



# SPECIAL PLANNING AND ZONING MEETING AGENDA

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

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## Commissioners:

**Chairman:** Jason Fridrich

**Vice Chairman:** Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

## CALL TO ORDER

## ROLL CALL

## OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

### 1. ORDER OF BUSINESS:

### 2. MINUTES

A. July 19th, 2023 Minutes

### 3. REGULAR AGENDA:

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

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

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

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

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

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

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

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

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

**5. ITEMS NOT ON AGENDA**

**6. WORK SESSION**

**A. UPDATE ON BARNDOMINIUMS - *Presented by:Matthew Galibert***

**7. ADJOURNMENT**

**Virtual/Call-In Link – 08/11/2023**

<https://dickinsongov.com/2023/08/04/special-planning-and-zoning-meeting-information-august-11-2023/>



## PLANNING AND ZONING MEETING MINUTES

Wednesday, July 19, 2023 at 7:10 AM  
City Hall – 38 1st Street West Dickinson, ND 58601

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### Commissioners:

**Chairman:** Jason Fridrich

**Vice Chairman:** Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

### CALL TO ORDER

### ROLL CALL

#### PRESENT

Chairman Jason Fridrich  
Vice Chairman Scott Bullinger  
Commissioner Dean Franchuk  
Commissioner Aaron Johansen  
Commissioner Richard Haugen  
Commissioner Mike Schwab  
Commissioner Val Decker

#### ABSENT

Commissioner Jo Marie Kadrmas  
Commissioner Troy Bosch

### OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

#### 1. ORDER OF BUSINESS:

There is one change to the order of business. Item C. has been removed due to applicant request.

*Motion to approve Order of Business.*

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

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

**2. MINUTES**

**A. June 21st, 2023 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 Decker

**3. REGULAR AGENDA:**

**A.**

**SPECIAL USE REQUEST (SUP-004-2023)** - Presented by: Matthew Galibert

To consider a Special Use Permit Home-Based Business/Home Occupation to allow a dog grooming operation to be located at 849 16th Avenue E within the City of Dickinson.

City Planner, Matthew Galibert presents the SUP request. He explains the garage will be turned into a dog grooming facility. There will be one dog at a time and the dogs will not be outside. Staff believes the applicant meets all regulations. City staff has not received any comments from the public regarding the request. There are conditions attached to the SUP that will need to be met.

Calie Brewer is the owner of the business. She is present to answer any questions. Chairman Fridrich asks if she is in agreement to the conditions that were proposed; she states is agreeable.

The public hearing is open. There are no public comments.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of SUP-004-2023 The Barking Lot Home-Based Business/Home Occupation Special Use Permit petition, subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)

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

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



**B.****REZONE (REZ-004-2023)** - Presented by: Matthew Galibert

To consider a Zoning Map Amendment from AG to R3 for a property legally described as the SE 2.5-acre portion of Lot 1, Block 6, of the Pinecrest Subdivision. This property is located in the City of Dickinson.

Mr. Galibert presents the rezone request. He explains that the original request was made as a rezone to GC and has been amended to LC and then to R3. If this rezone is approved there will also be an irregular plat request approved that has been submitted by the applicant.

Toni Haider with Christianson Companies is present and gives a history of the property and states that this will define the portion that is owned by them.

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

Mr. Galibert explains the legal ad was advertised as GC and had been changed after publishing; there was a correction placed in the press to LC, but then again changed to R3. He explains that this amendment it is a less intensive use and follows that correction. The applicant did put in the request in writing and that is on file.

Val Decker states that she will be abstaining from the vote.

*I move the City of Dickinson Planning and Zoning Commission recommend Approval of REZ 004-2023, the Pinecrest 40 LLC rezoning petition from AG to R3 as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare.*

(see any conditions of approval on Resolution/Ordinance)

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

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

Voting Abstaining: Commissioner Decker

**C.****PRELIMINARY/FINAL PLAT (FLP-005-2023)** - Presented by: Matthew Galibert

To consider a Preliminary/Final Plat for Heart River Bottoms Subdivision located in the NE1/4 and in a portion of SE 1/4 of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra-Territorial Zone. The site consists of +/- 17.35 acres.

**REMOVED FROM AGENDA**

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

## 7. ADJOURNMENT

7:25 am

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

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

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

**Meeting Information:** <https://tinyurl.com/PZ-07-19-2023-MtgInfo>

Unified Development Application

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

Yes

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

[Riverview Cottages Pre-Application Response Letter-FINAL.pdf](#)

Name	Chad Glasser
Company	Venture Commercial, LLC
Applicant Email	chadglasser1@gmail.com
Applicant Phone #	(701) 290-2332
Applicant Representative (if applicable)	Andrew Schrank
Applicant Representative Company	Highlands Engineering
Applicant Representative Email	schrack@highlandseng.com

Applicant Representative  
Phone #

(701) 483-2444

Type of Development

Major Subdivision Final Plat

Is this a Replat

Yes

Subdivision Being Re-platted

Replat of Riverview Addition

Date of Final Plat Approval at Planning & Zoning Commission

06-21-2023

Owner Name

Chad Glasser

Owner Address

Venture Commercial, LLC, PO Box 1316, Dickinson, ND, 58602

Owner Email

chadglasser1@gmail.com

Owner Phone #

(701) 290-2332

Is the owner present to Sign

No

Owner Signature Upload

[231015\\_Owner\\_Signature.pdf](#)

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

Yes

Metes and Bounds Description

LOTS TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK ONE (1) OF THE REPLAT OF RIVERVIEW ADDITION AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 168210.

	1/4 Section	Township	Range
Description	NE1/4 Section 9	T139N	R96W

Property Address / General Project Location

Property addresses are 328, 336, 344, 352, and 360 2nd Street SW, Dickinson, ND 58601.

Property is generally located on the west side of 2nd Ave SW  
between 3rd and 4th Street SW

Total Square Footage or Acreage of Subject Property	1.11 acres						
Rezone Calc Multiplier	0						
Minor Platting Multiplier	0						
Prelim Platting Multiplier	0						
Major Platting Multiplier	1						
Name of Final Plat	Riverview Cottages 1st Addition						
Final Platted Lots	1 to 10 Lots						
Final Platted Block(s)	1						
Name of Preliminary Plat	Riverview Cottages 1st Addition						
Preliminary Number Lots	1 to 10 Lots						
Preliminary Number of Block(s)	1						
	10 total dwelling units in 5 duplex buildings						
Application Calc	350						
Required Documentation Upload	<a href="#">231015_FEMA_SFHA.pdf</a> <a href="#">231015_Riverview Cottages 1st-Closure Report.pdf</a> <a href="#">231015_Riverview Cottages 1st-FINAL_2023-06-29.pdf</a> <a href="#">231015_Riverview Cottages 1st-PRELIM_2023-06-29.pdf</a> <a href="#">231015_Transmittal-Final Plat_2023-06-29.pdf</a>						
Deed for Property	<a href="#">3176838_Deed.pdf</a>						
Application Fees	<table><tr><td>Applicable Fees</td><td>350.00 USD</td></tr><tr><td>Total:</td><td>\$350.00</td></tr><tr><td>Transaction ID:</td><td>r8xg2fbj</td></tr></table>	Applicable Fees	350.00 USD	Total:	\$350.00	Transaction ID:	r8xg2fbj
Applicable Fees	350.00 USD						
Total:	\$350.00						
Transaction ID:	r8xg2fbj						

==Payer Info==

First Name     Andrew  
Last Name     Schrank

Applicant Signature



Date

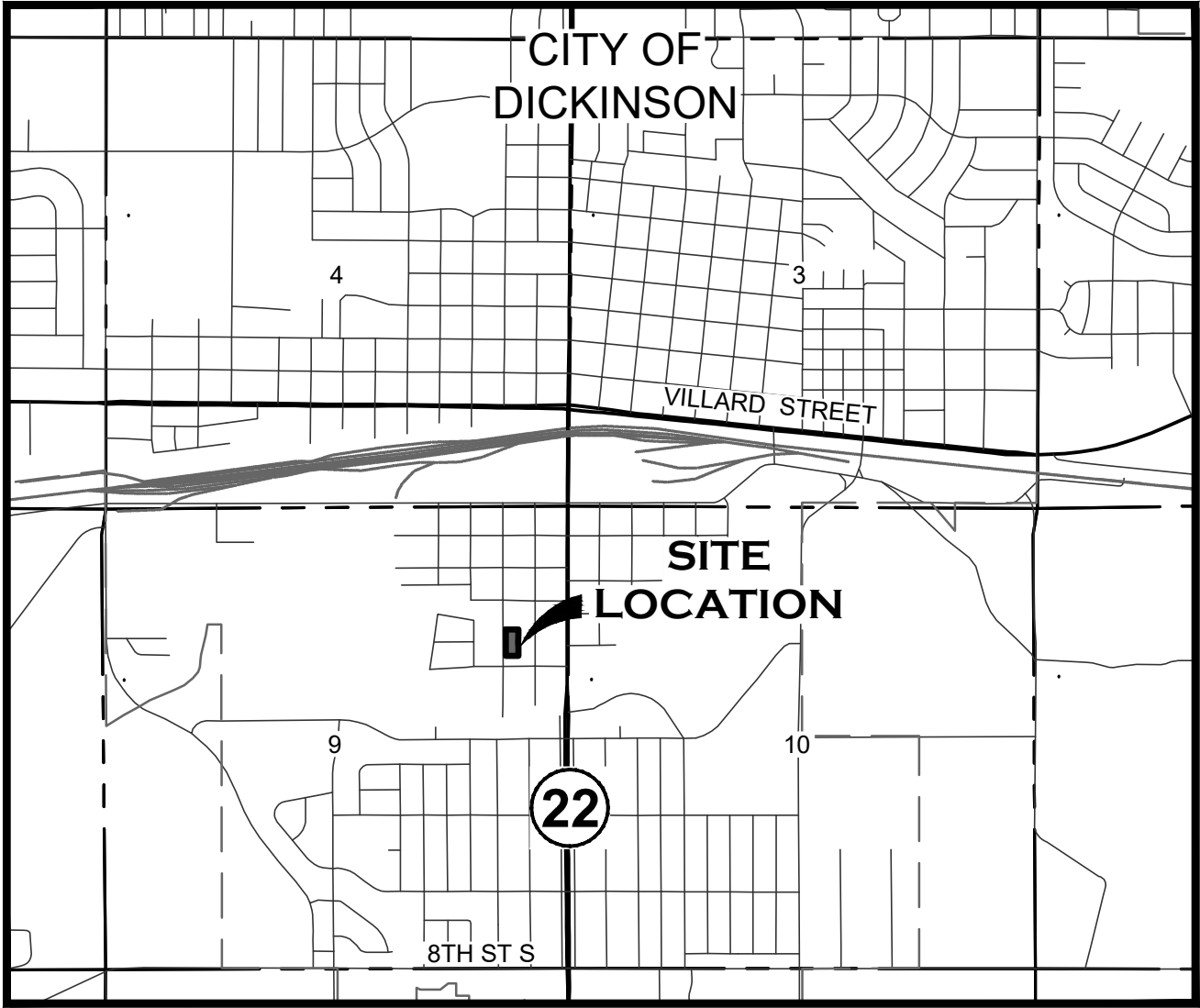
06-29-2023

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.



RIVERVIEW COTTAGES 1ST ADDITION  
BEING THE REPLAT OF LOTS 20-24, BLOCK 1 OF THE REPLAT OF RIVERVIEW ADDITION  
IN THE NE<sup>1</sup>/<sub>4</sub> OF SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



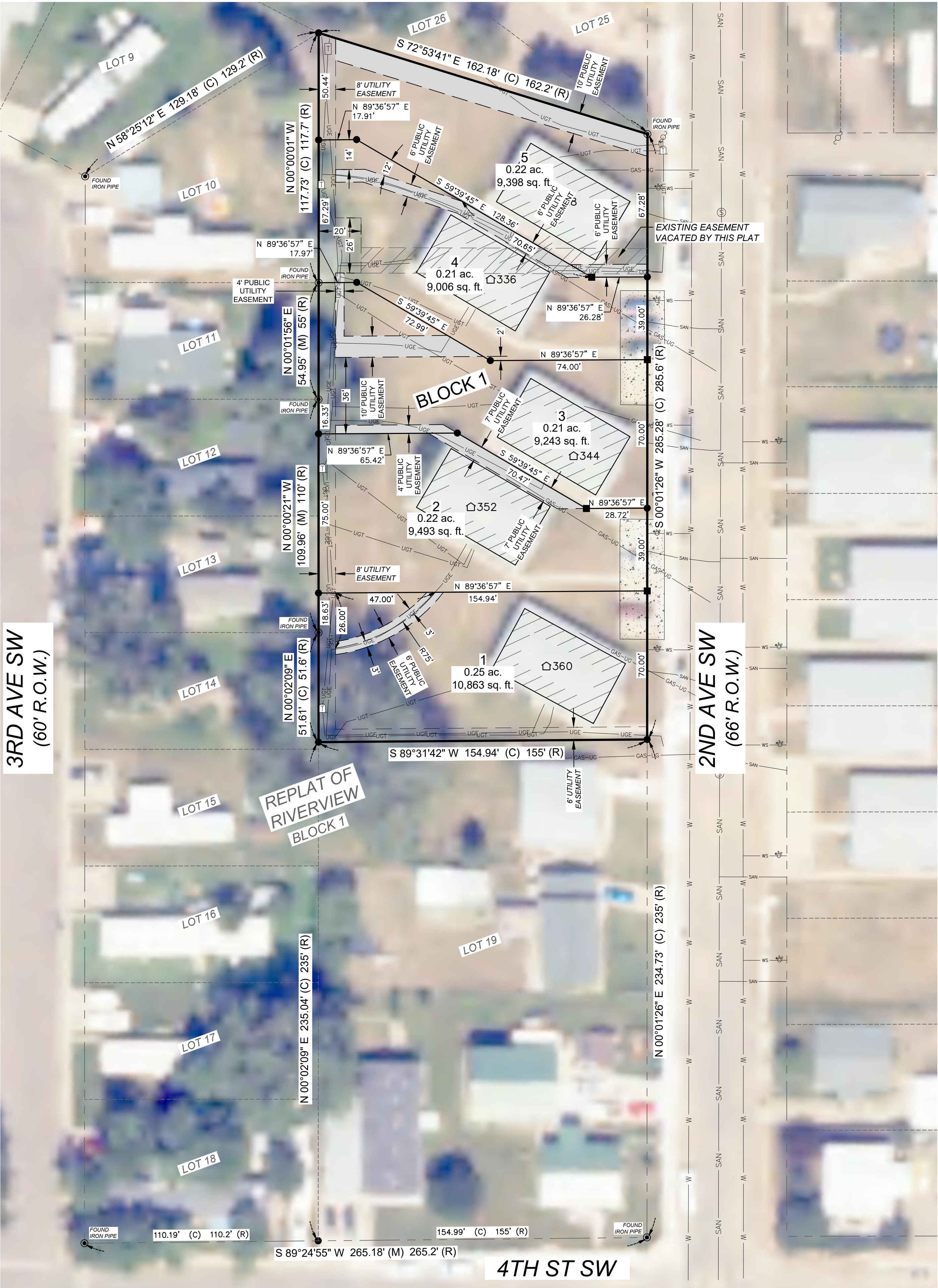
VICINITY MAP  
1" = 2000'

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub>) OF SECTION NINE (9), 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:

LOTS TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK ONE (1) OF THE REPLAT OF RIVERVIEW ADDITION AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 168210.

SAID PARCEL CONTAINS 1.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

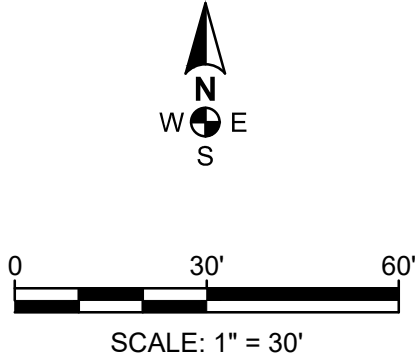


LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP  
STAMPED "HIGHLANDS LS-5466"
- SET COPPER DISC IN CONCRETE  
STAMPED "HIGHLANDS LS-5466"
- RIGHT OF WAY LINE
- EXISTING EASEMENTS
- EASEMENT VACATION
- PROPOSED PUBLIC UTILITY EASEMENT
- PROPOSED EASEMENT CENTERLINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING ELECTRIC PEDESTAL
- EXISTING POWER POLE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING TELEPHONE PEDESTAL
- EXISTING WATERMAIN
- EXISTING WATER SERVICE
- EXISTING WATER SERVICE
- EXISTING SANITARY LINE
- EXISTING SANITARY MANHOLE
- EXISTING BUILDING
- EXISTING CONCRETE PARKING

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: APRIL 19TH, 2023



**HIGHLANDS  
ENGINEERING**

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

PROJECT NUMBER:	231015	SCALE:	1"=30'
DRAWN BY:	AWS	DATE:	06/29/23



# RIVERVIEW COTTAGES 1ST ADDITION

## BEING THE REPLAT OF LOTS 20-24, BLOCK 1 OF THE REPLAT OF RIVERVIEW ADDITION IN THE NE<sup>1</sup>/<sub>4</sub> OF SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

### LEGAL DESCRIPTION

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SAID PARCEL CONTAINS 1.11 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 RIVERVIEW COTTAGES 1ST 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, \_\_\_\_\_, AUTHORIZED REPRESENTATIVE OF VENTURE COMMERCIAL, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub>) OF SECTION NINE (9), 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/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:

SIGNATURE: \_\_\_\_\_  
VENTURE COMMERCIAL, LLC (REPRESENTATIVE)

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

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

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

### CITY OF DICKINSON COMMISSION APPROVAL

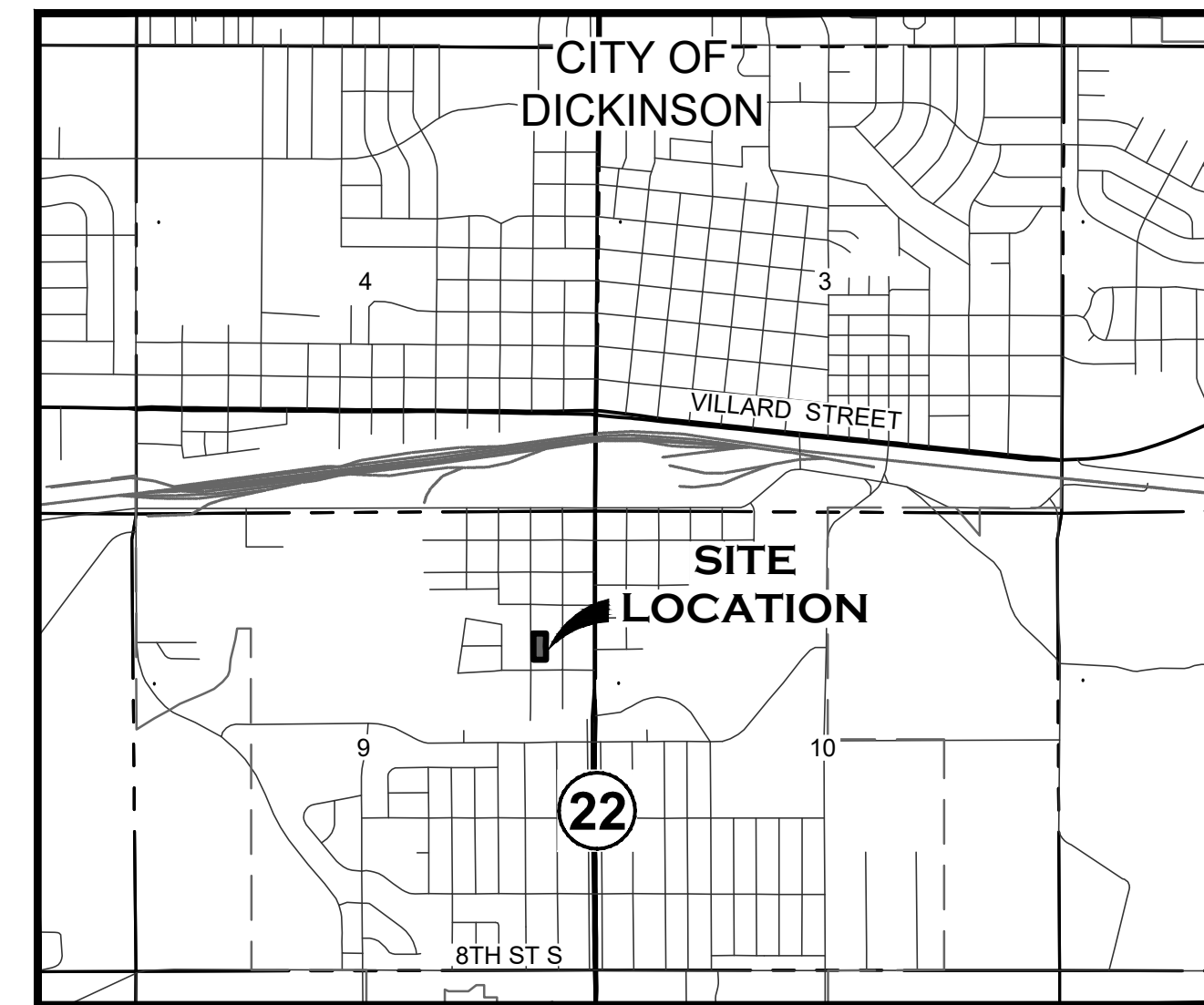
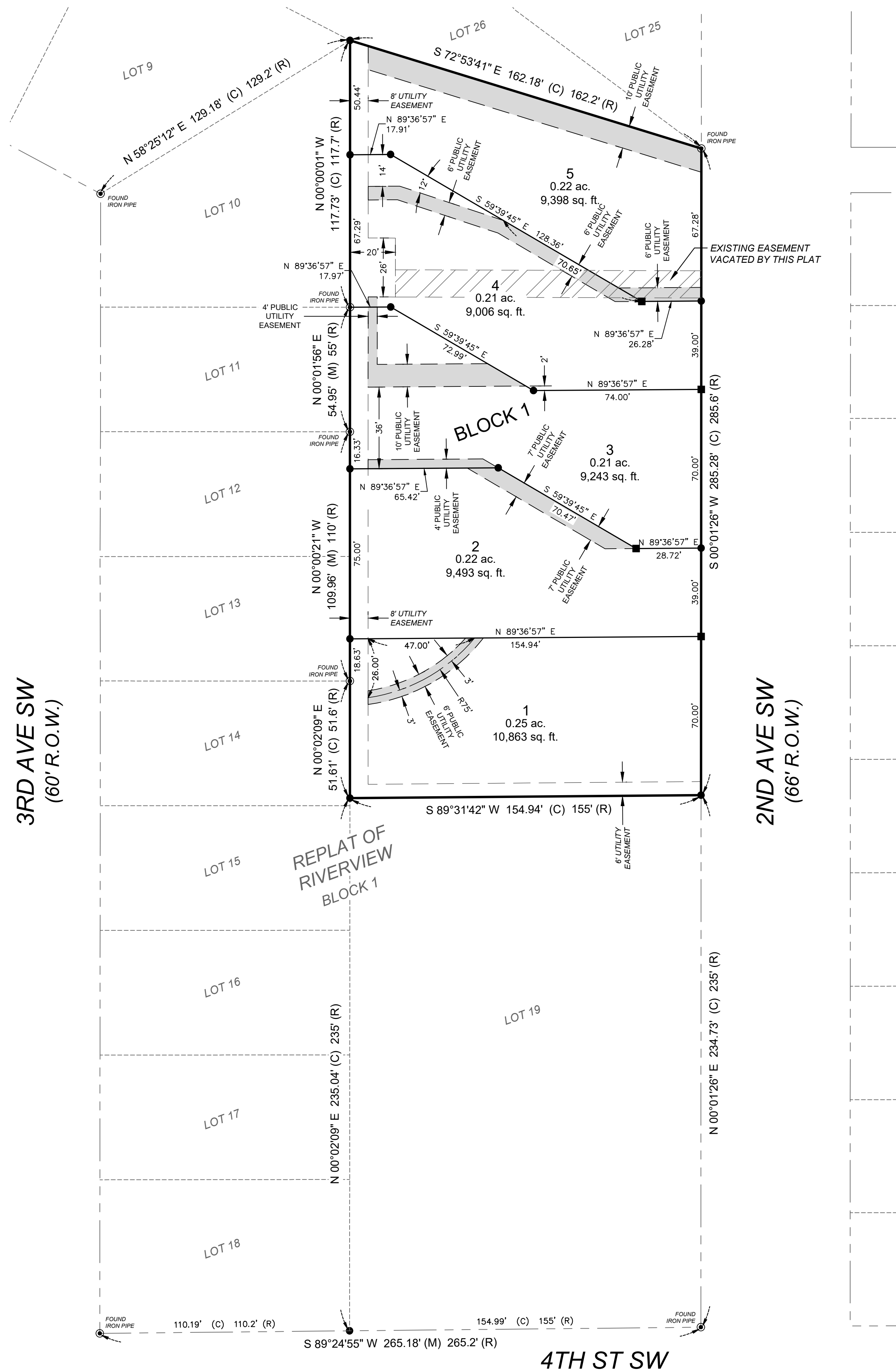
PRESIDENT \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY ENGINEER APPROVAL

CITY ENGINEER \_\_\_\_\_ DATE: \_\_\_\_\_

### CITY PLANNING COMMISSION APPROVAL

SECRETARY \_\_\_\_\_ DATE: \_\_\_\_\_



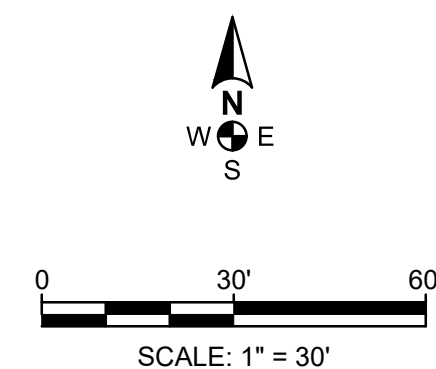
VICINITY MAP  
1" = 2000'

### LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOTS
	EXISTING LOTS
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SET COPPER DISC IN CONCRETE STAMPED "HIGHLANDS LS-5466"
	R.O.W. RIGHT-OF-WAY
	(M) MEASURED DISTANCE
	(R) RECORDED DISTANCE
	(C) CALCULATED DISTANCE
	RIGHT OF WAY LINE
	EXISTING EASEMENTS
	EASEMENT VACATION
	PROPOSED PUBLIC UTILITY EASEMENT
	PROPOSED EASEMENT CENTERLINE

### 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: APRIL 19TH, 2023



319 24TH STREET EAST, DICKINSON, ND 58601 OFFICE: 701.483.2444   WWW.HIGHLANDSENG.COM	
PROJECT NUMBER: 231015	SCALE: 1"=30'
DRAWN BY: AWS	DATE: 06/29/23



**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** August 4, 2023  
**Re:** **FLP-005-2023 Riverview Cottages 1<sup>st</sup> Major Plat**

**OWNER/APPLICANT**

Chad Glasser-Venture Commercial LLC  
P.O. Box 1316  
Dickinson, ND 58602

**Public**

<b>Hearings:</b>	August 11, 2023	Planning and Zoning Commission
	August 15, 2023	City Commission

**REQUEST**

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

The preliminary plat of the Riverview Cottages 1st Addition Subdivision (PLP-002-2023) was heard by the Planning and Zoning Commission on June 21, 2023. Both the Planning and Zoning Commission and City Development Team staff recommended approval subject to the following conditions:

- **The companion Planned Unit Development (PUD) shall be approved by the Planning and Zoning Commission and City Commission prior to this Final Plat approval(REZ 002-2023);**
- **The Final Plat shall become effective upon recordation of the companion PUD; and**
- **In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.**

**B. Project Address/Legal Description/Area:** The proposed five-lot subdivision is generally located on the west side of 2<sup>nd</sup> Avenue SW approximately 270 feet north of 4<sup>th</sup> Street SW. The specific properties are currently legally described as follows:

- Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision.

**C. Project Description:**

The major subdivision plat and the PUD are required to be companions as the existing conditions would not allow the duplexes to be sold to individual buyers:

- Individual buildings currently are located on two lots. Replatting the existing lots would place each existing structure on its own lots; and
- based on the current zoning code the following minimum development requirements cannot be met:
  - off-street parking,
  - lot width,
  - lot size, and
  - front yard setbacks.

Per Section 34.030 of the Subdivision Ordinance, as the proposed subdivision consists of five lots a major subdivision plat is required.

The applicant is proposing to replat the five lots that are subject to the PUD request. All five of the proposed lots are developed with duplexes constructed in 1972 and 1973. There are five detached buildings, and each building is currently in use as a two-unit rental building. Each of the buildings are 2,024 square feet, and each one measures approximately 38 feet by 54 feet with four-foot entrance alcoves. None of the units has a garage of any kind, but there are two existing concrete parking areas for residents that totals 10 parking spaces. All traffic from these buildings utilize 2<sup>nd</sup> Avenue SW, which is classified by the City as a local road. There is no anticipated change to the traffic volume generated by approval of the proposed subdivision. A cluster mailbox is currently located on the northern portion of Lot 20, Block 1 of Riverview Addition serves the existing buildings. This cluster mailbox is intended to serve the buildings in the future.

Regarding water and sanitary sewer services, the applicant's representative researched City records. Based upon this research the applicant's representative established that each

building has its own existing sanitary sewer service and one-inch water service. This finding meets the City of Dickinson Chapter 38 Water and Sewers requirements.

Each building has its own existing gas meter. Each duplex unit has its own existing electric meter. The developer intends to replace the current fuse boxes with 125 AMP breaker panels.

There is an existing public utility easement under the buildings located on Lots 23 and 24, Block 1 of the Replat of Riverview Addition. Based on a call North Dakota One Call it was established no utilities were located in the easement. Also, due to the fact the easement runs under the buildings, it is assumed there are no utilities within the easement limits. Therefore, the developer is vacating the easement with this plat application.

Off street parking currently consists of four paved parking areas that can provide a total of 10 parking stalls. There is approximately 285-feet of existing street frontage with approximately 110 feet utilized for the two paved parking areas. Therefore, there remains approximately 175 feet of on street parking available for the residents. The residents who do not have paved off-street parking within their future lot will have the opportunity to pave a portion of their lot for off street parking.

The accompanying PUD request addresses the following R2 zoning district requirements:

- **Minimum lot size:** The lot sizes, as shown on the site plan in Attachment A, range from 9,006 square feet to 10,863 square feet;
- **Minimum lot width:** The lot widths, as shown on the site plan in Attachment A, range from 39 feet to 75 feet;
- **Minimum off-street parking requirements:** The applicant has also stated that if any or all of those five nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the replacement structure shall meet the minimum off-street parking requirements the City's code in effect at the time of reconstruction.
- **Minimum front yard building setback:** The front yard setbacks of the three nonconforming structures range from 8.1 feet to 12.3 feet. The applicant has also stated that if any or all of those nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the

replacement structure shall meet the minimum building setback requirements the City's code in effect at the time of reconstruction.

Table I: Current Zoning And Use	
ZONING	Medium Density Residential (R2)
CURRENT USE	Nine lots are developed with duplexes; one lot is vacant
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	1.11

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	Low Density Residential (R1)	Undeveloped; single-family residential
East	R2	Single-family residential
South	R2	Multi-family residential
West	Mobile Home (MH)	Mobile home court

STAFF REVIEW AND RECOMMENDATIONS

- A. **Compatibility with Local Uses:** The properties in the immediate vicinity of the proposed plat are developed with uses permitted in either the R2 or Mobile Home Residential (MH) residential zoning districts.
- B. **Compliance with Zoning and Subdivision Regulations:** As stated above, the applicant is requesting a PUD as the current development does not comply with the following zoning code requirements:
- The proposed lot sizes do not meet the minimum requirement of the current R2 zoning;
  - The proposed lot widths do not meet the R2 zoning district’s minimum lot width;

- The number \_\_\_\_\_ of off-street parking spaces does not meet the minimum number required for duplexes; and
- The front yard setbacks for five of the nine existing duplex structures do not meet the R2 minimum front yard setback.

Final approval of the proposed PUD (REZ 002-2023) will allow the applicant to go forward with the final plat as proposed in this application.

- c. Public Input:** As of the date of this staff report, City staff has not received any public comments.
- d. Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving resolution:
- **The REZ-002-2023 request for a Planning Unit Development (PUD) shall receive final approval by the City Commission prior to this Final Plat approval; and**
  - **The Final Plat shall become effective upon recordation.**

**Attachments:**

- A - Application Material

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

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP 005-2023 the Riverview Cottage 1<sup>st</sup> Addition Subdivision Plat**, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare "*  
*(AND) the following additional requirements **(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 005-2023 the Riverview Cottage 1<sup>st</sup> Addition Subdivision Plat** as **not** being compliant with the City of Dickinson Comprehensive Plan, as **not** meeting all the requirements of the Dickinson Municipal Code, and as **not** being in the interest of the public health, safety and welfare "*

**ATTACHMENT A – APPLICATION MATERIALS**



**Unified Development Application**

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

Yes

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

[Riverview Cottages Pre-Application Response Letter-FINAL.pdf](#)

Name	Chad Glasser
Company	Venture Commercial, LLC
Applicant Email	chadglasser1@gmail.com
Applicant Phone #	(701) 290-2332
Applicant Representative (if applicable)	Andrew Schrank

Applicant Representative Company	Highlands Engineering
Applicant Representative Email	schrnk@highlandseng.com
Applicant Representative Phone #	(701) 483-2444
Type of Development	Major Subdivision Final Plat
Is this a Replat	Yes
Subdivision Being Re-platted	Fischer's Addition
Date of Final Plat Approval at Planning & Zoning Commission	06-21-2023
Owner Name	Chad Glasser
Owner Address	Venture Commercial, LLC, PO Box 1316, Dickinson, ND, 58602
Owner Email	chadglasser1@gmail.com
Owner Phone #	(701) 290-2332
Is the owner present to Sign	No
Owner Signature Upload	<a href="#">231015_Owner Signature.pdf</a>
Will this application require any other action to complete the development?	Yes
Metes and Bounds Description	LOTS FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20), BLOCK TWO (2) OF FISCHER'S ADDITION AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE IN PLAT BOOK ONE (1) PAGE TWENTY-FOUR (24).

1/4 Section	Township	Range
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Description		NE1/4 Section 9	T139N	R96W
Property Address / General Project Location	<p>Property addresses are 335, 347, 363, 375, and 387 2nd Ave SW, Dickinson, ND 58601.</p> <p>Property is generally located on the east side of 2nd Ave SW between 3rd and 4th Street SW.</p>			
Total Square Footage or Acreage of Subject Property	0.97			
Rezone Calc Multiplier	0			
Minor Platting Multiplier	0			
Prelim Platting Multiplier	0			
Major Platting Multiplier	1			
Name of Final Plat	Riverview Cottages 2nd Addition			
Final Platted Lots	1 to 10 Lots			
Final Platted Block(s)	1			
Name of Preliminary Plat	Riverview Cottages 2nd Addition			
Preliminary Number Lots	1 to 10 Lots			
Preliminary Number of Block(s)	1			
	8 existing dwelling units in 4 duplex buildings			
Application Calc	350			
Required Documentation Upload	<a href="#">231015_FEMA_SFHA.pdf</a> <a href="#">231015_Riverview_Cottages_2nd-Closure_Report.pdf</a> <a href="#">231015_Riverview_Cottages_2nd-FINAL_2023-06-29.pdf</a> <a href="#">231015_Riverview_Cottages_2nd-PRELIM_2023-06-29.pdf</a> <a href="#">231015_Transmittal-Final_Plat_2023-06-29.pdf</a>			
Deed for Property	<a href="#">3176838_Deed.pdf</a>			

Application Fees	Applicable Fees	350.00 USD
------------------	-----------------	------------

Total:	\$350.00
--------	----------

Transaction ID:	ddfwdn4g
-----------------	----------

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

Applicant Signature



Date	06-29-2023
------	------------

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



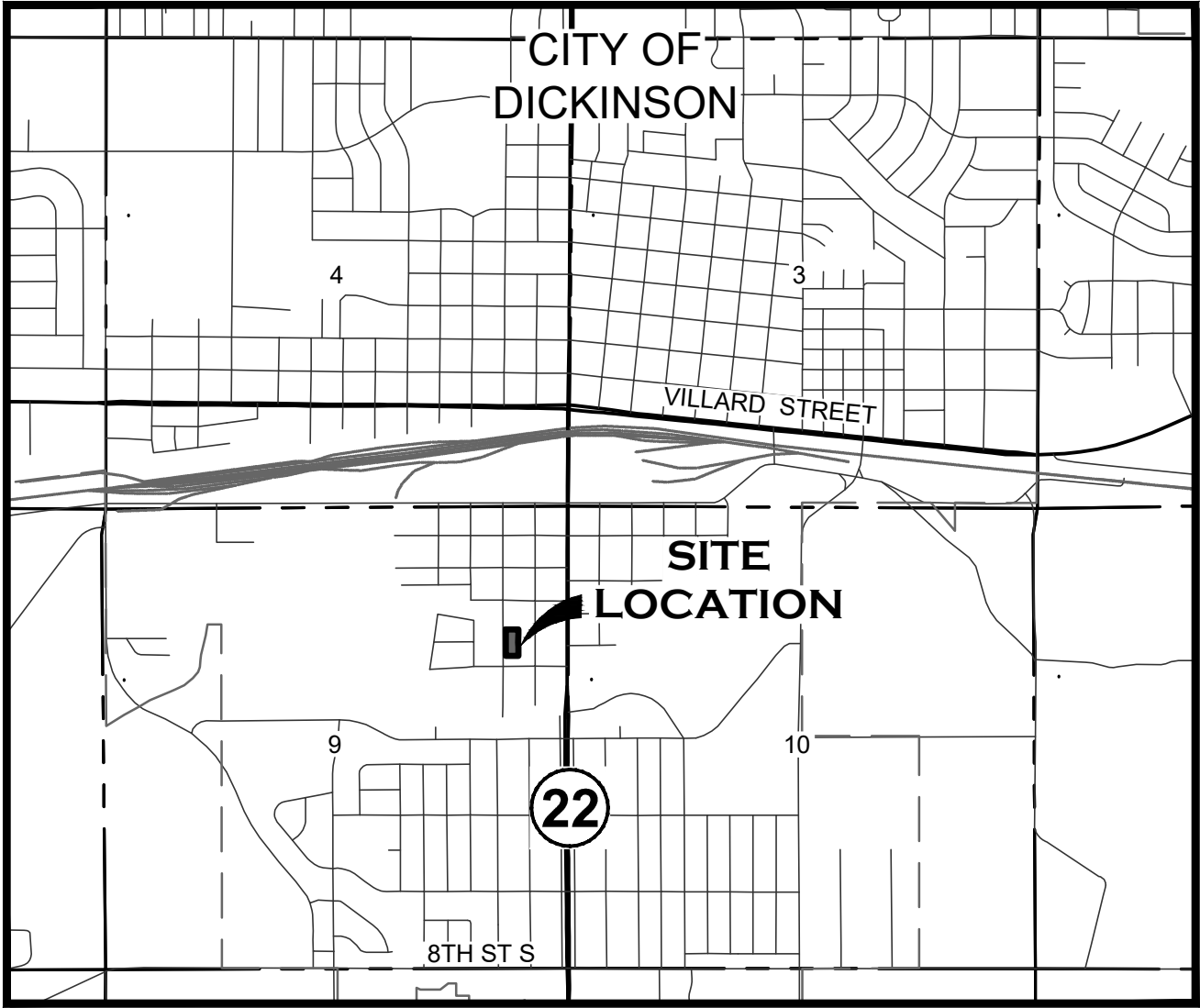
RIVERVIEW COTTAGES 2ND ADDITION  
BEING THE REPLAT OF LOTS 15-20, BLOCK 2 OF FISCHER'S ADDITION  
IN THE NE¼ SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¼) OF SECTION NINE (9), 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:

LOTS FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20), BLOCK TWO (2) OF FISCHER'S ADDITION AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE IN PLAT BOOK ONE (1) PAGE TWENTY-FOUR (24).

SAID PARCEL CONTAINS 0.97 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.



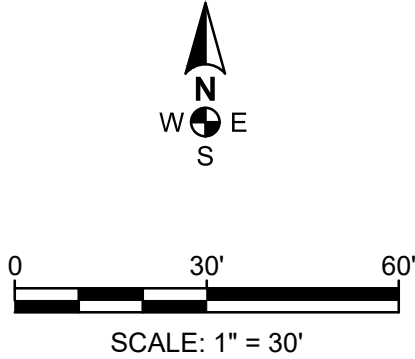
VICINITY MAP  
1" = 2000'

LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOTS
	EXISTING LOTS
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SET COPPER DISC IN CONCRETE STAMPED "HIGHLANDS LS-5466"
	RIGHT OF WAY LINE
	PROPOSED ELECTRIC EASEMENT
	EXISTING UNDERGROUND GAS LINE
	EXISTING UNDERGROUND ELECTRIC LINE
	EXISTING ELECTRIC PEDESTAL
	EXISTING POWER POLE
	EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING TELEPHONE PEDESTAL
	EXISTING WATERMAIN
	EXISTING WATER SERVICE
	EXISTING WATER SERVICE
	EXISTING SANITARY LINE
	EXISTING SANITARY MANHOLE
	EXISTING BUILDING
	EXISTING CONCRETE PARKING

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: APRIL 19TH, 2023



**HIGHLANDS  
ENGINEERING**

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

PROJECT NUMBER:	231015	SCALE:	1"=30'
DRAWN BY:	AWS	DATE:	06/29/23



# RIVERVIEW COTTAGES 2ND ADDITION

## BEING THE REPLAT OF LOTS 15-20, BLOCK 2 OF FISCHER'S ADDITION

### IN THE NE<sup>1</sup>/<sub>4</sub> SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN

### CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

#### LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub>) OF SECTION NINE (9), 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:

LOTS FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20), BLOCK TWO (2) OF FISCHER'S ADDITION AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE IN PLAT BOOK ONE (1) PAGE TWENTY-FOUR (24).

SAID PARCEL CONTAINS 0.97 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 RIVERVIEW COTTAGES 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 THEY EXECUTED THE SAME.

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

#### PROPRIETOR'S CERTIFICATE

I, \_\_\_\_\_, AUTHORIZED REPRESENTATIVE OF VENTURE COMMERCIAL, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN THE NORTHEAST QUARTER (NE<sup>1</sup>/<sub>4</sub>) OF SECTION NINE (9), 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(W/E) 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:

SIGNATURE: \_\_\_\_\_  
VENTURE COMMERCIAL, LLC (REPRESENTATIVE)

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

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

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

#### CITY OF DICKINSON COMMISSION APPROVAL

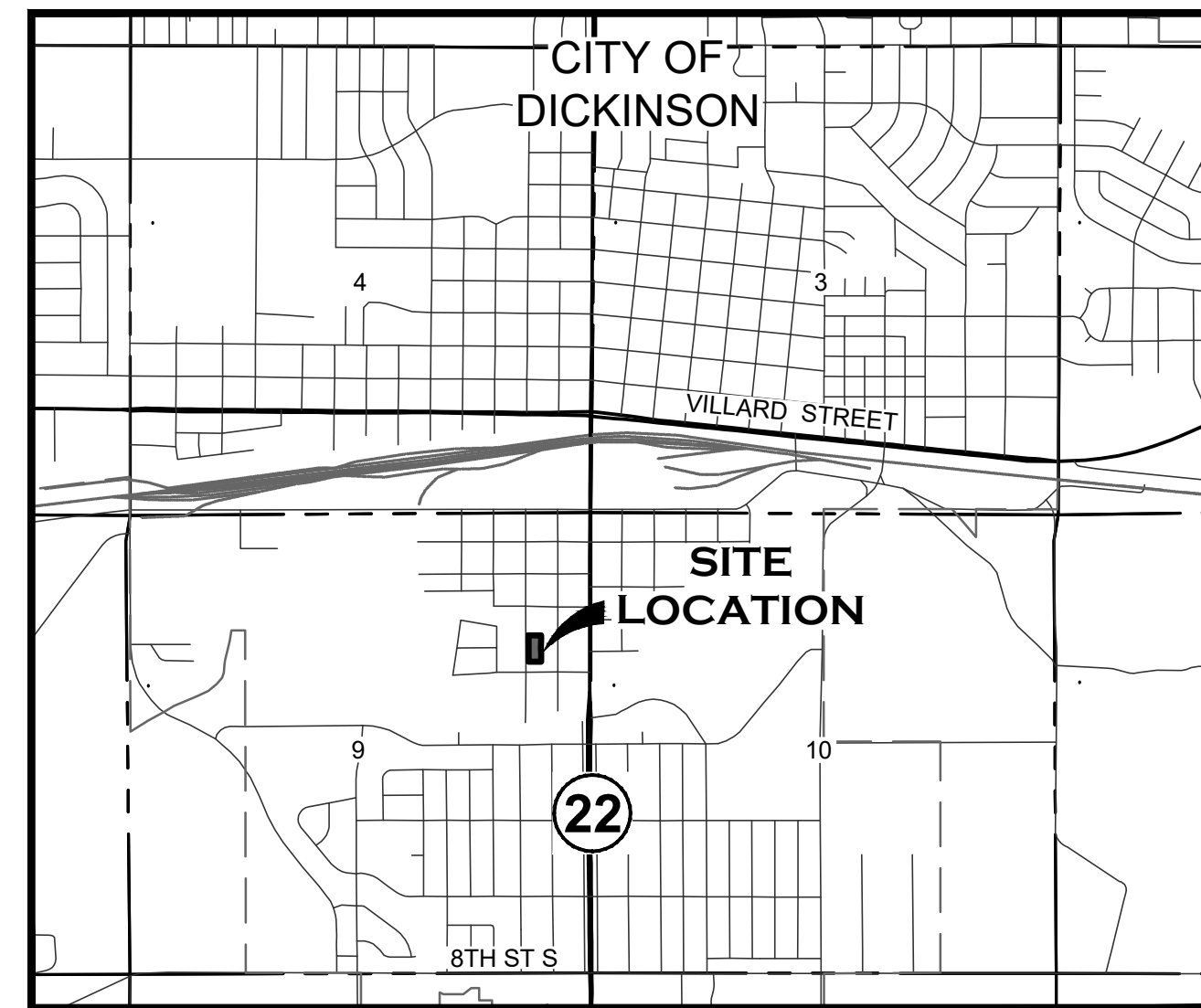
PRESIDENT \_\_\_\_\_ DATE: \_\_\_\_\_

#### CITY ENGINEER APPROVAL

CITY ENGINEER \_\_\_\_\_ DATE: \_\_\_\_\_

#### CITY PLANNING COMMISSION APPROVAL

SECRETARY \_\_\_\_\_ DATE: \_\_\_\_\_



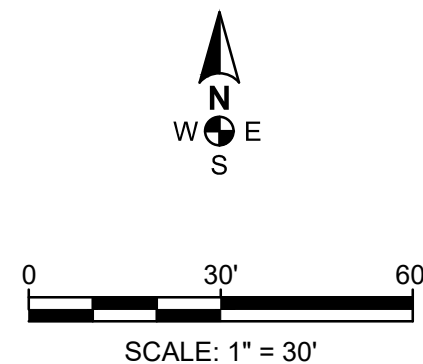
VICINITY MAP  
1" = 2000'

#### LEGEND

	PROPERTY BOUNDARY
	PROPOSED LOTS
	EXISTING LOTS
	FOUND MONUMENT
	SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
	SET COPPER DISC IN CONCRETE STAMPED "HIGHLANDS LS-5466"
	R.O.W. RIGHT-OF-WAY
	(M) MEASURED DISTANCE
	(R) RECORDED DISTANCE
	(C) CALCULATED DISTANCE
	RIGHT OF WAY LINE
	PROPOSED ELECTRIC EASEMENT

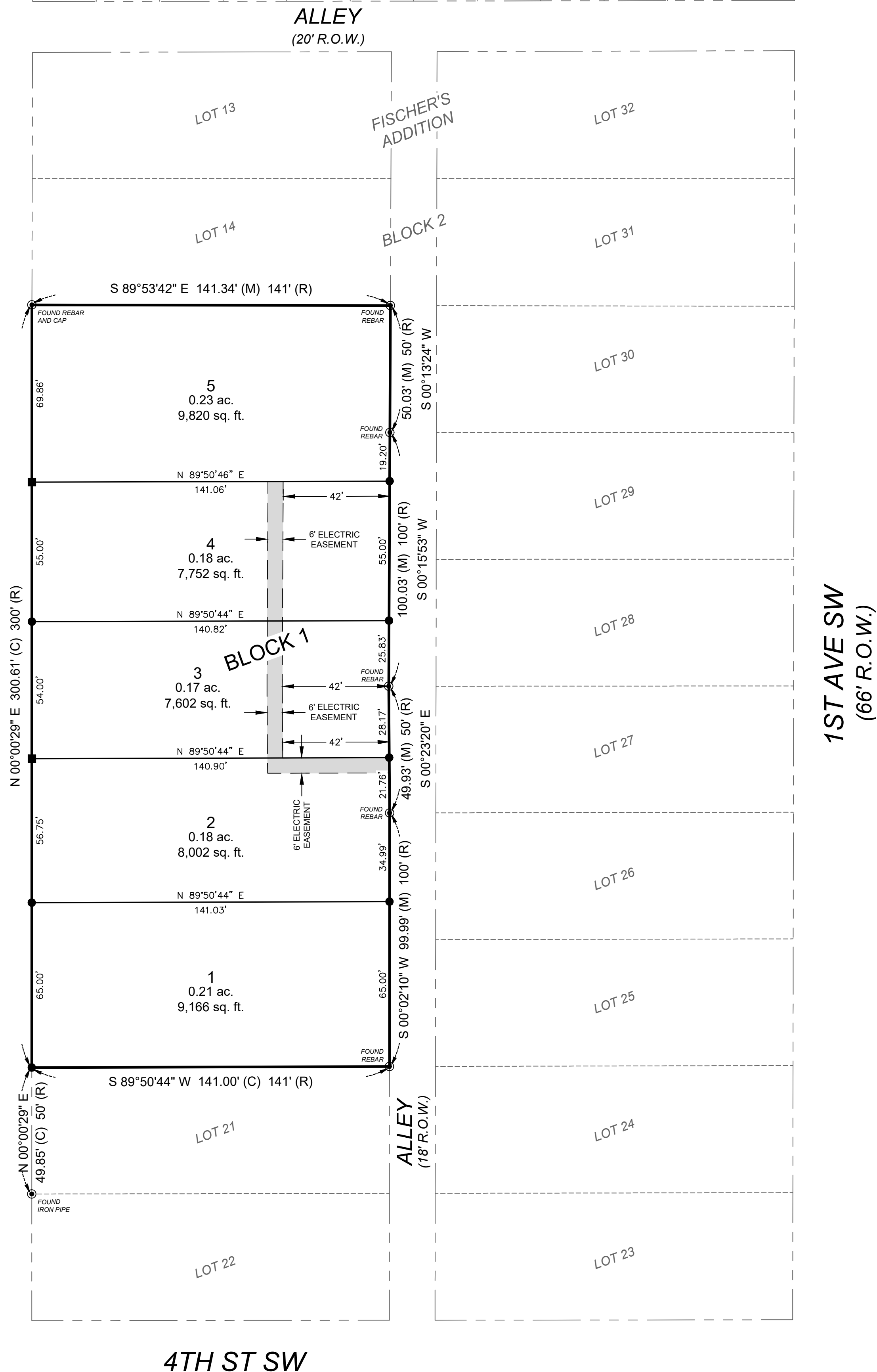
#### SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- VERTICAL DATUM: NAVD 88
- DATE OF LATEST FIELD WORK: APRIL 19TH, 2023



<b>HIGHLANDS ENGINEERING</b>	
319 24TH STREET EAST, DICKINSON, ND 58601 OFFICE: 701.483.2444   WWW.HIGHLANDSENG.COM	
PROJECT NUMBER: 231015	SCALE: 1"=30'
DRAWN BY: AWS	DATE: 06/29/23

2ND AVE SW  
(66' R.O.W.)



1ST AVE SW  
(66' R.O.W.)

4TH ST SW

**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** June 9, 2023  
**Re:** **FLP-006-2023 Riverview Cottages 2nd Major Plat**

**OWNER/APPLICANT**

Chad Glasser-Venture Commercial LLC  
P.O. Box 1316  
Dickinson, ND 58602

<b>Public</b>	August 11, 2023	Planning and Zoning Commission
<b>Hearings:</b>	August 15, 2023	City Commission

**REQUEST**

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

The preliminary plat of the Riverview Cottages 2nd Addition Subdivision (PLP-003-2023) was heard by the Planning and Zoning Commission on June 21, 2023. Both the Planning and Zoning Commission and City Development Team staff recommended approval subject to the following conditions:

- **The companion Planned Unit Development (PUD) shall be approved by the Planning and Zoning Commission and City Commission prior to this Final Plat approval (REZ 002-2023);**
- **The Final Plat shall become effective upon recordation of the companion PUD; and**
- **In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.**

- B. Project Address/Legal Description/Area:** The proposed five lot subdivision is generally located on the east side of 2<sup>nd</sup> Avenue SW approximately 130 feet north of the center line of 4<sup>th</sup> Street SW. The specific properties are currently legally described as follows:

- Lots 15-20, Block 2 of the Replat of Fischer's Addition Subdivision.

**c. Project Description:** The major subdivision plat and the PUD are required to be companions as the existing conditions would not allow the duplexes to be sold to individual buyers:

- Individual buildings currently are located on two lots. Replatting the existing lots would place each existing structure on its own lots; and
- based on the current zoning code the following minimum development requirements cannot be met:
  - off-street parking,
  - lot width,
  - lot size, and
  - front yard setbacks.

Per Section 34.030 of the Subdivision Ordinance, as the proposed subdivision consists of five lots a major subdivision plat is required.

The applicant is proposing to replat the 5 lots that are part of the PUD request. One of the lots is currently is vacant. Four of the proposed lots are developed with duplexes constructed in 1972 and 1973, and each building is currently in use as a two-unit rental building. Each of the buildings are 2,024 square feet and measures approximately 38 feet by 54 feet with 4-feet by 7-feet entrance alcoves. None of the units has a garage of any kind, but there are two existing concrete parking areas for residents that totals 10-parking spaces. All traffic from these buildings utilize 2<sup>nd</sup> Avenue SW, which is classified by the City as a local road. There is no anticipated change to the traffic volume generated by approval of the final plat application. A cluster mailbox is currently located on the norther portion of Lot 20, Block 1 of Riverview Addition which serves the existing buildings. This cluster mailbox is intended to continue to serve the buildings into the future.

Regarding water and sanitary sewer services, the applicant's representative researched City records. Based upon this research the applicant's representative established that each building has its own existing sanitary sewer service and one-inch water service. This finding meets the City of Dickinson Chapter 38 Water and Sewers requirements.

Each building has its own existing gas meter. Each duplex unit has its own existing electric meter. The developer intends to replace the current fuse boxes with 125 AMP breaker panels.

Off street parking currently consists of two paved parking areas that can provide five parking stalls each for a total of 10 parking stalls. There is approximately 300 feet of existing street frontage with approximately 110 feet utilized for the two paved parking areas. Therefore, there remains approximately 185 feet of on street parking available for the residents. The residents who do not have paved off-street parking within their future lot have the opportunity to pave a portion of their lot for off-street parking.

- The accompanying PUD request addresses the following R2 zoning district requirements:
- Minimum lot size:** The lot sizes, as shown on the site plan in Attachment A, range from 7,752 square feet to 9,820 square feet;
  - Minimum lot width:** The lot widths, as shown on the site plan in Attachment A, range from 54 feet to 70 feet;
  - Minimum off-street parking requirements:** The applicant has stated that if any or all of those five nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the replacement structure shall meet the minimum off-street parking requirements the City's code in effect at the time of reconstruction.
  - Minimum front yard building setback:** The front yard setbacks of the five nonconforming structures range from 8.1 feet to 12.3 feet. The applicant has also stated that if any or all of those five nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the replacement structure shall meet the minimum building setback requirements the City's code in effect at the time of reconstruction.

Table I: Current Zoning And Use	
ZONING	Medium Density Residential (R2)
CURRENT USE	Four lots are developed with duplexes; one lot is vacant
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.97

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use

North	Medium Density Residential (R2)	Vacant
East	R2	Single-family residential
South	R2	Single-family residential
West	R2	Duplexes

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The properties in the immediate vicinity of the proposed plat are developed with uses permitted in the adjacent R2 zoning district.
- B. Compliance with Zoning and Subdivision Regulations:** As stated above, the applicant is requesting a PUD as the current development does not comply with the following zoning code requirements:
- None of the proposed lot sizes meet the minimum requirement of the current R2 zoning;
  - None of the proposed lot widths meet the R2 zoning district’s minimum lot width;
  - The number of off-street parking spaces does not meet the minimum number required for duplexes; and
  - The front yard setbacks for two of the four existing duplex structures do not meet the R2 minimum front yard setback.
- Final approval of the proposed PUD (REZ 002-2023) will allow the applicant to go forward with the final plat as proposed in this application.
- C. Public Input:** As of the date of this this, City staff has not received any public comments.
- D. Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving resolution:
- **The REZ-002-2023 request for a Planning Unit Development (PUD) shall receive final approval by the City Commission prior to this Final Plat approval; and**
  - **The Final Plat shall become effective upon recordation.**



Attachments:

- A - Application Material

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

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

*(AND) the following additional requirements (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 006-2023 the Riverview Cottage 2<sup>nd</sup> Addition** as **not** being compliant with the City of Dickinson Comprehensive Plan, as **not** meeting all the requirements of the Dickinson Municipal Code, and as **not** being in the interest of the public health, safety and welfare "*

**ATTACHMENT A – APPLICATION MATERIALS**

Sylvia Miller

**From:** Jotform <noreply@jotform.com>  
**Sent:** Monday, July 3, 2023 10:31 AM  
**To:** Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Loretta Marshik; Leonard W. Schwindt; Joshua Skluzacek  
**Subject:** Re: Unified Development Application  
**Attachments:** 231003\_Closure Report\_2023-05-05.pdf; 231003\_Development Agreement\_2023-07-03.pdf; 231003\_Development Agreement\_CURRENT.docx; 231003\_Plat-FINAL\_2023-05-02.pdf; 231003\_Plat-PRELIM\_2023-05-02.pdf; 231003\_Transmittal-Final Plat\_2023-07-03.pdf; The District PUD Pre Application Letter 2-14-23.pdf; 3173246\_Deed.pdf; 231003\_Owner Signature.pdf; 5642110323226446669\_signature\_23.png



## Unified Development Application

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

Please upload the letter or counseling form you received following your pre-application meeting:      [The District PUD Pre Application Letter 2-14-23.pdf](#)

Name	Chad Glasser
Company	Venture Commercial, LLC
Applicant Email	chadglasser1@gmail.com
Applicant Phone #	(701) 290-2332
Applicant Representative (if applicable)	Andrew Schrank
Applicant Representative Company	Highlands Engineering

Applicant Representative Email      schrank@highlandseng.com

Applicant Representative Phone #      (701) 483-2444

Type of Development      Major Subdivision Final Plat

Is this a Replat      Yes

Subdivision Being Re-platted      Lot 4, Block 1, The District Addition

Date of Final Plat Approval at Planning & Zoning Commission      06-21-2023

Owner Name      Chad Glasser

Owner Address      Venture Commercial, LLC, PO Box 1316, Dickinson, ND, 58602

Owner Email      chadglasser1@gmail.com

Owner Phone #      (701) 290-2332

Is the owner present to Sign      No

Owner Signature Upload      [231003\\_Owner\\_Signature.pdf](#)

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

Metes and Bounds Description      Lot 4, Block 1 of The District Addition in the City of Dickinson, ND

	1/4 Section	Township	Range
Description	NE1/4 Section 32	T140N	R96W

Property Address / General Project Location      The property is generally located west of State Avenue on the south side of 19th Street W.

Total Square Footage or Acreage of Subject Property	5.47 acres
Rezone Calc Multiplier	0
Minor Platting Multiplier	0
Prelim Platting Multiplier	0
Major Platting Multiplier	1
Name of Final Plat	The District Business Park First Addition
Final Platted Lots	11 to 25 Lots
Final Platted Block(s)	1
Name of Preliminary Plat	The District Business Park First Addition
Preliminary Number Lots	11 to 25 Lots
Preliminary Number of Block(s)	1
	0 existing
Application Calc	350
Required Documentation Upload	<a href="#">231003_Closure Report_2023-05-05.pdf</a> <a href="#">231003_Development Agreement_2023-07-03.pdf</a> <a href="#">231003_Development Agreement_CURRENT.docx</a> <a href="#">231003_Plat-FINAL_2023-05-02.pdf</a> <a href="#">231003_Plat-PRELIM_2023-05-02.pdf</a> <a href="#">231003_Transmittal-Final Plat_2023-07-03.pdf</a>
Deed for Property	<a href="#">3173246_Deed.pdf</a>
Application Fees	<div>Applicable Fees</div> <div>350.00 USD</div>
Total:	\$350.00
Transaction ID:	ccmr1p1z
<div>==Payer Info==</div> <div>First Name      Andrew</div>	

Last Name      Schrank

Applicant Signature

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'R' shape with a horizontal line extending to the right.

Date

07-03-2023

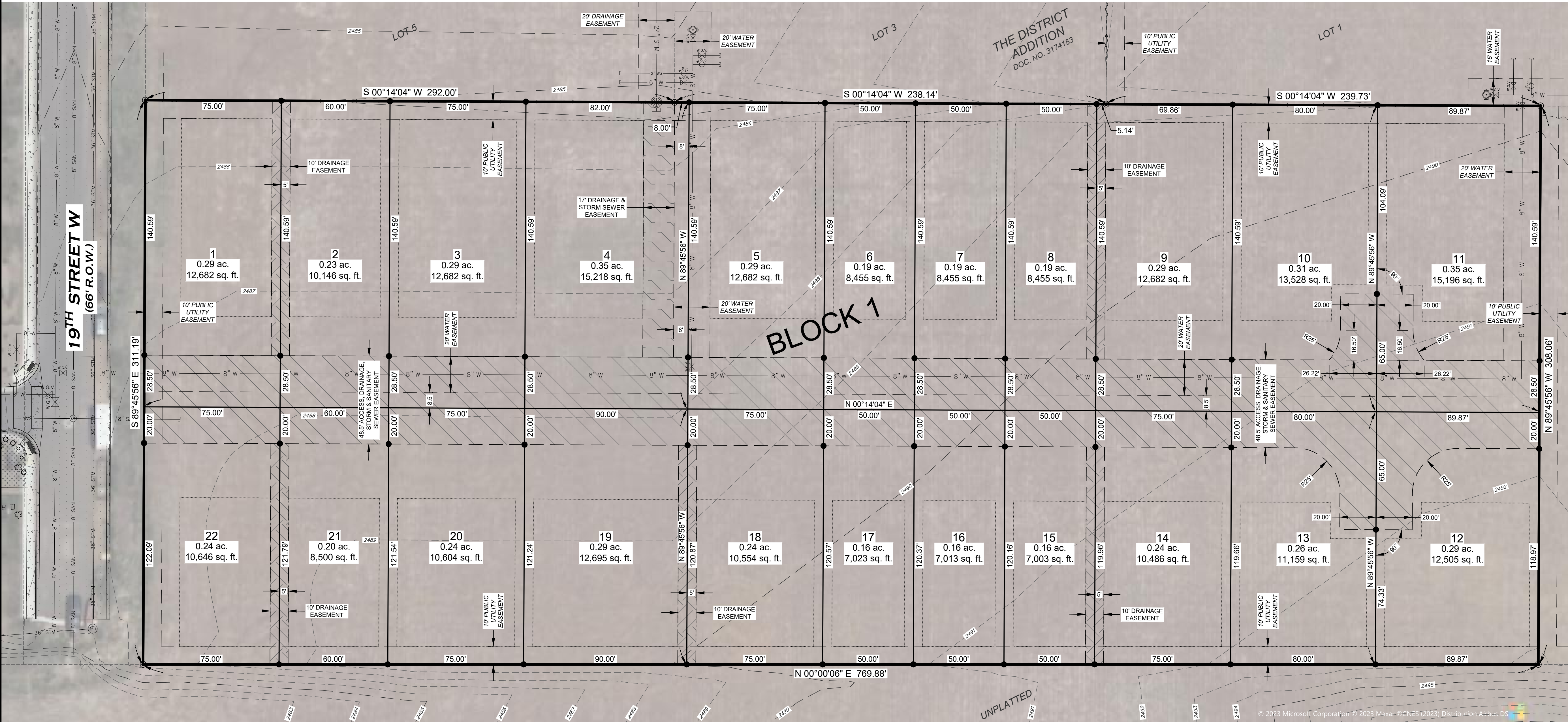
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You can [edit this submission](#) and [view all your submissions](#) easily.



# THE DISTRICT BUSINESS PARK FIRST ADDITION

BEING THE REPLAT OF LOT 4, BLOCK 1 OF THE DISTRICT ADDITION IN THE NORTHEAST QUARTER (NE¼) OF SECTION THIRTY-TWO (32),  
TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN (5TH P.M.)  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



## LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- PROPOSED ACCESS, DRAINAGE, STORM & SANITARY SEWER EASEMENT
- PROPOSED STORM SEWER & DRAINAGE EASEMENTS
- PROPOSED DRAINAGE EASEMENTS
- EXISTING EASEMENTS
- BUILDING SETBACK
- 5' MAJOR CONTOURS
- 1' MINOR CONTOURS

## SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM. PROJECT HAS A CENTRAL MERIDIAN OF LAT: 46°51'42.38098" / LONG: 102°47'24.24924". BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.
- VERTICAL DATUM: NAVD 88, GEOID 03.
- DATE OF LATEST FIELD WORK: FEBRUARY 24, 2022

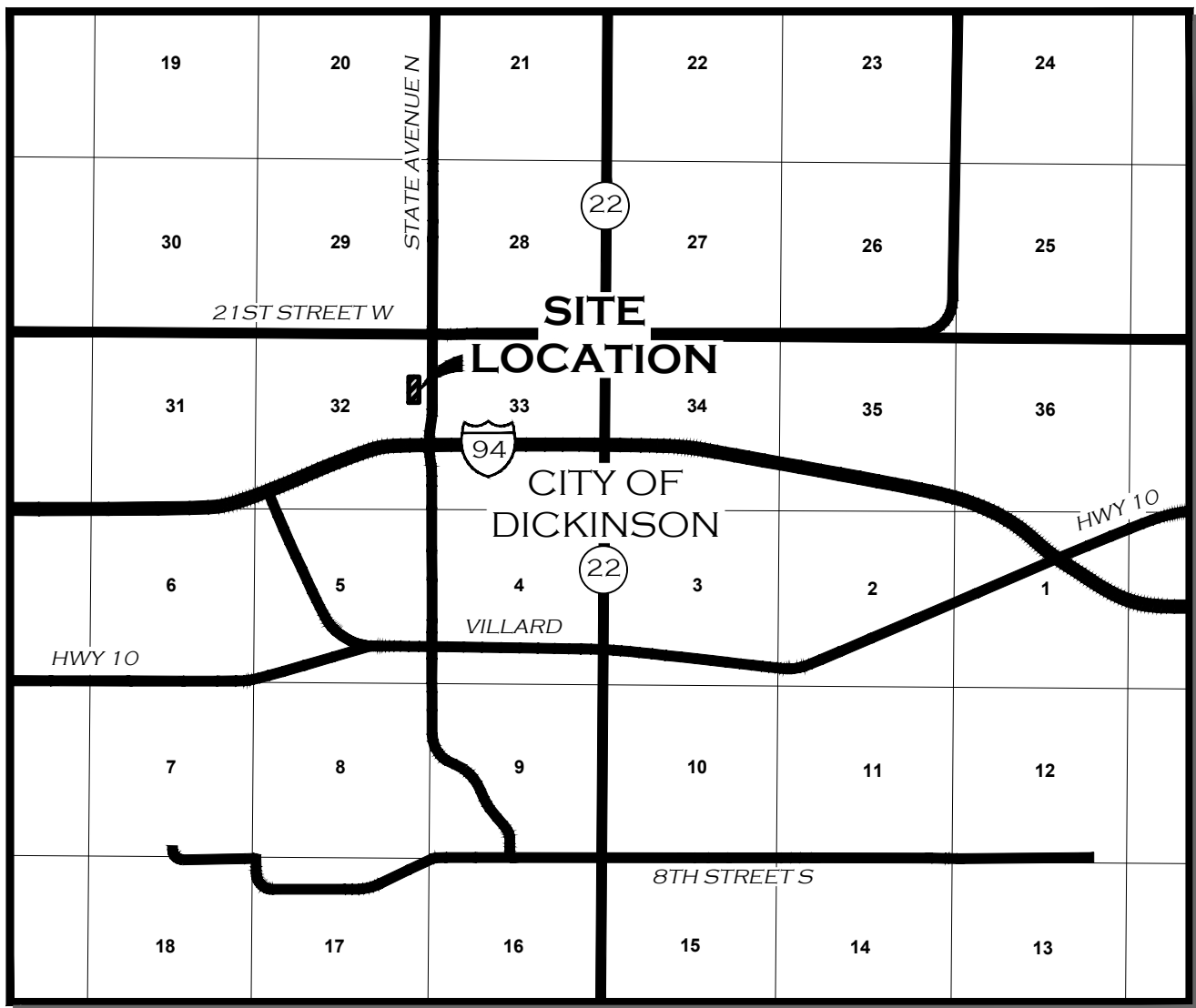
## PROPERTY NOTES

- THIS SUBDIVISION IS LOCATED OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD AREA AS SHOWN BY ZONE "X" OF FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBERS 3801170189E AND 3801170193E, PANELS 189 AND 193 OF 850, WITH AN EFFECTIVE DATE OF NOVEMBER 4, 2010.
- REFER TO THE DISTRICT ADDITION PLAT AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3174153 FOR FURTHER DEPICTION OF EXISTING EASEMENTS WITHIN THIS SUBDIVISION.

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT FOUR (4), BLOCK ONE (1) OF THE DISTRICT ADDITION LOCATED IN THE NORTHEAST QUARTER (NE¼) OF SECTION THIRTY-TWO (32), TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 5.47 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

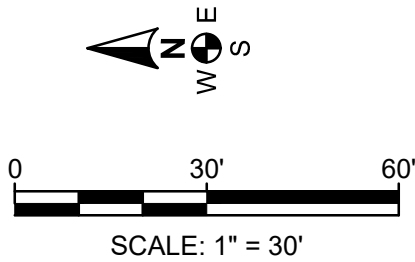


VICINITY MAP  
1" = MILE

**HIGHLANDS**  
ENGINEERING

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

PROJECT NUMBER: 231003	SCALE: 1"=30'
DRAWN BY: AJA/AWS	DATE: 05/02/23

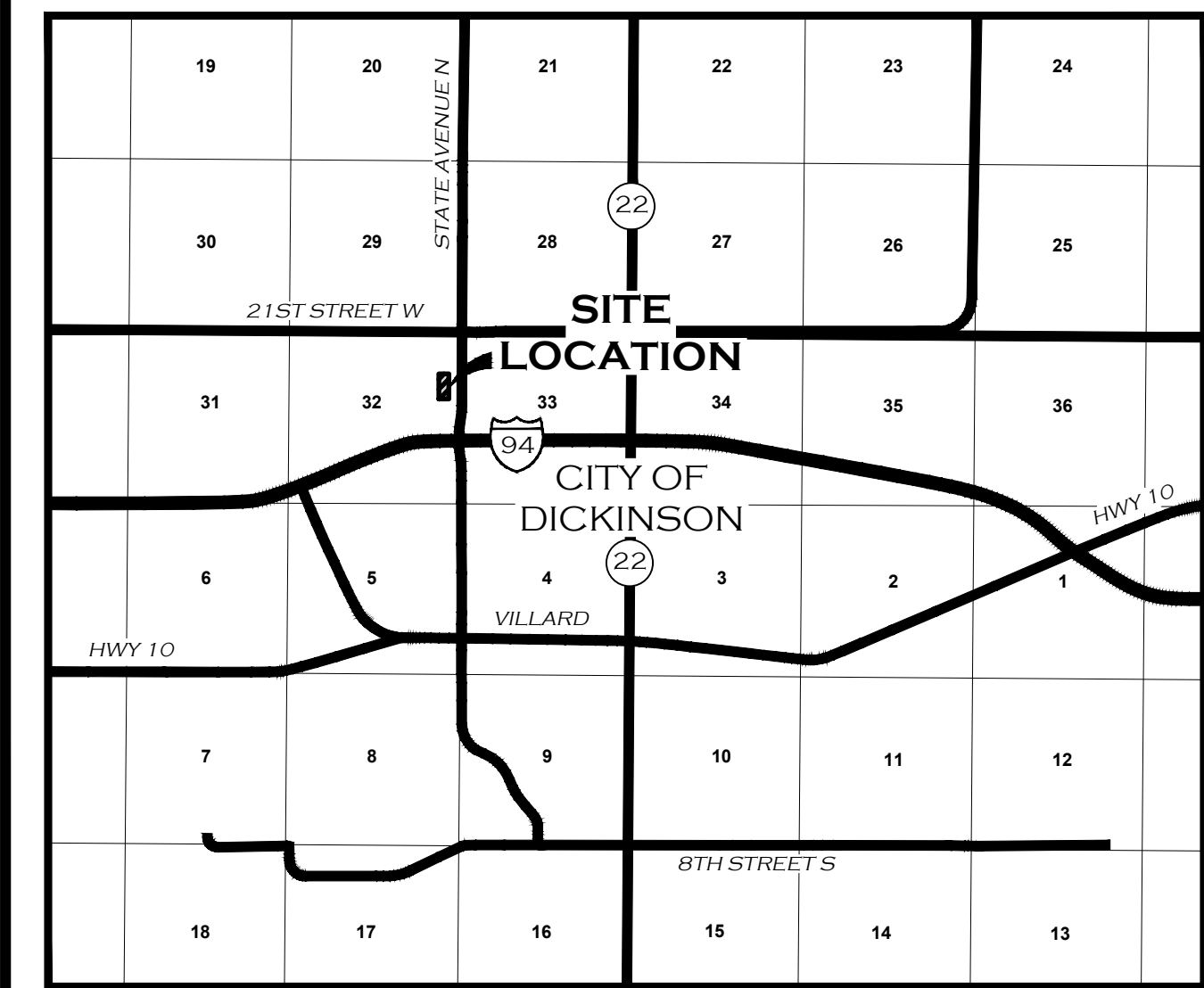
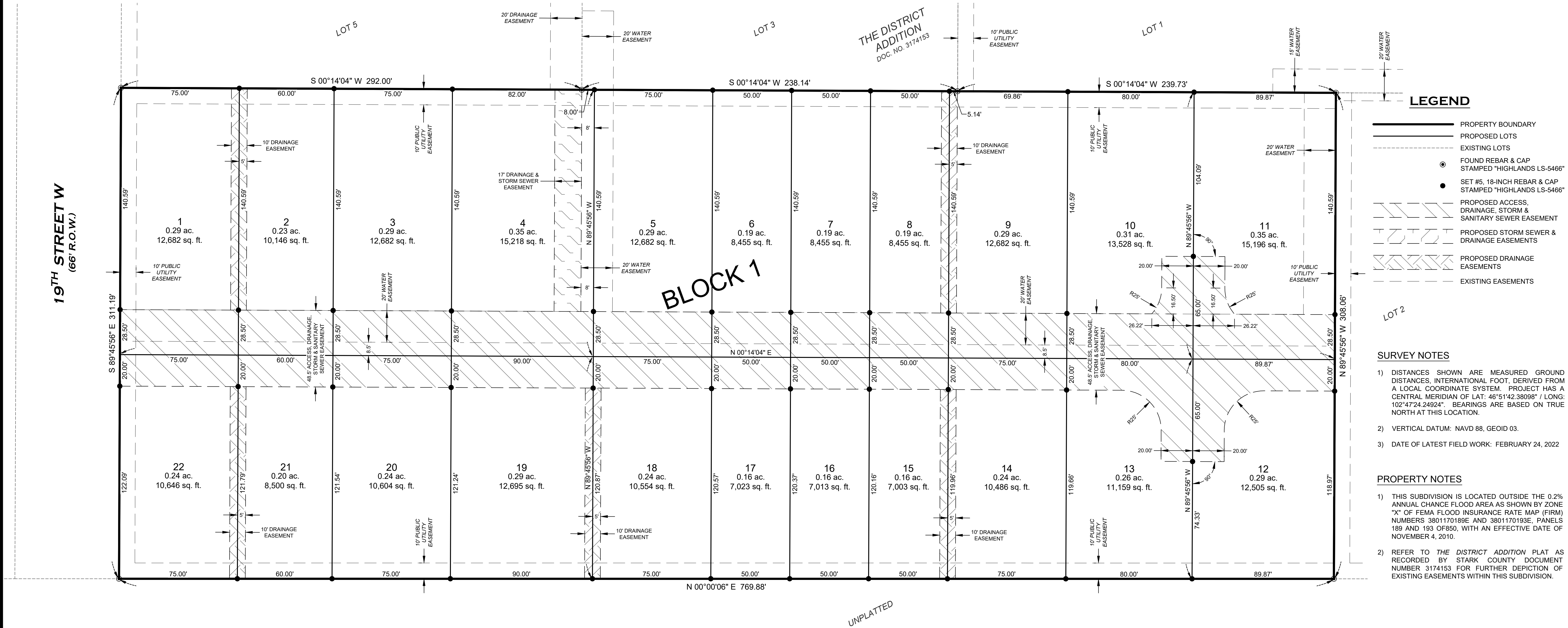




# THE DISTRICT BUSINESS PARK FIRST ADDITION

BEING THE REPLAT OF LOT 4, BLOCK 1 OF THE DISTRICT ADDITION IN THE NORTHEAST QUARTER (NE¼) OF SECTION THIRTY-TWO (32), TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN (5TH P.M.)

CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**VICINITY MAP**  
1" = MILE

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING LOT FOUR (4), BLOCK ONE (1) OF THE DISTRICT ADDITION LOCATED IN THE NORTHEAST QUARTER (NE¼) OF SECTION THIRTY-TWO (32), TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 5.47 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 DISTRICT BUSINESS PARK FIRST 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  
RESIDING AT COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

## PROPRIETOR'S CERTIFICATE

I, AARON GRINSTEINER, AUTHORIZED REPRESENTATIVE OF VENTURE COMMERCIAL, LLC, RESIDING AT 4566 WEST RIDGE DRIVE, DICKINSON, ND 58601, THE OWNER AND PROPRIETOR OF PROPERTY LYING IN LOT FOUR (4), BLOCK ONE (1) OF THE DISTRICT ADDITION LOCATED IN THE NORTHEAST QUARTER (NE¼) OF SECTION THIRTY-TWO, TOWNSHIP ONE-HUNDRED FORTY NORTH, RANGE NINETY-SIX WEST OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT I HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL EASEMENTS AND PUBLIC RIGHT OF WAY AS SHOWN TO PUBLIC USE FOREVER.

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

AARON GRINSTEINER - VENTURE COMMERCIAL, LLC

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_ SS

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

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

## 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: \_\_\_\_\_



0 30' 60'  
SCALE: 1" = 30'

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

PROJECT NUMBER: 231003	SCALE: 1"=30'
DRAWN BY: AJA/AWS	DATE: 05/02/23

# CITY OF **DICKINSON** | DEVELOPMENT AGREEMENT North Dakota

THIS AGREEMENT (the Agreement), made on the \_\_\_\_ day of \_\_\_\_\_, 2023 (“Effective Date”) between the City of Dickinson, a political subdivision, hereinafter called the City, and the Owner as identified herein.

Current Owner Name & Address: Venture Commercial, LLC  
4566 West Ridge Drive  
Dickinson, ND 58601

Legal Description:

A PARCEL OF LAND BEING LOT FOUR (4), BLOCK ONE (1) OF THE DISTRICT ADDITION LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W), OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA.

SAID PARCEL CONTAINS 5.47 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Also referred to herein as “**The District Business Park First Addition**”

Also referred to herein as the “**Subject Property**”



## RECITALS

WHEREAS, Owner is the fee Owner of the Subject Property, located in the City of Dickinson, Stark County, North Dakota, legally-described as provided above; and

WHEREAS, Owner intends on re-platting the Subject Property; and

WHEREAS, Owner and City agree that the Subject Property will be improved and developed pursuant to the terms of this Agreement, “The District Business Park First Addition” plat, and all applicable City ordinances and regulations;

NOW THEREFORE, in mutual consideration of the promises, covenants and agreements of the parties contained herein, the parties hereby agree as follows:

**1. Regulation of Development.** This Agreement is executed in conformance with Article 34 of the City of Dickinson Municipal Code effective as of the date of this Agreement and shall satisfy the requirements contained therein for a Subdivision Agreement to be completed prior to the filing and recordation of any **issuance of a Certificate of Occupancy on Subject Property**. This Agreement shall control the development of the Subject Property and the construction of Municipal Improvements necessary to serve the Subdivision or Subject Property with municipal services. Remedies contained in this Agreement shall be in addition to those otherwise provided by law to the City for other violations of the City of Dickinson Municipal Code.

**2. Public Infrastructure Improvements – Special Conditions.** Public infrastructure improvements will be required to serve and properly drain the proposed Lots within this development. Owner and City hereby agree that the following are the only public infrastructure improvements required to be constructed as indicated herein and accepted by the City prior to a Certificate of Occupancy being issued in the Subject Property as indicated in Section 1 of this Agreement.

- a) Owner shall prepare or have prepared plans and specifications for the public water system necessary to serve the Subject Property. The public water system shall be located within the 20-foot water easement shown by *The District Addition* subdivision plat that runs through Lot 4, Block 1 of The District Addition. An 8-inch water main through this easement has been previously designed and approved by the City, but individual water service lines from said water main to each of the proposed lots in the Subject Property must be added. The water system shall be designed in accordance with public standards as defined by State and Local regulations. Final design plans shall be submitted to the NDDEQ and City for approval prior to the commencement of construction. The cost of preparing these plans shall be paid by Owner.
- b) Owner shall prepare or have prepared plans and specifications for the public sanitary sewer system necessary to serve the Subject Property. The sanitary sewer system shall be located within the 48.5-foot access, drainage, storm and sanitary sewer easement shown by *The District Business Park First Addition* plat drawing. This sanitary sewer system shall have an 8-inch main with individual service lines stubbed to each of the proposed lots in the Subject Property. The sanitary sewer system shall be designed in accordance with public standards as defined by State and Local regulations. Final design plans shall be submitted to the NDDEQ and City for approval prior to the commencement of construction. The cost of preparing these plans shall be paid by Owner.
- c) Owner shall prepare or have prepared plans and specifications for the construction of a storm sewer system within the 48.5-foot access, drainage, storm and sanitary sewer easement and the 17-foot drainage and storm sewer easement shown by *The District Business Park First Addition*

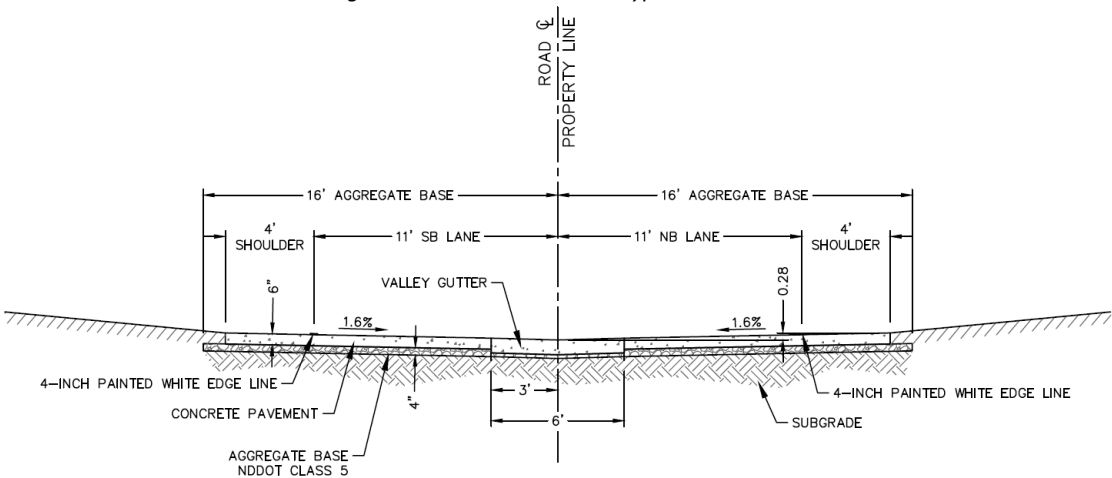
plat drawing. This storm sewer system shall convey runoff that is collected within the proposed access road to the existing drainage easement that runs through Lot 5, Block 1 of *The District Addition*. Final design plans shall be submitted to the City for approval prior to the commencement of construction. The cost of preparing these plans shall be paid by Owner.

- d) Owner shall construct or have constructed and shall pay all expenses for construction of all the public water system, sanitary sewer, and storm sewer improvements as depicted by the plans and specifications approved by the City as noted by *Section 2. a)*, *Section 2. b)*, and *Section 2. c)* of this Agreement. A Certificate of Occupancy for a Lot within the Subject Property shall not be issued until this necessary water and sewer infrastructure to serve said Lot has been constructed and accepted.
- e) Owner shall allow City to perform inspection of the public infrastructure improvements as needed to ensure proper construction in accordance with the approved plans and specifications noted by this Agreement. Owner shall pay City for said inspection services in accordance with the rates defined by the current City fee schedule.
- f) Title to the public infrastructure noted by this Section shall be as defined by *Section 9* of this Agreement.

**3. Private Infrastructure Improvements – Special Conditions.** Private infrastructure improvements will be required to provide access to and to properly drain the proposed Lots within this development. OWNER and CITY hereby agree that the following are the only private infrastructure improvements required to be constructed as indicated herein and accepted by the City prior to a Certificate of Occupancy being issued in the Subject Property as indicated in *Section 1* of this Agreement.

- a) Owner shall prepare or have prepared plans and specifications for the construction of an access road within the 48.5-foot access, drainage, storm and sanitary sewer easement shown by *The District Business Park First Addition* plat drawing. This access road shall be constructed according to the following typical section and shall include an emergency vehicle turnaround meeting the current International Fire Code requirements. Final design plans shall be submitted to the City for approval prior to the commencement of construction. The cost of preparing these plans shall be paid by the Owner.

Figure 1: Private Access Road Typical Section



- b) Owner shall prepare or have prepared a drainage plan depicting proposed elevations along the property lines within each drainage easement shown by *The District Business Park First Addition* plat drawing. These drainage easements shall allow for the collection and drainage of runoff

from multiple lots and/or overflow runoff from the proposed storm sewer system to be routed through these easements. Final design plans shall be submitted to the City for approval prior to the commencement of construction. The cost of preparing these plans shall be paid by Owner. These elevations must be followed for the development of the Subject Property and shall not be altered unless otherwise approved by the City.

- c) Owner shall construct or have constructed and shall pay all expenses for construction of completing the improvements as noted by Section 3. a) of this Agreement. A Certificate of Occupancy for a Lot within the Subject Property shall not be issued until these improvements have been constructed.
- d) All private infrastructure noted by this Section shall be privately owned and maintained through a method to be established by Owner.
- e) The City and/or their representative shall have the right to enter the proposed access easement for this access road through the Subject Property to inspect said roadway condition to ensure the condition is adequate for emergency and public works vehicles. If the City and/or their representative finds that the roadway condition has reached a Pavement Condition Index (PCI) of 35 or less as determined in accordance with ASTM D6433, current edition, the City shall notify Owner in writing that improvements are to be made to the roadway within 12 months to improve its condition, or the City will perform said improvements and assess Owner. If no improvements are completed, the City shall send a second written notification 6 months after the first notification, and a third written notification shall be sent 9 months after the first notification. If improvements to the access road are not complete by Owner within 12 months after the first written notification is received, the City and/or their representative shall have the right to reconstruct the access road with a pavement section having a 30-year design life maximum, as determined by industry standard methods at the time of reconstruction, unless otherwise agreed upon by both parties. The City may assess the costs for all surveying, design, testing, engineering, administration, and construction to Owner over a period of ten (10) years unless a different term is agreed upon by both parties. The cost shall be assessed according to N.D.C.C. requirements at the time of assessment, except Owner shall not be allowed the right to protest this assessment if the criteria indicated herein are met.

**4. Assurance of Infrastructure Completion.** In the event that construction of the required public infrastructure that is to be paid for directly by Owner as indicated in Section 2, herein, is not complete at the time of final plat recording for a particular phase of the project, Owner hereby agrees that no private improvements shall be constructed within any land located within the Subject Property unless and until a plan for developing and constructing such improvements and infrastructure is approved by the City. Such approval will be memorialized by a public infrastructure permit which will be valid for one year from the date of issuance at a fee listed in the current City fee schedule. Prior to the City recording the Final Plat of the Subject Property, Owner shall post with the City security in the amount of 130% of the lesser of the estimated construction cost as approved by the City Engineer or actual bid amounts, if available, for said improvements to assure the completion of the required public infrastructure that is to be paid for directly by Owner for the Subject Property, as required under Dickinson City Code §34-60. The security posted by Owner shall be a line of credit held by the City and Owner until the cost of each approved phase(s) of the infrastructure for the whole of the Subject Property has been completed, but this line of credit may be drawn down by Owner to make payments for work completed. A full release of the security remaining upon the completion of construction shall be made upon completion of the work, inspection, and final acceptance of the same. The Security remaining upon completion of construction shall remain in effect through warranty examination and final inspection by the City as indicated by Section 10, herein.

5. **City Engineer Approval Required.** No improvements within the Subject Property shall be made unless and until necessary plans and specifications therefore have been submitted to and approved by the City Engineer in accordance with the City of Dickinson Municipal Code for the Subject property covered by such plans and specifications.

6. **Subdivision of Land.** Owner shall otherwise conform to all requirements regarding the subdivision of land enacted by the City of Dickinson, as set forth in Chapter 34 of the City of Dickinson Municipal Code, as may be amended from time to time. The provision of remedies in this Agreement shall be in addition to those otherwise provided by law to the City for other violations of the City of Dickinson Municipal Code.

7. **Permits.** The City's approval of this Agreement does not include approval of permits for construction within the Subject Property. Owner shall separately apply to the City for any building permits, certificates of occupancy, right-of-way permits, or similar approvals for any and all construction within the Subject Property. Owner shall notify all prospective lot owners within the Subject Property that the City will not accept any building permit or development applications until the City has approved the final storm water management plan.

8. **Repairs and Replacements.** Owner shall replace, or have replaced, or repair, or have repaired, as the case may be, any and all pipes and monuments within the Subject Property that have been destroyed or damaged by Owner or Owner's agents. Owner shall replace, or have replaced, or repair, or have repaired, as the case may be, the entire cost of such replacement or repair, of any and all property damaged or destroyed by reason of any work done pursuant to this Agreement, whether such property is owned by the United States, or any agency or entity thereof, or the State of North Dakota, or any agency or political subdivision thereof, or by the City or by any public or private corporation, or any person whomsoever, or by any combination of such owners. Any such repair or replacement shall be to the satisfaction and subject to the approval of the City Engineer or their designee.

9. **Title to Public Improvements.** Title to, and ownership of, any and the public infrastructure in the Subject Property, which shall include the water system, sanitary sewer system, and storm sewer system discussed in Section 2 within the water, storm and sanitary sewer easements as dedicated and granted within the Subject Property by *The District Business Park First Addition* subdivision plat, shall vest in the CITY upon completion, acceptance, and satisfaction of any warranty issues for such improvements with the following additional requirements:

- a) The real property encumbered by water, storm and sanitary sewer easements for public infrastructure within the Subject Property shall be privately owned, but the City shall have the rights to access, maintain, repair, improve, remove, and replace the public infrastructure that is to be owned and maintained by the City within these easements. Owner shall not build, create, 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 said public infrastructure. Owner shall not change the existing grade within the easements without prior approval from the City. This shall not restrict the Owner from constructing pavements, fences, landscaping, or utilities within the easement that do not adversely affect the public infrastructure. Upon completion of any work within the easements, the City shall leave the Subject Property in good repair so that there is no unreasonable damage, which shall include, but not be limited to, repair of any damage to the private access road above this infrastructure. If the City is not able to have the Subject Property repaired to its existing condition, the City shall pay for damages to the Subject Property. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by Owner

and one by the City, and these two shall select a third person. The award determined by these three persons shall be final and conclusive.

- b) The public infrastructure to be owned and maintained by the City shall include the water and sewer pipes, services lines, hydrants, structures, inlets, castings, valves, fittings, and all other necessary appurtenances for these systems that are located within said water, storm and sanitary sewer easements in the Subject Property.

**10. Maintenance Warranty.** For all public municipal improvements within the Subject Property constructed privately by Owner, and in accordance with Dickinson City Code §34-60 and Section 4, herein, assurance shall be provided by Owner. The amount of this assurance remaining at the completion of construction is to remain in full effect for a warranty period of no less than one (1) year following substantial completion of said improvements. Until the end of this one-year warranty period, Owner shall remedy at Owner's expense any damage to real or personal property, when that damage is the result of: (1) Owner's failure to conform to the requirements of the City; or (2) any defect of equipment, material, workmanship, or design furnished. Owner shall restore any work damaged in fulfilling the terms and conditions of this Section. Owner shall: (1) use commercially reasonable efforts to obtain all warranties that would be given in normal commercial practice; (2) to the extent possible, require all warranties be executed, in writing, for the benefit of the City; and (3) enforce all warranties for the benefit of the City. In the event Owner's warranty as provided herein has expired, the City may bring suit at its expense to enforce a subcontractor's, manufacturer's, or supplier's warranty. Owner shall have no liability for the improvements made upon expiration of the warranty period.

**11. Agreement Runs with the Land.** This Agreement shall be binding on, and shall inure to the benefit of, the parties hereto and their respective heirs, administrators, representatives, successors, and assigns. This Agreement shall run with the land and shall be recorded with the Office of the Stark County Recorder against the Subject Property. As Owner sells individual lots within the Subject Property, Owner shall specifically notify the purchaser thereof of this Agreement. All obligations, promises and covenants of Owner contained herein shall similarly be binding upon purchasers of lots within the Subject Property, and shall no longer apply to previous Owner upon conveyance of ownership.

**12. Severability.** In the event that any provision of this Agreement shall be held invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other section or provision of this Agreement.

**13. Non-waiver.** Each right, power or remedy conferred upon the City or Owner by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City or Owner at law or in equity, or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City or Owner and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

**14. Governing Law – Venue.** This Agreement shall be governed by and construed according to the laws of the State of North Dakota. The parties hereby stipulate and agree that the District Court, Southwest Judicial District, State of North Dakota, shall have personal jurisdiction over the parties hereto, and that such District Court, Southwest Judicial District, State of North Dakota, is the appropriate and proper venue for resolving any dispute under this Agreement.

15. **Entire Agreement.** This Agreement contains the entire agreement between and among the parties hereto, and supersedes all prior and contemporaneous discussions, negotiations, understandings, and agreements, whether oral or written, express or implied, between or among them relating to the subject matter of this Agreement. This Agreement may not be amended orally, nor shall any purported oral amendment (even if accompanied by partial or complete performance in accordance therewith) be of any legal force or effect or constitute an amendment of this Agreement, but rather this Agreement may be amended only by an agreement in writing signed by the parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY OF DICKINSON

By: \_\_\_\_\_  
Scott Decker, President  
Board of City Commissioners

ATTEST:

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

STATE OF NORTH DAKOTA        )  
  ) ss  
COUNTY OF STARK                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me personally appeared **Scott Decker** and \_\_\_\_\_ known to me to be, respectively, the President of the Board of City Commissioners and the \_\_\_\_\_ of the City of Dickinson, the persons who are described herein and who executed the within and foregoing instrument and acknowledged to me that the City of Dickinson executed the same.

\_\_\_\_\_  
Notary Public  
Stark County, North Dakota

**OWNER – Venture Commercial, LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, the **Owner** described herein, known to me, and who executed the within and foregoing document and acknowledged to me that such entity executed the same.



## STAFF REPORT

Section 3. Item C.

**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** August 4, 2023  
**Re:** **FLP-007-2023 District Business Park First Addition Final Subdivision Plat**

### OWNER/APPLICANT

Chad Glasser-Venture Commercial LLC  
P.O. Box 1316  
Dickinson ND 58602

**Public Hearings:** August 11, 2023 Planning and Zoning Commission

### REQUEST

- A. Request:** To consider a Final Major Plat for The District Business Park 1<sup>st</sup> Addition, located in the NE ¼ of Section 32, Township 140N, Range 96W located within the City of Dickinson. The site consists of +/- 5.47 acres. This Final Major Subdivision Plat petition is a companion to REZ-003-2023 The District Business Park First Addition Planned Unit Development (PUD) rezoning.
- B. Project Address/Legal Description/Area:** The lot proposed for subdivision is generally located on the south side of 19<sup>th</sup> Street West, approximately 500 feet west of State Avenue North and legally described as Lot 4, Block 1 of The District Addition Subdivision in the City of Dickinson.
- C. Project Description:** The applicant is proposing a 22-lot subdivision for the accompanying proposed PUD to allow Limited Commercial zoning district uses and residential uses.

Table I: Current Zoning And Use	
ZONING	Community Commercial (CC)
CURRENT USE	Undeveloped
FUTURE LAND USE MAP DESIGNATION	MIXED USED
GROSS SITE ACREAGE	5.47



Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	High Density Residential (R3)	Multi-family residential
East	CC	Undeveloped
South	CC	Undeveloped
West	Agricultural (AG)	Undeveloped

STAFF REVIEW AND RECOMMENDATIONS

**Compliance with Zoning and Subdivision Regulations:** Each proposed lot satisfies zoning requirements regarding minimum square footage per the proposed The District Business Park Addition PUD request. The Final Major Plat also satisfies all lot boundary requirements, current zoning requirements, and Major Subdivision Plat requirements as specified in the proposed PUD request

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

**Staff Recommendation:** The City Development Team staff recommends **approval** of the application of the application and recommends the following **condition** be attached to the approving resolution:

- i.      **The developer shall extend the sidewalk eastward, across Lot 5, Block 1, The District Addition to enable pedestrian crossing across 19th Street W.**

Attachments:

- A - Application Material

**MOTIONS:**

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

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

*(AND) the following additional requirements (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-007-2023 the District Business Park First Addition final plat petition** as **not** being compliant with the City of Dickinson Comprehensive Plan, as **not** meeting all the requirements of the Dickinson Municipal Code, and as **not** being in the interest of the public health, safety and welfare “*

**ATTACHMENT A – APPLICATION MATERIALS**

Unified Development Application

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

Yes

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

[Tidal Wave Pre-Application Response Letter.pdf](#)

Name	Darcy Leeseberg
Company	New Potato Creek Holdings, LLC 124 E. Thompson Street Thomaston, GA 30286
Applicant Email	dleeseberg@brightworkre.com
Applicant Phone #	(586) 817-6470
Type of Development	Minor Subdivision Preliminary/Final Plat
Is this a Replat	No
Owner Name	Lori & Brent Jordheim

Owner Address 1716 37th Street East, Dickinson, ND, 58601

Owner Email jordheim30@outlook.com

Owner Phone # (701) 290-1910

Is the owner present to Sign No

Owner Signature Upload [Affidavit of Legal Interest.pdf](#)

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

Metes and Bounds Description

I, CHRIS AMBOURN, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SURVEY OF ALL OF TRACT 1 AS DESCRIBED IN THE QUIT CLAIM DEED DOCUMENT NUMBER 3062450 LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, WAS MADE UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BOUNDARY OF SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 122 FEET SOUTH AND 100 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 34, ON AND ALONG THE HIGHWAY 22 RIGHT OF WAY LINE, A DISTANCE OF 174.9 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 210 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 10 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 112 FEET; THENCE NORTH, ON AND ALONG THE "NORTH DAKOTA HIGHWAY DEPARTMENT ADDITION" LINE, A DISTANCE OF 184.9 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, AND ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF 21ST STREET, A DISTANCE OF 322 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1.32 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS PREVIOUSLY ACQUIRED.

1/4 Section	Township	Range
-------------	----------	-------

Description	NW 1/4 of Sec. 34	140 North	96 West
Property Address / General Project Location	2090 3rd Avenue West, Dickinson, ND 58601 / Southeast corner of the intersection of 21st St. W. and 3rd Ave. W.		
Total Square Footage or Acreage of Subject Property	1.32 Acres		
Rezone Calc Multiplier	0		
Minor Platting Multiplier	1		
Prelim Platting Multiplier	0		
Major Platting Multiplier	0		
Name of Plat	TWAS Dickinson Subdivision		
Number Lots	1 to 10 Lots		
Number of Block(s)	1		
	1		
Application Calc	500		
Required Documentation Upload	<a href="#">0044343-PLAT-Signed 230719.pdf</a>		
Deed for Property	<a href="#">3062450 - Vesting Deed.pdf</a>		
Application Fees	Applicable Fees		500.00 USD
	Total:		\$500.00
	Transaction ID:		a67v2v94
==Payer Info==			
	First Name	Darcy	
	Last Name	Leeseberg	

Applicant Signature

A handwritten signature in black ink, appearing to be 'M. L. ...'.

Date

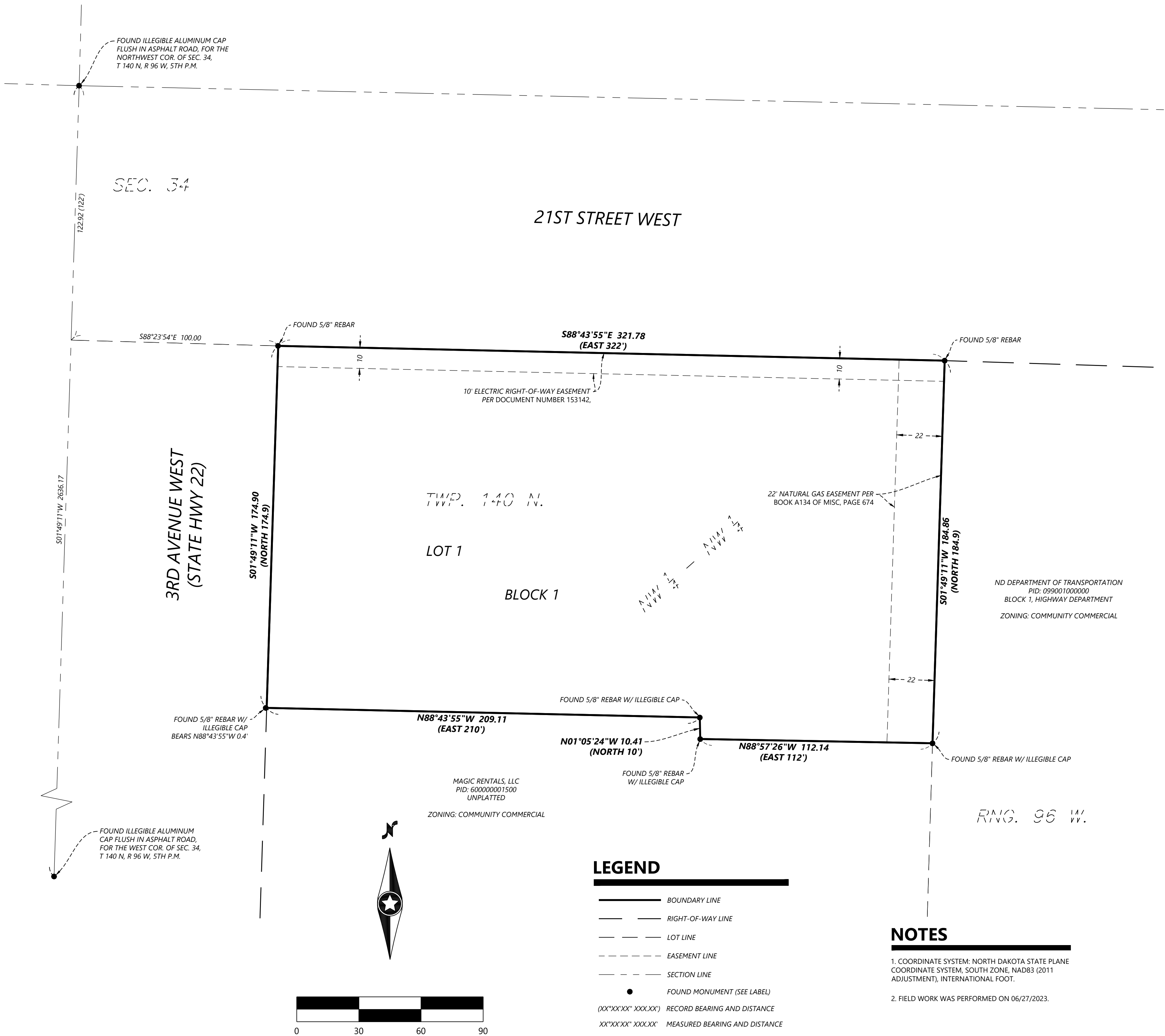
07-20-2023

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

# TWAS DICKINSON SUBDIVISION

## A PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



### PLAT INFORMATION

ZONING: COMMUNITY COMMERCIAL

NUMBER OF LOTS: 1  
TOTAL ACREAGE: 1.32 ACRES

### OWNER

JORDHEIM PROPERTIES, LLC  
1716 37TH STREET EAST  
DICKINSON, ND 58601

PLANNING AND ZONING COMMISSION APPROVAL.

JOSHUA SKLUZACEK, SECRETARY

DATE

STARK COUNTY APPROVAL.

DEAN FRANCHUK, CHAIRMAN OF THE BOARD

DATE

CITY OF DICKINSON APPROVAL.

SCOTT DECKER, PRESIDENT OF DICKINSON CITY COMMISSION

DATE

CITY ENGINEER APPROVAL.

JOSHUA SKLUZACEK

DATE

### VICINITY MAP

(NOT TO SCALE)



### SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, CHRIS AMBOURN, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SURVEY OF ALL OF TRACT 1 AS DESCRIBED IN THE QUIT CLAIM DEED DOCUMENT NUMBER 3062450 LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, WAS MADE UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THE BOUNDARY OF SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

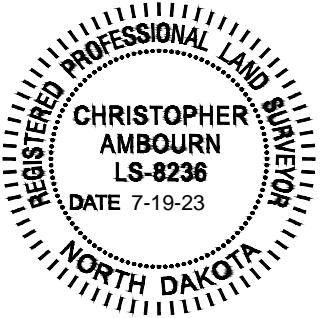
BEGINNING AT A POINT 122 FEET SOUTH AND 100 FEET EAST OF THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 34, ON AND ALONG THE HIGHWAY 22 RIGHT OF WAY LINE, A DISTANCE OF 174.9 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 210 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 10 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 112 FEET; THENCE NORTH, ON AND ALONG THE "NORTH DAKOTA HIGHWAY DEPARTMENT ADDITION" LINE, A DISTANCE OF 184.9 FEET; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 34, AND ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF 21ST STREET, A DISTANCE OF 322 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1.32 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS PREVIOUSLY ACQUIRED.

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

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

*Christopher Ambourn*  
CHRIS AMBOURN, PLS DATE: 07/19/2023  
NORTH DAKOTA LICENSE NO. LS-8236,  
CHRIS.AMBOURN@WESTWOODPS.COM



### PROPRIETOR'S CERTIFICATE

WE, JORDHEIM PROPERTIES, LLC, OWNERS AND PROPRIETORS OF THE SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED BY CHRIS AMBOURN, A NORTH DAKOTA LICENSED LAND SURVEYOR, AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY AND DRAINAGE EASEMENTS, AND PUBLIC STREET RIGHTS-OF-WAY AS SHOWN TO PUBLIC USER FOREVER.

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

\_\_\_\_\_, ITS \_\_\_\_\_  
(NAME)  
\_\_\_\_\_  
(SIGNATURE)

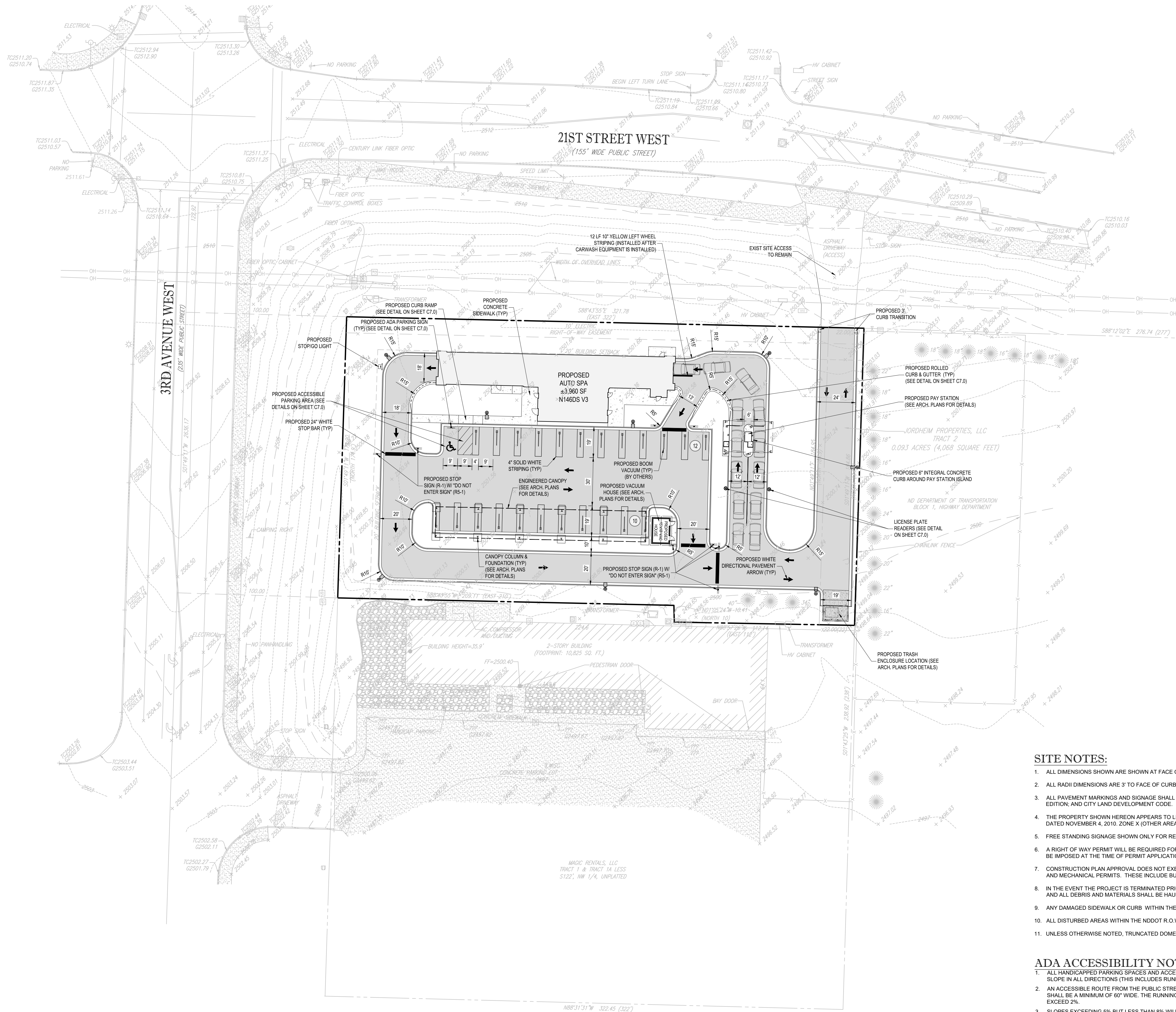
STATE OF NORTH DAKOTA  
COUNTY OF STARK

ON THIS DAY \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA, PERSONALLY APPEARED \_\_\_\_\_ OF JORDHEIM PROPERTIES, LLC, KNOWN TO ME TO BE THE PERSON(S) WHO ARE DESCRIBED IN THE FOREGOING PROPRIETOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC FOR THE STATE OF NORTH DAKOTA

RESIDING AT \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_





LEGEND	
TYPICAL NOTE TEXT	NOTE
ONSITE PROPERTY LINE / R.O.W. LINE	---
PROPOSED LANDSCAPE BUFFER	----
PROPOSED BUILDING SETBACK	----
CANOPY OUTLINE	----
PROP. PARKING COUNT	5
PROP. SIGN	—
PROP. BUILDING COVERAGE	
PROP. BUILDING OUTLINE	
PROPOSED CONCRETE SIDEWALK	
PROPOSED STANDARD DUTY CONCRETE	
PROPOSED HEAVY DUTY CONCRETE	
PROPOSED DIRECTIONAL ARROW	←
PROPOSED BOOM VACUUM	—
PROPOSED CANOPY COLUMN	⊥
PROPOSED ROLED CURB	----
PROPOSED LIGHT POLE LOCATION	⊙

SITE DATA TABLE	
PARCEL ID	6000-0000-1400
SITE ADDRESS	2090 3rd AVENUE WEST DICKINSON, ND 58601
PROJECT SITE AREA	57,420 SF (1.32 AC)
EXISTING ZONING	CC (COMMUNITY COMMERCIAL)
EXISTING USE	AUTO SALES
PROPOSED USE	CAR WASH
PROPOSED BUILDING AREA	±3,960 SF (CAR WASH) ±300 SF (VAC HOUSES)
TOTAL SPACES PROVIDED	22 SPACES (INCLUDES 1 ADA)
PROVIDED FLOOR AREA RATIO	0.07
BUILDING SETBACKS	
FRONT (NORTH)	20'
SIDE (EAST)	0'
SIDE (WEST)	20'
REAR (SOUTH)	0'

SITE NOTES:

- ALL DIMENSIONS SHOWN ARE SHOWN AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.
- ALL RADII DIMENSIONS ARE 3' TO FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN ACCORDANCE WITH THE "CITY OF DICKINSON, ENGINEERING DRAWINGS," LATEST EDITION; AND CITY LAND DEVELOPMENT CODE.
- THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" (OTHER AREAS) ACCORDING TO FEMA FIRM MAP NO. 38089C0193E DATED NOVEMBER 4, 2010. ZONE X (OTHER AREAS) ARE DETERMINED TO BE OUTSIDE THE 0.5% (500-YEAR) ANNUAL CHANCE FLOOD PLAIN.
- FREE STANDING SIGNAGE SHOWN ONLY FOR REPRESENTATIONAL PURPOSES, AND SHALL BE PERMITTED SEPARATELY.
- A RIGHT OF WAY PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT OF WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
- CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE OR SCREENING, ETC
- IN THE EVENT THE PROJECT IS TERMINATED PRIOR TO CONSTRUCTION COMPLETION, THE PROJECT SHALL BE BROUGHT TO GRADE, SEEDED AND ALL DEBRIS AND MATERIALS SHALL BE HAULED OFF-SITE AND DUMPED AT A STATE OF NORTH DAKOTA APPROVED FACILITY.
- ANY DAMAGED SIDEWALK OR CURB WITHIN THE NDDOT R.O.W. SHALL BE REMOVED AND REPLACED.
- ALL DISTURBED AREAS WITHIN THE NDDOT R.O.W. WILL BE SODDED.
- UNLESS OTHERWISE NOTED, TRUNCATED DOMES SHALL BE RED IN COLOR.

ADA ACCESSIBILITY NOTES:

- ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
- AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
- SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
- IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
- IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
- ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING NOT BUILT TO THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST.

TRIPONTE  
ENGINEERING

18703 CHAVILLE ROAD  
LUTZ, FL 33558  
Phone: (813) 690-3759  
BUSINESS CERT. OF AUTH. No. XXXXX

KNOW WHAT'S BELOW  
ALWAYS CALL 811  
BEFORE YOU DIG  
It's fast. It's free. It's the law.

N

W

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30 15 7.5 0 30  
1"= 30'

REVISIONS				
REV	DATE	COMMENT	BY	

PROJECT No.: 2023007  
DRAWN BY: PMP  
CHECKED BY: JGL  
DATE: XX/XX/XXXX  
SCALE: AS SHOWN

PERMIT SET

PROJECT: SITE  
IMPROVEMENT  
PLANS  
FOR  
TIDAL WAVE  
AUTO SPA

LOCATION OF SITE  
2090 3rd AVENUE WEST  
DICKINSON, ND 58601

SHEET TITLE:  
SITE LAYOUT  
PLAN

SHEET NUMBER:  
C3.0



AFFIDAVIT OF LEGAL INTEREST

STATE OF NORTH DAKOTA       )  
  :SS  
COUNTY OF STARK               )


- A. I, Brent Jordheim, the President of Jordheim Properties, LLC, whose address is 1716 37<sup>th</sup> Street East, Dickinson, North Dakota 58601, being first duly sworn upon oath, depose and say that Jordheim Properties, LLC IS the owner of record of the property described on the attached application.
- B. I grant my permission to New Potato Creek Holdings, LLC, whose address is 124 E. Thompson Street, Thomaston, Georgia 30286, to submit the accompanying application pertaining to the property described on the attached application.
- C. I agree to indemnify, defend and hold the City of Dickinson and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Date this 13<sup>th</sup> day of July, 2023.

  
Brent Jordheim

On this 13<sup>th</sup> day of July, 2023, before me personally appeared Brent A. Jordheim, President of Jordheim Properties, LLC, to me known to the person who is described in and who executed the within and foregoing Affidavit and severally acknowledge that he executed the same.

DARCI LOEWEN  
Notary Public  
State of North Dakota  
My Commission Expires September 9, 2024

  
Notary Public: Darcy Loewen  
Stark County, North Dakota  
My Commission Expires: 09-09-2024

**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** August 4, 2023  
**Re:** **FLP-009-2023 Tidal Wave Carwash Minor Plat**

**OWNER**

Jordheim Properties, LLC  
1716 37<sup>th</sup> Street E  
Dickinson, ND 58601

**APPLICANT**

Darcy Leeseberg / John Lapointe - New Potato Creek Holdin  
124 E. Thompson Street  
Thomaston, GA 30286

<b>Public</b>	August 11, 2023	Planning and Zoning
<b>Hearings:</b>	August 15, 2023	Commission
		City Commission

**EXECUTIVE SUMMARY**

To consider a Preliminary/Final Plat for an unplatted parcel located in the NW ¼ Section 34, Township 140N, Range 96W. The site consists of +/- 1.32 acres. The subject parcel is zoned Community Commercial (CC).

**REQUEST**

- A. Request:** The applicant seeks to plat the subject parcel in order to proceed with the legal purchase of the lot. The proposed land use for the subject parcel is defined as an *Auto Service*, per Section 39.03.007 Commercial Use Types, and is permitted within the Community Commercial zoning district.
- B. Location/Legal Description/Area:** The subject parcel is located at the southeast corner of 21<sup>st</sup> Street W and 3rd Ave W with the address, 2090 3rd Avenue West. The north side of the property is intersected by a continuation of a bicycle trail along the south side of 21<sup>st</sup> Street W. State DOT property is located directly to the east and a commercial office directly to the south.

<b>ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.32 acres</b>
<b>LOTS PROPOSED</b>	<b>1</b>

<b>CURRENT ADJACENT LAND USE/ZONING</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>GC</b>	<b>Automotive services</b>
<b>East</b>	<b>CC</b>	<b>NDDOT maintenance &amp; storage</b>
<b>South</b>	<b>CC</b>	<b>Office retail &amp; services</b>
<b>West</b>	<b>Major arterial / CC</b>	<b>Primary traffic thoroughfare / drive-through banking, mall parking, mall retail, grocery / pedestrian serpentine path</b>

## Context:

### Background

- The Tidal Wave Auto Spa facility is proposed to be located on the current 1.32-acre unplatted parcel.
- The carwash building, per provided site plans, would be approximately 133-feet long by 20-feet wide. A mechanical/equipment/electrical room and restroom, approximately 42-feet long by about 20-feet wide would be attached to the main building. The site will be accessed from the existing approach to 21<sup>st</sup> Street W., with a driving lane around the east side of the site. The proposed building is to be located on the north side of the site and a parked self-service area is proposed for the south side of the site.

### Major Issues

- The approach to 21<sup>st</sup> Street W currently intersects with an established bicycle trail. The intended land use for the subject parcel is expected to lead to a notable increase in

traffic \_\_\_\_\_ along this approach. The developer has agreed to the condition addressing this concern.

## STAFF REVIEW AND RECOMMENDATIONS

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

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

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

- **A sign shall be prominently displayed within the property boundaries, ensuring clear visibility to exiting drivers. The sign shall serve as a reminder to exercise caution and attentiveness towards cyclists and pedestrians crossing the approach to 21<sup>st</sup> Street W.**

## Attachments:

- A - Application Material

## MOTIONS:

### \*\*\*Approval\*\*\*

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

*(AND) the following additional requirements **(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-009-2023 Tidal Wave Minor Plat** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*



**ATTACHMENT A –**

**APPLICATION MATERIALS**