



## STAFF REPORT

**To:** Planning and Zoning Commission

**From:** City of Dickinson Development Team

**Date:** September 20, 2023

**Re:** **FLP-010-2023 TCB Subdivision Minor Plat**

### OWNER/APPLICANT

Tracy Tooz  
 Tooz Construction  
 tracyt@toozconstruction.com  
 701 260 4431  
 1475 Atascosita Circle,  
 Dickinson, North Dakota, 58601

### APPLICANT'S REPRESENTATIVE

Jeremy Wood  
 Northern Plains Engineering  
 jwood@nplainseng.com  
 701 690 8076

<b>Public Hearings:</b>	September 20, 2023 October 3, 2023	Planning and Zoning Commission City Commission
-------------------------	---------------------------------------	---

### EXECUTIVE SUMMARY

To consider a Preliminary/Final re-plat of a parcel located in the SW ¼ Section 2, Township 139N, Range 96W. The site consists of +/- 4.41 acres. The subject parcel is zoned General Commercial (GC).

### REQUEST

- A. Request:** The applicant seeks to plat the subject lots in order to proceed with the legal sale of the Lot 2 which currently has a building permit for a Service Pro Quick Lube shop. The proposed land use for the subject parcel is defined as an *Auto Service*, per Section 39.03.007 Commercial Use Types, and is permitted within the General Commercial zoning district.
- B. Location/Legal Description/Area:** The lots proposed for this subdivision are legally described as being a replat of Lots 1C and Lot 1D of the Irregular plat, document number 3153495 located within the SW ¼ Section 2, Township 139N, Range 96W of the 5<sup>th</sup> Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject parcel is generally located at the southeast corner of 10<sup>th</sup> Ave E and Interstate 94 Business Loop E.

C.

<b>ZONING</b>	<b>GC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>Commercial</b>
<b>GROSS SITE ACREAGE</b>	<b>4.41 acres</b>
<b>LOTS PROPOSED</b>	<b>4</b>

<b>CURRENT ADJACENT LAND USE/ZONING</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>R-1</b>	<b>Undeveloped residential</b>
<b>East</b>	<b>CC</b>	<b>Funeral service</b>
<b>South</b>	<b>Major Arterial, GI</b>	<b>East Business Loop, religious assembly</b>
<b>West</b>	<b>GC</b>	<b>Auto services</b>

## Context:

### Background

The applicant proposed this development at a pre-application meeting which took place on March 28, 2023. At that time, the applicant was only proposing to subdivide Lot 1D, Block 1 of the Kum & Go Addition. While completing the engineering design review for the Service Pro Quick Lube shop, it was brought to the applicant's attention the existing retaining wall located on the west side of Lot 1D, Block 1 of the Kum & Go Addition crossed the lot line into Lot 1D. It was recommended either the lot line be modified to include the entire retaining wall within a single lot, or provide a different solution to minimize the risk of the retaining wall crossing the lot line. Therefore, Lot 1C was incorporated into this proposed plat which added an additional lot to this subdivision plat.

During the engineering design review for the Service Pro Quick Lube shop, the existing storm water report which was prepared for the Kum & Go Addition was not followed when the Kum & Go gas station was constructed. This storm water report included the area where the Service Pro Quick Lube shop is to be located. A storm water detention pond was supposed to be constructed in the southwest corner of the Kum & Go gas station parking lot. This was discussed with the North Dakota Department of Transportation (NDDOT) to understand if the East Business Loop project incorporated the recommended storm water detention from the Kum & Go gas station in their hydraulics and hydrology study and project. Because it was not incorporated into the East Business Loop project, an evaluation of the storm water pipe hydraulics was completed. There are no current risks to the existing storm water pipe hydraulics, even considering the additional flows from the Service Pro Quick Lube shop. Any additional impervious surfaces will create a storm water pipe capacity concern. Therefore,

the applicant is required to include storm water detention for the entire TCB Subdivision area when future development of Lots 3 or 4 occurs. This requirement has been added to the development agreement for this subdivision plat.

### **Key considerations**

The development agreement to be filed with this plat includes the following topics: future infrastructure improvement special conditions, assurance of infrastructure completion, City Engineer approval requirements for all future infrastructure plans and specifications, future building permit criteria, a maintenance warrantee for the private access easement pavement, and any other obligations related to the development.

### **STAFF REVIEW AND RECOMMENDATIONS**

- **Compatibility with Local Uses:** The uses on the parcel will be compatible with the existing uses in the immediate vicinity.
- **Compliance with Zoning and Subdivision Regulations:** Each proposed lot satisfies zoning requirements regarding minimum square footage per Section 39.04.005 of the municipal code. The proposed Preliminary/Final Plat continues to satisfy all lot boundary requirements, current zoning requirements, and Minor Subdivision Plat requirements.

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

**Staff Recommendation:** The City Development Team staff recommends **approval** of the minor plat application, subject to the following conditions:

- **Subject to final review and approval by staff of the development agreement.**
- **Subject to final review**

### **Attachments:**

- A - Application Material

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLP-010-2023 TCB Subdivision Minor Plat** subject to the conditions above, 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 **FLP-010-2023 TCB Subdivision Minor Plat** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*

**ATTACHMENT A –**

**APPLICATION MATERIALS**