



PLANNING AND ZONING COMMISSION

MEETING AGENDA May 25, 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 April 27, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Frank Addition (WH)**.....6
Zoning Change (A to CG) | ZC2022-007 | *Consideration*
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
Major Subdivision Preliminary Plat | PPLT2022-004 | *Consideration*
Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny



3. **Block 49 and Part Block 56, Governor Pierce Addition (Klee).....14**
 Zoning Change (CG to RMH) | ZC2022-008 | *Consideration*
 Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
4. **Block 45, Governor Pierce Addition (Klee).....21**
 Zoning Change (CG to RMH) | ZC2022-009 | *Consideration*
 Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
5. **Lots 1 and 2, Block 1, Kilber North Addition First Replat (JW).....28**
 Zoning Change (RT to CA) | ZC2022-010 | *Consideration*
 Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
6. **Lot 7, Block 41, Northern Pacific 2nd Addition (DN).....35**
 Zoning Change (RT to DF) | ZC2022-011 | *Consideration*
 Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
7. **Agency Foster Home for Adults (Klee).....41**
 Zoning Ordinance Text Amendment | ZOTA2022-002 | *Consideration*
 Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny
8. **Front Yard Setback in CG and MA Zoning Districts (Klee).....47**
 Zoning Ordinance Text Amendment | ZOTA2022-003 | *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.

9. **Tract 24A and part of Tract 24B, Section 24, T139N-R81W/
 West Hay Creek Township (DN).....51**
 Zoning Change (A to R10) | ZC2022-005 | *Public Hearing*
 Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

10. **Lot 3, Block 2, Grand Prairie Estates (WH)**.....59

Special Use Permit (Oversized Accessory Building) | SUP2022-004 | *Public Hearing*

Staff recommendation: approve

☐ approve

☐ continue

☐ table

☐ deny

OTHER BUSINESS

11. **Update on Together 2045**

12. **Other**

ADJOURNMENT

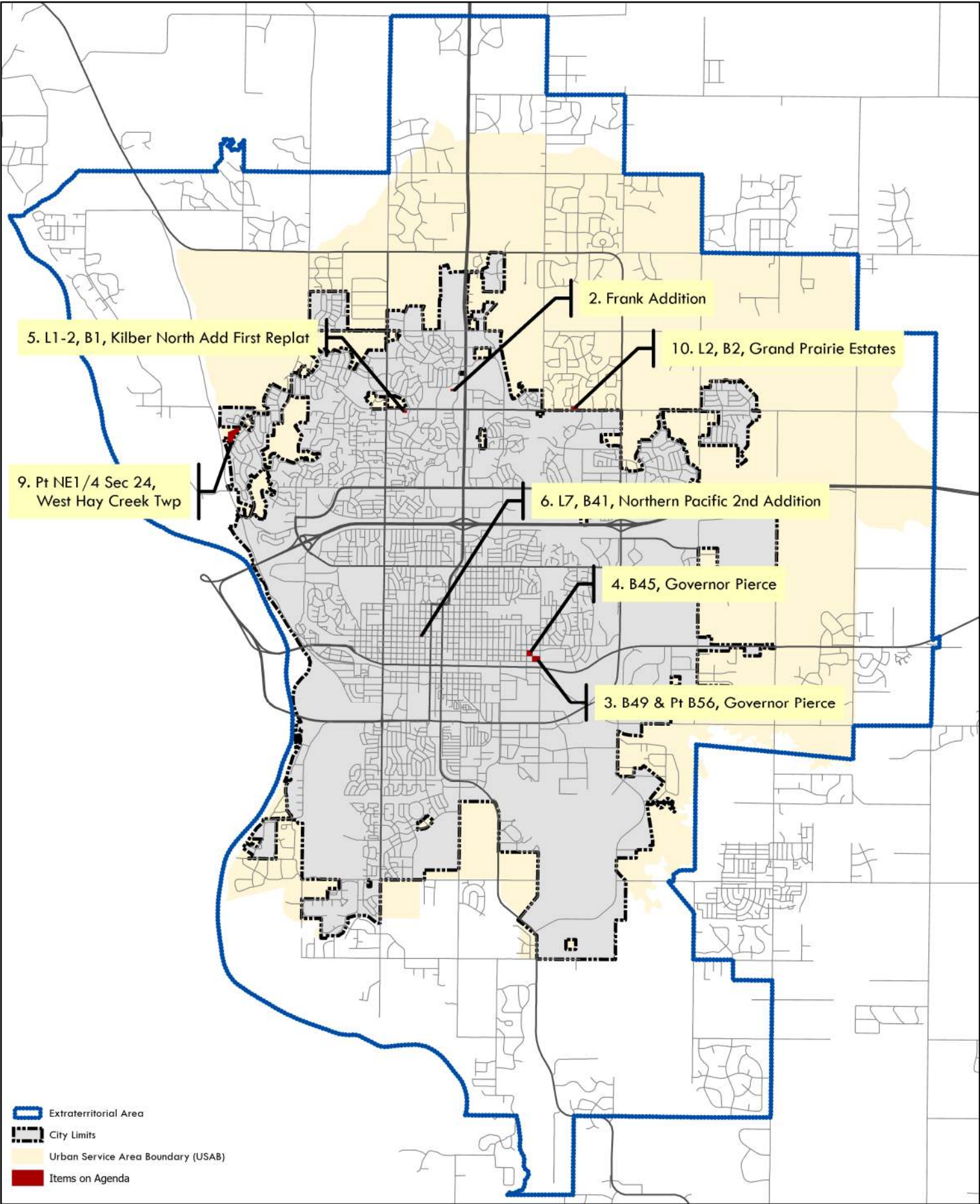
13. **Adjourn.** The next regular meeting date is scheduled for June 23, 2022.

Enclosures: Meeting Minutes of April 27, 2022
Building Permit Activity Month to Date Report for April 2022
Building Permit Activity Year to Date Report for April 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.



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

STAFF REPORT

Agenda Item # 2

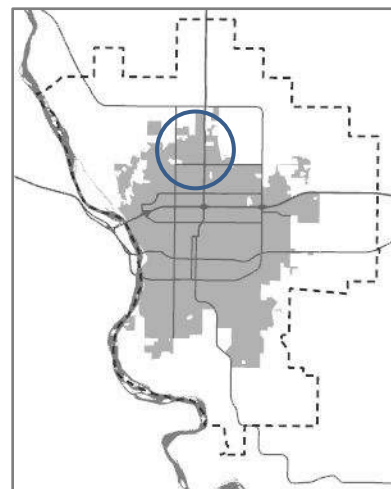
May 25, 2022

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

Project ID: **ZC2022-007**
PPLT2022-004

Project Summary

<i>Title:</i>	Frank Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Calvin & Brenda Mertz (current owner) Matt Frank (applicant)
<i>Project Contact:</i>	Rob Illg, PLS, SEH Inc.
<i>Location:</i>	In north Bismarck, north of 43 rd Avenue NE, along the west side of Ottawa Street (Part of the SW 1/4 of Section 16, T139-R80W/City Lands))
<i>Project Size:</i>	1.76 acres
<i>Request:</i>	Plat and zone property to allow for future commercial development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial
<i>Future Land Use:</i>	Commercial/Mixed Use	<i>Future Land Use:</i>	Commercial/Mixed Use
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	CG – 42 units / acre

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	10/2015
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Staff Analysis

Calvin and Brenda Mertz and Matt Frank are requesting approval of a zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district and a major subdivision preliminary plat for Frank Addition.

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

The Future Land Use Plan in the 2014 Growth Management Plan; as amended, identifies the area as Commercial Mixed Use (CMU). The CMU classification allows for mixed use areas with commercial retail as the dominant use, typically accounting for more than 50% of the overall development area.

Utility Capital Charges

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

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

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts and residential uses are not proposed for this area;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;

(continued)

6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans,

policies and accepted planning practice;
and

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district and tentative approval of the preliminary plat for Frank Addition.

Attachments

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

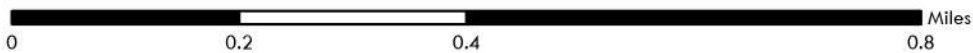
Staff report prepared by: Will Hutchings, AICP, Senior Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

FRANK ADDITION

PPLT2022-004
ZC2022-007



City Limits

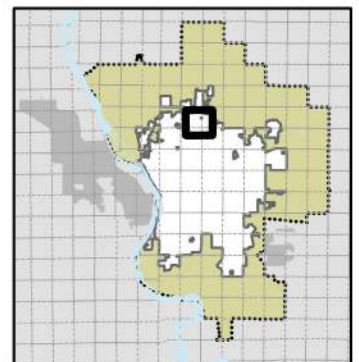


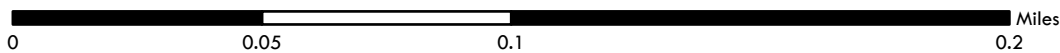
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
April 26, 2022 (HLB)

*Section, township, and
range indicated in orange*

*This map is for representational use only and does not represent a survey.
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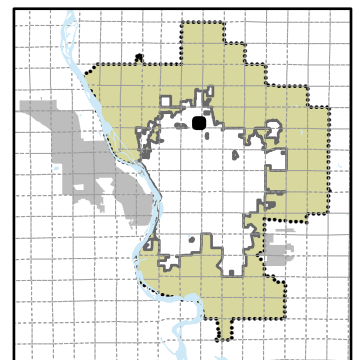


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

FRANK ADDITION

PPLT2022-004
ZC2022-007

Zoning Districts

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

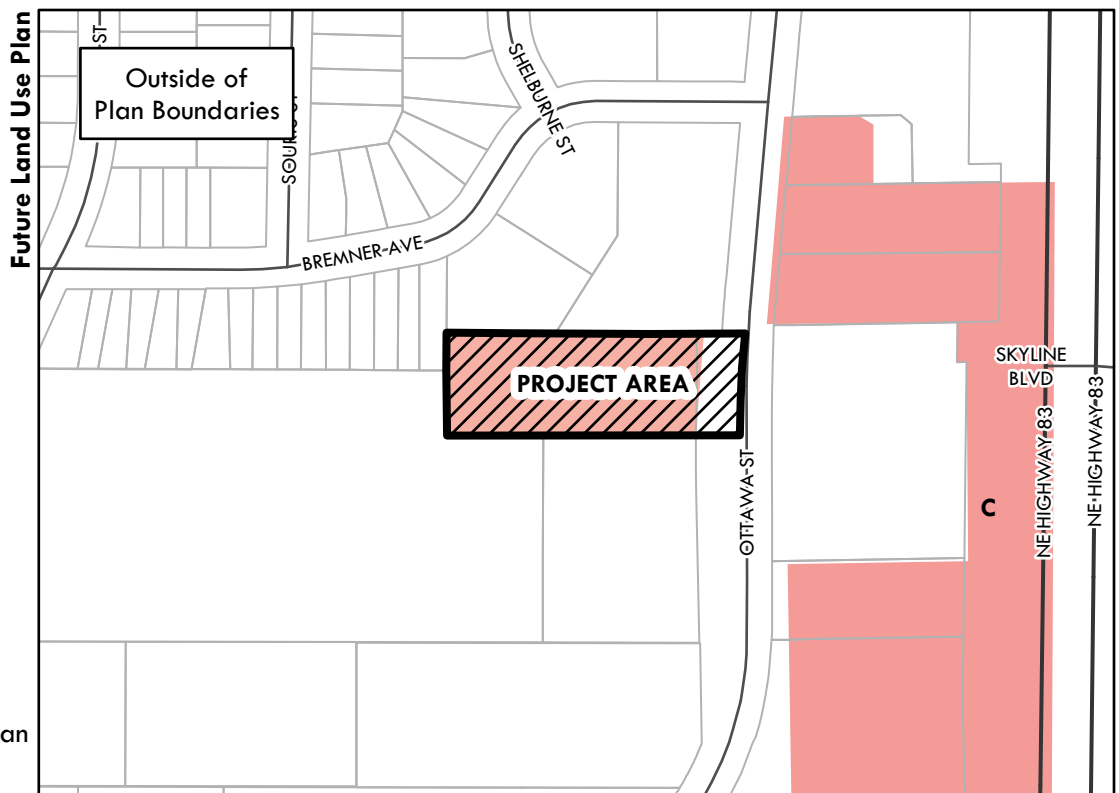
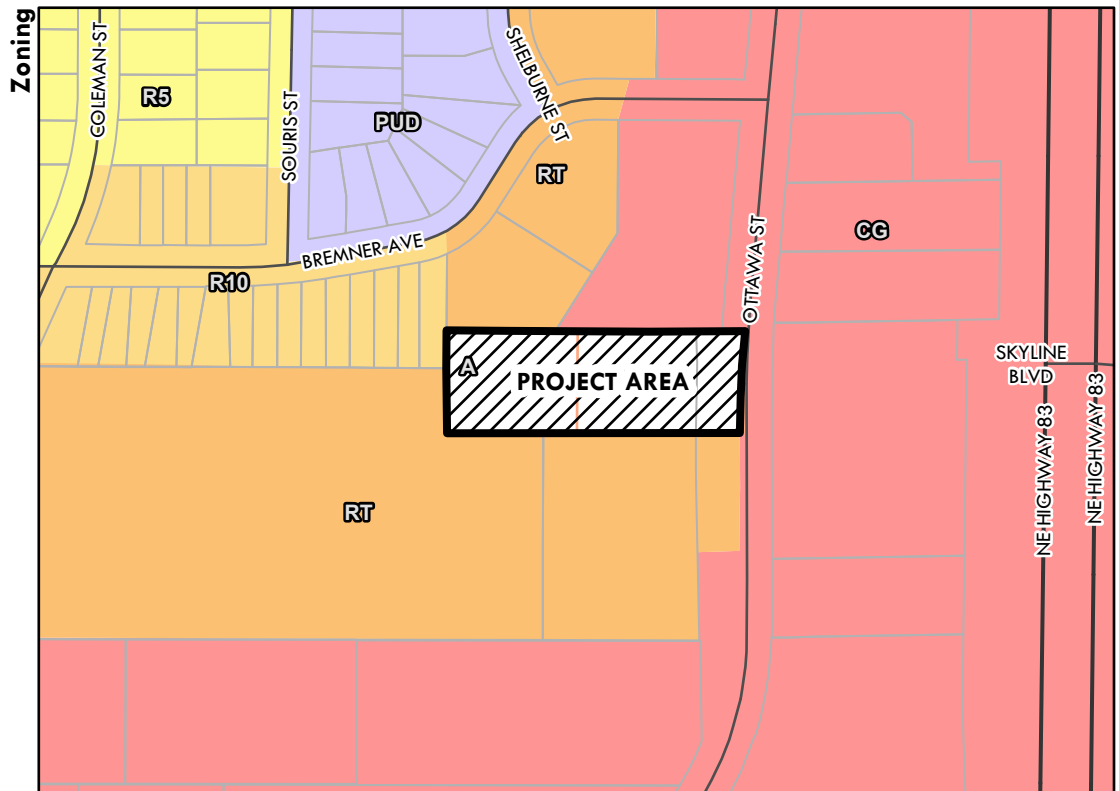
Future Land Use Plan

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

Fringe Area Road Master Plan

- ● ● Future Arterial Road
- ■ ■ Future Collector Road

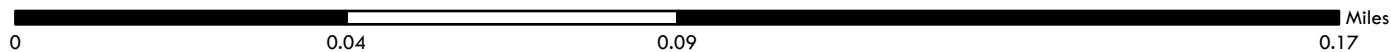
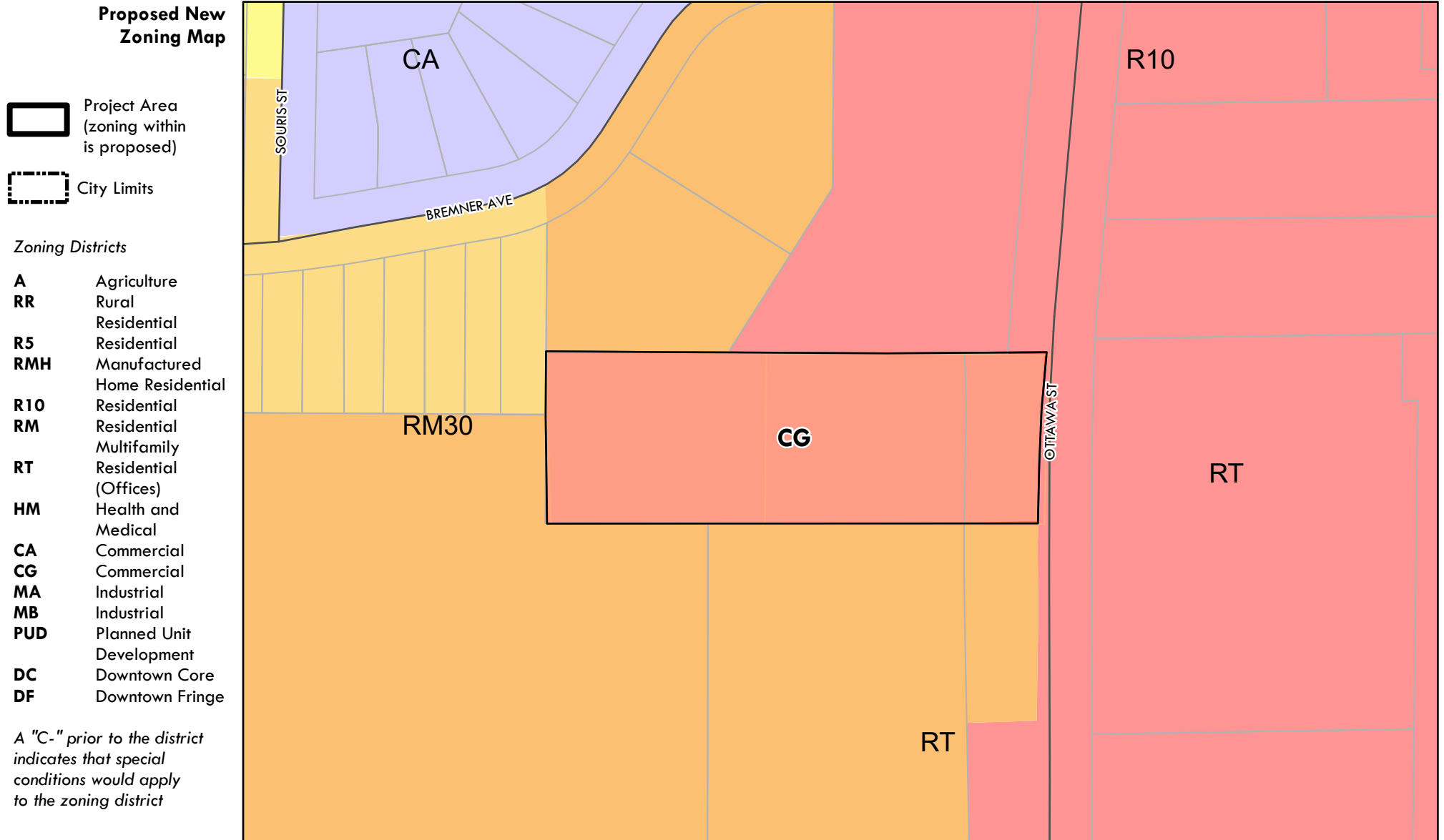
0 0.04 0.07 0.15 Miles



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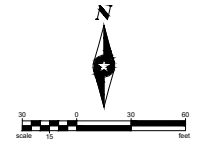
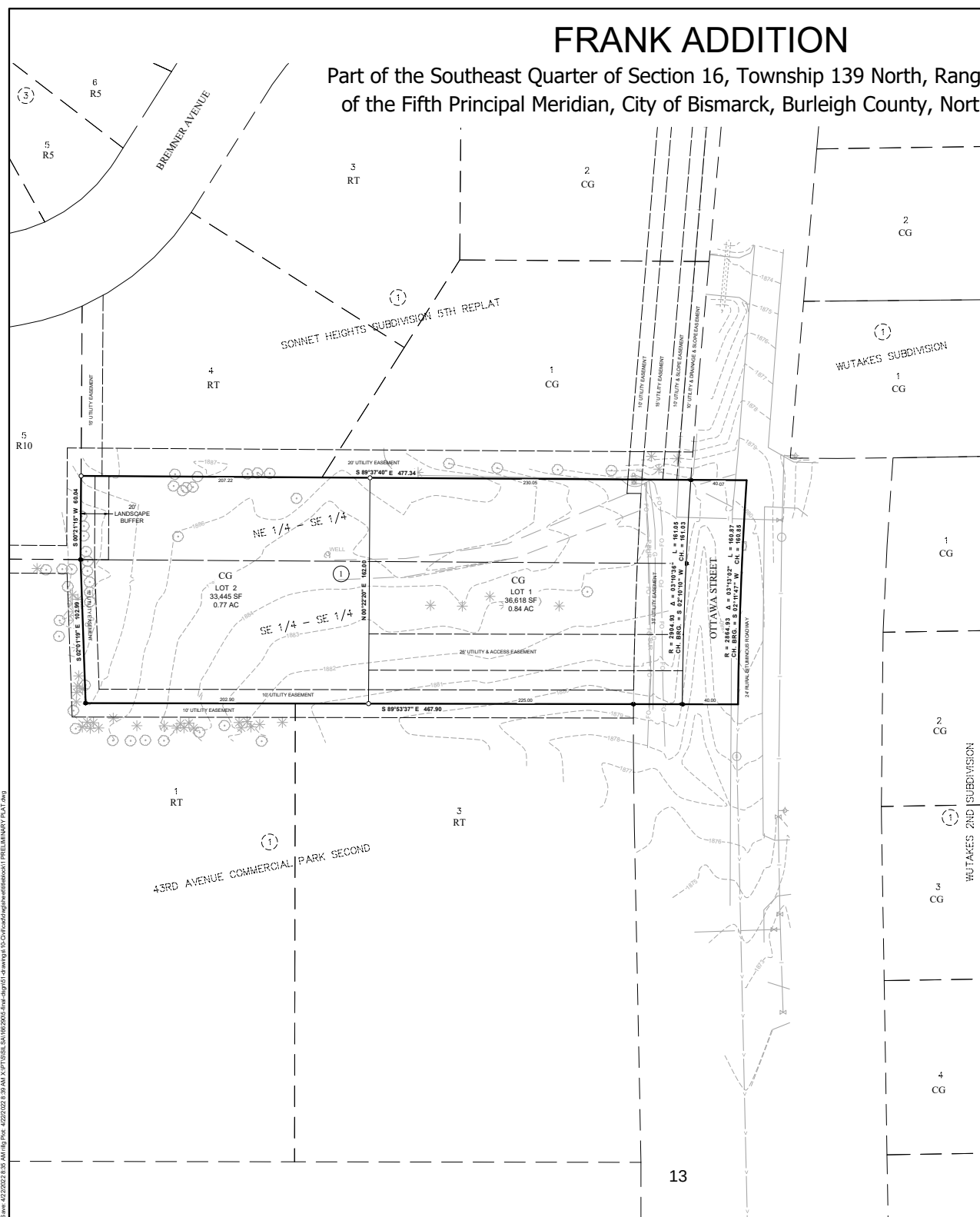


City of Bismarck
Community Development Dept.
Planning Division
May 19, 2022



FRANK ADDITION

Part of the Southeast Quarter of Section 16, Township 139 North, Range 80 West
of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP LS-8444
- PLAT BOUNDARY
- - - UTILITY EASEMENT
- - - ADJACENT LOT LINE
- - - SECTION LINE

AREA TABULATIONS:

2 Lots	=	70,063 SF	1.61± Acres
Right of Way	=	6,438 SF	0.15± Acres
Total	=	76,501 SF	1.76± Acres

EXISTING PROPERTY DESCRIPTIONS:

Unplatted Portion of SE1/4-SE1/4

DOCUMENT No. 147204

Beginning at point which is 562 feet west of the Northeast corner (NE corner) of the Southeast quarter of the Southeast quarter (SE1/4SE1/4) of Section 16, Township 139 North, Range 80 West, Fifth Principal Meridian, Burleigh County, North Dakota. Described parcel lying north of the south line said NE1/4SE1/4, west of Ottawa Street, old US Highway 83, and east of and south of Sonnet Heights Subdivision Fifth Replat, a plat which is on file at the Burleigh County Records Office, more particularly described as follows:

AND

Unplatted Portion of NE1/4-SE1/4

Description from Compass Rose Consulting Survey signed November 29, 2020.

A parcel of land located in the NE1/4SE1/4 Section 16, Township 139 North, Range 80 West, Fifth Principal Meridian, Burleigh County, North Dakota. Described parcel lying north of the south line said NE1/4SE1/4, west of Ottawa Street, old US Highway 83, and east of and south of Sonnet Heights Subdivision Fifth Replat, a plat which is on file at the Burleigh County Records Office, more particularly described as follows:

Beginning at the southwest corner Lot 5, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596, said corner is also the northerly east corner Lot 1 Block 1, 43rd Avenue Commercial Park 2nd Addition, as well as the north west corner parcel described in document number 147204, both documents on file at the Burleigh County Records Office. Thence S89°37'40" E along the south line said NE1/4SE1/4, and along the north line said Document Number 147204 a distance of 434.31 feet to a point that is 40.00 foot offset for the centerline said Ottawa Street, said corner monumented with a survey cap RLS 3596; Thence northeasterly along said 40.00 foot offset along a curve whose Radius is 2904.93 feet, whose chord bears N03°09'37" E and cord length is 60.06 feet, an arc length of 60.09 feet to the southeast corner Lot 1, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596; Thence N89°37'40" W along the south line said Sonnet Heights Subdivision Fifth Replat a distance of 437.32 feet to the southwest corner Lot 4, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596; Thence S00°21'15" W along west line said Lot 5, Block 1, Sonnet Heights Subdivision Fifth Replat a distance of 60.04 feet to the Point of Beginning.

Said described Parcel contains 0.60 acres more or less.

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:

National Geodetic Vertical Datum 29
City Hydrant 2284
OTTAWA STREET 3RD SOUTH OF BREANER AVENUE
Elevation = 1876.42

OWNER:

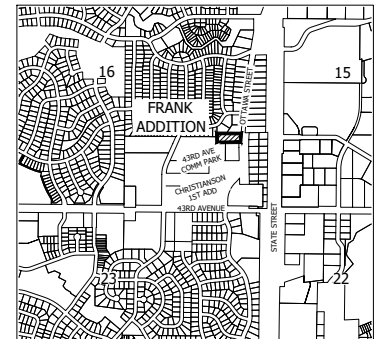
Calvin Mertz & Brenda Mertz
5483 S. 700 W
Murray, UT 84123

SURVEYOR:

DEW/Robert M. Tig PLS
4719 Sheldahl St.
Bismarck, ND 58503

SURVEYED:

April 11, 2022



VICINITY MAP

NOT TO SCALE

DATE: 4/22/2022



STAFF REPORT

Application for: **Zoning Change**

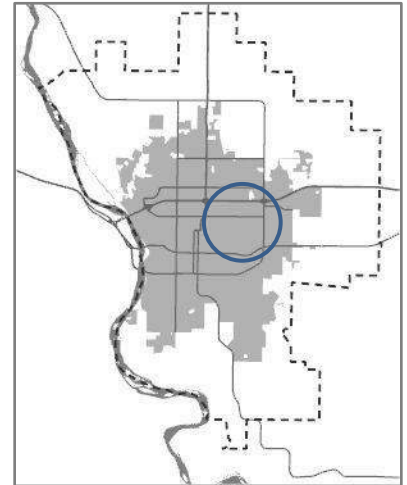
Agenda Item # 3

May 25, 2022

Project ID: **ZC2022-008**

Project Summary

<i>Title:</i>	Block 49 and part of Block 56, Governor Pierce Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Bismarck Rental Properties, LLC
<i>Project Contact:</i>	Dan Frank
<i>Location:</i>	In east-central Bismarck, the block bounded by East Broadway Avenue, North 25 th Street, East Thayer Avenue and North 26 th Street
<i>Project Size:</i>	139,600 square feet / 3.20 acres
<i>Request:</i>	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Manufactured home park	<i>Land Use:</i>	Manufactured home park
<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	RMH – Residential
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	RMH – Manufactured home parks
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	RMH – 7 units / acre

Property History

<i>Zoned:</i>	Pre-1960	<i>Platted:</i>	08/1887	<i>Annexed:</i>	Pre-1960
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Staff Analysis

Bismarck Rental Properties LLC is requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Block 49 and part of Block 56, Governor Pierce Addition.

Adjacent uses include commercial uses to the north across East Thayer Avenue and to the west across North 25th Street, and light industrial uses to the south across East Broadway Avenue and to the east across North 26th Street.

Dakota Mobile Home was established as a mobile home park in the 1956, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH; however, this park was not and became a legal non-conforming use within the CG – Commercial zoning district.

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

replaced when needed and preserves an affordable housing option within the community.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots

(continued)

1-24 and the W½ of closed 26th Street adjacent, Block 49 and Lots 1-12 and the E½ of the closed 26th Street adjacent, less the East 33 feet, Block 56, Governor Pierce Addition.

Attachments

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

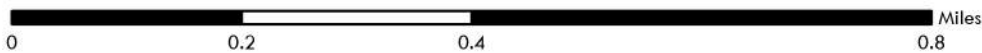
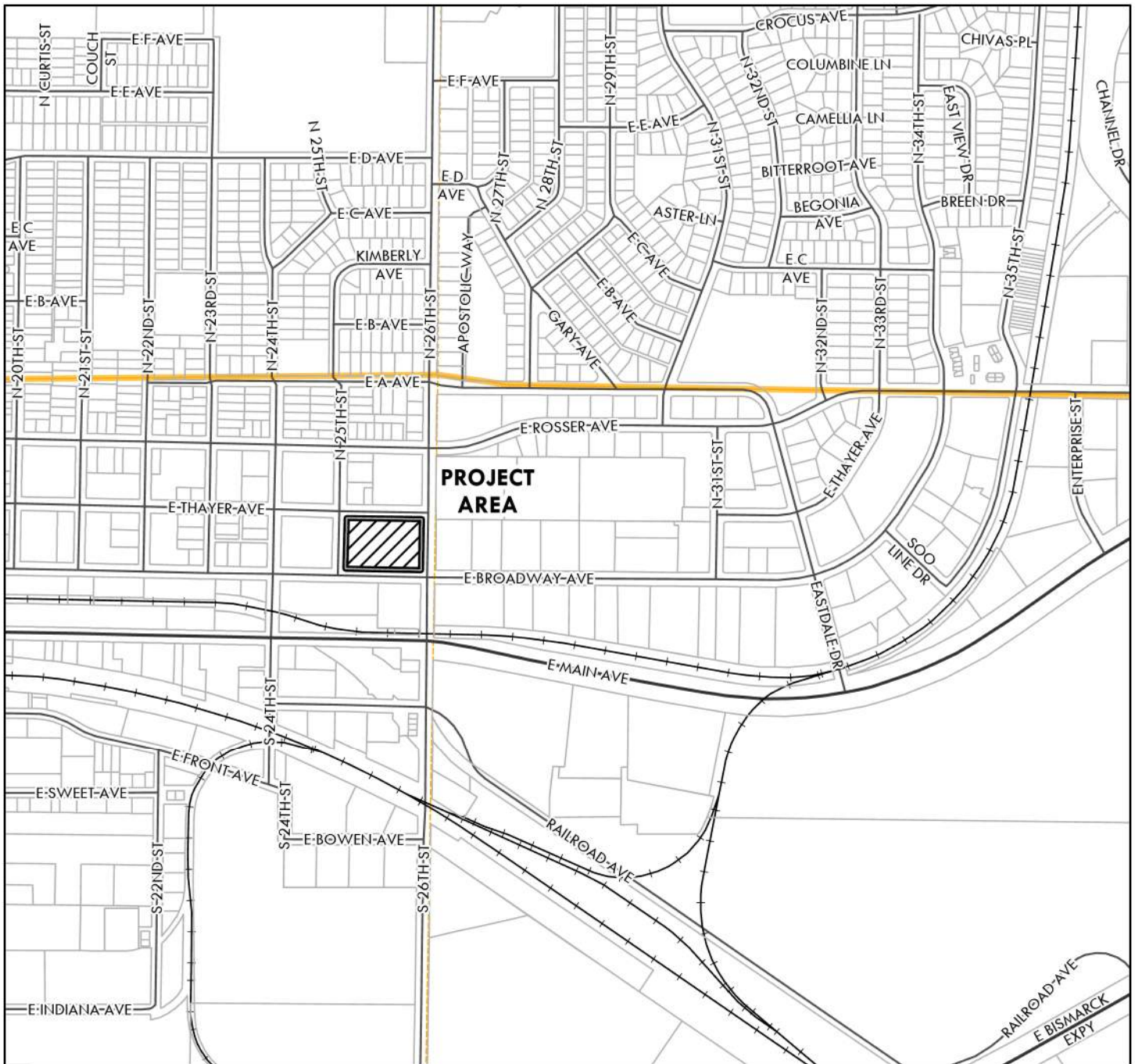
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Location Map

GOVERNOR PIERCE ADDITION, B49 AND PT B56

ZC2022-008



City Limits

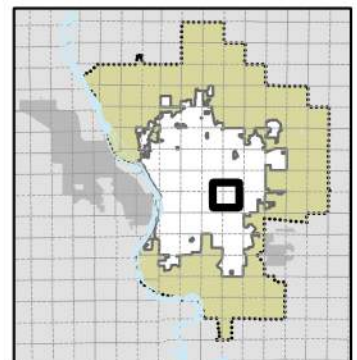


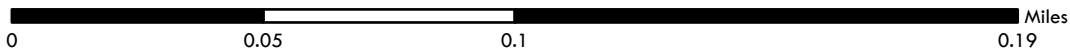
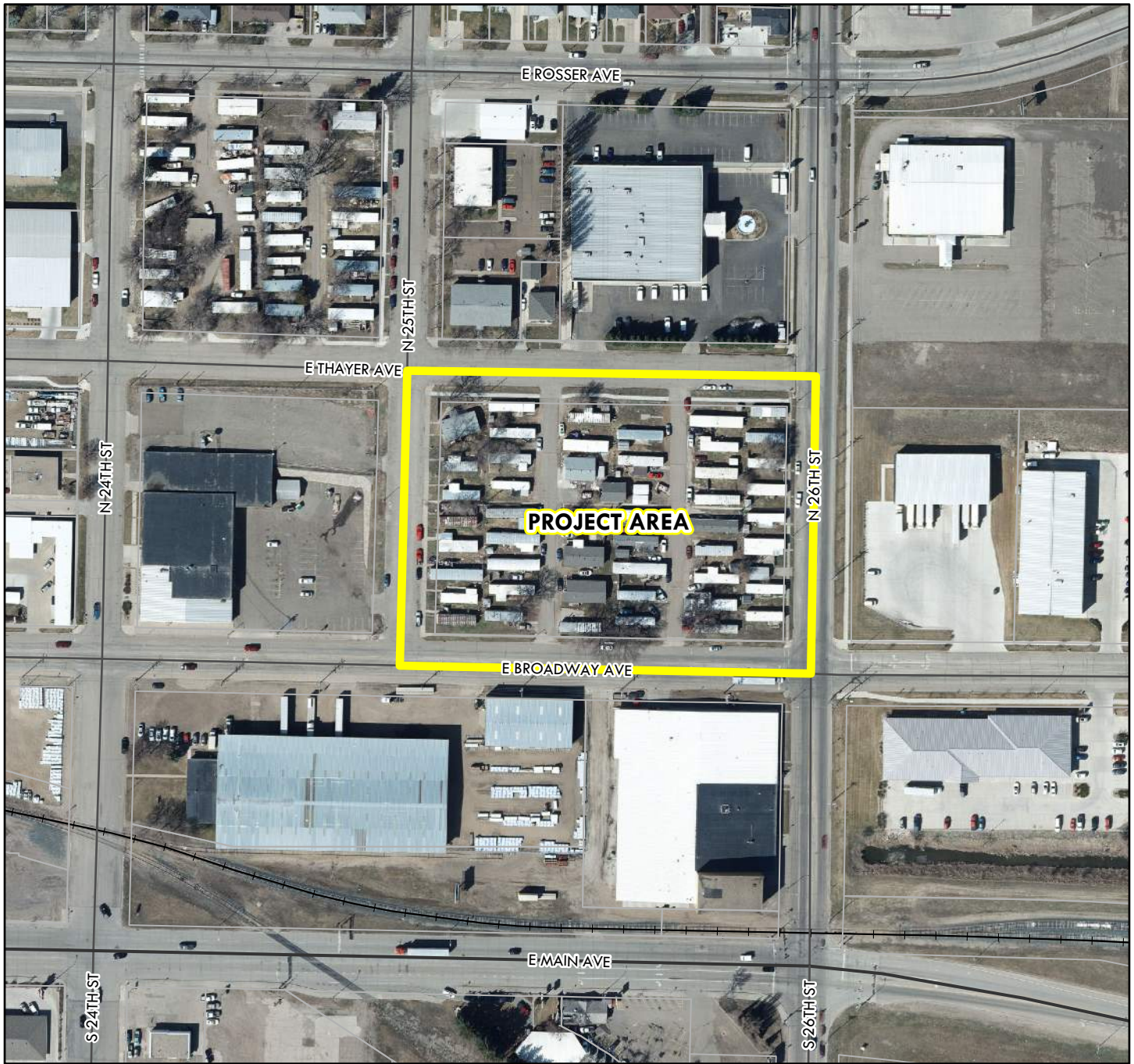
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April 26, 2022 (HLB)

Section, township, and
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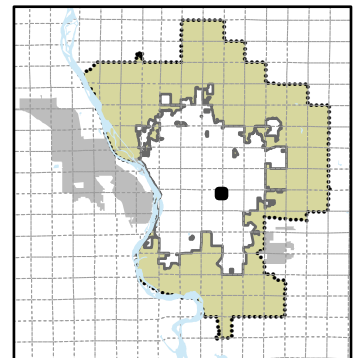


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

ZC2022-008

GOVERNOR PIERCE ADDITION, B49 AND PT B56

Zoning Districts

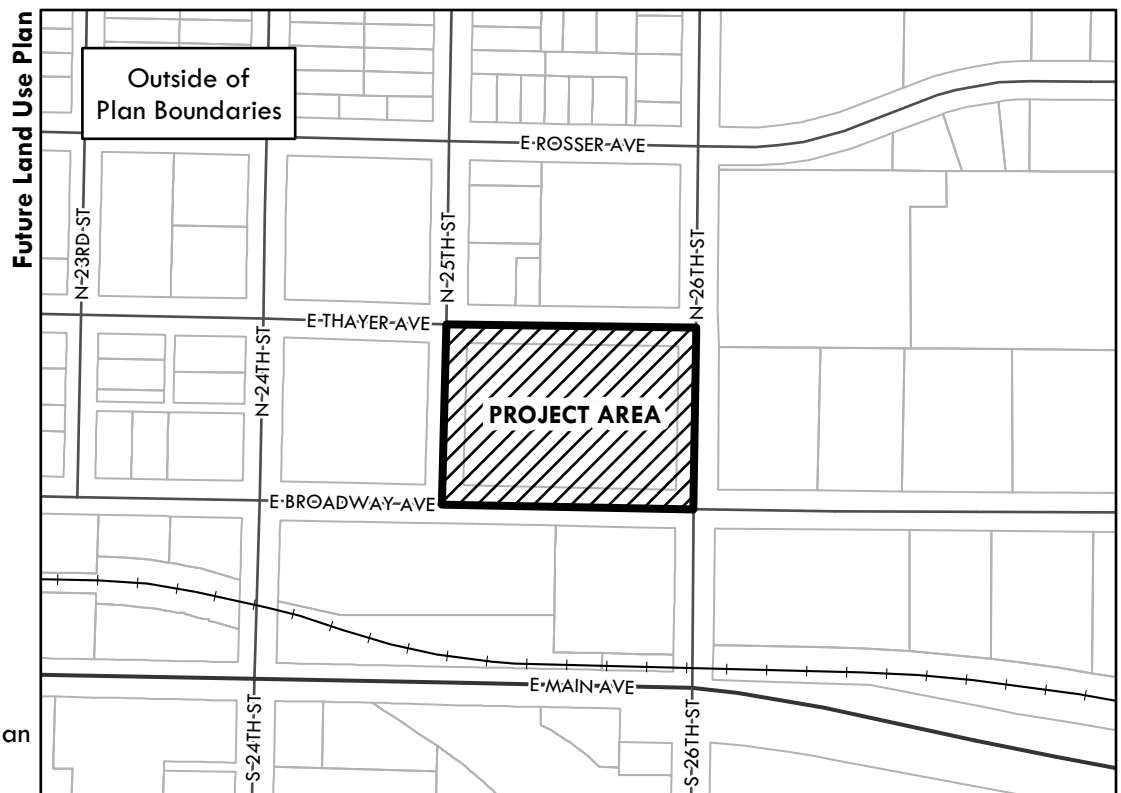
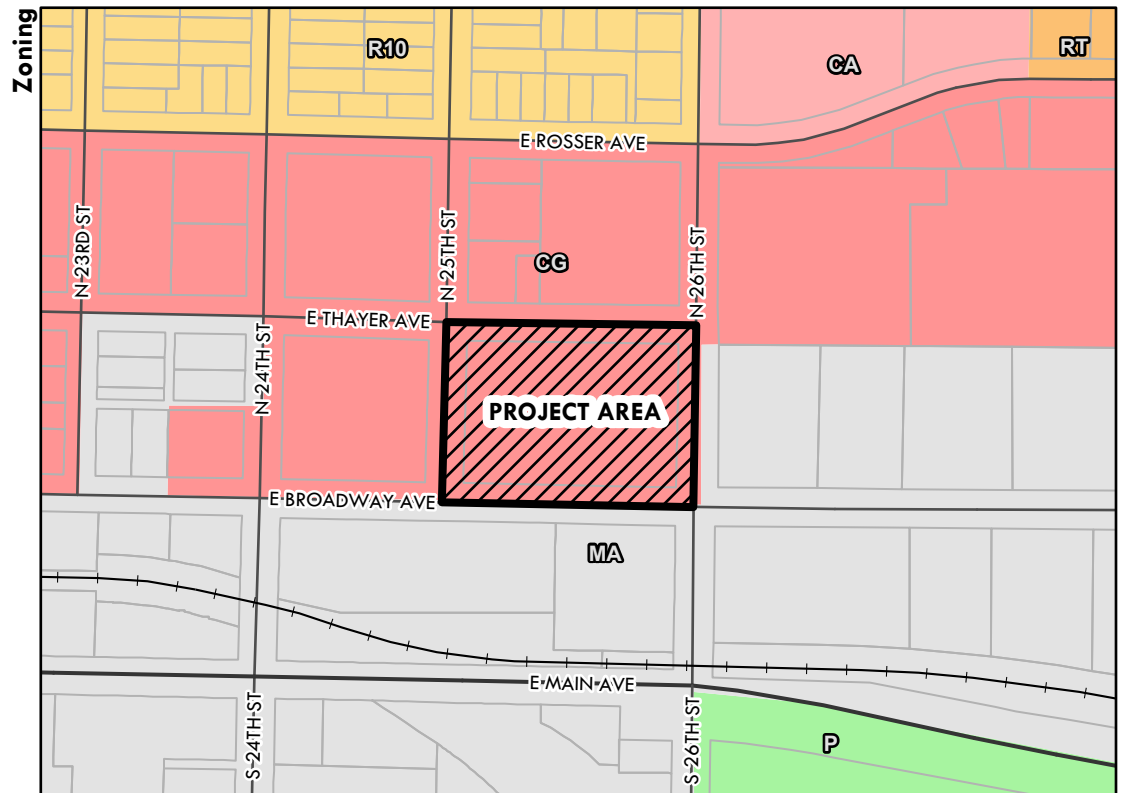
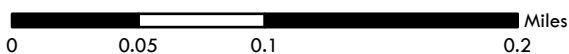
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

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

Fringe Area Road Master Plan

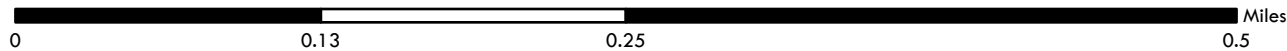
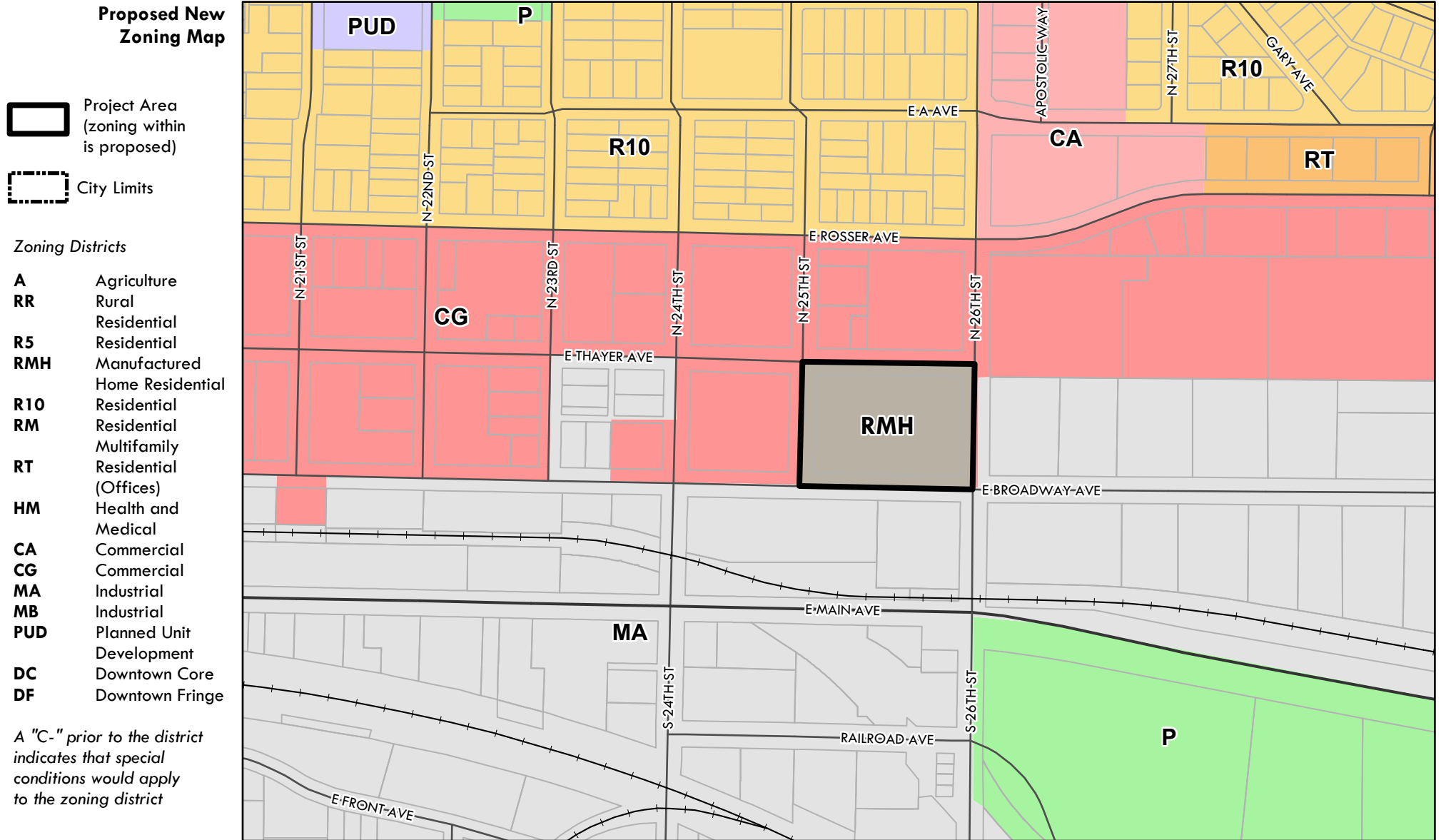
- ● ● Future Arterial Road
- ■ ■ Future Collector Road



This map is for representational use only and does not represent a survey.
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City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022



STAFF REPORT

Application for: **Zoning Change**

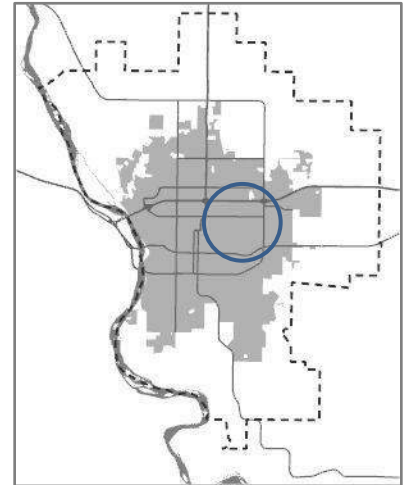
Agenda Item # 4

May 25, 2022

Project ID: **ZC2022-009**

Project Summary

<i>Title:</i>	Block 45, Governor Pierce Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Bismarck Rental Properties, LLC
<i>Project Contact:</i>	Dan Frank
<i>Location:</i>	In east-central Bismarck, the block bounded by East Thayer Avenue, North 24 th Street, East Rosser Avenue and North 25 th Street
<i>Project Size:</i>	90,000 square feet / 2.07 acres
<i>Request:</i>	Rezone an existing manufactured home park to bring the zoning of the property more in line with the use of the property



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Manufactured home park	<i>Land Use:</i>	Manufactured home park
<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	RMH – Residential
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	RMH – Manufactured home parks
<i>Max Density:</i>	CG – 42 units / acre	<i>Max Density:</i>	RMH – 7 units / acre

Property History

<i>Zoned:</i>	Pre-1960	<i>Platted:</i>	08/1887	<i>Annexed:</i>	Pre-1960
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Staff Analysis

Bismarck Rental Properties LLC is requesting approval of a zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Block 45, Governor Pierce Addition.

Adjacent uses include low density residential uses to the north across East Rosser Avenue and a mix of commercial uses across adjacent roadways to the east, south and west.

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

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

replaced when needed and preserves an affordable housing option within the community.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the CG – Commercial zoning district

(continued)

to the RMH – Residential zoning district for Lots
1-24, Block 45, Governor Pierce Addition.

Attachments

1. Location Map

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

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



City Limits

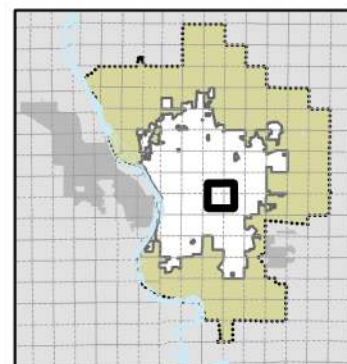


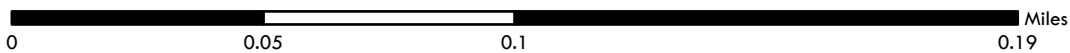
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
April 26, 2022 (HLB)

Section, township, and
range indicated in orange

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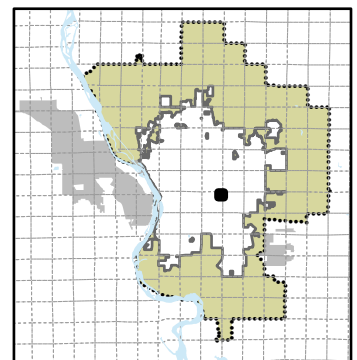


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

GOVERNOR PIERCE ADDITION, B45

ZC2022-009

Zoning Districts

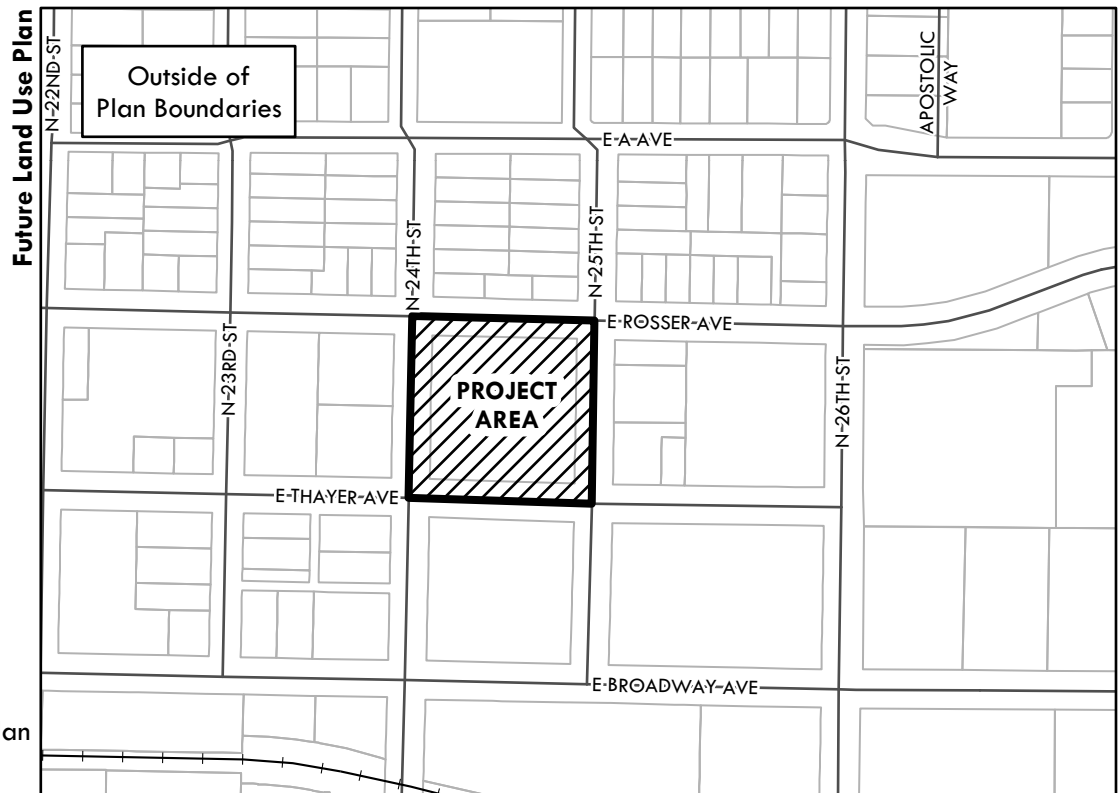
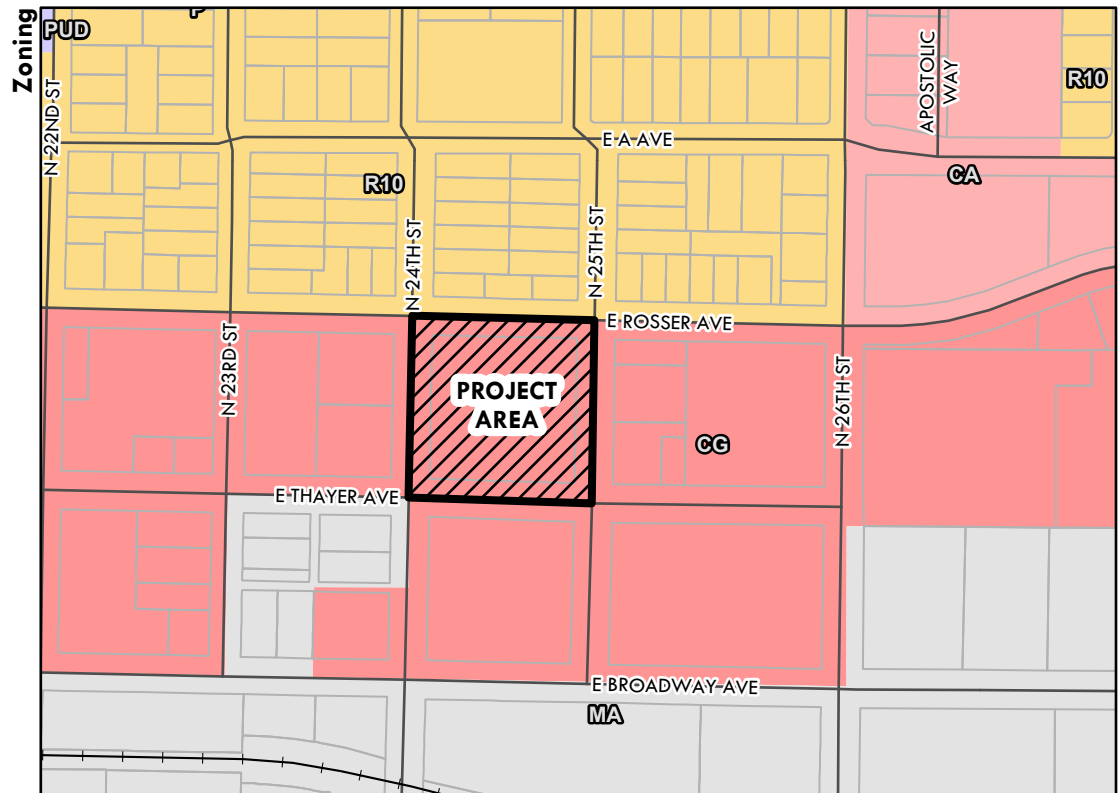
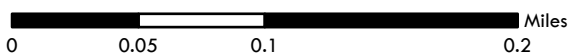
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Future Land Use Plan

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RR	Standard Rural Residential
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Fringe Area Road Master Plan

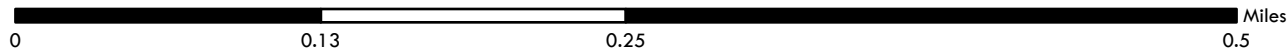
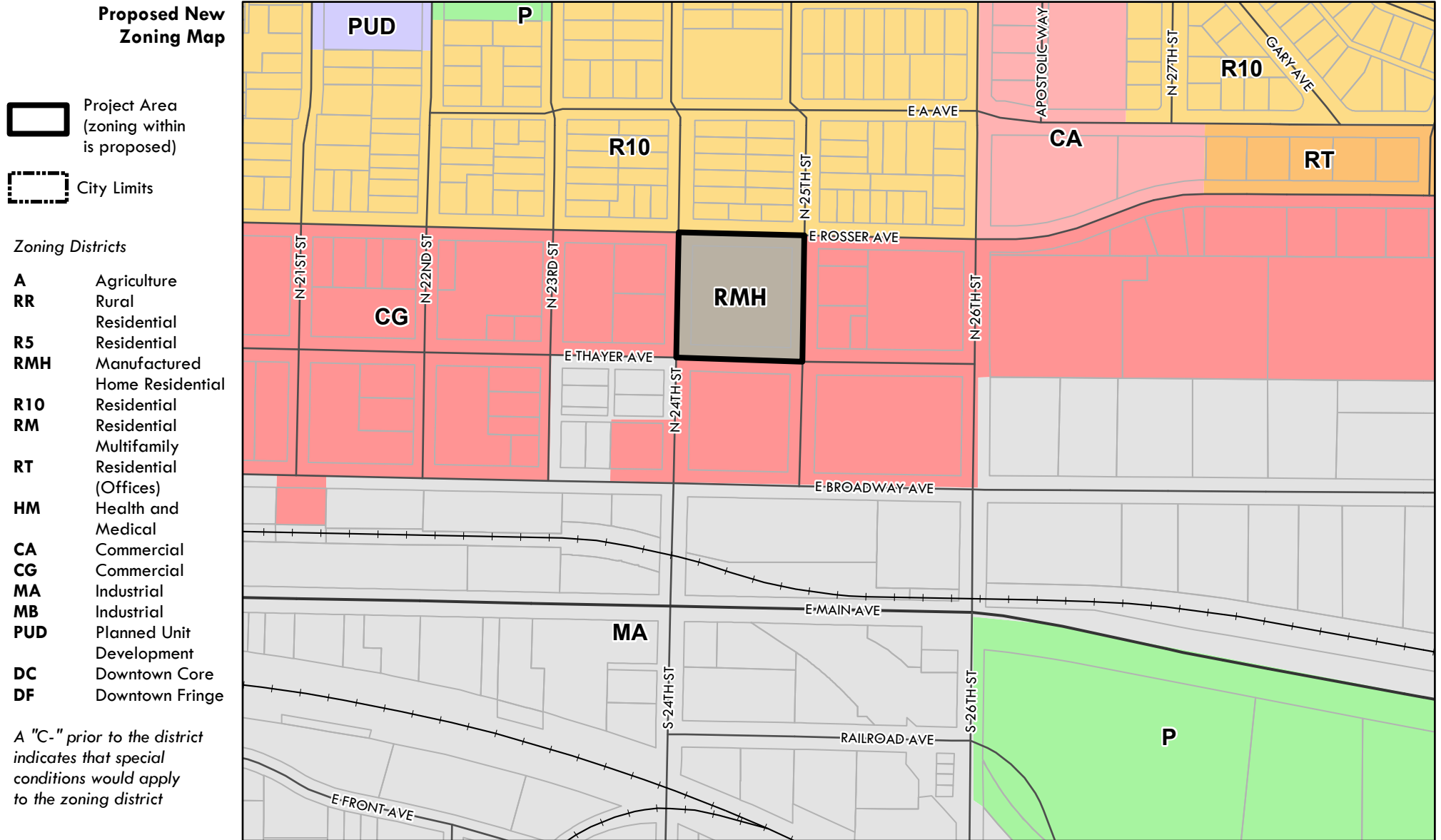
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City of Bismarck
Community Development Dept.
Planning Division
May 20, 2022



STAFF REPORT

Application for: **Zoning Change**

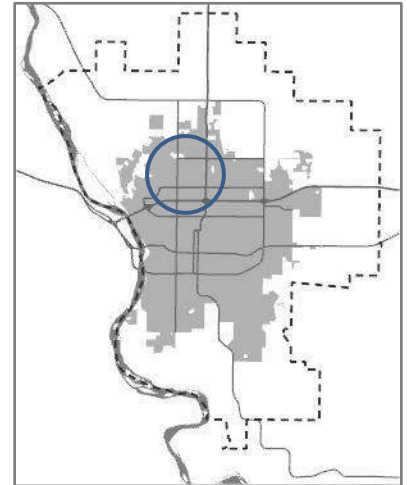
Agenda Item # 5

May 25, 2022

Project ID: **ZC2021-010**

Project Summary

<i>Title:</i>	Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	DPH Investments LLC
<i>Project Contact:</i>	Abe Ulmer, PE, Independent Land Surveying & Engineering, Inc.
<i>Location:</i>	In north Bismarck, along the south side of 43 rd Avenue NE west of Boulder Ridge Road
<i>Project Size:</i>	53,972 square feet
<i>Request:</i>	Rezone property for future development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 lots in 1 block	<i>Number of Lots:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Commercial
<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RT – Residential	<i>Zoning:</i>	CA – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	CA – Neighborhood commercial
<i>Max Density:</i>	RT – 30 units / acre	<i>Max Density:</i>	CA – 30 units / acre

Property History

<i>Zoned:</i>	04/2014 (RT)	<i>Platted:</i>	5/2012	<i>Annexed:</i>	05/2012
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Staff Analysis

DPH Investments LLC is requesting approval of a zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 1 and Lot 2, Block 1, Kilber North Addition First Replat.

Adjacent uses include single and two-family residential and vacant property zoned CA – Commercial to the north across 43rd Avenue NE, office uses to the east across Boulder Ridge Road and to the south, and institutional and multi-family uses to the west.

Lots 1 and 2 are undeveloped. They were zoned RM30 – Residential in 2012 and re-zoned to RT – Residential in 2014. The applicant intends to develop a multi-tenant building on the property and has requested CA – Commercial zoning to increase the variety of uses allowed and improve the ability to market the property.

Staff does not support the proposed rezoning for the following reasons.

First, the proposed CA – Commercial zoning district would be isolated as a single parcel. This is sometimes referred to as a spot zoning, a practice that is discouraged and sometimes deemed “arbitrary and capricious” by courts on the grounds that it grants preferential treatment to a single landowner not available to nearby properties. Additionally, there are commercially zoned areas to the north, across 43rd Avenue NE at the intersection of two major arterial roadways (North Washington St and 43rd Avenue NE). Staff does not believe this general area lacks sites for commercial uses to serve the needs of the neighborhood.

Second, commercial uses may generate high numbers of vehicle trips. Although most traffic may enter the site from 43rd Avenue to the north via Boulder Ridge Road and a private access easement, additional trips would likely be

generated from the south through an existing residential neighborhood.

Third, the stormwater management plan for this area assumed an impervious surface coverage consistent with the RT – Residential zoning district. A zoning change could result in a need for additional on-site stormwater detention, which would have to be further re-evaluated during future site development if the zoning change were approved as proposed.

Required Findings of Fact (relating to land use)

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

adopted plans, policies and accepted planning practice; and

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lot 2

and Lot 3, Block 1, Kilber North Addition First Replat, with the understanding that staff will recommend denial of the request.

Attachments

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

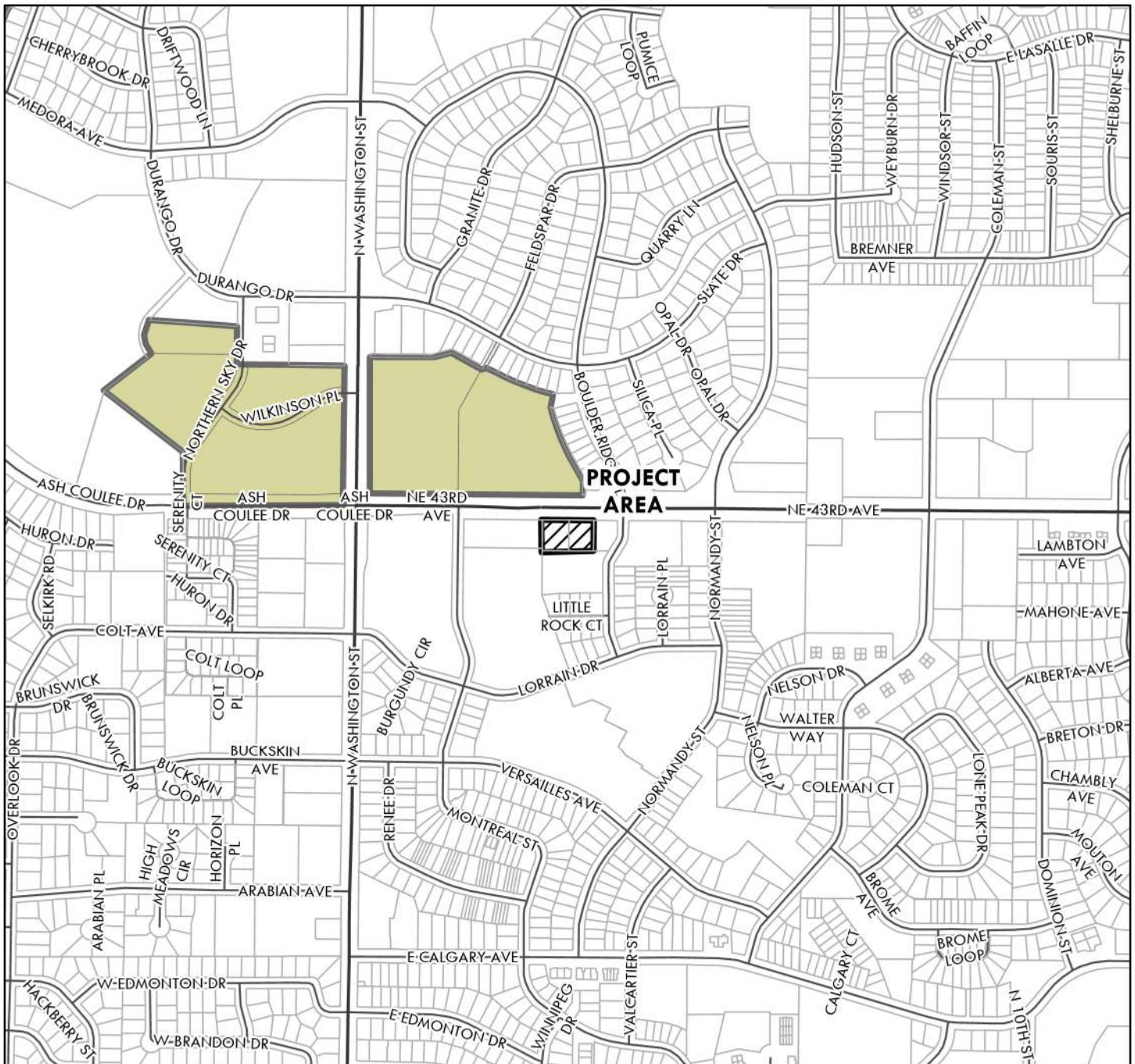
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

KILBER NORTH ADDITION FIRST REPLAT, L1 AND 2, B1

ZC2022-010



City Limits

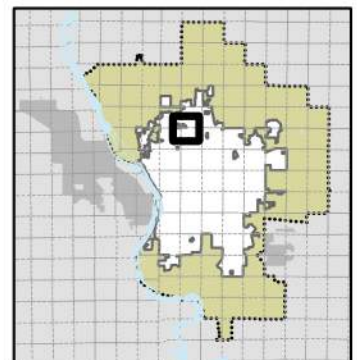


Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
April 27, 2022 (HLB)

*Section, township, and
range indicated in orange*

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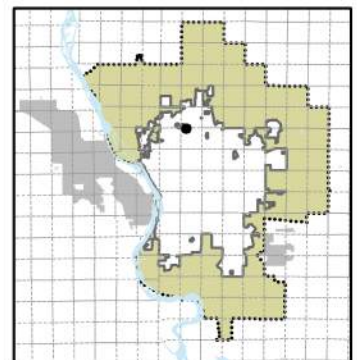


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
May 16, 2022

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Zoning and Plan Reference Map

KILBER NORTH ADDITION FIRST REPLAT, L1-2, B1

ZC2022-010

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
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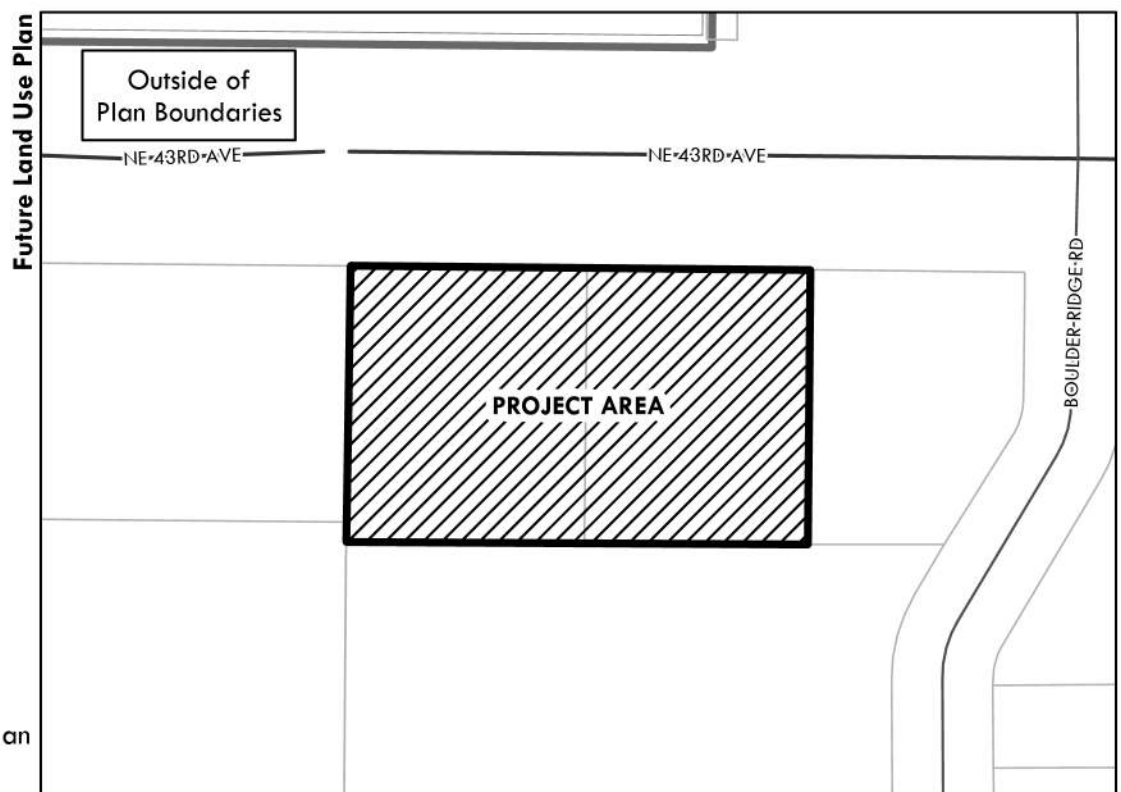
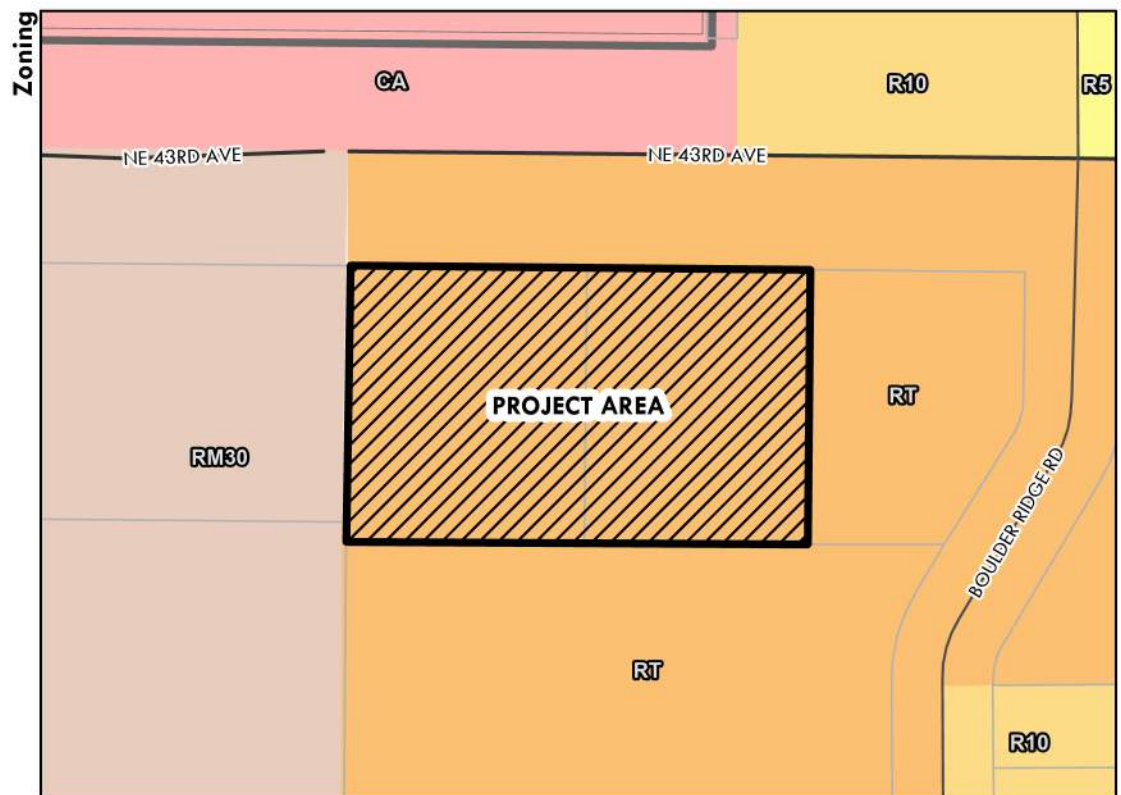
Future Land Use Plan

CONSRV	Conservation
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Fringe Area Road Master Plan

- • • Future Arterial Road
- ■ ■ Future Collector Road

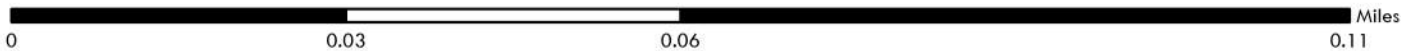
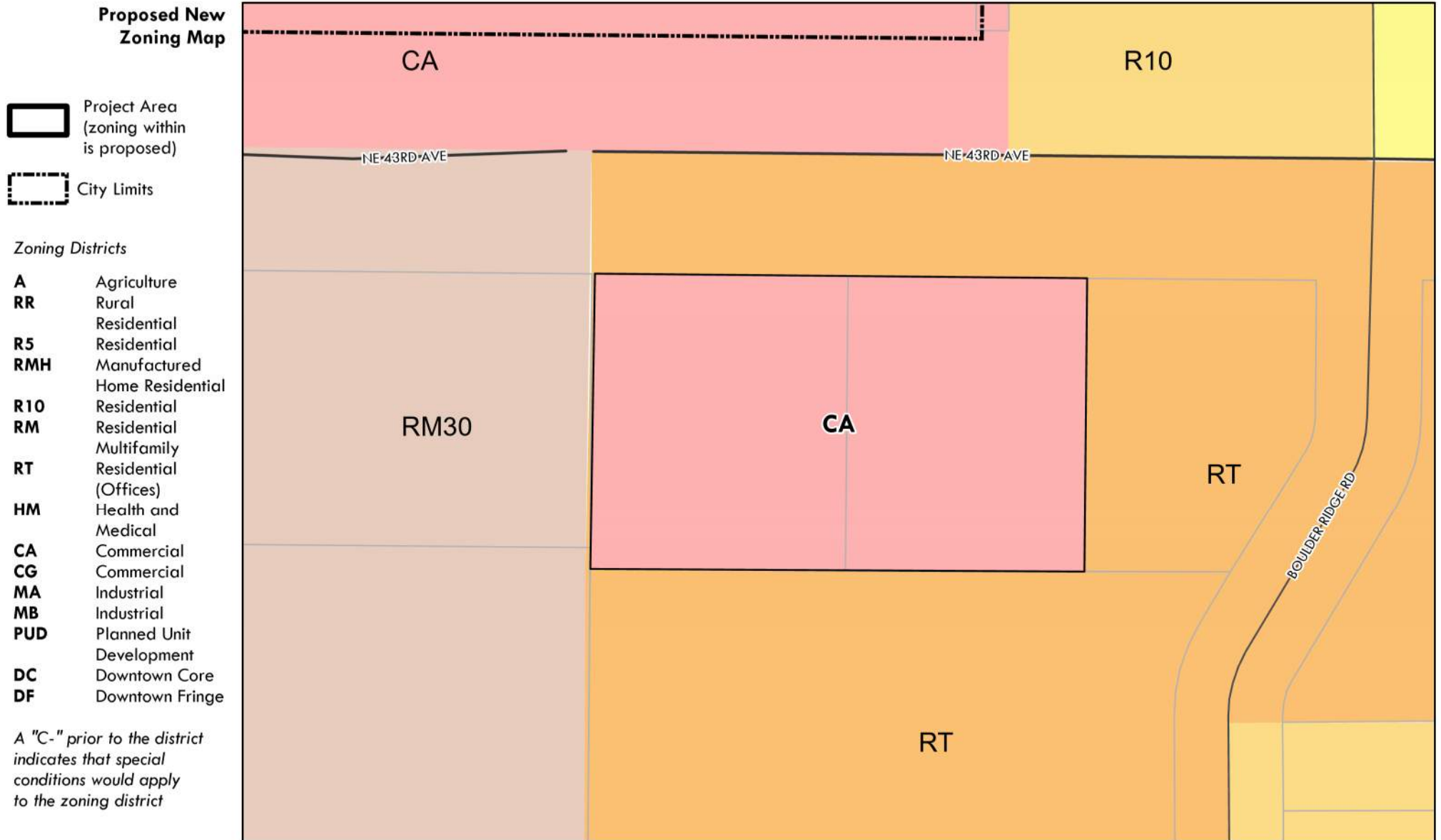
0 0.01 0.03 0.06 Miles



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City of Bismarck
Community Development Dept.
Planning Division
May 16, 2022



STAFF REPORT

Application for: **Zoning Change**

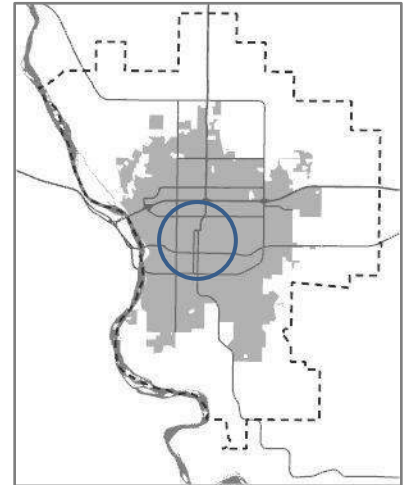
Agenda Item # 6

May 25, 2022

Project ID: **ZC2022-011**

Project Summary

<i>Title:</i>	Lot 7, Block 41, Northern Pacific 2 nd Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Mike Bohrer, Venture Property Management
<i>Project Contact:</i>	Mike Bohrer, Venture Property Management
<i>Location:</i>	In central Bismarck, between East Avenue B and East Avenue C and North 5 th Street and North 6 th Street
<i>Project Size:</i>	7,500 square foot parcel
<i>Request:</i>	Rezone property to allow potential change of use



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 parcel
<i>Land Use:</i>	Office	<i>Land Use:</i>	Office, commercial, or single-family residential
<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RT – Residential	<i>Zoning:</i>	DF – Downtown Fringe
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	DF – Mixed-use development including retail, multi-family residential, single-family residential, and office uses
<i>Max Density:</i>	RT – 30 units / acre	<i>Max Density:</i>	DF – 42 units / acre

Property History

<i>Zoned:</i>	02/2014	<i>Platted:</i>	Pre-1980	<i>Annexed:</i>	Pre-1980
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Staff Analysis

Venture Property Management LLP is requesting approval of a zoning change from the RT – Residential zoning district to the DF – Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition.

Adjacent uses include multi-family residential to the north, a medical office to the east, The Bismarck Veterans Public Library to the south, and a commercial use to the west.

This lot is the last remaining vestige of an RT – Residential zoning district in this area, and it is adjacent to the existing DF – Downtown Fringe zoning district on two sides. The building on the lot was historically a single-family home that was converted to an office. Conversion back to either a single-family residential or commercial use is not permitted under existing zoning but would be permissible in the DF – Downtown Fringe district.

The DF – Downtown Fringe zoning district allows a broader range of uses, as well as more compact development standards and no off-street parking requirements. However, the requirements of Downtown Design Review would apply, and all development would be subject to review by the Downtown Design Review Committee in accordance with the 2015 Design Guidelines.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential zoning district to the DF – Downtown Fringe zoning district for Lot 7, Block 41, Northern Pacific 2nd Addition.

Attachments

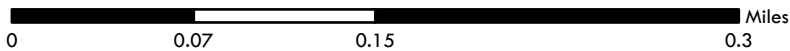
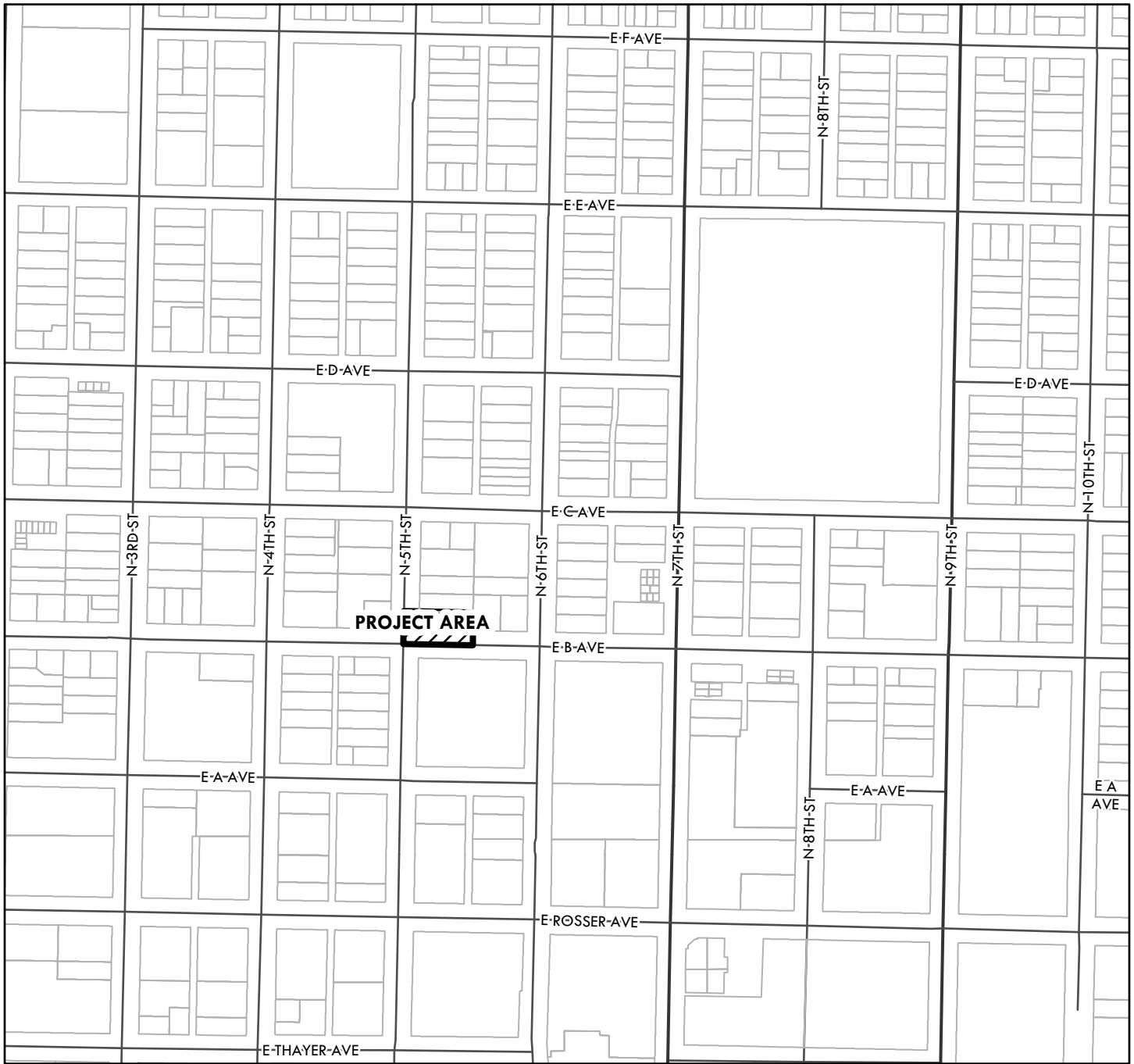
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map



Location Map

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011



City Limits

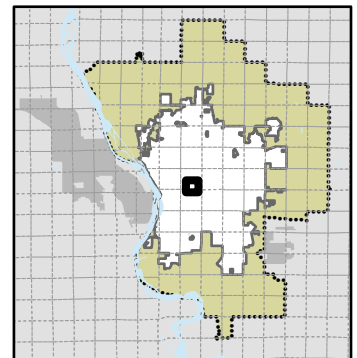


Bismarck ETA Jurisdiction

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

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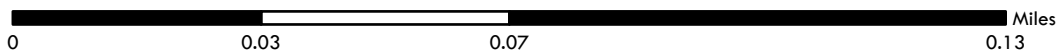
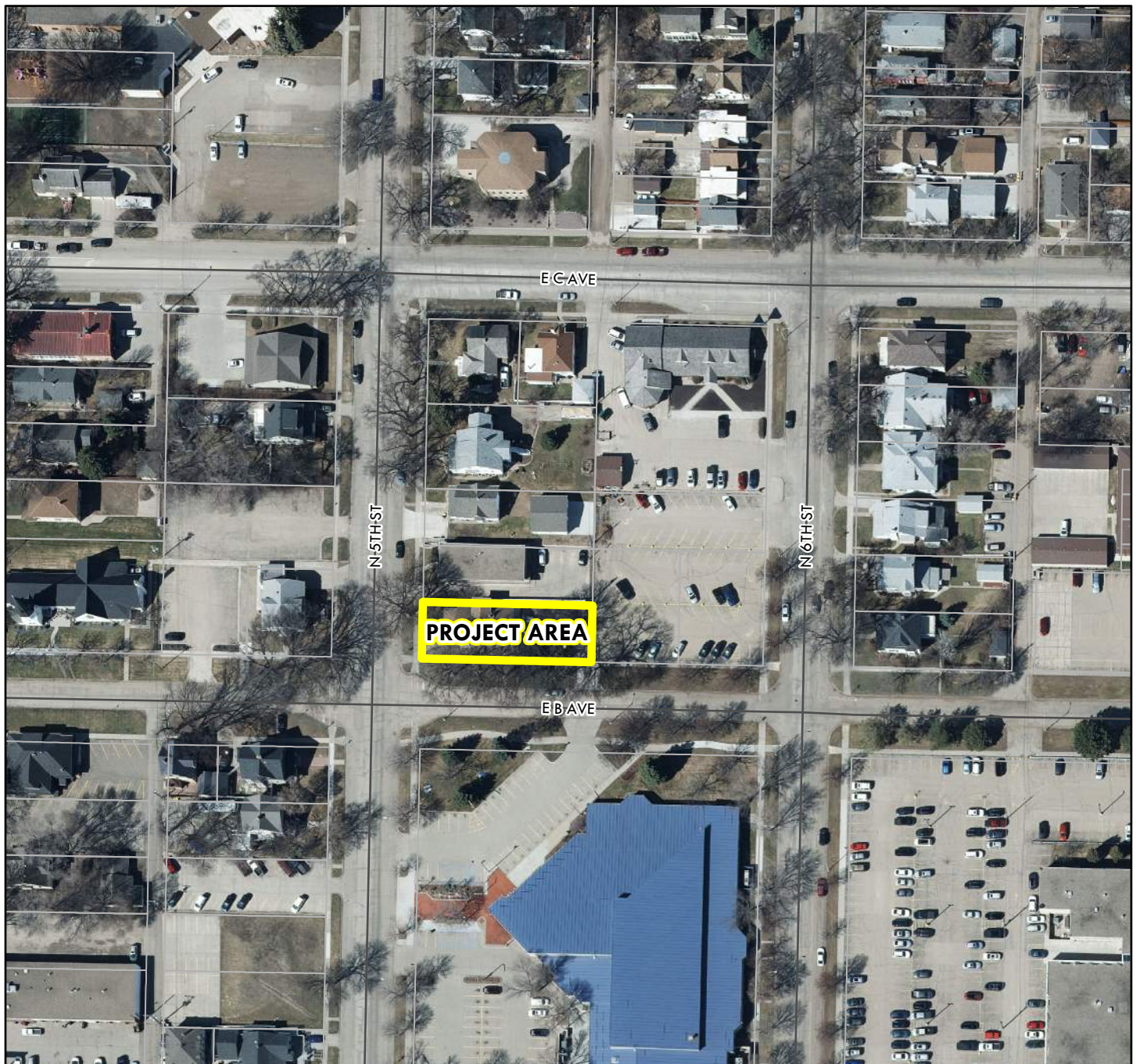




Aerial Map

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011

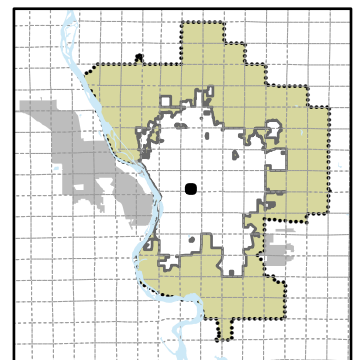


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
May 12, 2022

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Zoning and Plan Reference Map

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011

Zoning Districts

A	Agriculture
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RMH	Manufactured Home Residential
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HM	Health and Medical
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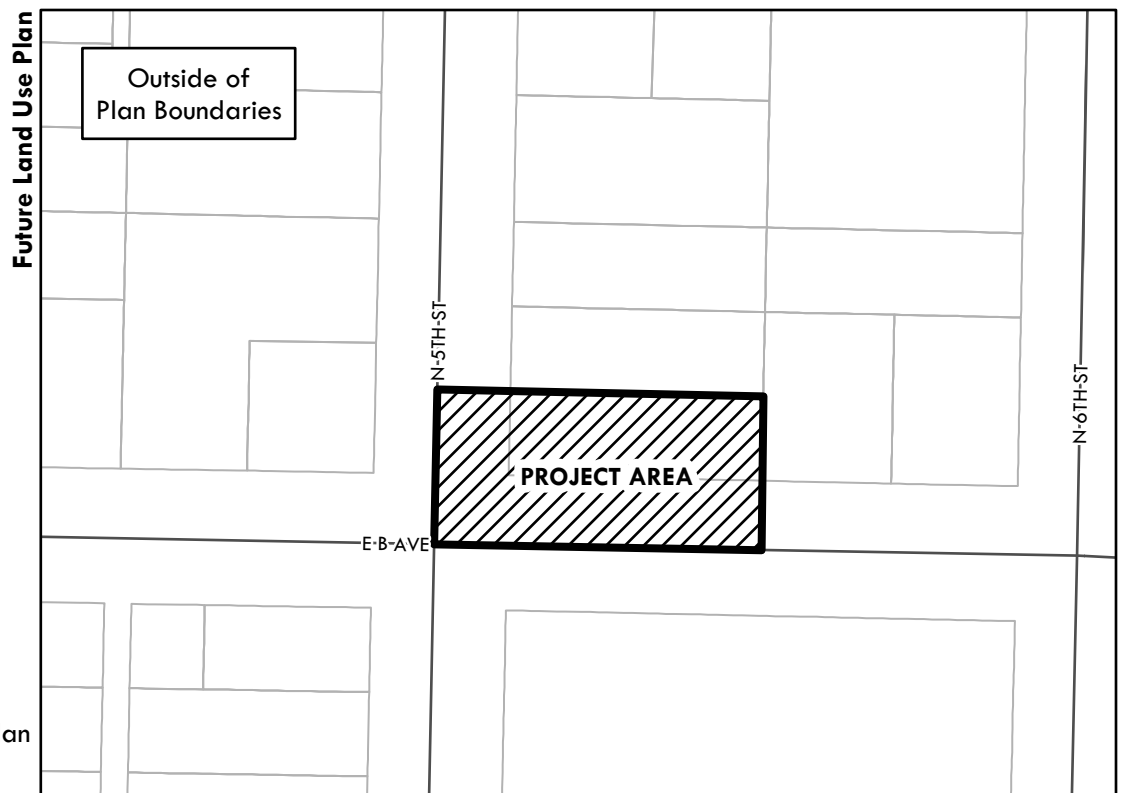
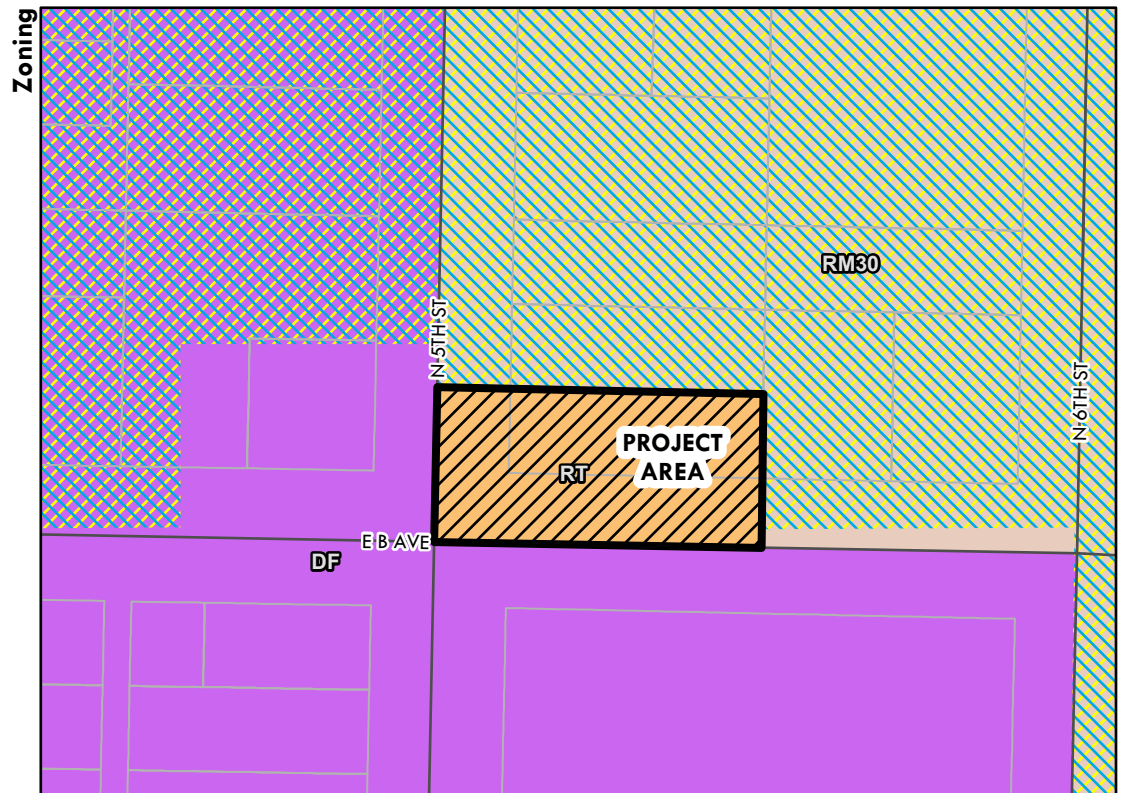
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CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- • • Future Arterial Road
- ■ ■ Future Collector Road

0 0.01 0.03 0.05 Miles



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



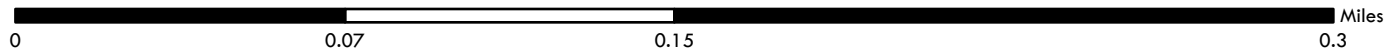
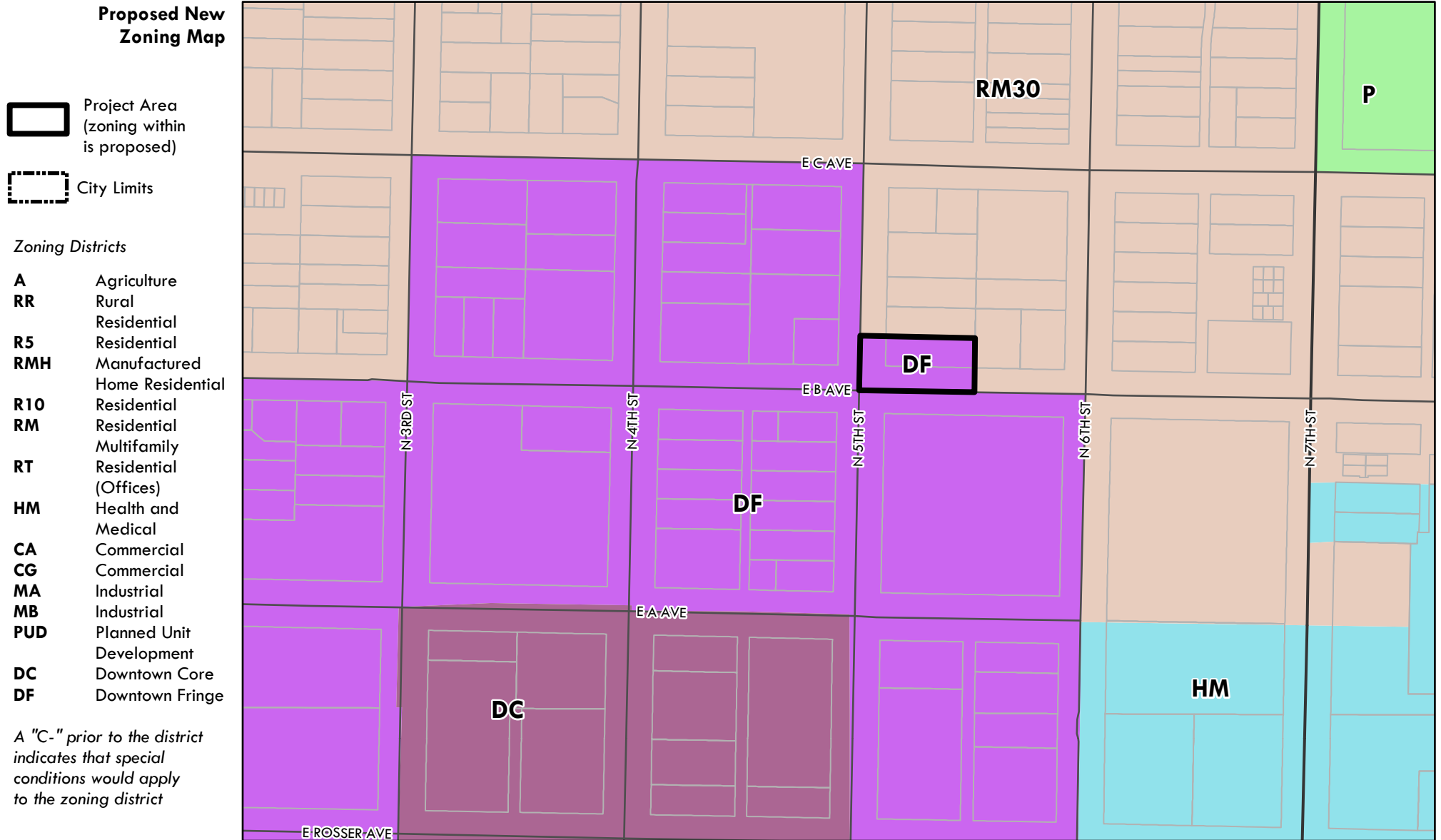
City of Bismarck
Community Development Dept.
Planning Division
May 12, 2022



Proposed Zoning Change

NORTHERN PACIFIC 2ND ADDITION, L7, B41

ZC2022-011



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



City of Bismarck
Community Development Dept.
Planning Division
May 12, 2022



STAFF REPORT

Agenda Item # 7
May 25, 2022

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2022-002**

Project Summary

Title:	Agency Foster Home for Adults
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Kim L. Lee, AICP, Planning Manager
Section(s) Amended:	Section 14-02-03 (Definitions), Section 14-04-03 (R5 Residential District) and Section 14-04-06 (R10 Residential District) of the City Code of Ordinances
Request:	Add provisions to allow agency foster care for adults as a permitted use in the R5 and R10 zoning districts as requested by the North Dakota Department of Human Services

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to include provisions to allow agency foster care for adults as a permitted use in the R5 and R10 zoning districts.

Agency foster home for adults would be defined as:

"A residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota."

This category would complement the City's current definition for family foster home for adults:

"An occupied private residence in which foster care for adults is regularly provided by the owner or lessee thereof, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota."

Background

The North Dakota Century Code and North Dakota Administrative Code were recently modified to add agency foster care for adults as a licensing class under the North Dakota Department of Human Services. As our current definition of family foster home for adults specifically states the care would be provided by the owner or lessee of the private residence, rather than by professional staff, an ordinance amendment to add this new category is required. The definition of foster care for adults will also be amended to mirror the current language used in Chapter 50-11 of the North Dakota Century Code.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or

(continued)

otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for zoning ordinance

text amendment for Section 14-02-03 (Definitions), Section 14-04-03 (R5 Residential District) and Section 14-04-06 (R10 Residential District) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment
2. Letter from ND Department of Human Services

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND SECTIONS 14-02-03, 14-04-03 AND 14-04-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO FOSTER CARE FOR ADULTS.

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

Section 1. Amend. Section 14-02-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to Definitions, is hereby amended to read as follows:

Section 14-02-03 Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

...

Agency Foster Home for Adults: A a residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.

...

Family Foster Home For Adults: An occupied private residence in which foster care for adults is regularly provided by the owner or lessee thereof of the residence, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation that is licensed by the State of North Dakota.

...

Foster Care For Adults: The provision of food, shelter, security and safety, guidance, and comfort on a twenty-four hour per day basis, in the residential home of a caregiver or agency, to a ~~person~~ an individual age eighteen or older, who is unable, neglects, or refuses to provide for the ~~person's~~ individual's own care.

...

Section 2. Amend. Section 14-04-03 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R5 Residential zoning district, is hereby amended to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

...

2. Uses permitted. The following uses are permitted:

- a. Single family dwelling.
- b. Education group.
- c. Public recreation group.
- d. Family foster home for adults.
- e. Agency foster home for adults.
- ef. Family child care.

...

Section 2. Amend. Section 14-04-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the R10 Residential zoning district, is hereby amended to read as follows:

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

...

2. Uses permitted. The following uses are permitted:

- a. Single-family dwelling.
- b. Two-family dwelling.
- c. Education group.
- d. Public recreation group.
- e. Row house.
- ...
- f. Family foster home for adults.
- g. Agency foster home for adults.

gh. Family child care, when located in a detached single family dwelling.

...

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

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

April 13th, 2022

Kim Lee, Planning Manager
221 N. 5th St.
Bismarck, ND 58501

To Whom it May Concern:

I am writing on behalf of the North Dakota Department of Human Services Aging Services Division to respectfully request an amendment to the definition of family foster home for adults to include agency foster home for adults in the Bismarck R5 and R10 zoning districts. A group home and an Agency Foster Home for Adults (AFHA) are similar models. The AFHA is licensed by the Department of Human Services Aging Services Division, and the law was updated in 2019 to include this model. Please refer to the citations listed below.

N.D. Century Code 50-11-00.1 Definitions.

1. Agency foster home for adults means a residential home in which foster care for adults is regularly provided by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

N.D. Administrative Code 75-03-21.1-01 Definitions.

3. Agency foster home for adults means a residential home in which foster care for adults is regularly provided exclusively to Medicaid waiver recipients by professional staff trained to provide services to older adults or adults with a disability, to four or fewer adults who are not related by blood or marriage to the owner or lessee, for hire or compensation.

Sincerely,



Erica Reiner
AFHA Program Administrator
Aging Services Division

AGING SERVICES DIVISION



STAFF REPORT

Agenda Item # 8

May 25, 2022

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2022-003**

Project Summary

<i>Title:</i>	Front Yard Setbacks in CG and MA Zoning Districts
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Project Contact:</i>	Kim L. Lee, AICP, Planning Manager
<i>Section(s) Amended:</i>	Section 14-04-12 (CG Commercial District) and 14-04-14 (MA Industrial District) of the City Code of Ordinances
<i>Request:</i>	Modify the front yard setback provisions in the CG and MA zoning district relating to an increased setback along specified roadways

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to modify the front yard setback provisions in the CG and MA zoning districts relating to an increased setback along specified major roadways.

When the zoning ordinance was rewritten in 1982, language was added to the front yard setback provisions of the CG – Commercial and MA – Industrial zoning districts to require a 50-foot front yard setback along principal arterials. The provisions also exempted various roadways, mostly within the portions of the community that were built out at that time. We believe this provision was added to preserve areas that may be needed for future roadway widening projects and/or to provide an increased setback on roadways with higher speeds.

Over the years, variances from the 50-foot front yard setback have been granted on a case-by-case basis primarily based on site conditions. In addition, staff have also discussed the pros and cons of this requirement and have tried to identify ways to balance the desire to preserve the City's ability to widen major roadways with the desire to

maximize buildable area in the developed portions of the community. The City's Infill and Redevelopment Plan, adopted in 2017, also supports modifications to this ordinance provision.

As proposed, the draft zoning ordinance text amendment would eliminate the application to all principal arterials (except those specifically exempted) and instead apply it to specific major roadway segments.

The proposed amendments have been discussed at length with staff from the Engineering Department and the Metropolitan Planning Organization, and represent concurrence on which major roadway segments the greater setback should apply.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies

(continued)

a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for zoning ordinance text amendment for Section 14-04-12 (CG Commercial District) and Section 14-04-14 (MA Industrial District) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

ORDINANCE NO. XXXX

First Reading _____
Second Reading _____
Final Passage and Adoption _____
Publication Date _____

AN ORDINANCE TO AMEND SECTIONS 14-02-03, 14-04-03 AND 14-04-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO FOSTER CARE FOR ADULTS.

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

Section 1. Amend. Section 14-04-12 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the CG Commercial zoning district, is hereby amended to read as follows:

14-04-12. CG Commercial District. In any CG commercial district, the following regulations shall apply:

...

6. Front yard. A fifteen (15) foot front yard shall be required of any building in a CG commercial district except that all structures located on ~~principal arterials~~ specified major roadways shall have a fifty (50) foot front yard. Buildings located on the following ~~principal arterials~~ major roadway segments shall be ~~exempt from~~ subject to the fifty (50) foot front yard requirement: Main Avenue west of 26th Street; State Street between Divide Avenue and Interstate 94; and 7th and 9th Streets between Bismarck Expressway and Boulevard Avenue. US Highway 83/State Street north of East Century Avenue; East Main Avenue/County Highway 10 east 26th Street; ND Highway 1804 west of US Highway 83/State Street; Bismarck Expressway between the Missouri River and I-94; Centennial Road between I-94 and 71st Avenue NE; and 71st Avenue NE between Centennial Road and US Highway 83/State Street; and ND 1804/University Drive south of East Burleigh Avenue.

...

Section 2. Amend. Section 14-04-14 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the MA Industrial zoning district, is hereby amended to read as follows:

14-04-14. MA Industrial District. In any MA industrial district the following regulations shall apply: ...

...

6. Front yard. A fifteen (15) foot front yard shall be required of any building in an MA industrial district except that all structures located on ~~principal arterials~~ specified major roadways shall have a fifty (50) foot front yard. Buildings located on the following ~~principal arterials~~ major roadway segments shall be ~~exempt from~~ subject to the fifty (50) foot front yard requirement: Main Avenue west of 26th Street; State Street between Divide Avenue and Interstate 94; and 7th and 9th Streets between Bismarck Expressway and Boulevard Avenue. US Highway 83/State Street north of East Century Avenue; East Main Avenue/County Highway 10 east 26th Street; ND Highway 1804 west of US Highway 83/State Street; Bismarck Expressway between the Missouri River and I-94; Centennial Road between I-94 and 71st Avenue NE; and 71st Avenue NE between Centennial Road and US Highway 83/State Street; and ND 1804/University Drive south of East Burleigh Avenue.

...

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

STAFF REPORT

Application for: **Zoning Change**

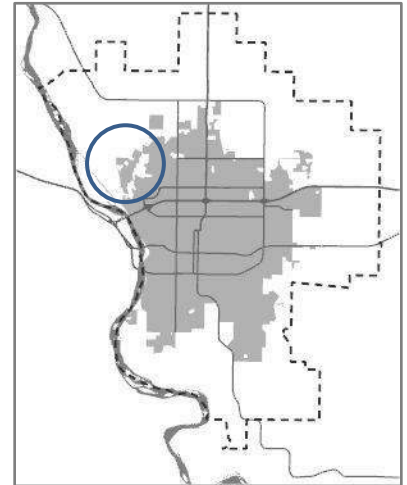
Agenda Item # 9

May 25, 2022

Project ID: **ZC2022-005**

Project Summary

<i>Title:</i>	Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Santa Fe, LLP
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen and Co.
<i>Location:</i>	Northwest of Bismarck, west of Tyler Parkway at the western terminus of Del Rio Drive.
<i>Project Size:</i>	10.48 Acres
<i>Request:</i>	Rezone property in anticipation of low-density residential development



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	2 parcels	<i>Number of Lots:</i>	2 parcels
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single or Two-Family Residential
<i>Future Land Use:</i>	Low Density Residential	<i>Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	R10 – 10 units / acre

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

Santa Fe, LLP is requesting approval of a zoning change from the A – Agricultural zoning district to the R10 – Residential zoning district for Tract 24A

and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.

(continued)

The Planning and Zoning Commission considered this request at their meeting of April 27, 2022 and called for a public hearing on the requested zoning change.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 13th and 20th and 47 letters were mailed to the owners of nearby properties on May 13th.

Adjacent uses include single-family residential to the east and southeast, vacant land zoned for single-family residential to the south, and the Missouri River bluffs to the west with rural residential and agricultural uses below.

The property is identified in the Future Land Use Plan of the 2014 Growth Management Plan, as amended, as Low Density Residential (LDR). The requested R10 – Residential zoning district conforms to this land use designation.

The land proposed for rezoning has never been platted and is not currently within the city limits, and no request for subdivision or annexation has been submitted. Approval of a plat and annexation would be required prior to any development on this site.

Due to the proximity of steep slopes, a geotechnical study may be necessary to determine slope stability and the potential need for development restrictions to prevent subsidence. This would be conducted in conjunction with the subdivision process.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

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

Staff Recommendation

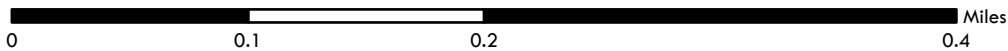
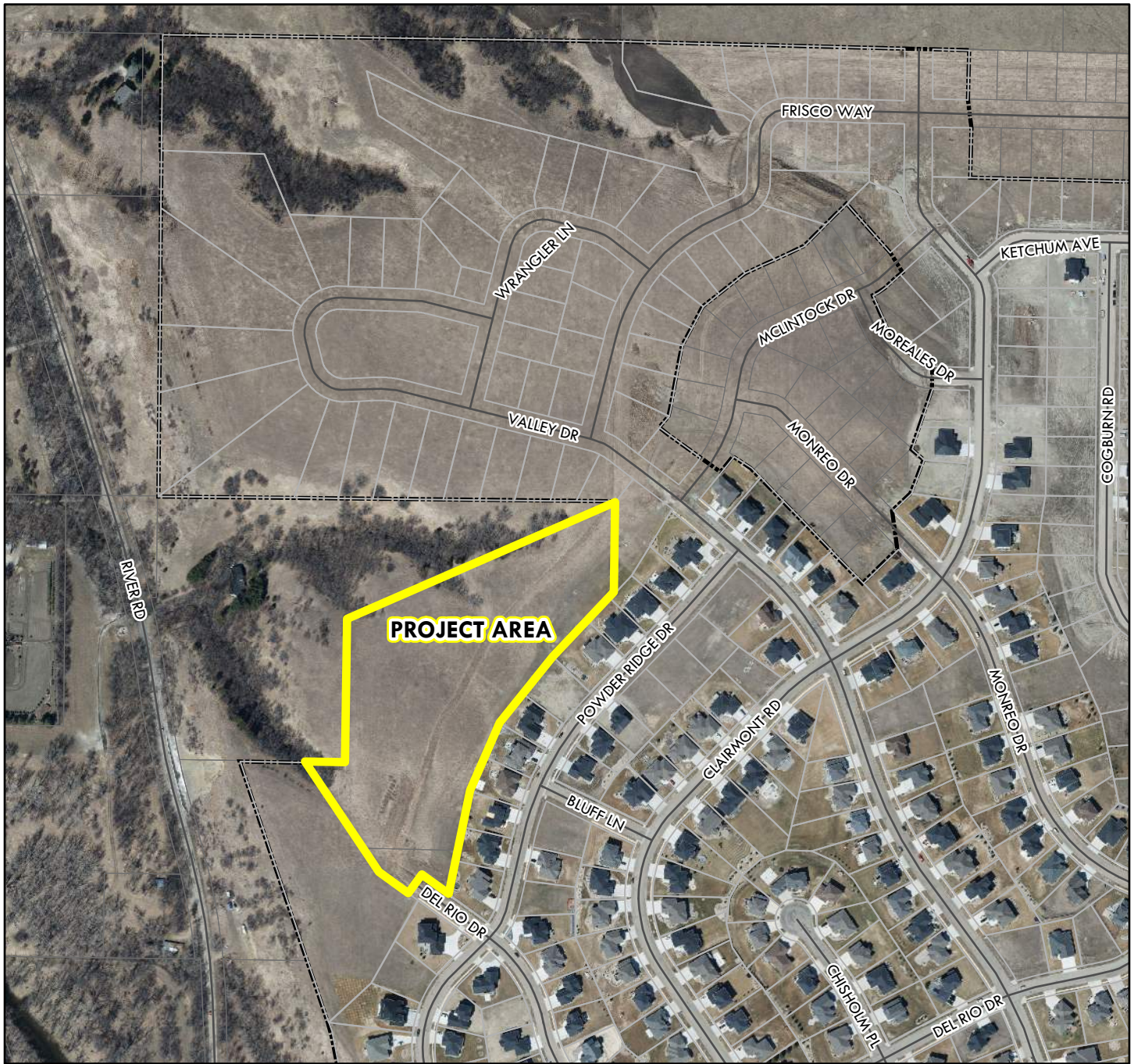
Based on the above findings, staff recommends approval for the zoning change from the A – Agricultural zoning district to the R10 – Residential zoning district for Tract 24A and part of Tract 24B, Section 24, T139N-R81W/West Hay Creek Township.

Attachments

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

(continued)

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

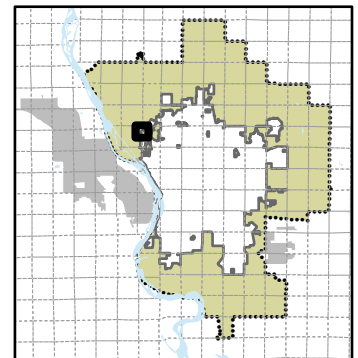


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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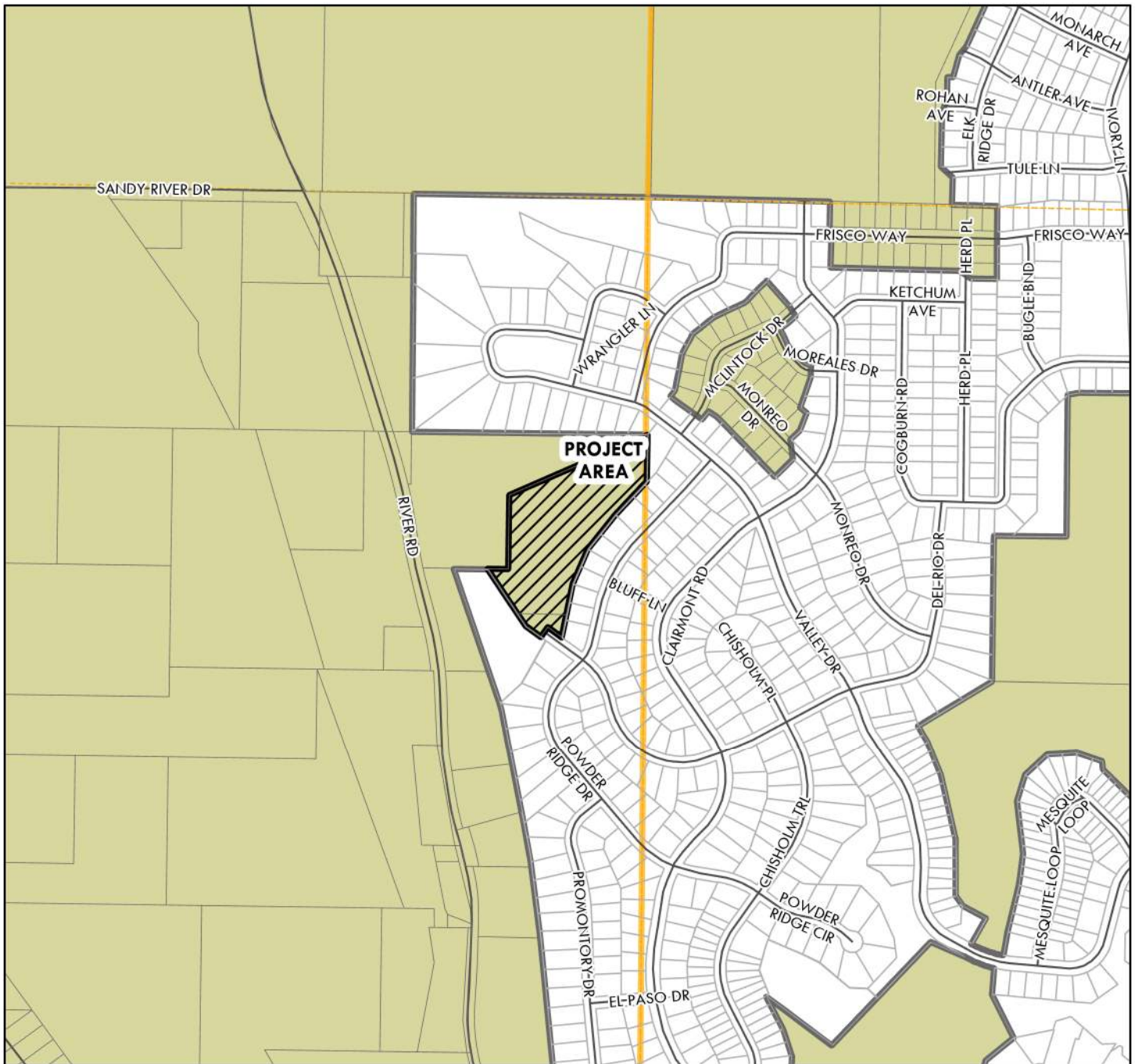




Location Map

WEST HAY CREEK TWP, PT TRACT 24A & 24B

ZC2022-005



City Limits

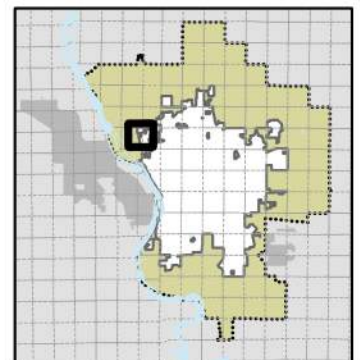


Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
March 30, 2022 (HLB)

*Section, township, and
range indicated in orange*

*This map is for representational use only and does not represent a survey.
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Zoning and Plan Reference Map

ZC2022-005

WEST HAY CREEK TWP, PT TRACT 24A & 24B

Zoning Districts

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

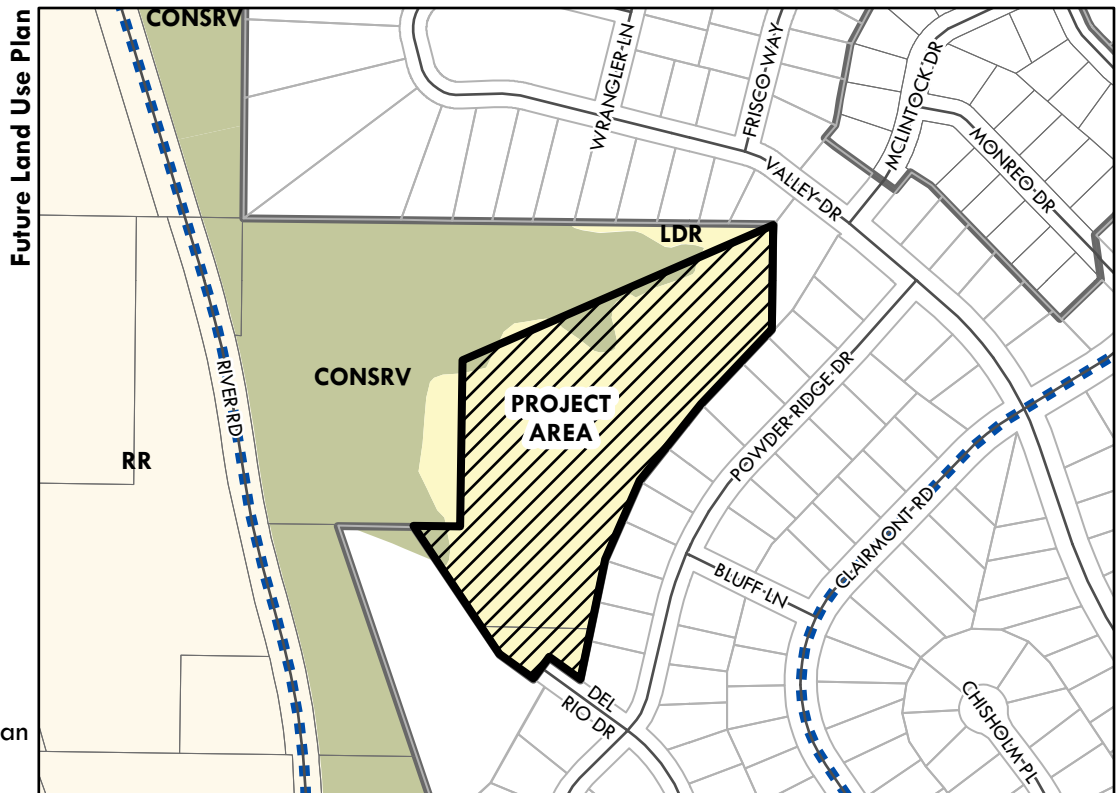
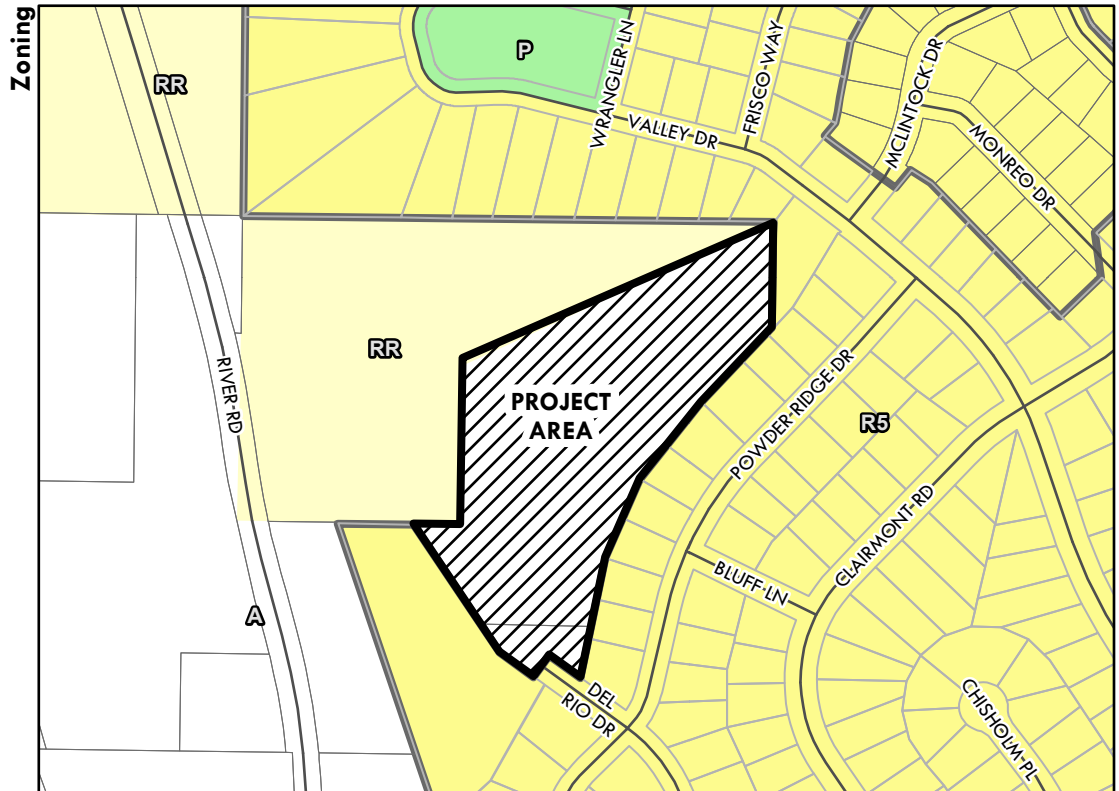
Future Land Use Plan

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

Fringe Area Road Master Plan

● ● ● Future Arterial Road

■ ■ ■ Future Collector Road

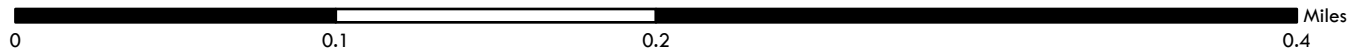
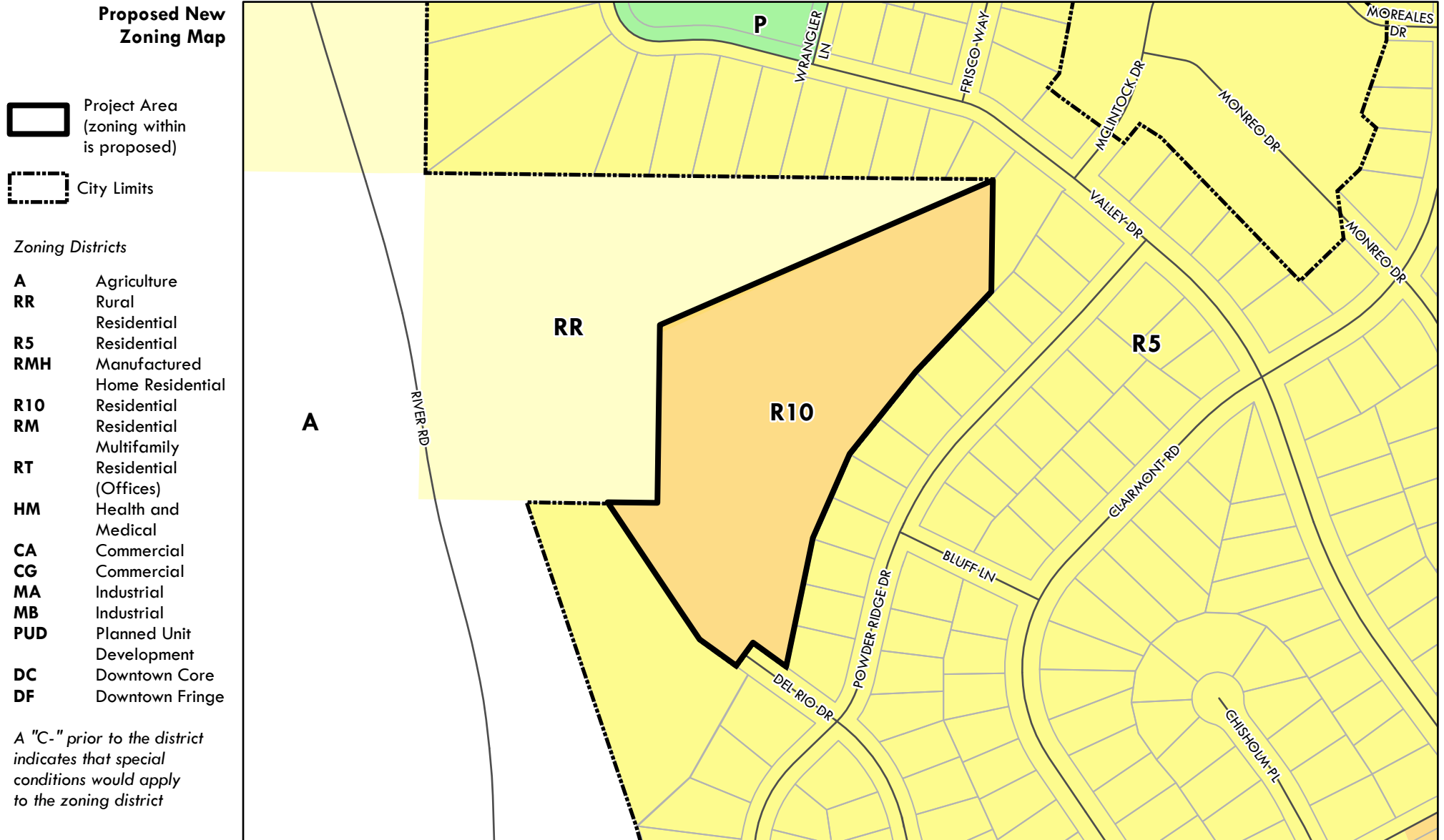


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0 0.05 0.1 0.2 Miles



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



ORDINANCE NO. XXXX

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A - Agricultural zoning district and included in the R10 - Residential zoning district:

Tract 24A and Tract 24B, Section 24, T139N-R81W/West Hay Creek Township, less that portion of Tract 24B taken by Promontory Point IV Addition and Promontory Point V Addition

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

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

STAFF REPORT

Agenda Item #10

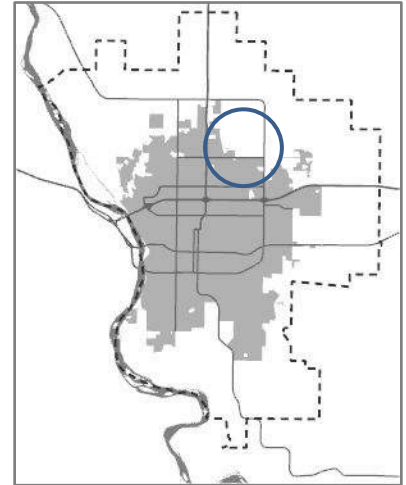
May 25, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-004**

Project Summary

<i>Title:</i>	Lot 3, Block 2, Grand Prairie Estates
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Robert Franzen
<i>Project Contact:</i>	Robert Franzen
<i>Location:</i>	North of Bismarck, along the north side of 43rd Avenue NE and the south side of East Roundup Road (4355 Hillsboro Drive)
<i>Project Size:</i>	1.75 acres
<i>Request:</i>	Increase the total allowable square footage of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building



Site Information

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

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	06/1975	<i>Annexed:</i>	N/A
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Staff Analysis

Robert Franzen is requesting approval of a special use permit to increase the total allowable square footage of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building on Lot 3, Block 2, Grande Prairie Estates.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on May 13th and May 20th, and 41 letters were mailed to the owners of nearby properties on May 13th.

Adjacent uses include rural residential uses to the north across East Roundup Road, rural residential uses to the east, multi-family residential apartments to the south across 43rd Avenue NE and rural residential uses to the west across Hillsboro Drive.

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

The parcel size for the proposed special use is 1.75 acres or 76,230 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property. There is an existing 1,400 square foot accessory structure on this site that measures 1,800 square feet.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an

accessory building located within the RR – Residential zoning district.

The applicant is proposing a new access from East Roundup Road to the proposed accessory structure which must be approved by Burleigh County.

Required Findings of Fact (relating to land use)

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

(continued)

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

Prairie Estates, with the condition that a secondary access approach permit from East Roundup Road is granted by Burleigh County.

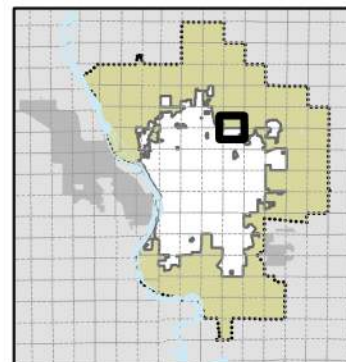
Staff Recommendation

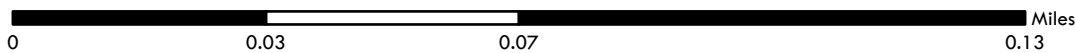
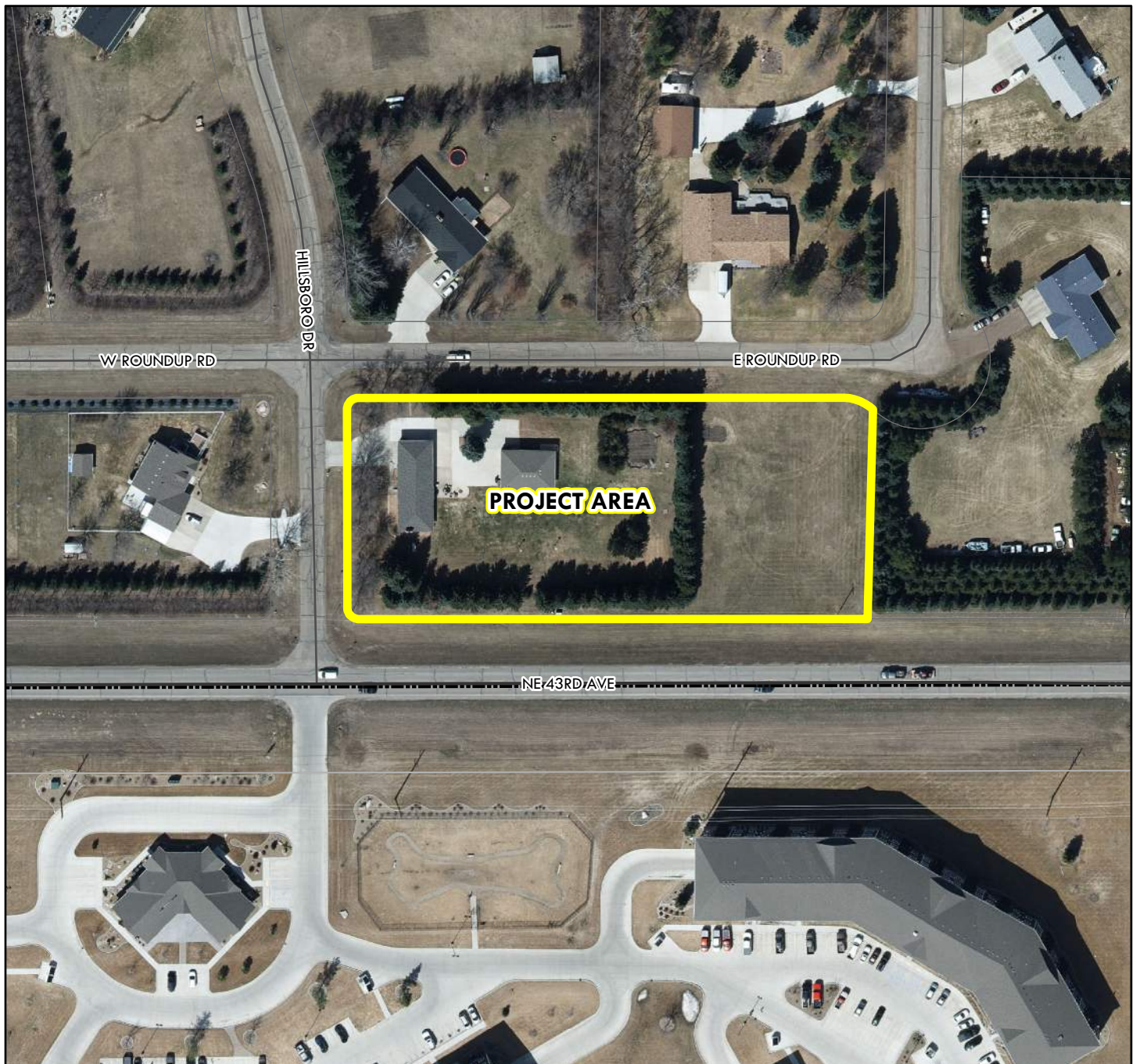
Based on the above findings, staff recommends approval of the special use permit to increase the area of accessory buildings to 3,200 square feet with the construction of an 1,800 square foot accessory building on Lot 3, Block 2, Grande

Attachments

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

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



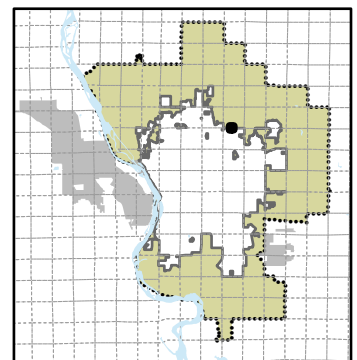


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
May 19, 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.





Zoning and Plan Reference Map

GRANDE PRAIRIE ESTATES, L3, B2

SUP2022-004

Zoning Districts

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

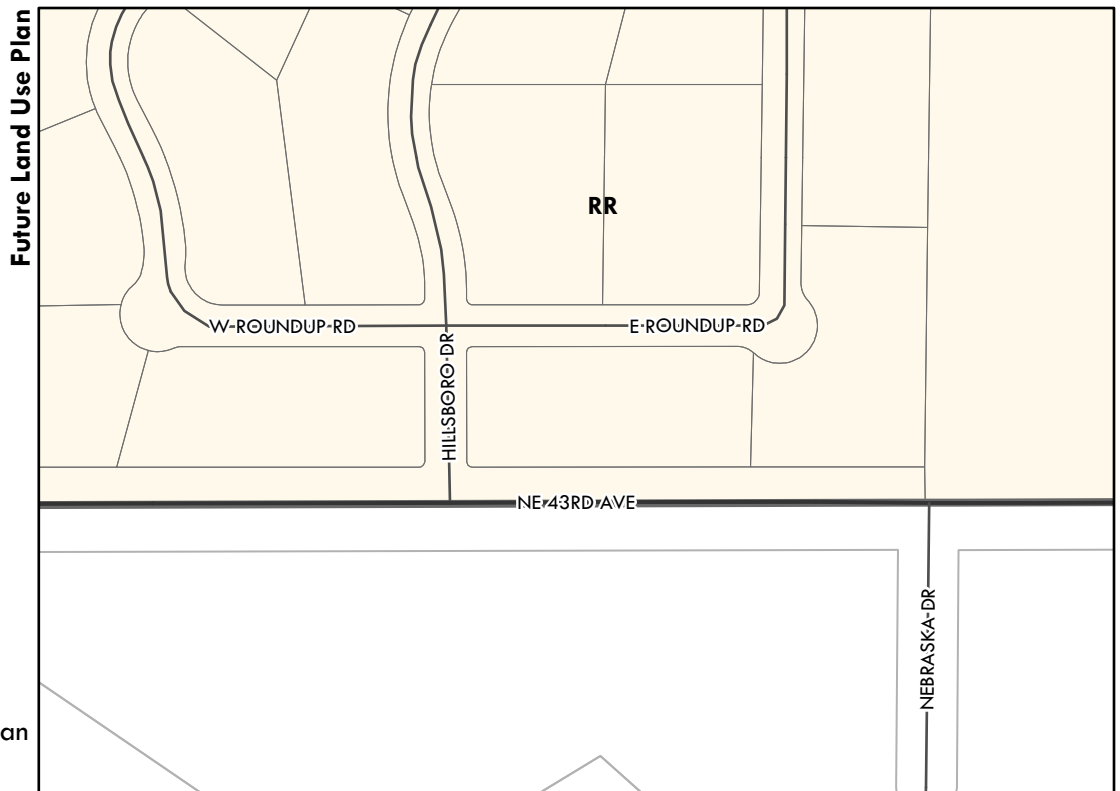
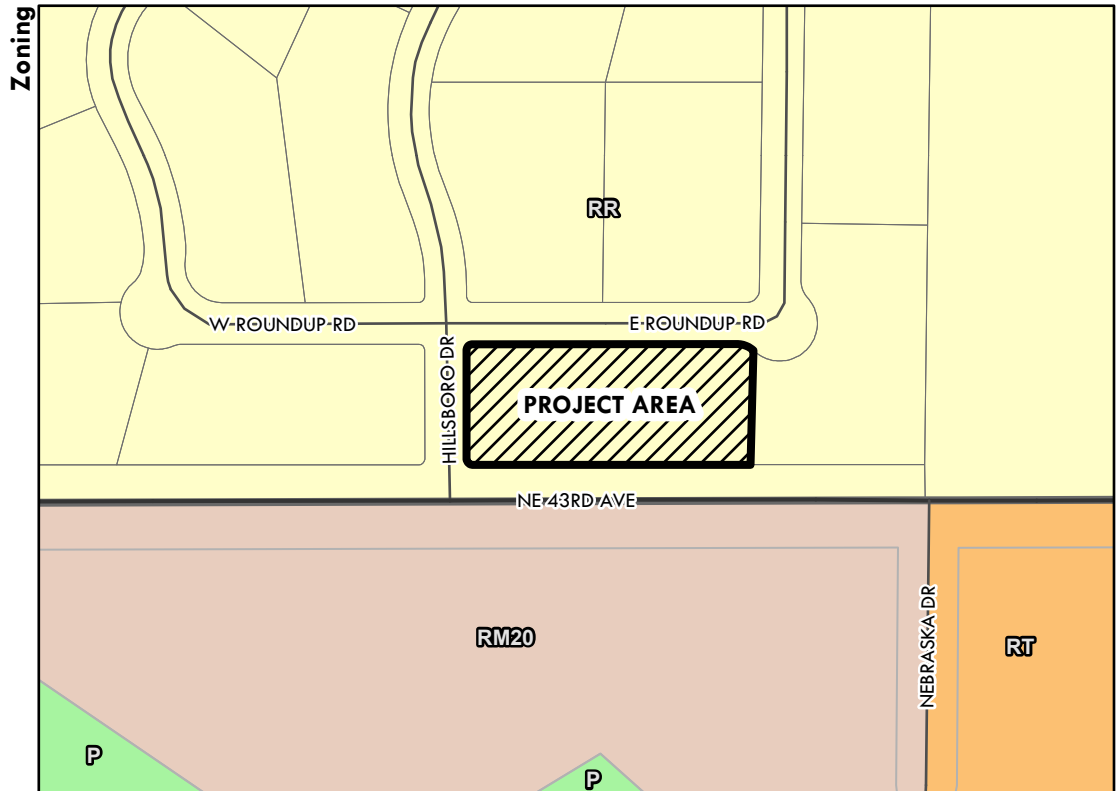
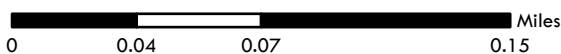
Future Land Use Plan

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

Fringe Area Road Master Plan

• • • Future Arterial Road

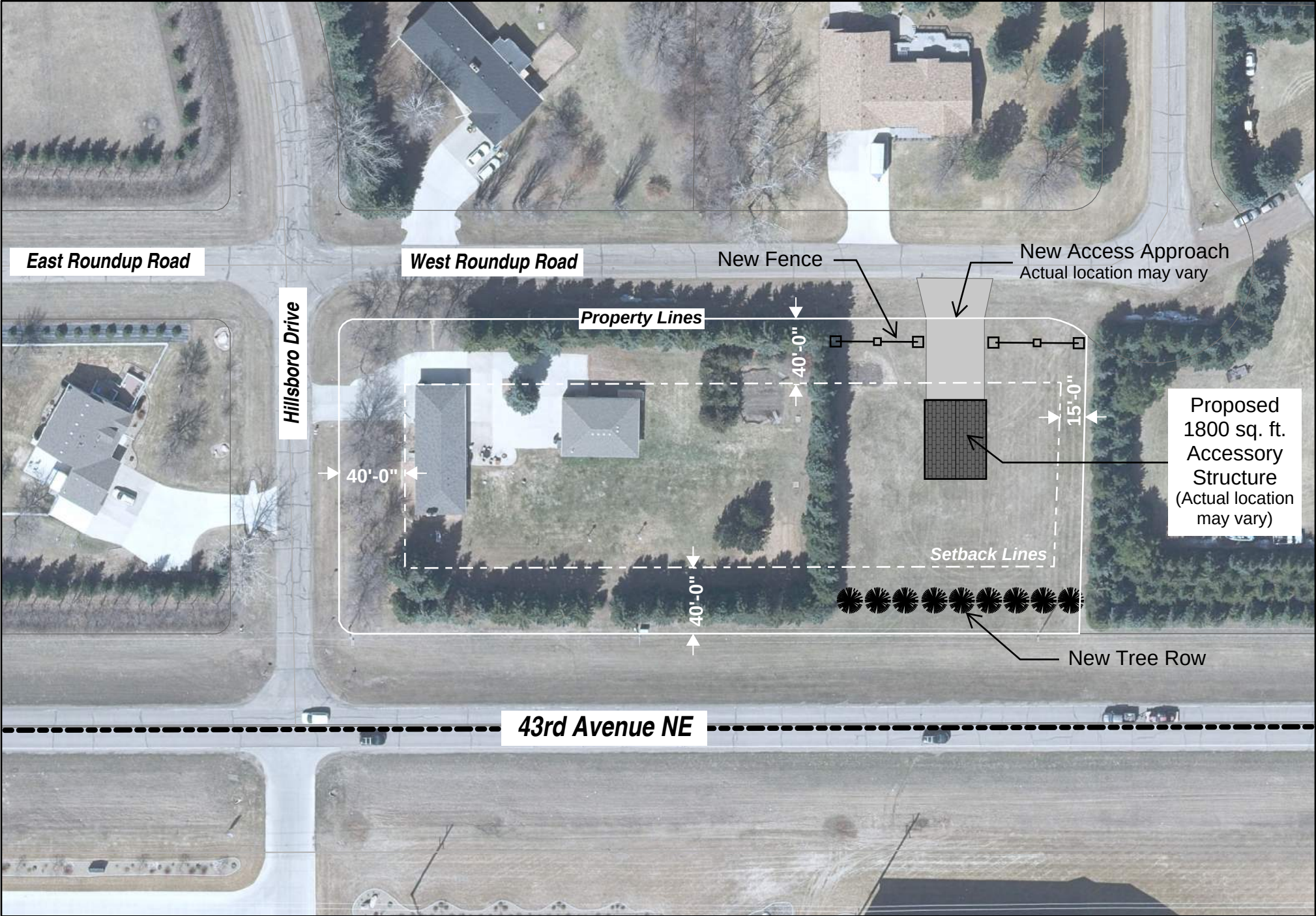
■ ■ ■ Future Collector Road



*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 herein.*



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



**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
April 27, 2022**

The Bismarck Planning & Zoning Commission met on April 27, 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, Kevin Martin, Gabe Schell, Mike Schwartz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioner Brian Bitner was 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 March 23, 2022 meeting.

MOTION: Commissioner Bakken made a motion to approve the minutes of the March 23, 2022 meeting, as presented. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

CONSIDERATION

- 2. TRACT 24A AND PART OF TRACT 24B, SECTION 24, T139N-R81W/WEST HAY CREEK TOWNSHIP – ZONING CHANGE**
- 3. ALL OF MUNICIPAL FOURTH ADDITION – ZONING CHANGE**

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

PUBLIC HEARING – ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT BODEN ADDITION

Chair Schwartz called for the public hearing on the major subdivision final plat and the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts for Boden Addition. The proposed plat is 52 lots in 1 block on 20 acres and is located in north Bismarck, on the east side of North Washington Street and the south side of East Lasalle

Drive (part of the W1/2 of Section 16, T139N-R80W/City Lands and a replat of Lots 2 and 3, Block 1 and Lot 4, Block 2, Boulder Ridge Fifth Addition).

Mr. Nairn gave an overview of the requests, including the following findings related to land use for the zoning change:

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

Mr. Nairn then gave the findings related to land use for the major subdivision 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 requirements of the neighborhood parks and open space policy have been discussed by the Bismarck Parks and Recreation District and confirmation about satisfaction of requirements is forthcoming.
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 the above findings, staff recommends approval of the zoning change from the A – Agricultural and R5 – Residential zoning districts to the R5 – Residential, R10 – Residential, and Conditional RT – Residential zoning districts, as outlined in the draft ordinance attached to the staff report, and approval of the major subdivision final plat for Boden Addition, with the following conditions:

1. A private drive and utility agreement is signed by developer prior to scheduling a public hearing with the City Commission.
2. The required utility capital charges are paid prior to recordation of the plat
3. Lots 49 and 50, Block 1, are combined with adjoining lots in conjunction with recordation of the plat such that all ordinance requirements are met

Mr. Nairn noted that these recommended conditions had changed since the staff report distributed in the packet.

Commissioner Laning asked if the taxation of those properties would change once they are combined. Mr. Nairn said they would become larger in size so that is a possibility. He said they need to make sure the newly created lots are combined so they do not remain substandard.

Commissioner Bakken asked what the allowed density would be now if residential compared to what is proposed. Mr. Nairn said with the minimum lot sizes required and the lots varying in size it is possible the density would be higher now than what is being proposed.

Commissioner Levchak said the lots look smaller than 7,000 square feet, specifically Lots 28, 29 and 30. Mr. Nairn said Lot 30 is intended to be half of a two-family dwelling so that would be allowed to be under 7,000 square feet as it would require two lots be combined for one building.

Commissioner Levchak asked who would maintain the emergency road. Mr. Nairn said it would have to be maintained by an HOA and would be a 25-foot-wide road with the option for a gated entrance in order to restrict it to emergency vehicle traffic only.

Commissioner Levchak said that road could accommodate a fire apparatus. Mr. Nairn said yes, they have been told it would be an adequate size.

Commissioner Johnson asked if there are any concerns related to an increase in traffic volume. Mr. Nairn said they do not have any hard numbers on traffic volume increases but any traffic would likely be directed to East LaSalle Drive and to North Washington Street. He said traffic generation for one single-family home and a small-scale office would actually generate similar amounts of traffic.

Chair Schwartz opened the public hearing.

Cam Knutson, Knutson Companies, said their plan has evolved since last year into a need for small business wanting to own a small-scale space. He then presented the various concepts of two-story, 2,000-2,400 square-foot buildings. He said the original site proposed 44 office lots and they had discussions with the neighborhood at that time, especially on the possibility of a neighborhood park, the quantity of buildings, and safety. Based on these discussions, they decided to continue to revise their plan. He said with the Elk Ridge Park model being so successful they decided to bring a similar park here and took it to Bismarck Parks and Recreation District (BPRD) for consideration. He said the proposed park was eight acres, as there was a large interest in a skating area, walking paths and landscape. He said BPRD approved the design for a neighborhood vote on two options and saw that as a good way to compromise. He said the vote ended up being for the two-acre park already in the agreement instead of this option, so now they have reduced their site to 23 office lots and more new residential lots. He said this would make it quieter on weekends and evenings than other business areas, which is desirable. He said they want to accommodate adjacent owners who want to extend their lots, landscaping and building placement. He then showed a 2009 aerial compared to today showing how the area is bounded by major roadways, so they are not seeing a lot of single-family homes being added here. He said buffering with berming in Boulder Ridge has helped a lot, but this side of the road does not have that luxury. He said many areas along major roadways have sat empty for this reason, so economically the infill is needed. He said in ten years, with the proposed development, an estimated \$3 million would be generated in taxes for the city and with almost zero dollars invested. He said any improvements would be developer paid. He said this needs to be the right kind of infill and this is a good example of that. He said approximately 50,000 square feet of office space would be added, but to put that into perspective, the KLJ office site is 80,000 square feet. He said the MPO 2045 Transportation Plan calls to one day have an interchange at ND Highway 1804 and US Highway 83/State Street and a big part of that was assuming heavy housing saturation and needing to handle that traffic at a cost of about \$50 million. He added that he appreciates the help of the City and BPRD staff and they have been successful with projects similar to this in other markets and are looking forward to bringing the same to this location.

Commissioner Van Duyne asked if more information could be given on the two ideas for the proposed parks that were voted on and the changes that were made from that.

Mr. Knutson said a park development agreement was created two years ago so with the Boden plan they saw an opportunity for something larger here. Through the BPRD process,

the neighborhood voted for either an eight-acre park or a two-acre park and they chose the two-acre park that was already planned. At that time, they designed this third version of the plat around that vote.

Commissioner Levchak asked where the park is to be located. Mr. Knutson said it would be at the north perimeter of Boulder Ridge and indicated the area on a map, approximately a block east of the Boden Addition location.

Chair Schwartz asked if the designated area would remain green space, even without a park. Mr. Knutson said it would remain green space and would be maintained by the HOA.

Commissioner Van Duyne asked if it is presumed that there would be one office or occupants per building. Mr. Knutson said likely one business in each building, yes.

Commissioner Schell asked why the R10 – Residential zoning district was selected for the mix of twin homes and single-family homes. Mr. Knutson said there is a trend of downsizing houses, but not garages, and that district allows more lot coverage than the R5 – Residential zoning district for things like covered patios and garages.

Commissioner Schell asked if they would entertain a conditional zoning instead to require single-family homes on certain lots. Mr. Knutson said they are welcome to that idea.

Jason Petryszyn, Swenson, Hagen & Co., said they did look at the ITD manual to research traffic generation averages and with small offices and required parking, approximately 700-800 trips would be added to the area with the original version of their plan. He said with this new version that has been reduced to approximately 500 additional trips, which is the least of all of the version they have considered. He said there would be connectivity for the school at East LaSalle Drive, especially with the emergency snow route there and it being the quickest trip. He said there was a comment on the stormwater control in the area and this plat would expand one stormwater pond so stormwater flow across Basalt Drive would actually be reduced.

Commissioner Laning asked how deep the pond might be. Mr. Petryszyn said it would have a required one foot of freeboard so about 7 feet deep during a rain event, and otherwise it will be empty.

Joe Leingang, 5012 Boulder Ridge Road, said he expected a church or school to be built here and that never happened. He said the developer made concessions to the homeowners and they would prefer it to stay vacant. However, that is not reasonable, and in light of the owner's goodness to the community and area, so what right do they have to continue to insist it not be developed or only be R5 or R10. He concluded by offering his support and thinks it is a great plan.

Dan Wrolstad, 5024 Boulder Ridge Road, said his last home ended up next to stores and apartments so they built in Boulder Ridge and were told it would be upscale homes. He said a few years ago a nursing home wanted to be built and that got denied and multiple people were told it would be single-family residential as well. He said he feels the developers thought if they gave a park to the neighborhood, it would get approved, but there are other parks nearby and most of the neighborhood did not want a new park at all. He said there are issues with safety of the school children and all of the traffic does not go to Washington

Street, so a traffic study should have been done. He added that if the property gets re-zoned, they could build 30-unit apartment homes if they wanted to.

Pam Sharp, 524 Slate Drive, said she has lived in this area for nine years and would like to reiterate the promise of residential development that was made and now broken. She said the developers promised to listen to the neighborhood concerns, but a school directly across from an office park is not right. She said they were asked to vote on parks with no information and felt like it was a bait and switch, because they could only have a large park with offices or a small park elsewhere. She said it is a great concept, but it needs to be placed somewhere newer.

Nathan Sundt, 425 East LaSalle, said there would be two entrances and two exits so traffic would back up. He said that is a safety issue in addition to the 161 parking spaces needed. He said the big park idea was nice, but with a drainage way going through it is not prime. He said he did his research when he bought his home, and the plan was for the area to be single-family residential.

Drew Knutson, 505 Calvert Drive, said he has seen the traffic at Liberty Elementary and it is like all other elementary schools. He said the safety concerns are skewed, as it is a short period of congestion and there are crossing guards in place along with other safety measures. He added that he feels like the neighborhood wants a reason to keep this away and are using safety as an excuse. He said the traffic from the offices would be minimal and the adjacent owners are used to having nothing behind their houses, so their guards are up. He said he would prefer offices over several more homes.

Phillip Hoffert, 425 East LaSalle Drive, said this has been a big agricultural lot for a long time and needs to be turned into something else. He said he was excited about the park option and people tend to choose the less impactful option. He said if they felt misinformed or underinformed he would like to see that vote on the park be brought back. He said all of North Washington Street is a mash-up of uses and thinks the next 20 years needs to be considered in addition to what makes sense.

Chair Schwartz asked if he is in favor of or against the proposed changes. Mr. Sundt said he is currently against it because it does not include the park and feels it needs more foresight and a better plan.

Wayne Munson, Park Commissioner (BPRD), said when they asked for the survey on the park suggestions they could not weigh-in about the development, they could only give the options and the location. He said when they first started nobody would push to move it forward nearly 12 years ago and it was not their purview to tie the park to the development.

Chair Schwartz asked if the other option is off the table now that the vote is done. Mr. Munson said it could still be allowed as the green space ordinance allows for many of those needs to be met.

Commissioner Bakken asked if there are any other parks within a mile in either direction. Mr. Munson said not within a mile as they cannot count school playgrounds as local parks.

Bob Gose, 5223 Jasper Drive, said this would burden the homes around it and said what was previously advertised was not commercial development. He shared documents and findings with the Commissioners at this time.

Mr. Petryszyn said BPRD, and Knutson Homes have a development agreement for the park and safety is always a concern. He said there is a history of schools in very busy areas, and he does believe their best intentions are in place. He said the City and Bismarck Public Schools work very closely to monitor traffic and once LaSalle Drive connects to Normandy Street, they will have a link to help move traffic.

Levi Andrist, 213 Toronto Loop, said he owns a growing small business, and they are growing out of their space. He said they do not want to be a landlord, but they would like equity in a space. He thinks this is a great fit and he hears the concerns, but the same levels of care need to be taken everywhere. He said he loves the HOA model and that it is on the north side of town, so many could walk or bike to their office.

Commissioner Levchak said he appreciates the different perspective and asked how much traffic or visits a business like his might generate. Mr. Andrist said he is not retail so there are various conference meetings every couple of weeks and sometimes he is the only one there, so they are probably at the low end of traffic generators.

Jamie Wagendorf, 534 East LaSalle Drive, said safety cannot be blown out of proportion but traffic now is tolerable. He said adding several hundreds of trips would make it increase at all times of the day. He said they can assume most of the businesses would not close at 5PM and Mr. Nairn said all roads would be private, but LaSalle Drive is not private. He said if the traffic is increasing times ten, they will pay to repair any road damages. He said the plat also indicates it is both Boden Addition and Boulder Ridge Addition.

Mr. Nairn explained that the underlying legal description is included to describe the plat so this would replace that part of Boulder Ridge described within.

Mr. Wagendorf said to please vote against the requests.

David Witham, 417 West Thayer Avenue, said he is not a resident of the area but would like to speak to bigger issues such as bookkeeping on the City's part. He said he has a background in urban design and architecture, as well as real estate investment, and the prospect of walkable developments next to residential neighborhoods adding value should be considered. He said higher walkability adds value if it is thoughtfully designed, which this is. He said traffic data being lower than the alternatives should be taken seriously and the appropriate scale for neighborhood and taxable value is in line and he supports it.

Mr. Hoffert said without available data and if they are national averages, those do not generally align well with Bismarck.

Commissioner Levchak asked if there are descriptions for the commercial uses and if there is confusion over it being offices or other additional uses.

Mr. (Cam) Knutson said when they were working with City staff on the zoning change, they did add a lot of restrictions so there would not be any food or restaurant uses, even coffee, and it would be small business offices with the same parking and landscape requirements as anywhere else. He said they would not generate more traffic than a single-family house would.

Roger Harris, 527 East LaSalle Drive, said he is opposed and thought it could be good, but not with so many businesses as the residential area was important and they need to consider

keeping it that way. He then shared an audio message from Dawn Ulmer, 4906 Boulder Ridge Road, who said they are here again considering drastic changes and many residents who are concerned about water, cement, traffic and the number of properties that could be added. She said she is sure Mr. Knutson has explained how it will all work out, but they should consider that the past Mayor, Mike Seminary, encouraged the protection of residential areas. She said the owner has property elsewhere and they are not protecting the residential area. She said these homes and children are valuable and she hoped the developers would be the first to protect those things. She said they have made mention of a new proposal of higher density and more buildings and concrete. She said residents were held over a barrel with the park vote and she is thankful for the few single-family homes in the plan. She said the owners are ambitious, but this neighborhood has brought them great wealth and in return they should keep the neighborhood in their best interest and step up and protect it. She said putting this next to the school and in their backyards is a kick in the gut and nobody should feel like they have to protect themselves from these owners. She said they need to do their job as Planning Commissioners and listen to the single-family citizens.

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

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

Mr. Nairn said the ordinance defines the allowances in the RT-Residential zoning district, which does not allow food, retail or salons. He said it strictly allows offices, such as medical or financial, and although the RT-Residential in general could allow multi-family dwellings, this conditional ordinance was written specifically to restrict that use. He added that the internal streets would be private, not to include LaSalle Drive, Basalt Drive or North Washington Street.

Commissioner Bakken said there are a lot of constraints to the zoning change, and then asked if those suggested by Commissioner Schell could be included.

Commissioner Schell said he would like to see the concept of a condition in the R10-Residential areas of only single-family uses on those corridors and asked if staff has a perspective go add that.

Mr. Nairn said if the motion is clear to add the condition in the R10 zoning district regarding which lots to restrict to single-family uses, then they can provide that in the ordinance when it is forwarded to City Commission for final action.

Commissioner Schell said Lots 24 and 35-48 shown on the graphic then would be subject that condition.

Commissioner Levchak said he understands this has been an emotional consideration and, while he was against the first version, he likes how this one transition and has been made more usable. He said the land will be developed at some point and this seems to be the best compromise.

Commissioner Martin said he echoes those comments, and the first go was tough, but how it transitions now is better. He said it will not please everyone, but the level of effort since last year is well done.

Commissioner Johnson said he agrees, and this is a good way to bring something new and he hopes to see more like this. He said if it is done well, it can be an asset and they need more neighborhood small-scale services.

Commissioner Bakken said there is a concern with those main thoroughfares and the ability to have a buffer in between densities, and they need to see more like this. He said it is not just about aesthetics, but also reducing compression.

Commissioner Van Duyne said this development is much needed and she appreciates all of the perspectives. She said changes are not easy, but they need more, and they have strong examples of how it can be done thoughtfully. She said Bismarck Public Schools does an excellent job of ensuring safety and she is confident this will be successful.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential, R10-Residential, Conditional R10-Residential and Conditional RT-Residential zoning districts and major subdivision final plat for Boden Addition, with the following conditions: 1. A private drive and utility agreement is signed by developer prior to scheduling a public hearing with the City Commission; 2. The required utility capital charges are paid prior to recordation of the plat; and 3. Lots 49 and 50, Block 1, are combined with adjoining lots in conjunction with recordation of the plat such that all ordinance requirements are met. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMITS (FILLING STATION, CAR WASH AND DRIVE-THROUGH)
LOT 1, BLOCK 1, COTTONWOOD PARKVIEW ADDITION**

Chair Schwartz called for the public hearing on special use permits to allow the construction and operation of a filling station, carwash, and drive-through on Lot 1, Block 1, Cottonwood Parkview Addition. The property is located 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.

Ms. Wollmuth 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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permits to allow the construction and operation of a filling station, carwash, and drive-through on Lot 1, Block 1, Cottonwood Parkview Addition, with the following condition.

1. Development of the site must generally conform to the site plan submitted with the application.

Commissioner Schell said the site must conform to the site plan document. Ms. Wollmuth said that is correct, and prior to obtaining a building permit the proposed site plan would be reviewed by City staff for approval.

Chair Schwartz opened the public hearing.

Tim Miller, Missouri River Contracting, said they did a similar process to this one recently and he appreciates the time spent considering their request.

Dave Weiler, Century 21 Morrison, said they received approval of a zoning change here recently by the Planning and Zoning Commission as well as City Commission, so this is the last piece needed. He said they have letters of support from the adjacent property owners, and they are all really excited about this new addition.

Ryan Kluge, 3812 Endeavor Place, said on behalf of the neighborhood they are really excited for this use to be added as the area is currently underserved.

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

Commissioner Bakken said when discussing walkability and accessibility, this is a great example of those.

Commissioner Zent asked if the building would be the same as the north location. Mr. Miller said that is correct.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the special use permits to allow the construction and operation of a filling station, carwash, and drive-through on Lot 1, Block 1, Cottonwood Parkview Addition, with the following condition: 1. Development of the site must generally conform to the site plan submitted with the application. Commissioner Laning seconded the motion, and it was unanimously approved

with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

**PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGH)
LOT 16, BLOCK 20, WACHTERS 4TH ADDITION AND PART OF LOT 1, BLOCK 1,
KIRKWOOD ADDITION**

Chair Schwartz called for the public hearing on a special use permit to allow a drive-in/drive-through in conjunction with a donut and coffee shop on Lot 16, Block 20, Wachters 4th Addition and part of Lot 1, Block 1, Kirkwood Addition. The property is located in central Bismarck, north of East Bismarck Expressway and west of South 3rd Street, along the south side of East Indiana Avenue and the east side of South Second Street (601 South Second Street).

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 a drive-in/drive-through in conjunction with a donut and coffee shop on Lot 16, Block 20, Wachters 4th Addition and part of Lot 1, Block 1, Kirkwood Addition, including the waiver request to reduce the number of required stacking spaces from ten to seven, with the following conditions:

1. Any future changes to operations that expand the drive-through from a call-ahead order pickup window will need to be re-evaluated.
2. Site development must generally be consistent with the site plan submitted.

Commissioner Bakken asked if they have looked at how to address orders that are not ready upon arrival and stacking during that event.

Mr. Hutchings said the Minot location is similar so there is some description in the narrative and the applicant can also speak to that.

Commissioner Zent asked if access would be off of South 2nd Street. Mr. Hutchings said that is correct.

Commissioner Levchak asked if any walk-in traffic would be allowed. Mr. Hutchings said there would be a dine in option and the site does meet the parking requirement to allow for that.

Chair Schwartz opened the public hearing.

Brian Zuroff, Mountain Plains LLC, said the owner is available and can answer any additional questions.

Kevin Cavanagh, Bearscat Bakehouse, said they have an online system set up for a 15-minute preparation and items are premade, so the visits are quick and easy. He said orders are done right away in the morning and can easily accommodate an order of up to 20 dozen donuts.

Commissioner Bakken said he appreciates this model change.

Commissioner Schell asked if the north location would stay open. Mr. Cavanagh said it would and this would be an addition location. He said while they would like to add a drive-through to the north location it just is not possible with the way the site is set up.

Commissioner Bakken asked if there are concerns with traffic overflow, specially onto Indiana Avenue. Commissioner Schell said they do monitor those items and can extend turning lanes or post no parking signs if needed.

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 drive-in/drive-through in conjunction with a donut and coffee shop on Lot 16, Block 20, Wachters 4th Addition and part of Lot 1, Block 1, Kirkwood Addition, including the waiver request to reduce the number of required stacking spaces from ten to seven, with the following conditions: 1. Any future changes to operations that expand the drive-through from a call-ahead order pickup window will need to be re-evaluated; and 2. Site development must generally be consistent with the site plan submitted. Commissioner Laning seconded the motion, and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING – ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT
ELK RIDGE THIRD ADDITION**

Chair Schwartz called for final consideration of the partial annexation and the public hearing on the major subdivision final plat and the zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts for Elk Ridge Third Addition. The proposed plat is 98 lots in 4 blocks on 158.99 acres and is located in northwest Bismarck, between River Road and East Valley Drive, east of Promontory Point VI Addition along the east side of Tyler Parkway (a replat of Lots 1-2, Block 3 and Lot 1, Block 4, Eagle Crest 6th Addition and Auditor's Lot A of the SE1/4 of Section 18 and part of the SE1/4 of Section 18, and part of the NE1/4 of Section 19, T139N-R80W/Hay Creek Township).

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

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

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

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

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
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 major subdivision final plat:

1. All technical requirements for approval of a final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.
3. The 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 partial annexation; the zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts; and the major subdivision final plat for Elk Ridge Third Addition, including granting a waiver for use of a cul-de-sac (Ruminant Circle).

Commissioner Schell asked who would have ownership of the trail properties. Ms. Wollmuth said Lots 48 and 50 would be owned by Bismarck Parks and Recreation District and Lot 49 would be owned by the HOA for the development.

Chair Schwartz opened the public hearing.

Mr. Petryszyn said they have worked on these requests a lot and recently received US Army Corps of Engineers permit approval as well, so they are taking the stormwater into a new pond to help with connectivity.

Commissioner Zent said he is glad to see it being used as a stormwater facility and staying open to the public. He said this growth has been amazing and done well.

Mr. Petryszyn said with the new school and the north-south connections the area is really opening up.

Mr. (Cam) Knutson said this was the first project he had when he moved back to Bismarck and, while it was not all bad in the beginning, they would look back to use what they learned in the next phases as community access points. He said he is grateful and will factor in all of those comments here.

Additional written comments in opposition to the requests are attached as Exhibit P.

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

MOTION: Commissioner Bakken made a motion to recommend approval of the requests for the partial annexation; the zoning change from the A – Agriculture, R5 – Residential, and R10 – Residential zoning districts to the R5 – Residential, R10 – Residential and P – Public zoning districts; and the major subdivision final plat for Elk Ridge Third Addition, including granting a waiver for use of a cul-de-sac (Ruminant Circle). Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT DATA CENTER ORDINANCES

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to data centers as a special use in the MA – Industrial zoning district and an administrative special use in the MB – Industrial zoning district.

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 a zoning ordinance text amendment for Chapters 14-02-03, 14-03-08, 14-04-14, and 14-04-15 of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Commissioner Schell asked if this was coordinated with telecommunication services as far as any related needs they might have.

Mr. Nairn said electrical utilities were involved because the power load draw can be very high but there would not be similar bottlenecks for the telecom companies, and they did include Dakota Carrier Network as a stakeholder in the discussion. He said there is a not a lot of connectivity needed, at least with the cryptocurrency operations.

Commissioner Schell asked if a telecom facility could become considered a data center inadvertently. Mr. Nairn said they believe they would apply as a public utility service use classification which are allowed broadly.

Commissioner Zent said this will be a good example for other communities to use and said a good job was done here.

Commissioner Schell asked if this would be an ancillary use and if there would be an objective or clear dedication of the metrics involved. Mr. Nairn said they generally like hard lines such as square foot or value, but staff opted to be more subjective here because of complications in measuring and the zoning administrator could make a final determination on what is principal or ancillary.

Commissioner Bakken asked if this would be a service versus a commercial entity. Mr. Nairn said that is correct and could be a determining factor also.

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 Chapters 14-02-03, 14-03-08, 14-04-14, and 14-04-15 of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Martin, Schell, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

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 8:05 p.m. to meet again on May 25, 2022.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda Item #3
Date: Tuesday, March 22, 2022 12:39:26 PM

-----Original Message-----

From: Sandy Wiedenmeyer <[REDACTED]>
Sent: Monday, March 21, 2022 9:29 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda Item #3

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

I am a resident in the Boulder Ridge Addition and I am strongly opposed to the zoning change proposed in this project. It should remain residential zoning as is the majority of the surrounding area. Just north of this proposed addition is an elementary school. Adding businesses in this area, especially with two main entrances on LaSalle, would increase and change the type of traffic in the area making it more dangerous for the children walking and parents picking up their children. It is not desirable to have businesses in a school and residential area. Also the people who own homes to the south of this, with their back yards to this new addition, were assured when they purchased that future additions would be residential.

Sandy Wiedenmeyer
5025 Boulder Ridge Road

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda Item #3 - Please Vote NO
Date: Tuesday, March 22, 2022 1:06:22 PM

-----Original Message-----

From: Pam Sharp <[REDACTED]>
Sent: Tuesday, March 22, 2022 8:35 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda Item #3 - Please Vote NO

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

My name is Pamela Sharp and I live in Boulder Ridge. I am strongly opposed to changing the zoning for the proposed Boden Addition.

Commercial buildings should not be across the street from an elementary school. It is dangerous and also changes the type of development homeowners were promised when they invested in homes in Boulder Ridge.

Please Vote NO on Agenda Item #3

Thank You

Pamela Sharp
524 Slate Drive

Sent from my iPad

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Item 3 : Boden addition
Date: Tuesday, March 22, 2022 1:09:40 PM

From: [REDACTED]
Sent: Monday, March 21, 2022 8:20 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Item 3 : Boden addition

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

Planning commission:

In regards to the change in zoning requested in the Boden Addition. I want you to know that I am against this change.
Why would you want to change a residential zoning to allow commercial property between a residential neighborhood and an elementary school ?
We do not need more traffic near the elementary school. This is a safety issue for our children. There is already enough traffic before and after school.
We purchased our lot and built a home with the understanding that this was an upscale residential neighborhood. We do not want commercial property in our backyard.

This is the third time the Knutson's have requested this change. How many times are you willing to hear his arguments for zoning change? They are just interest in making more money by changing this to commercial instead of selling individual lots. Promising a park was just a ploy to try and get this through.

Please let all the commissioners know the above.

Thank you for your time.

Barb Wrolstad
5024 Boulder Ridge Rd
Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda item #3: Boden Development
Date: Tuesday, March 22, 2022 1:23:23 PM

From: Brenda Milkey <[REDACTED]>
Sent: Tuesday, March 22, 2022 12:51 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda item #3: Boden Development

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

Hello,

We respectfully would like to ask you to vote in opposition to changing the Boulder Ridge zoning based upon the following concerns:

1.) Two entrances off of E LaSalle are basically directly across from an entrance to the elementary school that is heavily used. Traffic is already tough in the morning before adding drivers trying to get to work in an office complex at 8am! So dangerous...especially if we're getting rid of time changes and the sun won't be up until after school starts in the winter. There are elementary students walking and biking(weather permitting) crossing to the school. This is a safety concern!

2.) We bought our homes with the understanding this was a family home development and not zoned for commercial use. Boulder Ridge was marketed as noted below by Knutson Homes as:

Boulder Ridge Fifth Addition...

Bismarck, North Dakota's Premiere Development

"We are committed to providing a very special and exceptional housing environment at Boulder Ridge."

3.) Homeowners with homes of considerable value in the region may lose buyers and home value if their home is in close proximity to an office building.

Thank you for your consideration.

Brenda and Henry Milkey
Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Agenda item #3 - please vote no
Date: Wednesday, March 23, 2022 8:57:49 AM

From: Christine Taylor <[REDACTED]>
Sent: Tuesday, March 22, 2022 4:29 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Agenda item #3 - please vote no

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

My name is Christine Taylor. I live in Boulder Ridge and I am opposed to changing the zoning for the proposed Boden Addition.

Thank you,
Christine Taylor

[Sent from Yahoo Mail on Android](#)

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Meeting Agenda March 23, 2022, Agenda Item number 3 Boden Addition
Date: Wednesday, March 23, 2022 9:01:07 AM

From: Brandon Vaughan <[REDACTED]>
Sent: Wednesday, March 23, 2022 7:37 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Meeting Agenda March 23, 2022, Agenda Item number 3 Boden Addition

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

Hello,

I'm writing this letter in strong opposition to the zoning change and development proposed in Agenda Item number 3, Boden Addition. I live at 4913 Granite Dr, Bismarck, ND 58503. My front door will look out at this addition as my neighbors across the street backyards will be directly adjacent to this addition. When we purchased our home we were sold an idea of Boulder Ridge. The idea was of an exclusive community of high end homes constrained by a reasonable homeowners association and its bylaws. This new development is the opposite of single family, high end homes. There are multi-family units on small lots and office buildings proposed in this plan. This is not the vision of Boulder Ridge that was sold to the current homeowners. This plan also places two entrances to the division from LaSalle Dr within a corridor of Onyx and Washington. This is the same corridor of LaSalle that Liberty Elementary School sits on. The driveway to Liberty Elementary and Onxy Drive will be virtually traffic locked in the mornings if this proposal is approved. I drop my children off every morning at Liberty and there are many times I wait to get out of the drop off area because traffic is backed up from Washington all the way past Onxy. This added congestion from packing in multi-family homes and businesses into this area, rather than single family homes, may lead to safety concerns for children getting to and from Liberty because of the added amount of traffic naturally occurring from the occupancy of these proposed structures. Again, I strongly oppose this proposed plan. This area should be developed into only single family housing as intended for Boulder Ridge and to ensure traffic safety for the children of Liberty Elementary and the neighborhood.

Respectively,

Brandon Vaughan
 4913 Granite Dr.
 Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden proposal - rezoning
Date: Monday, April 25, 2022 11:44:47 AM

From: Dawn Ulmer <[REDACTED]>
Sent: Sunday, April 24, 2022 9:15 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden proposal - rezoning

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

Zoning Commission:

As residents of the Boulder Ridge Development we are begging the zoning commission to put an end to this request for a zoning change related to the 7th section of the Boulder Ridge Development. (Proposed "Boden Development") This section of property **which is within 100 feet of the main entrance to the original street named "Boulder Ridge Road" is supposed to remain either agriculture or Single family homes** according to promises made by the developer of the Boulder Ridge Community. The property is in the backyard of residents who invested their money in a **"prime residential development"**. There are single family homes surrounding it, and an elementary school across the street from it. **It would be unethical to change this zoning to anything but single family homes.**

Right now water drains through this property, efficiently - adding the cement that comes with businesses and townhomes WILL cause more water issues for many residents. There will also be more traffic and our home values will be negatively affected. **We did not purchase homes on Boulder Ridge Road, in the Boulder Ridge Community to be surrounded and locked in by commercial property or duplexes!** When Cam Knutson began this request he stated that if we did not allow the 30 to 40 businesses he was proposing, the new plan would be even more "dense" and create more traffic. **This is the plan he is bringing to you now.** The plan for businesses, townhomes and a few single family homes is not what was originally proposed by those who developed Boulder Ridge! As the Zoning Commission, if you support this plan, you are sending the message that tax paying residents do not matter, and you are willing to allow a developer's profits to be a priority rather than the tax paying residents. Please do not change the zoning to anything that will allow commercial properties and townhomes or duplexes. **PLEASE keep the zoning for either agricultural or single family dwellings. Keep this a prime residential neighborhood as we were promised!**

We searched over a year for a house and finally, my husband and I found the perfect home located on 4906 Boulder Ridge Road. At the time we were making the deal on the home, there was nothing behind us, we had a clear view for as far as we could see. Of course, we knew it would not be empty forever so we asked about the

zoning and were told the property right behind us was zoned agriculture. We were told a portion would remain open as a drainage field. **After speaking with the inspector, a zoning commission member and most importantly the developer we were told that this piece of property would stay zoned agriculture until the time that it was needed for more single family dwellings.** After receiving the assurance that Boulder Ridge would remain a “Prime Residential Community” we invested everything we had in this location. Over the years houses went up by the hundreds, a school was built, commercial properties were constructed, specials were assessed, water bill was doubled and still we have been happy with our purchase. It was shocking to hear there was a plan to put a 3 story building behind us a couple years ago. We spoke up at the meeting and luckily Mayor Seminary stood up for us and stated that **“As a zoning commission it is important for the city of Bismarck to protect residential zoning”** There was a vote and the zoning was not changed at that time. The next plan was to add 40 businesses and this was voted down. Next, there was an idea to have a park, which is something that sounded much more appealing. It would be very nice to have a park with beautiful trees etc. But then we were told if our community voted for the park it would automatically mean we agreed to have commercial property and a new zoning. Basically they want to put commercial property adjacent to the original street in Boulder Ridge, Our “prime residential community”.

Cam and Ron both used the tactic of threatening that if we did not allow the businesses, they would go for twin homes which would be much more “dense” and add more concrete and more traffic. **These proposals were all thrown at us rather than respecting the original promise that was made - to keep Boulder Ridge a prime residential community.** If a zoning commission decides to join forces with the developer who has already admitted that our best interest is not his first concern, then this is a sad situation. Please do the right thing.

Do not allow a developer to trick families into believing they are investing in a Prime Residential Community and then make an attempt to completely change the zoning, reducing the value of homes on Boulder Ridge Road. This is a developer/s attempt to profit at the expense of residents who paid a high price to live in this neighborhood. **Please protect residential zoning and keep Boulder Ridge a “prime residential community”.**

Thank you,
Dawn Ulmer



From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition April 27 Agenda Item
Date: Monday, April 25, 2022 11:45:18 AM
Attachments: [Boulder Ridge Developer Promise.pdf](#)

From: Lyle Halvorson <[REDACTED]>
Sent: Sunday, April 24, 2022 2:43 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition April 27 Agenda Item

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

Members of the Bismarck Planning and Zoning Commission –

I am writing to oppose the proposed rezoning request for the Boden Addition to allow for commercial development.

We live at the corner of Granite Drive and Basalt Avenue. This land is directly behind our home. We did not buy a half-million dollar home to live adjacent to an office park. The Boulder Ridge developer's webpage says this: "The place you want to be! We are committed to providing a very special and exceptional housing environment at Boulder Ridge." That's the promise made to those of us who invested in the neighborhood. I've attached a PDF from the Boulder Ridge developer's website that describes our neighborhood as "Bismarck's premier development." That's how it should remain. An office park adds no value to my investment or to the neighborhood.

A commercial development is not appropriate for this neighborhood and you as members of the planning and zoning commission should not allow for such a zoning change. And you should not pass the buck and defer to the city commission. This proposal should be stopped by the Planning and Zoning Commission.

Had we known what is under consideration today for this property, we would have never purchased a home in Boulder Ridge. We believe the requested zoning change to allow for commercial development in our back yard is going to result in a significant decline in the value of our home.

Another concern the Planning and Zoning Commission should consider is the proximity to Liberty Elementary School. Traffic into and out of this office park would be directly across the street from the elementary school. I hope you would consider the safety of these children and the increase in traffic associated with 23 office buildings.

Please deny the Conditional RT zoning request.

Lyle Halvorson
 4912 Granite Dr.

Bismarck, ND 58503

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Opposed to the Biden development
Date: Monday, April 25, 2022 11:45:49 AM

-----Original Message-----

From: Michell Swenson <[REDACTED]>
Sent: Sunday, April 24, 2022 1:47 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Opposed to the Biden development

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

As a resident of the Boulder Ridge community, I am writing to express my opposition to the refining request for the Biden development. This is a residential area with a school in close proximity. We bought our current home because there was very limited office space within Boulder Ridge.

I am highly opposed to any redoing request to now add commercial office space. LaSalle is a very busy road with people traveling at speeds higher than the posted speed limit with little to no presence by the Bismarck City PD. Similar concerns with traffic on Washington, which I have expressed concerns with before. We have two schools, Liberty and Horizon, within this area. Traffic that drives at high rates of speed, with very little enforcement from the PD. Adding commercial office space will increase traffic, which will place children at risk. Many, many children walk and ride bike to school. Adding commercial office space by rezoning has no place and I strongly encourage you to not allow this rezoning to happen.

Michell Swenson
4610 Boulder Ridge Rd

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#); [Ben Ehreth](#)
Subject: FW: Vote No to zoning request change by Ron and Ruth Knutson
Date: Tuesday, April 26, 2022 9:29:06 AM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
Fax: (701) 222-6450
Website: www.bismarcknd.gov
Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |
Instagram: instagram.com/bismarckndgov

-----Original Message-----

From: Pam Sharp [REDACTED] >
Sent: Monday, April 25, 2022 3:07 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Vote No to zoning request change by Ron and Ruth Knutson

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

,My name is Pam Sharp. I have lived in Boulder Ridge for several years and I oppose the requested zoning change that would allow for an office park directly across from Liberty Elementary. Boulder Ridge residents were assured that Boulder Ridge would remain residential and it should remain that way.

Please vote no on this request.

Pam Sharp
524 Slate Drive
Bismarck, ND

Sent from my iPad

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boulder Ridge development
Date: Tuesday, April 26, 2022 3:06:24 PM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
Fax: (701) 222-6450
Website: www.bismarcknd.gov
Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |
Instagram: instagram.com/bismarckndgov

-----Original Message-----

From: Jesse Brock <[REDACTED]>
Sent: Tuesday, April 26, 2022 1:04 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boulder Ridge development

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

Hello,

I would like to see the development of a city park in the boden development. Boulder ridge must stay on par with similar neighborhoods like Elk Ridge with a park accessible all year. Please consider this in your plan as you move forward with the boden site.

Jesse Brock

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Tuesday, April 26, 2022 3:30:04 PM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
Fax: (701) 222-6450
Website: www.bismarcknd.gov
Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |
Instagram: instagram.com/bismarckndgov

From: [REDACTED] >
Sent: Tuesday, April 26, 2022 12:33 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Addition

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

Dear Sir or Madam:

This is regarding the request by Ron & Ruth Knutson to change the zoning for the Boden Addition of Boulder Ridge.

Boulder Ridge has **no** parks. Knutson's have promised a park on Normandy St. , just north of Felspar since Boulder Ridge was started. Now they want to develop the area along Washington St., again without a park.

Boulder Ridge is a large area with many children living here who need safe places to play. Both the Normandy St. location and an area in Boden Addition need parks as this area covers too great an area for children to walk to just 1 park.

Whatever you decide on their request I ask that you insist on parks **with a time limit to have them completed.**

Thank you,
LeAna Hug
4719 Normandy St.

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Addition
Date: Wednesday, April 27, 2022 10:09:05 AM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
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Instagram: instagram.com/bismarckndgov

From: Nathan Sundt <[REDACTED]>
Sent: Tuesday, April 26, 2022 5:02 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Fwd: Boden Addition

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Members of the Planning and Zoning Commission

We are writing in strong opposition to the proposed rezoning request for the Boden Addition to allow R-10 and commercial development. We have concerns with the newly proposed zoning in general and concerns about excess traffic.

Boulder Ridge is primarily a residential development. We purchased our home for that reason. The portion of proposed RT is currently zoned R5 and the rest was zoned Ag. The newly proposed section R5 is located in a storm water easement and would be unlikely to ever be developed for single family homes. If this development is allowed to go through as proposed it will drastically change the nature of the development by mixing in commercial with residential.

The traffic on Lasalle Dr before and after school is already congested. Allowing this development to proceed as proposed would add traffic from 23 business plus 25 residential homes all entering/exiting the development onto LaSalle Dr directly across

from the school. Creating an 8:00 AM work rush for 23 businesses and an elementary school would pose a safety risk for all the children walking to school. Keeping this development as all residential would have less of an impact on traffic.

Nathan & Collette Sundt
425 E Lasalle Dr

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Boden Plat and Re-Zone Development
Date: Wednesday, April 27, 2022 10:10:50 AM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

Office: (701) 355-1465
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Website: www.bismarcknd.gov
Facebook: facebook.com/bismarcknd.gov | Twitter: twitter.com/BismarckNDGov |
Instagram: instagram.com/bismarckndgov

-----Original Message-----

From: Craig Thurow <[REDACTED]>
Sent: Wednesday, April 27, 2022 12:21 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Boden Plat and Re-Zone Development

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Dear Planning and Zoning Commissioners,

My wife and I became residents of Bismarck when we purchased a home. In the Boulder Ridge Development 1st Addition in October, 2014.

I attended the Boulder Ridge Town Hall Boden presentation by the Developer Cam Knutson at the Liberty School last summer. And have followed the Boden proposal development changes thru conversation and document sharing within the HOA.

Following are my concerns regarding this zoning proposal change.

After purchase of our home we became members of the Boulder Ridge Home Owners Association. And received copies of the HOA Bylaws and Declaration of Restrictions and Obligations.

1) In the Declarations of Restrictions and Obligations dated June 7, 2005. By the Boulder Ridge Development, Inc. and Five Guys Investment, LLP, referred to as the Developer.

On page 2 - It states 1. Purposes: that said lots with in the Real Property shall be used for RESIDENTIAL (emphasis mine) purposes as set out on the development plan of Developer, including as Developer may hereafter amend such development plan.

Since June, 2005 the Developer has added Boulder Ridge 2nd, 3rd, 4th, 5th, 6th and 7th Additions. And has

remained consistent with RESIDENTIAL purpose home construction. Except for three office buildings built in 2015 in the 1st Addition near the North Washington Street /Slate Drive street intersection Boulder Ridge entrance/exit. These office buildings have had minimal impact to the neighborhood. Because they have adequate private parking lots and access to/from North Washington Street.

June 2005 to April 2022 is 16 years 10 months . The consistency of the Boulder Ridge Development is being changed. Because a new Developer has a different vision with the zoning change to Conditional RT - Residential . That will include 23 lots for development of office use buildings and 25 lots for single and two family residential development.

The Boden development is adjacent to Liberty Elementary school. The school and the development will have adjacent street entrances and exits to East Lasalle Drive.

I frequently walk thru this location and when the school buses and parents. Deliver or pickup their young students the traffic flow is terrible. To add 23 lots for business use entrance and exit adjacent to the school at this location. There are no designated pedestrian walkways for the young students. To cross south along East Lasalle Drive and Basalt Drive. To their homes along Granite Drive, Pumice Loop and Boulder Ridge Road.

This proposed traffic pattern is simply NOT SAFE for elementary age children!

Access and transportation within the new development it states will meet MINIMUM requirements in the zoning ordinance. A cross parking agreement within the association would potentially alleviate any possible strain on parking. How well is this parking plan going to work when there is another three day blizzard. With 18" of snow piled along the curb and gutter Bismarck experienced two weeks ago!

In closing this plan to include 23 small office buildings in a location that has for past 17 years been residential and adjacent to an elementary school. Is the wrong plan in a great neighborhood please vote NO to this zoning change proposal.

Sincerely,

Craig and Jennifer Thurow
301 Slate Drive
Bismarck 58503

Sent from my iPhone

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Jenny Wollmuth](#); [Ben Ehreth](#); [Daniel Nairn](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Elk Ridge Third Addition
Date: Wednesday, April 27, 2022 10:10:05 AM

Thank you,

Allison Carlson
Office Assistant II

City of Bismarck – Community Development
221 N 5th St
PO Box 5503
Bismarck, ND 58501

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Instagram: instagram.com/bismarckndgov

-----Original Message-----

From: Steven Stout <[REDACTED]>
Sent: Tuesday, April 26, 2022 5:06 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Elk Ridge Third Addition

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

To: Bismarck Planning and Zoning Commission

I am opposed to the plan for Third Addition. This type of plan only benefits a handful of property developers and is detrimental for the community as a whole.

My points as follows:

1. Why cannot we leave some of the prairie and creek area as is? Why must we fill everything in? Undeveloped internal areas like this lend charm and beauty to our town.
2. Removing habitat for pheasants and wildlife in the creek area will have adverse environmental impact.
3. My home on Eagle Crest Loop has a view of open prairie. I will now have houses, roads, cranes and construction blight to look at. My quality of life and my property value will go down.
4. There will be traffic congestion for all of us who live in the area.
5. Overdevelopment in Bismarck without a population boom to support it, is going to result in lower resale values for all of our homes.

Again, this plan is bad for most of us. It is only good for a handful of investors who want to profit off of this land.

Thank you for considering my position.

Steven Stout

Bismarck Planning and Zoning Commission

Boulder Ridge Development

Comments by Bob Gose for the 7th Addition

After speaking with several of the neighbors in the Boulder Ridge and reviewing documentation on the Knutson Homes website it was discerned that the Boulder Ridge Housing Development is to be a “Premiere Development”. In their own words on their website – “We are Knutson Homes a Premier Bismarck home builder. We’re committed to providing a very special and exceptional housing environment at Boulder Ridge ...” This is stated on their website and applies to the additions that are described there. Nowhere on the descriptions does it allude to a commercial area being part of the development. It’s clear that Knutson Homes is a housing builder.

By including a commercial area, it will increase traffic within the housing area. The increased traffic and additional congestion it will degrade the “Premiere Development” as it was advertised to the home owners within the development. In addition, there was a vote held by the Home Owner’s Association that recognized the home owners did not desire a commercial area be included within the development.

I’ve included extracts from the Knutson Homes website to the description of Boulder Ridge for your reference.



Boulder Ridge
Description.pptx



Boulder Ridge
Description a.pptx

It’s my opinion that the Boulder Ridge Development should remain a housing development and not include a commercial business area.

Knutson
Homes

A Tradition of Quality

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Boulder Ridge 1 addition

You Are Here: [Home](#) » Search Results For: Boulder Ridge 1 addition

Search Results for: Boulder Ridge 1 addition

Boulder Ridge 4th Addition lot map

Boulder Ridge 6th

For pricing and availability Office: 701-258-3464 Cell: 701-220-9266 Email: knutsonhomesinc@msn.com Boulder Ridge Sixth Addition... Bismarck, North Dakota's Premiere Development "We are Knutson Homes a Premier Bismarck home builder. We're committed to providing a very special and exceptional housing environment at Boulder Ridge 6th Addition." click on map to see up close To print click...

Boulder Ridge 5th

For pricing and availability Office: 701-258-3464 Cell: 701-220-9266 Email: knutsonhomesinc@msn.com Boulder Ridge Fifth Addition... Bismarck, North Dakota's Premiere Development "We are committed to providing a very special and exceptional housing environment at Boulder Ridge."

Boulder Ridge 4

[map id="map14" w="500" h="300" z="14" address="406 Granite Dr, Bismarck, ND 58503" marker="no"] Boulder Ridge 4... Bismarck's Premiere Development "We are committed to providing a very special and exceptional housing environment at Boulder Ridge 4." Future Growth The future is now. Northwest Bismarck holds the potential for a new and highly

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Sunny



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4/2/2022

pricing and availability Office: 701-258-3464 Cell: 701-220-9266 Email: knutsonhomesinc@msn.com

Boulder Ridge 2

Boulder Ridge 2... Bismarck's Premiere Development "We are committed to providing a very special and exceptional housing environment at Boulder Ridge 2." Future Growth The future is now. Northwest Bismarck holds the potential for a new and highly desired type of living. Lifestyle Boulder Ridge 2 highlights include unique divided entrances, walking and biking path...

Boulder Ridge

Boulder Ridge... Bismarck's Premiere Development The place you want to be! "We are committed to providing a very special and exceptional housing environment at Boulder Ridge." Future Growth The future is now. Northwest Bismarck holds the potential for a new and highly desired type of living. Lifestyle Boulder Ridge highlights include unique divided entrances....

Bismarck Developments

Where do you want to build? Are you looking for Bismarck lots to build a house on? Experience Bismarck's Premiere Developments. This is the place you want to be! Click on the various developments below to see all the lots we have available in Bismarck . Boulder Ridge Boulder Ridge, the future is now! Locations...

Copyright © 2018 Knutson Homes Inc.

Knutson Homes Inc.
101 Slate Drive,
Bismarck, ND 58503

Phone:
Email: knutsonhomesinc@msn.com

Knutson
Homes

A Tradition of Quality

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You Are Here: [Home](#) » [Bismarck Developments](#) » [Boulder Ridge](#)

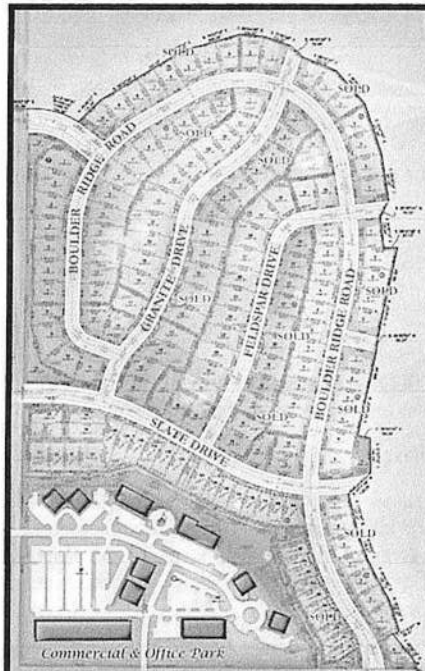
Boulder Ridge



Boulder Ridge...
Bismarck's Premiere Development

The place you want to be!

"We are committed to providing a very special and exceptional housing environment at Boulder Ridge."



51°F
Sunny



3:51 PM
4/2/2022

Boulder Ridge... Bismarck's Premiere Development

The place you want to be!

“We are committed to providing a very special and exceptional housing environment at Boulder Ridge.”

Future Growth

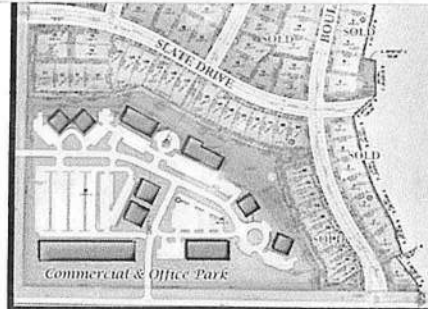
The future is now. Northwest Bismarck holds the potential for a new and highly desired type of living.

Lifestyle

Boulder Ridge highlights include unique divided entrances, walking and biking path for healthy outdoor activities, open green areas for a serene and relaxing atmosphere. *Boulder Ridge* offers a comfortable, easy lifestyle, which adds value now and for the future.

Schools

Presently a new middle school is a short walk away and a proposed elementary school may be located in the development.



click on map to see up close

For pricing and availability

Office: 701-258-3464

Cell: 701-220-9266

Email: knutsonhomesinc@msn.com

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Knutson Homes Inc.
101 Slate Drive,
Bismarck, ND 58503

Phone:

Email: knutsonhomesinc@msn.com

51°F
Sunny

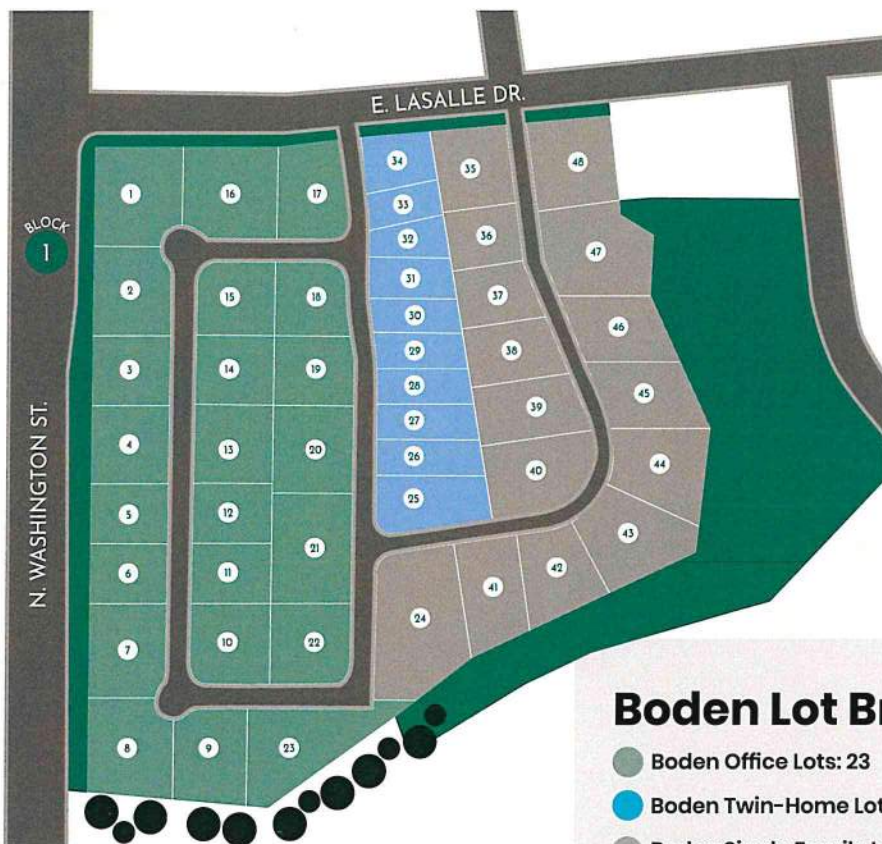


3:53 PM
4/2/2022

BODEN

NEW OFFICE & RESIDENTIAL INFILL DEVELOPMENT

The Boden project is a great example of horizontal mixed-use that will provide additional neighborhood offerings within walking distance of hundreds of homes. The office component of the project is heavily geared towards the small business owner wanting to make the transition into owning their own office space. Small business owners in Bismarck are experiencing a gap in office ownership options for standalone buildings, and Boden was crafted to fit that need. In addition, the residential component of Boden will include a similar Scandinavian design style that will add to the character of this development. The entire project will be served by an HOA that will handle snow removal and lawn care services making it a great option for those seeking a low-maintenance office or housing option.



Boden Offices are a product that is virtually nonexistent in Bismarck and will fill a need for the many small business owners in our community that want to build efficiently for their exact needs. The average lot size for the offices is nearly 14,300 square feet with the average office size anticipated to be 2,400 square feet, making these much smaller than a typical new home. The exterior of each of these offices will all be completed with high-end materials and will be built with residential characteristics that make them an aesthetic fit to the surrounding neighborhood.

Boden Lot Breakdown

- Boden Office Lots: 23
- Boden Twin-Home Lots: 10
- Boden Single Family Lots: 15
- Average Office Lot Size: 14,300 sq. ft.
- Average Office Structure Size: 2,400 sq. ft.

INFILL

Boden is a great example of an Infill project and fits the goal of the city of Bismarck's 2016 Infill and Redevelopment Plan.

- Lessen public costs by leveraging existing infrastructure
- Lessen transportation distances between places across town.
- Provide options for people to walk to services closer to their home
- 63% of Millennials would like to live in a place where they don't need to use a car very often

(source: Urban Land Institute, 2015)



ECONOMICS

The Boden Project will serve as a great example of providing infill to land that already has city services. In addition, the project will include private streets and infrastructure that will add very little cost to the city of Bismarck while producing millions of dollars in tax revenue over a 10-year period. Numerous infill locations exist in Bismarck that are paying little in taxes to the city. Boden is anticipated to generate \$4.3 million in tax and special assessment revenue to the city of Bismarck over a ten-year period making it a powerful project for our community, while filling

a need for the business owners and residents that could be an owner inside the project.

Development like Boden can also play a key role in lowering the resources allocated towards major roadway projects. Northwest Bismarck continues to be the fastest growing residential area of our community and additional services added to these growth areas can help lower the overall strain placed on our major roadways when residents are able to shorten their commutes, or even walk to their place or work or the service they are seeking.



📍 4207 Boulder Ridge Road Suite 220
Bismarck, ND 58503

✉ cam@knutsonteam.com ☎ 701-220-4124



CAM KNUTSON
Owner/Broker

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 4/2022

*****City*****

*****ETA*****

	4/2022		4/2021		4/2022		4/2021	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	22	\$6,375,136.67	28	\$7,823,981.80	4	\$1,440,983.73	6	\$1,999,730.15
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	14	\$3,219,245.84	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$3,150.00	3	\$63,460.97	0	\$0.00	1	\$87,046.80
DETACHED GARAGE	0	\$0.00	5	\$66,300.00	5	\$241,735.50	8	\$339,740.00
DECKS\PORCHES & COVERED PORCHES	13	\$42,287.25	14	\$56,217.20	0	\$0.00	3	\$18,774.00
SWIMMING POOLS	0	\$0.00	2	\$223,000.00	0	\$0.00	2	\$146,221.00
RESIDENTIAL ALTERATION/OTHER	4	\$124,200.00	4	\$68,850.25	3	\$80,452.01	0	\$0.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	3	\$7,440.00	2	\$5,040.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	7	\$179,568.00	8	\$241,574.00	1	\$38,463.50	2	\$28,853.00
NURSERY STOCK SALES	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	9	\$95,158.00	5	\$84,109.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	1	\$35,000.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	5	\$862,760.00	4	\$13,322,942.00	0	\$0.00	1	\$450,000.00
COMMERCIAL ADDITION	2	\$11,300,387.00	1	\$1,077,150.00	1	\$2,937,630.00	0	\$0.00
COMMERCIAL ALTERATION	11	\$4,800,449.51	11	\$1,895,422.00	0	\$0.00	0	\$0.00
Total	82	\$23,825,536.43	102	\$28,147,293.06	14	\$4,739,264.74	23	\$3,070,364.95

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	4/2022		4/2021		4/2022		4/2021	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	88	\$10,000.00	91	\$1,800.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	108	\$2,222,637.00	95	\$849,602.27	2	\$6,192.00	7	\$97,525.00
BUILDING PLUMBING	51	\$1,693,456.79	50	\$1,059,471.00	0	\$0.00	16	\$207,794.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	1	\$0.00	3	\$0.00
Total	247	\$3,926,093.79	236	\$1,910,873.27	3	\$6,192.00	26	\$305,319.00

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	4/2022	4/2021	4/2022	4/2021
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	1	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	12	0	0
SINGLE FAMILY DETACHED	22	22	2	6
SWIMMING POOLS	0	0	0	0
Total	22	35	2	6

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	4/2022		4/2021		4/2022		4/2021	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	45	\$13,102,356.32	59	\$16,904,510.59	6	\$2,068,381.42	17	\$6,351,630.07
ROWHOUSE (2) 1-HR FIRE SEPARATION	12	\$2,734,134.02	31	\$6,287,172.24	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	3	\$47,988.00	7	\$223,471.57	0	\$0.00	3	\$334,046.80
DETACHED GARAGE	3	\$28,550.00	8	\$121,500.00	9	\$419,985.50	18	\$797,240.00
DECKS\PORCHES & COVERED PORCHES	18	\$65,739.00	24	\$91,056.20	0	\$0.00	5	\$29,358.00
SWIMMING POOLS	0	\$0.00	3	\$313,000.00	0	\$0.00	1	\$56,221.00
RESIDENTIAL ALTERATION/OTHER	15	\$218,786.73	28	\$928,051.25	5	\$386,127.49	1	\$38,000.00
HOME OCCUPATION	1	\$0.00	2	\$0.00	0	\$0.00	1	\$0.00
STORAGE SHED	6	\$16,680.00	7	\$22,980.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	27	\$706,519.50	46	\$1,116,989.00	5	\$129,931.00	5	\$98,513.00
RESIDENTIAL	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	38	\$332,343.00	21	\$196,510.44	2	\$38,866.00	0	\$0.00
SIGN ALTERATION	1	\$35,000.00	3	\$64,417.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	12	\$31,075,229.00	9	\$15,512,242.00	10	\$2,400,000.00	7	\$1,184,171.00
COMMERCIAL ADDITION	2	\$11,300,387.00	2	\$1,688,150.00	1	\$2,937,630.00	0	\$0.00
COMMERCIAL ALTERATION	36	\$11,254,997.51	33	\$12,341,399.00	2	\$3,715,000.00	0	\$0.00
Total	224	\$70,918,710.08	291	\$55,811,449.29	40	\$12,095,921.41	58	\$8,889,179.87

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 4/2022**

*****City*****

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	4/2022		4/2021		4/2022		4/2021	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	251	\$35,500.00	310	\$36,300.00	0	\$0.00	1	\$0.00
BUILDING MECHANICAL	442	\$7,217,392.33	412	\$4,862,644.92	60	\$359,744.50	68	\$584,818.50
BUILDING PLUMBING	97	\$3,122,848.84	117	\$4,211,610.00	6	\$68,155.00	22	\$339,121.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	1	\$0.00	10	\$24,000.00
Total	790	\$10,375,741.17	839	\$9,110,554.92	67	\$427,899.50	101	\$947,939.50

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 4/2022

*****City*****

*****ETA*****

	4/2022	4/2021	4/2022	4/2021
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	1
RESIDENTIAL ADDITION	0	1	0	0
RESIDENTIAL ALTERATION/OTHER	0	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	12	29	0	0
SINGLE FAMILY DETACHED	45	49	4	17
SWIMMING POOLS	0	0	0	0
Total	57	80	4	18