



MOORE 1ST SUBDIVISION PLAT STAFF REPORT

To: City of Dickinson Planning & Zoning Commission
From: City of Dickinson Planning Department
Date: May 8, 2024
Re: **FLP-010-2024 Moore 1st Subdivision Minor Plat**

APPLICANT

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

APPLICANT’S REPRESENTATIVE

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

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

EXECUTIVE SUMMARY

Request

The applicant is requesting a preliminary final plat for the Moore 1st Subdivision Minor Plat 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 35th Avenue East.

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

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

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

Background

The applicant wishes to purchase the property and to build a single-family residence. The property is located in the City's Extra Territorial Zone. The property is located outside of the City's Urban Service Area as depicted in Chapter 6-Infrastructure of the City's Comprehensive Plan.

Access to Villard Street East would be achieved through an access easement.

Potable water would be provided either by a potable well or by connection with the Southwest Water Authority.

Staff notes that City of Dickinson water infrastructure exists at the intersection of Energy Drive and Villard Street East 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.

Compliance with Zoning and Subdivision Regulations: In Section 34.030 of the Subdivision of Land chapter of the City's Municipal Code, a minor subdivision plat is defined as follows:

A subdivision, platted pursuant to NDCC §40-50.1, that meets all of the following criteria:

- a. Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;*
- b. 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;*
- c. Does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.*
- d. Consists of four lots or less.*

Analysis

The applicant wishes to develop a residential lot in a portion of the City's ETZ that is designated on the Comprehensive Plan's Future Land Use Map (FLUM) as INDUSTRIAL. To gain approval for the proposed minor subdivision plat the applicant is requesting a FLUM amendment to RESIDENTIAL and a zoning map amendment to Rural Residential. Community Development staff does not support either the FLUM amendment or the zoning map amendment for the following reasons:

- It would create an area not consistent with the adjacent FLUM INDUSTRIAL designation;
- The property is immediately adjacent to a lumberyard. In Articles 39.02 and 39.04 of the City's zoning ordinance, a lumberyard, which is considered as a construction sale/service, is listed as a commercial use allowed only in commercial and industrial zoning districts; and
- It creates a residential island in an area without an emerging residential development pattern.

As the applicant is proposed to plat this property as a residential subdivision, staff does that support the proposed minor subdivision plat.

Staff Recommendation: City of Dickinson Community Development Services staff recommends denial of this request.

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

MOTIONS:

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend Denial of **FLP-010-2024 Moore 1st Addition 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."*

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-010-2024 Moore 1st Addition 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. _____.