



PLANNING AND ZONING MEETING AGENDA

Wednesday, June 21, 2023 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Dean Franchuk

Mike Schwab

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

[Introduction](#) of New Planner - Matthew Galibert

1. ORDER OF BUSINESS:

2. MINUTES

[A.](#) April 19th 2023 Minutes

3. REGULAR AGENDA:

[A.](#) **SPECIAL USE REQUEST (SUP-002-2023)** To consider a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue in City of Dickinson's Extra-Territorial Zone.

[B.](#) **SPECIAL USE REQUEST (SUP-003-2023)** To consider a Special Use Permit to expand an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota.

[C.](#) **REZONE (REZ-002-2023)** To consider a Zoning Map Amendment from R2 to PUD for properties legally described as Lots 20-24, Block 1 of the Replat of Riverview Addition

Subdivision and Lots 15-20, Block 2 of Fischer's Addition Subdivision located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 2.08 acres.

D. PRELIMINARY PLAT (PLP-002-2023) – 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.

E. PRELIMINARY PLAT (PLP-003-2023) – To consider a Preliminary Plat for Riverview Cottages 2st 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.

F. REZONE (REZ-003-2023) To consider a Zoning Map Amendment from CC to PUD for a property legally described as Lot 4, Block 1 of the District Addition Subdivision 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.

G. PRELIMINARY PLAT (PLP-004-2023) – 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.

H. PRELIMINARY/FINAL PLAT (FLP-003-2023) - To consider a Preliminary/Final Plat for the Duchscher Subdivision a Replat of Lot 3, Block 1 of Braun Third Subdivision located in the SE ¼ of Section 34, Township 140N, Range 96W located in the City of Dickinson. The site consists of +/- 2.127 acres.

I. PRELIMINARY/FINAL PLAT (FLP-004-2023) - To consider a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra Territorial Zone. The site consists of +/- 11.65 acres.

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

Link for viewing Planning and Zoning Commission Meeting:

This link will not be live until approximately 7:00 a.m. on June 21, 2023.

Stream Link: <https://tinyurl.com/PZ-06-21-2023-Stream>

Teams Meeting: <https://tinyurl.com/PZ-06-21-2023-Teams>

Meeting ID: 269 514 905 579

Meeting Passcode:9Xr2aZ

Teams Phone #: +1 701-506-0320

Phone Conference ID: 825 071 539#

Local Phone #: 701-456-7006

Persons who desire to be heard under Section 4 "Public Issues of Concern not on Agenda" may call in at (701) 456-7006 at 5:00 p.m.

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

WELCOME TO THE TEAM



Matthew Galibert

PLANNER

Favorite Animal: His cat

Would like to visit: India

Born in: North Carolina

Likes to: Read, explore his new town of Dickinson, hike & camp

Watch Planning & Zoning Meetings at www.dickinsongov.com

OPENING CEREMONIES AND PRESENTATIONS

CALL TO ORDER

Chairman, Jason Fridrich, called the meeting to order at approximately, 7:10am.

ROLL CALL

Present Were:

Chairman: Jason Fridrich **Vice Chairman:** Scott Bullinger

Commissioners: Dean Franchuk, Troy Bosch, Val Decker, Rick Haugen, Aaron Johansen, Mike Schwab,
~~Jo Marie Kadrmas~~

Absent: Jo Marie Kadrmas

Ex-Officio Members: ~~Mayor Scott Decker~~, Interim Planner Steve Josephson, City Attorney
Christina Wenko

Staff Also Present: City Engineer/Community Development Director, Josh Skluzacek

I. ORDER OF BUSINESS

Chairman Fridrich asks if there are any additions or corrections to the Order of Business, there are no changes.

Motion to approve the order of business as presented.

MOTION BY: Scott Bullinger **SECONDED BY:** Troy Bosch

DISPOSITION: Vote... Aye 8, Nay 0, Absent 1

Motion carried unanimously.

II. MINUTES – Meeting minutes dated March 15th, 2023.

Motion to approve meeting minutes as presented.

MOTION BY: Val Decker **SECONDED BY:** Aaron Johansen

DISPOSITION: Vote... Aye 8, Nay 0, Absent 1

Motion carried unanimously.

III. AGENDA – ACTION ITEMS

1. **FUTURE LAND USE MAP AMENDMENT (FLM-001-2023)** - To consider a Future Land Use Map Amendment from INDUSTRIAL to RESIDENTIAL for a property legally described as Lot 2 Block 1 of the Browns Second Subdivision with an address of 4326 1st Avenue East located in the City of Dickinson’s Extra Territorial Zone. The property consists of +/-6.09 acres.

Interim Planner, Steve Josephson presents the request to the commissioners. He explains this is currently zoned for future industrial, and the applicant would like to change it to rural residential so he can create a one-acre lot. Staff recommends denial. Henry Brown and his daughter are present. He explains they would like to build a second home on the six acres. This is all the property he owns in the area. This subdivision was recently split in order for them to split the shop from the home. Chairman Fridrich explains that spot zoning is difficult to get approved, and would have probably been grandfathered in before we adopted the comprehensive plan. Mr. Brown states he was not aware of the comp plan or FLUM.

Mr. Josephson presents the background on the property. He shows the commissioners a map showing where the property is on the FLUM. AG does not allow for one acre lots so it would need to be changed to RR. They would need to get the FLUM changed first in order to rezone. This property was originally platted by the applicant and was replatted in 2019, and rezoned one of the lots where the shop is located. Staff has visited the area and it is trending Industrial through that area. The city has recently approved expanding infrastructure to the land adjacent to that area. Staff found this to be incontinent with the comprehensive plan for approval. It would not be consistent with the adjacent land uses. There would be uses that would not be compatible with a residential area. The City did present an alternative to build an accessory dwelling on that structure. They would be limited to 900 sf, if they wanted a residence at that location.

Mr. Bosch asks if 900sf is the total, and that is the case. Mr. Josephson states they may be able to request a variance.

Mr. Josephson states Mr. Skluzacek received a call from an adjacent property owner that was in opposition to the item.

Mr. Brown states he doesn’t want to cause problems, but the accessory structure might work for him, but he would like something bigger. Mr. Fridrich suggest he come in for a variance if he would like to go larger. Mr. Browns daughter hands out a packet to the commissioners showing that this is their home and the views from the home. She explains this was his dream home and they did not receive notice of the FLUM. The pictures show there are still homes in the area. They didn’t realize what a fight this would be, and they would like to raise their family there. Mr. Schwab asks if they utilize the section line – Mr. Brown explains they do not.

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

Ms. Decker states this is a beautiful home, and with the option to build the 900 ft and ask for a variance she believes we could table this until he has the option to ask for that variance. Mr. Fridrich agrees they have a few different avenues available to them.

Motion to table the item.

MOTION BY: Val Decker

SECONDED BY: Scott Bullinger

DISPOSITION: Vote... Aye 8, Nay 0, Absent 1

Motion carried unanimously.

IV. PUBLIC ISSUES OF CITY CONCERN NOT ON THE AGENDA

V. ITEMS NOT ON THE AGENDA

- a. Fridrich asks for a work session on barndominiums and accessory structures ordinances. Mr. Skluzacek says we can look at that for the June or July meeting

VI. WORK SESSION

VII. ADJOURNMENT

MOTION BY: Decker

SECONDED BY: Schwab

Adjournment of the meeting at approximately 7:38 AM

DISPOSITION: Motion carried unanimously.

PREPARED BY:

Sylvia Miller

APPROVED BY:



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: [Bubble and Paw Pre-application Meeting Letter_4.27.2023.pdf](#)

Name	Latice Smith
Company	Bubble & Paw LLC
Applicant Email	bubbleandpaw@gmail.com
Applicant Phone #	(719) 331-2971
Applicant Representative (if applicable)	Latice Smith
Applicant Representative Company	Bubble & Paw llc
Applicant Representative Email	bubbkeandpaw@gmail.com

Applicant Representative Phone # (719) 331-2971

Type of Development Special Use Permit

Owner Name Latice Smith

Owner Address 3936 6th Ave E, Dickinson , ND, 58601

Owner Email laticesmith@hotmail.com

Owner Phone # (719) 331-2971

Is the owner present to Sign Yes

Signature

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

Metes and Bounds Description Lot 1 Block 2 North view acres

	1/4 Section	Township	Range
Description	Lot 1	Block 2	North view acres

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	1	2	Northview acres

Property Address / General Project Location 3936 6th Ave E Dickinson ND 58601

Total Square Footage or Acreage of Subject Property 448 sq ft of the existing

Existing Future Land Use Map Category Rural Residential

Existing Zoning RR - Rural Residential

Existing Use Residential Single Family

Overlay District Description Lot 1
Block 2
North view acres

Special Use Permit for the following Use: In a 450 sqft portion of the garage will be a dog groom facility
Open Monday through Friday 8-5
By appointment only
I will serves dogs of various breeds up to 100 lbs
I will have a maximum of three clients per day
Services will include bathing brushing deshed and some clipper and scissor grooming as well
It will be a one on one facility no kennels needed
There will be a two step barrier system to keep dogs from accidentally escaping one being a gate inside facility as well as a buzz in/out door lock for added security and protection
There will be no exterior building or add on to property no outside storage either

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

Application Fees Applicable Fees 350.00 USD

Total: \$350.00

Transaction ID: e99qttnt

==Payer Info==
First Name Latice
Last Name Smith

Applicant Signature

A handwritten signature in black ink, appearing to read "J. Smith".

Date

04-28-2023

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

40TH ST E

6TH AVE E

7TH AVE E



3936



3933



3842



3841



274



3755



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: May 26, 2023
Re: **SUP-002-2023 Bubble and Paw Home-Based Business/Home Occupation Special Use Permit Request**

OWNER/APPLICANT

Latice Smith
 3936 6th Avenue East
 Dickinson ND 58601

Public Hearings: June 21, 2023 Planning and Zoning Commission

REQUEST

- A. Request:** To consider a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue in City of Dickinson’s Extra-Territorial Zone.
- B. Project Address/Legal Description/Area:** 3936 6th Avenue East in the City’s Extra-Territorial Zone (ETZ).
- C. Project Description:** The applicant proposes to convert a portion of an attached accessory structure into a dog grooming operation.
- D. Operation:** The applicant proposes the following :
 - Hours of operation would be 8:00 a.m. to 5:00 p.m.;
 - The maximum number of daily appointments would be three;
 - No walk-ins would be permitted;
 - Dogs would be confined within the structure; and
 - A barrier system will be installed to prevent dogs from escaping.

Table I: Current Zoning And Use	
ZONING	Rural Residential (RR)
CURRENT USE	Single-family residence
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL

GROSS SITE ACREAGE	1.13 acres
---------------------------	-------------------

Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	Agricultural (AG)	Undeveloped
East	Rural Residential (RR)	Single-family residential
South	Rural Residential (RR)	Multi-family residential
West	Rural Residential (RR)	Single-family residential

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The home-based business/home occupation for a dog grooming operation would be located in an attached accessory structure. The building is located on the corner of 4rd Avenue East and 40th Street East, and the applicant is limiting the number of clients to three per day. Traffic generated by the proposed home-based business/home occupation should not impact the residences located on the local streets to the east of the site.
- B. Compliance with Zoning and Subdivision Regulations:** According to Table 4-2 as found in Section 39.04.005 of the Zoning Code, operation of a Home-Based Business/Home Occupation in the RR zoning district requires approval of special use permit by the City Commission. The supplemental use regulations for home-based businesses/home occupations are found in Section 39.06.008 of the Zoning Code. Staff finds the proposed home-based business/home occupation meets those supplemental use regulations. Staff reviewed the proposed Home Based Business/Home Occupation using the criteria in Table 12-1 as found in Section 39.12.003 of the Zoning Code. Staff found the proposed Home Based Business/Home Occupation met those criteria.

In accordance with Section 39.12.003 of the Zoning Code, the SUP shall become void two years after its effect date if the applicant has not carried out development or occupancy during that period. Also, in accordance with Section 39.12.003 of the Zoning Code, the City Commission may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

- 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:

- Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Mondays through Fridays.
- The number of appointments per day shall be limited to three.
- Dogs shall be confined within the building.
- Operation of the home-based business/home occupation shall be as described in this staff report as well as in the material found in Attachment A.
- The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the home-based business/home occupation shall comply with all applicable City, County, State and Federal regulations.

Attachments:

- A - Application Material

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

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **SUP-002-2023 the Bubble and Paw 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 “*

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

1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Planning and Zoning Commission recommend Denial of **SUP-002-2023 the Bubble and Paw Home Based Business/Home Occupation Special Use Permit** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

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: [Bright Start Daycare Expansion Pre-app Letter.pdf](#)

Name	Marta Munoz
Company	Bright Start LLC
Applicant Email	lirolita35@yahoo.com
Applicant Phone #	(856) 540-5041
Type of Development	Special Use Permit
Owner Name	Marta Munoz
Owner Address	990 3rd Ave West, Dickinson, ND, 58601
Owner Email	lirolita35@yahoo.com
Owner Phone #	(856) 540-5041

Is the owner present to Sign Yes

Signature



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

Metes and Bounds Description N/A

	1/4 Section	Township	Range
Description	N/A	N/A	N/A

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	23 & 24	1	Hilliard & Manning 2nd Addition, Subdivision Lots

Property Address / General Project Location 990 3rd Ave West. Lots 23 & 24, Block 1, Hilliard & Manning 2nd Addition, Subdivision Lots 1 & 2 Dickinson, ND 58601

Total Square Footage or Acreage of Subject Property 3400 square feet

Existing Future Land Use Map Category Commercial

Existing Zoning R2 - Medium Density Residential

Existing Use Commercial

Overlay District Description N/A

Special Use Permit for the following Use: I am requesting a Special Use Permit for the continued operation of a Group Daycare Facility for the capacity of 30 children indoors and outdoors.

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 350

File Upload [2023-05-01 12-48.pdf](#)

Application Fees Applicable Fees 350.00 USD

Total: \$350.00

Transaction ID: dazrs0st

==Payer Info==

First Name Marta
Last Name Munoz

Applicant Signature



Date 05-01-2023

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

Planning and Zoning Commission

May 1, 2023

RE: Special Use Permit

Marta Munoz /Bright Start

990 3rd Ave West

Dickinson ND,58601

I am requesting a Special Use Permit for the continued operation of a Group Daycare Facility for the capacity of 30 children indoors and outdoors.

We have measured the off-street parking and it is large enough to accommodate 12 parking spots, I am attaching a map of the off-street parking area as well. The daycare families I currently serve have different work schedules; the drop-off/pick-up times are staggered not overlapping due to the average drop-off/pick-up time of 5 minutes.

I have contacted the property owners adjacent to the private drive by phone and in person to make them aware of our plans to expand, they did not have any concerns only comments about the driveway being an irregular shape.

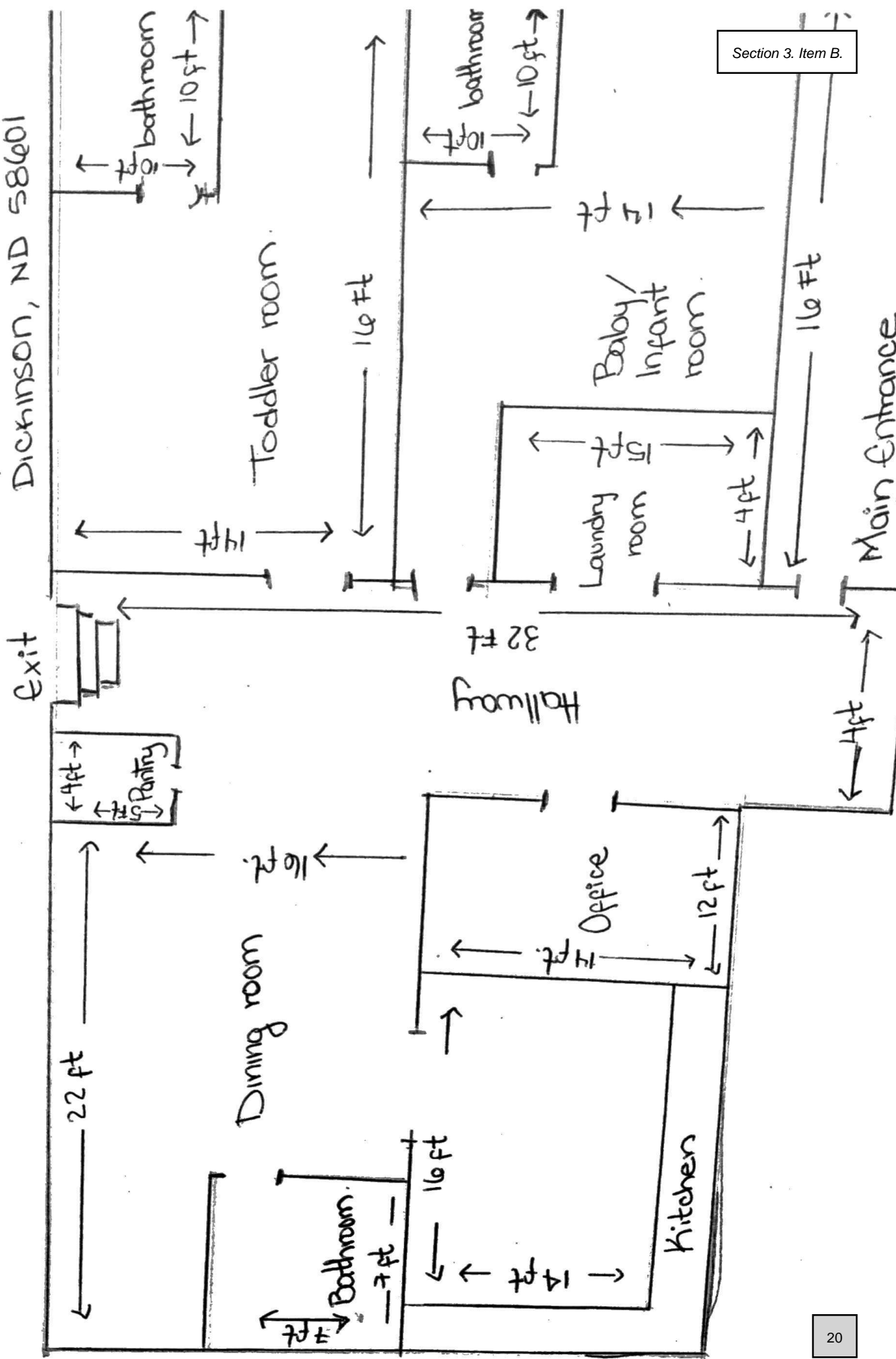
I am attaching a letter of Support of Expansion from my Licensor Emili Dolinar where it states I currently meet the requirements to expand to a Group 30 Childcare.

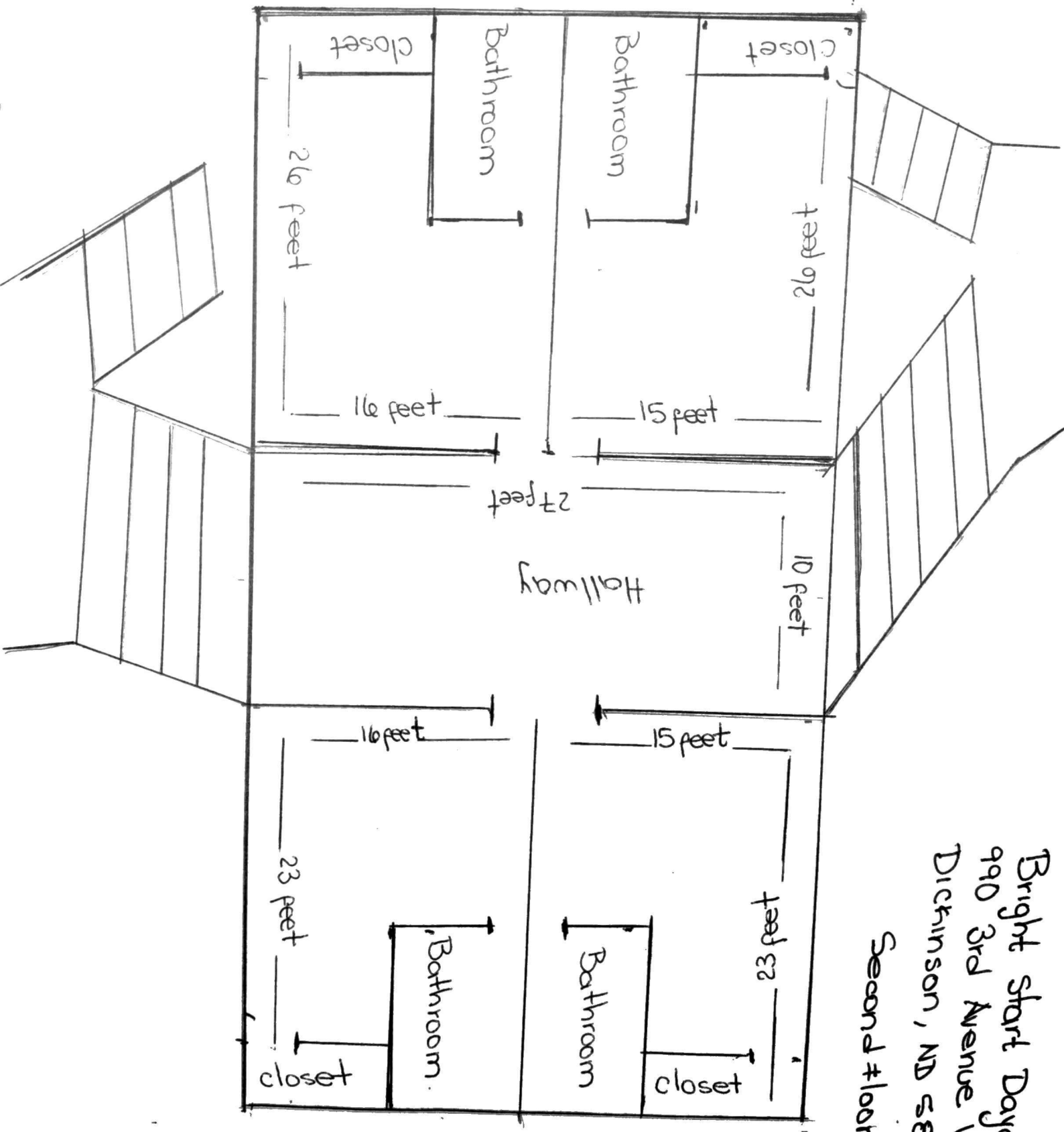


First Floor

Bright Start Daycare
990 3rd Avenue West
Dickinson, ND 58601

Section 3. Item B.





Bright Start Daycare
990 3rd Avenue West
Dickinson, ND 58601

Second floor

Dickinson, North Dakota

Google Street View

Jul 2021

See more dates



Support of Expansion

From: Dolinar, Emily A. (edolinar@nd.gov)

To: lirolita35@yahoo.com

Date: Monday, May 1, 2023 at 12:32 p.m. CDT

Hi Marta,

I wanted to follow up with you on our visit this morning regarding the possible expansion. As I mentioned this morning the building you are currently in would meet the requirements for the capacity of 30 children indoors and outdoors. The requirements to expand to a Group 30 Child Care are currently met by you. For the expansion a successful Fire Inspection, Health Inspection and a Special Use Permit issued by the City of Dickinson would need to be completed. Upon completion of those requirements I do believe you would be successful with expanding to 30 children. Below is the link to the Child Care Licensing Rulebook. If you have any questions please feel free to reach out to me.

<https://www.hhs.nd.gov/cfs/early-childhood-services/programs/regulations>

Emily Dolinar

Early Childhood Licensing Specialist

701.690.1495 • edolinar@nd.gov • [Early Childhood Homepage](#)



Section 3. Item B.

10TH STW

10TH STW



3RD AVENUE

24



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: May 26, 2023
Re: SUP-003-2023 Bright Start Daycare Expansion Special Use Permit Request

OWNER/APPLICANT

Marta Munoz
 990 3rd Avenue West
 Dickinson ND 58601

Public Hearings: June 21, 2023 Planning and Zoning Commission

REQUEST

- A. Request:** To consider a Special Use Permit to expand an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota.
- B. Project Address/Legal Description/Area:** The group day care center is located at 990 3rd Avenue West within the City of Dickinson.
- C. Project Description:** On October 4, 2022, the City Commission adopted Resolution 31-2022 granting the applicant a special use permit to operate a group day care center for a maximum of 12 children. After meeting with both City staff and State Health and Human Services staff, the applicant is requesting an expansion of the group day care center from 12 children to 30 children.

According to Section 39.03.005 of the Zoning Code, Group Day Care Services include "... all classifications of day care facilities, including facilities licensed by the State of North Dakota, providing care for ten (10) or more individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities".

- D. Operation:** The hours of the group day care will continue to be 6:00 a.m. through 6:00 p.m. Monday's through Friday's. The applicant has indicated the maximum number of employees will increase from two to five. Due to the proposed expansion, the applicant will need to expand the number of off-street parking spaces from four to 11.

In her application received by the City on May 1, 2023, the applicant received a letter from Emily Dolinar of the State Department of Health & Human Services stating a successful expansion would require the following:

- Approval of a special use permit from the City;
- A successful fire department inspection; and
- A successful Health Department inspection,

Table I: Current Zoning And Use	
ZONING	Medium Density Residential (R2)
CURRENT USE	Group Day Care
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.287 acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	Medium Density Residential (R2)	Retirement residence
East	Low Density Residential (R1)	Single-family residential
South	Medium Density Residential (R2)	Multi-family residential
West	Low Density Residential (R1)	Single-family residential

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The proposed Group Day Care currently is located on the ground floor of a two-story multi-family structure. As the building is located on the corner of 3rd Avenue West and 10th Street West traffic generated by the proposed Group Day Care should not impact the residences located on the local streets to the east of the site. As a day care generally serves as a residential support service, the proposed location is in an appropriate location.
- B. Compliance with Zoning and Subdivision Regulations:** According to Table 4-2 as found in Section 39.04.005 of the Zoning Code, operation of a Group Day Care center in the R-2 zoning district requires approval of special use permit by the City Commission.

According to Table 9-1 in Article 39.09 of the Zoning Code, a minimum of 11 off-street parking spaces would be required to serve the proposed day care facility. The applicant can provide enough off-street parking on the east side of the building.

Staff reviewed the proposed Group Day Care using the criteria in Table 12-1 as found in Section 39.12.003 of the Zoning Code. Staff found the proposed Group Day Care met those criteria.

In accordance with Section 39.12.003 of the Zoning Code, the SUP shall become void two years after its effect date if the applicant has not carried out development or occupancy during that period. Also, in accordance with Section 39.12.003 of the Zoning Code, the City Commission may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

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 maximum number of children shall be limited to 30.**
- **The age range of the children shall be infancy through 12 years old.**
- **Operation of the group day care center shall be as described in this staff report as well as in the material found in Attachment A.**
- **Expansion of the group daycare center is contingent upon final approval by the City of Dickinson Fire Department and the State Department of Health and Human Services.**
- **The SUP approval shall expire with any change in ownership. All subsequent owners of the property shall be required to reapply for SUP approval.**
- **Operation of the Group Day Care Center shall comply with all applicable City, County, State and Federal regulations.**

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **SUP-003-2023 the Bright Start Daycare Expansion 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 “*

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

1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Planning and Zoning Commission recommend Denial of **SUP-003-2023 the Bright Start Daycare Expansion Special Use Permit** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

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 Planned Unit Development

Owner Name Chad Glasser

Owner Address 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? No

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).

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

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	20-24; and 15-20	Block 1; and Block 2	Replat of Riverview; and Fischer's

Property Address / General Project Location Property addresses are 328, 336, 344, 352, 360, 335, 347, 363, 375, and 387 2nd Street SW, Dickinson, ND 58601.

Property is generally located along 2nd Ave SW between 3rd and 4th Street SW.

Total Square Footage or Acreage of Subject Property

2.08 acres

Existing Zoning

R2 - Medium Density Residential

Rezone Calc Multiplier

0

Overlay District Description

N/A

Does the plan propose any new streets or roadways to access any lot?

No

Does each lot abut a public or private street?

Yes

Is all of the land in the application located within the corporate limits of the City of Dickinson?

Yes

Does the Applicant own or intend to purchase surrounding land?

No

Description of Property

[3176838_Deed.pdf](#)

Minor Platting Multiplier

0

Prelim Platting Multiplier

0

Major Platting Multiplier

0

Application Calc

1250

File Upload

[231015_PUD Document_2023-05-05.pdf](#)
[231015_Replat-Fischer's-PRELIM_2023-05-05.pdf](#)
[231015_Replat-Riverview-PRELIM_2023-05-05.pdf](#)
[231015_Transmittal-PUD_2023-05-05.pdf](#)

Application Fees

Applicable Fees

1,250.00 USD

Total:

\$1,250.00

Transaction ID:

8hw3r4mk

==Payer Info==

First Name Andrew
Last Name Schrank

Applicant Signature



Date

05-05-2023

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

Dickinson Land Information Map

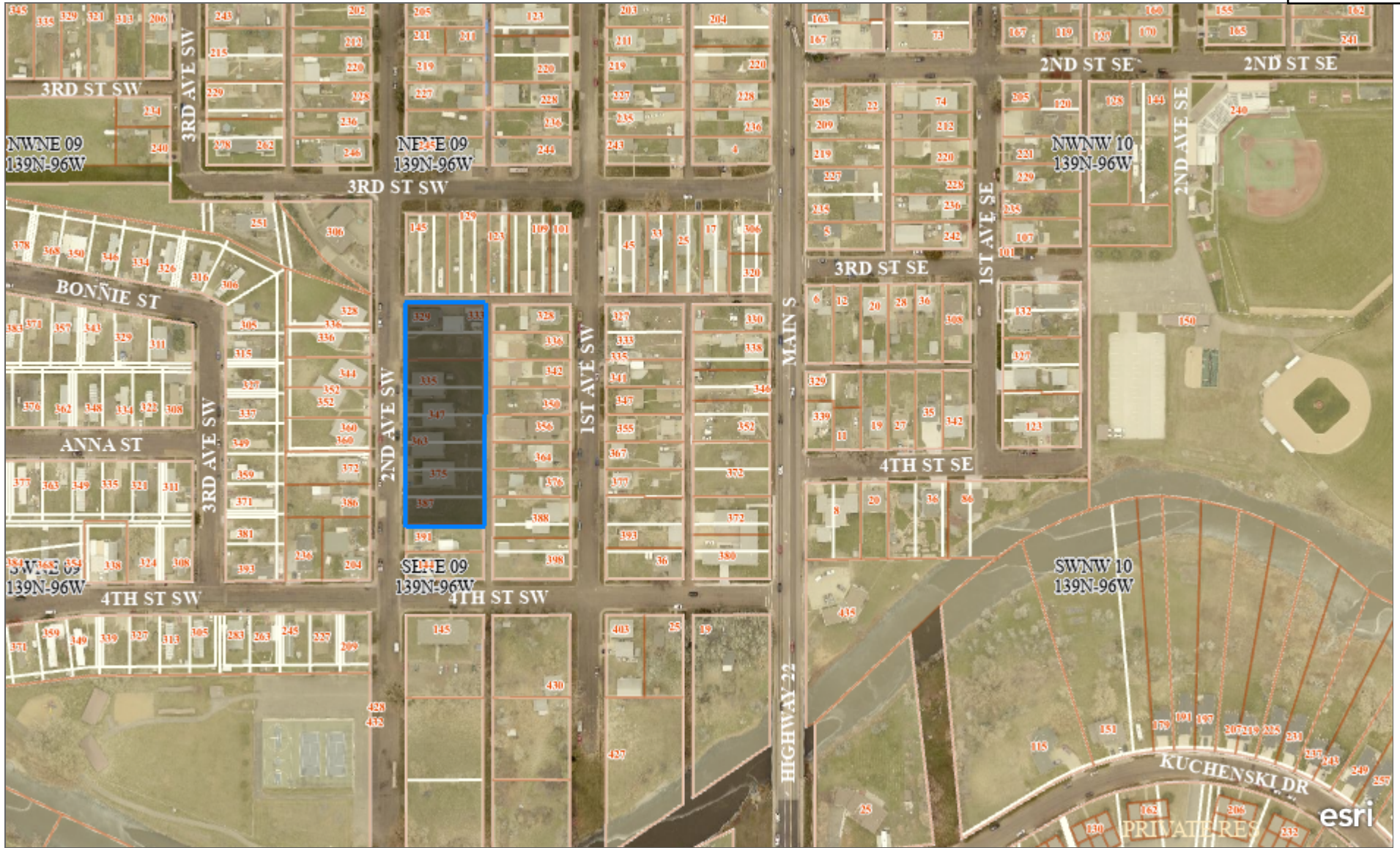


Information about Tax parcels, Zoning, and other features.

300ft

Maxar | Engineering & Planning | Dickinson Engineering Department

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

300ft

Maxar | Engineering & Planning | Dickinson Engineering Department

RIVERVIEW COTTAGES PLANNED UNIT DEVELOPMENT (PUD)

1. Legal Description of Property

Current: Lots 20-24, Block 1 of the Replat of Riverview Addition and Lots 15-20, Block 2 of Fischer's Addition City of Dickinson, ND

Proposed: Lots 1-5, Block 1 of Riverview Cottages 1st Addition and Lots 1-5, Block 1 of Riverview Cottages 2nd Addition in the City of Dickinson, ND.

2. Purpose Statement

The provisions of this PUD are intended to allow for existing duplex buildings along 2nd Ave SW to be subdivided so that each existing building can be located on its own lot. Creating the ability to own individual buildings on this property, as opposed to leasing, has the "pride of ownership" effect that encourages continued investment and maintenance of property by each owner since this investment can pay owners back as increased property value.

3. Underlying Zoning District

The underlying zoning district for this Planned Unit Development (PUD) is *Medium Density Residential (R2)*. In accordance with §39.05.008 *Site Development Regulations* of the City of Dickinson Municipal Code, this property shall conform to the requirements of this underlying zoning district except as otherwise indicated within this PUD document.

4. Minimum Lot Size

The following shall be the minimum lot size and widths allowed within this PUD property:

- Minimum Lot Area Allowed: 7,750 square feet
- Minimum Lot Width Allowed: 39 feet

5. Building Setback Requirements

All existing and future buildings shall meet the setback requirements of the current City of Dickinson code at the time of construction, with the exception of the existing legally nonconforming structures on this site.

Five (5) of the existing structures within this site (having house numbers 328, 335, 344, 360, and 363) do not meet the current 25-foot minimum front yard building setback requirement of the City of Dickinson Zoning Code. These structures have front yard building setbacks that vary from ±8.1-foot minimum to ±12.3-foot maximum. These existing duplex structures that do not meet the R-2 minimum front yard setback requirements shall be considered legally nonconforming structures in accordance with Section 39.11.004 of the Zoning Ordinance, and they shall be allowed to remain as constructed as allowed by the City's Zoning code. According to Section 39.11.005.f., should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50% of the replacement cost of the structure, the nonconforming use shall no longer be permitted. Therefore, all future structures will need to meet the minimum building setback requirements of the City's code at the time of construction.

6. Off-street Parking Requirements

The minimum number of parking stalls required for each lot shall be in accordance with the following table. This parking shall be owned and maintained by the lot that they are located within or the lot that they adjoin where parking is partially within the City right-of-way at the front of the lots.

Table 1: Required Off-Street Parking Stalls

Lot	Block	Subdivision	Minimum Off-Street Parking Stalls
1	1	Riverview Cottages 1 st Addition	2
2	1	Riverview Cottages 1 st Addition	3
3	1	Riverview Cottages 1 st Addition	2
4	1	Riverview Cottages 1 st Addition	3
5	1	Riverview Cottages 1 st Addition	2
1	1	Riverview Cottages 2 nd Addition	Per City Code
2	1	Riverview Cottages 2 nd Addition	5
3	1	Riverview Cottages 2 nd Addition	0
4	1	Riverview Cottages 2 nd Addition	5
5	1	Riverview Cottages 2 nd Addition	2

This parking count ensures that the existing number of parking stalls on this site is maintained, and two new parking stalls are added for the two northernmost lots of this PUD. This will maximize parking off-street parking for this property in locations where it is feasible due to the existing building locations.

Should a structure within one of these proposed lots be damaged to the extent that the cost of restoration exceeds 50% of the replacement cost of the structure, this reduction in off-street parking shall no longer be permitted and off-street parking shall be provided in accordance with the current code of the time of reconstruction.

7. Water and Sanitary Sewer Services

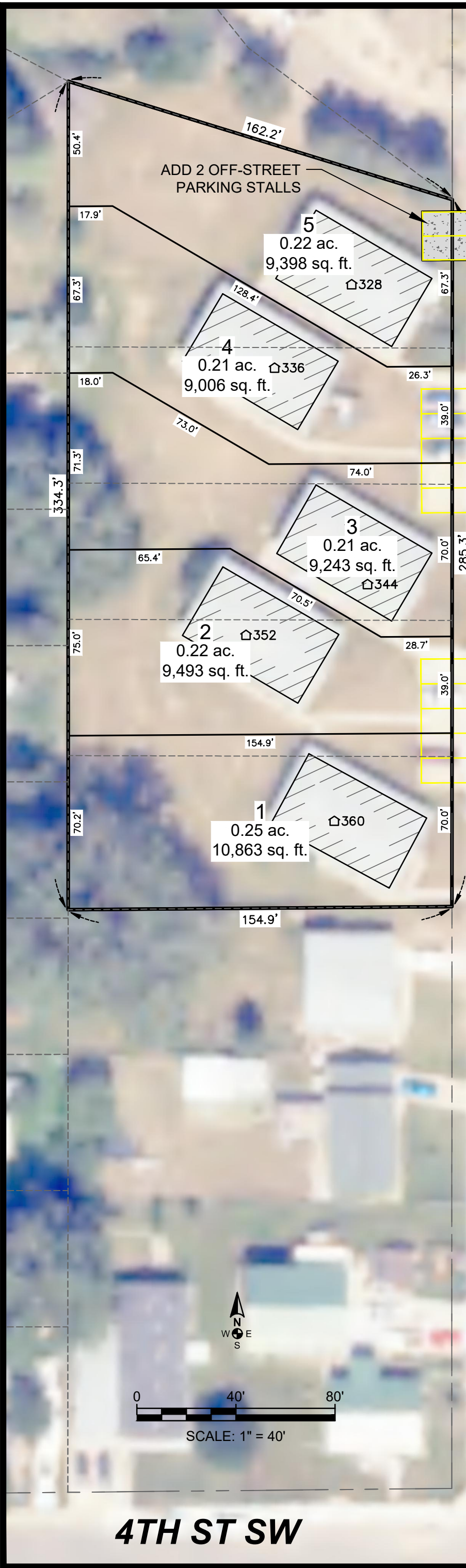
According to as-built utility information provided by the City, each existing building has an individual water and sanitary sewer service line. Each lot within this PUD shall continue to have its own individual water and sanitary sewer service line.

ENCLOSURES:

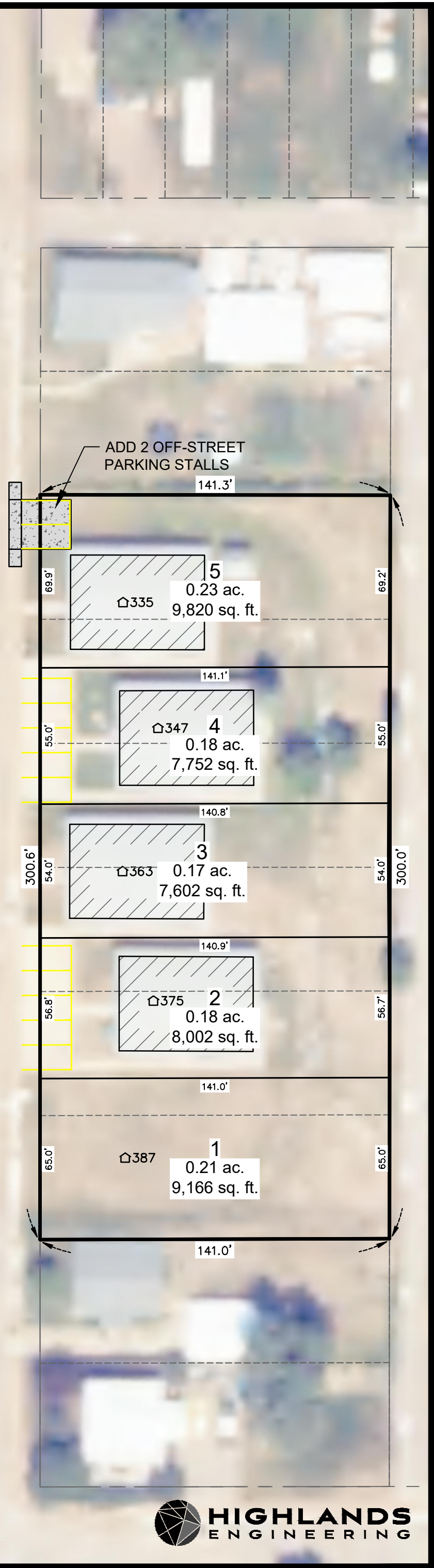
Enclosure A: PUD Site Layout

ENCLOSURE A

PUD Site Layout



2ND AVE SW





STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 8, 2023
Re: REZ-002-2023 Riverview Cottages Planned Unit Development

OWNER/APPLICANT

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

Public	June 21, 2023	Planning and Zoning Commission
Hearings:	July 18 & August 1, 2023	City Commission

REQUEST

- A. Request:** To consider a Zoning Map Amendment from R2 to PUD for properties legally described as Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision and Lots 15-20, Block 2 of Fischer’s Addition Subdivision located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 2.08 acres. Companion preliminary subdivision plat requests (PLP-002-2023 and PLP-003-2023) are also scheduled to the June 21, 2023 Planning and Zoning Commission meeting.
- B. Project Address/Legal Description/Area:** The lots proposed for rezoning are generally located along 2nd Avenue SW approximately 180 feet south of 3rd Street SW. The specific properties are legally described as follows:
 - Lots 15 through 20, Block 2 of Fischer’s Addition Subdivision; and
 - Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision.
- C. Project Description:** The applicant is proposing to replat the 10 lots that are the subject of the PUD request. Nine of those lots are developed with duplexes constructed in 1972 and 1973, and one lot is vacant; proposed Lot 1 of the Riverview Cottages 2nd Addition. A rezoning from R2 to PUD is required for the following reasons:
 - The R2 zoning district requires a minimum lot size of 10,000 square feet for a duplex. Neither the existing platted lots, nor nine of the proposed lots meet the R2 minimum lot sizes for duplexes;
 - Under the current R2 zoning, the required minimum lot width for a duplex is 75 feet. Only one of the proposed lots meets this lot width requirement;

- Under the current off-street requirements in Section 39.09.003 of the Municipal Code the minimum number of off-street parking spaces for a duplex is two (2) per dwelling unit. Only two of the existing duplexes currently meet those off-street parking requirements; and
- Under the current R2 zoning district, the minimum front yard building setback is 25 feet. Five of the nine existing structures currently do not meet the R2 minimum front yard setback.

The applicant is requesting the PUD to receive relief from the following R2 zoning district requirements:

- **Minimum lot size:** The lot sizes, as shown on the site plan in Attachment A, range from 7,602 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 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	Nine lots are developed with duplexes; one lot is vacant
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	2.08

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 PUD are developed with uses permitted in either the R2 or Mobile Home Residential (MH) residential zoning districts. As the applicant is that only R2 uses would be allowed in the PUD, the proposed rezoning is compatible with both the development pattern and zoning pattern in the immediate vicinity.

- B. Compliance with the Comprehensive Plan:** According to Figure 4-38: City of Dickinson Future Land Use Map (FLUM), as found in Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the site of the proposed PUD is designated as Residential. Therefore, the proposed PUD is compliant with the FLUM.

The proposed PUD is also compliant with the following policy in Chapter 4-Land Use:

Policy 1.3 – All rezone applications shall be consistent with the applicable future land use designation on the FLUM to provide increased certainty over future growth patterns.

- C. 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.

Approval of the proposed PUD will allow the applicant to go forward with the final plats of both the proposed companion subdivision plats.

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

- E. Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:
 - **The Planned Unit Development shall be in substantial conformance at all times with the file materials included in Attachment “A”.**
 - **Uses in the Planned Unit Development (PUD) shall be limited to those of the underlying Medium Density Residential (R2) zoning district.**
 - **Lot sizes and lot widths shall be as shown on the site plan in Attachment A.**
 -

- The location and number of off-street parking spaces shall be as shown on the site plan in Attachment A.
- The PUD shall become effective upon recordation of the companion subdivision plats.
- In the event that any existing structures within in the PUD 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 and off-street parking requirements the City’s code in effect at the time of reconstruction.
- In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **REZ 002-2023 the Riverview Cottage rezoning petition from R2 to PUD**, 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 **REZ 002-2023 the Riverview Cottage rezoning petition from R2 to PUD** 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: Friday, May 5, 2023 2:32 PM
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Loretta Marshik; Leonard W. Schwindt; Joshua Skluzacek
Subject: Re: Unified Development Application



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 **schrank@highlandseng.com**

Applicant Representative Phone # **(701) 260-4618**

Type of Development **Major Subdivision Preliminary Plat**

Is this a Replat **Yes**

Subdivision Being Re-platted **Replat of Riverview Addition**

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 1

Major Platting Multiplier 0

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 500

File Upload [231015_FEMA_SFHA.pdf](#)
[231015_Replat Riverview-Closure Report.pdf](#)
[231015_Replat-Riverview-PRELIM_2023-05-05.pdf](#)
[231015_Transmittal-Prelim Plat_2023-05-05.pdf](#)
[3176838_Deed.pdf](#)

Application Fees Applicable Fees 500.00 USD

Total: \$500.00

Transaction ID: k2qwkds

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

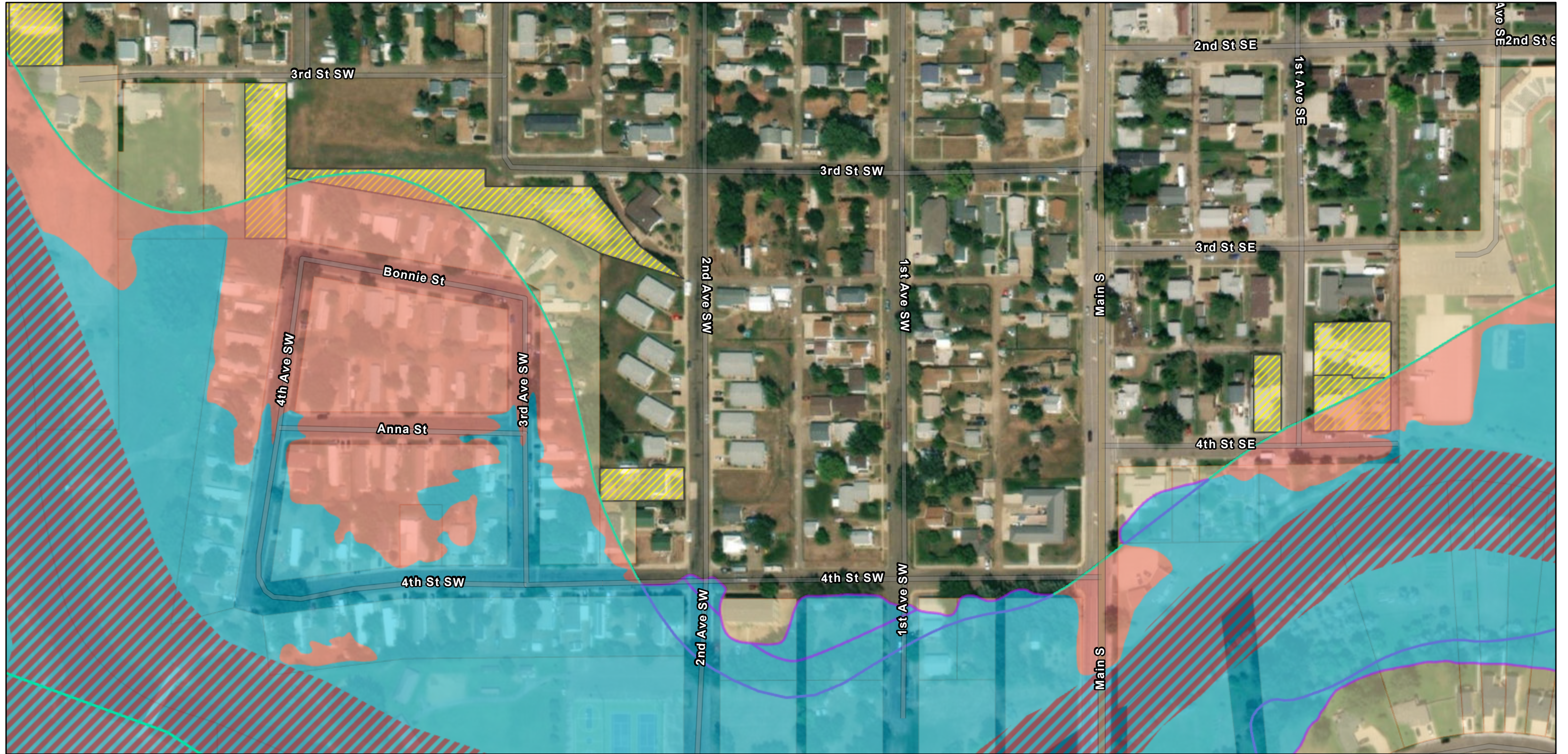
Applicant Signature 

Date 05-05-2023

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.

FEMA Flood Hazard Changes Map



5/5/2023

Municipal Boundary

Extra Territorial Boundary

North Dakota County Boundaries

SFHA Area Changes

Decrease

Increase

Current SFHA Boundary

FLOODWAY (AE)

Preliminary SFHA Boundary

Non-Intersecting After Changes (141)

Intersected by SFHA Zones (A or AE)

World Imagery

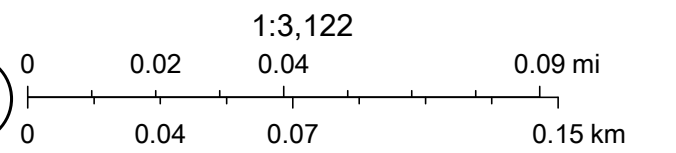
Low Resolution 15m Imagery

High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

60cm Resolution Metadata



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

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

300ft

Maxar | Engineering & Planning | Dickinson Engineering Department

RIVERVIEW COTTAGES 1ST ADDITION

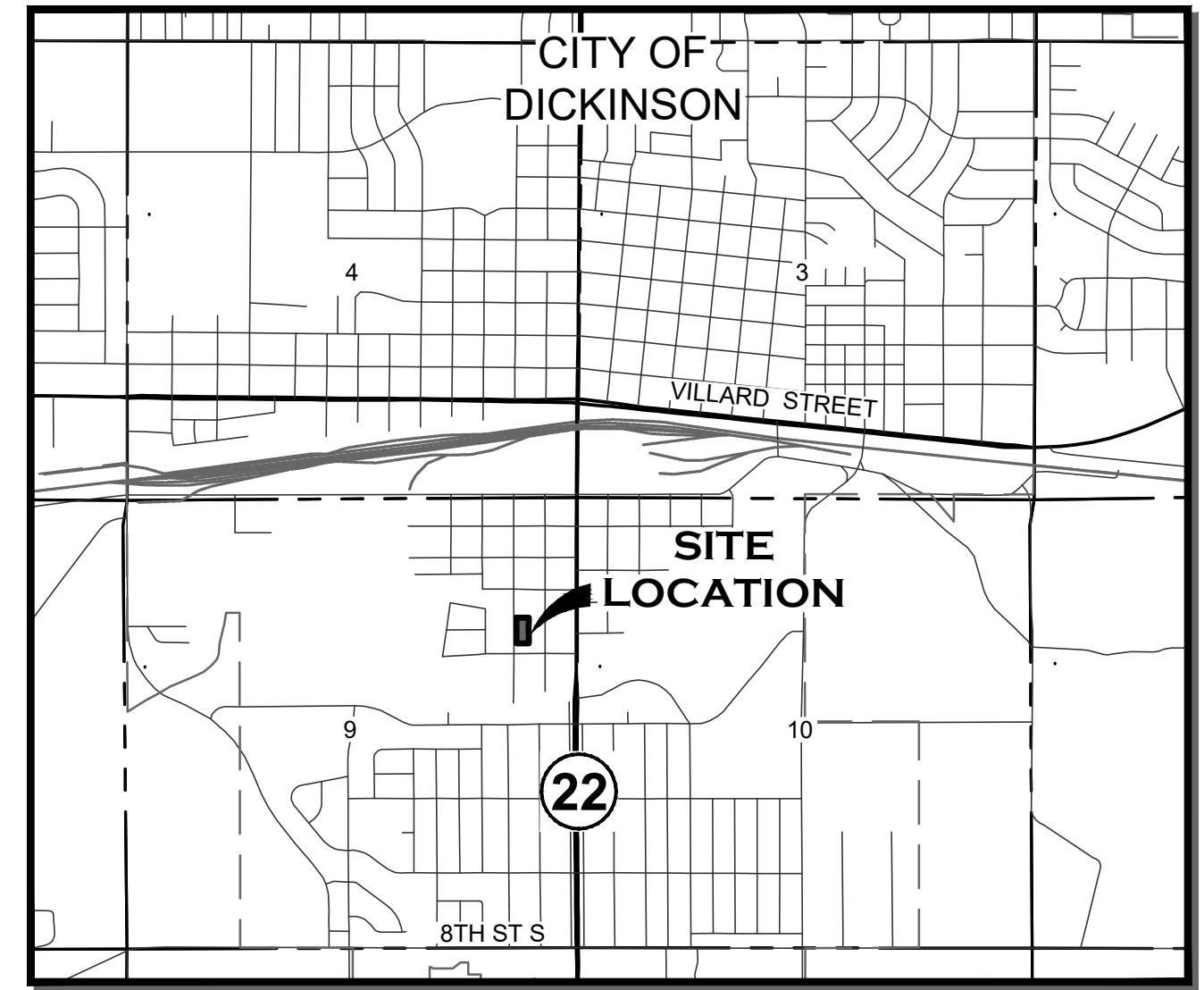
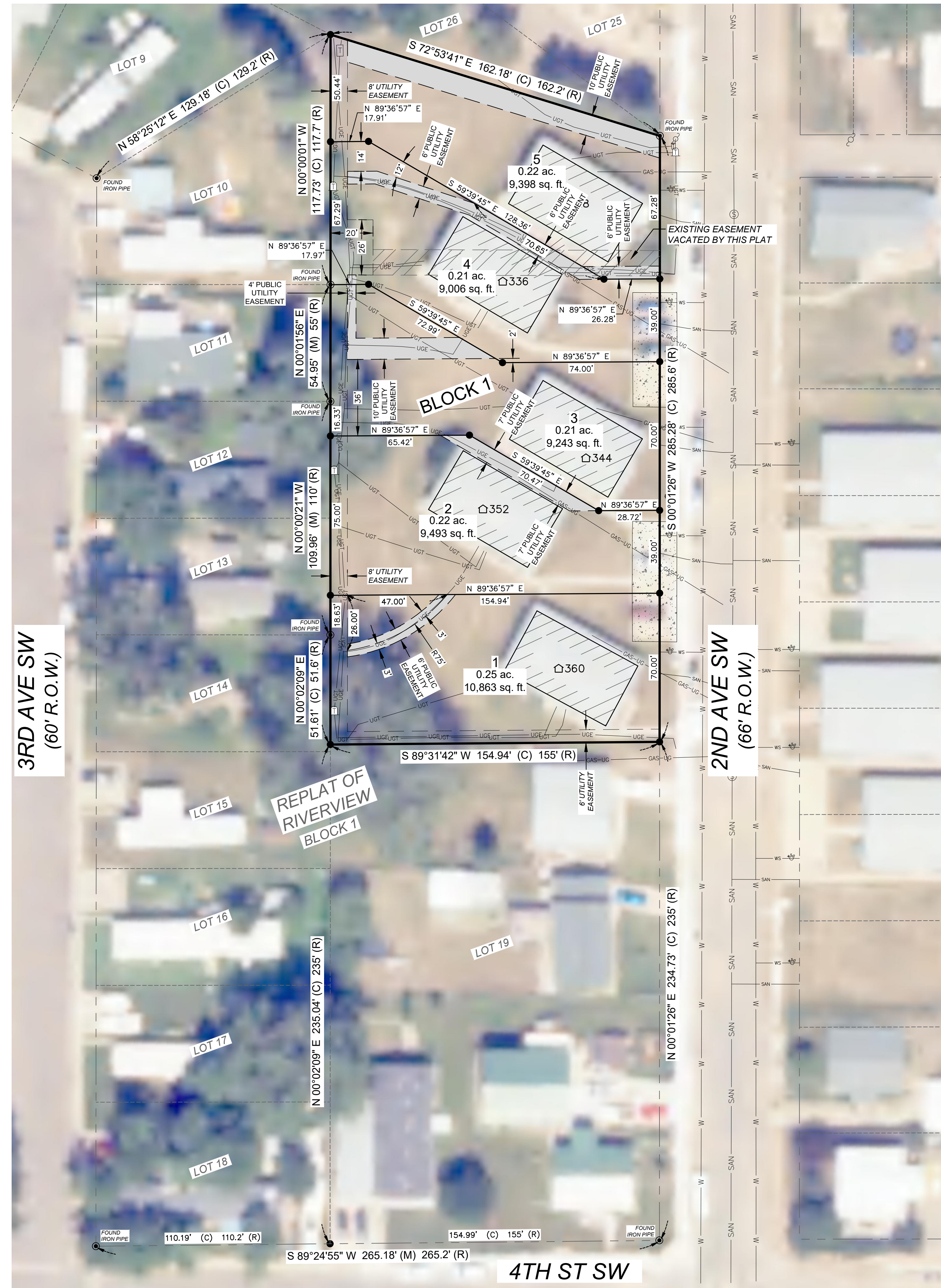
BEING THE REPLAT OF LOTS 20-24, BLOCK 1 OF THE REPLAT OF RIVERVIEW ADDITION
IN THE NE¹/₄ OF SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¹/₄) 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.

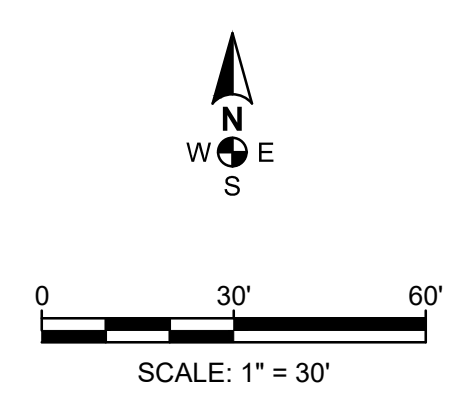


LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- 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

- 1) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- 2) VERTICAL DATUM: NAVD 88
- 3) DATE OF LATEST FIELD WORK: 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: 05/05/23



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **PLP-002-2023 Riverview Cottages 1st Major Plat**

OWNER/APPLICANT

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

Public	June 21, 2023	Planning and Zoning Commission
Hearings:	August 1, 2023	City Commission

REQUEST

A. Request: 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.

This major plat is a companion to the Planned Unit Development (PUD) request (REZ-002-2023) also scheduled to the June 21, 2023 Planning and Zoning Commission meeting.

B. Project Address/Legal Description/Area: The proposed Lot 5 is generally located along 2nd Avenue SW approximately 270 feet north of 4th 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 plat and PUD are required to be as companions because the existing conditions would not allow the duplexes to be sold to individual buyers; i.e. buildings over lot lines, and based on current ordinances the following are not met; insufficient off-street parking, lot width, lot size, and front yard setbacks. A Major Plat is required for the following reasons: Includes five or more lots as per Section 34.030 Definitions.

The facts below address the topics listed that do not meet current ordinances.

The applicant is proposing to replat the 5 lots that are also subject to the PUD request. All five of the proposed lots are developed with duplexes constructed in 1972 and 1973. There are four detached buildings with each building currently being a two-unit rental building. Each of the buildings are 2,024 square feet and measures approximately 38 feet by 54 feet with 4-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 2nd Ave. SW. which is a local road as per the City of Dickinson roadway classification. There is no anticipated change to the traffic volume generated from this final plat application. A cluster mailbox is currently located on the northern 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. The applicant's intent is to adjust the lot lines to contain the separate buildings to later be sold as duplexes.

The future property owners may have the opportunity to rent the second portion of the duplex as rental income, or utilize the space as their own. The developer intends for these duplexes to bring affordability to the buyers in the lower income levels of the market, and to make home ownership possible for those currently renting.

Each building has its own existing sanitary sewer service and 1-inch water service based on research completed by Highlands Engineering. The research completed was of City of Dickinson records. This 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 which the Developer intends to replace the current fuse boxes with 125 AMP breaker panels.

There is an existing public utility easement which runs under the buildings located on Lots 23 and 24, Block 1 of the Replat of Riverview Addition. No utilities were identified to existing after a North Dakota One Call was placed. 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 two paved parking areas that can provide five parking stalls each for 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 have the opportunity to pave additional off street parking within their lot in the future.

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 7,602 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 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	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 the Comprehensive Plan:** According to Figure 4-38: City of Dickinson Future Land Use Map (FLUM), as found in Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the site of the proposed PUD is designated as Residential. Therefore, the proposed PUD is compliant with the FLUM. The proposed PUD is also compliant with the policy in Chapter 4-Land Use.
- C. **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.

Approval of the proposed PUD will allow the applicant to go forward with the final plat as proposed to be a companion to this subdivision plat.

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

E. Staff Recommendation: The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:

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

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **PLP 002-2023 the Riverview Cottage 1st Addition Preliminary 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 **PLP 002-2023 the Riverview Cottage 1st Addition Preliminary 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

Sylvia Miller

From: Jotform <noreply@jotform.com>
Sent: Friday, May 5, 2023 2:41 PM
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Loretta Marshik; Leonard W. Schwindt; Joshua Skluzacek
Subject: Re: Unified Development Application
Attachments: 231015_FEMA SFHA.pdf; 231015_Replat Fischer's-Closure Report.pdf; 231015_Replat-Fischer's-PRELIM_2023-05-05.pdf; 231015_Transmittal-Prelim Plat_2023-05-05.pdf; 3176838_Deed.pdf; Riverview Cottages Pre-Application Response Letter-FINAL.pdf; 231015_Owner Signature.pdf; 5591284613228084891_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: [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: schrank@highlandseng.com

Applicant Representative Phone # (701) 483-2444

Type of Development Major Subdivision Preliminary Plat

Is this a Replat Yes

Subdivision Being Re-platted Fischer's Addition

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 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
Description	NE1/4 Section 9	T139N	R96W

Property Address / General Project Location Property addresses are 335, 347, 363, 375, and 387 2nd Street SW, Dickinson, ND 58601.

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

Total Square Footage or Acreage of Subject Property 0.97

Rezone Calc Multiplier 0

Minor Platting Multiplier 0

Prelim Platting Multiplier 1

Major Platting Multiplier 0

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 500

File Upload [231015_FEMA_SFHA.pdf](#)
[231015_Replat_Fischer's-Closure_Report.pdf](#)
[231015_Replat-Fischer's-PRELIM_2023-05-05.pdf](#)
[231015_Transmittal-Prelim Plat_2023-05-05.pdf](#)
[3176838_Deed.pdf](#)

Application Fees Applicable Fees 500.00 USD

Total: \$500.00

Transaction ID: 9b44qsqr

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

Applicant Signature

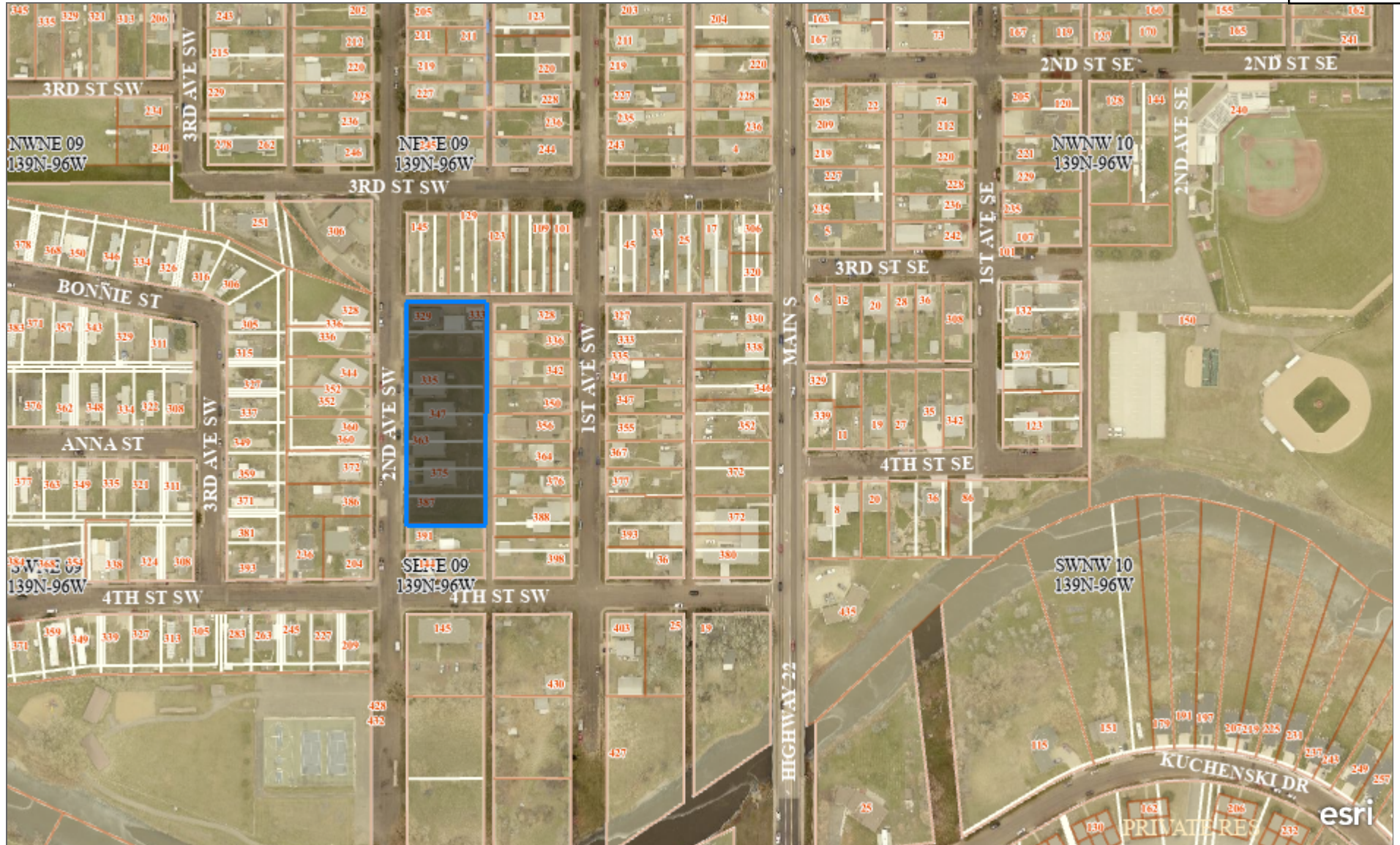


Date

05-05-2023

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

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

300ft

Maxar | Engineering & Planning | Dickinson Engineering Department

RIVERVIEW COTTAGES 2ND ADDITION

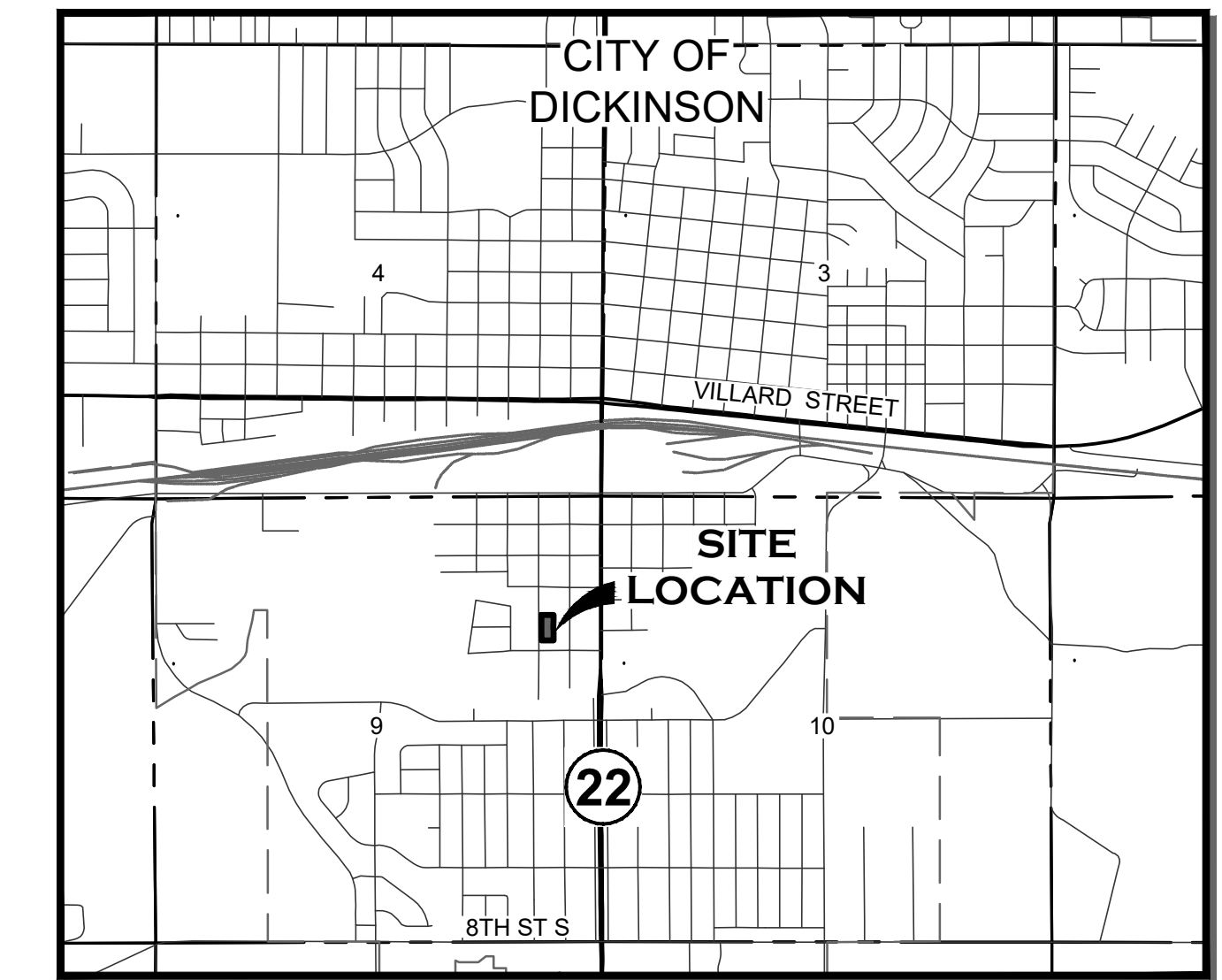
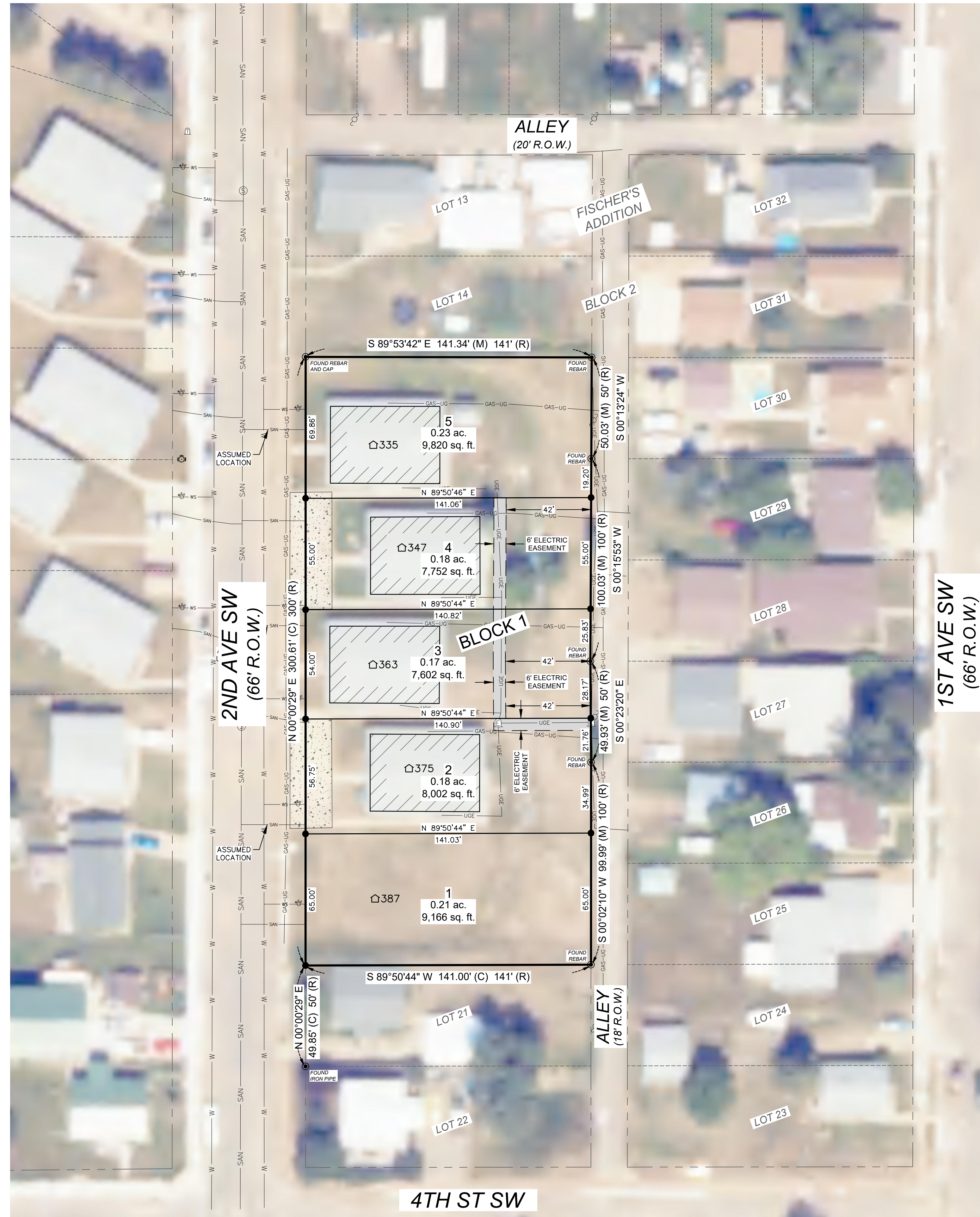
BEING THE REPLAT OF LOTS 15-20, BLOCK 2 OF FISCHER'S ADDITION
IN THE NE¹/₄ SEC. 9, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER (NE¹/₄) 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.



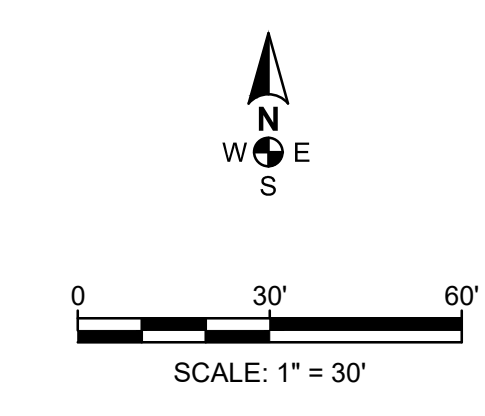
VICINITY MAP
1" = 2000'

LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- EXISTING LOTS
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED "HIGHLANDS LS-5466"
- 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

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

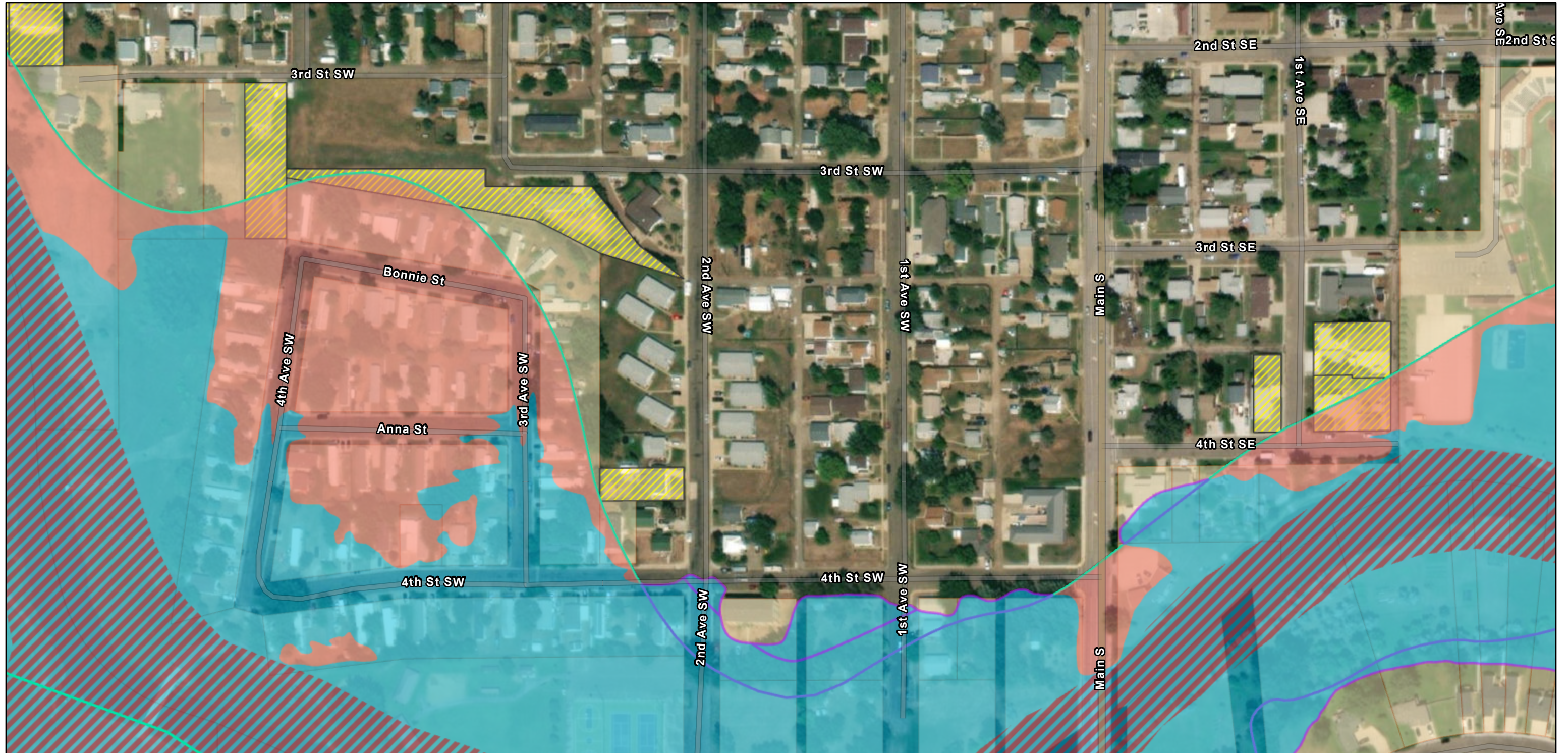


HIGHLANDS ENGINEERING

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

PROJECT NUMBER: 231015	SCALE: 1"=30'
DRAWN BY: AWS	DATE: 05/05/23

FEMA Flood Hazard Changes Map



5/5/2023

- Municipal Boundary
- Extra Territorial Boundary
- North Dakota County Boundaries

SFHA Area Changes

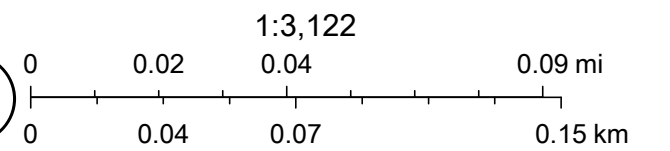
Decrease

- Increase
- Current SFHA Boundary
- FLOODWAY (AE)
- Preliminary SFHA Boundary
- Non-Intersecting After Changes (141)

- Intersected by SFHA Zones (A or AE)
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery

Citations

60cm Resolution Metadata



Maxar, Microsoft, Dickinson Engineering Deptment, Esri Community Maps Contributors, State of North Dakota, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **PLP-003-2023 Riverview Cottages 2nd Major Plat**

OWNER/APPLICANT

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

Public	June 21, 2023	Planning and Zoning Commission
Hearings:	August 1, 2023	City Commission

REQUEST

A. Request: To consider a Preliminary 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.

This major plat is a companion to the Planned Unit Development (PUD) request (REZ-002-2023) also scheduled to the June 21, 2023 Planning and Zoning Commission meeting.

B. Project Address/Legal Description/Area: The proposed Lot 1 is generally located along 2nd Avenue SW approximately 130 feet north of the center line of 4th 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 plat and PUD are required to be as companions because the existing conditions would not allow the duplexes to be sold to individual buyers; i.e. buildings over lot lines, and based on current ordinances. The following are not met; insufficient off-street parking, lot width, lot size, and front yard setbacks. A Major Plat is required for the following reasons: Includes five or more lots as per Section 34.030 Definitions.

The facts below address the topics listed that do not meet current ordinances.

The applicant is proposing to replat the 5 lots that are also subject to the PUD request. All five of the proposed lots are developed with duplexes constructed in 1972 and 1973. There are four detached buildings with each building currently being 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-foot entrance alcoves. None of the units has a garage of any kind, but there are two existing

concrete parking areas for residents that total 10-parking spaces. All traffic from these buildings utilize 2nd Ave. SW. which is a local road as per the City of Dickinson roadway classification. There is no anticipated change to the traffic volume generated from this 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. The applicant's intent is to adjust the lot lines to contain the separate buildings to later be sold as duplexes.

The future property owners may have the opportunity to rent the second portion of the duplex as rental income, or utilize the space as their own. The developer intends for these duplexes to bring affordability to the buyers in the lower income levels of the market, and to make home ownership possible for those currently renting.

Each building has its own existing sanitary sewer service and 1-inch water service based on research completed by Highlands Engineering. The research completed was of City of Dickinson records. This 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 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 additional off-street parking within their respective lots.

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	Nine 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	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 the Comprehensive Plan:** According to Figure 4-38: City of Dickinson Future Land Use Map (FLUM), as found in Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the site of the proposed PUD is designated as Residential. Therefore, the proposed PUD is compliant with the FLUM. The proposed PUD is also compliant with the policy in Chapter 4-Land Use.
- C. **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;
 - 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 five of the nine existing duplex structures do not meet the R2 minimum front yard setback.

Approval of the proposed PUD will allow the applicant to go forward with the final plat as proposed to be a companion to this subdivision plat.

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

E. Staff Recommendation: The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:

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

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **PLP 003-2023 the Riverview Cottage 2nd Addition**, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, as meeting all the requirements of the Dickinson Municipal Code, and also being in the interest of the public health, safety and welfare “*

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

1. _____;
2. _____.

*****Denial*****

*“I move the Dickinson Planning and Zoning Commission recommend Denial of **PLP 003-2023 the Riverview Cottage 2nd 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: Friday, May 5, 2023 3:09 PM
To: Sylvia Miller; Sylvia Miller; Steven Josephson; Dustin D. Dassinger; Loretta Marshik; Leonard W. Schwindt; Joshua Skluzacek
Subject: Re: Unified Development Application



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	schrack@highlandseng.com
Applicant Representative Phone #	(701) 260-4618

Type of Development **Planned Unit Development**

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? **No**

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

Legal - Lot/Block/Addition

	Lot	Block	Addition
Description	4	1	The District

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

Existing Zoning **CC - Community Commercial**

Rezone Calc Multiplier 0

Overlay District Description N/A

Does the plan propose any new streets or roadways to access any lot? **Yes**

Does each lot abut a public or private street? **Yes**

Is all of the land in the application located within the corporate limits of the City of Dickinson? **Yes**

Does the Applicant own or intend to purchase surrounding land? **Yes**

Description of Property [220618_PLAT-FINAL_2022-08-09.pdf](#)

Minor Platting Multiplier 0

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Application Calc 1250

File Upload [220618_Stormwater Report-Final-1 of 3_2022-07-07.pdf](#)
[220618_Stormwater Report-Final-2 of 3_2022-07-07.pdf](#)
[220618_Stormwater Report-Final-3 of 3_2022-07-07.pdf](#)
[231003_Lot 4, Block 1, The District Addition-PRELIM PLANS-1 of 2_2023-05-05.pdf](#)
[231003_Lot 4, Block 1, The District Addition-PRELIM PLANS-2 of 2_2023-05-05.pdf](#)
[231003_PUD Document-PRELIM_2023-05-02.pdf](#)
[231003_Plat-PRELIM_2023-05-02.pdf](#)
[231003_Transmittal-PUD_2023-05-05.pdf](#)
[3173246_Deed.pdf](#)

Application Fees **Applicable Fees** 1,250.00 USD

Total: \$1,250.00

Transaction ID: 93fysf0p

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

Applicant Signature



Date

05-05-2023

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.

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

600ft

Maxar | Engineering & Planning | Dickinson Engineering Department



Transmittal Letter

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

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

Date: May 5, 2023

Re: Planned Unit Development Application – The District Business Park First Addition

Message: Enclosed you will find the following Planned Unit Development application documents for the above referenced project being submitted for consideration at the June 21st Planning and Zoning Meeting:

- Deed for the property
- Pre-Application Meeting Letter from the City
- Planned Unit Development Document including Written Statement, Justification Statement, Legal Description, and Site Layout Sketch
- Preliminary Plat drawings showing proposed site boundaries (to be submitted as part of separate application)
- Preliminary Site Improvement Plans
- Stormwater Report for The District Addition

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

A handwritten signature in blue ink that reads "Andrew Schrank". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Schrank, PE, CFM - Highlands Engineering

office 701 483 2444
fax 701 483 2610

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

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

THE DISTRICT BUSINESS PARK FIRST ADDITION PLANNED UNIT DEVELOPMENT (PUD)

*Being the Replat of Lot 4, Block 1 of The District Addition
City of Dickinson, Stark County, ND*

TABLE OF CONTENTS

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- 2. Vicinity Map 1
- 3. PUD Site Layout 1
- 4. Purpose Statement 2
- 5. Consistency with City’s Comprehensive Plan 2
- 6. Underlying Zoning District..... 4
- 7. Property Information 4
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- 9. Characteristics of Proposed Buildings 5
- 10. Building Envelope 5
- 11. Signage 5
- 12. Vehicular Access and Circulation 5
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- 14. Sidewalks and Pedestrian Access..... 6
- 15. Multiple Lot Development 6
- 16. Site Lighting 7
- 17. Landscaping..... 7
- 18. Site Drainage and Stormwater Management..... 7
- 19. Water and Sanitary Sewer Service..... 7
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- 21. Maintenance Considerations..... 8
- 22. Additional Development Regulations 8

APPENDICES

- Appendix A: PUD Site Layout
- Appendix B: Renderings of Proposed Building Characteristics

1. Legal Description of Property

Current: Lot 4, Block 1 of *The District Addition* in the City of Dickinson, ND.

Proposed: Lots 1-22, Block 1 of *The District Business Park First Addition* in the City of Dickinson, ND.

2. Vicinity Map



3. PUD Site Layout

The site layout for the development of this PUD is included in *Appendix A*. All development within this PUD shall conform to the requirements and general characteristics of this enclosed site layout.

Additional information describing the site requirements and uses is contained within this PUD document.

4. Purpose Statement

The provisions of this PUD are intended to provide an affordable ownership option within the City of Dickinson for small, commercial businesses with few employees and customers. Users will typically be owner-operated small businesses with few or no employees, focused on one-to-one business interactions. Examples of users would be: a consultant with an office manager as the lone employee; a personal trainer focusing on one-on-one training; a chiropractor with a receptionist; a photographer that does one-on-one sessions; and other similar commercial uses. By the nature of the businesses, the number of employees and customers at each facility will typically be generally limited to one or two each at a time.

This PUD also allows a location for aesthetically pleasing, privately-owned commercial and/or mixed-use spaces similar to those within Lot 12, Block 1 of the *Replat of Block 4 and Portions of Blocks 1 & 5 of West Ridge 1st Addition*. These buildings offer a location for occupants to have a privately owned shop for personal use, or to run a small business operation. These buildings generate very little traffic and have a very limited number of users.

Allowing for increased density within this commercial development helps create affordable commercial options while providing for a variety of new commercial uses in this area. Due largely to the City’s population, there has not been a significant desire for large commercial businesses to establish themselves in Dickinson. By providing affordable opportunities to a variety of small businesses, this PUD can help resolve this lack of commercial development.

Due to the size and nature of the buildings and the permitted uses, this development will produce less vehicular traffic and parking demand than a typical commercial development in the City. By creating higher-density development with reduced access and parking regulations made possible by this lower number of users, an affordable option can be created by this PUD for these types of small businesses while generating greater sales and property tax revenues for the City.

Other communities in North Dakota have had success with similar development models in recent years. Some examples of similar developments in the area that were referenced when creating this PUD are as follows:

1. Westview 4th Addition Planned Unit Development in West Fargo, ND
2. Oakridge 11th Addition Planned Unit Development in West Fargo, ND
3. Oakridge 18th Addition Planned Unit Development in West Fargo, ND
4. Boden Addition in Bismarck, ND

5. Consistency with City’s Comprehensive Plan

Within Chapter 4 of the City’s Comprehensive Plan, *Dickinson 2035: Roadmap to the Future*, the City listed seven land use goals for the future growth of the City (see pages 69-70). This PUD helps the City meet the following five (5) goals listed in this comprehensive plan:

- a. Effectively manage the location, timing and fiscal impacts of future development.
- b. Promote and require high quality development in the city.
- c. Increase the availability of locations for retail commercial development.
- d. Improve the appearance of the community along major roadways, including I-94, that are community entrances.
- e. Provide financial and regulatory incentives for development that successfully achieve the objectives and policies of the comprehensive plan.

The following sections of this document outline in greater detail how this PUD meets each of these land use goals outlined by the City’s comprehensive plan.

a. Effectively manage the location, timing and fiscal impacts of future development

Policy 3.12.12 (see page 119) of the City’s Comprehensive Plan state that “a mixed-use development should provide commercial services in close proximity to residential areas to provide shorter, more convenient vehicular or pedestrian trips for purchases of goods and services.” A large, multi-family residential apartment complex is located directly north of this property, and the City prepared a master plan, the *NW Dickinson Master Plan*, in October of 2019 that depicted a large, residential development with around 300 residential lots located immediately west of this PUD. When looking at the existing and proposed uses within ½-mile of this site, this development will be located in the heart of a largely residential area, making this an ideal location for this PUD in accordance with this policy. Furthermore, even with the large area of residential development around this property, it is conveniently located adjacent to a small area of existing commercial and high-density residential development. This location allows this site to conform with the directly adjacent land uses while serving this nearby residential area.

This site is also conveniently located within an area of the City that is already growing and located within the City’s Urban Service area. The City has made significant investments in the infrastructure surrounding this area to help account for and promote the westerly growth that has occurred in recent years. The public infrastructure necessary to serve this site has already been constructed around this property, and development of this property was planned for in the City’s Comprehensive Plan and the *NW Dickinson Master Plan*. This development helps promote growth within the City’s current Corporate Limits and Urban Service Area Boundary which reduces the issues associated with urban sprawl.

With these lots being sold to individual owners, the timing for improvements for these individual lots will be largely dictated by the supply and demand of the area. This PUD provides a location to meet the City’s commercial demands as they arise without requiring up-front investment in new infrastructure to be incurred by the City. Therefore, this PUD brings commercial development opportunities to the City as they are demanded without creating debt or other financial burdens on the City.

Based on current City policies, the infrastructure improvements necessary to serve this development are to be entirely privately funded. Therefore, the City will have no fiscal impact incurred for the initial development of this project. Furthermore, the City will gain property tax revenue from these twenty-two (22) commercial lots without incurring any infrastructure costs. This development has the potential to provide hundreds of thousands of dollars in additional property and sales tax revenues to the City for the foreseeable future.

b. Promote and require high quality development in the city.

The provisions included in this PUD document regarding building characteristics ensure development within this property is uniform and aesthetically pleasing. These building characteristic requirements exceed the minimum requirements of the City’s Municipal Code for standard Community Commercial zoning districts.

This PUD also provides an affordable opportunity for small business ownership. Giving small business owners the ability to own property, as opposed to leasing, has the “pride of ownership” effect that encourages continued investment and maintenance of property by each owner since this investment can pay owners back as an increase in their property value.

c. Increase the availability of locations for retail commercial development.

Chapter 4 of the City’s Comprehensive Plan also dedicates a section to the “Lack of Variety of Retail Uses” with the City (see page 92). This section indicates that “participants at public input meetings often cited the lack of a variety of retail business as a major concern.” This section goes on to indicate that “the limited supply of specific business types has resulted in price increases.”

Allowing for increased density within this commercial development helps create affordable commercial options while providing for a variety of new commercial uses in this area. Due to the City’s population, there has not been

a significant desire for large commercial businesses to establish themselves in Dickinson. By providing affordable opportunities to a variety of small businesses, this PUD can help resolve this lack of commercial development.

Furthermore, this additional supply of commercial space will likely open some existing commercial spaces that are currently occupied. This increased supply of commercial space will likely have the effect of reduced commercial rent prices which will create additional opportunities for new businesses to enter the Dickinson market.

d. Improve the appearance of the community along major roadways, including I-94, that are community entrances.

This proposed development lies ±1,000-feet north of I-94 and ±500-feet west of State Avenue. I-94 and State Avenue are both identified in the City of Dickinson Zoning code as “important transportation corridors, and will continue as such with future growth of the city. These transportation corridors are expected to carry significant volumes of traffic, making development along these transportation corridors highly visible to the traveling public.”

Although this project lies outside of the Corridor Overlay District requirements of these transportation corridors in the City’s Zoning code, this area is highly visible from both of these routes. The requirements outlined by this PUD will ensure that this is a high-quality, aesthetically pleasing development that will promote the City’s goal of enhancing the City’s appearance along these major roadways. Instead of seeing an empty field when traveling along I-94 past this site, travelers will see a new commercial development that could pique interest in those spaces and the City in general.

e. Provide financial and regulatory incentives for development that successfully achieve the objectives and policies of the comprehensive plan.

As previously indicated, the infrastructure necessary to serve this development will be entirely privately funded. Therefore, the City is not providing direct financial incentives for this project. However, this PUD has indirect financial incentives for small business owners through the regulatory incentives created by the City allowing this PUD to move forward. Policy 3.2 of the City’s Comprehensive Plan (see page 119) states that “sufficiently high maximum density standards should be provided to incentivize development of PUD’s.” By increasing the density allowed for this site through this PUD and allowing for the private roadway to access this site, this development can provide new, affordable ownership opportunities for small businesses that are not otherwise available within the City. Many new or small businesses cannot afford the initial investment in the larger, more expensive commercial properties on the market, especially with the substantial increases in construction costs over the last few years. This PUD can help lower the input costs of this project and meet a market demand that is not currently available within the City.

Policy 3.12.2 (see page 119) states that “mixed-use development should be allowed as multiple uses in a single building or multiple uses within a development site.” This PUD helps meet this policy by allowing for and encouraging a mix of residential, civic, office, and commercial uses within the lots of this development.

6. Underlying Zoning District

The underlying zoning district for this Planned Unit Development (PUD) is *Community Commercial (CC)*. In accordance with §39.05.008 *Site Development Regulations* of the City’s Zoning Code, this property shall conform to the requirements of this underlying zoning district except as otherwise indicated within this PUD document.

7. Property Information

- Total Property Area: 5.47 acres
- Total Number of Lots: 22
- Minimum Lot Area Allowed: 7,000 square feet
- Minimum Lot Width Allowed: 50 feet

8. Allowable Uses

All of the uses allowed by *Table 4-2* of Section 39.04.005 of the *City of Dickinson Municipal Code* for Limited Commercial (LC) zoning shall be permitted uses within this property.

Mixed-use development shall also be permitted as long as the total square footage of the residential space does not exceed the square footage of the associated commercial space. The square footage comparisons for the commercial and residential uses shall count the usable floor space for all levels of the structure. Residential uses shall also be limited to one (1) dwelling unit maximum per lot.

9. Characteristics of Proposed Buildings

Buildings constructed withing this PUD shall meet the general character and architectural standards of the renderings included in *Appendix B*. Although these renderings may not depict the exact design and architectural features of the buildings within this site, proposed buildings will be required to meet a similar level of architectural design and standards as shown by these conceptual renderings. These building characteristics exceed the minimum requirements of the *City of Dickinson Municipal Code* and will ensure that this is an aesthetically pleasing development.

10. Building Envelope

Buildings shall meet the following minimum setback requirements. These requirements shall supersede any setback, landscaping buffer, or buffer yard provisions within the *City of Dickinson Municipal code*.

- Front Yard Setback: 50-feet
- Rear Yard Setback: 10-feet
- Street Side Yard Setback: 20-feet (applies to 19th Street W only)
- Interior Side Yard Setback: 5-feet
- Access Road Setback: 10-feet

Based on the total lot area, these minimum setback requirements, and easements that will restrict proposed building areas, the maximum building coverage allowed will vary for each proposed lot in this PUD. The maximum allowable building areas per lot vary from 3,202 square feet minimum to 7,237 square feet maximum with an average allowable building area of 5,276 square feet and a total maximum allowable building area of 116,077 square feet for the entire development. The maximum allowable building coverage varies from 38.5% to 55.9% per lot with an average maximum building coverage of 48.7% for the entire development.

Refer to the *PUD Site Layout* included in *Appendix A* for a depiction of the allowable building areas and a table indicating the maximum allowable building area for each lot.

11. Signage

Building signs shall meet the requirements of the §39.10 *Sign Regulations* of the *City of Dickinson Municipal Code*. Ground signs, poles signs, and pylon signs as defined by this code shall not be allowed within this development.

12. Vehicular Access and Circulation

The developer shall construct a shared, private access road having an asphalt or concrete surface through the center of this development within an easement to be provided by the plat of this property. This access road will connect to 19th Street W on the north side of this site, and it will have a width of 30-feet to allow for one driving lane in each direction. Driving lanes will have a width of 11-feet with a 4-foot shoulder on each side of the road separated from the driving lane by a 4-inch white line marked on the pavement. No parking will be allowed within

this access road. A dead-end fire apparatus access road turnaround meeting the requirements of the International Fire Code will be provided no more than 150-feet from the end of this access road.

This private access road will provide access to each of the lots proposed by this PUD. This road will also provide the necessary access for emergency vehicles that will need to serve this property.

The developer shall provide design plans for this access road to the City of Dickinson for approval prior to commencement of this construction.

Refer to the *PUD Site Layout* included in *Appendix A* for a depiction of this proposed access road.

13. Off-Street Parking

Each lot within this PUD shall be required to construct off-street parking facilities. These facilities must be constructed within the front 85-feet of each lot along the proposed access road. Parking lot pavement shall not be allowed within 3-feet of interior lot lines, except that parking lot pavement may extend the full width of the lot within the first 5-feet from the proposed access road to allow sufficient space for vehicular turning movements into these parking facilities. No parking lot pavement shall be allowed within 5-feet of the exterior subdivision boundary line. These requirements shall supersede any setback, landscaping buffer, or buffer yard provisions within the City of Dickinson Municipal code.

The amount of off-street parking to be provided varies based on the width of each lot within this PUD. The minimum off-street parking requirements vary from 3 minimum for the narrowest lots to 7 maximum for the widest lots. A total of 106 off-street parking stalls is the minimum to be provided within this PUD, for an average of 4.8 parking spaces per lot. Lots shall be required to provide accessible parking spaces in accordance with current regulations at the time of development, and all accessible parking provided shall count toward these minimum parking space requirements.

Refer to the *PUD Site Layout* included in *Appendix A* for a depiction of the allowable off-street parking areas and for a table indicating the minimum number of parking stalls to be required for each lot.

14. Sidewalks and Pedestrian Access

Sidewalk must be provided along 19th Street W in accordance with current City policies. A 4-foot-wide shoulder is also to be provided along each edge of the proposed access road to allow for pedestrian access between the lots within this site.

Sidewalks providing access between proposed parking facilities and buildings within each lot shall be provided as necessary. Sidewalks shall only be allowed within the allowable building and off-street parking areas previously described.

15. Multiple Lot Development

Development of a single site that spans multiple adjacent Lots shall be allowed as indicated by this section. All adjoining Lots within the Multiple Lot Development must be owned by the same entity. Multiple Lot Developments may only consist of Lots on the same side of the proposed access road through this subdivision.

Parking area and building setback requirements shall not apply to common Lot lines of Multiple Lot Developments. However, the minimum side yard setback requirements for the perimeter property lines of Multiple Lot Developments shall be multiplied by the number of Lots included in the development. Parking areas for Multiple Lot Developments shall also be allowed within the allowable building area. The minimum landscaping area required for Multiple Lot Developments shall be the sum of the minimum areas required for all Lots within the site.

16. Site Lighting

Each structure shall provide at least one exterior light on the front façade of the building to light the proposed parking area and access road at the front of the lot.

17. Landscaping

At a minimum, areas within lots that are located outside the maximum building coverage area and the allowable off-street parking area as defined by other sections of this document shall consist entirely of pervious landscape materials such as grass, landscape rock, or wood mulch.

Based on the total lot area and the allowable building and parking areas, the minimum landscaping area required will vary for each proposed lot in this PUD. The minimum landscape area required per lot varies from 1,341 square feet minimum to 3,513 square feet maximum with an average allowable building area of 1,945 square feet and a total minimum landscape area of 42,798 square feet for the entire development. The minimum allowable landscaping coverage varies from 13.3% to 27.4% per lot with an average minimum landscape coverage of 18.0% for the entire development.

Each lot with frontage along 19th Street W shall plant and maintain one (1) tree minimum in accordance with Section 39.08.007 of the *City of Dickinson Municipal Code*.

18. Site Drainage and Stormwater Management

Site drainage for all of Lots 12-22 shall be conveyed from west-east to the proposed access road. The front 50-feet of Lots 1-11 shall also be conveyed to the proposed access road. Runoff entering this proposed access road shall be directed through an inverted crown at the center of this road to proposed low points where it can be collected by stormwater inlets. These inlets will allow runoff to enter the proposed storm sewer system that will convey this runoff to the existing storm sewer system at the east edge of this lot constructed as part of The District Addition improvements. The remaining easterly portion of Lots 1-11 that does not drain to the proposed access road shall drain easterly to the back property line. At the back property line, this runoff shall be routed through the drainage swale constructed by The District Addition improvements to the stormwater inlet near the southeast corner of Lot 4 of this PUD.

The developer shall provide drainage plans and stormwater management plans to the City of Dickinson for approval prior to commencement of this construction. The drainage plan shall, at a minimum, provide spot elevations for all lot line drainage and recommended building floor elevations. This plan shall also depict the conveyance of runoff through this property. The stormwater management plan shall describe how this site conveys runoff and meets the requirements of the stormwater management plan for The District Addition, or if this PUD does not meet the requirements of the previous plan, what changes are necessary to meet the City’s current stormwater ordinance.

Once these plans are approved, all lots shall be required to drain runoff from and through their property in accordance with the requirements of these plans.

19. Water and Sanitary Sewer Service

Each lot within this development will have an individual water and sanitary sewer service connected to central, 8-inch diameter water and sanitary sewer mains constructed to public utility system standards beneath the proposed access road. The developer will construct the proposed, central water and sanitary sewer mains within an easement provided by the plat of this property. The developer will also provide a 1-inch minimum diameter water service line and 4-inch diameter minimum sanitary sewer service line stubbed to the edge of this easement

at the front of each lot. The proposed water and sanitary sewer mains will be connected to the existing infrastructure within 19th Street W on the north side of this property.

The developer shall provide design plans for these water and sanitary sewer improvements to the City of Dickinson for approval prior to commencement of this construction.

20. Waste Management

Each individual lot will be responsible for waste management within their property. Trash receptacles for lots within this PUD shall be City of Dickinson small business 96-gallon containers (or the similar size and type if the City alters this trash receptacle standard in the future). These containers must be located within structures or along the sides or back of proposed structures where they are less visible from the proposed access road. Trash receptacles may only be placed along the proposed access road a maximum of 12-hours before and a maximum of 12-hours after the scheduled pick-up time.

21. Maintenance Considerations

Ownership and maintenance responsibilities for the public water, sanitary sewer, and storm sewer systems within the water, storm and sanitary sewer easements proposed in this site are to be the responsibility of the City of Dickinson after the construction of these improvements by the developer. The central access road and emergency vehicle turnaround are to be privately owned and maintained. These maintenance responsibilities are to be further outlined by a Development Agreement prepared in conjunction with the subdivision plat for this property. The maintenance responsibilities and this Development Agreement will be modeled off the agreement the City signed with the Developers for *The Market Addition*.

All privately owned parking areas located beyond the central access road, buildings, sidewalks, landscaping areas, private service lines outside the proposed water and sewer easements, and other improvements within private property on this site are to be maintained by each individual lot owner.

22. Additional Development Regulations

After approval of the PUD and replat for this property, the Developer will record additional restrictive covenants governing the appearance, maintenance, and uses of the site that will be more restrictive than the requirements detailed within this PUD.

APPENDIX A

PUD Site Layout

APPENDIX B

Renderings of General Building Characteristics

RENDERINGS OF GENERAL BUILDING CHARACTERISTICS
RENDERING #1



RENDERINGS OF GENERAL BUILDING CHARACTERISTICS
RENDERING #2



RENDERINGS OF GENERAL BUILDING CHARACTERISTICS
RENDERING #3





STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: REZ-003-2023 District Business Park First Addition Planned Unit Development

OWNER/APPLICANT

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

Public Hearings:	June 21, 2023	Planning and Zoning Commission
	July 18 & August 1, 2023	City Commission

REQUEST

- A. Request:** To consider a Zoning Map Amendment from CC to PUD for a property legally described as Lot 4, Block 1 of the District Addition Subdivision 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. A companion preliminary subdivision plat request (PLP-004-2023) are also scheduled for the June 21, 2023 Planning and Zoning Commission meeting.

- B. Project Address/Legal Description/Area:** The lot proposed for rezoning is generally located on the south side of 19th 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 PUD for Limited Commercial zoning district uses and residential uses. The applicant proposes to develop the property as follows:
 - Uses will be those of the Limited Commercial zoning district;
 - Residential uses shall be limited to one dwelling unit per lot and the dwelling unit will be part of a mixed-use building;
 - The property will be subdivided into twenty-two (22) lots with a minimum lot width of 7,000 square and a minimum lot width of 50 feet;
 - Unless otherwise specified, development standards shall be those of the Community Commercial zoning district;
 - The development will be served by a private road, A four foot wide shoulder will be provided along each edge of the proposed access road to allow for pedestrian access within the project; and

- The applicant is requesting the ability to combine adjacent multiple lots into one lot as long as those lots are all under the same ownership and as long as the lots are all located on one side of the subdivision road. These lot combinations will follow the current City of Dickinson Article 34, Subdivision of Land.

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

- **Analysis:** Development staff has reviewed the proposed project and does not object. Prior to beginning lot development within the project, the developer shall meet with City Development staff to determine whether the PUD would require amending prior to undertaking the project. City Development staff would also determine whether a replat of the property would be required.
- **Traffic Impacts:** The applicant submitted an estimated average daily traffic letter dated June 9, 2023. The letter states the total average daily traffic generated by the site will be approximately 602 trip ends with 301 vehicles entering and leaving the site, respectively. The following uses were used to determine the number of trips:
 - Small office;
 - Mini-Warehouses; and
 - Dwelling units.

The traffic letter is included in Attachment A.

Compatibility with Local Uses: The property to the north of the proposed PUD has been developed a multi-unit apartment complex. Properties to the east and south are currently zoned and are undeveloped. Property to west is undeveloped and zoned Limiting the PUD to LC zoning district uses, as well as limiting permitted residential uses to one dwelling unit per lot which serves to limit the potential impact of commercial development on current and anticipated residential uses. This also serves as an area of transition between residential development and more intensive development associated with the CC zoning district. The proposed PUD would allow for uses that support and complement existing and anticipated residential uses in the general vicinity.

- **Compliance with the Comprehensive Plan:** According to Figure 4-38: City of Dickinson Future Land Use Map (FLUM), as found in Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, as amended in 2022, the site of the proposed PUD is designated as Mixed Use. The proposed PUD meets the intent of the Mixed Use FLUM designation.

The proposed PUD meets the intent of the following objective in Chapter 4-Land Use:

Objective 2: Promote sustainable and high quality development that mitigates the impacts of new development adjacent to existing developed areas and enhances the visual qualities of gateways to the city.

The proposed PUD meets the intent of the following policy in Chapter 4-Land Use:

Policy 3.2 – Whenever possible, the City should encourage the use of planned unit development (PUD), due to the combined benefits of providing greater design flexibility as well as city direct involvement in the establishment of development specific site standards. The approval of a PUD should be executed through the rezone of the subject property and the zoning map should be amended by adding a unique site specific PUD zoning district designation (e.g. PUD 2013-01). To maximize design flexibility, the only standards that should apply to PUDs are maximum density and intensity, minimum open space and minimum recreation area for large-scale residential PUDs. General performance standards for design and circulation would be required to ensure high quality development. A sufficiently high maximum density standard should be provided to incentivize development of PUDs.

- **Compliance with Zoning Regulations:** The request complies with the PUD Planned Unit Development District requires found in Article 39.05 of the City's Zoning Ordinance. In addition to a tract map, a land use plan, a circulation plan, and a statistical summary of the project, schematic architectural plans and elevations were included in the information submitted by the applicant of June 9, 2023.
- **Public Input:** As of the date of this this, City staff has not received any public comments.

- **Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:
 - **The Planned Unit Development shall be in substantial conformance at all times with the file materials included in Attachment “A”.**
 - **Uses will be limited to those of the Limited Commercial Zoning District.**
 - **One residential unit per lot shall be permitted as part of a mixed-use building.**
 - **Minimum lot size and lot width shall be as follows:**
 - **Minimum lot size-7,000 square feet; and**
 - **Minimum lot width-50 feet.**
 - **Building setbacks shall be as follows:**
 - **Front yard-50 feet;**
 - **Street side yard front 19th Street West-20 feet;**
 - **Interior Side Yard-five (5) feet.**
 - **Unless otherwise specified above, the development standards shall be those of the Community Commercial zoning district. Maximum building footprints shall be in accordance with the notes and table in the development plans submitted by the applicant.**
 - **Access to the property shall be provided from 19th Street West by means of a privately maintained road.**
 - **Landscaping shall be in accordance with the notes and table in the development plan submitted by the applicant.**
 - **The exterior appearance the buildings within the PUD shall be in substantial conformance with the material found in Attachment A.**
 - **A minimum of 106 off-street parking spaces shall be provided within the PUD.**
 - **Parking requirements shall comply with the notes and table in the development plans submitted by the applicant.**
 - **Prior to lot development within the PUD, the developer shall submit a Pre-Application Meeting Request to discuss the proposed development with City Development staff.**
 - **In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.**

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **REZ 003-2023 the District Business Park First Addition rezoning petition from CC to PUD**, 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 **REZ 003-2023 the District Business Park First Addition rezoning petition from CC to PUD** 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, May 8, 2023 8:31 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-DRAFT_2023-05-05.pdf; 231003_Plat-PRELIM_2023-05-02.pdf; 231003_Transmittal-Prelim Plat_2023-05-05.pdf; 3173246_Deed.pdf; The District PUD Pre Application Letter 2-14-23.pdf; 231003_Owner Signature.pdf; 5593654483227293334_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 Preliminary Plat

Is this a Replat Yes

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

Owner Name Chad Glasser

Owner Address Venture Commercial, LLC, PO Box 1316, Dickinson, ND, 58601

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 1

Major Platting Multiplier 0

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 750

File Upload [231003 Closure Report 2023-05-05.pdf](#)
[231003 Development Agreement-DRAFT 2023-05-05.pdf](#)
[231003 Plat-PRELIM 2023-05-02.pdf](#)
[231003 Transmittal-Prelim Plat 2023-05-05.pdf](#)
[3173246 Deed.pdf](#)

Application Fees Applicable Fees 750.00 USD

Total: \$750.00

Transaction ID: dyssb8kq

==Payer Info==
First Name Ashley
Last Name Schrank

Applicant Signature



Date 05-08-2023

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

Dickinson Land Information Map



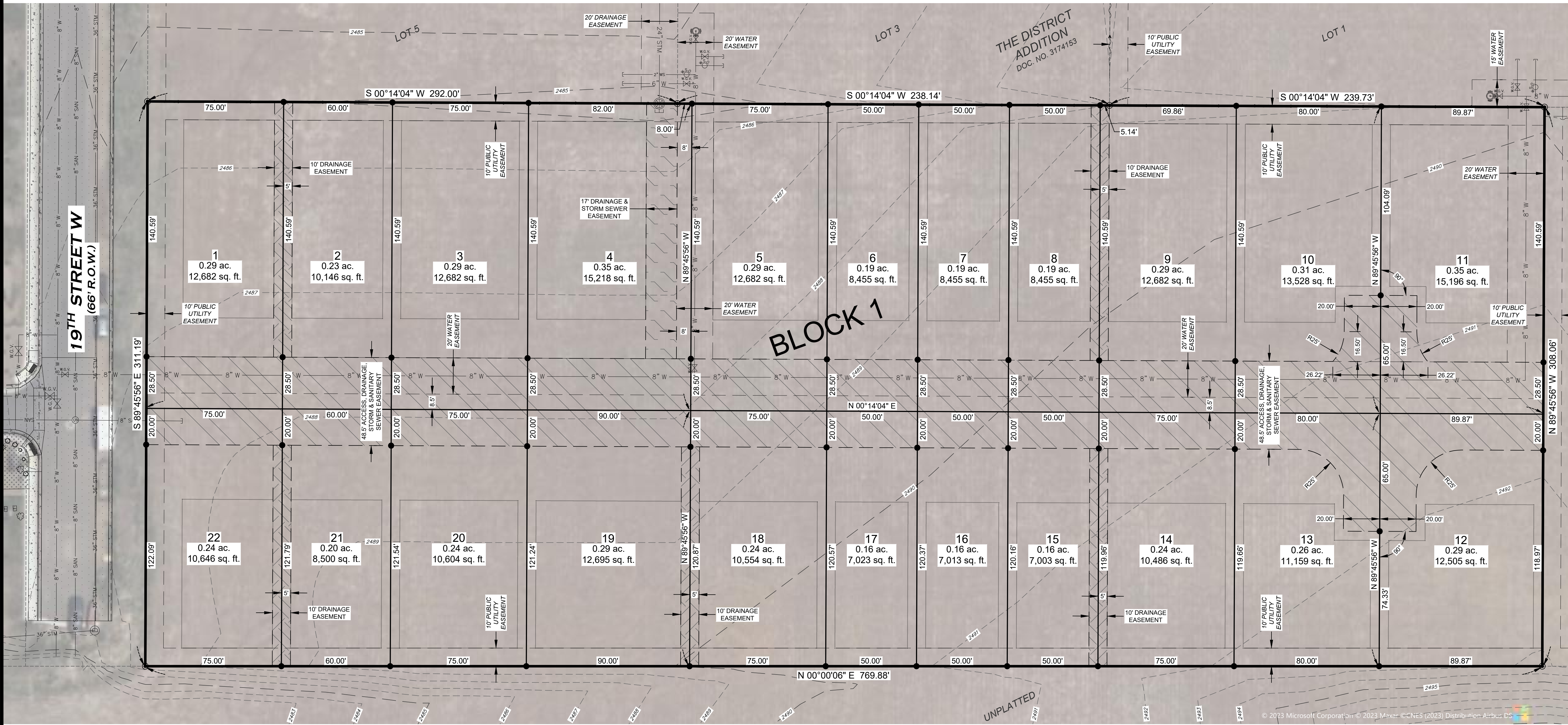
Information about Tax parcels, Zoning, and other features.

600ft

Maxar | Engineering & Planning | Dickinson Engineering Department

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

- 1) 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.
- 2) VERTICAL DATUM: NAVD 88, GEOID 03.
- 3) DATE OF LATEST FIELD WORK: FEBRUARY 24, 2022

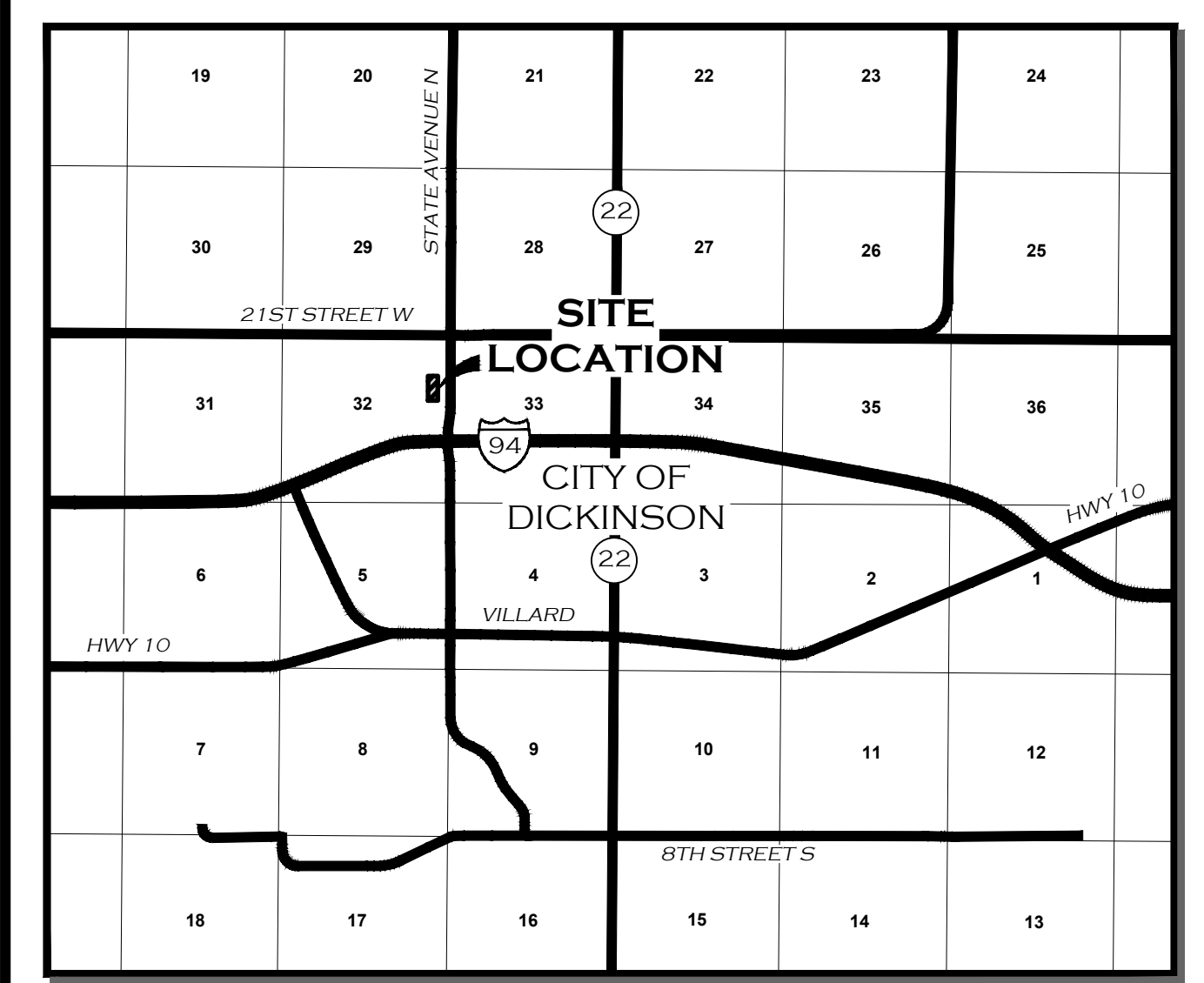
PROPERTY NOTES

- 1) 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.
- 2) REFER TO THE DISTRICT ADDITION PLAT AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3174153 FOR FURTHER DEPICTION OF EXISTING EASEMENTS WITHIN THIS SUBDIVISION.

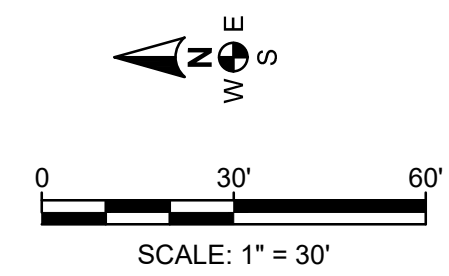
LEGAL DESCRIPTION

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

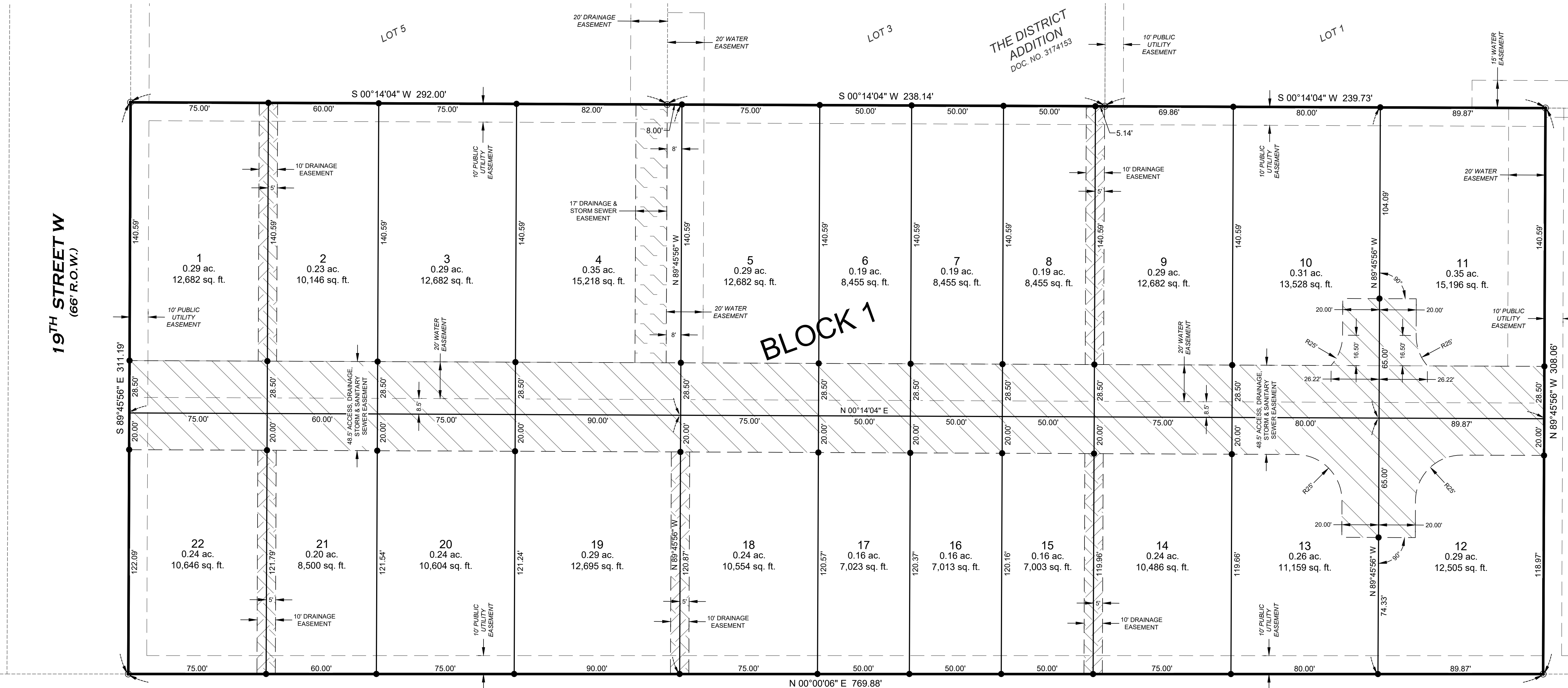


HIGHLANDS ENGINEERING
 319 24TH STREET EAST, DICKINSON, ND 58601
 OFFICE: 701.483.2444 | WWW.HIGHLANDSENG.COM

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



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 EASEMENTS
- PROPOSED STORM SEWER & DRAINAGE EASEMENTS
- PROPOSED DRAINAGE EASEMENTS
- EXISTING EASEMENTS

- SURVEY NOTES**
- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM. PROJECT HAS A CENTRAL MERIDIAN OF LAT: 46°5'142.38098" / 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.

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 _____

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.

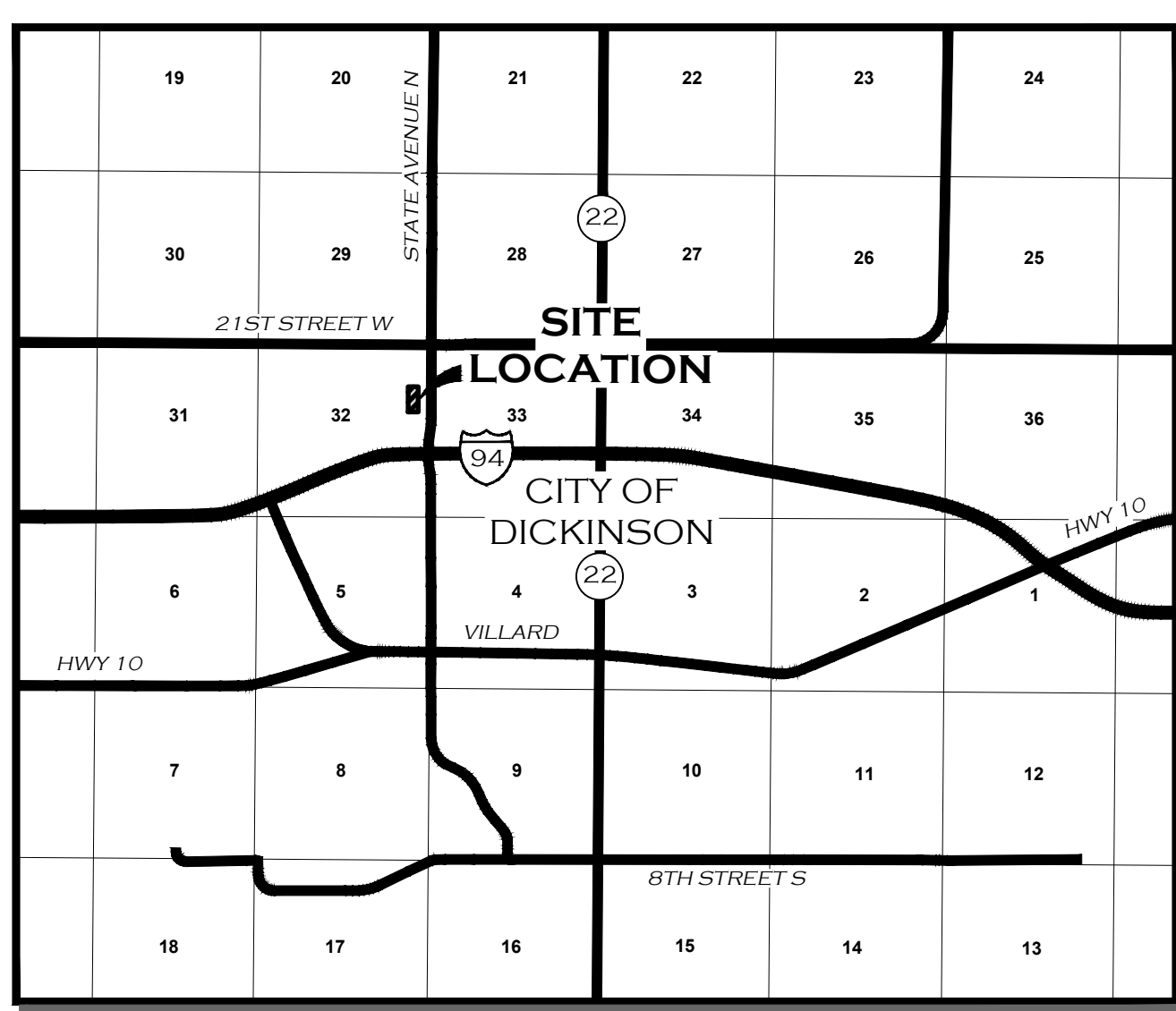
IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME:

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 _____



VICINITY MAP
1" = MILE

CITY OF DICKINSON COMMISSION APPROVAL

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

CITY ENGINEER APPROVAL

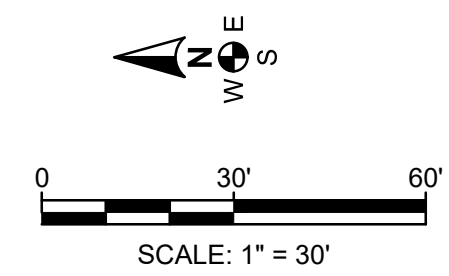
PRINTED NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____

CITY PLANNING COMMISSION APPROVAL

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

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

PROJECT NUMBER: 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.

OWNER Name and Address: Venture Commercial, LLC
4566 West Ridge Drive
Dickinson, ND 58601

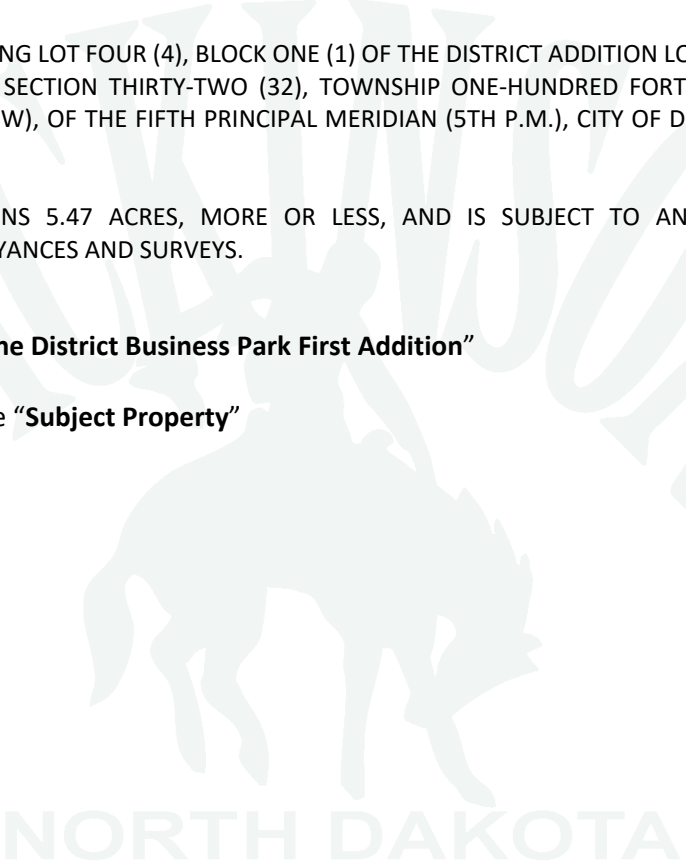
Legal Description:

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, the 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, the OWNER intends on re-platting the Subject Property; and

WHEREAS, the 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 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. The 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 the 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 the 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*

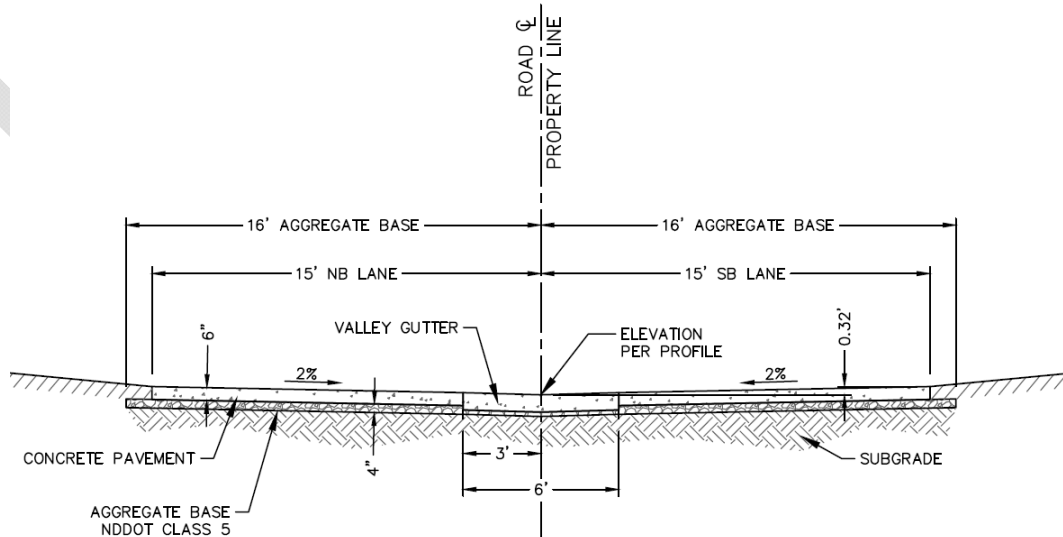
plat drawing. This storm sewer system shall convey runoff that is collected within the proposed access road to the existing drainage easement that runs through Lot 5, Block 1 of *The District Addition*. Final design plans shall be submitted to the City for approval prior to the commencement of construction.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

4. Assurance of Infrastructure Completion. In the event that construction of the required public infrastructure that is to be paid for directly by the Owner as indicated in Section 2, herein, is not complete at the time of final plat recording for a particular phase of the project, the 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, the 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 the Owner for the Subject Property, as required under Dickinson City Code §34-60. The security posted by the Owner shall be a line of credit held by the City and the 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 the 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. The 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. The 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. The 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. The 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 the OWNER or OWNER'S agents. The 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. The 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. The 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 Property in good repair so that there is no unreasonable damage. If the City is not able to have the Property repaired to its existing condition, the City shall pay for damages to the Property. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the property 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 the Owner, and in accordance with Dickinson City Code §34-60 and Section 4, herein, assurance shall be provided by the 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, the Owner shall remedy at the Owner's expense any damage to real or personal property, when that damage is the result of: (1) the Owner's failure to conform to the requirements of the City; or (2) any defect of equipment, material, workmanship, or design furnished. The Owner shall restore any work damaged in fulfilling the terms and conditions of this Section. The 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 the 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. The Owner shall have no liability for the improvements made upon expiration of the one-year 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 the OWNER sells individual lots within the Subject Property, the OWNER shall specifically notify the purchaser thereof of this Agreement. All obligations, promises and covenants of the OWNER contained herein shall similarly be binding upon purchasers of lots within the Subject Property.

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 the 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 the 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 the 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



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 14, 2023
Re: **PLP-004-2023 District Business Park First Addition Preliminary Major Plat**

OWNER/APPLICANT

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

Public Hearings: June 21, 2023 Planning and Zoning Commission

REQUEST

- A. Request:** To consider a Preliminary Major Plat for The District Business Park 1st 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 Preliminary 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 19th 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 Preliminary 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 ordinance:

- 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 **PLP-004-2023 the District Business Park First Addition preliminary 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 **PLP-004-2023 the District Business Park First Addition rezoning petition from CC to PUD** 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: [146 City of Dickinson lot split letter 5661.pdf](#)

Name Stephen & Diane Duchscher

Applicant Email snduke@ndsupernet.com

Applicant Phone # (701) 290-0230

Type of Development Minor Subdivision Preliminary/Final Plat

Is this a Replat Yes

Subdivision Being Re-platted lot 3 Block one Braun 3rd subdivision

Owner Name Stephen & Diane Duchscher

Owner Address 886 14th St E, Dickinson, ND, 58601

Owner Email snduke@ndsupernet.com

Owner Phone # (701) 290-0230

Is the owner present to Sign

Signature 

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

Metes and Bounds Description
 Lot 3A: A tract of land located within Lot 3, Block 1 of Braun third subdivision, Lying in the southeast quarter (SE1/4) of Section 34, Township 140 North, Range 96 West of the 5th Principal meridian, City of Dickinson, Stark County, North Dakota, and being more particularly described as follows: Beginning at the northeast corner of said lot 3 which is on the south right-of-way of 14th Street East, Thence 179*50'31"238.86' along the east line of Braun third subdivision Thence 269*50'30"170.02', Thence 359*51'02" 67.41', thence 359*51'02" 158.03" to the northwest corner of lot 3, also being the south right-of-way of 14th line of 14th street east 85*19'44" 170.51' to the point of beginning.
 Said lot contains 39,466 Sq Ft or 0.906 Ac more or less.
 Subject property as shown and monumented on this plat.

	1/4 Section	Township	Range
Description	SE1/4of section 34	140N	96W

Property Address / General Project Location 886 14th ST E

Total Square Footage or Acreage of Subject Property 92655

Rezone Calc Multiplier 0

Minor Platting Multiplier 1

Prelim Platting Multiplier 0

Major Platting Multiplier 0

Name of Plat Duchscher Subdivision

Number Lots **1 to 10 Lots**

Number of Block(s) 1

2

Application Calc 500

File Upload [City of Dickinson lot split letter.pdf](#)
[Duchscher Sub Plat Drawing.pdf](#)
[Duchscher irregular plat description.pdf](#)

Application Fees **Applicable Fees** 500.00 USD

Total: \$500.00

Transaction ID: 58ayfcwb

==Payer Info==
First Name Stephen
Last Name Duchscher

Applicant Signature 

Date 05-05-2023

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.

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

600ft

Maxar | Engineering & Planning | Dickinson Engineering Department

**MONTANA-DAKOTA UTILITIES CO.
PIPELINE EASEMENT BY OWNER**

THIS INDENTURE, made this _____ day of _____, A.D., 20____, between MONTANA DAKOTA UTILITIES CO., a Delaware corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

Stephen N. Duchscher and Diane J. Duchscher, whose address is **886 14th St. East, Dickinson, ND 58601**

WITNESSETH, that for valuable considerations received, OWNER does hereby grant unto COMPANY, its successors and assigns, an easement **10** feet in width, being **5** feet left, and **5** feet right of the center line as laid out and/or surveyed, or as finally installed through, over, under and across the tract of land hereinafter described, for the purpose of installing and constructing thereon, and thereafter to operate, inspect, protect, maintain, repair, increase the capacity of, remove, replace and abandon in place, a gas pipeline or lines, including without limitation necessary pipes, equipment, and fixtures, said tract of land being situated in the County of **Stark**, State of **North Dakota**, and more particularly described as follows:

A Ten (10') foot wide tract of land as laid out and/or constructed across Lot 3, Block 1, Braun 3rd Subdivision to the City of Dickinson, Stark County, North Dakota.

Should additional pipelines be laid under this grant, at any time, an additional consideration equal to the consideration paid for this grant, calculated on a lineal rod basis, shall be paid for each additional line.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures upon, over, or under the above described tract of land or that would interfere with said pipeline or lines or COMPANY'S rights hereunder. Company shall have the right, but not the obligation, to cut and clear trees and shrubbery from the above described tract of land.

The OWNER, its successors and assigns, hereby grants to COMPANY, its successors and assigns, the right at all reasonable times of ingress and egress to the above describe premises across adjacent lands of the Owner, it successors and assigns, at convenient points for the enjoyment of the aforesaid uses, rights, and privileges.

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, inspecting, protecting, maintaining, repairing, increasing the capacity of, operating or removing said pipeline or lines. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years.
If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

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

Stephen N. Duchscher

Diane J. Duchscher

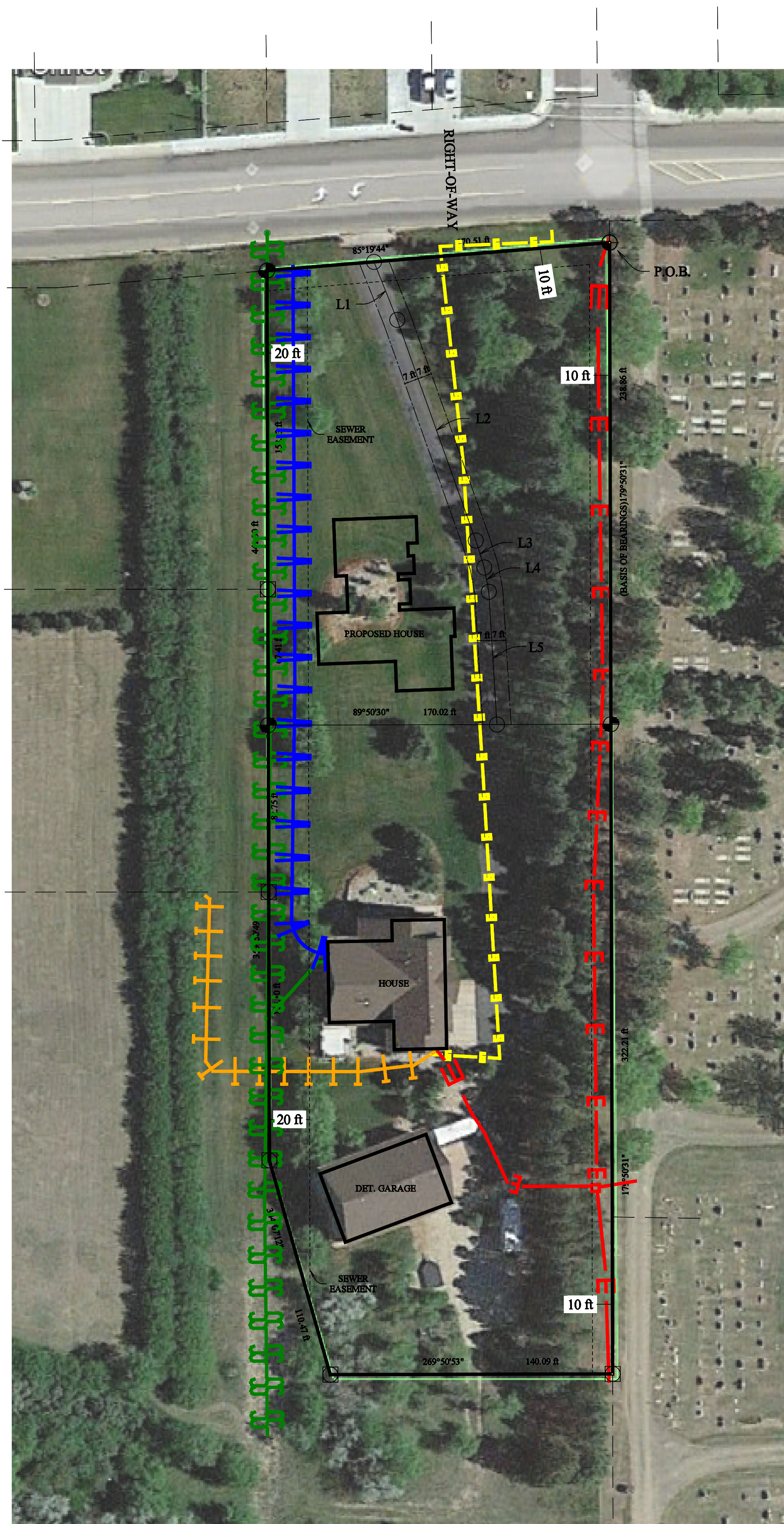
STATE OF _____)
):ss
COUNTY OF _____)

On this ____ day of _____, 20____, before me personally appeared _____ known to me to be the same person described in and who executed the above and foregoing instrument and acknowledged to me that ___he___ executed the same, (known to me to be the _____ and _____ respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

(THIS SPACE FOR RECORDING DATA ONLY)

Notary Signature
Notary Public, _____ County,
State of _____
Residing at _____
(SEAL)
My Commission Expires: _____
W.O. _____ L.R.R NO _____
FILE NO. _____ TRACT NO. _____

DUCHSCHER SUBDIVISION SITE PLAN



SURVEY NOTES:

- 1) DUCHSCHER SUBDIVISION IS LOCATED IN ZONE "X" OF THE FEMA FLOOD INSURANCE RATE MAP, WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD INSURANCE MAP 38089C0194E, PANEL 194 OF 850, EFFECTIVE DATE NOVEMBER 4TH, 2010.
- 2) BASIS OF BEARING: CONSIDERING THE BASIS OF BEARING TO BE THE EAST LINE OF LOT 3 HAVING A BEARING OF 179°50'31"
- 3) ALL UTILITY EASEMENTS ARE CURRENTLY EXISTING PER DOCUMENT NUMBER: 3090680
- 4) DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM
- 5) DATE OF LATEST FIELD WORK: MAY 15TH, 2023

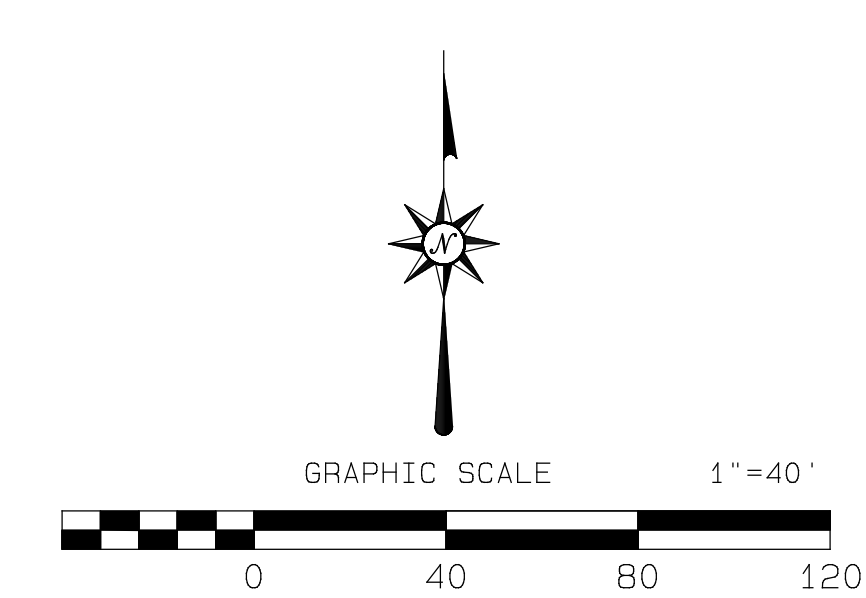
UTILITY NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY OBSERVATIONS, PLAN DRAWINGS, AND RECORD DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN ARE ALL OF THE UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION; HOWEVER, HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THIS SURVEY DID NOT PHYSICALLY LOCATE UNDERGROUND UTILITIES.

INGRESS/EGRESS EASEMENT		
Name	Length	Azimuth
L1	30.99	158°09'50"
L2	116.17	160°23'57"
L3	14.00	162°23'12"
L4	12.27	169°31'51"
L5	65.97	176°28'49"

LEGEND

- MDU POWER
- MDU GAS
- CONSOLIDATED TELE
- PRIVATE WATER
- CITY OF DICKINSON SANITARY SEWER
- PROPERTY BOUNDARY
- PROPOSED LOTS
- ADJACENT LOTS
- UTILITY EASEMENT
- INGRESS/EGRESS EASEMENT
- FOUND 2" ALUM. KLJ CAP
- FOUND 1/2" REBAR
- SET #5 REBAR 24" LONG & 2" ALUM. CAP STAMPED "WESTERN EDGE SURVEYING LS-29362"
- UNMONUMENTED ACCESS EASEMENT POINT



DRAWN BY: NRJ	SCALE: 1" = 40'
PROJ NO: 23-001	DATE: 5/22/2023
WESTERN EDGE SURVEYING, PLLC 1170 LINCOLN STREET DICKINSON, ND 58001 PHONE: (701) 430-3110 WWW.WESTERNEDGESURVEYING.COM	

DUCHSCHER SUBDIVISION

A REPLAT OF LOT 3, BLOCK 1 OF BRAUN THIRD SUBDIVISION
LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, T.140 N., R. 96 W., 5TH P.M.
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA

LEGAL DESCRIPTION

I, NICHOLAS R. JENSEN, REGISTERED LAND SURVEYOR N.D. NO. 29362 OF DICKINSON, STARK COUNTY, NORTH DAKOTA DO HEREBY CERTIFY THAT THE SURVEY OF LOT 3 BLOCK 1 OF BRAUN THIRD SUBDIVISION AS RECORDED BY STARK COUNTY DOCUMENT NUMBER 3090680 LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA NOW PLATTED AS DUCHSCHER SUBDIVISION AS SHOWN ON THIS PLAT WAS MADE UNDER MY DIRECTION FROM NOTES MADE IN THE FIELD AND THE SAME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3 WHICH IS ON THE SOUTH RIGHT-OF-WAY OF 14TH STREET EAST, THENCE 179°50'31" A DISTANCE OF 561.06', THENCE 269°50'53" A DISTANCE OF 140.09', THENCE 344°07'12" A DISTANCE OF 110.47', THENCE A 359°50'49" A DISTANCE OF 441.30' TO THE NORTHWEST CORNER OF LOT 3 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF 14TH STREET EAST, THENCE ALONG THE SAID RIGHT-OF-WAY LINE 85°19'44" A DISTANCE OF 170.51' TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.127 ACRES, MORE OR LESS AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS. SUBJECT PROPERTY AS SHOWN AND MONUMENTED ON THIS PLAT.

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:

NICHOLAS R. JENSEN
PROFESSIONAL LAND SURVEYOR
NORTH DAKOTA NO. 29362

STATE OF _____ SS
COUNTY OF _____

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES: _____

RESIDING AT COUNTY OF _____ STATE OF _____

PROPRIETOR'S CERTIFICATE

WE, _____ OWNERS AND PROPRIETOR OF DUCHSCHER SUBDIVISION, TO THE CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA, ON THIS PLAT SHOWN HERON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THE ACCOMPANYING PLAT, AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS AND PUBLIC RIGHT-OF-WAY AS SHOWN TO PUBLIC USE FOREVER. THE INGRESS/EGRESS EASEMENT SHOWN HERON IS A PRIVATE CROSSING LOT 2 FOR THE BENEFIT OF LOT 1.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SUBSCRIBED OUR NAMES:

BY: _____ BY: _____
STEPHEN DUCHSCHER DIANE DUCHSCHER

STATE OF _____ SS
COUNTY OF _____

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 _____

CITY OF DICKINSON COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

CITY ENGINEER APPROVAL

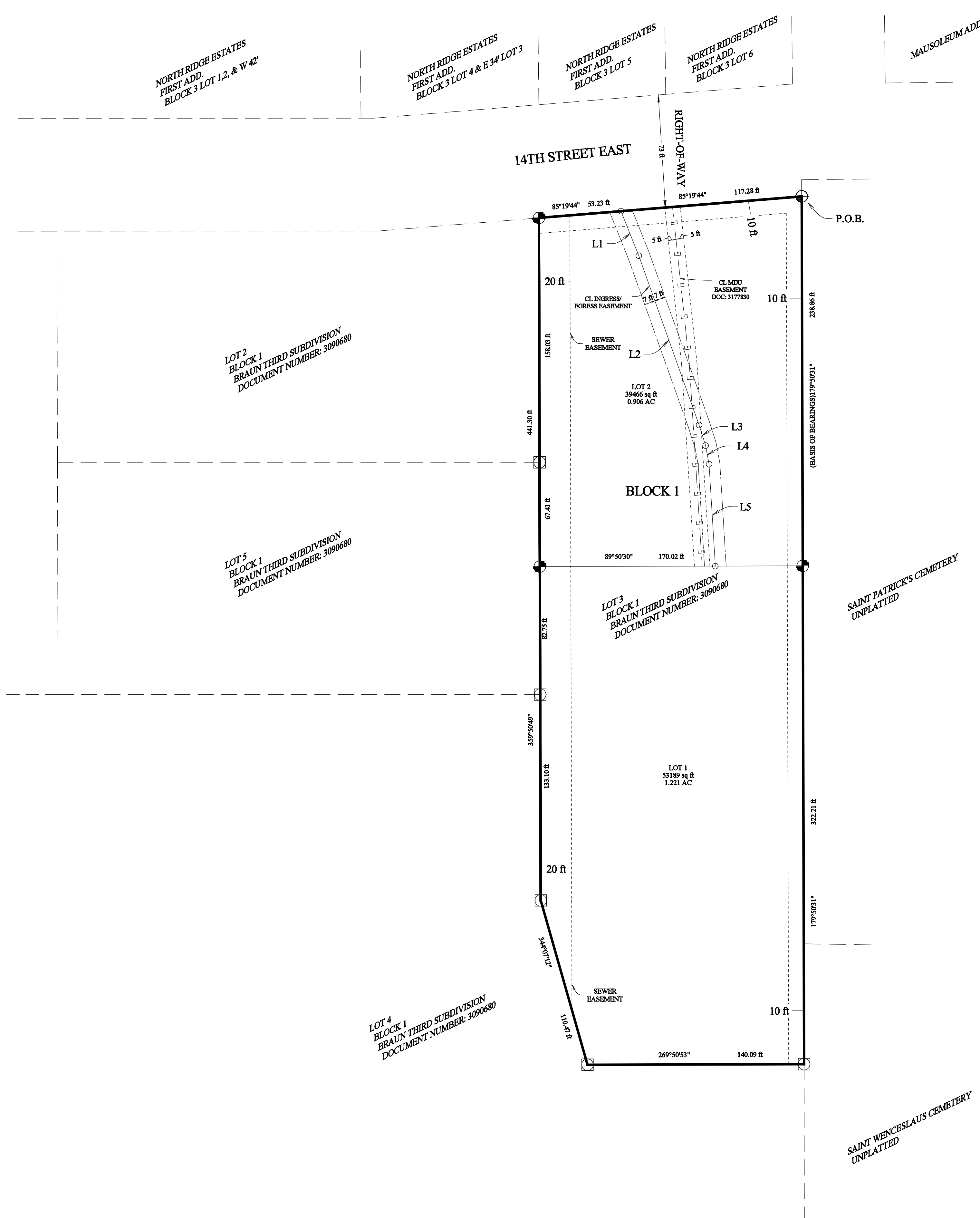
PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____

CITY PLANNING COMMISSION APPROVAL

PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ DATE: _____



- SURVEY NOTES:**
- DUCHSCHER SUBDIVISION IS LOCATED IN ZONE "X" OF THE FEMA FLOOD INSURANCE RATE MAP, WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN. FLOOD INSURANCE MAP 38089C0194E, PANEL 194 OF 850, EFFECTIVE DATE NOVEMBER 4TH, 2010.
 - BASIS OF BEARING: CONSIDERING THE BASIS OF BEARING TO BE THE EAST LINE OF LOT 3 HAVING A BEARING OF 179°50'31"
 - ALL UTILITY EASEMENTS ARE CURRENTLY EXISTING PER DOCUMENT NUMBER: 3090680 MDU EASEMENT ACROSS LOT 2 TO ACCESS LOT 1 DOCUMENT NUMBER: 3177830
 - DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM
 - DATE OF LATEST FIELD WORK: MAY 15TH, 2023

14' INGRESS/EGRESS EASEMENT		
Name	Length	Azimuth
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LEGEND

- PROPERTY BOUNDARY
- PROPOSED LOTS
- ADJACENT LOTS
- UTILITY EASEMENT
- INGRESS/EGRESS EASEMENT
- FOUND 2" ALUM. KLJ CAP
- FOUND 1/2" REBAR
- SET #5 REBAR 24" LONG & 2" ALUM. CAP STAMPED "WESTERN EDGE SURVEYING LS-29362"
- UNMONUMENTED ACCESS EASEMENT POINT

GRAPHIC SCALE 1" = 40'

0 40 80 120

DRAWN BY: NRJ SCALE: 1" = 40'

PROJ NO: 23-001 DATE: 6/6/2023

WESTERN EDGE SURVEYING, PLLC
1170 LINCOLN STREET
DICKINSON, ND 58001
PHONE: (208)-430-3110
WWW.WESTERNEDGESURVEYING.COM



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **FLP-003-2023 Duchscher Minor Plat**

OWNER/APPLICANT

Stephen N. & Duane J. Duchscher
 886 14th Street E
 Dickinson, ND 58601

Public Hearings: Wednesday June 21, 2023 Planning and Zoning Commission

EXECUTIVE SUMMARY

To consider a Preliminary/Final Plat for the Duchscher Subdivision a Replat of Lot 3, Block 1 of Braun Third Subdivision located in the SE $\frac{1}{4}$ of Section 34, Township 140N, Range 96W located in the City of Dickinson. The site consists of +/- 2.127 acres. The lot is zoned Low Density Residential (R-1). An existing residential structure with a detached garage structure is currently located on the north side of the lot.

REQUEST

- A. Request:** The applicant is seeking to divide the existing property into two separate lots. The proposed subdivision would result in splitting the 2.127-acre lot into a 0.906-acre northern lot (proposed Lot 2) and a 1.221-acre southern lot (proposed Lot 1).
- B. Location/Legal Description/Area:** The subject parcel is situated on the southside of 14th Street East approximately 500 feet west of 10th Avenue East. It is legally described as Lot 3, Block 1 of the Braun 3rd subdivision.
- C. Project Description:** The property owner is seeking a re-plat of Lot 3, Block 1, Braun 3rd Subdivision to facilitate the construction of a single-family residential unit on the proposed Lot 2. The re-plat ensures that each proposed lot meets the minimum square footage requirements.

ZONING	R-1
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	2.128 acres
LOTS PROPOSED	2

CURRENT ADJACENT LAND USE/ZONING		
Direction	Zoning	Land Use
North	R-1	Residential
East	R-1	Cemetery
South	R-1	Undeveloped
West	R-1	Residential

Context:

Background

- A private driveway accessing 14th Street East leads to the existing residential structure and garage.
- The City of Dickinson provides water and sanitary sewer services to the lot via a utility easement situated along the western lot line.
- Consolidated Telecom offers services to the lot through an easement along the eastern lot line.
- An MDU gas line that runs from 14th Street East to the existing residential structure serves the lot.

Major Issues

- Currently no sidewalk is installed along the lot frontage of 14th Street East.
- Approval of the proposed Duchscher Minor Subdivision ensures the southern lot will have access to 14th Street East as well as to utilities.

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** The uses on the parcel will be compatible with the existing uses in the immediate vicinity.
- **Compliance with Zoning and Subdivision Regulations:** Each proposed lot satisfies zoning requirements regarding minimum square footage per Section 39.04.005 of the municipal code. The

proposed Preliminary/Final Plat continues to satisfy all lot boundary requirements, current zoning requirements, and Minor Subdivision Plat requirements.

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

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

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-003-2023 Duchscher 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-003-2023 Duchscher Minor Plat** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

ATTACHMENT A –

APPLICATION MATERIALS

Unified Development Application

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

Please upload the letter or counseling form you received following your pre-application meeting: [Game and Fish Plat Pre-application Meeting Letter.pdf](#)

Name	Benjamin Rae
Company	Dickinson Parks and Recreation
Applicant Email	brae@dickinsonparks.org
Applicant Phone #	(701) 456-2074
Applicant Representative (if applicable)	Shawn Soehren
Applicant Representative Company	Houston Engineering
Applicant Representative Email	ssoehren@houstoneng.com

Applicant Representative Phone # (701) 483-6160

Type of Development Minor Subdivision Preliminary/Final Plat

Is this a Replat Yes

Subdivision Being Re-platted Bureau of Reclamation Lands Tract #D3

Owner Name Benjamin Rae

Owner Address 2004 Fairway St, Dickinson, ND, 58601

Owner Email brae@dickinsonparks.org

Owner Phone # (701) 456-2074

Is the owner present to Sign No

Owner Signature Upload [Minor Subdivision Authority.pdf](#)

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

Metes and Bounds Description BEGINNING AT THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA; THENCE SOUTH 01°42'34" EAST, ON AND ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 1533.97 FEET TO THE FOUND NORTHWEST CORNER OF BUREAU OF RECLAMATION LANDS TRACT #D3 AS DESCRIBED IN RECORDED DOCUMENT NO. 3164355; THENCE NORTH 62°25'51" EAST, ON AND ALONG THE NORTH LINE OF SAID TRACT #D3, A DISTANCE OF 448.59 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE SOUTH 88°32'01" EAST, CONTINUING ON AND ALONG THE NORTH LINE OF SAID TRACT #D3, A DISTANCE OF 130.71 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE SOUTH 32°20'26" EAST, ON AND ALONG THE EAST LINE OF SAID TRACT #D3, A DISTANCE OF 863.34 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE NORTH 88°46'33"

WEST, ON AND ALONG THE SOUTH LINE OF SAID TRACT #D3, A DISTANCE OF 1005.64 FEET TO THE CORNER OF SAID TRACT #D3;
 THENCE NORTH 01°43'58" EAST, ON AND ALONG THE WEST LINE OF SAID TRACT #D3, A DISTANCE OF 503.90 FEET THE POINT OF BEGINNING.
 SAID TRACT CONTAINS 11.65 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS PREVIOUSLY ACQUIRED.

	1/4 Section	Township	Range
Description	SW1/4 of Section 8	139N	R96W

Property Address / General Project Location	225 30th Ave SW, Dickinson, ND 58601		
Total Square Footage or Acreage of Subject Property	11.65 Acres		
Rezone Calc Multiplier	0		
Minor Platting Multiplier	1		
Prelim Platting Multiplier	0		
Major Platting Multiplier	0		
Name of Plat	North Lake Subdivision		
Number Lots	1 to 10 Lots		
Number of Block(s)	1		
	1 ND Game and Fish		
Application Calc	500		
File Upload	20230511_10608-0002_Minor Plat_rev.pdf		
Application Fees	Applicable Fees	500.00 USD	
	Total:	\$500.00	

Transaction ID:

1wmymz6j

==Payer Info==

First Name Sherwin
Last Name Wanner

Applicant Signature



Date

05-11-2023

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

Dickinson Land Information Map



Information about Tax parcels, Zoning, and other features.

0.2mi

Maxar | Engineering & Planning | Dickinson Engineering Department



To: Shawn Soehren, Houston Engineering
From: Benjamin Rae
Executive Director, Dickinson Parks
Date: May 11, 2023
RE: Minor Subdivision – DRPD, Bureau, Game and Fish

To Whom it May Concern:

Dickinson Parks and Recreation District has entered a contract with Houston Engineering to create a minor subdivision in accordance with the land transfer from the Bureau of Reclamation and hereby gives Houston Engineering the authority to represent the Dickinson Parks and Recreation District in all matters related to the creation of the minor subdivision.

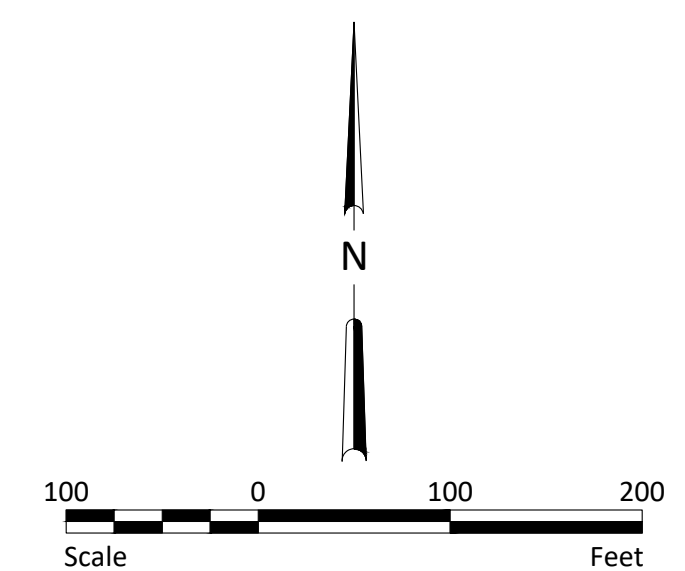
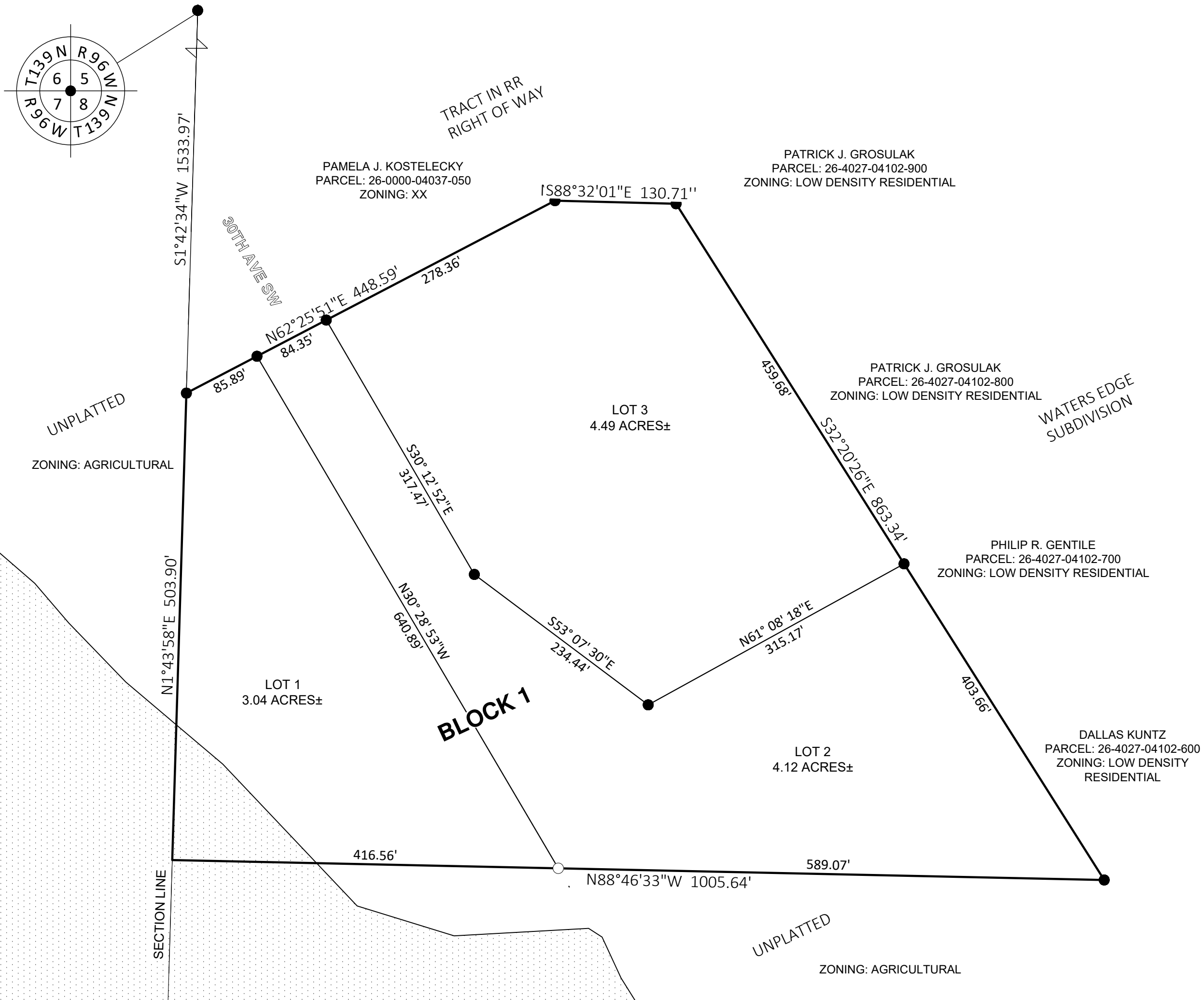
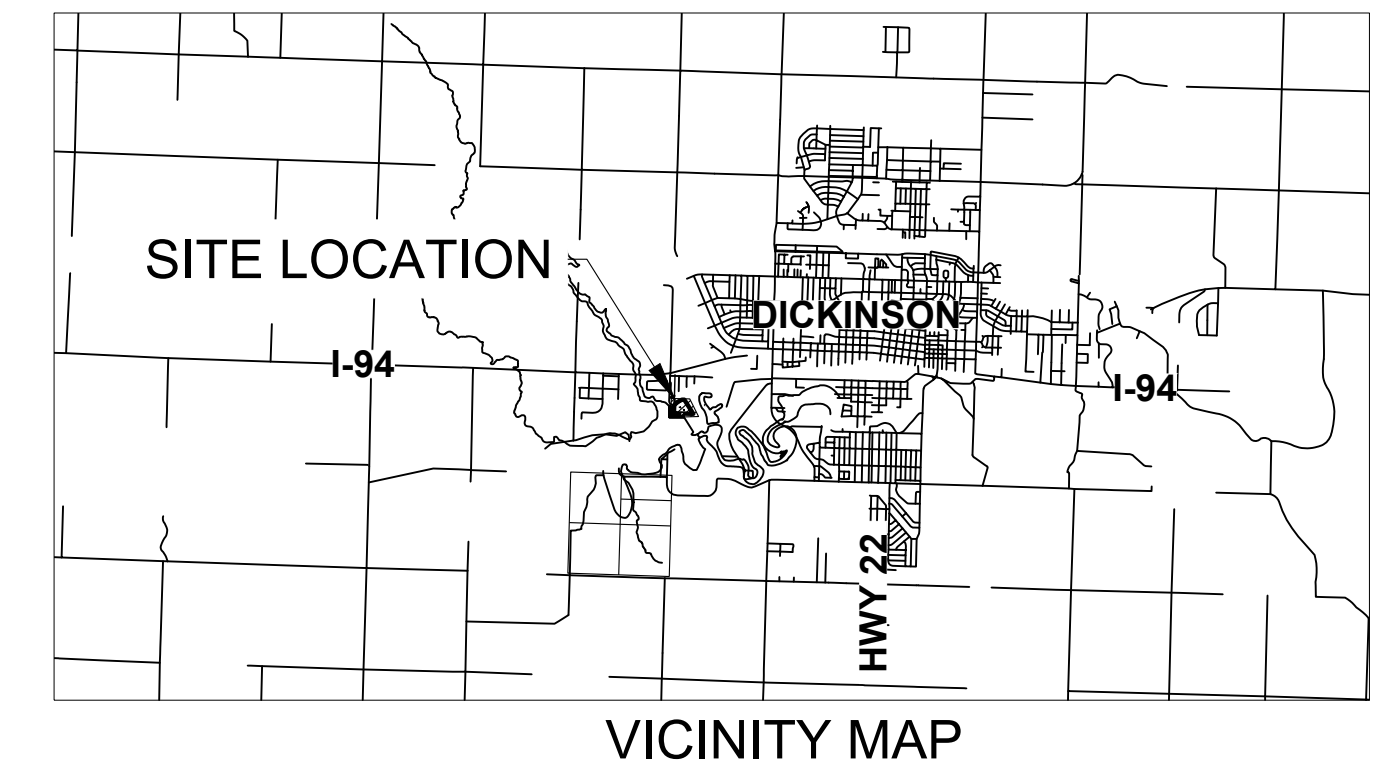
Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Rae", with a long, sweeping horizontal line extending to the right.

Benjamin Rae

NORTH LAKE SUBDIVISION

A PLAT OF THE BUREAU OF RECLAMATION LANDS TRACT #D3 IN THE NORTHWEST QUARTER, OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



DATE: MAY 11, 2023

LEGEND

PLAT BOUNDARY	_____
LOT LINE	_____
EASEMENT	_____
EXISTING LOT LINE	_____
NON-ACCESS LINE	_____
IRON MONUMENT FOUND	_____
IRON MONUMENT TO BE SET	_____
PLAT BEARING & DISTANCE	(N88°04'28"E 316.50')
MEASURED BEARING & DISTANCE	N88°04'28"E 316.50'
ZONE A	[Pattern]

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, TODD MARSHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE SURVEY OF ALL OF TRACT #D3 AS DESCRIBED IN THE QUIT CLAIM DEED BETWEEN THE UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION MISSOURI BASIN REGION AND THE PARK DISTRICT OF THE CITY OF DICKINSON OF THE STATE OF NORTH DAKOTA LOCATED WITHIN THE NORTHWEST QUARTER (NW1/4) OF SECTION 8, TOWNSHIP 139 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 THE NORTHWEST CORNER OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA; THENCE SOUTH 01°42'34" EAST, ON AND ALONG THE WEST LINE OF SAID SECTION 8, A DISTANCE OF 1533.97 FEET TO THE FOUND NORTHWEST CORNER OF TRACT #D3 AS DESCRIBED IN THE UNITED STATES OF AMERICA DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION MISSOURI BASIN REGION QUIT CLAIM DEED AS RECORDED DOCUMENT NO. 3164355, STARK COUNTY NORTH DAKOTA; THENCE NORTH 62°25'51" EAST, ON AND ALONG THE NORTH LINE OF SAID TRACT #D3, A DISTANCE OF 448.59 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE SOUTH 88°32'01" EAST, CONTINUING ON AND ALONG THE NORTH LINE OF SAID TRACT #D3, A DISTANCE OF 130.71 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE SOUTH 32°20'26" EAST, ON AND ALONG THE EAST LINE OF SAID TRACT #D3, A DISTANCE OF 863.34 FEET TO THE FOUND CORNER OF SAID TRACT #D3; THENCE NORTH 88°46'33" WEST, ON AND ALONG THE SOUTH LINE OF SAID TRACT #D3, A DISTANCE OF 1005.64 FEET TO THE CORNER OF SAID TRACT #D3; THENCE NORTH 01°43'58" EAST, ON AND ALONG THE WEST LINE OF SAID TRACT #D3, A DISTANCE OF 503.90 FEET THE POINT OF BEGINNING.

SAID TRACT CONTAINS 11.65 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:

TODD MARSHALL, PROFESSIONAL LAND SURVEYOR _____ DATE _____
 LICENSE NO. 4431

ENGINEER _____ **OWNER** _____

HOUSTON ENGINEERING
 1027 LOCKPORT STREET
 BISMARCK ND, 58501

DICKINSON PARKS AND RECREATION
 2004 FAIRWAY STREET
 DICKINSON ND, 58601

OWNER _____

U.S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION
 1849 C STREET NW
 WASHINGTON DC, 20240-0001

PROPRIETOR'S CERTIFICATE

WE, DICKINSON PARKS AND RECREATION AND U.S. DEPARTMENT OF INTERIOR BUREAU OF RECLAMATION, OWNERS AND PROPRIETORS OF THE SUBDIVISION LOCATED IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 96 WEST OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA ON THIS PLAT SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE. DO HEREBY DECLARE THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED BY TODD MARSHALL, 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:

DICKINSON PARKS AND RECREATION _____ DATE _____
 SCOTT KARSKY, PRESIDENT

U.S. DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION _____ DATE _____
 JOSEPH HALL, AREA MANAGER

STATE OF NORTH DAKOTA
 COUNTY OF STARK

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

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

PLANNING AND ZONING COMMISSION APPROVAL.

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 _____

PLAT INFORMATION

ZONING: PUBLIC

NUMBER OF LOTS 3
 LOT ACREAGE: 11.65± ACRES
 TOTAL ACREAGE: 11.65± ACRES

A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE "A" OF FEMA FLOOD INSURANCE RATE MAP.

NOTES

- BASIS OF BEARINGS: ND STATE PLANE COORDINATE SYSTEM, NORTH ZONE. COORDINATE DATUM: ND STATE PLANE NAD 83 SOUTH ZONE, INTERNATIONAL FOOT.
- ALL DISTANCES ARE MEASURED AT GROUND, GRID TO GROUND SCALE FACTOR IS 1.0001825333
- SURVEY WAS PERFORMED ON MAY 3, 2023

H:\JBM\10600\10608\10608_0002\CAD\Minor Plat\10608-0002_Minor Plat.dwg-Layout1-6/12/2023 4:23 PM-(tmarshall)





To: Shawn Soehren, Houston Engineering
From: Benjamin Rae
Executive Director, Dickinson Parks
Date: May 11, 2023
RE: Minor Subdivision – DRPD, Bureau, Game and Fish

To Whom it May Concern:

Dickinson Parks and Recreation District has entered a contract with Houston Engineering to create a minor subdivision in accordance with the land transfer from the Bureau of Reclamation and hereby gives Houston Engineering the authority to represent the Dickinson Parks and Recreation District in all matters related to the creation of the minor subdivision.

Sincerely,

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Benjamin Rae



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **FLP-004-2023 North Lake Subdivision**

OWNER/APPLICANT

Dickinson Parks and Recreation
2004 Fairway St, Dickinson, ND, 58601

Public Hearings: Date: June 21, 2023 Planning and Zoning Commission

EXECUTIVE SUMMARY

To consider a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N, Range 96W located within the City of Dickinson’s Extra Territorial Zone. The site consists of +/- 11.65 acres.

This subdivision would create three separate lots to be owned by North Dakota Game and Fish, Dickinson Parks and Recreation, and the Bureau of Reclamation, respectively. The zoning of the lot is Public District (P).

Project Description: The parcel is currently zoned Public (P) and is located in the City's Extra Territorial Zone (ETZ). It has been developed with the Southwest District Office of the North Dakota Game and Fish Department (NDGF) as well as with a boat access operated by the Dickinson Parks and Recreation District. The minor subdivision plat application, if approved, would create three separate lots. Each of the three governmental entities will take ownership of one individual lot.

In 2018, a federal law (Public Law 115-306) directed the Bureau of Reclamation to transfer the northeast portion of the property to the NDGF and the southwest portion to the Dickinson Parks and Recreation District. The law also specified that the Bureau of Reclamation should retain ownership of the access road on the property.

According to Chapter 34 of the City Ordinance on Subdivision of Land, approval of a subdivision plat is required before ownership can be conveyed for individual properties.

The property was previously zoned Agricultural (AG). According to Article 39.04 of the City Zoning Ordinance, the minimum lot size of an AG-zoned property is five (5) acres. As each of the proposed lots are less than five

acres, the property required rezoning prior to subdivision. The City Commission approved a rezoning petition on December 16, 2022, submitted by the Bureau of Reclamation.

Table I: Current Zoning and Use

ZONING	Public District
FUTURE LAND USE MAP DESIGNATION	Public District
GROSS SITE ACREAGE	11.65 acres
LOTS PROPOSED	Three

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	AG	Railroad ROW / Undeveloped
East	R-1	Residential
South	AG	Recreation (boat access)
West	AG	Recreation (fishing pier)

Background

- The property is currently developed with the Southwest District office of the North Dakota Game and Fish (NDGF) Department as well as a boating access operated by the Dickinson Parks and Recreation District.
- The Bureau of Reclamation made an application in November of 2022 for a rezoning of the parcel from Agricultural (AG) to Public (P) which was approved by the City of Dickinson Commission on Dec 20, 2022.
- This request does not propose any new buildings, infrastructure improvements or extensions, right-of-way dedications, or utility easements.
- Three existing structures are located on proposed Lot 3.
- Access is provided by the 30th Avenue SW. Fire Protection is provided by the Dickinson Rural Fire Department. Law enforcement services are provided by the Stark County Sheriff's Office. Water services in the ETZ are provided by either Southwest Water Authority or potable wells. Sanitary sewer services in the ETZ are provided by septic system. Electric utility service is provided by Roughrider Electric.

STAFF REVIEW AND RECOMMENDATIONS

Compatibility with Local Uses: During the previous rezoning process, staff found the subject parcel as zoned P does not introduce uses that would be incompatible with adjacent local uses.

Compliance with Zoning Regulations: Every proposed lot meets the minimum square footage requirements outlined in Section 39.04.005 of the municipal code, ensuring compliance with zoning regulations. Public Districts do not have specific requirements for minimum lot area and width.

Compliance with Subdivision Regulations: Approval of the application does not necessitate dedicating public rights-of-way or building new public streets or infrastructure. Additionally, the subdivision comprises no more than four lots, ensuring compliance with all minor subdivision plat requirements.

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

Staff Recommendation: Dickinson Parks and Recreation Minor Subdivision petition is in conformance with the Dickinson Comprehensive Plan and the Dickinson Municipal Code Minor Subdivision Regulations. The City Development Team staff recommends approval of the application.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-004-2023 North Lake Subdivision** 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-004-2023 North Lake Subdivision** 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