



STAFF REPORT

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

OWNER	APPLICANT
Pinecrest 40 LLC	Christianson Companies
4265 45 th Street S, Suite 200	4609 33 rd Avenue S Suite 400
Fargo, North Dakota, 58104	Fargo, North Dakota, 58104

Public Hearings:	July 19, 2023	Planning and Zoning Commission
	August 9, 2023	City Commission

REQUEST

A. Request: To consider a Zoning Map Amendment from AG to R-3 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 has 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 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 because the minimum lot size in the R-3 zoning district 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 these stated minimum lot size requirements.

The applicant is requesting approval of this application in order 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