Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA

January 27, 2021

Tom Baker Meeting Room | 5:00 p.m. | City-County Office Building

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found online at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments for public hearing items on this agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and, if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety. If attending in person, masks will be required as social distancing cannot be assured in the City-County Office Building public areas.

Some of the Planning and Zoning Commissioners will be attending this meeting in person, but it is anticipated that most will participate remotely. The number of meeting participants attending in person in the Tom Baker Meeting Room, including the Planning and Zoning Commissioners, will be limited to maintain social distancing.

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the December 16, 2020 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA
CONSIDERATION

The following items are requests for a public hearing.

2. Memory Third Addition (WH) 1

Hay Creek Township

- Zoning Change (RR to CG) | ZC2020-018

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

- Preliminary Plat | PPLT2020-007

Staff recommendation: tentative approval ☐ *tentative approval* ☐ *continue* ☐ *table* ☐ *deny*

3. East 250 feet of Lot 2, Block 2, KMK Estates (DN)
Zoning Change (Conditional RT to CA) | ZC2020-012 11

Staff recommendation: deny ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

4. Lots 2 & 3, Block 1, Hay Creek Industrial Replat (Klee)
Zoning Change (PUD to Conditional MA) | ZC2020-013 18

Hay Creek Township

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

5. Lots 3 & 4, Block 6, Fisher Addition (WH)
Zoning Change (R10 to RM30) | ZC2020-014 30

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

6. Lot 1, Block 19, Wachters Third Addition (WH)
Zoning Change (R10 to RM30) | ZC2020-015 36

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

7. Lots 1-24, Block 6, Cottonwood Parkview Addition (JW)
Zoning Change (Conditional R10 to R10) | ZC2020-016 42

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

8. Part of Lot 2, Block 1, Replat of Mills First Subdivision (JW)
Zoning Change (RR to R5) | ZC2020-017 48

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

9. Domestic Distilleries and Microbrew Pubs (WH)
Zoning Ordinance Text Amendment | ZOTA2021-001 54

Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

REGULAR AGENDA

FINAL CONSIDERATION

The following items are requests for final action and forwarding to the City Commission.

10. Part of Sattlers Sunrise Tenth Addition (DN)
Annexation | ANNX2020-010 74

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

11. Part of Promontory Point VI and Part of Promontory Point VII (DN)
Annexation | ANNX2020-011 81

Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

OTHER BUSINESS

12. Election of Officers
Election of Chair
Election of Vice Chair

ADJOURNMENT

13. Adjourn. The next regular meeting date is scheduled for **February 24, 2021.**

Enclosures: Meeting Minutes of December 16, 2020
Building Permit Activity Month to Date Report for December 2020
Building Permit Activity Year to Date Report for December 2020

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.

2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.

3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.

4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.

5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.

6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.

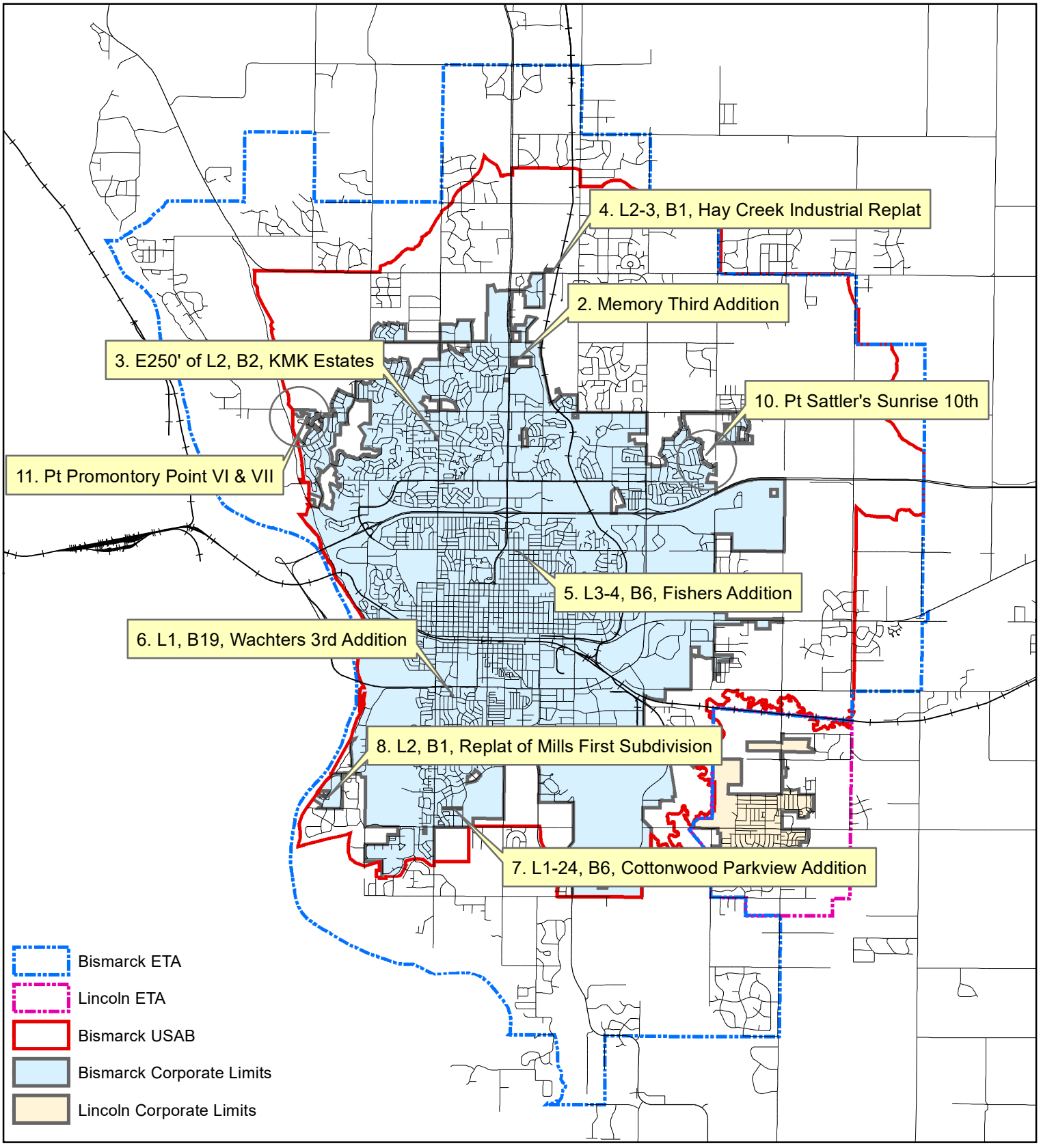
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.

8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.

9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.

10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map
Planning & Zoning Commission Meeting - January 27, 2021



January 2021

0 4,000 8,000 16,000 Feet

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This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

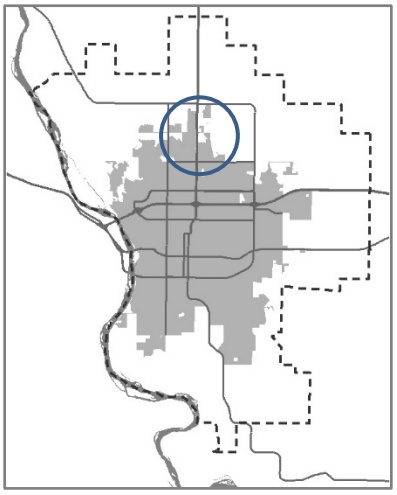
Agenda Item # 2
January 27, 2021

Application for: Zoning Change *TRAKiT Project ID*: ZC2020-018

Major Subdivision Preliminary Plat PPLT2020-007

Project Summary

Title:	Memory Third Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	TPR Partnership LLP
Project Contact:	Lon Romsaas, PE., Swenson, Hagen & Co.
Location:	In north Bismarck, along the east side of US Highway 83 / State Street and the south side of Brookside Lane (a replat of Lot 1 and the vacated access road less the East 25 feet of Lot 1, Gussner Acreage Homesites)
Project Size:	6.6 acres
Request:	Plat and rezone property for future commercial development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	3 lots in 1 block
Land Use:	Vacant	*Land Use:*	Commercial
Designated GMP Future Land Use:	Commercial Conservation	*Designated GMP Future Land Use:*	Commercial Conservation
Zoning:	RR – Residential	*Zoning:*	CG – Commercial
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	CG – 42 units / acre

Property History

Zoned:	*Pre-1980*	*Platted:*	*08/1969*	*Annexed:*	*N/A*

(continued)

Staff Analysis

TPR Partnership is requesting approval of a zoning change from the RR – Rural Residential zoning district to the CG – Commercial zoning district and approval of a major subdivision final plat for Memory Third Addition.

Adjacent uses include commercial to the north across Brookside Lane, rural residential to the east, and commercial to the south and west across US Highway 83/State Street.

The proposed plat would create three lots served by a cul-de-sac named Brookside Place. Two of lots would support future commercial development and the third lot would be reserved for a stormwater and drainage easement. The easement within Lot 3 also contains portions identified as the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, as well as identified wetlands and steep slopes. Maintenance of this area will be covered by an association.

To provide some visual protection from the adjacent rural residential homes to the east, the applicant has indicated street trees along the eastern boundary of the plat next to the proposed cul-de-sac. An installation and maintenance agreement for these plant materials may be necessary.

The applicant has proposed an access point along Brookside Lane for additional access to the proposed Lot 1, Block 1, Memory Third Addition. Staff has indicated concerns with this access due to its proximity to US Highway 83/State Street and because reasonable access would be provided through the proposed Brookside Place. Prior to the public hearing, staff and the applicant will need to find resolution on any direct access onto Brookside Lane.

Prior to development, annexation would be required for the proposed commercial uses. At this time, an application for annexation has not been submitted.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;

(continued)

5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat with the condition that they will not accept maintenance responsibility for the proposed right-of-way;
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision
8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
9. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands;
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR – Rural Residential zoning district to the CG - Commercial zoning district and tentative approval of the major subdivision preliminary plat for Memory 3rd Addition.

Attachments

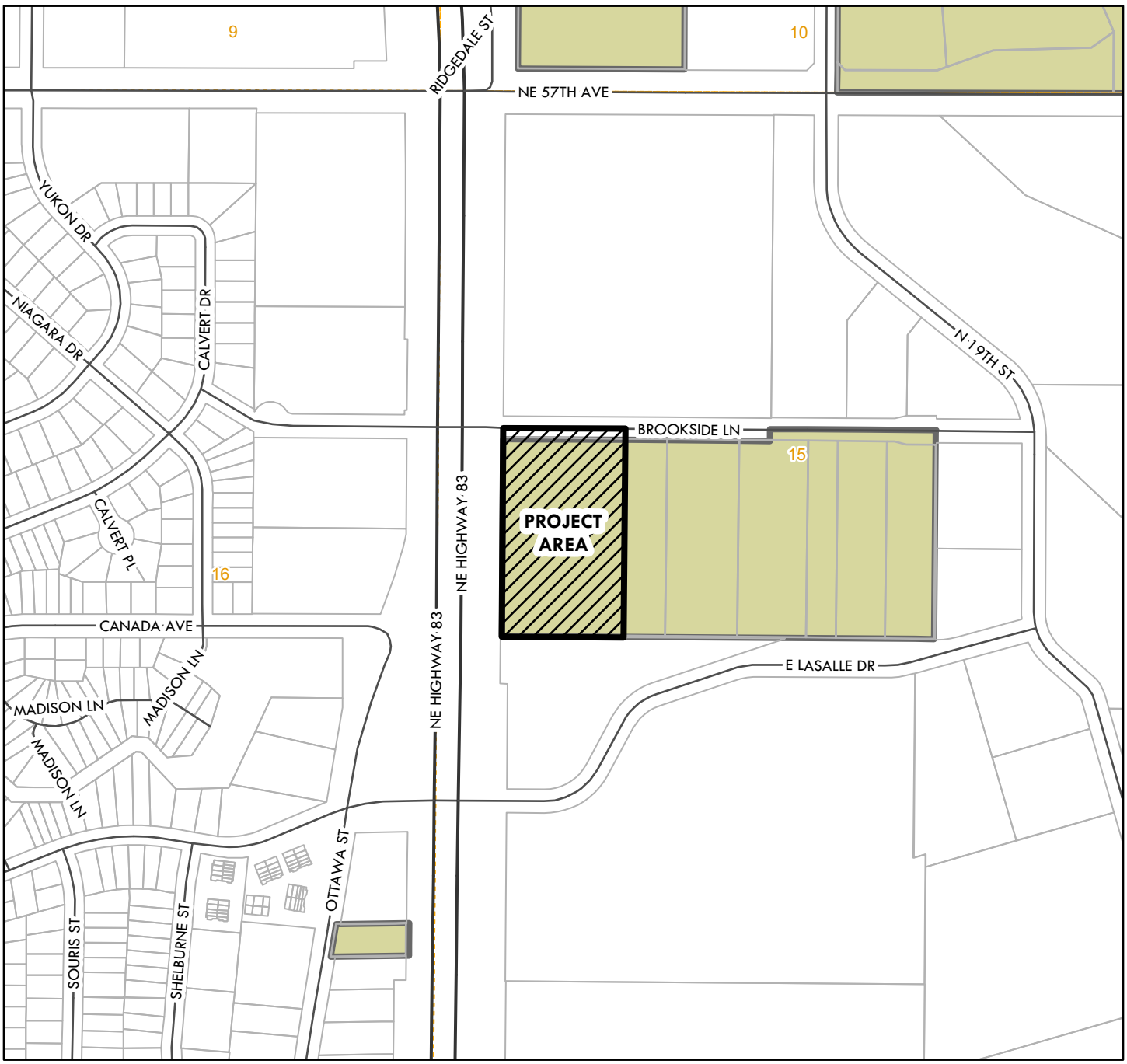
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Preliminary Plat
6. Original Plat with area of replat highlighted
7. Township Resolution

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Location Map

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018



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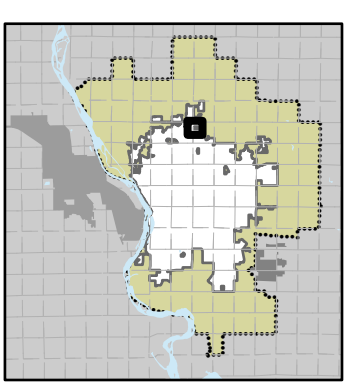

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
December 31, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018

0 0.13 0.25 0.5 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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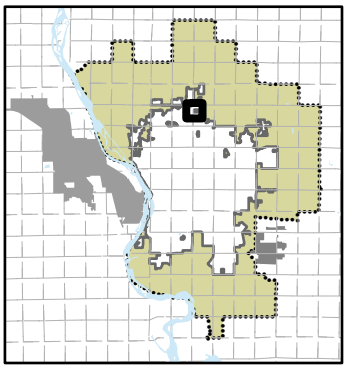


City of Bismarck
Community Development Department
Planning Division
January 21, 2021

Zoning and Plan Reference Map

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018

Zoning Districts

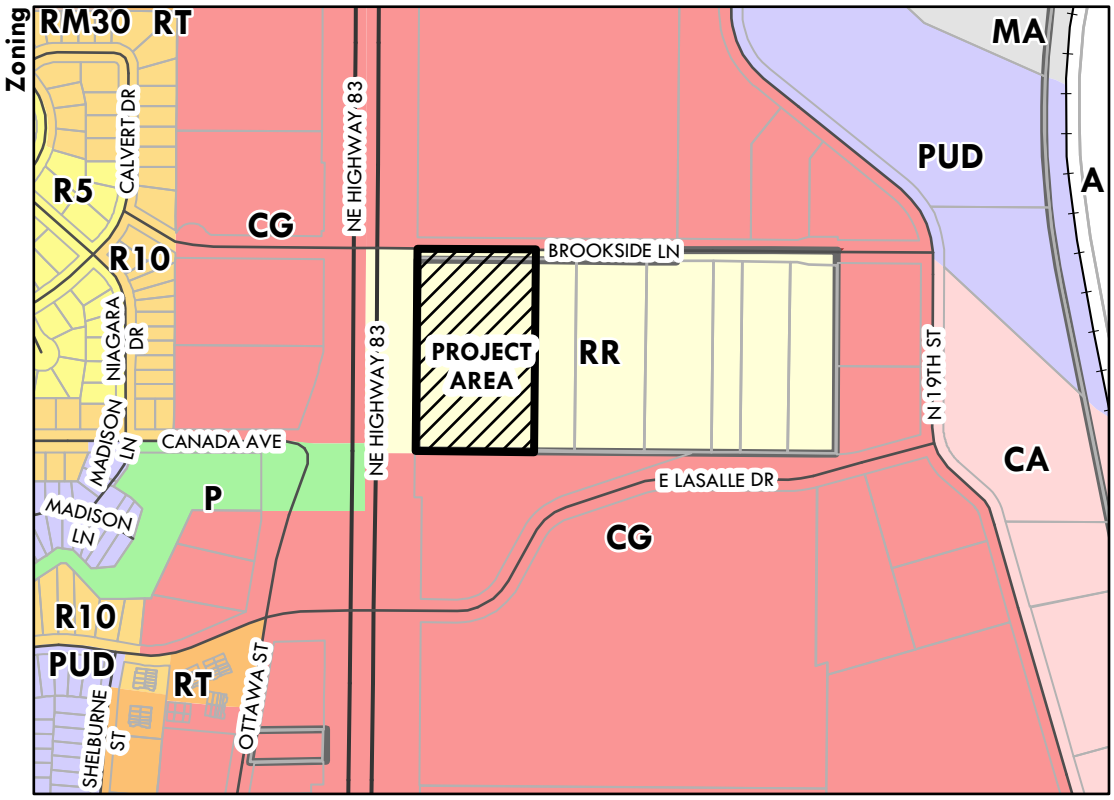
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

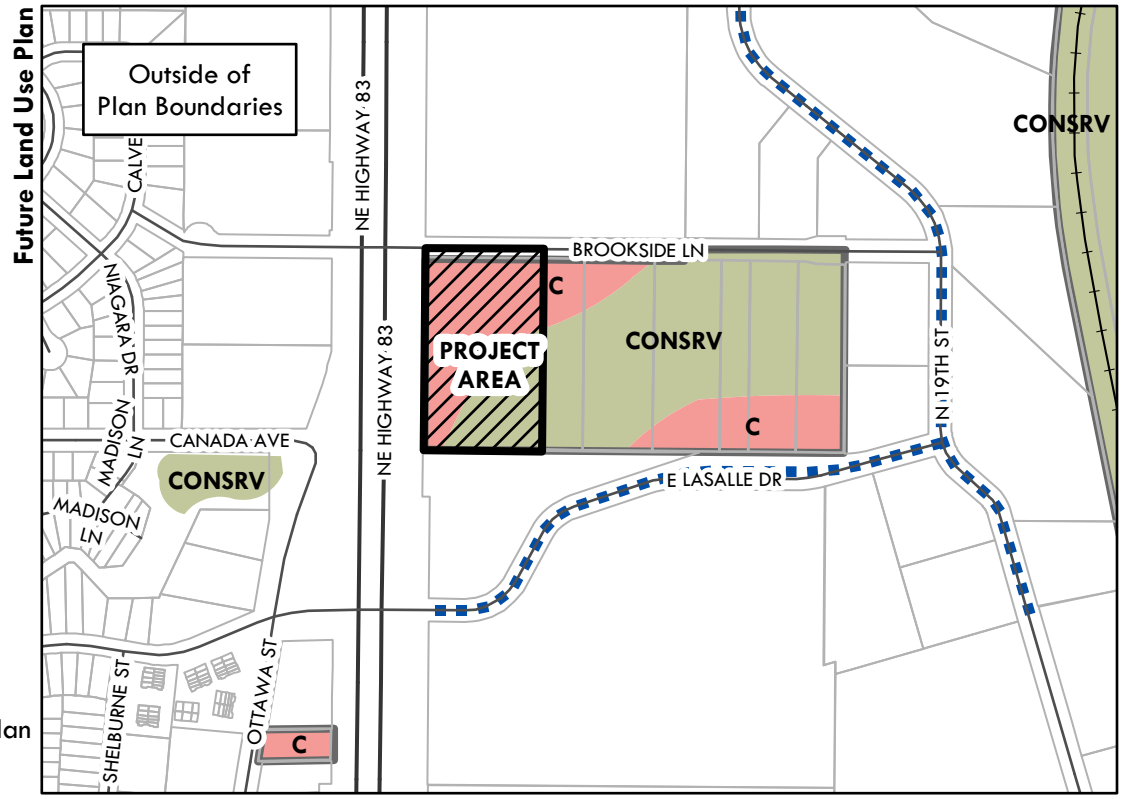
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

Proposed Zoning Change

PPLT2020-007
ZC2020-018

Proposed New Zoning Map

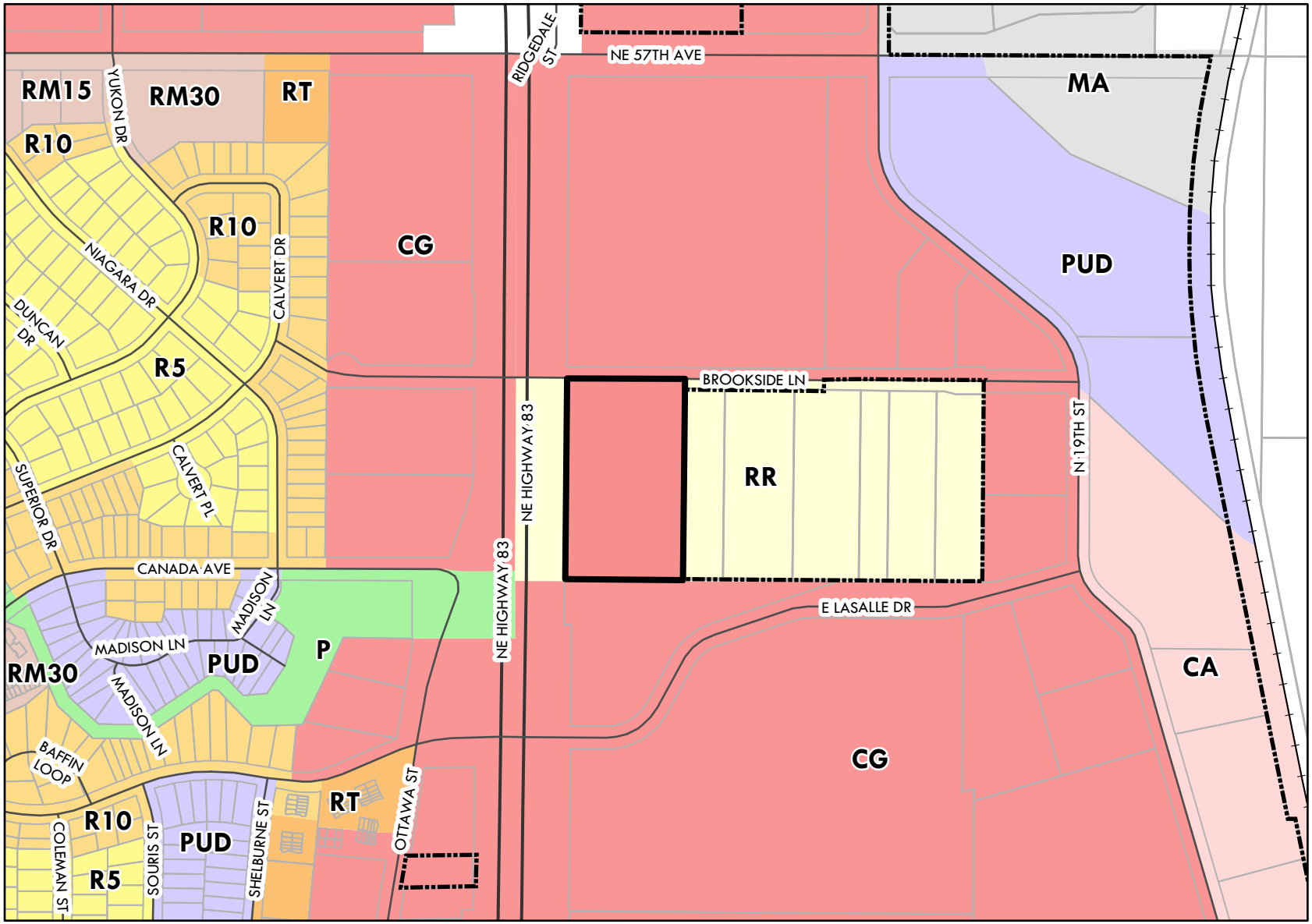
Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district



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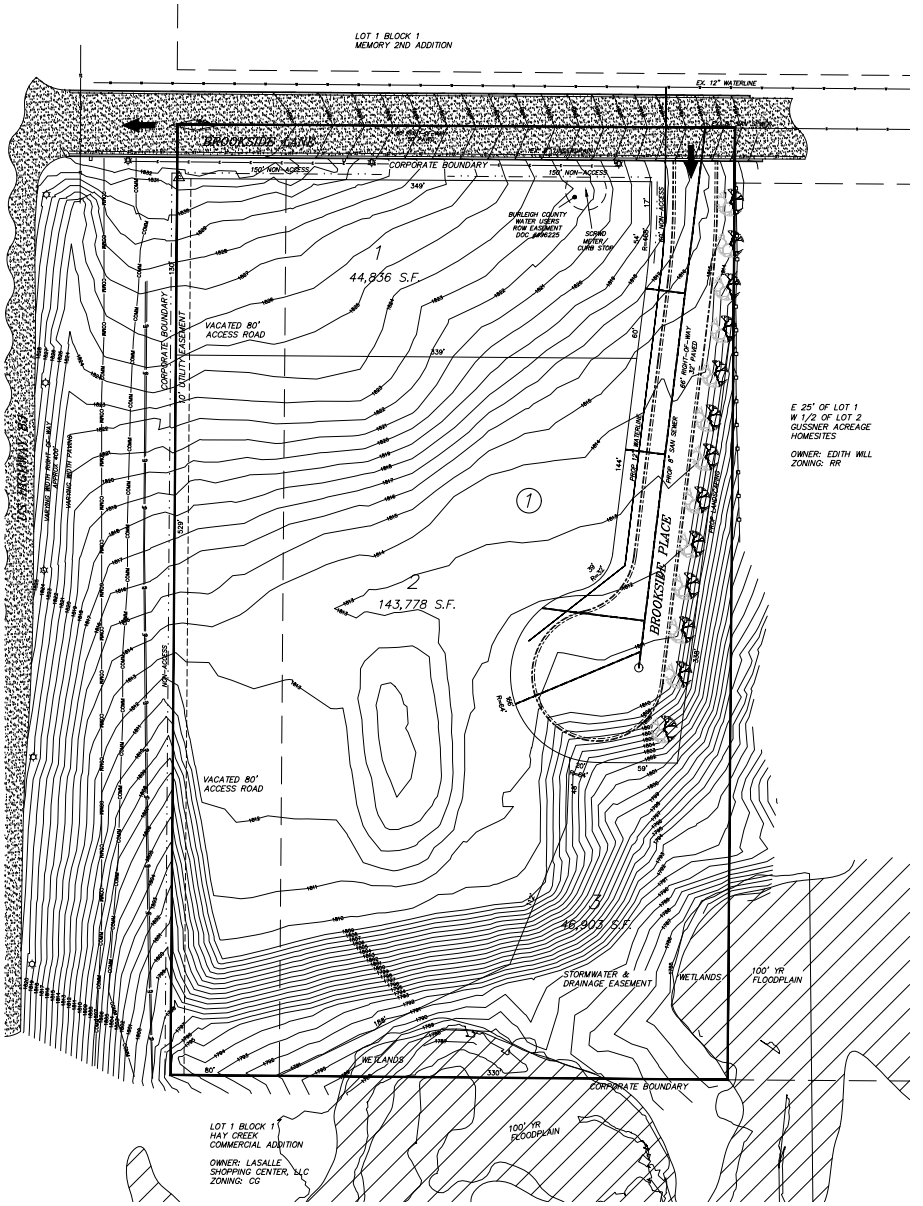
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

MEMORY THIRD ADDITION

A REPLAT OF LOT 1 AND THE VACATED ACCESS ROAD LESS THE EAST 25' OF LOT 1 OF GUSSNER ACREAGE HOMESITES & PART OF THE SOUTH 1/2 OF BROOKSIDE LANE RIGHT-OF-WAY OF THE NW 1/4 OF SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

6.6 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: CG
3 LOTS

OWNER: TPR, LLP
ADDRESS: 1203 OAHE BEND
BISMARCK, ND 58504

FIRM MAP #38015C0785D
DATED: 08-04-2014

100 YR FLOOD PLAIN--VARYING 1784-1798 BFE NAVD 88
TERRY BALTZER, PLS #3595

SCALE – 1" = 40"

VERTICAL DATUM: NGVD 29

JANUARY 13, 2021

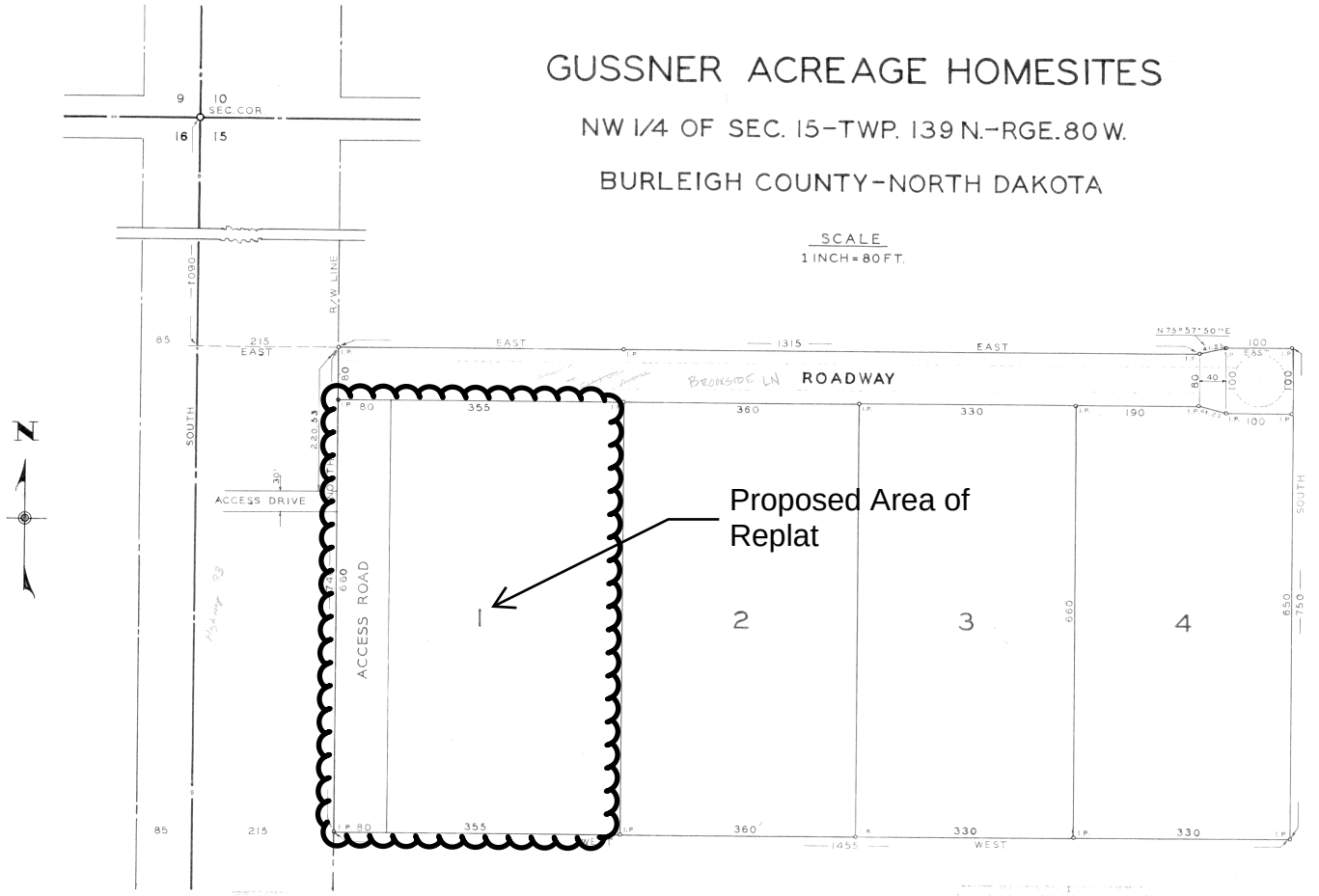
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

GUSSNER ACREAGE HOMESITES

NW 1/4 OF SEC. 15-TWP. 139 N.-RGE. 80 W.

BURLEIGH COUNTY-NORTH DAKOTA

SCALE
1 INCH = 80 FT.



[redacted]

Ernest Carroll

Ernest L. Lee

31st August

Mary D. Rosenberg

Gussner acreage Homesites -

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PLAT AND ZONING CHANGE FROM THE RR-RESIDENTIAL ZONING DISTRICT TO THE CG-COMMERCIAL ZONING DISTRICT FOR MEMORY THIRD ADDITION, AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE (Conditional APPROVED)(DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF.

(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:

* Conditional Approval: Hay Creek Township will not accept maintenance responsibility for right of way.

CHAIRMAN, TOWNSHIP BOARD

01/12/2021
DATE

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

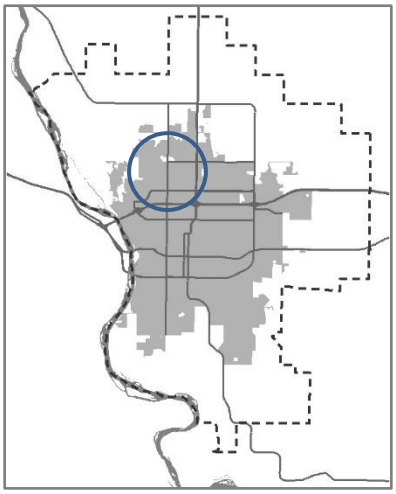
Agenda Item # 3
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-012

Project Summary

Title:	The East 250 feet of Lot 2, Block 2, KMK Estates
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Jerry Kessel, Owner Cody Stern, Applicant
Project Contact:	Cody Stern, Old 10 Bar and Grill
Location:	In northeast Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE and Ash Coulee Drive
Project Size:	87,278 Square Feet
Request:	Rezone for development of a restaurant



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in I block	*Number of Lots:*	1 lot in I block
Land Use:	Undeveloped	*Land Use:*	Restaurant
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional RT – Residential	*Zoning:*	CA – Commercial
Uses Allowed:	Conditional RT – Offices and multi-family residential	*Uses Allowed:*	CA – Neighborhood commercial
Max Density Allowed:	Conditional RT – 30 units / acre	*Max Density Allowed:*	CA – 30 units / acre

Property History

Zoned:	*10/2014*	*Platted:*	*08/1966*	Annexed:	10/2014

Staff Analysis

Cody Stern, Old 10 Bar and Grill, is requesting approval of a zoning change from the Conditional RT – Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 2, KMK Estates. The lot is currently undeveloped, and the applicant intends to develop a restaurant on the lot.

(continued)

The request change in zoning would allow any use allowable within a CA – Commercial zoning district.

Adjacent uses include single-family residential to the west and south, and single-family residential across North Washington Street to the east. The parcel to the north is also zoned Conditional RT – Residential, and a two-story office building is currently going through the site plan review process for this property.

The property has frontage along the arterial roadway of North Washington Street, although access to the site would be obtained from the south via the rural section local roadway of Arabian Avenue.

The conditions on the RT – Residential zoning district are as follows:

1. Non-residential uses/buildings are limited to two stories in height.
2. Residential uses/buildings are limited to two story, multifamily residential with up to 4 units per structure or a one story assisted living memory care or independent senior living facility.

These conditions would be removed with the rezoning, although it is unlikely a restaurant would exceed this limit in height.

Staff does not support this rezoning request for a number of reasons.

First, the proposed site is directly adjacent to a single-family home to the west and there are several single-family homes in the vicinity. A commercial use on this site would not be compatible with these existing uses and may result in negative impacts of noise and odor. A landscape buffer will not be sufficient to mitigate these effects.

Second, this CA – Commercial zoning district would be isolated as a single parcel with no other commercial zoning adjacent or nearby. This is sometimes referred to as spot zoning, a practice that is discouraged and sometimes deemed "arbitrary and capricious" by courts on the grounds that it grants preferential treatment to a single landowner not available to nearby properties. Moreover, there are commercially zoned areas about ½ mile to both the north and south at the intersections of major arterial roadways. Staff does not believe this general area lacks sites for commercial uses to serve the needs of the neighborhood.

Third, the stormwater management master plan for the North Washington Street corridor assumed an impervious surface coverage consistent with the RT – Residential zoning district for this lot. A zoning change may result in a need for additional stormwater management. This is not an insurmountable challenge, although adjustments to the stormwater master plan, including possibly increase need for detention, may be necessary.

Fourth, commercial uses generate high numbers of vehicle trips. Although most of the traffic would enter onto Arabian Avenue directly from North Washington Street, additional trips will likely be generated along Arabian Avenue from the west through a residential area. This route through a residential area may be more efficient from certain points to the west, especially if there is delay at the intersection with Washington.

Fifth, staff has consistently declined to support any zoning more intensive than Conditional RT – Residential in this area. This was the position of staff during the initial rezoning in 2014, and neither conditions nor plans have changed to alter this position. As recently as April 2020, when the subdivision of Carol's Addition was approved to the north, staff declined to support a request for commercial zoning in this area.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;

(continued)

4. The proposed zoning change is not justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is not in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling for a public hearing with the understanding that staff would recommend denial of the zoning change from the Conditional RT – Residential zoning district to the CA – Commercial zoning district for the East 250 feet of Lot 2, Block 2, KMK Estates.

Attachments

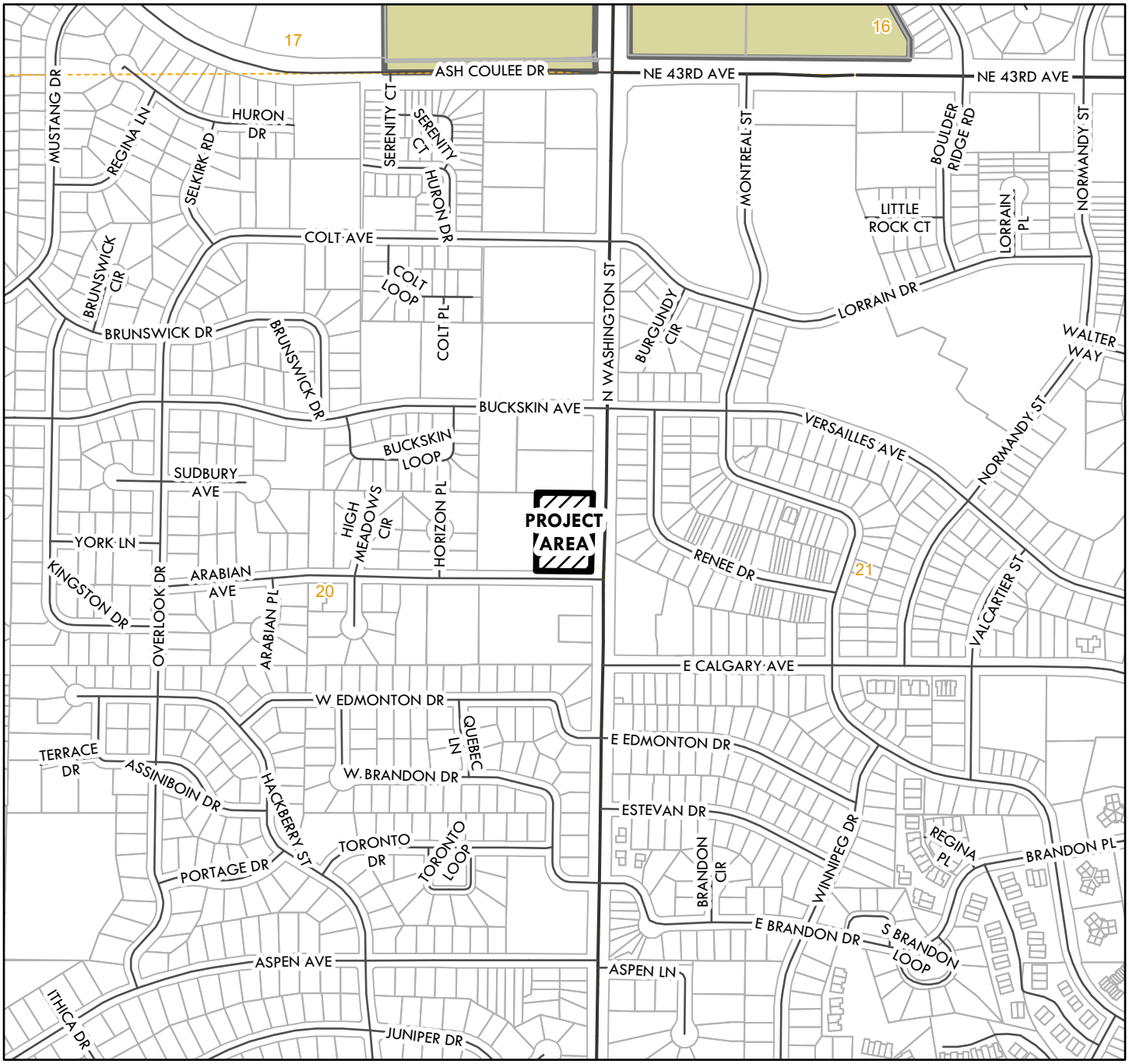
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Change to Zoning Map

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

Location Map

KMK ESTATES, E 250' OF L2, B2

ZC2020-012



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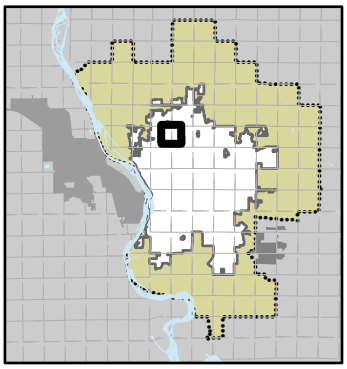
City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



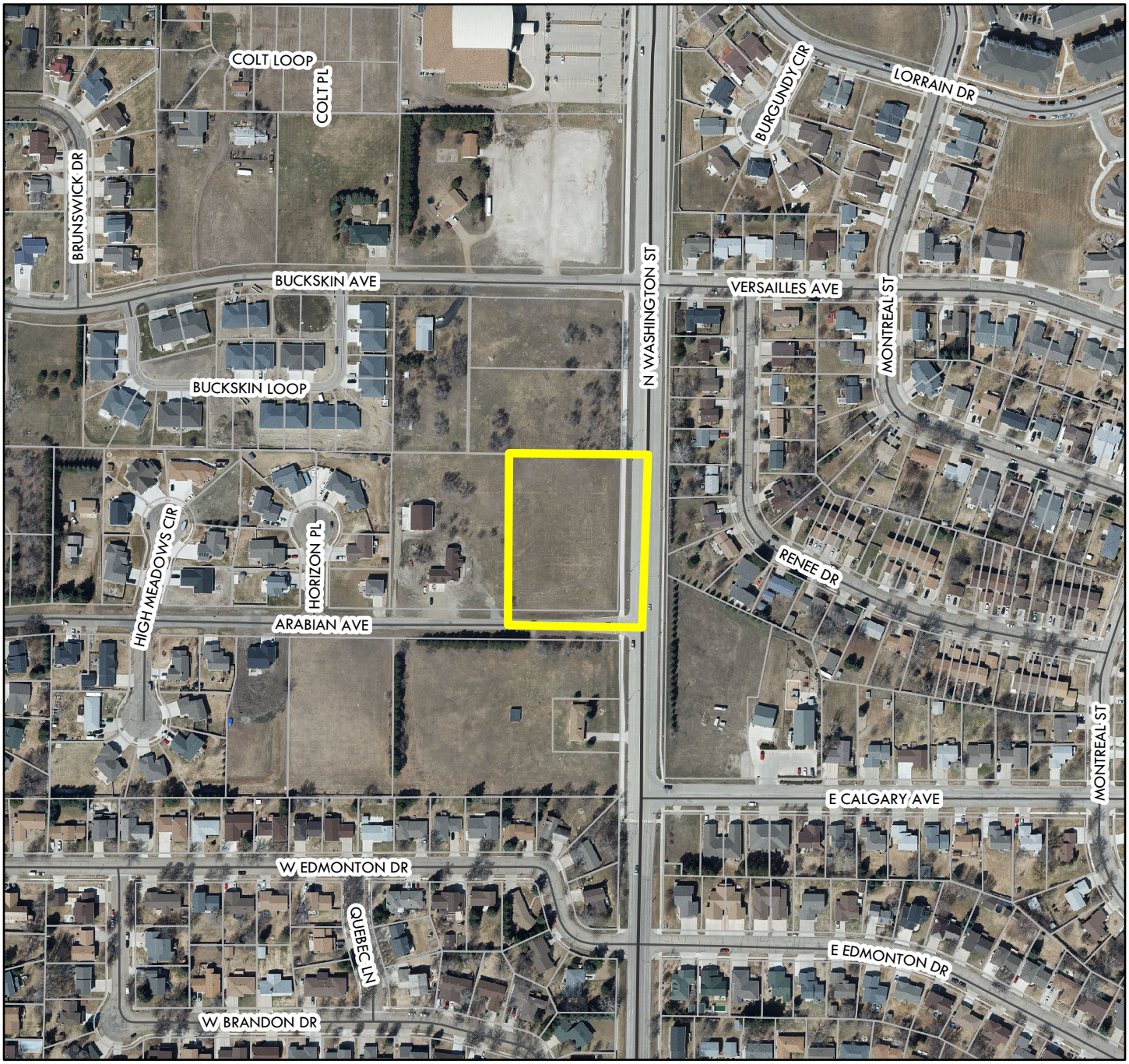
City of Bismarck
Community Development Department
Planning Division
December 14, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

KMK ESTATES, E 250' OF L2, B2

ZC2020-012



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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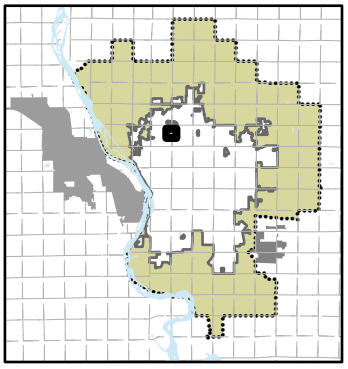


City of Bismarck
Community Development Department
Planning Division
January 13, 2021

Zoning and Plan Reference Map

ZC2020-012

Zoning Districts

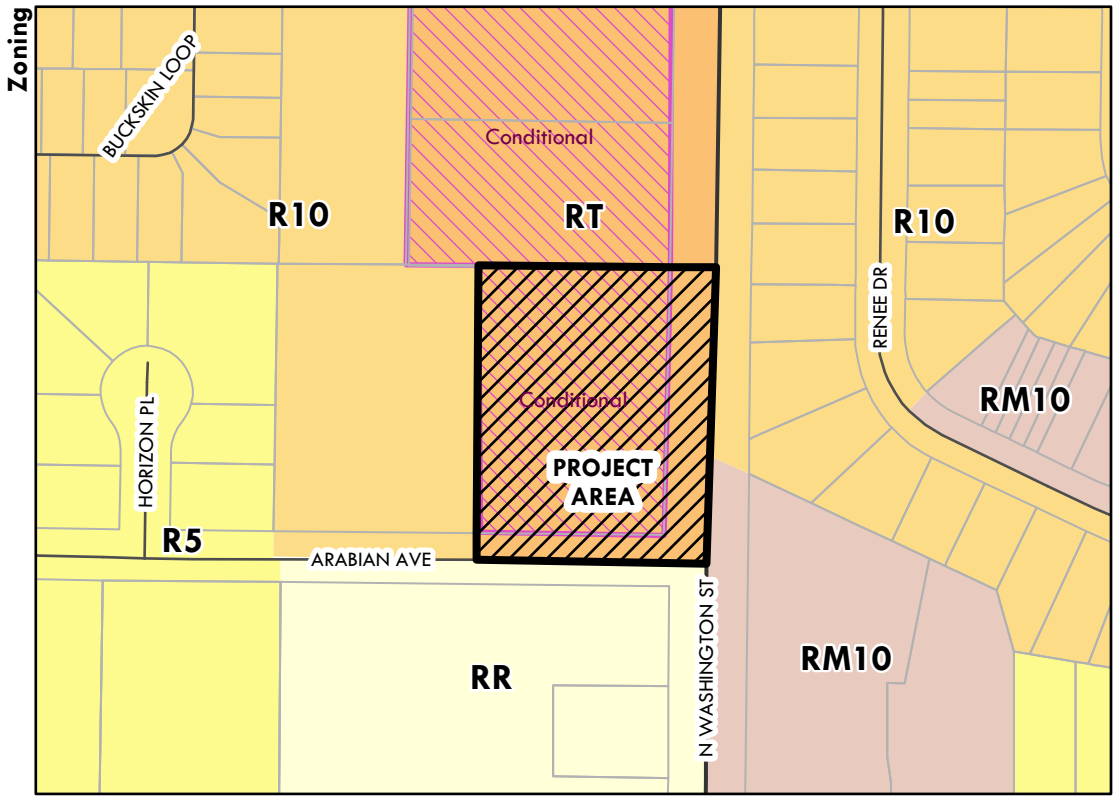
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

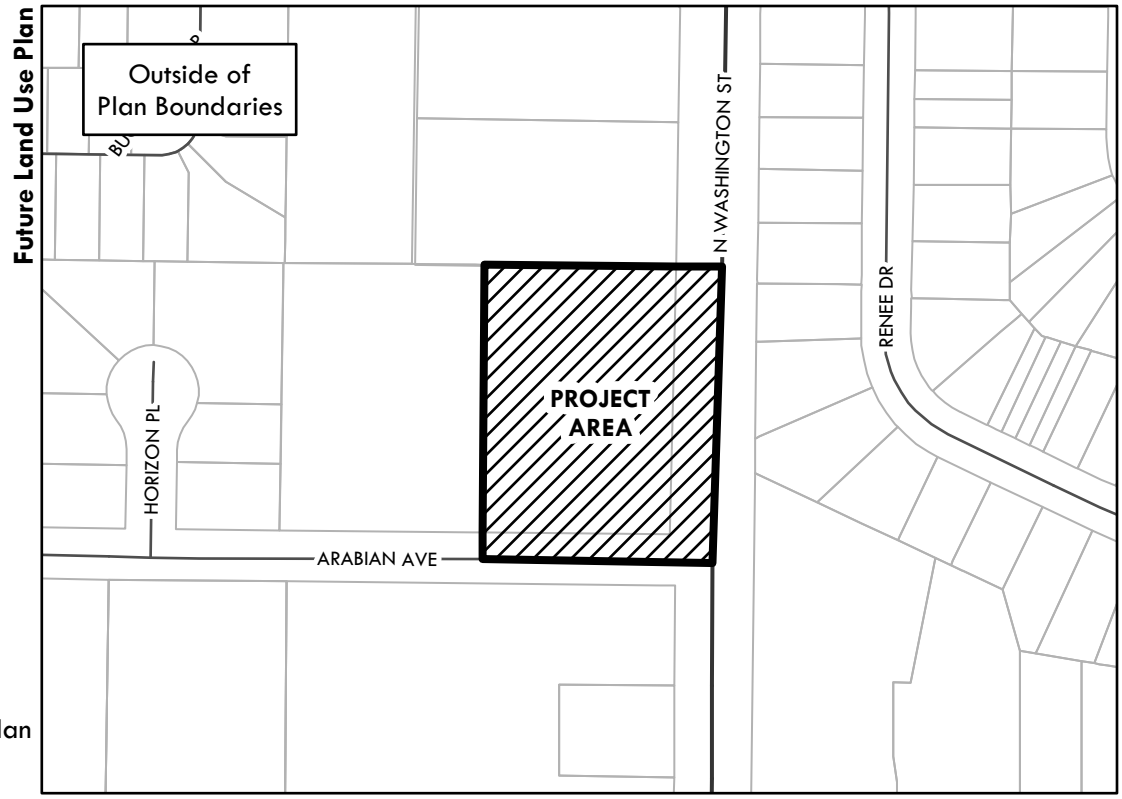
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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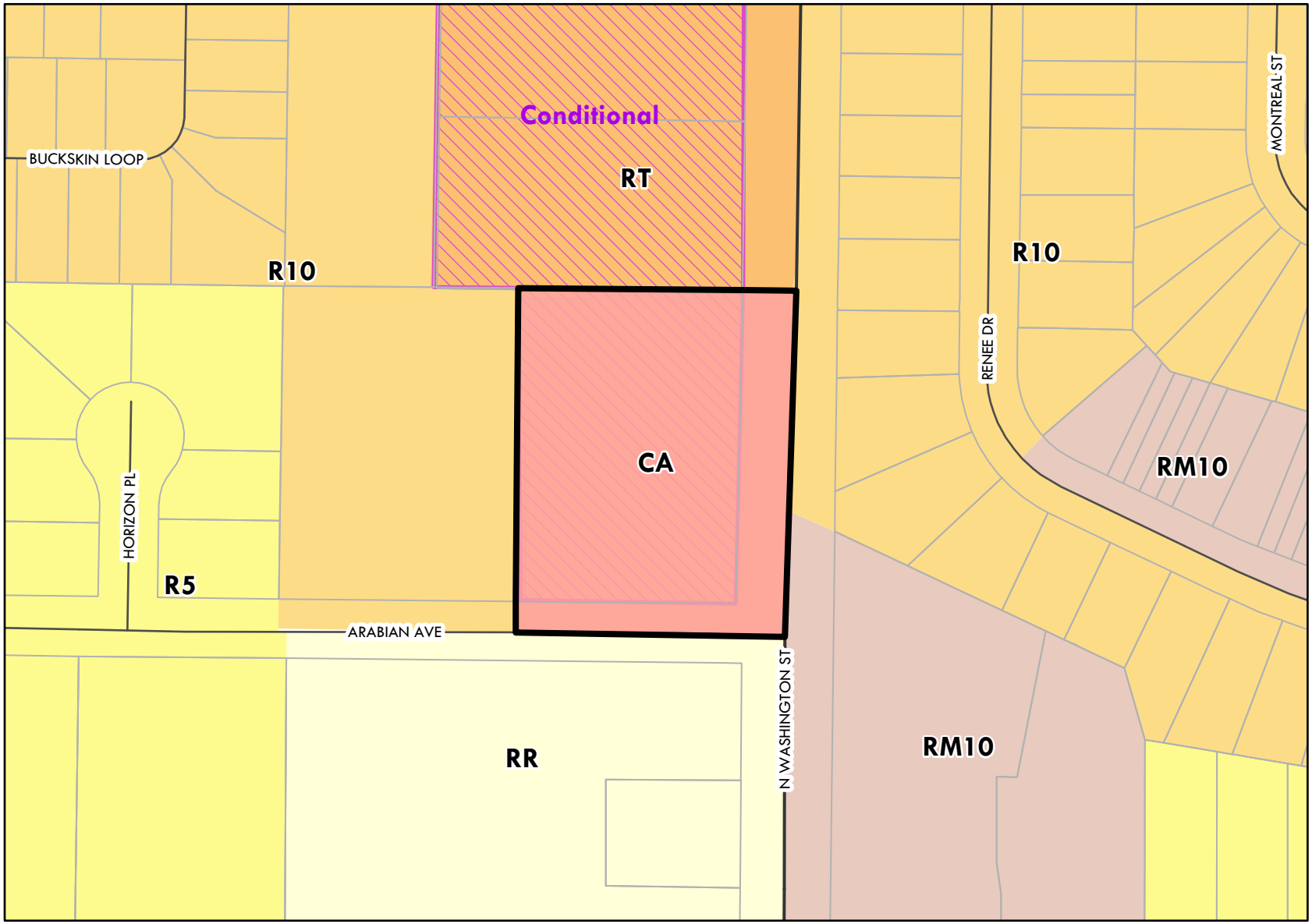
City of Bismarck
Community Development Dept.
Planning Division
January 13, 2021

Proposed Zoning Change

KMK ESTATES, E 250' OF L2, B2

ZC2020-012

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.05 0.1 0.2 Miles

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

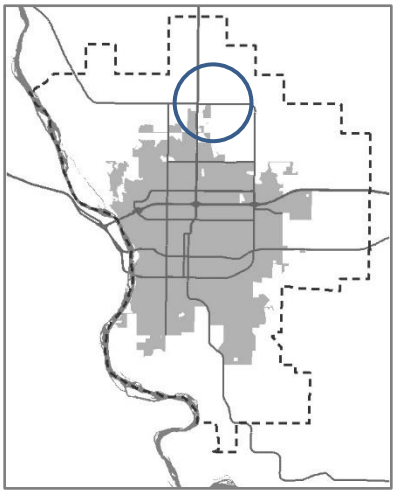
Agenda Item # 4
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-013

Project Summary

Title:	Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Larry LaBere, et al
Project Contact:	Michael LaBere
Location:	North of Bismarck, east of US Highway 83 along the north side of 71st Avenue NE
Project Size:	4.17 acres
Request:	Rezone property to allow the future development of uses other than self-storage facilities



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 lots in 1 block	*Number of Lots:*	2 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Light Industrial
Designated GMP Future Land Use:	Industrial	*Designated GMP Future Land Use:*	Industrial
Zoning:	PUD – Planned Unit Development	*Zoning:*	Conditional MA – Industrial
Uses Allowed:	PUD – Uses specified in PUD	*Uses Allowed:*	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	PUD – Density specified in PUD	*Max Density Allowed:*	Conditional MA – N/A

Property History

Zoned:	*07/2009*	*Platted:*	*07/2010* *07/2011 (replat)*	Annexed:	N/A

Staff Analysis

Larry LaBere et al are requesting approval of a zoning change from the PUD – Planned Unit Development zoning district to the Conditional MA – Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Replat.

(continued)

Adjacent uses include a self-storage facility and related uses to the north, undeveloped A – Agriculturally zoned land to the east, light industrial uses to the south across 71st Avenue NE and undeveloped A – Agriculturally zoned land to the west.

This property was originally platted and zoned for the development of a storage facility with storage buildings and warehouses, including rental and condo storage units, office uses, climate-controlled storage, outdoor storage and limited accessory uses. The office uses cannot be a bank or a medical clinic under the PUD. There is also a condition within the PUD that prohibits the operation of any type of business out of any rental or condo storage unit.

When the property was replatted to split the property into three lots, the underlying zoning was not changed. The intent at that time was to have these two lots available for either an expansion of the storage facility or for use as offices, with or without outdoor contractor equipment storage yards.

The current owners are requesting the zoning change to the Conditional MA – Industrial zoning district to broaden the list of allowable uses. The Conditional MA – Industrial zoning district being proposed would be similar to the existing Conditional MA – Industrial zoning district to the south across 71st Avenue NE.

Concurrence with Plans

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Industrial (I). The proposed zoning, which would allow limited light industrial uses, would be consistent with the Future Land Use Plan.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has been informed of the proposed zoning change, but has not yet made a recommendation regarding the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the PUD – Planned Unit Development zoning district to the Conditional MA – Industrial zoning district for Lots 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat, as outlined in the draft zoning change ordinance.

Attachments

1. Draft Zoning Change Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Change to Zoning Map

(continued)

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO.

Introduced by	_____
First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the PUD – Planned Unit Development district and included within the Conditional MA – Industrial zoning district.

Lot 2 and 3, Block 1, Hay Creek Industrial Subdivision Replat

This Conditional MA – Industrial zoning is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted:

a. ~~Hotel-motel.~~
b. ~~Retail group A.~~
c. ~~Retail group B.~~
d. ~~Service group A.~~
e. Service group B.
f. Wholesale group.
g. ~~Truck terminal.~~
h. ~~Railroad or bus passenger station.~~
i. ~~Railroad freight station.~~
j. Industrial group A, Industrial group A, limited to 1) storage buildings and warehouses, including rental and condo storage units; 2) the manufacturing, compounding, processing, packaging, treatment or assembly of products from previously prepared materials, provided said use meets the use standards included in

this ordinance, any wastewater generated by the use can be treated and disposed of by the approved on-site sewage treatment system (septic tank and drainfield), and any waste generated is allowed to be treated by an on-site sewage treatment system by the North Dakota Department of Health and the City of Bismarck; and 3) the following uses when conducted wholly within a completely enclosed building, or within an outdoor storage area that meets the design and aesthetic standards included in this ordinance, including proper screening:

i. Building materials sales yard, including the sale of rock, sand and gravel.
ii. Contractors' equipment storage yard.
iii. Public utility service yard.

k. ~~Radio or television transmitting station.~~
l. Commercial recreation group.
m. Office-bank group, excluding banks and medical offices.
n. Religious institution.

2. *Special Uses.* The following uses are allowed as special uses pursuant to Section 14-03-08 of the City Code of Ordinances:

a. Temporary Christmas tree sales.
b. Temporary religious meetings.
c. ~~Temporary circus/fair/carnival~~.
d. Temporary farm and garden produce sales.
e. Temporary fireworks sales.
f. Seasonal nursery and bedding stock sales.
e. ~~Solid waste disposal facility.~~
h. ~~Airport.~~
i. ~~Recreational vehicle park~~.
j. ~~Filling station~~.
k. ~~Drive-in retail or service establishments.~~
l. ~~Motor vehicle parts salvage yard~~.
m. ~~Small animal veterinary clinic~~.
n. ~~Animal hospital or kennel.~~
o. ~~Golf driving range.~~
p. ~~Junkyard~~.
q. ~~Retail liquor sales.~~
r. ~~Racetracks.~~
s. ~~Child care center.~~
t. ~~Asphalt production facilities, both permanent and temporary.~~

3. Dimensional Standards.

a. Lot Area. The minimum lot area is 40,000 square feet.

b. Lot Width. The minimum lot width is two hundred (200) feet.

c. Lot Coverage. The maximum lot coverage for buildings and required parking is fifty percent (50%) of the total lot area.

d. Front Yard. The minimum front yard setback is fifty (50) feet along 71st Avenue NE and (40) feet along 19th Street NE.

e. Side Yards. The minimum side yard setback is fifteen (15) feet.

f. Rear Yard. The minimum rear yard setback is fifteen (15) feet.

g. Height Limits. The maximum building height is thirty-five (35) feet.

4. Design and Aesthetic Standards.

a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and to stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

b. Building Materials. All building facades shall be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or prefinished metal architectural panels. If prefinished metal architectural panels are used, no more than 70% of the front elevation and no more than 80% of any other elevations facing a public right-of-way may consist of this material.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corregated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete.

The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or

architectural features to enhance the view from the public right-of-way.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

c. Enclosed Building Requirement. All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.

d. Outdoor Storage Areas. Outdoor storage areas shall shall be subject to the building setback requirements. Any outdoor storage area shall be fenced around its perimeter with a minimum six foot wall or fence and any storage area along a public right-of-way shall be screened with a vegetative buffer yard planted with four (4) trees and fifteen (15) shrubs per one hundred (100) linear feet, with at least 50% of the required trees being upright evergreen trees, and with the option of substituting trees for shrubs at a ratio of one tree per four shrubs at the discretion of the property owner. Goods and materials shall be located on a paved or gravel surface and the outdoor storage area shall be maintained in an orderly fashion. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence, with the exception that the height of materials may be increased to two times the fence height if the stored material is located no less than thirty (30) feet from the interior of the fence. The outdoor storage area shall not reduce the amount of required parking on the site.

6. Other Development Standards.

a. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure. Storage containers may not be used as accessory buildings.

b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Said parking areas shall be hard-surfaced and striped in conjunction with site development and regularly

maintained. Concrete perimeter curbing of the parking areas will not be required.

c. Landscaping and Screening. Parking lot landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

Landscaping areas are also required along the southern edge of the lots along the 71st Avenue NE frontage. Said landscaping shall be provided at the rate of 1000 square feet per 100 linear feet of frontage and shall be planted with a variety of landscaping materials, including shade or ornamental trees, upright evergreen trees, shrubs and perennials. The square footage of required landscaping areas may be combined to create fewer larger planting beds at the discretion of the property owner. In addition, up to 10% of this required landscaping may be placed along frontage on 19th Street NE, provided said landscaping is located within 300 feet of the northern edge of the 71st Avenue NE right-of-way.

d. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

f. Signage. Signage for the development may be installed in accordance with the provisions of Chapter 14-03.1 of the City Code of Ordinances (Signs). Off-premise advertising signs (billboards) are specifically prohibited within this development.

e. Other Development Standards. All other development standards shall be as outlined in Section 14-04-14 of the City Code of Ordinances (MA Industrial District).

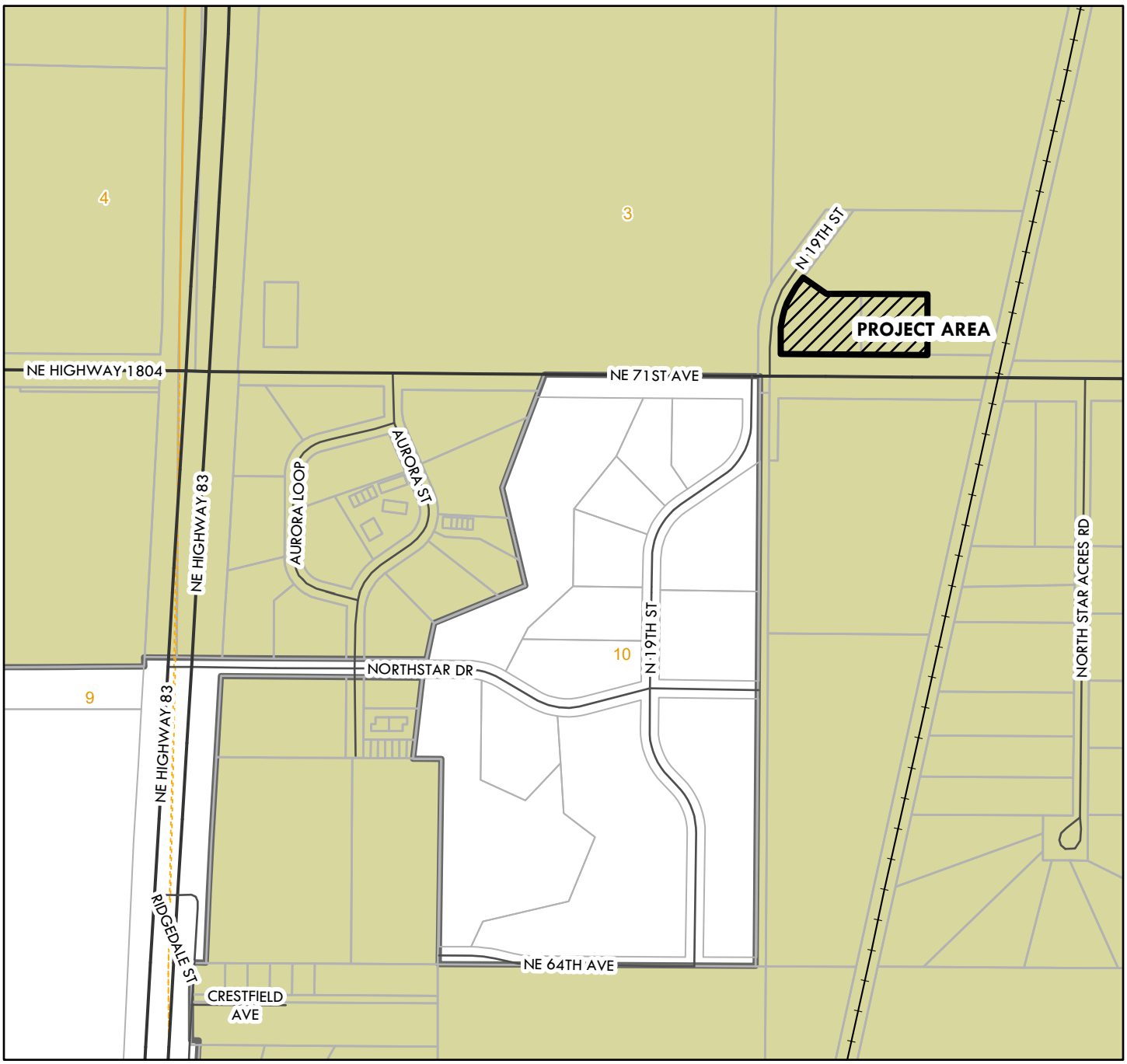
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Location Map

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013



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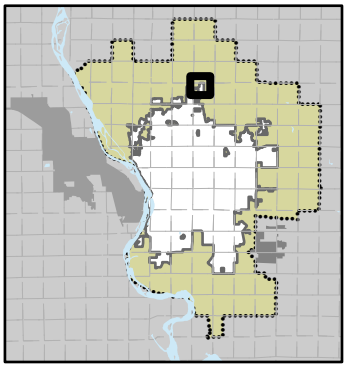

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Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 21, 2021 (HLB)

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Aerial Map

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013

Miles

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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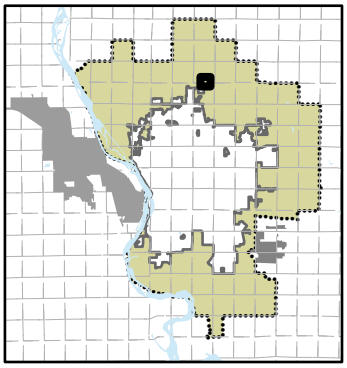

City of Bismarck
Community Development Department
Planning Division
January 21, 2021

Zoning and Plan Reference Map

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013

Zoning Districts

A	Agriculture
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Fringe Area Road Master Plan

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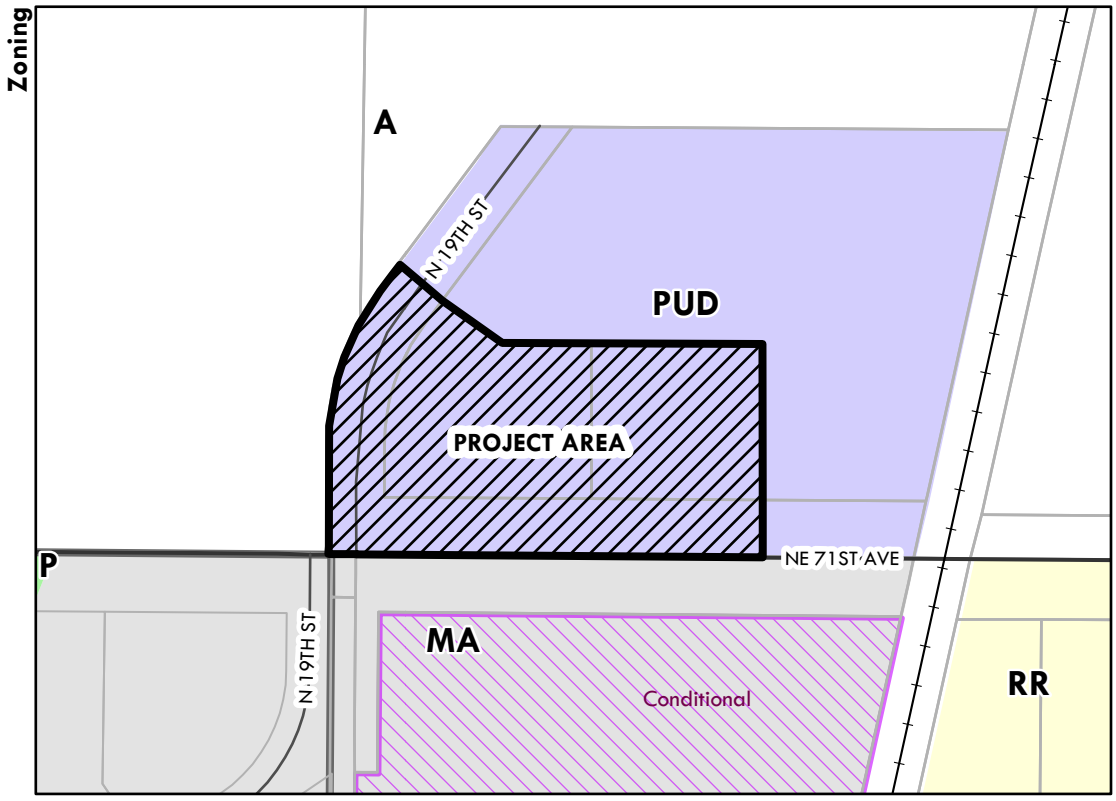
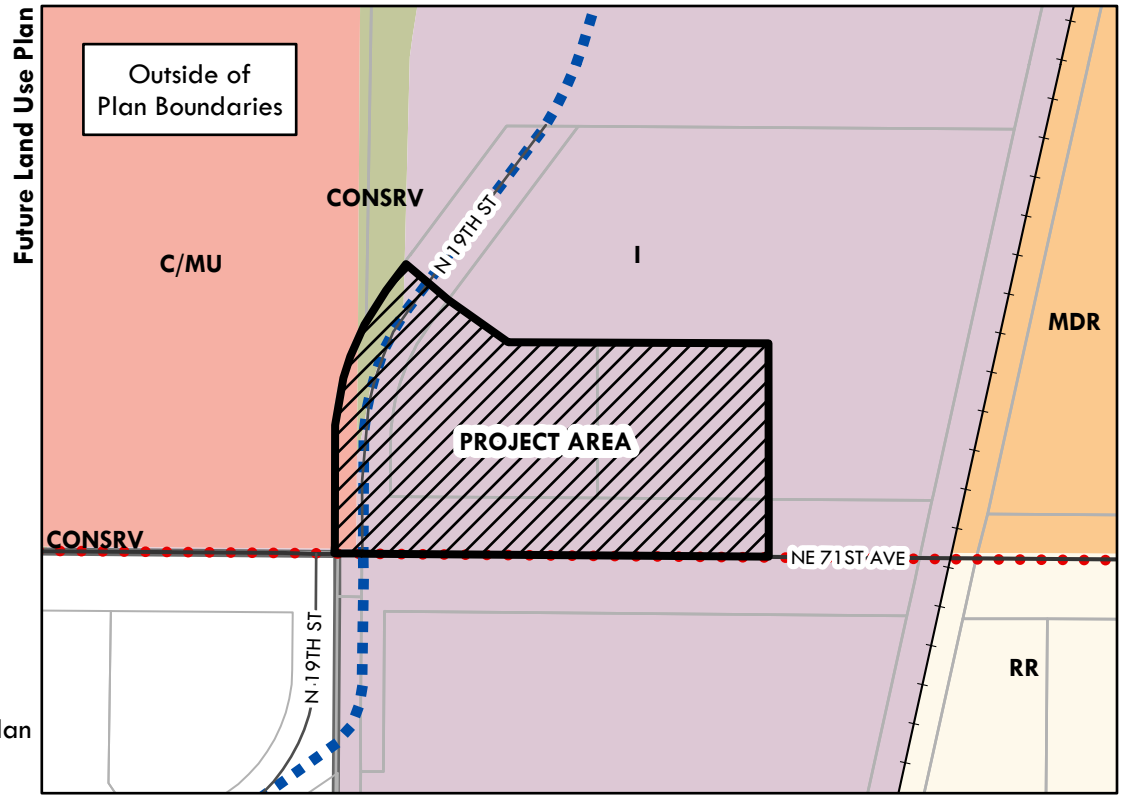
- Future Collector Road





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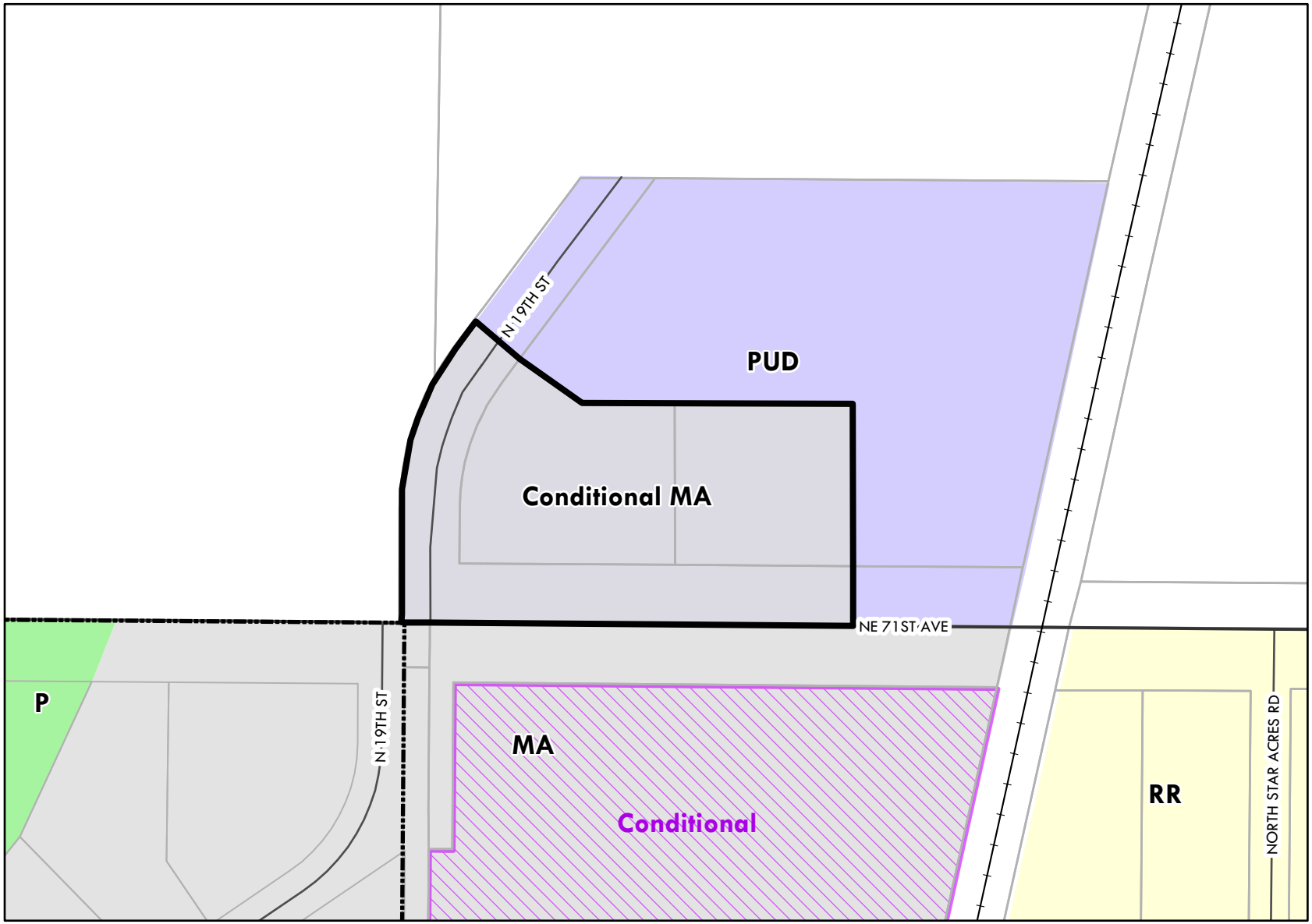
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

Proposed Zoning Change

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

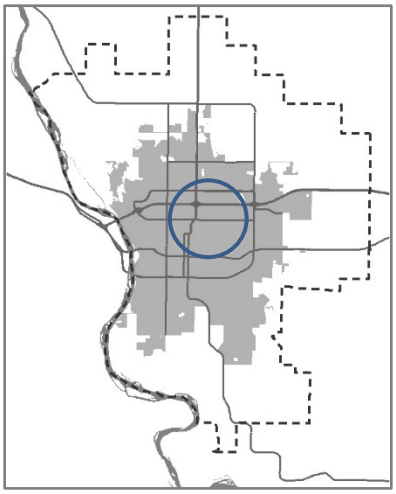
Agenda Item # 5
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-014

Project Summary

Title:	Lots 13-22, Block 5 and Lots 3-4, Block 6, Fisher Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Charles L. Hall Home Inc. Word of Faith Church & Outreach
Project Contact:	Gayle Kopp
Location:	In central Bismarck along the south side of East Divide Avenue and the west and east side of North 15th Street
Project Size:	45,000 square feet
Request:	Rezone property to RM30 – Residential to allow group home and multi-family uses



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 parcels	*Number of Lots:*	2 parcels
Land Use:	Church and group home	*Land Use:*	Church and group home
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential	*Zoning:*	RM30 – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	RM30 – Multi-family residential
Max Density Allowed:	R10 – 10 units / acre	*Max Density Allowed:*	RM30 – 30 units / acre

Property History

Zoned:	*Pre-1980*	*Platted:*	*1/1883*	Annexed:	Pre-1980

Staff Analysis

Charles L. Hall Home Inc. and Word of Faith Church & Outreach is requesting approval of a zoning change from the R10 – Residential zoning district to the RM30 – Residential zoning district for Lots 13-22, Block 5 and Lots 3-4, Block 6, Fisher Addition.

(continued)

Adjacent uses include single and two family residences to the north, east, south and west.

The proposed zoning would allow the structure on Lot 3-4, Block 6, a family foster care for children facility, to be used as a group dwelling. At the time of writing this staff report the church located on Lots 13-22, Block 5, Fisher Addition had not met to vote as to whether or not to be part of this zoning change. The church board is expected to meet prior to the Planning and Zoning Commission meeting, and if they are in support of being part of the zoning change request, they will submit an application. Their participation in the zoning change request would ensure a contiguous zoning district to the existing RM30 zoned properties to the east. A church is an allowable use in both the R10 – Residential and the RM30 – Residential zoning district.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10 – Residential zoning district to the RM30 – Residential zoning district for Lots 13-22, Block 5 and Lots 3-4, Block 6, Fisher Addition.

Attachments

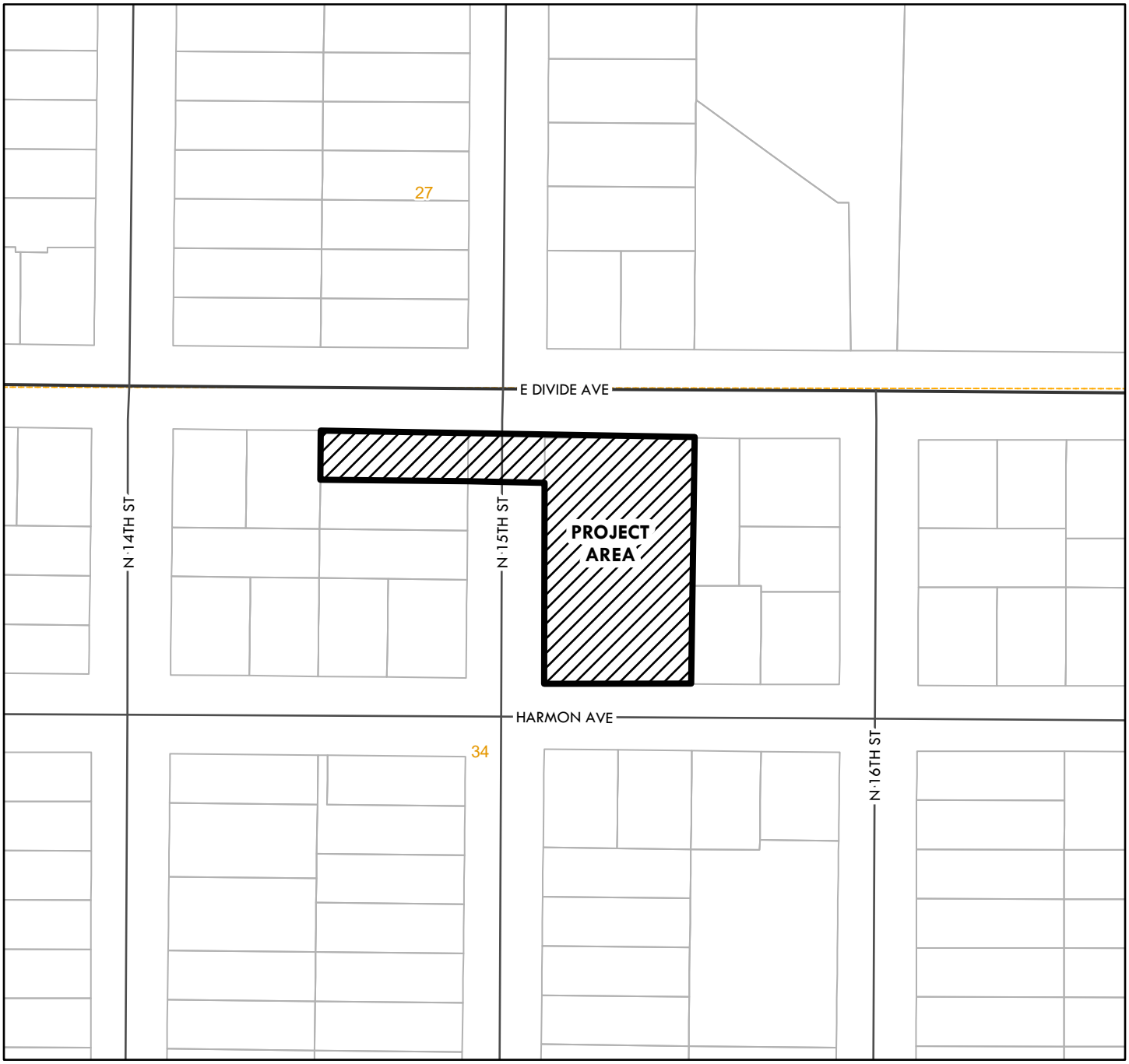
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Location Map

FISHER ADDITION, L13-22, B5; & L3-4, B6

ZC2020-014



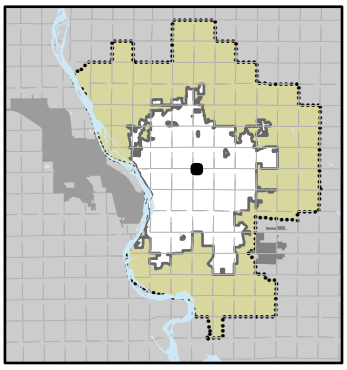
0 0.03 0.07 0.13 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



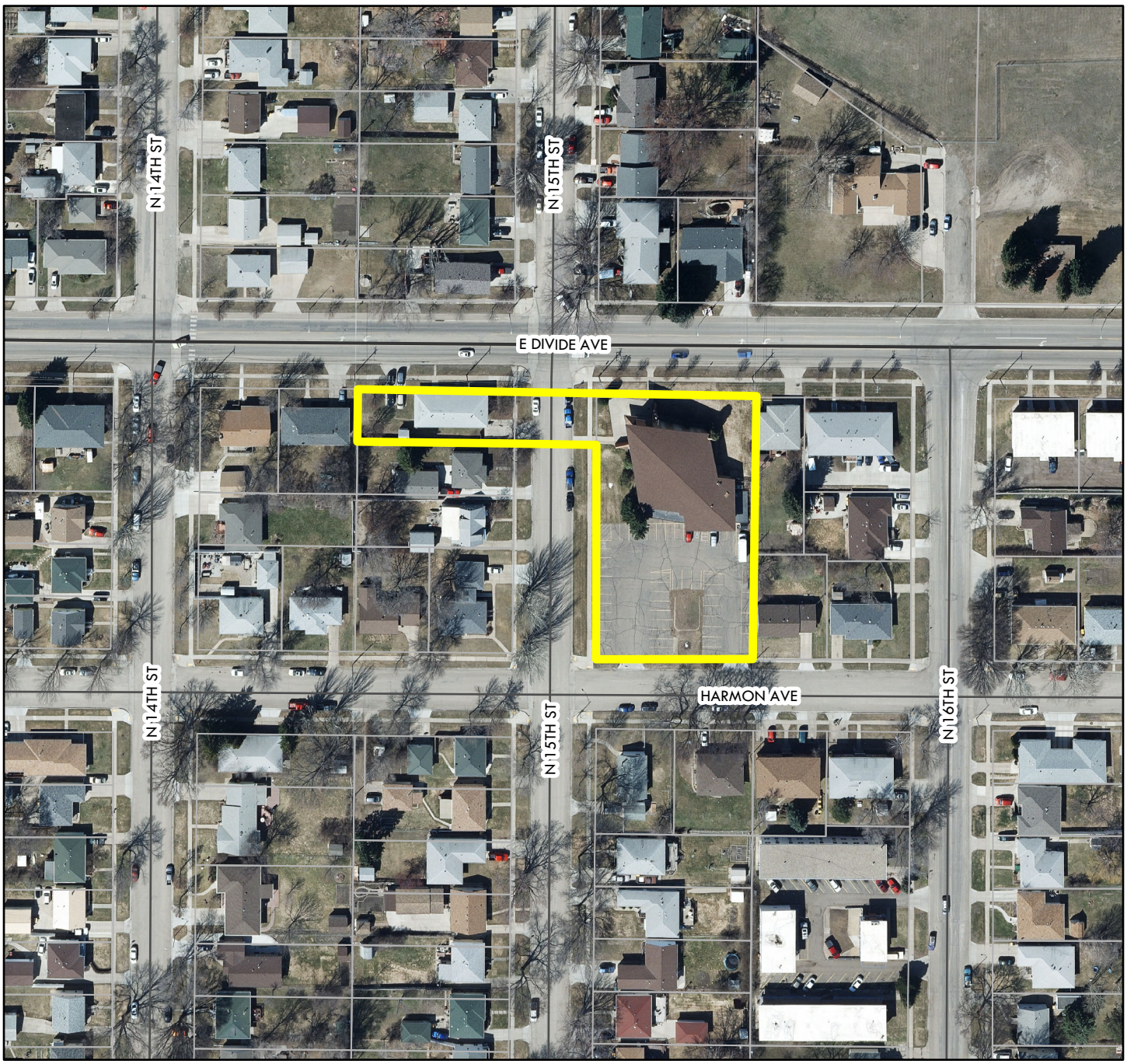
City of Bismarck
Community Development Department
Planning Division
January 20, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

FISHER ADDITION, L13-22, B5; & L3-4, B6

ZC2020-014



Miles

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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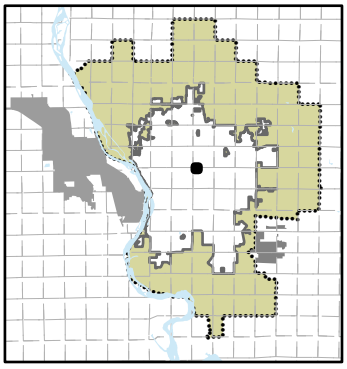


City of Bismarck
Community Development Department
Planning Division
January 20, 2021

Zoning and Plan Reference Map

FISHER ADDITION, L13-22, B5; & L3-4, B6

ZC2020-014

Zoning Districts

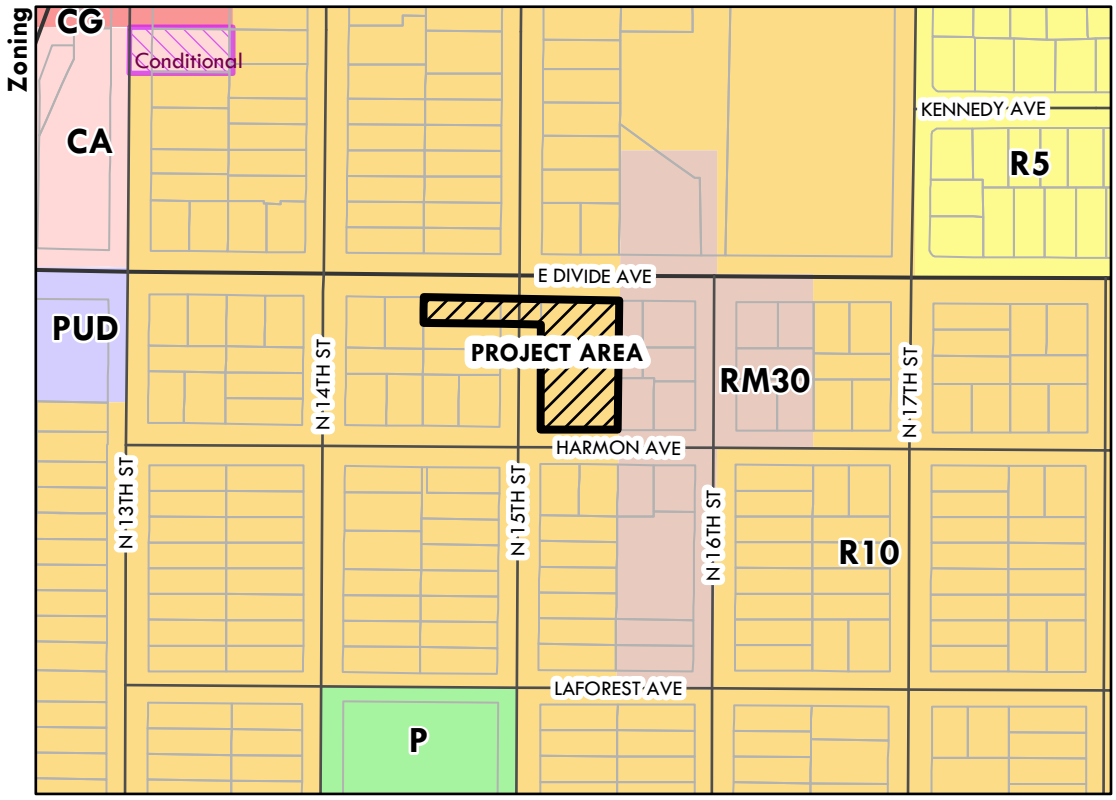
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

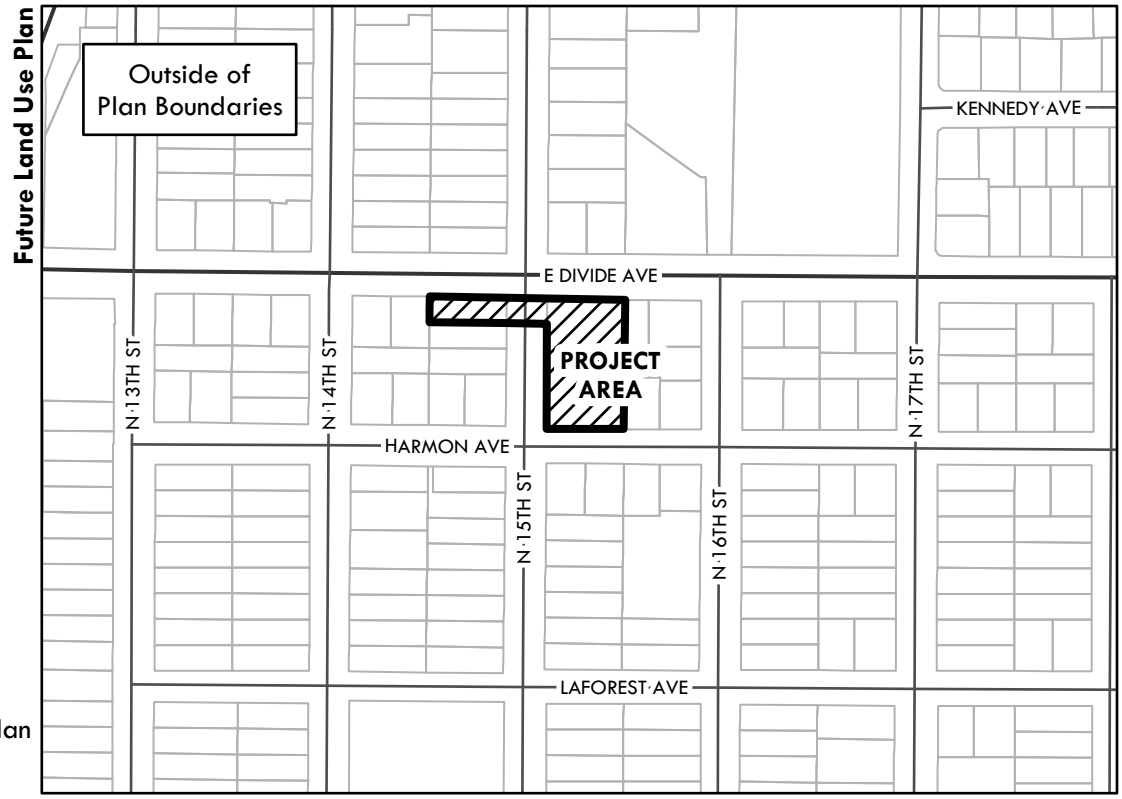
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.04 0.09 0.18 Miles

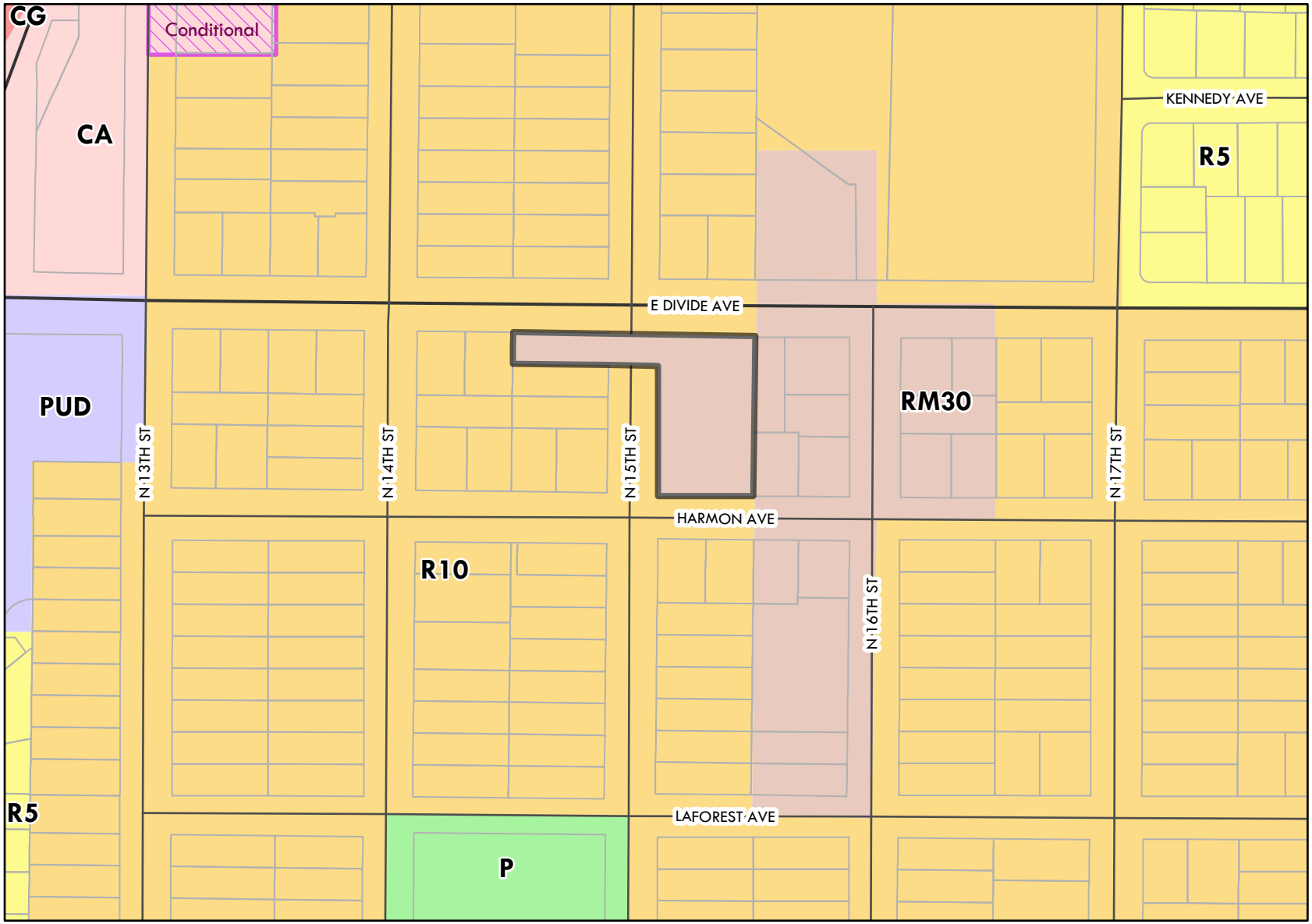
City of Bismarck
Community Development Dept.
Planning Division
January 20, 2021

Proposed Zoning Change

FISHER ADDITION, L13-22, B5; & L3-4, B6

ZC2020-014

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.07 0.15 0.3 Miles

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City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

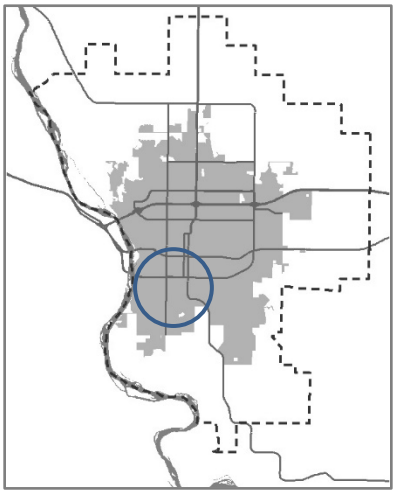
Agenda Item # 6
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-015

Project Summary

Title:	Lot 1, Block 19, Wachters Third Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Charles Hall Youth Service
Project Contact:	Gayle Klopp
Location:	In south Bismarck, south of Bismarck Expressway, west of South 3rd Street, along the north side of East Denver Avenue and the west side of Laramie Drive
Project Size:	15,257 square feet
Request:	Rezone property to RM30 – Residential to allow group home and multi-family uses



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Children foster home	*Land Use:*	Group Home
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential	*Zoning:*	RM30 – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	RM30 – Multi-family residential
Max Density Allowed:	R10 – 10 units / acre	*Max Density Allowed:*	RM30 – 30 units / acre

Property History

Zoned:	*08/1996*	*Platted:*	*10/1972*	*Annexed:*	Pre-1980

Staff Analysis

Charles Hall Youth Service is requesting approval of a zoning change from the R10 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 19, Wachters Third Addition.

(continued)

Adjacent uses include multifamily residential to the north and east across Laramie Drive, a single family residence to the south, and two-family residential to the west.

The proposed zoning would allow the structure on this lot, a family foster care for children facility, to be used as a group dwelling. This property was previously zoned RM30 – Residential prior to rezoning to the R10 – Residential zoning district in 1996.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10 – Residential zoning district to the RM30 – Residential zoning district for Lot 1, Block 19, Wachters Third Addition.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Location Map

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015

0 0.07 0.15 0.3 Miles

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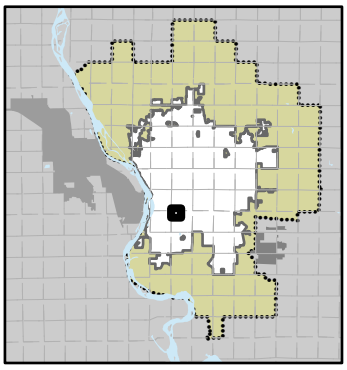

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
December 31, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015

0 0.04 0.07 0.14 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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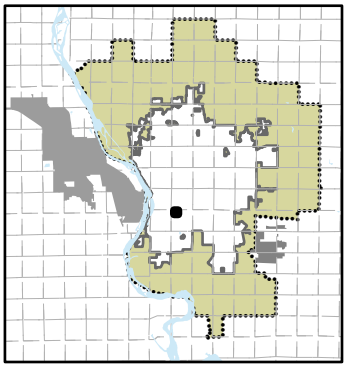

City of Bismarck
Community Development Department
Planning Division
January 21, 2021

Zoning and Plan Reference Map

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
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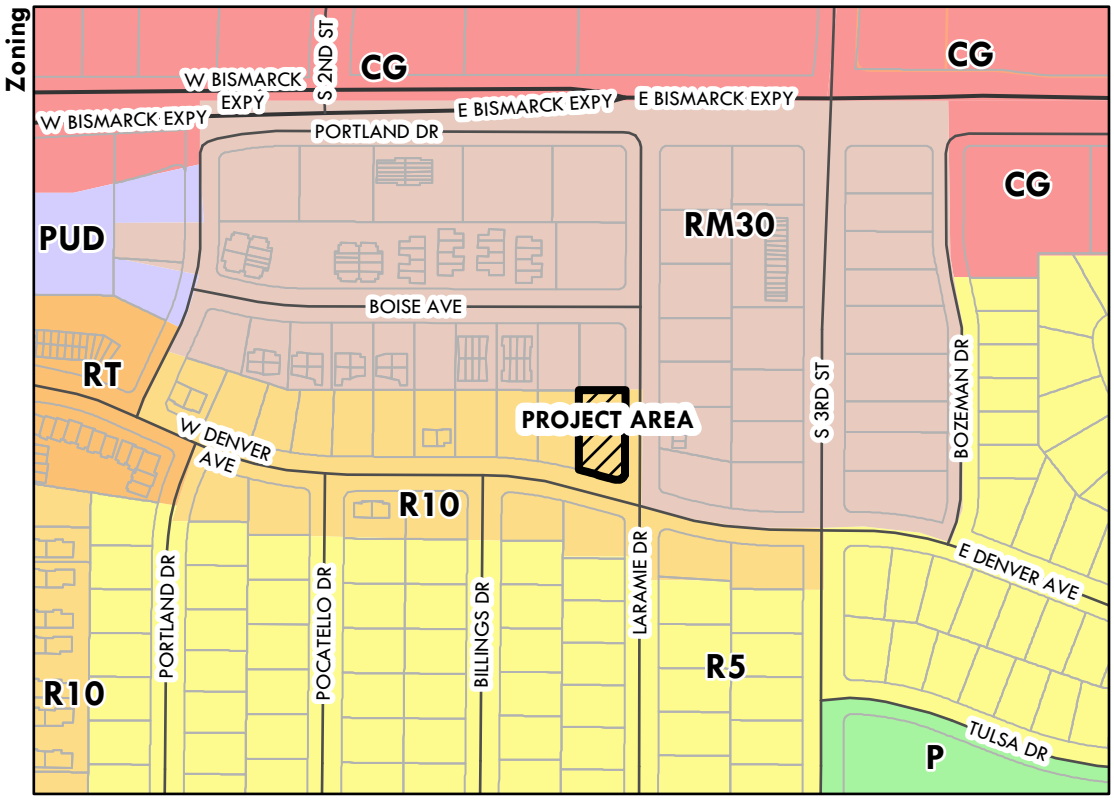
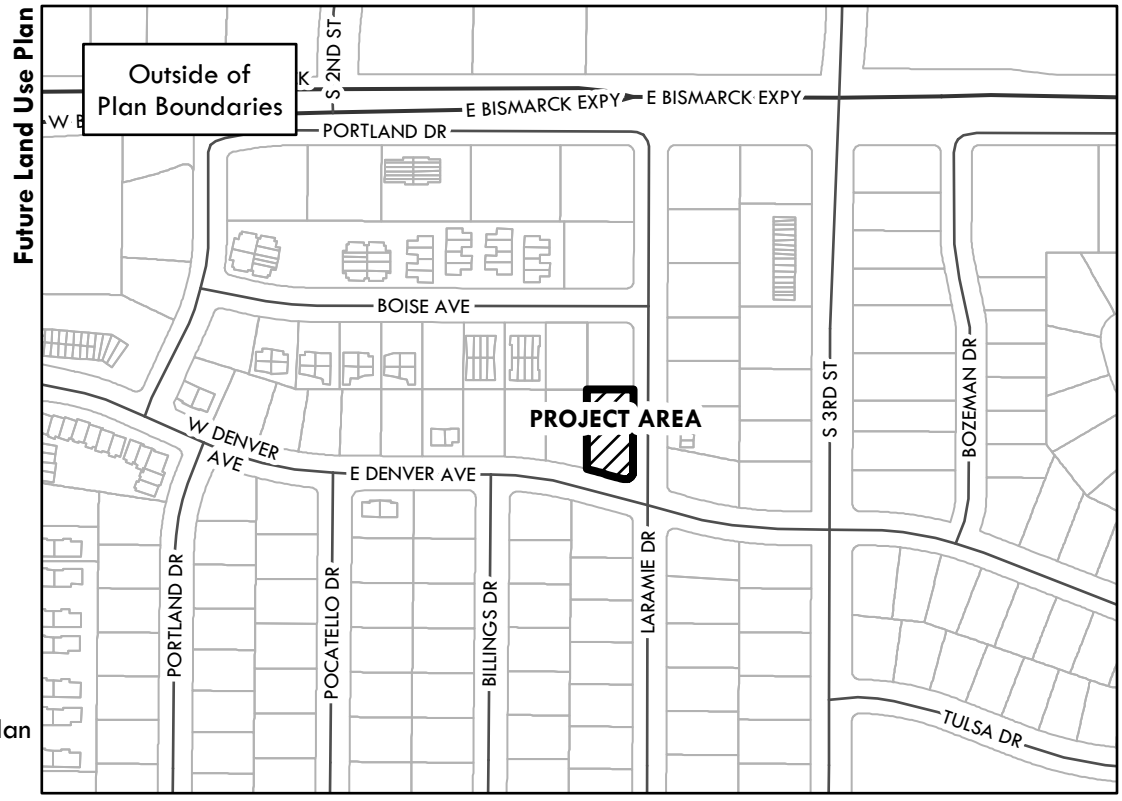
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.04 0.09 0.18 Miles

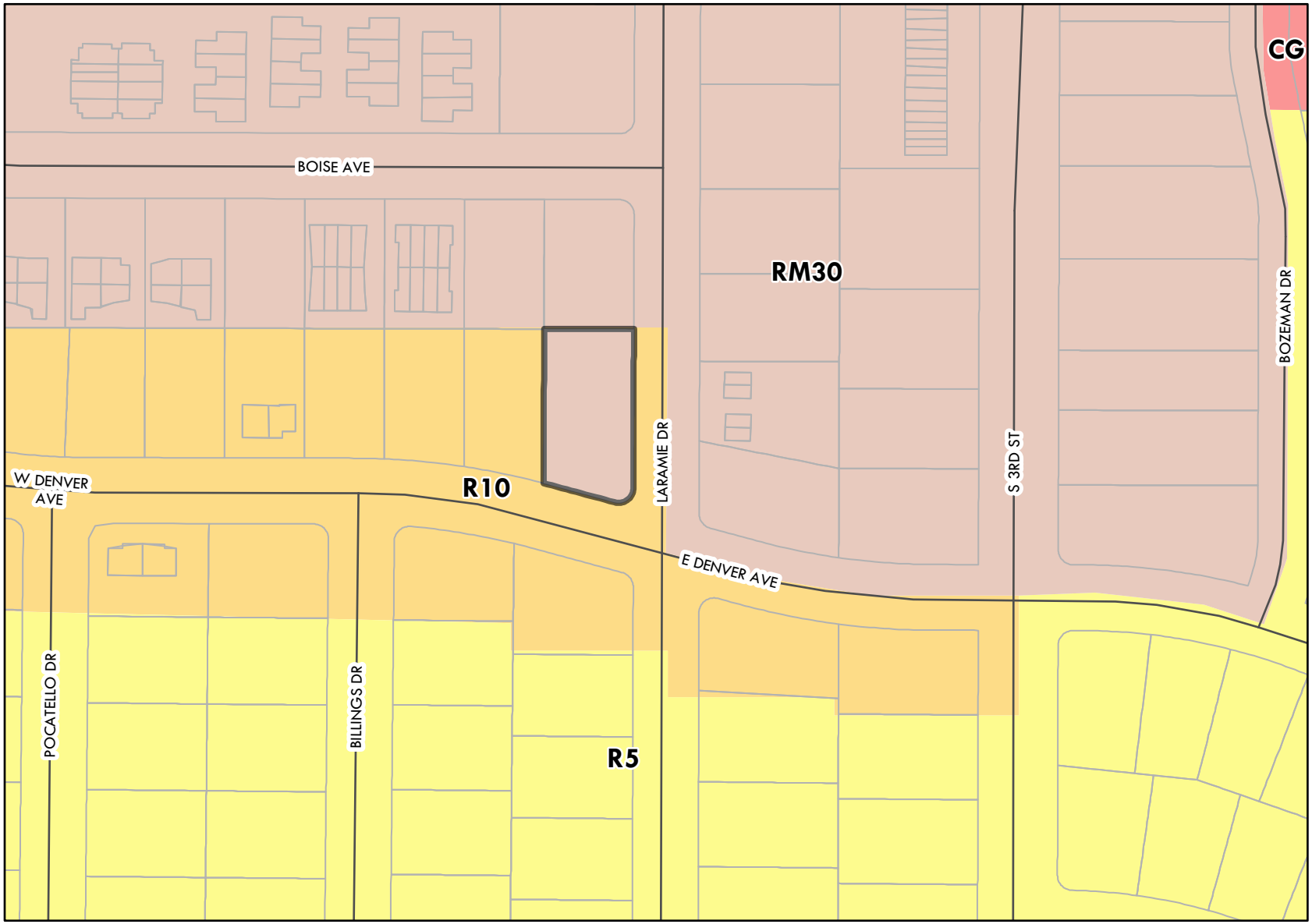
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

Proposed Zoning Change

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.05 0.1 0.2 Miles

City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

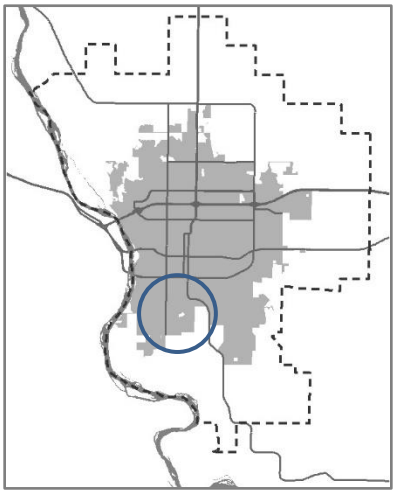
Agenda Item # 7
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-016

Project Summary

Title:	Lots 1-24, Block 6, Cottonwood Parkview Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Paul and Valerie Wachter
Project Contact:	Michael Gunsch, PE, CFM, Houston Engineering
Location:	In south Bismarck, east of South Washington Street and north of East Burleigh Avenue, along the south side of Lennox Drive
Project Size:	5.61 acres
Request:	Rezone property for future single-family development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	24 lots in 1 block	*Number of Lots:*	24 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional R10 – Residential	*Zoning:*	R10 – Residential
Uses Allowed:	Conditional R10 – Two-family Residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density Allowed:	Conditional R10 – 10 units / acre	*Max Density Allowed:*	R10 – 10 units / acre

Property History

Zoned:	*06/2018*	*Platted:*	*06/2018*	Annexed:	*06/2018*

Staff Analysis

Paul and Valerie Wachter are requesting approval of a zoning change from the Conditional R10 – Residential zoning district to the R10 – Residential zoning district for Lots 1-24, Block 6, Cottonwood Parkview Addition.

These lots were zoned Conditional R10 – Residential in 2018 when the property was platted. This condition required the construction of two-family dwellings on these lots. The applicant has reevaluated the area and has requested a zoning change to the R10 – Residential

(continued)

zoning district to have more flexibility in building type. The R10 – Residential zoning district allows the construction of both two-family and single-family dwellings.

Adjacent uses include undeveloped single, two-family and multi-family zoned property to the north across Lennox Drive, a public park to the east across Boston Drive, undeveloped RM30 - Residential zoned property to the west across Dortmund Drive, and single-family uses and undeveloped multi-family zoned property to the south.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the Conditional R10 - Residential zoning district to the R10 – Residential zoning district for Lots 1-24, Block 6, Cottonwood Parkview Addition.

Attachments

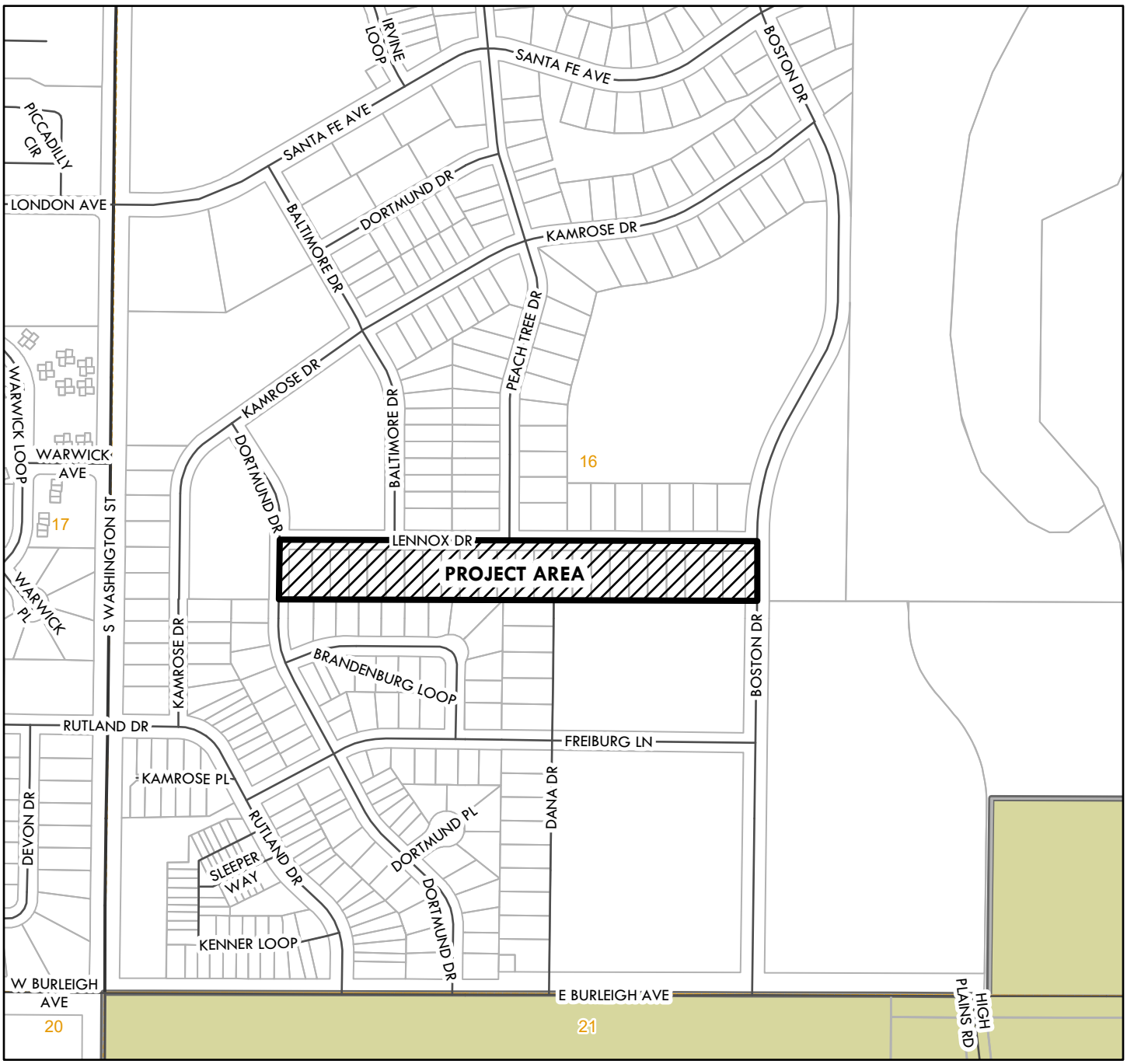
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Change to Zoning Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

COTTONWOOD PARKVIEW ADDITION, L1-24, B6

ZC2020-016



0 0.1 0.2 0.4 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

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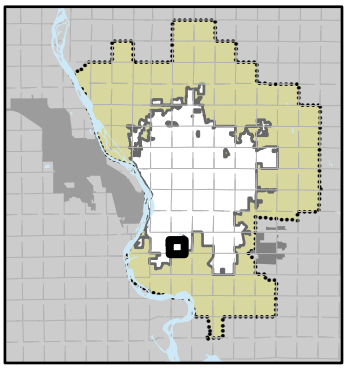

City of Bismarck
Community Development Department
Planning Division
December 31, 2020 (HLB)

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Aerial Map

COTTONWOOD PARKVIEW ADDITION, L1-24, B6

ZC2020-016

0 0.1 0.2 0.4 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
January 21, 2021

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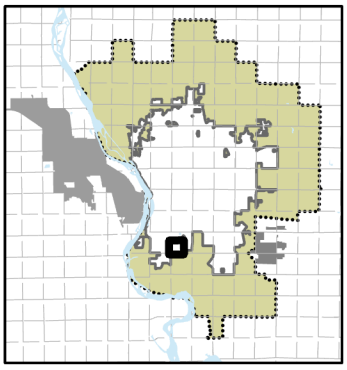

Zoning and Plan Reference Map

ZC2020-016

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
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MA	Industrial
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DF	Downtown Fringe

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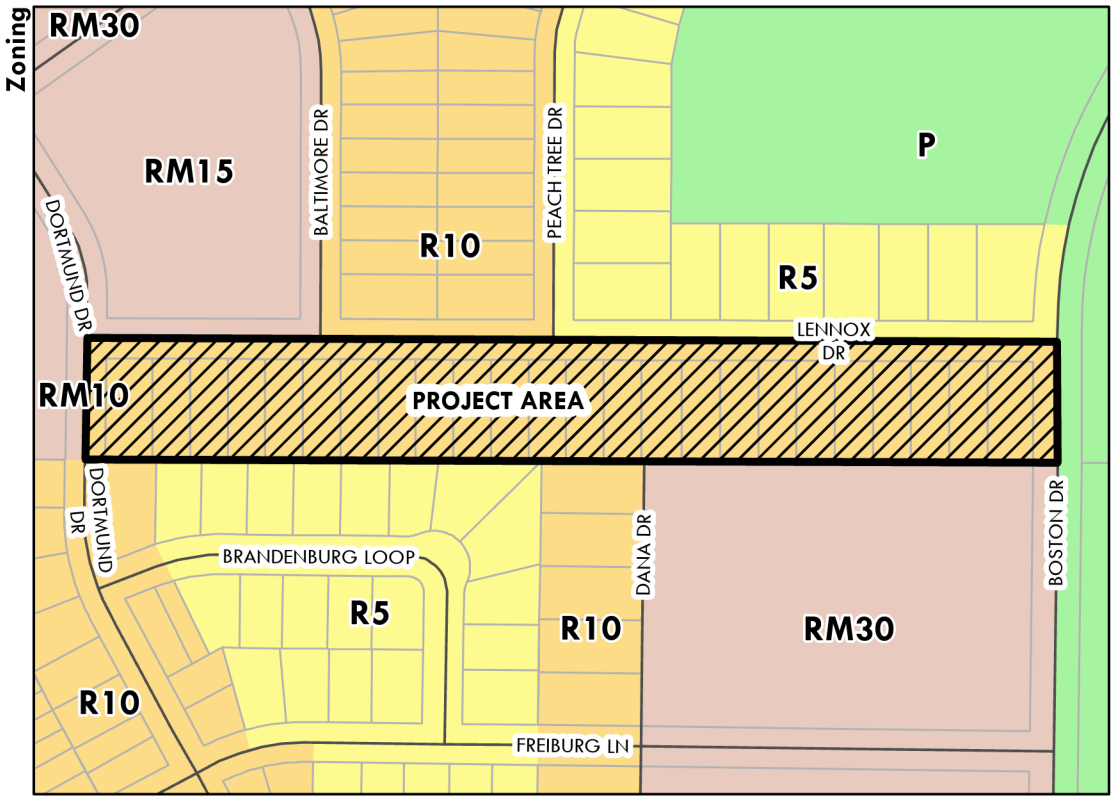
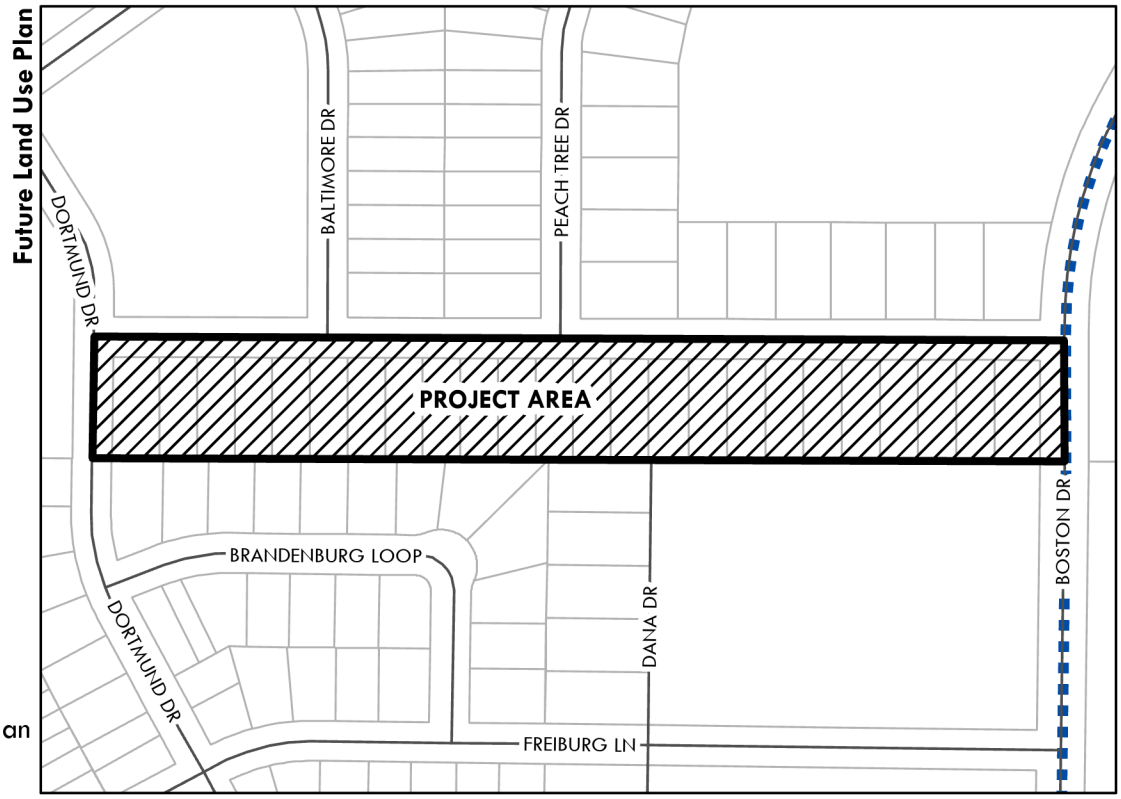
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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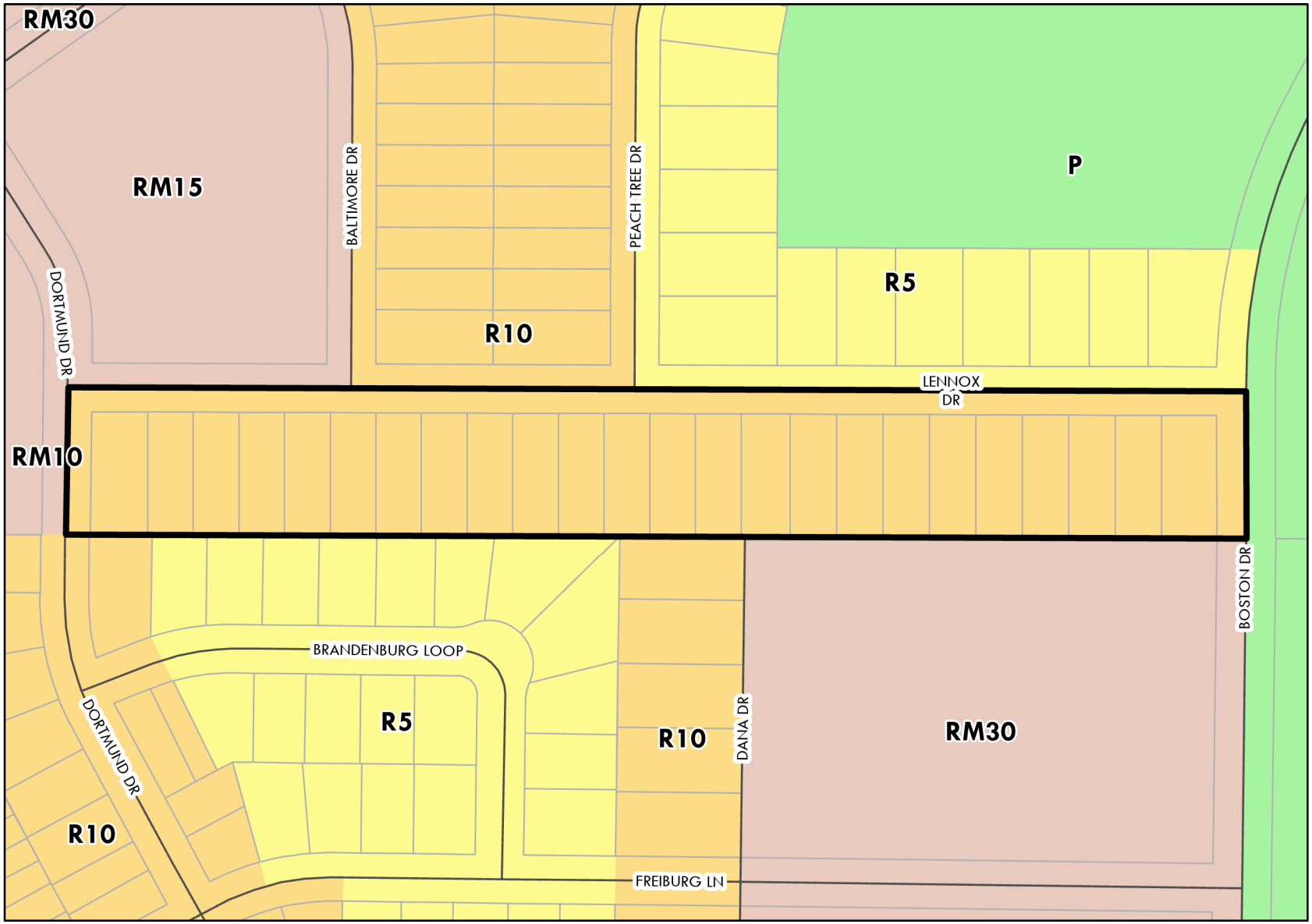
0 0.04 0.07 0.15 Miles

City of Bismarck
Community Development Dept.
Planning Division
January 20, 2021

Proposed Zoning Change

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
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A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.05 0.1 0.2 Miles

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City of Bismarck
Community Development Dept.
Planning Division
January 20, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

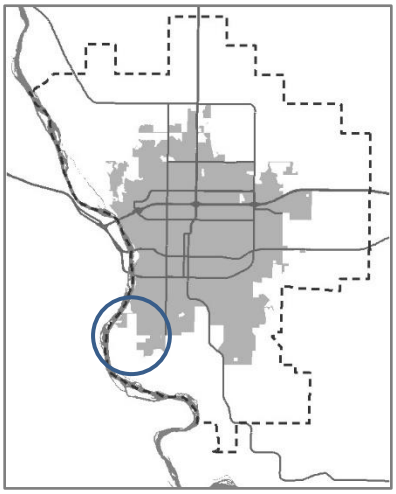
Agenda Item # 8
January 27, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-017

Project Summary

Title:	Part of Lot 2, Block 1, Replat of Lots 1A, Lot 2A and Part of Lot 3A of Mills First Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Dan Potter
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	South of Bismarck, between Mills Avenue and Larson Road along the west side of Langer Lane
Project Size:	21,780 square feet
Request:	Rezone property for future urban residential development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	Part of 1 parcel	*Number of Lots:*	Part of 1 parcel
Land Use:	Undeveloped	*Land Use:*	Undeveloped
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	R5 – Single-family residential
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	R5 – 5 units / acre

Property History

Zoned:	*12/1976 (Mills First Subdivision)*	*Platted:*	*05/2002 (Replat of Lots 1A, 2A and Part of 3A of Mills First Subdivision)*	Annexed:	N/A

(continued)

Staff Analysis

Dan Potter is requesting approval of a zoning change from the RR – Residential zoning district to the R5 – Residential zoning district for part of Lot 2, Block 1, Replat of Lots 1A, Lot 2A and Part of Lot 3A of Mills First Subdivision.

The proposed zoning change is in conjunction annexation request for this property and a minor subdivision plat for this property and the properties adjacent, owned by the applicant.

Adjacent uses include rural residential to the north, developing urban single-family residential to the east across Langer Lane, and to the south, and rural residential to the west.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for zoning change from the RR – Residential zoning district to the R5 – Residential zoning district for part of Lot 2, Block 1, Replat of Lots 1A, Lot 2A and Part of Lot 3A of Mills First Subdivision

Attachments

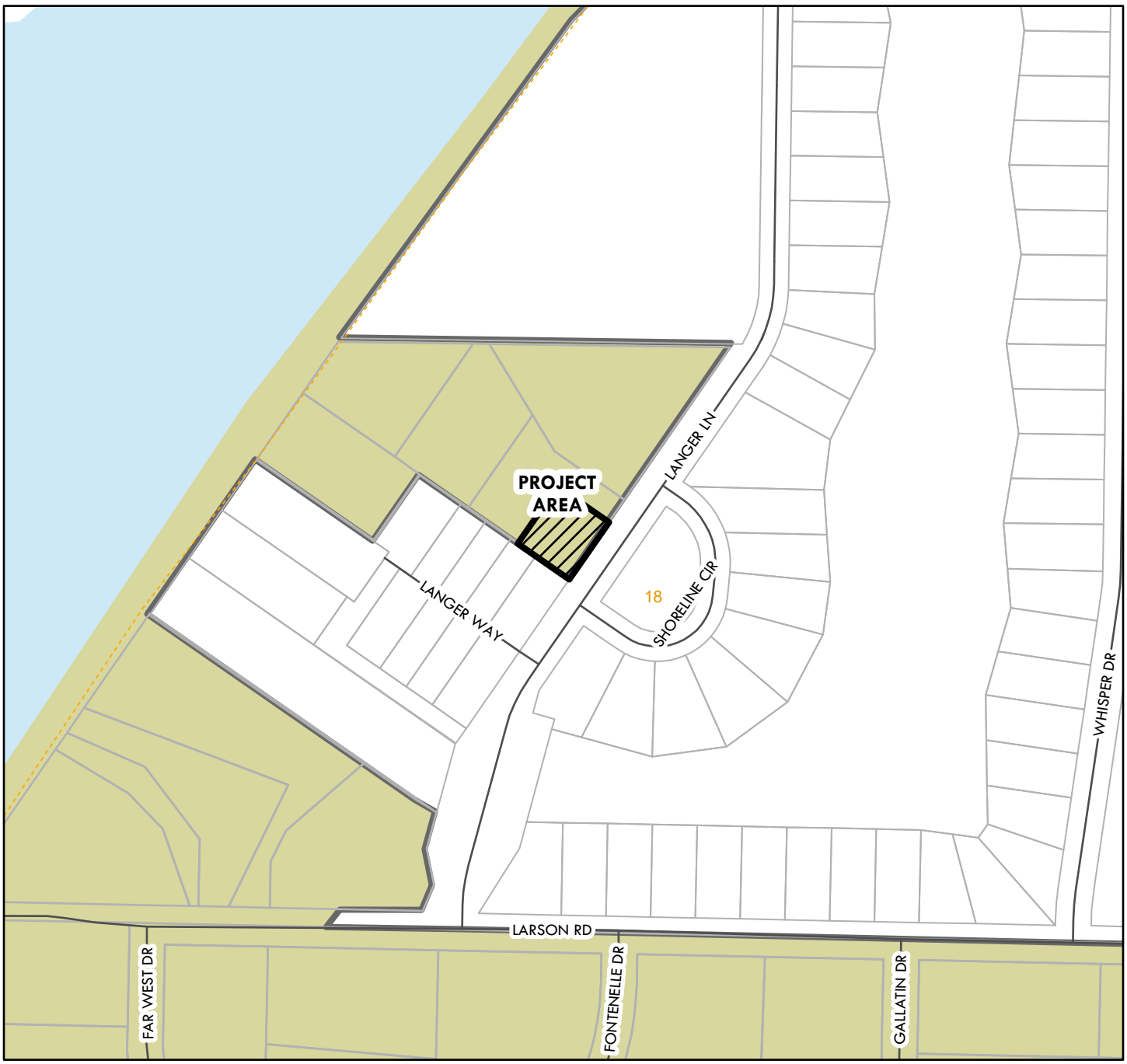
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Change to Zoning Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

PT REPLAT MILLS FIRST SUBDIVISION, L2, B1

ZC2020-017



0 0.07 0.15 0.3 Miles

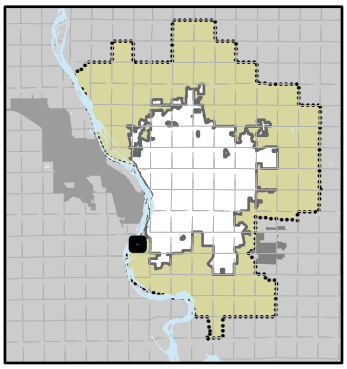
N

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
December 31, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

PT REPLAT MILLS FIRST SUBDIVISION, L2, B1

ZC2020-017

Miles

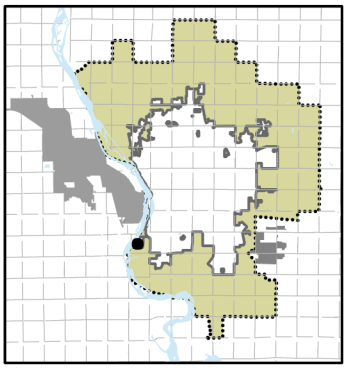
0 0.03 0.06 0.12

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Department
Planning Division
January 21, 2021

Zoning and Plan Reference Map

ZC2020-017

Zoning Districts

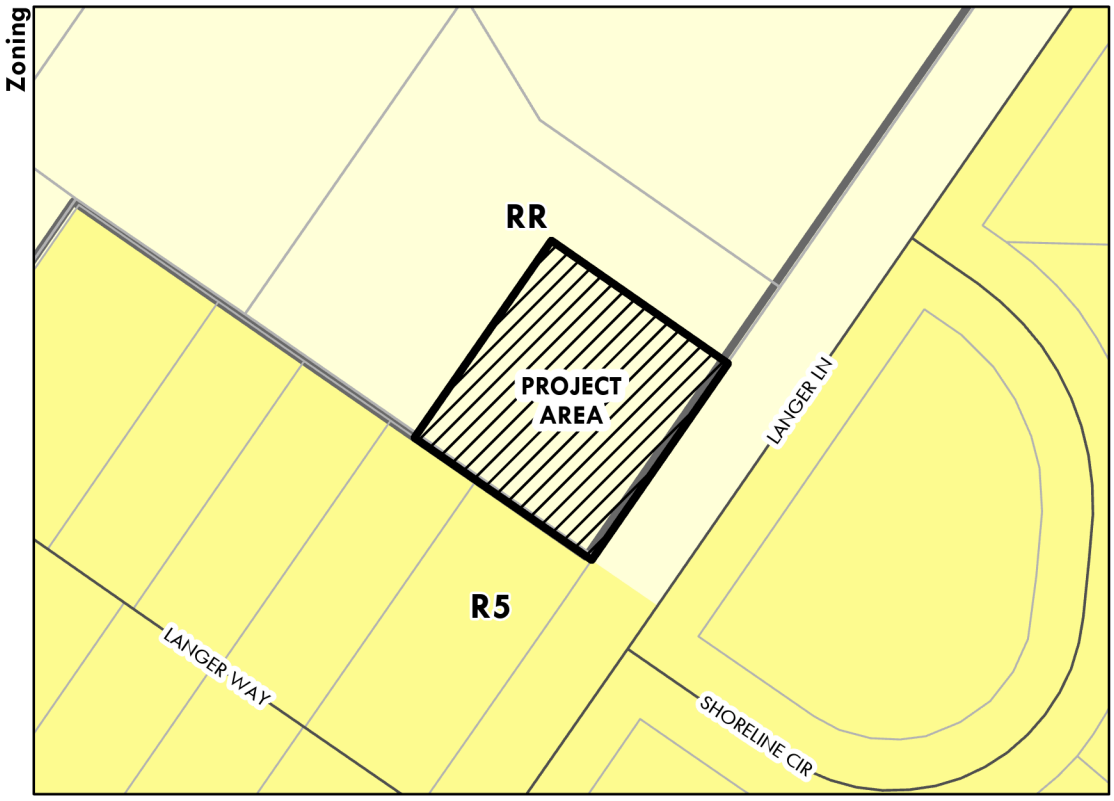
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

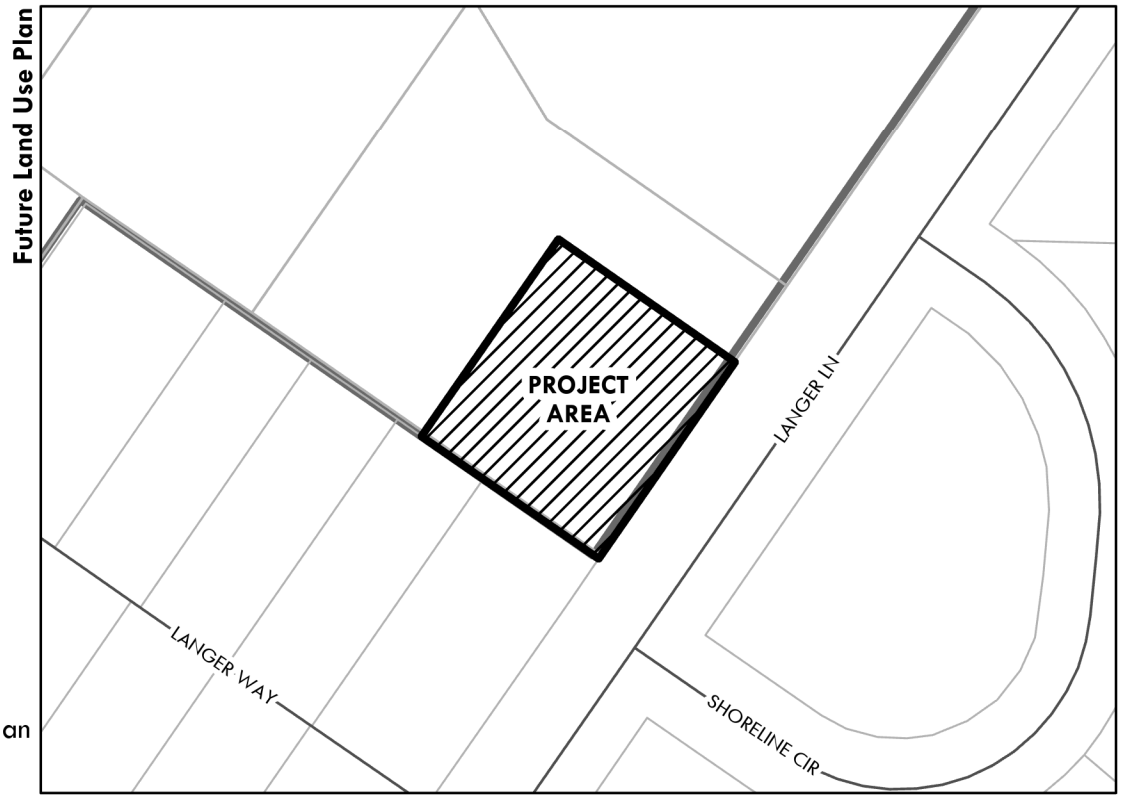
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.01 0.03 0.06 Miles

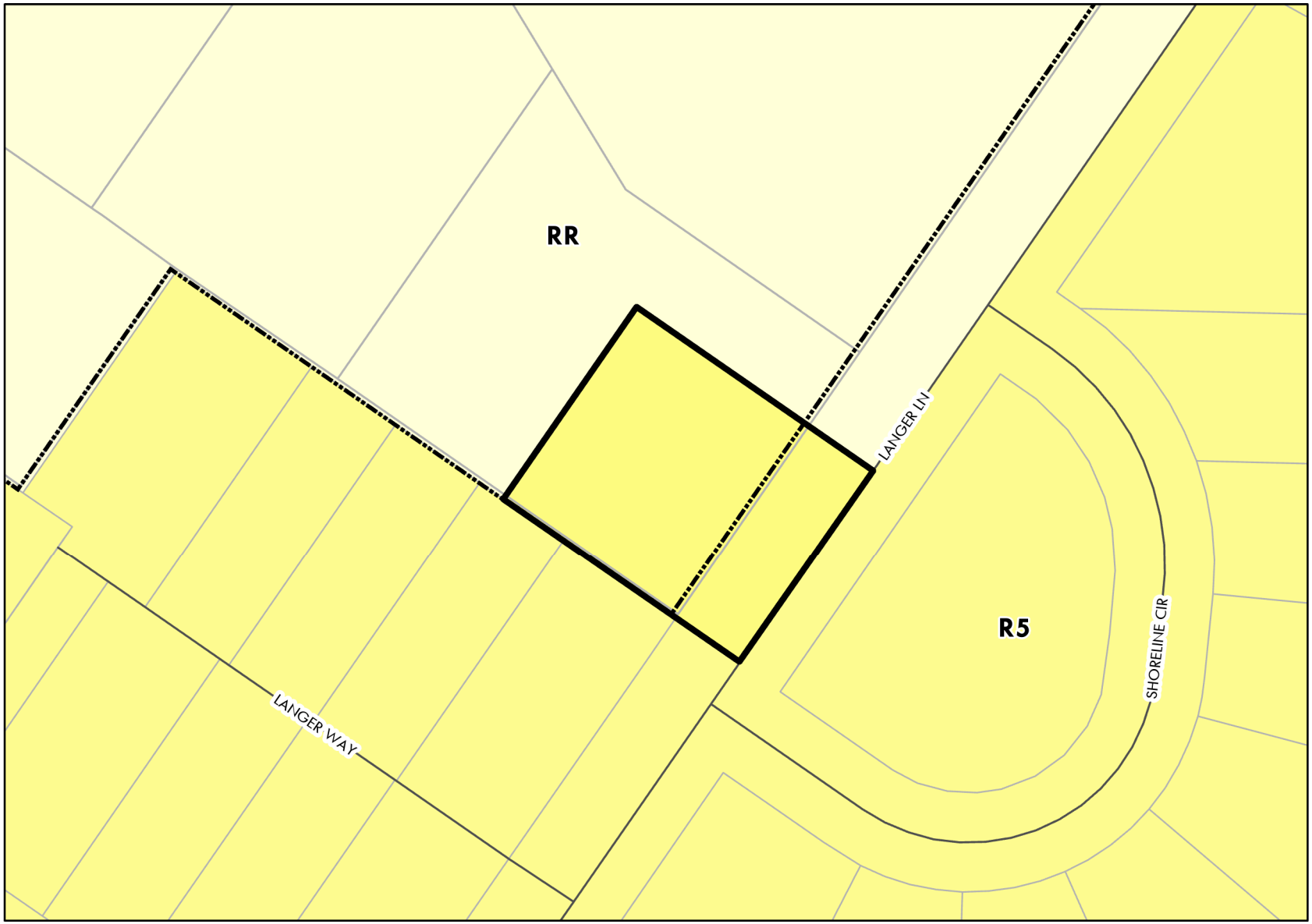
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

Proposed Zoning Change

PT REPLAT MILLS FIRST SUBDIVISION, L2, B1

ZC2020-017

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.03 0.07 0.13 Miles

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 9
January 27, 2021

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2021-001

Project Summary

Title:	Domestic Distilleries and Microbrew Pubs
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Will Hutchings, Planner
Sections Amended:	14-02-03 (Definitions) 14-03-07 (Use Groups) 14-03-08 (Special Uses) 14-04-10 (CA Commercial District) 14-04-12 (CG Commercial District) 14-04-14 (MA Industrial District) 14-04-21 (Downtown Districts) 14-04-21.3 (Use Categories) 14-04-21.4 (Use Standards)
Request:	Consider revisions to microbrew pubs and to allow domestic distilleries

Staff Analysis

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment to revise terminology used for brewpubs, microbreweries, microbrew pubs, allow for domestic distilleries and assign each as allowable uses in specified zoning districts.

The amendments are being proposed at the request of the Planning and Zoning Commission, who at their regularly scheduled meeting on November 18, 2020 heard a request from a potential business owner that asked that "craft distilleries" be allowed in commercial zoning districts. The Planning and Zoning Commission directed staff to draft an amendment for their consideration.

Staff conducted additional research on the request, specifically and the existing terminology used in the current zoning ordinance for microbreweries and brewpubs and current North Dakota Century Code. Upon further investigation, staff determined inconsistencies in terminology between the City and State and are recommending additional changes to ensure consistency.

What is a domestic distillery?

A domestic distillery is a small operation that produces distilled spirits. North Dakota Century Code defines the threshold to qualify as a domestic distillery as a facility that manufacturers no more than 25,000 gallons of produced domestic spirits per year. These facilities are required to use 51% of North Dakota farm product. Domestic distilleries may sell manufactured spirits for wholesale, for sale direct to consumers on-site and to domestic distilleries.

Domestic distilleries are also commonly known as "craft distilleries" or "micro distilleries". The emergence of small-scale distilleries is on the rise in many cities across the nation as the public seeks a variety of locally produced consumer options. They are similar to microbrew pubs both in scale and potential neighborhood impact considerations.

(continued)

What is a microbrew pub?

A microbrew pub is a small operation that produces brewed malt beverage or beer. North Dakota Century Code defines a microbrew pub, as "*a brewer that brews 10,000 or fewer barrels of beer per year and sells beer produced or manufactured on the premises for consumption on or off the premises or serves beer produced or manufactured on the premises for purposes of sampling the beer.*"

Microbrew pubs are also commonly known as "brewpubs", "microbreweries" or "craft breweries." The term "nanobrewery" may also be used to define a microbrew pub that is even smaller in size and production levels.

Current Ordinance Regulations

Currently, the City of Bismarck zoning ordinance uses two terms for these types of facilities. A microbrewery is used to define a standalone facility that produces 10,000 barrels or less of beer on-site for sale on-site or wholesale. A brewpub is defined as a restaurant that produces 10,000 barrels or less of beer for consumption on site.

The City of Bismarck first permitted microbreweries and brewpubs in 2009, establishing a production threshold of no more than 5,000 barrels of beer per year. The zoning ordinance was amended in 2013 to raise the production threshold to 10,000 barrels of beer per year.

Brewpubs are currently listed as a permitted use under Service Group A and are an allowable use in the CA – Commercial, CG – Commercial and MA – Industrial zoning districts. In the Downtown zoning regulations, brewpubs are listed as an Entertainment-Oriented use and are permitted as an allowable use in DF – Downtown Fringe and DC – Downtown Core zoning districts. To date, no facility has operated strictly as a brewpub as defined under the current zoning ordinance.

Microbreweries are allowed as a permanent special use in the CG – Commercial and DC – Downtown Core zoning districts. Staff has also interpreted microbreweries to be allowed in the MA – Industrial Zoning district as a manufacturing use. However, this is not specifically stated in the ordinance. Unlike a brewpub, a microbrewery does not need to be a restaurant, but, of the five facilities within the City that currently operate as a microbrewery, three are also restaurants.

Proposed Ordinance Regulations

The proposed zoning ordinance text amendment would reclassify brewpubs and microbreweries as microbrew pubs to align with current North Dakota Century Code regulations and definitions and remove the requirement that facilities must be located within a restaurant if selling brewed beer for on-site consumption only. The proposed amendment would also define and set allowable zoning districts for operation of domestic distilleries.

As proposed, staff is recommending that both microbrew pubs and domestic distilleries are both subject to the same zoning requirements. Microbrew pubs and domestic distilleries would be permitted as an allowable use in the CG – Commercial and the MA – Industrial zoning districts and permitted as a special use with the approval of the Planning and Zoning Commission in the CA – Commercial, DF – Downtown Fringe and DC – Downtown Core zoning districts. The special use requirement for these zoning districts would ensure additional review of potential incompatible land uses.

Building Code Considerations

Domestic distilleries may require additional building code requirements due to the higher alcohol volume and production process. Prospective applicants will be encouraged to consult with the Building Inspections Division and Fire Department prior to obtaining any necessary permits for operation or construction.

Sanitary Sewer Considerations

Domestic distilleries and microbrew pubs will be encouraged to consult with the Public Works Utility Operations to discuss any industrial pre-treatment requirements that may be necessary prior to operation and to coordinate any excessive discharges of produced product into the sanitary sewer system with the Municipal Wastewater Treatment Plant.

(continued)

Concurrent Alcohol License Amendment

The City Attorney and City Administration are currently working on necessary amendments to the list of current alcohol licenses. The proposed ordinance amendment will be introduced to the Bismarck City Commission and a public hearing would be held in conjunction with the proposed zoning ordinance text amendment.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of Sections 14-02-03 (Definitions), 14-03-07 (Use Groups), 14-03-08 (Special Uses), 14-04-10 (CA Commercial District), 14-04-12 (CG Commercial District), 14-04-14 (MA Industrial District), 14-04-21 (Downtown Districts), 14-04-21.3 (Use Categories), 14-04-21.4 (Use Standards) relating to brewpubs, microbreweries, microbrew pubs and domestic distilleries as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

CITY OF BISMARCK
ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND SECTIONS 14-02-03 (DEFINITIONS), 14-03-07 (USE GROUPS), 14-03-08 (SPECIAL USES), 14-04-10 (CA COMMERCIAL DISTRICT), 14-04-12 (CG COMMERCIAL DISTRICT), 14-04-14 (MA INDUSTRIAL DISRICT),14-04-21 (DOWNTOWN DISTRICTS), 14-04-21.3 (USE CATEGORIES)and 14-04-21.4 (USE STANDARDS) OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO MICROBREWERIES, BREWPUBS AND DOMESTIC DISTILLERIES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby amended to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

~~Brewpub: A restaurant that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for consumption on the premises.~~

* * * * *

Domestic Distillery: A facility that manufactures less than 25,000 gallons of spirits per year produced on-site and available for wholesale, for sale directly to consumers

on-site, or sale to other domestic distilleries on-site. A domestic distillery may be co-located within a restaurant or a separate stand-alone facility.

* * * * *

~~Micro-Brewery: A facility that manufactures up to 10,000 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer.~~

* * * * *

Microbrew Pub: A facility that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for wholesale, sale directly to consumer or for consumption on the premises. A microbrew pub may be co-located within a restaurant or a separate stand-alone facility.

Section 2. Amend. 14-02-07 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Use Groups, is hereby amended to read as follows:

14-03-07. Use Groups. In order to carry out the purposes of this title, certain uses having similar characteristics are classified together as "use groups". In any district in which a use group is permitted, it is the intent of this title to permit any particular member of that use group to be located within that district. In any district in which a use group is not listed as a permitted use, it is the intent of this title to prohibit each and every member of that use group from locating within that district. These use groups shall apply to all zoning districts except the Downtown Core and Downtown Fringe district.

* * * * *

4. Service group A. A use in service group A is one in which the principal activity is the serving of food for consumption on the premises, personal service, household or clothing service, or the repair of small equipment and which:

* * * * *

c. The following uses are declared to be typical uses in service group A:

1) Barbershop.

2) Beauty shop.

3) Dressmaker, tailor.

4) Laundry pickup agency.

5) Laundry, self-service.

6) Radio and appliance repair.

7) Food service establishment, ~~including brewpub, but~~ exclusive of drive-in restaurant.

8) Shoe repair.

9) Watch, jewelry, camera repair.

10) Dry cleaning plants, providing service for wearing apparel only and complying with all provisions of the fire prevention code for a class four system.

11) Mortuary or funeral home.

12) Commercial child care facility for child care not in excess of four (4) hours in any twenty-four (24) hour period. Facilities shall provide at least thirty-five (35) square feet of play area per child and one (1) parking space per employee as well as one (1) space per ten (10) children.

Section 3. Amend. 14-03-08 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Special Uses, is hereby amended to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

u. ~~Microbrewery~~ Microbrew Pub and Domestic Distillery. A ~~microbrewery~~ microbrew pub and/or domestic distillery may be permitted in any ~~CG or DC~~ CA, DC or DF district as a special use provided:

1. The site may not be located within three hundred (300) feet of the nearest lot line of any religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.

2. A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age and condition of the adjacent

development; the proximity to residential areas, regardless of zoning; or any other criteria the City may deem pertinent.

3. All brewing, and/or distilling and storage activities are located within a completely enclosed building.

4. The facility complies with all applicable building code, health and sanitation, and zoning regulations.

5. The facility complies with all applicable licensing and operational requirements of the State.

6. Beverages brewed or distilled onsite cannot be sold or otherwise provided for consumption on the premises unless the owner ~~of the microbrewery~~ holds the appropriate liquor license from the City.

7. Beverages brewed or distilled onsite cannot be sold or otherwise provided to non-wholesale customers for consumption off the premises unless the owner ~~of the microbrewery~~ holds appropriate liquor license from the City.

8. Adequate parking is provided onsite in accordance with the provisions of Section 14-03-10.

Section 4. Amend. 14-04-10 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the CA Commercial District, is hereby amended to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

a. A single- or two-family dwelling when used in conjunction with a commercial use.

b. Multifamily dwelling.

c. Group dwelling.

d. Row houses/townhouses(subject to RM residential zone regulations).

e. Retail group A.

f. Service group A.

g. Office-bank group.

h. Health-medical group.

i. Public recreation group.

j. Education group.

k. Religious institution.

The following special uses are permitted as per Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

c. Filling station.

d. Seasonal nursery and bedding stock sales.

e. Child care center.

f. Drive-in bank.

g. Retail liquor sales.

h. Microbrew pub.

i. Domestic distillery.

Section 5. Amend. 14-04-12 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the CG Commercial District, is hereby amended to read as follows:

14-04-12. CG Commercial District. In any CG commercial district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

a. A single- or two -family dwelling when used in conjunction with a commercial use.

b. Multifamily dwelling.

c. Group dwelling.

d. Multifamily high rise.

e. Hotel-motel.

f. Retail group A.

g. Service group A.

h. Office-bank group.

i. Retail group B.

j. Service group B.

k. Commercial recreation group.

l. Wholesale group.

m. Health-medical group.

n. Education group.

o. Public recreation group.

p. Railroad or bus passenger station.

q. Commercial greenhouse.

r. Commercial parking lot.

s. Religious institution.

t. Microbrew pub.

u. Domestic distillery.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary farm and garden produce sales.

d. Seasonal nursery and bedding stock sales.

e. Filling station.

f. Drive-in retail or service establishment.

g. Child care center.

h. Small animal veterinary clinic.

i. Golf driving range.

j. Auto laundry - car wash.

k. Retail liquor sales.

~~l. Microbrewery.~~

Section 6. Amend. 14-04-14 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the MA Industrial District, is hereby amended to read as follows:

14-04-14. MA Industrial District. In any MA industrial district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

a. Hotel-motel.

b. Retail group A.

c. Retail group B.

d. Service group A.

e. Service group B.

f. Wholesale group.

g. Truck terminal.

h. Railroad or bus passenger station.

i. Railroad freight station.

j. Industrial group A.

k. Radio or television transmitting station.

l. Commercial recreation group.

m. Office-bank group.

n. Religious institution.

o. Microbrew pub.

p. Domestic distillery.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary circus/fair/carnival.

d. Temporary farm and garden produce sales.

e. Temporary fireworks sales.

f. Seasonal nursery and bedding stock sales.

g. Solid waste disposal facility.

h. Airport.

i. Recreational vehicle park.

j. Filling station.

k. Drive-in retail or service establishment.

l. Motor vehicle parts salvage yard.

m. Small animal veterinary clinic.

n. Animal hospital or kennel.

o. Golf driving range.

p. Junkyard.

q. Retail liquor sales.

r. Racetracks.

s. Child care center.

t. Asphalt production facilities, both permanent and temporary.

Section 7. Amend. 14-04-21 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Downtown Districts, is hereby amended to read as follows:

14-04-21. Downtown Districts.

* * * * *

Use Table.

Use Category	Definition	Use Standards	District	
			DC	DF
Residential Uses				
Group Living	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P
Household Living	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached			---	P
Duplex/single-family attached (2)			---	P
Single-family, attached (3-8)			---	P
Multi-family structure			P	P
Multi-family – senior citizens		X	P	P
New Residences on 2nd floor & above			P	P
Commercial Uses				
Demolition of Buildings and Structures	Removal or demolition of buildings and structures	X	SUP	SUP

Drive-in Drive-through Facilities	Drive-in Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP
Domestic Distillery	A facility that manufactures less than 25,000 gallons of spirits per year.	X	SUP	SUP
Entertainment Event, Major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	---
~~Microbrewery~~ Microbrew Pub	Small-scale brewery that manufactures up to 10,000 barrels of fermented malt beverages per year.	X	SUP	~~---~~ SUP
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, Accessory	Parking that is accessory to a specific use, but not located on the same parcel as the use – use standards for accessory parking that is adjacent to a residential use.	X	SUP	SUP
Parking, Commercial	Parking that is not accessory to a specific	X	SUP	SUP

	use – fees may or may not be charged.			
Retail Sales and Services Sales-Oriented Personal Service-Oriented Entertainment-Oriented Repair-Oriented	Establishments involved in the sale, lease or rental of any new or used products to the general public – they may also provide personal services or entertainment or provide product repair or services for consumer and business goods – use standards for convenience store/gas stations, mortuaries/funeral homes and vehicle sales lots. This category does not include self-service storage uses, adult entertainment centers, animal hospitals or kennels, off-premise advertising signs ~~or microbreweries~~ microbrew pubs or domestic distilleries. Convenience store/gas stations are not allowed within the Downtown Core.	X	P	P
Commercial Uses				
Vehicle Repair	Service to passenger vehicles, light trucks and other consumer motor vehicles – generally, the customer does not wait at the site while the service or repair is being performed.	X	SUP	P

Vehicle Service, Limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
Institutional Uses				
Colleges	Colleges and institutions of higher learning.		P	P
Community Services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Child care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.			
Family child care		X	---	P
Child care center		X	---	SUP
Health Care Facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P
Religious Institutions	Meeting area for religious activities	X	P	P
Safety Services	Public safety and emergency response services.		P	P

Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	---	P
Other Uses				
Detention Facilities	Government-operated facilities for the detention or incarceration of people.	X	P	---
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	---	SUP
Passenger Terminals	Passenger terminals for regional bus and rail service.	X	P	P
Telecommunications Facilities	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and Essential Services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

Section 8. Amend. 14-04-21.3 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Use Categories, is hereby amended to read as follows:

14-04-21.3 Use Categories.

* * * * *

2. Commercial Use Categories.

* * * * *

c. ~~Microbrewery. Microbreweries are small-scale breweries that manufacture up to 10,000 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer.~~ Microbrew pub: A facility that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for wholesale, sale directly to consumer or for consumption on the premises. A brewpub may be co-located within a restaurant or a separate stand-alone facility.

Section 8. Amend. 14-04-21.4 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Use Standards, is hereby amended to read as follows:

14-04-21.4 Use Standards.

* * * * *

6. ~~Microbrewery~~ Microbrew Pub and Domestic Distillery.

a. The site may not be located within three hundred (300) feet of the nearest lot line of any religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.

b. A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age and condition of the adjacent development; the proximity to residential areas, regardless of zoning; or any other criteria the City may deem pertinent.

c. All brewing, distilling and storage activities are located within a completely enclosed building.

d. The facility complies with all applicable building code, health and sanitation, and zoning regulations.

e. The facility complies with all applicable licensing and operational requirements of the State.

f. Beverages brewed or distilled onsite cannot be sold or otherwise provided for consumption on the premises unless the owner ~~of the microbrewery~~ holds the appropriate liquor license from the City.

g. Beverages brewed or distilled onsite cannot be sold or otherwise provided to non-wholesale customers for consumption off the premises unless the owner ~~of the microbrewery~~ holds the appropriate liquor license from the City.

h. Adequate parking is provided onsite in accordance with the provisions of Section 14-03-10.

Section 4: Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

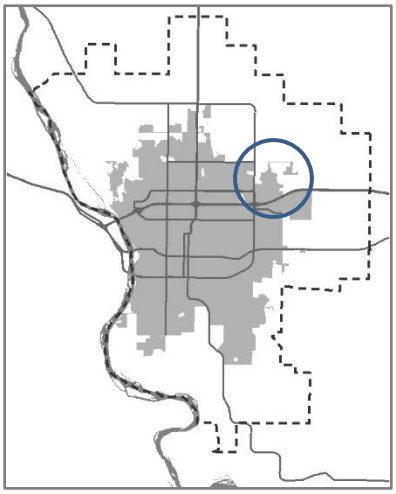
Agenda Item # 10
January 27, 2021

Application for: Annexation

TRAKiT Project ID: ANNX2020-010

Project Summary

Title:	Part of Sattler Sunrise 10th Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Sattler Homes, Inc
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, east of Centennial Rd and north of East Century Avenue on the
Project Size:	13.8 acres
Request:	Annex 38 lots for single-family and two-family residential development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	38 lots in 5 blocks	*Number of Lots:*	38 lots in 5 blocks
Land Use:	Undeveloped	*Land Use:*	Single-family and two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential R10 – Residential	*Zoning:*	R5 – Residential R10 – Residential
Uses Allowed:	R5 – Single-family residential R10 – Single and two-family residential	*Uses Allowed:*	R5 – Single-family residential R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre R10 – 10 units / acre	*Max Density Allowed:*	R5 – 5 units / acre R10 – 10 units / acre

Property History

Zoned:	3/2018	*Platted:*	3/2018	Annexed:	N/A

Staff Analysis

Sattler Homes, Inc is requesting approval of the annexation of Lots 5-16, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lot 1, Block 9; Lots 1-11, Block 10 and adjoining rights-of-way, Sattler's Sunrise Tenth Addition.

Sattler Sunrise Tenth Addition was recorded on March 21, 2018, at which point approximately half of the subdivision was annexed. This request would annex the remainder of the subdivision, which consists of 38 lots in 5 blocks. The lots proposed for annexation are all zoned R5 – Residential, with the exception of one lot zoned R10 – Residential. No change to this zoning, or to the underlying plat, is requested.

Adjacent uses include single-family residential to the south and west, developing single-family residential to the north, and vacant agriculturally zoned land to the east.

One of the conditions of the approval of the plat was to provide a temporary turnaround at the northern terminus of Tyndale Drive for firetrucks. An access easement just beyond the boundaries of the plat was granted to the City at that time, which will provide sufficient space for turning. Once development continues to the east and adequate roadway connections are made, the City will vacate this easement.

Utility Capital Charges

The annexation of any new lots within the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 5-16, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lot 1, Block 9; Lots 1-11, Block 10, and adjoining rights-of-way, Sattler Sunrise 10th Addition.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Annexation exhibit submitted by applicant

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lots 5-16, Block 6; Lots 1-10, Block 7; Lots 1-4, Block 8; Lot 1, Block 9; Lots 1-11, Block 10 and adjoining rights-of-way, Sattler's Sunrise Tenth Addition, City of Bismarck, Burleigh County, North Dakota.

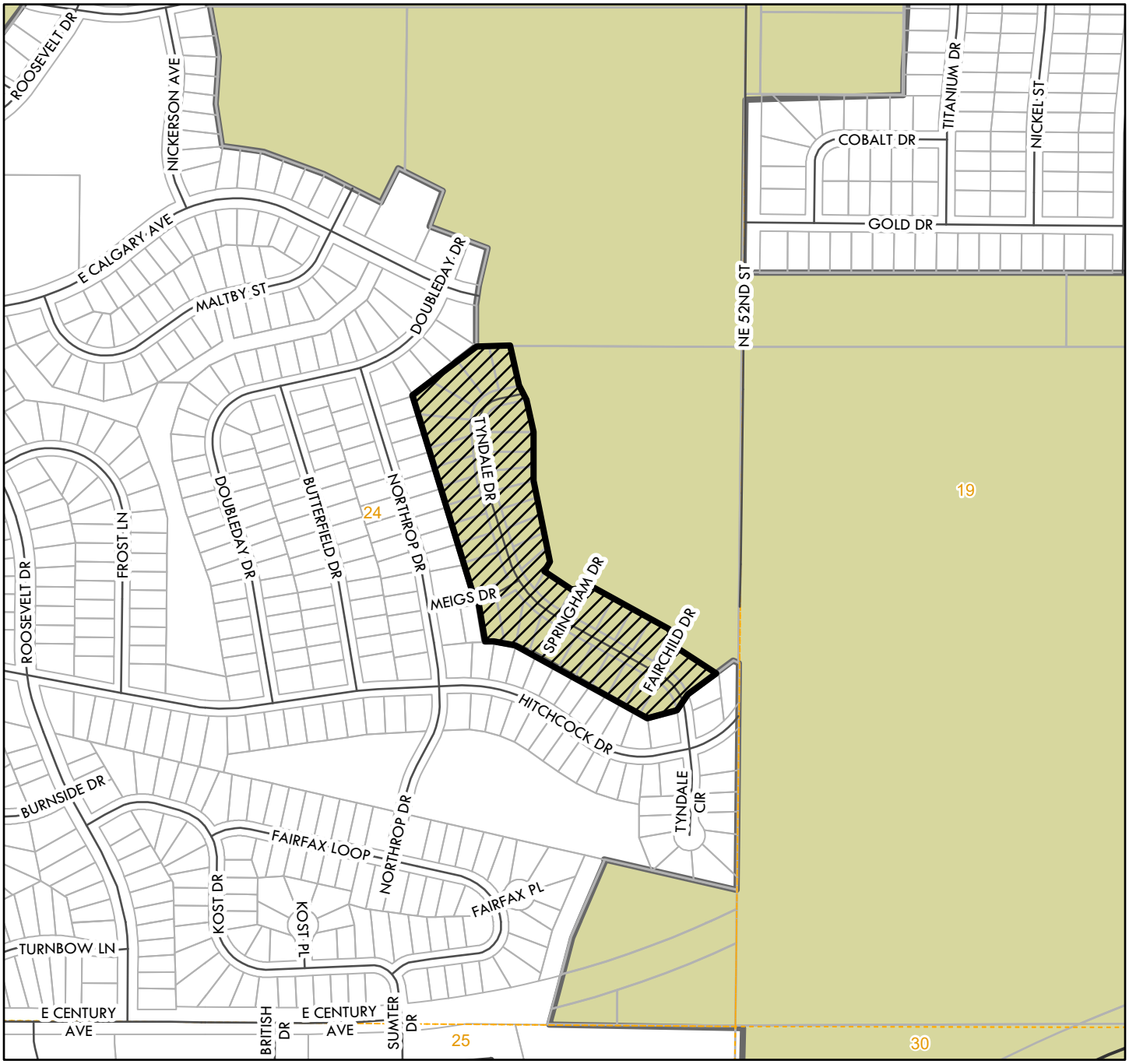
The above described tract of land contains 13.8 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

Location Map

SATTLERS SUNRISE TENTH ADDITION, PT B6-10

ANNX2020-010



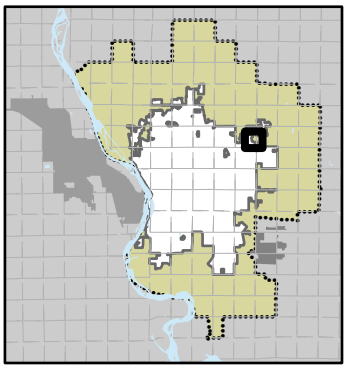
0 0.13 0.25 0.5 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



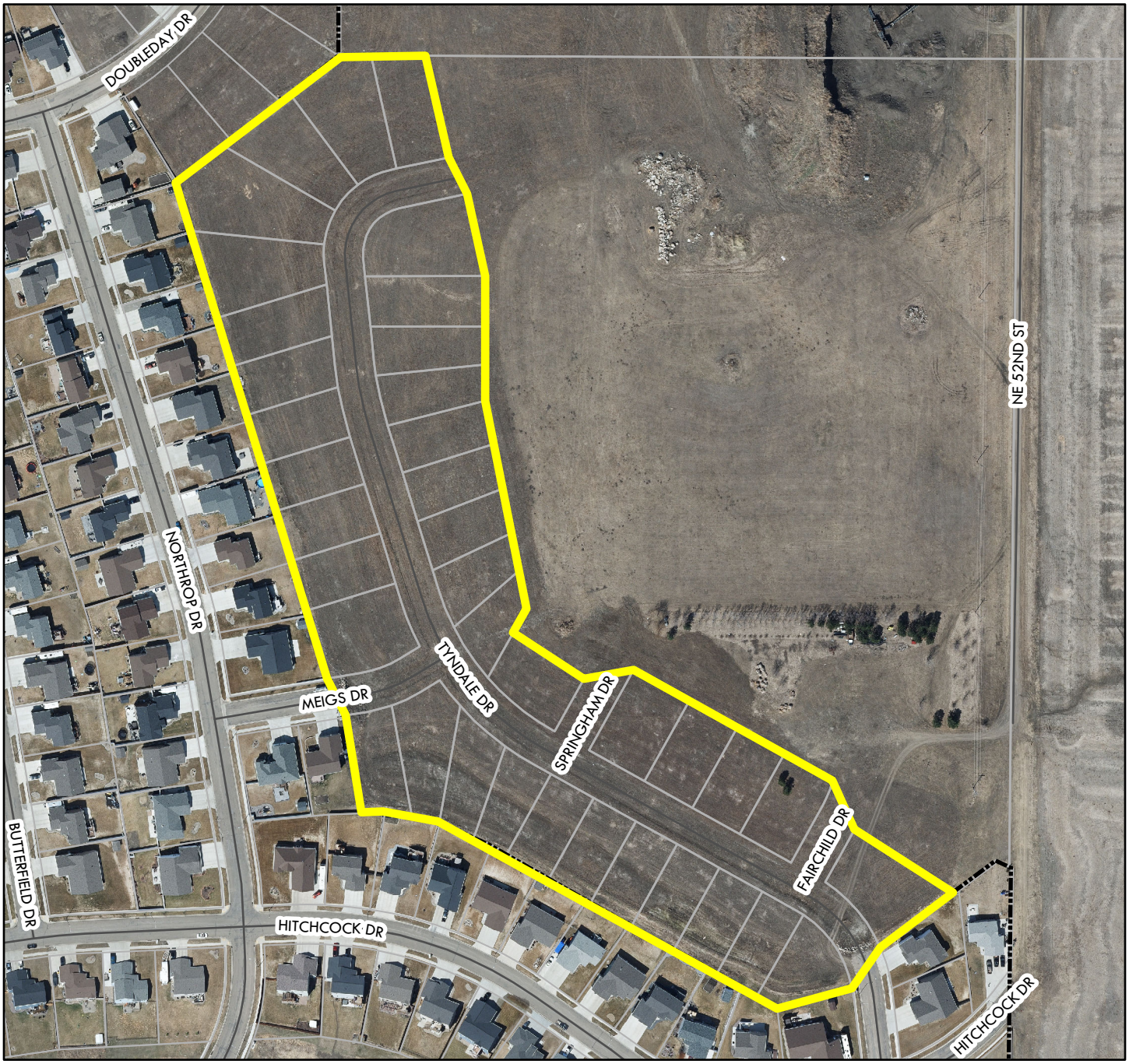
City of Bismarck
Community Development Department
Planning Division
December 31, 2020 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

SATTLERS SUNRISE TENTH ADDITION, PT B6-10

ANNX2020-010



Miles

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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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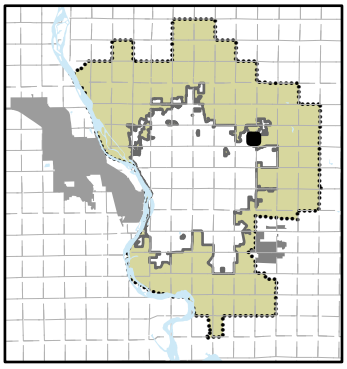


City of Bismarck
Community Development Department
Planning Division
January 13, 2021

Zoning and Plan Reference Map

ANNX2020-010

Zoning Districts

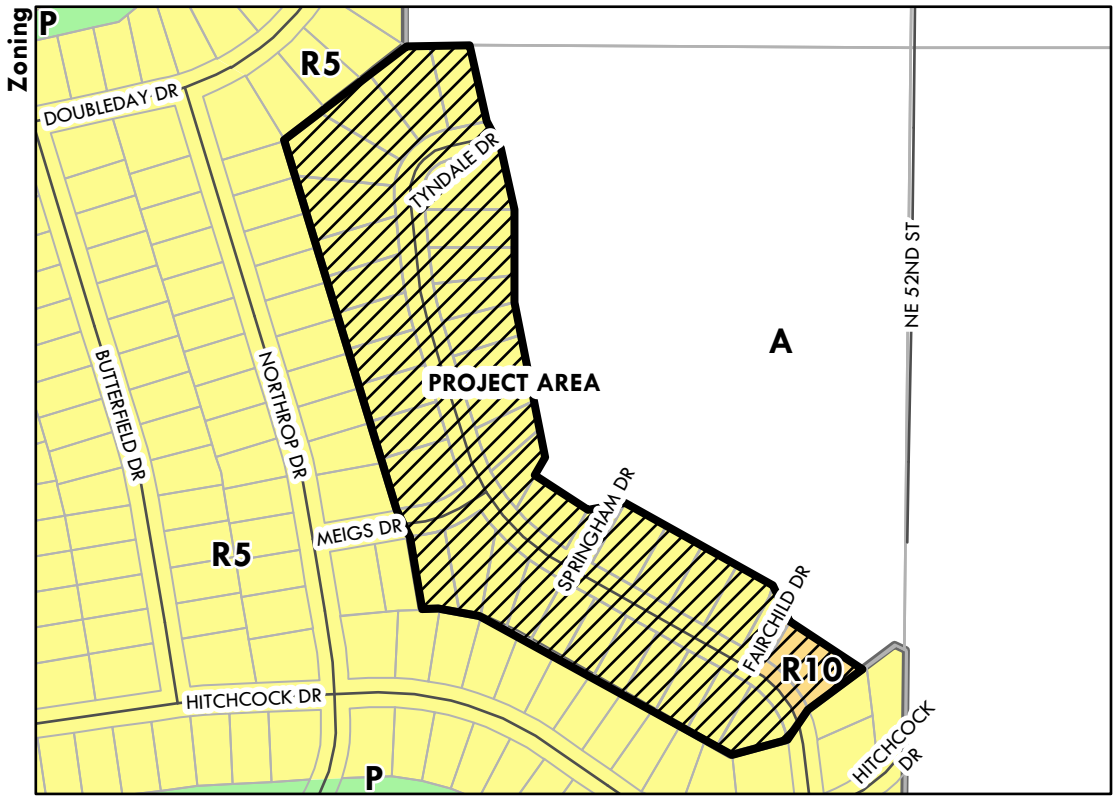
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

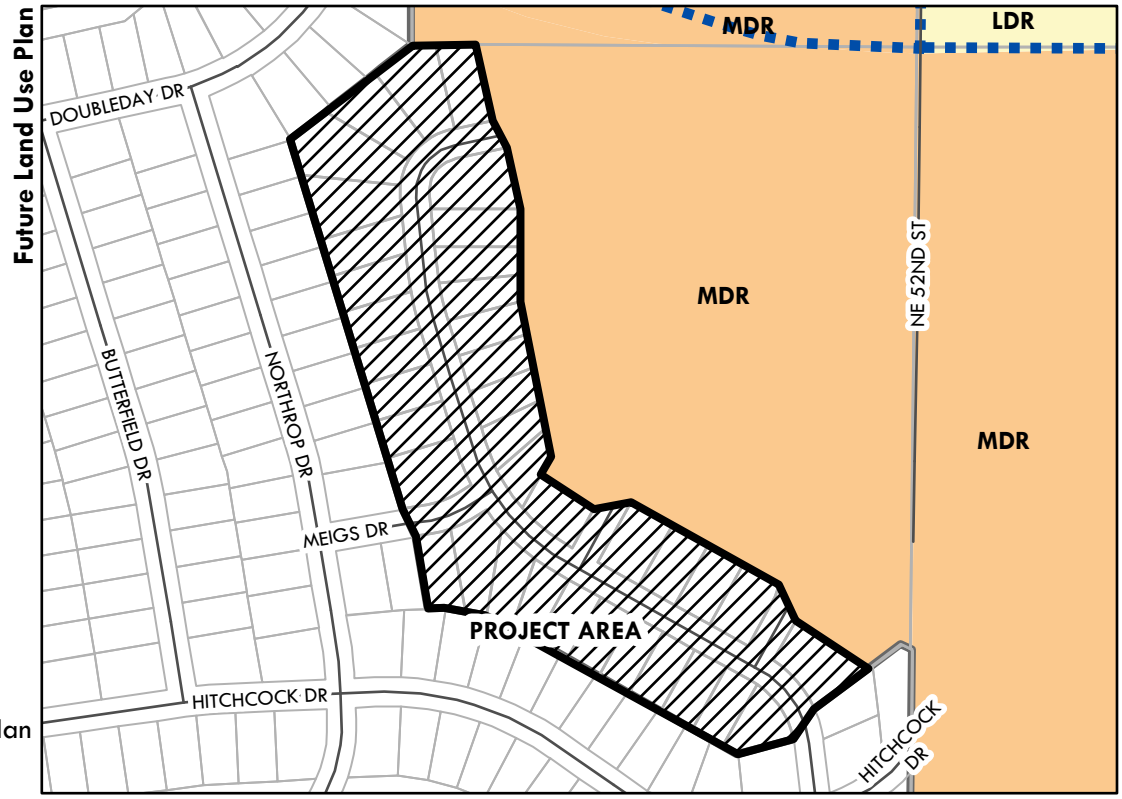
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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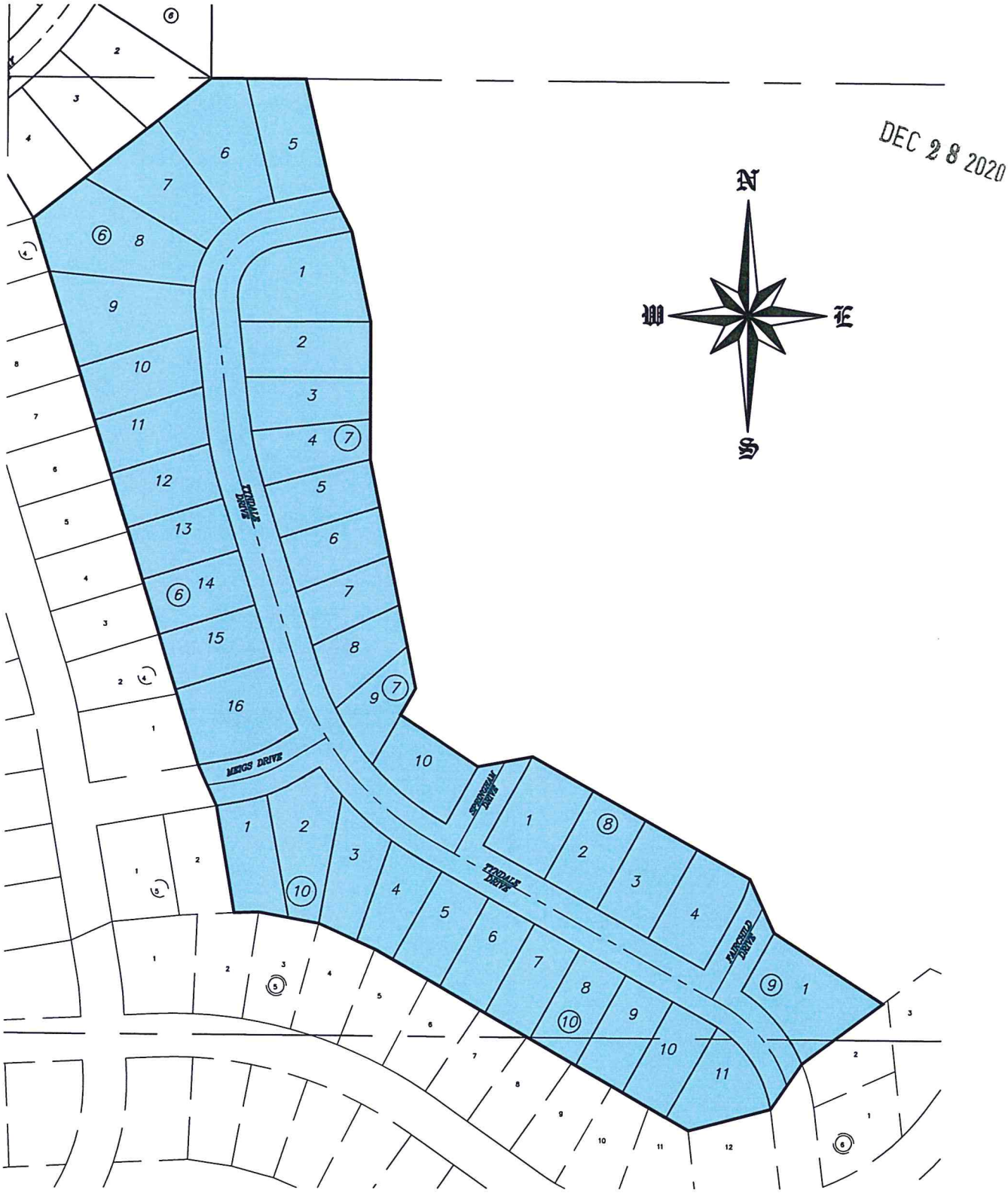
City of Bismarck
Community Development Dept.
Planning Division
January 13, 2021

SATTLER'S SUNRISE TENTH ADDITION
ANENXATION REQUEST
Lots 5-16 Block 6; Lots 1-10 Block 7;
Lots 1-4 Block 8; Lot 1 Block 9; Lots 1-11 Block 10; & adjoining ROWs



DEC 28 2020

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

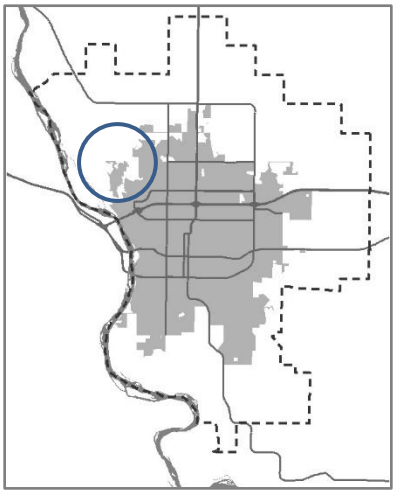
Agenda Item # 11
January 27, 2021

Application for: Annexation

TRAKiT Project ID: ANNX2020-011

Project Summary

Title:	Parts of Promontory Point VI Addition and Part of Promontory Point VII Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Wachter Development, Inc.
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In northwest Bismarck, west of Tyler Parkway and at the northeastern end of Valley Drive.
Project Size:	31.75 acres
Request:	Annex 40 lots for single-family and park development.



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	40 Lots in 7 Blocks	*Number of Lots:*	40 Lots in 7 Blocks
Land Use:	Undeveloped	*Land Use:*	Single-family and Park
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential P – Public Use	*Zoning:*	R5 – Residential P – Public Use
Uses Allowed:	R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	R5 – 5 units / acre P – N/A	*Max Density Allowed:*	R5 – 5 units / acre P – N/A

Property History

Zoned:	*12/2017*	*Platted:*	*12/2017*	Annexed:	N/A

(continued)

Staff Analysis

Wachter Development, Inc is requesting approval of the annexation of Lots 12-13, Block 2; Lot 1, Block 3; Lot 1, Block 4; Lots 9-10, Block 9; Promontory Point VI Addition and Lots 3-24 and 29-31, Block 1; Lot 1, Block 2; Lots 5-10, Block 3 and Lots 1-2, Block 4, Promontory Point VII Addition and adjoining rights-of-way.

Promontory Point VI and VII Additions were both recorded on December 29, 2017. At that time, lots in Promontory Point VI Addition that could be served with sanitary sewer by gravity were annexed. A number of additional temporary unserviceable lots in both subdivisions were also annexed, either to prevent lots in the county from being split into multiple townships, at the County Auditor's request, or to create the necessary area for an assessment district.

This request would annex 40 additional lots within these subdivisions, in parts of seven blocks. The lots proposed for annexation are all zoned R5 – Residential or P – Public. No change to this zoning, or to the underlying plat, is requested. An additional 48 lots within these subdivisions will remain outside of City limits, including an area that would be surrounded by city limits. The applicant states that these lots would be annexed in a future phase once market conditions allow.

Adjacent uses include developing single-family residential to the south and east, and undeveloped land to the north. The bluffs of the Missouri River lie on the west side of this area, with River Road and rural residential properties immediately below. Slope protection easements are already on the plat to preserve the integrity of these slopes.

Neighborhood Park

A Park Development agreement was approved by the City Commission and Bismarck Parks and Recreation Board with the plat for Promontory Point VII Addition to install a park within Lot 1, Block 2 of the subdivision. The western portion of this lot is reserved for stormwater detention, and the park facilities would be primarily on the eastern side. The agreement stipulates that the Parks District would initiate this action within one year of the annexation through creation of an assessment district by early Summer of 2021. The park was intended to satisfy conditions of the Neighborhood Park Policy for both Promontory Point VI and VII Additions.

Sanitary Sewer Improvements

The lots proposed for annexation are located on the opposite side of the hill from the City's sanitary sewer facilities. The utility servicing plan approved with the subdivisions included a lift station on Lot 19, Block 1 to provide service to this area. This lift station and all required facilities must be installed to City specifications before development of the lots.

Utility Capital Charges

The annexation of any new lots within the City of Bismarck is subject to utility capital charges for municipal utilities. Utility capital charges are due at the latter of three points: annexation and platting; water and sewer escrow; or petition for street improvement.

Regional Roadway Connections

Staff have raised concerns about the availability of adequate roadway connections in this area for provision of emergency services. Additional roadway connections, either through Tyler Parkway from the south or another connection from the north, would provide more efficient and reliable access to this area. This does not affect staff's recommendation regarding this request but is noted for future discussion.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;

(continued)

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 12-13, Block 2, Lot 1, Block 3; Lot 1, Block 4; Lots 9-10, Block 9; and adjoining right-of-way, Promontory Point VI Addition and Lots 3-24 and 29-31, Block 1; Lot 1, Block 2; Lots 5-10, Block 3 and Lots 1-2, Block 4, and adjoining right-of-way, Promontory Point VII Addition, on the condition that:

1. All required sanitary sewer facilities, including a sanitary sewer lift stations, are installed to City specifications prior to development of annexed lots.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Annexation exhibit submitted by applicant

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE ANNEXING PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BISMARCK, NORTH DAKOTA, DECLARING THE TERRITORY ANNEXED; DECLARING THE SAME TO BE A PART OF THE CORPORATE LIMITS OF SAID CITY.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Territory Annexed. The territory and land hereinafter described is hereby declared and found to be a part of the corporate limits of the City of Bismarck, North Dakota, as follows:

Lots 12-13, Block 2; Lot 1, Block 3; Lot 1, Block 4; Lots 9-10, Block 9; and adjoining rights-of-way, Promontory Point VI Addition, and

Lots 3-24 and 29-31, Block 1; Lot 1, Block 2; Lots 5-10, Block 3 and Lots 1-2, Block 4, and adjoining rights-of-way, Promontory Point VII Addition, City of Bismarck, Burleigh County, North Dakota.

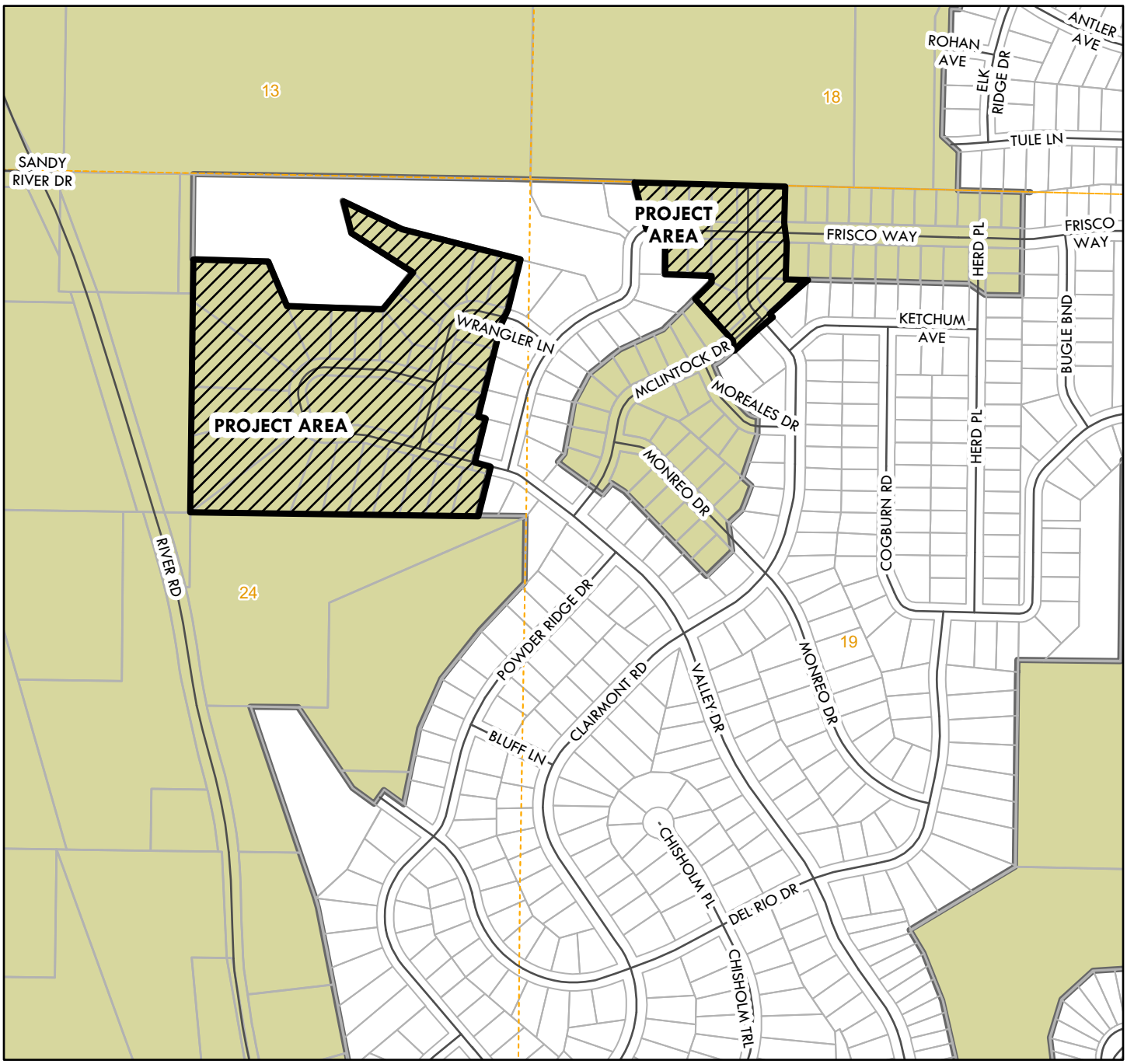
The above described tract of land contains 31.75 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

Location Map

PARTS OF PROMONTORY POINT VI & VII ADDITIONS

ANNX2020-011



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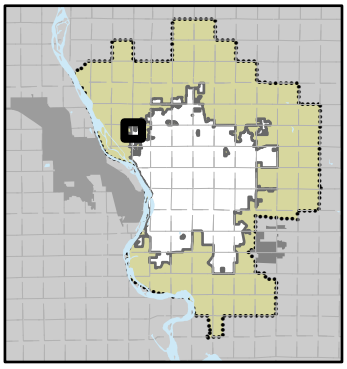


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

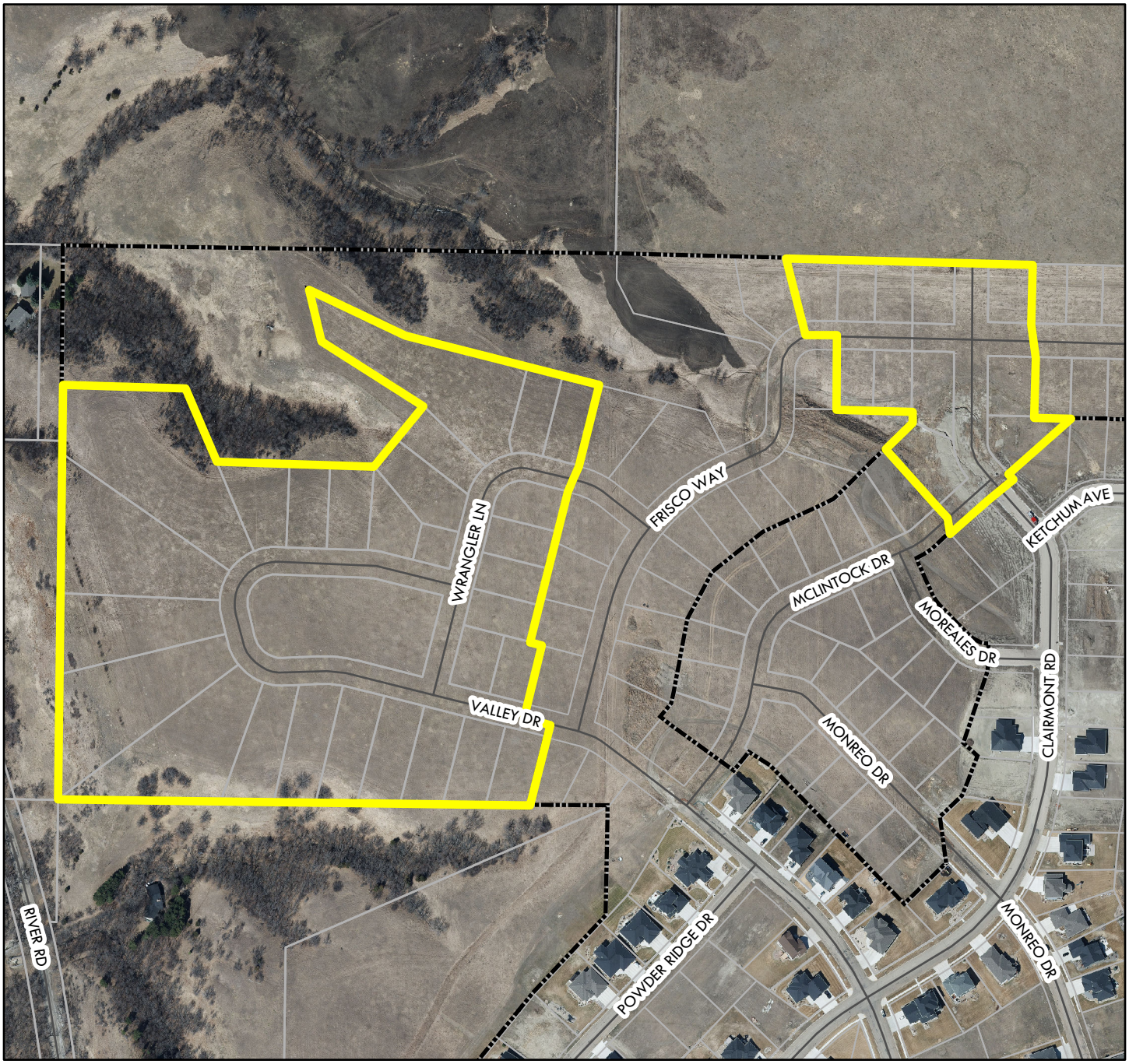
City of Bismarck
Community Development Department
Planning Division
January 13, 2021 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Aerial Map

PARTS OF PROMONTORY POINT VI & VII ADDITIONS

ANNX2020-011



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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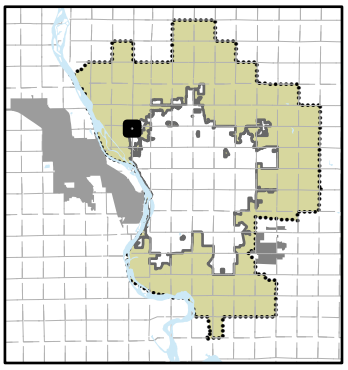


City of Bismarck
Community Development Department
Planning Division
January 13, 2021

Zoning and Plan Reference Map

ANNX2020-011

Zoning Districts

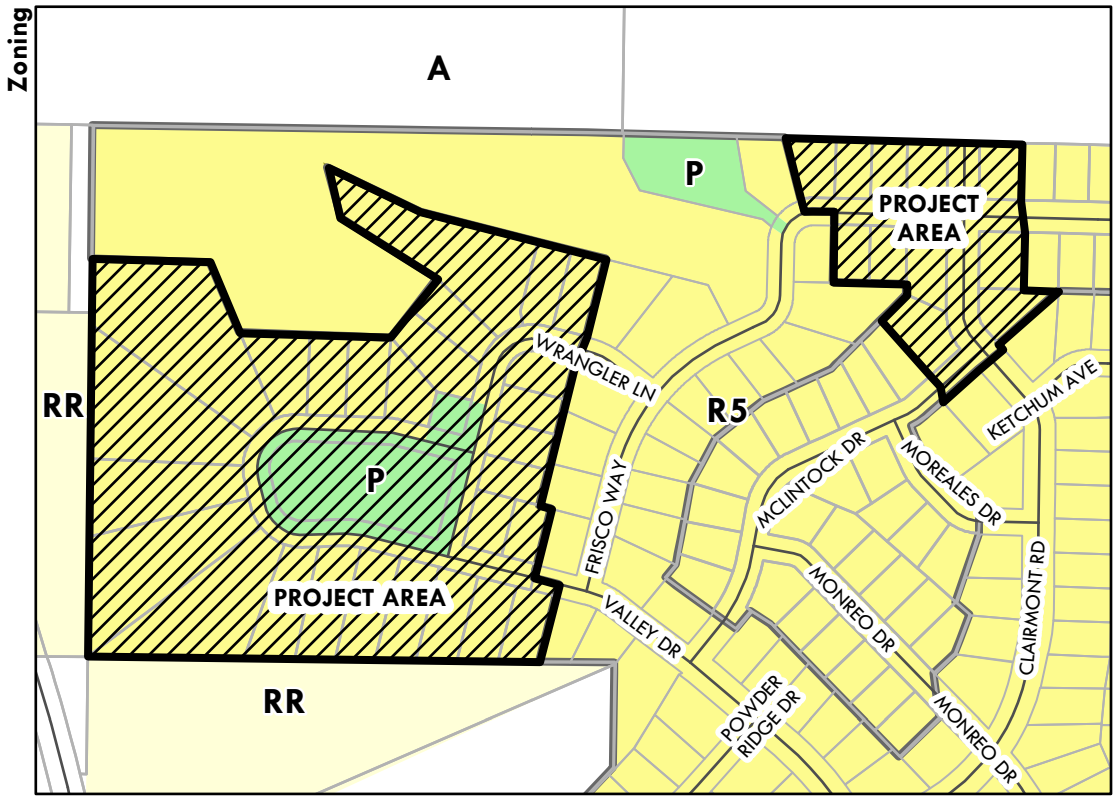
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

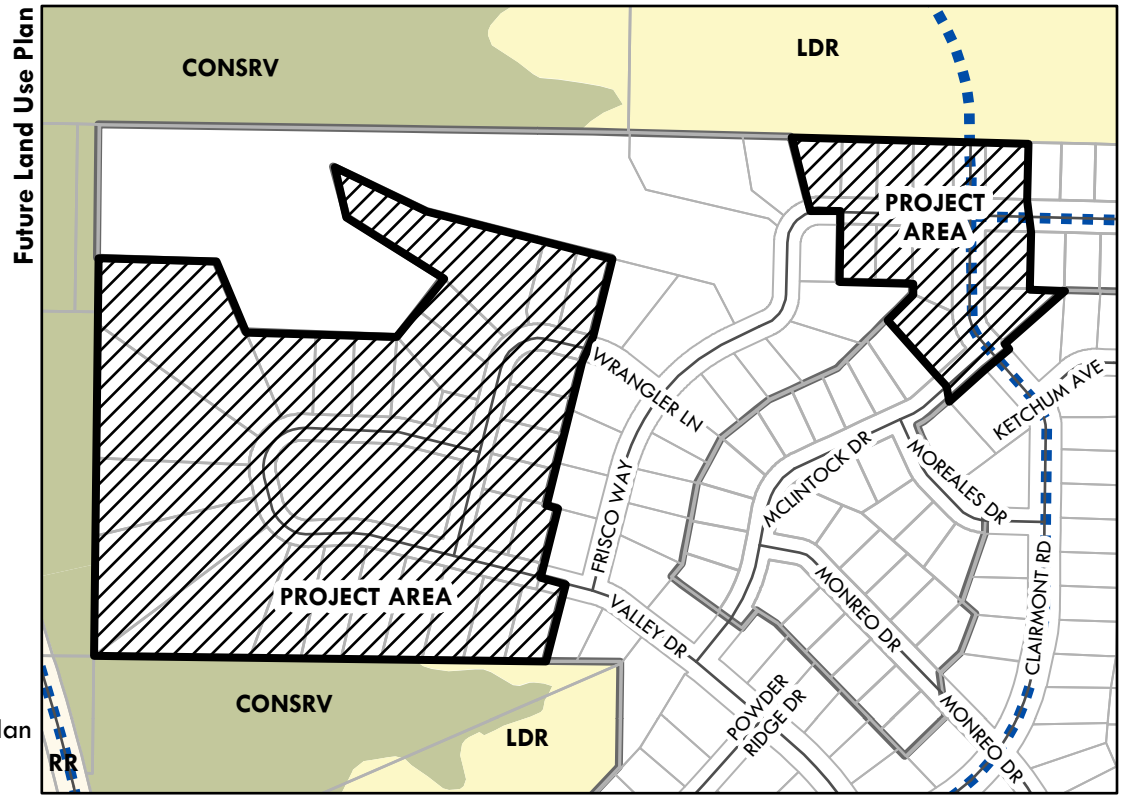
Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/ Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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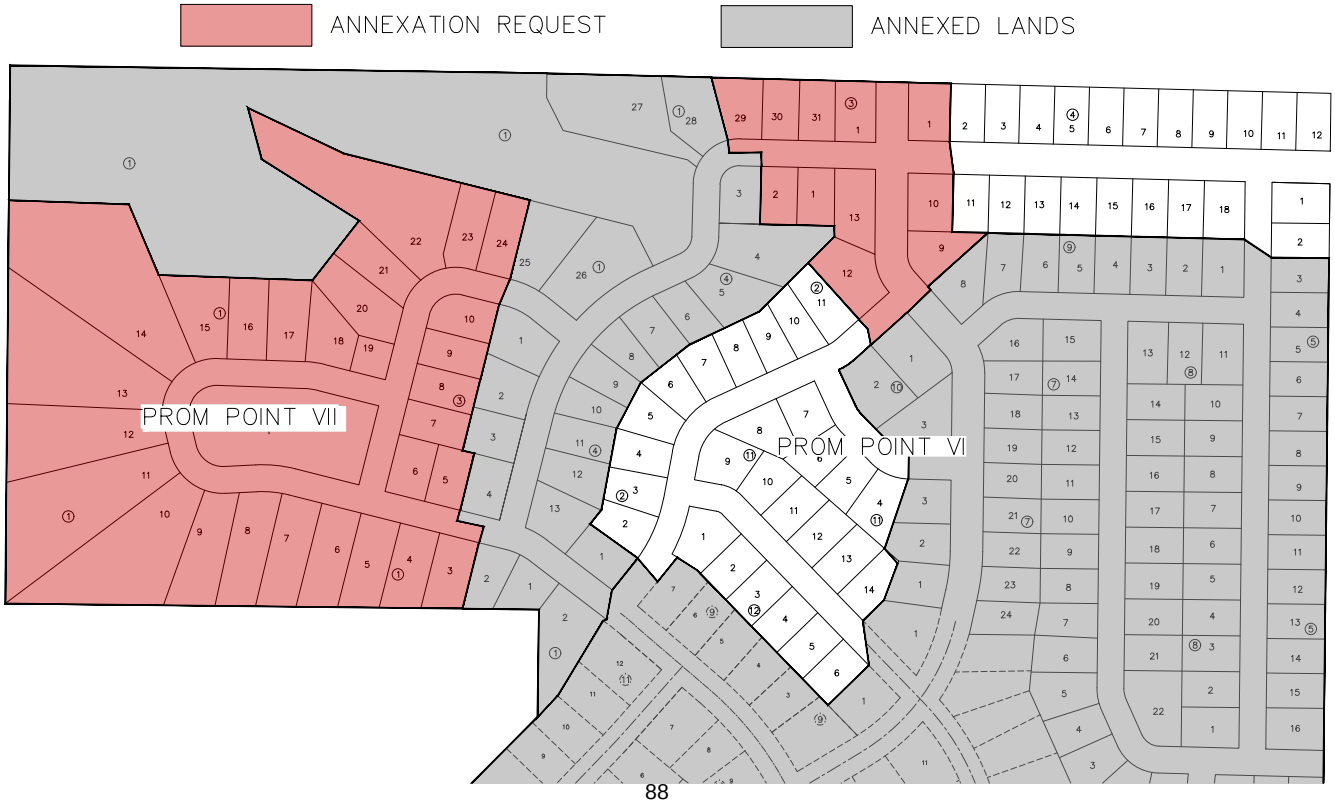
City of Bismarck
Community Development Dept.
Planning Division
January 13, 2021


ANNEXATION REQUEST
ANNEXED LANDS
PROM POINT VII
PROM POINT VI

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 16, 2020

The Bismarck Planning & Zoning Commission met on December 16, 2020, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Vice Chair Laning presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Brian Bitner, Vernon Laning, Paul Levchak, Kevin Martin, Gabe Schell, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioners Brian Eiseman and Mike Schwartz (participating in the meeting as a private citizen) were absent.

Staff members present were Hilary Balzum – Community Development Senior Administrative Assistant, Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Will Hutchings – Planner, Kim Lee – Planning Manager, Daniel Nairn – Senior Planner and Jenny Wollmuth – Senior Planner.

MINUTES

Vice Chair Laning called for consideration of the minutes of the November 18, 2020 meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the November 18, 2020 meeting as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bitner, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Zent voting in favor of the motion.

CONSIDERATION

A. FIRST RESPONDERS SECOND ADDITION – PRELIMINARY PLAT

Vice Chair Laning called for consideration of the following consent agenda item:

A. First Responders Second Addition – Preliminary Plat

The item was not pulled from the consent agenda for discussion.

MOTION: Based on the findings contained in the staff report, Commissioner Martin made a motion to approve consent agenda item A, granting tentative approval of the item as recommended by staff. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bitner, Laning,

Levchak, Martin, Schell, Van Duyne, Wangen and Zent voting in favor of the motion.

Commissioner Bakken joined the meeting at this time.

PUBLIC HEARINGS – MINOR SUBDIVISION FINAL PLAT
KILBER NORTH ADDITION FIRST REPLAT

Vice Chair Laning called for the public hearing on the minor subdivision final plat for Kilber North Addition First Replat. The proposed plat is three lots in one block on 2.72 acres and is located in north Bismarck, east of North Washington Street and south of 43rd Avenue NE in the southwest quadrant of the intersection of Boulder Ridge Road and 43rd Avenue NE (all of Lots 1B and 1C, Block 1, Kilber North Addition, part of the S½ of 43rd Avenue NE and part of the W½ of Boulder Ridge Road, all in the NW¼ of Section 21, T139N-R80W).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. All technical requirements for approval of a minor subdivision final plat have been met.

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP), with the understanding that prior to recordation of the proposed plat, an off-site stormwater and drainage easement is required, unless a City approved alternative drainage can be achieved.

3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat for Kilber North Addition First Replat, with the following conditions:

1. Prior to recordation of the proposed plat, an off-site stormwater and drainage easement is required, unless a City approved alternative drainage can be achieved.

2. A private drive and private utility agreement is approved by the Bismarck City Commission prior to recordation of the proposed plat.

Vice Chair Laning opened the public hearing.

There being no comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the minor subdivision final plat for Kilber North Addition First Replat, with the following conditions: 1. Prior to recordation of the proposed plat, an off-site stormwater and drainage easement is required, unless a City approved alternative drainage can be achieved; and 2. A private drive and private utility agreement is approved by the Bismarck City Commission prior to recordation of the proposed plat. Commissioner Van Duyne seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
N½ OF THE E½ OF AUDITOR'S LOT 22, LESS THE SOUTH 45 FEET, PARK HILLS AUDITOR'S LOTS

Vice Chair Laning called for the public hearing on a zoning change from the CG – Commercial and R10 – Residential zoning districts to the CG – Commercial zoning district for the N½ of the E½ of Auditor's Lot 22 less the South 45 feet, Park Hill Auditor's Lots. The property is located in west Bismarck, south of Memorial Highway on the west side of South Bell Street.

Mr. Nairn gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn said based on these findings, staff recommends approval of the zoning change from the CG – Commercial and R10 – Residential zoning districts to the CG – Commercial zoning district for the N½ of the E½ of Auditor's Lot 22 less the South 45 feet, Park Hill Auditor's Lots.

Vice Chair Laning opened the public hearing.

Mike Schwartz, the applicant, said he is here to answer any questions that might be had regarding his request.

Duane Mack, 128 South Bell Street, said he is concerned of what will be done with the property and if there will be many more vehicles brought to the location. He said Bell Street and Jefferson Street are narrow and some types of development might require on-site parking to be added. He then asked if the development is proposed to be residential or commercial.

Mr. Schwartz ~~said~~ replied although the zoning would be completely commercial, it will be for personal use only. He said they will more than meet the parking requirements and parking would be in front of the building, not on the street.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the CG – Commercial and R10 – Residential zoning districts to the CG – Commercial zoning district for the N½ of the E½ of Auditor's Lot 22 less the South 45 feet, Park Hill Auditor's Lots. Commissioner Bakken seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARE FACILITY) LOTS 8-9 AND THE EAST 5 FEET OF LOT 10, BLOCK 55, ORIGINAL PLAT (215 WEST FRONT AVENUE)

Vice Chair Laning called for the public hearing on a special use permit to allow the operation of a child care center on Lots 8-9 and the East 5 feet of Lot 10, Block 55, Original Plat. The property is located in central Bismarck, east of South Washington Street along the south side of West Front Avenue (215 West Front Avenue).

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

4. Adequate public facilities and services are in place or would be provided at the time of development.

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.

7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow a child care center on Lots 8-9 and the East 5 feet of Lot 10, Block 55, Original Plat with following conditions:

1. The required buffer-yard landscaping is installed by July 31, 2021.

2. The applicant must obtain the necessary permit/license for operation of a child care facility from the North Dakota Department of Human Services prior to operating as a child care facility.

Vice Chair Laning opened the public hearing.

Commissioner Levchak asked if there would be five drop-off parking spaces and one employee parking spot on-site.

Mr. Hutchings said they are required to provide one space per employee and one for every ten children. For this request a total of 6 spaces would be required. He said there are six parking spaces on site and one on-street parking space available based on the amount of street frontage.

Commissioner Levchak asked if there would be any other uses at this site and what the second floor would be used for.

Mr. Hutchings said it would only be a child care facility and only associated storage would be allowed on the second floor.

Vice Chair Laning asked if there is to be an outdoor recreation area and if the area to the west of the property is included in the request.

Mr. Hutchings said nothing would be off-site and the recreation area is too small for all 24 proposed children to be outside at once so they will do outside time in shifts of 12 children at a time at the most, so the 1,187 square feet of outdoor space intended would be adequate. He said they have used that same practice in the past for other child care facilities with limited outdoor space.

Mr. Johnson said there would be seven parking spaces available to accommodate their staff and their clients as needed.

There being no further comments, Vice Chair Laning closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve the special use permit to allow a child care center on Lots 8-9 and the East 5 feet of Lot 10, Block 55, Original Plat, with following conditions: 1. The required buffer-yard landscaping is installed by July 31, 2021; and 2. The applicant must obtain the necessary permit/license for operation of a child care facility from the North Dakota Department of Human Services prior to operating as a child care facility. Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

Vice Chair Laning said the 2021 meeting schedule has been provided for consideration.

Mr. Ehreth said staff can accommodate any schedule changes as needed or suggested.

Vice Chair Laning said the only off-schedule meetings appear to be those in November and December, which will be a week early due to the holidays as usual.

Mr. Ehreth reminded those present that Community Development budgets annually for North Dakota Planning Association (NDPA) memberships, which are available to any and all of the Commissioners. He said to please share interest with him so staff can get registrations taken care of.

Commissioner Van Duyne said the NDPA is a great organization with excellent training opportunities and she highly recommends taking advantage of the membership.

ADJOURNMENT

There being no further business, Vice Chair Laning declared the Bismarck Planning & Zoning Commission adjourned at 5:26 p.m. to meet again on January 27, 2021.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Vernon Laning
Vice Chair

DRAFT

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020

	**********City**********				**********ETA**********			
	12/2020		12/2019		12/2020		12/2019	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	15	$3,467,510.18	2	$241,009.40	1	$425,804.80	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	7	$1,426,683.50	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	2	$222,263.14	0	$0.00	2	$44,195.68	0	$0.00
DETACHED GARAGE	0	$0.00	1	$6,888.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	4	$13,182.75	1	$2,170.00	0	$0.00	0	$0.00
SWIMMING POOLS	1	$62,254.00	0	$0.00	1	$61,460.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	3	$55,825.00	5	$189,291.00	0	$0.00	1	$11,000.00
HOME OCCUPATION	2	$0.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	6	$132,152.25	2	$36,933.00	1	$21,217.50	1	$10,400.00
COMMERCIAL	0	$0.00	1	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	2	$0.00	2	$0.00
NEW SIGN PERMITS	7	$24,700.00	4	$95,222.00	0	$0.00	0	$0.00
SIGN ALTERATION	1	$28,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	2	$218,000.00	3	$0.00	0	$0.00	0	$0.00
COMMERCIAL ADDITION	1	$1,800,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	14	$8,340,464.00	11	$3,904,786.55	0	$0.00	0	$0.00
Total	**65**	**$15,791,034.82**	**30**	**$4,476,299.95**	**7**	**$552,677.98**	**4**	**$21,400.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020

	*******************City*******************				*******************ETA*******************			
	12/2020		**12/2019**		**12/2020**		**12/2019**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	108	$9,694.00	61	$0.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	139	$1,352,802.13	98	$799,142.67	12	$109,734.10	14	$103,740.00
BUILDING MECHANICAL FIREPLACE	0	$0.00	2	$8,000.00	0	$0.00	0	$0.00
BUILDING PLUMBING	32	$484,865.00	11	$221,478.00	1	$27,960.00	0	$0.00
BUILDING SEPTIC	0	$0.00	0	$0.00	1	$10,000.00	2	$0.00
Total	**279**	**$1,847,361.13**	**172**	**$1,028,620.67**	**14**	**$147,694.10**	**16**	**$103,740.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2020

	*******************City*******************		*******************ETA*******************	
	12/2020	**12/2019**	**12/2020**	**12/2019**
Living Units	**Units**	**Units**	**Units**	**Units**
Total	**0**	**0**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

	**********City**********				**********ETA**********			
	12/2020		12/2019		12/2020		12/2019	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	190	$47,907,044.94	149	$36,598,720.28	54	$17,520,661.71	36	$12,317,670.73
ROWHOUSE (2) 1-HR FIRE SEPARATION	74	$15,051,927.26	52	$9,107,876.66	2	$429,629.68	0	$0.00
2-UNIT DUPLEX OR CONDO	1	$285,873.04	0	$0.00	0	$0.00	1	$430,449.06
THREE OR FOUR UNIT	7	$1,612,170.04	0	$0.00	0	$0.00	0	$0.00
MULTI FAMILY RESIDENTIAL	13	$1,500,000.00	2	$11,000,000.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	20	$0.00	21	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	18	$1,049,377.92	23	$1,435,197.88	20	$1,015,543.10	11	$707,235.75
DETACHED GARAGE	40	$852,731.75	28	$341,910.00	69	$2,361,861.25	61	$1,665,414.00
DECKS\PORCHES & COVERED PORCHES	155	$829,488.24	145	$539,995.50	24	$150,747.45	25	$130,386.50
SWIMMING POOLS	16	$1,069,751.00	10	$654,994.00	7	$468,472.00	2	$107,174.00
RESIDENTIAL ALTERATION/OTHER	55	$1,739,652.29	45	$1,557,530.00	11	$320,315.00	11	$556,750.00
HOME OCCUPATION	9	$0.00	8	$0.00	3	$0.00	0	$0.00
STORAGE SHED	17	$78,440.00	18	$52,124.00	4	$10,800.00	1	$2,880.00
BASEMENT FINISH	88	$1,732,332.39	100	$1,471,245.90	15	$234,102.50	18	$320,755.00
COMMERCIAL BUILDINGS	7	$0.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL	8	$0.00	4	$0.00	1	$0.00	1	$0.00
COMMERCIAL	2	$0.00	8	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	14	$0.00	13	$0.00
NURSERY STOCK SALES	0	$0.00	4	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	6	$0.00	6	$0.00	0	$0.00	0	$0.00
MOVE WITHIN	0	$0.00	0	$0.00	0	$0.00	1	$0.00
NEW SIGN PERMITS	107	$1,378,192.00	123	$1,426,339.41	2	$1,175.00	2	$5,281.00
SIGN ALTERATION	20	$297,555.00	33	$398,458.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	1	$36,000.00	2	$34,090.00	0	$0.00	0	$0.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

	*******************City*******************				*******************ETA*******************			
	12/2020		**12/2019**		**12/2020**		**12/2019**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
COMMERCIAL NEW CONSTRUCTION	31	$97,479,879.00	24	$37,684,439.00	7	$1,059,332.00	10	$1,564,133.97
COMMERCIAL ADDITION	11	$13,872,555.00	10	$29,768,203.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	138	$52,116,593.89	139	$49,418,172.40	1	$37,811.28	6	$7,488,004.00
Total	**1034**	**$238,889,563.76**	**954**	**$181,489,296.03**	**234**	**$23,610,450.97**	**199**	**$25,296,134.01**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

	**********City**********				**********ETA**********			
	12/2020		**12/2019**		**12/2020**		**12/2019**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	1111	$1,692,259.20	836	$444,945.96	0	$0.00	0	$0.00
BUILDING MECHANICAL	1438	$20,731,685.76	1197	$23,568,105.46	190	$1,889,323.13	177	$1,423,328.27
BUILDING MECHANICAL FIREPLACE	0	$0.00	2	$8,000.00	1	$3,000.00	0	$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	1	$23,000.00	0	$0.00	0	$0.00	0	$0.00
BUILDING PLUMBING	428	$14,426,598.12	301	$8,931,420.00	68	$1,675,299.18	52	$2,041,219.00
BUILDING SEPTIC	1	$0.00	1	$0.00	52	$58,850.00	32	$20,500.00
Total	**2979**	**$36,873,543.08**	**2337**	**$32,952,471.42**	**311**	**$3,626,472.31**	**261**	**$3,485,047.27**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 12/2020

	*******************City*******************		*******************ETA*******************	
	12/2020	**12/2019**	**12/2020**	**12/2019**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	16	20	0	0
Total	**16**	**20**	**0**	**0**