



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: July 10, 2023
Re: **SUP-004-2023 The Barking Lot Home-Based Business/Home Occupation Special Use Permit Request**

OWNER

Nick Phillips
 849 16th Ave E
 Dickinson ND 58601

APPLICANT

Cailie Brewer
 849 16th Ave E
 Dickinson ND 58601

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

REQUEST

- A. Request:** To consider a Special Use Permit - Home-Based Business/Home Occupation to allow a dog grooming operation to be located at 849 16th Avenue E within the City of Dickinson.
- B. Project Address/Legal Description/Area:** 849 16th Avenue East.
- C. Project Description:** The applicant proposes to convert a portion of an attached accessory structure into a dog grooming operation.
- D. Operation:** The applicant proposes the following :
- The garage will be converted to a dog grooming shop.
 - One car will be accessing the property for drop-off at a time.
 - Operating hours will be 8:30 am-5pm.
 - No dogs will be allowed outside of the grooming area,

Table I: Current Zoning And Use	
ZONING	Low-Density Residential (R-1)
CURRENT USE	Single-Family Residence
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.16 Acres

Table II-Adjacent Zoning and Land Use		
Direction	Zoning	Land Use
North	Residential (R-1)	Single-family residential
East	Residential (R-1)	Single-family residential
South	Residential (R-1)	Single-family residential
West	Residential (R-1)	Single-family residential

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The home-based business/home occupation for a dog grooming operation would be located in an attached accessory structure. Traffic generated by the proposed home-based business/home occupation should not impact nearby the residences.

- B. Compliance with Zoning and Subdivision Regulations:** According to Table 4-2 as found in Section 39.04.005 of the Zoning Code, operation of a Home-Based Business/Home Occupation in the R-1 zoning district requires approval of Special Use Permit by the City Commission. The supplemental use regulations for home-based businesses/home occupations are found in Section 39.06.008 of the Zoning Code. Staff finds the proposed home-based business/home occupation meets those supplemental use regulations. Staff reviewed the proposed Home Based Business/Home Occupation using the criteria in Table 12-1 as found in Section 39.12.003 of the Zoning Code. Staff found the proposed Home Based Business/Home Occupation met those criteria.

In accordance with Section 39.12.003 of the Zoning Code, the SUP shall become void two years after its effect date if the applicant has not carried out development or occupancy during that period. Also, in accordance with Section 39.12.003 of the Zoning Code, the City Commission may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

- C. Public Input:** As of the date of this this, City staff has not received any public comments.

- D. Staff Recommendation:** The City Development Team staff recommends **approval** of the application and recommends the following **conditions** be attached to the approving resolution:
 - Hours of operation shall be limited to 8:30 a.m. to 5:00 p.m. Mondays through Fridays.
 - The number of appointments per day shall be limited to six.
 - Dogs shall be confined within the building.
 - Operation of the home-based business/home occupation 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. All subsequent owners of the property shall be required to reapply for SUP approval.
- Operation of the home-based business/home occupation shall 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 **SUP-004-2023 The Barking Lot Home-Based Business/Home Occupation Special Use Permit** petition, subject to the conditions 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 **SUP-004-2023 The Barking Lot Home Based Business/Home Occupation Special Use Permit** 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