



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **FLP-006-2023 Riverview Cottages 2nd Major Plat**

OWNER/APPLICANT

Chad Glasser-Venture Commercial LLC
 P.O. Box 1316
 Dickinson, ND 58602

Public	August 11, 2023	Planning and Zoning Commission
Hearings:	August 15, 2023	City Commission

REQUEST

A. Request: To consider a Final Plat for Riverview Cottages 2nd Addition being the Replat of Lots 15-20, Block 2 of the Replat of Riverview Addition located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 0.97 acres.

The preliminary plat of the Riverview Cottages 2nd Addition Subdivision (PLP-003-2023) was heard by the Planning and Zoning Commission on June 21, 2023. Both the Planning and Zoning Commission and City Development Team staff recommended approval subject to the following conditions:

- **The companion Planned Unit Development (PUD) shall be approved by the Planning and Zoning Commission and City Commission prior to this Final Plat approval (REZ 002-2023);**
- **The Final Plat shall become effective upon recordation of the companion PUD;**
and
- **In addition to the conditions listed above the PUD shall also comply with all applicable City, County, State, and Federal regulations.**

B. Project Address/Legal Description/Area: The proposed five lot subdivision is generally located on the east side of 2nd Avenue SW approximately 130 feet north of the center line of 4th Street SW. The specific properties are currently legally described as follows:



- Lots 15-20, Block 2 of the Replat of Fischer's Addition Subdivision.

C. Project Description: The major subdivision plat and the PUD are required to be companions as the existing conditions would not allow the duplexes to be sold to individual buyers:

- Individual buildings currently are located on two lots. Replatting the existing lots would place each existing structure on its own lots; and
- based on the current zoning code the following minimum development requirements cannot be met:
 - off-street parking,
 - lot width,
 - lot size, and
 - front yard setbacks.

Per Section 34.030 of the Subdivision Ordinance, as the proposed subdivision consists of five lots a major subdivision plat is required.

The applicant is proposing to replat the 5 lots that are part of the PUD request. One of the lots is currently is vacant. Four of the proposed lots are developed with duplexes constructed in 1972 and 1973, and each building is currently in use as a two-unit rental building. Each of the buildings are 2,024 square feet and measures approximately 38 feet by 54 feet with 4-feet by 7-feet entrance alcoves. None of the units has a garage of any kind, but there are two existing concrete parking areas for residents that totals 10-parking spaces. All traffic from these buildings utilize 2nd Avenue SW, which is classified by the City as a local road. There is no anticipated change to the traffic volume generated by approval of the final plat application. A cluster mailbox is currently located on the norther portion of Lot 20, Block 1 of Riverview Addition which serves the existing buildings. This cluster mailbox is intended to continue to serve the buildings into the future.

Regarding water and sanitary sewer services, the applicant's representative researched City records. Based upon this research the applicant's representative established that each building has its own existing sanitary sewer service and one-inch water service. This finding meets the City of Dickinson Chapter 38 Water and Sewers requirements.

Each building has its own existing gas meter. Each duplex unit has its own existing electric meter. The developer intends to replace the current fuse boxes with 125 AMP breaker panels.



Off street parking currently consists of two paved parking areas that can provide five parking stalls each for a total of 10 parking stalls. There is approximately 300 feet of existing street

frontage with approximately 110 feet utilized for the two paved parking areas. Therefore, there remains approximately 185 feet of on street parking available for the residents. The residents who do not have paved off-street parking within their future lot have the opportunity to pave a portion of their lot for off-street parking.

The accompanying PUD request addresses the following R2 zoning district requirements:

- **Minimum lot size:** The lot sizes, as shown on the site plan in Attachment A, range from 7,752 square feet to 9,820 square feet;
- **Minimum lot width:** The lot widths, as shown on the site plan in Attachment A, range from 54 feet to 70 feet;
- **Minimum off-street parking requirements:** The applicant has stated that if any or all of those five nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the replacement structure shall meet the minimum off-street parking requirements the City's code in effect at the time of reconstruction.
- **Minimum front yard building setback:** The front yard setbacks of the five nonconforming structures range from 8.1 feet to 12.3 feet. The applicant has also stated that if any or all of those five nonconforming structures are damaged or destroyed to the extent that the cost of restoration of the structure exceeds 50% of the replacement cost of the structure, the replacement structure shall meet the minimum building setback requirements the City's code in effect at the time of reconstruction.

Table I: Current Zoning And Use	
ZONING	Medium Density Residential (R2)
CURRENT USE	Four lots are developed with duplexes; one lot is vacant
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.97

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use



North	Medium Density Residential (R2)	Vacant
East	R2	Single-family residential
South	R2	Single-family residential
West	R2	Duplexes

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The properties in the immediate vicinity of the proposed plat are developed with uses permitted in the adjacent R2 zoning district.
- B. Compliance with Zoning and Subdivision Regulations:** As stated above, the applicant is requesting a PUD as the current development does not comply with the following zoning code requirements:
 - None of the proposed lot sizes meet the minimum requirement of the current R2 zoning;
 - None of the proposed lot widths meet the R2 zoning district’s minimum lot width;
 - The number of off-street parking spaces does not meet the minimum number required for duplexes; and
 - The front yard setbacks for two of the four existing duplex structures do not meet the R2 minimum front yard setback.

Final approval of the proposed PUD (REZ 002-2023) will allow the applicant to go forward with the final plat as proposed in this application.
- C. Public Input:** As of the date of this this, City staff has not received any public comments.
- D. Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving resolution:
 - **The REZ-002-2023 request for a Planning Unit Development (PUD) shall receive final approval by the City Commission prior to this Final Plat approval; and**
 - **The Final Plat shall become effective upon recordation.**



Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP 006-2023 the Riverview Cottage 2nd Addition**, subject to the conditions above, as being compliant with the City of Dickinson Comprehensive Plan, 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 006-2023 the Riverview Cottage 2nd Addition** as **not** being compliant with the City of Dickinson Comprehensive Plan, as **not** meeting all the requirements of the Dickinson Municipal Code, and as **not** being in the interest of the public health, safety and welfare "*

ATTACHMENT A – APPLICATION MATERIALS