



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: July 12, 2023
Re: **FLP-005-2023 Heart River Bottoms Minor Plat**

<p>APPLICANT Josh Muehler Mountain Plains LLC 12478 US-22 Watford City, ND 58854</p>	<p>OWNER Greg Pruitt 22 Patterson Lake Dr. Dickinson, ND58601</p>
---	---

Public Hearings:	Wednesday July 19, 2023 August 1, 2023	Planning and Zoning Commission City Commission
-------------------------	---	---

REQUEST

- A. Request:** The applicant is seeking to plat the property with two separate lots. The proposed subdivision would result in splitting the subject 17.35 acres into a 8.65-acre northern lot (proposed Lot 2) and a 8.70-acre southern lot (proposed Lot 1).

- B. Location/Legal Description/Area:** The subject parcel is bounded by Heart River to the west, south, and east. To the north, runs a proposed private road, Deep Run Drive. The parcel is legally described as A Tract of Land Located in Parcel B of the NE ¼ and a Portion of the SE ¼ of Section 8, Township 139N, Range 96W, of the 5th Principal Meridian, Stark County, North Dakota, located within the City of Dickinson’s Extra-Territorial Zone.

ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 17.35 ACRES
LOTS PROPOSED	2

CURRENT ADJACENT LAND USE/ZONING		
Direction	Zoning	Land Use
North	R-1	Undeveloped
East	R-1	Undeveloped
South	R-1	Undeveloped
West	R-1	Undeveloped

STAFF REVIEW AND RECOMMENDATIONS

- **Compatibility with Local Uses:** The uses on the parcel will be compatible with the adjacent current zoning designations.
- **Compliance with Zoning and Subdivision Regulations:** Each proposed lot satisfies zoning requirements regarding minimum square footage per Section 39.04.005 of the municipal code.

According to Section 34.030 of the City’s Subdivision of Land chapter, a minor subdivision, platted pursuant to NDCC §40-50.1, shall meet all of the following criteria:

- Does not require the dedication of public rights-of-way or the construction of new public streets or public infrastructure;
- Does not land-lock or otherwise impair convenient ingress and egress to or from the rear or side of the subject tract or any adjacent property;
- Does not violate any local, state or federally-adopted law, ordinance, regulation, plan or policy.
- Consists of four lots or less.

The proposed plat does not show convenient access to a public roadway. It appears from the provided plat map that the proposed lots would access Palm Beach Road by way of Deer Run Drive. Deer Run Drive is a private road that was platted as part of the Stable Estates Subdivision. The applicant has not indicated there is a recorded access agreement allowing the two lots in the proposed subdivision access to Palm Beach Road by means of Deer Run Drive.

Neither proposed subdivision lot shall receive a certificate of occupancy until the proposed Deep Run Drive is constructed and provides access to the public road network, connecting with Palm Beach Road.

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 the final plat application with the following condition:

- Prior to final plat approval the applicant shall provide legal agreement from the private road property owner in the form of an access agreement.
- Plat review comments by a licensed surveyor in the State of North Dakota, if any are made, are addressed.

Attachments:

- A - Application Material

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-005-2023 Heart River Bottoms Subdivision Minor Plat** subject to the condition listed 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-005-2023 Heart River Bottoms Subdivision Minor Plat** 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