



PLANNING AND ZONING COMMISSION

MEETING AGENDA July 27, 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 June 22, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for public hearings.

2. **Yegen Strip Addition (Klee)**.....6

Major Subdivision Preliminary Plat | PPLT2022-008 | *Consideration*

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



3. **Misty Waters PUD (JW)**.....13

Hay Creek Township

PUD Amendment | PUDA2022-001 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

4. **George Subdivision (Klee)**.....19

Gibbs Township

Major Subdivision Final Plat | FPLT2022-004 | *Public Hearing*

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

5. **Jacks First Addition (JW)**.....28

Minor Subdivision Final Plat | MPLT2022-001 | *Public Hearing*

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

Special Use Permit (Lot 1, Block 1, Jacks First Addition) | SUP2022-005 (Auto Laundry/Car Wash) | *Public Hearing*

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

6. **Part Block 10, Part Block 18 and All Block 19, Coffin's Addition (Klee)**.....39

Zoning Change (CG to RMH) | ZC2022-013 | *Public Hearing*

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

7. **Lot 39, Block 1, Bismarck Airport Addition (DN)**.....47

Special Use Permit | SUP 2022-008 (EMC) | *Public Hearing*

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

8. **Lot 10, Block 7, Copper Ridge Second Subdivision (WH).....62**

Apple Creek Township

Special Use Permit | SUP 2022-010 (Oversized Accessory Building) | *Public Hearing*

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

9. **Lot 2, Block 1, Trillium Third Addition Second Replat (JW).....69**

Special Use Permit | SUP 2022-011 (Drive-throughs) | *Public Hearing*

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

OTHER BUSINESS

10. **Update on Together 2045**

11. **Other**

ADJOURNMENT

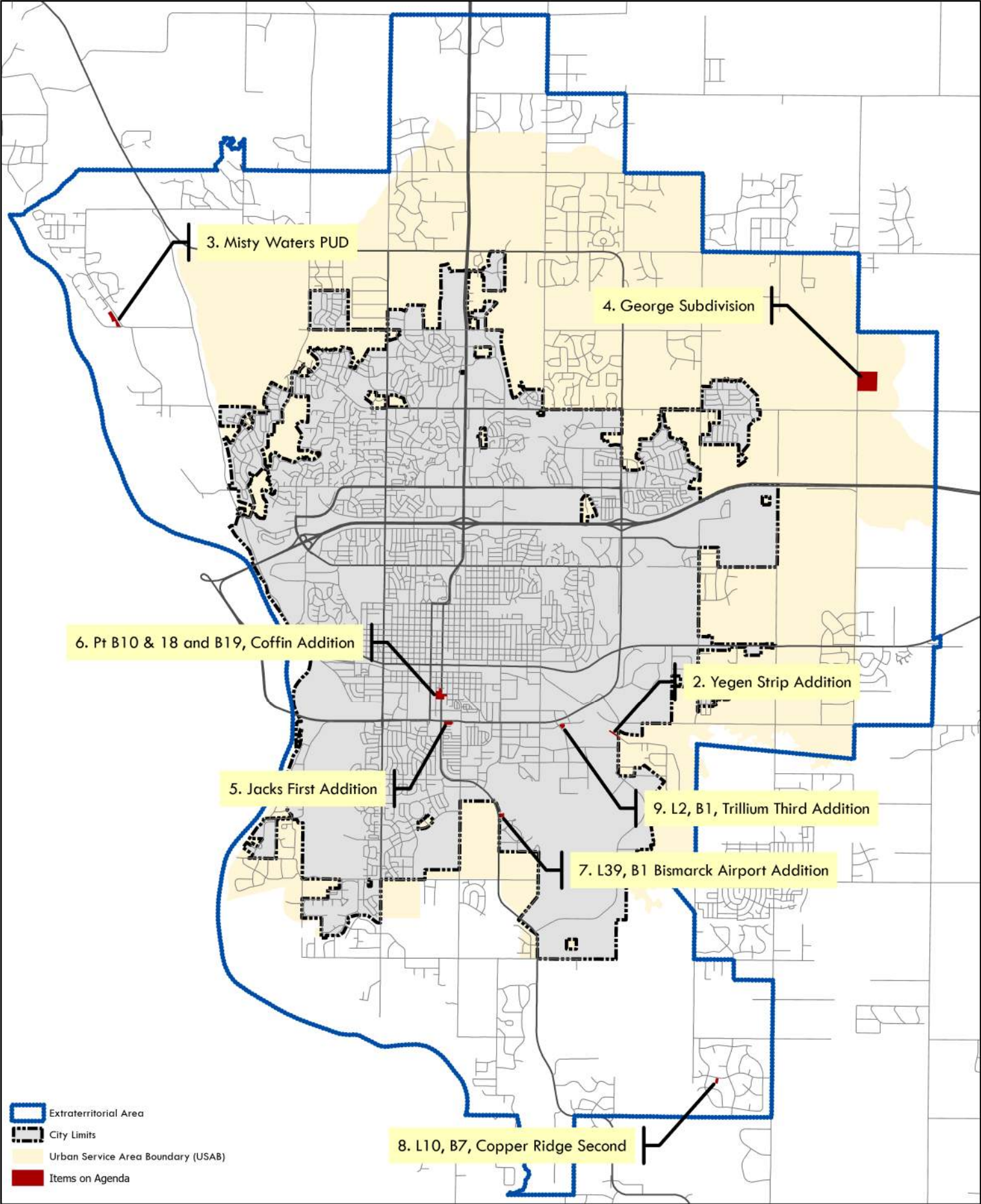
12. **Adjourn.** The next regular meeting date is scheduled for August 24, 2022.

Enclosures: Meeting Minutes of June 22, 2022
Building Permit Activity Month to Date Report for June 2022
Building Permit Activity Year to Date Report for June 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

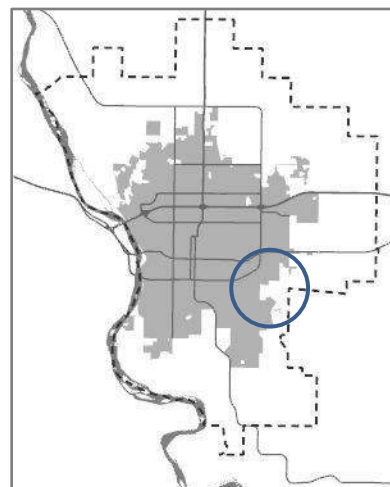
July 27, 2022

Application for: **Preliminary Plat**

Project ID: **PPLT2022-008**

Project Summary

<i>Title:</i>	Yegen Strip Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Plains Leasing, LLC
<i>Project Contact:</i>	Todd Marschall, RLS, Houston Engineering, Inc.
<i>Location:</i>	East Bismarck, along the west side of Yegen Road between Apple Creek Road and Morrison Avenue (part of the NE ¼ of Section 11, T138N-R80W/City Lands)
<i>Project Size:</i>	1.75 acres
<i>Request:</i>	Plat property to allow construction of a transloading facility at an existing railroad siding



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 parcel	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Railroad siding	<i>Land Use:</i>	Transloading facility
<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>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Property History

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

Plains Leasing, LLC is requesting approval of a major subdivision preliminary plat for Yegen Strip Addition.

Adjacent uses include railroad lines and light industrial uses to the north, south, east and west.

The parcel was created in 2007 when the Canadian Pacific Railroad sold the property to a previous owner. A preliminary plat for the property was granted tentative approval by the Planning and Zoning Commission in November 2007, but the platting process was subsequently abandoned by the owner at the time. The property has been used as a railroad siding since it was created. The current owner would like to make improvements to the property to create a transloading facility for agricultural products with a truck parking area. In order to obtain building permits for those improvements, the property needs to be platted.

While the property is served with municipal water, it is not served by municipal sanitary sewer. How sanitary sewer service will be provided will need to be resolved prior to submittal of a final plat for this property.

Required Findings of Fact (relating to land use)

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;

4. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
5. 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;
6. 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;
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for Yegen Strip Addition.

Attachments

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

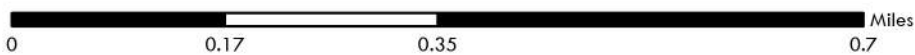
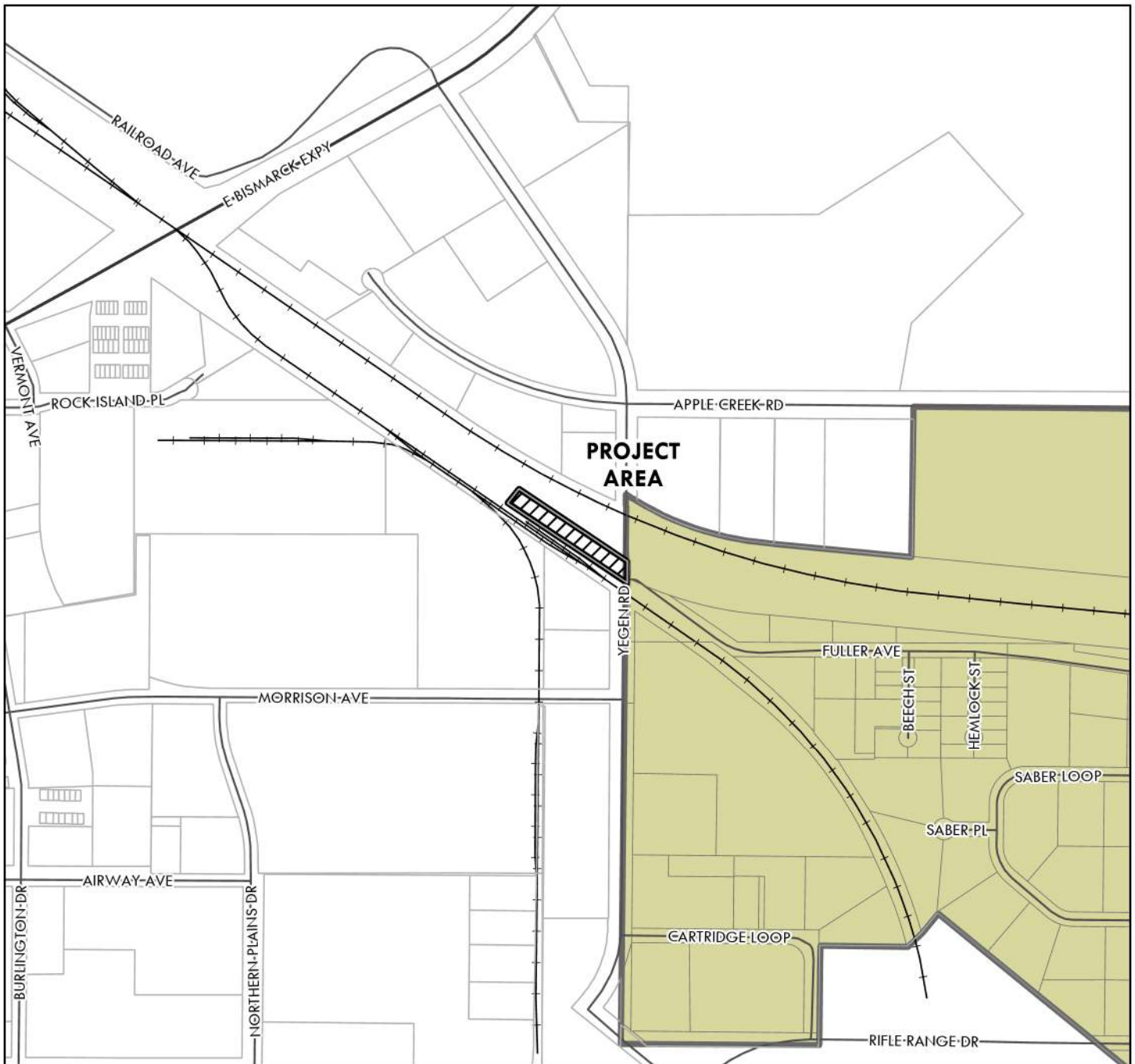
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Location Map

YEGEN STRIP ADDITION

PPLT2022-008



City Limits

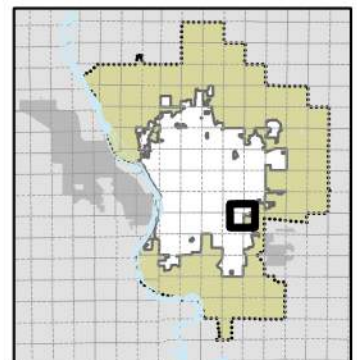


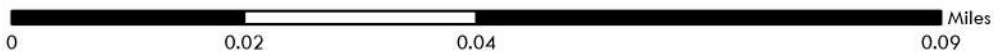
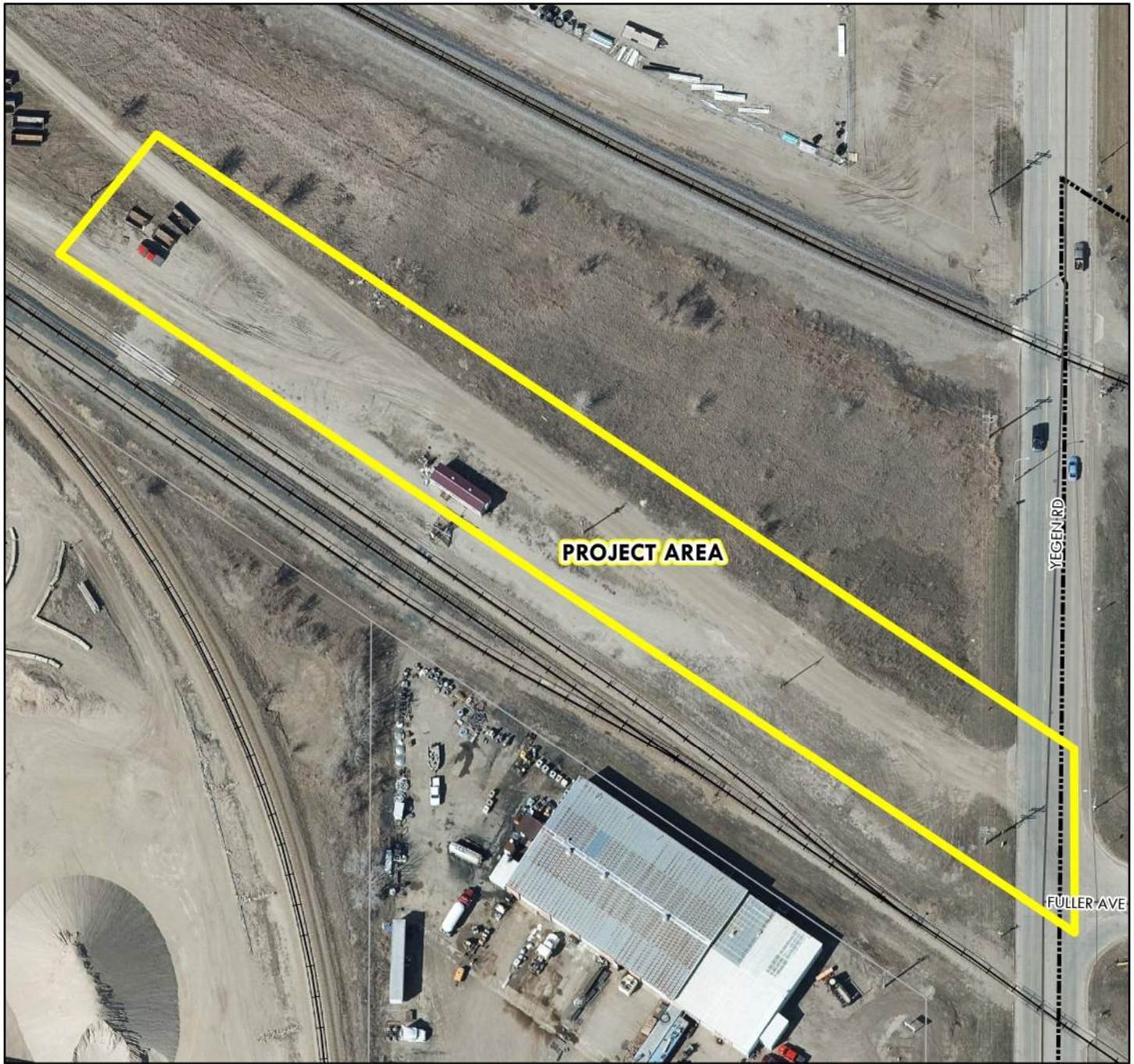
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
June 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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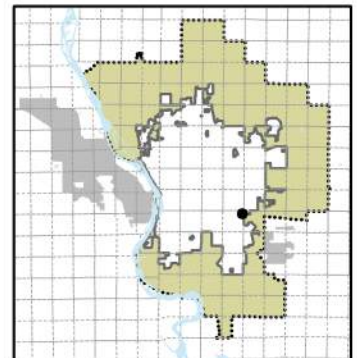


City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
July 21, 2022

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Zoning Districts

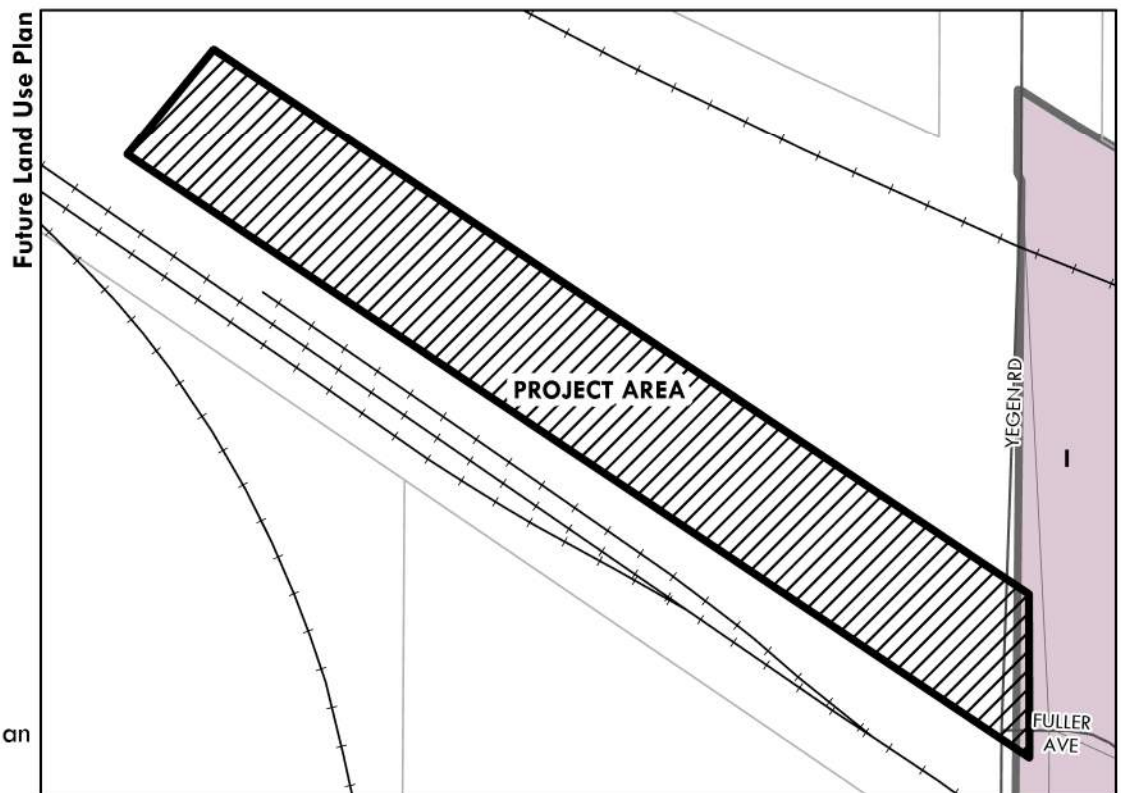
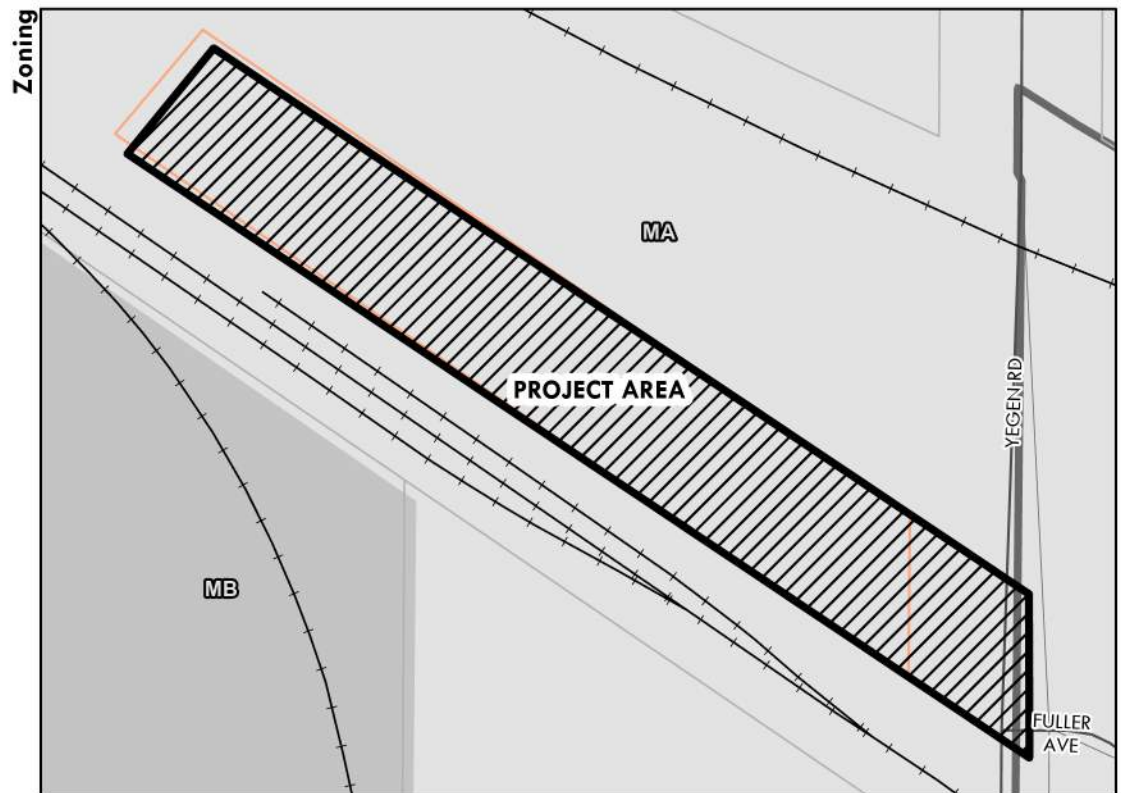
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

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

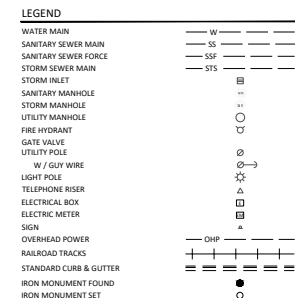
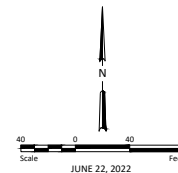


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City of Bismarck
Community Development Dept.
Planning Division
July 21, 2022

AN UNPLATTED PORTION OF THE NORTHEAST 1/4 OF SECTION 11
T. 138 N., R. 80 W., 5th P.M.
CITY OF BISMARCK
BURLEIGH COUNTY, NORTH DAKOTA



EXISTING ZONING: MA
PROPOSED ZONING: MA

LOT ACREAGE: 1.54± ACRES
RIGHT OF WAY ACREAGE: 0.21± ACRES
TOTAL ACREAGE: 1.75± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302)
ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.

CONTOUR VERTICAL DATUM: NAVD 88

NW CORNER OF LOT 1 BLOCK 1
ELEV. 1662.21' NAVD 88

1. DOC. 720710 GIVES THE SPECIFIC LOCATION OF THE CENTERLINE OF THE STORM SEWER EASEMENT BUT DOES NOT GIVE A SPECIFIC WIDTH.
2. STORM SEWER MANHOLE WAS NOT FOUND DURING FIELDWORK BUT CALC'D AND PLACED OFF DOC. 720710.
3. PROPERTY LIES WITHIN THE AIRPORT HORIZONTAL SURFACE ELEVATION 1811.1' CONTOUR.

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE 701.323.0200

PLAINS LEASING, LLC
1050 E. INTERSTATE AVE.
BISMARCK, ND 58503
PHONE 701.321.0287

A map showing the location of the proposed site. The site is marked with a dot and labeled "SITE". It is located near the intersection of Highway 101 and Highway 102, south of Highway 20. Other roads shown include Highway 20, Highway 101, Highway 102, and Highway 103. The map also shows the location of the proposed site relative to the existing infrastructure.

STAFF REPORT

Agenda Item # 3

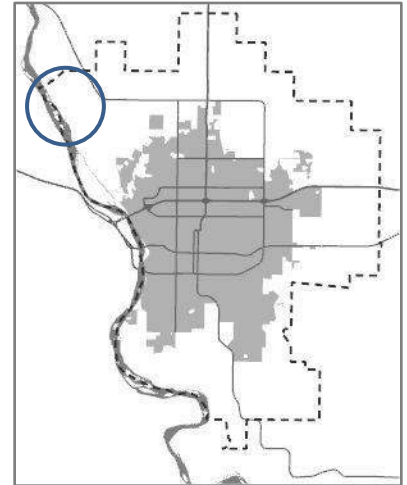
July 27, 2022

Application for: **Planned Unit Development (PUD) Amendment**

Project ID: **PUDA2022-001**

Project Summary

<i>Title:</i>	Misty Waters PUD
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Owner(s):</i>	Misty Waters LLC – Lot 2, Block 1
<i>Project Contact:</i>	Andra Marquardt, Toman Engineering Co.
<i>Location:</i>	Northwest of Bismarck, west of River Road along the west side of Burnt Creek Loop (Lot 2, Block 1, Misty Waters)
<i>Project Size:</i>	6.42 acres
<i>Request:</i>	PUD amendment to modify the size and dimensions of the commercial area and the multi-family and two-family residential area on Lot 2, Block 1



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	126 lots in 4 blocks	<i>Number of Lots:</i>	126 lots in 4 blocks
<i>Land Use:</i>	Mixed density residential with limited commercial	<i>Land Use:</i>	Mixed density residential with limited 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>	PUD – Planned Unit Development	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	PUD – Uses specified in PUD	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	PUD – Density specified in PUD	<i>Max Density:</i>	PUD – Density specified in PUD

Property History

<i>Zoned:</i>	05/2005	<i>Platted:</i>	05/2005	<i>Annexed:</i>	N/A
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Staff Analysis

(continued)

Misty Waters LLC, with consent of the Misty Waters Homeowners Association, is requesting approval of a Major Planned Unit (PUD) amendment that will only impact Lot 2, Block 1, Misty Waters.

The PUD was previously amended in 2006, 2017, and 2020.

The proposed amendment is in conjunction with a minor subdivision final plat and, if approved as proposed, would modify the size and dimensions of the commercial area and the multi-family and two-family residential area specified in the PUD for Lot 2, Block 1. Development standards for commercial and two-family residential uses on Lot 2 as outlined in the PUD would remain.

Required Findings of Fact (relating to land use)

1. The proposed amendment generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck, Burleigh County and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has been informed of the proposed amendment, but has not yet made a recommendation;
5. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
6. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
7. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
9. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment which will only impact Lot 2, Block 1, Misty Waters.

Attachments

1. Location Map

(continued)

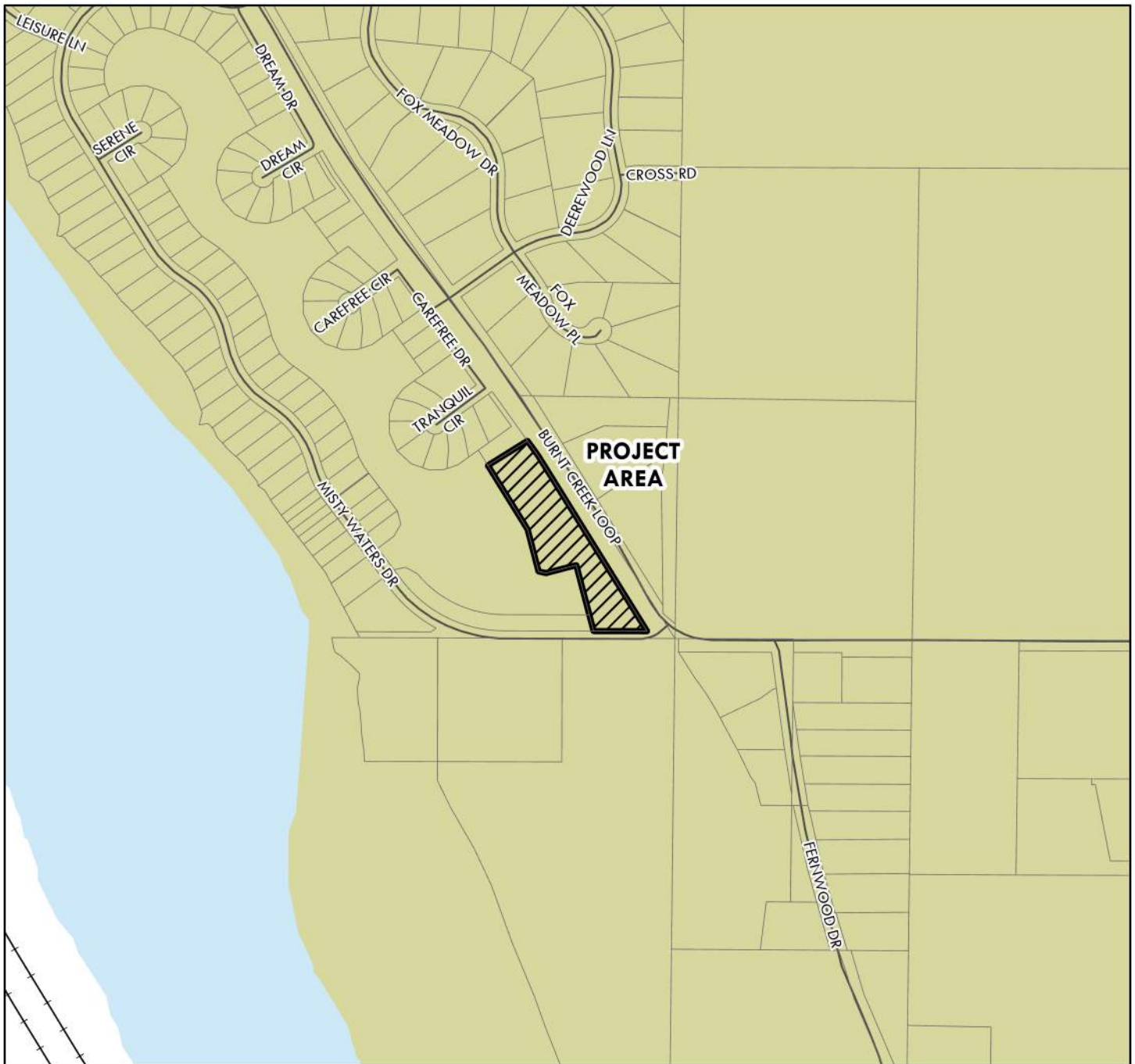
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|----------------------------------|-------------------------------|
| 2. Aerial Map | 4. Proposed Zoning Change Map |
| 3. Zoning and Plan Reference Map | |
-

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



Location Map
MISTY WATERS, L2, B1

PUDA2022-001

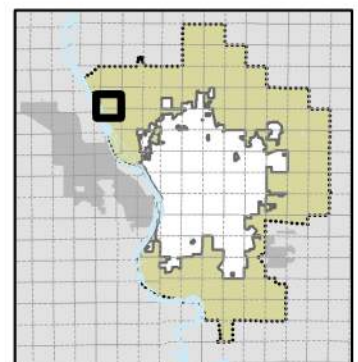


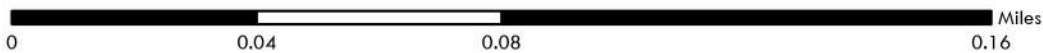
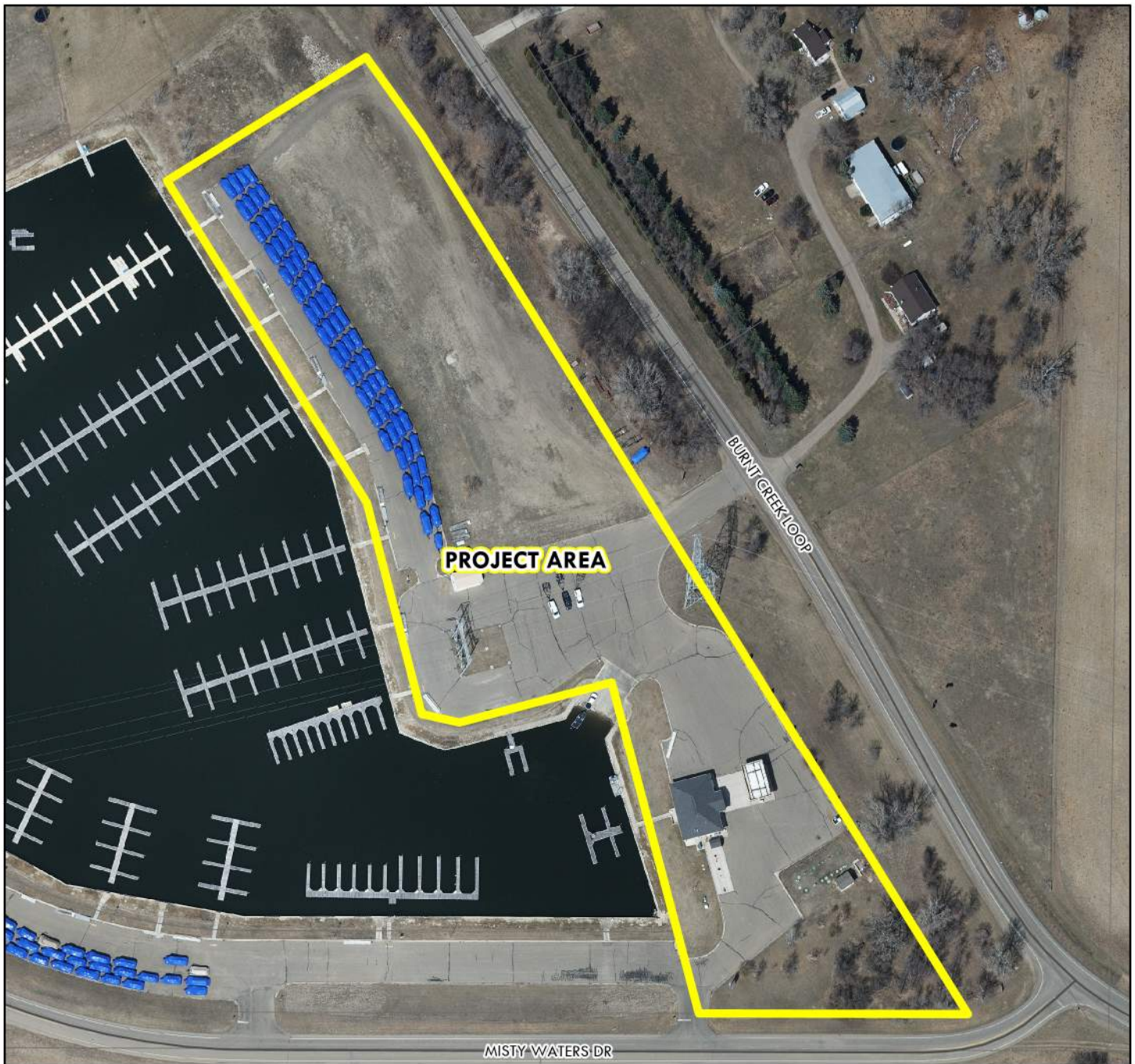
 Bismarck ETA Jurisdiction

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

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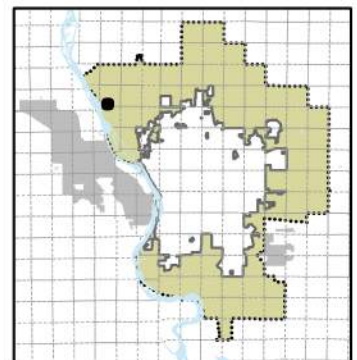


 Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
July 1, 2022

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Zoning and Plan Reference Map

MISTY WATERS, L2, B1

PUDA2022-001

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

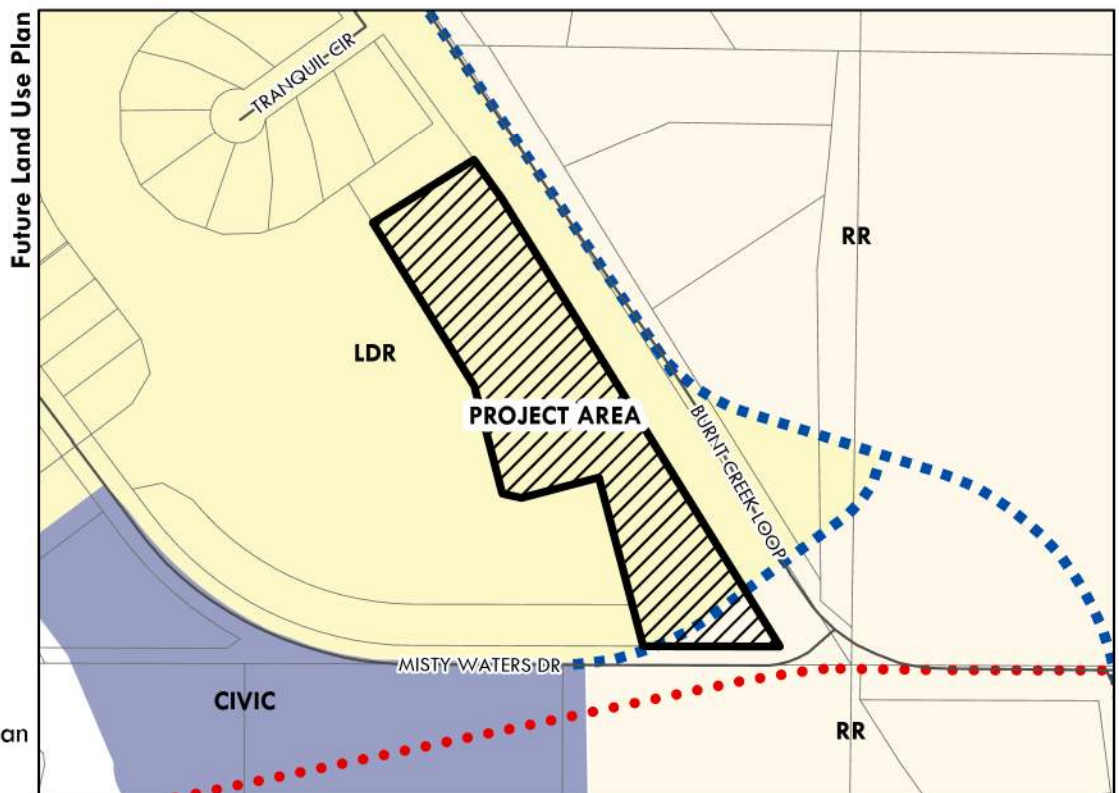
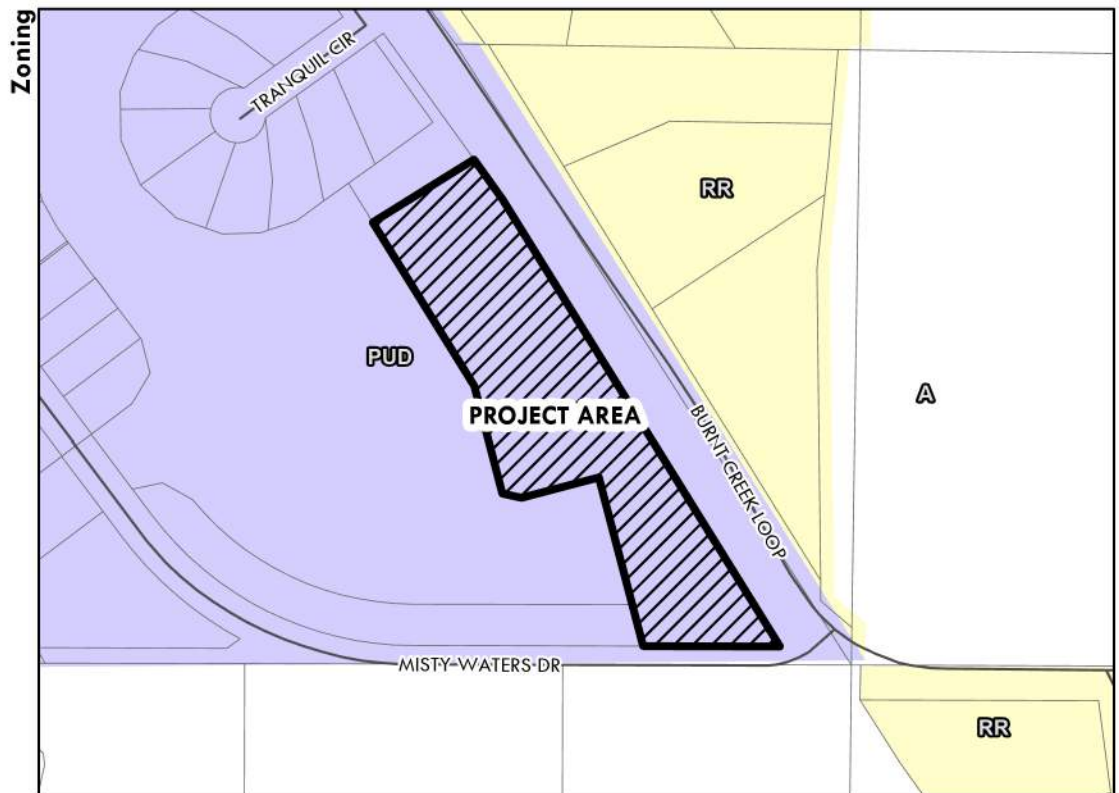
Future Land Use Plan

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 0.05 0.1 0.2 Miles



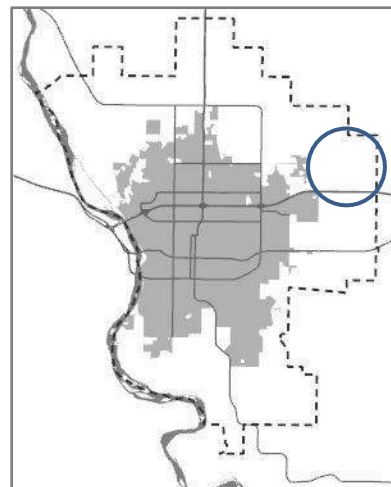
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City of Bismarck
Community Development Dept.
Planning Division
July 1, 2022

Project Summary

<i>Title:</i>	George Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Jess George
<i>Project Contact:</i>	Mark Isaacs, PLS, ILSE, Inc.
<i>Location:</i>	Northeast of Bismarck, north of 43 rd Avenue NE along the east side of 80 th Street NE (NW ¹ / ₄ of the SW ¹ / ₄ of Section 16, T139-R79W/Gibbs Township)
<i>Project Size:</i>	40.17 acres
<i>Request:</i>	Plat property to allow for disposition of property and future reuse



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>	Livestock sales pavilion	<i>Land Use:</i>	Undetermined
<i>Future Land Use:</i>	Low Density Residential Medium Density Residential	<i>Future Land Use:</i>	Low Density Residential Medium Density Residential
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	A – 1 unit / 40 acres

Property History

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

Jess George is requesting approval of a major subdivision final plat for George Subdivision.

The Planning and Zoning Commission considered this request at their meeting of June 22, 2022, and tentatively approved the preliminary plat at that time.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 15th and July 22nd, and six letters were mailed to owners of nearby properties on July 15, 2022.

Adjacent uses include agricultural land to the north, east and west across 80th Street NE and the Burleigh County Highway shop facility to the south.

The property has been used as a livestock sales pavilion and ancillary uses since 2019. With the proposed platting of the property into two lots, the livestock sales pavilion use would cease unless both lots were purchased and recombined for that purpose. A livestock sales pavilion could not operate solely on the north lot, where the building is located, because the stormwater and manure management facilities on the property cross the proposed lot line between Lots 1 and 2. New uses for the property have not been identified, but any use would have to comply with the requirements of the current A – Agricultural zoning district. If there were a desire to construct a rural residence on either of the resulting lots, a zoning change to RR – Residential would be required.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies the area as Low Density Residential (LDR) and Medium Density Residential (MDR). The proposed platting of the property to allow reuse of the property for agricultural purposes would not preclude the future use of the property for urban residential development.

The south half of an east-west collector has been included along the northern edge of the lots in accordance with the Fringe Area Road Master Plan. This roadway (George Drive) would not need to be constructed at this time as it is not needed for access to either lot in the proposed plat; however, it would preserve this half of the right-of-way for when the north half of the right-of-way is dedicated in conjunction with platting of the quarter-section to the north. Because only half of the roadway is being dedicated at this time, staff is recommending that a waiver to delay construction of the roadway be approved in conjunction with approval of the final plat. In addition, as this plat is located in the ETA, Burleigh County would need to grant a similar waiver from their paving policy in conjunction with its acceptance of rights-of-way within the plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer;
3. The Gibbs Township Board of Supervisors has recommended tentative approval of the proposed plat;
4. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
5. 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;
6. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and

(continued)

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

7. 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;
8. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

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

Staff Recommendation

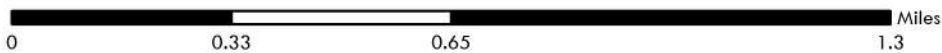
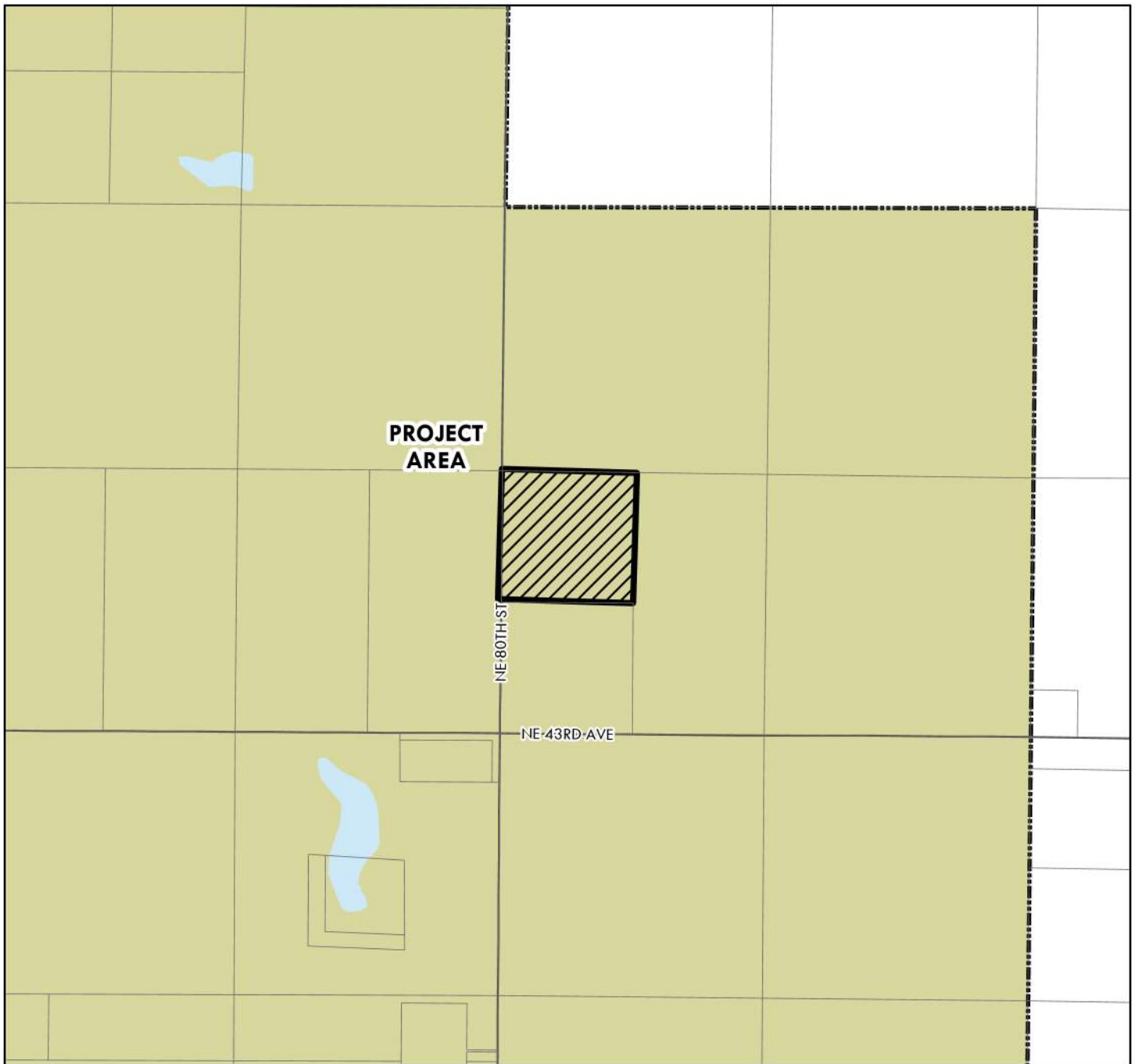
Based on the above findings, staff recommends approval of the final plat for George Subdivision, including the granting of a waiver from the City's subdivision requirements to delay the construction of the George Drive along the northern edge of the plat until such time as the northern half of this roadway is dedicated in conjunction with the platting of the property to the north.

A similar waiver would need to be granted by Burleigh County in conjunction with their acceptance of right-of-way dedicated in this plat on behalf of Gibbs Township.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Final Plat
5. Preliminary Plat
6. Gibbs Township Resolution

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

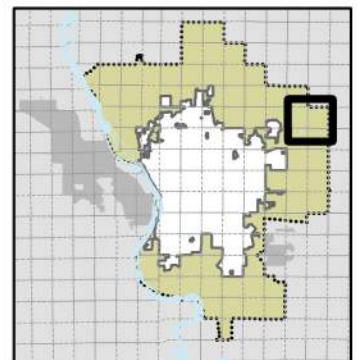


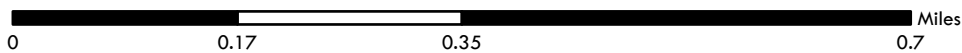
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
May 24, 2022 (HLB)

*Section, township, and
range indicated in orange*

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



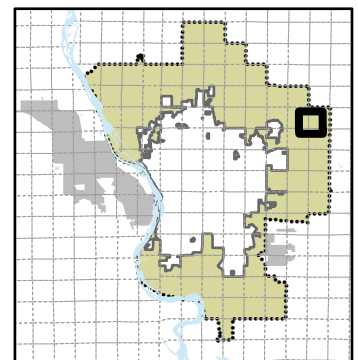


 Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
June 15, 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

GEORGE SUBDIVISION

PPLT2022-007

Zoning Districts

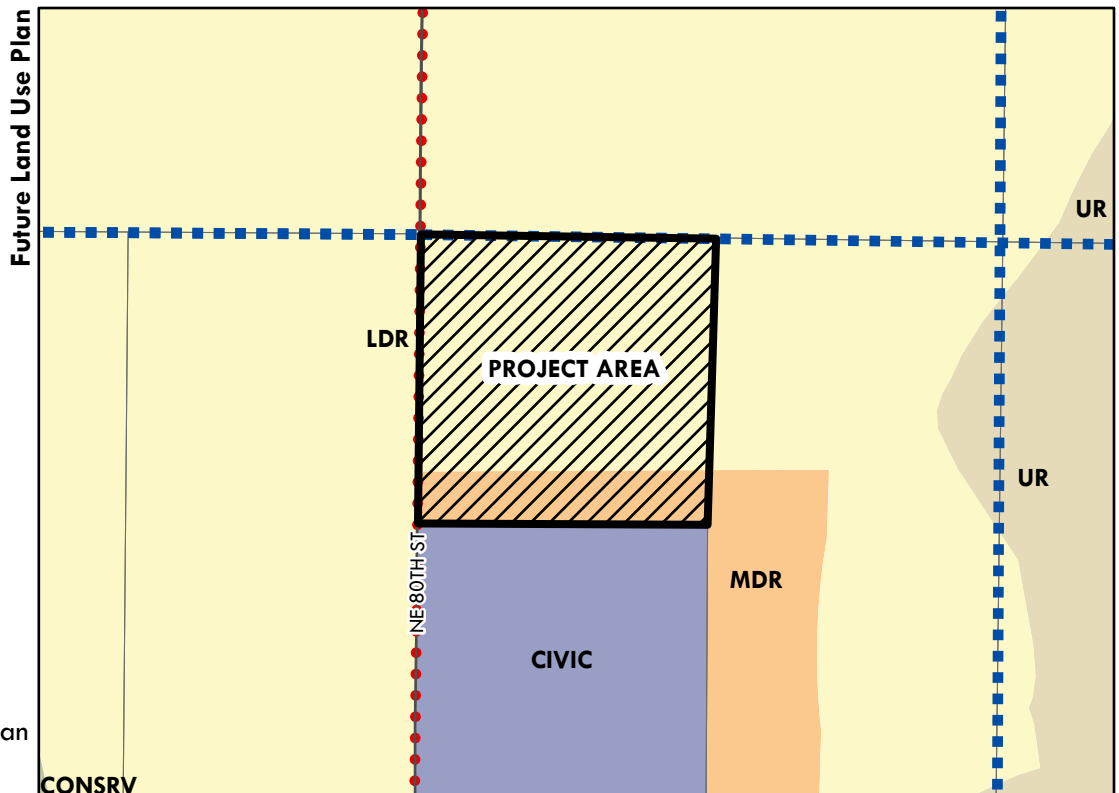
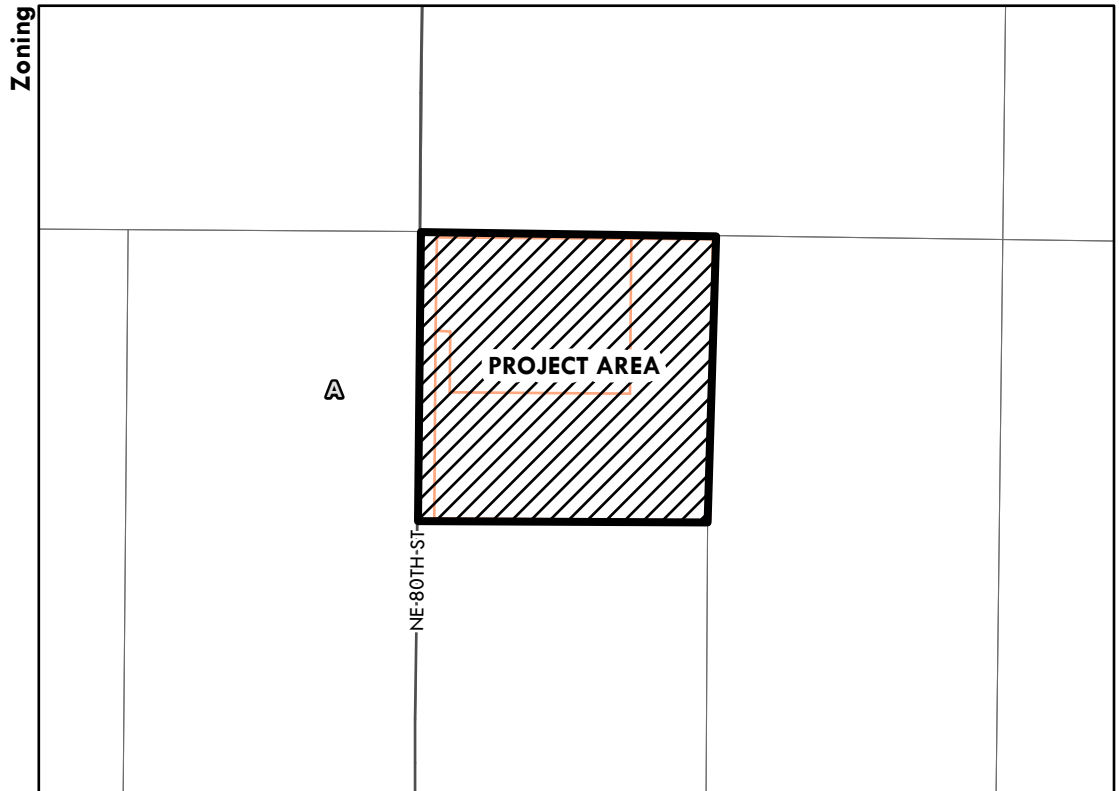
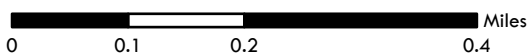
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured
	Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential
	(Offices)
HM	Health and
	Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit
	Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

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

Fringe Area Road Master Plan

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



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



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

GEORGE SUBDIVISION

THE NW 1/4, SW 1/4, OF SECTION 16, T139N, R79W IN BURLEIGH COUNTY, NORTH DAKOTA

LAND DESCRIPTION

A TRACT OF LAND BEING THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, CONTAINING 40.17 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

APPROVAL OF PLANNING AND ZONING COMMISSION

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

MICHAEL J. SCHWARTZ - CHAIRMAN

ATTEST:
BEN EHRETH, SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

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

ATTEST:

KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BURLEIGH, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS APPROVED ON THE _____ DAY OF _____, 20__.

JIM PELLISO - CHAIRMAN

ATTEST: LEO VETTER,
COUNTY AUDITOR/TREASURER

APPROVAL OF THE COUNTY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "GEORGE SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THIS PLAT.

GABRIEL J. SCHELL, CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GEORGE LAND, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "GEORGE SUBDIVISION, BISMARCK, NORTH DAKOTA, DEDICATE ALL RIGHTS OF WAY TO BURLEIGH COUNTY, NORTH DAKOTA SHOWN ON HIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

THEY ALSO DEDICATE UTILITY EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY EASEMENTS.

THE ALSO DEDICATE ACCESS EASEMENTS AND STORM WATER EASEMENTS TO ALL LAND OWNING PARTIES, TO RUN WITH THE LAND FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING THE ACCESS & STORM WATER FACILITIES UNDER OR UPON THE REAL PROPERTY OF THOSE CERTAIN STRIPS OF LAND SO DESIGNATED.

JESS GEORGE - OWNER
GEORGE LAND, LLC

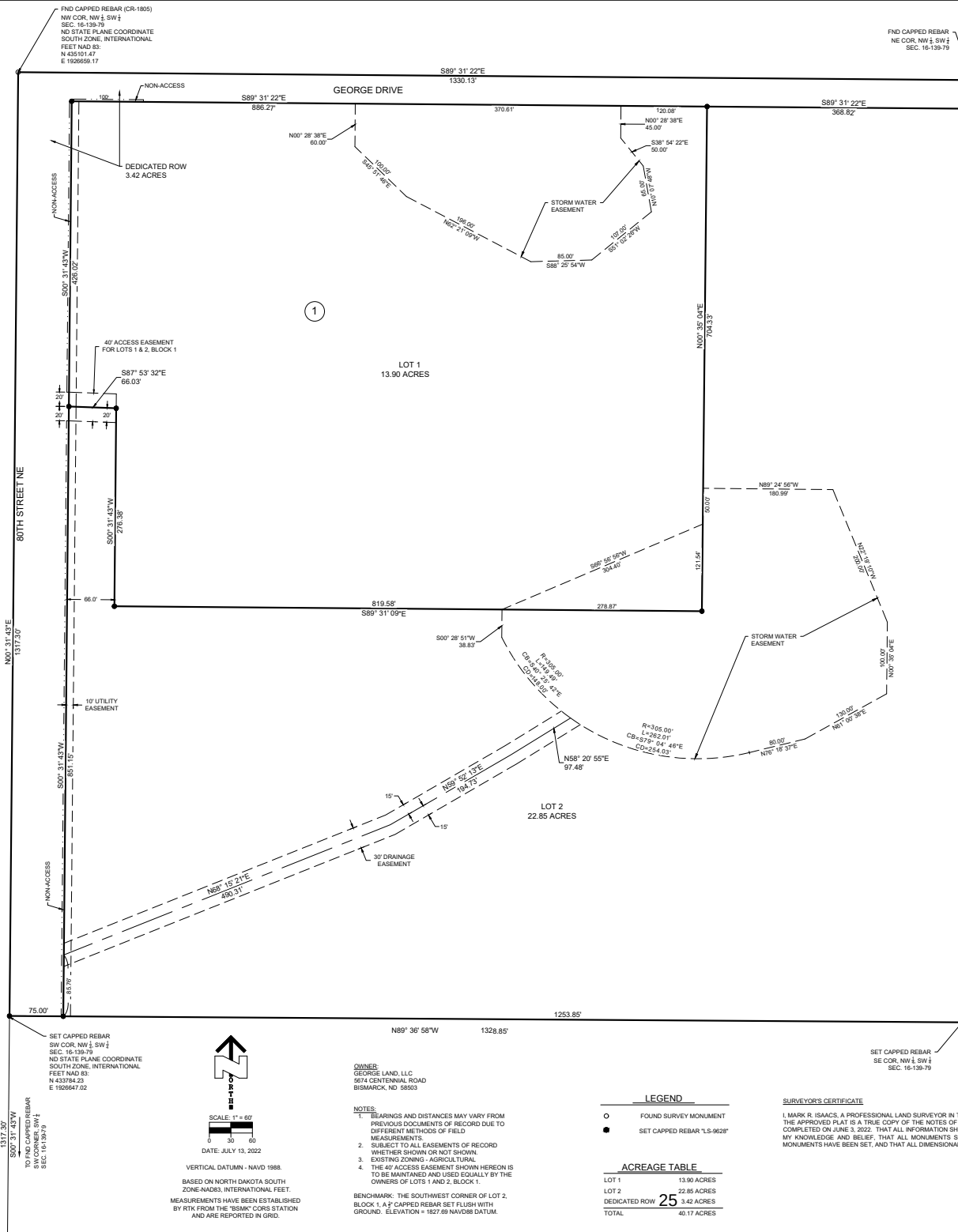
STATE OF _____ }
COUNTY OF _____ } SS

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC _____

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

GEORGE SUBDIVISION PART OF SOUTHWEST QUARTER SECTION 16, T-139-N, R-79-W BURLEIGH, NORTH DAKOTA		Independent Land Surveying & Engineering
SHEET 1 OF 1 JOB NUMBER 2024		
SCALE: 1" = 60'	DWG REVISION DATES	4215 Old Red Trail NW Minnetonka, ND 58054 Phone: 701-865-6144 Cell: 701-365-2019 mrisaacs@surveynvnd.com
DRAWN BY: MRS	7/19/22 -	
DWG DATE: 6/25/22	-	
DWG NAME: 2024 Plat Platting	-	



OWNED:
GEORGE LAND, LLC
3674 CENTENNIAL ROAD
BISMARCK, ND 58503

NOTES:

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
- SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
- EXISTING ZONING - AGRICULTURAL.
- THE 40' ACCESS EASEMENT SHOWN HEREON IS TO BE MAINTAINED AND USED EQUALLY BY THE OWNERS OF LOTS 1 AND 2, BLOCK 1.

BENCHMARK: THE SOUTHWEST CORNER OF LOT 2, BLOCK 1, A 7" CAPPED REBAR SET FLUSH WITH GROUND. ELEVATION = 1827.89 NAVD83 DATUM.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"

ACREAGE TABLE

LOT 1	13.90 ACRES
LOT 2	22.85 ACRES
DEDICATED ROW	25 3.42 ACRES
TOTAL	40.17 ACRES

SURVEYOR'S CERTIFICATE

I, MARK R. ISAACS, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE APPROVED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON JUNE 3, 2022, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MARK R. ISAACS, LS-9628

FND CAPPED REBAR (CR-1805)
NW COR. NW 1/4 SW 1/4
SEC. 16-139-79
ND STATE PLANE COORDINATE
SOUTH ZONE, INTERNATIONAL
FEET NAD 83:
N 4350101.47
E 1926659.17

FND CAPPED REBAR
NE COR. NW 1/4 SW 1/4
SEC. 16-139-79



SCALE: 1" = 60'

DATE: JULY 13, 2022

VERTICAL DATUM: NAVD 1988
BASED ON NORTH DAKOTA SOUTH
ZONE-NAD83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BISMARCK" CORRS STATION
AND ARE REPORTED IN GRID.

PRELIMINARY PLAT GEORGE SUBDIVISION CITY OF BISMARCK, NORTH DAKOTA THE NW 1/4, SW 1/4, OF SECTION 16, T139N, R79W IN BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1" = 60'
0 30 60
DATE: JUNE 7, 2022

VERTICAL DATUM - NAVD 1988.
BASED ON NORTH DAKOTA SOUTH
ZONE-14N83, INTERNATIONAL FEET.
MEASUREMENTS HAVE BEEN ESTABLISHED
BY RTK FROM THE "BISMARCK" CORN STATION
AND ARE REPORTED IN GRID.

LAND DESCRIPTION

A TRACT OF LAND BEING THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, CONTAINING 40.17 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS.

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- ▨ EXISTING CONCRETE
- ▨ EXISTING ASPHALT
- ▨ EXISTING FENCE
- ▨ EXISTING BUILDING
- ▨ EXISTING AUTOMATIC WATERER
- ▨ EXISTING WATER METER
- ▨ EXISTING ELECTRIC BOX
- ▨ EXISTING TRANSFORMER
- ▨ EXISTING CURB STOP
- ▨ EXISTING STORM SEWER

ACREAGE TABLE

LOT 1	13.90 ACRES
LOT 2	22.85 ACRES
DEDICATED ROW	3.42 ACRES
TOTAL	40.17 ACRES

OWNER:
GEORGE LAND, LLC
9674 CENTENNIAL ROAD
BISMARCK, ND 58503

NOTES

- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
- SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
- EXISTING ZONING - AGRICULTURAL.
- THE 40' SHARED ACCESS SHOWN HEREON IS TO BE MAINTAINED AND USED EQUALLY BY THE OWNERS OF LOTS 1 AND 2, BLOCK 1.

LOCATION MAP



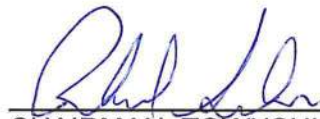
PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

GEORGE SUBDIVISION PART OF SOUTHWEST QUARTER SECTION 16, T-139-N, R-79-W BURLEIGH, NORTH DAKOTA		Independent Land Surveying & Engineering
SHEET 1 OF 1	PLAT NUMBER 20224	
SCALE: 1" = 60'	DWG REVISION DATES	
DRAWN BY: MRS	6/7/22	
DWG DATE: 5/18/22		
DWG: 114622024 Surveying		
		4215 Old Red Trail NW Mandan, ND 58554 Phone: 701-785-2114 Cell: 701-395-2019 mrs@surveynd.com

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE MAJOR
SUBDIVISION PRELIMINARY PLAT FOR GEORGE SUBDIVISION, AND HEREBY
RECOMMEND TO THE BISMARCK PLANNING AND ZONING COMMISSION THAT SAID
MAJOR SUBDIVISION PRELIMINARY PLAT BE ~~(TENTATIVELY APPROVED)~~(DENIED).
(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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



CHAIRMAN, TOWNSHIP BOARD

6-24-2022

DATE

STAFF REPORT

Agenda Item # 5

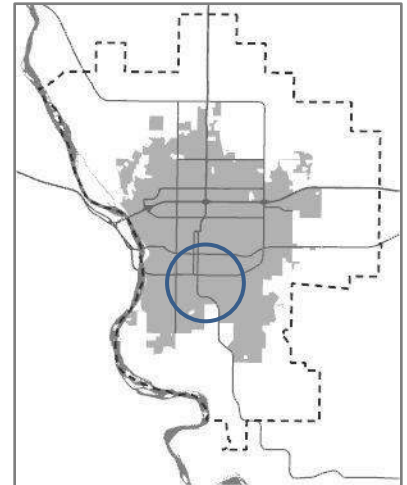
July 27, 2022

Application for: **Minor Plat
Special Use Permit**

Project ID: **MPLT2022-001
SUP2022-005**

Project Summary

<i>Title:</i>	Jacks First Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	KC Land Holdings, LLC
<i>Project Contact:</i>	Harvey Schneider, Toman Engineering Co. Blake Carlson, Christianson Companies
<i>Location:</i>	South-central Bismarck, between South 9th Street and South 11th Street, along the south side of East Bismarck Expressway (a replat of Lot 2, less the West 38.07 feet and all of Lots 3-6, Block 12, Wachter's Addition, and all of Lots 1 and 2, Block 1, Wachter's 17th Addition)
<i>Project Size:</i>	3.06 acres
<i>Request:</i>	Replat property for redevelopment including construction of an auto laundry/car wash



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	4 parcels	<i>Number of Lots:</i>	3 lots in 1 block
<i>Land Use:</i>	Partially developed	<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>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	04/1969 (Wachter's Addition) 06/1979 (Wachter's 17 th Addition)	<i>Annexed:</i>	Pre-1980
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Staff Analysis

KC Land Holdings, LLC is requesting approval of a minor subdivision final plat titled Jacks First Addition and a special use permit to allow an auto laundry / car wash on Lot 1, Block 1 of the proposed plat.

The public has been duly notified of these requests. A notice was published in the Bismarck Tribune on July 15th and July 22nd, and 14 letters were mailed to the owners of nearby properties on July 15, 2022.

Adjacent uses include commercial uses to the north across East Bismarck Expressway and to the west, multi-family and commercial uses to the east across South 11th Street, and single-family residential uses to the south.

The applicant has proposed to relocate the existing access point along the south side of East Bismarck Expressway east approximately 80 feet. This access point would be a right-in / right-out shared access between Lots 1 and 2. Lot 1 is proposed to be developed as an auto laundry / carwash. Offsite improvements, specifically the construction of a median, adjacent to the site will be required and are proposed to be constructed in 2023.

A development agreement specifying the installation and payment for offsite improvements within East Bismarck Expressway has been agreed to in concept by City Engineering and the developer. The development agreement would need to be signed by the applicant prior to the

minor plat being forwarded to the City Commission for final action.

There is also an existing storm sewer within the proposed plat that drains from the northwest corner of Lot 1 across the property to the west. Therefore, an off-site easement must be secured and recorded in conjunction with the proposed plat.

The property is located within the MA – Industrial zoning district. An auto laundry / carwash may be permitted in this zoning district provided the following criteria are met:

1. *"The lot area, lot width, front yard, side yards, rear yards, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located except that the minimum front yard setback shall be twenty-five (25) feet."*

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met.

2. *"Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. In addition, vehicle stacking spaces*

(continued)

shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided."

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met.

3. *"Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local streets."*

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met.

4. *"An auto laundry-car wash may front on only one arterial or collector street and may also be adjacent to a local street."*

The proposed facility would front along East Bismarck Expressway, which is an arterial roadway.

5. *"All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. All curb cuts, widths, and other specifications shall comply with the standards established by the city engineer."*

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met

6. *"No fence, wall, terrace, structure, shrubbery or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the front ten (10) feet of any lot except a sign pole as permitted in Chapter 14-03.1 of the City Code of Ordinances."*

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met.

7. *"No automobile shall be parked in the first fifteen feet of a required setback area."*

According to the site plan submitted with the application and the site plan submitted for administrative review, this requirement would be met.

Required Findings of Fact (relating to land use)

Minor Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has waived the requirement for a Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. The site would be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

(continued)

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

Special Use Permit

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

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat for Jacks First Addition with the following conditions:

1. The development agreement for the off-site improvements within East Bismarck Expressway would need to be signed by the applicant prior to the minor plat being forwarded to the City Commission for final action.
2. The off-site easement for storm sewer drainage must be secured and recorded in conjunction with the proposed plat.

Staff further recommends approval a special use permit to allow an auto laundry / car wash on Lot 1, Block 1, Jacks First Addition, with the following condition:

1. Development of the site and operation of the proposed drive-throughs shall generally comply with the site plan submitted with the application.

Attachments

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

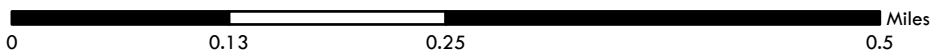
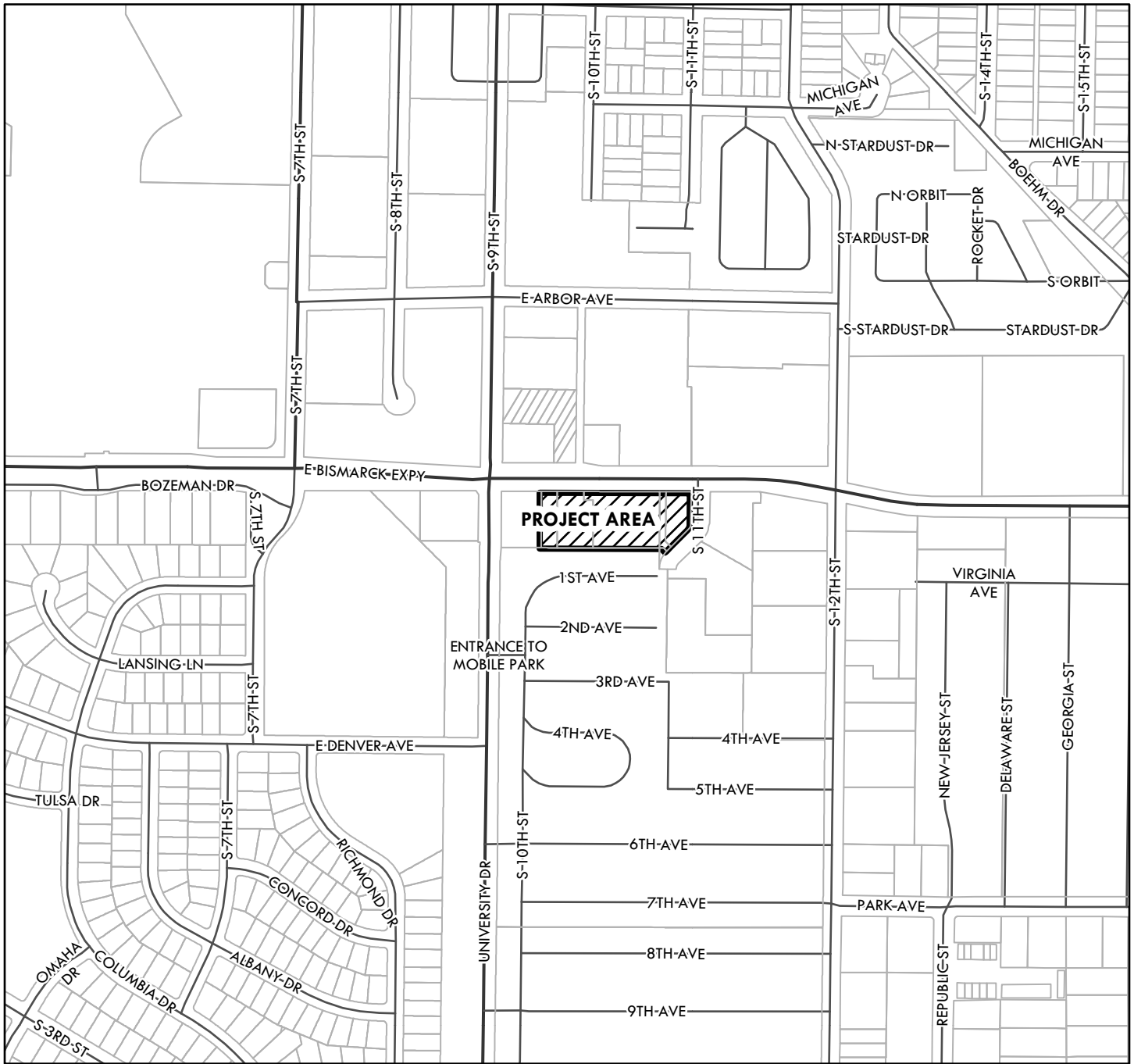
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismarcknd.gov



Location Map

JACK'S FIRST ADDITION

MPLT2022-001

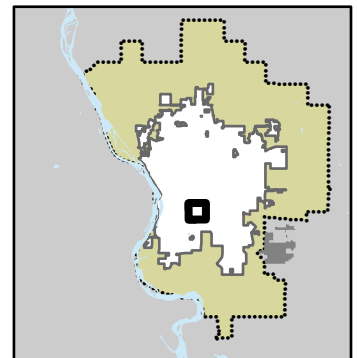


- City Limits
- Bismarck ETA Jurisdiction

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

*Section, township, and
range indicated in orange*

*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.*



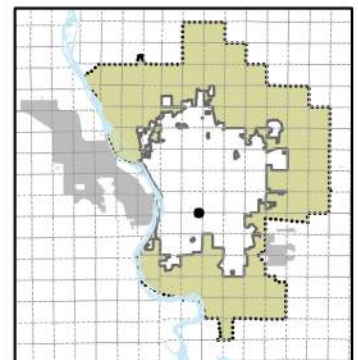


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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



Zoning Districts

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

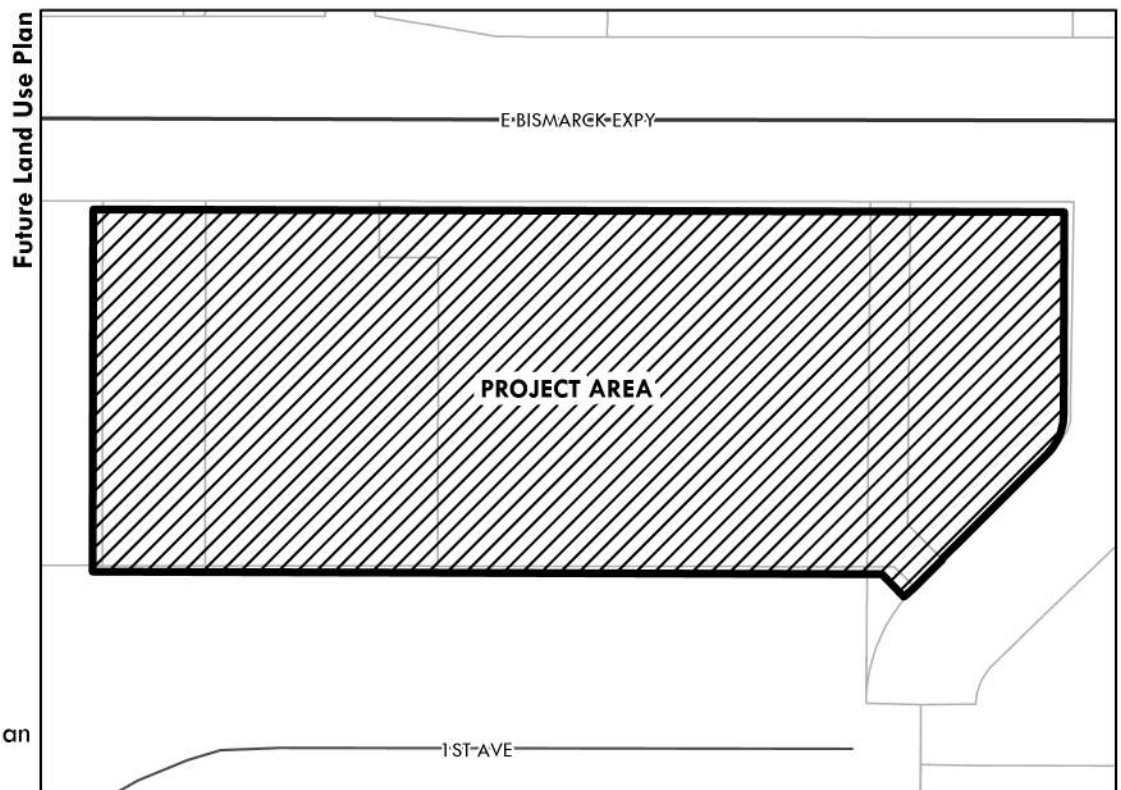
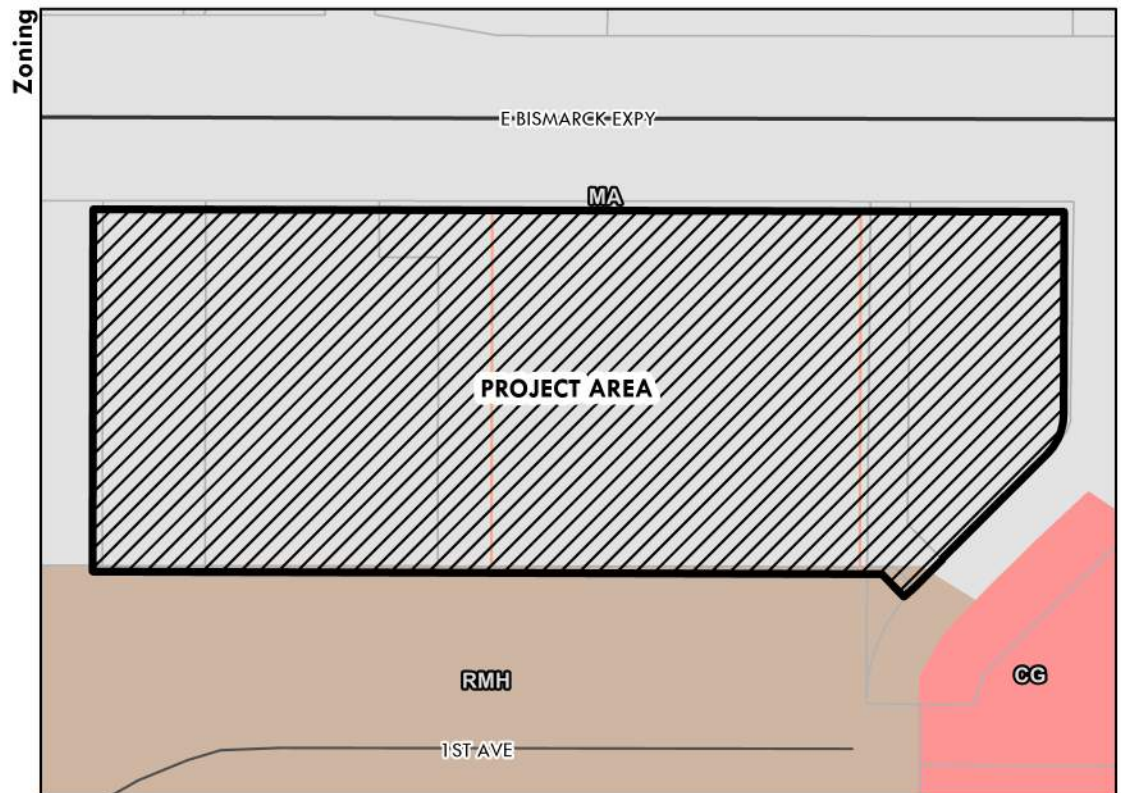
Future Land Use Plan

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

Fringe Area Road Master Plan

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

0 0.01 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
July 20, 2022

JACKS FIRST ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
A TRACT OF LAND BEING LOT 2 LESS THE WEST 38.07 FEET AND ALL OF LOTS 3-6, BLOCK 12,
WACHTER'S ADDITION, ALL OF LOTS 1 & 2, BLOCK 1, WACHTER'S 17TH ADDITION, AND THE
WEST 1/2 OF 11TH STREET SOUTH, ALL IN THE NE 1/4 OF SECTION 9, T138N-R80W

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING LOT 2 LESS THE WEST 38.07 FEET AND ALL OF LOTS 3-6, BLOCK 12, WACHTER'S ADDITION, ALL OF LOTS 1 & 2, BLOCK 1, WACHTER'S 17TH ADDITION, AND THE WEST 1/2 OF 11TH STREET SOUTH, ALL IN THE NE 1/4 OF SECTION 9, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST 38.07 FEET OF LOT 2, BLOCK 12, WACHTER'S ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, SAID POINT ALSO BEING ON THE SOUTH BOUNDARY LINE OF BISMARCK EXPRESSWAY, THENCE SOUTH 89°51'08" EAST ALONG SAID SOUTH BOUNDARY LINE FOR 617.25 FEET TO A POINT ON THE CENTERLINE OF 11TH STREET SOUTH, THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES: THENCE SOUTH 0°00'00" WEST FOR 121.71 FEET TO THE P.C. (POINT OF CURVATURE) OF A CURVE TO THE RIGHT HAVING A RADIUS OF 67.00 FEET, THENCE ALONG SAID CURVE TO THE RIGHT (CHORD BEARING OF SOUTH 22°30'00" WEST, 51.28 FEET) AN ARC LENGTH OF 52.62 FEET TO THE P.T. (POINT OF TANGENCY) OF SAID CURVE TO THE RIGHT, THENCE SOUTH 45°00'00" WEST FOR 121.76 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF LOT 2, BLOCK 1, WACHTER'S 17TH ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AND EXTENDED SOUTHEAST, THENCE NORTH 44°16'51" WEST ALONG SAID SOUTH BOUNDARY LINE OF SAID LOT 2, THENCE NORTH 80°46'49" WEST ALONG SAID SOUTH BOUNDARY LINE AND CONTINUING ALONG THE SOUTH BOUNDARY LINE OF BLOCK 12 OF SAID WACHTER'S ADDITION FOR 475.01 FEET TO THE SOUTHEAST CORNER OF THE WEST 38.07 FEET OF LOT 2, BLOCK 12 OF SAID WACHTER'S ADDITION, THENCE NORTH 0°00'00" EAST ALONG THE EAST BOUNDARY LINE OF SAID WEST 38.07 FEET OF SAID LOT 2 FOR 217.77 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 3.06 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDREA L. MARQUARDT, HEREBY CERTIFY I AM A LICENSED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS AND MARKS SET TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THIS SURVEY TO BE RETRACTED.

ANDREA L. MARQUARDT, RLS 4623

DATE

OWNER'S CERTIFICATE AND DEDICATION

WE OF KC LAND HOLDINGS LLC, BEING ALL THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "JACKS FIRST ADDITION," AND REDEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "UTILITY EASEMENTS" TO RUN WITH THE LAND FOR PUBLIC AND PRIVATE UTILITIES OR SERVICES ON, ACROSS, ABOVE OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE TO THE CITY OF BISMARCK FOR PUBLIC USE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE USE OF ALL LAND-OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR EMERGENCY SERVICES AND ANY OTHER GOVERNMENTAL USE OR USES, PROVIDED THAT MAINTENANCE AND CLEARANCE OF THE EASEMENT IS THE RESPONSIBILITY OF THE LAND-OWNING PARTIES AND THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

WE FURTHER GRANT ANY OTHER EASEMENTS OR SERVITUDES AS SHOWN AND THOSE THAT ARE RECORDED BUT NOT SHOWN.

KEVIN L. CHRISTIANSON
CHIEF MANAGER/PRESIDENT
KC LAND HOLDINGS LLC

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS ____ DAY OF ____ 2022.

NOTARY PUBLIC
COUNTY, _____
MY COMMISSION EXPIRES, _____

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE ____ DAY OF ____ 2022, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIRMAN ATTEST: BEN EIRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE ____ DAY OF ____ 2022.

ATTEST:
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS ____ DAY OF ____ 2022.

GABRIEL J. SCHELL - CITY ENGINEER

WESTERN AREA POWER ADMINISTRATION DEED RESTRICTION NOTES:

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 75 FOOT WIDE EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINE.

THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENTS, UNLESS REVIEWED AND APPROVED BY WAPA (IN WRITING).

1. OWNER SHALL NOT ERECT ANY STRUCTURES, STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS OR SIMILAR FACILITIES.
2. OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
3. OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENTS AREA, SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES AND RECREATION FACILITIES.
4. OWNER SHALL NOT APPRECIABLY CHANGE THE CHARACTER OF THE EXISTING TOPOGRAPHY, NORMAL GARDENING PRACTICES MAY BE CONDUCTED.
5. OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREAS WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WESTERN AND OBTAINING WESTERN'S WRITTEN APPROVAL.
6. OWNER SHALL NOT PLANT TREES WITHIN THE RIGHT-OF-WAY.

REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58501-1173.

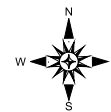
OWNER:
KC LAND HOLDINGS LLC
4609 33RD AVE S, STE 400
FARGO, ND 58104

BASE OF BEARING:
NORTH BOUNDARY LINE
SOUTH 89°51'08" EAST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOTS: 2.85 ACRES
TOTAL STREETS: 0.21 ACRES
TOTAL AREA: 3.06 ACRES

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDREA L. MARQUARDT

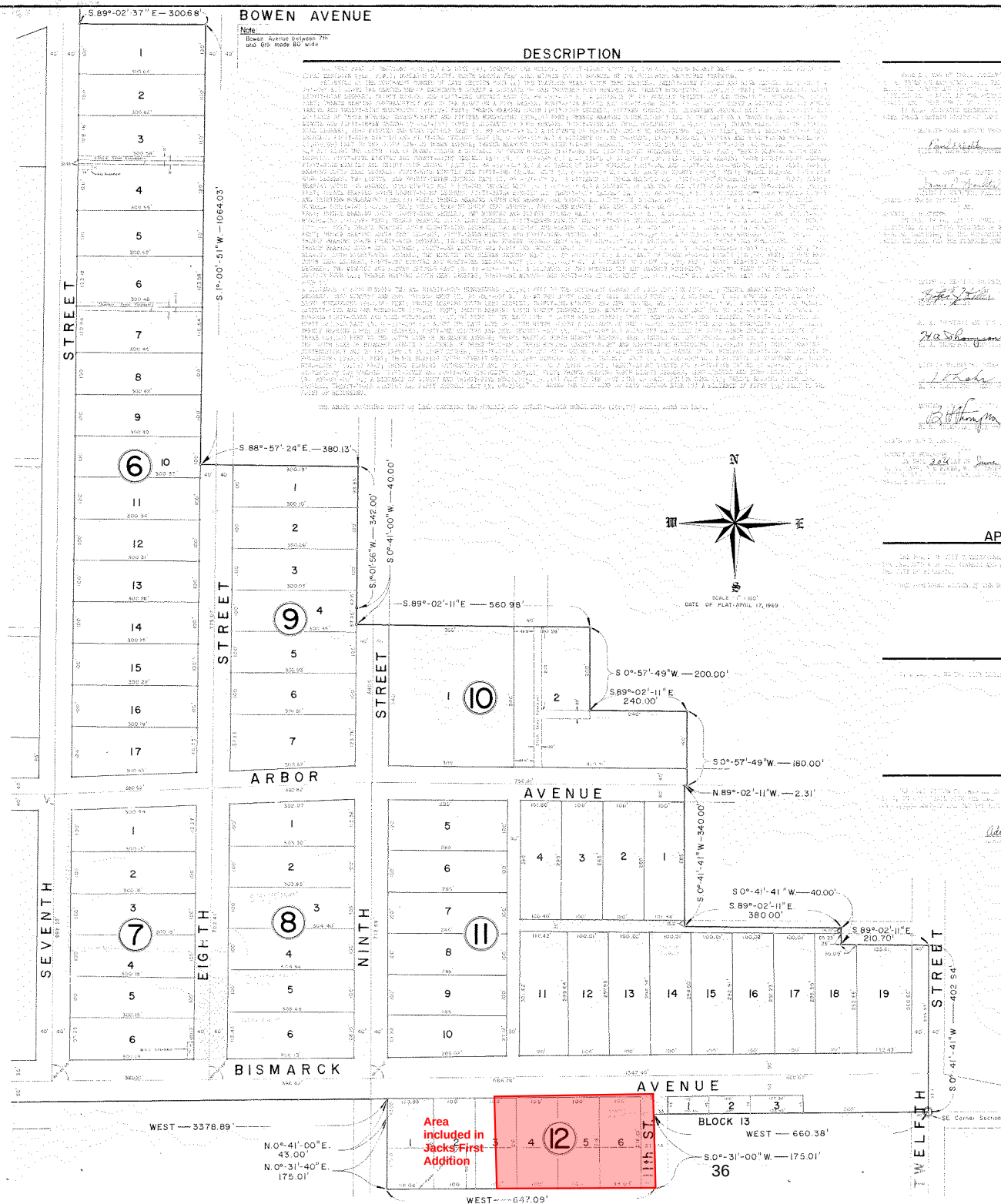
CURVE	BEARING	HORIZ DIST	RADIUS	ARC	DELTA	TANGENT
C1	S22°39'06"W	51.28	67.00	52.62	45°00'03"	27.75'
C2	N52°53'18"E	17.02	11.00	20.27	105°33'27"	14.48'



7-13-2022
0 30' 60'

COORDINATE DATUM:
ND STATE PLANE COORDINATES
NAD83, 40 ADJUSTMENT
INTERNATIONAL FEET
BENCHMARK: HYDRANT #655
LOCATED AT BISMARCK EXPRESSWAY
BETW 11TH STREET AND 9TH STREET
ELEV: 1635.36 (NGVD29)

LEGEND
○ FOUND REBAR MONUMENT
● SET REBAR MONUMENT



DESCRIPTION

1. The first part of the report is a summary of the work done during the period covered by the report. This includes a description of the work done, the results obtained, and the conclusions reached. The summary is followed by a detailed account of the work done, which is divided into two main parts: a description of the work done and a description of the results obtained. The work done is described in terms of the methods used, the materials used, and the results obtained. The results obtained are described in terms of the data obtained, the analysis of the data, and the conclusions reached. The conclusions reached are based on the results obtained and are presented in a clear and concise manner. The report is followed by a list of references, which includes a list of the books, articles, and other sources used in the work. The report is followed by a list of figures, which includes a list of the figures used in the work. The report is followed by a list of tables, which includes a list of the tables used in the work. The report is followed by a list of appendices, which includes a list of the appendices used in the work. The report is followed by a list of references, which includes a list of the books, articles, and other sources used in the work. The report is followed by a list of figures, which includes a list of the figures used in the work. The report is followed by a list of tables, which includes a list of the tables used in the work. The report is followed by a list of appendices, which includes a list of the appendices used in the work.

OWNER'S CERTIFICATE & DEDICATION

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W. A. Thompson
J. A. Thompson, 1900
Harley Swanson

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Bethune Mo

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APPROVAL OF BOARD OF CITY COMMISSIONERS

[illegible]

THE FOLLOWING SUMMARY OF THE RESULTS OF THE INVESTIGATION OF THE CASE OF THE ... 24th of April 1961.

- To -

CITY ENGINEER'S APPROVAL

PLANNING COMMISSION APPROVAL

10-16 April

SURVEYOR'S CERTIFICATE

02-11 E
0.70
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40°
ET

Harley Swenson

DAVEY SWENSON
OWNER
16-10-1962
OWNER
16-10-1962
16-10-1962

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TIRE
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951
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Linné

NOTES

1. The first part of the document is a title page. It contains the title "THE HISTORY OF THE UNITED STATES OF AMERICA" and the author "BY JAMES M. SMITH".

WACHTER'S SEVENTEENTH ADDITION

BISMARCK, NORTH DAKOTA

THE NORTH 396 FEET OF THE W 1/2 NE 1/4 NE 1/4 SEC. 9, T.38N., R. 80 W. - ALL OF VACATED 11TH STREET SOUTH OF BISMARCK AVENUE AND ADJACENT TO BLOCKS 12 AND 13 OF WACHTER'S ADDITION TO THE CITY OF BISMARCK - ALL OF BLOCK 13 WACHTER'S ADDITION - THE NORTH 221 FEET OF THE EAST 33 FEET OF BLOCK 1 LIECHTY'S ADDITION.

SURVEYOR'S CERTIFICATE

I, HARLEY SWENSON, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 25, 1978, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SWENSON, HAGEN & CO.
P.O. BOX 1135
909 BASIN AVENUE
BISMARCK, ND 58501

HARLEY SWENSON
REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR
REG. NO. 951



STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

ON THIS 22nd DAY OF May, 1979, BEFORE ME PERSONALLY APPEARED HARLEY SWENSON, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

EDWARD W. HAGEN, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 7-7-81



APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BISMARCK.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 14th DAY OF April, 1979.

Tom Baker, CITY AUDITOR

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE 15th DAY OF June, 1979, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

W.C. WOCKEN, SECRETARY

DAVID BLACKSTEAD, CHAIRMAN

APPROVAL OF CITY ENGINEER

I, RAYMOND J. JUNDT, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "WACHTER'S SEVENTEENTH ADDITION".

RAYMOND J. JUNDT, CITY ENGINEER

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT WACHTER REAL ESTATE TRUST, INC., A NORTH DAKOTA CORPORATION, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAVE CAUSED THAT PORTION DESCRIBED ABOVE AND SHOWN ON THE ANNEXED PLAT TO BE SURVEYED AND PLATTED AS "WACHTER'S SEVENTEENTH ADDITION" AND DO SO DEDICATE STREETS, INCLUDING ALL SEWERS AND CULVERTS AND OTHER PUBLIC UTILITIES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

IT ALSO DEDICATES EASEMENTS, TO RUN WITH THE LAND, FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES UNDER, ON OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS."

PAUL C. WACHTER, TRUSTEE

WACHTER REAL ESTATE TRUST OWNERS OF THE NORTH 396 FEET OF THE W 1/2 NE 1/4 SEC. 9, T.38N., R. 80W. LOTS 1, 2, AND 9, BLOCK 13, WACHTER'S ADDITION AND VACATED 11TH STREET ADJACENT TO BLOCKS 12 AND 13 WACHTER'S ADDITION

JAMES P. WACHTER, TRUSTEE

LANCE WACHTER, TRUSTEE

ANN WACHTER FRAPPA, TRUSTEE

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

ON THIS 22nd DAY OF May, 1979, BEFORE ME PERSONALLY APPEARED PAUL C. WACHTER, JAMES P. WACHTER, ANN WACHTER FRAPPA AND LANCE WACHTER, TRUSTEES OF THE WACHTER REAL ESTATE TRUST OF BISMARCK, NORTH DAKOTA, AND ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE FOREGOING PLAT TO BE THEIR VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE WRITTEN ABOVE.

SI LIECHTY, PRESIDENT OF LIECHTY MOBILES, INC.

OWNER OF THE SOUTH 221 FEET OF THE WEST 33 FEET OF THE ANNEXED PLAT

EDWARD W. HAGEN, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES August 1, 1982

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

ON THIS 17th DAY OF May, 1979, BEFORE ME PERSONALLY APPEARED SI LIECHTY KNOWN TO ME TO BE THE PERSON WHO ACKNOWLEDGED THE EXECUTION AND SIGNING OF THE FOREGOING PLAT TO BE HIS VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND NOTARY SEAL ON THE DAY AND DATE WRITTEN ABOVE.

MONTANA DAKOTA UTILITIES CO.

HOLDER OF A POWERLINE EASEMENT OVER THE SOUTH 75 FEET OF THE NORTH 187.5 FEET OF THE W 1/2 NE 1/4 NE 1/4

JAMES H. DAVIES, CLERK
HARRY PUBLIC LANDS CO. INC. CLERK
MY COMMISSION EXPIRES SEPT. 10, 1979

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

ON THIS 14th DAY OF May, 1979, BEFORE ME PERSONALLY APPEARED JACK SCHUCHART, KNOWN TO ME TO BE THE PRESIDENT OF MONTANA DAKOTA UTILITIES CO. THAT IS DESCRIBED IN AND THAT EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

STATE DEPARTMENT OF ENERGY

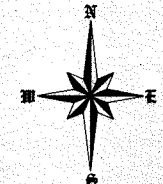
HOLDER OF THE POWERLINE EASEMENT OVER THE SOUTH 75 FEET OF THE NORTH 187.5 FEET OF THE W 1/2 NE 1/4 NE 1/4

EDWARD W. HAGEN, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES 11-7-82

COUNTY OF BURLEIGH

ON THIS 19th DAY OF May, 1979, BEFORE ME PERSONALLY APPEARED JAMES D. DAVIES, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING OWNERS CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

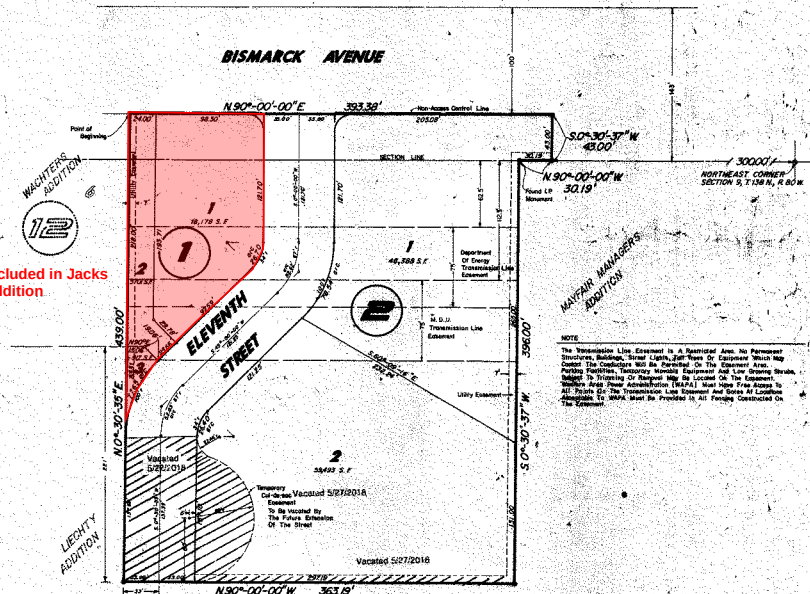
JAMES D. DAVIES



SCALE: 1" = 50'
MEAS. IN FEET

NOTES
1. ALL LOT CORNERS AT STREET INTERSECTIONS ARE MONUMENTED TO A 1/2" PIPER
2. - MONUMENTS FROM PIPER MONUMENT
3. LOTS 1 AND 9 BLOCK 1 HAVE NO BUILDABLE LOTS BY THEMSELVES

Area included in Jacks First Addition



DESCRIPTION

ALL THAT PART OF SECTION NINE (9) AND SECTION FOUR (4), TOWNSHIP ONE HUNDRED THIRTY-EIGHT NORTH (T. 138 N.), RANGE EIGHTY WEST (R. 80 W.) OF THE FIFTH PRINCIPAL MERIDIAN (5th P.M.), BURLEIGH COUNTY, NORTH DAKOTA THAT LIES WITHIN AND IS BOUNDED BY THE FOLLOWING DESCRIBED TRAVELERS: BEGINNING AT THE NORTHEAST CORNER OF LOT SIX (6) BLOCK TWELVE (12) WACHTER'S ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA; THENCE BEARING NINETY DEGREES, ZERO MINUTES AND ZERO SECONDS EAST (N. 90°-00'-00" E.) ALONG THE SOUTH LINE OF BISMARCK AVENUE A DISTANCE OF THREE HUNDRED NINE AND THIRTY-FOUR HUNDREDS (393.36) FEET TO THE NORTHEAST CORNER OF LOT THREE (3); THENCE BEARING SOUTH ZERO DEGREES, THIRTY MINUTES AND THIRTY-SEVEN SECONDS WEST (S. 0°-30'-37" W.) ALONG THE EAST LINE OF SAID LOT THREE (3) A DISTANCE OF FOUR (43.00) FEET TO THE NORTH LINE OF THE MAYFAIR MANAGERS ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA; THENCE BEARING NORTH NINETY DEGREES, THIRTY MINUTES AND ZERO SECONDS WEST (N. 90°-00'-00" W.) ALONG THE NORTH LINE OF SAID MAYFAIR MANAGERS ADDITION A DISTANCE OF THIRTY AND NINETEEN (30.19) FEET TO THE NORTHWEST CORNER OF SAID MAYFAIR MANAGERS ADDITION; THENCE BEARING SOUTH ZERO DEGREES, THIRTY MINUTES AND THIRTY-SEVEN SECONDS WEST (S. 0°-30'-37" W.) ALONG THE WEST LINE OF SAID MAYFAIR MANAGERS ADDITION A DISTANCE OF THREE HUNDRED NINETY-SIX (396.00) FEET; THENCE BEARING SOUTH ZERO DEGREES, THIRTY MINUTES AND ZERO SECONDS WEST (N. 90°-00'-00" W.) A DISTANCE OF THREE HUNDRED SIXTY-THREE AND NINETEEN HUNDREDS (363.19) FEET; THENCE BEARING NORTH ZERO DEGREES, THIRTY MINUTES AND THIRTY-FIVE SECONDS EAST (N. 0°-30'-35" E.) A DISTANCE OF FOUR HUNDRED THIRTY-NINE (439.00) FEET TO THE NORTHEAST CORNER OF SECTION 9, T. 38 N., R. 80 W. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS THREE AND SIXTY-NINE HUNDREDS (3.69) ACRES, MORE OR LESS.

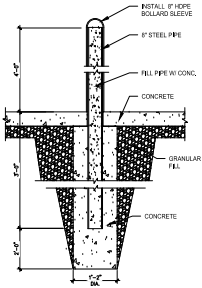
SITE DATA	
ZONED MA LIGHT INDUSTRIAL	32.702 SF (0.75 ACRES)
TOTAL LOT AREA:	
BUILDING COVERAGE:	(16%) 5,241 SF
FRONT SETBACK:	50 FT
REAR SETBACK:	10 FT

DATE:	MARCH 31 2022
PROJECT NO:	21-089
CHECKED BY:	RM
DRAWN BY:	RM
ADDENDUMS:	
REVISIONS:	
1	REVISION #2: 07/10/2022

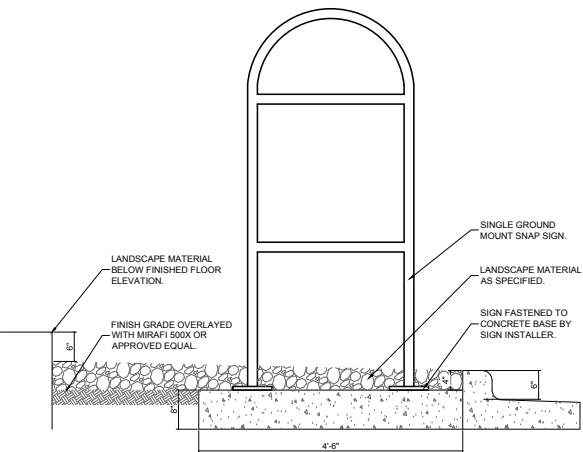
PARKING REQUIREMENTS	
1 SPACE PER EMPLOYEE (4) + 2 PER BAY (1)	6 PARKING SPACES REQUIRED
4 EMPLOYEES & 1 BAY	6 PARKING SPACES + 1 ACCESSIBLE
PARKING SPACES PROVIDED:	
STACKING:	6 STACKING SPACES REQUIRED
6 SPACES PER BAY	11 STACKING SPACES PROPOSED

LEGEND	
PROPERTY LINE	NEW SEWER MAIN
SETBACK	NEW SANITARY CLEARCUT
EX. PROP. CORNER	NEW SANITARY SEWER MANHOLE
EX. LIGHT POLE	NEW WATER MAIN
EX. POWER POLE	NEW TAPPING
EX. TELEPHONE PEDESTAL	NEW TEE W/ VALVE
EX. UTILITY PEDESTAL	NEW TEE
EX. ELEC. TRANSFORMER	NEW 22 1/2" ELBOW
ACCESSIBLE PARKING SIGN	NEW 90° ELBOW
EX. UNDERGROUND TELEPHONE	NEW GATE VALVE
EX. UNDERGROUND TELEVISION	NEW HYDRANT W/ GATE VALVE
EX. UNDERGROUND GAS	NEW STORM SEWER
EX. OVERHEAD ELECTRIC	NEW STORM SEWER MANHOLE
EX. SANITARY SEWER MAIN	NEW CATCH BASIN
EX. WATER MAIN	REMOVE CURB AND GUTTER
EX. STORM SEWER	LIGHT POLE
EX. STORM SEWER MANHOLE	PROPOSED ELEVATIONS
EX. STORM CATCH BASIN	EXISTING ELEVATIONS
NEW INFLOW CURB AND GUTTER	1' EX. CONTOUR INTERVALS
NEW OUT FLOW CURB AND GUTTER	1' EX. CONTOUR INTERVALS
FUTURE CURB AND GUTTER	1' NEW CONTOUR INTERVALS
NEW CONCRETE PAVING EDGE	1' NEW CONTOUR INTERVALS
EX. CONCRETE PAVING EDGE	

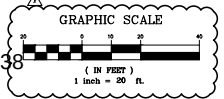
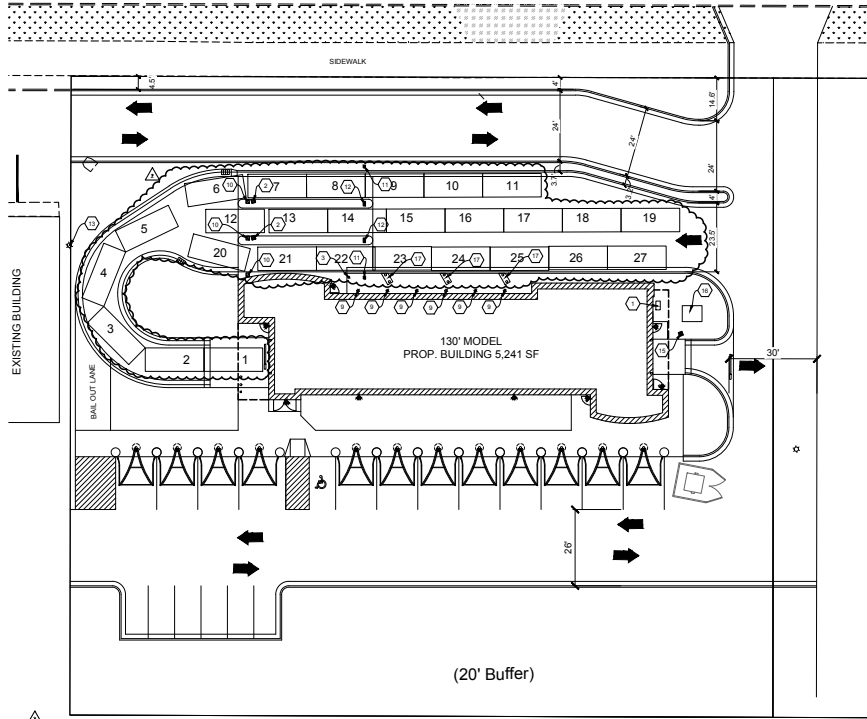
- KEY NOTES**
- AIR CONDITIONING CONDENSING UNIT. 3' X 18" CONCRETE PAD. TOP OF CONCRETE TO MATCH FINISH GRADE.
 - APPROVE / GO LIGHT. ATTACH TO CONCRETE. PROVIDED BY OTHERS.
 - BOLLARD. S.D. D12.
 - CAMERA POLE. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. PROVIDED BY OTHERS.
 - CAMERA POLE. ATTACH TO CONCRETE. PROVIDED BY OTHERS.
 - DIRECTIONAL CLEAN CAR / VACUUM SIGN. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. SIGN BY OTHERS.
 - DIRECTIONAL ENTRANCE SIGN. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. SIGN BY OTHERS.
 - DIRECTIONAL EXIT SIGN. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. SIGN BY OTHERS.
 - FLOODLIGHTS. COORDINATE WITH SITE ELECTRICAL.
 - GATE. ATTACH TO CONCRETE. PROVIDED BY OTHERS.
 - LICENSE PLATE READER. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. PROVIDED BY OTHERS.
 - LICENSE PLATE READER. ATTACH TO CONCRETE. PROVIDED BY OTHERS.
 - LIGHT POLE. COORDINATE WITH SITE ELECTRICAL.
 - PYLON SIGN (20' TALL). 3' X 8" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. SIGN BY OTHERS. (163 SF)
 - RELAX / GO SIGN. 18" X 2" DEEP SONOTUBE. TOP OF CONCRETE TO MATCH FINISH GRADE. SIGN BY OTHERS.
 - TRANSFORMER PAD. COORDINATE SIZE AND EXACT LOCATION WITH THE ELECTRICAL CONTRACTOR.
 - U-SHAPED SNAP SIGN. 2' X 4.5' CONCRETE PAD 6" THICK AT 60° ANGLE FROM BACK OF CURB. S.D. J14. SIGN BY OTHERS. (9 SF)
 - U-SHAPED SNAP SIGN. 2' X 4.5' CONCRETE PAD 6" THICK. S.D. J14. SIGN BY OTHERS. (9 SF)
 - U-SHAPED SNAP SIGN. ATTACH TO CONCRETE. S.D. J14. SIGN BY OTHERS. (9 SF)



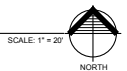
D12 BOLLARD DETAIL
NOT TO SCALE



J14 U-SHAPED SNAP SIGN (E-MARK-101-A) DETAIL
NOT TO SCALE



K6 SITE & SIGNAGE PLAN



TOMMY CAR WASH SYSTEM
BISMARCK, NORTH DAKOTA
P3489



CHRISTIANOAN COMPANIES
PH. (701) 281-9500
FAX (701) 281-9501
4609 33RD AVE. S.
SUITE 400
FARGO, ND 58104



SHEET DESCRIPTION:
SITE & SIGNAGE PLAN

Sheet
A090

STAFF REPORT

Application for: **Zoning Change**

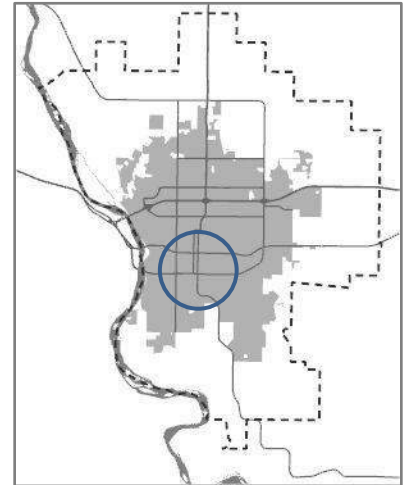
Agenda Item # 6

July 27, 2022

Project ID: **ZC2022-013**

Project Summary

<i>Title:</i>	Part of Blocks 10 and 18 and all of Block 19, Coffin Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Holiday Estates of Bismarck LLC
<i>Project Contact:</i>	Robbie Pratt, Havenpark Communities
<i>Location:</i>	In south-central Bismarck, on both sides of South 9 th Street between East Ingals Avenue and the vacated East Michigan Avenue
<i>Project Size:</i>	7.78 acres, more or less
<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>	2 parcels	<i>Number of Lots:</i>	2 parcels
<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>	RM30 – Residential 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>	RM30 – 30 units / acre CG – 42 units / acre	<i>Max Density:</i>	RMH – 7 units / acre

Property History

<i>Zoned:</i>	Pre-1960	<i>Platted:</i>	12/1882	<i>Annexed:</i>	Pre-1960
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Staff Analysis

Holiday Estates of Bismarck LLC is requesting approval of a zoning change from the RM30 – Residential and CG – Commercial zoning districts to the RMH – Residential zoning district for part of Blocks 10 and 18 and all of Block 19, Coffin Addition.

The Planning and Zoning Commission considered this request at their meeting of June 22, 2022, and called for a public hearing on the request.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 15th and July 22nd, and 42 letters were mailed to owners of nearby properties on July 15, 2022.

Adjacent uses include a manufactured home park and mixed density residential to the north and east, the City's Police Department and Bismarck Public Schools Facilities and Transportation building to the south, and commercial uses to the west.

Holiday Estates of Bismarck was established as a mobile home park in the 1960, although the 1953 version of the zoning ordinance does not include any specific provisions for mobile home parks. It is possible that this use was originally allowed as a trailer coach park under the provisions in place at the time. The 1966 zoning ordinance identifies a mobile home park as a special use within the CG – Commercial zoning district. With a rewrite of the zoning ordinance in 1982, the RMH – Residential zoning district was added as a district in which the principal use of land is for single-family mobile and manufactured home dwellings in manufactured home parks. With the creation of this district, many of the community's manufactured home parks were subsequently rezoned to RMH – Residential; however, this park was not and became a legal non-conforming use within the RM30 – Residential and CG – Commercial zoning districts.

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;

(continued)

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 of the zoning change from the RM30 – Residential and CG – Commercial zoning districts to the RMH – Residential zoning district for Lots 1-18, Block 10 and the S½ of the

vacated Ingals Avenue adjacent to Lot 1, Block 10; Lots 1-24, Block 19; all of the vacated Indiana Avenue adjacent to Blocks 10 and 19; and Lots 1-5 and 13-24, Block 1, and the N½ of the vacated Michigan Avenue adjacent to Block 18, Coffin Addition (Holiday Estates of Bismarck).

Attachments

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

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

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

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

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

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

The following described property shall be excluded from the RM30 – Residential and CG – Commercial zoning districts and included in the RMH – Residential zoning district:

Lots 1-18, Block 10 and the S½ of the vacated Ingals Avenue adjacent to Lot 1, Block 10; Lots 1-24, Block 19; all of the vacated Indiana Avenue adjacent to Blocks 10 and 19; and Lots 1-5 and 13-24, Block 1, and the N½ of the vacated Michigan Avenue adjacent to Block 18, Coffin Addition.

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

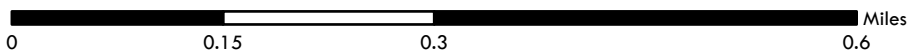
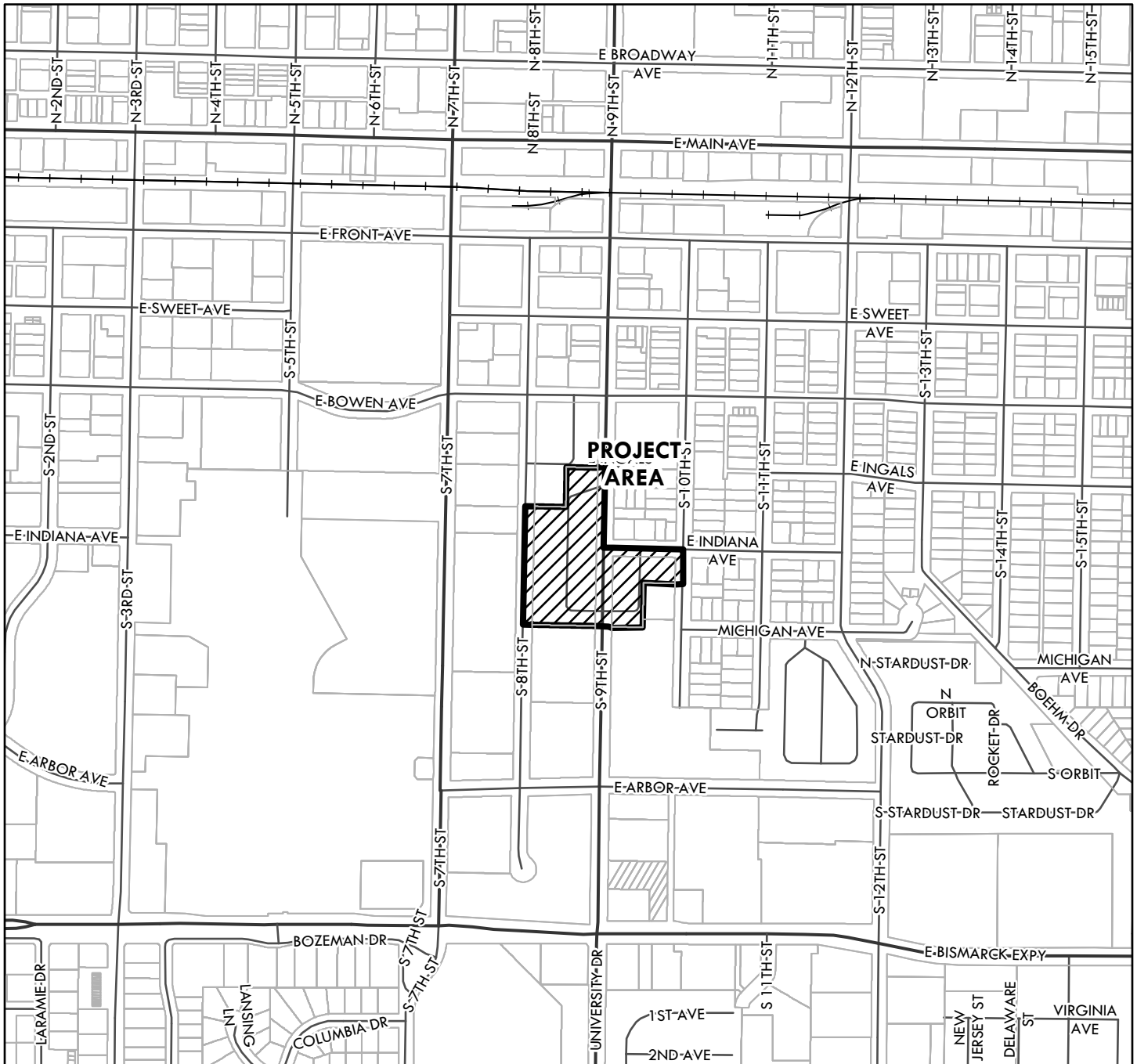
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Location Map

ZC2022-013

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION



City Limits

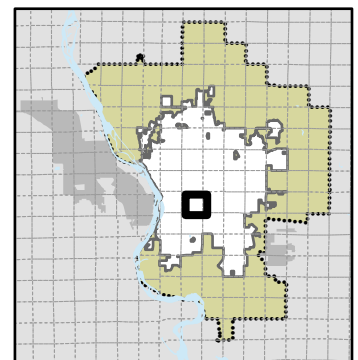


Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
July 22, 2022 (HLB)

*Section, township, and
range indicated in orange*

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

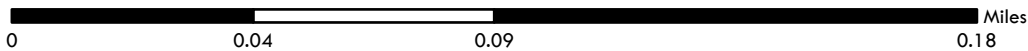
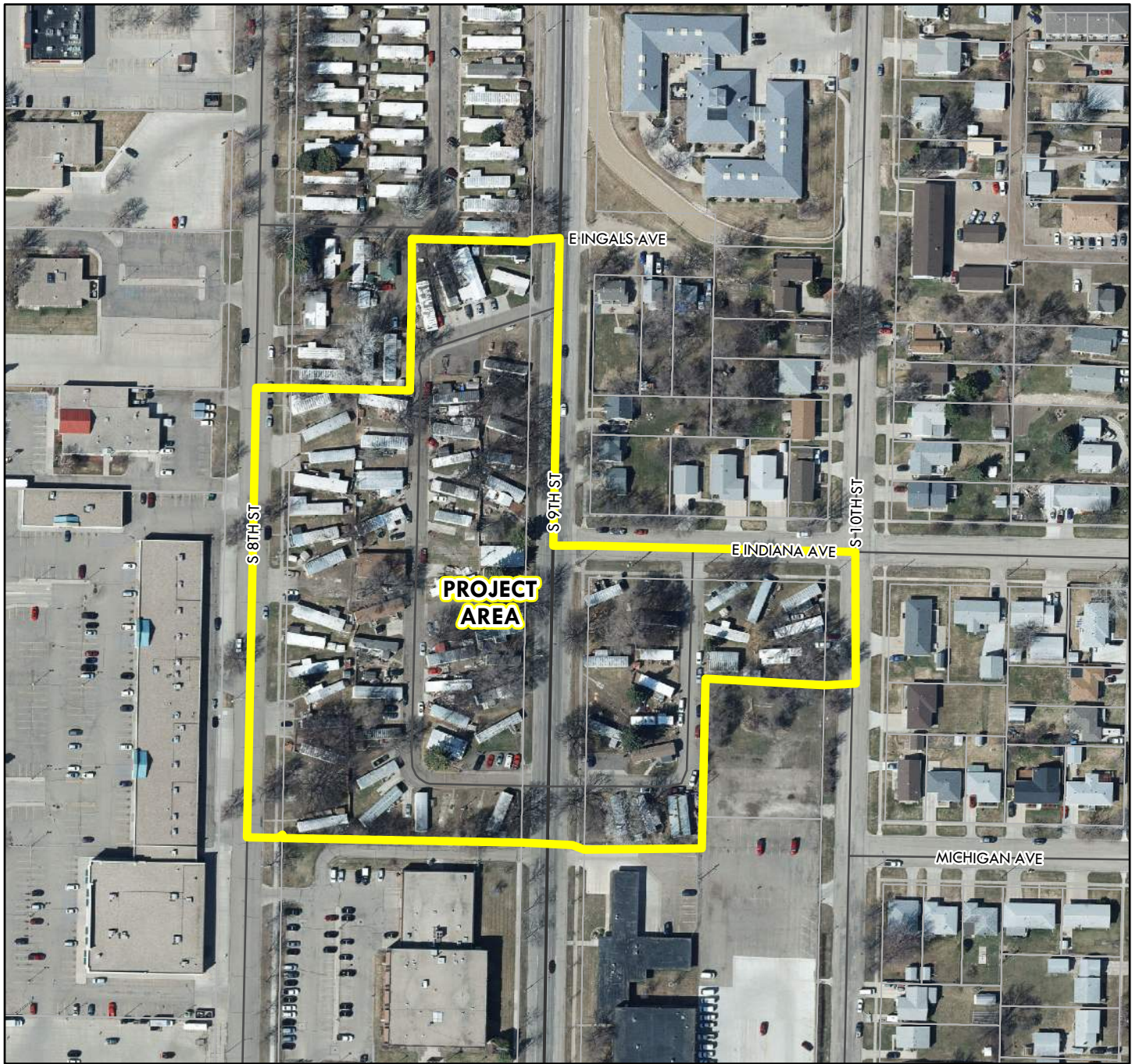




Aerial Map

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013

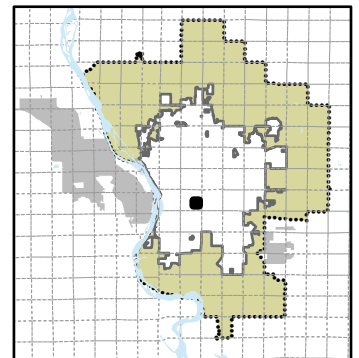


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
June 15, 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

ZC2022-013

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

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

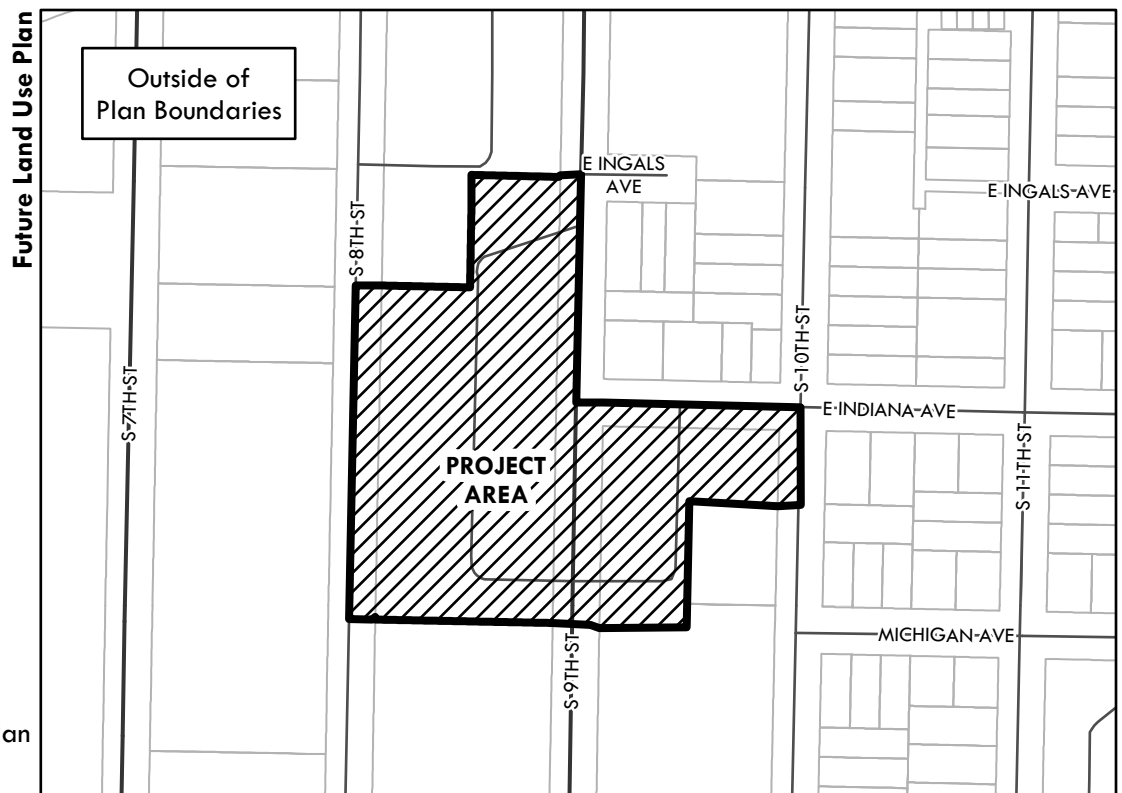
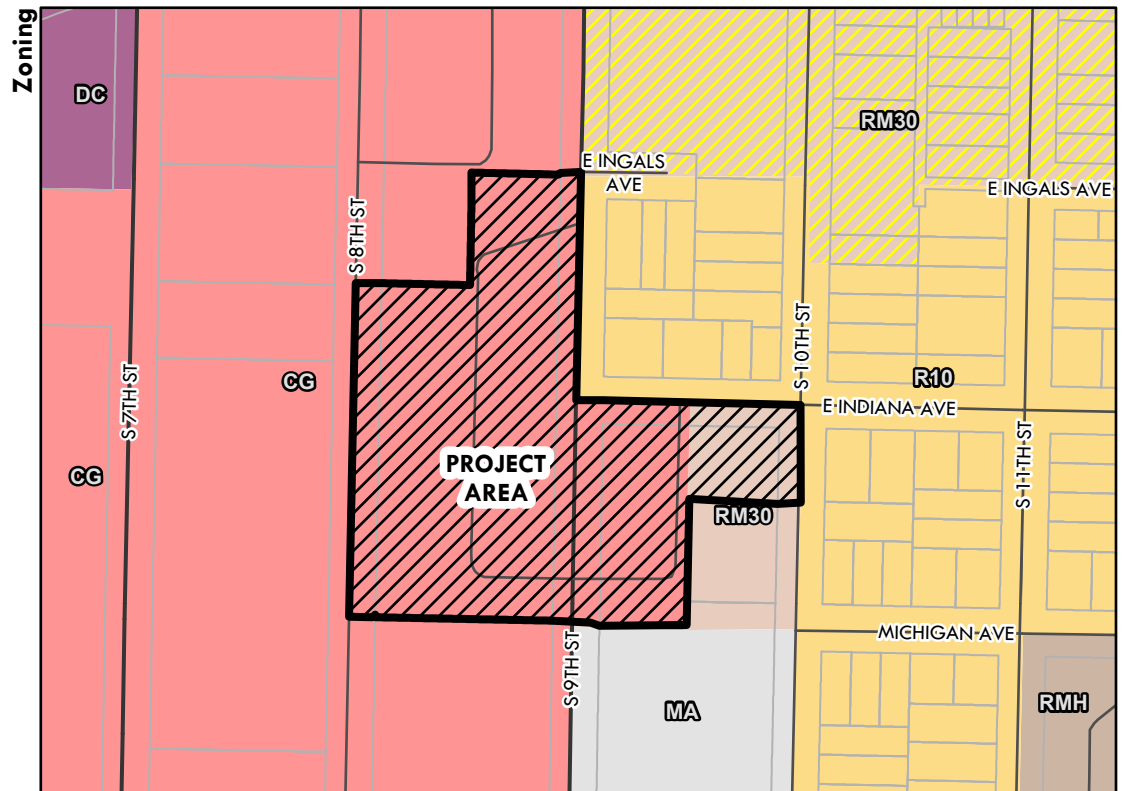
Future Land Use Plan

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 0.08 0.16 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.



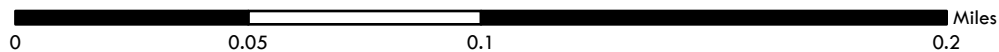
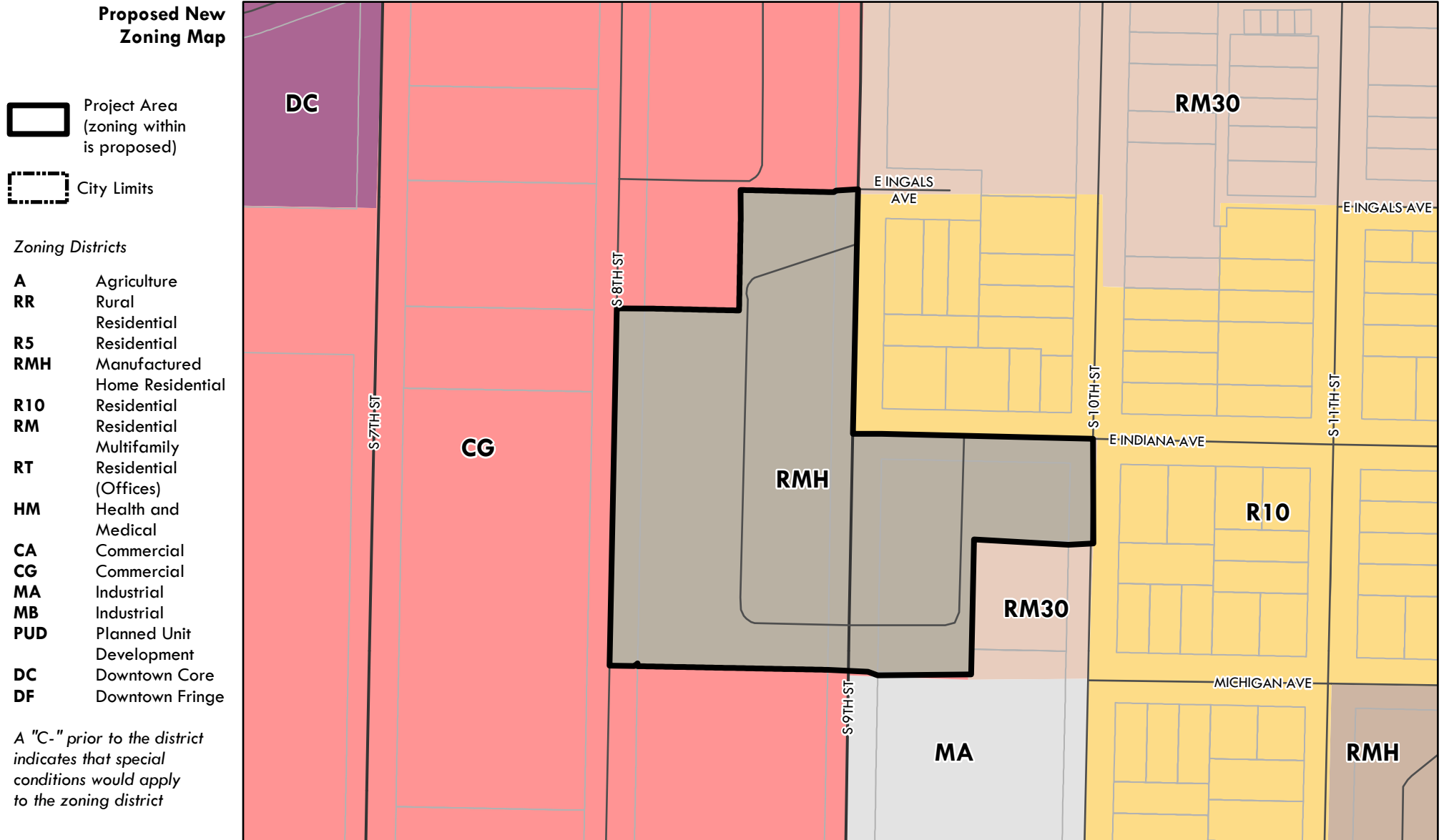
City of Bismarck
Community Development Dept.
Planning Division
June 15, 2022



Proposed Zoning Change

PART OF B10, PT B18 AND ALL OF B19, COFFIN ADDITION

ZC2022-013



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.



STAFF REPORT

Application for: **Special Use Permit**

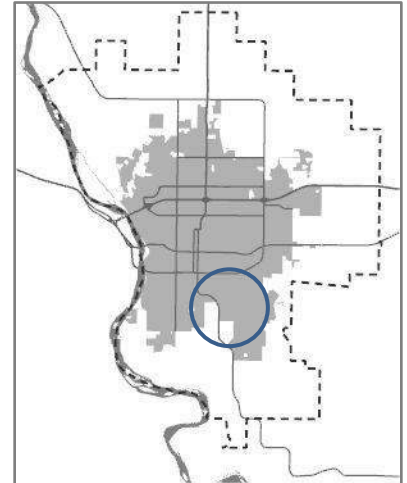
Agenda Item # 7

July 27, 2022

Project ID: **SUP2022-008**

Project Summary

<i>Title:</i>	Lot 39, Block 1, Bismarck Airport Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	City of Bismarck/ Bismarck Airport (owner) Executive Air (applicant)
<i>Project Contact:</i>	Wayne Munson, Bismarck Sign Company
<i>Location:</i>	In south Bismarck, along the east side of University Drive between Airport Road and Maverick Avenue (2301 University Drive, Building 48)
<i>Project Size:</i>	43.3 square foot sign face
<i>Request:</i>	Install an electronic message center (EMC) sign on a pole sign



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>	Commercial airline hangar	<i>Land Use:</i>	Commercial airline hangar
<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>	P – Public Use	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	P – N/A	<i>Max Density:</i>	P – N/A

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	03/2011	<i>Annexed:</i>	Pre-1980
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Staff Analysis

Executive Air Taxi Corporation and Bismarck Airport are requesting approval of a special use permit to allow an electronic message center sign on Lot 39, Block 1, Bismarck Airport Addition. This property is in the P – Public zoning district. Because P – Public zoning districts contain a variety of different uses, the sign ordinance categorized each district based on adjacent properties. The parcel is adjacent to the A – Agricultural zoning district to the west, and therefore the residential, rather than commercial, sign standards follow. Because agricultural districts may become a variety of different uses that are presently unknown, the sign ordinance conservatively applies the more stringent residential standards.

Electronic message center signs are only allowed in residential districts with a special use permit and subject to additional restrictions described in this report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 15th and July 22nd, and 1 letter was mailed to an owner of nearby property on July 15, 2022.

Adjacent uses include the airport and related uses to the north east and south, and a tree nursery to the west, across University Drive.

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

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

A special use permit has been requested.

2. *“Sign Type. Electronic message center signs may only be incorporated into on-premise pole signs, monument signs, or*

wall signs. Electronic message center signs shall not be located on projecting signs, portable signs, or any other temporary signs, with the exception of demonstrations allowed by No off-premise advertising may occur on electronic message center signs.”

The proposed EMC would be incorporated into a pole sign. The setback of this pole sign from the adjacent property line is approximately 60 feet, as measured as distance to the University Drive right-of-way.

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

Only one EMC is proposed, and the sign would have two sides.

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

The proposed EMC would be 43.3 square feet, which exceeds the requirements of the ordinance. The applicants request special consideration given the adjacent frontage road and their desire to be viewed by University Drive, but this ordinance requirement is not met as proposed.

5. *“Proportion of Sign. Electronic message center signs may only be included on freestanding signs that also contain static content. Electronic message center signs used as wall signs are exempt from this requirement.”*

The sign also contains static content.

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

(continued)

- a. *Brightness. The sign shall not exceed a maximum illumination level of 0.3 foot-candles above ambient light levels.*
- b. *Frame Hold Time. The sign shall have a frame hold time of no less than three (3) seconds between 7:00 a.m. and 9:00 p.m. The sign shall hold on a constant frame or be turned off between 9:00 p.m. and 7:00 a.m.*
- c. *Effects. The sign shall be limited to instantaneous or continuous fading transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.*
- d. *Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited."*

Applicant is aware of operational requirements.

7. *"Sign Features. Electronic message center signs shall be equipped with the following features:*
 - a. *A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and*
 - b. *A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell"*

Sign will be equipped with required features.

Required Findings of Fact (relating to land use)

1. The proposed special use would comply with all applicable provisions of the zoning ordinance and be consistent with the general intent and purpose of the zoning

- ordinance if recommended conditions are met;
2. The proposed special use would be compatible with adjacent land uses and zoning if recommended conditions are met;
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 if recommended conditions are met;
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 if recommended conditions are met;
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 if recommended conditions are met; and
8. The proposed special use would not adversely affect the public health, safety and general welfare if recommended conditions are met.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow an electronic message center sign on Lot 39, Block 1, Bismarck Airport Addition, with the following conditions:

1. The size of the electronic message center is no greater than 32 square feet, the maximum allowable size in Section 14-

(continued)

03.1-07(5)(d) of the City Code of Ordinances (Signs/Residential Zoning District Standards).

2. All operational requirements of the ordinance shall be met.

Attachments

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

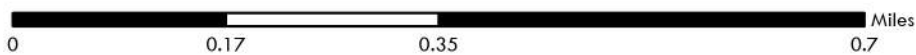
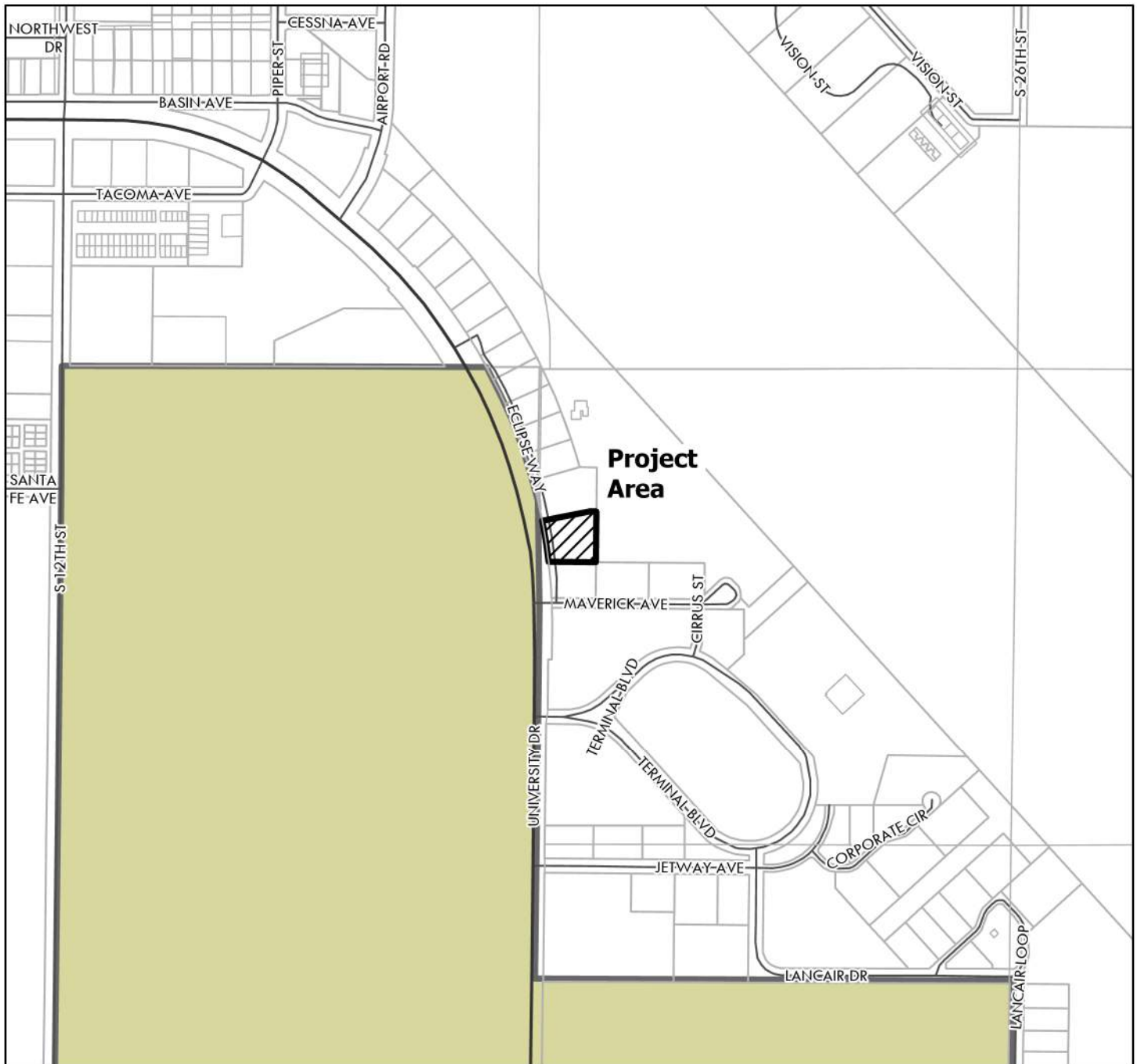
Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1854 | dnairn@bismarcknd.gov



Location Map

BISMARCK AIRPORT ADDITION, L39, B1

SUP2022-008



City Limits

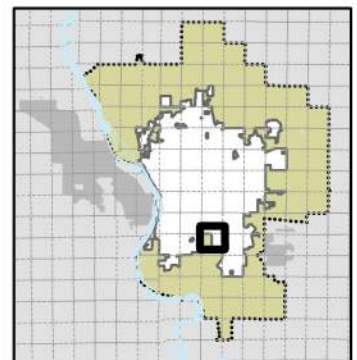


Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
June 14, 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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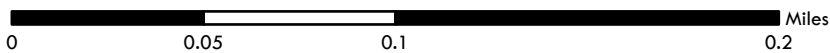




Aerial Map

BISMARCK AIRPORT ADDITION, L39, B1

SUP2022-008

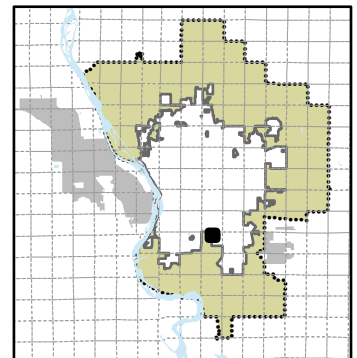


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

BISMARCK AIRPORT ADDITION, L39, B1

SUP2022-008

Zoning Districts

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

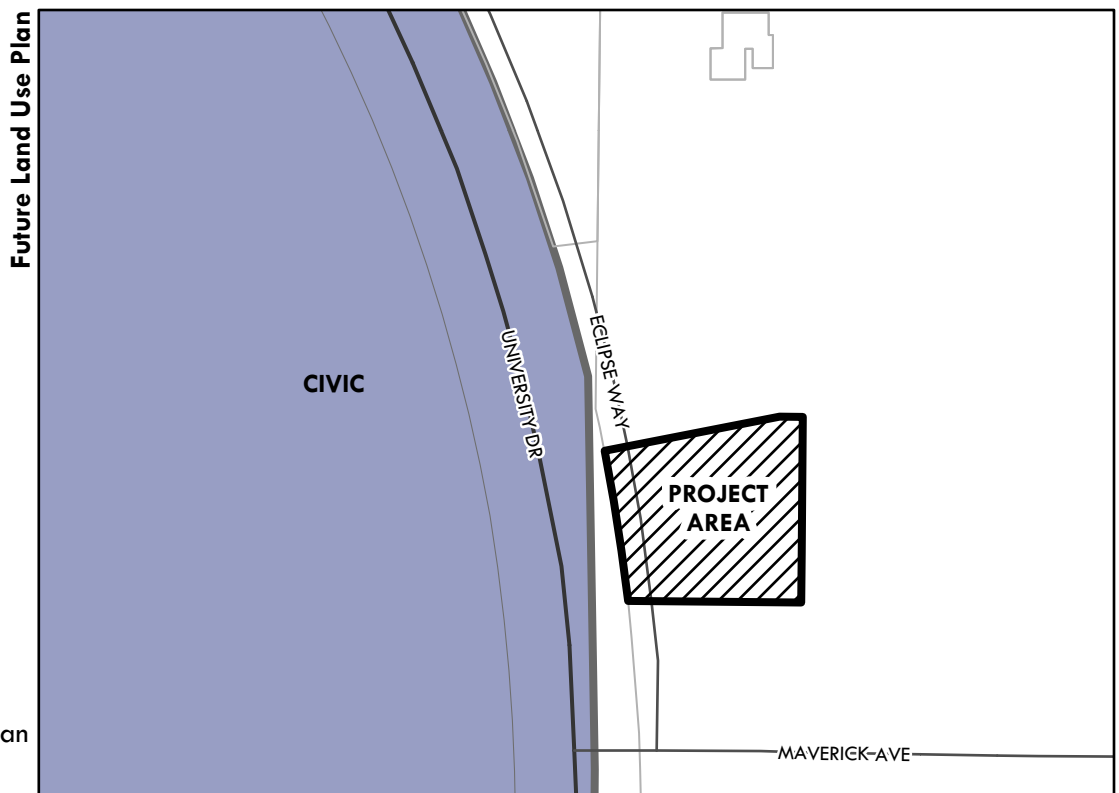
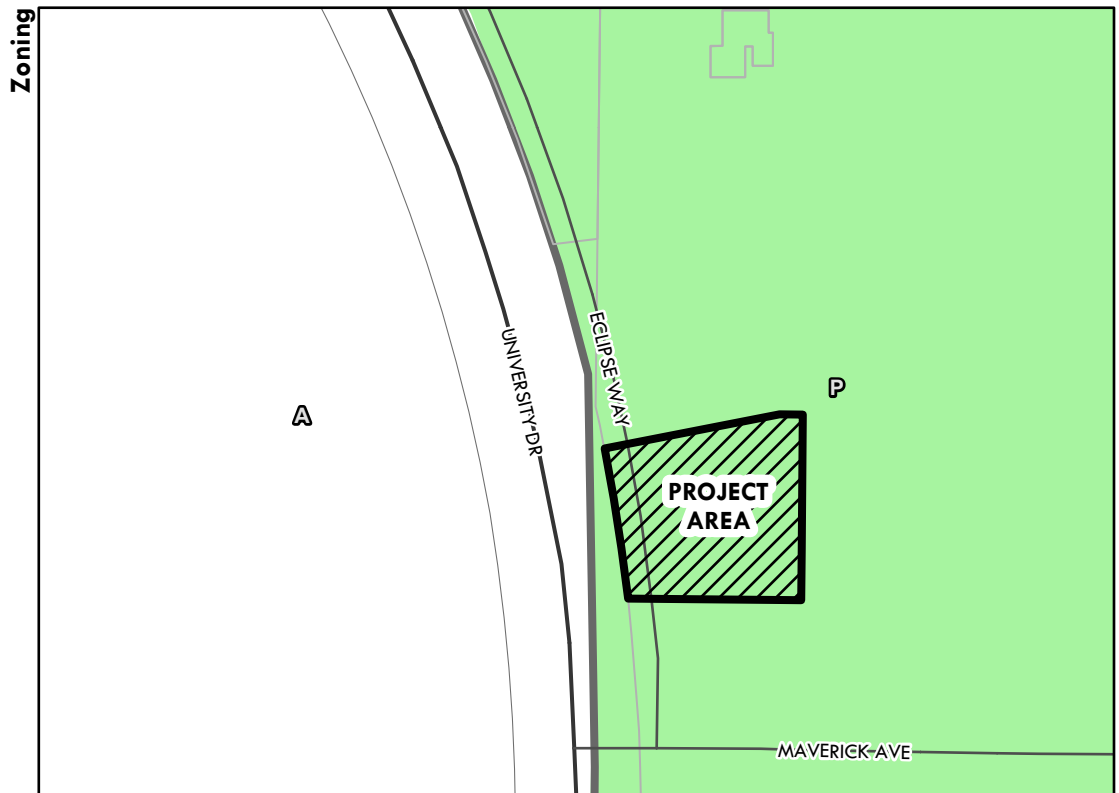
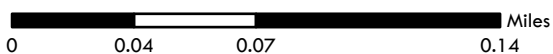
Future Land Use Plan

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

Fringe Area Road Master Plan

● ● ● Future Arterial Road

■ ■ ■ Future Collector Road



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

RECEIVED

JUN 10 2022

BISMARCKSIGNCO.COM 701-751-7777

BISMARCK SIGN CO.™

SIGN DESIGN

CLIENT: Executive Air

QUOTE #: 7443-1

DATE: 9/20/2021

SALES REP: WW

DESIGNER: MK

PRODUCTION NOTES:

Purchase & Install:
EMC GS6 80x200-RGB-15.85-2V
Supplier: Daktronics
Quantity: 1
Double or Single Sided: Double
Model: GS6
Cabinet Size: (4'8" x 10'8")
Active Area: 43.3

NOTICE

ALL SIGNS MANUFACTURED FOR
120V ELECTRICAL SERVICE
UNLESS OTHERWISE NOTED

Qty (1) Double Sided EMC
4' - 8" x 10' - 8"



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X

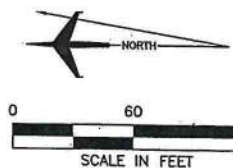
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Bismarck, ND

Revision	Date	Number
1		

PLAN NOTES OR GENERAL NOTES



Bismarck - Detroit Lakes - Fargo - Minneapolis - Sioux Falls
 1412 Basin Avenue
 Bismarck, North Dakota 58504
 Phone: 701.258.6507 Fax: 701.224.1163
 Web: www.ulfelg.com
 Drawn By: NHK
 Checked By: KGN
 Approved By: KGN

NEW HANGAR
LAYOUT PLAN
ALTERNATE "2.1"

EXHIBIT
A

Project Number: 207.257
Date: May 1, 2008
Sheets: 1 of 1

2.1

JUN 10 2022

BISMARCKSIGNCO.COM 701-751-7777

BISMARCK SIGN CO.
SIGN DESIGN

100' Driving South

CLIENT: Executive Air

QUOTE #: 7443-1

DATE: 6/7/2022

SALES REP: WW

DESIGNER: MK



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SIGN DESIGN

100' Driving North

CLIENT: Executive Air

QUOTE #: 7443-1

DATE: 6/7/2022

SALES REP: WW

DESIGNER: MK



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DATE: 6/7/2022

SALES REP: WW

DESIGNER: MK



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QUOTE #: 7443-1

DATE: 6/7/2022

SALES REP: WW

DESIGNER: MK



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DATE: 6/7/2022

SALES REP: WW

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QUOTE #: 7443-1

DATE: 6/7/2022

SALES REP: WW

DESIGNER: MK

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300' Driving North



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JUN 10 2022



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STAFF REPORT

Agenda Item # 8

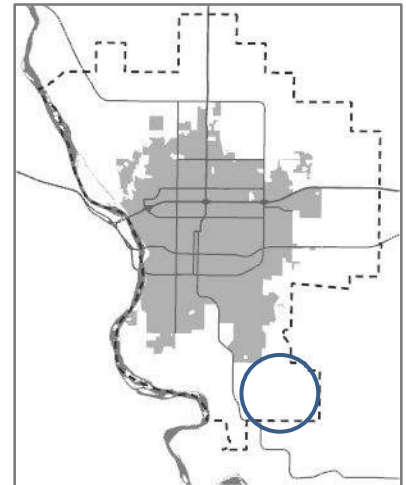
July 27, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-010**

Project Summary

<i>Title:</i>	Lot 10, Block 7, Copper Ridge Second Subdivision
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Robert and Kristine Thune
<i>Project Contact:</i>	Steve Mellert, GS Improvements, LLC
<i>Location:</i>	Southeast of Bismarck, south of 62nd Avenue SE and east of 52nd Street SE along the south side of Woodrow Drive (5601 Woodrow Drive)
<i>Project Size:</i>	1.49 acres
<i>Request:</i>	Increase the total allowable square footage of accessory buildings on the property to 3,200 square feet by constructing a 2,960 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>	09/2008	<i>Platted:</i>	09/2008	<i>Annexed:</i>	N/A
---------------	---------	-----------------	---------	-----------------	-----

(continued)

Staff Analysis

Robert and Kristine Thune are requesting approval of a special use permit to increase the total allowable square footage of accessory buildings on the property to 3,200 square feet by constructing a 2,960 square-foot accessory building.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 15th and July 22nd, and 115 letters were mailed to the owners of nearby properties on July 15th, 2022.

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

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

The parcel size for the proposed special use is 1.49 acres or 65,047 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property. An existing 12 foot x 20 foot or 240 square foot accessory structure exists on this lot and the proposed new accessory structure measures 2,960 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.

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 Apple Creek Township Board of Supervisors has been notified of the request, but has not provided a recommendation for the proposed special use;
4. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place or would be provided at the time of development;
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square footage of accessory

(continued)

buildings on the property to 3,200 square feet by constructing a 2,960 square-foot accessory building on Lot 10, Block 7, Copper Ridge Second Subdivision.

Attachments

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

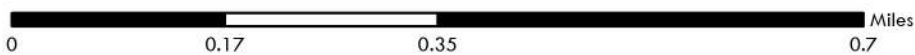
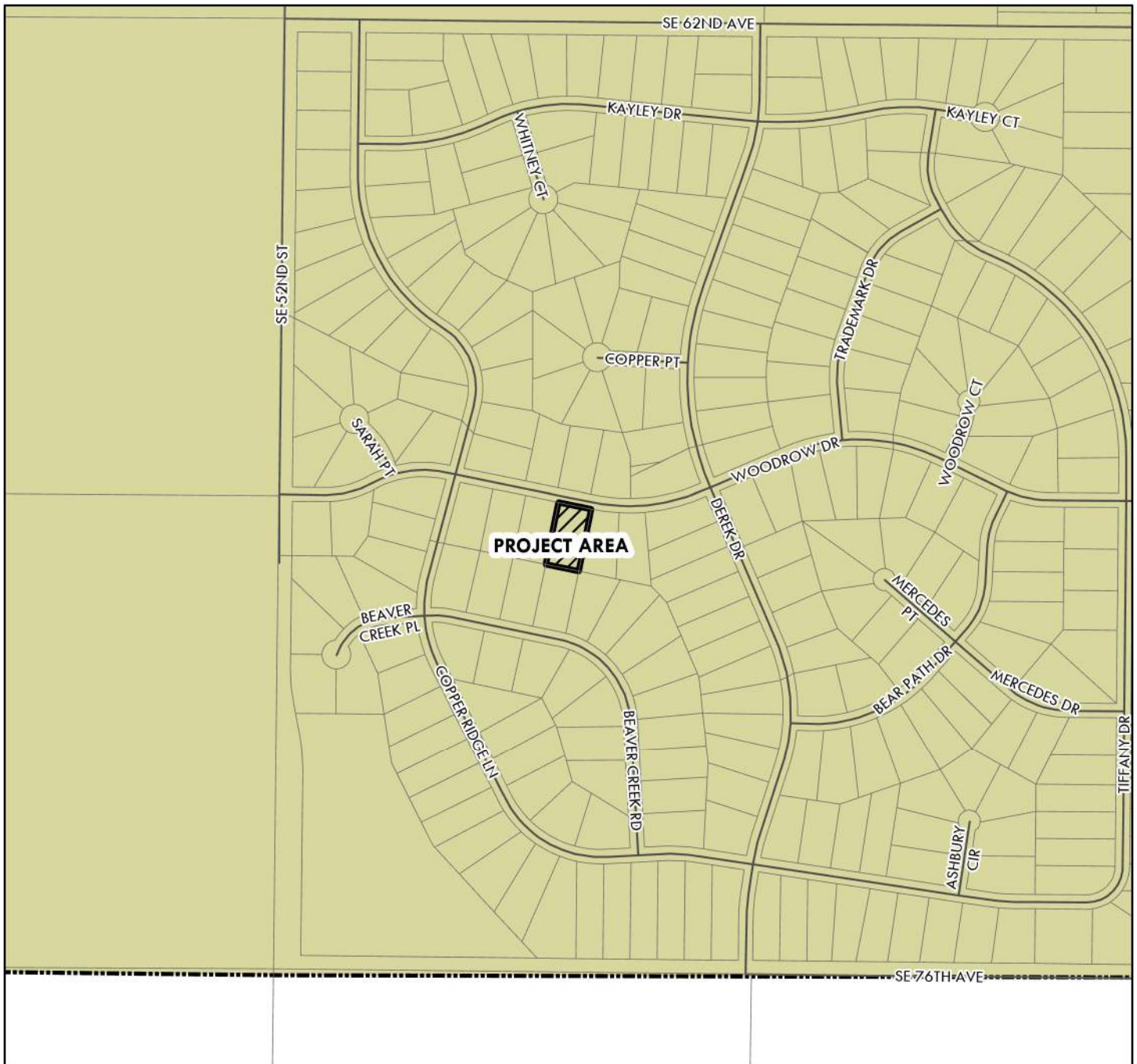
Staff report prepared by: Will Hutchings, AICP, Senior Planner
701-355-1850 | whutchings@bismarcknd.gov



Location Map

COPPER RIDGE SECOND SUBDIVISION, L10, B7

SUP2022-010

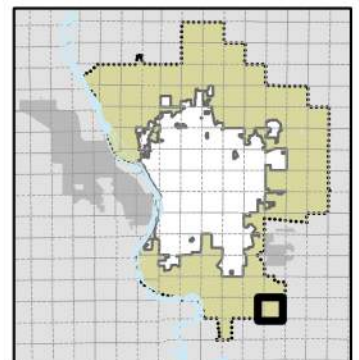


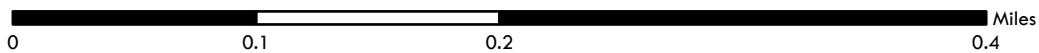
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
June 16, 2022 (HLB)

*Section, township, and
range indicated in orange*

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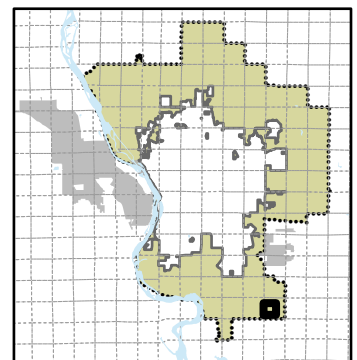




Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

SUP2022-010

COPPER RIDGE SECOND SUBDIVISION, L10, B7

Zoning Districts

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

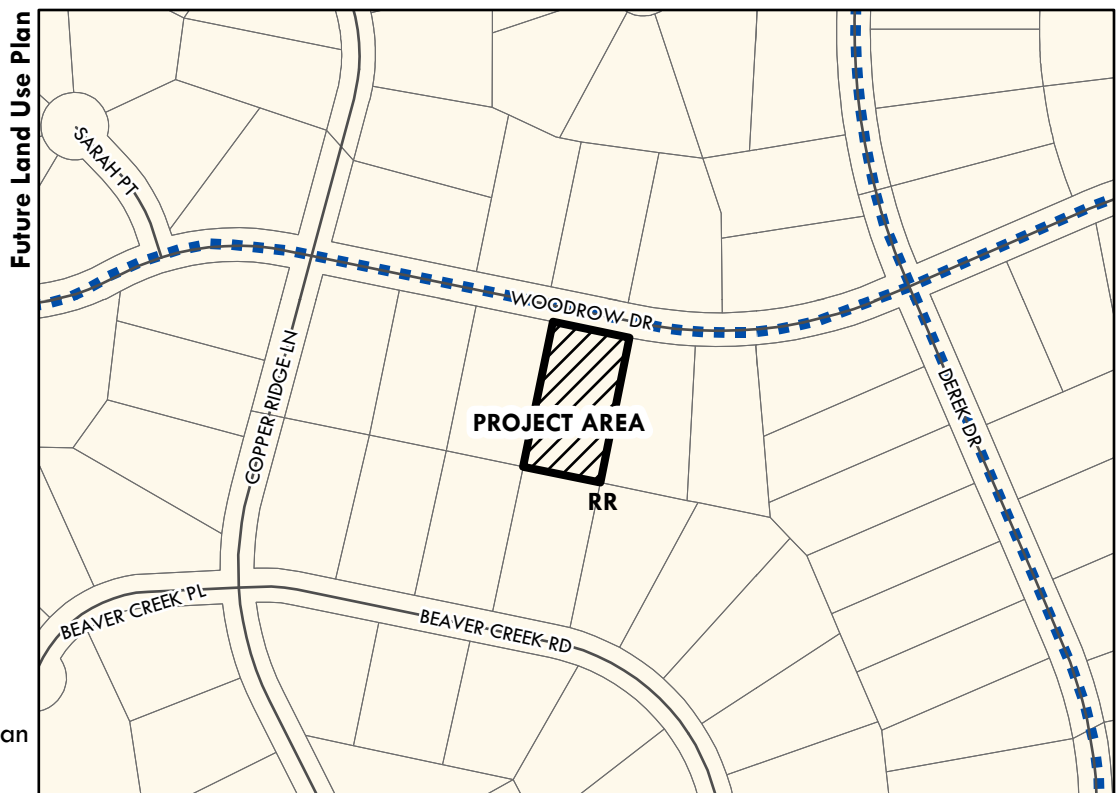
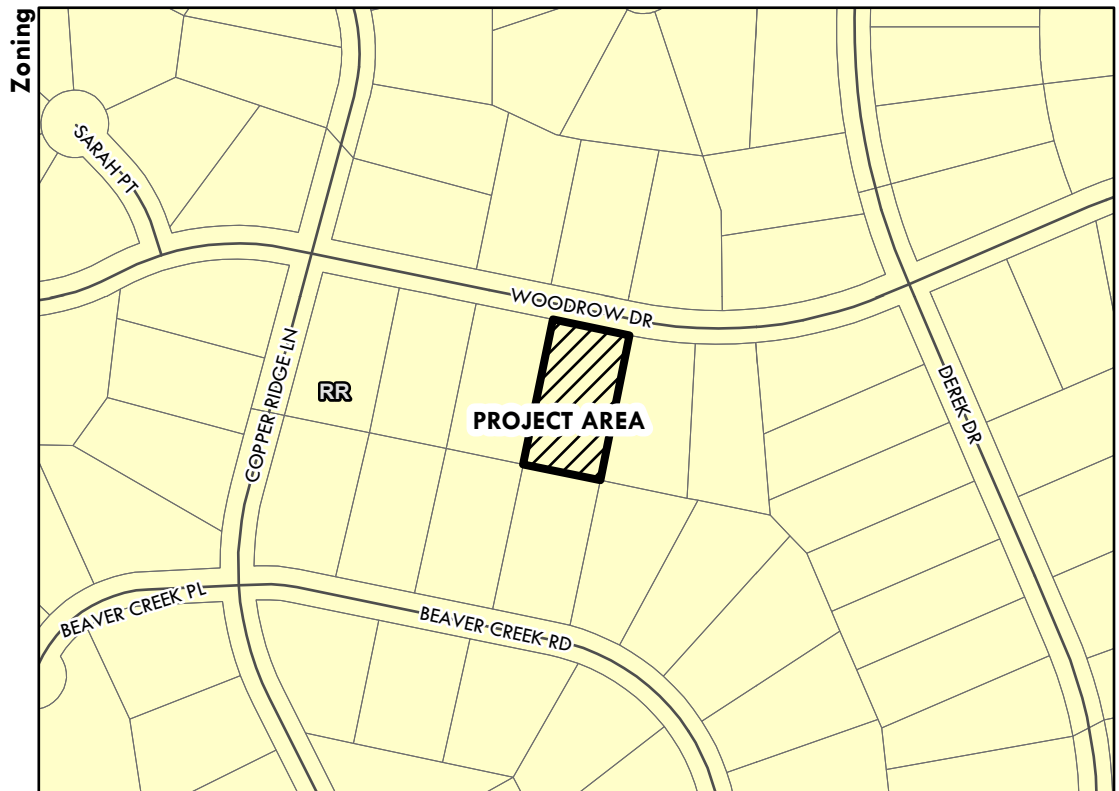
Future Land Use Plan

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

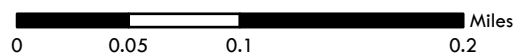
Fringe Area Road Master Plan

● ● ● Future Arterial Road

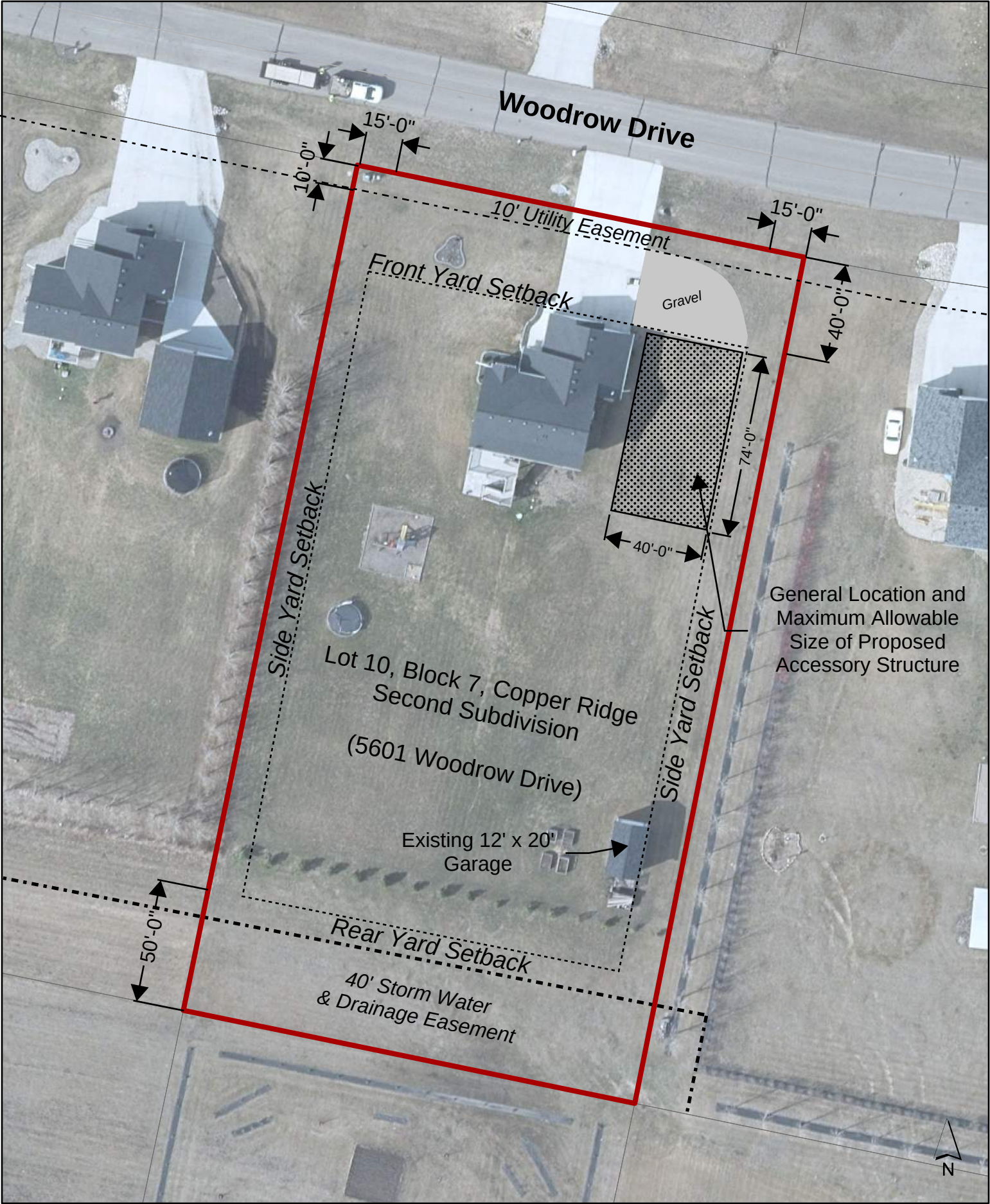
■ ■ ■ Future Collector Road



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Site Plan Exhibit



STAFF REPORT

Agenda Item # 9

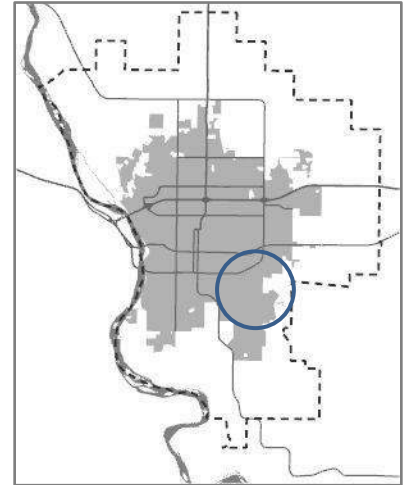
July 27, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-011**

Project Summary

<i>Title:</i>	Lot 2, Block 1, Trillium Third Addition Second Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Railway Credit Union
<i>Project Contact:</i>	Dan Schaff, HTG Architects
<i>Location:</i>	Southeast Bismarck, south of East Bismarck Expressway in the southeast quadrant of the intersection of Rock Island Place and Burlington Drive
<i>Project Size:</i>	80,391 square feet
<i>Request:</i>	Allow the operation of two drive-throughs in conjunction with a financial institution and coffee shop



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>	Commercial	<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>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	11/2021	<i>Annexed:</i>	Pre-1980
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Staff Analysis

Railway Credit Union is requesting approval of special use permits for two drive-throughs in

(continued)

conjunction with a financial institution and coffee shop on Lot 2, Block 1, Trillium Third Addition Second Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on July 15th and July 22nd and seven letters were mailed to the owners of nearby properties on July 15, 2022.

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

The property is located in the MA – Industrial zoning district. A drive-in/drive-through retail or service establishment may be permitted as a special use in this zoning district provided certain criteria are met.

1. The following criteria from Section 14-03-08(3)(g) of the City Code of Ordinances (Special Uses/Drive-in/drive-through retail or service *“The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.”*

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

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

According to the site plan submitted with the application, this requirement would be met.

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

According to the site plan submitted with the application, this requirement would be met.

4. *“Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.”*

According to the site plan submitted with the application, this requirement would be met.

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

(continued)

According to the site plan submitted with the application, this requirement would be met.

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

According to the site plan submitted with the application, this requirement would be met.

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow two drive-throughs in conjunction with a financial institution and coffee shop on Lot 2, Block 1, Trillium Third Addition Second Replat, with the following condition:

1. Development of the site and operation of the proposed drive-throughs shall generally comply with the site plan submitted with the application.

Attachments

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

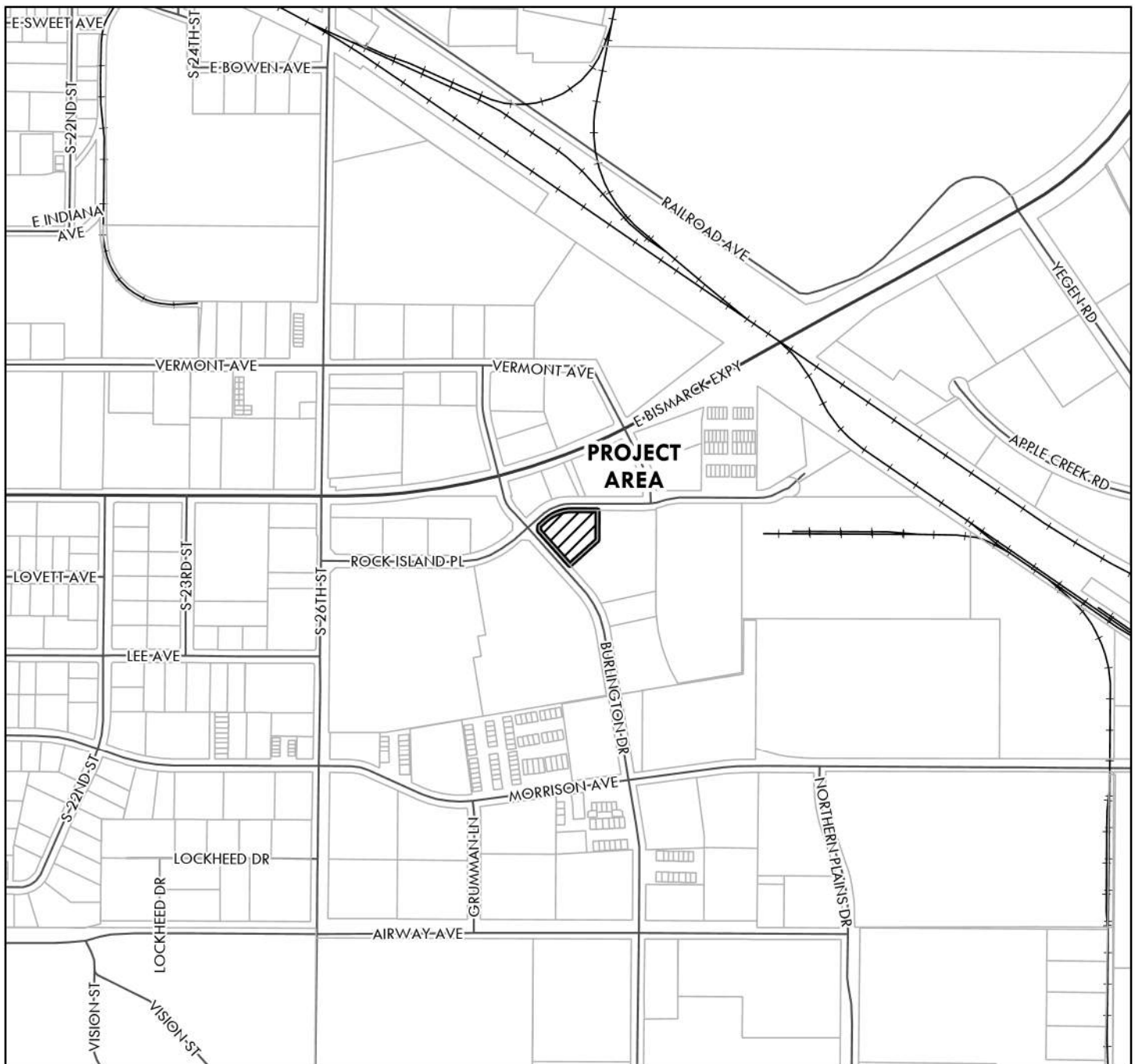
Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1845 | jwollmuth@bismacknd.gov



Location Map

TRILLIUM THIRD ADDITION SECOND REPLAT, L2, B1

SUP2022-011



City Limits

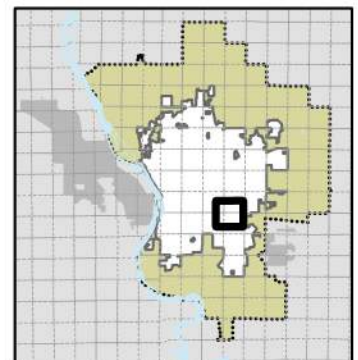


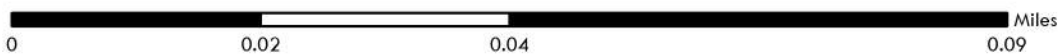
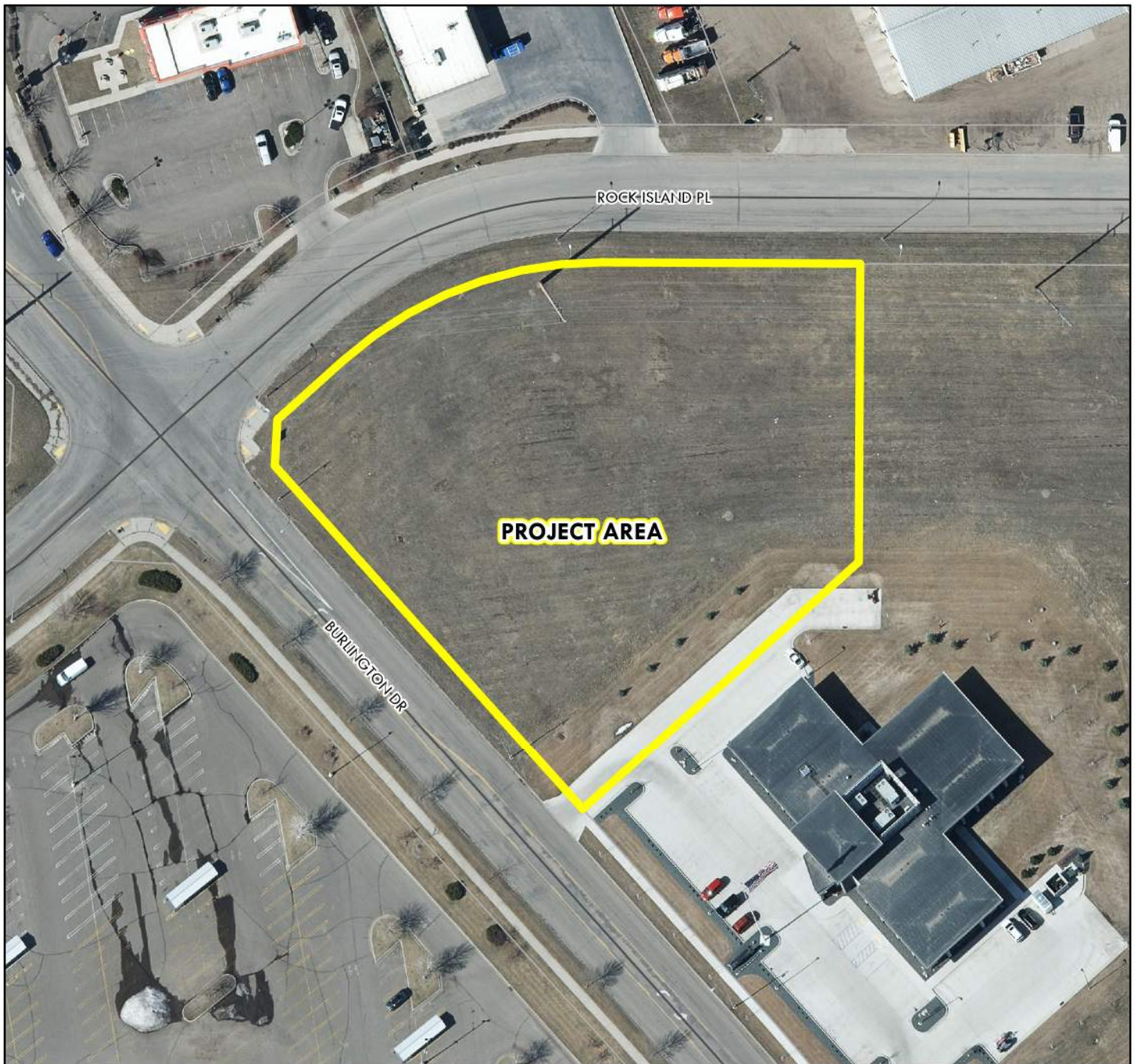
Bismarck ETA Jurisdiction

City of Bismarck
Community Development Department
Planning Division
June 22, 2022 (HLB)

*Section, township, and
range indicated in orange*

*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.*



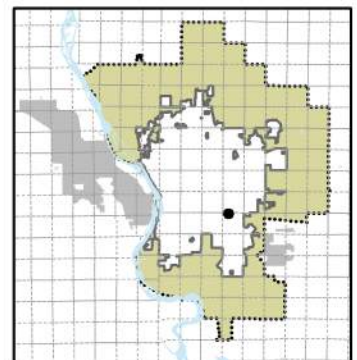


 City Limits  Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
July 1, 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 Districts

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

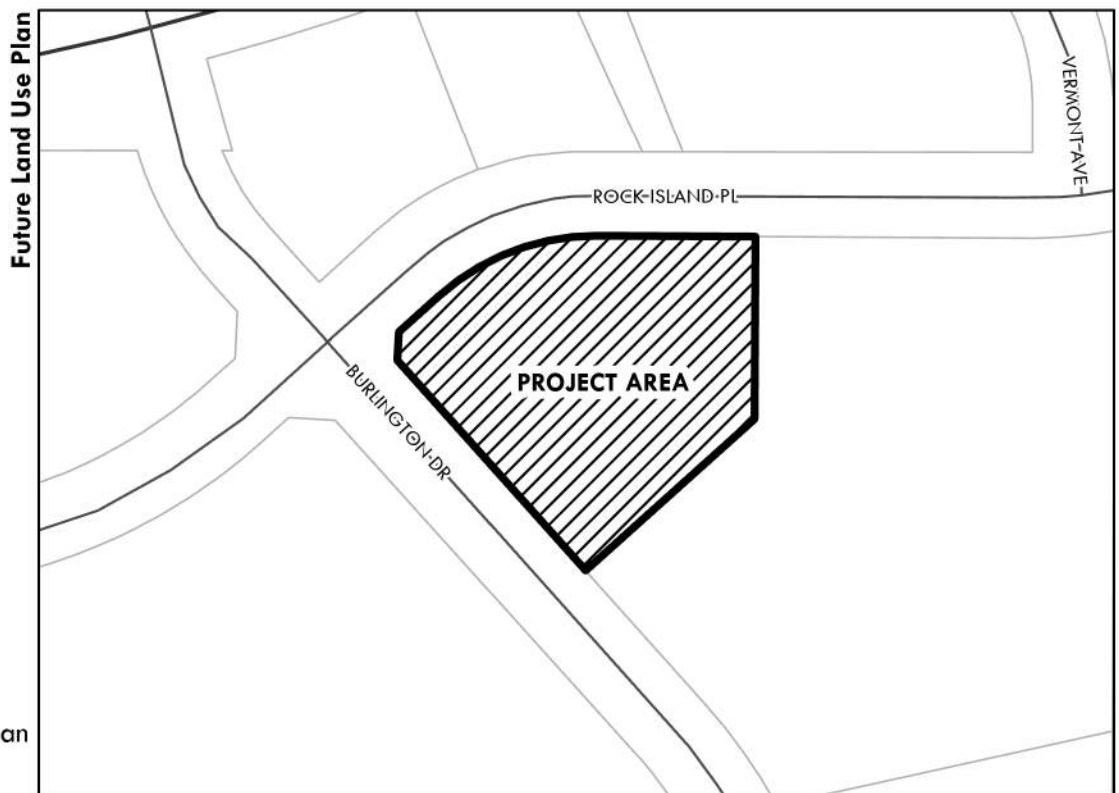
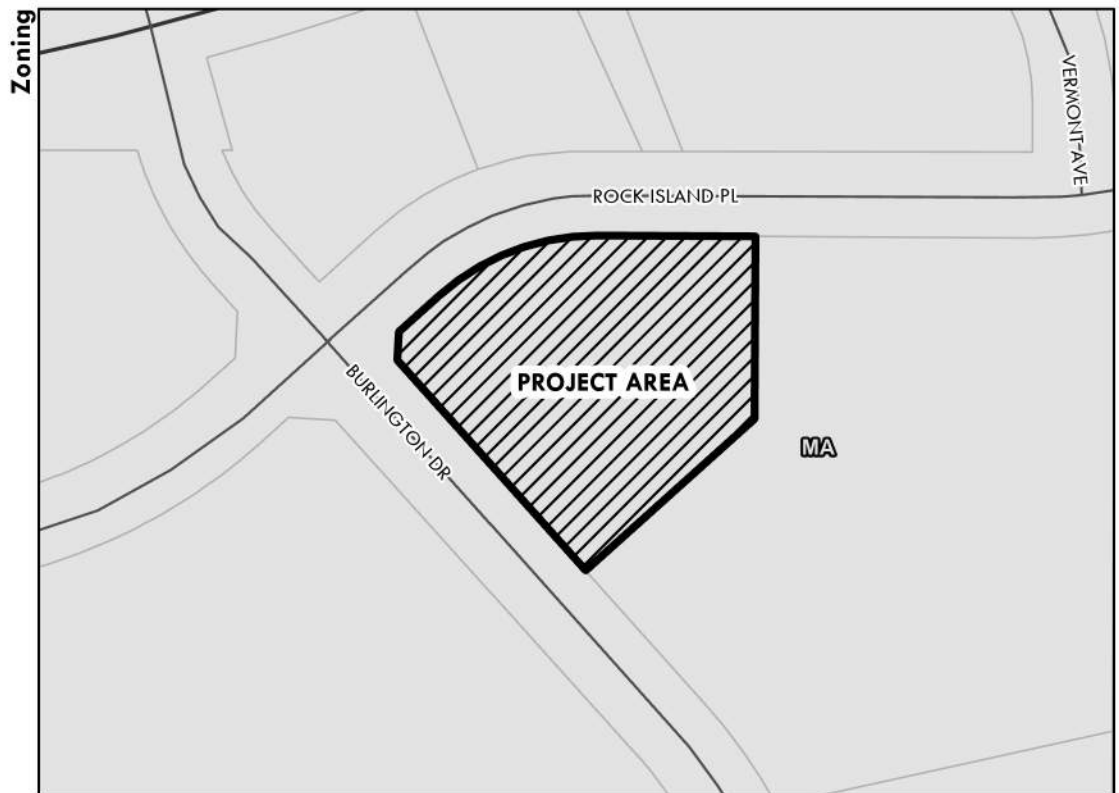
Future Land Use Plan

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

Fringe Area Road Master Plan

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

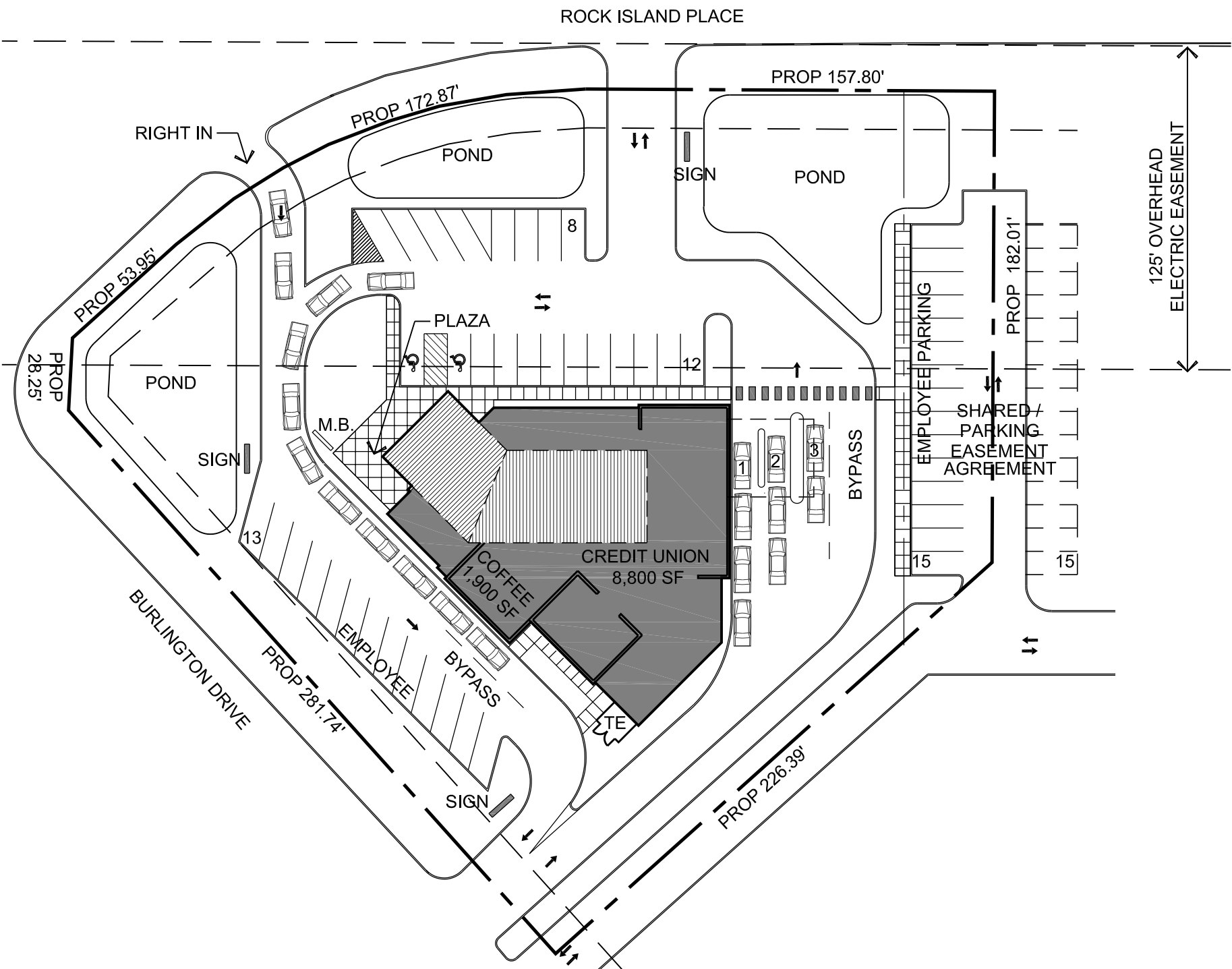
0 0.02 0.04 0.09 Miles



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



City of Bismarck
Community Development Dept.
Planning Division
July 1, 2022



PROPOSED SITE PLAN

1" = 50'-0"

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
June 22, 2022

The Bismarck Planning & Zoning Commission met on June 22, 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, Brian Bitner, Vernon Laning, Paul Levchak, Gabe Schell, Mike Schwartz and Paul Zent.

Commissioners Cole Johnson, Kevin Martin, Wendy Van Duyne and Trent Wangen were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the May 25, 2022, meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the May 25, 2022, meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

CONSIDERATION

- 2. COUNTRY WEST XXXI ADDITION – MAJOR SUBDIVISION PRELIMINARY PLAT**
- 3. BRUNSKILL SUBDIVISION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**
- 4. GEORGE SUBDIVISION – MAJOR SUBDIVISION PRELIMINARY PLAT**
- 5. PART OF BLOCK 10, PART OF BLOCK 18 AND ALL OF BLOCK 19, COFFIN'S ADDITION – ZONING CHANGE**

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve consent agenda items 2-5, granting tentative approval or calling for a public hearing on the items as recommended by staff. Commissioner Zent seconded the motion and it was unanimously approved with Commissioners Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION TYLER PARKWAY & ASH COULEE DRIVE

Chair Schwartz called for final consideration of the annexation of the unannexed portion of Tyler Parkway south of 57th Avenue NE and the unannexed portion of Ash Coulee Drive east of the Tyler Parkway. The property is located northwest of Bismarck, from the southern edge of Elk Ridge Second Addition north to the 57th Avenue NW right-of-way (part of the W¹/₂ of Section 17, the E¹/₂ of Section 18 and the NE¹/₄ of Section 19, T139N-R80W/Hay Creek Township).

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

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

Ms. Lee said, based on these findings, staff recommends approval of the unannexed portion of Tyler Parkway south of 57th Avenue NE and the unannexed portion of Ash Coulee Drive east of the Tyler Parkway.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the annexation of the unannexed portion of Tyler Parkway south of 57th Avenue NE and the unannexed portion of Ash Coulee Drive east of the Tyler Parkway. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND MINOR SUBDIVISION FINAL PLAT MEADOW VILLAGE ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat and the zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district for Meadow Village Addition First Replat. The proposed plat is 73 lots in 2 blocks on 24.33 acres and is located in south Bismarck, east of South Washington Street along the west side of Boston Drive and north side of East Burleigh Avenue (a replat of Lots 1-6, Block 1 and Lots 1-11, Block 2, Meadow Village Addition).

Ms. Wollmuth 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.

Ms. Wollmuth then gave the findings related to land use for the minor 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).
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 noted that staff received one written comment regarding the request and that comment was distributed to the commission prior to the meeting.

Ms. Wollmuth said based on these findings, staff recommends approval of the minor subdivision final plat and the zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district, as outlined in the draft ordinance, for Meadow Village Addition First Replat, with the following conditions:

1. A private drive and utility agreement is signed by developer prior to the final plat being recorded; and

Staff further recommends that if approved, these related items not be forwarded to the Board of City Commissioners for final action until a development agreement for any off-site improvements is prepared and agreed to by the developer(s).

Commissioner Levchak asked where exactly the proposed access gate would be located. Ms. Wollmuth said it would be at the southern end of Dana Drive, adjacent to East Burleigh Avenue. Commissioner Levchak asked why it would not connect to Burleigh Avenue. Ms. Wollmuth said Burleigh Avenue is a principal arterial roadway, so access points are preferred to be limited and staff was not comfortable with full access there.

Chair Schwartz asked for it to be explained why a PUD district is advantageous here. Ms. Wollmuth said it would allow development that does not meet specific one and two-family uses where lot sizes will be a bit smaller and have reduced front and side yard setbacks.

Chair Schwartz opened the public hearing.

Brian Zuroff, Mountain Plains, LLC, said there would be a greater buffer between the existing residential area and this property with the PUD zoning ordinance in place and while it would be zoned for multi-family development, there could be more transition from the medium density residential to high density residential uses with some twin homes mixed in and better buffers to the single-family homes.

Kayla TenEyck, 3321 Dortmund Drive, said she is a member of the North Dakota National Guard and has been a registered nurse for the last 15 years. She said she has a passion to serve and protect and as a mother of two her primal instinct is to protect her children. She said last year construction began on Cottonwood Parkview Addition to the north to complete Kamrose Drive and Dortmund Drive with 90 homes, and multiple apartments use their roads to access the area. She said roads are under construction, so they are preparing for increased traffic. She added that Meadow Village to the east has two proposed roads for entrance and exit and this new proposal would add 70 homes plus apartments, and they do not exit to Burleigh Avenue. She said 154 homes are there now and between Cottonwood Parkview Addition and this new area the traffic will double or triple. She said in 2009 a study on pedestrian safety showed that each year approximately 900 pedestrians under the age of 19 are killed and thousands more are injured. She said children do not have the skills to properly assess the danger of traffic and while she understands the need to teach street safety, but when they do not have the mental capacity to understand there needs to be alternative ways to protect them. She shared additional statistics at this time and said she is opposed to these changes and wants Dana Drive to connect to Burleigh Avenue to decrease the traffic on Dortmund Drive and Kamrose Drive. She said this would be safer with less risk of injury.

Arthur Goldammer, representing the development group, said the property is currently zoned RM30 and R10 and this proposed plan would actually reduce the current density by 30-40%. He said they would use the PUD to transition from single-family to twin homes and blend into the RM30 portion for continuity with buffer areas. He said they pushed for Dana Drive to connect to Burleigh Avenue, but with the City's concerns for future traffic it is wise to not have too many access points. He added that pedestrian safety is considered, and they

agree with City staff that this is the best approach to handling the traffic here and for the future surrounding development.

Commissioner Laning asked if Boston Drive would connect to Burleigh Avenue. Mr. Goldammer said it does connect. Commissioner Levchak asked if the streets are signed 25 mph and have controlled intersections. Mr. Goldammer said not directly in the Kamrose addition but the accesses to Burleigh Avenue and South Washington Street are controlled.

Anthony Keegan, 3243 Dortmund Drive, said he is also a member of the North Dakota National Guard and a former police officer as well. He said he has a child with a disability, and she has a tendency to run by herself. He said with three entrances to the proposed development and the increased traffic puts all of the many children in the area at risk. There are already delivery trucks that come through the area driving too fast as well, so he worries about Dana Drive not being open. He said he is concerned of the seventeen lots that would go along his fence line and what would be put in there. He said he knows what goes on in multi-family dwellings from his work with the Police Department and he would like to know what will be adjacent to Dana Drive. He said everyone in the area is concerned about the same issues and with an added private drive there will be an increase in traffic.

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

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

Commissioner Laning asked if Freiburg Lane is to be completed to connect to Boston Drive prior to the construction of the properties. Mr. Zuroff said that is correct and that they are working with City Engineering for the development of plans for construction as soon as possible, but in order to facilitate construction the necessary infrastructure needs to be in place first. He said they always work closely with the City to make sure necessary traffic protection measures are in place.

Chair Schwartz asked for a summary on the construction types in various areas. Mr. Zuroff said to the west and north would be single-family homes that would be consistent with the housing style that is there now on slightly smaller lots. He said there would be a mix of twin homes to provide a buffer from the single-family to multi-family and the southeast corner would have apartments including two buildings with 53 units and one with 63 units, as well as individual condo units in the center. He said the previous plan was for twin homes on the west side and all apartments on the rest. He added that while they are adding approximately 240 living units, the original zoning would have allowed for about 340 units. He said Dana Drive and Dana Place are to be private roads which typically have a lower speed limit so traffic volumes down Freiburg Lane would be pushed to Boston Drive as that is the closest collector, but there would not be much differing much from what was previously planned.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the minor subdivision final plat and the zoning change from the R10 – Residential and RM30 – Residential zoning districts to the PUD – Planned Unit Development zoning district, as outlined in the draft ordinance, for Meadow Village Addition First Replat, with the following conditions: 1. A private drive and utility agreement is signed by developer prior to the final plat being recorded; and with the understanding that these related items not be forwarded to the Board of City Commissioners for final action until a development agreement for any off-site improvements is

prepared and agreed to by the developer(s). Commissioner Levchak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

Commissioner Bakken joined the meeting at this time.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT, ZONING CHANGE,
FRINGE AREA ROAD MASTER PLAN AMENDMENT AND MAJOR SUBDIVISION FINAL
PLAT
PARADISE VALLEY ADDITION**

Chair Schwartz called for final consideration of the annexation; the Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres; the zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts as outlined in the draft zoning ordinance; the Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue; and the major subdivision final plat for Paradise Valley Addition (part of the N½ and SE¼ of Section 21, T138N-R80W/Lincoln Township). The proposed plat is 277 lots in 13 blocks on 164.92 acres and is located South of Bismarck along the south side of East Burleigh Avenue and the east side of South Washington Street.

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

Ms. Lee then gave the findings related to land use for the Future Land Use Plan Amendment:

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;

3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

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

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, if amended as requested;
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.

Ms. Lee then gave the findings related to land use for the Fringe Area Road Master Plan Amendment:

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;

5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice; and
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee then gave the findings related to land use for the major subdivision final plat:

1. All technical requirements for approval of a major subdivision final plat have been met;
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Lee said based on these findings, staff recommends approval of the annexation; the Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres; the zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts as outlined in the draft zoning ordinance; the Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue; and the major subdivision final plat for Paradise Valley Addition, including granting waivers to allow the use of a private roadway in Block 3 and a cul-de-sac in Block 6, and with the condition that a private drive and private utility agreement be signed prior to the plat being recorded.

Staff further recommends that, if approved, these related items not be forwarded to the Board of City Commissioners for final action a development agreement for any off-site improvements is prepared and agreed to by the developers.

Chair Schwartz said he would like discussion or a motion on the request for annexation only at this time.

MOTION: Commissioner Bakken made a motion to recommend approval of the annexation of Paradise Valley Addition. Commissioner Laning seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

Commissioner Laning asked how long stormwater would stay in the retention pond with the lift station. He said he would be concerned about mosquito issues. Ms. Lee said the pond is designed as stormwater detention so it should drain. Commissioner Schell said the stormwater plan actually has two components, including a wet basin all of the time and

stormwater detention that would be above the normal pool elevation so most often it would have water in it similar to Southbay, Cottonwood Lake or other man-made lakes in the area.

Commissioner Laning asked if it would turn over enough to avoid bug issues.

Andrew Thill, Lowry Engineering, said they do not have any concerns related to mosquitos or other bugs. He added that the pond would be an amenity to the area, and they do not anticipate those issues.

Commissioner Bitner said in 2011 this area had a serious problem during the flood and is there confidence there would not be similar problems again.

Jon Lowry, Lowry Engineering, said the proposed FEMA map would lower the effective floodplain elevation to 1634 feet, so the designs are to that elevation.

Commissioner Bitner said he just wants to make sure any additional development does not increase the flood risk for existing or new residents. He added that while the flood came from the south in that area in 2011, they have not completed any flood protection to his knowledge, so he feels the risk is still high.

Commissioner Bakken asked if the timing is known for Boston Drive to connect to Burleigh Avenue and for Santa Fe Avenue to open up east and west to connect the neighborhood to South 3rd Street and South 12th Street.

Commissioner Schell said the timing of Boston Drive north and south of Burleigh Avenue depends on the passage of the previous agenda item and this one, as well as the developers phasing of the proposed streets moving forward. He said Santa Fe Avenue between South Washington Street and South 12th Street has platted right-of-way to construct the middle segment, but there currently is not a plan to bring that or the adjacent properties out of the flood risk and it is contingent on the adjacent landowners' request for construction.

Commissioner Levchak said South Washington Street has a large bumped out area in the plan and asked what that is. Ms. Lee said that is an existing residence and a lot for a City-owned, developer-built lift station.

Commissioner Levchak asked where the lift station would be pumped to. Commissioner Schell said the stormwater plan would have it discharge to the same location as South Meadows and Tatley Meadows by a gravity system to the south Bismarck channel and then out to the Missouri River as a sequential event. He then asked staff for more information on the intersection of Boston Loop and Boston Drive and a non-access line.

Ms. Lee said because of the proximity from the northernmost piece to that intersection, this private access road would have a gate to not have direct access onto Boston Drive to avoid cars stacking up.

Chair Schwartz opened the public hearing.

Jon Lowry, Lowry Engineering, said this is an exciting development that has had some challenges, but hopefully it is seen that unique solutions have been found to the problems and while it is in the floodplain, the new proposed FEMA map removes some area from the

floodplain. He added that they have also proposed an oversized detention pond in order to reduce runoff drainage along South 12th Street. He said they were initially requesting 19 acres of commercial property but have reduced it to 14 acres and are proud of the product and thought that has gone into it to create something unique and an asset to the city.

Commissioner Levchak asked if the pond would capture all of the runoff. Mr. Lowry said for the platted area and proposed future phases it will capture as much as possible, but there is a limit and future phases to the southeast would discharge to a low area at South 12th Street, but the volume overall is being reduced.

Commissioner Bitner said the problem in 2011 was not with runoff, it was with the flood from the south and he wants to make sure there is no rise in possible flood elevation here.

Commissioner Schell asked for an update on the right-of-way dedication at South Washington Street and South Burleigh Avenue. Mr. Lowry said they have worked with the owners and believe a future roundabout could be allowed for and they are willing to dedicate additional right-of-way for that as part of this plat if needed.

Jeff Rust, 3801 Bottom Road, said he lives in the development to the north of this area and asked if the material balance for the site has been calculated and how much import would be required.

Hanna Peterson, Lowry Engineering, said around 120,000 cubic yards has been calculated. Mr. Rust said he has an issue with that being hauled in with large, fast trucks and 120,000 cubic yards is a substantial amount, so that needs to be contemplated. He said he is against apartments and asked if the City has any other plans for South Washington Street and Burleigh Avenue, such as widening the turning lanes. He said traffic backs up at the end of the day currently.

Commissioner Schell said there is federal aid available for 2026 but it is possible to advance construct of that improvement and do it sooner, which could solve many of the issues seen there now. He added that a development agreement for this project would take into account off-site improvements as well.

Mr. Rust asked who would be responsible for weed control challenges that this area has had in the past to get the vacant lots sprayed. Mr. Lowry said that would be a developer responsibility. He added that they have filed a notice of intent for the project with the State Health Department, and there will continue to be maintenance agreements with the City as well. He said the majority of dirt for the first phase is limited to on-site activities and Burleigh Avenue and South Washington Street are not intended to be used as haul routes.

Mr. Rust asked if there is a timeline known as he does not want to see this an undeveloped area for 20 years. He said he likes that the area has large lots, and the trees are nice so he does not want to see the zoning change and would rather it stay zoned rural residential.

Randy Heilman said he is a neighbor to Mr. Rust, and he is thankful for the flood discussion. He said he had a home that flooded in Colorado and currently owns the lots at the end of Bottom Road. He said he built his house up so that it would drain and almost every spring there is a large lake of standing water. He said his big concern is of flow coming back onto his property. He added that they paid to have Bottom Road paved so hopefully that does not get used for construction traffic.

Mr. Thill said they are aware of the water and how development could affect it and it is in the design intent to build in a pipe system or means necessary to send it to the pond or to the east and re-route it.

Commissioner Bitner said he wants assurance they will not see a rise in flood levels at those homes. Mr. Thill said there should not be a rise related to this subdivision and any water going south would be re-routed. He added that he cannot speak to other flood issues but can mitigate the effects this build may have.

Commissioner Bitner said they should see a certificate of no-rise but blocking flooding would cause a rise.

A general discussion on flood issues and remedies was had at this time.

Barbara Koch, 600 48th Avenue SE, said she owns the 40 acres to the southwest of this area and accesses it from 49th Avenue SE. She said she is concerned about floodwater and when it flooded in 2011, they had high groundwater but were protected by the dike and having a slab on grade home. She added that they have not heard anything from the developer, and it looks like the street coming down from the north will connect right through their house.

Commissioner Schell said the Fringe Area Road Master Plan alignment of the future Boston Drive connects it to 48th Avenue SE; however, there is not a requirement of the owner but rather for future changes needed to show the re-alignment and at this time there is not a plan to construct it through their property.

Mr. Thill said the house is about a quarter mile further to the south, but the plan does have Boston Drive extending to the edge of the subdivision as the Fringe Area Road Master Plan has shown.

Laura Rust, 3801 Bottom Road, said she appreciates the discussion of flood concerns and has questions of the Meadow Village replat integrating a plan with existing flow to this property. She said she does not know what the various zoning districts mean or how big the lots would be.

Ms. Lee said the R5-Residential zoning would allow single-family homes on lots a minimum of 7,000 square feet. Ms. Rust asked for information on the R10 lots next to High Plains Country Estates. Ms. Lee said those lots would allow one and two-family homes on lots with a minimum of 3,500 square feet per half of a twin home.

Ms. Rust said to please consider it staying rural residential and she can see that work is already being done with staking and equipment at the site. She said she was told that is for soil testing and nobody knew about the January or March meetings that were referenced. She said she would like more consideration given and for it to at least be zone for only single-family homes.

Katie Zainhofsky, 4505 Thornburg Drive, said she lives to the west of this area and understands the water concerns and added if the area is built up, the neighbors to the north would have standing water all of the time.

Additional written comments in opposition of the requests are attached as Exhibits B-D. There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Levchak said the residents have brought up a continuing problem of new high-density development next to existing rural developments. Developers have tried to tier density and this one appears to do the opposite of that. He said he will not support the requests and will vote against them.

Commissioner Bitner said they have had other successful conversations with developers who recognize changes needed and those developers have made changes to accommodate. He asked if changing the zoning arrangement might be considered here. Mr. Lowry said they did start with higher density to follow the development requirements along certain roadways so the thought was to blend single-story next to existing single-family in the northeast and higher density uses supported by City staff would be along the roadways. He said they would like it to proceed as proposed.

Commissioner Bitner said single-family could be placed behind the rural homes and transition the twin homes and higher across the street. Mr. Lowry said they do have intended buffers and have located the zoning as presented with the intention of buffering it. He said he cannot speak to a desire to rearrange it at this time, and they would like to proceed with the staff recommendation for approval.

Commissioner Bitner said more time to speak with the owners should be considered as well.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation; the Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres; the zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts as outlined in the draft zoning ordinance; the Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue; and the major subdivision final plat for Paradise Valley Addition, including granting waivers to allow the use of a private roadway in Block 3 and a cul-de-sac in Block 6, and with the condition that a private drive and private utility agreement be signed prior to the plat being recorded, and with the understanding that these related items will not be forwarded to the Board of City Commissioners for final action until a development agreement for any off-site improvements is prepared and agreed to by the developers. Commissioner Schell seconded the motion.

Commissioner Schell asked if the motion includes the condition of additional right-of-way to be dedicated for a roundabout. Commissioner Bakken said it does not.

Commissioner Bitner said the roundabout to not be included could be counterproductive and they have been quite successful when done correctly.

Commissioner Bakken withdrew his motion at this time and Commissioner Schell withdrew his second to the motion.

Commissioner Bitner said he would like to see the owners be given a chance to address the density question and he would consider a different motion.

Commissioner Levchak said if the requests are voted down the applicant could certainly reapply in another form. Commissioner Bitner said it could not go back to square one unless a change to the request is made so it could be better to take an alternative route. Commissioner Levchak said the developer does not seem interested in doing that.

A general discussion of future development in the adjacent open area, zoning arrangement options and existing developments was had at this time.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation; the Future Land Use Plan amendment to increase the size of the area designated as Commercial/Mixed Use from approximately 12 acres to approximately 19 acres; the zoning change from the RR – Rural Residential zoning district to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts as outlined in the draft zoning ordinance; the Fringe Area Road Master Plan amendment to move the north-south collector for this section approximately 735 feet to the west to align with Boston Drive to the north across East Burleigh Avenue; and the major subdivision final plat for Paradise Valley Addition, including granting waivers to allow the use of a private roadway in Block 3 and a cul-de-sac in Block 6, and with the condition that a private drive and private utility agreement be signed prior to the plat being recorded, and with the understanding that these related items will not be forwarded to the Board of City Commissioners for final action until a revised plat showing the dedication of right-of-way for a roundabout is submitted and a development agreement for any off-site improvements is prepared and agreed to by the developers. Commissioner Schell seconded the motion, and the motion was approved with Commissioners Bakken, Laning, Schell, Schwartz and Zent voting in favor of the motion. Commissioners Bitner and Levchak opposed the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT AND ZONING CHANGE MUNICIPAL FOURTH ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts and the minor subdivision final plat for Municipal Fourth Addition First Replat (a replat of Municipal Fourth Addition). The proposed plat is four lots in two blocks on 23.25 acres and is located in northwest Bismarck, west of Schaffer Street, along the south side of Edwards Avenue.

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).

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

Ms. Lee gave the 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. Lee said, based on these findings, staff recommends approval of the minor subdivision final plat and the zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts, as outlined in the draft ordinance, for Municipal Fourth Addition First Replat.

Commissioner Zent asked if the climbing wall would be a natural wall, or something built new.

Ms. Lee said it would be a professional interior climbing wall that meets international competition standards.

Commissioner Schell asked what the process would be for the commercial recreational and ancillary uses if other activities want to be conducted. Ms. Lee said additional uses not specifically allowed would require an amendment by the Planning and Zoning Commission.

Commissioner Levchak asked if this development would have any impact related to its proximity to the existing rail bridge. Ms. Lee said they would not impact each other as the railway bridge right-of-way is outside of the plat boundary.

Commissioner Bakken asked if the City access points to water facilities would be maintained with the acquisition of this land and the proposed project so that the existing truck easements are protected. Ms. Combs said there is a purchase agreement and those are not in the plat drawing, however they do have the reservation of an access easement for secondary access.

Commissioner Schell said the City could traverse its own property to get to the rest of the site and this plat would meet the requirements of the purchase agreement.

Chair Schwartz opened the public hearing.

Tanya Smith, Dakota Climbing Co., said their mission is to serve the community through activity and they will have day pass users with access to the first Olympic size climbing wall in the state, as well as food and beverage services, a gear shop, fitness studio, exercise equipment and locker rooms. She said this is a unique opportunity to provide a regional training facility that will connect residents and users to bike-ped activity as well. She added that she believes overall this will create an ideal signature space for the City of Bismarck.

Commissioner Laning asked what types of safety precautions would be in place. Ms. Smith said climbers would be harnessed and the climbing area is padded as well.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat and the zoning change from the P – Public zoning district to the P – Public and PUD – Planned Unit Development zoning districts, as outlined in the draft ordinance, for Municipal Fourth Addition First Replat. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Bakken, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT HAMBURG INDUSTRIAL PARK 1ST ADDITION 1ST REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat for Hamburg Industrial Park 1st Addition 1st Replat. The proposed plat is two lots in one block on 3.5 acres and is located in southeast Bismarck, east of the Bismarck Airport on the east side of Yegen Road and the south side of Hagen Avenue (a replat of Lot 1, Block 2, Hamburg Industrial Park 1st Addition).

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

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the minor subdivision final plat of Hamburg Industrial Park 1st Addition 1st Replat.

Chair Schwartz opened the public hearing.

Commissioner Levchak asked if there will be enough room for septic systems on these lots. Mr. Nairn said they are sufficiently sized to allow room by the requirements and can defer to the applicant for further information on the exact placements.

Mr. Niemiller said they will be splitting the lot to build on the north piece and eventually would purchase the southern piece as well. He said this would include an office showroom for homebuilder sales, an office and a storage area for that business. He said the septic services planned are sufficient and do meet the needs of this particular use.

Commissioner Schell asked if the developer would be willing to dedicate a sanitary sewer easement in the same location as the access easement if it is needed in the future. Mr. Niemiller said yes, and they have submitted a revised plat that shows the additional dedication to make that service available.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the minor subdivision final plat for Hamburg Industrial Park 1st Addition 1st Replat. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT AIRPORT INDUSTRIAL PARK THIRD ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the minor subdivision final plat for Airport Industrial Park Third Addition First Replat. The proposed plat is two lots in one block on 1.94 acres and is located in southeast Bismarck, east of Airport Road along the north side of Airway Avenue (a replat of Lot 7, less the North 25 feet, Lot 8 less Lot 8A and all of Lot 9, Block 4, Airport Industrial Park Third Addition).

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP).
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the minor subdivision final plat titled Airport Industrial Park Third Addition First Replat.

Commissioner Levchak asked if there would be an easement to allow access to the back end of the property.

Ms. Wollmuth said access to Lot 2 would be from Airway Avenue and access to Lot 1 would be from the north adjacent to Frontier Drive. She said there would not be an easement running from Lot 1 to Lot 2.

Commissioner Levchak asked if there would be one building on each lot. Ms. Wollmuth said that is correct.

Chair Schwartz opened the public hearing.

Mr. Niemiller said the lot line follows the west side of an existing driveway while trying to keep enough space to meet the separation requirements of the building codes.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the minor subdivision final plat for Airport Industrial Park Third Addition First Replat. Commissioner Bakken seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE BLOCK 49 AND PART OF BLOCK 56, GOVERNOR PIERCE ADDITION

Chair Schwartz called for the public hearing on the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 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 (Dakota Mobile Home Park). The property is located in east-central Bismarck, the block bounded by East Broadway Avenue, North 25th Street, East Thayer Avenue and North 26th Street.

Ms. Lee gave an overview of the request, 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.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 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.

Chair Schwartz opened the public hearing.

Rob Huft, 602 North 25th Street, said he lives near this area and was made aware of the request last night. He said he has concerns on the change and questions on the ordinance. He asked if any part of the new ordinance would have an age requirement for new homes being brought into this location. Ms. Lee said the ordinance requires a home being moved in could be used but must have a HUD seal which is a requirement that started in the mid-70s.

Mr. Huft then asked if there be any difference from the old ordinance as it relates to upkeep of the property. Ms. Lee said that would be more of a rental housing standard ordinance or maintenance code so related dwelling concerns could be reported.

Bill Dean, 609 North 20th Street, said he represents the property owner and when the property has been zoned CG-Commercial they have not been able to move in used mobile homes and many of the existing ones need to be retired. He said changing the zoning will help a lot as there is still a need for affordable housing and the goal is that this change will allow owner owned dwellings, similar to a traditional mobile home park to help clean up the area.

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

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

MOTION: Based on the findings in the staff report, Commissioner Zent made a motion to recommend approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 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. Commissioner Bakken seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Levchak, Laning, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE BLOCK 45, GOVERNOR PIERCE ADDITION

Chair Schwartz called for the public hearing on the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-24, Block 45, Governor Pierce Addition (Bismarck Mobile Home Park). The property is located in east-central Bismarck, the block bounded by East Thayer Avenue, North 24th Street, East Rosser Avenue and North 25th Street.

Ms. Lee gave an overview of the request, 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.

Ms. Lee said, based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-24, Block 45, Governor Pierce Addition.

Chair Schwartz opened the public hearing.

Commissioner Zent asked if there are other mobile home parks in this condition that should also be rezoned. Ms. Lee said when the zoning change for Parkview was brought to their attention, they found these two locations and one other between 7th and 9th Streets that would like to change as well. She said they have not heard back from one other owner yet, but staff has offered to all of them not currently zoned RMH to request a change if they would like.

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

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the zoning change from the CG – Commercial zoning district to the RMH – Residential zoning district for Lots 1-24, Block 45, Governor Pierce Addition. Commissioner Bakken seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Levchak, Laning, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE LOTS 1 AND 2, BLOCK 1, KILBER NORTH ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on the 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. The property is located in north Bismarck, along the south side of 43rd Avenue NE west of Boulder Ridge Road.

Ms. Wollmuth gave an overview of the request, 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 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.
8. The proposed zoning change would adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends denial of the 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.

Commissioner Levchak asked how the lot to the south of the existing building is zoned. Ms. Wollmuth said it is zoned Conditional RT-Residential and does not allow for commercial uses.

Commissioner Levchak asked what the difference is from RT – Residential district to CA – Commercial district beyond the office and what would be allowed. Ms. Wollmuth said the CA – Commercial zoning district would allow for uses such as restaurants or retail sales and services.

Commissioner Bakken said there is a building currently under construction to the east on Boulder Ridge Road and asked what that is and how it is zoned. Ms. Wollmuth said it is zoned RT – Residential and is for a medical office, which is allowed in that zoning district.

Commissioner Bakken said this is a corridor of commercial businesses and further to the west are churches. He added he cannot see why this would be considered spot zoning when looking at the corridor as a whole and why those uses could not be expanded.

Ms. Wollmuth said how it is zoned currently would allow for office spaces and churches, but not retail sale and service uses.

Chair Schwartz opened the public hearing.

Abe Ulmer, ILSE, Inc., said he appreciates the work that has been done to bring this request to consideration and while the current zoning does allow many uses consistent with CA-Commercial zoning district, they would like to allow for additional small commercial uses. He added that they had planned for a 16,000 square foot building and a lot modification has been requested to combine the lots into one parcel. He said they could accommodate up to seven tenants and the proposed site layout meets all of the other requirements for parking, lot coverage and landscaping. Mr. Ulmer added that current adjacent uses are offices, a dental clinic and a memory care facility and City staff's main reasons to recommend denial was for commercial use concerns. He said they would isolate or spot zone, but the commercial feel of the area is already there. He added that the RT – Residential zoning district to the south has existing office complexes and to the north is vacant but zoned CA – Commercial. He added that the City has multiple commercial spot zones such as Arrowhead Plaza, Northbrook Mall and Washington Square Addition to name a few. He closed by saying concerns have been raised related to added vehicle trips but that will be restricted by use and they have developed and submitted a stormwater management plan to meet City standards with extra detention that is currently under review.

Commissioner Levchak asked if it would be a single building with seven tenants, would the building be enclosed or its own outlet similar to a strip mall. Mr. Ulmer said it would be similar to a strip mall with separate entrances and they are proposing landscaping buffers between the various properties.

Commissioner Schell asked what specific uses the CA – Commercial zoning district would provide that the RT - Residential does not.

Derek Hoerner, DPH Investments, said their plan was to make this a medical park or small retail area but it would not be a large commercial lot like Home Depot or even a gas station. He said they want to keep it nice and clean and when it was purchased in 2014 the zoning was changed to RT-Residential when 43rd Avenue NE was still a very small roadway.

Daniel Keith, DK Orthodontics, said they did not anticipate the very quick growth in North Bismarck, but it has ascended by being open to change. He said his grandparents built Kirkwood Mall and at the time that was considered south Bismarck. He added that they have had interest from some small, limited retail businesses such as bakeries or small retail type uses that would be in between DK Orthodontics, Maple View, and the Ridgeview properties. He added that as the area is adapting and changing, and he appreciates an openness to changing how the future can look here.

Commissioner Levchak asked if the building would be architecturally compliant with others in the area. Mr. Keith said it would be and they have spent over a year creating civil and architectural plans so the layout and rendering visuals are appealing.

Commissioner Zent said the zoning as is could support a desirable building. Mr. Keith said it could and a site plan has been submitted for construction so they can move forward as needed one way or another.

Commissioner Zent said he would welcome something different to the area besides a bakery or other food use, such as medical offices.

Commissioner Bakken said this is a great example of what infill with walkability to the adjacent neighborhood could look like. He said if signage is faced toward 43rd Avenue NE and not far from the adjacent neighborhood could there be a consideration for dimmable signage to control light pollution.

Mr. Keith said they can absolutely make sure that is remediated and will take any other suggestions as well.

Loran Galpin, Ridge View and Ridge West, presented an image of the Ridge View property at this time. Mr. Galpin said he designed and developed Ridge View and Ridge West and when it first came time to develop Kilber North Addition, it was with the intention of making sure the use combinations did not interfere with each other or generate commercial traffic. He said they wanted to be reflective of the neighborhood to protect and preserve it and he likes the dental office, but most tenants there now are very specific service providers. He said they have had problems with a slippery street system and the narrow drive proposed for site access would not accommodate the proposed commercial uses. He added that to have a spot ozone in the middle of the development is not in keeping with the intent of the original developer or the current developments or character that was originally required.

Mr. Keith, the property owner/developer said master plans have changed as the City changes and he has seen that on this extensive meeting agenda. He added that it needs to be understood there are multiple owners in the Kilber development group, and they did their due diligence in reaching out to owners to get their blessing on this change. He said one owner of that development group did agree with the change and their only concern was to have the front of the building face the other businesses, instead of facing 43rd Avenue NE.

Mr. Galpin said there was a question of how the building would be placed and what would be in it, but as one owner amongst many he was asked to represent the partnership regarding this request. He said he is not looking to get into a war of words, but the projects speak for themselves and with limited access and extra traffic this will not be healthy for the current occupants or the adjacent neighborhoods.

Mr. Ulmer said access would be sufficient for fire trucks and semis both in and around. Whether the building is constructed as RT – Residential or CA - Commercial the site will be developed.

Mr. Galpin said he will be glad to see it built and in materials reflective of the quality of the area, but traffic components differ with the other allowable uses. He added that this not a commercial site no matter how you sell it, and this is a spot zone and should be judged on that basis.

Mr. Keith said when they originally purchased the property it was to be twinhomes with his dental office, but that plan changed, and it was zoned to RT - Residential. He said this use would generate much less traffic than a lot of other options. He stated that he cares about the quality of the site but that the area has a commercial feel and should be zoned as such.

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

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

Commissioner Schell said he has concerns of isolated zoning with ample CA - Commercial zoning to the north, across 43rd Avenue NE and where the benefit is, as well as the zoning taking place before the building is constructed so plans could change. He closed by saying this could become something else that fits in that district and will not support the request.

Commissioner Bakken said across the road has constraints and there is access issues to address there and until that happens it is not a full commercial site, but would be a great infill project for the surrounding residential area.

MOTION: Commissioner Bakken made a motion to recommend approval of the 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. Commissioner Zent seconded the motion and with Commissioners Bakken, Bitner and Schwartz voting in favor of the motion and Commissioners Laning, Levchak, Schell and Zent opposing the motion, the motion failed, and the request was considered to be denied.

**PUBLIC HEARING – ZONING CHANGE
LOT 7, BLOCK 41, NORTHERN PACIFIC 2ND ADDITION**

Chair Schwartz called for the public hearing on 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. The property is located in central Bismarck, between East Avenue B and East Avenue C and North 5th Street and North 6th Street.

Mr. Nairn gave an overview of the request, 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 said, based on the above findings, staff recommends approval of 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.

Chair Schwartz opened the public hearing.

Mike Bohrer, Venture Property Management, said the zoning change was requested because they have occupied their space as a real estate office for eight years and would like to sell it, but a new user would need more options beyond a small office use. He said the area adjacent was changed to DF-Downtown Fringe recently. He said that staff had initially explored rezoning the entire block but did not move forward with this, so they decided to request zoning just the lot they own instead.

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

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

**PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING)
LOT 14, BLOCK 1, BROOKFIELD ESTATES**

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of a 1,350 square foot accessory building on Lot 14, Block 1, Brookfield Estates. The property is located east of Bismarck, north of County Highway 10 and east of 66th Street NE, along the west side of West Bristol Drive (828 West Bristol Drive).

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 Gibbs 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.
9. 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 permit to increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of a 1,350 square foot accessory building on Lot 14, Block 1, Brookfield Estates.

Commissioner Schell asked if Gibbs Township elaborated on their recommendation to deny the request. Ms. Wollmuth said Gibbs Township did make that recommendation after the staff report was prepared and read the comments provided on the resolution to include due to the size of the existing five structures on the property, moisture runoff to not only this property but adjoining property and the age of the residential subdivision they respectfully decline the special use permit.

Commissioner Laning asked when the allowance to increase accessory buildings to 3,200 square feet happened. Ms. Wollmuth said it was around 2006 and there have been some special use permits in this subdivision approved or others similar in size since that time.

Commissioner Bitner said Gibbs Township mentioned runoff or drainage issues and he does not know why that would be since in recent years Burleigh County Water Resource District did a substantial drainage remediation project in this subdivision.

Chair Schwartz opened the public hearing

Written comments in opposition to the request are attached as Exhibit F.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the special use permit to increase the total allowable square footage of accessory buildings to 3,154 square feet with the construction of a 1,350 square foot accessory building on Lot 14, Block 1, Brookfield Estates. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-UP WINDOW) PART OF LOT 2, BLOCK 1, WACHTERS NORTH ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow a drive-up window in conjunction with a full-service restaurant (Applebee's) on part of Lot 2, Block 1, Wachers North Addition. The property is located in north-central Bismarck, along the east side of State Street/US Highway 83 in the southwest quadrant of Harvest Lane and North 14th Street (3200 North 14th 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 permit to allow a drive-up window in conjunction with a full-service restaurant (Applebee's) on part of Lot 2, Block 1, Wachters North Addition, including the waiver request to reduce the number of required stacking spaces from 12 to 3 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 Schell asked if the request would have to come back for evaluation if operation plans changed in the future. Ms. Wollmuth said staff would evaluate any changes and if more stacking spaces are needed, they would request they come back to this board for approval.

Commissioner Zent asked if there would be signage for the layout of the drive-through since having a bigger parking lot this could cause some congestion. Ms. Wollmuth said there would be striping and signage to help with traffic flow patterns.

Chair Schwartz opened the public hearing.

Commissioner Schell asked for confirmation that the required minimum amount of parking is still being met on the site with the conversion of some spaces being dedicated to the drive-up area.

Katie Vasbinder, Bartlett & West, said there would be three spaces dedicated to the drive-up area, but the on-site parking requirement is still being exceeded.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to recommend approval of the special use permit to allow a drive-up window in conjunction with a full-service restaurant (Applebee's) on part of Lot 2, Block 1, Wachters North Addition, including the waiver request to reduce the number of required stacking spaces from 12 to 3 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 Bakken seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT AGENCY FOSTER HOME FOR ADULTS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment to include provisions to allow agency foster care for adults as a permitted use in the R5 – Residential and R10 – Residential zoning districts.

Ms. Lee 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.

Ms. Lee said based on these findings, staff recommends approval of the 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.

Commissioner Zent asked if this change would allow for shift work. Ms. Lee said that is correct and these homes would always be staffed with at least one professional.

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 Bitner made a motion to recommend approval of the 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. Commissioner Laning seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT FRONT YARD SETBACK IN CG AND MA ZONING DISTRICTS

Chair Schwartz called for the public hearing on 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.

Ms. Lee 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.

Ms. Lee said based on these findings, staff recommends approval of the 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.

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 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. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bakken, Bitner, Laning, Levchak, Schell, Schwartz and Zent voting in favor of the motion.

OTHER BUSINESS

Chair Schwartz thanked Mayor Bakken for his years of service to the Planning and Zoning Commission and the citizens of the City of Bismarck and it has been a privilege to sit on this board together.

Mayor Bakken said it has been a privilege and thanked staff and those present for their commitment to the work that they do.

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 8:45 p.m. to meet again on July 27, 2022.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

DRAFT

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Zoning Change Request Comments - Meadow Village Addition 1st Replat
Date: Tuesday, June 21, 2022 8:46:08 AM

From: Brian VerDouw [REDACTED]
Sent: Monday, June 20, 2022 11:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Zoning Change Request Comments - Meadow Village Addition 1st Replat

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

To Whom it may concern,

I am writing to provide resident comment on the request by REI Holdings, LLC to make a zoning change to the Meadow Village Addition 1st Replat. In particular, as a resident on Brandenburg Loop, my concern resides with the fact that Dana Drive does not have a direct outlet to Burleigh Avenue. While an outlet on the east end of this addition will take place with Boston Drive, our concern lies with the increased traffic that is bound to come from the west entrance as well. With Dana Drive not accessible from Burleigh Avenue, residents of this addition will need to access their homes or apartments either from Boston Drive to the east or Freiburg Avenue to the west. It is unrealistic that all eventual residents to this addition would access their homes or apartments only from the newly constructed Boston Drive. This will mean that there will be increased traffic on streets such as Frieburg Lane, Dortmund Drive and potentially Brandenburg Loop as well just to name a few streets in the area. With three active kids in our home, they are outside in the summer time and frankly in the winter time as well. There are many other kids in our neighborhood as well who are active outside and many of them play together, bouncing from one home to the next. My concern is with additional traffic flow, that will increase the chances that someone will eventually get hit. I appreciate now the fact that there isn't a "through" opportunity in our neighborhood which means that by and large, you are either driving in our neighborhood knowing where you need to go, or you are completely lost. With this proposed change, our neighborhood certainly becomes more of a through opportunity.

I understand that the emergency gate planned at the south end of Dana Drive is an agreement between the developers and city emergency services and frankly, I am not a developer or an engineer, so I trust decisions that are made by the experts. But given that, I just want to make my voice heard as a concerned citizen that in making our neighborhood more of a through opportunity in not fully opening up Dana Drive to Burleigh, it brings a much greater risk for a child to get hurt from traffic than there is currently.

Thank you,
Brian VerDouw
317 Brandenburg Loop
Bismarck, ND 58504



From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Meeting June 22
Date: Wednesday, June 15, 2022 2:03:16 PM

From: Ali Norman <[REDACTED]>
Sent: Tuesday, June 14, 2022 5:39 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Meeting June 22

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

Hello,

I am a resident of the south meadows neighborhood, along with my family. My concern for this new property "Paradise Valley" is the heavy traffic on South Washington St. This is one of two main roads that neighborhoods south of ours drive daily to get to where they need to go. Due to the nature of this rural area there are often very fast drivers on Washington, as well. Not only is safety a concern, this road is very busy in the school year and early mornings. Often times taking minutes to at the stop sign at the intersection of Burleigh and Washington St. This one stop sign is the only stop before you enter town, which then street lights begin. Based on the outline of the new property, I would be very concerned with the amount of entryways that this new development would have on Washington St. making this traffic much more concentrated and introducing many new variables for accidents. I have seen firsthand how easy it is for a driver to make an attempt to get on Washington and not realizing how fast this oncoming traffic is. It is my suggestion from a driver and neighbor that we limit the number of roads that introduce more traffic on South Washington. I understand your greed for space but also consider the safety of our people.

Best,

Ali

From: [amy.siverson](#)
To: [Planning - General Mailbox](#)
Subject: MBR Properties, LLC
Date: Wednesday, June 22, 2022 7:48:26 AM

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

Bismarack Planning & Zoning Commission,

I am opposed to the zoning change for proposed building of Paradise Valley. We purchased our home in the High Plains development for the rural area and to not be surrounded by businesses and multi family units.

Burleigh Ave and South Washington Street would need to be expanded to accommodate for the additional traffic. Burleigh Ave currently has no shoulder and a bike path along the north side. The increased traffic will make the use to the bike path dangerous.

Thank you for your time,
Gary and Amy Siverson

From: [Ruth](#)
To: [Planning - General Mailbox](#)
Subject: Concerns for Bismarck planning and zoning
Date: Wednesday, June 22, 2022 6:53:51 AM

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

To whom it may concern,

I am a property owner to the east of the proposed Paradise Valley subdivision and to the south of the final Meadow village subdivision addition. The amount of traffic that these two subdivisions will cause on Burleigh avenue and south Washington is extremely concerning. They are both extremely busy as it is and at certain times it is extremely hard for traffic to merge on from side subdivisions, especially onto South Washington. I do not like the idea of making that worse and making Burleigh even more busy. The bike path along Burleigh is very close to the road and is used by many people, including families, and by increasing the amount of traffic you increase risk of accidents by motor vehicle and walkers/bikers/joggers. If these subdivisions are approved, please, please address the increased traffic problem that they will cause. Thank you for your time.

Ruth Wanner

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From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: proposed change for Bismarck Rental Properties LLC
Date: Tuesday, June 14, 2022 10:07:21 AM

From: Brian Seehafer <[REDACTED]>
Sent: Tuesday, June 14, 2022 9:02 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: proposed change for Bismarck Rental Properties LLC

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

Re: Zoning change for block 49 and part of Block 56 and block 45

At this point there are a lot of concerns for changing this zoning to include RMH-Residential:

These 2 areas are already crime and drug ridden and need to be cleaned up. The police department drives thru this neighborhood about once an hour because of the prior mentioned activities. There have been many drug busts in the last few years. There are some very nice people as well that live in these areas. However, instead of allowing more manufactured homes to be brought into these areas, these areas should be cleaned up to improve the other values of houses and businesses. A lot of the mobile homes that are there now have boarded up windows or other repairs that are needed.

Within the last couple of years – the trailers that were in these two blocks were painted gold and red. Everyone is laughing at this. It did not make it look more like a development, but rather made it stick out like the crime infested area that it is.

Changing this zoning will just increase the number of manufactured homes being brought in and the crime in this area. Lets clean up what is there and improve the city values before we allow more eyesores to this area.

Brian Seehafer

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Comments for Public Hearing, June 22, 2022 - Zoning Change Request for Lots 1 and 2, Block 1, Kilber North Addition First Replat
Date: Wednesday, June 15, 2022 2:01:39 PM

From: [REDACTED]
Sent: Tuesday, June 14, 2022 5:37 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Comments for Public Hearing, June 22, 2022 - Zoning Change Request for Lots 1 and 2, Block 1, Kilber North Addition First Replat

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

TO: BISMARCK PLANNING AND ZONING COMMISSION
 FROM: TOM AND DEB HAYDEN, BOULDER RIDGE ROAD
 SUBJECT: ZONING CHANGE – LOTS 1 AND 2, BLOCK 1, KILBER NORTH ADDITION FIRST REPLAT
 DATE: JUNE 15, 2022

We were recently notified that DPH Investments, LLC is requesting approval of a zoning change from the RT-Residential zoning district to the CA-Commercial zoning district for Lots 1 and 2, Block 1, Kilber North Addition First Replat along 43rd Avenue NE, west of Boulder Ridge Road. We are very strongly opposed to this change but will not be in town the evening of the meeting to oppose the change.

We have been on Boulder Ridge Rd, Knutson's first addition, since 2006. At the time, much of the area around us was all open land. We have seen the landscape change from open area with beautiful trees, many pheasants, partridge and other wildlife to all trees being removed, office buildings and apartments being added on the south, and several other Boulder Ridge additions to the east and north.

As it is, the currently zoning allows for offices and multi-family residential uses. With a change to CA-Commercial, we could potentially have increased traffic, noise, litter, etc. Most importantly, there are two schools very nearby, with children in the area at all times. With a potential zoning change, we are concerned with the safety of the many children in getting to their respective schools.

Also, we are very fearful of a zoning change and what could happen to the landscape just out our back door. Our property is one of our largest assets, and we would not want any devaluation in the future with the wrong type of buildings or businesses.

We appreciate your consideration of our concerns after reading all correspondence on the issue and after hearing comments and discussion at the meeting.

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#); [Daniel Nairn](#); [Jenny Wollmuth](#); [Kim Lee](#); [William Hutchings](#)
Subject: FW: Special use permit to increase the total allowable square footage of accessory buildings in Brookfield Estates.
Date: Monday, June 20, 2022 12:51:53 PM

From: [REDACTED]
Sent: Monday, June 20, 2022 11:12 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Special use permit to increase the total allowable square footage of accessory buildings in Brookfield Estates.

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

Planning and Zoning Commissioners , I m writing this as a concerned resident of Brookfield Estates, I believe that

the allowable square footage for accessory building in our development has been growing over the years, and the

question where is it going to stop !! The allowable square footage was around 1300 sq ft., when we moved here

in the mid 70's . So where is it going to stop, if ever. Our development used to be one of the nicest rural area in the

county.

Respectfully Yours

Donald Reiner
801 East Bristol Drive
Bismarck ND 58501

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 6/2022

*****City*****

*****ETA*****

	6/2022		6/2021		6/2022		6/2021	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	8	\$3,266,198.96	20	\$4,914,352.55	4	\$1,511,195.19	8	\$3,060,147.68
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	\$4,064,570.41	33	\$7,657,702.50	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	0	\$0.00	3	\$265,522.95	3	\$72,201.96	0	\$0.00
DETACHED GARAGE	5	\$114,700.00	1	\$14,400.00	3	\$109,200.00	6	\$221,400.00
DECKS\PORCHES & COVERED PORCHES	10	\$29,301.00	10	\$32,926.50	1	\$14,578.20	1	\$5,670.00
SWIMMING POOLS	2	\$180,284.00	0	\$0.00	2	\$262,900.00	2	\$165,000.00
RESIDENTIAL ALTERATION/OTHER	2	\$33,000.00	5	\$211,287.86	0	\$0.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	1	\$3,000.00	4	\$11,340.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	3	\$64,395.75	5	\$90,430.00	1	\$15,050.00	1	\$17,802.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	8	\$0.00	7	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	0	\$0.00	20	\$144,135.00	1	\$8,000.00	0	\$0.00
SIGN ALTERATION	0	\$0.00	9	\$119,530.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	5	\$8,584,698.00	4	\$4,501,514.00	3	\$2,400,000.00	0	\$0.00
COMMERCIAL ADDITION	0	\$0.00	2	\$649,026.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	5	\$2,382,039.00	15	\$8,515,219.86	0	\$0.00	0	\$0.00
Total	62	\$18,722,187.12	135	\$27,127,387.22	26	\$4,393,125.35	25	\$3,470,019.68

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 6/2022

*****City*****

*****ETA*****

	6/2022		6/2021		6/2022		6/2021	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	93	\$0.00	106	\$42,861.15	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	168	\$3,321,126.61	158	\$1,619,831.22	10	\$35,393.50	9	\$84,604.47
BUILDING PLUMBING	50	\$3,074,477.99	47	\$1,513,839.00	11	\$91,400.00	22	\$1,023,300.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	2	\$2,000.00	3	\$0.00
Total	311	\$6,395,604.60	311	\$3,176,531.37	23	\$128,793.50	34	\$1,107,904.47

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 6/2022

	*****City*****		*****ETA*****	
	6/2022	6/2021	6/2022	6/2021
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	0	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	1
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	24	0	0
SINGLE FAMILY DETACHED	8	16	4	8
SWIMMING POOLS	0	0	0	0
Total	28	41	4	9

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 6/2022

*****City*****

*****ETA*****

	6/2022		6/2021		6/2022		6/2021	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	81	\$25,596,489.28	91	\$25,229,715.44	16	\$4,967,341.15	35	\$12,957,455.66
ROWHOUSE (2) 1-HR FIRE SEPARATION	40	\$8,802,102.69	65	\$14,116,545.04	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	3	\$47,988.00	12	\$516,994.52	4	\$118,652.76	3	\$334,046.80
DETACHED GARAGE	15	\$193,390.00	15	\$195,950.00	21	\$837,636.50	34	\$1,358,340.00
DECKS\PORCHES & COVERED PORCHES	41	\$135,087.00	59	\$215,789.45	4	\$26,611.20	8	\$43,344.00
SWIMMING POOLS	3	\$255,284.00	3	\$313,000.00	4	\$439,601.00	4	\$314,221.00
RESIDENTIAL ALTERATION/OTHER	26	\$673,284.67	38	\$1,164,039.11	8	\$407,627.49	1	\$38,000.00
HOME OCCUPATION	2	\$0.00	3	\$0.00	0	\$0.00	1	\$0.00
STORAGE SHED	7	\$25,480.00	14	\$45,100.00	1	\$3,000.00	1	\$2,880.00
BASEMENT FINISH	32	\$857,159.25	58	\$1,388,174.00	9	\$201,346.50	8	\$168,861.00
RESIDENTIAL	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	8	\$0.00	7	\$0.00
NURSERY STOCK SALES	4	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	2	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	42	\$358,343.00	57	\$874,592.16	3	\$46,866.00	0	\$0.00
SIGN ALTERATION	1	\$35,000.00	14	\$245,697.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	31	\$49,603,286.00	31	\$39,804,685.21	13	\$4,800,000.00	15	\$14,052,923.00
COMMERCIAL ADDITION	3	\$11,600,387.00	3	\$2,337,176.00	1	\$2,937,630.00	1	\$0.00
COMMERCIAL ALTERATION	48	\$13,863,611.88	53	\$18,387,553.86	2	\$3,715,000.00	3	\$4,577,757.00
Total	385	\$112,046,892.77	530	\$104,835,011.79	94	\$18,501,312.60	121	\$33,847,828.46

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 6/2022**

*****City*****

*****ETA*****

	6/2022		6/2021		6/2022		6/2021	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	451	\$169,500.00	492	\$82,661.15	2	\$0.00	2	\$0.00
BUILDING MECHANICAL	690	\$13,038,916.13	708	\$7,340,446.35	109	\$752,591.63	115	\$1,317,219.97
BUILDING PLUMBING	194	\$6,992,827.76	206	\$6,075,251.04	37	\$357,973.00	59	\$1,942,991.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	6	\$2,000.00	13	\$24,000.00
Total	1335	\$20,201,243.89	1406	\$13,498,358.54	154	\$1,112,564.63	189	\$3,284,210.97

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 6/2022

*****City*****

*****ETA*****

	6/2022	6/2021	6/2022	6/2021
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	1	2	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	2
RESIDENTIAL ADDITION	0	1	0	0
RESIDENTIAL ALTERATION/OTHER	0	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	40	54	0	0
SINGLE FAMILY DETACHED	80	77	12	33
SWIMMING POOLS	0	0	0	0
Total	121	135	12	35