



PLANNING AND ZONING MEETING AGENDA

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

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

A. June 21st, 2023 Minutes

3. REGULAR AGENDA:

A.

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

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

B.

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

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

C.

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

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

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

Information for viewing Planning and Zoning Commission Meeting:

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



PLANNING AND ZONING MEETING MINUTES

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Vice Chairman: Scott Bullinger

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Mike Schwab

CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich

Vice Chairman Scott Bullinger

Commissioner Dean Franchuk

Commissioner Aaron Johansen

Commissioner Richard Haugen

Commissioner Mike Schwab

Commissioner Jo Marie Kadrmas

Commissioner Troy Bosch

Commissioner Val Decker

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

Introduction of New Planner - Matthew Galibert

Mr. Skluzacek introduces the new City Planner.

1. ORDER OF BUSINESS:

Motion to Approve Order of Business

Motion made by Commissioner Kadrmas, Seconded by Commissioner Johansen.

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

2. MINUTES

A. April 19th 2023 Minutes

Motion to approve as presented.

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

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

3. REGULAR AGENDA:

A. 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.

Mr. Josephson presents the request for a home based dog grooming business. Ms. Latice Smith, owner, is here to present her request and answer any questions. She states she has a three car garage and one side is sectioned off and there is a separate entrance. She adds that her house is on a corner; the dog grooming would be on 10th street, and there are no neighbors there. There will only be one dog at a time being groomed, leashes will be required, and they will be inside until pickup. The dogs will not be in the yard. Her hours are: M-F, 9-5 with three appointments per day; there will be no crossing of dogs. She states there is a need in our community for this. She clarifies the concrete pad in the back is not for her shop.

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

Mr. Josephson states staff recommends approval per the conditions on the staff report. The applicant is agreeable to those conditions.

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.

(see any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Johansen, Seconded by Commissioner Franchuk.

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

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.

Mr. Josephson presents the request for an expansion of a group daycare. He explains that she is requesting to expand from 12 to 30 children. There are some conditions that need to be met before she can get approval from the state. Staff recommends approval subject to those conditions listed on the staff report.

Ms. Marta Munoz is the owner of Bright Start Daycare and is here to present her request. She explains her intention was always to expand; her current clients are having more children. Her wait list for 30 children is already full. The requirement for a fire suppression system has slowed her down a bit.

Mr. Schwab asks if she has the whole building, which she does.

Mr. Bosch asks if the top floor is rental properties. She states it is for the daycare.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of 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. (see any conditions of approval on Resolution/Ordinance)

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

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

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 1 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.

Mr. Josephson presents the rezone to PUD request. He explains that this area is developed with a number of duplexes. The current arrangement is that they are built across different lot lines, and will be replatted in the two items after this one. The minimum is 10,000 sf for a duplex and these lots do not meet the minimum lot width or off street parking so they would like some relief on this by doing a PUD.

Andrew Schrank, Highlands Engineering, presents the PUD request for Venture Commercial. He goes on to explain that this PUD consists of 11 existing lots along 2nd Ave SW. Nine duplex lots; two units a piece. This PUD will modify the lot size and width; front set back and parking requirements will also be modified. If reconstructed over 50% they will be required to meet city code. Four additional parking spaces will be added. If the construct 50% or over they would also need to meet the parking

requirements. Each building has its own water and sewer connections. This would allow the tenants to own and resell these buildings.

Chairman Fridrich asks about development of Lot 1. Mr. Shrank states there are no plans right now to develop that today but possibly down the road. Mr. Josephson adds that if one of these burns down, they could rebuild anything allowed in R2 zoning as long as it meets code. The plan would be to sell these as duplexes - not separate units.

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

I move the Dickinson Planning and Zoning Commission recommend Approval 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.

(see any conditions of approval on Resolution/Ordinance)

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

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

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.

Mr. Sluzacek presents the request for a Preliminary Plat. This is a companion to the prior item for PUD. He states that each building does have its own water and sewer service. This plat will also vacate an easement that ran under one of the buildings. The conditions for the PUD would fall under this plat specifically. He

clarifies that this is a Major Plat because it is over four lots. The final plat will be recorded at the same time as the PUD. Staff recommends approval.

Mr. Shrank presents the request for Venture Commercial. He states there are five lots on west side of 2nd Ave. There are several new utility easements on the plat. Mr. Schwab asks if there is a sidewalk/walkway to the building. Mr. Shrank states there is.

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

I move the City of Dickinson Planning and Zoning Commission recommend Approval of PLP 002-2023 the Riverview Cottage 1 st 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.
(see any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Kadrmas, Seconded by Commissioner Haugen.

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

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.

Mr. Skluzacek presents the request. This is the other side of the street in relation to the previous item on the agenda, and is almost identical. It is also a Major Plat due to being over four lots. Staff recommends approval.

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

I move the Dickinson Planning and Zoning Commission recommend Approval of PLP 003-2023 the Riverview Cottage 2 nd 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.

(see any conditions of approval on Resolution/Ordinance)

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

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

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.

Mr. Josephson presents the PUD request. The applicant is proposing a commercial park with small businesses, with uses of the Limited Commercial zone. This will allow the ability to have a two story building with a dwelling unit above or below. The developer is asking for relief for some of the development standards with this PUD; some things can be approved administratively. The applicant has agreed to the conditions.

Mr. Shrank also presents this request for the applicant, Venture Commercial. He states this is 5.5 acres. This PUD would allow for a higher density commercial development. It is meant for smaller businesses that have very few employees, in turn traffic volumes will then be lower. There could also be some smaller retail. Also a shop condo use. The mixed use would have one dwelling per lot; apartment size space is restricted. He adds that purchasers will be able to buy rather than lease these units. Mr. Shrank speaks on these types of developments in other communities. He states that it meets five of the goals in the Comp Plan. The City will have no upfront cost for this development. This PUD would allow 22 commercial LC lots. Anything not written in PUD would follow the CC use. Mr. Shrank goes over the

PUD document and what those entail. Each lot would have it's own water and sewer. The roadway would be the responsibility of the developer; other infrastructure would be the city's. The dwelling units would need to be owner occupied.

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

Mr. Fridrich asks how we are going to keep an eye on enforcing this. Mr. Josephson states that will be done during the permitting process. He states there is also a development agreement that will be part of this. Mr. Fridrich asks about who will police this. Mr. Skluzacek states we are open to feedback from the commissioners on these development agreements. Mr. Fridrich is concerned with compliance. Mr. Skluzacek states this would be handled like The Market Subdivision. He says we could add a stipulation that there is an annual review by code enforcement.

Mr. Shrank states they have a shared operating access and owner agreement that has worked very well at their other development, The Market. The city would govern the uses; it would be the same as any other commercial development. It should be brought to the City anytime uses change. Aaron Grinsteinner with Venture Commercial states the agreement is a recorded document and governs the shared access road. The lot owners manage it, but it is not an HOA. Mr. Shrank states most HOAs were set up for stormwater ponds. Mr. Schwab asks if the road will be continued and become a public road. Mr. Shrank says right now that is not the intent. If it goes well, the owner could connect it to 15th. Mr. Grinsteinner states the agreement would be controlled until all the lots are sold. There will also be restrictive covenants.

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.
(see any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Johansen, Seconded by Commissioner Franchuk.

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

- 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.

Mr. Skluzacek presents the preliminary plat request. This is a companion to the PUD in the previous item. There are easements and a turn around area on this plat. The sidewalk on the south side of 19th will be constructed by the developer. This is a Major Plat application.

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

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.

(see any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Haugen, Seconded by Commissioner Kadrmas.

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

- 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.

Mr. Skluzacek presents the preliminary/final plat request. This is a minor plat application and is two lots. They are creating a separate lot; access to the south lots is provided as an easement on the plat. Each lot does have access to utilities. They will need to be added to the north lot with standard service fees. There is no sidewalk on 14th Street E, and there is one condition for them to install the sidewalk with a new building permit for a new home.

Steve Duchscher, owner, is here to present. He explains this will be his retirement home on this lot. He explains there is a 50' easement between him and Brown's land. He is concerned about a fire hydrant possibly being in the sidewalk. His son will be buying property in the back.

The public hearing is open. Patricia Benzie Ridl from the public is here to speak. She gives a brief history of living in Dickinson for 50 years. She sees this as a great financial benefit to this area that she lives in.

The public hearing is closed.

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.

(See any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Kadrmas, Seconded by Commissioner Johansen.

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

- 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.

Mr. Skluzacek presents the minor plat request. This is related to a rezone that was approved a few months ago. There are three separate entities that have uses in this area, and a three lot split. Game and Fish, Parks and Rec, and the Bureau of Reclamation are the three entities. This is a final step in land transfer from the Bureau.

Benjamin Rae from Dickinson Parks and Rec is present. Shawn Soehren, Houston Engineering presents the request. Mr. Schwab asks about an access easement - that is lot 2. Mr. Soehren states there are not official access easements to the other lots, they have been there for years.

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

Mr. Schwab asks about a transfer on lot 2 if it will cause access issues. Mr. Rae states they would not be able to transfer since it is associated with the dam.

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.

(see any conditions of approval on Resolution/Ordinance)

Motion made by Commissioner Bosch, Seconded by Commissioner Schwab.

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

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

7. ADJOURNMENT

Motioned by Mike Schwab, Seconded by Richard Haugen

8:36 am



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:

[IMG_9101.jpg](#)
[IMG_9102.jpg](#)
[IMG_9103.jpg](#)

Name
Cailie Brewer

Company
The Barking Lot

Applicant Email
cailiepaige8@gmail.com

Applicant Phone #
(701) 590-5181

Type of Development
Special Use Permit

Owner Name
Nick Phillips

Owner Address
849 16th Ave. E., Dickinson, ND, 58601

Owner Email
nickster_70@hotmail.com

Owner Phone #
(701) 590-0952

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 21, Block 15, Washington 4th Addition

	1/4 Section	Township	Range
Description	02	139 N	96 W

Legal - Lot/Block/Addition	Lot	Block	Addition
Description	21	15	Washington 4th Addition

Property Address / General Project Location

849 16th Ave. E.
In the garage, only one half.

Total Square Footage or Acreage of Subject Property

1063

Existing Future Land Use Map Category

Residential

Existing Zoning

R1 - Low Density Residential

Existing Use

Residential Single Family

Overlay District Description

This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. It's regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.

Special Use Permit for the following Use:

Home business/Grooming
Dog grooming only. No other small pets or cats. Grooming

appointments are by appointment only. This includes nail trims as well, no walk ins. I don't have a weight limit for dogs but are typically only groom up to 6 dogs a day. This can be less depending on size and the amount of time one dog can take. Every breed is different!

Dogs come in one vehicle at a time (some homes have more than 1 dog and I have them all come at once because it's less stops at my house during the day, and it's much more time efficient.)

I will be working 8:30am-5pm. No dogs will ever be allowed in my backyard or front yard for potty breaks. This prevents any sort of escapees trying to dig or hop the fence. This also keeps any barking to a minimum and keeps the neighborhood peaceful. Owners are to drop off, and pick their dogs up as soon as I'm finished grooming them. I don't do daycare and my clients are aware of that. Dogs are to be potted before drop off. All dogs big or small must be leashed or in a crate. Absolutely no flexi-leashes.

My business will be set in my garage. The space in the garage is 286 square feet .. equipped with stainless steel heavy duty crates as its really the only way to keep dogs safe & a gate to block off easy access from dogs getting to the door. I have my business license, have insurance to cover myself and my equipment, and have 6+ years of experience.

Rezone Calc Multiplier	0	
Minor Platting Multiplier	0	
Prelim Platting Multiplier	0	
Major Platting Multiplier	0	
Application Calc	350	
Required Documentation Upload	D27C0485-C17D-46EF-AE0C-6D3192B62CB1.JPG IMG_9516.jpg IMG_9518.jpg	
Deed for Property	IMG_9509.jpg IMG_9510.jpg	
Application Fees	Applicable Fees	350.00 USD
Total:		\$350.00
Transaction ID:		q76btex3

==Payer Info==

First Name William
Last Name Phillips

Applicant Signature



Date

05-30-2023

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.

Section 3. Item A.



To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: July 10, 2023
Re: **SUP-004-2023 The Barking Lot Home-Based Business/Home Occupation Special Use Permit Request**

OWNER

Nick Phillips
 849 16th Ave E
 Dickinson ND 58601

APPLICANT

Cailie Brewer
 849 16th Ave E
 Dickinson ND 58601

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

- A. Request:** To consider a Special Use Permit - Home-Based Business/Home Occupation to allow a dog grooming operation to be located at 849 16th Avenue E within the City of Dickinson.
- B. Project Address/Legal Description/Area:** 849 16th Avenue East.
- 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 :
- The garage will be converted to a dog grooming shop.
 - One car will be accessing the property for drop-off at a time.
 - Operating hours will be 8:30 am-5pm.
 - No dogs will be allowed outside of the grooming area,

Table I: Current Zoning And Use	
ZONING	Low-Density Residential (R-1)
CURRENT USE	Single-Family Residence
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.16 Acres

Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	Residential (R-1)	Single-family residential
East	Residential (R-1)	Single-family residential
South	Residential (R-1)	Single-family residential
West	Residential (R-1)	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. Traffic generated by the proposed home-based business/home occupation should not impact nearby the residences.

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 R-1 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 8:30 a.m. to 5:00 p.m. Mondays through Fridays.
- The number of appointments per day shall be limited to six.
- 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-004-2023 The Barking Lot Home-Based Business/Home Occupation Special Use Permit** petition, subject to the conditions above, as meeting all the requirements of the Dickinson Municipal Code and also being in the interest of the public health, safety and welfare "*

(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-004-2023 The Barking Lot 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:

[Pre-App Meeting Request.pdf](#)

Name	Kevin Christianson
Company	Pinecrest 40 LLC
Applicant Email	THaider@christiansonCompanies.com
Applicant Phone #	(701) 866-1018
Applicant Representative (if applicable)	Toni Haider
Applicant Representative Company	Christianson Companies
Applicant Representative Email	THaider@christiansonCompanies.com

Applicant Representative
Phone # (701) 866-1018

Type of Development
Rezoning - Zoning Map Amendment

Owner Name
Kevin Christianson

Owner Address
4609 33rd Avenue S Suite 400, Fargo, North Dakota, 58104

Owner Email
THaider@christiansonCompanies.com

Owner Phone #
(701) 866-1018

Is the owner present to
Sign Yes

Signature


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

Metes and Bounds
Description
Beginning at the southeast corner of said Lot 1; thence North 88 degrees 18 minutes 01 seconds West along the south line of said Lot 1 a distance of 348.79 feet; thence North 01 degrees 41 minutes 59 seconds East 312.56 feet; thence South 88 degrees 18 minutes 01 seconds East 348.62 feet to the east line of said Lot 1; thence South 01 degrees 40 minutes 04 seconds West along said east line 312.56 feet to the point of beginning. Containing 2.50 acres, more or less

	1/4 Section	Township	Range
Description	SW 30 and N 31	140N	96W

Legal - Lot/Block/Addition	Lot	Block	Addition
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Description		1A	6	Pinecrest Addition
Property Address / General Project Location	North west of Dickinson adjacent to 15th Street and Pinecrest Parkway			
Total Square Footage or Acreage of Subject Property	2.5 acres			
Existing Zoning	AG - Agriculture			
Proposed Zoning	R3- High Density Residential (changed from GC per applicant request)			
Rezone Calc Multiplier	1			
Overlay District Description	N/A			
Minor Platting Multiplier	0			
Prelim Platting Multiplier	0			
Major Platting Multiplier	0			
Application Calc	750			
Required Documentation Upload	173133 LOTS 1A & 1B (unsigned).pdf Proposed Site Plan and Improvements - Pinecrest Addition.pdf Statement of Purpose - Pinecrest Addition.pdf Zoning Map.pdf			
Deed for Property	Pinecrest Deed.pdf			
Application Fees	Applicable Fees		750.00 USD	
Total:		\$750.00		
Transaction ID:		h74dt25e		
==Payer Info==				
First Name		Toni		
Last Name		Haider		

Applicant Signature

A handwritten signature in dark ink, appearing to be 'Kendall', written in a cursive style.

Date

06-06-2023

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

REZONE (REZ-004-2023) PINECREST 40 LLC

Section 3. Item B.



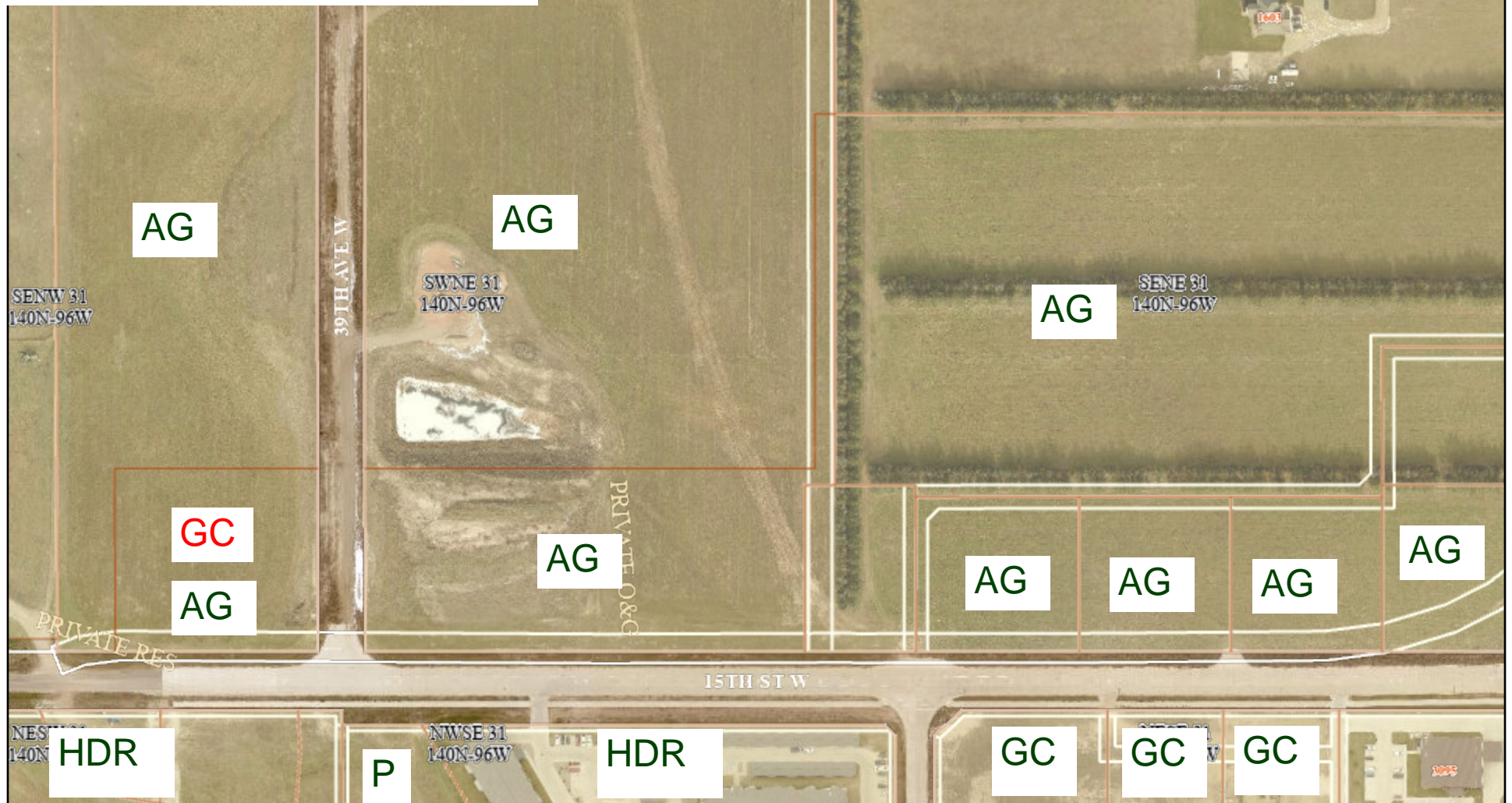
Dickinson Land Information Map

Section 3. Item B.

LEGEND

XX - CURRENT ZONING

XX- PROPOSED ZONING



6/6/2023

House Numbers

PLSS Description 12k

— Lots and Easements

High Resolution 60cm Imagery

Public Street Names 8K

Dickinson Tax Parcels

World Imagery

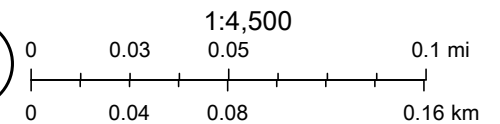
High Resolution 30cm Imagery

Private Street Names

ETZ Stark Parcels

Low Resolution 15m Imagery

Citations



Dickinson Engineering Department, Engineering & Planning, Maxar

PLAT OF IRREGULAR DESCRIPTION (Sec. 57-02-39 N.D.C.C.)

PLAT OF LOT 1A AND LOT 1B IN LOT 1, BLOCK 6

FINAL PLAT OF PINECREST in the Southwest Quarter of Section 30 and the North Half of Section 31, Township 140 North, Range 96 West of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota

LOT 1B
551,415 SF
12.66 AC

LOT 1A
108,991 SF
2.50 AC

Block 6

Block 5

Block 8

15TH STREET

PINECREST PKWY

SOUTH

WEST LINE LOT 1

EAST LINE LOT 1

NORTH LINE LOT 1

SOUTH LINE LOT 1

POB LOT 1B SOUTHEAST CORNER LOT 1

POB LOT 1A SOUTHEAST CORNER LOT 1

N 01°33'04" E 1469.66

S 88°19'48" E 450.82

S 88°18'01" E 348.62

N 01°41'59" E 312.56

N 01°40'04" W 1469.88

S 01°40'04" W 1469.88

S 88°18'01" W 447.83

40.40

40.40

1157.32

348.79

99.04

50'

50'

0 100 200 feet

N

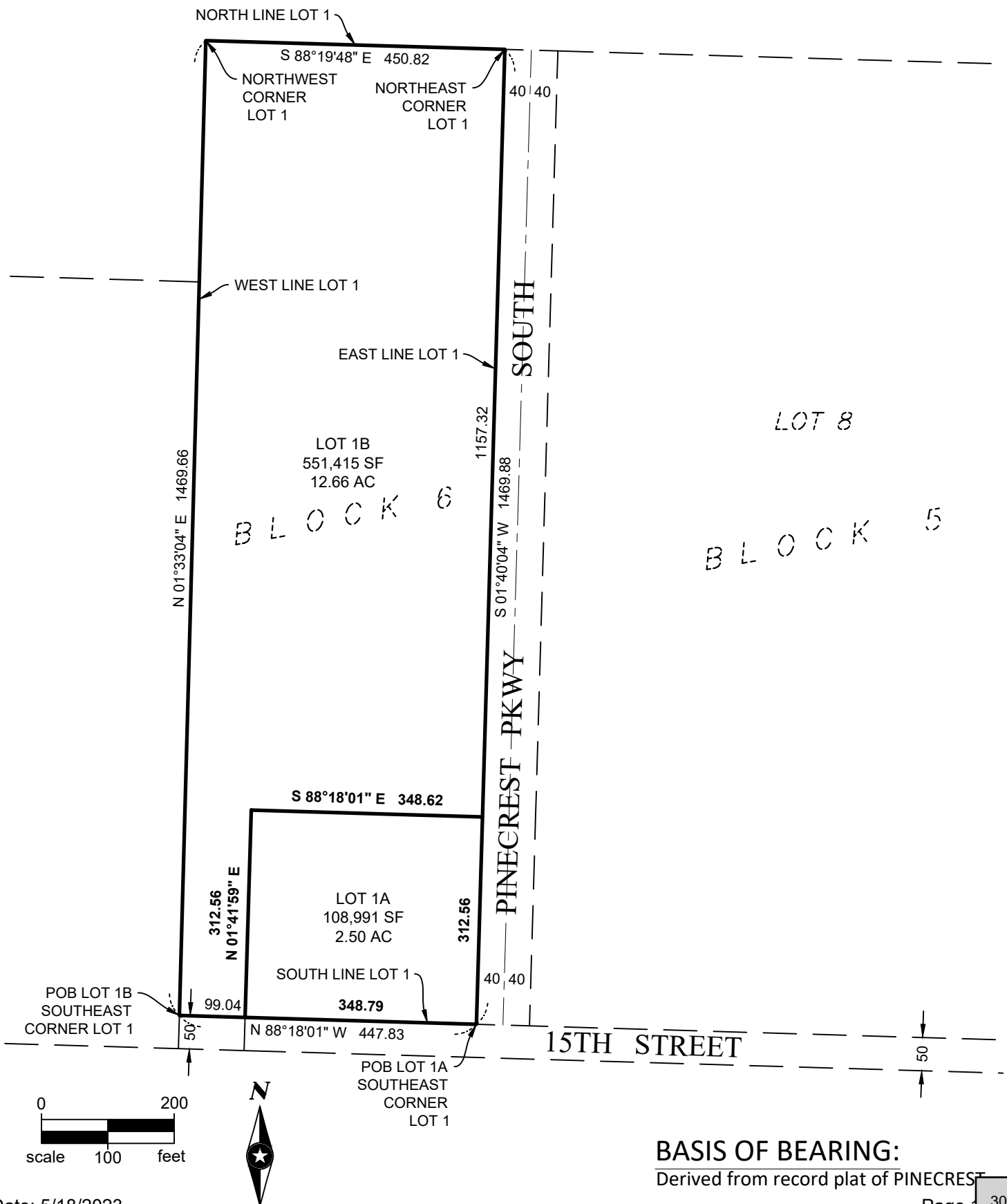
BASIS OF BEARING:
Derived from record plat of PINECREST

Date: 5/18/2023

Page 30

PLAT OF LOT 1A AND LOT 1B IN LOT 1, BLOCK 6

FINAL PLAT OF PINECREST in the Southwest Quarter of Section 30 and the North Half of
Section 31, Township 140 North, Range 96 West of the 5th Principal Meridian,
City of Dickinson, Stark County, North Dakota



BASIS OF BEARING:

Derived from record plat of PINECREST

Lot 1A of Lot 1, Block 6, PINECREST - DESCRIPTION:

That part of Lot 1, Block 6, PINECREST plat in the Northeast Quarter of Section 31, Township 140 North, Range 96 West of 5th Principal Meridian, City of Dickinson, Stark County, North Dakota, described as follows:

Beginning at the southeast corner of said Lot 1; thence North 88 degrees 18 minutes 01 seconds West along the south line of said Lot 1 a distance of 348.79 feet; thence North 01 degrees 41 minutes 59 seconds East 312.56 feet; thence South 88 degrees 18 minutes 01 seconds East 348.62 feet to the east line of said Lot 1; thence South 01 degrees 40 minutes 04 seconds West along said east line 312.56 feet to the point of beginning. Containing 2.50 acres, more or less.

Subject to all prior conveyances, easements, and rights of way of record.

This description of property was written from record to describe the PINECREST 40, LLC BOUNDARY as shown on the plat of PINECREST within the bounds of Lot 1, Block 6, no survey was completed.

Lot 1B of Lot 1, Block 6, PINECREST - DESCRIPTION:

That part of Lot 1, Block 6, PINECREST plat in the Northeast Quarter of Section 31, Township 140 North, Range 96 West of 5th Principal Meridian, City of Dickinson, Stark County, North Dakota, described as follows:

Beginning at the southwest corner of said Lot 1; thence North 01 degrees 33 minutes 04 seconds East along the west line of said Lot 1 a distance of 1106.01 feet to the northwest corner of said Lot 1; thence South 88 degrees 19 minutes 48 seconds East along the north line of said Lot 1 a distance of 450.82 feet to the northeast corner of said Lot 1; thence South 01 degrees 40 minutes 04 seconds West along the east line of said Lot 1 a distance of 1157.33 feet; thence North 88 degrees 18 minutes 01 seconds West 348.62 feet; thence South 01 degrees 41 minutes 59 seconds West 312.56 feet to the south line of said Lot 1; thence North 88 degrees 18 minutes 01 seconds West along the south line of said Lot 1 a distance of 98.91 feet to the point of beginning. Containing 12.66 acres, more or less.

Subject to all prior conveyances, easements, and rights of way of record.

This description of property was written from record to exclude the PINECREST 40, LLC BOUNDARY as shown on the plat of PINECREST within the bounds of Lot 1, Block 6, no survey was completed.

OWNERS CERTIFICATE - LOT 1B

THE UNDERSIGNED, owners of Lot 1B described hereon, in accordance with the provisions of Sec. 57-02-39, North Dakota Century Code, and upon demand of the County Auditor of Stark County, North Dakota, have caused to be made the within and foregoing plat of said land with the lots as herein described, and have caused the same to be placed on record, as provided by law.

In witness whereof said Frenzel Family Limited Liability Limited Partnership, has caused these presents to be signed by its proper officers this ____ day of _____, 20____.

Lester P. Frenzel

Marlene M. Frenzel

STATE OF _____
COUNTY OF _____

Be it known on this ____ Day of _____, 20____, before me personally appeared Lester P. Frenzel and Marlene M. Frenzel of Frenzel Family Limited Liability Limited Partnership and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public, _____ County, State of _____
My Commission Expires: _____

OWNERS CERTIFICATE - LOT 1A

THE UNDERSIGNED, Owners of the Lot 1A described hereon, in accordance with the provisions of Sec. 57-02-39, North Dakota Century Code, and upon demand of the County Auditor of Stark County, North Dakota, have caused to be made the within and foregoing plat of said land with the lots as herein described, and have caused the same to be placed on record, as provided by law.

In witness whereof said Pinecrest 40, LLC, has caused these presents to be signed by its proper officers this ____ day of _____, 20____.

Kevin Christianson, President

STATE OF _____
COUNTY OF _____

Be it known on this ____ Day of _____, 20____, before me personally appeared Kevin Christianson, President of Pinecrest 40, LLC., and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public, _____ County, State of _____
My Commission Expires: _____

SURVEYORS CERTIFICATE

I, Robert M. Illg, a Registered Professional Land Surveyor in the State of North Dakota, do hereby certify that, at the request of Frenzel Family Limited Liability Limited Partnership and Pinecrest 40, LLC, made the within and foregoing plat and description of the land as herein described and that the lots, distances, areas and location as indicated on said plat and contained in said description are true and correct.

Robert M. Illg
Registered Professional Land Surveyor
North Dakota Registration No. LS-8444

CITY OF DICKINSON ENGINEER APPROVAL

Joshua M. Skluzacek, City Engineer for the City of Dickinson, North Dakota, hereby approve the within and foregoing Plat.

Joshua M. Skluzacek, City Engineer
Date: 5/18/2023



PHONE: 701.354.7121
4719 SHELBURNE STREET,
SUITE 6
BISMARCK, ND 58503-5677
www.sehinc.com

June 6, 2023

Re: Pinecrest Addition Rezone

Statement of Purpose

A lot split is being requested concurrently with the rezone of Lot 1A, Block 6 Pinecrest Addition to the City of Dickinson for the purpose of selling the lot. The current zoning is agricultural. The lot is 2.5 acres which is below the ordinance required 5 acres for agricultural. We are requesting a zone change to general commercial. No development will be occurring with the rezone.

Best Regards,

Toni Haider



STAFF REPORT

Section 3. Item B.

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 12, 2023
Re: REZ-004-2023 Pinecrest 40 LLC Rezone Request

OWNER

Pinecrest 40 LLC
 4265 45th Street S, Suite 200
 Fargo, North Dakota, 58104

APPLICANT

Christianson Companies
 4609 33rd Avenue S Suite 400
 Fargo, North Dakota, 58104

Public Hearings:	July 19, 2023	Planning and Zoning Commission
	August 1, 2023	City Commission

REQUEST

A. Request: To consider a Zoning Map Amendment from AG to R3 for a property legally described as the SE 2.5-acre portion of Lot 1, Block 6, of the Pinecrest Subdivision. This property is located in the City of Dickinson. The site consists of +/- 2.50 acres.

Initially, the applicant requested rezoning the property to a commercial zoning district. As the property is designated on the City's Future Land Use Map (FLUM) as RESIDENTIAL the applicant amended the request to R-3.

B. Project Address/Legal Description/Area: The lot proposed for rezoning is generally located along 15th Street W, approximately 1,000 feet west of Roughrider Blvd.

C. Project Description: The applicant wishes to purchase a 2.5-acre portion of a platted 12.66-acre platted lot. The applicant initially applied for a lot split through the City's administrative irregular plat process. The entire parent lot is zoned AG, and the minimum lot size in the AG zoning district is five (5) acres. The applicant is proposing to rezone the lot from AG to R-3. The minimum R-3 lot size is 7,000 square feet. If the zoning map amendment is approved, City staff will proceed with processing the irregular plat request. Approval would bring the subject parcel into conformity with minimum lot size requirements.

The applicant is requesting approval of this rezone request to receive relief from the following **AG** zoning district requirement:

- **Minimum lot size:** Per Table 4-1 of Section 39.04.005 of the Municipal Code, the minimum lot size requirement for the Agricultural District (AG) is five (5) acres.
 - i. The minimum lot size requirement for the High-Density Residential (R-3) district is 7,000 square feet (0.160 acres).

Table I: Current Zoning And Use	
ZONING	AGRICULTURAL (AG)
CURRENT USE	UNDEVELOPED
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	2.5

Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	AG	Undeveloped; single-family residential
East	AG	Undeveloped; agricultural
South	R-3	Undeveloped; agricultural
West	AG	Agricultural, single-family residential

STAFF REVIEW AND RECOMMENDATIONS

- A. **Compatibility with Local Uses:** The properties in the immediate vicinity of the proposed rezone are either undeveloped with agricultural designation or developed with residential uses permitted in the High Density Residential (R-3) zoning district. 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 rezoning is designated as RESIDENTIAL. Therefore, the approval of the rezoning request is consistent with the FLUM as well Policy 1.3.2 of the Land Use chapter of the Comprehensive Plan.
- C. **Compliance with Zoning and Subdivision Regulations:** According to Article 39.04 of the Municipal Code, the minimum lot size for AG zoning is 5 acres, and the minimum lot size for R3

zoning is 7,000 square feet (0.160 acres). The subject parcel exceeds the minimum lot size requirement for the proposed zoning district.

- D. Public Input:** As of the date of this report, City staff has not received any public comment.
- E. Staff Recommendation:** The City Development Team staff recommends **approval** of the application with the following condition:
- City staff will not proceed with processing the irregular plat request unless this rezone is approved.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

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

*(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 004-2023, the Pinecrest 40 LLC rezoning petition from AG to R3** 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:

[Planning Department Development Checklist Pruitt. 8.23.2022.pdf](#)

Name Josh Muehler

Company Mountain Plains LLC

Applicant Email jmuehler@mntnplains.com

Applicant Phone # (701) 516-2289

Type of Development Minor Subdivision Preliminary/Final Plat

Is this a Replat No

Owner Name Greg Pruitt

Owner Address 22 Patterson Lake Dr, Dickinson, North Dakota, 58601

Owner Email jordanselinger@kbrslawfirm.com

Owner Phone # (701) 290-1146

Is the owner present to Sign

Owner Signature Upload SKBRS LAW23050108571.pdf

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

Metes and Bounds Description	PLAT BOUNDARY DESCRIPTION
	<p>A TRACT OF LAND LOCATED IN THE EAST HALF (E1/2) OF SECTION 8, T.139N. R.96W. OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N01°32'52"E ON AND ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 777.52 FEET TO A POINT ON THE NORTH BANK OF THE HEART RIVER, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH BANK OF THE HEART RIVER THE FOLLOWING COURSES: S71°32'04"W A DISTANCE OF 24.52 FEET; THENCE S83°51'16"W A DISTANCE OF 42.16 FEET; THENCE N89°36'00"W A DISTANCE OF 67.45 FEET; THENCE N78°40'34"W A DISTANCE OF 43.15 FEET; THENCE N71°49'45"W A DISTANCE OF 39.77 FEET; THENCE N70°28'44"W A DISTANCE OF 34.88 FEET; THENCE N62°51'44"W A DISTANCE OF 31.36 FEET; THENCE N51°09'56"W A DISTANCE OF 29.01 FEET; THENCE N40°05'36"W A DISTANCE OF 30.04 FEET; THENCE N46°43'24"W A DISTANCE OF 66.28 FEET; THENCE N15°09'26"W A DISTANCE OF 34.30 FEET; THENCE N28°31'42"W A DISTANCE OF 38.97 FEET; THENCE N08°44'25"W A DISTANCE OF 38.77 FEET; THENCE N16°46'25"W A DISTANCE OF 54.00 FEET; THENCE N08°22'22"W A DISTANCE OF 46.12 FEET; THENCE N16°32'41"W A DISTANCE OF 31.06 FEET; THENCE N10°11'55"W A DISTANCE OF 37.37 FEET; THENCE N14°12'31"W A DISTANCE OF 40.94 FEET; THENCE N10°10'07"W A DISTANCE OF 35.94 FEET; THENCE N17°33'07"W A DISTANCE OF 29.04 FEET; THENCE N13°44'34"W A DISTANCE OF 65.76 FEET; THENCE N16°55'21"W A DISTANCE OF 63.50 FEET; THENCE N14°28'20"W A DISTANCE OF 28.34 FEET; THENCE N25°02'55"W A DISTANCE OF 31.62 FEET; THENCE N17°51'56"W A DISTANCE OF 17.22 FEET; THENCE N23°27'56"W A DISTANCE OF 67.46 FEET; THENCE N30°14'50"W A DISTANCE OF 66.71 FEET; THENCE N31°32'56"W A DISTANCE OF 88.55 FEET; THENCE N25°31'33"W A</p>

DISTANCE OF 56.96 FEET; THENCE N25°51'18"W A DISTANCE OF 48.80 FEET; THENCE N42°18'42"W A DISTANCE OF 25.31 FEET; THENCE N34°40'26"W A DISTANCE OF 58.32 FEET; THENCE N38°37'29"W A DISTANCE OF 63.50 FEET; THENCE N43°37'33"W A DISTANCE OF 47.12 FEET; THENCE N34°28'14"W A DISTANCE OF 35.63 FEET; THENCE N40°14'23"W A DISTANCE OF 57.64 FEET; THENCE N47°33'16"W A DISTANCE OF 63.32 FEET; THENCE N39°00'00"W A DISTANCE OF 194.17 FEET; THENCE N40°30'37"W A DISTANCE OF 89.93 FEET; THENCE N21°55'27"W A DISTANCE OF 35.31 FEET; THENCE N38°44'52"W A DISTANCE OF 54.68 FEET; THENCE N58°56'06"W A DISTANCE OF 82.86 FEET; THENCE N54°06'57"W A DISTANCE OF 36.79 FEET; THENCE N45°30'45"W A DISTANCE OF 46.18 FEET TO A POINT ON THE EASTERLY LINE OF LOT 6, BLOCK 2, STABLE ESTATES SUBDIVISION, DOCUMENT #3167912, RECORDED AT THE STARK COUNTY COURTHOUSE; THENCE N38°40'26"E ON AND ALONG THE EASTERLY LINE OF SAID LOT 6 A DISTANCE OF 418.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 6, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DEER RUN DRIVE; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DEER RUN DRIVE, ON A CURVE TO THE LEFT HAVING A CHORD BEARING OF S73°18'20"E, A CHORD LENGTH OF 384.58 FEET, A RADIUS OF 339.94 FEET AND A LENGTH OF CURVE OF 408.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 3 OF SAID STABLE ESTATES SUBDIVISION; THENCE S33°17'31"E ON AND ALONG THE WESTERLY LINE OF SAID LOT 1 A DISTANCE OF 352.07 FEET TO A POINT ON THE WESTERLY BANK OF THE HEART RIVER; THENCE CONTINUING ALONG THE WESTERLY BANK OF THE HEART RIVER THE FOLLOWING COURSES: S31°05'44"W A DISTANCE OF 51.53 FEET; THENCE S25°01'08"W A DISTANCE OF 30.07 FEET; THENCE S30°51'57"W A DISTANCE OF 36.50 FEET; THENCE S15°16'43"W A DISTANCE OF 84.52 FEET; THENCE S21°59'07"W A DISTANCE OF 48.15 FEET; THENCE S11°42'38"W A DISTANCE OF 44.64 FEET; THENCE S09°03'40"W A DISTANCE OF 54.15 FEET; THENCE S00°36'58"W A DISTANCE OF 75.52 FEET; THENCE S07°08'09"E A DISTANCE OF 43.20 FEET; THENCE S12°50'52"E A DISTANCE OF 108.94 FEET; THENCE S20°19'42"E A DISTANCE OF 39.16 FEET; THENCE S27°56'41"E A DISTANCE OF 81.74 FEET; THENCE S36°30'06"E A DISTANCE OF 49.04 FEET; THENCE S42°38'48"E A DISTANCE OF 85.31 FEET; THENCE S46°33'29"E A DISTANCE OF 78.38 FEET; THENCE S42°34'53"E A DISTANCE OF 41.97 FEET; THENCE S57°07'01"E A DISTANCE OF 135.49 FEET; THENCE S73°20'21"E A DISTANCE OF 49.96 FEET; THENCE S69°19'24"E A DISTANCE OF 57.99 FEET; THENCE S57°28'45"E A DISTANCE OF 50.47 FEET; THENCE S72°42'07"E A DISTANCE OF 59.71 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 8; THENCE S01°32'52"W ON AND ALONG THE EAST LINE OF SAID SECTION 8 A

DISTANCE OF 562.03 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 17.35 ACRES, MORE OR LESS, AND SHALL HENCE FORTH BE KNOWN AS LOTS 1 AND 2, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS

	1/4 Section	Township	Range
Description	SE 8	139N	96W

Property Address / General Project Location	Dickinson ETZ		
Total Square Footage or Acreage of Subject Property	17.35 Acres		
Rezone Calc Multiplier	0		
Minor Platting Multiplier	1		
Prelim Platting Multiplier	0		
Major Platting Multiplier	0		
Name of Plat	Heart River Bottoms Subdivision		
Number Lots	1 to 10 Lots		
Number of Block(s)	1		
	0		
Application Calc	500		
Required Documentation Upload	Jordan Selinger - Final Plat-24x36.pdf		
Deed for Property	Doc 3163805.pdf Pruitt Deed.pdf		
Application Fees	Applicable Fees	500.00 USD	
	Total:	\$500.00	
	Transaction ID:	gfz8s40r	

==Payer Info==

First Name Josh
Last Name Muehler

Applicant Signature

A handwritten signature in black ink, appearing to read 'Josh Muehler', with a stylized, cursive-like script.

Date 05-17-2023

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

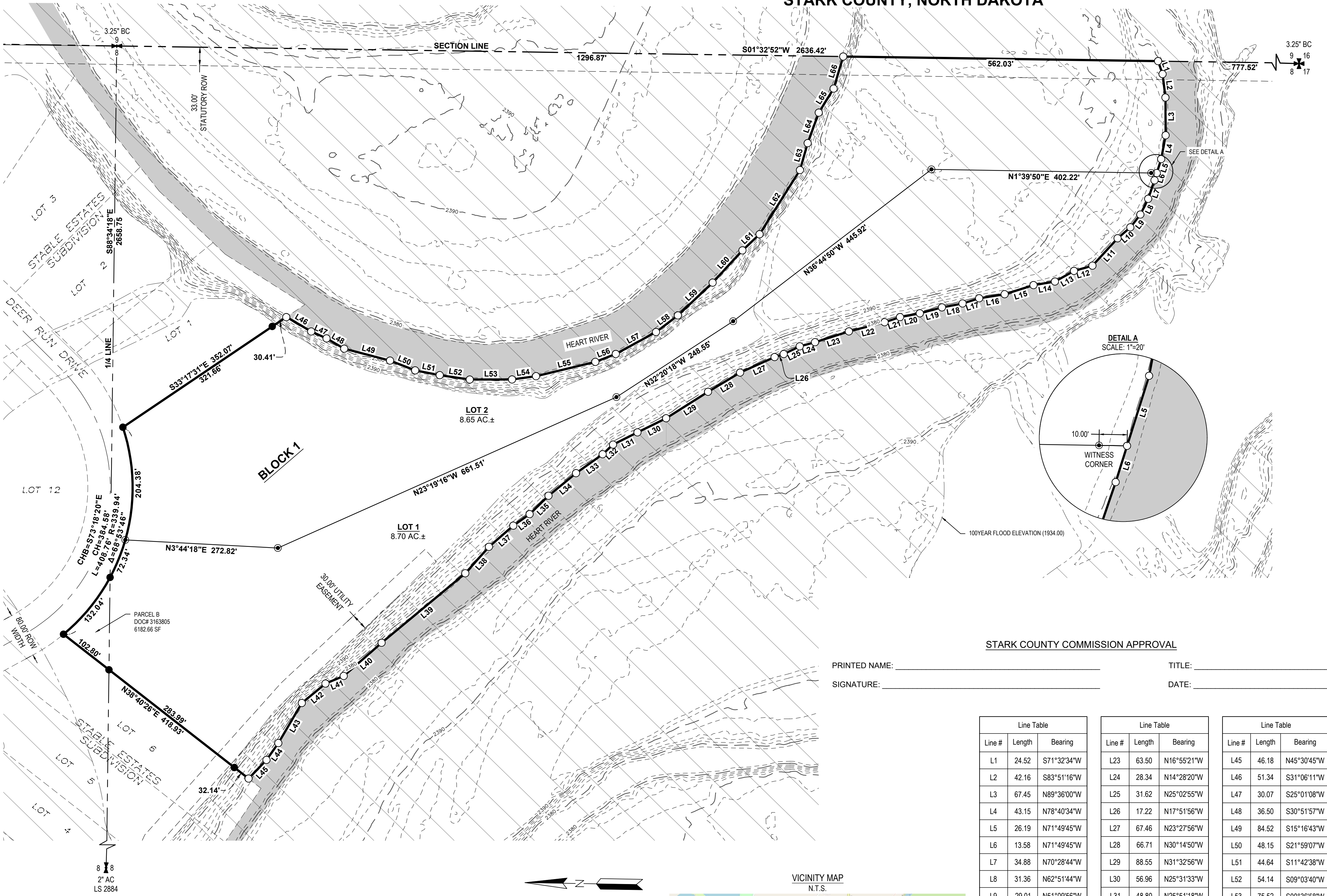
FINAL PLAT (FLP-005-2023) HEART RIVER BOTTOMS SUBDIVISION

Section 3. Item C.



HEART RIVER BOTTOMS SUBDIVISION

A TRACT OF LAND LOCATED IN PARCEL B OF THE NE1/4 AND A PORTION OF
THE SE1/4 OF SECTION 8, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN,
STARK COUNTY, NORTH DAKOTA



PLAT BOUNDARY DESCRIPTION

A TRACT OF LAND LOCATED IN THE EAST HALF (E1/2) OF SECTION 8, T.139N. R.96W. OF THE FIFTH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8; THENCE N01°32'52"E ON AND ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 777.52 FEET TO A POINT ON THE NORTH BANK OF THE HEART RIVER, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH BANK OF THE HEART RIVER THE FOLLOWING COURSES: S71°32'04"W A DISTANCE OF 24.52 FEET; THENCE S83°51'16"W A DISTANCE OF 42.16 FEET; THENCE N89°36'00"W A DISTANCE OF 67.45 FEET; THENCE N78°40'34"W A DISTANCE OF 43.15 FEET; THENCE N71°49'45"W A DISTANCE OF 39.77 FEET; THENCE N70°28'44"W A DISTANCE OF 34.88 FEET; THENCE N62°51'44"W A DISTANCE OF 31.36 FEET; THENCE N51°09'56"W A DISTANCE OF 29.01 FEET; THENCE N40°05'36"W A DISTANCE OF 30.04 FEET; THENCE N46°43'24"W A DISTANCE OF 66.28 FEET; THENCE N15°09'26"W A DISTANCE OF 34.30 FEET; THENCE N28°31'42"W A DISTANCE OF 38.97 FEET; THENCE N08°44'25"W A DISTANCE OF 38.77 FEET; THENCE N16°46'25"W A DISTANCE OF 54.00 FEET; THENCE N08°22'22"W A DISTANCE OF 46.12 FEET; THENCE N16°32'41"W A DISTANCE OF 31.06 FEET; THENCE N10°11'55"W A DISTANCE OF 37.37 FEET; THENCE N14°12'31"W A DISTANCE OF 40.94 FEET; THENCE N10°10'07"W A DISTANCE OF 35.94 FEET; THENCE N17°33'07"W A DISTANCE OF 29.04 FEET; THENCE N13°44'34"W A DISTANCE OF 65.76 FEET; THENCE N16°55'21"W A DISTANCE OF 63.50 FEET; THENCE N14°28'20"W A DISTANCE OF 28.34 FEET; THENCE N25°02'55"W A DISTANCE OF 31.62 FEET; THENCE N17°51'56"W A DISTANCE OF 17.22 FEET; THENCE N23°27'56"W A DISTANCE OF 67.46 FEET; THENCE N30°14'50"W A DISTANCE OF 66.71 FEET; THENCE N31°32'56"W A DISTANCE OF 88.55 FEET; THENCE N25°31'33"W A DISTANCE OF 56.96 FEET; THENCE N25°51'18"W A DISTANCE OF 48.80 FEET; THENCE N42°18'42"W A DISTANCE OF 25.31 FEET; THENCE N34°40'26"W A DISTANCE OF 58.32 FEET; THENCE N38°37'29"W A DISTANCE OF 63.50 FEET; THENCE N43°37'33"W A DISTANCE OF 47.12 FEET; THENCE N34°28'14"W A DISTANCE OF 35.63 FEET; THENCE N40°14'23"W A DISTANCE OF 57.64 FEET; THENCE N47°33'16"W A DISTANCE OF 63.32 FEET; THENCE N39°00'00"W A DISTANCE OF 194.17 FEET; THENCE N40°30'37"W A DISTANCE OF 89.93 FEET; THENCE N21°55'27"W A DISTANCE OF 35.31 FEET; THENCE N38°44'52"W A DISTANCE OF 54.08 FEET; THENCE N58°56'06"W A DISTANCE OF 82.86 FEET; THENCE N54°06'57"W A DISTANCE OF 36.79 FEET; THENCE N45°46'45"W A DISTANCE OF 46.18 FEET TO A POINT ON THE EASTERLY LINE OF LOT 6, BLOCK 2, STABLE ESTATES SUBDIVISION, DOCUMENT #3167912, RECORDED AT THE STARK COUNTY COURTHOUSE; THENCE N38°40'26"E ON AND ALONG THE EASTERLY LINE OF SAID LOT 6 A DISTANCE OF 418.93 FEET TO THE NORTHEAST CORNER OF SAID LOT 6, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF DEER RUN DRIVE; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID DEER RUN DRIVE, ON A CURVE TO THE LEFT HAVING A CHORD BEARING OF S73°18'20"E, A CHORD LENGTH OF 384.58 FEET, A RADIUS OF 339.94 FEET AND A LENGTH OF CURVE OF 408.76 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 3 OF SAID STABLE ESTATES SUBDIVISION; THENCE S33°17'31"E ON AND ALONG THE WESTERLY LINE OF SAID LOT 1 A DISTANCE OF 352.07 FEET TO A POINT ON THE WESTERLY BANK OF THE HEART RIVER; THENCE CONTINUING ALONG THE WESTERLY BANK OF THE HEART RIVER THE FOLLOWING COURSES: S31°05'44"W A DISTANCE OF 51.53 FEET; THENCE S25°01'08"W A DISTANCE OF 30.07 FEET; THENCE S30°51'57"W A DISTANCE OF 36.50 FEET; THENCE S13°16'43"W A DISTANCE OF 84.52 FEET; THENCE S21°59'07"W A DISTANCE OF 48.15 FEET; THENCE S11°42'38"W A DISTANCE OF 44.64 FEET; THENCE S09°03'40"W A DISTANCE OF 54.15 FEET; THENCE S00°36'58"W A DISTANCE OF 75.52 FEET; THENCE S07°08'09"E A DISTANCE OF 43.20 FEET; THENCE S12°50'52"E A DISTANCE OF 108.94 FEET; THENCE S20°19'42"E A DISTANCE OF 39.16 FEET; THENCE S27°56'41"E A DISTANCE OF 81.74 FEET; THENCE S36°30'06"E A DISTANCE OF 49.04 FEET; THENCE S42°38'48"E A DISTANCE OF 85.31 FEET; THENCE S46°33'29"E A DISTANCE OF 78.38 FEET; THENCE S42°34'53"E A DISTANCE OF 41.97 FEET; THENCE S57°07'01"E A DISTANCE OF 135.49 FEET; THENCE S73°20'21"E A DISTANCE OF 49.96 FEET; THENCE S69°19'24"E A DISTANCE OF 57.99 FEET; THENCE S57°28'45"E A DISTANCE OF 50.47 FEET; THENCE S72°42'07"E A DISTANCE OF 59.71 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 8; THENCE S01°32'52"W ON AND ALONG THE EAST LINE OF SAID SECTION 8 A DISTANCE OF 562.03 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 17.35 ACRES, MORE OR LESS, AND SHALL HENCE FORTH BE KNOWN AS LOTS 1 AND 2, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES, AND SURVEYS

SURVEYOR'S CERTIFICATE

I, MICHAEL J. TARNOWSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, NORTH DAKOTA PLS NO. LS-27506, DO HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE BY ME OR UNDER MY DIRECTION, AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

MICHAEL J. TARNOWSKI, PLS-27506

STATE OF NORTH DAKOTA)
) SS)
COUNTY OF BURLEIGH)

ON THIS ____ DAY OF _____, 2022, APPEARED BEFORE ME, MICHAEL J. TARNOWSKI, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DID ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME AS THEIR OWN FREE ACT AND DEED.

_____, (NOTARY PUBLIC)
_____, COUNTY, _____
MY COMMISSION EXPIRES: _____

OWNER'S CERTIFICATE AND DEDICATION

THE UNDERSIGNED, OWNERS OF THE WITHIN DESCRIBED PROPERTY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 57-02-39 OF THE NORTH DAKOTA CENTURY CODE, AND UPON DEMAND OF THE COUNTY ENGINEER OF STARK COUNTY, NORTH DAKOTA, HAS CAUSED THE SAME TO BE MADE WITHIN AND FOREGOING PLAT OF SAID LAND, WITH THE LOTS AS (HEREIN DESCRIBED, AND HAS CAUSED THE SAME TO BE PLACED ON RECORD AS PROVIDED BY LAW). ALL STREETS, AVENUES AND RIGHTS OF WAY DESIGNATED ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE.

GREG PRUITT

ON THIS ____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED _____
KNOWN TO BE THE SAME PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE SAME.

_____, COUNTY, NORTH DAKOTA

DAWN PRUITT

ON THIS ____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____
KNOWN TO BE THE SAME PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE SAME.

_____, COUNTY, NORTH DAKOTA

CITY ENGINEER APPROVAL

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

CITY OF DICKINSON COMMISSION APPROVAL

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

CITY PLANNING AND ZONING COMMISSION APPROVAL

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

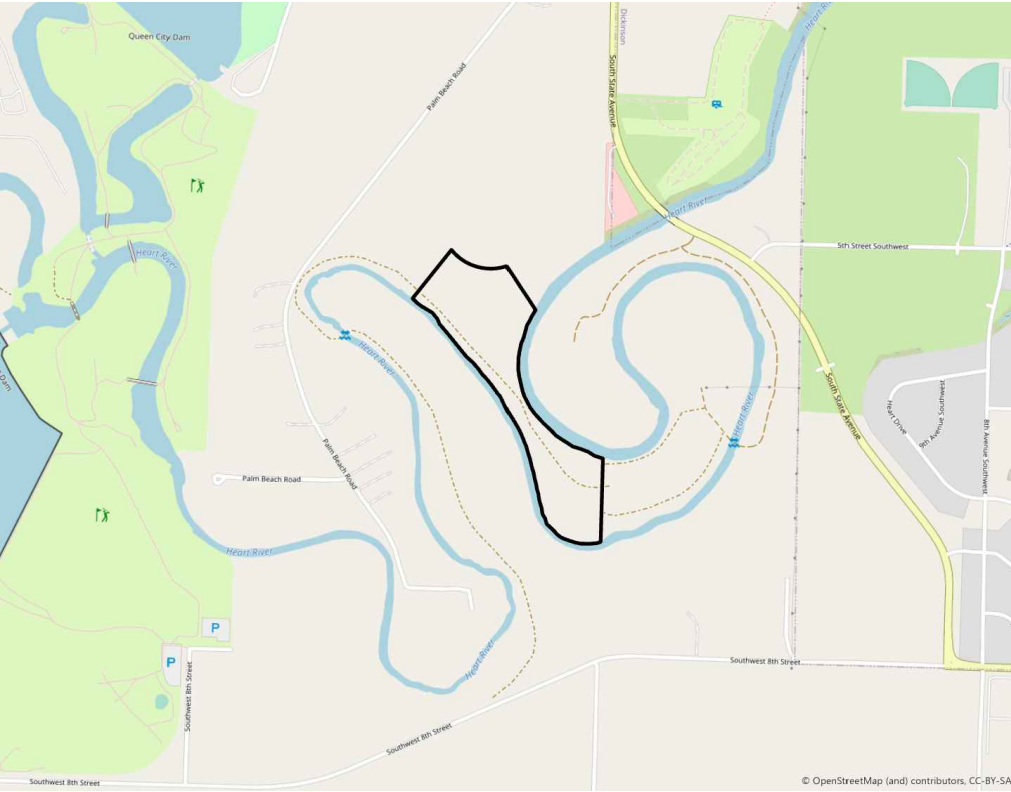
STARK COUNTY COMMISSION APPROVAL

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

Line Table		
Line #	Length	Bearing
L1	24.52	S71°32'34"W
L2	42.16	S83°51'16"W
L3	67.45	N89°36'00"W
L4	43.15	N78°40'34"W
L5	26.19	N71°49'45"W
L6	13.58	N71°49'45"W
L7	34.88	N70°28'44"W
L8	31.36	N62°51'44"W
L9	29.01	N51°09'56"W
L10	30.04	N40°05'36"W
L11	66.28	N46°43'24"W
L12	34.30	N15°09'26"W
L13	38.97	N28°31'42"W
L14	38.77	N08°44'25"W
L15	54.00	N16°46'25"W
L16	46.12	N08°22'22"W
L17	31.06	N16°32'41"W
L18	37.37	N10°11'55"W
L19	40.94	N14°12'31"W
L20	35.94	N10°10'07"W
L21	29.04	N17°33'07"W
L22	65.76	N13°44'34"W

Line Table		
Line #	Length	Bearing
L23	63.50	N16°55'21"W
L24	28.34	N14°28'20"W
L25	31.62	N25°02'55"W
L26	17.22	N17°51'56"W
L27	67.46	N23°27'56"W
L28	66.71	N30°14'50"W
L29	88.55	N31°32'56"W
L30	56.96	N25°31'33"W
L31	48.80	N25°51'18"W
L32	25.31	N42°18'42"W
L33	58.32	N34°40'26"W
L34	63.50	N38°37'29"W
L35	47.12	N43°37'33"W
L36	35.63	N34°28'14"W
L37	57.64	N40°14'23"W
L38	63.32	N47°33'16"W
L39	194.17	N39°00'00"W
L40	89.93	N40°30'37"W
L41	35.31	N21°55'27"W
L42	54.68	N38°44'52"W
L43	82.86	N58°56'06"W
L44	36.79	N54°06'57"W

Line Table		
Line #	Length	Bearing
L45	46.18	N45°30'45"W
L46	51.34	S31°06'11"W
L47	30.07	S25°01'08"W
L48	36.50	S30°51'57"W
L49	84.52	S15°16'43"W
L50	48.15	S21°59'07"W
L51	44.64	S11°42'38"W
L52	54.14	S09°03'40"W
L53	75.52	S00°36'58"W
L54	43.20	S07°08'09"E
L55	108.94	S12°50'52"E
L56	39.16	S20°19'42"E
L57	81.74	S27°56'41"E
L58	49.04	S36°30'06"E
L59	85.31	S42°38'48"E
L60	78.38	S46°33'29"E
L61	41.97	S42°34'53"E
L62	135.49	S57°07'01"E
L63	49.96	S73°20'21"E
L64	57.99	S69°19'24"E
L65	50.47	S57°28'45"E
L66	59.73	S72°42'06"E



LEGEND

- SET #5 REBAR W/ YPC
- *TARNOWSKI LS-27506
- FOUND SECTION CORNER AS NOTED
- FOUND 1/4 CORNER AS NOTED
- FOUND MONUMENT
- BPC LS-5466
- ORDINARY HIGH WATER MARK
- PLAT BOUNDARY
- PROPOSED LOT LINE
- SECTION LINE
- EXISTING EASEMENT
- WETLAND BOUNDARY
- 100-YEAR FLOODPLAIN
- EL. 1637.00' NAVD88

CLIENT:

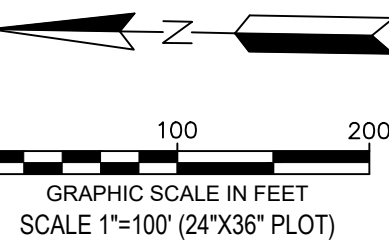
JORDAN SELINGER
2227 4TH ST W
DICKINSON, ND 58601
(701) 290-1146

SURVEYOR:

MICHAEL J. TARNOWSKI, PLS
MOUNTAIN PLAINS, LLC
1300 TACOMA AVE, SUITE A
BISMARCK, ND 58504
(701) 557-3348

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
- FIELD SURVEY COMPLETED 3/16/2022.
- SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
- TOTAL LOTS: 2
- TOTAL PLAT: 17.35 ACRES
- PROPOSED ZONING: LOW DENSITY RESIDENTIAL
- FRONT YARD SETBACK IS 25 FEET SIDE YARD SETBACK IS 5 FEET, AND BACK YARD SETBACK IS 20 FEET.
- 100 YEAR FLOOD PLAN: FEMA ZONE X. DOCUMENT #38089C042E/431E. EFFECTIVE DATE: 11/04/2010
- CONTOUR LINES WERE DERIVED FROM NORTH DAKOTA STATE WATER COMMISSION LIDAR DATA.



HORIZ. DATUM: NAD83
VERT. DATUM: NAVD88
BASIS OF BEARINGS: BEARINGS SHOWN ARE GRID
BEARINGS BASED ON NORTH DAKOTA STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE, NAD83,
INTERNATIONAL FEET



STAFF REPORT

Section 3. Item C.

To: Planning and Zoning Commission

From: City of Dickinson Development Team

Date: July 12, 2023

Re: FLP-005-2023 Heart River Bottoms Minor Plat

APPLICANT

Josh Muehler
Mountain Plains LLC
12478 US-22
Watford City, ND 58854

OWNER

Greg Pruitt
22 Patterson Lake Dr.
Dickinson, ND58601

Public Hearings: Wednesday July 19, 2023
August 1, 2023

Planning and Zoning Commission
City Commission

REQUEST

- A. Request:** The applicant is seeking to plat the property with two separate lots. The proposed subdivision would result in splitting the subject 17.35 acres into a 8.65-acre northern lot (proposed Lot 2) and a 8.70-acre southern lot (proposed Lot 1).
- B. Location/Legal Description/Area:** The subject parcel is bounded by Heart River to the west, south, and east. To the north, runs a proposed private road, Deep Run Drive. The parcel is legally described as A Tract of Land Located in Parcel B of the NE $\frac{1}{4}$ and a Portion of the SE $\frac{1}{4}$ of Section 8, Township 139N, Range 96W, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson's Extra-Territorial Zone.

ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 17.35 ACRES
LOTS PROPOSED	2

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

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** The uses on the parcel will be compatible with the adjacent current zoning designations.
- **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.

According to Section 34.030 of the City's Subdivision of Land chapter, a minor subdivision, platted pursuant to NDCC §40-50.1, shall meet all of the following criteria:

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

The proposed plat does not show convenient access to a public roadway. It appears from the provided plat map that the proposed lots would access Palm Beach Road by way of Deer Run Drive. Deer Run Drive is a private road that was platted as part of the Stable Estates Subdivision. The applicant has not indicated there is a recorded access agreement allowing the two lots in the proposed subdivision access to Palm Beach Road by means of Deer Run Drive.

Neither proposed subdivision lot shall receive a certificate of occupancy until the proposed Deep Run Drive is constructed and provides access to the public road network, connecting with Palm Beach Road.

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 final plat application with the following condition:

- Prior to final plat approval the applicant shall provide legal agreement from the private road property owner in the form of an access agreement.
- Plat review comments by a licensed surveyor in the State of North Dakota, if any are made, are addressed.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-005-2023 Heart River Bottoms Subdivision Minor Plat** subject to the condition listed 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-005-2023 Heart River Bottoms Subdivision Minor Plat** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

ATTACHMENT A –

APPLICATION MATERIALS