



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: August 4, 2023
Re: **FLP-005-2023 Riverview Cottages 1st Major Plat**

OWNER/APPLICANT

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

Public

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

REQUEST

A. Request: To consider a Final Plat for the Riverview Cottages 1st Addition Subdivision being the Replat of Lots 20-24, Block 1 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 +/- 1.11 acres.

The preliminary plat of the Riverview Cottages 1st Addition Subdivision (PLP-002-2023) 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 west side of 2nd Avenue SW approximately 270 feet north of 4th Street SW. The specific properties are currently legally described as follows:
- Lots 20-24, Block 1 of the Replat of Riverview 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 five lots that are subject to the PUD request. All five of the proposed lots are developed with duplexes constructed in 1972 and 1973. There are five detached buildings, and each building is currently in use as a two-unit rental building. Each of the buildings are 2,024 square feet, and each one measures approximately 38 feet by 54 feet with four-foot 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 proposed subdivision. A cluster mailbox is currently located on the northern portion of Lot 20, Block 1 of Riverview Addition serves the existing buildings. This cluster mailbox is intended to serve the buildings in 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.

There is an existing public utility easement under the buildings located on Lots 23 and 24, Block 1 of the Replat of Riverview Addition. Based on a call North Dakota One Call it was established no utilities were located in the easement. Also, due to the fact the easement runs under the buildings, it is assumed there are no utilities within the easement limits. Therefore, the developer is vacating the easement with this plat application.

Off street parking currently consists of four paved parking areas that can provide a total of 10 parking stalls. There is approximately 285-feet of existing street frontage with approximately 110 feet utilized for the two paved parking areas. Therefore, there remains approximately 175 feet of on street parking available for the residents. The residents who do not have paved off-street parking within their future lot will 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 9,006 square feet to 10,863 square feet;
- **Minimum lot width:** The lot widths, as shown on the site plan in Attachment A, range from 39 feet to 75 feet;
- **Minimum off-street parking requirements:** 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 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 three nonconforming structures range from 8.1 feet to 12.3 feet. The applicant has also stated that if any or all of those 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	Nine lots are developed with duplexes; one lot is vacant
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	1.11

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	Low Density Residential (R1)	Undeveloped; single-family residential
East	R2	Single-family residential
South	R2	Multi-family residential
West	Mobile Home (MH)	Mobile home court

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 either the R2 or Mobile Home Residential (MH) residential zoning districts.
- 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:
- The proposed lot sizes do not meet the minimum requirement of the current R2 zoning;
 - The proposed lot widths do not 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 five of the nine 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 staff report, 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 005-2023 the Riverview Cottage 1st Addition Subdivision Plat**, 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 005-2023 the Riverview Cottage 1st Addition Subdivision Plat** 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