



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 9, 2023
Re: **FLP-004-2023 North Lake Subdivision**

OWNER/APPLICANT

Dickinson Parks and Recreation
 2004 Fairway St, Dickinson, ND, 58601

Public Hearings: Date: June 21, 2023 Planning and Zoning Commission

EXECUTIVE SUMMARY

To consider a Preliminary/Final Plat for the North Lake Subdivision located in the NW ¼ of Section 8, Township 139N, Range 96W located within the City of Dickinson's Extra Territorial Zone. The site consists of +/- 11.65 acres.

This subdivision would create three separate lots to be owned by North Dakota Game and Fish, Dickinson Parks and Recreation, and the Bureau of Reclamation, respectively. The zoning of the lot is Public District (P).

Project Description: The parcel is currently zoned Public (P) and is located in the City's Extra Territorial Zone (ETZ). It has been developed with the Southwest District Office of the North Dakota Game and Fish Department (NDGF) as well as with a boat access operated by the Dickinson Parks and Recreation District. The minor subdivision plat application, if approved, would create three separate lots. Each of the three governmental entities will take ownership of one individual lot.

In 2018, a federal law (Public Law 115-306) directed the Bureau of Reclamation to transfer the northeast portion of the property to the NDGF and the southwest portion to the Dickinson Parks and Recreation District. The law also specified that the Bureau of Reclamation should retain ownership of the access road on the property.

According to Chapter 34 of the City Ordinance on Subdivision of Land, approval of a subdivision plat is required before ownership can be conveyed for individual properties.

The property was previously zoned Agricultural (AG). According to Article 39.04 of the City Zoning Ordinance, the minimum lot size of an AG-zoned property is five (5) acres. As each of the proposed lots are less than five

acres, the property required rezoning prior to subdivision. The City Commission approved a rezoning petition on December 16, 2022, submitted by the Bureau of Reclamation.

Table I: Current Zoning and Use

ZONING	Public District
FUTURE LAND USE MAP DESIGNATION	Public District
GROSS SITE ACREAGE	11.65 acres
LOTS PROPOSED	Three

Table II: Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	AG	Railroad ROW / Undeveloped
East	R-1	Residential
South	AG	Recreation (boat access)
West	AG	Recreation (fishing pier)

Background

- The property is currently developed with the Southwest District office of the North Dakota Game and Fish (NDGF) Department as well as a boating access operated by the Dickinson Parks and Recreation District.
- The Bureau of Reclamation made an application in November of 2022 for a rezoning of the parcel from Agricultural (AG) to Public (P) which was approved by the City of Dickinson Commission on Dec 20, 2022.
- This request does not propose any new buildings, infrastructure improvements or extensions, right-of-way dedications, or utility easements.
- Three existing structures are located on proposed Lot 3.
- Access is provided by the 30th Avenue SW. Fire Protection is provided by the Dickinson Rural Fire Department. Law enforcement services are provided by the Stark County Sheriff's Office. Water services in the ETZ are provided by either Southwest Water Authority or potable wells. Sanitary sewer services in the ETZ are provided by septic system. Electric utility service is provided by Roughrider Electric.

STAFF REVIEW AND RECOMMENDATIONS

Compatibility with Local Uses: During the previous rezoning process, staff found the subject parcel as zoned P does not introduce uses that would be incompatible with adjacent local uses.

Compliance with Zoning Regulations: Every proposed lot meets the minimum square footage requirements outlined in Section 39.04.005 of the municipal code, ensuring compliance with zoning regulations. Public Districts do not have specific requirements for minimum lot area and width.

Compliance with Subdivision Regulations: Approval of the application does not necessitate dedicating public rights-of-way or building new public streets or infrastructure. Additionally, the subdivision comprises no more than four lots, ensuring compliance with all minor subdivision plat requirements.

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

Staff Recommendation: Dickinson Parks and Recreation Minor Subdivision petition is in conformance with the Dickinson Comprehensive Plan and the Dickinson Municipal Code Minor Subdivision Regulations. The City Development Team staff recommends approval of the application.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-004-2023 North Lake Subdivision** subject to the conditions above, 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-004-2023 North Lake Subdivision** petition as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

ATTACHMENT A –

APPLICATION MATERIALS