



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **PLP-003-2023 Riverview Cottages 2nd Major Plat**

OWNER/APPLICANT

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

Public	June 21, 2023	Planning and Zoning Commission
Hearings:	August 1, 2023	City Commission

REQUEST

A. Request: To consider a Preliminary 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 $\frac{1}{4}$ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 0.97 acres.

This major plat is a companion to the Planned Unit Development (PUD) request (REZ-002-2023) also scheduled to the June 21, 2023 Planning and Zoning Commission meeting.

B. Project Address/Legal Description/Area: The proposed Lot 1 is generally located along 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 plat and PUD are required to be as companions because the existing conditions would not allow the duplexes to be sold to individual buyers; i.e. buildings over lot lines, and based on current ordinances. The following are not met; insufficient off-street parking, lot width, lot size, and front yard setbacks. A Major Plat is required for the following reasons: Includes five or more lots as per Section 34.030 Definitions.

The facts below address the topics listed that do not meet current ordinances.

The applicant is proposing to replat the 5 lots that are also subject to the PUD request. All five of the proposed lots are developed with duplexes constructed in 1972 and 1973. There are four detached buildings with each building currently being 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 total 10-parking spaces. All traffic from these buildings utilize 2nd Ave. SW. which is a local road as per the City of Dickinson roadway classification. There is no anticipated change to the traffic volume generated from this 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. The applicant's intent is to adjust the lot lines to contain the separate buildings to later be sold as duplexes.

The future property owners may have the opportunity to rent the second portion of the duplex as rental income, or utilize the space as their own. The developer intends for these duplexes to bring affordability to the buyers in the lower income levels of the market, and to make home ownership possible for those currently renting.

Each building has its own existing sanitary sewer service and 1-inch water service based on research completed by Highlands Engineering. The research completed was of City of Dickinson records. This 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 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 additional off-street parking within their respective lots.

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	Nine 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	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 the Comprehensive Plan:** According to Figure 4-38: City of Dickinson Future Land Use Map (FLUM), as found in Chapter 4-Land Use of the Dickinson 2035: Roadmap to the Future Comprehensive Plan, the site of the proposed PUD is designated as Residential. Therefore, the proposed PUD is compliant with the FLUM. The proposed PUD is also compliant with the policy in Chapter 4-Land Use.
- C. 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;
 - 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 five of the nine existing duplex structures do not meet the R2 minimum front yard setback.

Approval of the proposed PUD will allow the applicant to go forward with the final plat as proposed to be a companion to this subdivision plat.



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

E. **Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:

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

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **PLP 003-2023 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 **PLP 003-2023 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