



## STAFF REPORT

**To:** Planning and Zoning Commission  
**From:** City of Dickinson Development Team  
**Date:** May 26, 2023  
**Re:** **SUP-002-2023 Bubble and Paw Home-Based Business/Home Occupation  
 Special Use Permit Request**

### OWNER/APPLICANT

Latice Smith  
 3936 6<sup>th</sup> Avenue East  
 Dickinson ND 58601

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

### REQUEST

- A. Request:** To consider a Special Use Permit for a Home-Based Business/Home Occupation to be located at 3936 6th Avenue in City of Dickinson's Extra-Territorial Zone.
- B. Project Address/Legal Description/Area:** 3936 6<sup>th</sup> Avenue East in the City's Extra-Territorial Zone (ETZ).
- 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 :
- Hours of operation would be 8:00 a.m. to 5:00 p.m.;
  - The maximum number of daily appointments would be three;
  - No walk-ins would be permitted;
  - Dogs would be confined within the structure; and
  - A barrier system will be installed to prevent dogs from escaping.

Table I: Current Zoning And Use	
ZONING	Rural Residential (RR)
CURRENT USE	Single-family residence
FUTURE LAND USE MAP DESIGNATION	RESIDENTIAL

<b>GROSS SITE ACREAGE</b>	<b>1.13 acres</b>
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<b>Table II-Adjacent Zoning and Land Use</b>		
<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	<b>Agricultural (AG)</b>	<b>Undeveloped</b>
<b>East</b>	<b>Rural Residential (RR)</b>	<b>Single-family residential</b>
<b>South</b>	<b>Rural Residential (RR)</b>	<b>Multi-family residential</b>
<b>West</b>	<b>Rural Residential (RR)</b>	<b>Single-family residential</b>

**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. The building is located on the corner of 4<sup>th</sup> Avenue East and 40<sup>th</sup> Street East, and the applicant is limiting the number of clients to three per day. Traffic generated by the proposed home-based business/home occupation should not impact the residences located on the local streets to the east of the site.

**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 RR 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 8:00 a.m. to 5:00 p.m. Mondays through Fridays.
- The number of appointments per day shall be limited to three.
- 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-002-2023 the Bubble and Paw 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-002-2023 the Bubble and Paw 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**