



PLANNING AND ZONING COMMISSION MEETING AGENDA

Wednesday, November 15, 2023 at 7:10 AM
City Hall – 38 1st Street West Dickinson, ND 58601

Commissioners:

Chairman: Jason Fridrich

Vice Chairman: Scott Bullinger

Dean Franchuk

Jo Marie Kadrmas

Troy Bosch

Val Decker

Rick Haugen

Aaron Johansen

Mike Schwab

CALL TO ORDER

ROLL CALL

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

2. MINUTES

A. OCTOBER 18TH, 2023 MINUTES

3. REGULAR AGENDA:

A. REZONE (REZ-007-2023) - *Presented by: City Planner, Matthew Galibert*

To consider a Zoning Map Amendment from General Industrial to Public for a property legally described as the north, northwest and center portions of Lot 1, Block 1 of Energy Center Third Addition, in the Southeast Quarter of Section 1, Township 139 North, Range 96 West of the 5th P.M., City of Dickinson, Stark County, North Dakota. These two tracts have the Parcel Numbers of 41-1575-01000-101 and 41-1575-01000-102. This property is located in the City of Dickinson.

B. FUTURE LAND USE MAP AMENDMENT (FLM-002-2023) - *City Planner, Matthew Galibert*

To consider a Future Land Use Map Amendment from Industrial to Public/Civic for a property legally described as the north, northwest and center portions of Lot 1, Block 1 of Energy Center Third Addition, in the Southeast Quarter of Section 1, Township 139 North, Range 96 West of the 5th P.M., City of Dickinson, Stark County, North Dakota. These two tracts have the Parcel Numbers of 41-1575-01000-101 and 41-1575-01000-102. This property is located in the City of Dickinson.

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. HOMELESS SHELTER ZONING CODE AMENDMENT - *Presented by City/County Planner, Steve Josephson*

B. DEPARTMENT UPDATES - *Presented by City Planner, Matthew Galibert*

7. ADJOURNMENT

MEETING LINKS

Meeting Packet: <https://tinyurl.com/PZ-11-15-2023-Packet>

Stream Link: <https://tinyurl.com/PZ-11-15-2023-Stream>

Teams Meeting: <https://tinyurl.com/PZ-11-15-2023-Teams>

Meeting ID: 248 470 677 725

Meeting Passcode: kgpmN3

Teams Phone #: +1 701-506-0320

Phone Conference ID: 259 549 435#

Local Phone #: 701-456-7006



PLANNING AND ZONING COMMISSION MEETING MINUTES

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CALL TO ORDER

ROLL CALL

PRESENT

Chairman Jason Fridrich

Vice Chairman Scott Bullinger

Commissioner Dean Franchuk

Commissioner Richard Haugen

Commissioner Mike Schwab

Commissioner Jo Marie Kadrmas

Commissioner Troy Bosch

Commissioner Val Decker

ABSENT

Commissioner Aaron Johansen

OPENING CEREMONIES: PLEDGE OF ALLEGIANCE

1. ORDER OF BUSINESS:

Motion to approve order of business.

Motion made by Commissioner Decker, Seconded by Commissioner Haugen.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Haugen, Commissioner Schwab, Commissioner Kadrmas, Commissioner

Bosch, Commissioner Decker

2. MINUTES

A. SEPTEMBER 20TH, 2023 MINUTES

Motion to approve minutes as presented.

Motion made by Vice Chairman Bullinger, Seconded by Commissioner Bosch.
Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk,
Commissioner Haugen, Commissioner Schwab, Commissioner Kadrmas,
Commissioner Bosch, Commissioner Decker

3. REGULAR AGENDA:

A. REZONE (REZ-005-2023) - Presented by: City Planner, Matthew Galibert

To consider a Zoning Map Amendment from GC and CC to CC for a property located at 1005 East Villard and legally described as Lot 1C less 2 feet of the east boundary of Block 1 of the Kum & Go Addition.

City Planner Galibert states that this is a clean up item. He explains that when staff reviewed the plat it was noted that there were two zoning districts and it was non-conforming. He explains why it will be rezoned to CC instead of GC. Mr. Schwab asks if CC fits with what is already there. Mr. Galibert says it is the better choice for that area, and explains the reasons why the CC fits quite well. He explains the properties surrounding are all GC. Chairman Fridrich asks if this is a typical transition from GC to CC. Mr. Galibert says this is a way to get a less intensive transition.

The applicant is not present.

Chairman Fridrich opens the public hearing. There being no comment the public hearing is closed.

*I move the City of Dickinson Planning and Zoning Commission recommend **approval** of REZ-005-2023 Lot 1 of TCB Subdivision Rezone 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.*

Motion made by Commissioner Decker, Seconded by Vice Chairman Bullinger.
Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk,
Commissioner Haugen, Commissioner Schwab, Commissioner Kadrmas,
Commissioner Bosch, Commissioner Decker

4. PUBLIC ISSUES OF CONCERN NOT ON AGENDA

5. ITEMS NOT ON AGENDA

6. WORK SESSION

A. RENAISSANCE ZONE UPDATES - *Presented by: City/County Planner, Steve Josephson*

Mr. Josephson presents the Renaissance Zone Program updates. He states that the State Legislature has made a number of changes to the Century Code that will benefit developers. He presents a PowerPoint showing all the changes. He states that extensions of the Ren Zone may be granted in increments up to ten years; they were previously capped at five years. Communities may opt to have up to two exemptions, often referred to as islands. Mr. Josephson is looking for direction from the commission on an amendment to the City's development plan for Ren Zone participants to apply for a commercial property 8-year tax exemptions. And also, to start on the process to request a ten-year extension to the city's Ren Zone. He would also like to work on creating a second noncontiguous island. He also noted that once you remove a block from the Ren Zone, you cannot restore it. Mr. Schwab asks about residential vs commercial. Mr. Josephson can only think of one residential application that he knows of – they are not common. He says the city would have to weigh if the investment is worth it to grant the eight-year tax exemption. The city would have to gain letters of support from other tax entities. The board agrees to make the changes to the development plan to match century code.

7. ADJOURNMENT

Motion made by Commissioner Schwab, Seconded by Commissioner Franchuk.

Voting Yea: Chairman Fridrich, Vice Chairman Bullinger, Commissioner Franchuk, Commissioner Haugen, Commissioner Schwab, Commissioner Kadrmass, Commissioner Bosch, Commissioner Decker



Unified Development Application

Zoning Map Amendment Application

Have you met with Planning Staff regarding your application?

Yes – correspondence on file

Applicant Information

Name – Dustin Dassinger

Company – City of Dickinson

Email – Dustin.Dassinger@dickinsongov.com

Phone – ~~701-504-8197~~ 701 456 7739

Type of Development

Rezoning – Zoning Map Amendment

Will this application require any other action to complete the development?

Yes – Future Land Use Map Amendment

Metes and Bounds Description

A tract of land as described in Deed Document No. 3029000, as recorded at the Stark County Clerk and Records Office and having the Parcel No. 41-1575-01000-102 and a tract of land having the Parcel No. 41-1575-01000-101 in the Southeast Quarter (SE 1/4) of Section 1, Township 139 North, Range 96 West of the 5th P.M., Stark County, North Dakota described as follows: Beginning at the northwest corner of a said tract of land as described in Deed Document No. 3029000; thence S87°54'17"E, a distance of 1957.00 feet; thence S01°33'27"W, a distance of 436.94 feet; thence N87°54'17"W, a distance of 1097.60 feet; thence along the arc of a curve to the left with a radius of 366.00 feet, an arc length of 578.40, chord bearing S46°48'06"W, 520.06 feet; thence S01°29'48"W, a distance of 122.28 feet; thence N87°54'17"W, a distance of 490.01 feet; thence N01°32'42"E, a distance of 928.85 feet to the Point of Beginning. Containing 25.84 acres, more or less, and is subject to any previous easements, agreements, conveyances and surveys.

Legal – Section/Township/Range

SE ¼ / 139N / 96W

Legal Lot/Block/Addition

Lot 1, Block 1, Energy Center Third Addition

Total Square Footage or Acreage of Subject Property

25.84 Acres

Existing Zoning: GI

Proposed Zoning: P

Overlay District Description:

Not applicable

Deed and Required Documentation Submitted

Yes

Property Owner Information

Owner Address – 38 1st St W

Dickinson, North Dakota 58601

Agent of Owner Signature



Date: 10/23/22



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Planning
Date: November 8, 2023
Re: REZ-007-2023 Energy Center 3rd Addition Rezone

OWNER/APPLICANT

City of Dickinson
 38 1st Street E

Public Hearings:	November 15, 2023	Planning and Zoning Commission
	November 21, 2023	City Commission
	December 5, 2023	City Commission

EXECUTIVE SUMMARY

To consider approval of a rezone petition from General Industrial (GI) to Public (P) of a property legally described as Lot 1, Block 1, Energy Center 3rd. Approval of this Future Land Use Amendment is required for legal conformity of the concurrent rezone petition of this property.

Staff recommends approval of REZ-007-2023. Staff has received no comments from the public.

LOCATION

The property proposed for this Rezone is legally described as Lot 1, Block 1, Energy Center 3rd Addition, located within the SE ¼ Section 1, Township 139N, Range 96W of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject parcel is generally located on the west side of Energy Drive, approximately 1,100 feet north of Villard Street E.

CURRENT ZONING	General Industrial
FUTURE LAND USE MAP DESIGNATION	Industrial
GROSS SITE ACREAGE	25.64 acres
LOTS PROPOSED	N/A

NEARBY ZONING & LAND USE		
Direction	Zoning	Land Use
North	GI	Industrial
East	GI	Industrial
South	GI	Industrial
West	GI	Industrial

STAFF ANALYSIS & RECOMMENDATION

The property is owned by the City of Dickinson, and the land uses on the property have been; North Dakota National Guard outdoor equipment storage area on the eastern portion of the property, and the western portion has been used for miscellaneous storage for public works. The new North Dakota National Guard Readiness Center is currently being constructed within the general footprint of what was previously the outdoor equipment storage area. The City of Dickinson staff has been in discussions with the North Dakota National Guard about the City’s proposal for a Public Safety Training Facility on the western portion of the property. The intent is for the North Dakota National Guard and the City of Dickinson Public Safety departments to utilize the others facilities, providing mutual benefit. This City of Dickinson project is currently out for Request for Proposal to complete the engineering and design for the site layout and utility connections with the intent of submitting the plans for a Department of Defense grant in 2024. Both the North Dakota National Guard Readiness Center and the proposed Public Safety Training Facility would be best suited in the proposed Public zoning district.

An amendment to the Future Land Use Map approval of this petition. Staff has reviewed the surrounding GI-zoned area and has determined that approval of the rezone and FLUM amendment will have negligible or no impact on future infill and development of the area.

Compatibility with Local Uses

The introduction of the National Guard Readiness Center and Fire Safety Training Center should have no deleterious effect on nearby local uses. The applicant and those utilizing the subject property must understand that being embedded within General Industrial zoning may lead to future conflicts, depending on the nature of any nearby future industrial development. Per current ordinance, future industrial uses will be permitted in this area.

Compliance with Zoning and Subdivision Regulations

If approved, the subject parcel will comply with requirements as set forth by Articles 39 Zoning and 34 Subdivision.

The Public zoning district is not subject to bufferyard standards set forth in **Section 39.08.005 Bufferyard**. Similarly, the adjacent GI lots are permitted to develop as if the National Guard facility were zoned GI.

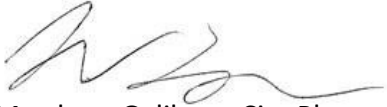
Provisions Table 8-2 Buffer-yard Requirements. If approved, the subject parcel will comply with requirements as set forth by Articles 39 Zoning and 34 Subdivision.

Public Input

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

Staff Recommendation

Staff recommends approval of the Future Land Use Map Amendment FLM-002-2023.



Matthew Galibert, City Planner

APPENDICES

None

ATTACHMENTS

A – Staff report

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-002-2023** 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 **FLM-002-2023** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*



Unified Development Application

Future Land Use Map Amendment Application

Have you met with Planning Staff regarding your application?

Yes – correspondence on file

Applicant Information

Name – Dustin Dassinger

Company – City of Dickinson

Email – Dustin.Dassinger@dickinsongov.com

Phone – ~~701-504-8107~~ ~~701-504-8107~~ 701 456 7739

Type of Development

Future Land Use Map Amendment

Will this application require any other action to complete the development?

No

Metes and Bounds Description

A tract of land as described in Deed Document No. 3029000, as recorded at the Stark County Clerk and Records Office and having the Parcel No. 41-1575-01000-102 and a tract of land having the Parcel No. 41-1575-01000-101 in the Southeast Quarter (SE 1/4) of Section 1, Township 139 North, Range 96 West of the 5th P.M., Stark County, North Dakota described as follows: Beginning at the northwest corner of a said tract of land as described in Deed Document No. 3029000; thence S87°54'17"E, a distance of 1957.00 feet; thence S01°33'27"W, a distance of 436.94 feet; thence N87°54'17"W, a distance of 1097.60 feet; thence along the arc of a curve to the left with a radius of 366.00 feet, an arc length of 578.40, chord bearing S46°48'06"W, 520.06 feet; thence S01°29'48"W, a distance of 122.28 feet; thence N87°54'17"W, a distance of 490.01 feet; thence N01°32'42"E, a distance of 928.85 feet to the Point of Beginning. Containing 25.84 acres, more or less, and is subject to any previous easements, agreements, conveyances and surveys.

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Legal Lot/Block/Addition

Lot 1, Block 1, Energy Center Third Addition

Total Square Footage or Acreage of Subject Property

25.84 Acres

Existing Zoning: Industrial

Proposed Zoning: Public/Civic

Overlay District Description:

Not applicable

Deed and Required Documentation Submitted

Yes

Property Owner Information

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Agent of Owner Signature



Date: 10/23/22



STAFF REPORT

To: Planning and Zoning Commission
From: City of Dickinson Planning
Date: November 8, 2023
Re: **FLM-002-2023 Future Land Use Amendment**

OWNER/APPLICANT

City of Dickinson
 38 1st Street E

Public Hearings:	November 15, 2023	Planning and Zoning Commission
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EXECUTIVE SUMMARY

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Staff recommends approval of FLUM-002-2023. Staff has received no comments from the public.

LOCATION

The property proposed for this Future Land Use Map Amendment is legally described as Lot 1, Block 1, Energy Center 3rd Addition, located within the SE ¼ Section 1, Township 139N, Range 96W of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota. The subject parcel is generally located on the west side of Energy Drive, approximately 1,100 feet north of Villard Street E.

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The property is owned by the City of Dickinson, and the land uses on the property have been; North Dakota National Guard outdoor equipment storage area on the eastern portion of the property, and the western portion has been used for miscellaneous storage for public works. The new North Dakota National Guard Readiness Center is currently being constructed within the general footprint of what was previously the outdoor equipment storage area. The City of Dickinson staff has been in discussions with the North Dakota National Guard about the City’s proposal for a Public Safety Training Facility on the western portion of the property. The intent is for the North Dakota National Guard and the City of Dickinson Public Safety departments to utilize the others facilities to bring mutual benefit. This City of Dickinson project is currently out for Request for Proposal to complete the engineering and design for the site layout and utility connections with the intent of submitting the plans for a Department of Defense grant in 2024. Both the North Dakota National Guard Readiness Center and the proposed Public Safety Training Facility would be best suited in the proposed Public zoning district.

An amendment to the Future Land Use Map is necessary upon approval to rezone the subject property from GI to P (REZ-007-2023). Staff has reviewed the surrounding GI-zoned area and has determined that approval of the rezone and FLUM amendment will have negligible or no impact on future infill and development of the area.

Compatibility with Local Uses

The introduction of the National Guard Readiness Center and Fire Safety Training Center should have no deleterious effect on nearby local uses. The applicant and those utilizing the subject property must understand that being embedded within General Industrial zoning may lead to future conflicts, depending on the nature of any nearby future industrial development. Per current ordinance, future industrial uses will be permitted in this area.

Compliance with Zoning and Subdivision Regulations

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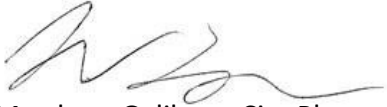
Provisions Table 8-2 Buffer-yard Requirements. If approved, the subject parcel will comply with requirements as set forth by Articles 39 Zoning and 34 Subdivision.

Public Input

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

Staff Recommendation

Staff recommends approval of the Future Land Use Map Amendment FLM-002-2023.



Matthew Galibert, City Planner

APPENDICES

None

ATTACHMENTS

A – Staff report

MOTIONS:

*****Approval*****

*“I move the City of Dickinson Planning and Zoning Commission recommend approval of **FLM-002-2023** 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 **FLM-002-2023** as NOT meeting all the requirements of the Dickinson Municipal Code and as being contrary to interest of the public health, safety and welfare.”*

ND NATIONAL GUARD REZONE AND FLUM AMENDMENT



ZONING ORDINANCE SHELTER AMENDMENTS

CITY OF DICKINSON PLANNING AND ZONING
COMMISSION MEETING

NOVEMBER 15, 2023

WHAT THE CITY ZONING ORDINANCE CURRENTLY ALLOWS

- EMERGENCY RESIDENTIAL SERVICES-PROVIDES PROTECTIVE SANCTUARY FOR VICTIMS OF CRIME OR ABUSE DURING CRISIS INTERVENTION FOR VICTIMS OF RAPE, ABUSE OR PHYSICAL BEATINGS.
- GROUP CARE FACILITY-FOR PERSONS WITH PHYSICAL DISABILITIES, EMOTIONAL OR MENTAL DISORDERS OR DISABILITIES, DRUG OR ALCOHOL ABUSE ISSUES, OR FOR PROGRAMS SERVING AS ALTERNATIVE TO IMPRISONMENT.
- NEITHER EMERGENCY HOMELESS SHELTERS, GROUP SHELTERS NOR FAMILY SHELTERS ARE ALLOWED

ORIGIN OF THE PROPOSED AMENDMENTS

- AT THE MARCH 21, 2023 DICKINSON CITY COMMISSION MEETING STAFF WAS DIRECTED TO DRAFT AN AMENDMENT TO THE CITY'S ZONING CODE ADDRESSING HOMELESS SHELTERS.
- PRIOR TO THIS WORKSHOP STAFF PROVIDED THE ZONING CODE TEXT AMENDMENTS TO MEMBERS OF THE LOCAL HOMELESS COALITION AS WELL AS TO OTHER SOCIAL SERVICE PROVIDERS WHO WORK WITH THE HOMELESS POPULATION.
- CURRENT DRAFT REFLECTS INPUT FROM THESE ORGANIZATIONS

PROPOSED ZONING ORDINANCE AMENDMENTS ARTICLE 39.02 DEFINITIONS

- PROVIDE DEFINITIONS FOR THE FOLLOWING TERMS:
 - HOMELESS PERSON-an individual who lacks a fixed, regular and/or adequate nighttime residence.
 - HOMELESS SHELTER-emergency housing with minimal supportive services for homeless persons that is intended for occupancy of three months or less in a given year by a homeless person.
 - TRANSIENT RESIDENT-one who temporarily resides for generally less than 30 days or seasonally for less than three months during any 12-month period.

PROPOSED ZONING ORDINANCE AMENDMENTS ARTICLE 39.03 USE TYPES

- **FAMILY SHELTER**-a single family dwelling that shelters a family who are persons related by blood, marriage or adoption, or no more than four unrelated individuals occupying a dwelling unit who are committed to living together as a single housekeeping unit, in harmony with the surrounding neighborhood, responsible for maintaining a common household.
- **GROUP SHELTER**-a type of homeless shelter that shelters multiple people of the same gender who are unrelated. In a women's shelter, this could also include a single mother with children. Group shelters are supervised at all hours that the residents are present.

PROPOSED ZONING ORDINANCE AMENDMENTS

ARTICLE 39.04 ZONING DISTRICT REGULATIONS

- ALLOW GROUP SHELTERS AS A SPECIAL USE IN THE COMMUNITY COMMERCIAL, GENERAL COMMERCIAL AND LIMITED INDUSTRIAL ZONING DISTRICTS
- ALLOW FAMILY SHELTERS AS A SPECIAL USE IN THE RURAL RESIDENTIAL, LOW DENSITY RESIDENTIAL, MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL, MOBILE HOME AND LIMITED COMMERCIAL ZONING DISTRICTS
- ALLOW A COMBINATION GROUP/FAMILY SHELTER AS A SPECIAL USE IN THE COMMUNITY COMMERCIAL, GENERAL COMMERCIAL AND LIMITED INDUSTRIAL ZONING DISTRICTS

PROPOSED ZONING ORDINANCE AMENDMENTS ARTICLE 39.07 SUPPLEMENTAL USE REGULATIONS

- ESTABLISHES A MINIMUM 300-FOOT DISTANCE BETWEEN FAMILY SHELTERS
- ESTABLISHES A MINIMUM 1,000-FOOT DISTANCE BETWEEN GROUP SHELTERS AND COMBINATION GROUP/FAMILY SHELTERS
- ESTABLISHES MINIMUM DEVELOPMENT STANDARDS
- ESTABLISHES MINIMUM OPERATIONAL AND DESIGN STANDARDS

PROPOSED ZONING ORDINANCE AMENDMENTS

ARTICLE 39.07 SUPPLEMENTAL USE REGULATIONS

- THE MAXIMUM NUMBER OF BEDS, INCLUDING THOSE OF CARETAKERS OR RESIDENT MANAGERS SHALL BE 16 FOR GROUP SHELTERS. FOR COMBINATION GROUP/FAMILY SHELTERS, THE MAXIMUM NUMBER OF BEDS INCLUDING THOSE OF CARETAKERS OR RESIDENT MANAGERS SHALL BE 60.
- A SHARED/COMMUNAL AREA FOR SOCIALIZING SHALL BE PROVIDED IN ACCORDANCE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE. FOR COMBINATION GROUP/FAMILY SHELTERS CONTAINING BOTH A MEN'S AND A WOMEN'S GROUP SHELTER, A SEPARATE SHARED/COMMUNAL AREA SHALL BE PROVIDED FOR BOTH THE MEN'S AND WOMEN'S SHELTER AREAS IN ACCORDANCE WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE.
- SECURE STORAGE AREAS FOR THE INTENDED RESIDENTS SHALL BE PROVIDED.
- A DESIGNATED LOCATION SHALL BE PROVIDED FOR WASTE RECEPTACLES AND SUCH RECEPTACLES SHALL BE SCREENED FROM VIEW.
- THE SIZE OF A GROUP SHELTER SHALL BE IN CHARACTER WITH THE SURROUNDING BUILDINGS IN THE NEIGHBORHOOD.
- GROUP SHELTERS SHALL NOT BE PERMITTED WITHIN A COMMERCIAL MULTI-TENANT SHOPPING CENTER.

PROPOSED ZONING ORDINANCE AMENDMENTS

ARTICLE 39.07 SUPPLEMENTAL USE REGULATIONS

- IF LOCATED WITHIN 150 FEET OF A SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, ALL OUTDOOR ACTIVITY SHALL BE SCREENED FROM PUBLIC VIEW AND FROM THE VIEW OF ADJACENT PROPERTIES.
- IF THE GROUP SHELTER OR COMBINATION GROUP/FAMILY SHELTER PLANS TO OFFER DRUG OR ALCOHOL ABUSE COUNSELING TO RESIDENTS OF THE SHELTER, THE APPLICANT SHALL ADVISE THE CITY ON ANY STATE LICENSING THAT MAY BE REQUIRED AND DEMONSTRATE COMPLIANCE AS APPROPRIATE.
- 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.
- ADEQUATE MANAGEMENT, SUPPORT STAFF AND SECURITY MUST BE PRESENT DURING THE HOURS OF OPERATION OF THE SHELTER. A MINIMUM OF ONE SUPERVISORY LEVEL STAFF MEMBER MUST BE PRESENT ON THE SITE DURING HOURS OF OPERATION. MANAGEMENT STAFF MUST MAKE BEST EFFORTS TO ENSURE THAT LOITERING DOES NOT OCCUR ON THE PROPERTY DURING OFF-HOURS AND MUST ENSURE THAT CLIENTS ARE NOT CREATING A NUISANCE TO THE NEIGHBORHOOD.

PROPOSED ZONING ORDINANCE AMENDMENTS

ARTICLE 39.07 SUPPLEMENTAL USE REGULATIONS

- THE GROUP SHELTER OR COMBINATION GROUP/FAMILY SHELTER SHALL HAVE A MINIMUM OF 18 HOURS PER DAY OF OPERATION AND THE HOURS OF OPERATION SHALL BE POSTED IN A PUBLICLY VISIBLE AND ACCESSIBLE LOCATION. HOURS OF OPERATION MEANS THAT THE SHELTER IS AVAILABLE FOR OCCUPANCY BY HOMELESS PERSONS.
- GROUP SHELTERS AND COMBINATION GROUP/FAMILY SHELTERS SHALL REQUIRE THAT [THEIR] RESIDENTS PARTICIPATE IN WRAP-AROUND SERVICES WHICH INVOLVE INDIVIDUAL CASE MANAGEMENT.
- THE INTAKE PROCESS FOR NEW RESIDENTS SHOULD BE HANDLED FROM AN INTERNAL OFFICE WITHIN THE GROUP SHELTER OR COMBINATION GROUP/FAMILY SHELTER.
- AN APPLICANT FOR A GROUP SHELTER OR COMBINATION GROUP/FAMILY SHELTER, AS PART OF THE APPLICATION PROCESS, SHALL PREPARE AND FILE WITH THE CITY ITS MANAGEMENT POLICIES AS THEY RELATE TO THE FOLLOWING:
 - A RESIDENT IDENTIFICATION PROCESS;
 - TIMING AND PLACEMENT OF OUTDOOR ACTIVITIES;
 - STANDARDS GOVERNING EXPULSIONS;
 - HOURS OF OPERATION AND STANDARD LIGHTS-OUT;
 - POLICIES REGARDING SAFETY AND SECURITY AND TO INCLUDE EMERGENCIES;
 - SMOKING POLICY TO INCLUDE IDENTIFICATION OF AREAS WHERE SMOKING IS TO BE PERMITTED;
 - VOLUNTEER AND DONATION PROCEDURES;
 - COMMUNICATIONS WITH THE CITY AND THE NEIGHBORHOOD.

(draft)

CITY OF DICKINSON COMMUNITY DEVELOPMENT

- JOSHUA SKLUZACEK-ENGINEER-COMMUNITY DEVELOPMENT DIRECTOR
- MATTHEW GALIBERT-CITY PLANNER
- STEVE JOSEPHSON-CITY/COUNTY PLANNER; CITY RENAISSANCE ZONE COORDINATOR



November 2023

PLANNING DEPARTMENT UPDATE

1. Overview of the development process: Planning approval
2. Internal process improvements
3. Future Work Sessions and Expectations
4. Addressing legal non-conformities which resulted from lack of prior ordinance enforcement

Monthly Comprehensive Plan / Transportation Master Plan Update

DEPARTMENT PROCEDURES UPDATE

Development Process

General Process for Unified Development Applications
(Staff may develop flowcharts per application type for the city website)

1. Resident or developer inquires for information.
2. Planning staff provides information or feedback directly. If it appears that an application to Planning & Zoning is imminent or if a response requires coordination across multiple departments, a Pre-Application Meeting is scheduled.
3. A response letter is provided to the applicant typically within 10 business days
4. When the applicant submits a complete application for a request which complies to the municipal code, the petition is added to the next available meeting agenda
5. Staff notifies applicant of upcoming meeting information and continuously updates the applicant throughout the process
6. Planning & Zoning and then City Commission approval
7. Staff notifies applicant of the results and next steps. When the resolution is signed, planning staff will forward the signed resolution to the applicant, community development administration, GIS, assessing, and buildings & codes.

DEPARTMENT PROCEDURES UPDATE

Development Process

Pre-Application

A Pre-Application Meeting Response letter is sent to applicant typically two weeks later and includes:

1. Summary of the discussion, questions asked, and information provided
Concerns and considerations from other city departments
2. Listed answers to the applicant's questions
3. Relevant submittal requirements and next steps for the applicant
4. An explanation of staff's recommendation to commissioners
5. Potential improvements/compromises to address any concerning elements

DEPARTMENT PROCEDURES UPDATE

Development Process

Pre-Application

Staff remains available to develop the application and proposal with the applicant continuously leading up to consideration by the board.

If requirements are communicated or changes required to the development concept, staff will aim to first understand the applicant's limitations or potential hardships. An active line of communication between planner and applicant is encouraged, such that the applicant can explore contingency plans and adjustments productively.

DEPARTMENT PROCEDURES UPDATE

Development Process

Staff Recommendations to Planning & Zoning Commission

“Staff recommends approval”

Meaning any combination of...

All departments listed in the Pre-Application Response Letter have been notified of the project and if any concerns were identified by those departments, they have been resolved satisfactorily.

Approval of the applicant’s request would legally conform to zoning and subdivision regulations

Staff has considered the possible long-term effects of the proposed development and perceives that the outcome will yield a net positive result for the community’s future outlook

DEPARTMENT PROCEDURES UPDATE

Development Process

Staff Recommendations to Planning & Zoning Commission

“Staff recommends not approving”

Meaning any combination of...

Approval would result in significant operational constraints of City services.

Approval of the applicant’s request not legally conform to zoning and subdivision regulations.

Staff has considered the possible long-term effects of the proposed development and perceives that the outcome will yield a net negative result for the community’s future outlook.

Staff identified the proposal as a potential source of harm or unfair disadvantage to other members of the community.

DEPARTMENT PROCEDURES UPDATE

Development Process

Staff Recommendations to Planning & Zoning Commission

“Staff issues no recommendation”

In rare instances, no recommendation may be made. The decision is fundamentally political or preference-based after reviewing all other factors.

Approval would be legally conforming.

Potential resulting risk, harm, or disadvantage may be notional, unquantifiable, and/or subjectively inconsequential – this is more likely to occur in consideration of SUPs.

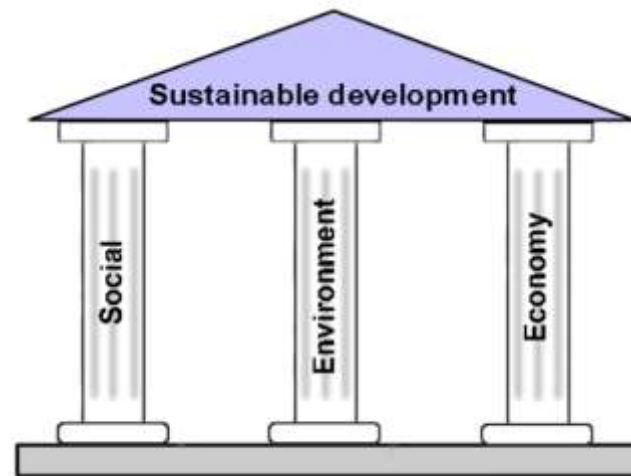
The public would likely oppose the proposal in hindsight but the application satisfies all criteria and does no definitive harm.

DEPARTMENT PROCEDURES UPDATE

Development Process

Possible future presentation topic:

How a city planner reviews and considers the long-term effects of a proposed development. The combination of factors which may or may not encourage sustained and fair economic growth of a community. How social, environmental, and economic factors mutually influence each other.



DEPARTMENT PROCEDURES UPDATE

Development Process

Some strategic planning / long-term development considerations

Economic Development: Balancing short-, medium-, and long-term development needs. What is a fair compromise between the developer's short-term interests and the community's long-term prospects.

Transportation Impact: Functional land-locking, efficiency of routes, access to amenities and services, notional traffic impact, city services and emergency access, parking.

Equity: No outcome which is iniquitous or injurious to other members of the public is expected.

Built Environment Quality: Whether the development is conducive to the furtherance of a high-quality shared environment.

DEPARTMENT PROCEDURES UPDATE

Next time: **Internal Process Improvements**

- 1. Application Submittal Deadline**
- 2. Improvements to Online Information and User Experience**
- 3. Process Maps & Project Tracker**

DEPARTMENT PROCEDURES UPDATE

Development Process

Section 6. Item B.

Thank you!