



## United Way Group Living SUP Staff Report

**To:** City of Dickinson Planning and Zoning Commission  
**From:** City of Dickinson Community Development  
**Date:** May 7, 2025  
**Re:** **SUP-002-2025 United Way Group Living Special Use Permit**

### OWNER/APPLICANT

Tracy Tooz  
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### APPLICANT

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<b>Public Hearing</b>	May 14, 2025	Planning and Zoning Commission
<b>Final Action</b>	May 20, 2025	City Commission

### EXECUTIVE SUMMARY

The applicant is requesting approval of a Special Use Permit (SUP) application for a group living facility that would be located on a 1.25-acre property located at 2143 6<sup>th</sup> Avenue West in the City of Dickinson. The property is zoned Community Commercial (CC).

Staff Recommendation: Denial

### LOCATION

The property is located within the SE1/4 of the NE1/4 of Section 28, Township 140 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. Currently, the property is legally described as the South 117 feet of Lot 3 and All of Lot 4 in Block 5 of the Lutz's First Addition Subdivision.

<b>CURRENT ZONING</b>	<b>CC</b>
<b>FUTURE LAND USE MAP DESIGNATION</b>	<b>COMMERCIAL</b>
<b>GROSS SITE ACREAGE</b>	<b>+/- 1.25</b>

<b>LOTS PROPOSED</b>	<b>1</b>
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<b>ADJACENT ZONING &amp; LAND USE</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	CC	Undeveloped
East	CC	Southwestern District Health Clinic
South	CC	Car Wash
West	R-2	Residential Uses

## STAFF ANALYSIS

## BACKGROUND

Group living facilities are a permitted use in Community Commercial (CC) zoning upon obtaining a Special Use Permit (SUP). The requirements for an SUP application for a Group Living Facility, as listed in Municipal Code Section 62-468 (4), are listed below:

*"1. Information regarding the proposed group living facility operation, which includes, but is not necessarily limited to, the following:*

- a. A complete statement of the types of services to be provided, including a client case management plan as well as the provision of "wrap around" services;*
- b. Consent to a background investigation of the owner/operator of the facility;*
- c. A list of required licenses and/or certificates, if any;*
- d. A list of agencies expected to provide services at the facility;*
- e. The applicant's history of residency, employment, and business ownership for five years prior to the date of the application;*
- f. A copy of the facility's house rules and regulations;*
- g. A copy of the facility's on-site security plan;*
- h. A copy of the facility's on-site emergency management plan, to include contingencies for fire, tornado, and other natural disaster;*
- i. Any additional information deemed necessary by Development Services, the Planning and Zoning Commission, and/or the City Commissioner.*

*2. No Group Living use may be located within 300 feet of another Group Living use, measured by lot line to lot line, unless such location is otherwise reviewed and approved as a Special Use.*

- 3. If located within 150 feet of a single-family residential zoning district, including overlay districts and/or planned unit developments, all outdoor activity shall be screened from public view and from the view of adjacent properties.*
- 4. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.*
- 5. Any permit issued under this Section shall be non-transferrable as to the permit holder and/or the premises to be permitted. A permit holder may not relocate their operation using the same permit. A permit approved at a particular location may not be transferred to a new individual or business.*
- 6. The permit holder shall conduct an annual compliance audit. The results of that annual compliance audit shall be made available to the Community Development Department.*
- 7. The permit holder shall appear annually before the Planning and Zoning Commission for renewal of the permit. In addition to the annual compliance audit, the Community Development Department may require additional information or an annual site inspection prior to renewal.*
- 8. Group living facilities shall comply with all applicable local, state and federal requirements.*
- 9. Group living facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions. (Ord. No. 1798 § 9)"*

Currently, the submitted application has not included a site plan or detailed plan of operation including funding sources, number of staff members involved, and required certifications for employees.

Additionally, the application did not address the following minimum criteria for special use permits as listed in *Table 62-55-1 Criteria For Site Plan Review and Special Use Permits* in Section 62-55 of the City of Dickinson's Zoning Ordinance.

- Development Density
  - Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features;
- Height and Bulk
  - Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations;
- Setbacks
  - Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics;
- Building Coverage

- Building coverage should be similar to that of surrounding development of possible. Higher coverage should be mitigated landscaping or site amenities;
- Frontage
  - Project frontage along a street should be similar to lot width;
- Parking and Internal Circulation
  - Parking should serve all structures with minimal conflicts between pedestrians and vehicles;
  - All structures must be accessible to public safety vehicles;
  - Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points;
- Traffic
  - Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations;
- External Traffic Effects
  - Project design should direct nonresidential traffic away from residential areas;
- Operating Hours
  - Projects with long operating hours must minimize effects on surrounding residential areas;
- Outside Storage
  - Outside storage areas must be screened from surrounding streets and less intensive land uses;
- Sanitary Waste Disposal
  - Developments within 200 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare;
  - Sanitary sewer must have adequate capacity to serve development
- Storm Waste Management
  - Development should handle stormwater adequately to prevent overloading of stormwater management system;
  - Development should not inhibit development of other properties;
  - Development should not increase probability of erosion, flooding, landslides, or other run-off related effects;
- Utilities
  - Project must be served by utilities;
- Comprehensive Plan
  - Projects should be consistent with the City's Comprehensive Development Plan.

## **CURRENT ORDINANCE REVIEW**

The property is not located within 300 feet of any group home, group care, or group living facilities. Activities taking place outdoors shall require screening from the residential properties located to the West of the site.

### **COMPATIBILITY WITH LOCAL USES**

The lot to the West of the proposed property is zoned Medium-Density Residential (R-2). For all expansion and new construction, a landscape buffer of 20 feet is required, and opaque screening of the rear elevation of the development is required. The site plan submitted by the applicant includes both of these requirements. The existing buildings do not have to be adjusted unless significant reconstruction of said buildings takes place.

### **PUBLIC INPUT AND STAFF RECOMMENDATION**

**Public Input:** Staff has received multiple queries from residents about this project which were forwarded to the applicant. A local real estate group has expressed opposition to this project.

**Staff Recommendation:** As the applicant as not provided sufficient information regarding operations, and as the applicant did not address the minimum criteria for a special use permit application as listed in Table 62-55-1: Criteria For Site Plan Review and Special Use Permits, City of Dickinson Community Development Staff recommends **denial** of SUP-002-2025.

**MOTIONS:**

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

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **SUP-002-2025: United Way Group Living SUP** 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-002-2025: United Way Group Living SUP** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare."*