



Southfork rezone

To: City of Dickinson Board of Commissioners
 From: City of Dickinson Community Development Services
 Date: May 1, 2024
 Re: REZ-003-2024 Zoning Map Amendment

OWNER/APPLICANT

Carl Kirschenheiter
 I-94 Development, LLC
 48 20th Street SW
 Dickinson, ND, 58601
 cdkirsch@ndsupernet.com
 701 290-1019

APPLICANT'S REPRESENTATIVE

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

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 zoning map amendment from Agricultural (AG) to Rural Residential for 51.11 acres located within the City of Dickinson's Extra Territorial Zone. The property is currently legally described as Lot 1B Block 2 of the Southfork Acres Subdivision

A companion major preliminary plat application for the Southfork Acres 2nd Subdivision is also scheduled for public hearing at the May 8, 2024 Planning and Zoning Commission meeting (PLP-003-2024).

Staff recommendation: Approval

CURRENT ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 51.11
LOTS PROPOSED	Nine

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R2	Undeveloped
East	AG;	Undeveloped
South	AG	Undeveloped; single-family residence
West	R1	Single family residential; undeveloped

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with Local Uses, Compliance with The Zoning Ordinance and Consistency with the Comprehensive Plan

The adjacent properties to the west are zoned R1. Rezoning the subject property to RR would not introduce uses into the general vicinity that would be incompatible with the general development pattern. As the RR zoning district does not allow uses currently permitted in the AG zoning district, such as Type II animal production and Type III animal production, and as Type I animal production is only allowed in the RR zoning district with approval of a Special Use Permit, rezoning the property to RR would limit impacts on the adjacent residentially developed properties to the west as well as future residential development on the R2 zoned property to the north.

If approved, the proposed Southfork Acres 2nd Subdivision would create residential lots ranging in area from 5.1 acres to 7.50 acres. As the minimum lot area in RR zoning is one acre, the lot areas in the proposed subdivision would comply with for RR zoning. The proposed rezoning also meets the purpose of the RR zoning district as listed in Article 39.04 of the City's Zoning Ordinance:

This district provides for the rural residential use of land, accommodating very low- and low-density environments. The district's regulations assure that density is developed consistent with: land use policies of the Dickinson Comprehensive Plan regarding rural subdivision; levels of infrastructure; and environmentally sensitive development practices. The district also accommodates developments that merge urban living with rural life.

Regarding consistency with the Dickinson 2035: Roadmap to the Future Comprehensive Plan; Policy 1.3.2. of Chapter 4-Land Use does not allow RR zoning within the Urban Service Area. As the subject property is located outside of the Urban Service Area the request is consistent with the Comprehensive Plan.

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

Staff Recommendation: The City Community Development Team staff recommends approval of REZ-003-2024.

MOTIONS:

*****Approval*****

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