



# MOORE ZONING MAP AMENDMENT REQUEST

To: City of Dickinson Board of Commissioners  
 From: City of Dickinson Community Development Services  
 Date: May 1, 2024  
 Re: REZ-004-2024 Zoning Map Amendment

**APPLICANT**

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

**APPLICANT'S REPRESENTATIVE**

Andrew Schrank  
 Highlands Engineering  
 319 24<sup>th</sup> Street East  
 Dickinson ND 58601  
 Schrank@highlandseng.com  
 701 483 2444

<b>Public Hearing</b>	May 8, 2024	Planning and Zoning Commission
<b>Public Hearing</b>	May 21, 2024	City Commission
<b>Final Consideration</b>	June 4, 2024	City Commission

To consider a zoning map amendment for an un-platted 2.11-acre property located in the southwest quarter (SW1/4) of Section 6, Township 139 North, Range 96W 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 35<sup>th</sup> Avenue East. The applicant seeks to plat approximately 2.11 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 Future Land Use Map (FLUM) amendment request is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (FLUM-003-2024).

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).

Staff recommendation: Denial

<b>CURRENT ZONING</b>	<b>AG</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>INDUSTRIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 2.11</b>
<b>LOTS PROPOSED</b>	<b>One</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG	Undeveloped
East	AG;	Undeveloped
South	AG	Undeveloped
West	AG	Undeveloped

**CONSISTENCY, COMPATIBILITY, AND RECOMMENDATIONS**

**Consistency with The Comprehensive Plan**

The subject property, adjacent properties and properties in the immediate vicinity are designated on the Future Land Use Map (FLUM) of the City’s Comprehensive Plan as INDUSTRIAL. According to Table 4-21 referenced in Policy 1.3.2 of Chapter 4-Land Use of the Comprehensive Plan, the RR zoning district is not deemed to be consistent with the INDUSTRIAL FLUM 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 a construction sale/service use is only allowed in the Community Commercial, General Commercial, Limited Industrial and General Industrial zoning districts (Article 39.04 of the City Zoning Ordinance).

Within one-half mile to the east of the subject property are two AG-zoned properties developed with single-family residential structures. As each of these properties is approximately two acres in area, neither one complies with the minimum lot size for AG zoning. The existence of these two properties does not establish an emerging residential development pattern along this portion of Villard Street East.

**Staff Recommendation:** The City Community Development Team staff recommends denial of REZ-004-2024.

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

**MOTIONS:**

**\*\*\*Denial\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend denial of **REZ-004-2024** as NOT being consistent with the City of Dickinson Comprehensive Plan and as NOT being compliant with the City of Dickinson Zoning Ordinance and also being contrary to 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. \_\_\_\_\_.

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

*"I move the Dickinson Planning and Zoning Commission recommend approval of **REZ-004-2024** as T being consistent with the City of Dickinson Comprehensive Plan and as being compliant with the City of Dickinson Zoning Ordinance and as being in the interest of the public health, safety and welfare."*