Bismarck COMMUNITY DEVELOPMENT

PLANNING AND ZONING COMMISSION

MEETING AGENDA
January 26, 2022

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.

TERMS and OATHS OF OFFICE

1. Planning & Zoning Commission Terms and Oaths of Office

MINUTES

2. Consider approval of the minutes of the December 15, 2021 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for public hearings.

3. **Lot 1, Block 1, Cottonwood Parkview Addition** (JW)……6

Zoning Change | ZC2021-014 | *Consideration*

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

4. **N½ of Section 7, T139N-R79W/Gibbs Township** (WH)……13

Fringe Area Road Master Plan Amendment | FRMP2021-001 | *Consideration*

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

5. **Part of Section 21, T138N-R80W/Lincoln Township (Paradise Valley)** (WH)….18

Future Land Use Plan Amendment | FLUP2022-001 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

6. **Part of Silver Ranch Third Addition** (DN)……27

Annexation | ANNX2021-010 | *Final Consideration*

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

7. **Part of Silver Ranch First Addition First Replat &**
Part of Silver Ranch Second Addition (DN)……35

Annexation | ANNX2021-011 | *Final Consideration*

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

8. **South Meadows Addition Third Replat** (JW)……42

Minor Subdivision Final Plat | MPLT2021-012 | *Public Hearing*

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

9. **Part Lot 5, Block 1, Wachter's North Addition and Lot 5, Block 1, Pebble Creek 6th Addition** (WH).....9

Special Use Permit (Child Care Center) | SUP2021-025 | *Continued Public Hearing*

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

OTHER BUSINESS

10. **Election of Officers**

Election of Chair
Election of Vice Chair

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for February 23, 2022.

Enclosures: Meeting Minutes of December 15, 2021
Building Permit Activity Month to Date Report for December 2021
Building Permit Activity Year to Date Report for December 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.

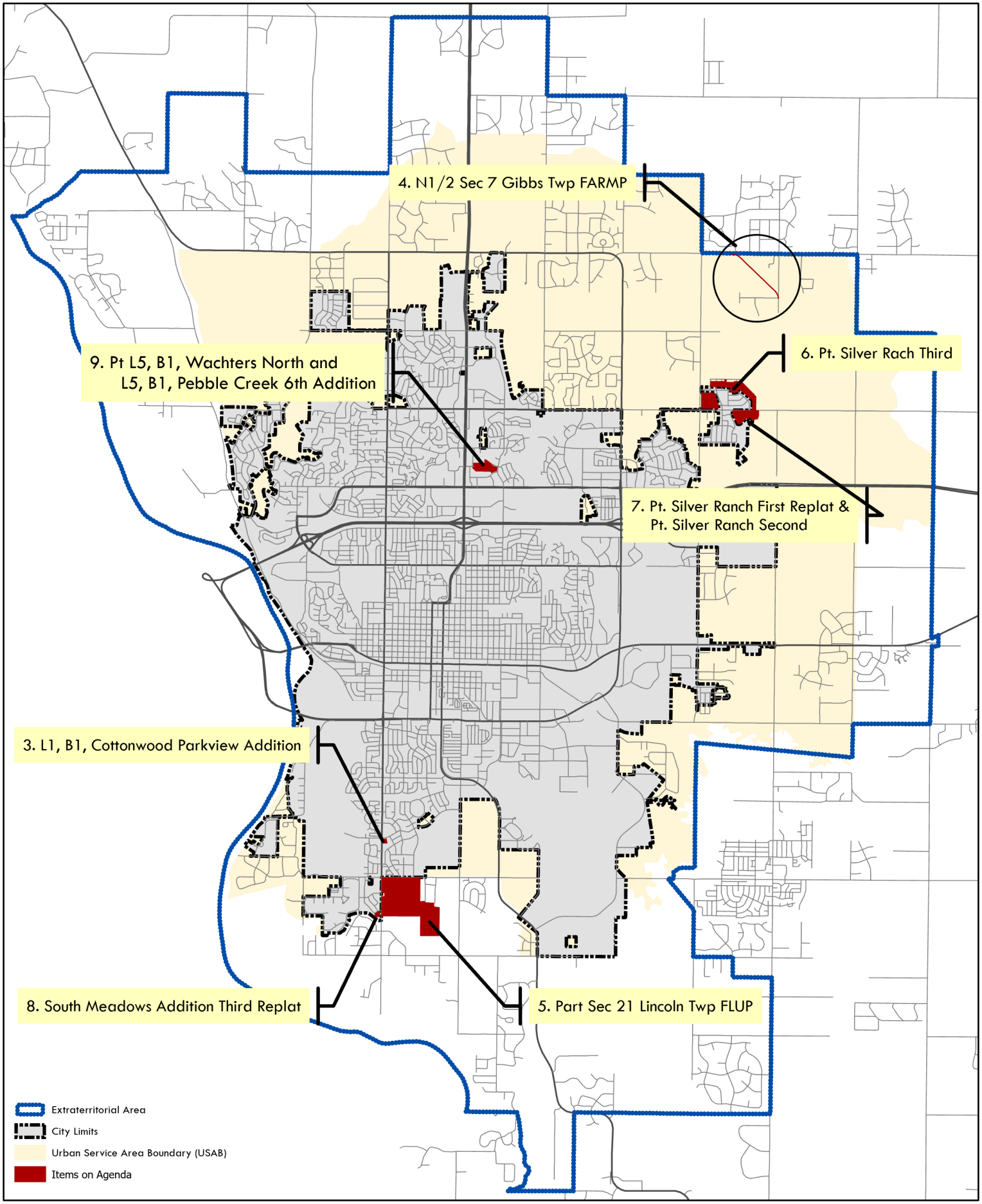
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 - January 26, 2022



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

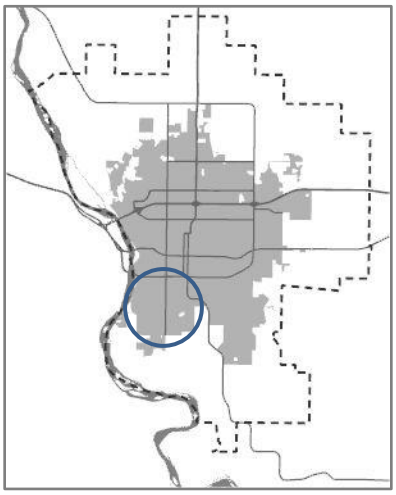
Agenda Item # 3
January 26, 2022

Application for: **Zoning Change**

Project ID: **ZC2021-014**

Project Summary

Title:	Lot 1, Block 1, Cottonwood Parkview Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Western Partners LLP
Project Contact:	Sean Weeks, Ackerman-Estvold
Location:	In southwest Bismarck, south of East Wachter Avenue and north of East Burleigh Avenue, in the southeast quadrant of the intersection of Santa Fe Avenue and South Washington Street
Project Size:	96,561 square feet
Request:	Rezone property to allow for future carwash and drive-through as special uses, as both require CG – Commercial zoning



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	General commercial
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	Conditional CA - Commercial	*Zoning:*	Conditional CG - Commercial
Uses Allowed:	Conditional CA – Neighborhood commercial	*Uses Allowed:*	Conditional CG – General commercial, multi-family residential, and offices
Max Density:	Conditional CA – 30 units / acre	*Max Density:*	Conditional CG – 42 units / acre

Property History

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

Staff Analysis

(continued)

Western Partners LLP is requesting approval of a zoning change from the Conditional CA – Commercial zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition.

Adjacent uses include existing multifamily residential to the north across Santa Fe Avenue, undeveloped R10 – Residential and RM – Residential zoned property to the east across Baltimore Drive, undeveloped RM – Residential zoned property to the south, and existing multifamily residential to the west across South Washington Street.

Background Information

Prior to this property being platted and zoned, the Future Land Use Plan in the 2014 Growth Management Plan, as amended, identified this area as Medium Density Residential (MDR) which allows for residential uses. The Growth Management Plan also includes a development block concept for land use designations to encourage a mix of densities and land uses that provide goods and services to surrounding neighborhoods where appropriate, while preserving the residential nature of the area.

Based on this concept the owner requested to zone Lot 1 and Lot 2, Block 1, Cottonwood Parkview Conditional CA – Commercial with staff support. To ensure that development of these lots preserved the residential design and residential aesthetic of the area, the following conditions were also included:

1. The total building height shall be limited to two stories in height;
2. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses;
3. Illuminated signs will be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses and will be directed west toward South Washington Street; and,
4. The proposed buildings will be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses.

Additional Information

The CA – Commercial zoning district allows small scale uses that provide goods and services to the surrounding neighborhood. These areas are often walkable and may not depend on vehicle access. A filling station is permitted as a special use within this zoning district.

The CG – Commercial zoning district allows uses that provide goods and services on a larger community-wide and regional basis, although they can be walkable, they depend on vehicle access. A drive-through for food service and carwash are permitted within the CG – Commercial zoning district as a special use as they are both vehicle dependent.

The owner is proposing to keep the residential design and residential aesthetic conditions for the property. However, staff is unable to support the proposed zoning change for the following reasons: 1) the proposed zoning change is not justified by a change in conditions since the previous zoning classification was established; 2) the uses associated with the CG – Commercial zoning district are not compatible with the surrounding residential uses: and, 3) the proposed zoning change would not be supported by the Future Land Use Plan in the 2014 Growth Management Plan.

Required Findings of Fact (relating to land use)

1. The proposed zoning change does not conform to the Future Land Use Plan in

(continued)

the 2014 Growth Management Plan, as amended;

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the Conditional CA – Commercial zoning district to the Conditional CA – Commercial zoning district for Lot 1, Block 1, Cottonwood Parkview Addition, with the understanding that staff will recommend denial of the proposed zoning change.

Attachments

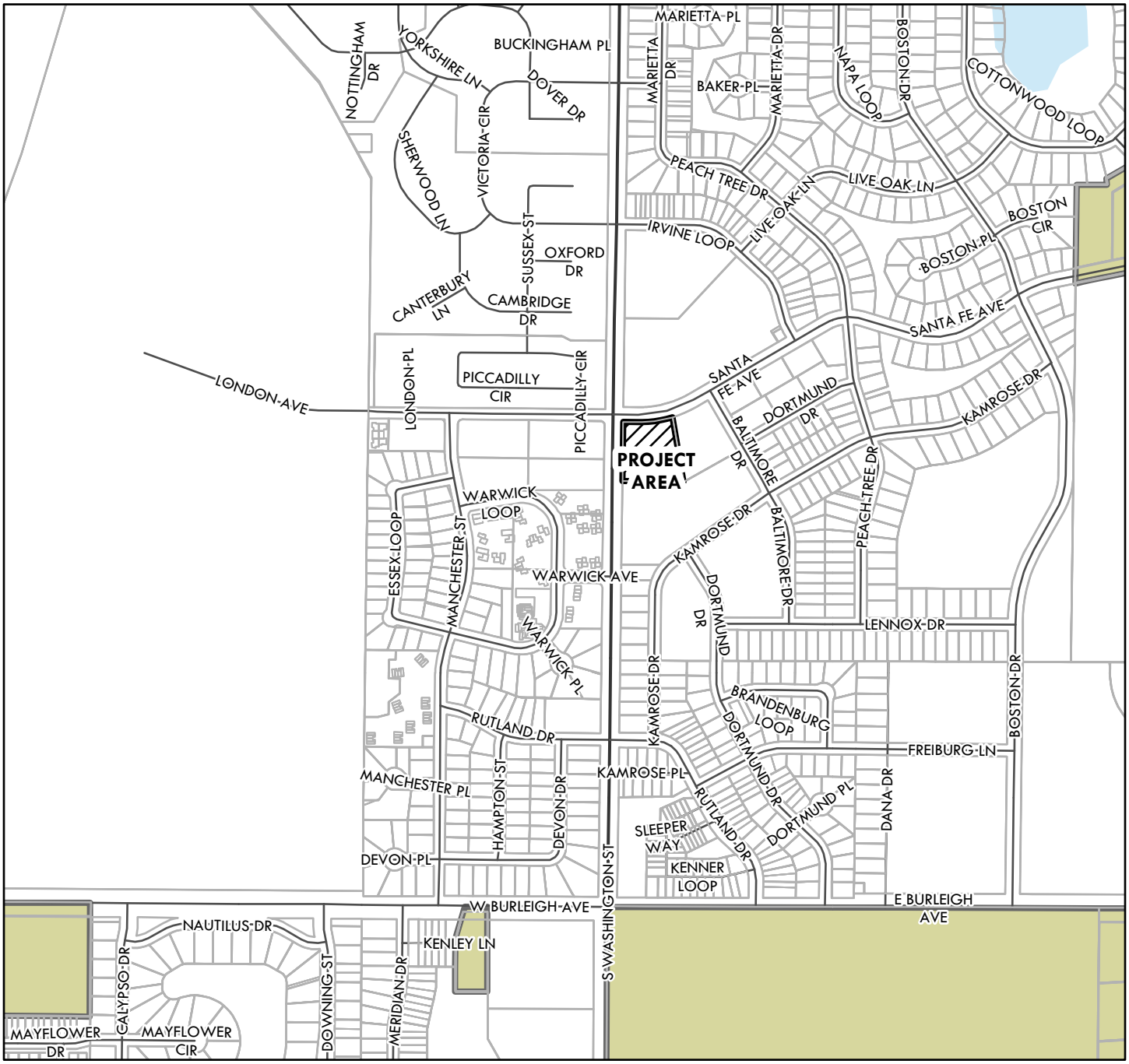
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

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

Location Map

COTTONWOOD PARKVIEW ADDITION, L1, B1

ZC2021-014



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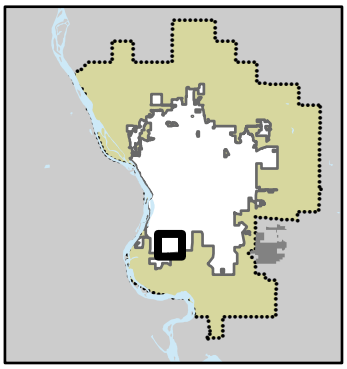


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

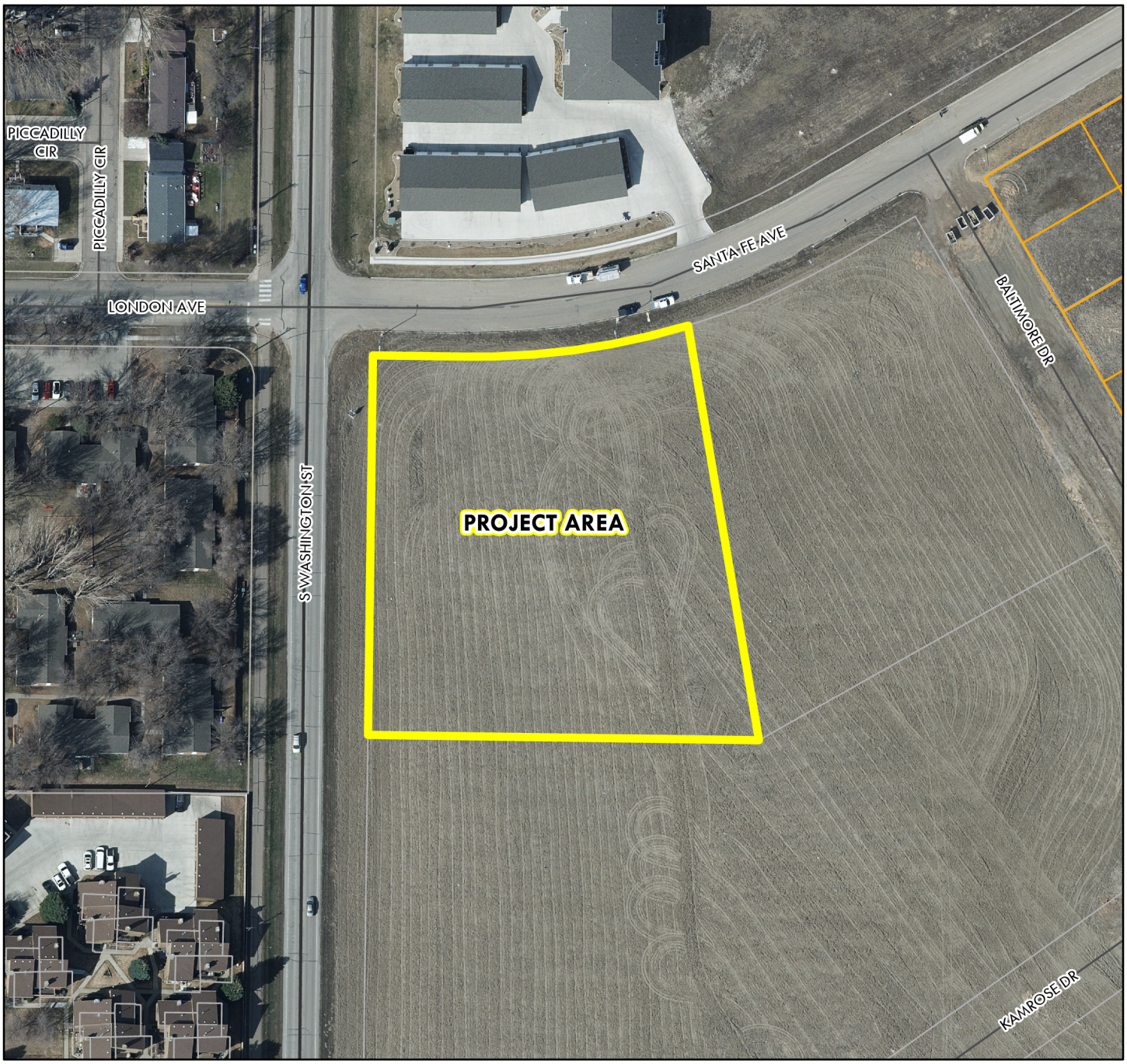
City of Bismarck
Community Development Department
Planning Division
December 29, 2021 (HLB)

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

COTTONWOOD PARKVIEW ADDITION, L1, B1

ZC2021-014



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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
January 20, 2022

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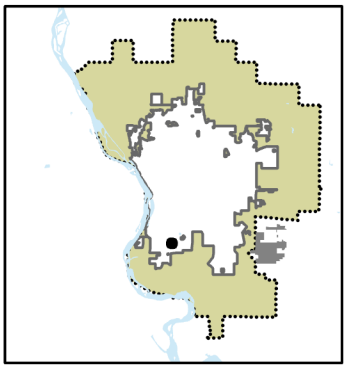


Zoning and Plan Reference Map

COTTONWOOD PARKVIEW ADDITION, L1, B1

ZC2021-014

Zoning Districts

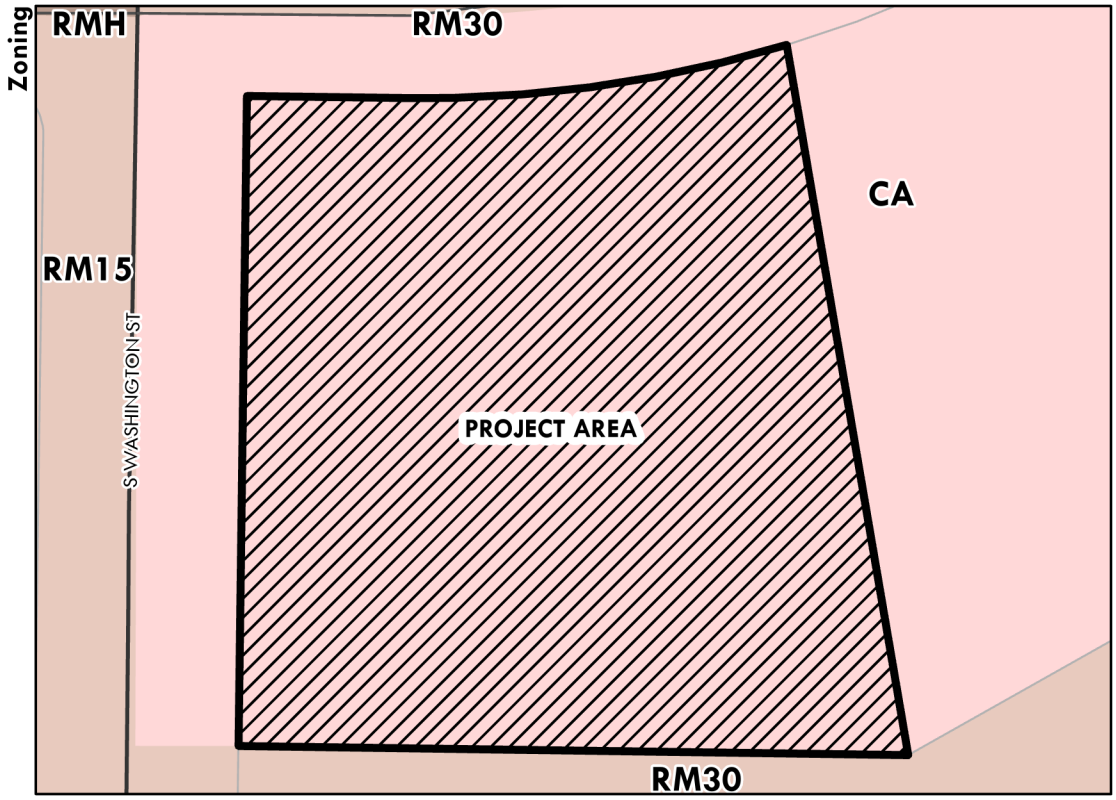
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

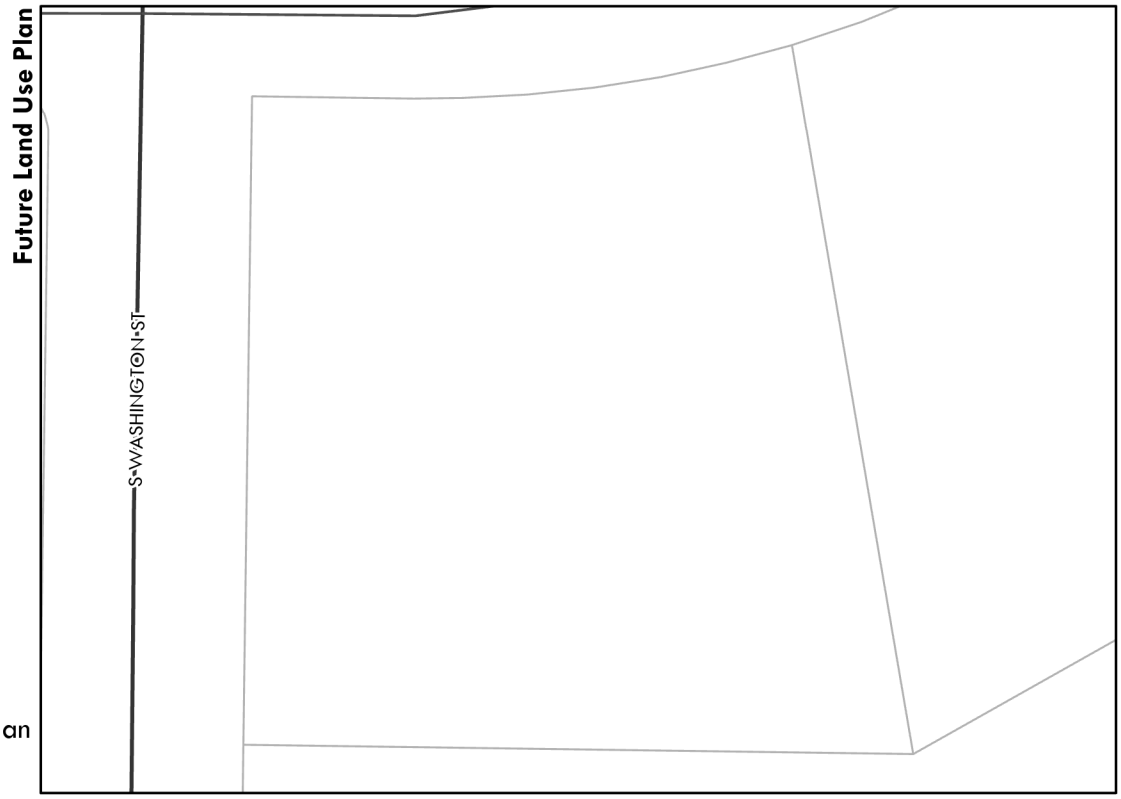
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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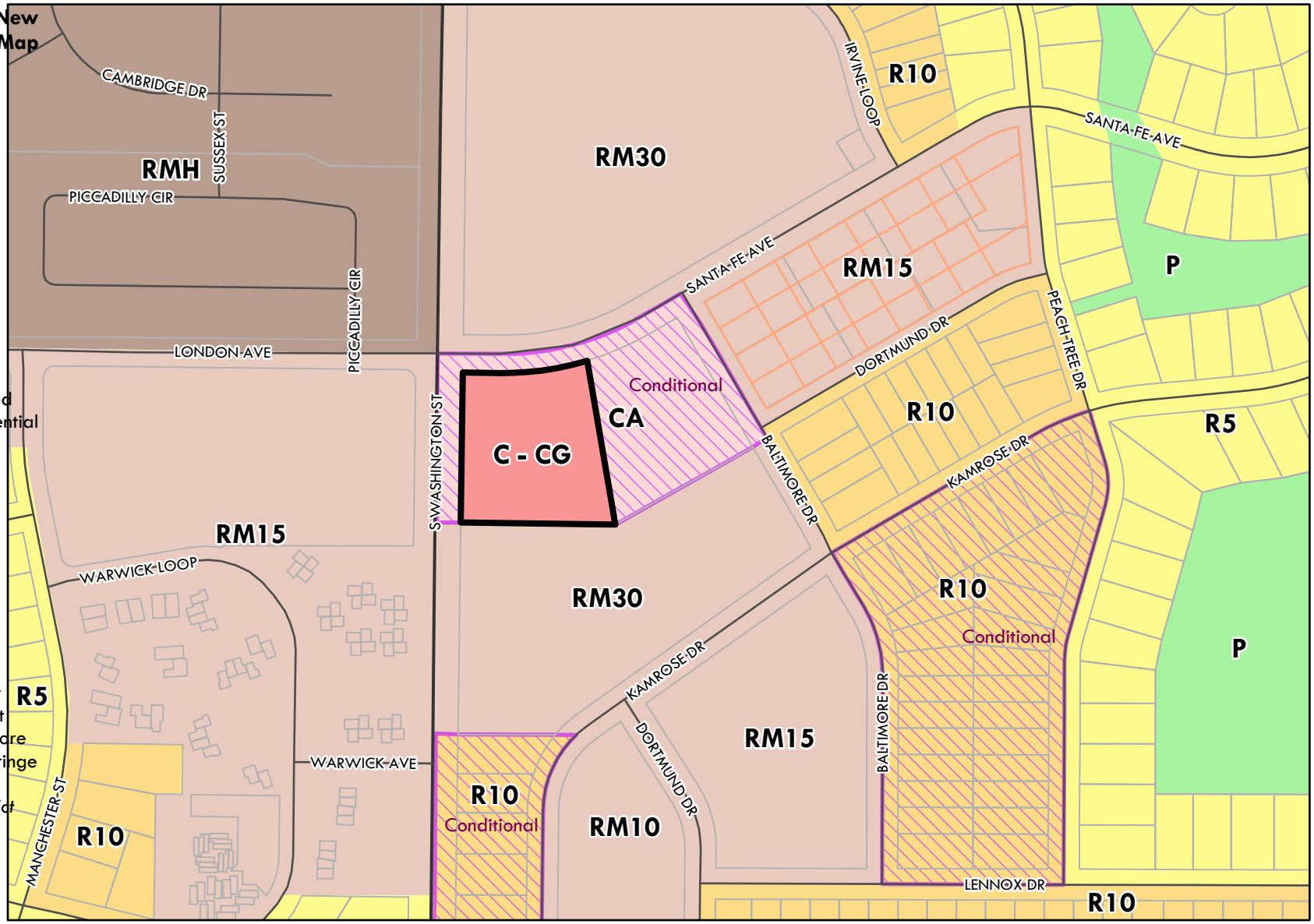
City of Bismarck
Community Development Dept.
Planning Division
January 20, 2022

Proposed Zoning Change

COTTONWOOD PARKVIEW ADDITION, L1, B1

ZC2021-014

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

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City of Bismarck
Community Development Dept.
Planning Division
January 20, 2022

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

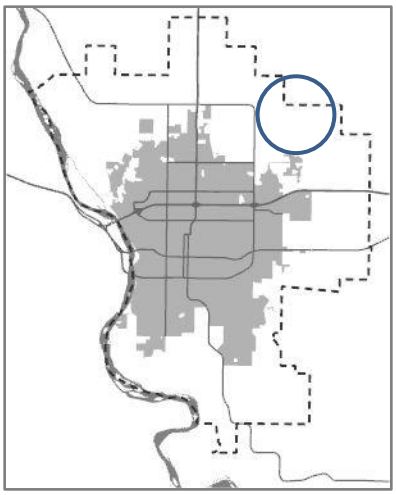
Agenda Item # 4
January 26, 2022

Application for: **Fringe Area Road Master Plan Amendment**

Project ID: **FRMP2021-001**

Project Summary

Title:	N½ of Section 7, T139N-R79W/Gibbs Township
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Multiple Owners
Project Contact:	Tim and Deb Staloch (impacted property owner)
Location:	Northeast of Bismarck along the south side of 71st Avenue NE and the west side of 66th Street NE
Project Size:	N/A
Request:	Relocate portion of beltway as identified in the Fringe Area Road Master Plan



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	8 parcels	*Number of Lots:*	8 parcels
Land Use:	Rural residential and agricultural	*Land Use:*	Rural residential and agricultural
Future Land Use:	Low Density Residential	*Future Land Use:*	Low Density Residential
Zoning:	A – Agricultural RR – Residential	*Zoning:*	A – Agricultural RR – Residential
Uses Allowed:	A – Agriculture RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	A – Agriculture RR – Large lot single-family residential and limited agriculture
Max Density:	A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet	*Max Density:*	A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet

Property History

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

Staff Analysis

(continued)

Tim and Deb Staloch are requesting an amendment to the Fringe Area Road Master Plan. The 2014 Fringe Area Road Master Plan includes a future beltway curve alignment that would traverse several properties running northwest to southeast between 71st Avenue NE and 66th Street NE. The intent of this alignment was to create a gradual beltway alignment transition between these two roadways.

City of Bismarck, Burleigh County Highway Department, and Bismarck-Mandan Metropolitan Planning Organization staff met with the applicant on November 17, 2021 and reviewed previous purpose and justification for the proposed alignment of the future beltway in this area. During this meeting staff reassessed the need for a curved alignment instead of a T or 90 degree intersection to connect 66th Street NE and 71st Avenue NE.

Staff is supportive of the change noting that the proposed curve can be eliminated, and the existing infrastructure can meet current needs. Future needs can be met by a potential four way stop intersection, roundabout, or traffic signal control. In the future, as traffic increases the intersection will continue to be monitored and studied by a Traffic Operations Report (when appropriate) to have the appropriate traffic intersection improvements identified and installed.

Staff also note that there is adequate room to install the previously mentioned intersection improvements.

Required Findings of Fact (relating to land use)

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The Gibbs Township Board of Supervisors has not yet recommended approval of the proposed amendment;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment 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 an amendment to the Fringe Area Road Master Plan within the N½ of Section 7, T139N-R79W/Gibbs Township.

Attachments

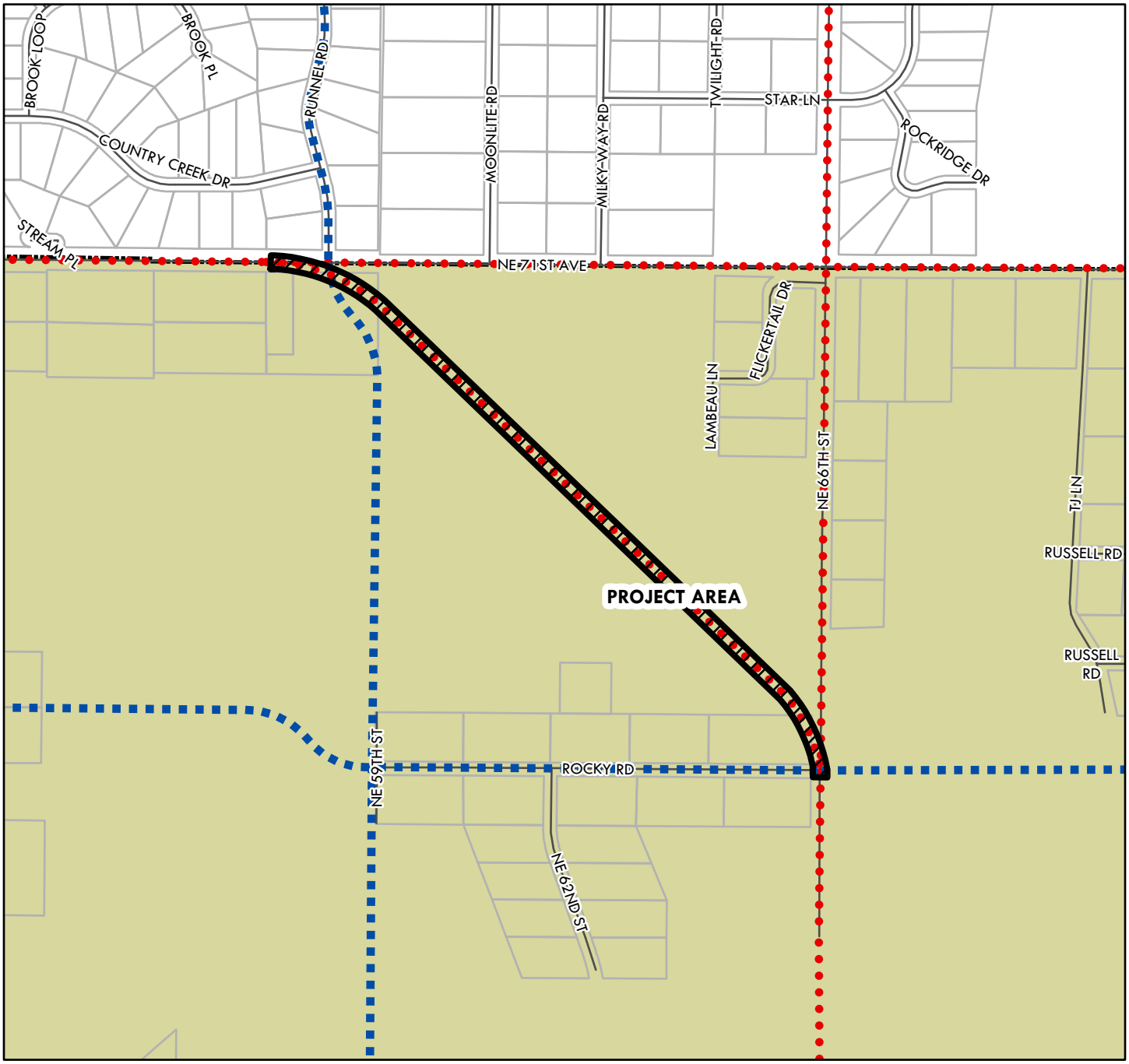
1. Location Map
2. Aerial Map
3. FARMP Amendment Map

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

Location Map

N 1/2 OF SECTION 7, GIBBS TOWNSHIP

FRMP2021-001



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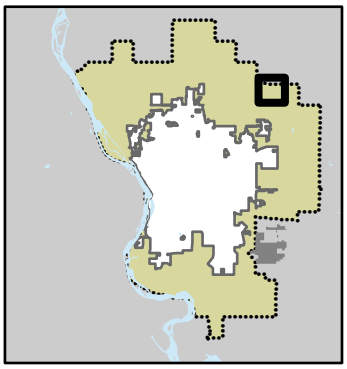

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 20, 2022 (HLB)

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Aerial Map

N 1/2 OF SECTION 7, GIBBS TOWNSHIP

FRMP2021-001

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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
January 20, 2022

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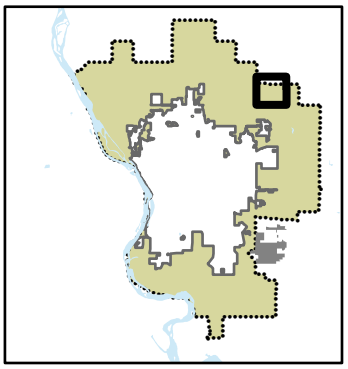
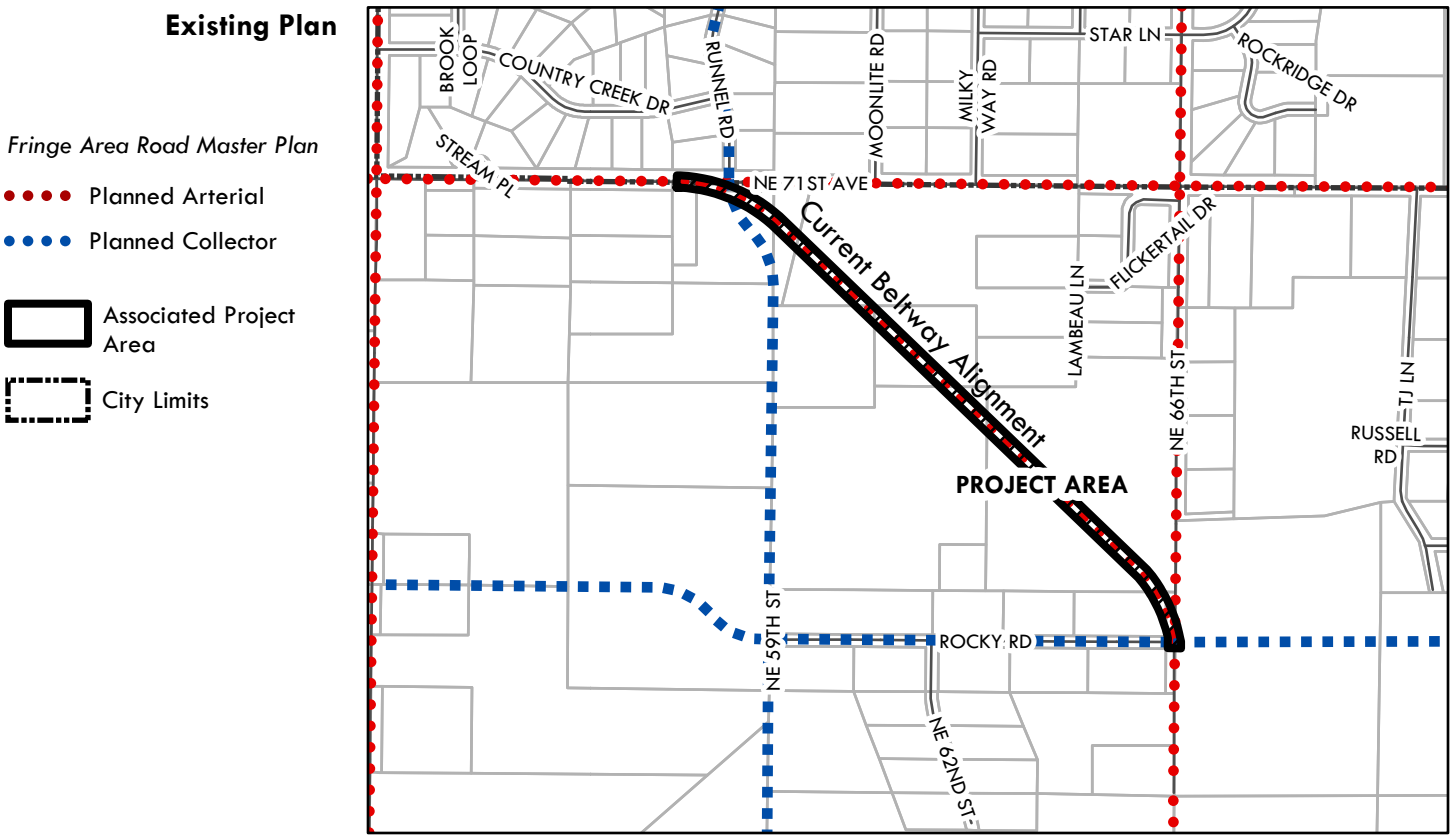


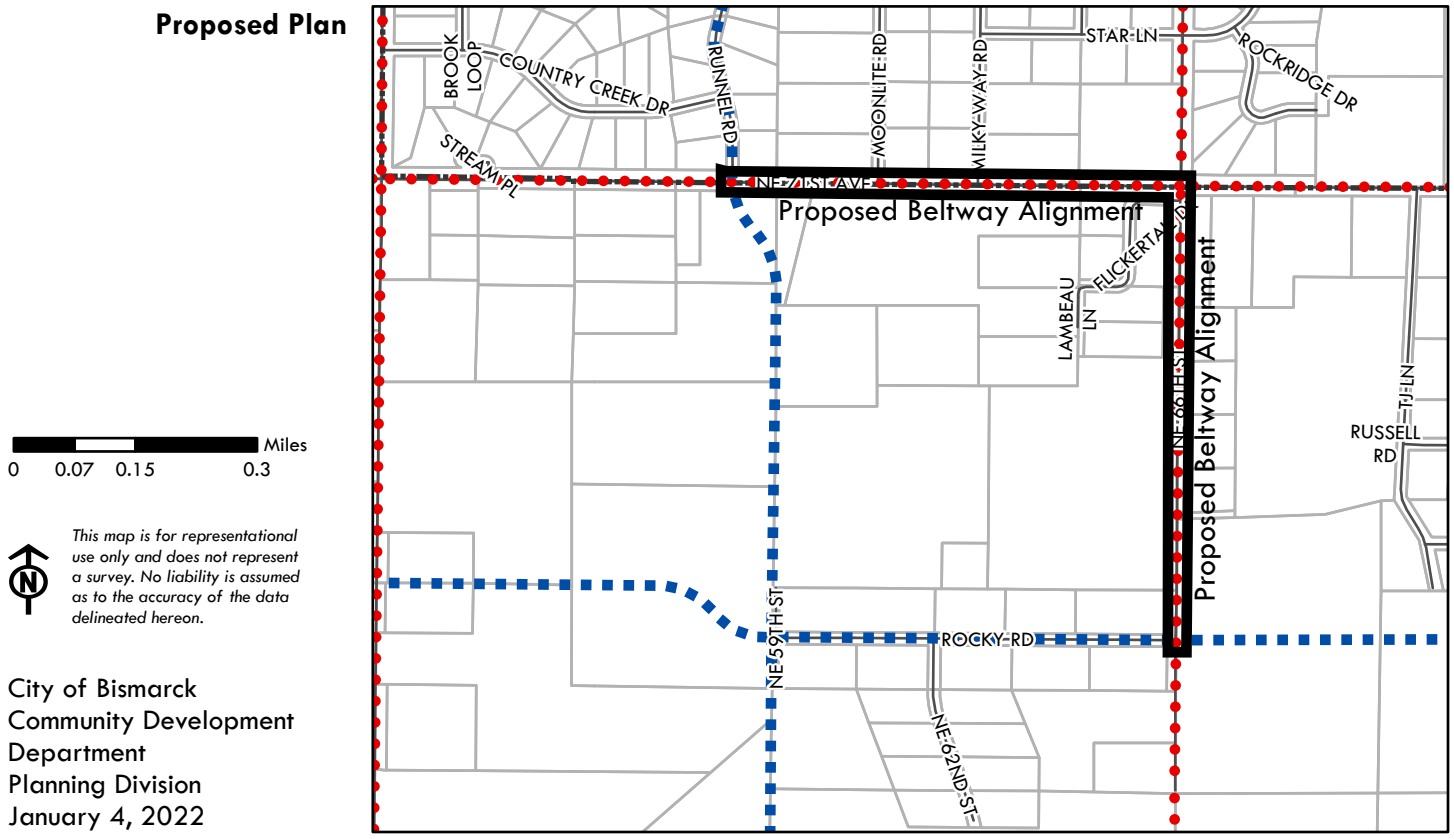
Fringe Area Road Master Plan Amendment Reference Map

FRMP2021-001

Existing Plan



Proposed Plan



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City of Bismarck
Community Development Department
Planning Division
January 4, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

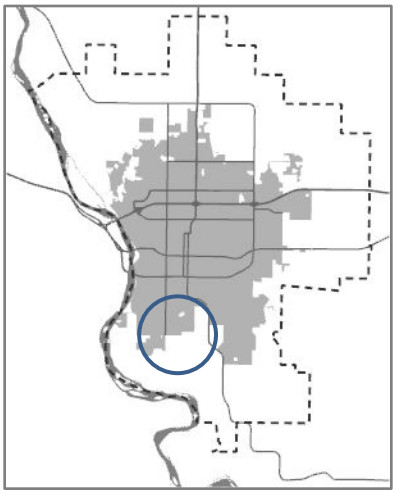
Agenda Item # 5
January 26, 2022

Application for: **Future Land Use Plan Amendment**

Project ID: **FLUP2022-001**

Project Summary

Title:	Part of Section 21, T138N-R80W/Lincoln Township (Paradise Valley Addition)
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Jolyn Moses and Ski Haven, L.L.P.
Project Contact:	Jon Lowry, PE, and Hanna Peterson, EIT, Lowry Engineering
Location:	South of Bismarck along the south side of East Burleigh Avenue and the east side of South Washington Street
Project Size:	225 acres more or less
Request:	Amend the Future Land Use Plan to modify the existing boundary between the Medium Density Residential and Commercial/Mixed Use land use designations and designate areas identified as Conventional Rural Residential as a Low Density Residential



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	*Number of Lots:*	TBD
Land Use:	Agricultural	*Land Use:*	Commercial and Residential
Future Land Use:	Conventional Rural Residential Medium Density Residential Commercial/Mixed Use	*Future Land Use:*	Low Density Residential Medium Density Residential Commercial/Mixed Use
Zoning:	RR – Residential	*Zoning:*	TBD
Uses Allowed	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	TBD
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	TBD

(continued)

Property History

Zoned:	Pre-2000	*Platted:*	N/A	*Annexed:*	N/A

Staff Analysis

Jolyn Moses and Ski Haven, L.L.P. are requesting approval of a Future Land Use Plan amendment to modify the existing boundary between the Medium Density Residential and Commercial/Mixed Use land use designations and designate areas identified as Conventional Rural Residential to Low Density Residential in part of Section 21, T138N-R80W/Lincoln Township. This request is in conjunction with other development action requests known as Paradise Valley that are expected to be introduced in upcoming months.

Adjacent land uses include developed and developing mixed-density residential uses to the north across East Burleigh Avenue, rural residential uses to the north and northeast, rural residential uses to the south, and two-family and multifamily residential and public uses to the west.

The proposed amendment would allow for a net increase in commercial and urban residential densities in this area. The existing future land uses were identified due to Special Flood Hazard Area/SFHA or 100-year floodplain and sewer serviceability constraints and in order to provide a neighborhood commercial node at the corner of South Washington Street and East Burleigh Avenue. The proposed amendment may be justified as long as it is in coordination with the applicants' planned infrastructure improvements to help mitigate stormwater, floodplain and sanitary sewer servicing issues associated with a larger development request and the commercial uses are limited in order to be harmonious with the surrounding residential land uses.

Required Findings of Fact (relating to land use)

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment 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 Future Land Use Plan Amendment within part of Section 21, T138N-R80W/Lincoln Township.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. FLUP Narrative Exhibit – Submitted by Applicant

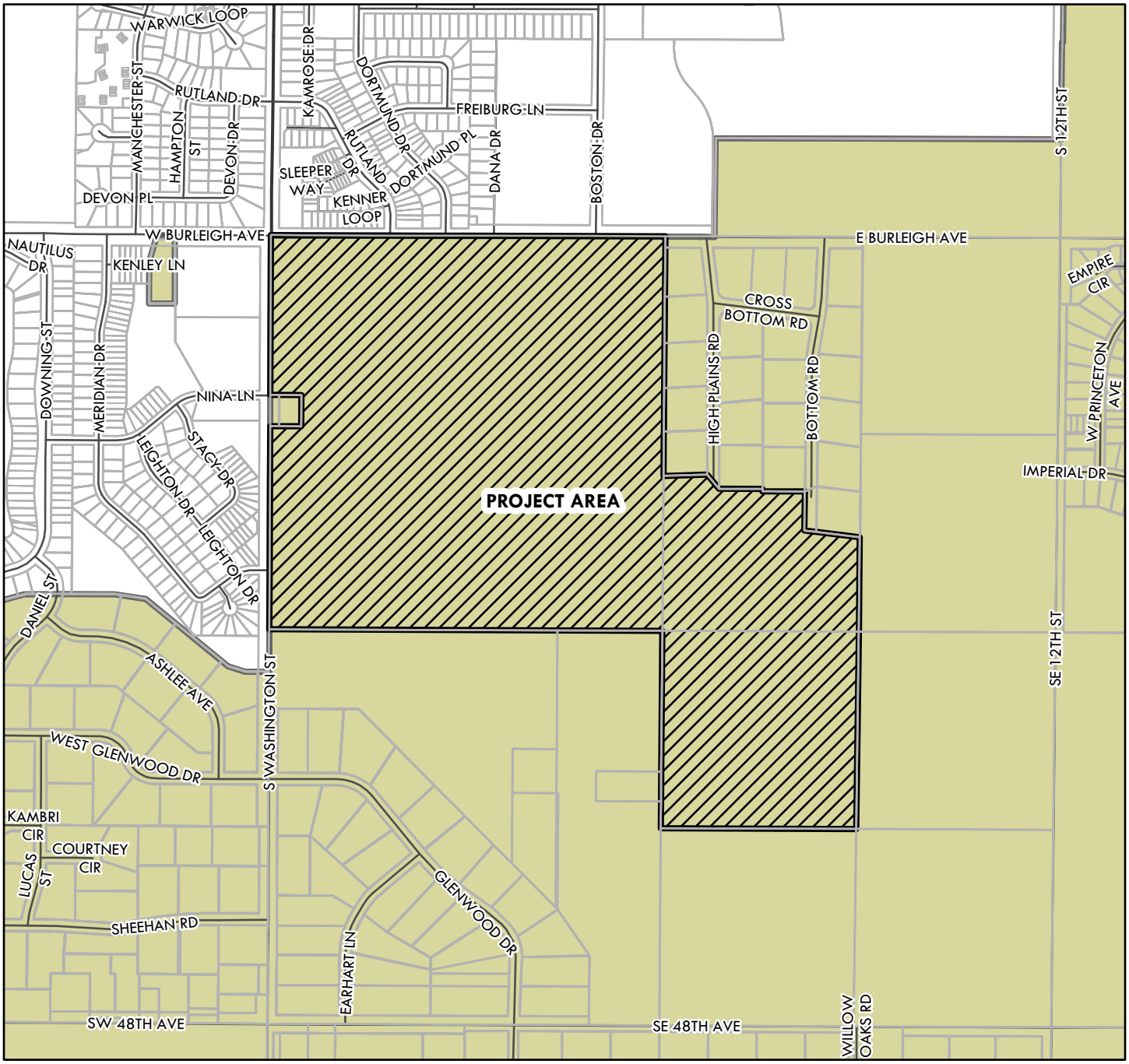
(continued)

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

Location Map

PARADISE VALLEY

PPLT2022-001
ANNX2022-001
ZC2022-001
FRMP2022-001
FLUP2022-001



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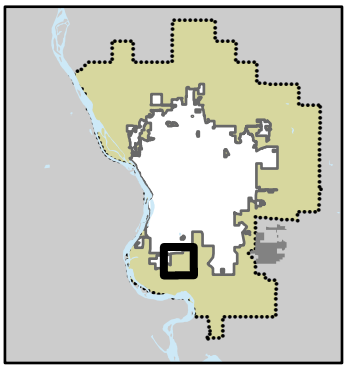


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

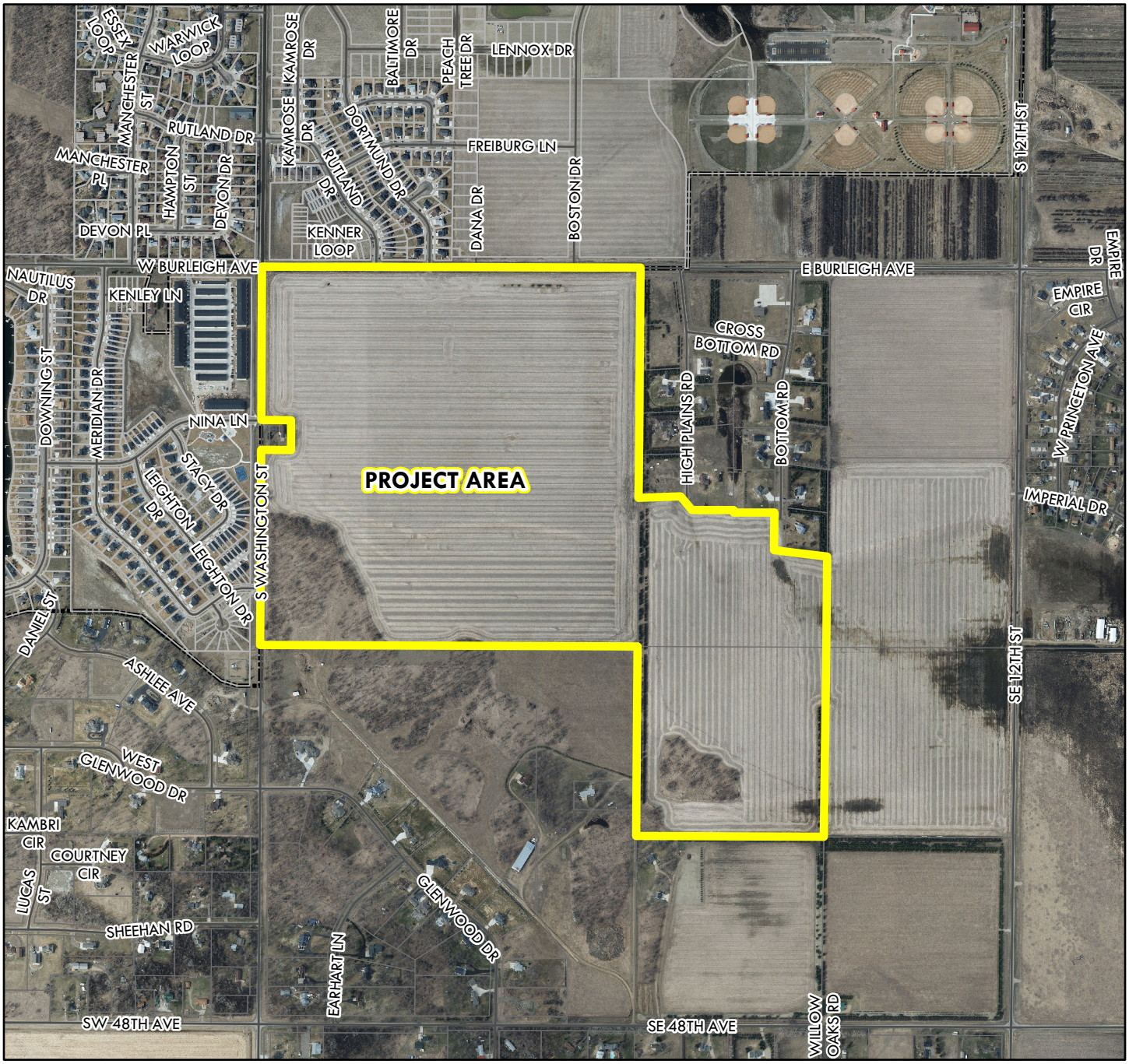
City of Bismarck
Community Development Department
Planning Division
January 5, 2022 (HLB)

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

PARADISE VALLEY

PPLT2022-001
ANNX2022-001
ZC2022-001
FRMP2022-001
FLUP2022-001



0 0.25 0.5 1 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
January 20, 2022

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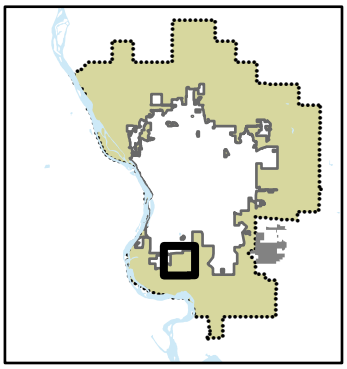


Zoning and Plan Reference Map

PARADISE VALLEY

PPLT2022-001
ANNX2022-001
ZC2022-001
FRMP2022-001
FLUP2022-001

Zoning Districts

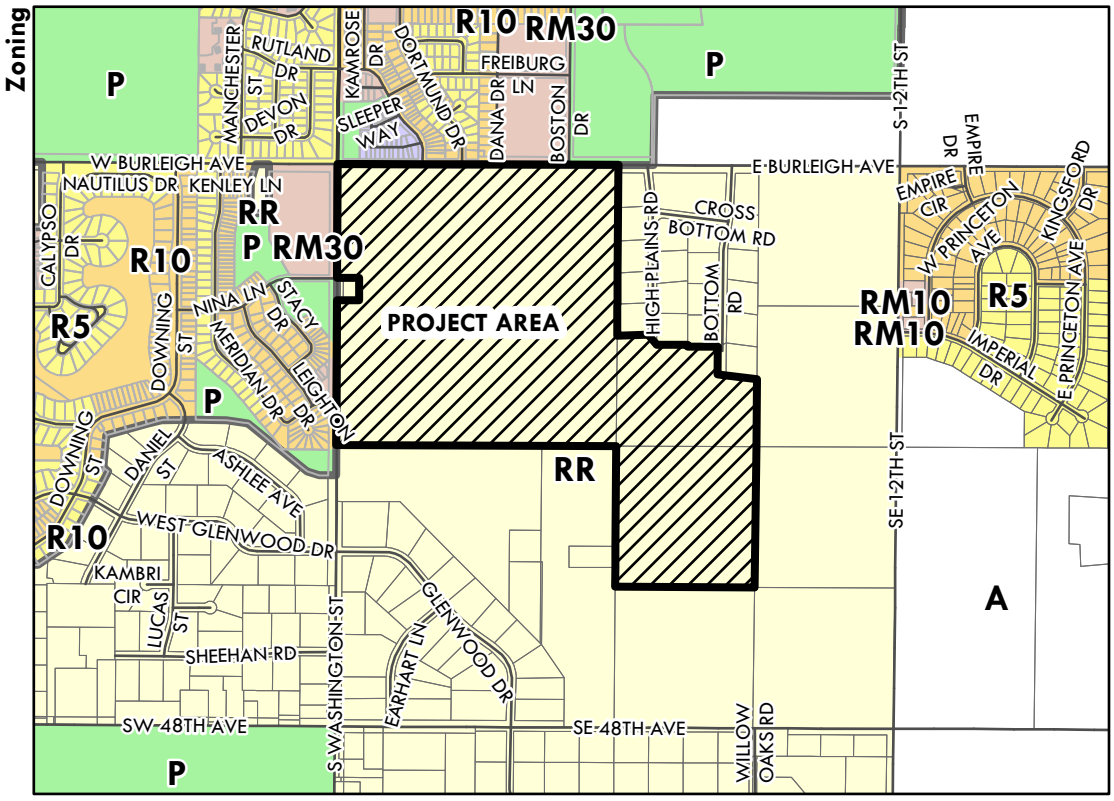
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

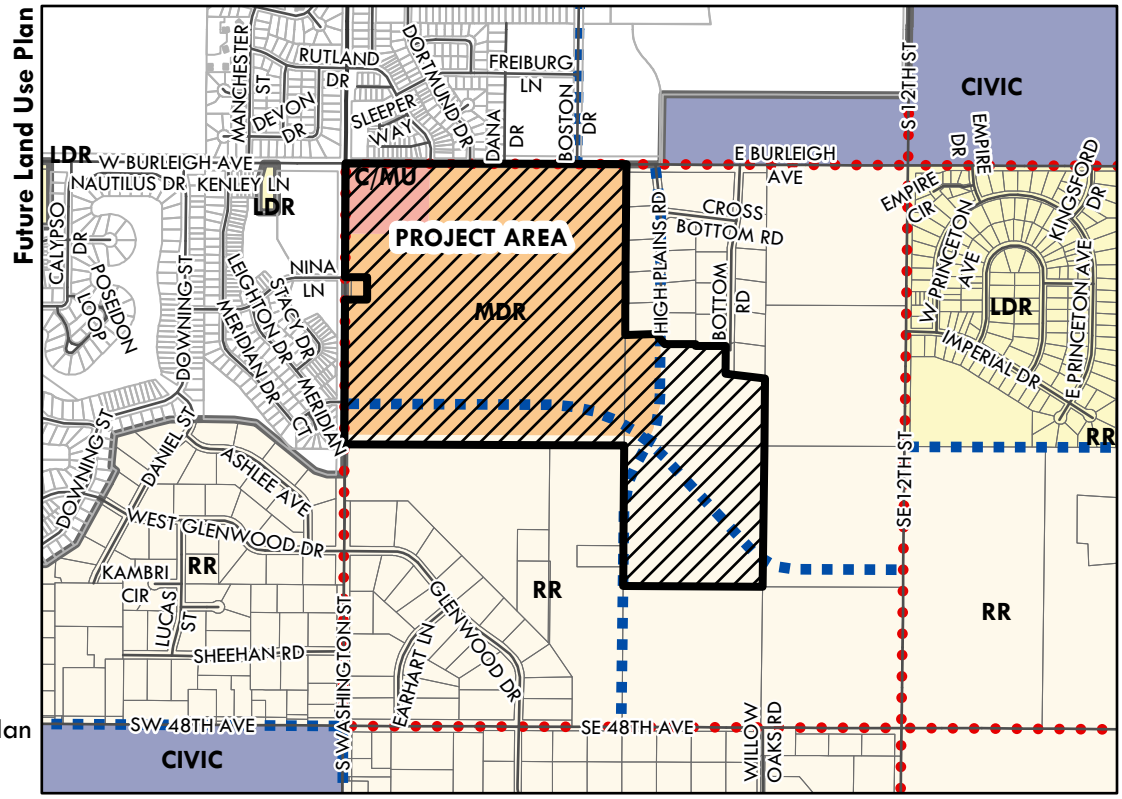
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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Miles
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City of Bismarck
Community Development Dept.
Planning Division
January 20, 2022

Lowry ENGINEERING

Civil Engineering • Construction Engineering • Land Survey

January 20, 2022

City of Bismarck Community
Development Department
221 N 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

RE: Future Land Use Plan Amendment
Paradise Valley Development
Part of Section 21,
Township 138 N, Range 80 West
Bismarck, ND
LE Project Number: 21054

To Whom It May Concern,

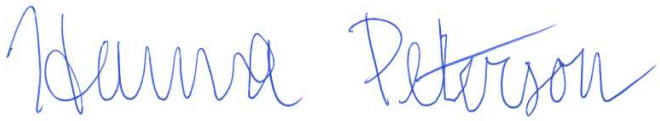
The purpose of this letter is to discuss the requested Future Land Use Plan amendment for the proposed Paradise Valley Development. The attached exhibits contain Bismarck's existing Future Land Use Map and the proposed Future Land Use Map. Justification for amending the plan is as follows:

- In order to properly support local commercial needs, we are requesting that the amount of commercial be expanded, and the zone be revised to General Commercial with limited uses as proposed. There is currently no neighborhood commercial exceeding 100,000 square feet south of Interstate 94. (Kirkwoood Mall classifies as a regional commercial center). The need for neighborhood commercial in the last 10 years has grown exponentially with the need for convenience. Neighborhood Shopping Centers fill that need.
- Paradise Valley is the last chance for south Bismarck to provide general commercial uses for local residents to match all of the general commercial uses going in North Bismarck. The reason being that South Bismarck cannot be developed to the East, South, or West is because of the Missouri River, Bismarck Airport and Flood Plain.
- The neighborhoods within a 5-minute drive time of Paradise Valley have a need for gas station/convenience stores, quick service food, neighborhood casual dining, banking, service-based business's, retail, car/rv/ boat wash, office and commercial condos. We do not feel that this space will support hub retail including big box stores, but more neighborhood commercial spaces. Gas, grocery, fast food, restaurant/bar, salon, lawyer, tax professionals, plumbers, electricians, etc. With the proposed, uses we have found the uses allowed in the current future land use map to be too restrictive, and that is why the request is being made.
- The second primary update being requested is to provide city services to additional acreage in this area primarily consisting of medium and low density residential uses. Initially, the City had planned on rural residential densities outside of the NW quarter due to difficulties in serving this area with sanitary sewer and stormwater issues impacting the air operations area. In working with City staff we have determined that there are solutions to provide sufficient sewer capacity for the proposed uses shown in the master plan. We have also been able to help reduce the

existing stormwater issue by diverting runoff from the proposed subdivision outside of the air operations area. This will help alleviate the migratory bird problem that exists inside the air operations area today and allow for additional urbanized development as proposed.

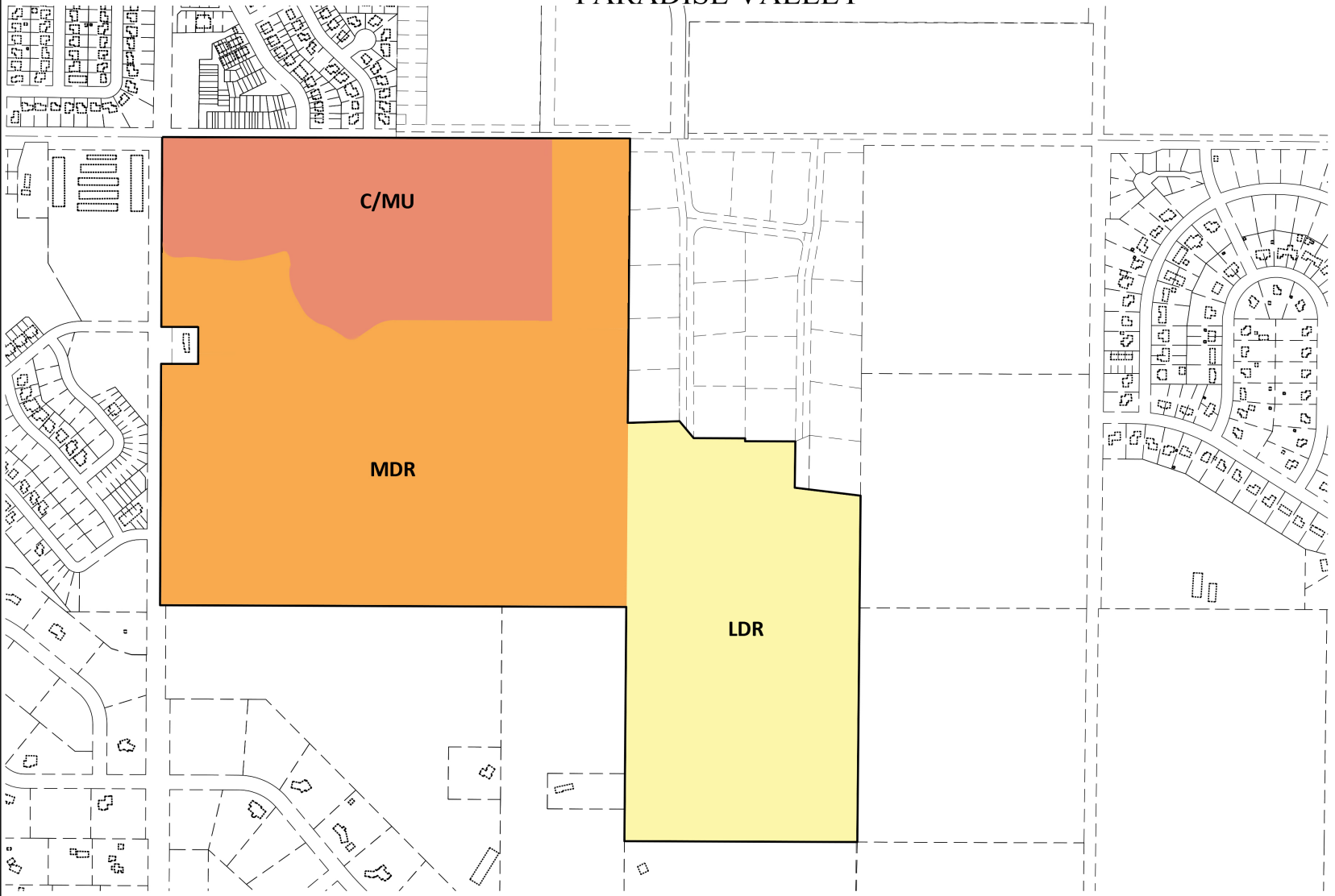
- The developer requests support of the proposed updates to the long-term growth plan in order to obtain the highest and best use of the property. We understand that the amount of commercial is specifically of concern. The developer has received interest in all of the proposed commercial properties and will provide the city with letters of interest for support. Careful consideration was given to the proper buffering of the commercial properties to adjacent uses, market demands, and associated risk in completing the proposed layout. The owners feel the demand received supports the proposed uses with the understanding that should the market shift, the current layout will accommodate some land in block 5 that could be transitioned into medium density residential uses or other less intense uses from commercial.

Sincerely,



Hanna Peterson, E.I.T.
Project Engineer
Lowry Engineering

PROPOSED FUTURE LAND-USE AMENDMENT
PARADISE VALLEY



Future Land Use

- AG
- Conservation
- Business Park
- Commercial
- Commercial/Mixed Use
- Civic
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Med. Density Res./Mixed Use
- Mixed Use
- Office/Mixed Use
- Clustered Rural Residential
- Traditional Rural Residential
- Urban Reserve

0 300 600

LOWRY ENGINEERING
1111 WESTRAC DRIVE - SUITE 108
FARGO, NORTH DAKOTA 58103
L.E.# 21054

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

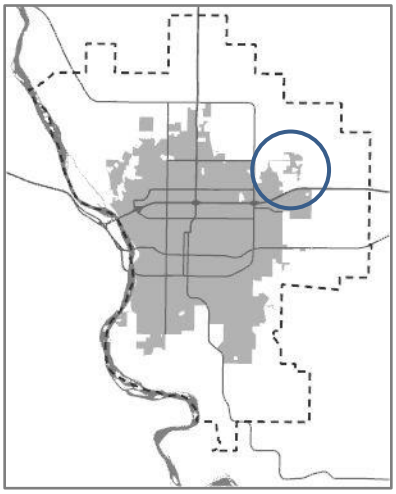
Agenda Item # 6
January 26, 2022

Application for: **Annexation**

Project ID: **ANNX2021-010**

Project Summary

Title:	Parts of Silver Ranch Third Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Investcore, Inc. Bismarck Parks and Recreation District
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northeast Bismarck, north of 43rd Avenue NE and east North 52nd Street
Project Size:	69.12 Acres
Request:	Annex portions of platted subdivision



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	136 lots in 10 blocks	*Number of Lots:*	136 lots in 10 blocks
Land Use:	Undeveloped	*Land Use:*	Single and Two-Family Residential, Commercial
Future Land Use:	Not Applicable	*Future Land Use:*	Not Applicable
Zoning:	R10 – Residential P – Public Use	*Zoning:*	R10 – Residential P – Public Use
Uses Allowed:	R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses
Max Density:	R10 – 10 units / acre P – N/A	*Max Density:*	R10 – 10 units / acre P – N/A

Property History

Zoned:	10/2020	*Platted:*	10/2020	*Annexed:*	N/A

(continued)

Staff Analysis

Investcore, Inc. and the Bismarck Parks and Recreation District are requesting approval of the annexation of Lots 3-43, Block 2, Lots 1-10 and 15-25, Block 3, Lots 1-9 and 12-21, Block 4, Lots 11-18, Block 5, Lots 3-7 and 10-14, Block 6, Lots 3-7 and 10-14, Block 7, Lots 3-7 and 16-25, Block 8, Lots 4-7, Block 13, Lots 2-8, Block 14, Lot 2, Block 15, Silver Ranch Third Addition, and all adjoining rights-of-way with the exceptions of Halverson Avenue and 52nd Street NE.

Adjacent uses include undeveloped land to the north and east, rural residential to the south across 43rd Avenue NE, and rural residential to the west.

Easements for the temporary turnaround of emergency vehicles at the ends of roadways were obtained during the platting of Silver Ranch 3rd Addition. The street Halverson Avenue is only currently platted as a half street, therefore most lots adjacent to this right-of-way have been omitted from the annexation. When the land to the north is platted, the remainder of Halverson Avenue would be dedicated and annexed.

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

Required Findings of Fact **(relating to land use)**

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 3-43, Block 2, Lots 1-10 and 15-25, Block 3, Lots 1-9 and 12-21, Block 4, Lots 11-18, Block 5, Lots 3-7 and 10-14, Block 6, Lots 3-7 and 10-14, Block 7, Lots 3-7 and 16-25, Block 8, Lots 4-7, Block 13, Lots 2-8, Block 14, Lot 2, Block 15, Silver Ranch Third Addition, and all adjoining rights-of-way with the exceptions of Halverson Avenue and 52nd Street NE.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Annexation Exhibit – Submitted by Applicant

(continued)

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

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

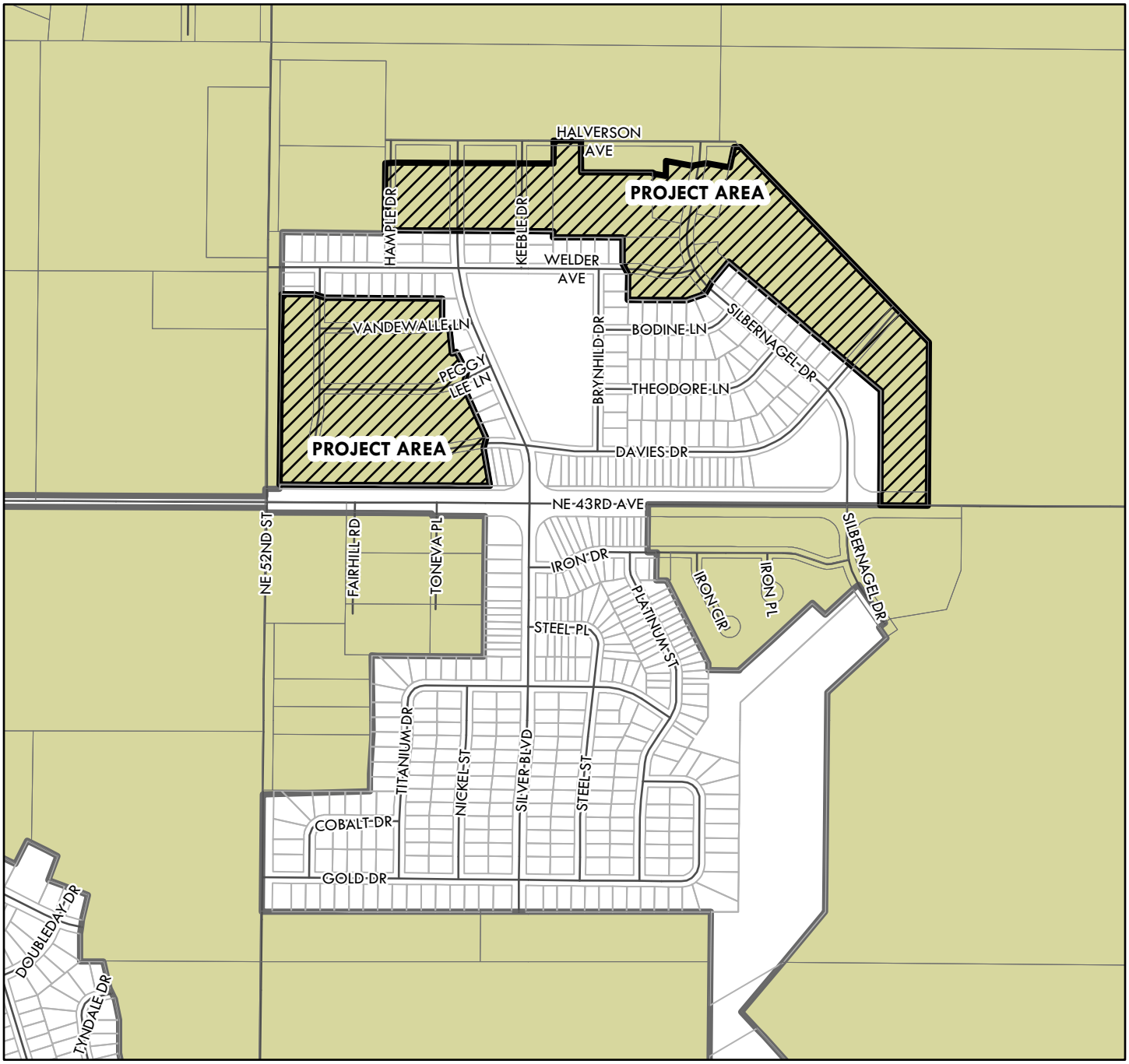
Lots 3-43, Block 2, Lots 1-10 and 15-25, Block 3, Lots 1-9 and 12-21, Block 4, Lots 11-18, Block 5, Lots 3-7 and 10-14, Block 6, Lots 3-7 and 10-14, Block 7, Lots 3-7 and 16-25, Block 8, Lots 4-7, Block 13, Lots 2-8, Block 14, Lot 2, Block 15, Silver Ranch Third Addition, and all adjoining rights-of-way with the exceptions of Halverson Avenue and 52nd Street NE.

The above described tract of land contains 69.12 acres, more or less.

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

Location Map

SILVER RANCH THIRD ADDITION, PT B2-8 & 13-15



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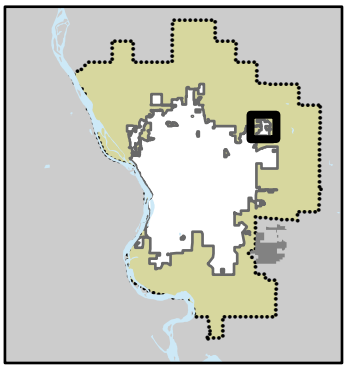


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

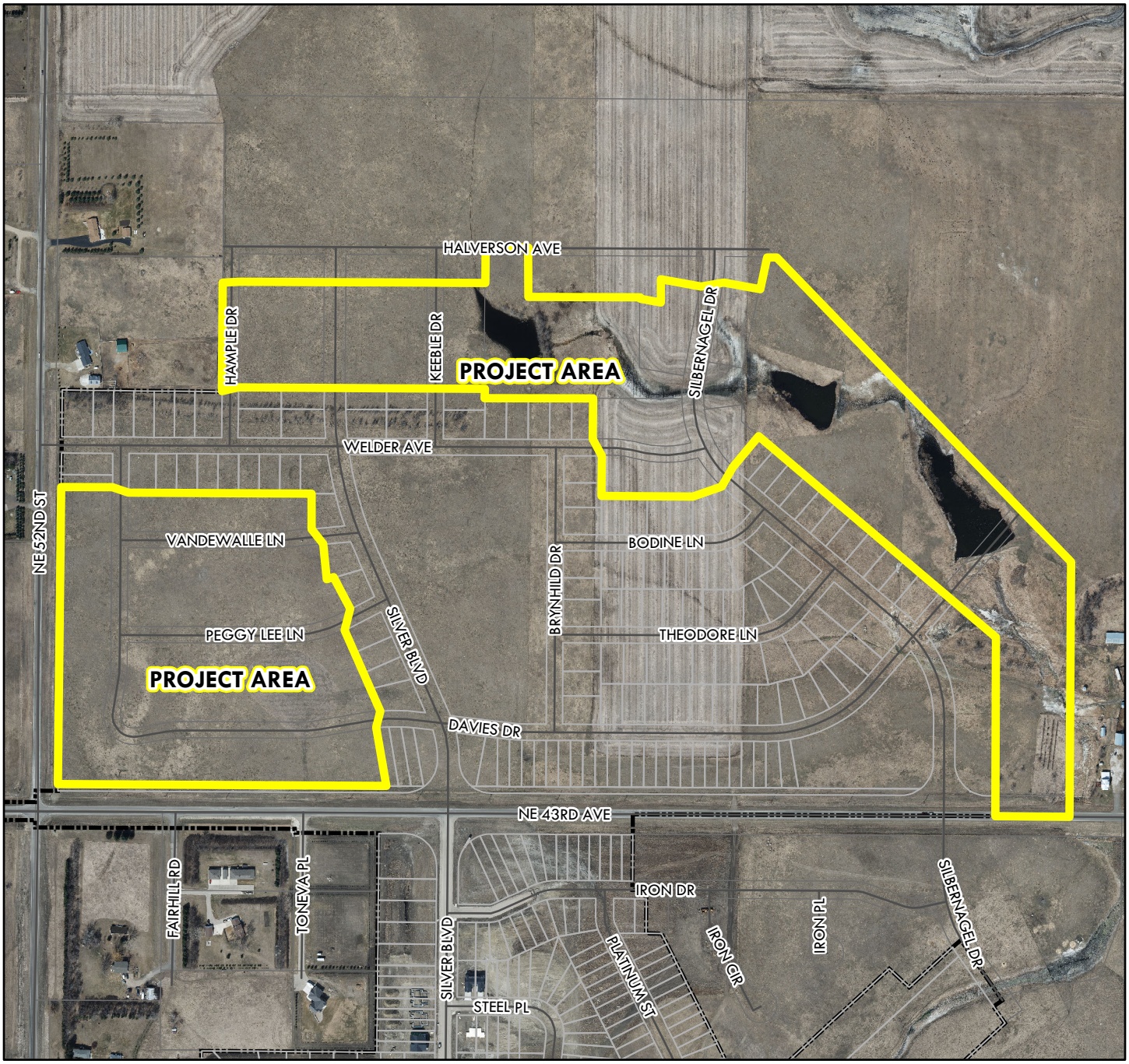
City of Bismarck
Community Development Department
Planning Division
January 19, 2022 (HLB)

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

Aerial Map

SILVER RANCH THIRD ADDITION, PT B2-8 & 13-15

ANNX2021-010



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
January 19, 2022

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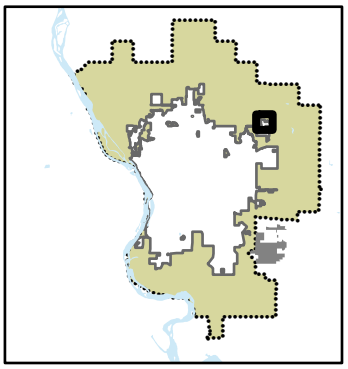

Zoning and Plan Reference Map

SILVER RANCH THIRD ADDITION, PT B2-8 & 13-15

ANNX2021-010
ZC2021-008

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

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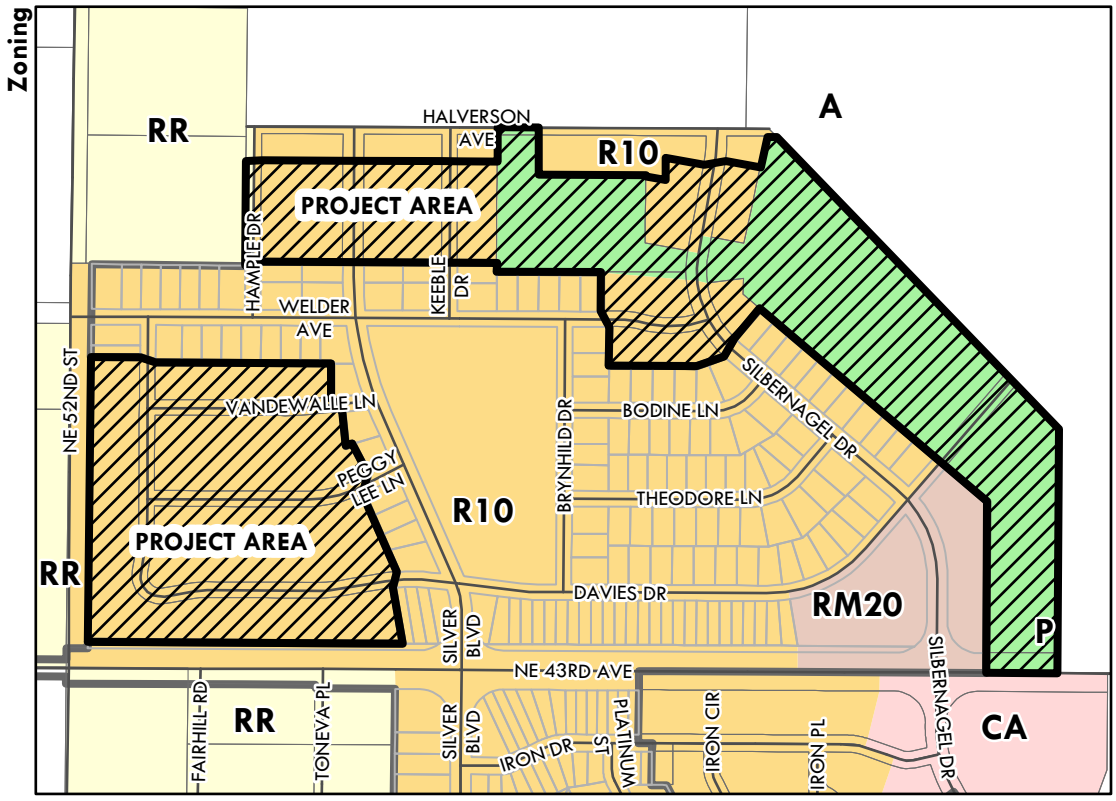
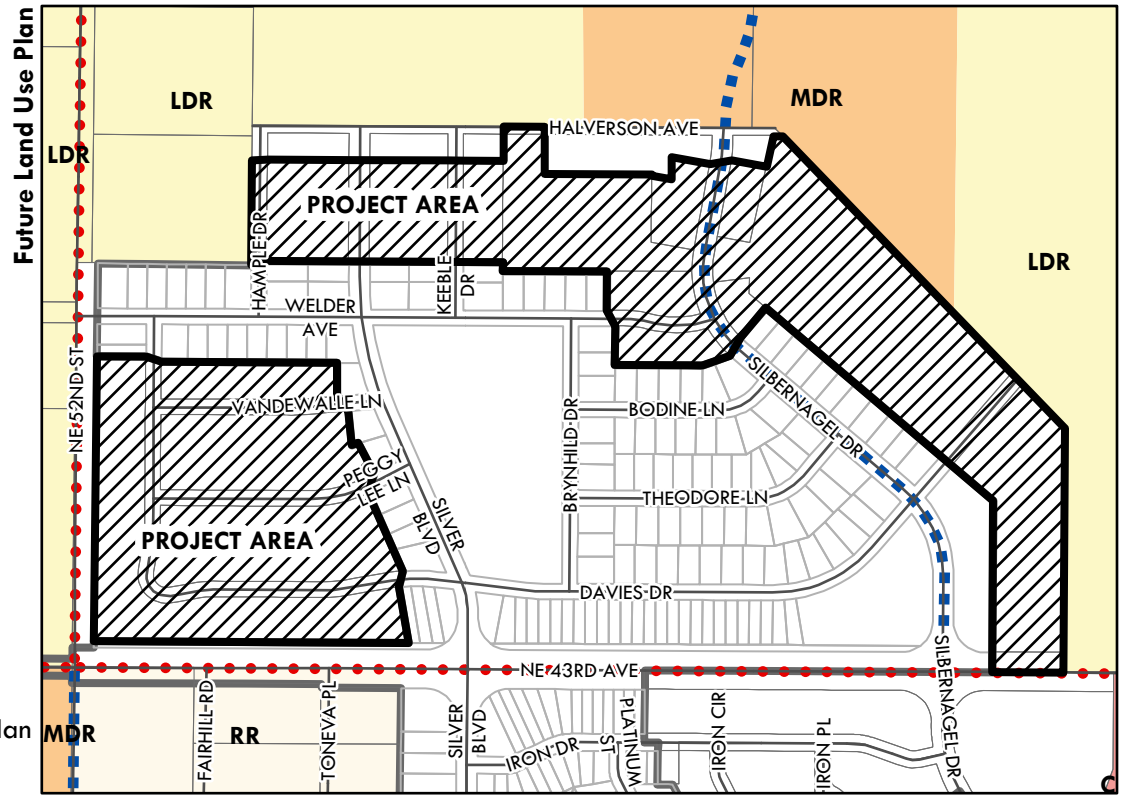
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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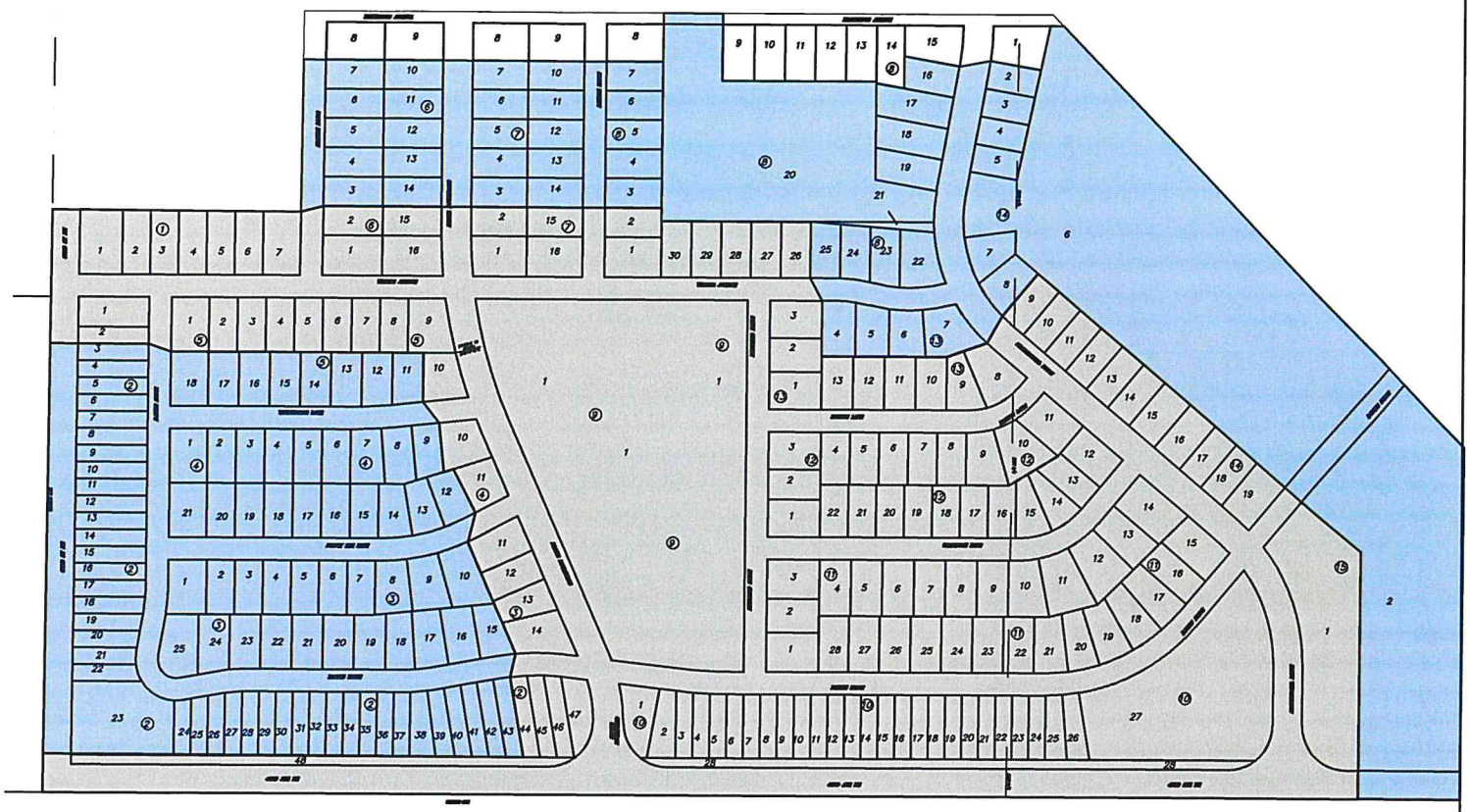
City of Bismarck
Community Development Dept.
Planning Division
January 19, 2022

SILVER RANCH THIRD ADDITION
ANNEXATION EXHIBIT

DEC 17 2021



CURRENT ANNEXATION

PROPOSED ANNEXATION

Lots 3–43 Block 2, Lots 1–10, 15–25 Block 3, Lots 1–9, 12–21 Block 4. Lots 11–18 Block 5, Lots 3–7, 10–14 Block 6, Lots 3–7, 10–14 Block 7, Lots 3–7, 16–25 Block 8, Lots 4–7 Block 13, Lots 2–8 Block 14, Lot 2 Block 15, and adjoining rights–of–way, all in Silver Ranch Third Addition

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

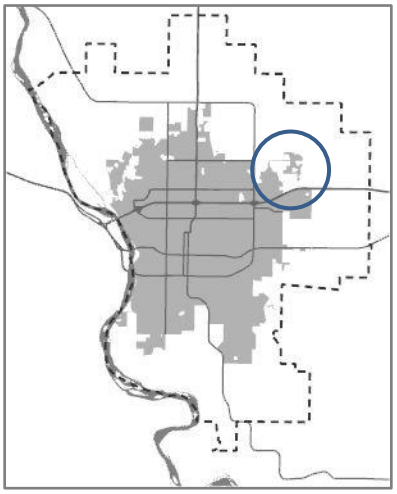
Agenda Item # 7
January 26, 2022

Application for: **Annexation**

Project ID: **ANNX2021-011**

Project Summary

Title:	Parts of Silver Ranch First Addition First Replat and Silver Ranch Second Addition
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Investcore, Inc.
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In Northeast Bismarck, south of 43rd Avenue NE, east of Silver Boulevard, and on both sides of Silbernagel Boulevard.
Project Size:	27.56 Acres
Request:	Annex remainder of platted subdivision



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	50 lots in 3 blocks	*Number of Lots:*	50 lots in 3 blocks
Land Use:	Undeveloped	*Land Use:*	Single and Two-Family Residential, Commercial
Future Land Use:	Not Applicable	*Future Land Use:*	Not Applicable
Zoning:	R10 – Residential CA – Commercial	*Zoning:*	R10 – Residential CA – Commercial
Uses Allowed:	R10 – Single and two-family residential CA – Neighborhood commercial	*Uses Allowed:*	R10 – Single and two-family residential CA – Neighborhood commercial
Max Density:	R10 – 10 units / acre CA – 30 units / acre	*Max Density:*	R10 – 10 units / acre CA – 30 units / acre

Property History

Zoned:	5/2018	*Platted:*	5/2018	*Annexed:*	N/A

(continued)

Staff Analysis

Investcore, Inc. is requesting approval of the annexation of Lots 1-23, Block 1 and Lots 22-23, Block 6, Silver Ranch First Addition First Replat and Lots 1-24, Block 1 and Lot 1, Block 2, Silver Ranch Second Addition, and adjoining rights-of-way.

Adjacent uses include developing two-family residential to the west, a park and stormwater area to the south, and undeveloped land to the north across 43rd Avenue NE.

The proposed request would annex the remainder of Silver Ranch 1st Addition 1st Replat and Silver Ranch 2nd Addition. With approval of the plat of Silver Ranch 1st Addition, the developer entered into an agreement that required the annexation of the entire area of the plat by January 23, 2024. This request will fulfill this obligation of the agreement.

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

Required Findings of Fact **(relating to land use)**

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 1-23, Block 1 and Lots 22-23, Block 6, Silver Ranch First Addition First Replat and Lots 1-24, Block 1 and Lot 1, Block 2, Silver Ranch Second Addition, and adjoining rights-of-way.

Attachments

1. Draft Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Annexation Exhibit – Submitted by Applicant

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

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

Lots 1-23, Block 1 and Lots 22-23, Block 6, Silver Ranch First Addition First Replat and Lots 1-24, Block 1 and Lot 1, Block 2, Silver Ranch Second Addition, and adjoining rights-of-way.

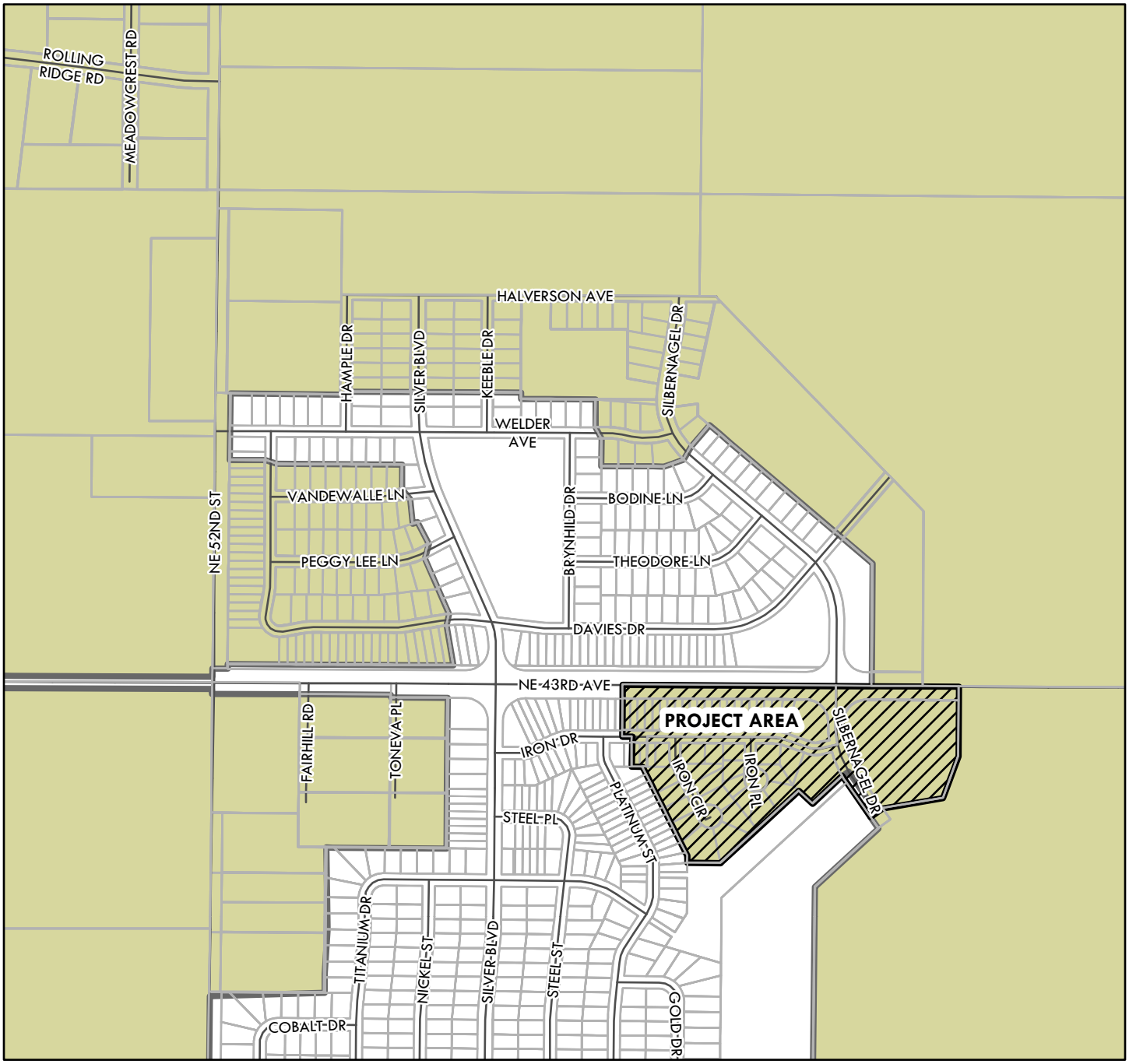
The above described tract of land contains 27.56 acres, more or less.

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

Location Map

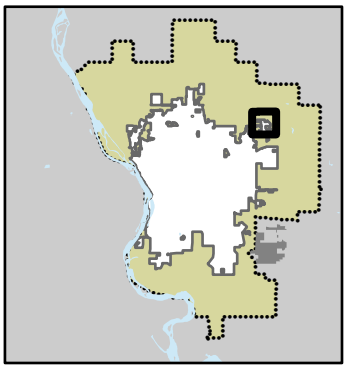
PT SILVER RANCH 1ST ADD. 1ST REPLAT & SILVER RANCH 2ND ADD.

ANNX2021-011



0 0.17 0.35 0.7 Miles

N



City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

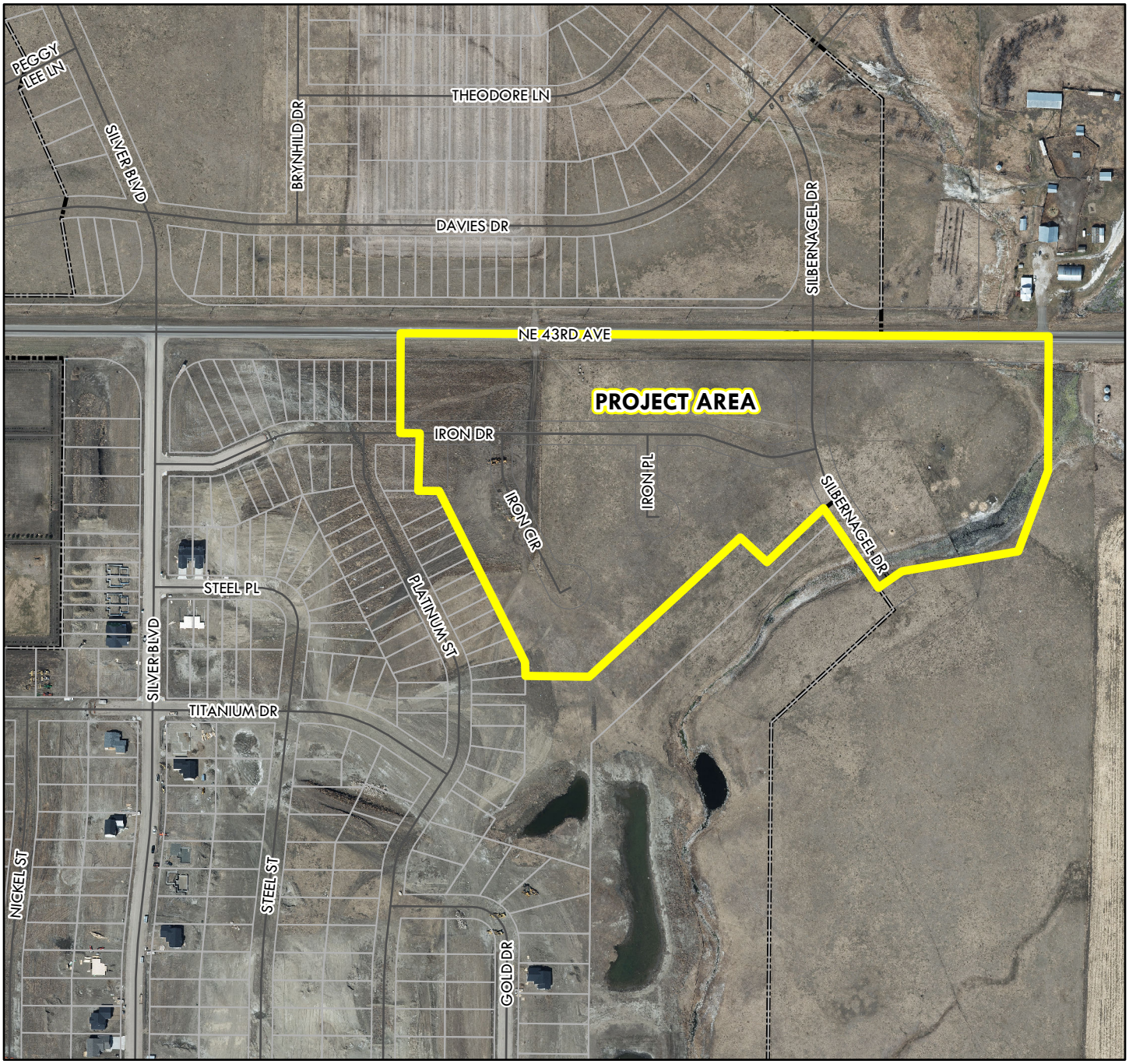
City of Bismarck
Community Development Department
Planning Division
December 28, 2021 (HLB)

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

ANNX2021-011

PT SILVER RANCH 1ST ADD. 1ST REPLAT & SILVER RANCH 2ND ADD.



0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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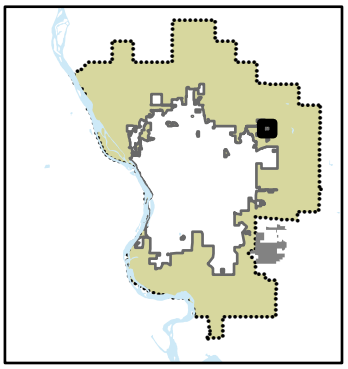


City of Bismarck
Finance Department
IT/GIS Division
January 19, 2022

Zoning and Plan Reference Map

PT SILVER RANCH 1ST ADD. 1ST REPLAT & SILVER RANCH 2ND ADD.

ANNX2021-011
ZC2021-008

Zoning Districts

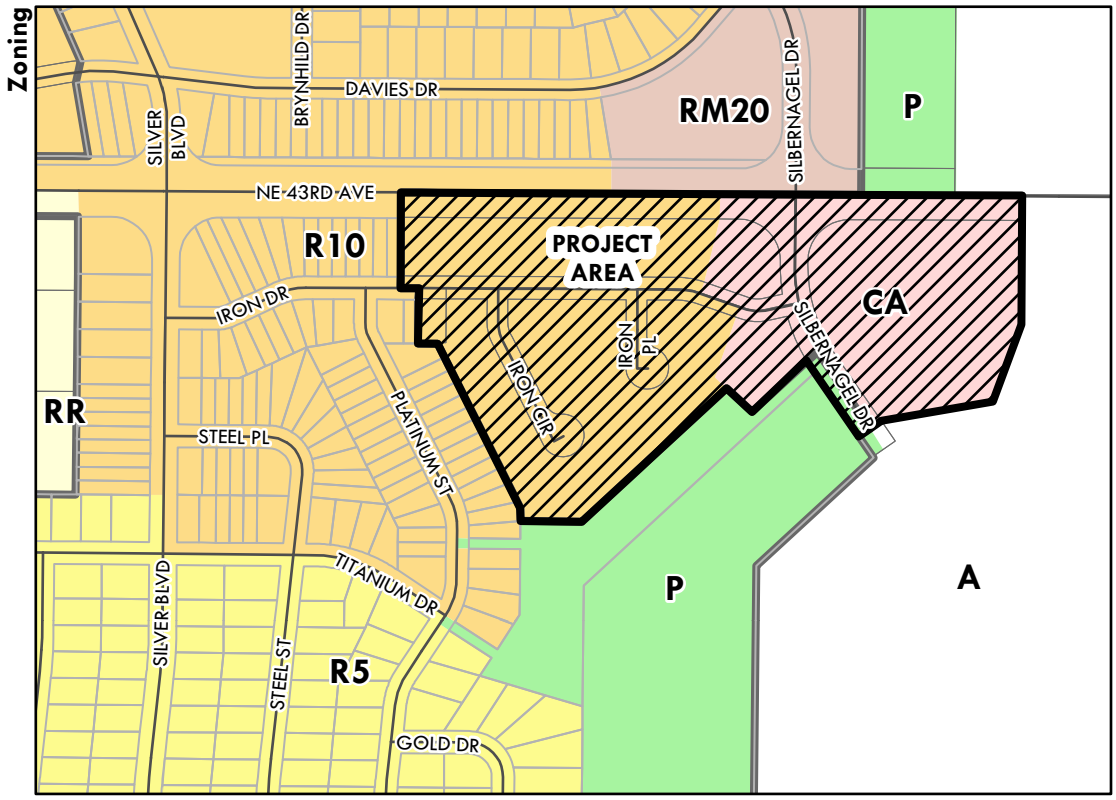
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

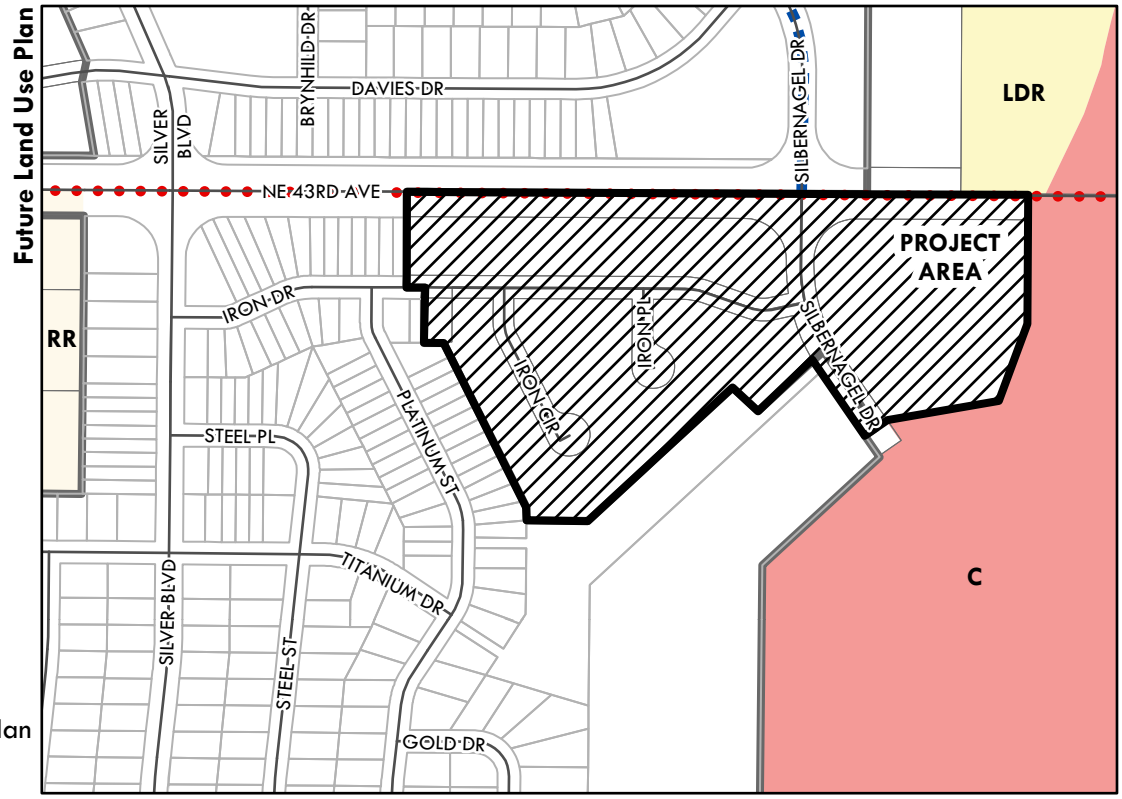
Future Land Use Plan

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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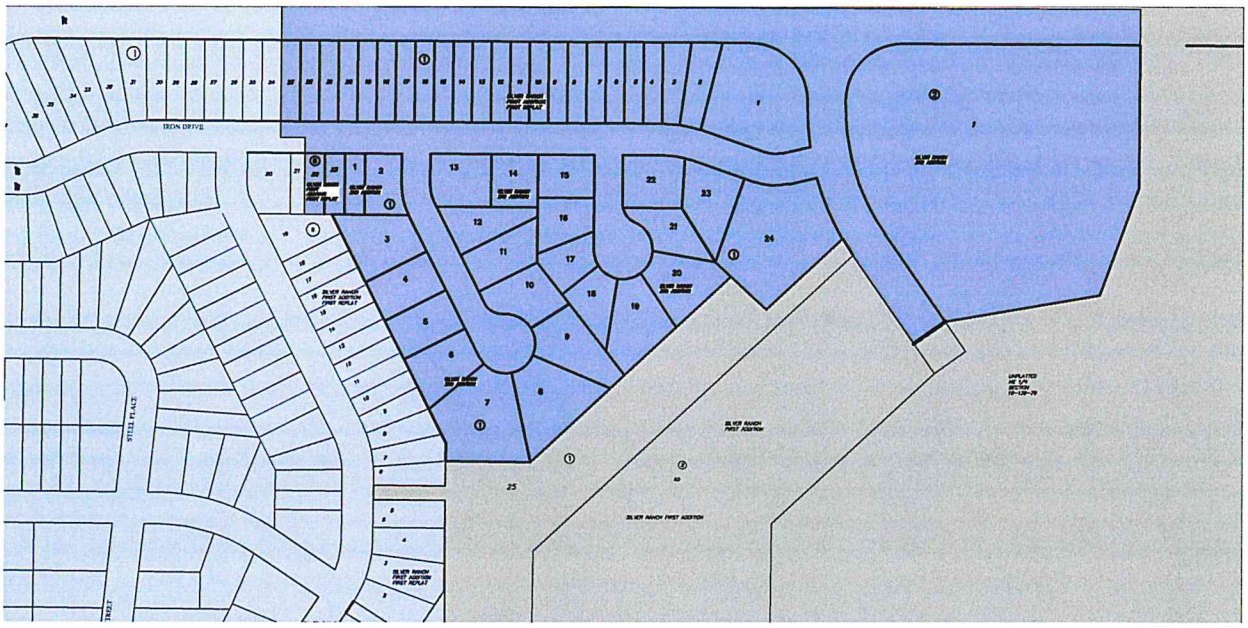
N

City of Bismarck
Community Development Dept.
Planning Division
January 19, 2022

SILVER RANCH 1ST ADDITION 1ST REPLAT
SILVER RANCH 2ND ADDITION
ANNEXATION EXHIBIT

DEC 17 2021



PROPERTY TO BE ANNEXED

ANNEXED

NON-ANNEXED

STAFF REPORT

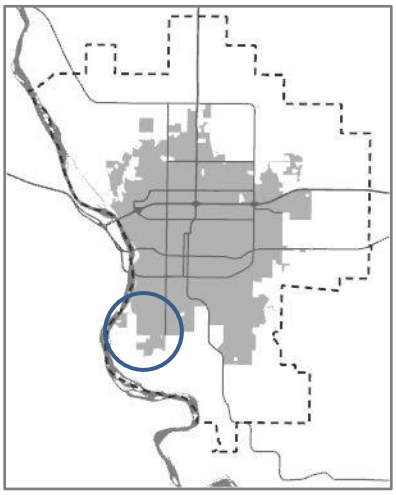
Agenda Item # 8
January 26, 2022

Application for: **Minor Plat**

Project ID: **MPLT2021-012**

Project Summary

Title:	South Meadows Addition Third Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Investcore, Inc
Project Contact:	Landon Niemiller, Swenson Hagen & Co
Location:	In south Bismarck, south of West Burleigh Avenue along the west side of South Washington Street and south side of Meridian Drive (a replat of Lots 5-19, Block 1, South Meadows Addition Second Replat)
Project Size:	4.01 acres
Request:	Replat property for two-family residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	14 lots in 1 block	*Number of Lots:*	10 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Two-family residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential	*Zoning:*	R10 – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	R10 – Single and two-family residential
Max Density:	R10 – 10 units / acre	*Max Density:*	R10 – 10 units / acre

Property History

Zoned:	08/2016	*Platted:*	10/2014	*Annexed:*	10/2014

Staff Analysis

(continued)

Investcore, Inc. is requesting approval of a minor subdivision final plat for South Meadows Addition Third Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on January 14th and January 21st, and 36 letters were mailed to the owners of nearby properties on January 14th.

Adjacent uses include mixed density residential to the north across Meridian Drive, undeveloped Rural Residential zoned property to the east across South Washington Street, an electrical substation to the south and single-family residential to the west.

The proposed minor subdivision final plat would reconfigure the existing property lines to reduce the number of lots from 14 to 10 and remove the platted cul-de-sac (Meridian Court). Access to the proposed lots would be from Meridian Drive to the north.

A 130-foot non-access line from South Washington Street to the west is located along the south side of Meridian Drive, adjacent to Lots 9 and 10. The length of the non-access line matches the existing non-access line to the north of the proposed plat in South Meadows Addition First Replat, which terminates at Leighton Drive. Lots 9 and 10 would be accessed via a private access easement adjacent to Meridian Drive. A signed private access and utility agreement will be required prior to the recordation of the minor subdivision final plat.

The proposed plat is zoned R10 – Residential which will allow for single and two-family development. The applicant intends to construct 5 two-family dwellings.

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 South Meadows Addition Third Replat, with a condition that a signed private access and utility agreement will be required prior to the recordation of the plat.

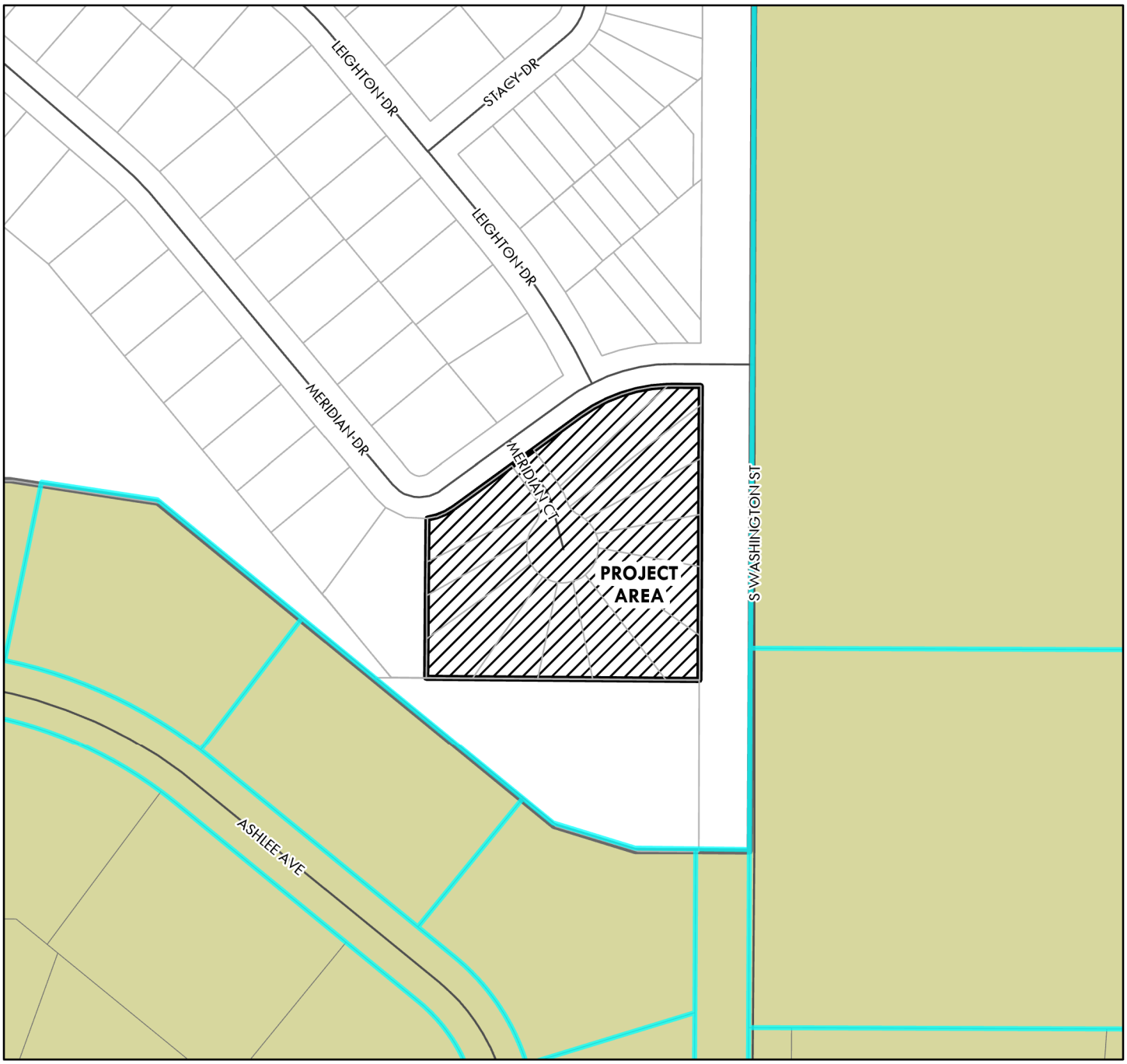
Attachments

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

SOUTH MEADOWS ADDITION THIRD REPLAT



0 0.05 0.1 0.19 Miles

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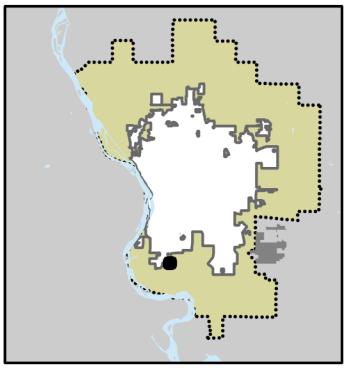

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 20, 2022 (HLB)

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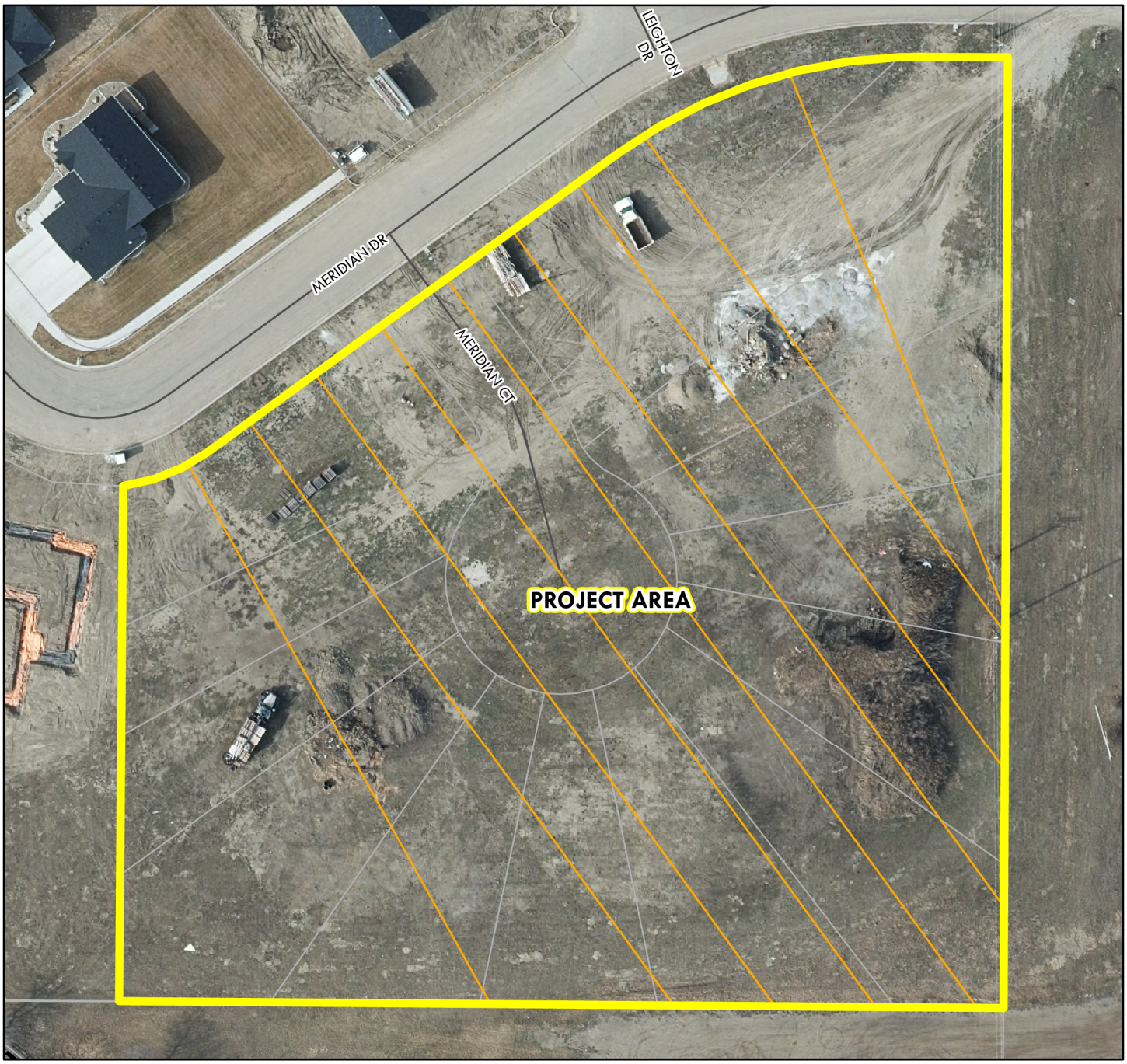
Aerial Map

SOUTH MEADOWS ADDITION THIRD REPLAT

MPLT2021-012



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City Limits

Bismarck ETA Jurisdiction

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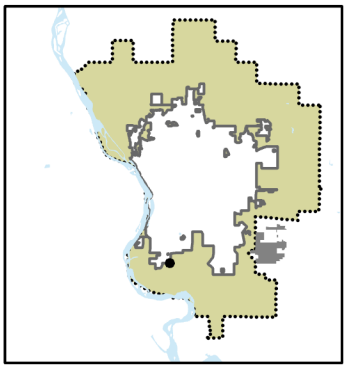

City of Bismarck
Finance Department
IT/GIS Division
January 20, 2022

Zoning and Plan Reference Map

SOUTH MEADOWS ADDITION THIRD REPLAT

MPLT2021-012

Zoning Districts

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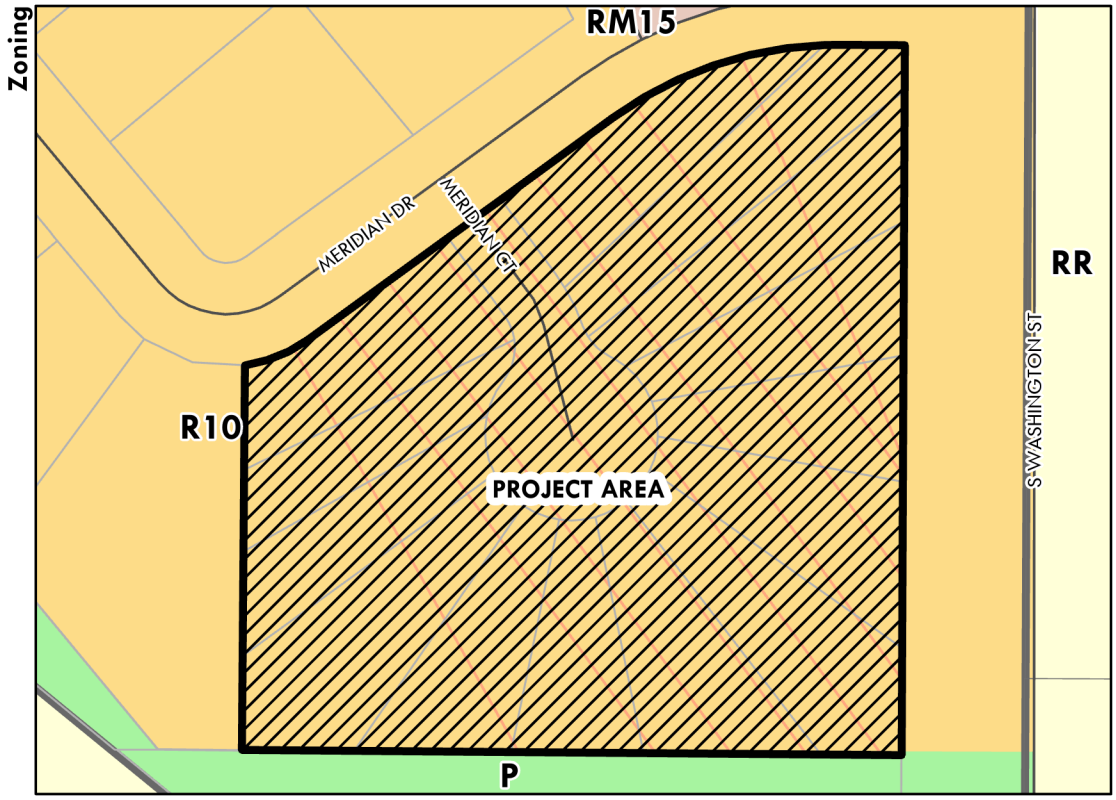

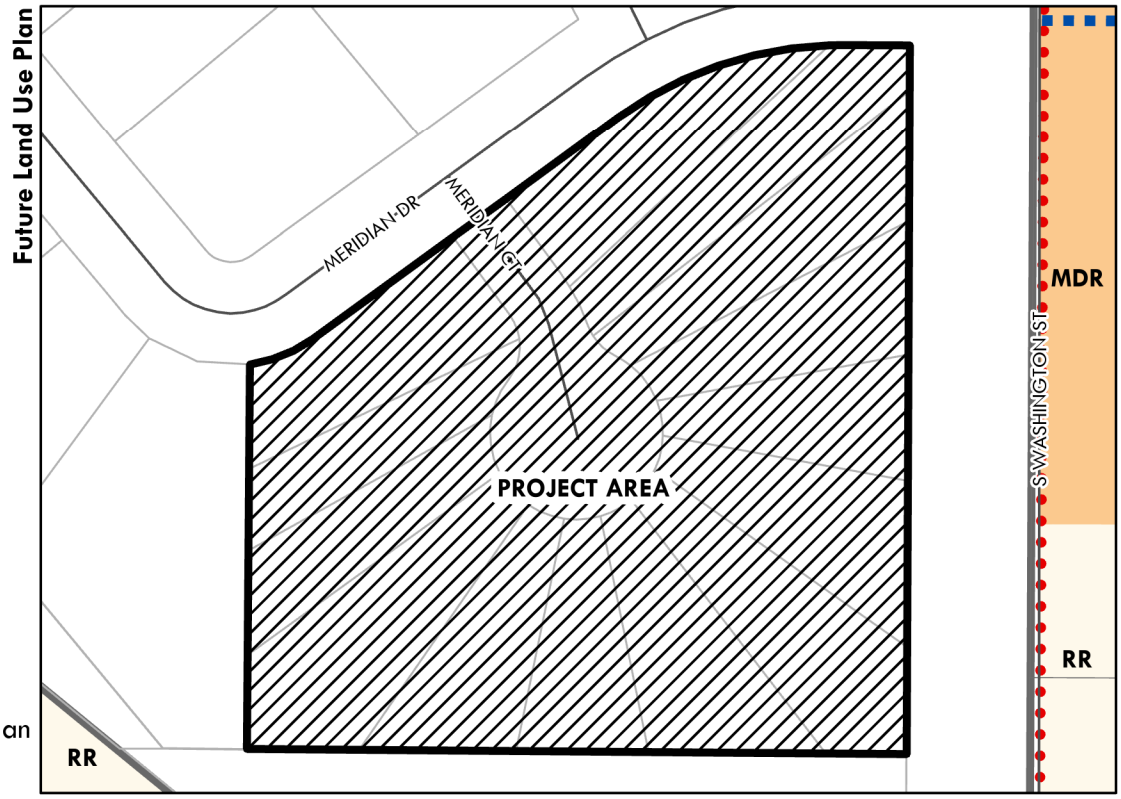

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Miles
0 0.01 0.03 0.05

City of Bismarck
Community Development Dept.
Planning Division
January 20, 2022

SOUTH MEADOWS ADDITION THIRD REPLAT

BEING A REPLAT OF LOTS 5–19 BLOCK 1
SOUTH MEADOWS ADDITION SECOND REPLAT &
PART OF THE SOUTH 1/2 OF MERIDIAN DRIVE RIGHT–OF–WAY AND PART
OF THE WEST 1/2 OF SOUTH WASHINGTON STREET RIGHT–OF–WAY
OF THE EAST 1/2 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

BEING A REPLAT OF LOTS 5–19 BLOCK 1 SOUTH MEADOWS ADDITION SECOND REPLAT & PART OF THE SOUTH 1/2 OF MERIDIAN DRIVE RIGHT–OF–WAY & PART OF THE WEST 1/2 OF SOUTH WASHINGTON STREET RIGHT–OF–WAY OF THE EAST 1/2 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4 BLOCK 1 SOUTH MEADOWS ADDITION SECOND REPLAT; THENCE NORTH 00 DEGREES 26 MINUTES 58 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 4 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 252.79 FEET TO THE CENTERLINE OF MERIDIAN DRIVE RIGHT–OF–WAY; THENCE NORTHEASTERLY AND TO THE LEFT, ALONG SAID CENTERLINE, ON A 50.00 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS NORTH 12 DEGREES 27 MINUTES 16 SECONDS WEST, AN ARC LENGTH OF 20.57 FEET; THENCE NORTH 53 DEGREES 58 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 217.92 FEET; THENCE NORTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 250.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 158.34 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 41 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 113.49 FEET TO THE CENTERLINE OF SOUTH WASHINGTON STREET RIGHT–OF–WAY; THENCE SOUTH 00 DEGREES 15 MINUTES 33 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 440.25 FEET TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF SOUTH MEADOWS ADDITION SECOND REPLAT; THENCE NORTH 89 DEGREES 33 MINUTES 01 SECOND, ALONG SAID EASTERLY EXTENSION AND SOUTH LINE, A DISTANCE OF 456.54 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 174,832 SF, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____. 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 PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

_____ _____
MICHAEL J. SCHWARTZ – CHAIRMAN ATTEST
BEN EHRETH – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2022.

_____
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 "SOUTH MEADOWS ADDITION THIRD REPLAT", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THIS PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT INVESTCORE, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS ADDITION THIRD REPLAT", BISMARCK, BURLEIGH COUNTY, 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 ACCESS EASEMENTS ON LOTS 9 AND 10 BLOCK 1 SOUTH MEADOWS ADDITION THIRD REPLAT, TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, TO PASS AND REPASS ALONG SAID EASEMENT, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, IT'S OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF THE PROPERTY IN THE SUBDIVISION.

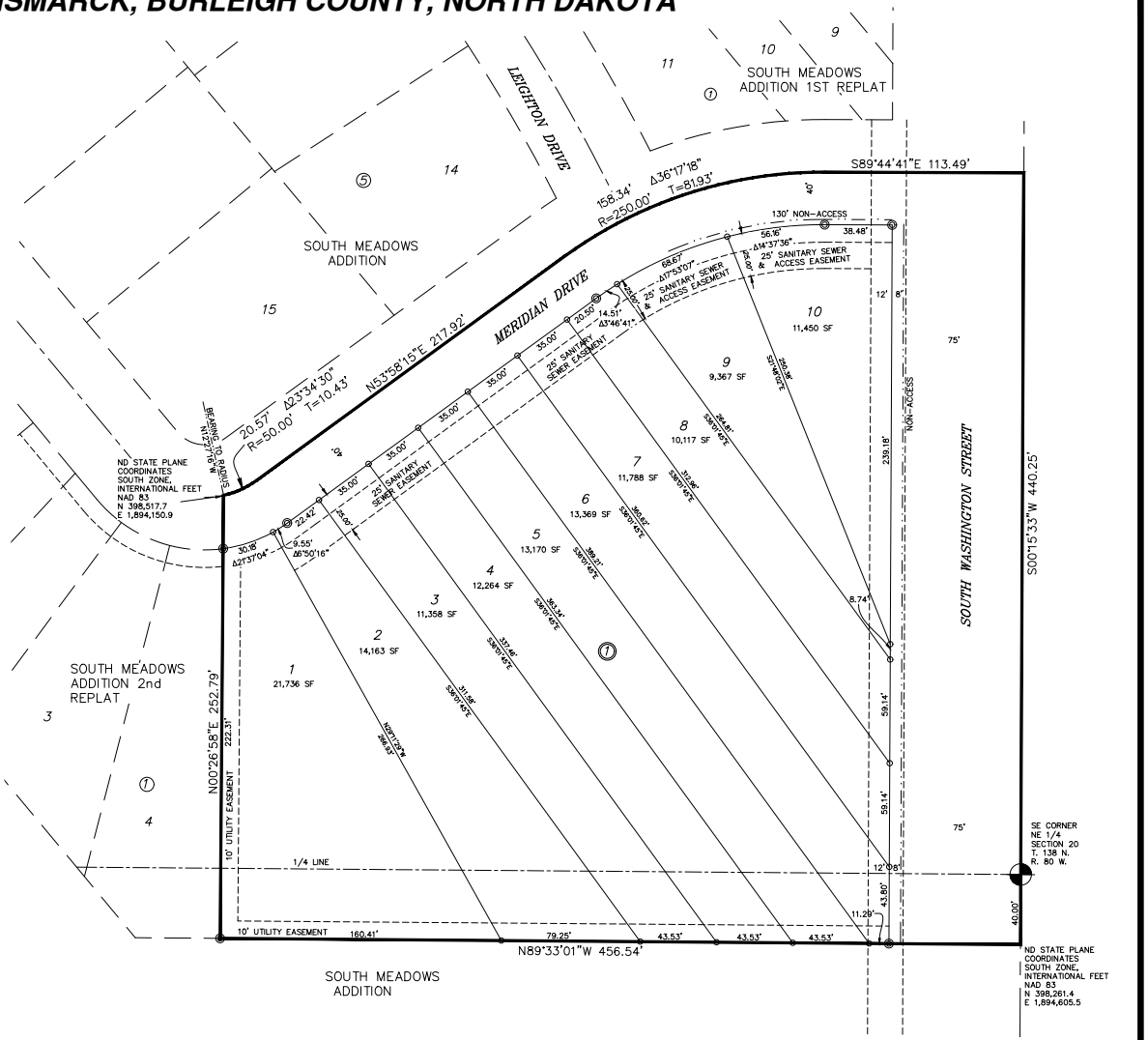
THEY ALSO DEDICATE SANITARY SEWER EASEMENTS TO RUN WITH THE LAND FOR USE BY ALL LAND OWNING PARTIES TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR SANITARY SEWER FACILITIES UNDER OR UPON THOSE AREAS DESIGNATED AS SUCH.

STATE OF NORTH DAKOTA)
)
COUNTY OF _____)

_____
CHAD WACHTER
INVESTCORE, INC.
PO BOX 1437
BISMARCK, ND 58502

ON THIS _____ DAY OF _____, 2022, BEFORE ME PERSONALLY APPEARED CHAD WACHTER OF INVESTCORE, INC., KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

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



NOTES

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

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

VERTICAL BENCHMARK:
HYDRANT #3577
MERIDIAN DR.–1ST WEST OF LEIGHTON DR.
ELEV. 1640.36 (NAVD 88)

AREA DATA

LOTS	128,722 S.F.	2.96 ACRES
STREETS	46,110 S.F.	1.06 ACRES
TOTAL	174,832 S.F.	4.01 ACRES

N
0 30'

JANUARY 12, 2022
SCALE 1" = 30'
NAVD 88

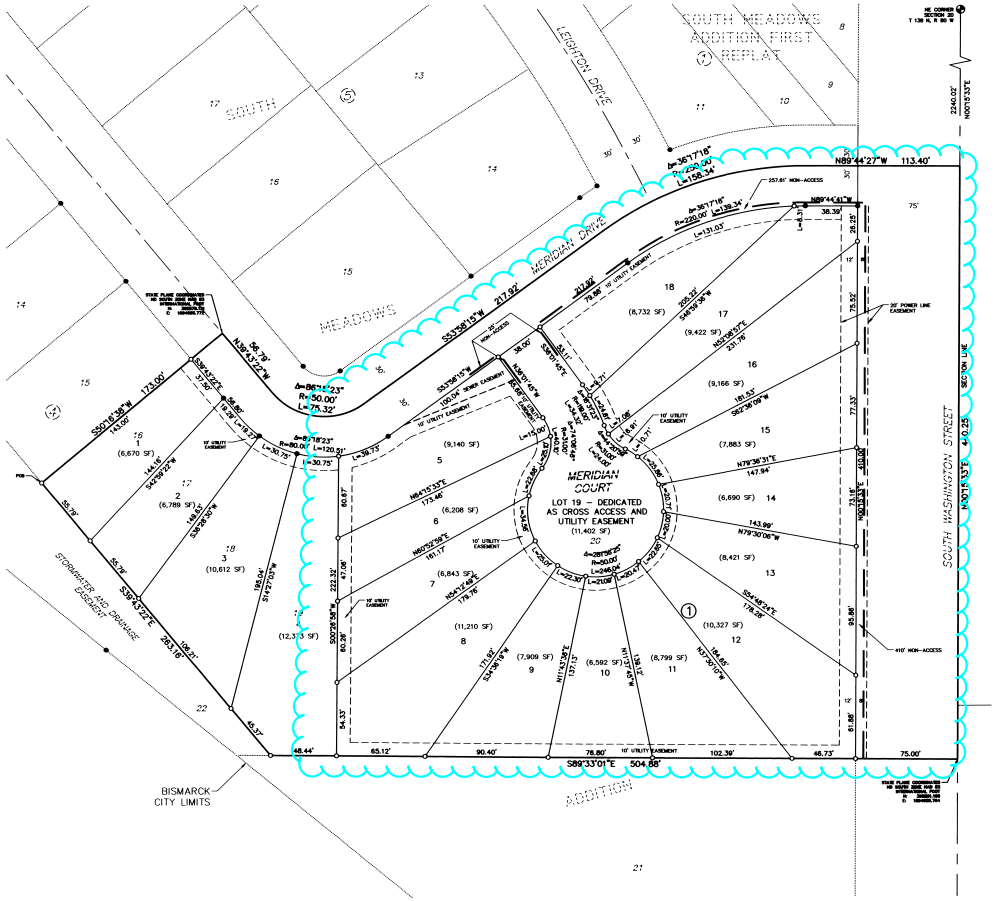
○ MONUMENT TO BE SET
◎ MONUMENT IN PLACE

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

PLAT OF

SOUTH MEADOWS ADDITION SECOND REPLAT

BEING A REPLAT OF LOTS 16 THROUGH 20, BLOCK 4, SOUTH MEADOWS ADDITION AND PARTS OF SOUTH WASHINGTON STREET AND MERIDIAN DRIVE RIGHTS OF WAY PART OF THE NE 1/4 AND THE SE 1/4 OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, BISMARCK, NORTH DAKOTA.



SURVEYOR
MOORE ENGINEERING, INC.
2911 N. 14TH ST. STE. 301
BISMARCK, ND 58503

OWNER
INVESTCORE, INC.
905 TACOMA AVE., STE 2
PO BOX 1437
BISMARCK, ND 58502-1437

DESCRIPTION

A REPLAT OF LOTS 16 THROUGH 20, BLOCK 4, SOUTH MEADOWS ADDITION AND PARTS OF SOUTH WASHINGTON STREET AND MERIDIAN DRIVE RIGHTS OF WAY, PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH MOST CORNER OF LOT 15, BLOCK 4 OF SAID SOUTH MEADOWS ADDITION; THENCE SOUTH 39 DEGREES 43 MINUTES 22 SECONDS EAST ALONG THE NORTHEAST LINE OF LOT 22 OF SAID BLOCK 4 FOR A DISTANCE OF 263.16 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 01 SECOND EAST ALONG THE NORTH LINE OF LOT 21 OF SAID BLOCK 4 AND THE EASTERLY PROJECTION THEREOF FOR A DISTANCE OF 504.88 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 33 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 20 FOR A DISTANCE OF 440.25 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 27 SECONDS WEST ALONG THE CENTERLINE OF MERIDIAN DRIVE FOR A DISTANCE OF 113.40 FEET; THENCE 158.34 FEET WESTERLY ALONG SAID CENTERLINE ON A TANGENTIAL CURVE CONCAVE TO SOUTH, HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF 36 DEGREES 17 MINUTES 18 SECONDS; THENCE SOUTH 53 DEGREES 58 MINUTES 15 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 217.92 FEET; THENCE 75.32 FEET SOUTHWESTERLY AND NORTHWESTERLY ALONG SAID CENTERLINE ON A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 86 DEGREES 18 MINUTES 23 SECONDS; THENCE NORTH 39 DEGREES 43 MINUTES 22 SECONDS WEST ALONG SAID CENTERLINE FOR A DISTANCE OF 56.79 FEET; THENCE SOUTH 50 DEGREES 16 MINUTES 38 SECONDS WEST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 15 AND THE NORTHEASTERLY PROJECTION THEREOF FOR A DISTANCE OF 173.00 FEET TO THE TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.93 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR'S CERTIFICATE

I, JAMES A. COOPER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "SOUTH MEADOWS ADDITION SECOND REPLAT" TO THE CITY OF BISMARCK, A REPLAT OF LOTS 16 THRU 20, BLOCK 4, SOUTH MEADOWS ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS.

JAMES A. COOPER
REGISTERED LAND SURVEYOR
REG. NO. LS-5501

REGISTERED LAND SURVEYOR — JAMES A. COOPER — LS-5501 — DATE 4-17-2018 — NORTH DAKOTA

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS 17th DAY OF April 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JAMES A. COOPER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA

CHERYL A. SCHMIDT — Notary Public — State of North Dakota — My Commission Expires February 11, 2021

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF THE LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 23rd DAY OF August, 20 17, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

DOUGLAS M. LEE - CHAIR

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 THE 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 26th DAY OF September, 20 17.

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 "SOUTH MEADOWS ADDITION SECOND REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

GABRIEL J. SCHELL
CITY ENGINEER

OWNER'S CERTIFICATE AND DEDICATION

KNOWN ALL MEN BY THESE PRESENTS THAT INVESTCORE, INC., BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "SOUTH MEADOWS 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, WATER MAIN, SANITARY SEWER, STORM SEWER AND STORM WATER EASEMENTS.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES OF LOTS 5 THROUGH 18, THEIR TENANTS, VISITORS AND LICENSEES, 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, TO 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. THEY ALSO DEDICATE SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

CHAD WACHTER
PRESIDENT
INVESTCORE, INC.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

ON THIS 01 DAY OF May 2018, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHAD WACHTER, PRESIDENT, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF INVESTCORE, INC.

NOTARY PUBLIC, BURLEIGH COUNTY, NORTH DAKOTA

JENI L GRUNSETH — Notary Public — STATE OF NORTH DAKOTA — My Commission Expires April 19, 2020

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
NAVD 88
UNITS ARE INTERNATIONAL FEET

FLOOD PLAIN INFORMATION
PROPERTY DOES NOT FALL WITHIN 100 YEAR FLOOD PLAIN
FLOOD PLAIN ELEVATION = 1635.2' (NAVD 88)

LOT 19, BLOCK 1 IS A NON-BUILDABLE COMMON AREA LOT THAT IS UTILIZED, OWNED, AND MAINTAINED BY ALL ADJACENT LAND OWNERS.

AREA DATA

LOTS	165,187 S.F.	3.79 ACRES
STREETS	49,805 S.F.	1.14 ACRES
TOTAL	214,992 S.F.	4.93 ACRES

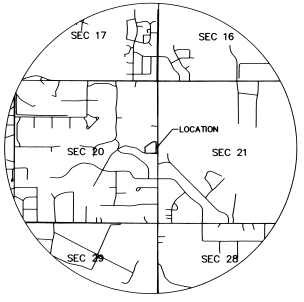
N E S W

0 40
Scale in Feet

DATE: JUNE 23, 2017

LEGEND

●	IRON MONUMENT FOUND
○	SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #5501
L	ARC LENGTH
R	RADIUS LENGTH
Δ	CENTRAL ANGLE
CH. BRG.	CHORD BEARING
(9,000 SF)	DENOTES LOT AREAS IN SQUARE FEET
— — —	ACCESS CONTROL
⊕	SANITARY SEWER CLEAN OUT
◇	FIRE HYDRANT
◇	WATER GATE VALVE



LOCATION MAP

Proposed Replatted Area

moore engineering, inc. SHEET 1 OF 1 PROJ. NO. 19668

2228

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

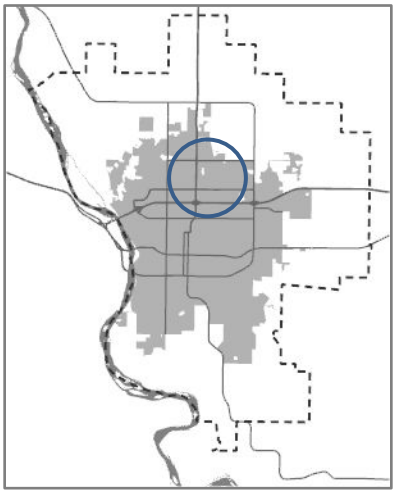
Agenda Item # 9
January 26, 2022

Application for: **Special Use Permit**

Project ID: **SUP2021-025**

Project Summary

Title:	Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition
Status:	Planning & Zoning Commission – Public Hearing (continued)
Owner(s):	Evangel Assembly of God
Project Contact:	Dan Sipes, Business Administrator, Evangel
Location:	In north-central Bismarck, east of US Highway 83/State Street and north of East Century Avenue east of the intersection of Harvest Lane and North 14th Street (3225 North 14th Street)
Project Size:	Within an existing religious facility on a 21.7 acre parcel
Request:	Approval of a special use permit for a child care center



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Religious facility	*Land Use:*	Religious facility with a child care center
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	*Zoning:*	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density:	CA – 30 units / acre	*Max Density:*	RT – 30 units / acre

(continued)

Property History

Zoned:	2019 (rezoned)	*Platted:*	1988 - Wachters North Addition 2004 - Pebble Creek 6th Addition	*Annexed:*	1993 – PC 6th Addition (part) 1992 – PC 6th Addition (part) Pre-1980 – Wachter's North Addition

Staff Analysis

Evangel Assembly of God is requesting approval of a special use permit to allow a child care center within an existing religious facility on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition.

The Planning and Zoning Commission met on December 15, 2021 and continued the public hearing for this special use permit in order to provide the applicant more time to determine a solution that meets International Building Code and International Fire Code requirements. These issues will be resolved prior to the child care opening.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on December 3rd and December 10th, and 44 letters were mailed to the owners of nearby properties on December 3rd.

Adjacent uses include a variety of commercial uses including hotels / motels, restaurants and multifamily dwellings to the north, south, east and west.

The property is zoned RT - Residential. A child care center may be permitted as a special use in the RT – Residential zoning district, provided certain criteria are met.

The following criteria from Section 14-03-08(3)(q) of the City Code of Ordinances (Special Uses/Child Care Center) apply:

1) *"Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation."*

   The applicant has indicated that at full capacity the child care center would provide child care services for up to 30 children ages 0-12 years of age within three different rooms. Based on a narrative and building exhibit provided with the application, staff have verified that this requirement could be met.

2) *"Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines."*

   The applicant has proposed an outdoor recreation space on the north side of the building. The proposed size and screening requirements would meet this ordinance provision. However, due to winter weather, the applicant is requesting a waiver of this requirement until July 30, 2022. Staff is supportive of this delay waiver request as a condition of approval.

3) *"Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children."*

(continued)

The applicant has indicated that the parking lot on the north side of their building will be used for child care center parking. This parking lot area contains 161 spaces. The maximum number of staff for both the proposed child care center and the other simultaneous church functions is 40 and for the 30 proposed children to be provided child care; a total of 43 parking spaces would be required. The church does not have other functions that would conflict with the proposed hours of operation of the child care center or create parking demands in excess of the number of parking spaces that are available on site.

4) *"Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services."*

The Building Official and Fire Marshall previously noted concerns with the proposed child care center's ability to meet International Building Code and International Fire Code requirements. Additional improvements are necessary to ensure these requirements will be met – Specifically the addition of two doors with direct exterior egress. Staff is recommending conditional approval for this request provided the egress doors are installed prior to operation of the child care center.

5) *"Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health."*

The applicant has provided written verification that they intend to meet these requirements.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a child care center for up to 30 children on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North

(continued)

Addition and Lot 5, Block 1, Pebble Creek Sixth Addition including the waiver request to delay installation of the outdoor recreation area with the following conditions:

1. The outdoor recreation area must be installed prior to July 30, 2022.
2. The required egress doors are installed prior to operation of the child care facility.

Attachments

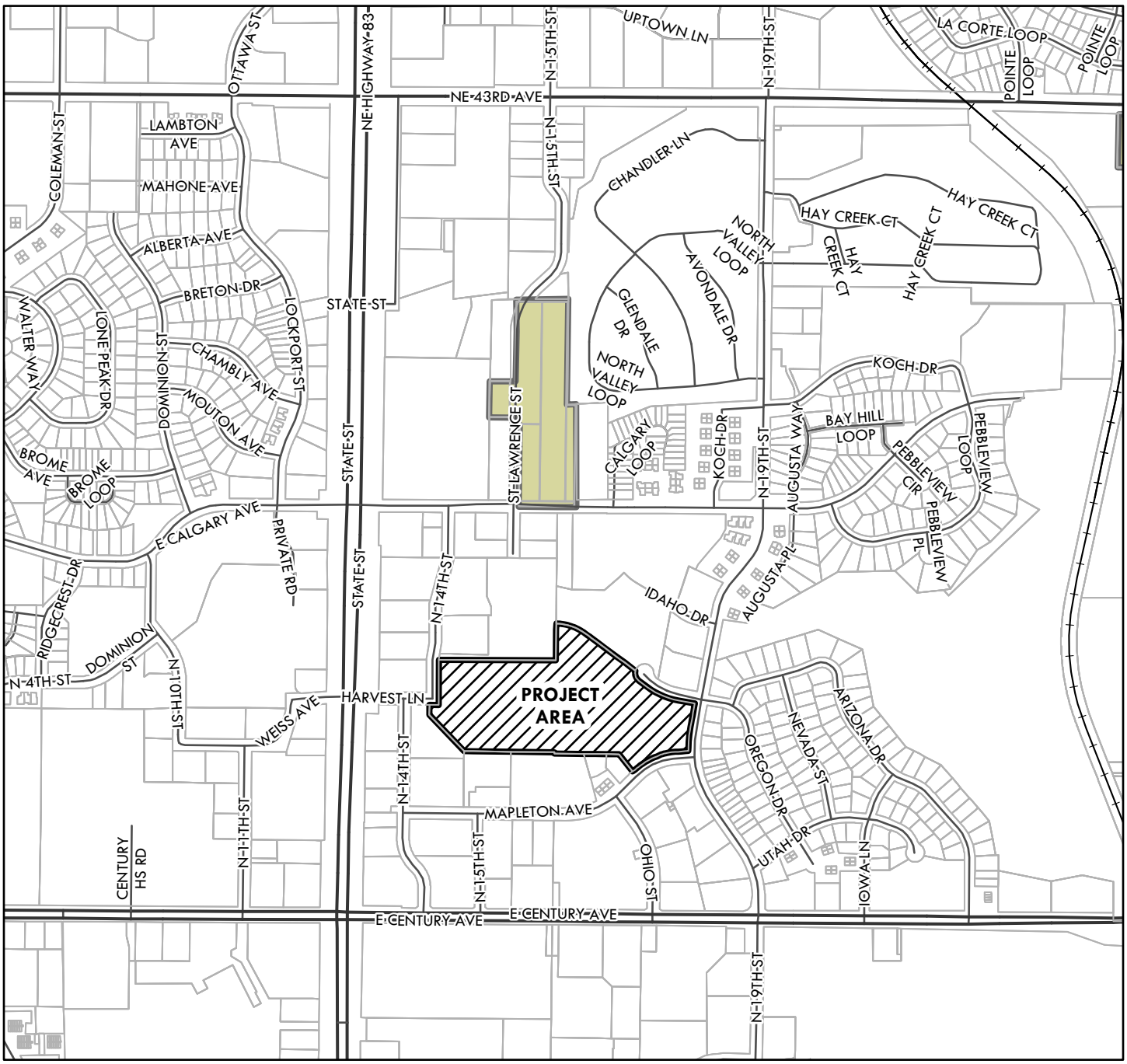
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map

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

Location Map

WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025



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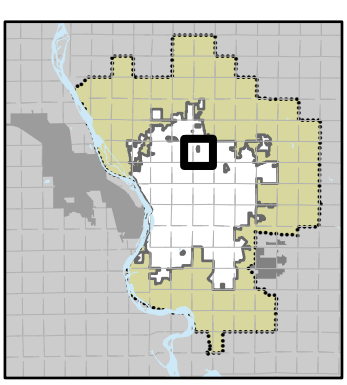


City Limits

Bismarck ETA Jurisdiction

County Outside ETA

Section, township, and range indicated in orange

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

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

Aerial Map

WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025

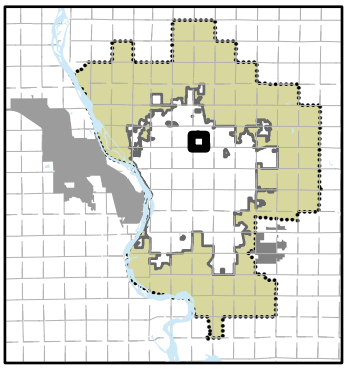
0 0.1 0.2 0.4 Miles

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Finance Department
IT/GIS Division
December 7, 2021

Zoning and Plan Reference Map

WACHTERS NORTH ADDITION & PEBBLE CREEK 8TH ADDITION

SUP2021-025

Zoning Districts

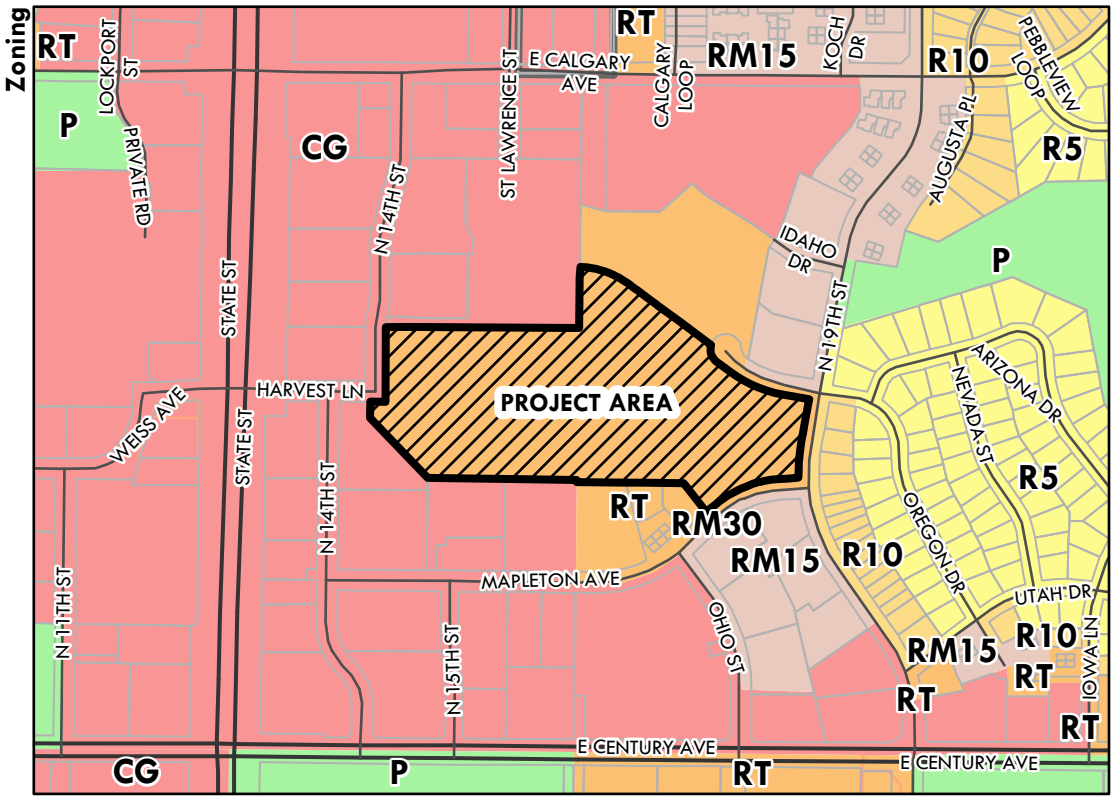
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

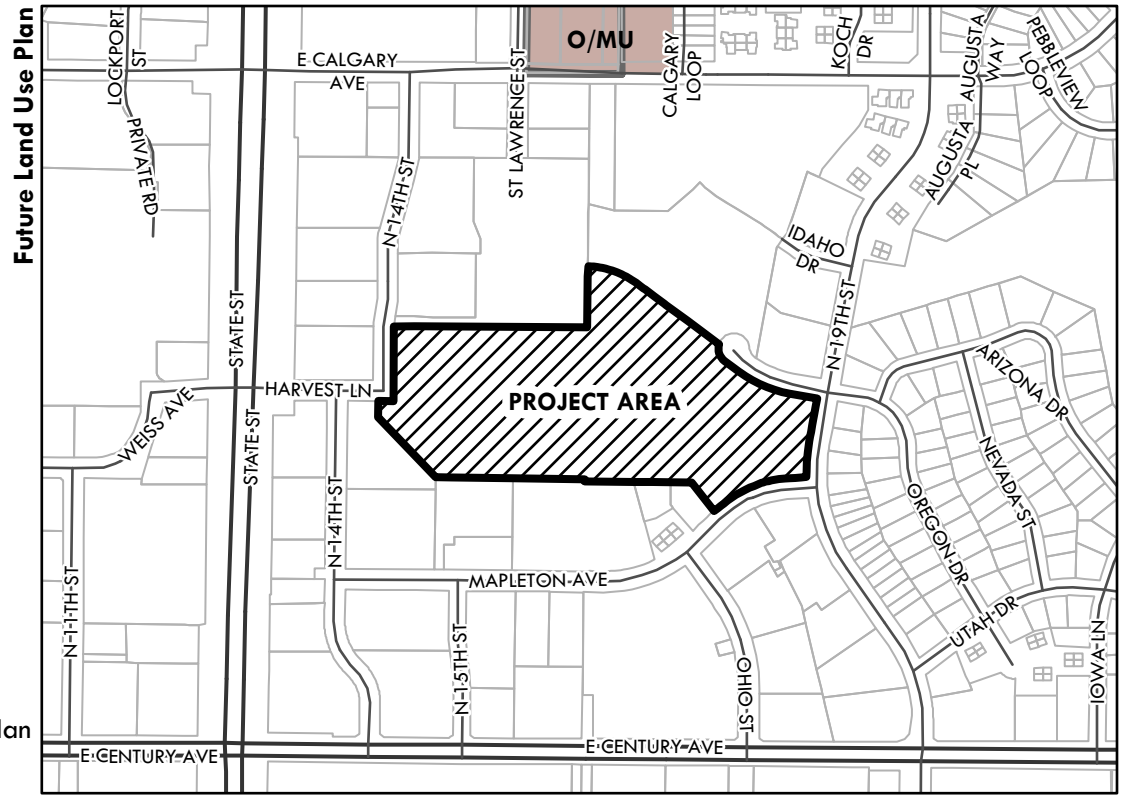
Future Land Use Plan

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
December 7, 2021

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
December 15, 2021

The Bismarck Planning & Zoning Commission met on December 15, 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. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

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

Commissioners Brian Bitner 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

Chair Schwartz called for consideration of the minutes of the November 17, 2021 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the November 17, 2021 meeting, as presented. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

CONSIDERATION

There were no items scheduled for consideration at this time.

Commissioner Bakken joined the meeting at this time.

FINAL CONSIDERATION – ANNEXATION
LOTS 18-27 AND 29-32, BLOCK 1; LOTS 2-8, BLOCK 4; AND LOTS 8-10, BLOCK 8, CLEAR SKY ADDITION AND A PORTION OF HOLMES DRIVE ADJACENT TO LOT 8, BLOCK 4 AND LOTS 8-10, BLOCK 8, CLEAR SKY ADDITION

Chair Schwartz called for final consideration of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition. The property is located East of Bismarck, between East Main Avenue/County Highway 10 and Apple Creek Road, along the east side of 52nd Street SE.

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

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

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition.

Commissioner Martin joined the meeting at this time.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lots 18-27 and 29-32, Block 1; Lots 2-8, Block 4; and Lots 8-10, Block 8, Clear Sky Addition and a portion of Holmes Drive adjacent to Lot 8, Block 4 and Lots 8-10, Block 8, Clear Sky Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARINGS – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT
SOUTH MEADOWS THIRD ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat and the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning districts for South Meadows Third Addition and final consideration of the annexation of Lot 1, Block 1, Burleigh Avenue Addition. The proposed plat is 13 lots in two blocks on 3.98 acres and is located in southwest Bismarck, west of South Washington Street along the south side of Burleigh Avenue (a replat of Lot 1, Block 1, Burleigh Avenue Addition, all of South Meadows Second Addition).

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

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

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.

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

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

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

Ms. Wollmuth then gave the findings related to land use for the zoning change:

1. The proposed zoning change for the eastern portion of the proposed plat generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended; the proposed zoning change for the western portion of the proposed plat 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 proposed 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.

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

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

Ms. Wollmuth said, based on the above findings, staff recommends approval of the annexation of Lot 1, Block 1, Burleigh Avenue Addition, the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning district, and minor subdivision final plat for South Meadows Third Addition.

Commissioner Schell asked if the existing access point on Burleigh Avenue would remain. Ms. Wollmuth said it was there to serve the single-family house, but now that the house is gone that access will no longer be used.

Commissioner Laning asked if all of the structures on the property are to be demolished. Ms. Wollmuth said that is correct; the existing house has been demolished and new two-family structures would be built.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to approve the annexation of Lot 1, Block 1, Burleigh Avenue Addition, the zoning change from the RR – Residential zoning district and the R10 – residential zoning district to the R10 – Residential zoning district, and minor subdivision final plat for South Meadows Third Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT
BASIN ELECTRIC FOURTH ADDITION

Chair Schwartz called for the public hearing on the final plat for Basin Electric Fourth Addition. The proposed plat is two lots in one block on 2.90 acres and is located in north-central Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street (part of the NE ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township and a replat of all of Tract 4A of Lot 1, Block 1, Basin Electric Third Addition).

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

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

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.

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

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.

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

8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

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

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the final plat for Basin Electric Fourth Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the final plat for Basin Electric Fourth Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, , Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT
MUNICIPAL FIFTH ADDITION

Chair Schwartz called for the public hearing on the final plat for Municipal Fifth Addition. The proposed plat is one lot in one block on 9.29 acres and is located in east Bismarck, south of East Main Avenue, north of Vermont Avenue, along the east side of South 26th Street (Tract 335, Lots 1 and 2, Block 1, Sloven Second Subdivision and part of the SW ¼ of Section 2, T138N-R80W/Lincoln Township).

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

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

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.

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

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the final plat for Municipal Fifth Addition.

Chair Schwartz opened the public hearing.

Commissioner Zent asked if there are environmental concerns with this proposal. Mr. Hutchings said some cleanup of the area was needed but that has been taken care of.

Commissioner Bakken asked if access easements have been identified, since this is the future site of Public Health and there could be more traffic generated in the area. Commissioner Schell said the site plan would identify any new access needed and it is likely the properties would have joint access.

Commissioner Bakken said rail traffic sometimes causes traffic to back up, so he is glad it is being thought out now.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the final plat for Municipal Fifth Addition. Commissioner Martin seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson,

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

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
HORIZON CONDOS ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat for Horizon Condos Addition. The proposed plat is six lots in one block on 3.469 acres and is located in northwest Bismarck, west of North Washington Street and north of LaPaz Avenue (a replat of Lot 1, Block 3, BREI Estates First Addition Replat).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use for the minor subdivision final plat:

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.

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the minor subdivision final plat for Horizon Condos Addition.

Chair Schwartz opened the public hearing.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Horizon Condos Addition. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT
LOT 1, BLOCK 4, SECOND ADDITION TO BREEN'S SUB-DIVISION

Chairman Schwartz called for the public hearing on a rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-Division. The property is located north of Bismarck, west of US Highway 83 and north of ND Highway 1804 in the northwest quadrant of the intersection of 79th Avenue NE and 7th Street NE (6007 79th Avenue NE).

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

1. All technical requirements for approval of a rural residential lot split have been met.

2. The resulting parcels would meet the minimum lot width, depth and area requirements of the zoning district in which it is located.

3. The Hay Creek Township Board of Supervisors has not yet made a recommendation for the proposed lot split.

4. The proposed lot split is compatible with adjacent land uses.

5. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.

6. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

7. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

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

9. The proposed lot split is compatible with adjacent land uses/

10. The proposed lot split and the resulting parcels would not place an undue burden on existing public services and facilities.

11. The proposed lot split complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

12. The lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.

13. The proposed lot split would not adversely affect the public health, safety and general welfare

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division as shown in the attached lot split exhibit.

Commissioner Laning asked if there are any special provisions for access here with the new development.

Ms. Wollmuth said the County Engineer would be the one to issue any road approach permits and would assess the distances between them as well, adding that it is likely that access to the new parcel would be from the east off7th Street NE.

Commissioner Schell asked why the Future Land Use Plan has this area designated MDR-Medium Density Residential when the property is a rural residential use and zoning. Ms. Wollmuth said in 2014 the Future Land Use Plan stepped the future land use along that corridor down from commercial to residential to provide for a zoning transition from US

Highway 83 where commercial is identified to rural residential. She added that these lots were included as they are large, over 1.5 acres and would have the ability to redevelop as commercial once City services are available.

Chair Schwartz opened the public hearing.

Corey Palm, 800 79th Avenue NE, said he lives east of this property and when looking at the land all around the area they are mostly approximately 1.9-acre properties. He said this property would be significantly smaller and said there also appears to be an inconsistency with the southern lot line as well.

Ms. Wollmuth said based on the information gathered, the original plat had a right-of-way issue that was corrected after the plat was recorded in the 1970s and was corrected after that.

Commissioner Levchak asked where the existing drain field is located. Mr. Glaser said it is south of the driveway but does not encroach on the proposed property line as it is a good distance away.

Additional written comments in opposition to the request are attached as Exhibits A & B.

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

MOTION: Based on the findings contained in the staff report, Bakken made a motion to approve the request for a rural residential lot split for Lot 1, Block 4, Second Addition to Breen's Sub-division, as shown on the lot split exhibit attached to the staff report. Commissioner Johnson seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Martin, Schell, Schwartz and Wangen voting in favor of the motion. Commissioners Levchak and Zent opposed the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARE CENTER)
LOT 5 LESS THE WEST 55 FEET OF THE NORTH 290 FEET TAKEN FOR STREET RIGHT-OF-WAY, BLOCK 1, WACHTERS NORTH ADDITION AND LOT 5, BLOCK 1, PEBBLE CREEK SIXTH ADDITION

Chair Schwartz called for the public hearing on a special use permit for child care center to be located on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition. The property is located in north-central Bismarck, east of US Highway 83/State Street and north of East Century Avenue east of the intersection of Harvest Lane and North 14th Street (3225 North 14th Street).

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

1. The proposed special use does not currently comply with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, specifically building and fire code requirements.

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

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends continuing the public hearing to the January meeting for the special use permit to allow a child care center on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition.

Commissioner Laning asked if all of the buildings on the property could support a child care center. Mr. Hutchings said the proposed child care center would go in a portion of the older part of the building and there are some fire code issues to be worked through.

Chair Schwartz opened the public hearing.

Dan Sipes, Evangel Assembly of God Business Administrator, said staff has been awesome at helping them throughout this process and said they are ok with the recommendation of continuing the request to address various needs.

Commissioner Laning asked if one month or two would be enough time to remedy the outstanding issues.

Mr. Sipes said however long it would take for Mr. Hutchings and staff to work through some changes with the church and their architect, in order to implement, modify, comply or revisit other items would be all the time they would need.

Mr. Hutchings said upgrades needed may need to be a condition of an approval to the request.

Commissioner Levchak said there are buildings on both North 14th Street and North 19th Street and asked which one would house the child care center. Mr. Sipes said it would go into the building on North 14th Street, which is also a preschool room area.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to continue action on the special use permit for a child care center to be located on Lot 5 less the West 55 feet of the North 290 feet taken for street right-of-way, Block 1, Wachters North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition until the January meeting, to allow time for further review by City staff and the applicant's design consultant. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (DIESEL FUEL TRANSLOADING FACILITY) LOTS 15, 16 & 23, BLOCK 1, NORTHERN PLAINS COMMERCE CENTRE SECOND ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition. The property is located in southeast Bismarck, south of Morrison Avenue along the east side of Northern Plains Drive (1901 Northern Plain Drive).

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

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

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

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition with the following conditions:

1. The proposed facility must continue to meet all requirements.

2. If the facility becomes permanent, notification to the City is required as well as approval of a site plan for any associated improvements is required.

Commissioner Laning asked if there are regulations related to spill containment and if this is a temporary use would spill prevention measures still be in place.

Mr. Hutchings said spill containment requirements would not apply according to the North Dakota Department of Environmental Quality and said if the operation switched to permanent storage then changes would have to be applied.

Commissioner Levchak ask if this storage would be in tank cars. Mr. Hutchings said that it would be.

Commissioner Levchak asked if there would be a rail spur to move them off the main spur. Mr. Hutchings said Northern Plains Drive separates their three lots and the private spur line, that runs through or by each lot would allow placement of cars on the east and west sides.

Commissioner Levchak said he has concerns about the runoff holding ponds adjacent to this property.

Commissioner Johnson asked if there are concerns that the right-of-way that separates the properties could become blocked.

Mr. Hutchings said this is an access easement that would only serve the owner at the end of the street.

Commissioner Schell asked if there has been coordination of hazardous materials with the fire department and the overall site needs. Mr. Hutchings said the Fire Marshall and the Building Official have reviewed the request and their comments were shared with the applicant. He said the containment requirements for any permanent tank were discussed amongst others and the Fire Marshall is comfortable with the request as proposed, but if the storage were to become permanent there would be some concerns to work through.

Commissioner Bakken asked if the owner has assured access to the property in the event of an emergency. Mr. Hutchings said that is correct and there are not any concerns of that nature.

Chair Schwartz opened the public hearing.

Justin Glaser, Tubular Transport and Logistics, said the cars come in loaded and are not loaded on site. He said trucks would connect and empty with approximately three truckloads per rail car and 10-15 rail cars per month. He said there is the potential for significant business growth and he fully agrees with the need for environmental quality protection.

Commissioner Levchak said three proposals were referenced but only this one came to fruition and asked why that is. Mr. Glaser said the other businesses lost interest throughout the process but could possibly come back at another time.

Commissioner Levchak said he is reluctant about the request it seems like a way around a permanent structure with proper containment and that is a mistake.

Commissioner Schell asked how containment would be provided. Mr. Glaser said containment tanks will be under the connection areas and then full trucks move on to various service centers.

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

Commission Schell asked what the timeframe is for a special use permit. Mr. Hutchings said they must be put to use within two years until the operation would cease and there cannot be a lapse in the approved use.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to approve the special use permit to allow bulk storage of flammable, combustible or hazardous materials on Lots 15, 16 and 23, Block 1, Northern Plains Commerce Centre Second Addition with the following conditions: 1. The proposed facility must continue to meet all requirements; and 2. If the facility becomes permanent, notification to the City is required as well as approval of a site plan for any associated improvements is required.. Commissioner Zent seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion. Commissioner Levchak opposed the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT
SIGN ORDINANCE TECHNICAL AMENDMENTS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to technical revisions to the sign ordinance.

Mr. Nairn gave an overview of the amendment, then gave the following findings:

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.

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

Mr. Nairn said based on these findings, staff recommends approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Commissioner Bakken asked what the process was in finding out the needed changes and said it can be assume that the ordinance will continue to be updated as needed.

Mr. Nairn said these changes stem from discussions with those in the sign industry and are mostly minor.

Commissioner Laning asked why each electric component can only be one color. Mr. Nairn said that was written to make sure gas station price signs would not have issues, but it would not create loophole from Electronic Message Center requirements

Chair Schwartz asked how changes to the ordinance are communicated to the community. Mr. Nairn said through legal ads and also through working closely with those most impacted by the changes.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning ordinance text amendment for Chapter 14-03.1 (Signs) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

DOWNTOWN UPDATE

Kate Herzog, The Downtowners, gave an overview of their staff members and shared information on the Renaissance Zone investments and benefits, projects and housing unit increases. She said the Infill and Redevelopment Plan has been helpful for new projects such as the Machining District and the East Main Avenue corridor study. She said there are benefits to the downtown parking requirements and the opportunity zone being available for investments and deploying capital gains in low-income census tracts. She listed multiple new projects and overviewed their benefits and how they were able to happen between the Infill and Redevelopment Plan and various ordinance changes. She said future projects such as the Sanford Heart Hospital, University of Mary site at the Public Health building and the redevelopment of the strip mall site on Bowen Avenue are anticipated also.

Commissioner Zent asked if the removal of the one-way streets in the downtown area has been a positive or negative change. Ms. Herzog said it has been positive with easier routes to plan and easier access to various businesses.

Commissioner Johnson said this highlights the importance of policies and ordinances and what affect they have on the community and it is exciting to see.

TOGETHER 2045 UPDATE

Mr. Nairn said focus groups met and provided an overview of their discussions. He said next will be to put information into a framework and work with the committees to implement it. He said they will release reports soon and should get through a lot of writing and content in the next few months.

Mr. Ehreth said past presentations have focused on the importance of policy and Together 2045 will help a lot. He said they need to prepare for the future with a new policy framework and have seen robust public engagement.

PLANNING AND ZONING COMMISSION TERMS

Mr. Ehreth said there is a City-wide effort for appointed members to have all of their terms expire in December of their respective years. He said this will help with staff efforts to organize and help with letting the public to know when these positions are coming up. He said the change will be considered by the City Commission in the near future.

Chair Schwartz asked if December could be a tough month to fill vacant positions. Mr. Ehreth said it seems that various times throughout the year do not see a heavy amount of applications, but this will possibly increase people's interest.

Commissioner Levchak asked if this would include Burleigh County appointments. Mr. Ehreth said those positions are appointed by the Burleigh County Commission and already expire in December so they would not be affected.

Chair Schwartz wished those present a Merry Christmas and happy holidays and said the regular meeting schedule will resume in January.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 6:27 p.m. to meet again on January 26, 2022.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

EXHIBIT A

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Proposed Irregular Plat Split Breen"s 2nd Addition
Date: Tuesday, December 14, 2021 4:17:51 PM

From: erica roth <[redacted]>
Sent: Tuesday, December 14, 2021 4:09 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Proposed Irregular Plat Split Breen's 2nd Addition

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Good Afternoon,

We are sending this email with regard to the proposed irregular plat split for Lot 1, block 4, second addition to Breens's Sub-division that has been requested by a Mr. John Glaser.
We are opposed to this split as it totally changes the dynamics of the development. There is not one other 1.5 acre lot with a home on it. We left the city of Bismarck and purchased our lot and built our home twenty years ago exactly for that reason.
We wanted a rural environment and splitting Lot 1,Block 4 will only open the door for additional splits, and take the development away from the environment we and most of our neighbors seek.
We are also concerned about the access to the proposed new home and how it might affect 7th street which borders our property.
We are unable to make the meeting in person, but hope that our concerns are given the same weight as though we were able to attend in person. This issue is very personal to us as we only have one home .

Thank you for your consideration,
Shane and Erica Roth
710 79th Ave NE

EXHIBIT B

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: John Glaser Rural Residential Lot Split, Lot 1, Block 4, Second Addition to Breen"s Sub-division
Date: Wednesday, December 15, 2021 8:17:31 AM

From: [redacted]
Sent: Tuesday, December 14, 2021 9:03 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: John Glaser Rural Residential Lot Split, Lot 1, Block 4, Second Addition to Breen's Sub-division

CAUTION: ***External Email - Use caution clicking links or opening attachments***

Bismarck Planning and Zoning Commission (BP&ZC),

I received the notice that the BP&ZC will be conducting a public hearing on Wednesday, December 15, 2021 at 5pm in regards to John Glaser's request to split Lot 1, Block 4, Second Addition to Breen's Sub-division. I am unable to attend the meeting at that time and therefore wish to submit my comments via email to the Commission.

I am not in favor of approving his request and therefore ask the Commission to deny such request. Breen's sub-division does not consist of approximately 1.5 acre lots and was never intended for those small lots after visiting with those that have knowledge of the sub-division. Breen's sub-division is based on larger lot sizes, not small acreages, and it should be kept intact as such. If Mr. Glaser wanted a smaller 1.5 acre lot, there are and were many for him to purchase in the Bismarck area. Property owners in Breen's take pride in their sub-division and it being set apart from newer, smaller acreage sub-divisions. It has a unique country feel, different than the country feel of small 1-2 acre sub-divisions located in the county. That's due to their larger lot size and location or placement of the existing lots. Sub-dividing these lots would totally change that. That is the reason homeowners bought and purchased lots in Breen's, to have the additional acreage and the unique country experience. If Mr. Glaser is unhappy with the lot he purchased, he can gladly sell it to someone who values a 3+ acre lot and will keep the lot size intact as intended for Breen's.

If Mr. Glaser's request is approved to split his lot, will you approve all of the other requests that come in to split existing lots as well? I would entertain the thought of splitting my lot too! Splitting lots in Breen's will totally change the look and feel of the development and devalue their property. Breen's was built and designed with larger lot sizes in mind and now to try and change that by splitting the lot Mr. Glaser bought is wrong. He knew the lot size when he purchased it? If he didn't truly want a 3+ acre lot, then he should have never purchased it. What's his reasoning, request or justification for splitting the lot? Did he pay to much for the purchase and now wants to split the lot to help him financially? Is he looking to cash in on the real estate market by sub-dividing?

If his request is approved, it will be the start of many requests to split existing lots. Is the BP&ZC ready to approve all of them? How can you approve one and not all the others, a precedence will be

set. Is the county going to add another approach/driveway on 79th Ave. for this new lot? They'll have to if you approve the split in order for the new property owner to have access. That would result in two approaches and driveways extremely close together. I remember that distance and placement was a factor in where I could locate my approach when I purchased my lot in Northridge Estates. I'm asking you to vote no and not approve this request.

Thanks for your time,

31-139-80-66-07-010
Ronald W. Herr
7917 Ridgeland Dr.
Bismarck, ND 58503

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 12/2021

	*******************City*******************				********************ETA********************			
	12/2021		**12/2020**		**12/2021**		**12/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	6	$2,077,396.25	15	$3,467,510.18	0	$0.00	1	$425,804.80
ROWHOUSE (2) 1-HR FIRE SEPARATION	14	$1,824,229.92	7	$1,426,683.50	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	2	$222,263.14	0	$0.00	2	$44,195.68
DETACHED GARAGE	0	$0.00	0	$0.00	1	$30,000.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	2	$18,417.75	4	$13,182.75	0	$0.00	0	$0.00
SWIMMING POOLS	0	$0.00	1	$62,254.00	0	$0.00	1	$61,460.00
RESIDENTIAL ALTERATION/OTHER	0	$0.00	3	$55,825.00	0	$0.00	0	$0.00
HOME OCCUPATION	1	$0.00	2	$0.00	0	$0.00	0	$0.00
BASEMENT FINISH	7	$154,671.00	6	$132,152.25	1	$28,380.00	1	$21,217.50
FIREWORKS SALES	0	$0.00	0	$0.00	2	$0.00	2	$0.00
NEW SIGN PERMITS	14	$169,710.00	7	$24,700.00	0	$0.00	0	$0.00
SIGN ALTERATION	1	$14,025.00	1	$28,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	3	$2,315,000.00	3	$1,717,228.00	0	$0.00	0	$0.00
COMMERCIAL ADDITION	0	$0.00	1	$1,800,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	10	$3,276,265.44	14	$8,340,464.00	0	$0.00	0	$0.00
Total	**58**	**$9,849,715.36**	**66**	**$17,290,262.82**	**4**	**$58,380.00**	**7**	**$552,677.98**

PERMIT ACTIVITY REPORT - MTD
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	**********City**********				**********ETA**********			
	12/2021		**12/2020**		**12/2021**		**12/2020**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	83	$17,510.00	105	$9,694.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	197	$4,643,751.00	139	$1,352,802.13	24	$217,790.00	12	$109,734.10
BUILDING PLUMBING	15	$280,760.00	32	$484,865.00	3	$42,500.00	1	$27,960.00
BUILDING SEPTIC	0	$0.00	0	$0.00	2	$0.00	1	$10,000.00
Total	**295**	**$4,942,021.00**	**276**	**$1,847,361.13**	**29**	**$260,290.00**	**14**	**$147,694.10**

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	*******************City*******************		*******************ETA*******************	
	12/2021	**12/2020**	**12/2021**	**12/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	14	6	0	0
SINGLE FAMILY DETACHED	6	12	0	1
SWIMMING POOLS	0	0	0	0
Total	**20**	**18**	**0**	**1**

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	**********City**********				**********ETA**********			
	12/2021		12/2020		12/2021		12/2020	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	196	$55,414,483.04	188	$47,022,397.80	51	$18,384,082.48	56	$18,405,308.85
ROWHOUSE (2) 1-HR FIRE SEPARATION	180	$37,006,851.02	74	$15,051,927.26	6	$1,640,576.50	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	1	$191,457.83	13	$1,500,000.00	0	$0.00	0	$0.00
MANUFACTURED HOMES	25	$0.00	20	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	23	$1,256,567.17	17	$879,801.92	12	$808,522.68	22	$1,229,543.10
DETACHED GARAGE	31	$406,150.00	34	$641,997.50	62	$2,462,940.00	74	$2,528,171.50
DECKS\PORCHES & COVERED PORCHES	112	$858,029.83	155	$829,488.24	11	$53,544.00	24	$150,747.45
SWIMMING POOLS	15	$1,226,584.00	16	$1,069,751.00	7	$585,849.00	7	$468,472.00
RESIDENTIAL ALTERATION/OTHER	63	$1,960,406.73	55	$1,739,652.29	3	$144,025.77	11	$320,315.00
HOME OCCUPATION	6	$0.00	9	$0.00	2	$0.00	3	$0.00
STORAGE SHED	18	$56,680.00	17	$78,440.00	1	$2,880.00	4	$10,800.00
BASEMENT FINISH	88	$1,981,576.00	88	$1,732,332.39	10	$229,491.00	15	$234,102.50
COMMERCIAL BUILDINGS	0	$0.00	7	$0.00	0	$0.00	0	$0.00
RESIDENTIAL	10	$0.00	9	$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	9	$0.00	14	$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	124	$1,896,409.46	106	$1,354,192.00	0	$0.00	3	$25,175.00
SIGN ALTERATION	15	$259,722.00	20	$297,555.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	2	$255,000.00	1	$36,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	74	$58,160,157.21	30	$97,699,441.00	32	$16,678,813.00	9	$2,338,998.00

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	*******************City*******************				*******************ETA*******************			
	12/2021		**12/2020**		**12/2021**		**12/2020**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
COMMERCIAL ADDITION	7	$5,362,176.00	11	$13,872,555.00	2	$2,800,000.00	0	$0.00
COMMERCIAL ALTERATION	98	$33,166,451.30	134	$48,036,674.89	5	$5,246,745.00	5	$4,117,730.28
Total	**1097**	**$199,458,701.59**	**1021**	**$233,740,249.37**	**213**	**$49,037,469.43**	**250**	**$30,258,993.36**

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	*******************City*******************				*******************ETA*******************			
	12/2021		**12/2020**		**12/2021**		**12/2020**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	1049	$2,337,777.15	1079	$1,039,392.00	2	$0.00	8	$0.00
BUILDING MECHANICAL	1555	$15,516,526.40	1345	$19,947,352.58	298	$5,743,896.14	282	$2,641,613.31
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	471	$13,332,398.63	417	$14,055,621.12	107	$2,850,956.00	88	$2,112,476.18
BUILDING SEPTIC	0	$0.00	1	$0.00	46	$52,500.00	53	$58,850.00
Total	**3075**	**$31,186,702.18**	**2843**	**$35,065,365.70**	**453**	**$8,647,352.14**	**432**	**$4,815,939.49**

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	*******************City*******************		*******************ETA*******************	
	12/2021	**12/2020**	**12/2021**	**12/2020**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	133	164	0	0
MULTI FAMILY RESIDENTIAL	0	22	0	0
MANUFACTURED HOMES	17	16	0	0
2-UNIT DUPLEX OR CONDO	0	0	0	0
BASEMENT FINISH	0	2	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	2
DETACHED GARAGE	0	1	2	4
RESIDENTIAL ADDITION	1	2	0	1
RESIDENTIAL ALTERATION/OTHER	1	4	0	1
ROWHOUSE (2) 1-HR FIRE SEPARATION	160	70	6	2
SINGLE FAMILY DETACHED	183	180	45	49
SWIMMING POOLS	1	2	0	1
THREE OR FOUR UNIT	0	11	0	0
Total	**496**	**474**	**53**	**60**