



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, September 20, 2023 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

A. August 11th, 2023 Minutes

3. REGULAR AGENDA:

A. **FINAL PLAT (FLP-010-2023)** - *Presented by: City Engineer/Community Development Director Josh Skluzacek*

To consider a Preliminary/Final Plat for TCB Subdivision being the re-plat of Lots 1C and 1D of the irregular plat, document number 3153495, and Lot 2, Block 1 of the Kum & Go Addition located in the SW ¼ of Section 2, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 4.41 acres.

B. **FINAL PLAT (FLP-011-2023)** - *Presented by City Planner, Matthew Galibert*

To consider a Preliminary/Final Plat for Center Pointe Subdivision being the re-plat of Lot 6B, Block 3 of the West Ridge 1st Addition located in the S ½ of Section 31, Township 140N, Range 96W of the 5th Principal Meridian, Stark County, located within the City of Dickinson, ND. The site consists of +/- 4.35 acres.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

- A. BARNDOMINIUMS DISCUSSION** - *Presented by: City/County Planner, Steve Josephson*

7. ADJOURNMENT

VIRTUAL MEETING LINKS

Meeting Information: <https://tinyurl.com/PZ-09-20-2023-MtgInfo>

Meeting Packet: <https://tinyurl.com/PZ-09-20-2023-Packet>

Stream Link: <https://tinyurl.com/PZ-09-20-2023-Stream>

Teams Meeting: <https://tinyurl.com/PZ-09-20-2023-Teams>

Meeting ID: 281 958 802 543

Meeting Passcode: ukYA5B

Teams Phone #: +1 701-506-0320

Phone Conference ID: 245 641 15#

Local Phone #: 701-456-7006

<https://dickinsongov.com/2023/09/20/planning-and-zoning-meeting-information---september-20-2023/>



SPECIAL PLANNING AND ZONING MEETING MINUTES

Friday, August 11, 2023 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich

Vice Chairman Scott Bullinger

Commissioner Dean Franchuk

Commissioner Aaron Johansen

Commissioner Richard Haugen

Commissioner Mike Schwab

Commissioner Jo Marie Kadrmas

Commissioner Val Decker

ABSENT

Commissioner Troy Bosch

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve the Order of Business.

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

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

2. **MINUTES**

Motion to approve July 19th, 2023 minutes as presented.

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

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

3. **REGULAR AGENDA:**

A. FINAL PLAT (FLP-005-2023) - Presented by: Josh Skluzacek

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

City Engineer/Community Development Director Skluzacek presents the request and clarifies that this is the Final Plat for this item. It is written wrong in the description. We heard this at the June meeting and there was also a PUD to go along with this item. Since that has been approved at City Commission this item can move forward to Final Plat.

Andrew Shrank, Highlands Engineering is present for any questions. He states that not much has changed since the Preliminary Plat approval.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP 005-2023 the Riverview Cottage 1st Addition Subdivision Plat, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare

(AND) the following additional requirements:

•The Final Plat shall become effective upon recordation of the companion PUD; and

•In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.

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

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

B. FINAL PLAT (FLP-006-2023) - Presented by: Josh Skluzacek

To consider a Final Plat for Riverview Cottages 2nd Addition being the Replat of Lots 15-20, Block 2 of the Replat of Fischer's Addition, located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 0.97 acres.

Mr. Skluzacek presents the request. This is much like item #1 that was heard at the June meeting. There are no concerns from staff with this plat. He notes that it was also associated with that same PUD, and there have been no changes from the Preliminary Plat.

The public hearing is open. There are no comments.

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP 006-2023 the Riverview Cottage 2nd Addition, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

- The Final Plat shall become effective upon recordation of the companion PUD; and**
- In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.**

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

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

C. FINAL PLAT (FLP-007-2023) Presented by: Josh Skluzacek

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

Mr. Skluzacek presents the item. This item was also heard at the June meeting along with a PUD. There have only been a few changes from the Preliminary Plat; there is now a requirement to install sidewalk on the south side of 19th Street. There was discussion on the maintenance of 19th Street. The DA states the city has a minor level of control - there would be three notifications to the owner that the street is in need of work and then the city could do a SID if it is not done in twelve months. There is also a revision regarding permits and CO's being issued.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-007-2023 the District Business Park First Addition final plat petition as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.

(AND) the following additional requirements:

- ***The developer shall extend the sidewalk eastward, across Lot 5, Block 1, The District Addition to enable pedestrian crossing across 19th Street W.***
- ***The Final Plat shall become effective upon recordation of the companion development agreement which is to be recorded by the Stark County Recorder's office; and***
- ***In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.***

Motion made by Commissioner Franchuk, Seconded by Commissioner Johansen.

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

D. PRELIMINARY/FINAL PLAT (FLP-008-2023) *Presented by: Matthew Galibert*

To consider a Preliminary/Final Plat for Tidal Wave Car Wash, a currently unplatted lot located in the NW ¼ of Section 34, Township 140N, Range 96W located within the City of Dickinson,. The site consists of +/- 1.32 acres.

City Planner, Matthew Galibert presents the request. The applicant would like to construct Tidal Wave Auto Spa Car Wash at this location where Dakota Motors currently sits. There will be a sign displayed to warn drivers about the bike path on the north edge property. Mr. Fridrich has a question on the approaches. The approach is on 21st Street W. Mr. Fridrich asks about a traffic study and states there are lots of cars backed up in that area past that intersection frequently. He is concerned about being able to make a left hand turn out of there. Mr. Skluzacek states we could possibly consider a right in – right out only option for that approach. He states that we did request volume data and it did not warrant a traffic study. He also states that we ran into issues realigning that approach – there are multiple challenges in the area. It has not been taken it to final design yet. He also adds this is currently unplatted and this is why it is being platted with this request.

Darcy Leeseberg is the applicant and is present on Teams. He has no concerns with the access/approaches.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of FLP-009-2023 Tidal Wave Minor Plat subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare

(AND) the following additional requirements:

- ***All structures, including fencing, must adhere to a maximum height of 32 inches above the established curb grade. This requirement explicitly encompasses the vision clearance zone, as outlined in Section 39.07.002 Setback Adjustments in the municipal code.***
- ***No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection, per same.***
- ***A sign shall be prominently displayed within the property boundaries, ensuring clear visibility to exiting drivers. The sign shall serve as a reminder to exercise caution and attentiveness towards cyclists and pedestrians crossing the approach to 21st Street W.***

Motion made by Commissioner Haugen, Seconded by Commissioner Johansen.

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

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. UPDATE ON BARNDOMINIUMS - Presented by: Matthew Galibert

Mr. Galibert presents an update regarding 'barndominiums'. In September they will provide a presentation with barndominium design and how they may influence the community, a summary of responses from other communities, and code aspects to consider.

7. ADJOURNMENT

Motion to adjourn.

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

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



Unified Development Application

Have you had a pre-application meeting with City Staff?	Yes
Name	Jason Kukowski
Company	Three Pollacks Inc.
Applicant Email	jasons3pinc@gmail.com
Applicant Phone #	(701) 471-7515
Applicant Representative (if applicable)	Jeremy Wood
Applicant Representative Company	Northern Plains Engineering
Applicant Representative Email	jwood@nplainseng.com
Applicant Representative Phone #	(701) 690-8076

Type of Development	Minor Subdivision Preliminary/Final Plat								
Is this a Replat	Yes								
Subdivision Being Re-platted	Kum & Go Subdivision								
Owner Name	TCB Rentals, LLC								
Owner Address	1475 Atacosita Circle, Dickinson, North Dakota, 58601								
Owner Email	tracyt@toozconstruction.com								
Owner Phone #	(701) 260-4431								
Is the owner present to Sign	No								
Owner Signature Upload	20230814_150811.pdf								
Will this application require any other action to complete the development?	No								
Metes and Bounds Description	N/A								
	<table><tr><td></td><td>1/4 Section</td><td>Township</td><td>Range</td></tr><tr><td>Description</td><td>SW 2</td><td>139</td><td>96</td></tr></table>		1/4 Section	Township	Range	Description	SW 2	139	96
	1/4 Section	Township	Range						
Description	SW 2	139	96						
Property Address / General Project Location	1115 I-94 Business Loop East								
Total Square Footage or Acreage of Subject Property	approx 3.24 acres								
Rezone Calc Multiplier	0								
Minor Platting Multiplier	1								
Prelim Platting Multiplier	0								

Major Platting Multiplier

0

Name of Plat

Replat of Lot 1D

Number Lots

1 to 10 Lots

Number of Block(s)

1

0

Application Calc

500

Required Documentation Upload

[2304101-SURVEY PLAT \(24X36 P40\)_DRAFT-052223.pdf](#)

Deed for Property

[3164726.pdf](#)

Application Fees

Applicable Fees

500.00 USD

Total:

\$500.00

Transaction ID:

pnzpx1ee

==Payer Info==

First Name

Jeremy

Last Name

Wood

Applicant Signature



Date

08-14-2023

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

BEING THE REPLAT OF LOT 1C AND LOT 1D OF THE IRREGULAR PLAT, DOCUMENT NUMBER 3153495 LOCATED
WITHIN THE SW1/4 OF SECTION 2. TOWNSHIP 139 NORTH RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY
OF DICKINSON, STARK COUNTY, NORTH DAKOTA

PROJECT NO. 2304101
SHEET 1 OF 1



STAFF REPORT

Section 3. Item A.

To: Planning and Zoning Commission

From: City of Dickinson Development Team

Date: September 20, 2023

Re: **FLP-010-2023 TCB Subdivision Minor Plat**

OWNER/APPLICANT

Tracy Tooz
 Tooz Construction
 tracyt@toozconstruction.com
 701 260 4431
 1475 Atascosita Circle,
 Dickinson, North Dakota, 58601

APPLICANT'S REPRESENTATIVE

Jeremy Wood
 Northern Plains Engineering
 jwood@nplainseng.com
 701 690 8076

Public Hearings:	September 20, 2023	Planning and Zoning Commission
	October 3, 2023	City Commission

EXECUTIVE SUMMARY

To consider a Preliminary/Final re-plat of a parcel located in the SW ¼ Section 2, Township 139N, Range 96W. The site consists of +/- 4.41 acres. The subject parcel is zoned General Commercial (GC).

REQUEST

- A. Request:** The applicant seeks to plat the subject lots in order to proceed with the legal sale of the Lot 2 which currently has a building permit for a Service Pro Quick Lube shop. The proposed land use for the subject parcel is defined as an *Auto Service*, per Section 39.03.007 Commercial Use Types, and is permitted within the General Commercial zoning district.
- B. Location/Legal Description/Area:** The lots proposed for this subdivision are legally described as being a replat of Lots 1C and Lot 1D of the Irregular plat, document number 3153495 located within the SW ¼ Section 2, Township 139N, Range 96W of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject parcel is generally located at the southeast corner of 10th Ave E and Interstate 94 Business Loop E.

C.

ZONING	GC
FUTURE LAND USE MAP DESIGNATION	Commercial
GROSS SITE ACREAGE	4.41 acres
LOTS PROPOSED	4

CURRENT ADJACENT LAND USE/ZONING		
Direction	Zoning	Land Use
North	R-1	Undeveloped residential
East	CC	Funeral service
South	Major Arterial, GI	East Business Loop, religious assembly
West	GC	Auto services

Context:

Background

The applicant proposed this development at a pre-application meeting which took place on March 28, 2023. At that time, the applicant was only proposing to subdivide Lot 1D, Block 1 of the Kum & Go Addition. While completing the engineering design review for the Service Pro Quick Lube shop, it was brought to the applicant's attention the existing retaining wall located on the west side of Lot 1D, Block 1 of the Kum & Go Addition crossed the lot line into Lot 1D. It was recommended either the lot line be modified to include the entire retaining wall within a single lot, or provide a different solution to minimize the risk of the retaining wall crossing the lot line. Therefore, Lot 1C was incorporated into this proposed plat which added an additional lot to this subdivision plat.

During the engineering design review for the Service Pro Quick Lube shop, the existing storm water report which was prepared for the Kum & Go Addition was not followed when the Kum & Go gas station was constructed. This storm water report included the area where the Service Pro Quick Lube shop is to be located. A storm water detention pond was supposed to be constructed in the southwest corner of the Kum & Go gas station parking lot. This was discussed with the North Dakota Department of Transportation (NDDOT) to understand if the East Business Loop project incorporated the recommended storm water detention from the Kum & Go gas station in their hydraulics and hydrology study and project. Because it was not incorporated into the East Business Loop project, an evaluation of the storm water pipe hydraulics was completed. There are no current risks to the existing storm water pipe hydraulics, even considering the additional flows from the Service Pro Quick Lube shop. Any additional impervious surfaces will create a storm water pipe capacity concern. Therefore,

the applicant is required to include storm water detention for the entire TCB Subdivision area when future development of Lots 3 or 4 occurs. This requirement has been added to the development agreement for this subdivision plat.

Key considerations

The development agreement to be filed with this plat includes the following topics: future infrastructure improvement special conditions, assurance of infrastructure completion, City Engineer approval requirements for all future infrastructure plans and specifications, future building permit criteria, a maintenance warrantee for the private access easement pavement, and any other obligations related to the development.

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** The uses on the parcel will be compatible with the existing uses in the immediate vicinity.
- **Compliance with Zoning and Subdivision Regulations:** Each proposed lot satisfies zoning requirements regarding minimum square footage per Section 39.04.005 of the municipal code. The proposed Preliminary/Final Plat continues to satisfy all lot boundary requirements, current zoning requirements, and Minor Subdivision Plat requirements.

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

Staff Recommendation: The City Development Team staff recommends **approval** of the minor plat application, subject to the following conditions:

- **Subject to final review and approval by staff of the development agreement.**
- **Subject to final review**

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-010-2023 TCB Subdivision Minor Plat** subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

(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-010-2023 TCB Subdivision Minor Plat** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

ATTACHMENT A –

APPLICATION MATERIALS



Unified Development Application

Have you had a pre-application meeting with City Staff?

Yes

Please upload the letter or counseling form you received following your pre-application meeting:

[Pre-Application Response Letter 3445 Legend Dr Lot Split.pdf](#)

Name Trent Karel

Company Houston Engineering, Inc.

Applicant Email tkarel@houstoneng.com

Applicant Phone # (701) 499-2046

Type of Development Minor Subdivision Preliminary/Final Plat

Is this a Replat Yes

Subdivision Being Re-platted Parcel 6B, Block 3, West Ridge 1st Addition

Owner Name Larry Nygard

Owner Address 1918 9th St E, West Fargo, North Dakota, 58078

Owner Email lnygard@crowndevelopmentnd.com

Owner Phone # (701) 936-7469

Is the owner present to Sign No

Owner Signature Upload [Plat Athorization.pdf](#)

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

No

Metes and Bounds
Description

A REPLAT OF PARCEL 6B OF LOT 6, BLOCK 3 OF WEST RIDGE 1ST ADDITION IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 6B OF LOT 6, BLOCK 3 OF WEST RIDGE 1ST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA; THENCE SOUTH 01°52'54" WEST, ON AND ALONG THE EASTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 138.75 FEET; THENCE SOUTH 15°51'41" EAST, CONTINUING ON AND ALONG THE EASTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 303.04 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 6B, SAID POINT BEING THE NORTHERLY LINE OF INTERSTATE 94 RIGHT-OF-WAY; THENCE SOUTHWESTERLY AND TO THE RIGHT, ON AND ALONG THE SOUTHERLY LINE OF SAID PARCEL 6B, ON A 5529.65 FOOT RADIUS NON-TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, AN ARC LENGTH OF 459.00 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 79°11'56" WEST, A DISTANCE OF 458.87 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 6B; THENCE NORTH 01°41'30" EAST, ON AND ALONG THE WESTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 527.73 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 6B; THENCE SOUTH 88°10'54" EAST, ON AND ALONG SAID NORTHERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 357.02 FEET TO THE POINT OF BEGINNING.

	1/4 Section	Township	Range
Description	SE 1/4	140N	96W

Property Address /
General Project Location

3445 Legend Drive, Dickinson, North Dakota

Total Square Footage or
Acreage of Subject
Property

4.35 acres

Rezone Calc Multiplier

0

Minor Platting Multiplier

1

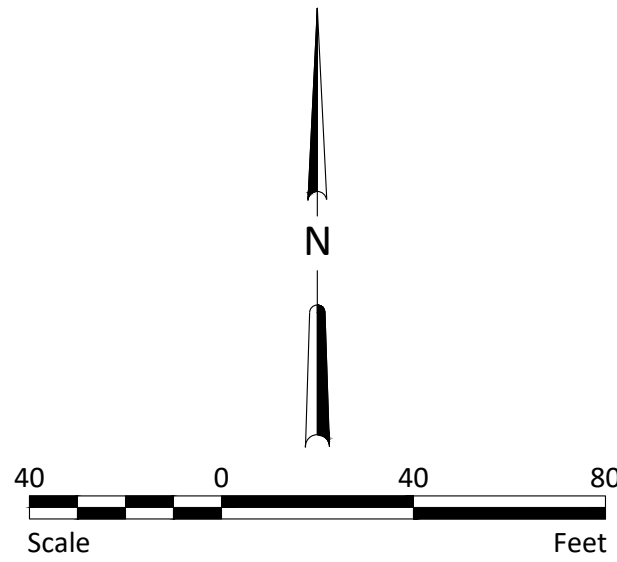
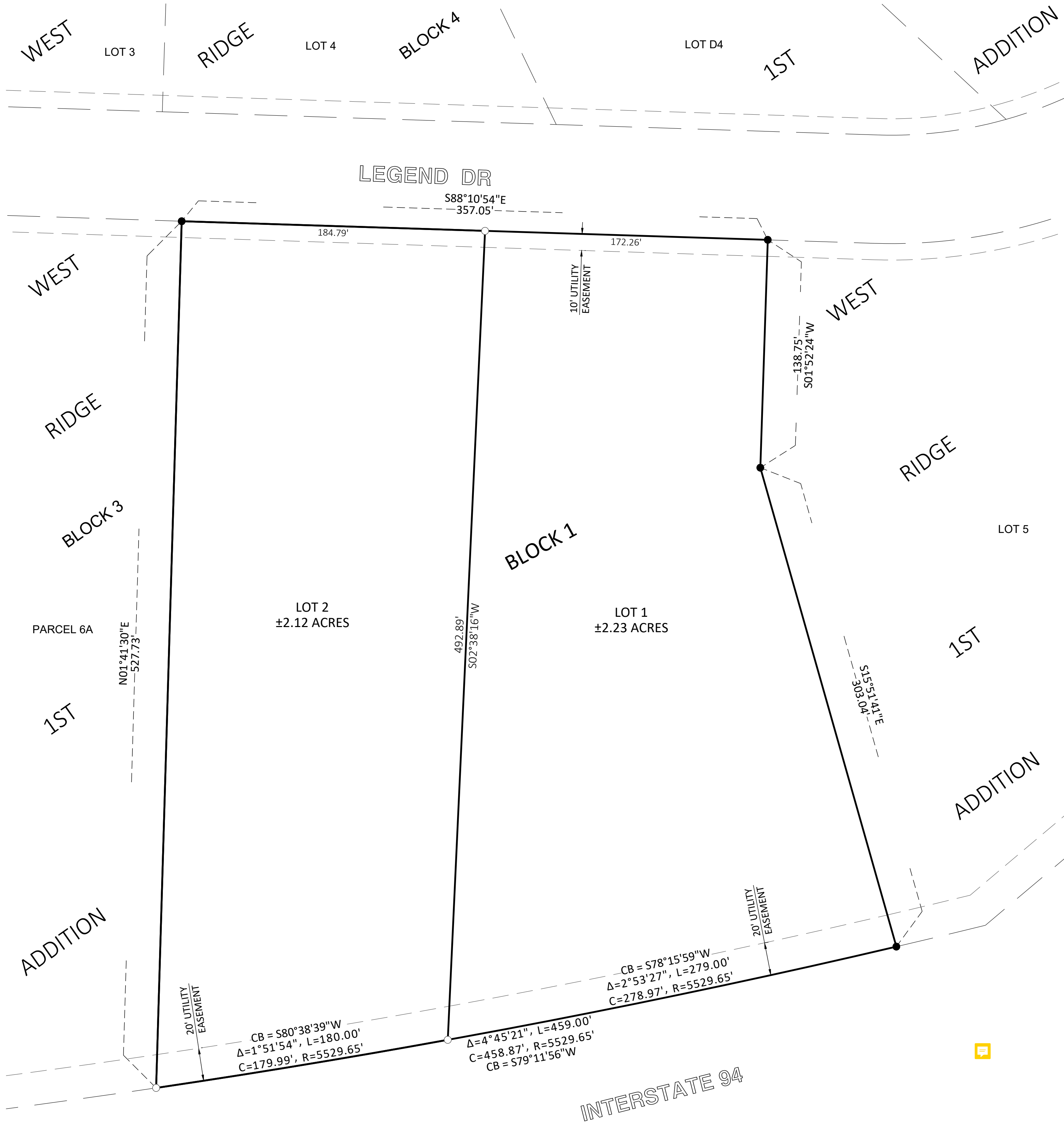
Prelim Platting Multiplier

0

Major Platting Multiplier	0								
Name of Plat	CenterPointe Addition								
Number Lots	1 to 10 Lots								
Number of Block(s)	1								
	0								
Application Calc	500								
Required Documentation Upload	11277_0013_Dickinson_Minor_Plat.pdf FIRMETTE.pdf FIRMETTE1.pdf								
Deed for Property	QCD 3173215.pdf								
Application Fees	<table><tr><td>Applicable Fees</td><td>500.00 USD</td></tr><tr><td colspan="2"><hr/></td></tr><tr><td>Total:</td><td>\$500.00</td></tr><tr><td>Transaction ID:</td><td>cr8e55t8</td></tr></table>	Applicable Fees	500.00 USD	<hr/>		Total:	\$500.00	Transaction ID:	cr8e55t8
Applicable Fees	500.00 USD								
<hr/>									
Total:	\$500.00								
Transaction ID:	cr8e55t8								
	<div>==Payer Info==<table><tr><td>First Name</td><td>Trent</td></tr><tr><td>Last Name</td><td>Karel</td></tr></table></div>	First Name	Trent	Last Name	Karel				
First Name	Trent								
Last Name	Karel								
Applicant Signature									
Date	08-17-2023								

CENTERPOINTE ADDITION

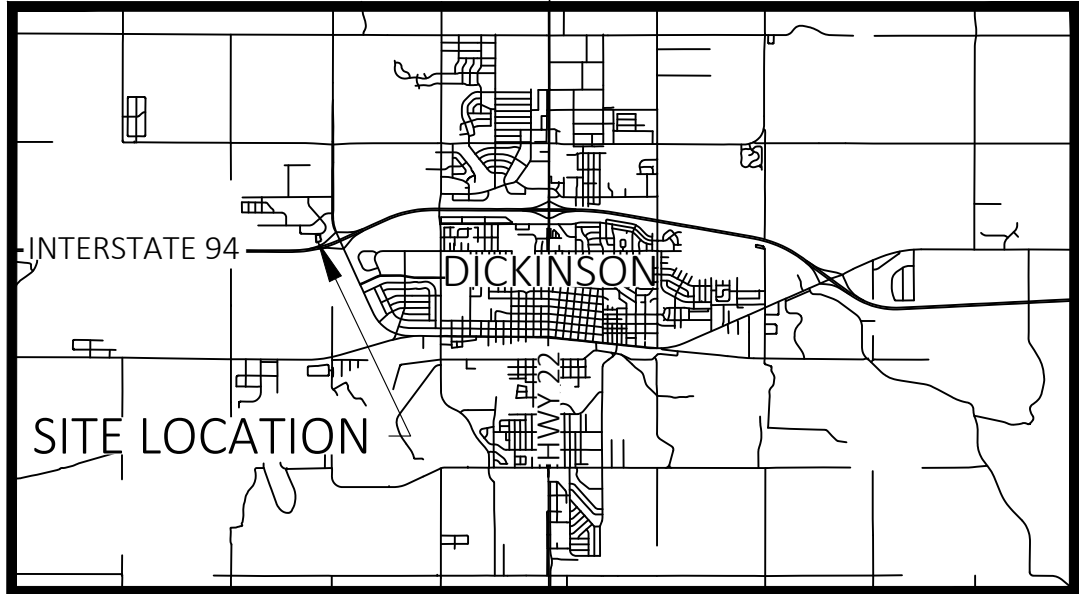
A REPLAT OF PARCEL 6B OF LOT 6, BLOCK 3, WEST RIDGE 1ST ADDITION
LOCATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 140 NORTH,
RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN,
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



DATE: AUGUST 10, 2023

VICINITY MAP

NOT TO SCALE



LEGEND

PLAT BOUNDARY	
EASEMENT	
NEW LOT LINE	
EXISTING LOT LINE	
IRON MONUMENT FOUND	
IRON MONUMENT TO BE SET	
PLAT BEARING & DISTANCE	N88°04'28"E 316.50'

PLAT INFORMATION

ZONING: GENERAL COMMERCIAL

NUMBER OF LOTS: 2
TOTAL ACREAGE: ±4.35 ACRES

SURVEYOR

HOUSTON ENGINEERING
1027 LOCKPORT STREET
BISMARCK, ND 58501

ENGINEER

KLJ
300 23RD AVE S, SUITE 100
WEST FARGO, ND 58078

OWNER

WESTERN NORTH DAKOTA DEVELOPMENT, LLC
200 45TH ST S
FARGO, ND 58103

NOTES

- BASIS OF BEARINGS: ND STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. COORDINATE DATUM: ND STATE PLANE NAD 83 SOUTH ZONE, US SURVEY FOOT.
- ALL DISTANCES ARE MEASURED AT GROUND, GRID TO GROUND SCALE FACTOR IS 1.0001825333
- SURVEY WAS PERFORMED ON MAY 16, 2023

DESCRIPTION

A REPLAT OF PARCEL 6B OF LOT 6, BLOCK 3 OF WEST RIDGE 1ST ADDITION IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 6B OF LOT 6, BLOCK 3 OF WEST RIDGE 1ST ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA; THENCE SOUTH 01°52'54" WEST, ON AND ALONG THE EASTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 138.75 FEET; THENCE SOUTH 15°51'41" EAST, CONTINUING ON AND ALONG THE EASTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 303.04 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 6B, SAID POINT BEING THE NORTHERLY LINE OF INTERSTATE 94 RIGHT-OF-WAY; THENCE SOUTHWESTERLY AND TO THE RIGHT, ON AND ALONG THE SOUTHERLY LINE OF SAID PARCEL 6B, ON A 5529.65 FOOT RADIUS NON-TANGENTIAL CURVE CONCAVE TO THE NORTHWEST, AN ARC LENGTH OF 459.00 FEET, SAID CURVE HAVING A CHORD BEARING SOUTH 79°11'56" WEST, A DISTANCE OF 458.87 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL 6B; THENCE NORTH 01°41'30" EAST, ON AND ALONG THE WESTERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 527.73 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 6B; THENCE SOUTH 88°10'54" EAST, ON AND ALONG SAID NORTHERLY LINE OF SAID PARCEL 6B, A DISTANCE OF 357.02 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.35 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PRIOR EASEMENTS OR RIGHT OF WAYS AS MAY BE OF RECORD.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, TODD MARSCHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ACCOMPANYING PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 16TH OF MAY, 2023, THAT ALL INFORMATION SHOWN HEREON IS A TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET AFTER PLAT RECORDATION.

TODD MARSCHALL, PROFESSIONAL LAND SURVEYOR
LICENSE NO. 4431

PROPRIETOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WESTERN NORTH DAKOTA DEVELOPMENT, L.L.C., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "CENTERPOINTE ADDITION" AND DOES HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE UTILITY EASEMENT AS CREATED BY THIS PLAT.

OWNER:
IN WITNESS, WHEREOF, I HERE UNTO SUBSCRIBE MY NAME:

WESTERN NORTH DAKOTA DEVELOPMENT, L.L.C.
LARRY NYGARD, MANAGING MEMBER

DATE

STATE OF NORTH DAKOTA
COUNTY OF STARK

ON THIS _____ DAY OF _____, 2023 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED, LARRY NYGARD, KNOWN TO ME TO BE THE PERSON(S) WHO ARE DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA
RESIDING AT _____
MY COMMISSION EXPIRES _____

PLANNING AND ZONING COMMISSION APPROVAL.

JASON FRIDRICH, CHAIRMAN

DATE

CITY OF DICKINSON APPROVAL.

SCOTT DECKER, PRESIDENT OF DICKINSON CITY COMMISSION

DATE

CITY ENGINEER APPROVAL.

JOSHUA SKLUZACEK,
ENGINEER - COMMUNITY DEVELOPMENT DIRECTOR

DATE

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: September 14, 2023
Re: **FLP-011-2023 CenterPointe Addition Subdivision**

OWNER

Larry Nygard
1918 9th St E,
West Fargo ND 58078
lnygard@crowndevdevelopmentnd.com
(701)936-7469

APPLICANT

Trent Karel, Houston Engineering
1027 Lockport Street
Bismarck ND 58501
tkarel@houstoneng.com
(701)499 2046

Public	September 20, 2023	Planning and Zoning Commission
Hearings:	October 3, 2023	City Commission

EXECUTIVE SUMMARY

To consider a Preliminary/Final Plat for Center Pointe Subdivision being a re-plat of Lot 6B, Block 3 of West Ridge 1st Addition in the S ½ of Section 31, Township 140N, Range 96W. The site consists of +/- 4.35 acres. The subject parcel is zoned General Commercial (GC).

REQUEST

- A. Request:** The applicant seeks approval of a minor plat of the subject property. The proposed land use for the subject parcel is defined as a *General and Limited Retail Services*, per Section 39.03.007 Commercial Use Types, and is permitted within the General Commercial zoning district.
- B. Location/Legal Description/Area:** The proposed two-lot subdivision is generally located along Legend Drive, approximately 500 feet east of 38th Ave W. It is legally described as Lots 1-2, Block 1 of the Replat of Parcel 6B of Lot 6, Block 3, West Ridge 1st Addition

ZONING	GC
FUTURE LAND USE MAP DESIGNATION	Commercial
GROSS SITE ACREAGE	4.35 acres
LOTS PROPOSED	2

CURRENT ADJACENT LAND USE/ZONING		
Direction	Zoning	Land Use
North	GC & P	Undeveloped
East	GC	Lodging
South	I-94 Interstate ROW	Federal Highway
West	GC	Undeveloped

Context:

Background: The property owner wants to sell the eastern portion of the existing Lot 6B, Block 3 of the West Ridge 1st Addition Subdivision. As Lot 6B was originally created through the administrative lot split process as found in Chapter 34 of the Municipal Code Subdivision of Land, additional division of Lot 6B requires approval of a minor subdivision plat. Therefore, this minor subdivision is required because the lot was previously split.

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** The proposed “tire center” use will be compatible with the existing uses within the immediate vicinity. This parcel is located within a previously planned yet relatively undeveloped area. Approval of this application furthers fulfillment of previously adopted plans.
- **Compliance with Zoning and Subdivision Regulations:** The proposed lot satisfies zoning requirements regarding minimum square footage per Section 39.04.005 of the municipal code. The proposed Preliminary/Final Plat satisfies all lot boundary requirements, current zoning requirements, and Minor Subdivision Plat requirements.

The minimum lot size in the GC zoning district is 12,000 square feet. Both proposed lots satisfy the minimum lot size of the GC zoning district. Both proposed lots satisfy the GC minimum lot width of 100 feet.

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

Staff Recommendation: The City Development Team staff recommends **approval** of the minor plat application.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-011-2023 CenterPointe Addition** subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of the **FLP-011-2023 CenterPointe Addition** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

ATTACHMENT A –

APPLICATION MATERIALS