



## United Way Group Living SUP Staff Report

**To:** City of Dickinson Planning and Zoning Commission  
**From:** City of Dickinson Community Development  
**Date:** June 4, 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>	June 11, 2025	Planning and Zoning Commission
<b>Final Action</b>	June 17, 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: Approval subject to conditions.

According to Section 62-55 of the City's Municipal Code, a Special Use Permit shall become void after its effective date if the applicant has not carried out development or occupancy during that period.

### 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>N/A</b>

<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 an allowed use in Community Commercial (CC) zoning following approval of a Special Use Permit (SUP) by the City Commission. The requirements for an SUP application for a group living facility, as listed in Municipal Code Section 62-468 (4), are as follow:

*"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)"*

City Community Development staff has requested a complete plan of operations from the applicant, detailing which organizations will be operating within the facility, how the site will be utilized, the number of expected and maximum occupants, traffic impacts and flow, and how the project will be funded initially and continually, as is listed in Section 62-468(4)(a)(9). All required information has been supplied to City staff by the applicant.

Section 62-55(c)(4) requires applicants submit a site plan demonstrating how the site will be utilized. A site plan was submitted at the Planning and Zoning Commission meeting on May 14, 2025 that includes the locations of House of Manna operations and where secure doors separating distinct areas of the facility shall be located.

## **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.

The applicant has indicated the second floor of the facility will be utilized as a group care facility for substance abuse disorder treatment. The proposed treatment facility would be operated by the Southwest Multi-County Correction Center. This use is permitted in CC-zoned districts, however this proposed use must be included in the SUP scope due to the possible overlap of operations. As outlined in Municipal Code Section 62-468(3)(a), this facility must be licensed with the North Dakota Department of Human Services' Behavioral Health Division.

According to the projected revenue sources and projected expenses submitted by the applicant, the facility should be able to operate financially without a loss, whether it is at quarter capacity, half capacity, or full capacity.

### **COMPATIBILITY WITH LOCAL USES**

The lot to the West of the proposed property is zoned Medium-Density Residential (R-2). Opaque screening of the rear elevation of the development is required, and a landscape buffer of 20 feet would be required for any expansions or new construction. The applicant has indicated they will install a privacy fence on the property's perimeter, as indicated on the site plan. The location of existing buildings does not need to be adjusted unless significant reconstruction of said buildings takes place.

The third floor of the facility is identified as transitional housing to support residents who are pursuing permanent housing and financial stability. The facility is located on the western edge of a cluster of CC-zoned properties that house affordable businesses such as thrift stores or fast-food restaurants. These businesses can be accessed by residents of the facility on foot, and these businesses shall serve not only as opportunities to provide affordable goods and services, but they may also provide residents with entry-level job opportunities.

A group living facility may result in an increase in the amount of pedestrian traffic along 21<sup>st</sup> Street West, particularly at the intersection of 6<sup>th</sup> Avenue West. Depending on the level of this potential impact, a rapid-rotating flashing beacon (RRFB) may be a possible future improvement to this intersection.

The proposed facility is not within walking distance of other relevant service providers, including the Stark County Roughrider North Human Service Zone, Stark County Social Services, and/or the Stark County Housing Authority. The applicant/permit holder shall be responsible for coordinating transportation.

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

**Public Input:** The City has received a total of six letters of opposition for this project from surrounding homeowners, property owners, and real estate agencies. These letters cite a possible increase in crime and a decrease in property values as cause for opposition. The applicant submitted a letter of support for the facility from the clinical director of the Southwest Multi-County Correction Center. The City received a call from Louise Neurohr in opposition of the House of Manna moving into this facility due to the limited parking availability and potential traffic congestion.

As per the request of the Planning and Zoning Commission, a public engagement meeting was held by the applicant in the City Commission Chambers on May 28, 2025. During this meeting, the applicant presented the plan of operations for the project in addition to a traffic study. At the meeting, the applicant solicited public questions and comments. Numerous residents both spoke against and in favor of this facility during the meeting.

**Staff Recommendation:** The City of Dickinson Community Development Staff recommends **approval** of SUP-002-2025, subject to the conditions listed below:

- **Development shall be in accordance with the application materials received by the City of Dickinson as found in Attachment A;**
- **Prior to submittal of a building permit application, the permit holder/developer shall submit an onsite lighting plan for review and approval by the Development Services Department. 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;**
- **Any permit issued under this section shall be nontransferable 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;**
- **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;**
- **For at least one year after final approval of this SUP, the applicant shall appear quarterly in front of the Planning & Zoning Commission to give a status update on the progress made toward operations, including reporting on staffing, grants obtained, and construction progress. The duration of time these quarterly updates will be required can be extended by the Planning and Zoning Commission if a majority of members vote an extension to be necessary. After the first year, 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;**

- **Facility operations must be as outlined by the applicant in this Special Use Permit. Significant changes to operations will require an amendment to the SUP;**
- **The Board of City Commissioners 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. The Planning and Zoning Commissioners may recommend the City Commissioners consider a revocation at any time with a majority vote;**
- **Group living facilities shall comply with all applicable local, State and Federal requirements; and**
- **Group living facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.**

**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."*