



# SAX SECOND SUBDIVISION STAFF REPORT

To: City of Dickinson Planning and Zoning Commissioners  
 From: City of Dickinson Community Development Services  
 Date: November 5, 2025  
 Re: FLP-013-2025 Sax Second Subdivision

**APPLICANT**

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 ELGI, LLC – Sax Motor Co  
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**APPLICANT’S REPRESENTATIVE**

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<b>Public Hearing</b>	November 12, 2025	Planning and Zoning Commission
<b>Final Consideration</b>	December 2, 2025	City Commission

The applicants are requesting the approval of a final minor subdivision plat for the Sax Second Subdivision. The proposed plat is a replat of Lot 1 of Block 1 of the Sax First Subdivision, and Lots 1-5 of Block 2 of the Diamond Acres Subdivision, located in the NW1/4 of Section 34, Township 140 North, Range 96 West, within the City of Dickinson. The purpose of this replat is to allow for the applicant to combine the lots with the property to the north in order to expand the existing Auto Sales use.

Staff recommendation: Staff recommends **approval** of this final minor subdivision subject to the conditions listed at the end of the staff report.

The companion Sax Motors rezoning request is also scheduled for public hearing at the November 12, 2025 Planning and Zoning Commission meeting (REZ-010-2025).

**LOCATION**

The property is generally located at 52 21<sup>st</sup> Street East, and it is legally described as Lot 1, Block 1, Sax First Subdivision, and Lots 1-5, Block 2, Diamond Acres Subdivision, located in the NW1/4 of Section 34, Township 140 North, Range 96 West, of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>GC &amp; R-3</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>COMMERCIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 10.37 acres</b>
<b>LOTS PROPOSED</b>	<b>1</b>

<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	GC	Commercial
East	R-3	Undeveloped
South	R-2; R-3	Undeveloped
West	P	North Dakota Department of Transportation facility

**CONSISTENCY, COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

**Consistency with the Comprehensive Plan**

According to the City’s Comprehensive Plan Future Land Use Map (FLUM), the subject property is currently designated COMMERCIAL. In the proposed FLUM from the Direction 2050 Comprehensive Plan updates, the property is designated HIGH DENSITY RESIDENTIAL. The current COMMERCIAL designation allows for the General Commercial (GC) zoning district, but the proposed HIGH DENSITY RESIDENTIAL designation would not.

**Compatibility & Compliance with The Zoning Ordinance**

A minor subdivision plat is defined in Section 52-1 of the City Subdivision chapter as follows:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;

- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, State or federally adopted law, ordinance, regulation, plan or policy; and
- Consists of four lots or less.

The proposed Sax Second Subdivision meets the definition of a minor subdivision plat.

Section 62-160: Applicability of districts, states that *"A base district designation shall apply to each lot or site within the City and its planning jurisdiction. A site must be in one base district."* The north lot is currently located in the General Commercial (GC) zoning district, whereas the southern five (5) lots are located in the High Density Residential (R-3) zoning district. In order to be platted into one lot, all lots involved must be located within the same zoning district.

According to Table 62-162-3a Summary of Site Development Regulations, as found in Chapter 62-Zoning, the minimal lot area for the GC zoning district is 12,000 square feet. The proposed 10.37-acre one-lot subdivision exceeds the minimum GC lot area requirement.

According to Section 62-162 of the Municipal Code, the purpose of GC zoning is that *"this district accommodates a variety of commercial uses, some of which have significant traffic or visual effects. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts."* The south five lots the applicant is looking to purchase are not located on a major arterial street and are near additional R-3 lots. Additionally, the property shares the 2<sup>nd</sup> Avenue West right-of-way, which is intended to be residential in nature and may result in screening and traffic difficulties. This conflicts with the stated purpose of General Commercial.

The proposed minor subdivision combines Lots 1-5 with the property to the north and extends the existing Auto Sales use. However, if the property is split or sold off in the future, uses that are incompatible with the residential lots to the east may be introduced. Alternatively, Community Development staff requests the Community Commercial (CC) zoning district to be utilized, to limit the variety of potential incompatible uses that may be introduced in the future.

## **PUBLIC INPUT AND STAFF RECOMMENDATION**

**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 **approval** of FLP-013-2025 with the following conditions:

- **Approval of FLP-013-2025 is contingent on the approval of REZ-010-2025;**
- **A note shall be included on the plat that the property shall not be eligible for an administrative lot modification; and**
- **The current property owner shall not utilize 20<sup>th</sup> Street West or the platted 1<sup>st</sup> Avenue West for additional access points to the property.**

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-013-2025: The Sax Second Subdivision**, subject to the conditions listed in the staff recommendation above, as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as 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 **FLP-013-2025: The Sax Second Subdivision** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*