Bismarck COMMUNITY DEVELOPMENT

PLANNING AND ZONING COMMISSION

MEETING AGENDA
October 27, 2021

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

The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission 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 that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). 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.

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org.

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the September 22, 2021 meeting of the Bismarck Planning & Zoning Commission

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Burleigh Avenue Addition and Lots 6 and 7, Block 1, South Meadows Second Addition (to be platted as South Meadows Third Addition)**
(JW)…… ……...1

Zoning Change (RR & R10 to R10) | ZC2021-012

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

Item No. Page No.

3. **Lot Modification Process** (JW)……..……..**8**

Zoning Ordinance Text Amendment | ZOTA2021-004

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.

4. **Trillium Third Addition Second Replat** (JW)……..……**15**

Minor Subdivision Final Plat | MPLT2021-010

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

5. **Auditor's Lot 12 and Parts of Auditor's Lots 11, 17, 18, 19 and 20, Park Hill Auditor's Lots** (Klee)……..……..……**22**

Zoning Change (CG to RMH) | ZC2021-011

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

6. **Lot 1, Block 1, YMCA Addition** (DN)……..……30

Special Use Permit (Electronic Message Center Sign) | SUP2021-012

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

7. **Lot 1, Block 1, Hightop Acres Second Subdivision** (WH)……..**39**

Hay Creek Township

Special Use Permit (Oversized Accessory Building) | SUP2021-023

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

OTHER BUSINESS

8. **Update on Together 2045**

9. **Update on Boden Addition**

10. **Other**

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for November 17, 2021.

Enclosures: Meeting Minutes of September 22, 2021
Building Permit Activity Month to Date Report for September 2021
Building Permit Activity Year to Date Report for September 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.

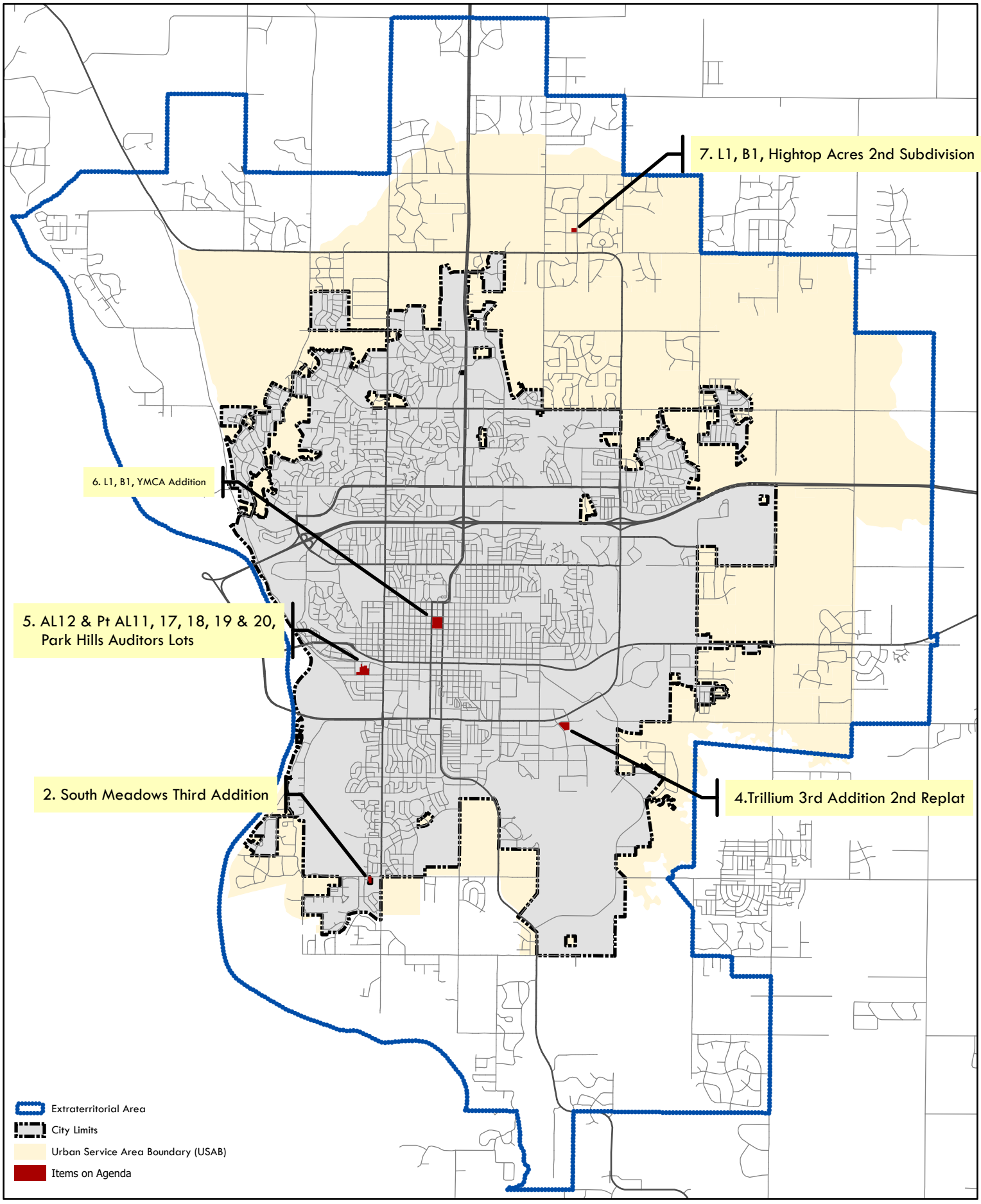
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 - October 27, 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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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

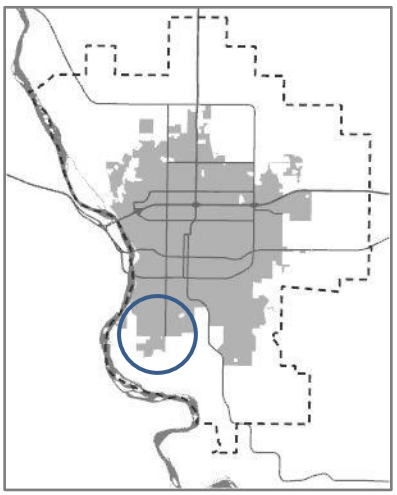
Agenda Item # 2
October 27, 2021

Application for: **Zoning Change**

Project ID: **ZC2021-012**

Project Summary

Title:	Burleigh Avenue Addition and Lots 6 and 7, Block 1, South Meadows Second Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Chad Wachter, LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co
Location:	In south Bismarck, west of South Washington Street and east of Meridian Drive, along the south side of West Burleigh Avenue (to be platted as South Meadows Third Addition)
Project Size:	97,506 square feet
Request:	Rezone property for future two-family residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel and 2 lots	*Number of Lots:*	12 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Two-family residential
Future Land Use:	Low Density Residential	*Future Land Use:*	Low Density Residential
Zoning:	RR – Residential R10 - Residential	*Zoning:*	R10 – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture R10 – Single and two-family residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density:	RR – 1 unit per 65,000 square feet R10 – 10 units / acre	*Max Density:*	R10 – 10 units / acre

(continued)

Property History

Zoned:	10/2009 (Burleigh Avenue Addition) 06/2017 (South Meadows Second Addition)	*Platted:*	10/2009 (Burleigh Avenue Addition) 06/2017 (South Meadows Second Addition)	*Annexed:*	06/1988 (Lot 2, Block 1, Burleigh Avenue Addition)

Staff Analysis

Chad Wachter, LLC is requesting approval of a zoning change from the RR – Residential and R10 – Residential zoning districts to the R10 – Residential zoning district for Burleigh Avenue Addition and Lots 6 and 7, Block 1, South Meadows Second Addition.

Background Information

The proposed zoning change is in conjunction with an annexation request and a minor subdivision final plat titled South Meadows Third Addition.

Approval of the proposed zoning change, minor plat and annexation would allow for the development of two-family dwellings within the proposed plat.

Adjacent uses include existing single-family residential to the north across West Burleigh Avenue, existing multifamily residential to the east, a public park to the south and developing two-family residential to the east.

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 proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RR – Residential and R10 – Residential zoning districts to the R10 - Residential zoning district for Burleigh Avenue Addition and Lots 6 and 7, Block 1, South Meadows Second Addition

(continued)

(to be platted as South Meadows Third Addition).

Attachments

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

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

Location Map

SOUTH MEADOWS THIRD ADDITION

MPLT2021-009
ZC2021-012

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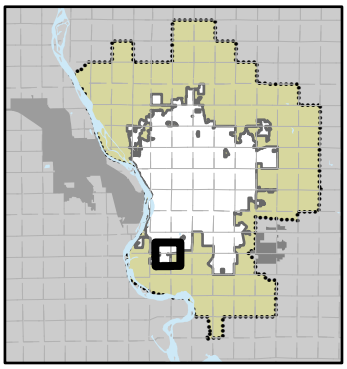


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

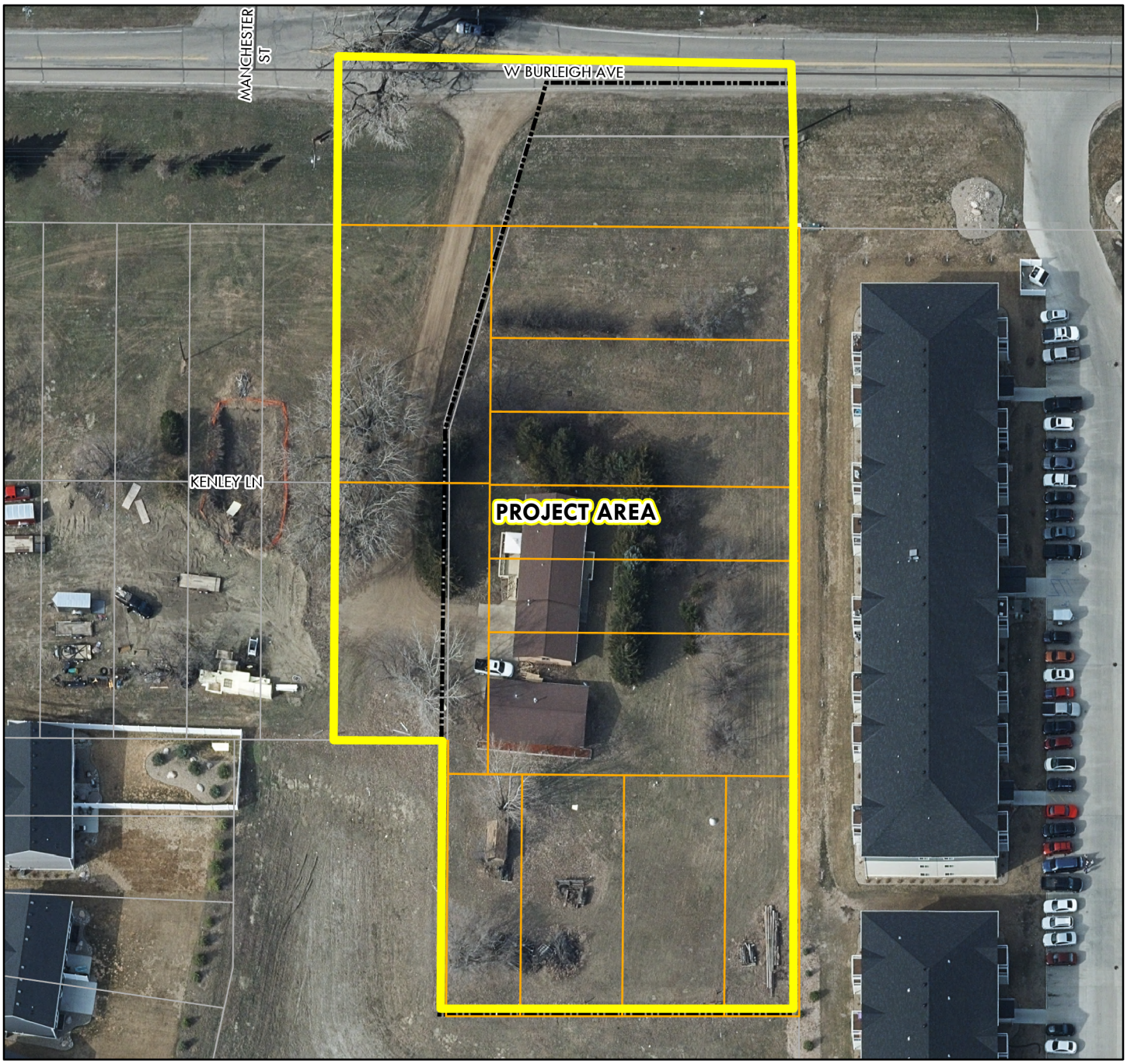
City of Bismarck
Community Development Department
Planning Division
September 24, 2021 (HLB)

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

SOUTH MEADOWS THIRD ADDITION

MPLT2021-009
ZC2021-012



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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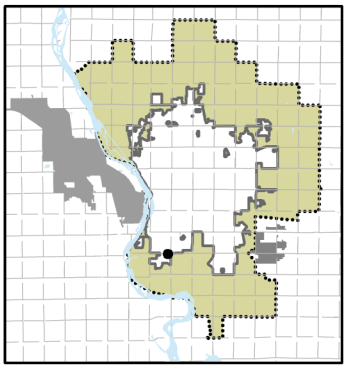


City of Bismarck
Community Development Department
Planning Division
October 6, 2021

Zoning and Plan Reference Map

SOUTH MEADOWS THIRD ADDITION

MPLT2021-009
ZC2021-12

Zoning Districts

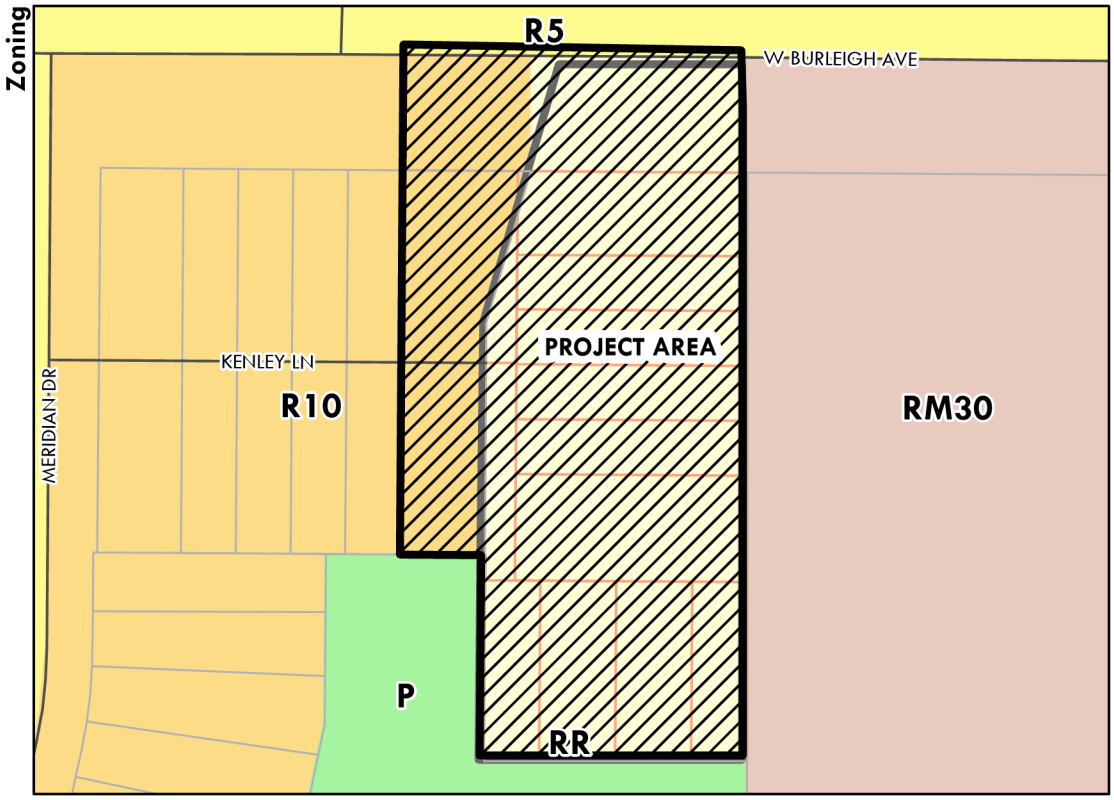
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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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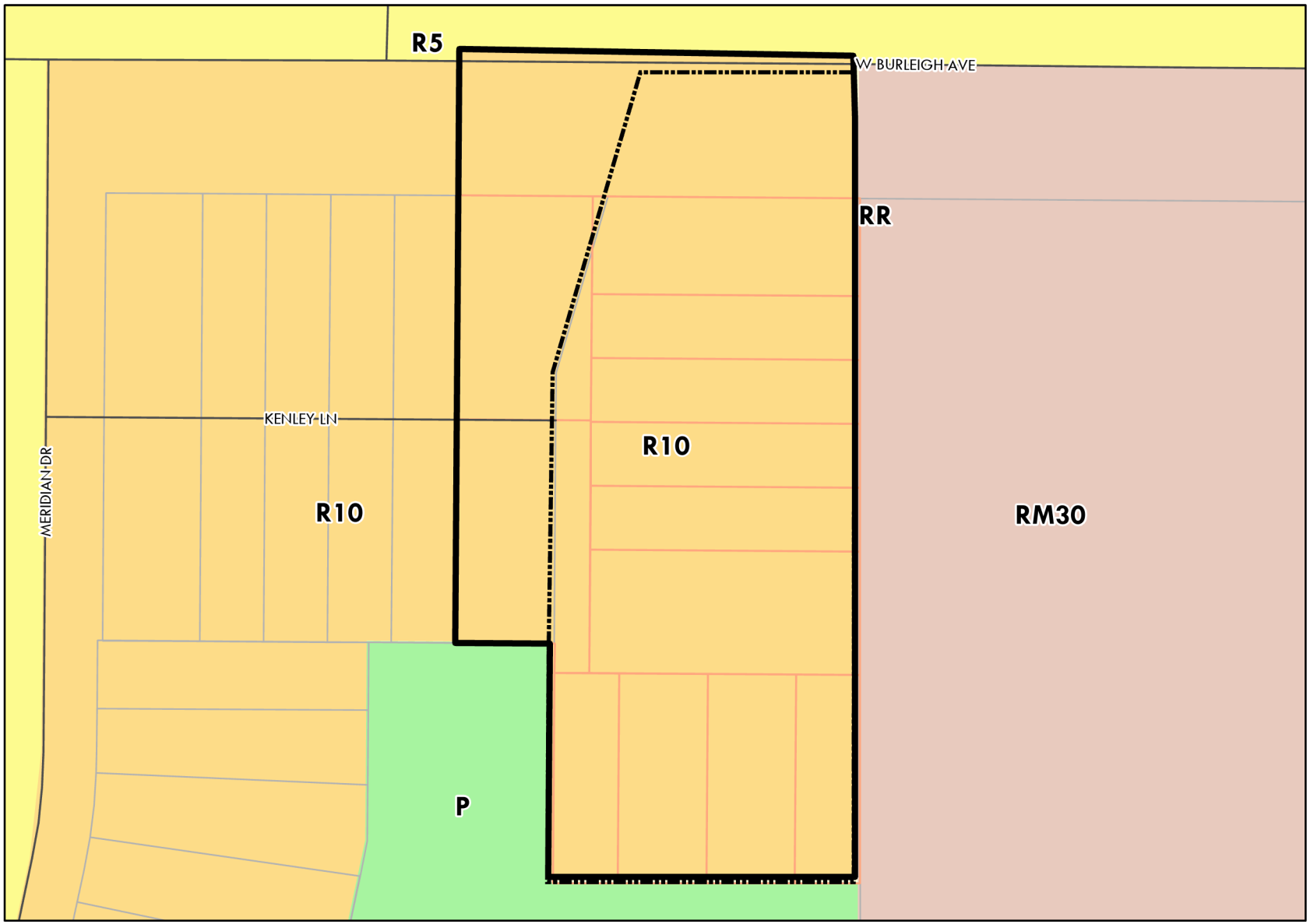
City of Bismarck
Community Development Dept.
Planning Division
October 6, 2021

Proposed Zoning Change

SOUTH MEADOWS THIRD ADDITION

ZC2021-012

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item #3
October 27, 2021

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2021-004**

Project Summary

Title:	Amendment to Lot Modification Process
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Jenny Wollmuth, AICP, CFM, Senior Planner
Section(s) Amended:	Section(s) 14-09-03 (Definitions), 14-09-04(6) (Procedure / Lot Modifications)
Request:	Revise definition of and process for approving lot modifications

Staff Analysis

The Community Development Department – Planning Division is initiating a zoning ordinance text amendment for Section 14-09-04(6) of the City Code of Ordinances (Procedure / Lot Modifications) to adhere to provisions outlined in Section 57-02-39 of the North Dakota Century Code (General Property Assessment / Irregularities of Land to be Platted into Lots if Required).

Background Information

The lot modification process is an administrative process that is intended to facilitate the modification of previously platted lots, provided certain criteria are met. This includes the following modifications:

- Lot Line Adjustment: Adjustments of an existing platted lot line between two adjoining lots by relocation of a common boundary.
- Lot Split: The division of an existing platted lot into not more than three parcels.
- Lot Combination: A combination of two or more existing platted lots into a single parcel whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision.

The zoning ordinance allows lot line adjustments and lot splits to be approved utilizing a property description (legal description) of no more than two directional descriptors. For example, the North 100 feet of the West 200 feet of Lot 1, Block 1, ABC Addition).

The zoning ordinance also allows for the limit of two directional descriptions for a property description (legal description) for irregularly shaped lots to be waived if a Plat of Irregular Description (Auditor's Plat) is prepared and signed by the County Engineer or signed by the City Engineer, depending on property location, and recorded with the Burleigh County Recorder's office. The intent of the Plat of Irregular Description (Auditor's Plat) is to clear up any confusion that may result from a complicated or insufficient legal description for irregularly shaped lots.

These provisions were added to the zoning ordinance in 2002 and were based on an agreement with the previous County Auditor.

(continued)

The current Burleigh County Auditor and Director of Tax Equalization have asked Planning Staff to revise the zoning ordinance to adhere to provisions outlined in the North Dakota Century Code.

Changes to Existing Requirements

The proposed changes would allow for an irregularly shaped lot or parcel to be modified utilizing an accurate metes and bounds description instead of utilizing a Plat of Irregular Description (Auditor's Plat) and clarify approval criteria for lots or parcels that would need access via a private access easement.

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 for Section(s) 14-09-03 (Definitions), 14-09-04(6) (Procedure / Lot Modifications) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

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 SECTIONS 14-09-03 (DEFINITIONS) AND 14-09-04 (PROCEDURES) OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND LOT MODIFICATIONS

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

Section 1. Amendment. Section 14-09-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions is hereby amended to read as follows:

14-09-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Lot Combination: A combination of two (2) or more previously platted lots or parcels into a single ~~lot~~ parcel ~~whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision~~.

Lot Line Adjustment: An administrative adjustment of an existing previously platted lot line between two (2) adjoining lots or parcels by relocation of a common boundary.

Lot Modification: A lot line adjustment, lot split or lot combination as defined herein.

Lot Split: The division of a previously platted lot or parcel into not more than three (3) lots or parcels.

* * * * *

Section 2. Amendment. Section 14-09-04(6) of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Procedures/Lot Modifications – Lot Line Adjustments, Lot Combinations, and Lot Splits is hereby amended to read as follows:

14-09-04. Procedure

* * * * *

6. Lot Modifications - Lot Line Adjustments, Lot Combinations, and Lot Splits.

a. The purpose of this subsection is to provide for approval of lot modifications that meet specific criteria and for the waiver of standard platting requirements specified elsewhere in this Chapter. This process is intended to facilitate the further division of previously platted lots, the combination of previously platted lots or for the adjustment of an existing lot line or parcel line by relocation of a common boundary.

b. Lot line adjustments must meet the following criteria to be approved administratively:

i. Does not involve lots or parcels within more than one zoning classification;

ii. Is not one lot line adjustment in a series of lot line adjustments proposed for contiguous lots as a way to circumvent the minor subdivision plat process;

iii. Both of the resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located, or will when combined with an adjacent parcel as part of the same lot modification action; and

iv. The resulting parcels can be legally described with no more than two (2) directional

descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For lot line adjustments between irregularly-shaped parcels or to transfer an irregularly-shaped portion of a lot to an adjacent land owner, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described ~~as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C) and a plat of irregular description is prepared, signed by the City Engineer or County Engineer, and recorded with the Burleigh County Recorder's Office~~ with an accurate metes and bounds or other legal description.

c. Lot combinations must meet the following criteria to be approved administratively:

i. Does not involve the vacation of existing easements; and

ii. Does not involve lots or parcels within more than one zoning classification.

d. Lot splits must meet the following criteria to be approved administratively:

i. The property is not in a rural residential zoning district (RR or RR5);

ii. The lot split does not involve the creation of any new utility easements;

iii. The lot split does not require the dedication of a public right~~s~~-of-way or a private access easement for the purpose of gaining access to any part of the property;

iv. All resulting parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;

v. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped lot, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described ~~as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C); a plat of irregular description is prepared, signed by the City Engineer or County Engineer, and recorded with the Burleigh County Recorder's Office~~ with an accurate metes and bounds or other legal description; and provided that any line dividing the parcel along a common wall is a straight line from the front property line to the back property line among the common wall; and

vi. The property has not previously been divided through the lot split provisions of this ordinance.

e. Any person having a legal interest in the property may file an application for a lot modification. For an adjustment of an existing lot line, an affidavit or separate signature sheet with signatures from all affected property owners indicating their consent must also be submitted.

f. An application for approval of a lot modification shall be submitted to the Director of Community Development on the proper form. The application shall be accompanied by:

i. The applicable fee;

ii. A sketch of the proposed modification with all existing buildings or structures on the property, ~~and~~ setbacks from existing or proposed parcel boundaries, and the location and dimensions of any previously recorded easements;

iii. The legal description(s) of the existing lot(s) and/or parcel(s); and

iv. The legal description(s)of the resulting lots(s) and/or parcel(s).

g. For lot combinations and lot line adjustments in all zoning districts and for lot splits in all zoning districts except RR – Residential and RR5 – Residential, the application will be reviewed by the Director of Community Development, in consultation with other impacted departments, and shall be tentatively approved ~~administratively~~ if all requirements are met. No hearing or review by either the Planning and Zoning Commission or City Commission is necessary.

h. Upon tentative approval of a lot line adjustment or a lot split, a Certificate of Survey showing the location of any found and set pins and signed by a registered land surveyor licensed in the State of North Dakota will be required prior to a lot modification being administratively finalized and the resulting parcels created. The County Auditor may also require an Auditor's Plat or Plat of Irregular Description of the parcel(s) prior to the acceptance of a deed transferring ownership of any resulting parcel.

* * * * *

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

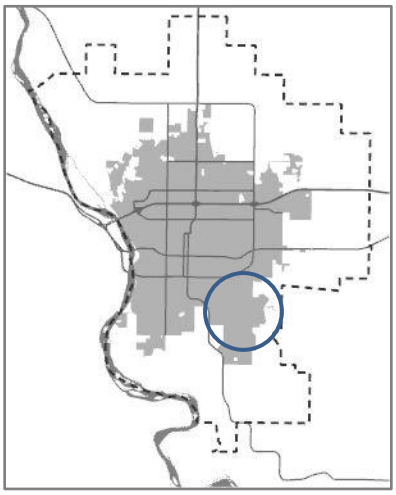
Agenda Item # 4
October 27, 2021

Application for: **Minor Plat**

Project ID: **MPLT2021-010**

Project Summary

Title:	Trillium Third Addition Second Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	DPS Properties, LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	In south Bismarck, south of East Bismarck Expressway and east of South 26th Street, in the southeast quadrant of the intersection of Rock Island Place and Burlington Drive (a replat of part of Lot 1, Block 1, Trillium Third Addition First Replat and parts of Burlington Drive and Rock Island Place rights-of-way)
Project Size:	8.17 acres
Request:	Replat property for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel in 1 block	*Number of Lots:*	2 lots in 1 block
Land Use:	Partially developed	*Land Use:*	Commercial
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	07/2017 (Trillium Third Addition First Replat)	*Annexed:*	Pre-1980

(continued)

Staff Analysis

DPS Properties, LLC is requesting approval of a minor subdivision final plat titled Trillium Third Addition Second Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 15th and 22nd , and 8 letters were mailed to the owners of nearby properties on October 15th.

Background Information

The proposed minor plat would create an additional lot (Lot 2) for future commercial development. Lot 1 is currently developed as an office building (Steffes Agency).

Adjacent uses include commercial and light industrial uses to the north across Rock Island Place, light industrial uses to the east and south and commercial uses to the west, across Burlington Drive.

Utility Capital Charges

The creation of any new lots in the City of Bismarck is subject to utility capital charges. The Public Works Department – Utility Operation Division has determined that utility capital charges will be due prior to the recordation of the proposed plat.

Required Findings of Fact **(relating 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)
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 of the Minor Subdivision Final Plat for Trillium Third Addition Second Replat.

Attachments

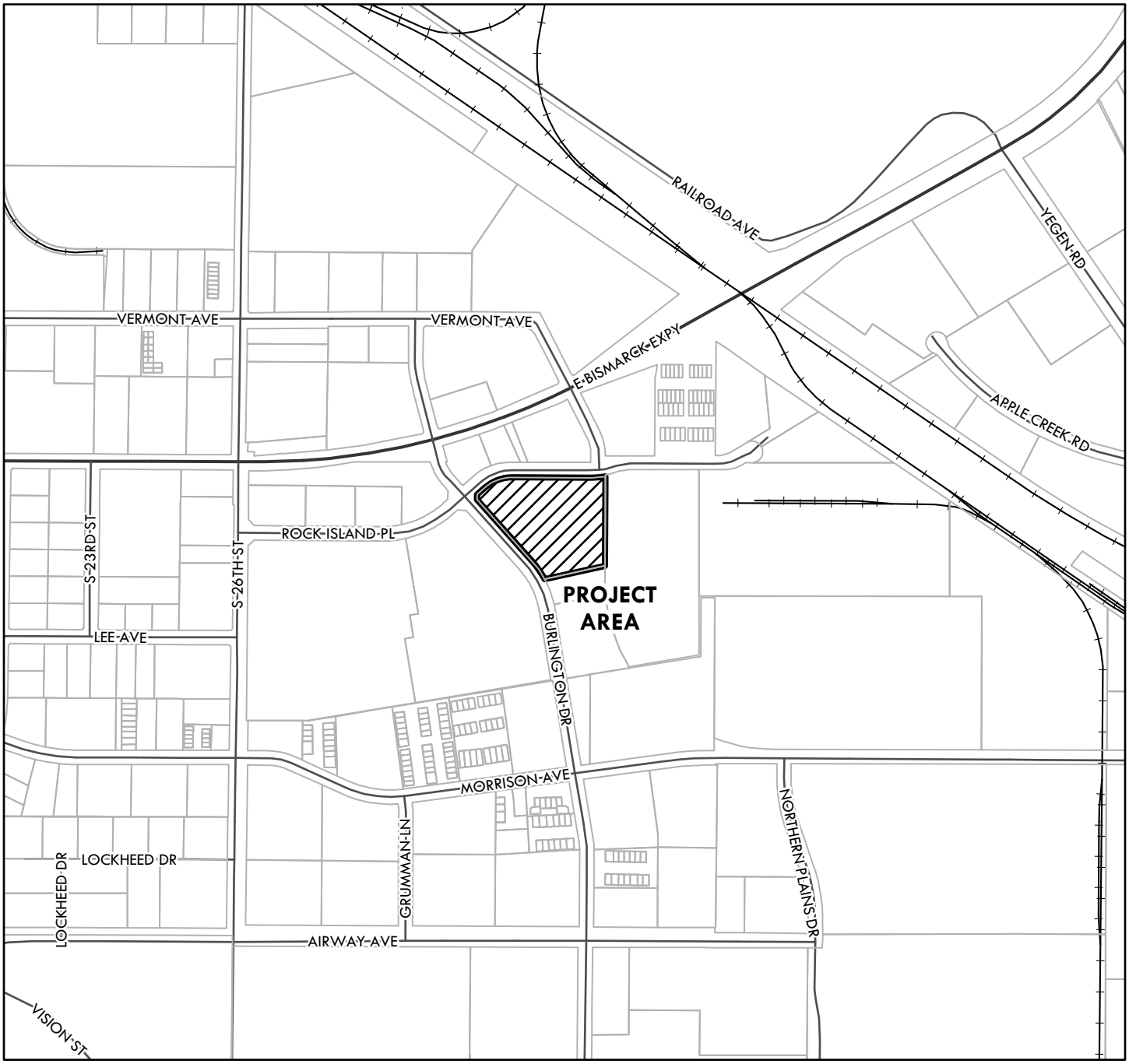
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat with Replatted Area Highlighted

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

Location Map

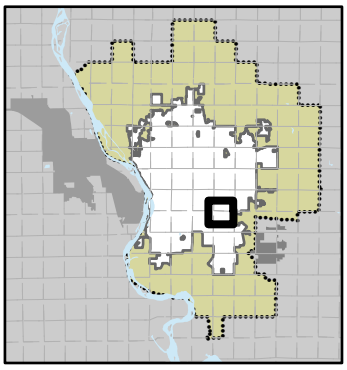
TRILLIUM THIRD ADDITION SECOND REPLAT

MPLT2021-010



0 0.17 0.35 0.7 Miles

N



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

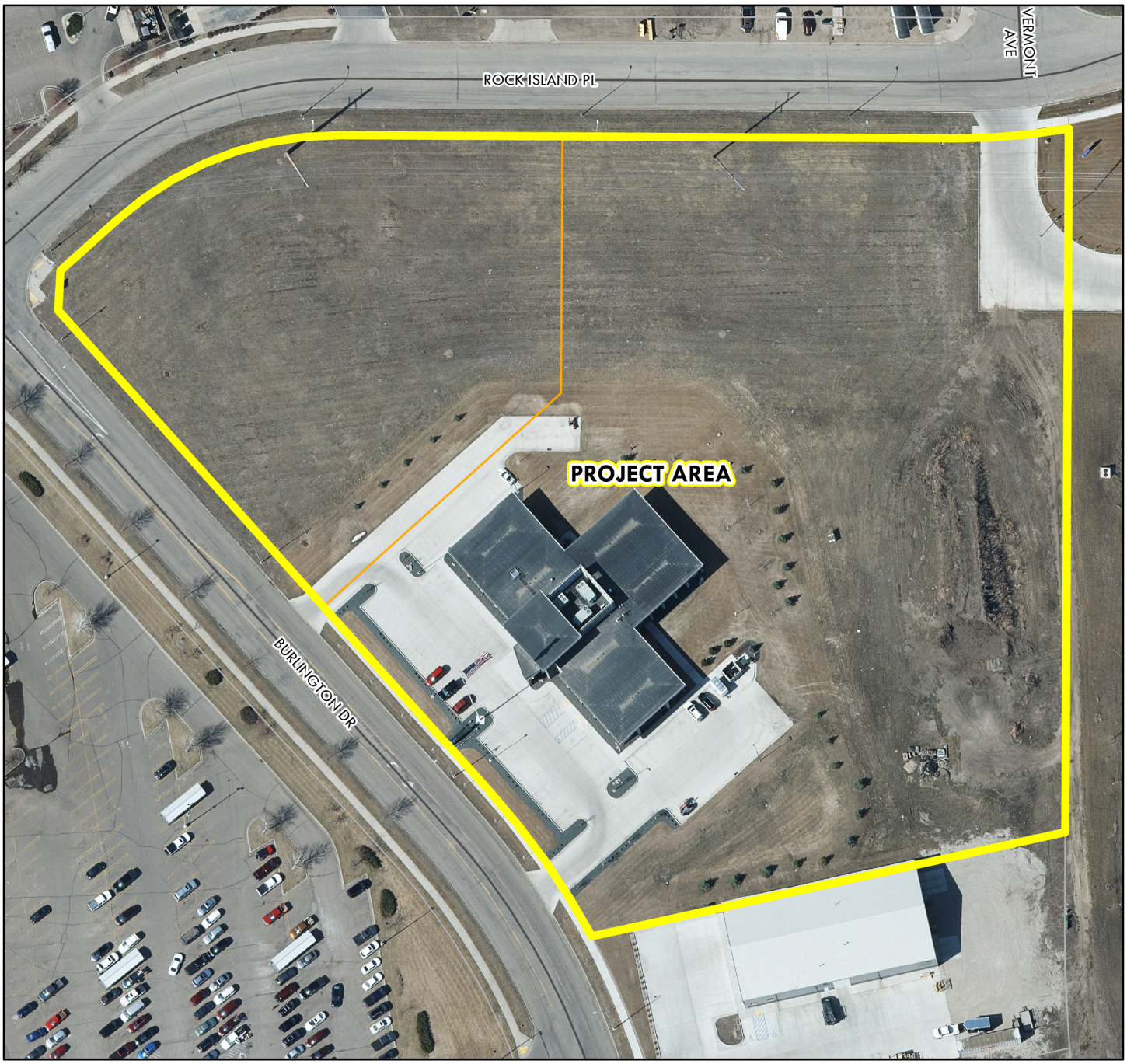
City of Bismarck
Community Development Department
Planning Division
September 24, 2021 (HLB)

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

TRILLIUM THIRD ADDITION SECOND REPLAT

MPLT2021-010



Miles

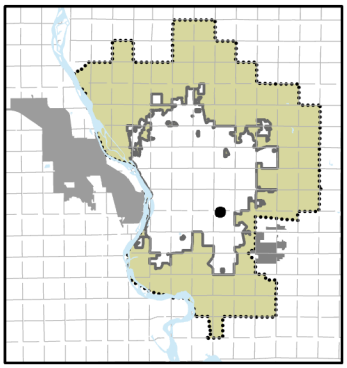
0 0.03 0.05 0.1

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
October 18, 2021

Zoning and Plan Reference Map

TRILLIUM THIRD ADDITION SECOND REPLAT

MPLT2021-010

Zoning Districts

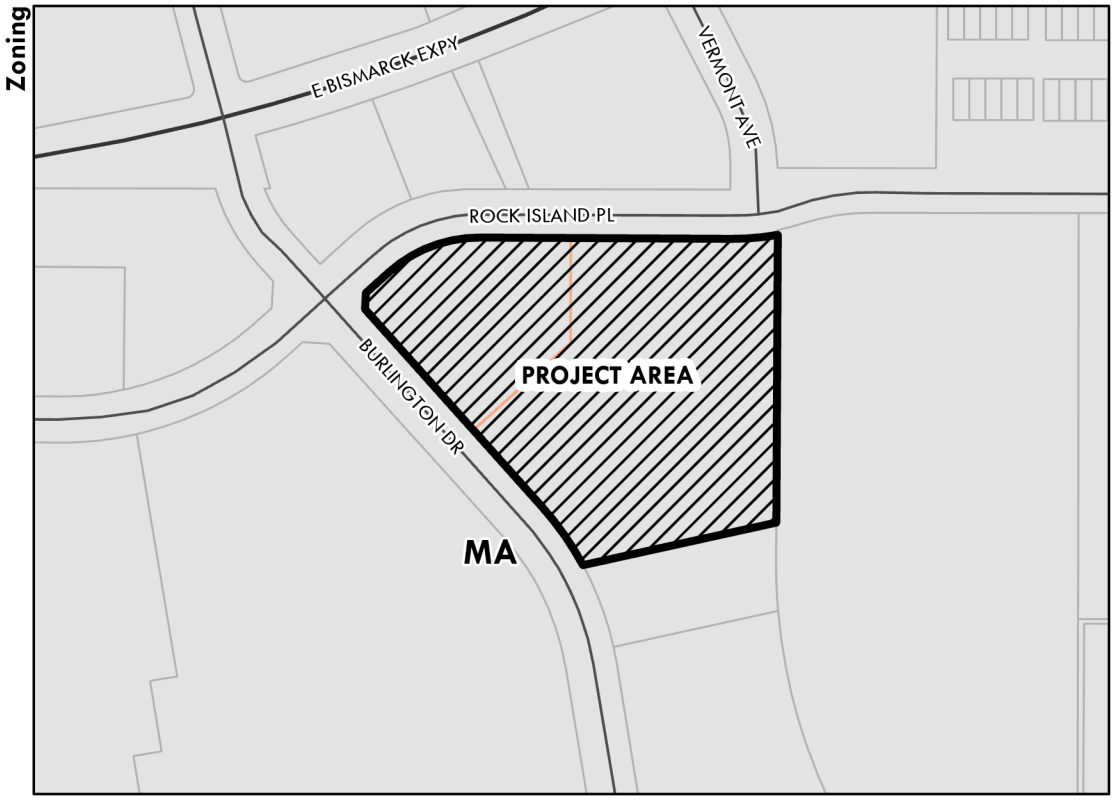
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

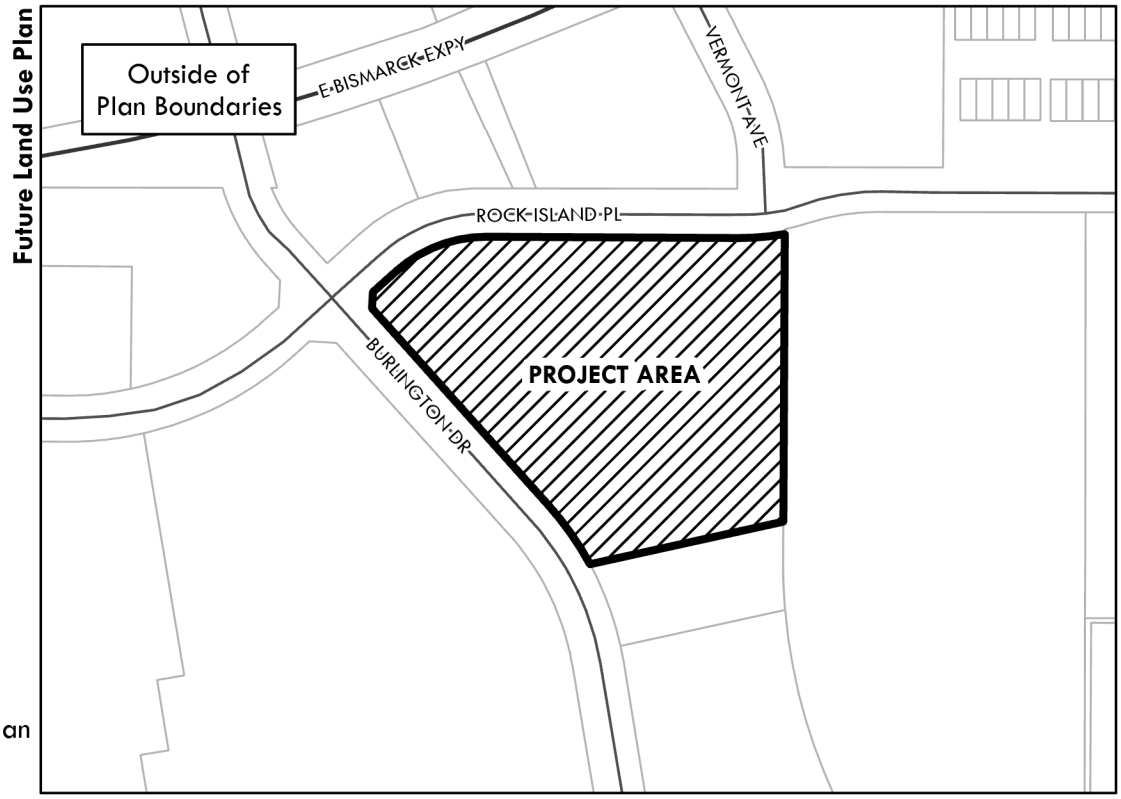
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

0 0.04 0.08 0.16 Miles

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

TRILLIUM THIRD ADDITION SECOND REPLAT

BEING A REPLAT OF PART LOT 1 BLOCK 1 TRILLIUM THIRD ADDITION FIRST REPLAT & PARTS OF BURLINGTON DRIVE AND ROCK ISLAND PLACE RIGHTS-OF-WAY

OF THE NW 1/4 OF SECTION 11, T 138 N., R 80 W.
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 1 BLOCK 1 TRILLIUM THIRD ADDITION FIRST REPLAT & PARTS OF BURLINGTON DRIVE AND ROCK ISLAND PLACE RIGHTS-OF-WAY OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 BLOCK 1 TRILLIUM THIRD ADDITION FIRST REPLAT; THENCE SOUTH 77 DEGREES 36 MINUTES 00 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 2 AND ITS SOUTHWESTERLY EXTENSION, A DISTANCE OF 385.57 FEET TO THE CENTERLINE OF BURLINGTON DRIVE RIGHT-OF-WAY; THENCE NORTHWESTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 500.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 60 DEGREES 08 MINUTES 32 SECONDS WEST, AN ARC LENGTH OF 104.89 FEET; THENCE NORTH 41 DEGREES 52 MINUTES 37 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 518.47 FEET TO THE CENTERLINE OF ROCK ISLAND PLACE RIGHT-OF-WAY; THENCE NORTH 48 DEGREES 08 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 113.97 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 275.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 202.30 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 19 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 436.76 FEET; THENCE EASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 400.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 80.60 FEET TO THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 2B OF LOT 2 BLOCK 2 TRILLIUM THIRD ADDITION; THENCE SOUTH 00 DEGREES 16 MINUTES 45 SECONDS WEST, ALONG SAID NORTHERLY EXTENSION AND SAID EAST LINE, A DISTANCE OF 539.74 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 356,251 SQUARE FEET, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED 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 ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 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 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 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 OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE ____ DAY OF _____, 202_.

_____
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 "TRILLIUM THIRD ADDITION SECOND REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DPS PROPERTIES, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "TRILLIUM THIRD ADDITION SECOND REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO 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.

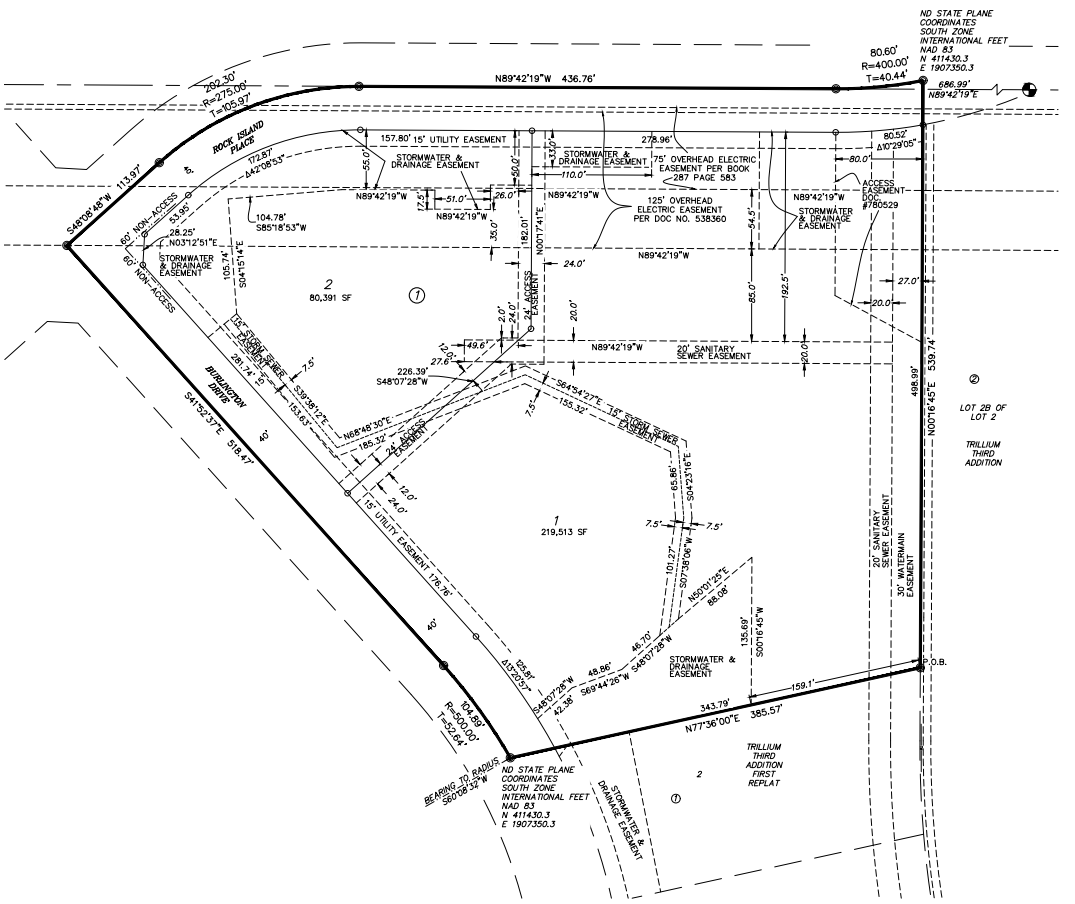
THEY ALSO DEDICATE WATERMAIN, SANITARY SEWER, AND STORMWATER & DRAINAGE EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPSOE OF CONSTRUCTING, OPERATING, AND MAINTAINING WATERMAIN, SANITARY SEWER, AND STORMWATER & DRAINAGE FACILITIES UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

THEY FURTHER DEDICATE ACCESS EASEMENTS TO ALL LAND OWNING PARTIES, FOR ALL PURPOSES CONNECTED WITH THE USE OF THE OWNER, TO PASS, AND REPASS ALONG SAID EASEMENT, SHOWN HEREON, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL ENTITIES, ITS OFFICERS AND EMPLOYEES FOR ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED SAID ENTITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY SERVICES IF SUCH EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY.

_____
DPS PROPERTIES, LLP
2121 TRAYNOR LN
BISMARCK, ND 58504

ON THIS ____ DAY OF _____, 202_, BEFORE ME PERSONALLY APPEARED DUANE STEFFES PRESIDENT OF DPS PROPERTIES, LLP, 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.

SCALE: 1"=50'

SEPTEMBER 17, 2021

○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

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

TRILLIUM THIRD ADDITION FIRST REPLAT

BEING A REPLAT OF LOT 1 & LOT 2A OF LOT 2 BLOCK 2 TRILLIUM THIRD ADDITION AND PARTS OF ROCK ISLAND PLACE AND BURLINGTON DRIVE RIGHTS OF WAY

OF THE NW 1/4 OF SECTION 11, T 138 N., R 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOT 1 & LOT 2A OF LOT 2 BLOCK 2 TRILLIUM THIRD ADDITION AND PARTS OF ROCK ISLAND PLACE AND BURLINGTON DRIVE RIGHTS-OF-WAY, OF THE NW 1/4 OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 80 WEST, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2B OF LOT 2 BLOCK 2 TRILLIUM THIRD ADDITION; THENCE SOUTH 80 DEGREES 41 MINUTES 59 SECONDS WEST, ALONG THE NORTH LINE OF TRILLIUM FOURTH ADDITION, A DISTANCE OF 397.35 FEET TO THE CENTERLINE OF BURLINGTON DRIVE RIGHT-OF-WAY; THENCE NORTH 09 DEGREES 19 MINUTES 23 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 387.80 FEET; THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 500.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 284.09 FEET; THENCE NORTH 41 DEGREES 52 MINUTES 37 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 518.47 FEET TO THE CENTERLINE OF ROCK ISLAND PLACE RIGHT OF WAY; THENCE NORTH 48 DEGREES 08 MINUTES 48 SECONDS EAST, ALONG SAID CENTERLINE, A DISTANCE OF 113.97 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 275.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 202.30 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 19 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 436.76 FEET; THENCE NORTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 400.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 80.60 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 2B; THENCE SOUTH 00 DEGREES 16 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE AND ITS EXTENSION, A DISTANCE OF 606.93 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID WEST LINE, ON A 960.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 89 DEGREES 41 MINUTES 01 SECONDS EAST, AN ARC LENGTH OF 527.34 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 556,642 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON July 25, 2017; 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.

REGISTERED PROFESSIONAL LAND SURVEYOR — MATTHEW M. STERN — LS-5299 — DATE 7-25-17 — NORTH DAKOTA

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

MATTHEW M. STERN
REGISTERED LAND SURVEYOR
N.D. REGISTRATION NO. 8299

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS 25th DAY OF July 2017, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

LISA MACDONALD
Notary Public
State of North Dakota
My Commission Expires July 31, 2018

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES July 31, 2018

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 25th day of July 2017, 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.

WAYNE LEE YEAGER – CHAIRMAN

CARL D. HOKENSTAD – 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 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 OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 11th DAY OF July, 2017.

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 "TRILLIUM THIRD ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DPS PROPERTIES, LLP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "TRILLIUM THIRD ADDITION FIRST REPLAT", BISMARCK, NORTH DAKOTA, AND DO SO 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, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS, AND WATER MAIN EASEMENT, D.S.

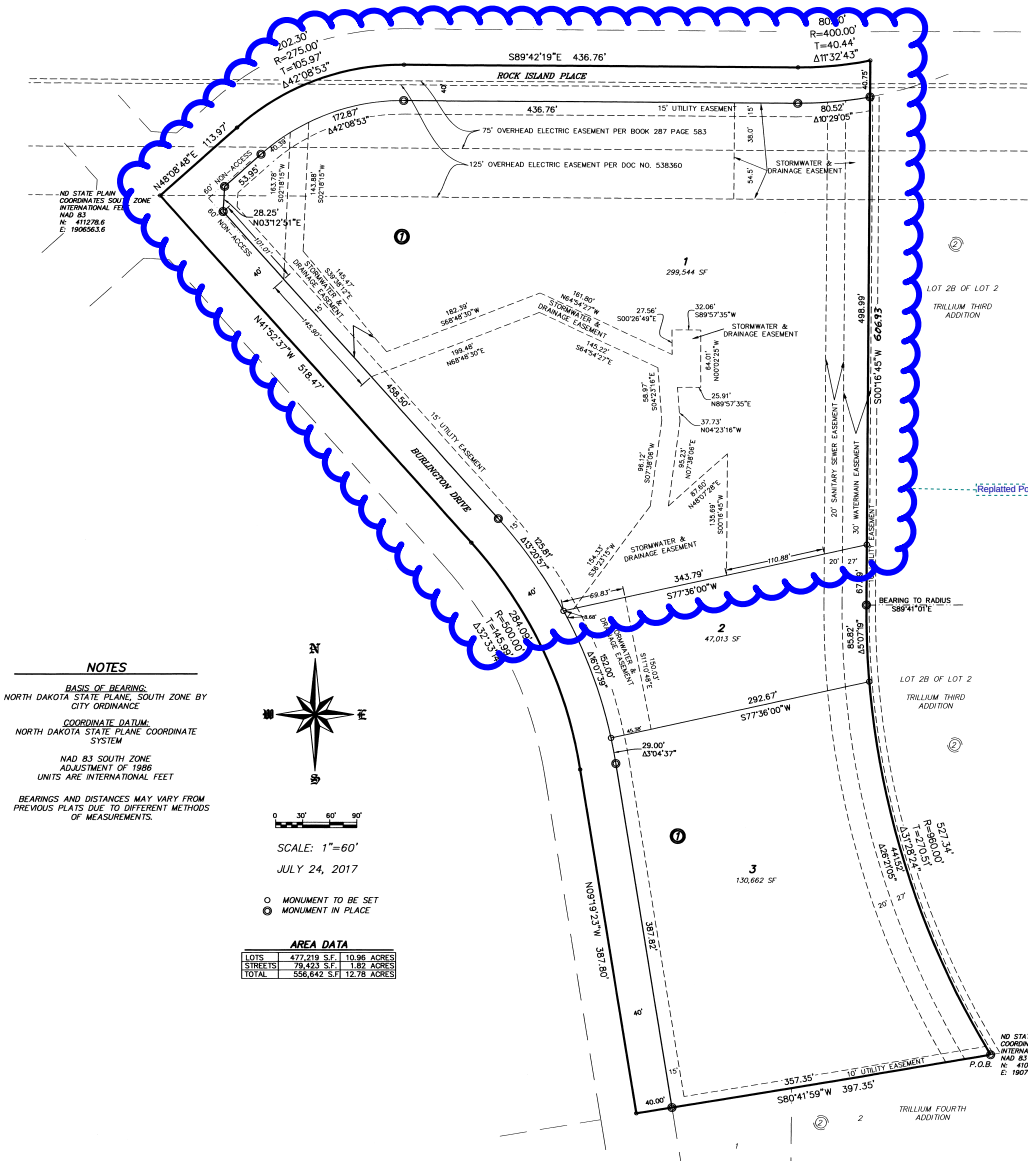
STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

President
DPS PROPERTIES, LLP
2121 TRAYNOR LN
BISMARCK, ND 58504

ON THIS 25th DAY OF July 2017, BEFORE ME PERSONALLY APPEARED _____ OF DPS PROPERTIES, LLP, 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.

LISA MACDONALD
Notary Public
State of North Dakota
My Commission Expires July 31, 2018

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES July 31, 2018



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.

AREA DATA

LOTS	477,219 S.F.	10.96 ACRES
STREETS	79,423 S.F.	1.82 ACRES
TOTAL	556,642 S.F.	12.78 ACRES

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 3500
Fax (701) 223 - 3686
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

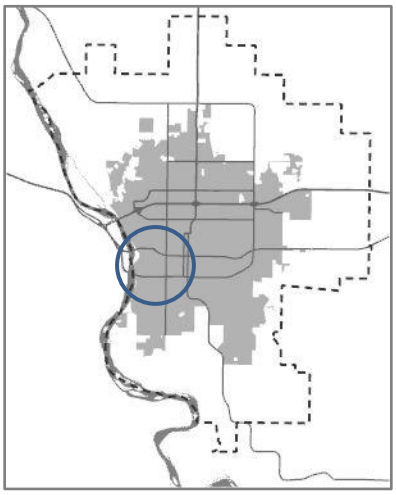
Agenda Item # 5
October 27, 2021

Application for: **Zoning Change**

Project ID: **ZC2021-011**

Project Summary

Title:	Auditor's Lot 12 and parts of Auditor's Lots 11, 17, 18, 19 and 20, Park Hill Auditor's Lots
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bismarck MHP, LLC (applicant) Sanders & Sons Properties, LLC (owner)
Project Contact:	Gregory Tschider
Location:	In west-central Bismarck, south of Memorial Highway and west of South Washington Street at the intersection of West Sweet Avenue and South Griffin Street
Project Size:	8.51 acres
Request:	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	*Number of Lots:*	3 parcels
Land Use:	Manufactured home park	*Land Use:*	Manufactured home park
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	RMH – Residential
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	RMH – Manufactured home parks
Max Density:	CG – 42 units / acre	*Max Density:*	RMH – 7 units / acre

Property History

Zoned:	Pre-1980	*Platted:*	N/A	*Annexed:*	Pre-1960

(continued)

Staff Analysis

Bismarck MHP LLC and Sanders & Sons Properties LLC are requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Auditor's Lot 12 and parts of Auditor's Lots 11, 17, 18, 19 and 20, Park Hill Auditor's Lots.

The Planning and Zoning Commission considered this request at their meeting of September 23, 2021 and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 15th and 22nd, and 30 letters were mailed to the owners of nearby properties on October 15th.

Adjacent uses include a mix of commercial and low-density residential uses to the north, the Municipal Ballpark to the east across South Hannifin Street, Kiwanis Park and low density residential to the south across West Sweet Avenue, and a mix of low-density residential and commercial use to the west.

Parkview was established as a mobile home park in 1960, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH; however, this park was not and became a non-conforming use within the CG – Commercial zoning district.

Rezoning this property to RMH – Residential will bring the zoning of the property more in line with the actual use of the property, although there will still be some non-conforming aspects. In addition, with the rezoning to RMH – Residential, new homes within the park could be placed in accordance with the recently-adopted contextual front yard setback provisions. This, in turn, would allow older outdated mobile homes on the property to be replaced with newer manufactured homes at a similar front yard setback as the adjacent homes. As newer homes are longer than older homes, this option allows homes to be replaced when needed and preserves an affordable housing option within the community.

Required Findings of Fact (relating to land use)

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

(continued)

policies and accepted planning practice; and

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Auditor's Lot 12 and parts of Auditor's Lots 11, 17, 18, 19 and 20, Park Hill Auditor's Lots more specifically described as: All of Auditor's Lot 12, the South 240 feet of the East 101.31 feet and the South 435.5 feet of the West 101.31 feet of Auditor's Lot 17, the South 435.6 feet of Auditor's Lot 18, and the South 385 feet of Auditor's Lot 19, Park Hills Auditor's Lots and the South 535 feet of the East 1 acre and the S½ of the 2nd Acre from East 1 acre of Auditor's Lot 20, Park Hills Auditor's Lots and the East 349.6 feet of Auditor's Lot 11 excluding the South 33 feet, Park Hills Auditor's Lots.

Attachments

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

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@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 CG – Commercial zoning district and included in the RMH – Residential zoning district:

All of Auditor's Lot 12, the South 240 feet of the East 101.31 feet and the South 435.5 feet of the West 101.31 feet of Auditor's Lot 17, the South 435.6 feet of Auditor's Lot 18, and the South 385 feet of Auditor's Lot 19, Park Hills Auditor's Lots and the South 535 feet of the East 1 acre and the S½ of the 2nd Acre from East 1 acre of Auditor's Lot 20, Park Hills Auditor's Lots and the East 349.6 feet of Auditor's Lot 11 excluding the South 33 feet, Park Hills Auditor's Lots.

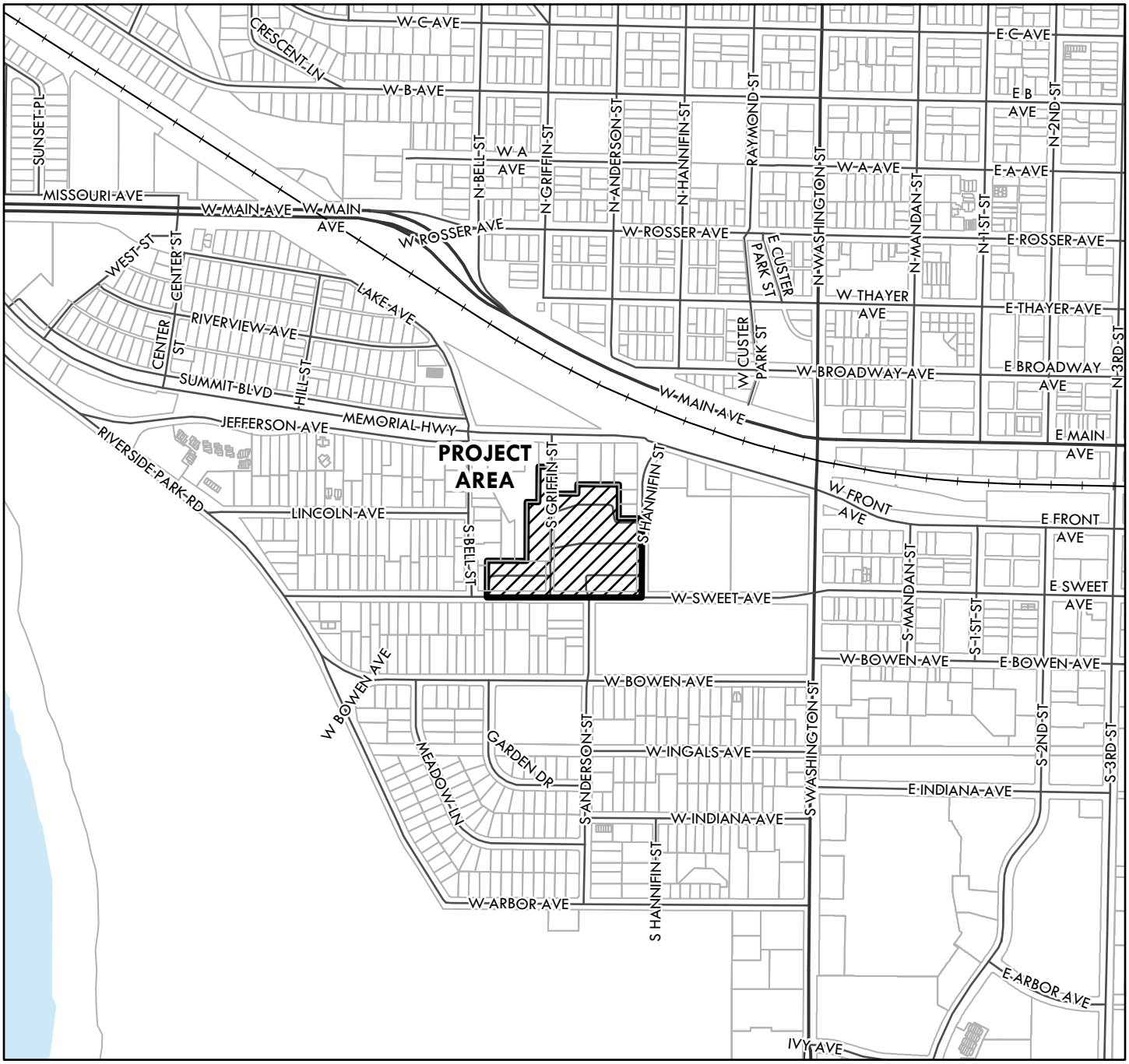
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

ZC2021-011

PARK HILL AUDITOR'S LOTS, LOT 12 & PARTS OF LOTS 11 & 17-20



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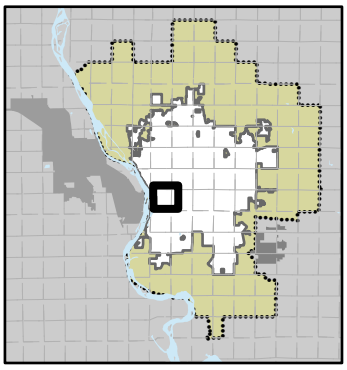


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

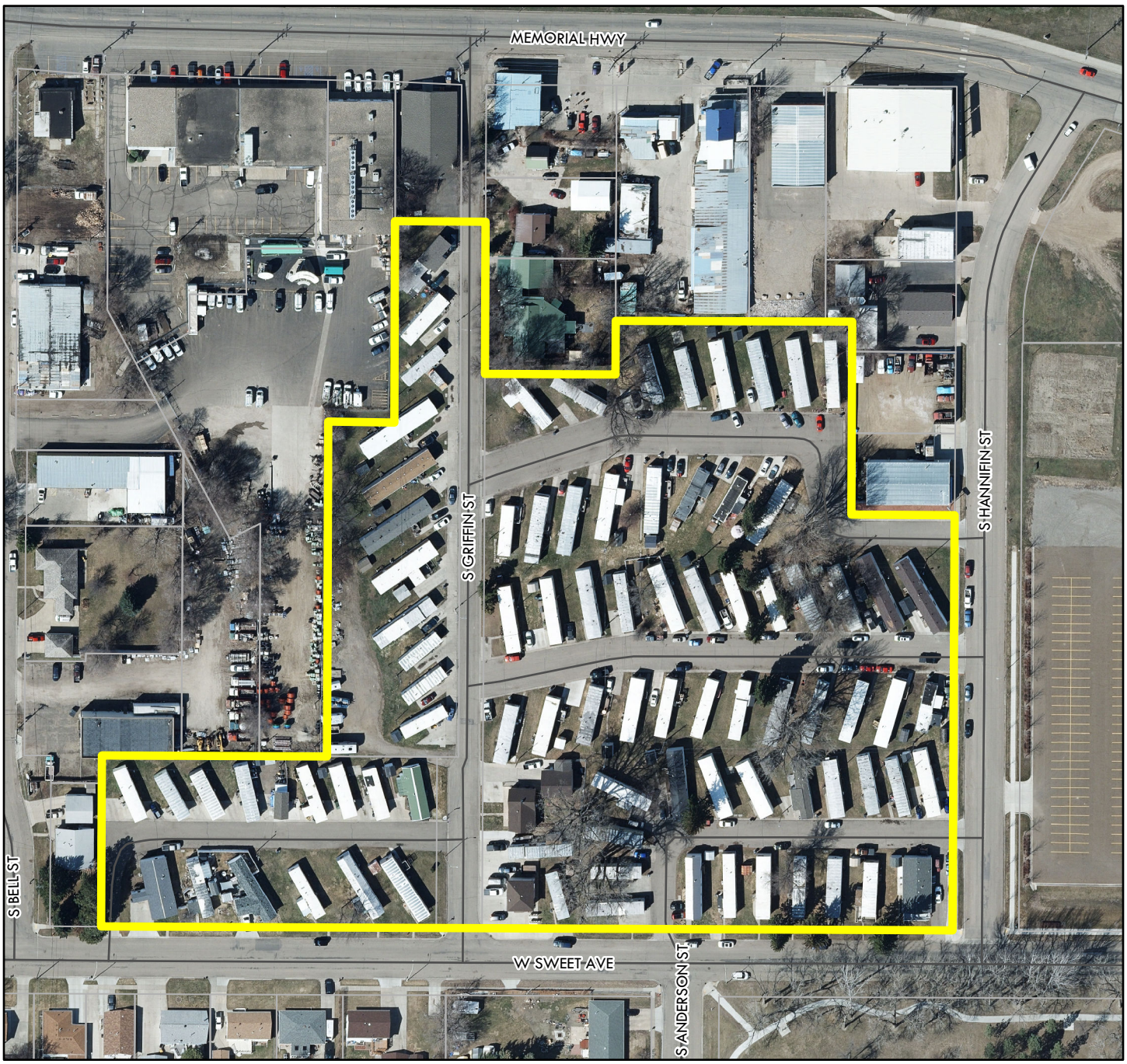
City of Bismarck
Community Development Department
Planning Division
October 14, 2021 (HLB)

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

PARK HILL AUDITOR'S LOTS, LOT 12 & PARTS OF LOTS 12 & 17-20

ZC2021-011



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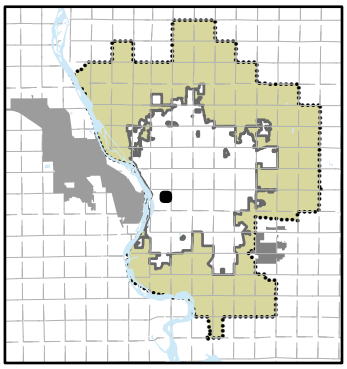
City Limits Bismarck ETA Jurisdiction

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
September 16, 2021

Zoning and Plan Reference Map

ZC2021-011

PARK HILL AUDITOR'S LOTS, LOT 12 & PARTS OF LOTS 12 & 17-20

Zoning Districts

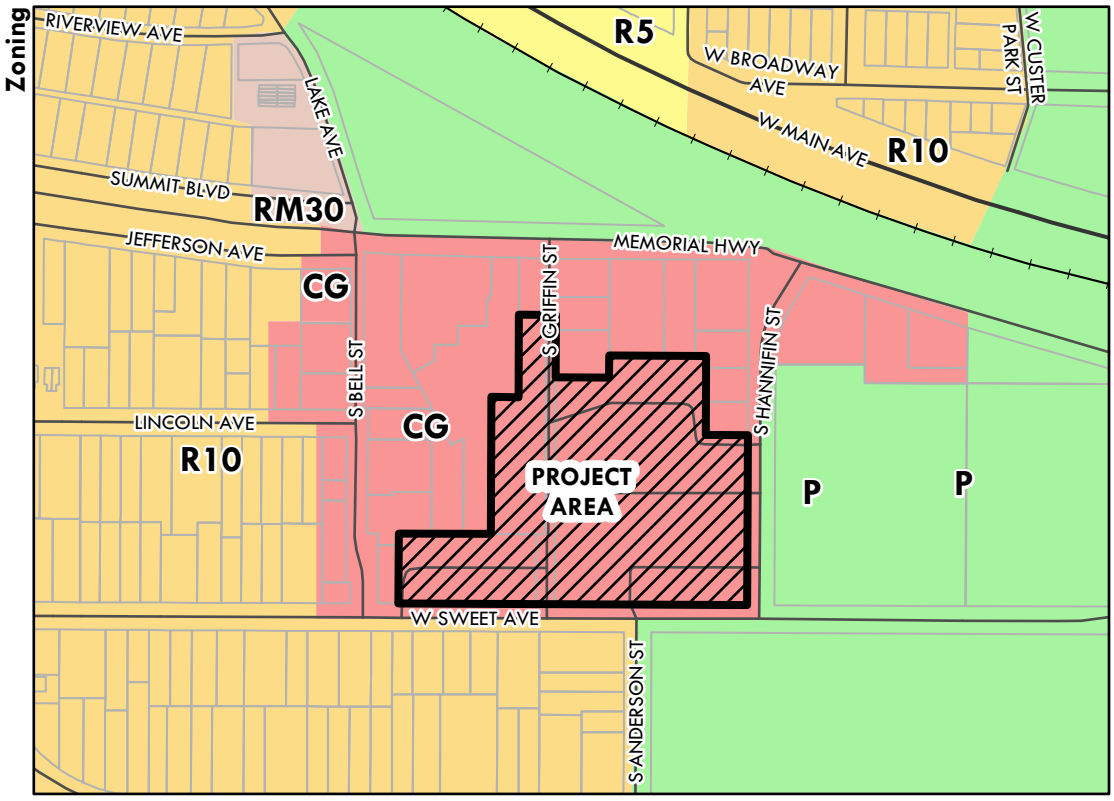
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

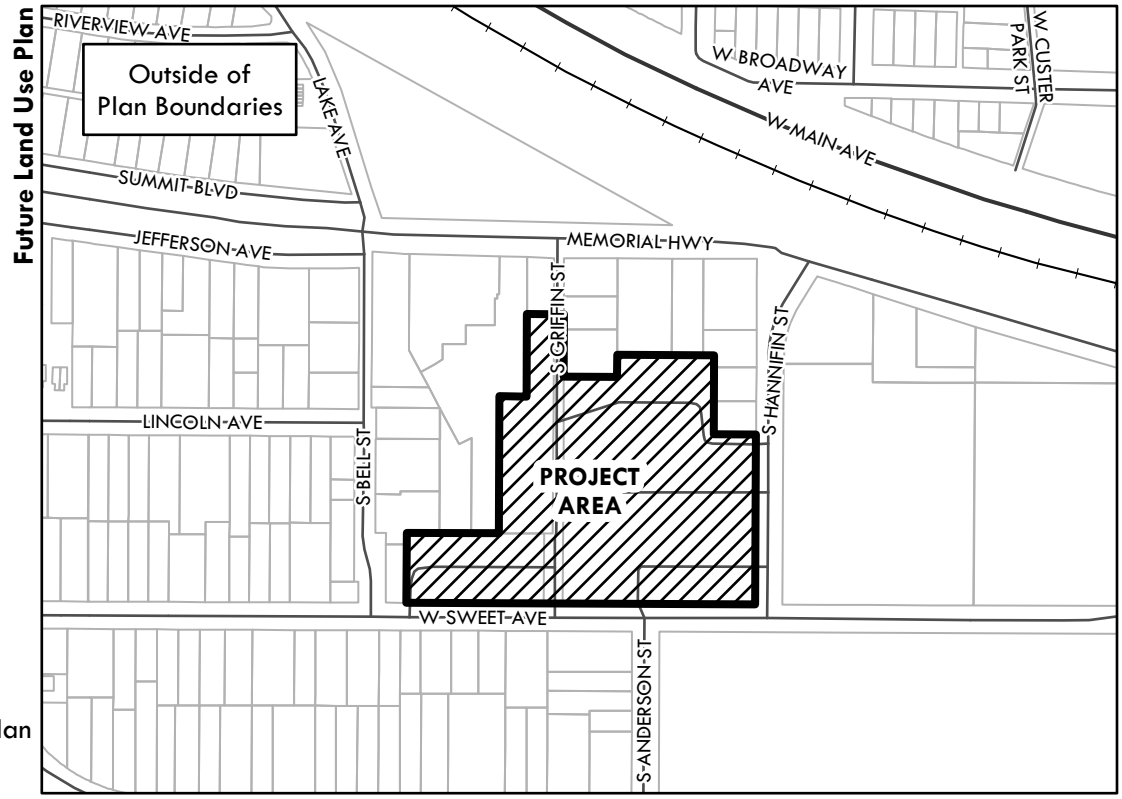
Future Land Use Plan

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 0.05 0.1 0.2 Miles

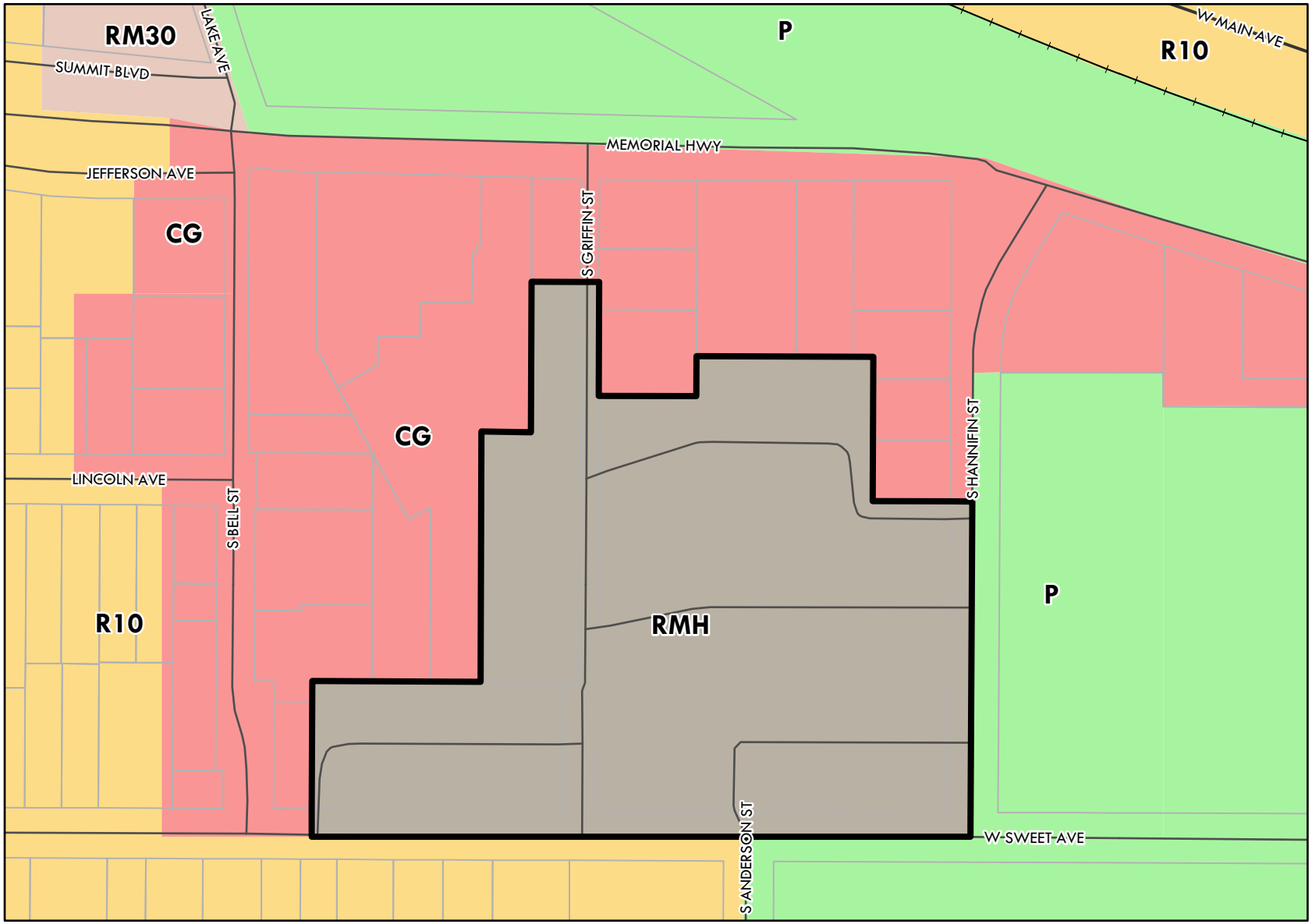
City of Bismarck
Community Development Dept.
Planning Division
September 16, 2021

Proposed Zoning Change

PARK HILL AUDITOR'S LOTS, LOT 12 & PARTS OF LOTS 12 & 17-20

ZC2021-011

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
September 16, 2021

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

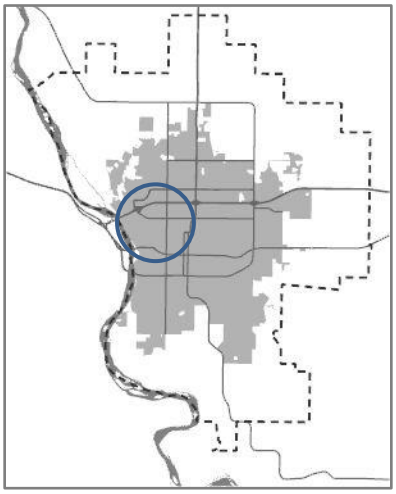
Agenda Item #6
October 27, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-012**

2Project Summary

Title:	Lot 1, Block 1, YMCA Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Missouri Valley YMCA
Project Contact:	Bill Bauman, YMCA Derwin Mann, Mann Signs
Location:	In central Bismarck, in the southwest quadrant of the intersection of N Washington Street and E Divide Avenue (1608 N Washington Street)
Project Size:	32 square-foot sign
Request:	Install an electronic Message Center Sign (EMC) in a residential zoning district



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Community and Recreation Center	*Land Use:*	Community and Recreation Center
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	P – Public Use	*Zoning:*	P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	P – Parks, open space, stormwater facilities, and other public uses
Max Density:	P – N/A	*Max Density:*	P – N/A

Property History

Zoned:	06/2007	*Platted:*	10/2007	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Missouri Valley YMCA is requesting approval of a special use permit to allow an electronic message center sign on Lot 1, Block 1, YMCA Addition. This property is in the P – Public zoning district, and residential sign standards are followed because it is adjacent to a residential zoning district. Electronic message center (EMC) signs are only allowed in residential districts with a special use permit and subject to additional restrictions to protect nearby residences.

An existing pole sign with changeable copy letters exists along North Washington Street. This sign, which is within public right-of-way, would be removed. The proposed EMC sign would be installed on a monument sign due west of the existing sign just within the property owned by Missouri Valley YMCA. No setback is required or proposed.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on 15th and 22nd, and 50 letters were mailed to the owners of nearby properties on October 15th.

Adjacent uses include single-family residential to the east across North Washington Street and to the north across East Divide Avenue, and a golf course and recreational facility to the west and south.

The following criteria from Section 14-03.1-07(5)(d) of the City Code of Ordinances (Signs/ Residential Zoning District Standards apply for electronic message centers in residential areas:

1. *"Special Use Permit. A special use permit shall be required, subject to all procedures of Section 14-03-08 (Special Uses) of the City Code of Ordinances."*

   A special use permit has been requested.

2. *"Sign Type. Electronic message center signs may only be incorporated into on-premise pole signs, monument signs, or wall signs. Electronic message center signs shall not be located on projecting signs, portable signs, or any other temporary signs, with the exception of demonstrations allowed by No off-premise advertising may occur on electronic message center signs."*

   The proposed EMC would be incorporated into a monument sign that complies with all requirements in residential zoning districts. Monument signs, defined as below 8 feet in height, are not subject to setback requirements in residential zoning districts.

3. *"Number of Signs. Only one (1) electronic message center sign shall be allowed per parcel."*

   One EMC sign is proposed for this parcel.

4. *"Area of Signs. the electronic message center portion of a sign shall not exceed thirty-two (32) square feet in area."*

   The EMC portion of the sign would be 32 square feet in size, within the allowable limit.

5. *"Proportion of Sign. Electronic message centers may only be included on pole signs that also contain static content. The electronic portion of the sign may not exceed fifty (50) percent of the entire sign area, and must be entirely below the static portion of the sign. Electronic Message Center signs used as wall signs are exempt from this requirement."*

   Approximately 32 square feet of additional static sign content would be included with the sign, which renders the sign compliant with the area requirements.

6. *"Operational Requirements. Electronic message center signs shall be subject to the following operational requirements:*

(continued)

a. *Brightness. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.*

b. *Frame Hold Time. The sign shall have a frame hold time of no less than three (3) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.*

c. *Effects. The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.*

d. *Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited."*

The applicant is aware of the operational requirements and intends to comply.

7. *"Sign Features. Electronic message center signs shall be equipped with the following features:*

a. *A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and*

b. *A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell"*

The sign will be equipped with the required features.

In addition to the provisions cited above, specific to electronic message centers in residential areas, all signs must meet the following public safety provision in Section 14-03.1-05(7):

> *"A sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard."*

Electronic message centers, in particular, must receive written verification from both the City Engineer and the Chief of Police, or designees, that this condition is met. Engineering and Police have consented.

This sign would be placed within a utility easement. This is permitted by ordinance only with express consent of the encroachment by utility companies. Letters consenting to the encroachment have been obtained from MDU, Lumen, and Midcontinent. The City Engineer has also approved this sign.

The proposed sign is within a perimeter parking lot landscaping area. By ordinance, landscaping must be maintained in this area in perpetuity. However, trees or shrubs could be rearranged by the property owner to avoid obstruction visibility of the sign.

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

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends staff recommends approval of the special use permit to allow an electronic message center sign on Lot 1, Block 1, YMCA Addition, as shown on the attached site plan and designs.

Attachments

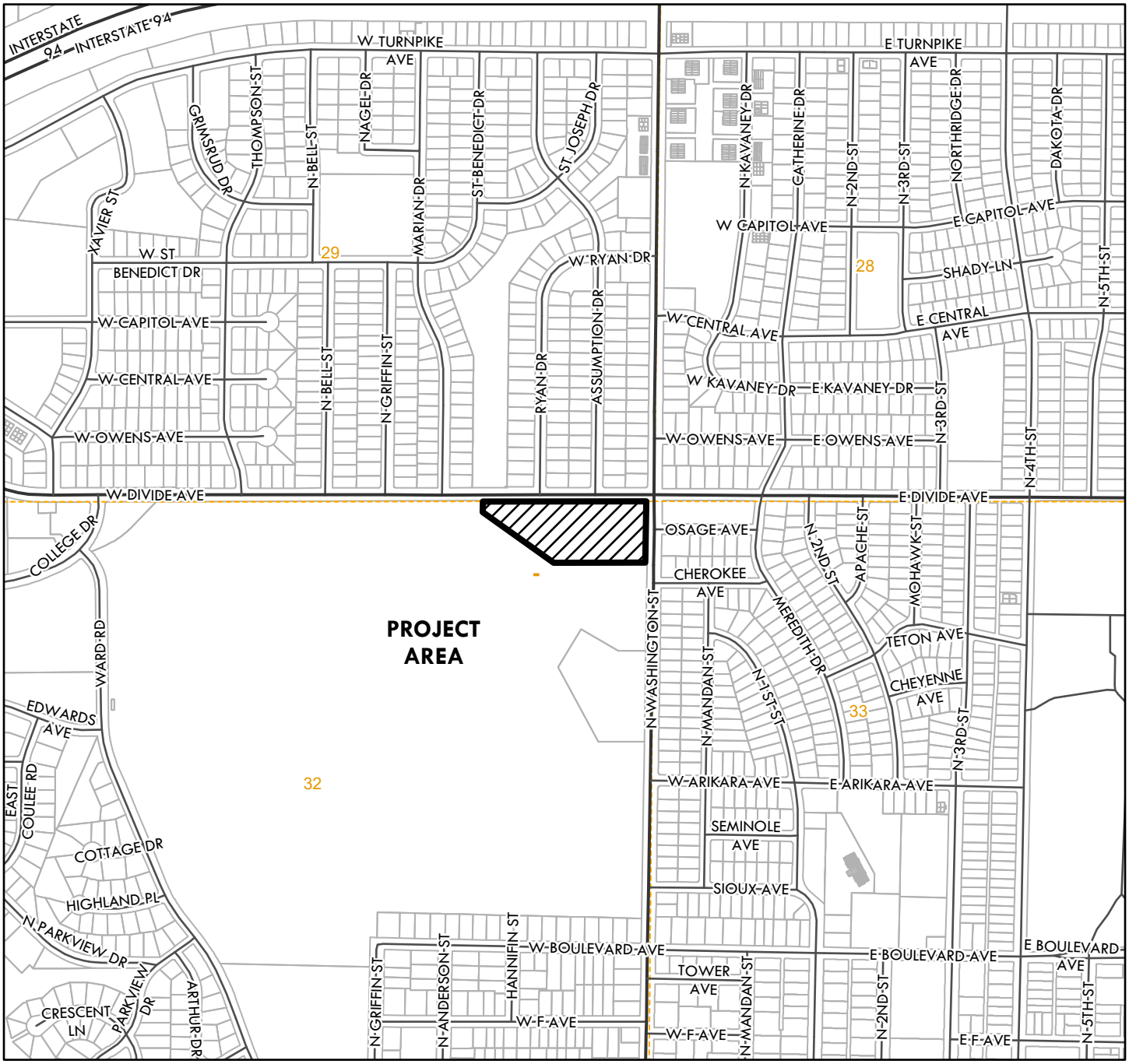
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Design Exhibits for Sign

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

Location Map

YMCA ADDITION, L1, B1

SUP2021-009



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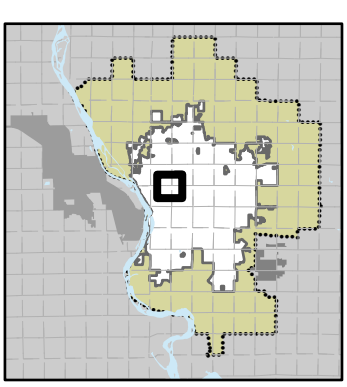

City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

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

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Aerial Map

YMCA ADDITION, L1, B1

SUP2021-009

0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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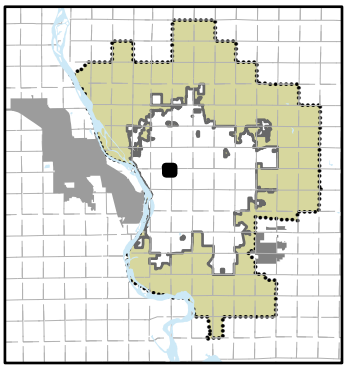

City of Bismarck
Community Development Department
Planning Division
July 20, 2021

Zoning and Plan Reference Map

YMCA ADDITION, L1, B1

SUP2021-009

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
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MB	Industrial
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DC	Downtown Core
DF	Downtown Fringe

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C/MU	Commercial/ Mixed Use
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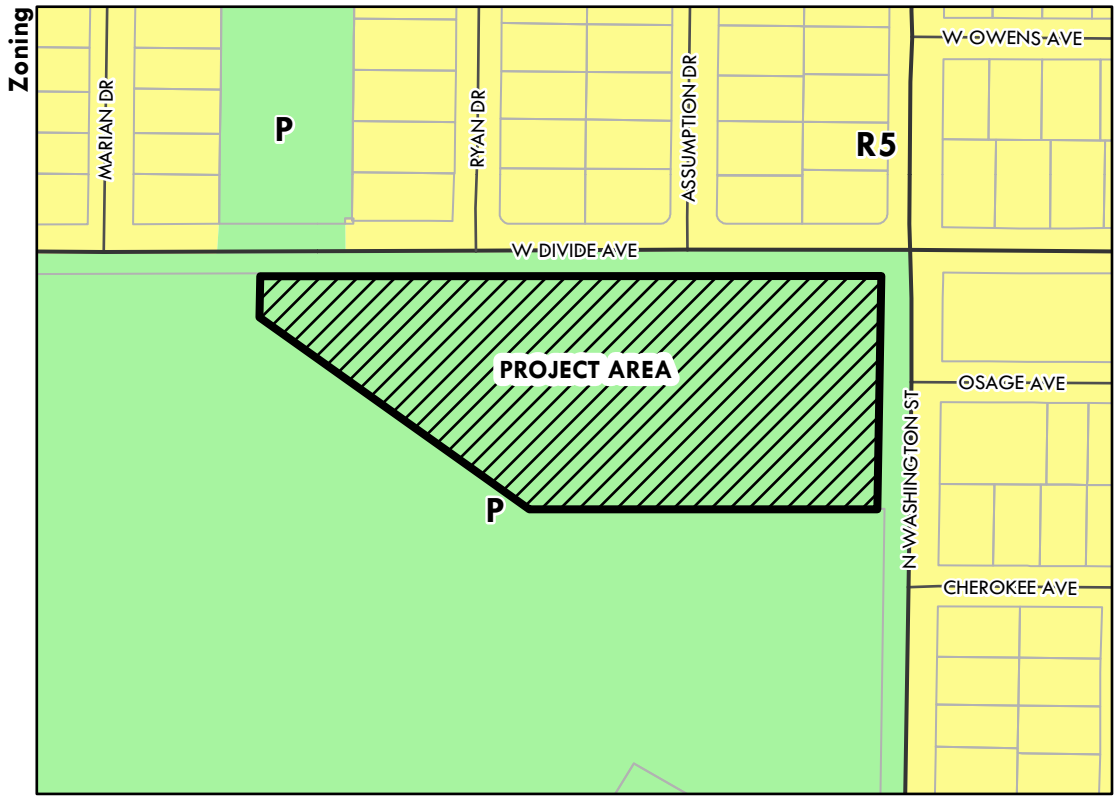
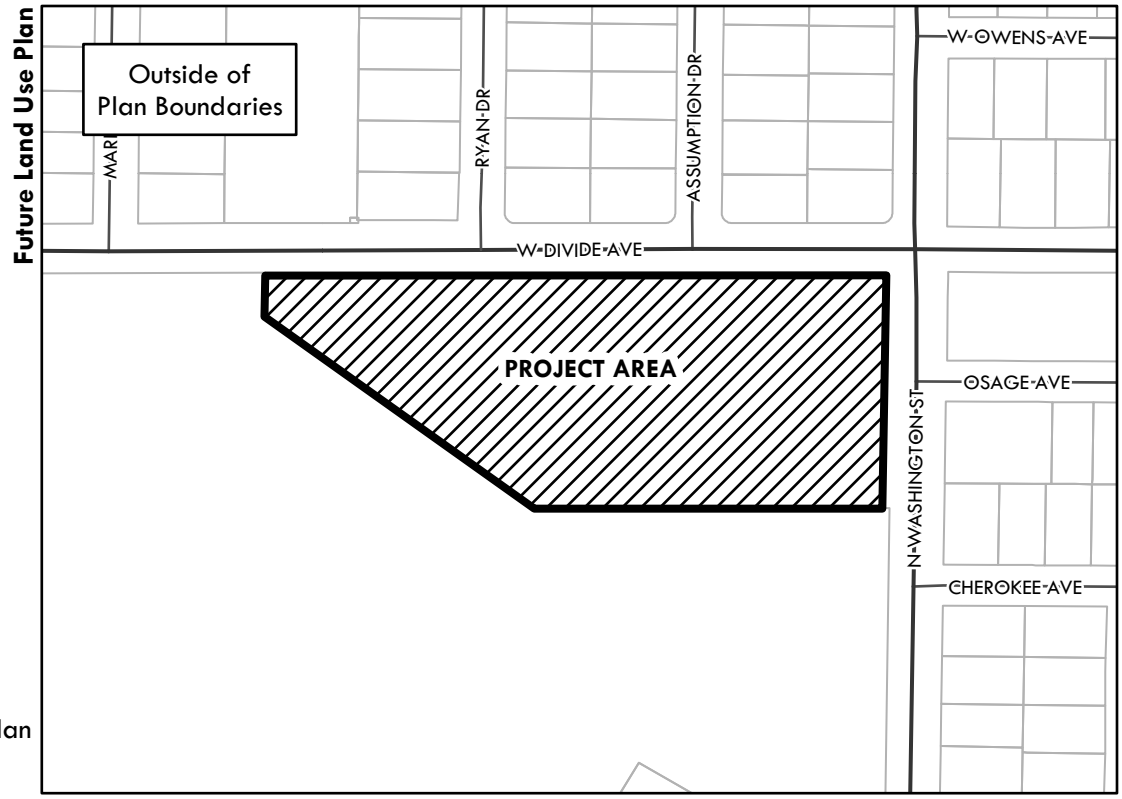
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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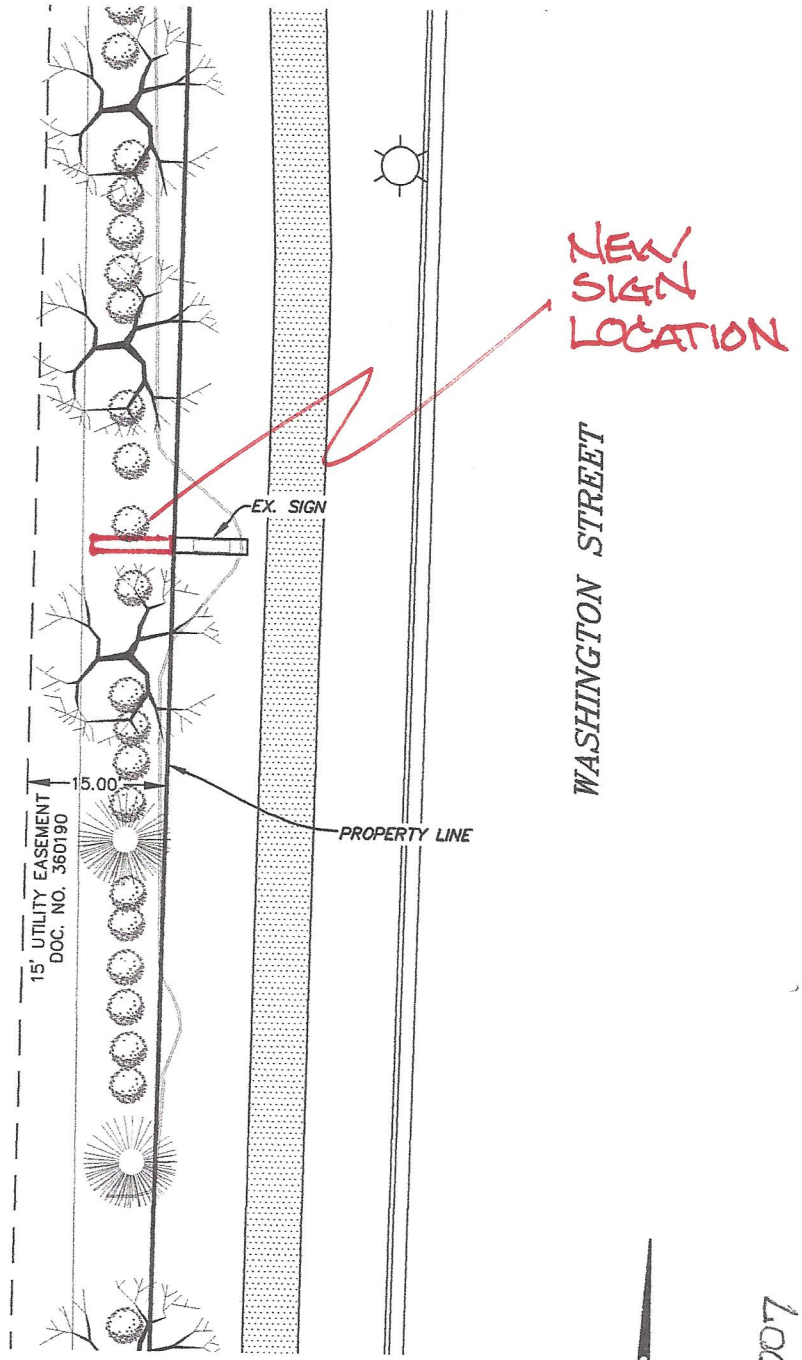
City of Bismarck
Community Development Dept.
Planning Division
July 20, 2021

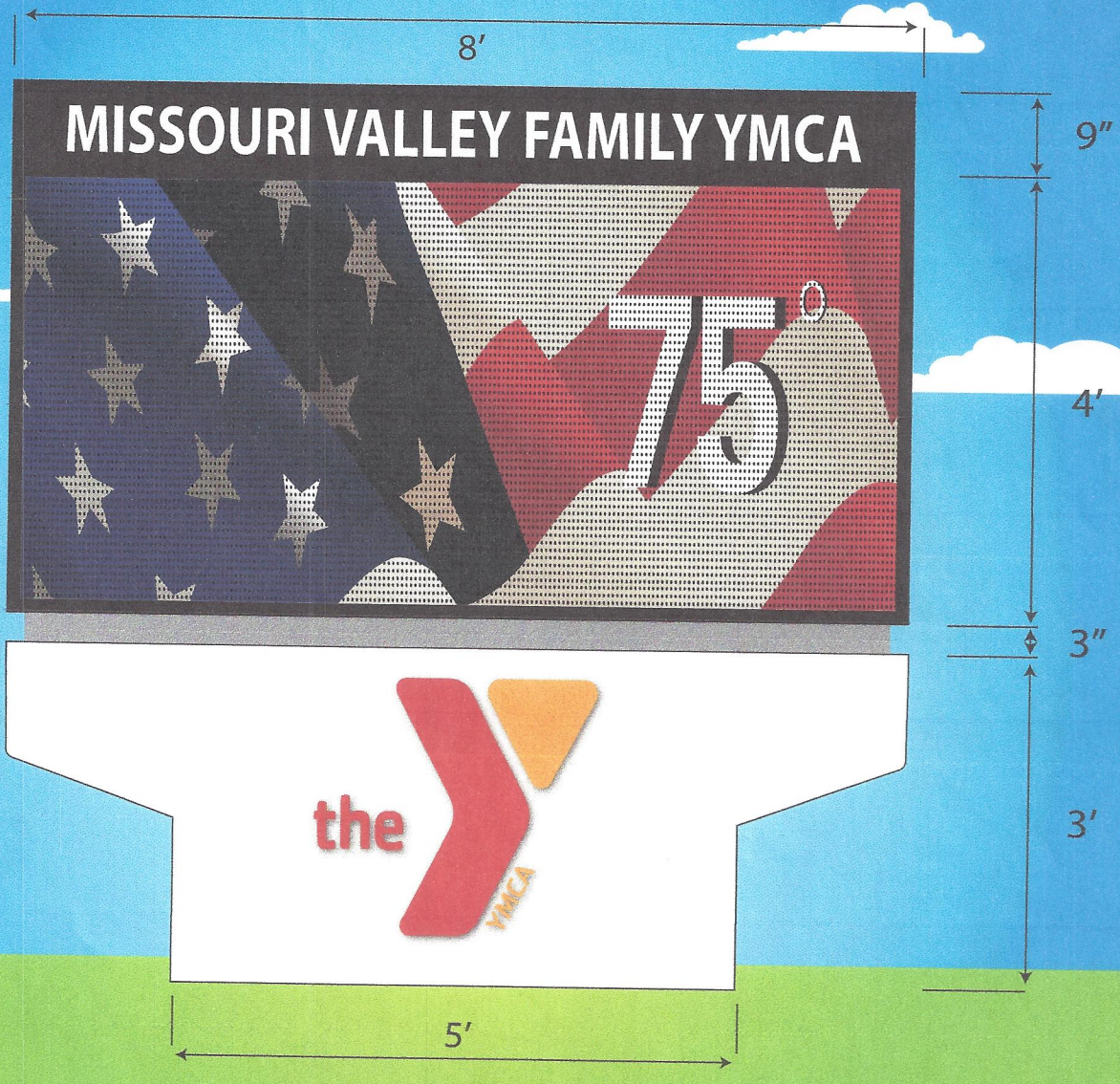


SCALE 1" = 20'

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

LOT 1 BLOCK 1
YMCA ADDITION
SITE SIGNAGE LOCATION MAP

Monument Sign
Option 2



mann
SIGNS, INC
1401 s 12th st, suite 3
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT:
YMCA

APPROVAL:
X

WORK ORDER #
37654

DUE TO VARIATIONS IN OUTPUT DEVICES, THE COLORS SHOWN HERE MAY NOT REFLECT ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN THIS ARTWORK ARE THE PROPERTY OF MANN SIGNS, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT FROM MANN SIGNS, INC.

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

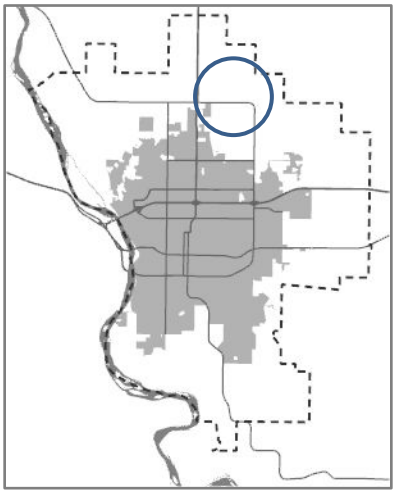
Agenda Item # 7
October 27, 2021

Application for: **Special Use Permit**

Project ID: **SUP2021-003**

Project Summary

Title:	Lot 1, Block 1, Hightop Acres Second Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Lana Sanders
Project Contact:	Rod Kraft (applicant)
Location:	North of Bismarck, north of 71st Avenue NE and east of 26th Street NE, in the northwest corner of the 73rd Avenue and Moonstone Lane intersection (7424 Moonstone Lane)
Project Size:	2,900 square foot
Request:	Increase allowable size of accessory structures to 2,900 square feet



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
Future Land Use:	Conventional Rural Residential	*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:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	9/2004	*Platted:*	10/1999	*Annexed:*	N/A

Staff Analysis

Lana Sanders and Rod Kraft are requesting approval of a special use permit to increase the total allowable square footage of accessory structures on a lot to 2,900 square feet for Lot 1,

(continued)

Block 1, Hightop Acres Second Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 15th and October 22nd, and 87 letters were mailed to the owners of nearby properties on October 15th.

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

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 101,500 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

There is an existing 1,395 square foot accessory structure and an 80 square foot shed on the property. The applicant is requesting approval for up to 2,900 square feet of accessory structure size in order to construct a 1,400 square foot addition to the existing accessory structure. The proposed addition would be constructed with 16-foot sidewalls and a maximum building height of 25 feet.

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

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 Hay Creek Township Board of Supervisors has not provided a recommendation for the proposed special use;
4. 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;
5. Adequate public facilities and services are in place or would be provided at the time of development;
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
7. 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;
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. 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 area of accessory buildings to 2,900 square feet

(continued)

on Lot 1, Block 1, Hightop Acres Second Subdivision.

Attachments

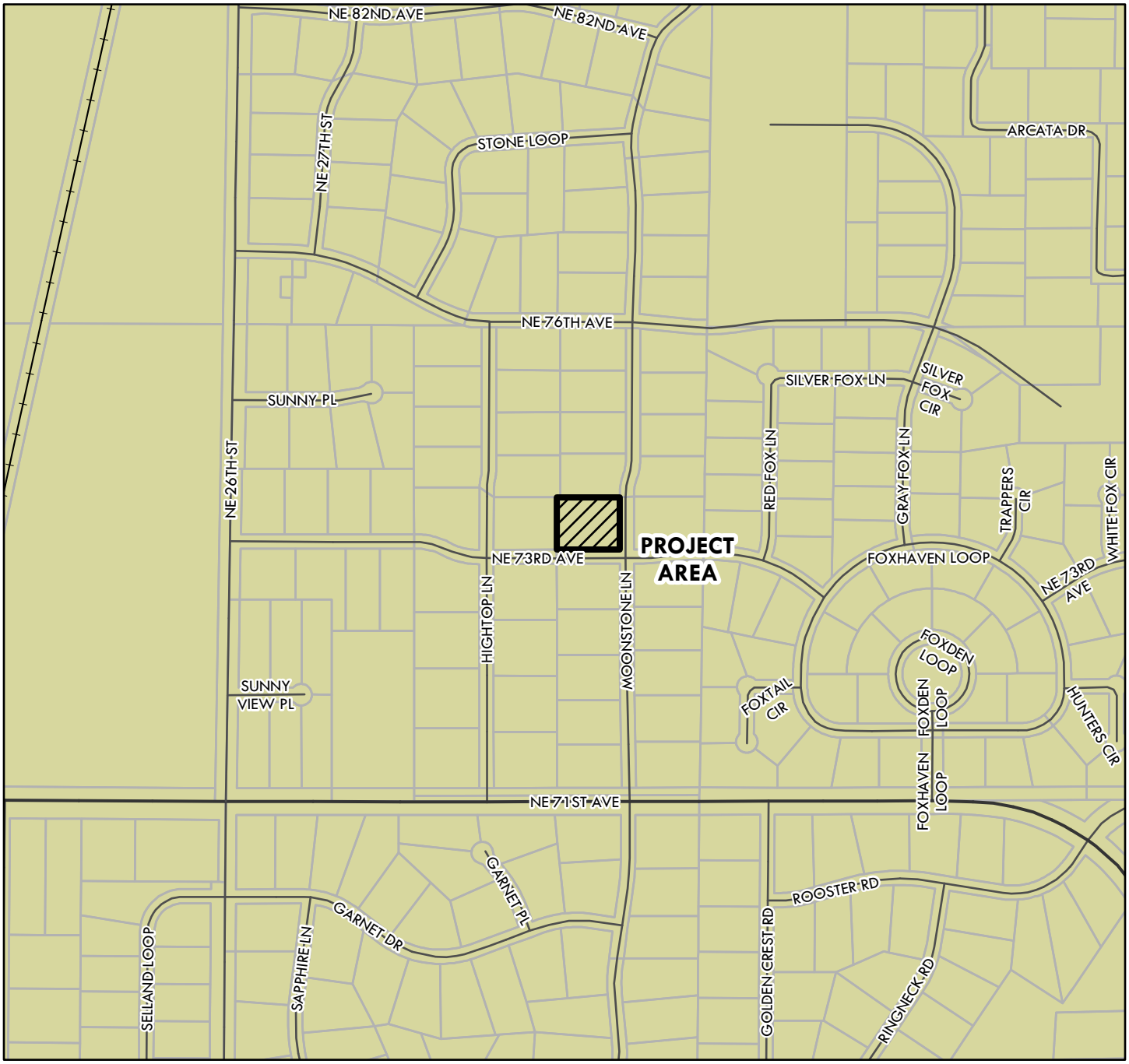
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Building Exterior Elevation Drawings

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

Location Map

HIGHTOP ACRES SECOND SUBDIVISION, L1, B1

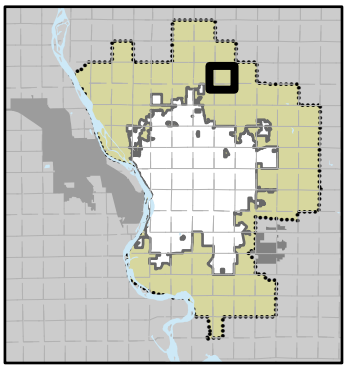
SUP2021-023



Miles

0 0.17 0.35 0.7

N



Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

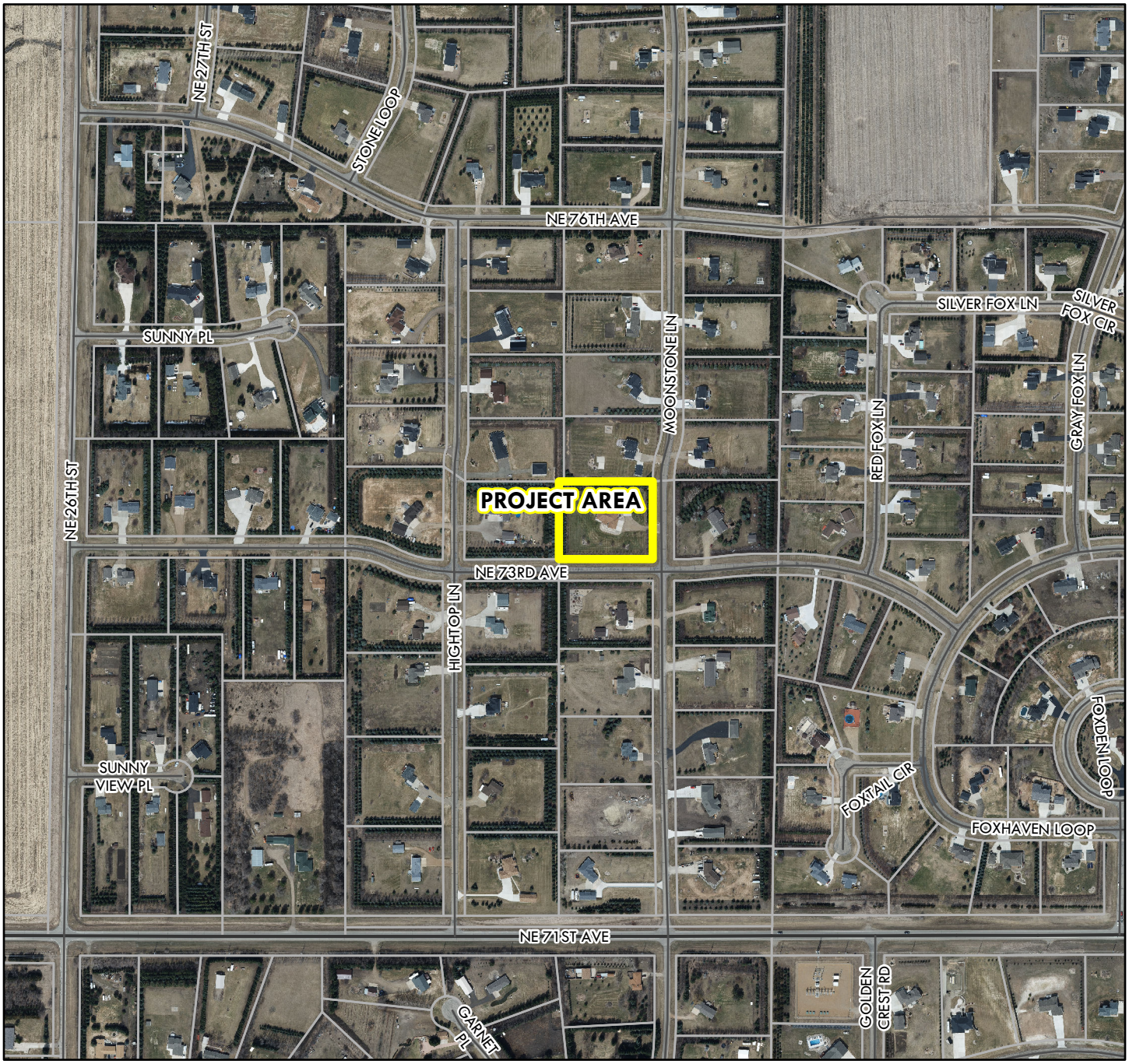
City of Bismarck
Community Development Department
Planning Division
September 24, 2021 (HLB)

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

HIGHTOP ACRES SECOND SUBDIVISION, L1, B1

SUP2021-023



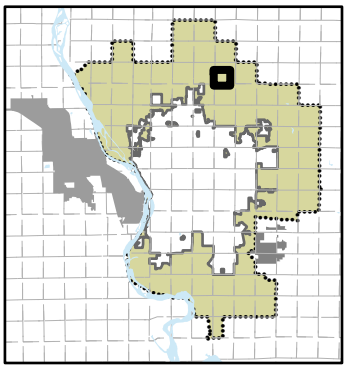
0 0.13 0.25 0.5 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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



Zoning and Plan Reference Map

HIGHTOP ACRES SECOND SUBDIVISION, L1, B1

SUP2021-023

Zoning Districts

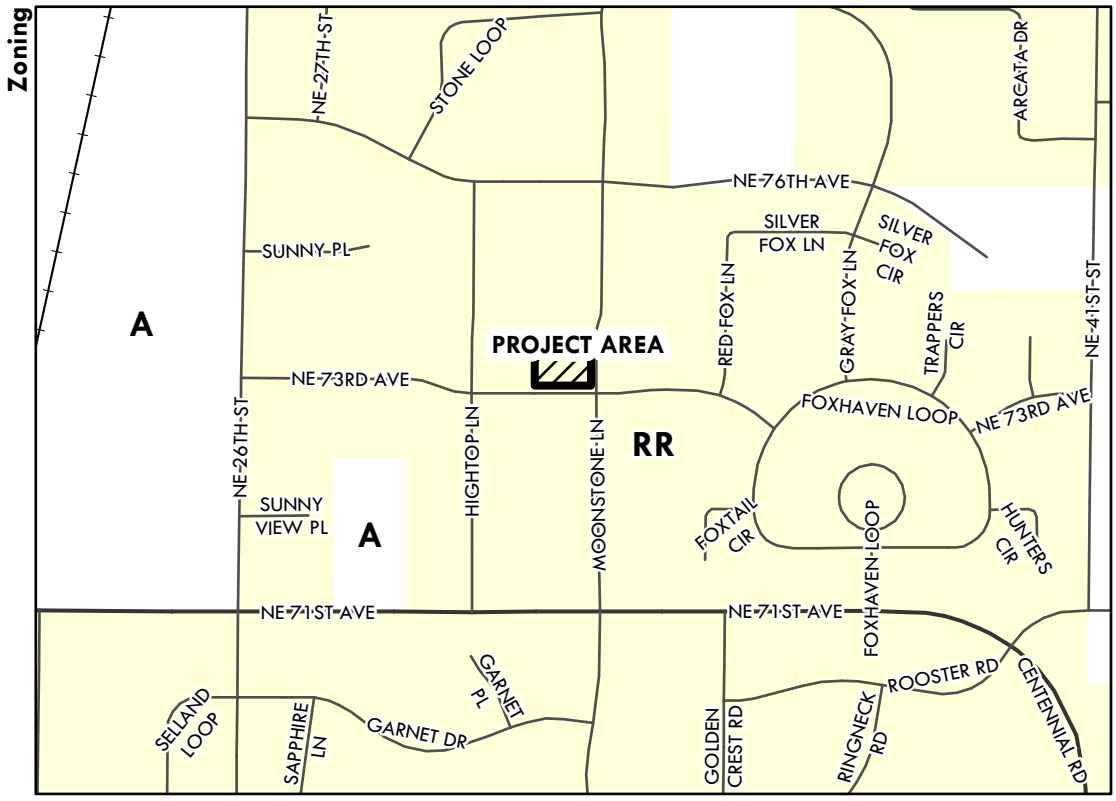
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

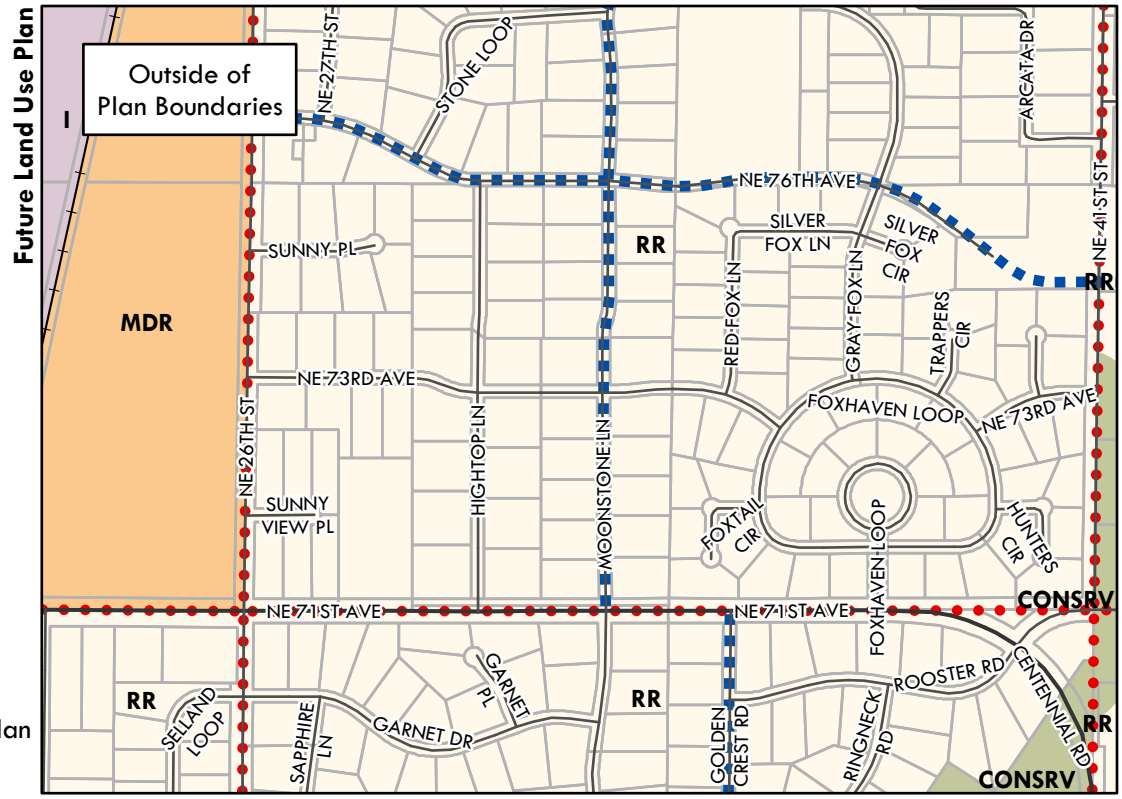
Future Land Use Plan

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





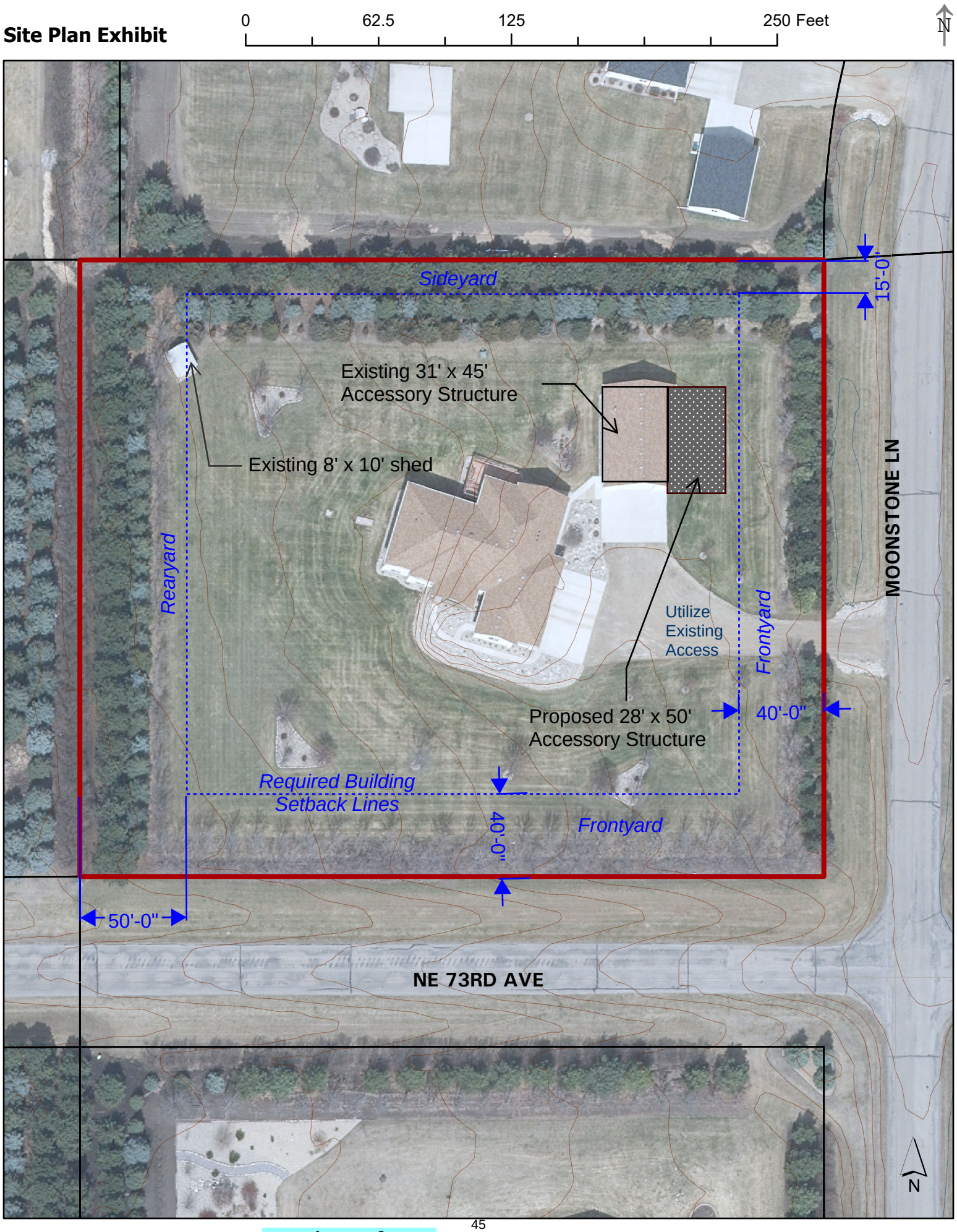
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Miles

0 0.15 0.3 0.6

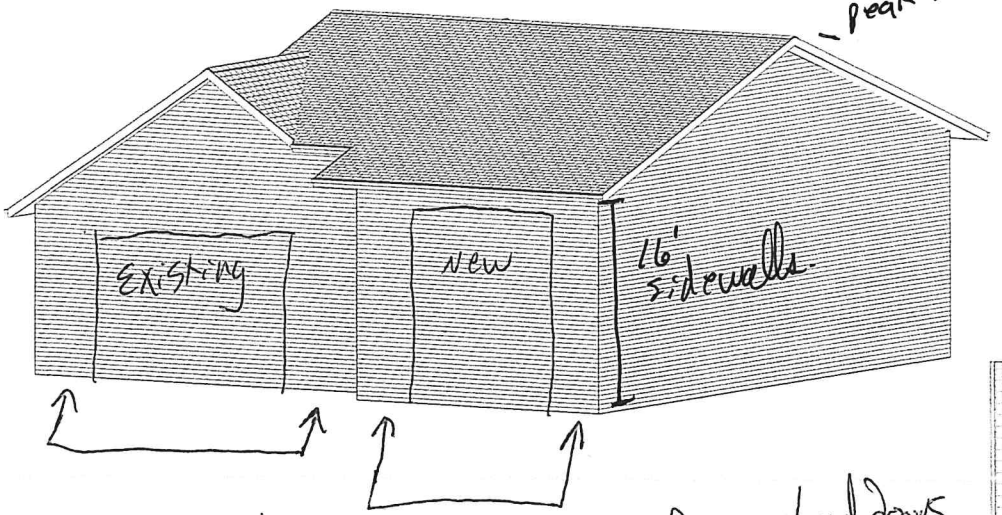
City of Bismarck
Community Development Dept.
Planning Division
October 18, 2021

Site Plan Exhibit

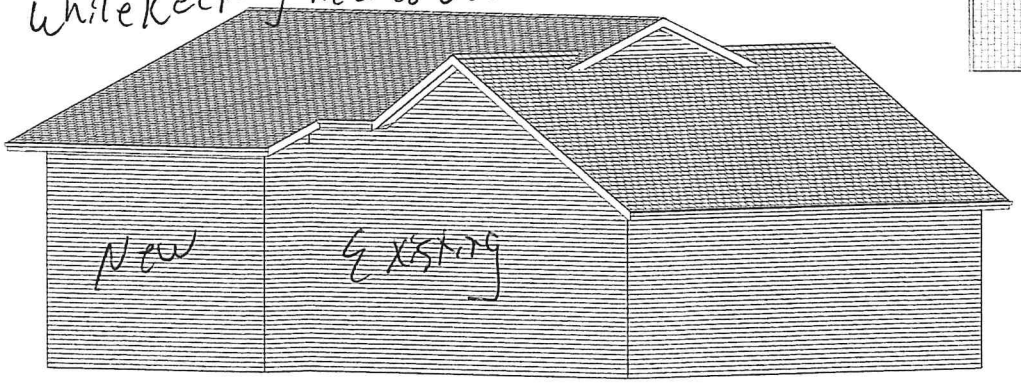


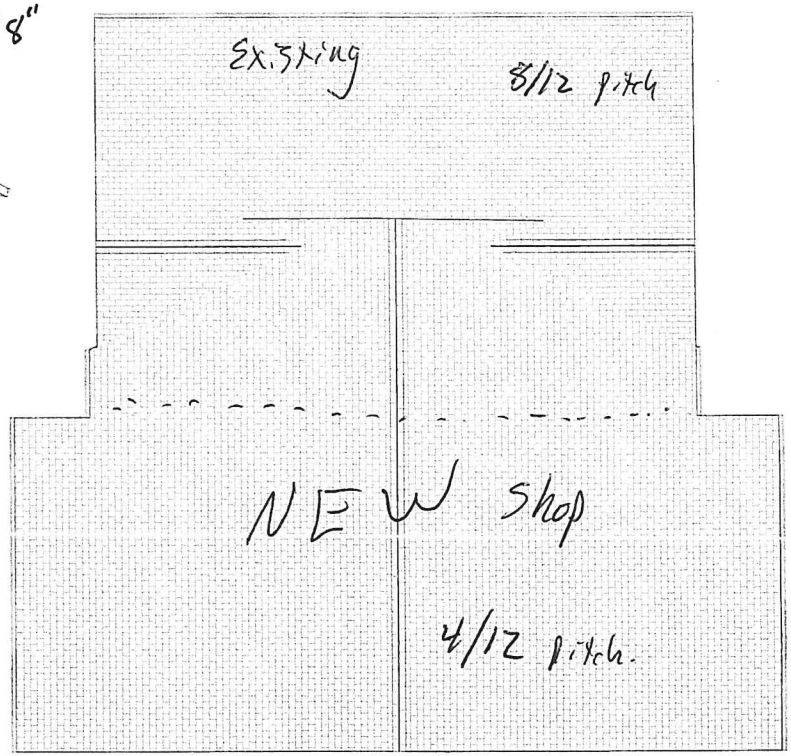
Drawn by: WH | Confirmed by: Rod Kraft

5/26/2021



match distances on side of overhead doors while keeping needed door size





HOPFAUF CUSTOM BLDRS.

DRAWN BY: K.A.L.	These plans and elevations are only conceptual and give the client and example of what is to be built. The contractor and homeowner are responsible for verifying the dimensions and structural requirements. The draftsman can not be held responsible for any inaccurate information that may lead to additional costs or delays.
DATE:	

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 22, 2021

The Bismarck Planning & Zoning Commission met on September 22, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Vice Chair Laning presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Cole Johnson, Vernon Laning, Paul Levchak, Gabe Schell, Trent Wangen and Paul Zent.

Commissioners Brian Bitner, Kevin Martin, Mike Schwartz and Wendy Van Duyne were absent.

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

MINUTES

Vice Chair Laning called for consideration of the minutes of the August 25, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the August 25, 2021 meeting, as presented. Commissioner Johnson seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Wangen and Zent voting in favor of the motion.

CONSIDERATION

2. **LOT 3, BLOCK 1, CAPITAL ELECTRIC HEADQUARTERS ADDITION AND LOT 3, BLOCK 1, BUFFALO JUMP ADDITION – ZONING CHANGE**
3. **AUDITOR'S LOT 12 AND PARTS OF AUDITOR'S LOTS 11, 17, 18, 19 AND 20, PARK HILL AUDITOR'S LOTS**

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

PUBLIC HEARING – ZONING CHANGE
BLOCKS 11 AND 12, NORTHERN PACIFIC ADDITION

Vice Chair Laning called for the public hearing on a City-initiated zoning change from the RT – Residential, RM30 – Residential, and PUD – Planned Unit Development zoning districts to the DF – Downtown Fringe zoning district for Blocks 11 and 12, Northern Pacific Addition.

The property is located in central Bismarck, bounded by East Avenue B, North 5th Street, East Avenue C, and North 3rd Street.

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

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

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

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

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

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

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

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

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

Mr. Nairn said based on these findings, staff recommends approval of the zoning change from the RT – Residential, RM30 – Residential, and PUD - Planned Unit Development zoning districts to the DF – Downtown Fringe zoning district for all of Blocks 11 and 12, Northern Pacific Addition.

Commissioner Levchak asked if this would change any of the off-street parking requirements.

Mr. Nairn said it would for the properties included in the request as off-street parking is not a requirement in the DF-Downtown Fringe zoning district.

Commissioner Levchak asked if the parking time durations have been studied. Mr. Nairn said they do periodically study that and in 2019 significant utilization of street parking or constraints were not found.

Vice Chair Laning opened the public hearing.

Kate Herzog, COO, Downtowners Association, said they submitted comments of support related to the zoning change and they do not see an issue with it changing to DF-Downtown Fringe. She said she likes that new development of those properties would now also require Downtown Design Review as well. The comments referenced are attached as Exhibit A.

Loran Galpin, 611 and 613 North 3rd Street, said he started developing historical properties in the 1980s with the intention of trying to save some of those properties. He said the changes happening are delightful and the City is providing encouragement to contributing properties. He said he visited with some of the adjacent property owners and they are excited for some new uses and opportunities as well. He added that his neighbor to the north plans to participate and he does not see any future parking problems. Mr. Galpin said reinvestment opportunities are there and people are anxious for them. He said he is in favor of and supports the efforts of the City.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the RT – Residential, RM30 – Residential, and PUD - Planned Unit Development zoning districts to the DF – Downtown Fringe zoning district for all of Blocks 11 and 12, Northern Pacific Addition. Commissioner Johnson seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (CREMATORIUM)
PART OF AUDITOR'S LOT A OF THE N½ OF THE NW¼ OF SEC 26, T139N-R80W/CITY LANDS

Vice Chair Laning called for the public hearing on a special use permit to allow a crematorium as an accessory use to Fairview Cemetery on part of Auditor's Lot A of the N½ of the NW¼ of Section 26, T139N-R80W/City Lands (being platted as Lot 3, Block 1, Fairview Cemetery Addition).

Mr. Nairn 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. Nairn said, based on these findings, staff recommends approval of the special use permit to allow a crematorium as an accessory use to Fairview Cemetery on part of Auditor's Lot A of the N½ of the NW¼ of Section 26, T139N-R80W/City Lands (being platted as Lot 3, Block 1, Fairview Cemetery Addition), with the following conditions:

1. The plat for Fairview Cemetery Addition is recorded and the associated zoning change takes effect.

2. Adequate fire protection measures are provided prior to site plan approval.

3. The crematorium continues to function as accessory to the adjacent cemetery.

Vice Chair Laning opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said they are still working on the best water line route for the site and have dedicated easements on the proposed plat. He said if it is found that additional easements are necessary they will be dedicated as needed.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the special use permit to allow a crematorium as an accessory use to Fairview Cemetery on part of Auditor's Lot A of the N½ of the NW¼ of Section 26, T139N-R80W/City Lands (being platted as Lot 3, Block 1, Fairview Cemetery Addition), with the following conditions: 1. The plat for Fairview Cemetery Addition is recorded and the associated zoning change takes effect; 2. Adequate fire protection measures are provided prior to site plan approval; and 3. The crematorium continues to function as accessory to the adjacent cemetery. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

UPDATE ON BODEN ADDITION

Mr. Nairn said staff will be re-notifying the adjacent property owners when Boden Addition is ready to come back for its continued public hearing. He said there have not been many changes recently and the developer is working with Bismarck Parks and Recreation District with some decisions to be made in October. He said the request would then come back to this Commission once the plat has been revised and resubmitted to City staff.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

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

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Vernon Laning
Vice Chair

DRAFT

Sept 14, 2021

Bismarck Planning and Zoning Board

The Downtown Business Association of Bismarck which represents over 200 members with 9,000 employees, and along with our Downtown Bismarck Community Foundation, is lending support to the proposed zoning change of an area in north central Downtown Bismarck to Downtown Fringe zoning designation.

Our primary area of support is to facilitate infill on current undeveloped parcels and under-developed areas, while being sensitive to historically contributing structures in the area. The change to Downtown Fringe will also allow for the Downtown Design Review committee to weigh in on any development concepts in the area to ensure a better product.

Title: Blocks 11 and 12, Northern Pacific Addition
Status: Planning & Zoning Commission – Consideration
Owner(s): Various owners (see attachment)
Project Contact: Daniel Nairn, AICP
Location: In central Bismarck, bounded by East Avenue B, North 5th Street, East Avenue C, and North 3rd Street
Project Size: 6.67 Acres
Request: Rezone to Downtown Fringe to address nonconformities and facilitate redevelopment/reuse

Kate Herzog, COO
Chief Operating Officer
Downtowners Bismarck

President
Downtown Council

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2021

	**********City**********				**********ETA**********			
	9/2021		9/2020		9/2021		9/2020	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	24	$6,806,222.41	20	$4,571,640.58	4	$1,534,031.32	9	$3,111,450.20
ROWHOUSE (2) 1-HR FIRE SEPARATION	34	$7,673,473.83	20	$3,942,150.98	0	$0.00	0	$0.00
THREE OR FOUR UNIT	0	$0.00	3	$606,297.34	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	1	$0.00	1	$0.00	0	$0.00
RESIDENTIAL ADDITION	5	$156,913.10	3	$110,597.80	2	$60,843.00	5	$186,796.96
DETACHED GARAGE	2	$20,850.00	3	$24,206.00	7	$271,300.00	7	$141,018.00
DECKS\PORCHES & COVERED PORCHES	11	$35,229.50	11	$41,811.75	0	$0.00	4	$16,528.75
SWIMMING POOLS	1	$44,000.00	2	$158,000.00	2	$171,628.00	2	$136,520.00
RESIDENTIAL ALTERATION/OTHER	2	$7,000.00	2	$80,000.00	0	$0.00	1	$48,670.00
HOME OCCUPATION	1	$0.00	2	$0.00	0	$0.00	0	$0.00
STORAGE SHED	2	$5,820.00	2	$6,960.00	0	$0.00	0	$0.00
BASEMENT FINISH	2	$40,420.00	7	$127,650.00	0	$0.00	2	$32,700.00
COMMERCIAL BUILDINGS	0	$0.00	7	$0.00	0	$0.00	0	$0.00
RESIDENTIAL	4	$0.00	1	$0.00	0	$0.00	1	$0.00
NEW SIGN PERMITS	7	$54,664.30	7	$34,511.00	0	$0.00	0	$0.00
SIGN ALTERATION	0	$0.00	3	$51,700.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	1	$40,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	3	$234,400.00	5	$15,672,205.00	1	$179,890.00	0	$0.00
COMMERCIAL ADDITION	1	$40,000.00	1	$6,081,006.00	1	$2,800,000.00	0	$0.00
COMMERCIAL ALTERATION	14	$3,665,498.00	8	$678,100.00	0	$0.00	0	$0.00
Total	**116**	**$18,824,491.14**	**108**	**$32,186,836.45**	**18**	**$5,017,692.32**	**31**	**$3,673,683.91**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2021

	*******************City*******************				*******************ETA*******************			
	9/2021		**9/2020**		**9/2021**		**9/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	112	$1,753,000.00	133	$679,317.20	0	$0.00	0	$0.00
BUILDING MECHANICAL	129	$863,940.15	114	$1,400,101.00	25	$201,749.00	21	$130,680.00
BUILDING PLUMBING	59	$1,057,187.23	51	$1,021,776.00	8	$97,323.00	4	$29,500.00
BUILDING SEPTIC	0	$0.00	0	$0.00	5	$8,500.00	11	$15,000.00
Total	**300**	**$3,674,127.38**	**298**	**$3,101,194.20**	**38**	**$307,572.00**	**36**	**$175,180.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2021

	**********City**********		**********ETA**********	
	9/2021	**9/2020**	**9/2021**	**9/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	1	1	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	34	18	0	0
SINGLE FAMILY DETACHED	23	20	4	9
SWIMMING POOLS	0	0	0	0
THREE OR FOUR UNIT	0	3	0	0
Total	**59**	**42**	**5**	**9**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2021

	**********City**********				**********ETA**********			
	9/2021		9/2020		9/2021		9/2020	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	155	$43,007,255.67	147	$36,689,633.07	46	$16,700,180.03	44	$14,575,707.71
ROWHOUSE (2) 1-HR FIRE SEPARATION	138	$29,812,775.52	44	$8,838,376.15	2	$452,915.30	2	$429,629.68
2-UNIT DUPLEX OR CONDO	0	$0.00	1	$285,873.04	0	$0.00	0	$0.00
THREE OR FOUR UNIT	0	$0.00	7	$1,612,170.04	0	$0.00	0	$0.00
MULTI FAMILY RESIDENTIAL	0	$0.00	13	$1,500,000.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	21	$0.00	16	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	22	$1,253,447.17	11	$509,123.06	9	$741,101.40	19	$1,147,453.82
DETACHED GARAGE	26	$341,500.00	31	$591,765.50	53	$2,107,540.00	64	$2,148,519.50
DECKS\PORCHES & COVERED PORCHES	96	$669,281.45	138	$699,169.05	10	$51,744.00	21	$103,913.75
SWIMMING POOLS	12	$976,584.00	13	$835,497.00	7	$585,849.00	4	$275,020.00
RESIDENTIAL ALTERATION/OTHER	49	$1,660,182.13	35	$1,364,510.72	2	$83,825.77	9	$291,695.00
HOME OCCUPATION	4	$0.00	6	$0.00	1	$0.00	2	$0.00
STORAGE SHED	17	$53,800.00	12	$65,180.00	1	$2,880.00	4	$10,800.00
BASEMENT FINISH	70	$1,607,234.50	71	$1,397,477.89	9	$201,111.00	12	$179,109.50
COMMERCIAL BUILDINGS	0	$0.00	7	$0.00	0	$0.00	0	$0.00
RESIDENTIAL	10	$0.00	8	$0.00	0	$0.00	1	$0.00
COMMERCIAL	0	$0.00	3	$0.00	0	$0.00	0	$0.00
FIREWORKS SALES	0	$0.00	0	$0.00	7	$0.00	12	$0.00
NURSERY STOCK SALES	5	$0.00	0	$0.00	0	$0.00	0	$0.00
MISC TEMPORARY STRUCTURES	4	$0.00	6	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	87	$1,435,536.46	79	$1,035,072.00	0	$0.00	3	$25,175.00
SIGN ALTERATION	14	$245,697.00	17	$228,805.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	1	$40,000.00	1	$36,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	52	$51,510,926.21	24	$86,841,461.00	26	$14,917,813.00	8	$1,588,998.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2021

	*******************City*******************				*******************ETA*******************			
	9/2021		**9/2020**		**9/2021**		**9/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
COMMERCIAL ADDITION	5	$4,702,176.00	7	$10,850,205.00	2	$2,800,000.00	0	$0.00
COMMERCIAL ALTERATION	75	$25,635,714.86	100	$27,175,949.07	4	$4,643,457.00	5	$4,117,730.28
Total	**863**	**$162,952,110.97**	**797**	**$180,556,267.59**	**179**	**$43,288,416.50**	**210**	**$24,893,752.24**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2021

	**********City**********				**********ETA**********			
	9/2021		9/2020		9/2021		9/2020	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	763	$2,285,717.15	751	$269,648.00	2	$0.00	6	$0.00
BUILDING MECHANICAL	1114	$10,584,399.45	987	$16,519,049.65	207	$2,283,885.68	202	$2,133,826.53
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	350	$11,231,621.63	309	$11,911,826.31	89	$2,405,633.00	66	$1,708,069.18
BUILDING SEPTIC	0	$0.00	0	$0.00	26	$32,500.00	37	$21,850.00
Total	**2227**	**$24,101,738.23**	**2048**	**$28,723,523.96**	**324**	**$4,722,018.68**	**312**	**$3,866,745.71**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2021

	*******************City*******************		*******************ETA*******************	
	9/2021	**9/2020**	**9/2021**	**9/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	133	144	0	0
MULTI FAMILY RESIDENTIAL	0	22	0	0
MANUFACTURED HOMES	13	13	0	0
2-UNIT DUPLEX OR CONDO	0	0	0	0
BASEMENT FINISH	0	2	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	1
DETACHED GARAGE	0	1	2	3
RESIDENTIAL ADDITION	1	2	0	1
RESIDENTIAL ALTERATION/OTHER	1	3	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	129	41	2	2
SINGLE FAMILY DETACHED	143	142	42	38
SWIMMING POOLS	1	1	0	0
THREE OR FOUR UNIT	0	11	0	0
Total	**421**	**382**	**46**	**45**