



# Heiser ZONING MAP AMENDMENT REQUEST

To: City of Dickinson Planning & Zoning Commission  
 From: City of Dickinson Community Services  
 Date: August 7, 2024  
 Re: REZ-006-2024 Zoning Map Amendment

## OWNER/APPLICANT

Russ Heiser  
 2147 7<sup>th</sup> Street West  
 Dickinson, ND, 58601  
 Russheiser@ndsupernet.com  
 701 260-8287

<b>Public Hearing</b>	August 14, 2024	Planning and Zoning Commission
<b>Public Hearing</b>	August 20, 2024	City Commission
<b>Final Action</b>	September 3, 2024	City Commission

To consider a zoning map amendment from Medium Density Residential (R2) to General Commercial for 1.46 acres located within the City of Dickinson. The property is located at 213 & 263 15<sup>th</sup> Avenue East and it is legally described as Lots 3 & 4, Block 3, of Fisher East Side Second Subdivision.

Staff recommendation: Approval

<b>CURRENT ZONING</b>	<b>R2</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>COMMERCIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/-1.46</b>
<b>LOTS PROPOSED</b>	<b>Two</b>

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	R2	Undeveloped
East	GC	Undeveloped
South	R2	Undeveloped
West	R1	Single-family residences

**COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS**

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

The subject lots are designated on the Future Land Use Map, as found the Land Use chapter of the Dickinson 2035: Roadmap to the Future Comprehensive Plan that was adopted in 2013, as COMMERCIAL. According to Policy 1.3.2 of the Land Use chapter, the current R2 zoning is not consistent with the COMMERCIAL FLUM designation. The proposal to rezone the lots to GC, according to Policy 1.3.2, is consistent with the COMMERCIAL FLUM designation. In accordance with Policy 2.11 of the Land Use chapter, the applicant intends to contact the five property owners on the adjacent R1 zoned lots to the west.

Rezoning the subject property to GC is comparable to the zoning pattern on the east side off 15<sup>th</sup> Avenue East as well as with the general pattern in the vicinity. Although the adjacent property to the south of the subject lots is currently zoned R2, it's FLUM designation is also COMMERCIAL. As of the time of this staff report, no comments from the adjacent property owner to the south have been received City Community Development staff.

According to Table 8-1: Required Landscape Depth, as found in Article 39.08: Landscaping and Screening Standards in the City of Dickinson Zoning Ordinance, 10-feet of landscaping will be required along 15<sup>th</sup> Avenue East and along Carroll Street. A list of landscaping materials and installation standards are also found in Article 39.08.

According to Section 39.08.005: Bufferyard Provisions, as found in the City of Dickinson Zoning Ordinance, whomever owns, develops and/or operates uses on the subject lots will be required to install and maintain a 30-foot-wide landscaped buffer-yard along the western and southern portions of the subject lots. According to Section 39.08.006: Screening Standards, a six-foot

opaque barrier shall be provided that visually screens the development on the subject lots from the adjacently zoned properties to the west and to the south.

**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-006-2024.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-006-2024** 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-006-2024** 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."*

**ATTACHMENTS**