PLANNING AND ZONING COMMISSION

MEETING AGENDA
August 24, 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 July 27, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Boulder Ridge First Addition First Replat (**WH)…….....6

   Major Subdivision Preliminary Plat | PPLT2022-010 | *Consideration*

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

Building Inspections Division ● Phone: 701-355-1465 ● Fax: 701-258-2073 | **Planning Division** ● Phone: 701-355-1840 ● Fax: 701-222-6450
221 North 5th Street ● P.O. Box 5503 ● Bismarck, ND 58501 ● www.bismarcknd.gov ● TDD 711 ● An Equal Opportunity-Affirmative Action Employer

3. **Silver Ranch Fourth Addition** (DN)……...13

Zoning Change (A to R10, RM20, CA & P) | ZC2022-014 | *Consideration*

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

Major Subdivision Preliminary Plat | PPLT2022-009 | *Consideration*

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

4. **Lots 49 & 50, Block 2, Sonnet Heights Subdivision First Replat** (JW).....22

Zoning Change (R10 to RT) | ZC2022-015 | *Consideration*

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

5. **Lot 1 and Pt of Lot 2, Block 1, Meadowlark Hill Second Addition Replat** (JW)…28

Zoning Change (RT & CG to CG) | ZC2022-016 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

6. **Brunskill Subdivision** (JW)…….....34

Apple Creek Township

Zoning Change (A to RR & RR5) | ZC2022-012 | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

Major Subdivision Final Plat | FPLT2022-005 | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

7. **Country West XXXI Addition** (DN)……..46

Annexation | ANNX2022-003 | *Final Consideration*

Staff recommendation: approve □ approve □ continue □ table □ deny

Major Subdivision Final Plat | FPLT2022-006 | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

Building Inspections Division ● Phone: 701-355-1465 ● Fax: 701-258-2073 | **Planning Division** ● Phone: 701-355-1840 ● Fax: 701-222-6450
221 North 5th Street ● P.O. Box 5503 ● Bismarck, ND 58501 ● www.bismarcknd.gov ● TDD 711 ● An Equal Opportunity-Affirmative Action Employer

8. **Lot 8, Block 8, Shamrock Acres Third Addition** (DN)…….**55**

Special Use Permit | SUP2022-009 (ADU & Oversized Acc. Bldg.) | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

9. **Lot 8, Block 15, Replat of Part of Tibesar First Subdivision** (DN)…….**66**

Special Use Permit | SUP2022-012 (ADU) | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

10. **Lot 1, Block 2, Crescent Ridge Second Subdivision** (WH)…….**74**

Hay Creek Township

Special Use Permit | SUP2022-013 (Oversized Acc. Bldg.) | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

11. **Lot 2, Block 1, Washington Square Addition** (DN)…….**83**

Special Use Permit | SUP2022-014 (EMC) | *Public Hearing*

Staff recommendation: approve □ approve □ continue □ table □ deny

OTHER BUSINESS

12. **Other**

ADJOURNMENT

13. **Adjourn.** The next regular meeting date is scheduled for September 28, 2022.

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

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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.

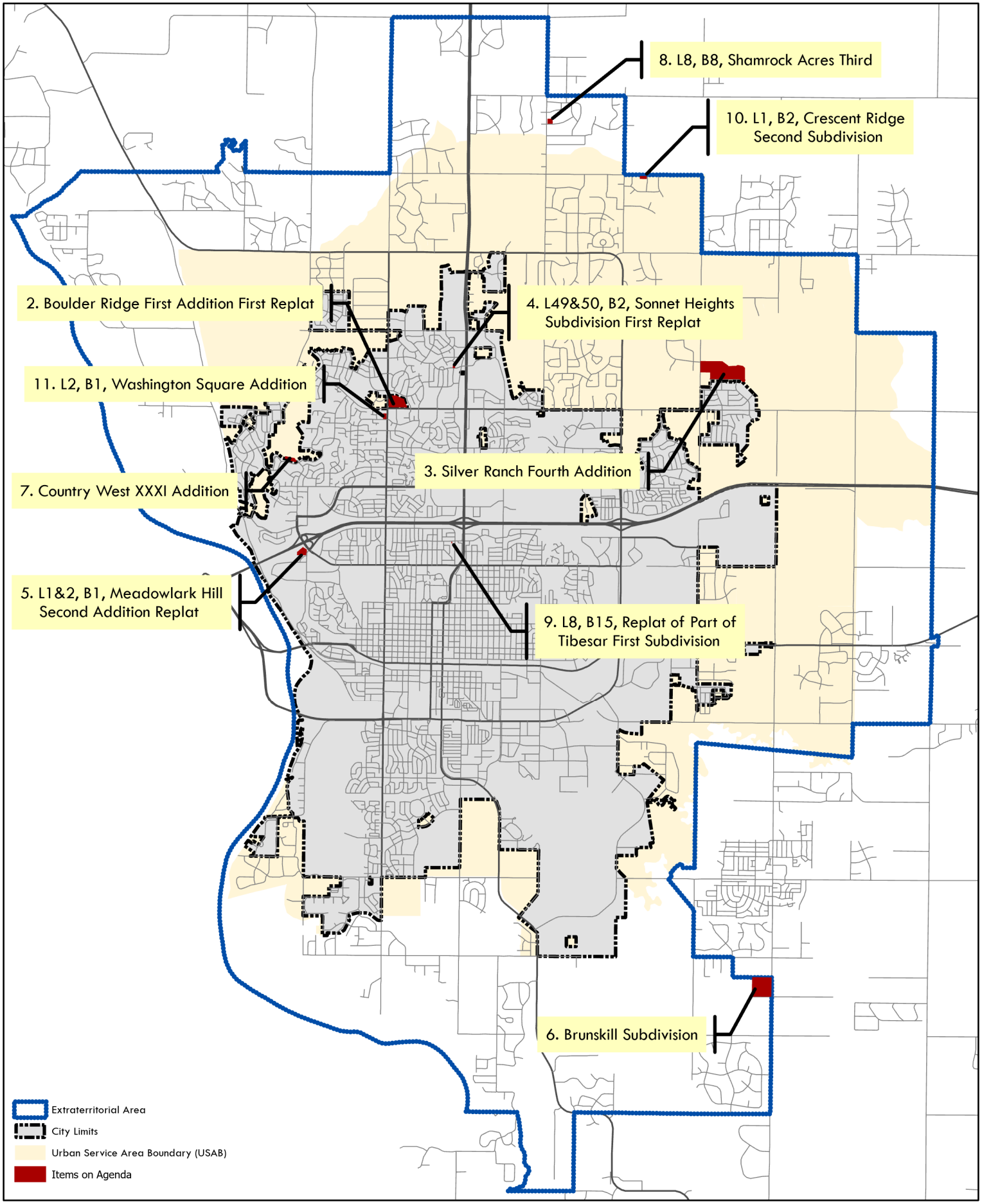
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking 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.

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

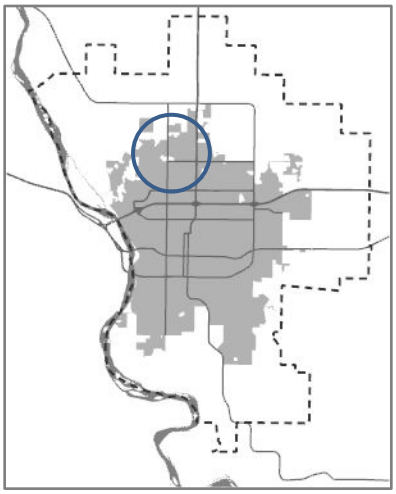
Agenda Item # 2
August 24, 2022

Application for: **Major Subdivision Preliminary Plat**

Project ID: **PPLT2022-010**

Project Summary

Title:	Boulder Ridge First Addition First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Wilment Development, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In north Bismarck, along the north side of 43rd Avenue NE and the east side of North Washington Street (a replat of Lots 13A, 14, 16, 17A, 26 and 27, Block 1, Boulder Ridge First Addition)
Project Size:	23.6 acres
Request:	Replat property and dedicate new right of way



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	*Number of Lots:*	3 lots in 2 blocks
Land Use:	Undeveloped	*Land Use:*	Commercial
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	CA – Commercial	*Zoning:*	CA – Commercial
Uses Allowed:	CA – Neighborhood commercial	*Uses Allowed:*	CA – Neighborhood commercial
Max Density:	CA – 30 units / acre	*Max Density:*	CA – 30 units / acre

Property History

Zoned:	04/2005	*Platted:*	06/2005	*Annexed:*	N/A

Staff Analysis

Wilment Properties, LLC is requesting approval of a major subdivision preliminary plat for Boulder Ridge First Addition First Replat.

The plat is a replat of several lots that have been combined to create two parcels. The resulting plat would consist of 3 lots in 2 blocks for future

(continued)

commercial development and would also dedicate new right-of-way. The plat also adjusts the size and location of the stormwater and drainage easements that were previously dedicated.

The applicant has indicated that an annexation request for the property within the proposed plat will be submitted for consideration with the public hearing for the major subdivision final plat.

Adjacent uses include office uses and two-family uses to the north, two family uses to the east, multi-family and religious uses to the south across 43rd Avenue NE, and undeveloped property zoned CA-Commercial to the west across North Washington Street.

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. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for Boulder Ridge First Addition First Replat.

Attachments

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

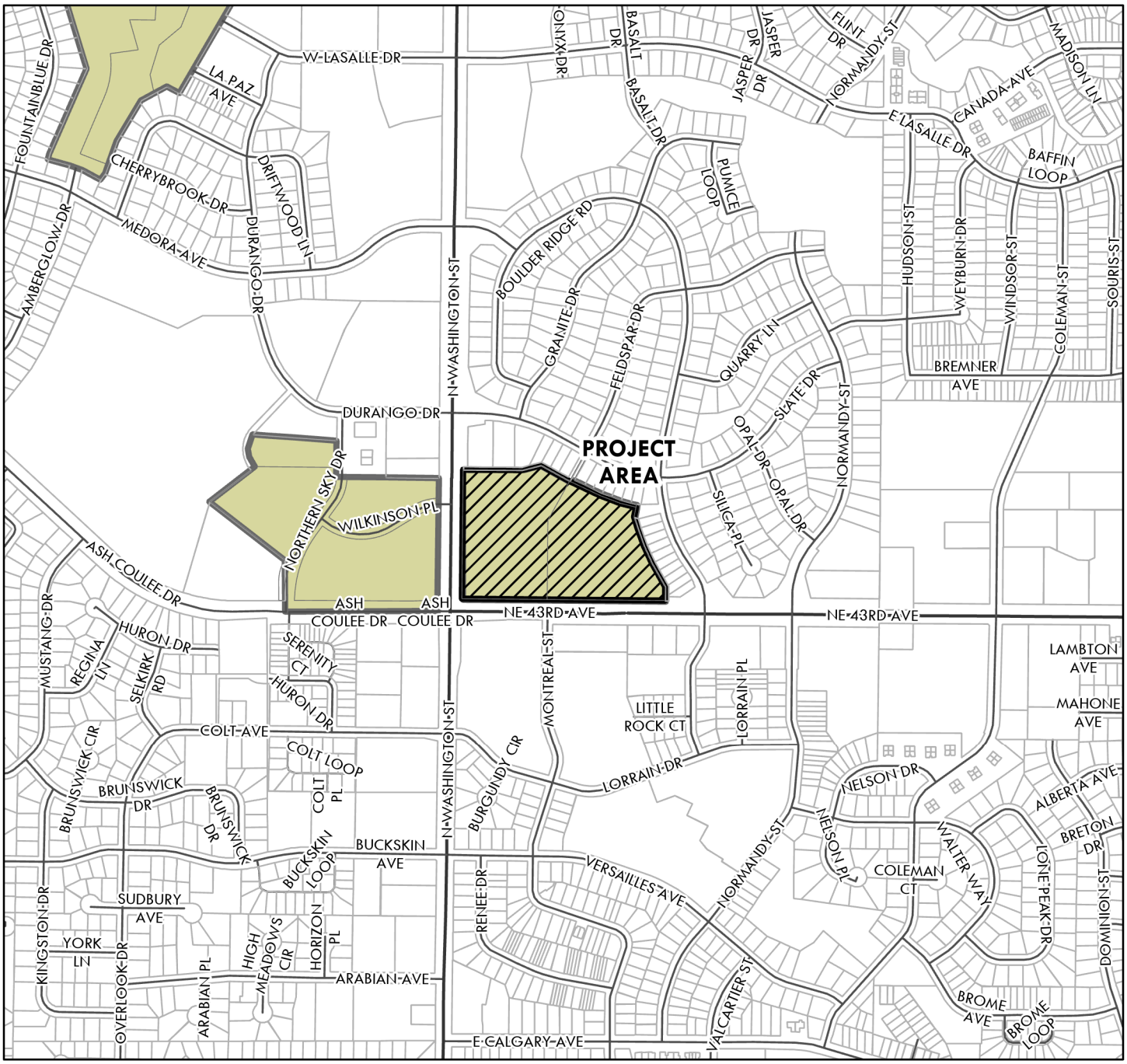
(continued)

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

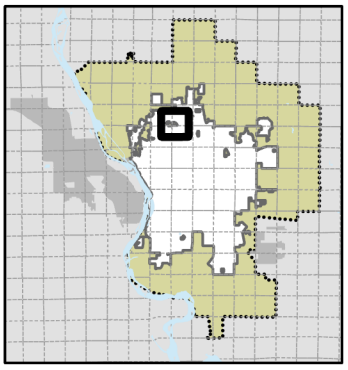
Location Map

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010



0 0.2 0.4 0.8 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

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

Aerial Map

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010



Miles

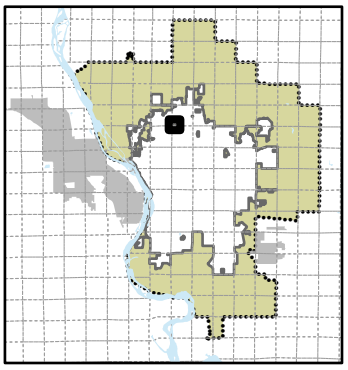
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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



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

Zoning and Plan Reference Map

BOULDER RIDGE FIRST ADDITION FIRST REPLAT

PPLT2022-010

Zoning Districts

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

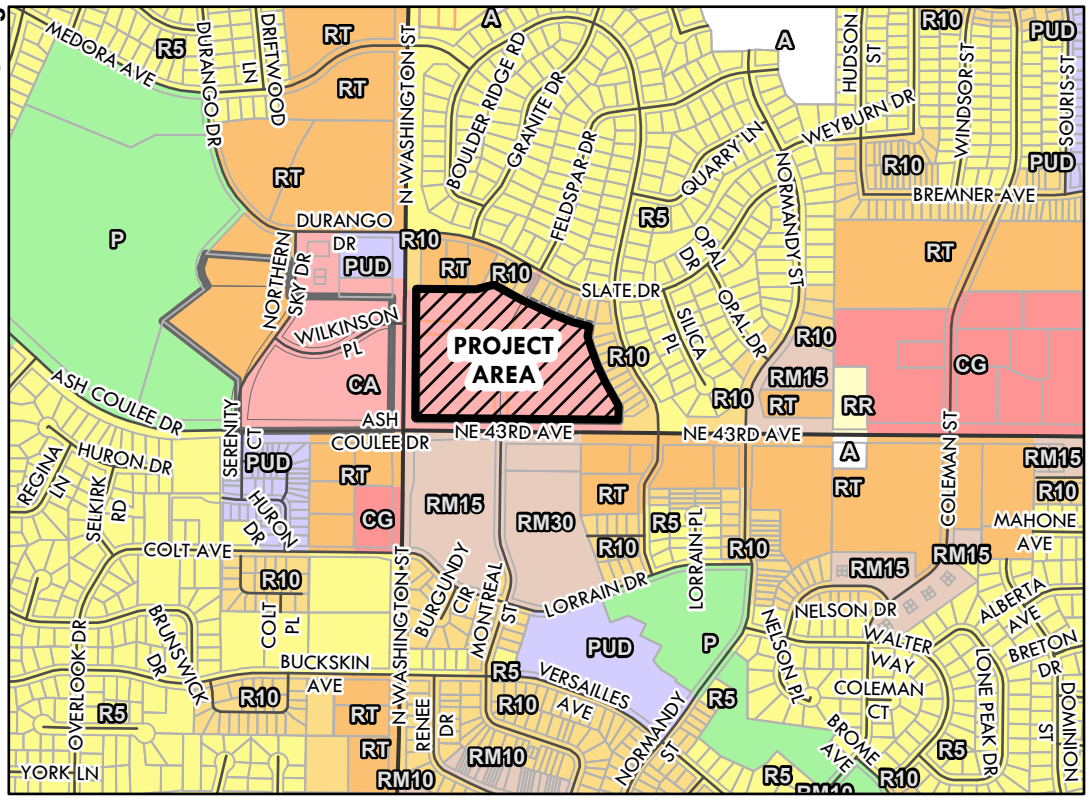
Future Land Use Plan

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

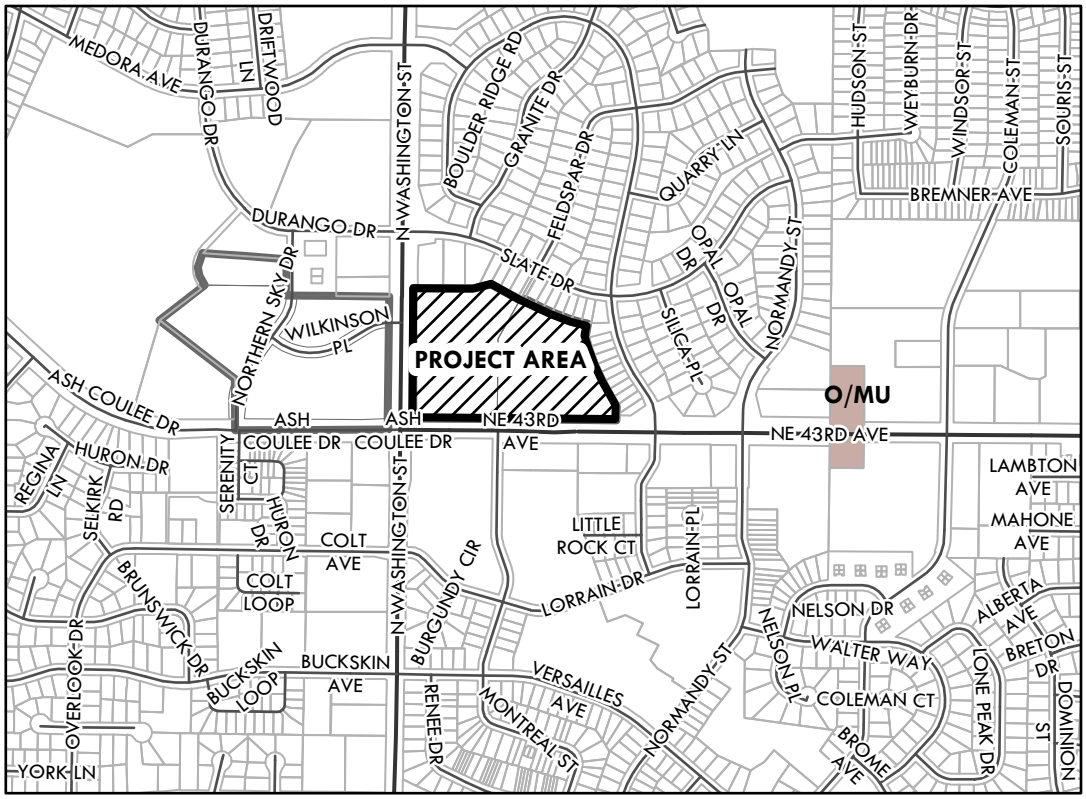
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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.

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

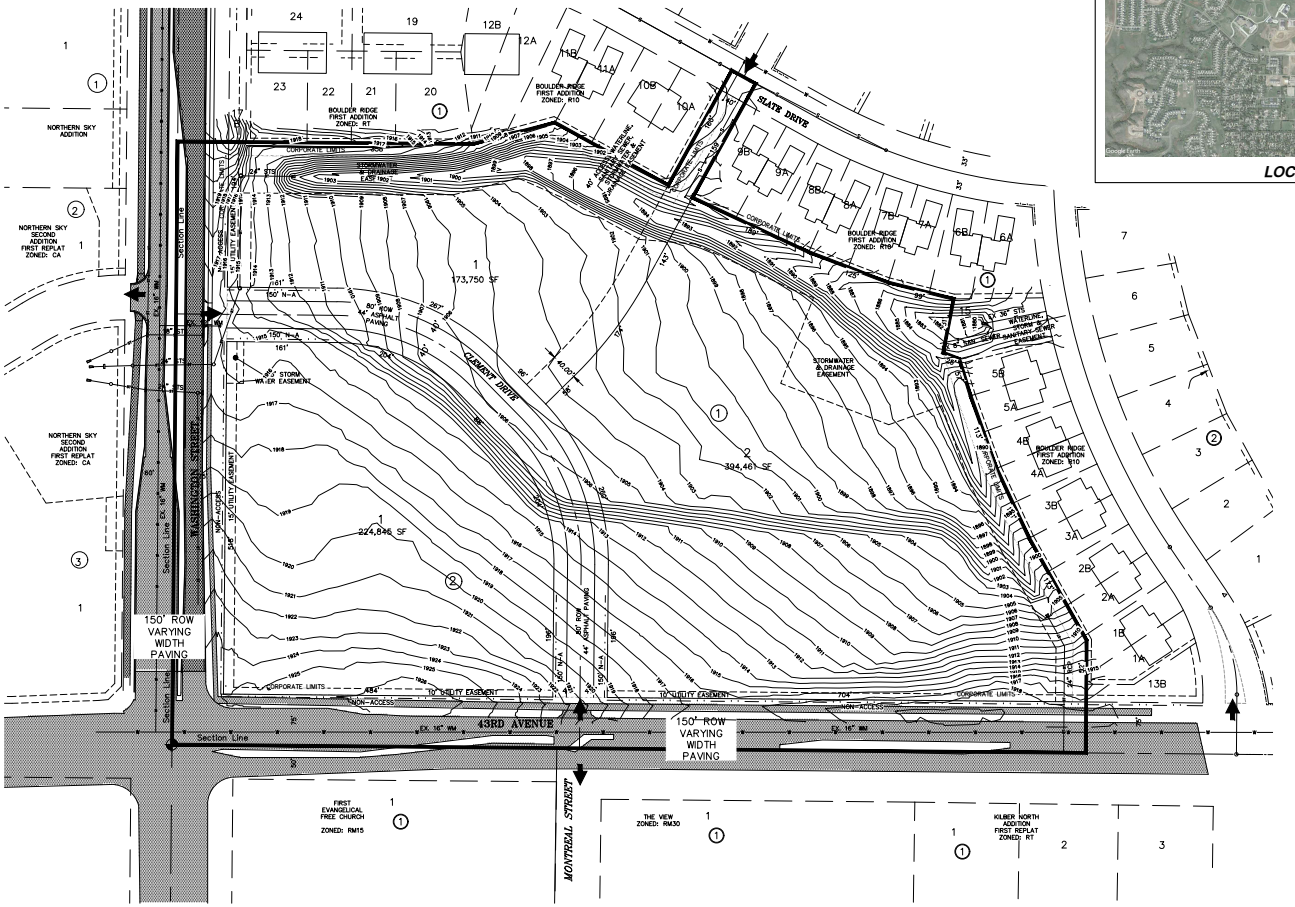
BOULDER RIDGE FIRST ADDITION
FIRST REPLAT

BEING A REPLAT OF LOTS 13A, 14, 16, 17A, 26, AND 27
BLOCK 1 BOULDER RIDGE FIRST ADDITION
OF THE WEST 1/2 OF SECTION 16, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LOCATION MAP

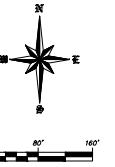


23.6 ACRES
EXISTING ZONING: CA
3 LOTS 2 BLOCKS

OWNER: WILMENT DEVELOPMENT, LLC
ADDRESS: 3250 ROCK ISLAND PL STE 4
BISMARCK, ND 58504

SURVEYOR'S STATEMENT

I TERRY BALTZER A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA HAVE DIRECTED THE PREPARATION OF THIS EXHIBIT.



SCALE – 1" = 80'

VERTICAL DATUM: NAVD 88

JULY 20, 2022

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

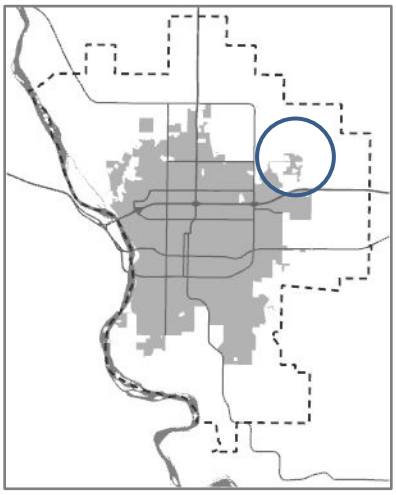
Agenda Item # 3
August 24, 2022

Application for: **Zoning Change**
Preliminary Plat

Project ID: **ZC2022-004**
PPLT2022-009

Project Summary

Title:	Silver Ranch Fourth Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Investcore, Inc (Applicant) Silver Ranch 19 LLLP (Owner)
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	Northwest of Bismarck, north of 43rd Avenue NE and west of 52nd Street NE along extensions of Silver Boulevard and Silbernagel Drive
Project Size:	67.9 Acres
Request:	Plat and zone for future mixed-density residential and neighborhood commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 unplatted parcel	*Number of Lots:*	31 lots in 8 blocks
Land Use:	Undeveloped	*Land Use:*	Single-family residential, two-family residential, multi-family residential, school, commercial
Future Land Use:	Low Density Residential Medium Density Residential	*Future Land Use:*	Low Density Residential Medium Density Residential
Zoning:	A – Agricultural	*Zoning:*	R10 – Residential RM20 – Residential CA – Commercial P – Public Use
Uses Allowed:	A – Agriculture	*Uses Allowed:*	R10 – Single and two-family residential RM20 – Multi-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses

(continued)

Max Density:	A – 1 unit / 40 acres	*Max Density:*	R10 – 10 units / acre RM20 – 20 units / acre CA – 30 units / acre P – N/A

Property History

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

Staff Analysis

Investcore, Inc and Silver Ranch 19, LLLP are requesting approval of a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, CA – Commercial, and P – Public zoning districts and the preliminary plat for Silver Ranch Fourth Addition.

Annexation has not been requested at this time, but the land must be annexed prior to any site development.

Adjacent uses include agricultural land to the north and east, developing residential to the south, and existing rural residential to the west across 52nd Street NE.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, defines most of the area as medium-density residential and a smaller area in the southwest portion of the plat as low-density residential. Given the development block concept in the plan, which anticipates a certain variation of uses within these land use categories, the proposed zoning changes do conform to the Plan.

The Fringe Area Road Master Plan shows 52nd Street NE as an arterial roadway and two collectors extending through the platted area of Silver Ranch 4th Addition. The rights-of-way within this plan generally conform to this plan.

Lot 2, Block 1 is proposed for a school to be constructed by Bismarck Public Schools and has been sized to meet facility standards. Blocks 3-5 may be further subdivided in the future through a replatting process as development plans proceed.

The intersection of the two rights-of-way within the plat are designed to allow sufficient space for a roundabout.

There remain emergency services concerns for allowing adequate access to the entire Silver Ranch area in event of a blockage of 43rd Avenue NE between Roosevelt and 52nd Street. This has been an ongoing issue, but additional development in this area increases the level of risk.

At this time, the areas proposed for neighborhood commercial zoning along 52nd Street NE are not designated individual lots on the preliminary plat. The final plat would include two additional lots for neighborhood commercial uses.

Required Findings of Fact (relating to land use)

Zoning Change

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

(continued)

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

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. A statement of intent for the provision of neighborhood parks and open space has been submitted;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends calling a for a hearing the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, CA – Commercial, and P – Public zoning districts s and tentative approval of the preliminary plat for Silver Ranch Fourth Addition.

(continued)

Attachments

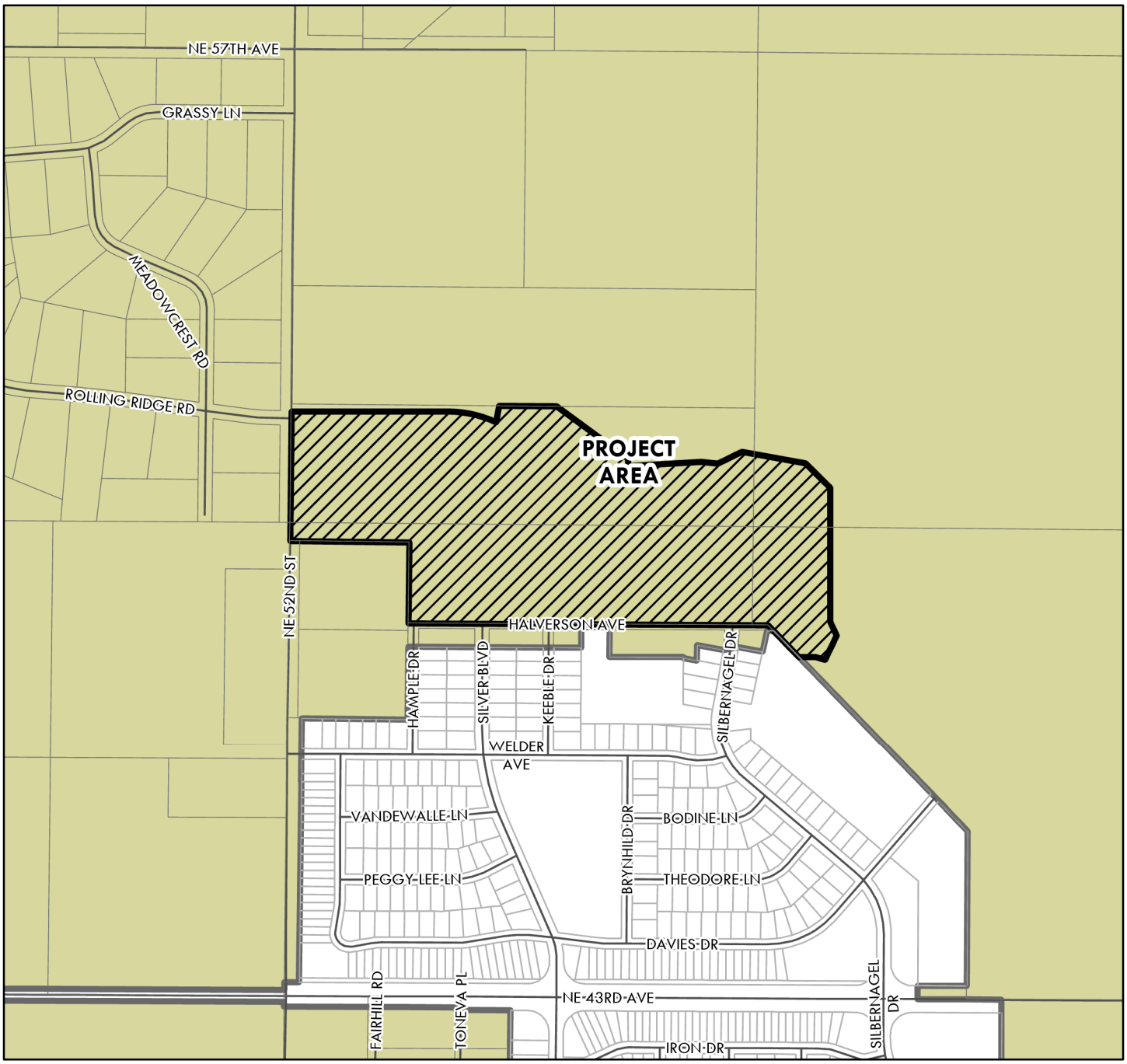
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Zoning Proposed Map
5. Preliminary Plat

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

Location Map

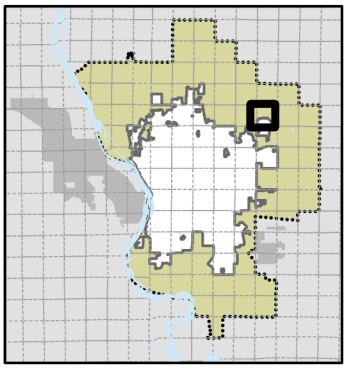
SILVER RANCH FOURTH ADDITION

PPLT2022-009
ZC2022-014



Miles
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N



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

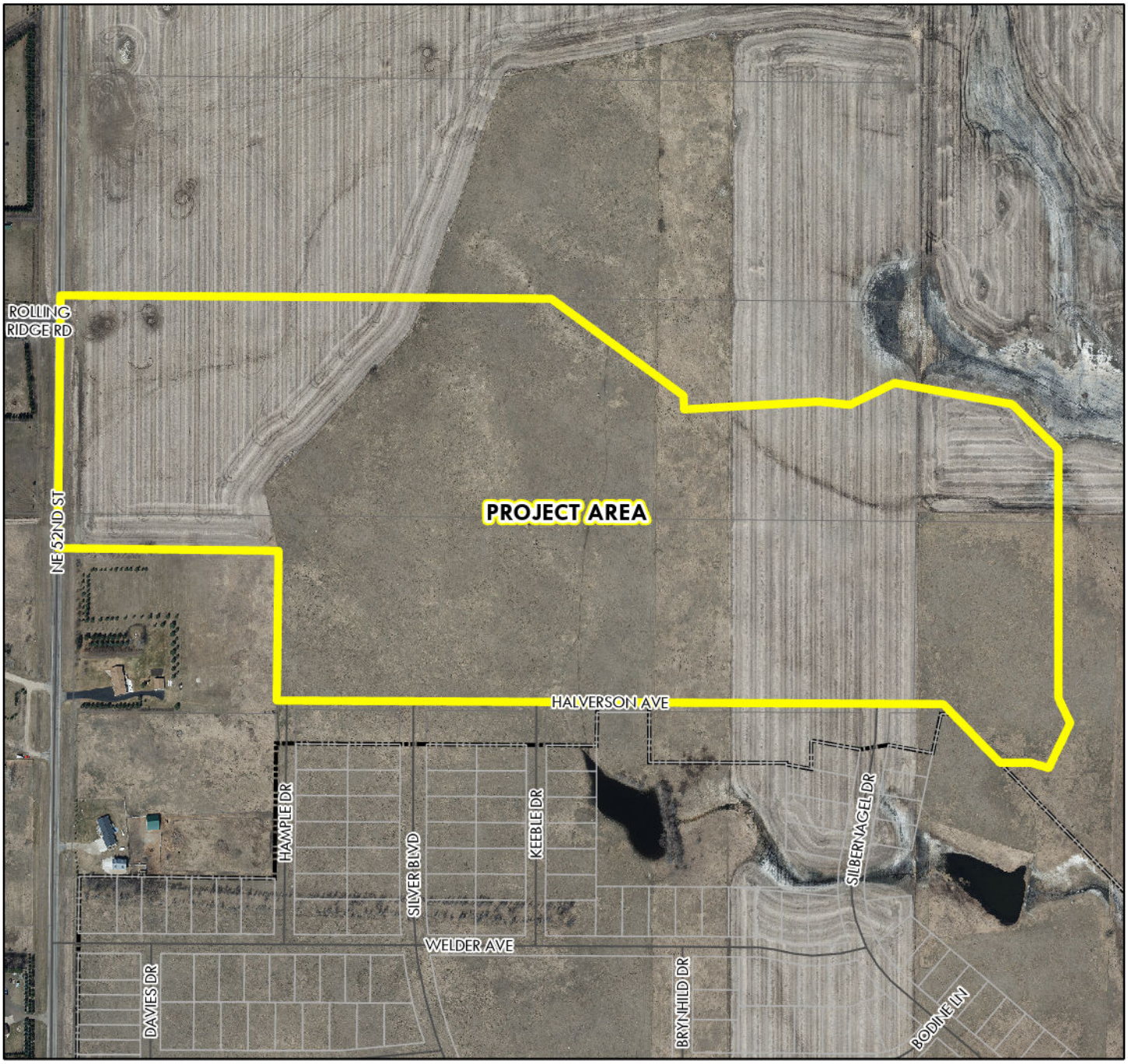
City of Bismarck
Community Development Department
Planning Division
June 30, 2022 (HLB)

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

Aerial Map

SILVER RANCH FOURTH ADDITION

ZC2022-014

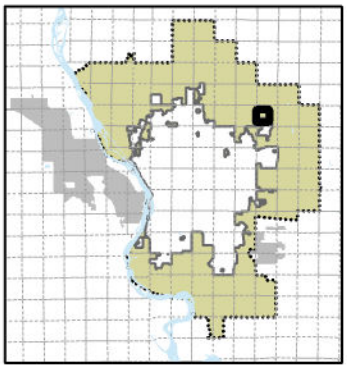


0 0.1 0.2 0.4 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

Zoning and Plan Reference Map

SILVER RANCH FOURTH ADDITION

PPLT2022-009
ZC2022-014

Zoning Districts

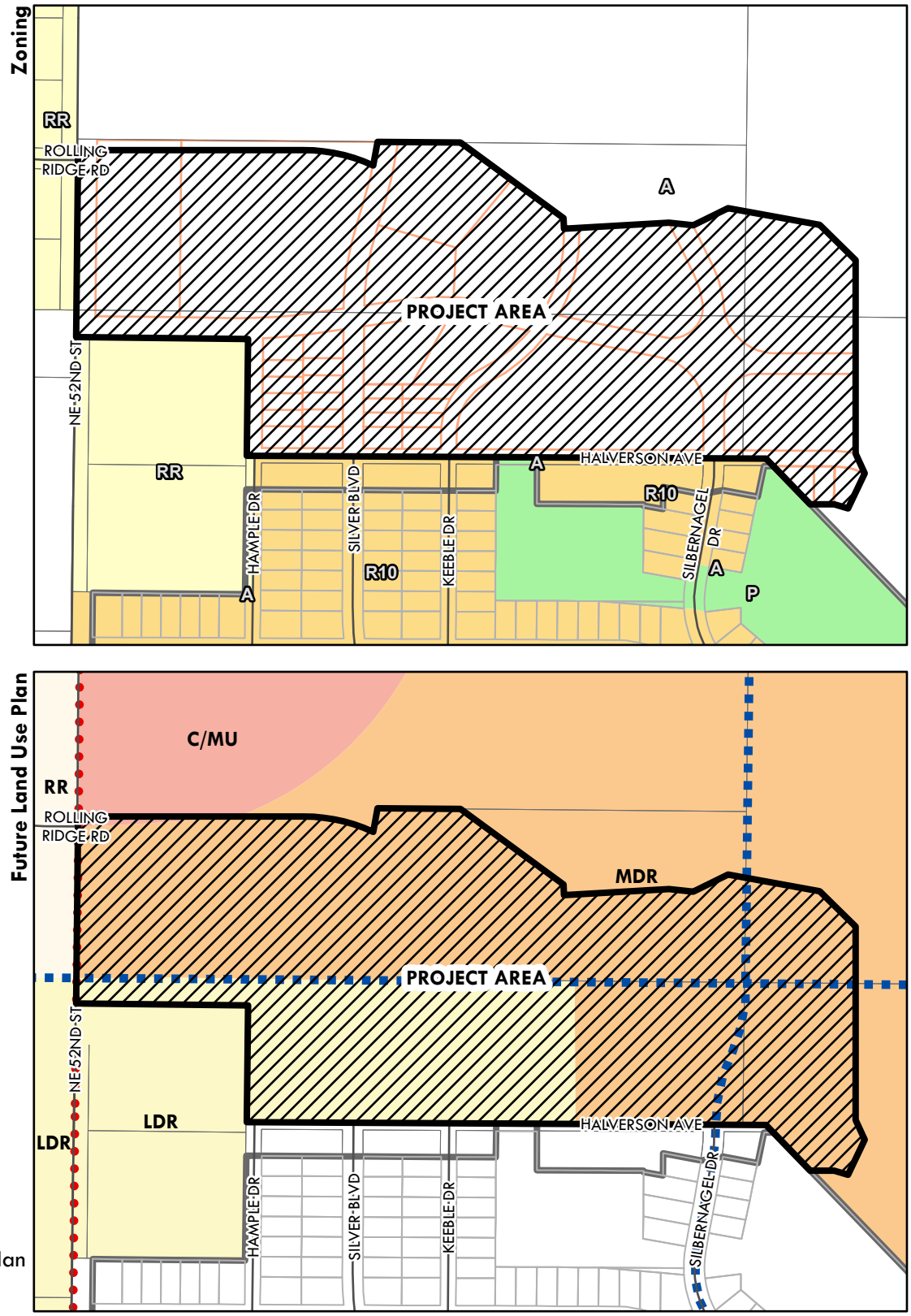
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road



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0 0.07 0.15 0.3 Miles

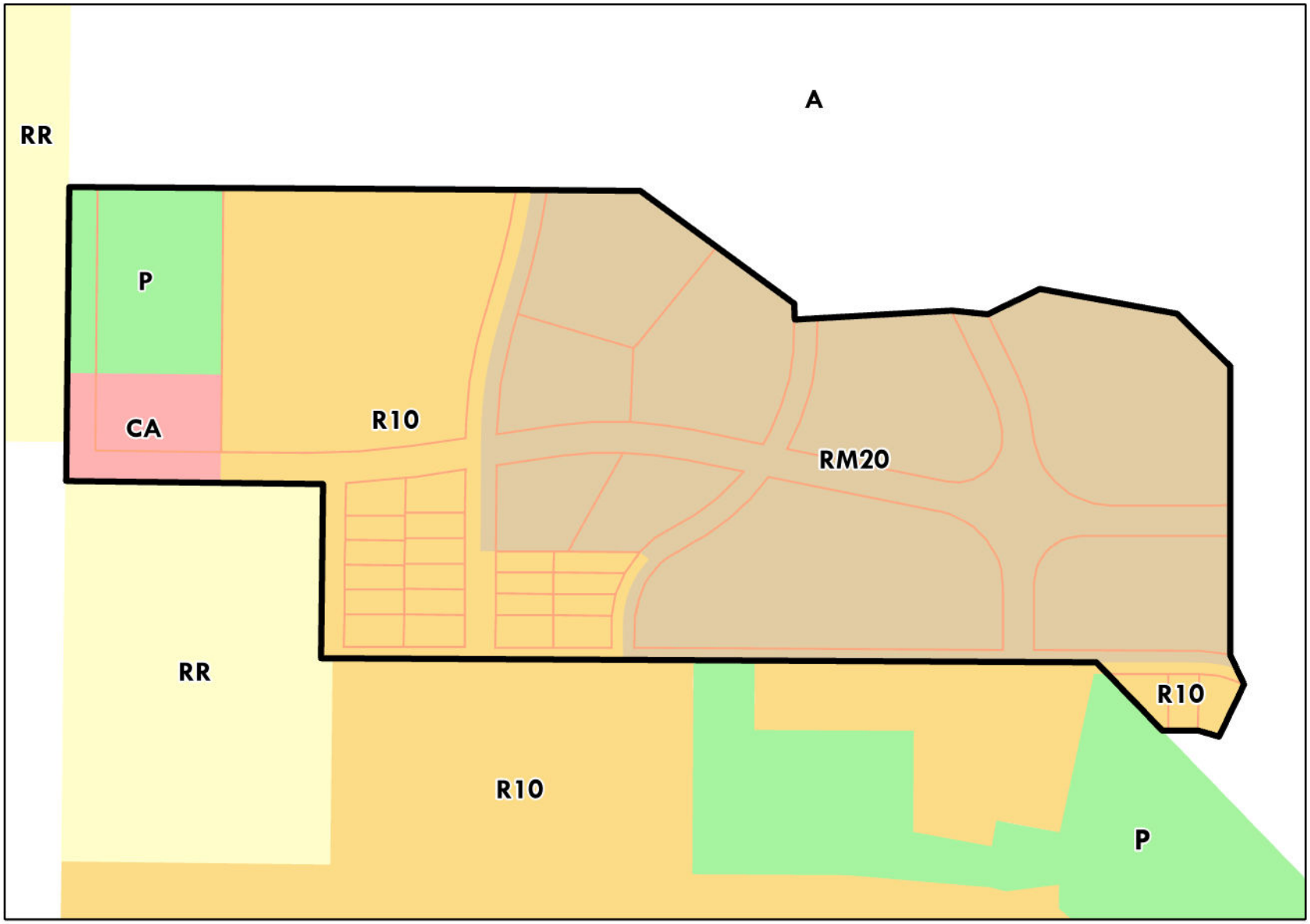
N

City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

Proposed Zoning Change
SILVER RANCH FOURTH ADDITION

ZC2022-014

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
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HM	Health and Medical
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A "C-" prior to the district indicates that special conditions would apply to the zoning district

0 0.13 0.25 0.5 Miles

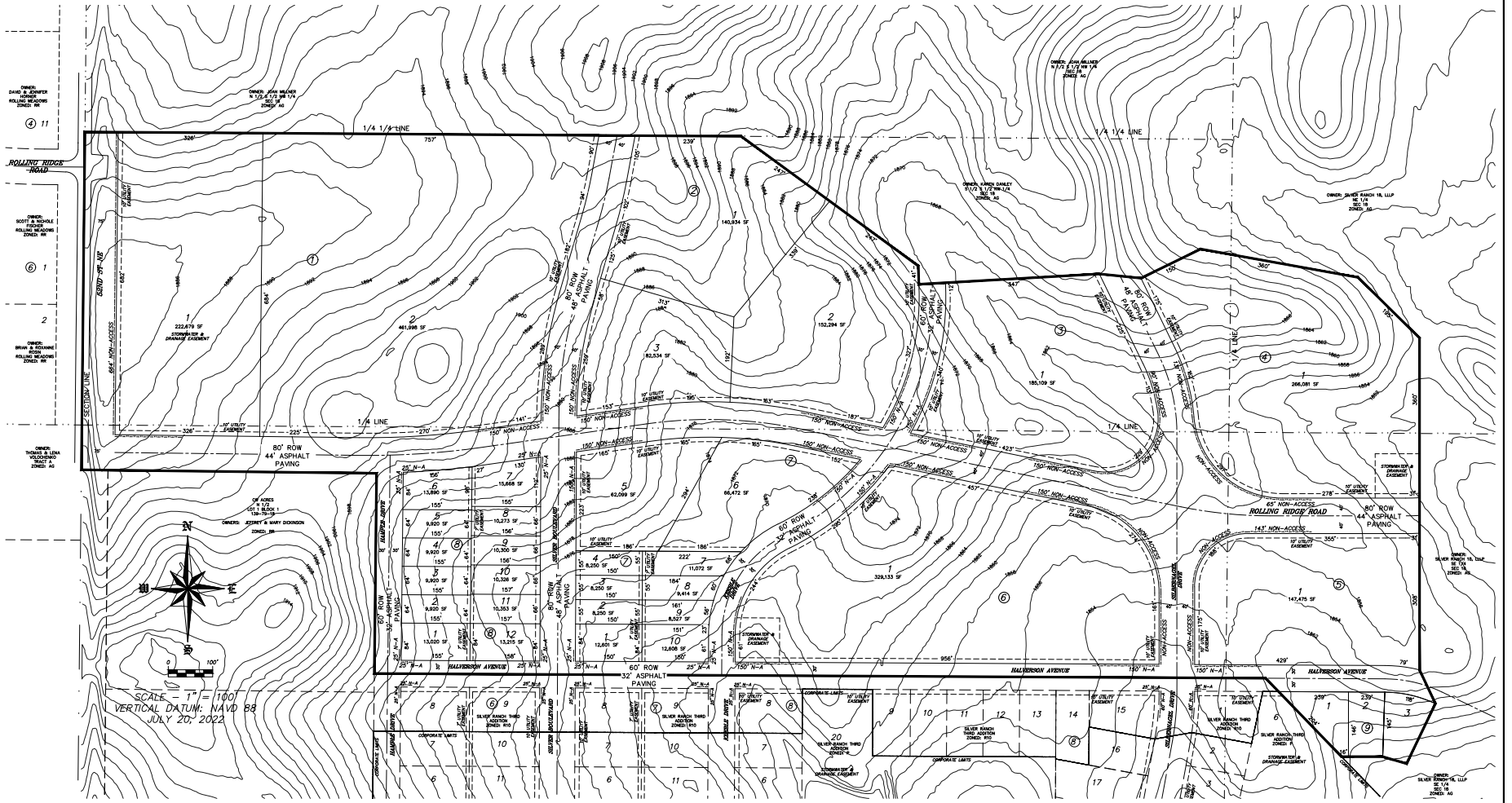
City of Bismarck
Community Development Dept.
Planning Division
August 10, 2022

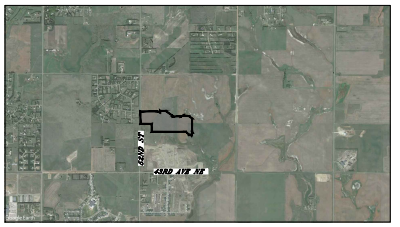
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SILVER RANCH FOURTH ADDITION

PART OF SECTION 18
TOWNSHIP 139 NORTH, RANGE 79 WEST

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA





LOCATION MAP

69.0 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R10/RM20/P
34 LOTS

OWNER: KAREN DANLEY
8441 WEST HILL RD
BOISE, ID 83714

OWNER: SILVER RANCH 18, LLLP
1117 N. 3RD ST
BISMARCK, ND 58501

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

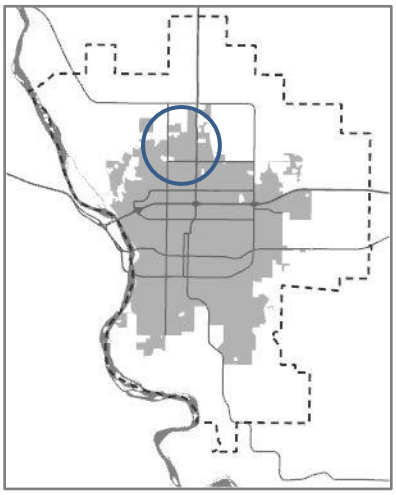
Agenda Item # 4
August 24, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-015**

Project Summary

Title:	Lots 49 & 50, Block 2, Sonnet Heights Subdivision First Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Land One Inc.
Project Contact:	Vance Vetter
Location:	In north Bismarck, west of US Highway 83 / State Street, along the north side of East Lasalle Drive
Project Size:	23,100 square feet
Request:	Rezone property for development of an office building



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 1 block	*Number of Lots:*	2 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Office
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R10 – Residential	*Zoning:*	RT – Residential
Uses Allowed:	R10 – Single and two-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density:	R10 – 10 units / acre	*Max Density:*	RT – 30 units / acre

Property History

Zoned:	05/2007	*Platted:*	05/2007	*Annexed:*	Pre-1980

Staff Analysis

Land One Inc. is requesting approval of a zoning change from the R10 – Residential zoning district to the RT – Residential zoning district for Lots 49 & 50, Block 2, Sonnet Heights Subdivision First Replat. If approved as proposed, the applicant

(continued)

intends to combine Lots 49 and 50 into one parcel and construct a single office building.

Adjacent uses include single-family to the north, undeveloped CG – Commercial zoned property to the east single and multifamily uses to the south across East Lasalle Drive and undeveloped R10 – Residential zoned property to the west.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10 – Residential zoning district to the RT – Residential zoning district for Lots 49 & 50, Block 2, Sonnet Heights Subdivision First Replat.

Attachments

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

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

Location Map

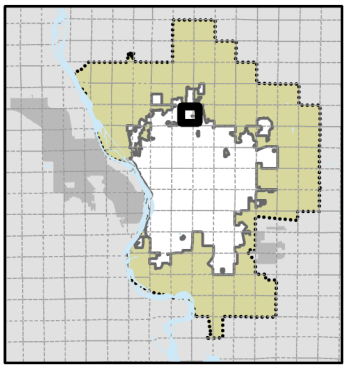
SONNET HEIGHTS SUBDIVISION FIRST REPLAT, L49-50, B2

ZC2022-015



0 0.13 0.25 0.5 Miles

N



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

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

Aerial Map

SONNET HEIGHTS SUBDIVISION FIRST REPLAT, L49-50, B2

ZC2022-015



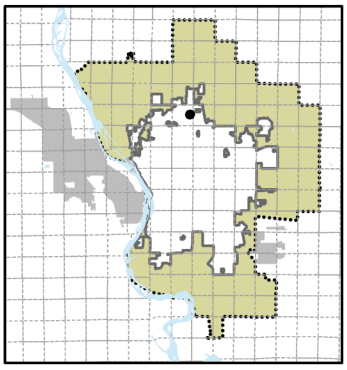
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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Community Development Dept.
Planning Division
August 23, 2022

Zoning and Plan Reference Map

SONNET HEIGHTS SUBDIVISION FIRST REPLAT, L49-50, B2

ZC2022-015

Zoning Districts

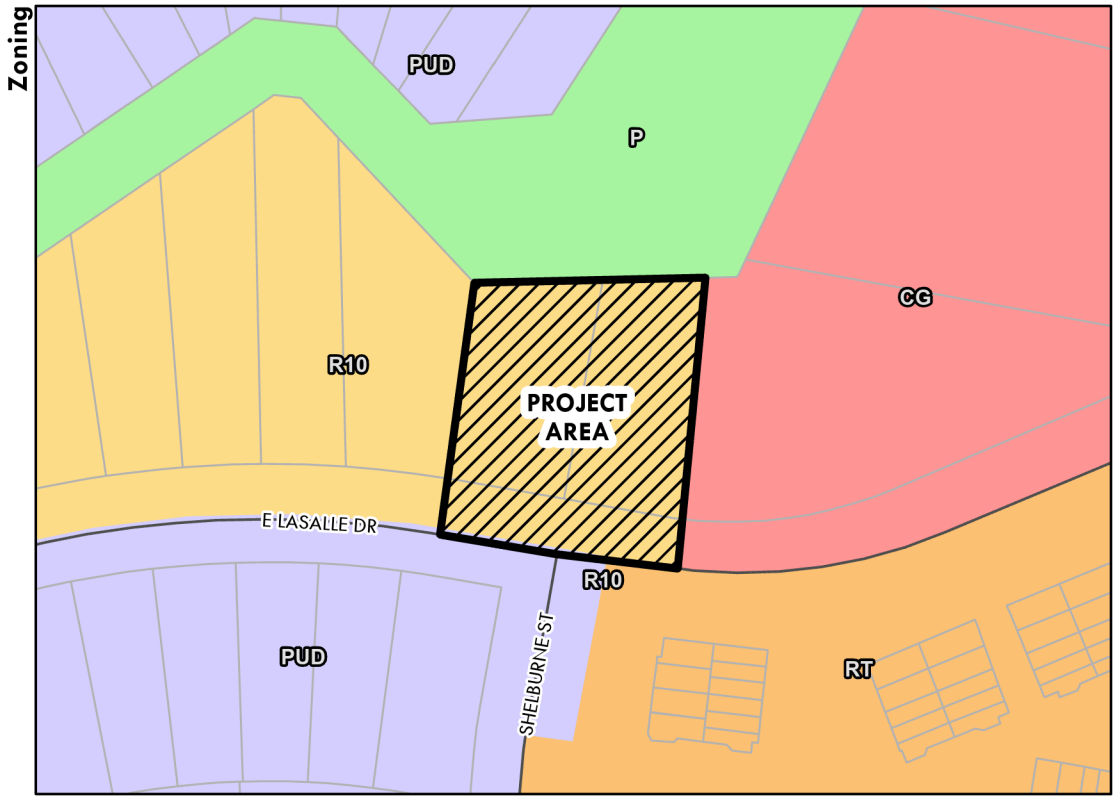
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
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PUD	Planned Unit Development
DC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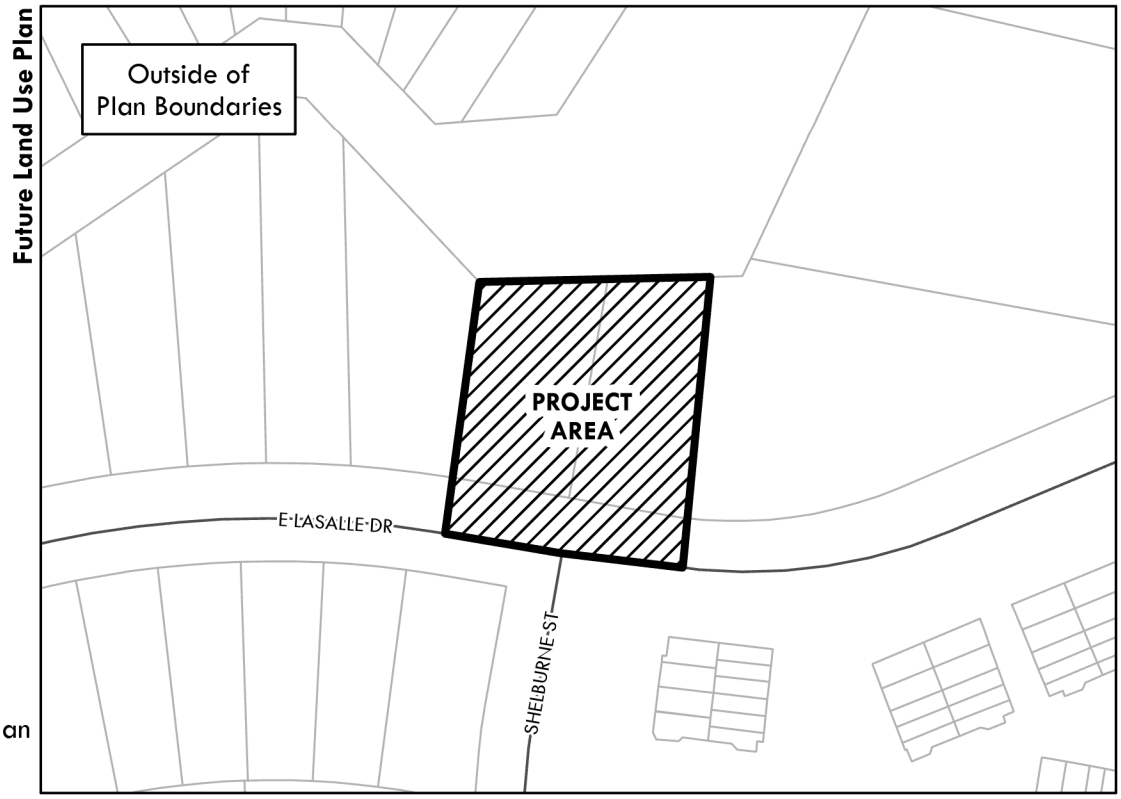
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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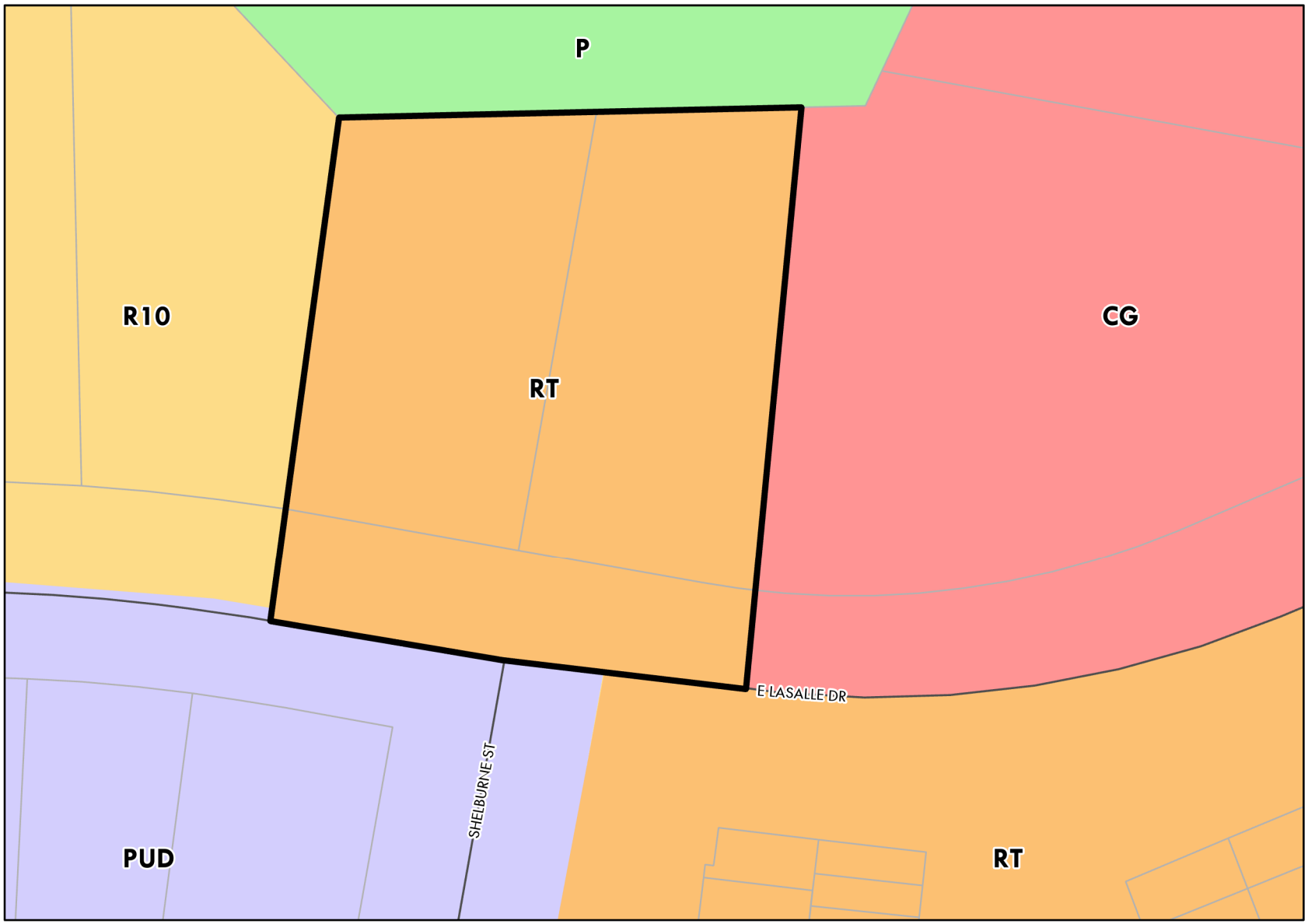
City of Bismarck
Community Development Dept.
Planning Division
August 16, 2022

Proposed Zoning Change

SONNET HEIGHTS SUBDIVISION FIRST REPLAT, L49-50, B2

ZC2022-015

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.01 0.03 0.06 Miles

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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

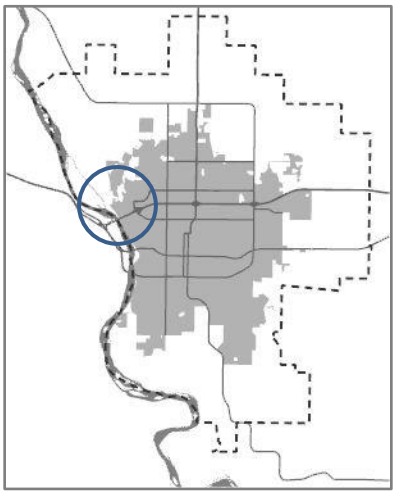
Agenda Item # 5
August 24, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-016**

Project Summary

Title:	Lot 1 and Part of Lot 2, Block 1, Meadowlark Hill Second Addition Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	HISB Properties LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co
Location:	In west-central Bismarck, west of West Divide Avenue and south of Interstate 94, along the west side of Schafer Street
Project Size:	90,000 square feet
Request:	Rezone property for future commercial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels in 1 block	*Number of Lots:*	2 parcels in 1 block
Land Use:	Office	*Land Use:*	Commercial
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential CG – Commercial	*Zoning:*	CG – Commercial
Uses Allowed:	RT – Offices and multi-family residential CG – General commercial, multi-family residential, and offices	*Uses Allowed:*	CG – General commercial, multi-family residential, and offices
Max Density:	RT – 30 units / acre CG – 42 units / acre	*Max Density:*	CG – 42 units / acre

Property History

Zoned:	03/2005	*Platted:*	06/2011	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Land One Inc. is requesting approval of a zoning change from the RT – Residential and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1 and part of Lot 2, Block, Meadowlark Hill Second Addition Replat.

The proposed zoning change is in conjunction with a lot modification that would split Lot 2 into two parcels and combine the eastern portion of Lot 2 with Lot 1 to ensure adequate parking for both properties have been meet and for future sale of the property. A combination of the two properties cannot occur unless they are located within the same zoning district.

Adjacent uses include commercial uses to the north across Interstate 94, east across Schafer Street/West Divide Avenue and public uses (BSC Campus) and commercial uses to the south across Raven Drive, and office uses to the west.

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential and CG – Commercial zoning districts to the CG – Commercial zoning district for Lot 1 and part of Lot 2, Block, Meadowlark Hill Second Addition Replat.

Attachments

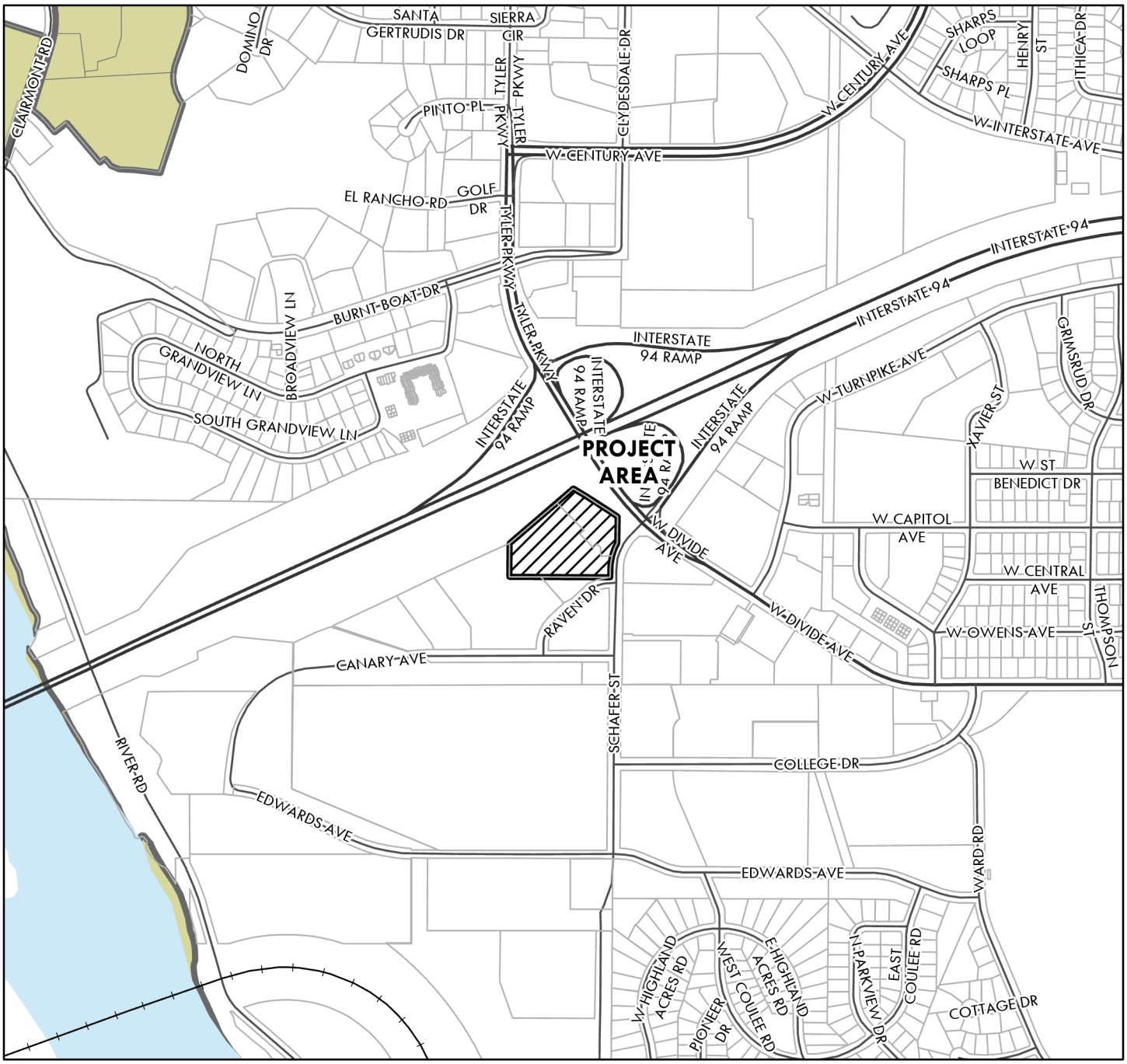
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Change Map

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

Location Map

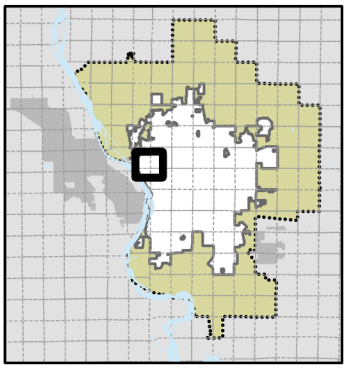
ZC2022-016

MEADOW LARK HILL SECOND ADDITION REPLAT, L1-2, B1



0 0.2 0.4 0.8 Miles





City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

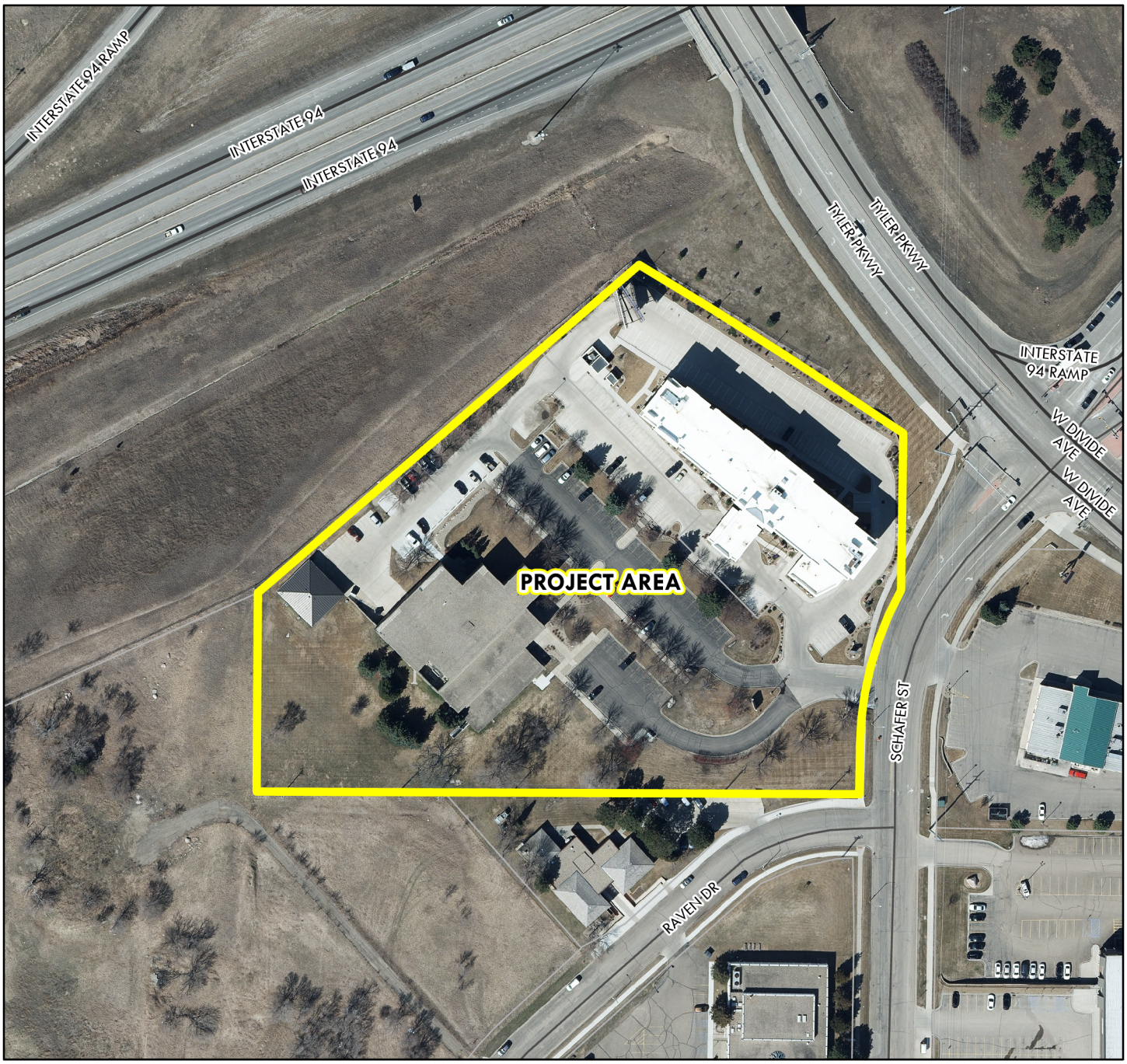
City of Bismarck
Community Development Department
Planning Division
July 25, 2022 (HLB)

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Aerial Map

MEADOW LARK HILL SECOND ADDITION REPLAT, Pt OF L2, B1

ZC2022-016

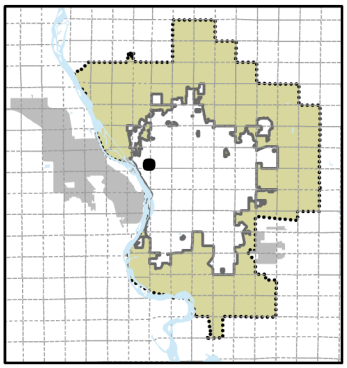


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City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

Zoning and Plan Reference Map

MEADOW LARK HILL SECOND ADDITION REPLAT, Pt OF L2, B1

ZC2022-016

Zoning Districts

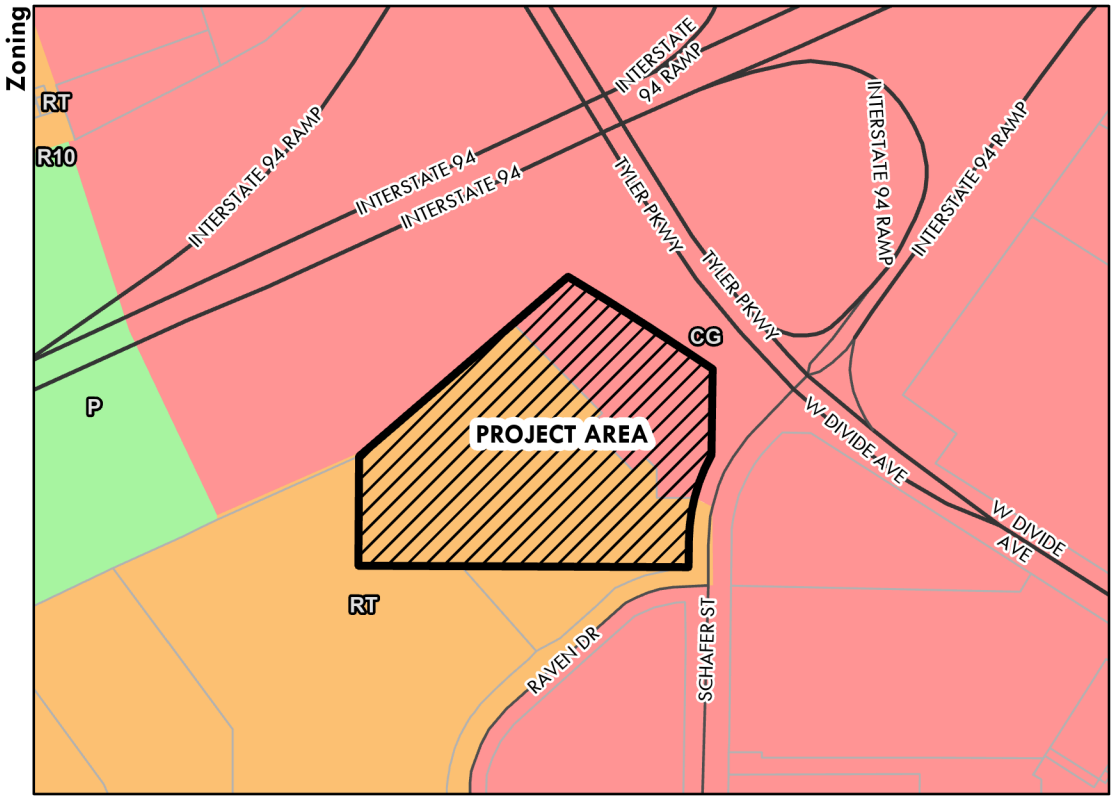
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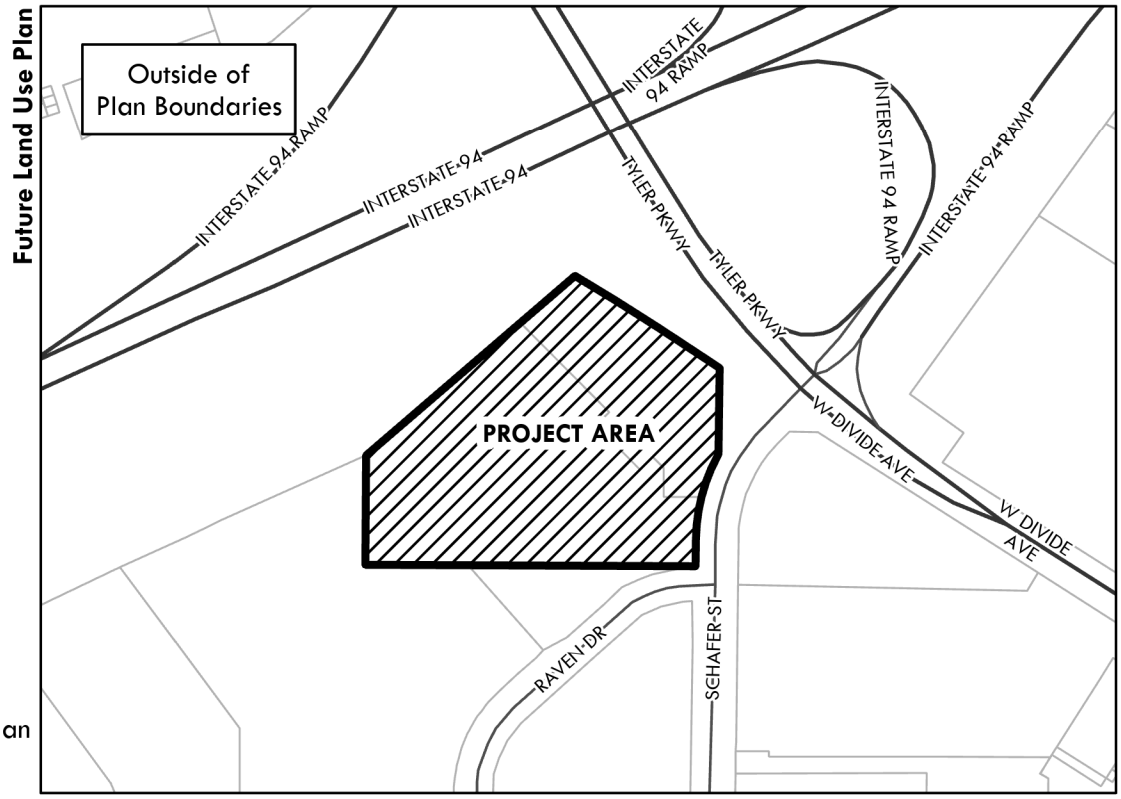
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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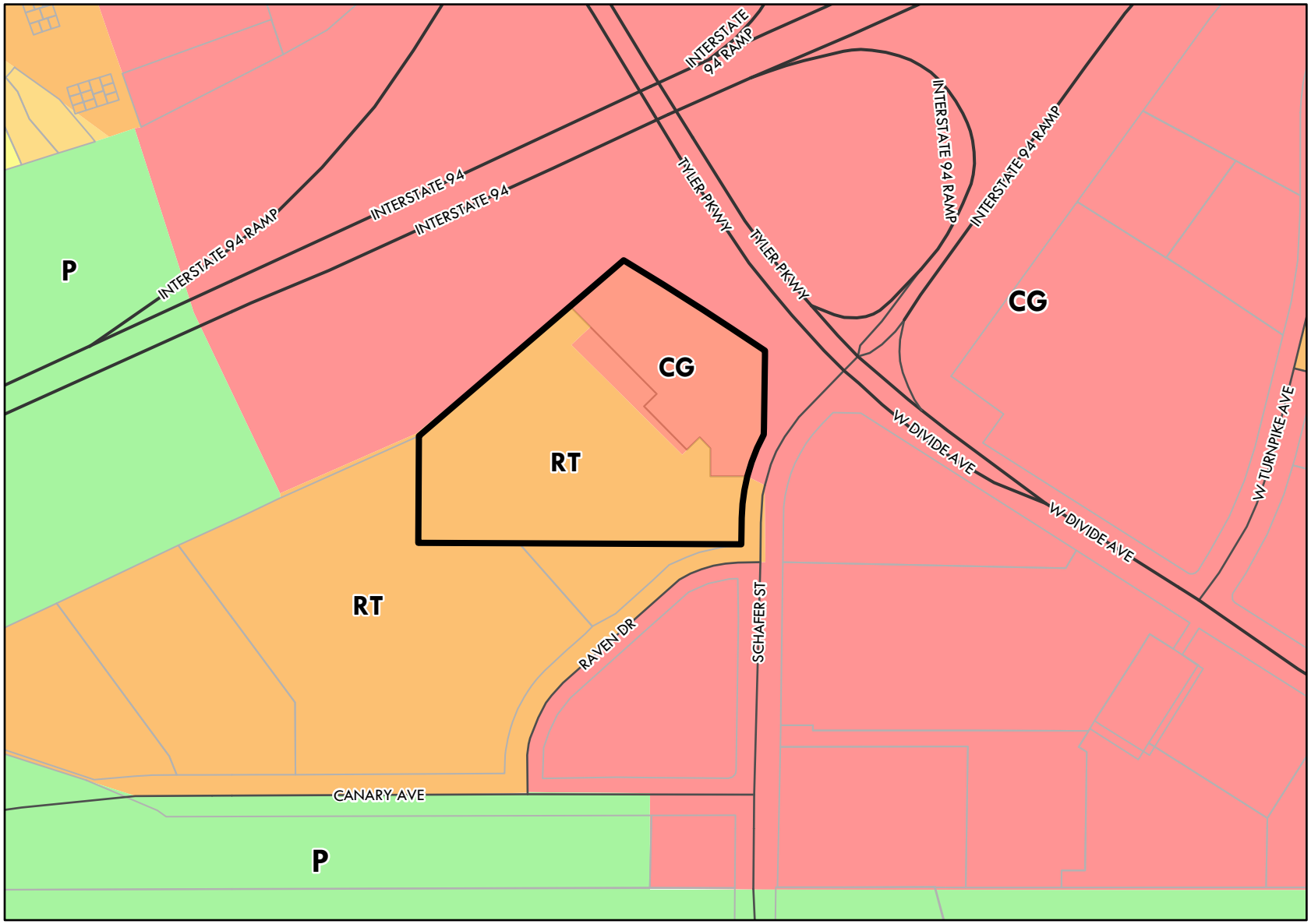
City of Bismarck
Community Development Dept.
Planning Division
August 18, 2022

Proposed Zoning Change

MEADOW LARK HILL SECOND ADDITION REPLAT, Pt OF L2, B1

ZC2022-016

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.07 0.15 0.3 Miles

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City of Bismarck
Community Development Dept.
Planning Division
August 18, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

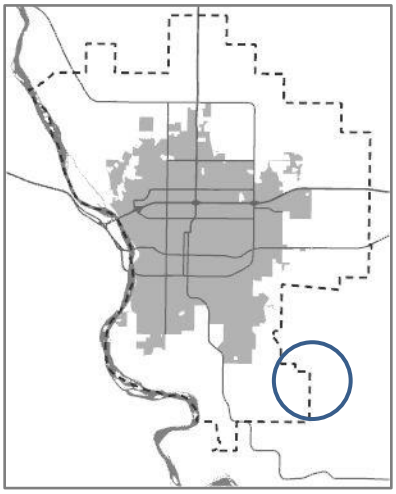
Agenda Item # 6
August 24, 2022

Application for: **Zoning Change**
Final Plat

Project ID: **ZC2022-012**
FPLT2022-005

Project Summary

Title:	Brunskill Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Daniel Brunskill
Project Contact:	Cole Neset, RLS, Neset Land Surveys Inc.
Location:	Southeast of Bismarck, in the northwest quadrant of the intersection of 66th Street SE and 55th Avenue SE (The SE¼ of the NE¼ Section 30, T138N-R80W/Apple Creek Township)
Project Size:	39.95 acres
Request:	Plat and zone property to allow for rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	5 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Single-family residential
Future Land Use:	Conventional Rural Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	A – Agricultural	*Zoning:*	RR – Residential RR5 – Residential
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture RR5 – Large lot (5 acre minimum) single family residential and limited agriculture
Max Density:	A – 1 unit / 40 acres	*Max Density:*	RR – 1 unit per 65,000 square feet RR – 1 unit / 5 acres

Property History

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

(continued)

Staff Analysis

Daniel Brunskill is requesting approval of a zoning change from the A – Agricultural zoning district to the RR - Residential and RR5 – Residential zoning districts and a major subdivision final plat for Brunskill Subdivision.

Adjacent uses include undeveloped agriculture land to the north, large lot rural residential to the east across 66th Street SE and to the south across 55th Avenue SE, and to the west.

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

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and August 19th and 28 letters were mailed to the owners of nearby properties on August 12th.

Conformance with Plans

The Future Land Use Plan in the 2014 Growth Management Plan; as amended, identifies the area included in the proposed plat as Rural Residential (RR). The RR land use designation calls for rural residential development with densities less than one unit per acre. The proposed plat includes five large rural residential lots ranging from 2.91 acres to 17.11 acres.

Access and Transportation

Both 66th Street SE and 55th Avenue SE are arterial roadways and access to these types of roadways is limited. As such the County Engineer has indicated that access between lots will be shared.

The existing access point to Lot 1 will be relocated east so shared access between Lot 1 and Lot 4 can be achieved.

Background Information

The proposed plat is located within Apple Creek Township and is within the City of Bismarck's Extraterritorial Area (ETA). Through an agreement between the City and Apple Creek Township, the City has zoning and platting authority within this area. Within Apple Creek Township's sole zoning jurisdiction, a minimum of 5 acres for rural residential development is required.

Lot 4 is less than 5 acres, and the applicant has indicated that it is due to an existing rural water and electrical service lines, including a power pole to the existing accessory building on Lot 1. It is their desire to keep the service lines and power pole within Lot 1 to avoid additional easements or relocation of these services.

Lots 1, 2 and 3 are proposed to be zoned RR5 – Residential, which requires a minimum lot size of 5 acres. Lots 4 and 5 are proposed to be zoned RR – Residential which requires minimum lot size of 1.5 acres. Lot 5 is included in this zoning designation to avoid a spot zoning of Lot 4. Future subdivision of Lot 5 that would create lots less than 5 acres will not be permitted.

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

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;

(continued)

4. The Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed zoning change;
5. 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;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for consideration of a final 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 plat is not an urban subdivision;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer and the Burleigh County Engineer;
6. The Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed final plat;
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is 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.
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 the zoning change from the A – Agricultural zoning district to the RR - Residential and RR5 – Residential zoning districts and a major subdivision final plat for Brunskill Subdivision, with the understanding that future subdivision of Lot 5 that would create lots less than 5 acres will not be permitted.

(continued)

Attachments

1. Draft Zoning Change Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Final Plat
7. Preliminary Plat

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

ORDINANCE NO. XXXX

First Reading	
Second Reading	
Final Passage and Adoption	
Publication Date	

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

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

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

The following described property shall be excluded from the A – Agriculture zoning district and included in the RR – Residential zoning district:

Lots 4-5, Block 1, Brunskill Subdivision

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agriculture zoning district and included in the RR5 – Residential zoning district:

Lots 1-3, Block 1, Brunskill Subdivision

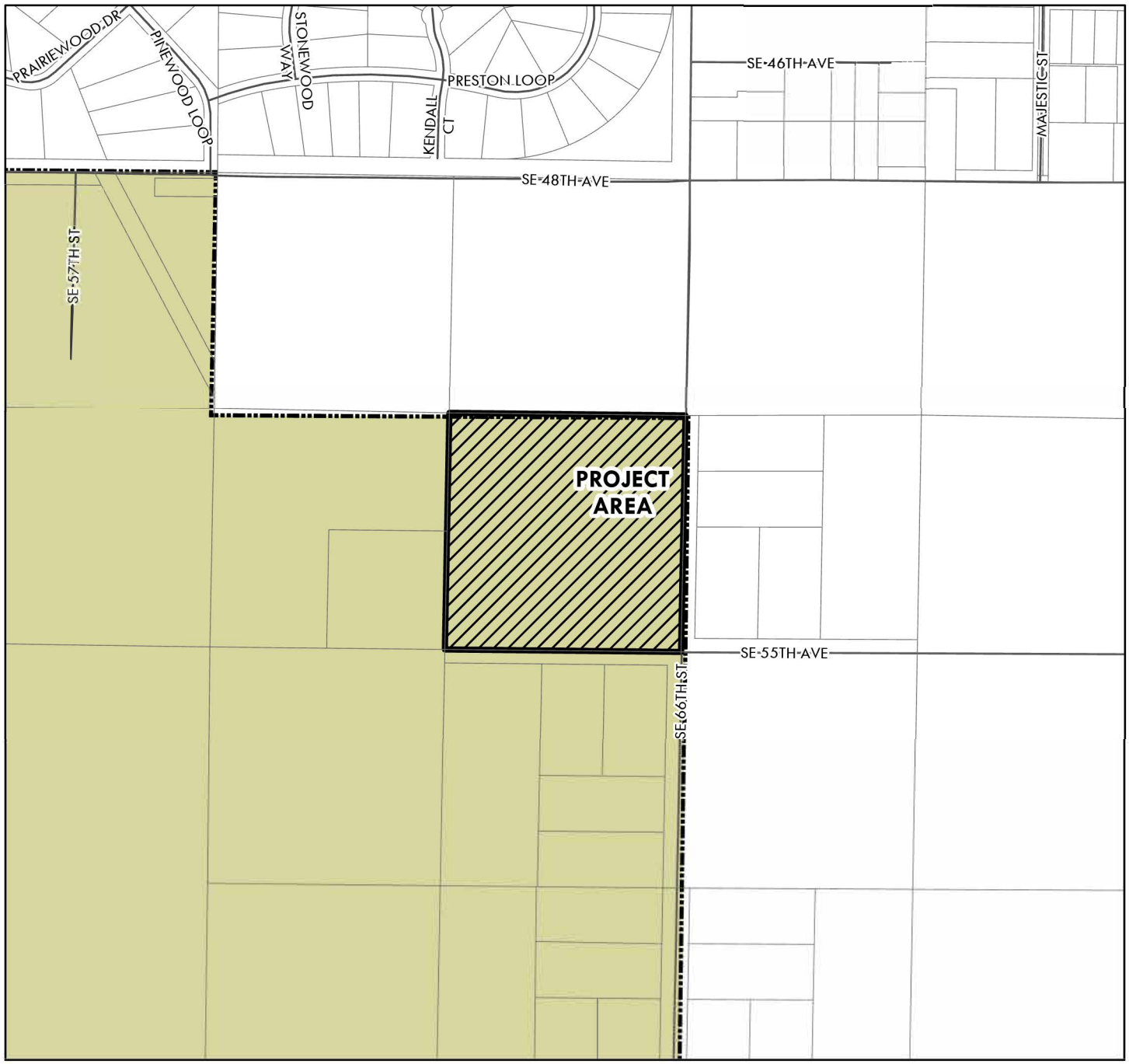
Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

BRUNSKILL SUBDIVISION

PPLT2022-005
ZC2022-012
FPLT2022-005



0 0.17 0.35 0.7 Miles

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

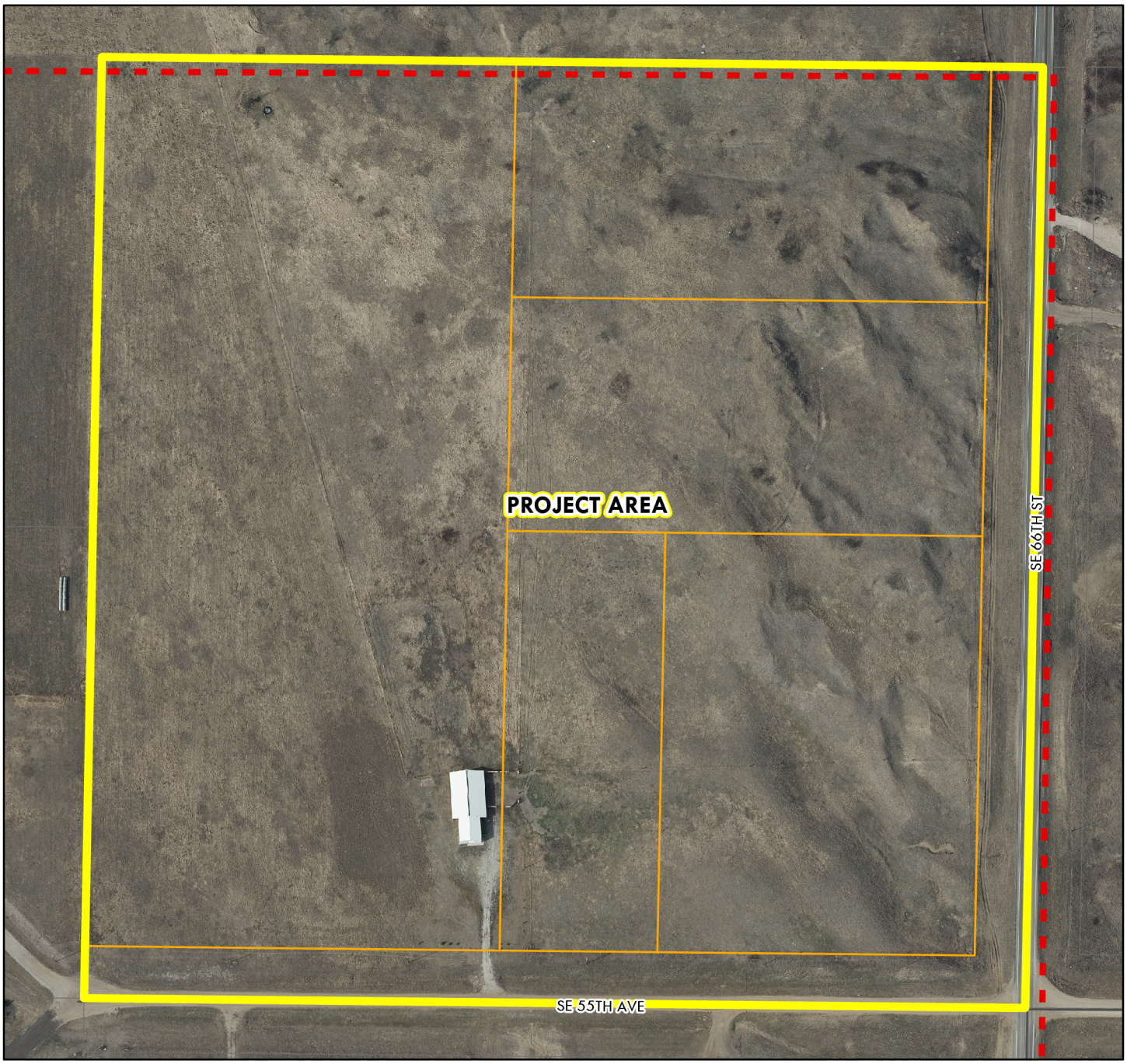
City of Bismarck
Community Development Department
Planning Division
May 23, 2022 (HLB)

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

Aerial Map

BRUNSKILL SUBDIVISION

ZC2022-012
PPLT2022-005



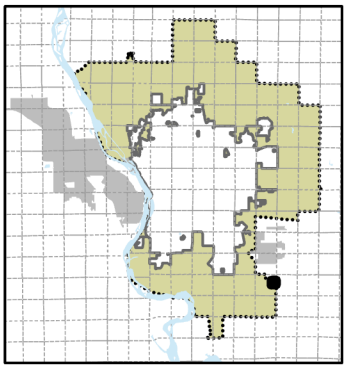
0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Finance Department
IT/GIS Division
June 13, 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

BRUNSKILL SUBDIVISION

ZC2022-012
PPLT2022-005

Zoning Districts

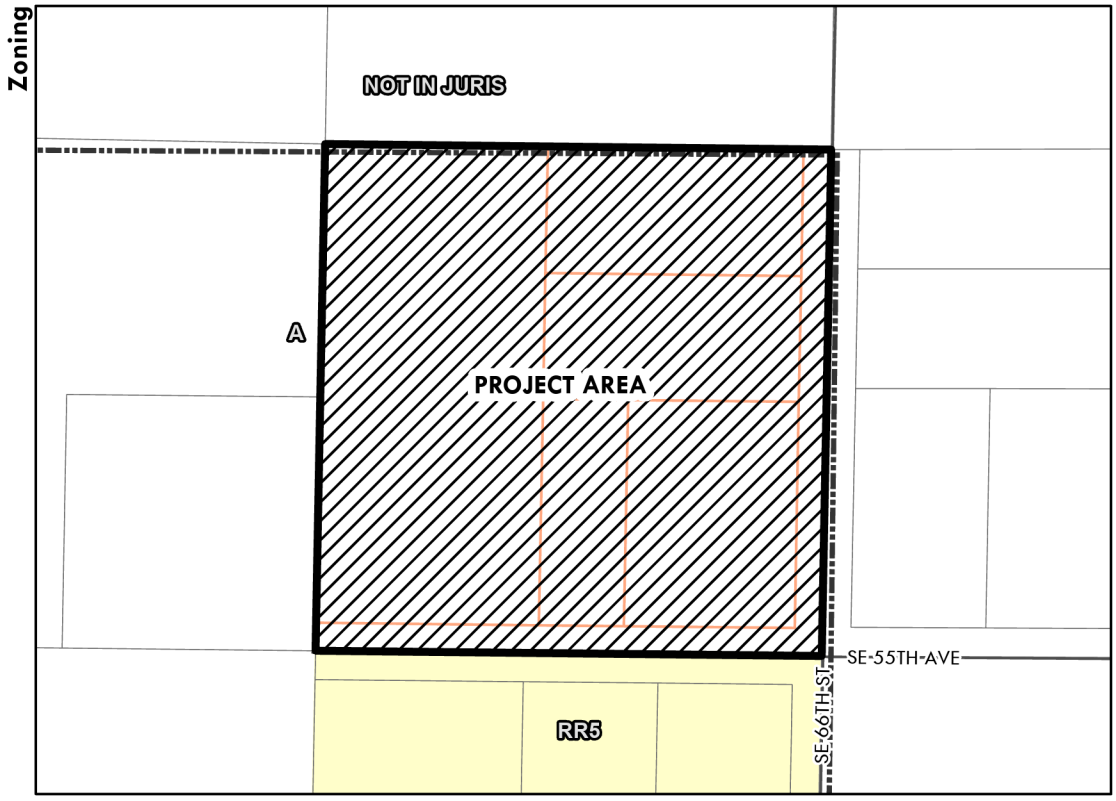
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

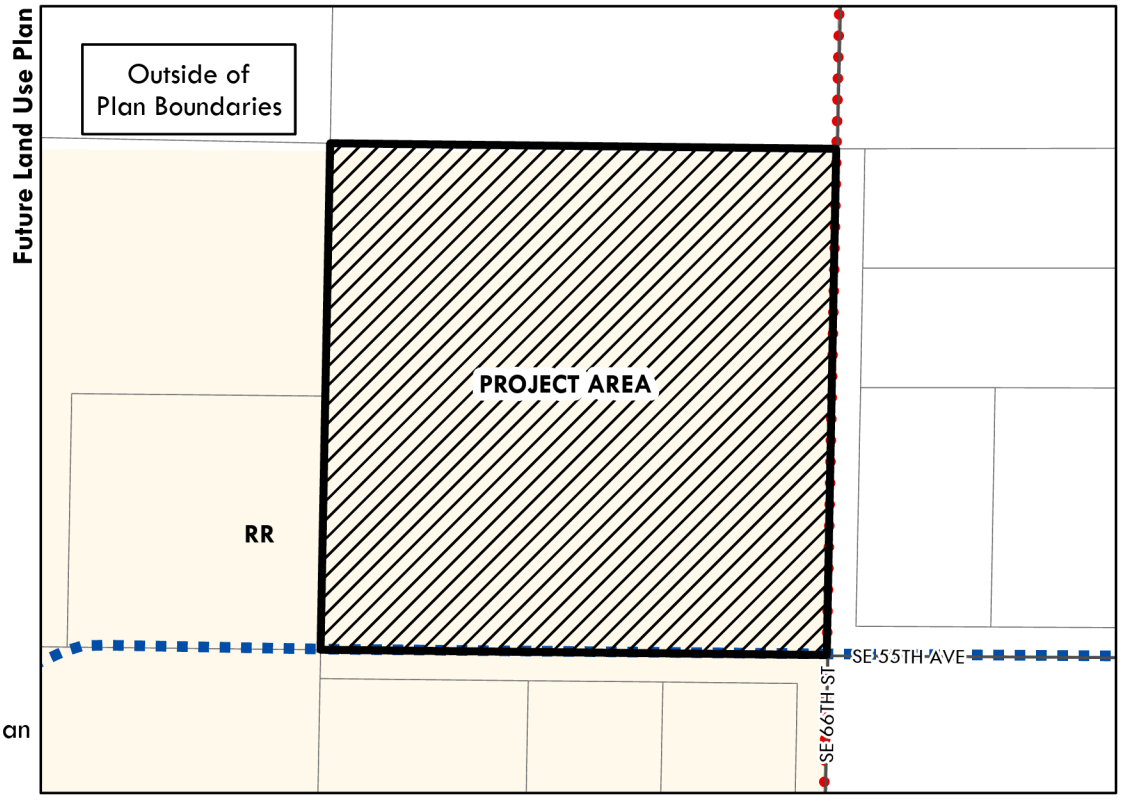
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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

Miles
0 0.05 0.1 0.2

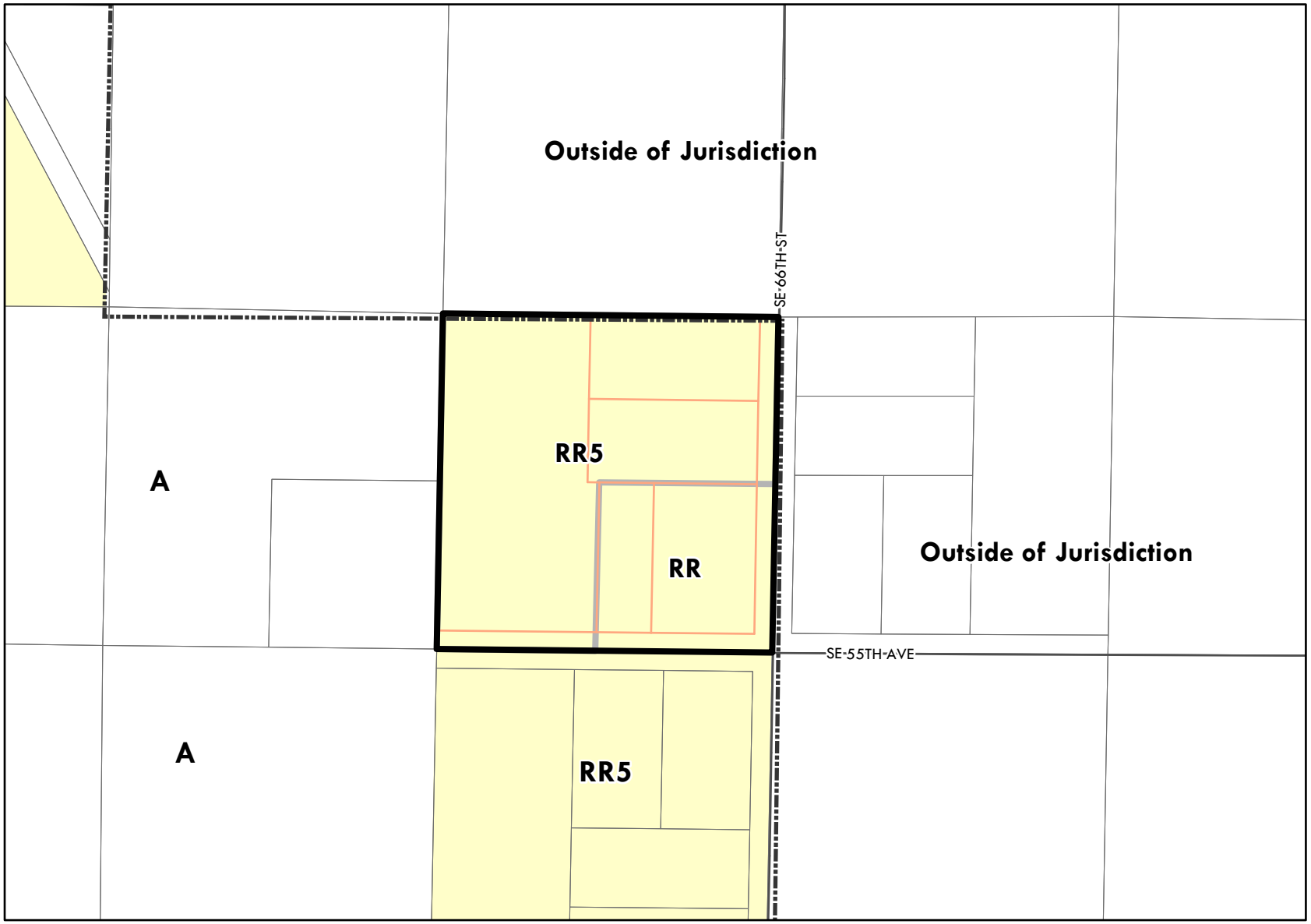
City of Bismarck
Community Development Dept.
Planning Division
June 13, 2022

Proposed Zoning Change

BRUNSKILL SUBDIVISION

ZC2022-012

Proposed New Zoning Map



Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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

0 0.2 0.4 0.8 Miles

N

City of Bismarck
Community Development Dept.
Planning Division
August 18, 2022

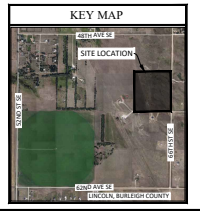
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BRUNSKILL SUBDIVISION

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, T138N, R79W,
BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



N.T.S.

CURRENT OWNER'S INFORMATION
DAN BRUNSKILL
12000 CREEKS EDGE ROAD, MENOKEN
ND, 58558

SURVEY INFORMATION

DATE OF SURVEY: 05/02/2022
BASIS OF BEARING: NAD83 - NORTH DAKOTA STATE PLANE SOUTH ZONE
INTERNATIONAL FEET
DATUM: NAVD88

NOTES

1. EXISTING SITE ZONED AS AGRICULTURAL.
2. FEMA MAP #38015C0980D- SUBJECT PROPERTY IS LOCATED IN ZONE "X".
3. GRAVEL ROAD AND NEIGHBORING BUILDINGS DRAWN IN OFF OF AERIAL IMAGE. SURVEYOR DOES NOT MAKE ANY GUARANTEE THAT SAID DIMENSIONS ARE CORRECT.
4. BURLEIGH WATER USERS COOPERATIVE MAINTAINS A 66' EASEMENT ON ALL PUBLIC TOWNSHIP ROADS WITHIN T138N, R79W TO CONSTRUCT, MAINTAIN AND OPERATE ITS WATER MAINS.
5. CAPITAL ELECTRIC COOPERATIVE, INC. MAINTAINS A BLANKET EASEMENT ACROSS THE NORTHEAST 1/4 OF SEC. 30, T138N, R79W FOR PURPOSE OF ELECTRIC TRANSMISSION OR DISTRIBUTION LINE OR SYSTEMS.
6. A CIRCULAR AREA HAVING A 15' RADIAL DISTANCE WITH THE CENTER BEING THE CURBSTOP VALVE WHICH IS LOCATED ON OR AS NEAR AS POSSINLE TO THE LOT LINE PARALLEL TO THE ROAD RIGHT-OF-WAY ON A FORTY ACRE TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, T138N, R79W.

AREA		
LOTS	1,547,969 SF	35.54 ACRES
RIGHT-OF-WAY	192,076 SF	4.41 ACRES
TOTAL	1,451,763 SF	39.95 ACRES

SURVEYORS INFORMATION
COLE A. NESET
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
5306 51ST AVE S. STE A.
FARGO, ND 58104

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- GRAVEL EDGE
- EXISTING BUILDING LINE
- NEW BUILDING LINE
- W WATER LINE
- ST STORM SEWER LINE
- FO FIBER OPTIC LINE
- GAS GAS LINE
- OHE OVERHEAD ELECTRIC LINE
- STORM FLARED END SECTION
- OVERHEAD ELECTRIC POLE
- UTILITY PEDESTAL

0 100 200

SHEET 1 OF 2

PROJECT ID: 22004.36
DATE: 05-19-2022
DRAWN BY: GCB
CHECKED BY: CAN

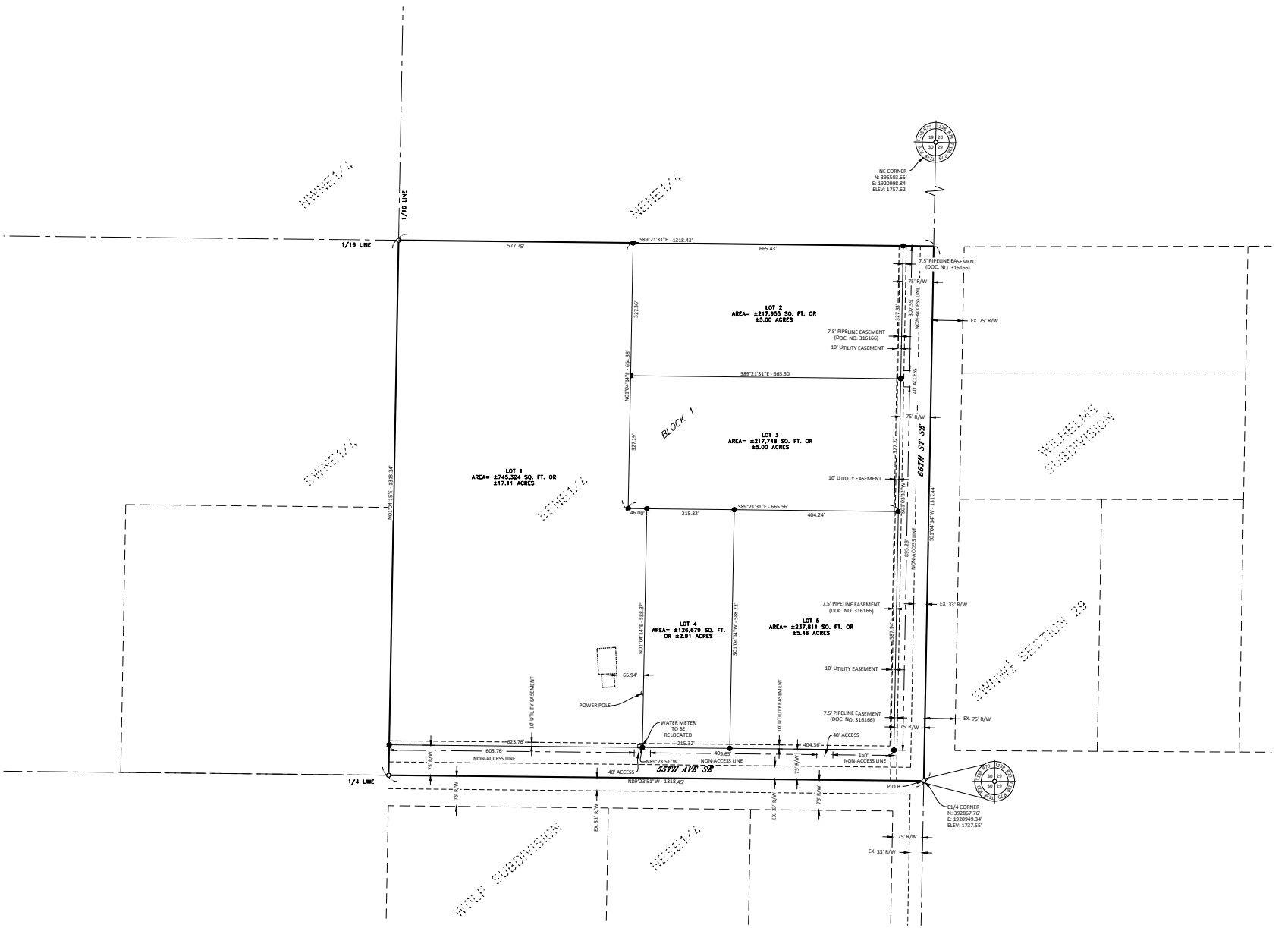
Neset LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
EMAIL: CNESET@NESETSURVEYS.COM

W:\22\22.15 SI-BRYAZ Hotel Shared Road\Civil Projects_1\02_Project\02 Civil\1_CIVIL\PP_PROJECTS_SK-LF-220144-Daniel Brunskill Sec 30 T138 R 79W\Archive\Brunskill Plat.dwg

BRUNSKILL SUBDIVISION

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, T138N, R79W,
BURLEIGH COUNTY, NORTH DAKOTA



KEY MAP



SURVEY INFORMATION

DATE OF SURVEY: 05/02/2022
BASIS OF BEARING: NAD83 - NORTH DAKOTA STATE PLANE SOUTH ZONE INTERNATIONAL FEET
VERTICAL DATUM: NAVD88
HORIZONTAL DATUM: NAD83

CURRENT OWNER'S INFORMATION
DAN BRUNSKILL
12000 CREEKS EDGE ROAD, MENOKEN, ND 58558

NOTES

1. FEMA MAP #38015C0980D- SUBJECT PROPERTY IS LOCATED IN ZONE "X". DATUM USED IS NAVD88.

AREA		
LOTS	1,545,283 SF	35.47 ACRES
RIGHT-OF-WAY	192,233 SF	4.41 ACRES
TOTAL	1,451,763 SF	39.88 ACRES

SURVEYORS INFORMATION
COLE A. NESET
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
5306 51ST AVE S. STE A.
FARGO, ND 58104

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- PROPERTY BOUNDARY LINE
- NEW ROW/PROPERTY LINE

0 100 200

SHEET 1 OF 2

PROJECT ID:	22004.36
DATE:	08-10-2022
DRAWN BY:	GCB
CHECKED BY:	CAN

Neset LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
EMAIL: CNESET@NESETSURVEYS.COM

08/3/22 09:46:22 AM Z:\Neset Shared Files\Civil Projects_2022_Projects\22004.36 LOWRY PROJECTS_BLE-E-SB-34-Dunel Brunskill Sec 30 T138 R 79\Dan Brunskill Plat Final.dwg

BRUNSKILL SUBDIVISION

ALL OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, T138N, R79W,
BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 138 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N89°23'51"W ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1318.45 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE N01°04'15"E ALONG SAID WEST LINE A DISTANCE OF 1318.34 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S89°21'31"E ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1318.43 FEET; THENCE S01°04'14"W ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1317.44 FEET TO THE POINT OF BEGINNING.

SE1/4NE1/4 OF SECTION 30, TOWNSHIP 138 NORTH, RANGE 79 WEST, BURLEIGH COUNTY, NORTH DAKOTA.

SAID TRACT OF LAND CONTAINS ±39.88 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYORS CERTIFICATE

I, COLE A. NESET, A LICENSED SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY 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 RETRACED.

_____ _____
COLE A. NESET, DATE
REGISTERED LAND SURVEYOR
ND REG. NO. 7513
5306 51ST AVE S. STE A.
FARGO, ND 58104

STATE OF NORTH DAKOTA)
)SS
COUNTY OF CASS)

ON THIS _____DAY OF _____, 20___, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED COLE A. NESET, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY: BURLEIGH STATE: NORTH DAKOTA

OWNER'S CERTIFICATE & DEDICATION

I, DANIEL BRUNSKILL, BEING OWNER OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED BRUNSKILL SUBDIVISION, AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY TO THE PUBLIC AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

BY: _____
DANIEL BRUNSKILL
12000 CREEKS EDGE ROAD
MENOKEN, ND 58558

STATE OF_____)
)SS
COUNTY OF _____)

ON THIS _____DAY OF _____, 20___, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:_____STATE:_____
MY COMMISSION EXPIRES:_____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____DAY OF _____20___, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

_____ _____
MICHAEL J. SCHWARTZ - CHAIR ATTEST: BEN EHRETH - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, HAS 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 CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE_____DAY OF_____ _____20___.

_____
ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

STATE OF_____)
)SS
COUNTY OF _____)

ON THIS _____DAY OF _____, 20___, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED _____, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS THEIR FREE ACT AND DEED.

_____
NOTARY PUBLIC, COUNTY:_____STATE:_____
MY COMMISSION EXPIRES:_____

BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS ACCEPTED THE DEDICATION OF ALL RIGHTS OF WAY AS SHOWN ON THIS PLAT. THE FOREGOING ACTION OF THE BOARD OF COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS APPROVED THE_____DAY OF_____20___.

_____
ATTEST: LEO VETTER - COUNTY AUDITOR

_____
JIM PELUSO - CHAIR

CITY ENGINEER'S APPROVAL

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE PLAT THIS_____DAY OF_____ 20___.

_____
GABRIEL J. SCHELL - CITY ENGINEER

PROJECT ID:	22004.36
DATE:	08-10-2022
DRAWN BY:	GCB
CHECKED BY:	CAN

Neset LAND SURVEYS

5306 51ST AVENUE SOUTH, SUITE A
FARGO, ND 58104
PHONE: 701-235-0199 EX. 114
EMAIL: CNESET@NESETSURVEYS.COM

08/10/22 09:48:23 AM Z:\Neset Shared Files\Civil Projects_2022_Projects\22004.36 LOVNY PROJECTS_3ALE-E\20-34 Daniel Brunskill Sec 30 T138 R 79W\Dan Brunskill Plat Final.dwg

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

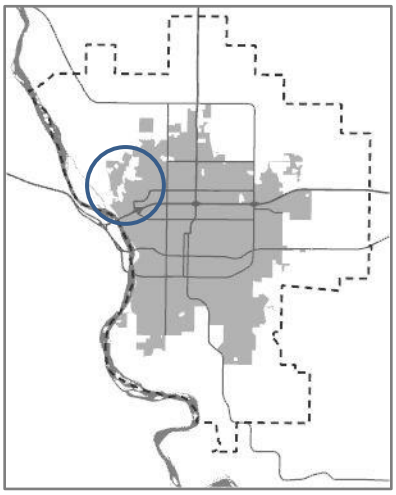
Agenda Item # 7
August 24, 2022

Application for: **Final Plat**
Annexation

Project ID: **FPLT2022-006**
ANNX2022-003

Project Summary

Title:	Country West XXXI Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Darren Schmidt, Scott Bina, and Shannon Schlinger
Project Contact:	Mark Isaacs, PLS, ILSE, Inc.
Location:	In northwest Bismarck, northwest of the intersection of Valley Drive and Tyler Parkway (Part of the SE ¼ of Section 19, T139N-R80W/Hay Creek Township)
Project Size:	3.70 Acres
Request:	Plat and annex nine lots for the purpose of combination with existing adjacent residential lots



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	9 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Residential Lot Extensions
Future Land Use:	Conservation	*Future Land Use:*	Conservation
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

Zoned:	04/1994	*Platted:*	N/A	*Annexed:*	N/A

Staff Analysis

Darren Schmidt, Scott Bina, and Shannon Schlinger are requesting approval of the major subdivision preliminary plat for Country West XXXI Addition and the annexation of the entire subdivision. The owners of the land proposed for subdivision also own adjacent residential lots within Country West XXII Addition.

(continued)

Adjacent uses include open space to the north, east, and west, and single-family residential to the south.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and August 19th, and 47 letters were mailed to the owners of nearby properties on August 12th

The intent of this action is to create separate lots that would be immediately combined with existing single-family residential lots to the south. This would effectively extend the backyards of the existing residential lots. Any inaccessible lots created through this subdivision would be immediately remedied upon recordation through these lot combinations.

The area is designated as Conservation in the Future Land Use Plan of the 2014 Growth Management Plan, as amended. The proposed use is consistent with this plan, because development will be limited. No new primary structures may be built.

A slope protection easement will limit new structures, grading, irrigation, and any disturbance of natural conditions. An area outside of this easement allows certain activity, but still prohibits in-ground structures.

Additional right-of-way for Tyler Parkway is dedicated on the east of the plat, including and adjacent temporary construction easement for use during the extension of Tyler Parkway.

Because this subdivision will not create the potential for any additional residences, Planning and Bismarck Parks and Recreation staff agree that the Neighborhood Parks and Open Space policy does not apply to this request. For this reason, capital utility charges also do not apply.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final 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 that would have any potential to increase the number of residences;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is located within an area that is topographically unsuited for development. However, the subdivision would include easements to protect any sensitive lands.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans,

(continued)

policies and accepted planning practice; and

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

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation and final plat for Country West XXXI Addition, with the following condition:

1. All lots within Country West XXXI Addition are combined such that no lots remain without legal access to a public right-of-way in conjunction with recordation of the final plat.

Attachments

1. Annexation Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Final Plat
6. Preliminary Plat

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

ORDINANCE NO. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____

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

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

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

Lots 1-9, Block 1, Country West XXXI Addition

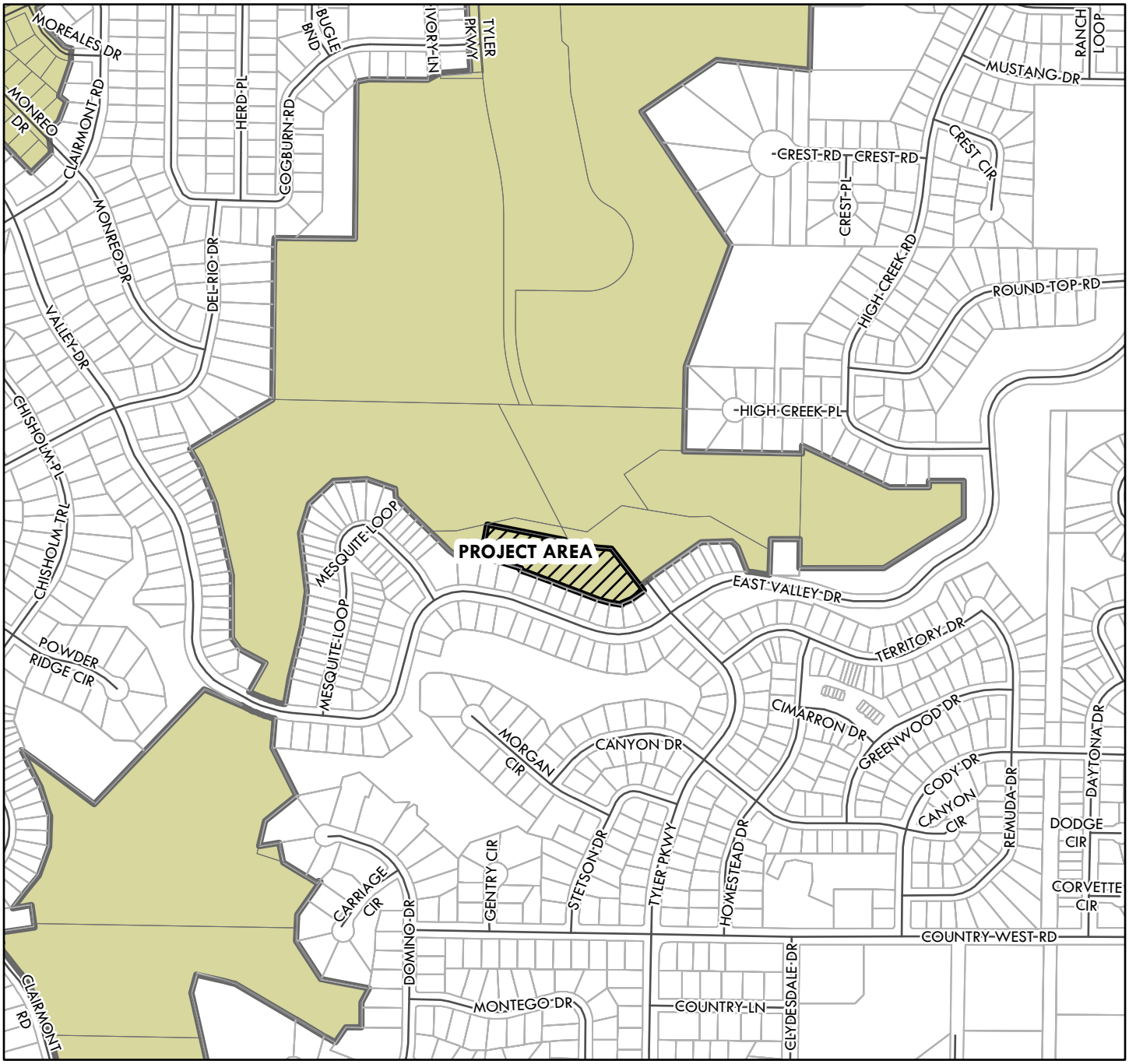
The above described tract of land contains 3.7 acres, more or less.

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

Location Map

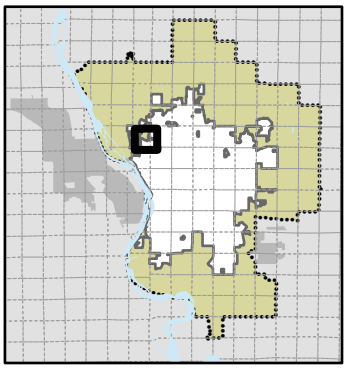
COUNTRY WEST XXXI ADDITION

PPLT2022-006
FPLT2022-006



0 0.15 0.3 0.6 Miles





City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

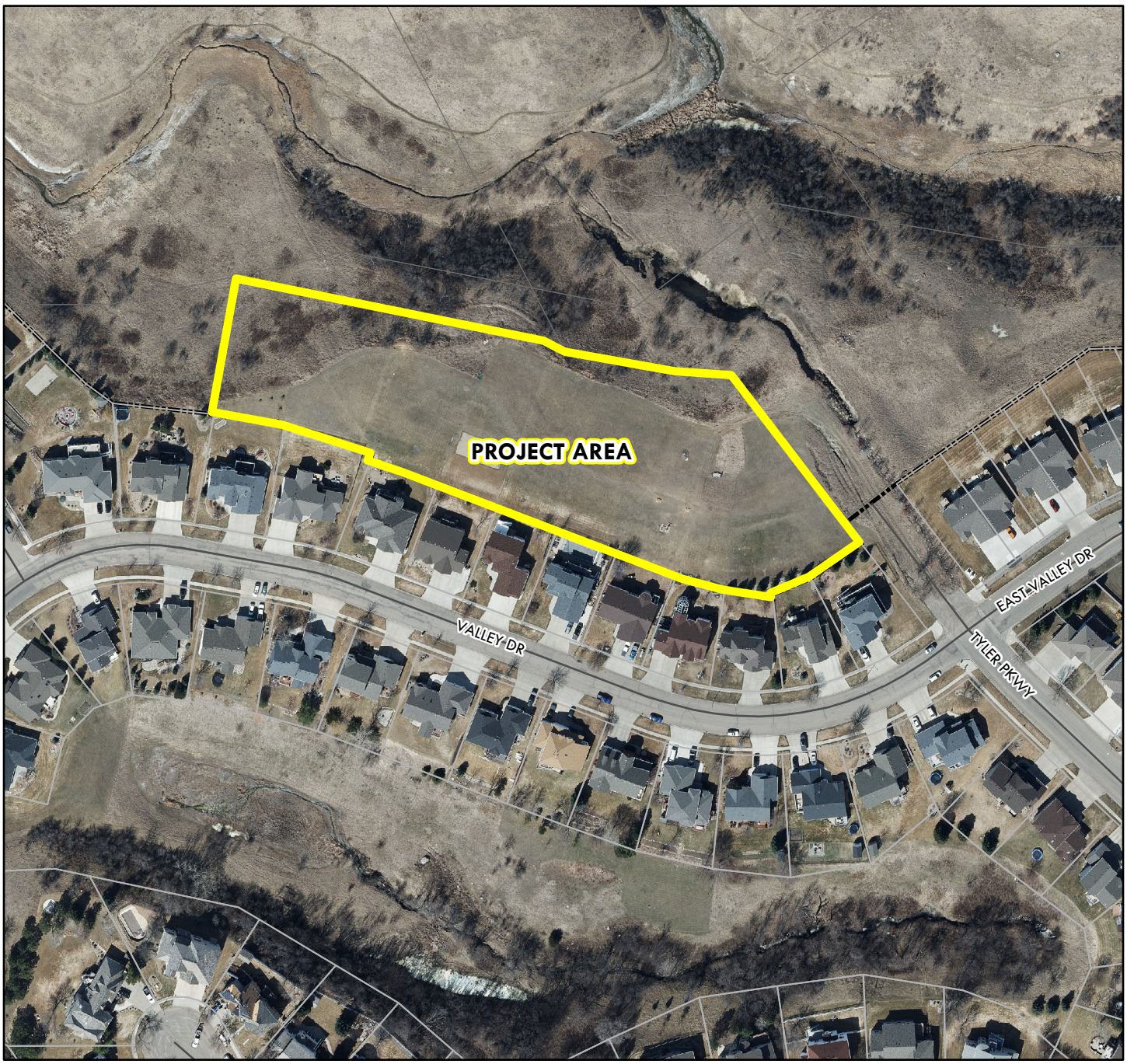
City of Bismarck
Community Development Department
Planning Division
June 15, 2022 (HLB)

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

Aerial Map

COUNTRY WEST XXXI ADDITION

PPLT2022-006



Miles

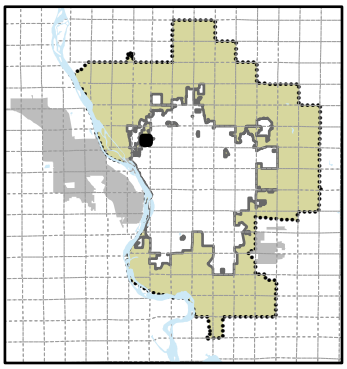
0 0.04 0.09 0.18

City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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



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

Zoning and Plan Reference Map

COUNTRY WEST XXXI ADDITION

PPLT2022-006

Zoning Districts

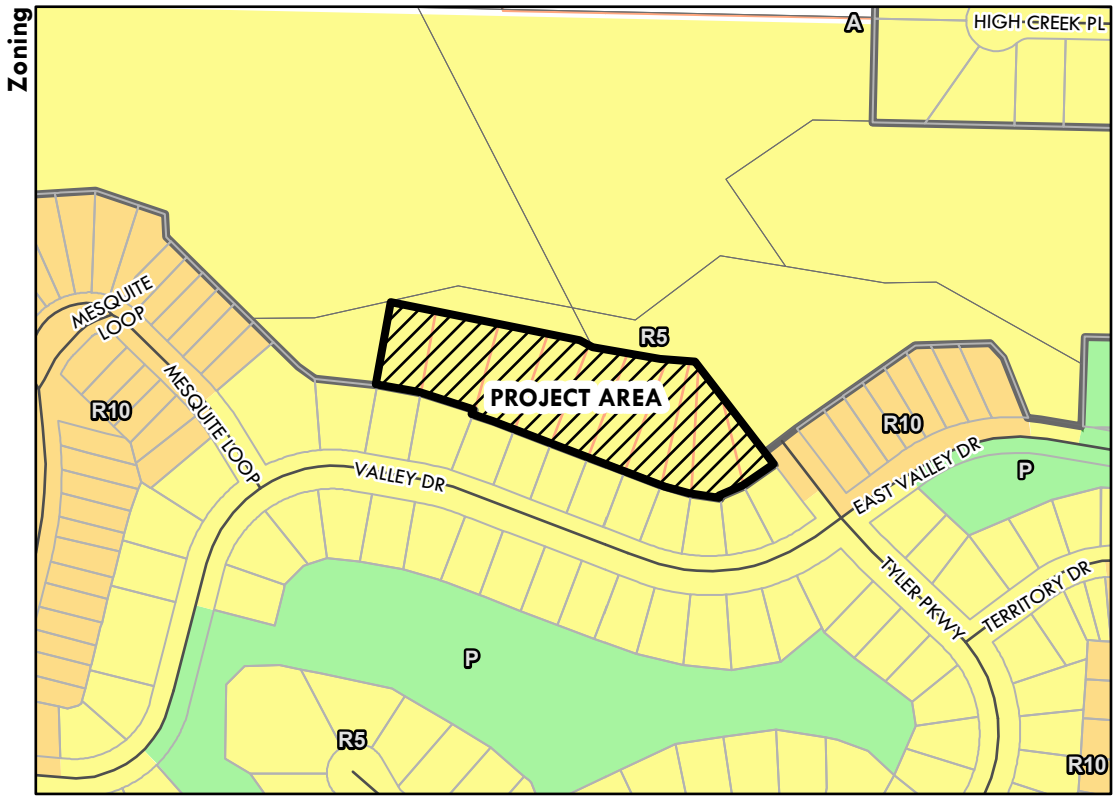
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

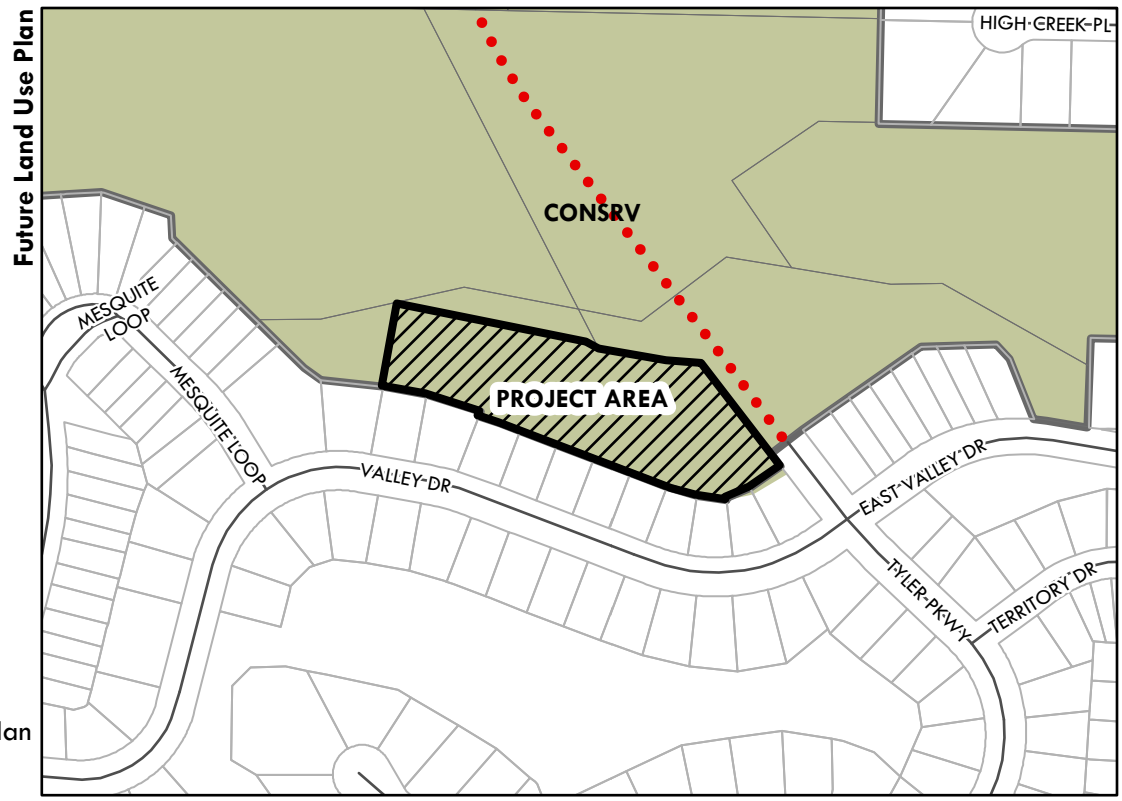
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





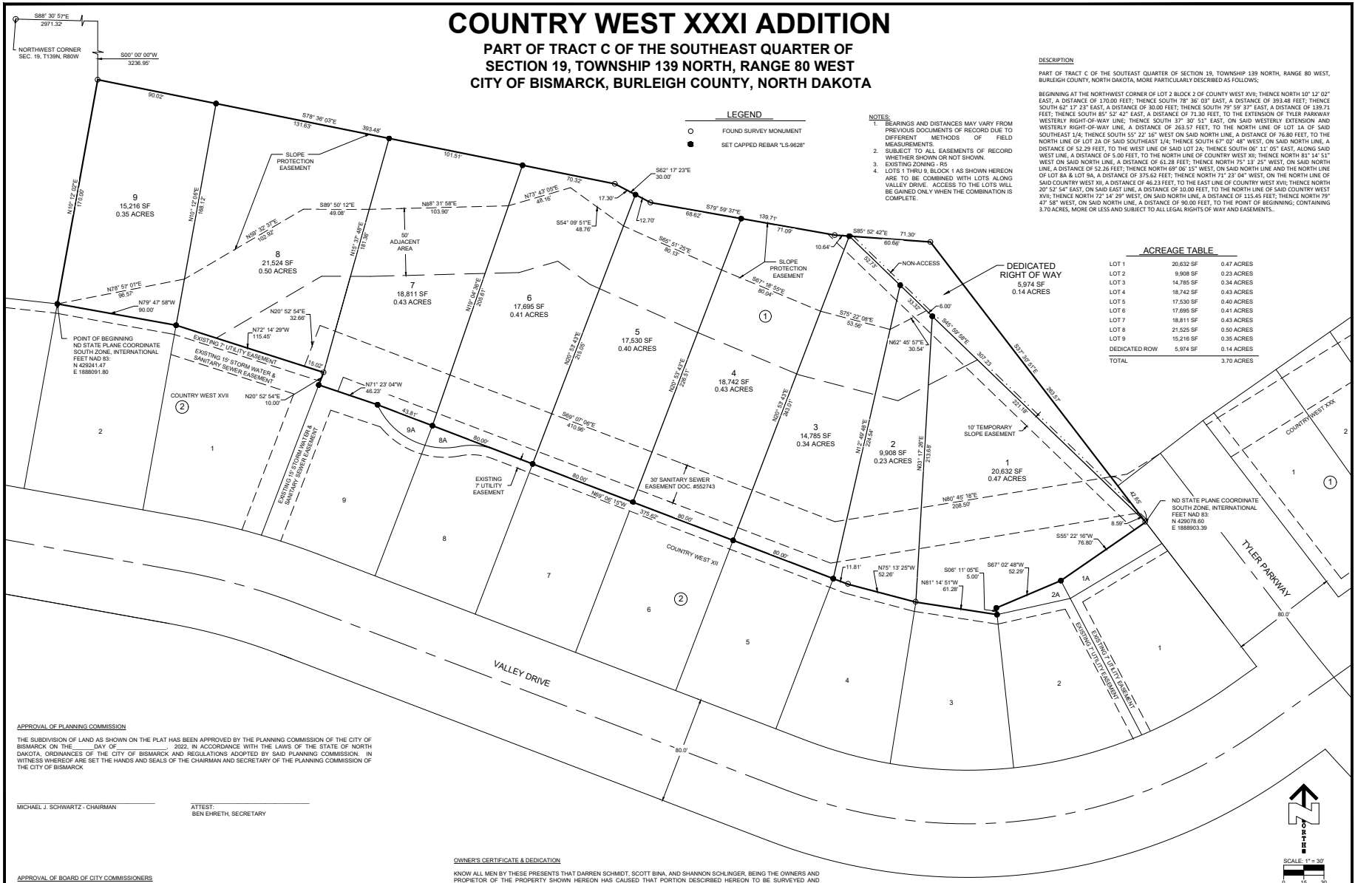
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 0.05 0.1 0.19 Miles

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

COUNTRY WEST XXXI ADDITION

PART OF TRACT C OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LEGEND

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

NOTES:

1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENTS.
2. SUBJECT TO ALL EASEMENTS OF RECORD WHETHER SHOWN OR NOT SHOWN.
3. EXISTING ZONING - R5
4. LOTS 1 THRU 9, BLOCK 1 AS SHOWN HEREON ARE TO BE COMBINED WITH LOTS ALONG VALLEY DRIVE. ACCESS TO THE LOTS WILL BE GAINED ONLY WHEN THE COMBINATION IS COMPLETE.

ACREAGE TABLE

LOT 1	20,632 SF	0.47 ACRES
LOT 2	9,908 SF	0.23 ACRES
LOT 3	14,785 SF	0.34 ACRES
LOT 4	18,742 SF	0.43 ACRES
LOT 5	17,530 SF	0.40 ACRES
LOT 6	17,695 SF	0.41 ACRES
LOT 7	18,811 SF	0.43 ACRES
LOT 8	21,525 SF	0.50 ACRES
LOT 9	15,216 SF	0.35 ACRES
DEDICATED ROW	5,974 SF	0.14 ACRES
TOTAL		3.70 ACRES

DESCRIPTION

PART OF TRACT C OF THE SOUTEAST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 BLOCK 2 OF COUNTY WEST XVII; THENCE NORTH 10° 12' 02" EAST, A DISTANCE OF 170.00 FEET; THENCE SOUTH 78° 36' 03" EAST, A DISTANCE OF 393.48 FEET; THENCE SOUTH 62° 17' 23" EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 79° 59' 37" EAST, A DISTANCE OF 139.71 FEET; THENCE SOUTH 85° 52' 42" EAST, A DISTANCE OF 71.30 FEET, TO THE EXTENSION OF TYLER PARKWAY WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 37° 30' 51" EAST, ON SAID WESTERLY EXTENSION AND WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 263.57 FEET, TO THE NORTH LINE OF LOT 1A OF SAID SOUTHEAST 1/4; THENCE SOUTH 55° 22' 16" WEST ON SAID NORTH LINE, A DISTANCE OF 76.80 FEET, TO THE NORTH LINE OF LOT 2A OF SAID SOUTHEAST 1/4; THENCE SOUTH 67° 02' 48" WEST, ON SAID NORTH LINE, A DISTANCE OF 52.29 FEET, TO THE WEST LINE OF SAID LOT 2A; THENCE SOUTH 06° 11' 05" EAST, ALONG SAID WEST LINE, A DISTANCE OF 5.00 FEET, TO THE NORTH LINE OF COUNTRY WEST XII; THENCE NORTH 81° 14' 51" WEST ON SAID NORTH LINE, A DISTANCE OF 61.28 FEET; THENCE NORTH 75° 13' 25" WEST, ON SAID NORTH LINE, A DISTANCE OF 52.26 FEET; THENCE NORTH 69° 06' 15" WEST, ON SAID NORTH LINE AND THE NORTH LINE OF LOT 8A & LOT 9A, A DISTANCE OF 375.62 FEET; THENCE NORTH 71° 23' 04" WEST, ON THE NORTH LINE OF SAID COUNTRY WEST XII, A DISTANCE OF 46.23 FEET, TO THE EAST LINE OF COUNTRY WEST XVII; THENCE NORTH 20° 52' 54" EAST, ON SAID EAST LINE, A DISTANCE OF 10.00 FEET, TO THE NORTH LINE OF SAID COUNTRY WEST XVII; THENCE NORTH 72° 14' 29" WEST, ON SAID NORTH LINE, A DISTANCE OF 115.45 FEET; THENCE NORTH 79° 47' 58" WEST, ON SAID NORTH LINE, A DISTANCE OF 90.00 FEET, TO THE POINT OF BEGINNING; CONTAINING 3.70 ACRES, MORE OR LESS AND SUBJECT TO ALL LEGAL RIGHTS OF WAY AND EASEMENTS..

APPROVAL OF PLANNING COMMISSION

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

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

_____
ATTEST:
KEITH J. HUNKE - CITY ADMINISTRATOR

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, RLS 9628

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT DARREN SCHMIDT, SCOTT BINA, AND SHANNON SCHLINGER, BEING THE OWNERS AND PROPIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCIRBED HEREON TO BE SURVEYED AND PLATTED AS "COUNTRY WEST XXXI ADDITION, BISMARCK, NORTH DAKOTA, DEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK, NORTH DAKOTA SHOWN ON HIS PLAT FOR PUBLIC USE, AND CONCENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

THE TEMPORARY SLOPE EASEMENT WILL REMAIN IN EFFECT UNTIL THE CONSTRUCTION OF TYLER PARKWAY IS COMPLETED, AT WHICH TIME THE AREA OF THE EASEMENT WILL REVERT TO THE OWNERS OF LOTS 1, 2, AND 3 RESPECTFULLY.

THEY ALSO DEDICATE SLOPE PROTECTION EASEMENTS TO PROHIBIT ACTIVITY THAT COULD AFFECT THE EROSIVITY OR STABILITY OF THE SLOPES. LOTS 1-9, BLOCK 1 IN COUNTRY WEST XXXI ADDITION HAVE A SLOPE PROTECTION EASEMENT AND DEVELOPMENT LIMITATIONS: THE NATURAL VEGETATION WITHIN THE SLOPE PROTECTION EASEMENT SHALL BE LEFT UNDISTURBED; GRADING, EXCAVATION, FILLING, TERRACING, STOCKPILING OF MATERIAL OR EQUIPMENT IS NOT ALLOWED; IRRIGATION OF THE SLOPE PROTECTION EASEMENT IS NOT ALLOWED; EXCAVATION IS NOT ALLOWED FOR FOOTINGS OF PRIMARY STRUCTURES. FOR INSPECTION AND MONITORING PRUPOSES, CITY OF BISMARCK PERSONNEL WILL BE ALLOWED ACCESS ONTO THE SLOPE PROTECTION EASEMENT AREA.

_____
DARREN SCHMIDT
1832 VALLEY DRIVE
BISMARCK, ND 58503

_____
SCOTT BINA
1712 VALLEY DRIVE
BISMARCK, ND 58503

_____
SHANNON SCHLINGER
1824 VALLEY DRIVE
BISMARCK, ND 58503

STATE OF _____)
) SS
COUNTY OF _____)

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

NOTARY PUBLIC _____

SLOPE PROTECTION RESTRICTION NOTE:

IN ADDITION TO THE SLOPE PROTECTION EASEMENT, OTHER DEVELOPMENT LIMITATIONS APPLY TO THOSE AREAS ADJACENT TO AND WITHIN 50 FEET OF THE SLOPE PROTECTION EASEMENT FOR LOTS 1-9, BLOCK 1 AS FOLLOWS:

1. EXCAVATION IS NOT ALLOWED FOR FOOTINGS OF PRIMARY STRUCTURES, INCLUDING SWIMMING POOLS.

APPROVAL OF THE COUNTY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "COUNTRY WEST XXXI ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THIS PLAT.

_____
GABRIEL J. SCHELL, CITY ENGINEER

NORTH

SCALE: 1" = 30'

0 15 30

DATE: AUGUST 10, 2022

VERTICAL DATUMN - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

BENCHMARK: THE SOUTHEAST CORNER OF LOT 1; BLOCK 1, A ¾" CAPPED REBAR "LS-3595" FLUSH WITH GROUND. ELEVATION = 1793.28 NAVD88 DATUM.

PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS, LS-9628

Independent Land Surveying & Engineering

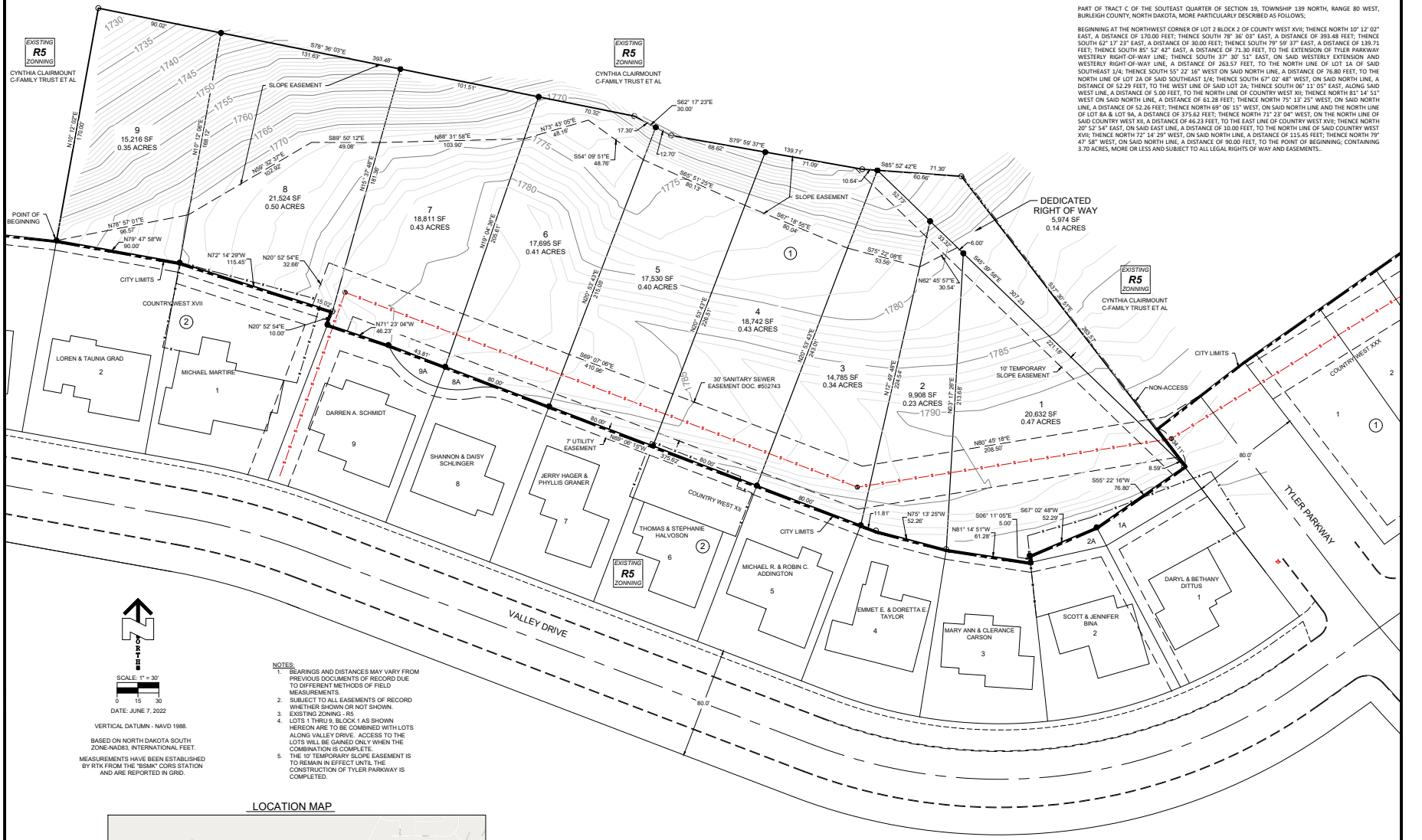
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-3184
Cell: 701-595-2079
mark@landsurveynd.com

COUNTRY WEST XXXI ADDITION	
PART OF SOUTHEAST QUARTER	
SECTION 19, T-139-N, R-80-W	
BISMARCK, NORTH DAKOTA	
SHEET: 1 OF 1	JOB NUMBER: 22012
SCALE: 1"= 30'	DWG REVISION DATES
DRAWN BY: MR	8/9/22 -
DWG DATE: 7/15/22	- -
DWG NAME:Country West XXXI Addition Final Plat.dwg	

PRELIMINARY PLAT

COUNTRY WEST XXXI ADDITION

PART OF TRACT C OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 139 NORTH, RANGE 80 WEST CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



NORTH

SCALE: 1" = 30'

0 15 30

DATE: JUNE 7, 2022

VERTICAL DATUM - NAVD 1988.

BASED ON NORTH DAKOTA SOUTH ZONE-NAD83, INTERNATIONAL FEET.

MEASUREMENTS HAVE BEEN ESTABLISHED BY RTK FROM THE "BSMK" CORS STATION AND ARE REPORTED IN GRID.

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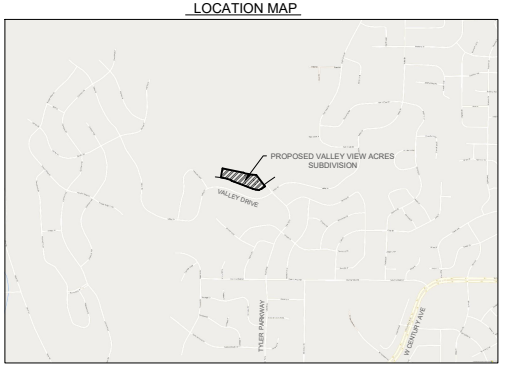
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LOCATION MAP



ACREAGE TABLE

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LOT 9	15,216 SF	0.35 ACRES
DEDICATED ROW	5,974 SF	0.14 ACRES
TOTAL		3.70 ACRES

LEGEND

- FOUND SURVEY MONUMENT
- SET CAPPED REBAR "LS-9628"
- EXISTING UTILITY EASEMENT
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- EXISTING SANITARY SEWER
- EXISTING CURB AND GUTTER
- EXISTING SANITARY SEWER MANHOLE
- CITY LIMIT

OWNERS:

DARREN SCHMIDT
1832 VALLEY DRIVE
BISMARCK, ND 58503

SCOTT BINA
1712 VALLEY DRIVE
BISMARCK, ND 58503

SHANNON SCHLINGER
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SCALE: 1"= 30'	DWG REVISION DATES
DRAWN BY: MR	6/7/22 -
DWG DATE: 5/18/22	- -
DWG NAME:22012 Survey.dwg	

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

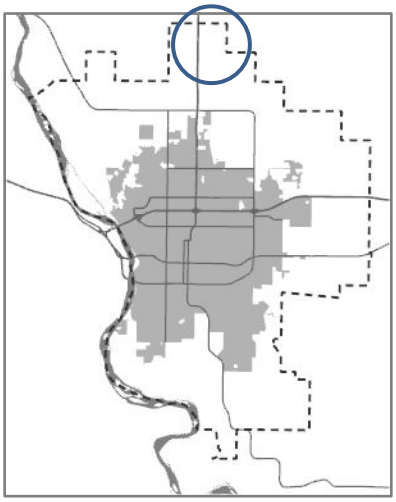
Agenda Item # 8
August 24, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-009**

Project Summary

Title:	Lot 8, Block 8, Shamrock Acres Third Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Brian and Terrie Cassidy
Project Contact:	Brian Cassidy
Location:	North of Bismarck, east of US Highway 83 and north of 84th Avenue NE on the east side of 26th Street NE at the intersection with Clover Lane (2620 Clover Lane)
Project Size:	2.69 acre lot
Request:	Construct an accessory dwelling unit in a new accessory structure and increase the allowable area for accessory structures



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Lot in 1 Block	*Number of Lots:*	1 Lot in 1 Block
Land Use:	Single-family residence	*Land Use:*	Single-family residence with accessory dwelling unit
Future Land Use:	Conventional Rural Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	10/1977	*Platted:*	10/1977	*Annexed:*	N/A

(continued)

Staff Analysis

Brian and Terrie Cassidy are requesting approval of a special use permit to construct an accessory dwelling unit and increase the total allowable square footage of accessory structures on a lot to 3,200 square feet for Lot 8, Block 8, Shamrock Acres Third Addition.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and August 19th, and 69 letters were mailed to the owners of nearby properties on August 12th.

Adjacent uses include rural residential lots in all directions.

Two accessory structures exist on the property: 1,232 square feet and 120 square feet, in area. The total area of the proposed structure is 1,705 square feet. This would result in a sum of 3,057 square feet on the lot, which requires the requested special use permit for oversized accessory structures.

The new accessory structure is proposed to be located on the east side of a drainage through the center of the lot. A separate approach to Clover Lane has been approved by the Burleigh County Board of Commissions for this building. No driveway access will be provided between the principle and accessory structures.

The proposed site is within the Special Flood Hazard Area identified on the Preliminary Flood Insurance Rate Map (FIRM), which is intended to indicate a 1% chance of flooding each year. This map also shows a Floodway through the center of Lot 8, but the proposed building site is outside of this Floodway. The area is not within the effective 2014 FIRM but has been added to the preliminary FIRM based on new data available.

The following criteria from Section 14-03-08(y) of the City Code of Ordinances (Special Uses/Accessory Dwelling Units) apply:

1. *No more than one accessory dwelling unit may be permitted on each lot or parcel.*

   One accessory dwelling unit would be constructed.

2. *An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to twenty (20) feet or the height of the principal structure on the lot, whichever is less.*

   The accessory dwelling unit would be constructed within a new accessory structure proposed to be twenty feet in height.

3. *The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The home may not be owned by a corporation, but the owner-occupant may be a benefited person in a private trust or life estate. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property.*

   The owners intend to remain in the principal structure of the lot.

4. *At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot.*

   Sufficient parking will be provided on site.

5. *No accessory dwelling unit may include more than one (1) bedroom.*

(continued)

The accessory dwelling unit includes one bedroom.

6. *Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet on any lot or parcel five (5) acres in area or less.*

   The total area of the accessory dwelling unit would be 789 square feet. This includes the complete living area and not attached garages. The total also deducts the area shown on the floor plan as "down." Stairways are not typically included in such measurements.

7. *An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.*

   The connections to public utilities and an adequate septic system will be reviewed during the building permit process.

Required Findings of Fact (relating to land use)

1. The proposed special uses comply 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 uses are compatible with adjacent land uses and zoning;
3. The proposed special uses 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 uses 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 uses are consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special uses 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 for an accessory dwelling unit on a special use permit to construct an accessory dwelling unit and increase the total allowable square footage of accessory structures on a lot to 3,200 Square feet for Lot 8, Block 8, Shamrock Acres Third Addition, with the following conditions:

1. The location of the site substantially conforms to the site plan or an alternative location on the lot complies with all setback and other requirements.
2. At least water and electrical utilities are provided for the accessory dwelling unit.
3. An adequately sized septic system compliant with all applicable requirements is installed.
4. All applicable floodplain development regulations are followed at the time of building permit submittal.

Attachments

1. Location Map

(continued)

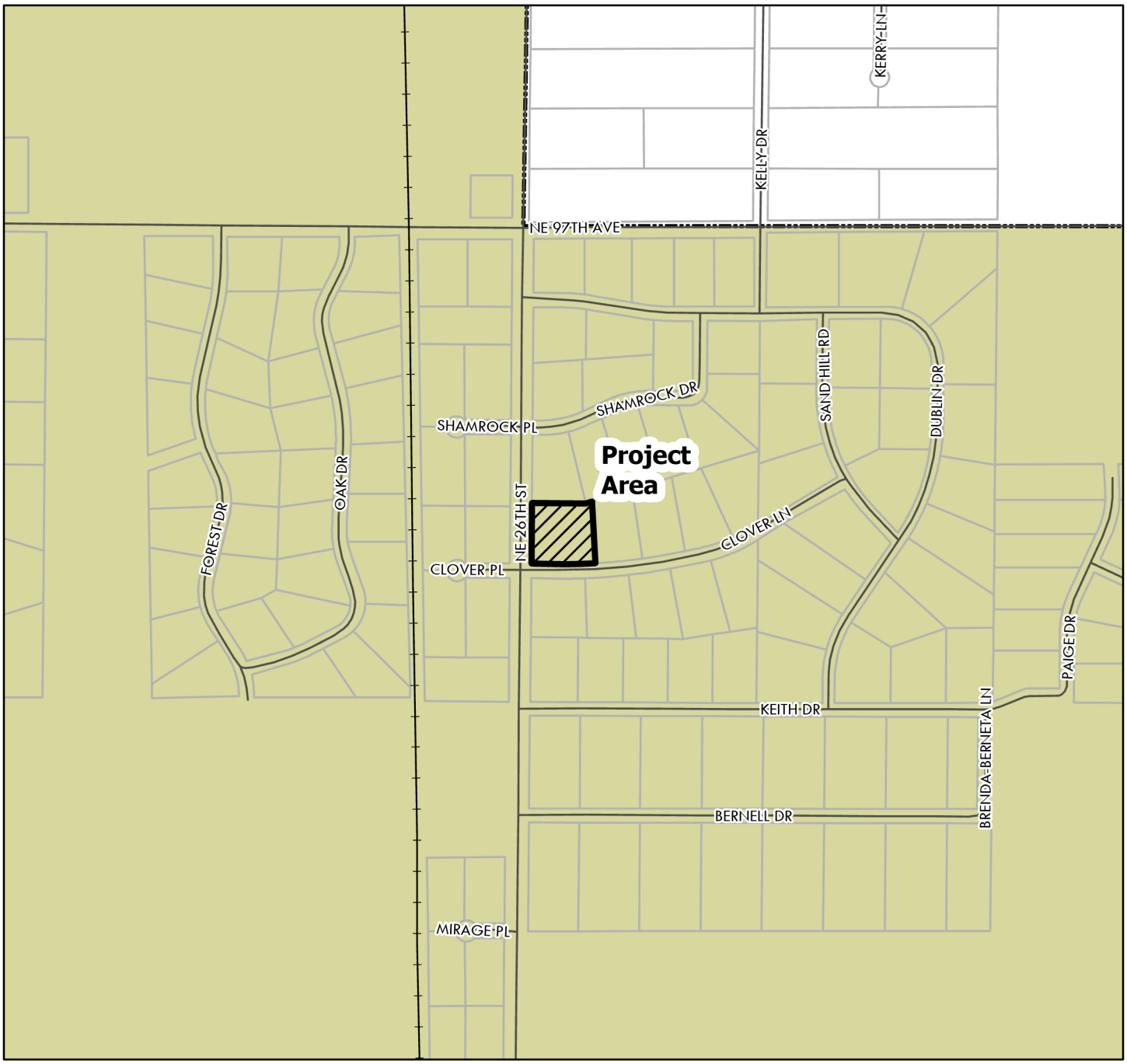
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Floor Plan
6. Building Elevation

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

Location Map

SHAMROCK ACRES THIRD ADDITION, L8, B8

SUP2022-009



0 0.17 0.35 0.7 Miles

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

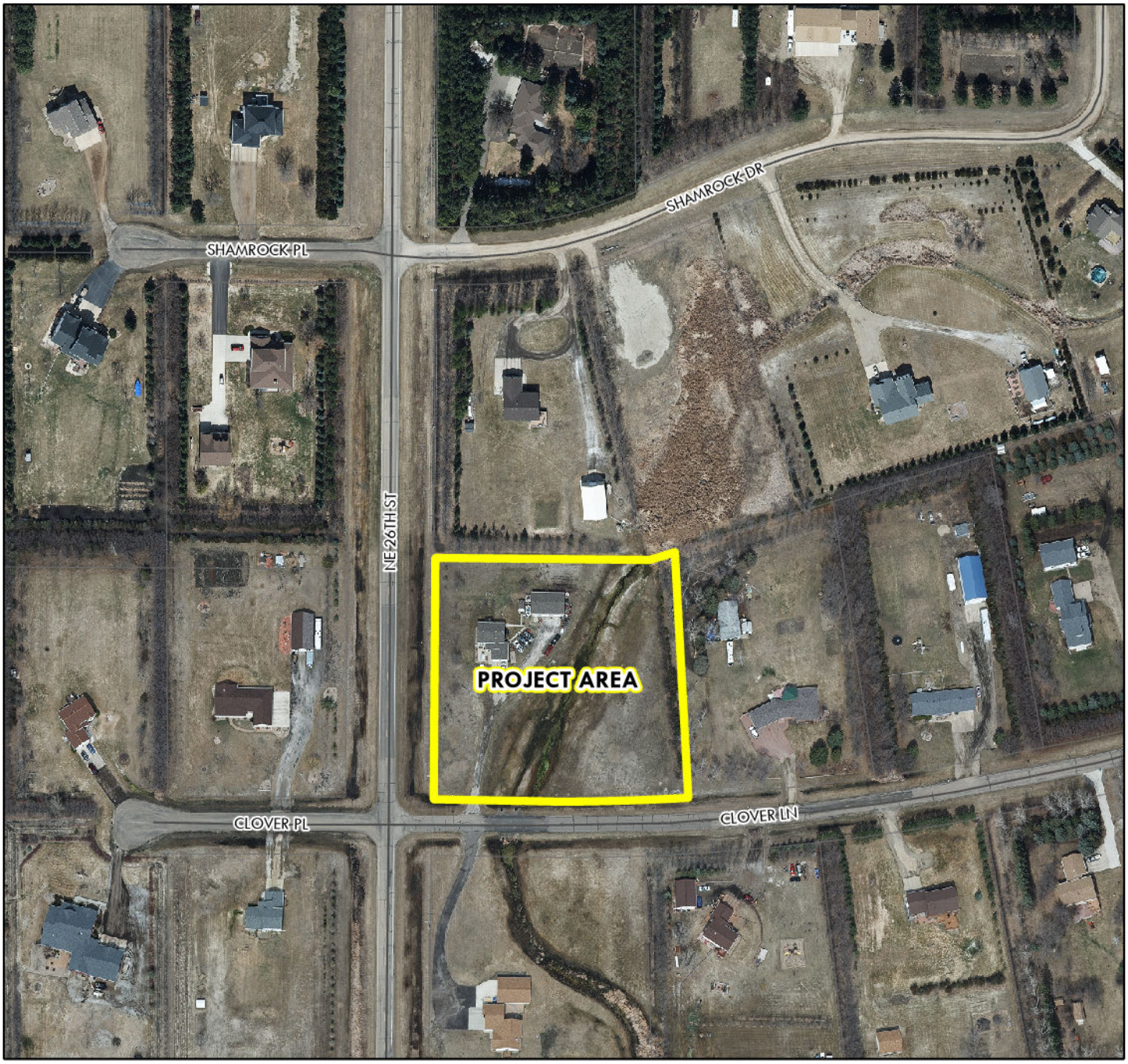
City of Bismarck
Community Development Department
Planning Division
June 14, 2022 (HLB)

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

Aerial Map

SHAMROCK ACRES THIRD ADDITION, L8, B8

SUP2022-009



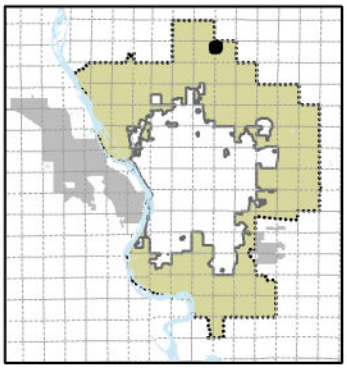
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

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Zoning and Plan Reference Map

SHAMROCK ACRES THIRD ADDITION, L8, B8

SUP2022-009

Zoning Districts

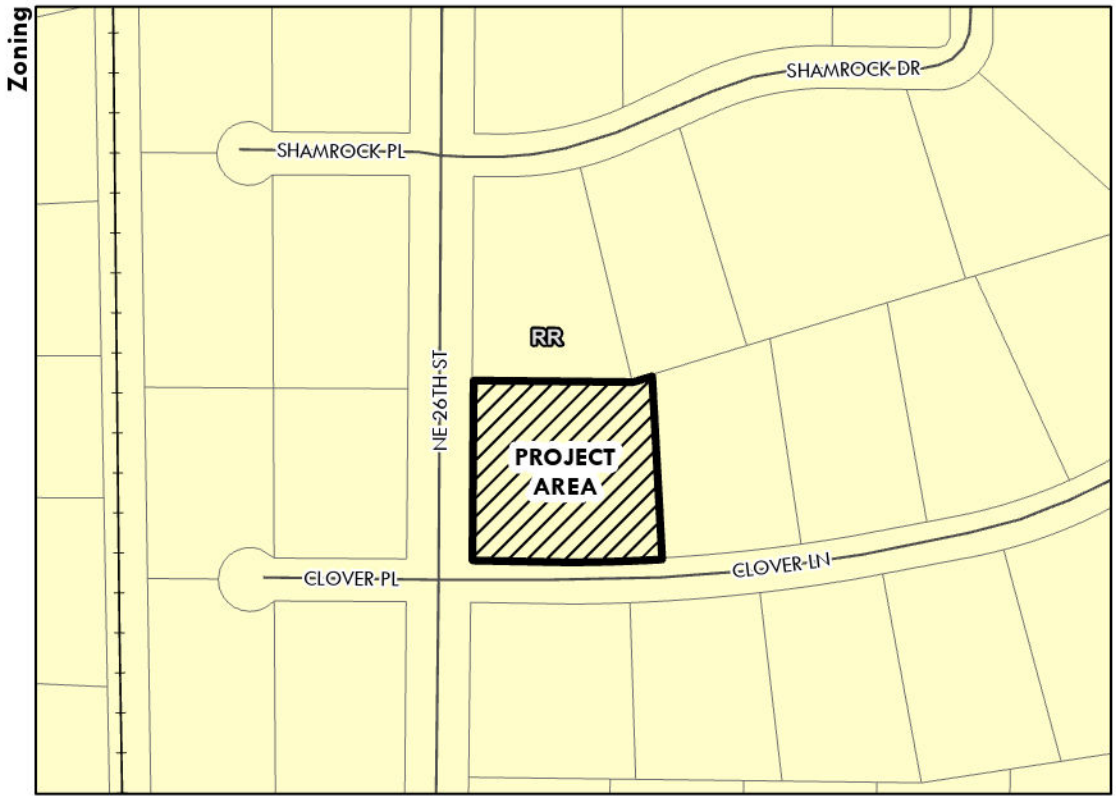
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
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CG	Commercial
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DC	Downtown Core
DF	Downtown Fringe

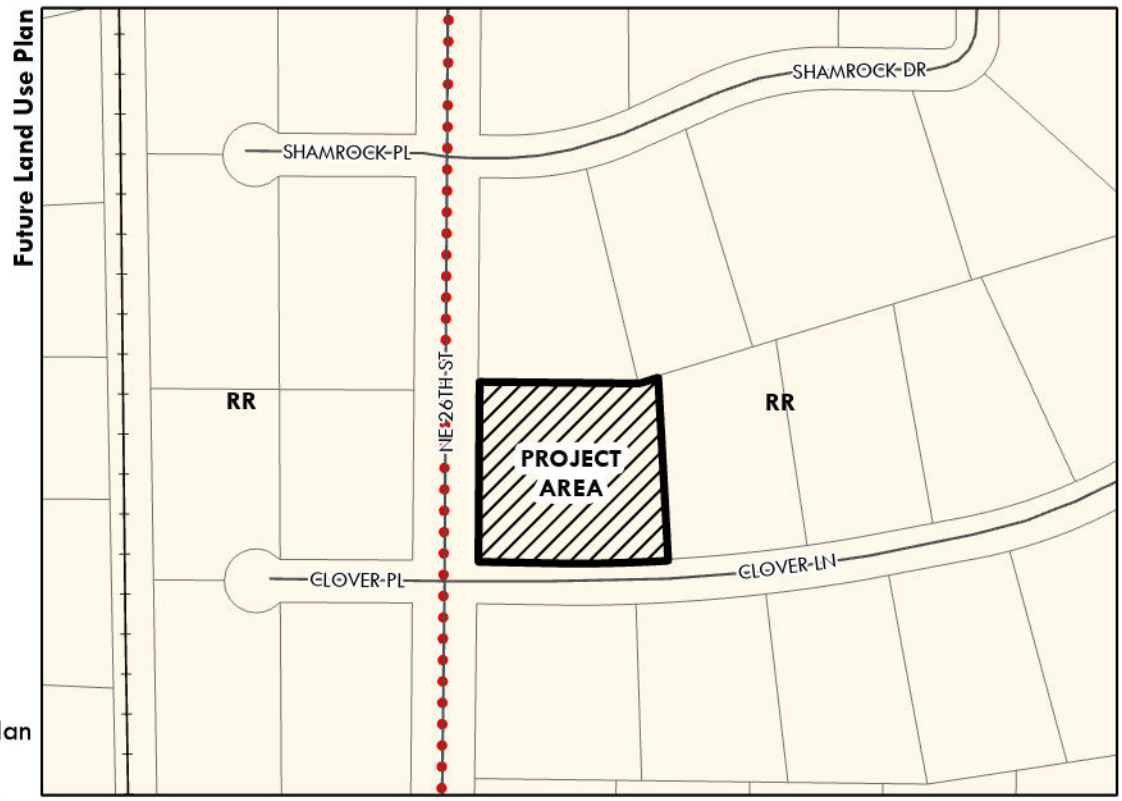
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





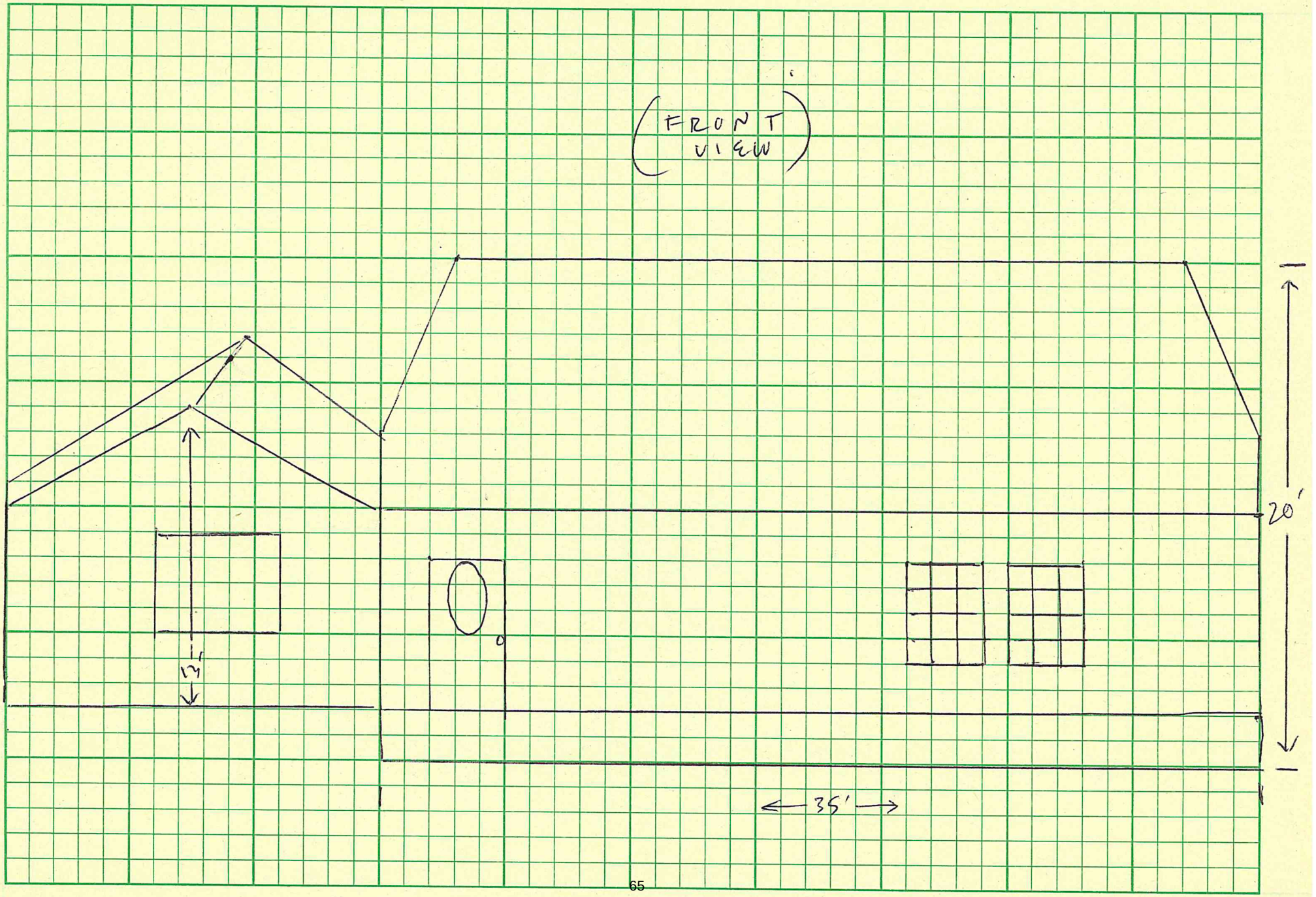
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0 0.04 0.09 0.18 Miles

City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

RECEIVED
JUN 14 2022




(FRONT VIEW)
20'
17'
35'

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

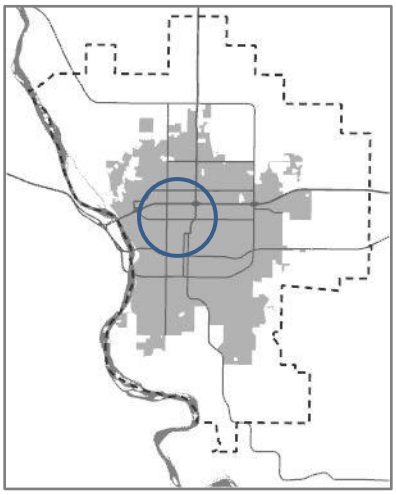
Agenda Item # 9
August 24, 2022

Application for: **Special Use Permit**

Project ID: **SUP2021-012**

Project Summary

Title:	Lot 8, Block 15, Replat of part of Tibesar First Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Alex Shevchenko
Project Contact:	Alex Shevchenko
Location:	In central Bismarck, south of Interstate 94 and west of US Highway 83/State Street on the south side of East Capitol Avenue (1013 East Capitol Avenue)
Project Size:	680 square feet, more or less
Request:	Convert an existing attached garage into an accessory dwelling unit



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot	*Number of Lots:*	1 lot
Land Use:	Single-family home	*Land Use:*	Single-family home with accessory dwelling unit
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	*Zoning:*	R5 – Residential
Uses Allowed:	R5 – Single-family residential	*Uses Allowed:*	R5 – Single-family residential
Max Density:	R5 – 5 units / acre	*Max Density:*	R5 – 5 units / acre

Property History

Zoned:	Pre-1980	*Platted:*	02/1971	*Annexed:*	Pre-1980

Staff Analysis

Alex Shevchenko is requesting approval of a special use permit to allow an internal accessory dwelling unit on Lot 8, Block 15, Replat of part of Tibesar First Subdivision.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and August 19th, and 49 letters were mailed to the owners of nearby properties on August 12th .

Adjacent uses include single-family residential to the north, west, and south, and an office use to the east.

The applicants have requested an additional address for this lot, and this may be granted with approval of this special use permit for an accessory dwelling unit.

The following criteria from Section 14-03-08(y) of the City Code of Ordinances (Special Uses/Accessory Dwelling Units) apply:

1. *No more than one accessory dwelling unit may be permitted on each lot or parcel.*

   One accessory dwelling unit would be constructed.

2. *An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of this Code, including size and setback requirements of the underlying zoning district. However, the height of any accessory dwelling unit may be up to twenty (20) feet or the height of the principal structure on the lot, whichever is less*.

   The accessory dwelling unit would be contained completely within the principal structure of the lot.

3. *The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The home may not be owned by a corporation, but the owner-occupant may be a benefited person in a private trust or life estate. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property.*

   The owners intend to remain in the principal structure of the lot.

4. *At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot.*

   There are three off-street parking spaces available in the driveway. Two spaces are required for the single-family residence, and one space is required for the accessory dwelling unit. Required parking would be met.

5. *No accessory dwelling unit may include more than one (1) bedroom.*

   The accessory dwelling unit includes one bedroom.

6. *Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet on any lot or parcel five (5) acres in area or less.*

   The accessory dwelling unit would be approximately 680 square feet, within the allowable size limit.

7. *An accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.*

   The accessory dwelling unit would use utilities already provided to the principal dwelling on the property. No additional meters are requested.

(continued)

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an internal accessory dwelling unit on Lot 8, Block 15, Replat of part of Tibesar First Subdivision.

Attachments

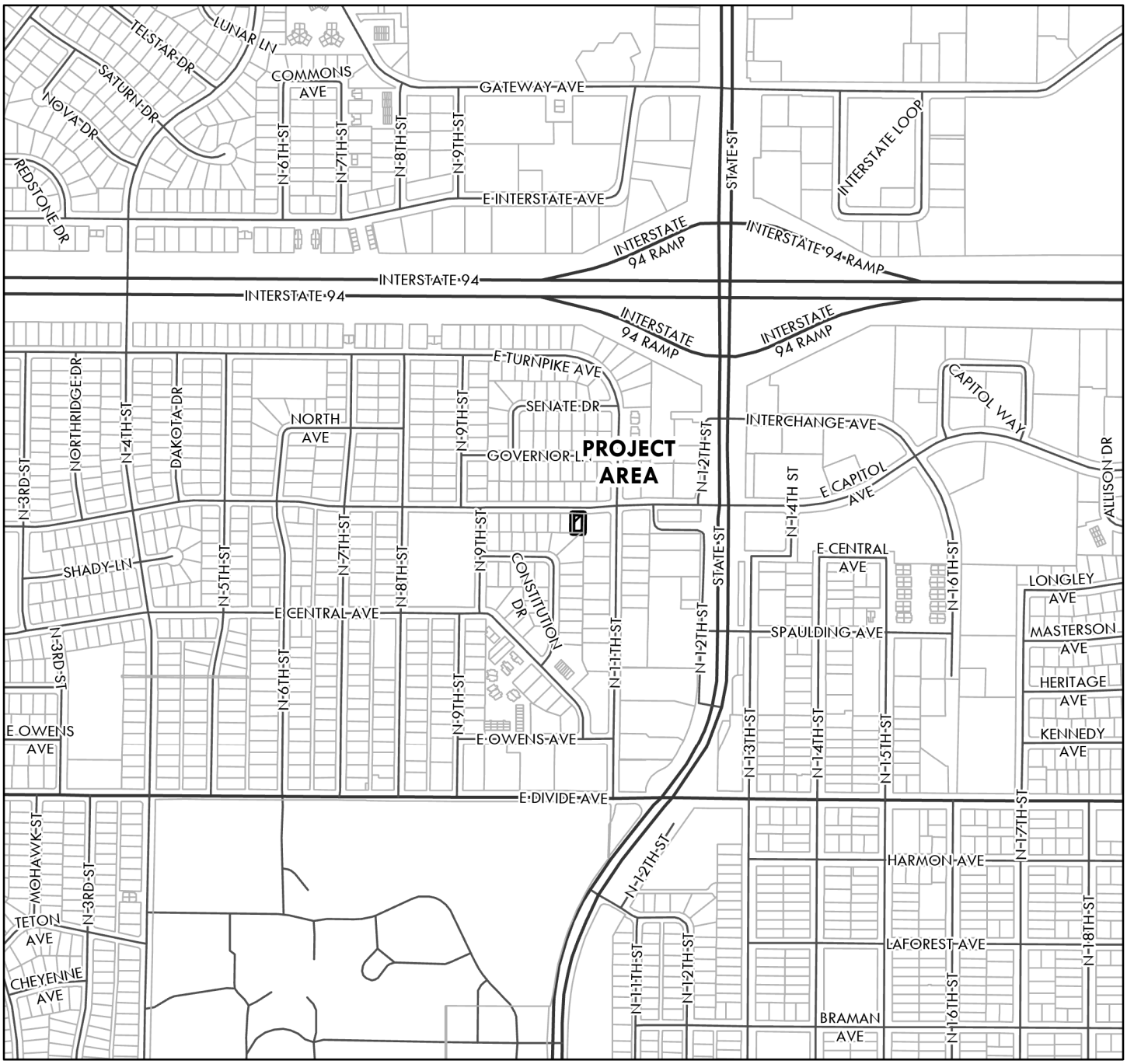
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Floor Plan

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

Location Map

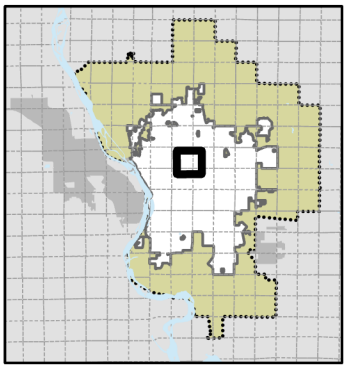
REPLAT OF PART OF TIBESARS FIRST SUBDIVISION, L8, B15

SUP2022-012



Miles

0 0.17 0.35 0.7



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

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

Aerial Map

REPLAT OF PART OF TIBESARS FIRST SUBDIVISION, L8, B15

SUP2022-012



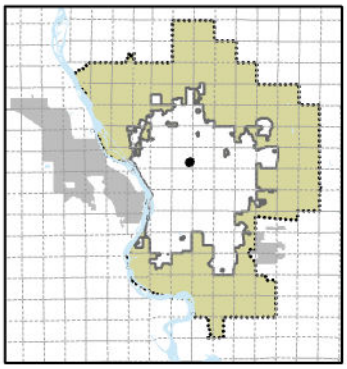
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City Limits

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

Zoning and Plan Reference Map

REPLAT OF PART OF TIBESARS FIRST SUBDIVISION, L8, B15

SUP2022-012

Zoning Districts

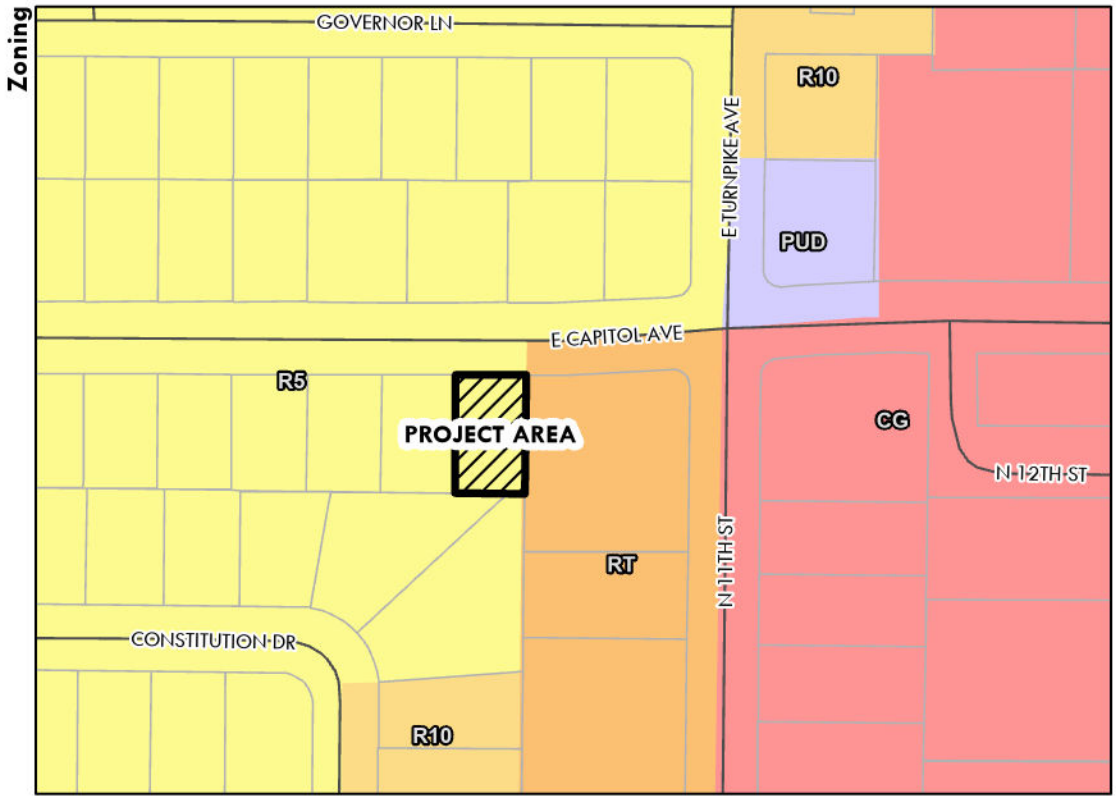
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
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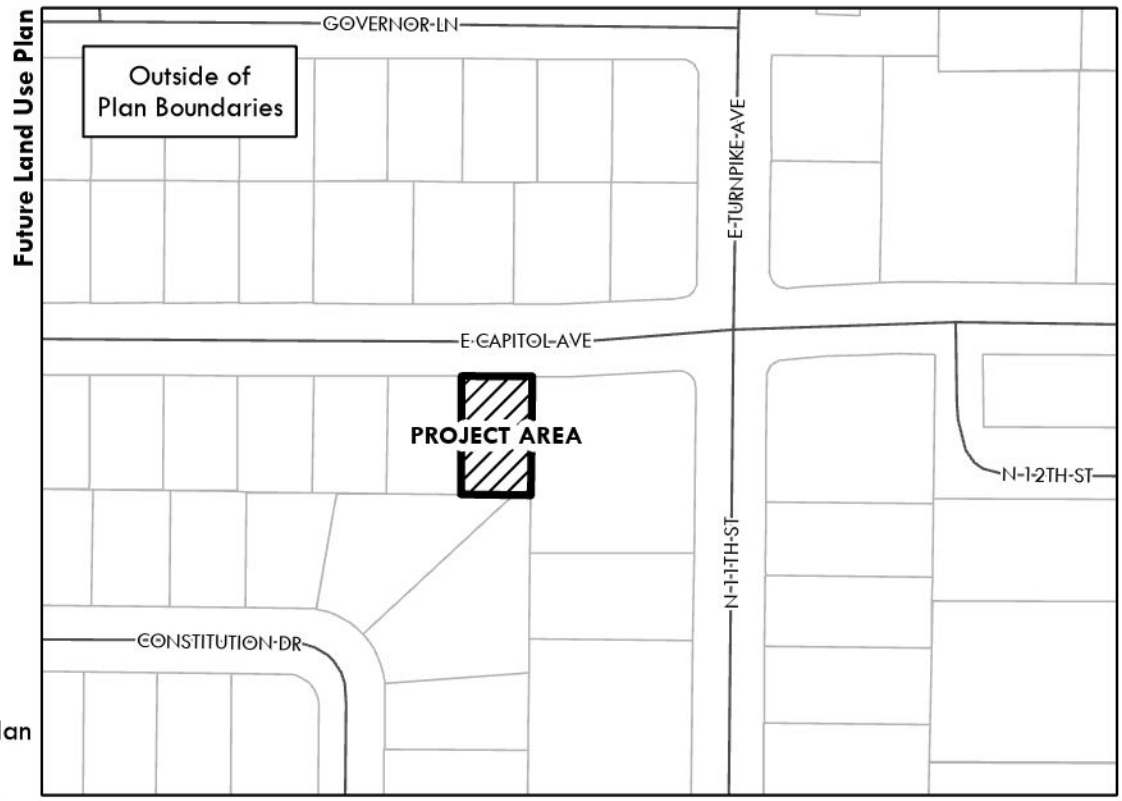
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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0 0.02 0.04 0.08 Miles

City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

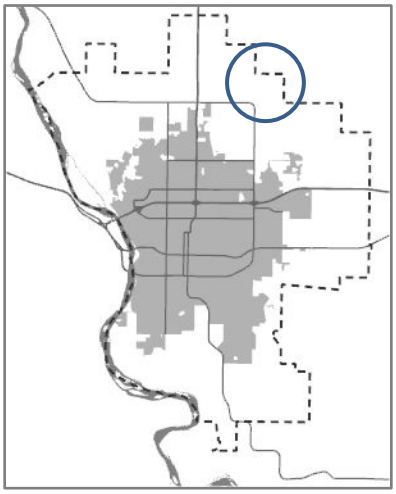
Agenda Item # 10
August 24, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-013**

Project Summary

Title:	Lot 1, Block 2, Crescent Ridge Second Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Sonya Schank
Project Contact:	Sonya Schank
Location:	North of Bismarck, east of 41st Street NE in the southwest quadrant of the intersection of 84th Avenue NE and 44th Street NE (8324 44th Street NE)
Project Size:	2.17 acres
Request:	Increase the total allowable square footage of accessory buildings on the property up to 3,200 square feet by constructing an accessory building



Site Information

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

Property History

Zoned:	9/2004	*Platted:*	7/1998	*Annexed:*	N/A

Staff Analysis

Sonya Schank is requesting approval of a special use permit to increase the total allowable square footage of accessory structures on a lot up to 3,200 square feet for Lot 1, Block 2, Crescent

(continued)

Ridge Second Subdivision.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and August 19th, and 36 letters were mailed to the owners of nearby properties on August 12.

Adjacent uses include agriculture to the north across 84th Avenue NE, and rural residential uses to the east across 44th Street NE, south and west.

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

The parcel size for the proposed special use is 2.17 acres or 94,525 square feet, which meets the criteria for a maximum allowable size of 3,200 square feet for all accessory buildings located on the property.

There is an existing 960 square foot detached garage and 72 square foot accessory structure on this property. The proposed accessory structure is 2,223 square feet. The applicant has indicated the 72 square foot accessory structure will be removed. The combined size of the remaining and proposed accessory structures on the site would be 3,183 square feet.

According to the site plan submitted by the applicant, the proposed accessory building 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 Hay Creek Township Board of Supervisors has recommended approval of 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 buildings on the property up to 3,200 square feet

(continued)

by constructing an accessory building on Lot 1, Block 2, Crescent Ridge Second Subdivision.

Attachments

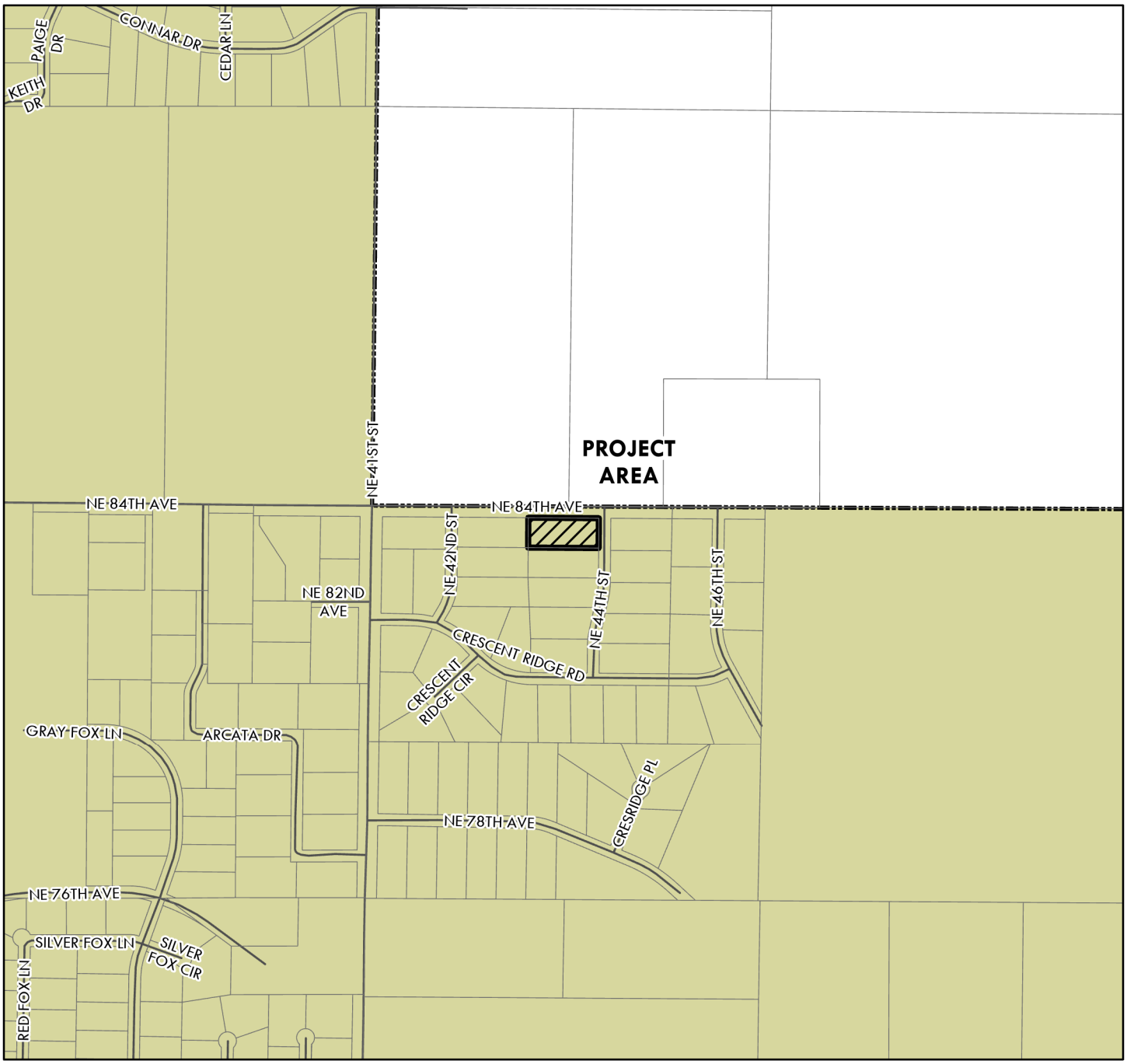
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Building Elevations
6. Township Resolution

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

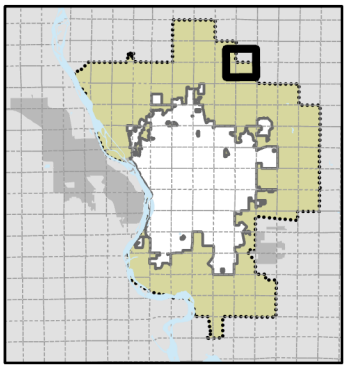
Location Map

CRESCENT RIDGE SECOND SUBDIVISION, L1, B2

SUP2022-013



0 0.23 0.45 0.9 Miles



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

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Aerial Map

CRESCENT RIDGE SECOND SUBDIVISION, L1, B2

SUP2022-013



Miles

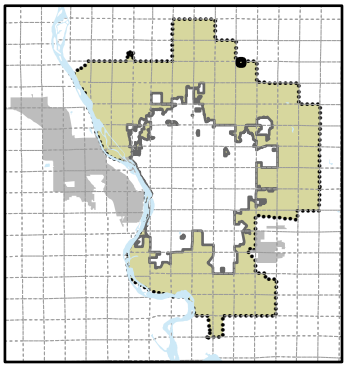
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Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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

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Zoning and Plan Reference Map

CRESCENT RIDGE SECOND SUBDIVISION, L1, B2

SUP2022-013

Zoning Districts

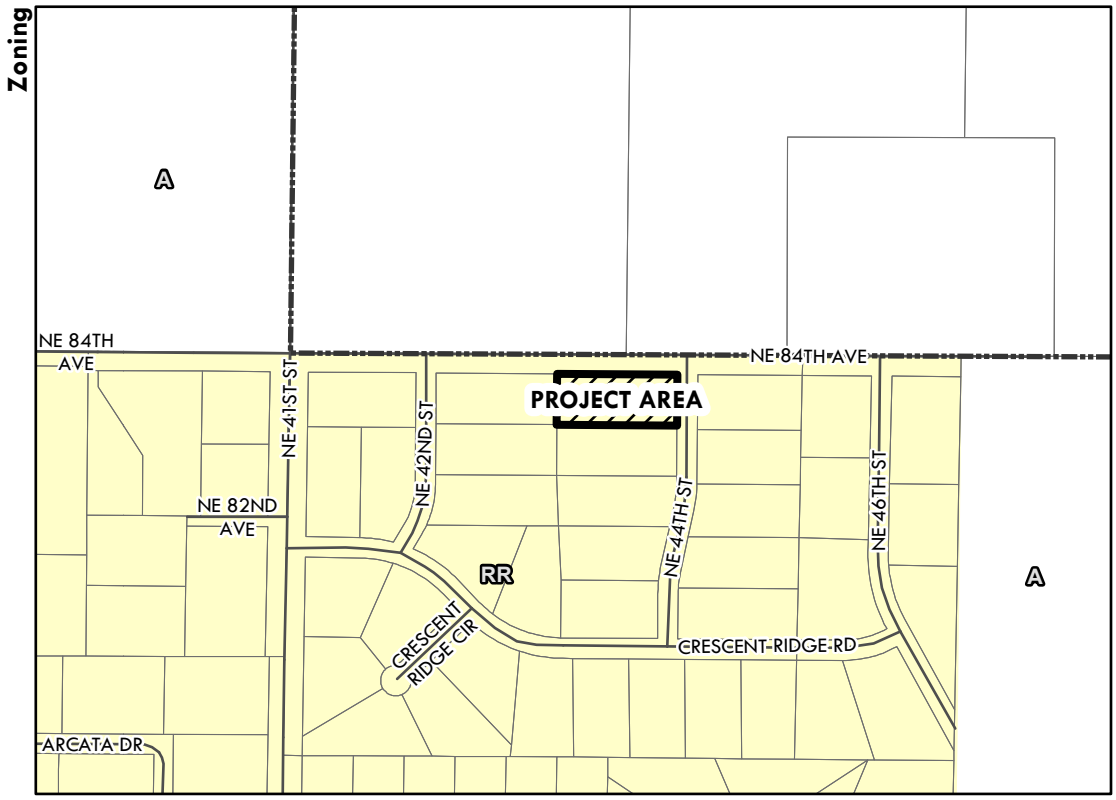
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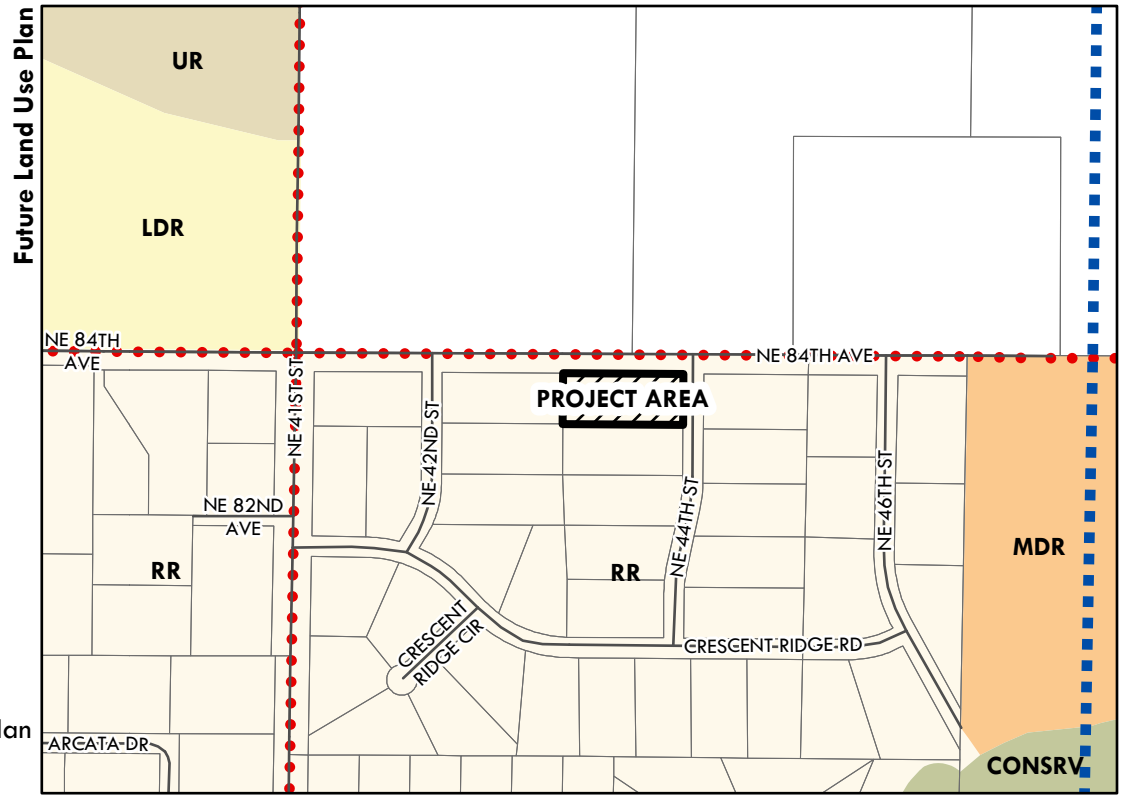
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road



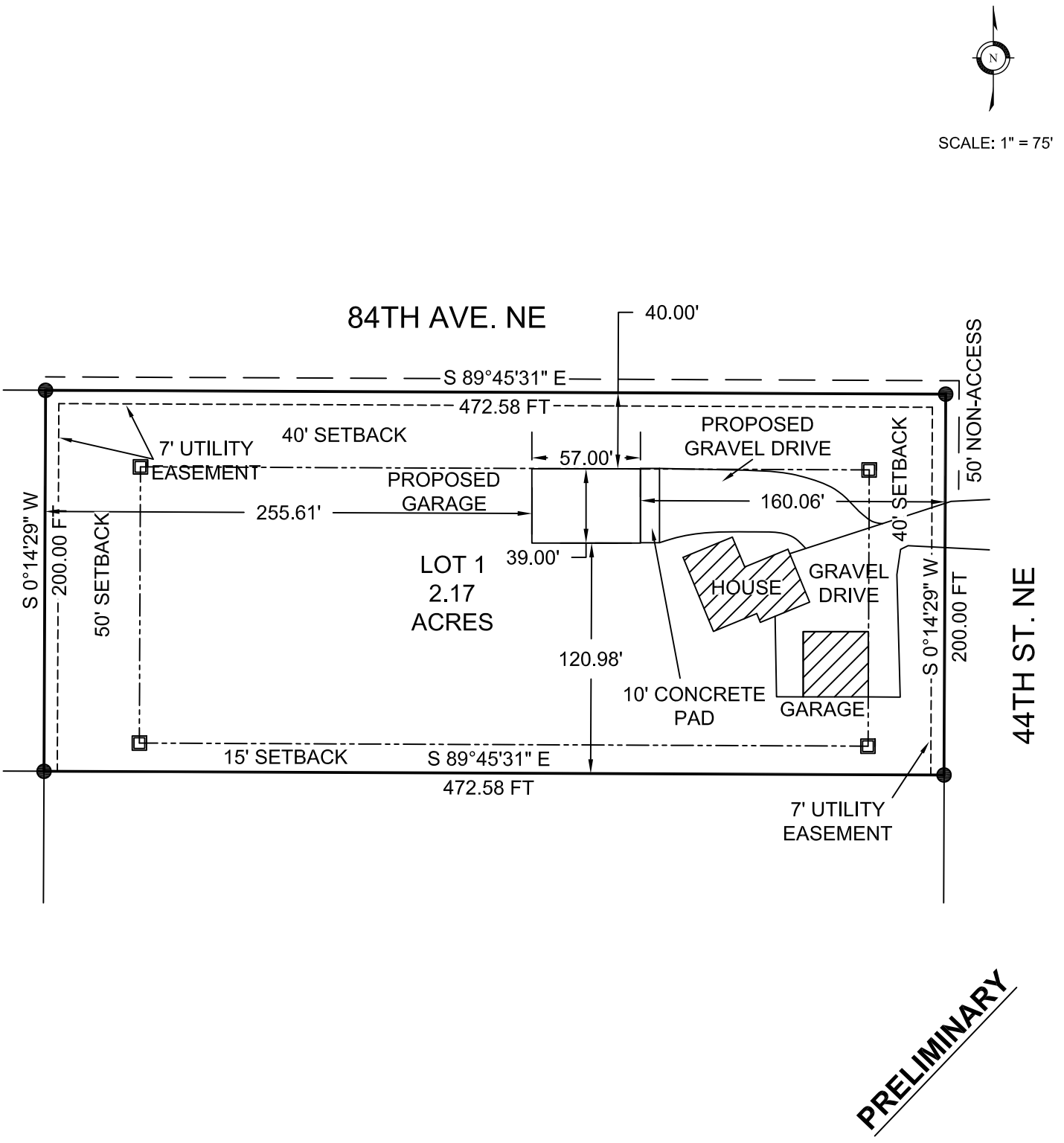


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

Miles

0 0.07 0.15 0.3

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



LOT SURVEY EXHIBIT

E3 HOMES

BISMARCK, NORTH DAKOTA

Apex Engineering Group

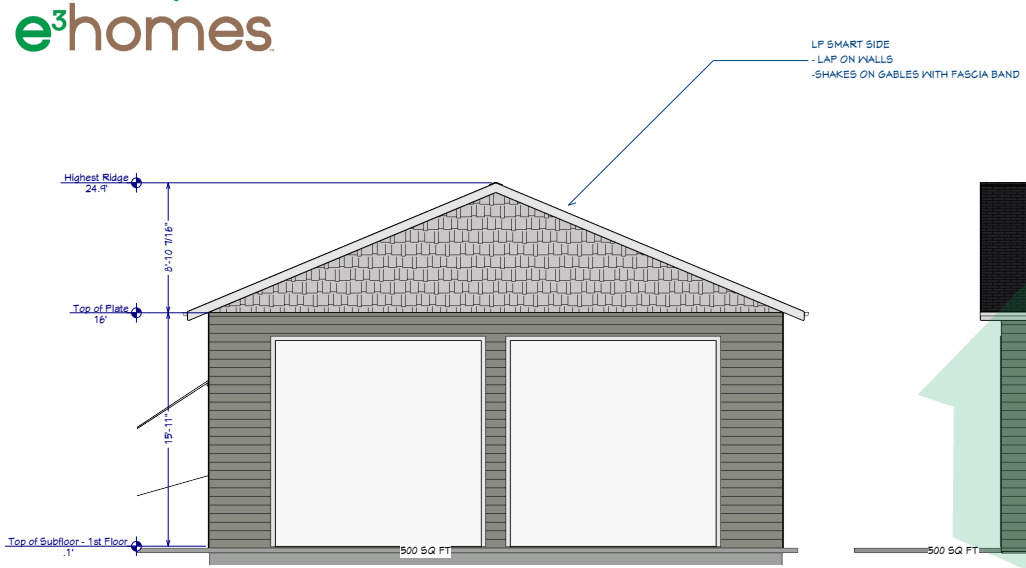
8324 44TH ST. NE
LOT 1, BLOCK 2,
CRESCENT RIDGE 2ND
BISMARCK, NORTH DAKOTA

ZONING	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
RR	40'	15'	50'

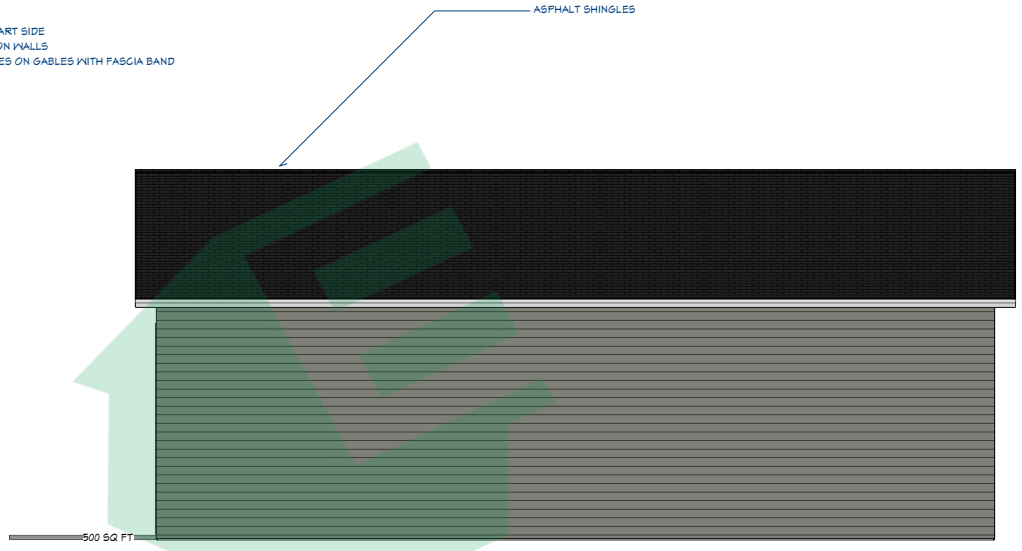
REGISTERED PROFESSIONAL LAND SURVEYOR
BRETT ZELTINGER
LS-27331
DATE:_____
NORTH DAKOTA

LEGEND

- FOUND MONUMENT
- SET MONUMENT
- SETBACK STAKE
- Ⓦ WATER GATE VALVE
- Ⓛ LIGHT POLE
- Ⓗ HYDRANT
- Ⓔ ELECTRICAL LOCKER
- Ⓟ PEDESTAL



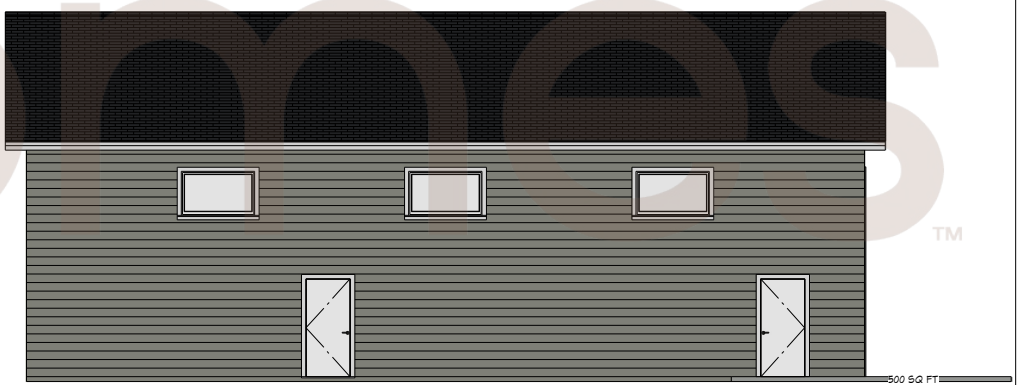
Exterior Elevation Front



Exterior Elevation Right



Exterior Elevation Back



Exterior Elevation Left

Contact: Travis Welle
701-354-7640
P.O. Box 2440
Bismarck, ND 58502

KEVIN & SONYA WOOD
8324 44TH STREET NE
BISMARCK, ND 58503
PHYSICAL ADDRESS

DATE:
7/20/2022
SCALE:
1/4" = 1'
SHEET:
24x36
PAGE:
4 OF 5

THESE PLANS ARE PROTECTED UNDER THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT (AWCPA) AND ARE THE SOLE POSSESSION OF E HOMES, INC. ANYONE CAUGHT USING THESE PLANS WITHOUT WRITTEN PERMISSION OF E HOMES, INC. SHALL BE SUBJECTED TO THE MAXIMUM PUNISHMENT OF THE LAW. IF YOU BELIEVE THESE PLANS WERE DISTRIBUTED WITHOUT E HOMES, INC. PERMISSION PLEASE CONTACT E HOMES, INC. IMMEDIATELY.

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE SPECIAL USE PERMIT TO INCREASE THE TOTAL ALLOWABLE SQUARE FOOTAGE OF ACCESSORY BUILDINGS ON YOUR PROPERTY TO 3,200 SQUARE FEET BY CONSTRUCTING A ~~960~~ 2,223 SQUARE-FOOT ACCESSORY BUILDING ON LOT 1, BLOCK 2, CRESCENT RIDGE SECOND SUBDIVISION (8324 44TH STREET NE), AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID SPECIAL USE PERMIT BE (APPROVED) (DENIED).

(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

_____

_____

_____

_____

_____ 8/10/2022

CHAIRMAN, TOWNSHIP BOARD DATE

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

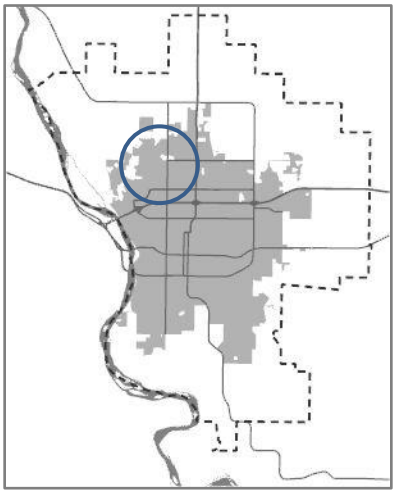
Agenda Item # 11
August 24, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-014**

Project Summary

Title:	Lot 2, Block 1, Washington Square Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	SWM Properties, LLC
Project Contact:	Nate Wolf, Old 10 Bar and Grill
Location:	In north Bismarck, south of Ash Coulee Drive and west of North Washington Street on the north side of Colt Avenue (4100 North Washington Street)
Project Size:	25 square foot sign face
Request:	Install an electronic message center (EMC) sign on a pole sign



Site Information

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

Property History

Zoned:	04/2019	*Platted:*	04/2019	*Annexed:*	Pre-1980

(continued)

Staff Analysis

SWM Properties, LLC is requesting approval of a special use permit to allow an Electronic Message Center (EMC) sign on Lot 2, Block 1, Washington Square Addition. This property is in the Conditional CG - Commercial zoning district, although the site of the sign lies within 150 feet of a residential zoning district to the west which requires following the residential standards.

EMC signs are only allowed in residential districts with a special use permit and subject to additional restrictions described in this report. Only the EMC portion of the sign must follow residential standards. The pole sign in general may follow commercial district standards.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on August 12th and 19th , and 27 letters were mailed to owners nearby properties on August 12th.

Adjacent uses include undeveloped land zoned for office uses to the west and north, a church within a residential zoning district to the east, and another church within a residential zoning district to the south.

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

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

   A special use permit has been requested.

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

   The proposed EMC would be incorporated into a new pole sign. The setback of this pole sign from the adjacent property line is approximately 20 feet, as measured from the east property line on North Washing Street, and 19 feet from the south property line and Colt Avenue right-of-way.

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

   Only one two-sided EMC sign is proposed.

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 25 square feet in size, which meets the requirements for the ordinance.

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:*

   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*

(continued)

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 2, Block 1, Washington Square Addition, with the following condition:

1. All operational requirements of the ordinance shall me met.

Attachments

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

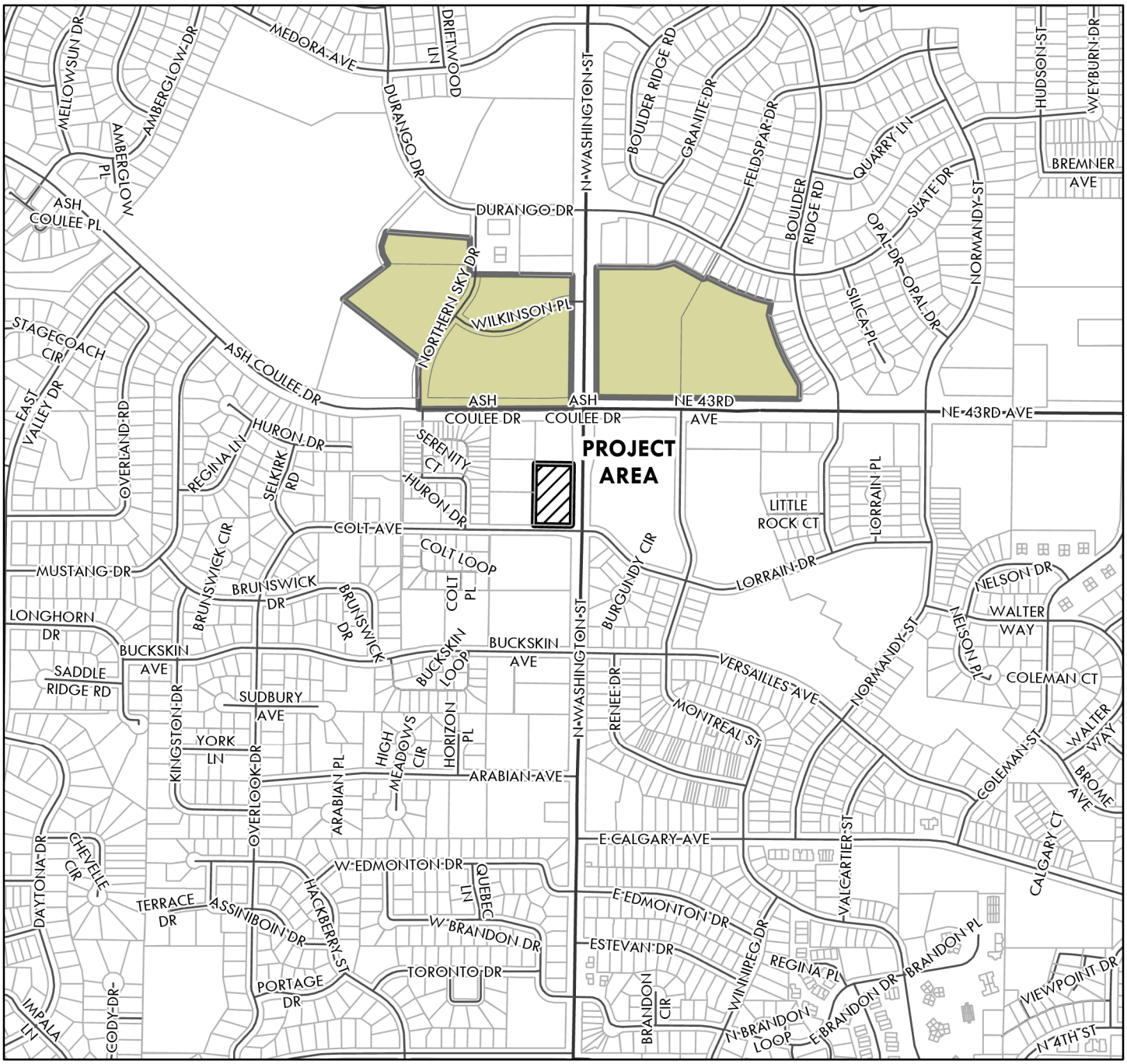
(continued)

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

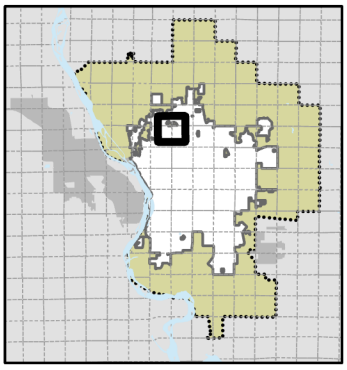
Location Map

WASHINGTON SQUARE ADDITION, L2, B1

SUP2022-014



0 0.2 0.4 0.8 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

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

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

Aerial Map

WASHINGTON SQUARE ADDITION, L2, B1

SUP2022-014

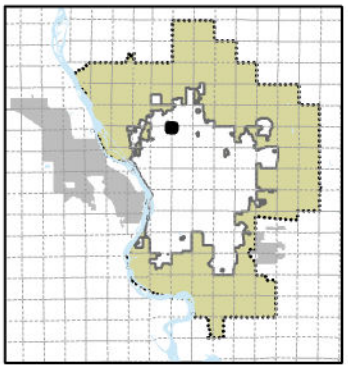


0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

Zoning and Plan Reference Map

WASHINGTON SQUARE ADDITION, L2, B1

SUP2022-014

Zoning Districts

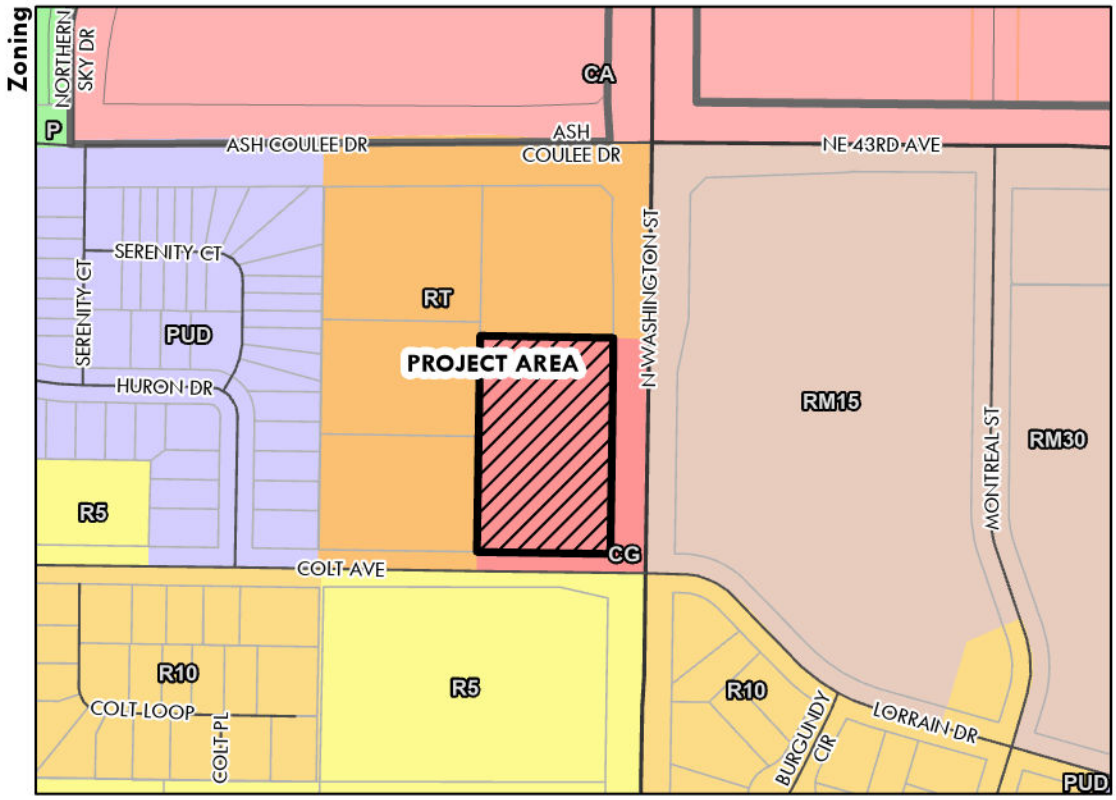
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

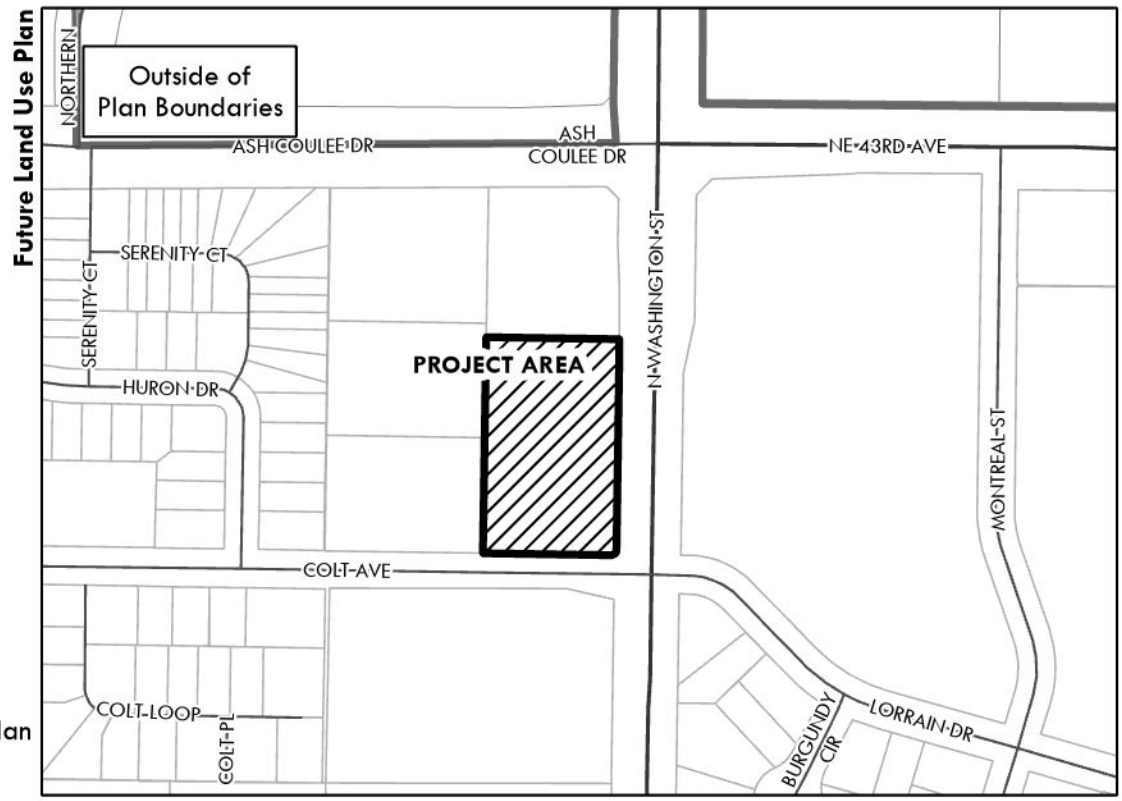
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- Future Arterial Road
- Future Collector Road



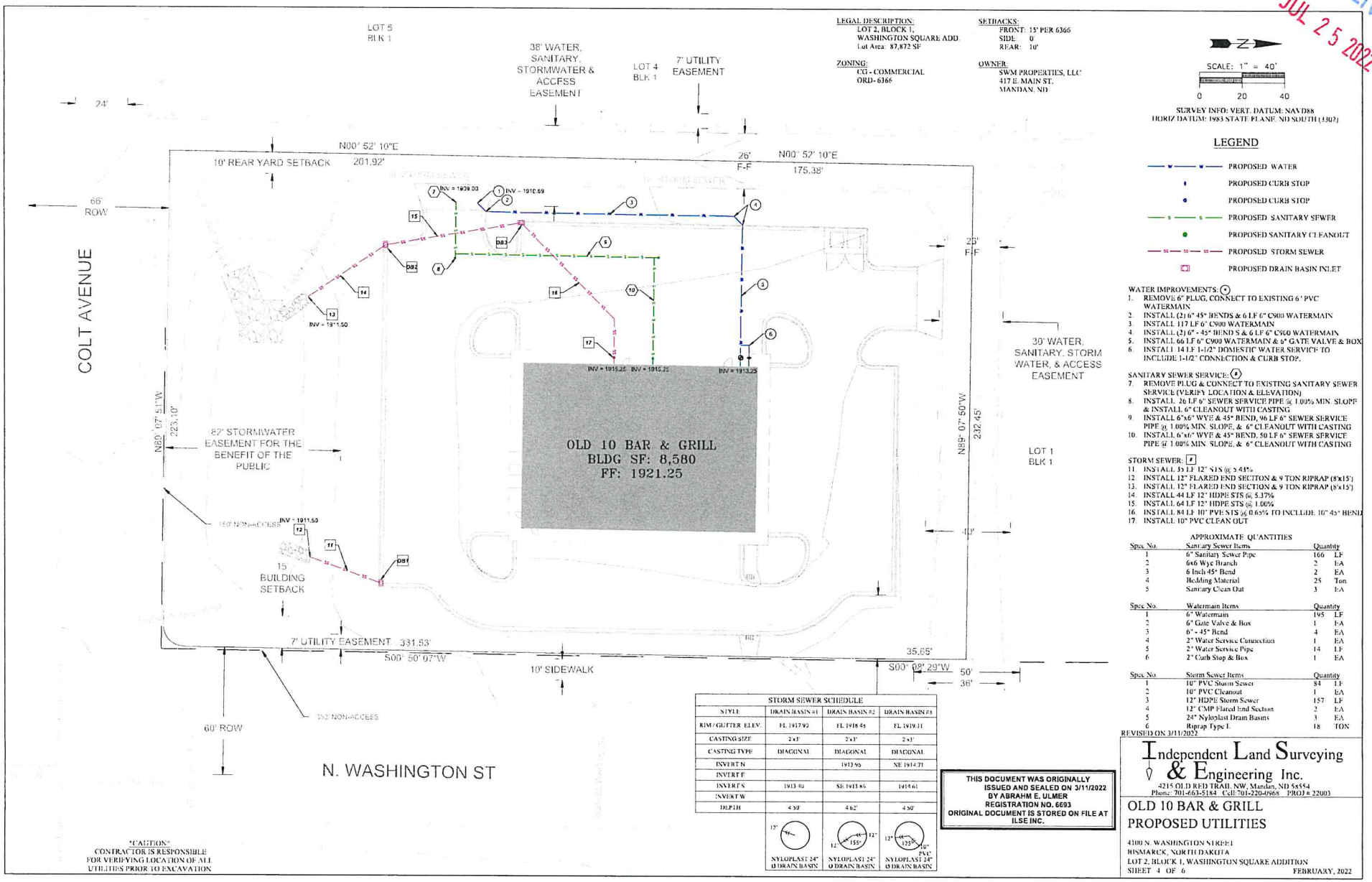


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0 0.04 0.08 0.16 Miles

City of Bismarck
Community Development Dept.
Planning Division
August 9, 2022

RECEIVED
JUL 25 2022



LEGAL DESCRIPTION:
LOT 2, BLOCK 1,
WASHINGTON SQUARE ADD.
Lot Area: 87,872 SF

ZONING:
CG - COMMERCIAL
ORD- 6366

SETBACKS:
FRONT: 15' PER 6366
SIDE: 0'
REAR: 10'

OWNER:
SWM PROPERTIES, LLC
417 E. MAIN ST.
MANDAN, ND

SCALE: 1" = 40'
0 20 40

SURVEY INFO: VERT. DATUM: NAVD88
HORIZ DATUM: 1983 STATE PLANE, ND SOUTH (3302)

LEGEND

- PROPOSED WATER
- PROPOSED CURB STOP
- PROPOSED CURB STOP
- PROPOSED SANITARY SEWER
- PROPOSED SANITARY CLEANOUT
- PROPOSED STORM SEWER
- PROPOSED DRAIN BASIN INLET

WATER IMPROVEMENTS: (#)
1. REMOVE 6" PLUG, CONNECT TO EXISTING 6" PVC WATERMAIN
2. INSTALL (2) 6" 45° BENDS & 6 LF 6" C900 WATERMAIN
3. INSTALL 117 LF 6" C900 WATERMAIN
4. INSTALL (2) 6" - 45° BEND S & 6 LF 6" C900 WATERMAIN
5. INSTALL 66 LF 6" C900 WATERMAIN & 6" GATE VALVE & BOX
6. INSTALL 14 LF 1-1/2" DOMESTIC WATER SERVICE TO INCLUDE 1-1/2" CONNECTION & CURB STOP.

SANITARY SEWER SERVICE: (#)
7. REMOVE PLUG & CONNECT TO EXISTING SANITARY SEWER SERVICE (VERIFY LOCATION & ELEVATION)
8. INSTALL 26 LF 6" SEWER SERVICE PIPE @ 1.00% MIN. SLOPE & INSTALL 6" CLEANOUT WITH CASTING
9. INSTALL 6"x6" WYE & 45° BEND, 96 LF 6" SEWER SERVICE PIPE @ 1.00% MIN. SLOPE, & 6" CLEANOUT WITH CASTING
10. INSTALL 6"x6" WYE & 45° BEND, 50 LF 6" SEWER SERVICE PIPE @ 1.00% MIN. SLOPE, & 6" CLEANOUT WITH CASTING

STORM SEWER: (#)
11. INSTALL 35 LF 12" STS @ 5.45%
12. INSTALL 12" FLARED END SECTION & 9 TON RIPRAP (8'x15')
13. INSTALL 12" FLARED END SECTION & 9 TON RIPRAP (8'x15')
14. INSTALL 44 LF 12" HDPE STS @ 5.37%
15. INSTALL 64 LF 12" HDPE STS @ 1.00%
16. INSTALL 84 LF 10" PVE STS @ 0.65% TO INCLUDE 10" 45° BEND
17. INSTALL 10" PVC CLEAN OUT

APPROXIMATE QUANTITIES

Spec. No.	Sanitary Sewer Items	Quantity	
1	6" Sanitary Sewer Pipe	166	LF
2	6x6 Wye Branch	2	EA
3	6 Inch 45° Bend	2	EA
4	Bedding Material	25	Ton
5	Sanitary Clean Out	3	EA

Spec. No.	Watermain Items	Quantity	
1	6" Watermain	195	LF
2	6" Gate Valve & Box	1	EA
3	6" - 45° Bend	4	EA
4	2" Water Service Connection	1	EA
5	2" Water Service Pipe	14	LF
6	2" Curb Stop & Box	1	EA

Spec. No.	Storm Sewer Items	Quantity	
1	10" PVC Storm Sewer	84	LF
2	10" PVC Cleanout	1	EA
3	12" HDPE Storm Sewer	157	LF
4	12" CMP Flared End Section	2	EA
5	24" Nyloplast Drain Basins	3	EA
6	Riprap Type I	18	TON

REVISED ON 3/11/2022

STORM SEWER SCHEDULE

STYLE	DRAIN BASIN #1	DRAIN BASIN #2	DRAIN BASIN #3
RIM/GUTTER ELEV.	EL 1917.93	EL 1918.45	EL 1919.11
CASTING SIZE	2'x3'	2'x3'	2'x3'
CASTING TYPE	DIAGONAL	DIAGONAL	DIAGONAL
INVERT N		1913.95	NE 1914.71
INVERT E			
INVERT S	1913.40	SE 1913.86	1914.61
INVERT W			
DEPTH	4.50'	4.62'	4.50'
	12" NYLOPLAST 24" Ø DRAIN BASIN	12" 45° 12" 135° NYLOPLAST 24" Ø DRAIN BASIN	12" 10" 135° PVC NYLOPLAST 24" Ø DRAIN BASIN

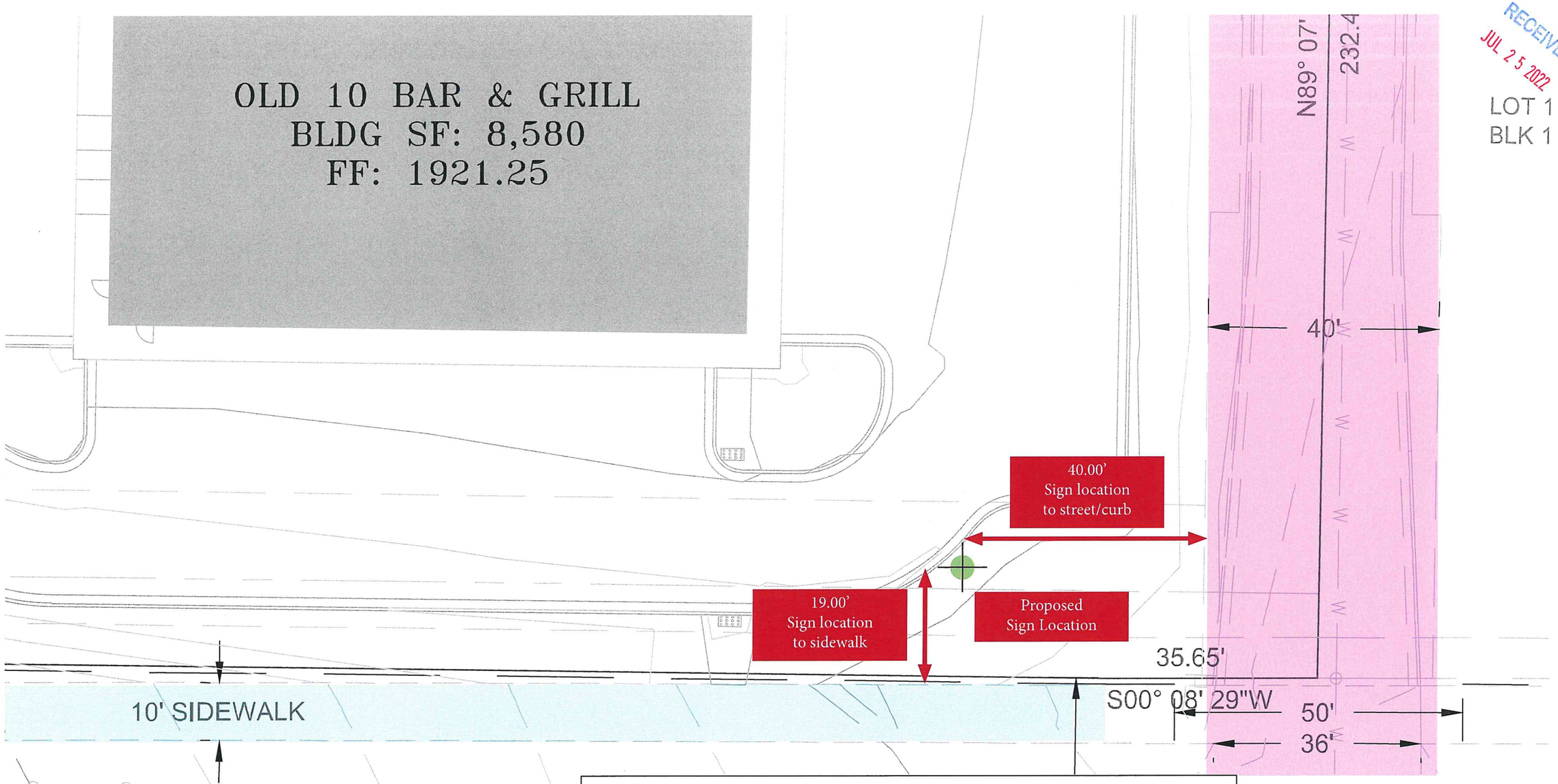
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"CAUTION"
CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION

Independent Land Surveying & Engineering Inc.
4215 OLD RED TRAIL NW, Mandan, ND 58554
Phone: 701-663-5184 Cell: 701-220-0968 PROJ # 22003

OLD 10 BAR & GRILL
PROPOSED UTILITIES

4100 N. WASHINGTON STREET
BISMARCK, NORTH DAKOTA
LOT 2, BLOCK 1, WASHINGTON SQUARE ADDITION
SHEET 4 OF 6
FEBRUARY, 2022



STORM SEWER SCHEDULE			
STYLE	DRAIN BASIN #1	DRAIN BASIN #2	DRAIN BASIN #3
RIM / GUTTER ELEV.	FL 1917.90	FL 1918.48	FL 1919.11
CASTING SIZE	2'x3'	2'x3'	2'x3'
CASTING TYPE	DIAGONAL	DIAGONAL	DIAGONAL
INVERT N		1913.96	NE 1914.71
INVERT E			

THIS DOCUMENT WAS O

indigo SIGNS

indigosigns.com

3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
Page Size: 11 x 17

X

Drawing Date: 04/25/2022
REV1 Date: 6/9/2022
REV2 Date:

NOTICE
ALL SIGNS MANUFACTURED FOR 120v ELECTRICAL SERVICE UNLESS OTHERWISE NOTED

File location: SharePoint:\ O \ Old 10 Bar & Grill \ Working Sketch Files \ Bismarck, ND \ Bismarck_Py lon_85717

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JUL 25 2022

1 **Illuminated D/F Contour Top ID**
Qty: 1
Double Sided
Retainer Size: 2"; Black
Cabinet Color: Black
Face Material: Flex
Illumination Type: White LED's
Graphics: 3M Film
• Black 7725-12

2 **Illuminated D/F Cabinet**
Qty: 1
Double Sided
Retainer Size: 2"; Black
Cabinet Color: Black
Face Material: Flex
Illumination Type: White LED's
Graphics: 3M Film
• Black 7725-12

3 **Electronic Message Center**
Supplier: Daktronics
Qty: 1
Double Sided
Model: GS6-60x150-15.85-RGB-2V
Matrix Size: 60x150
Pixel Pitch: 15.85mm
Mounting Method: Straight

indigosigns.com
3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

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Facing North - 100'

indigo SIGNS

indigosigns.com
3521 Memorial Hwy Mandan, ND 58554
bismarck@indigosigns.com 701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
Page Size: 11 x 17

X

Drawing Date: 04/25/2022
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Facing North - 300'

indigo SIGNS

indigosigns.com

3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
Page Size: 11 x 17

X

Drawing Date: 04/25/2022
REV1 Date: 6/9/2022
REV2 Date:

NOTICE
ALL SIGNS MANUFACTURED FOR 120v ELECTRICAL SERVICE UNLESS OTHERWISE NOTED

File location: SharePoint:\ O \ Old 10 Bar & Grill \ Working Sketch Files \ Bismarck, ND \ Bismarck_Pylon_85717 -

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Facing North - 500'

indigosigns.com
3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
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Drawing Date: 04/25/2022
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File location: SharePoint:\ O \ Old 10 Bar & Grill \ Working Sketch Files \ Bismarck, ND \ Bismarck_Py lon_85717 -

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Facing South - 100'

indigosigns.com
3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

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Drawing Date: 04/25/2022
REV1 Date: 6/9/2022
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Facing South - 300'

indigo SIGNS

indigosigns.com
3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
Page Size: 11 x 17

X

Drawing Date: 04/25/2022
REV1 Date: 6/9/2022
REV2 Date:

NOTICE
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Facing South - 500'

indigo SIGNS

indigosigns.com

3521 Memorial HwyMandan, ND 58554
bismarck@indigosigns.com701-250-9696

Quote # 85717

Old 10 Bar & Grill

Bismarck, ND

Project Manager:
Scott Montgomery

Drawn by: TAM/BDK

Page Scale: 3/8" = 1' 0"
Page Size: 11 x 17

X

Drawing Date: 04/25/2022
REV1 Date: 6/9/2022
REV2 Date:

NOTICE
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File location: SharePoint:\ O \ Old 10 Bar & Grill \ Working Sketch Files \ Bismarck, ND \ Bismarck_Pylon_85717 -

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Pylon Location Facing South - (Blue Stake)



Pylon Location Facing North - (Blue Stake)

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 27, 2022

The Bismarck Planning & Zoning Commission met on July 27, 2022, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Brian Bitner, Cole Johnson, Paul Levchak, Kevin Martin, Mike Schmitz, Mike Schwartz, Wendy Van Duyne, Trent Wangen and Paul Zent.

Commissioners Vernon Laning and Gabe Schell 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 and Daniel Nairn – Senior Planner.

Chair Schwartz welcomed Mayor Mike Schmitz to the Planning and Zoning Commission and said he is joining a great group of people including a very sharp Planning staff.

MINUTES

Chair Schwartz called for consideration of the minutes of the June 22, 2022, meeting.

MOTION: Commissioner Zent made a motion to approve the minutes of the June 22, 2022, meeting, as presented. Commissioner Wangen seconded the motion, and it was unanimously approved with Commissioners Johnson, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion. Due to audio issues, Commissioners Bitner and Levchak did not vote.

CONSIDERATION

2. YEGEN STRIP ADDITION – MAJOR SUBDIVISION PRELIMINARY PLAT
3. MISTY WATERS – PUD AMENDMENT

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

PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT GEORGE SUBDIVISION

Chair Schwartz called for the public hearing on the major subdivision final plat for George Subdivision. The proposed plat is two lots in one block on 40.17 acres and is located

northeast of Bismarck, north of 43rd Avenue NE along the east side of 80th Street NE (NW¼ of the SW¼ of Section 16, T139-R79W/Gibbs Township).

Ms. Lee gave an overview of the request, including the following 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) 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 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.

12. 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 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.

Chair Schwartz asked if in order to continue to be used as a livestock pavilion, would the lots have to be combined.

Ms. Lee said that is correct and added that both lots would have to purchased and the lots combined, or the current owner would need to combine them to continue the livestock pavilion use. She said the current owner is wanting to sell them separately at this time.

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 major subdivision 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. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT AND SPECIAL USE PERMIT (AUTO LAUNDRY/CAR WASH)
JACKS FIRST ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat for Jacks First Addition and a special use permit to allow an auto laundry / car wash on Lot 1, Block 1, Jacks First Addition. The proposed plat is three lots in one block on 3.06 acres and is located in 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).

Mr. Hutchings gave an overview of the requests, 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 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.

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

Mr. Hutchings then gave the findings related to land use for the special use permit:

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

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

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

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

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

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

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

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

Mr. Hutchings said based on these findings, staff recommends approval of the 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.

Commissioner Van Duyne asked if the west building would remain in place and the rental car area would be allocated for the proposed car wash. Mr. Hutchings said that is correct.

Commissioner Levchak asked if the roadway would be relocated. Mr. Hutchings said the access easements within the plat would be and are included in the plat to ensure access between lots and to the adjacent property that is not part of the plat. He added south 11th Street is an existing platted street so it was included in the replat as well.

Commissioner Johnson asked if the access easements through multiple lots is concerning. Mr. Hutchings said that is typically ideal as one access easement is existing and connects to the adjacent gas station to the west, so this would reaffirm the existing access and create additional access easement to the middle lot for access to all rights-of-way.

Chair Schwartz opened the public hearing.

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 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; and 2. The off-site easement for storm sewer drainage must be secured and recorded in conjunction with the proposed plat; and approval of 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. Commissioner Martin seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
PART OF BLOCK 10, PART OF BLOCK 18 AND ALL OF BLOCK 19, COFFIN'S ADDITION

Chair Schwartz called for the public hearing on 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). The property is located in south-central Bismarck, on both sides of South 9th Street between East Ingals Avenue and the vacated East Michigan Avenue.

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 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).

Commissioner Levchak asked if they would still continue to be able to utilize setback requirements that do not meet what is required for a new park. Ms. Lee said that is correct as contextual front yard setback requirements were put in place in 2017, they applied it to all residential properties platted prior to 1979 because the 1982 ordinance changed how front yards are measured. She said anything prior to 1979, new homes or other, could be placed in line with the existing homes rather than having to meet current setback requirements. She said this will help the property look better and makes more sense.

Commissioner Levchak asked if there is a sunset on that or if it would be in perpetuity. Ms. Lee said it would be in perpetuity as it is tied to the land use, not the ownership. She said when staff realized several mobile home parks were zoned inconsistently, they met with the park owners and offered to initiate the zoning change on their behalf. She said of those only one has opted to not have their zoning changed.

Chair Schwartz opened the public hearing.

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

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

Commissioner Levchak asked if the one park has opted to not have the zoning changed, would they be allowed to operate.

Ms. Lee said the change in rezoning it to RMH would allow newer homes to be moved in and newer homes are longer and would not fit with the current requirements. She said the other park can continue to operate, but it will not be able to bring in longer homes. She said that it is possible that park has more owner-occupied units rather than rental units.

MOTION: Based on the findings in the staff report, Commissioner Wangen made a motion to recommend 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). Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (EMC)
LOT 39, BLOCK 1, BISMARCK AIRPORT ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow an electronic message center sign on Lot 39, Block 1, Bismarck Airport Addition. The property is located in south Bismarck, along the east side of University Drive between Airport Road and Maverick Avenue (2301 University Drive, Building 48).

Mr. Nairn gave an overview of the request, including the following findings related 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.

Mr. Nairn said, based on these 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 14-03.1-07(5)(d) of the City Code of Ordinances (Signs/Residential Zoning District Standards).

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

Commissioner Levchak asked that since the sign would be so close to the airport he assumes the FAA has provided comments. Mr. Nairn said the airport did have to sign off on the request and he will let them comment further. He said the sign would be placed outside of the airport operations area and face University Drive.

Wayne Munson, Bismarck Sign Co., said there was a few different options to consider such as the sign located 165 feet away at United Tribes Technical College which the majority of traffic view and the closest area on University Drive to see this sign is closer to 400 feet away. He said when designing for safety they always recommend a larger sign as the Department of Transportation studies have shown better viewability reduces the amount of time that needs to be spent trying to view it. He added that the structure also dictates the size and it will be sound and stable. He said if this were a commercial property, based on the adjacent roadway classification, this sign could be 72 square feet and in working with the applicant have designed a safe and appropriate sign for the property.

Greg Haug, Bismarck Airport Director, said Executive Air approached him to have a sign and the FAA rules would not be considerable enough to require comment or approval in that capacity.

Commissioner Zent said traffic coming south would likely be looking for an airport sign and entrance and other large signs might hinder that or in trying to find UTTC. He said the size proposed as probably as big as we would want to go.

Mr. Haug said for distance and size those are all good factors to consider as well as the UTTC signage and other airport signs.

Ben Ehreth stated that the Planning and Zoning Commission does not have the authority to increase the area of the sign beyond the size limitation outlined in the zoning ordinance. He noted that if it is the desire of the applicant to increase the area of the sign they could apply to the Board of Adjustment to either challenge staff's interpretation of this section of the ordinance or apply for a variance.

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 Levchak made a motion to recommend 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 14-03.1-07(5)(d) of the City Code of Ordinances (Signs/Residential Zoning District Standards); and 2. All operational requirements of the ordinance shall me met. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZE ACCESSORY BUILDING) LOT 10, BLOCK 7, COPPER RIDGE SECOND SUBDIVISION

Chair Schwartz called for the public hearing on 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 on Lot 10, Block 7, Copper Ridge Second Subdivision. The property is located southeast of Bismarck, south of 62nd Avenue SE and east of 52nd Street SE along the south side of Woodrow Drive (5601 Woodrow Drive).

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

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

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

3. The 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.

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to 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 on Lot 10, Block 7, Copper Ridge Second Subdivision.

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

Commissioner Martin said a letter submitted from the HOA ARC states their covenants only allow up to 2,400 square feet so how can the staff recommendation exceed that.

Mr. Hutchings said the City does not regulate additional requirements beyond what is outlined in the zoning ordinance.

Commissioner Martin said they could modify the recommendation to avoid a conflict with the HOA.

Chair Schwartz opened the public hearing.

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

Commissioner Schmitz said it should seriously be considered that the motion includes modified language for an allowance up to 2,960 square feet.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to recommend approval of the 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 on Lot 10, Block 7, Copper Ridge Second Subdivision. Commissioner Levchak seconded the motion, and the motion was approved with Commissioners Bitner, Johnson, Levchak, Schwartz, Wangen and Zent voting in favor of the motion. Commissioners Martin and Schmitz opposed the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGHS)
LOT 2, BLOCK 1, TRILLIUM THIRD ADDITION SECOND REPLAT

Chair Schwartz called for the public hearing on a 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. The property is located in southeast Bismarck, south of East Bismarck Expressway in the southeast quadrant of the intersection of Rock Island Place and Burlington Drive.

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

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

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

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to allow 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.

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 Wangen made a motion to recommend 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. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Johnson, Levchak, Martin, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

UPDATE ON TOGETHER 2045

Mr. Nairn said a full draft is available online now at bismarcknd.gov/together2045 and it can also be downloaded there. He said comments on the draft plan are being taken until September 9th to be worked into the next draft update. He said they are also in the middle of the second round of public input and are wanting to hear how people are responding to the draft plan. He added that they have had various public input opportunities, and more are planned with various public entities and political subdivisions. Mr. Nairn said they are getting

assistance from various consultants through grant funds to help incorporate the plan into the zoning ordinance. He closed by saying the full version should be ready in October.

Chair Schwartz said a lot of time has been invested and it is a great opportunity for comment for the general public.
There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:54 p.m. to meet again on August 24, 2022.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

Exhibit A

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Part of B10, PT B18 and all of B19, coffin addition
Date:	Monday, July 25, 2022 11:25:38 AM

From: Chris Babel <[redacted]>
Sent: Monday, July 25, 2022 10:34 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Part of B10, PT B18 and all of B19, coffin addition

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

I received a letter dated July 15th for rezoning of this partial of land. The hearing is scheduled for Wed. July 27th at 5:00 pm. After trying to take off work to attend I was unable to. I have called the Planning and Zoning Commission to have all the info and to ask my questions. With that being said I hope you strongly consider NOT rezoning this section and hope you take my written word as seriously as if I could attend the meeting. Me my wife and future son (any day now) moved into this neighborhood July 2019 and hope to raise a family here. We live right across the street from this park, and it would be a dream if some day it would change into, stores, offices, apartments, homes, etc. If this goes through, I'm sure that would never happen no matter how long goes by. They've already been moving in new trailers since the out of state owned (Utah based company) took over. So, if they haven't been following the guidelines then what's the point. Change it for them and not for the North Dakota residents born and raised looking out for our community first. Thanks for your time and please leave this be. The way this city will be growing out from downtown after it is done going north will leave better quality lands to be changed for our next generation.
Thanks,
Chris and Denise Babel

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject:	FW: Special Use 5601 Woodrow Drive
Date:	Thursday, July 21, 2022 11:23:15 AM

From: Darin Anderson [redacted]
Sent: Thursday, July 21, 2022 10:50 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Darin Anderson [redacted]
Subject: Special Use 5601 Woodrow Drive

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

Dear Planning & Zoning Commissioners,

RE: Special use permit request for 5601 Woodrow Drive.

I don't feel this permit should be approved due to the size of the building and request. It will take away from the aesthetics of the development and hurt others property values. There have been several buildings going up in the development which DO NOT conform to the development covenants. Those include Morton tin sheds (3 of which) are already up. No enforcement of those builds.

If this is approved, it will only continue to add to the problems in the development and future development and housing prices.

The standard of 3,200 square feet was set for a reason and should be strictly adhered to.

Thanks
Darin Anderson
Copper Ridge Development Resident.

From:	Planning - General Mailbox
To:	Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Cc:	Allison Carlson; Tracy Walters
Subject:	FW: Request for Special Use Permit - Robert and Kristine Thune - Lot 10, Block 7, Copper Ridge 2nd Subdivision
Date:	Tuesday, July 26, 2022 3:01:59 PM
Attachments:	Approval Letter (with conditions) to Bob Thune 5-16-22.pdf
Importance:	High

From: Garrett Ludwig <[redacted]>
Sent: Tuesday, July 26, 2022 9:43 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Chad Wachter <[redacted]>
Subject: Request for Special Use Permit - Robert and Kristine Thune - Lot 10, Block 7, Copper Ridge 2nd Subdivision
Importance: High

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

Dear Bismarck Community Development Department:

This office represents the Developer and Architectural Review Committee ("ARC") for Copper Ridge 2nd Subdivision to the City of Bismarck.

We recently received a letter from your office stating that Robert and Kristine Thune are seeking approval for 2960 sq ft building on their lot in Copper Ridge 2nd. Please be advised that Mr. and Mrs. Thune DO NOT have approval from the ARC for a 2960 sq ft building. They have only obtained approval for a 2400 sq ft building. Attached for your records is a copy of the letter showing what Mr. and Mrs. Thune have approval for. Also, below is a copy of the email that we have sent to Mr. Thune informing him that the building he is seeking a special permit for would be a violation of covenants.

Please consider this to be an objection by the Developer and ARC of Copper Ridge 2nd Subdivision to the City of Bismarck to Robert and Kristine Thune's request for a special use permit.

Garrett D. Ludwig
KELSCH RUFF KRANDA NAGLE & LUDWIG
NOTICE: This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., is confidential, and/or is legally privileged. The preceding message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please 1) notify us immediately by e-mail to gludwig@kelschlaw.com or by telephone at 701-663-9818 (toll free at 1-888-663-9818); 2) delete this e-mail, including deletion of all associated text files from all

storage locations including individual and network storage devices; and 3) refrain from disseminating or copying this communication. Thank you.

Kelsch Ruff Kranda Nagle & Ludwig
103 Collins Avenue, PO Box 1266
Mandan ND 58554-7266
Phone 701-663-9818 (toll free 1-888-663-9818)
Fax 701-663-9810
gludwig@kelschlaw.com

From: Garrett Ludwig
Sent: Monday, July 25, 2022 2:24 PM
To: Bob Thune [redacted]
Cc: Chad Wachter [redacted]
Subject: FW: Copper Ridge Ordinances
Importance: High

Mr. Thune –

We received the attached letter from the Bismarck Community Development Department which states you are seeking approval for a 2960 square foot building to be constructed on your property. As you know, you did not obtain approval from the ARC for a building of this size. You only received ARC approval for a 2400 sq foot building by the ARC (see attached copy of prior approval letter). Therefore, if you were to construct a building which exceeded 2400 square feet, such would be a violation of covenants and would have to be removed. So hopefully this is just a misunderstanding and your only intention is to construct a building that is in accordance with the approval you received.

The ARC will not approve a building which exceeds 2400 square feet. Please contact me if you would like to discuss this further.

Garrett D. Ludwig
KELSCH RUFF KRANDA NAGLE & LUDWIG
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Mandan ND 58554-7266
Phone 701-663-9818 (toll free 1-888-663-9818)
Fax 701-663-9810
gludwig@kelschlaw.com

From: Garrett Ludwig
Sent: Monday, May 16, 2022 2:46 PM
To: Bob Thune [redacted]
Subject: RE: Copper Ridge Ordinances

Mr. Thune –

Please see attached an approval letter (with conditions/exceptions) sent on behalf of the ARC of your subdivision with regard to your proposed shop.

Please refer to the attached letter for more specific information.

Garrett D. Ludwig
KELSCH RUFF KRANDA NAGLE & LUDWIG
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Kelsch Ruff Kranda Nagle & Ludwig
103 Collins Avenue, PO Box 1266
Mandan ND 58554-7266
Phone 701-663-9818 (toll free 1-888-663-9818)
Fax 701-663-9810
gludwig@kelschlaw.com

From: Bob Thune [redacted]
Sent: Thursday, May 12, 2022 10:39 AM
To: Garrett Ludwig <gludwig@kelschlaw.com>
Subject: Re: Copper Ridge Ordinances

1. The shop will be a timber framed build with vinyl siding

2. I intend to match the shop to the house to the best of my abilities

3. Picture attached

4. It is intended for vehicle



storage and wood shop only

Sent from my iPhone

> On May 3, 2022, at 11:53 AM, Garrett Ludwig <gludwig@kelschlaw.com> wrote:
>
> Hi Bob -
>
> I will need some additional information with regard to this project:
>
> 1. I will need to know the type of siding and materials that you intend to use;
> 2. I will need confirmation as to whether the siding, roofing, windows and doors will match in color and type with what is on the house.

> 3. We need to see where on your lot you intend on constructing the building. If your contractor does not have plans that show this, then you can just use a google map image of your lot and draw on there where the shop will be.
> 4. Lastly, we will need confirmation that there will not be any sort of living quarters in the shop.
>
> You can just send that over via email as well.
>
> Thanks.
>
>
> Garrett D. Ludwig
> KELSCH RUFF KRANDA NAGLE & LUDWIG
> NOTICE: This e-mail, including attachments, is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510 et seq., is confidential, and/or is legally privileged. The preceding message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please 1) notify us immediately by e-mail to gludwig@kelschlaw.com or by telephone at 701-663-9818 (toll free at 1-888-663-9818); 2) delete this e-mail, including deletion of all associated text files from all storage locations including individual and network storage devices; and 3) refrain from disseminating or copying this communication. Thank you.
> Kelsch Ruff Kranda Nagle & Ludwig
> 103 Collins Avenue, PO Box 1266
> Mandan ND 58554-7266
> Phone 701-663-9818 (toll free 1-888-663-9818)
> Fax 701-663-9810
> gludwig@kelschlaw.com
>
>
>
> -----Original Message-----
> From: Bob Thune <[redacted]
> Sent: Monday, May 2, 2022 12:28 PM
> To: Garrett Ludwig <gludwig@kelschlaw.com>
> Subject: Re: Copper Ridge Ordinances
>
>
>
> Sent from my iPhone
>
>> On Apr 19, 2022, at 8:47 AM, Bob Thune [redacted] wrote:
>>
>> Hi I am looking to put a shed in this year and need the ordinances on size, location, and

easements from property line, ext. I understand that you are the person to get in touch with this information

>>

>> Thank you

>>

>> Bob Thune

>> [redacted]

>>

>> Sent from my iPhone

ARLEN M. RUFF, P.C.
TODD D. KRANDA, P.C.*
DANIEL J. NAGLE, P.C.**
GARRETT D. LUDWIG, P.C.*
ALEXANDER S. KELSCH, P.C.
MIKAYLA M. REIS
GRANT D. ADKINS***

*Also Licensed in Minnesota
**Also Licensed in South Dakota
***Also Licensed in Florida

KELSCH RUFF KRANDA
NAGLE & LUDWIG
Attorneys at Law

C. F. Kelsch
1890 - 1987

William C. Kelsch
1932 - 2012

Thomas F. Kelsch
Retired

Thomas D. Kelsch
Retired

MERITAS
LAW FIRMS WORLDWIDE

May 16, 2022

SENT VIA EMAIL ONLY
BOB THUNE
[redacted]

Re: Copper Ridge 2nd Subdivision Request to Architectural Review Committee
Our File No. 18108

Dear Mr. Thune:

This office represents the Developer and Architectural Review Committee ("ARC" or "Committee") of Copper Ridge 2nd Subdivision to the City of Bismarck. We have received your request for approval, and plans, for a 2,400 sq. ft. shop which you wish to construct on your lot located at 5601 Woodrow Drive.

The general building plans for this project, as submitted, are approved by the ARC subject to the following exceptions/conditions:

1. Based on the aerial image you provided, it is unclear where the front setback line of this building will be located. Please be advised that your proposed building cannot be closer to the front of your lot than the house is - i.e., the front of the proposed building facing Woodrow Drive must have either the same, or a greater, set back distance from the front property line than does the front of your house.

2. In your submission you state that you intend to match the shop to the house to the best of your abilities. Just so there is no confusion regarding this requirement, the exterior materials used on the building should closely match the type and color of materials used on your house. If you have difficulty locating materials that match the color/type used on your house, you must have ARC approval before any non-matching materials are installed.

Please be advised that while the general plans, subject to the exceptions/conditions set forth above, are being approved by the ARC, it is still exclusively the owners' and their agents' responsibility to maintain compliance with the Declaration of Restrictions and Obligations ("Covenants") for Copper Ridge 2nd Subdivision to the City of Bismarck. I would like to direct your attention to Paragraph 3(E) of the Covenants, which provides as follows:

> "In spite of the above provisions, the Committee shall have no affirmative obligation to be certain that all elements of the design comply with the restrictions contained in this Declaration, and no member of the Committee shall have any liability, responsibility, or obligation, whatever for any decision or lack of a decision, in the carrying out of duties as a member of the Committee. The Committee and its members shall have only an advisory function, and the sole responsibility for compliance with all of the terms of this Declaration shall rest with the homeowner. Each homeowner agrees to save, defend, and hold harmless the Committee and each of its members on account of any activities of the Committee relating to the owner's property or buildings to be constructed on his or her property."

Only the improvements submitted are being approved and the same must be completed in accordance with the Covenants. Any further improvements not contained in the plans being approved herein must be submitted to this office in the same fashion for separate and subsequent approval.

If you have any questions, please feel free to contact me.

Sincerely,

/s/ Garrett D. Ludwig

Garrett D. Ludwig

c. Chad Wachter

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2022

	*******************City*******************				*******************ETA*******************			
	7/2022		**7/2021**		**7/2022**		**7/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	11	$3,078,757.29	23	$6,460,942.92	5	$2,419,173.46	6	$1,950,368.45
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	$1,122,126.08	17	$3,218,842.75	0	$0.00	0	$0.00
MANUFACTURED HOMES	0	$0.00	4	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	3	$135,961.12	2	$79,673.25	0	$0.00	2	$81,401.80
DETACHED GARAGE	3	$43,200.00	2	$19,600.00	8	$431,550.00	6	$255,900.00
DECKS\PORCHES & COVERED PORCHES	5	$18,546.55	10	$164,615.25	2	$202,880.00	1	$2,520.00
SWIMMING POOLS	2	$178,002.00	5	$413,471.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	5	$280,081.66	5	$318,686.42	0	$0.00	0	$0.00
STORAGE SHED	1	$2,475.00	1	$2,880.00	0	$0.00	0	$0.00
BASEMENT FINISH	3	$102,190.50	3	$57,187.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	9	$81,635.00	6	$123,880.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	9	$5,285,000.00	20	$5,812,541.00	4	$800,000.00	0	$0.00
COMMERCIAL ADDITION	2	$210,000.00	1	$2,325,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	4	$1,943,500.00	3	$192,271.00	0	$0.00	0	$0.00
Total	**65**	**$12,481,475.20**	**102**	**$19,189,590.59**	**19**	**$3,853,603.46**	**15**	**$2,290,190.25**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2022

	*******************City*******************				*******************ETA*******************			
	7/2022		**7/2021**		**7/2022**		**7/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	98	$7,000.00	83	$376,056.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	170	$4,868,040.73	140	$1,107,154.98	8	$55,335.50	22	$243,344.00
BUILDING PLUMBING	51	$1,297,376.16	50	$1,974,040.88	12	$140,681.00	12	$183,710.00
BUILDING SEPTIC	0	$0.00	0	$0.00	1	$0.00	5	$0.00
Total	**319**	**$6,172,416.89**	**273**	**$3,457,251.86**	**21**	**$196,016.50**	**39**	**$427,054.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2022

	*******************City*******************		*******************ETA*******************	
	7/2022	**7/2021**	**7/2022**	**7/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	4	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	17	0	0
SINGLE FAMILY DETACHED	11	22	5	4
SWIMMING POOLS	0	0	0	0
Total	**19**	**43**	**5**	**4**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2022

	**********City**********				**********ETA**********			
	7/2022		7/2021		7/2022		7/2021	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	92	$28,675,246.57	114	$31,430,264.56	21	$7,386,514.61	41	$14,907,824.11
ROWHOUSE (2) 1-HR FIRE SEPARATION	48	$9,924,228.77	82	$17,335,387.79	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	7	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	6	$183,949.12	14	$596,667.77	4	$118,652.76	5	$415,448.60
DETACHED GARAGE	18	$236,590.00	17	$215,550.00	29	$1,269,186.50	40	$1,614,240.00
DECKS\PORCHES & COVERED PORCHES	46	$153,633.55	69	$380,404.70	6	$229,491.20	9	$45,864.00
SWIMMING POOLS	5	$433,286.00	8	$726,471.00	4	$439,601.00	4	$314,221.00
RESIDENTIAL ALTERATION/OTHER	31	$953,366.33	43	$1,482,725.53	8	$407,627.49	1	$38,000.00
HOME OCCUPATION	2	$0.00	3	$0.00	0	$0.00	1	$0.00
STORAGE SHED	8	$27,955.00	15	$47,980.00	1	$3,000.00	1	$2,880.00
BASEMENT FINISH	35	$959,349.75	61	$1,445,361.00	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	51	$439,978.00	63	$998,472.16	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	40	$54,888,286.00	51	$45,617,226.21	17	$5,600,000.00	15	$14,052,923.00
COMMERCIAL ADDITION	5	$11,810,387.00	4	$4,662,176.00	1	$2,937,630.00	1	$0.00
COMMERCIAL ALTERATION	52	$15,807,111.88	55	$18,514,124.86	2	$3,715,000.00	4	$4,643,457.00
Total	**450**	**$124,528,367.97**	**631**	**$123,698,508.58**	**113**	**$22,354,916.06**	**137**	**$36,203,718.71**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2022

	*******************City*******************				*******************ETA*******************			
	7/2022		**7/2021**		**7/2022**		**7/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	538	$176,500.00	573	$458,717.15	2	$0.00	2	$0.00
BUILDING MECHANICAL	835	$17,722,397.38	837	$8,320,292.33	142	$992,486.61	148	$1,687,872.97
BUILDING PLUMBING	243	$8,143,203.92	254	$8,006,112.92	51	$541,654.00	73	$2,169,880.00
BUILDING SEPTIC	0	$0.00	0	$0.00	7	$2,000.00	18	$24,000.00
Total	**1616**	**$26,042,101.30**	**1664**	**$16,785,122.40**	**202**	**$1,536,140.61**	**241**	**$3,881,752.97**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 7/2022

	*******************City*******************		*******************ETA*******************	
	7/2022	**7/2021**	**7/2022**	**7/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	0	55	0	0
MANUFACTURED HOMES	1	6	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	47	71	0	0
SINGLE FAMILY DETACHED	89	99	17	37
SWIMMING POOLS	0	0	0	0
Total	**137**	**233**	**17**	**39**