



## State 9<sup>th</sup> FLUM Amendment Staff Report

**To:** City of Dickinson Planning & Zoning Commission  
**From:** City of Dickinson Planning Department  
**Date:** January 8, 2024  
**Re:** **FLM-001-2024 State 9<sup>th</sup> Addition FLUM Amendment - Commercial to Residential**

### OWNER/APPLICANT

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

### APPLICANT'S REPRESENTATIVE

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

<b>Public Hearing</b>	January 17, 2024	Planning and Zoning Commission
<b>Public Reading</b>	February 20, 2024	City Commission
<b>Final Consideration</b>	March 5, 2024	City Commission

## EXECUTIVE SUMMARY

### Legal Property Description Based on Current Plat

To consider a zoning map amendment for portions of Lots 4, 5, and 6, Block 1 of State 8<sup>th</sup> Addition Subdivision, as shown in this staff report, from CC to R-3 in Section 5, T139N, R96W, of the 5<sup>th</sup> Principal Median, City of Dickinson, Stark County, North Dakota.

### Request

To amend the Future Land Use Map (FLUM) for Lots 4-8 of the proposed State 9<sup>th</sup> Addition Subdivision, which is a pending re-plat of State 8<sup>th</sup> Addition. The applicant seeks to retain the Commercial FLUM designation along the north of the property whilst amending the south portion to Residential, along 8<sup>th</sup> Street W on the south face of the block.

### Staff Recommendation

Approval.

A companion request to rezone the subject properties from Community Commercial (CC) to High Density Residential (R-3) (REZ -001-2024) is also scheduled for public hearing at this Planning and Zoning Commission meeting. Final approval of REZ-001-2024 is contingent upon final approval of the proposed Future Land Use Map amendment.

A companion request for a preliminary plat of the proposed State 9<sup>th</sup> Addition Subdivision, as previously referenced in this document, is also scheduled for public hearing at this Planning and Zoning Commission meeting.

## LOCATION

The property to be rezoned corresponds to lots of a pending major plat application, PLP-001-2024. If approved, the property being rezoned would be described as Lots 4-8, Block 1, of the proposed State 9<sup>th</sup> Addition Subdivision. The proposed lots to be rezoned total approximately 1.2 acres. This property is located immediately to the north side of 8<sup>th</sup> Street West and adjacent to the Sanford West Dickinson Clinic. It is situated approximately 350 ft west of 23<sup>rd</sup> Ave W and 1,150 ft east of the I-94 West Business Loop.



<b>CURRENT ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>1.2 acres</b>
<b>LOTS PROPOSED</b>	<b>8</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	CC / PUD	Undeveloped commercial / Hospital, medical services
East	CC	Undeveloped commercial
South	R-2	Developed residential neighborhood
West	CC	Medical clinic

**STAFF ANALYSIS**

Staff has determined that the FLUM designations set forth by the Comprehensive Plan for this property in this area are generally positive. Approval of FLM-001-2024 and its companion applications is necessary to achieve residential development along the 8<sup>th</sup> Street W local road.

The adjacent medical offices and hospital contribute to a barrier effect in terms of development. The associated parking lots span considerable land area, which affects the viability of surrounding development. However, this neighborhood provides additional amenities which may eventually overcome this effect. Approving applications such as this, where the solutions are directionally correct in following the Comprehensive Plan’s goals, may increase the likelihood of positive local development. For example, residential, hospitality, and retail development synergize with recreational and social amenities such as West River Community Center and Rocky Butte Park. However, those offers must overcome negative development pressures such as long blocks and nearby land dedicated extensively to unnecessary buffer yards and parking allocation.

Approval of this request would serve to improve the FLUM because it improves the probability for the original intent of the FLUM to be realized.

## **COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

### **Compatibility with Local Uses**

In contrast to the current zoning map, FLUM compatibility can only be understood in a general sense. There are no issues of incompatibility, as the request would not result in any overt or abstract land use conflicts or transportation planning constraints.

Currently, this property is zoned for Community Commercial, which is the most compatible commercial zone for the subject property. However, the FLUM designation is Commercial, permitting all commercial zoning districts, even if GC would be incompatible. An amendment to designate residential zoning for this location on the FLUM would prevent any possibility for comparatively noisome commercial development as no residential zoning district is seen as conflicting with other residential district types. In a sense, a FLUM amendment would decrease the likelihood for large parking lots and outdoor equipment storage while enabling possibilities for the provision of additional housing stock. While CC development at this location would be generally compatible, other commercial districts would not. All residential zoning types, however, fit the character and pattern of the neighborhood at the location.

### **Compliance with the Comprehensive Plan**

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

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

- Impact to the FLUM.
- Consistency with comprehensive plan policies and all other city plans.
- Availability of city infrastructure to serve the property in which the FLUM amendment is requested.
- Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure.
- Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations.

- Extent to which the requested future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development.
- Whether the first two phases of the Capital Improvement Program include programmed improvements in the area where the FLUM amendment is proposed.
- Short-term and long-term fiscal impacts to the City of approving the FLUM amendment.

Staff has reviewed the applicant's responses to Policy 1.3.4, and staff concurs with those responses. Therefore, staff finds the request in compliance with the Comprehensive Plan.

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

**Staff Recommendation:** The City Development Team staff recommends **approval** of this rezone petition.

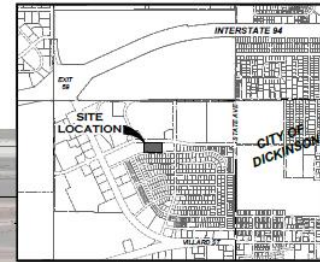
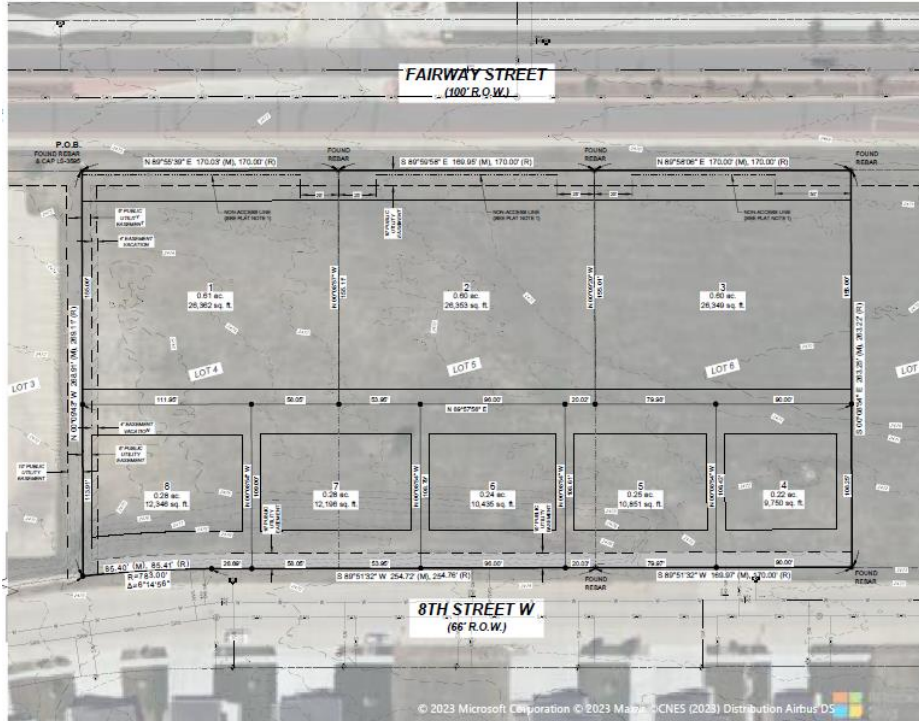


Matthew Galibert, City Planner

**APPENDICES**

**Appendix A - Preliminary Plat (Cropped)**

**STATE 9TH ADDITION**  
BEING THE REPLAT OF LOTS 4, 5, AND 6, BLOCK 1 OF STATE EIGHTH ADDITION  
SECTION 5, T139N, R96W, OF THE 5TH PRINCIPAL MERIDIAN  
CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA



**LEGEND**

---	PROPERTY BOUNDARY
---	PROMISED BLOCK LINES
---	PROMISED LOT LINES
---	EXISTING LOT LINES
---	EXISTING LOT LINES VACATED BY THIS PLAT
●	FOUND MONUMENT
●	SET #1, 18-INCH REBAR & CAP
●	STAMPED HIGH-AND-LOW
---	NON-ACCESS LINE
---	EXISTING EASEMENTS
---	PROMISED PUBLIC UTILITY EASEMENTS
---	PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
---	MAJOR CONTOURS
---	MINOR CONTOURS
---	BUILDING SETBACK LINES

**MINIMUM BUILDING SETBACKS - COMMUNITY COMMERCIAL (CC)**

- FRONT YARD: 5-FEET
- REAR YARD: 10-FEET
- INTERIOR SIDE YARD: 5-FEET

**MINIMUM BUILDING SETBACKS - MULTI-FAMILY RESIDENTIAL (R3)**

- FRONT YARD: 5-FEET
- REAR YARD: 30-FEET
- INTERIOR SIDE YARD: 5-FEET

**Appendix B - Zoning Map**



**Zoning Classification**

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

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-001-2024** as being compliant with the City of Dickinson Comprehensive Plan and also being in the interest of the public health, safety and welfare "*

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

1. \_\_\_\_\_;
2. \_\_\_\_\_.

**\*\*\*Denial\*\*\***

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLM-001-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan and as being contrary to interest of the public health, safety and welfare."*