noise control measures were implemented for a large metal recycling system. The shredder is capable of processing up to 60-inch-wide objects for crushing and recycling, such as appliances, engine blocks, and various scrap metal. The shredder is powered by a 1,000-HP electric motor and has an hourly capacity of 20 tons of material.

## Background

The proposed shredder consisted of a 60 x 60 American Pulverizer Shredding System. The shredder is capable of accepting material up to 60 inches wide and is equipped with a 1,000-HP electric motor. The shredder receives raw material into the shredding hopper via a conveyor system. Shredded material is sorted using a system of magnets and Eddy-current separators. Sorted material is placed in stockpiles around the shredder through a conveyor system. Figures 1 and 2 show the proposed shredder system before construction of the noise enclosure building.

The proposed shredder was to be located within approximately 500 feet of the nearest noise-sensitive residential area and would operate continuously during daytime (7 a.m. to 5 p.m.) work hours, up to six days per week. Figure 3 shows the location of the shredder and sensitive receptors located around the project site.

Under the local noise ordinances, the shredder cannot exceed an hourly  $L_{eq}$  of 55 dBA at the property line of the residential area.

## Evaluating Shredder Noise Levels

To assess noise levels from the proposed shredder, reference data were collected for a similar American Pulverizer shredder. The shredder was slightly larger, with a material capacity of up to 85 inches. The data indicated that the shredder would generate noise levels up to 82 dBA  $L_{eq}$  at a distance of 180 - 200 feet. The reference data also indicated that the noise source was fairly broadband across the 250 - 2,000-Hertz octave spectrum. Figure 4

Based on a paper presented at Noise-Con 2011, INCE 25th Annual Conference, Portland, OR, July 2011.



Figure 1. Shredder system (left side).

shows the measured shredder noise level spectrum at 180 - 200 feet.

The reference noise level data were used with Equation 1 to evaluate the shredder noise levels at the nearest property line

$$L_2 = L_1 - 20 \times \text{Log} \left( \frac{d_2}{d_1} \right) \quad (1)$$

where:

- $L_1$  = Reference sound pressure level, dBA
- $L_2$  = Sound pressure level at residential property line (500 feet)
- $d_1$  = Distance from source to  $L_1$  (200 feet)
- $d_2$  = Distance from source to  $L_2$  (500 feet)

Based on this formula and the reference sound level at 200 feet, the proposed equipment could reach 74 dBA  $L_{eq}$  at the adjacent residential property line. Therefore, noise control measures were needed to reduce shredder noise levels by a minimum of 19 dBA to comply with the local noise ordinance. An analysis of a building enclosure was performed to achieve the required 19 dBA noise level reduction.

## Evaluating Shredder Noise Control Measures

As noted above, shredder noise levels were predicted to ex-

Table 1. Environmental noise model input.

Input Description	Size	Octave Bands, Hz								
		31.5	63	125	250	500	1k	2k	4k	
Source Sound Power Levels, dBA	NA	79	101	112	119	121	123	123	119	
Sound Transmission Loss Values:										
North Wall	2,048 ft <sup>2</sup>	7	10	13	17	22	21	23	25	
South Wall	2,048 ft <sup>2</sup>	7	10	13	17	22	21	23	25	
West Wall	1,728 ft <sup>2</sup>	7	10	13	17	22	21	23	25	
East Wall	1,728 ft <sup>2</sup>	7	10	13	17	22	21	23	25	
Roof	3,456 ft <sup>2</sup>	7	10	13	17	22	21	23	25	
North Wall Opening (Conveyer Belt)	120 ft <sup>2</sup>	0	0	0	0	0	0	0	0	
East Wall Opening (Conveyer Belt)	7.7 ft <sup>2</sup>	0	0	0	0	0	0	0	0	
South Wall Opening (Conveyer Belt)	25 ft <sup>2</sup>	0	0	0	0	0	0	0	0	
Absorption Coefficients:										
North Wall	2,048 ft <sup>2</sup>	0.2	0.2	0.64	1.14	1.09	0.99	1.00	1.21	
South Wall	2,048 ft <sup>2</sup>	0.2	0.2	0.64	1.14	1.09	0.99	1.00	1.21	
West Wall	1,728 ft <sup>2</sup>	0.2	0.2	0.64	1.14	1.09	0.99	1.00	1.21	
East Wall	1,728 ft <sup>2</sup>	0.2	0.2	0.64	1.14	1.09	0.99	1.00	1.21	
Roof	3,456 ft <sup>2</sup>	0.2	0.2	0.64	1.14	1.09	0.99	1.00	1.21	
North Wall Opening (Conveyer Belt)	120 ft <sup>2</sup>	1	1	1	1	1	1	1	1	
East Wall Opening (Conveyer Belt)	7.7 ft <sup>2</sup>	1	1	1	1	1	1	1	1	
South Wall Opening (Conveyer Belt)	25 ft <sup>2</sup>	1	1	1	1	1	1	1	1	





Figure 2. Shredder system conveyor.



Figure 3. Aerial photo of shredder site.

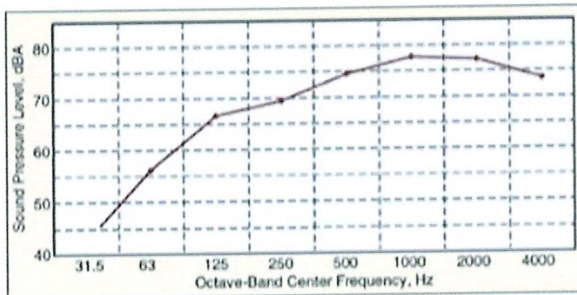


Figure 4. Shredder sound spectrum (180 - 200 feet).

ceed the local noise ordinance hourly criteria of 55 dBA  $L_{eq}$  by approximately 19 dBA (74 dBA  $L_{eq}$ ). To obtain a 19 dBA  $L_{eq}$  noise reduction and compliance with the local noise ordinance, the environmental noise model (ENM) <sup>1</sup> was used to estimate the noise reduction that could be achieved by enclosing the proposed shredder.

Input to the ENM model included source sound power levels, size and location of walls and roof, estimated sound transmission loss values for each façade and absorption coefficients of fiberglass batts lining the interior of the building.

Sound transmission loss values for the 22-gauge, steel-sided building were estimated by use of the Insul <sup>2</sup> acoustical prediction model. Absorption coefficients for the Fiberglass lining were obtained from Owens Corning.

Table 1 shows the input values for each of the modeled building components. Figure 5 shows the estimated shredder noise levels with and without the building enclosure at the nearest residential property line.

#### Field Evaluation of Noise Control Measures

Field measurements were conducted to evaluate recommended noise control measures for the metal shredder and recycling system. The measurements indicated that the shredder generated noise levels of 48 dBA  $L_{eq}$  at the closest residential property line.

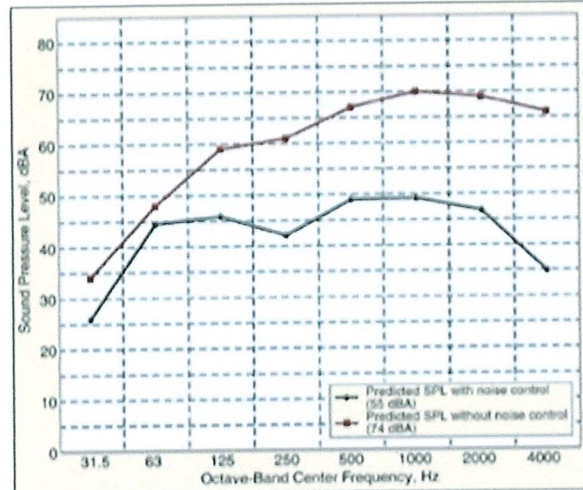


Figure 5. Predicted SPL with and without noise control measures.

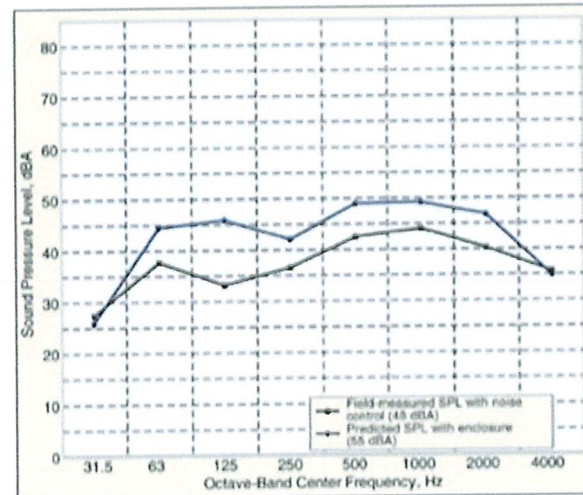


Figure 6. Field-measured SPL (with noise control) vs. predicted levels (with noise control).

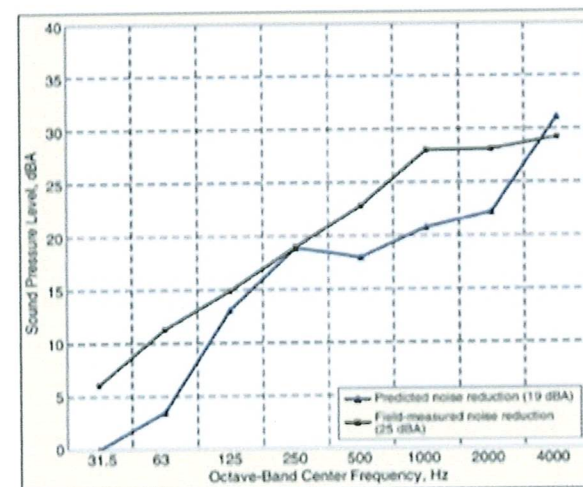


Figure 7. Field-measured noise reduction vs. predicted noise reduction.

Based on this noise level measurement, shredder noise levels were 26 dBA less than the predicted noise level of 74 dBA  $L_{eq}$  (no noise control). Field observations indicated that the shredder was barely audible over existing ambient noise levels. Figure 6 shows the measured shredder noise levels with the enclosure. Figure 7



Figure 8. Shredder system enclosed (right side).

shows the predicted noise reduction (NR) values, and measured NR after building construction. Figures 8 and 9 show the shredder building enclosure.

### Conclusions

Based on the field-measured noise reduction of approximately 26 dBA, the building noise enclosure is performing approximately 7 dBA better than predicted through the ENM modeling process. And based on field observations, the differences between predicted and field-measured values of SPL and NR are most likely due to:

- The three shredder enclosure openings required for conveyor access were smaller than assumed in the enclosure analysis.
- Sound pressure levels were collected for a larger shredding system than the one used for this project.

The noise enclosure building proved to be an excellent solution for controlling excessive noise from the metal shredding system.



Figure 9. Shredder conveyor opening.

Responses from both the project applicant and local jurisdiction have been extremely favorable.

### Acknowledgements

J.C. Brennan & Associates would like to thank Daly-Standlee & Associates, Inc. for its assistance in collecting reference level data on this project.

### References

1. Environmental Noise Model (ENM), RTA Technology PTY, LTD, Version 3.06.
2. Insul Sound Insulation Prediction Software, Marshall Day Acoustics 2007, Version 6.2. 

The author can be reached at: [lsaxelby@jcbrennanassoc.com](mailto:lsaxelby@jcbrennanassoc.com).



## Abstract

End-of-life vehicles and e-waste contain several hazardous substances that can contaminate the environment during treatment processes. Occurrences and adverse effects of toxic organic pollutants emitted from 3 shredder plants located in Wallonia, Belgium, were investigated by chemical and biological analyses of fluff, dust, and scrubbing sludge sampled in 2019. Site 1 showed the highest concentrations of chlorinated compounds in sludge with 7.5 ng/g polychlorinated dibenzo-dioxins/furans and 84.5 µg/g estimated total polychlorinated biphenyls, while site 3 led the brominated flame retardant levels in dust (53.4 µg/g). The level of polycyclic aromatic hydrocarbons was highest in the sludge samples, 78 and 71 µg/g for sites 2 and 3, respectively. The samples induced significant dioxin-like activities in murine and human cells at concentrations of around 0.01–0.1 and 0.5–1 ng (sample) per ml (medium), respectively, with the efficacy similar to 2,3,7,8-tetrachlorodibenzodioxin and EC<sub>50</sub> values of around 1 and 10 ng/ml. The samples also displayed high estrogenic

activities, already at 1 ng/ml, and several induced a response as efficient as 17 $\beta$ -estradiol, albeit a low androgenic activity. Shredder workers were estimated to be highly exposed to dioxin-like compounds through dust ingestion and dermal absorption, which is of concern.

## Graphical Abstract

### Shredder waste

3 shredder plants in Belgium  
Fluff, dust, sludge sampled in 2019



e-waste



ELVs

### Chemical analyses

Site-specific: PCDD/Fs, PCBs, BRFs  
Highest PAH levels in sludge



### POP contamination:

environmental background of an industrial country  
+ shredding specific contaminants

### Biological analyses

Dioxin- and estrogenic-like activities  
Mixture effects



Human exposure: high concerns

4:47

5G 82%



The benefits of shredding in the recycling process are numerous, but operating shredders also comes with side effects, including dust and noise, that must be carefully considered. The noise factor is hard to miss, yet some shredder owners can find themselves subject to inspection agency fines, the complaints of neighbors and employee lawsuits because they failed to take sufficient measures to turn down the volume.



Auto shredders powered by motors of up to



4:48

5G 82%

recycling  
today

Shredders increasingly are being enclosed in sheet metal buildings, which can provide environmental and safety benefits as well as alleviate dust- and noise-related nuisance complaints by neighbors. It is unclear, however, how or whether these buildings might trap more sound in the space surrounding the shredder's operator.

Measurements taken for [a 2012 study](#) conducted by California-based [J.C. Brennan & Associates](#) showed that a 60-inch-by-60-inch shredder with a 1,000-horsepower electric motor created noise levels of up to 123 dB in the 2,000 octave band.

[Another study](#), published in 2014 for a shredding plant owner in Ireland, did not record decibel levels at source but showed the 85-dB threshold was at times reached or exceeded at the far edges of the shredder's property.

Shredder operators have long provided either ear plugs or earmuffs (or both in combination) to shredder cabin employees. Either can be effective, though [a 2009 study](#) by the United Kingdom's Health and Safety



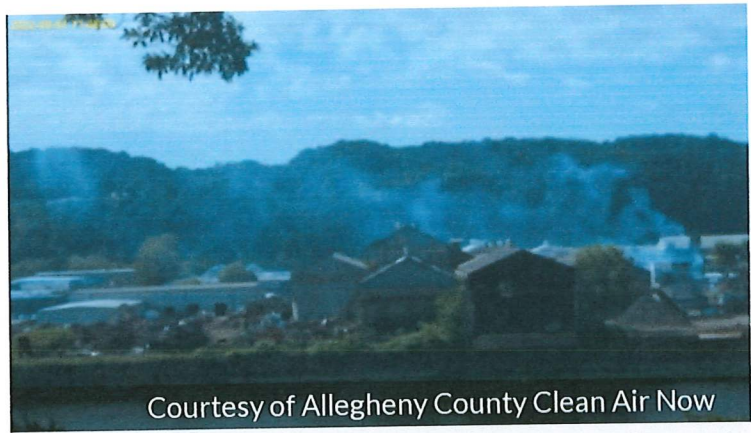




# Pittsburgh-area auto shredder to reduce pollution, fumes and dust after EPA order

## Company must reduce hours, remove fuel and batteries before shredding

Reid Frazier



Courtesy of Allegheny County Clean Air Now

Emissions at Metalico Pittsburgh, September 2021.



FEBRUARY 8, 2023 | 1:18 PM

The EPA has ordered a metal recycler near Pittsburgh to limit its hours of operations and its emissions, after years of complaints about smell, smoke and emissions from the site.

Officials from Metalico Pittsburgh, Inc., which shreds vehicles on Neville Island in the Ohio River, a few miles from Downtown Pittsburgh, signed the order in December. It was finalized in January.

The shredder has been a nuisance for those living nearby, said Angelo Taranto, of Allegheny County Citizens for Clean Air Now, or ACCAN, which has been advocating for the site to be cleaned up for years.

Neighbors have reported periodic explosions and fires at the plant, which





boasts on its website of shredding 6,000 cars a month.

The shredding can result in fires and smoke because the cars may still have fuel and other flammable material in them, Taranto said. As a result, residents have complained about smoke, sound, and the smell of burning plastic.

“It’s been extremely disruptive, particularly for those that are right close to the river,” Taranto said. “It makes people sick. They have to close up their houses in the summer. They can’t let their children out when the odor and the smoke is heavy.”

The EPA consent order limits the company to operating for a maximum of 10 hours per day, or eight hours during an air quality action day, when pollution



levels in the region are forecast to exceed federal health standards.

It also sets production limits for the scrap shredding at the plant of no more than 120 tons per hour, or 240,000 tons per year. The order set a limit on air pollution of no more than 50 tons per year of volatile organic compounds, airborne chemicals that form smog. And it sets additional reporting requirements for the plant.

Company officials did not respond to requests for comment.

Virginia Nurk, an EPA spokeswoman, said in an emailed statement the agency was “satisfied” the order “will bring an added level of human health and environmental protections for those living and working near this Allegheny



5:13

4G 78%



County facility. EPA will continue to work closely with state and local partners to ensure this matter is fully resolved.”

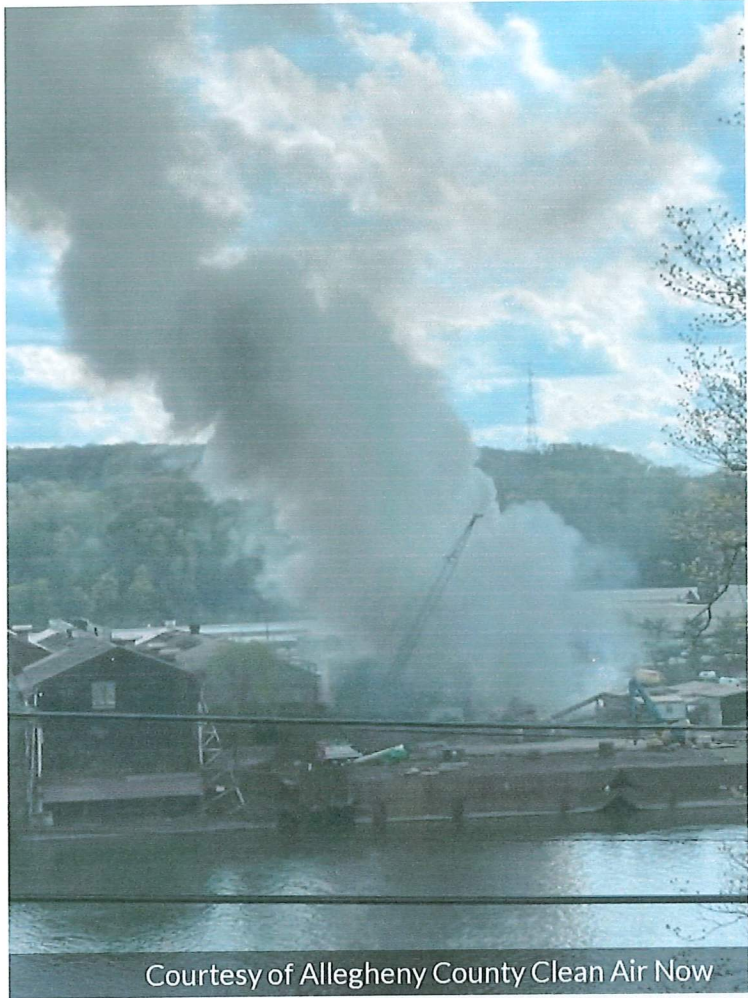
Metalico operates 21 other scrap metal recycling facilities in Pennsylvania, New York, New Jersey, West Virginia, Ohio and Mississippi. It is owned by the Chinese metal recycling firm Ye Chiu Group.





5:13

4G 78%



Courtesy of Allegheny County Clean Air Now

Smoke from a fire coming off Metalico Pittsburgh, April 14, 2021.

Oversight of the plant accelerated after a fire burned for hours in April 2021.

“It burned for over 6 hours, just generating this really horrific, toxic, dark



smoke that blew into (the nearby community of) Emsworth and beyond, forcing people to evacuate their homes. Some people had to stay away overnight,” Taranto said.

The consent order mandates the company write a plan to respond to fires. That includes the use of infrared cameras to scan for signs of fire, fire prevention and response training for staff, and the installation of a “water cannon’ or other fire suppression systems” on-site.

The company also remove flammable substances from cars and trucks before crushing them. The order states the company will drain autos of fuels and fluids, remove batteries from electric cars and hybrids, and take out pressurized hazardous liquid containers

5:13

4G 78%



before shredding. It must also use dust suppression techniques, like water spraying.

The recent consent order comes after an October 2021 notice of violation t EPA sent to the company. Using images from a camera that ACCAN set up near Metalico, the EPA identified several days when visible emissions swept off the site, in violation of the plant's air pollution permits. The EPA also determined the site had the potential to emit at least 50 tons per year of volatile organic compounds or VOCs. That would make it a 'major' source of VOCs, and subject to more stringent regulation.

EPA based its calculations on emissions data from other, similar-sized metal recyclers with shredders, and the





capacity of Metalico’s equipment that shreds flattened cars, appliances, and steel.

Metalico currently has a minor source operating permit from the Allegheny County Health Department, making it subject to fewer regulations than it would be if it were a ‘major’ source.

The EPA’s order allows it to remain a minor source, provided it adheres to the terms set out by the agency. Failing to comply with the order could result in fines for the company.



### Editor's Picks





# PLANNING

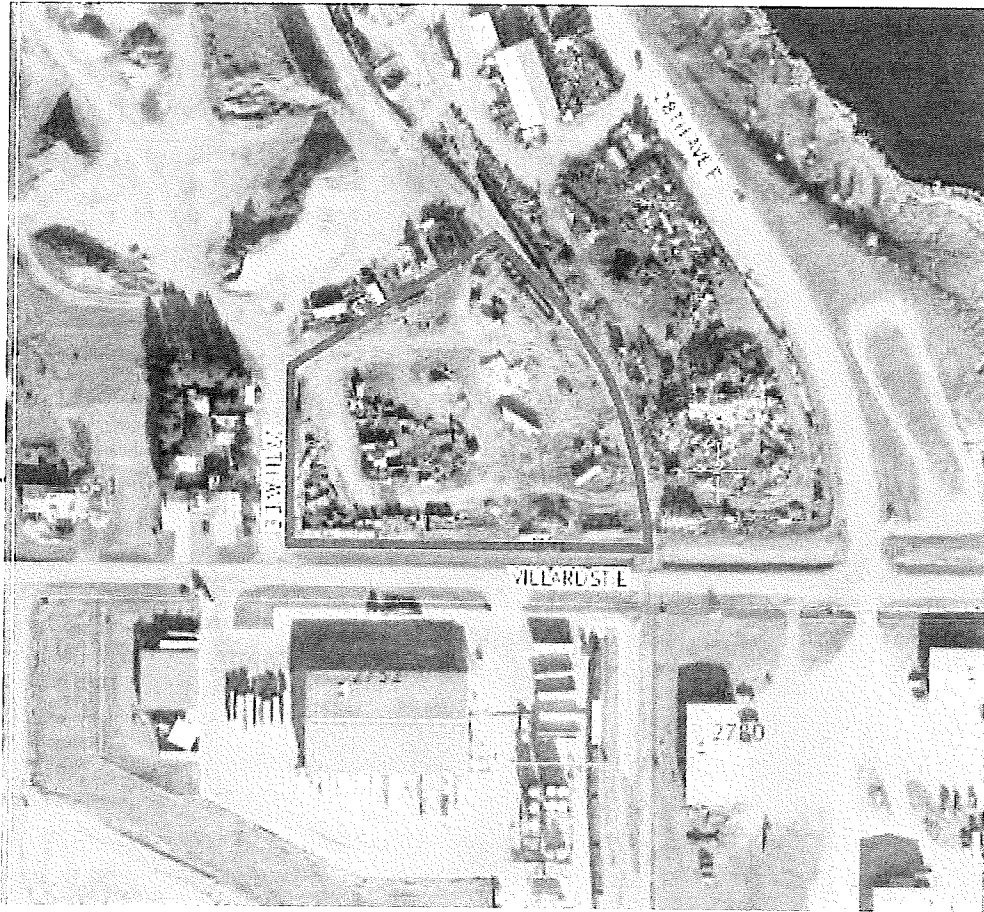
January 5, 2024

\*\*\*Public Notice\*\*\*

RE: Public Hearing before the Planning and Zoning Commission for project: SUP-001-2024

As a property owner within 300 feet of the proposed project you are hereby notified of a public hearing to consider a request for a:

1. **Special Use Permit to allow for a heavy industrial use ("American Pulverizer car shredder") in the General Industrial (GI) zoning district. The property is legally described as Lot 6, Block 2, Energy Center 1<sup>st</sup> Subdivision City of Dickinson, Stark County, North Dakota. This property is located in the City of Dickinson.**



The meeting is scheduled for **January 17<sup>th</sup>, 2024 at 7:10am in the City Hall Commission Room located at 38 1<sup>st</sup> Street W.** This meeting will be live-streamed on [www.dickinsongov.com](http://www.dickinsongov.com). If you have any questions or comments you can call in to the live meeting at 701-456-7006.







# Special Use Permit Staff Report

Section 3. Item C.

To: City of Dickinson Planning and Zoning Commission  
 From: City of Dickinson Planning Department  
 Date: January 10, 2023  
 Re: SUP-001-2024 Robertson Metal Recycling Heavy Industrial Use for a Car Shredder

## OWNER/APPLICANT

Reginald Robertson  
 Robertson Metal Recycling, LLC  
 216 Highway 12 East, PO Box 1236,  
 Hettinger, ND, 58639  
 reggie@robertsonmetal.com  
 (701) 567-2568

<b>Public Hearing</b>	January 17, 2024	Planning and Zoning Commission
<b>Final Approval</b>	January 23, 2024	City Commission

## EXECUTIVE SUMMARY

Description: To consider a request to issue a Special Use Permit for a Heavy Industrial Use to allow an "American Pulverizer" 80 X 104 ft hammermill (metal shredder) to be installed and operated on a property legally described as Lot 6, Block 2, Energy Center 1<sup>st</sup> Subdivision in the W1/2 of Section 1 and N1/2 of Section 12, T139N, R96W, Stark County, North Dakota. The site consists of +/- 2.9 acres. This property is located within the City of Dickinson. The purpose of the equipment is to process car bodies and farm/industrial scrap.

Public Comments: None.

Staff Recommendation: Staff recommends that *if* Planning & Zoning moves to approve SUP-001-2024, the following conditions be attached:

- The Special Use Permit runs with the land and requires an annual compliance review.**

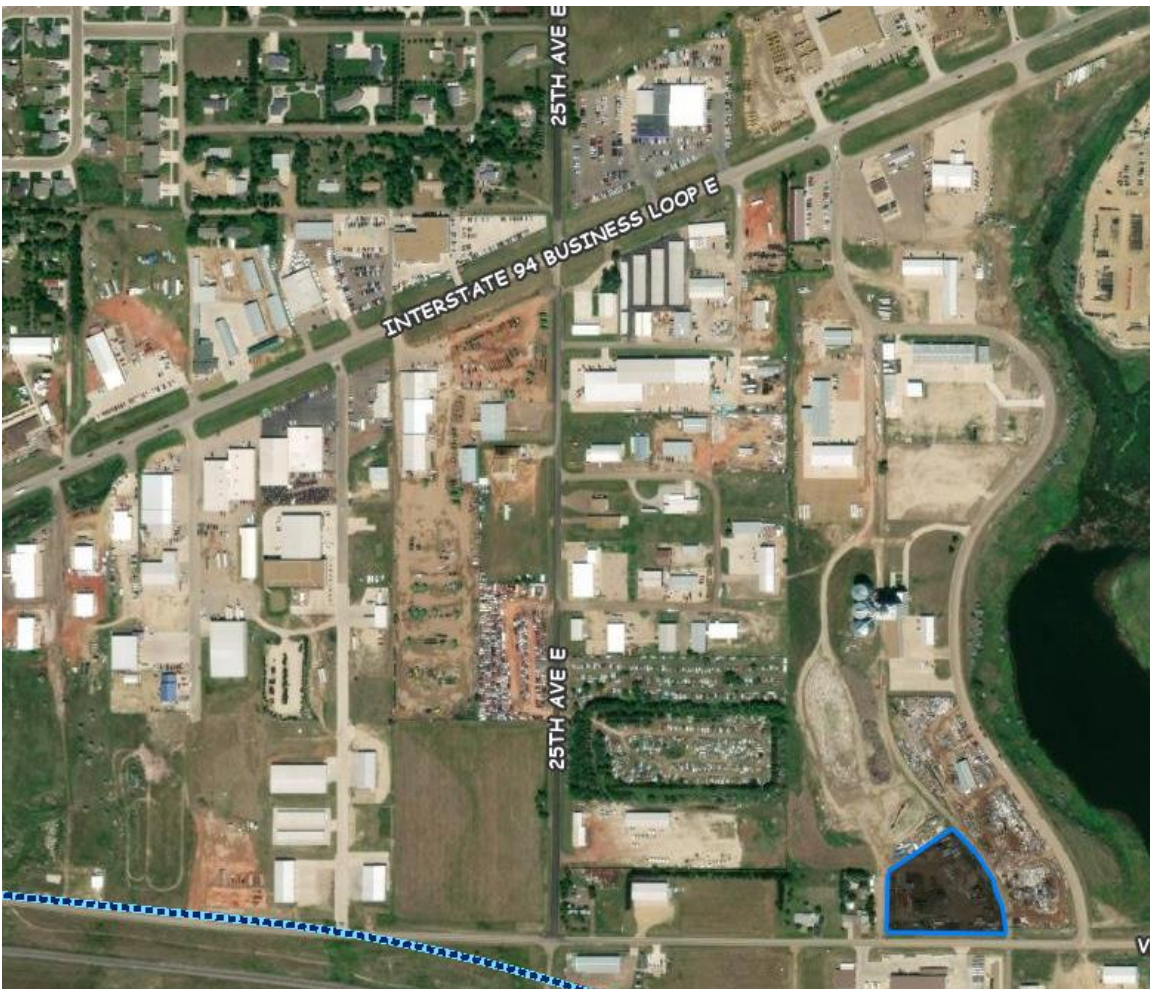
2. Nuisance complaints against the operations, including those relating to noise, vibration, odors, traffic, urban services, will be recorded as part of the annual review of the Special Use Permit. Staff will report any significant findings of nuisance to the Planning & Zoning Commission to consider revocation of the Special Use Permit.

## LOCATION

### Legal Description:

The property proposed for this Special Use Permit is legally described as Lot 6, Block 2, Energy Center 1<sup>st</sup> Subdivision in the W1/2 of Section 1 and N1/2 of Section 12, T139N, R96W, Stark County, North Dakota. The site consists of +/- 2.9 acres. This property is located within the City of Dickinson. The subject parcel is generally located south of the East Business Loop, roughly ¼ mile east of the intersection of Villard Street E and 25<sup>th</sup> Ave E.

### General Location:



<b>CURRENT ZONING</b>	<b>GI</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Industrial</b>
<b>GROSS SITE ACREAGE</b>	<b>2.9 acres</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>GI</b>	Varied secondary-sector industrial uses. Long-term storage of equipment, vehicles, materials, miscellaneous industrial products.
<b>East</b>	<b>GI</b>	Long-term storage of equipment, materials, waste. Regional detention pond.
<b>South</b>	<b>GI</b>	Varied secondary-sector industrial uses. Long-term storage of equipment, vehicles, materials, miscellaneous industrial products.
<b>West</b>	<b>GI</b>	Varied secondary-sector industrial uses. Long-term storage of equipment, vehicles, materials, miscellaneous industrial products. Three legally-non-conforming residential parcels.

**STAFF ANALYSIS & RECOMMENDATION**

An existing scrap operation is located on the subject property. The addition of the equipment as described in the attachments necessitates approval of a special use permit for a heavy industrial use because without proper measures, the potential for noise complaints, vibration complaints, and explosions may greatly increase within the general vicinity.

Documentation provided by the applicant within attachments entitled *Acoustibloc Sound Suppression, Letter to City of Dickinson, and Geotechnical and Engineering Drawings*, narrate the

applicant's measures taken to address potential public confrontations, hazards, and quality-of-life nuisance (noise, vibration, smell, fumes).

The applicant has also addressed various other concerns communicated at the Pre-Application Meeting on November 2, 2023. Topics mentioned include electricity usage, nuisances, screening, traffic impacts, and preservation of pavement quality (assurance of low truck volume). The applicant has also provided a *Letter to City of Dickinson* (Attachment A), which explains the measures they have taken to reduce noisome effects.

According to that letter, the applicant has incorporated the following measures:

- All fluids and contaminants will be removed before being induced in the shredded
  - Thorough inspection of materials prior to shredding
- Sound suppression will be accomplished by use *Acoustibloc* sound suppression barriers (Attachment A)
- Approval from Roughrider Electric Cooperative to consume 8,500 KVA
- Screening measures for vibrations and sound
  - Pre-ordered *Acoustifence* to erect a sound barrier 40 feet high around the shredder box
  - A 20 ft tall steel fence to be erected around Lot 6, where the shredder will be located
- Traffic on site is not expected to generally exceed 5 trucks per day. Materials will be moved primarily within the yard and exit by railroad.
- Approached residential neighbors (within G1 zoning) to purchase the properties but have been turned down.

**A heavy industrial use is described in Section 39.03.009 of the City Zoning Ordinance as follows:**

**g. Heavy Industry**-Enterprises involved in the basic processing, storage, and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

**Regarding Vibrations Limits:**

According to the *Journal of Preservation Technology*, people begin to perceive vibration at around 0.005 in/sec peak particle velocity (PPV).<sup>[2]</sup> The longer a vibration of a given peak velocity lasts,

the more disturbing people find it.<sup>[3]</sup> Construction literature suggests that the damage probability is higher for a given ground vibration PPV associated with construction work than for the same PPV velocity associated with blasting.<sup>[24]</sup>

\* The applicant suspects limited incidents of propane tank explosions, as indicated in the transmittal letter. Staff does not recommend establishing a numerical threshold regarding explosion frequency. Instead, staff recommends submitting any complaints filed against the applicant to be attached to the annual Special Use Permit review.

**Regarding Decibel Limits:**

According to Section 24.12 Noise Levels—Zoning Districts;

*“It shall be unlawful to project a sound or noise, excluding noise emanating from a motor vehicle, from one property into another or within the boundary of a use district, which exceeds the limiting noise criteria set forth in Table 1...”*

Table 1. establishes industrial zoning dB limits as such:

7:00 a.m. – 11:00 p.m.	80dB
11:00 p.m. – 7:00 a.m.	75dB

The above table is based upon average daily operational noise. Because the land use described by the staff report may cause blasting-type noise in addition to a static source, code enforcement may need to rely on subjective disturbance criteria, on a complaint-by-complaint basis, dependent upon the observations and testimony of witnesses and/or a code enforcement officer. As described within the recommended conditions for approval, such complaints would be recorded and attached to the annual review, informing future recommendations to the Planning & Zoning Commission regarding potential revocation of the Special Use Permit.

**Compatibility with Local Uses**

Staff cannot guarantee compatibility with adjacent General Industrial- zoned properties; heavy industrial uses require special use permits because they may exceed duly established limitations to industrial intensity within the ETZ. However, if the Planning & Zoning and City Commissions approve of this land use, there are likely very few comparatively better locations which could be chosen within the ETZ. The subject property is embedded within the GI zoning district, as exhibited by the attached zoning map (Appendix B).



### **Compliance with Zoning and Subdivision Regulations**

If approved, the subject parcel will comply with requirements as set forth by Articles 39 Zoning and 34 Subdivision. According to Table 4-2, Heavy Industry within the General Industrial zoning district requires approval of a special use permit.

### **Public Input**

Staff has received comments from one individual which has been added to attachments. Staff has contacted the manufacturer to request clarification regarding the claims submitted by the individual.

### **Staff Recommendation**

City Staff lacks information necessary to recommend either approval or denial. The proposed land use would satisfy all of the municipal code's basic requirements to apply for a special use permit within a GI zoning district. Staff lacks the necessary empirical basis to recommend approval because the local economic impact is indeterminable and the conclusions pertaining to equity may be highly subjective.

Local economic benefit generated by this enterprise may affect a relatively small number of local employees/residents, as the service collects regional material, processes it, and discharges it. While providing a link within an industrial process, this site appears to serve as a staging ground but primarily provides a service to extant communities. To the extent that service is utilized locally, it may or may not justify the alteration to quality of life in the area. As an economic impact consideration, relative to the size of the potential quality of life impact, staff concludes the outcome is probably neutral or detrimental.

There is likewise no empirical basis to recommend denial because the potential for nuisance is not fully understood. The nearby residents have submitted prior complaints and the applicant has unsuccessfully attempted negotiating the purchase of that residential property. That residence was first constructed in 1927.

If a special use permit is to be approved for this use within City limits, this location would be generally favorable compared to other areas. Therefore, Planning & Zoning might first determine if this is a land use desired within city limits at all and then decide whether approval is fair to the adjacent residential development, which preceded this General Industrial zoning district.

If the Board votes to approve this application, Staff proposes approval subject to the following conditions.

- 1. The Special Use Permit runs with the land and requires an annual compliance review.**
- 2. Nuisance complaints against the operations, including those relating to noise, vibration, odors, traffic, urban services, will be recorded as part of the annual review of the Special Use Permit. Staff will report any significant findings of nuisance to the Planning & Zoning Commission to consider revocation of the Special Use Permit.**

Matthew Galibert, City Planner



**\*\*\*Approval\*\*\***

I move the City of Dickinson Planning and Zoning Commission recommend Approval of **SUP-001-2024** Robertson Metal Recycling, LLC Special Use Permit, 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.

(AND) the following additional requirements **(IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE)**:

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

I move the Dickinson Planning and Zoning Commission recommend Denial of **SUP-001-2024** the Robertson Metal Recycling, LLC Special Use Permit petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.



## APPENDICES

### Appendix A. References

1. *Vibration Limits for Historic Buildings and Art Collections*, Arne P. Johnson and W. Robert Hannen, *Journal of Preservation Technology*, 46:2-3, 2015, pp 66.74
2. *Structure Response and Damage Produced by Ground Vibration From Surface Mine Blasting*, D.E. Siskind, M. S. Staff, J. W. Kopp, and C. H. Dowding, United States Bureau of Mines Report of Investigations 8507 (USBM RI 8507), 1980, p. 62, *et seq.*
3. *A qualitative estimate of the damage probability*, applicable to the Swiss standards for construction vibration damage, has been published: "For peak particle velocities twice as high as the given guide values damage is to be expected." *Swiss Standard for Vibrational Damage to Buildings*, J. Studer and A. Susstrunk, *Proceedings, X. Int. Conf. ISSMFE, Stockholm, Vol. 3.*, p. 308 (1981).  
(U.S. FTA adopts the same Swiss numerical limits. A scientific paper on the Swiss standards indicates that damage is "to be expected" when the vibration level is at twice the Swiss limit. Thus, those who use the OSM standard for construction situations, at nearly four times the Swiss limit for construction. This may go a long way toward explaining why damage commonly occurs when people try to apply blasting vibration standards in non-blasting construction situations.)

### Appendix B. Zoning Map



#### Zoning Classification

	Planned Unit Development - PUD
	Community Commercial - CC
	Downtown Commercial - DC
	General Commercial - GC
	Limited Commercial - LC
	General Industrial - GI
	Limited Industrial - LI
	Low Density Residential - R1
	Medium Density Residential - R2
	High Density Residential - R3
	Rural Residential - RR
	Mobile Home - MH
	Public - P
	Agricultural - AG

## ATTACHMENTS

- *Letter to City of Dickinson*
- *Acoustibloc Sound Suppression Brochure*
- *Geotechnical and Engineering Drawings*

**From:** Jotform  
**To:** [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Loretta Marshik](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)  
**Subject:** Re: Unified Development Application  
**Date:** Thursday, November 30, 2023 5:01:09 PM  
**Attachments:** [5771980180019150911\\_signature\\_23.png](#)  
[231222\\_FLUM Map\\_2023-11-27.pdf](#)  
[231222\\_Plat-PRELIM\\_2023-11-27.pdf](#)  
[231222\\_Transmittal-FLUM\\_2023-11-30.pdf](#)  
[231222\\_Zoning Map\\_2023-11-27.pdf](#)  
[Pre-Application Letter\\_202311SFS.docx.pdf](#)  
[3179451\\_Warranty Deed.pdf](#)  
[231222\\_Owner Signature\\_2023-11-29.pdf](#)  
[5771980180019150911\\_signature\\_23.png](#)



## Unified Development Application

Have you met with Planning Staff regarding your application? **Yes**

Please upload the letter or counseling form you received following your pre-application meeting: [Pre-Application Letter 202311SFS.docx.pdf](#)

Name: Aaron Grinsteiner

Company: Venture Commercial, LLC

Applicant Email: venturehomesnd.aaron@gmail.com

Applicant Phone #: (701) 290-1298

Applicant Representative (if applicable): Andrew Schrank

Applicant Representative Company: Highlands Engineering

Applicant Representative Email: schrank@highlandseng.com

Applicant Representative Phone #: (701) 483-2444

Type of Development: **Future Land Use Map Amendment**

Owner Name: Venture Commercial, LLC

Owner Address PO Box 1316, Dickinson, ND, 58602

Owner Email venturehomesnd.aaron@gmail.com

Owner Phone # (701) 290-1298

Is the owner present to Sign No

Owner Signature Upload [231222\\_Owner Signature\\_2023-11-29.pdf](#)

Will this application require any other action to complete the development? Yes

Metes and Bounds Description Lots 4-8, Block 1, State 9th Addition to the City of Dickinson, Stark County, ND.

	1/4 Section	Township	Range
Description	5	139	96

Legal - Lot/Block/Addition	Lot	Block	Addition
Description	4-8	1	State 9th Addition

Property Address / General Project Location Property is generally located directly east of the Sanford Health Clinic between Fairway Street and 8th Street W.

Total Square Footage or Acreage of Subject Property 1.27 acres

Proposed Month for Consideration January

Existing Future Land Use Map Category Commercial

Proposed Future Land Use Map Category Residential

Existing Zoning CC - Community Commercial

Existing Use Vacant/Undeveloped

Overlay District Description n/a

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 750

Required Documentation Upload [231222\\_FLUM Map\\_2023-11-27.pdf](#)  
[231222\\_Plat-PRELIM\\_2023-11-27.pdf](#)  
[231222\\_Transmittal-FLUM\\_2023-11-30.pdf](#)  
[231222\\_Zoning Map\\_2023-11-27.pdf](#)

Deed for Property [3179451\\_Warranty Deed.pdf](#)

Application Fees Applicable Fees 750.00 USD

Total: \$750.00

Transaction ID: 1xqh2ha3

==Payer Info==

First Name Andrew  
Last Name Schrank

Applicant Signature



Date 11-30-2023

You can [edit this submission](#) and [view all your submissions](#) easily.

# FLM-001-2024

## Future Land Use Map Amendment

### Commercial to Residential







## Transmittal Letter

**To:** Matthew Galibert – City Planner  
City of Dickinson  
38 1<sup>st</sup> Street West  
Dickinson, ND 58601

**From:** Andrew Schrank, PE  
Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601  
701.483.2444  
schrank@highlandseng.com

**Date:** November 30, 2023

**Re:** FLUM Application – State 9<sup>th</sup> Addition

**Message:** Enclosed you will find the following FLUM application documents for the above referenced project being submitted for consideration at the January 17<sup>th</sup> Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Written Statement (included, below) per Policy 1.3.3. of the Comprehensive Plan
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Proposed FLUM Changes
- Map of Proposed Zoning Changes
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses/Buildings

### **FLUM Requested Change**

The applicant is requesting a change from Commercial to Residential for the area described by this application.

**office** 701 483 2444  
**fax** 701 483 2610

**email** info@highlandseng.com  
**web** www.highlandseng.com

Highlands Engineering & Surveying, PLLC  
319 24th Street East | Dickinson, ND 58601



### Legal Description of Proposed FLUM Changes

The legal description provided is the future legal description that would be effective after the proposed final plat for State 9<sup>th</sup> Addition is recorded. This description is desired rather than the current metes and bounds descriptions to ensure that it matches final boundaries shown by this plat even if minor lot line changes are requested or required during the final plat approval process over the next few months. It is acceptable to the applicant if the City needs to make this FLUM approval contingent on the Final Plat approval.

- Lots 4-8, Block 1, State 9th Addition to the City of Dickinson, Stark County, ND

### Project Description

This FLUM amendment will allow for the subsequent zone change request and subdivision plat for State 9<sup>th</sup> Addition, which is the replat of Lots 4-6, Block 1, State 8<sup>th</sup> Addition. As part of this development, the applicant desires to decrease the commercial area within this property by creating new residential development along the southern ±109-feet of these lots as shown by the enclosed FLUM. The owner also plans to subdivide this property as shown by the enclosed preliminary plat drawings for State 9<sup>th</sup> Addition.

Based on the owner’s market analysis, they have found that the desire for commercial property in the Dickinson area is for smaller commercial lots rather than the currently platted ±1-acre lots within this site. They have also found that a demand exists for additional residential property in the States Addition area. Therefore, this FLUM amendment will decrease the commercial property within these three (3) lots to ±0.6-acres each by creating five (5), ±0.25-acre lots along the southern ±109-feet of this site. The proposed zoning for these lots is High Density Residential (R3), although it is anticipated that these lots will contain either duplexes or single-family residences. The R3 zoning designation will decrease the required setbacks and buffer yards between these lots and the adjacent commercial zoning to maximize the buildable area within these residential lots.

### Written Statement per Policy 1.3.3. of the City’s Comprehensive Plan

#### Impact to the Future Land Use Map (FLUM)

This application would revise the FLUM from Commercial to Residential within the proposed Lots 4-8, Block 1, State 9<sup>th</sup> Addition as shown by the enclosed FLUM Changes map.

#### Consistency with the Comprehensive Plan policies and all other City plans

This application is consistent with the current Comprehensive Plan policies. Approving this FLUM amendment will allow for the subsequent zone change and subdivision plat applications to be consistent with the City’s ordinances if these applications are approved as proposed.

#### Availability of city infrastructure to serve the property in which the Future Land Use Map amendment is requested

Existing 6” water service and 6” sanitary sewer service lines are stubbed to the southern edge of the existing three (3) lots from the existing 8” mains within 8<sup>th</sup> Street W. A 12” water main and 8” sanitary sewer main are also present within Fairway Street. These existing utilities are shown on the preliminary plat drawing.

New water and sewer service line connections will be required for the proposed Lots 5 and 7, Block 1, State 9<sup>th</sup> Addition. Furthermore, if any multi-family residences are constructed in these southern residential lots, additional water and sanitary sewer service lines will be required for each additional unit if the units are to have separate ownership. Additional service lines to the residential lots from the existing mains in 8<sup>th</sup> Street W will be constructed by the future developer at the time of building permit application for the residence since the number of service lines required is currently unknown.

The three (3) commercial lots on the north side of this development will require new water and sanitary sewer service lines. These service lines will be connected to the existing mains in Fairway Street and stubbed to these lots by the current owner/developer. These connections will require some patching of Fairway Street, which will be minimized as much as feasible.

#### Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure

As discussed previously, additional water and sanitary sewer service lines will be required to serve these lots. However, this cost will be paid by the future developer. A left turn lane in the median of Fairway Street is also proposed by the developer to provide improved access to the commercial lots on the north side of this property. Again, if this turn lane is allowed by the City, the full cost would be paid by the current owner/developer.

No other off-site infrastructure improvements are proposed for this development. Therefore, this proposal will have no cost to the City since it is located along existing thoroughfares and infrastructure.

Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations

The proposed FLUM change will replace the existing commercial designation with a residential designation. With the existing residential designations and residential development located directly south of this property, this change will be consistent with abutting designations to the south.

Extent to which the future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development

Based on the developer's market analysis for this property, it was found that this area has remained undeveloped since it was platted in 2011 due, at least in part, to the limited market for 1-acre commercial property. They also found that there is a demand for additional housing within this State Addition area. By reducing the size of the commercial lots and adding additional residential lots, the developer can meet these market needs within a largely developed area of Dickinson. This proposal will help promote infill development within the City in an area with public infrastructure already in place.

Whether the first two phase of the Capital Improvement Program include programmed improvements in the area where the Future Land Use Map amendment is proposed

A water storage tank on the NW side of Dickinson and new transmission line along the West I-94 Business Loop was proposed to increase the available water flow to this area as part of the Comprehensive Plan Planning Period 1 (2013-2016). These improvements have been completed.

A proposed trail along Fairway Street north of this property was proposed as part of Comprehensive Plan Phase 2 (2016-2017). This trail has been constructed.

No other required improvements were found in our analysis of the comprehensive plan.

Short-term and long-term fiscal impacts to the City of approving the Future Land Use Map amendment

This proposal will not have any increased short-term or long-term costs to the City. The public infrastructure to serve this development is already in-place, and any increase in infrastructure usage or demand created by this development will be negligible in comparison to the previously planned commercial designation.

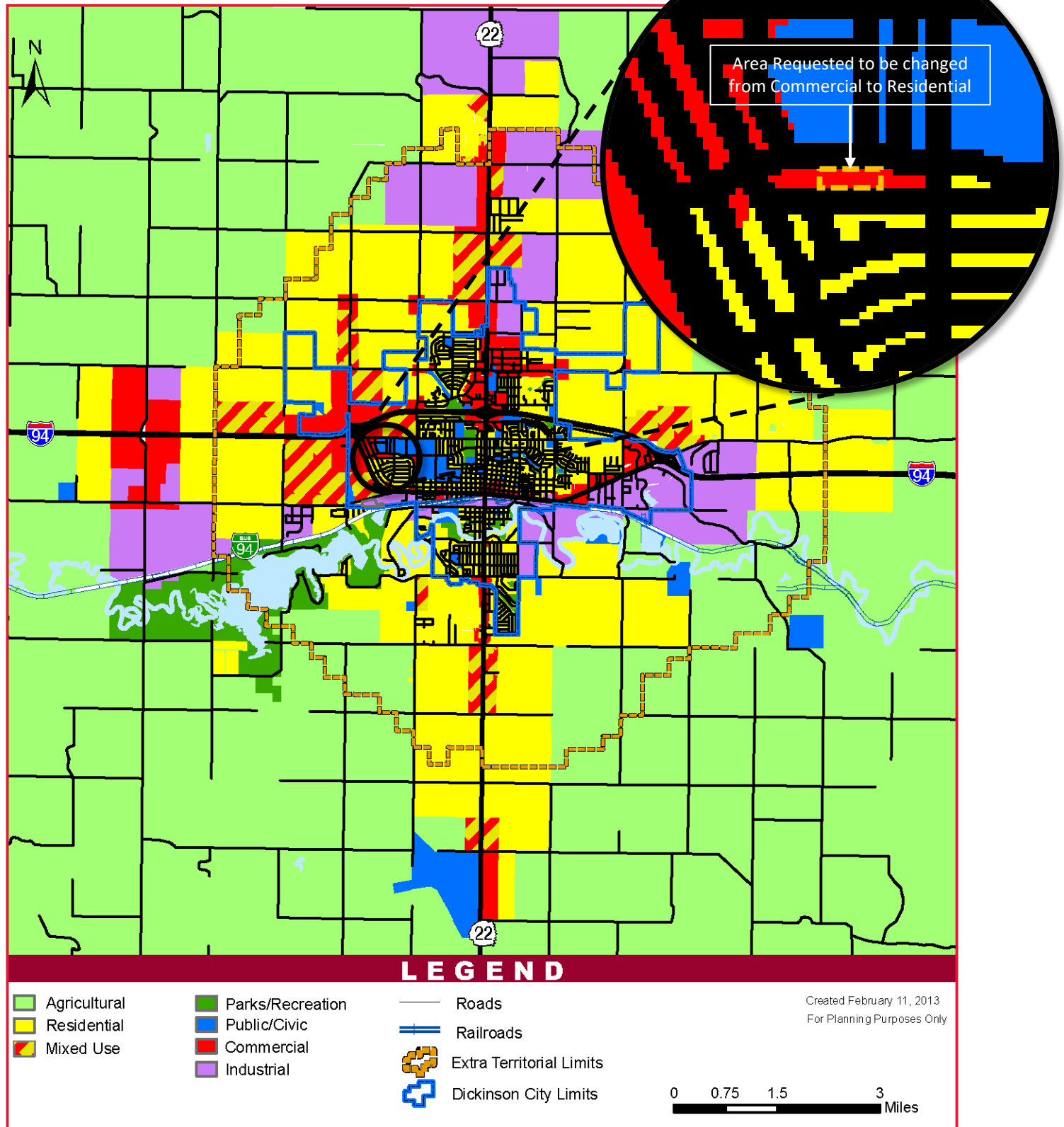
The City will benefit from this proposal as development of this property will create additional property tax, and potentially additional sales tax from the commercial areas. The developer already has commitments from parties interested in purchasing and building within these lots if this request is approved. Therefore, it is anticipated that the additional property tax revenues could be generated within 1-2 years of the approval of this request.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



**Andrew Schrank, PE, CFM**  
**Highlands Engineering**

Figure 2: City of Dickinson Future Land Use Map



SOURCE: KLJ





## State 9<sup>th</sup> FLUM Amendment Staff Report

**To:** City of Dickinson Planning & Zoning Commission  
**From:** City of Dickinson Planning Department  
**Date:** January 8, 2024  
**Re:** **FLM-001-2024 State 9<sup>th</sup> Addition FLUM Amendment - Commercial to Residential**

### OWNER/APPLICANT

Venture Commercial, LLC  
 P.O. Box 1316  
 Dickinson, ND, 58601  
 Venturehomesnd.aaron@gmail.com  
 701 290 1298

### APPLICANT'S REPRESENTATIVE

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Schrank@highlandseng.com  
 701 483 2444

<b>Public Hearing</b>	January 17, 2024	Planning and Zoning Commission
<b>Public Reading</b>	February 20, 2024	City Commission
<b>Final Consideration</b>	March 5, 2024	City Commission

## EXECUTIVE SUMMARY

### Legal Property Description Based on Current Plat

To consider a zoning map amendment for portions of Lots 4, 5, and 6, Block 1 of State 8<sup>th</sup> Addition Subdivision, as shown in this staff report, from CC to R-3 in Section 5, T139N, R96W, of the 5<sup>th</sup> Principal Median, City of Dickinson, Stark County, North Dakota.

### Request

To amend the Future Land Use Map (FLUM) for Lots 4-8 of the proposed State 9<sup>th</sup> Addition Subdivision, which is a pending re-plat of State 8<sup>th</sup> Addition. The applicant seeks to retain the Commercial FLUM designation along the north of the property whilst amending the south portion to Residential, along 8<sup>th</sup> Street W on the south face of the block.

### Staff Recommendation

Approval.

A companion request to rezone the subject properties from Community Commercial (CC) to High Density Residential (R-3) (REZ -001-2024) is also scheduled for public hearing at this Planning and Zoning Commission meeting. Final approval of REZ-001-2024 is contingent upon final approval of the proposed Future Land Use Map amendment.

A companion request for a preliminary plat of the proposed State 9<sup>th</sup> Addition Subdivision, as previously referenced in this document, is also scheduled for public hearing at this Planning and Zoning Commission meeting.

### LOCATION

The property to be rezoned corresponds to lots of a pending major plat application, PLP-001-2024. If approved, the property being rezoned would be described as Lots 4-8, Block 1, of the proposed State 9<sup>th</sup> Addition Subdivision. The proposed lots to be rezoned total approximately 1.2 acres. This property is located immediately to the north side of 8<sup>th</sup> Street West and adjacent to the Sanford West Dickinson Clinic. It is situated approximately 350 ft west of 23<sup>rd</sup> Ave W and 1,150 ft east of the I-94 West Business Loop.



<b>CURRENT ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.2 acres</b>
<b>LOTS PROPOSED</b>	<b>8</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	CC / PUD	Undeveloped commercial / Hospital, medical services
East	CC	Undeveloped commercial
South	R-2	Developed residential neighborhood
West	CC	Medical clinic

**STAFF ANALYSIS**

Staff has determined that the FLUM designations set forth by the Comprehensive Plan for this property in this area are generally positive. Approval of FLM-001-2024 and its companion applications is necessary to achieve residential development along the 8<sup>th</sup> Street W local road.

The adjacent medical offices and hospital contribute to a barrier effect in terms of development. The associated parking lots span considerable land area, which affects the viability of surrounding development. However, this neighborhood provides additional amenities which may eventually overcome this effect. Approving applications such as this, where the solutions are directionally correct in following the Comprehensive Plan’s goals, may increase the likelihood of positive local development. For example, residential, hospitality, and retail development synergize with recreational and social amenities such as West River Community Center and Rocky Butte Park. However, those offers must overcome negative development pressures such as long blocks and nearby land dedicated extensively to unnecessary buffer yards and parking allocation.

Approval of this request would serve to improve the FLUM because it improves the probability for the original intent of the FLUM to be realized.

## **COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

### **Compatibility with Local Uses**

In contrast to the current zoning map, FLUM compatibility can only be understood in a general sense. There are no issues of incompatibility, as the request would not result in any overt or abstract land use conflicts or transportation planning constraints.

Currently, this property is zoned for Community Commercial, which is the most compatible commercial zone for the subject property. However, the FLUM designation is Commercial, permitting all commercial zoning districts, even if GC would be incompatible. An amendment to designate residential zoning for this location on the FLUM would prevent any possibility for comparatively noisome commercial development as no residential zoning district is seen as conflicting with other residential district types. In a sense, a FLUM amendment would decrease the likelihood for large parking lots and outdoor equipment storage while enabling possibilities for the provision of additional housing stock. While CC development at this location would be generally compatible, other commercial districts would not. All residential zoning types, however, fit the character and pattern of the neighborhood at the location.

### **Compliance with the Comprehensive Plan**

Policy 1.3.4 of the Chapter 4 Land Use of the City of Dickinson Comprehensive Plan states the following:

The City shall review FLUM amendments applications and shall take into consideration and record as findings of fact in an ordinance that approves a requested Future Land Use Map Amendment the following factors:

- Impact to the FLUM.
- Consistency with comprehensive plan policies and all other city plans.
- Availability of city infrastructure to serve the property in which the FLUM amendment is requested.
- Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure.
- Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations.

- Extent to which the requested future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development.
- Whether the first two phases of the Capital Improvement Program include programmed improvements in the area where the FLUM amendment is proposed.
- Short-term and long-term fiscal impacts to the City of approving the FLUM amendment.

Staff has reviewed the applicant's responses to Policy 1.3.4, and staff concurs with those responses. Therefore, staff finds the request in compliance with the Comprehensive Plan.

**Public Input:** As of the date of this report, City staff has not received any public comments.

**Staff Recommendation:** The City Development Team staff recommends **approval** of this rezone petition.



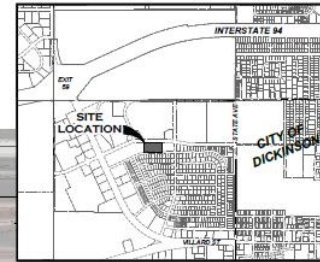
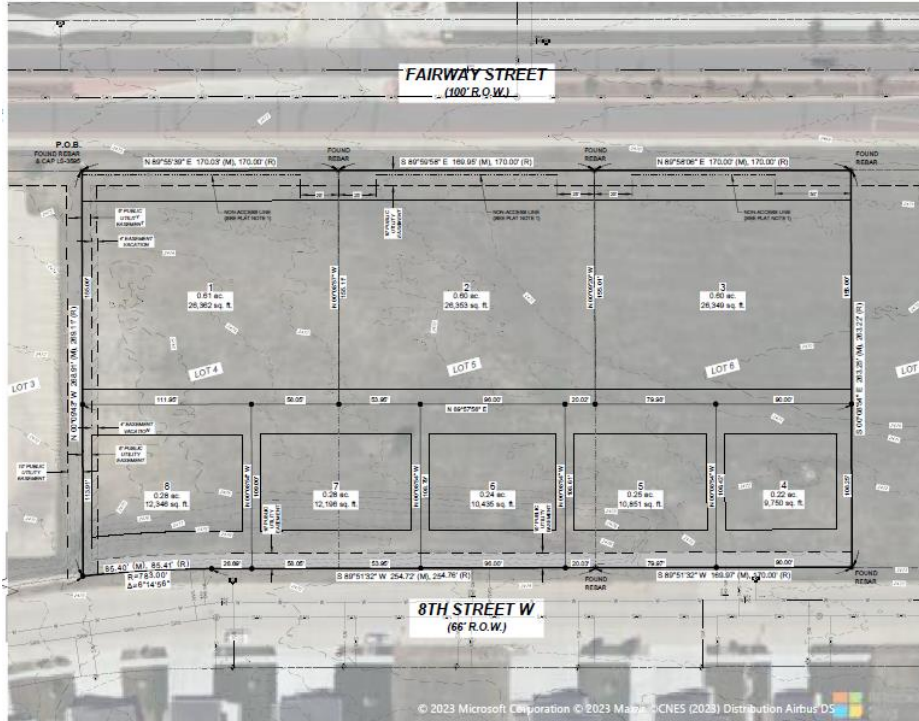
Matthew Galibert, City Planner



**APPENDICES**

**Appendix A - Preliminary Plat (Cropped)**

**STATE 9TH ADDITION**  
BEING THE REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF STATE EIGHTH ADDITION  
SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**VICINITY MAP**  
(1" = 1/4 MILE)

**LEGEND**

- PROPERTY BOUNDARY
- PROPOSED BLOCK LINES
- PROPOSED LOT LINES
- EXISTING LOT LINES
- EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #1, 18-INCH REBAR & CAP STAMPED HIGH-LAND L&S&P
- NON-ACCESS LINE
- EXISTING EASEMENTS
- PROPOSED PUBLIC UTILITY EASEMENTS
- PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
- MAJOR CONTOURS
- MINOR CONTOURS
- BUILDING SETBACK LINES

**MINIMUM BUILDING SETBACKS - COMMUNITY COMMERCIAL (CC)**

- 1) FRONT YARD: 5-FEET
- 2) REAR YARD: 10-FEET
- 3) INTERIOR SIDE YARD: 5-FEET

**MINIMUM BUILDING SETBACKS - MULTI-FAMILY RESIDENTIAL (R3)**

- 1) FRONT YARD: 5-FEET
- 2) REAR YARD: 10-FEET
- 3) INTERIOR SIDE YARD: 5-FEET

**Appendix B - Zoning Map**



**Zoning Classification**

- Planned Unit Development - PUD
- Community Commercial - CC
- Downtown Commercial - DC
- General Commercial - GC
- Limited Commercial - LC
- General Industrial - GI
- Limited Industrial - LI
- Low Density Residential - R1
- Medium Density Residential - R2
- High Density Residential - R3
- Rural Residential - RR
- Mobile Home - MH
- Public - P
- Agricultural - AG

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-001-2024** as being compliant with the City of Dickinson Comprehensive Plan and also being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLM-001-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan and as being contrary to interest of the public health, safety and welfare."*

**From:** Jotform  
**To:** [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Loretta Marshik](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)  
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[3179451 Warranty Deed.pdf](#)  
[231222 Owner Signature 2023-11-29.pdf](#)  
[5771984210018591453 signature\\_23.png](#)



## Unified Development Application

Have you met with Planning Staff regarding your application? **Yes**

Please upload the letter or counseling form you received following your pre-application meeting: [Pre-Application Letter 202311SFS.docx.pdf](#)

Name: Aaron Grinsteiner

Company: Venture Commercial, LLC

Applicant Email: venturehomesnd.aaron@gmail.com

Applicant Phone #: (701) 290-1298

Applicant Representative (if applicable): Andrew Schrank

Applicant Representative Company: Highlands Engineering

Applicant Representative Email: schrank@highlandseng.com

Applicant Representative Phone #: (701) 483-2444

Type of Development: Rezoning - Zoning Map Amendment

Owner Name: Venture Commercial, LLC

Owner Address: PO Box 1316, Dickinson, ND, 58602

Owner Email venturehomesnd.aaron@gmail.com

Owner Phone # (701) 290-1298

Is the owner present to Sign **No**

Owner Signature Upload [231222\\_Owner Signature\\_2023-11-29.pdf](#)

Will this application require any other action to complete the development? **Yes**

Metes and Bounds Description Lots 4-8, Block 1, State 9th Addition to the City of Dickinson, Stark County, ND.

	1/4 Section	Township	Range
Description	5	139	96

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	4-8	1	State 9th Addition

Property Address / General Project Location Property is generally located directly east of the Sanford Health Clinic between Fairway Street and 8th Street W.

Total Square Footage or Acreage of Subject Property 1.27 acres

Existing Zoning **CC - Community Commercial**

Proposed Zoning **R3 - High Density Residential**

Rezone Calc Multiplier 1

Overlay District Description n/a

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Required Documentation Upload [231222\\_Plat-PRELIM\\_2023-11-27.pdf](#)  
[231222\\_Transmittal-REZONE\\_2023-11-30.pdf](#)  
[231222\\_Zoning Map\\_2023-11-27.pdf](#)

Deed for Property [3179451\\_Warranty Deed.pdf](#)

Application Fees	Applicable Fees	350.00 USD
	Total:	\$350.00
	Transaction ID:	8g6m7b3p

==Payer Info==  
First Name Andrew  
Last Name Schrank

Applicant Signature



Date 11-30-2023

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# REZ-001-2024

## Lots 4-8, Block 1, State 9<sup>th</sup> Addition Community Commercial (CC) to High-Density Residential (R-3)





## Transmittal Letter

**To:** Matthew Galibert – City Planner  
City of Dickinson  
38 1<sup>st</sup> Street West  
Dickinson, ND 58601

**From:** Andrew Schrank, PE  
Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601  
701.483.2444  
schrank@highlandseng.com

**Date:** November 30, 2023

**Re:** Rezone Application – State 9<sup>th</sup> Addition

**Message:** Enclosed you will find the following Rezone application documents for the above referenced project being submitted for consideration at the January 17<sup>th</sup> Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Purpose Statement for the Zone Change
- Legal Descriptions (included, below) for the Proposed Zoning
- Warranty Deed for the Property
- Map of Proposed Zoning Changes
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses/Buildings

### Rezoning Request

The applicant is requesting a change from Community Commercial (CC) to High Density Residential (R3) for the area described by this application.

**office** 701 483 2444  
**fax** 701 483 2610

**email** info@highlandseng.com  
**web** www.highlandseng.com

Highlands Engineering & Surveying, PLLC  
319 24th Street East | Dickinson, ND 58601

### Legal Description of Proposed Zoning Designations

The legal description provided is the future legal description that would be effective after the proposed final plat for State 9<sup>th</sup> Addition is recorded. This description is desired rather than the current metes and bounds descriptions to ensure that it matches final boundaries shown by this plat even if minor lot line changes are requested or required during the final plat approval process over the next few months. It is acceptable to the applicant if the City needs to make this rezoning approval contingent on the Final Plat approval.

- Lots 4-8, Block 1, State 9th Addition to the City of Dickinson, Stark County, ND

### Purpose Statement

Based on the owner’s market analysis, they have found that the desire for commercial property in the Dickinson area is for smaller commercial lots rather than the currently platted ±1-acre lots within this site. They have also found that a demand exists for additional residential property in the States Addition area. Therefore, this FLUM amendment will decrease the commercial property within these three (3) lots to ±0.6-acres each by creating five (5), ±0.25-acre lots along the southern ±109-feet of this site. The proposed zoning for these lots is High Density Residential (R3), although it is anticipated that these lots will contain either duplexes or single-family residences. The R3 zoning designation will decrease the required setbacks and buffer yards between these lots and the adjacent commercial zoning to maximize the buildable area within these residential lots.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!

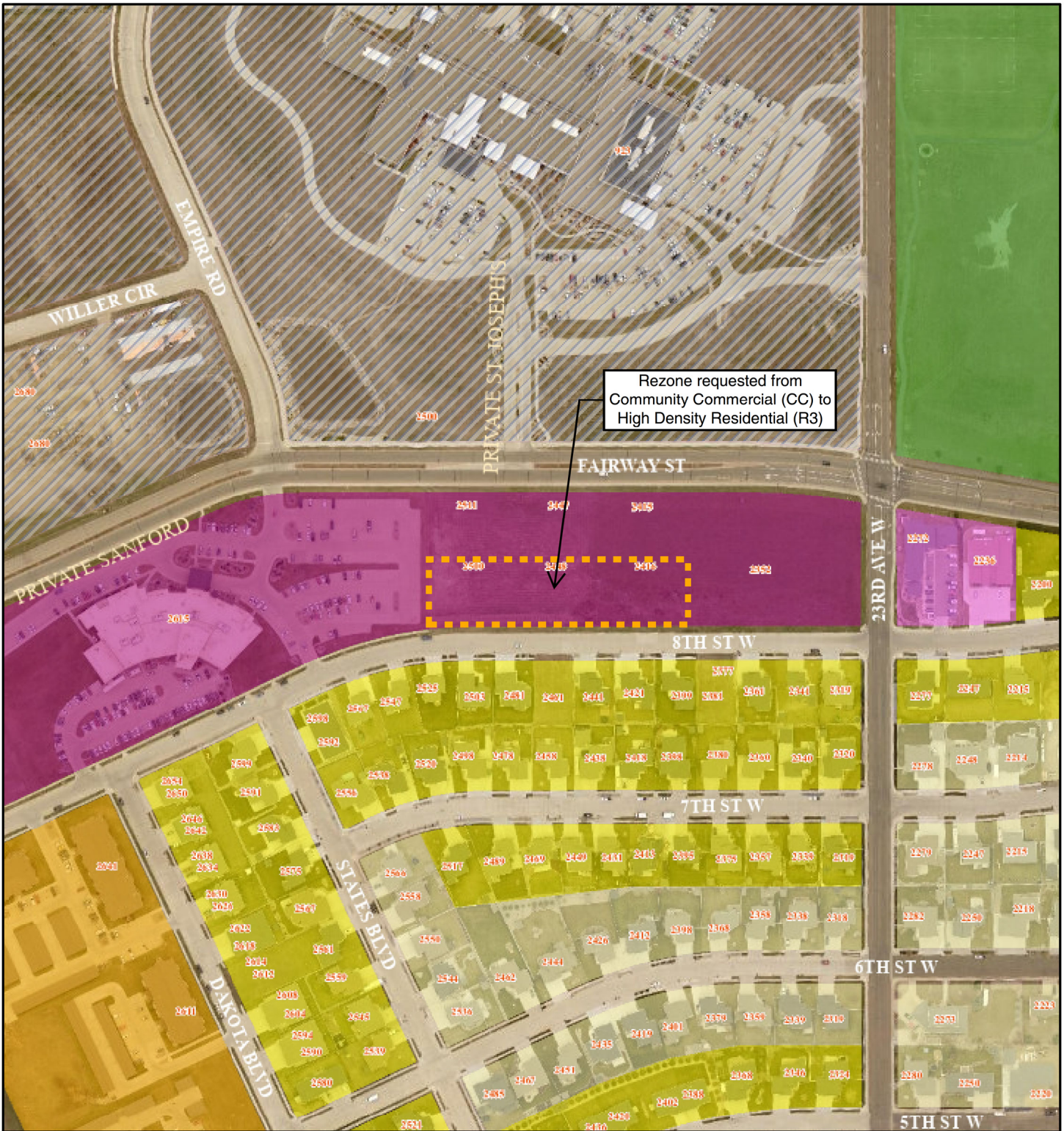


**Andrew Schrank, PE, CFM**  
**Highlands Engineering**



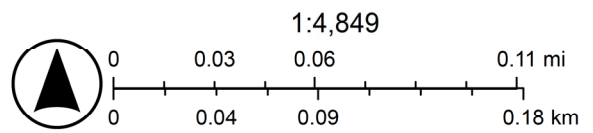
# Dickinson Zoning Information Map

Section 3. Item E.



11/27/2023

- House Numbers
- Public Street Names 8K
- Private Street Names
- Dickinson Zoning
  - Planned Unit Development - PUD
  - Community Commercial - CC
  - Limited Commercial - LC
  - Low Density Residential - R1
  - Medium Density Residential - R2
- High Density Residential - R3
- Public - P
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 1.2m Resolution Metadata



Dickinson Engineering Department, Engineering & Planning, Maxar



# State 9<sup>th</sup> Rezone CC to R-3 staff report

**To:** City of Dickinson Planning & Zoning Commission  
**From:** City of Dickinson Planning Department  
**Date:** January 8, 2024  
**Re:** **REZ-001-2024 State 9<sup>th</sup> Addition Rezone CC to R-3**

**OWNER/APPLICANT**

Venture Commercial, LLC  
 P.O. Box 1316  
 Dickinson, ND, 58601  
 Venturehomesnd.aaron@gmail.com  
 701 290 1298

**APPLICANT'S REPRESENTATIVE**

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Schrank@highlandseng.com  
 701 483 2444

<b>Public Hearing</b>	January 17, 2024	Planning and Zoning Commission
<b>Public Reading</b>	February 21, 2024	City Commission
<b>Final Consideration</b>	March 5, 2024	City Commission

**EXECUTIVE SUMMARY**

Legal Property Description Based on Current Plat

To consider a zoning map amendment for the southern portions of Lots 4, 5, and 6, Block 1 of State 8<sup>th</sup> Addition Subdivision in Section 5, T139N, R96W, City of Dickinson, Stark County, North Dakota. The rezone will be from Community Commercial (CC) to High Density Residential (R-3).

Request

To rezone Lots 4-8 of the proposed State 9<sup>th</sup> Addition, which correspond to a pending re-plat of State 8<sup>th</sup> Addition. The applicant seeks to retain CC zoning classification along the north of the property while rezoning the south portion to R-3, along 8<sup>th</sup> Street W on the south face of the block.

Staff Recommendation

Approval.



A companion request for a Future Land Use Map Amendment for the subject properties from Commercial to Residential (FLM -001-2024) is also scheduled for public hearing at this Planning and Zoning Commission meeting. Final approval of REZ-001-2024 is contingent upon final approval of the proposed Future Land Use Map amendment.

A companion request for a preliminary plat of the proposed State 9<sup>th</sup> Addition Subdivision, as previously referenced in this document, is also scheduled for public hearing at this Planning and Zoning Commission meeting (PLP-001-2024).

### LOCATION

The property to be rezoned corresponds to lots of a pending major plat application, PLP-001-2024. If approved, the property being rezoned would be described as Lots 4-8, Block 1, State 9<sup>th</sup> Addition. The proposed lots in PLP-001-2024 to be rezoned total approximately 1.2 acres. This property is located on the north side of 8<sup>th</sup> Street West, and east of Sanford West Dickinson Clinic. It is situated approximately 350 ft west of 23<sup>rd</sup> Ave W and 1,150 ft east of the I-94 West Business Loop.



<b>CURRENT ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.2 acres</b>
<b>LOTS PROPOSED</b>	<b>8</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	CC	Undeveloped commercial
East	CC	Undeveloped commercial
South	R-2	Developed residential neighborhood
West	CC	Medical clinic

**STAFF ANALYSIS**

Approval of REZ-001-2024 and the proposed State 9<sup>th</sup> Addition Subdivision may positively contribute to furthering policies adopted by the Comprehensive Plan. Particularly, the zoning map amendment encourages infill development opportunities, commercial diversification, and improved housing supply.

The lots proposed for rezoning are north of 8<sup>th</sup> Street W and are zoned Community Commercial. The proposed rezoning, as well as the companion re-plat application, provides an opportunity to infill with residential purposes along 8<sup>th</sup> Street W by conveying the property such that the CC lots front Fairway Street to the north and the R-3 lots front 8<sup>th</sup> Street W toward the south.

Approval of this and companion applications may result in 5-10 additional housing units along already-developed infrastructure. This area is served by a minor arterial and a collector street which can each accommodate increase residential and commercial activity along their corridors. Furthermore, the subject property is located near trails and parks, sharing in the human-interest

**COMPATIBILITY AND RECOMMENDATIONS**

## Compatibility with Local Uses

The surrounding properties, generally, are zoned CC and R-2. R-3 development regulations, as established by Table 4-2 in the City of Dickinson municipal code, are compatible at this location. Generally, R-3 development is highly compatible with nearby CC and R-2 zoning and serves as a transition between those two zoning districts. In terms of average daily miles traveled, it is often favorable to zone R-3 within the vicinity of a minor arterial or collector road (it is still generally ok to locate R-3 properties within interior neighborhoods, depending on the context).

City Planning staff has concluded that this rezone and accompanying plat contribute to improving compatibility of the area.<sup>1</sup> According to the dimensions of the associated preliminary plat, only single-family detached and duplexes would be permitted following approval of this petition.<sup>2</sup>

## Compliance with Zoning and Subdivision Regulations

If all companion applications are approved, rezoning Lots 4-8, Block 1, State 9<sup>th</sup> Addition as exhibited by PLP/FLP-001-2024 will result in compliance with local regulations and vision statements of the Comprehensive Plan.

**Public Input:** As of the date of this report, City staff has not received any public comments.

**Staff Recommendation:** The City Development Team staff recommends **approval** of this rezone petition.



Matthew Galibert, City Planner

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<sup>1</sup> Future compatibility also depends on the nature of site plans and development, even when best-case scenario zoning and platting are adopted.

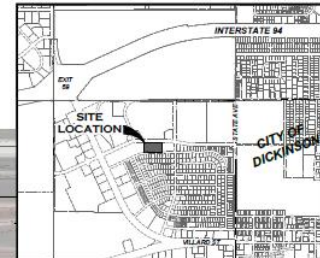
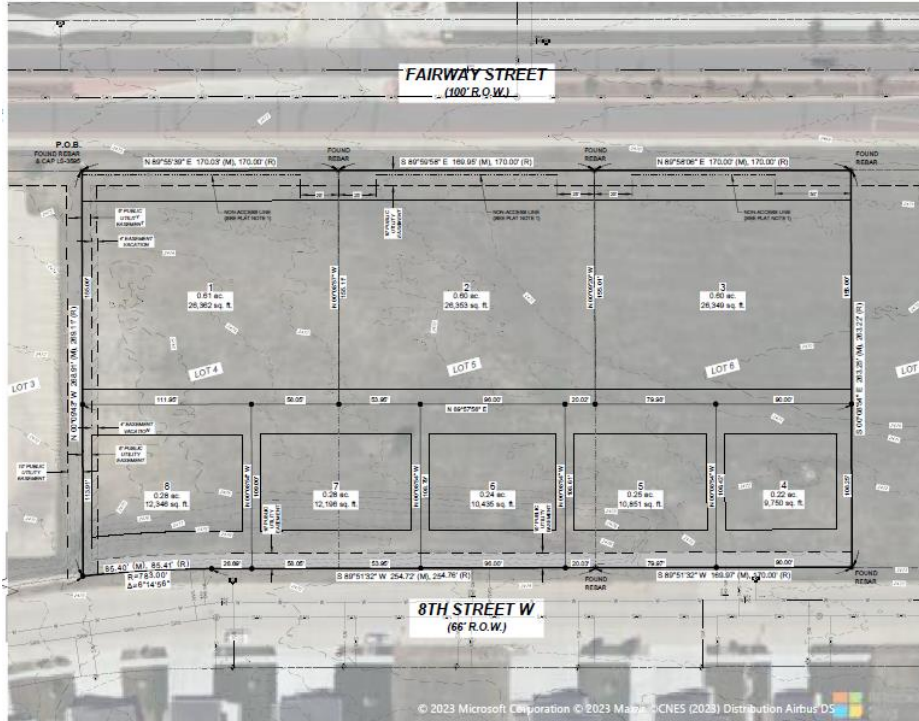
<sup>2</sup> All residential structures listed by Chapter 39 would be compatible - including apartments. The limiting factor in this case is the dimension of the lots, rather than the character of the surrounding development.



**APPENDICES**

**Appendix A - Preliminary Plat (Cropped)**

**STATE 9TH ADDITION**  
BEING THE REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF STATE EIGHTH ADDITION  
SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**LEGEND**

---	PROPERTY BOUNDARY
---	PROMISED BLOCK LINES
---	PROMISED LOT LINES
---	EXISTING LOT LINES
---	EXISTING LOT LINES VACATED BY THIS PLAT
●	FOUND MONUMENT
●	SET #1, 18-INCH REBAR & CAP
●	STAMPED HIGH-AND-LOW
---	NON-ACCESS LINE
---	EXISTING EASEMENTS
---	PROMISED PUBLIC UTILITY EASEMENTS
---	PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
---	MAJOR CONTOURS
---	MINOR CONTOURS
---	BUILDING SETBACK LINES

**MINIMUM BUILDING SETBACKS - COMMUNITY COMMERCIAL (CC)**

- FRONT YARD: 5-FEET
- REAR YARD: 10-FEET
- INTERIOR SIDE YARD: 5-FEET

**MINIMUM BUILDING SETBACKS - MULTI-FAMILY RESIDENTIAL (R3)**

- FRONT YARD: 5-FEET
- REAR YARD: 10-FEET
- INTERIOR SIDE YARD: 5-FEET

**Appendix B - Zoning Map**



**Zoning Classification**

▨	Planned Unit Development - PUD
■	Community Commercial - CC
■	Downtown Commercial - DC
■	General Commercial - GC
■	Limited Commercial - LC
■	General Industrial - GI
■	Limited Industrial - LI
■	Low Density Residential - R1
■	Medium Density Residential - R2
■	High Density Residential - R3
■	Rural Residential - RR
■	Mobile Home - MH
■	Public - P
▨	Agricultural - AG

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-001-2024** 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 "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **REZ-001-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan, as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*



**From:** Jotform  
**To:** [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Loretta Marshik](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)  
**Subject:** Re: Unified Development Application  
**Date:** Thursday, November 30, 2023 5:15:41 PM  
**Attachments:** [231222 Closure Report 2023-11-27.pdf](#)  
[231222 Plat-FINAL 2023-11-27.pdf](#)  
[231222 Plat-PRELIM 2023-11-27.pdf](#)  
[231222 Transmittal-PRELIM PLAT 2023-11-30.pdf](#)  
[231222 X-SITE 2023-11-27.pdf](#)  
[Pre-Application Letter 202311SFS.docx.pdf](#)  
[3179451 Warranty Deed.pdf](#)  
[231222 Owner Signature 2023-11-29.pdf](#)  
[5771988530018378155 signature 23.png](#)



## Unified Development Application

Have you met with Planning Staff regarding your application? **Yes**

Please upload the letter or counseling form you received following your pre-application meeting: [Pre-Application Letter 202311SFS.docx.pdf](#)

Name: Aaron Grinsteinner

Company: Venture Commercial, LLC

Applicant Email: [venturehomesnd.aaron@gmail.com](mailto:venturehomesnd.aaron@gmail.com)

Applicant Phone #: (701) 290-1298

Applicant Representative (if applicable): Andrew Schrank

Applicant Representative Company: Highlands Engineering

Applicant Representative Email: [schrank@highlandseng.com](mailto:schrank@highlandseng.com)

Applicant Representative Phone #: (701) 483-2444

Type of Development: Major Subdivision Preliminary Plat

Is this a Replat: **Yes**

Subdivision Being Re-platted      State 8th Addition

Owner Name      Venture Commercial, LLC

Owner Address      PO 1316, Dickinson, ND, 58602

Owner Email      venturehomesnd.aaron@gmail.com

Owner Phone #      (701) 290-1298

Is the owner present to Sign     

Owner Signature Upload      [231222\\_Owner Signature\\_2023-11-29.pdf](#)

Will this application require any other action to complete the development?     

Metes and Bounds Description      A PARCEL OF LAND BEING LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK ONE (1), STATE EIGHTH ADDITION IN SECTION SEVEN (5), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), SAID POINT BEING A FOUND REBAR AND CAP LS-3595; THENCE N 89°55'39" E ALONG THE NORTH LINE OF SAID LOT FOUR (4), A DISTANCE OF 170.03 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT FIVE (5); THENCE S 89°59'58" E ALONG THE NORTH LINE OF SAID LOT FIVE (5), A DISTANCE OF 169.95 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT SIX (6); THENCE N 89°58'06" E ALONG THE NORTH LINE OF SAID LOT SIX (6), A DISTANCE OF 170.00 FEET TO A FOUND REBAR AT THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE S 00°08'54" E ALONG THE EAST LINE OF SAID SECTION SIX (6), A DISTANCE OF 263.25 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT SIX (6); THENCE S 89°52'32" W ALONG THE SOUTH LINE OF SAID LOT SIX (6), A DISTANCE OF 169.97 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT FIVE (5); THENCE S 89°51'32" W ALONG THE SOUTHERN LINES OF SAID LOT FIVE (5) AND SAID LOT FOUR (4), A DISTANCE OF 254.72 FEET TO A SET REBAR AND CAP LS-5466 AT THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 783.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°14'56" AN ARC LENGTH OF 85.40 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHWEST CORNER OF SAID LOT FOUR (4); THENCE N 00°09'43" W ALONG THE WEST LINE OF SAID LOT FOUR (4), A DISTANCE OF 268.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3.09 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	5	139	96

Property Address / General Project Location      Property is generally located directly east of the Sanford Health Clinic between Fairway Street and 8th Street W.

Total Square Footage or Acreage of Subject Property      3.09 acres

Rezone Calc Multiplier      0

Minor Platting Multiplier      0

Prelim Platting Multiplier      1

Major Platting Multiplier      0

Name of Preliminary Plat      State 9th Addition

Preliminary Number Lots      1 to 10 Lots

Preliminary Number of Block(s)      1

unknown

Application Calc      500

Required Documentation Upload      [231222\\_Closure Report\\_2023-11-27.pdf](#)  
[231222\\_Plat-FINAL\\_2023-11-27.pdf](#)  
[231222\\_Plat-PRELIM\\_2023-11-27.pdf](#)  
[231222\\_Transmittal-PRELIM PLAT\\_2023-11-30.pdf](#)  
[231222\\_X-SITE\\_2023-11-27.pdf](#)

Deed for Property      [3179451\\_Warranty Deed.pdf](#)

Application Fees      Applicable Fees      500.00 USD

Total:      \$500.00

Transaction ID:      metzjbx6

==Payer Info==  
 First Name      Andrew  
 Last Name      Schrank

Applicant Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Date

11-30-2023

---

You can [edit this submission](#) and [view all your submissions](#) easily.

# PLP-001-2024 Preliminary Major Plat State 9<sup>th</sup> Addition







## Transmittal Letter

**To:** Matthew Galibert – City Planner  
City of Dickinson  
38 1<sup>st</sup> Street West  
Dickinson, ND 58601

**From:** Andrew Schrank, PE  
Highlands Engineering  
319 24<sup>th</sup> Street East  
Dickinson, ND 58601  
701.483.2444  
schrank@highlandseng.com

**Date:** November 30, 2023

**Re:** Major Preliminary Plat Application – State 9<sup>th</sup> Addition

**Message:** Enclosed you will find the following Major Preliminary Plat application documents for the above referenced project being submitted for consideration at the January 17<sup>th</sup> Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deed for the Property
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses and Buildings
- Current Final Plat Drawing Showing Proposed Site Boundaries
- Sketch of Proposed Improvements
- Subdivision Plat Closure Report

**Legal Description of Property**

A PARCEL OF LAND BEING LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK ONE (1), STATE EIGHTH ADDITION IN SECTION SEVEN (5), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), SAID POINT BEING A FOUND REBAR AND CAP LS-3595; THENCE N 89°55'39" E ALONG THE NORTH LINE OF SAID LOT FOUR (4), A DISTANCE OF 170.03 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT FIVE (5); THENCE S 89°59'58" E ALONG THE NORTH LINE OF SAID LOT FIVE (5), A DISTANCE OF 169.95 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT SIX (6); THENCE N 89°58'06" E ALONG THE NORTH LINE OF SAID LOT SIX (6), A DISTANCE OF 170.00 FEET TO A FOUND REBAR AT THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE S 00°08'54" E ALONG THE EAST LINE OF SAID SECTION SIX (6), A DISTANCE OF 263.25 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT SIX (6); THENCE S 89°52'32" W ALONG THE SOUTH LINE OF SAID LOT SIX (6), A DISTANCE OF 169.97 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT FIVE (5); THENCE S 89°51'32" W ALONG THE SOUTHERN LINES OF SAID LOT FIVE (5) AND SAID LOT FOUR (4), A DISTANCE OF 254.72 FEET TO A SET REBAR AND CAP LS-5466 AT THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 783.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°14'56" AN ARC LENGTH OF 85.40 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHWEST CORNER OF SAID LOT FOUR (4); THENCE N 00°09'43" W ALONG THE WEST LINE OF SAID LOT FOUR (4), A DISTANCE OF 268.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3.09 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

**Written Statement**

This proposed plat of State 9<sup>th</sup> Addition is the replat of Lots 4-6. Block 1, State 8<sup>th</sup> Addition within the corporate limits of the City of Dickinson. This property currently includes three commercial lots that are each ±1-acre in area. In general, this replat subdivides the southern ±109-feet of these lots into five (5) residential lots leaving three (3) smaller commercial lots on the northern portion of this Plat.

Based on the owner’s market analysis, they have found that the desire for commercial property in the Dickinson area is for smaller commercial lots rather than the currently platted ±1-acre lots within this site. They have also found that a demand exists for additional residential property in the States Addition area. Therefore, this FLUM amendment will decrease the commercial property within these three (3) lots to ±0.6-acres each by creating five (5), ±0.25-acre lots along the southern ±109-feet of this site. The proposed zoning for these lots is High Density Residential (R3), although it is anticipated that these lots will contain either duplexes or single-family residences. The R3 zoning designation will decrease the required setbacks and buffer yards between these lots and the adjacent commercial zoning to maximize the buildable area within these residential lots.

The five southern residential lots will gain access from the existing 8<sup>th</sup> Street W public right-of-way. These driveways will be constructed at the time of development of these residences. Sidewalks will also be provided along the north side of the 8<sup>th</sup> Street W right-of-way along the south side of this development when these residences are constructed as required by current City Ordinances and Policy.

Sidewalk already exists along the south side of the Fairway Street right-of-way on the north side of this development. This sidewalk will remain or will be replaced if required to complete other improvements as part of this development. Shared driveways are proposed for the northern three commercial lots to help limit the number of access points required onto Fairway Street while providing sufficient ingress/egress for these lots. These proposed access points are generally shown by the enclosed sketch of proposed site improvements, and these locations will be enforced by the non-access lines depicted on the proposed plat drawing. As shown, right-in/right-out driveways are proposed at the property line between Lots 2 and 3, and between Lot 3 and the existing lot to the east. Left turns will be restricted at these driveways by the existing raised median. A new left turn lane within the existing Fairway Street Median is proposed to provide access to the property line between Lots 1 and 2. This access will line up with the entrance to the hospital to the north. A similar left turn lane was added for this hospital entrance when it was constructed. These proposed access points and this added left turn lane are critical to the success of this commercial development and are key to the creation of market demand for these lots.

Existing 6" water service and 6" sanitary sewer service lines are stubbed to the southern edge of the existing three (3) lots from the existing 8" mains within 8<sup>th</sup> Street W. A 12" water main and 8" sanitary sewer main are also present within Fairway Street. These existing utilities are shown on the preliminary plat drawing.

New water and sewer service line connections will be required for the proposed Lots 5 and 7, Block 1, State 9<sup>th</sup> Addition. Furthermore, if any multi-family residences are constructed in these southern residential lots, additional water and sanitary sewer service lines will be required for each additional unit if the units are to have separate ownership. Additional service lines to the residential lots from the existing mains in 8<sup>th</sup> Street W will be constructed by the future developer at the time of building permit application for the residence since the number of service lines required is currently unknown.

The three (3) commercial lots on the north side of this development will require new water and sanitary sewer service lines. These service lines will be connected to the existing mains in Fairway Street and stubbed to these lots by the current owner/developer. These connections will require some patching of Fairway Street, which

will be minimized as much as feasible. These service lines are generally shown by the enclosed sketch of proposed site improvements.

Site drainage will be routed to the adjoining roadways to match existing runoff patterns to the extent feasible. Since this site has a total area less than 5-acres, pre-vs-post development runoff analysis and stormwater detention are not required as indicated by City Ordinance 38.14.240.

To maximize the buildable area within this property, the existing 10-foot-wide utility easement on the west edge of this property is proposed to be reduced to a 6-foot width by the plat drawing. The owner has had verbal discussions with utility companies, and they are verbally agreeable to this easement vacation since there is another 10-foot utility easement within the property directly west of this site. The owner is working to obtain signatures of approval from each of these utility companies as required by the vacation process and will have this completed prior to final plat application.

The applicant does not own or intend to purchase any additional surrounding land at this time. Neighboring property owners have not been informed of this plan to date. This application has been prepared in accordance with local, state, and federal regulations.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



**Andrew Schrank, PE, CFM**  
**Highlands Engineering**



# STATE 9TH ADDITION

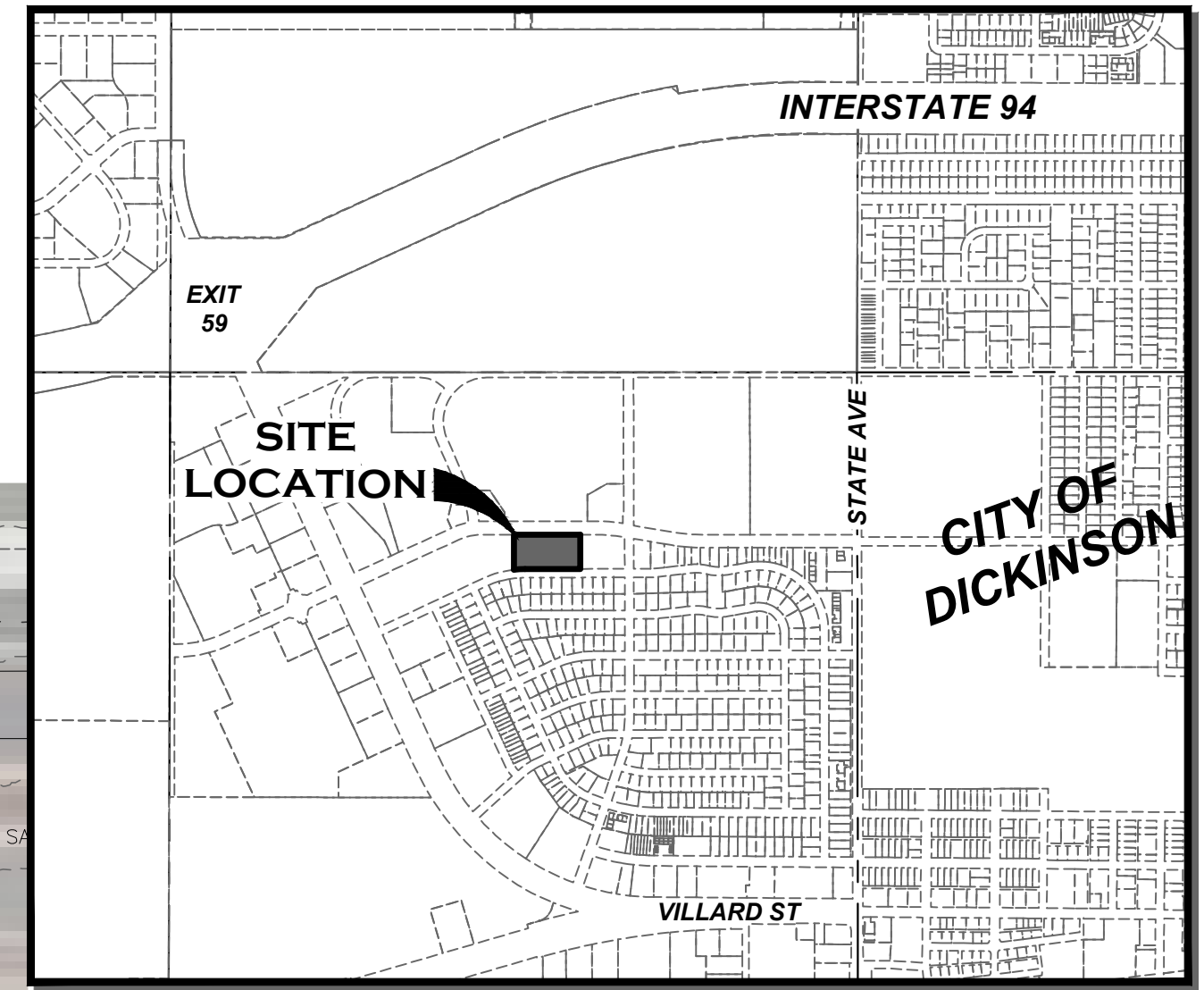
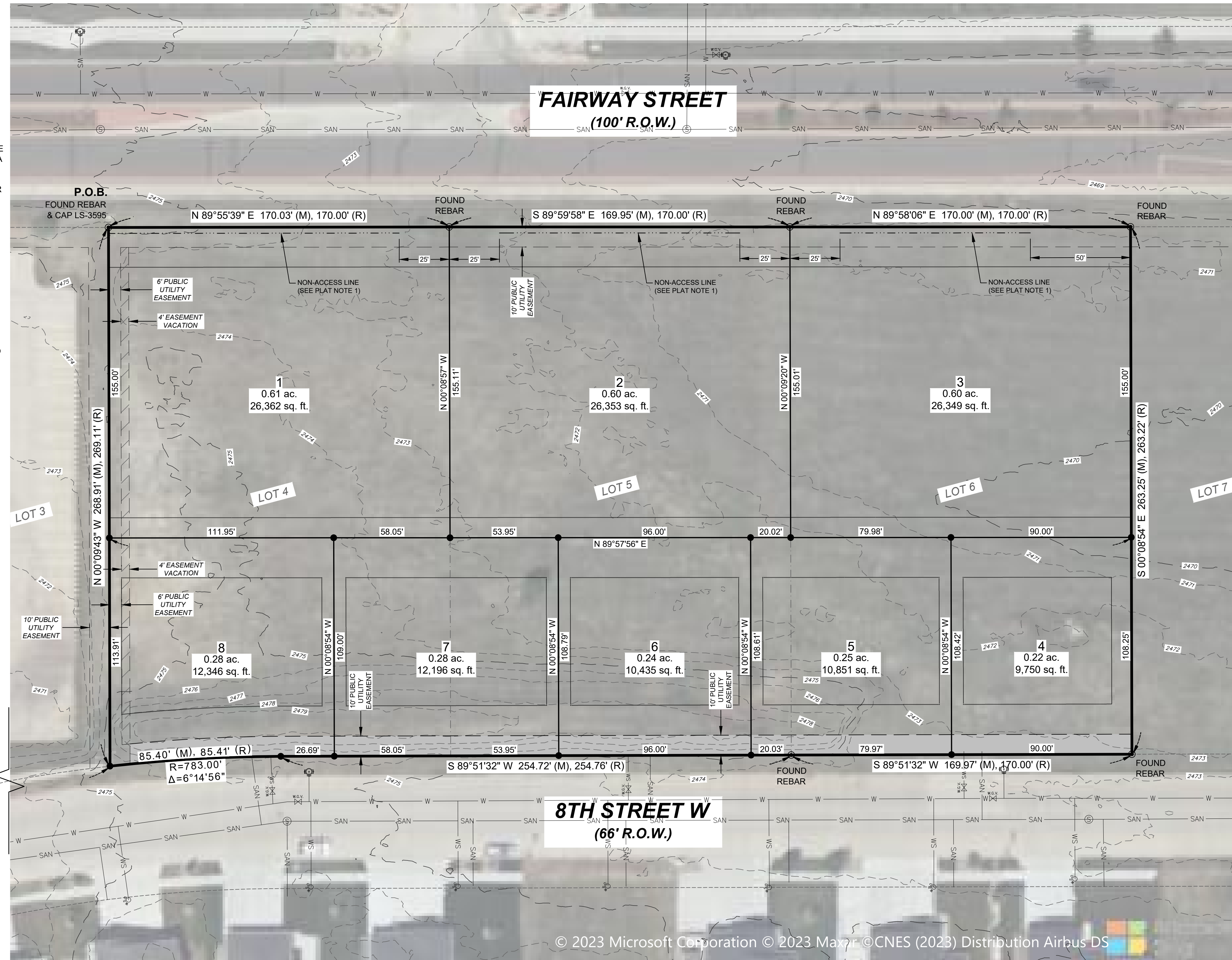
BEING THE REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF STATE EIGHTH ADDITON  
SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK ONE (1), STATE EIGHTH ADDITION IN SECTION SEVEN (5), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4), SAID POINT BEING A FOUND REBAR AND CAP LS-3595; THENCE N 89°55'39" E ALONG THE NORTH LINE OF SAID LOT FOUR (4), A DISTANCE OF 170.03 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT FIVE (5); THENCE S 89°59'58" E ALONG THE NORTH LINE OF SAID LOT FIVE (5), A DISTANCE OF 169.95 FEET TO A FOUND REBAR AT THE NORTHWEST CORNER OF SAID LOT SIX (6); THENCE N 89°58'06" E ALONG THE NORTH LINE OF SAID LOT SIX (6), A DISTANCE OF 170.00 FEET TO A FOUND REBAR AT THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE S 00°08'54" E ALONG THE EAST LINE OF SAID SECTION SIX (6), A DISTANCE OF 263.25 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT SIX (6); THENCE S 89°52'32" W ALONG THE SOUTH LINE OF SAID LOT SIX (6), A DISTANCE OF 169.97 FEET TO A FOUND REBAR AT THE SOUTHEAST CORNER OF SAID LOT FIVE (5); THENCE S 89°51'32" W ALONG THE SOUTHERN LINES OF SAID LOT FIVE (5) AND SAID LOT FOUR (4), A DISTANCE OF 254.72 FEET TO A SET REBAR AND CAP LS-5466 AT THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 783.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 6°14'56" AN ARC LENGTH OF 85.40 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHWEST CORNER OF SAID LOT FOUR (4); THENCE N 00°09'43" W ALONG THE WEST LINE OF SAID LOT FOUR (4), A DISTANCE OF 268.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 3.09 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



**VICINITY MAP**  
N  
(1" = 1/4 MILE)

**LEGEND**

- PROPERTY BOUNDARY
- PROPOSED BLOCK LINES
- PROPOSED LOT LINES
- - - EXISTING LOT LINES
- - - EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- - - NON-ACCESS LINE
- - - EXISTING EASEMENTS
- ▨ PROPOSED PUBLIC UTILITY EASEMENTS
- ▨ PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
- - - 5' MAJOR CONTOURS
- - - 1' MINOR CONTOURS
- BUILDING SETBACK LINES

**MINIMUM BUILDING SETBACKS - COMMUNITY COMMERCIAL (CC)**

- 1) FRONT YARD: 20-FEET
- 2) REAR YARD: 10-FEET
- 3) INTERIOR SIDE YARD: 0-FEET

**MINIMUM BUILDING SETBACKS - MULTI-FAMILY RESIDENTIAL (R3)**

- 1) FRONT YARD: 25-FEET
- 2) REAR YARD: 20-FEET
- 3) INTERIOR SIDE YARD: 6-FEET

**PLAT NOTES**

- 1) NO VEHICULAR ACCESS TO OR FROM THESE LOTS SHALL BE ALLOWED ACROSS THE NON-ACCESS LINES AS DEPICTED.
- 2) THE EXISTING UTILITY EASEMENT ALONG THE PROPERTY LINE BETWEEN LOTS FIVE (5) AND SIX (6), BLOCK ONE (1) SHOW BY THE PLAT OF STATE EIGHTH ADDITION WAS PREVIOUSLY VACATED AS DOCUMENTED BY STARK COUNTY DOCUMENT NUMBER 3092281.

**SURVEY NOTES**

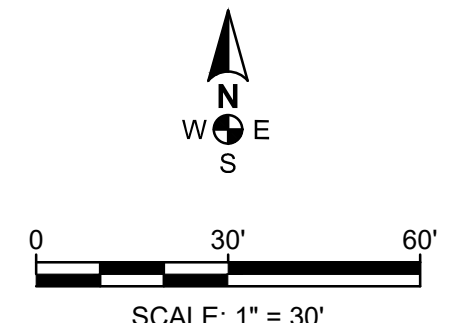
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- 2) DATE OF LATEST FIELD WORK: NOVEMBER 6, 2023

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**HIGHLANDS ENGINEERING**

319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

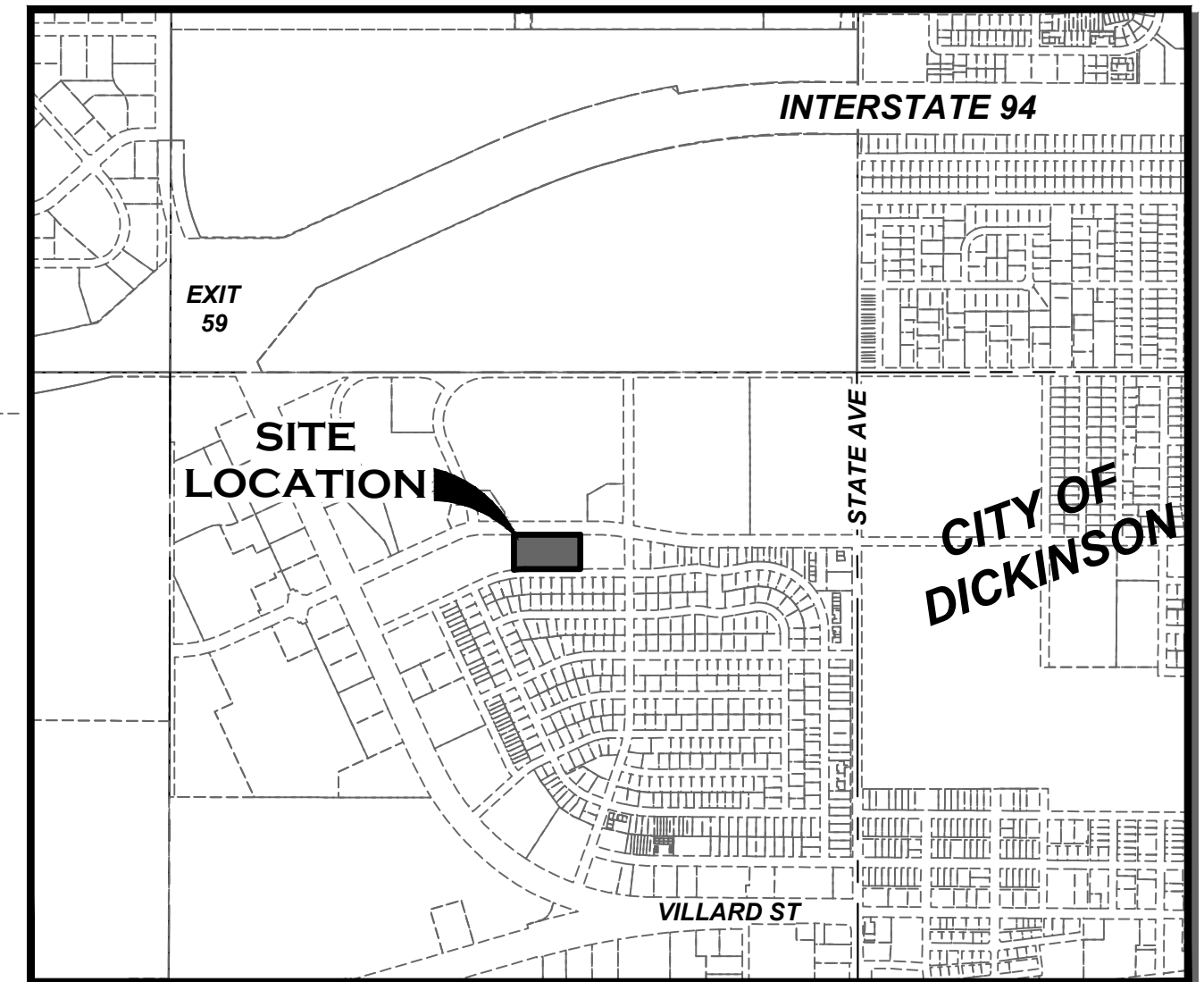
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DRAWN BY: AWS	DATE: 11/27/23





# STATE 9TH ADDITION

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SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



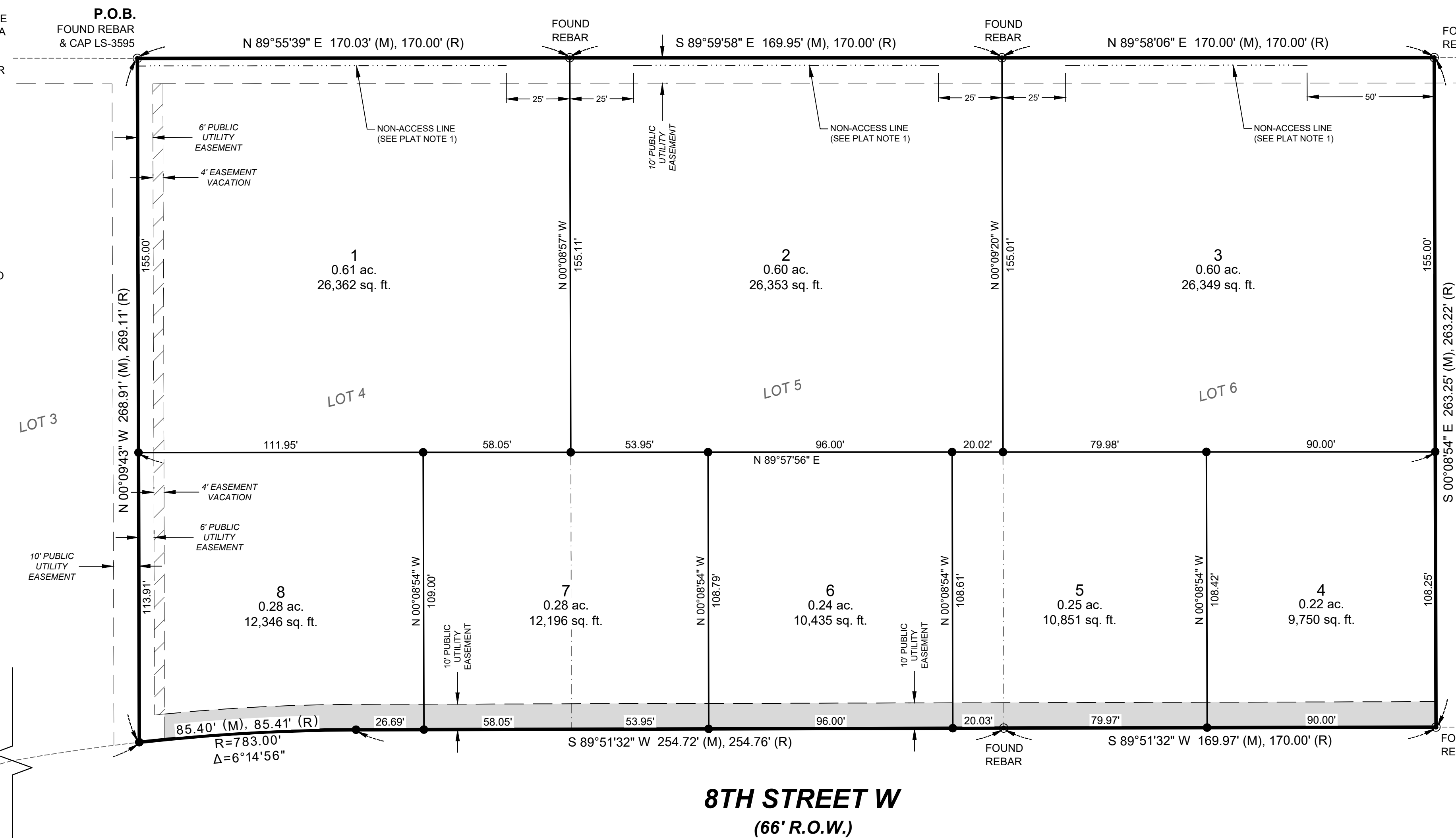
VICINITY MAP  
N  
(1" = 1/4 MILE)

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SAID PARCEL CONTAINS 3.09 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



### PROPRIETOR'S CERTIFICATE

I, AARON GRINSTEINER, AUTHORIZED REPRESENTATIVE OF VENTURE COMMERCIAL, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK ONE (1) OF STATE EIGHTH ADDITION LOCATED IN SECTION FIVE (5), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

AARON GRINSTEINER - VENTURE COMMERCIAL, LLC

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED AARON GRINSTEINER, TO ME KNOWN TO BE THE SAME PERSON DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_  
RESIDING AT COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_

### SURVEYOR'S CERTIFICATE

I, KC HOMISTON, REGISTERED PROFESSIONAL LAND SURVEYOR, LS-5466, FOR HIGHLANDS ENGINEERING AND SURVEYING, PLLC, RESIDING AT 319 24TH STREET EAST, DICKINSON, N.D., DO HEREBY CERTIFY THAT THE STATE 9TH ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED KC HOMISTON, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC \_\_\_\_\_  
RESIDING AT COUNTY OF \_\_\_\_\_ STATE OF \_\_\_\_\_

### CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY ENGINEER APPROVAL

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY PLANNING COMMISSION APPROVAL

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

### LEGEND

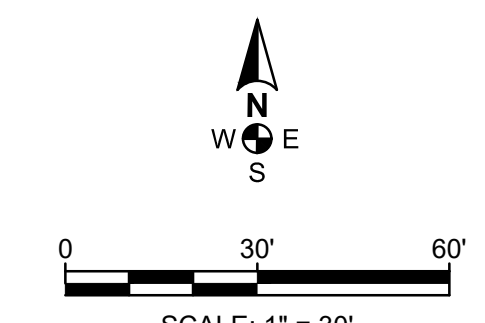
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- FOUND MONUMENT
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- UN-MONUMENTED REFERENCE POINT
- NON-ACCESS LINE
- EXISTING EASEMENTS
- PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
- PROPOSED PUBLIC UTILITY EASEMENTS

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### SURVEY NOTES

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- DATE OF LATEST FIELD WORK: NOVEMBER 6, 2023



HIGHLANDS ENGINEERING  
319 24TH STREET EAST, DICKINSON, ND 58601  
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 231222	SCALE: 1"=30'
DRAWN BY: AWS	DATE: 11/27/23

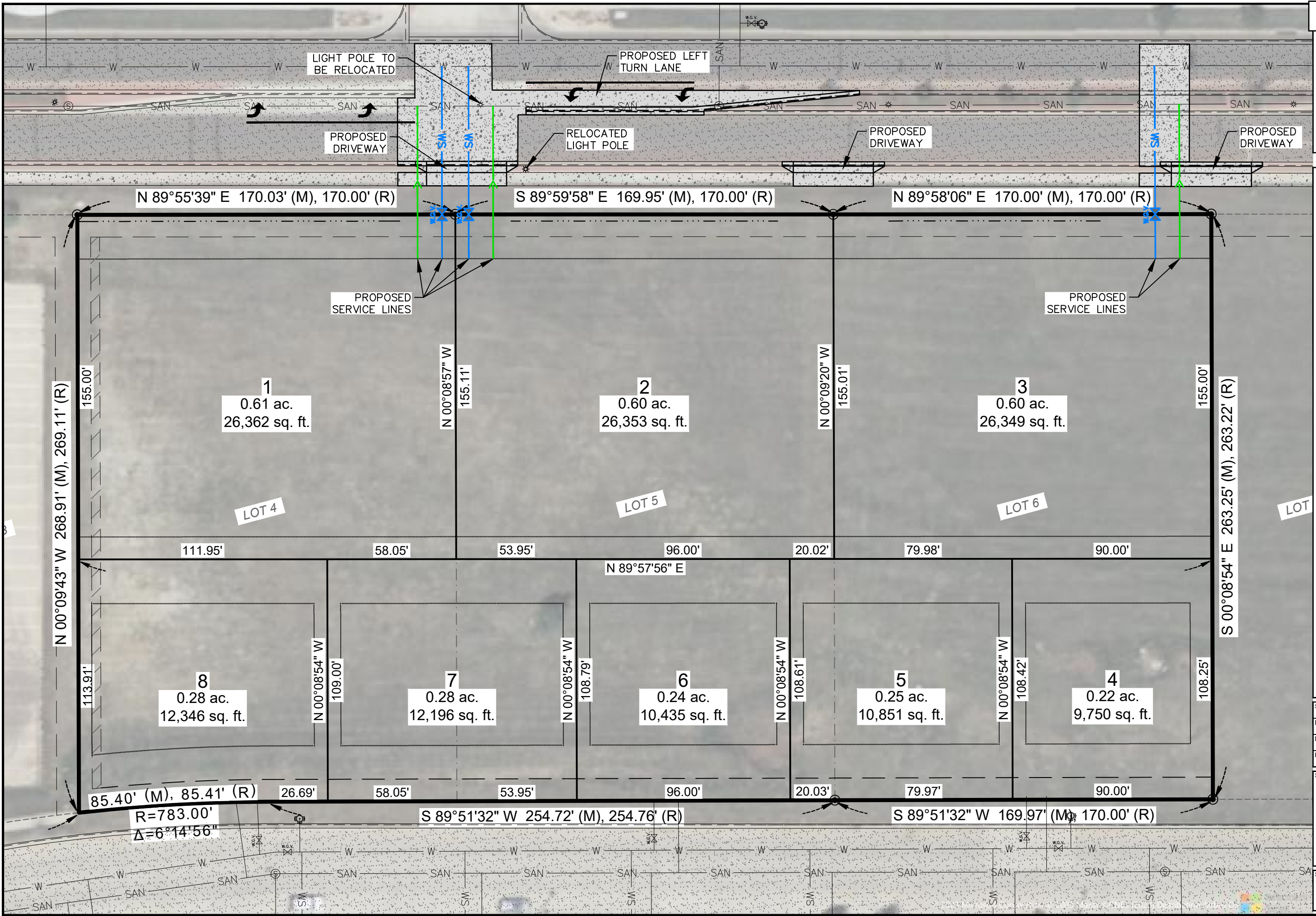
**LOTS 4-6, BLOCK 1, STATE 8TH ADDITION**

DICKINSON, ND  
VENTURE COMMERCIAL LLC

SCALE: 1"=40'  
DATE: 11/27/23  
DRAWN BY: AWS  
PROJECT NUMBER: 231222

SHEET TITLE:  
SKETCH OF PROPOSED IMPROVEMENTS

SHEET NUMBER:  
**SP-1**  
1 of 1 95





# State 9<sup>th</sup> Addition major plat staff report

**To:** City of Dickinson Planning & Zoning Commission  
**From:** City of Dickinson Planning Department  
**Date:** January 8, 2024  
**Re:** **PLP-001-2024 State 9<sup>th</sup> Addition Major Plat**

**OWNER/APPLICANT**

Venture Commercial, LLC  
 P.O. Box 1316  
 Dickinson, ND, 58601  
 Venturehomesnd.aaron@gmail.com  
 701 290 1298

**APPLICANT'S REPRESENTATIVE**

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Schrank@highlandseng.com  
 701 483 2444

<b>Public Hearing</b>	January 17, 2024	Planning and Zoning Commission
<b>Public Reading</b>	February 21, 2024	City Commission
<b>Final Consideration</b>	March 5, 2024	City Commission

**EXECUTIVE SUMMARY**

Current Plat Legal Description

To consider a Preliminary Plat for State 9<sup>th</sup> Addition being the replat of Lots 4, 5, and 6, Block 1 of State 8<sup>th</sup> Addition, in Section 5, T139N, R96W, City of Dickinson, Stark County, North Dakota.

Request

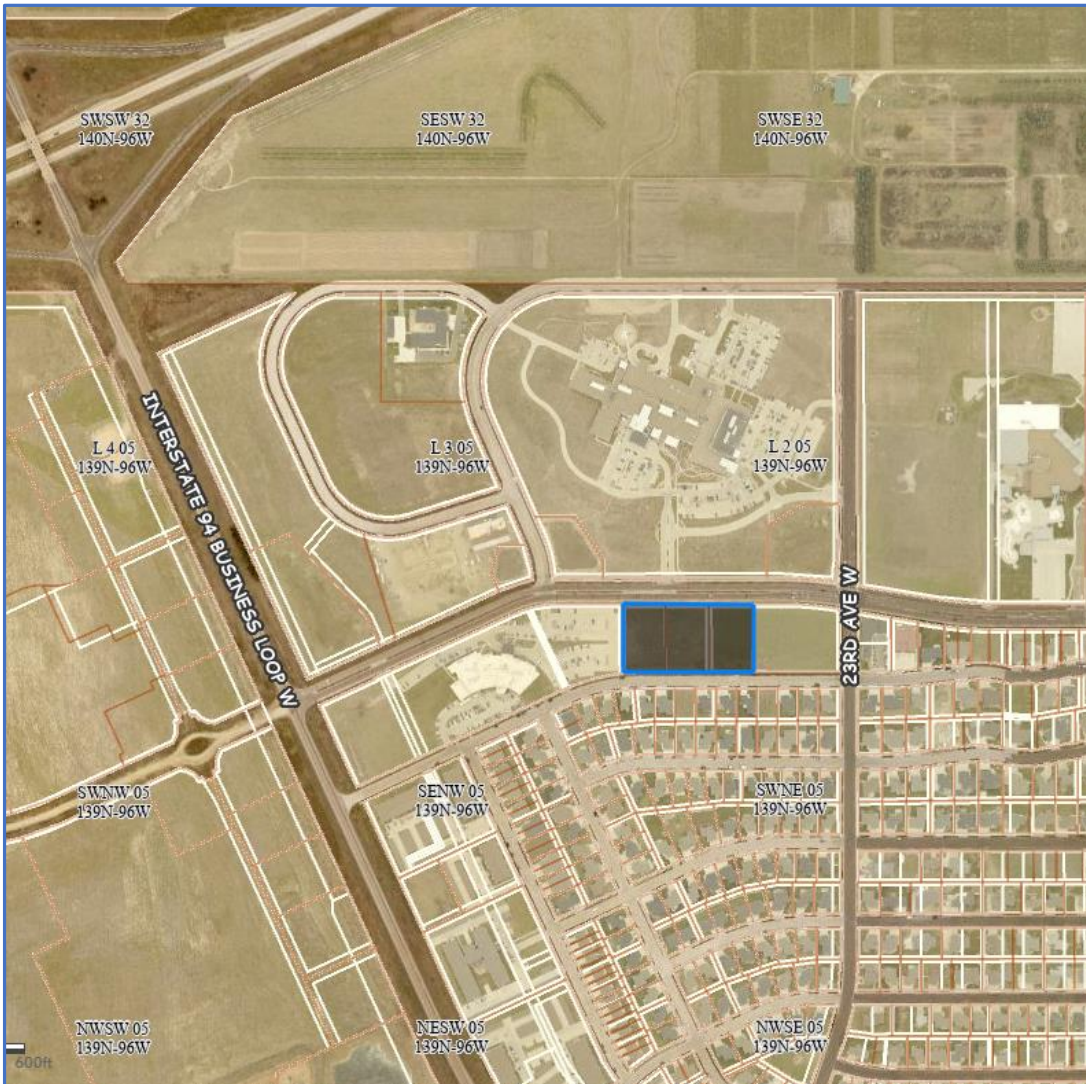
The applicant seeks to re-plat the three existing commercial lots into eight lots. Three of the proposed lots would front onto Fairway Street and would accommodate commercial development. The remaining five lots would access 8<sup>th</sup> Street West. The proposed lots located on the north side of 8<sup>th</sup> Street West would be rezoned from Community Commercial (CC) to High Density Residential (R-3) with lots intended to accommodate 5-10 residential units with front yard lines along 8<sup>th</sup> Street W. The preliminary plat map is included in the attachments and is exhibited by Appendix A.



Staff Recommendation: Approval.

**LOCATION**

The property proposed for this rezone is legally described as Lots 4, 5, and 6, Block 1, State 8<sup>th</sup> Addition in Section 5, Township One Hundred Thirty-Nine North (T139N), Range Ninety-Six West (R96W), City of Dickinson, Stark County, North Dakota. Said parcel contains approximately 3.09 acres.



<b>CURRENT ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>3.09 acres</b>
<b>LOTS PROPOSED</b>	<b>8</b>

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	PUD	Hospital, medical services
East	CC	Undeveloped commercial
South	R-2	Developed residential neighborhood
West	CC	Medical clinic

**STAFF ANALYSIS**

This application contributes to furthering policies adopted by the Comprehensive Plan. Particularly, this major plat encourages infill development opportunities, commercial diversification, and possible improvement to the community's residential supply.

The southern lots in the proposed subdivision are intended by this applicant to be rezoned to high-density residential (R-3) and developed with duplexes or single-family residences in the future. Approving this major plat along with its companion rezone petition would result in the residential properties fronting the 8<sup>th</sup> Street W local road on the south face of the block. The larger CC-zoned lots on the north would front Fairway Street. Fairway Street is currently classified as a collector and in accordance with the Transportation Master Plan, will be reclassified to Minor Arterial. Both street classifications work synergistically with the intent of the Community Commercial zoning district.

Staff has communicated a walkability concern to the property owner. Though approval is recommended, staff encourages Planning & Zoning Commissioners to take this concern under advisement. This block's length extends over 2,200 feet with no reasonable pedestrian through-paths. Staff has requested the applicant to explore site development plans which would include a sidewalk easement or some other measure which would improve access to surrounding development. However, the applicant has asserted that any such condition would effectively terminate their development possibilities.





The current plat resulting in a 2,200 ft block had already been approved. Because this is a re-plat, staff identified an opportunity to rectify a negative outcome resulting from the State 8<sup>th</sup> Addition plat, recorded in November, 2010. From the perspective of community development, any opportunity to improve the community during re-plats should be explored. Developing a neighborhood intentionally over time depends upon locating and implementing solutions before those opportunities are lost.

While solutions are not being pursued in this case, staff would like to advise the Planning & Zoning Commission that policies and visions described by the Comprehensive Plan,

### **STAFF REVIEW AND RECOMMENDATIONS**

**Compatibility with Local Uses:** The current plat contains lots which span the entire block face. This re-plat, however, increases developed street frontage. The resulting lot sizes, with the companion rezone petition, are likely to result in positive development along Fairway Street as a minor arterial and in the State 7<sup>th</sup> Addition neighborhood.

**Compliance with Zoning and Subdivision Regulations:**

Approval of this plat would result in legal conformity with both Chapter 34 Subdivision and Chapter 39 Zoning.

**Public Input:** As of the date of this report, City staff has not received any public comments.

**Staff Recommendation:** The City Development Team staff recommends **approval** of this rezone petition.

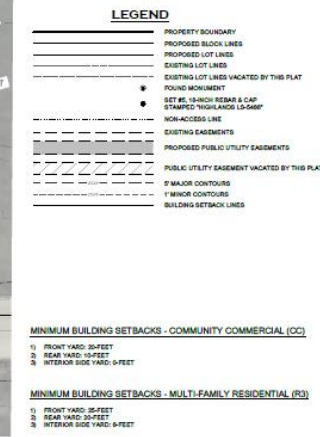
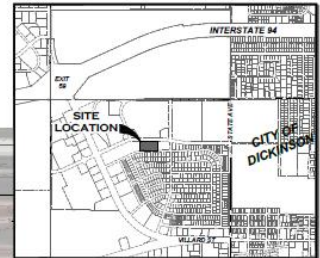
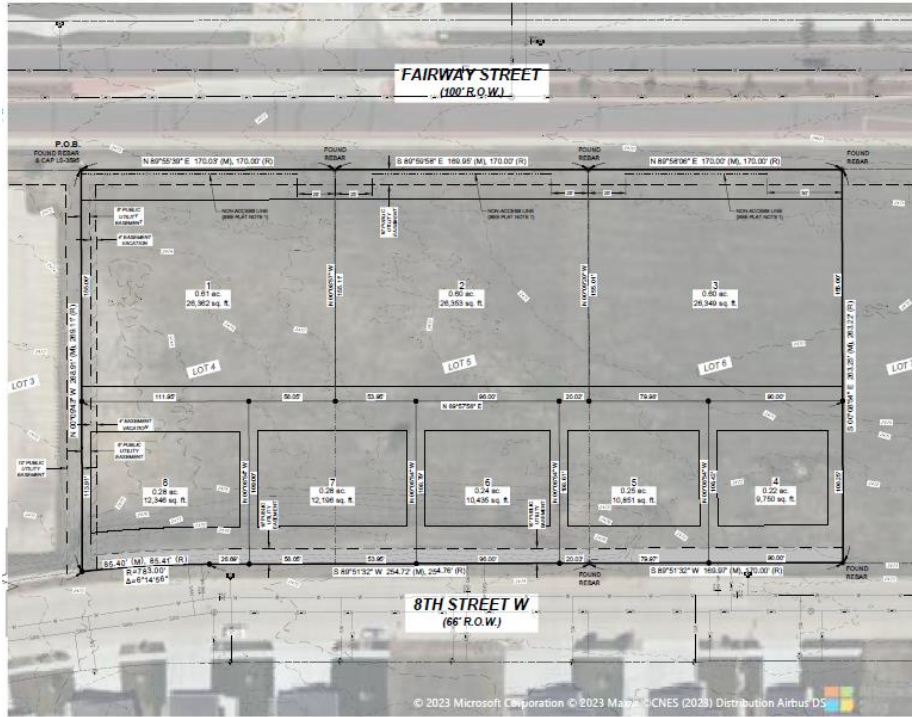


Matthew Galibert, City Planner

**APPENDICES**

**Appendix A - Preliminary Plat (Cropped)**

**STATE 9TH ADDITION**  
BEING THE REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF STATE EIGHTH ADDITION  
SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**Appendix B - Zoning Map**



**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **PLP-001-2024 State 9<sup>th</sup> Addition** as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

*(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):*

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **PLP-001-2024 State 9<sup>th</sup> Addition** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*