



Joliffe Future Land Use Map Amendment Staff Report

To: City of Dickinson Planning and Zoning Commission
 From: City of Dickinson Community Development
 Date: May 7, 2025
 Re: FLM-001-2025 Future Land Use Map Amendment

APPLICANT

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APPLICANT'S REPRESENTATIVE

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Public Hearing	May 14, 2025	Planning and Zoning Commission
Public Hearing	May 20, 2025	City Commission
Final Consideration	June 3, 2025	City Commission

To consider a Future Land Use Map amendment for a 26.467-acre property located in the E½ of Section 9, Township 140 North, Range 96W located within the City of Dickinson's Extra Territorial Zone (ETZ). The subject property is legally described as Blocks 1 & 2, and Lots 1 through 4, Blocks 3 & 4 of the Greenvale 3rd Addition Subdivision. The applicant seeks to rezone the subject lots from Rural Residential (RR) to Agricultural (AG).

The applicant seeks to change the Future Land Use Map designation of the subject lots from RESIDENTIAL to AGRICULTURE.

Staff Recommendation: Denial

A companion zoning map amendment request is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (REZ-003-2025).

A companion preliminary major plat is also scheduled for public hearing at the May 14, 2025 Planning and Zoning Commission meeting (PLP-002-2025).

LOCATION

The property is located within the E1/2 of Section 9, Township 140 North, Range 96 West, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson's Extra-territorial Zone.

CURRENT ZONING	RURAL RESIDENTIAL
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 26.476 acres
LOTS PROPOSED	4

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	AG; RR	Undeveloped; Single-Family Residential
East	RR	Single-Family Residential
South	LI	Industrial Uses
West	AG	Undeveloped

STAFF ANALYSIS

BACKGROUND

When the FLUM was adopted in March 2013 as part of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the subject property, along with adjacent properties to the north, east and west, were designation as RESIDENTIAL. According to Chapter 4 Land Use of the Comprehensive Plan, the FLUM designations were determined as follows:

- City planner input on general mapping strategies as well as the location of specific FLUM designations;
- Public comment received on specific FLUM designations;
- Existing land use pattern;
- Development trends;
- Land use compatibility; and
- Preferred future development of existing properties.

These factors are listed on page 110 of Chapter 4 Land Use of the Comprehensive Plan.

CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS

Consistency with 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 finds the following:

- Approval of the proposed amendment would impact the FLUM by creating an area that is not consistent with the adjacent FLUM designations. It would essentially create an island of AGRICULTURE designation permitting uses incompatible with residential uses in an area currently developed residentially;
- As the adjacent properties to the north, east and west are designated on the FLUM as RESIDENTIAL, and as the adjacent properties to the south are designated as INDUSTRIAL, the requested future land use designation is not compatible in relationship to abutting or adjacent future land use designation.

Compatibility with Local Uses

The applicant has indicated they are intending to construct a primary residence on one of the lots, and use the remaining land as a hobby farm or pasture land. The site is currently zoned RR. According to Table 62-162-2: Permitted Uses by Zoning Districts in the Municipal Code,

Horticulture and Crop Production are permitted uses in RR-zoned districts, and Type 1 Animal Production, which involves small-scale livestock raising, is permitted through obtaining a Special Use Permit. However, if the FLUM is approved, and a proposed rezoning from Rural Residential to Agricultural would permit Type I Animal Production immediately adjacent to an established residential subdivision. Type I Animal Production is defined in Section 62-129 of the Zoning Ordinance as follows:

- *Type I animal production.* The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Type I Animal Production shall also include confined feeding and holding facilities consisting of no more than 20 feeder or fat cattle; no more than 20 beef cows; no more than 20 dairy cattle; no more than 50 swine, llamas, and ostriches or similar large birds; no more than 200 sheep; no more than 300 turkeys; and/or no more than 1,000 chickens, ducks, or geese. Typical uses include grazing, ranching, dairy farming, and poultry farming.

The following uses, which could be considered as incompatible with an established residential subdivision; are permitted in AG zoning:

- Kennels;
- Restaurants (generally); and
- Stables.

According to Table 62-162-2. Permitted Uses by Zoning Districts of the Zoning Ordinance, the following uses that may be considered as incompatible with an established residential subdivision could be allowed as special uses in AG zoning:

- Type II and Type III animal production;
- Livestock sales;
- Retirement residential;
- General offices;
- Campgrounds;
- Indoor and outdoor commercial recreation;
- Convenience storage;
- Surplus sales;
- Trade services;
- Veterinary services;
- Resource extraction;
- Petroleum storage and sales;
- Stockyards;

- Toxic gaseous storage;
- Landfill; and
- Motorized sports.

STAFF RECOMMENDATIONS

Public Input: Staff has not received any public input as of the date of this report.

Staff Recommendation: City of Dickinson Community Development Staff recommends **denial** of FLM-001-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-001-2025: The Jolliffe Future Land Use Map Amendment** 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 **FLM-001-2025: The Jolliffe Future Land Use Map Amendment** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*