Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA

February 24, 2021

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

SPECIAL NOTICE ON PUBLIC PARTICIPATION

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 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.

It is anticipated that some of the Planning and Zoning Commissioners will be attending this meeting in person and others will be participating remotely.

Full agenda starts on the next page.

MINUTES

1. Consider approval of the minutes of the January 27, 2021 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. Elk Ridge Third Addition (JW) 1

Hay Creek Township

- Zoning Change (A, R5 & R10 to R5, R10 & P) | ZC2021-001

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

- Preliminary Plat | PPLT2021-001

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

REGULAR AGENDA

FINAL CONSIDERATION

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

3. Lot 40, Block 2 and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition (DN)
Annexation | ANNX2021-001 13

Gibbs Township

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

4. Part of Blocks 12-14, Silver Ranch Third Addition (DN)
Annexation | ANNX2021-002 19

Gibbs Township

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

REGULAR AGENDA

PUBLIC HEARINGS

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

5. Memory Third Addition (WH) 26

Hay Creek Township

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

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

- Final Plat | FPLT2021-001

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

6. East 250 feet of Lot 2, Block 3, KMK Estates (DN)
Zoning Change (Conditional RT to CA) | ZC2020-012 42

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

7. Lots 2 & 3, Block 1, Hay Creek Industrial Subdivision Replat (Klee)
Zoning Change (PUD to Conditional MA) | ZC2020-013 50

Hay Creek Township

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

8. Lot 1, Block 19, Wachter's Third Addition (WH)
Zoning Change (R10 to RM30) | ZC2020-015 62

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

9. Lots 1-24, Block 6, Cottonwood Parkview Addition (JW)
Zoning Change (Conditional R10 to R10) | ZC2020-016 69

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

10. Lot 1, Block 1, Capital Electric Headquarters Addition (WH)
Special Use Permit (Drive-through) | SUP2021-001 76

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

11. Domestic Distilleries and Microbrew Pubs (WH)
Zoning Ordinance Text Amendment | ZOTA2021-001 83

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

OTHER BUSINESS

12. Other

ADJOURNMENT

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

Enclosures: Meeting Minutes of January 27, 2021
Building Permit Activity Month to Date Report for January 2021
Building Permit Activity Year to Date Report for January 2021

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.

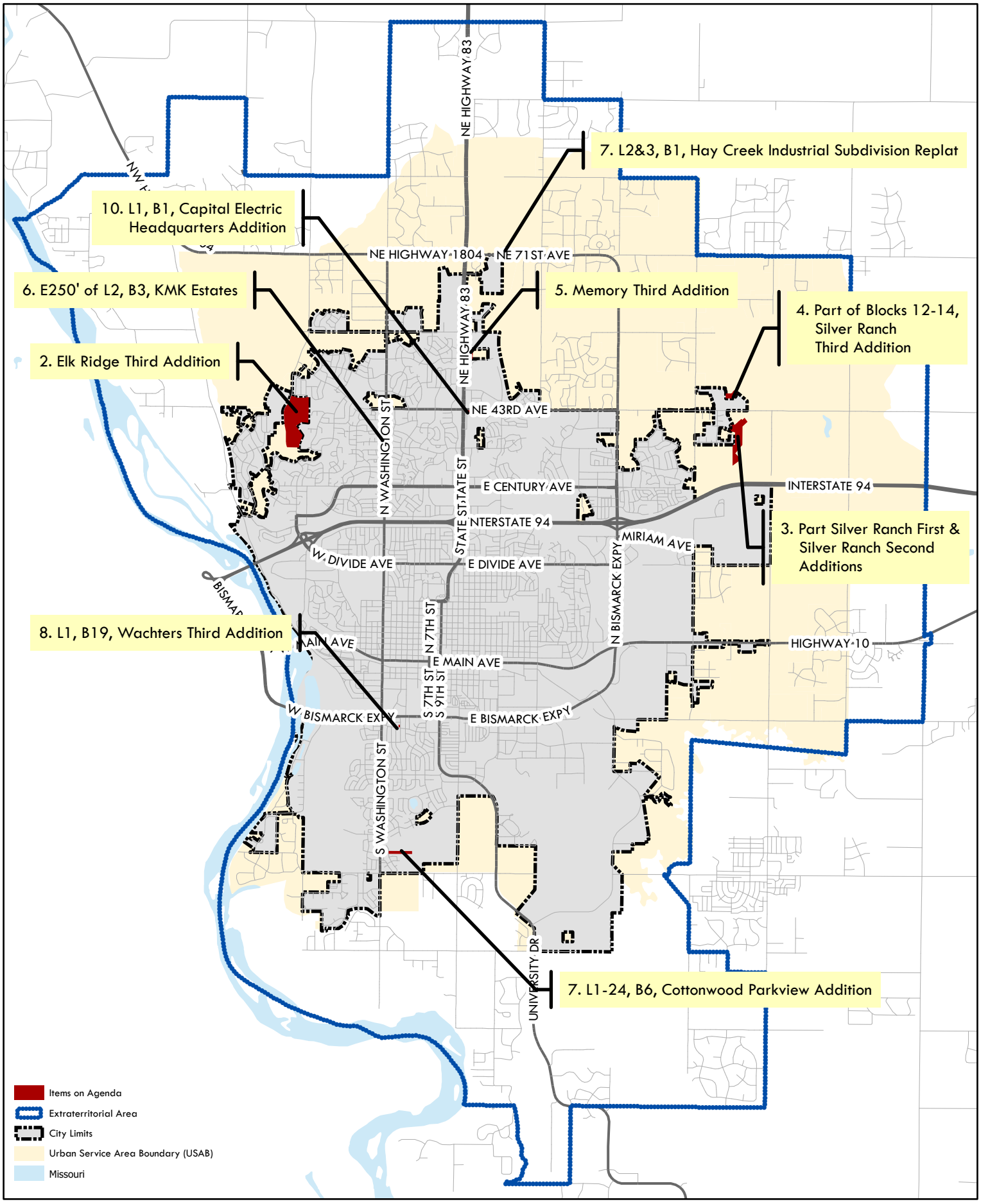
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners,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



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

0 1 2 4 6 Miles

N

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

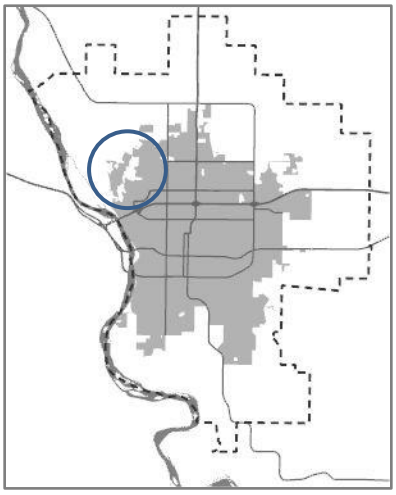
Agenda Item # 2
February 24, 2021

Application for: Zoning Change
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2021-001
PPLT2021-001

Project Summary

Title:	Elk Ridge Third Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Tyler Coulee, LLP, Ron Knutson, and Henry Albers
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	In northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the east side of Tyler Parkway (Auditor's Lot A of the SE¼ pf Section 18 and part of the SE¼ of Section 18, and part of the NE¼ of Section 19, T139N-R80W/Hay Creek Township)
Project Size:	99 acres
Request:	Plat, zone and annex property for future single and two-family residential development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	Part of 2 parcels	*Number of Lots:*	99 lots in 4 blocks
Land Use:	Undeveloped	*Land Use:*	Single and two-family residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	*Designated GMP Future Land Use:*	Low Density Residential Conservation
Zoning:	A – Agricultural R5 – Residential R10 – Residential	*Zoning:*	R5 – Residential R10 – Residential P – Public
Uses Allowed:	A – Agricultural R5 – Single-family residential R10 – Single and two-family residential	*Uses Allowed:*	R5 – Single-family residential R10 – Single and two-family residential P - Public
Max Density Allowed:	A – 1 unit / 40 acres R5 – 5 units / acre R10 – 10 units / acre	*Max Density Allowed:*	R5 – 5 units / acre R10 – 10 units / acre P – Public

(continued)

Property History

Zoned:	*2/2020 (partial)*	*Platted:*	*N/A*	Annexed:	N/A

Staff Analysis

Tyler Coulee, LLP, Ron Knutson, and Henry Albers are requesting approval of a zoning change from the A – Agriculture, R5 – Residential and R10 – Residential zoning districts to the R5 – Residential, R10 Residential, and P - Public zoning districts and approval of a major subdivision final plat for Elk Ridge Third Addition.

Adjacent uses include developing single-family residential to the north, east and west across Tyler Parkway including a neighborhood park and an elementary school, and undeveloped property along with a mix of single and two-family residential to the south.

Future Land Use Plan

A Future Land Use Plan amendment to modify the boundary between the Low Density Residential (LDR) and Conservation (C) land use designations and a zoning change from the A – Agricultural zoning district to the A – Agricultural, R5 – Residential and R10 – Residential zoning districts for the proposed plat were approved by the Bismarck City Commission in February 2020.

The LDR land use designation allows for single and two-family residential uses and calls for densities in a range from 1 to 4 units per acre. The C land use designation allows for areas such as streams, greenways, trail corridors, and wetlands maintained as permanent open space. The proposed plat includes two federally designated wetlands.

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park in any urban residential subdivision. The Bismarck Parks and Recreation District approved a Neighborhood Park Development Agreement for Elk Ridge Addition in 2018. The neighborhood park created with the agreement would also serve this plat.

A drainage area zoned P – Public would be left undeveloped in the eastern portion of this plat. This area will be used for stormwater storage and conveyance, and possible trail connections. The area includes a series of wetlands which are being mitigated in conjunction with City led efforts for Tyler Coulee regional detention facilities.

Fringe Area Road Master Plan

The 2014 Fringe Area Road Master Plan, as amended, identifies Tyler Parkway as the north-south arterial roadway for this area. Sufficient right-of-way for Tyler Parkway is included in the proposed plat; however, Tyler Parkway will not be included in the annexation.

The proposed plat includes a cul-de-sac named Marsh Hawk Circle. The applicant has submitted a written justification for the use of a cul-de-sac noting that the coulee area in the proposed plat would limit the further extension of the roadway. Staff is supportive of the requested cul-de-sac waiver.

Growth Phasing & Utility Servicing Plan

The Growth Phasing Plan in the 2014 Growth Management Plan, as amended, identifies the area included in the proposed plat as a future area. Utilities necessary to serve the subdivision would be extended from existing roadways and the installation of municipal utilities and infrastructure would be done in accordance with the City's development policy.

Topography and Slopes

The proposed plat includes portions of Tyler Coulee. The topography adjacent to the coulee is steep and portions of the residential lots adjacent to the coulee include a slope protection easement. Staff recommends that the easement prohibits building, irrigation, and grading activity within the area, mirroring previous easements used in subdivisions within this area.

(continued)

Utility Capital Charge

The creation of any new lots in 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)

Zoning Change

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.

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 requirements of the neighborhood parks and open space policy have been met a Neighborhood Park Development Agreement for Elk Ridge Addition was approved in 2018. The neighborhood park created with the agreement would also serve this plat;
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;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. 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
7. 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;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential, P – Public zoning districts and tentative approval of the preliminary plat for Elk Ridge Third Addition.

Attachments

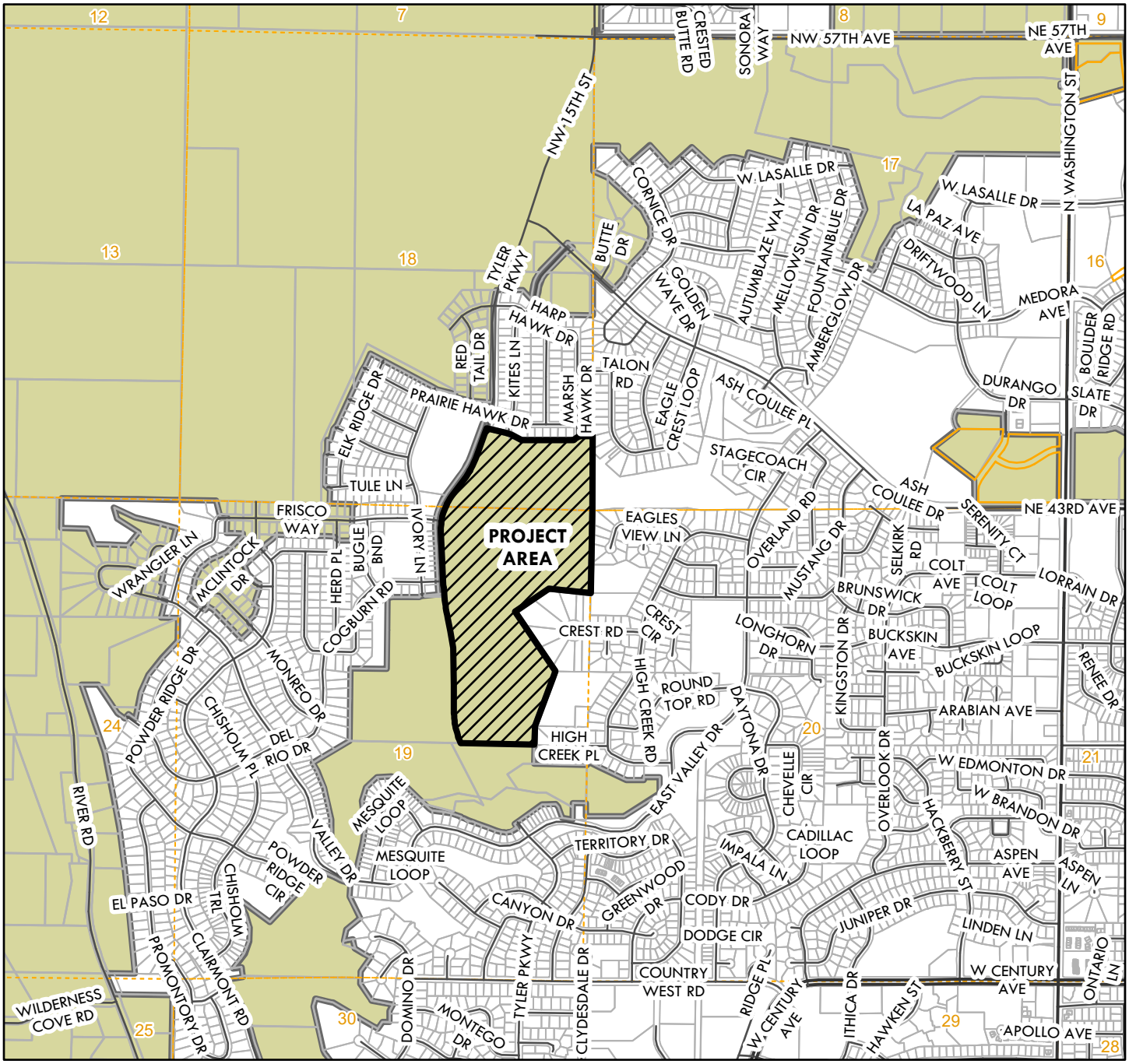
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Change to Zoning Map
5. Cul-de-sac Waiver
6. Preliminary Plat

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

Location Map

ELK RIDGE THIRD ADDITION

PPLT2021-001



0 0.38 0.75 1.5 Miles

City Limits

Bismarck ETA Jurisdiction

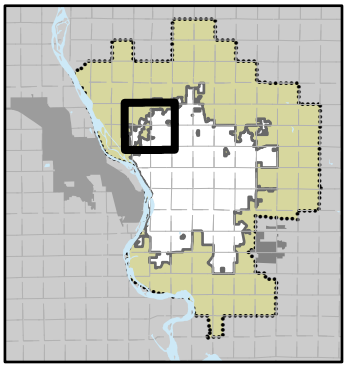
County Outside ETA

Lots Pending Approval

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 27, 2021 (HLB)

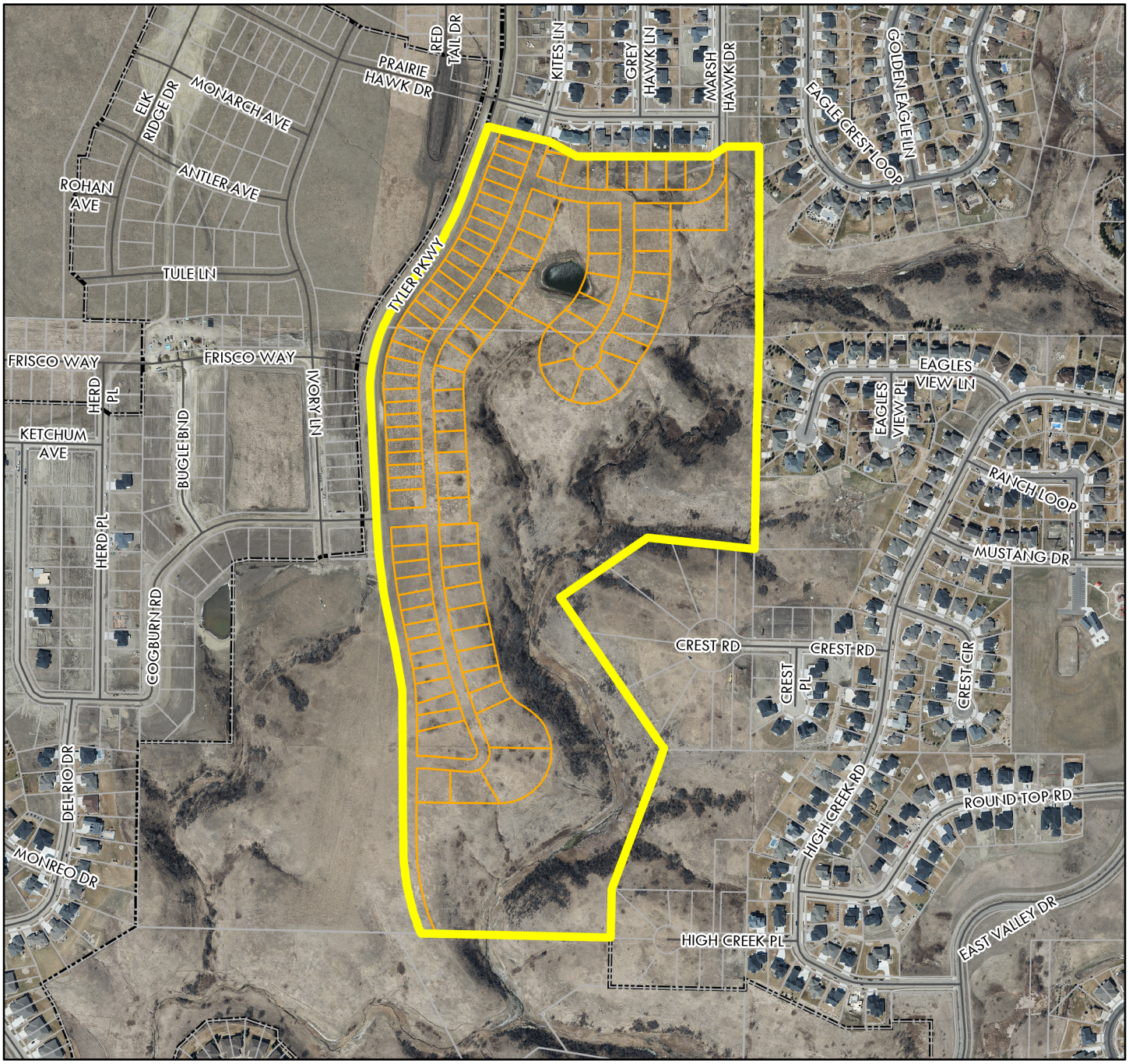
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Aerial Map

ELK RIDGE THIRD ADDITION

PPLT2021-001
ZC2021-001



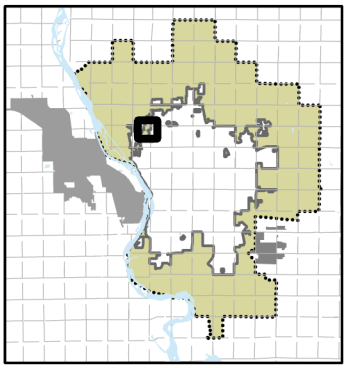
0 0.15 0.3 0.6 Miles

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
February 18, 2021

Zoning and Plan Reference Map

ELK RIDGE THIRD ADDITION

PPLT2021-001
ZC2021-001

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

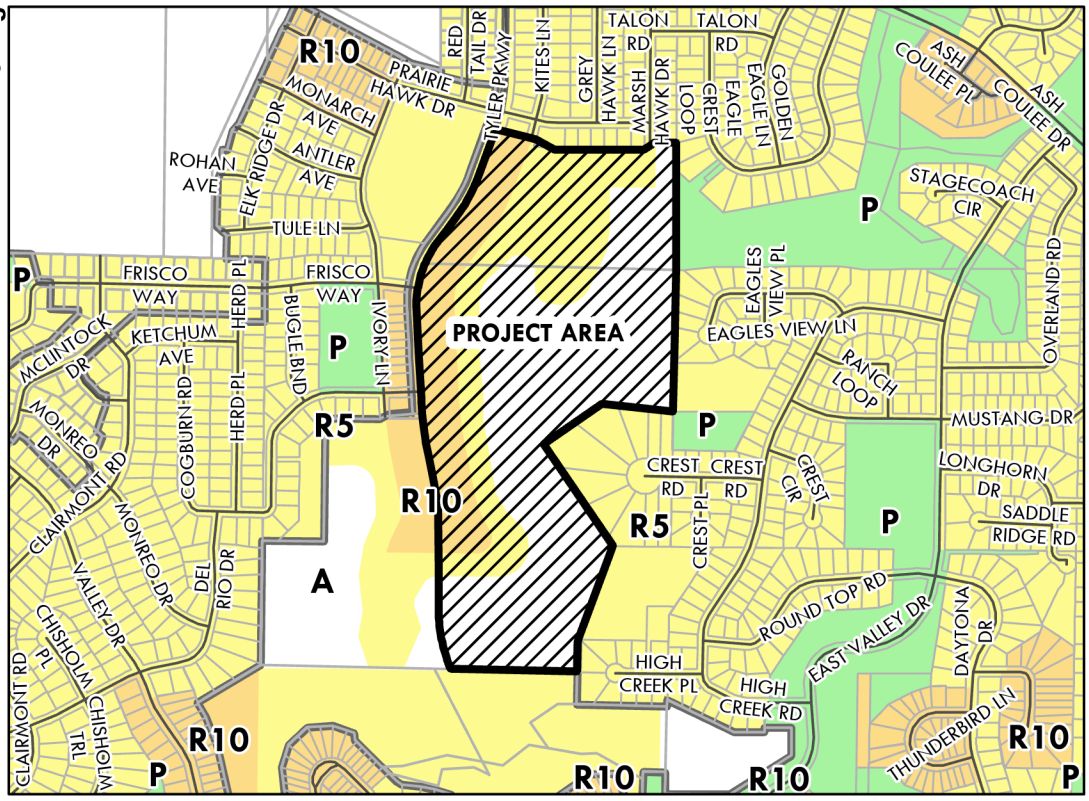
Future Land Use Plan

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

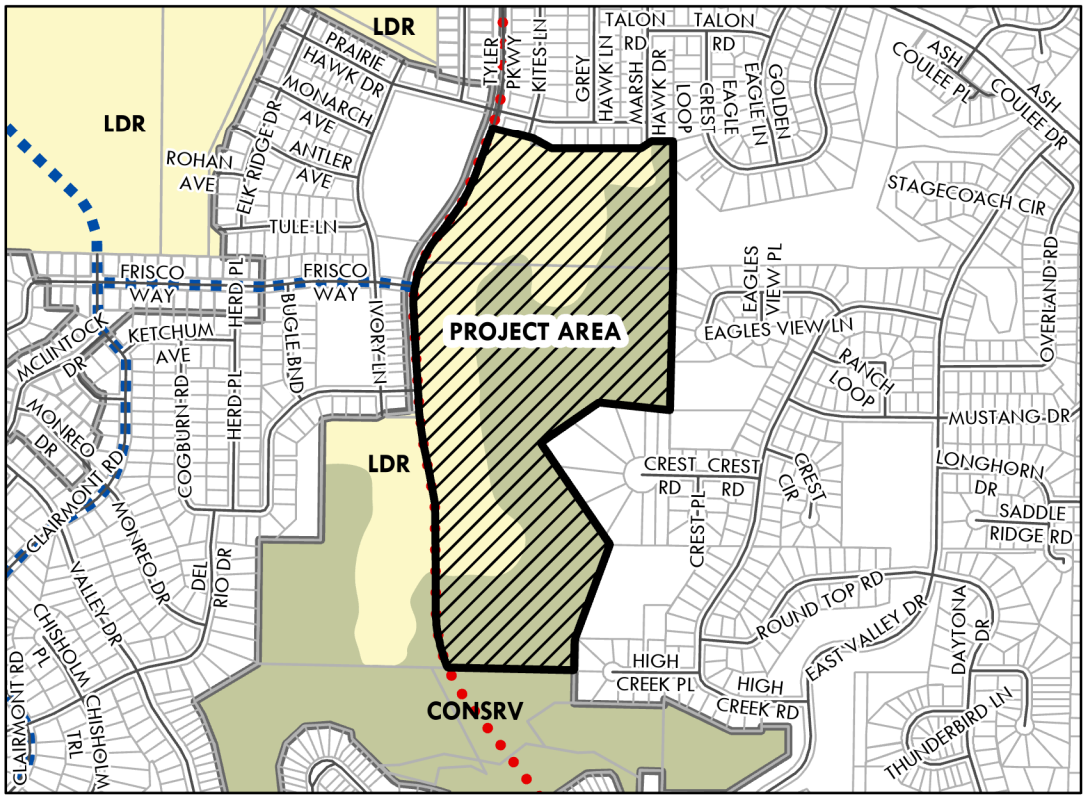
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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 0.15 0.3 0.6 Miles

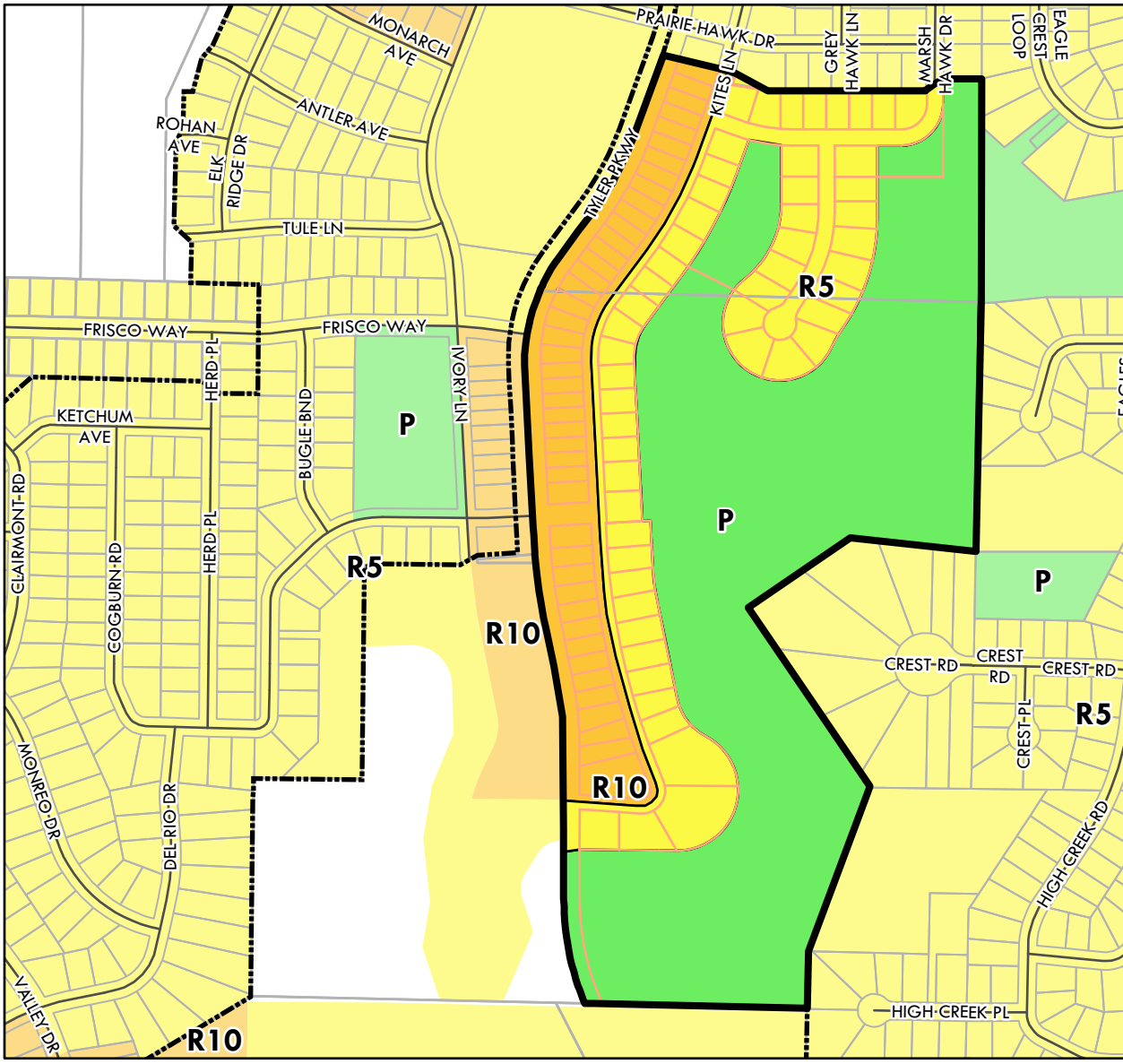
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City of Bismarck
Community Development Dept.
Planning Division
February 18, 2021

Proposed Zoning Change

ELK RIDGE THIRD ADDITION

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 0.2 0.4 0.8 Miles

N

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SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

Elk Ridge Third Addition

Use of cul-de-sac waiver

As shown on the attached Elk Ridge Third Addition preliminary plat, the existing grades west of the proposed Ruminant Circle & east of Kites Lane rights-of-way, shown on the exhibit as a stormwater & drainage easement, is a natural valley and part of the Tyler Coulee drainage area. By limiting the roadway to a cul-de-sac, rather than a looped system, the development can preserve larger areas of the coulee, while developing the adjacent lands that are the adjoining it.

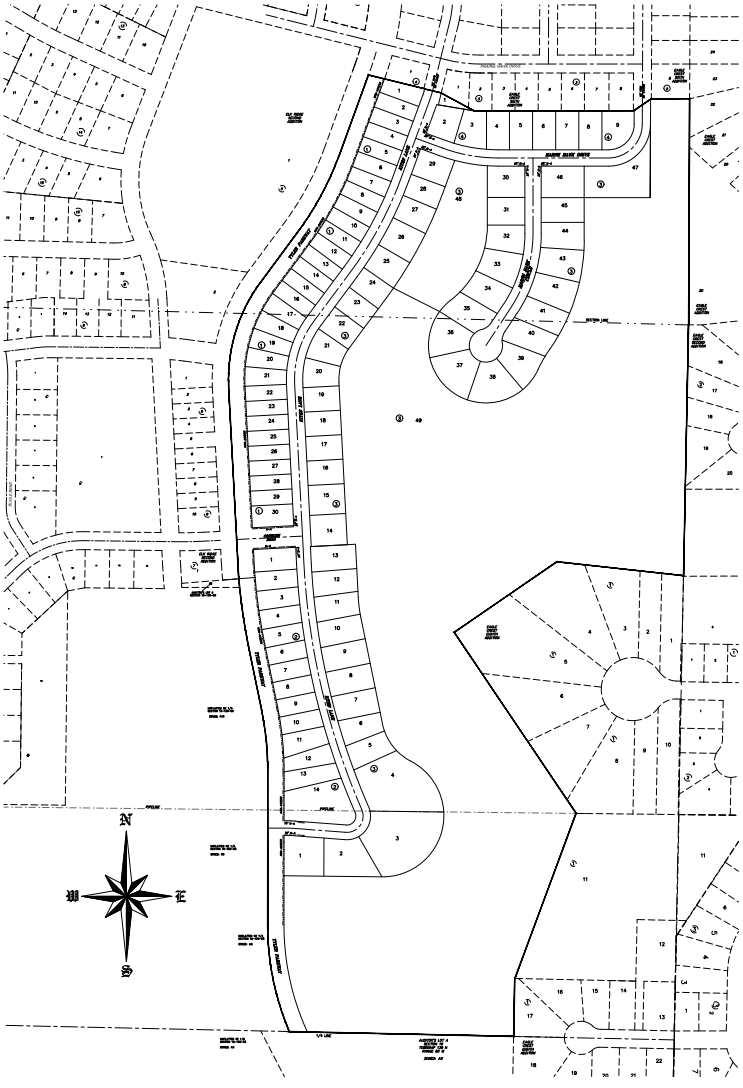
Additionally, there is a proposed slope protection easement in the area of that would serve as the right-of-way to connect the two developable areas. If a roadway were used at this point, the stormwater & drainage area adjacent to Marsh Hawk Drive would need to be increased, which then would cause buildable lots to further encroach into the slope protection easement. By adding the right-of-way in this area, the majority of the road network would serve the stormwater & drainage easement and would provide access to only a small number of lots.

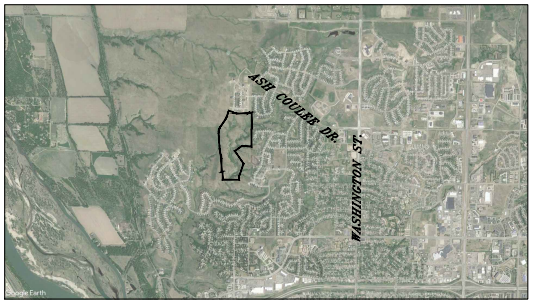
909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

ELK RIDGE THIRD ADDITION

AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18 &
PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





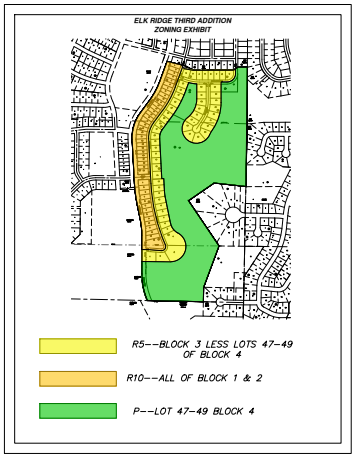
LOCATION MAP

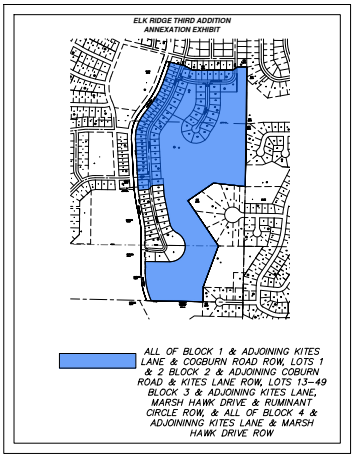
99 ACRES
EXISTING ZONING: R5/R10/AG
PROPOSED ZONING: R5/R10/P
102 LOTS

OWNER: TYLER COULEE, LLP
ADDRESS: 555 HWY 1804 NE
BISMARCK, ND

OWNER: RON KNUTSON
ADDRESS: 555 HWY 1804 NE
BISMARCK, ND

OWNER: HENRY ALBERS
1505 ASH COULEE DR
BISMARCK, ND





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

ELK RIDGE THIRD ADDITION

AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18 &
PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

ELK RIDGE THIRD ADDITION

AUDITOR'S LOT A OF THE SE 1/4 OF SECTION 18 &
PART OF THE SE 1/4 OF SECTION 18 &
PART OF THE NE 1/4 OF SECTION 19
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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STAFF REPORT

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Community Development Department
Planning Division

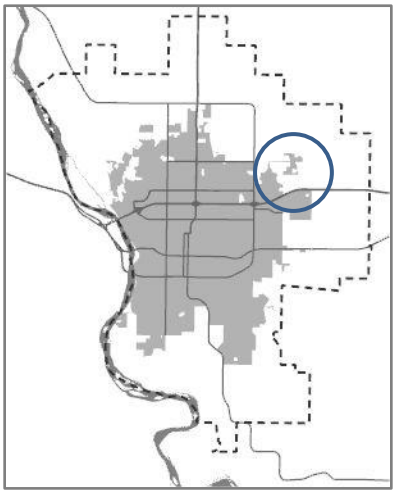
Agenda Item # 3
February 24, 2021

Application for: Annexation

TRAKiT Project ID: ANNX2021-001

Project Summary

Title:	Parts of Silver Ranch First Addition and Silver Ranch Second Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Bismarck Parks and Recreation District
Project Contact:	Randy Bina, Bismarck Parks and Recreation District
Location:	Northwest of Bismarck, south of 43rd Avenue NE and east of 5Second Street NE
Project Size:	35.69 acres
Request:	Annex land for future park development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	3 lots in 2 blocks	*Number of Lots:*	3 lots in 2 blocks
Land Use:	Undeveloped	*Land Use:*	Park and open space
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:	P – Public Use	*Zoning:*	P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	P – N/A	*Max Density Allowed:*	P – N/A

Property History

Zoned:	*4/2018*	*Platted:*	*4/2018*	Annexed:	NA

Staff Analysis

The Bismarck Parks and Recreation District is requesting approval of the annexation of Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1 Silver Ranch Second Addition for development as a park and open space.

(continued)

Adjacent uses include developing low-density residential to the west and undeveloped agricultural land in all other directions.

The City Commission and the Bismarck Parks and Recreation District entered into a park development agreement with the developer of Silver Ranch First Addition in 2016 with the approval of the Silver Ranch First Addition, and the agreement was later amended to reflect a change in legal description after with the replat of Silver Ranch Second Addition.

The primary location of the park will be Lot 25, Block 1 Silver Ranch Second Addition, which will include the public access and recreational facilities. However, the two additional lots within the coulee were also transferred to the Parks District. These lots are primarily open space, but also contain stormwater detention for the development and a future multiuse trail system.

The annexation includes a segment of right-of-way reserved for a future extension of Century Avenue.

This annexation will result in an area within Silver Ranch First Addition that is not annexed but surrounded by city limits. Although such "donut holes" are undesirable, staff estimates that this area would be annexed in the near future.

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 Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1, Silver Ranch Second Addition

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map

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:

Lot 40, Block 2, and Lot 1, Block 14, Silver Ranch First Addition and Lot 25, Block 1 Silver Ranch Second Addition, Burleigh County, North Dakota.

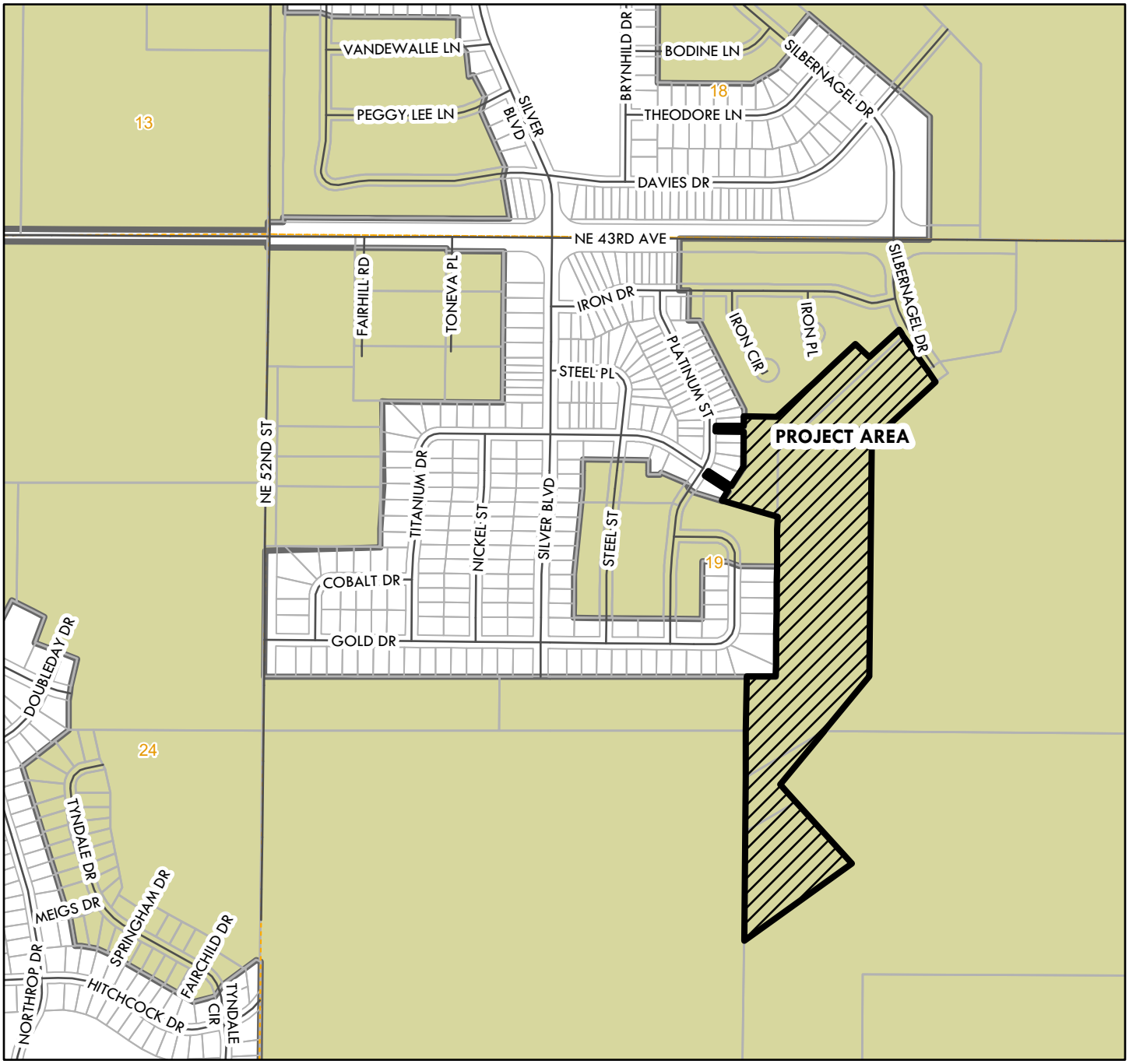
The above described tract of land contains 35.69 acres, more or less.

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

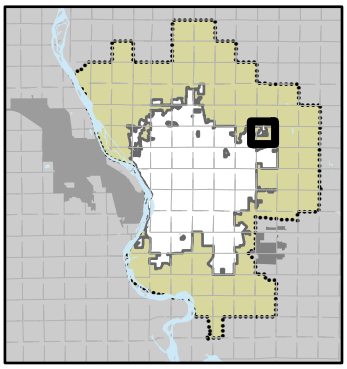
ANNX2021-001

SILVER RANCH 1ST ADD, L40, B2;SILVER RANCH 2ND ADD, L25, B1



0 0.17 0.35 0.7 Miles

N



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

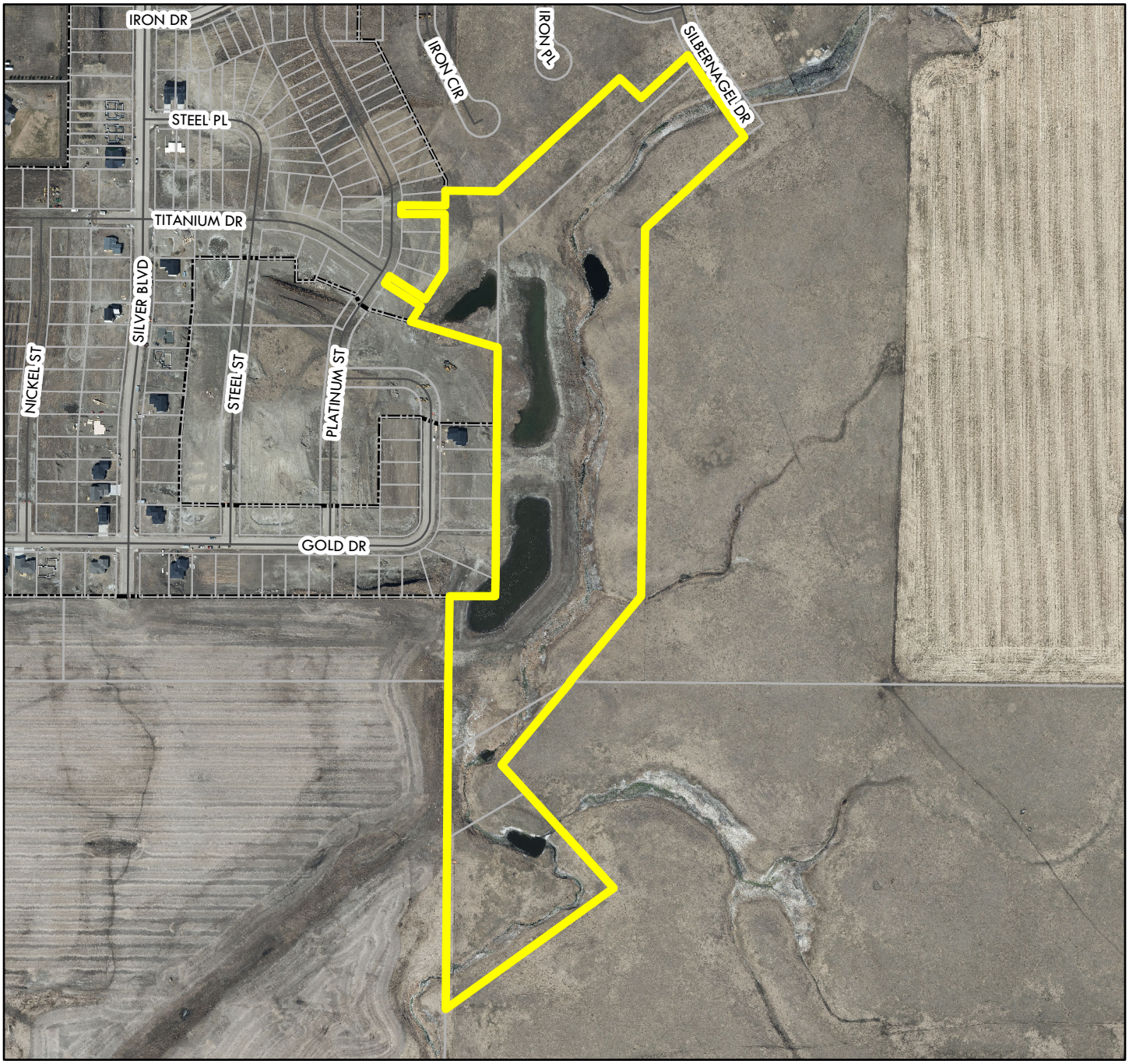
City of Bismarck
Community Development Department
Planning Division
February 16, 2021 (HLB)

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

SILVER RANCH 1ST ADD, L40, B2;SILVER RANCH 2ND ADD, L25, B1

ANNX2021-001

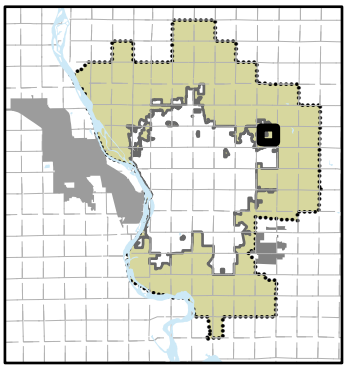


0 0.13 0.25 0.5 Miles

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
February 17, 2021

Zoning and Plan Reference Map

ANNX2021-001

SILVER RANCH 1ST ADD, L40, B2;SILVER RANCH 2ND ADD, L25, B1

Zoning Districts

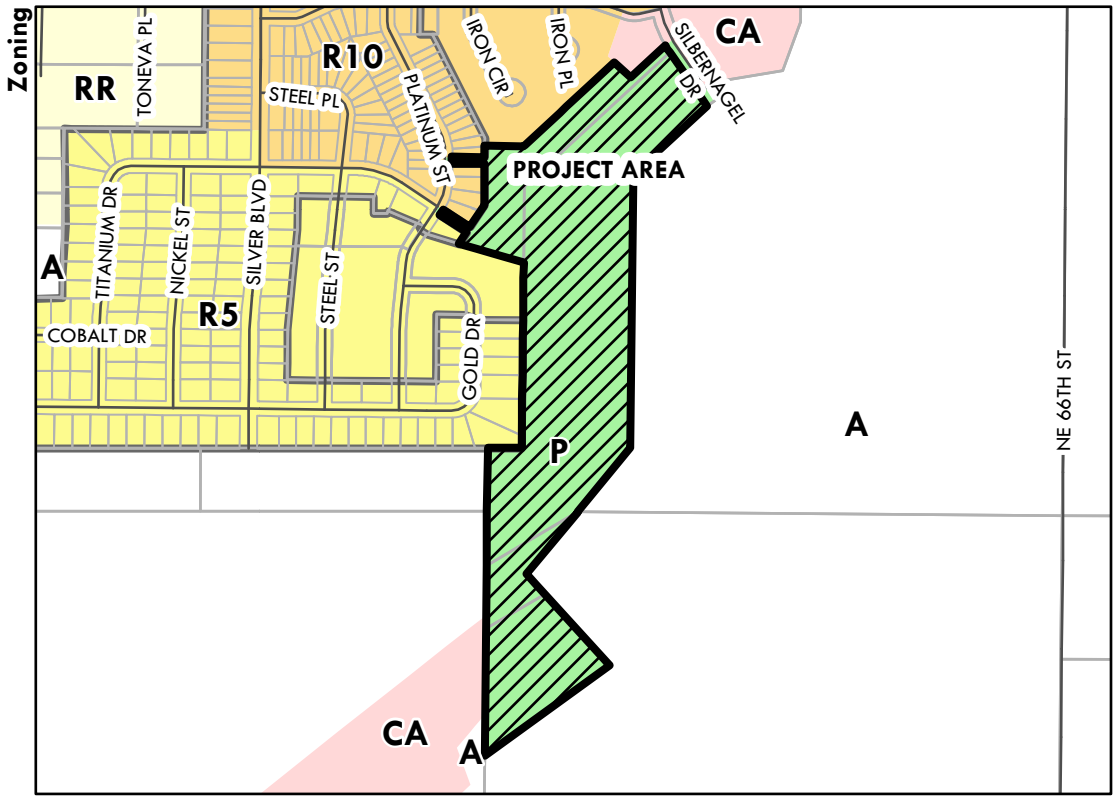
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

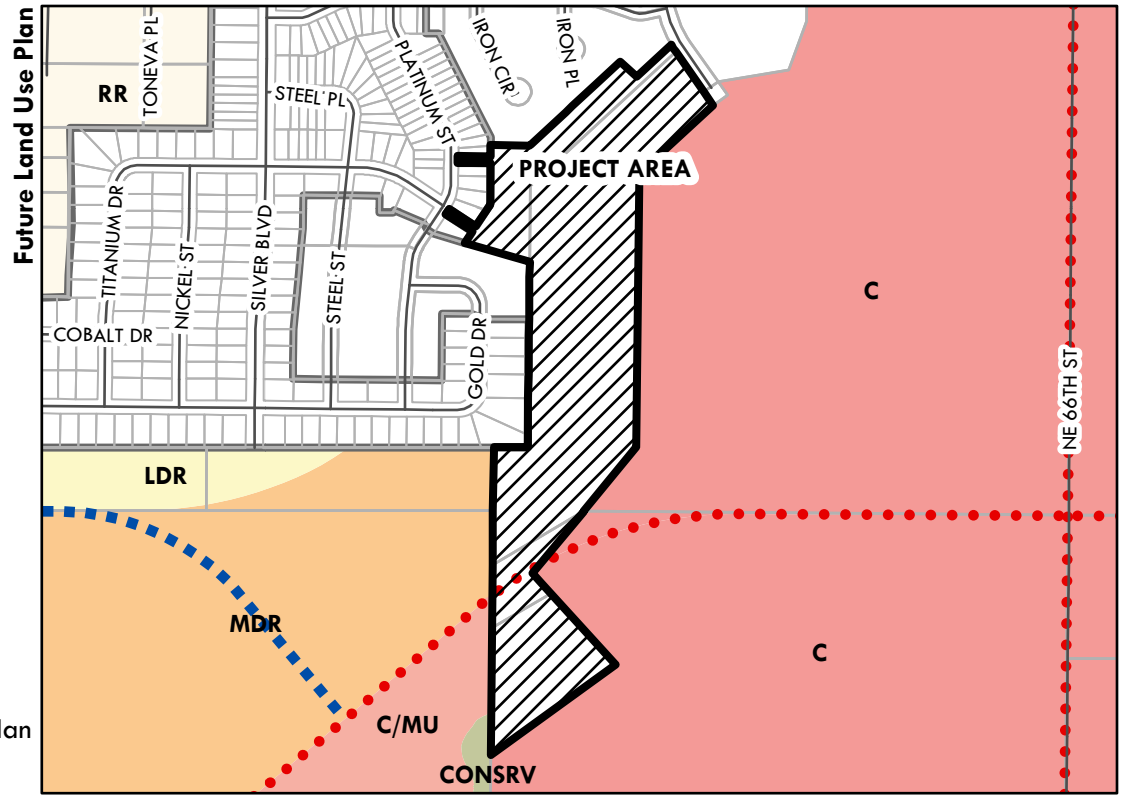
Future Land Use Plan

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.

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City of Bismarck
Community Development Dept.
Planning Division
February 17, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

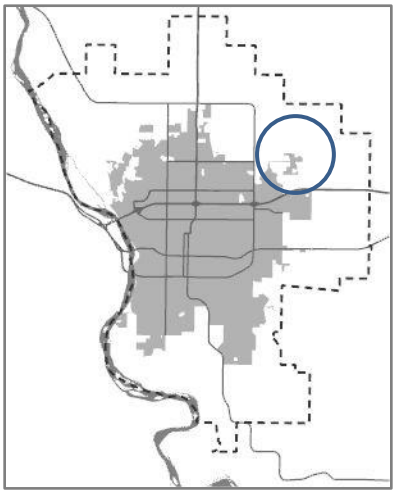
Agenda Item # 4
February 24, 2021

Application for: Annexation

TRAKiT Project ID: ANNX2021-002

Project Summary

Title:	Parts of Blocks 12-14, Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Chad Wachter, LLC
Project Contact:	Landon Neimiller, Swenson, Hagen & Co.
Location:	Northwest of Bismarck, north of 4Third Avenue NE and east of 52nd Street NE.
Project Size:	6.45 acres
Request:	Annex 18 lots for development of single or two-family residential



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	18 lots in 3 blocks	*Number of Lots:*	18 lots in 3 blocks
Land Use:	Undeveloped	*Land Use:*	Single or 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:	R10 – Residential	*Zoning:*	R10 – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density Allowed:	R10 – 10 units / acre	*Max Density Allowed:*	R10 – 10 units / acre

Property History

Zoned:	*11/2020*	*Platted:*	*11/2020*	Annexed:	*NA*

Staff Analysis

Chad Wachter, LLC is requesting approval of the annexation of Lots 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition.

Adjacent uses include undeveloped land in all directions. Lands to the east of the proposed

(continued)

The terminus of Silbernagel Drive in this location does not currently have an easement for a temporary turnaround, because the street network itself can be used for this purpose. Likewise, no turnaround easement would be necessary with this new annexation.

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. Currently, the primary access to this area is via 4Third Avenue NE, and a viable secondary access for emergency response is not available at this time. As discussed during the plat for Silver Ranch Third Addition, the plat does meet the terms of adopted secondary access policy for the subdivision.

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 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. 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 4-11, Block 12, Lots 8-13, Block 13, and Lots 9-12, Block 14, Silver Ranch Third Addition, Burleigh County, North Dakota.

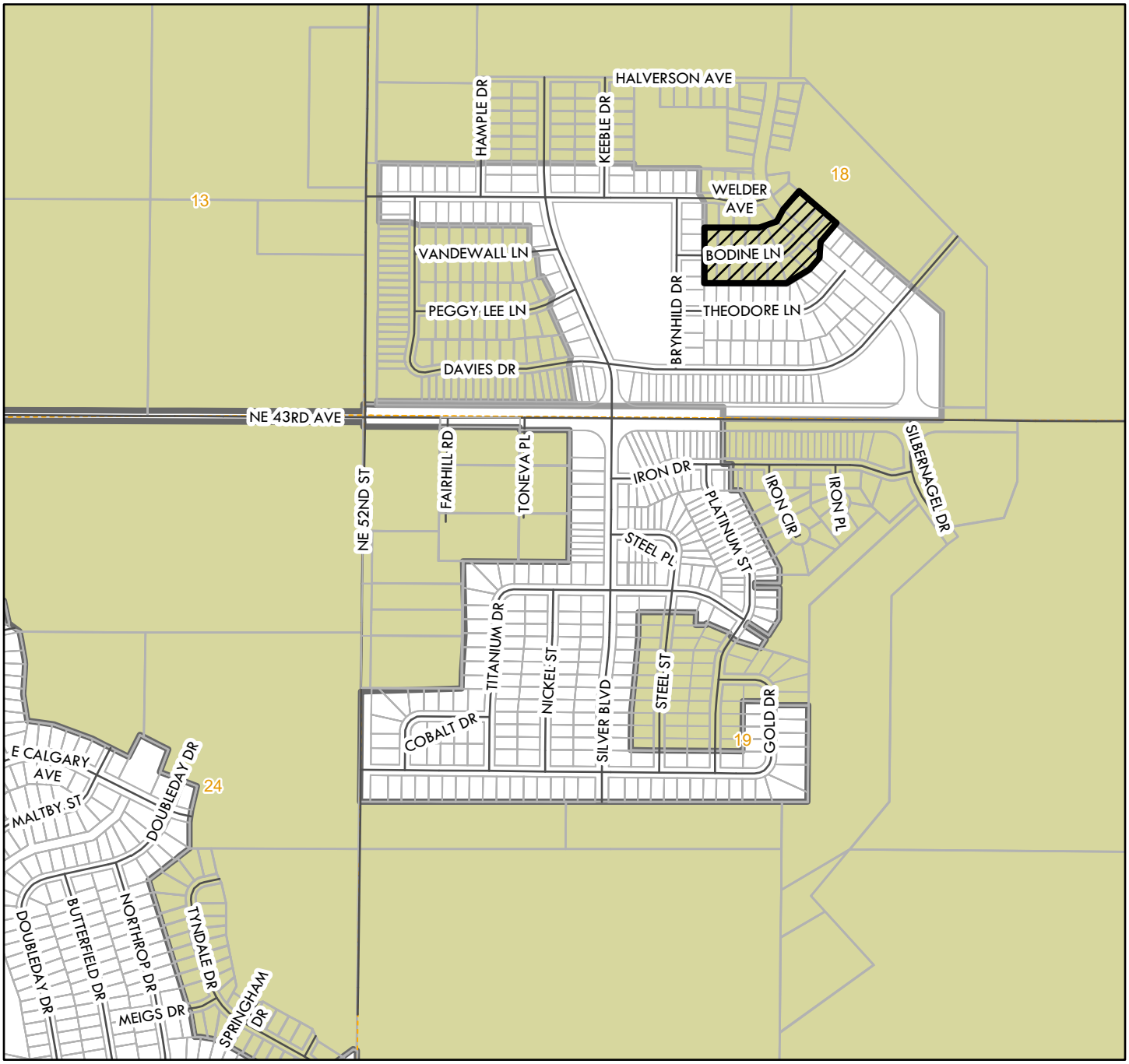
The above described tract of land contains 6.45 acres, more or less.

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

SILVER RANCH 3RD ADDITION, PT B12-14

ANNX2021-002



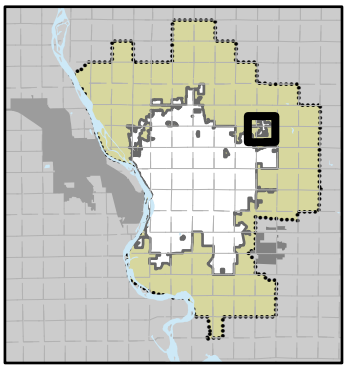
0 0.2 0.4 0.8 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



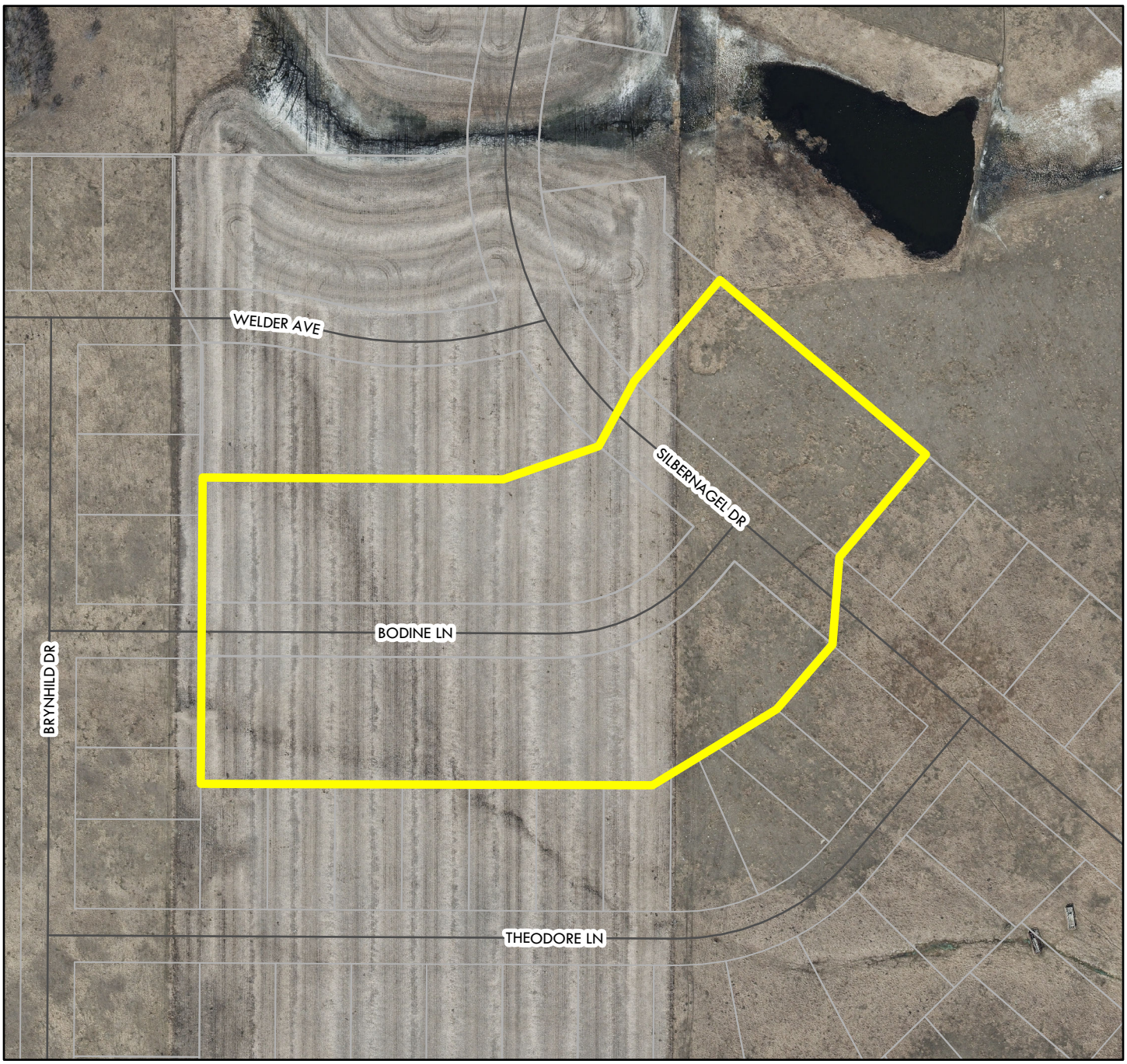
City of Bismarck
Community Development Department
Planning Division
January 26, 2021 (HLB)

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

SILVER RANCH 3RD ADDITION, PT B12-14

ANNX2021-002



Miles

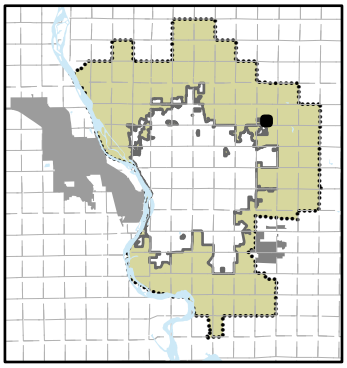
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Department
Planning Division
February 17, 2021

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.



Zoning and Plan Reference Map

SILVER RANCH 3RD ADDITION, PT B12-14

ANNX2021-002

Zoning Districts

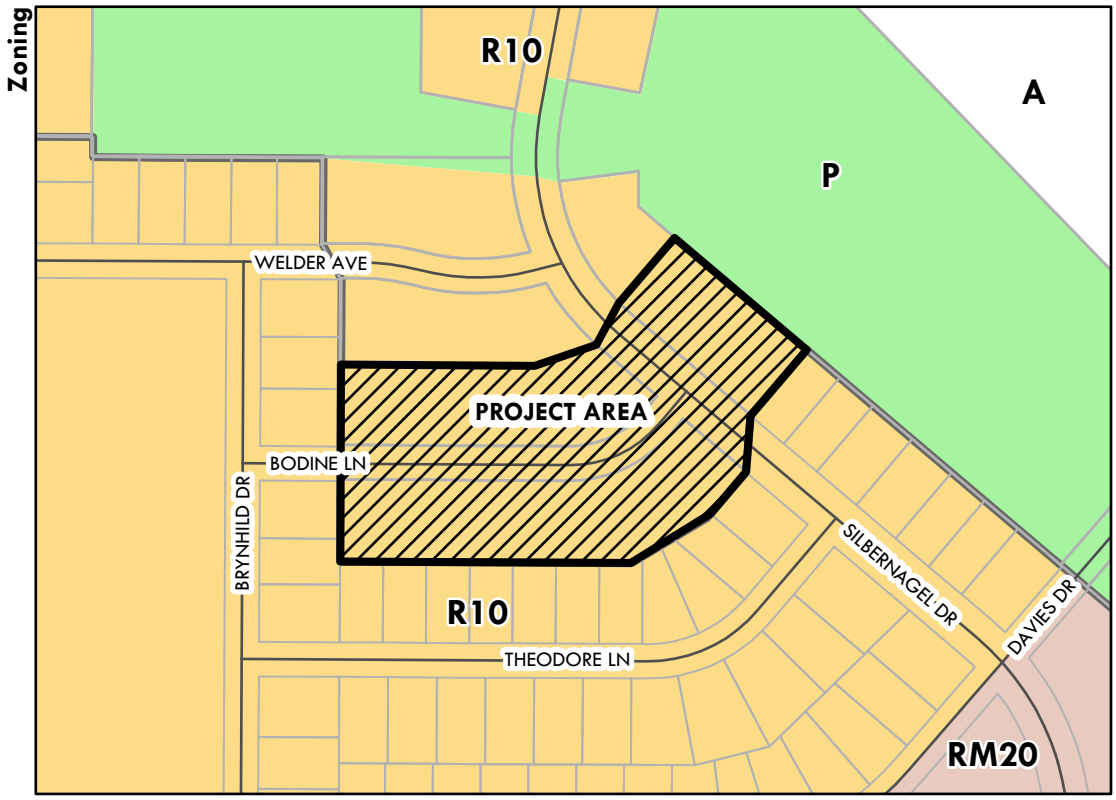
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

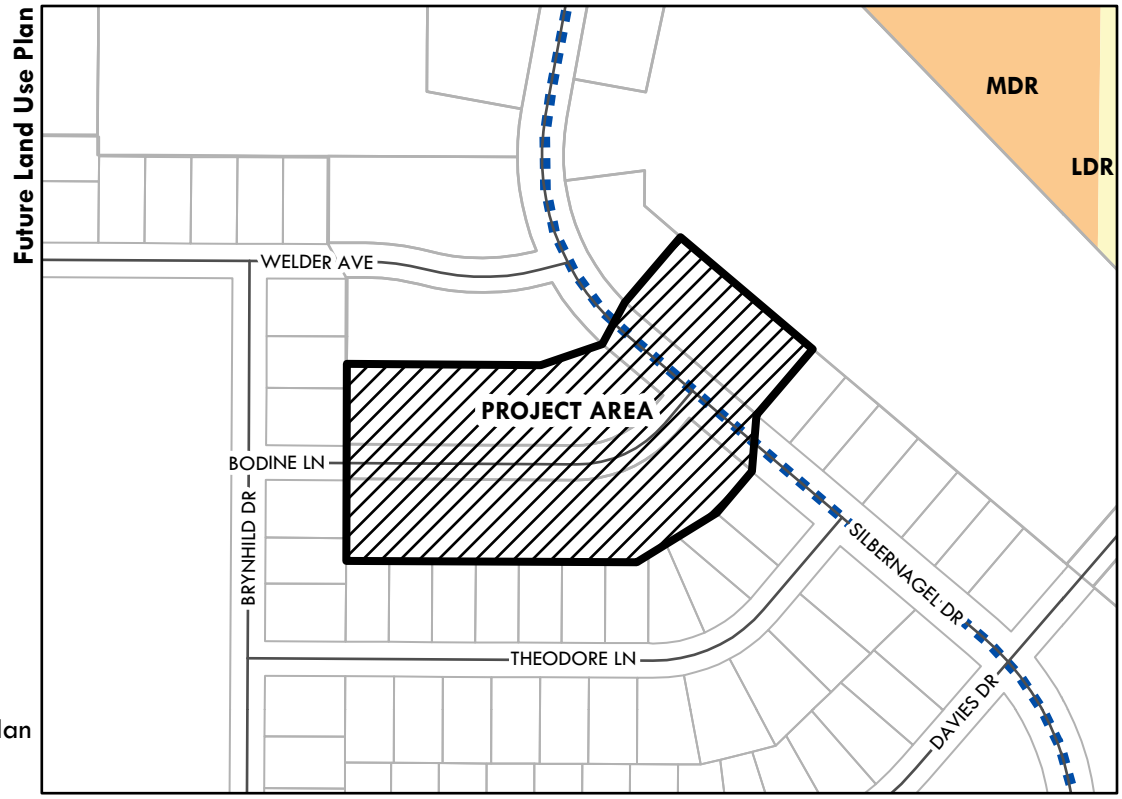
Future Land Use Plan

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





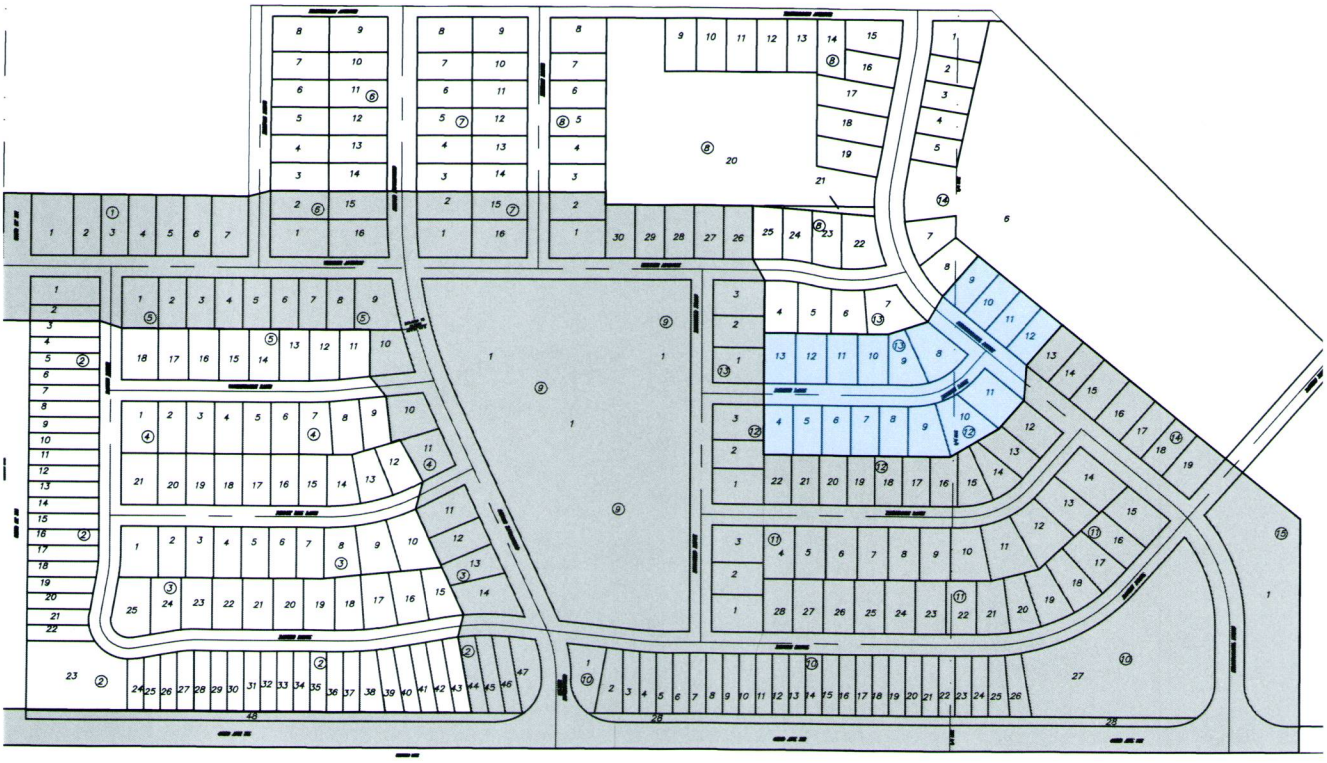
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.04 0.08 0.16 Miles

City of Bismarck
Community Development Dept.
Planning Division
February 17, 2021

SILVER RANCH THIRD ADDITION
ANNEXATION EXHIBIT

JAN 21 2021



CURRENT ANNEXATION

PROPOSED ANNEXATION
LOTS 4–11 BLOCK 12;
LOTS 8–13 BLOCK 13;
LOTS 9–12 BLOCK 14

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

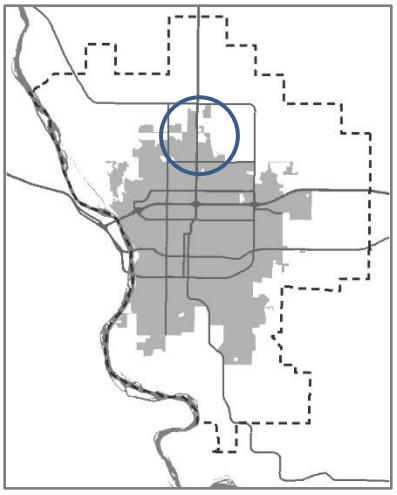
Agenda Item # 5
February 24, 2021

Application for: Zoning Change
Major Subdivision Final Plat

TRAKiT Project ID: ZC2020-018
FPLT2021-001

Project Summary

Title:	Memory Third Addition
Status:	Planning & Zoning Commission – Public Hearing
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 LLP 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.

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing on the zoning change and tentatively approved the preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and 13 letters were mailed to the owners of nearby properties on February 12th.

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 Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies portions of this area as Commercial and other portions as Conservation. The entirety of the plat would be zoned CG – Commercial however the area identified as Conservation in the Future Land Use Plan would generally fall within the platted stormwater and drainage easement and would not be developable.

The proposed plat would create three lots served by a cul-de-sac named Brookside Place. Two 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 a Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, as well as identified wetlands and steep slopes. Maintenance and ownership of this area will be covered by an owners 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. Installation and maintenance for these plant materials will need to be included in association documents. An exhibit showing proposed landscaping is attached to this staff report. Additional landscaping would be required in conjunction with development and would be reviewed for conformance with landscaping requirements during site plan review.

The applicant has proposed an access point along Brookside Lane for additional access to the proposed Lot 1. 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. The City Engineer has indicated that a right-in, right-out access point may be acceptable pending prior approval. A plat note has been added indicating this access control.

The proposed plat includes a cul-de-sac (Brookside Place). The applicant has submitted a written justification for the use of a cul-de-sac noting that the southern boundary of the proposed plat is limited grading, wetland and floodplain issues. Staff is supportive of the requested cul-de-sac waiver.

The proposed right-of-way and roadway width for Brookside Place does not meet the ordinance design standards for a local commercial street which calls for a 80-foot right-of-width and a 48-foot roadway. The applicant has submitted a waiver request to reduce the required width to 66-foot right-of-way width with a 32-foot roadway width, due to the fact that this road will not be a significant generator of traffic and will only serve parcels on the west side of the street. Staff supports this waiver request.

The creation of any new lots in the City of Bismarck is subject to utility capital charges for municipal utilities. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to annexation or establishment of the street improvement district for this subdivision, whichever is initiated last.

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

(continued)

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;
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.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval for the zoning change from the RR – Rural Residential zoning district to the CG - Commercial zoning district and approval of the major subdivision final plat for Memory Third Addition with the following condition:

1. The applicant must provide association documents outlining installation and maintenance for plant materials along the east side of Brookside Place and maintenance and ownership of Lot 3, Block 1 of the proposed plat.

Attachments

1. Draft Zoning Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Final Plat
7. Preliminary Plat
8. Original Plat with area of replat highlighted
9. Written Justification for Cul-de-Sac
10. Right-of-Way/Roadway Width Waiver Request
11. Right-of-Way Landscaping Exhibit
12. Township Resolution

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

ORDINANCE NO. XXXX

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 RR-Residential zoning district and included in the CG-Commercial zoning district:

Lots 1-3, Block 1, Memory Third Addition

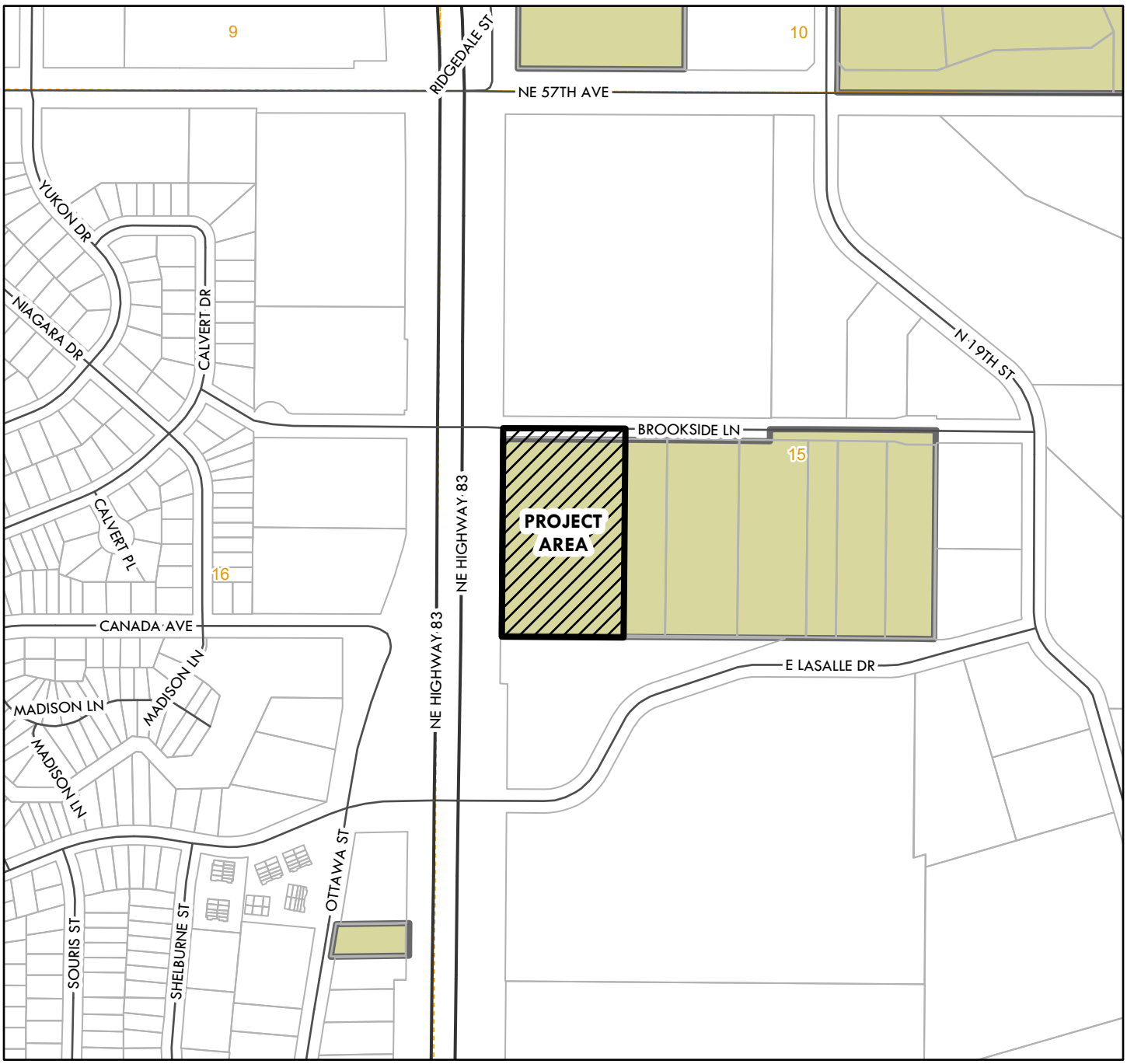
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Location Map

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018



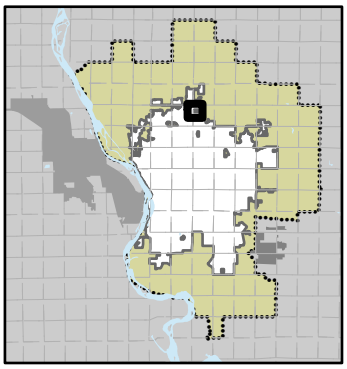
0 0.1 0.2 0.4 Miles

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

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018

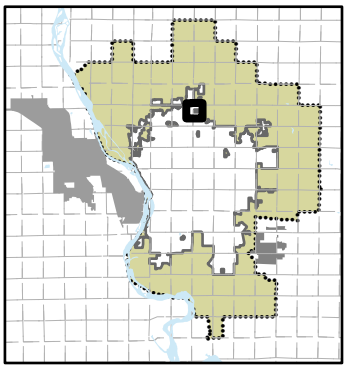


0 0.13 0.25 0.5 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

MEMORY THIRD ADDITION

PPLT2020-007
ZC2020-018

Zoning Districts

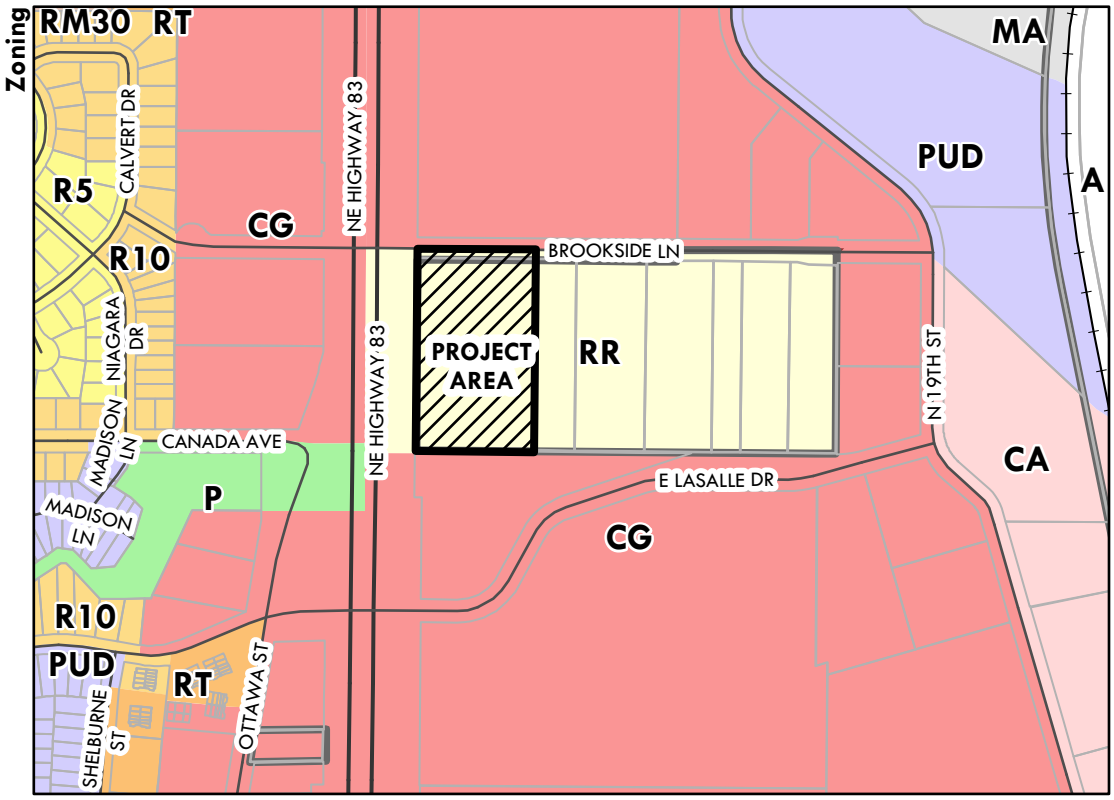
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

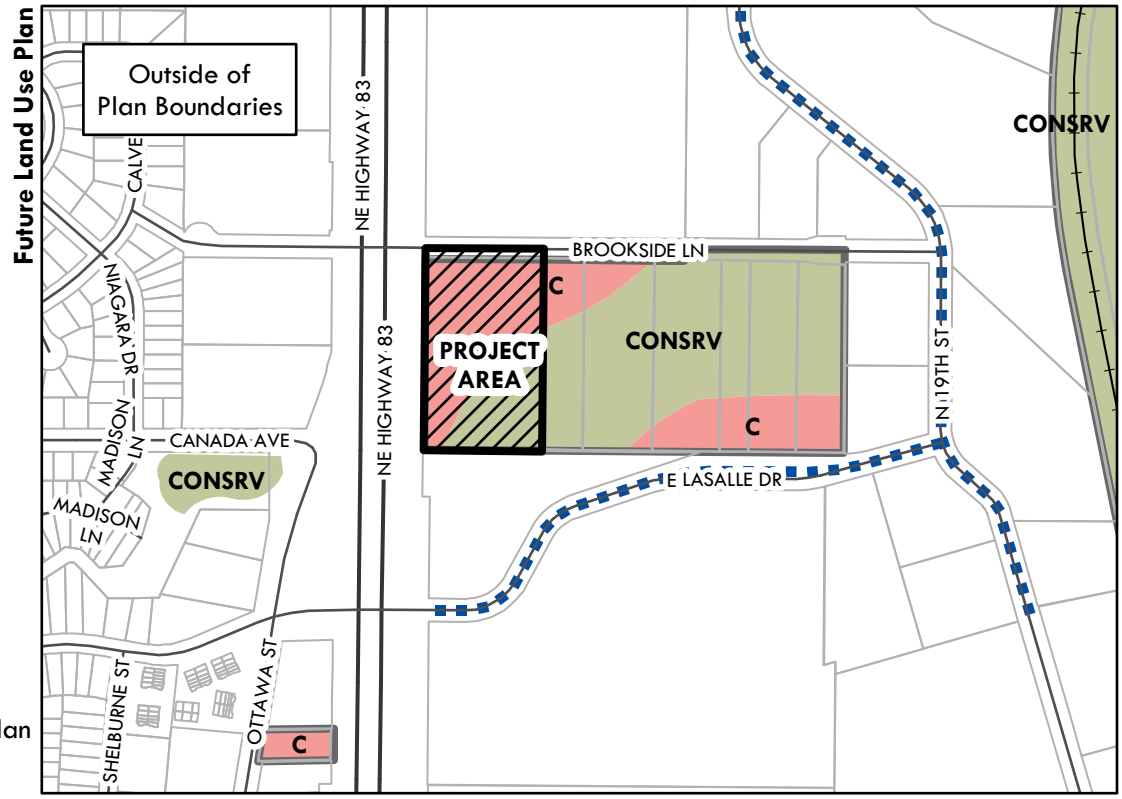
Future Land Use Plan

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





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 0.07 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

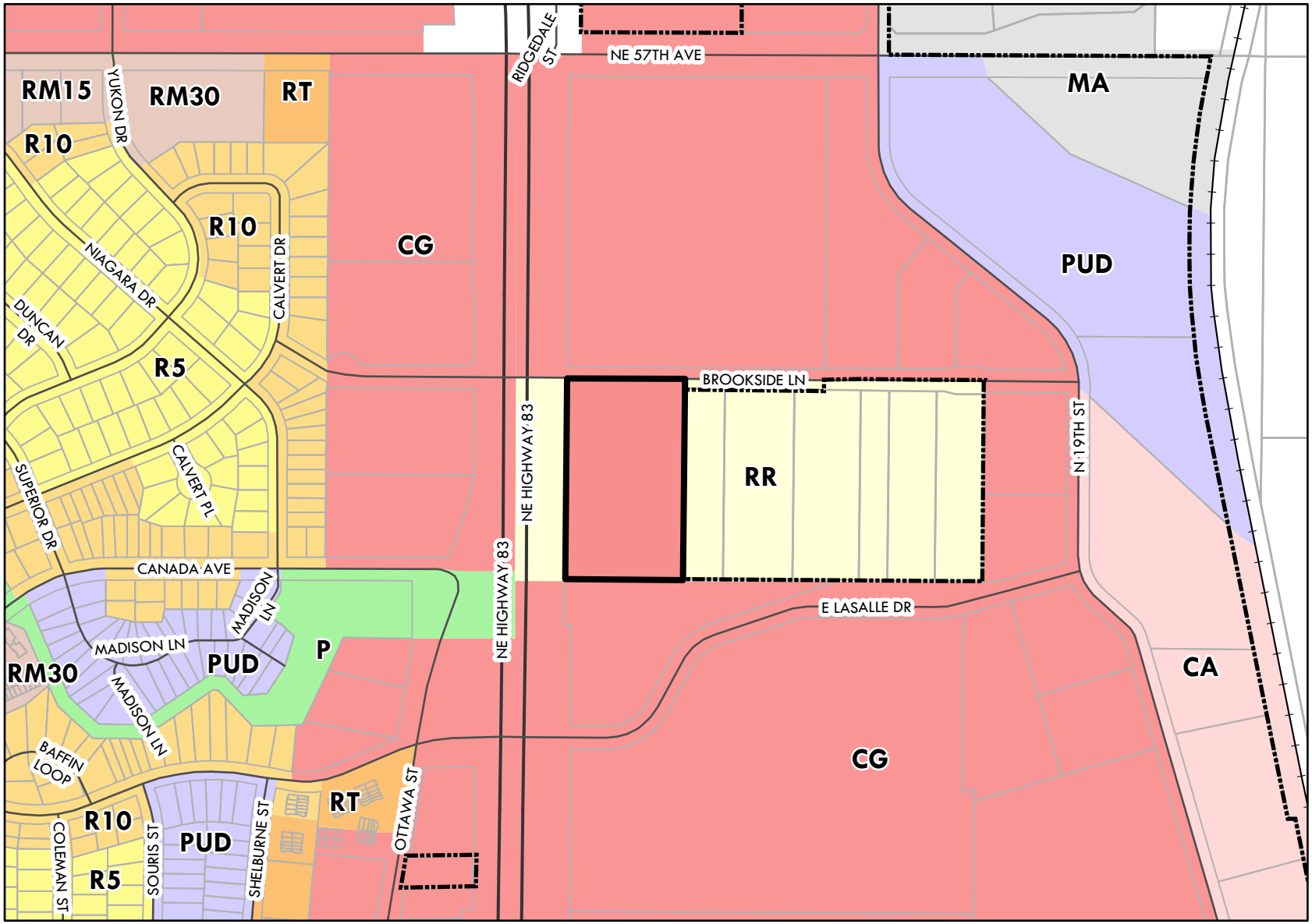
Project Area (zoning within is proposed)

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



0 0.17 0.35 0.7 Miles

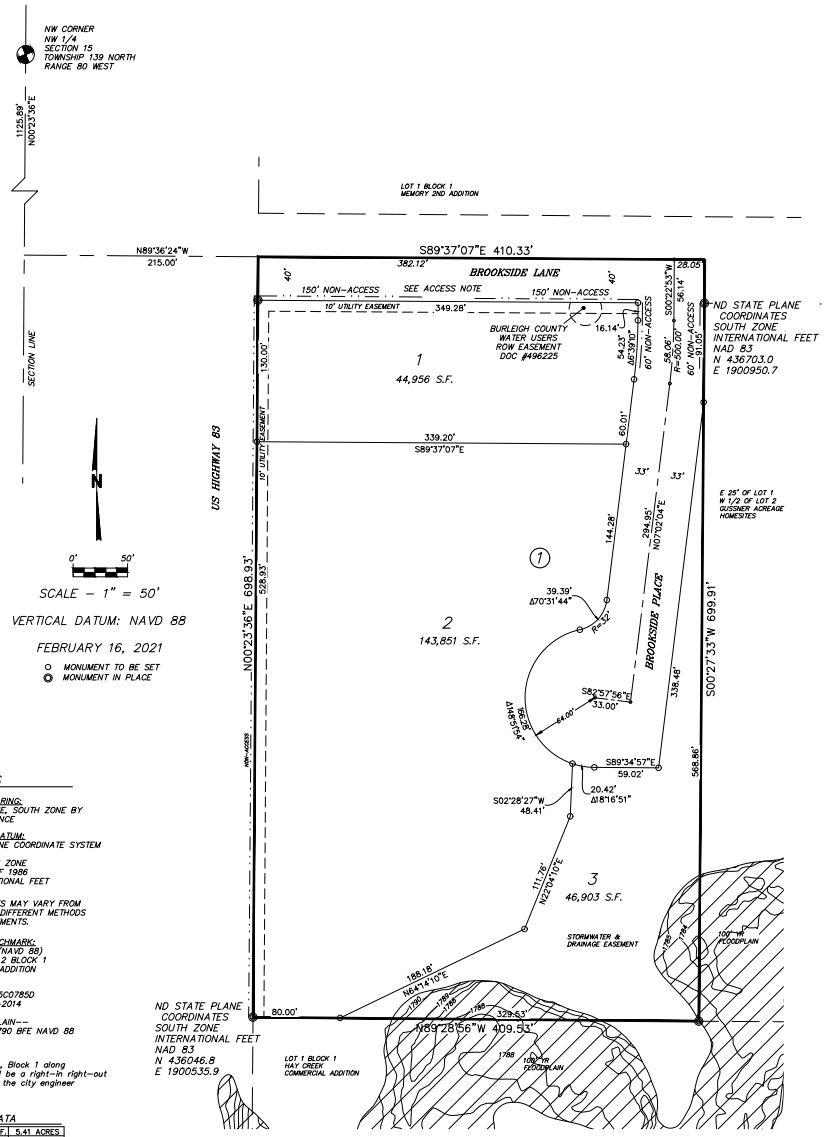
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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

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



NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM

NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

VERTICAL BENCHMARK:
ELEV. 1796.22 (NAVD 88)
SW CORNER LOT 2 BLOCK 1
MEMORY THIRD ADDITION

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

100 YR FLOOD PLAIN--
VARYING 1784-1790 BFE NAVD 88

ACCESS NOTE:
The access to Lot 1, Block 1 along Brookside Lane shall be a right-in right-out access approved by the city engineer

AREA DATA

LOTS	235,710 S.F.	5.41 ACRES
STREETS	51,001 S.F.	1.17 ACRES
TOTAL	286,711 S.F.	6.58 ACRES

DESCRIPTION

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

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF GUSSNER ACREAGE HOMESITES; THENCE NORTH 00 DEGREES 23 MINUTES 36 SECONDS EAST, ALONG THE WEST LINE OF SAID GUSSNER ACREAGE HOMESITES, A DISTANCE OF 698.93 FEET TO THE CENTERLINE OF BROOKSIDE LANE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 37 MINUTES 07 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 410.33 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 25.00 FEET OF LOT 1 OF SAID GUSSNER ACREAGE HOMESITES; THENCE SOUTH 00 DEGREES 27 MINUTES 33 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 699.91 FEET TO THE SOUTH LINE OF SAID GUSSNER ACREAGE HOMESITES; THENCE NORTH 89 DEGREES 28 MINUTES 56 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 409.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.58 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____, 202_, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2021, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

_____ MICHAEL J. SCHWARTZ - CHAIRMAN

_____ ATTEST
BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE APPROVED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE APPROVED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2021.

_____ ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "MEMORY THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____ GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT _____ BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "MEMORY THIRD ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE AND RE-DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE CITY OF BISMARCK FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THERETO FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
_____

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

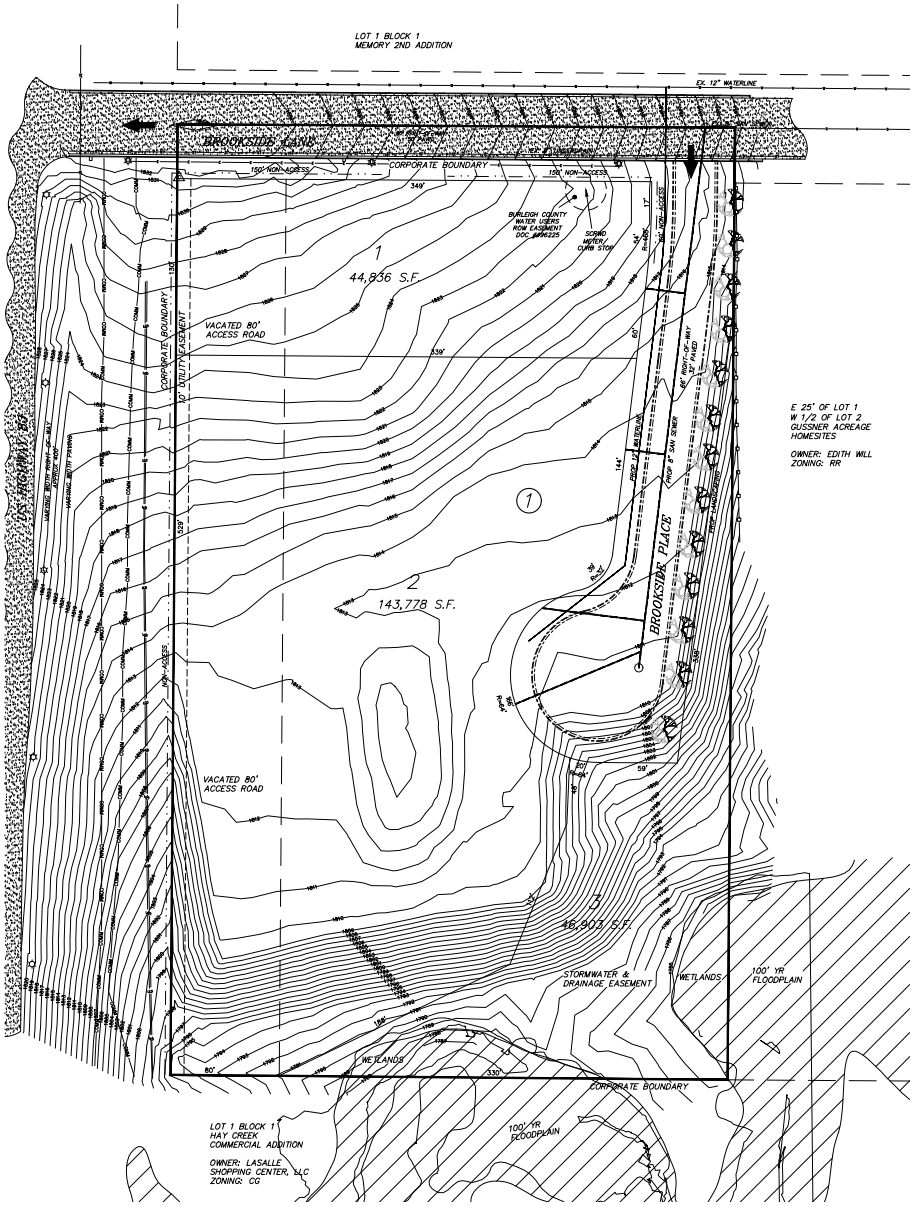
_____
NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

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

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

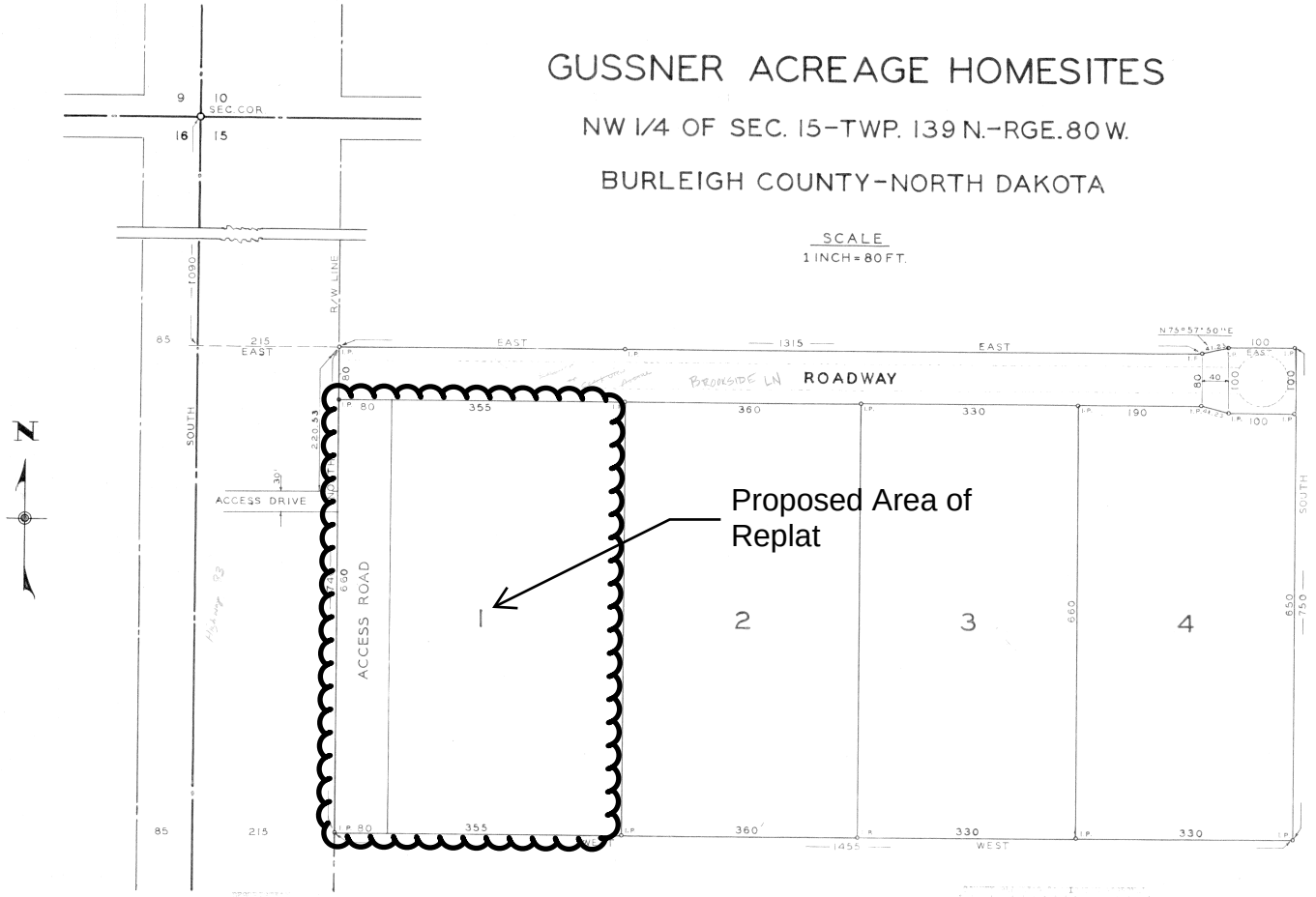
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GUSSNER ACREAGE HOMESITES

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

BURLEIGH COUNTY-NORTH DAKOTA

SCALE
1 INCH = 80 FT.



[redacted]

37

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

Memory Third Addition

Use of cul-de-sac waiver

As shown on the attached Memory Third Addition preliminary plat, the existing grades at the southern terminus of Memory Drive cul-de-sac, the adjoining Lot 2, and the eastern boundary of the proposed cul-de-sac have a significant drop in elevation. Extending the right-of-way without a cul-de-sac to the southern boundary of the proposed plat is limited by grading, wetland, & floodplain issues.

909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

SWENSON, HAGEN & CO. P.C.
civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

MEMORY THIRD ADDITION

RIGHT-OF-WAY WIDTH WAIVER REQUEST

Brookside Place

The city of Bismarck ordinance for the functional classification of a local commercial road is an 80' right-of-way with a 48' roadway, and a minimum cul-de-sac paving section of a 48' radius. The proposed Memory Third Addition subdivision plat, as shown, contains a 66' wide right-of-way with a 32' roadway, ending in a 48' radius paved cul-de-sac bulb.

Brookside Place, while serving commercially zoned properties, is not intended to be a significant generator of traffic, as it will only be accessed by parcels on the west & south sides of the right-of-way. The southern terminus of the right-of-way will not be extended to allow traffic from Hay Creek Commercial Addition, and the challenging grades along the east side of BrookPlace make it unlikely that future development within Gussner Acreage Homesites will contribute to traffic counts on the roadway.

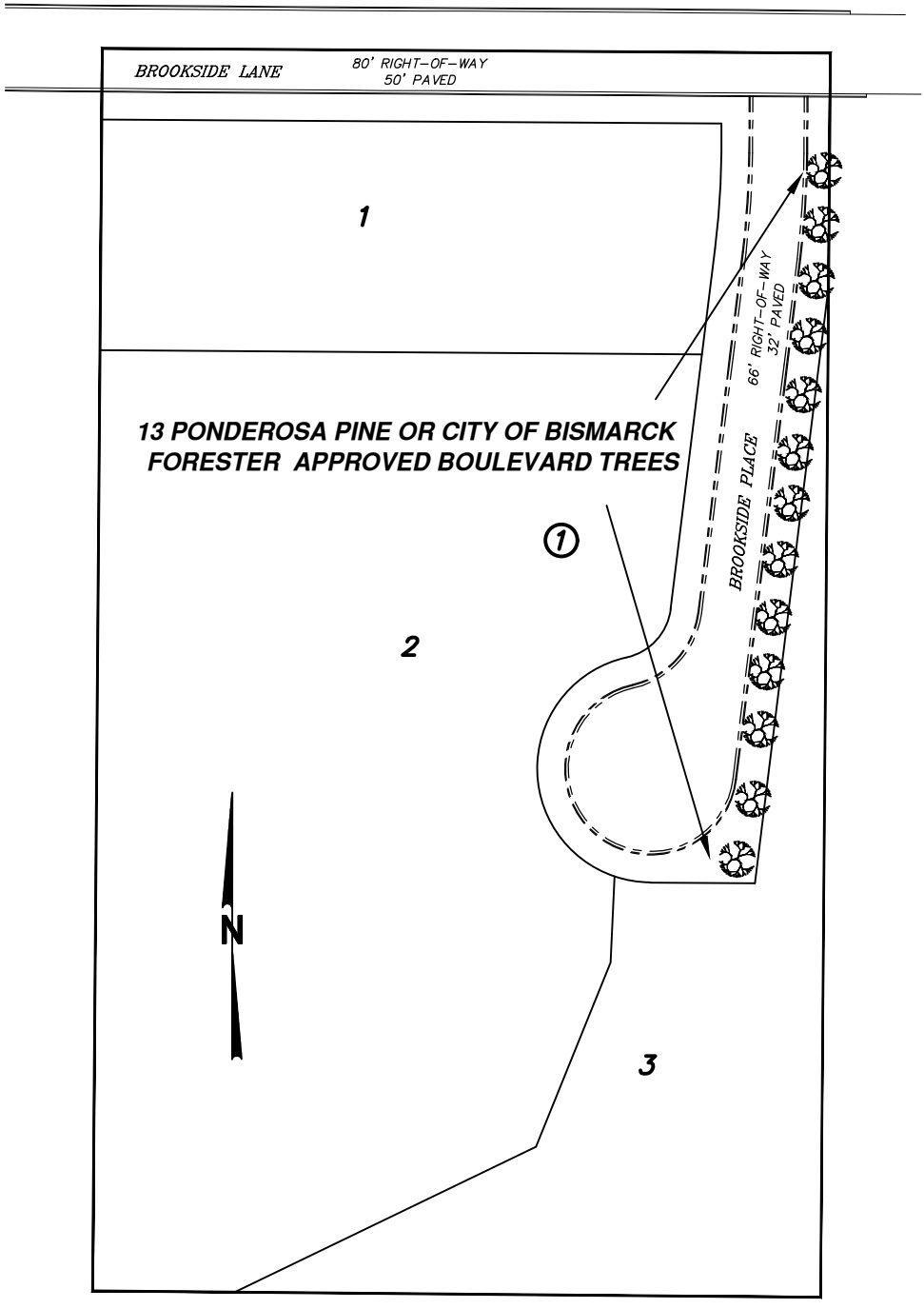
Limiting the width of the right-of-way & paving section would not inhibit emergency services' ability to access or serve the area, while allowing the development of commercial properties without the heavy cost of a street with only lots & access on one side of the street.

909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

MEMORY THIRD ADDITION
R-O-W LANDSCAPING

EASTERN BOULEVARD OF BROOKSIDE PLACE CUL-DE-SAC

3 DECIDUOUS TREES FOR EVERY 100 FEET OF STREET FRONTAGE
PER CITY OF BISMARCK ORDINANCE 14-03-11



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

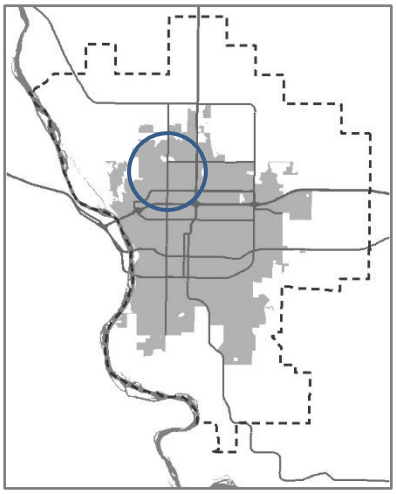
Agenda Item # 6
February 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-012

Project Summary

Title:	The East 250 feet of Lot 2, Block 3, KMK Estates
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Jerry Kessel, Owner Cody Stern, Applicant
Project Contact:	Cody Stern
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 neighborhood commercial



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 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 3, KMK Estates. The lot is currently undeveloped, and the applicant intends to develop a restaurant on the lot. The requested change in zoning

(continued)

would allow any use allowable within a CA – Commercial zoning district, including retail, restaurants, and personal services.

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and 28 letters were mailed to the owners of nearby properties on February 12th.

Adjacent uses include single-family residential to the west and south, and across North Washington Street to the east. The parcel to the north is also zoned Conditional RT – Residential, and a two-story office building has recently received site plan approval 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 preliminary plans for the restaurant would not exceed this limit.

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. There are no adopted plans that indicate this area should be changed to be more commercial in character.

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 increasing the 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.

(continued)

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;
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 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 3, KMK Estates.

Attachments

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

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 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 Conditional RT Residential zoning district and included in the CA - Commercial zoning district:

The East 250 feet of Lot 2, Block 3, KMK Estates

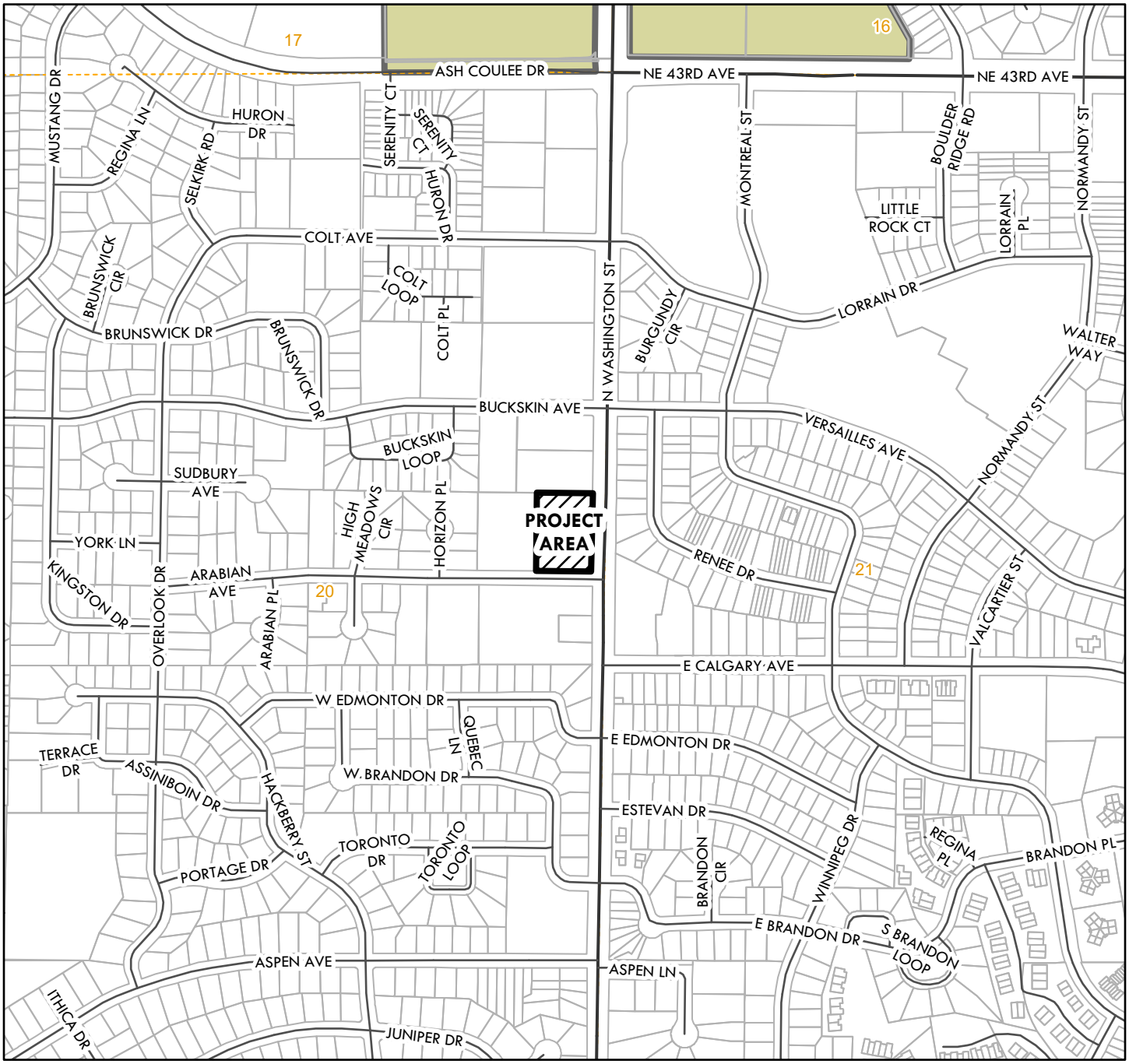
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Location Map

KMK ESTATES, E 250' OF L2, B3

ZC2020-012



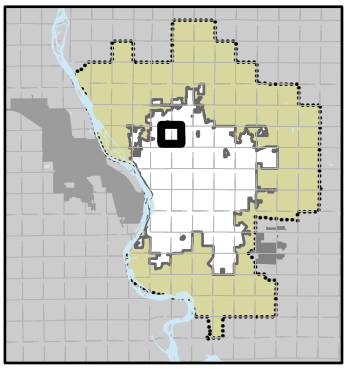
0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



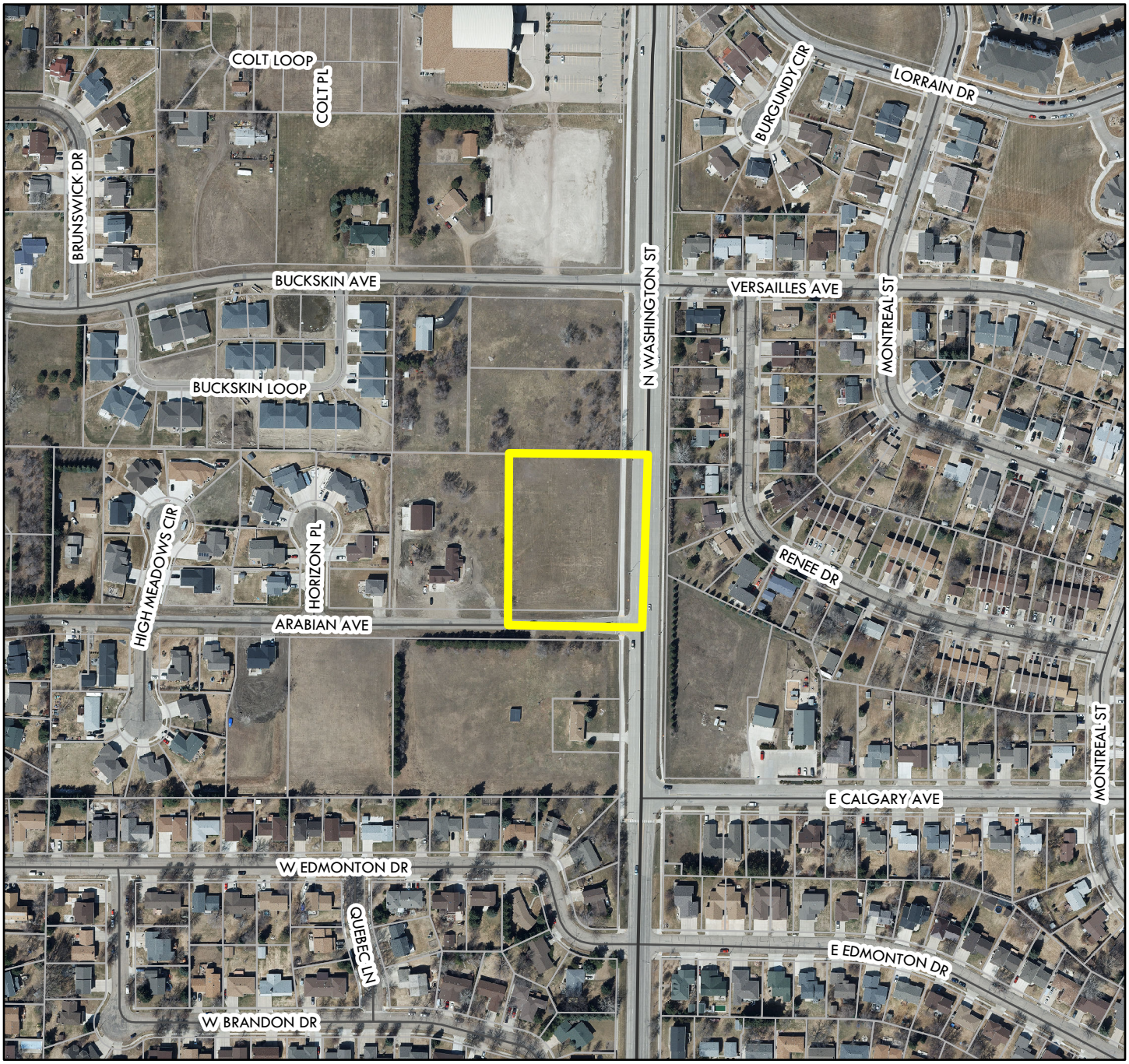
City of Bismarck
Community Development Department
Planning Division
December 14, 2020 (HLB)

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, B3

ZC2020-012

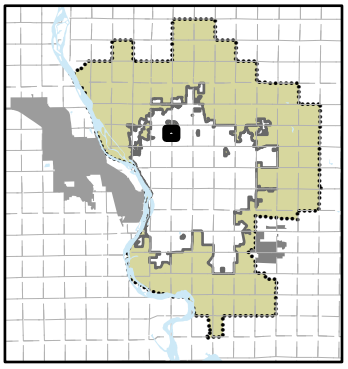


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City Limits Bismarck ETA Jurisdiction

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

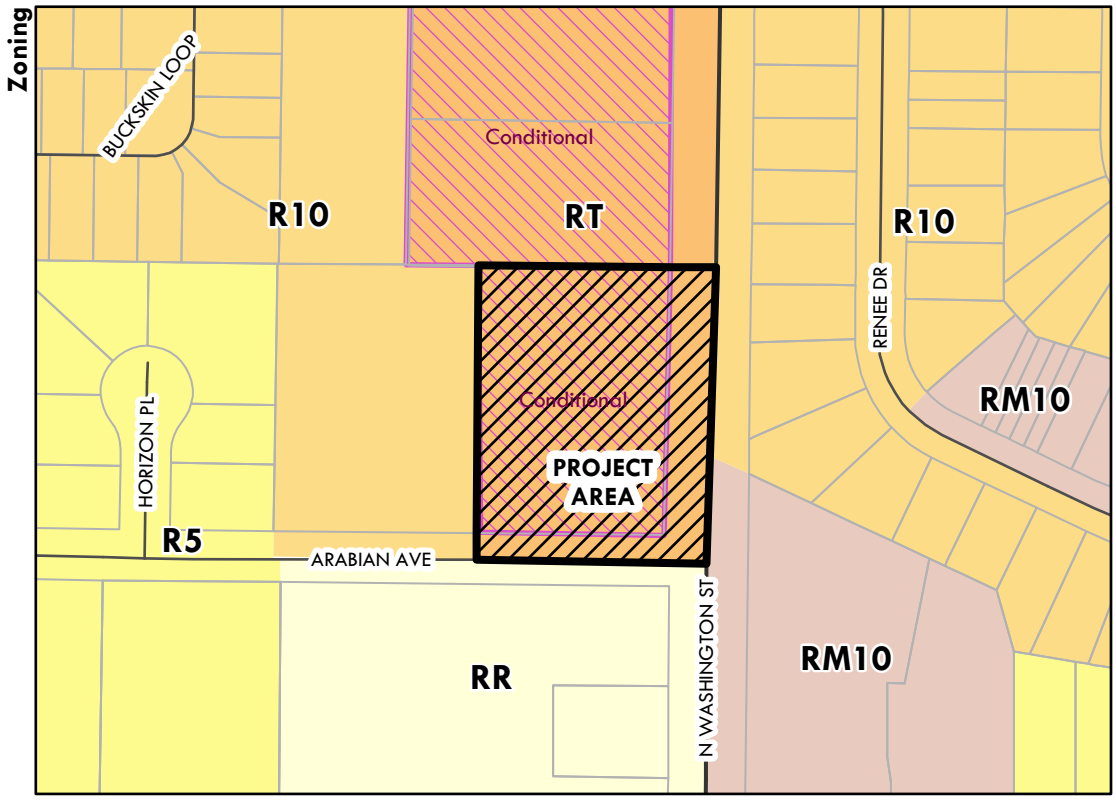
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RR	Rural Residential
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CG	Commercial
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MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

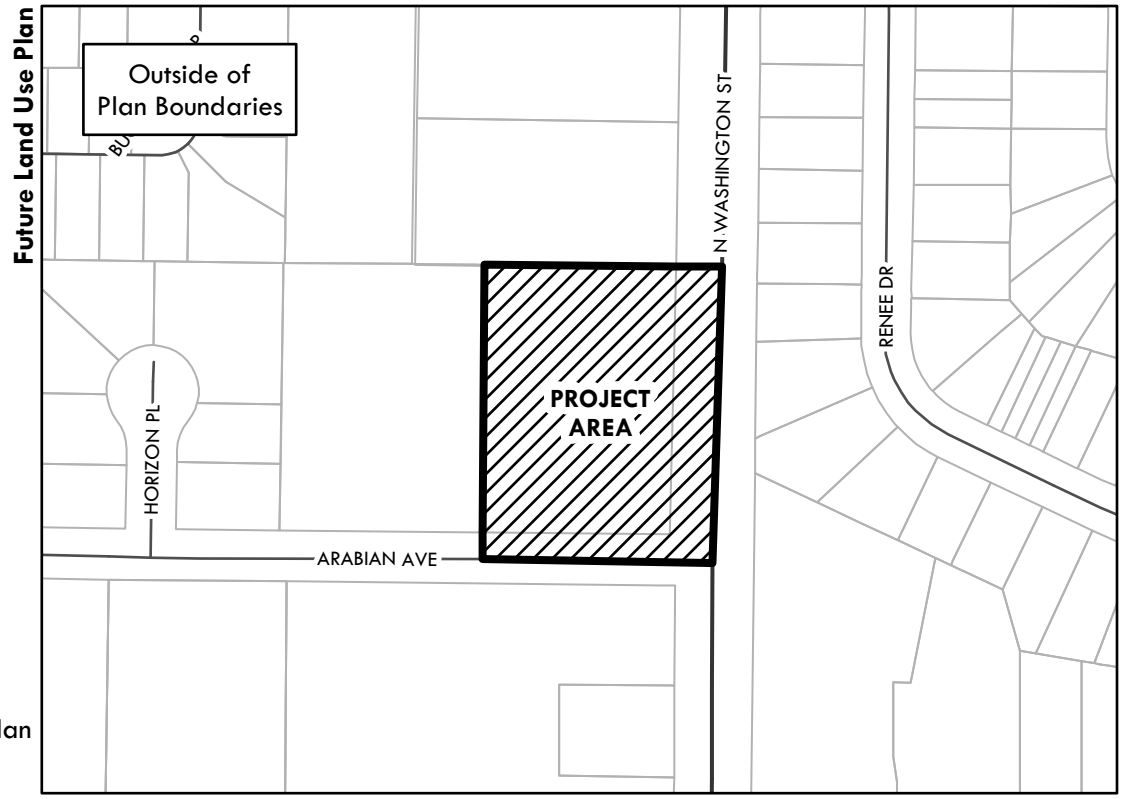
Future Land Use Plan

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C/MU	Commercial/ Mixed Use
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HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
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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 0.03 0.06 0.12 Miles

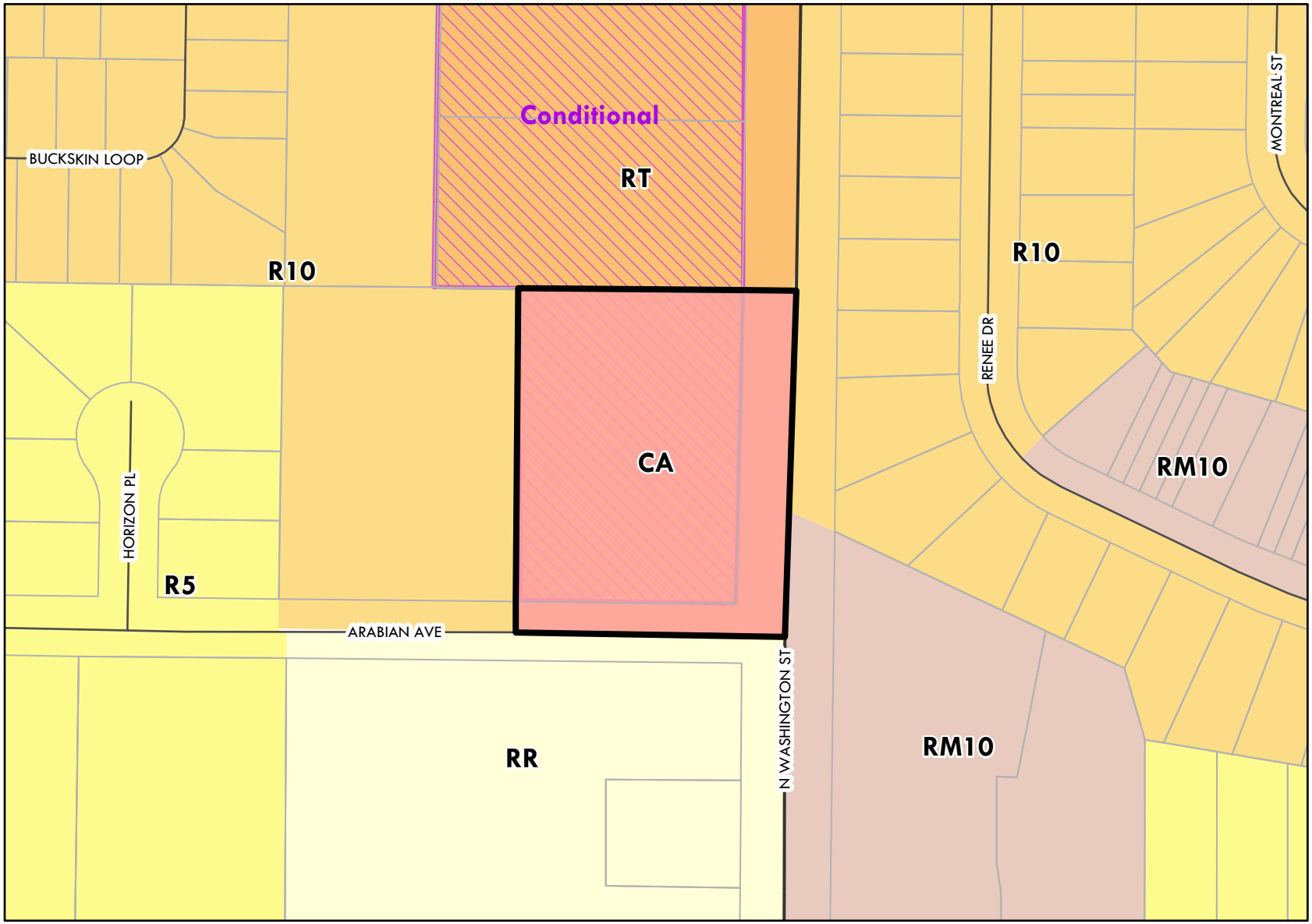
City of Bismarck
Community Development Dept.
Planning Division
January 13, 2021

Proposed Zoning Change

KMK ESTATES, E 250' OF L2, B3

ZC2020-012

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
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R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
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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

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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

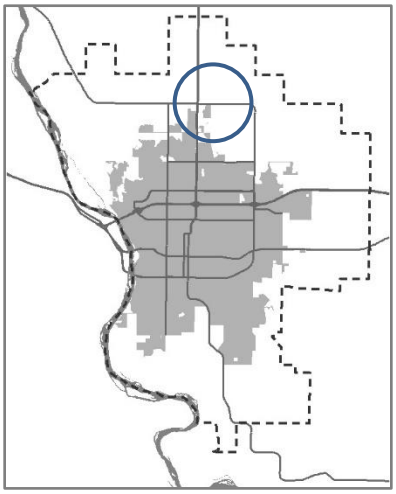
Agenda Item # 7
February 24, 2021

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 – Public Hearing
Owner(s):	KNA Holdings, LLP
Project Contact:	Josh Kuntz
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

KNA Holdings, LLP is 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 Subdivision Replat. KNA Holdings, LLP recently acquired the property from Larry LaBere et al, the

(continued)

original applicant, and has submitted written support of the proposed zoning change.

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing on February 24, 2021.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and 16 letters were mailed to the owners of nearby properties on February 12th .

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 approval of 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

(continued)

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

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).

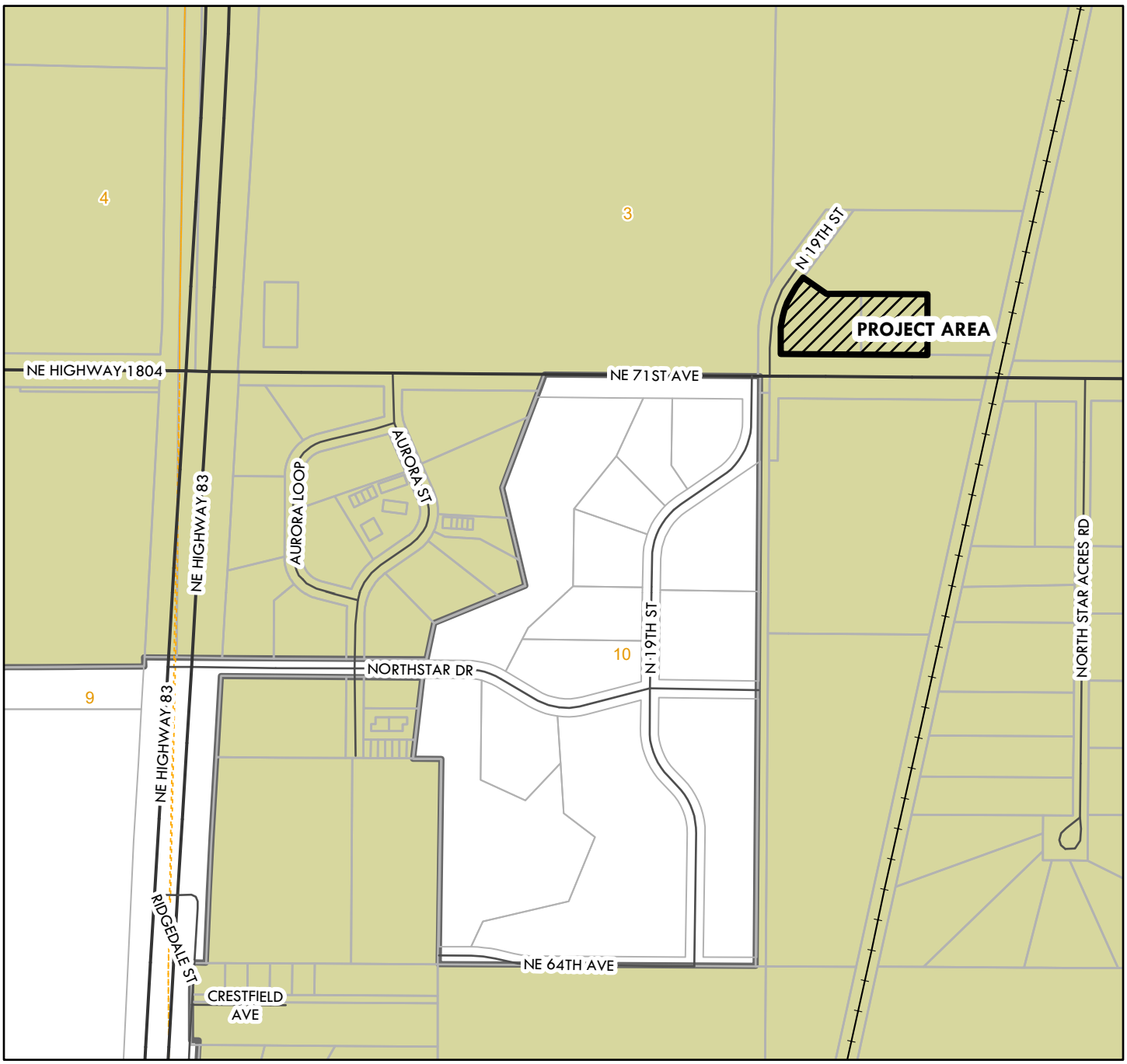
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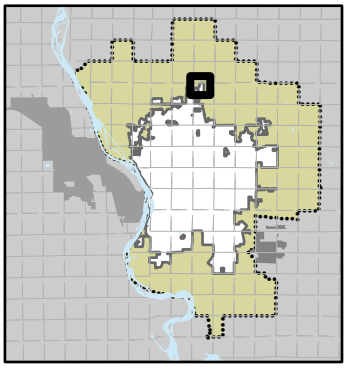
Location Map

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013



0 0.15 0.3 0.6 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 21, 2021 (HLB)

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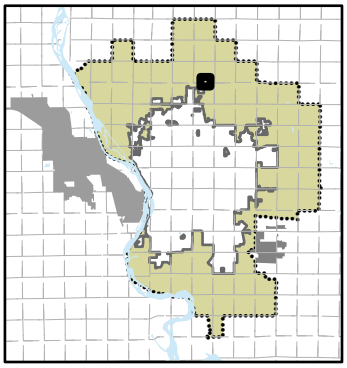


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City of Bismarck
Community Development Department
Planning Division
January 21, 2021

Zoning and Plan Reference Map

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013

Zoning Districts

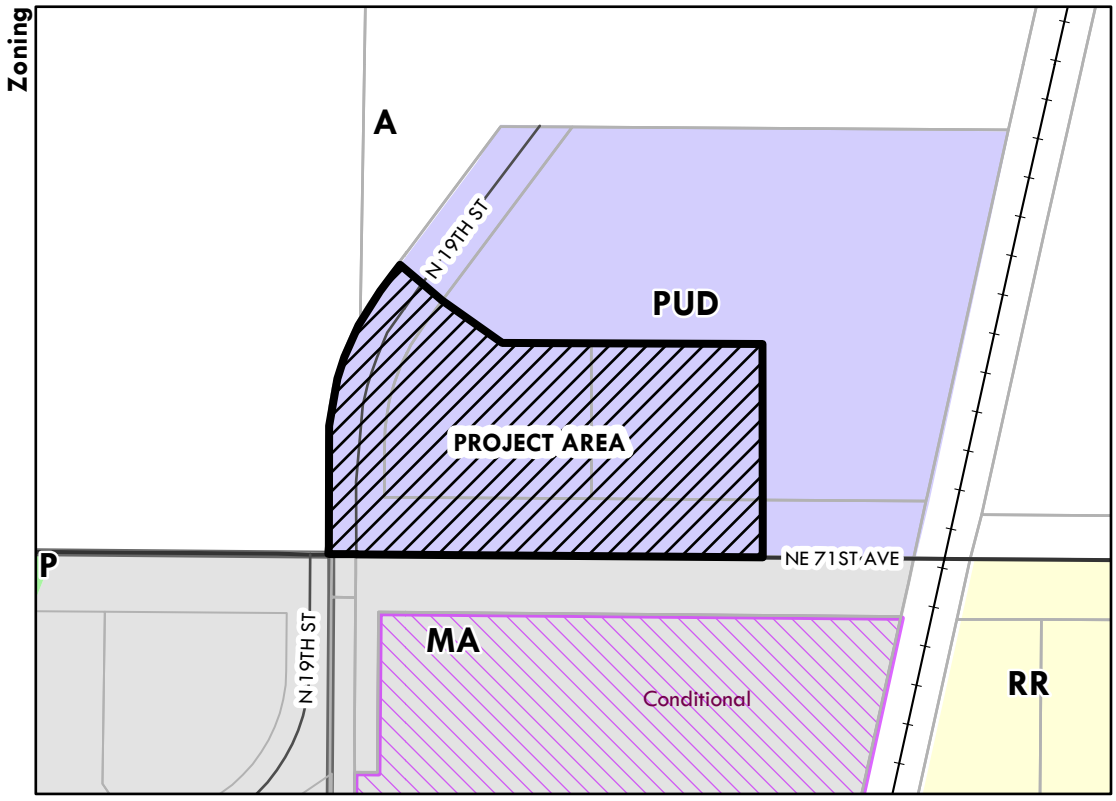
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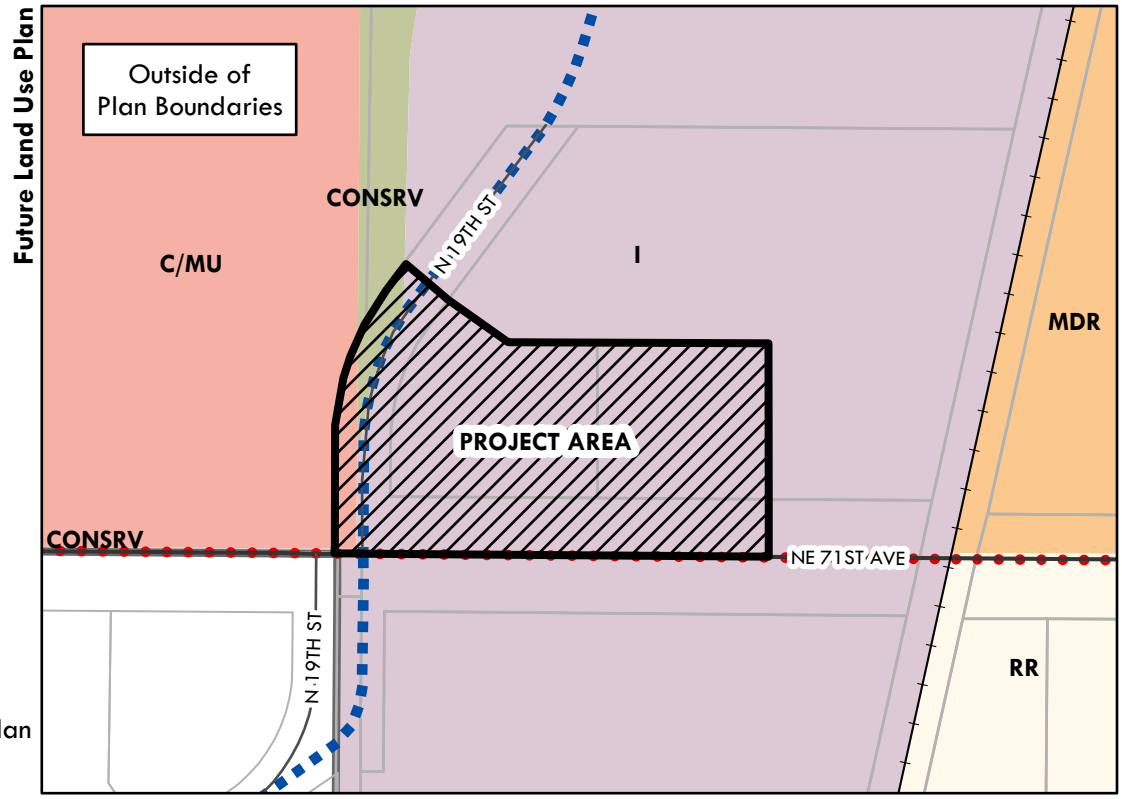
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Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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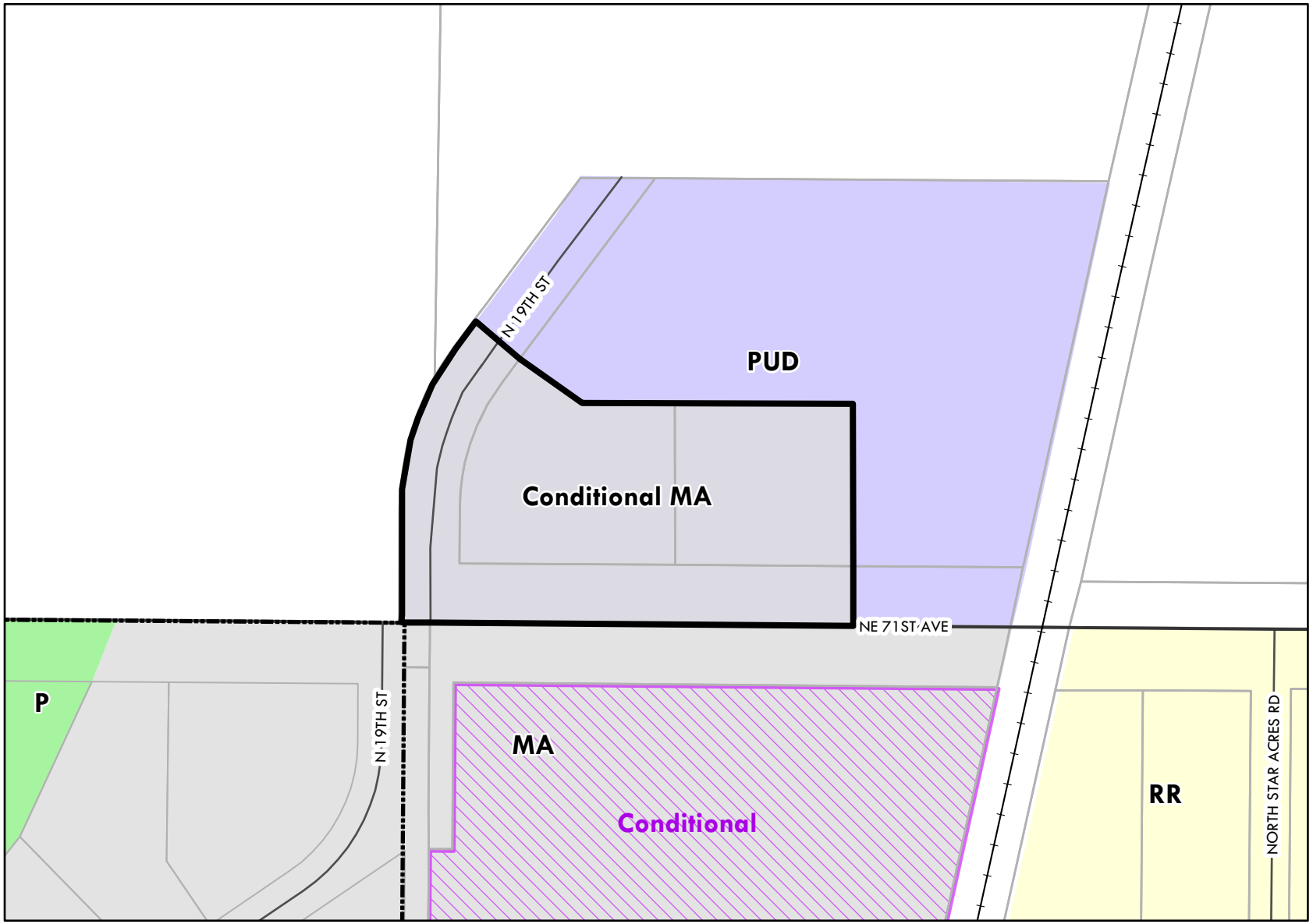
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

Proposed Zoning Change

HAY CREEK INDUSTRIAL REPLAT, L2 & 3, B1

ZC2020-013

Proposed New Zoning Map



Project Area (zoning within is proposed)

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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

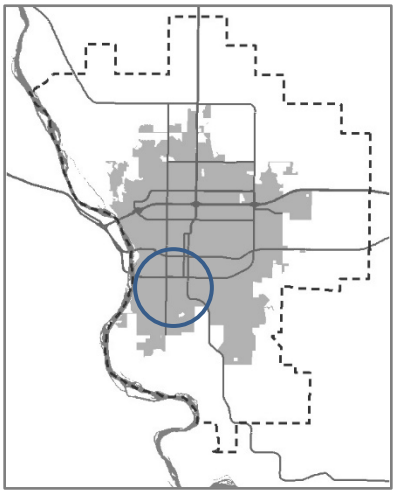
Agenda Item # 8
February 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-015

Project Summary

Title:	Lot 1, Block 19, Wachters Third Addition
Status:	Planning & Zoning Commission – Public Hearing
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 (1120 Laramie Drive)
Project Size:	15,257 square feet
Request:	Rezone property to RM30 – Residential to allow group dwellings 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)

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing on February 24, 2021.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and 109 letters were mailed to the owners of nearby properties on February 12th.

Adjacent uses include multi-family 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, previously used as a facility for family foster care, 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 approval of 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. Draft Ordinance Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

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

ORDINANCE NO. XXXX

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 R10-Residential zoning district and included in the RM15-Residential zoning district:

Lot 1, Block 19, Wachters Third Addition

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

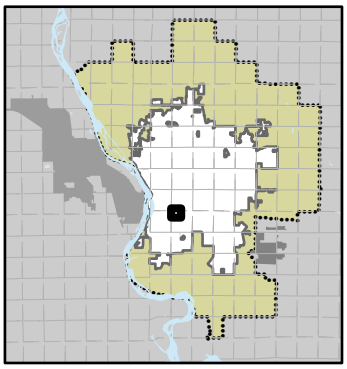
WACHTERS 3RD ADDITION, L1, B19

ZC2020-015



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

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015



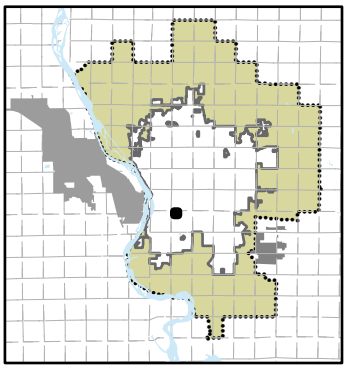
Miles

0 0.04 0.07 0.14

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

WACHTERS 3RD ADDITION, L1, B19

ZC2020-015

Zoning Districts

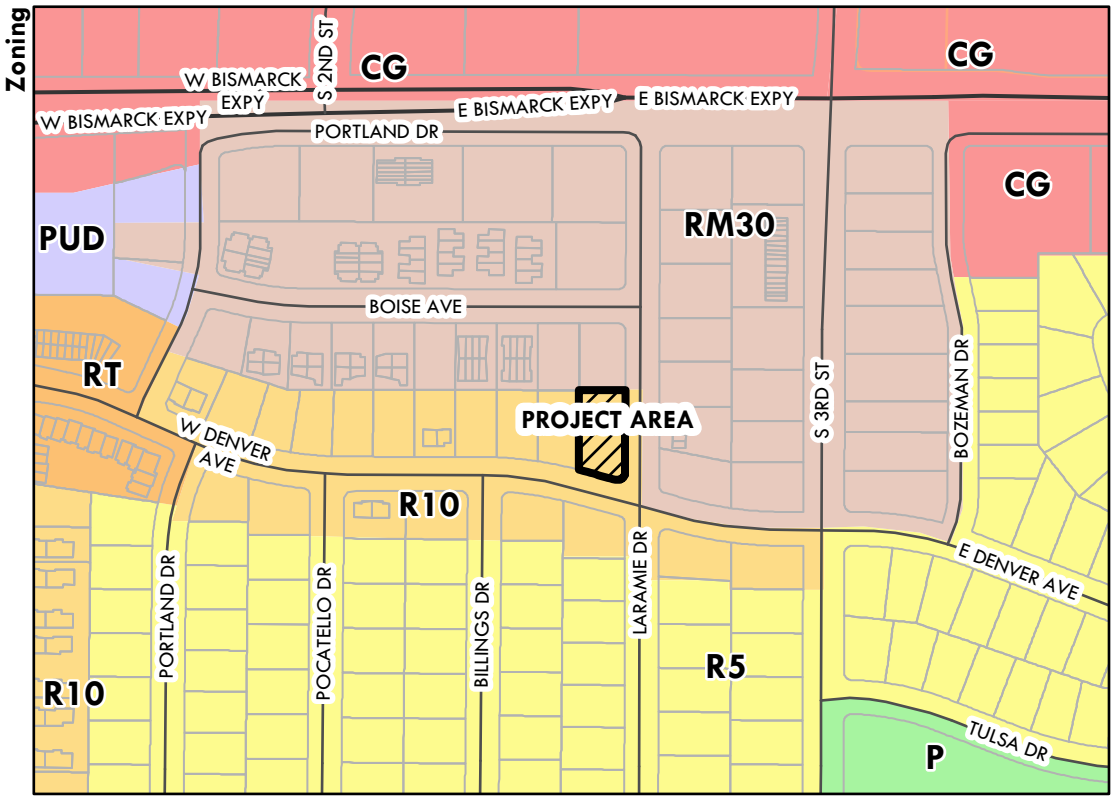
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

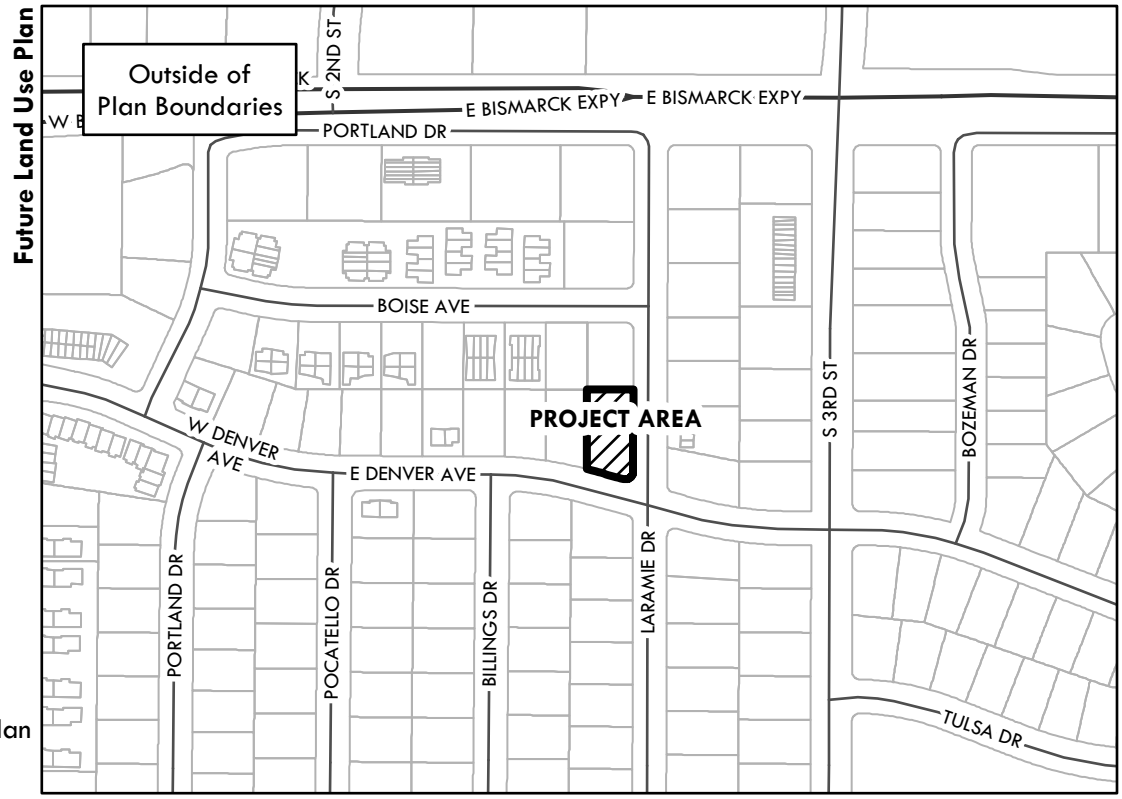
Future Land Use Plan

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
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

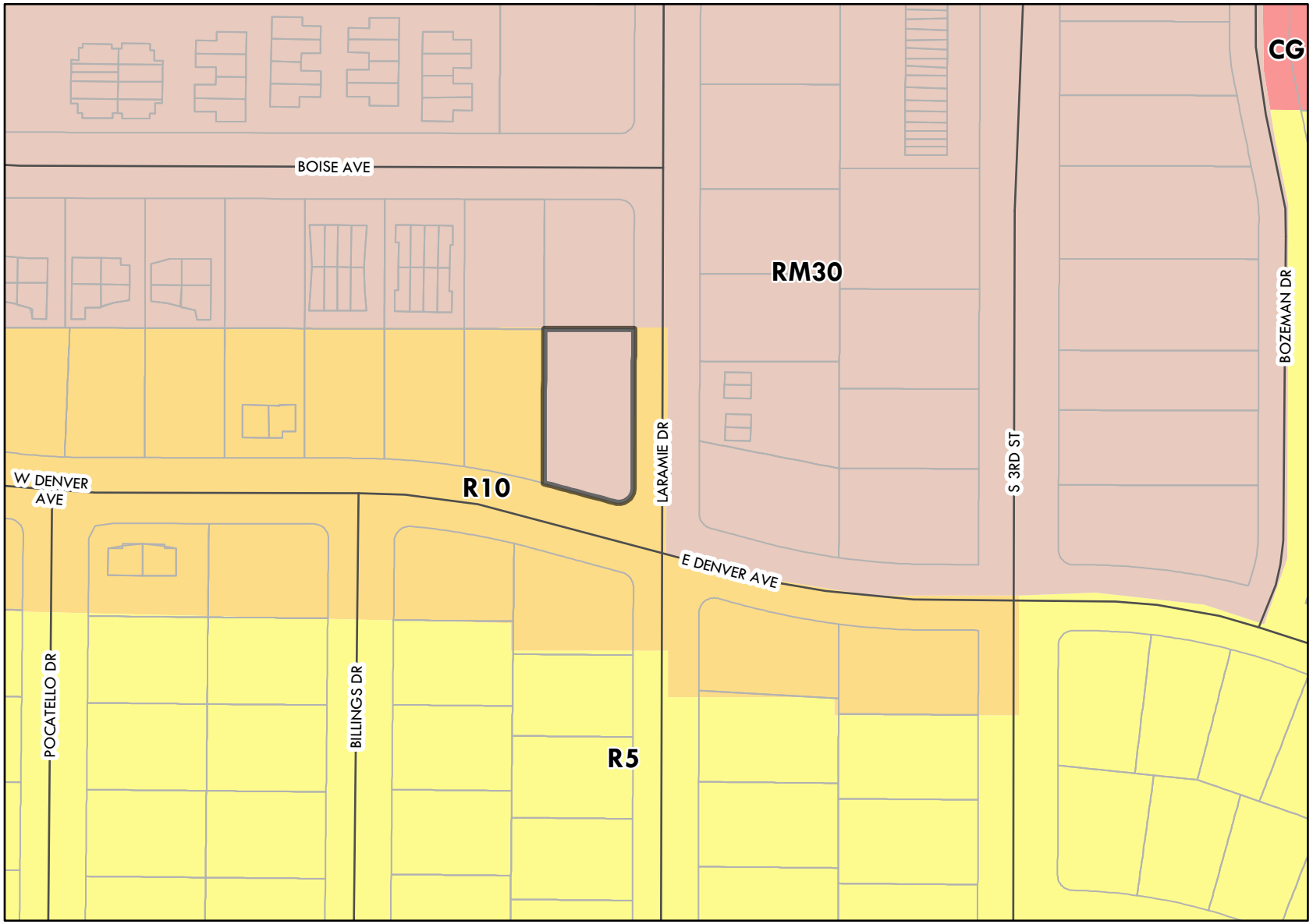
City of Bismarck
Community Development Dept.
Planning Division
January 21, 2021

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

N

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

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

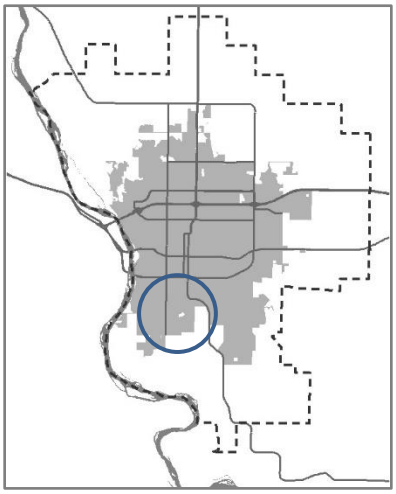
Agenda Item # 9
February 24, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2020-016

Project Summary

Title:	Lots 1-24, Block 6, Cottonwood Parkview Addition
Status:	Planning & Zoning Commission – Public Hearing
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.

The Planning and Zoning Commission considered this request at their meeting of January 27, 2021 and called for a public hearing.

(continued)

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 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.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and 41 letters were mailed to the owners of nearby properties on February 12th.

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

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

ORDINANCE NO. XXXX

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 Conditional R10 – Residential zoning district and included in the R10 – Residential zoning district:

Lots 1-24, Block 6, Cottonwood Parkview Addition

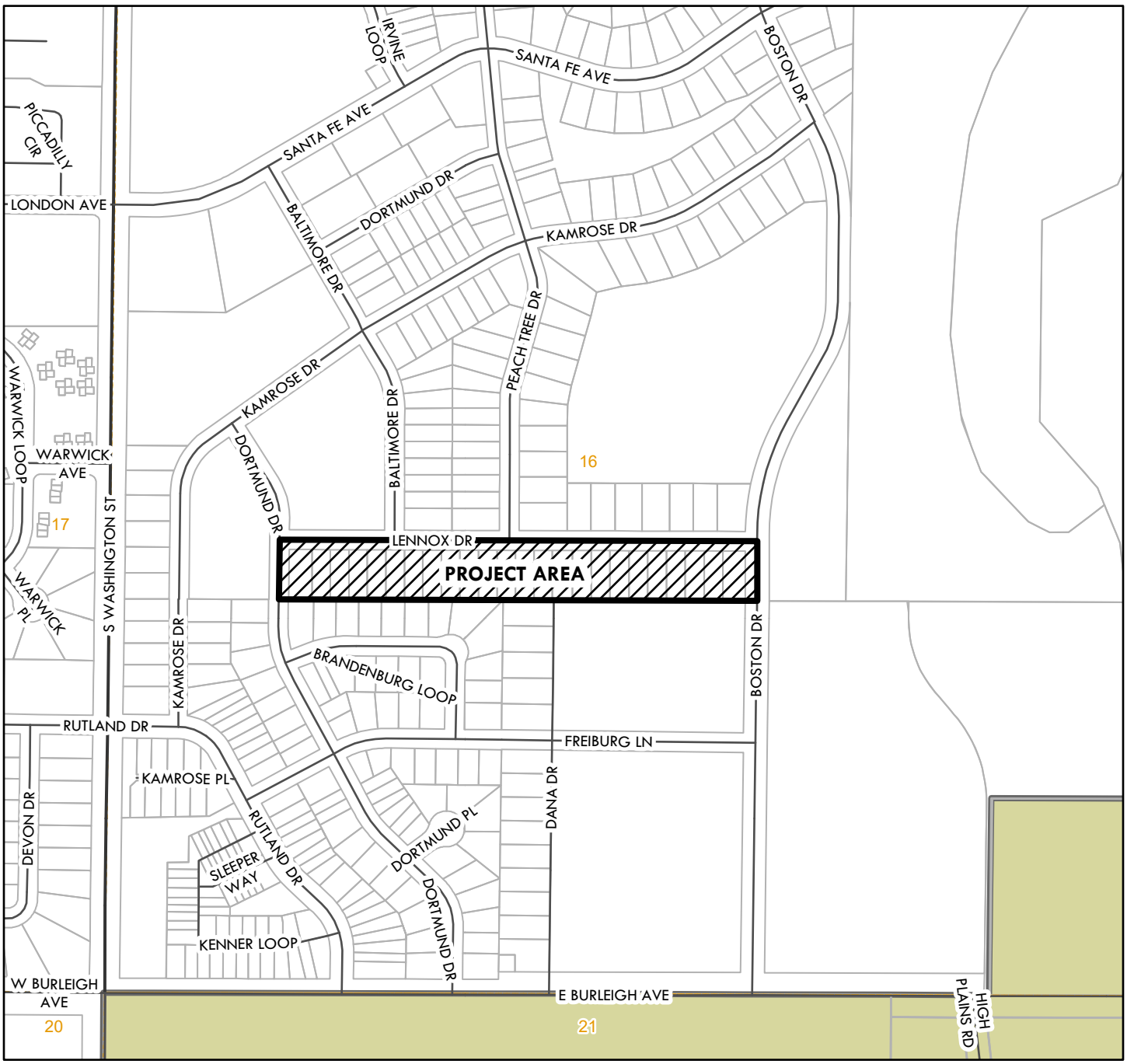
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

Location Map

COTTONWOOD PARKVIEW ADDITION, L1-24, B6

ZC2020-016



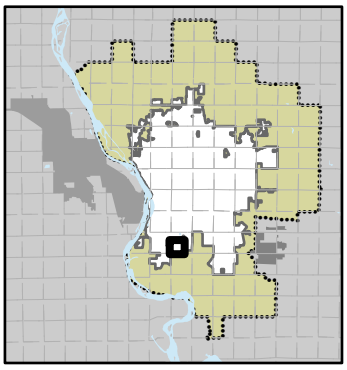
0 0.1 0.2 0.4 Miles

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

COTTONWOOD PARKVIEW ADDITION, L1-24, B6

ZC2020-016



0 0.1 0.2 0.4 Miles

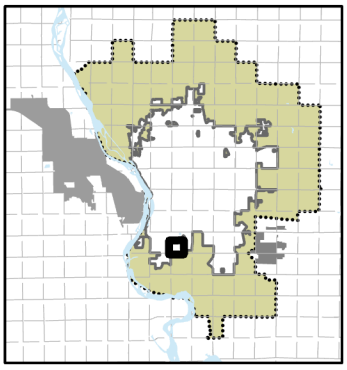
City Limits

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

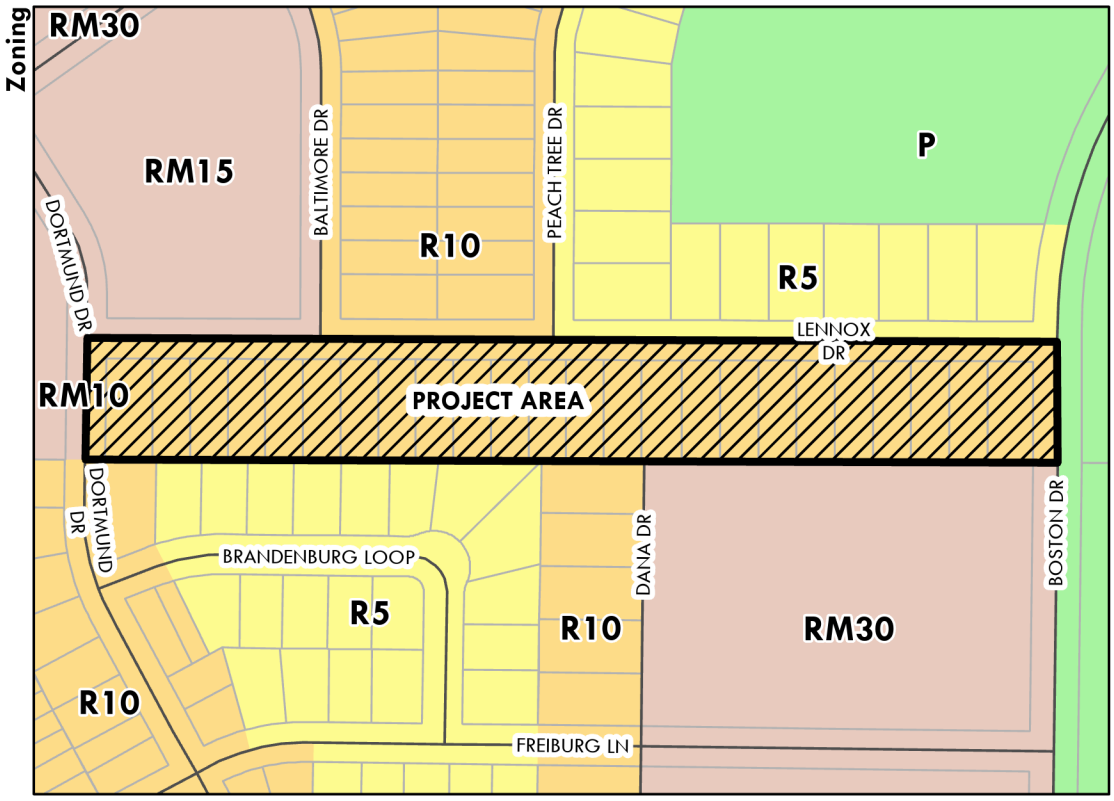
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
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DC	Downtown Core
DF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

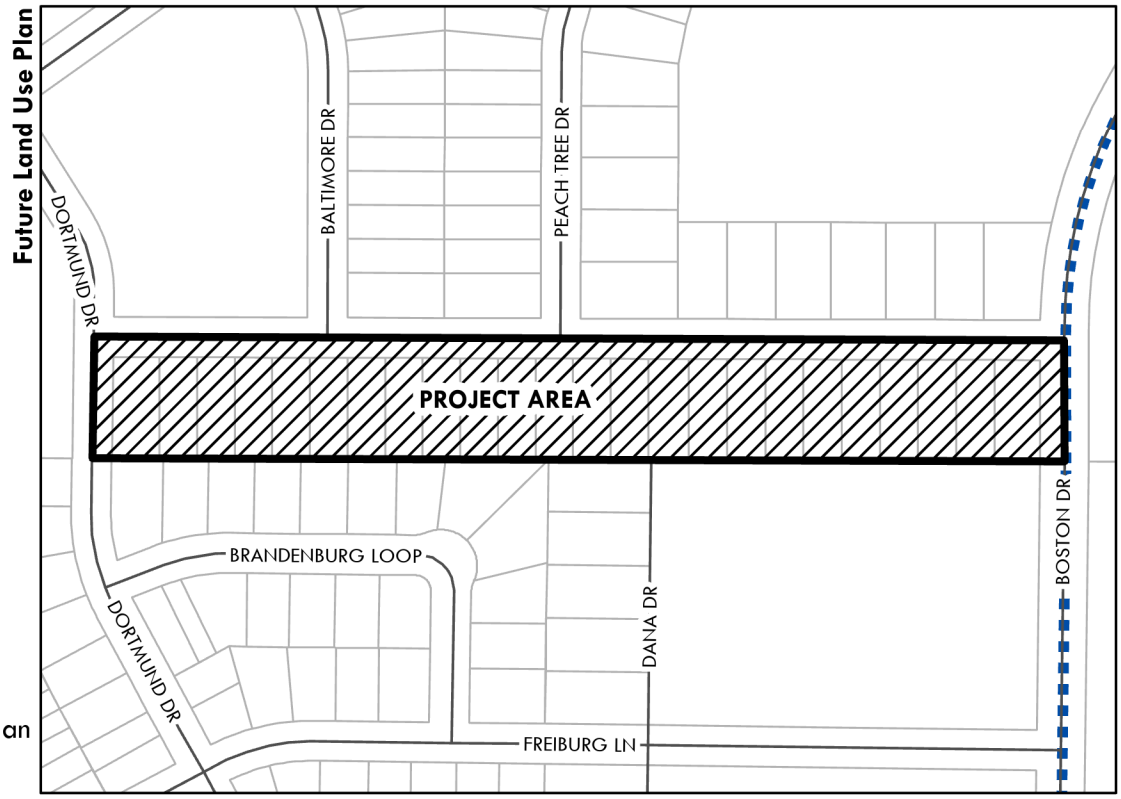
Future Land Use Plan

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





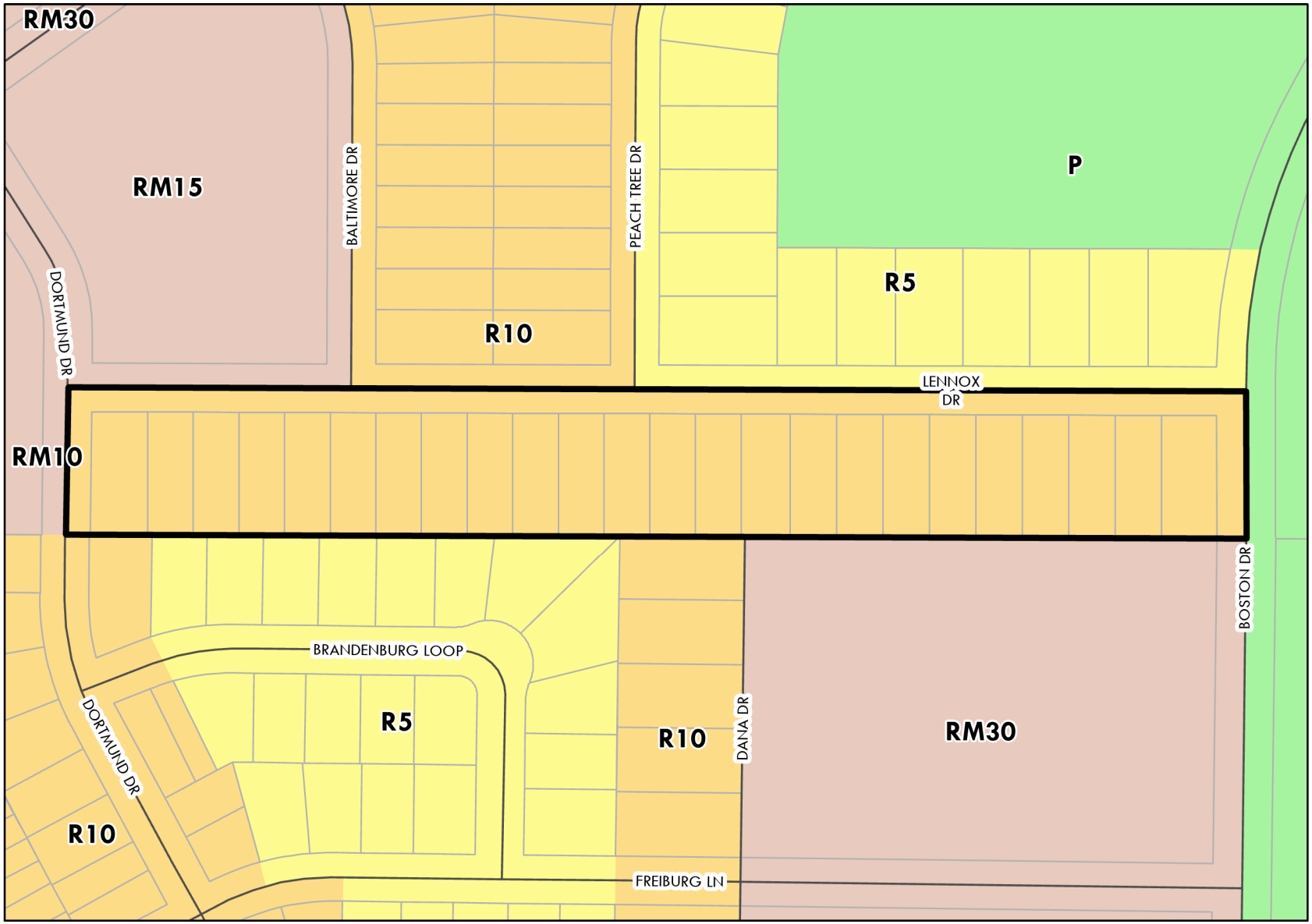
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Miles
0 0.04 0.07 0.15

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)
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

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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

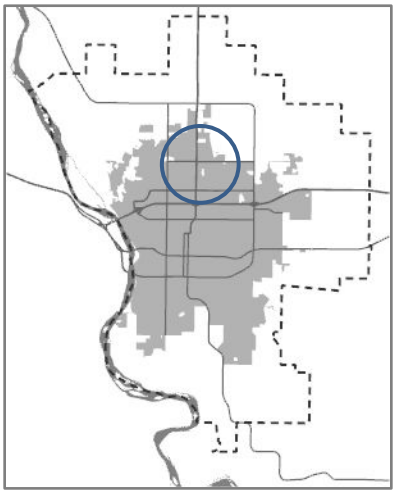
Agenda Item # 10
February 24, 2021

Application for: Special Use Permit

TRAKiT Project ID: SUP2021-001

Project Summary

Title:	Lot 1, Block 1, Capital Electric Headquarters Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Plains Commerce Bank
Project Contact:	Jessie Johnson (branch manager) Katie Vasbinder (consultant)
Location:	In north Bismarck, south of 43rd Avenue NE and east of State Street/US Highway 83 (4245 State Street)
Project Size:	63,486 square feet
Request:	Approval of a special use permit for a drive-through in conjunction with a financial institution



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Vacant	*Land Use:*	Financial institution with a drive-through
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:	CG – Commercial	*Zoning:*	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	*Max Density Allowed:*	CG – 42 units / acre

Property History

Zoned:	*6/2008*	*Platted:*	*3/2008*	Annexed:	Pre-1980

Staff Analysis

Plains Commerce Bank is requesting approval of a special use permit to allow for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Capital Electric Headquarters Addition.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 12th and February 19th, and six letters were mailed to the owners of nearby properties on February 12th.

Adjacent uses include a mixed use commercial and residential to the north across 43rd Ave NE, vacant land to the east, offices to the south, and municipal water reservoir to the west across State Street/US Highway 83.

The following criteria from Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses/Drive-in/Drive-through retail or service establishments) apply:

g. "Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, in a CG, MA or HM district; drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only in a CA district; and drive-in/drive-through facilities for banks only in the RT district, only when located adjacent to an arterial roadway, may be permitted as a special use provided:

1. *The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located."*

   Based on the site plan submitted with the application, these requirements will be met.

2. *"Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets."*

   Based on the site plan submitted with the application, this requirement will be met.

3. *"Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided."*

   The building size indicated on the site plan submitted with the application is 10,000 square feet. For the proposed use, one parking space is required for each 360 square feet of gross floor area. A total of 28 parking spaces is required and 45 parking spaces are indicated on the site plan. Based on the submitted site plan this requirement will be met.

   For financial institutions with a teller, 4 stacking space are required for the first lane and 3 spaces for each additional lane. Based on the site plan submitted with the application, this requirement will be met.

4. *"Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street."*

   Based on the site plan submitted with the application, the proposed access point will be located 147 feet from the intersection of State Street/US Highway 83 (arterial) and 43rd Ave NE (arterial). This requirement will be met.

5. *"All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer."*

(continued)

The access to this site is from a frontage road that is located within the far edge of the right-of-way for State Street/US Highway 83. As currently constructed properties along this frontage road do not have sidewalks. Currently, this requirement is not applicable. If sidewalks are added in the future, staff will ensure this requirement is met.

6. "On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines."

Per the site plan submitted with the application this provision appears to be met. Upon submittal of a site plan review application, staff will review the proposed trees and shrub species to ensure this requirement is met.

Required Findings of Fact (relating 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; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit to allow for a drive-through in conjunction with a financial institution on Lot 1, Block 1, Capital Electric Headquarters Addition with the following condition:

1. Site development must generally conform to the submitted site plan.

Attachments

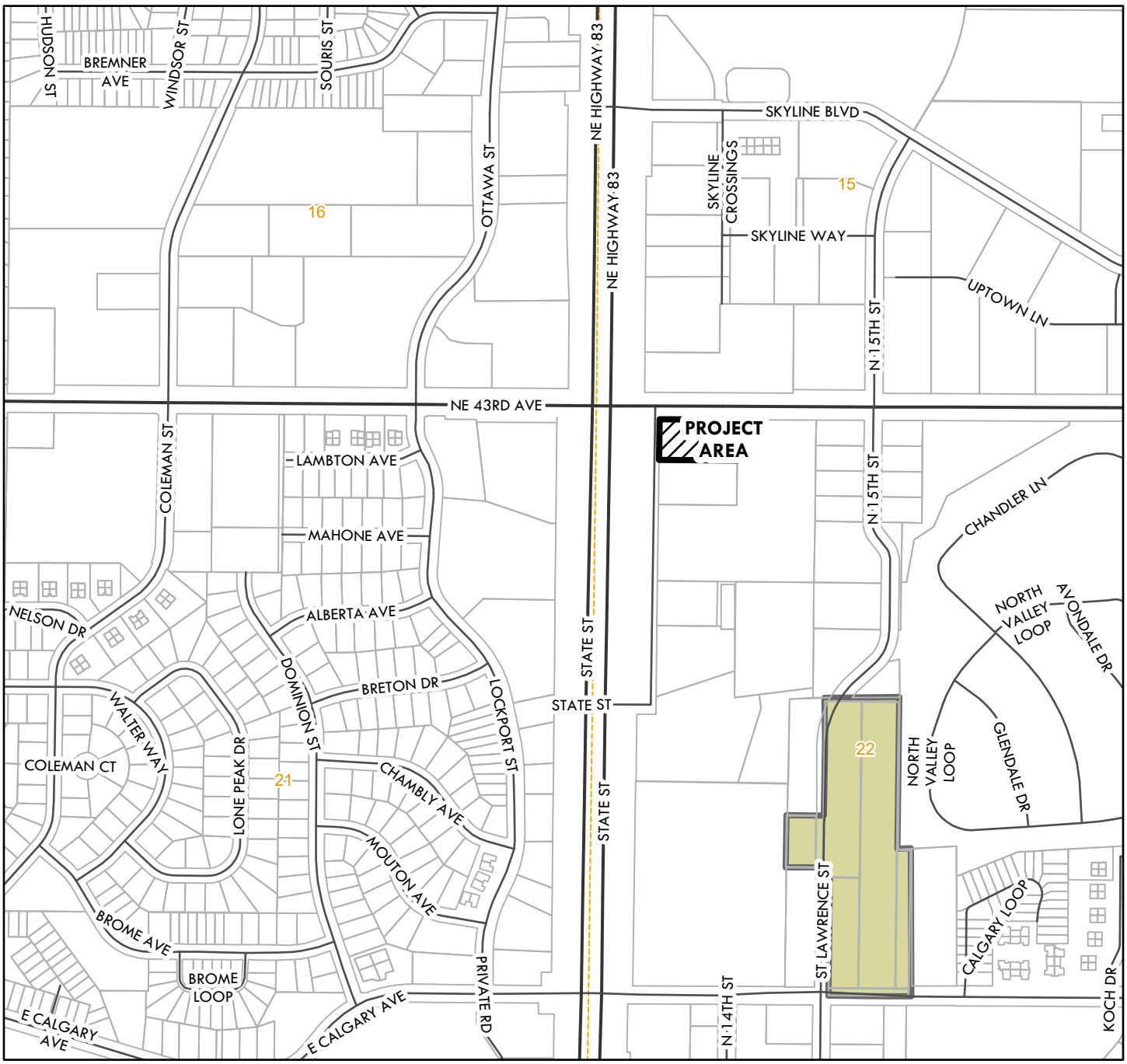
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Site Plan

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

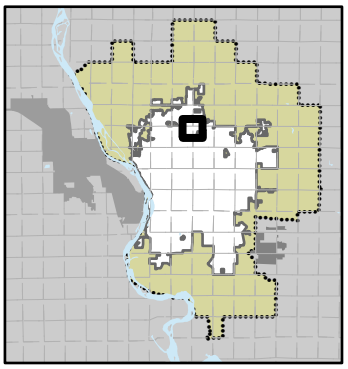
Location Map

CAPITAL ELECTRIC HEADQUARTERS ADDITION, L1, B1

SUP2021-001



0 0.15 0.3 0.6 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 26, 2021 (HLB)

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Aerial Map

CAPITAL ELECTRIC HEADQUARTERS ADDITION, L1, B1

SUP2021-001

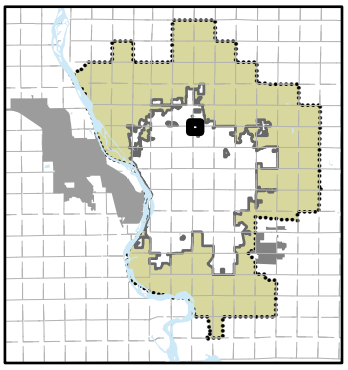


0 0.07 0.15 0.3 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Community Development Department
Planning Division
February 18, 2021

Zoning and Plan Reference Map

CAPITAL ELECTRIC HEADQUARTERS ADDITION, L1, B1

SUP2021-001

Zoning Districts

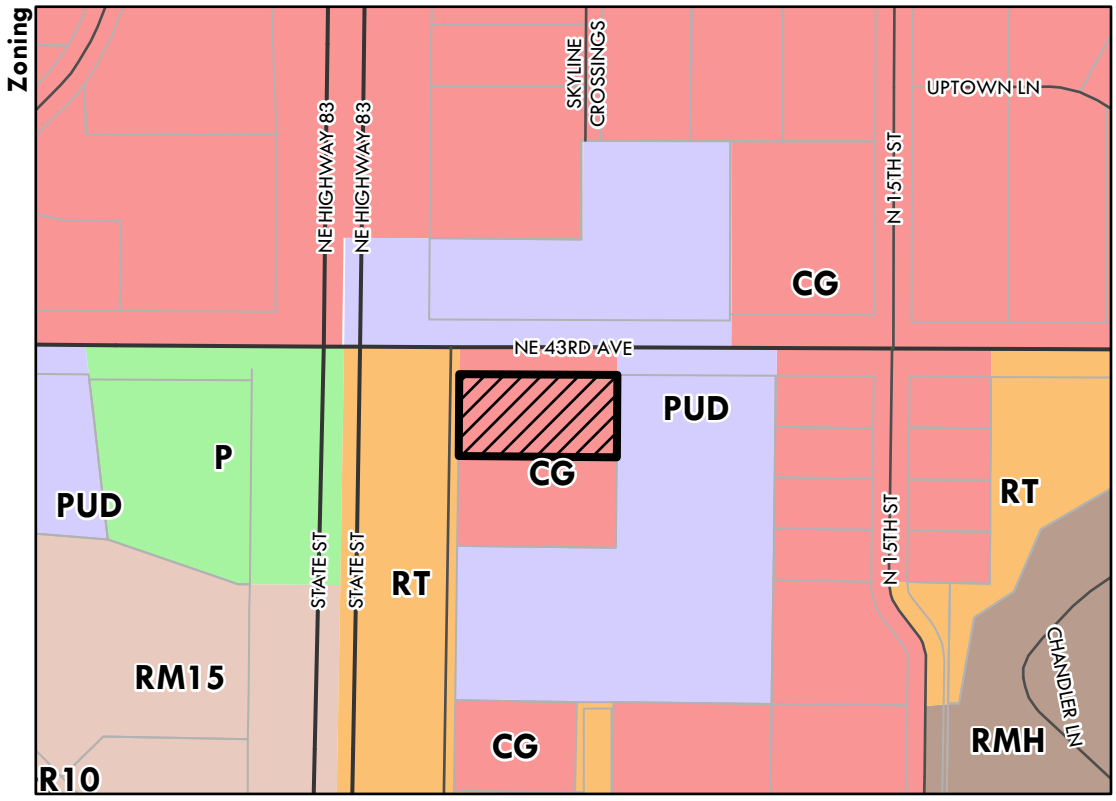
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

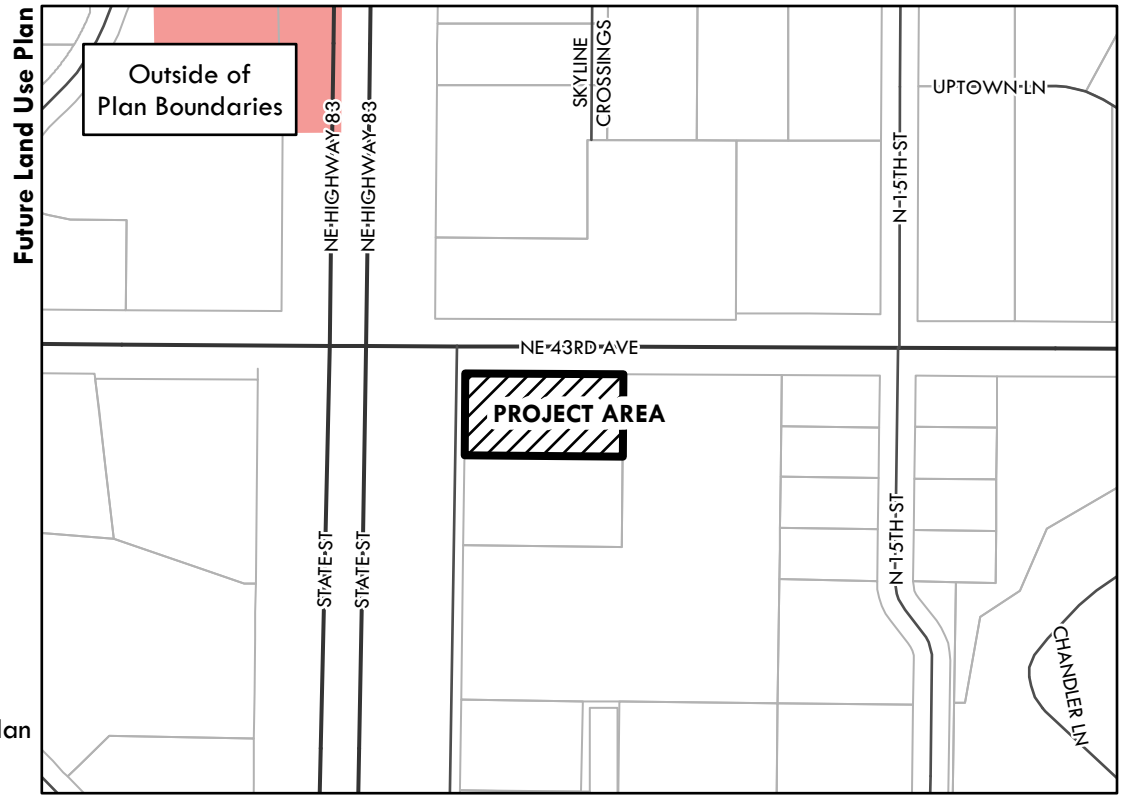
Future Land Use Plan

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



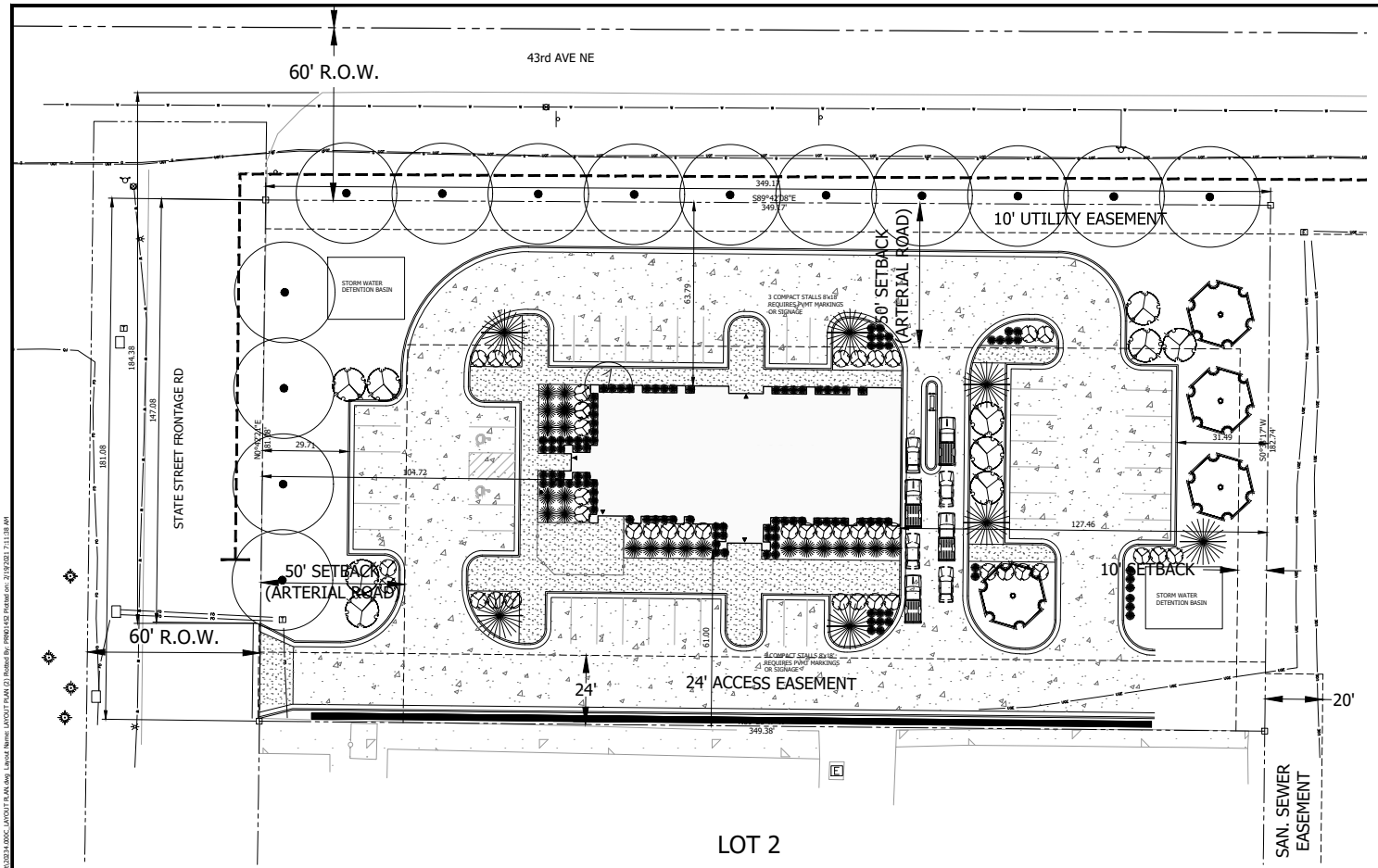


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0 0.05 0.1 0.2 Miles

City of Bismarck
Community Development Dept.
Planning Division
February 18, 2021

BAR IS ONE INCH ON OFFICIAL DRAWINGS. 0 1" IF NOT ONE INCH, ADJUST SCALE ACCORDINGLY.



SITE PLAN NOTES

1. TWO STORY BUILDING WITH DRIVE THROUGH. BANK ON FIRST FLOOR, SECOND FLOOR OFFICE SPACE.
2. FIRST FLOOR SQUARE FEET = 5,000
3. SECOND FLOOR SQUARE FEET= 5,000
4. BUILDING HEIGHT
   TOP OF PARAPET = 26'-8" - 27'-0"
   LOBBY/ATRIUM = 30'-0" - 32'-0"
5. 39 PROPOSED PARKING STALLS (INCLUDES 2 ADA STALLS)
6. 6 PROPOSED COMPACT PARKING STALLS

Bartlett & West
www.bartlettwest.com

SITE PLAN

PLAINS COMMERCE BANK
4245 STATE STREET
BISMARCK, NORTH DAKOTA

PLANNING ONLY

DESIGNED BY:	PRN
DRAWN BY:	PRN
APPROVED BY:	CBC
DESIGN PROJ:	20234.000
CONST PROJ:	----
SCALE:	AS NOTED
DATE:	FEBRUARY 2021
DRAWING NO:	C300
SHEET NO:	1 of 1

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Last edit on: 2/19/2021 7:10 AM by: PRN01452 Drawing Name: F:\Proj\20000\20234\20234.000\AutoCad\Plan Set\20234.000C_LAYOUT PLAN.dwg Layout Name: LAYOUT PLAN (2) Plotted By: PRN01452 Plotted on: 2/19/2021 7:11:38 AM

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 11
February 24, 2021

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2021-001

Project Summary

Title:	Domestic Distilleries and Microbrew Pubs
Status:	Planning & Zoning Commission – Public Hearing
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 provisions for microbreweries, and to allow brewer tap rooms and domestic distilleries.

Staff Analysis

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment to revise terminology used for brewpubs, microbreweries and microbrew pubs; allow for domestic distilleries and brewer taprooms and assign each as permitted or special 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.

The Planning and Zoning Commission tentatively approved the draft amendments on January 27, 2020 and called for a public hearing.

Staff conducted additional research on the request, specifically the existing terminology used in the current zoning ordinance for microbreweries and brewpubs and current North Dakota Century Code. Upon further investigation, staff discovered 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 other domestic distilleries.

Domestic distilleries are also commonly known as "craft distilleries" or "micro distilleries". The emergence of

(continued)

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.

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.

What is a brewer taproom

A brewer taproom is a larger operation that produces brewed malt beverage or beer and allows for on-site consumption as well as wholesale and sale directly to consumers. The maximum amount of production allowed for a brewer taproom may not exceed 25,000 barrels of beer per year per North Dakota Century Code.

Current Ordinance Regulations

Currently, the City of Bismarck zoning ordinance uses two terms for these types of facilities: microbrewery and brewpub. 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 a permitted use in the 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 community 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 microbrew pubs and domestic distilleries both be 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 incompatibility with adjacent land uses.

Since the production level of a brewer taproom is larger, they would only be a permitted use in the MA – Industrial zoning districts.

(continued)

Building Code Considerations

Domestic distilleries may be subject to 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 the 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.

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.

Existing Microbreweries

Currently there are 3 microbreweries permitted as special uses operating within the City of Bismarck:

1. Gideons Brewery (DC – Downtown Core)
2. Stonehome BrewPub (PUD – Planned Unit Development)
3. Bismarck Brewing (CG – Commercial)

Under the proposed changes these facilities would be permitted as allowable uses under the microbrew pub definition.

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 approval of 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, brewer taprooms, 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 BREWPUBS, BREWER TAPROOMS, MICROBREWERIES, MICROBREW PUBS 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.~~

* * * * *

Brewer Taproom: A facility that manufacturers no more than 25,000 barrels of fermented malt beverage per

year for wholesale, sale directly to consumer or for consumption on the premises. A brewer taproom may be co-located within a restaurant or a separate stand-alone facility.

* * * * *

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 or 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.

q. Brewer Taproom

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,		P	P

	professional, medical or financial services.			
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 use – fees may or may not be charged.	X	SUP	SUP
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	X	P	P

	are not allowed within the Downtown Core.			
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.

* * * * *

a. Domestic Distillery. Domestic Distilleries are facilities that manufacture 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.

~~a~~b. Drive-through Facilities. Drive-through facilities are any portion of a building from which business is transacted, or capable of being transacted, directly with customers located in a motor vehicle. Such a facility is usually accessory to a principal use and may also be referred to as a drive-in or drive-up. Examples include drive-through windows at financial institutions and restaurants.

~~b~~c. Entertainment Event, Major. Major entertainment events are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Examples include stadiums, sports arenas, auditoriums, exhibition halls, convention centers and fairgrounds. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.

~~c~~d. ~~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.

~~d~~e. Office. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. Examples include professional services such as lawyers, accountants, engineers or architects; financial businesses such as lenders, brokerage houses, bank headquarters or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics; medical and dental labs; and blood-collection facilities.

~~e~~f. Parking, Accessory. Accessory parking facilities provide parking that is accessory to a specific use, but not located on the same parcel as the use. Examples include short and long-term parking facilities, both surface and in structures. A facility that provides both accessory parking for a specific use and fee parking for people not connected to the use is classified as a commercial parking facility.

~~f~~g. Parking, Commercial. Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and fee parking for people not connected to the use is also classified as a commercial parking facility. Examples include short and long-term parking facilities, both surface and in structures.

~~g~~h. Retail Sales and Services. Retail sales and services are firms that are involved in the sale, lease

or rent of 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. Examples of retail sales and services are broken down into four categories: sales-oriented, personal-service-oriented, entertainment-oriented, and repair oriented.

Examples of sales-oriented uses include stores selling, leasing or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery and videos; food sales; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light trucks and other recreational vehicles.

Examples of personal services-oriented uses include branch banks; laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians (out-patient only); and animal grooming.

Examples of entertainment-oriented uses include restaurants, cafes, delicatessens, brewpubs, bars and taverns; indoor entertainment activities such as bowling alleys, ice rinks, game arcades, and pool halls; dance halls; indoor firing ranges; theaters; health clubs and gyms; membership clubs and lodges; and hotels, motels and other temporary lodging with an average stay of less than 30 days, including bed and breakfast facilities.

Examples of repair-oriented uses include repair of televisions, bicycles, clocks, watches, shoes, guns,

appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

This category does not include self-service storage uses, adult entertainment centers, animal hospitals or kennels, off-premise advertising signs or microbreweries.

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.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 27, 2021

The Bismarck Planning & Zoning Commission met on January 27, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Schwartz presided.

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

Commissioners Brian Eiseman and Wendy Van Duyne were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the December 16, 2020 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the December 16, 2020 meeting, as presented. Commissioner Bakken seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion.

CONSIDERATION

2. **MEMORY THIRD ADDITION – PRELIMINARY PLAT AND ZONING CHANGE**
3. **EAST 250 FEET OF LOT 2, BLOCK 2, KMK ESTATES – ZONING CHANGE**
4. **LOTS 2 AND 3, BLOCK 1, HAY CREEK INDUSTRIAL REPLAT – ZONING CHANGE**
5. **LOTS 3 AND 4, BLOCK 6, FISHER ADDITION – ZONING CHANGE**
6. **LOT 1, BLOCK 19, WACHTERS THIRD ADDITION – ZONING CHANGE**
7. **LOTS 1-24, BLOCK 6, COTTONWOOD PARKVIEW ADDITION – ZONING CHANGE**
8. **PART OF LOT 2, BLOCK 1, REPLAT OF MILLS FIRST SUBDIVISION – ZONING CHANGE**
9. **DOMESTIC DISTILLERIES AND MICROBREW PUBS – ZONING ORDINANCE TEXT AMENDMENT**

Chair Schwartz called for consideration of the following consent agenda items:

2. Memory Third Addition – Zoning Change and Preliminary Plat
3. East 250 feet of Lot 2, Block 2, KMK Estates – Zoning Change
4. Lots 2 and 3, Block 1, Hay Creek Industrial Park Replat – Zoning Change
5. Lots 2 and 4, Block 6, Fisher Addition – Zoning Change
6. Lot 1, Block 19, Wachters Third Addition – Zoning Change
7. Lots 1-24, Block 6, Cottonwood Parkview Addition – Zoning Change
8. Part of Lot 2, Block 1, Replat of Mills First Subdivision – Zoning Change
9. Domestic Distilleries and Microbrew Pubs – Zoning Ordinance Text Amendment

Commissioner Martin said he would like to remove item #7, a zoning change request for Lots 1-24, Block 6, Cottonwood Parkview Addition, for discussion.

Commissioner Levchak said he would like to remove item #2, a request for a preliminary plat and zoning change for Memory Third Addition, for discussions as he is uncomfortable doing anything further with the request without input from the neighboring property owners.

Chair Schwartz said he will pull items #2 and #7 for discussion.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve consent agenda items 3, 4, 5, 6, 8 and 9, calling for public hearings on the items as recommended by staff. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion.

Chair Schwartz called for discussion on agenda item #2.

Commissioner Levchak said the staff recommendation on agenda item #2, a zoning change and preliminary plat for Memory Third Addition, is tentative approval to an area already in upheaval without any input from the adjacent neighborhood. He said he is uncomfortable giving tentative approval.

Mr. Ehreth explained that it is typical to not have a public hearing at this time as it is a consent agenda item, but that would happen upon receipt of the final plat application and the adjacent property owner notification process.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve consent agenda item #2, calling for a public hearing and granting tentative approval on the items as recommended by staff. Commissioner Laning seconded the motion and it was approved with Commissioners Bakken, Bitner, Laning, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion. Commissioner Levchak opposed the motion.

Chair Schwartz called for discussion on agenda item #7.

Commissioner Martin said he needs to abstain from voting on this item.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to approve consent agenda item F, calling for a public hearing on the item as recommended by staff. Commissioner Bakken seconded the motion and it was approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Wangen, Zent and Schwartz voting in favor of the motion. Commissioner Martin abstained.

FINAL CONSIDERATION – ANNEXATION
PART OF SATTLER'S SUNRISE TENTH ADDITION

Chair Schwartz called for final consideration of the annexation of part of Sattler's Sunrise Tenth Addition. The property is located in northeast Bismarck, east of Centennial Rd and north of East Century Avenue on an extension of Tyndale Avenue.

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

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.

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

Mr. Nairn said, based on these 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's Sunrise Tenth Addition.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend 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. Commissioner Martin seconded the motion and the motion was unanimously approved with

Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PARTS OF PROMONTORY POINT VI ADDITION AND PROMONTORY POINT VII ADDITION

Chair Schwartz called for final consideration of the annexation of parts of Promontory Point VI Addition and Promontory Point VII Addition. The property is located in northwest Bismarck, west of Tyler Parkway and at the northwestern end of Valley Drive.

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

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.

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

Mr. Nairn said, based on these 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 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, 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.

Commissioner Levchak asked if the lift station would be developer-built and paid.

Mr. Nairn said that is correct.

Commissioner Bakken asked how the park is intended to serve the neighborhood.

Mr. Nairn said the proposed park satisfies the neighborhood parks policy for both Promontory Point VI Addition and Promontory Point VII to serve the immediate area within walking distance.

Commissioner Bakken asked if street parking would be allowed around the park. Mr. Nairn said yes, street parking would be available on both sides of the streets.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of part of the NW¼ of Section 16, T139N-R80W/Hay Creek Township, to be known as Lots 2 and 15-16, Block 2, Lots 14-22, Block 4, and Lots 1-6, Block 5, Boulder Ridge Seventh Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Atkinson, Bakken, Bitner, Laning, Levchak, Schell, Van Duyne, Wangen and Schwartz voting in favor of the motion.

ELECTION OF OFFICERS

Commissioner Zent made a motion to reelect Mike Schwartz as the Chair of the Bismarck Planning Commission. Commissioner Bakken seconded the motion and, with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion, Mike Schwartz was reelected Chair of the Bismarck Planning and Zoning Commission.

Commissioner Martin made a motion to reelect Vernon Laning as the Vice Chair of the Bismarck Planning and Zoning Commission. Commissioner Bakken seconded the motion and with Commissioners Bakken, Bitner, Laning, Levchak, Martin, Schell, Wangen, Zent and Schwartz voting in favor of the motion, Vernon Laning was reelected Vice Chair of the Bismarck Planning and Zoning Commission.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:22 p.m. to meet again on February 24, 2021.

Respectfully submitted,

_____

Hilary Balzum
Recording Secretary

_____

Michael J. Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2021

	*******************City*******************				*******************ETA*******************			
	1/2021		**1/2020**		**1/2021**		**1/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	4	$893,292.42	0	$0.00	0	$0.00	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	$463,676.40	2	$461,045.04	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$58,291.20	0	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	1	$12,000.00	0	$0.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	1	$3,024.00	1	$2,232.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	6	$110,200.00	4	$300,350.00	0	$0.00	4	$157,775.00
HOME OCCUPATION	0	$0.00	0	$0.00	1	$0.00	0	$0.00
STORAGE SHED	1	$6,480.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	12	$291,083.00	7	$88,360.00	1	$32,938.00	2	$19,968.00
RESIDENTIAL	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	3	$18,051.44	4	$11,700.00	0	$0.00	0	$0.00
SIGN ALTERATION	0	$0.00	2	$15,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	1	$109,000.00	2	$19,740,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	7	$839,547.00	15	$2,214,531.07	0	$0.00	0	$0.00
Total	**43**	**$2,804,645.46**	**37**	**$22,833,218.11**	**2**	**$32,938.00**	**6**	**$177,743.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2021

	*******************City*******************				*******************ETA*******************			
	1/2021		**1/2020**		**1/2021**		**1/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	75	$8,000.00	66	$0.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	110	$2,366,683.75	87	$2,786,255.00	11	$115,040.00	13	$117,120.00
BUILDING MECHANICAL FIREPLACE	0	$0.00	0	$0.00	0	$0.00	1	$3,000.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	$0.00	1	$23,000.00	0	$0.00	0	$0.00
BUILDING PLUMBING	14	$1,732,548.00	16	$1,136,105.79	2	$16,000.00	3	$36,298.50
Total	**199**	**$4,107,231.75**	**170**	**$3,945,360.79**	**13**	**$131,040.00**	**17**	**$156,418.50**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2021

	*******************City*******************		*******************ETA*******************	
	1/2021	**1/2020**	**1/2021**	**1/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
Total	**0**	**0**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2021

	*******************City*******************				*******************ETA*******************			
	1/2021		**1/2020**		**1/2021**		**1/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	4	$893,292.42	0	$0.00	0	$0.00	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	$463,676.40	2	$461,045.04	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$58,291.20	0	$0.00	0	$0.00	0	$0.00
DETACHED GARAGE	1	$12,000.00	0	$0.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	1	$3,024.00	1	$2,232.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	6	$110,200.00	4	$300,350.00	0	$0.00	4	$157,775.00
HOME OCCUPATION	0	$0.00	0	$0.00	1	$0.00	0	$0.00
STORAGE SHED	1	$6,480.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	12	$291,083.00	7	$88,360.00	1	$32,938.00	2	$19,968.00
RESIDENTIAL	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	3	$18,051.44	4	$11,700.00	0	$0.00	0	$0.00
SIGN ALTERATION	0	$0.00	2	$15,000.00	0	$0.00	0	$0.00
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PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2021

	*******************City*******************				*******************ETA*******************			
	1/2021		**1/2020**		**1/2021**		**1/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	75	$8,000.00	66	$0.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	110	$2,366,683.75	87	$2,786,255.00	11	$115,040.00	13	$117,120.00
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PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2021

	*******************City*******************		*******************ETA*******************	
	1/2021	**1/2020**	**1/2021**	**1/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
Total	**0**	**0**	**0**	**0**