



DAWSON MOORE FUTURE LAND USE MAP AMENDMENT STAFF REPORT

To: City of Dickinson Planning and Zoning Commission
From: City of Dickinson Community Development Services
Date: May 8, 2024
Re: FLM-003-2024 Future Land Use Map Amendment

OWNER/APPLICANT

Dawson Moore
3983 Villard Street E
Dickinson, ND, 58601
Mooredawson040@gmail.com
701-690-3727

APPLICANT'S REPRESENTATIVE

Andrew Schrank
Highlands Engineering
319 24th Street East
Schrank@highlandseng.com
701 483 2444

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| Public Hearing | May 8, 2024 | Planning and Zoning Commission |
| Public Hearing | May 21, 2024 | City Commission |
| Final Consideration | June 4, 2024 | City Commission |

To consider a future land use map (FLUM) amendment for an un-platted 2.11-acre property located in the southwest quarter (SW1/4) of Section 6, Township 139 North, Range 95W located within the City of Dickinson's ETZ. The subject property is generally located 220 feet north of Villard Street East and 1100 feet east of 35th Avenue East. The applicant seeks to plat approximately 2 acres to build a single-family residence. City of Dickinson water infrastructure exists at the intersection of Energy Drive and Villard Street East which is approximately 1100 feet west of the proposed single-family residence. City of Dickinson sanitary sewer infrastructure exists west of the intersection of Energy Drive and Villard Street East approximately 2150 feet or approximately 3250 feet west of the proposed single-family residence.

Staff Recommendation: Denial

A companion zoning map amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (REZ-004-2024).

A companion preliminary/final subdivision request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLP 010-2024).

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| CURRENT ZONING | AG |
| FUTURE LAND USE MAP DESIGNATION | INDUSTRIAL |
| GROSS SITE ACREAGE | +/- 2.11 acres |
| LOTS PROPOSED | One |

| NEARBY ZONING & LAND USE | | |
|-------------------------------------|---------------|-----------------|
| Direction | Zoning | Land Use |
| North | AG | Undeveloped |
| East | AG | Undeveloped |
| South | AG | Undeveloped |
| West | AG | Undeveloped |

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, south, east and west, were designation as Industrial. 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.

Although the current AG zoning of the subject lot is not consistent with the current Industrial FLUM designation, Chapter 4-Land Use of the Comprehensive Plan states that in all cases properties with existing uses that are not consistent with the FLUM would retain the legal right to develop the property in compliance with the existing zoning district designation. Page 110 of Chapter 4 Land Use of the Comprehensive Plan addresses inconsistencies between FLUM designations and existing zoning district designations.

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 a residential island in an area that is intended for development that is incompatible with residential uses;

- As the adjacent properties to the north, south, east and west are designated on the FLUM 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

A lumberyard operation is located immediately to the southwest of the subject property. A lumberyard operation is considered a construction sales and services use. Section 39.03.00

Commercial Use Types of the City's Zoning Ordinance describes construction sales and services uses as follows:

"Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales."

As the lumberyard is located on a property zoned AG the operation is considered as a legal non-conforming use as construction sales and uses are only allowed in the Community Commercial, General Commercial, Limited Commercial and General Commercial zoning districts (Article 39.04 of the City Zoning Ordinance).

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

Staff Recommendation: Based upon the findings listed above the City Community Development Team staff recommends **denial** of FLM-003-2024.

MOTIONS:

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLM-003-2024** as NOT being compliant with the City of Dickinson Comprehensive Plan and as being contrary to interest of the public health, safety and welfare."*

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-003-2024** as being compliant with the City of Dickinson Comprehensive Plan 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. _____.