



City Hall – 99 2nd Street East, Dickinson, ND 58601
Phone: 701.456.7812 Facsimile: 701.456.7723

To: Planning and Zoning Commission
From: Walter J. Hadley Planning Director
Date: June 19, 2019

Re: **SUP-002-19** Compassionate Care Center Dispensary Request

OWNER:
Pursuit Ventures, LLP
10725 Olive Lane
Bismarck, ND 58503

APPLICANT:
GR Vending ND Dispensary 5, LLC
477 Elm Place
Highland Park, IL. 60035

Public Hearings: June 19, 2019 July 2, 2019	Planning and Zoning Commission City Commission
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EXECUTIVE SUMMARY

The applicant is requesting a Special Use Permit for the operation of a Compassionate Care Center Dispensary located at 320 24th Street East, on Lot 38, Block 1 of the Kilwein Subdivision. The lot is currently vacant and the applicant plans to construct a new building on the site for the proposed use.

City staff recommends approval of this request as the applicant has addressed all City concerns and has the final approval from the State to move forward with this operation.

FINDINGS, REQUEST, AND STAFF RECOMMENDATION

- A. Request-**A Special Use Permit (SUP) for a Compassionate Care Center Dispensary located in a proposed new commercial structure to be built at 320 24th Street East in north Dickinson.
- B. Location-** Generally located at 320 24th Street East on a currently vacant General Commercially zoned lot of 1.59 acres in size. The site is currently adjacent to a number of General Commercial uses and will fit into the neighborhood well for use and access.
- C. Recommendation-**Staff recommends approval of this request based on compliance with the City zoning and State requirements for this type of facility.

D. **Project Description**-The subject parcel is currently zoned General Commercial and supports this type of use with a Special Use Permit approval. The site is currently vacant and would appear to be a good location for access and proximity to the highway for deliveries.

E.

ZONING	GC
FUTURE LAND USE MAP DESIGNATION	Commercial
GROSS SITE ACREAGE	1.59 acres
LEASE AREA	n/a
LOTS PROPOSED	n/a
GROSS UNITS/ACRE	n/a

CONTEXT

A. **Background**-The applicant has been working with the State of North Dakota on meeting the requirements to apply for zoning entitlement within Dickinson for over a year. The applicant has met those requirements and also those of the City zoning ordinances that guide this use within the City.

B. Adjacent Land Uses/Zoning

Direction	Zoning	Land Use
North	GC	Commercial
East	GC	Commercial
South	GC	Commercial
West	GC	Commercial

C. **Major Issues**- The applicant as stated above has met the main requirements for this type of use and location within the City of Dickinson. The applicants' site is over 1000' feet from the closest school as required by state law.

D. **Compliance with Zoning and Subdivision Regulations**-The subject parcel is zoned GC and follows the existing Zoning regulations and is in conformance with the existing Subdivision regulations. The proposed site is 3131 feet from the nearest school.

E. **Compliance with the Dickinson Comprehensive Plan**-The proposed SUP is following the Commercial Future Land Use category of the Dickinson Comprehensive Plan.

F. **Access**-Access to the site is via 24th Street East on to the owner's property.

PROVISIONS OF SERVICES

A. **Schools**-N/A

B. **Fire Protection/Police Services**-No concerns, review of the proposed structure will occur during the building permit process.

C. **Water and Sanitation**-The applicant will have to hook to city water and sewer and subscribe to city sanitation services while providing a secure disposal option for the waste that cannot be disposed of in the city dumpsters.

D. **Utilities**-No utility extensions shall be required but the applicant shall contact and coordinate the effort of services with the service providers to that lot.

E. **Dedication**-N/A

PUBLIC INPUT

As of the date of this report, City staff has not received any comments on this request.

ANALYSIS AND DISCUSSION

The petition is in conformance with the Dickinson Comprehensive Plan and the Dickinson Municipal Code Zoning Regulations. City staff recommends approval of the SUP application and recommends the following conditions be attached to the approval resolution:

1. The applicant shall comply with all applicable state laws, including, but not limited to NDCC Ch. 19-24.1.
2. Waste generated from the dispensing of marijuana that contains any element derived from the marijuana plant must be stored in a secure waste receptacle this is only accessible by agents of the marijuana dispensary center and agents of the contracting waste collection company.
3. The applicant's facility must be equipped with an air filtration system such that any odor resulting from the storage or dispensing of marijuana does not unreasonably interfere with the surrounding landowners use and enjoyment of their property.
4. The proposed dispensary shall cease operations between the hours of 1:00 am and 7:00 am.
5. This Special Use Permit approval shall be considered non-transferrable to anyone else for this site. A new application would need to be obtained if ownership changes.

6. The applicant shall appear annually before the Planning and Zoning Commission to renewal of their permit. Failure to do so will allow the Planning Commission to reconsider and void the Special Use Permit approval.
7. The applicant shall maintain their good standing and registration with the State of North Dakota. If their registration lapses, operation on site shall cease until it is brought back into good standing, and the City shall have the option to void the Special Use Permit and require another application to continue operation on site.
8. The applicant shall be encouraged to submit a minimal landscaping plan for the remainder of their site that includes native grasses and some plant materials to encourage the maintenance of the remainder of the site not being utilized by the proposed dispensary facility.

Attachments:

- A-Application Materials

MOTIONS:

*****Approval with Conditions *****

I move the City of Dickinson Planning and Zoning Commission recommend Approval of the petition for a Special Use Permit SUP-002-19 for a Compassionate Care Center Dispensary, subject to any appropriate conditions required by the Commission, as meeting all the requirements and intent of the Dickinson Municipal Code, State of North Dakota Standards, 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-002-19 Special Use Permit petition as NOT meeting all the requirements of the Dickinson Municipal Code and being contrary to interest of the public health, safety and welfare.

ATTACHMENT A-APPLICATION MATERIALS