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TO: Planning and City Commissions
FROM: Walter J. Hadley Planning Director
DATE: September 8, 2020

PROJECT: **Future Land use Amendment** from Industrial to Residential for all of Block 1, of the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼, of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.
Zone Change Request from Industrial to Rural Residential for all of Block 1, of the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼, of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.
Preliminary Final Plat for the proposed North Energy Center Residential Subdivision located in the E ½, E ½, SW ¼, of Section 16, Township 140 North, Range 96 West, Stark County North Dakota.

OWNER/Applicant:
KLJ/Applicant
Dickinson Energy Park, LLC/owner
555 HWY 1804 NE
Bismarck, ND 58503-6228

PUBLIC HEARING: September 16, 2020 Planning and Zoning Commission
Final Approval: October 20, 2020 City Commission

PROJECT SUMMARY

The developer, wants to propose an adjusted Flume designation for a portion of the existing homesite and proposed other two lots to residential (19.74 acres) while leaving the area to the north 20 acres in an Industrial designation.

The property is 39.74 acres in size and will allow the current owner to sell the existing homesite and create a few other rural homesites while keeping the northern portion of the property in the industrial zoning classification. The applicant owns the property to the north and east and should provide a buffer easement of 50' of non-industrial use, to provide a buffer to the proposed and existing residential uses.

The owner proposed the current designation changes to industrial back in 2013 but the Comprehensive plan has not predicted today's demand for industrial property in the north county area. Staff will need to relook and once again ask for funding for a restudy for our Future Land Use Map designations throughout the city/etz to update with our current needs and demands.

City staff is recommending approval of the Flume/Zone Change/and Preliminary/Final Plat for Dickinson Energy Center Residential Subdivision as presented except staff feels strongly that the applicant address the following items brought up by agency review of this proposal:

1. Weeds be sprayed and removed from all the property within this proposal and any land owned by the owner adjacent to the site per the Stark County Weed Department.
2. A 50' buffer/setback be established on the west side of Lot 1 & 2 Block 1, and the north side of Lot 2 & 3 Block 1, between the existing industrial designated lots and the proposed residential lots. These conditions would be added to the Final Plat motion only.

Staff supports the applicants Flume and Zone change requests as presented with adherence to the proposed conditions of approval will be a great addition to the ETZ.

ANALYSIS/FINDINGS

The previously approved land use changes have not developed in the last 7 years and it appears our philosophy is to encourage most of the industrial and commercial development closer to or within the city of Dickinson at this time.

Request - The request is for a Future Land Use Amendment to Residential, a zone change to RR, and a preliminary/final plat, all three of these requests are separate applications that will need individual motions for each from the Planning Commission as a formal recommendation to the City Commission for final action.

Location - The subject property is generally located north of 33rd Street SW (truck route), to the North portion of the City of Dickinson ETZ.

Recommendation - Staff recommends approval of the Flume Amendment, Zone Change, and Preliminary/Final Plat as submitted subject to the recommended conditions.

Project Description -The current Flume designation is Industrial and the proposed single-family development wouldn't be an allowable use.

Existing surrounding uses include Residential to the west, Agricultural to the south, and Industrial to the east.

Compliance with Zoning and Subdivision Regulations - The property is proposed to be zoned RR, and is Industrial currently. In addition to all applicable regulations in the City's Municipal Code, development shall be in substantial conformance to the conditions approved for the final plat prior to any building permits/certificates of occupancy being issued for any of the 4 proposed lots. A Multi-Party Construction and Funding Agreement and a Development Agreement shall be required prior to the application being placed on City Commission agenda for final approval.

Compliance with Dickinson Comprehensive Plan - The property is designated as Industrial as changed by the owner in 2013 on the Future Land Use Map of the City of Dickinson Comprehensive Plan . It appears that changing it back would seem to better fit the future land use trends In that portion of the ETZ. Further study is desired by staff for our entire Future Land Use Designations in the near future.

Access/Internal EMS Circulation -The proposed ingress/egress for the residential properties seems adequate and is approved by Stark County. The access for the Industrial Block 2 will be cleaned up and provided from the east industrial properties owned by the applicant.

Utilities-The site is currently served by existing utilities and no changes are planned at this time.

Storm Water -The applicant shall not be required to provide a stormwater plan at this time, but will be required to incorporate it into the overall plan as development occurs onsite and designs approved as part of the final plat/development process.

Parks – The developer will not need to pay park fees.

Development Agreement (DA) or Multi-Party Construction and Funding Agreement (MPA) – N/A at this time.

All contacted agencies involved in this development did not have any comments to address immediately except the Stark County Weed Board will require the entire area to be sprayed for weeds as they are present on the site and adjoining properties owned by the applicant.

Recommended Preliminary Plat Conditions:

1. The applicant shall provide current proposed HOA documents that address what they are responsible for and who will construct the proposed private drive and the easement road to the industrial property in Block 2.
2. The applicant shall provide a mailbox cluster site approved by the post office for the proposed development.
3. The applicant shall submit the final plat to the county recorder for their review and concurrence prior to the city commission review.
4. The applicant shall provide temporary 911 addresses for each site that is being constructed prior to all of the public infrastructure being completed for the development.
5. Applicant shall obtain an approach permit from Stark County for the proposed private drive.
6. The applicant shall require a minimum of a 50' wide buffer (easement/deed restriction) on the east and north property lines of all residential lots so when the industrial properties develop it will mitigate impact on residential properties.

PUBLIC INPUT

As of the date of this report, City staff has not received any public comment on this request.

STAFF RECOMMENDATIONS

Staff Recommends approval of the Future Land Use Change from Industrial to Residential for the proposed development.

Staff Recommends approval of the proposed Zone Change from Industrial to Rural Residential Single for Block 1 of the proposed development.

Staff recommends approval of the Dickinson Energy Park Residential Subdivision Preliminary/Final Plat request. Staff also is recommending that items 1 through 6 above be conditioned in the proposed Plat only.

Attachments:

- Attachment "A" Application Materials

MOTIONS:

Motion #1

Future Land Use Amendment Request

I move the City of Dickinson Planning and Zoning Commission recommend **Approval** of the proposed Future Land Use Amendment from Industrial to Residential, as depicted in Attachment A, 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 the Future Land Use Amendment application: Industrial to Residential as depicted in Attachment A, as **NOT** meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

Motion #2

Rezone application from Industrial to Rural Residential

I move the City of Dickinson Planning and Zoning Commission recommend **Approval** of the Rezoning application: For all of Block 1, Proposed North Energy Park Residential Subdivision, E ½ E ½ SW ¼ of Section 16, Township 140 North, Range 96 West, Stark County North Dakota as depicted in Attachment A, 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 the Rezoning application: Block 1, Proposed North Energy Park Residential Subdivision as depicted in Attachment A, as **NOT** meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

Final Plat-North Energy Park Residential Subdivision
*****Approval with Conditions *****

Motion #3

I move the City of Dickinson Planning and Zoning Commission recommend **Approval** of the Preliminary/Final Plat for North Energy Park Residential Subdivision, as depicted in Attachment A, **with conditions**, 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 the Preliminary/Final Plat for the North Energy Park Residential Subdivision as depicted in Attachment A, as NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

ATTACHMENT A