Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA

April 28, 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 March 24, 2021 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **Basin Electric Fourth Addition** (DN)
Preliminary Plat | PPLT2021-002 1

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

3. **RBK Ventures Second Subdivision** (JW) 8

Hay Creek Township

- Zoning Change (A to Conditional MA) | ZC2021-006

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

- Preliminary Plat | PPLT2021-003

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

4. **Lots 2-4, Block 1, Northridge Estates Commercial Park** (WH)
Zoning Change (CA to PUD) | ZC2021-005 17

Hay Creek Township

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

5. **Keeping of Chickens** (WH)
Zoning Ordinance Text Amendment | ZOTA2021-002 36

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

REGULAR AGENDA

PUBLIC HEARINGS

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

6. **Potter Pointe Addition** (JW) 52

- Zoning Change (RR to RR and R5) | ZC2020-017

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

- Minor Subdivision Final Plat | MPLT2021-001

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

7. **Hamilton's First Addition First Replat** (DN) 62

- Zoning Change (RM15 & PUD to PUD) | ZC2021-004

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

- Minor Subdivision Final Plat | MPLT2021-004

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

8. **Lot 2, Block 1, J & L Addition** (JW)
   Zoning Change (MA to PUD) | ZC2021-002 81

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

9. **Lots 23-24, Block 23, Sturgis Addition** (WH)
   Zoning Change (RM30 to PUD) | ZC2021-003..... 90

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

10. **Lot 5, Block 12, Grand Prairie Estates Third Subdivision (**DN)
    Special Use Permit (Oversized Accessory Building) | SUP2021-003..... 110

    Hay Creek Township

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

OTHER BUSINESS

11. **Other**

ADJOURNMENT

12. **Adjourn.** The next regular meeting date is scheduled for **May 26, 2021.**

Enclosures: Meeting Minutes of March 24, 2021
Building Permit Activity Month to Date Report for March 2021
Building Permit Activity Year to Date Report for March 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.

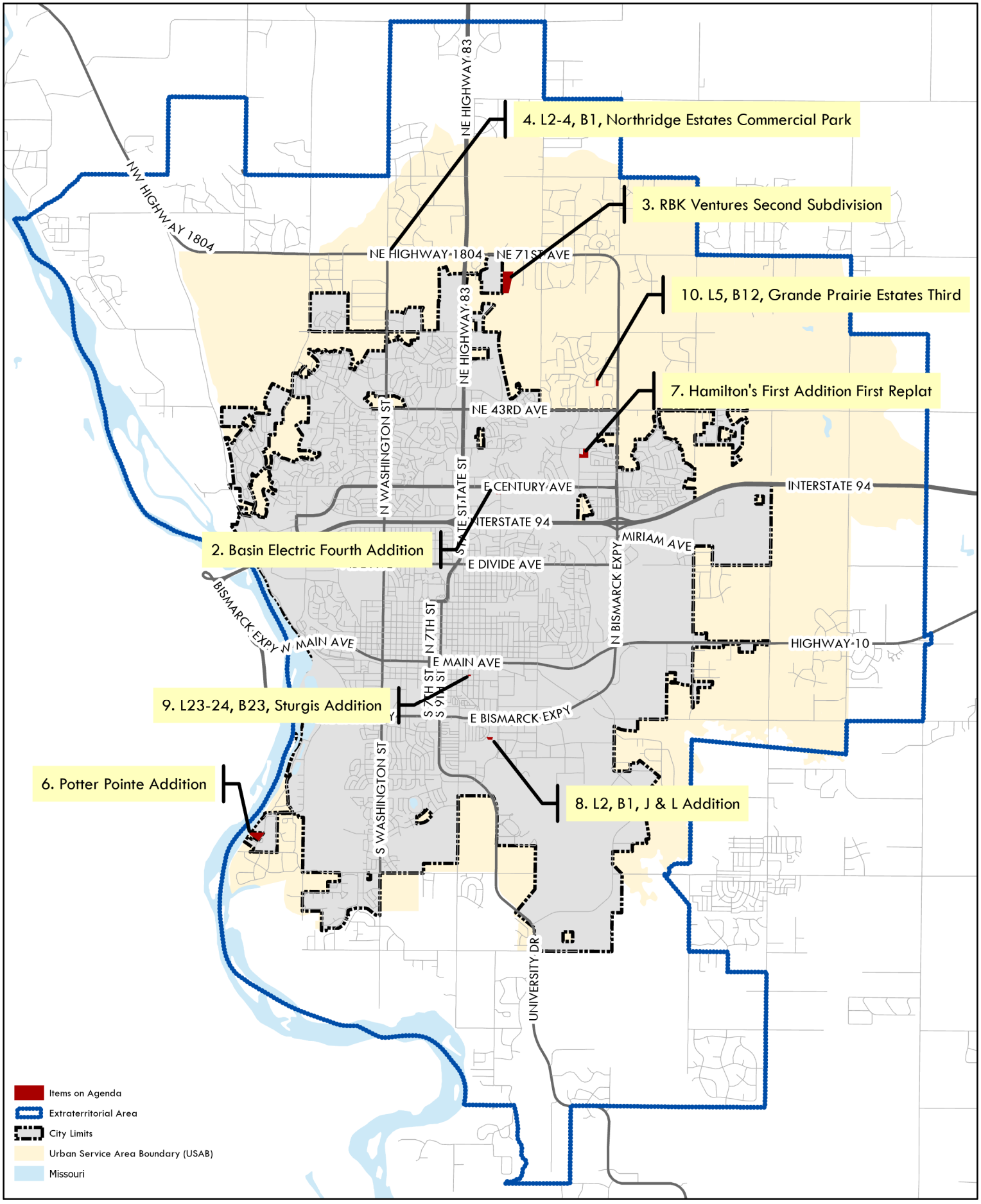
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions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

Bismarck Planning & Zoning Commission Meeting - April 28, 2021



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

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

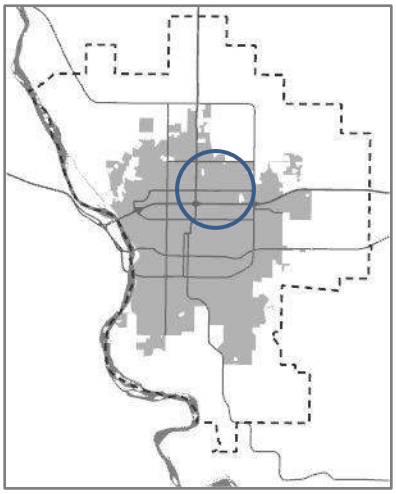
Agenda Item # 2
April 28, 2021

Application for: Major Subdivision Preliminary Plat

TRAKiT Project ID: PPLT2021-002

Project Summary

Title:	Basin Electric Fourth Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	City of Bismarck Sanford Bismarck
Project Contact:	Gabe Schell, PE, City Engineer
Location:	In north-central Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street (part of the NE ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township and a replat of all of Trac 4A Lot , Block 1, Basin Electric Third Addition)
Project Size:	2.90 Acres
Request:	Plat city-owned land for future sale and development



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot and 1 unplatted parcel	*Number of Lots:*	2 lots in 1 block
Land Use:	Vacant and parking lot	*Land Use:*	Future development
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:	RT – Residential	*Zoning:*	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density Allowed:	RT – 30 units / acre	*Max Density Allowed:*	RT – 30 units / acre

Property History

Zoned:	*01/1980*	*Platted:*	*01/1980 (part)*	Annexed:	01/1980

(continued)

Staff Analysis

The City of Bismarck is requesting approval of a major subdivision final plat for Basin Electric Fourth Addition. The subdivision includes two lots. The proposed Lot 1, Block 1 is city-owned and undeveloped. The City acquired this land for right-of-way purposes, but no longer has a public need for the land. The proposed Lot 2, Block 1 is owned by Sanford Health. The purpose of the action is to prepare Lot 1, Block 1 for potential sale and development as a parcel within the existing RT – Residential zoning district.

Adjacent uses include office uses to the south and west, commercial to the north across East Century Avenue, and a stormwater detention pond to the east across North 19th Street.

The only access to the proposed Lot 1, Block 1 would be at the very southern end of the lot, immediately north of the existing access to the proposed Lot 2, Block 1.

Certain utility lines are physically located outside of the easements reserved for these utilities. This could be rectified either by moving the utilities to the appropriate location or revising the area encumbered by the easement on the plat.

Required Findings of Fact (relating to land use)

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 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.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for Basin Electric Fourth Addition, with the understanding that the following issues need to be resolved prior to a public hearing being scheduled for the final plat:

1. Utility lines that exist outside of easements are resolved.

Attachments

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

(continued)

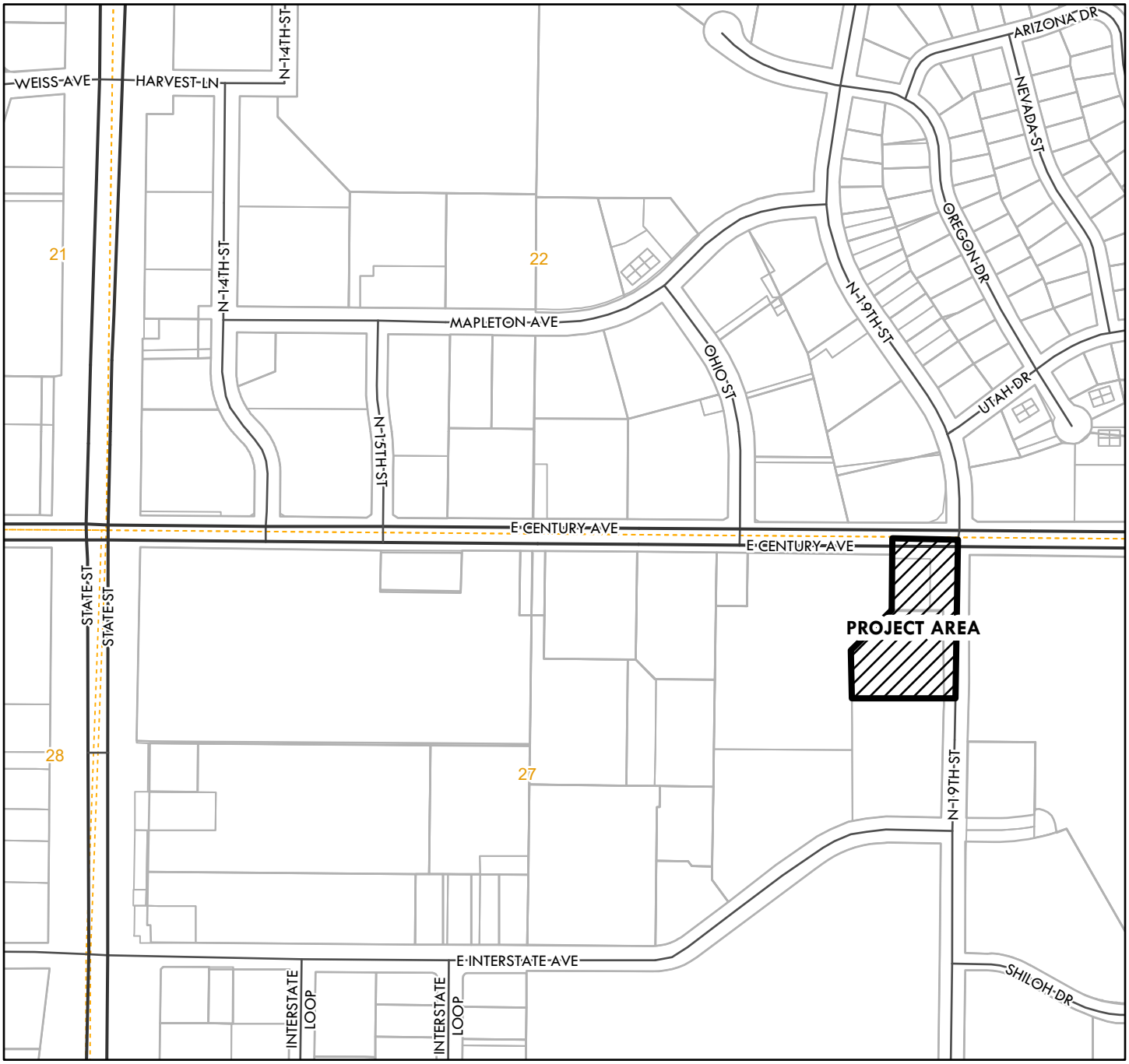
4. Preliminary Plat

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

Location Map

BASIN ELECTRIC FOURTH ADDITION

PUDA2021-001



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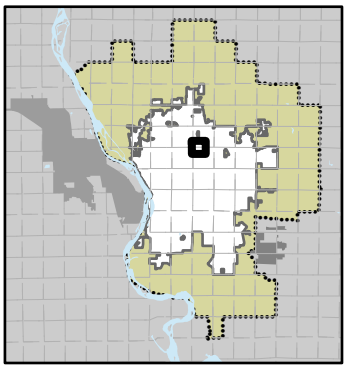
City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



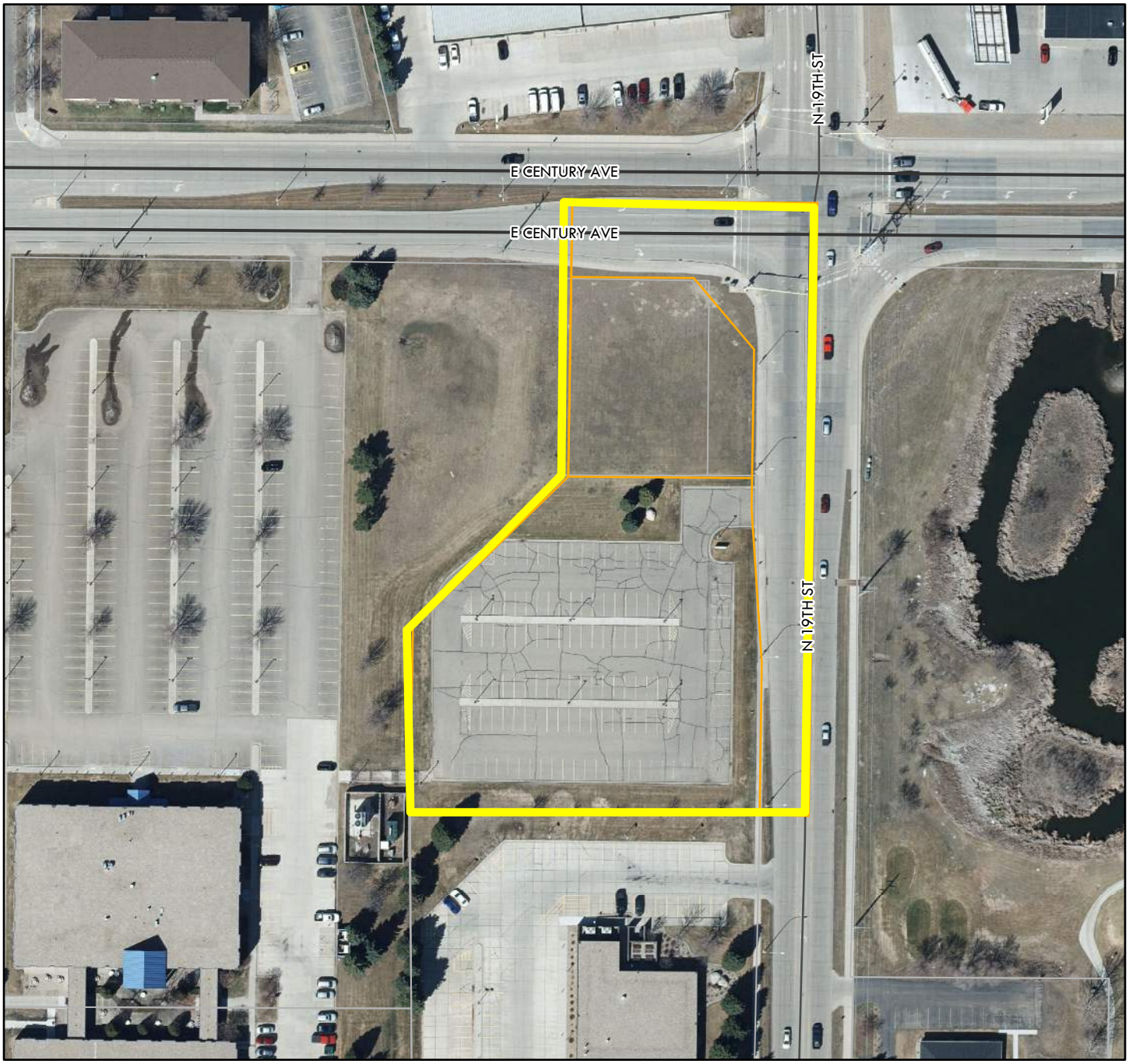
City of Bismarck
Community Development Department
Planning Division
February 26, 2021 (HLB)

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

BASIN ELECTRIC FOURTH ADDITION

PPLT2021-002



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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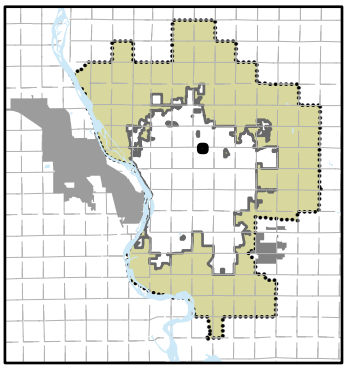


City of Bismarck
Community Development Department
Planning Division
April 19, 2021

Zoning and Plan Reference Map

BASIN ELECTRIC FOURTH ADDITION

PPLT2021-002

Zoning Districts

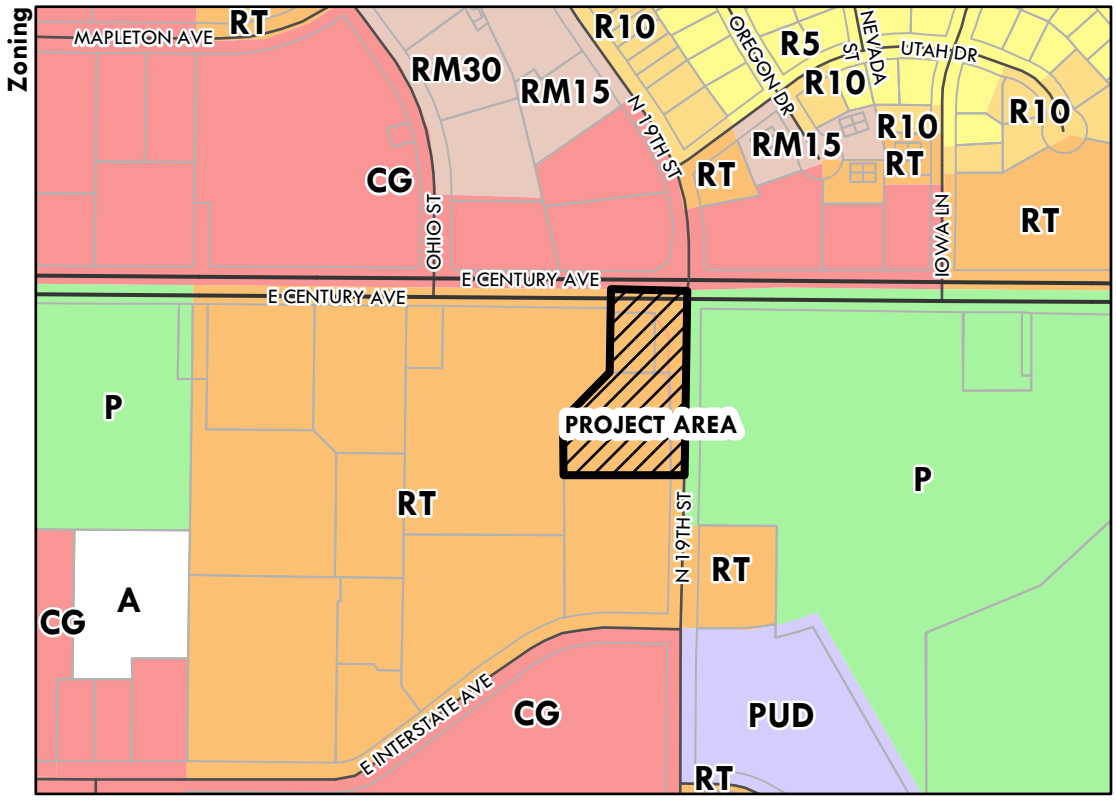
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

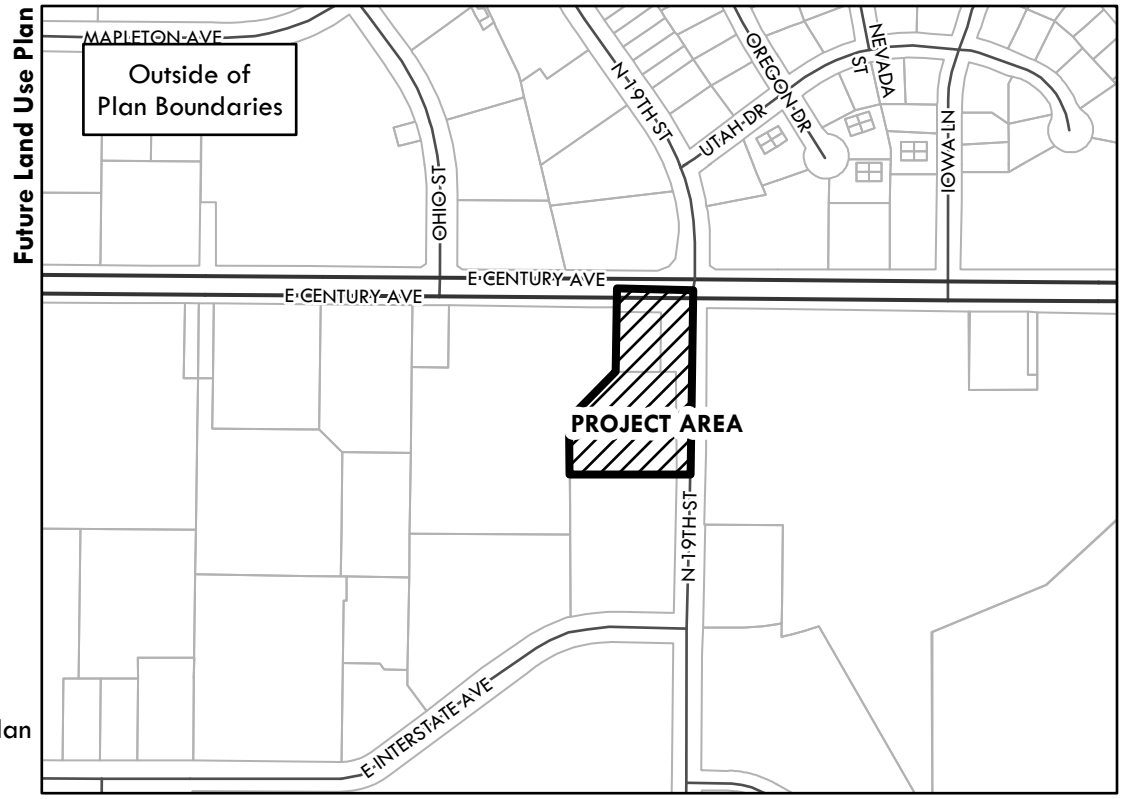
Future Land Use Plan

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





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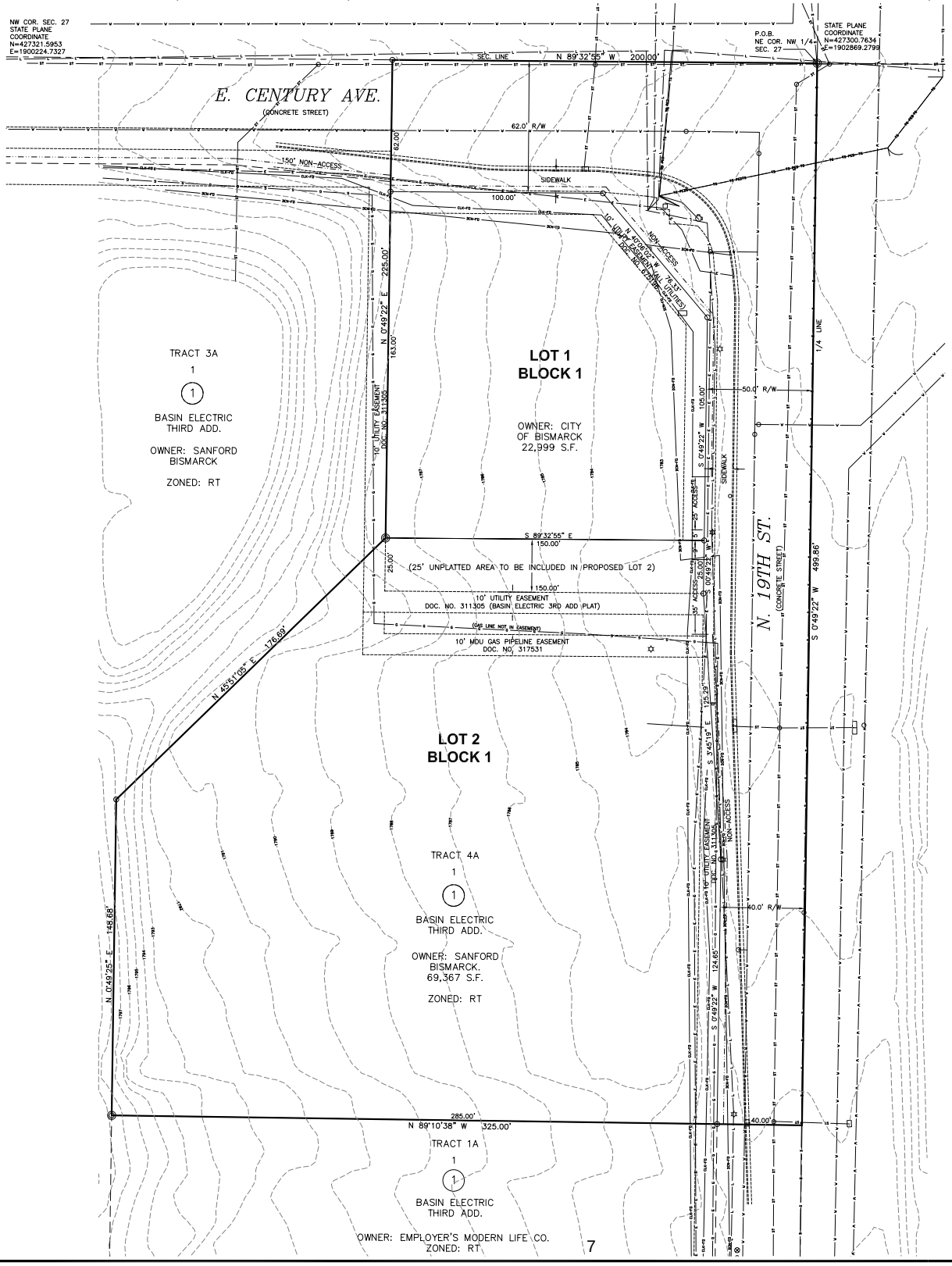
City of Bismarck
Community Development Dept.
Planning Division
April 19, 2021

PRELIMINARY PLAT
BASIN ELECTRIC FOURTH ADDITION

PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST AND ALL OF TRACT 4A OF LOT 1, BLOCK 1, BASIN ELECTRIC 3RD ADDITION, INCLUDING THE RIGHTS OF WAY FOR PART OF THE WEST HALF OF NINETEENTH STREET OF THE NW 1/4 OF SECTION 27, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



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SCALE = 1:20

APRIL, 2021

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

VERTICAL DATUM:
NAVD 88

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

2.90 ACRES ±
EXISTING ZONING: RT
PROPOSED ZONING: RT
2 LOTS:

PLAT TOTAL

LOTS	92,366 S.F.	2.12 ACRES
STREET	33,864 S.F.	0.78 ACRES
TOTAL	126,230 S.F.	2.90 ACRES

BENCHMARK:

HYDRANT NO. 1662 AT
SW CORNER OF 19TH ST. & CENTURY AVE.
ELEV = 1784.11 (NAVD 88)

PREPARED BY:
CLEARY JOHS NDPLS 5288
CITY OF BISMARCK
221 N. 5TH ST.
BISMARCK, ND 58501
PHONE: 701-355-1505

Bismarck Engineering Department

SHEET 1 OF 1

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

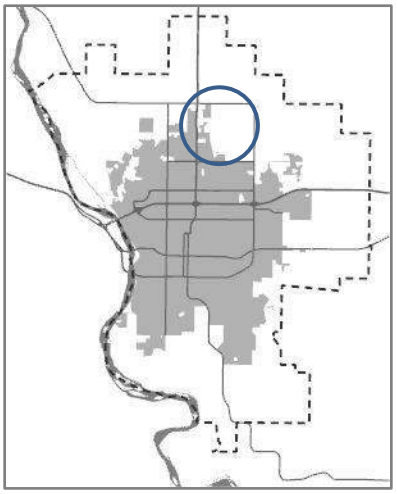
Agenda Item # 3
April 28, 2021

Application for: Zoning Change *TRAKiT Project ID*: ZC2021-006

Major Subdivision Preliminary Plat PPLT2021-003

Project Summary

Title:	RBK Ventures Second Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	RBK Ventures LLP
Project Contact:	Landon Niemiller, Swenson Hagen & Co
Location:	Northeast of Bismarck, east of US Highway 83 and south of 71st Avenue NE, along the east side of North 19th Street (Auditor's Lot B in the NE¼ less RBK Ventures Subdivision, Section 10, T139N-R80W/Hay Creek Township)
Project Size:	19.2 acres
Request:	Plat and zone property for future light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 unplatted parcel	*Number of Lots:*	1 lot in 1 block
Land Use:	Agriculture/Undeveloped	*Land Use:*	Light industrial
Designated GMP Future Land Use:	Industrial	*Designated GMP Future Land Use:*	Industrial
Zoning:	A – Agricultural	*Zoning:*	Conditional MA – Industrial
Uses Allowed:	A – Agriculture	*Uses Allowed:*	Conditional MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density Allowed:	A – 1 unit / 40 acres	*Max Density Allowed:*	Conditional MA – N/A

Property History

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

(continued)

Staff Analysis

RBK Ventures LLP is requesting approval of a zoning change from the A - Agriculture zoning district to the Conditional MA – Industrial zoning district and approval of a major subdivision preliminary plat for RBK Ventures Second Addition. The proposed zoning change and plat would allow for the expansion of the light industrial development located north of this property.

Adjacent uses include a developing Conditional MA – Industrial uses to the north, a rural residential subdivision to the east across the Dakota Missouri & Western (DMVW) rail line, undeveloped agriculture zoned land to the south and an undeveloped MA – Industrial zoned and annexed light industrial park to the west (JMAC Addition).

Conformance to the Comprehensive Plan

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the area included in the proposed plat as Industrial (I). The proposed plat will not be annexed and would be considered a rural industrial subdivision. A Conditional MA – Industrial zoning is necessary to ensure that only uses that are appropriate in a rural setting without municipal water and sanitary sewer services would be allowed. The proposed zoning also matches the Conditional MA – Industrial zoning of RBK Ventures Subdivision to the north.

The Growth Phasing Plan identifies this area as Future Urban Growth Area. The applicant is proposing development that would not require the installation of municipal services.

Transportation and Access

The proposed plat would be accessed from 71st Avenue NE through a platted access easement along the west side of RBK Ventures Subdivision. City and County staff have reviewed the proposed access and have noted that an additional secondary access providing emergency services may be required in the future upon further development of the site.

Additional Information

A landscaping buffer is required along the eastern side of the plat and is proposed to be installed in conjunction with site development in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

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.

(continued)

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;
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.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district and tentative approval of the preliminary plat for RBK Ventures Second Subdivision.

Attachments

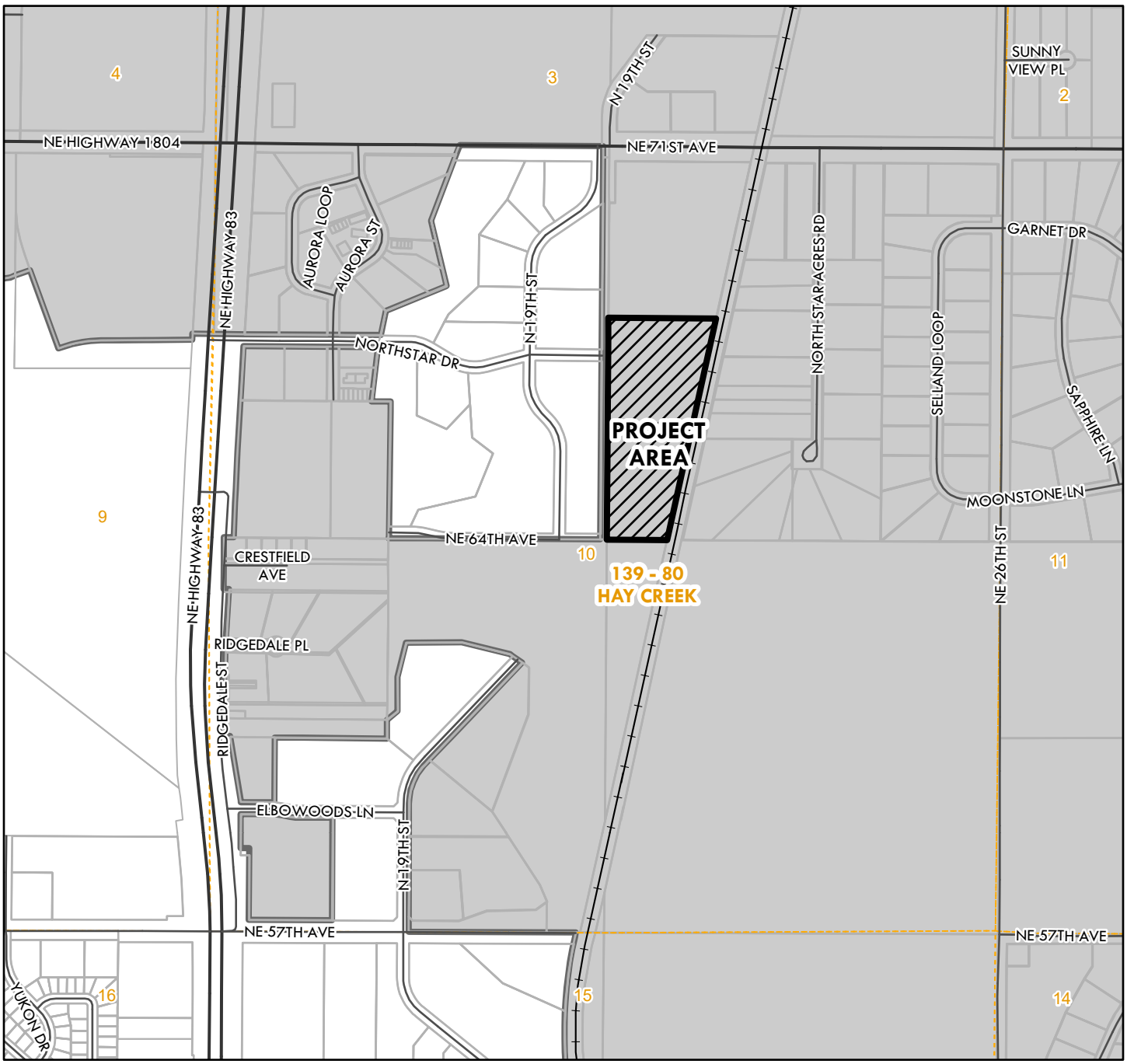
1. Draft Zoning Change Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Preliminary Plat
7. Township Resolution

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

Location Map

RBK VENTURES SECOND SUBDIVISION

PPLT2021-003
ZC2021-006



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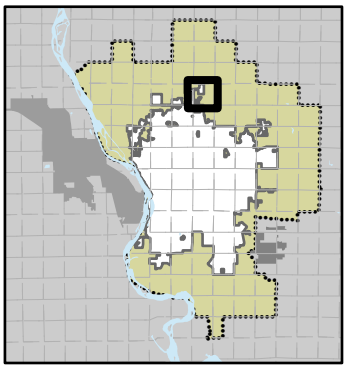

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
March 29, 2021 (HLB)

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Aerial Map

RBK VENTURES SECOND SUBDIVISION

ZC2021-006
PPLT2021-003

0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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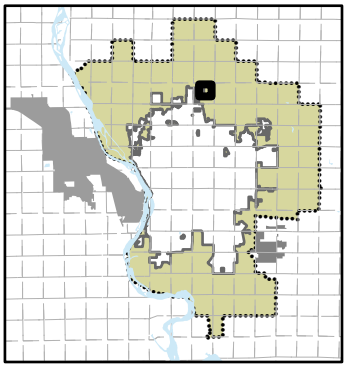


City of Bismarck
Community Development Department
Planning Division
April 21, 2021

Zoning and Plan Reference Map

RBK VENTURES SECOND SUBDIVISION

PPLT2021-003
ZC2021-006

Zoning Districts

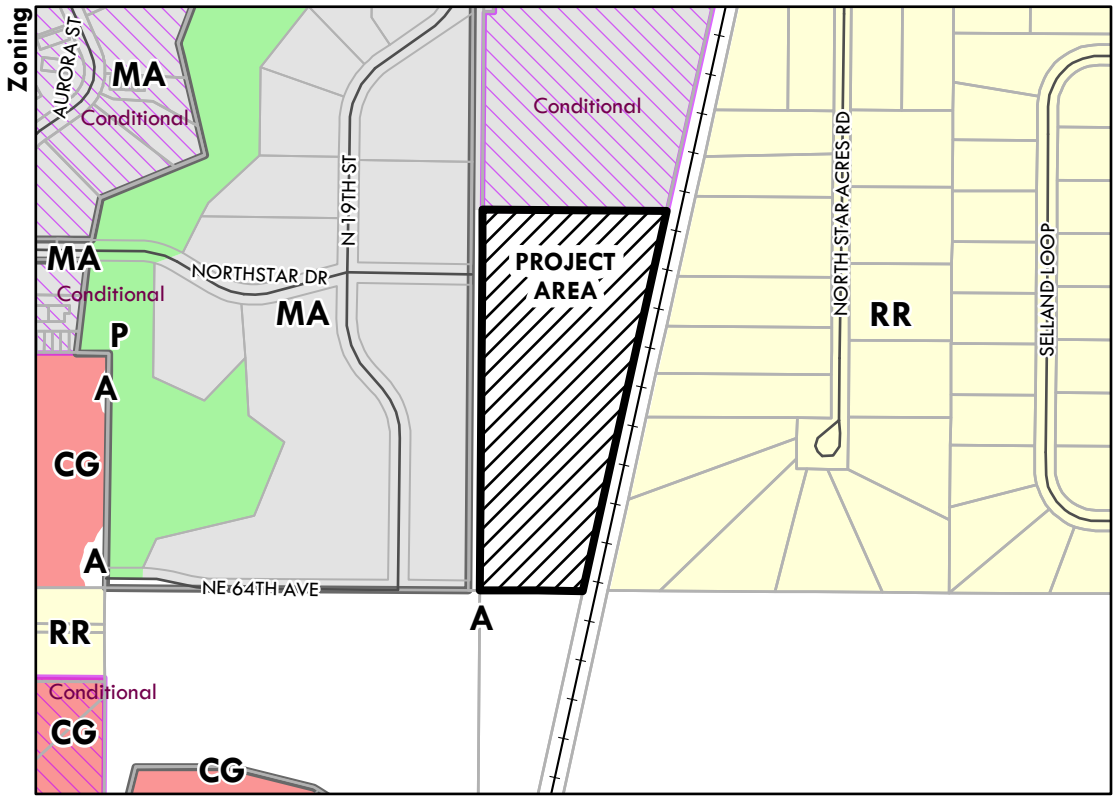
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

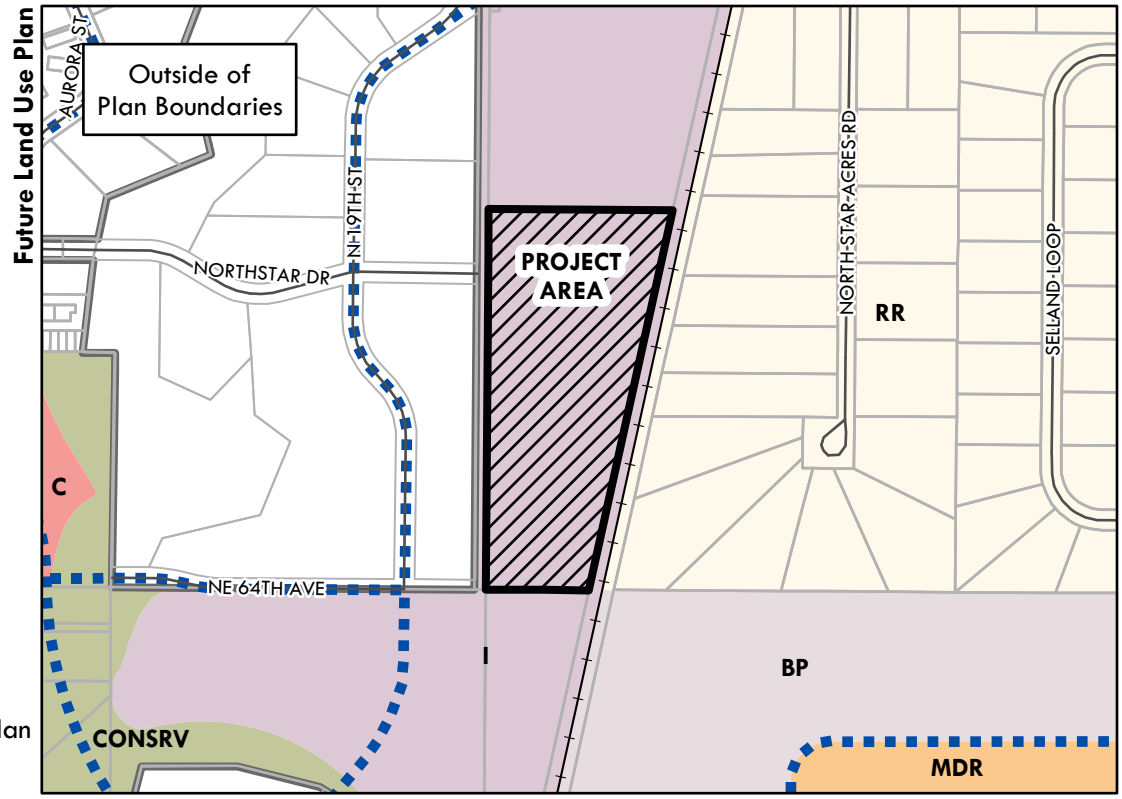
Future Land Use Plan

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





0 0.07 0.15 0.3 Miles

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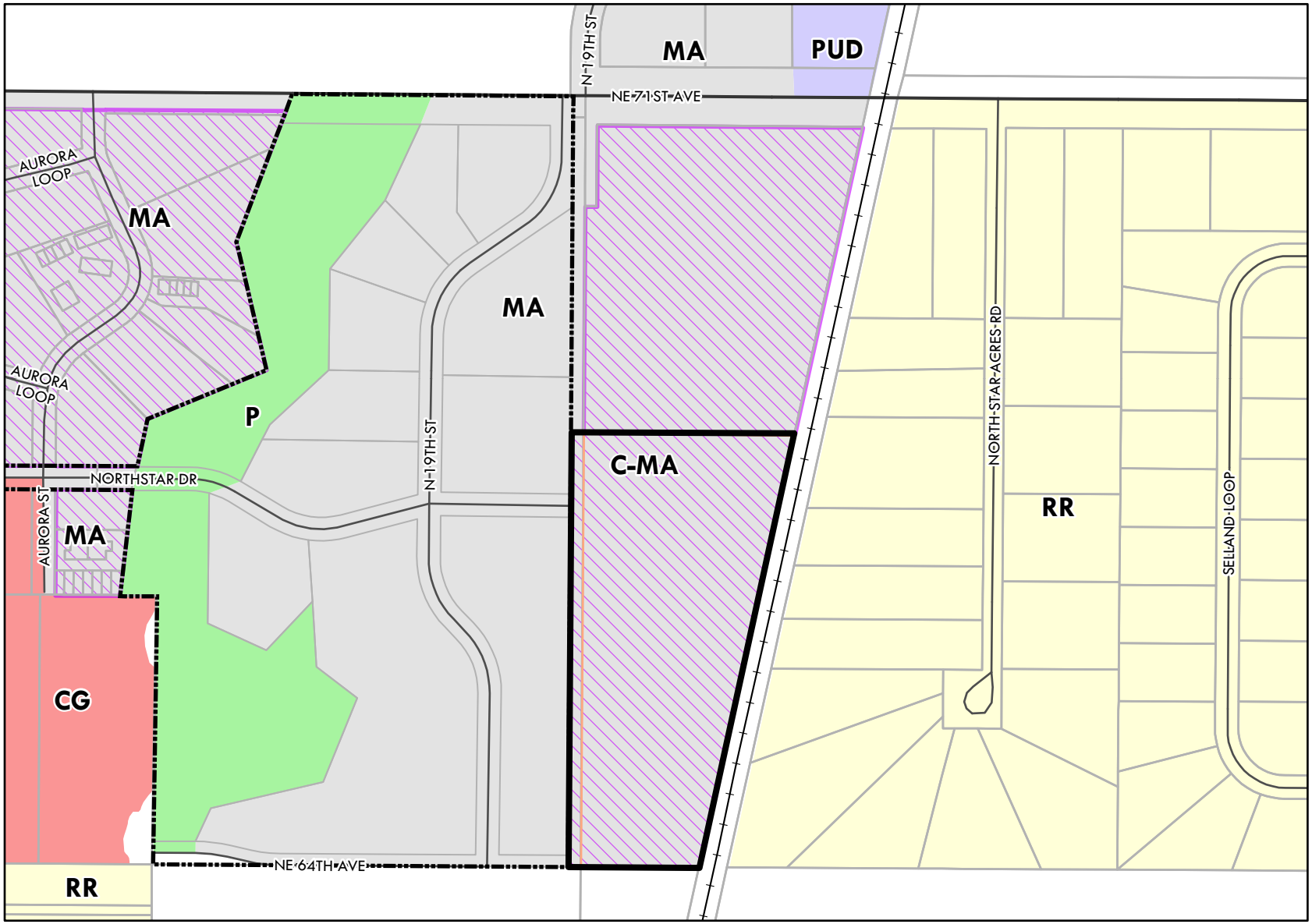
City of Bismarck
Community Development Dept.
Planning Division
April 20, 2021

Proposed Zoning Change

RBK VENTURES SECOND SUBDIVISION

ZC2021-006
PPLT2021-003

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

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

0 0.15 0.3 0.6 Miles

City of Bismarck
Community Development Dept.
Planning Division
April 22, 2021

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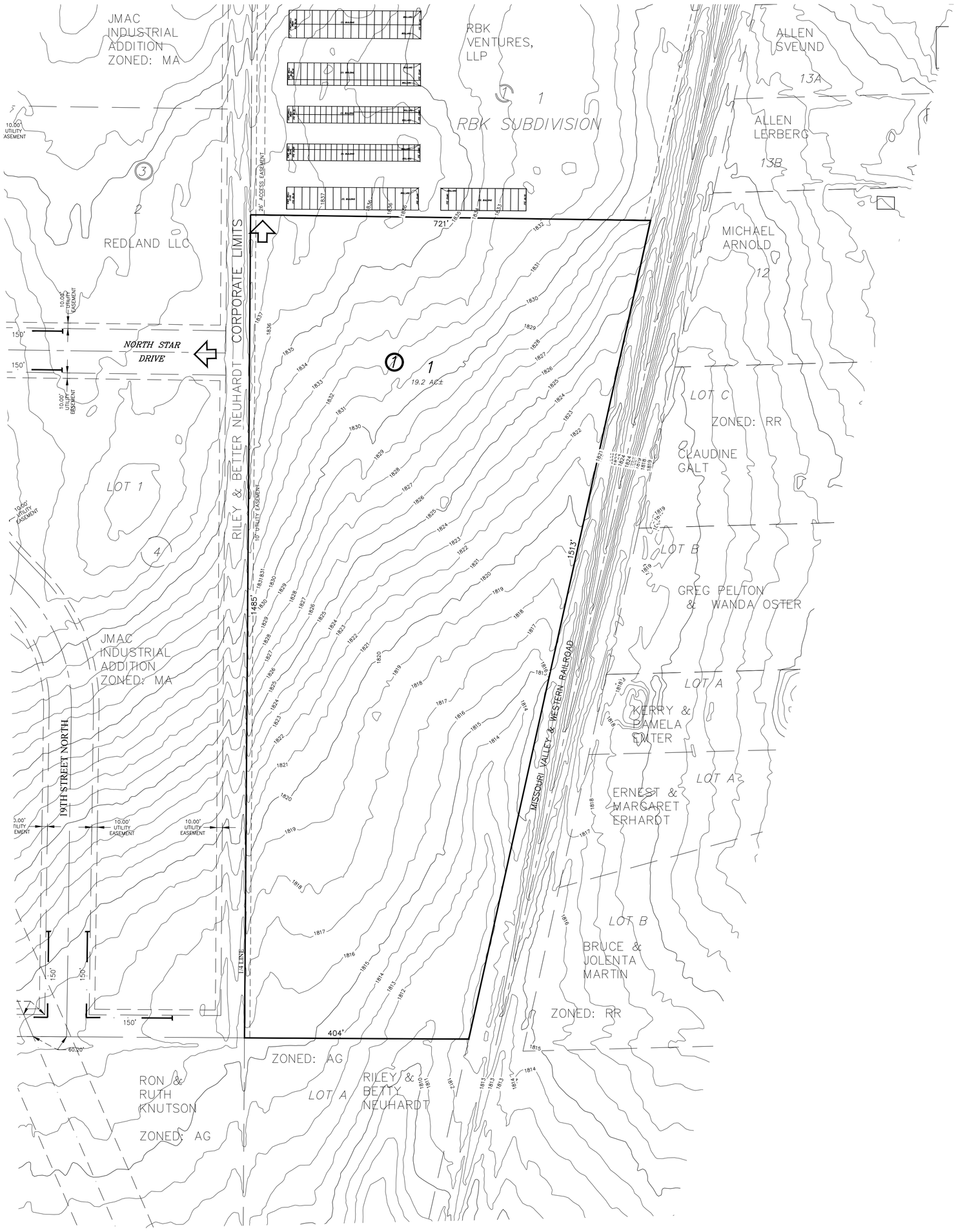
RBK VENTURES SECOND SUBDIVISION

AUDITOR'S LOT B NORTHEAST 1/4
LESS RBK VENTURES SUBDIVION
SECTION 10, TOWNSHIP 139 NORTH, RANGE 80 WEST
BURLEIGH COUNTY, NORTH DAKOTS

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



19.2 ACRES

EXISTING ZONING: A

PROPOSED ZONING: MA

OWNER: RBK VENTURES LLP
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503

LOCATION MAP

N
W E
S

0 100' 200'

SCALE – 1" = 100'

VERTICAL DATUM: NAVD 88
MARCH 25, 2021

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

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PROPOSED ZONING CHANGE FROM THE A-AGRICULTURE ZONING DISTRICT TO THE CONDITIONAL MA-INDUSTRIAL ZONING DISTRICT AND A PRELIMINARY PLAT OF RBK VENTURES SECOND SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID ZONING CHANGE AND PLAT BE (APPROVED) (DENIED).

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

_____

_____

_____

_____

_____ 4/15/2021
CHAIRMAN, TOWNSHIP BOARD

_____
ATTEST: TOWNSHIP CLERK

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

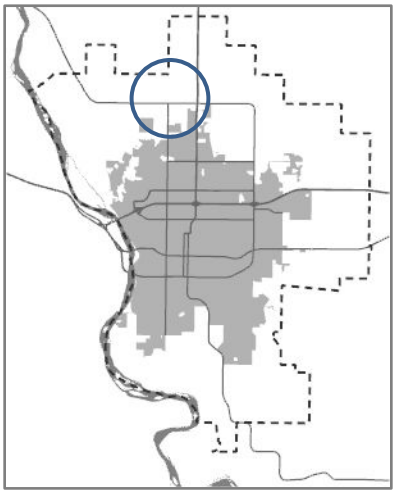
Agenda Item # 4
April 28, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-005

Project Summary

Title:	Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way – Planned Unit Development
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Steve Mariner and Art Mariner
Project Contact:	Jacob Hendricks and Charles Hendricks – Five Star Storage
Location:	North of Bismarck, along the east side of North Washington Street and the north side of ND Highway 1804
Project Size:	6.2 acres
Request:	Rezone property to allow development of a self-storage complex



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	3 parcels	*Number of Lots:*	1 parcel
Land Use:	Undeveloped	*Land Use:*	Storage buildings
Designated GMP Future Land Use:	Conventional Rural Residential Commercial	*Designated GMP Future Land Use:*	Conventional Rural Residential Commercial
Zoning:	CA – Commercial	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	CA – Neighborhood commercial	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	CA – 30 units / acre	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*02/2003*	*Platted:*	*12/2010*	Annexed:	N/A

Staff Analysis

Five Star Storage is requesting approval of a zoning change from the CA – Commercial zoning district to a PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way.

Adjacent uses include a religious institution to the north, rural residential to the north and east, and

(continued)

undeveloped land zoned A – Agriculture to the south across ND Highway 1804 and west across North Washington Street.

The requested zoning change would allow development of a self-storage complex featuring a two-story climate-controlled building with a 750 square feet office and 12 cold storage single story buildings consisting of multiple units.

This property is currently zoned CA – Commercial. The property was initially zoned to preserve this location as a future urban commercial node at the intersection of two major roadway's – North Washington Street and ND Highway 1804. Since the time the property was zoned, staff have consistently told potential developers that commercial development at this location would be difficult until city utility services were available.

At the time of platting, landscape easements along the north and east sides of the property were established and plant material was planted to ensure that, by the time of development, that material would have matured to create a dense planting screen between the area and the adjacent rural residential uses.

Self-storage facilities are a permitted use in the MA – Industrial zoning district and they are not permitted in commercial districts. In some commercial areas, storage facilities have been permitted within a specific PUD – Planned Unit Development zoning district with restrictions and additional design standards. Due to the proximity to adjacent rural residential uses and the anticipation of future commercial and high density residential development as identified in the Future Land Use Plan, the proposed development would be subject to additional conditions to help ensure compatibility with current and future adjacent land uses.

Conditions and Restrictions

Because the area would remain outside of city limits, municipal water and sewer service would not be available. Rural water does not provide sufficient pressure for fire suppression. The applicant has proposed a water tank within the two-story climate-controlled facility to serve any potential fire suppression needs. The cold storage buildings would not require fire suppression.

The draft PUD ordinance is attached to this staff report. The proposed conditions are summarized as follows:

- Uses allowed would be limited to indoor storage and the associated office
- Setbacks would be based on the proposed site plan. These setbacks are either consistent or greater than setbacks for commercial zoning districts
- Hazardous material storage would be prohibited
- Design standards would be in place to ensure high quality material and design
- Landscaping would be required including the requirement to meet landscaped buffer yard planting requirements outlined in Section 14-03-11 (Landscaping) of the City Code of Ordinances
- Lighting would be designed to minimize light pollution onto adjacent properties by use of downcast lighting and low voltage accent lighting

Other Considerations

The proposed development would be within three existing separate parcels or lots. Prior to development these would need to be combined. In addition, an access easement was provided along the north side of these lots at the time of platting to provide access from North Washington Street to each lot. According to the site plan submitted with the application, portions of the platted access would need to be released to avoid conflicts with the proposed buildings and site features.

The site plan submitted with the application did not detail adequate buffer yard landscaping requirements. Prior to scheduling a public hearing, a landscape plan meeting the planting and width requirements for an industrial use adjacent to a residential use is required.

Hay Creek Township has recommended denial of this zoning change. Reasons stated for their recommendation of denial are listed in the resolution attached to this staff report.

(continued)

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 not necessarily compatible with adjacent land uses and zoning, however additional landscape and design standards will alleviate most incompatibilities;
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 denial 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 character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
8. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
9. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
10. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
11. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
12. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
13. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way, as outlined in the attached draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Written Statement
7. Proposed Layout
8. Proposed Building Renderings
9. Township Resolution

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

ORDINANCE NO. XXXX

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 CA - Commercial zoning district and included within the PUD – Planned Unit Development zoning district:

Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.

2. *Uses Permitted.* The uses within the district shall be limited to the following:

    a. *Principal Uses*. The following principal uses shall be allowed:

        i. Personal self-storage, including rental storage units and climate-controlled storage, provided that no business may operate out of any rental unit;

        ii. Office(s) for use of the owner of the facility

    All other uses not included in this list shall be prohibited

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3. *Special Uses.* There are no uses allowed as special uses within this Planned Unit Development.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:

    a. *Front Yard Setback*. The minimum front yard setback is 50 feet along ND Highway 1804 and 60 feet along North Washington Street.

    b. *Side Yard Setback*. The minimum side yard setback along the northern lot line is 25 feet. The minimum side yard setback for Building C from the access easement on the north side of the lot is 20 feet.

    c. *Rear Yard Setback.* The minimum rear yard setback along the eastern lot line is 50 feet.

    d. *Height Limits.* The maximum height of Building A as indicated on the submitted site plan shall be no greater than two stories. All other buildings shall be no greater than one story in height.

5. *Design Standards.* The following design standards shall apply to all development within the district.

    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 stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

    b. *Building Materials.* All building facades must 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 non-corrugated prefinished metal architectural panels (including standing seam metal products). If prefinished metal architectural panels are used, no more than 70% of any elevation facing a public right-of-way may consist of the same material, although two different panel types of complementary colors could be used.

    The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used

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as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete (including poured in place, pre-cast concrete panels and concrete block).

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.

6. *Development Standards.* The following development standards shall apply to all development within the district.

    a. *Enclosed Building Requirement.* All storage activity shall be conducted within a completely enclosed building.

    b. *Hazardous Materials Prohibited.* Storage buildings may not contain any materials classified as hazardous or toxic under any local, state, or federal law or regulation, and any production of such materials is prohibited. Prohibitions of such materials shall be incorporated into any rental agreements and posted on sign(s) in each storage unit.

    c. *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. All interior access lanes, off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

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

    e. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section

DRAFT

14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

f. *Lighting.* All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.

g. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for Commercial zoning districts, provided that only one monument sign, one wall sign per street frontage and permit exempt signs shall be permitted. No Electronic Message Center Signs or Off-Premise Advertising Signs shall be permitted.

7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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.

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Aerial Map

NORTHRIDGE ESTATES COMMERCIAL PARK, L2-4, B1

ZC2021-005

Miles

0 0.17 0.35 0.7

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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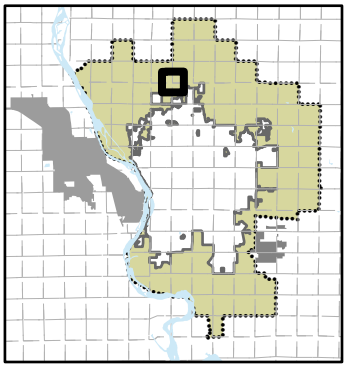

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ZC2021-005

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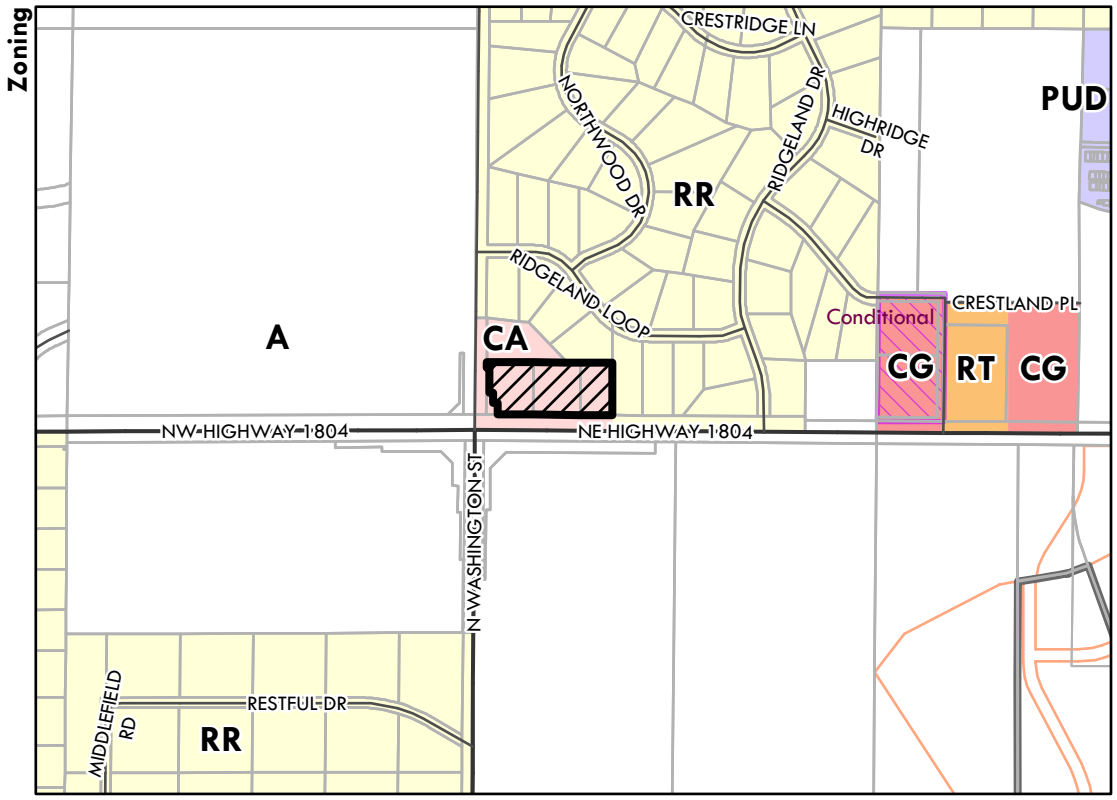

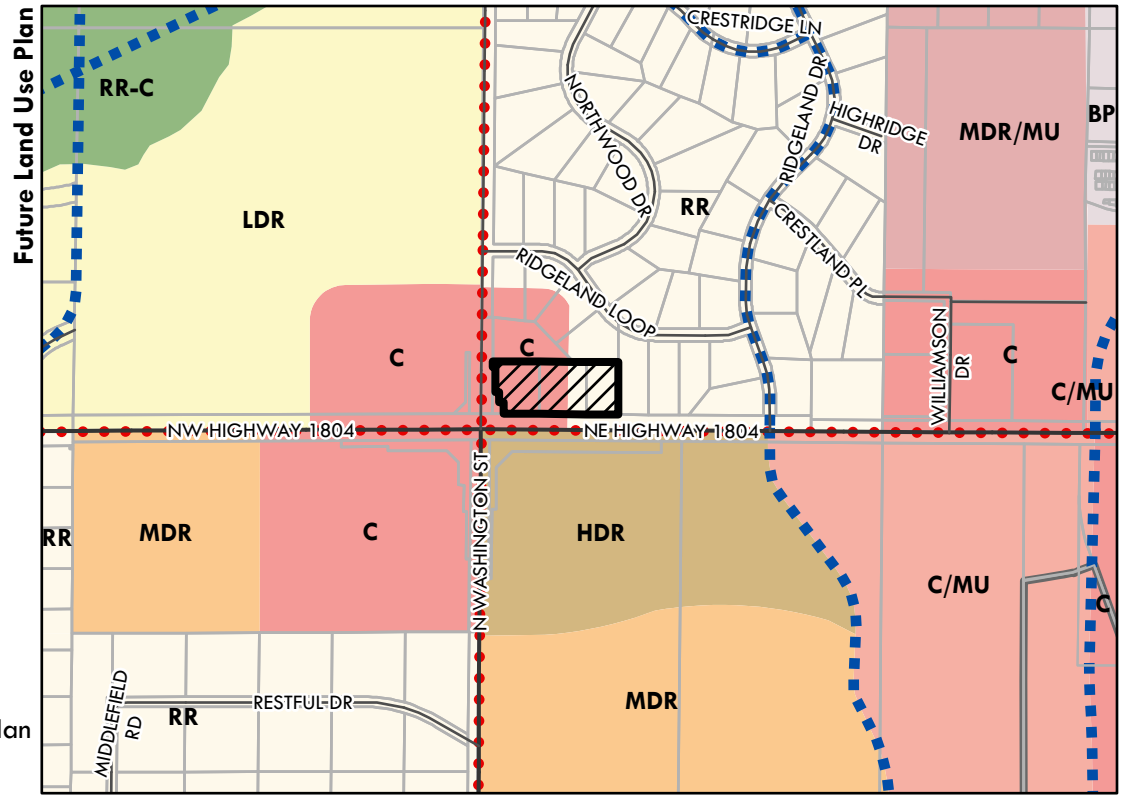

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0 0.15 0.3 0.6 Miles

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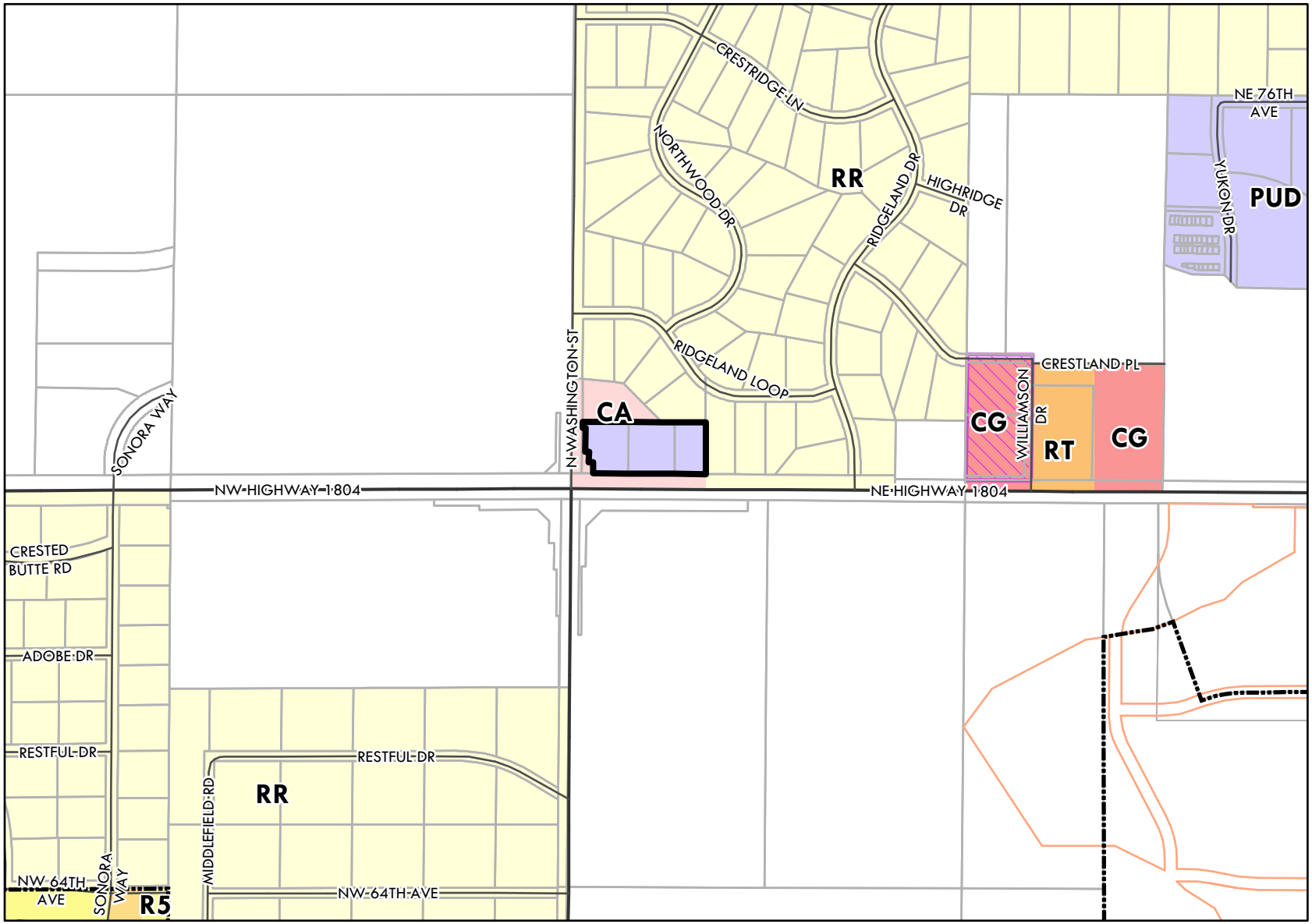
April 20, 2021

Proposed Zoning Change

NORTHRIDGE ESTATES COMMERCIAL PARK, L2-4, B1

ZC2021-005

Proposed New Zoning Map



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0 0.33 0.65 1.3 Miles

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Community Development Dept.
Planning Division
April 20, 2021

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Five Star Storage Written Statement in Support of Planned Unit Development (PUD)

Five Star Storage is pleased to present its application for a PUD at the property referenced in the attached application. The property is currently owned by Apple Creek, LLP, and is legally described as follows:

Lots 2, 3 and 4, Block 1, Northridge Estates Commercial Park, Burleigh County, North Dakota,
EXCEPT:
A portion of Lot 2, Block 1 of Northridge Estates Commercial Park in Section 4, Township 139 North, Range 80 West of the 5th Principal Meridian, County of Burleigh, State of North Dakota, described as follows: Commencing at the Southwest corner of Section 4; thence Easterly along the South line of Section 4, South 89°37'49" East a distance of 75.42 feet; thence North 0°22'11" East a distance of 100.00 feet to the point of beginning; thence North 0°36'30" East parallel with the West line of Section 4 a distance of 303.49 feet; thence South 89°36'21" East a distance of 20.00 feet; thence South 0°36'30" West a distance of 160.00 feet; thence South 89°23'30" East a distance of 25.00 feet; thence 0°36'30" West a distance of 70.00 feet; thence South 89°23'30" East a distance of 30.00 feet; thence South 0°36'30" West a distance of 73.25 feet; thence North 89°37'49" West parallel with the South line of Section 4 a distance of 75.00 feet to the point of beginning.

Five Star Storage was created in 2003 to invest in and operate safe, secure, convenient, and high-quality self-storage facilities throughout North Dakota, Minnesota and in other markets and communities where there is need for our facilities and services. Five Star's executive team consists of Charles Hendricks, Jacob Hendricks, Benjamin Hendricks, and William Schneider, who collectively have more than 60 years of professional property management and development experience.

Our company's self-storage facilities offer rental of storage space to consumers and businesses on a month-by-month basis. The tenant provides his or her own locking device and has sole access to the unit. Five Star owns and/or operates a total of 20 self-storage facilities across North Dakota and Minnesota. Five Star currently owns two self-storage properties in Bismarck, one is located at 3320 Hamilton Street (which serves as our main Bismarck and Western North Dakota office) and the other is a newly acquired satellite facility located at 4613 Centurion Drive.

Five Star is proposing a new state-of-the-art self-storage facility, not currently found in Bismarck, in this new Planned Unit Development. The facility will consist of a mix of multi-story temperature controlled self-storage and traditional drive-up self-storage units. The facility will include an on-site office and manager. Five Star prides itself on developing and operating facilities that meet three core criteria—safety and security, convenience, and quality. Based on current demand, North Bismarck needs such a facility, and the project we are proposing on the subject parcel meets that criteria as follows.

Safety and Security. Five Star is proposing a fully enclosed self-storage facility that is secured by a perimeter fence and buildings and controlled access gate. Additionally, the facility will utilize strategically placed down angle lighting to help provide added security without unduly disrupting the surrounding community. Most of the lighting will be contained to the property itself and will assist customers accessing their units in the evening. The property will have numerous cloud-based security cameras fed not only to the main office, but also accessible by facility management remotely. Further, the facility will have restricted night hours to prevent unnecessary traffic in the evening when it is more likely for unwanted activity to occur. Five Star's secured facilities have a track record of very low illegal activity, particularly compared to traditionally unsecured storage properties in the surrounding community.

The buildings and landscaping surrounding the perimeter will provide a visual barrier to the interior of the property. Five Star also intends to include a 50-foot buffer between its use and the adjacent residential areas that includes landscape materials required by Section 14-03-11(10), which will be included in a landscape plan to be submitted in advance of the public hearing on this application. One of the renderings included in the application materials shows a view of this buffer yard as if you were standing on the residential properties adjacent to the subject parcel.

Self-storage is a very low traffic use—based on data we obtained from our entrance gate software for our other two locations in Bismarck, we can safely assume that around 20 to 30 vehicles on average will visit the site each day, and the national average for a facility of this size is around 40 to 45 vehicles per day. The proposed use will undoubtedly generate much less traffic than many other potential uses for the property under its current CA zoning which include gas stations, office buildings, strip malls, hotels, or apartments. Access to the facility will use an existing low traffic driveway and will not add any direct traffic to the new roundabout at the intersection of Washington and 71st Avenue/Highway 1804. Finally, the facility will be staffed by at least one manager in the on-site office during normal business hours, so any issues with safety or security will be promptly uncovered and addressed. Simply put, security is and will remain paramount for our property and the surrounding neighbors.

Convenience. Five Star Storage develops, owns, and operates self-storage facilities that are truly defined as "community assets." We pride ourselves on providing high-quality self-storage in locations convenient to home. In doing so, we carefully select development locations close to residential areas which provide easy access for our customers, rather than those which are difficult and less appealing to reach. In doing so, we also naturally increase the safety of our facilities by avoiding dark industrial or remote areas, which improves not only the customer experience, but the community around us. Long gone are the days of self-storage lined with razor wire in poorly lit industrial parks. Instead, Five Star is proposing a facility that is perfectly located in a growing area of Bismarck that will provide an essential service to its residents.

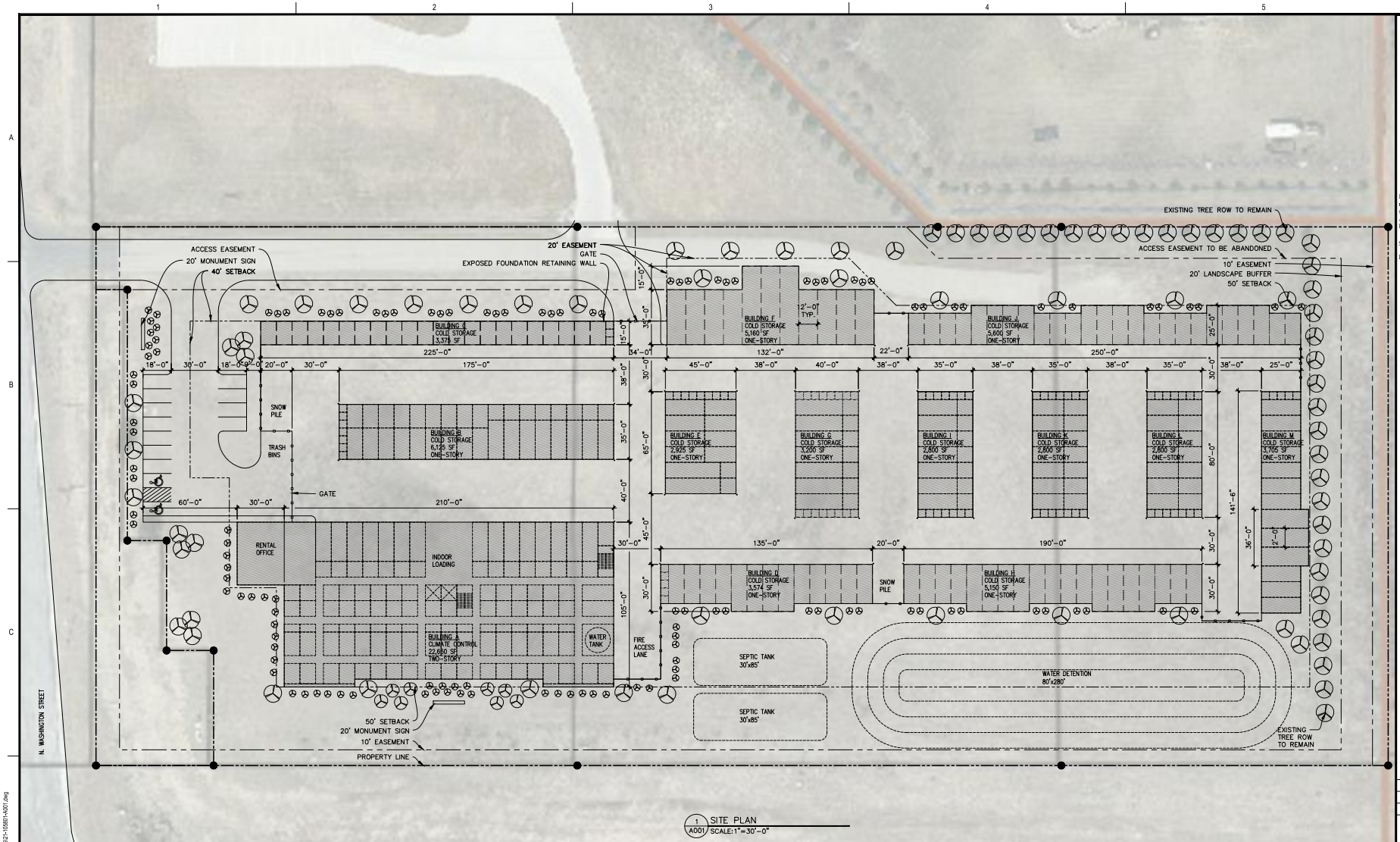
Further, developing a state-of-the-art high-quality self-storage facility near residential areas will likely improve the aesthetics of the neighborhood in general. Area residents who become Five Star customers will many times declutter their garages by moving items into storage, thus providing more space to park vehicles, boats, and other personal property inside, rather than in driveways, yards or on the street. Or better yet, many of our customers will move that unsightly boat or vehicle that had sat in the driveway for months into one of our larger self-storage units. Simply put, the self-storage facility proposed by Five Star Storage will benefit surrounding community and provide a convenient storage location for Bismarck residents as the neighborhood continues to grow and progress. This is consistent and conforms with Bismarck's comprehensive plan, which earmarks the property for commercial development and the general area for substantial residential growth in the future.

Quality. Everyone knows there is a stark difference between the Ritz Carlton and a Super 8 Motel. Not everyone understands the difference between a Five Star Storage facility and your run-of-the-mill storage building. Five Star prides itself on educating municipalities, customers, and the general public on the stark difference between the two.

As evidenced by the enclosed renderings, Five Star is proposing a facility constructed with high quality materials, providing a premium storage experience for our customers, as well as a visually pleasing property for our neighbors around us. We plan to add landscaping buffers and preserve natural features including trees and drainage areas, architectural enhancements, and make other aesthetic upgrades to the site which will set us apart from every other storage facility in the community. Our facility will be harmonious with the adjacent land areas—much more so than many other potential uses. Five Star owns and operates storage facilities in many residential areas and prides itself on providing the highest quality storage service around. Our online reviews speak for themselves—over the last 12 months at our facilities in Bismarck alone, we have received over 40 positive reviews and our average rating is 4.9 stars out of 5.0.

Five Star believes that a PUD is the perfect zoning mechanism to enable this much needed project for North Bismarck. There is no better high need, low impact and low traffic use for this parcel and creating a special district to ensure the use remains as such is more advantageous than a general rezone. The City of Bismarck and its residents will be well-served for many years to come by adding such a facility to a fast-growing part of town.

Thank you for your consideration.



1 A001 SITE PLAN
SCALE: 1" = 30'-0"

RHET ARCHITECTURE

RHET ARCHITECTURE, LLC
ATTN: RHET FISKNESS, AIA
27 11th ST, N, FARGO, ND 58102
PHONE: 701.715-8232
EMAIL: RHET@RHET-ARCH.COM
WEB: WWW.RHET-ARCH.COM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the State of North Dakota.

Signature: _____

Date: 00/00/2021 REG. NO. : 1811

NOT FOR CONSTRUCTION

PROJECT:
FIVE STAR STORAGE
BISMARCK, ND

CLIENT:
FIVE STAR SERVICES, INC
Attn: CHUCK HENDRICKS
3255 43rd STR. S.
FARGO, ND 58104
(P) 701.365.5000
chuck@fivestarservice.biz

CD	CONSTRUCTION DOCUMENTS	03/24/2021
MARK	DESCRIPTION	DATE

COPYRIGHT:
All plans, specifications, computer files, field data, notes and other documents and instruments prepared by RHET FISKNESS ARCHITECT, as instruments of service shall remain the property of RHET FISKNESS ARCHITECT. RHET FISKNESS ARCHITECT shall retain all common law, statutory and other reserved rights, including the copyright thereto.

PROJECT NO:	21-105801
DRAWN BY:	RF
CHECKED BY:	RF

DRAWING TITLE:
DEVELOPMENT PLAN

A001

File Location:N:\PROJECTS\21-105801-Five Star Storage Bismarck\DWG\21-105801-A001.dwg
File Date: 25-Mar-21

RHET
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RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE ZONING CHANGE FROM THE CA-COMMERCIAL ZONING DISTRICT TO THE PUD-PLANNED UNIT DEVELOPMENT ZONING DISTRICT FOR LOTS 2-4, BLOCK 1, NORTHRIDGE ESTATES COMMERCIAL PARK, LESS THAT PORTION TAKEN FOR RIGHT-OF-WAY, AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID ZONING CHANGE BE (APPROVED)(DENIED).

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

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

1) Best use of property is commercial
2) Northridge Estates residents appeared and voiced concerned and expressed they were not in favor.
3) Developer has not informed adjacent property owners and subdivision of the proposed project.

CHAIRMAN, TOWNSHIP BOARD 4/15/2021 DATE

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5
April 28, 2021

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2020-002

Project Summary

Title:	Keeping of Chickens
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Will Hutchings, Planner
Sections Amended:	14-02-03 (Definitions) 14-03-06 (Incidental Uses) 14-04-01 (RR Residential District) 14-04-01.1 (RR5 Residential District)
Request:	Consider revisions to existing ordinance regulations and proposed regulations for the keeping of chickens within rural and urban residential zoning districts

Staff Analysis

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment to revise existing ordinances related to the keeping of chickens on rural residential lots outside the city and propose regulations for the keeping of chickens within the city.

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 citizen that the keeping of chickens be allowed within the city. The Planning and Zoning Commission directed staff to draft an amendment for their consideration.

To facilitate the development of the proposed zoning ordinance text amendment staff formed a stakeholder committee. The stakeholder committee was made up of staff from Animal Control – Police, Building Inspections, Environmental Health and Public Health and a representative each from the Animal Advisory Board, NDSU Extension, an extra-territorial area resident, a city resident, and a local food advocate.

Staff consulted with other urban jurisdictions in the region that allow backyard chickens. Most communities set a maximum number of chickens between 4 and 8 and typically define setback requirements, standards for coops and runs and require permits. In all jurisdictions the keeping of male chickens or roosters are prohibited. Some jurisdictions also require adjacent property owner consent; however, this practice is not favored by staff as it gives any one adjacent property owner veto power. A table summary of research conducted is attached to this staff report.

The keeping of backyard chickens has been allowed outside of the city on lots zoned RR – Residential and RR5 – Residential since the ordinance was amended in 2017. Currently, up to 10 chickens are allowed with minor regulations related to setbacks. In conjunction with the proposed ordinance changes to allow backyard chickens within the city, additional standards are proposed for areas outside of the city limits in the extra-territorial area. These standards include additional screening requirements, predator and rodent mitigation requirements, size requirements and coop and run material and design standards. Chicken keeping outside the city has not been subject to

(continued)

permitting requirements and under the proposed ordinance no permitting requirement would be added.

The following outlines the proposed ordinance provisions:

Permit Required
Any person who wishes to keep chickens within city limits would need to obtain a permit. Permits will help ensure the applicant is aware of the regulations and will help track applicants with a history of non-compliance. The permit will be issued by the Zoning Administrator and is revocable at any time for non-compliance. The permit fee would be set by City Commission during the 2022 budget cycle.

The permit application must also include a site plan showing the location of coop and run, setbacks from property lines and neighboring residences, and material and height of coop and run. In addition, applicants will be required to provide a signed acknowledgement of the zoning regulations prior to issuance of the permit. Applicants will be encouraged to complete a training course through NDSU Extension.

A copy of the draft permit application and sample exhibits of the required submittals items are attached to this staff report.

Number of Chickens allowed
Within the city limits, four chickens would be allowed on a R5 – Residential, R10 – Residential and RM-Residential zoned lots. Outside the corporate limits, ten chickens are allowed on RR – Residential and RR5 – Residential zoned lots.

Restrictions
Under the proposed ordinance, keeping chickens would only be permitted for properties in which the primary use is single-family residential and zoned either RR – Residential, RR5 - Residential, R5 – Residential, R10 – Residential or RM - Residential. Keeping chickens would not be permitted for two-family, multifamily, manufactured homes, any properties in the Downtown Core or Downtown Fringe, or on single-family properties that are a non-conforming use for the zoning district in which they are located. If the property contains a permitted accessory dwelling unit and is a single-family use, chickens would be permitted.

Under the proposed ordinance, no male chickens (roosters) would be permitted and only domestic chickens formally known as Gallus gallus domesticus would be allowed. The chickens must always be kept within the coop or run. All food must be kept in metal predator and rodent proof containers or stored within an accessory structure or the primary residence.

Standards
1. Coops
   - Minimum of 4 square feet per chicken
   - Maximum size 120 square feet
   - Count toward allowed cumulative area allowed for accessory structure(s)
   - Must be constructed to be rodent and predator proof
2. Runs
   - Minimum area of 10 square feet per chicken
   - Must be fully enclosed with fencing on all sides and on top
   - Fencing must be wooden or woven wire
   - Must be installed either on a concrete slab or foundation or with buried fencing to a depth of twelve inches below the ground
3. Setbacks and Screening – Coops and Runs
   - Must be kept a minimum of 20 feet away from streams, tributaries, ditches, stormwater management facilities, storm drainage areas or stormwater easements to prevent any fecal matter from entering any storm drainage system or stream
   - For R5, R10 and RM zoned lots – Must be placed within the rear yard, hidden from public right-of-way and neighboring properties by placement or with a 6 foot tall opaque fence and must be set back a minimum of 10 feet from all property lines and no closer than 20 feet from adjacent residences
   - For properties zoned RR and RR5 – Must be placed within the rear yard, hidden from public right-of-way and neighboring properties by placement or with a 6 foot tall opaque fence and must be setback a minimum of 50 feet

(continued)

from rear property line, 15 feet from side property lines and no closer than 150 feet from an adjacent property dwelling

Potential Impacts

During stakeholder meeting and staff level discussions, it was noted that animals are considered "personal property" and by law, if Animal Control – Police were to capture any chickens on the loose in the community, they would be required to hold that animal for a period of ten days in order to allow the rightful owner time to come forward and claim their chicken(s). This would result in fiscal impacts that will be associated with this proposed ordinance change - specifically the costs necessary to construct a holding facility at Animal Control specifically for chickens. The estimated range of these costs is between $4,500 to $5,500.

In addition to the proposed changes to zoning requirements to allow the keeping of chickens within the city, additional changes to other city ordinances would be necessary. Section 3-01-02 of the City Code of Ordinances explicitly prohibits the keeping and raising of domestic fowl within the corporate limits. If the Planning and Zoning Commission recommends approval of the ordinance, additional coordination with the City Attorney will be needed to amend potential conflicting requirements under Title 3.

Animal Control – Police has consistently expressed concerns for this proposed zoning ordinance text amendment. Specifically, they have noted concerns with the possibility of chickens attracting predatory animals and rodents as well as concerns with enforcement calls in case any chickens get lose. The proposed zoning ordinance was drafted to alleviate these concerns, and revocation of the permit provides an enforcement mechanism for individuals who do not comply with the ordinance requirements.

The Bismarck Animal Advisory Board received a copy and overview of the proposed ordinance and met on April 8, 2021. They voted 5-0 to support the proposed ordinance to allow backyard chickens in the City as outlined in the proposed ordinance.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), And 14-04-01.1 (RR5 Residential District) as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment
2. Peer Community Research
3. Draft Permit Application
4. Example Site Plan and Coop Detail

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 14-02-03 (DEFINITIONS), 14-03-06 (INCIDENTAL USES), 14-04-01. (RR RESIDENTIAL DISTRICT), AND 14-04-01.1. (RR5 RESIDENTIAL DISTRICT) OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE KEEPING OF CHICKENS.

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:

* * * * *

Chicken: A type domesticated fowl formally known as Gallus gallus domesticus.

Chicken-Hen: A female chicken.

Chicken-Rooster: A male chicken.

Chicken-Coop: a fully enclosed, detached non-residential structure for the purpose of housing chickens.

Chicken-Run: A fully enclosed and covered area attached to a Coop for the purpose of allowing chickens to roam unsupervised outside.

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Chicken-Brood: A group of chickens

* * * * *

Section 2. Amend. 14-03-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Incidental Uses, is hereby amended to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

* * * * *

b. One and two-family residential accessory uses and buildings.

* * * * *

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in this Section and Sections 14-04-01, 14-04-01.1 or 14-04-17 of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed.

* * * * *

5. Backyard Chicken Keeping:

a. Intent: Allow for the keeping of chickens at an individual or household scale while promoting the health, safety and general welfare of the citizens of the city.

b. Permit Required: No person residing within the City shall keep chickens unless granted a permit from the Zoning Administrator. The permit shall be required prior to conducting the keeping of chickens and shall

be good for one calendar year. Upon a one-year period from the date of issuance, the permit may be renewed. The permit is tied to the applicant and the land and is non-transferrable. The permit may be revoked by the Zoning Administrator by written notice or upon request for renewal for failure to comply with the requirements outlined here within or any other local or state regulation. Any person whose permit is revoked shall, within fourteen days thereafter, remove from the premises all chickens, coops and runs. Application fees for revoked permits shall not be refunded. The permittee may appeal the revocation, suspension or refusal of renewal of the permit by timely request for a hearing before the board of city commissioners. Permit fees shall be set by the board of city commissioners.

c. A permit application shall include the following:

1. The applicable fee

2. Site plan illustrating:

a. Property lines of the entire site.

b. Distance to proposed coop and run.

c. Distance and size of all on-site structures and distance to neighboring property dwelling.

d. Material type and height of screening fence, chicken coop and run.

e. Distance from any adjacent streams, tributaries, ditches, stormwater management facilities, storm drainage areas or stormwater easement.

3. Photos of the chicken coop and run (permit renewal only).

d. Standards:

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1. Backyard chickens may only be kept on property in which primary use is single-family residential or rural residential.

2. For single-family residential properties within the R5-Residential, R10-Residential or RM-Residential zoning districts no more than four (4) chicken hens may be permitted. For single-family residential properties within the extra-territorial area, outside of the corporate limits and zoned RR-Residential or RR5-Residential no more than ten (10) chicken hens may be permitted.

3. No male chickens (roosters) may be kept as backyard chickens. As soon as a rooster is identified it shall be culled from the brood.

4. Chickens, as permitted under this subsection, may only be kept and raised for private uses only.

5. Chickens shall not be kept outside of the coop or run.

6. Lot area. Chickens may only be permitted on lots that conform to the minimum allowable lot size as set by the zoning district standards.

7. Chicken feed must be kept in metal predator and rodent proof containers or stored inside the home, garage or accessory structure.

8. Chicken coops shall be constructed to provide a minimum of four (4) square feet per chicken, shall not be larger than one-hundred-twenty (120) square feet and shall be counted in overall size limitations for allowable accessory structures. The coop must be constructed with predator and rodent proof measures and shall be elevated with a clear open space of at least twenty-four (24) inches between the ground and the framing/floor or on a concrete

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floor/foundation. The coop must be fully enclosed on all sides and top.

9. Chicken runs shall be constructed to provide a minimum of ten (10) square feet of ground area per chicken, shall be fully enclosed with fencing on all sides and top and said fencing shall be installed either on a concrete slab or foundation or with buried fencing to a depth of twelve inches below the ground. The fencing shall be wooden or wire materials or a combination thereof.

10. Chicken coops, runs, and manure storage shall be kept a minimum of twenty (20) feet from streams, tributaries, ditches, stormwater management facilities, storm drainage areas or stormwater easement that would allow fecal matter to enter any storm drainage system or stream. Dumping of feces or manure in a storm drainage system is prohibited.

11. For properties within the R5-Residential, R10-Residential and RM-Residential zoning districts chicken coops and runs:

a. Shall be located within the rear yard and must be obscured from view of any street, trail, public park, neighboring properties and other right-of-way by either placement behind the home, dense mature vegetation and/or with a six (6) foot tall opaque fence.

b. Shall be located no closer than ten (10) feet from any property line and no closer than twenty (20) feet from an adjacent property dwelling.

12. Within the extra-territorial area outside of the corporate limits for properties within the RR-Residential and RR5-Residential zoning district, chicken coops and runs:

a. Shall be located within the rear yard and must be obscured from view of any

street, trail, public park, neighboring properties and other right-of-way by either placement behind the home, dense mature vegetation and/or with a six (6) foot tall opaque fence.

b. Shall be located no closer than fifty feet (50) feet from the rear property line, fifteen (15) feet from side property lines and no closer than one hundred-fifty (150) feet from an adjacent property dwelling.

Section 3. Amend. 14-04-01. of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR Residential District, is hereby amended to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

e. ~~Chicken Hens and Coops in areas outside of the corporate limits, provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~ Backyard Chicken Keeping:

a. Intent: Allow for the keeping of chickens at an individual or household scale while promoting the health, safety and general welfare of the citizens of the city.

b. Standards:

1. The primary use of the person's property for keeping of backyards chickens must be single-family residential.

2. For rural residential zoned properties within the extra-territorial area, outside of the corporate limits, no more than ten (10) chicken hens may be permitted.

3. No male chickens (roosters) may be kept as backyard chickens. As soon as a rooster is identified it shall be culled from the brood.

4. Chickens, as permitted under this subsection, may only be kept and raised for private uses only.

5. Chickens shall not be permitted outside of the coop or run.

6. Lot area. Chickens may only be permitted on lots that conform to the minimum allowable lot size as set by the zoning district standards.

7. Chicken feed must be kept in metal predator and rodent proof containers or stored inside the home, garage or accessory structure.

8. Chicken coops shall be constructed to provide a minimum of four (4) square feet per chicken, shall not be larger than one-hundred-twenty (120) square feet and shall be counted in overall size limitations for allowable accessory structures. The coop must be constructed predator and rodent proof measures and shall be elevated with a clear open space of at least twenty-four (24) inches between the ground and the framing/floor. The coop must be fully enclosed on all sides and top.

9. Chicken runs shall be constructed to provide a minimum of ten (10) square feet of ground area per chicken, shall be fully enclosed with either fencing on all sides and top and said fencing shall be installed either on a concrete slab or foundation or with buried fencing to a depth of twelve inches below the ground. The fencing shall be wooden or wire materials or a combination thereof.

10. Chicken coops, runs, and manure storage shall be kept a minimum of twenty (20) feet from streams, tributaries, ditches, stormwater management facilities, storm drainage areas or stormwater easement that would allow fecal matter to enter any storm drainage system or stream. Dumping of feces or manure in a storm drainage system is prohibited.

11. Chicken coops and runs:

a. Shall be located within the rear yard and must be obscured from view of any street, trail, public park, neighboring properties and other right-of-way by either placement behind the home, dense mature vegetation, and/or with a six (6) foot tall opaque fence.

b. Shall be located no closer than fifty feet (50) feet from the rear property line, fifteen (15) feet from side property lines and no closer than one hundred-fifty (150) feet from an adjacent property dwelling.

Section 4. Amend. 14-04-01.1 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to RR5 Residential District, is hereby amended to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

e. ~~Chicken Hens and Coops in areas outside of the corporate limits, provided that the animals are kept for private use only; that no male chickens (roosters) are kept; all hens are kept in a fenced area; all coops and structures meet applicable setbacks and size limitations for allowable accessory structures and are not located less than one hundred and fifty (150) feet of any neighboring residence or structure; and that no more than ten (10) chickens shall be permitted.~~ Backyard Chicken Keeping:

a. Intent: Allow for the keeping of chickens at an individual or household scale while promoting the health, safety and general welfare of the citizens of the city.

b. Standards:

1. The primary use of the person's property for keeping of backyards chickens must be single-family residential.

2. For rural residential zoned properties within the extra-territorial area, outside of the

corporate limits, no more than ten (10) chicken hens may be permitted.

3. No male chickens (roosters) may be kept as backyard chickens. As soon as a rooster is identified it shall be culled from the brood.

4. Chickens, as permitted under this subsection, may only be kept and raised for private uses only.

5. Chickens shall not be permitted outside of the coop or run.

6. Lot area. Chickens may only be permitted on lots that conform to the minimum allowable lot size as set by the zoning district standards.

7. Chicken feed must be kept in metal predator and rodent proof containers or stored inside the home, garage or accessory structure.

8. Chicken coops shall be constructed to provide a minimum of four (4) square feet per chicken, shall not be larger than one-hundred-twenty (120) square feet and shall be counted in overall size limitations for allowable accessory structures. The coop must be constructed predator and rodent proof measures and shall be elevated with a clear open space of at least twenty-four (24) inches between the ground and the framing/floor. The coop must be fully enclosed on all sides and top.

9. Chicken runs shall be constructed to provide a minimum of ten (10) square feet of ground area per chicken, shall be fully enclosed with either fencing on all sides and top and said fencing shall be installed either on a concrete slab or foundation or with buried fencing to a depth of twelve inches below the ground. The fencing shall be wooden or wire materials or a combination thereof.

10. Chicken coops, runs, and manure storage shall be kept a minimum of twenty (20) feet from streams, tributaries, ditches, stormwater management facilities, storm drainage areas or stormwater easement that would allow fecal matter

to enter any storm drainage system or stream. Dumping of feces or manure in a storm drainage system is prohibited.

11. Chicken coops and runs:

a. Shall be located within the rear yard and must be obscured from view of any street, trail, public park, neighboring properties and other right-of-way by either placement behind the home, dense mature vegetation and/or with a six (6) foot tall opaque fence.

b. Shall be located no closer than fifty feet (50) feet from the rear property line, fifteen (15) feet from side property lines and no closer than one hundred-fifty (150) feet from an adjacent property dwelling.

Section 5: 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 6. Effective Date. This ordinance shall take effect after final passage, adoption and publication.

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BACKYARD CHICKENS

Peer Community Research

Sample of Communities Allowing Chickens

Jurisdiction	Approval Process	Maximum Number	Setbacks	Enforcement	Notes
Fargo	Administrative Permit	4	3' from property	Environmental Health/ Police	
Grand Forks	Administrative Permit			Police/ Public Health	Neighbor permission required from all within 75'
Mandan	Administrative Permit	4	10' from property and 20' from neighboring residence	Code Enforcement/ Planning	
Casselton	City Council	2	None	Nuisance Committee	Written approval required from all adjacent neighbors
Jamestown	Permit from City Council	Not Specified	100' from adjacent residence	Animal Control	Written approval from neighbors within 100' distance
Park River	Administrative Permit	8	5' in Rear Yard	Building Inspector/ Sheriff	Written approval from 75% of neighbors within 200' of Coop
Beach	Allowed by right	No limit	None	Sheriff	If neighbors complain about smell/sound etc. can be removed

City of Bismarck
Community Development Department
Phone: 701-355-1465 • FAX: 701-258-2073 ● TDD: 711
PO Box 5503 • Bismarck, ND 58506-5503
buildinginspections@bismarcknd.gov

Last Revised: 4/22/2021

URBAN BACKYARD CHICKEN PERMIT APPLICATION

PROPERTY INFORMATION			
Legal description: (Lot, Block, Addition/Subdivision)			
Street address of property:			
Property Size:		Zoning:	

APPLICANT INFORMATION			
Applicant Name:			
Applicant Mailing Address:			
Phone Number:		Email:	
PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT)			
Property Owner Name:			
Property Owner Address:			
Phone Number:		Email:	

ADDITIONAL SUBMITTALS

☐ Site plan illustrating:
- Location of coop and run
- Setbacks from property lines and neighboring residences
- Setbacks from any stream, tributary, ditch, and/or stormwater facility.
- Screening location and materials

☐ Construction drawings including at least one of the following:
- Material type and height of coop and run
- Diagram and illustration if provided in a prefabricated kit

☐ Photos of Coop and Run (if renewing)
☐ Signed Acknowledgment of Understanding of Requirements and Responsibilities
☐ Fee (non-refundable)
- New Application - $50
- Renewal Application - $25

☐ Optional: Completion of Backyard Chicken Keeping Training Program from NDSU Extension

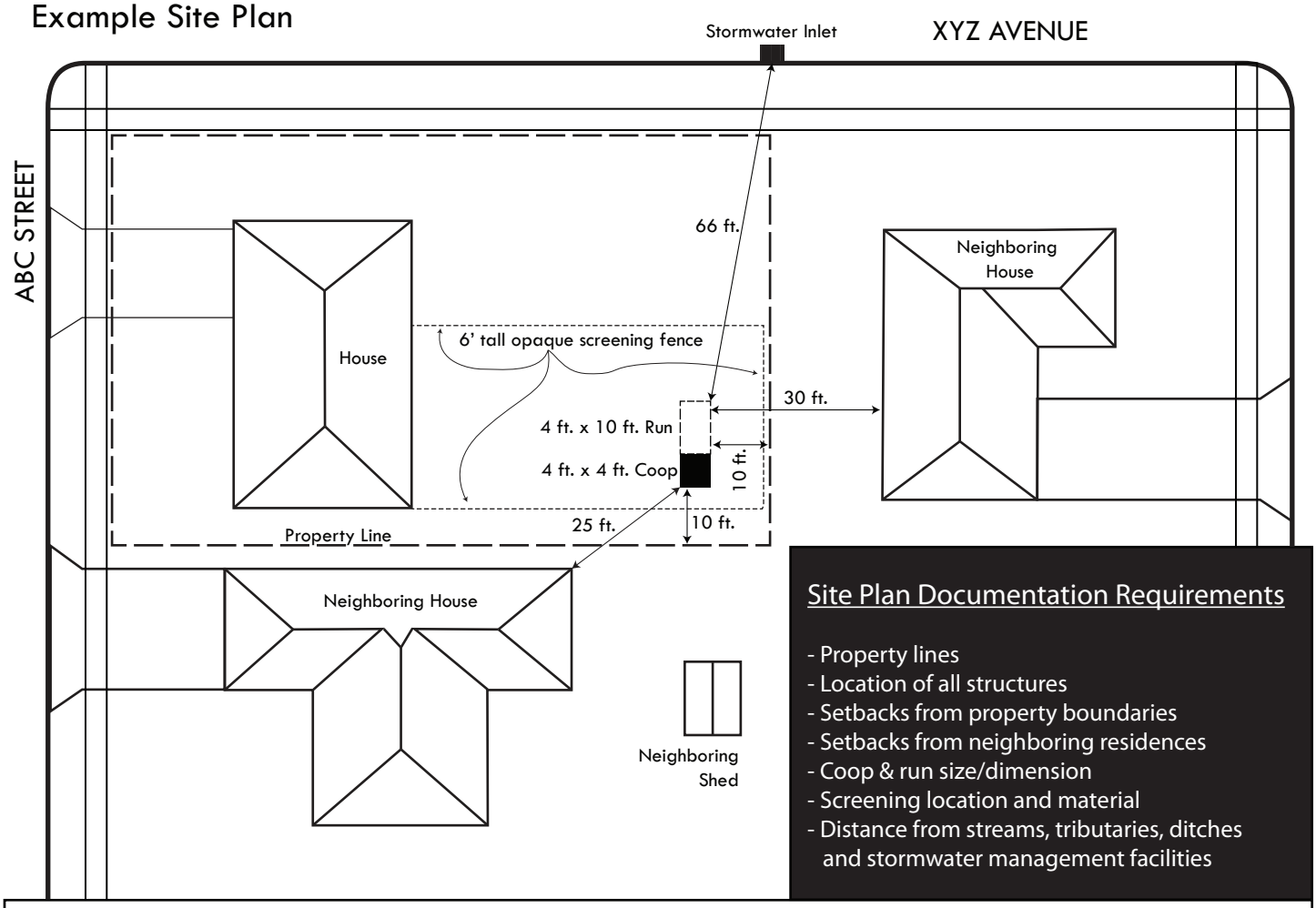
By signing this application, I certify that all information and statements provided on this application and all other documents submitted along with this application are true and correct. I further certify that all work will be done in compliance with all applicable law, codes, and ordinances of the City of Bismarck.

Applicant Signature _____ Date _____

Property Owner Signature _____ Date _____

DRAFT

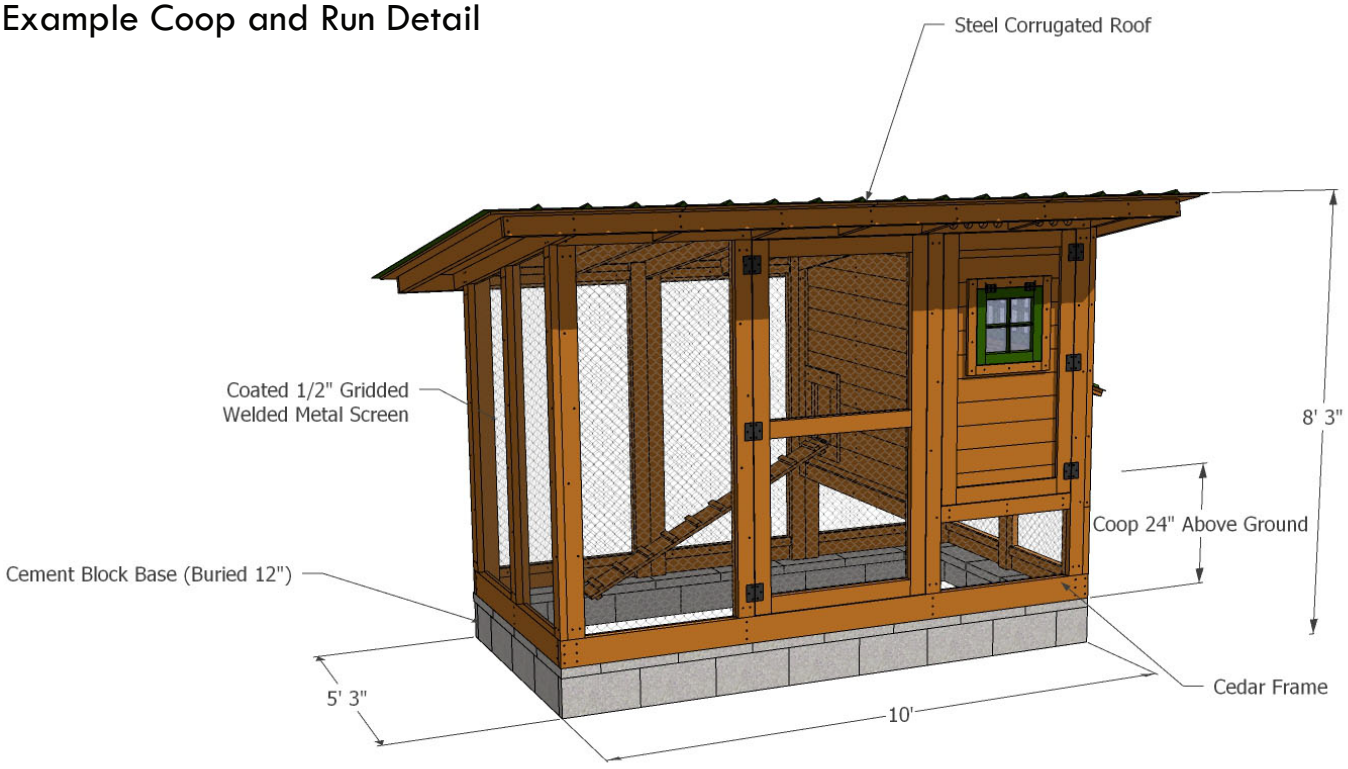
Example Site Plan



Site Plan Documentation Requirements

- Property lines
- Location of all structures
- Setbacks from property boundaries
- Setbacks from neighboring residences
- Coop & run size/dimension
- Screening location and material
- Distance from streams, tributaries, ditches and stormwater management facilities

Example Coop and Run Detail



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

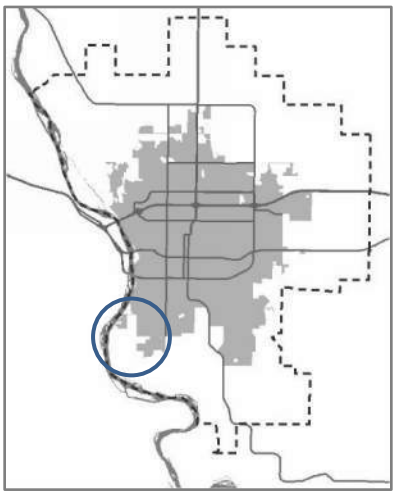
Agenda Item # 6
April 28, 2021

Application for: Zoning Change
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2020-017
MPLT2021-001

Project Summary

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



Site Information

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

Property History

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

(continued)

Staff Analysis

Dan Potter is requesting approval of a zoning change from the RR – Residential zoning district to the RR – Residential and the R5 – Residential zoning district and a minor subdivision final plat titled Potter Pointe Subdivision.

Background Information

The Planning and Zoning Commission considered the zoning request at their meeting of January 27, 2020 and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 16th and April 23rd and 32 letters were mailed to the owners of nearby properties on April 16th.

Additional Information

The proposed plat would reconfigure existing property boundaries to create two rural residential lots (Lots 1 and 5) and two urban residential lots (Lots 3 and 4) for single-family development. The proposed plat also includes an existing rural residential single-family dwelling located on Lot 2.

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

Conformance with the Comprehensive Plan

The proposed plat and zoning change are located in an area that was not included in the Future Land Use Plan or the Growth Phasing Plan, as this area was already partially developed and zoned when the plans were created. Lots 3 and 4 of the proposed plat are proposed to be zoned R5 – Residential which would allow for the development of two urban single-family lots when annexed. The corporate boundary is adjacent to these lots beginning at Langer Lane. The owner has indicated that annexation of these lots would occur in the future, when buyers have been identified. Planning staff has notified the applicant that building permits for these lots cannot be issued until the lots are annexed and municipal utilities are extended. Utility capital charges would also be required at that time.

Transportation and Access

The proposed plat includes a 40-foot wide access easement. This easement is intended to provide access to Lots 1, 2 and 5. Lots 3 and 4 would be accessed from Langer Lane.

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.

Minor Plat

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

(continued)

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
3. 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;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed subdivision 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 RR – Residential zoning district to the RR – Residential zoning district for Lots 1, 2, and 5, Block , Potter Pointe Subdivision and the R5 – Residential zoning district for Lots 3 and 4, Block 1, Potter Point Subdivision and approval of the minor subdivision final plat for Potter Pointe Subdivision.

Attachments

1. Draft Zoning Change Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Change to Zoning Map
6. Minor Subdivision Final Plat
7. Underlying plat with replatted portion

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 RR – Residential zoning district and included in the RR – Residential zoning district:

Lots 1, 2 and 5, Block 1, Potter Pointe Subdivision

The following described property shall be excluded from the RR – Residential zoning district and included in the R5 – Residential zoning district:

Lots 3 and 4, Block 1, Potter Pointe Subdivision

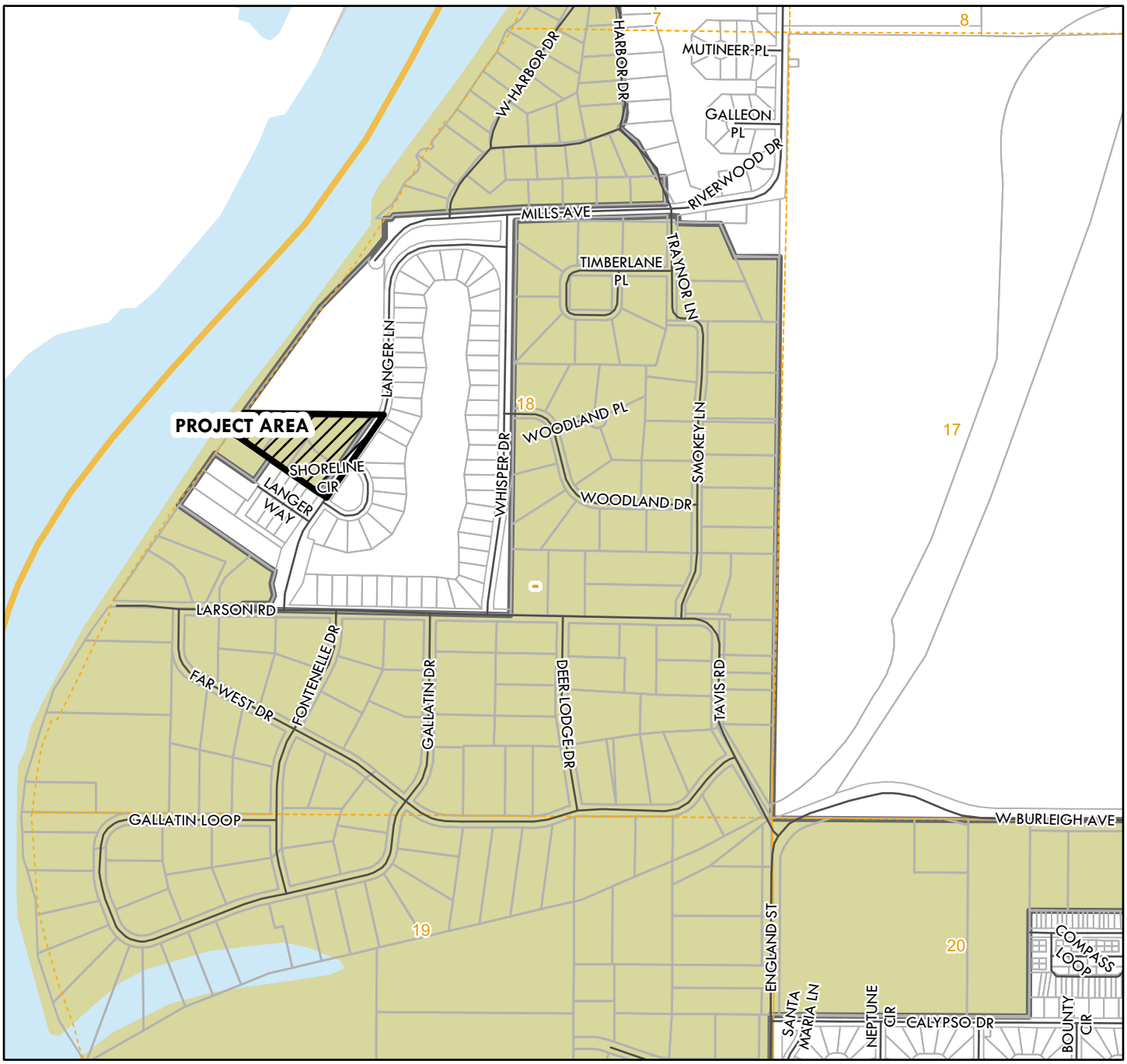
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

POTTER POINTE SUBDIVISION

MPLT2021-001
ZC2020-017



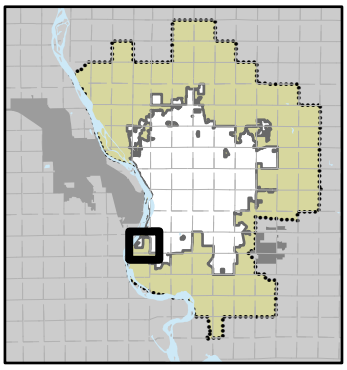
0 0.23 0.45 0.9 Miles

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange



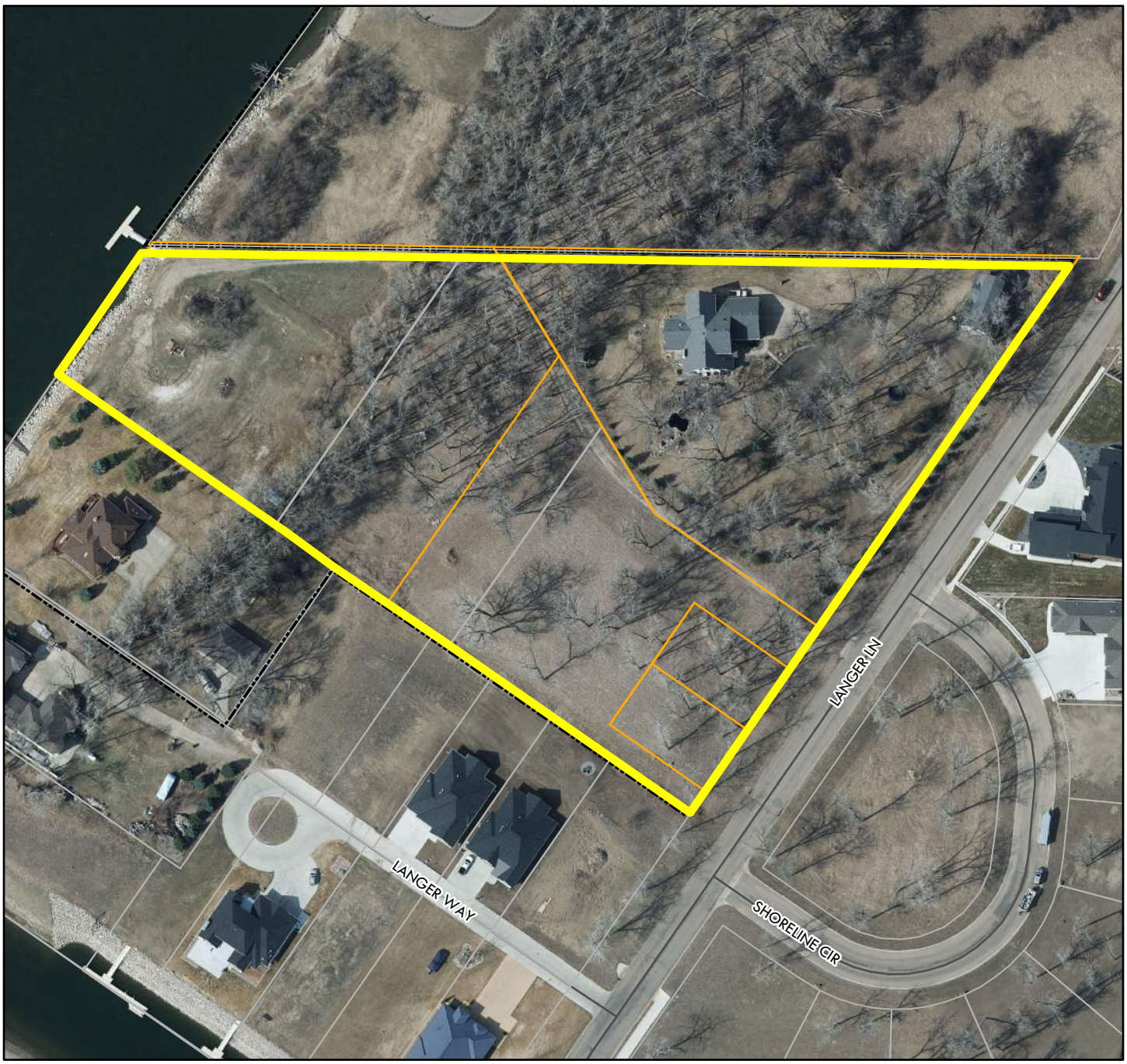
City of Bismarck
Community Development Department
Planning Division
April 21, 2021 (HLB)

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

POTTER POINTE SUBDIVISION

ZC2020-017
MPLT2021-001

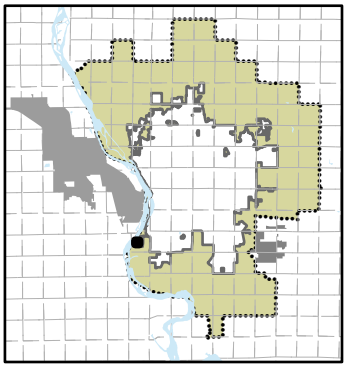


0 0.04 0.07 0.14 Miles

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
April 21, 2021

Zoning and Plan Reference Map

POTTER POINTE SUBDIVISION

ZC2020-017
MPLT2021-001

Zoning Districts

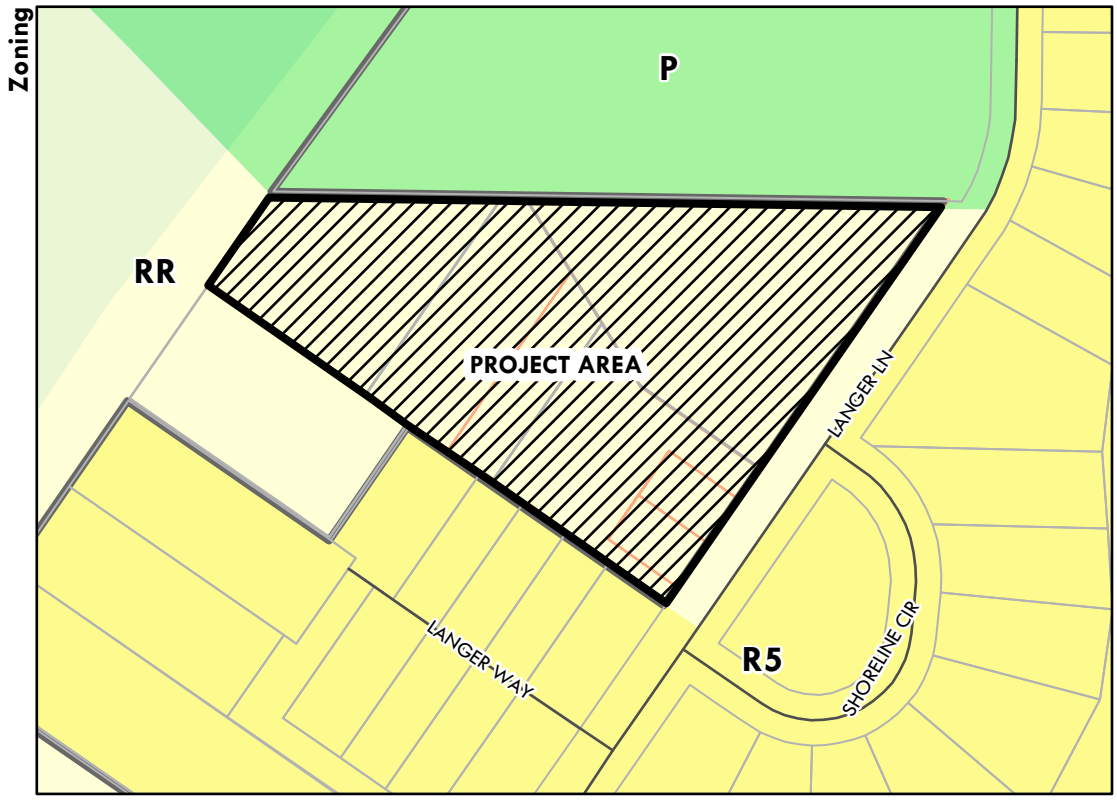
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

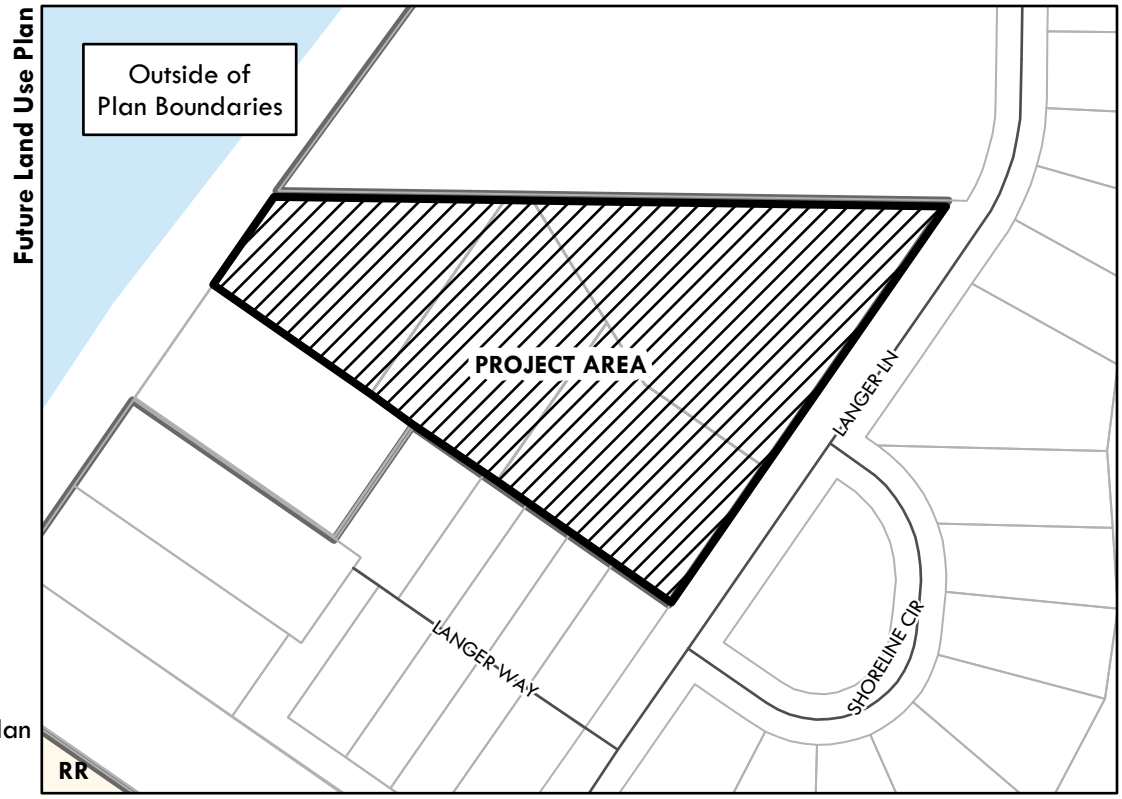
Future Land Use Plan

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





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 0.03 0.06 0.12

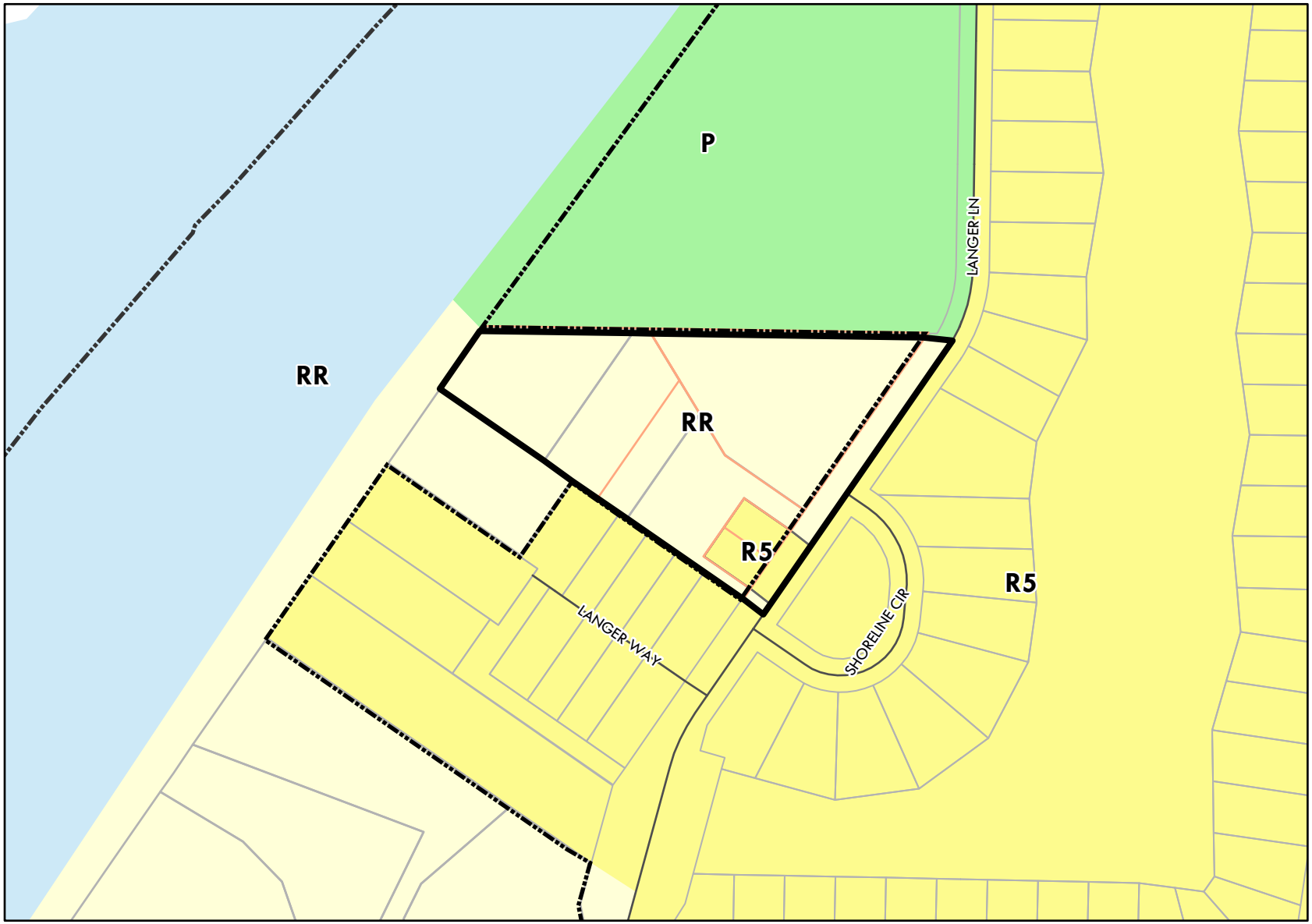
City of Bismarck
Community Development Dept.
Planning Division
April 21, 2021

Proposed Zoning Change

POTTER POINTE SUBDIVISION

ZC2020-017
MPLT2021-001

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 0.1 0.2 0.4 Miles

N

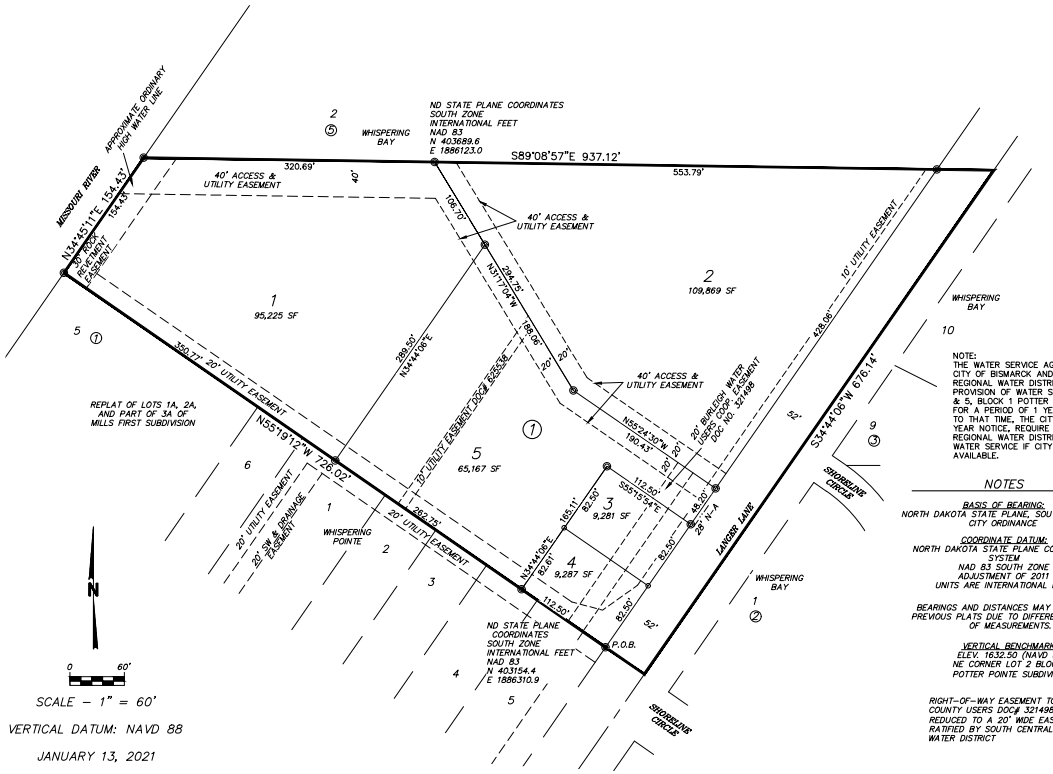
City of Bismarck
Community Development Dept.
Planning Division
April 22, 2021

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.

POTTER POINTE SUBDIVISION

BEING A REPLAT OF PART OF THE WEST HALF OF LANGER LANE RIGHT-OF-WAY AND LOTS 1-4 BLOCK 1 OF REPLAT OF LOTS 1A, 2A, AND PART OF 3A OF MILLS FIRST SUBDIVISION OF THE SW 1/4 OF SECTION 18, TOWNSHIP 138 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 2011
UNITS ARE INTERNATIONAL FEET

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

VERTICAL BENCHMARK:
ELEV. 1632.50 (NAVD 88)
NE CORNER LOT 2 BLOCK 1
POTTER POINTE SUBDIVISION

RIGHT-OF-WAY EASEMENT TO BURLEIGH COUNTY USERS DOC# 321498 HAS BEEN REDUCED TO A 20' WIDE EASEMENT, RATIFIED BY SOUTH CENTRAL REGIONAL WATER DISTRICT

DESCRIPTION

BEING A REPLAT OF PART OF THE WEST 1/2 OF LANGER LANGE RIGHT OF WAY AND LOTS 1-4 BLOCK 1 OF REPLAT OF LOTS 1A, 2A, AND PART OF 3A OF MILLS FIRST SUBDIVISION OF THE NW 1/4 OF SECTION 18, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 5 BLOCK 1 WHISPERING POINTE; THENCE NORTH 55 DEGREES 19 MINUTES 12 SECONDS WEST, ALONG THE BOUNDARY OF WHISPERING POINT, A DISTANCE OF 726.02 FEET TO A SURVEY LINE AT THE HIGH BANK OF THE MISSOURI RIVER; THENCE NORTH 34 DEGREES 45 MINUTES 18 SECONDS EAST, ALONG SAID SURVEY LINE, A DISTANCE OF 154.43 FEET TO THE SOUTH LINE OF LOT 2 BLOCK 5 WHISPERING BAY; THENCE SOUTH 89 DEGREES 08 MINUTES 57 SECONDS EAST, CONTINUING ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 937.12 FEET TO THE CENTERLINE OF LANGER LANE RIGHT-OF-WAY; THENCE SOUTH 34 DEGREES 44 MINUTES 08 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 676.14 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY BOUNDARY OF WHISPERING POINTE; THENCE NORTH 55 DEGREES 19 MINUTES 12 SECONDS WEST, ALONG SAID SOUTHEASTERLY EXTENSION, A DISTANCE OF 52.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.42 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 "POTTER POINTE SUBDIVISION", 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 DANIEL POTTER, WAYNE HARVISON, & JENNIFER HARVISON, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "POTTER POINTE SUBDIVISION", 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 PUBLIC USE 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 ALSO DEDICATE ACCESS EASEMENTS TO RUN WITH THE LAND FOR USE BY ADJOINING LAND-OWNING PARTIES OF POTTER POINTE SUBDIVISION, SPECIFICALLY LOTS 1, 2, & 5 BLOCK 1 POTTER POINTE SUBDIVISION & THE OWNERS OF LOT 5 BLOCK 1 OF REPLAT OF LOTS 1A, 2A, AND PART OF 3A OF MILLS FIRST SUBDIVISION, THEIR TENANTS, VISITORS AND LIGENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND TO THE CITY OF BISMARCK AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, IT'S OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
DANIEL POTTER
142 AMERICAN AVE.
BISMARCK, ND 58504
OWNER LOTS 1, 3-5 BLOCK 1

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED DANIEL POTTER, 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 _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
WAYNE HARVISON
2800 LANGER LANE
BISMARCK, ND 58504
CO-OWNER LOT 2 BLOCK 1

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED WAYNE HARVISON, 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 _____

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
JENNIFER HARVISON
2800 LANGER LANE
BISMARCK, ND 58504
CO-OWNER LOT 2 BLOCK 1

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED JENNIFER HARVISON, 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

REPLAT OF LOTS 1A, 2A, AND PART OF 3A OF MILLS FIRST SUBDIVISION

SECTION 18, T. 138 N., R. 80 W.

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

LOTS 1A, 2A AND THE NORTHERLY 15.00 FEET OF THE WESTERLY 360.00 FEET OF LOT 3A, MILES FIRST SUBDIVISION, BISMARCK, NORTH DAKOTA CONTAINING 11.51 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 2nd DAY OF April, 2002, IN ACCORDANCE WITH THE 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 OE THE PLANNING COMMISSION OF THE CITY OE BISMARCK.

DAVID BLADSTEAD – CHAIRMAN

CARL D. HOKLNSTAD– SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUB-DIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED 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 ANNEXED PLAT.

THE FOREGOING ACTION OE THE BOARD OF CITY COMMISSIONERS OF BISMARILK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 14th DAY OF May, 2002.

ATIEST
W.C.WOCKEN–CITY ADMINISTRATOR

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OE THE NOTES OF A SURVEY PERFORMED UNDLR MY SUPERVIDION AND COMPLETED ON FLBRUARY 1, 2001, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BLEIEF.

TERRY BALTZER
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 3595

COUNTY OF BURLEIGH)
SS)
STATE OF NORTH DAKOTA)

ON THIS 17 DAY OE May, 2002, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXLCUTED THE FOREGOING SURVLYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXLCUTLD THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLLIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2004

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, P.E., CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "REPLAT OE PART OF MILS FIRST SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER P.E. 3/10/2003
CITY ENGINLER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DON L. WILHELM, MARY L. WILHELM, DIANE A. HELFRICH AND JOHN M. HELFRICH FOR THE MARLENE M. HELFRICH FAMILY TRUST BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSLD THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "REPLAT OE LOTS 1A, 2A AND PART OF LOT 3A OF MILLS FIRST SUBDIVISION", BISMARCK, NORTH DAKOTA.

THEY ALSO DEDICATES LASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TLLEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY LASEMENTS.

IT FURTHERMORE GRANTS ACCESS LASEMLNTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON ON THE PLAT. SAID EASEMENT TO INCLUDE THE FUEL AND FREE RIGHT EOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSELS, IN COMMON WITH ALL OTHLRS HAVING LIKE RIGHT AT ALL TIMLS HERLAFTER FOR ALL PURPOSES CONNECTED WITH THE USL OF SAID PARTIES, TO PASS AND RLPASS ALONG SAID EASLMLNT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OE SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMLNTAL SUBDIVMSION, ITS OFFICERS AND EMPLOYEES FOR UTILTIES AND ANY OTHER GOVERNMLNTAL USE OR USES IT DLEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINLD OR ARE OBSTRUCTED BY THL OWNLRS OF PROPERTY IN THL SUBDIVISION.

DIANE A. HELFRICH
OWNER: LOT 1 BLOCK 1

MARLENE M. HELFRICH FAMILY TRUST
JOHN M. HELFRICH, TRUSTEE
OWNER: LOTS 2, 3 & 4 BLOCK 1
JOHN M. HELFRICH
OWNER: LOT 1 BLOCK 1

STATE OF NORTH DAKOTA)
SS)
COUNTY OF BURLEIGH)

ON THIS 13TH DAY OF DECEMBER, 2002, BEFORE ME PERSONALLY APPLARLD JOHN M.HELFRICH, DIANE A.HELFRICH AND JOHN M. HELFRICH, TRUSTEE FOR MARLENE M. HELFRICH FAMILY TRUST KNOWN TO ME, TO BE THE PERSONS AND TRUSTLL LESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2004

STATE OF NORTH DAKOTA)
SS)
COUNTY OF BURLEIGH)

DON L. WILHELM
OWNER: LOTS 5, 6 & 7 BLOCK 1

MARY L. WILHELM
OWNER: LOTS 5, 6 & 7 BLOCK 1

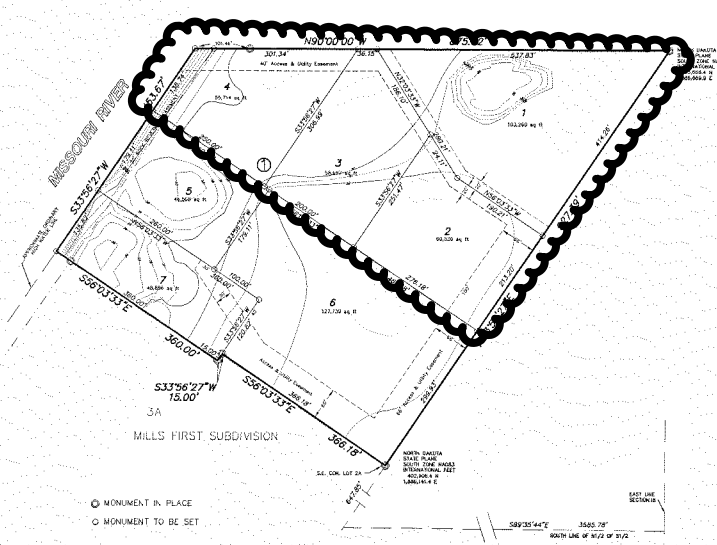
ON THIS 26TH DAY OF NOVEMBER, 2002, BEFORE ME PLRSONALLY APPEARED MARY L. WILHELM AND LION L. WILHELM KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWEDGED TO ME THAT THEY EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLLIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 8-24-04

JANUARY 9, 2002
SCALL – 1"=100'

FLOOD PLAIN ELEV 1634.5
FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 380149 0025 A
DATED SEPTEMBER 18, 1985

11.51 ACRES	LOTS
0.00 ACRES	STREETS
11.51 ACRES	TOTAL



SWENSON, HAGEN & CO. P.C.
PLANNING CIVIL ENGINEERING SURVEYING
SITE DESIGN CONSTRUCTION MANAGEMENT
909 RAISIN AVE (701) 223-9540
P.O. BOX 1135 FAX (701) 223-2610
BISMARCK, N.D. 58504 E-MAIL shag@swensonhagen.com

Underlying Plat with replatted portion

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

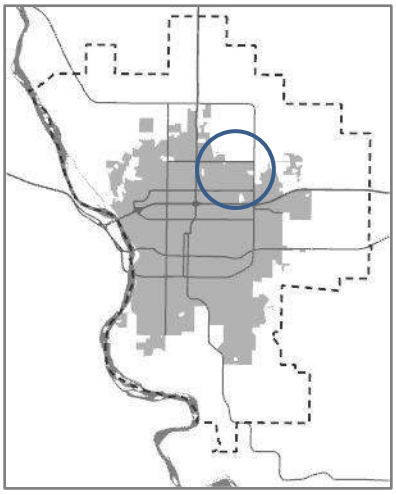
Agenda Item # 7
April 28, 2021

Application for: Zoning Change
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2021-004
MPLT2021-004

Project Summary

Title:	Hamilton's First Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Sattler Homes, Inc.
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, north of East Century Avenue and west of Centennial Road on the west side of Hamilton Street (a replat of part of the East 67 feet and the South 61 feet of Lot 1 and Lots 2-3, Block 1, Hamilton's First Addition)
Project Size:	7.12 Acres
Request:	Rezone and replat property to facilitate single-family development in the northern portion, and restricted shop condos in the southern portion of the plat



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	2 lots in 2 blocks	*Number of Lots:*	19 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Single-family residential and shop condo uses
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:	RM15 – Residential PUD – Planned Unit Development	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	RM15 – Multi-family residential PUD – Uses specified in PUD	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	RM15 – Multi-family residential PUD – Density specified in PUD	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*05/2009 (PUD)* *04/2014 (RM15)*	*Platted:*	*08/2010*	Annexed:	08/2010

(continued)

Staff Analysis

Sattler Homes, Inc. is requesting approval of a zoning change from the RM15 – Residential and PUD – Planned Unit Development zoning districts to a new PUD – Planned Unit Development zoning district and a minor subdivision final plat for Hamilton's First Addition First Replat.

The Planning and Zoning Commission considered this request at their meeting of March 24 and called for a public hearing on the zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 16th and April 23rd, and 61 letters were mailed to the owners of nearby properties on April 16th.

Adjacent uses include Legacy High School to the north, developing manufactured home park to the east, developing shop condos to the south, and multi-family residential directly to the west and shop condos to the west across Hamilton Street.

A plat also named Hamilton's First Addition First Replat was approved by the City Commission on June 13, 2017, but was subsequently withdrawn by the property owner and was never recorded. Another plat of the same name was approved by the City Commission on June 23, 2015, and this was also withdrawn and not recorded. Both withdrawn plats were requested by a previous owner of the property.

The proposed PUD would be divided into two distinct areas bisected by a 50-foot transmission pipeline easement that passes diagonally through the lots. Proposed Lots 1-18 north of the easement would be designated Area A, and proposed Lot 19 south of the easement would be designated Area B.

Area A of the PUD

Area A would be residential in character, including 18 single-family homes. The majority of the homes would be accessed from an internal private roadway creating a loop between East Calgary Avenue and the rear parking lot to the west. The private streets would be named Calgary Pointe and Hamilton Pointe, in reference to the streets they connect to.

The applicant would enter into an agreement with the adjoining property owners for access through the lot to the west. An access easement agreement has been signed and would be recorded immediately prior to the plat. One single-family home would include a driveway directly on East Calgary Avenue.

The internal private roads are 32 feet in width for Calgary Pointe and 24 feet in width for Hamilton Pointe. The narrower portion of the private road must be signed as a "fire lane-no parking" to ensure it can be accessed for emergency services. The roadway would be entirely owned and maintained by a homeowners' association (HOA) created for Area A. The HOA would also be responsible for the private sanitary sewer, water, and stormwater facilities serving the development.

The dimensional requirements would be reduced from a typical single-family R5 – Residential zoning district. The lot sizes, widths, and depths would be somewhat smaller. The front yard setback would be reduced from 25 feet to 18 feet, although at least 20 feet would need to be maintained in front of any garage face to allow a parking space without obstructing a drive lane or sidewalk. Side yards would be reduced from 6 feet to 5 feet. The overall density of this development is estimated to be 4.8 units per acre. All building codes would continue to be met with the reductions included in the proposed PUD. Given that the adjacent zoning districts already allow multifamily residential, the greater density this single-family district would permit would not have negative effects on the surroundings.

Area B of the PUD

Area B is intended for light industrial and commercial use, more specifically shop condos developed in a similar manner as the properties to the south. A total of 23 condo units in three buildings are proposed. Area B is adjacent to Area A, but entirely distinct. It would accessed separately from Hamilton Street.

A total of 92 off-street and 6 adjacent on-street parking spaces would be used to service this area. This is a reduced quantity of parking. By ordinance, a typical shop condo development of the proposed size

(continued)

would require a total of approximately 120 parking spaces. To account for this reduction, additional restrictions on allowable uses are applied to limit the parking demand. Also allowing shared parking, rather than designating exclusive parking spaces for specific tenants, would mitigate potential spillover parking problems.

The intended tenants of the condo units are personal storage and small businesses that have limited activity. Certain uses in the Service Group A category that may attract large numbers of direct customers, such as food and grooming services, would not be permitted. Additionally, certain industrial uses that may create a hazard or nuisance in proximity to residential areas are also not permitted. The proposed PUD ordinance is attached.

A landscaped buffer would be required between Area B and Area A, as well as existing adjacent residential areas. A buffer has already been planted to the east, which consists of evergreen trees on a berm. This would remain. The area to the north is encumbered by a 50-foot pipeline easement. The applicant has proposed to co-locate the landscape buffer with this easement, using a planting screen that complies with guidelines set by the owner of the easement. The proposed PUD will allow modification of this landscaped buffer within the easement, but a 20-foot landscaped buffer must be planted outside of the easement if an agreement cannot be reached that meets the requirements of the ordinance.

Utility capital charges associated with the creation of new lots must be paid prior to recordation of the plat, since the property is already annexed and no public street improvements are necessary.

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 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 character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Minor Subdivision Final Plat

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

(continued)

2. The City Engineer has waived the requirement for a Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval for the zoning change from the RM15 – Residential and PUD – Planned Unit Development zoning district to a new PUD – Planned Unit Development zoning district, as outlined in the attached PUD ordinance, and a minor subdivision final plat for Hamilton's First Addition First Replat, with the following conditions:

1. A Private Drive/Private Utility agreement for service of Lots 1-18, Block 1 is submitted prior to recordation of the plat.
2. Private roadway Hamilton Pointe is signed as "Fire Lane – No Parking"

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Final Plat
7. Written Statement
8. Proposed Layout
9. Proposed Building Elevations for residences in Area A

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

ORDINANCE NO. XXXX

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 RM15 - Residential and PUD – Planned Unit Development zoning districts and included within the PUD – Planned Unit Development zoning district:

Hamilton's First Addition First Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD. Notwithstanding, lot lines may be adjusted through the administrative lot modification process, provided all minimum dimensional requirements of this ordinance continue to be met.

2. *Application to Area A.* Area A refers to Lots 1-18, Block 1, Hamilton First Addition First Replat. The area is intended to be residential in character. The following provisions shall apply:

    a. *Uses Permitted.* The uses within Area A shall be limited to the following:

        i. *Principal Uses*. The following principal uses shall be allowed:

            1. Single-family residential

2. All other uses permitted within the R5 – Residential zoning district.

ii. *Accessory Uses*. The following uses shall be allowed as accessory to the principal uses on the property:

1. All accessory uses permitted within the R5 – Residential zoning district.

b. *Special Uses.* The following uses shall be allowed with a special use permit:

i. All special uses permitted within the R5 – Residential zoning district.

c. *Dimensional Standards.* The following dimensional standards shall apply to all structures within Area A:

i. *Lot area*. All lots shall have a minimum area of six thousand (6,000) square feet.

ii. *Lot width*. All lots shall have a minimum width of forty (40) feet.

iii. *Lot depth*. All lots shall have a minimum depth of one hundred and twenty (120) feet.

iv. *Front Yards*. All lots shall have a front yard for principal structures of not less than eighteen (18) feet. Notwithstanding, any garage face of a principal or accessory structure must be setback at least twenty (20) feet from any right-of-way or access easement.

v. *Side Yards.* All lots shall have two (2) side yards for principal structures of not less than six (5) feet.

vi. *Rear Yards.* All lots shall have a rear yard for principal structures of not less than twenty (20) feet.

vii. *Lot coverage*. The ground area occupied by all principal and accessory buildings shall not exceed forty (40) percent of the total lot area.

viii. *Building height*. No single-family dwelling shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height, as measured to the peak of the roof.

DRAFT

d. *Development Standards.* The following development standards shall apply to all development within Area A:

i. *Accessory Buildings*. All accessory buildings shall be located in the side or rear yard and be a minimum of five (5) feet from the rear or side lot line, and ten (10) feet from any access easement.

ii. *Projection into yards*. Steps, terraces, porches, and covered or uncovered decks may extend into any minimum front, side, or rear yard up to ten (10) feet, irrespective of its finished floor height, as measured from any access easement. Yards adjacent to public right-of-way are subject to Section 14-03-05(2) of the City Code of Ordinances (Supplementary Provisions).

e. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for residential zoning districts.

3. *Application to Area B.* Area B refers to Lot 19, Block 1, Hamilton's First Addition First Replat. The area is intended to provide a mix of condo-style personal storage and small business units, with limited parking and traffic demand and at an appropriate scale in proximity to residential areas. The following provisions shall apply:

a. *Uses Permitted.* The uses within the Area B shall be limited to the following:

i. *Principal Uses*. The following principal uses shall be allowed:

1. Service Group A, excluding all food service establishments, personal grooming such as barbershops and salons, sports and fitness clubs, and laundromats.

2. Industrial Group A, excluding petroleum bulk plants, breweries, distilleries, and any outdoor storage.

3. Wholesale Group.

4. Furniture repair and upholstery.

5. Self-service storage facilities.

6. Office-Bank group, excluding banks and medical offices.

b. *Special Uses.* The following uses shall be allowed with a special use permit:

i. Temporary sales of Christmas trees, farm produce, or other seasonal products.

c. *Use Standards.* All uses within Area B shall conform to the following requirements:

i. *Storage proportion.* At least fifty (50) of the gross floor area of each unit must be dedicate to storage, warehousing, and/or industrial use, regardless of the principal use of the unit.

ii. *Hazardous materials prohibited*. Buildings may not contain any materials classified as hazardous or toxic under any local, state, or federal law or regulation, and any production of such materials is prohibited. Prohibitions of such materials shall be incorporated into any rental agreements and posted on sign(s) in each storage unit.

iii. *Noise emission*. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.

iv. *Lighting Standards*. All outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.

v. *Outdoor storage prohibited*. The storage of any items outside of any building in the district is not permitted, with the exception of vehicles or trailers parked in designated parking spots in the district.

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d. *Dimensional Standards.* All dimensional standards of the MA – Industrial zoning district shall apply to Area B.

e. *Development Standards.* The following development standards shall apply to all development within Area B:

i. *Parking and Loading*. No less than ninety-two (92) off-street parking spaces shall be provided to be shared by all owners or tenants within Area B.

ii. *Landscaping and Screening*. A landscaped buffer shall be installed and/or maintained on the north and east side of Area B, conforming to applicable planting standards in Section 14-03-11(10)e of the Bismarck Code of Ordinances. The ordinance requirements may be modified in areas within pre-existing utility easements, subject to approval by the City Forester and the Director of Community Development that the intent and purpose of the ordinance has been met. If said approval is not granted within the pre-existing easement, a 20-foot landscaped buffer must be installed in Area B immediately outside of the preexisting easement. Responsibility for ongoing maintenance and/or replacement of landscaping shall be assigned to the owner(s) of Area B.

f. *Signs*. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for commercial zoning districts. Off-premise advertising signs are prohibited.

4. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

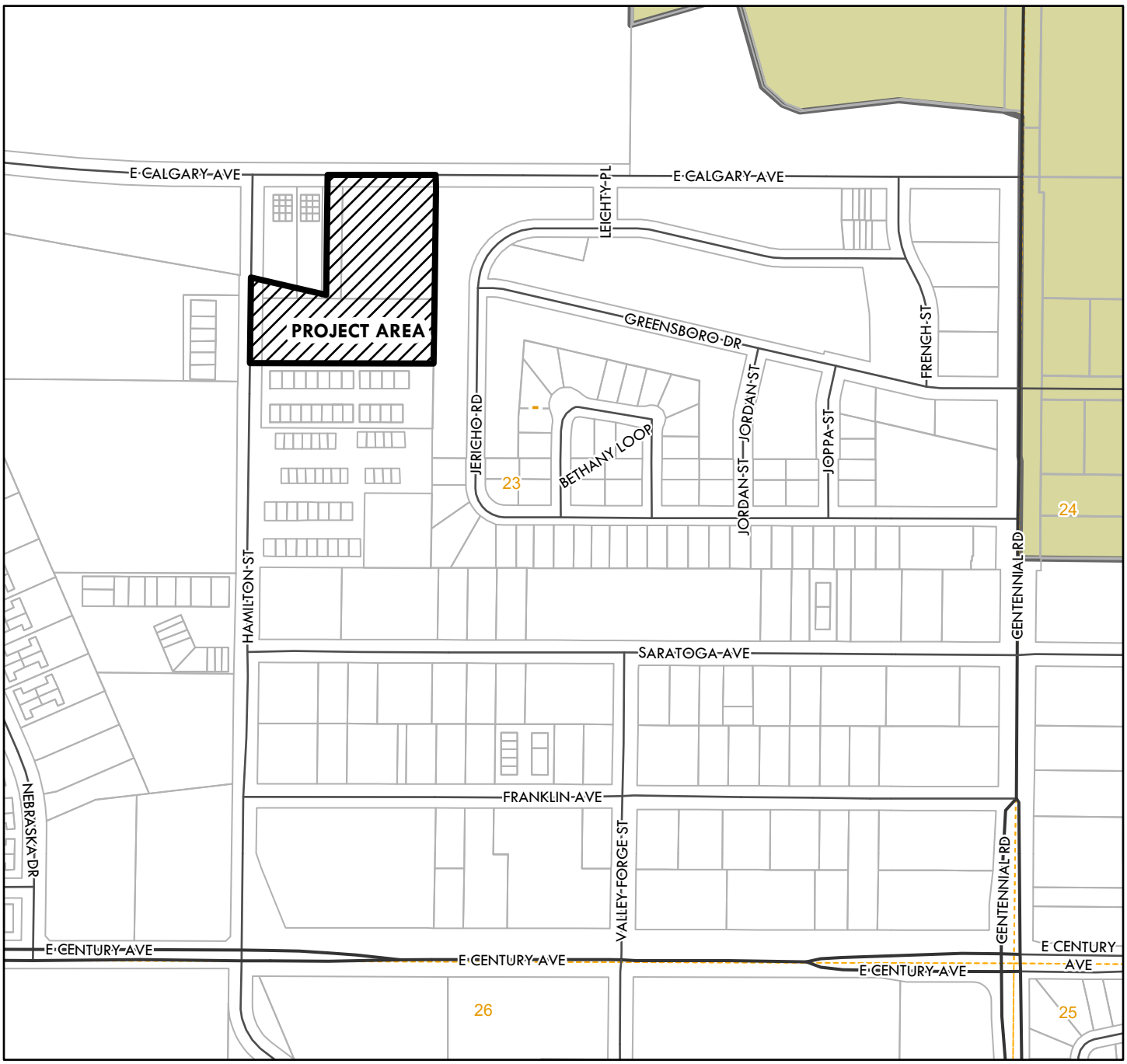
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

Location Map

HAMILTON'S FIRST ADDITION FIRST REPLAT

MPLT2021-004
ZC2021-004



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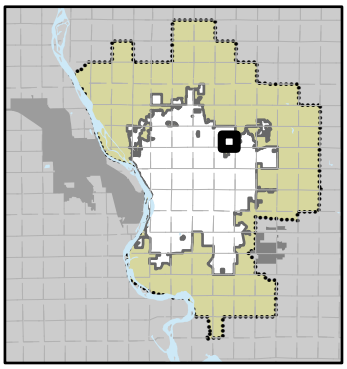


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
April 14, 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.

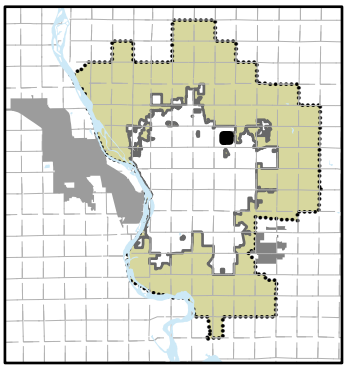
Aerial Map

HAMILTON'S FIRST ADDITION FIRST REPLAT

MPLT2021-004
ZC2021-004

0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction



Aerial Imagery from April 2020

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City of Bismarck
Community Development Department
Planning Division
April 14, 2021

Zoning and Plan Reference Map

HAMILTON'S FIRST ADDITION FIRST REPLAT

MPLT2021-004
ZC2021-004

Zoning Districts

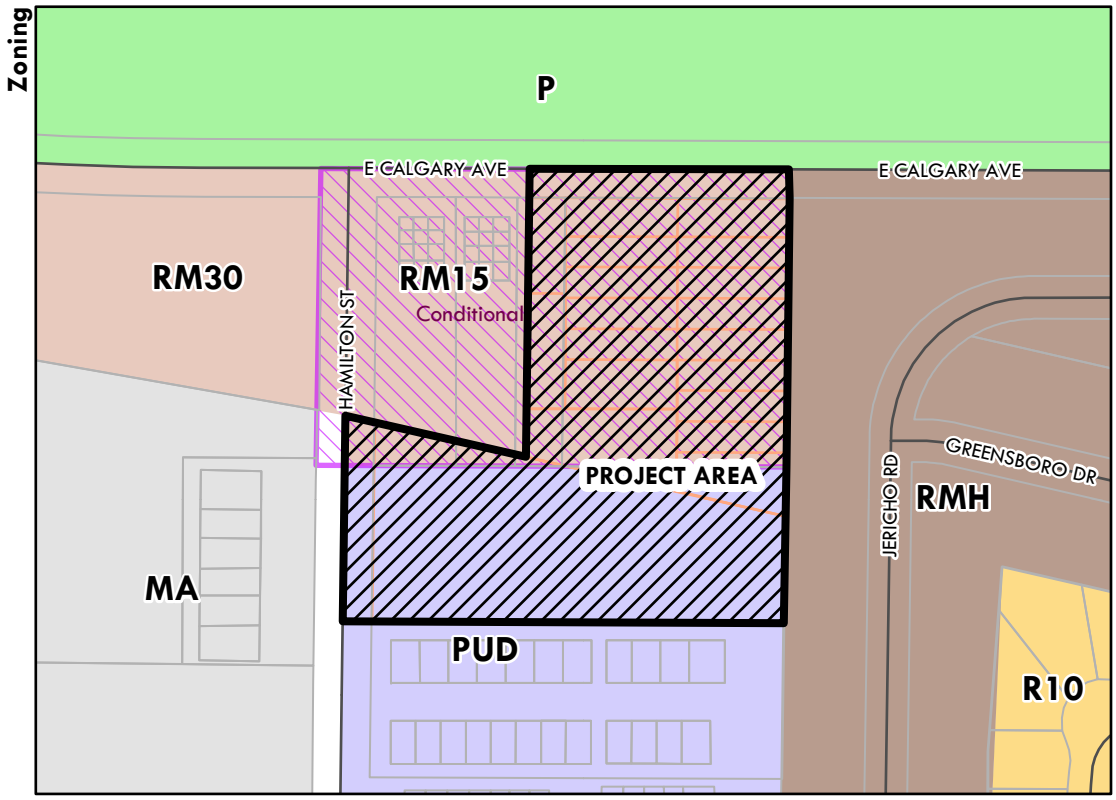
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

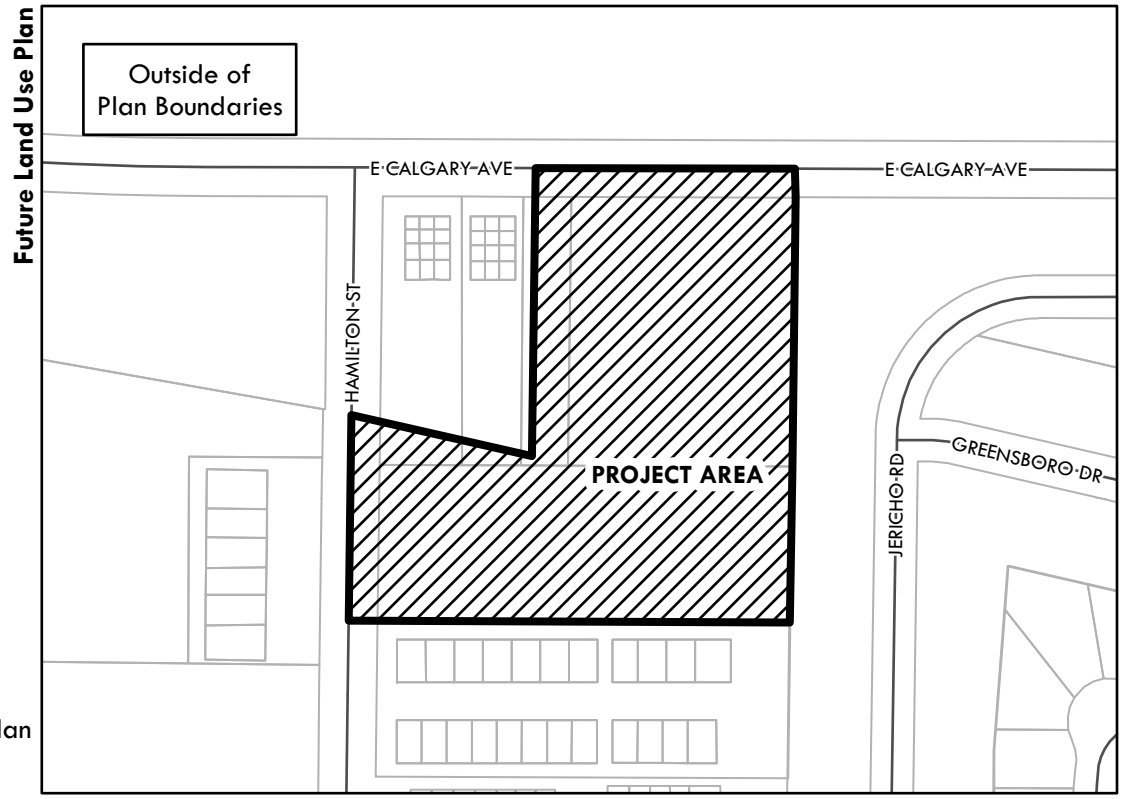
Future Land Use Plan

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 0.03 0.07 0.13 Miles

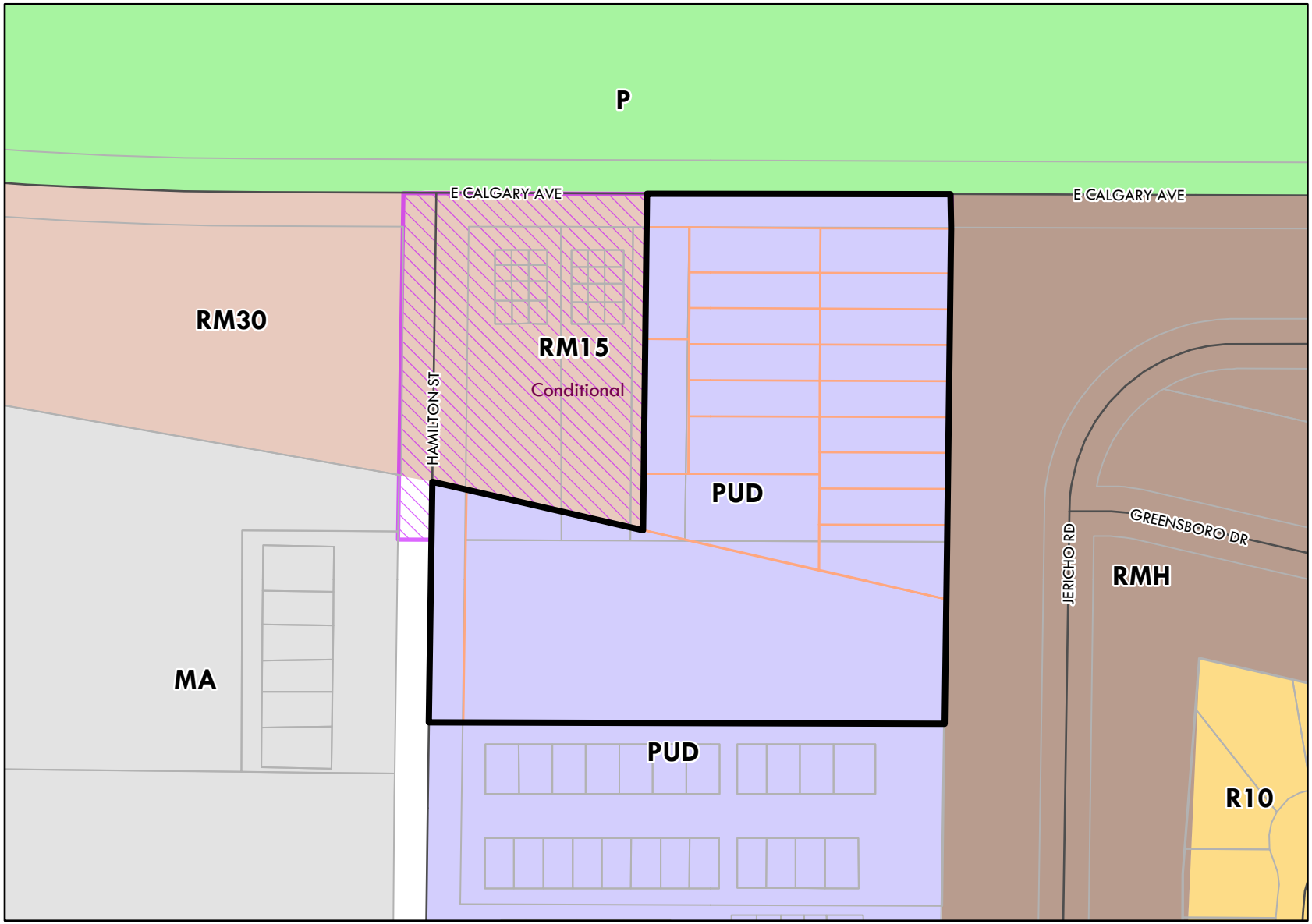
City of Bismarck
Community Development Dept.
Planning Division
April 14, 2021

Proposed Zoning Change

HAMILTON'S FIRST ADDITION FIRST REPLAT

MPLT2021-004
ZC2021-004

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.05 0.1 0.2 Miles

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

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

HAMILTON'S FIRST ADDITION FIRST REPLAT

BEING AUDITOR'S LOTS 1D, 1E, 1F & 1G OF LOT 1 BLOCK 1, AND LOTS 2 & 3 BLOCK 1 &
PART OF THE SOUTH 1/2 OF CALGARY AVE &
PART OF THE EAST 1/2 OF HAMILTON STREET RIGHTS-OF-WAY
HAMILTON'S FIRST ADDITION OF THE SOUTHEAST 1/4
OF SECTION 23 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING AUDITOR'S LOTS 1D, 1E, 1F & 1G OF LOT 1 BLOCK 1, AND LOTS 2 & 3 BLOCK 1 & PART OF THE SOUTH 1/2 OF CALGARY AVE & PART OF THE EAST 1/2 OF HAMILTON STREET RIGHTS-OF-WAY, HAMILTON'S FIRST ADDITION, OF THE SOUTHEAST 1/4 OF SECTION 23 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 BLOCK 1 HAMILTON'S FIRST ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 58 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 4 AND ITS WESTERLY EXTENSION, A DISTANCE OF 616.75 FEET TO THE CENTERLINE OF HAMILTON STREET RIGHT-OF-WAY; THENCE NORTH 00 DEGREES 52 MINUTES 28 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 218.68 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 46 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 414.66 FEET TO THE NORTH LINE OF SAID SE 1/4; THENCE SOUTH 89 DEGREES 47 MINUTES 02 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 40.00 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 1 HAMILTON'S FIRST ADDITION; THENCE SOUTH 00 DEGREES 44 MINUTES 46 SECONDS WEST, ALONG SAID WEST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 354.50 FEET; THENCE SOUTH 77 DEGREES 05 MINUTES 57 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 1A & THE SOUTH LINE OF LOTS 1B & 1C OF LOT 1 BLOCK 1 HAMILTON'S FIRST ADDITION, A DISTANCE OF 216.61 FEET TO THE EAST LINE OF SAID LOT 1C; THENCE NORTH 00 DEGREES 43 MINUTES 55 SECONDS EAST, ALONG SAID EAST LINE AND ITS NORTHERLY EXTENSION, A DISTANCE OF 402.06 FEET TO THE CENTERLINE OF CALGARY AVENUE RIGHT-OF-WAY; THENCE SOUTH 89 DEGREES 47 MINUTES 02 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 365.03 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 BLOCK 1 STONECREST 2ND ADDITION; THENCE SOUTH 00 DEGREES 47 MINUTES 11 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 633.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 310,287 SF, 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 _____ 2021, 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 _____ 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, AND HAS ACCEPTED 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 "HAMILTON'S FIRST ADDITION FIRST REPLAT", 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 SATTLER HOMES, INC., BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAMILTON'S FIRST ADDITION FIRST REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND DO 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 PUBLIC USE 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 ALSO DEDICATE ACCESS EASEMENTS TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND INVITEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, IT'S OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

THEY ALSO DEDICATE WATERMAIN & SANITARY SEWER EASEMENTS TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR WATERMAIN & SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

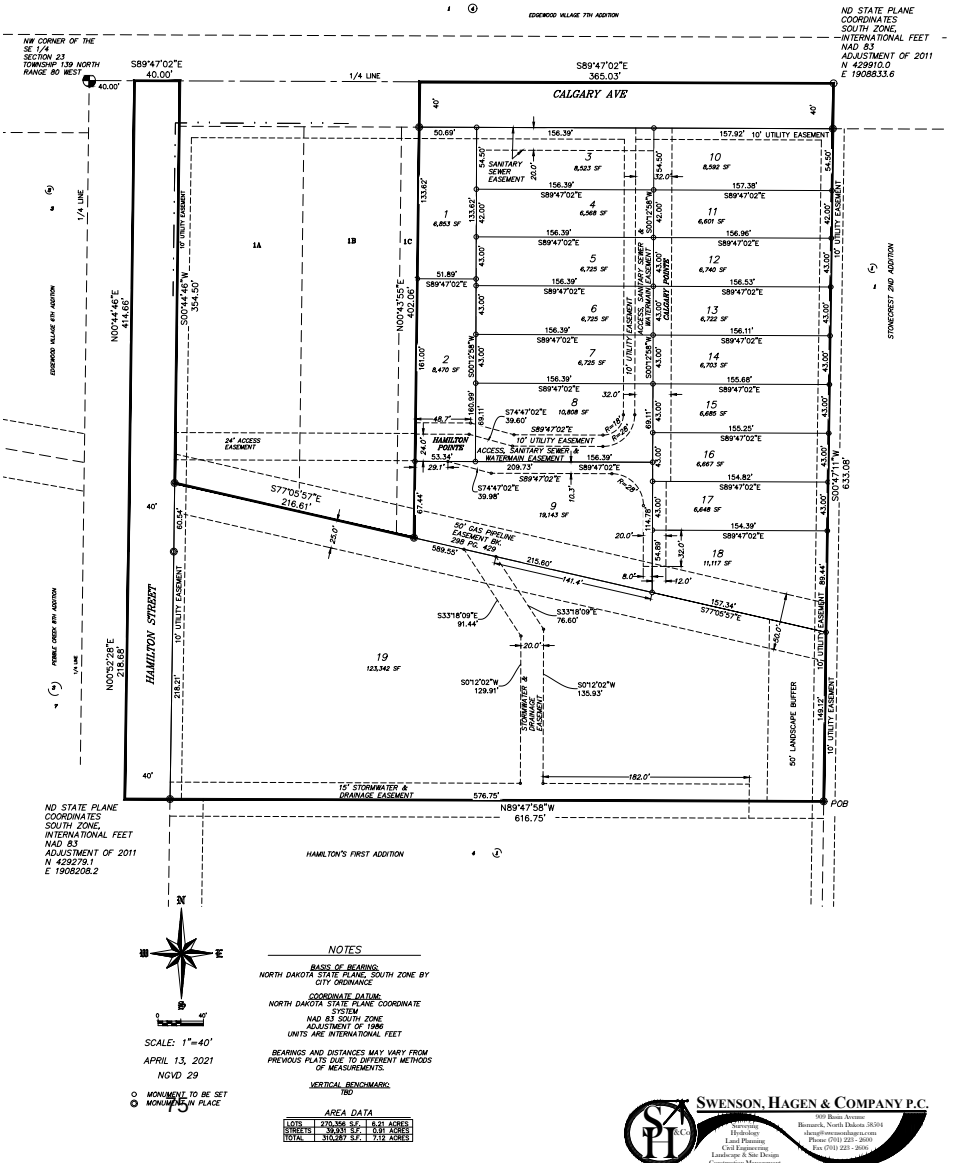
THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, 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)
) SS
COUNTY OF BURLEIGH)

ROBB SATTLER
SATTLER HOMES, INC.

ON THIS _____ DAY OF _____, 2021, BEFORE ME PERSONALLY APPEARED ROBB SATTLER OF SATTLER HOMES INC., 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 _____



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:
TBD

AREA DATA

LOTS	270,356 S.F.	6.21 ACRES
STREETS	39,931 S.F.	0.91 ACRES
TOTAL	310,287 S.F.	7.12 ACRES

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

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

HAMILTON'S FIRST ADDITION FIRST REPLAT

Request for Hamilton's First Addition First Replat PUD zoning change

Sattler Homes, Inc., is proposing to develop approximately 6.2 acres, south of East Calgary Ave & east of Hamilton St. into a mixed-use development featuring single family-homes, starter-business shops, and personal storage units within a PUD-zoned subdivision. The area is currently platted as part of Hamilton's First Addition with a mix of RM15 & PUD zoning.

Area A:

The northeast portion of the property, north of the NuStar Pipeline easement & east of the existing 12-unit apartment buildings, will serve as the area for single family housing to address the continuing need for affordable housing in the City of Bismarck.

The proposed single-family lots will have sub-R5 lot requirements, which will allow for a smaller building footprint to meet the needs of the area & allow for a greater number of homes to be built on the site. The site plan shows an overall concept of 18 single family lots, with an overall density of 4.8 units/acre.

The development shall be accessed by a private road/private access easement, which will be owned & maintained by an HOA, and through an adjoining access easement provided by the land owners to the west. The private road/access easement will also contain private sanitary sewer & waterlines for the areas served by the road, as well as stormwater facilities, and shall be owned & maintained collectively by the adjoining home owners under the provisions of the HOA.

Additionally, lot lines may be adjusted into alternate sized lots, provided lot minimums are still met, for the construction of a single-family residence, to be approved administratively by the city of Bismarck without amending the PUD.

Accessory buildings may be constructed on any lots within the development and will be subject to the PUD & HOA regulations.

Steps, terraces, porches, and covered & uncovered decks may extend into any minimum front, rear, or side yard up to ten (10) feet, irrespective of its finished floor height, except those lots fronting onto Calgary Avenue, which shall conform to the Supplementary Provisions of the city of Bismarck zoning ordinance for R5-zoned lots.

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

Lot size minimums shall be:

Single Family Lots:

Lot width—40'

Lot Area—6,000 SF

Lot Depth—120'

Front Yard Setbacks—18'

Side Yard Setbacks—6'

Rear Yard Setbacks—20'

Lot Coverage, including principal building & all accessory buildings—40%

Accessory buildings:

All accessory buildings shall be located in the side or rear yard and be a minimum of 5' from the rear or side lot line, and 10' from any access easement.

Accessory buildings are subject to the lot coverage of 40% within Hamilton First Addition First Replat.

Area B:

The southern portion of the PUD, south of the NuStar Pipeline, is intended to be developed as a mix of starter/micro-businesses with a limited number of employees, and a series of condo-style personal & commercial storage units.

The proposed 23 units will have a shared driving lane, emergency turn-around, and parking area. Each unit owner or lessee will share in the costs & maintenance of the parking area & the landscaping needed to buffer the residential uses north & east of the property. The landscaping buffer between the residential uses north & south of the NuStar pipeline will be limited to the allowable landscaping materials within NuStar Energies guidelines. The landscaping buffer on the east end has been constructed wit the input of the Bismarck city Forrester to ensure the landscaping requirements have been met.

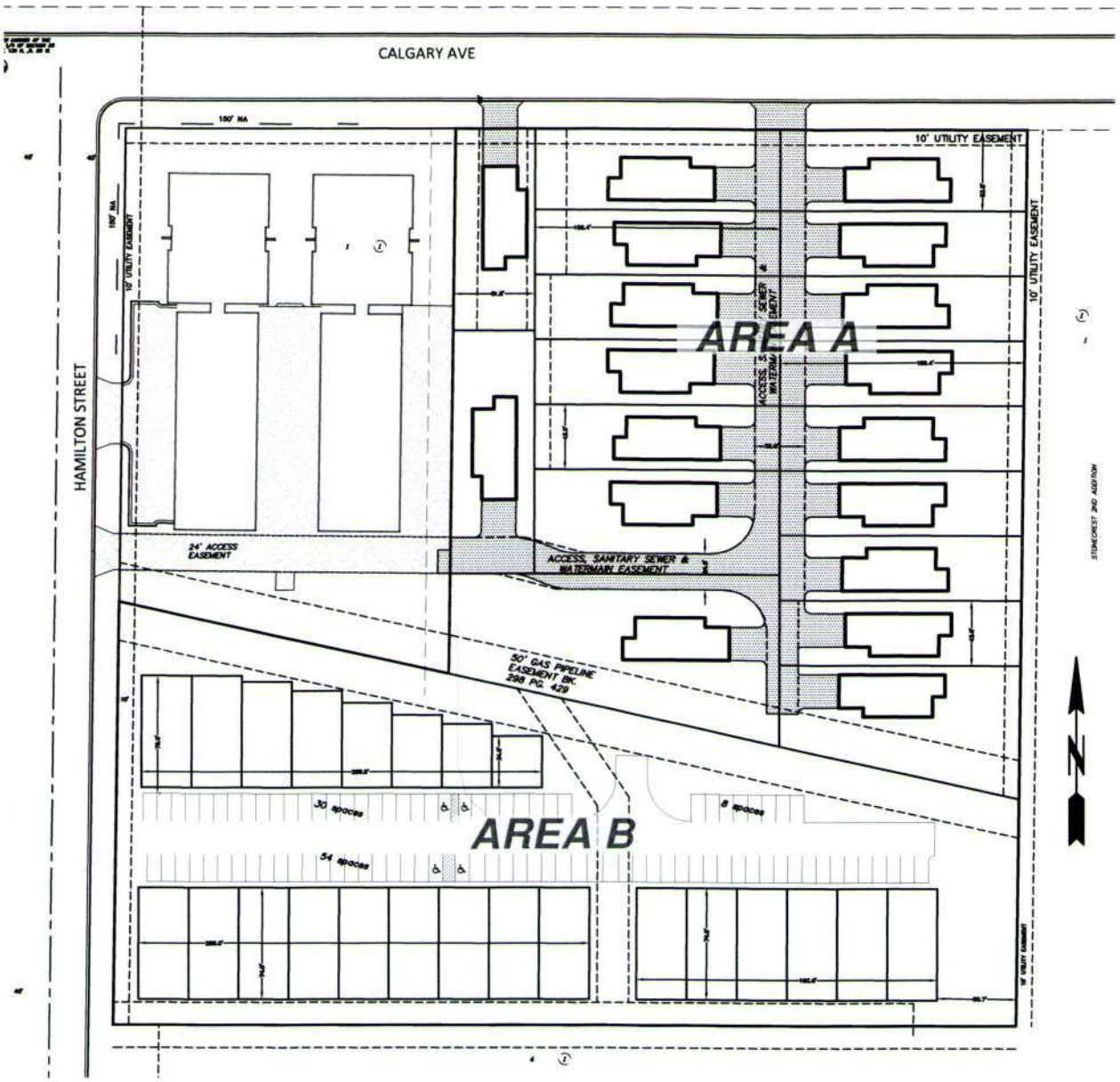
Parking for Area B will be shared among the units, with two (2) parking spaces dedicated exclusively for the use of the individual owner/lessee in front of the unit, and two (2) spaces as overflow at any non-dedicated space within Area B, for a total of 92 parking spaces, including 4 handicap-accessible spaces, as well as nine (9) additional parking spaces available on Hamilton Street right-of-way.

Uses Permitted: Service Group A, Service Group B, Wholesale group, Industrial Group A, Office Bank-Group (Limited to General Office).

See attached PUD site plan exhibit.

HAMILTON'S FIRST ADDITION FIRST REPLAT
PUD SITE PLAN

FEB 19 2021



CERTAINTEED - GEARGETOWN GREY - SHINGLES
WHITE FASCIA - FRONT STREET MILLWORK
WHITE SOFFIT - ABC SUPPLY (VINYL)
NORANDEX - WOODSMAN SELECT D4" SIDING (STEEL BLUE)
NORANDEX - BOARD & BATTEN (WHITE) 1.5 SQ
MIDWEST DOORS - WHITE (16x8 & 9x8 OH DOORS)

SATTLER HOMES INC.
P.O. BOX 7218 - BISMARCK, ND 58507
PHONE: (701)255-7628 FAX: (701)255-7629
EMAIL: JEFF@BISMARCKBUILDER.COM

DRAWN FOR: SPEC
ADDRESS: LEGACY TRAIL 3

DRAWN BY: J.R.S
DATE: JANUARY 13TH, 2021
REVISED: JANUARY 13TH, 2021

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

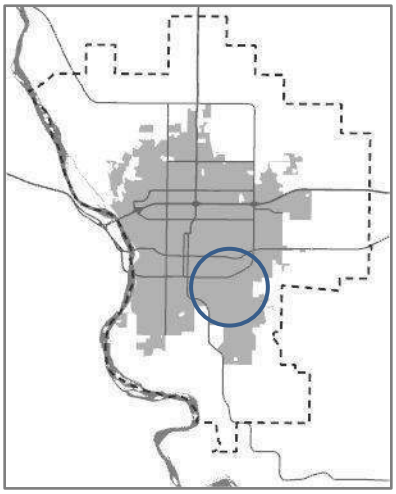
Agenda Item # 8
April 28, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-002

Project Summary

Title:	Lot 2, Block 1, J & L Addition – Planned Unit Development
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	James Barnhardt
Project Contact:	Landon Niemiller, Swenson, Hagen & Co
Location:	In south Bismarck, south of East Bismarck Expressway between South 12th Street and Airport Road, along the southeast side of Park Avenue
Project Size:	74,156 square feet
Request:	Rezone property to allow for a residential suite in conjunction with primary use (The Dream Center)



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot 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:	MA – Industrial	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	MA – N/A	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*12/1976*	*Platted:*	*09/2000*	Annexed:	*Pre-1980*

Staff Analysis

James Barnhardt is requesting approval of a zoning change from the MA – Industrial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, J & L Addition.

(continued)

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

The public has been duly notified of this request. A noticed was published in the Bismarck Tribune on April 16th , and April 23rd, and 9 letters were mailed to the owners of nearby properties on April 16th.

Background Information

The property is currently being developed as The Dream Center, a facility that will provide meals and grocery items to low income members of the community. The facility will also include a chapel space, multi-purpose room, office space and one proposed residential unit for an on-site caretaker.

The MA – Industrial zoning district allows for all the above-mentioned uses, except the proposed residential unit. The proposed PUD would allow all of the above-mentioned uses and the proposed residential unit.

Additional Information

Adjacent uses include undeveloped MA – Industrial zoned property to the north, industrial uses to the east and south, and manufactured home parks to the west and southwest across Park Avenue.

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 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 character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. 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 MA – Industrial zoning district to the PUD – Planned Unit Development zoning district for Lot 2, Block 1, J & L Addition, as outlined in the attached draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Written Statement

(continued)

7. Proposed Site Plan

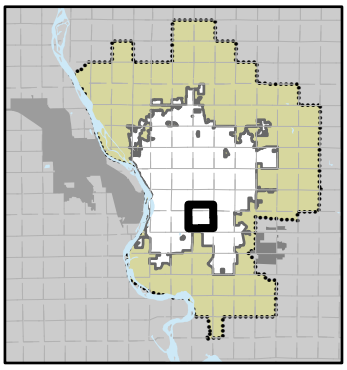
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Location Map

J & L ADDITION, L2, B1

ZC2021-002

0 0.17 0.35 0.7 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
February 23, 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

J & L ADDITION, L2, B1

ZC2021-002

0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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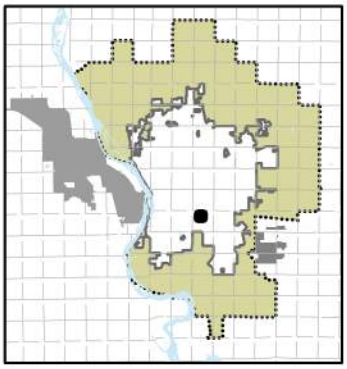
City of Bismarck
Community Development Department
Planning Division
March 16, 2021



Zoning and Plan Reference Map

J & L ADDITION, L2, B1

ZC2021-002

Zoning Districts

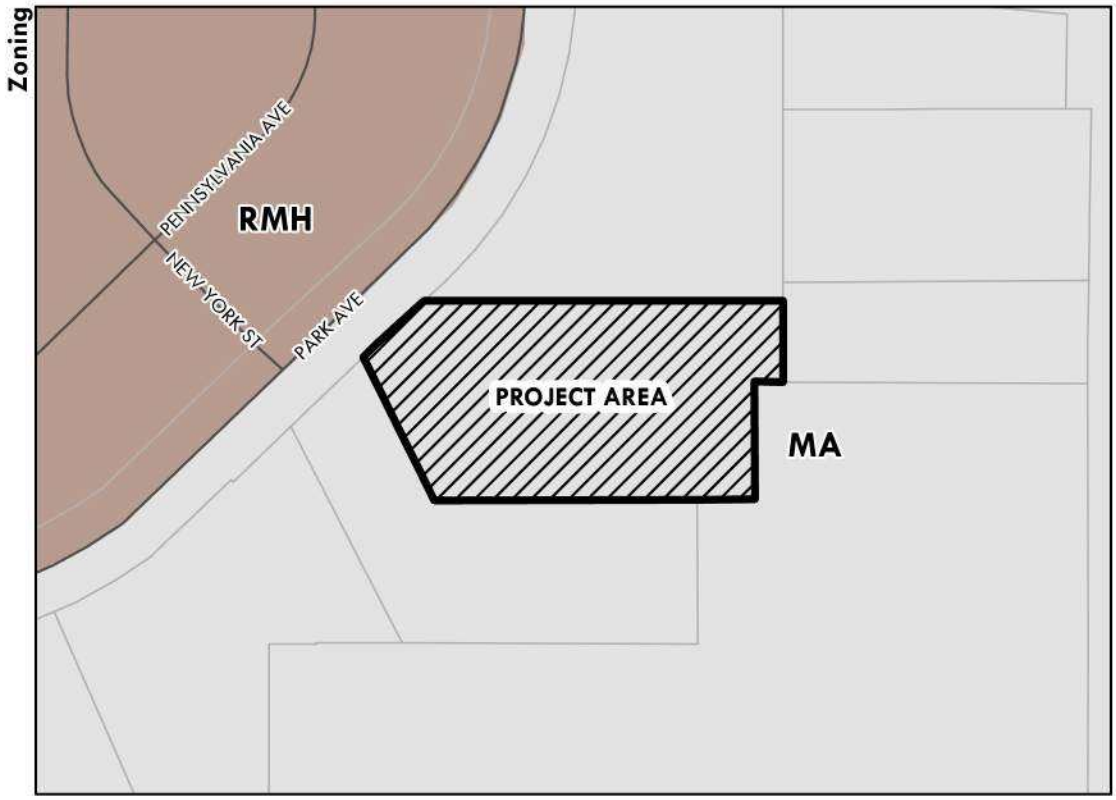
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

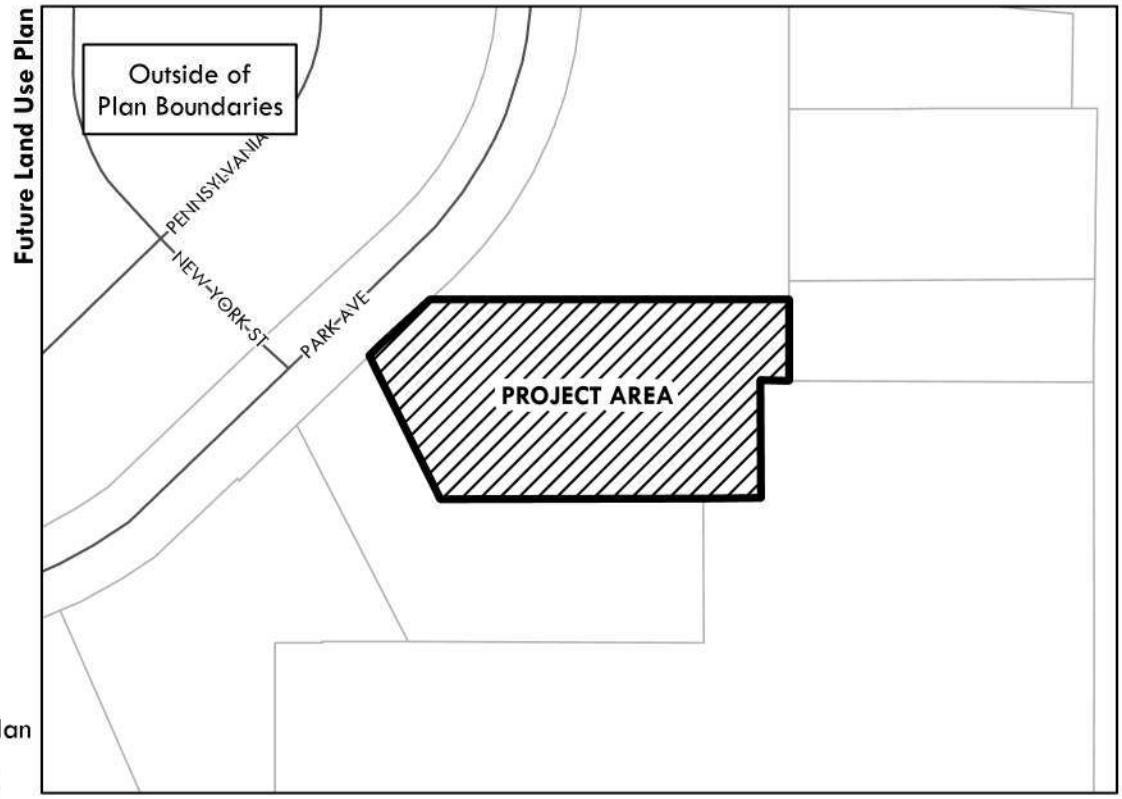
Future Land Use Plan

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





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0 0.02 0.04 0.09 Miles

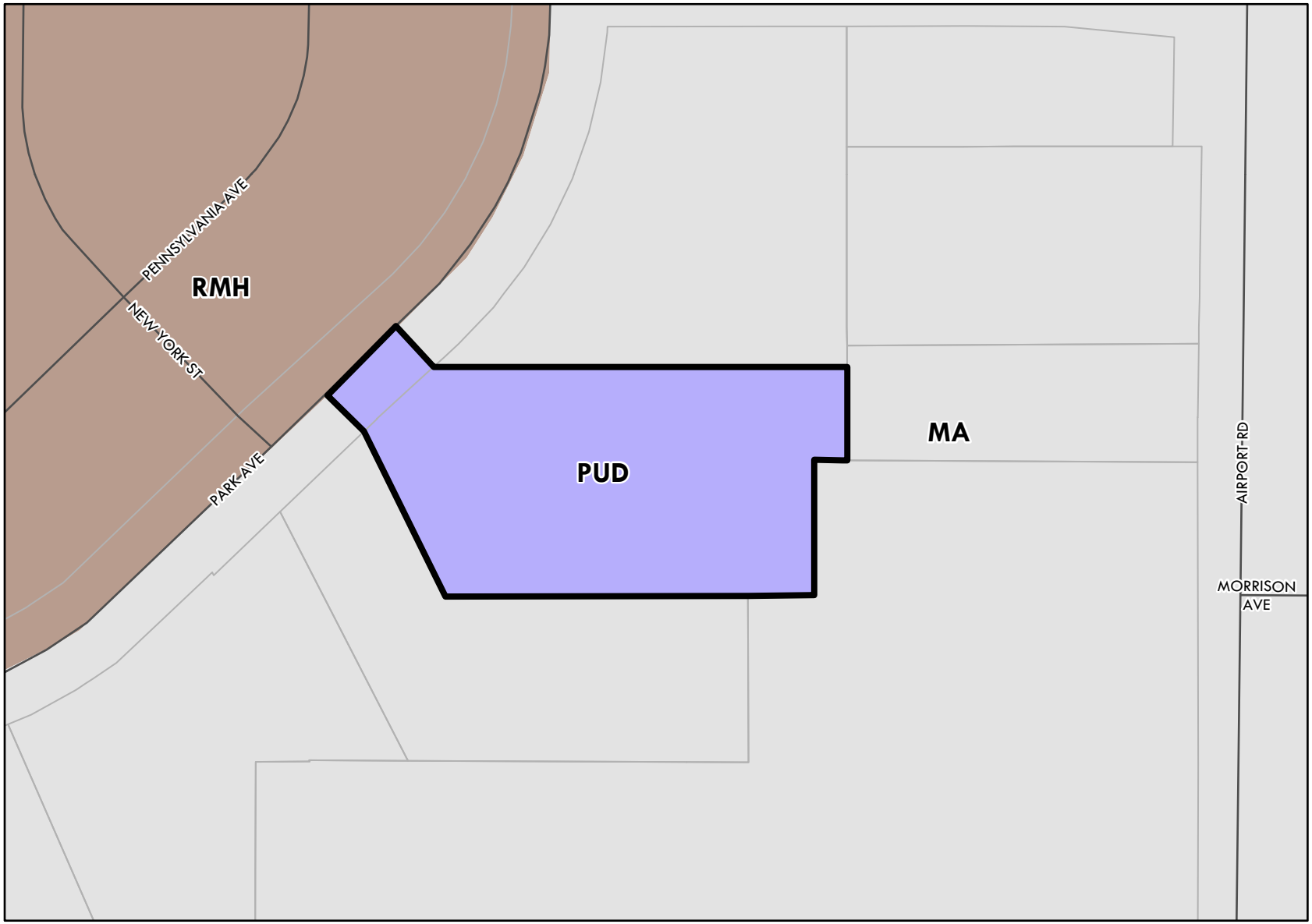
City of Bismarck
Community Development Dept.
Planning Division
March 17, 2021

Proposed Zoning Change

J & L ADDITION, L2, B1

ZC2021-002

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 0.04 0.08 0.16 Miles

City of Bismarck
Community Development Dept.
Planning Division
March 19, 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.

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

LOT 2 BLOCK 1 J & L ADDITION

Request for PUD zoning change

Jim Barnhardt is proposing to develop a meal preparation and distribution ministry for seniors, low-income households, & homeless individuals, known as The Dream Center, on Lot 2 Block 1 J&L Addition. The MA-zoned property can support the intended use of the project, with the exception of an allowance for a residential dwelling in conjunction with the commercial use.

The PUD request is to add that caveat to the MA-uses in a limited capacity, specifically a single executive-suite that will serve as living quarters for a full-time employee or owner/operator to manage the facility.

The zoning change will allow for all of the existing MA use groups to remain, provided that the allowance for a residential dwelling is allowable only in conjunction with crises centers or similar non-profit institutions.

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

DARE AVENUE
EX. 8" WATERMAIN (AC)
10' UTILITY EASEMENT
15' SHARED DRIVE
EX. 6" WATERMAIN (AC)
EX. 8" SANITARY SEWER
HYD. 7339
ELEV. 1538.65
STR: 35.77
SE INV.: 31.77
HL
HL
HL
ROCK MULCH
6-GS
1-PA
3-GS
ROCK MULCH
1-PA
3-GS
ROCK MULCH
1-PA
6-GS
2
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74,156 S.F.
3
4
5
6
7
8
9
10
11
12
13
14
15
EXISTING BUILDING
16' UTILITY EASEMENT
EX. 6" WATERMAIN (DI)
EX. 8" SANITARY SEWER

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

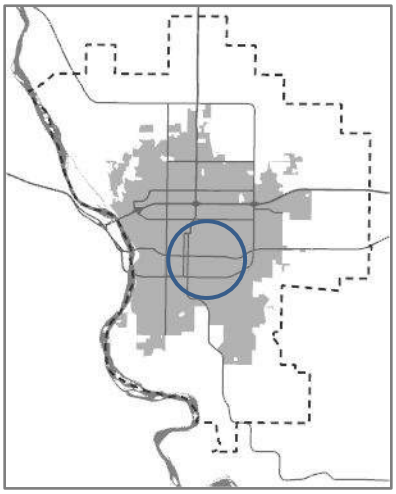
Agenda Item # 9
April 28, 2021

Application for: Zoning Change

TRAKiT Project ID: ZC2021-003

Project Summary

Title:	Lots 23-24, Block 23, Sturgis Addition – Planned Unit Development
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Kier & Candace Vander Wal
Project Contact:	Clint Dreyer, Parclin LLC Morgan Kolberg, Legend Builders Inc.
Location:	In south-central Bismarck along the east side of South 14th Street and the south side of East Sweet Avenue
Project Size:	7,500 square feet
Request:	Rezone to allow construction of a four-unit rowhouse infill project



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Single-Family Residential	*Land Use:*	Multi-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:	RM30 – Residential	*Zoning:*	PUD – Planned Unit Development
Uses Allowed:	RM30 – Multi-family residential	*Uses Allowed:*	PUD – Uses specified in PUD
Max Density Allowed:	RM30 – 30 units / acre	*Max Density Allowed:*	PUD – Density specified in PUD

Property History

Zoned:	*Pre-1980*	*Platted:*	*9/1878*	Annexed:	Pre-1980

Staff Analysis

Kier and Candace Vander Wal are requesting approval of a zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 23-24, Block 23, Sturgis Addition.

(continued)

The Planning and Zoning Commission considered this request at their meeting of March 24, 2021 and called for a public hearing on the zoning change with the following conditions.

1. The building and site plan are revised to meet the 20-foot setback requirement in front of all overhead garage doors.
2. A landscape plan is provided indicating required buffer yard landscaping. Those conditions have been met.

These conditions have been met.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on 4/16 and 4/23, and 50 letters were mailed to the owners of nearby properties on 4/16.

Adjacent uses include a mix of residential and industrial uses to the north across East Sweet Avenue, and a mix of single and multi-family uses to the east, south and west across South 14th Street.

The PUD process provides a greater degree of flexibility to the property owner in exchange for providing the Planning and Zoning Commission more specificity in terms of the uses and design. An approval of a PUD is made subject to substantial conformance to the submitted materials. The applicant has submitted a preliminary site plan, building elevations, and a narrative describing the intent of the PUD.

The 2017 Infill and Redevelopment Plan (IRP) is used as the guide for proposed zoning changes within the developed areas of the city (this area is not included within the Future Land Use Plan). Any construction of new buildings in these areas is encouraged to complement existing characteristics of the neighborhood, in terms of mass of nearby buildings, setbacks, heights, as well as vegetation and streetscape elements.

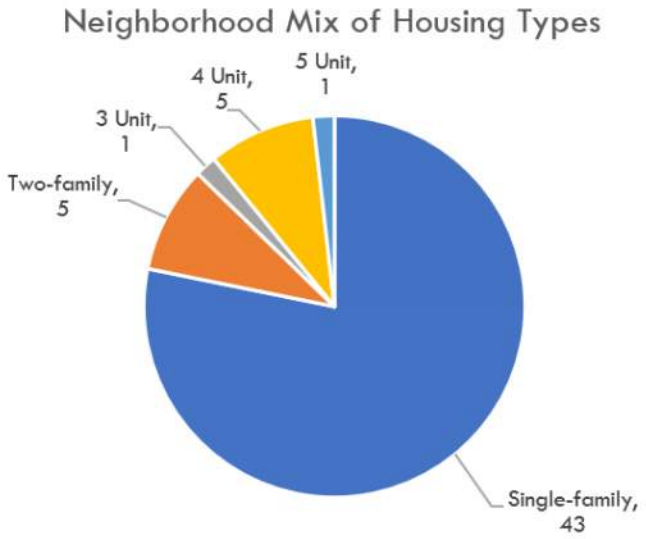
The property currently contains a single-family home that would be demolished prior to construction of the proposed multi-family development. The property is currently zoned RM30 – Residential, which in this area allows for both single-family residential and multi-family residential with a density up to 30 units per acre. The proposed PUD would consist of four units which would not exceed the density allowed in the existing zoning district but would reduce required setbacks in exchange for additional development standards outlined in the proposed PUD.

Proposed setbacks within the PUD will be comparable to setbacks of single and multi-family structures within this neighborhood. The zoning ordinance allows front yard setbacks based on the surrounding context. If applied to the proposed PUD, the allowable contextual front yard setback along East Sweet Avenue would be between 7.5 feet and 13.5 feet. The contextual front yard setback along South 14th Street would be between 9.5 and 16.5 feet. The applicant has proposed front yard setbacks of 16 feet along East Sweet Avenue and 11 feet along South 14th Street, which aligns with the allowable contextual setbacks but does not meet a minimum 20 feet setback requirement for areas in front of overhead garage doors along East Sweet Avenue. The applicant is proposing to alter the sidewalk configuration within the wide boulevard adjacent to the proposed development so that each driveway is 20 feet in length from the edge of the sidewalk. This layout is generally acceptable to City staff.

A landscape buffer yard requirement applies for any new multi-family use adjacent to single-family uses. The proposed development is adjacent to single-family uses to the east and south. The proposed setbacks are less than the typical 15-foot landscape buffer yard requirements. A lesser width may be acceptable as long as the proposed buffer yard screening materials meet the buffer yard intent which is to utilize a combination of distance, screening and plantings to form a screen to mitigate the undesirable impacts associated with land uses on adjacent properties. The submitted landscape plan indicates a six-foot-tall fence along the south property line and a row of upright coniferous trees along the east property boundary.

Within the surrounding residential zoned area there is a mix of single, two-family and multifamily structures. The following summarizes the number and types of residential structures within the area of the RM30 – Residential zone district surrounding this property.

(continued)



The proposed building is two stories and would be less than 25 feet in height which is similar to other multifamily structures in the area. The applicant has provided contextual photos of existing multifamily buildings near the proposed project which are attached to this staff report.

The exterior would be clad with a mix of woodgrain shake lap siding, eight-inch lap woodgrain siding, and vertical woodgrain sheet siding. The proposed development would be consistent with the design guidelines established in the 2017 Infill and Redevelopment which calls for designs that respect the character of the existing neighborhood with the use of complementary shape, form and height; texture / materials; and open space / setbacks.

Proposed building colors have not been indicated. The PUD ordinance indicates that colors should be subdued in nature. Brighter and darker hues shall be limited to use as an accent color or to draw attention to building details.

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 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 character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
7. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. 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 for the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 23-24, Block 23,

(continued)

Sturgis Addition, as outlined in the attached draft PUD ordinance.

Attachments

1. Draft PUD Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Map
6. Written Statement
7. Site Plan
8. Proposed Building Elevations
9. Landscape Plan
10. Neighborhood Context Photos

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

ORDINANCE NO. XXXX

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 RM30 – Residential zoning district and included within the PUD – Planned Unit Development zoning district:

Lots 23 and 24, Block 23, Sturgis Addition

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan and building elevations approved in conjunction with the PUD.

2. *Uses Permitted.* The uses within the district shall be limited to the following:

    a. One rowhouse building with up to four (4) residential units.

3. *Special Uses.* No uses shall be allowed with a special use permit.

4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within the district:

    a. *Lot Dimensions*. No minimum lot size, width or any other lot standards apply. The existing lot within this district may not be subdivided or split through the lot modification process.

b. *Front Yards*. The minimum front yard setback from East Sweet Avenue shall be 16 feet. The minimum front yard setback from South 14th Street shall be 11 feet. Notwithstanding, any garage face of a principal or accessory structure must be setback at least twenty (20) feet from any sidewalk. Projections into front yards shall be allowed in accordance with Section 14-03-05 of the City Code of Ordinances (supplementary provisions).

c. *Side Yards*. The minimum side yard setback to the east shall be eleven (11) feet.

d. *Rear Yards*. The minimum rear yard setback to the south shall be six (6) feet in width.

e. *Height*. All buildings shall have a height limit of twenty (25) feet.

5. *Development Standards.* The following development standards shall apply to all development within the district.

   a. *Off-Street Parking and Loading*. All off-street parking and loading must conform to the layout shown on the submitted site plan. A total of eight (8) off-street parking spaces shall be provided.

   b. *Landscaping and Screening*. Street trees and buffer yard landscaping must be installed in accordance with the submitted landscape plan contained within the site plan. Deviation from this plan may only be allowed if in full compliance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

6. *Design and Aesthetic Standards*. The following design and aesthetic standards shall apply to all development within the district.

   a. *Materials*. Building materials utilized may vary from submitted documents but should generally conform in type and quality to materials presented.

   b. *Colors*. Building colors should be subdued in nature. Brighter and darker hues shall be limited to use as an accent color or to draw attention to building details.

   c. *Signs.* Signs shall be allowed within this district only in accordance with all requirements applicable to the RM30 – residential zoning district.

DRAFT

d. *Screening*. Mechanical equipment and solid waste collection 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).

7. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

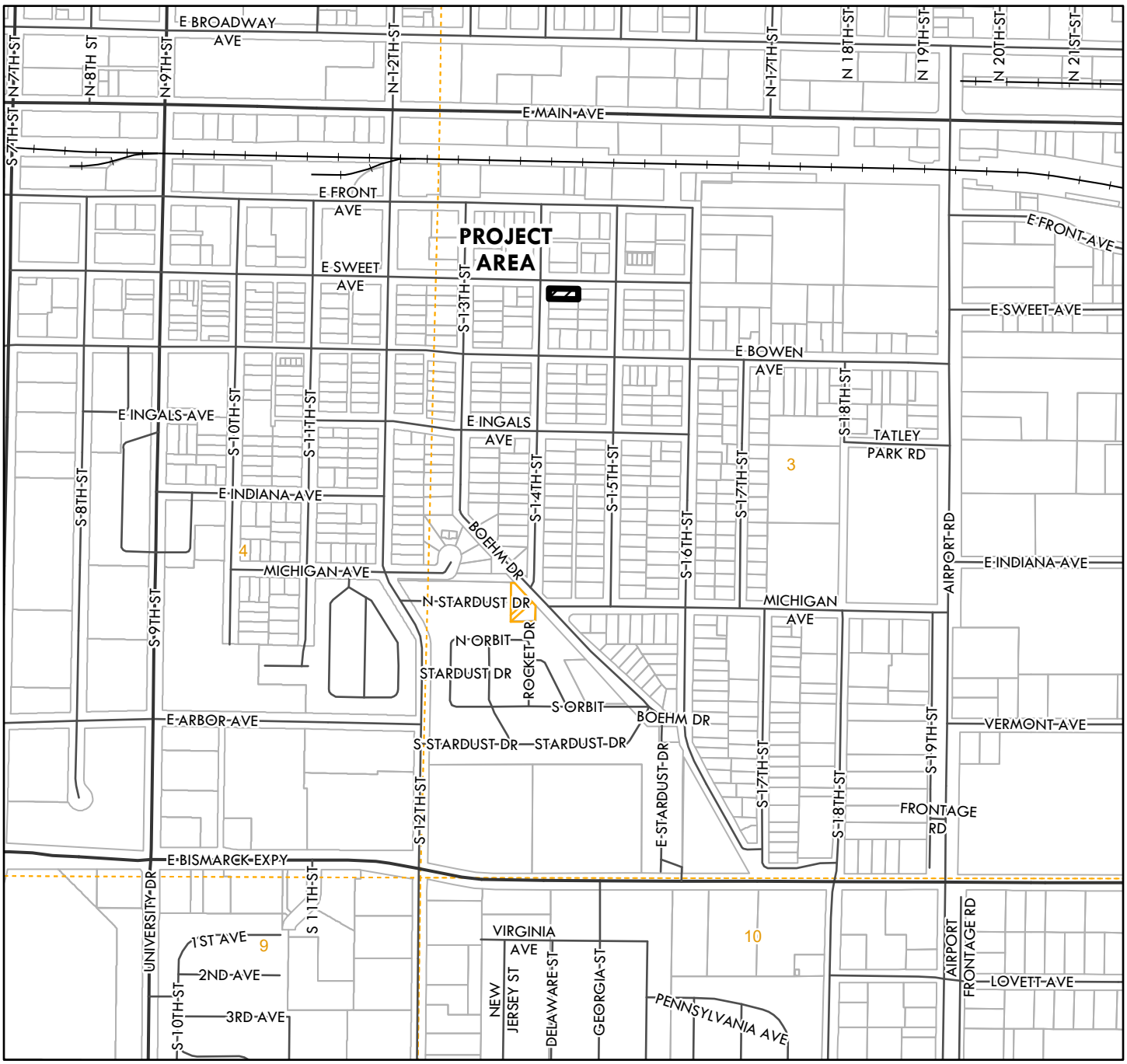
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

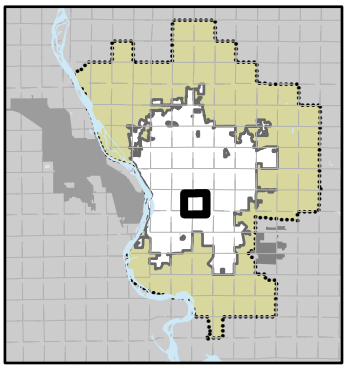
Location Map

STURGIS ADDITION, L23-24, B23

ZC2021-003



0 0.15 0.3 0.6 Miles



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Lots Pending Approval

Section, township, and range indicated in orange

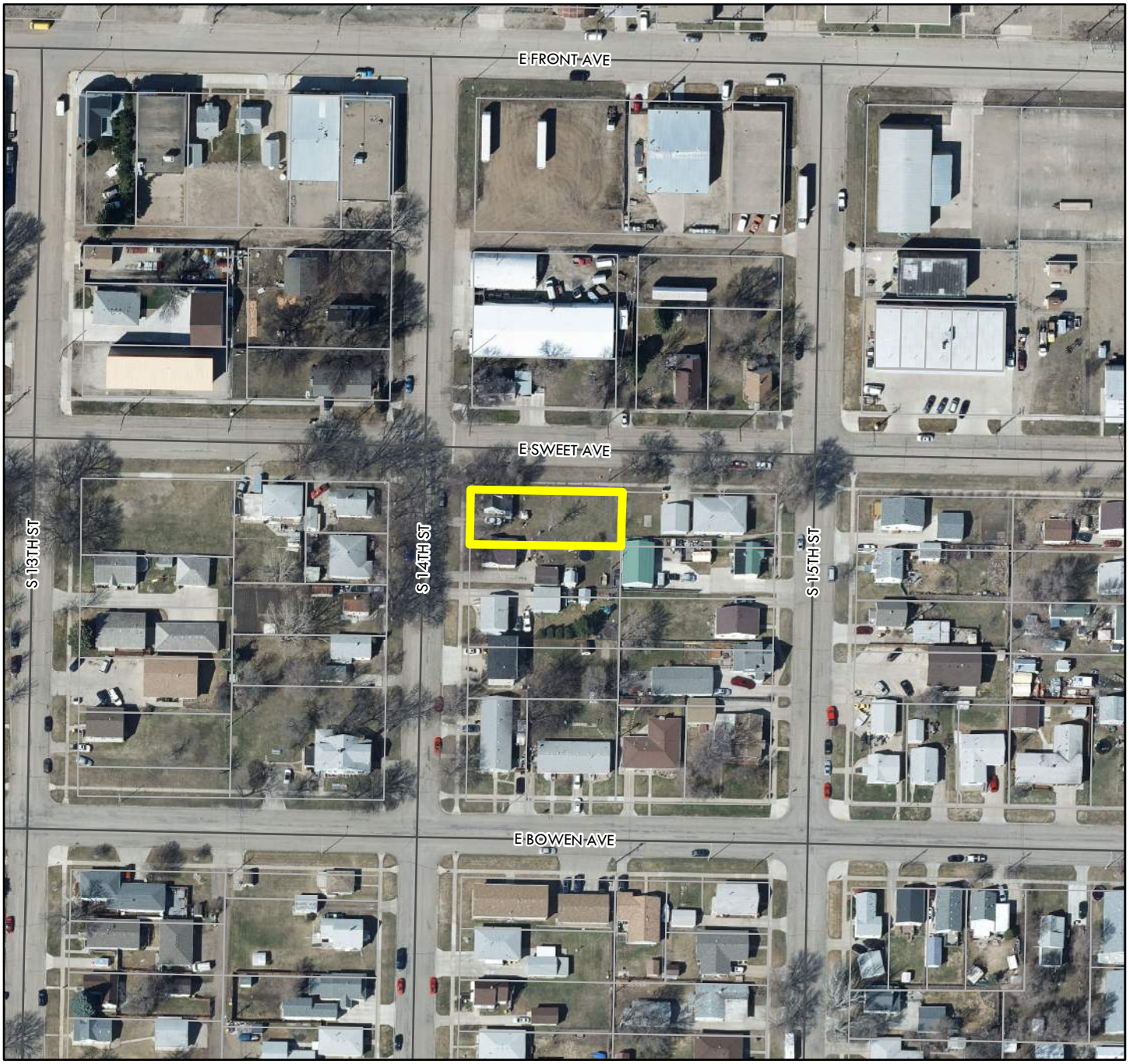
City of Bismarck
Community Development Department
Planning Division
February 23, 2021 (HLB)

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

STURGIS ADDITION, L23-24, B23

ZC2021-003



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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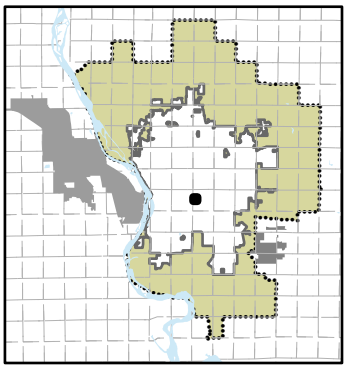


City of Bismarck
Community Development Department
Planning Division
March 18, 2021

Zoning and Plan Reference Map

STURGIS ADDITION, L23-24, B23

ZC2021-003

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

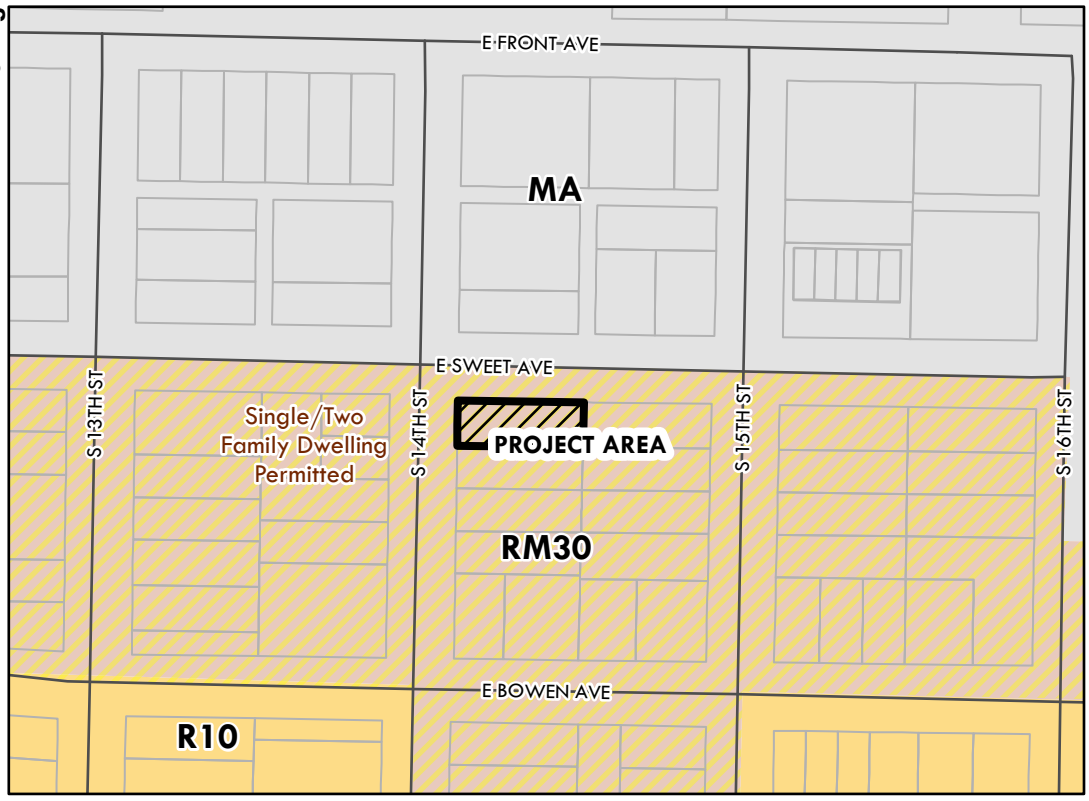
Future Land Use Plan

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

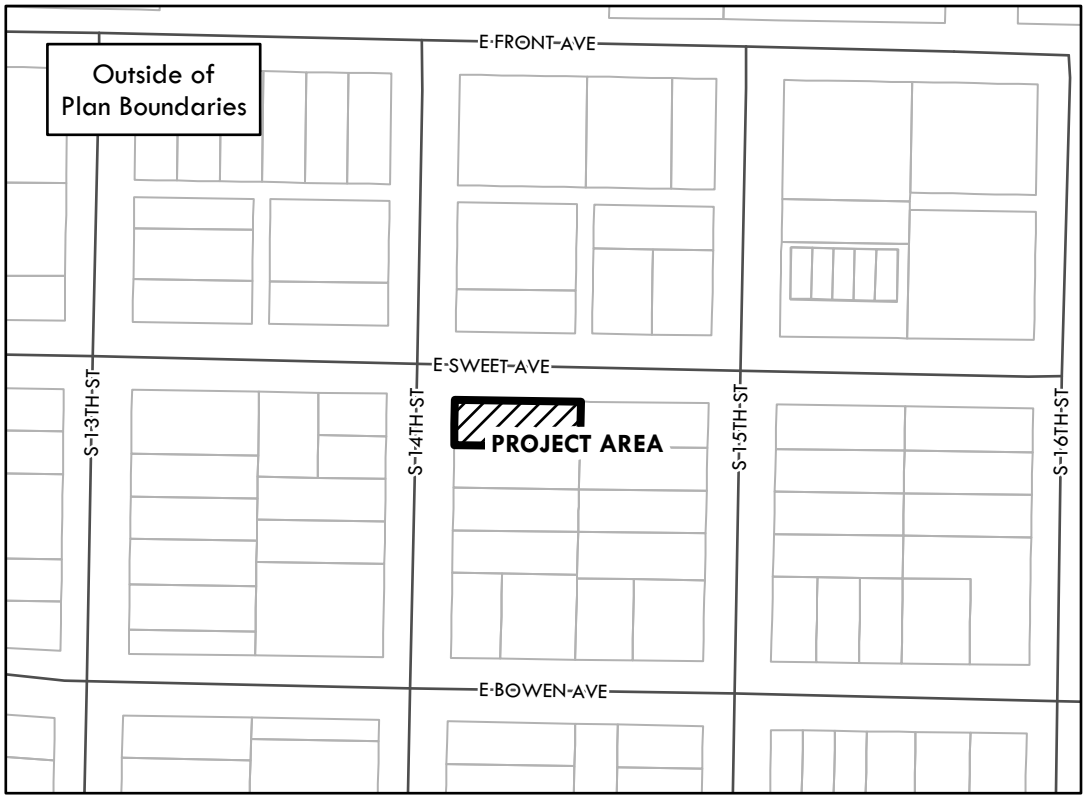
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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0 0.03 0.06 0.11 Miles

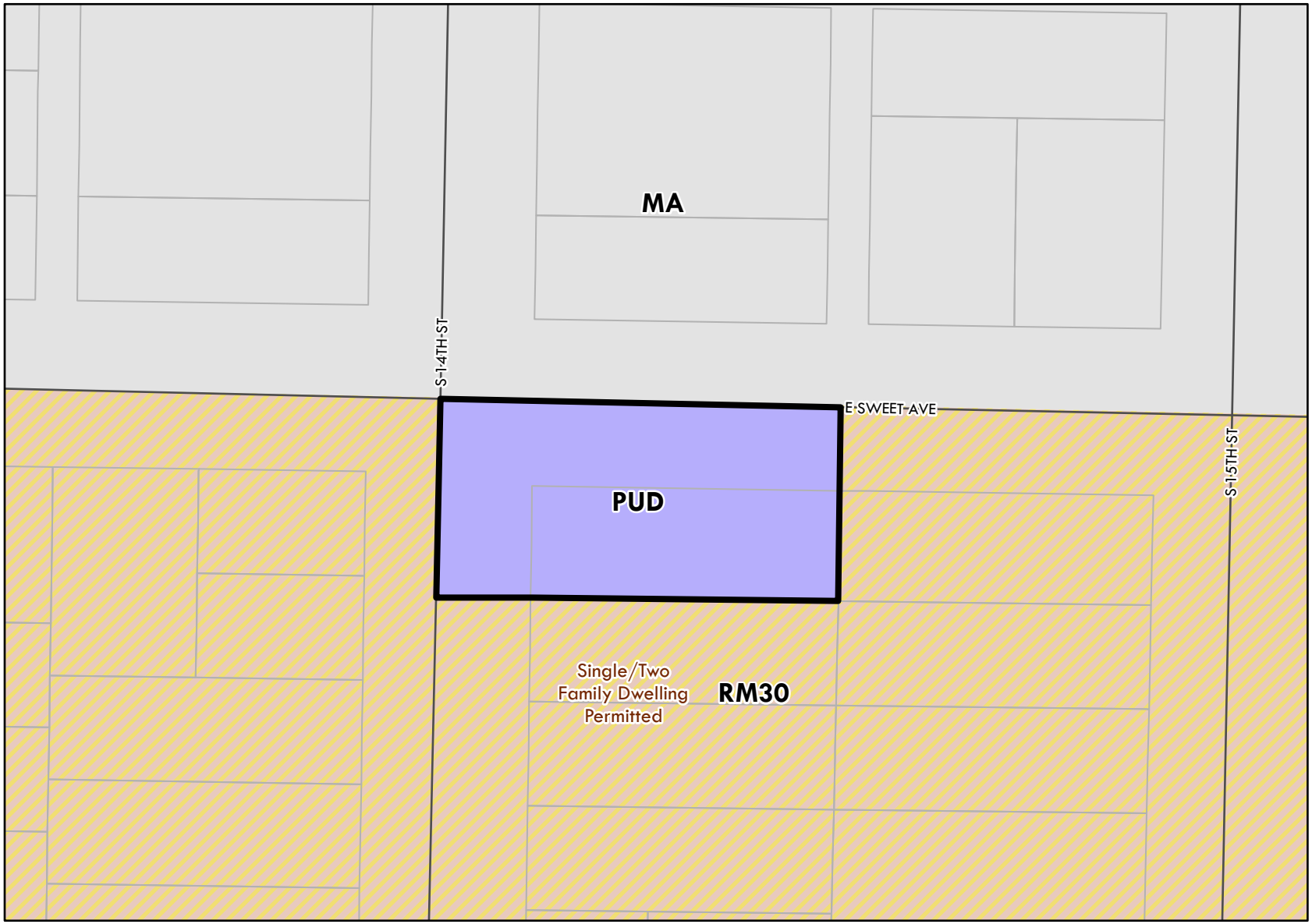
City of Bismarck
Community Development Dept.
Planning Division
March 18, 2021

Proposed Zoning Change

STURGIS ADDITION, L23-24, B23

ZC2021-003

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 0.02 0.04 0.09 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.

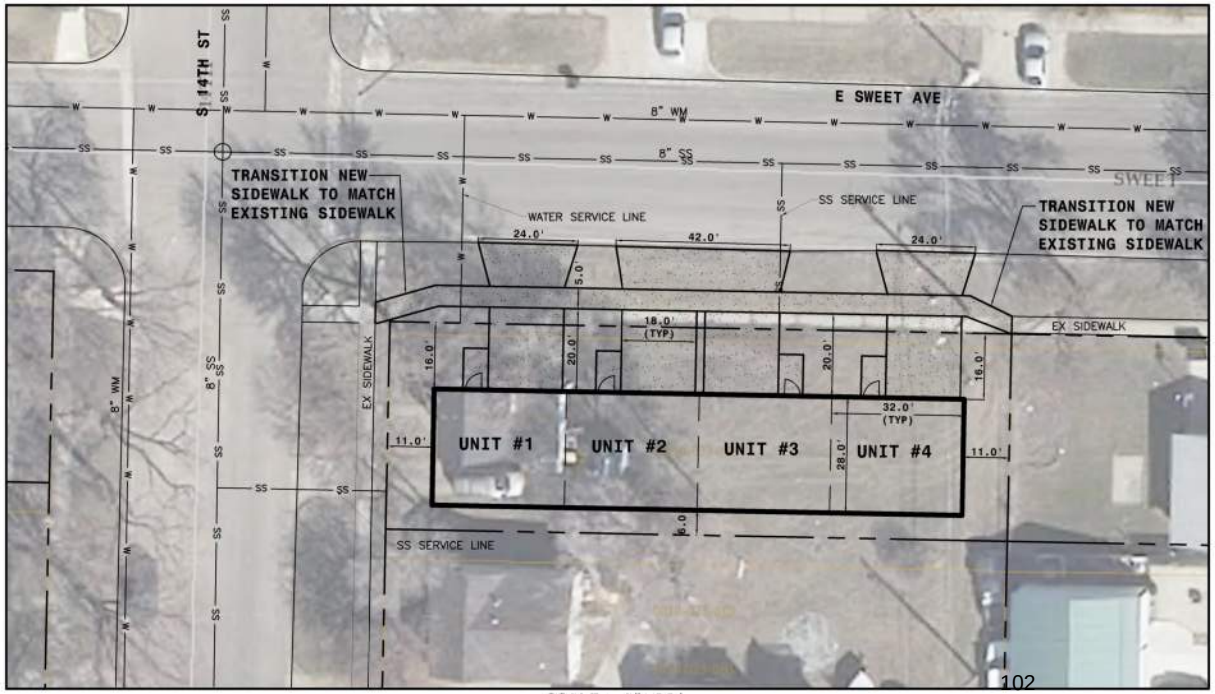
100

City of Bismarck
Community Development Dept.
Planning Division
March 19, 2021

The property involved in this application located at 301 South 14th Street, the SE quadrant of the street corner at South 14th Street and East Sweet Avenue. It is owned by Kier and Candace Vander Wal. Legal description of Lots 23 & 24, Block 23, Sturgis Addition to the City of Bismarck, Burleigh County, North Dakota.

We are proposing the construction of a 4 unit condo building for single family homes. Each unit will be a 2 bedroom, single bathroom unit with a two car garage accompanying each home. Our intent is to increase the property value of the neighborhood in which this is proposed. Our company's typical finish style will be included with this structure: Upscale interior finish and the current above average local exterior finish style. The planned structure will be slightly larger than what the current zoning—RM30—currently allows due to setbacks. We are requesting the setbacks to be 12' from the font property line, 11' from the side property lines, and 10' from the rear property line. These proposed setbacks can be seen on the attached site plan. The driveways for each unit will open onto E Sweet Ave. The back yards will be a sodded area to the adjacent property.

SCALE: 1"=60'



SCALE: 1"=30'

PUD NOTES:

LOT SIZE: 7,500 SF

EXISTING LAND USE: RES MULTI FAM-30 UNITS/ACRE
PROPOSED LAND USE: RES MULTI FAM-30 UNITS/ACRE
(UNCHANGED)

EXISTING STRUCTURE: NO STRUCTURE, LOT SITS VACANT
PROPOSED STRUCTURE: 2 STORY 4-PLEX
28'X32' UNITS
2-BEDROOM UNITS
28' MAX HEIGHT
4,096 SF

MBN ENGINEERING
MECHANICAL * ELECTRICAL * CIVIL
503 7TH ST. N
SUITE 200
FARGO, ND 58102
PHONE: 701.478.6336
FAX: 701.478.6340

N
W E
S

PARCLIN REAL ESTATE GROUP
301 S 14TH ST.
4-PLEX

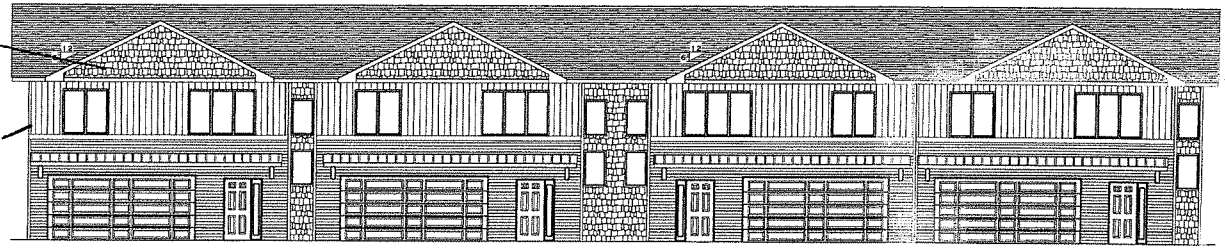
BISMARCK, ND

NOT FOR CONSTRUCTION

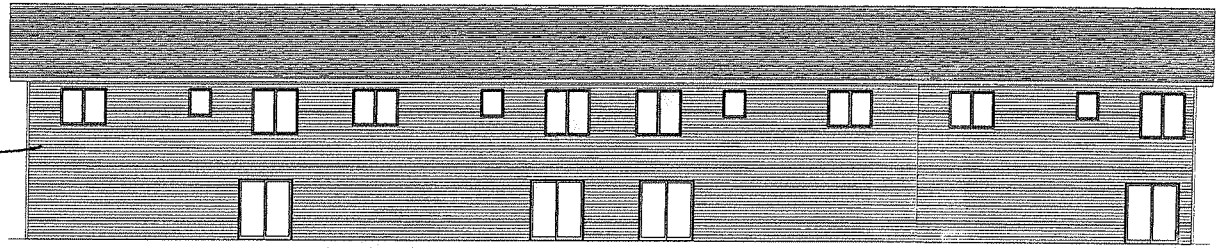
MBN JOB #: 21-040 DATE: 4-13-21

PUD SITE PLAN

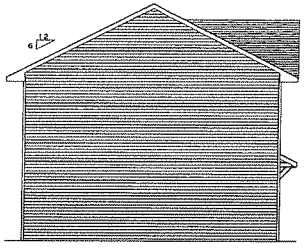
SITE



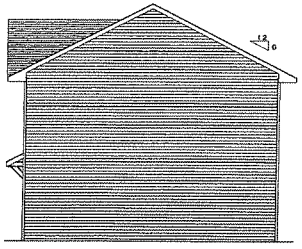
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

FRONT STREET MILLWORK & LUMBER INC.
3320 E CENTURY AVE - BISMARCK, ND 58503
PHONE: 701-355-1636 - FAX: 701-222-0900
MARCIE@FRONTSTREETMILLWORK.COM

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THE USER ACKNOWLEDGES THAT THE PLANS ARE DESIGNED TO COMPLY WITH THE 2015 INTERNATIONAL RESIDENTIAL CODE. HOWEVER, IT IS THE RESPONSIBILITY OF THE BUILDER, THE OWNER, AND/OR ALL OTHER PARTIES INVOLVED IN THE CONSTRUCTION OF THE PROJECT TO ENSURE THAT ALL APPLICABLE BUILDING CODES, ORDINANCES, AND REGULATIONS ARE FOLLOWED. ANY DEVIATIONS FROM THE PLANS, INCLUDING BUT NOT LIMITED TO, CHANGES IN MATERIALS, CONSTRUCTION METHODS, OR DESIGN ELEMENTS, MUST BE APPROVED BY FRONT STREET MILLWORK & LUMBER INC. IN WRITING. FAILURE TO OBTAIN SUCH APPROVAL MAY RESULT IN THE VOIDING OF ANY WARRANTIES OR GUARANTEES ASSOCIATED WITH THE PLANS. FRONT STREET MILLWORK & LUMBER INC. SHALL NOT BE LIABLE FOR ANY DAMAGES, LOSSES, OR EXPENSES ARISING FROM SUCH DEVIATIONS. ALL CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, THE SELECTION OF MATERIALS, CONSTRUCTION METHODS, AND COMPLIANCE WITH BUILDING CODES, IS THE RESPONSIBILITY OF THE BUILDER, THE OWNER, AND/OR ALL OTHER PARTIES INVOLVED IN THE PROJECT. 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THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, WITHOUT REGARD TO ITS CONFLICT OF LAW PROVISIONS. ANY DISPUTES ARISING UNDER THIS AGREEMENT SHALL BE RESOLVED IN THE COURTS OF BURLEIGH COUNTY, NORTH DAKOTA. IF ANY PROVISION OF THIS AGREEMENT IS FOUND TO BE INVALID OR UNENFORCEABLE, THE REMAINING PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT. THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE USER AND FRONT STREET MILLWORK & LUMBER INC. WITH RESPECT TO THE PLANS AND SUPERSEDES ALL PRIOR AGREEMENTS, WHETHER WRITTEN OR ORAL. THIS AGREEMENT MAY BE AMENDED ONLY BY A WRITTEN INSTRUMENT SIGNED BY BOTH PARTIES. THE USER ACKNOWLEDGES THAT THE PLANS ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT INTENDED AS A SUBSTITUTE FOR PROFESSIONAL ENGINEERING OR ARCHITECTURAL SERVICES. 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FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES ARISING FROM THE USE OF THE PLANS.

Drawn by: MARCIE FRANKLAND
Date: FEB 12, 2021
Revised: WEDNESDAY, FEBRUARY 17, 2021
Scale: 0.076" = 1'-0"

Drawing For:
PARCLIN REAL ESTATE

Plan Name:
PARCLIN REAL ESTATE 4 PLEX

NOTES:

8' UPPER LEVEL WALL HEIGHT
VAULTED CEILING OVER: KITCHEN, DINING, LIVING & STAIRS

SHAFTLINER PARTY WALL SYSTEM

6/12 ROOF PITCH WITH 24" OVERHANGS

NAME	AREA
UPPER FLOOR	886.7 SQ FT.
UPPER LEVEL - END UNITS	891.3 SQ FT.

FRONT STREET MILLWORK & LUMBER INC.
3320 E CENTURY AVE - BISMARCK, ND 58503
PHONE: 701-255-1636 - FAX: 701-222-0500
MARCIE@FRONTSTREETMILLWORK.COM

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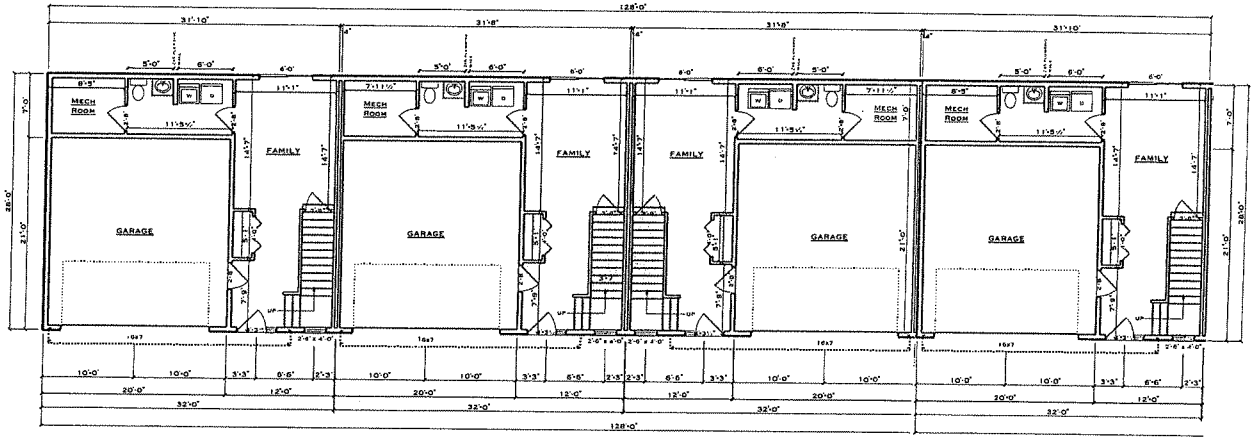
Drawn By: MARCIE FRANKLING
Date: FEB 12, 2021
Revised: WEDNESDAY, FEBRUARY 17, 2021
Scale: 0.076" = 1'-0"

Drawing Title: PARCLIN REAL ESTATE
Plan Name: PARCLIN REAL ESTATE 4 PLEX

NOTES:

- 8' MAIN LEVEL WALL HEIGHT
- SLAB ON GRADE FOUNDATION
- SHAFTLINER PARTY WALL SYSTEM
- 6/12 ROOF PITCH WITH 24" OVERHANGS

NAME	AREA
MAIN FLOOR	470.2 SQ FT.
GARAGE	416.9 SQ FT.
MAIN LEVEL - END UNIT	471.3 SQ FT.
GARAGE - END UNIT	420.0 SQ FT.



A B C D

Drawn: MARCIE FRANKLUND
Date: FEB 12, 2021
Updated: WEDNESDAY, FEBRUARY 17, 2021
Scale: 0.076" = 1'-0"

Address: PARCLIN REAL ESTATE
Plan Name: PARCLIN REAL ESTATE 4 PLEX

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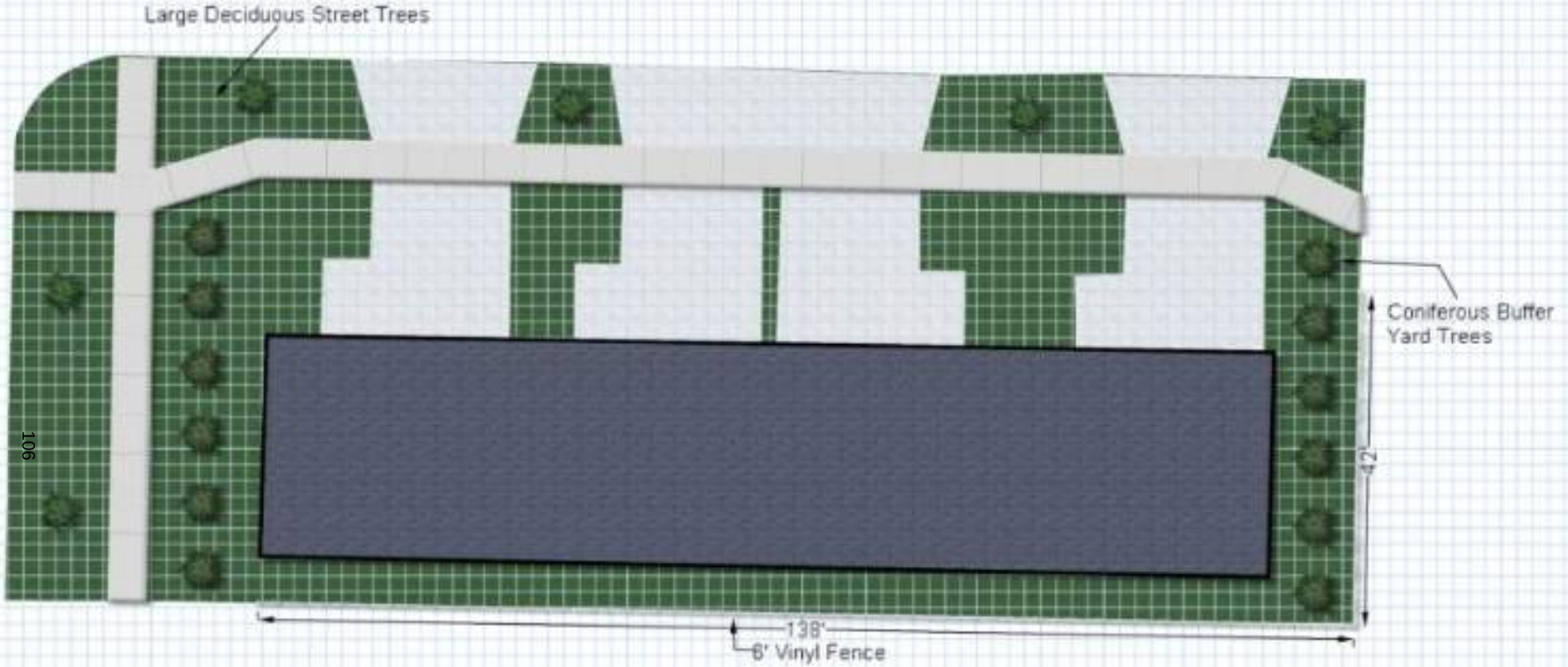
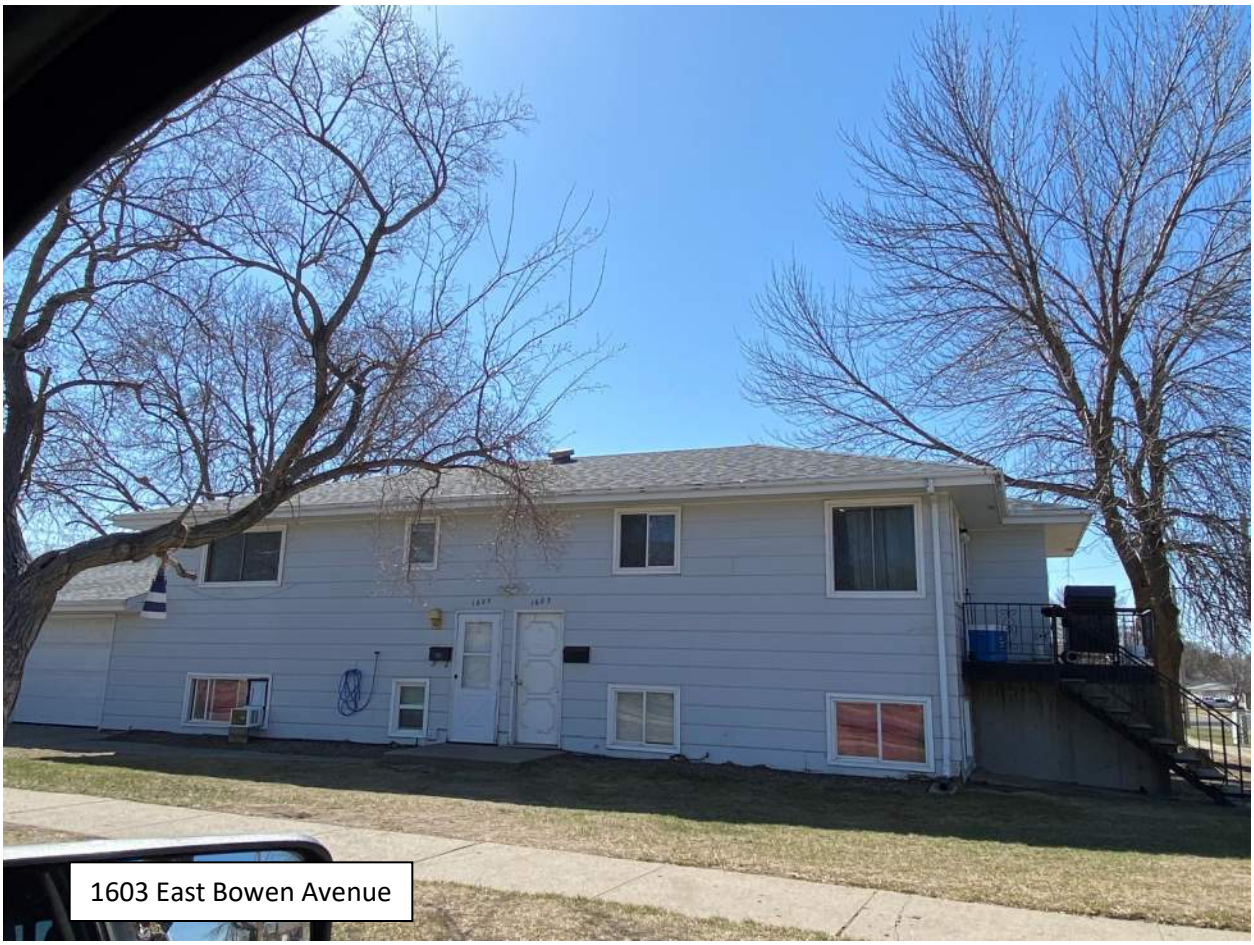
PHONE: 701-255-1636 - FAX: 701-222-0500
MARCIE@FRONTSTREETMILLWORK.COM


Large Deciduous Street Trees
Coniferous Buffer Yard Trees
42'
138'
6' Vinyl Fence
N

106

1220 East Bowen Avenue (left) | 318 South 13th Street (right)

1405 East Bowen Avenue



1603 East Bowen Avenue

1021 East Bowen Avenue

1105 East Bowen Avenue

313 to 321 South 14th Street

STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

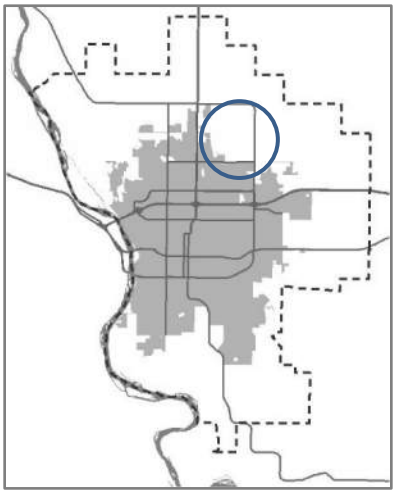
Agenda Item # 10
April 28, 2021

Application for: Special Use Permit

TRAKiT Project ID: SUP2021-003

Project Summary

Title:	Lot 5, Block 12, Grande Prairie Estates Third Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Troy Walker
Project Contact:	Troy Walker
Location:	North of Bismarck, west of Centennial Road and north of 43rd Avenue NE on the east side of Heartland Loop
Project Size:	2.33 acres
Request:	Increase the total allowable area of accessory structures to 3,080 square feet to allow construction of addition to accessory structure



Site Information

Existing Conditions		**Proposed Conditions**	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Rural Residential	*Land Use:*	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	*Designated GMP Future Land Use:*	Conventional Rural Residential
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	*Max Density Allowed:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	*Pre-1980*	*Platted:*	*11/1979*	Annexed:	N/A

Staff Analysis

Troy Walker is requesting approval of a special use permit to increase the total allowable square footage of accessory structures on the lot to 3,080 square feet, which would allow construction of a new 2,000 square-foot accessory building attached to an existing accessory structure on Lot 5, Block 12, Grande Prairie Estates Third Subdivision

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 16th and 23rd and 75 letters were mailed to the owners of nearby properties on April 16th.

Adjacent uses include rural residential uses to the north, east, and west, and an undeveloped rural residential lot to the south.

Section 14-03-06(1)(b)(5) of the City Code of Ordinances (Accessory Uses and Buildings) states, "the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses)."

The parcel size for the proposed special use is 2.33 acres or 100,245 square feet and meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an accessory building located within the RR – Residential zoning district.

Commercial uses are not permitted in the RR – Rural Residential zoning district, with the exception of permitted home occupations. The proposed accessory structure may not be used for commercial purposes.

The Burleigh County Highway Department issues approach permits outside of city limits for driveway connections to public rights-of-way, and county regulations govern the maximum number of approaches per residence.

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 the special use permit to increase the total allowable square footage of accessory structures to 3,080 square feet on Lot 5, Block 12, Grande Prairie Estates Third Subdivision, with the following condition:

1. All accessory structures on the lot are for residential uses only, and not commercial uses.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Elevation

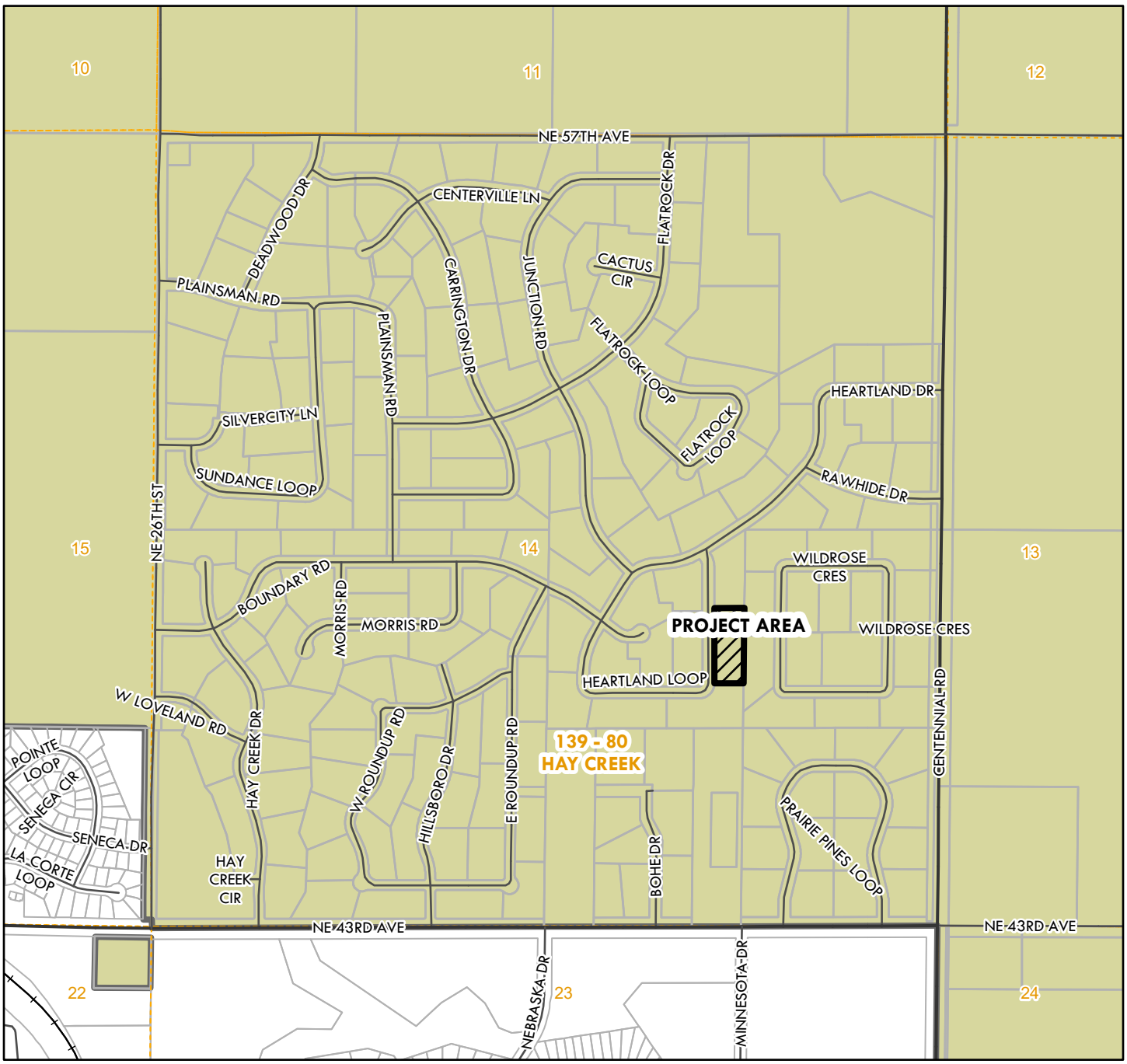
(continued)

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

Location Map

GRANDE PRAIRIE ESTATES THIRD SUBDIVISION, L5, B12

SUP2021-003



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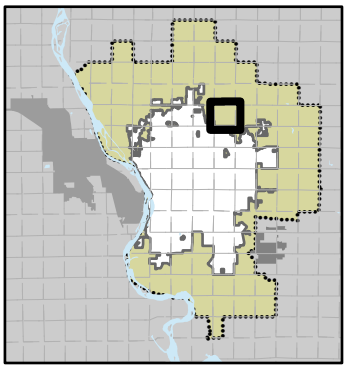


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

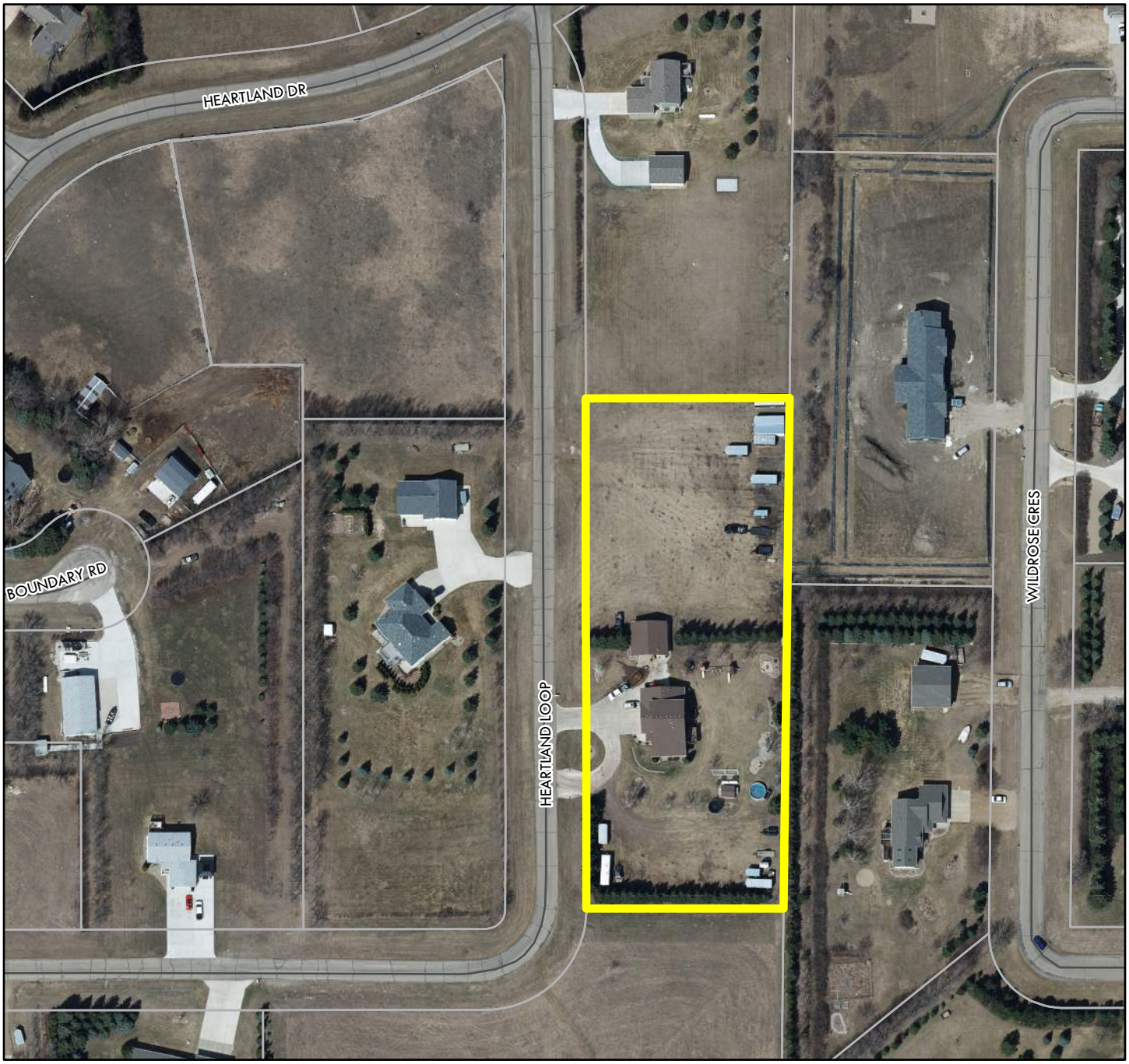
City of Bismarck
Community Development Department
Planning Division
March 18, 2021 (HLB)

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

GRANDE PRAIRIE ESTATES THIRD SUBDIVISION, L5, B12

SUP2021-003



0 0.04 0.07 0.14 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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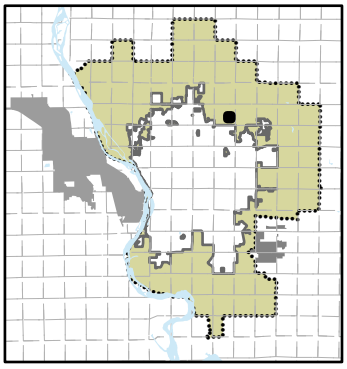


City of Bismarck
Community Development Department
Planning Division
April 19, 2021

Zoning and Plan Reference Map

GRANDE PRAIRIE ESTATES THIRD SUBDIVISION, L5, B12

SUP2021-003

Zoning Districts

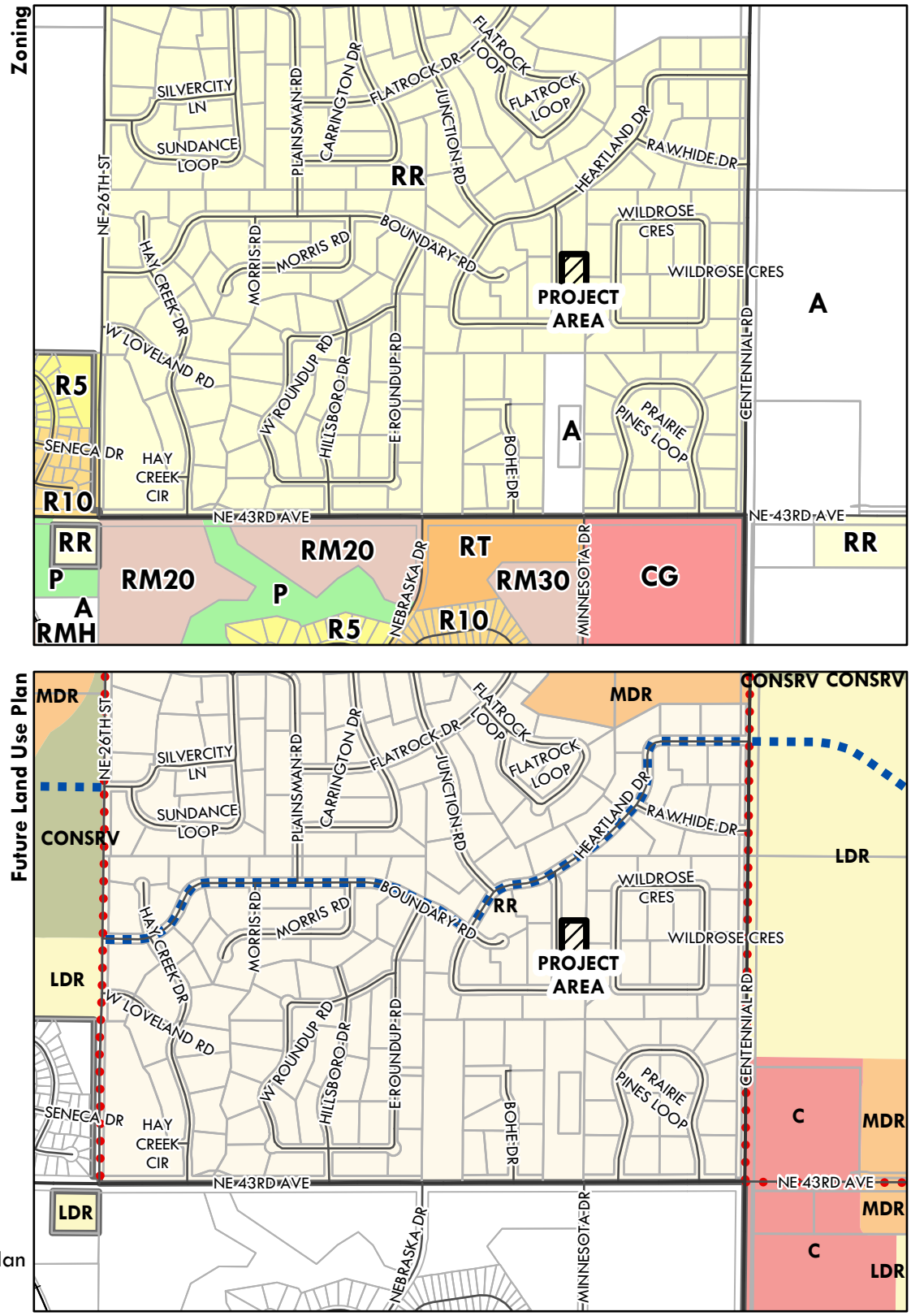
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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 0.15 0.3 0.6 Miles

City of Bismarck
Community Development Dept.
Planning Division
April 19, 2021

Site Plan Exhibit

Drawn by: DN | Confirmed by: Troy Walker

4/8/2021

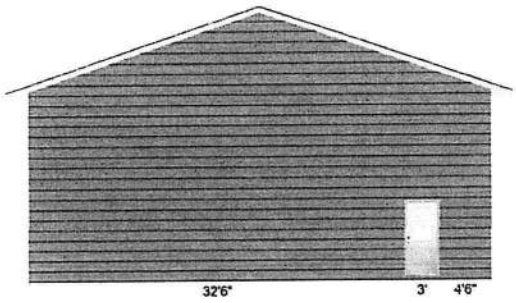
Design ID: 305557587993
Estimate ID: 50349

MENARDS®
Design&Buy™ RESIDENTIAL POST FRAME

Dimensions

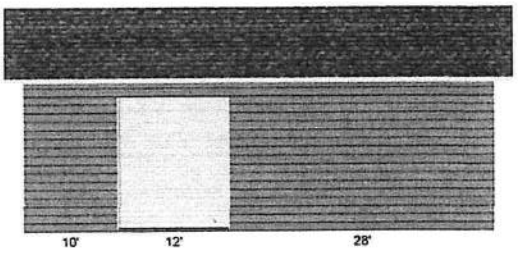
Wall Configurations

*Illustration may not depict all options selected.



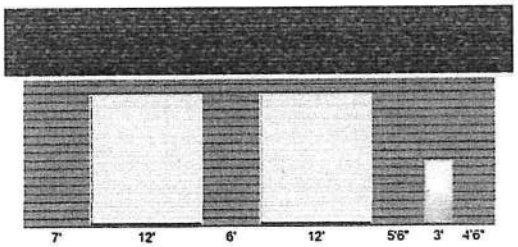
ENDWALL B

Mastercraft® 36"W x 80"H Primed Steel Half Lite Exterior Door



SIDEWALL D

Ideal Door® Commercial 12' x 14' White Insulated Garage Door

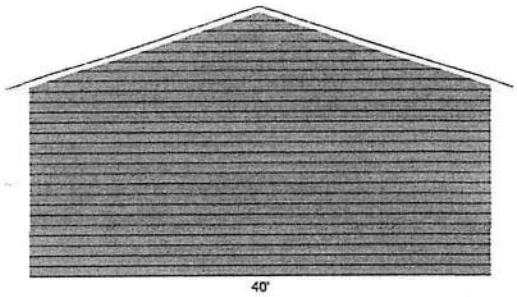


SIDEWALL C

Mastercraft® 36"W x 80"H Primed Steel Half Lite Exterior Door

Ideal Door® Commercial 12' x 14' White Insulated Garage Door

Ideal Door® Commercial 12' x 14' White Insulated Garage Door



ENDWALL A

*Some items like wainscot, gutter, gable accents, are not displayed if selected.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 24, 2021

The Bismarck Planning & Zoning Commission met on March 24, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Paul Levchak, Kevin Martin, Gabe Schell, Mike Schwartz, and Trent Wangen.

Commissioners Brian Bitner, Brian Eiseman, Vernon Laning, Wendy Van Duyne and Paul Zent were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the February 24, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the February 24, 2021 meeting, as presented. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

CONSIDERATION

2. **LOT 2, BLOCK 1, J & L ADDITION – ZONING CHANGE**
3. **LOTS 23-24, BLOCK 23, STURGIS ADDITION – ZONING CHANGE**
4. **EAST 67 FEET OF LOT 1 AND LOTS 2-3, BLOCK 1, HAMILTON'S FIRST ADDITION – ZONING CHANGE**

Chair Schwartz said he would like item #4 pulled for discussion.

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items 2 and 3, calling for public hearings on the items as recommended by staff. Commissioner Levchak seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

Mr. Nairn explained that the legal description for item 4 needs to be modified slightly to include the south 61 feet of Lot 1, Block 1, Hamilton's First Addition. He said a public hearing can still be called for as recommended by staff and the requests will be held until the applicant is ready to proceed with a minor subdivision final plat.

MOTION: Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve consent agenda item 4, with the additional area noted by staff, calling for a public hearing on the item as recommended by staff. Commissioner Martin seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PART OF CLEAR SKY ADDITION

Chair Schwartz called for final consideration of the annexation of part of Clear Sky Addition. The property is located east of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE.

Ms. Wollmuth 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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition, with the understanding that:

1. A development agreement specifying the timing for the annexation of lots adjacent to Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive is approved by the City Commission.

Commissioner Levchak asked what the bumped-out area on Smette Bend is reserved for.

Ms. Wollmuth said that is to be a City sanitary-sewer lot for a lift station to serve the annexed properties.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, All of Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11 and adjacent portions of Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive, Clear Sky Addition, with the understanding that: 1. A development agreement specifying the timing for the annexation of lots adjacent to Smette Bend, Hermanson Drive, Holmes Drive, Koening Drive, Goodiron Drive, Fettig Drive and Orgaard Drive is approved by the City Commission. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

(Secretary's Note: The legal description indicated above for this request was further refined before forwarding on to the City Commission for final action. The map showing the annexation area is correct, but some street references were extraneous. The lots addressed to be addressed in the development agreement were also modified. The final description used for the annexation ordinance was Lot 28, Block 1, Lots 13-21, Block 3, Lots 9-16, Block 5, Lots 1-16, Block 6, Lots 1-8, Block 7, Lot 29, Block 9, Lot 16, Block 10, Lots 1 and 16, Block 11, the rights-of-way adjacent to the above referenced lots for Holmes Drive, Fettig Drive, Koenig Drive, Orgaard Drive and Goodiron Drive, as well as the Fettig Drive right-of-way adjacent to Lot 9, Block 7, the Hermanson Drive right-of-way adjacent to Lots 47-51, Block 1 and Lots 9-13, Block 7 and the Smette Bend right-of-way adjacent to Lots 18-47, Block 1, Lots 2-8, Block 4 and Lots 10-21, Block 8.)

CONTINUED PUBLIC HEARING – ZONING CHANGE
THE EAST 250 FEET OF LOT 2, BLOCK 3, KMK ESTATES

Chair Schwartz called for the continued public hearing on a zoning change from the Conditional RT-Residential zoning district to the Conditional CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The property is located in northeast Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE and Ash Coulee Drive.

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

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

2. The proposed zoning change is 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.

8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

Mr. Nairn presented a conditional zoning ordinance that incorporated items requested by the Planning and Zoning Commission during their previous meeting, and also stated that neighboring property owners were re-notified of the request for the continued public hearing.

Mr. Nairn said based on these findings, staff recommends denial of the zoning change from the Conditional RT – Residential zoning district to the Conditional CA – Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates, as outlined in the draft conditional zoning change ordinance attached to the staff report.

Commissioner Bakken asked if the adjacent property to the north is zoned for a commercial office use.

Mr. Nairn confirmed that offices have been approved on this lot and added that it is zoned Conditional-RT, which from a zoning perspective is different from commercial.

Commissioner Bakken asked if any protest was heard when that zoning was changed. Mr. Nairn said not to his knowledge.

Commissioner Martin asked if the church and parking lot along the North Washington Street corridor were grandfathered into the R5-Residential zoning district, or if those are allowable uses.

Mr. Nairn said they are allowable uses and the church is an allowed use with a special use permit.

Commissioner Martin said all uses surrounding this location are allowable then. Mr. Nairn said that is correct and he is not aware of any non-conformities.

Commissioner Schell asked how the North Dakota Century Code governs a petition number when there is opposition to a request.

Mr. Nairn explained that any property owner within 150 feet can sign a petition and if the owners of 20% of this land, exclusive of any rights-of-way, oppose the request then that would be deemed a qualifying protest.

Mr. Ehreth added that the motion at the previous meeting was to table the request with the direction to notice the request in the newspaper so the staff recommendation is to hold the public hearing as advertised.

Chair Schwartz opened the continued public hearing.

Nate Wolf, Old 10 Bar and Grill, said they were contracted at a different nearby location and that site became too costly. He said at the last meeting they got to the point of approval and then the conditions of the approval were requested. He said the language on the petition that circulated is not indicative of the proposed use and operation which would be 65% the sale of food. He said they do not promote drink specials or binge drinking and they want to be part of the neighborhood. He said kids can come and be in the arcade and have fun and it is very family oriented, not a party bar.

Commissioner Bakken asked what the hours of operation would be. Mr. Wolf said the Mandan location is currently open from 11AM-11PM and he is not sure if they will exactly mirror that or not.

Justin Kringstad, 3718 Horizon Place, thanked those present for having the foresight to see the issues and that the original letters to owners may have misunderstood. He said they have nothing against the restaurant or the owners, but there is a need to protect the neighborhood long-term. Mr. Kringstad presented the petition for a previous zoning change request in this location and said that Mr. Kessel, the property owner seeking the rezoning, signed it and was able to come to a compromise with the owners and the City Commission then approved it, so a protest was not necessary. He said the staff report is well written and it includes multiple non-compatibility findings and it is concerning for a not well-lit area with a lot of activity and children to have this use. He said he supports the restaurant, just not in this location.

Sarah Kolberg, 3720 High Meadows Circle, said they live in the second cul-de-sac back from the location and they are excited about a restaurant possibly being part of the community, but some road improvements are needed. She said there is nowhere to go for restaurants in the vicinity and she wants to support local businesses. She added that they do not need another church or office and she is also concerned about the petition after she talked to others who were not fully aware of what exactly it was they were signing.

Chair Schwartz asked for confirmation that she favors the request but wants to see some road improvements also. Ms. Kolberg said that is correct.

Parnel Plante, 568 Cottonwood Loop, said 200 Arabian Avenue belonged to his father, Gary, and he thought it also would be an office type use in the future. He said they do have a pending sale on the house that is there now and if the zoning changes then a lot of things will be unknown.

Chair Schwartz asked if he is opposed to the request because of what is unknown. Mr. Plante said yes and added that he supported many of the points in opposition made by Mr. Kringstad.

Brenda Foster, Bianco Realty, said she is representing the buyer of 200 Arabian Avenue and they are concerned about the change for a restaurant not being a positive change.

Commissioner Levchak asked if the buyer would be opposed to an office-type use. Ms. Foster said they are not but they are opposed to a restaurant and/or a bar because of the smells, traffic and lights and the appeal of the house property would be lost.

Tim Porter, 3301 Overlook Drive, said he is not against a bar and grill, just not in this location. He said he is concerned about the impact it would have on homeowners with significant investments and there is a walking path right in front of where the restaurant would be built.

Jerry Gates, 3848 Renee Drive, said he lives just north of this location and there is so much traffic now and it is not regulated so adding more vehicles would only make it worse. He said there is so much noise and too many people going too fast on Washington. He said that is not a controlled entrance and there is not a similar situation anywhere else in Bismarck.

Art Bakke, 411 Arabian Place, said many people use Arabian Avenue to get to North Washington Street and at the 2014 meeting when compromise for the RT-Residential zoning took place - it was felt that a commercial a zoning district would have too many allowable uses and they wanted less traffic. He said he is not opposed to a restaurant and boosting the economy, but safety needs to be first. He added that if it is approved and the property purchase falls through then there will be an open commercial lot here. He said the Mandan location restaurant closes at 11PM, but the bar can stay open until 1AM.

Additional written comments in opposition to the request are attached as Exhibits A-O.

Additional written comments in support of the request are attached as Exhibits P-Q.

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

Commissioner Martin said regardless of the intent of the business, the community response is strong and a precedent possibly being set is concerning. He said they are in a tough spot to go against the staff recommendation.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to deny 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. Commissioner Wangen seconded the motion and it was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – FINAL PLAT
FIRST RESPONDERS SECOND ADDITION

Chair Schwartz called for final consideration of the annexation and public hearing on the final plat for First Responders Addition. The proposed plat is 1 lot in 1 block on 1.98 acres and is located east of Bismarck, east of East Bismarck Expressway and south of East Main Avenue / County Highway 10 in the southwest quadrant of the intersection of Midwest Drive and 52nd Street SE (part of Lot 7A and 7B of Auditor's Lot 7 and part of the W½ of 52nd Street right-of-way in the SE¼ of Section 1, T138N-R80W/Lincoln Township).

Ms. Wollmuth gave an overview of the requests, 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.

Ms. Wollmuth then gave the findings related to land use for the final plat:

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).

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

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

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

Ms. Wollmuth said, based on the above findings, staff recommends approval of the annexation and final plat for First Responders Second Addition, with the following condition:

1. The existing stormwater and drainage easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat.

Chair Schwartz opened the public hearing.

Abe Ulmer, Toman Engineering Co., said he is available to answer any technical questions and stated the applicant would sell the property and they have submitted a site plan for review by City staff for development.

Commissioner Levchak asked what the intended use might be. Mr. Ulmer said it is zoned industrial and the plan is for it to be two 4-unit shop condos with landscaping.

Commissioner Levchak asked if the spaces would be leased or rented. Mr. Ulmer said they would be rented or purchased as individual condo units.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation and final plat for First Responders Second Addition, with the following condition: 1. The existing stormwater and drainage easements must be released, and new off-site stormwater and drainage easements for the area west of the proposed plat must be recorded in conjunction with the final plat. Commissioner Levchak seconded the motion and the motion was approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
MISSOURI MEADOWS SUBDIVISION (FKA SOUTHBAY FOURTH ADDITION THIRD REPLAT)

Chair Schwartz said it has been requested by the applicant that the next item, formerly known as Southbay Fourth Addition Third Replat, be referred to as Missouri Meadows Subdivision going forward.

Ms. Wollmuth explained that this was requested in order to avoid any confusion between a similarly named subdivision nearby.

Chair Schwartz called for the public hearing on the minor subdivision final plat for Missouri Meadows Subdivision (fka Southbay Fourth Addition Third Replat). The proposed plat is two lots in one block on 3.58 acres and is located in southwest Bismarck, west of South Washington Street and east of England Street, along the south side of West Burleigh Avenue (a replat of the West 256 feet of Lot 1, Block 1, Southbay Fourth Addition).

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

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.

3. Portions of the proposed subdivision are 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

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

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

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

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat for Missouri Meadows Subdivision (fka. Southbay Fourth Addition Third Replat).

Commissioner Levchak asked if access to the area would be from the western edge of the property.

Ms. Wollmuth said that is correct, that access would be on the west edge and then south to Lot 2. She said there is a private access easement and an approach that has already been approved by the County Engineer.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said a lot split was originally discussed but staff recommended a minor plat be acquired to better have access for emergency services and the property owners.

Chair Schwartz asked if the access would be paved. Mr. Niemiller said as development moves forward the roadways would be improved.

Commissioner Levchak asked what the water and sewer services here would be. Mr. Niemiller said it would be rural water services and a septic system.

Additional written comments in opposition to the request are attached as Exhibit R.

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

Commissioner Bakken asked if the City has the ability to dictate tree maturity requirements.

Ms. Combs said if it is not specified then they would not infer it.

Mr. Ehreth said he understands that existing mature trees can count towards a landscape requirement.

Mr. Hutchings said they could count toward the requirements but it would not be required here because of the single-family zoning status.

Commissioner Bakken asked if it could be required even given the zoning. Ms. Wollmuth stated that this subdivision is not required to add a landscaping buffer and landscaping buffers are required of a the more intensive use. She stated that a 15-foot landscaping buffer was platted along the northern boundary of the subdivision adjacent to the south because it is multi-family.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the minor subdivision final plat for Missouri Meadows Subdivision (fka Southbay Fourth Addition Third Replat). Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Martin, Schell, Schwartz and Wangen voting in favor of the motion. Commissioner Levchak opposed the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
THE RIDGE AT HAWKTREE SECOND REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat for The Ridge at Hawktree Second Replat. The proposed plat is 20 lots in three blocks on 5.37 acres and is located north of Bismarck, north of Highway 1804 NW and south of the Hawktree Golf Club, along the east side of Hawktree Drive and the south side of Ridge Way (a replat of Tracts 8027, 8027A, 8029 and 8029A of Lot 1, Block 1; Tracts 3631, 3631A, 3633 and 3633A of Lot 3, Block 1; Tracts 3701, 3701A, 3703, 3703A, 3707, 3707A, 3709 and 3709A of Lot 4, Block 1; Tracts 8139, 8139A, 8141 and 8141A of Lot 5, Block 1; Replat of Lots 18-25, Block 1, The Ridge at Hawktree).

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

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.

3. The Hay Creek Township Board of Supervisors has been notified of the proposed final plat.

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

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

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

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat for The Ridge at Hawktree Second Replat.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the minor subdivision final plat for The Ridge at Hawktree Second Replat. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING)
LOT 5, BLOCK 2, HIGH PLAINS COUNTRY ESTATES (3724 HIGH PLAINS ROAD)

Chair Schwartz called for the public hearing on a special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates. The property is located south of Bismarck, south of East Burleigh Avenue and west of 12th Street SE, along the west side of High Plains Road (3724 High Plains Road).

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

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

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

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates.

Chair Schwartz opened the public hearing.

There being no comments, Chair Schwartz closed the public hearing.

DRAFT

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the special use permit to increase the total area of accessory buildings to 3,024 square feet on Lot 5, Block 2, High Plains Country Estates. Commissioner Levchak seconded the motion and the motion was unanimously approved with Commissioners Bakken, Levchak, Martin, Schell, Schwartz and Wangen voting in favor of the motion.

OTHER BUSINESS

UPDATE ON COMPREHENSIVE PLAN

Mr. Ehreth shared that City staff has been working to develop and update multiple plans that need refreshing. He said they aim to do this every five years, but this particular refresh would consolidate all of their plans into one plan called Together2045, as it will involve many other entities and look as far out as 2045. He said it will take approximately 18 months to develop and it will be public facing, but some portions will be fielded out to resources such as students from Bismarck Public Schools and their Career Academy's graphic design students. He added that regular updates will continue to be provided as it progresses.

Commissioner Levchak asked if they have an estimated completion date. Mr. Ehreth said they are shooting for December 2022.

Commissioner Bakken said it is exciting to be able to include so many groups of individuals and some great work has already been done towards this accomplishment.

Chair Schwartz asked if outside of the steering bodies, will there be other public input opportunities.

Mr. Ehreth said there will be and he will share the participation plan in the near future.

DEMO OF ONLINE MAP

Mr. Nairn said Community Development and GIS have been working on an info-sharing tool that is an online map that shows City Planning projects and their various statuses of where they are at in their completion process. He gave an overview of the types of projects and statuses, how to access the assigned staff member, reports, meeting dates and just making this information more generally accessible from home. He said this will likely be the most up to date platform for information and will be available on the City website in the near future.

Commissioner Bakken asked if there as an estimated date that it will be on the website. Mr. Nairn said they want to share this with the City Commission also so it should be available publicly in the next couple of weeks.

OTHER BUSINESS

Mr. Hutchings gave an update on a previously discussed zoning change in Fischer Addition that was taken off of the agenda because of the need for concurrence with an adjacent property owner. He said that request has now been formally completely withdrawn.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:41 p.m. to meet again on April 28, 2021.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

From:	Daniel Nairn
To:	Hilary Balzum
Subject:	FW: KMK Zoning Petition as of March 21 2021
Date:	Monday, March 22, 2021 1:14:03 PM
Attachments:	KMK Zoning Petition Signatures As of 3-21-21 Filed 3-21-21.pdf

Daniel Nairn
701-355-1854

From: JJ Kringstad < >
Sent: Sunday, March 21, 2021 5:16 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>; Jannelle Combs <jcombs@bismarcknd.gov>
Subject: KMK Zoning Petition as of March 21 2021

External Email - Use caution clicking links or opening attachments
Hello Jannelle and Daniel,

Attached you will find the petition to keep the KMK Estates property at the corner of Washington and Arabian zoned as conditional RT and to deny a change to CA (neighborhood commercial) zoning, in any form, on that property.

Daniel - Please note, on page 9 of the petition that Raymond Glasser is the President of "Child Inc" which owns the large adjacent property at 3707 N Washington Street. Child Inc is the parent company of the Early Childhood Learning Centers (ECLC) in Bismarck, which are preschool and child care facilities.

Jannelle - The attached petition should be adequate to trigger the 75% majority vote at the City Commission, but Daniel will certainly be able to confirm. If this petition needs to be filed in a more formal manner to properly proceed, please let me know.

Thank you,
Justin J. Kringstad

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
Action petitioned for	We, the undersigned, are concerned residents/property owners who urge the Bismarck Planning and Zoning Commission to deny zoning East 250 feet of Lot 2, Block 3, of KMK Estates as CA (Neighborhood Commercial) and to keep all existing zoning designations established in 2014 (Conditional RT). We do not support a zoning change to CA (Neighborhood Commercial), in any form, for the stated property.

Printed Name	Signature	Address	Comments (Optional)	Date
GREG MAYER		460 ARABIAN AVE		2-28-21
Gail Mayer		460 Arabian Ave		2-28-21
Amy Cannon		532 Arabian Ave.		2/28/21
Shane Cannon		532 Arabian Ave		2-28-21
CHRIS SPIES		520 Arabian Ave		2-28-21
Lois Beckman		562 Arabian Ave		2-28-21
Tony Spies		520 Arabian Ave		2-28-21
Pat Offerdahl		515 Arabian Ave		2-28-21
Robert Latour		505 Arabian Ave		2-28-21
Rebecca Latour		505 arabian Ave		2-28-21
Donald L Saylor		419 Arabian Place		2-28-21
Laura Saylor		419 Arabian Place		2-28-21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
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Printed Name	Signature	Address	Comments (Optional)	Date
Marcus Rachuch		421 Arabian Pl Bismarck ND		2-28-21
Caroline Rachuch		421 Arabian Place		2-28-21
David R Bjork		433 Arabian Pl		2-28-21
Jennifer Bjork		433 Arabian Pl		2-28-21
Justin Birst		439 Arabian PL		2-28-21
Annetta Birst	Annetta Birst	439 Arabian Pl		2-28-21
JOANNE LUGER	Joanne Luger	455 ARABIAN PLACE		2-28-21
AL HAGAN		421 ARABIAN AVE		2-28-21
Christina Corbett		421 ARABIAN AVE		2-28-21
Terry Wetch	Terry Wetch	400 ARABIAN AVE		2-28-21
Dawn Wetch	Dawn Wetch	400 Arabian Ave.		2/28/21
Steve Lacher		408 Arabian AVE		3/01/01

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
Action petitioned for	We, the undersigned, are concerned residents/property owners who urge the Bismarck Planning and Zoning Commission to deny zoning East 250 feet of Lot 2, Block 3, of KMK Estates as CA (Neighborhood Commercial) and to keep all existing zoning designations established in 2014 (Conditional RT). We do not support a zoning change to CA (Neighborhood Commercial), in any form, for the stated property.

Printed Name	Signature	Address	Comments (Optional)	Date
Clara Lacher	Clara Lacher	408 Arabian Ave		3/0/21
ARTHUR BAKKE		411 ARABIAN PLACE BISMARCK ND 58503		3/2/21
Kami Kindel	Kami Kindel	521 Arabian Ave Bismarck ND 58503		3/2/21
Jody Freeman	Jody Freeman	535 Arabian Ave Bismarck ND 58503		3/2/21
Cory Freeman	Cory Lee	533 Arabian Ave Bismarck ND 58503		3/2/21
Brooklyn Smith	Brooklyn Smith	593 Arabian Ave BIS ND 58503		3/2/21
Barret Smith	Barret Smith	533 Arabian Avenue Bismarck, ND, 58503		3/2/21
Cody Backman	Cody Backman	512 Arabian Ave Bismarck ND, 58503		3/2/21
Tina Bakke	Tina Bakke	411 Arabian Place BIS ND 58503		3/8/21
Sandy Helm	Sandy Helm	3158 Horizon Place Bismarck ND 58503		3/8/21
Wayne Helm	Wayne Helm	3757 Horizon Pl Bismarck ND 58503		3/8/21
Carol Thompson	Carol Thompson	3737 Horizon Pl Bismarck ND 58503		3/8/21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
Action petitioned for	We, the undersigned, are concerned residents/property owners who urge the Bismarck Planning and Zoning Commission to deny zoning East 250 feet of Lot 2, Block 3, of KMK Estates as CA (Neighborhood Commercial) and to keep all existing zoning designations established in 2014 (Conditional RT). We do not support a zoning change to CA (Neighborhood Commercial), in any form, for the stated property.

Printed Name	Signature	Address	Comments (Optional)	Date
Katie Kringstad	Katie Kringstad	3718 Horizon Pl Bismarck, ND 58503		3-7-21
J.J. Kringstad		3718 Horizon Pl. Bismarck ND 58503		3-7-21
Brock Oukrop		3801 Horizon Pl Bismarck, ND 58503		3-7-21
CHAD LINDEMAN		313 ARABIAN AVE. BISMARCK, ND 58503		3-7-21
Tom Dignan	Tom Dignan	435 High Meadows PL Bismarck, N.D. 58503		3-7-21
Deb Dignan		435 High Meadows Pl Bismarck ND 58503		3-7-21
Doyle Emmel		401 Highmeadows PL Bismarck, 58503		3-7-21
Jon Kolberg		3720 High Meadows Cir Bis ND 58503		3-7-21
Eileen Hanna	Eileen Hanna	3803 High Meadows Cir 58503		03-07-21
James Langlois	James Langlois	3741 High Meadows Cir Bismarck ND 58503		3/7/21
Parcel Plante	Parcel Plante P.R. for Gary	Plante 200 Arabian Ave. Bismarck, ND 58503		3-7-21
Jason Kemmis		103 Versailles Ave Bismarck ND 58503		3-7-21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
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Printed Name	Signature	Address	Comments (Optional)	Date
JERRY GATES		3848 RENEE DR		3/7/21
Tamie Gates		3848 Renee Dr		3-7-21
GAYLE GRENZ		3830 Renee Dr.		3.7.21
Amy Schulte		3835 Renee Dr.		3-7-21
Derek Schulte		3835 Renee Dr.		3/7/21
Dan Friesz		100 Versailles Ave		3/7/21
Kayla Corbin		138 E Calgary Ave		3/7/21
Matthew Stoltz		143 E Calgary Ave		3/7/21
Ben Kringstad		125 E Calgary Ave		3/7/21
Jill Kringstad		125 E Calgary Ave		3/7/21
Hollyt Schalter		107 E Calgary Ave		3/7/21
Gary Mako		146 E. Calgary Ave		3/7/21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
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Printed Name	Signature	Address	Comments (Optional)	Date
Brandi Sonneson	Brandi Sonneson	204 E Calgary Ave Bismarck ND 58503.		3-6-21
Jeremy Sonneson		204 E Calgary Ave Bismarck, ND 58504		3-6-21
James Dean	James Dean	124 W Edmonton Dr Bismarck ND 58503		3-7-21
Catherine Bergan	Catherine Bergan	130 W Edmonton Bismarck, N.D. 58503		3-7-21
Sheri Kost	Sheri Kost	202 W EDMONTON Bismarck ND 58503.		3-7-21
Delbert Kost	Delbert Kost	202 W. Edmonton Dr. Bismarck, ND 58503		3-7-21
JOLIE + LEILA MOINT	J. L. Mt	216 W. EDMONTON DR BISMARCK ND 58503		3-7-21
Jeremy LaFave	Jeremy LaFave	306 W. Edmonton Bismarck 58503		3-7-21
George Webber	George Webber	322 W EDMONTON DR BISMARCK, ND		3/7/21
Stef Manar	Stef Manar	305 W Edmonton Dr. Bismarck, ND 58503		3/7/21
Jim Hall	Jim Hall	225 W Edmonton Dr. Bismarck ND 58503		3-7-21
Jeff Jacobchick	Jeff Jacobchick	211 W Edmonton Dr. Bismarck N.D 58503		3-7-21
Ken Lewis	Ken Lewis	117 W Edmonton Dr		3/7/21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

Item Details	Bismarck Planning and Zoning Commission, February 24, 2021, Item 6, East 250 feet of Lot 2, Block 3, KMK Estates
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Printed Name	Signature	Address	Comments (Optional)	Date
Dennis E. Wang		417 High Meadows Pl		3-7-21
Davvin Bryer		421 High Meadows Pl		3-7-21
Sherie Loeb-Cantlon		409 High Meadows PL		3-7-2021
Josh Knutson		3721 High Meadows Ci		3-7-21
Jordan Knutson		3721 High Meadows Circle		3-7-21
Todd Vossler		3512 High Meadows Cir		3-7-21
Nicole Frank		3760 High Meadow Ci		3-7-21
Diane Anderson		3738 Horizon PL		3/8/21
Wyatt Pollert		3824 Renee Dr		3/10/21
wyatt Pollert		3805 Renee Dr		3/10/2021
Wyatt Pollert		3751 Renee Dr		3/10/2021
Wyatt Pollert		3803 Renee Dr		3/10/2021

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

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Printed Name	Signature	Address	Comments (Optional)	Date
Wyatt Bilert		3811 Renee Dr		3/10/2021
Kyle Herman		3810 & 3812 Renee Dr		3/10/2021
BRUCE THOMPSON	Bruce Thompson	3737 HORIZON DR		3-17-2021
Cordel Backman	Cordel Backman	512 Arabian Ave		3/18/2021
Amanda Helm	Amanda Helm	3810 Horizon Place		3/20/2021
Jason Helm	Jason Helm	3810 Horizon Place		3-20-21
James Demke	James Demke	321 Arabian Ave		3-21-21
Alissa Demke	Alissa Demke	321 Arabian Ave		3-21-21
Jeff Neuberger	Jeff Neuberger	413 High Meadows		3-21-21
Vivian Lang	Vivian Lang	207 Buckskin Ave		3/29/2021
Robert Schaff	Robert Schaff	250 Buckskin ave.		5/20/21
NADINE SCHAFF	Nadine Schaff	250 Buckskin Ave		5-20-21

Petition to Deny Zoning KMK Estates as CA – Neighborhood Commercial

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Printed Name	Signature	Address	Comments (Optional)	Date
Casey Anderson		3738 Horizon Pl	Personal Rep for Lewis Price	3/20/2021
Lucas Kaczmarek		3842 Renee Dr		3/21/21
Nicole Brunelle		280 Arabian Ave		3/21/21
Tonia Lill-Lindeman		313 Arabian Ave		3/21/21
Dana Aukrop		3801 Horizon PL.		3-21-21
Ray Glasser		2824 Promontory Dr	Child Inc President	3-21-2021
Tim Porter		3301 Overlook Dr		3-21-2021
MARY PORTER		3301 OVERLOOK DR		3-21-2021

From:	Daniel Nairn
To:	JJ Kringstad
Cc:	Hilary Balzum
Subject:	RE: KMK Estates Zoning Change - STRONGLY OPPOSED
Date:	Friday, February 26, 2021 8:48:21 AM
Attachments:	KMK Agreement 10-27-2014 Kessel Signed.pdf image001.png image003.png image005.png

Justin,

Thank you. We will make sure to share your comment, and the attached agreement, with the Planning and Zoning Commission before their March 24 public hearing.

Best,

Daniel Nairn, AICP
Senior Planner
City of Bismarck
Community Development
221 N. 5th Street
Bismarck, ND 58506
701-355-1854

From: JJ Kringstad < >
Sent: Thursday, February 25, 2021 5:22 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: KMK Estates Zoning Change - STRONGLY OPPOSED

External Email - Use caution clicking links or opening attachments
Regards to the proposed zoning change from Conditional RT to Commercial for the following property:
East 250 feet of Lot 2, Block 3, KMK Estates

(Can you please pass this information along to the Planning and Zoning Commission members?)

Hello Daniel,

I am a property owner on Arabian Ave ~500ft west of the property noted above. Myself and my wife are absolutely opposed to the concept of a zoning change to allow a restaurant/bar on that property.

We, along with many other impacted property owners, were not aware of the application to change from Conditional RT to Commercial and were shocked to find out after the meeting last night (Feb 24th).

We completely agree with the staff recommendation to deny the application for every single reason outlined by Daniel Nairn in his report, particularly the following excerpts.

2. The proposed zoning change is not compatible with adjacent land uses and zoning;
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.

Additionally, when the property was rezoned to Conditional RT in 2014, it was after much hard work by neighboring property owners and the current applicant Jerry Kessel. Attached to this email you will find the signed agreement and recommendation to the city commission in Oct 2014 between the current owner, Jerry Kessel (first signature), and the neighbors to zone it to its current RT status. The attached agreement and subsequent decision by the city commission gave all of us in the area the confidence we needed to continue to grow, invest, and develop this great neighborhood. The attempt now by the property owner to go back on the attached agreement with neighbors and the city is incredibly disheartening, as the neighboring properties would suffer greatly if a restaurant/bar was allowed to be built on that property.

Please note, we are not trying to interfere with the development of the land under the current Conditional RT provisions. The light office/commercial options are much more appropriate for the neighborhood without the hindrance of late night traffic, noise, lighting, and waste/cooking odors.

Lastly, please know that the reason you did not have opposition last night (24th) was due to the 350' notification boundary being too limited and even those inside the boundary that I have spoken with did not receive/or misplaced the letter. We are very thankful the commission will be taking up the topic at the March 24th meeting, as you will most certainly have a room full of opposing impacted property owners.

If you have any questions about the current application's impacts on our neighborhood or the previous zoning agreement, please do not hesitate to contact me.

Thank you,
Justin J. Kringstad

We, the undersigned neighbors of Lot 2, Block 3, of KMK Estates and the undersigned owner of Lot 2, Block 3, KMK Estates agree that the Bismarck City Commission should approve the following zoning change for the Lot 2, Block 3, KMK Estates:

West 250': R10

East 260': Conditional RT – Maximum of two stories, and no apartment buildings.

Dated: Oct 27, 2014

PRINTED NAME	SIGNATURE	ADDRESS
Jerry & Gina Kissel		200 Arabian Ave
Justin J. Kringstad		3718 Horizon Pl.
BRUCE THOMPSON	Bruce Thompson	3737 HORIZON PL.
Dana Oukrop	Dana Oukrop	3801 Horizon PL.
Brock Oukrop		3801 Horizon PL.
Jason J Helm	Jason J Helm	3810 Horizon PL
Amanda Helm	Amanda Helm	3810 Horizon PL.
Wayne Helm	Wayne Helm	3758 Horizon PL
Sandra Helm	Sandra Helm	3758 Horizon PL
Nicole Brunelle	Nicole Brunelle.	280 Arabian Ave
Adam L. Nystrom	Adam Nystrom	280 Arabian Ave
James Demke		321 Arabian
Jolene Schutte	Jolene Schutte	3741 High Meadow Circle
Cordel Backman	Cordel Backman	512 Arabian Ave
ARTHUR M. BAKKE		411 ARABIAN PLACE BIS
Bob Lee Bakke		419 ARABIAN PL BIS.
Tina Bakke	Tina Bakke	411 Arabian Place BIS

PRINTED NAME	SIGNATURE	ADDRESS
Judith Luebke	Judith Luebke	419 Arabian Place
Caroline Roehrich		427 Arabian Place
	David R Bjork	433 Arabian Place
Jennifer L. Bjork	Jennifer L Bjork	433 Arabian Place
Lauren Bjork	Lauren R Bjork	433 Arabian Place
Katie Kringstad	Katie Kringstad	3718 Horizon Pl

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: ZONING MEETING
Date: Wednesday, March 10, 2021 9:16:51 AM

From: Sherie Loeb-Cantlon < >
Sent: Wednesday, March 10, 2021 7:22 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZONING MEETING

External Email - Use caution clicking links or opening attachments
I am writing in regards to the proposed change to.

- Request of Jerry Kessel for approval of a zoning change from the Conditional RT-Residential zoning district to the Conditional CA-Commercial zoning district for the East 250 feet of Lot 2, Block 3, KMK Estates. The property is located in northwest Bismarck, on the west side of North Washington Street between Century Avenue and 43rd Avenue NE/Ash Coulee Drive.

Why was this never brought to the attention of the home owners around that area? Larger areas of the neighborhood were contacted when they asked that plot to go from single family to multiple family and small commercial.

This proposed change will cause undue excessive traffic on both Arabian and the road to the North of the plot which doesn't even have sidewalks, and North Washington St. The traffic is already congested during main traffic times in the morning and afternoon. Adding additional turning traffic for a large business at that area would negatively effect all motorist that use the road in that area.

I am AGAINST this change in zoning and feel that this change was trying to be passed without input from the homeowners of the area. I was luckily informed by a homeowner who was in the 300 foot notification area.

If there are additional information you need from me to assist with getting this request to change denied please contact me. My telephone listed below is the best way.

Sherie Loeb-Cantlon

409 High Meadows Pl

Bismarck, ND 58503

Sent from Yahoo Mail on Android

Date: 3/11/2021

RE: Changing zoning between Buckskin and Arabian

To whom it may concern:

I am opposed to changing the zoning on the property between Buckskin and Arabian for the following reasons.

1. The city planning and zoning department recommended not changing this zoning.
2. It will create a hazard on an already extremely busy street. Trying to turn left will create a safety hazard.
3. The city treats a zone change like going thru a McDonalds. They can change their minds at any time. People who bought property and have investments in their property knowing that this zoning would be residential and then subsequently having it changed is not fair to that property owner.
4. This would be spot zoning. Comparing it to 2 churches in the area is someone (our Mayor) who is doing everything he can to push his agenda.

I am opposed to this zoning change. Maybe the city needs to figure out how they are going to move all this traffic north and south when they have limited north south roads. Poor Planning!

Concerned citizen.

Bruce & Carol Thompson
3737 Horizon Place
Bismarck, ND 58504

March 15, 2021

Mr. Mike Schwartz, Chairman
City of Bismarck Planning & Zoning
Box 221 N 5th Street
Bismarck, ND 58501

RE: TRAKiT Project ID: ZC2020-12
Jerry Kessel & Cody Stern Zoning Change KMK Estates
Bismarck, ND

Dear Mr. Schwartz:

We received a letter dated February 12, 2021 requesting a zoning change to the East 250 feet of Lot 2, Block 3, KMK Estates. We are opposed to the change in zoning and respectfully request that the zoning change be denied. We provide the following for your consideration.

- This is a residential neighborhood. Commercial use on this site may negatively impact noise levels in the neighborhood. Potentially in the evenings when families are home together.
- There are commercially zoned areas located to the north at 43rd Avenue and south at Century Avenue. A restaurant would fit with these commercially zoned areas better than the proposed residentially zoned area.
- Restaurants will increase the traffic flows in the residential neighborhood. We have concerns with traffic leaving the restaurant, particularly traveling west on Arabian Avenue.

We respectfully request that you deny the zoning change. Your positive consideration is appreciated. Thank you.

Sincerely,

Bruce Thompson

Bruce Thompson

From:	Planning - General Mailbox
To:	Ben Ehreth; Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Concerns about a proposed plan to rezone land on N Washington Ave
Date:	Thursday, March 18, 2021 9:37:28 AM

From: Kristi Whitman < >
Sent: Thursday, March 18, 2021 9:17 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>; Kim Lee <klee@bismarcknd.gov>
Subject: Concerns about a proposed plan to rezone land on N Washington Ave

External Email - Use caution clicking links or opening attachments
Dear Bismarck City Planners,

I am writing to share my concerns about a proposed plan to rezone an area of land on N Washington Ave, between Buckskin and Arabian Avenues. I've been made aware of discussions to rezone this land, with proposed plans of building a bar grill restaurant in the space.

This is concerning for several reasons.

I feel the biggest issue with this plan is the close proximity to a childhood care center, which is located across the street. Many cities recognize the very real threat of drunk drivers and therefore have strict ordinances related to liquor sale or liquor establishments being built in close proximity to daycares, schools, or playgrounds. It would be a mistake to allow construction of a drinking establishment this close to a child care center. Washington is already a high-trafficked, busy road, which only exacerbates the risk.

The proposed land is located in an area that is largely and primarily residential, with several nearby churches. From a business standpoint, the decision to build a bar grill in this space is perplexing. The failure rate of restaurants in the United States is greater than 60% in the first year, with poor location cited as one of the most common reasons for failure. There are plenty of other areas in the BIsmarck metro that would be far more suitable (and safe) for a bar grill establishment, and the business owner would be more likely to succeed.

The other concern is related to the fairness of rezoning this land in the way proposed. I am aware that others who own land on or near Washington Ave (including the adjacent lot to the one in question) were denied the same rezoning request in recent years. If the city approves this request, after denying the others, it will show unfairness and bias.

Thank you for reviewing my concerns, and I hope you will take these points into consideration. My family lives in the neighborhood, and are strongly opposed to this plan.

Sincerely,
K. Whitman

Dear Sirs,

MAR 19 2021

I am looking at 55+ housing on buckskin loop, Have Concerns, it is a quiet, conservative Senior country living.

All of the neighbors were told they will never be commercial property.

Also great concern of The huge traffic flow on Washington.

Thank-You
Kathy Schneibel

MAR 19 2021

Planning & Zoning Committee

In reference, to the rezoning of the corner of N. Washington & Arabian, I write this letter.

I have spoken with about five KMK residents, on Buckskin & Arabian. They do not want the re-zoning of Arabian / Wash.

To my right, the owner of 200 Arabian, Gary Plank passed away. Behind me, the neighbors did not want apartments, because of possible criminal offenders.

Behind me, my neighbors are mad, because I sold my property (125 Buckskin) and now I'm going to have offices. I never wanted to ever sell this land, but

in the past few years, I have paid close to $80,000 in property & special assessments. We are retired & could not afford any more.

My neighbor to the left is mad also, because he has more taxes, because of my sale. He & I think our other homeowners still have land to sell. They feel commercial buildings will cost them sales.

Hope this helps, to understand the community. It is a quiet community with many widows, seniors, and retired people.

Thank you

Vivian Langer 207 Bucks Lane.

Reasons why no one objected to Zoning Change to CA
Senior citizens don't know computer technology & Zoom.
Poor internet connection to watch Pandemic - Covid Rules

Were informed city staff voted to deny zoning change.

People of KMK annexation agreement (2002) were told there would never be commercial property off N. Washington St.

Budstein Ave. Specials Can not afford any more special assessments.

Scott & Kathy Allen
Louise Heupel Estate

Had to sell, could not afford $185,000 in special assessment. Sold family home, moved to Utah.

Specials Buckshaw Ave

125	126,966	
207	51,359	
301 -	185.535	
200	94,816	
250	93,527	
200	185,535	
425	62,197	Colt

Senior Living Community

Edgewood Vista

Huntington 55+
2 developments

Emergency Route - N Washington
Ambulance & Police
daily.

Sirs,

MAR 18 2021

Nobody came to the rezoning meeting about N. Washington St and Arabian drive. People were told the staff were going to deny this change. The Community agreed, We seniors do not want commercial properties. Were told it would not happen. We bought our homes as a quiet, Senior housing Community. The city told the people we would not have commercial zoning in the area. Washington St. is to busy already.

From:	Daniel Nairn
To:	Hilary Balzum
Subject:	FW: Against proposed zoning change
Date:	Monday, March 22, 2021 9:11:09 AM

Daniel Nairn
701-355-1854

From: Tonia Lill < >
Sent: Monday, March 22, 2021 8:13 AM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Against proposed zoning change

External Email - Use caution clicking links or opening attachments
Good morning,
We are unable to attend the city meeting on Wednesday night as our daughter plays volleyball for University of Mary and she has a game. We have signed the petition against the zoning change to the area of land on corner of Washington and Arabian but wanted to send you an email as well. We would not appreciate the noise/traffic that a bar/restaurant would bring to the neighborhood, especially due to the fact that the busier times would be from 7pm-1am. That would be very disruptive to the quiet neighborhood and the families that live in this area which is why we are very opposed to this zoning change.
Thank you.
Chad Lindeman and Tonia Lill-Lindeman

Sent from my T-Mobile 4G LTE Device
Get Outlook for Android

From:	Daniel Nairn
To:	Hilary Balzum
Subject:	FW: Zoning response
Date:	Wednesday, March 24, 2021 1:22:33 PM

Daniel Nairn
701-355-1854

From: Casey Anderson < >
Sent: Wednesday, March 24, 2021 12:40 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Zoning response

External Email - Use caution clicking links or opening attachments
My name is Casey Anderson
I live at 3738 Horizon Pl

Regarding the proposal to put a restaurant in the vacant lot on the corner of Arabian and Washington I would like to express that I am opposed

Respectfully
Casey D. Anderson

Get Outlook for iOS

From:	Daniel Nairn
To:	Hilary Balzum
Subject:	FW: Concern with Possible New Zoning
Date:	Wednesday, March 24, 2021 2:56:10 PM

Daniel Nairn
701-355-1854

From: Dana Oukrop < >
Sent: Wednesday, March 24, 2021 2:56 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Concern with Possible New Zoning

External Email - Use caution clicking links or opening attachments
To whom it may concern,

My address is 3801 Horizon Place. My backyard faces east. I have 3 High School age daughters that also live with us. Feeling safe and protected is a big deal!!
I think changing the zoning ordinance would hurt our community. We are a residential area. We excepted the zoning for Light commercial. But going forward with the new plan would not be a good idea.
Now we would be thinking parking lot, restaurant, bar, and hurt our safe feeling we have at our home. So please, we do not want the change in zoning. Please consider our plea. I planned on being at the meeting, but something came up and I was not able to attend.

Thanks,

Dana Oukrop

From:	Daniel Nairn
To:	Hilary Balzum
Subject:	FW: Zoning change at Washington and Arabian
Date:	Wednesday, March 24, 2021 8:45:42 AM

Daniel Nairn
701-355-1854

From: Michael J. Kordonowy < >
Sent: Tuesday, March 23, 2021 4:12 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Zoning change at Washington and Arabian

External Email - Use caution clicking links or opening attachments
Daniel..we want to express our objection to the proposed change of zoning at the corner of Washington and Arabian. Before purchasing our new home on Buckskin Loop we asked about the vacant properties and were told that they
were zoned residential. We were not happy when we saw the change on the corner of Buckskin and Washington to commercial and in retrospect wish we had voiced our objection to that! Why allow commercial in a residential area?
Seems like it could have been kept in the 43rd Ave. area. We think our city planning commission let our neighborhood down. It almost seems like this was slipped in when people had other issues like dealing with the corona virus and / or were snowbirds and were gone. Now they want to slip in a restaurant which will most likely be operating 7 days of the week bringing in more traffic trying to get on and off Washington and extra noise from deliveries and service vehicles not to even mention the lighting 24/7 for the parking lot! We hope the planning commission will do the right thing for the neighborhood and deny this request for a restaurant! Michael @ Catherine Kordonowy

From:	Planning - General Mailbox
To:	Hilary Balzum; Ben Ehreth; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Rezoning from Residential to Commercial in existing Residential neighborhood.
Date:	Wednesday, March 24, 2021 12:48:32 PM

From: Bob < >
Sent: Wednesday, March 24, 2021 12:30 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning from Residential to Commercial in existing Residential neighborhood.

External Email - Use caution clicking links or opening attachments

March 24, 2021

Mike Schwartz, Chairman, and
Planning Board Members
221 N. 5th St.
Bismarck, ND 58506

RE: Request for Opposition to Zoning Change Request for Arabian Ave. and Washington St.

Dear Chairman and Board Members,

We are writing to express our strong opposition to rezoning the parcel from Residential to Commercial, located at the Northwest quadrant of Arabian Ave. and Washington St. N.. While the local community may be unable to prevent development, that in itself will be detrimental to the area, nearly all residents in the neighborhoods are completely opposed to the addition of Commercial re-zoning that will cause traffic and safety problems. The city would probably need additional Traffic Signals installed at this location to handle the already traffic stressed Washington St. and the intersection of Calgary Ave., just to the South.

We own the home directly behind the Early Childhood Learning Center where we have lived for 36 years. This parcel

is also within 1000 feet of a school which may also present problems if a Bar and Grill Saloon will occupy it, with alcohol and possible marijuana use, now that marijuana laws have changed.

We urge you to disapprove the proposed rezoning. From recent meetings and discussions with our neighbors, We know our opinions are shared by many who have not managed to attend meetings or write letters and emails.
Thank you for your continued service and support of our communities.

Best regards,

Robert and Mavis Fried
3756 Renee Dr
Bismarck, ND

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Arabian Ave zoning
Date: Wednesday, March 24, 2021 2:23:10 PM

-----Original Message-----
From: Judy Maslowski < >
Sent: Wednesday, March 24, 2021 1:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Arabian Ave zoning

External Email - Use caution clicking links or opening attachments

Hello; I am writing in regard to the proposed restaurant and bar on the corner of Arabian Avenue and North Washington. I am a Realtor with Bianco Realty.

I currently have the home at 200 Arabian Ave. listed and we have a buyer who just put in an offer a week ago— the purchase price of the home is almost $700,000. The buyer was made aware that the lot to the east is zoned commercial, but, at the time that the property was purchased by Gary Plante in 2018 and the existing home on the property was renovated, The owner of the property, Gary Plante, now deceased, was told that most likely an office or bank would be going on that property.

With the amount of traffic that a bar and grill would bring, as a realtor, I strongly oppose that option. It would devalue the property surrounding that area. I previously had a home down the street at 520 Arabian Avenue, so as a prior resident of that neighborhood, I would have been very unhappy to have a bar and grill down the street! I know that the buyer and his realtor are also in opposition to a bar and grill. Please do not allow such a busy business to be allowed. Thank you for your consideration. Judy

Judy Maslowski
Realtor

Bianco Realty Inc
601 E Bismarck Expressway

Sent from my iPhone

From: Daniel Nairn
To: Hilary Balzum
Subject: FW: Restaurant North Washington
Date: Monday, March 22, 2021 3:54:43 PM

Daniel Nairn
701-355-1854

-----Original Message-----
From: Andrena Olson < >
Sent: Monday, March 22, 2021 2:05 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Restaurant North Washington

External Email - Use caution clicking links or opening attachments

Hi Daniel!

My name is Andrena Weeks. My husband and I live at 225 W Brandon Dr Bismarck. We have heard there was a possibility of Old 10 Bar and Grill adding another location to the Mandan/Bismarck area, specifically in our neighborhood. We couldn't be more excited to have them in north Bismarck, so close to home! It would be a great addition to our neighborhood.
We have eaten at their Mandan location and have had nothing but the best experience! The owners and their staff are great people, wanting to bring good food and fun Bismarck!

Thanks,
Andrena Weeks

Sent from my iPhone

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres
Date:	Wednesday, March 24, 2021 12:53:28 PM

From: Doug Hay < >
Sent: Tuesday, March 23, 2021 4:53 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres

External Email - Use caution clicking links or opening attachments
Doug Hay
842 Mayflower Dr
Bismarck ND 58504

March 23, 2021

Bismarck Planning & Zoning Commission

I live adjacent to Bradley King's property that he has requested the minor subdivision final plat for Southbay Fourth Addition Third Replat, a 2-lot subdivision on 3.58 acres.
The Burleigh County Parcel Viewer and the Real Estate listing both reference the lot as 3.14 acres.
I am writing in opposition to the subdivision for the following reasons:

- The neighboring lots to the east and west are 6.34 and 12.56 acres, respectively, with a 34.68-acre lot one more to the west. The current 3.14-acre lot is already small by comparison and dividing it into 1.5 and 1.64 acre lots would dramatically change the open country rural setting, significantly reduce the site's open green space, and endanger the diverse wildlife habitat.
- The close proximity of a home on the south lot to the existing condominium owners would indicate the need for a treed landscape buffer along the property's southern edge.
- Approximately seventy Colorado Blue Spruce trees, many fourteen feet tall, exist in the driveways' planned access easement on the property's west side. It would be a tragedy to lose these mature trees. If the trees are removed, a stipulation should require Bradley King or the new owner to replant the existing trees or replace them with an equal number of similar-aged Colorado Blue Spruce trees along the south side of the property creating a landscape buffer for the current condominium owners to the south.

- The lot has been for sale for an extended period. The inability to sell the lot in a robust local real estate market would indicate the current $219,900 asking price is too high, and comparables average less than $100,000 for the same acreage. Dividing the property into two lots appears to be simple exploitation. This is further bolstered by the real estate ad description, "*If you are looking for land with the possibility of subdividing the land and developing…*".

I request that the Bismarck Planning & Zoning Commission deny a subdivision request and let the real estate market determine the sellable value of the single 3.14-acre property as it exists today. If the subdivision final plat is approved, I request that a treed landscape buffer of mature trees be provided along the entirety of the property's southern edge.

Regards,
Doug Hay

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2021

	*******************City*******************				*******************ETA*******************			
	3/2021		**3/2020**		**3/2021**		**3/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	25	$7,518,850.02	21	$4,677,585.50	9	$3,686,717.42	5	$1,131,960.49
ROWHOUSE (2) 1-HR FIRE SEPARATION	3	$596,245.50	5	$984,981.47	0	$0.00	2	$429,629.68
RESIDENTIAL ADDITION	2	$28,400.00	1	$199,860.56	2	$247,000.00	2	$93,589.52
DETACHED GARAGE	2	$43,200.00	0	$0.00	7	$335,100.00	4	$165,165.00
DECKS\PORCHES & COVERED PORCHES	9	$31,815.00	4	$15,301.76	2	$10,584.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	4	$284,677.00	3	$397,719.00	0	$0.00	0	$0.00
HOME OCCUPATION	0	$0.00	0	$0.00	0	$0.00	1	$0.00
STORAGE SHED	4	$11,460.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	11	$198,337.50	6	$78,170.00	0	$0.00	2	$32,422.00
RESIDENTIAL	0	$0.00	1	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	7	$73,550.00	12	$124,725.00	0	$0.00	0	$0.00
SIGN ALTERATION	1	$3,200.00	2	$5,200.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	4	$2,080,300.00	1	$40,000,000.00	1	$734,171.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	1	$207,338.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	4	$1,243,000.00	11	$1,956,160.00	0	$0.00	0	$0.00
Total	**80**	**$12,113,035.02**	**68**	**$48,647,041.29**	**21**	**$5,013,572.42**	**16**	**$1,852,766.69**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2021

	*******************City*******************				*******************ETA*******************			
	3/2021		**3/2020**		**3/2021**		**3/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	93	$0.00	94	$41,998.00	1	$0.00	0	$0.00
BUILDING MECHANICAL	109	$1,094,487.22	103	$1,741,653.37	18	$140,312.00	12	$108,767.95
BUILDING PLUMBING	41	$1,227,358.00	22	$1,718,906.00	4	$99,500.00	4	$37,305.00
BUILDING SEPTIC	0	$0.00	0	$0.00	6	$24,000.00	2	$0.00
Total	**243**	**$2,321,845.22**	**219**	**$3,502,557.37**	**29**	**$263,812.00**	**18**	**$146,072.95**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2021

	*******************City*******************		*******************ETA*******************	
	3/2021	**3/2020**	**3/2021**	**3/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	1	1
RESIDENTIAL ADDITION	0	1	0	0
RESIDENTIAL ALTERATION/OTHER	1	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	3	5	0	2
SINGLE FAMILY DETACHED	22	19	9	4
Total	**26**	**25**	**10**	**7**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2021

	**********City**********				**********ETA**********			
	3/2021		**3/2020**		**3/2021**		**3/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	31	$9,080,528.79	29	$6,279,637.07	11	$4,351,899.92	6	$1,872,530.51
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	$3,729,581.25	7	$1,446,026.51	0	$0.00	2	$429,629.68
MANUFACTURED HOMES	0	$0.00	3	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	4	$160,010.60	2	$213,395.76	2	$247,000.00	2	$93,589.52
DETACHED GARAGE	3	$55,200.00	0	$0.00	10	$457,500.00	4	$165,165.00
DECKS\PORCHES & COVERED PORCHES	10	$34,839.00	6	$17,533.76	2	$10,584.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	24	$859,201.00	10	$768,569.00	1	$38,000.00	5	$181,075.00
HOME OCCUPATION	1	$0.00	1	$0.00	1	$0.00	1	$0.00
STORAGE SHED	5	$17,940.00	0	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	38	$875,415.00	25	$300,144.00	3	$69,660.00	6	$99,190.00
RESIDENTIAL	4	$0.00	5	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	16	$112,401.44	27	$313,825.00	0	$0.00	1	$600.00
SIGN ALTERATION	3	$64,417.00	5	$21,550.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	6	$2,923,471.00	4	$60,315,000.00	0	$0.00	5	$0.00
COMMERCIAL ADDITION	1	$611,000.00	1	$207,338.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	22	$10,445,977.00	40	$6,368,396.07	0	$0.00	0	$0.00
Total	**192**	**$28,969,982.08**	**165**	**$76,251,415.17**	**30**	**$5,174,643.92**	**32**	**$2,841,779.71**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2021

	**********City**********				**********ETA**********			
	3/2021		**3/2020**		**3/2021**		**3/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	223	$34,500.00	207	$41,998.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	344	$4,244,851.15	292	$7,742,565.64	34	$255,485.00	37	$633,055.00
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	67	$3,167,966.00	63	$7,120,387.79	6	$115,500.00	12	$177,763.43
BUILDING SEPTIC	0	$0.00	0	$0.00	6	$24,000.00	2	$0.00
Total	**634**	**$7,447,317.15**	**563**	**$14,927,951.43**	**46**	**$394,985.00**	**52**	**$813,818.43**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2021

	*******************City*******************		*******************ETA*******************	
	3/2021	**3/2020**	**3/2021**	**3/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	3	0	0
Total	**0**	**3**	**0**	**0**