



# Seiler Special Use Permit Staff Report

**To:** City of Dickinson Planning and Zoning Commission  
**From:** City of Dickinson Community Development  
**Date:** September 3, 2025  
**Re:** **SUP-004-2025 Seiler Special Use Permit**

## APPLICANT

Eric Seiler  
 GAD Properties LLC  
 1462 I-94 Business Loop East  
 Dickinson, ND, 58601-6421  
 chiro1120@hotmail.com  
 (701) 590-3309

<b>Public Hearing</b>	September 10, 2025	Planning and Zoning Commission
<b>Final Consideration</b>	September 16, 2025	City Commission

## EXECUTIVE SUMMARY

The applicant is requesting a special use permit to operate a medical office within the High Density Residential (R-3) zoning district. The property is legally described as Lot 1 in Block of the Hilliard & Manning First Addition Subdivision, located in the SW1/4 of the NW1/4 of Section 3, Township 139 North, Range 96 West, within the City of Dickinson. This property is approximately 5.37 acres. According to the applicant, the purpose of this special use permit is to open and operate a chiropractic medical office within the existing structure.

Staff Recommendation: Staff recommends approval of this special use permit subject to conditions.

## LOCATION

The property is located within the SW1/4 of the NW1/4 of Section 3, Township 139 North, Range 96 West, City of Dickinson, of the 5th Principal Meridian, Stark County, North Dakota.

<b>CURRENT ZONING</b>	<b>R-3</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>RESIDENTIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/-0.162</b>
<b>LOTS PROPOSED</b>	<b>N/A</b>

<b>NEARBY ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	PUD	St. Joe's Plaza PUD
East	R-3	Single-family residential
South	R-3	Single-family Residential
West	R-3	Single-Family Residential

## STAFF ANALYSIS

### BACKGROUND

The existing facility at 109 7<sup>th</sup> Street West was previously utilized as a medical office as a part of the St. Joseph's Hospital complex. The applicant has indicated there will be a total of four medical professionals conducting work in the facility, and there will be no significant changes to the exterior of the building. Hours of operation shall be limited to normal business hours of 8-5 on weekdays.

### CURRENT ORDINANCE REVIEW

According to Table 62-162-2: Permitted Uses by Zoning Districts, a medical office use is allowed upon obtaining a Special Use Permit in the High Density Residential (R-3) zoning district.

Medical offices have an off-street parking requirement of 3 spaces per staff doctor or dentist, as outlined in Table 62-589-1: Minimum Off-Street Parking Requirements, in Section 62-589: Schedule of off-street parking requirements, in the City's Municipal Code. The applicant is requesting to utilize an existing parking lot located on Lot 11 of Block 4 of the Hilliard and Manning Addition Subdivision to meet this requirement. Section 62-590(b) outlines the following regulations for nonresidential parking:

- 1) Off-street parking for nonresidential uses shall be located on the same lot or site as the use, or on a remote lot within 300 feet of that use if the parking site is within a zoning district that either permits the off-street parking use type or allows off-street parking with a special use permit. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of approval.
- 2) Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided by the owner, or unless other traffic control or shuttle bus service is provided by the owner to the remote parking area.
  - a. The granting of off-street parking on a separate lot or site shall be based upon one or more of the following findings:
    1. There are restrictions of topography, title, lot design, existing building footprint, or required access that prohibit the parking requirement from being met on the same lot as the principal use;
    2. The applicant has maximized the space available on the lot to accommodate the required parking;
    3. The disabled parking requirement is met on the lot that the principle use is on;
    4. Parking on the remote lot shall not cause a recognizable impact on traffic or adjacent land uses on either the lot that the principal use is on or the remote lot;
    5. Parking on the remote lot shall not adversely affect the public health, safety and welfare; and/or
    6. Parking spaces available on the remote parking lot are not required to satisfy the required parking for any other use.
  - b. Parking spaces on a remote parking lot shall be:
    1. Secured by a lease to be in effect as long as the principal use exists; and
    2. Covered by an agreement providing for the maintenance of the parking spaces; and
    3. Posted with permanent signage identifying the principal use that the parking spaces are reserved for.

The off-street parking use is allowed with a Special Use Permit in the R-3 zoning district, according to Table 62-162-2: Permitted Uses by Zoning Districts. Additionally, the 1<sup>st</sup> Avenue West right-of-way has a width of less than 80 feet, and the proposed remote parking lot is less than 300 feet from 109 7<sup>th</sup> Street West.

## **PUBLIC INPUT AND STAFF RECOMMENDATION**

**Public Input:** Staff has not received any public input as of the date of this report.

**Staff Recommendation:** City of Dickinson Community Development Staff recommends **approval** of SUP-004-2025 subject to the conditions listed below:

- Operation of the medical office shall be as described in this staff report as well as in the material found in Attachment A;
- The SUP approval shall expire with any change in ownership of the business or property. All subsequent owners of the property shall be required to reapply for SUP approval; and
- All operations and site designs must abide by all relevant City, State, and Federal guidelines; and
- The two lots included this permit may not be sold separately by the applicant. In the event that either lot is sold, this special use permit is considered voided and the facility must cease all operations.

**MOTIONS:**

**\*\*\*Approval\*\*\***

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **SUP-004-2025: Seiler Special Use Permit** 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 **SUP-004-2025: Seiler Special Use Permit** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*