



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Development Team
Date: May 26, 2023
Re: SUP-003-2023 Bright Start Daycare Expansion Special Use Permit Request

OWNER/APPLICANT

Marta Munoz
 990 3rd Avenue West
 Dickinson ND 58601

Public Hearings: June 21, 2023	Planning and Zoning Commission
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REQUEST

- A. Request:** To consider a Special Use Permit to expand an existing group day care located at 990 3rd Avenue West in Dickinson, North Dakota.
- B. Project Address/Legal Description/Area:** The group day care center is located at 990 3rd Avenue West within the City of Dickinson.
- C. Project Description:** On October 4, 2022, the City Commission adopted Resolution 31-2022 granting the applicant a special use permit to operate a group day care center for a maximum of 12 children. After meeting with both City staff and State Health and Human Services staff, the applicant is requesting an expansion of the group day care center from 12 children to 30 children.

According to Section 39.03.005 of the Zoning Code, Group Day Care Services include "... all classifications of day care facilities, including facilities licensed by the State of North Dakota, providing care for ten (10) or more individuals. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities".

- D. Operation:** The hours of the group day care will continue to be 6:00 a.m. through 6:00 p.m. Monday's through Friday's. The applicant has indicated the maximum number of employees will increase from two to five. Due to the proposed expansion, the applicant will need to expand the number of off-street parking spaces from four to 11.

In her application received by the City on May 1, 2023, the applicant received a letter from Emily Dolinar of the State Department of Health & Human Services stating a successful expansion would require the following:

- Approval of a special use permit from the City;
- A successful fire department inspection; and
- A successful Health Department inspection,

Table I: Current Zoning And Use	
ZONING	Medium Density Residential (R2)
CURRENT USE	Group Day Care
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL
GROSS SITE ACREAGE	0.287 acres

Table II: Current Adjacent Land Use/Zoning

Direction	Zoning	Land Use
North	Medium Density Residential (R2)	Retirement residence
East	Low Density Residential (R1)	Single-family residential
South	Medium Density Residential (R2)	Multi-family residential
West	Low Density Residential (R1)	Single-family residential

STAFF REVIEW AND RECOMMENDATIONS

- A. Compatibility with Local Uses:** The proposed Group Day Care currently is located on the ground floor of a two-story multi-family structure. As the building is located on the corner of 3rd Avenue West and 10th Street West traffic generated by the proposed Group Day Care should not impact the residences located on the local streets to the east of the site. As a day care generally serves as a residential support service, the proposed location is in an appropriate location.
- 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 Group Day Care center in the R-2 zoning district requires approval of special use permit by the City Commission.

According to Table 9-1 in Article 39.09 of the Zoning Code, a minimum of 11 off-street parking spaces would be required to serve the proposed day care facility. The applicant can provide enough off-street parking on the east side of the building.

Staff reviewed the proposed Group Day Care using the criteria in Table 12-1 as found in Section 39.12.003 of the Zoning Code. Staff found the proposed Group Day Care 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:

- **The maximum number of children shall be limited to 30.**
- **The age range of the children shall be infancy through 12 years old.**
- **Operation of the group day care center shall be as described in this staff report as well as in the material found in Attachment A.**
- **Expansion of the group daycare center is contingent upon final approval by the City of Dickinson Fire Department and the State Department of Health and Human Services.**
- **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 Group Day Care Center 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-003-2023 the Bright Start Daycare Expansion 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-003-2023 the Bright Start Daycare Expansion 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