



Southfork Acres 2nd Subdivision Major Plat staff report

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Community Development Services
Date: March 5, 2024
Re: **PLP-003-2024 Southfork Acres 2nd Subdivision Preliminary Plat**

APPLICANT’S REPRESENTATIVE

Andrew Schrank, PE
 Highlands Engineering
 319 24th Street East
 Dickinson, ND, 58601
 schrank@highlandseng.com
 701 483 2444

OWNER/APPLICANT

Carl Kirschenheiter

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|----------------------------|----------------|--------------------------------|
| Public Hearing | March 13, 2024 | Planning and Zoning Commission |
| Public Reading | April 10, 2024 | Planning and Zoning Commission |
| Final Consideration | April 16, 2024 | City Commission |

The request from the applicant is to consider a Preliminary Plat being a re-plat of Lot 1A Block 2 of Southfork Acres Subdivision, a parcel of land located in the SE ¼ of section 16, Township 139 north, Range 96W, of the 5th principal meridian. The subject property is located in the City of Dickinson’s Extra Territorial Zone ,and it is located just outside of Urban Service Area according tot the map in Chapter 6 Infrastructure of the City of Dickinson Comprehensive Plan. Said property contains +/- 51.11 acres.

The preliminary subdivision plat proposes to re-plat Lot 1B of the Southfork Acres Subdivision and to create nine Agriculture (AG) zoned lots ranging in area from 5.02 acres to 7.50 acres. Additionally, the applicant seeks to establish multiple easements to allow for the propagation of utilities, water services, and access with a north-south orientation.

Per Chapter 34 Subdivision of Land of the City of Dickinson Municipal Code, as the proposed plat requires the dedication of public rights-of-way; and as the proposed plat consists of more than four lots, the proposed plat is subject to the major subdivision process.

Public Comments: As of the time of this report, staff has not received any comments from the public.

Community Development Services staff recommends approval of PLP-003-2024.

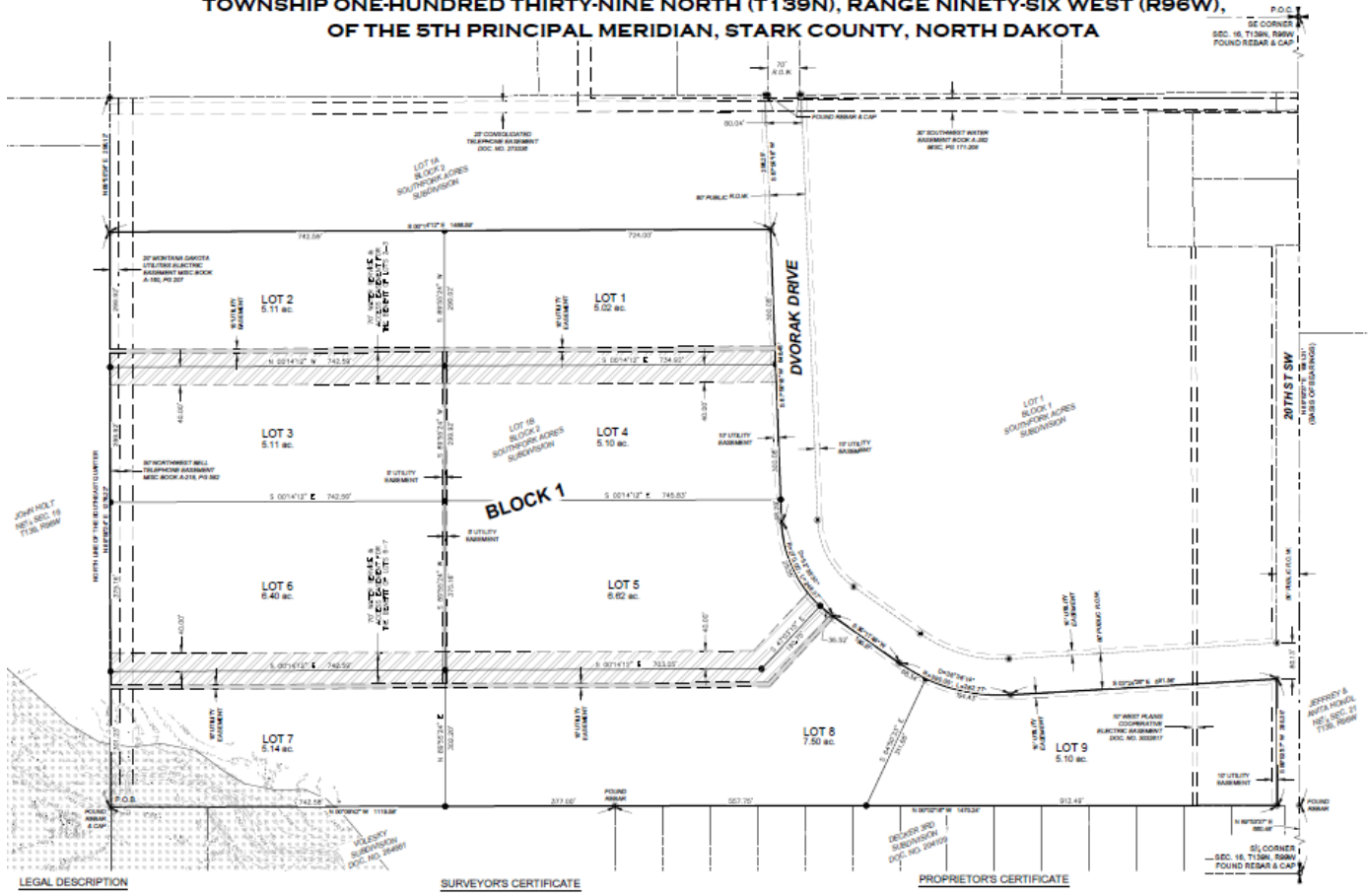
LOCATION

The property is generally located south of City of Dickinson incorporate limits, approximately 350ft west of Highway 22.



SOUTHFORK ACRES 2ND SUBDIVISION

LOT 1B, BLOCK 2, SOUTHFORK ACRES SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER (SE¹/₄) SECTION SIXTEEN (16), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-SIX WEST (R96W), OF THE 5TH PRINCIPAL MERIDIAN, STARK COUNTY, NORTH DAKOTA



LEGAL DESCRIPTION

SURVEYOR'S CERTIFICATE

PROPRIETOR'S CERTIFICATE

SE¹/₄ CORNER
 SEC. 16, T139N, R96W
 FOUND REBAR & CAP

SW CORNER
 SEC. 16, T139N, R96W
 FOUND REBAR & CAP

SE¹/₄ CORNER
 SEC. 16, T139N, R96W
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|--|--------------------------|
| CURRENT ZONING | Agricultural (AG) |
| FUTURE LAND USE MAP DESIGNATION | RESIDENTIAL |
| GROSS SITE ACREAGE | 51.11 acres |
| LOTS PROPOSED | Nine |

| NEARBY ZONING & LAND USE | | |
|-------------------------------------|---------------|---|
| Direction | Zoning | Land Use |
| North | R-2, GC | Undeveloped residential. Two general commercial |
| East | AG | Undeveloped |
| South | AG | Single-family residential structure |
| West | R-1 | Single-family residential, floodplain Undevelopable portions. |

Analysis: City engineering staff reviewed the plat and has no comments. Planning staff reviewed the plat and expressed concerns to the applicant’s representative regarding the size of the intended lots. Each lot would accommodate one single-family detached house and therefore the average acreage per residence would exceed 5 acres. Staff recommended rezoning the property to residential, which would reconcile with the City of Dickinson’s Comprehensive Plan’s Future Land Use Map. Staff also communicated to the applicant that approval of this plat may generate a pseudo-permission structure to preclude future east-west right-of-way opportunities. This may lead to dysgenic development patterns effects such as limiting opportunities for residential infill development, efficient expansion of roadways, and efficient provision of utilities services. Furthermore, approving agricultural-sized lots for residential purposes, as a general trend, may increase the travel time per automobile trip. Staff suggested coordinating with the applicant to adopt a ghost plat (sometimes referred to as a shadow plat) which may enable future subdivision to be requested, should the City of Dickinson expand into the proposed subdivision. Though it was initially the applicant’s suggestion in order to solicit staff support of the overall concept, they retracted their stated interest and seek to approve this major plat as exhibited in the attachments.

Compliance with Zoning and Subdivision Regulations:

Approval of this plat would result in legal conformity with both Chapter 34 Subdivision and Chapter 39 Zoning.

It appears that surrounding properties had been master planned circa 1985 with the intention of providing future roadways pursuant to the purpose statements of the Ch.34 Subdivision of the municipal code:

Consistency with the Comprehensive Plan

While the Comprehensive Plan does not explicitly prohibit the platting of an agricultural-zoned subdivision in the RESIDENTIAL Future Land Use Map (FLUM) designation, the proposed plat runs against the intent of the RESIDENTIAL FLUM designation as described in Policy 1.1.2 of the Comprehensive Plan Land Use chapter:

Policy 1.1.2. – Residential: The residential designation is intended for a wide variety of residential uses at varying densities. Recreational and compatible civic uses are allowable. Limited commercial and office uses may be allowed at neighborhood center locations.

This as an issue, along with the platting of large lot subdivisions in the ETZ, which should be addressed in the upcoming Comprehensive Plan update.

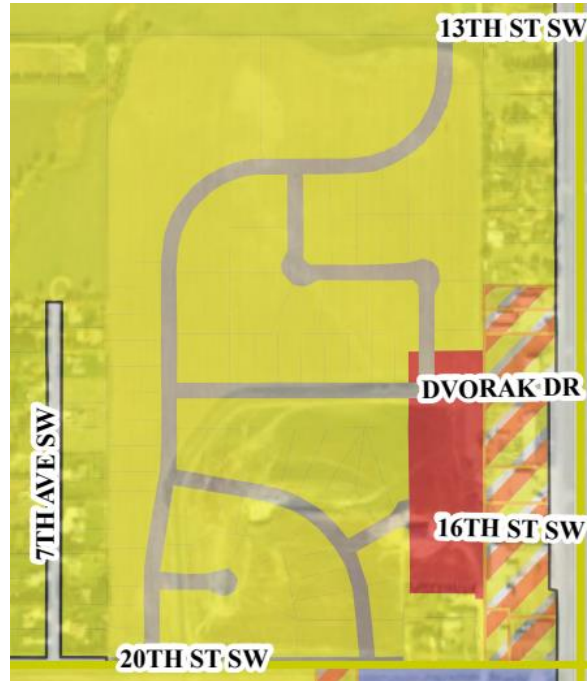
Public Input: As of the date of this report, City staff has not received any public comments.

APPENDICES

Appendix A – Future Land Use Map

Future Land Use

- Public/Civic
- Residential
- West Dickinson Residential
- Commercial
- Industrial
- West Dickinson Industrial
- Mixed Use
- Interchange
- Parks/Recreation
- Agricultural
- ROW



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 **PLP-003-2024 Dickinson South Cemetery Second Subdivision** 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 **PLP-003-2024 Dickinson South Cemetery Second Subdivision** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*