



# STAFF REPORT

**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** June 9, 2023  
**Re:** REZ-003-2023 District Business Park First Addition Planned Unit Development

**OWNER/APPLICANT**

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

<b>Public Hearings:</b>	June 21, 2023	Planning and Zoning Commission
	July 18 & August 1, 2023	City Commission

**REQUEST**

- A. Request:** To consider a Zoning Map Amendment from CC to PUD for a property legally described as Lot 4, Block 1 of the District Addition Subdivision located in the NE ¼ of Section 32, Township 140N, Range 96W located within the City of Dickinson. The site consists of +/- 5.47 acres. A companion preliminary subdivision plat request (PLP-004-2023) are also scheduled for the June 21, 2023 Planning and Zoning Commission meeting.
  
- B. Project Address/Legal Description/Area:** The lot proposed for rezoning is generally located on the south side of 19<sup>th</sup> Street West approximately 500 feet west of State Avenue North and legally described as Lot 4, Block 1 of The District Addition Subdivision in the City of Dickinson.
  
- C. Project Description:** The applicant is proposing a 22-lot PUD for Limited Commercial zoning district uses and residential uses. The applicant proposes to develop the property as follows:
  - Uses will be those of the Limited Commercial zoning district;
  - Residential uses shall be limited to one dwelling unit per lot and the dwelling unit will be part of a mixed-use building;
  - The property will be subdivided into twenty-two (22) lots with a minimum lot width of 7,000 square and a minimum lot width of 50 feet;
  - Unless otherwise specified, development standards shall be those of the Community Commercial zoning district;
  - The development will be served by a private road, A four foot wide shoulder will be provided along each edge of the proposed access road to allow for pedestrian access within the project; and



- The applicant is requesting the ability to combine adjacent multiple lots into one lot as long as those lots are all under the same ownership and as long as the lots are all located on one side of the subdivision road. These lot combinations will follow the current City of Dickinson Article 34, Subdivision of Land.

Table I: Current Zoning And Use	
ZONING	Community Commercial (CC)
CURRENT USE	Undeveloped
FUTURE LAND USE MAP DESIGNATION	MIXED USED
GROSS SITE ACREAGE	5.47

Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	High Density Residential (R3)	Multi-family residential
East	CC	Undeveloped
South	CC	Undeveloped
West	Agricultural (AG)	Undeveloped

**STAFF REVIEW AND RECOMMENDATIONS**

- **Analysis:** Development staff has reviewed the proposed project and does not object. Prior to beginning lot development within the project, the developer shall meet with City Development staff to determine whether the PUD would require amending prior to undertaking the project. City Development staff would also determine whether a replat of the property would be required.
- **Traffic Impacts:** The applicant submitted an estimated average daily traffic letter dated June 9, 2023. The letter states the total average daily traffic generated by the site will be approximately 602 trip ends with 301 vehicles entering and leaving the site, respectively. The following uses were used to determine the number of trips:
  - Small office;
  - Mini-Warehouses; and
  - Dwelling units.



The traffic letter is included in Attachment A.

**Compatibility with Local Uses:** The property to the north of the proposed PUD has been developed a multi-unit apartment complex. Properties to the east and south are currently zoned and are undeveloped. Property to west is undeveloped and zoned Limiting the PUD to LC zoning district uses, as well as limiting permitted residential uses to one dwelling unit per lot which serves to limit the potential impact of commercial development on current and anticipated residential uses. This also serves as an area of transition between residential development and more intensive development associated with the CC zoning district. The proposed PUD would allow for uses that support and complement existing and anticipated residential uses in the general vicinity.

- **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, as amended in 2022, the site of the proposed PUD is designated as Mixed Use. The proposed PUD meets the intent of the Mixed Use FLUM designation.

The proposed PUD meets the intent of the following objective in Chapter 4-Land Use:

*Objective 2: Promote sustainable and high quality development that mitigates the impacts of new development adjacent to existing developed areas and enhances the visual qualities of gateways to the city.*

The proposed PUD meets the intent of the following policy in Chapter 4-Land Use:

*Policy 3.2 – Whenever possible, the City should encourage the use of planned unit development (PUD), due to the combined benefits of providing greater design flexibility as well as city direct involvement in the establishment of development specific site standards. The approval of a PUD should be executed through the rezone of the subject property and the zoning map should be amended by adding a unique site specific PUD zoning district designation (e.g. PUD 2013-01). To maximize design flexibility, the only standards that should apply to PUDs are maximum density and intensity, minimum open space and minimum recreation area for large-scale residential PUDs. General performance standards for design and circulation would be required to ensure high quality development. A sufficiently high maximum density standard should be provided to incentivize development of PUDs.*

- **Compliance with Zoning Regulations:** The request complies with the PUD Planned Unit Development District requires found in Article 39.05 of the City's Zoning Ordinance. In addition to a tract map, a land use plan, a circulation plan, and a statistical summary of the project, schematic architectural plans and elevations were included in the information submitted by the applicant of June 9, 2023.
- **Public Input:** As of the date of this this, City staff has not received any public comments.



- **Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving ordinance:
  - **The Planned Unit Development shall be in substantial conformance at all times with the file materials included in Attachment “A”.**
  - **Uses will be limited to those of the Limited Commercial Zoning District.**
  - **One residential unit per lot shall be permitted as part of a mixed-use building.**
  - **Minimum lot size and lot width shall be as follows:**
    - **Minimum lot size-7,000 square feet; and**
    - **Minimum lot width-50 feet.**
  - **Building setbacks shall be as follows:**
    - **Front yard-50 feet;**
    - **Street side yard front 19<sup>th</sup> Street West-20 feet;**
    - **Interior Side Yard-five (5) feet.**
  - **Unless otherwise specified above, the development standards shall be those of the Community Commercial zoning district. Maximum building footprints shall be in accordance with the notes and table in the development plans submitted by the applicant.**
  - **Access to the property shall be provided from 19<sup>th</sup> Street West by means of a privately maintained road.**
  - **Landscaping shall be in accordance with the notes and table in the development plan submitted by the applicant.**
  - **The exterior appearance the buildings within the PUD shall be in substantial conformance with the material found in Attachment A.**
  - **A minimum of 106 off-street parking spaces shall be provided within the PUD.**
  - **Parking requirements shall comply with the notes and table in the development plans submitted by the applicant.**
  - **Prior to lot development within the PUD, the developer shall submit a Pre-Application Meeting Request to discuss the proposed development with City Development staff.**
  - **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 **REZ 003-2023 the District Business Park First Addition rezoning petition from CC to PUD**, 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 **REZ 003-2023 the District Business Park First Addition rezoning petition from CC to PUD** 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**