



STAFF REPORT

To: Planning and Zoning Commission

From: City of Dickinson Planning

Date: December 11, 2023

Re: REZ-006-2023 Highway Department Addition Rezone

OWNER/APPLICANT

State of North Dakota Department of
Transportation
1700 3rd Ave W Suite 101
Dickinson ND 58601
rrayhorn@nd.gov
701 483-2444

APPLICANT'S REPRESENTATIVE

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

Public Hearing	December 20, 2023	Planning and Zoning Commission
Public Hearing	January 2, 2023	City Commission
Final Consideration	January 16, 2023	City Commission

EXECUTIVE SUMMARY

Legal Description: To consider a petition to rezone Block 1, Highway Department Addition located in the northwest quarter of Section 34, Township 140 North, Range 96 West, 5th Principal Meridian, City of Dickinson, Stark County, North Dakota, from Community Commercial (CC) to Public (P). The site consists of +/- 17.71 acres. This property is located within the City of Dickinson.

Request: The subject parcel is currently zoned CC, which does not permit maintenance facilities or equipment repair. Approval of a rezone to the P zoning district allows this land use upon approval of a Special Use Permit. The applicant concurrently seeks approval of a companion Special Use Permit (SUP) for this purpose.

Public Comments: None.

Staff Recommendation: Approval.

LOCATION

The property proposed for this rezone is legally described as Block 1 of the Highway Department Addition, and is located within the SW ¼ Section 2, Township 139N, Range 96W of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject parcel is generally located on 3rd Avenue W / Highway 22, opposite from Prairie Hills Mall.

CURRENT ZONING	GC
FUTURE LAND USE MAP DESIGNATION	Public/Civic
GROSS SITE ACREAGE	17.71 acres
LOTS PROPOSED	N/A

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	GC and CC	Varied large-lot commercial and office services
East	R-3, R-1, R-2	Undeveloped residential
South	CC	Retail, hospitality, commercial services
West	CC, 3rd Avenue corridor	Prairie Hills Mall, retail, restaurants (drive-through & general), financial services

STAFF ANALYSIS

The Public zoning district typically includes land uses which serve the community at large and are generally beneficial to all residents. The majority of publicly zoned lands in Dickinson are designated for recreation use and daily access by the community. However, in some cases, such as with the wastewater treatment plant on Broadway Street and the bus barn located on 40th Street E, Public zoning is used to enable relatively industrial land uses when it is in service to the entire community.

The NDDOT operations at the subject parcel are demonstrably non-commercial in nature and serve the public good. The applicant seeks relief from the Community Commercial development requirements being the city developed around the subject property over time and the property owner has stated no intentions to relocate operations in the future. While the proposed uses will retain an industrial aspect, city staff is confident that the applicant is willing and capable of satisfying both the Public zoning requirements and the Corridor Overlay Requirements promulgated along 3rd Avenue W.

Staff's review of the applicant's intentions for this petition and the associated Special Use Permit request suggests that approval of the applicant's petitions and future operations are unlikely to change current community development conditions. Those current conditions are described below in ***Compatibility with Local Uses***.

(Regarding the companion SUP request for a maintenance facility)

A proposed maintenance facility will be located near the geometric center of the property (Appendix A). According to the applicant's Transmittal Letter, "[t]he proposed storage building [(maintenance facility)] will allow a space to park some trucks indoors where they will not be visible," "[t]he proposed project will not affect existing traffic patterns." Additional details are provided within the staff report for the adjoining Special Use Permit, SUP-005-2023.


STAFF REVIEW AND RECOMMENDATIONS

Compatibility with Local Uses: The uses on this parcel appear to be in mild but long-term conflict with adjacent local uses. Most notably, the development to the east of the property is undeveloped residential. A combination of the industrial appearance of the NDDOT property and a lack of street connections from the east side of the property to 14th Street E may be contributing to a lack of residential development interest in this area (see Appendix B). With this in consideration, staff is recommending the applicant screens the rear lot according to Corridor Overlay District design standards and of the property as a condition for approval of the associated Special Use Permit, SUP-005-2023.

Compliance with Zoning and Subdivision Regulations: If approved, the subject parcel will comply with requirements as set forth by Articles 39 Zoning and 34 Subdivision.

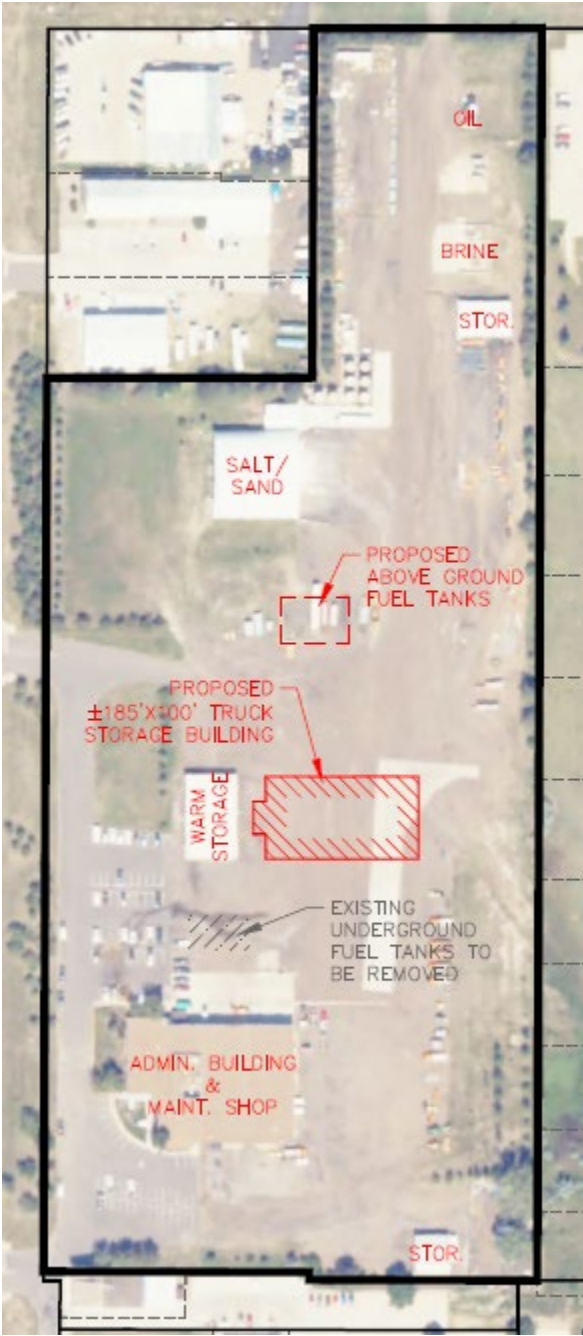
Public Input: As of the date of this report, City staff has not received any public comments.

Staff Recommendation: The City Development Team staff recommends **approval** of this rezone petition.

A handwritten signature in black ink, appearing to read "Matthew Galibert", is written over a light blue horizontal line.

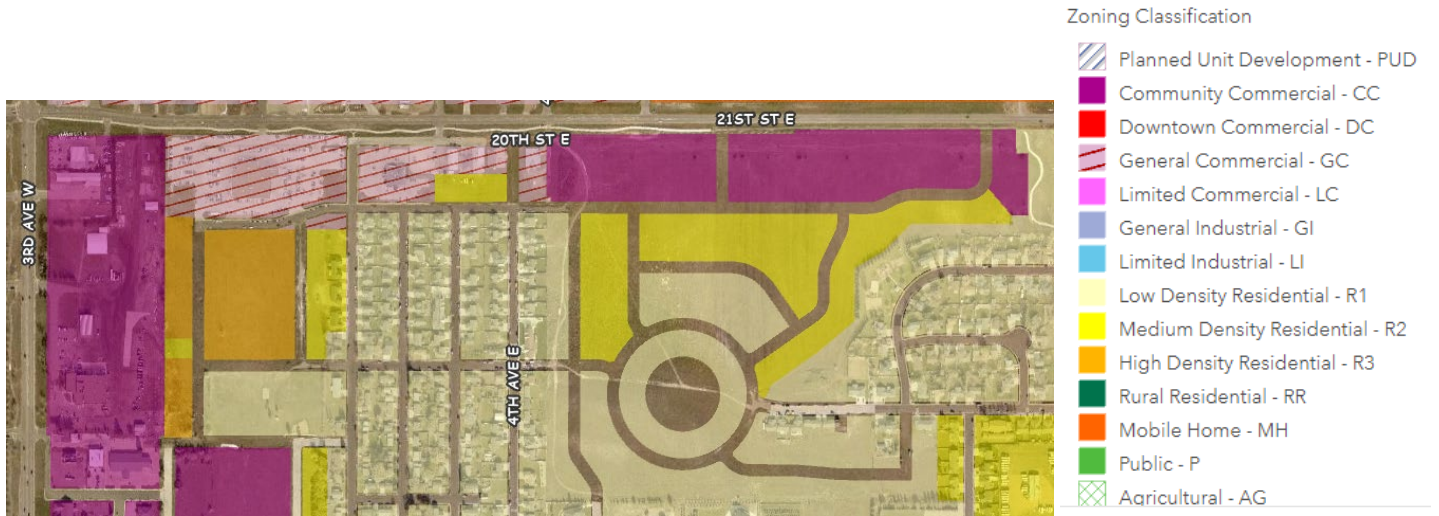
Matthew Galibert, City Planner

Appendix A.



A) Site plan submitted by applicant (cropped).

Appendix B.



B) Current zoning map including the subject property and undeveloped residential land.

ATTACHMENTS

A – Application Materials

B – Current Zoning Map

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **REZ-006-2023 Block 1 of Highway Department Addition Rezone** from GC to P 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 **REZ-006-2023 Block 1 of Highway Department Addition Rezone** from GC to P as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*