PLANNING AND ZONING COMMISSION

MEETING AGENDA
February 23, 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.

MINUTES

1. Consider approval of the minutes of the January 26, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Daybreak Second Addition** (JW)……5

   Zoning Change (A to CG and RT) | ZC2022-003 | *Consideration*

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

Preliminary Plat | PPLT2022-003 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

3. **Lot 1, Block 1, Cottonwood Parkview Addition** (JW)……14

Zoning Change | ZC2021-014 | *Public Hearing*

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

4. **N½ of Section 7, T139N-R79W/Gibbs Township** (WH)……21

Gibbs Township

Fringe Area Road Master Plan Amendment | FRMP2021-001 | *Public Hearing*

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

5. **East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition** (WH)……27

Special Use Permit (Drive-through) | SUP2022-001 | *Public Hearing*

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

OTHER BUSINESS

6. **Other**

ADJOURNMENT

7. **Adjourn.** The next regular meeting date is scheduled for March 23, 2022.

Enclosures: Meeting Minutes of January 26, 2022
Building Permit Activity Month to Date Report for January 2022
Building Permit Activity Year to Date Report for January 2022

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.

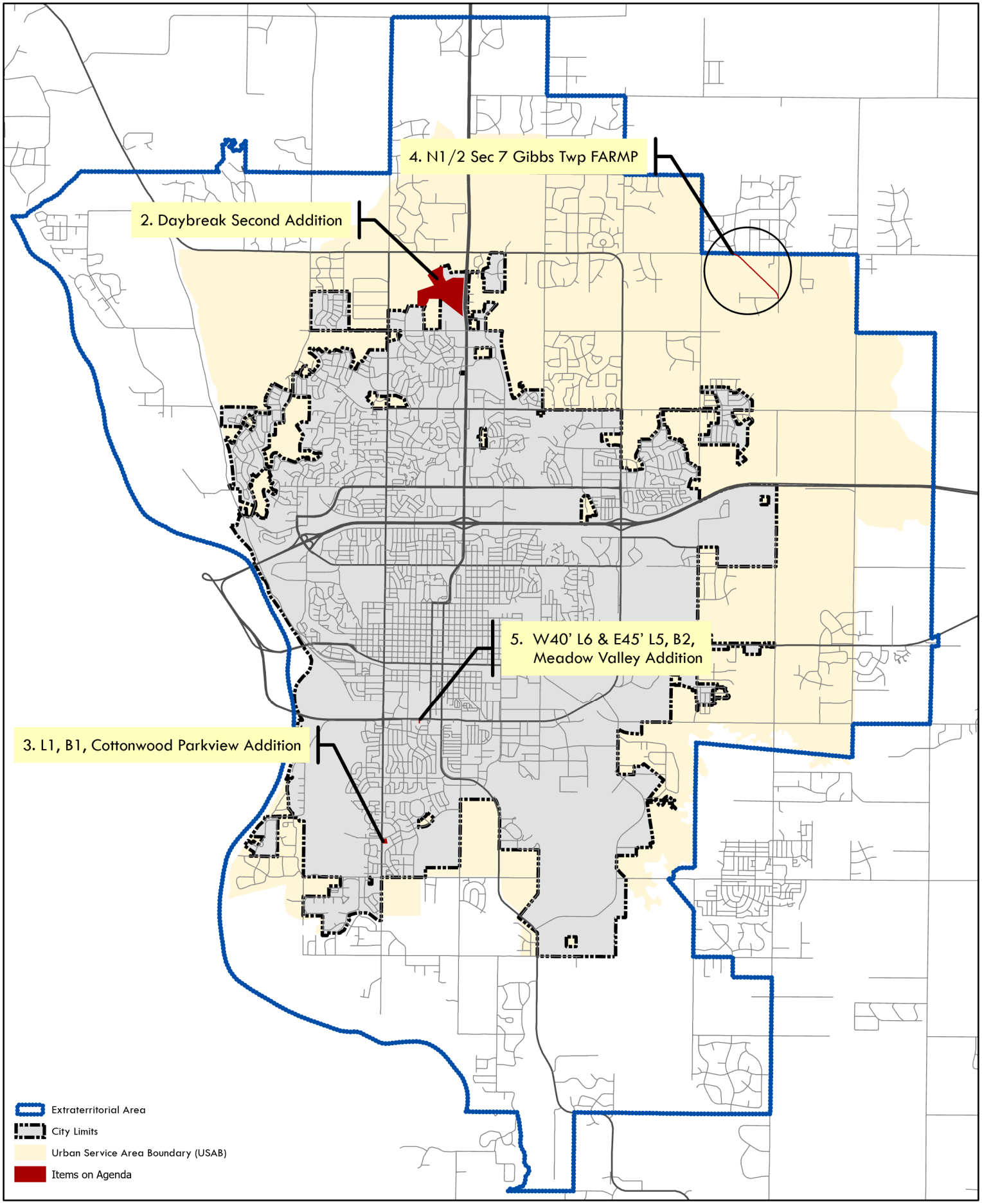
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions 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 and Zoning Commission - February 23, 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

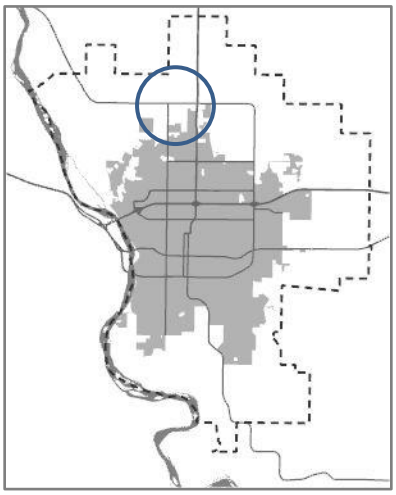
Agenda Item # 2
February 23, 2022

Application for: **Zoning Change**
Major Subdivision Preliminary Plat

Project ID: **ZC2022-003**
PPLT2022-003

Project Summary

Title:	Daybreak Second Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	TPR, LLP
Project Contact:	Landon Niemiller, Swenson Hagen & Co
Location:	In north the Bismarck, between 57th Avenue NE and 71st Avenue NE / ND Highway 1804, along the west side of US Highway 83 (part of Section 9, T139N-R80W/Hay Creek Township)
Project Size:	125 acres
Request:	Plat and zone land for future commercial and residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	4 parcels	*Number of Lots:*	12 lots in 6 blocks
Land Use:	Undeveloped	*Land Use:*	Residential Commercial
Future Land Use:	Medium Density Residential Commercial Mixed Use Commercial	*Future Land Use:*	Medium Density Residential Commercial Mixed Use Commercial
Zoning:	A – Agricultural	*Zoning:*	RT – Residential CG - Commercial
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RT – Offices and multi-family residential CG – General commercial, multi-family residential and offices
Max Density:	A – 1 unit / 40 acres	*Max Density:*	RT – 30 units / acre CG – 42 units / acre

(continued)

Property History

Zoned:	N/A	*Platted:*	N/A	*Annexed:*	02/2015 (part)

Staff Analysis

TPR, LLP is requesting approval of a zoning change from the A – Agricultural zoning district to the RT – Residential and CG – Commercial zoning districts and a major subdivision preliminary plat for Daybreak Second Addition.

Adjacent uses include undeveloped, agricultural-zoned land to the north and west, undeveloped agricultural land and an educational facility and automotive dealership to the south, and partially developed commercial and rural residential land to the east, across US Highway 83/State Street.

A portion of the area within the proposed plat was annexed in 2015, but never provided with city services or developed. The applicant intends to submit a request for annexation of the remainder of the property with the major subdivision final plat.

Conformance with Plans

The Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, as amended, identifies the area included in the proposed plat as Medium Density Residential (MDR), Commercial Mixed Use (CMU), and Commercial (C). The proposed plat and zoning change would comply with the FLUP.

The 2014 Fringe Area Road Master Plan (FARMP), as amended, identifies Ridgeland Drive, Yukon Drive, and 64th Avenue NE as collector roadways for this area. The proposed plat would comply with the FARMP.

The Growth Phasing Plan in the 2014 Growth Management Plan, as amended, identifies the area included in the proposed plat as a Future Area within the Urban Service Area Boundary. The developer is responsible for extending municipal services to the proposed plat.

Transportation and Access

The proposed plat includes extensions of Ridgeland Drive, Yukon Drive, and 64th Avenue NE. Yukon Drive and 64th Avenue NE are proposed to connect directly to roadways controlled by the North Dakota Department of Transportation (NDDOT). Approval for access to these state-owned roadways must be granted by the NDDOT.

A traffic impact study will be required to determine what, if any, improvements may be needed to public roadway infrastructure to accommodate proposed development. The City Engineer recommends that this study be accepted by the City and NDDOT prior a public hearing being scheduled for the major subdivision final plat, and that any agreed-upon recommendations of this study be included in a development agreement between the property owner and the City.

Sensitive Lands

The proposed plat is not located within the Special Flood Hazard Area (SFHA) or 100-year floodplain but includes previously delineated wetlands. A development setback line adjacent to these areas was approved by the City Commission upon acceptance of recommendations of the US Highway 83/ ND Highway 1804 watershed stormwater master plan and is included in the proposed plat.

(continued)

Utility Capital Charge

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

Parks and Open Space

The Neighborhood Parks and Open Space ordinance and policy requires a neighborhood park to be placed in any urban residential subdivision. Both the RT – Residential and CG – Commercial zoning districts allow for residential development.

The applicant has requested a waiver from this requirement and has indicated that a future regional park or neighborhood park would be located in a future plat of the surrounding area.

Required Findings of Fact (relating to land use)

Zoning Change

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

Required Findings of Fact (relating to land use)

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The applicant has requested a waiver from the requirement of the neighborhood parks and open space policy;
4. The proposed subdivision would likely generate a significant number of vehicle trips that would affect the circulation and safety of public roadways in the vicinity, and therefore a traffic impact study is required prior to submittal of the final plat;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision
7. The City of Bismarck and other agencies would be able to provide necessary public

(continued)

services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;

8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and,
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural zoning district to the RT – Residential and CG – Commercial zoning districts and tentative approval of the major subdivision preliminary plat for Daybreak Second Addition with the understanding that the following need to be resolved prior to a public hearing being scheduled for the major subdivision final plat:

1. A traffic impact study is submitted to the City Engineer and reviewed and accepted by both the City Engineer and the NDDOT prior to a public hearing being scheduled for the final plat.

Attachments

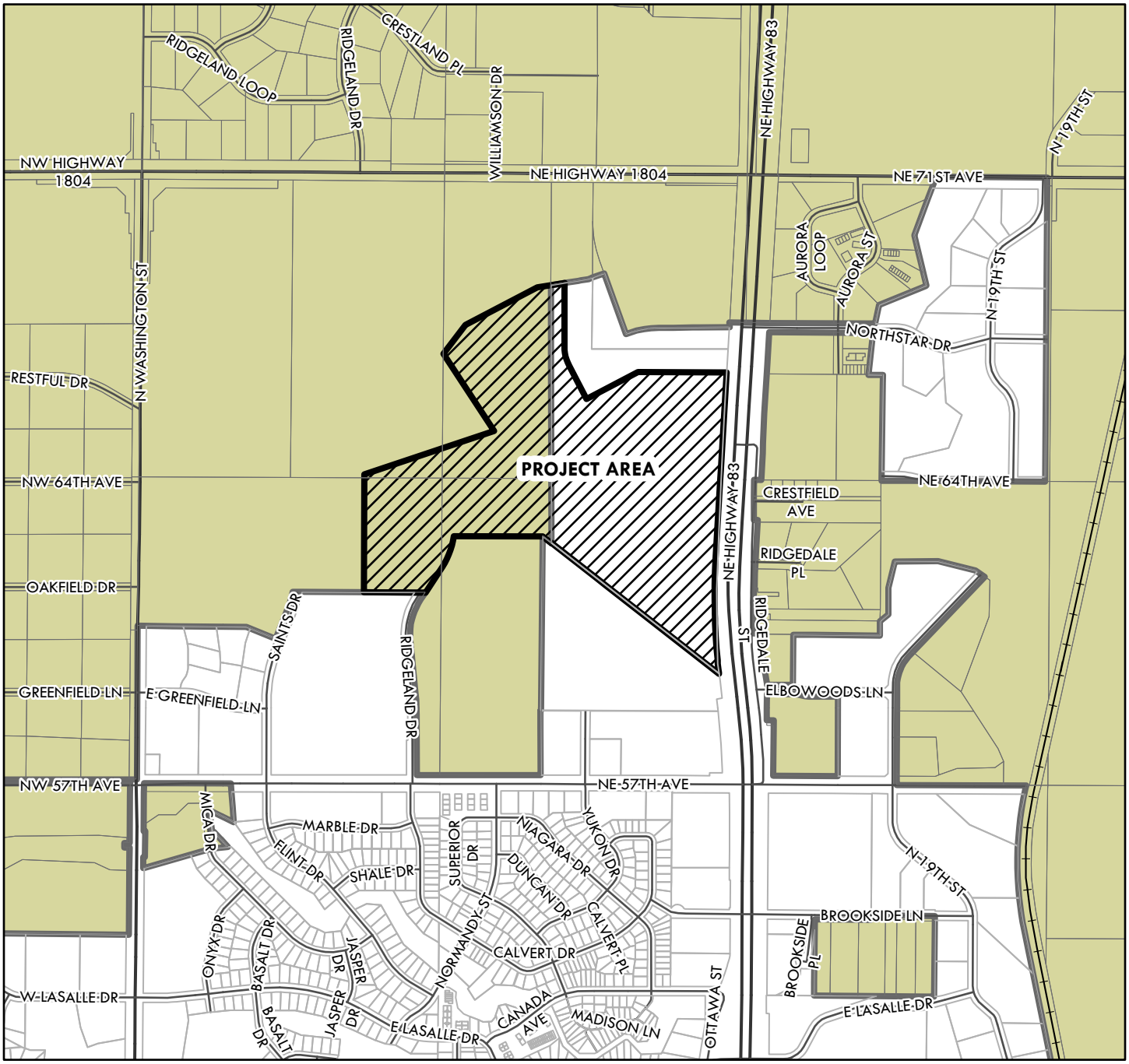
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Preliminary Plat

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

Location Map

DAYBREAK SECOND ADDITION

PPLT2022-003
ZC2022-003



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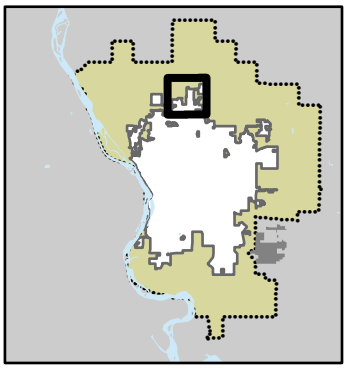


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

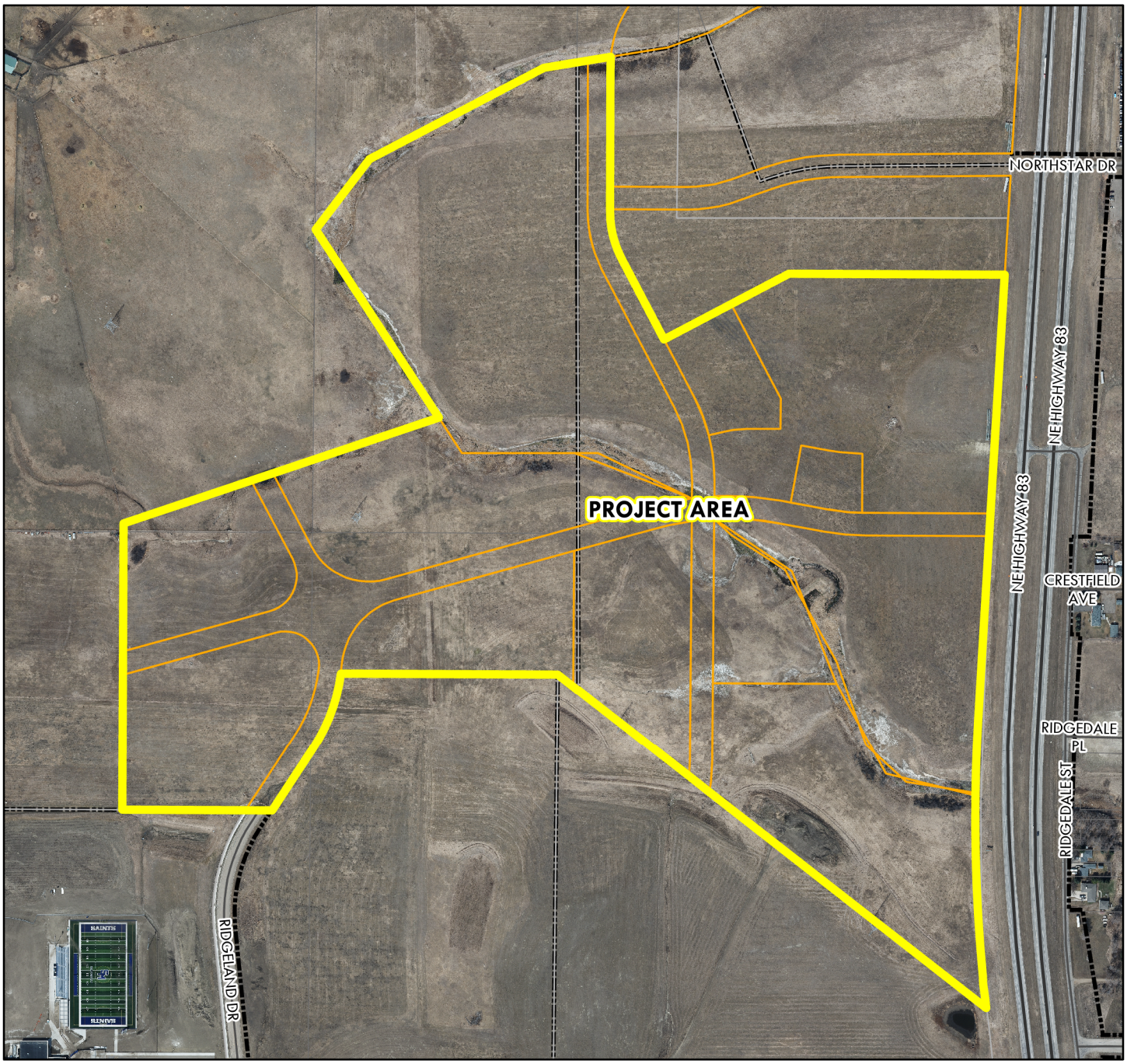
City of Bismarck
Community Development Department
Planning Division
January 25, 2022 (HLB)

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

DAYBREAK SECOND ADDITION

PPLT2022-003



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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
February 15, 2022

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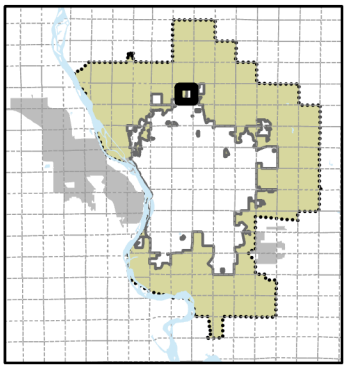


Zoning and Plan Reference Map

DAYBREAK SECOND ADDITION

PPLT2022-003
ZC2022-003

Zoning Districts

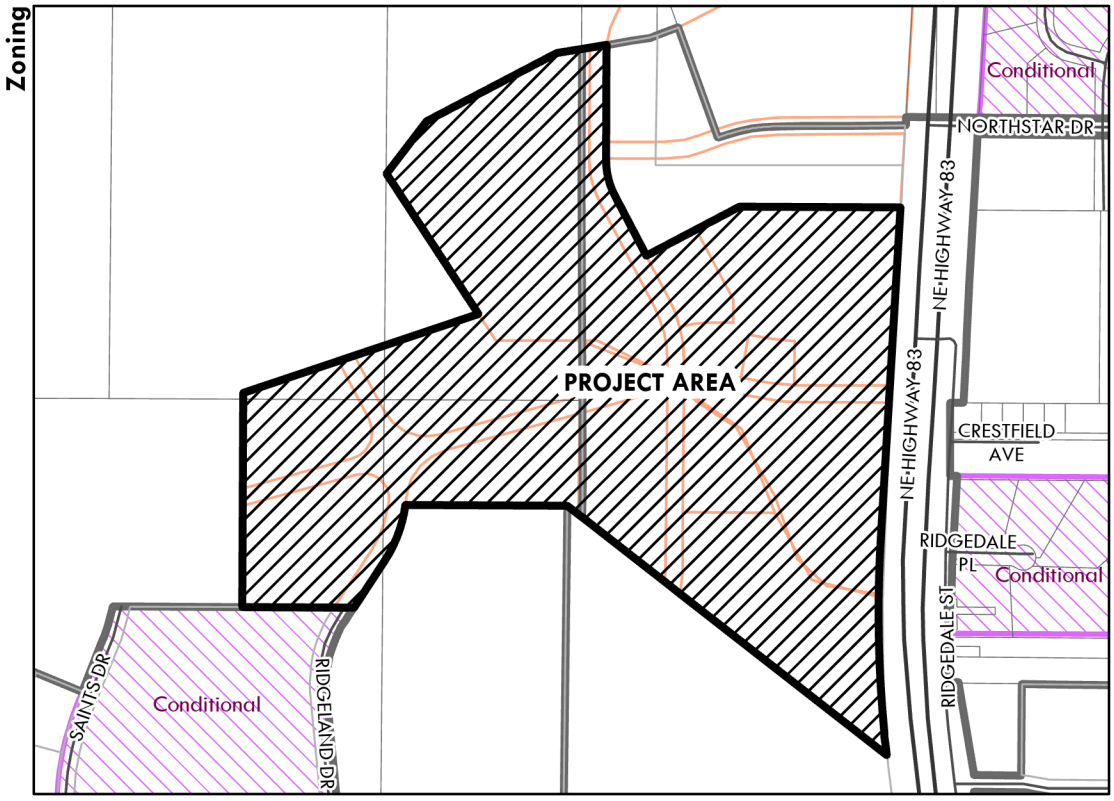
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

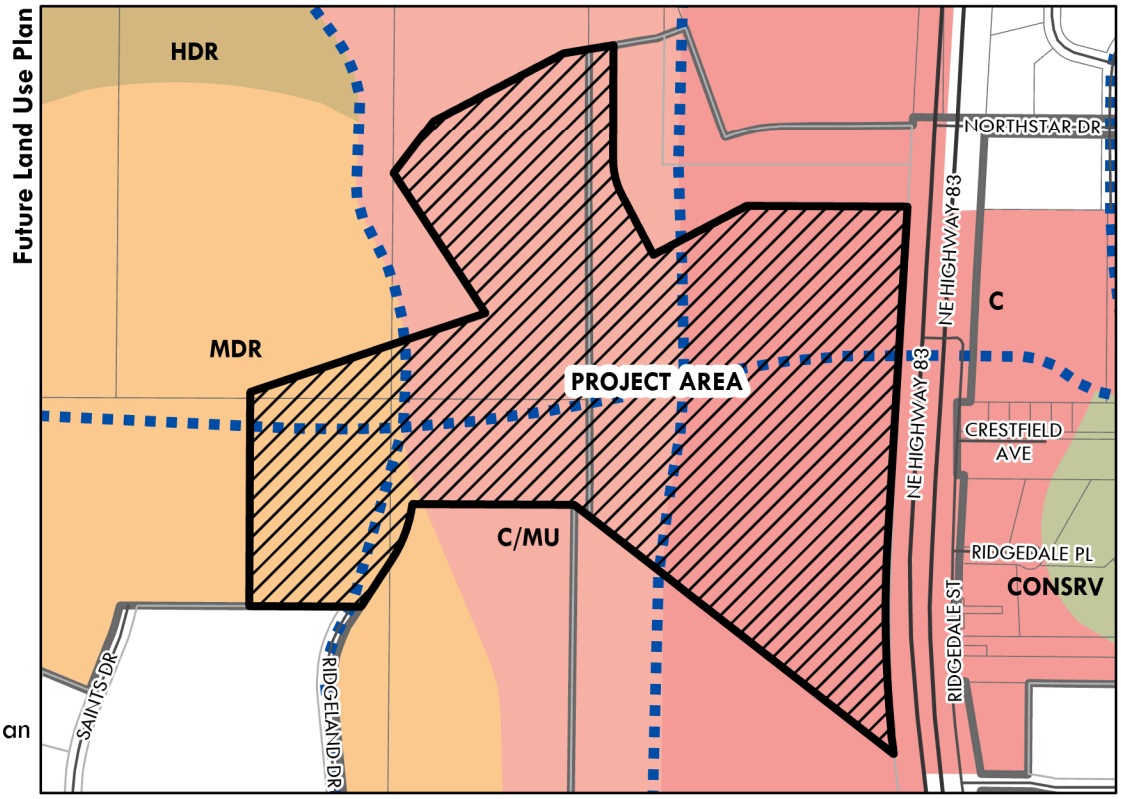
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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City of Bismarck
Community Development Dept.
Planning Division
February 15, 2022

Proposed Zoning Change
DAYBREAK SECOND ADDITION

PPLT2022-003
ZC2022-003

Proposed New Zoning Map

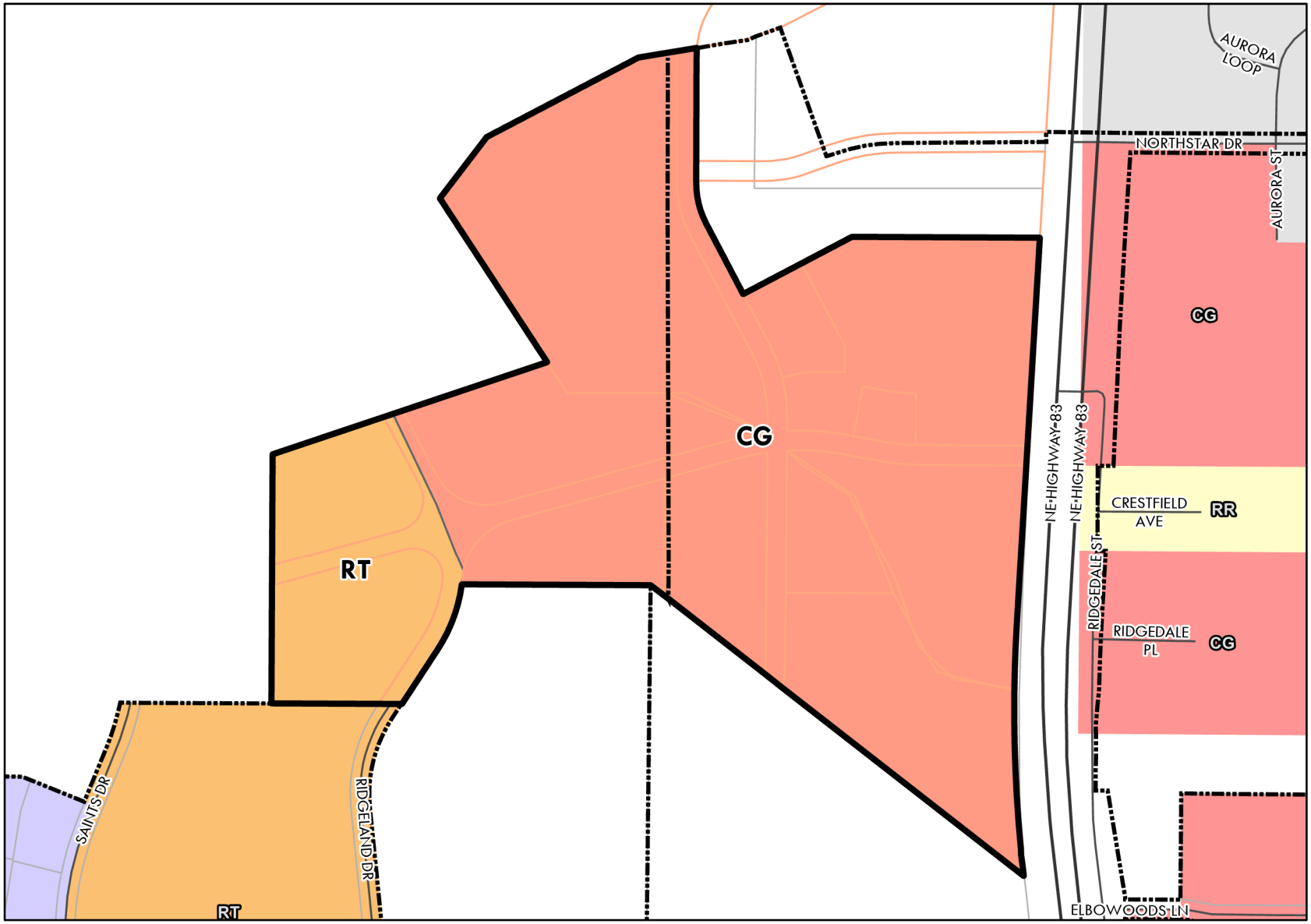
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development Dept.
Planning Division
February 17, 2022

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DAYBREAK SECOND ADDITION

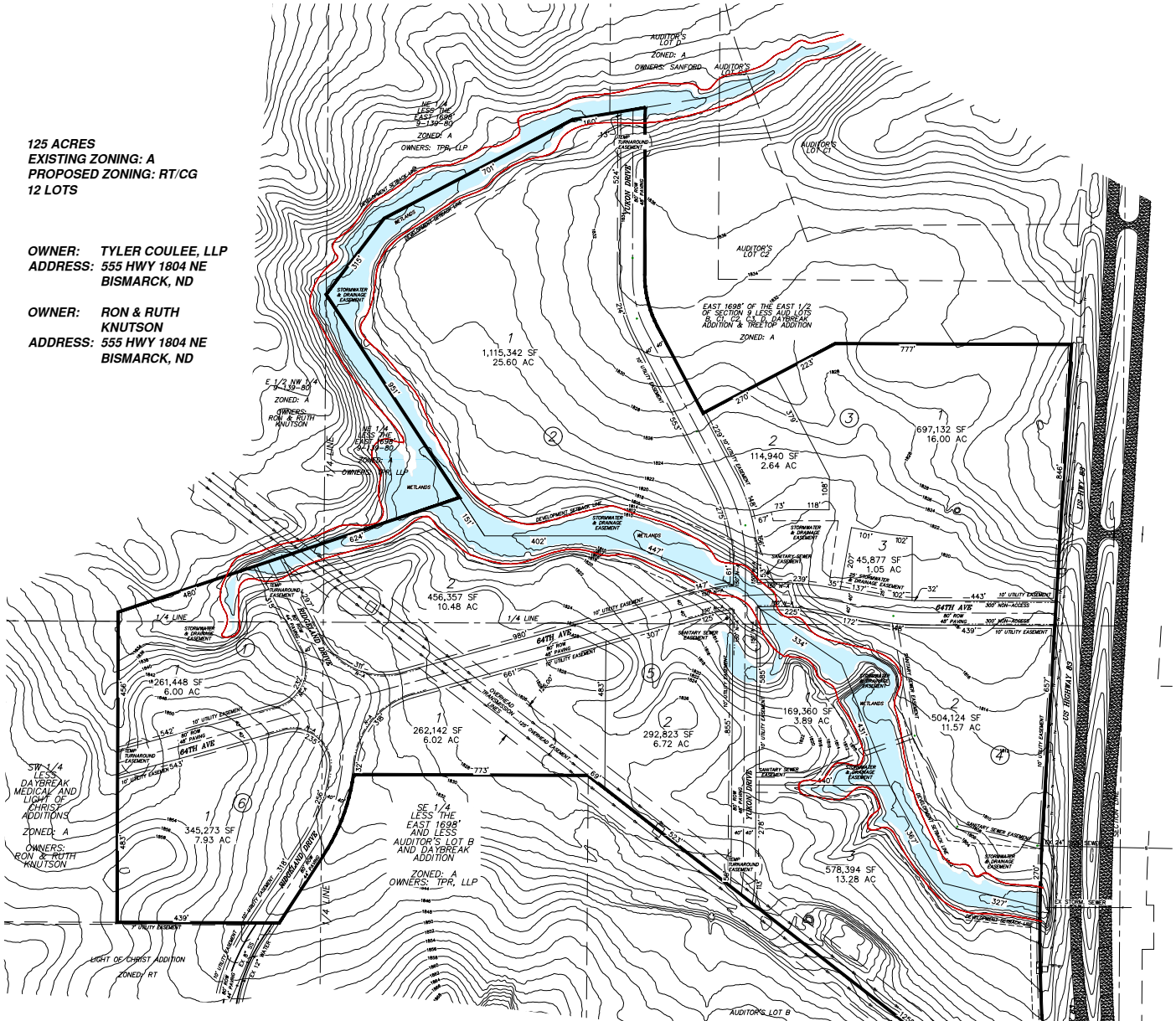
PART OF SECTION 9 TOWNSHIP 139 NORTH, RANGE 80 WEST

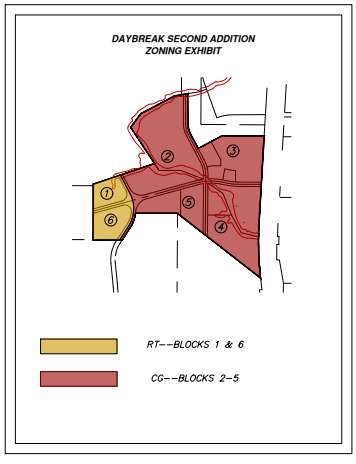
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

125 ACRES
EXISTING ZONING: A
PROPOSED ZONING: RT/CG
12 LOTS

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

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





LOCATION MAP

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

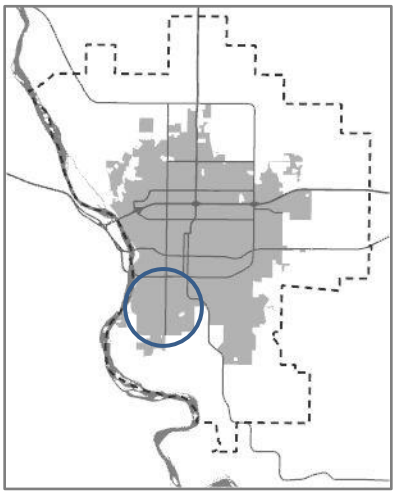
Agenda Item # 3
February 23, 2022

Application for: **Zoning Change**

Project ID: **ZC2021-014**

Project Summary

Title:	Lot 1, Block 1, Cottonwood Parkview Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Western Partners LLP
Project Contact:	Sean Weeks PE, 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

(continued)

Staff Analysis

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.

The Planning and Zoning Commission, at their meeting of January 26, 2022, called for a public hearing on the proposed zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 11th and 18th, and 36 letters were mailed to the owners of nearby properties on February 11, 2022.

Adjacent uses include existing multi-family 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 multi-family 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 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 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

(continued)

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 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 denial of 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.

Attachments

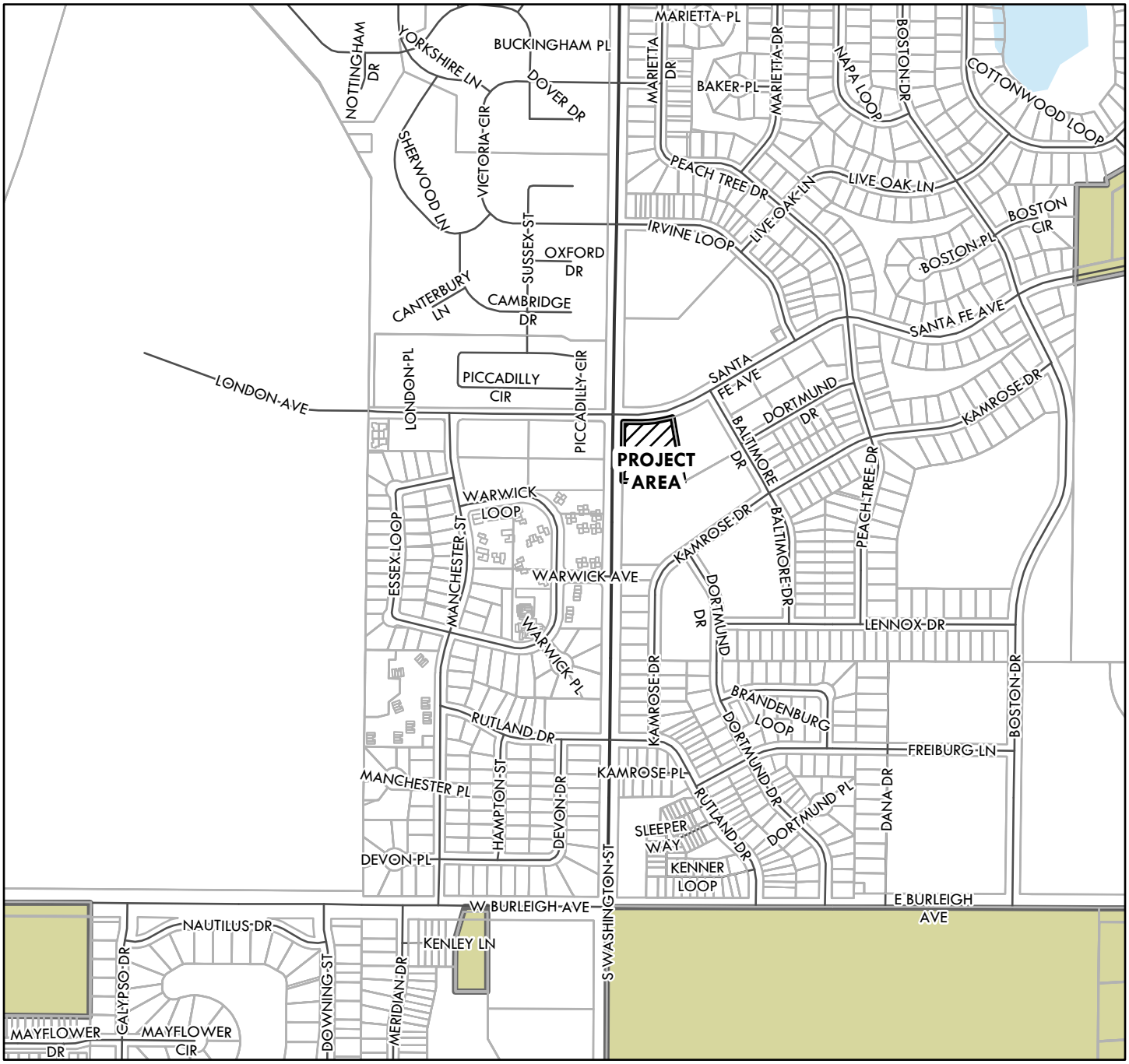
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

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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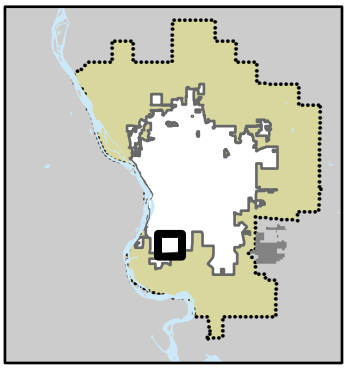

City Limits

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

MEADOW VALLEY ADDITION, PT L5, B2

SUP2022-001

0 0.04 0.09 0.18 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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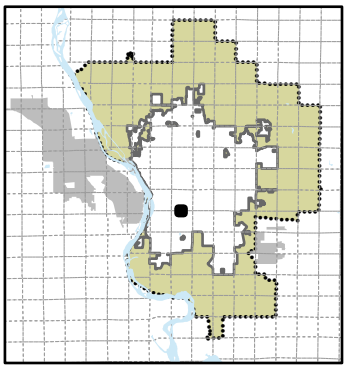


City of Bismarck
Finance Department
IT/GIS Division
February 17, 2022

Zoning and Plan Reference Map

COTTONWOOD PARKVIEW ADDITION, L1, B1

ZC2021-014

Zoning Districts

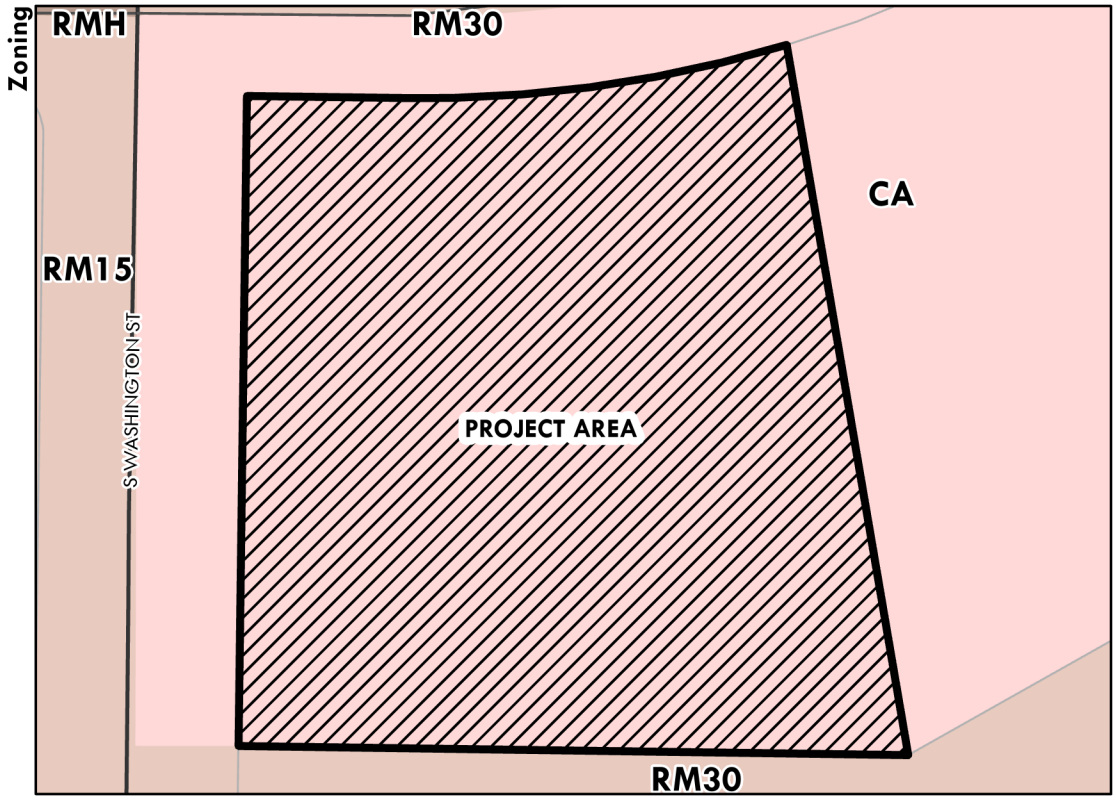
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

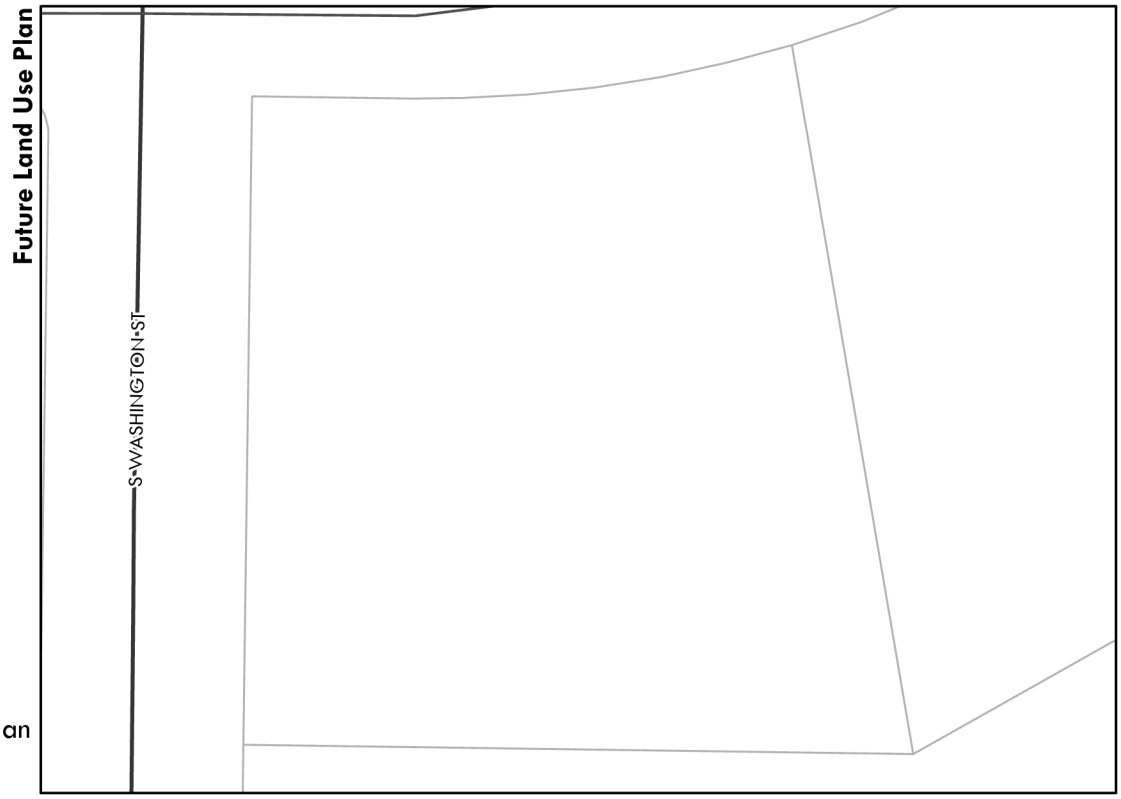
Future Land Use Plan

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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0 0.01 0.02 0.04 Miles

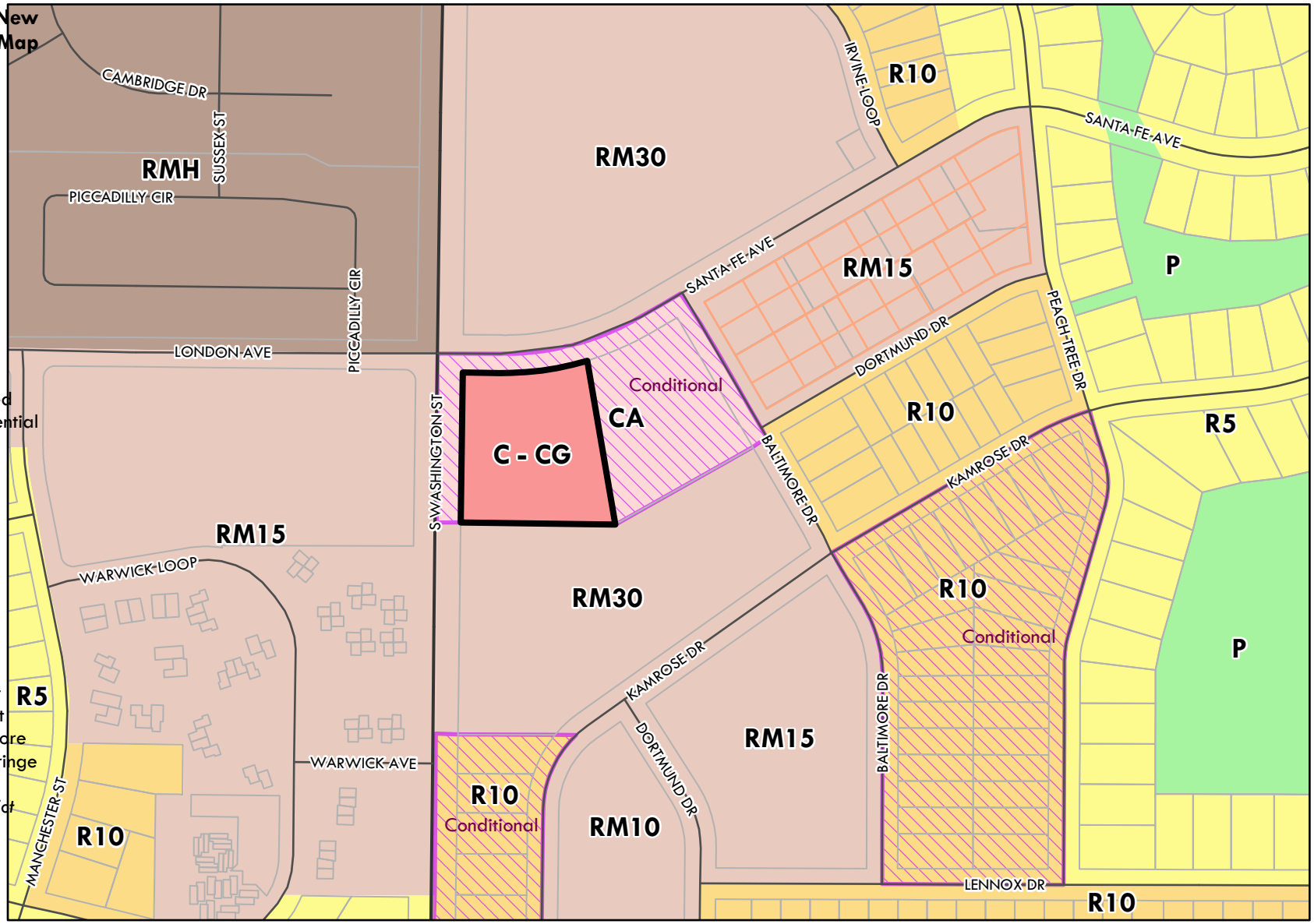
City of Bismarck
Community Development Dept.
Planning Division
January 20, 2022

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

0 0.1 0.2 0.4 Miles

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

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.

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

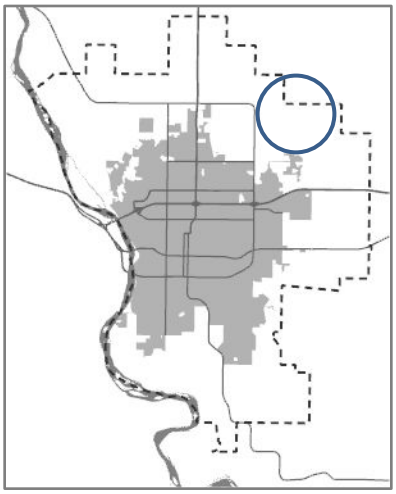
Agenda Item # 4
February 23, 2022

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 – Public Hearing
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, as amended, 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.

The Planning and Zoning considered this request at their meeting of January 26, 2022 and called for a public hearing on the Fringe Area Road Master Plan amendment.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 11th and February 18th and 107 letters were mailed to the owners of nearby properties on February 11, 2022.

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 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 within the existing right-of-way.

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 commented 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 approval of an amendment to the Fringe Area Road Master Plan within the N½ of Section 7, T139N-R79W/Gibbs Township to relocate the future beltway alignment from the curve that is identified through the N½ of Section 7, T139N-R79W/Gibbs Township, to the adjacent arterial roadways (66th Street NE and 71st Avenue NE)

Attachments

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

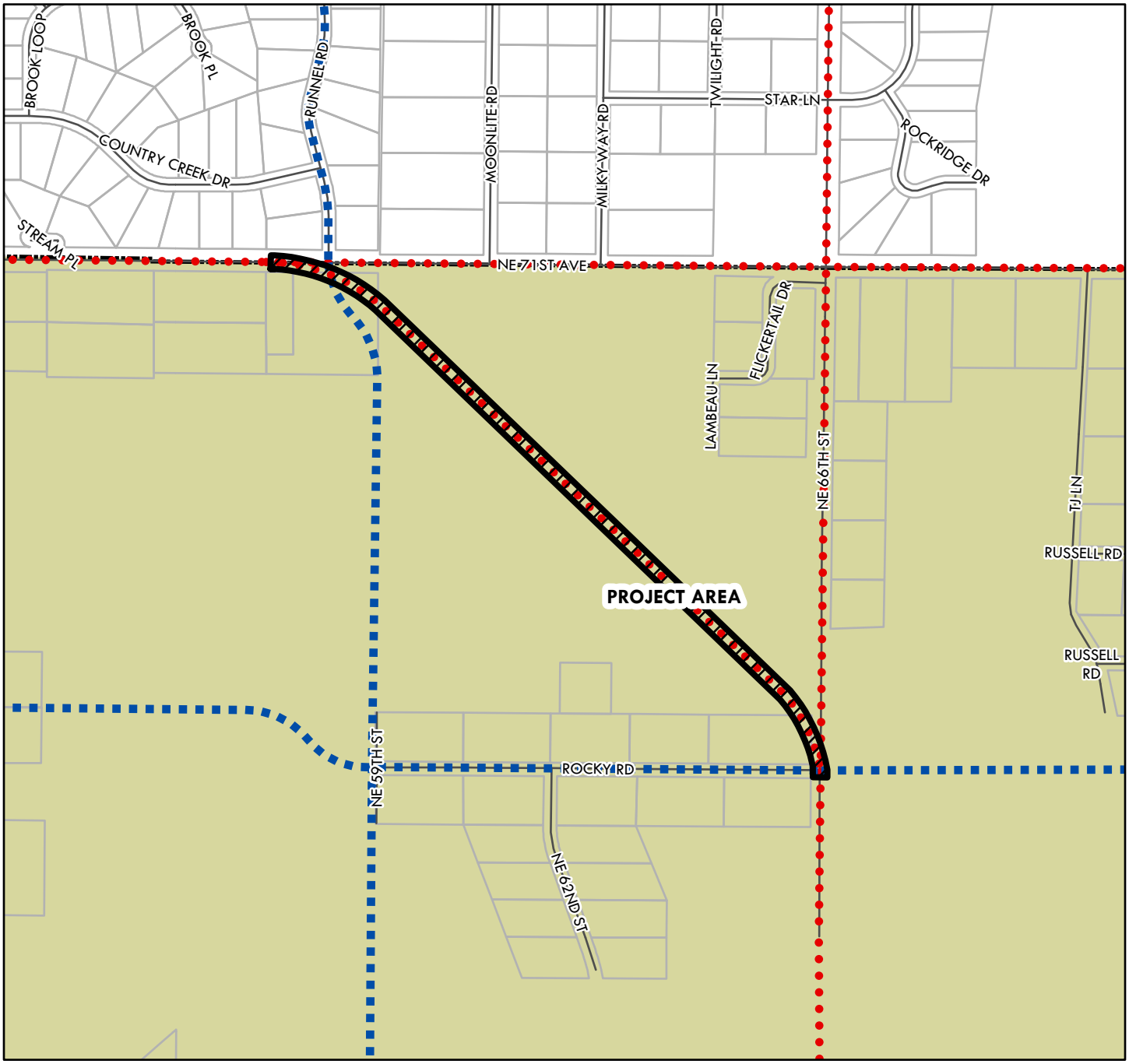
(continued)

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



Miles

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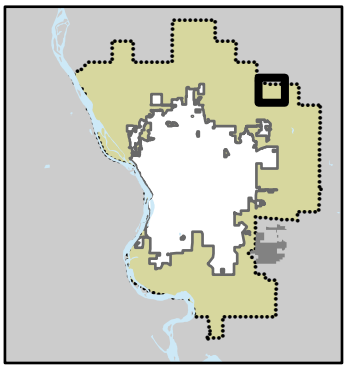
N



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 20, 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

N 1/2 OF SECTION 7, GIBBS TOWNSHIP

FRMP2021-001

Miles

0 0.23 0.45 0.9

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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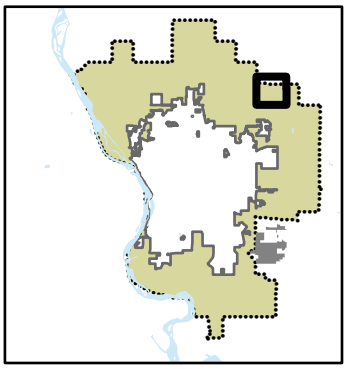
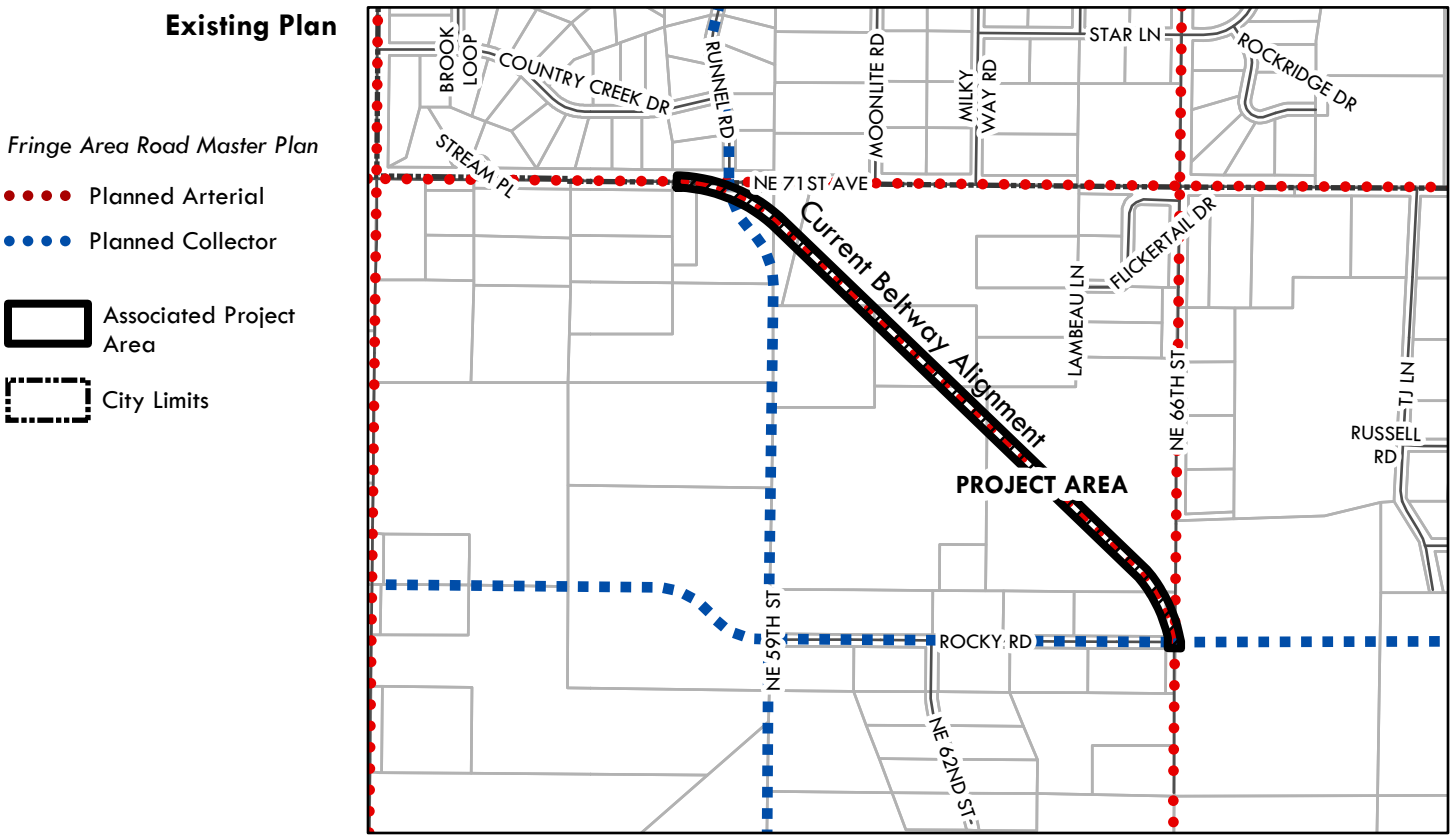


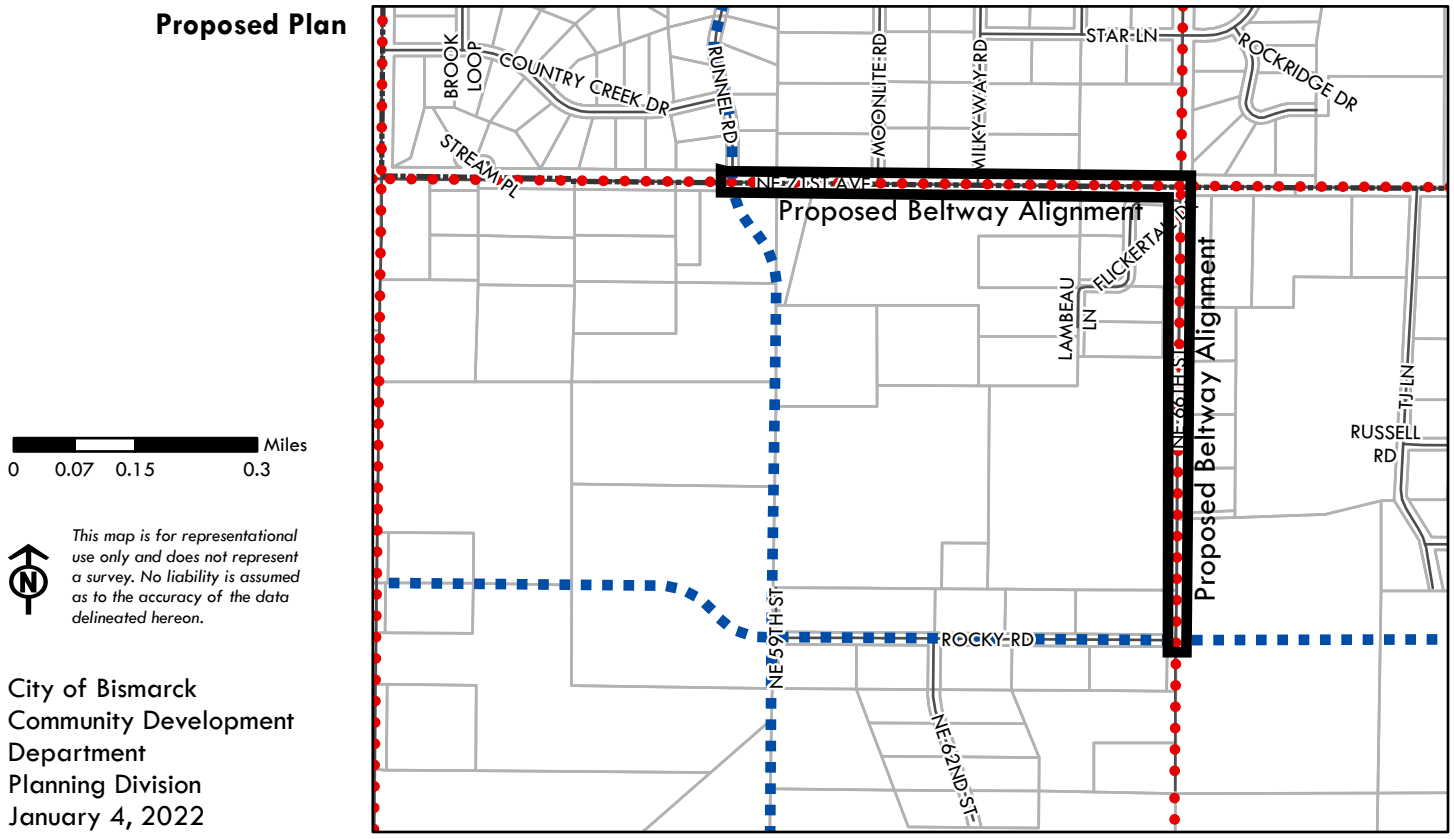
Fringe Area Road Master Plan Amendment Reference Map

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

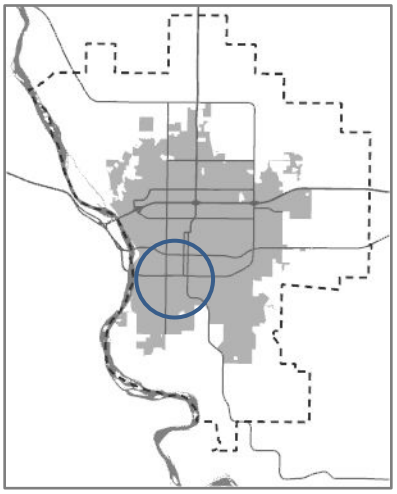
Agenda Item # 5
February 23, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-001**

Project Summary

Title:	East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Worm Farm, LLC
Project Contact:	Tom Fritz – Applicant/Owner Krisandra Lippert – Scooter's Coffee Craig Larsen, PE – Legacy Design Group
Location:	The property is located in south Bismarck, along the south side of Bozeman Avenue between South 3rd Street and South 7th Street (433 East Bismarck Expressway)
Project Size:	16,235 square feet
Request:	Approval of a special uses permit to allow a drive-through in conjunction with a coffee-shop



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 parcel
Land Use:	Medical office	*Land Use:*	Coffee-shop with drive-through
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CG – Commercial	*Zoning:*	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices
Max Density:	CG – 42 units / acre	*Max Density:*	CG – 42 units / acre

Property History

Zoned:	Pre-1980	*Platted:*	Pre-1980	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Worm Farm, LLC is requesting approval of a special use permit to a allow drive-in/drive-through in conjunction with a coffee-shop on the property described as the East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on February 11th and February 18th, and 47 letters were sent to property owners to adjacent owners on February 11th.

Adjacent uses include Kirkwood Mall to the north across Bozeman Drive and East Bismarck Expressway; a restaurant and offices uses to the east; single family residential uses to the south; financial, retail, and restaurant uses to the west.

The property is located in the CG – Commercial zoning district. The property currently is developed with a medical office use. The existing structure is proposed to be demolished and redeveloped with a new drive-through only coffee shop called Scooters Coffee. A drive-through in conjunction with a coffee shop is a permitted use in the CG – Commercial zoning district provided the following conditions outlined in Section 14-03-08(4)(g) Special Use – Drive-in/drive-through are met.

The following criteria from Section 14-03-08(3)(g) of the City Code of Ordinances (Special Uses/Drive-in/drive-through retail or service establishments) apply:

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

   According to the site plan submitted with the application these requirements will be met.

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

   This condition appears to be met. Due to the proximity to the access of East Bismarck Expressway and the parallel Bozeman Drive, staff has raised concerns about the potential impacts if stacking exceeds the minimum ordinance requirement of ten (10) vehicles queued for the drive-through extending into and onto East Bismarck Expressway. However, as the site plan is proposed, more than ample space to accommodate far more stacked vehicles than the minimum requirements of ten (10).

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

   According to the Parking calculations on the site plan submitted with the Special Use Permit application, these requirements appear to be met for a coffee shop with no interior patron dining space and as a drive-through only establishment. This will be verified again during the administrative site plan review.

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

(continued)

than forty (40) feet from an intersecting street corner on local street."

The location of the access/egress point is directly in line with the access point for Bozeman Drive from East Bismarck Expressway. The access point for Bozeman Drive from East Bismarck Expressway is not a traditional corner intersection but it is an intersection for two streets. Staff has reviewed this unique circumstance and determined that this requirement is not applicable. The applicant has provided a waiver request from this provision of the ordinance requirement.

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

   Based on the information in the provided site plan, this condition appears to be met. This will be verified again during staffs review of the landscape plan submitted for site plan review.

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

   Based on the information in the provided site plan submitted with this application, this condition appears to be met. This will be verified again during staff review of the landscape plan submitted for the site plan review process.

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.

(continued)

Staff Recommendation

Based on the above findings, staff recommends staff recommends approval of the special use permit to allow a drive-in/drive-through in conjunction with a coffee-shop *on the property described as the* East 45 feet of Lot 5 and West 40 feet of Lot 6, Block 2, Meadow Valley Addition, including the waiver request from 14-03-08(3)(g)(4) of the City Code of Ordinances.

Attachments

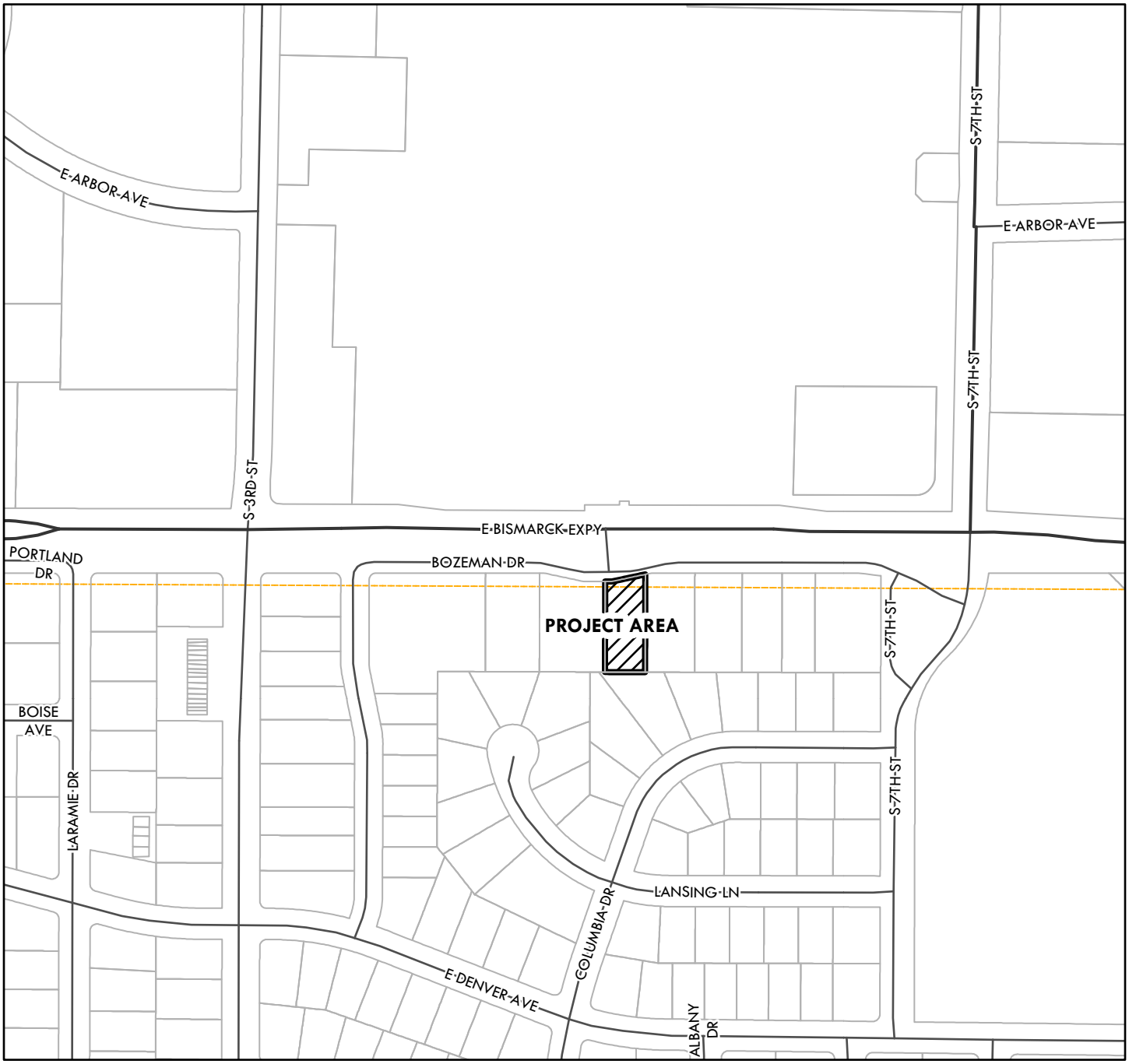
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit
5. Ordinance Requirement Waiver Request

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

Location Map

SCOOTER'S COFFEE

SUP2022-001

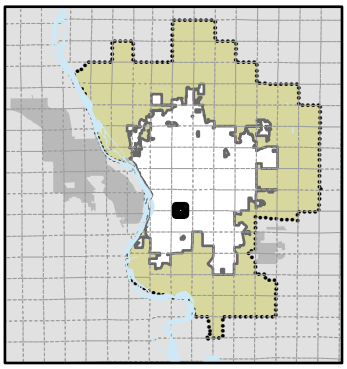


0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 25, 2022 (HLB)

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Aerial Map

MEADOW VALLEY ADDITION, PT L5, B2

SUP2022-001

0 0.04 0.09 0.18 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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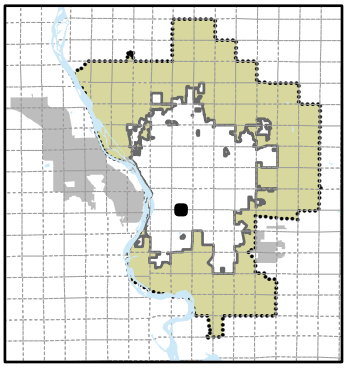

City of Bismarck
Finance Department
IT/GIS Division
February 17, 2022

Zoning and Plan Reference Map

MEADOW VALLEY ADDITION, PT L5, B2

SUP2022-001

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
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PUD	Planned Unit Development
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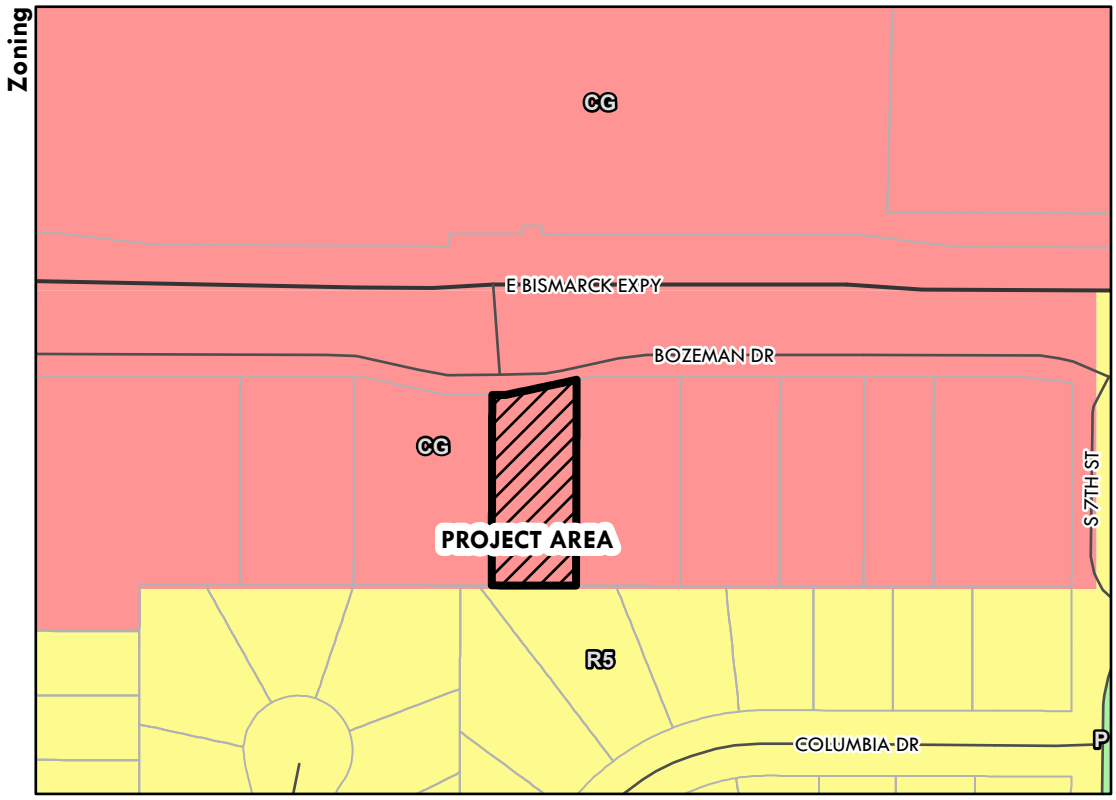
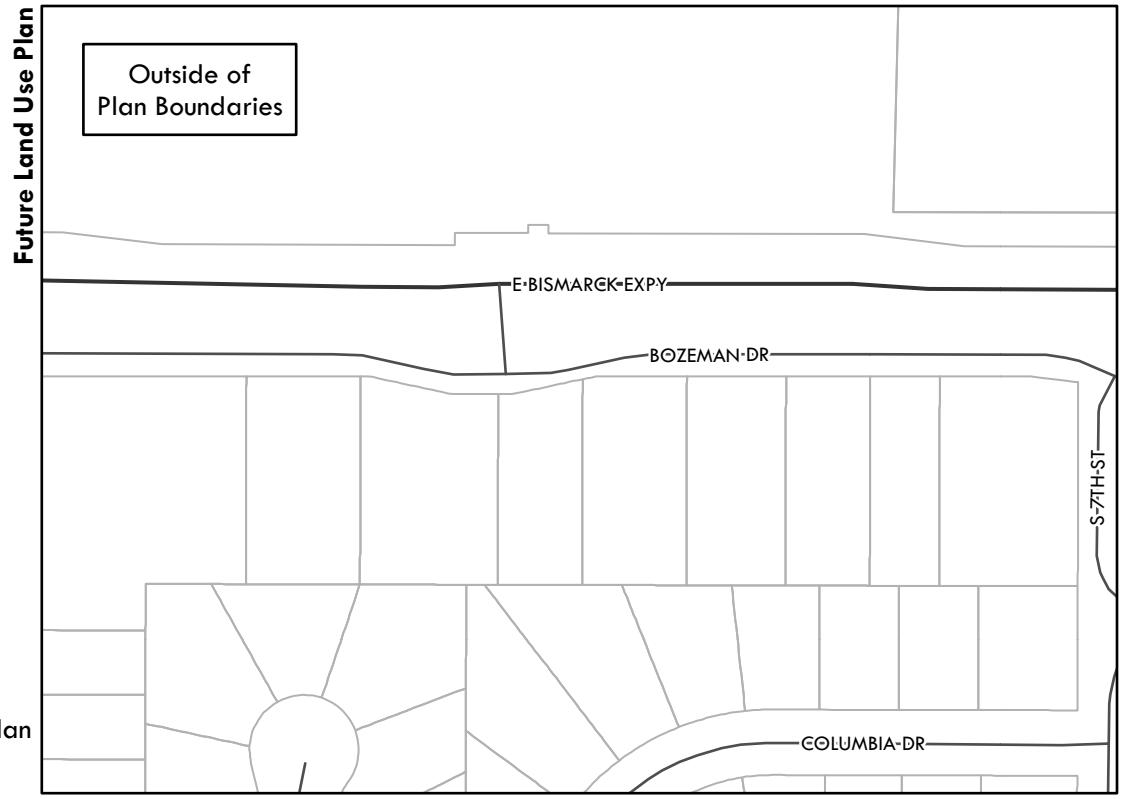


Future Land Use Plan

- Conservation
- Business Park
- Commercial
- Commercial/ Mixed Use
- Civic
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Medium Density Residential/ Mixed Use
- Office/ Mixed Use
- Clustered Rural Residential
- Standard Rural Residential
- Urban Reserve



Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

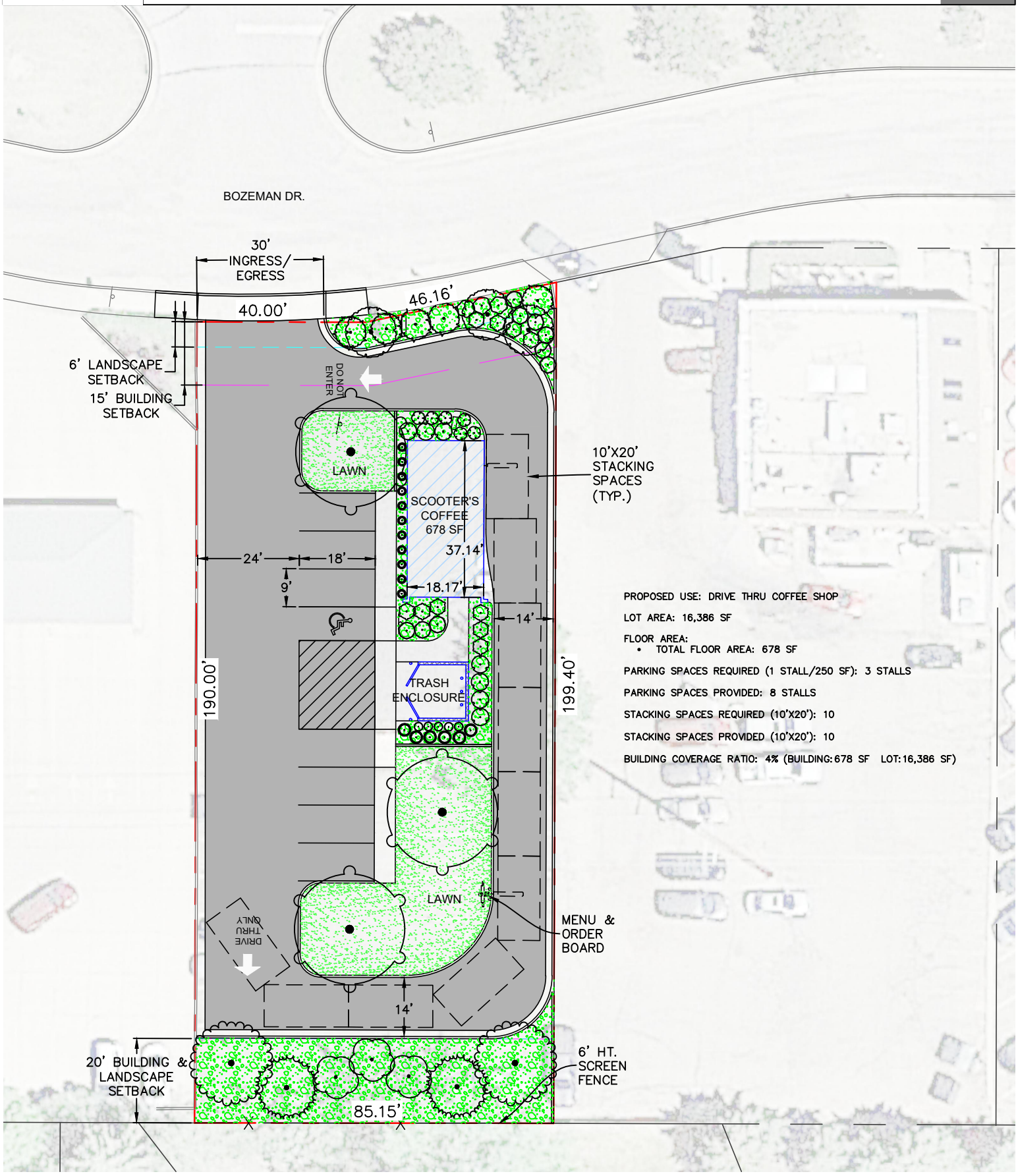
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.02 0.04 0.09 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
February 17, 2022

SCOOTER'S COFFEE
433 EAST BISMARCK EXPY., BISMARCK ND 58504
PROPOSED SITE PLAN



PROPOSED USE: DRIVE THRU COFFEE SHOP

LOT AREA: 16,386 SF

FLOOR AREA:
- TOTAL FLOOR AREA: 678 SF

PARKING SPACES REQUIRED (1 STALL/250 SF): 3 STALLS

PARKING SPACES PROVIDED: 8 STALLS

STACKING SPACES REQUIRED (10'X20'): 10

STACKING SPACES PROVIDED (10'X20'): 10

BUILDING COVERAGE RATIO: 4% (BUILDING: 678 SF LOT: 16,386 SF)

City of Bismarck
Community Development Department
221 N 5th St.
P.O. Box 5503
Bismarck, ND 58501

February 11, 2022

RE: Scooter's Coffee Special Use Permit SUP2022-001 (433 East Bismarck Expressway, Bismarck, ND)

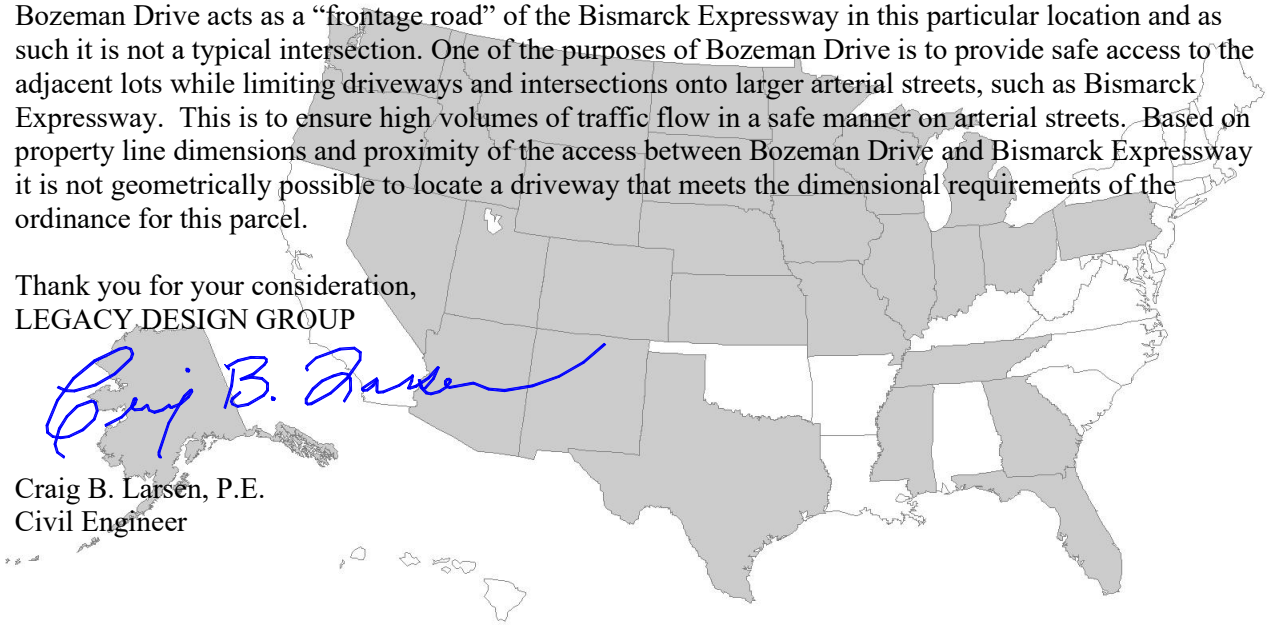
Dear Community Development Department,

The purpose of this letter is to formally request a waiver from Section 14-03-08 (4)(g)(4) of the City Code of Ordinances – Special Use Permit – Drive-in/Drive "Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street."

The justification for this request is to not consider the Bozeman Drive access location from Bismarck Expressway an intersecting street corner of an arterial and local street due to the nature of the two streets. Bozeman Drive acts as a "frontage road" of the Bismarck Expressway in this particular location and as such it is not a typical intersection. One of the purposes of Bozeman Drive is to provide safe access to the adjacent lots while limiting driveways and intersections onto larger arterial streets, such as Bismarck Expressway. This is to ensure high volumes of traffic flow in a safe manner on arterial streets. Based on property line dimensions and proximity of the access between Bozeman Drive and Bismarck Expressway it is not geometrically possible to locate a driveway that meets the dimensional requirements of the ordinance for this parcel.

Thank you for your consideration,
LEGACY DESIGN GROUP

Craig B. Larsen, P.E.
Civil Engineer



BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 26, 2022

The Bismarck Planning & Zoning Commission met on January 26, 2022, 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, Gabe Schell, Wendy Van Duyne, Paul Zent and Mike Schwartz.

Commissioners Brian Bitner, Kevin Martin and Trent Wangen were absent.

Staff members present were 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.

TERMS AND OATHS OF OFFICE

New oaths of office were shared with those Commissioners present at this time and notarized for filing with City Administration.

MINUTES

Chair Schwartz called for consideration of the minutes of the December 15, 2021 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the December 15, 2021 meeting, as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioner Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

CONSIDERATION

2. **LOT 1, BLOCK 1, COTTONWOOD PARKVIEW ADDITION – ZONING CHANGE**
3. **N1/2 OF SECTION 7, T139N-R79W/GIBBS TOWNSHIP – FRINGE AREA ROAD MASTER PLAN AMENDMENT**
4. **PART OF SECTION 21, T138N-R80W/LINCOLN TOWNSHIP (PARADISE VALLEY) – FUTURE LAND USE PLAN AMENDMENT**

MOTION: Based on the findings contained in the staff reports, Commissioner Bakken made a motion to approve consent agenda items 2 ,3 and 4, calling for a public hearing on the items as recommended by staff. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PARTS OF SILVER RANCH THIRD ADDITION

Chair Schwartz called for final consideration 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. The property is located in northeast Bismarck, north of 43rd Avenue NE and east North 52nd Street.

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

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

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

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

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the annexation of Lots 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.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend 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. Commissioner Van Duyne seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION
PARTS OF SILVER RANCH FIRST ADDITION FIRST REPLAT AND PART OF SILVER RANCH SECOND ADDITION

Chair Schwartz called for final consideration 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. The property is located in northeast Bismarck, south of 43rd Avenue NE, east of Silver Boulevard, and on both sides of Silbernagel Boulevard.

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

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

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

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

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the annexation of Lots 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.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend 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. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
SOUTH MEADOWS ADDITION THIRD REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat for South Meadows Addition Third Replat. The proposed plat is 10 lots in one block on 4.01 acres and is located 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).

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; and

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

Commissioner Johnson asked if the minimum lot width is thirty feet. Ms. Wollmuth said that is correct and added that is for half of a twinhome.

Commissioner Schell asked if the current zoning would allow for the construction of twinhomes. Ms. Wollmuth said it would.

Chair Schwartz opened the public hearing.

Landon Niemiller, Swenson, Hagen & Co., said the project has been reconfigured and the number of units has been reduced from 14 to 10.

Commissioner Levchak asked why it was not originally platted this way. Mr. Niemiller said the plan has changed based on the design of product.

Commissioner Levchak said people were led to believe this would be a single-family area. Mr. Niemiller said it is already zoned and platted in a way that it would accommodate twinhomes and the number of units is actually being reduced.

Commissioner Schell asked if the long lots could or would be fenced. Mr. Niemiller said that would be addressed by a future Homeowners Association.

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

MOTION: Commissioner Bakken made a motion to approve the minor subdivision final plat for South Meadows Addition Third Replat, with a condition that a signed utility agreement will be required prior to the recordation of the plat. Commissioner Johnson seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Laning, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion. Commissioner Levchak opposed the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (CHILD CARE CENTER)
PART OF LOT 5, BLOCK 1, WACHTER'S NORTH ADDITION AND LOT 5, BLOCK 1, PEBBLE CREEK 6TH ADDITION

Chair Schwartz called for the continued 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 for the special use permit:

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

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

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow a child care center 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 Addition and Lot 5, Block 1, Pebble Creek Sixth Addition, including the waiver request to delay installation of the outdoor recreation area, and 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.

Chair Schwartz opened the public hearing.

Commissioner Laning asked if this would be for church staff children only.

Dan Sipes, Evangel Assembly of God Business Administrator, said at this time it is primarily for children of their staff, but in the future, it is their plan to open this facility to the public as well.

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 approve 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 Addition and Lot 5, Block 1, Pebble Creek Sixth Addition, including the waiver request to delay installation of the outdoor recreation area and with the following conditions: 1. The outdoor recreation area must be installed prior to July 30, 2022; and 2. The required egress doors are installed prior to operation of the child care facility. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Van Duyne and Zent voting in favor of the motion.

OTHER BUSINESS

ELECTION OF OFFICERS

Chair Schwartz opened nominations for the election of Chair and Vice Chair at this time.

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

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

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 5:27 p.m. to meet again on February 23, 2022.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2022

	*******************City*******************				*******************ETA*******************			
	1/2022		**1/2021**		**1/2022**		**1/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	0	$0.00	4	$893,292.42	0	$0.00	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	$0.00	2	$445,992.65	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	1	$58,291.20	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	1	$12,000.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	2	$5,481.00	1	$3,024.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	3	$8,000.00	6	$110,200.00	0	$0.00	0	$0.00
HOME OCCUPATION	0	$0.00	0	$0.00	0	$0.00	1	$0.00
STORAGE SHED	0	$0.00	1	$6,480.00	0	$0.00	0	$0.00
BASEMENT FINISH	8	$209,848.00	12	$291,083.00	0	$0.00	1	$32,938.00
RESIDENTIAL	0	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	8	$35,900.00	3	$18,051.44	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	2	$372,000.00	1	$109,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	7	$4,782,850.00	7	$839,547.00	2	$3,715,000.00	0	$0.00
Total	**30**	**$5,414,079.00**	**43**	**$2,786,961.71**	**2**	**$3,715,000.00**	**2**	**$32,938.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2022

	*******************City*******************				*******************ETA*******************			
	1/2022		**1/2021**		**1/2022**		**1/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	45	$0.00	75	$8,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	145	$2,193,199.48	110	$2,366,683.75	5	$14,020.00	11	$115,040.00
BUILDING PLUMBING	11	$435,885.00	14	$1,732,548.00	0	$0.00	2	$16,000.00
Total	**201**	**$2,629,084.48**	**199**	**$4,107,231.75**	**5**	**$14,020.00**	**13**	**$131,040.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 1/2022

	*******************City*******************		*******************ETA*******************	
	1/2022	**1/2021**	**1/2022**	**1/2021**
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	0	1	0	0
SINGLE FAMILY DETACHED	0	4	0	0
Total	**0**	**5**	**0**	**0**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2022

	**********City**********				**********ETA**********			
	1/2022		**1/2021**		**1/2022**		**1/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	0	$0.00	4	$893,292.42	0	$0.00	0	$0.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	$0.00	1	$229,794.40	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	0	$0.00	1	$58,291.20	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	1	$12,000.00	0	$0.00	0	$0.00
DECKS\PORCHES & COVERED PORCHES	2	$5,481.00	1	$3,024.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	3	$8,000.00	6	$110,200.00	0	$0.00	0	$0.00
HOME OCCUPATION	0	$0.00	0	$0.00	0	$0.00	1	$0.00
STORAGE SHED	0	$0.00	1	$6,480.00	0	$0.00	0	$0.00
BASEMENT FINISH	8	$209,848.00	12	$291,083.00	1	$4,500.00	1	$32,938.00
RESIDENTIAL	0	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	8	$35,900.00	3	$18,051.44	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	2	$372,000.00	1	$109,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	7	$4,782,850.00	7	$839,547.00	2	$3,715,000.00	0	$0.00
Total	**30**	**$5,414,079.00**	**42**	**$2,570,763.46**	**3**	**$3,719,500.00**	**2**	**$32,938.00**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2022

	*******************City*******************				*******************ETA*******************			
	1/2022		**1/2021**		**1/2022**		**1/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	45	$0.00	75	$8,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	130	$2,083,214.48	101	$2,279,565.25	21	$148,675.00	20	$202,158.50
BUILDING PLUMBING	11	$435,885.00	14	$1,732,548.00	0	$0.00	2	$16,000.00
Total	**186**	**$2,519,099.48**	**190**	**$4,020,113.25**	**21**	**$148,675.00**	**22**	**$218,158.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 1/2022

	*******************City*******************		*******************ETA*******************	
	1/2022	**1/2021**	**1/2022**	**1/2021**
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	0	1	0	0
SINGLE FAMILY DETACHED	0	4	0	0
Total	**0**	**5**	**0**	**0**