



State 9th Rezone CC to R-3 staff report

To: City of Dickinson Board of Commissioners
From: City of Dickinson Community Development Services
Date: February 28, 2024
Re: REZ-001-2024 State 9th Addition Rezone CC to R-3

OWNER/APPLICANT

Venture Commercial, LLC
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 701 290 1298

APPLICANT'S REPRESENTATIVE

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Public Hearing	January 17, 2024	Planning and Zoning Commission
Public Reading	January 23, 2024	City Commission
Final Consideration	March 5, 2024	City Commission

EXECUTIVE SUMMARY

Legal Property Description Based on Current Plat

To consider a zoning map amendment for the southern portions of Lots 4, 5, and 6, Block 1 of State 8th Addition Subdivision in Section 5, T139N, R96W, City of Dickinson, Stark County, North Dakota. The rezone will be from Community Commercial (CC) to High Density Residential (R-3).

Request

To rezone Lots 4-8 of the proposed State 9th Addition, which correspond to a pending re-plat of State 8th Addition. The applicant seeks to retain CC zoning classification along the north of the property while rezoning the south portion to R-3, along 8th Street W on the south face of the block.

Staff Recommendation

Approval

A companion request for a Future Land Use Map Amendment for the subject properties from Commercial to Residential (FLM -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 9th Addition Subdivision, as previously referenced in this document, is also scheduled for public hearing at this Planning and Zoning Commission meeting (PLP-001-2024).

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, State 9th Addition. The proposed lots in PLP-001-2024 to be rezoned total approximately 1.2 acres. This property is located on the north side of 8th Street West, and east of Sanford West Dickinson Clinic. It is situated approximately 350 ft west of 23rd Ave W and 1,150 ft east of the I-94 West Business Loop.



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

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	CC	Undeveloped commercial
East	CC	Undeveloped commercial
South	R-2	Developed residential neighborhood
West	CC	Medical clinic

STAFF ANALYSIS

Approval of REZ-001-2024 and the proposed State 9th Addition Subdivision may positively contribute to furthering policies adopted by the Comprehensive Plan. Particularly, the zoning map amendment encourages infill development opportunities, commercial diversification, and improved housing supply.

The lots proposed for rezoning are north of 8th Street W and are zoned Community Commercial. The proposed rezoning, as well as the companion re-plat application, provides an opportunity to infill with residential purposes along 8th Street W by conveying the property such that the CC lots front Fairway Street to the north and the R-3 lots front 8th Street W toward the south.

Approval of this and companion applications may result in 5-10 additional housing units along already-developed infrastructure. This area is served by a minor arterial and a collector street which can each accommodate increase residential and commercial activity along their corridors. Furthermore, the subject property is located near trails and parks, sharing in the human-interest

COMPATIBILITY AND RECOMMENDATIONS

Compatibility with Local Uses

The surrounding properties, generally, are zoned CC and R-2. R-3 development regulations, as established by Table 4-2 in the City of Dickinson municipal code, are compatible at this location. Generally, R-3 development is highly compatible with nearby CC and R-2 zoning and serves as a transition between those two zoning districts. In terms of average daily miles traveled, it is often favorable to zone R-3 within the vicinity of a minor arterial or collector road (it is still generally ok to locate R-3 properties within interior neighborhoods, depending on the context).

City Planning staff has concluded that this rezone and accompanying plat contribute to improving compatibility of the area.¹ According to the dimensions of the associated preliminary plat, only single-family detached and duplexes would be permitted following approval of this petition.²

Compliance with Zoning and Subdivision Regulations

If all companion applications are approved, rezoning Lots 4-8, Block 1, State 9th Addition as exhibited by PLP/FLP-001-2024 will result in compliance with local regulations and vision statements of 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.

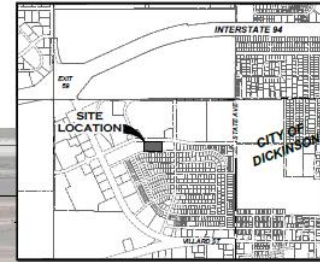
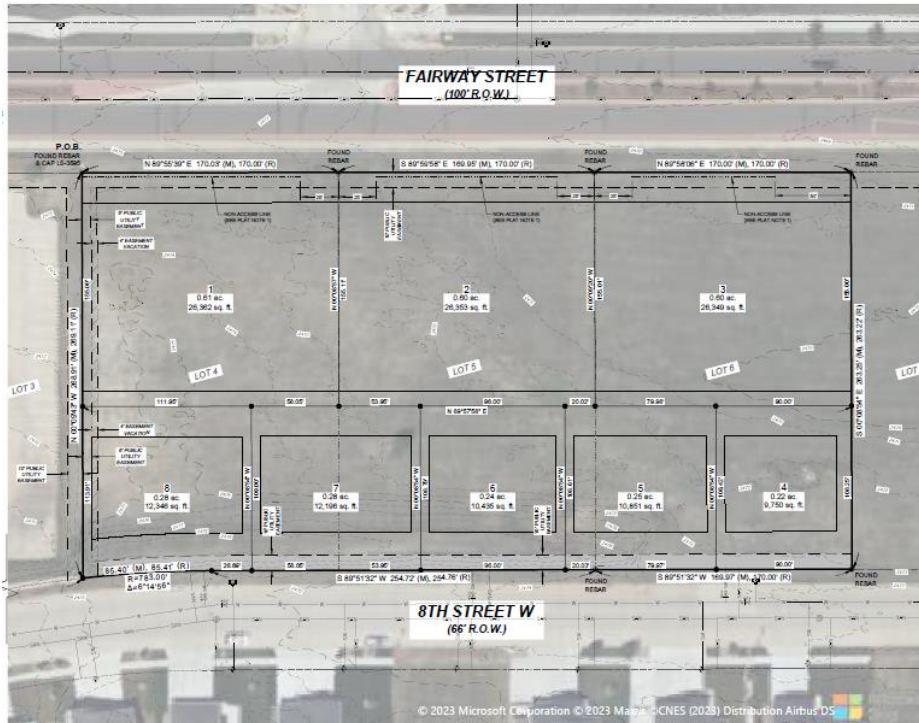
¹ Future compatibility also depends on the nature of site plans and development, even when best-case scenario zoning and platting are adopted.

² All residential structures listed by Chapter 39 would be compatible - including apartments. The limiting factor in this case is the dimension of the lots, rather than the character of the surrounding development.

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
- PROPOSED BLOCK LINES
- PROPOSED LOT LINES
- EXISTING LOT LINES
- EXISTING LOT LINES VACATED BY THIS PLAT
- FOUND MONUMENT
- SET #5, 18-INCH REBAR & CAP STAMPED HIGHLANDS LOG&P
- NON-ACCESS LINE
- EXISTING EASEMENTS
- PROPOSED PUBLIC UTILITY EASEMENTS
- PUBLIC UTILITY EASEMENT VACATED BY THIS PLAT
- MAJOR CONTOURS
- MINOR CONTOURS
- BUILDING SETBACK LINES

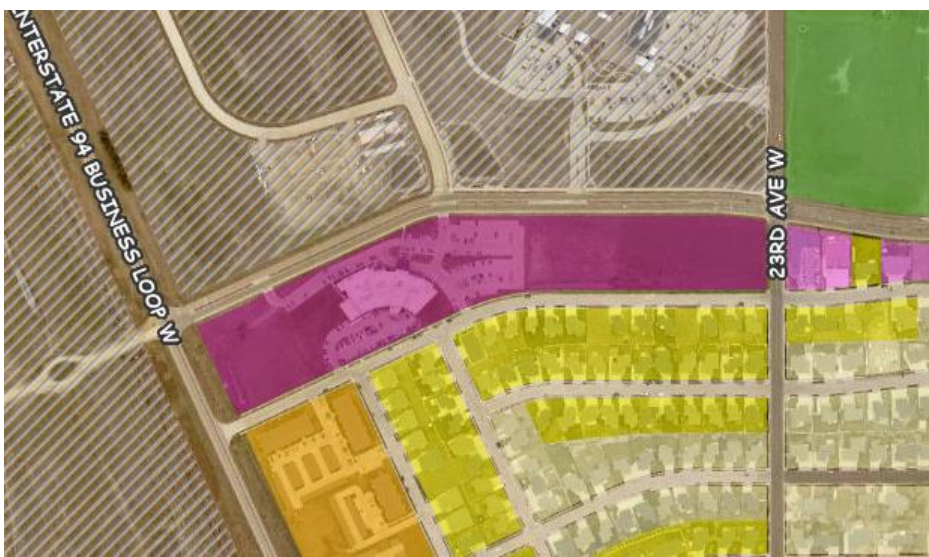
MINIMUM BUILDING SETBACKS - COMMUNITY COMMERCIAL (CC)

- 1. FRONT YARD: 10-FEET
- 2. REAR YARD: 10-FEET
- 3. INTERIOR SIDE YARD: 6-FEET

MINIMUM BUILDING SETBACKS - MULTI-FAMILY RESIDENTIAL (R3)

- 1. FRONT YARD: 10-FEET
- 2. REAR YARD: 10-FEET
- 3. INTERIOR SIDE YARD: 6-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 **REZ-001-2024** 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-001-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan, as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*