



SPECIAL PLANNING AND ZONING MEETING (RESCHEDULED FROM NOV 12TH) AGENDA

Monday, November 24, 2025 at 7:10 AM MT
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Zach Keller

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

Mathew Rothstein

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

3. REGULAR AGENDA

A. FINAL MINOR PLAT (FLP-010-2025) - Presented by City Planner, Natalie Birchak

To consider a Final Minor Subdivision Plat for the DN Wanner Subdivision, being a portion of land located in the W ½ of the SE ¼ of Section 22, Township 139 North, Range 96 West, in the City of Dickinson's Extra-Territorial Zone (ETZ). The site consists of +/- 40.00 acres.

B. REZONING (REZ-008-2025) - Presented by City Planner Natalie Birchak

To consider an amendment to Ordinance No. 1592 to permit additional commercial uses in the Planned Unit Development (PUD) established in all of Block 10, all of Block 11, and Lots 1 & 2 of Block 4 of the Hilliard and Manning Addition Subdivision, and all of Block 4 and all of Block 15 of the Hilliard Third Addition, located in the NW ¼ of

Section 3, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 4.69 acres.

C. REZONING (REZ-009-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from General Commercial (GC) to General Industrial (GI) for the west 292.78 feet of the south 95.62 feet of Lot 1A of Block 1 of the Energy Center First Subdivision, located in the W ½ of Section 1 and the N ½ of the NW ¼ of Section 12, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 0.64 acres.

D. FINAL MINOR PLAT (FLP-011-2025) - Presented by City Planner, Natalie Birchak

To consider a Final Minor Subdivision Plat for the Diamond First Addition Subdivision, being a replat of Lots 1A and 4 in Block 1 of the Energy Center 1st Subdivision, located in the W ½ of Section 1 and the N ½ of the NW ¼ of Section 12, Township 139 North, Range 96 West, in the City of Dickinson. The site consists of +/- 5.93 acres.

E. FINAL MINOR PLAT (FLP-012-2025) - Presented by City Planner, Natalie Birchak

To consider a Final Minor Subdivision Plat for the 23rd Street Addition Subdivision, being a replat of Lots 26-31, the east 38.23 feet of Lot 32, the east 38.23 feet of Lot 35, and Lots 36-41 in Block 5 of the Replat of Lots 5-11, Block 1, and all of Block 5 of the Country Oaks Estates Second Addition, located in the SE ¼ of the SW ¼ of Section 28, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.88 acres.

F. REZONING (REZ-010-2025) - Presented by City Planner, Natalie Birchak

To consider a Zoning Map Amendment from High Density Residential (R-3) to General Commercial (GC) for Lots 1-5 of Block 2 of the Sax First Subdivision, located in the NW ¼ of Section 34, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 1.97 acres.

G. FINAL MINOR PLAT (FLP-013-2025) - Presented by City Planner, Natalie Birchak

To consider a Final Minor Subdivision Plat for the Sax Second Subdivision, being a replat of Lot 1 in Block 1 of the Sax First Subdivision, and Lots 1-5 of Block 2 of the Diamond Acres Subdivision, located in the NW ¼ of Section 34 of Section 34, Township 140 North, Range 96 West, in the City of Dickinson. The site consists of +/- 10.37 acres.

4. PUBLIC COMMENT
5. ITEMS NOT ON AGENDA
6. WORK SESSION

7. ADJOURNMENT

Link for viewing Planning and Zoning Commission Meeting:

<https://youtube.com/live/NPkhRARq7LU>

This link will not be live until approximately 7:05 AM MT on November 24th

Teams Meeting: <https://tinyurl.com/2tmb9vna>

Teams Meeting ID: 243 532 715 775 3

Teams Phone #: 1-701-506-0320

Local Phone #: 701-456-7006

Meeting Passcode: kQ95Ap2M

Phone Conference ID: 781 131 291#

Persons desiring to attend the meeting who require special accommodations are asked to contact the City Administrator at (701) 456-7744 by the Friday preceding the meeting.

From: [Jofform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Monday, September 15, 2025 1:36:32 PM
Attachments: [SignatureAuthorization_DaveWanner.pdf](#)
[Wanner Pre-Application Letter-1.pdf](#)
[Wanner Transmittal Letter.pdf](#)
[2506-10410_DNWannerSubdivision-MinorSubPlat.pdf](#)
[6337741342431441545_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: [Wanner Pre-Application Letter-1.pdf](#)

Type of Development **Major Subdivision Final Plat**

Is this a Replat **No**

Date of Final Plat Approval at Planning & Zoning Commission **11-12-2025**

Name **Dave Wanner**

Applicant Email **dnwanner@gmail.com**

Applicant Phone # **(701) 290-9017**

Applicant Representative (if applicable) **Curtis Freeman**

Applicant Representative Company **KLJ**

Applicant Representative Email **curtis.freeman@kljeng.com**

Applicant Representative Phone # **(701) 456-3160**

Owner Name Dave Wanner

Owner Address 4035 Highway 22, Dickinson, ND, 58601

Owner Email dnwanner@gmail.com

Owner Phone # (701) 290-9017

Is the owner present to Sign

Owner Signature Upload [SignatureAuthorization_DaveWanner.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) A TRACT OF LAND LOCATED WITHIN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 22; THENCE N 00°09'29" E,, A DISTANCE OF 2637.91 FEET; THENCE S 89°57'41" E, A DISTANCE OF 660.44 FEET; THENCE S 00°09'21" W, A DISTANCE OF 2637.49 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 22; THENCE S 89°59'52" W, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 660.55 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 40.00 ACRES.

	1/4 Section	Township	Range
Description	SE 22	139 NORTH	96 WEST

Property Address / General Project Location South on Highway 22 to 40th St SW, East on 40th St SW a half mile.

Total Square Footage or Acreage of Subject Property 40 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [Wanner_Transmittal Letter.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 1

Name of Final Plat DN Wanner Subdivision

Final Platted Lots **1 to 10 Lots**

Final Platted Block(s) 1

Name of Preliminary Plat DN Wanner Subdivision

Preliminary Number Lots **1 to 10 Lots**

Preliminary Number of Block(s) 1

Application Calc 350

Required Documentation Upload [2506-10410_DNWannerSubdivision-MinorSubPlat.pdf](#)

Deed for Property [WannerDeed2.jpg](#)
[WannerDeed1.jpg](#)

Application Fees

Applicable Fees	350.00 USD
Total:	\$350.00

Transaction ID: fa8p20zs

Payment Information

First Name: Curtis
Last Name: Freeman
E-Mail: dnwanner@gmail.com

Applicant Signature

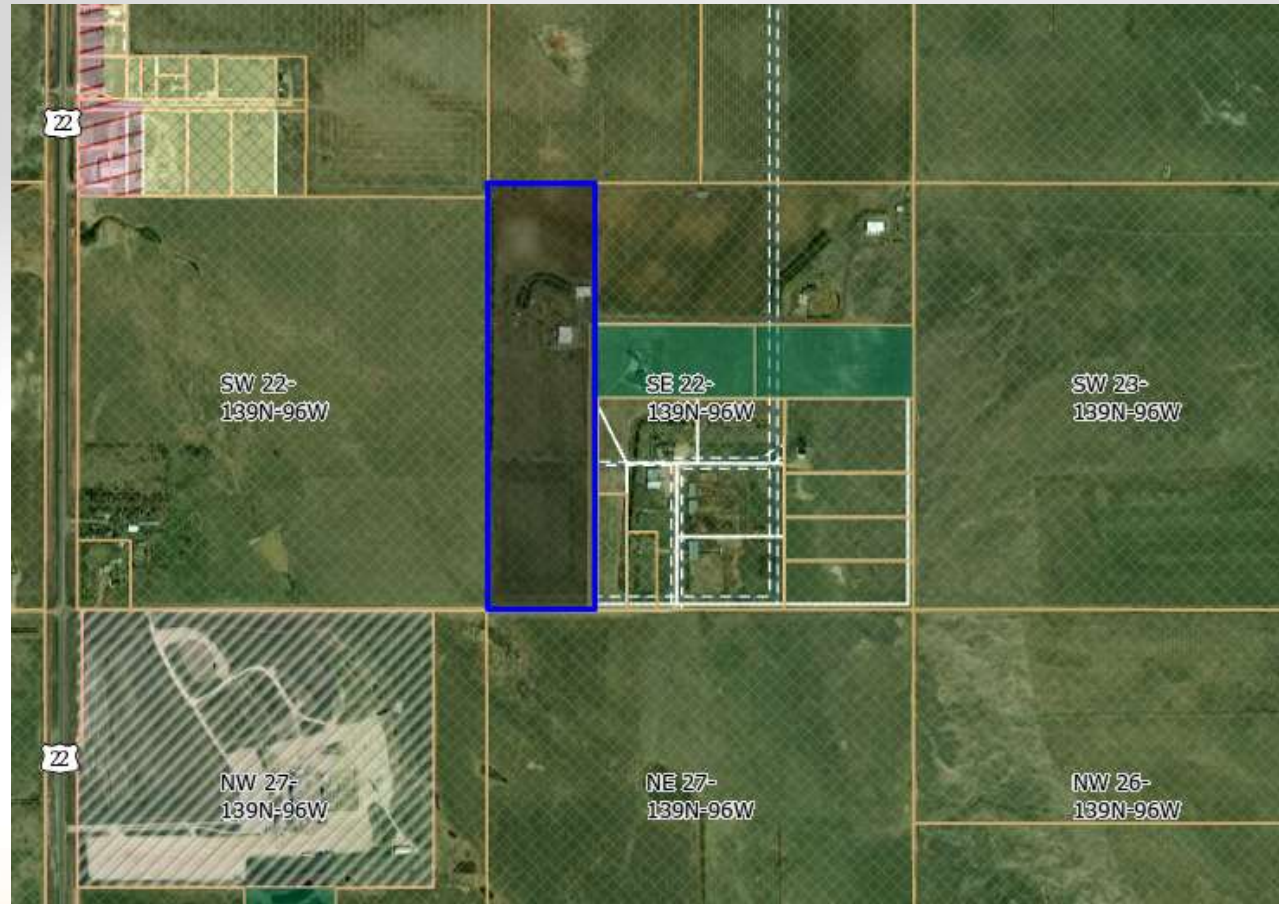


Date 09-15-2025

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



DN WANNER MINOR SUBDIVISION (FLP-010-2025)



September 12, 2025

Natalie Birchak
City Planner
City of Dickinson
38 1st Street W
Dickinson, ND 58601

Dear Ms. Birchak:

Mr. Dave Wanner is subdividing 40.00 acres as recorded in Document Number 3070630 at the Stark County Courthouse into two lots. Lot 1 will be 27.95 acres and Lot 2 will be 12.05 acres. He is splitting off Lot 2 for his grandson. Property will be farmstead and used for agricultural operations.

Water is provided by Southwest Water Authority that already serviced the property and access to both lots through the 20' utility easement.

Power is provided by Roughrider Electric that already serves the property and is accessible through the utility easement that drops south to the power pole and transformer.

Septic system was previously installed on Lot 2 under permits acquired and approved.

Dickinson Rural Fire Department has been notified of the lot split and we have received no comment.

Landowner will reach out to the Stark County Weed Control Officer before final approval.

Sincerely,

Curtis Freeman
KLJ



DN WANNER SUBDIVISION

A PORTION OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22,
TOWNSHIP 139 NORTH, RANGE 96 WEST, FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, JAMES A. COOPER, PROFESSIONAL LAND SURVEYOR N.D. NUMBER 5501 OF DICKINSON, STARK COUNTY, NORTH DAKOTA, DO HEREBY CERTIFY THAT THE SURVEY OF A 40.00 ACRE TRACT OF LAND, AS DESCRIBED IN DOCUMENT NUMBER 3070630, RECORDED AT THE STARK COUNTY RECORDER'S OFFICE, LOCATED WITHIN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, WAS MADE UNDER MY DIRECTION FROM NOTES MADE IN THE FIELD AND THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BOUNDARY OF SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

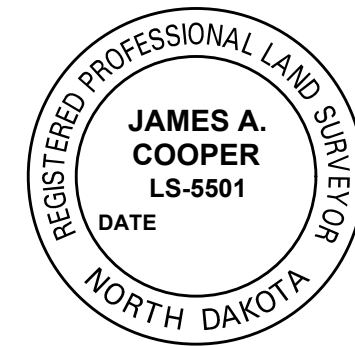
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 22; THENCE N 00°09'29" E., A DISTANCE OF 2637.91 FEET; THENCE S 89°57'41" E, A DISTANCE OF 660.44 FEET; THENCE S 00°09'21" W, A DISTANCE OF 2637.49 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 22; THENCE S 89°59'52" W, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 660.55 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 40.00 ACRES.

I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, AND MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

JAMES A. COOPER
PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA No. 5501



PROPRIETOR'S CERTIFICATE

WE, DAVID N. & JEANNE R. WANNER, OWNERS AND PROPRIETORS OF THE SUBDIVISION LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, 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 AND PLATTED BY JAMES A. COOPER, A NORTH DAKOTA PROFESSIONAL LAND SURVEYOR, AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY AND DRAINAGE EASEMENTS, AND PUBLIC STREET RIGHT-OF-WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS, WHEREOF, I HEREUNTO SUBSCRIBE MY NAME:

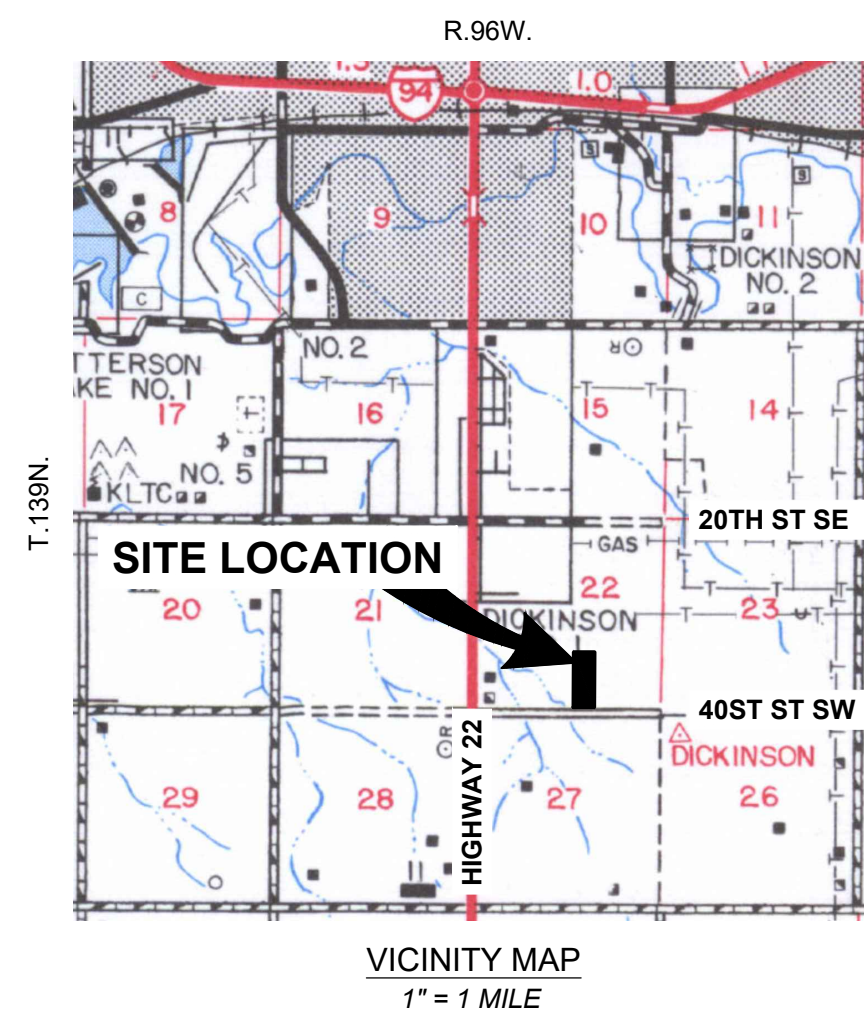
BY: _____
DAVID N. WANNER

BY: _____
JEANNE R. WANNER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2025, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED, DAVID N. WANNER & JEANNE R. WANNER, KNOWN TO ME TO BE THE SAME PERSONS WHO ARE DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC



CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

STARK COUNTY COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

POINT - NORTING & EASTING		
POINT NUMBER	NORTING	EASTING
A	433483.766	1398109.240
B	436119.845	1398194.092
C	436099.980	1398854.114
D	433464.315	1398769.386

NOTES - PROPERTY CORNER POINTS:

THE POINTS LISTED ON THIS TABLE ARE BASED ON US STATE PLANE, NAD 1983, NORTH DAKOTA SOUTH ZONE, GRID COORDINATES.

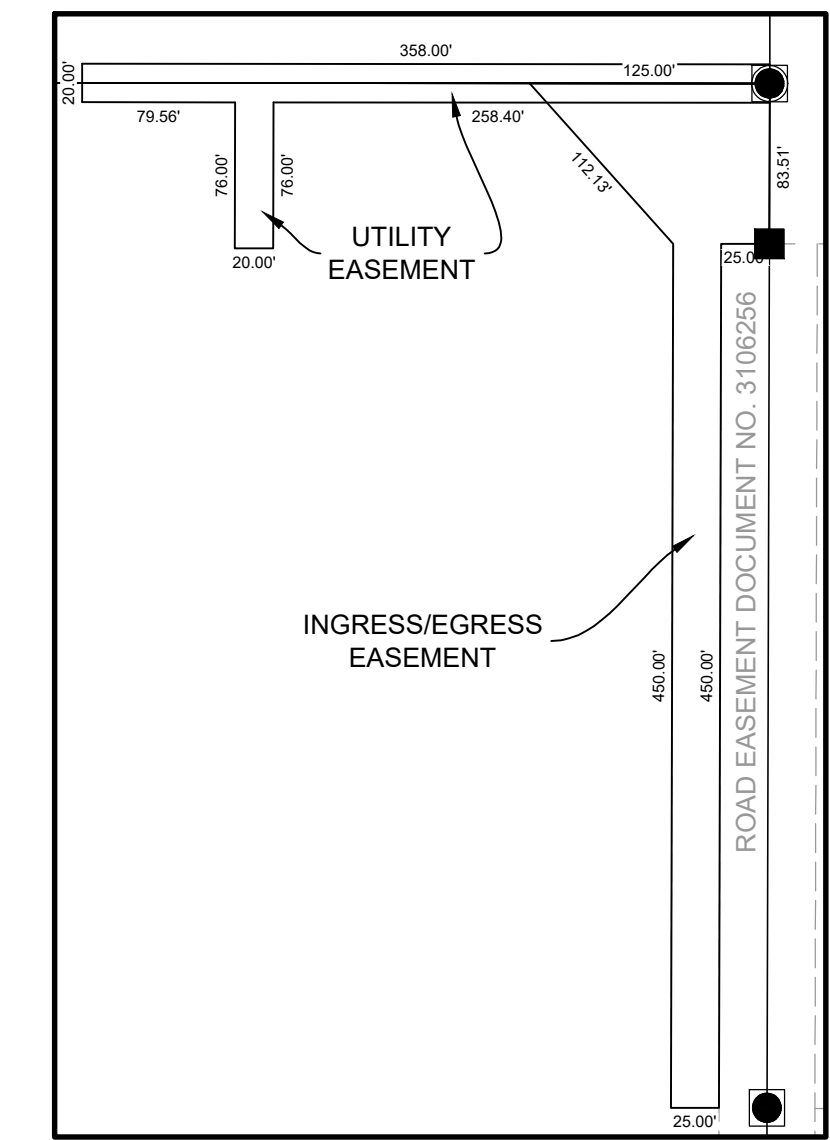
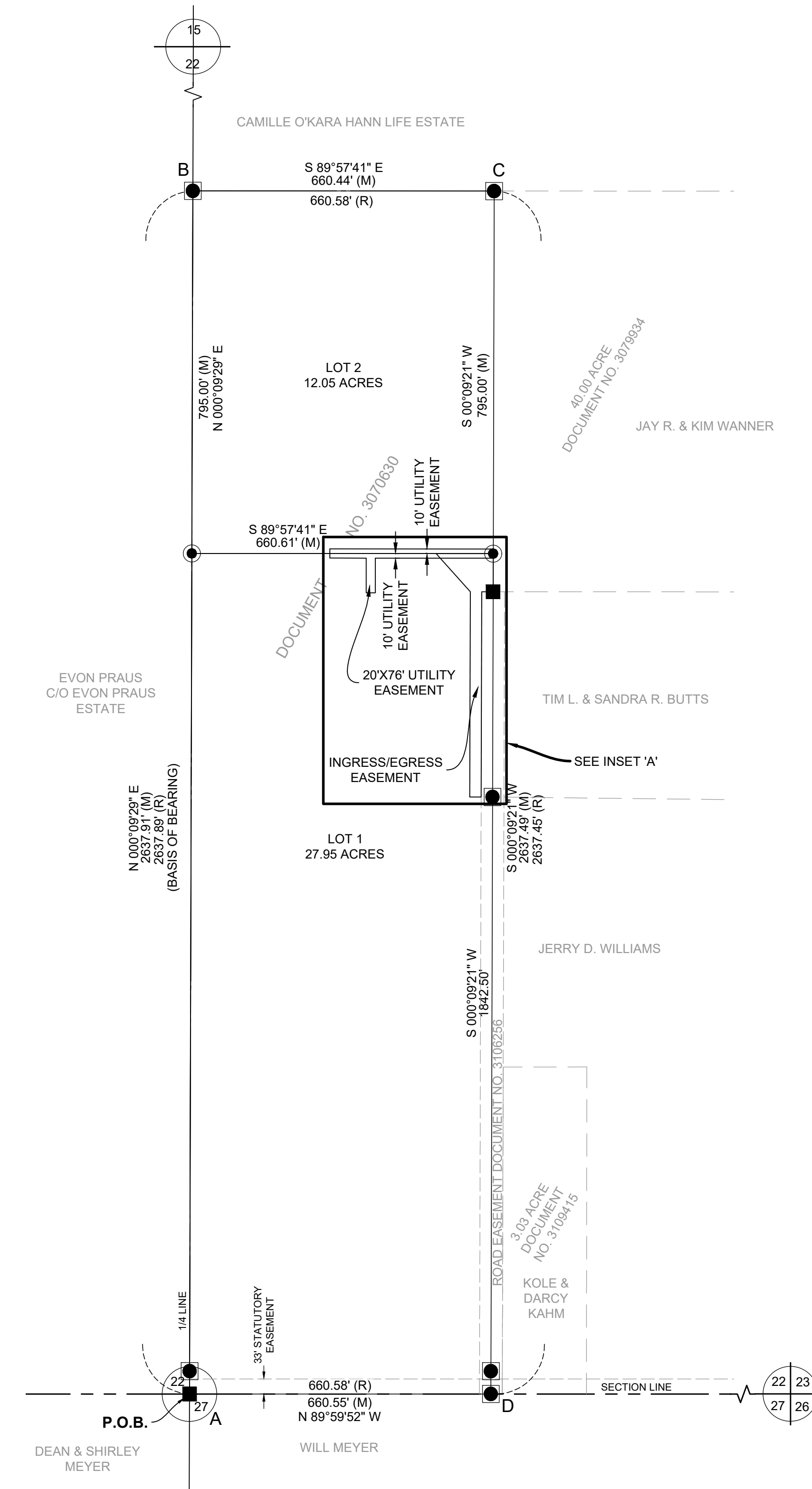
UNITS LISTED IN THIS TABLE ARE INTERNATIONAL FEET.

ENGINEER:
KLJ
677 27TH AVE EAST
DICKINSON, NORTH DAKOTA 58601

OWNER:
DAVID N. & JEANNE R. WANNER
4035 HIGHWAY 22 SOUTH
DICKINSON, ND 58601

PLAT INFORMATION
NUMBER OF LOTS 2
LOT ACREAGE 40.00 ACRES
R/W ACREAGE 0.00 ACRES
TOTAL ACREAGE 40.00 ACRES

ZONING: RESIDENTIAL, AGRICULTURE

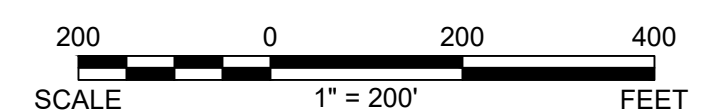


LEGEND

---	SECTION LINE
---	PROPOSED BOUNDARY
---	STATUTORY EASEMENT LINE
---	EXISTING SURVEY - DOCUMENT NO. 3047530
---	REBAR & LS 5501 CAP SET
●	REBAR FOUND
■	REBAR & ALUMINUM CAP FOUND
(M)	MEASURED
(R)	RECORD

NOTES

- ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.
- SURVEY WORK WAS PERFORMED ON JULY 30, 2025.
- EASEMENT WIDTHS ARE AS SHOWN ON THE PLAT.
- UNITS ARE US SURVEY FEET.
- PROPERTY IS LOCATED IN THE FEMA FLOOD ZONE X, AND IS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- PROPERTY IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS.



DRAWING COMPLETED: AUGUST 2025



SHEET 1

REVISED:		Field Book: -	
DRWN BY CW	CHKD BY CF	PROJECT NO. 2506-10410	DATE 7/31/2025



DN Wanner Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: FLP-010-2025 DN Wanner Subdivision

APPLICANT

Dave N Wanner
 4035 HWY 22 S
 Dickinson, ND, 58601
 dnwanner@gmail.com

APPLICANT'S REPRESENTATIVE

Curtis Freeman
 KLJ Engineering
 677 27th Ave E
 Dickinson, ND 58601
 Curtis.freeman@kljeng.com
 (701) 456-3160

Public Hearing	November 12, 2025	Planning and Zoning Commission
Final Consideration	November 18, 2025	City Commission

The applicants are requesting the approval of the DN Wanner final minor subdivision, being a portion of land located in the W1/2 of the SE1/4 of Section 22, Township 139 North, Range 96 West, within the City of Dickinson's Extra-Territorial Zone. According to the applicant, the purpose of this subdivision is to split the parcel into two lots in order to gift a portion of the property to the applicant's grandson. The proposed subdivision is approximately 40.00 acres.

Staff recommendation: Staff recommends **approval** of this subdivision.

LOCATION

The property is generally located along 27th Avenue East, and it is legally described as a portion of land located in the W1/2 of the SE1/4 of Section 22, Township 139 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, within the City of Dickinson’s Extra-Territorial Zone.

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 40.00 acres
LOTS PROPOSED	2

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	AG	Agricultural
East	RR, AG	Single-family residences
South	AG	Undeveloped
West	AG	Undeveloped

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated RESIDENTIAL. The applicant has indicated they are looking to split the property into two lots in order for a residence to be constructed on the south lot. This use is consistent with the FLUM designation.

Compatibility & Compliance with The Zoning Ordinance

A minor subdivision plat is defined in Section 52-1 of the City Subdivision chapter as follows:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;

- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed DN Wanner Subdivision meets the definition of a minor subdivision plat.

The site is currently zoned Agricultural (AG). According to Table 62-162-3a. Summary of Site Development Regulations, the minimum lot size in the AG zoning district is 10 acres. The applicant is proposing a subdivision of the property into two separate lots, with Lot 1 being +/- 27.95 acres, and Lot 2 being +/- 12.05 acres. These proposed lots meet the minimum acreage requirements outlined in the Municipal Code.

The applicant is extending an existing road easement as an ingress/egress easement for the north Lot 2. This easement is to be utilized solely as a driveway, not as a road. Therefore, no road maintenance agreement would be required at this time. Should the number of lots utilizing the easement as primary access increase in the future, Stark County would require a road maintenance agreement. Additionally, the easement would need to be improved to residential subdivision standards.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of FLP-010-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-010-2025: The DN Wanner Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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 **FLP-010-2025: The DN Wanner Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

ST. JOE'S PLAZA PUD AMENDMENT (REZ-008-2025)



ST. JOE'S PLAZA PUD AMENDMENT FUTURE LAND USE MAP (REZ-008-2025)



Section 3 – PUD Regulations

4. With the exceptions listed in the previous condition, the uses within the PUD shall be as follows:
 - a. Office uses;
 - b. Multi-family for adults aged 55 and older;
 - c. Special uses allowed in the High-Density Residential (R3) zoning district subject to approval by the City Commission;
 - d. Convenience storage for on-site residents and on-site offices only;
 - e. Restaurants (generally); and
 - f. Limited retail services.

20. Parking spaces to the south of the property located within the 7th Street West right-of-way shall remain public parking and shall be maintained by the City of Dickinson. Maintenance includes snow removal, pavement repairs, and the striping of parking spaces.

October 2, 2025

St. Joe's Plaza
30 7th St W
Dickinson, ND 58601

To:
Natalie Birchak - City Planner
38 1st Street West, Dickinson, ND 58601

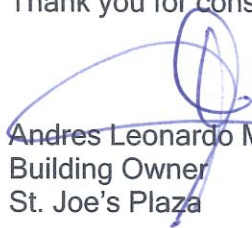
Subject: St. Joe's Plaza Plan Unit Development PUD Amendment

Dear Natalie,

I am writing this letter to formally request an amendment of St. Joe's Plaza PUD. The current zoning regulations restrict my ability to expand my commercial building, which I believe is necessary to meet the growing demands of my building and our community.

I kindly ask for your consideration and support for this request, and I am open to discuss this matter further.

Thank you for considering my request



Andres Leonardo Mejia Fuentes
Building Owner
St. Joe's Plaza



	Lessee	Level	Suite Number	Status	Building	Use
1.	Borderless Access International T.	Lower Level	Suite LL – 1	Active	1951	General Office
2.	Gea Partners / Companies LLC	Lower Level	Suite LL – 2	Active	1951	General Office
3.	SRJ Express	Lower Level	Suite LL – 3	Inactive	1951	N/A
4.	Chomps Storage Room	Lower Level	Suite LL – 5	Inactive	1951	N/A
5.	Emanuel Transportartion Company	Lower Level	Suite LL – 6	Active	1951	General Office
6.	Roughrider Education Services	Lower Level	Suite LL – 10	Active	1951	General Office
7.	The Church at Dickinson Family Room	Lower Level	Suite LL – 15	Active	1951	Religious Room
8.	Urban Unwind – Addition	Lower Level	Suite LL – 20	Active	2000	General Office
9.	Urban Unwind	Lower Level	Suite LL – 25	Active	2000	Personal Services
10.	Food Riot	Lower Level	Suite LL – 30	Active	1966	Restaurant
11.	Rise Property Brokers	Lower Level	Suite LL – 31	Active	1966	General Office
12.	-----	Lower Level	Suite LL – 32	Inactive	1966	N/A
13.	Moe Events LLC	Lower Level	Suite LL – 34	Inactive	1966	N/A
14.	Roberto Castanon	Lower Level	Suite LL – 35	Inactive	1983	N/A
15.	Hurt Ridge Kandy	Lower Level	Suite LL – 36	Active	1983	General Office
16.	Amen Food Pantry	Lower Level	Suite LL – 40	Active	1966	Public Consumer
17.	Deja Vu Tots	Lower Level	Suite LL – 45	Active	1983	Clothing Store
18.	Brigette Castanon	Lower Level	Suite LL – 46	Inactive	1983	N/A
19.	Seraphins	Lower Level	Suite LL – 50	Active	1983	General Office
20.	Keep Me Well	Lower Level	Suite LL – 55	Active	1983	Personal Service
21.	St Joe's Plaza Office	Lower Level	Suite LL – 60	Active	1983	General Office
22.	Keep Me Well Storage	Lower Level	Suite LL – 61	Active	1983	Storage Room
23.	Master Fade – Old location	Lower Level	Suite LL – 62	Inactive	1983	N/A
24.	Deja Vu Tots Storage	Lower Level	Suite LL – 63	Active	1983	Storage Room
25.	Wigs – Kathy	Lower Level	Suite LL – 65	Active	1983	Personal Service
26.	The Church at Dickinson	Lower Level	Suite LL – 70	Active	1951	Religious Service
27.	ISIS Training Room	Lower Level	Suite LL – 71	Active	1983	General Office



28.	LPCC Family Counselor	1 st Floor	Suite 1F – 100	Active	1951	General Office
29.	LPCC Family Counselor Meeting Room	1 st Floor	Suite 1F – 101	Active	1951	General Office
30.	Mason Chiropractic Clinic	1 st Floor	Suite 1F – 102	Inactive	1951	N/A
31.	UMDHU – Family Clinic	1 st Floor	Suite 1F – 103	Active	1951	Clinic
32.	Master Fade Storage	1 st Floor	Suite 1F – 104	Inactive	1951	N/A
33.	Heart River Alcohol & Drug	1 st Floor	Suite 1F – 105	Active	1951	General Office
34.	Psych 180 New Location	1 st Floor	Suite 1F – 110	Active	2000	General Office
35.	Island Cuisine	1 st Floor	Suite 1F – 115	Active	2000	Restaurant
36.	Twist & Sodas	1 st Floor	Suite 1F – 116	Active	2000	Nonalcoholic beverages
37.	Psych 180	1 st Floor	Suite 1F – 117A	Active	2000	Storage Room
38.	M2TK	1 st Floor	Suite 1F – 117B	Inactive	2000	N/A
39.	The Cake Life	1 st Floor	Suite 1F – 118	Inactive	2000	N/A
40.	Master Fade	1 st Floor	Suite 1F - 119	Active	2000	Barber Shop
41.	Winds of Change	1 st Floor	Suite 1F – 120	Active	1983	
42.	Grace & Wisdom Counseling PLLC	1 st Floor	Suite 1F – 121A	Active	1983	General Office
43.	Zim Health Services	1 st Floor	Suite 1F – 121B	Active	1966	General Office
44.	Nerf	1 st Floor	Suite 1F – 122	Active	1966	Games
45.	F5 Project	1 st Floor	Suite 1F – 122A	Active	1983	General Office
46.	Empty Canvas	1 st Floor	Suite 1F – 122B	Active	1983	Tattoo Office
47.	Affordable Housing	1 st Floor	Suite 1F – 123	Active	1983	General Office
48.	Ultimate Escape	1 st Floor	Suite 1F – 124	Inactive	1983	N/A
49.	Adventure Academy Cubs	1 st Floor	Suite 1F – 125	Inactive	1983	N/A
50.	Fresh Sips	1 st Floor	Suite 1F – 130	Inactive	1983	N/A
51.	Little Fawns Daycare	1 st Floor	Suite 1F – 131	Active	1983	Daycare
52.	Golden Age Barbershop	1 st Floor	Suite 1F – 135	Active	1983	Barbershop
53.	Fresh Sips Storage	1 st Floor	Suite 1F – 136	Inactive	1983	N/A
54.	-----	1 st Floor	Suite 1F – 137	Inactive	1983	N/A
55.	Dasha Alterations	1 st Floor	Suite 1F – 138	Active	1983	General Office
56.	Action Grace Church	1 st Floor	Suite 1F – 140	Active	1983	Religious
57.	Action Grace Family Room	1 st Floor	Suite 1F – 141	Active	1983	Religious Room



58.	Adventure Academy LLC	2 nd Floor	Suite 2F – 201	Active	1951	Afterschool Program
59.	Nerf	2 nd Floor	Suite 2F – 205	Active	1966	Games
60.	Heartview Foundation – Outpatient	3 rd Floor	Suite 3F – 300	Active	1966	Healthcare Office
61.	Southwest Multi - Correctional	3 rd Floor	Suite 3F – 301	Active	1966	General Office
62.	Heartview Foundation – Storage Room	3 rd Floor	Suite 3F – 305	Active	1966	Storage Room
63.	Heartview Foundation - Inpatient	4 th Floor	Suite 4F – 401	Active	1966	Healthcare
64.	Chomps – Food Truck	West Parking Lot	N-A	Active	N-A	Food Truck
65.	Tasty Tidbits – Food Truck	West Parking Lot	N-A	Active	N-A	Food Truck
66.	Sal – Food Truck	West Parking Lot	N-A	Active	N-A	Food Truck
67.	Blended Cultures	West Parling Lot	N-A	Active	N-A	Food Truck



St. Joe's Plaza PUD Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: REZ-008-2025 St. Joe's Plaza PUD Zoning Map Amendment

APPLICANT

City of Dickinson
 38 1st Street West
 Dickinson, ND, 58601
 natalie.birchak@dickinsongov.com
 (701) 456-7812

OWNER

Andres Leonardo Mejia Fuentes
 St. Joe's Plaza
 30 7th Street West
 Dickinson, ND, 58601
 andimejia@hotmail.com
 (701) 690-6668

Public Hearing	November 12, 2025	Planning and Zoning Commission
Public Hearing	November 18, 2025	City Commission
Final Consideration	December 2, 2025	City Commission

Community Development staff are requesting the approval of an amendment to the existing St. Joe's Plaza Planned Unit Development (PUD) for all of Block 10, all of Block 11, and Lots 1 & 2 of Block 4 of the Hilliard and Manning Addition Subdivision, and all of Block 14 and all of Block 15 of the Hilliard 3rd Addition Subdivision, located within the City of Dickinson. The purpose of this rezoning is to allow the continued operation of restaurant and retail service uses, as well as to clarify maintenance responsibility of parking spaces along 7th Street West. The site is approximately 4.38 acres. Attachment A indicates the proposed changes to the existing PUD.

Staff recommendation: Staff recommends approval of this rezoning request.

LOCATION

The property is generally located at 30 7th Street West, and it is legally described as all of Block 10, all of Block 11, and Lots 1 & 2 of Block 4 of the Hilliard and Manning Addition Subdivision, and all of Block 14 and all of Block 15 of the Hilliard 3rd Addition Subdivision, located within the NW1/2 of Section 3, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

CURRENT ZONING	PUD
FUTURE LAND USE MAP DESIGNATION	PUBLIC/CIVIC
GROSS SITE ACREAGE	+/- 4.38 acres
LOTS PROPOSED	N/A

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	R-1	Single-family residential
East	R-1	Single-family residential
South	R-3	Medical offices; single-family residential
West	R-1	Parkland; single-family residential

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated PUBLIC/CIVIC. In the proposed FLUM from the Direction 2050 Comprehensive Plan updates, the property is designated COMMERCIAL. The inclusion of commercial uses in the Planned Unit Development (PUD) zoning district currently in place are consistent with the proposed COMMERCIAL FLUM designation.

Compatibility and Compliance with The Zoning Ordinance

The site is currently located within the PUD zoning district, the restrictions of which are outlined in Ordinance 1592. Currently, the property is a tenant facility, and there are instances of Restaurant (General) and Limited Retail Service uses within the property, which are not permitted uses according to Ordinance 1592. Community Development staff has not received

any complaints from residents regarding these uses. This amendment to the PUD will permit these uses within the facility, so long as they meet the standards set by both the PUD zoning district and the associated development agreement.

Historically, there has been confusion over ownership of the parking spaces on the north side of 7th Street West adjacent to the subject property. The proposed amendment clarifies these parking spaces are open to the public, and shall be maintained by City staff.

Attachment A indicates the proposed changes to the existing PUD.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of REZ-008-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-008-2025: The St. Joe's Plaza PUD Rezoning Request**, subject to the provisions in Attachment A, as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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-008-2025: The St. Joe's Plaza PUD Rezoning Request** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: Jotform
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak
Subject: Re: Unified Development Application
Date: Tuesday, September 30, 2025 12:32:33 PM
Attachments: [Energy Center Pre-Application Letter.pdf](#)
[251847 Owner Signature Signed.pdf](#)
[251847 Transmittal-REZONE 9-30-25.pdf](#)
[251847-Zoning Map.pdf](#)
[251847-Parcels Map.pdf](#)
[Energy Center 1st Sub.pdf](#)
[3180905-Irregular Plat of 1A & 2A.pdf](#)
[251847-Property Deeds.pdf](#)
[6350662926227175479_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: [Energy Center Pre-Application Letter.pdf](#)

Type of Development **Rezoning - Zoning Map Amendment**

Name **Badlands Properties LLC**

Applicant Email **mfisher@thefishergroup.us.com**

Applicant Phone # **(701) 690-8750**

Applicant Representative (if applicable) **Andrew Albrecht**

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **andrew.albrecht@highlandseng.com**

Applicant Representative Phone # **(701) 793-2422**

Owner Name **Badlands Properties LLC**

Owner Address **PO Box 87, Dickinson, ND, 58601**

Owner Email mfisher@thefishergroup.us.com

Owner Phone # (701) 690-8750

Is the owner present to Sign No

Owner Signature Upload [251847_Owner Signature_Signed.pdf](#)

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

	1/4 Section	Township	Range
Description	W1/2 Sec. 1 & N1/2NW1/4 Sec. 12	T139N	R96W

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	Lot 1A	1	Energy Center 1st Subdivision

Property Address / General Project Location 2720 I-94 Business Loop E, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 2.73

Transmittal Letter (Explanation of Request & Proposed Operations) [251847_Transmittal-REZONE 9-30-25.pdf](#)

Existing Zoning GC - General Commercial

Proposed Zoning GI - General Industrial

Rezone Calc Multiplier 1

Overlay District Description I-94 Business Loop East

Map of Area to be Rezoned [251847-Zoning Map.pdf](#)
[251847-Parcels Map.pdf](#)
[Energy Center 1st Sub.pdf](#)
[3180905-Irregular Plat of 1A & 2A.pdf](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 750

Deed for Property [251847-Property Deeds.pdf](#)

Application Fees Applicable Fees 750.00 USD

Total: \$750.00

Transaction ID: bkggyg2n

Payment Information

First Name: Andrew

Last Name: Schrank

E-Mail mfisher@thefishergroup.us.com

Applicant Signature



Date 09-30-2025

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

DIAMOND 1ST REZONE REQUEST (REZ-009-2025)



DIAMOND 1ST FUTURE LAND USE MAP (REZ-009-2025)

Section 3. Item C.





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

From: Andrew Albrecht, PE/LS
Highlands Engineering
319 24th Street East
Dickinson, ND 58601
701.483.2444
andrew.albrecht@highlandseng.com

Date: September 30th, 2025

Re: Rezone Application – Diamond 1st Addition

Message: Enclosed you will find the following Rezone application documents for the above referenced project being submitted for consideration at the November Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Warranty Deeds for the Properties
- City Parcels Map for the Area
- City Zoning Map for the Area
- Irregular Plat of Lots 1A & 2A, Energy Center 1st Subdivision

Rezoning Request

The applicant is requesting a change from General Commercial (GC) to General Industrial (GI) for the West 292.78 feet of the south 95.62 feet of Lot 1A, Block 1 of Energy Center 1st Subdivision.

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

Project Description

The owner/applicant is requesting this change in zoning in conjunction with the Minor Plat Application for Diamond 1st Addition to the City of Dickinson to allow for the combination of the south 95.62 feet of Lot 1A and Lot 4, Block 1 of Energy Center 1st Subdivision into the proposed Lot 2, Block 1, of Diamond 1st Addition.

The East portion of Lot 1A, known as Parcel A, Lot 2, Block 1, Energy Center 1st Subdivision per document number 3180827, is already Zoned General Industrial (GI) as it was not rezoned during the irregular plat process.

This request would extend the existing General Industrial (GI) zoning into remaining south 95.62 feet of Lot 1A. The remaining north portion of Lot 1A would remain General Commercial (GC) This request would allow for the use of this site to meet the City' zoning code requirements. This request would also allow the lots that are proposed to be combined as part of a separate plat application to have the same zoning district as required by the City's Municipal Code.

To prevent zoning designations that do not align with platted lot lines, we would request that the City make this zone change contingent on the Diamond 1st Addition plat.

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 J. Albrecht, PE/LS
Highlands Engineering

Dickinson Land Information Map

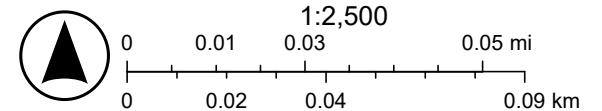


9/26/2025

- Public Street Names 8K Platted Lot Lines
- Private Street Names Easement Lines
- PLSS Description 12k Municipal Boundary
- Dickinson Tax Parcels Extra Territorial Boundary

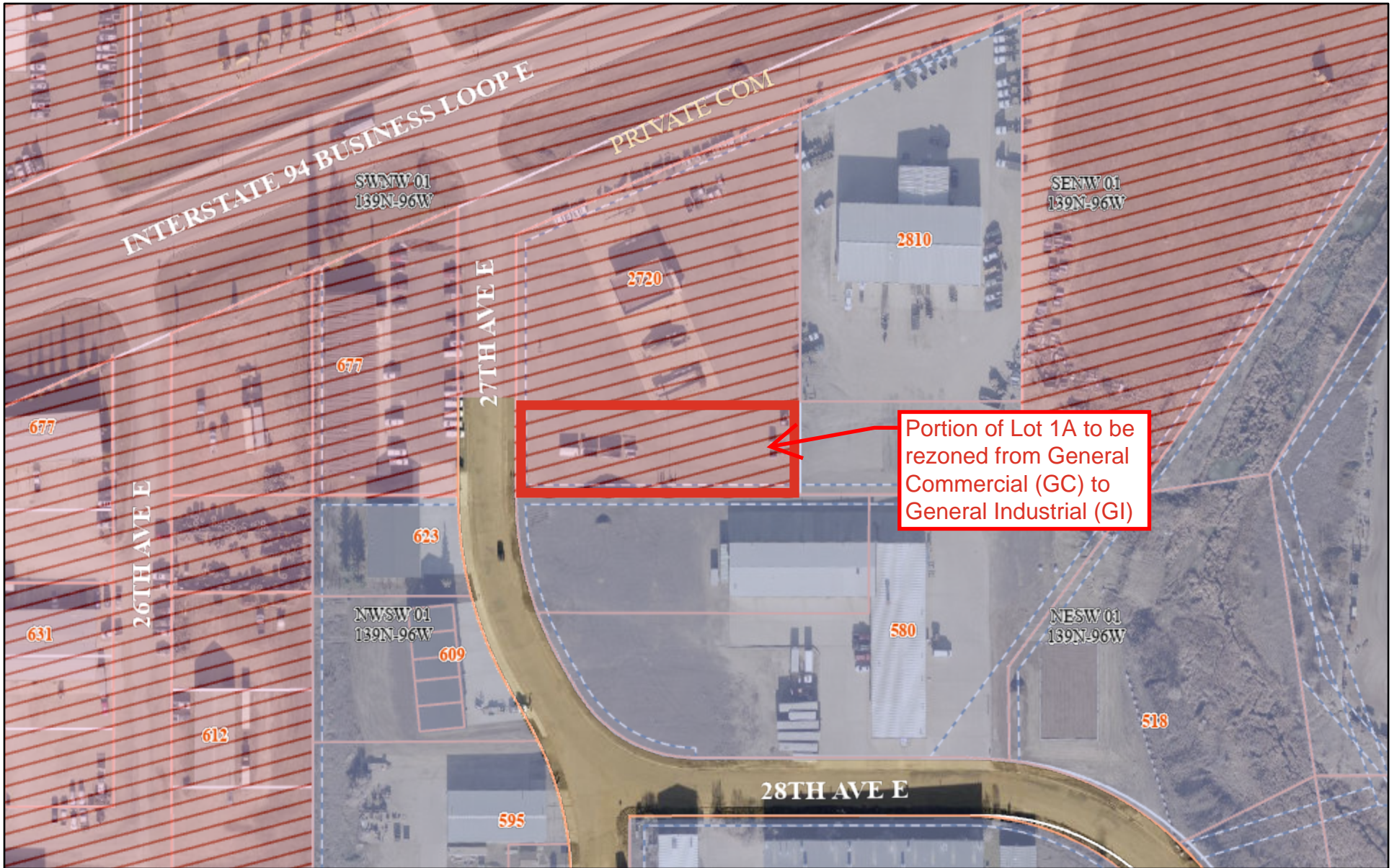
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery

- Citations
- 60cm Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft
Dickinson Engineering Department, Engineering & Planning

Dickinson Zoning Information Map

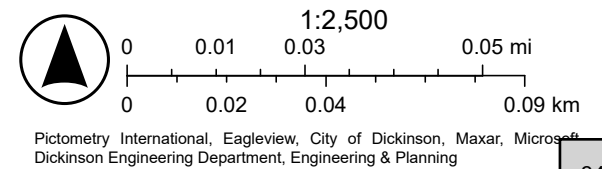


9/26/2025

Public Street Names 8K
 Private Street Names
 PLSS Description 12k
 Dickinson Zoning
 General Commercial - GC

General Industrial - GI
 Dickinson Tax Parcels
 Platted Lot Lines
 Easement Lines
 Municipal Boundary
 Extra Territorial Boundary
 World Imagery
 Low Resolution 15m Imagery

High Resolution 60cm Imagery
 High Resolution 30cm Imagery
 Citations
 60cm Resolution Metadata



PLAT OF

ENERGY CENTER 1ST. SUBDIVISION

IN

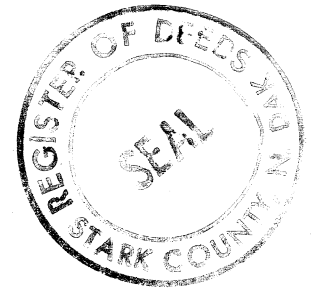
THE W1/2 OF SECTION 1 & N1/2 NW1/4 OF SECTION 12

T139N, R96W

STARK COUNTY, NORTH DAKOTA

DOCUMENT NO. **211941**
 P G G M INDEXED
 State of North Dakota, } ss. Office of
 County of Stark } Register of Deeds
 I hereby certify that the within instrument was filed in
 this office for record on the 13th day of
November 1980 at 1:20 o'clock P. M.
 and was duly recorded in Book 4 of Plats
 on Page 117
 By Rose O'Leary Register of Deeds
 Deputy
 FEES \$ 9.30
 INSTRUMENT RETURNED TO
Sheet 1 and 2

ENERGY CENTER 1ST SUBD IN
 W 1/2 NW 1/4 - 12-139-96
 No. 151 2 pages



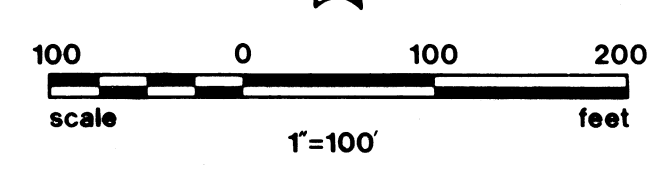
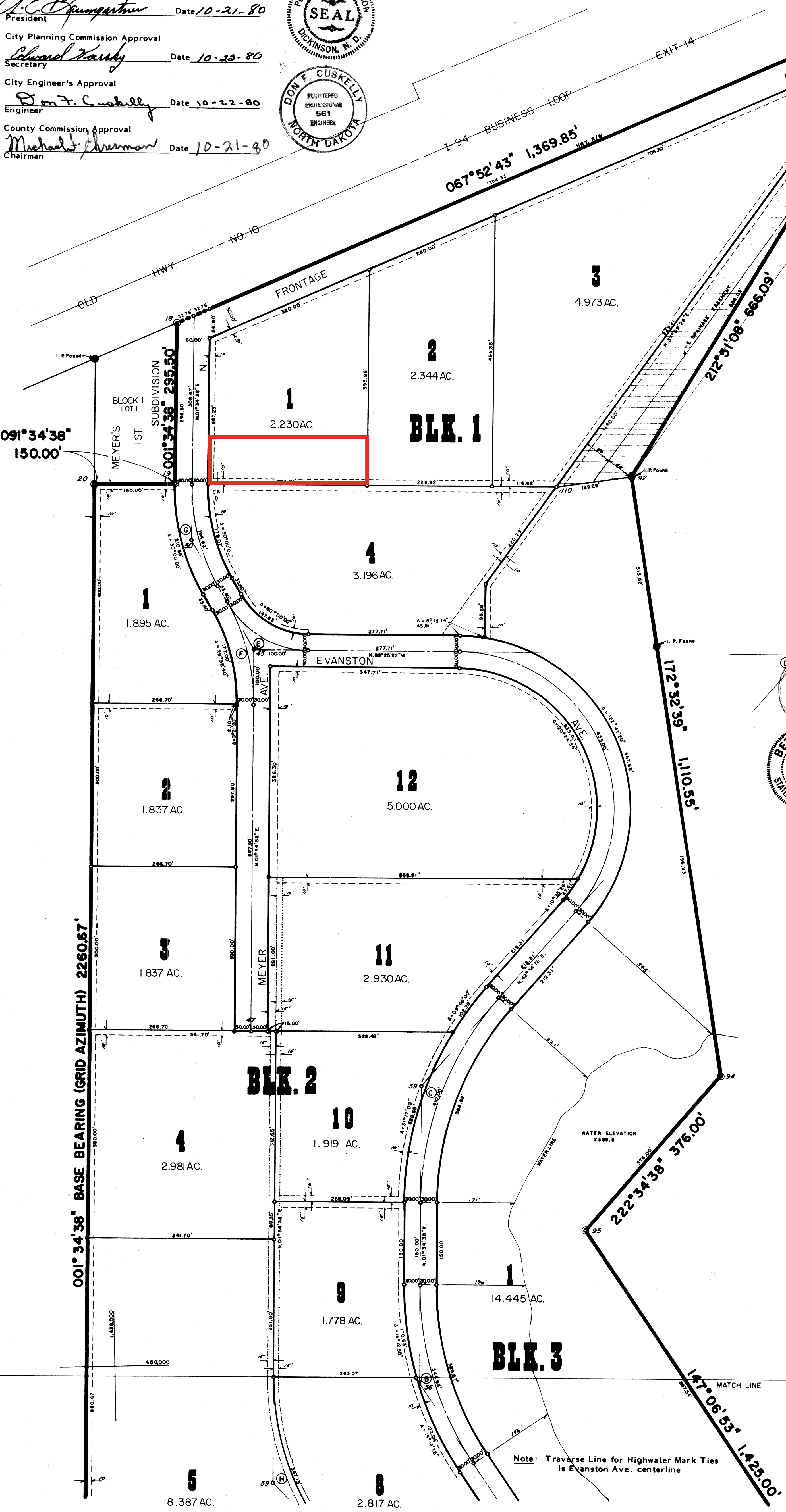
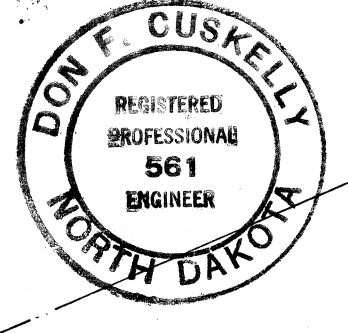
APPROVAL CERTIFICATES

City Commission Approval
J. E. Baumgartner Date 10-21-80
 President

City Planning Commission Approval
Edward Karsky Date 10-20-80
 Secretary

City Engineer's Approval
Don F. Cuskelly Date 10-22-80
 Engineer

County Commission Approval
Michael Sherman Date 10-21-80
 Chairman



SURVEYOR'S CERTIFICATE

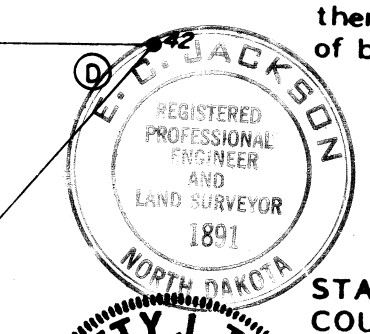
I, Eugene C. Jackson, Registered Land Surveyor N.D. No. 1891 of Dickinson, Stark County, North Dakota, do hereby certify that the survey of the "Energy Center First Subdivision" lying in the W1/2 of Section 1 and the N1/2 of Section 12, Township 139 North, Range 96 West of the 5th P.M., Stark County, North Dakota, on this plat shown, was made under my direction from notes made in the field, and the same is true and correct to the best of my knowledge and belief.

The boundary of said tract is more particularly described as follows, to wit:

Beginning at the southwest corner of said Section 1, an Iron pin found, North Dakota Coordinate System, South Zone, 1927 North American Datum, coordinates of 449, 129.68 North, 1, 438, 086.05 East (Point No. 1 on the plat), thence on an azimuth of 092° 06' 53" a distance of 1138.01 feet (Point No. 2 on plat), thence on an azimuth of 001° 34' 38" a distance of 258.00 feet (Point No. 26 on plat), thence on an azimuth of 272° 06' 53" a distance of 300.00 feet (Point No. 25 on plat), thence on an azimuth of 001° 34' 38" a distance of 2260.67 feet (Point No. 20 on plat), thence on an azimuth of 091° 34' 38" a distance of 150.00 feet (Point No. 19 on plat), thence on an azimuth of 001° 34' 38" a distance of 295.50 feet (Point No. 18 on plat), said point also being on the southerly right-of-way line of U.S. I-94 Business Loop, thence on an azimuth of 067° 52' 43" a distance of 1369.85 feet, thence on an azimuth of 157° 56' 50" a distance of 272.32 feet, thence on an azimuth of 269° 28' 23" a distance of 181.46 feet, thence on an azimuth of 212° 31' 08" a distance of 666.09 feet (Point No. 92 on the plat), thence on an azimuth of 172° 32' 39" a distance of 1,110.55 feet (Point No. 94 on plat), thence on an azimuth of 222° 34' 38" a distance of 376.00 feet (Point No. 95 on plat), thence on an azimuth of 147° 06' 53" a distance of 1425.00 feet (Point No. 96 on plat), said point also lying on the south line of said Section 1, thence on an azimuth of 272° 06' 53" a distance of 390.00 feet (Point No. 80 on plat), thence on an azimuth of 181° 31' 19" a distance of 1,109.75 feet to the northerly 200 foot right-of-way line of the Burlington-Northern Railroad Company (Point No. 83 on plat), thence on an azimuth of 297° 35' 28" along said northerly right-of-way a distance of 1453.19 feet (Point No. 84 on plat), thence continuing along said right-of-way along a 0° 57' 59" curve to the left a distance of 928.92 feet to the west line of said Section 12, thence on an azimuth of 001° 29' 23" a distance of 152.25 feet to the point of beginning.

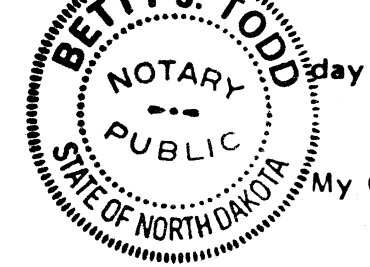
Said tract contains a total of 110.043 acres.

E. C. Jackson
 E. C. Jackson, S. N. D. No. 1891



STATE OF NORTH DAKOTA)
 COUNTY OF STARK) ss

The foregoing certificate was acknowledged before me this 24th day of September, 1980, by Eugene C. Jackson.



My Commission Expires Sept 13, 1984
Betty J. Todd
 Notary Public - Stark County, N. D.

PROPRIETORS' CERTIFICATE

We, The Dickinson Energy Center Partnership, PARTNER: Evanston Industrial Center Partnership, a Wyoming General Partnership, and PARTNER: Meyer Enterprises, Inc., a North Dakota Corporation, and Renbell Investment Co., a Montana Partnership (Proprietors of Lots 2 and 3, Block 2 of this plat), Owners and Proprietors of the "Energy Center 1st Subdivision" in the W1/2 of Section 1 and the N1/2 of Section 12, Township 139 North, Range 96 West of the 5th P.M., Stark County, North Dakota, do hereby declare and certify that we have caused the same to be surveyed, staked out, and platted by Eugene C. Jackson, Registered Land Surveyor in the State of North Dakota, in the manner shown on the accompanying plat, as described in the Surveyor's Certificate.

We further certify that all streets and easements as shown on the plat are hereby dedicated to the public use forever.

IN WITNESS WHEREOF we have hereunto subscribed our names this 1st day of October, 1980.

PARTNER: James M. Anderson
 Evanston Industrial Center Partnership, J. Anderson, Inc.,
 Managing Partner, James Anderson, President

PARTNER: Ivan Meyer
 Meyer Enterprises, Inc.; Ivan Meyer, President

Leon H. Reinecke
 Renbell Investment Co.; Leon H. Reinecke, General Partner

STATE OF NORTH DAKOTA)
 COUNTY OF STARK) ss

On this 1st day of October, 1980, before me, a Notary Public in and for said County and State, personally appeared James Anderson, known to me to be the same person who is described in the foregoing Proprietors' Certificate, who executed the same, and acknowledged that he executed the same.

My Commission Expires June 7, 1983
Leon L. Mallberg
 Notary Public

STATE OF NORTH DAKOTA)
 COUNTY OF STARK) ss

On this 1st day of October, 1980, before me, a Notary Public in and for said County and State, personally appeared Ivan Meyer, known to me to be the same person who is described in the foregoing Proprietors' Certificate, who executed the same, and acknowledged that he executed the same.

My Commission Expires June 7, 1983
Leon L. Mallberg
 Notary Public, Stark County, North Dakota

STATE OF NORTH DAKOTA)
 COUNTY OF STARK) ss

On this 1st day of October, 1980, before me, a Notary Public in and for said County and State, personally appeared Leon H. Reinecke, known to me to be the same person who is described in the foregoing Proprietors' Certificate, who executed the same, and acknowledged that he executed the same.

My commission expires June 7, 1983
Leon L. Mallberg
 Notary Public

- LEGEND**
- Iron Pins Found
 - Iron Pins Set
 - Property Corner
 - ⊙ Reference to Curve Data
 - 78 Reference to Coordinate Points
 - Utility Easements (for construction and maintenance of gas, electric, telephone, sewer, water and storm sewer systems)
 - Railway Easements (for construction and maintenance of railway systems and services)
 - Utility/Railway Easement (combination of utility easements and railway easements)



Diamond 1st Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: REZ-009-2025 Diamond 1st Rezone

APPLICANT

Michael Fisher
 Badlands Properties LLC
 PO Box 87
 Dickinson, ND, 58601
 mfisher@thefishergroup.us.com
 (701) 690-8750

APPLICANT'S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

Public Hearing	November 12, 2025	Planning and Zoning Commission
Public Hearing	November 18, 2025	City Commission
Final Consideration	December 2, 2025	City Commission

The applicants are requesting the approval of a zoning map amendment from General Commercial (GC) to General Industrial (GI) for the West 292.78 feet of the South 95.62 feet of Lot 1A of Block 1 of the Energy Center 1st Subdivision, located within the City of Dickinson. The purpose of this rezoning is to subdivide the property and combine the south portion of Lot 1A to with the property directly to the south. The area being rezoned is approximately 0.64 acres.

Staff recommendation: Staff recommends **approval** of this rezoning request contingent on approval of FLP-011-2025.

The companion Diamond 1st Addition final minor subdivision plat is also scheduled for public hearing at the November 12, 2025 Planning and Zoning Commission meeting (FLP-011-2025).

LOCATION

The property is generally located along 27th Avenue East, and it is legally described as the West 292.78 feet of the south 95.62 feet of Lot 1A, Block 1, of the Energy Center First Subdivision, located within the SW1/4 of the NW1/4 of Section 1, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

CURRENT ZONING	GC
FUTURE LAND USE MAP DESIGNATION	INDUSTRIAL
GROSS SITE ACREAGE	+/- 0.64 acres
LOTS PROPOSED	N/A

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	GC	Commercial
East	GI &GC	Undeveloped; industrial
South	GI	Industrial
West	GC	Commercial; industrial

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated INDUSTRIAL. General Industrial (GI) is an acceptable zoning district within the INDUSTRIAL FLUM designation and brings this property into compliance with the future land use map.

Compatibility

The proposed rezoning is comparable to and compatible with the existing GI zoning district of the adjacent properties to the south along 27th Avenue East and 28th Avenue East, as well as the property directly to the east.

Compliance with The Zoning Ordinance

The site is currently zoned GC, and the applicant is proposing to rezone the site to GI. This proposal is consistent with the existing GI zoning found to the east and south of the site. The applicant has also applied to replat the property to combine the southern portion of Lot 1A with Lot 4 to the south.

The proposed subdivision replats the property into two lots. Lot 1 on the north would be 1.58 acres and zoned GC, while Lot 2 to the south would be 4.34 acres and zoned GI. The minimum lot size for the GC zoning district is 10,000 square feet, and the minimum lot size for the GI zoning district is 12,000 square feet. The proposed lots would meet the development requirements for their respective zoning districts.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of REZ-009-2025 contingent on the approval of FLP-011-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-009-2025: The Diamond 1st Rezoning Request** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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-009-2025: The Diamond 1st Rezoning Request** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Tuesday, September 30, 2025 12:10:37 PM
Attachments: [Energy Center Pre-Application Letter.pdf](#)
[251847 Owner Signature Signed.pdf](#)
[251847 Transmittal-MINOR PLAT 9-30-25.pdf](#)
[251847-Property Deeds.pdf](#)
[251847-Parcels Map.pdf](#)
[251847 MINOR PLAT-FINAL-DIAMOND 1ST ADDITION 9-26-25.pdf](#)
[251847 MINOR PLAT-PRELIM-DIAMOND 1ST ADDITION 9-26-25.pdf](#)
[6350649886224415103 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: [Energy Center Pre-Application Letter.pdf](#)

Type of Development

Is this a Replat Yes

Subdivision Being Re-platted Lot 1A & Lot 4, Block 1, Energy Center 1st Subdivision

Name Badlands Properties LLC

Applicant Email mfisher@thefishergroup.us.com

Applicant Phone # (701) 690-8750

Applicant Representative (if applicable) Andrew Albrecht

Applicant Representative Company Highlands Engineering

Applicant Representative Email andrew.albrecht@highlandseng.com

Applicant Representative Phone # (701) 793-2422

Owner Name Badlands Properties LLC

Owner Address PO Box 87, Dickinson, ND, 58602

Owner Email mfisher@thefishergroup.us.com

Owner Phone # (701) 690-8750

Is the owner present to Sign

Owner Signature Upload [251847_Owner Signature_Signed.pdf](#)

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

	1/4 Section	Township	Range
Description	W1/2 Sec. 1 & N1/2NW1/4 Sec. 12	T139N	R96W

Property Address / General Project Location 2730 I-94 Business Loop E & 580 28th Ave E, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 5.93 Acres

Transmittal Letter (Explanation of Request & Proposed Operations) [251847_Transmittal-MINOR PLAT 9-30-25.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 1

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Name of Plat Diamond 1st Addition

Number Lots

Number of Block(s) 1

2 Existing Buildings

Application Calc 500

Required Documentation Upload [251847-Parcels Map.pdf](#)
[251847 MINOR PLAT-FINAL-DIAMOND 1ST ADDITION 9-26-25.pdf](#)
[251847 MINOR PLAT-PRELIM-DIAMOND 1ST ADDITION 9-26-25.pdf](#)

Deed for Property [251847-Property Deeds.pdf](#)

Application Fees Applicable Fees 500.00 USD

Total: \$500.00

Transaction ID: nm9a1h9d

Payment Information

First Name: Andrew
Last Name: Albrecht
E-Mail: mfisher@thefishergroup.us.com

Applicant Signature



Date 09-30-2025

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

DIAMOND 1ST ADDITION MINOR SUBDIVISION (FLP-011-2025)





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

From: Andrew Albrecht, PE/LS
Highlands Engineering
319 24th Street East
Dickinson, ND 58601
701.483.2444
andrew.albrecht@highlandseng.com

Date: September 30th, 2025

Re: Minor Plat Application – Diamond 1st Addition

Message: Enclosed you will find the following Minor Plat application documents for the above referenced project being submitted for consideration at the November Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deeds for the Properties
- Plat Drawing with Aerial Image Showing Current Site
- Final Minor Plat Drawing
- City Parcels Map for the Area

Legal Description of Property

A PARCEL OF LAND BEING LOT 1A AND LOT FOUR (4), BLOCK ONE (1) OF ENERGY CENTER 1ST SUBDIVISION LOCATED IN THE WEST HALF (W1/2) OF SECTION ONE (1) AND THE NORTH HALF OF THE NORTHWEST QUARTER (N1/2NW1/4) OF SECTION TWELVE (12), 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.

SAID PARCEL CONTAINS 5.93 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

The owner/applicant is submitting this Minor Plat Application for Diamond 1st Addition to the City of Dickinson to allow for the combination of the south 95.62 feet of Lot 1A and Lot 4, Block 1 of Energy Center 1st Subdivision into the proposed Lot 2, Block 1, of Diamond 1st Addition with the remaining portion of Lot 1A becoming Lot 1, Block 1 of Diamond 1st Addition. This will create a two-lot subdivision. This site contains two existing buildings with each of these buildings lying within the required setbacks of the resulting proposed lots.

No public improvements will be required for this subdivision. Each building is currently serviced by existing infrastructure shown on the attached current site conditions map.

The resulting new lot line causes a minor encroachment of concrete pavement from Lot 1 into Lot 2 of which the owner/applicant is aware of and has no concerns.

To my knowledge, 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 J. Albrecht, PE/LS - Highlands Engineering

Dickinson Land Information Map

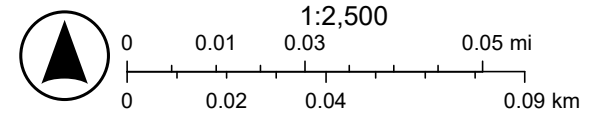


9/26/2025

- Public Street Names 8K Platted Lot Lines
- Private Street Names Easement Lines
- PLSS Description 12k Municipal Boundary
- Dickinson Tax Parcels Extra Territorial Boundary

- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery

- Citations
- 60cm Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft
Dickinson Engineering Department, Engineering & Planning

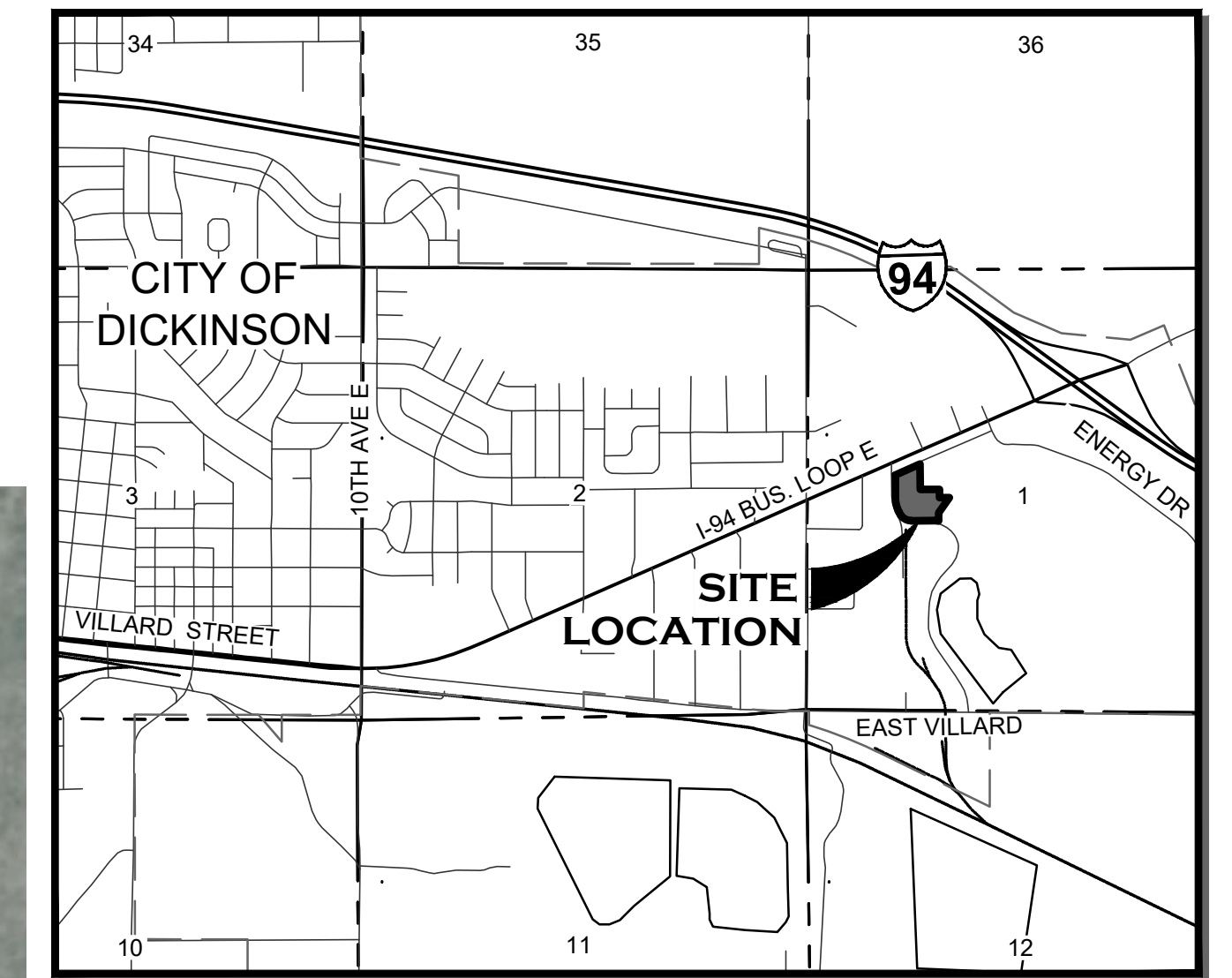
DIAMOND 1ST ADDITION

BEING THE REPLAT OF LOTS 1A & 4, BLOCK 1, ENERGY CENTER 1ST SUBDIVISION W¹/₂ SEC. 1 & N¹/₂NW¹/₄ SEC. 12, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT 1A AND LOT FOUR (4), BLOCK ONE (1) OF ENERGY CENTER 1ST SUBDIVISION LOCATED IN THE WEST HALF (W¹/₂) OF SECTION ONE (1) AND THE NORTH HALF OF THE NORTHWEST QUARTER (N¹/₂NW¹/₄) OF SECTION TWELVE (12), 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.

SAID PARCEL CONTAINS 5.93 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



VICINITY MAP
1" = 2000'

LEGEND

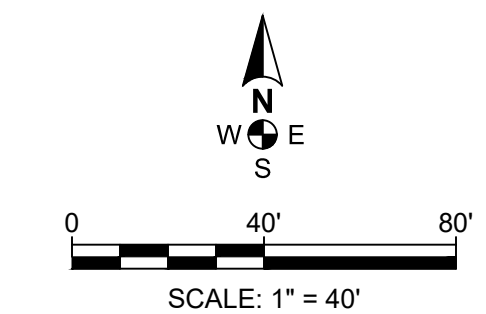
- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466" UNLESS OTHERWISE NOTED
- CENTER LINE
- EXISTING EASEMENTS
- BUILDING SETBACK
- EXISTING WATER MAIN
- WS — WS — EXISTING WATER SERVICE LINE
- SAN — SAN — EXISTING SANITARY MAIN/SERVICE
- STM — STM — EXISTING STORM DRAIN

NOTES

- 1) THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0213F, PANEL 213 OF 850, WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) VERTICAL DATUM: NAVD 88
- 3) DATE OF LATEST FIELD WORK: SEPTEMBER 17, 2025



HIGHLANDS ENGINEERING

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

PROJECT NUMBER: 251847	SCALE: 1"=40'
DRAWN BY: AJA	DATE: 09/26/25



Diamond 1st Addition Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: FLP-011-2025 Diamond 1st Addition Subdivision

APPLICANT

Michael Fisher
 Badlands Properties LLC
 PO Box 87
 Dickinson, ND, 58601
 mfisher@thefishergroup.us.com
 (701) 690-8750

APPLICANT'S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

Public Hearing	November 12, 2025	Planning and Zoning Commission
Final Consideration	December 2, 2025	City Commission

The applicants are requesting the approval of the Diamond 1st Addition final minor subdivision, being a replat of Lots 1A & 4 of Block 1 of the Energy Center 1st Subdivision, located in the W1/2 of Section 1 and the N1/2 of the NW1/4 of Section 12, Township 139 North, Range 96 West, within the City of Dickinson. According to the applicant, the purpose of this subdivision is to combine the southern portion of Lot 1A with the existing Lot 4. The proposed subdivision is approximately 5.93 acres.

Staff recommendation: Staff recommends **approval** of this final minor subdivision contingent on approval of REZ-009-2025.

The companion Diamond 1st rezoning request is also scheduled for public hearing at the November 12, 2025 Planning and Zoning Commission meeting (REZ-009-2025).

LOCATION

The property is generally located along 27th Avenue East, and it is legally described as Lot 1A and Lot 4, Block 1, of the Energy Center First Subdivision, located in the W1/2 of Section 1, and the N1/2 of the NW1/4 of Section 12, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

CURRENT ZONING	GI, GC
FUTURE LAND USE MAP DESIGNATION	INDUSTRIAL
GROSS SITE ACREAGE	+/- 5.93 acres
LOTS PROPOSED	2

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	GC	Commercial
East	GI & GC	Undeveloped; industrial
South	GI	Industrial
West	GI & GC	Commercial; industrial

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated INDUSTRIAL. Approval of an industrial subdivision within the INDUSTRIAL FLUM designation complies with the City’s FLUM.

Compatibility and Compliance with The Zoning Ordinance

A minor subdivision plat is defined in Section 52-1 of the City Subdivision chapter as follows:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and

- Consists of four lots or less.

The proposed Diamond 1st Addition Subdivision meets the definition of a minor subdivision plat.

The site is currently zoned GC, and the applicant is proposing to rezone the site to GI. This proposal is consistent with the existing GI zoning found to the east and south of the site. The applicant has also applied to replat the property to combine the southern portion of Lot 1A with Lot 4 to the south.

The proposed subdivision replats the property into two lots. Lot 1 on the north would be 1.58 acres and zoned GC, while Lot 2 to the south would be 4.34 acres and zoned GI. The minimum lot size for the GC zoning district is 10,000 square feet, and the minimum lot size for the GI zoning district is 12,000 square feet. The proposed lots would meet the development requirements for their respective zoning districts.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of FLP-011-2025 contingent on the approval of REZ-009-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-011-2025: The Diamond 1st Addition Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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 **FLP-011-2025: The Diamond 1st Addition Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: Jotform
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Sylvia Miller; Natalie Birchak
Subject: Re: Unified Development Application
Date: Friday, October 3, 2025 3:08:34 PM
Attachments: [251798_Owner_Signature_2025-10-03.pdf](#)
[Able Pre-Application Letter.pdf](#)
[3186253_Deed.pdf](#)
[3186252_Deed.pdf](#)
[251798_PLAT-PRELIM_2025-10-03.pdf](#)
[251798_PLAT-FINAL_2025-10-03.pdf](#)
[251798_SITE-Prelim_2025-07-21.pdf](#)
[251798_City_Parcels.pdf](#)
[FIRMETTE_830711d4-5940-4cac-adcb-537202fa3cd1.pdf](#)
[3115765_Resolution.pdf](#)
[251798_Transmittal-MINOR PLAT_2025-10-03_4136.pdf](#)
[6353348636223663917_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: [Able Pre-Application Letter.pdf](#)

Type of Development

Is this a Replat Yes

Subdivision Being Re-platted THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION

Name Mike Klein

Company 23rd Street Apartments, LLC

Applicant Email mklein@ablend.net

Applicant Phone # (701) 290-1451

Applicant Representative (if applicable) Andrew Schrank

Applicant Representative Company Highlands Engineering

Applicant Representative

Email schrank@highlandseng.com

Applicant Representative Phone # (701) 483-2444

Owner Name 23rd Street Apartments, LLC

Owner Address 1951 1st Street W, Dickinson, ND, 58601

Owner Email mklein@ablend.net

Owner Phone # (701) 290-1451

Is the owner present to Sign No

Owner Signature Upload [251798_Owner Signature_2025-10-03.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

A PARCEL OF LAND BEING THE REPLAT OF LOTS TWENTY-SIX THRU THIRTY-ONE (26-31), LOTS THIRTY-SIX THRU FORTY-ONE (36-41), AND THE EAST 38.23-FEET OF LOTS THIRTY-TWO (32) AND THIRTY-FIVE (35), BLOCK FIVE (5) OF THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITIOIN LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.


SAID PARCEL CONTAINS 1.88 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	SE1/4SW1/4 Section 28	T140N	R96W

Property Address / General Project Location 1141, 1197, and 1257 23rd Street W, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 1.88 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [251798_Transmittal-MINOR PLAT_2025-10-03_4136.pdf](#)

Rezone Calc Multiplier	0
Minor Platting Multiplier	1
Prelim Platting Multiplier	0
Major Platting Multiplier	0
Name of Plat	23rd Street Addition
Number Lots	<input type="text" value="1 to 10 Lots"/>
Number of Block(s)	1
	4 single bed units, 26 double bed units
Application Calc	500
Required Documentation Upload	251798_PLAT-PRELIM_2025-10-03.pdf 251798_PLAT-FINAL_2025-10-03.pdf 251798_SITE-Prelim_2025-07-21.pdf 251798_City Parcels.pdf FIRMETTE_830711d4-5940-4cac-adcb-537202fa3cd1.pdf 3115765_Resolution.pdf
Deed for Property	3186253_Deed.pdf 3186252_Deed.pdf
Application Fees	Applicable Fees 500.00 USD
	Total: \$500.00
	Transaction ID: p560pepp
	Payment Information
	First Name: Ashley
	Last Name: Schrank
	E-Mail: mklein@ablend.net
Applicant Signature	
Date	10-03-2025

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



23rd STREET ADDITION MINOR SUBDIVISION (FLP-012-2025)





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

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

Date: October 3rd, 2025

Re: Minor Plat Application – 23rd Street Addition

Message: Enclosed you will find the following Minor Plat application documents for the above referenced project being submitted for consideration at the next Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deeds for the Property
- Plat Drawing with Aerial Image Showing Current Site
- Final Minor Plat Drawing
- Preliminary Site Plan Depicting the Proposed Site Improvements
- City Parcels Map for the Area
- FIRMette of the property
- Resolution Vacating Existing Easements

Legal Description of Property

A PARCEL OF LAND BEING THE REPLAT OF LOTS TWENTY-SIX THRU THIRTY-ONE (26-31), LOTS THIRTY-SIX THRU FORTY-ONE (36-41), AND THE EAST 38.23-FEET OF LOTS THIRTY-TWO (32) AND THIRTY-FIVE (35), BLOCK FIVE (5) OF *THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITIOIN* LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 1.88 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

The owner/applicant is submitting this Minor Plat Application for 23rd Street Addition to the City of Dickinson to allow for the combination of the lots described above into a single lot. This property was previously developed to include three apartment buildings, but it is currently owned and operated by a single owner, 23rd Street Apartments, LLC. This owner is operating this site as a single common development. Therefore, this request would combine all of this property into a single lot to meet current city policies. This will allow for the potential additional off-street parking that is proposed if the variance for the landscape buffer is approved within this site. A preliminary site plan showing the proposed site improvements is included with this application.

To my knowledge, neighboring property owners have not been informed of this plan to date, but this application will have no effect on the neighboring properties. 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!

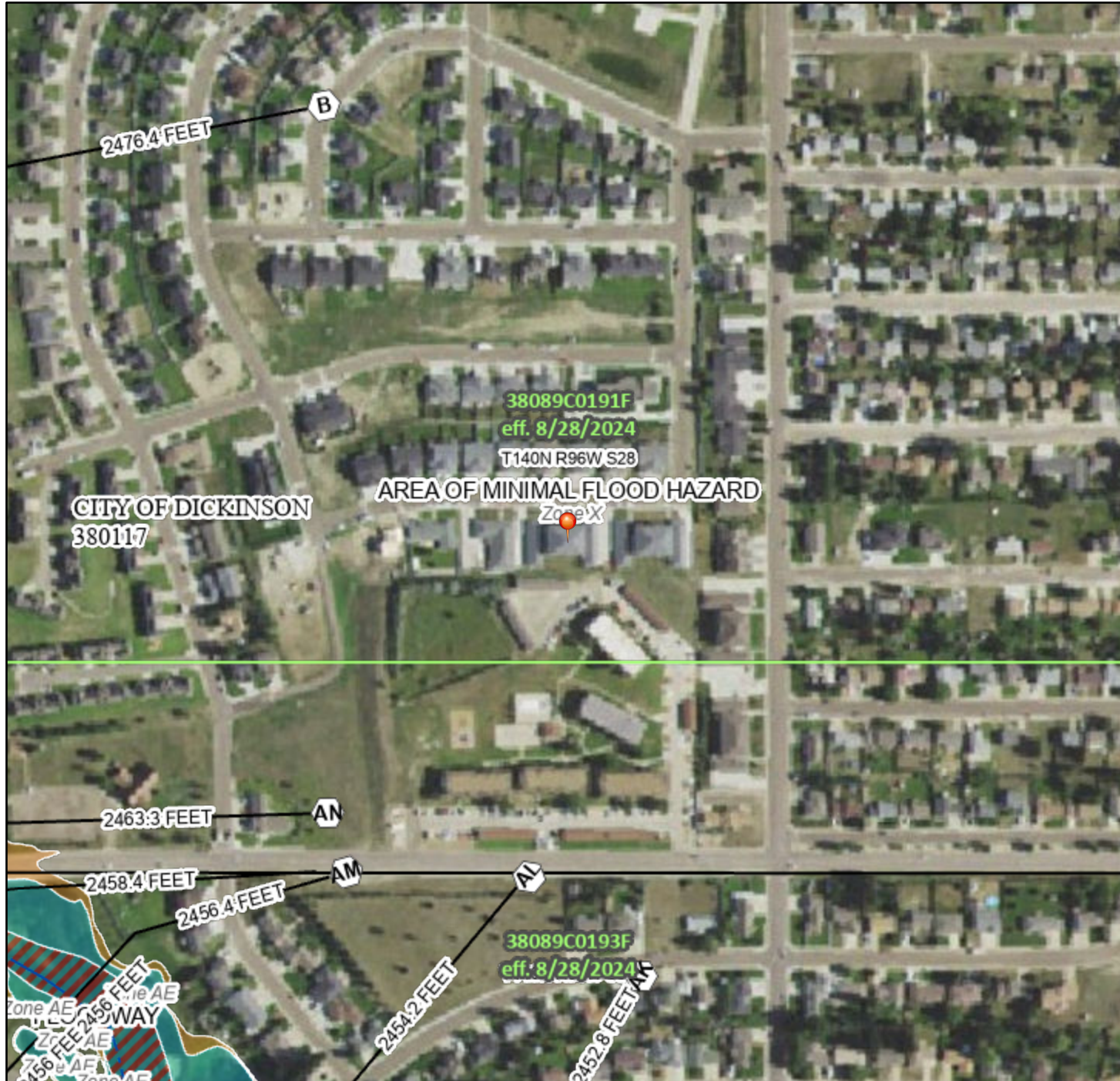


Andrew Schrank, PE - Highlands Engineering

National Flood Hazard Layer FIRMette



102°48'27"W 46°54'38"N



Legend

Section 3. Item E.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | 17.5 Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/2/2025 at 6:33 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.



SHEET NAME: PARKING IMPROVEMENT LAYOUT	
PROJECT NUMBER: 251798	SCALE: 1"=40'
DRAWN BY: AWS	DATE: 07/21/25
SHEET NUMBER:	1 of 1

23RD STREET ADDITION

BEING THE REPLAT OF LOTS 26-31, LOTS 36-41, AND THE EAST 38.23' OF LOTS 32 & 35, BLOCK 5 OF "THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION" IN THE SE¹/₄SW¹/₄ OF SECTION 28, T140N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE REPLAT OF LOTS TWENTY-SIX THRU THIRTY-ONE (26-31), LOTS THIRTY-SIX THRU FORTY-ONE (36-41), AND THE EAST 38.23- FEET OF LOTS THIRTY-TWO (32) AND THIRTY-FIVE (35), BLOCK FIVE (5) OF THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¹/₄SW¹/₄) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 1.88 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

NOTES

1) THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0191F WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

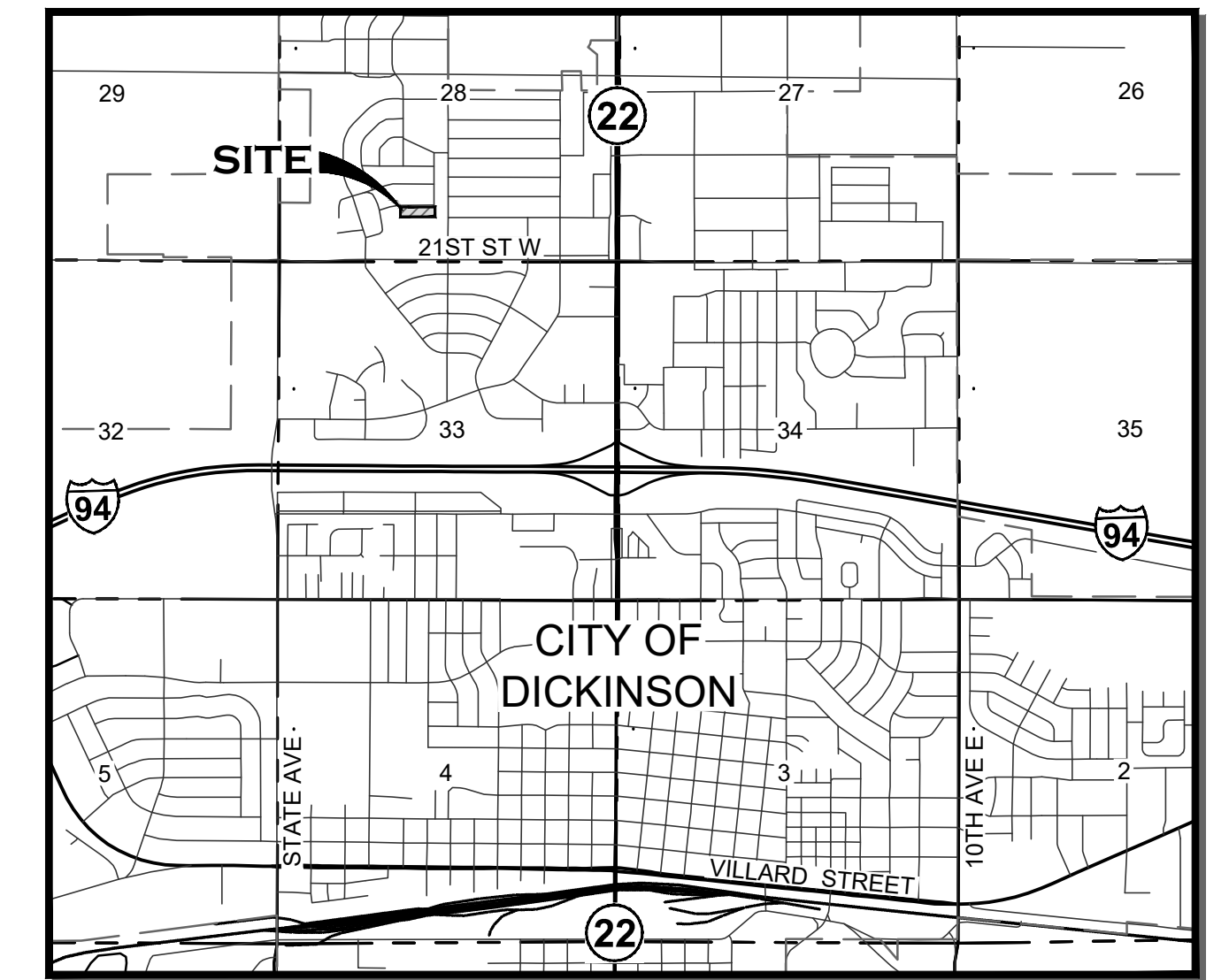
- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM HAVING A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- VERTICAL DATUM: NAVD 88, GEOID 03
- DATE OF LATEST FIELD WORK: OCTOBER 2, 2025

ABBREVIATIONS

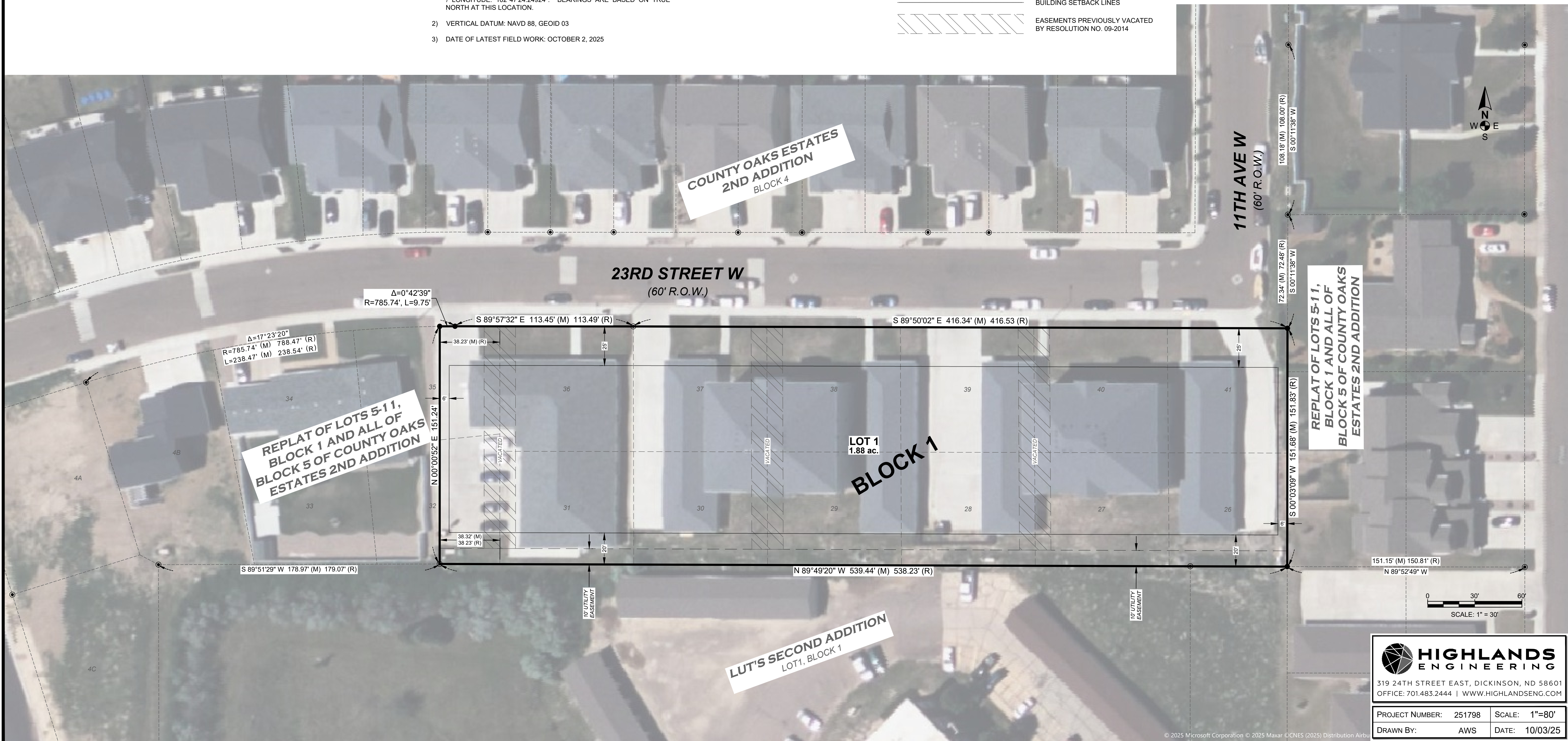
- R.O.W. RIGHT-OF-WAY
 AC. ACRE
 (M) MEASURED DISTANCE
 (R) RECORDED DISTANCE

LEGEND

- PROPERTY BOUNDARY
- EXISTING LOTS
- EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- EXISTING EASEMENTS
- BUILDING SETBACK LINES
- EASEMENTS PREVIOUSLY VACATED BY RESOLUTION NO. 09-2014



VICINITY MAP
(1" = 1/2 MILE)

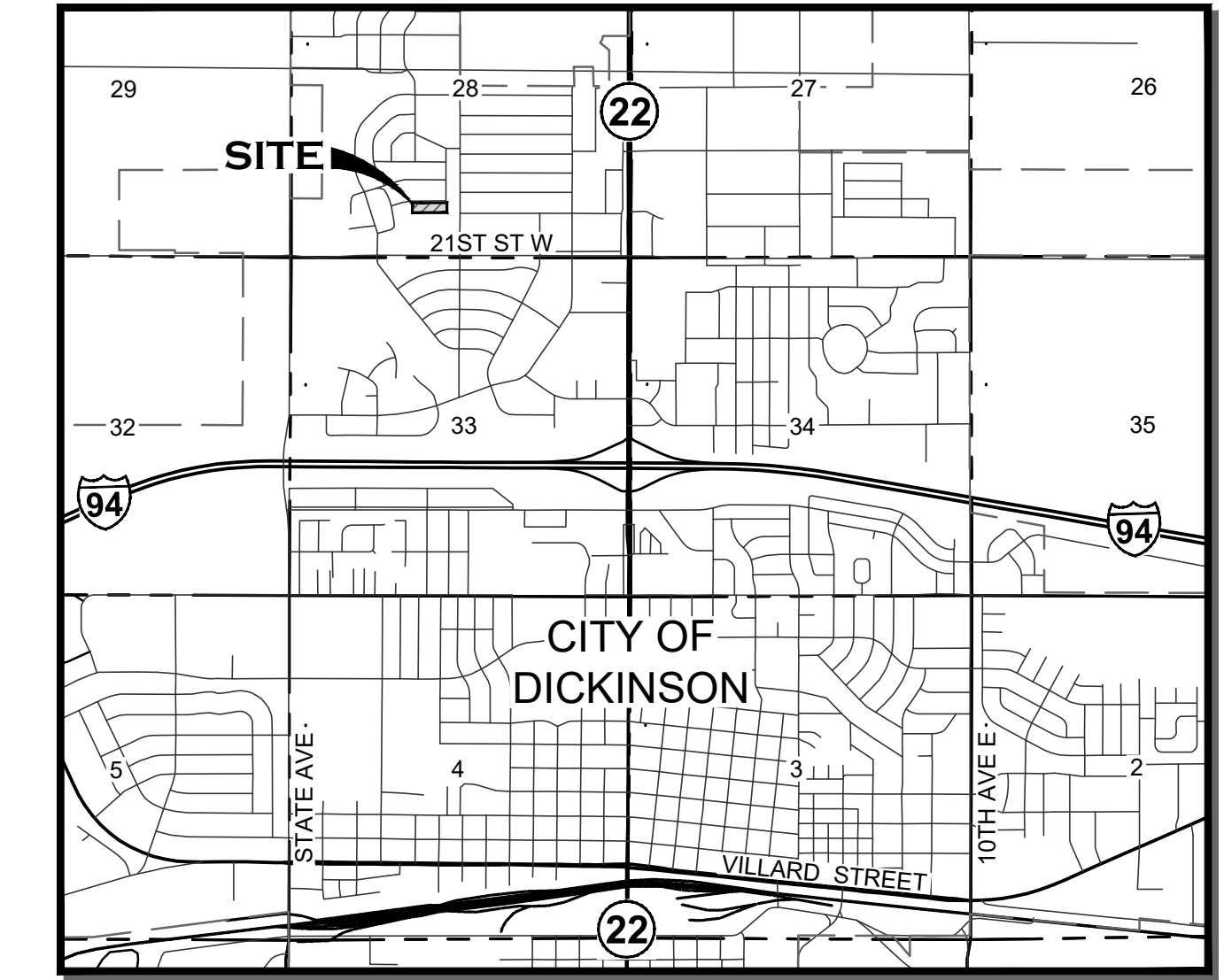


HIGHLANDS ENGINEERING
 319 24TH STREET EAST, DICKINSON, ND 58601
 OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 251798 SCALE: 1"=80'
 DRAWN BY: AWS DATE: 10/03/25

23RD STREET ADDITION

BEING THE REPLAT OF LOTS 26-31, LOTS 36-41, AND THE EAST 38.23' OF LOTS 32 & 35, BLOCK 5 OF "THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION" IN THE SE¹/₄SW¹/₄ OF SECTION 28, T140N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



VICINITY MAP
(1" = 1/2 MILE)

LEGEND

- PROPERTY BOUNDARY
- EXISTING LOTS
- EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- EXISTING EASEMENTS
- EASEMENTS PREVIOUSLY VACATED BY RESOLUTION NO. 09-2014

ABBREVIATIONS

- R.O.W. RIGHT-OF-WAY
- AC. ACRE
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING AND ZONING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

PROPRIETOR'S CERTIFICATE

WE, 23RD STREET APARTMENTS LLC, WHOSE ADDRESS IS 1951 1ST STREET W, DICKINSON, ND 58601, OWNERS AND PROPRIETORS OF THE PROPERTY DESCRIBED BY THIS PLAT DOCUMENT, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
SIGNATURE: _____

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, 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.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

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 23RD STREET 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



LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE REPLAT OF LOTS TWENTY-SIX THRU THIRTY-ONE (26-31), LOTS THIRTY-SIX THRU FORTY-ONE (36-41), AND THE EAST 38.23-FEET OF LOTS THIRTY-TWO (32) AND THIRTY-FIVE (35), BLOCK FIVE (5) OF THE REPLAT OF LOTS 5-11, BLOCK 1 AND ALL OF BLOCK 5 OF COUNTRY OAKS ESTATES SECOND ADDITION LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SE¹/₄SW¹/₄) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 1.88 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0191F WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM HAVING A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- VERTICAL DATUM: NAVD 88, GEOID 03
- DATE OF LATEST FIELD WORK: OCTOBER 2, 2025

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

PROJECT NUMBER: 251798	SCALE: 1"=30'
DRAWN BY: AWS	DATE: 10/03/25



23rd Street Addition Final Minor Subdivision Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: FLP-012-2025 23rd Street Addition Final Minor Subdivision

APPLICANT/OWNER

Mike Klein
 23rd Street Apartments, LLC
 1951 1st Street West
 Dickinson, ND, 58601
 mklein@ablend.net
 (701) 290-1451

APPLICANT'S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

Public Hearing	November 12, 2025	Planning and Zoning Commission
Final Consideration	November 18, 2025	City Commission

The applicant is requesting a final minor subdivision plat for the 23rd Street Addition Major Subdivision Plat. The proposed subdivision is a replat of Lots 26-31, Lots 36-41, the East 38.23 feet of Lot 32, and the East 38.23 feet of Lot 35 of Block 5 of The Replat of Lots 5-11, Block 1, and all of Block 5 of the Country Oaks Estates Second Addition Subdivision, located in the SE1/4 of the SW1/4 of Section 28, Township 140 North, Range 96 West, of the 5th Principal Meridian, within the City of Dickinson. The proposed subdivision is +/- 1.88 acres. According to the applicant, the purpose of this subdivision is to combine the existing lots in order to provide additional paved parking spaces on the property.

Staff recommendation: Staff recommends **approval** of this proposed final minor subdivision.

LOCATION

The property is a replat of Lots 26-31, Lots 36-41, the East 38.23 feet of Lot 32, and the East 38.23 feet of Lot 35 of Block 5 of The Replat of Lots 5-11, Block 1, and all of Block 5 of the Country Oaks Estates Second Addition Subdivision, located in the SE1/4 of the SW1/4 of Section 28, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject lots are developed with multi-family structures.

CURRENT ZONING	R-3
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 1.88 acres
LOTS PROPOSED	1

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	R-3	Duplexes; multi-family residential
East	R-3; R-1	Multi-family residential; single-family residential
South	R-2	Multi-family residential
West	R-3; R-2	Multi-family residential; single-family residential

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compliance with The Zoning Ordinance

A minor subdivision plat is defined in Section 52-1 of the City Subdivision chapter as follows:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed 23rd Street Addition Subdivision meets the definition of a minor subdivision plat.

The site is currently zoned High Density Residential (R-3). According to Table 62-162-2: Permitted Uses by Zoning Districts, Multiple-family residential and Group home uses are permitted within the R-3 zoning district. According to Table 62-162-3a: Summary of Site Development Regulations, the minimum lot size requirements for multi-family residential uses in the R-3 zoning district is 7,000 square feet for the first unit, 3,000 square feet for the next three units and 1,000 square feet for each unit thereafter

According to the applicant, the purpose of the proposed subdivision is to allow for the future paving of additional parking spaces to be used by residents and employees of the apartment complex. According to Table 62-162-3a: Summary of Site Development Regulations, in Section 62-162 – Development regulations of the Municipal Code, the maximum impervious surface coverage permitted in the R-3 zoning district is 75%. Prior to increasing the amount of pavement on the property, the applicant shall submit a concrete permit and include an exhibit that confirms the proposed paving will not cause the lot to exceed the R-3 75% impervious surface coverage maximum.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of FLP-012-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-012-2025: The 23rd Street Addition Subdivision** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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 **FLP-012-2025: The 23rd Street Addition Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: [Jotform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Friday, October 3, 2025 3:49:23 PM
Attachments: [Sax Motors Pre-Application Letter.pdf](#)
[251848_Owner_Signature_2025-10-03.pdf](#)
[251848_Transmittal-REZONE_2025-10-03.pdf](#)
[251848_Zone_Change_Map.pdf](#)
[3098241_Deed.pdf](#)
[6353373066226025949_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: [Sax Motors Pre-Application Letter.pdf](#)

Type of Development **Rezoning - Zoning Map Amendment**

Name **Christian Kostelecky**

Company **ELGI, LLC - Sax Motor Co.**

Applicant Email **christian.kostelecky@saxmotor.com**

Applicant Phone # **(701) 456-2438**

Applicant Representative (if applicable) **Andrew Schrank**

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **schrank@highlandseng.com**

Applicant Representative Phone # **(701) 483-2444**

Owner Name **Richard Woolsey - RC Development, LLC**

Owner Address **234 Venture Street, Ste. 100, San Marcos, CA , 92078**

Owner Email Rick@rrconstruction.com

Owner Phone # (760) 759-2260

Is the owner present to Sign **No**

Owner Signature Upload [251848_Owner Signature_2025-10-03.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) Lots 1-5, Block 2, Diamond Acres Subdivision

	1/4 Section	Township	Range
Description	NW1/4 Section 34	T140 N	R96W

Legal - Lot/Block/Addition	Lot	Block	Addition
Description	1-5	2	Diamond Acres Subdivision

Property Address / General Project Location This site is generally located east of the NDDOT Dickinson District Office and south of Sax Motor Company.

Total Square Footage or Acreage of Subject Property 1.97 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [251848_Transmittal-REZONE_2025-10-03.pdf](#)

Existing Zoning **R3 - High Density Residential**

Proposed Zoning **GC - General Commercial**

Rezone Calc Multiplier 1

Overlay District Description n/a

Map of Area to be

Rezoned [251848_Zone Change Map.pdf](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 750

Deed for Property [3098241_Deed.pdf](#)

Application Fees Applicable Fees 750.00 USD

Total: \$750.00

Transaction ID: 8cd9f8en

Payment Information

First Name: Ashley

Last Name: Schrank

E-Mail christian.kostelecky@saxmotor.com

Applicant Signature



Date 10-03-2025

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

SAX MOTORS REZONE REQUEST (REZ-010-2025)



SAX MOTORS FUTURE LAND USE MAP (REZ-010-2025)





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

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

Date: October 3rd, 2025

Re: Rezone Application – Lots 1-5, Block 2, Diamond Acres Subdivision

Message: Enclosed you will find the following Rezone application documents for the above referenced project being submitted for consideration at the next Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Legal Description (included, below) of the Rezoning Request
- Narrative (included, below) of the Project Description
- Warranty Deed for Lots 1-5, Block 2, Diamond Acres Subdivision
- City Parcels Map for the Area
- City FLUM for the Area
- City Zoning Map for the Area

Rezoning Request Legal Description

The applicant is requesting a change from **High Density Residential (R3)** to **General Commercial (GC)** for Lots 1-5, Block 2 of Diamond Acres Subdivision.

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

Project Description

The owner/applicant is requesting this change in zoning in conjunction with the Minor Plat Application for Sax Second Subdivision in the City of Dickinson to allow for the combination of these lots that are proposed to be rezoned with Lot 1, Block 1 of Sax First Subdivision. Sax Motor Company, which is currently located in Lot 1, Block 1 of Sax First Subdivision, would like to expand their business operations into Lots 1-5, Block 2 of Diamond Acres Subdivision. This request is being submitted to allow for the Auto Sales use within these lots to allow for this business expansion.

We understand that Staff may not support this zone change to GC and would prefer CC zoning with a Special Use Permit on this property according to the pre-application letter. ELGI, LLC's preference is to leave the current GC Zoning on their property, which allows the current land use of Auto Sales, and to expand this existing GC zoning as requested by this application into this additional property. This request will allow for the expansion of a reputable business that has been in Dickinson for over 100-years. A special use permit opens this zoning request up to special conditions, development regulations, and potential revocation if conditions are not met according to City Code, which we do not feel is appropriate for an existing business operation with no history of issues to our knowledge. With this business being in-place, established, and in good standing with the City, the special use permit is not necessary to protect the public health, safety, and welfare in this area. This use is already present adjacent to these undeveloped lots regardless of this change. The current owner of this property, RC Development, LLC, also owns the undeveloped property to the east, and plans to sell this land to ELGI, LLC to be used for the expansion of Sax Motor Company as long as this zone change and plat are approved. Therefore, the neighboring owner of the adjacent undeveloped residential property is not concerned with this request or the expansion of Sax Motor Company affecting their future development plans as they are submitting this application to allow this change. The GC zoning requested meets the City's FLUM designation of Commercial, and it provides an appropriate zoning transition from the NDDOT Storage Yard west of this site and the potential future residential area to the east of this property.

To prevent this zone change from taking place if these lots cannot be combined with Lot 1, Block 1 of Sax First Subdivision, we would like this zone change to be contingent on the approval of the Sax Second Subdivision Plat.

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 - Highlands Engineering

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

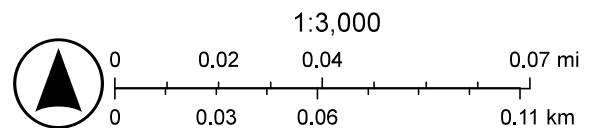
Dickinson Zoning Information Map



10/1/2025

- Public Street Names 8K
- Private Street Names
- Dickinson Zoning
 - General Commercial - GC
 - Low Density Residential - R1
 - Medium Density Residential - R2
 - High Density Residential - R3
 - Public - P

- Municipal Boundary
- Extra Territorial Boundary
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft, Dickinson Engineering Department, Engineering & Planning



Sax Motors Zoning Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: REZ-010-2025 Sax Motors Zoning Map Amendment

APPLICANT

Christian Kostelecky
 ELGI, LLC – Sax Motor Co
 1872 7th Street West
 Dickinson, ND, 58601
 wwinn@ndsupernet.com
 (701) 290-1190

APPLICANT’S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

Public Hearing	November 12, 2025	Planning and Zoning Commission
Public Hearing	November 18, 2025	City Commission
Final Consideration	December 2, 2025	City Commission

The applicants are requesting the approval of a zoning map amendment from High Density Residential (R-3) to General Commercial (GC) for Lots 1-5 of Block 2 of the Diamond Acres Subdivision, located within the City of Dickinson. The purpose of this rezoning is to allow for the applicant to combine the lots with the property to the north in order to expand the existing Auto Sales use.

Staff recommendation: Staff recommends **approval** of this rezoning request subject to the conditions listed at the end of the staff report.

The companion Sax 2nd final minor subdivision plat is also scheduled for public hearing at the November 12, 2025 Planning and Zoning Commission meeting (FLP-013-2025).

LOCATION

The property is generally located on the corner of 20th Street West and what has been platted as 1st Avenue West, and it is legally described as Lots 1-5, Block 2, of the Diamond Acres Subdivision, located within the NW1/4 of Section 34, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

CURRENT ZONING	R-3
FUTURE LAND USE MAP DESIGNATION	COMMERCIAL
GROSS SITE ACREAGE	+/- 1.97 acres
LOTS PROPOSED	N/A

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	GC	Auto sales
East	R-3	Undeveloped
South	R-2; R-3	Undeveloped
West	P	North Dakota Department of Transportation facility

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is currently designated COMMERCIAL. In the proposed FLUM from the Direction 2050 Comprehensive Plan updates, the property is designated HIGH DENSITY RESIDENTIAL. The current COMMERCIAL designation allows for the General Commercial (GC) zoning district, but the proposed HIGH DENSITY RESIDENTIAL designation would not.

Compatibility

The proposed rezoning is comparable and compatible with the GC zoning district of the adjacent property to the north, however it conflicts with the adjacent R-3 zoning district to the east and south.

The proposed rezoning to GC should not conflict with the existing North Dakota Department of Transportation facility to the west.

Compliance with The Zoning Ordinance

According to Section 62-162 of the Municipal Code, the purpose of GC zoning is that *"this district accommodates a variety of commercial uses, some of which have significant traffic or visual effects. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts."* The south five lots the applicant is looking to purchase are not located on a major arterial street and are near additional R-3 lots. Additionally, the property shares the 1st Avenue West right-of-way, which is intended to be residential in nature and may result in screening and traffic difficulties. This conflicts with the stated purpose of General Commercial.

According to Table 62-162-2. Permitted Uses by Zoning Districts of the Zoning Ordinance, the following uses, which could be considered as incompatible with an adjacent residential subdivision; are permitted in GC zoning:

- Agricultural sales/services;
- Auto rental/sales or auto services;
- Body repair;
- Equipment rental/sales or equipment repair;
- Vehicle storage (short-term);
- Business support services;
- Business/trade school;
- Cocktail lounge, liquor sales, & gaming facility;
- Commercial recreation (indoor/outdoor);
- Food sales, restaurants, and distilleries;
- Laundry services;
- Surplus sales;
- Trade services;
- Custom manufacturing;
- Warehousing

The following uses that may be considered as incompatible with an adjacent residential subdivision could be allowed as special uses in GC zoning:

- Campground;
- Crematorium;

- Kennels;
- Parking structure;
- Construction yard;
- Dairy plant; and
- Truck & transportation terminals.

The applicant has also submitted a minor subdivision that combines the lots with the property to the north and extends the existing Auto Sales use. However, if the property is split or sold off in the future, uses that are incompatible with the residential lots to the east may be introduced. Alternatively, Community Development staff prefers the Community Commercial (CC) zoning district be utilized, to limit the variety of potential incompatible uses that may be introduced in the future.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of REZ-010-2025 with the following conditions:

- **Approval of REZ-010-2025 is contingent on the approval of FLP-013-2025;**
- **A note shall be included on the plat that the property shall not be eligible for an administrative lot modification; and**
- **The current property owner shall not utilize 20th Street West and/or the platted 1st Avenue West for additional access points to the property.**

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-010-2025: The Sax Motors Rezoning Request**, subject to the conditions listed in the staff recommendation above, as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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-010-2025: The Sax Motors Rezoning Request** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Sylvia Miller](#); [Natalie Birchak](#)
Subject: Re: Unified Development Application
Date: Friday, October 3, 2025 4:08:08 PM



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: [Sax Motors Pre-Application Letter.pdf](#)

Type of Development **Minor Subdivision Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Lot 1, Block 1, Sax First Subdivision; and Lots 1-5, Block 2, Diamond Acres Subdivision**

Name **Christian Kostelecky**

Company **ELGI, LLC - Sax Motor Co.**

Applicant Email **christian.kostelecky@saxmotor.com**

Applicant Phone # **(701) 456-2438**

Applicant Representative (if applicable) **Andrew Schrank**

Applicant Representative Company **Highlands Engineering**

Applicant Representative Email **schrank@highlandseng.com**

Applicant Representative Phone # **(701) 483-2444**

Owner Name **ELGI, LLC and RC Development, LLC**

Owner Address 52 21st St E, Dickinson, ND, 58601

Owner Email christian.kostelecky@saxmotor.com

Owner Phone # (701) 456-2438

Is the owner present to Sign No

Owner Signature Upload [251848_Owner Signature_2025-10-03.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS)

Lot 1, Block 1, Sax First Subdivision; and Lots 1-5, Block 2, Diamond Acres Subdivision

	1/4 Section	Township	Range
Description	NW1/4 Section 34	T140N	R96W

Property Address / General Project Location 52 21st Street E, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 10.37 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [251848_Transmittal-MINOR PLAT_2025-10-03.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 1

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Name of Plat Sax Second Subdivision

Number Lots 1 to 10 Lots

Number of Block(s) 1

0

Application Calc

500

Required Documentation Upload

- [251848_PLAT-FINAL_2025-10-03.pdf](#)
- [251848_PLAT-PRELIM_2025-10-03.pdf](#)
- [251848_Development Agreement.pdf](#)
- [251848_City Zoning.pdf](#)
- [251848_City Parcels.pdf](#)
- [251848_City FLUM.pdf](#)
- [251848_City Utilities.pdf](#)
- [FIRMETTE_7148807c-cafa-4294-b388-30c1fe1a3b3e.pdf](#)

Deed for Property

- [Sax 1st Subdivision.pdf](#)
- [3098241_Deed.pdf](#)

Application Fees

Applicable Fees	500.00 USD
<hr/>	
Total:	\$500.00
Transaction ID: 58h44zb2	

Payment Information

First Name: Ashley
 Last Name: Schrank
 E-Mail: christian.kostelecky@saxmotor.com

Applicant Signature

Date

10-03-2025

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

Attachments: Because the total size is more than 5MB the uploads are not attached.

SAX SECOND MINOR SUBDIVISION (FLP-013-2025)





Transmittal Letter

To: Natalie Birchak – City Planner
City of Dickinson
38 1st Street West
Dickinson, ND 58601

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

Date: October 3rd, 2025

Re: Minor Plat Application – Sax Second Subdivision

Message: Enclosed you will find the following Minor Plat application documents for the above referenced project being submitted for consideration at the next Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deed for Lots 1-5, Block 2, Diamond Acres
- Sax 1st Subdivision Plat showing ELGI, LLC as Owner and Proprietor
- Development Agreement between ELGI, LLC and RC Development, LLC
- Plat Drawing with Aerial Image Showing Current Site
- Final Minor Plat Drawing
- City Parcels Map for the Area
- City Utility Map for the Area
- FIRMette of the property

Legal Description of Property

A PARCEL OF LAND BEING THE REPLAT OF LOT ONE (1), BLOCK ONE (1) OF SAX FIRST SUBDIVISION AND LOTS ONE THRU FIVE (1-5), BLOCK TWO (2) OF DIAMOND ACRES SUBDIVISION LOCATED IN THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 10.37 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

The owners/applicants are submitting this Minor Plat Application for Sax Second Subdivision to the City of Dickinson to allow for the combination of Lot 1, Block 1 of Sax First Subdivision with Lots 1-5, Block 2 of Diamond Acres Subdivision. Sax Motor Company, which is currently located in Lot 1, Block 1 of Sax First Subdivision, would like to expand their business operations into Lots 1-5, Block 2 of Diamond Acres Subdivision. Therefore, this request would combine all of this property into a single lot.

No public improvements will be required for this subdivision. Access is provided to this site from 21st Street W and 20th Street W. City water and sanitary service are also provided to this site as shown by the city utility map submitted with this application. RC Development, LLC, has agreed as part of the sale of their lots to ELGI, LLC, that ELGI, LLC will have no responsibility in constructing the public infrastructure adjoining this site. Therefore, the public infrastructure in the right-of-way adjoining this site will remain the responsibility of RC Development, LLC, and it will be constructed at the time it is required to serve their neighboring property.

To my knowledge, 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.

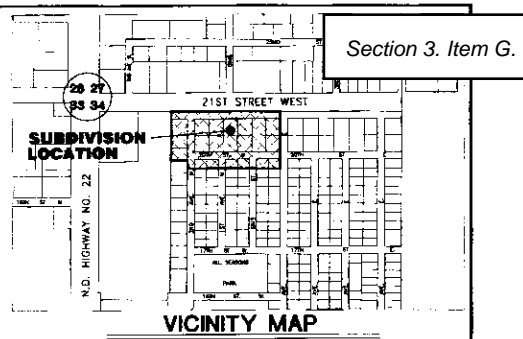
Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



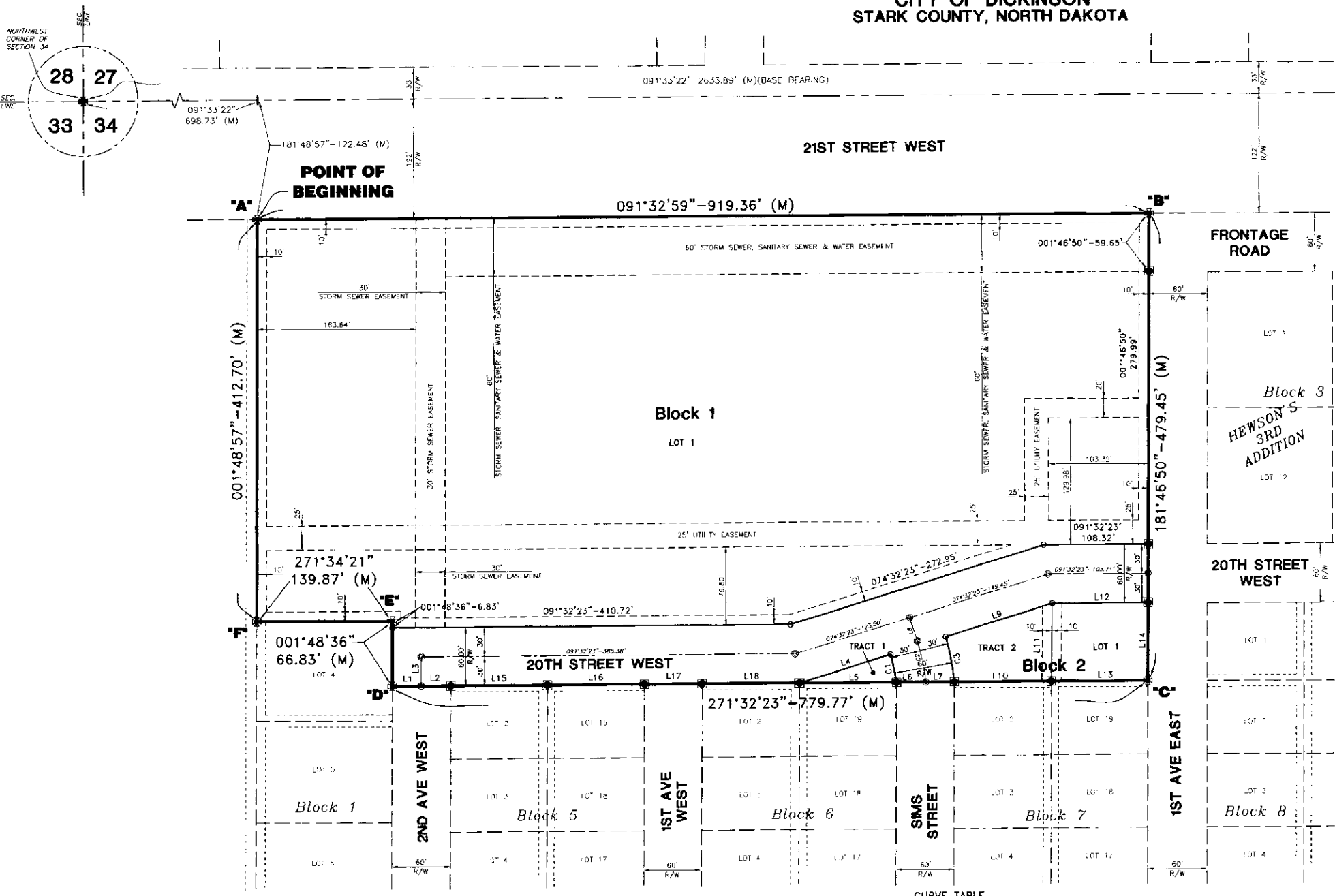
Andrew Schrank, PE - Highlands Engineering

NOTE:
SAX FIRST SUBDIVISION IS IN ZONE "X" OF THE FEMA FLOOD INSURANCE RATE MAP, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD INSURANCE RATE MAP NUMBER 38089C0193E, PANEL 193 OF 850, EFFECTIVE DATE OF NOVEMBER 4, 2010.

FINAL PLAT OF THE REPLAT OF A PORTION OF BLOCKS 1, 2, 5, 6 AND 7 OF HEWSON'S 3RD ADDITION AND A PORTION OF SIMS STREET, FRONTAGE ROAD, 1ST AVENUE WEST, 2ND AVENUE WEST AND 20TH STREET WEST OF HEWSON'S 3RD ADDITION LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 34, T.140N., R.96W. NOW PLATTED AS: **SAX FIRST SUBDIVISION** CITY OF DICKINSON STARK COUNTY, NORTH DAKOTA



Section 3. Item G.



SURVEYOR'S CERTIFICATE

I, RICK LEACH, REGISTERED LAND SURVEYOR N.D. NUMBER 3496 OF DICKINSON, STARK COUNTY, NORTH DAKOTA, DO HEREBY CERTIFY THAT THE SURVEY OF THE REPLAT OF A PORTION OF BLOCKS 1, 2, 5, 6 AND 7 OF HEWSON'S 3RD ADDITION AND A PORTION OF SIMS STREET, FRONTAGE ROAD, 1ST AVENUE WEST AND 2ND AVENUE WEST OF HEWSON'S 3RD ADDITION LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE HUNDRED FORTY NORTH (T.140N.), RANGE NINETY-SIX WEST (R.96W.), OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, NOW PLATTED AS SAX FIRST SUBDIVISION, AS SHOWN ON THIS PLAT, WAS MADE UNDER MY DIRECTION FROM NOTES MADE IN THE FIELD AND THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SECTION 34; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 34 ON AN AZIMUTH OF 091°33'22", A DISTANCE OF 698.73; THENCE ON AN AZIMUTH OF 181°48'57", A DISTANCE OF 122.48 FEET TO THE POINT OF BEGINNING, AN IRON MONUMENT FOUND, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE HIGHWAY DEPARTMENT ADDITION TO THE CITY OF DICKINSON AND A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 21ST STREET WEST; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF 21ST STREET WEST ON AN AZIMUTH OF 091°32'59", A DISTANCE OF 919.36 FEET, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 1ST AVENUE WEST; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF 1ST AVENUE WEST ON AN AZIMUTH OF 181°48'50", A DISTANCE OF 479.45 FEET TO AN IRON MONUMENT FOUND, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 15, BLOCK 7 OF HEWSON'S 3RD ADDITION; THENCE ON AN AZIMUTH OF 271°32'23", A DISTANCE OF 779.77 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 2ND AVENUE WEST; THENCE ON AN AZIMUTH OF 001°48'36", A DISTANCE OF 66.83 FEET TO AN IRON MONUMENT FOUND; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF 1ST AVENUE EAST; A DISTANCE OF 139.87 FEET, AN IRON MONUMENT FOUND, SAID POINT ALSO BEING ON THE EAST LINE OF SAID HIGHWAY DEPARTMENT ADDITION; THENCE ALONG SAID EAST LINE OF HIGHWAY DEPARTMENT ADDITION ON AN AZIMUTH OF 001°48'57", A DISTANCE OF 412.70 TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 9.91 ACRES.

I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, AND MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT.

IN WITNESS WHEREOF, I HAVE HERETO SUBSCRIBED MY NAME:
Rick Leach
RICK LEACH
REGISTERED LAND SURVEYOR
NORTH DAKOTA NO. 3496



ON THIS 7th DAY OF July, 2011, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RICK LEACH, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

Heather Tooze
HEATHER TOOZE
NOTARY PUBLIC, STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JULY 1, 2014



PROPRIETOR'S CERTIFICATE

WE, DELTA, LLC, OWNER'S AND PROPRIETOR'S OF SAX FIRST SUBDIVISION LYING IN THE NORTHWEST QUARTER (NW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE HUNDRED FORTY NORTH (T.140N.), RANGE NINETY-SIX WEST (R.96W.), OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED BY RICK LEACH, A NORTH DAKOTA LICENSED LAND SURVEYOR, AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC STREET RIGHT-OF-WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, WE HERETO SUBSCRIBE OUR NAMES:

BY: *Delia Kostelecky*
DELTA, LLC
PAM KOSTELECKY, SECRETARY

STATE OF NORTH DAKOTA
COUNTY OF STARK

ON THIS 7th DAY OF July, 2011, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED PAM KOSTELECKY, TO ME KNOWN TO BE THE SAME PERSON DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

Connie Herner
CONNIE HERNER
NOTARY PUBLIC, STATE OF NORTH DAKOTA
MY COMMISSION EXPIRES JUNE 20, 2012



Craig Hemen
CRAIG HEMEN
NOTARY PUBLIC, STATE OF NORTH DAKOTA

Kathy Schwalb
KATHY SCHWALB
DEPUTY RECORDER

LEGEND

- SUBDIVISION BOUNDARY LINE
- SUBDIVISION BLOCK LINE
- SUBDIVISION LOT LINE
- CENTERLINE OF DEDICATED RIGHT-OF-WAY
- ADJACENT PROPERTY LINE
- UTILITY EASEMENT
- DISTING. EASEMENT
- NON-ACCESS LINE
- IRON REBAR/PIPE FOUND
- IRON REBAR SET
- IRON REBAR w/ LS CAP FOUND
- IRON REBAR/PIPE FOUND, REMONUMENTED w/ REBAR & LS CAP 3486 SET
- PROPERTY CORNER
- CALCULATED STREET CENTERLINE POINT
- MEASURED
- RECORDED
- UTILITY EASEMENTS - 10' TYPICAL

NOTES

- 1.) ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED.
- 2.) SURVEY WORK WAS PERFORMED IN APRIL 2011.
- 3.) TRACT 1 AND TRACT 2 ARE NON-BUILDABLE TRACTS.

POINT	NORTHING	EASTING
A	459,803.988	1,396,957.979
B	459,778.731	1,397,876.837
C	459,299.599	1,397,861.941
D	459,320.549	1,397,082.593
E	459,387.331	1,397,084.703
F	459,591.170	1,396,944.905

NORTH DAKOTA STATE PLANE
NAD 83(86), SOUTH ZONE, INTERNATIONAL FOOT
ALL DISTANCES SHOWN ON THE PLAT ARE GROUND DISTANCES
AZIMUTHS ARE BASED ON GRID NORTH

CURVE TABLE

NUMBER	DELTA ANGLE	DEGREE OF CURVATURE	CHORD AZIMUTH (TANGENT)	RADIUS	ARC LEN.	CHORD LEN.
C1	07°38'58"	26°02'37"	169°39'35"	14.71'	220.00'	29.37'
C2	09°55'00"	22°55'08"	168°29'53"	21.89'	290.00'	43.27'
C3	09°30'17"	20°27'48"	170°23'58"	23.61'	280.00'	47.10'

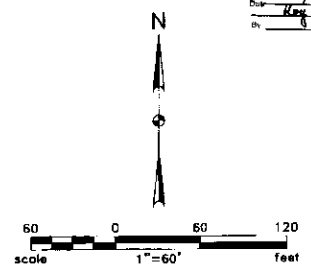
LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	091°32'23"	29.96'
L2	091°32'23"	29.96'
L3	001°48'56"	30.00'
L4	074°32'23"	98.24'
L5	091°32'23"	99.98'
L6	091°32'23"	29.95'
L7	091°32'23"	29.95'
L8	184°32'23"	24.96'
L9	074°32'23"	115.27'
L10	091°32'23"	106.03'
L11	002°20'32"	79.85'
L12	091°32'23"	98.20'
L13	091°32'23"	99.89'
L14	001°48'50"	79.81'
L15	091°32'23"	99.99'
L16	091°32'23"	100.07'
L17	091°32'23"	60.00'
L18	091°32'23"	99.98'

LOT TABLE

LOT	BLOCK	SQUARE FEET	ACREAGE
1	1	365,736.65	8.40
2	2	7,340.11	0.18
TRACT 1		1,445.42	0.03
TRACT 2		6,854.62	0.15

*THE TOTAL AREA OF THE SUBDIVISION IS 9.91 ACRES
*THE TOTAL AREA OF ALL THE LOTS AND TRACTS IS 8.76 ACRES
*THE TOTAL AREA OF DEDICATED RIGHT-OF-WAY IS 1.15 ACRES



Auditor's Office, Stark Co., N.D.
Date: 7-15-11
Ray Klase

CITY OF DICKINSON COMMISSION APPROVAL
Dennis W. Johnson
President, Dennis W. Johnson
Date: 7-12-2011

CITY ENGINEER APPROVAL
Shawn Soehren
City Engineer, Shawn Soehren, P.E.
Date: 7-15-2011

CITY PLANNING COMMISSION APPROVAL
Shawn Soehren
Secretary, Shawn Soehren, P.E.
Date: 7-15-2011

3088228
07/06/2011 02:56:40 PM Page 1 of 1
Field Book: M-1003 Pgs. 3-16
Prepared by: Kadmus, Lee and Jackson, Inc.

DOCUMENT NO. _____
C O M
State of North Dakota
County of Stark
I hereby certify that the within instrument was filed in this office for record on the _____ day of _____, 2011, at _____, N.D., and was duly recorded in Book _____ of _____ County Recorder's Office.
RECORDED
INSTRUMENT RETURNED TO

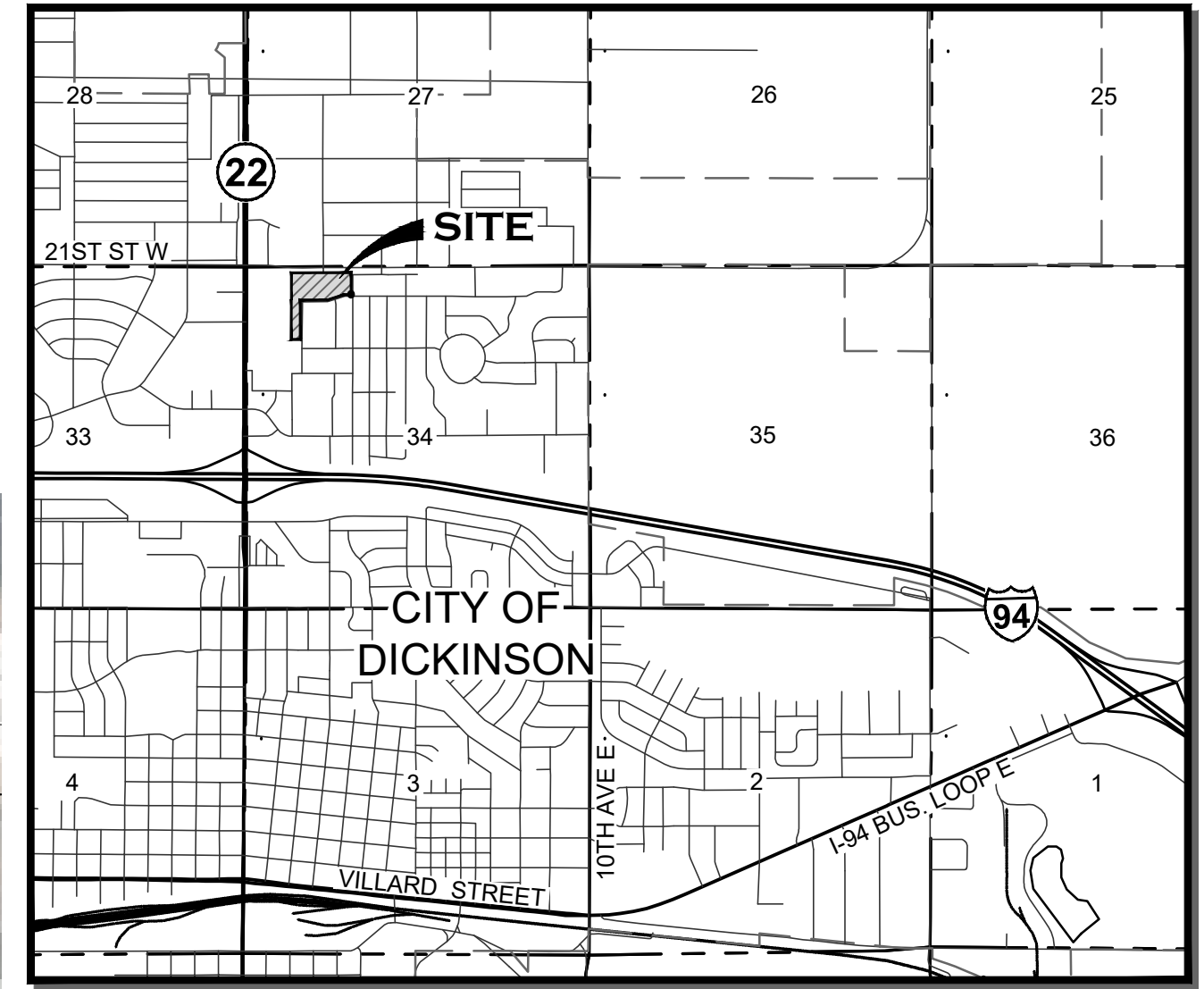
SAX SECOND SUBDIVISION

BEING THE REPLAT OF LOT 1, BLOCK 1 OF SAX FIRST SUBDIVISION AND
 LOTS 1-5, BLOCK 2 OF DIAMOND ACRES SUBDIVISION
 IN THE NW¹/₄ OF SECTION 34, T140N, R96W, OF THE 5TH PRINCIPAL MERIDIAN
 CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE REPLAT OF LOT ONE (1), BLOCK ONE (1) OF SAX FIRST SUBDIVISION AND LOTS ONE THRU FIVE (1-5), BLOCK TWO (2) OF DIAMOND ACRES SUBDIVISION LOCATED IN THE NORTHWEST QUARTER (NW¹/₄) OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.) IN THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 10.37 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



VICINITY MAP
 (1" = 1/2 MILE)

LEGEND

- PROPERTY BOUNDARY
- - - EXISTING LOTS
- - - EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- - - SECTION LINE
- - - EXISTING EASEMENTS
- - - BUILDING SETBACK LINES

ABBREVIATIONS

- R.O.W. RIGHT-OF-WAY
- AC. ACRE
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE

NOTES

- 1) THIS SUBDIVISION IS LOCATED OUTSIDE THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0183F WITH AN EFFECTIVE DATE OF AUGUST 28, 2024.

SURVEY NOTES

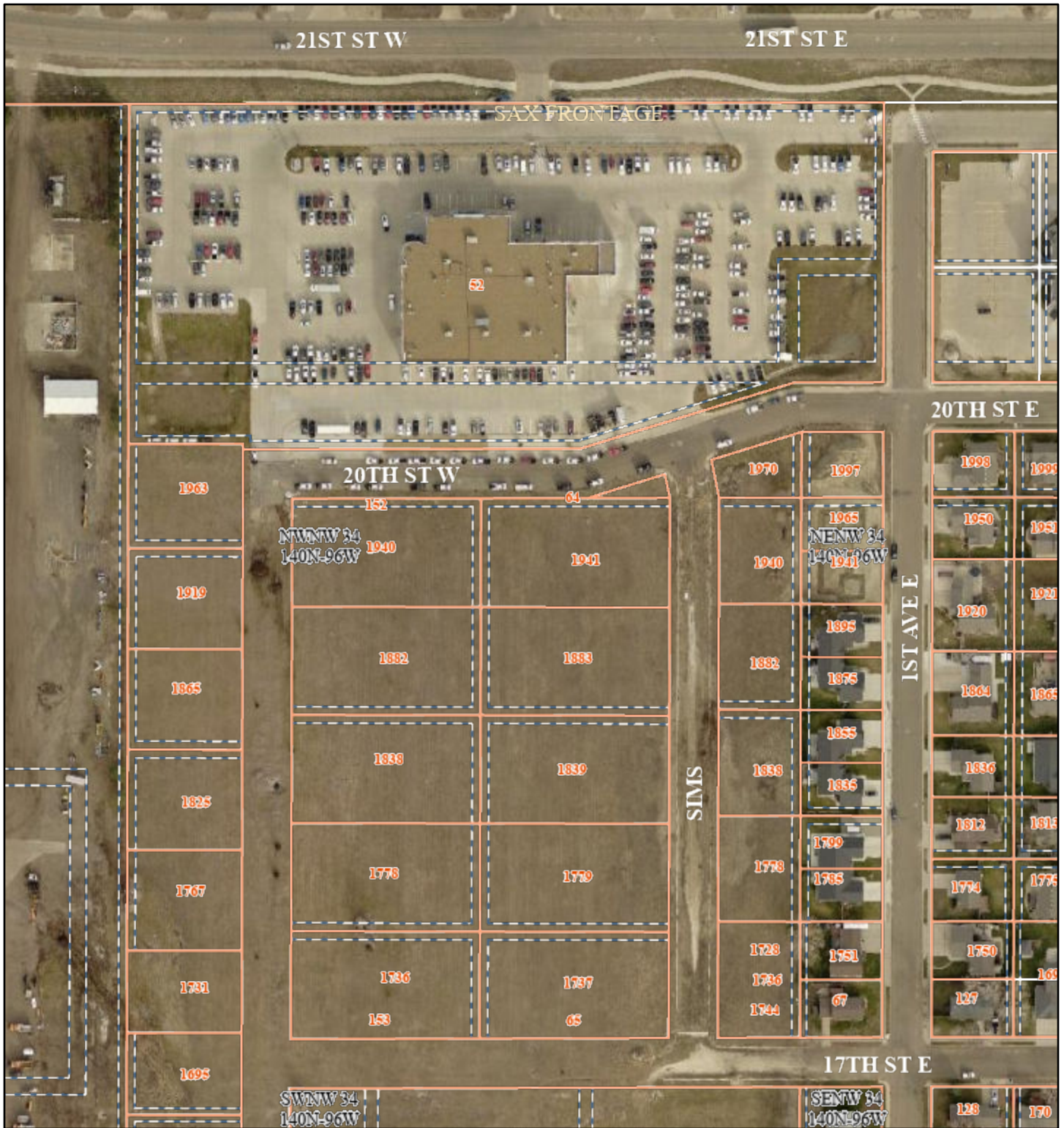
- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM HAVING A CENTRAL MERIDIAN OF LATITUDE: 46°51'42.38098" / LONGITUDE: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- 2) VERTICAL DATUM: NAVD 88, GEOID 03
- 3) DATE OF LATEST FIELD WORK: OCTOBER 2, 2025



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

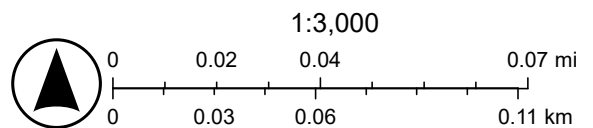
PROJECT NUMBER: 251848	SCALE: 1"=80'
DRAWN BY: AWS	DATE: 10/03/25

Dickinson Land Information Map



10/1/2025

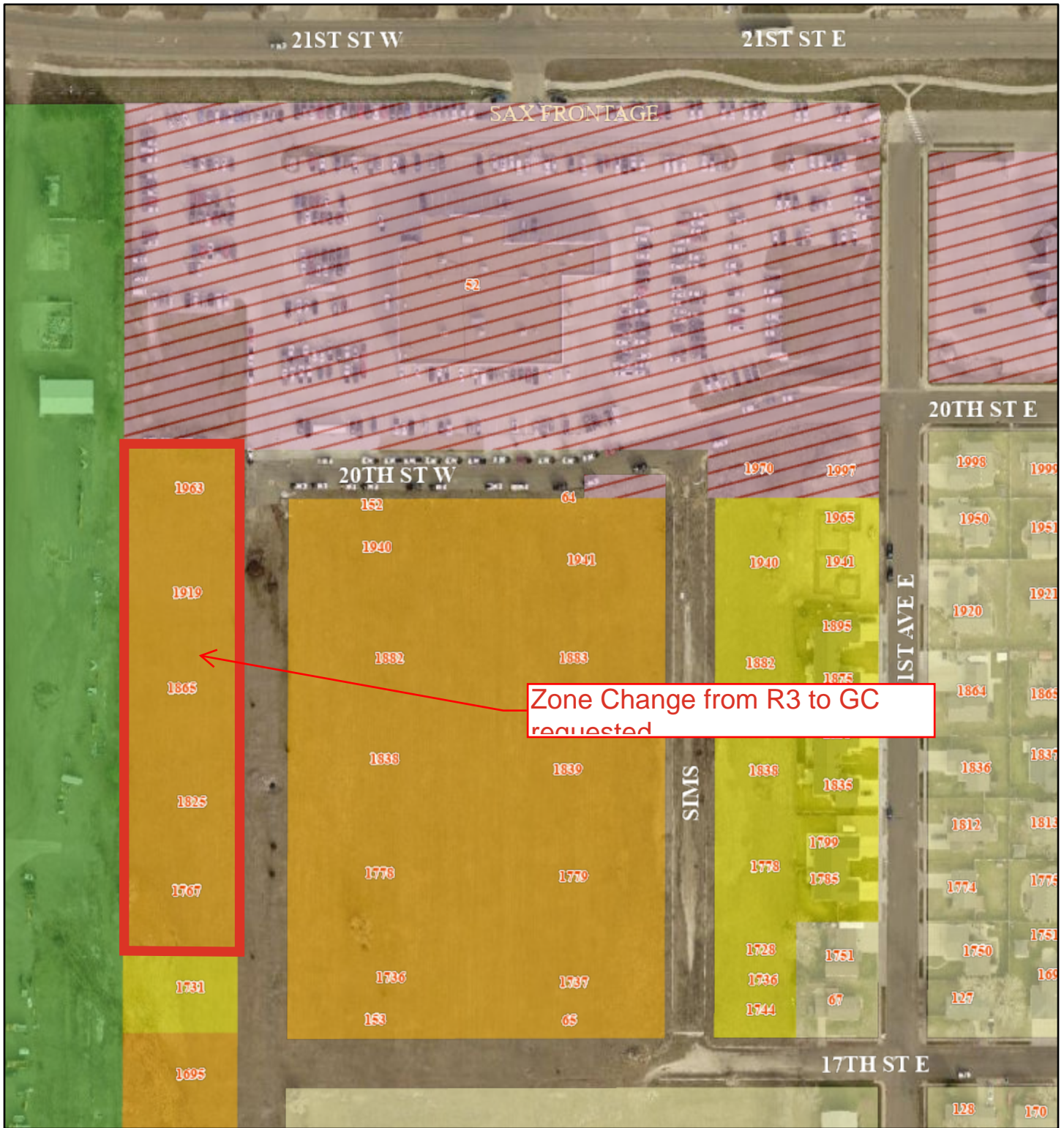
- Public Street Names 8K Extra Territorial Boundary
- Private Street Names World Imagery
- PLSS Description 12k Low Resolution 15m Imagery
- Dickinson Tax Parcels High Resolution 60cm Imagery
- Platted Lot Lines High Resolution 30cm Imagery
- Easement Lines Citations
- Municipal Boundary 60cm Resolution Metadata



Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft, Dickinson Engineering Department, Engineering & Planning

Dickinson Zoning Information Map

Section 3. Item G.








10/1/2025

Public Street Names 8K

Private Street Names

Dickinson Zoning

-  General Commercial - GC
-  Low Density Residential - R1
-  Medium Density Residential - R2
-  High Density Residential - R3
-  Public - P

 Municipal Boundary

 Extra Territorial Boundary

World Imagery

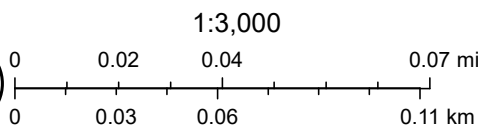
Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata

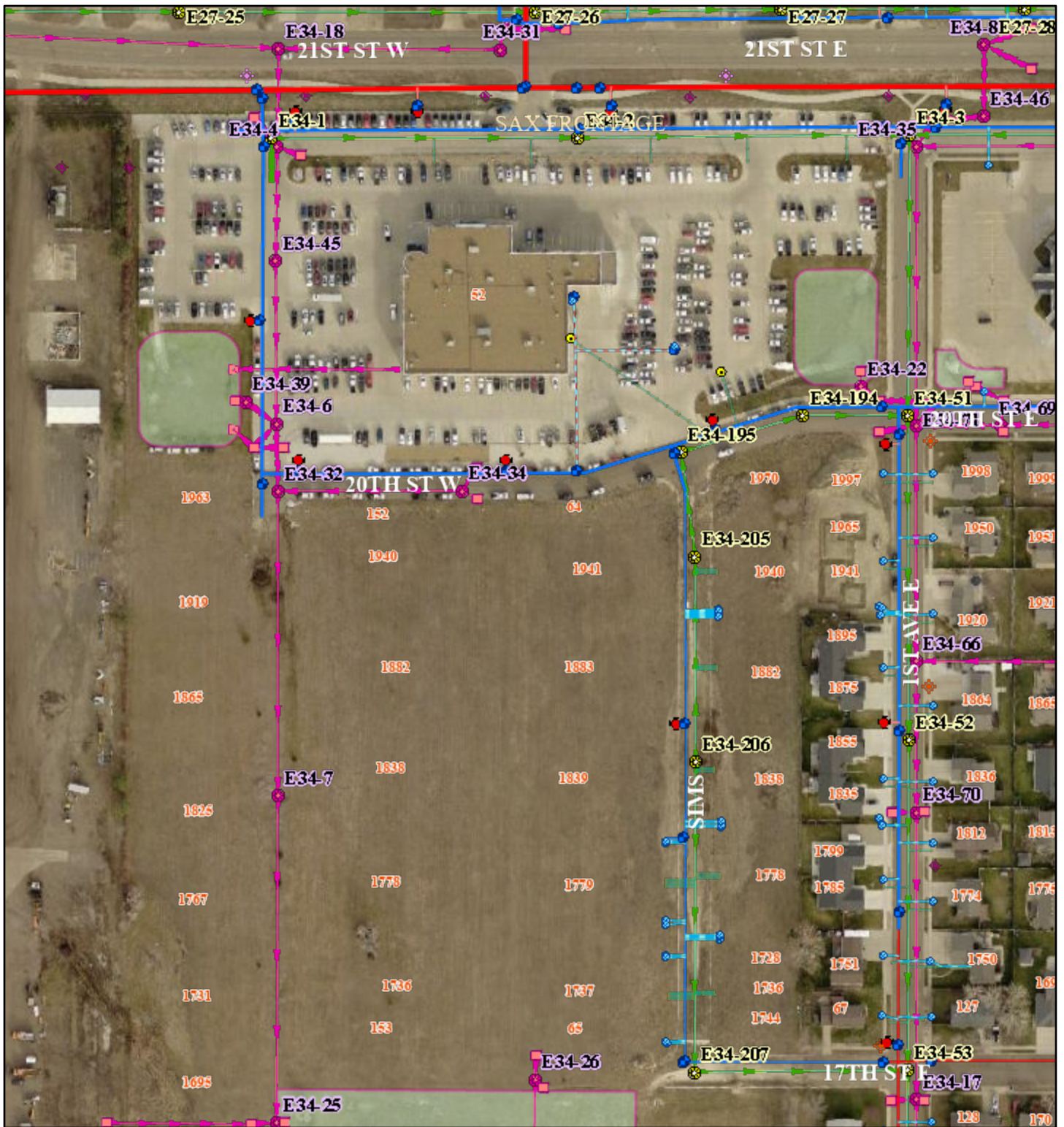


1:3,000

Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft, Dickinson Engineering Department, Engineering & Planning

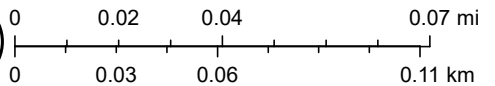
Dickinson Utility Information Map

Section 3. Item G.



10/1/2025

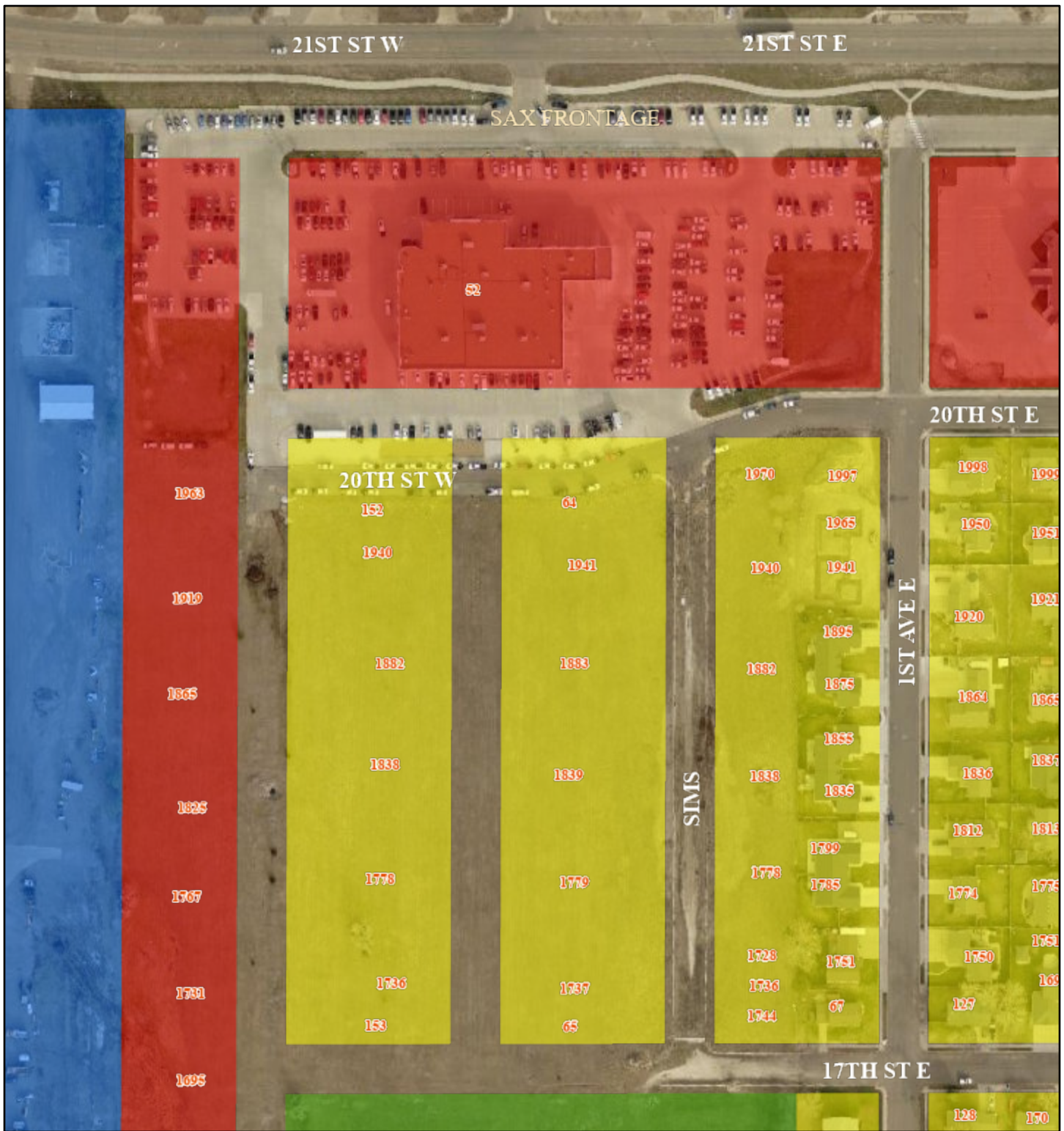
1:3,000



- | | | |
|------------------------------|--------------------------------------|---------------------------------------|
| Public Street Names 8K | Asbestos Cement - Under 8 in | Storm Detention Structures |
| Private Street Names | Polyvinyl Chloride - From 8 to 12 in | Poles |
| Water Curb Stop Valve | Polyvinyl Chloride - Under 8 in | Streetlight, Montana Dakota Utilities |
| Water System Valve | Sanitary Clean Outs | Streetlight, Roughrider Electric |
| Water Hydrant | Sanitary Manhole | <all other values> |
| City of Dickinson | Sanitary Lateral Lines | World Imagery |
| Water Lateral Lines | Sanitary Gravity Mains | Low Resolution 15m Imagery |
| Fire | Storm Inlets | High Resolution 60cm Imagery |
| Hydrant | Storm Discharge | High Resolution 30cm Imagery |
| Service | Storm Manholes | Citations |
| Water Main Lines | Storm Gravity Mains | 60cm Resolution Metadata |
| Asbestos Cement - Over 12 in | | |

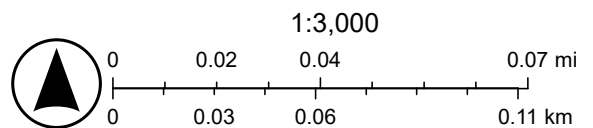
Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft, Dickinson Engineering Department

Dickinson Zoning Information Map



10/1/2025

- Public Street Names 8K Extra Territorial Boundary
- Private Street Names World Imagery
- Future Land Use Low Resolution 15m Imagery
- Public|Civic High Resolution 60cm Imagery
- Residential High Resolution 30cm Imagery
- Commercial Citations
- Parks|Recreation 60cm Resolution Metadata
- Municipal Boundary

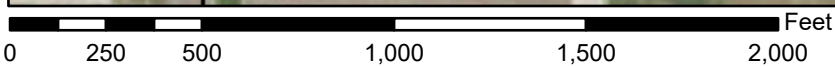
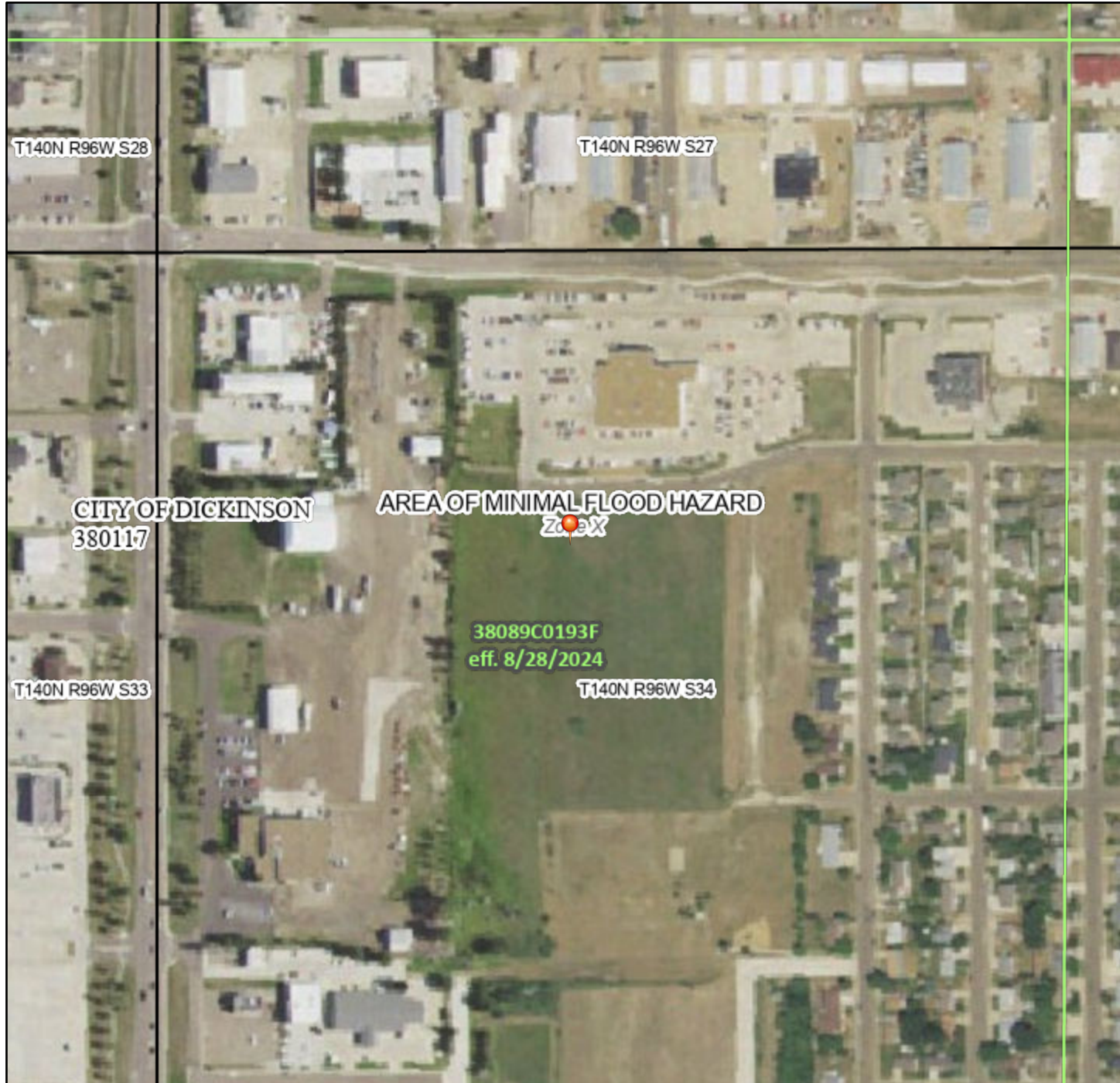


Pictometry International, Eagleview, City of Dickinson, Maxar, Microsoft, Dickinson Engineering Department, Engineering & Planning

National Flood Hazard Layer FIRMette



102°47'28"W 46°54'23"N



1:6,000

102°46'50"W 46°53'59"N

Legend

Section 3. Item G.

SEE FIS REPORT FOR DETAILED LEGEND AND INFORMATION

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway

- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D

- OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D

- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall

- OTHER FEATURES**
 - B 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
 - 17.5 Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature

- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped

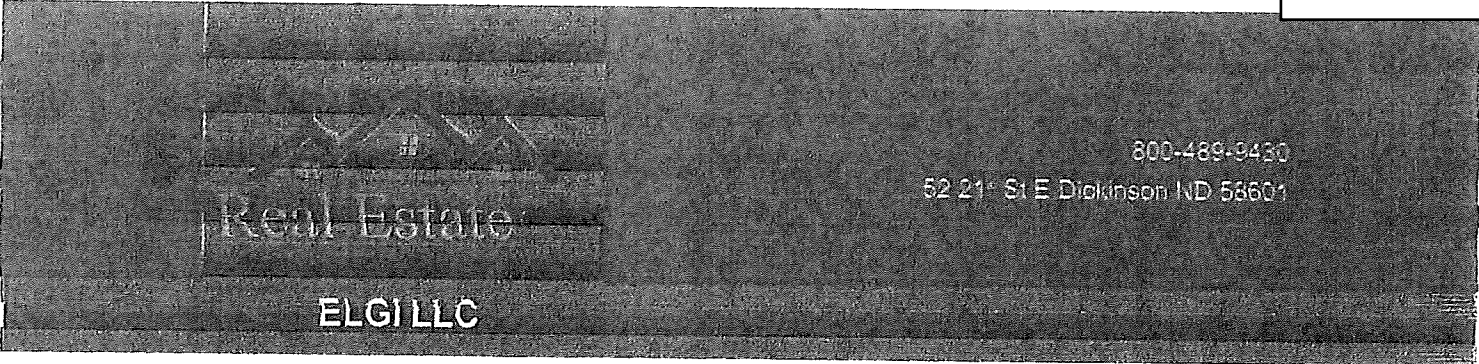


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/1/2025 at 9:46 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.



DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is executed as of the 4th day of September, 2025, by and among ELGI, LLC (Buyer), and RC Development, LLC (Developer), (collectively referred to herein as the "Parties")

RECITALS

WHEREAS, the Parties are considering a real estate transaction wherein Buyer would purchase from Developer certain lots located in Dickinson, Stark County, North Dakota which are adjacent to Buyer's current property located on 21st Street West. These lots are described as Lots 1-5 (inclusive), Block 2, Diamond Acres Subdivision to the City of Dickinson, North Dakota (the "Lots").

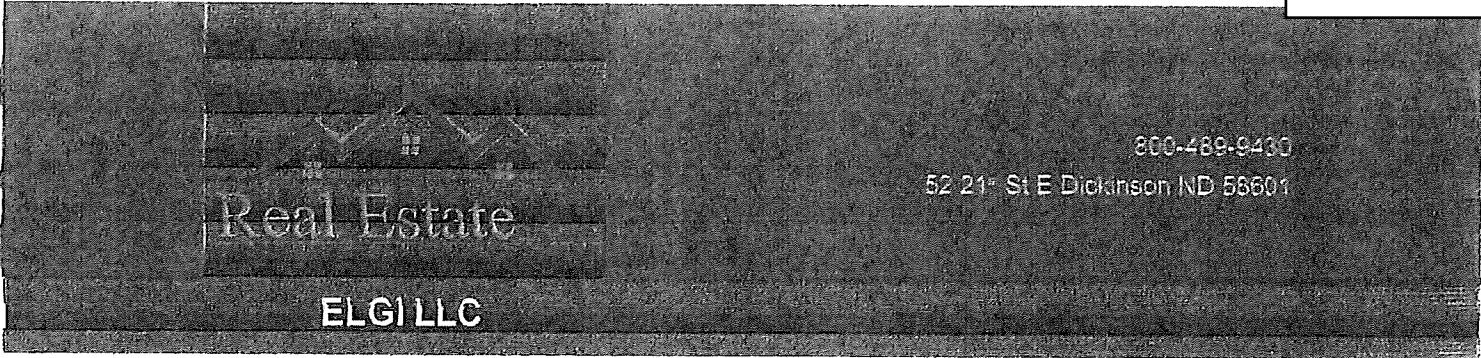
WHEREAS, the Lots are situated adjacent to an unconstructed public road, 2nd Avenue West.

WHEREAS, in the course of negotiations for the sale and purchase of the Lots, Buyer finds it necessary to receive, and Developer agrees to give, certain assurances as to the Lots, with regard to further development of the Developer's other property situated near the Lots.

NOW THEREFORE, and in consideration of the mutual promises made by them in the Sale and Purchase Agreement the Parties agree as follows:

1. Developer agrees that if Buyer agrees to purchase the Lots from Developer, that the Lots held by Buyer will not be liable or assessed for utility improvements such as roads, including but not limited to expenses for planning, clearing, grading, materials, signage, and completion of any new road construction, water facilities including water mains, sanitary sewer, or other utility improvements, of any kind, related to the improvement of the currently unconstructed portion of 2nd Avenue West adjacent to the Lots. Buyer grants this concession in consideration for the purchase price of the Lots, as described in a separate Purchase and Sale Agreement between the Parties and to provide clarity to the Parties, and any future assignees or successors as to the responsibility for the costs of utility or road improvements connected to 2nd Avenue West.
2. Developer further grants assurances and warranties that the Lots currently are not part of any planned development and are not currently subject to any utility expenses or special assessments, other than those already in the public record, if any. It further warrants that Developer, or Developer's successors or assignees will be responsible for the costs of utility construction connected to the completion of the portion of 2nd Avenue West adjacent to the Lots, and not the Buyer. Notwithstanding anything in this agreement to the contrary, if 2nd Avenue West is fully constructed for the benefit of the Lots, the Buyer, or Buyer's successor will be responsible for their proportionate share of the construction costs, relative to all property to be benefitted by this construction





3. That if the Parties fail to enter into an agreement for the sale and purchase of the Lots within 24 months from the date of this Agreement, this Agreement shall be fully null and void, and of no further effect.
4. Severability. If any provision of this Agreement is held invalid or unenforceable, such invalidity or unenforceability will not affect the validity or enforceability of any other provisions hereof, all of which provisions are hereby declared severable.
5. This Development Agreement must be signed by both parties before any provisions of the separate Purchase Agreement are valid and binding.
6. Governing Law. This Agreement is to be governed by and construed in accordance with the laws of the state of North Dakota.
7. Waivers. The approved waiver of any terms, conditions or restrictions of this Agreement, or the failure of either Party to insist, in any one or more cases, upon the strict performance of any of the terms, conditions or restrictions of this Agreement, shall not be construed as a waiver, relinquishment or modification of this Agreement with regard to any terms, conditions or restrictions under this Agreement unless otherwise expressly agreed in writing by the parties.
8. Successors/Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, the parties to this Agreement and their respective successors, representatives and permitted assigns.

IN WITNESS WHEREOF, this DEVELOPMENT AGREEMENT was executed as of the date and year first above written.

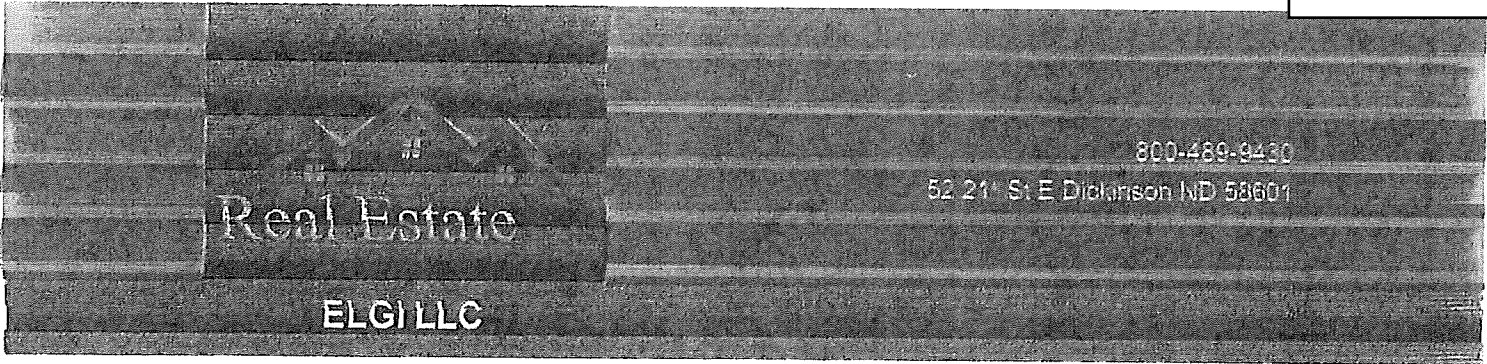
DEVELOPER

By: Rick Woolsey,
RC Development, LLC
Its: President.

BUYER

By: Christian Kostelecky
ELGI, LLC
Its: President.





STATE OF California)
 : ss.
COUNTY OF San Diego)

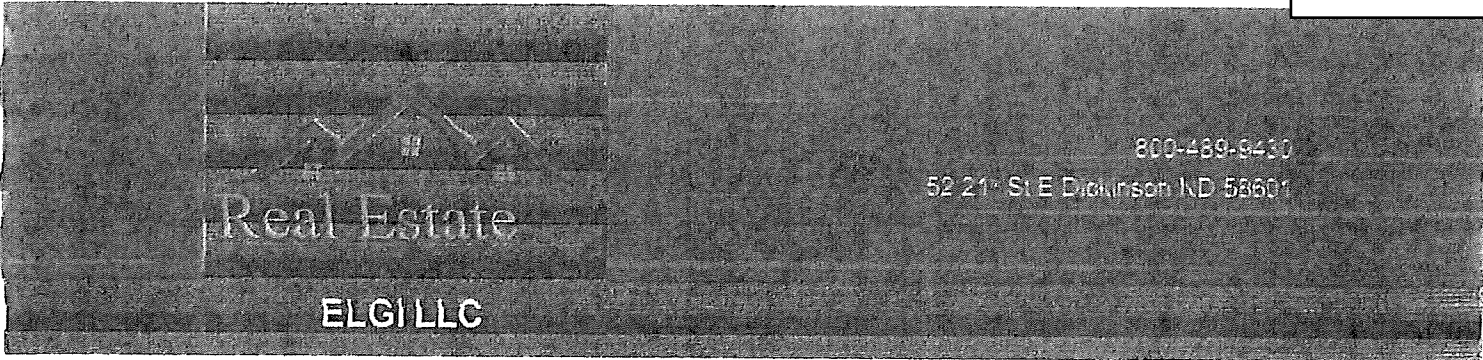
Rick Woolsey, being first duly sworn, deposes and says: That he is an authorized representative of the above-named RC Development, LLC, and that he has authority to accept this Agreement, and accept its terms on behalf of RC Development, LLC.

Rick Woolsey
Rick Woolsey

Subscribed and sworn to before me this 4th day of September, 2025.

Priscila Campos-Garcia
Priscila Campos-Garcia, Notary Public





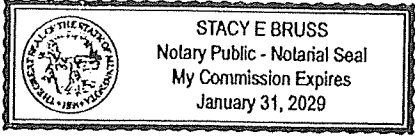
MINNESOTA ^{OFF.}
STATE OF ~~NORTH DAKOTA~~)
COUNTY OF Douglas) : ss.

Christian Kostecky, being first duly sworn, deposes and says: That he is an authorized representative of the above-named EGLI, LLC, and that he has authority to accept this Agreement, and accept its terms on behalf of ELGI, LLC.

Christian Kostecky
Christian Kostecky

Subscribed and sworn to before me this 2 day of September 2025.

Stacy S. Bruss
Notary Public





SAX SECOND SUBDIVISION STAFF REPORT

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: November 5, 2025
 Re: FLP-013-2025 Sax Second Subdivision

APPLICANT

Christian Kostelecky
 ELGI, LLC – Sax Motor Co
 1872 7th Street West
 Dickinson, ND, 58601
 wwinn@ndsupernet.com
 (701) 290-1190

APPLICANT’S REPRESENTATIVE

Andrew Schrank
 Highlands Engineering
 319 24th Street East
 Dickinson ND 58601
 schrank@highlandseng.com
 (701) 483-2444

Public Hearing	November 12, 2025	Planning and Zoning Commission
Final Consideration	December 2, 2025	City Commission

The applicants are requesting the approval of a final minor subdivision plat for the Sax Second Subdivision. The proposed plat is a replat of Lot 1 of Block 1 of the Sax First Subdivision, and Lots 1-5 of Block 2 of the Diamond Acres Subdivision, located in the NW1/4 of Section 34, Township 140 North, Range 96 West, within the City of Dickinson. The purpose of this replat is to allow for the applicant to combine the lots with the property to the north in order to expand the existing Auto Sales use.

Staff recommendation: Staff recommends **approval** of this final minor subdivision subject to the conditions listed at the end of the staff report.

The companion Sax Motors rezoning request is also scheduled for public hearing at the November 12, 2025 Planning and Zoning Commission meeting (REZ-010-2025).

LOCATION

The property is generally located at 52 21st Street East, and it is legally described as Lot 1, Block 1, Sax First Subdivision, and Lots 1-5, Block 2, Diamond Acres Subdivision, located in the NW1/4 of Section 34, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

CURRENT ZONING	GC & R-3
FUTURE LAND USE MAP DESIGNATION	COMMERCIAL
GROSS SITE ACREAGE	+/- 10.37 acres
LOTS PROPOSED	1

ADJACENT ZONING & LAND USE		
Direction	Zoning	Land Use
North	GC	Commercial
East	R-3	Undeveloped
South	R-2; R-3	Undeveloped
West	P	North Dakota Department of Transportation facility

CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Consistency with the Comprehensive Plan

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is currently designated COMMERCIAL. In the proposed FLUM from the Direction 2050 Comprehensive Plan updates, the property is designated HIGH DENSITY RESIDENTIAL. The current COMMERCIAL designation allows for the General Commercial (GC) zoning district, but the proposed HIGH DENSITY RESIDENTIAL designation would not.

Compatibility & Compliance with The Zoning Ordinance

A minor subdivision plat is defined in Section 52-1 of the City Subdivision chapter as follows:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;

- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed Sax Second Subdivision meets the definition of a minor subdivision plat.

Section 62-160: Applicability of districts, states that *"A base district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one base district."* The north lot is currently located in the General Commercial (GC) zoning district, whereas the southern five (5) lots are located in the High Density Residential (R-3) zoning district. In order to be platted into one lot, all lots involved must be located within the same zoning district.

According to Table 62-162-3a Summary of Site Development Regulations, as found in Chapter 62-Zoning, the minimal lot area for the GC zoning district is 12,000 square feet. The proposed 10.37-acre one-lot subdivision exceeds the minimum GC lot area requirement.

According to Section 62-162 of the Municipal Code, the purpose of GC zoning is that *"this district accommodates a variety of commercial uses, some of which have significant traffic or visual effects. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts."* The south five lots the applicant is looking to purchase are not located on a major arterial street and are near additional R-3 lots. Additionally, the property shares the 2nd Avenue West right-of-way, which is intended to be residential in nature and may result in screening and traffic difficulties. This conflicts with the stated purpose of General Commercial.

The proposed minor subdivision combines Lots 1-5 with the property to the north and extends the existing Auto Sales use. However, if the property is split or sold off in the future, uses that are incompatible with the residential lots to the east may be introduced. Alternatively, Community Development staff requests the Community Commercial (CC) zoning district to be utilized, to limit the variety of potential incompatible uses that may be introduced in the future.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development staff recommends **approval** of FLP-013-2025 with the following conditions:

- **Approval of FLP-013-2025 is contingent on the approval of REZ-010-2025;**
- **A note shall be included on the plat that the property shall not be eligible for an administrative lot modification; and**
- **The current property owner shall not utilize 20th Street West or the platted 1st Avenue West for additional access points to the property.**

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-013-2025: The Sax Second Subdivision**, subject to the conditions listed in the staff recommendation above, as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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 **FLP-013-2025: The Sax Second Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*