



Transmittal Letter

To: Joshua Skluzacek – Community Development Director
City of Dickinson
38 1st Street West
Dickinson, ND 58601

From: Andrew Schrank, PE
Highlands Engineering
319 24th Street East
Dickinson, ND 58601
701.483.2444
schrank@highlandseng.com

Date: April 5, 2024

Re: FLUM Application – Moore 1st Subdivision

Message: Enclosed you will find the following FLUM application documents for the above referenced project being submitted for consideration at the May Planning and Zoning Meeting:

- Pre-submittal Meeting Letter
- Narrative (included, below) of the Project Description
- Written Statement (included, below) per Policy 1.3.3. of the Comprehensive Plan
- Legal Descriptions (included, below) for the Proposed FLUM Designations
- Warranty Deed for the Property
- Map of Current FLUM Designations from City's GIS Information
- Parcel Map for the Property from City's GIS Information
- Utility Map from City's GIS Information
- Flood Hazard Areas from City's GIS Information

FLUM Requested Change

The applicant is requesting a change from Industrial to Residential for the area described by this application.

office 701 483 2444
fax 701 483 2610

email info@highlandseng.com
web www.highlandseng.com

Highlands Engineering & Surveying, PLLC
319 24th Street East | Dickinson, ND 58601

Legal Description of Proposed FLUM Changes

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION SIX (6), TOWNSHIP ONE-HUNDRED THIRTY-NINE NORTH (T139N), RANGE NINETY-FIVE WEST (R95W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3099394 BEING A FOUND REBAR AND CAP LS-5771; THENCE N 00°28'44" E ALONG THE EAST LINE OF SAID TRACT, A DISTANCE OF 262.27 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 89°57'41" E PARALLEL TO THE SOUTH LINE OF SAID SECTION SIX (6), A DISTANCE OF 349.86 FEET TO A SET REBAR AND CAP LS-5466; THENCE S 00°05'45" E, A DISTANCE OF 262.25 FEET TO A FOUND REBAR AND CAP LS-1225 AT THE NORTHEAST CORNER OF A TRACT OF LAND AS RECORDED AT THE STARK COUNTY RECORDER'S OFFICE PER DOCUMENT NUMBER 3037698; THENCE N 89°57'50" W ALONG THE NORTH LINE OF SAID TRACT, A DISTANCE OF 352.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.11 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

Project Description

This property is currently owned by Donald L. Gerber, and he would like to convey this ±2.11-acre parcel to his grandson, Dawson Moore, so that he can build his primary residence within this site. The current Future Land Use Map (FLUM) depicts this property as *Industrial* and the current zoning is *Agricultural (AG)*, which does not allow for this proposed lots size and residential use. Therefore, this FLUM Amendment change to *Residential* is being requested. A zone change from *Agricultural* to *Rural Residential* is also being requested to allow for the proposed minor plat to meet City Ordinances.

In reviewing the land uses surrounding this site that are present to date, they are predominantly agricultural and residential with some intermixed industrial uses. Existing residences are present within ¼-mile of this site to the west, south, and east, making this proposed change a better fit for the current surrounding land uses than the current *Industrial* designation.

The applicant, Dawson Moore, indicated that his grandfather has no desire to develop or sell this property for development. Donald Gerber owns a large majority of the property on the easter side of the City's Corporates located just south I-94 that lie in the vicinity of this parcel. Therefore, he has control over a good portion of this area that is designated as *Industrial*. With his ownership of this property, industrial development is not anticipated in this area for the foreseeable future based on input from the applicant.

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Allowing property to be passed down from generations to give younger individuals the opportunity to remain in Dickinson and the surrounding area is something that we believe the City should encourage. Approving this change will not significantly impact development patterns in this area since this is a smaller parcel of property, and it will provide an opportunity for this family to continue spreading their roots in the City and its surrounding area.

Access to this property is provided by an existing gravel driveway that connects from the SE corner of this property to Villard Street E. An access easement that will be recorded along with this minor plat, if approved, is being submitted with the minor plat application.

This area is also located outside of the City's Corporate Limits in the City's ETZ, and it is outside of the City's Urban Service Area, but within the City's Water Service Area.

Written Statement per Policy 1.3.3. of the City's Comprehensive Plan

Impact to the Future Land Use Map (FLUM)

This application would revise the FLUM from Industrial to Residential within the area described.

Consistency with the Comprehensive Plan policies and all other City plans

This application is consistent with the current Comprehensive Plan policies. Approving this FLUM amendment will allow for the subsequent zone change, plat, and proposed residence to be constructed within this site to be consistent with the City's ordinances if these applications are approved as proposed.

Availability of city infrastructure to serve the property in which the Future Land Use Map amendment is requested

According to the City's GIS information, this property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. This parcel is located within the City's Water Service Boundary, and was part of Planning Period 3, 2019-2035 in the Comprehensive Plan. The water tank required by the Comprehensive Plan for this area has been constructed.

Since this site is intended to include a single residence, City services will not be extended to this site, and this project would have no impact to the availability of City infrastructure.

Location of the property in relation to planned thoroughfares and the availability and cost to the City to provide infrastructure

This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. It is located near to and will be accessed from an existing public roadway, Villard Street E, by a proposed access easement.

By reducing the intensity of the allowable land uses from Industrial to Residential, the impact to City infrastructure would be reduced which could result in infrastructure and maintenance savings should this area require City services in the future.

Compatibility of the requested future land use designation in relation to abutting or adjacent future land use designations

The FLUM amendment would create a Residential designation within an area that is surrounded by industrial designations. Although this practice is not typically recommended by planners, we feel that this landowner should be able to convey his property to his grandson for construction of a residence. This is a small portion of land that will not have a significant impact on the development of this area. This owner is fully aware of the situation that he is entering into with the surrounding industrial land use designations, and existing residences are already present in the immediate vicinity of this site.

Extent to which the future land use designation establishes or reinforces an urban sprawl pattern of development as opposed to an orderly, compact form of development

This residence would be located just outside the City's corporate limits in an area that has seen similar residential development. Therefore, this proposal is not creating sprawling development patterns as it is close to the City and existing similar development.

Whether the first two phases of the Capital Improvement Program include programmed improvements in the area where the Future Land Use Map amendment is proposed

This property is located outside of the City's Urban Service Area boundary, so no improvements were proposed by these phases of the Comprehensive Plan. This parcel is located within the City's Water Service Boundary, and was part of Planning Period 3, 2019-2035 in the Comprehensive Plan. The water tank required on this side of town as indicated by the Comprehensive Plan has been constructed.

Short-term and long-term fiscal impacts to the City of approving the Future Land Use Map amendment

This property is located outside of the City's Urban Service Area boundary, so it would not be served by City infrastructure for the foreseeable future. This property is also located outside of the City's Corporate Limits. Therefore, this change will have no fiscal impact to the City.

Your consideration of this request is greatly appreciated. Feel free to contact me for any additional information or questions regarding this submittal. Thank You!



Andrew Schrank, PE, CFM
Highlands Engineering