



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, May 08, 2024 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. APRIL 10TH, 2024 MINUTES

3. REGULAR AGENDA:

A. FINAL MINOR PLAT (FLP-009-2024) - *Presented by City Engineering/Community Development Director Joshua Skluzacek*

To consider a Preliminary Final Plat for the Fisher East Side Third Addition Subdivision, being a Replat of Lot 1A, Block 4, Fisher East Side Second Subdivision, located in Section 2, Township 139 North, Range 96 West, located in the City of Dickinson. The site consists of +/- 0.65 acres.

B. REZONE (REZ-003-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Zoning Map Amendment from Agricultural (AG) to Rural Residential (RR) for a property located in the SE ¼ of Section 16, Township 139 North, Range 96 West, located in the City of Dickinson's ETZ. The property is currently legally

described as Southfork Acres Subdivision Lot 1B Block 2. The site consists of +/- 51.11 acres

C. PRELIMINARY MAJOR PLAT (PLP-003-2024) - Presented by City

Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Plat for Southfork Acres 2nd Subdivision located in the SE ¼ of Section 16, Township 139 North, Range 96 W, located in the City of Dickinson's ETZ. The property is currently legally described as Southfork Acres Subdivision Lot 1B Block 2. The site consists of +/- 51.11 acres.

D. PRELIMINARY MAJOR PLAT (PLP-006-2024) – Presented by City

Engineering/Community Development Director Joshua Skluzacek

To consider a Preliminary Plat for The DSU Athletic Complex 2nd Addition Subdivision Being a Replat of Lot 1, Block 1 DSU Athletic Complex Addition and a Parcel of Land in the W ½ of Section 4, Township 139 North, Range 96 West located on the City of Dickinson. The site consists of +/- 58.57 acres.

E. FUTURE LAND USE MAP AMENDMENT (FLM-003-2024) - Presented by

City/County Planner, Steve Josephson

To consider a Future Land Use Map Amendment from Industrial to Residential for a parcel of unplatted land located in the SE 1/4 of the SW ¼ of Section 6, Township 139 North, Range 95 West, located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

F. REZONE (REZ-004-2024) - Presented by City/County Planner, Steve Josephson

To consider a Zoning Map Amendment from Agricultural (AG) to Rural Residential (RR) for a property located in the SE 1/4 of the SW 1/4 of Section 6, Township 139 North, Range 95 West located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

G. FINAL MINOR PLAT (FLP-010-2024) - Presented by City Engineering/Community

Development Director Joshua Skluzacek

To consider a Preliminary Final Plat for the Moore 1st Subdivision located in the SE 1/4 of the SW 1/4 of Section 6, Township 139 North, Range 95 West located in the City of Dickinson's ETZ. The site consists of +/- 2.11 acres.

H. FINAL MINOR PLAT (FLP-011-2024) - Presented by City Engineering/Community

Development Director Joshua Skluzacek

To consider a Preliminary Final Plat for the Sullivan First Subdivision, being a Replat of Lot 2B, Block 4, Country Oaks Estates Second Addition Subdivision, located in Section 2, Township 139 North, Range 96 West, located in the City of Dickinson. The site consists of +/-0.33 acres.

I. ZONING TEXT AMENDMENT (ZTA-001-2024) – *Presented by City/County Planner, Steve Josephson*

To consider proposed amendments to Article 39.02 Definitions, Article 39.03 User Types, Article 39.04 Zoning District Regulations, and Article 39.06 Supplemental Use Regulations of the Dickinson Municipal Code regarding Group Living Facilities.

J. RENAISSANCE ZONE EXTENSION (REN-001-2024) - *Presented by City/County Planner, Steve Josephson*

To consider a Ten-Year Extension of the City of Dickinson Renaissance Zone Development Plan as adopted on July 1, 2004 and amended on July 23, 2012 and October 2, 2017. May 67, 2019, July 6, 2022, and January 9, 2024.

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

Link for viewing Planning and Zoning Commission Meeting:

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

This link will not be live until approximately 7:05 am on May 8, 2024.

Teams Meeting: <https://tinyurl.com/PZ-05-08-2024-Teams>

Teams Meeting ID: 282 106 099 584 **Meeting Passcode:** 6iGioZ

Teams Phone #: 1-701-506-0320 **Phone Conference ID:** 455 607 855#

Local Phone #: 701-456-7006

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



PLANNING AND ZONING COMMISSION MEETING MINUTES

Wednesday, April 10, 2024 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 Troy Bosch

Commissioner Val Decker

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business.

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

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

2. MINUTES

A. MARCH 13TH, 2024 MEETING MINUTES

Motion to approve minutes as presented.

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

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

3. REGULAR AGENDA:

A. PRELIMINARY MAJOR PLAT (PLP-004-2024) - Presented by: Josh Skluzacek, City Engineer/Community Development Director

To consider a Preliminary Plat for the Energy Center 6th Addition Subdivision, the Replat of Lot 1, Block 1 Energy Center 3rd Addition, located in the SE ¼ of Section 1, Township 139 North, Range 96 W, located in the City of Dickinson. The site consists of +/- 44.64 acres.

Mr. Sluzacek presents the plat request. He explains the applicant want to create five lots and a right of way dedication will add access. This is NGRC and city owned property. He goes on to speak about the roadway design which is 66' - typical street detail. They are looking to make sure truck traffic can maneuver successfully on East Villard and Energy Drive. We are looking at sewer and water to make sure it meets demands. There is sufficient capacity in the lift station. We are also working on a development agreement and that will be filed at the same time as the plat.

Andrew Schrank, Highlands Engineering is representing the applicant. He explains this is a five-lot industrial acre development. He speaks on some grant opportunities that will help pay for the road. He says the sanitary sewer would connect to the lift station, the water would run through the proposed right of way, and drainage would have block 1 to drain into tract 1. There is also a facility in south portion of block 1. He says City drainage would be managed on their own.

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

Motion made by Commissioner Haugen, Seconded by Commissioner Decker.

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

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. RENAISSANCE ZONE TEN YEAR RENEWAL UPDATE - Presented by: City/County Planner, Steve Josephson

Mr. Josephson presents the renaissance zone renewal update. He presents a PowerPoint explaining the proposed updates to the Renaissance Zone. This has been heard at previous work sessions also. He asks if the commission would be in favor of a vote for the ten year renewal at next month's meeting. The commission is in favor.

B. GROUP LIVING FACILITIES PROPOSED ZONING ORDINANCE AMENDMENT - Presented by: City/County Planner, Steve Josephson

Mr. Josephson presents the update to the draft ordinance. He presents a PowerPoint highlighting the zoning ordinance changes. He explains that if this is approved, all it does is amend the zoning ordinance so the City can grant a SUP for a facility. He mentions there is a group that would like to start supportive housing here in Dickinson. It would provide temporary housing. There has been a meeting with Commissioners Odermann and Baer. An applicant would need to provide a business plan and prove they are a legitimate organization, and explain what services they would provide. He is asking direction from the commission to bring this forward in May for a public hearing. Chairman Fridrich questions the SUP in residential zoning, especially R1. He asks about the three month rule - Mr. Josephson says its up to the applicant to enforce that. The commission is open to a public hearing next month. Commissioner Baer is the executive director of the United Way. He says there are a lot of questions they need to work through but there is a huge need for this in our community. He believes we can make this very successful. Mr. Bosch asks if there is a facility proposed. Dr. Baer said there are a few options - they are looking at some sites. Dr. Baer says during the cold spell they housed 11 individuals at the temporary shelter. They successfully found housing and jobs for almost all those individuals. They will have better averages of how many people they would help at the next meeting in May.

7. ADJOURNMENT

Motion to adjourn

Motion made by Commissioner Kadrmas, Seconded by Commissioner Johansen.
 Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Johansen, Commissioner Haugen, Commissioner Schwab, Commissioner Kadrmas, Commissioner Bosch, Commissioner Decker

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); loretta.marshik@dickinsongov.com; [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)
Subject: Re: Unified Development Application
Date: Wednesday, March 27, 2024 6:06:33 PM
Attachments: [5873935710011069948_signature_23.png](#)
[241273_Minor_Plat-FINAL_2024-03-26.pdf](#)
[241273_Minor_Plat-PRELIM_2024-03-26.pdf](#)
[241273_Closure_Report_2024-03-27.pdf](#)
[241273_Flood_Map_2024-03-27.pdf](#)
[241273_Transmittal-Minor_Plat_2024-03-27.pdf](#)
[241273_Utility_Map_2024-03-27.pdf](#)
[241273_Preapplication_Meeting.pdf](#)
[241273_Deed.pdf](#)
[241273_Owner_Signature_2024-03-27.pdf](#)
[5873935710011069948_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: [241273_Preapplication Meeting.pdf](#)

Type of Development

Is this a Replat Yes

Subdivision Being Re-platted Lot 1A, Block 4, Fisher East Side Second Subdivision

Name Aaron Grinsteinner

Company Venture Homes, LLC

Applicant Email venturehomesnd.aaron@gmail.com

Applicant Phone # (701) 290-1298

Applicant Representative (if applicable) Andrew Schrank

Applicant Representative Company Highlands Engineering

Applicant Representative

Email schrank@highlandseng.com

Applicant Representative Phone # (701) 483-2444

Owner Name Venture Homes, LLC

Owner Address PO Box 1316, Dickinson, ND, 58602

Owner Email venturehomesnd.aaron@gmail.com

Owner Phone # (701) 290-1298

Is the owner present to Sign

Owner Signature Upload [241273_Owner Signature_2024-03-27.pdf](#)

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

Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS) Lot 1A, Block 4, Fisher East Side Second Subdivision in the City of Dickinson, ND.

	1/4 Section	Township	Range
Description	Section 2	T139N	R96W

Property Address / General Project Location Property is generally located northwest of the intersection of 15th Ave E and Carrol Street

Total Square Footage or Acreage of Subject Property 0.65 acres

Rezone Calc Multiplier 0

Minor Platting Multiplier 1

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Name of Plat Fisher East Side Third Addition

Number Lots

1 to 10 Lots

Number of Block(s)

2

0 existing; 2 proposed

Application Calc

500

Required Documentation Upload

- [241273_Minor Plat-FINAL_2024-03-26.pdf](#)
- [241273_Minor Plat-PRELIM_2024-03-26.pdf](#)
- [241273_Closure Report_2024-03-27.pdf](#)
- [241273_Flood Map_2024-03-27.pdf](#)
- [241273_Transmittal-Minor Plat_2024-03-27.pdf](#)
- [241273_Utility Map_2024-03-27.pdf](#)

Deed for Property

[241273_Deed.pdf](#)

Application Fees

Applicable Fees

500.00 USD

Total:

\$500.00

Transaction ID:

fr47t8q

Payer Information

First Name: Andrew

Last Name: Schrank

E-Mail: venturehomesnd.aaron@gmail.com

Applicant Signature



Date

03-27-2024

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

FISHER EAST SIDE THIRD ADDITION MINOR PLAT (FLP-009-2024)





Transmittal Letter

To: Joshua Skluzacek – Development Director
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: March 27, 2024

Re: Minor Plat Application – Fisher East Side 3rd Addition

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

- Written Statement (included, below)
- Deed for the Property
- Preliminary Plat drawing with Aerial Imagery Overlay
- Final Plat drawing
- Mathematical solution for closure of lots
- City Flood Map of the Plat Area
- City Utility Map of the Plat Area

WRITTEN STATEMENT

General Project Description

The proposed minor plat application for Fisher East Side 3rd Addition is intended to split the current Lot 1A into two lots for residential development. Since an irregular plat has already been approved for this property, this parcel is being subdivided through the minor plat process as required by City Ordinances. This property is currently zoned Medium Density Residential (R2), so no change in zoning will be required to complete this application request. This subdivision is also located within the City’s Corporate Limits. The northern lot proposed by this plat, Lot 2, already has a water and sanitary sewer service stubbed into it. The southern lot, Lot 1, will require a new water and sanitary sewer service connection from the existing mains in 15th Ave E on the east side of this lot. The owner does not own or intend to purchase surrounding property. We have not informed neighboring properties of this request. This application is being submitted in accordance with local, state, and federal requirements to the best of our knowledge.

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



Andrew Schrank, PE, CFM
Highlands Engineering

FISHER EAST SIDE THIRD ADDITION

BEING A REPLAT OF LOT 1A, BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION SECTION TWO (2), T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A REPLAT OF LOT ONE A (1A), BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2SW/4) OF SECTION TWO (2), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ONE A (1A) BEING A FOUND REBAR; THENCE N 00°04'55" W ALONG THE WEST LINE OF SAID LOT ONE A (1A), A DISTANCE OF 141.98 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 89°55'11" E LEAVING SAID WEST LINE, A DISTANCE OF 200.35 FEET TO A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF SAID LOT ONE A (1A); THENCE S 00°02'10" E ALONG SAID EAST LINE, A DISTANCE OF 141.98 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID LOT ONE A (1A); THENCE S 89°55'11" W ALONG THE SOUTH LINE OF SAID LOT ONE A (1A), A DISTANCE OF 200.23 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.65 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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 FISHER EAST SIDE THIRD ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____ }
COUNTY OF _____ } SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

PROPRIETOR'S CERTIFICATE

I, AARON GRINSTEINER, AUTHORIZED REPRESENTATIVE OF VENTURE HOMES, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN LOT ONE A (1A), BLOCK FOUR (4) OF FISHER EAST SIDE SECOND SUBDIVISION LOCATED IN SECTION TWO (2), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

AARON GRINSTEINER - VENTURE HOMES, LLC

STATE OF _____ }
COUNTY OF _____ } SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

CITY OF DICKINSON COMMISSION APPROVAL

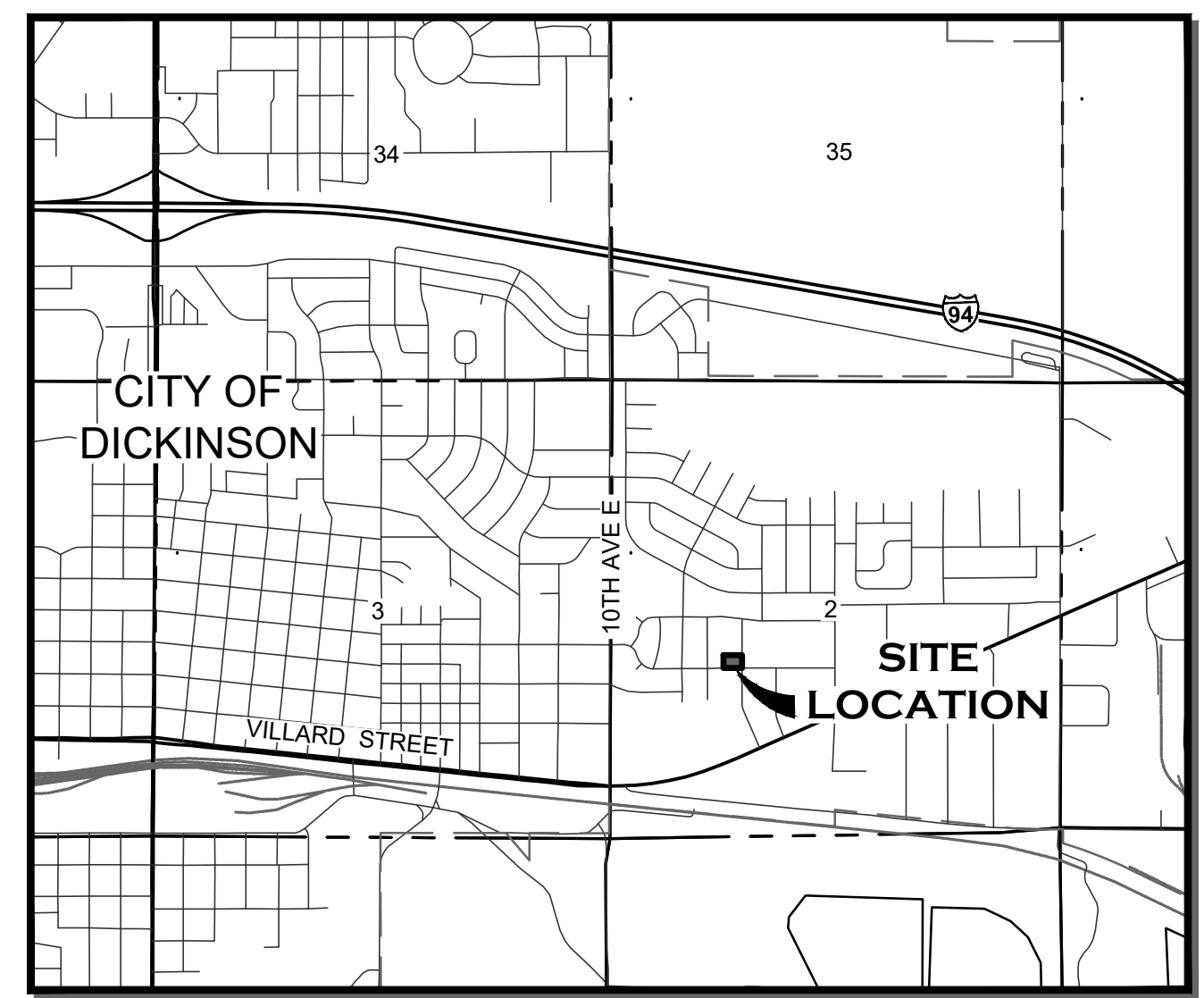
PRESIDENT DATE: _____

CITY ENGINEER APPROVAL

CITY ENGINEER DATE: _____

CITY PLANNING COMMISSION APPROVAL

SECRETARY DATE: _____



VICINITY MAP
1" = 2000'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- - - - - EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP
- - - - - STAMPED "HIGHLANDS LS-5466"
- - - - - QUARTER OR SIXTEENTH LINE
- ⊕ CENTER SECTION CORNER
- ⊕ QUARTER CORNER
- - - - - EXISTING EASEMENTS
- CENTERLINE
- BUILDING SETBACK

STATE PLANE COORDINATES
NAD 83 (86), SOUTH ZONE
U.S. FOOT, GRID DISTANCE

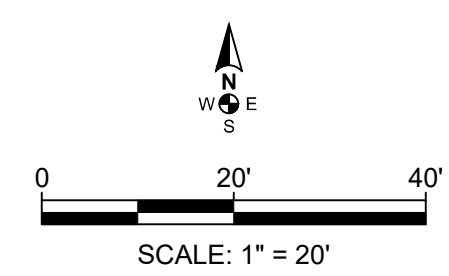
POINT	NORTHING (FT)	EASTING (FT)
(A)	451,876.91	1,401,308.16
(B)	451,821.49	1,403,938.40
(C)	451,288.43	1,402,807.36
(D)	451,146.54	1,402,803.31
(E)	451,152.09	1,402,603.19

NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0194E, PANEL 194 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: MARCH 20, 2024
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF LOT ONE A (1A), BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION WITH THE BEARING BEING S 00°02'10" E, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: 46°54'28.09993" / LONG: 102°46'51.54681". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.



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

PROJECT NUMBER: 241273	SCALE: 1"=20'
DRAWN BY: AJA	DATE: 03/22/24

FISHER EAST SIDE THIRD ADDITION

BEING A REPLAT OF LOT 1A, BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION SECTION TWO (2), T 139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A REPLAT OF LOT ONE A (1A), BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER (E/2SW/4) OF SECTION TWO (2), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ONE A (1A) BEING A FOUND REBAR; THENCE N 00°04'55" W ALONG THE WEST LINE OF SAID LOT ONE A (1A), A DISTANCE OF 141.98 FEET TO A SET REBAR AND CAP LS-5466; THENCE N 89°55'11" E LEAVING SAID WEST LINE, A DISTANCE OF 200.35 FEET TO A SET REBAR AND CAP LS-5466 ON THE EAST LINE OF SAID LOT ONE A (1A); THENCE S 00°02'10" E ALONG SAID EAST LINE, A DISTANCE OF 141.98 FEET TO A SET REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID LOT ONE A (1A); THENCE S 89°55'11" W ALONG THE SOUTH LINE OF SAID LOT ONE A (1A), A DISTANCE OF 200.23 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.65 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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 FISHER EAST SIDE THIRD ADDITION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____ }
COUNTY OF _____ } SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

PROPRIETOR'S CERTIFICATE

I, AARON GRINSTEINER, AUTHORIZED REPRESENTATIVE OF VENTURE HOMES, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN LOT ONE A (1A), BLOCK FOUR (4) OF FISHER EAST SIDE SECOND SUBDIVISION LOCATED IN SECTION TWO (2), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

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AARON GRINSTEINER - VENTURE HOMES, LLC

STATE OF _____ }
COUNTY OF _____ } SS

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NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

CITY OF DICKINSON COMMISSION APPROVAL

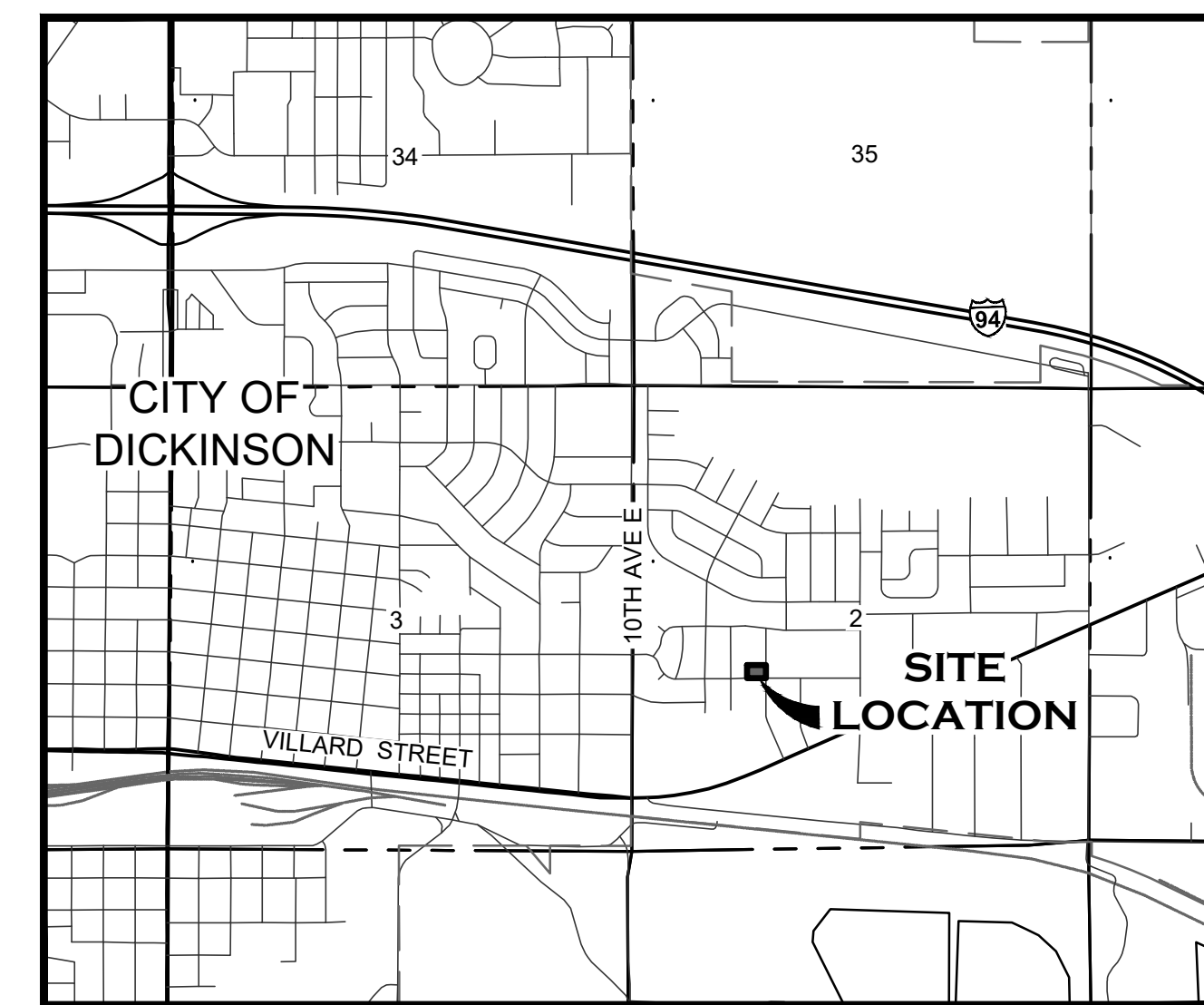
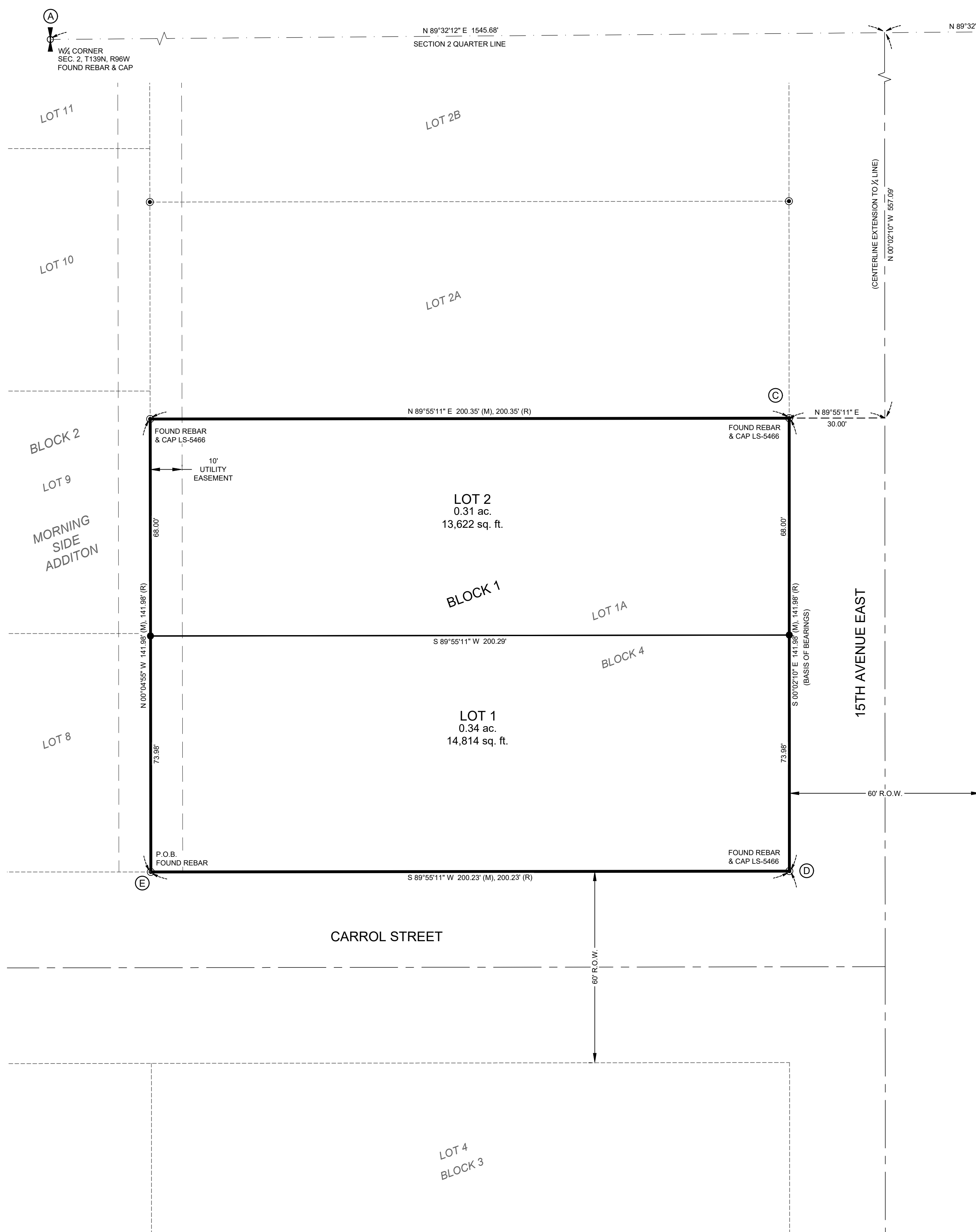
PRESIDENT DATE: _____

CITY ENGINEER APPROVAL

CITY ENGINEER DATE: _____

CITY PLANNING COMMISSION APPROVAL

SECRETARY DATE: _____



VICINITY MAP
1" = 2000'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- - - - - EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP
- STAMPED "HIGHLANDS LS-5466"
- QUARTER OR SIXTEENTH LINE
- ⊕ CENTER SECTION CORNER
- ⊕ QUARTER CORNER
- - - - - EXISTING EASEMENTS
- - - - - CENTERLINE

STATE PLANE COORDINATES

NAD 83 (86), SOUTH ZONE
U.S. FOOT, GRID DISTANCE

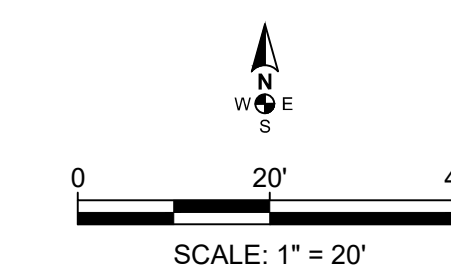
POINT	NORTHING (FT)	EASTING (FT)
(A)	451,876.91	1,401,308.16
(B)	451,821.49	1,403,938.40
(C)	451,288.43	1,402,807.36
(D)	451,146.54	1,402,803.31
(E)	451,152.09	1,402,603.19

NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0194E, PANEL 194 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

SURVEY NOTES

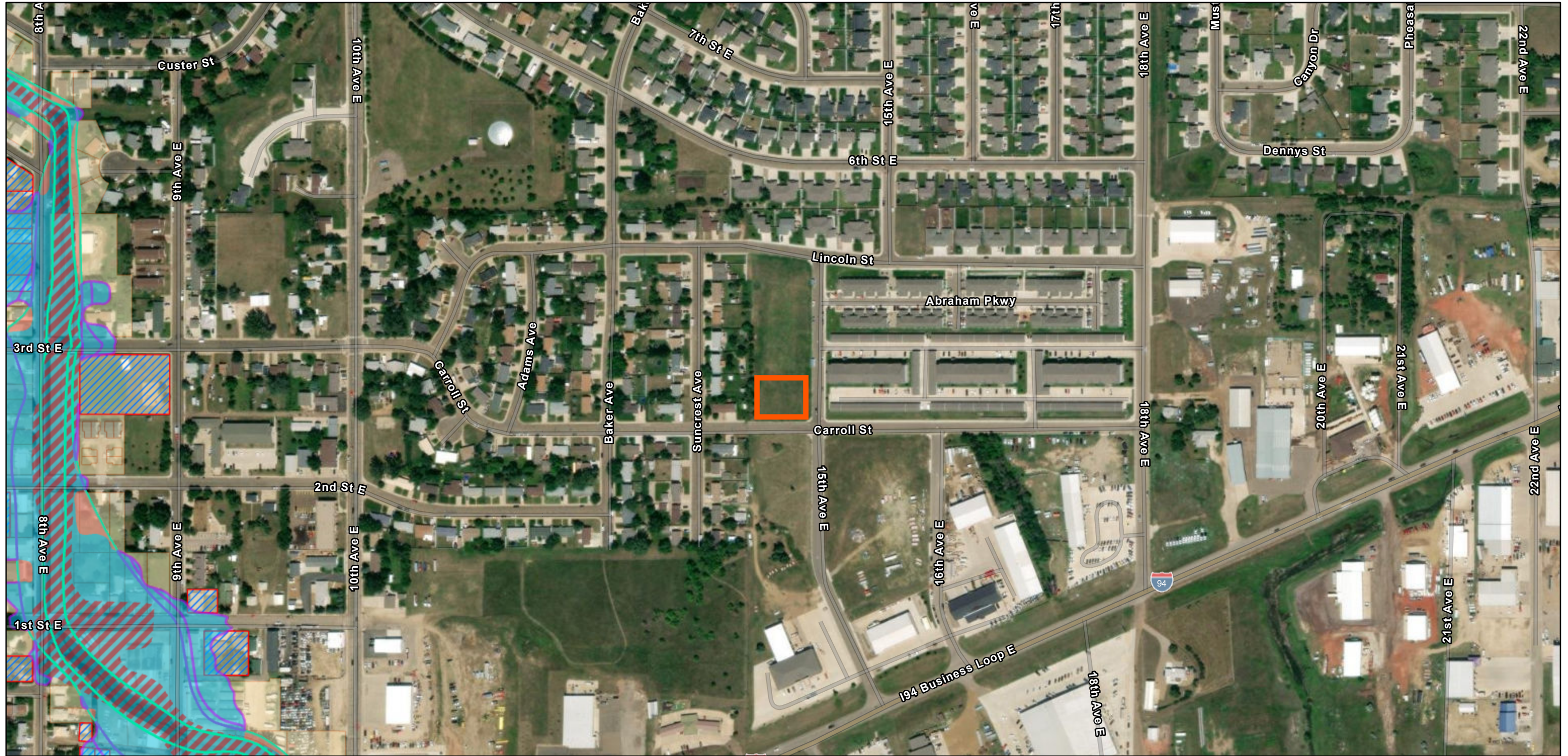
- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: MARCH 20, 2024
- THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF LOT ONE A (1A), BLOCK FOUR (4), FISHER EAST SIDE SECOND SUBDIVISION WITH THE BEARING BEING S 00°02'10" E, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: 46°54'28.09993" / LONG: 102°46'51.54681". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.















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

PROJECT NUMBER: 241273	SCALE: 1"=20'
DRAWN BY: AJA	DATE: 03/22/24

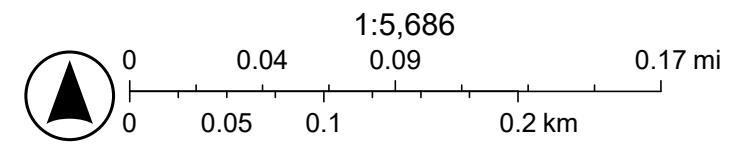
FEMA Flood Hazard Changes Map



3/27/2024

-  Municipal Boundary
-  Extra Territorial Boundary
-  North Dakota County Boundaries
-  Decrease
-  Increase
-  Current SFHA Boundary
-  FLOODWAY (AE)
-  Preliminary SFHA Boundary
-  Newly Intersecting After Changes (154)
-  Intersected by SFHA Zones (A or AE)
-  World Imagery
-  Low Resolution 15m Imagery

High Resolution 60cm Imagery
 High Resolution 30cm Imagery
 Citations
 1.2m Resolution Metadata



Dickinson Engineering Department, Maxar, Esri Community Maps Contributors, State of North Dakota, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Dickinson Utility Information Map

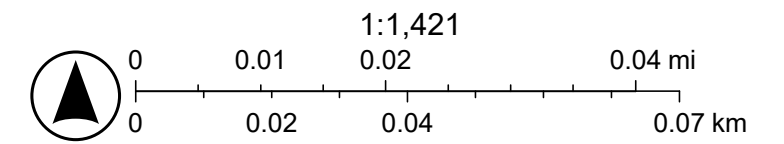
Section 3. Item A.



3/27/2024

- | | | | |
|------------------------|---------------------|------------------------|-------------------------------------------|
| Public Street Names 8K | Water Lateral Lines | Asbestos Cement | Storm Discharge |
| Private Street Names | Fire | Sanitary Clean Outs | Storm Manholes |
| Water Curb Stop Valve | Hydrant | Sanitary Manhole | Storm Gravity Mains |
| Water System Valve | Service | Sanitary Lateral Lines | Storm Detention Structures |
| Water Hydrant | Water Main Lines | Sanitary Gravity Mains | Poles |
| City of Dickinson | Polyvinyl Chloride | Storm Inlets | Street Lighting, Montana Dakota Utilities |
| Private or Other | Cast Iron | Other Pole Categories | |

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



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



Fisher East Side Third Addition Subdivision staff report

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Planning Department
Date: May 8, 2024
Re: **FLP-009-2024 Fisher East Side Third Addition Minor Plat**

OWNER/APPLICANT

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

APPLICANT'S REPRESENTATIVE

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

Public Hearing	May 8, 2024	Planning and Zoning Commission
Final Consideration	May 21, 2024	City Commission

EXECUTIVE SUMMARY

Request

The applicant is requesting a preliminary final plat for the Fisher East Side Third Addition Subdivision being a Replat of Lot 1A, Block 4, of Fisher East Side Second Subdivision Section 2, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The 0.65-acre property is generally located on the southeast corner of 15th Avenue East and Carroll Street. The applicant intends to create two lots for residential development.

CURRENT ZONING	R2
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.65
LOTS PROPOSED	2

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R2	Undeveloped
East	R3	Multi-family residential

South	R2	Undeveloped
West	R1	Single-family residential

Compliance with Zoning and Subdivision Regulations: In Section 34.030 of the Subdivision of Land chapter of the City's Municipal Code, a minor subdivision plat is defined as follows:

A subdivision, platted pursuant to NDCC §40-50.1, that meets all of the following criteria:

- a. Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;*
- b. 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;*
- c. Does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.*
- 4. Consists of four lots or less.*

The proposed Fisher East Side Third Addition Subdivision meets the definition of a minor subdivision (preliminary/final) plat. Also, as per Section 34.030 of the City's Municipal Code does not allow a lot split on a property that had been previously created through the administrative process. A lot split has already been completed for the Current Lot 1A which is why the minor subdivision (preliminary/final) plat is required. The applicant proposes to subdivide the existing lot into a 14, 814 square foot lot and a 13,622 square foot lot. According to Table 4-3a, as found in Chapter 39.04 of the Zoning Ordinance; the minimum lot areas for an R-2 lot are as follows:

- Single-family detached-7,000 square feet;
- Single-family attached-4,000 square feet;
- Duplex-10,000 square feet; and
- Townhouse and multi-family up to 4 units- 7,000 for the first unit and 3,000 thereafter.

The two proposed lots meet the R-2 minimum lot area requirements as found in Chapter 39 Zoning.

Staff Recommendation: City of Dickinson Community Development Services staff recommends approval of this request.

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

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-009-2024 Fisher East Side Third Addition Subdivision** 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-009-2024 Fisher East Side Third Addition Subdivision** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: Jotform
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; loretta.marshik@dickinsongov.com; Leonard W. Schwindt; Joshua Skluzacek; Nicole Snyder; Nicole Snyder
Subject: Re: Unified Development Application
Date: Wednesday, March 27, 2024 3:09:55 PM
Attachments: 5873829630019710488_signature_23.png
 Pre-Application Letter 202311SFA.pdf
 220614_Corrective Deed.pdf
 220614_Warranty Deed.pdf
 241269_Transmittal-REZONE_2024-03-27.pdf
 241269_Flood Map_2024-03-26.pdf
 241269_PLAT-FINAL_2024-03-26.pdf
 241269_PLAT-PRELIM_2024-03-26.pdf
 241269_Parcel Map_2024-03-26.pdf
 241269_Zoning Map_2024-03-26.pdf
 241269_Owner Signature.pdf
 5873829630019710488_signature_23.png



Unified Development Application

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

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

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

Name Carl Kirschenheiter

Company I-94 Development, LLC

Applicant Email cdkirsch@ndsupernet.com

Applicant Phone # (701) 290-1019

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 I-94 Development, LLC
Owner Address 48 20th Street SW, Dickinson, ND, 58601
Owner Email cdkirsch@ndsupernet.com
Owner Phone # (701) 290-1019

Is the owner present to Sign

Owner Signature Upload [241269_Owner Signature.pdf](#)

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

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

A PARCEL OF LAND BEING LOT 1B AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3178771, BLOCK TWO (2) OF SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B) BEING A FOUND REBAR AND CAP; THENCE N 89°55'24" E ALONG THE NORTH LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1276.22 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B); THENCE S 00°14'12" E ALONG THE EAST LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1466.59 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE NORTH RIGHT-OF-WAY OF DVORAK DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES TO FOUND REBAR AND CAPS LS-5466: S 87°50'18" W, 648.45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°38'30" AN ARC LENGTH OF 248.07 FEET; THENCE S 35°11'48" W, 180.27 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 390.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°36'14" AN ARC LENGTH OF 262.77 FEET; THENCE S 03°24'26" E, 591.56 FEET TO SAID REBAR AND CAP LS-5466 ON INTERSECTION OF SAID DVORAK DRIVE RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF 20TH STREET SOUTHWEST; THENCE S 89°53'37" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 280.35 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 00°02'16" W LEAVING SAID RIGHT-OF-WAY ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 1470.24 FEET TO A FOUND REBAR; THENCE N 00°09'42" W CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 1119.58 FEET TO THE POINT

OF BEGINNING.

SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	SE1/4 Section 16	T139N	R96W

Legal - Lot/Block/Addition	Lot	Block	Addition
Description	1B	2	Southfork Acres Subdivision

Property Address / General Project Location The property is generally located south of City of Dickinson's corporate limits, approximately 350ft west of Highway 22.

Total Square Footage or Acreage of Subject Property 5.11 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [241269_Transmittal-REZONE_2024-03-27.pdf](#)

Existing Zoning AG - Agriculture

Proposed Zoning RR - Rural Residential

Rezone Calc Multiplier 1

Overlay District Description N/A

Map of Area to be Rezoned [241269_Flood Map_2024-03-26.pdf](#)
[241269_PLAT-FINAL_2024-03-26.pdf](#)
[241269_PLAT-PRELIM_2024-03-26.pdf](#)
[241269_Parcel Map_2024-03-26.pdf](#)
[241269_Zoning Map_2024-03-26.pdf](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Deed for Property [220614_Corrective Deed.pdf](#)
[220614_Warranty Deed.pdf](#)

Application Fees **Applicable Fees** 350.00 USD

Total: \$350.00
Transaction ID: 6tz275da

Payer Information

First Name: Andrew
Last Name: Schrank
E-Mail: cdkirsch@ndsupernet.com

Applicant Signature



Date 03-27-2024

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

REZ-003-2024

SOUTHFORK ACRES REZONE





Transmittal Letter

To: Joshua Skluzacek – Community Development Director
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: March 27, 2024

Re: Rezone Application – Southfork Acres 2nd Subdivision

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

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Proposed Zone Change and Current Surrounding Zoning
- Current Preliminary and Final Plat Drawings
- Flood Hazard Areas from City's GIS Information
- Aerial Image of Property

Rezoning Request

The applicant is requesting a change from Agricultural (AG) to Rural Residential (RR) for the area described by this application.

office 701 483 2444
fax 701 483 2610

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

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

Legal Description

A PARCEL OF LAND BEING LOT 1B AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3178771, BLOCK TWO (2) OF SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B) BEING A FOUND REBAR AND CAP; THENCE N 89°55'24" E ALONG THE NORTH LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1276.22 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B); THENCE S 00°14'12" E ALONG THE EAST LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1466.59 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE NORTH RIGHT-OF-WAY OF DVORAK DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES TO FOUND REBAR AND CAPS LS-5466: S 87°50'18" W, 648.45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°38'30" AN ARC LENGTH OF 248.07 FEET; THENCE S 35°11'48" W, 180.27 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 390.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°36'14" AN ARC LENGTH OF 262.77 FEET; THENCE S 03°24'26" E, 591.56 FEET TO SAID REBAR AND CAP LS-5466 ON INTERSECTION OF SAID DVORAK DRIVE RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF 20TH STREET SOUTHWEST; THENCE S 89°53'37" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 280.35 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 00°02'16" W LEAVING SAID RIGHT-OF-WAY ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 1470.24 FEET TO A FOUND REBAR; THENCE N 00°09'42" W CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 1119.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Project Description

The Preliminary Plat for Southfork Acres 2nd Subdivision was initially heard by the Planning and Zoning board at the March 13th Planning and Zoning meeting. Although the Plat meets all the requirements of the Agricultural zoning district, the Planning and Zoning Commission felt that some of the agricultural uses were not appropriate for this parcel once subdivided into 5 acre lots. Therefore, the preliminary plat application was tabled until the property could be rezoned to Rural Residential (RR). This application is being submitted to satisfy this request from the Planning and Zoning Commission to allow the preliminary plat to move forward.

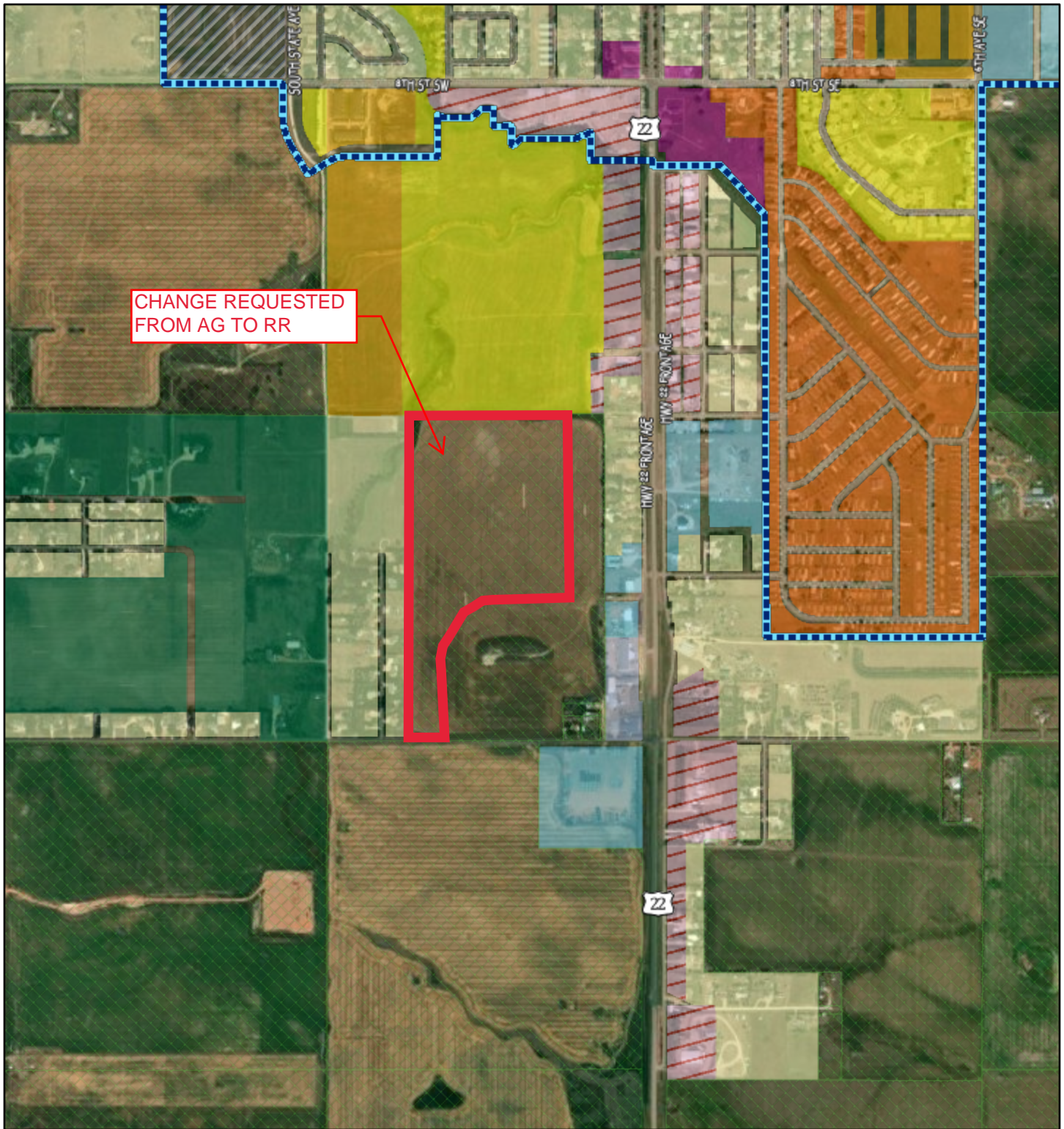
Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



Andrew Schrank, PE, CFM
Highlands Engineering

Dickinson Zoning Information Map

Section 3. Item B.



CHANGE REQUESTED FROM AG TO RR

3/26/2024

1:19,849

Street Markers 45k

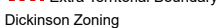


Highway 22

Public Street Names 25K

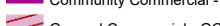


Municipal Boundary



Extra Territorial Boundary

Dickinson Zoning



Planned Unit Development - PUD



Community Commercial - CC



General Commercial - GC

Limited Industrial - LI

Low Density Residential - R1

Medium Density Residential - R2

High Density Residential - R3

Mobile Home - MH

ETZ Zoning

General Commercial - GC

General Industrial - GI

Limited Industrial - LI

Low Density Residential - R1

Medium Density Residential - R2

High Density Residential - R3

Rural Residential - RR

Agricultural - AG

World Imagery

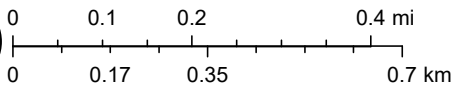
Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

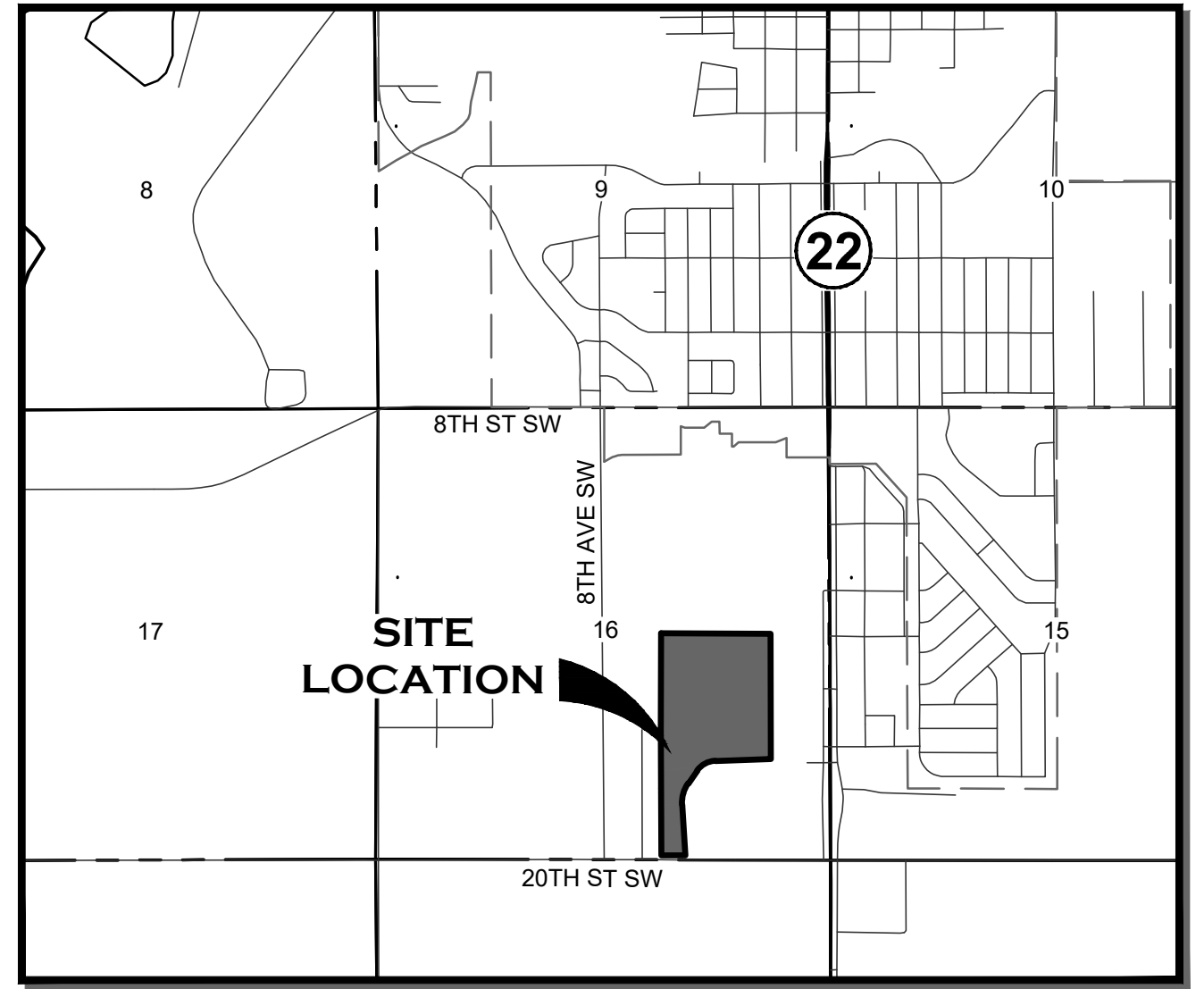
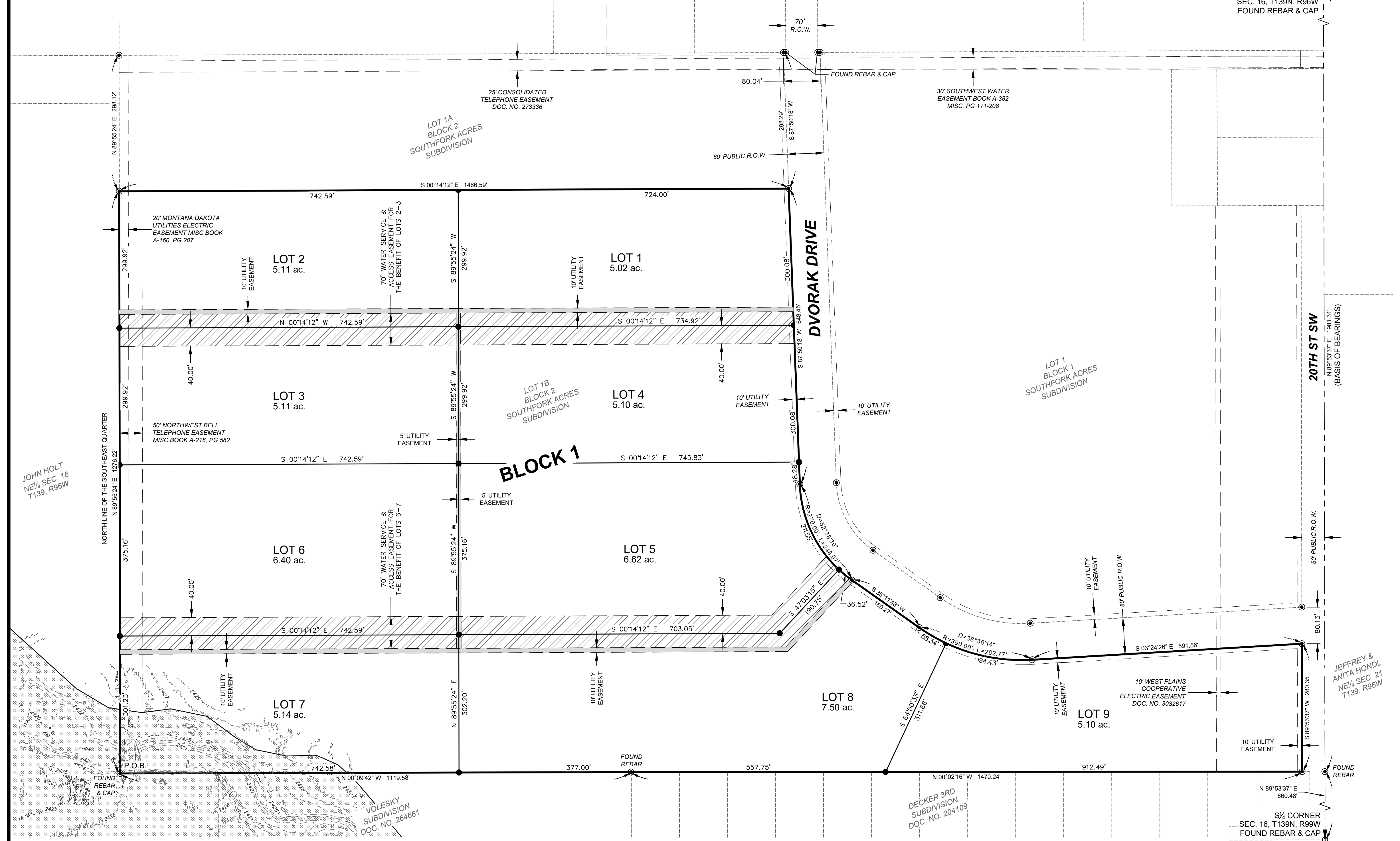
4.8m Resolution Metadata



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

SOUTHFORK ACRES 2ND SUBDIVISION

BEING THE REPLAT OF LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



VICINITY MAP
(1" = 2000')

LEGEND

- PROPERTY BOUNDARY
- - - PROPOSED LOTS
- - - EXISTING LOTS
- FOUND REBAR & CAP LS-5466 UNLESS OTHERWISE NOTED
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- ⊗ UN-MONUMENTED REFERENCE POINT
- SECTION LINE
- QUARTER OR SIXTEENTH LINE
- ⊕ SECTION CORNER
- ⊙ QUARTER CORNER
- RIGHT OF WAY LINE
- - - PROPOSED PUBLIC UTILITY EASEMENT
- - - EXISTING EASEMENTS
- - - 5' MAJOR CONTOURS
- - - 1' MINOR CONTOURS
- ▨ 100-YEAR FLOODPLAIN - ZONE A

PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "A" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0431E, PANEL 431 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

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: OCTOBER 28, 2022

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: _____

STARK COUNTY COMMISSION APPROVAL

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

LEGAL DESCRIPTION

A PARCEL OF LAND BEING THE REPLAT OF LOT 1B AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3178771, BLOCK TWO (2) OF SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B) BEING A FOUND REBAR AND CAP; THENCE N 89°55'24" E ALONG THE NORTH LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1276.22 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B); THENCE S 00°14'12" E ALONG THE EAST LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1466.59 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE NORTH RIGHT-OF-WAY OF DVORAK DRIVE, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES TO FOUND REBAR AND CAPS LS-5466: S 87°50'18" W, 648.45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°38'30" AN ARC LENGTH OF 248.07 FEET; THENCE S 35°11'48" W, 180.27 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 390.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°36'14" AN ARC LENGTH OF 262.77 FEET; THENCE S 03°24'26" E, 591.56 FEET TO SAID REBAR AND CAP LS-5466 ON INTERSECTION OF SAID DVORAK DRIVE RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF 20TH STREET SOUTHWEST; THENCE S 89°53'37" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 280.35 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 00°02'16" W LEAVING SAID RIGHT-OF-WAY ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 1470.24 FEET TO A FOUND REBAR; THENCE N 00°09'42" W CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 1119.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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 SOUTHFORK ACRES SUBDIVISION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____)
 COUNTY OF _____) SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
 RESIDING AT COUNTY OF _____, STATE OF _____

PROPRIETOR'S CERTIFICATE

WE, I-94 DEVELOPMENT, LLC, RESIDING AT 48 20TH ST SW, DICKINSON, ND 58601, OWNERS AND PROPRIETORS OF PROPERTY LYING IN THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT 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: _____
 CARL KIRSCHENHEITER, AUTHORIZED REPRESENTATIVE OF I-94 DEVELOPMENT, LLC

STATE OF _____)
 COUNTY OF _____) SS

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

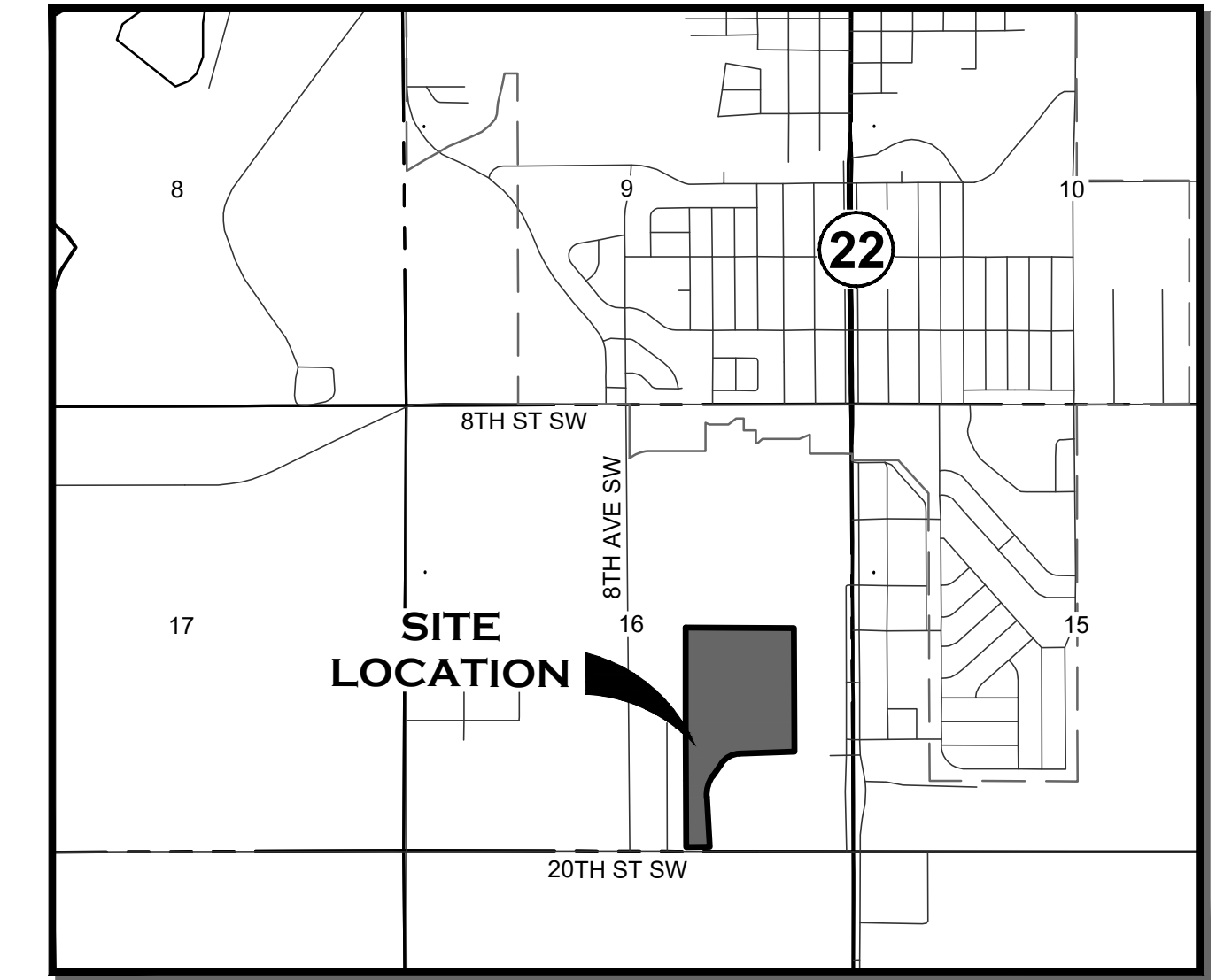
HIGHLANDS ENGINEERING
 319 24TH STREET EAST, DICKINSON, ND 58601
 OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241269 SCALE: 1"=120'
 DRAWN BY: AJA DATE: 03/26/24



SOUTHFORK ACRES 2ND SUBDIVISION

BEING THE REPLAT OF LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



VICINITY MAP
(1" = 2000')

LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOTS
	EXISTING LOTS
	FOUND REBAR & CAP LS-5466 UNLESS OTHERWISE NOTES
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	UN-MONUMENTED REFERENCE POINT
	SECTION LINE
	QUARTER OR SIXTEENTH LINE
	SECTION CORNER
	QUARTER CORNER
	RIGHT OF WAY LINE
	PROPOSED PUBLIC UTILITY EASEMENT
	PROPOSED ACCESS EASEMENT
	EXISTING EASEMENTS
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	DRAINAGE PATH
	EXISTING CULVERT
	100-YEAR FLOODPLAIN - ZONE A
	CONCRETE PAVEMENT
	GRAVEL/MILLINGS

LEGAL DESCRIPTION

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SAID PARCEL CONTAINS 51.1 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

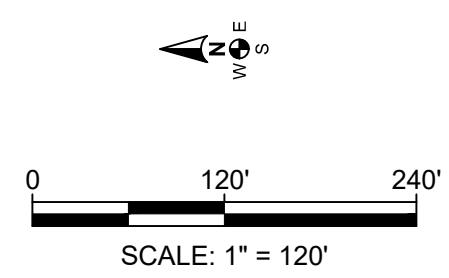
PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "A" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0431E, PANEL 431 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

SURVEY NOTES

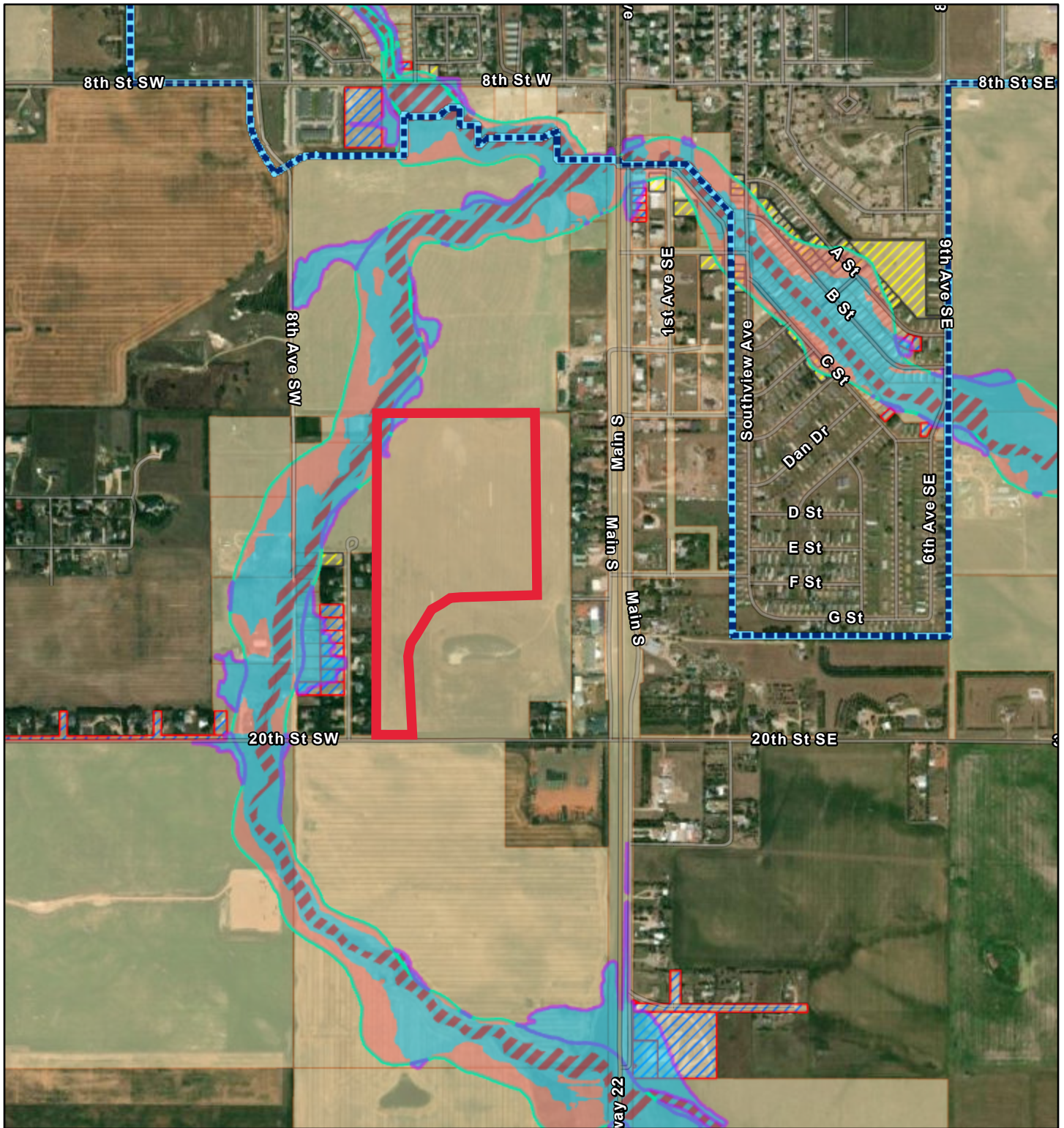
- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) VERTICAL DATUM: NAVD 88
- 3) DATE OF LATEST FIELD WORK: OCTOBER 28, 2022

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



PROJECT NUMBER:	241269	SCALE:	1"=120'
DRAWN BY:	AJA	DATE:	03/26/24

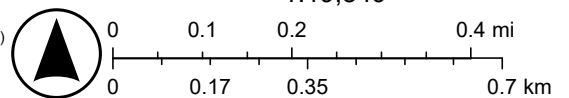
FEMA Flood Hazard Changes Map



3/26/2024

1:19,849

- | | | |
|--------------------------------|----------------------------------------|-------------------------------------|
| Municipal Boundary | FLOODWAY (AE) | Intersected by SFHA Zones (A or AE) |
| Extra Territorial Boundary | Preliminary SFHA Boundary | World Imagery |
| North Dakota County Boundaries | Non-Intersecting After Changes (141) | Low Resolution 15m Imagery |
| SFHA Area Changes | Newly Intersecting After Changes (154) | High Resolution 60cm Imagery |
| Decrease | Intersected by SFHA Zones (A or AE) | High Resolution 30cm Imagery |
| Increase | Non-Intersecting After Changes (22) | Citations |
| Current SFHA Boundary | Newly Intersecting After Changes (89) | 4.8m Resolution Metadata |



State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Dickinson Engineering Department, Maxar



Southfork rezone

To: City of Dickinson Board of Commissioners
From: City of Dickinson Community Development Services
Date: May 1, 2024
Re: REZ-003-2024 Zoning Map Amendment

OWNER/APPLICANT

Carl Kirschenheiter
I-94 Development, LLC
48 20th Street SW
Dickinson, ND, 58601
cdkirsch@ndsupernet.com
701 290-1019

APPLICANT’S REPRESENTATIVE

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

Public Hearing	May 8, 2024	Planning and Zoning Commission
Public Hearing	May 21, 2024	City Commission
Final Consideration	June 4, 2024	City Commission

To consider a zoning map amendment from Agricultural (AG) to Rural Residential for 51.11 acres located within the City of Dickinson’s Extra Territorial Zone. The property is currently legally described as Lot 1B Block 2 of the Southfork Acres Subdivision

A companion major preliminary plat application for the Southfork Acres 2nd Subdivision is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (PLP-003-2024).

Staff recommendation: Approval

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 51.11
LOTS PROPOSED	Nine

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R2	Undeveloped
East	AG;	Undeveloped
South	AG	Undeveloped; single-family residence
West	R1	Single family residential; undeveloped

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with Local Uses, Compliance with The Zoning Ordinance and Consistency with the Comprehensive Plan

The adjacent properties to the west are zoned R1. Rezoning the subject property to RR would not introduce uses into the general vicinity that would be incompatible with the general development pattern. As the RR zoning district does not allow uses currently permitted in the AG zoning district, such as Type II animal production and Type III animal production, and as Type I animal production is only allowed in the RR zoning district with approval of a Special Use Permit, rezoning the property to RR would limit impacts on the adjacent residentially developed properties to the west as well as future residential development on the R2 zoned property to the north.

If approved, the proposed Southfork Acres 2nd Subdivision would create residential lots ranging in area from 5.1 acres to 7.50 acres. As the minimum lot area in RR zoning is one acre, the lot areas in the proposed subdivision would comply with for RR zoning. The proposed rezoning also meets the purpose of the RR zoning district as listed in Article 39.04 of the City's Zoning Ordinance:

This district provides for the rural residential use of land, accommodating very low- and low-density environments. The district's regulations assure that density is developed consistent with: land use policies of the Dickinson Comprehensive Plan regarding rural subdivision; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.

Regarding consistency with the Dickinson 2035: Roadmap to the Future Comprehensive Plan: Policy 1.3.2. of Chapter 4-Land Use does not allow RR zoning within the Urban Service Area. As the subject property is located outside of the Urban Service Area the request is consistent with the Comprehensive Plan.

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

Staff Recommendation: The City Community Development Team staff recommends approval of REZ-003-2024.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-003-2024** as being consistent with the City of Dickinson Comprehensive Plan and as being compliant with the City of Dickinson Zoning Ordinance and also being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **REZ-003-2024** as NOT being consistent with the City of Dickinson Comprehensive Plan and as not being compliant with the City of Dickinson Zoning Ordinance and as being contrary to interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Loretta Marshik](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)
Subject: Re: Unified Development Application
Date: Wednesday, January 31, 2024 2:37:03 PM
Attachments: [5825462020012544504_signature_23.png](#)
[241269_Closure_Report_2024-01-26.pdf](#)
[241269_PLAT-FINAL_2024-01-31.pdf](#)
[241269_PLAT-PRELIM_2024-01-31.pdf](#)
[241269_Transmittal-PRELIM PLAT_2024-01-31.pdf](#)
[Pre-Application Letter 202311SFA.pdf](#)
[220614_Corrective Deed.pdf](#)
[220614_Warranty Deed.pdf](#)
[241269_Owner_Signature.pdf](#)
[5825462020012544504_signature_23.png](#)



Unified Development Application

Have you met with Planning Staff regarding your application? Yes

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

Type of Development

Is this a Replat Yes

Subdivision Being Re-platted Lot 1B, Southfork Acres Subdivision

Name Carl Kirschenheiter

Company I-94 Development, LLC

Applicant Email cdkirsch@ndsupernet.com

Applicant Phone # (701) 290-1019

Applicant Representative (if applicable) Andrew Schrank

Applicant Representative Company Highlands Engineering

Applicant Representative schrank@highlandseng.com

Email

Applicant Representative Phone # (701) 483-2444

Owner Name I-94 Development LLC

Owner Address 48 20th St SW, Dickinson, ND, 58601

Owner Email cdkirsch@ndsupernet.com

Owner Phone # (701) 290-1019

Is the owner present to Sign

Owner Signature Upload [241269_Owner Signature.pdf](#)

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

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

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	1/4 Section	Township	Range
Description	SE1/4 Section 16	T139N	R96W

Property Address / General Project Location: Property is generally located north of 20th Street SW and 1/4-mile west of ND Highway 22.

Total Square Footage or Acreage of Subject Property: 51.11 acres

Rezone Calc Multiplier: 0

Minor Platting Multiplier: 0

Prelim Platting Multiplier: 1

Major Platting Multiplier: 0

Name of Preliminary Plat: Southfork Acres 2nd Subdivision

Preliminary Number Lots: 1 to 10 Lots

Preliminary Number of Block(s): 1
0 existing, 9 possible after plat

Application Calc: 500

Required Documentation Upload: [241269_Closure Report_2024-01-26.pdf](#)
[241269_PLAT-FINAL_2024-01-31.pdf](#)
[241269_PLAT-PRELIM_2024-01-31.pdf](#)
[241269_Transmittal-PRELIM PLAT_2024-01-31.pdf](#)

Deed for Property: [220614_Corrective Deed.pdf](#)
[220614_Warranty Deed.pdf](#)

Application Fees: Applicable Fees 500.00 USD

Total:
Transaction ID:

\$500.00
p14xejwf

==Payer Info==

First Name Andrew
Last Name Schrank
E-Mail cdkirsch@ndsupernet.com

Applicant Signature



Date

01-31-2024

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

Major Plat PLP-003-2024 Southfork Acres Subdivision





Transmittal Letter

To: Matthew Galibert – 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: January 31, 2024

Re: Major Preliminary Plat Application – Southfork Acres 2nd Subdivision

Message: Enclosed you will find the following Major Preliminary 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 the Property
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses and Buildings
- Current Final Plat Drawing Showing Proposed Site Boundaries
- Subdivision Plat Closure Report

Legal Description of Property

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SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

This proposed plat of Southfork Acres 2nd Subdivision is the replat of Lot 1B of Southfork Acres Subdivision. This replat will create nine (9) Agricultural lots within this lot that are 5-acres minimum in area. This will allow for residential and agricultural uses within these lots consistent with the current Agricultural zoning of this area. The applicant plans to advertise these lots for sale.

This property is located within the City’s ETZ and is on the south edge of the City’s Urban Service Area as defined by the City’s current comprehensive plan. Based on the pre-application letter received for this plat, we understand that Staff does not support lots of this size within the Urban Service Area of the City of Dickinson. However, creating additional density in this area is burdensome and unfeasible for several reasons, largely related to the infrastructure availability and surrounding land uses.

At the time the City of Dickinson prepared the current Comprehensive Plan, a developer was planning to create a residential development within this property. This plan ultimately fell through and was never carried out. It is expected that the plans to develop this area at the time the comprehensive plan was prepared were the main reason that this property was included in the City’s Urban Service area. Figure 6-14 of the City’s Comprehensive Plan indicates that this property was included in Planning Period 2 to be developed from 2017-2018. Since those previous development plans have not been carried out, we have not been made aware of a desire or plan from the City to extend infrastructure to this area. According to the City’s Comprehensive plan, the southern portion of this site is located within a new water pressure zone, *Zone 2 South*, that does not currently exist and that would need to be created. Approximately ½-mile of sanitary sewer would need to be constructed through neighboring property north of this site to provide sewer service to this property. Based on the comprehensive plan, it appears that several other infrastructure improvements would be required to gain sufficient sewer capacity to serve this area that have not occurred to date. We would expect that with the current pace of new development compared to the pace of development at the time the Comprehensive Plan was prepared, and due to the cost of adding a new pressure zone and the necessary sanitary sewer infrastructure to serve this site, this area could be considered for removal from the Urban Service Area in the current update of the comprehensive plan. If this area is not removed, it seems that there are no immediate plans to provide infrastructure to this property since many of the comprehensive plan improvements required have not and are not being executed. According to the pre-application letter, it was indicated that “A property owner within the Urban Service Area can expect provision of urban services within a given time frame”, but this time frame indicated in the comprehensive plan has come and gone with no progress or plan to serve this property. The higher density development desired by City Staff is not feasible with

the current infrastructure available. The developer of this property currently has an indication from SW Water Authority that they can serve eight (8) lots with water in this property. Therefore, the owner has chosen to plat a number of lots reasonably consistent with the water that is available to this site. Furthermore, at least 1-acre in area is required by the NDDEQ for a private septic system to be constructed within a site.

The additional density requested by Staff is also concerning when considering adjacent land uses. Numerous residential lots exist in *Decker 3rd Subdivision* along this property's westerly border. When platting *Southfork Acres Subdivision*, some of these landowners expressed concern with development next to their residences, and they did not want to see high-density development in the area. The 5-acre lots proposed as part of this subdivision plat provide an adequate compromise to the density of this subdivision that we feel is appropriate for this area to help limit impacts to current adjacent homeowners while creating a feasible development.

Access to the proposed lots will come from *Dvorak Drive*, which is an existing rural roadway that connects from 20th Street SW on the south to the westerly ND Highway 22 frontage road east of this site. This roadway surface is ±70% paved in concrete, and the remaining portion of the road has a gravel/millings surface as shown by the preliminary plat drawing. Four (4) of the lots on the north side of this site will gain access from private access roads in the locations shown by the access easements on the proposed plat that connect to *Dvorak Drive*. These access roads will provide access while helping to minimize project costs to make this a feasible development. These access roads were extended to the north property line of this subdivision even though it is anticipated that these roads will not extend this full length. This will prevent structures from being built in this area, which will provide a location for possible future right-of-way connections to the property to the north should infrastructure become available sometime in the future that would allow for additional density within this site. This will help create a feasible development today based on the limited infrastructure that is available while allowing for possibilities to gain density desired by Staff in the future.

Utility and water easements have also been provided as necessary to serve each of the proposed lots. A SW Water line would be constructed along *Dvorak Drive* if this subdivision is approved, and service lines to the north four lots that do not have frontage to this right-of-way would be located within the easements provided on the plat.

Stormwater for this site will not be altered from its current drainage patterns since no site grading is proposed by the developer as part of this subdivision. Any grading would be performed by future lot owners as they determine necessary for their own development plans. If this area develops as single-family residences as allowed by the Agricultural zoning, the minimal increase in site runoff that may be seen from adding buildings and access roads would be largely offset by the increased thickness of grass

that is typical with residential development when compared to the current agricultural land on-site. This thicker grass will help slow this runoff generated from pavement and roofs and will allow for greater infiltration/evaporation.

According to the pre-application letter from City Staff, it was noted that adjacent owner(s) expressed concerns with runoff from this site since the construction of *Dvorak Drive*. Although it is not clear what these concerns are in this letter, the runoff from this site to the west would be reduced since the construction of Dvorak Drive. The area east of Dvorak Drive within Block 1 of Southfork Acres Subdivision that used to drain westerly to Decker 3rd Subdivision is now collected within the east ditch of Dvorak Drive and routed southerly to the 20th Street SW right-of-way, or northerly to the culvert within Dvorak Drive that is located ±450-feet for the east property line of this site. This culvert drains through the natural topography of Lot 1B to the existing floodplain located at the northwest corner of this lot. This flow path is shown by the flow arrows on the preliminary plat drawing. The remaining area draining to the west has remained untouched and the drainage has not been altered.

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

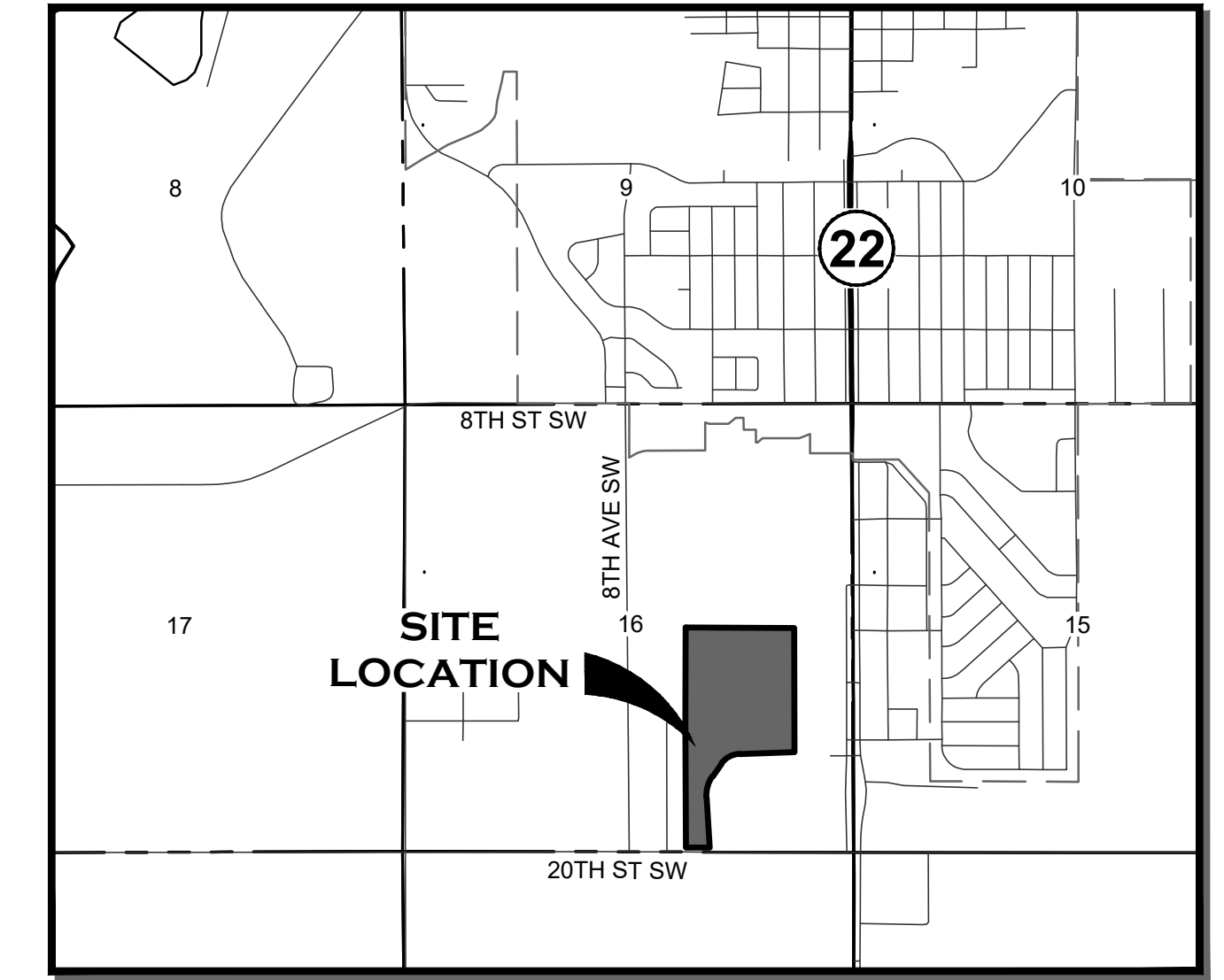
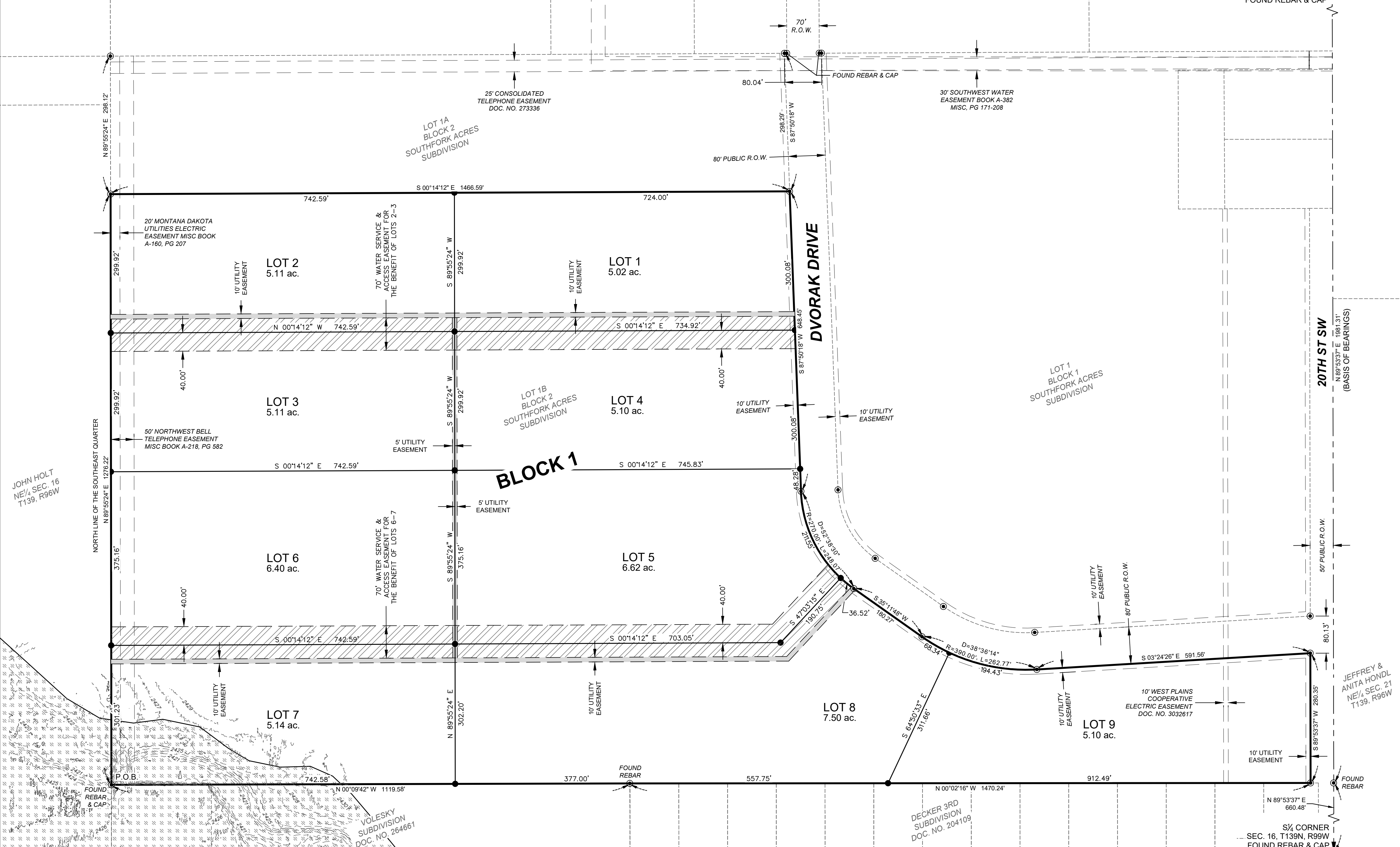
Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



Andrew Schrank, PE, CFM
Highlands Engineering

SOUTHFORK ACRES 2ND SUBDIVISION

LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



VICINITY MAP
(1" = 2000')

LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOTS
	EXISTING LOTS
	FOUND REBAR & CAP LS-5466 UNLESS OTHERWISE NOTES
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	UN-MONUMENTED REFERENCE POINT
	SECTION LINE
	QUARTER OR SIXTEENTH LINE
	SECTION CORNER
	QUARTER CORNER
	RIGHT OF WAY LINE
	PROPOSED PUBLIC UTILITY EASEMENT
	PROPOSED ACCESS EASEMENT
	EXISTING EASEMENTS
	5' MAJOR CONTOURS
	1' MINOR CONTOURS
	100-YEAR FLOODPLAIN - ZONE A

PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "A" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0431E, PANEL 431 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

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: OCTOBER 28, 2022

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: _____

STARK COUNTY COMMISSION APPROVAL

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

LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT 1B AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3178771, BLOCK TWO (2) OF SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B) BEING A FOUND REBAR AND CAP; THENCE N 89°55'24" E ALONG THE NORTH LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1276.22 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT ONE B (1B); THENCE S 00°14'12" E ALONG THE EAST LINE OF SAID LOT ONE B (1B), A DISTANCE OF 1466.59 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE NORTH RIGHT-OF-WAY OF DVORAK DRIVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES TO FOUND REBAR AND CAPS LS-5466: S 87°50'18" W, 648.45 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 270.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52°38'30" AN ARC LENGTH OF 248.07 FEET; THENCE S 35°11'48" W, 180.27 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 390.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°36'14" AN ARC LENGTH OF 262.77 FEET; THENCE S 03°24'26" E, 591.56 FEET TO SAID REBAR AND CAP LS-5466 ON INTERSECTION OF SAID DVORAK DRIVE RIGHT-OF-WAY AND THE NORTH RIGHT-OF-WAY OF 20TH STREET SOUTHWEST; THENCE S 89°53'37" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 280.35 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 00°02'16" W LEAVING SAID RIGHT-OF-WAY ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 1470.24 FEET TO A FOUND REBAR; THENCE N 00°09'42" W CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 1119.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 51.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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 SOUTHFORK ACRES SUBDIVISION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____)
 COUNTY OF _____) SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
 RESIDING AT COUNTY OF _____, STATE OF _____

PROPRIETOR'S CERTIFICATE

WE, I-94 DEVELOPMENT, LLC, RESIDING AT 48 20TH ST SW, DICKINSON, ND 58601, OWNERS AND PROPRIETORS OF PROPERTY LYING IN THE SOUTHEAST QUARTER (SE¹/₄) OF SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT 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: CARL KIRSCHENHEITER, AUTHORIZED REPRESENTATIVE OF I-94 DEVELOPMENT, LLC

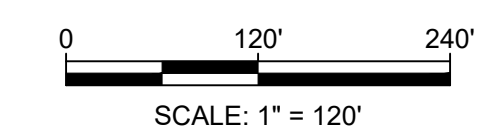
STATE OF _____)
 COUNTY OF _____) SS

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

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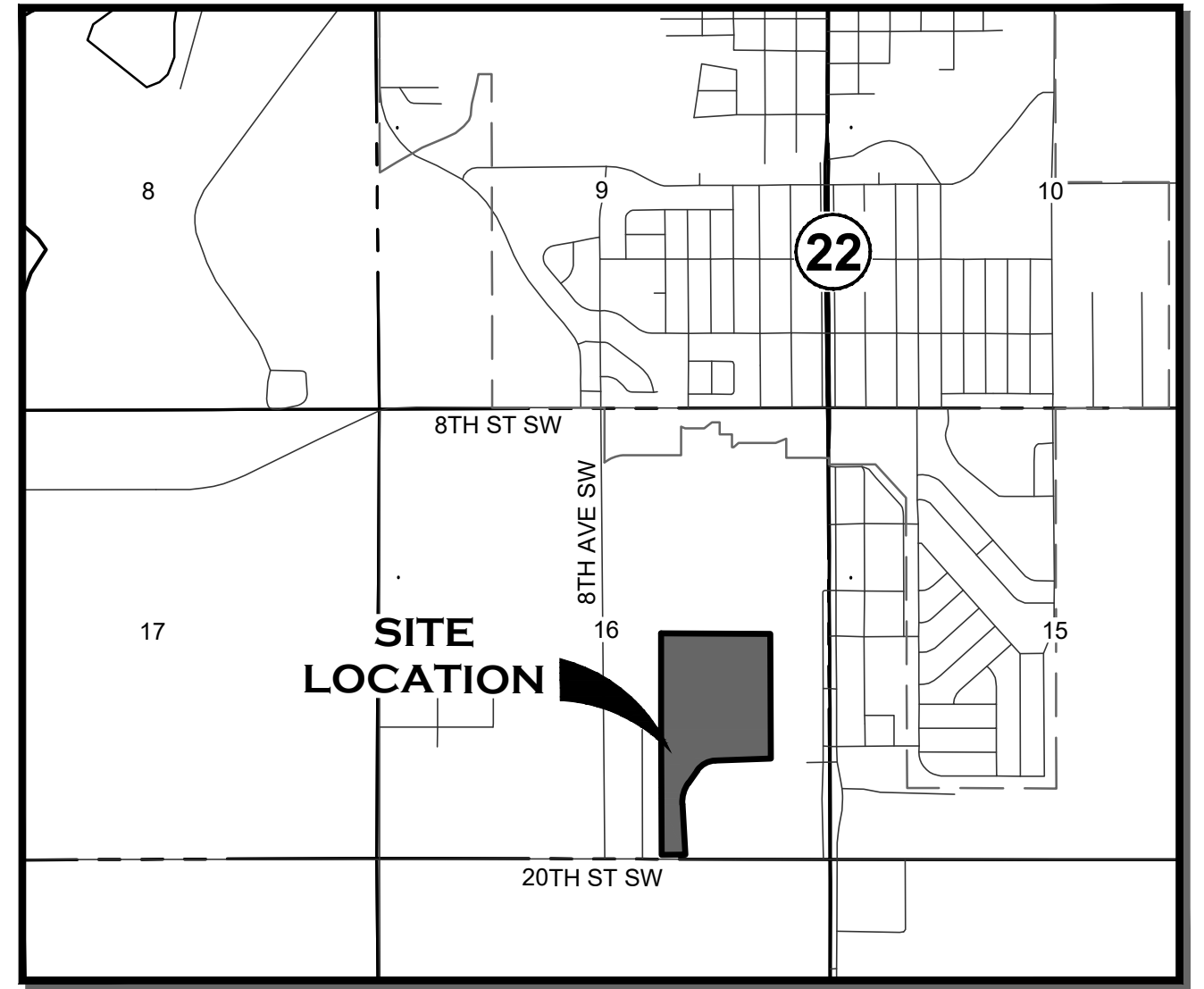
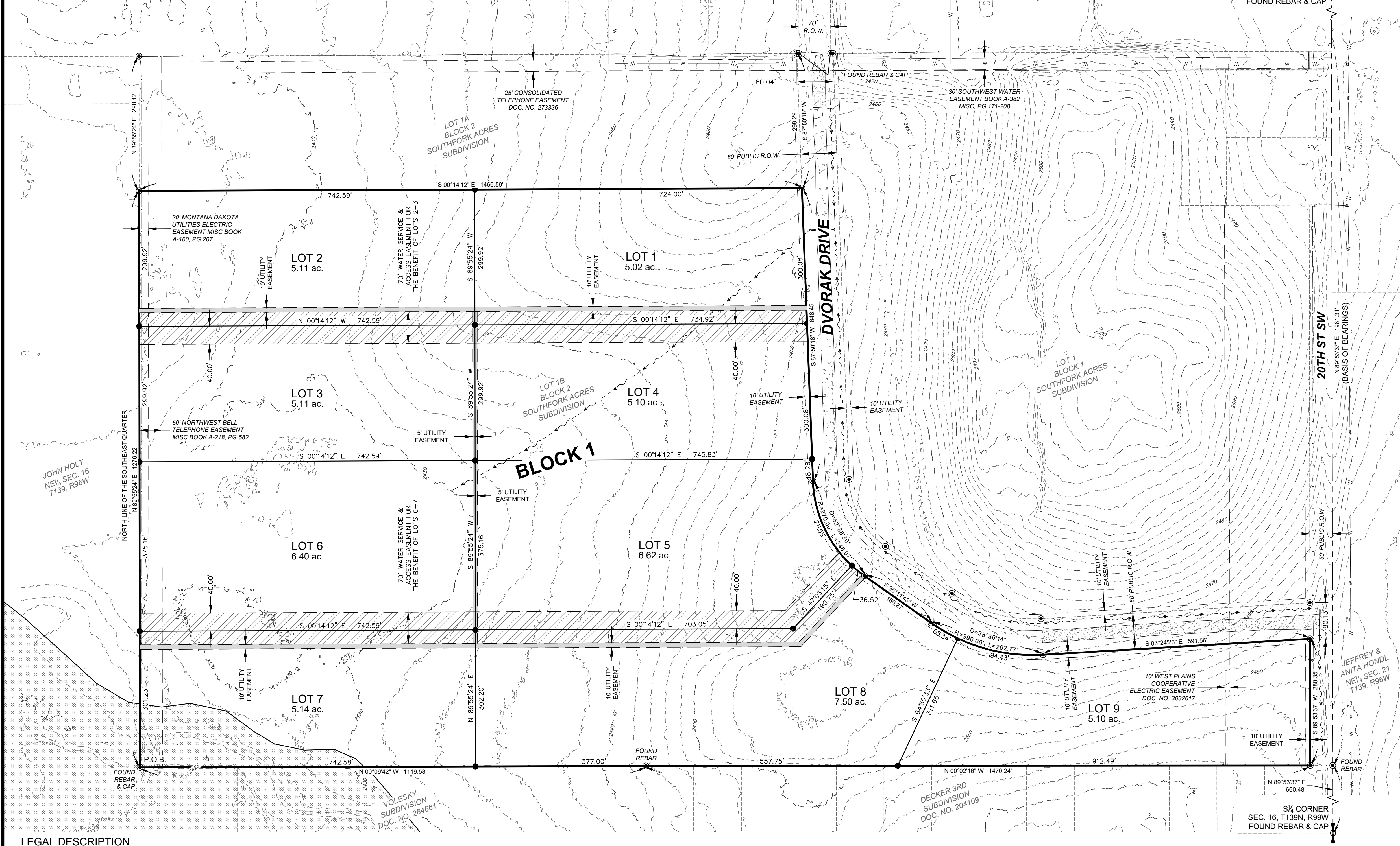
HIGHLANDS ENGINEERING
 319 24TH STREET EAST, DICKINSON, ND 58601
 OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 241269 SCALE: 1"=120'
 DRAWN BY: AJA DATE: 01/31/24



SOUTHFORK ACRES 2ND SUBDIVISION

LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



VICINITY MAP
(1" = 2000')

LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND REBAR & CAP LS-5466 UNLESS OTHERWISE NOTES
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- UN-MONUMENTED REFERENCE POINT
- SECTION LINE
- QUARTER OR SIXTEENTH LINE
- SECTION CORNER
- QUARTER CORNER
- RIGHT OF WAY LINE
- PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED ACCESS EASEMENT
- EXISTING EASEMENTS
- 5' MAJOR CONTOURS
- 1' MINOR CONTOURS
- DRAINAGE PATH
- EXISTING CULVERT
- 100-YEAR FLOODPLAIN - ZONE A
- CONCRETE PAVEMENT
- GRAVEL/MILLINGS

LEGAL DESCRIPTION

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PLAT NOTES

- 1) A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN THE 1% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "A" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0431E, PANEL 431 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.

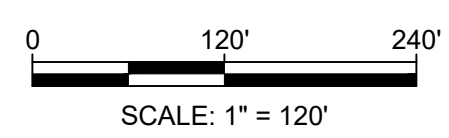
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- 2) VERTICAL DATUM: NAVD 88
- 3) DATE OF LATEST FIELD WORK: OCTOBER 28, 2022



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

PROJECT NUMBER: 241269 SCALE: 1"=120'
DRAWN BY: AJA DATE: 01/31/24





Southfork Acres 2nd Subdivision Major Plat staff report

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Community Development Services
Date: March 5, 2024
Re: **PLP-003-2024 Southfork Acres 2nd Subdivision Preliminary Plat**

APPLICANT’S REPRESENTATIVE

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

OWNER/APPLICANT

Carl Kirschenheiter

Public Hearing	March 13, 2024	Planning and Zoning Commission
Public Reading	April 10, 2024	Planning and Zoning Commission
Final Consideration	April 16, 2024	City Commission

The request from the applicant is to consider a Preliminary Plat being a re-plat of Lot 1A Block 2 of Southfork Acres Subdivision, a parcel of land located in the SE ¼ of section 16, Township 139 north, Range 96W, of the 5th principal meridian. The subject property is located in the City of Dickinson’s Extra Territorial Zone, and it is located just outside of Urban Service Area according to the map in Chapter 6 Infrastructure of the City of Dickinson Comprehensive Plan. Said property contains +/- 51.11 acres.

The preliminary subdivision plat proposes to re-plat Lot 1B of the Southfork Acres Subdivision and to create nine Agriculture (AG) zoned lots ranging in area from 5.02 acres to 7.50 acres. Additionally, the applicant seeks to establish multiple easements to allow for the propagation of utilities, water services, and access with a north-south orientation.

Per Chapter 34 Subdivision of Land of the City of Dickinson Municipal Code, as the proposed plat requires the dedication of public rights-of-way; and as the proposed plat consists of more than four lots, the proposed plat is subject to the major subdivision process.

Public Comments: As of the time of this report, staff has not received any comments from the public.

Community Development Services staff recommends approval of PLP-003-2024.

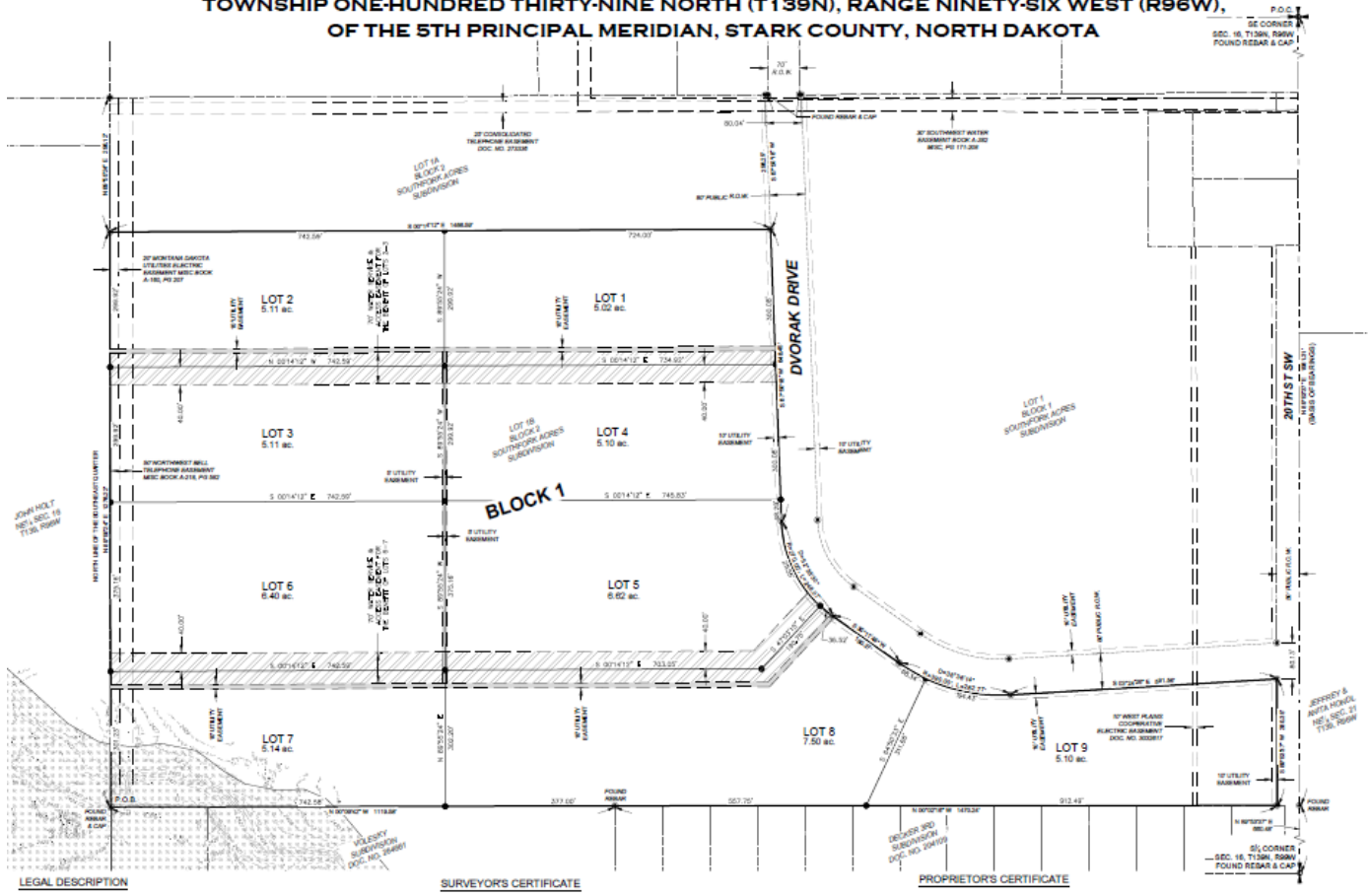
LOCATION

The property is generally located south of City of Dickinson incorporate limits, approximately 350ft west of Highway 22.



SOUTHFORK ACRES 2ND SUBDIVISION

LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



LEGAL DESCRIPTION

SURVEYOR'S CERTIFICATE

PROPRIETOR'S CERTIFICATE

CURRENT ZONING	Agricultural (AG)
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	51.11 acres
LOTS PROPOSED	Nine

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R-2, GC	Undeveloped residential. Two general commercial
East	AG	Undeveloped
South	AG	Single-family residential structure
West	R-1	Single-family residential, floodplain Undevelopable portions.

Analysis: City engineering staff reviewed the plat and has no comments. Planning staff reviewed the plat and expressed concerns to the applicant’s representative regarding the size of the intended lots. Each lot would accommodate one single-family detached house and therefore the average acreage per residence would exceed 5 acres. This may lead to development patterns effects such as limiting opportunities for residential infill development, efficient expansion of roadways, and efficient provision of utilities services. Furthermore, approving what is proposed to be rural residential-sized lots for residential purposes, as a general trend, may increase the travel time per automobile trip. Staff recommended rezoning the property to residential, which would reconcile with the City of Dickinson’s Comprehensive Plan’s Future Land Use Map. At the April 2024 Planning and Zoning Commission meeting, it was requested the applicant rezone the property to rural residential. **Staff also communicated to the applicant** the desire to consider the proposed 70’ water service & access easements shown on the preliminary plat to be future right-of-way. A development agreement, to be filed at the time of the final plat filing, shall include a section waiving the property owner’s rights to protest a future right-of-way dedication at the time the City of Dickinson foresees it be beneficial for the future development of the property to the north of this plat.

Compliance with Zoning and Subdivision Regulations:

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

It appears that surrounding properties had been master planned circa 1985 with the intention of providing future roadways pursuant to the purpose statements of the Ch.34 Subdivision of the municipal code:

Consistency with the Comprehensive Plan

While the Comprehensive Plan does not explicitly prohibit the platting of an agricultural-zoned subdivision in the RESIDENTIAL Future Land Use Map (FLUM) designation, the proposed plat runs against the intent of the RESIDENTIAL FLUM designation as described in Policy 1.1.2 of the Comprehensive Plan Land Use chapter:

Policy 1.1.2. – Residential: The residential designation is intended for a wide variety of residential uses at varying densities. Recreational and compatible civic uses are allowable. Limited commercial and office uses may be allowed at neighborhood center locations.

This as an issue, along with the platting of large lot subdivisions in the ETZ, which should be addressed in the upcoming Comprehensive Plan update.

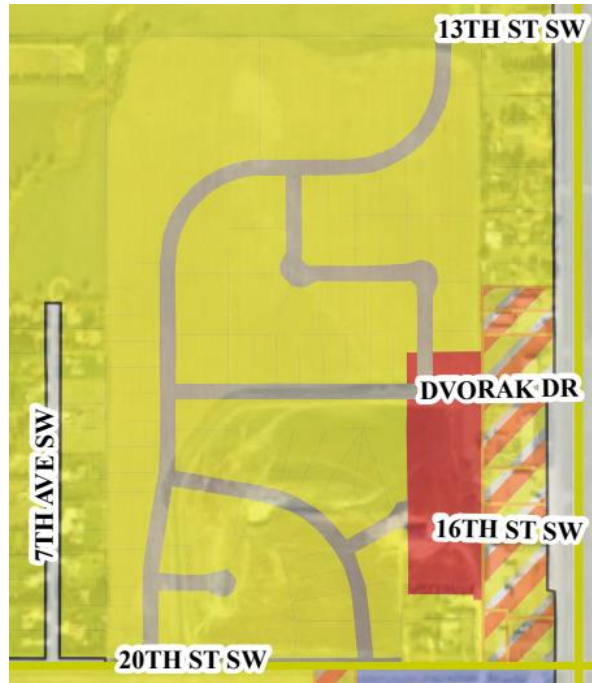
Public Input: As of the date of this report, City staff has not received any public comments.

APPENDICES

Appendix A – Future Land Use Map

Future Land Use

- Public/Civic
- Residential
- West Dickinson Residential
- Commercial
- Industrial
- West Dickinson Industrial
- Mixed Use
- Interchange
- Parks/Recreation
- Agricultural
- ROW



Appendix B – Zoning Map

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



MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **PLP-003-2024 Dickinson South Cemetery Second Subdivision** as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **PLP-003-2024 Dickinson South Cemetery Second Subdivision** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: Jotform
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)
Subject: Re: Unified Development Application
Date: Thursday, April 4, 2024 2:48:04 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: [DSU Pre-Application Response Letter_040124.pdf](#)

Type of Development **Major Subdivision Preliminary Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **DSU Athletic Complex Addition**

Name **Leslie Wietstock**

Company **Dickinson State University**

Applicant Email **leslie.wietstock@dickinsonstate.edu**

Applicant Phone # **(701) 502-4067**

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 **State of North Dakota**

Owner Address 291 Campus Dive, Dickinson, ND, 58601

Owner Email leslie.wietstock@dickinsonstate.edu

Owner Phone # (701) 502-4067

Is the owner present to Sign

Owner Signature Upload [231238_Owner Signature_2024-03-28.pdf](#)

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

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

A PARCEL OF LAND BEING A REPLAT OF LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION AND A PARCEL OF LAND LOCATED IN THE WEST HALF (W1/2) OF SECTION FOUR (4), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION, ALSO BEING A FOUND REBAR AND CAP LS-5466; THENCE N 42°30'59" E, A DISTANCE OF 27.40 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT; THENCE N 89°58'45" E ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 1356.50 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID LOT, ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 13TH AVENUE WEST; THENCE S 00°21'27" W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 862.78 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID LOT; THENCE CONTINUING S 00°21'25" W ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 996.31 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF BLOCK SEVEN (7) OF THE PLAT OF THE 'COLLEGE ADDITION' TO THE CITY OF DICKINSON AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 98784; THENCE S 89°52'12" W ALONG THE NORTH LINE OF SAID BLOCK SEVEN (7) OF SAID COLLEGE ADDITION, A DISTANCE OF 299.79 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID BLOCK SEVEN (7), ALSO BEING ON THE EAST RIGHT-OF-WAY OF COLLEGE AVE; THENCE CONTINUING S 89°52'12" W ALONG THE NORTH RIGHT-OF-WAY OF COLLEGE AVE, A DISTANCE OF 80.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE WEST RIGHT-OF-WAY OF COLLEGE AVE, ALSO BEING THE NORTHEAST CORNER OF BLOCK EIGHT (8) OF SAID COLLEGE ADDITION; THENCE CONTINUING S 89°52'12" W ALONG THE NORTH LINE OF SAID BLOCK EIGHT (8), A DISTANCE OF 980.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID BLOCK EIGHT (8); THENCE CONTINUING S 89°52'12" W, A

DISTANCE OF 7.00 FEET TO A SET REBAR AND CAP LS-5466 BEING 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4); THENCE N 00°05'39" W ALONG A LINE 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4), A DISTANCE OF 547.08 FEET TO A SET REBAR AND CAP LS-5466 AT A POINT 33.00 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION FOUR (4) BEING A FOUND NAIL; THENCE N 00°05'53" W ALONG A LINE 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4), A DISTANCE OF 449.92 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 89°54'01" E, A DISTANCE OF 7.00 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE EAST RIGHT-OF-WAY LINE OF STATE AVENUE ALSO BEING THE SOUTHWEST CORNER OF SAID LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION; THENCE N 00°05'53" W ALONG SAID EAST LINE OF SAID STATE AVENUE RIGHT-OF-WAY, ALSO BEING THE WEST LINE OF SAID LOT, A DISTANCE OF 844.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 58.57 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	W1/2 Section 4	T139N	R96W

Property Address / General Project Location 400 State Avenue, Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 58.57 acres

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 1

Major Platting Multiplier 0

Name of Preliminary Plat DSU Athletic Complex 2nd Addition

Preliminary Number Lots 1 to 10 Lots

Preliminary Number of Block(s) 1

0

Application Calc 500

Required Documentation Upload

- [231208_C2-Site Plan-PRELIM_2024-04-04.pdf](#)
- [231238_Closure Report_2024-04-04.pdf](#)
- [231238_DSU ATHLETIC COMPLEX 2ND ADDITON_FINAL_2024-04-04.pdf](#)
- [231238_DSU ATHLETIC COMPLEX 2ND ADDITON_PRELIM_2024-04-04.pdf](#)
- [231238_Flood Map_2024-04-04.pdf](#)
- [231238_Letter of Transmittal-Prelim Plat_2024-04-04.pdf](#)
- [231238_Parcel Map_2024-04-04.pdf](#)
- [231238_Utility Map_2024-04-04.pdf](#)
- [231238_Zoning Map_2024-04-04.pdf](#)

Deed for Property [210232_Deeds.pdf](#)

Application Fees

Applicable Fees	500.00 USD
<hr/>	
Total:	\$500.00
Transaction ID:	578kfgbk

Payer Information

First Name: Andrew
Last Name: Schrank
E-Mail: leslie.wietstock@dickinsonstate.edu

Applicant Signature

Date 04-04-2024

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.

DSU ATHLETIC COMPLEX 2ND ADDITION PRELIM MAJOR PLAT (PLP-006-2024)





Transmittal Letter

To: Joshua Skluzacek – Community Development Director
City of Dickinson
38 1st Street W
Dickinson, ND 58601

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

Date: April 4, 2024

Re: Major Preliminary Plat Application – DSU Athletic Complex 2nd Addition

Message: Enclosed you will find a Major Preliminary Plat application for the above referenced project being submitted for consideration at the next available Planning and Zoning Meeting:

- Written Statement (included, below)
- Deed for the Property
- Preliminary Plat drawing with Aerial Imagery Overlay
- Draft of Final Plat drawing
- Mathematical solution for closure of lots
- Preliminary Site Improvement Plan
- Parcel map from the City's GIS page
- Zoning map from the City's GIS page
- Utility map from the City's GIS page
- FEMA map from the City's GIS page

WRITTEN STATEMENT

General Project Description

This proposed preliminary plat application for DSU Athletic Complex 2nd Addition is being submitted to allow for proposed improvements to the existing agricultural building and arena within this site. A preliminary site improvement plan has been submitted with this application. The northern portion of this property containing the Sanford Sports Complex is currently Platted as DSU Athletic Complex Addition, but the southern portion of this site containing the Biesiot Activities Center (BAC) and the Agricultural Building/Arena is unplatted. City ordinances require that this property be platted to obtain the building permit required for these proposed improvements.

This property is currently zoned Public (P), which allows for all current and proposed uses so no change in zoning will be required. This subdivision is also located within the City’s Corporate Limits. The owner does not own or intend to purchase surrounding property. We have not informed neighboring properties of this request; however, this project has been presented in multiple public meetings. This application is being submitted in accordance with local, state, and federal requirements to the best of our knowledge.

Roadway Improvements, Access, and Projected Traffic

The western boundary of this site currently borders State Avenue. To provide the 40-foot of public right-of-way desired by the City for State Avenue a 7-foot-wide right-of-way dedication is proposed for the western edge of the previously unplatted portion of this property. No new public roadways are proposed as part of this project.

This site is currently accessed by three driveways from State Avenue on the west side of the property, College Avenue on this south side of the property, and two driveways from 13th Ave W on the east side of the property. These access points lead to a ±611 stall paved parking lot south of the agricultural building and west of the BAC, and a ±112 stall parking lot with an asphalt milling surface south of the Sanford Sports Complex.

This existing parking and access will be utilized to serve the proposed building with some minor improvements. To meet the fire code requirements, a paved fire lane will be constructed around the east and north side of the proposed arena building. This pavement will extend east to 13th Ave W and will also connect to the Sanford Sports Complex parking lot.

Although the number of events held in this area being platted will likely be increased with the addition of the proposed arena building, the peak traffic demand is not expected to increase. The new arena building will have a capacity of <1,000. The largest capacity events held at this site will still be held at the BAC, which has a capacity of around 3,000. The owner has indicated that multiple large-scale events will not be held concurrently due to the site and staffing constraints that this would create. Therefore, either one large scale event would be held at a time that would not exceed the current maximum capacity of the BAC since this is the largest facility on-site, or multiple smaller events may be held that would not have a combined capacity greater than the current BAC maximum capacity of around 3,000. Therefore, as previously indicated, events may happen more frequently at this site, but the peak number of users, which is the critical component for traffic, would not be increased above what this site currently generates.

Topography and Drainage

The portion of the site south of the east-west private access road that cuts through the center of this property currently drains to a low area with an outlet into the City’s storm sewer system at the southwest corner of this property. The proposed development will continue to drain to this low area, and a stormwater analysis will be completed to ensure that the pre-vs-post development runoff is not increased in accordance with City ordinances.

The area north of this low area drains to the detention pond at the southeast corner of the Sanford Sports complex. The proposed trailer parking area north of the arena building will drain to this detention pond, but the pond was sized for this runoff in its original design. Therefore, no improvements to this northern stormwater facility are proposed.

Water and Sewer Improvements

No new public water or sewer improvements are proposed as part of this project. Water and sanitary sewer service lines will be extended from existing mains to the proposed arena building, but these will be privately owned and maintained.

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



Andrew Schrank, PE, CFM - Highlands Engineering

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

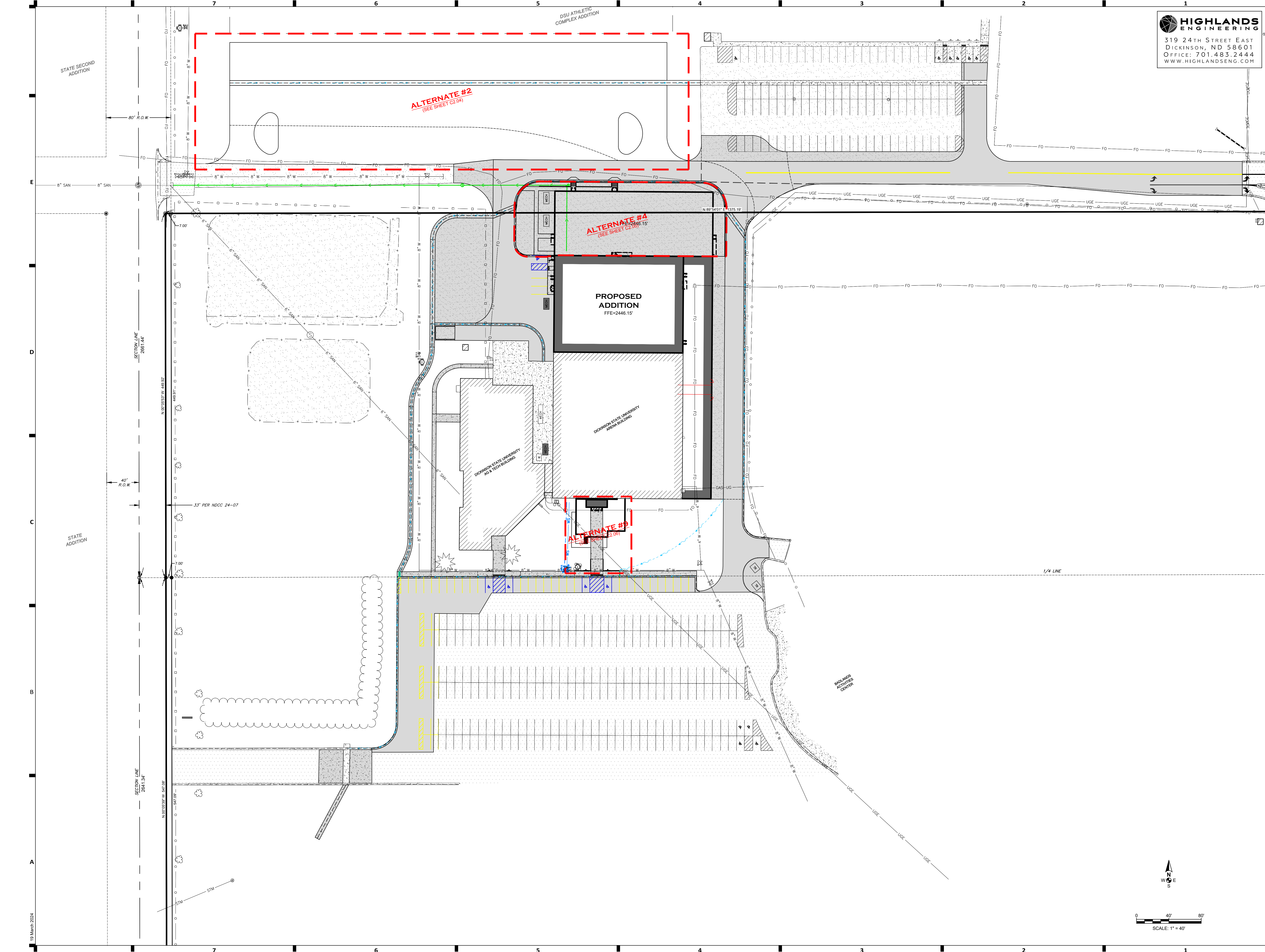
JLG
 architects

416 East Main Street
 Bismarck, ND 58501
 phone: 701.255.1617
 www.jlgarchitects.com
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PRELIMINARY
 NOT FOR CONSTRUCTION

REVISION SCHEDULE

NO.	DESCRIPTION	DATE



DICKINSON STATE UNIVERSITY
AGRICULTURAL & TECHNICAL EDUCATION BUILDING
 DICKINSON, ND

DATE: 2/9/24
 PHASE: DESIGN DEVELOPMENT
 PROJECT: 23183
 SHEET: **C201**
 SITE IMPROVEMENT PLAN - OVERVIEW

DSU ATHLETIC COMPLEX 2ND ADDITION

BEING A REPLAT OF LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION AND A PARCEL OF LAND IN THE WEST HALF (W $\frac{1}{2}$) SECTION FOUR (4), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE 5TH PRINCIPAL MERIDIAN (5TH P.M.) CITY OF DICKINSON, STARK COUNTY, ND

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A REPLAT OF LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION AND A PARCEL OF LAND LOCATED IN THE WEST HALF (W $\frac{1}{2}$) OF SECTION FOUR (4), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION, ALSO BEING A FOUND REBAR AND CAP LS-5466; THENCE N 42°30'59" E, A DISTANCE OF 27.40 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID LOT; THENCE N 89°58'45" E ALONG THE NORTH LINE OF SAID LOT, A DISTANCE OF 1356.50 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF SAID LOT, ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 13TH AVENUE WEST; THENCE S 00°21'27" W ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 862.78 FEET TO A FOUND REBAR AND CAP LS-5466 AT THE SOUTHEAST CORNER OF SAID LOT; THENCE CONTINUING S 00°21'25" W ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 996.31 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHEAST CORNER OF BLOCK SEVEN (7) OF THE PLAT OF THE 'COLLEGE ADDITION' TO THE CITY OF DICKINSON AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 98784; THENCE S 89°52'12" W ALONG THE NORTH LINE OF SAID BLOCK SEVEN (7) OF SAID COLLEGE ADDITION, A DISTANCE OF 299.79 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID BLOCK SEVEN (7), ALSO BEING ON THE EAST RIGHT-OF-WAY OF COLLEGE AVE; THENCE CONTINUING S 89°52'12" W ALONG THE NORTH RIGHT-OF-WAY OF COLLEGE AVE, A DISTANCE OF 80.00 FEET TO A SET REBAR AND CAP LS-5466 AT THE WEST RIGHT-OF-WAY OF COLLEGE AVE, ALSO BEING THE NORTHEAST CORNER OF BLOCK EIGHT (8) OF SAID COLLEGE ADDITION; THENCE CONTINUING S 89°52'12" W ALONG THE NORTH LINE OF SAID BLOCK EIGHT (8), A DISTANCE OF 980.52 FEET TO A SET REBAR AND CAP LS-5466 AT THE NORTHWEST CORNER OF SAID BLOCK EIGHT (8); THENCE CONTINUING S 89°52'12" W, A DISTANCE OF 7.00 FEET TO A SET REBAR AND CAP LS-5466 BEING 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4); THENCE N 00°05'39" W ALONG A LINE 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4), A DISTANCE OF 547.08 FEET TO A SET REBAR AND CAP LS-5466 AT A POINT 33.00 FEET EAST OF THE WEST QUARTER CORNER OF SAID SECTION FOUR (4) BEING A FOUND NAIL; THENCE N 00°05'53" W ALONG A LINE 33-FEET EAST OF THE WEST LINE OF SAID SECTION FOUR (4), A DISTANCE OF 449.92 FEET TO A FOUND REBAR AND CAP LS-5466; THENCE N 89°54'01" E, A DISTANCE OF 7.00 FEET TO A FOUND REBAR AND CAP LS-5466 ON THE EAST RIGHT-OF-WAY LINE OF STATE AVENUE, ALSO BEING THE SOUTHWEST CORNER OF SAID LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION; THENCE N 00°05'53" W ALONG SAID EAST LINE OF SAID STATE AVENUE RIGHT-OF-WAY, ALSO BEING THE WEST LINE OF SAID LOT, A DISTANCE OF 844.46 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 58.57 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

PROPRIETOR'S CERTIFICATE

WE, DOUG BURGUM, GOVERNOR OF THE STATE OF NORTH DAKOTA; STEPHEN EASTON, PRESIDENT OF DICKINSON STATE UNIVERSITY; AND LESLIE WIETSTOCK, CHIEF OPERATING OFFICER OF DICKINSON STATE UNIVERSITY; THE AUTHORIZED REPRESENTATIVES OF THE STATE OF NORTH DAKOTA WHO IS THE OWNER AND PROPRIETOR OF LOT ONE (1), BLOCK ONE (1), DSU ATHLETIC COMPLEX ADDITION AND PROPERTY LYING IN THE WEST (W $\frac{1}{2}$) OF SECTION FOUR (4), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL PUBLIC UTILITY EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES:

BY: _____
DOUG BURGUM, GOVERNOR OF THE STATE OF ND
BY: _____
STEPHEN EASTON, PRESIDENT OF DSU
BY: _____
LESLIE WIETSTOCK, CHIEF OPERATING OFFICER OF DSU

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **DOUG BURGUM**, GOVERNOR OF THE STATE OF NORTH DAKOTA, 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.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

STATE OF _____ }
COUNTY OF _____ } SS

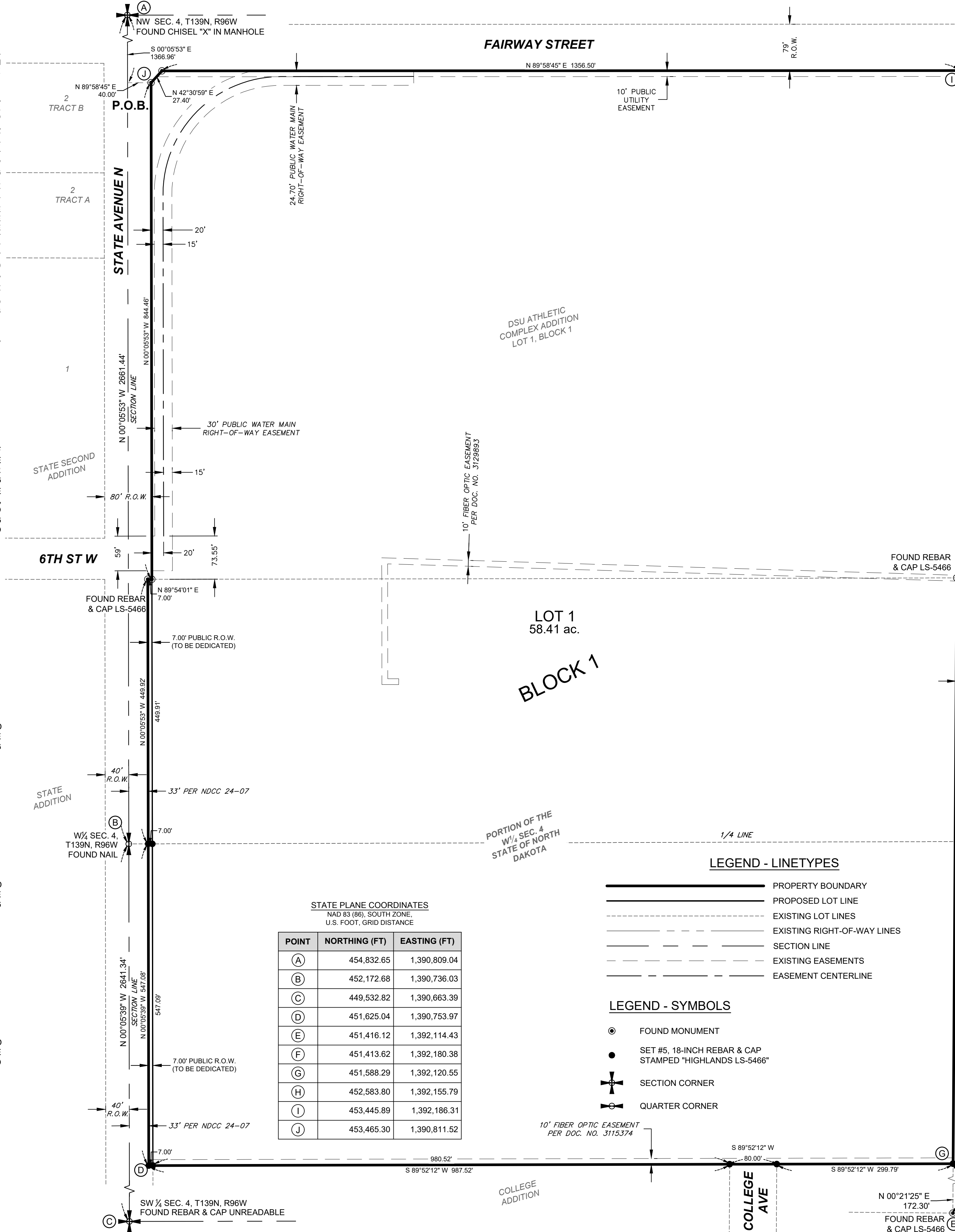
ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **STEPHEN EASTON**, PRESIDENT OF DICKINSON STATE UNIVERSITY, TO ME KNOWN TO BE THE SAME PERSON DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **LESLIE WIETSTOCK**, CHIEF OPERATING OFFICER OF DICKINSON STATE UNIVERSITY, 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.

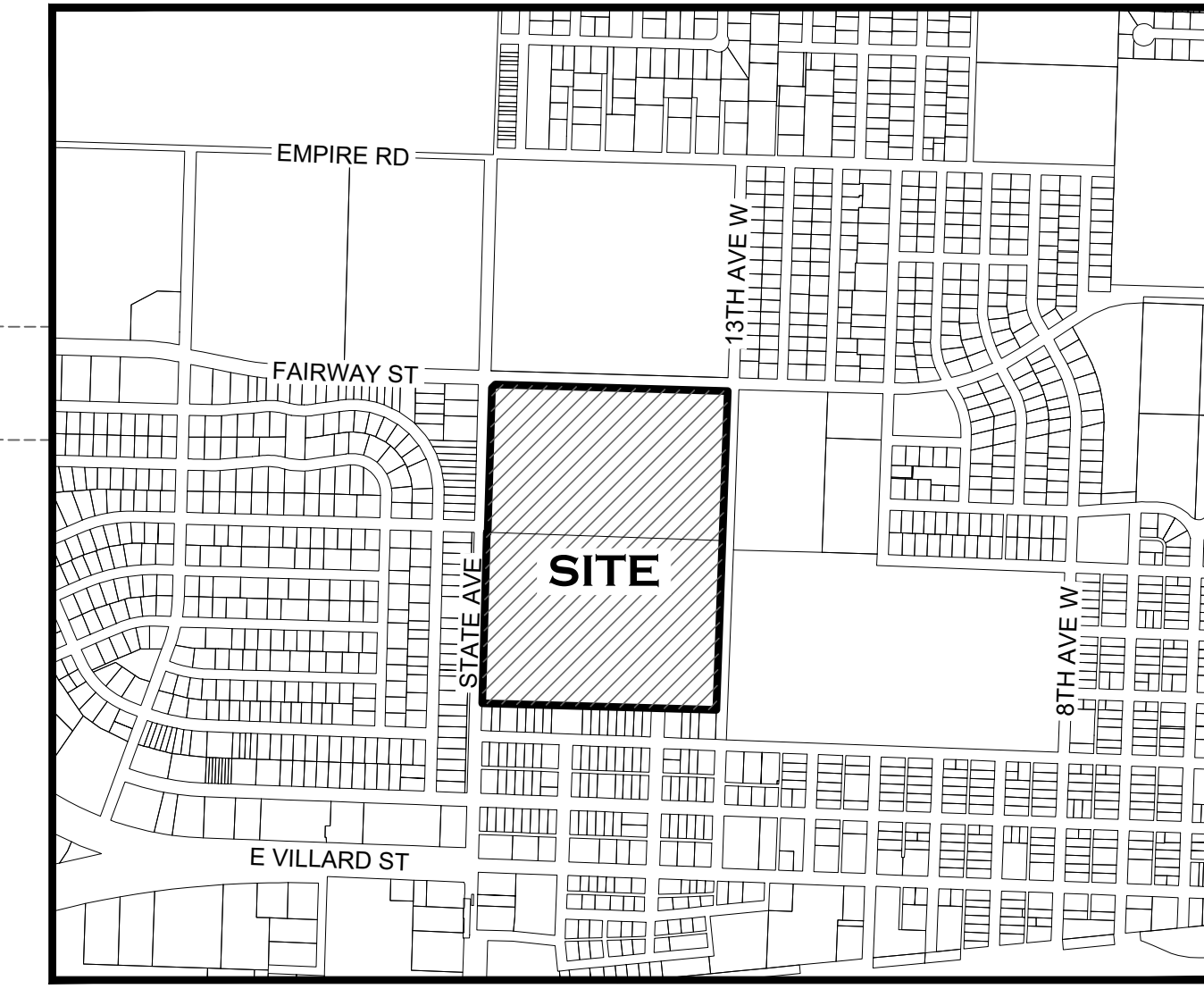
NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____



STATE PLANE COORDINATES
NAD 83 (86), SOUTH ZONE,
U.S. FOOT, GRID DISTANCE

POINT	NORTHING (FT)	EASTING (FT)
(A)	454,832.65	1,390,809.04
(B)	452,172.68	1,390,736.03
(C)	449,532.82	1,390,663.39
(D)	451,625.04	1,390,753.97
(E)	451,416.12	1,392,114.43
(F)	451,413.62	1,392,180.38
(G)	451,588.29	1,392,120.55
(H)	452,583.80	1,392,155.79
(I)	453,445.89	1,392,186.31
(J)	453,465.30	1,390,811.52

- LEGEND - LINETYPES**
- PROPERTY BOUNDARY
 - PROPOSED LOT LINE
 - EXISTING LOT LINES
 - EXISTING RIGHT-OF-WAY LINES
 - SECTION LINE
 - EXISTING EASEMENTS
 - EASEMENT CENTERLINE
- LEGEND - SYMBOLS**
- FOUND MONUMENT
 - SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
 - SECTION CORNER
 - QUARTER CORNER



±11.87 ACRE TRACT
PER STARK CO.
DOC. NO.'S 3141319
THRU 3141323

VICINITY MAP
1" = 1000'

SUBDIVISION NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 38089C0193E, PANEL 193 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.
- THIS PLAT DEDICATES A TOTAL OF 0.16 ACRES OF PUBLIC RIGHT-OF-WAY ALONG STATE AVENUE AS DEPICTED BY THIS PLAT DRAWING.
- THE EXISTING LOT LINE WITHIN LOT 1, BLOCK 1, DSU ATHLETIC COMPLEX 2ND ADDITION SHALL BE VACATED UPON APPROVAL OF THIS PLAT.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88, GEOID 03
- THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED ON THE WEST LINE OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$), WITH THE BEARING BEING N 00°05'53" W, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: 46°54'28.09983" / LONG: 102°46'51.54681". BEARINGS ARE BASED ON GRID NORTH AT THIS LOCATION.
- DATE OF LATEST FIELD WORK: DECEMBER 2023

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, ND, DO HEREBY CERTIFY THAT THE "DSU ATHLETIC COMPLEX 2ND ADDITION" PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466
STATE OF _____ }
COUNTY OF _____ } SS
ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED **KC HOMISTON**, TO ME KNOWN TO BE THE SAME PERSONS DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

CITY OF DICKINSON COMMISSION APPROVAL

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

CITY ENGINEER APPROVAL

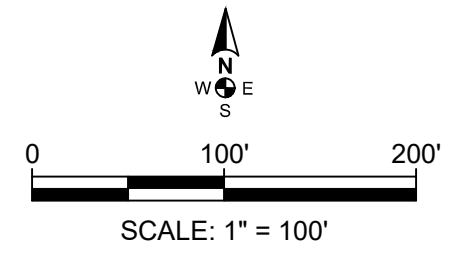
PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING COMMISSION APPROVAL

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

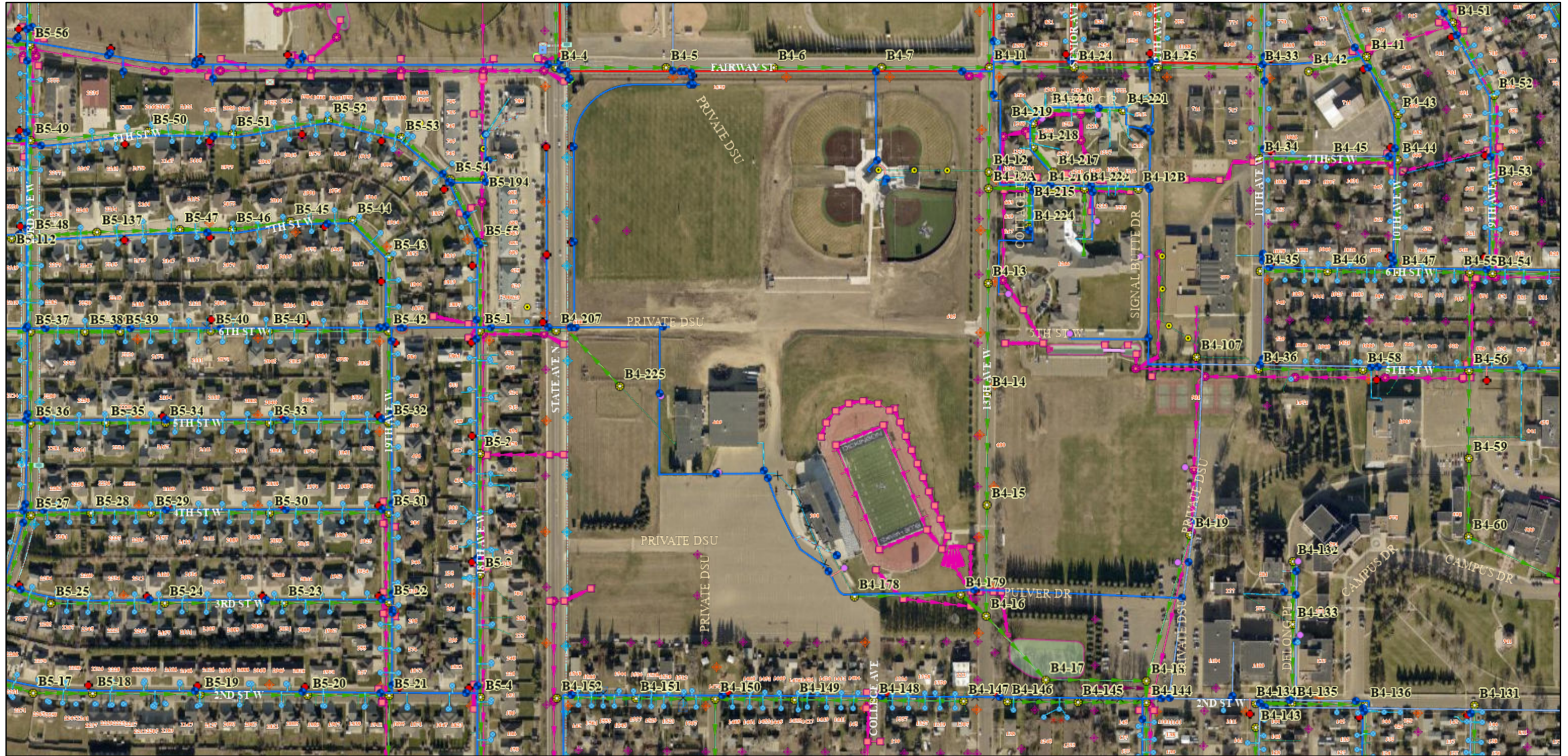
HIGHLANDS ENGINEERING
319 24TH STREET EAST, DICKINSON, ND 58601
OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

PROJECT NUMBER: 231238 SCALE: 1"=100'
DRAWN BY: AJA DATE: 04/02/24



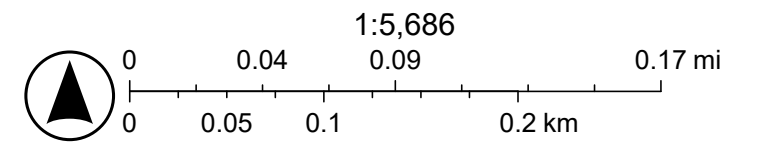
Dickinson Utility Information Map

Section 3. Item D.



4/4/2024

- | | | | | | |
|---------------------------|---------------------|------------------------|------------------------------------|--------------------------------------------|------------------------------|
| Public Street Names 8K | Water Manhole | Water Abandoned Points | Storm Manholes | Street Lighting, Montana Dakota Utilities | Electric Lines |
| Private Street Names | Water Lateral Lines | Water Abandoned Lines | Storm Network Structure | General Lighting, Montana Dakota Utilities | World Imagery |
| Water Tracer Wire Station | Fire | Sanitary Clean Outs | Storm Gravity Mains | Signal, City of Dickinson | Low Resolution 15m Imagery |
| Water Curb Stop Valve | Hydrant | Sanitary Manhole | Storm Culverts | Other Pole Categories | High Resolution 60cm Imagery |
| Water System Valve | Service | Sanitary Lateral Lines | Storm Open Drains | Electric Access Points | High Resolution 30cm Imagery |
| Water Hydrant | Water Main Lines | Sanitary Gravity Mains | Storm Detention Structures | Pull Box | Citations |
| City of Dickinson | Polyvinyl Chloride | Storm Inlets | Poles | Service Box | 1.2m Resolution Metadata |
| Private or Other | Cast Iron | Storm Discharge | Street Lighting, City of Dickinson | Signal Controller | |
| | Asbestos Cement | | | | |



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

Dickinson Land Information Map



4/4/2024

Public Street Names 8K

Lots and Easements

High Resolution 30cm Imagery

Private Street Names

World Imagery

Citations

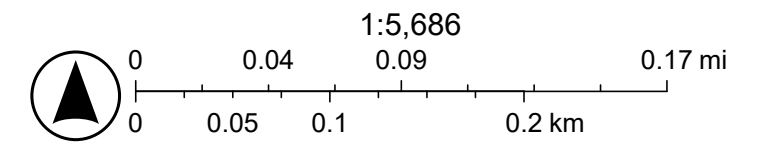
PLSS Description 12k

Low Resolution 15m Imagery

1.2m Resolution Metadata

 Dickinson Tax Parcels

High Resolution 60cm Imagery







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






Dickinson Zoning Information Map



4/4/2024

-  Municipal Boundary
-  Extra Territorial Boundary
- Dickinson Zoning
-  Planned Unit Development - PUD
-  Community Commercial - CC

-  Downtown Commercial - DC
-  General Commercial - GC
-  Limited Commercial - LC
-  General Industrial - GI
-  Low Density Residential - R1

-  Medium Density Residential - R2
-  High Density Residential - R3
-  Mobile Home - MH
-  Public - P
-  Agricultural - AG

- ETZ Zoning
-  Agricultural - AG
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

High Resolution 30cm Imagery

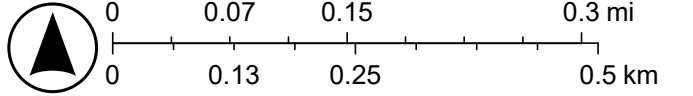
Citations

2.4m Resolution Metadata

Scale: 1:11,372

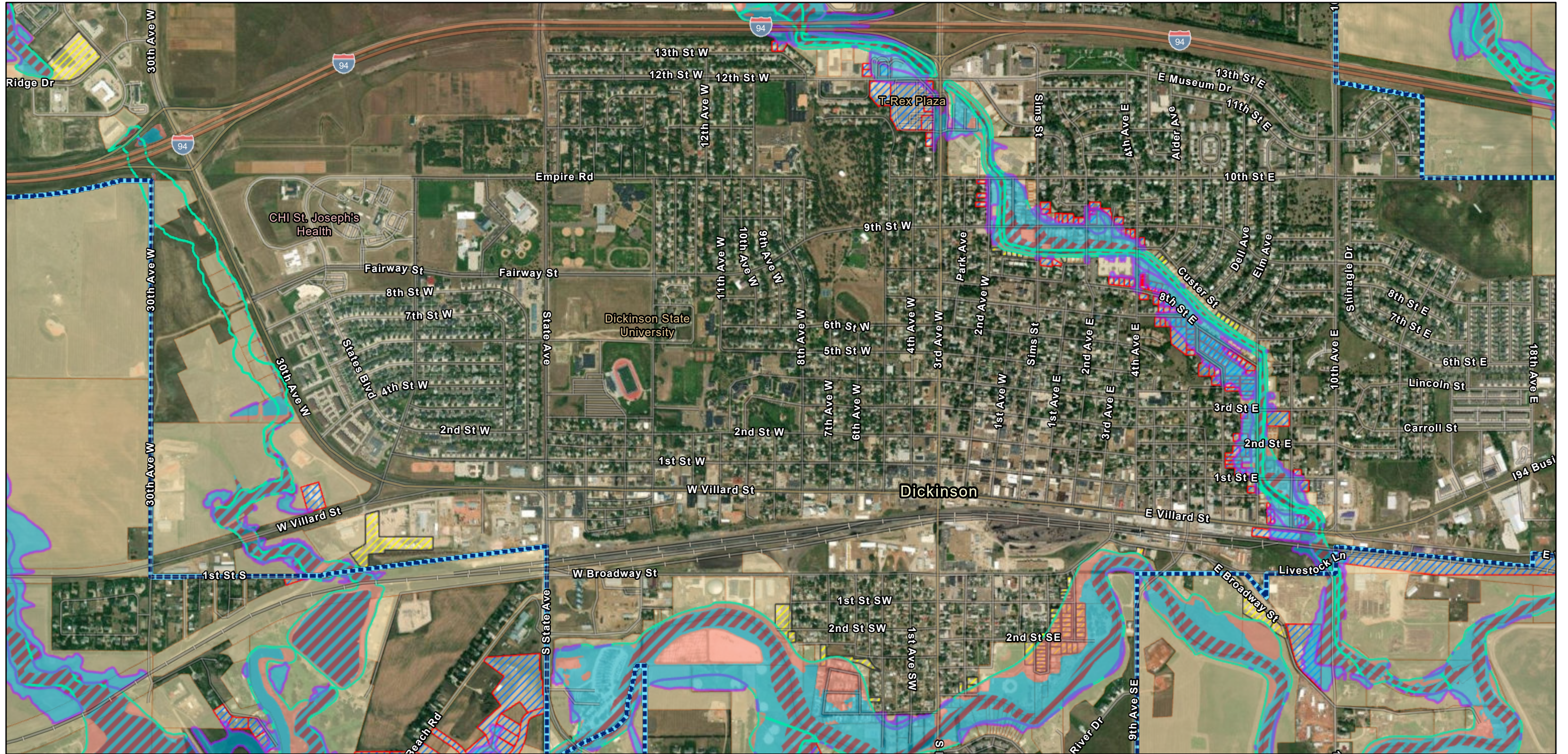
0 0.07 0.15 0.3 mi

0 0.13 0.25 0.5 km



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

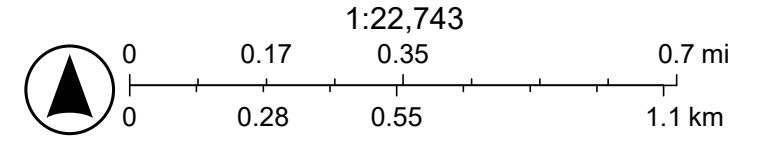
FEMA Flood Hazard Changes Map



4/4/2024

- Municipal Boundary
- Extra Territorial Boundary
- North Dakota County Boundaries
- Current SFHA Boundary
- FLOODWAY (AE)
- Preliminary SFHA Boundary
- Non-Intersecting After Changes (141)
- Non-Intersecting After Changes (22)
- Newly Intersecting After Changes (89)
- Newly Intersecting After Changes (154)
- Decrease
- Increase
- Intersected by SFHA Zones (A or AE)
- Intersected by SFHA Zones (A or AE)
- Intersected by SFHA Zones (A or AE)

Low Resolution 15m Imagery
 High Resolution 60cm Imagery
 High Resolution 30cm Imagery
 Citations
 4.8m Resolution Metadata



State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Dickinson Engineering Department, Maxar



Dsu preliminary plat

STAFF REPORT

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Community Development
Date: May 8, 2024
Re: PLP-006-2024 DSU Athletic Complex 2nd Addition Subdivision Preliminary Plat

OWNER/APPLICANT

State of North Dakota
291 Campus Drive
Dickinson, ND, 58601
Leslie.wiestock@dickinsonstate.edu
701 502-4067

APPLICANT'S REPRESENTATIVE

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

Public Hearing May 8, 2024 Planning and Zoning Commission

EXECUTIVE SUMMARY

Request: The applicant wishes to combine the DSU Athletic Complex Addition Subdivision with an adjacent un-platted 31.38-acre property to the south. The proposed subdivision would result in a one-lot subdivision as well as dedication of a seven (7) foot wide State Avenue right-of-way along the western edge of the subject property.

Staff Recommendation: Approval subject to conditions.

Current Plat Legal Description

The proposed DSU Athletic Complex 2nd Addition Subdivision would be legally described as being a replat of Lot 1, Block 1 of the DSU Athletic Complex Addition and a parcel of land in the West 1/2

of Section 4, Township 139 North, Range 96 West in the City of Dickinson, Stark County, ND. The intent of combining the previously platted Lot 1, Block 1 of the DSU Athletic Complex Addition with the un-platted parcel to the south is to eliminate the lot line and not have any setbacks or limitations for the future rodeo arena building expansion.

LOCATION

The property is located south of Fairway Street and east of State Avenue North.

CURRENT ZONING	P
FUTURE LAND USE MAP DESIGNATION	Public/Civic
GROSS SITE ACREAGE	58.57
LOTS PROPOSED	one

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	P	High School
East	P	University
South	R1	Residential
West	CC; R2	Mixed Commercial; Residential

STAFF ANALYSIS

City staff has identified the following issues during the pre-application process.

- The subject property is located within the City of Dickinson Corridor Overlay District and will be required to follow the Article 39 zoning requirements.
- Traffic Circulation – A traffic impact analysis will be required for the project to consider both the operational traffic and the additional traffic during construction. Considerations are to be given to the traffic operations report prepared for the State Avenue Mill and Overlay project.
- Off-Street Parking – Consideration for utilizing parking with other existing parking lots is encouraged.

- Storm Water – The subject property is located near the upstream end of a known storm water drainage basin which is subject to surcharging and street flooding. Any changes to

the flow rates or runoff volumes will further impact this existing challenge. A storm water report will be required for the project with the intent of showing how to minimize these impacts.

STAFF REVIEW AND RECOMMENDATIONS

Compliance with Zoning and Subdivision Regulations:

According to Article 39.04 of the City's Zoning Ordinance, the purpose of the Public (P) district This district accommodates substantial public institutions or uses. It sets aside areas for conservation, public recreation, and full access public facilities. The proposed replat is in compliance with the purpose of the P zoning district.

The proposed subdivision plat would consist of one 58.41-acre lot. According to Table 4-3c in Article 39.04 of the City Zoning Ordinance, the P zoning district has no minimum lot area requirement.

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

Staff Recommendation: The City Community Development staff recommends **approval** of the preliminary plat subject to conditions.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **PLP-005-2024, the DSU Athletic Complex 2nd Addition Subdivision Preliminary Plat, subject to conditions, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare** "*

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

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **PLP-005-2024, the DSU Athletic Complex 2nd Addition Subdivision Preliminary Plat**, as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

From: [Jotform](#)
To: [Sylvia Miller](#); [Sylvia Miller](#); [Steven Josephson](#); [Dustin D. Dassinger](#); [Leonard W. Schwindt](#); [Joshua Skluzacek](#); [Nicole Snyder](#); [Nicole Snyder](#)
Subject: Re: Unified Development Application
Date: Friday, April 5, 2024 3:32:54 PM
Attachments: [5881619510017187092_signature_23.png](#)
[City of Dickinson Pre-Application.pdf](#)
[231254_Deed.pdf](#)
[231254_Transmittal-FLUM_2024-04-05.pdf](#)
[231254_FLUM_Map_2024-03-26.pdf](#)
[231254_Flood_Map_2024-03-26.pdf](#)
[231254_Parcel_Map_2024-03-26.pdf](#)
[231254_Utility_Map_2024-03-26.pdf](#)
[231254_Owner_Signature_2024-04-04.pdf](#)
[5881619510017187092_signature_23.png](#)



Unified Development Application

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

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

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

Name **Dawson Moore**

Company **n/a**

Applicant Email **mooredawson040@gmail.com**

Applicant Phone # **(701) 690-3727**

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 **Donald Gerber**

Owner Address 3983 Villard St E, Dickinson, ND, 58601

Owner Email mooredawson040@gmail.com

Owner Phone # (701) 690-3727

Is the owner present to Sign

Owner Signature Upload [231254_Owner Signature_2024-04-04.pdf](#)

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

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

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	SW1/4 Section 6	T139N	R95W

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	1	1	Moore 1st Subdivision

Property Address / General Project Location 0.3 miles east of Energy Drive north of Villard Street E

Total Square Footage or Acreage of Subject Property 2.11 acres

Proposed Month for Consideration May

Existing Future Land Use Map Category Industrial

Proposed Future Land Use Map Category Residential

Existing Zoning AG - Agriculture

Existing Use Agriculture

Overlay District Description n/a

Transmittal Letter (Explanation of Request & Proposed Operations) [231254_Transmittal-FLUM_2024-04-05.pdf](#)

Map of Proposed Amendment to Future Land Use Map - Drawn to Scale [231254_FLUM Map_2024-03-26.pdf](#)
[231254_Flood Map_2024-03-26.pdf](#)
[231254_Parcel Map_2024-03-26.pdf](#)
[231254_Utility Map_2024-03-26.pdf](#)

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 750

Deed for Property [231254_Deed.pdf](#)

Application Fees Applicable Fees 750.00 USD

Total: \$750.00
Transaction ID: b0pa452f

Payer Information

First Name: Andrew

Last Name: Schrank
E-Mail: mooredawson040@gmail.com

Applicant Signature

A handwritten signature in black ink, appearing to be 'AS' or similar, written over a horizontal line.

Date: 04-05-2024

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

DAWSON MOORE FLUM AMENDMENT (FLM-003-2024)

Section 3. Item E.





Transmittal Letter

To: Joshua Skluzacek – Community Development Director
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: April 5, 2024

Re: FLUM Application – Moore 1st Subdivision

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

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Written Statement (included, below) per Policy 1.3.3. of the Comprehensive Plan
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Current FLUM Designations from City's GIS Information
- Parcel Map for the Property from City's GIS Information
- Utility Map from City's GIS Information
- Flood Hazard Areas from City's GIS Information

FLUM Requested Change

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

office 701 483 2444
fax 701 483 2610

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

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

Legal Description of Proposed FLUM Changes

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Project Description

This property is currently owned by Donald L. Gerber, and he would like to convey this ±2.11-acre parcel to his grandson, Dawson Moore, so that he can build his primary residence within this site. The current Future Land Use Map (FLUM) depicts this property as *Industrial* and the current zoning is *Agricultural (AG)*, which does not allow for this proposed lots size and residential use. Therefore, this FLUM Amendment change to *Residential* is being requested. A zone change from *Agricultural* to *Rural Residential* is also being requested to allow for the proposed minor plat to meet City Ordinances.

In reviewing the land uses surrounding this site that are present to date, they are predominantly agricultural and residential with some intermixed industrial uses. Existing residences are present within ¼-mile of this site to the west, south, and east, making this proposed change a better fit for the current surrounding land uses than the current *Industrial* designation.

The applicant, Dawson Moore, indicated that his grandfather has no desire to develop or sell this property for development. Donald Gerber owns a large majority of the property on the easter side of the City's Corporates located just south I-94 that lie in the vicinity of this parcel. Therefore, he has control over a good portion of this area that is designated as *Industrial*. With his ownership of this property, industrial development is not anticipated in this area for the foreseeable future based on input from the applicant.

Allowing property to be passed down from generations to give younger individuals the opportunity to remain in Dickinson and the surrounding area is something that we believe the City should encourage. Approving this change will not significantly impact development patterns in this area since this is a smaller parcel of property, and it will provide an opportunity for this family to continue spreading their roots in the City and its surrounding area.

Access to this property is provided by an existing gravel driveway that connects from the SE corner of this property to Villard Street E. An access easement that will be recorded along with this minor plat, if approved, is being submitted with the minor plat application.

This area is also located outside of the City's Corporate Limits in the City's ETZ, and it is outside of the City's Urban Service Area, but within the City's Water Service Area.

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

Impact to the Future Land Use Map (FLUM)

This application would revise the FLUM from Industrial to Residential within the area described.

Consistency with the Comprehensive Plan policies and all other City plans

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

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

According to the City's GIS information, this property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. This parcel is located within the City's Water Service Boundary, and was part of Planning Period 3, 2019-2035 in the Comprehensive Plan. The water tank required by the Comprehensive Plan for this area has been constructed.

Since this site is intended to include a single residence, City services will not be extended to this site, and this project would have no impact to the availability of City infrastructure.

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

This property is located outside of the City’s Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. It is located near to and will be accessed from an existing public roadway, Villard Street E, by a proposed access easement.

By reducing the intensity of the allowable land uses from Industrial to Residential, the impact to City infrastructure would be reduced which could result in infrastructure and maintenance savings should this area require City services in the future.

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

The FLUM amendment would create a Residential designation within an area that is surrounded by industrial designations. Although this practice is not typically recommended by planners, we feel that this landowner should be able to convey his property to his grandson for construction of a residence. This is a small portion of land that will not have a significant impact on the development of this area. This owner is fully aware of the situation that he is entering into with the surrounding industrial land use designations, and existing residences are already present in the immediate vicinity of this site.

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

This residence would be located just outside the City’s corporate limits in an area that has seen similar residential development. Therefore, this proposal is not creating sprawling development patterns as it is close to the City and existing similar development.

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

This property is located outside of the City’s Urban Service Area boundary, so no improvements were proposed by these phases of the Comprehensive Plan. This parcel is located within the City’s Water Service Boundary, and was part of Planning Period 3, 2019-2035 in the Comprehensive Plan. The water tank required on this side of town as indicated by the Comprehensive Plan has been constructed.

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

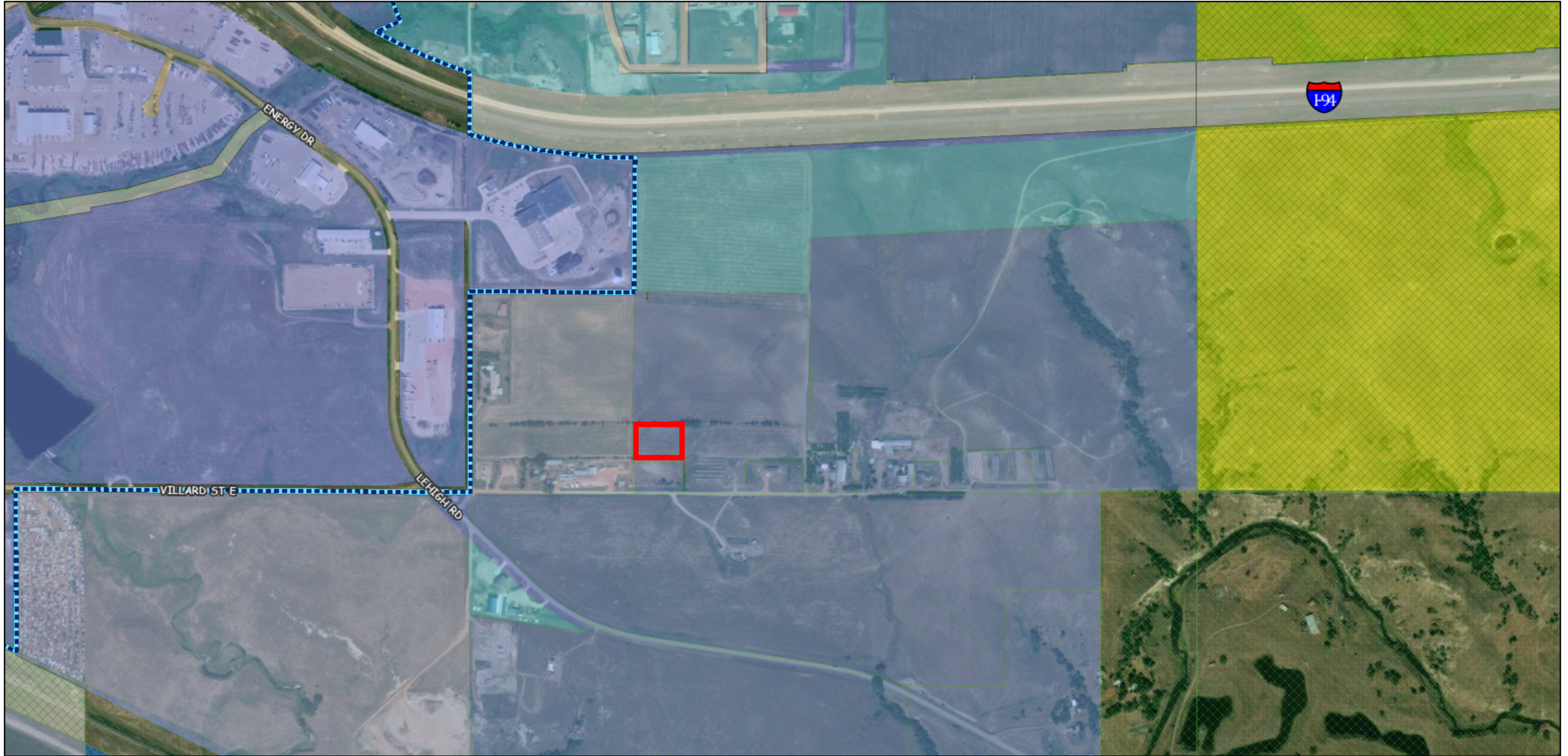
This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. This property is also located outside of the City's Corporate Limits. Therefore, this change will have no fiscal impact to the City.

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



Andrew Schrank, PE, CFM
Highlands Engineering

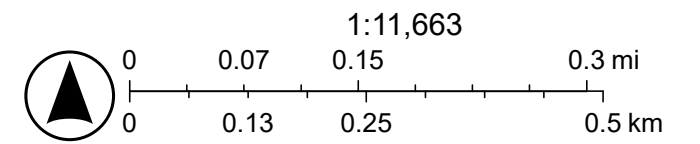
Dickinson Zoning Information Map



3/26/2024

- | | | |
|----------------------------|-------------------|----------------------------|
| Municipal Boundary | Agricultural - AG | Agricultural |
| Extra Territorial Boundary | Future Land Use | ROW |
| ETZ Zoning | Public/Civic | World Imagery |
| General Industrial - GI | Residential | Low Resolution 15m Imagery |
| Limited Industrial - LI | Industrial | |

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



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

Dickinson Land Information Map

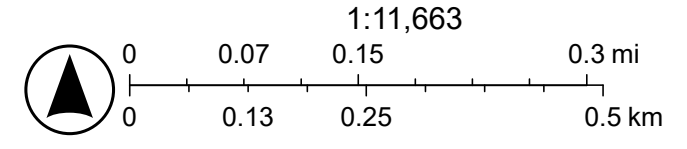


3/26/2024

- PLSS Description 12k
- Municipal Boundary
- Extra Territorial Boundary
- Urban Area Boundary
- Water Service Boundary
- Dickinson Tax Parcels
- ETZ Stark Parcels
- Lots and Easements

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

- Citations
- 2.4m Resolution Metadata



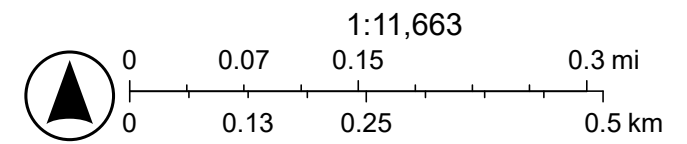
Pictometry International, Eagleview, City of Dickinson, Dickinson Engineering Department, Maxar

Dickinson Utility Information Map



3/26/2024

- | | | | | | | |
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| <ul style="list-style-type: none"> • Water Curb Stop Valve • Water System Valve Water Hydrant • City of Dickinson • Private or Other • Water Manhole | <p>Water Network Structures</p> <ul style="list-style-type: none"> Enclosed Storage Facility <p>Water Lateral Lines</p> <ul style="list-style-type: none"> Fire Hydrant Service | <p>Water Main Lines</p> <ul style="list-style-type: none"> Polyvinyl Chloride Ductile Iron Water Casings Water Abandoned Points Water Abandoned Lines Sanitary Control Valve | <ul style="list-style-type: none"> • Sanitary Clean Outs • Sanitary Manhole Sanitary Lateral Lines Sanitary Gravity Mains Sanitary Pressurized Mains Sanitary Casings | <p>Sanitary Network Structures</p> <ul style="list-style-type: none"> Lift Station Storm Inlets Storm Discharge Storm Gravity Mains Storm Culverts Storm Open Drains | <p>Storm Detention Structures</p> <ul style="list-style-type: none"> Poles Street Lighting, City of Dickinson Electric Access Points Pull Box Service Box Electric Lines | <ul style="list-style-type: none"> Communication Lines |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|



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

Low Resolution 15m Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery
Citations
2.4m Resolution Metadata

FEMA Flood Hazard Changes Map



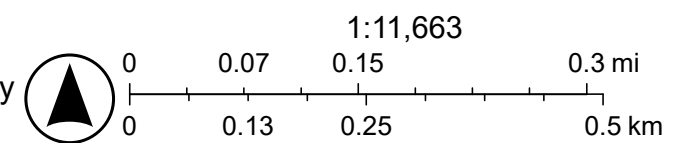
3/26/2024

- | | | |
|--------------------------------|--------------------------------------|-------------------------------------|
| Municipal Boundary | Increase | Intersected by SFHA Zones (A or AE) |
| Extra Territorial Boundary | Current SFHA Boundary | Intersected by SFHA Zones (A or AE) |
| North Dakota County Boundaries | FLOODWAY (AE) | World Imagery |
| SFHA Area Changes | Preliminary SFHA Boundary | Low Resolution 15m Imagery |
| Decrease | Non-Intersecting After Changes (141) | High Resolution 60cm Imagery |

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata



Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Dickinson Engineering Department, Maxar



DAWSON MOORE FUTURE LAND USE MAP Amendment Staff Report

To: City of Dickinson Planning and Zoning Commission
 From: City of Dickinson Community Development Services
 Date: May 8, 2024
 Re: FLM-003-2024 Future Land Use Map Amendment

OWNER/APPLICANT

Dawson Moore
 3983 Villard Street E
 Dickinson, ND, 58601
 Mooredawson040@fgmail.com
 701-690-3727

APPLICANT'S REPRESENTATIVE

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

Public Hearing	May 8, 2024	Planning and Zoning Commission
Public Hearing	May 21, 2024	City Commission
Final Consideration	June 4, 2024	City Commission

To consider a future land use map (FLUM) amendment for an un-platted 2.11-acre property located in the southwest quarter (SW1/4) of Section 6, Township 139 North, Range 95W located within the City of Dickinson's ETZ. The subject property is generally located 220 feet north of Villard Street East and 1100 feet east of 35th Avenue East. The applicant seeks to plat approximately 2 acres to build a single-family residence. City of Dickinson water infrastructure exists at the intersection of Energy Drive and Villard Street East which is approximately 1100 feet west of the proposed single-family residence. City of Dickinson sanitary sewer infrastructure exists west of the intersection of Energy Drive and Villard Street East approximately 2150 feet or approximately 3250 feet west of the proposed single-family residence.

Staff Recommendation: Denial

A companion zoning map amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (REZ-004-2024).

A companion preliminary/final subdivision request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLP 010-2024).

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	INDUSTRIAL
GROSS SITE ACREAGE	+/- 2.11 acres
LOTS PROPOSED	One

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	AG	Undeveloped
East	AG	Undeveloped
South	AG	Undeveloped
West	AG	Undeveloped

BACKGROUND

When the FLUM was adopted in March 2013 as part of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the subject property, along with adjacent properties to the north, south, east and west, were designation as Industrial. According to Chapter 4 Land Use of the Comprehensive Plan, the FLUM designations were determined as follows:

- City planner input on general mapping strategies as well as the location of specific FLUM designations;
- Public comment received on specific FLUM designations;
- Existing land use pattern;
- Development trends;
- Land use compatibility; and
- Preferred future development of existing properties.

These factors are listed on page 110 of Chapter 4 Land Use of the Comprehensive Plan.

Although the current AG zoning of the subject lot is not consistent with the current Industrial FLUM designation, Chapter 4-Land Use of the Comprehensive Plan states that in all cases properties with existing uses that are not consistent with the FLUM would retain the legal right to develop the property in compliance with the existing zoning district designation. Page 110 of Chapter 4 Land Use of the Comprehensive Plan addresses inconsistencies between FLUM designations and existing zoning district designations.

CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS

Consistency with Comprehensive Plan

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

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

- *Impact to the FLUM.*
- *Consistency with comprehensive plan policies and all other city plans.*
- *Availability of city infrastructure to serve the property in which the FLUM amendment is requested.*
- *Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure.*
- *Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations.*
- *Extent to which the requested future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development.*
- *Whether the first two phases of the Capital Improvement Program include programmed improvements in the area where the FLUM amendment is proposed.*
- *Short-term and long-term fiscal impacts to the City of approving the FLUM amendment.*

Staff finds the following:

- Approval of the proposed amendment would impact the FLUM by creating an area that is not consistent with the adjacent FLUM designations. It would essentially create a residential island in an area that is intended for development that is incompatible with residential uses;

- As the adjacent properties to the north, south, east and west are designated on the FLUM as Industrial, the requested future land use designation is not compatible in relationship to abutting or adjacent future land use designation

Compatibility with Local Uses

A lumberyard operation is located immediately to the southwest of the subject property. A lumberyard operation is considered a construction sales and services use. Section 39.03.00

Commercial Use Types of the City's Zoning Ordinance describes construction sales and services uses as follows:

"Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales."

As the lumberyard is located on a property zoned AG the operation is considered as a legal non-conforming use as construction sales and uses are only allowed in the Community Commercial, General Commercial, Limited Commercial and General Commercial zoning districts (Article 39.04 of the City Zoning Ordinance).

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

Staff Recommendation: Based upon the findings listed above the City Community Development Team staff recommends **denial** of FLM-003-2024.

MOTIONS:

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLM-003-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan and as being contrary to interest of the public health, safety and welfare."*

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-003-2024** as being compliant with the City of Dickinson Comprehensive Plan and also being in the interest of the public health, safety and welfare "*

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

1. _____;
2. _____.

From: Jotform
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Nicole Snyder; Nicole Snyder
Subject: Re: Unified Development Application
Date: Friday, April 5, 2024 3:38:50 PM
Attachments: 5881623070013921304_signature_23.png
 City of Dickinson Pre-Application.pdf
 231254_Deed.pdf
 231254_Transmittal-REZONE_2024-04-05.pdf
 231254_Flood_Map_2024-03-26.pdf
 231254_Parcel_Map_2024-03-26.pdf
 231254_Utility_Map_2024-03-26.pdf
 231254_Zoning_Map_2024-03-26.pdf
 231254_Owner_Signature_2024-04-04.pdf
 5881623070013921304_signature_23.png



Unified Development Application

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

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

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

Name **Dawson Moore**

Company **n/a**

Applicant Email **mooredawson040@gmail.com**

Applicant Phone # **(701) 690-3727**

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 **Donald Gerber**

Owner Address 3983 Villard St E, Dickinson, ND, 58601

Owner Email mooredawson040@gmail.com

Owner Phone # (701) 690-3727

Is the owner present to Sign

Owner Signature Upload [231254_Owner Signature_2024-04-04.pdf](#)

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

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

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	SW1/4 Section 6	T139N	R95W

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	1	1	Moore 1st Subdivision

Property Address / General Project Location 0.3 miles east of Energy Drive north of Villard Street E

Total Square Footage or Acreage of Subject Property 2.11 acres

Transmittal Letter (Explanation of Request & Proposed Operations) [231254_Transmittal-REZONE_2024-04-05.pdf](#)

Existing Zoning AG - Agriculture

Proposed Zoning RR - Rural Residential

Rezone Calc Multiplier 1

Overlay District Description n/a

Map of Area to be Rezoned [231254_Flood Map_2024-03-26.pdf](#)
[231254_Parcel Map_2024-03-26.pdf](#)
[231254_Utility Map_2024-03-26.pdf](#)
[231254_Zoning Map_2024-03-26.pdf](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Deed for Property [231254_Deed.pdf](#)

Application Fees Applicable Fees 350.00 USD

Total: \$350.00
Transaction ID: 26bkvtwc

Payer Information

First Name: Andrew
Last Name: Schrank
E-Mail: mooredawson040@gmail.com

Applicant Signature



Date

04-05-2024

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

DAWSON MOORE REZONE (REZ-004-2024)

Section 3. Item F.





Transmittal Letter

To: Joshua Skluzacek – Community Development Director
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: April 5, 2024

Re: Rezone Application – Moore 1st Subdivision

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

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Current Zoning Designations from City's GIS Information
- Parcel Map for the Property from City's GIS Information
- Utility Map from City's GIS Information
- Flood Hazard Areas from City's GIS Information

Rezoning Request

The applicant is requesting a change from Agricultural (AG) to Rural Residential (RR) for the area described by this application.

office 701 483 2444
fax 701 483 2610

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

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

Legal Description of Proposed FLUM Changes

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Project Description

This property is currently owned by Donald L. Gerber, and he would like to convey this ±2.11-acre parcel to his grandson, Dawson Moore, so that he can build his primary residence within this site. The current Future Land Use Map (FLUM) depicts this property as *Industrial* and the current zoning is *Agricultural (AG)*, which does not allow for this proposed lots size and residential use. Therefore, this zone change to *Rural Residential* is being requested to allow for the proposed minor plat to meet City Ordinances.

In reviewing the land uses surrounding this site that are present to date, they are predominantly agricultural and residential with some intermixed industrial uses. Existing residences are present within ¼-mile of this site to the west, south, and east, making this proposed change a better fit for the current surrounding land uses than the current Industrial designation.

The applicant, Dawson Moore, indicated that his grandfather has no desire to develop or sell this property for development. Donald Gerber owns a large majority of the property on the easter side of the City's Corporates located just south I-94 that lie in the vicinity of this parcel. Therefore, he has control over a good portion of this area that is designated as Industrial. With his ownership of this property, industrial development is not anticipated in this area for the foreseeable future based on input from the applicant.

Allowing property to be passed down from generations to give younger individuals the opportunity to remain in Dickinson and the surrounding area is something that we believe the City should encourage. Approving this change will not significantly impact development patterns in this area since this is a smaller parcel of property, and it will provide an opportunity for this family to continue spreading their roots in the City and its surrounding area.

Access to this property is provided by an existing gravel driveway that connects from the SE corner of this property to Villard Street E. An access easement that will be recorded along with this minor plat, if approved, is being submitted with the minor plat application.

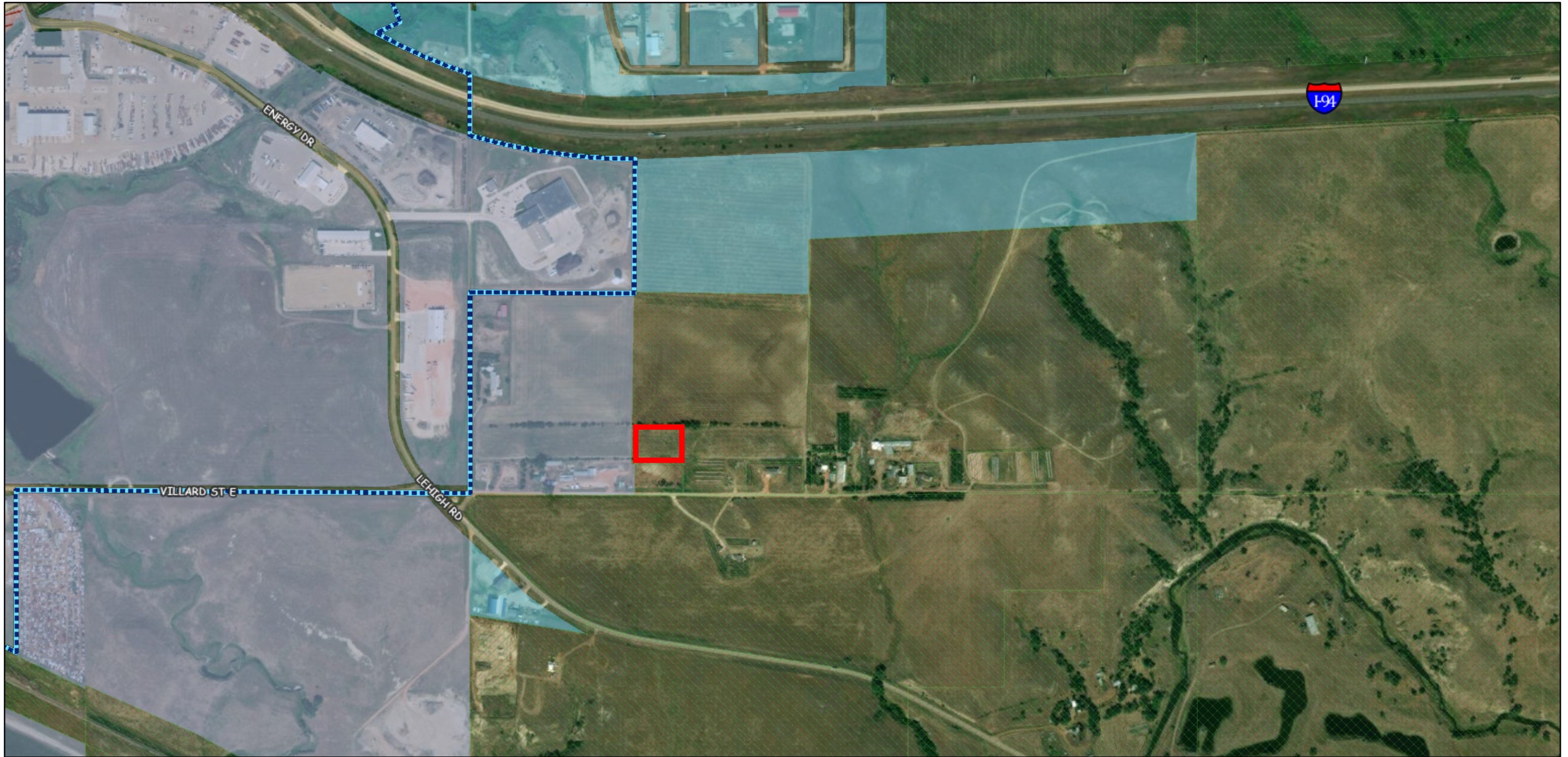
This area is also located outside of the City's Corporate Limits in the City's ETZ, and it is outside of the City's Urban Service Area, but within the City's Water Service Area.

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



Andrew Schrank, PE, CFM
Highlands Engineering

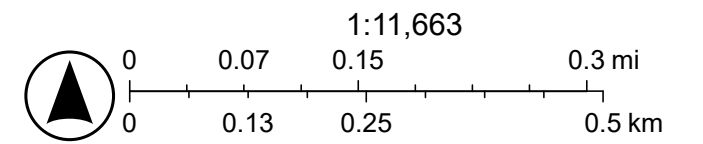
Dickinson Zoning Information Map



3/26/2024

- | | | |
|----------------------------|-------------------------|----------------------------|
| Municipal Boundary | General Industrial - GI | Limited Industrial - LI |
| Extra Territorial Boundary | Limited Industrial - LI | Agricultural - AG |
| Dickinson Zoning | ETZ Zoning | World Imagery |
| General Commercial - GC | General Industrial - GI | Low Resolution 15m Imagery |

- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 2.4m Resolution Metadata



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

Dickinson Land Information Map

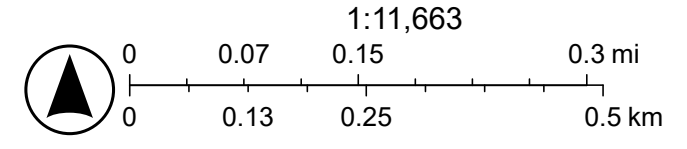


3/26/2024

- PLSS Description 12k
- Municipal Boundary
- Extra Territorial Boundary
- Urban Area Boundary
- Water Service Boundary
- Dickinson Tax Parcels
- ETZ Stark Parcels
- Lots and Easements

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

- Citations
- 2.4m Resolution Metadata



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

FEMA Flood Hazard Changes Map



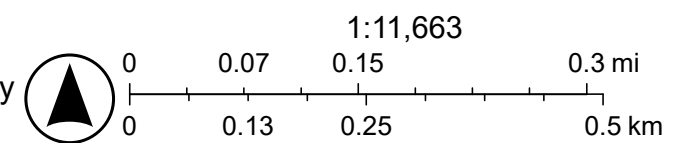
3/26/2024

- | | | |
|--------------------------------|--------------------------------------|-------------------------------------|
| Municipal Boundary | Increase | Intersected by SFHA Zones (A or AE) |
| Extra Territorial Boundary | Current SFHA Boundary | Intersected by SFHA Zones (A or AE) |
| North Dakota County Boundaries | FLOODWAY (AE) | World Imagery |
| SFHA Area Changes | Preliminary SFHA Boundary | Low Resolution 15m Imagery |
| Decrease | Non-Intersecting After Changes (141) | High Resolution 60cm Imagery |

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata



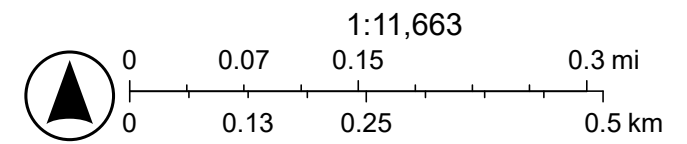
Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Dickinson Engineering Department, Maxar

Dickinson Utility Information Map



3/26/2024

- | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <ul style="list-style-type: none"> • Water Curb Stop Valve • Water System Valve • Water Hydrant • City of Dickinson • Private or Other • Water Manhole | <p>Water Network Structures</p> <ul style="list-style-type: none"> ■ Enclosed Storage Facility <p>Water Lateral Lines</p> <ul style="list-style-type: none"> — Fire — Hydrant — Service | <p>Water Main Lines</p> <ul style="list-style-type: none"> — Polyvinyl Chloride — Ductile Iron — Water Casings ⊠ Water Abandoned Points ⊠ Water Abandoned Lines • Sanitary Control Valve | <ul style="list-style-type: none"> • Sanitary Clean Outs • Sanitary Manhole — Sanitary Lateral Lines — Sanitary Gravity Mains — Sanitary Pressurized Mains — Sanitary Casings | <p>Sanitary Network Structures</p> <ul style="list-style-type: none"> ■ Lift Station ■ Storm Inlets ■ Storm Discharge ■ Storm Gravity Mains ■ Storm Culverts ■ Storm Open Drains | <p>Storm Detention Structures</p> <ul style="list-style-type: none"> ■ Storm Detention Structures <p>Poles</p> <ul style="list-style-type: none"> • Street Lighting, City of Dickinson • Electric Access Points • Pull Box • Service Box • Electric Lines | <p>— Communication Lines</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|



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

Low Resolution 15m Imagery
High Resolution 60cm Imagery
High Resolution 30cm Imagery
Citations
2.4m Resolution Metadata



Moore ZONING MAP AMENDMENT REQUEST

To: City of Dickinson Board of Commissioners
From: City of Dickinson Community Development Services
Date: May 1, 2024
Re: REZ-004-2024 Zoning Map Amendment

APPLICANT

Dawson Moore
3983 Villard Street East
Dickinson, ND, 58601
Mooredawson040@gmail.com
701 690-3727

APPLICANT'S REPRESENTATIVE

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

Public Hearing	May 8, 2024	Planning and Zoning Commission
Public Hearing	May 21, 2024	City Commission
Final Consideration	June 4, 2024	City Commission

To consider a zoning map amendment for an un-platted 2.11-acre property located in the southwest quarter (SW1/4) of Section 6, Township 139 North, Range 96W located within the City of Dickinson's ETZ. The subject property is generally located 220 feet north of Villard Street East and 1100 feet east of 35th Avenue East. The applicant seeks to plat approximately 2.11 acres to build a single-family residence. City of Dickinson water infrastructure exists at the intersection of Energy Drive and Villard Street East which is approximately 1100 feet west of the proposed single-family residence. City of Dickinson sanitary sewer infrastructure exists west of the intersection of Energy Drive and Villard Street East approximately 2150 feet or approximately 3250 feet west of the proposed single-family residence.

Staff Recommendation: Denial

A companion Future Land Use Map (FLUM) amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLUM-003-2024).

A companion preliminary/final subdivision request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLP 010-2024).

Staff recommendation: Denial

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	INDUSTRIAL
GROSS SITE ACREAGE	+/- 2.11
LOTS PROPOSED	One

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	AG	Undeveloped
East	AG;	Undeveloped
South	AG	Undeveloped
West	AG	Undeveloped

CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS

Consistency with The Comprehensive Plan

The subject property, adjacent properties and properties in the immediate vicinity are designated on the Future Land Use Map (FLUM) of the City’s Comprehensive Plan as INDUSTRIAL. According to Table 4-21 referenced in Policy 1.3.2 of Chapter 4-Land Use of the Comprehensive Plan, the RR zoning district is not deemed to be consistent with the INDUSTRIAL FLUM designation.

Compatibility with Local Uses

A lumberyard operation is located immediately to the southwest of the subject property. A lumberyard operation is considered a construction sales and services use. Section 39.03.00 Commercial Use Types of the City's Zoning Ordinance describes construction sales and services uses as follows:

"Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales."

As the lumberyard is located on a property zoned AG the operation is considered as a legal non-conforming use as a construction sale/service use is only allowed in the Community Commercial, General Commercial, Limited Industrial and General Industrial zoning districts (Article 39.04 of the City Zoning Ordinance).

Within one-half mile to the east of the subject property are two AG-zoned properties developed with single-family residential structures. As each of these properties is approximately two acres in area, neither one complies with the minimum lot size for AG zoning. The existence of these two properties does not establish an emerging residential development pattern along this portion of Villard Street East.

Staff Recommendation: The City Community Development Team staff recommends denial of REZ-004-2024.

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

MOTIONS:

*****Denial*****

*"I move the City of Dickinson Planning and Zoning Commission recommend denial of **REZ-004-2024** as NOT being consistent with the City of Dickinson Comprehensive Plan and as NOT being compliant with the City of Dickinson Zoning Ordinance and also being contrary to 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. _____.

*****Approval*****

*"I move the Dickinson Planning and Zoning Commission recommend approval of **REZ-004-2024** as T being consistent with the City of Dickinson Comprehensive Plan and as being compliant with the City of Dickinson Zoning Ordinance and as being in 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; Nicole Snyder; Nicole Snyder
Subject: Re: Unified Development Application
Date: Friday, April 5, 2024 3:48:32 PM
Attachments: [231254 Moore 1st Subdivision Plat 4-3-24.pdf](#)
[231254 Access Easement 2024-04-04.pdf](#)
[231254 Closure Report 2024-04-05.pdf](#)
[231254 Flood Map 2024-03-26.pdf](#)
[231254 Parcel Map 2024-03-26.pdf](#)
[231254 Transmittal-MINOR PLAT 2024-04-05.pdf](#)
[231254 Utility Map 2024-03-26.pdf](#)
[City of Dickinson Pre-Application.pdf](#)
[231254 Deed.pdf](#)
[231254 Owner Signature 2024-04-04.pdf](#)
[5881628120016069279_signature_23.png](#)



Unified Development Application

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

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

Type of Development **Minor Subdivision Plat**

Is this a Replat **No**

Name Dawson Moore

Company n/a

Applicant Email mooredawson040@gmail.com

Applicant Phone # (701) 690-3727

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: Donald Gerber
 Owner Address: 3983 Villard St E, Dickinson, ND, 58601, Dickinson, ND, 58601
 Owner Email: mooredawson040@gmail.com
 Owner Phone #: (701) 690-3727

Is the owner present to Sign:

Owner Signature Upload: [231254_Owner Signature_2024-04-04.pdf](#)

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


Metes and Bounds Description (ONLY REQUIRED FOR UNPLATTED SUBDIVISION LOTS): A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

	1/4 Section	Township	Range
Description	SW1/4 Section 6	T139N	R95W

Property Address / General Project Location: 0.3 miles east of Energy Drive north of Villard Street E

Total Square Footage or Acreage of Subject Property	2.11 acres						
Rezone Calc Multiplier	0						
Minor Platting Multiplier	1						
Prelim Platting Multiplier	0						
Major Platting Multiplier	0						
Name of Plat	Moore 1st Subdivision						
Number Lots	1 to 10 Lots						
Number of Block(s)	1 0 existing - 1 proposed						
Application Calc	500						
Required Documentation Upload	231254 Moore 1st Subdivision Plat 4-3-24.pdf 231254 Access Easement 2024-04-04.pdf 231254 Closure Report 2024-04-05.pdf 231254 Flood Map 2024-03-26.pdf 231254 Parcel Map 2024-03-26.pdf 231254 Transmittal-MINOR PLAT 2024-04-05.pdf 231254 Utility Map 2024-03-26.pdf						
Deed for Property	231254 Deed.pdf						
Application Fees	<table><tr><td>Applicable Fees</td><td>500.00 USD</td></tr><tr><td>Total:</td><td>\$500.00</td></tr><tr><td>Transaction ID:</td><td>k8v3t9bw</td></tr></table>	Applicable Fees	500.00 USD	Total:	\$500.00	Transaction ID:	k8v3t9bw
Applicable Fees	500.00 USD						
Total:	\$500.00						
Transaction ID:	k8v3t9bw						
	Payer Information						
	First Name: Andrew Last Name: Schrank E-Mail: mooredawson040@gmail.com						
Applicant Signature							
Date	04-05-2024						

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

DAWSON MOORE MINOR PLAT (FLP-010-2024)

Section 3. Item G.





Transmittal Letter

To: Joshua Skluzacek – Community Development Director
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: April 5, 2024

Re: Minor Plat Application – Moore 1st Subdivision

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

- Pre-submittal Meeting Letter
- Written Statement (included, below)
- Legal Description (included, below) of the Property
- Warranty Deed for the Property
- Current Preliminary Plat Drawing with Aerial Image Showing Current Site and Surrounding Land Uses and Buildings
- Minor Plat Drawing
- Subdivision Plat Closure Report
- Parcel Map for the Property from City's GIS Information
- Utility Map from City's GIS Information
- Flood Hazard Areas from City's GIS Information

Legal Description of Property

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Written Statement

This property located just outside the City's Corporate Limits is currently owned by Donald L. Gerber, and he would like to convey this ±2.11-acre parcel to his grandson, Dawson Moore, so that he can build his primary residence within this site. Approval of this plat will require a zone change to Rural Residential (RR) to allow for the proposed lot size.

This property does not directly abut existing public right-of-way. Access to this property is provided by an existing gravel driveway that connects from the SE corner of this property to Villard Street E. An access easement will be recorded along with this minor plat, if approved. A draft of this easement is submitted with this minor plat application.

The applicant does own additional surrounding land. 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 to the best of our knowledge.

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



Andrew Schrank, PE, CFM
Highlands Engineering

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

MOORE 1ST SUBDIVISION

A PARCEL OF LAND LOCATED IN THE SE¹/₄SW¹/₄ SECTION SIX (6) T139N, R95W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¹/₄SW¹/₄) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

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 MOORE 1ST SUBDIVISION PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF THE SURVEY, THAT ALL DISTANCES ARE CORRECT, MONUMENTS ARE PLACED IN THE GROUND AS SHOWN, THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT AND WAS MADE BY ME, OR UNDER MY DIRECTION, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____ }
COUNTY OF _____ } SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____, STATE OF _____

PROPRIETOR'S CERTIFICATE

I, DONALD L. GERBER, RESIDING AT 3983 EAST VILLARD STREET, DICKINSON, ND 58601, OWNER AND PROPRIETOR OF PROPERTY LYING IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE¹/₄SW¹/₄) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH, RANGE NINETY-FIVE WEST (95) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), STARK, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
DONALD L. GERBER

STATE OF _____ }
COUNTY OF _____ } SS

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

CITY OF DICKINSON COMMISSION APPROVAL

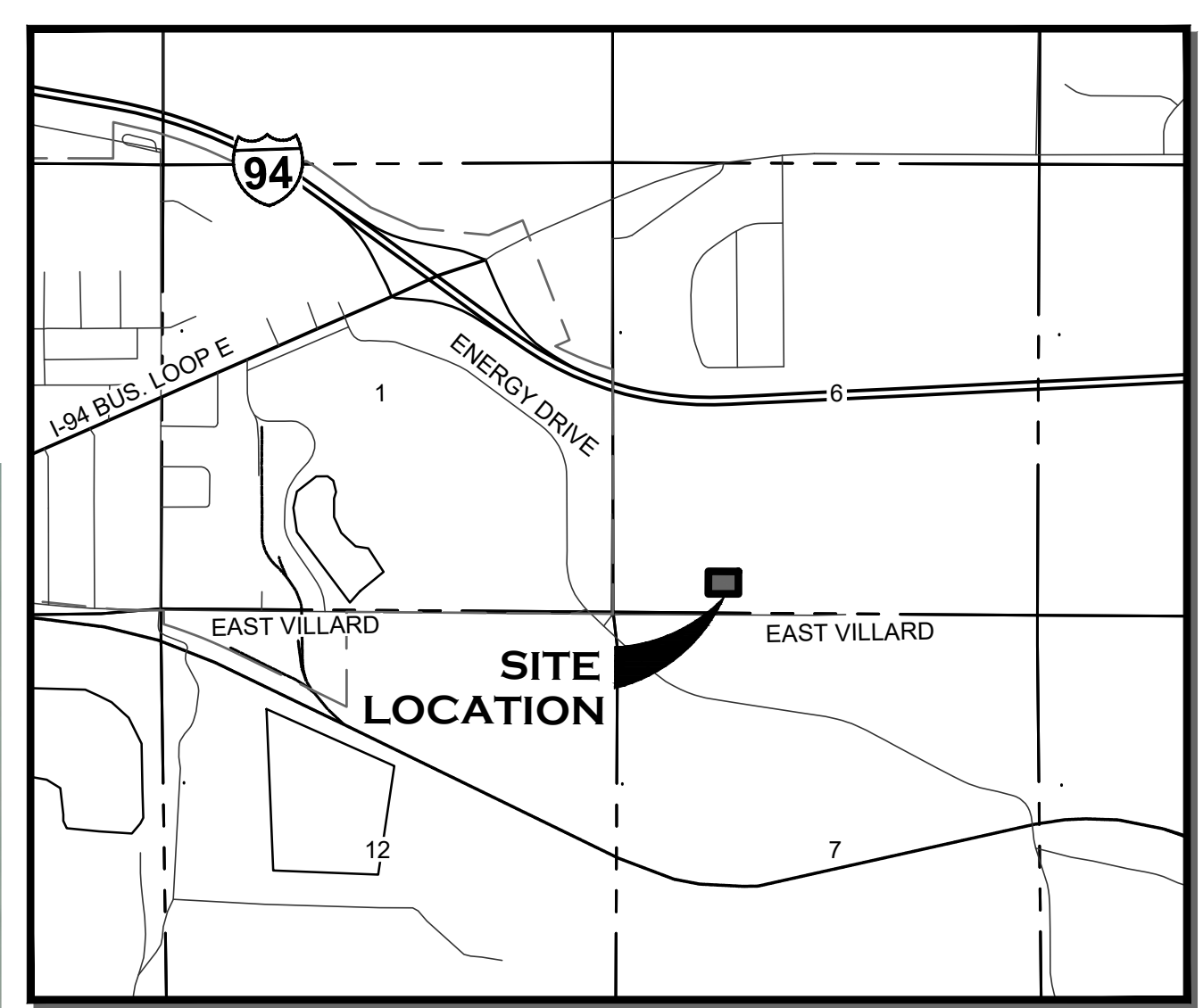
PRESIDENT DATE: _____

CITY ENGINEER APPROVAL

CITY ENGINEER DATE: _____

CITY PLANNING COMMISSION APPROVAL

SECRETARY DATE: _____



VICINITY MAP
1" = 2000'

LEGEND

- PROPERTY BOUNDARY
- - - - - EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SECTION LINE
- RIGHT-TO-TRAVEL PER NDCC 24-07-03
- ⊕ SECTION CORNER
- BUILDING SETBACK
- x-x-x-x-x EXISTING FENCE

STATE PLANE COORDINATES
NAD 83 (86), SOUTH ZONE
U.S. FOOT, GRID DISTANCE

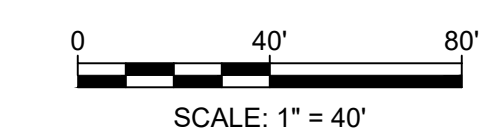
POINT	NORTHING (FT)	EASTING (FT)
(A)	448,940.16	1,411,762.24
(B)	448,791.22	1,416,753.93
(C)	449,109.41	1,413,231.00
(D)	449,119.90	1,412,878.73
(E)	450,272.99	1,412,922.00

NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE OF THE 0.2% 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 NOVEMBER 4, 2010.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: DECEMBER 28, 2023



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

PROJECT NUMBER: 231254	SCALE: 1"=40'
DRAWN BY: AJA	DATE: 04/03/24

MOORE 1ST SUBDIVISION

A PARCEL OF LAND LOCATED IN THE SE¹/₄SW¹/₄ SECTION SIX (6) T139N, R95W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

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IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

KC HOMISTON, LS-5466

STATE OF _____ }
COUNTY OF _____ } SS

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____ STATE OF _____

PROPRIETOR'S CERTIFICATE

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IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

BY: _____
DONALD L. GERBER

STATE OF _____ }
COUNTY OF _____ } SS

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NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____
RESIDING AT COUNTY OF _____ STATE OF _____

CITY OF DICKINSON COMMISSION APPROVAL

PRESIDENT DATE: _____

CITY ENGINEER APPROVAL

CITY ENGINEER DATE: _____

CITY PLANNING COMMISSION APPROVAL

SECRETARY DATE: _____

SE CORNER
LOT 1, BLOCK 1
DICKINSON PUBLIC
WORKS FACILITY
FOUND REBAR & CAP
LS-5771

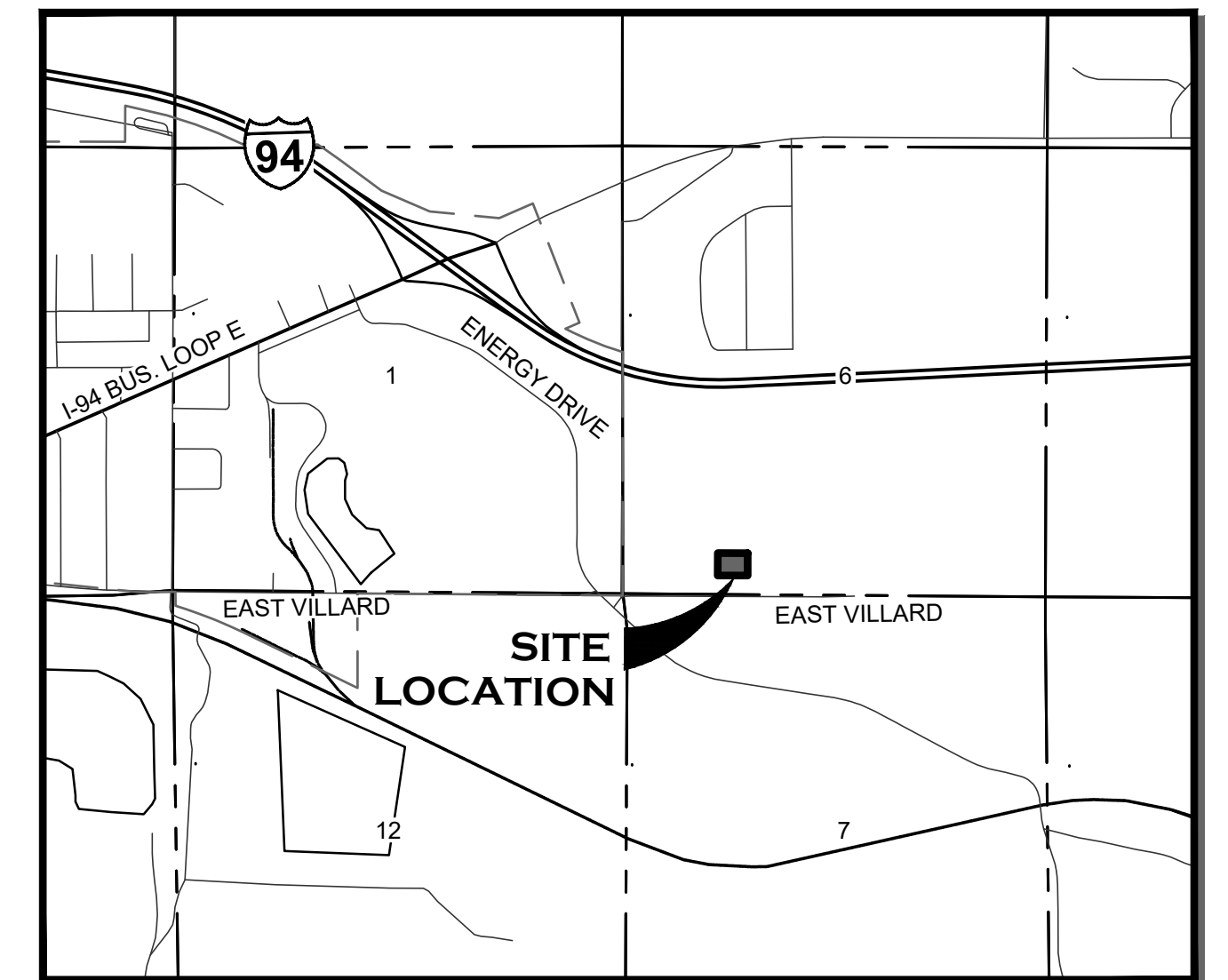
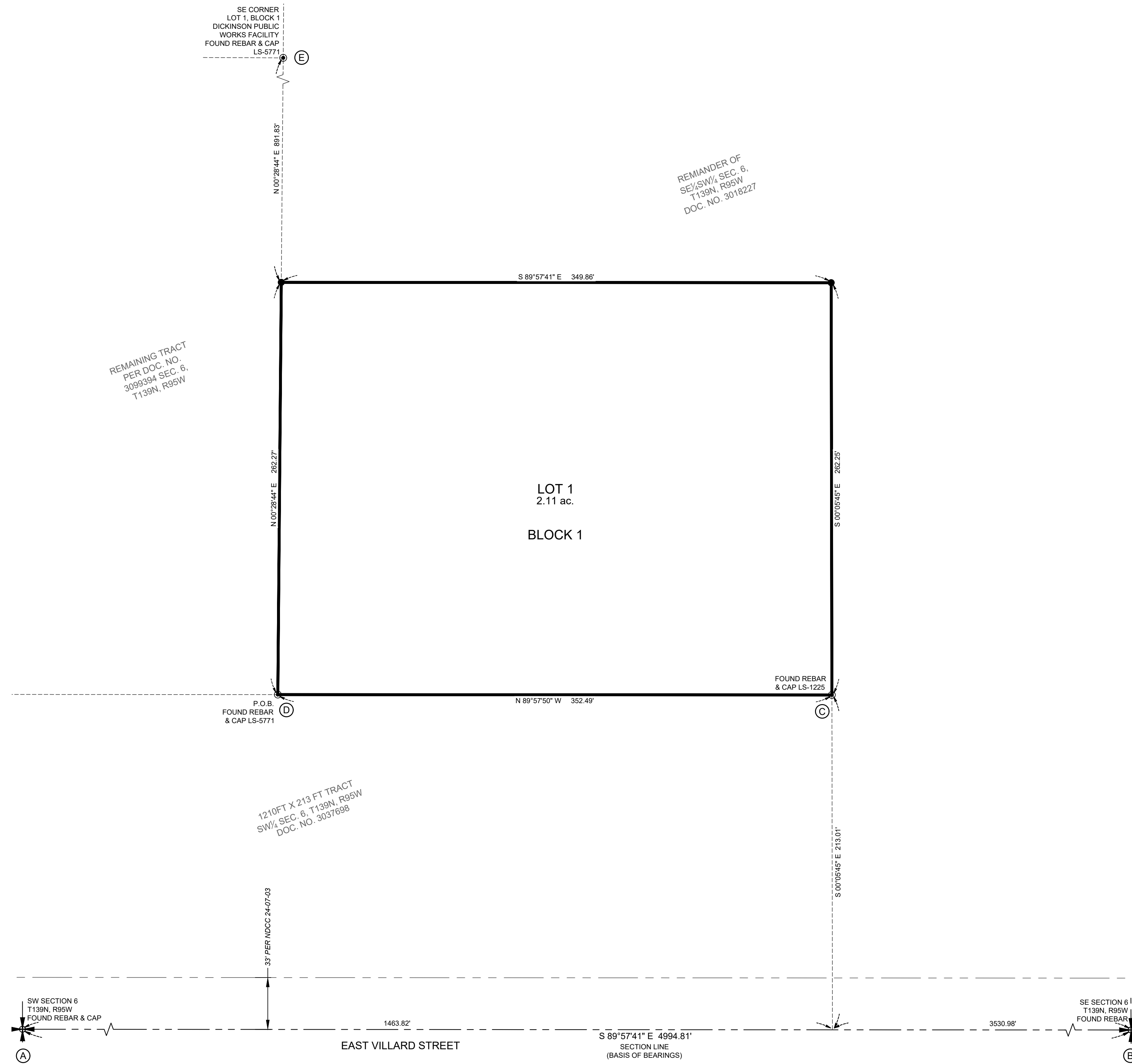
REMAINDER OF
SE¹/₄SW¹/₄ SEC. 6,
T139N, R95W
DOC. NO. 3018227

REMAINING TRACT
PER DOC. NO.
3099394 SEC. 6,
T139N, R95W

1210FT X 213 FT TRACT
SW¹/₄ SEC. 6, T139N, R95W
DOC. NO. 3037698

P.O.B.
FOUND REBAR
& CAP LS-5771

FOUND REBAR
& CAP LS-1225



VICINITY MAP
1" = 2000'

LEGEND

- PROPERTY BOUNDARY
- - - - - EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- - - - - SECTION LINE
- ⊕ RIGHT-TO-TRAVEL PER NDCC 24-07-03
- ⊕ SECTION CORNER

STATE PLANE COORDINATES
NAD 83 (86), SOUTH ZONE
U.S. FOOT, GRID DISTANCE

POINT	NORTHING (FT)	EASTING (FT)
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(D)	449,119.90	1,412,878.73
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SURVEY NOTES

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- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: DECEMBER 28, 2023



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

PROJECT NUMBER: 231254	SCALE: 1"=40'
DRAWN BY: AJA	DATE: 04/03/24

INGRESS/EGRESS EASEMENT

THIS EASEMENT, made this _____ day of _____, 20____, between DONALD L. GERBER, whose post office address is 3983 East Villard Street, Dickinson, ND 58601, hereinafter referred to as "GRANTOR", and DAWSON MOORE, whose post office address is 4053 East Villard Street, Dickinson, ND 58601, hereinafter referred to as "GRANTEE".

WITNESSETH, That for valuable consideration received, GRANTOR does hereby grant unto GRANTEE in perpetuity, its and their respective successors and assigns, a non-exclusive fifty foot wide (50') easement and right-of-way to the existing roadway, to construct, reconstruct, maintain, repair, replace such roadway as the Grantee may from time to time require, consisting of but not limited to, grading, leveling, filling, draining, paving, building, maintaining, repairing, and rebuilding, in addition to spreading gravel and removing snow, upon, over, under, and across the following-described land:

See legal description on enclosed of Ingress/Egress Easement Exhibit for the benefit of Lot 1, Block 1, Moore 1st Subdivision, City of Dickinson, Stark County, North Dakota.

GRANTOR, its successors and assigns, hereby grants to Grantee, jointly and severally, its and their successors and assigns, the right of ingress and egress at all reasonable times over and across the lands of Grantor, to and from said strip of land for the purpose of exercising the rights herein granted and to place surface markers within said strip.

GRANTOR, its successors and assigns, agrees not to build, create or construct or permit to be built, created or constructed, any obstruction, building, engineering works or other structures upon, over or under the strip of land herein described or that would interfere with the herein stated uses, or Grantee's rights hereunder. GRANTOR agrees not to alter the existing grade within the easement without prior approval from GRANTEE.

GRANTEE agrees that the easement will be left in good repair so that there is no unreasonable damage and that any and all damages that may result to the crops, fences, and improvements on said premises caused by the construction and maintenance of said roadway will be paid for by GRANTEE if not able to be repaired to their existing condition. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the responsible GRANTEE and one by GRANTOR; these two shall select a third person. The award determined by these three persons shall be final and conclusive.

ENCLOSURE: Ingress / Egress Easement Exhibit

IN WITNESS WHEREOF, GRANTOR has executed this easement as of the day and year first above written.

GRANTOR

By: Donald L. Gerber

Signature: _____

STATE OF _____)

) ss

COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared Donald L. Gerber, who is the **GRANTOR** described herein, known to me, and who executed the within and foregoing document and acknowledged to me that such entity executed the same.

Signature: _____

_____, Notary Public

State of North Dakota

My Commission Expires: _____

GRANTEE

By: Dawson Moore

Signature: _____

STATE OF _____)

) ss

COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared Dawson Moore, who is the **GRANTEE** described herein, known to me, and who executed the within and foregoing document and acknowledged to me that such entity executed the same.

Signature: _____

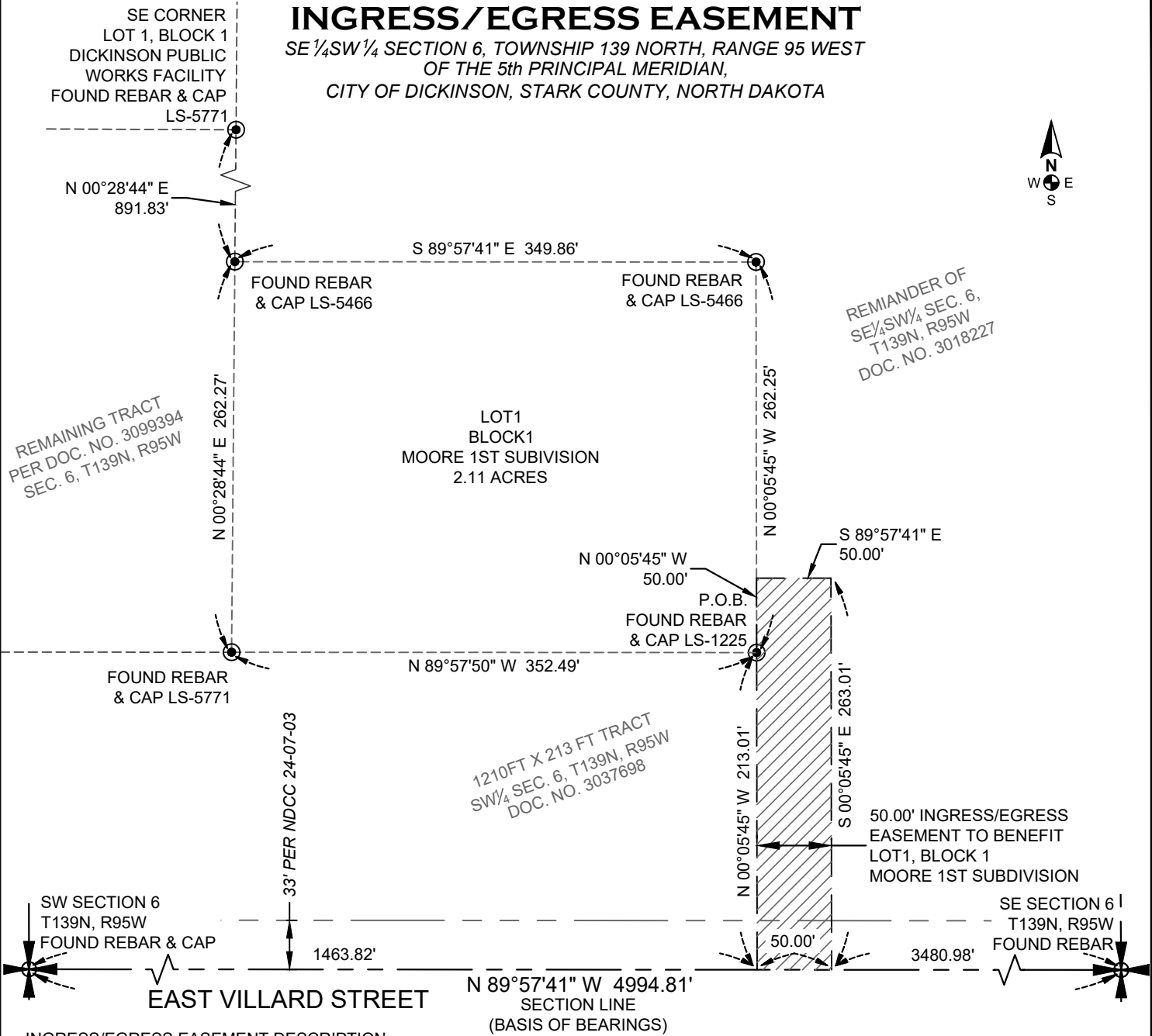
_____, Notary Public

State of North Dakota

My Commission Expires: _____

INGRESS/EGRESS EASEMENT

SE 1/4 SW 1/4 SECTION 6, TOWNSHIP 139 NORTH, RANGE 95 WEST
OF THE 5th PRINCIPAL MERIDIAN,
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



INGRESS/EGRESS EASEMENT DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE 1/4 SW 1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698 BEING A FOUND REBAR AND CAP LS-1225; THENCE N 00°05'45" W, A DISTANCE OF 50.00 FEET; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 50.00 FEET; THENCE S 00°05'45" E PARALLEL TO THE EAST LINE OF SAID TRACT, A DISTANCE OF 263.01 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION SIX (6); THENCE N 89°57'41" W ALONG SAID SOUTH LINE, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N 00°05'45" W ALONG SAID EAST LINE OF SAID TRACT, A DISTANCE OF 213.01 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.30 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS SOUTH LINE OF THE OF SECTION SIX (6) WITH THE BEARING BEING N 89°57'41" W, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: N46°51'42.38124" / LONG: W102°47'24.24987", BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.

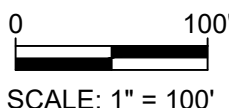
LEGEND

- EXISTING LOT LINE
- SECTION LINE
- EXISTING RIGHT-TO-TRAVEL LINE
- ////// PROPOSED EASEMENT
- ⊕ SECTION CORNER
- ⊙ FOUND PROPERTY CORNER
- P.O.B. POINT OF BEGINNING

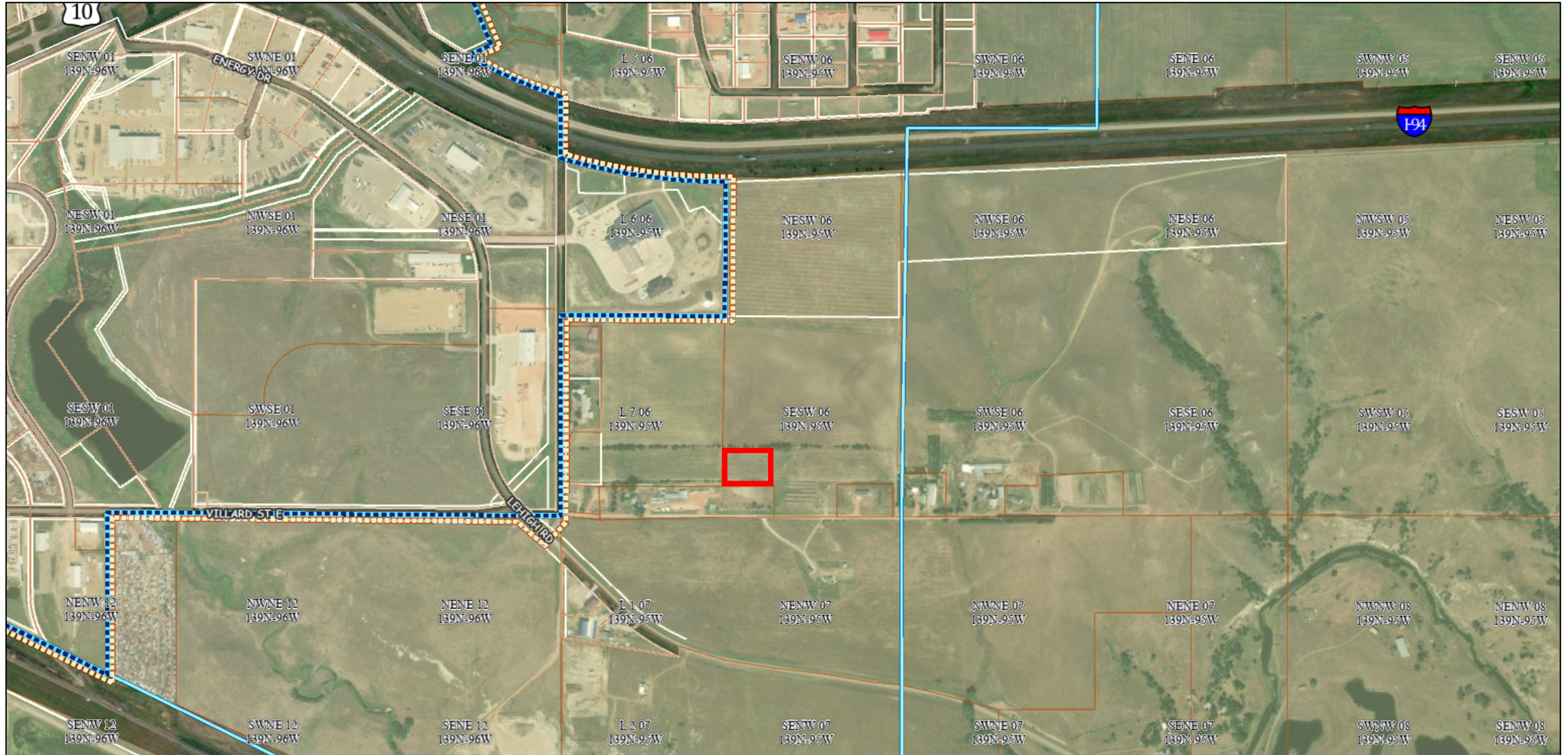
I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

SURVEY REQUESTED BY: DAWSON MOORE	
PROJECT NUMBER: 231254	SCALE.: 1"=100'
DRAWN BY: AJA	DATE: 04/03/24
SHEET NUMBER: 1 of 1	

HIGHLANDS ENGINEERING
OFFICE: 701.483.2444
WWW.HIGHLANDSENG.COM



Dickinson Land Information Map

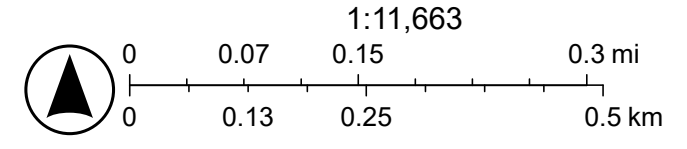


3/26/2024

- PLSS Description 12k
- Municipal Boundary
- Extra Territorial Boundary
- Urban Area Boundary
- Water Service Boundary
- Dickinson Tax Parcels
- ETZ Stark Parcels
- Lots and Easements

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

- Citations
- 2.4m Resolution Metadata



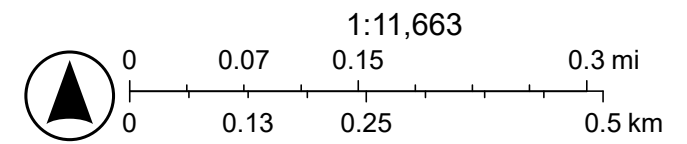
Pictometry International, Eagleview, City of Dickinson, Dickinson Engineering Department, Maxar

Dickinson Utility Information Map



3/26/2024

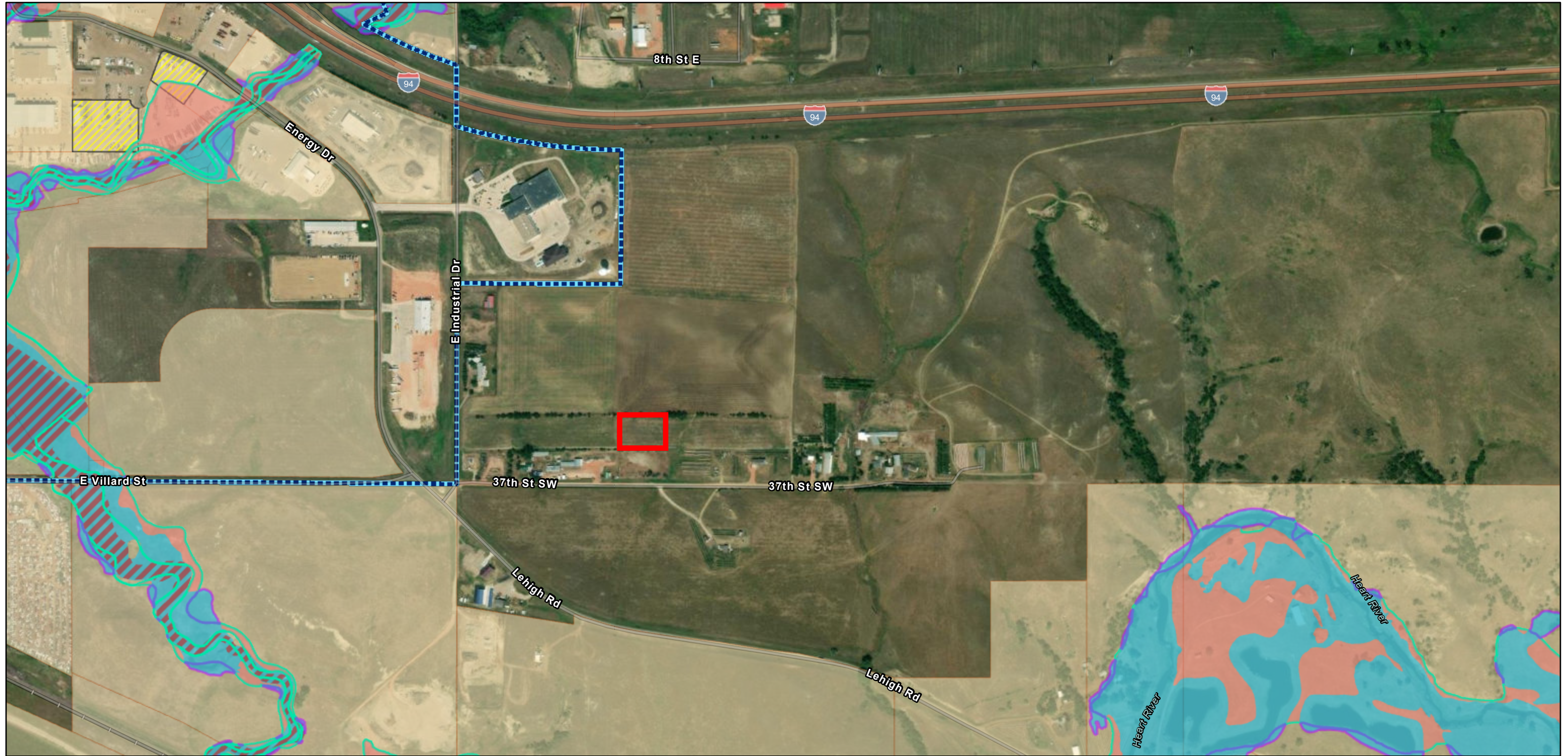
- | | | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Water Curb Stop Valve • Water System Valve Water Hydrant • City of Dickinson • Private or Other • Water Manhole | <p>Water Network Structures</p> <ul style="list-style-type: none"> Enclosed Storage Facility <p>Water Lateral Lines</p> <ul style="list-style-type: none"> Fire Hydrant Service | <p>Water Main Lines</p> <ul style="list-style-type: none"> Polyvinyl Chloride Ductile Iron Water Casings Water Abandoned Points Water Abandoned Lines Sanitary Control Valve | <ul style="list-style-type: none"> • Sanitary Clean Outs • Sanitary Manhole Sanitary Lateral Lines Sanitary Gravity Mains Sanitary Pressurized Mains Sanitary Casings | <p>Sanitary Network Structures</p> <ul style="list-style-type: none"> Lift Station Storm Inlets Storm Discharge Storm Gravity Mains Storm Culverts Storm Open Drains | <p>Storm Detention Structures</p> <ul style="list-style-type: none"> Poles Street Lighting, City of Dickinson Electric Access Points Pull Box Service Box Electric Lines | <ul style="list-style-type: none"> Communication Lines |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|



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

Citations
2.4m Resolution Metadata

FEMA Flood Hazard Changes Map



3/26/2024

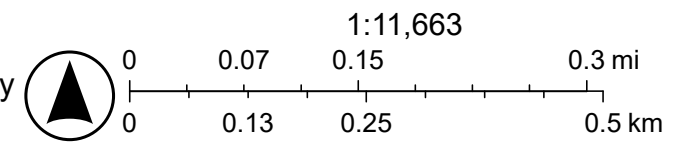
- Municipal Boundary
- Extra Territorial Boundary
- North Dakota County Boundaries
- SFHA Area Changes**
- Decrease
- Increase
- Current SFHA Boundary
- FLOODWAY (AE)
- Preliminary SFHA Boundary
- Non-Intersecting After Changes (141)

- Intersected by SFHA Zones (A or AE)
- Intersected by SFHA Zones (A or AE)
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata



Esri Community Maps Contributors, State of North Dakota, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, Dickinson Engineering Department, Maxar



MOORE 1ST SUBDIVISION PLAT STAFF REPORT

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Planning Department
Date: May 8, 2024
Re: **FLP-010-2024 Moore 1st Subdivision Minor Plat**

APPLICANT

Dawson Moore
3983 Villard Street East
Dickinson, ND, 58601
Mooredawson040@gmail.com
701 690-3727

APPLICANT'S REPRESENTATIVE

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

Public Hearing	May 8, 2024	Planning and Zoning Commission
Final Consideration	May 21, 2024	City Commission

EXECUTIVE SUMMARY

Request

The applicant is requesting a preliminary final plat for the Moore 1st Subdivision Minor Plat 2.11-acre property located in the southwest quarter (SW1/4) of Section 6, Township 139 North, Range 96W located within the City of Dickinson's ETZ. The subject property is generally located 220 feet north of Villard Street East and 1100 feet east of 35th Avenue East.

Staff Recommendation: Denial

A companion Future Land Use Map (FLUM) amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLUM-003-2024).

A companion map amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning meeting (REZ-004-2024).

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	INDUSTRIAL
GROSS SITE ACREAGE	+/-2.11
LOTS PROPOSED	One

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	AG	Undeveloped
East	AG	Undeveloped
South	AG	Undeveloped
West	AG	Undeveloped

Background

The applicant wishes to purchase the property and to build a single-family residence. The property is located in the City's Extra Territorial Zone. The property is located outside of the City's Urban Service Area as depicted in Chapter 6-Infrastructure of the City's Comprehensive Plan.

Access to Villard Street East would be achieved through an access easement.

Potable water would be provided either by a potable well or by connection with the Southwest Water Authority.

Staff notes that City of Dickinson water infrastructure exists at the intersection of Energy Drive and Villard Street East approximately 1100 feet west of the proposed single-family residence. City of Dickinson sanitary sewer infrastructure exists west of the intersection of Energy Drive and Villard Street East approximately 2150 feet or approximately 3250 feet west of the proposed single-family residence.

Compliance with Zoning and Subdivision Regulations: In Section 34.030 of the Subdivision of Land chapter of the City's Municipal Code, a minor subdivision plat is defined as follows:

A subdivision, platted pursuant to NDCC §40-50.1, that meets all of the following criteria:

- a. Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;*
- b. 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;*
- c. Does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.*
- d. Consists of four lots or less.*

Analysis

The applicant wishes to develop a residential lot in a portion of the City's ETZ that is designated on the Comprehensive Plan's Future Land Use Map (FLUM) as INDUSTRIAL. To gain approval for the proposed minor subdivision plat the applicant is requesting a FLUM amendment to RESIDENTIAL and a zoning map amendment to Rural Residential. Community Development staff does not support either the FLUM amendment or the zoning map amendment for the following reasons:

- It would create an area not consistent with the adjacent FLUM INDUSTRIAL designation;
- The property is immediately adjacent to a lumberyard. In Articles 39.02 and 39.04 of the City's zoning ordinance, a lumberyard, which is considered as a construction sale/service, is listed as a commercial use allowed only in commercial and industrial zoning districts; and
- It creates a residential island in an area without an emerging residential development pattern.

As the applicant is proposed to plat this property as a residential subdivision, staff does that support the proposed minor subdivision plat.

Staff Recommendation: City of Dickinson Community Development Services staff recommends denial of this request.

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

MOTIONS:

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLP-010-2024 Moore 1st Addition Subdivision** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-010-2024 Moore 1st Addition Subdivision** 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. _____.

From: Jotform
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Leonard W. Schwindt; Joshua Skluzacek; Nicole Snyder; Nicole Snyder
Subject: Re: Unified Development Application
Date: Tuesday, April 9, 2024 8:29:04 AM
Attachments: 5884821300014946419_signature_19.png
 5884821300014946419_signature_23.png
 SULLIVAN FIRST SUBDIVISION 4-9-24.pdf
 Pre Application Meeting Summary.pdf
 Quit Claim Deed-Sullivan Properties Inc.pdf
 5884821300014946419_signature_19.png
 5884821300014946419_signature_23.png



Unified Development Application

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

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

Type of Development **Minor Subdivision Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Country Oaks Estates Second Addition**

Name **James Sullivan**

Company **Sullivan Properties Inc.**

Applicant Email **baklot5@gmail.com**

Applicant Phone # **(701) 570-5970**

Applicant Representative (if applicable) **Jeremy Wood**

Applicant Representative Company **Northern Plains Engineering**

Applicant Representative Email **jwood@nplainseng.com**

Applicant Representative **(701) 690-8076**

Phone #

Owner Name Sullivan Properties Inc.

Owner Address PO Box 1496, Dickinson, ND, 58601

Owner Email baklot5@gmail.com

Owner Phone # (701) 570-5970

Is the owner present to Sign Yes

Signature

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

	1/4 Section	Township	Range
Description	SW1/4 28	140	96

Property Address / General Project Location 1309, 1313, 1317 24th St West

Total Square Footage or Acreage of Subject Property 14,172 SF

Rezone Calc Multiplier 0

Minor Platting Multiplier 1

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Name of Plat Sullivan First Subdivision

Number Lots 1 to 10 Lots

Number of Block(s) 1

3

Application Calc 500

Required Documentation Upload [SULLIVAN FIRST SUBDIVISION 4-9-24.pdf](#)

Deed for Property [Quit Claim Deed-Sullivan Properties Inc.pdf](#)

Application Fees **Applicable Fees** 500.00 USD

Total: \$500.00

Transaction ID: caac3hsb

Payer Information

First Name: Northern Plains

Last Name: Engineering

E-Mail baklot5@gmail.com

Applicant Signature



Date 04-09-2024

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

SULLIVAN FIRST MINOR SUBDIVISION (FLP-011-2021)

Section 3. Item H.



SULLIVAN FIRST SUBDIVISION

BEING THE REPLAT OF LOT 2B (DOCUMENT NUMBER 3160948) BLOCK 4, COUNTRY OAKS ESTATES SECOND ADDITION, LOCATED WITHIN THE SW1/4 OF SECTION 28, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

SURVEYOR'S CERTIFICATE

I, JEREMY WOOD, REGISTERED LAND SURVEYOR, NORTH DAKOTA REGISTRATION NUMBER ND-5651, DO HEREBY CERTIFY THAT THE PLATTED LOTS AS 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 THEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

JEREMY WOOD, LS-5651

STATE OF _____

COUNTY OF _____

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE SAME PERSON(S) DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME:

NOTARY PUBLIC SIGNATURE _____ MY COMMISSION EXPIRES: _____

PROPRIETOR'S CERTIFICATE

WE, THE UNDERSIGNED, RESIDING AT _____, OWNERS AND PROPRIETORS OF LOT 2B BLOCK 4, COUNTRY OAKS ESTATES SECOND ADDITION, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, AS SHOWN AND DESCRIBE HEREON, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON, AND DO HEREBY DEDICATE AND/OR RESERVE ALL EASEMENTS AND RIGHTS OF WAY AS SHOWN.

SULLIVAN PROPERTIES INC.

IN WITNESS THEREOF, WE HAVE HEREUNTO SUBSCRIBED MY NAME:

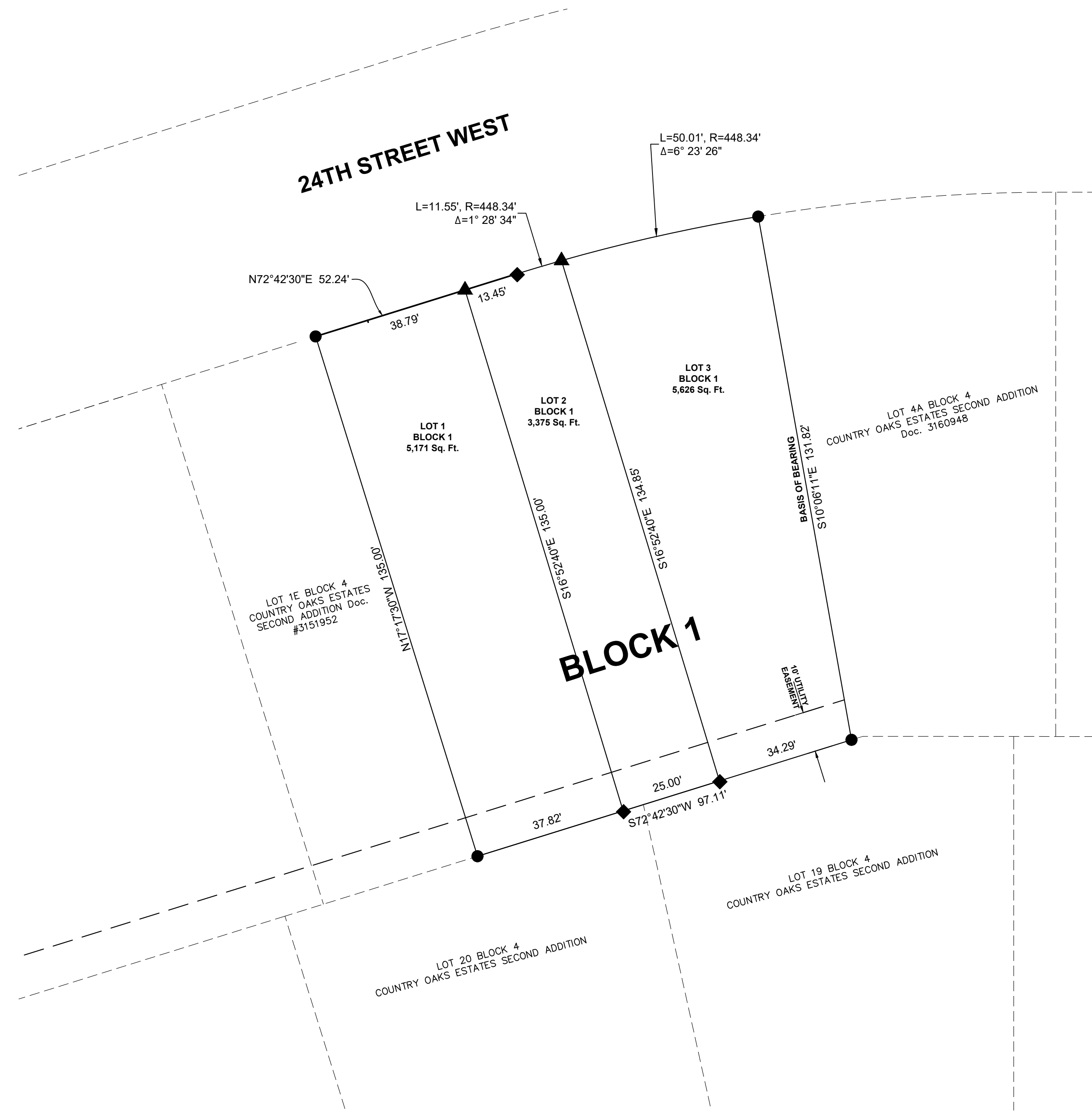
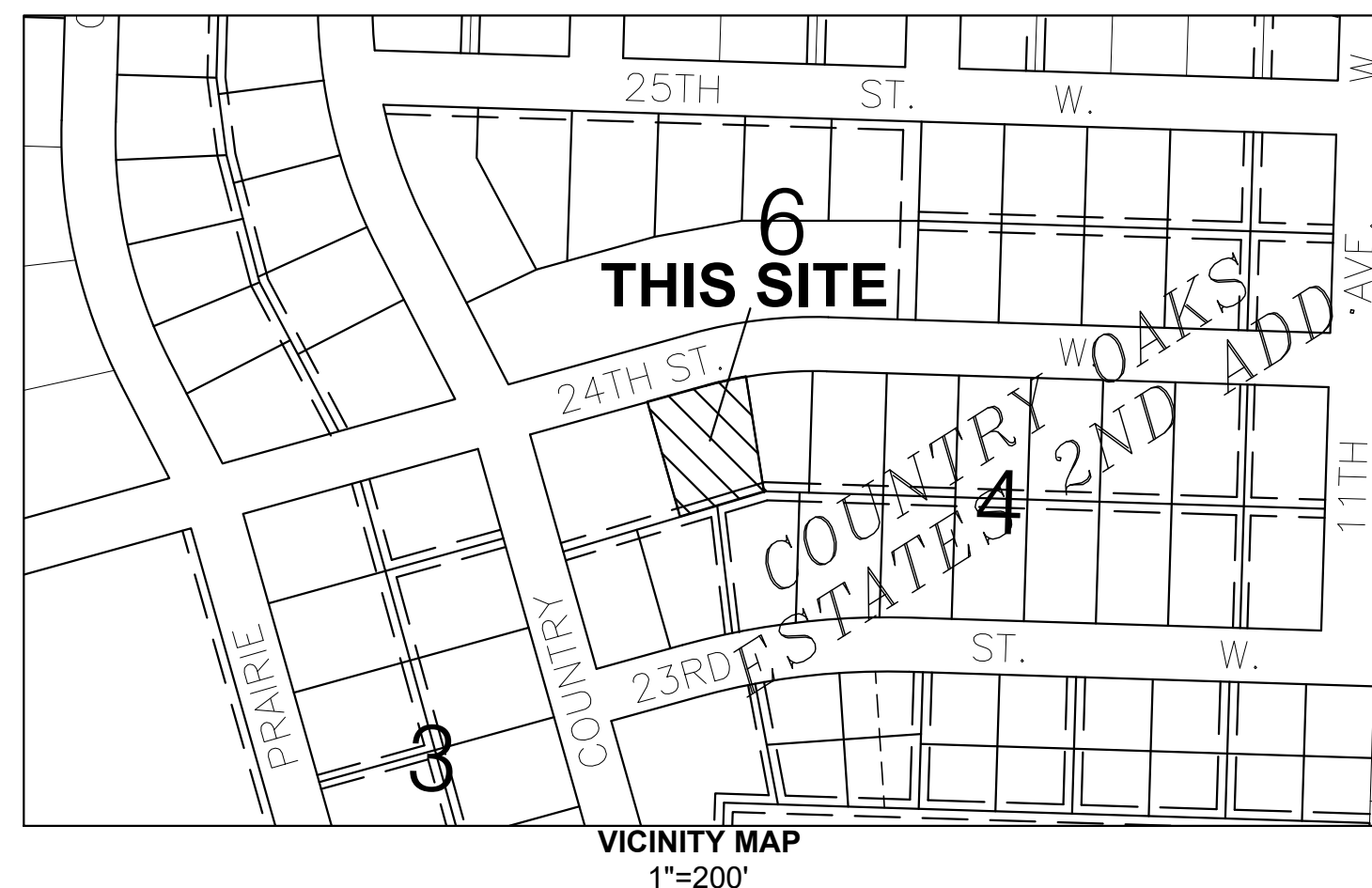
BY: _____

STATE OF _____

COUNTY OF _____

ON THIS ____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE SAME PERSON(S) DESCRIBED IN AND THAT EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME:

NOTARY PUBLIC SIGNATURE _____ MY COMMISSION EXPIRES: _____



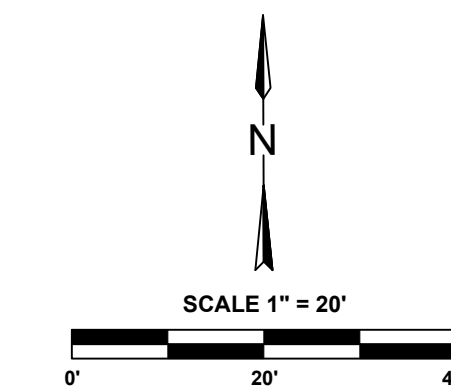
BOUNDARY DESCRIPTION

A TRACT OF LAND LYING WITHIN THE SW1/4 OF SECTION 28, TOWNSHIP 140 NORTH RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT 2B BLOCK 4, COUNTRY OAKS ESTATES SECOND ADDITION WHICH IS A TRACT OF LAND LYING IN LOTS 2A AND 4, BLOCK 4 OF COUNTRY OAKS ESTATES SECOND ADDITION TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT 2A AND THE WEST 5 FEET OF SAID LOT 4.

SAID TRACT CONTAINS 14,172 SQ. FT., MORE OR LESS AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS.

SURVEY NOTES:

- 1.) THIS SURVEY IS BASED UPON A RETRACEMENT OF THAT IRREGULAR PLAT AS RECORDED UNDER DOCUMENT NUMBER 3160948 RECORDS OF STARK COUNTY.
- 2.) THIS SURVEY DOES NOT PURPORT TO SHOW THE EXISTENCE OF ALL EASEMENTS OR OTHER ENCUMBRANCES RECORDED OR UNRECORDED, THAT MAY AFFECT THIS PROPERTY.
- 3.) THIS SUBDIVISION IS LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AREA AS SHOWN ON FEMA FLOOD INSURANCE MAP (FIRM) AS SHOWN ON MAP NUMBER 38089C0191E, PANEL 191 OF 850 EFFECTIVE NOVEMBER 4, 2010.
- 4.) INTERIOR LOT LINES ARE ALONG PARTY WALL.



LEGEND

- FOUND REBAR & CAP "NPE LS-5651"
- ▲ SET "PK NAIL" IN CONCRETE
- ◆ SET REBAR & CAP "NPE LS-5651"

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: _____



PROJECT NO. 2403102
SHEET 1 OF 1



SULLIVAN FIRST SUBDIVISION STAFF REPORT

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Planning Department
Date: May 8, 2024
Re: **FLP-011-2024 Sullivan First Subdivision**

OWNER/APPLICANT

James Sullivan
 Sullivan Properties, Inc.
 P.O. Box 1496
 Dickinson, ND, 58601
 Baklot5@gmail.com
 701 571-5970

APPLICANT'S REPRESENTATIVE

Jeremy Wood
 Northern Plains Engineering
 441 23rd Street West
 Dickinson, ND 58601
 Jwood@nplainseng
 701 690-8076

Public Hearing	May 8, 2024	Planning and Zoning Commission
Final Consideration	May 21, 2024	City Commission

EXECUTIVE SUMMARY

Request

The applicant is requesting a preliminary final plat for the Sullivan First Subdivision being a Replat of Lot 2B, Block 4 of Country Oaks Estates Second Addition. The 0.325-acre property is generally located on the south side of 24th Street West approximately 185 east of Country Oaks Drive. The applicant wishes to create three separate lots for three townhome units. The proposed lots range in area from 3,375 square feet to 5,626 square feet.

CURRENT ZONING	R3
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.3250
LOTS PROPOSED	3

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R2	Undeveloped
East	R3	Undeveloped

South	R3	Single-family attached
West	R3	Multi-family residential

Compliance with Zoning and Subdivision Regulations: The current Lot 2B, Block 4 was created through an administrative lot split (a.k.a. an Irregular Plat).

In Section 34.030 of the Subdivision of Land chapter of the City’s Municipal Code, a minor subdivision plat is defined as follows:

A subdivision, platted pursuant to NDCC §40-50.1, that meets all of the following criteria:

- a. Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;*
 - b. 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;*
 - c. Does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.*
- 4. Consists of four lots or less.*

The proposed Sullivan First Subdivision meets the definition of a minor subdivision (preliminary/final) plat. Also, as per Section 34.030 of the City’s Municipal Code does not allow a lot split on a property that had been previously created through the administrative process. A lot split has already been completed for the Current Lot 2B which is why the minor subdivision (preliminary/final) plat is required.

The applicant proposes to subdivide the existing lot into a 3,375 square foot lot, a 5,171 square foot lot, and a 5,626 square foot lot. According to Section 39.06.003 Supplemental Use Regulations: Residential Use of the Zoning Ordinance; the minimum site area for a townhouse per unit is 3,000 square feet, and the minimum width for any townhouse lot sold individually is 25 feet. The three proposed lots exceed the minimum site and width.

The applicant is recommended to present the legal description for the plat to the Stark County Recorder being there has been prior concerns about utilizing a document number in the legal description for plats.

Staff Recommendation: City of Dickinson Community Development Services staff recommends approval of this request.

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

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-011-2024 Sullivan First Subdivision** 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-011-2024 Sullivan First Subdivision** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

Staff Report

To: Planning and Zoning Commission
From: City of Dickinson Community Development Team
Date: May 8, 2024
Re: **ZTA-001-2024 Group Living Facilities Zoning Code Text Amendment**

APPLICANT

Name: City of Dickinson Community Development
 Address: 38 1st Street West
 City: Dickinson ND 58601

Public Hearing	May 8, 2024	Planning and Zoning Commission
Public Hearing	May 21, 2024	City Commission
Final Consideration	June 4, 2024	City Commission

EXECUTIVE SUMMARY

City Development Services staff recommends approval of the proposed Group Living Facilities Zoning Code Text Amendment

CONTEXT

Background – On March 21, 2023, the Dickinson City Commission directed Community Development staff to draft an amendment to the City’s Zoning Code addressing homeless shelters. Since that City Commission meeting Community Development staff have performed the following tasks to develop a group living facilities zoning ordinance amendment:

- Reviewed zoning ordinances within North Dakota and from other states;
- Met on several occasions with the Southwest Homeless Coalition, Inc. and the CHI CHNA Affordable Housing Workgroup;
- Provided presentations at the November 15, 2023 and April 10, 2024 Planning and Zoning Commission meetings; and
- Participated in a meeting on March 11, 2024, that included Community Development staff meeting that included Commissioners Baer and Odermann, City Administrator Dassinger, and Community Development staff; and

- Met with the City Development Review team on April 30, 2024.

Analysis - The primary features of the proposed amendments are as follow:

- A group living facility use is described as residential occupancy by a group of people who do not meet the definition of a family are found in Section 39.02.009. The group living use does not apply to the Group Care Facility and Group Home uses found in Section 39.03.005. Group Living uses include, but are not necessarily limited to, the following:
 - Family shelters;
 - Group facilities;
 - Unhoused facilities;
 - Supportive housing; and
 - Transitional housing.
- A group living facility would be allowed as a special use in the following zoning districts
 - High-Density Residential (R-3);
 - Mobile Home Residential (MH);
 - Limited Commercial (LC);
 - Community Commercial (CC);
 - Downtown Commercial (DC); and
 - General Commercial (GC).
- Special uses require a public hearing before the City Planning and Zoning Commission and final approval by the City Commission.
- As part of the Special Use Permit application process, an applicant would, at a minimum, provide the following:
 - A complete statement of the types of services to be provided, including a client case management plan as well as the provision of “wrap around” services;
 - Consent to a background investigation of the owner/operator of the facility;
 - A list of required licenses and/or certificates, if any;
 - A list of agencies expected to provide services at the facility;
 - The applicant’s history of residency, employment, and business ownership for five years prior to the date of the application;
 - A copy of the facility’s house rules and regulations;
 - A copy of the facility’s on-site security plan;
 - A copy of the facility’s on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;
 - Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.

- The permit holder shall be required to conduct an annual compliance audit. The results of the compliance audit shall be made available to the Planning and Zoning Department.
- The permit holder shall appear annually before the Planning and Zoning Commission for special use permit renewal.
- The special use permit shall not be transferable.
- No Group Living use may be located within 300 feet of another Group Living use.
- All outdoor activity associated with the use shall be screened from public view and from the view of adjacent properties if located within 150 feet of a single-family residential zoning district
- Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
- The permit holder shall be required to conduct an annual compliance audit. The results of the compliance audit shall be made available to the Planning and Zoning Department.
- The permit holder shall appear annually before the Planning and Zoning Commission for special use permit renewal.
- The special use permit shall not be transferable.

Attachment A includes the proposed zoning ordinance text amendments.

- **PUBLIC INPUT**

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

- **STAFF FINDINGS-** Staff finds the proposed Group Living Facilities text amendments consistent with the following objective of Chapter 7-Housing of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:

Objective 5: Support Southwest Homeless Coalition activities to create a homeless or transitional shelter.

Staff finds the proposed Group Living Facilities text amendments consistent with the following policy of Chapter 7-Housing of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:

Policy 5.1 – Encourage the development of a homeless or transitional shelter assist the coalition in implementing the strategies contained in the coalition’s 10-year strategic plan

Staff finds the proposed Group Living Facilities text amendments consistent with the purpose of the City of Dickinson Zoning Ordinance as found in Section 39.01.003:

The purposes of the Zoning Ordinance of the City of Dickinson are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.*
- b. Classify property in a manner that reflects its suitability for specific uses.*
- c. Provide for sound, attractive development within the city and its jurisdiction.*
- d. Encourage compatibility of adjacent land uses.*
- e. Protect environmentally sensitive areas.*
- f. Further the objectives of the Comprehensive Development Plan of the City of Dickinson.*

Based upon those finding, staff would recommend approval of this amendment.

• **Attachments:**

- A – Proposed Zoning Ordinance Text Amendments.

MOTIONS:

*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed Group Living Facilities zoning text amendments as being compliant with the City of Dickinson Comprehensive Plan and consistent with Chapter 39 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 proposed Group Living Facilities zoning text amendments as NOT as being compliant with either the City of Dickinson Comprehensive Plan and not being consistent with the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Article 39.02 Definitions

Compliance audit shall mean a systematic and independent examination of an organization’s operations, processes, and procedures to determine whether they align with applicable laws, regulations, internal policies, and industry standards. This process helps identify areas of non-compliance, enabling corrective actions to be taken promptly.

Family shelter shall mean a single-family dwelling that shelters a family who are persons related by blood, marriage or adoption, or no more than four individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household.

Group facility shall mean a type of facility that shelters multiple people who are currently unhoused or at imminent risk of becoming unhoused. Group facilities are supervised at all hours that the residents are present.

Supportive housing - these include, but are not limited to, a combination of subsidized permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

Transient resident means one who temporarily resides for generally less than 30 days or seasonally for less than three months during any 12-month period.

Transitional housing is generally described as a type of supportive housing used to facilitate the movement of people experiencing homelessness into permanent housing and independent living.

Unhoused person shall mean an individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.

Unhoused facility shall mean emergency housing with minimal supportive services for unhoused persons that is intended for occupancy of three months or less in a given year by an unhoused person.

Article 39.03 Use Types

Section 39.03.005 Civic Use Types

Group Living-the residential occupancy by a group of people who do not meet the definition of a family are found in Section 39.02.009. The group living use does not apply to the Group Care Facility and Group Home uses found in Section 39.03.005. Group Living uses include, but are not necessarily limited to, the following:

- Family shelters;

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

- Group shelters;
- Unhoused persons shelters;
- Supportive housing; and
- Transitional housing.

Article 39.04 Zoning District Regulations

Sections:

- 39.04.001 Purpose**
- 39.04.002 Establishment of Districts**
- 39.04.003 Application of Districts**
- 39.04.004 Hierarchy**
- 39.04.005 Development Regulations**

Section 39.04.001 Purpose

Article Four presents the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district. (Ord. No. 1171 § 1.)

Section 39.04.002 Establishment of Districts

The following base districts and overlay districts are hereby established. Table 4-1 displays the purposes of these districts.

BASE ZONING

- AG
- RR
- R-1
- R-2
- R-3
- MH
- LC
- CC
- DC
- GC
- LI
- GI
- P

DISTRICT NAMES DISTRICTS

- Agricultural District
- Rural Residential District
- Low-Density Residential District
- Medium-Density Residential District
- High-Density Residential District
- Mobile Home Residential District
- Limited Commercial District
- Community Commercial District
- Downtown Commercial District
- General Commercial District
- Limited Industrial District
- General Industrial District
- Public District

OVERLAY DISTRICTS

- MU Mixed Use Overlay District
- PUD Planned Unit Development Overlay District
- FP/FW Floodplain/Floodway Overlay District
- UM Underground Mine Overlay District

(Ord. No. 1171 § 1.)

Section 39.04.003 Application of Districts

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.

Overlay districts may be applied to any lot or site or any portion thereof, in addition to a base district designation. The Mixed Use District may stand alone as a base district. (Ord. No. 1171 § 1.)

Section 39.04.004 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial base zoning districts established in Section 39.04.002, and shall represent a progression from the AG Agricultural District as the least intensive to the GI General Industrial District as the most intensive. The Overlay Districts shall not be included in this reference. (Ord. No. 1171 § 1.)

Section 39.04.005 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1, Permitted Uses are set forth in Table 4-2, and Site Development Regulations are presented in Table 4-3. Supplemental Regulations may affect specific land uses or development regulations in each zoning district. The applicable Supplemental Regulations are noted in Table 4-2. (Ord. No. 1171 § 1.)

Table 4-1 Purposes of Zoning District

Symbol	Title	Purpose
AG	Agricultural District	The AG District provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. This district is designed to maintain complete agricultural uses within the Dickinson extra-territorial jurisdiction.
RR	Rural Residential	This district provides for the rural residential use of land, accommodating very low and low density residential environments. The district’s regulations assure that density is developed consistent with: land use policies of the Dickinson Comprehensive Plan regarding rural subdivision; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.
R-1	Low-Density Residential	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

		urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-2	Medium-Density Residential	This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.
R-3	High-Density Residential	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses such as offices through a special permit procedure, to permit the development of mixed use neighborhoods.
MH	Mobile Home Residential	This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivision, along with the supporting services necessary to create quality residential neighborhoods.
LC	Limited Commercial	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences.
CC	Community Commercial	This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

		have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers. Outdoor storage shall be limited and screened.
DC	Downtown Commercial District	This district is intended to provide appropriate development regulations for Downtown Dickinson. Mixed uses are permitted within the DC District and are encouraged in multi-story structures. The grouping of uses is designed to strengthen the town center’s role as a center for trade, service, and civic life.
GC	General Commercial	This district accommodates a variety of commercial uses, some of which have significant traffic or visual effect. 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.
LI	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
GI	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.
P	Public	This district accommodates substantial public institutions or uses. It sets aside areas for

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

		conservation, public recreation, and full access public facilities.
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ZONING DISTRICT REGULATIONS

Table 4-2 Permitted Uses by Zoning Districts

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Agricultural Uses														
Horticulture	P	P			S		P	P		P	P	P	P	39.06.002a
Crop Production	P	P											P	39.06.002a
Type I Animal Production	P	S												39.06.002c
Type II Animal Production	S													
Type III Animal Production	S													
Livestock Sales	S										S	S		
Residential Uses														
Single-Family Detached	P	P	P	P	P	P	S							
Single-Family Attached				P	P	P	S							39.06.003b
Duplex	P			P	P		S							
Townhouse	P			P	P		S		P					39.06.003c
Multiple Family				P	P		S		P					
Downtown Residential									P					39.06.003d
Mobile Home Park						S								39.06.003e
Mobile Home Subdivision						S								39.06.003f
Manufactured Housing Residential	P	P	P	P	P	P	S							
Retirement Residential	S		S	P	P		S		S					
Home Occupations	S	S	S	S	S	S			S					39.06.008a

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	Note 8
Accessory Dwelling Units Commercial							P	P		P				Note: Subject to approval in accordance with Section 39.06.010 B
Accessory Dwelling Units Residential	P	P		P	P	P								Note: Subject to approval in accordance with Section 39.06.010 A
Civic Uses														
Cemetery	P	S	S	S									S	
Clubs	S	S	S	S	S	S	S	P	P	P				39.06.004a
College/ University													P	
Convalescent Services	S	S		S	S	S	P	P	P	P				
Cultural Services		S	S	S	P	P	P	P	P	P	P		P	
Day Care (Family)	P	P	P	P	P	P	P	P	P	P	S			39.03.005g
Day Care (Group)	S	S	S	S	P	S	P	P	P	P	S			39.03.005h
Detention Facilities	S								S	S	S		S	
Emergency Residential	P	P	P	P	P	P	P	P	P	S	S			
Golf Courses (Public)	S	S	S	S	S	S							P	
Government Offices							P	P	P	P	P		P	
Group Care Facility	S	S	S	S	P	S	P	P	P	P				36.06.004c
Group Home	P	P	P	P	P	P	P	P	P	P				36.06.004c
<u>Group Living Facility</u>					<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>				<u>36.06.004</u>

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Guidance Services					P		P	P	P	P	P	P		
Hospitals					S		P	P	P	P	S		S	
Health Care	S	S			S		P	P	P	P	P	P	S	
Libraries (Public)							P	P	P	P			S	
Maintenance Facilities	S	S						S		P	P	P	S	
Park and Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities							P	P	P	P	P	P	P	
Primary Education	S	P	P	P	P	P	P	P	P	S			P	
Public Assembly							S	S	P	P			P	
Religious Assembly	P	P	P	P	P	P	P	P	P	P	S			
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary Education													P	
Sports Facilities, Field, and Arenas (Public)													P	
Utilities	S	S	S	S	S	S	S	P	P	P	P	P	S	
Office Uses														
General Offices	S				S		P	P	P	P	P	P		
Financial Services					S		P	P	P	P	P	P		
Medical Offices					S		P	P	P	P	P	S		
Commercial Uses														
Ag Sales/Services	S							S		P	P	P		
Auto Rental/Sales								S	S	P				39.06.005c
Auto Services							S	P	S	P	P	P		39.06.005a,b
Body Repair								S		P	P	P		39.06.005a

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Equipment Rental/Sales										P	P	P		39.06.005c
Equipment Repair										P	P	P		39.06.005a
Veh. Storage (Short-Term)										P	P	P		
Bed and Breakfast	P	S		S	P		P	P	P	P				39.06.005d
Business Support Services							P	P	P	P	P	P		
Business/Trade School								P	P	P	P			
Campground	S					S				S				
Cocktail Lounge								P	P	P				
Commercial Recreation (Indoor)	S						S	P	P	P	P			
Commercial Recreation (Outdoor)	S								S	P	P	P	S	
Communication Service							P	P	P	P	P	P		
Construction Sale/Service								S		P	P	P		
Consumer Service							P	P	P	P	P			
Convenience Storage	S				S	S	S	S		S	P	P		39.06.005f
Crematorium										S	S	P		
Microbrewery pub and distillery								P	P	P				
Food Sales (Convenience)							S	P	P	P	P	P		
Food Sales (Limited)							P	P	P	P				
Food Sales (General)							S	P	P	P				
Funeral Service					S		P	P		P				
Limited Retail Services							P	P	P	P				
Gaming Facility								S	S	P				
General Retail Services								P	P	P				

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Kennels	P	S								S	P	P		
Laundry Services								S	S	P	P	P		
Liquor Sales		S					P	P	P	P				
Lodging								P	P	P	S			
Personal Improvement					S		P	P	P	P	P	P		
Personal Services					S		P	P	P	P	P	P		
Pet Day Care	P	S	S	S	S		P	P	P	P	P	P		39.03.0 19y
Pet Services	S						P	P	P	P				
Research Services							P	P	P	P	P	P		
Residential-Commercial							P	P	P	P				
Restaurants (Drive-In)							S	P	S	P	S	S		
Restaurants (General)	P						P	P	P	P	S	S		
Restricted Business														
Stables	P	S										S		
Surplus Sales	S								S	P	P			
Trade Services	S							P	S	P	P			
Vehicle Storage										S	P			
Veterinary Services	S	S					S	S	S	P	P			
Parking Uses														
Off-Street Parking			S	S	S		S	S	P	P	P	P		
Parking Structure								S	S	S	P			
Industrial Uses														
Custom Manufacturing								S	S	P	P	P		
Light Industry											P	P		
General Industry												P		
Heavy Industry												S		
Oil Wells	S											S		

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TABLE AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Resource Extraction	S											S		
Salvage Services and Yards, Junk Yards												P		39.06.006a
Vehicle Storage (Long-term)											P	P		
Warehousing (Open)											P	P		
Warehousing (Closed)									S	P	P	P		
Construction Yards										S	P	P		
Recycling Collection								S		P	P	P		
Recycling Processing											P	P		
Grain Elevators												S		
Petroleum Storage/Sales	S											S		
Stockyards	S											S		
Toxic Gaseous Storage	S											S		Note 9
Dairy Plant										S	S	P		
Transportation Uses														
Aviation	P											P		
Railroad Facilities	S								S	S	P	P		
Truck Terminal										S	S	P		
Transportation Terminal	S							S	S	S	P	P		
Miscellaneous Uses														
Communications Tower	S	S	S	S	S	S		S	S		S	S		
Amateur Radio Tower	P	P	P	P	P	P	P	P	P	P	P	P		
Construction Batch Plant											S	P		
WECS	P	P	S	S	S	S	S	S	S	S	S	P		

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TABLE AMENDMENTS

Use Types	AG	RR	R-1	R-2	R-3	MH	LC	CC	DC (14)	GC	LI	GI	P	Add'l Reg.
Landfill (Inert)	S	S										S		
Landfill (Municipal, Industrial or Special Waste)	S												S	
Alternative Energy Production Devices	P	P	S	S	S	S		S	S		S	P		
Motorized Sports	S										S	S		Note 10

*Note: Provisions of Sections 39.06.008 through 39.06.009 apply to all use types

P = Uses Permitted by Right S = Uses Permitted by Special Permit Blank = Use Not Permitted

ZONING DISTRICT REGULATIONS

Table 4-3a Summary of Site Development Regulations

Regulator	AG	RR	R-1	R-2	R-3*
Minimum Lot Area (square feet)	5 acres	1 Acre (Note 1)*	7,500	7,000	7,000
Minimum Lot Width (feet)	300	100			
Single-Family Detached			60	50	50
Single-Family Attached			45	45	45
Other Residential			60	75 (Note 3)	75 (Note 3)
Site Area per Housing Unit (square feet)					
Single-Family Detached	5 Acres	1 Acre	7,500	7,000	7,000
Single-Family Attached				4,000	4,000
Duplex				10,000	10,000
Townhouse or multi-family up to 4 units				7,000 for the first unit and 3,000 thereafter (Note 6)	7,000 for the first unit and 3,000 thereafter

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TABLE AMENDMENTS

Each additional multi-family unit over 4 units					7,000 for the first unit, 3,000 for the next three units and 1,000 thereafter
Retirement Residential Minimum Yards (feet)	(Note 10)		(Note 10)	(Note 10)	(Note 10)
Front Yard Arterial Streets	50	40	25	25	25
Other Streets	50	40	25	25	25
Street Side Yard	15	15	15	15	15
Interior Side Yard	15	15	6	6 (Note 2)	6 (Note 2)
Rear Yard	50	25	20	20 (Note 5)	20 (Note 5)
Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage	NA	25%	40%	60%	70%
Maximum Impervious Coverage	NA	35%	50%	65%	75%
Floor Area Ratio	NA	NA	NA	NA	

- Notes Accompanying This Table Appear after Table 4-3c

ZONING DISTRICT REGULATIONS

Table 4-3b Summary of Site Development Regulations

Regulator	MH	LC*	CC*	DC	GC*
Minimum Lot Area (square feet)		5,000	12,000	None	12,000
Minimum Lot Width (feet)		50	100	NA	100
Site Area per Housing Unit (square feet)		Same as R-3	NA	500	NA
Minimum Yards (feet)					
Front Yard		20	20	0	20
Street Side Yard		20	10	0	10
Interior Side Yard		10	0	0	0
Rear Yard		20	0	0	0
Maximum Height (feet)		40	40	SUP in excess of 65 feet	60
Maximum Building Coverage		50%	60%	100%	70%
Maximum Impervious Coverage		70%	80%	100%	90%

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TABLE AMENDMENTS

Retirement Residential		(Note 10)		(Note 10)	
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*Uses in the R-3, LC, CC, GC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS

Table 4-3c Summary of Site Development Regulations

Regulator	LI*	GI*	P* (Note 15, Note 16)
Minimum Lot Area (square feet)	10,000	10,000	N/A
Minimum Lot Width (feet)	100	100	N/A
Site Area per Housing Unit (square feet)	N/A	N/A	N/A
Minimum Yards (feet)			
Front Yard	20	20	None except when abutting a residential zoning district; in which case the front yard setback to a building or parking area shall be the required setback of the abutting residential district
Street Side Yard	20	20	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is 10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Interior Side Yard	10	10	None except when abutting a residential zoning district; in which case the side yard setback to a building or parking area is 10 feet. The required side yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TABLE AMENDMENTS

Rear Yard	20	20	None except when abutting a residential zoning district; in which case the rear yard setback to a building or parking area is 10 feet. The required rear yard setback shall be increased by one-half foot for each foot that the structure exceeds 20 feet in height.
Maximum Height (feet)	SUP in excess of 60 feet	SUP in excess of 60 feet	45 feet if abutting a zoning district with a maximum height of 45 feet or less. If the abutting zoning district allows buildings taller than 45 feet, the height of the abutting zone may be applied in the Public zoning district. If a setback of 100 feet can be provided the building height may be a maximum of 65 feet. Building heights greater than 65 feet require approval of a Special Use Permit.
Maximum Building Coverage	70%	85%	70%
Maximum Impervious Coverage	90%	100%	90%
Floor Area Ratio	1.0	2.0	

*Uses in the R-3, LC, CC, GC, LI, GI and P Districts are subject to landscape and screening provisions contained in Article 39.08

ZONING DISTRICT REGULATIONS

Notes to Preceding Pages: Tables 4-2 and 4-3

Note 1:

Rural Residential development situated within one of the designated rural development areas of the Comprehensive Plan may occur on minimum lot sizes below 1.0 acres, if such development is approved by the City as a Conservation Subdivision, designed in conformance with the Comprehensive Plan, to ensure compatible installation of infrastructure and sanitary waste collection systems in the future.

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

Note 2:

Six feet for single-story construction, one foot for each 4 feet for any building over 24 feet in height. See Section 39.06.003 for supplemental regulations governing single-family attached and townhouse residential use types.

Note 3:

See Section 39.06.003 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 4:

Height limit for residential structures. 65 feet for other permitted uses.

Note 5:

Setback ten feet for single-story construction, five feet for each additional story.

Note 6:

The 3,000 square feet per townhouse unit applies for up to 10 units in townhouse developments in the R-2 district.

Note 7:

All allowable accessory buildings to a residence shall be limited to a maximum of one thousand two hundred feet (1,200) and for a maximum of three (3) detached structures for the first one acre or less. The total area of all accessory buildings may be increased by 250 square feet for each additional half (.5) acre of land area above one acre, but in no case shall the total exceed 30 percent lot coverage. Accessory buildings shall include the following: barns, stable, storage buildings, and detached personal vehicle garages.

Note 8:

Toxic Gaseous Storage: Storage facilities of toxic gaseous, materials, tanks/or bulk facilities shall not be built within (2) two miles of any residential subdivision or within (1) mile of any building for human occupancy generally, unless approved by a special use permit after a finding that storage will not pose a potential public health hazard.

Note 9:

- (1) Adequate direct road access to the site is provided with such access designed to minimize traffic congestion; and
- (2) Sufficient off-street parking areas are provided in conformance with Article 39.09, Table 9-1; and
- (3) The site is located at least one (1) mile from any residentially zoned area.

Note 10:

Density for Retirement Residential is 7,000 square feet for 4 units and 1,000 square feet for each additional unit.

Note 11:

Attached garages shall not exceed the total square footage and height of the residence.

Note 12:

Detached structures shall not exceed the height of fifteen (15) feet or the height of the primary residence, whichever is less, unless the detached structure is setback from the side and rear

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

property line a minimum of two (2) horizontal feet for every one (1) foot in height exceeding the maximum height of the structure in residential districts.

Note 13:

Accessory structures larger than two hundred and fifty (250) square feet shall be constructed with similar materials of the primary residence or building in residential and commercial zoning districts.

Note 14:

Residential Use in multi-story structures in the DC zoning district, as well as family and group cares, emergency residential, group care, group home, religious assembly, and bed and breakfast uses will be located in the floor or floors above commercial uses.

Note 15:

In addition to the off street parking requirements in Article 39.09, parking and loading areas in the P zoning district abutting or directly across the street from a residential zoning district shall be set back the minimum front yard setback of the adjacent residential district.

Note 16:

All service, repair, processing or storage on property abutting or across the street from a residential zoning district shall be contained wholly within an enclosed building unless screened from residential zoning by a site-obstructing fence or wall. (Ord. No. 1171 § 1; Ord. No. 1205, § 1; Ord. 1225 § 2; Ord. 1235 § 1 & 2; Ord. 1244 § 3, Ord. 1423 § 4; Ord. 1437 § 4; Ord. 1475 § 1. Ord. 1604 § 3. Ord. No. 1610 § 3, Ord. No. 1643 § 1, Ord. No. 1650 § 3; Ord. No. 1706 § 3; Ord. No. 1707 § 3)

Article 39.06 Supplemental Use Regulations

Section 39.06.004 Supplemental Use Regulations: Civic Uses

Group living uses shall be allowed by Special Use Permit.

As part of the special use permit request, the applicant shall submit the following additional information:

- Information regarding the proposed group living facility operation, which includes, but is not necessarily limited to, the following:
 - A complete statement of the types of services to be provided, including a client case management plan as well as the provision of “wrap around” services;
 - Consent to a background investigation of the owner/operator of the facility;
 - A list of required licenses and/or certificates, if any;
 - A list of agencies expected to provide services at the facility;
 - The applicant’s history of residency, employment, and business ownership for five years prior to the date of the application;
 - A copy of the facility’s house rules and regulations;
 - A copy of the facility’s on-site security plan;

ATTACHMENT A –PROPOSED GROUP LIVING FACILITIES ZONING CODE TEXT AMENDMENTS

- A copy of the facility’s on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;
- Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.

No Group Living use may be located within 300 feet of another Group Living use, measured by lot line to lot line, unless such location is otherwise reviewed and approved as a Special Use.

If located within 150 feet of a single-family residential zoning district, including overlay districts and/or planned unit developments, all outdoor activity shall be screened from public view and from the view of adjacent properties.

Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.

Any permit issued under this Section shall be non-transferrable as to the permit holder and/or the premises to be permitted. A permit holder may not relocate their operation using the same permit. A permit approved at a particular location may not be transferred to a new individual or business.

The permit holder shall conduct an annual compliance audit. The results of that annual compliance audit shall be made available to the Community Development Department.

The permit holder shall appear annually before the Planning and Zoning Commission for renewal of the permit. In addition annual compliance audit, the Community Development Department may require additional information or an annual site inspection prior to renewal.

Group living facilities shall comply with all applicable local, state and federal requirements.

Group living facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.

Staff Report

To: Planning and Zoning Commission
From: City of Dickinson Community Development Team
Date: May 8, 2024
Re: **REN-001-2024 Renaissance Zone Development Plan Extension**

APPLICANT

Name: City of Dickinson Development Services
 Address: 38 1st Street West
 City: Dickinson ND 58601

Public Hearing:	May 8, 2024	Planning and Zoning
Final Consideration	May 21, 2024	Commission
		City Commission

EXECUTIVE SUMMARY

City Development Services staff recommends approval of the extending the City Renaissance Zone Development program for 10 additional years.

CONTEXT

A. Background – The Renaissance Zone Program was created by the State of North Dakota as a tool to encourage redevelopment and economic investment in central cities. Created in 1999, the Renaissance Zone Program encourages investment through the use of property, income and financial institution tax incentives.

The Dickinson City Commission approved the original Renaissance Zone Development Plan in January 2004. The City’s stated mission of the zone is to create opportunity, encouragement and support to property owners and lessees of properties within the renaissance zone with the anticipation that the business climate and attractiveness of zone buildings is greatly improved.

In 2017, the City of Dickinson revised its Renaissance Zone Development Plan by increasing the size of the City’s Zone from 25 blocks to 36 blocks. As there were four government-owned buildings in the expanded Renaissance Zone the City also added four half blocks.

The City of Dickinson’s original 15-year Renaissance Zone memorandum of understanding expired at the end of June, 2019. A memorandum of understanding extending the Renaissance Zone through June, 2024 was approved in June 2019.

As result of the 2020 U.S. Census, the City of Dickinson was able to add two more blocks to its Renaissance Zone. In 2022, the City of Dickinson added a two-block noncontiguous island to its Renaissance Zone.

In 2024, the City of Dickinson amended its Renaissance Zone Development Plan to include the following:

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

During the 2023 session of the North Dakota State Legislature approved several amendments to Chapter 40-63 Renaissance Zone of the North Dakota Century Code. One of those changes allows local governments to extend the term of its Renaissance Zone for 10 years.

B. Analysis

Since 2012, the City of Dickinson has done the following to promote development in downtown Dickinson:

- Completion of a plan for creating a downtown public square;
- Restoration of an existing downtown park;
- Installation of new street trees and decorative light poles;
- Adoption of overlay districts to preserve existing single-family residential structures for either continued use as residences or for conversion to commercial structures;
- Improvement of existing downtown public parking facilities;
- Encouragement of additional private downtown parking facilities;
- Proposal of conversion of an existing parking lot in an entertainment venue; and
- Adoption of downtown district design standards to help create an architectural consistency between new and existing structures in the downtown core.

Additionally, the City of Dickinson actively supports and promotes the Stark Development Corporation façade improvements grant program to assist downtown business and property owners. This program is aimed at downtowns in all Stark County cities.

Upon approval of the proposed ten-year extension the State Department of Commerce and the City will enter into a new memorandum of understanding extending the term of the City’s Renaissance Zone program for 10 additional years.

City staff has received letters of support for the proposed Ten-Year Extension of the Renaissance Zone from the following organizations:

- Stark County Commission;
- Dickinson Public Schools School Board; and
- Dickinson Parks and Recreation Board.

Attachment A includes letters of support.

C. PUBLIC INPUT

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

D. STAFF FINDINGS- Staff finds the proposed Ten-Year Extension of the Renaissance Zone consistent with the following objective of Chapter 3-Local Economy and Economic Development of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:

Objective 1: Increase private and city investment in the downtown area to reestablish the downtown as the civic center of the city.

Staff finds the proposed Five-Year Extension of the Renaissance Zone consistent with the following objective of Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan:

Objective 4: Promote the sustainable redevelopment of the downtown area.

Staff finds the proposed Ten-Year Extension of the Renaissance Zone meets the following mission of the current Renaissance Zone Development Plan:

The mission of the zone is to create opportunity, encouragement, and support to property owners and leases of properties in the Dickinson Renaissance Zone with the anticipation that business climate and the attractiveness of zone buildings is greatly improved.

Based upon those finding, staff would recommend approval of this amendment.

E. Attachments:

- A – Letters of Support

MOTIONS:*****Approval*****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the proposed Ten-Year Extension of the City of Dickinson Renaissance Development Plan as being compliant with the City of Dickinson Comprehensive Plan and the City of Dickinson Renaissance Zone Development Plan, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.

***** Denial *****

I move the Dickinson Planning and Zoning Commission recommend Denial of the proposed Ten-Year Extension of the City of Dickinson Renaissance Zone as NOT as being compliant with either the City of Dickinson Comprehensive Plan or the City of Dickinson Renaissance Development Plan and not meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

ATTACHMENT A – LETTERS OF SUPPORT

April 8, 2024

Scott Decker
Mayor of the City of Dickinson
38 1st Street East
Dickinson, ND 58601

Dear Mayor Decker,

On April 8, 2024, the Dickinson Park Board received a presentation by City staff regarding the 10-year extension of the City's Renaissance Zone program. The Dickinson Park Board supports the City's proposed 10-year Renaissance Zone program extension. The continued revitalization of Downtown Dickinson, the Villard Street West commercial district, and the Prairie Hills commercial area, as well as the addition of new businesses and the expansion of existing ones in those areas provides benefits to the City of Dickinson, all of Stark County and to the region as well.

The Dickinson Park Board is also aware the City has amended its Renaissance Zone Development Plan to incorporate the following changes to N.D.C.C. 46-63:

- The tax exempt period for an owner-occupied residential property has been increased from five years to eight years;
- The tax exemption for a commercial property may be extended for up to eight years if the investment amount is at least 75% of the current true and full value of the property; and
- properties that have previously received renaissance zone benefits may be eligible for additional benefits after thirty years have lapsed from the completion of the initial project.

Sincerely,



Scott Karsky, President

Dickinson Park Board

BOARD OF COMMISSIONERS
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DEPUTY AUDITOR
LANA JAHNER

PO Box 130
Dickinson, ND 58602-0130
www.starkcountynd.gov

Phone: (701) 456-7630
Fax: (701) 456-7634

April 3, 2024

Scott Decker
Mayor of the City of Dickinson
38 1st Street East
Dickinson, ND 58601

Dear Mayor Decker,

On April 2, 2024, the Stark County Commission received a presentation by City staff regarding the 10-year extension of the City’s Renaissance Zone program. The Stark County Commission supports the City’s proposed 10-year Renaissance Zone program extension. The continued revitalization of Downtown Dickinson, the Villard Street West commercial district, and the Prairie Hills commercial area, as well as the addition of new businesses and the expansion of existing ones in those areas, provides benefits to all of Stark County and to the region as well.

The Stark County Commission is also aware the City amended its Renaissance Zone Development Plan to incorporate the following changes to N.D.C.C. 46-63:

- The tax-exempt period for an owner-occupied residential property has been increased from five years to eight years;
- The tax exemption for a commercial property may be extended for up to eight years if the investment amount is at least 75% of the current true and full value of the property; and
- Properties that have previously received renaissance zone benefits may be eligible for additional benefits after thirty years have lapsed from the completion of the initial project.

Sincerely,

Dean Franchuk, Chair
Stark County Commission