



Staff Report

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: February 29, 2024
Re: **FLP-008-2023 Heart River Bottoms Minor Plat**

APPLICANT

Josh Muehler
 Mountain Plains LLC
 12478 US-22
 Watford City, ND 58854

OWNER

Greg Pruitt
 22 Patterson Lake Dr.
 Dickinson, ND58601

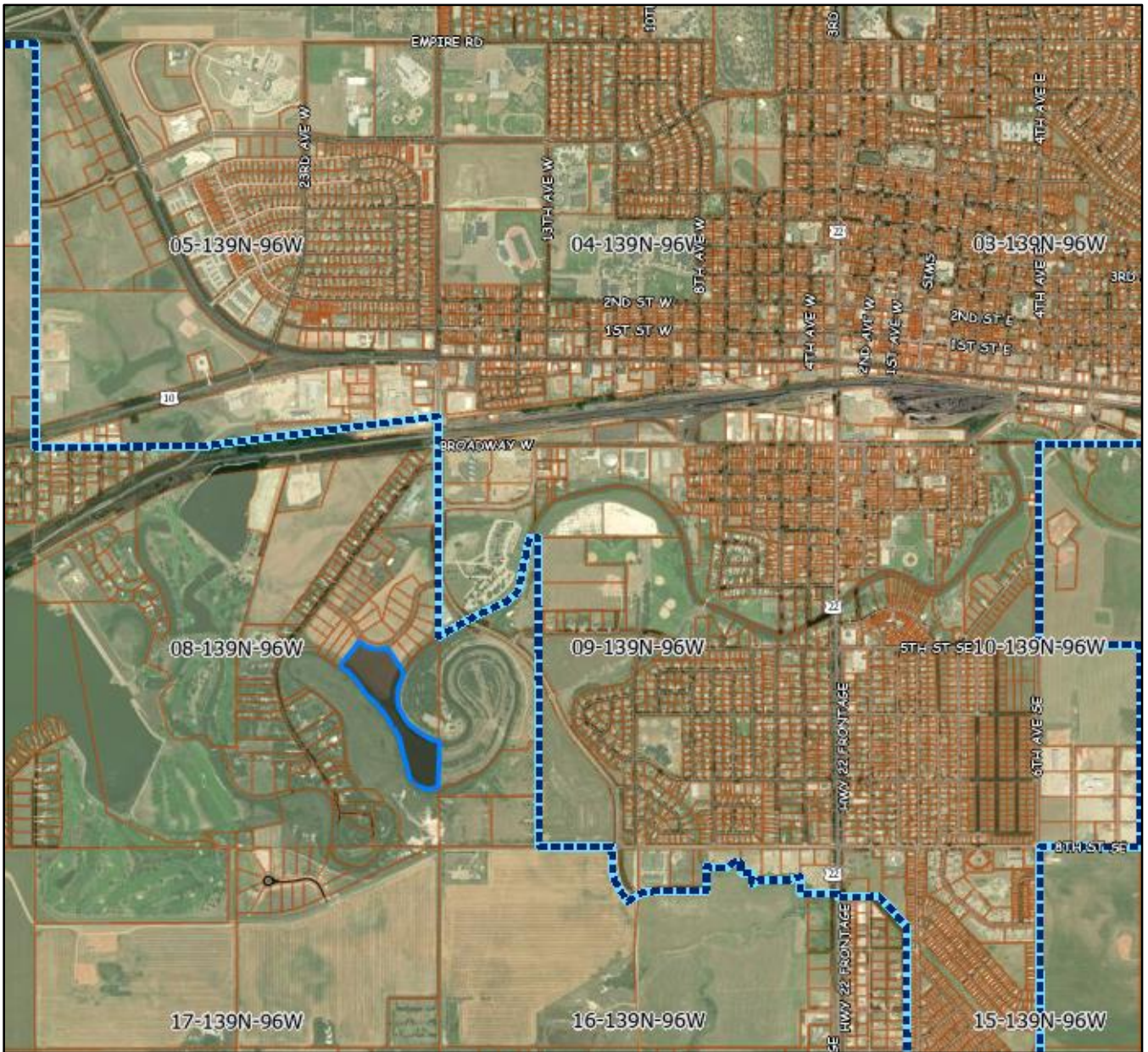
Public Hearing	March 13, 2024	Planning and Zoning Commission
Final Consideration	March 19, 2024	City Commission

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 an 8.65-acre northern lot (proposed Lot 2) and an 8.70-acre southern lot (proposed Lot 1). This request was originally submitted in July of 2023 but had been tabled by the applicant, citing floodplain management considerations.

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.

Public Comments: None.

Recommendation: Approval, subject to conditions listed below.



ZONING	AG
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	+/- 17.35 ACRES
LOTS PROPOSED	1

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.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend Approval of **FLP-008-2023 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-008-2023 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."*