



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: June 8, 2023
Re: REZ-002-2023 Riverview Cottages Planned Unit Development

OWNER/APPLICANT

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

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

REQUEST

- A. Request:** To consider a Zoning Map Amendment from R2 to PUD for properties legally described as Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision and Lots 15-20, Block 2 of Fischer’s Addition Subdivision located in the NE ¼ of Section 9, Township 139N, Range 96W located within the City of Dickinson. The site consists of +/- 2.08 acres. Companion preliminary subdivision plat requests (PLP-002-2023 and PLP-003-2023) are also scheduled to the June 21, 2023 Planning and Zoning Commission meeting.
- B. Project Address/Legal Description/Area:** The lots proposed for rezoning are generally located along 2nd Avenue SW approximately 180 feet south of 3rd Street SW. The specific properties are legally described as follows:
 - Lots 15 through 20, Block 2 of Fischer’s Addition Subdivision; and
 - Lots 20-24, Block 1 of the Replat of Riverview Addition Subdivision.
- C. Project Description:** The applicant is proposing to replat the 10 lots that are the subject of the PUD request. Nine of those lots are developed with duplexes constructed in 1972 and 1973, and one lot is vacant; proposed Lot 1 of the Riverview Cottages 2nd Addition. A rezoning from R2 to PUD is required for the following reasons:
 - The R2 zoning district requires a minimum lot size of 10,000 square feet for a duplex. Neither the existing platted lots, nor nine of the proposed lots meet the R2 minimum lot sizes for duplexes;
 - Under the current R2 zoning, the required minimum lot width for a duplex is 75 feet. Only one of the proposed lots meets this lot width requirement;



- Under the current off-street requirements in Section 39.09.003 of the Municipal Code the minimum number of off-street parking spaces for a duplex is two (2) per dwelling unit. Only two of the existing duplexes currently meet those off-street parking requirements; and
- Under the current R2 zoning district, the minimum front yard building setback is 25 feet. Five of the nine existing structures currently do not meet the R2 minimum front yard setback.

The applicant is requesting the PUD to receive relief from the following R2 zoning district requirements:

- **Minimum lot size:** The lot sizes, as shown on the site plan in Attachment A, range from 7,602 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 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	2.08

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 PUD are developed with uses permitted in either the R2 or Mobile Home Residential (MH) residential zoning districts. As the applicant is that only R2 uses would be allowed in the PUD, the proposed rezoning is compatible with both the development pattern and zoning pattern in the immediate vicinity.
- 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 following policy in Chapter 4-Land Use:

Policy 1.3 – All rezone applications shall be consistent with the applicable future land use designation on the FLUM to provide increased certainty over future growth patterns.

- 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;
 - 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.

Approval of the proposed PUD will allow the applicant to go forward with the final plats of both the proposed companion subdivision plats.

- 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 Planned Unit Development shall be in substantial conformance at all times with the file materials included in Attachment “A”.**
 - **Uses in the Planned Unit Development (PUD) shall be limited to those of the underlying Medium Density Residential (R2) zoning district.**
 - **Lot sizes and lot widths shall be as shown on the site plan in Attachment A.**
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- The location and number of off-street parking spaces shall be as shown on the site plan in Attachment A.
- The PUD shall become effective upon recordation of the companion subdivision plats.
- In the event that any existing structures within in the PUD 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 and off-street parking requirements the City’s code in effect at the time of reconstruction.
- 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 002-2023 the Riverview Cottage rezoning petition from R2 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 002-2023 the Riverview Cottage rezoning petition from R2 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