PLANNING AND ZONING COMMISSION

MEETING AGENDA
October 26, 2022

Tom Baker Meeting Room **5:00 p.m.** **City-County Office Building**

The City of Bismarck is encouraging citizens to provide their comments for public hearing items on the Planning & Zoning Commission agenda via email to planning@bismarcknd.gov. The comments will be sent to the Planning and Zoning Commissioners prior to the meeting and included in the minutes of the meeting. To ensure that comments are compiled and forwarded to the Planning and Zoning Commissioners with enough time to review all comments, please submit your comments no later than 8am the day of the meeting. Comments received after 8am the day of the meeting will not be included for consideration by the Planning and Zoning Commission. Comments should also include which agenda item number your comment references and your name (anonymous comments will not be forwarded to the Planning & Zoning Commissioners or included in the minutes of the meeting). If you would like to appear via video or audio link for a 3-5-minute comment on a public hearing item, please provide your e-mail address and contact information to planning@bismarcknd.gov at least one business day before the meeting.

As always, live meeting coverage is available on Government Access Channels 2 & 602 HD, 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 September 28, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **TNK Ranch Subdivision** (DN)…….....7

Gibbs Township

Zoning Change (A to RR) | ZC2022-019 | *Consideration*

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

Major Subdivision Preliminary Plat | PPLT2022-013 | *Consideration*

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

3. **Lot 5 and the E ½ of vacated Georgia Street, Block 2, Shamrock Industrial Park** *(*JW)……..……15

Zoning Ordinance Text Amendment | ZC2022-020 | *Consideration*

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

4. **Limited Commercial Recreation in CA Commercial** *(*Klee)……..……....21

Zoning Ordinance Text Amendment | ZOTA2022-004 | *Consideration*

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

5. **Together 2045: Bismarck's Comprehensive Plan** *(*DN)……..……...……..27

Comprehensive Plan | *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. **Frank Addition** (JW)…….....29

Zoning Change (A to CG) | ZC2022-007 | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2022-008 | *Public Hearing*

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

7. **Aster Ridge Subdivision** (JW)……....39

Gibbs Township

Zoning Change (A to RR5) | ZC2022-017 | *Public Hearing*

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

Major Subdivision Preliminary Plat | FPLT2022-009 | *Public Hearing*

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

8. **Brunskill Subdivision *(version 2)*** (JW)…….....49

Apple Creek Township

Zoning Change (A to RR5) | ZC2022-018 | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2022-010 | *Public Hearing*

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

9. **Lot 7, Block 1, Pheasant Valley Subdivision** (DN)…….……59

Hay Creek Township

Special Use Permit | SUP2022-017 (Oversized Accessory Building) | *Public Hearing*

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

10. **Lot 2, Block 1, Carols Addition** (DN)…….……69

Special Use Permit | SUP2022-018 (Electronic Message Center) | *Public Hearing*

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

11. **Lot 4, Block 3, Apple Meadows First Addition** (DN)…..……85

Apple Creek Township

Special Use Permit | SUP2022-019 (Oversized Accessory Building) | *Public Hearing*

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

12. **Lot 3, Block 6, Grande Prairie Estates Third** (JW)…… ……95

Hay Creek Township

Special Use Permit | SUP2022-017 (Electronic Message Center) | *Public Hearing*

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

OTHER BUSINESS

13. **Other**

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

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for November 16, 2022.

Enclosures: Meeting Minutes of September 28, 2022
Building Permit Activity Month to Date Report for September 2022
Building Permit Activity Year to Date Report for September 2022

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

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.

2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.

3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.

4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.

5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.

6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.

7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.

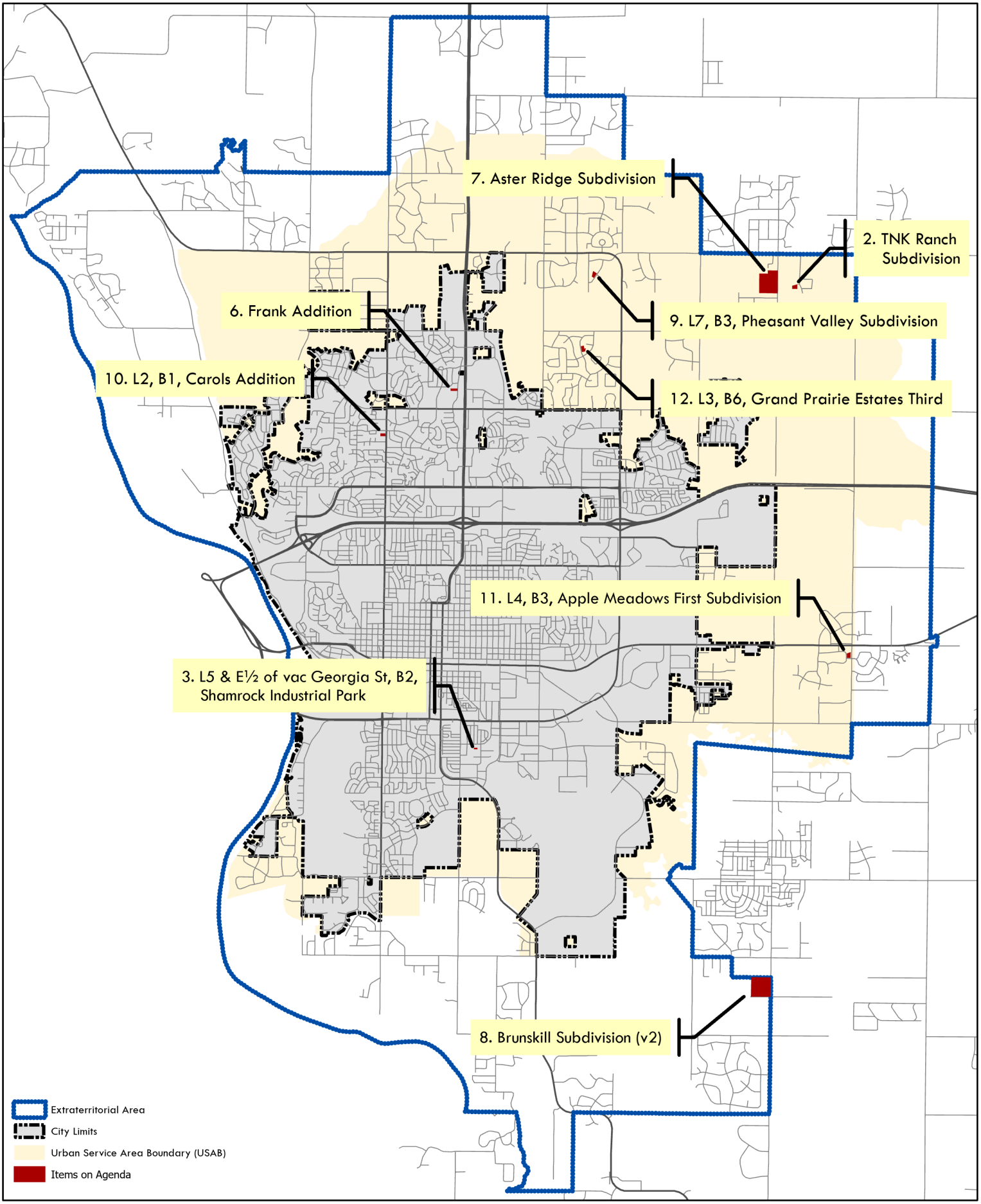
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.

9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.

10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Bismarck Planning & Zoning Commission - October 26, 2022



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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

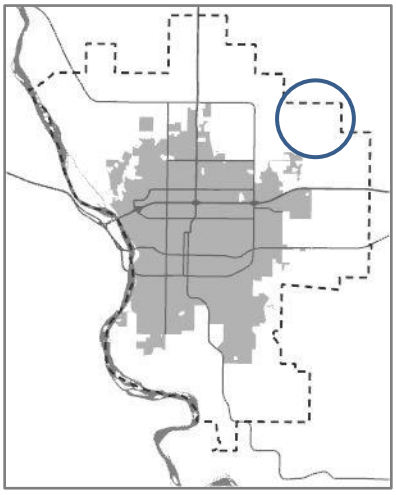
Agenda Item # 2
October 26, 2022

Application for: **Preliminary Plat**
Zoning Change

Project ID: **PPLT2022-013**
ZC2022-019

Project Summary

Title:	TNK Ranch Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Thomas and Kim Fettig
Project Contact:	Tom Weigel, Holly Beck Surveying and Engineering
Location:	Northeast of Bismarck, north of 57th Avenue NE and east of 66th Street NE on the west side of TJ Lane (6504 TJ Lane)
Project Size:	2.14 Acres
Request:	Plat and rezone land to separate home site from surrounding agricultural land



Site Information

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

Property History

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

(continued)

Staff Analysis

Thomas and Kim Fettig are requesting approval of a zoning change from the A – Agricultural zoning district to the RR – Rural Residential zoning district and a major subdivision preliminary plat for TNK Ranch Subdivision.

Adjacent uses include single-family rural residential to the east and agricultural lands to the south, west, and north.

The platted area within TNK Ranch includes an existing residence, one existing accessory building, and a connection to the public right-of-way of TJ Lane. No additional development is anticipated at this time. The remainder of the parcel will remain unplatted agricultural land. This action would grant the right to build one additional single-family residence on this agricultural parcel, because it exceeds the required 40 acres in size to develop within the A - Agricultural zoning district.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Medium-Density Residential, and the area is within the Urban Service Area identified by this plan. Although the proposed plat does not conform to this plan, staff recommends waiving these provisions and associated ordinance requirements related to future urbanization. The reason for the waiver is that the draft Together 2045 comprehensive plan identifies this area as Rural Residential, not within the Urban Service Area Boundary, and the proposed plat primarily recognizes an existing use and would have a minimal effect on the intent of the Plan.

Sufficient access to the public right-of-way of TJ Lane is available. The platted access strip to TJ Lane does not align with the existing driveway and does not meet the required 20-foot width for all developable parcels. However, there is an existing access easement to which the applicant has use rights that meets ordinance requirements.

Required Findings of Fact (relating to land use)

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The 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 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 Gibbs Township Board of Supervisors will be notified prior to the public hearing for a final plat;
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
9. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central

(continued)

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.

Zoning Change

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

Staff Recommendation

Based on the above findings, staff recommends calling a public hearing for and zoning change from the from the A – Agricultural zoning district to the RR – Residential zoning district and tentative approval of the preliminary plat for TNK Ranch Subdivision, waiving ordinance requirements applicable to plats within the Urban Service Area Boundary.

Attachments

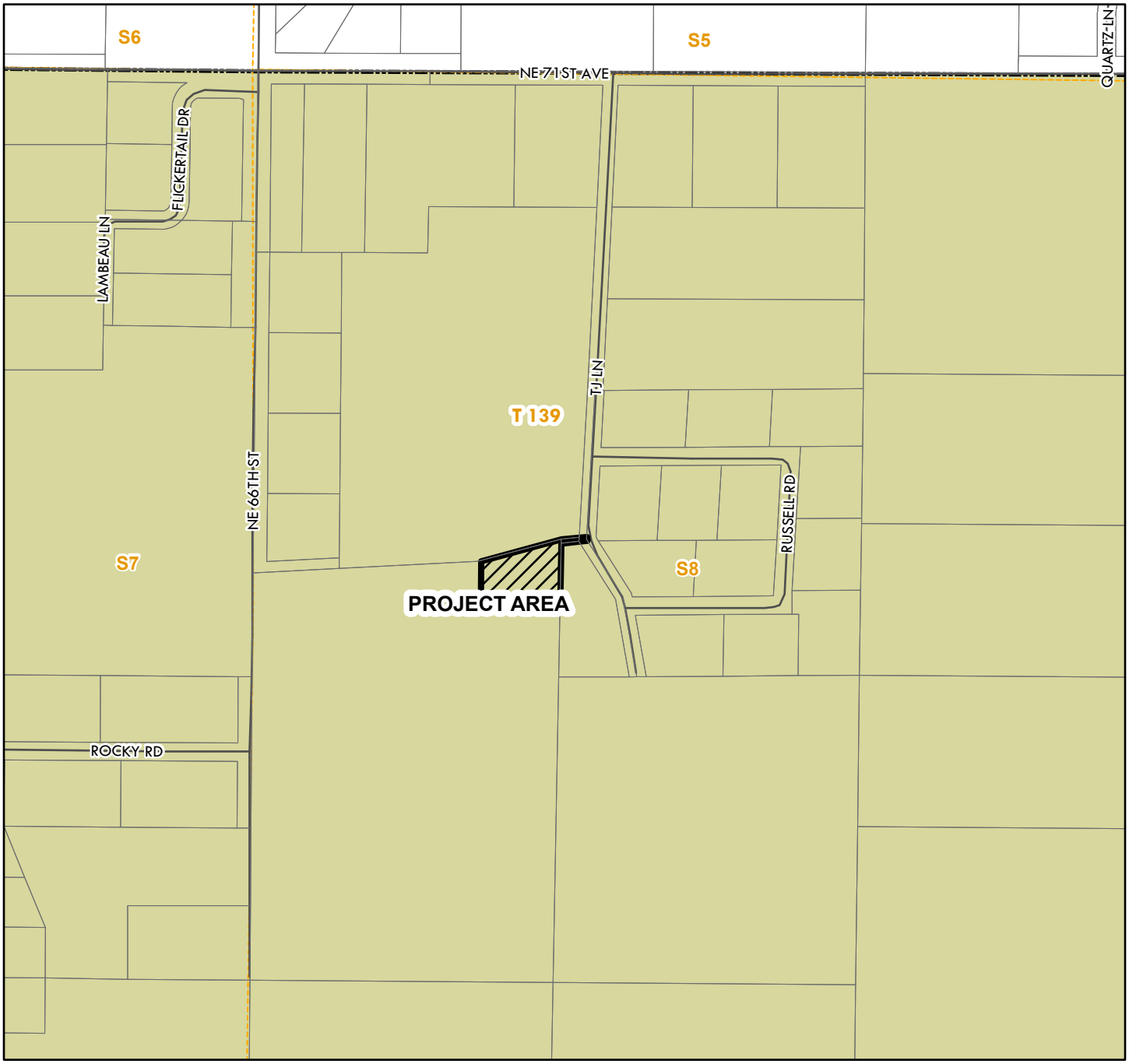
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Proposed Zoning Map
5. Preliminary Plat

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

Location Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019



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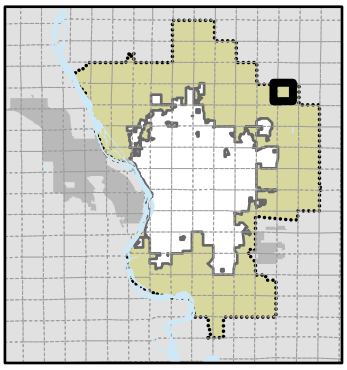


Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

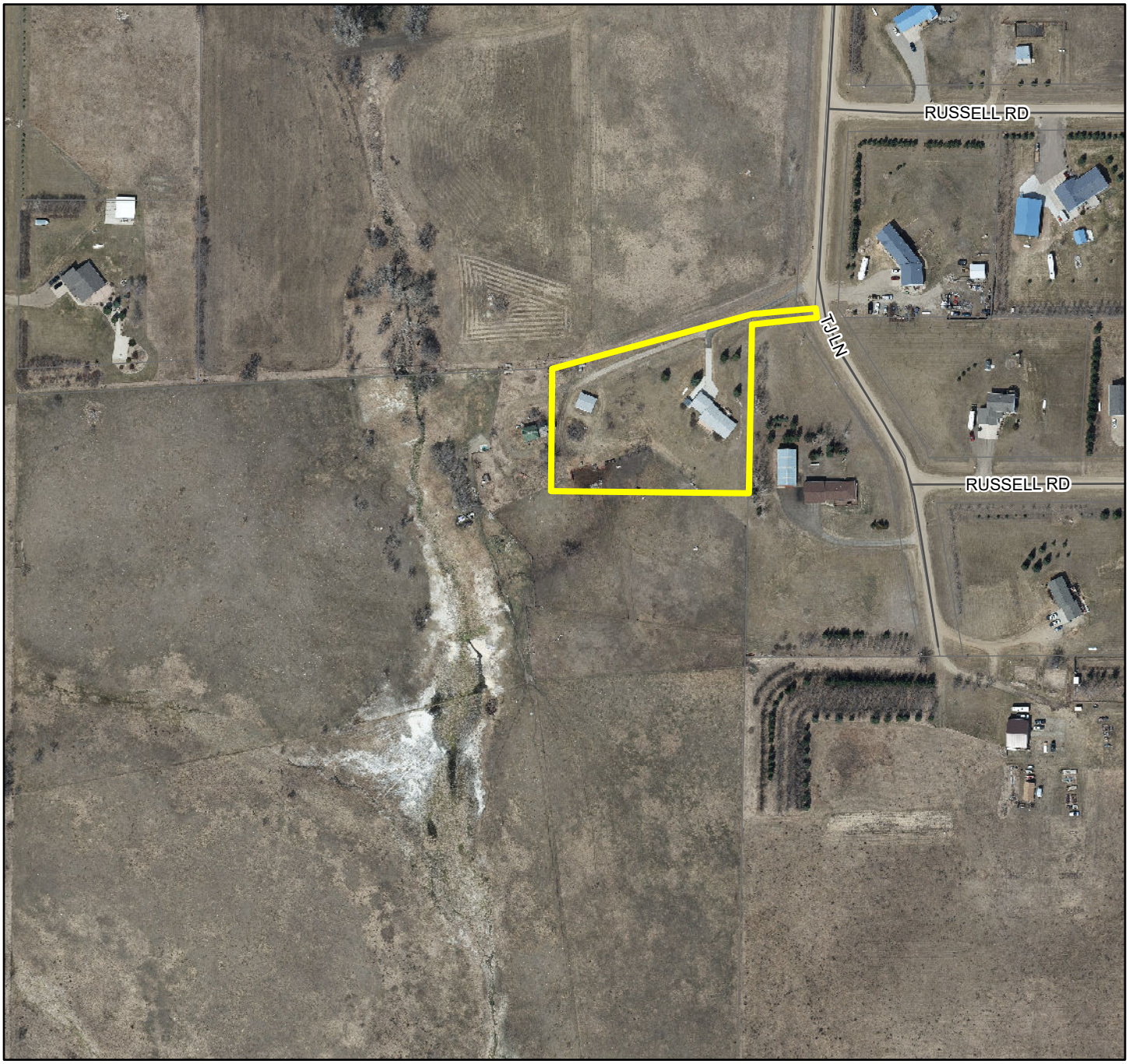
City of Bismarck
Community Development Department
Planning Division
October 3, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019



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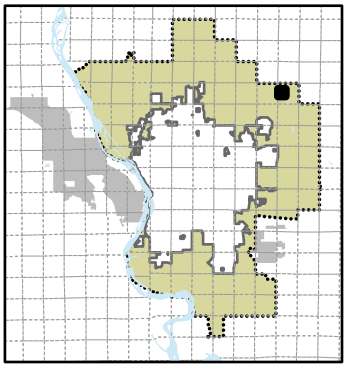
Bismarck ETA Jurisdiction



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

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.

Zoning and Plan Reference Map

TNK RANCH SUBDIVISION

PPLT2022-013
ZC2022-019

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

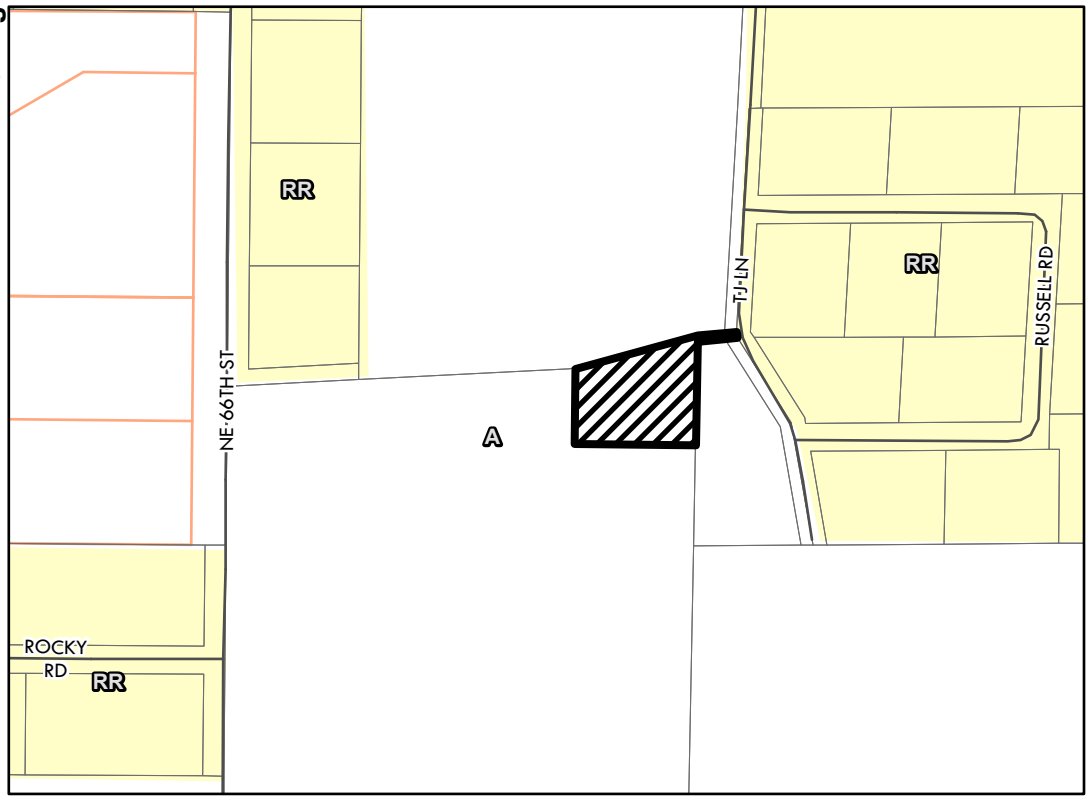
Future Land Use Plan

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

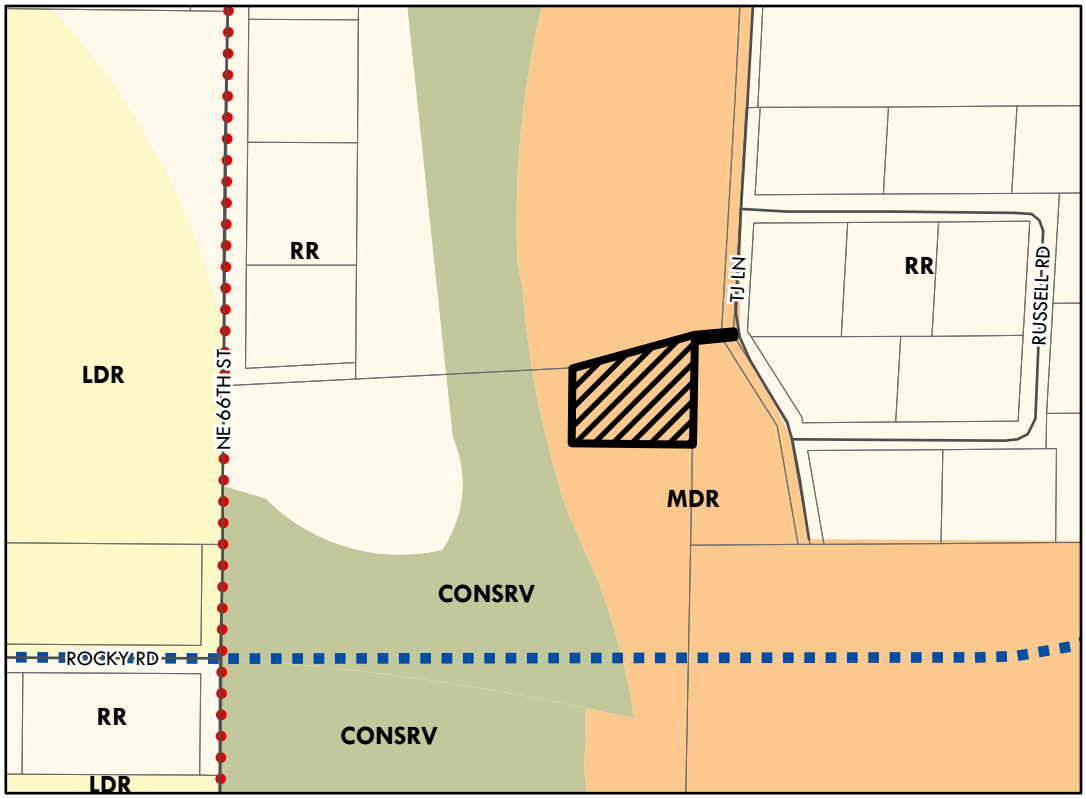
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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

Proposed Zoning Change

TNK RANCH SUBDIVISION

ZC2022-019

Proposed New Zoning Map

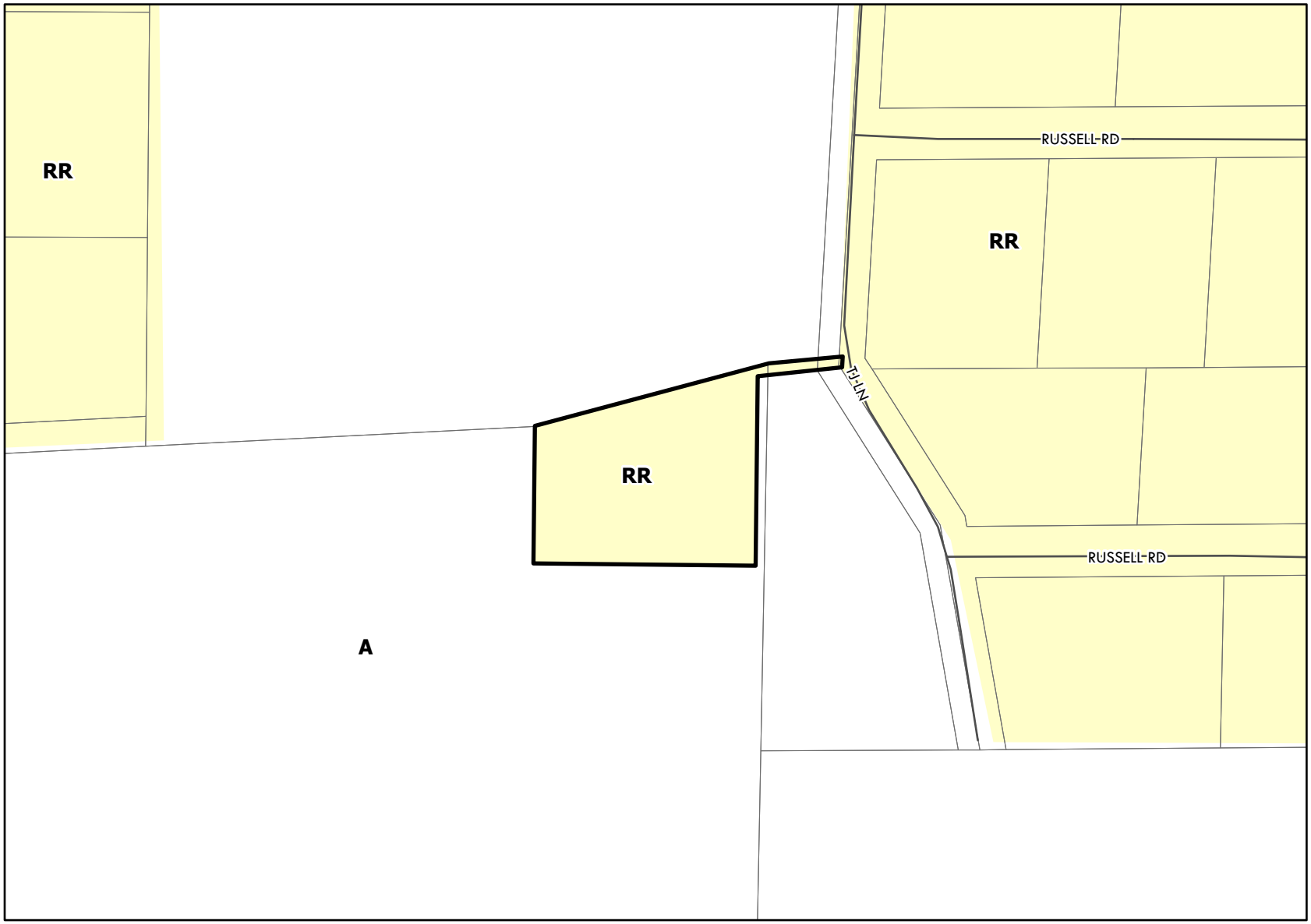
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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

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

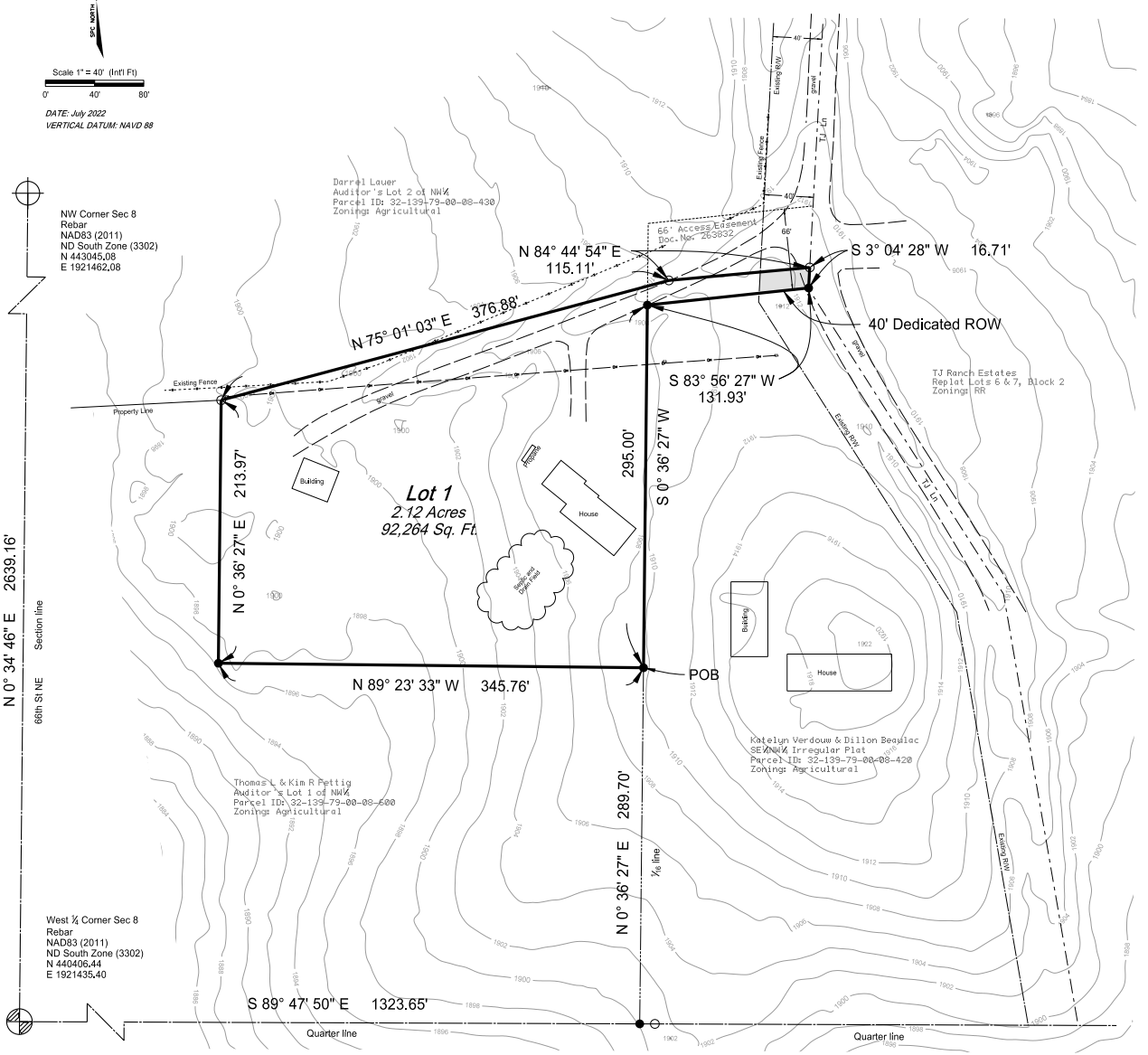
TNK Ranch Subdivision

A portion of Auditor's Lot 1 of the NW ¼ and a Tract in the NW ¼ being a part of the NW ¼ of Section 8, Township 139 North, Range 79 West
Burleigh County, North Dakota

SPC NORTH

Scale 1" = 40' (Int'l Ft)
0' 40' 80'

DATE: July 2022
VERTICAL DATUM: NAVD 88



VICINITY MAP

BOUNDARY DESCRIPTION

A PORTION OF AUDITOR'S LOT 1 OF THE NW ¼ AND A TRACT IN THE NW ¼ BEING A PART OF THE NW ¼ OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 79 WEST BURLEIGH COUNTY, NORTH DAKOTA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 8, THENCE S 89 DEG. 47 MIN. 50 SEC. E A DISTANCE OF 1323.65 FEET TO THE SOUTHEAST CORNER OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE N 0 DEG. 36 MIN. 27 SEC. E ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 289.70 FEET TO THE POINT OF BEGINNING; THENCE N 89 DEG. 23 MIN. 33 SEC. W A DISTANCE OF 345.76 FEET; THENCE N 0 DEG. 36 MIN. 27 SEC. E A DISTANCE OF 213.97 FEET TO THE NORTH BOUNDARY LINE OF AUDITOR'S LOT 1 OF SECTION 8; THENCE N 75 DEG. 01 MIN. 03 SEC. E ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT 1 OF SECTION 8 A DISTANCE OF 376.88 FEET; THENCE N 84 DEG. 44 MIN. 54 SEC. E A DISTANCE OF 115.11 FEET; THENCE S 3 DEG. 04 MIN. 28 SEC. W A DISTANCE OF 16.71 FEET; THENCE S 83 DEG. 56 MIN. 27 SEC. W A DISTANCE OF 131.93 FEET TO THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8; THENCE S 0 DEG. 36 MIN. 27 SEC. W ALONG THE EAST BOUNDARY LINE OF THE SW¼ OF THE NW¼ OF SAID SECTION 8 A DISTANCE OF 295.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.13 ACRES, MORE OR LESS.

END OF DESCRIPTION.

THE LEGAL DESCRIPTION WAS PREPARED BY THOMAS D. WEIGEL, HOLLY BECK SURVEYING & ENGINEERING, INC., 3320 HAMILTON ST, UNIT 3, BISMARCK, ND 58503

SURVEY NOTES

EXISTING ZONING: ETA - (A) Agricultural
PROPOSED ZONING: ETA - (RR) Rural Single Family Residential

Existing ground contours are derived from 2017 Aerial LIDAR Survey published by NRCS, USACOE, and NDSWC

○ *FOUND MONUMENT*
● *SET No. 5 REBAR w/ALUM CAP*

Area Table:

Lot 1	=	92,264 SF	2.12 Acres
Dedicated ROW	=	680 SF	0.02 Acres
Total	=	92,944 SF	2.14 Acres

Owner:
Tom & Klm Fettlg
6504 TJ Lane
Bismarck, ND 58503

Surveyor:
Thomas D. Weigel, LS-10871
Holly Beck Surveying & Engineering, Inc.
3320 Hamilton St. Unit 3
Bismarck, ND 58503

This document is preliminary and not for recording or implementation purposes.

HOLLYBECK SURVEYING ■ ENGINEERING, INC

PRELIMINARY PLAT

PLAT IS SUBJECT TO ALL PRIOR EASEMENTS OF RECORD

DATE ISSUED: 9/14/22

9/14/2022 Zeljko Rill Tom S:\SHARED PROJECTS 1\Burleigh\BUR-21-711 Tom & Klm Fettig Survey\PRE_Boldo_Subdivision.dgn

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

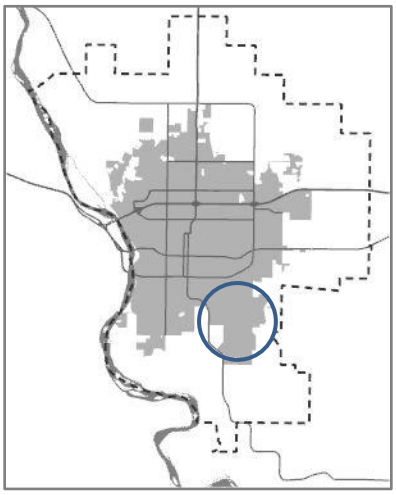
Agenda Item # 3
October 26, 2022

Application for: **Zoning Change**

Project ID: **ZC2022-020**

Project Summary

Title:	Lot 5 and the E½ of the vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Park Avenue Properties, LLP
Project Contact:	Scott Beierle
Location:	In south Bismarck, east of South 12th Street and south of Park Avenue (1311 Georgia Street)
Project Size:	25,200 square feet
Request:	Rezone property for future light industrial development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel in 1 block	*Number of Lots:*	1 parcel in 1 block
Land Use:	Undeveloped	*Land Use:*	Light industrial
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	P – Public Use	*Zoning:*	MA – Industrial
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	P – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	05/2016	*Platted:*	04/1981	*Annexed:*	Pre-1980

Staff Analysis

Park Avenue Properties, LLP is requesting approval of a zoning change from the P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the E½ of the vacated Georgia

(continued)

Street adjacent, Block 2, Shamrock Industrial Park.

Adjacent uses include light industrial uses to the north and west, and undeveloped P-Public zoned land owned by the Bismarck Airport to the east and south.

Background Information

When Georgia Street along the eastern edge of this property was vacated in 2012 and when the property was rezoned to P – Public in 2016, City records erroneously identified Lot 5 as being owned by the City of Bismarck. The property was actually privately-owned and the ownership was recently transferred to Park Avenue Properties, LLP.

The current owner will need to combine this parcel with adjacent properties to the west in order for this parcel to have legal access and be developable. Prior to combining the properties, they must be located in the same zoning district.

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 P – Public zoning district to the MA – Industrial zoning district for Lot 5 and the E½ of the vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park.

Attachments

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

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

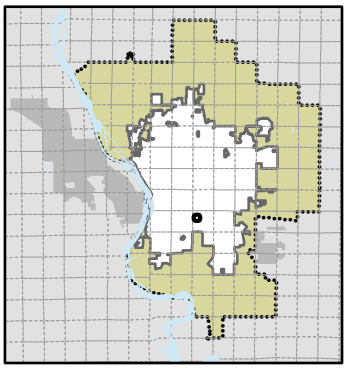
Location Map

SHAMROCK INDUSTRIAL PARK

ZC2022-020

0 0.02 0.04 0.07 Miles

N



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
October 11, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

SHAMROCK INDUSTRIAL PARK

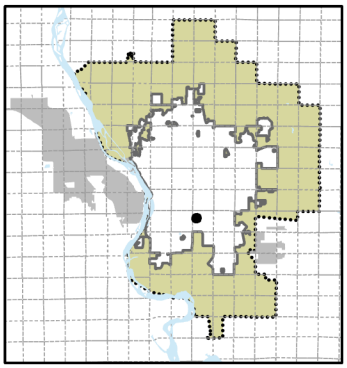
ZC2022-020

0 0.02 0.04 0.08 Miles

N

City Limits

Bismarck ETA Jurisdiction



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

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.

Zoning and Plan Reference Map

SHAMROCK INDUSTRIAL PARK

ZC2022-020

Zoning Districts

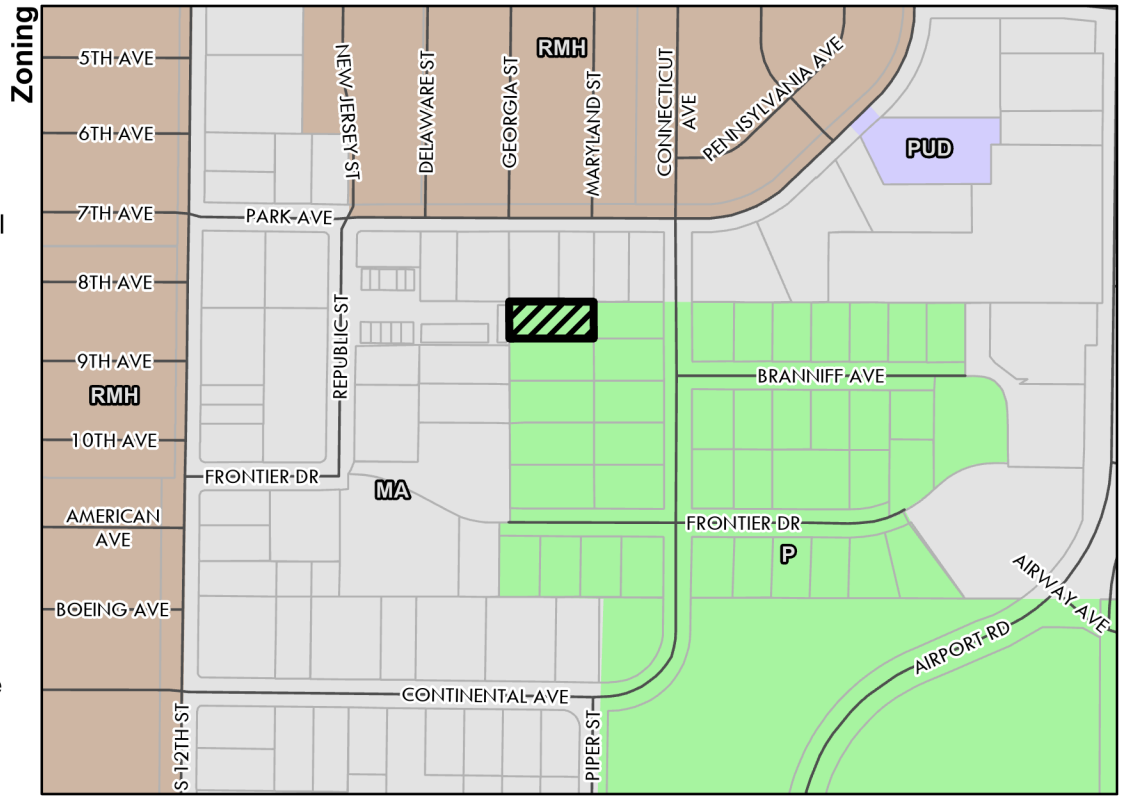
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

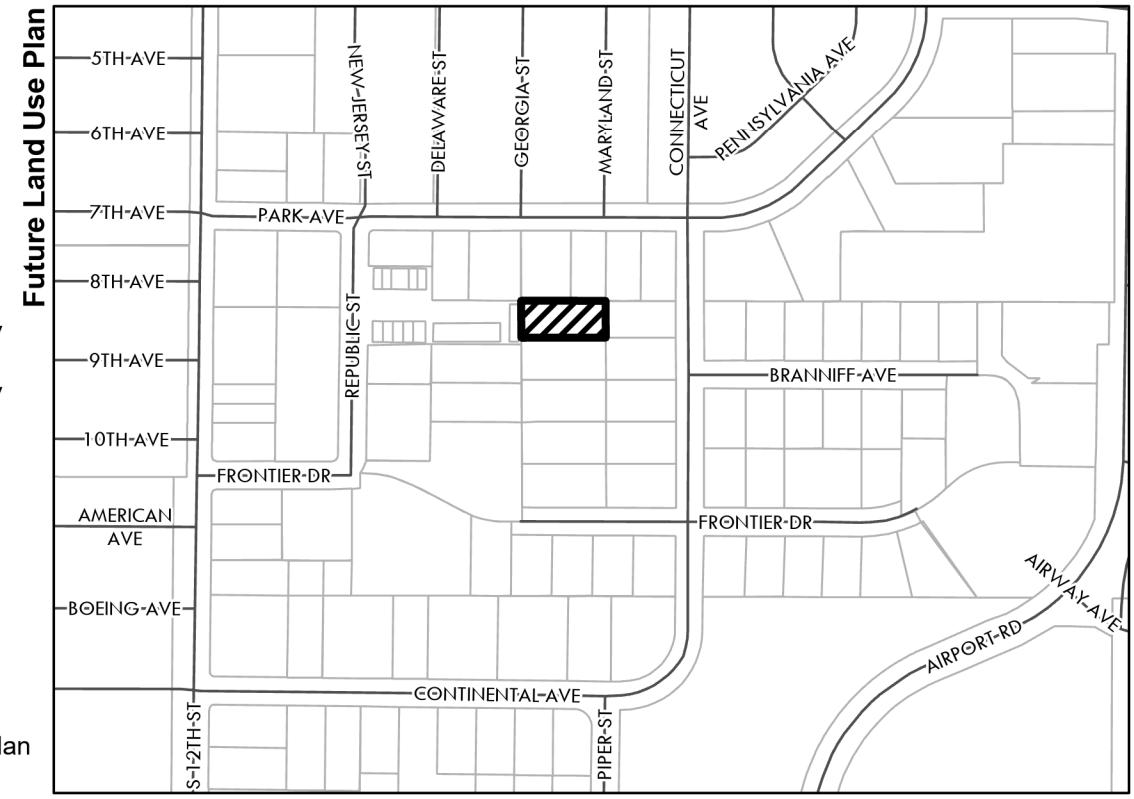
Future Land Use Plan

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 0.1 0.2 0.4 Miles

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

Proposed Zoning Change

SHAMROCK INDUSTRIAL PARK

ZC2022-020

Proposed New Zoning Map

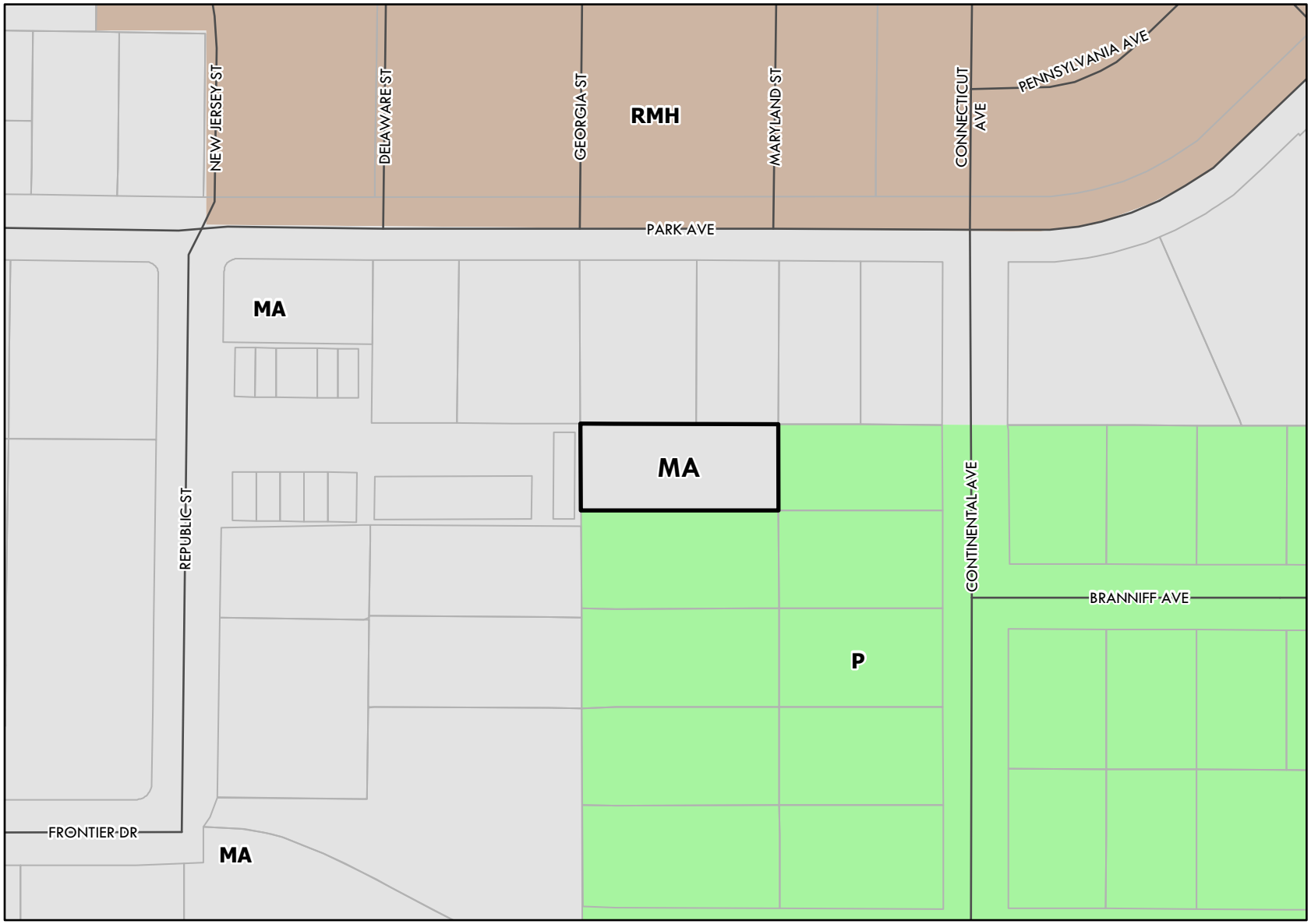
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item # 4
October 26, 2022

Application for: **Zoning Ordinance Text Amendment**

Project ID: **ZOTA2022-004**

Project Summary

Title:	Limited Commercial Recreation in CA Zoning District
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Kim L. Lee, AICP, Planning Manager
Section(s) Amended:	Section 14-04-10 (CA Commercial District) of the City Code of Ordinances
Request:	Add provisions to allow for limited commercial recreation units in the CA – Commercial zoning district

Staff Analysis

The Community Development Department is initiating a zoning ordinance text amendment to include provisions to allow limited commercial recreation uses in the CA – Commercial zoning district.

The Commercial Recreation Use Group states, "*A use in the commercial recreation group is one in which the principal activity is the furnishing of recreation, and for which one or more of the following factors is present:*

a. *Alcoholic beverages are offered for sale for consumption on the premises.*
b. *The activity is not operated by a governmental agency.*
c. *The following uses are declared to be typical uses in the commercial recreation group:*
   1) *Bowling alley.*
   2) *Dance hall.*
   3) *Pool or billiard parlor.*
   4) *Roller and ice skating facilities.*
   5) *Athletic facility.*
   6) *Tavern, saloon, bar.*
   7) *Theater within an enclosed structure, auditorium.*
   8) *Coin operated amusements and game devices provided they are accessible to minors and do not require a license under Chapter 5-03 of the Code of Ordinances of the City of Bismarck.*
   9) *Private or fraternal clubs.*
   10) *Miniature golf course "*

Although not specifically listed, staff has determined that fitness facilities such as 24-hour gyms fall under this category, as do a wide variety of other recreation activities.

The Commercial Recreation Use Group is a permitted use within the CG – Commercial and MA – Industrial zoning districts, but uses in this group are not allowed in any other zoning districts.

(continued)

Background

Over the past few months, staff has received several inquiries into allowing fitness facilities and an indoor archery range in the CA – Commercial zoning district. As the Commercial Recreation use group is not a permitted use within this zoning district, we have informed those inquiring that they would need to be in a a CG – Commercial or MA – Industrial zoning district for the proposed use. This limitation has also resulted in inquiries about rezoning properties zoned CA – Commercial to CG – Commercial to allow these uses.

Staff has discussed this issue at length and has determined that allowing commercial recreation uses in the CA – Commercial zoning district would not be detrimental to those areas, as long as there was a limitation on the size. Staff is proposing to allow commercial recreation uses in the CA – Commercial zoning district if such use is limited to 10,000 square feet or less. This limitation would allow smaller commercial uses such as a smaller bowling alley (similar to the 10 Spot in Mandan), a yoga or fitness studio, or a smaller indoor archery range. With the size limitation, a use such as the YMCA, Raging Rivers or Midway Lanes would not be allowed in the CA – Commercial zoning district.

This change would also preserve the character of those CA zoning districts by keeping them as neighborhood commercial areas that serve the adjoining residential areas rather than the community at large.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for zoning ordinance text amendment for Section 14-04-010 (CA Commercial District) of the City Code of Ordinances, as presented in the draft ordinance attached to the staff report.

Attachments

1. Draft zoning ordinance amendment

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

ORDINANCE NO. XXXX

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

AN ORDINANCE TO AMEND SECTIONS 14-04-10 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE CA COMMERCIAL ZONING DISTRCT.

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

Section 1. Amend. Section 14-04-10 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to the CA Commercial District, is hereby amended to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

1. General description. The CA commercial district is established as a district in which the predominant use of the land is for commercial and service uses to serve residential districts in the general area. The CA commercial district should be served by arterial or collector streets. For the CA commercial district, in promoting the general purposes of this article, the specific intent of this section is:

a. To encourage the continued use of the land for neighborhood commercial and services uses.

b. To prohibit heavy commercial and services uses and industrial uses of the land, and to prohibit any other use which would substantially depreciate the value of residential districts surrounding the CA commercial district.

c. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article.

d. To discourage the expansion of CA commercial districts and the encroachment of such districts into surrounding residential districts.

e. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess of

DRAFT

those necessary if the district were developed solely for neighborhood commercial and service uses.

2. Uses permitted. The following uses are permitted:

a. A single- or two-family dwelling when used in conjunction with a commercial use.

b. Multifamily dwelling.

c. Group dwelling.

d. Row houses/townhouses (subject to RM residential zone regulations).

e. Retail group A.

f. Service group A.

g. Office-bank group.

h. Health-medical group.

i. Public recreation group.

j. Education group.

k. Religious institution.

l. Commercial recreation group, limited to 10,000 square feet in area.

The following special uses are permitted as per Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

c. Filling station.

d. Seasonal nursery and bedding stock sales.

e. Child care center.

f. Drive-in bank.

g. Retail liquor sales.

h. Microbrew pub.

i. Domestic distillery.

DRAFT

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

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

DRAFT

Agenda Item # 5
October 26, 2022

STAFF REPORT

Application for: **Comprehensive Plan**

Project Summary

Title:	Together 2045 Bismarck's Comprehensive Plan
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Senior Planner
Section(s) Amended:	Entirety
Request:	Adopt new comprehensive plan for the City of Bismarck

Staff Analysis

The Bismarck Community Development Department is requesting approval of Together 2045 Bismarck's Comprehensive Plan. The proposed draft attached to this report is the result of 18 months of public process, led by an Advisory Committee and a Technical Committee, and it is presented for the consideration by the Planning and Zoning Commission.

Together 2045 would be Bismarck's guiding document for future growth and development of the physical, social, and economic environment. The North Dakota Century Code requires that zoning regulations for a municipality be in compliance with a comprehensive plan. The Bismarck Planning and Zoning Commission is the local entity authorized to oversee and adopt such a plan.

Together 2045 would incorporate and supersede several plans that are currently utilized, including the 2014 Growth Management Plan, the 2014 Fringe Area Roadway Master Plan, and the 2016 Infill and Redevelopment Plan.

The draft will be available to the public well in advance of this meeting, which is the second full version of the plan released publicly. A public hearing may be called for the Planning and Zoning Commission's November 16, 2022 regular meeting. A summary and more detailed background on this plan would be provided during this public hearing.

Any revisions made to the document between this release for consideration and future public hearings will be noted.

For further information, a series of background reports have been released throughout the process. These are briefly summarized on page 2 of the draft Plan and available on the project website: https://bismarcknd.gov/together2045.

All of the maps in the plan are available in an interactive form and a large-scale pdf through the project website. Links to the interactive maps are available through the digital version of the draft Plan. These maps may also be reviewed at the Community Development Department as 221 North 5th Street in Bismarck.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the adoption of Together 2045 Bismarck's Comprehensive Plan

(continued)

Attachments

1. Draft Together 2045 Comprehensive Plan

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

STAFF REPORT

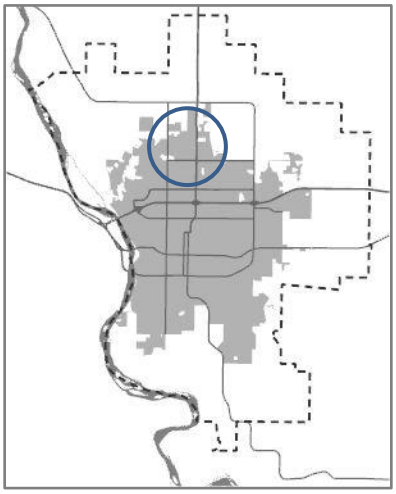
Agenda Item # 6
October 26, 2022

Application for: **Zoning Change**
Final Plat

Project ID: **ZC2022-007**
FPLT2022-008

Project Summary

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



Site Information

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

Property History

Zoned:	N/A	*Platted:*	N/A	*Annexed:*	10/2015

(continued)

Staff Analysis

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

The Planning and Zoning Commission considered this request at their meeting of May 25, 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 October 14 and October 21 and 26 letters were mailed to the owners of nearby properties on October 14, 2022.

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

The proposed plat is along Ottawa Street, which was originally acquired by NDDOT for right-of-way for what is now US Highway 83. When the alignment of US Highway 83 was moved to the east, this right-of-way was no longer needed by NDDOT and it was subsequently deeded to Burleigh County in 1981. In 2010, Burleigh County deeded the right-of-way to the City of Bismarck. The applicant is pursuing a separate action to vacate the western 35 feet of the Ottawa Street right-of-way adjacent to the plat, similar to what has been done with plats to the north and south of this plat. If that action is completed prior to recording the final plat, the vacated right-of-way would be included in the area of Lot 1. If not, it will be added to the legal description Lot 1 as vacated right-of-way.

Conformance with Plans

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

Utility Capital Charges

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

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

Zoning Change

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

(continued)

policies and accepted planning practice; and

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

Final Plat

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

Staff Recommendation

Based on the above findings, staff recommends of the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district the final plat for Frank Addition.

Attachments

1. Draft Zoning 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, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the A – Agricultural zoning district and included in the CG – Commercial zoning district:

Lot 1 and Lot 2, Block 1, Frank Addition

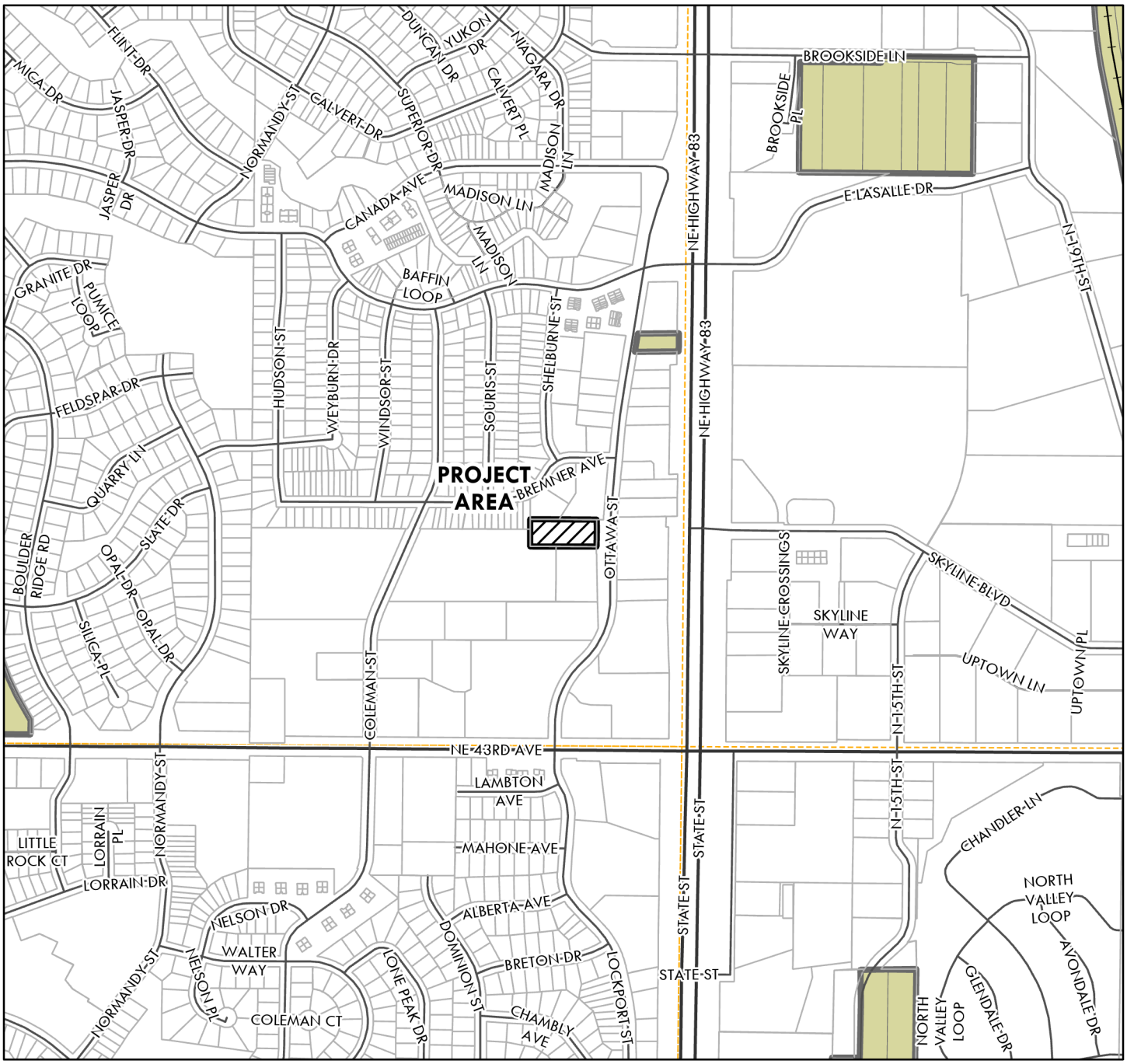
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

FRANK ADDITION

PPLT2022-004
ZC2022-007



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
April 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

FRANK ADDITION

PPLT2022-004
ZC2022-007

0 0.05 0.1 0.2 Miles

City Limits Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

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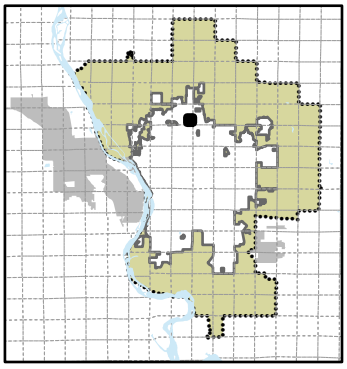

City of Bismarck
Finance Department
IT/GIS Division
May 19, 2022

Zoning and Plan Reference Map

FRANK ADDITION

PPLT2022-004
ZC2022-007

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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Future Land Use Plan

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BP	Business Park
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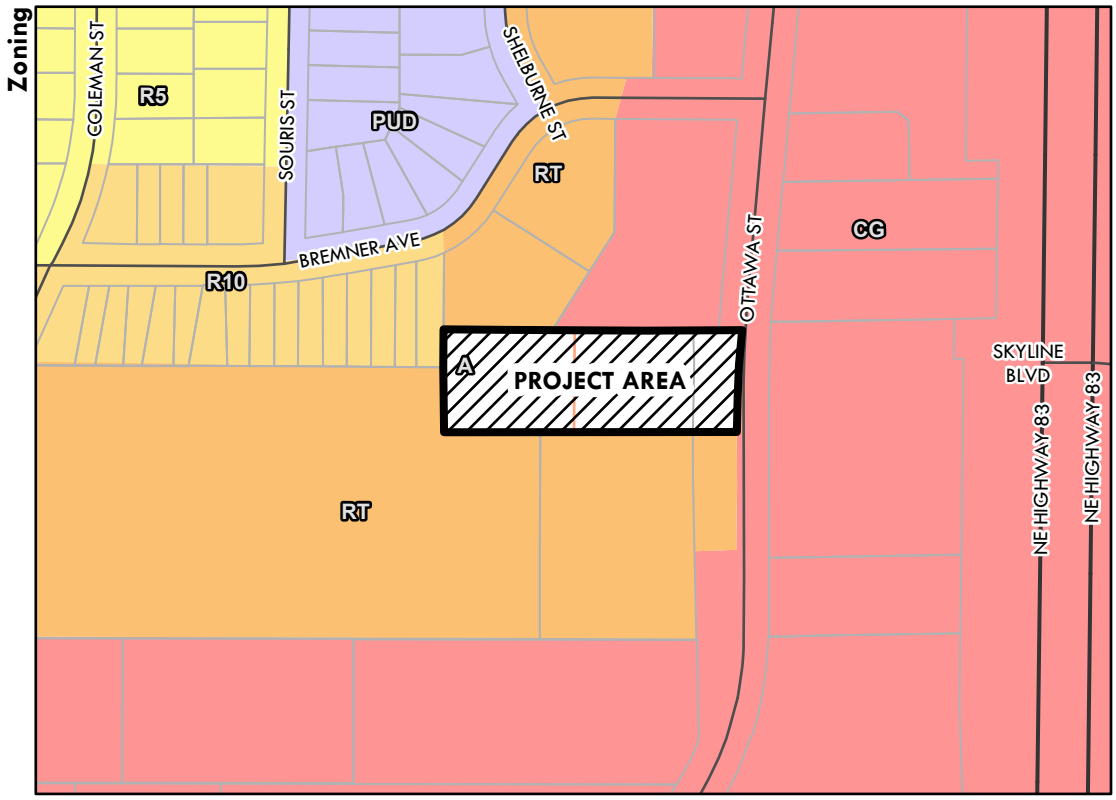
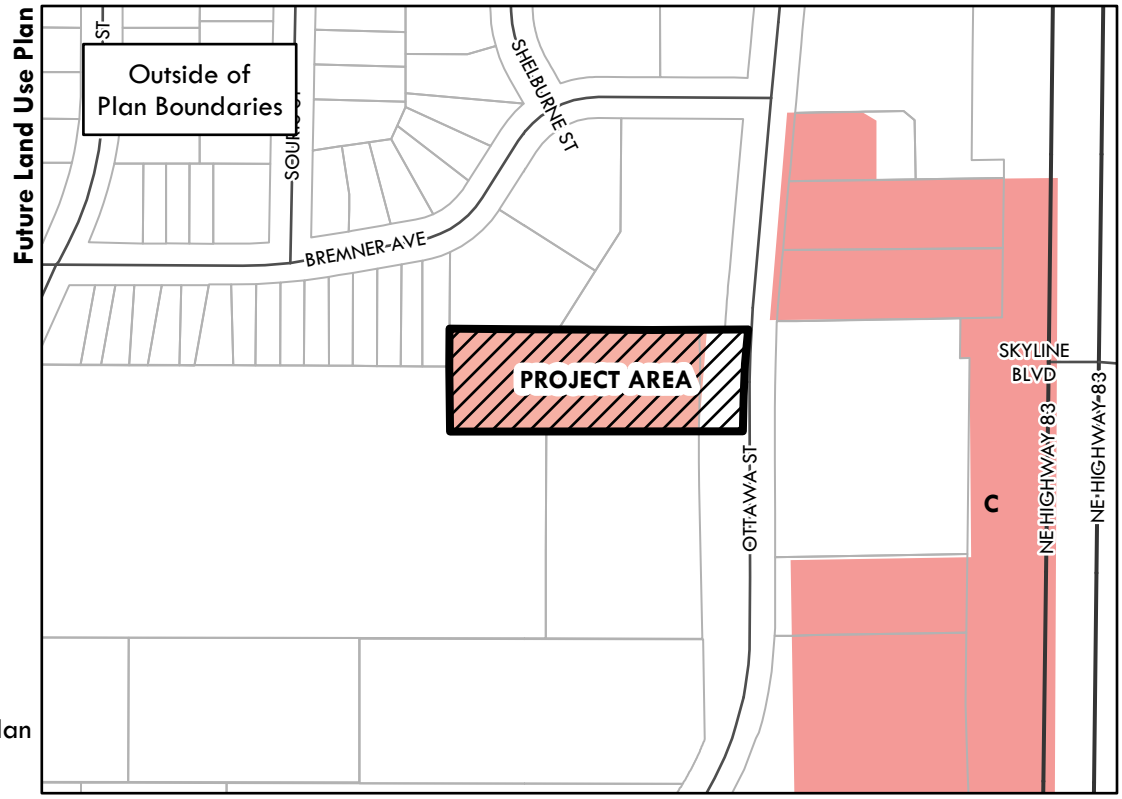
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/ Mixed Use
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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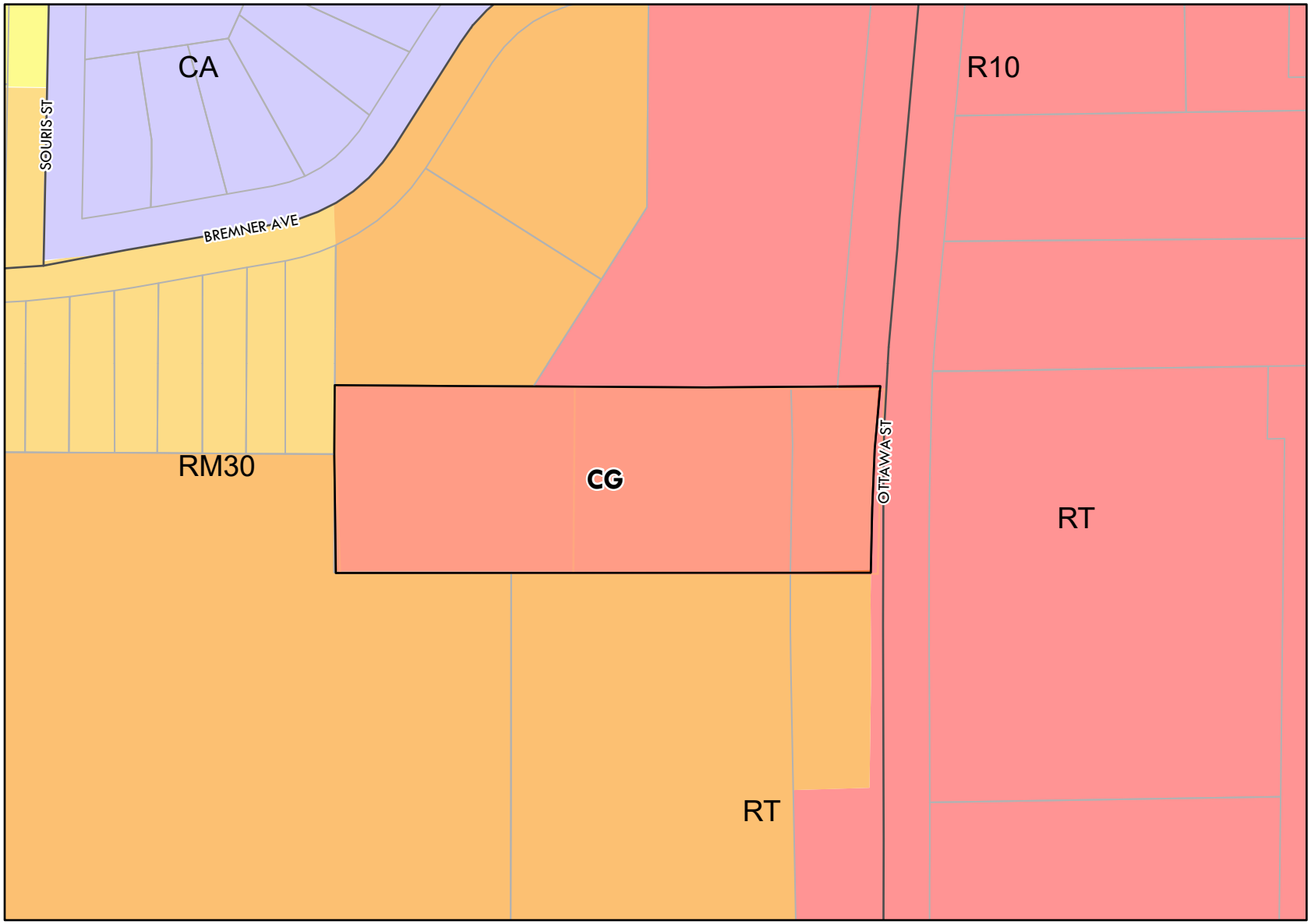
Miles
0 0.04 0.07 0.15

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

Proposed Zoning Change
FRANK ADDITION

PPLT2022-004
ZC2022-007

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

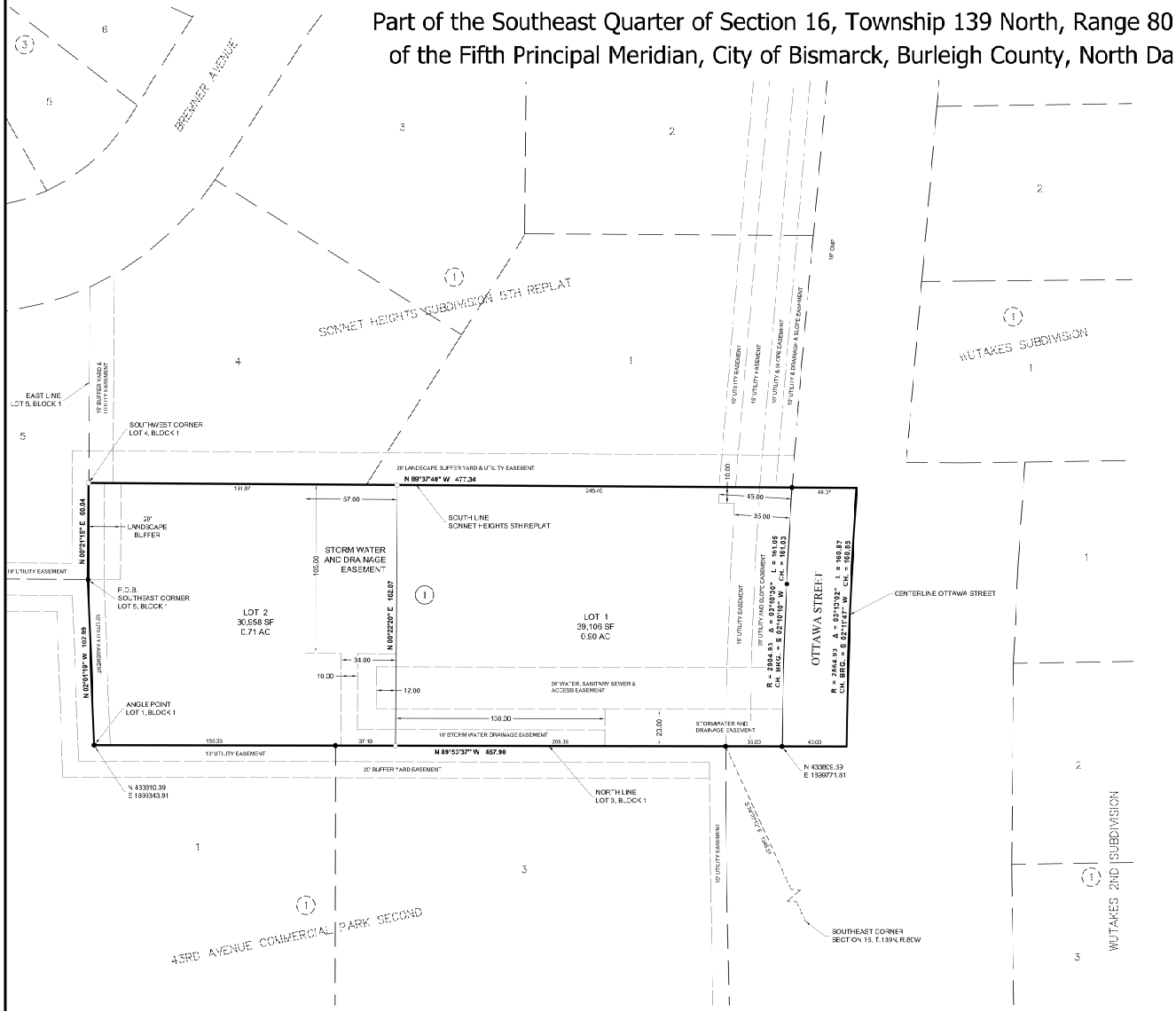
0 0.04 0.09 0.17 Miles

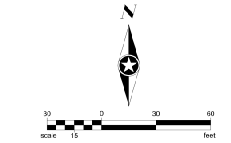
City of Bismarck
Community Development Dept.
Planning Division
May 19, 2022

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

FRANK ADDITION

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





LEGEND:

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

AREA TABULATIONS:

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

OWNER'S CERTIFICATE AND DEDICATION

Calvin Mertz and Brenda Mertz Peterson being all the owners of the lands platted herein, do hereby voluntarily consent to the execution of this plat titled FRANK ADDITION, and dedicate and rededicate all rights of way to the City of Bismarck as shown on this plat for public use, and consent to any access control to the property as shown.

We also dedicate all easements as shown on this plat as "utility easements" to run with the land for public and private utilities or services on, across, above or under those certain strips of land.

We also dedicate to the City of Bismarck for public use all easements as shown on this plat as "stormwater & drainage easements" to run with the land for the purpose of allowing the free and unobstructed flow of water under and/or over these areas including the construction and maintenance of stormwater facilities together with necessary appurtenances.

We also dedicate "sanitary sewer easements" and "water easements" to run with the land for use by all land owning parties to construct, operate, maintain and repair sanitary sewer and water facilities under and upon those areas designated as such.

We also dedicate all easements as shown on this plat as "access easements" to run with the land for use by all land owning parties, their tenants, visitors and licensees, and for the use of any governmental subdivision, it's officers and employees for emergency services and any other governmental use or uses, provided that maintenance and clearance of the easement is the responsibility of the land owning parties and the city shall not be responsible in any way to furnish any city services if such access easements are not properly maintained or are obstructed by the owners of property in the subdivision.

We further dedicate any other easements or servitudes as shown and those that are recorded but not shown.

Calvin Mertz

STATE OF _____)
) SS
COUNTY OF _____)

Be it known on this _____ day of _____, 20___, before me personally appeared Calvin Mertz, known to me to be the persons described in and who executed the within certificate and he acknowledged to me that he executed the same.

Notary Public: _____ County, _____
My Commission Expires: _____

Brenda Mertz Peterson

STATE OF _____)
) SS
COUNTY OF _____)

Be it known on this _____ day of _____, 20___, before me personally appeared Brenda Mertz Peterson, known to me to be the persons described in and who executed the within certificate and she acknowledged to me that she executed the same.

Notary Public: _____ County, _____
My Commission Expires: _____

DESCRIPTION:

A parcel of land located in the Southeast Quarter of Section 16, Township 139 North, Range 80 West, Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota. Described parcel lying north and east of 43rd Avenue Commercial Park Second Addition, west of Ottawa Street, and US Highway 83, and east of and south of Sonnet Heights Subdivision Fifth Replat, plats which are on file at the Burleigh County Recorders Office, more particulary described as follows:

Beginning at the southeast corner Lot 5, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner is also the northerly east corner of Lot 1 Block 1, 43rd Avenue Commercial Park Second Addition; thence North 00 degrees 21 minutes 15 seconds East on an assigned bearing along the east line said Lot 5 a distance of 60.04 feet to the southwest corner of Lot 4, Block 1, said Sonnet Heights Subdivision Fifth Replat; thence South 89 degrees 37 minutes 48 seconds East along the south line of said Sonnet Heights Subdivision Fifth Replat 477.34 feet to the centerline of Ottawa Street; thence southerly along said centerline on a non-tangential curve concave to the east, whose radius is 2864.93 feet, whose chord bears South 02 degrees 11 minutes 47 seconds West and chord length is 160.85 feet, delta 03 degrees 13 minutes 02 seconds, an arc length of 160.97 to the easterly extension of the northerly line of Lot 3, Block 1, said 43rd Avenue Commercial Park Second Addition; thence along said north line and its extension North 89 degrees 53 minutes 37 seconds West 467.90 feet to an angle point in Lot 1 Block 1, said 43rd Avenue Commercial Park Second Addition; thence North 02 degrees 01 minutes 19 seconds West along the boundary of said Lot 1 a distance of 102.99 feet to the Point of Beginning.

Said described Parcel contains 1.76 acres more or less.

BASIS OF BEARING:
Derived from State Plane coordinates.

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

VERTICAL DATUM:
National Geodetic Vertical Datum 29
City Hydrant 2284
OTTAWA STREET 260 SOUTH OF BREMNER AVENUE
Elevation = 1876.42

OWNER:
Calvin Mertz and Brenda Mertz Peterson
5483 S 700 W
Murray, UT 84123

SURVEYOR:
SEH / Robert M. Illg PLS
6715 Shelburne St
Bismarck, ND 58503

SURVEYED:
April 21, 2022

SURVEYOR'S CERTIFICATE:

I, Robert M. Illg, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on April 11, 2022, that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Illg
Registered Professional Land Surveyor
License No. LS-8444

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on this plat, has approved the grounds as shown on the plat as an amendment to the master plan of the City of Bismarck, North Dakota, has accepted the rededication of all rights of way and public easements shown thereon, and does hereby vacate any previous platting within the boundary of this plat.

The foregoing action of the Board of City Commissioners of Bismarck, North Dakota, was approved the _____ day of _____ 20___.

Attest
Keith J. Hunke - City Administrator

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

The subdivision of land as shown hereon 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.

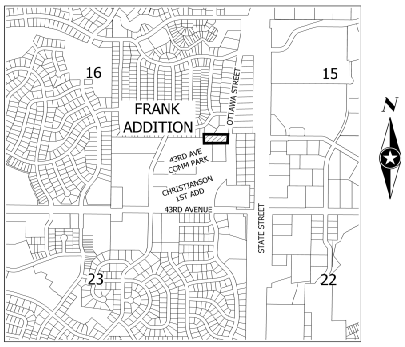
Mike Schwartz
Chairman

Ben J. Ehreth
Secretary

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "FRANK ADDITION" Bismarck, North Dakota, as shown hereon.

Gabriel J. Schell - City Engineer



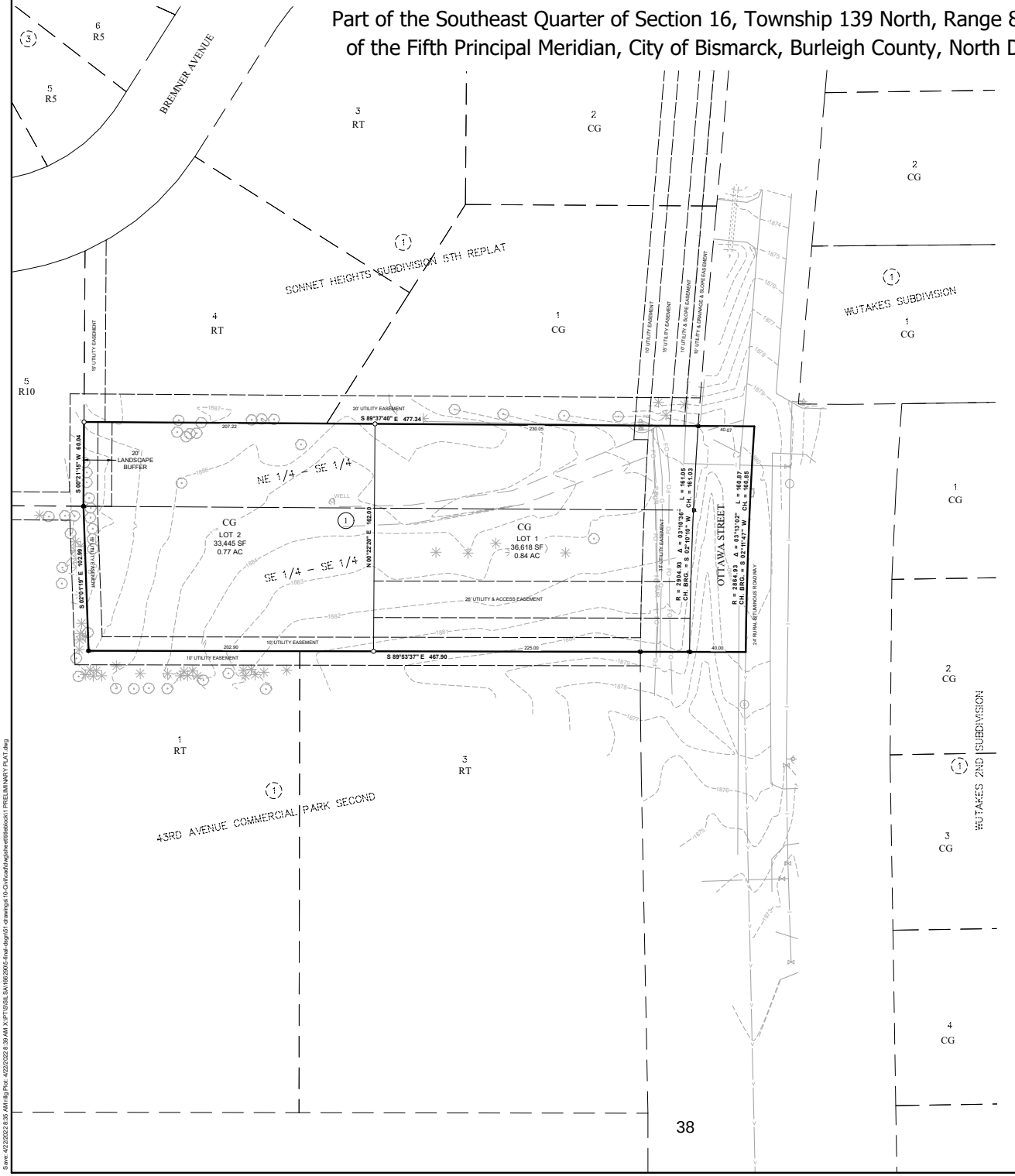
VICINITY MAP
NOT TO SCALE

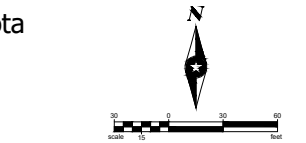
DATE: 10/12/2022

SEH

FRANK ADDITION

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





LEGEND:

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

AREA TABULATIONS:

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

EXISTING PROPERTY DESCRIPTIONS:

Unplatted Portion of SE1/4-SE1/4

DOCUMENT No.147204

Beginning at point which is 562 feet west of the Northeast corner (NE corner) of the Southeast quarter of the Southeast quarter (SE1/4SE1/4) of Section Sixteen (16) Township one hundred thirty-nine (139) North of Range Eighty (80) West, thence running west a distance of Three hundred ninety six (396) feet, thence south at a right angle a distance of One hundred ten (110) feet, thence east at a right angle a distance of three hundred ninety six (396) feet, thence North at a right angle a distance of one hundred ten (110) feet to the point of beginning and containing one acre of land more or less.

AND

Unplatted Portion of NE1/4-SE1/4

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

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

Beginning at the southeast corner Lot 5, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596, said corner is also the northerly east corner Lot 1 Block 1, 43rd avenue Commercial Park 2nd Addition, as well as the north west corner parcel described in document number 147204, both documents on file at the Burleigh County Recorders Office; Thence S89°37'47"E along the south line said NE1/4SE1/4, and along the north line said Document Number 147204 a distance of 434.31 feet to a point that is 40.00 foot offset for the centerline said Ottawa Street, said corner monumented with a survey cap RLS 3626; Thence northeasterly along said 40.00 foot offset along a curve whose Radius in 2904.93 feet, whose cord bears N03°09'37"E and cord length is 60.06 feet, an arc length of 60.09 feet to the southeast corner Lot 1, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596; Thence N89°37'40"W along the south line said Sonnet Heights Subdivision Fifth Replat a distance of 437.32 feet to the southwest corner Lot 4, Block 1, said Sonnet Heights Subdivision Fifth Replat, said corner monumented with a survey cap, RLS 3596; Then S00°21'15"W along west line said Lot 5, Block 1, Sonnet Heights Subdivision Fifth Replat a distance of 60.04 feet to the Point of Beginning.

Said described Parcel contains 0.60 acres more or less.

BASIS OF BEARING:
Derived from State Plane coordinates.

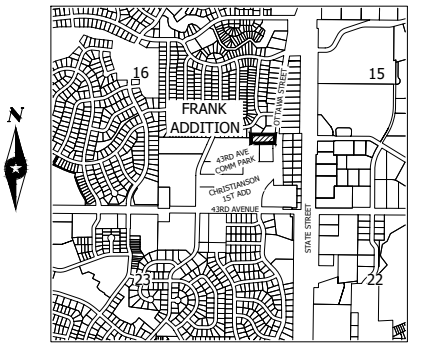
COORDINATE DATUM:
North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:
National Geodetic Vertical Datum 29
City Hydrant 2284
OTTAWA STREET 3RD SOUTH OF BREMNER AVENUE
Elevation = 1876.42

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

SURVEYOR:
SEH / Robert M. Illg PLS
4719 Shelburne St.
Bismarck, ND 58503

SURVEYED:
April 11, 2022



VICINITY MAP
NOT TO SCALE

DATE: 4/22/2022

SEH

Save: 4/22/2022 8:35 AM Illg Plot: 4/22/2022 8:39 AM X:\PT\BSBL\MN\0935905.final-dsgn\51-drawings\10-Civil\civil\sig\shee\ttitleblock1 PRELIMINARY PLAT.dwg

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

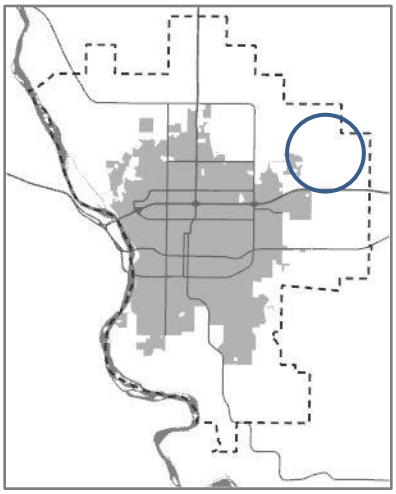
Agenda Item # 7
October 26, 2022

Application for: **Zoning Change**
Final Plat

Project ID: **ZC2022-017**
FPLT2022-009

Project Summary

Title:	Aster Ridge Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Tim and Deb Staloch
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	Northeast of Bismarck between 57th Avenue NE and 71st Avenue NE, along the west side of 66th Street NE (part of the NE¼ of Section 7, 139N-R79W/Gibbs Township)
Project Size:	40.5 acres
Request:	Rezone and plat property for future large lot rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	4 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Large lot rural residential
Future Land Use:	Conventional Rural Residential Low Density Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	A – Agricultural	*Zoning:*	RR5 – Residential
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RR5 – Large lot single-family residential and limited agriculture
Max Density:	A – 1 unit / 40 acres	*Max Density:*	RR5 – 1 unit / 5 acres

Property History

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

(continued)

Staff Analysis

Tim and Deb Staloch are requesting approval of a zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and major subdivision final plat for Aster Ridge Subdivision.

The Planning and Zoning Commission considered this request at their meeting of September 28, 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 October 14 and October 21, and 37 letters were mailed to the owners of nearby properties on October 14.

Adjacent uses include rural residential to the north, south, east across 66th Street NE and to the west.

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 Low Density Residential (LDR) and Rural Residential (RR). The majority LDR area within this plat anticipates residential development at urban densities. The plat includes four lots in one block ranging from 8.7 acres to 10 acres in size. It is the intent of the owner to retain large lot sizes to allow for the redevelopment and urbanization of these lots in the future when City services are available, and the property is annexed.

The proposed plat is located within the Urban Service Area Boundary, and as such, a waiver to the requirement to ghost plat is required. Planning staff is comfortable with the request to waive ghost platting requirements because the larger lots would not preclude future urbanization and the area is identified in the draft Together 2045 comprehensive plan as urban reserve, and this plat would be aligned with this Plan if adopted in its current draft form.

Access and Transportation

66th Street NE is an arterial roadway and access to this type of roadway is limited. As such, the County Engineer has indicated that access between Lot 3 and Lot 4 will be shared. Lot 1 will be accessed from the north, via Lambeau Lane, and Lot 2 will be accessed from the existing access point.

The existing single-family residence and accessory buildings on Lot 2, Block 1 of the proposed plat will remain.

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

Zoning Change

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

(continued)

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 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 been notified of the request but has not yet made a recommendation for the proposed final plat;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. 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 zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and tentative approval of the major subdivision final plat for Aster Ridge Subdivision.

Attachments

1. Draft Zoning 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, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

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

Lots 1-4, Block 1, Aster Ridge Subdivision

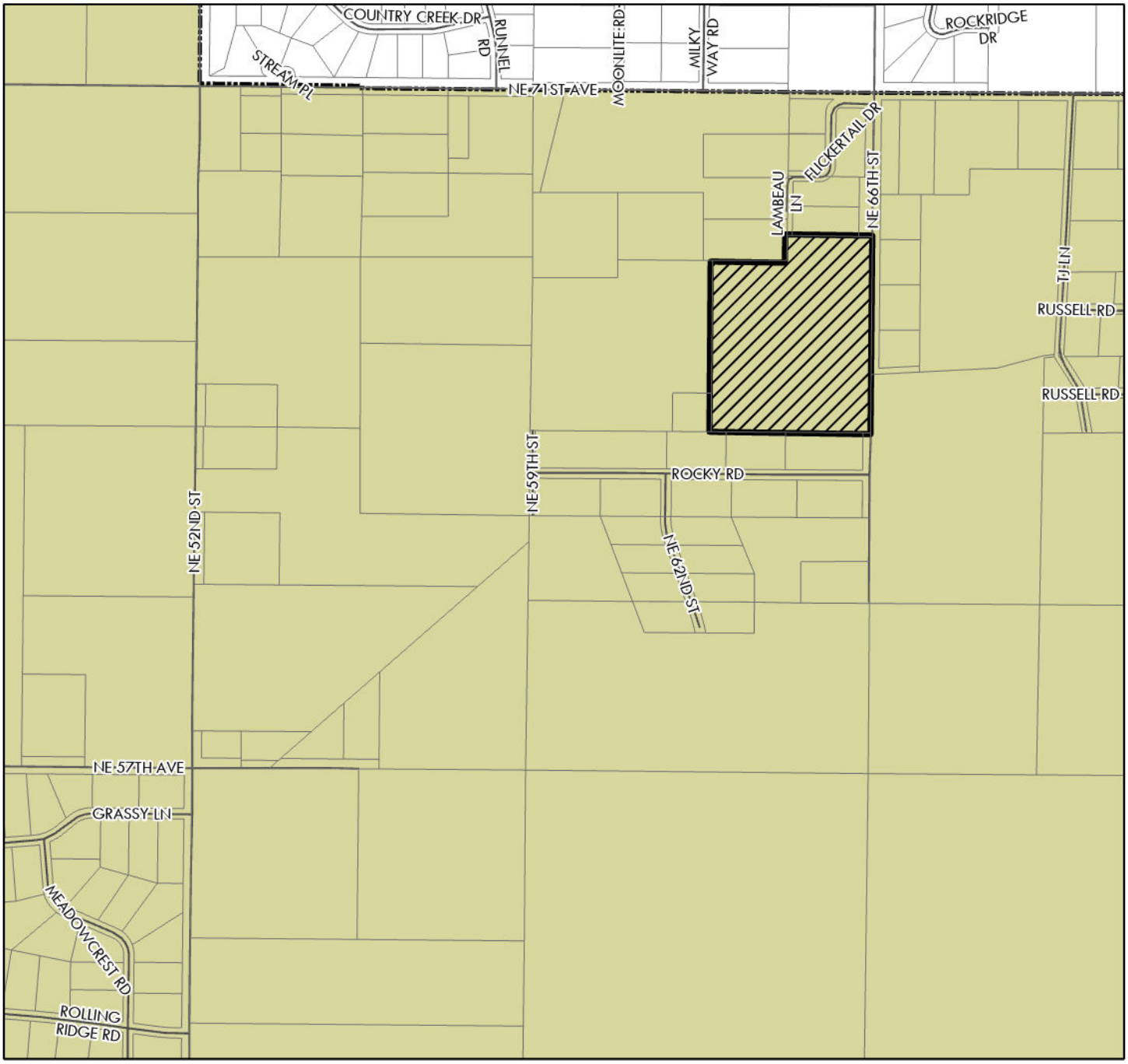
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

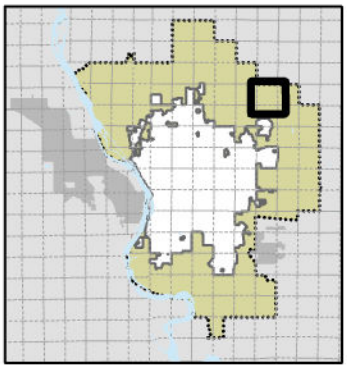
Location Map

ASTER RIDGE SUBDIVISION

PPLT2022-011
ZC2022-017



0 0.25 0.5 1 Miles



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

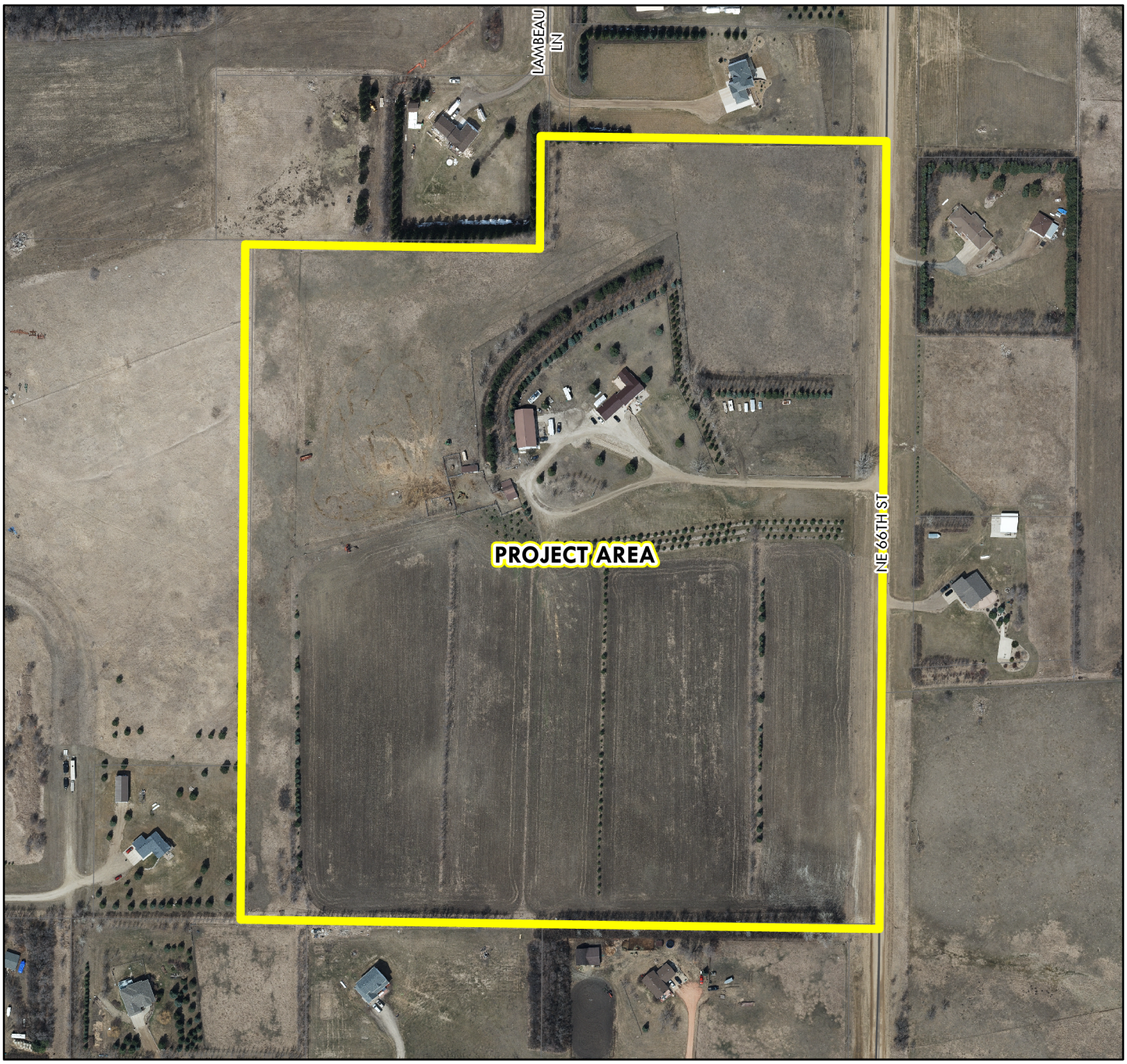
City of Bismarck
Community Development Department
Planning Division
August 29, 2022 (HLB)

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

ASTER RIDGE SUBDIVISION

ZC2022-017



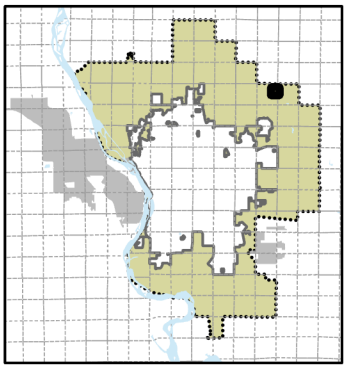
0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
September 21, 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

ASTER RIDGE SUBDIVISION

ZC2022-017
PPLT2022-011

Zoning Districts

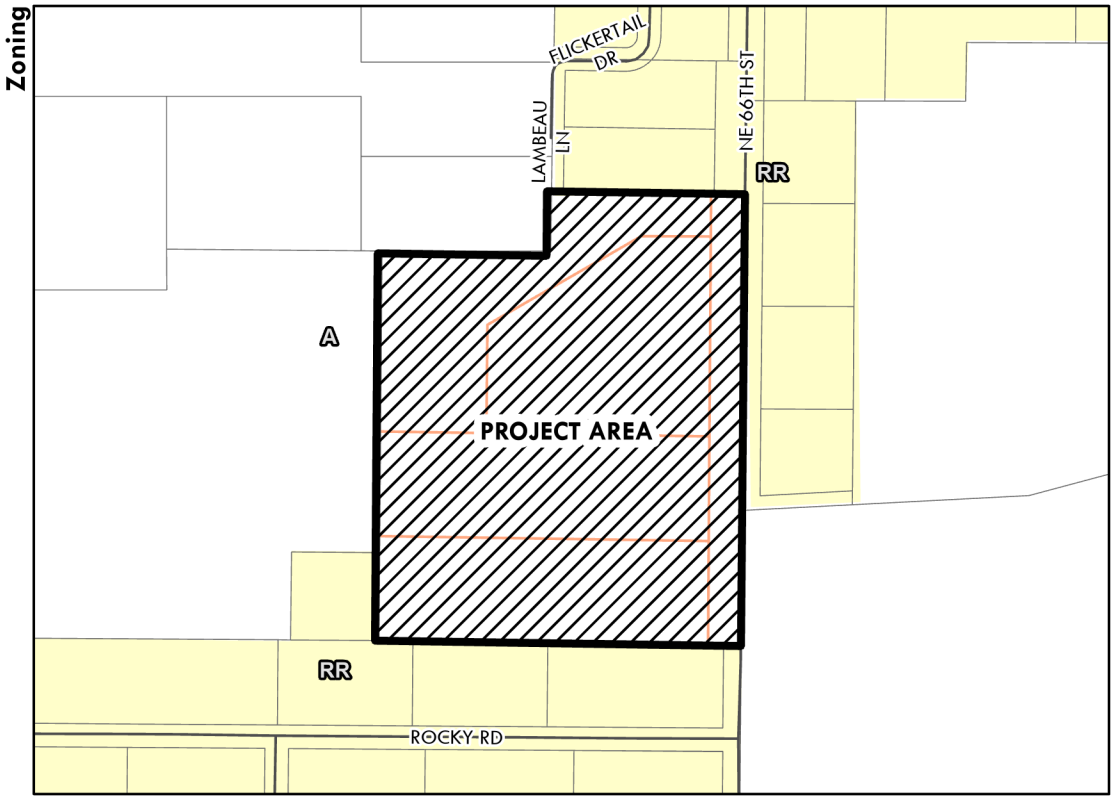
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

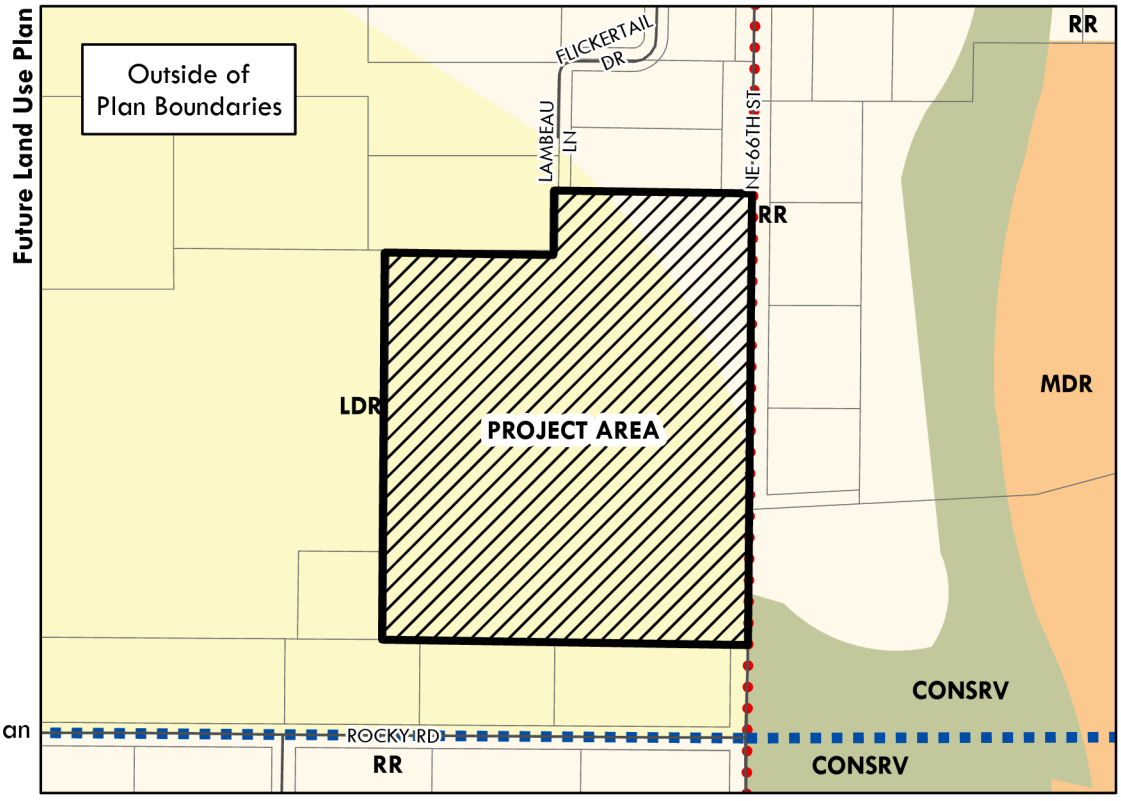
Future Land Use Plan

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.

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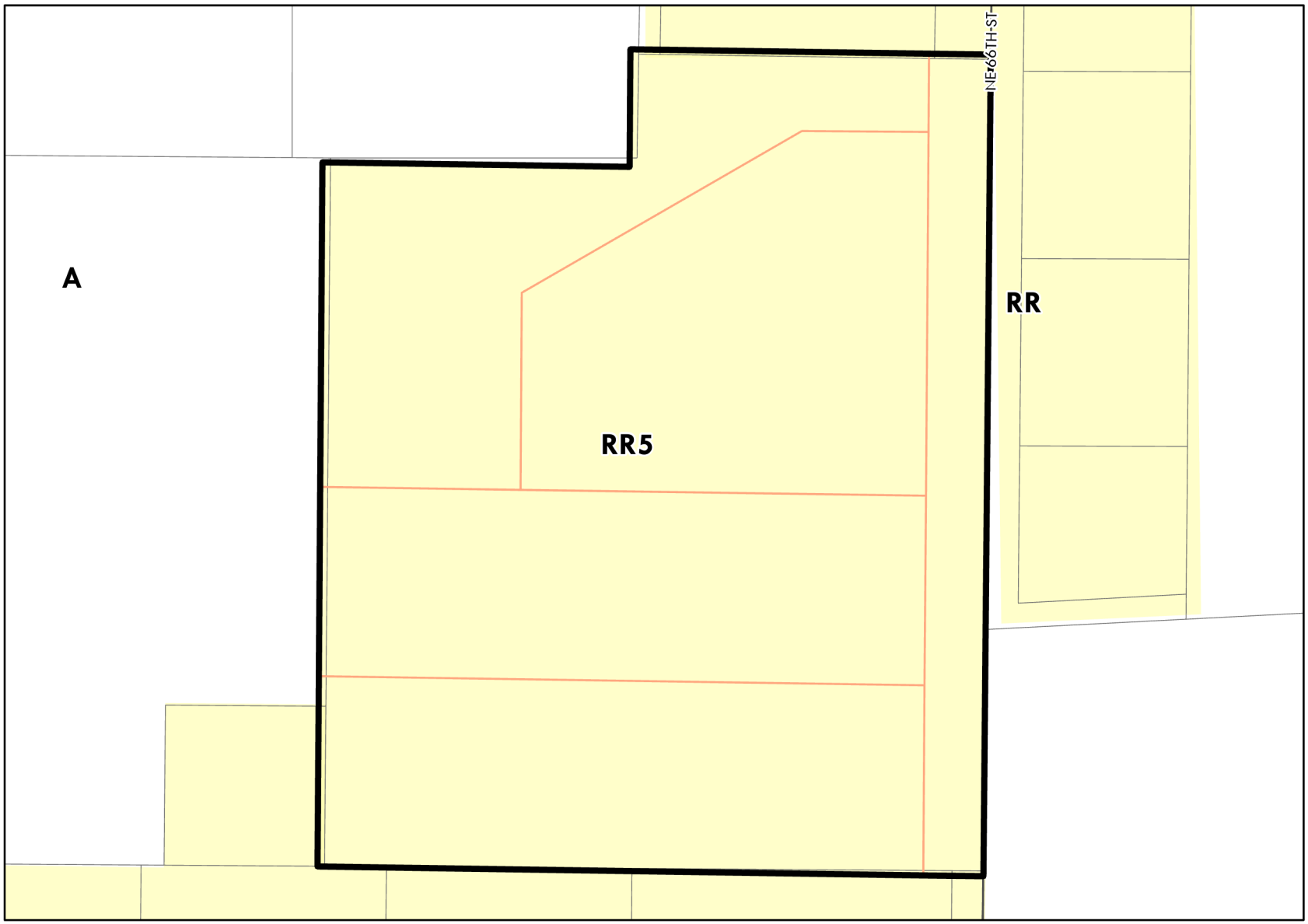
City of Bismarck
Community Development Dept.
Planning Division
September 22, 2022

Proposed Zoning Change
ASTER RIDGE SUBDIVISION

ZC2022-017
PPLT2022-011

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 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
September 21, 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.

ASTER RIDGE SUBDIVISION

PART OF THE NE 1/4 OF SECTION 7
TOWNSHIP 139 NORTH RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

PART OF THE NE 1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NE 1/4; THENCE NORTH 89 DEGREES 30 MINUTES 53 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NE 1/4, A DISTANCE OF 1236.65 FEET TO THE EAST LINE OF LOT 1 BLOCK 1 WOODRUFF SUBDIVISION; THENCE NORTH 00 DEGREES 34 MINUTES 32 SECONDS EAST, ALONG SAID EAST LINE AND ITS NORTHERN EXTENSION, A DISTANCE OF 1320.30 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF THE NE 1/4 OF SAID SECTION 7; THENCE SOUTH 89 DEGREES 28 MINUTES 47 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 581.92 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 03 SECONDS EAST, A DISTANCE OF 198.92 FEET TO THE SOUTH LINE OF RYAN'S FIRST SUBDIVISION; THENCE SOUTH 89 DEGREES 28 MINUTES 40 SECONDS EAST, ALONG SAID SOUTH LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 654.49 FEET TO THE EAST LINE OF SAID NE 1/4; THENCE SOUTH 00 DEGREES 34 MINUTES 58 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1518.45 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 40.46 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 _____ 202__. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504

_____
TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

APPROVAL OF CITY 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 _____ 2022, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

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

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 202__.

_____
ATTEST
KEITH J. HUNKE – CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____DAY OF _____, 20___.

_____ _____
–CHAIR ATTEST: LEO VETTER
BURLEIGH COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "ASTER RIDGE SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

_____
GABRIEL J. SCHELL
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT _____, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ASTER RIDGE SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

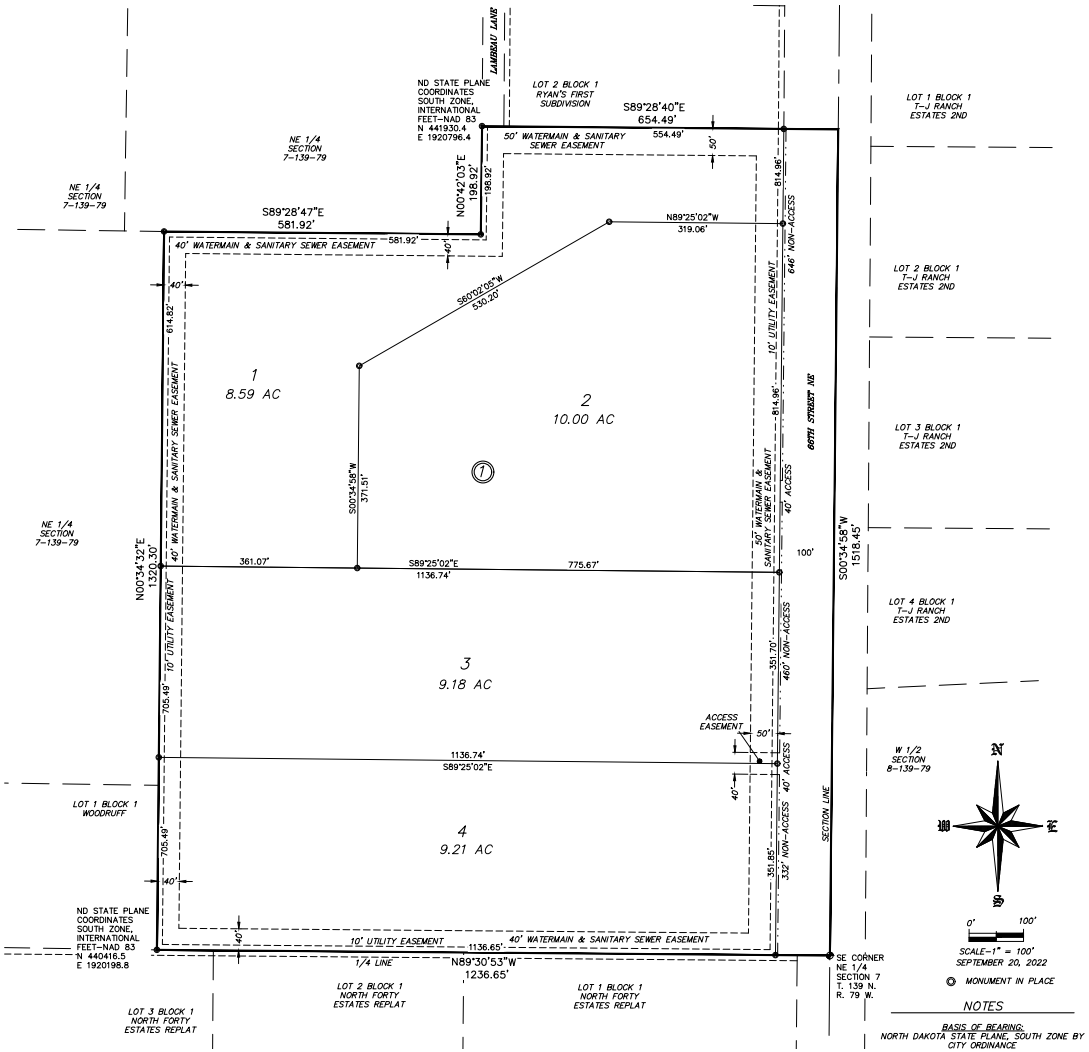
THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK SANITARY SEWER AND WATERMAIN EASEMENTS, SAID EASEMENTS TO CONSTRUCT, OPERATE, MAINTAIN, AND REPAIR SANITARY SEWER AND WATERMAIN FACILITIES UNDER OR UPON THE REAL PROPERTY HEREINAFTER DESCRIBED.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

_____
_____

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

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



NOTES

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

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

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

VERTICAL BENCHMARK:

AREA DATA

LOTS	1,610,778 S.F.	36.98 ACRES
STREETS	151,848 S.F.	3.48 ACRES
TOTAL	1,762,626 S.F.	40.46 ACRES

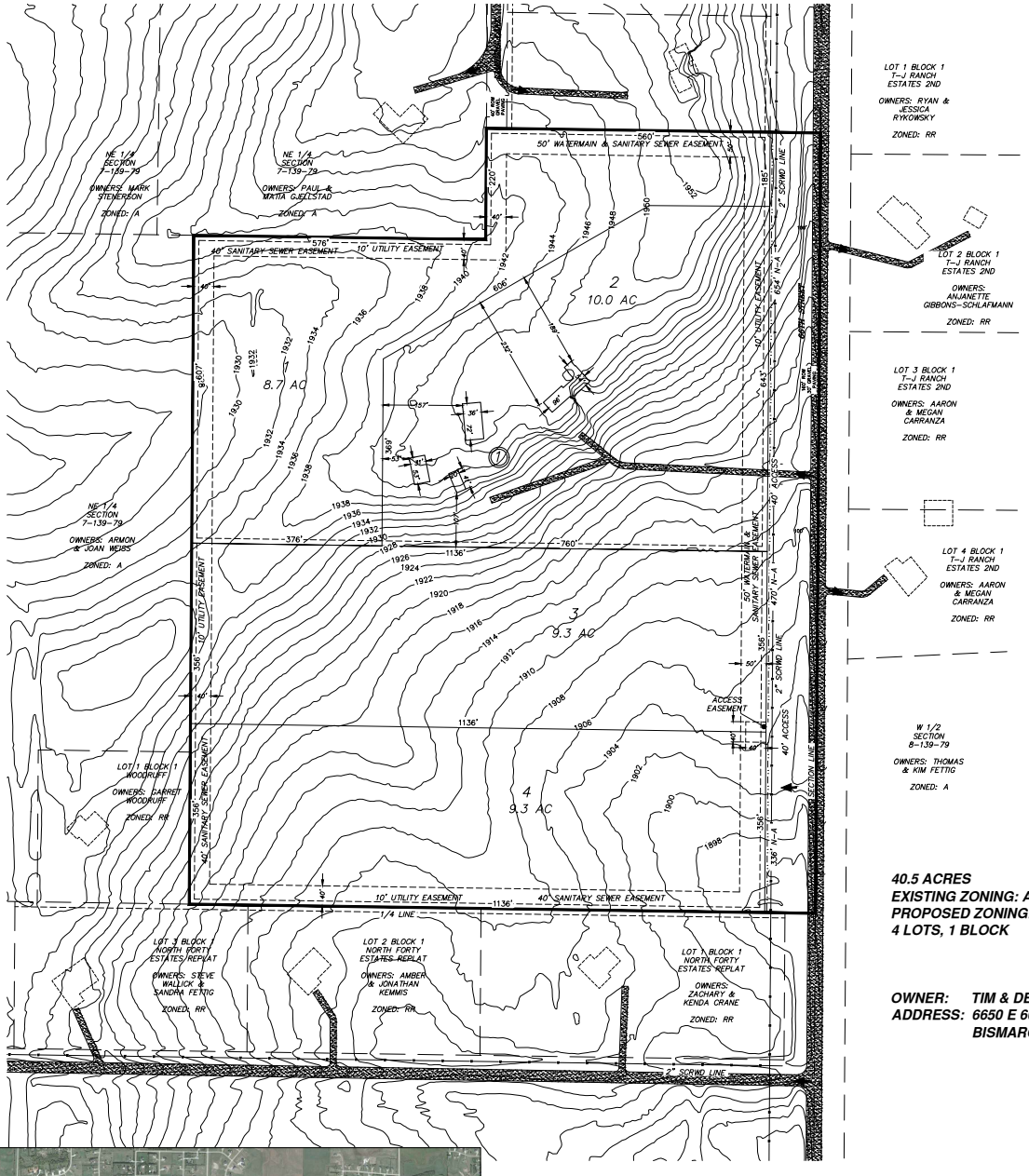
SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

ASTER RIDGE SUBDIVISION

PART OF THE NE 1/4 OF SECTION 7
TOWNSHIP 139 NORTH, RANGE 79 WEST
OF THE FIFTH PRINCIPAL MERIDIAN

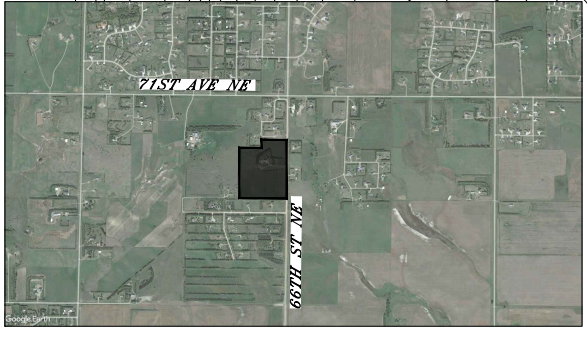
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

PRELIMINARY PLAT



40.5 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: RR-5
4 LOTS, 1 BLOCK

OWNER: TIM & DEB STALOCH
ADDRESS: 6650 E 66TH ST NE
BISMARCK, ND 58503



LOCATION MAP

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

STAFF REPORT

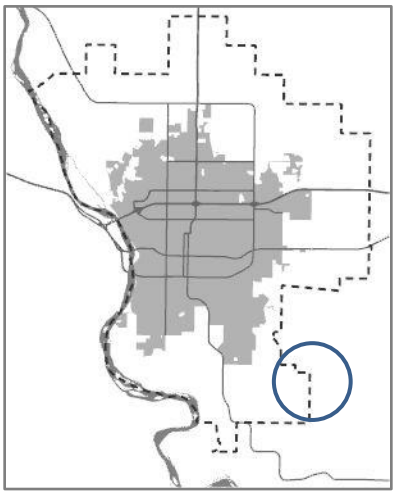
Agenda Item # 8
October 26, 2022

Application for: **Zoning Change**
Final Plat

Project ID: **ZC2022-018**
FPLT2022-010

Project Summary

Title:	Brunskill Subdivision (Version 2)
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 large lot rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	4 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	Large lot rural residential
Future Land Use:	Conventional Rural Residential	*Future Land Use:*	Conventional Rural Residential
Zoning:	A – Agricultural	*Zoning:*	RR5 – Residential
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RR5 – RR – Large lot single-family residential and limited agriculture
Max Density:	A – 1 unit / 40 acres	*Max Density:*	RR5 – 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 RR5 - Residential zoning district and a major subdivision final plat for Brunskill Subdivision.

The Planning and Zoning Commission denied a final plat and zoning change for this property at their meeting of August 24, 2022. The proposed plat and zoning change have been revised to include four large rural residential lots ranging from 5 acres to 20 acres in size.

The Planning and Zoning Commission considered the revised request at their meeting of September 28, 2022 and called for a public hearing on the zoning change and tentatively approved the revised preliminary plat.

The public has been duly notified of this revised request. A notice was published in the Bismarck Tribune on October 14 and October 21, and 27 letters were mailed to the owners of nearby properties on October 14, 2022.

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

Conformance with Plans

The Future Land Use Plan of 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 plat includes four lots in one block ranging from 5 acres to 20 acres in size. There is a single-family currently being constructed on Lot 5.

Transportation and Access

66th Street SE is an arterial roadway and access to this type of roadway is limited. To minimize access to 66th Street SE, the County Engineer has indicated that access between Lots 2 and 3 will be shared. Two access points to 55th Avenue SE, as shown on the proposed plat, would be acceptable to the County Engineer.

Required Findings of Fact (relating to land use)

Zoning Change

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

(continued)

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

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 Apple Creek Township Board of Supervisors has been notified but has not yet made a recommendation;
4. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
6. 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 zoning change from the A - Agricultural zoning district to the RR5 – Residential zoning district and the major subdivision final plat for Brunskill Subdivision.

Attachments

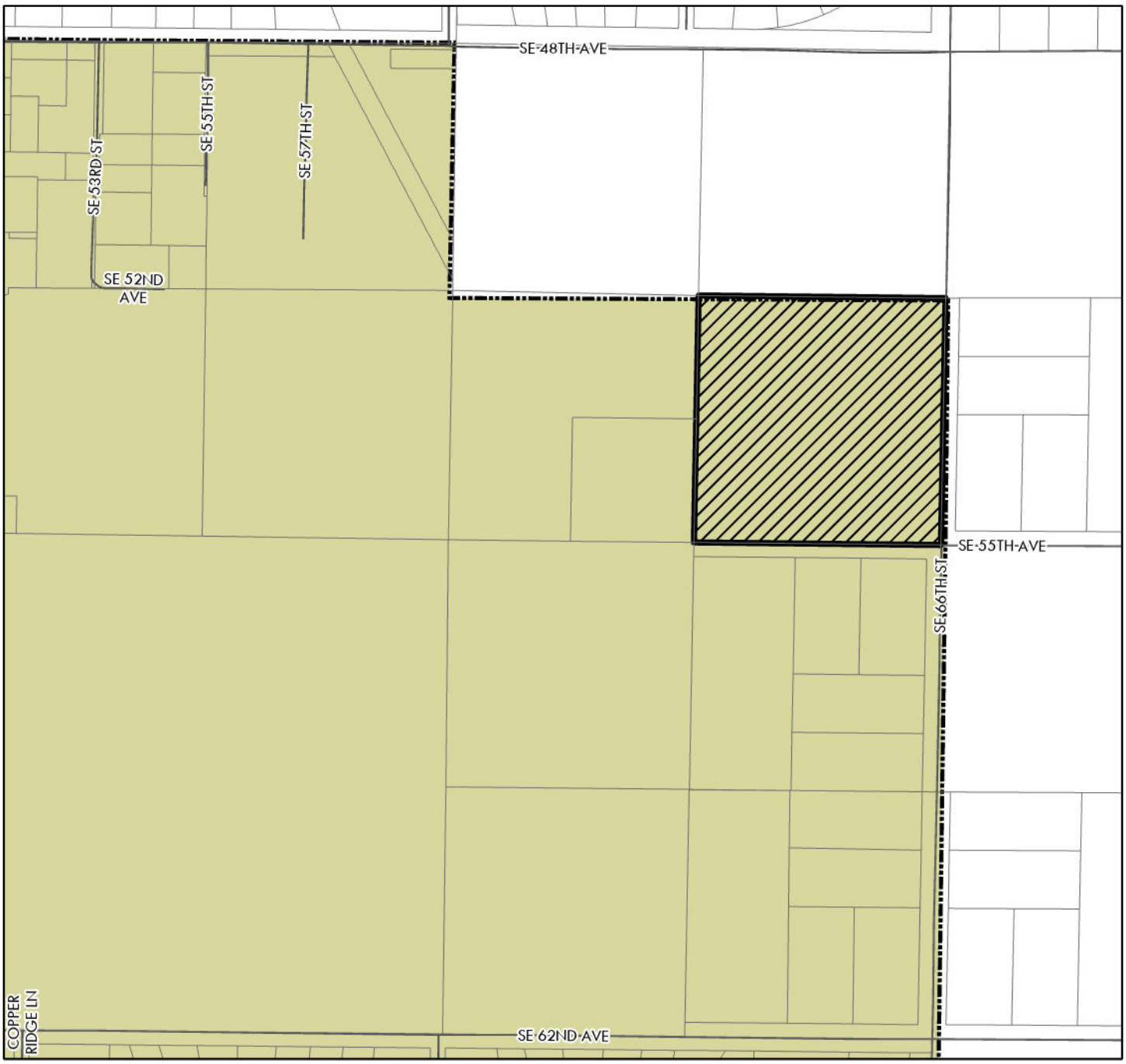
1. Draft Zoning Ordinance
2. Location Map
3. Aerial Map
4. Zoning and Plan Reference Map
5. Proposed Zoning Change Map
6. Final Plat
7. Preliminary Plat

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

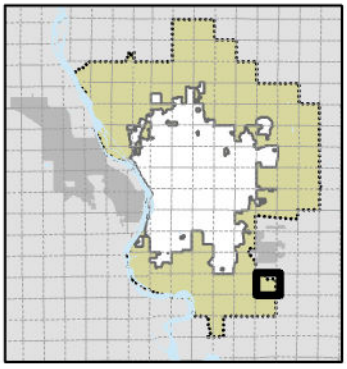
Location Map

BRUNSKILL SUBDIVISION (VERSION 2)

PPLT2022-012
ZC2022-018



0 0.17 0.35 0.7 Miles



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

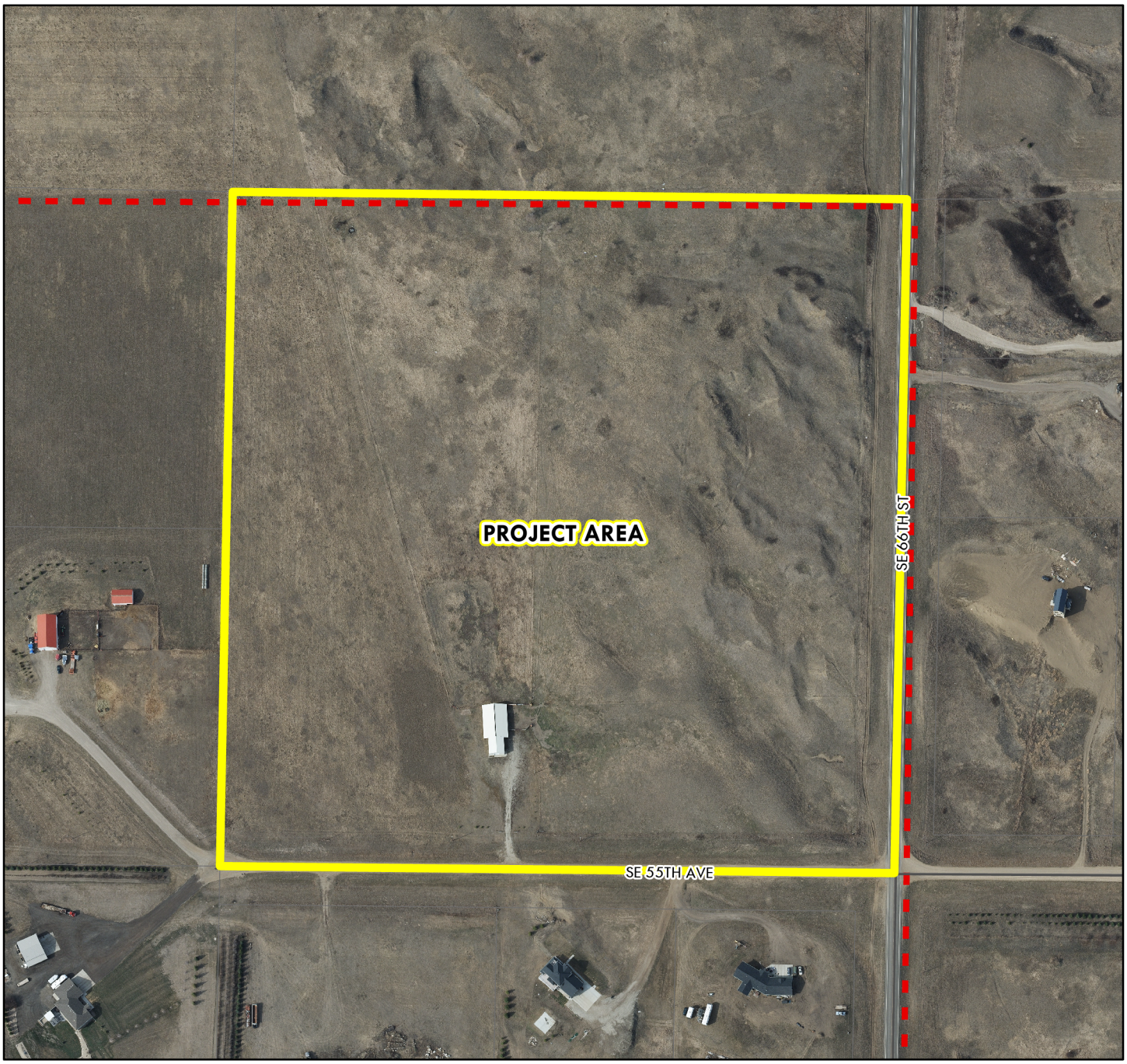
City of Bismarck
Community Development Department
Planning Division
September 1, 2022 (HLB)

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 (VERSION 2)

ZC2022-018
PPLT2022-011



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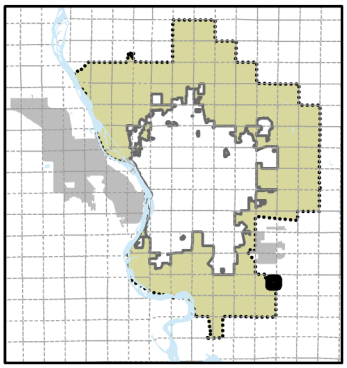
Bismarck ETA Jurisdiction

Aerial Imagery from April 2020

City of Bismarck
Community Development Dept.
Planning Division
September 22, 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 (VERSION 2)

ZC2022-018
PPLT2022-011

Zoning Districts

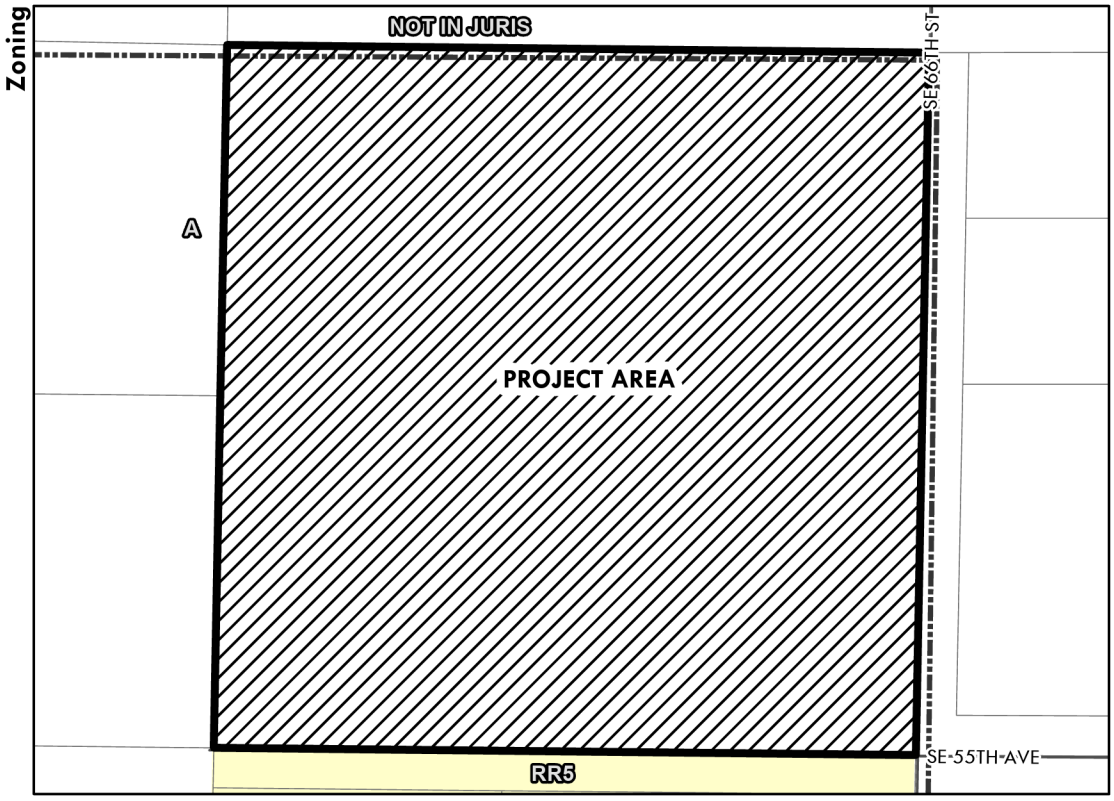
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

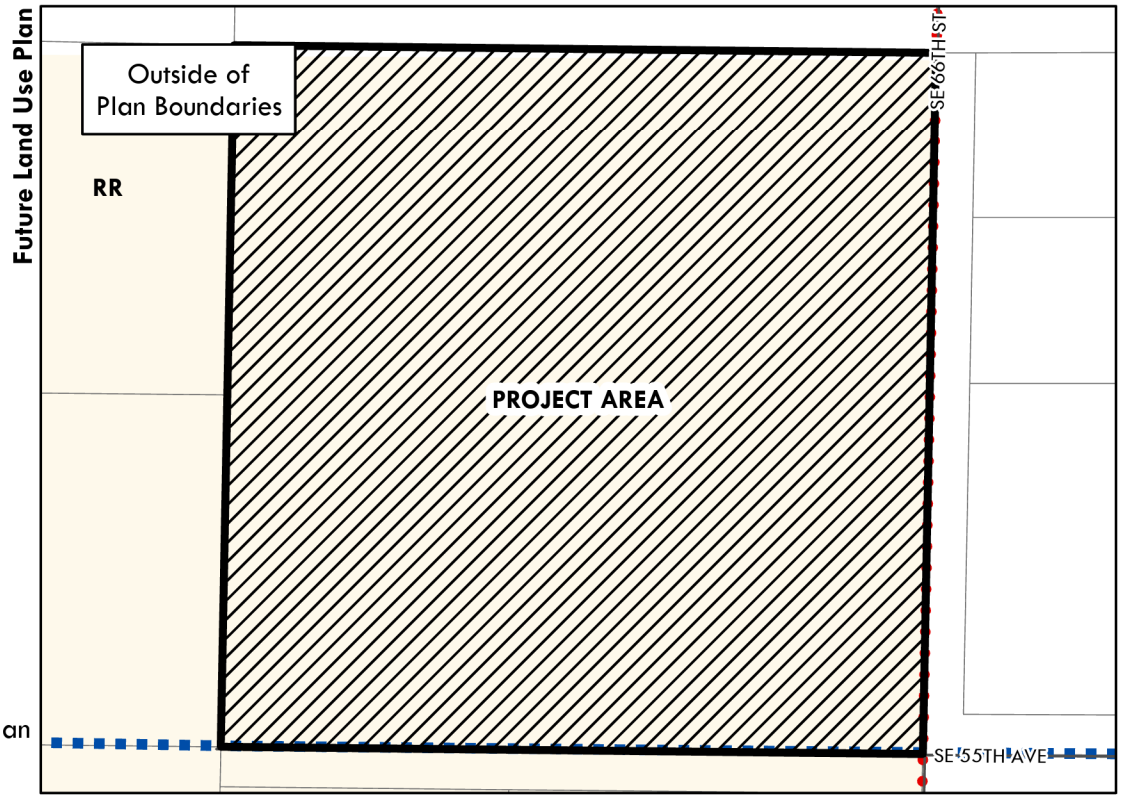
Future Land Use Plan

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.

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N

City of Bismarck
Community Development Dept.
Planning Division
September 22, 2022

Proposed Zoning Change

BRUNSKILL SUBDIVISION (VERSION 2)

Proposed New Zoning Map

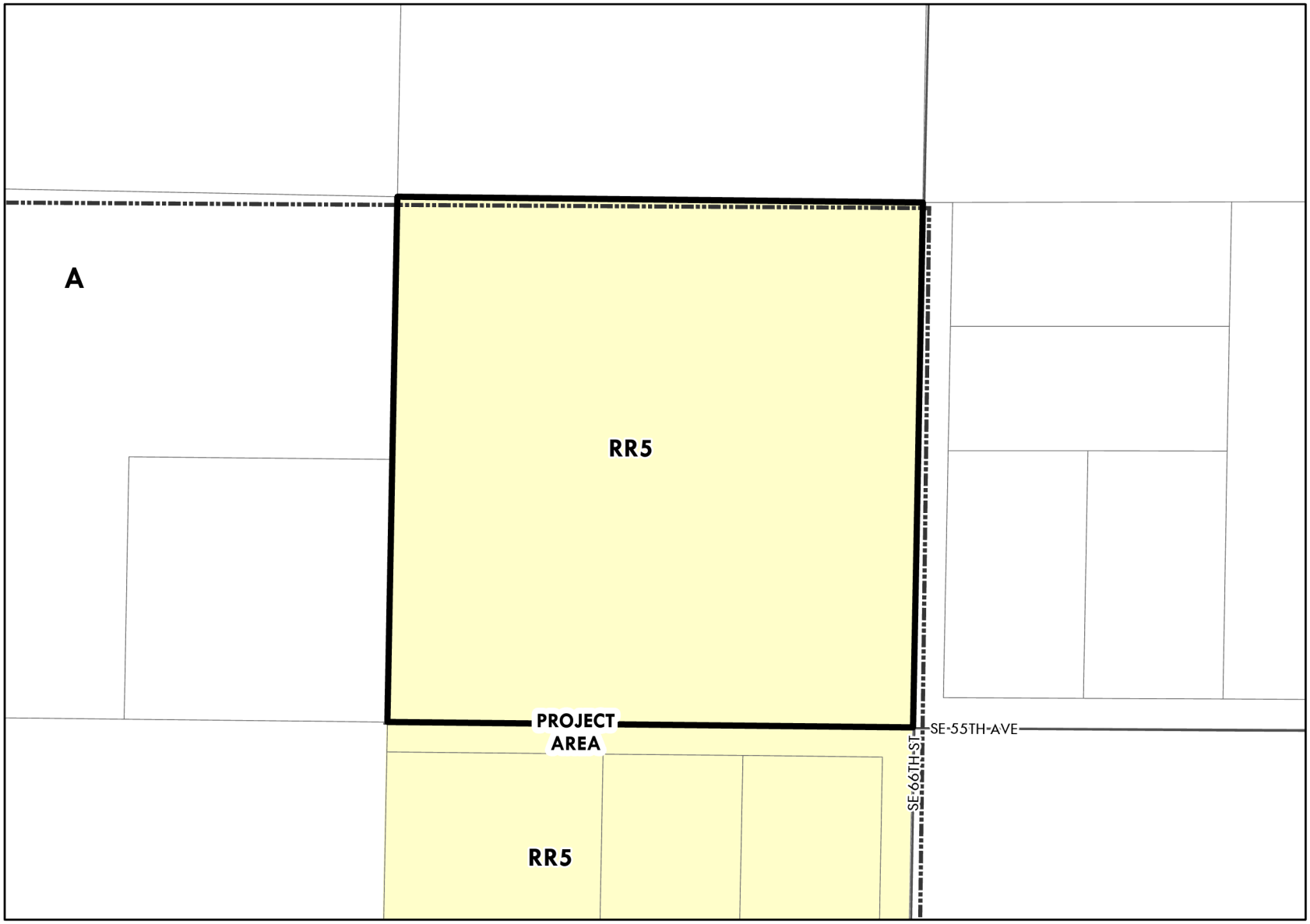
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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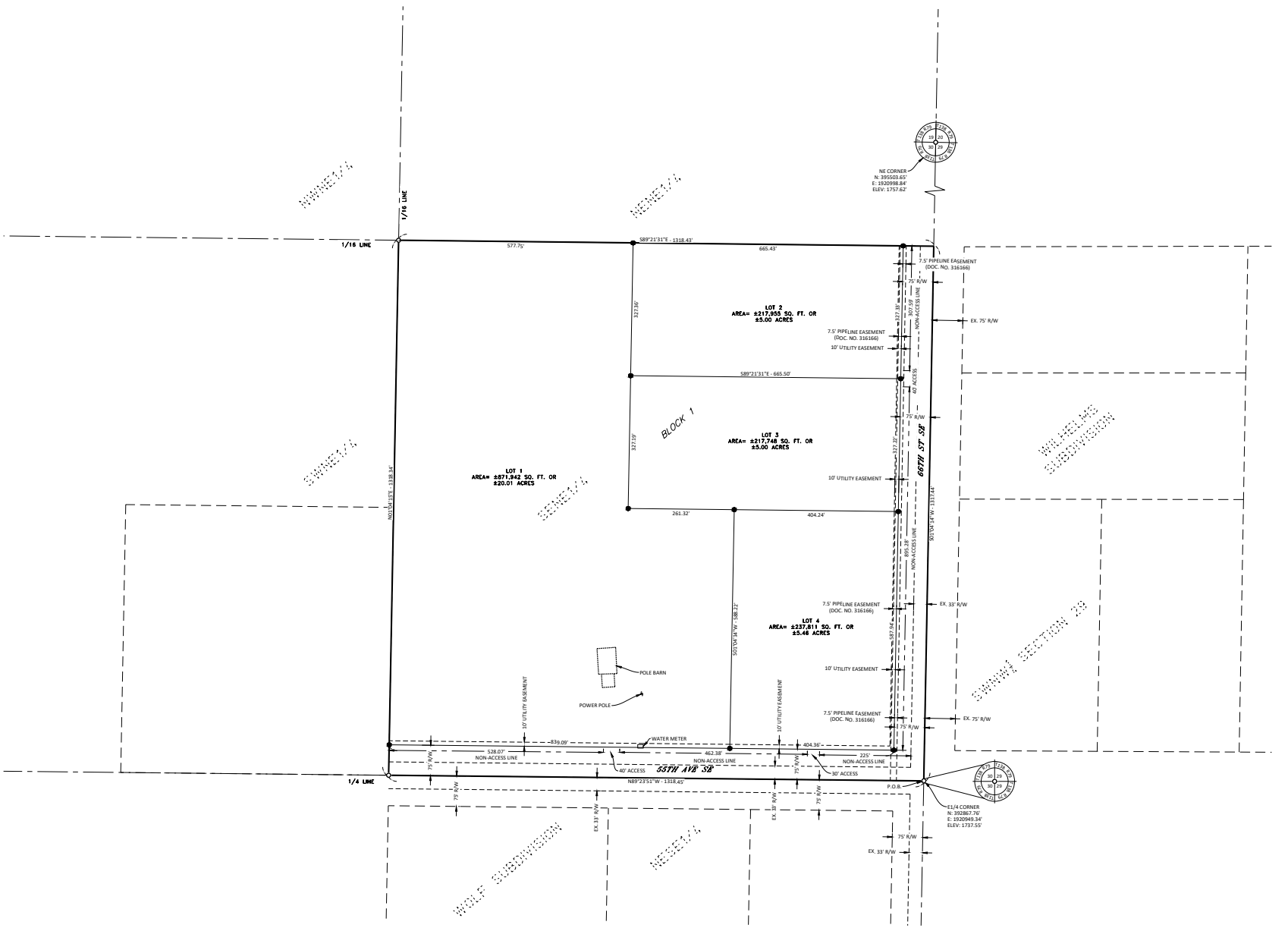
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

City of Bismarck
Community Development Dept.
Planning Division
September 22, 2022

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

N

0 100 200

SHEET 1 OF 2

PROJECT ID:	22004.36
DATE:	09-19-2022
DRAWN BY:	GCB
CHECKED BY:	CAN

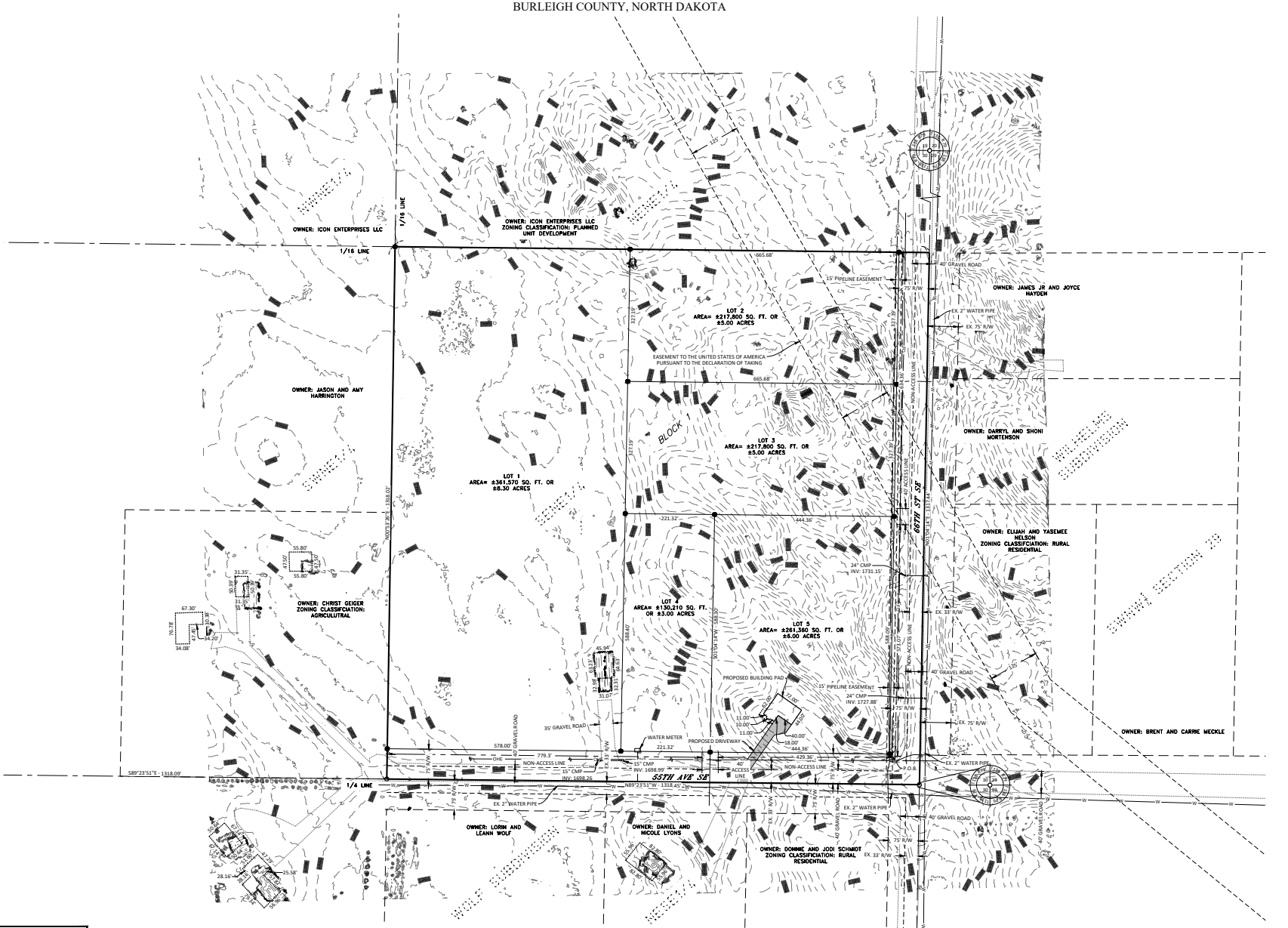
Neset LAND SURVEYS

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

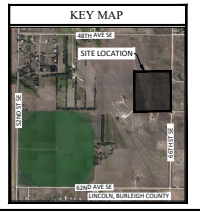
09/9/22 09:08:23 AM Z:\Neset Shared Files\Civil Projects_2022_Projects\22004.36\WIP - PROJECTS_BLE-E-SB-34-Dunes Brunskill Sec 30 T138 R 79\Dan Brunskill Plat Final.dwg

BRUNSKILL SUBDIVISION

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



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
- WATER LINE
- STORM SEWER LINE
- FIBER OPTIC LINE
- GAS LINE
- 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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

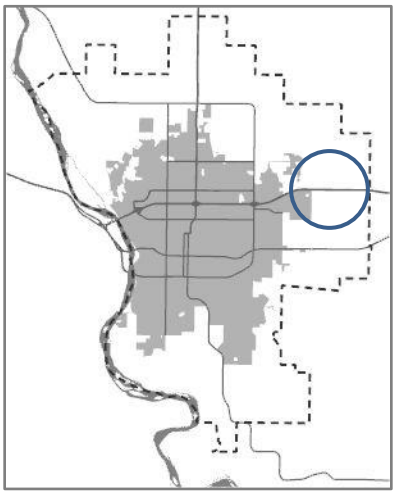
Agenda Item # X
October 26, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-017**

Project Summary

Title:	Lot 7, Block 3, Pheasant Valley
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Albert III and Angela Perrin
Project Contact:	Jason Frank, Diversity Homes
Location:	Northeast of Bismarck, west of Centennial Road and south of 71st Avenue NE (6700 Ringneck Road)
Project Size:	3,200 Square Feet
Request:	Increase total allowable area of accessory buildings to 3,200 square feet



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:	06/2001	*Platted:*	09/2002	*Annexed:*	N/A

Staff Analysis

Albert III and Angela Perrin are requesting approval of a special use permit to increase the total allowable area of accessory structures on a lot to 3,200 square feet for Lot 7, Block 3, Pheasant Valley.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 14 and October 21, and 56 letters were mailed to the owners of nearby properties on October 14, 2022.

Adjacent uses include single-family rural residential in all directions.

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

The parcel size for the proposed special use is 1.96 acres or 85,334 square feet, which meets the criteria for a maximum allowable area of 3,200 square feet for all accessory buildings located on the property. The overall area of the buildings, including a covered entry area, is just under the 3,200 allowable area.

According to the lot survey submitted by the applicant, the proposed accessory building would meet setback requirements for an accessory building located within the RR – Residential zoning district. Other dimension standards would be met as well. The building would be set into a slope with retaining walls, and all building and sidewall heights are measured from the mean first floor grade of the building.

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 been notified of the proposed special use but have not yet made a recommendation;
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 a special use permit to increase the total allowable area of accessory structures on the lot to 3,200 square feet for Lot 7, Block 3, Pheasant Valley.

(continued)

Attachments

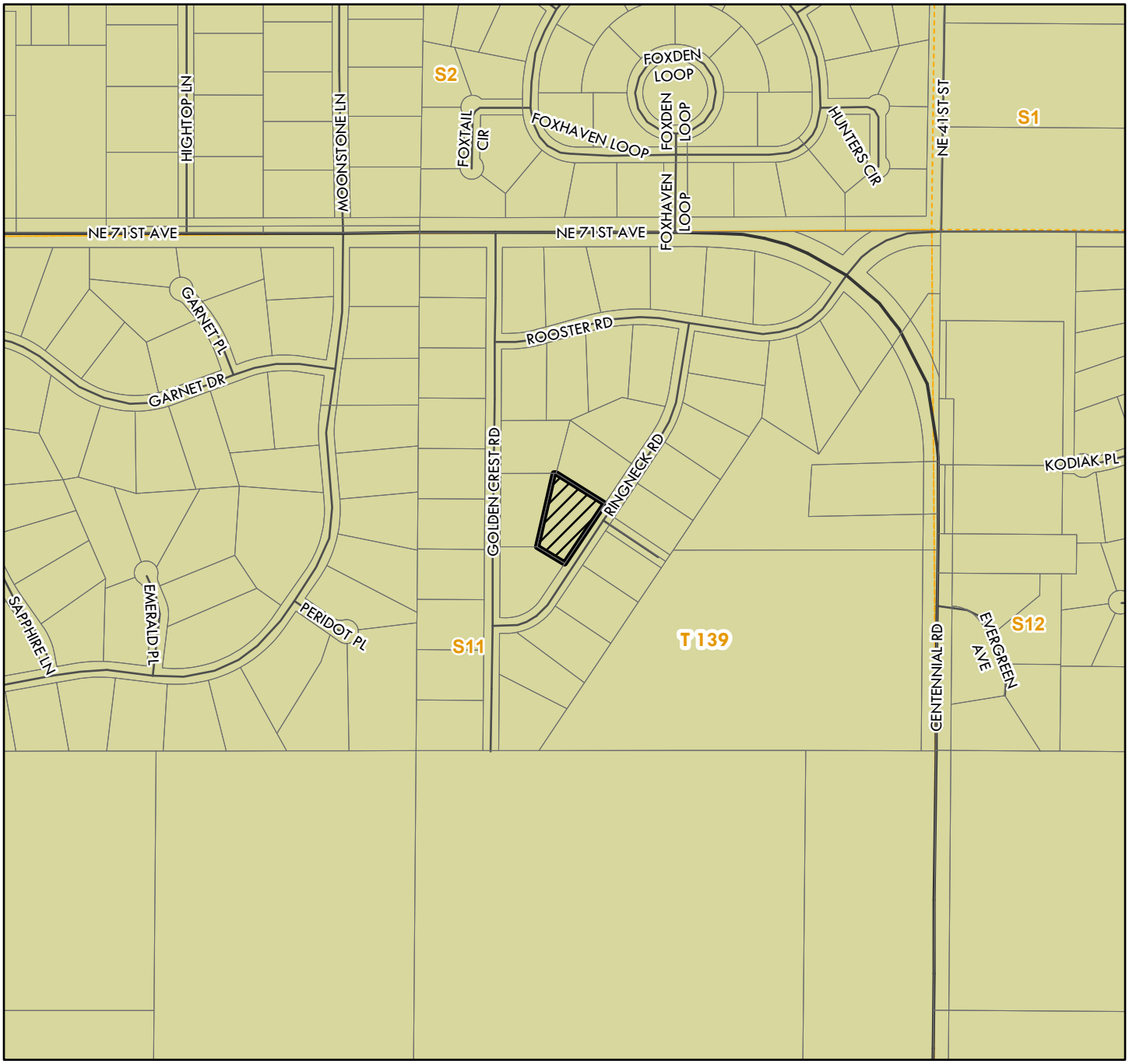
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Exhibit
5. Building Plans

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1845 | dnairn@bismarcknd.gov

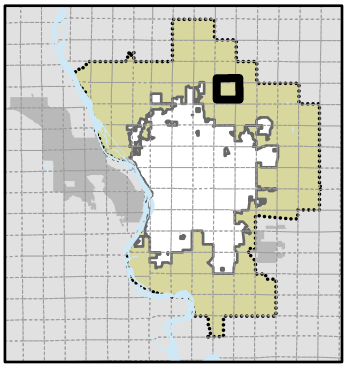
Location Map

PHEASANT VALLEY L7, B3

SUP2022-017



0 0.15 0.3 0.6 Miles



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
September 27, 2022 (SF)

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.

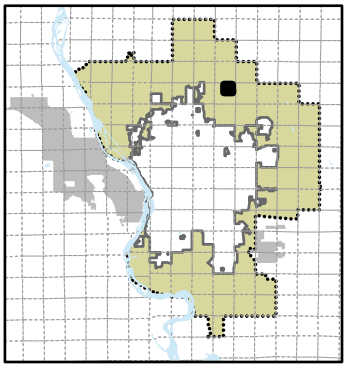
Aerial Map

PHEASANT VALLEY SUBDIVISION L7, B3

SUP2022-017

0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

PHEASANT VALLEY SUBDIVISION L7, B3

SUP2022-017

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

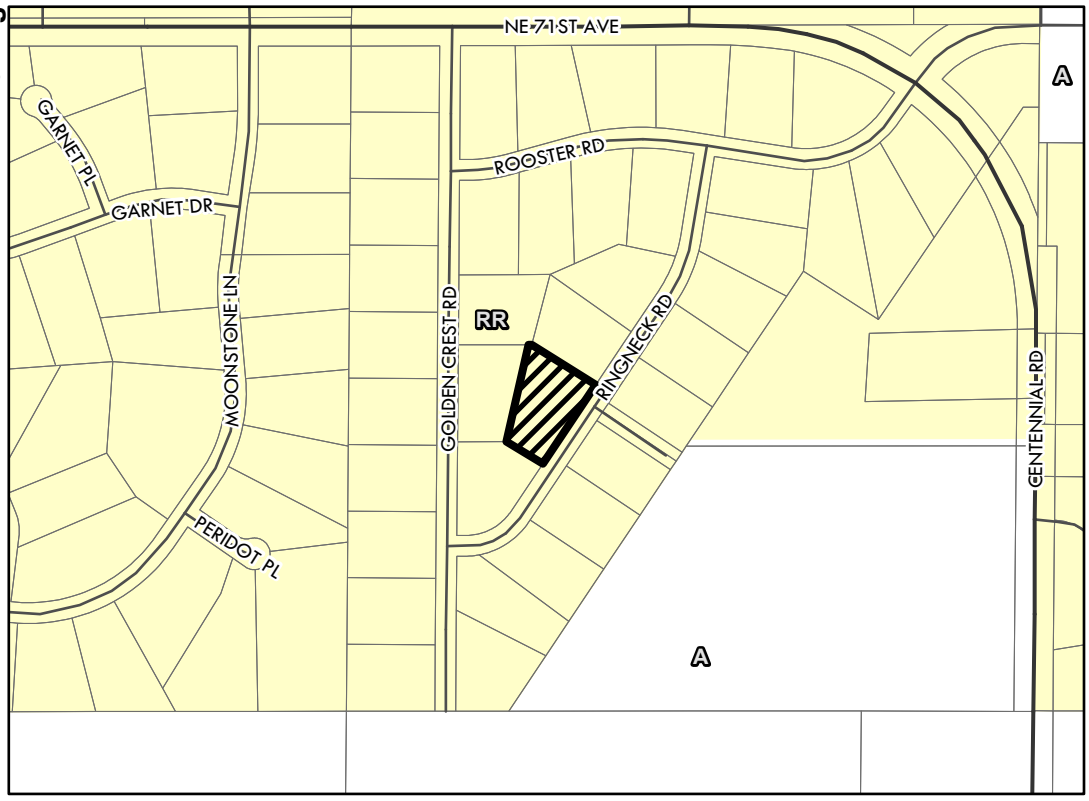
Future Land Use Plan

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

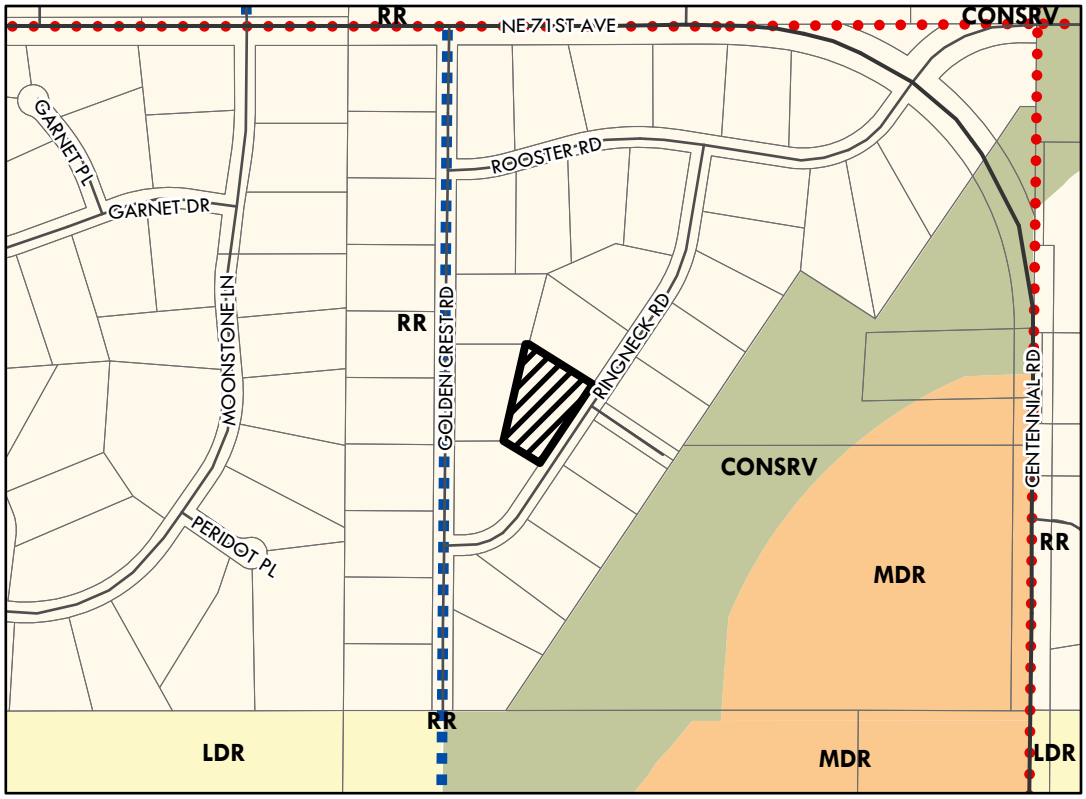
Fringe Area Road Master Plan

- 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.

0 0.13 0.25 0.5 Miles

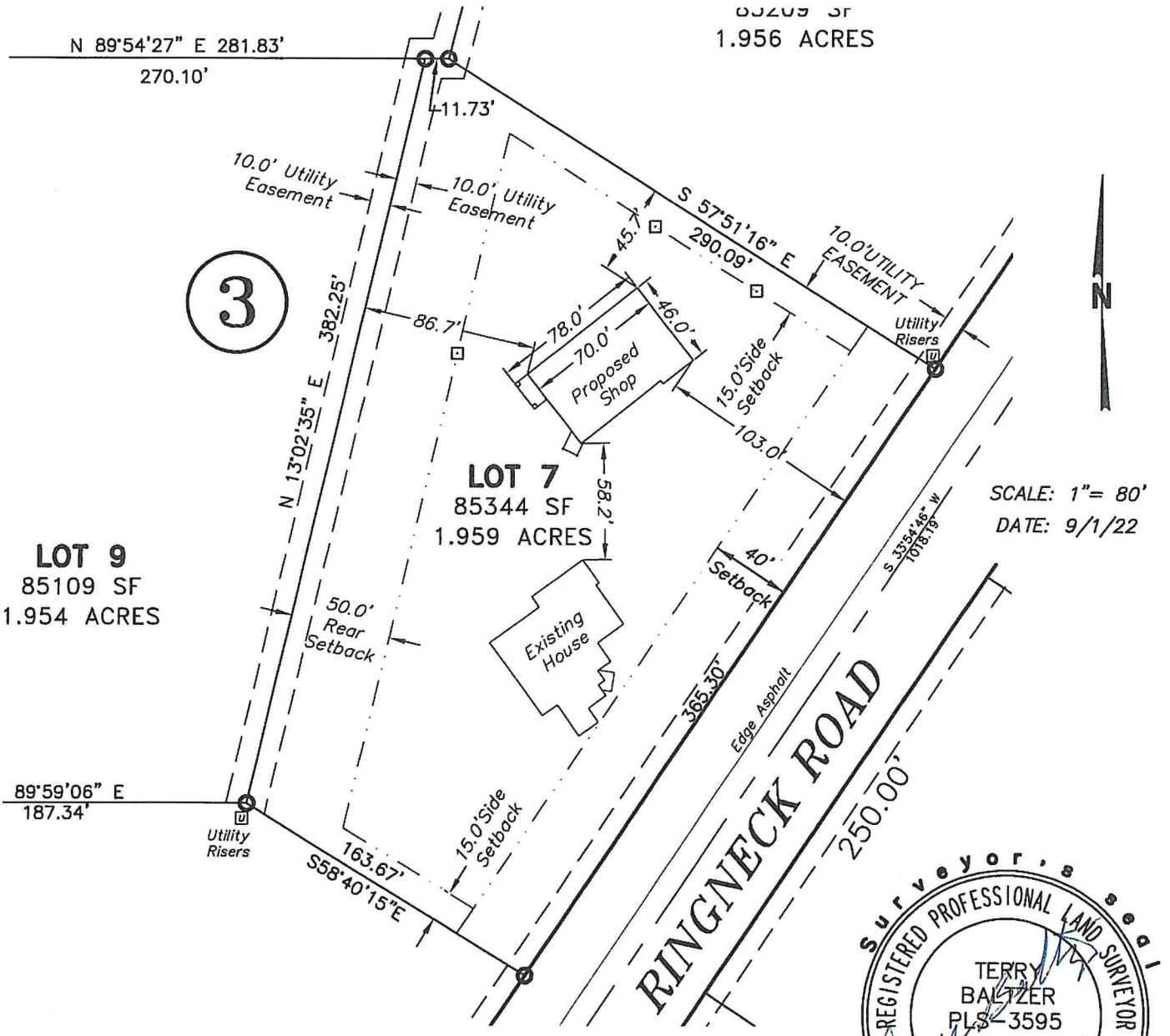
64

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

LOT SURVEY EXHIBIT

RECEIVED
SEP 12 2022

LOT 7 BLOCK 3
SUBDIVISION Pheasant Valley Subdivision
ADDRESS 6700 Ringneck Road
BUILDER Diversity Homes



- FOUND MONUMENT
- SET MONUMENT
- BUILDING SETBACK OR NON-ACCESS STAKE

Surveyor's seal
REGISTERED PROFESSIONAL LAND SURVEYOR
TERRY BALTZER
PLS-3595
DATE: 9-2-22
NORTH DAKOTA

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

ML '22

NOTES

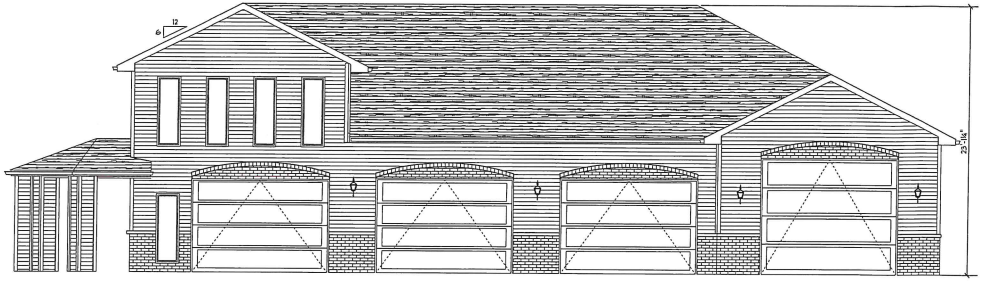
THE BUILDING SETBACK LINES SHOWN ARE TYPICAL, THERE MAY BE OTHER BUILDING RESTRICTIONS THAT AFFECT THIS PROPERTY. THE BUILDER IS RESPONSIBLE FOR VERIFYING THE BUILDING SETBACKS AND BUILDING DIMENSIONS. LOT DIMENSIONS ARE FROM PLAT. THE PROPOSED BUILDING SHOWN HAS BEEN FIELD STAKED.

FAXED OR EMAILED TO: DATED:

BUILDER OR OWNER

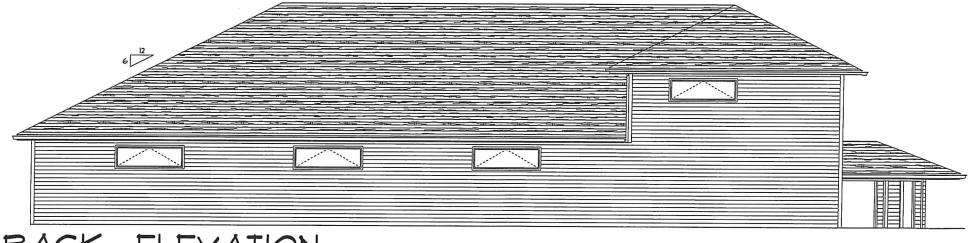
DocuSign Envelope ID: D9275DD2-CEC0-4263-99C7-7123AA631DA3

RECEIVED
SEP 12 2022



FRONT ELEVATION

SCALE: 1/8" = 1'-0"



BACK ELEVATION

SCALE: 1/8" = 1'-0"

DS AP DS BP DS JF

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

Diversity Homes
2101 46th Ave SE #1
Mandan
ND
58554
PHONE:701-751-3999
FAX:701-751-3232
MOBILE:701-471-8876
nate@diversityhomesnd.com

A 1 1
SECTION LETTER
PAGE NUMBERS

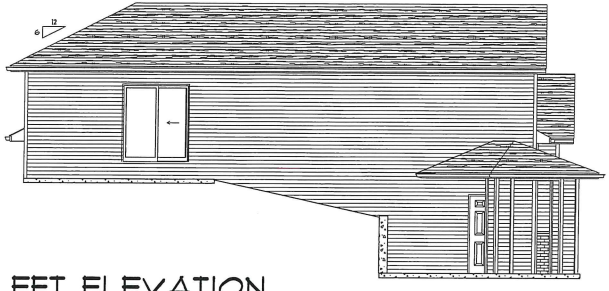
Butch Perrin
PHONE:
FAX:
MOBILE: 701-530-2129

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: Friday, September 9, 2022

PAGE: 4/7
ELEVATIONS #1

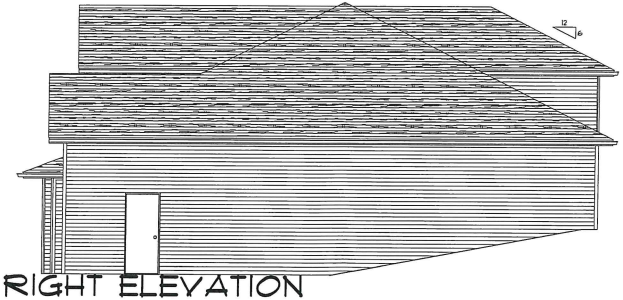
DocuSign Envelope ID: D9275DD2-CEC0-4263-99C7-7123AA631DA3

RECEIVED
SEP 12 2022



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

DS AP DS BP DS JF

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

Diversity Homes
2101 46th Ave SE #1
Mandan
ND
58554
PHONE:701-751-3999
FAX:701-751-3232
MOBILE:701-471-8876
nate@diversityhomesnd.com

A 1 1 — SECTION LETTER / PAGE NUMBERS

Butch Perrin
PHONE:
FAX:
MOBILE:

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: Friday, September 9, 2022

PAGE: 6/7 ELEVATIONS #2

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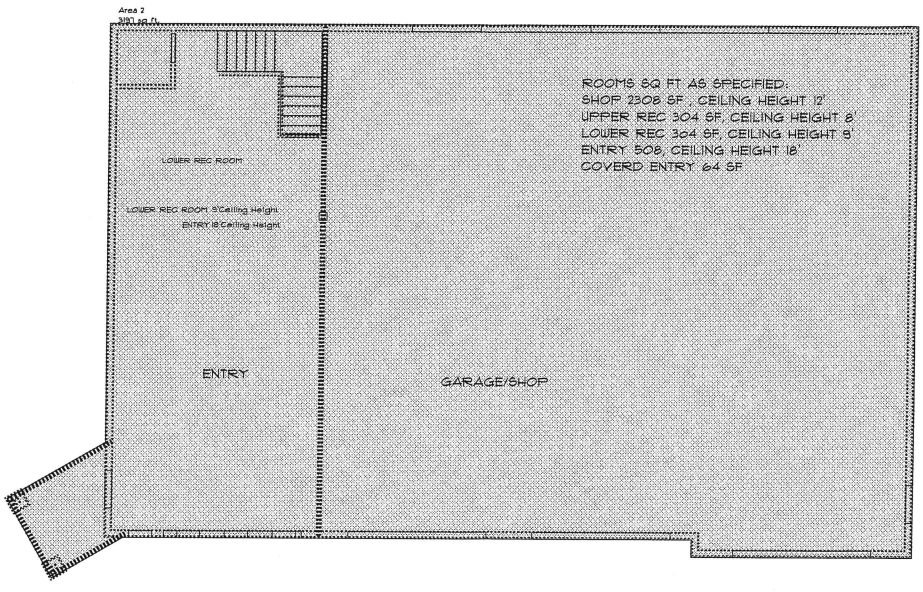
RECEIVED
SEP 12 2022



MAIN FLOOR SQ FT - AREA

SCALE: 1/8" = 1'-0"

DS AP DS BP DS JF

SOFTPLAN
ARCHITECTURAL DESIGN SOFTWARE

Diversity Homes
2101 46th Ave SE #1
Mandan
ND
58554
PHONE:701-751-3999
FAX:701-751-3232
MOBILE:701-471-8876
nate@diversityhomesnd.com

A 1 1
SECTION LETTER
PAGE NUMBERS

Butch Perrin
PHONE:
FAX:
MOBILE:

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: Friday, September 9, 2022

PAGE: 7/7

08 VERD SQUARE FT

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

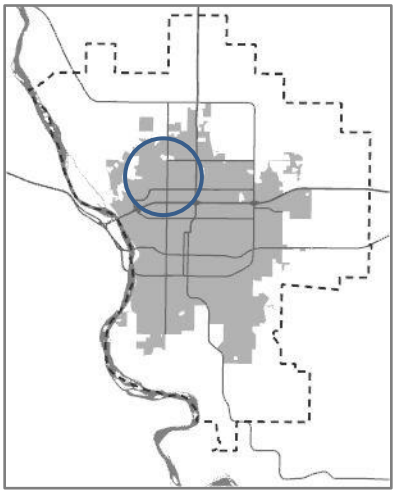
Agenda Item # 10
October 26, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-018**

Project Summary

Title:	Lot 2, Block 1, Carols Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	4 Star Properties, LLP
Project Contact:	Scott Bina, Mann Signs
Location:	North Bismarck, in the southwest quadrant of the intersection of North Washington Street and Buckskin Avenue (125 Buckskin Avenue)
Project Size:	32 Square Feet (sign) 63,550 Square Feet (lot)
Request:	Install an electronic message center sign on a freestanding 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:*	Offices
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RT – Residential	*Zoning:*	RT – Residential
Uses Allowed:	RT – Offices and multi-family residential	*Uses Allowed:*	RT – Offices and multi-family residential
Max Density:	RT – 30 units / acre	*Max Density:*	RT – 30 units / acre

Property History

Zoned:	08/2015	*Platted:*	10/2020	*Annexed:*	04/2014

Staff Analysis

4 Star Properties, LLP is requesting approval of a special use permit to allow an electronic message center sign on Lot 2, Block 1, Carols Addition.

This property is in the Conditional RT - Residential zoning district. However, it is adjacent to the R10 – Residential zoning district to the east

(continued)

and the proposed sign would be placed within 150 feet of a property within this residential zoning district. Therefore, a special use permit to place a sign in a residential area is required and the sign is subject to additional restrictions to protect nearby residences. The condition on the RT – Residential zoning district only relates to building height and does not affect this request.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 14 and October 21, and 35 letters were mailed to the owners of nearby properties on October 14, 2022.

Adjacent uses include developing office to the north, single and two-family residences to the east, and an undeveloped parcel zoned RT 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 allowed by No off-premise advertising may occur on electronic message center signs."*

   The EMC would be incorporated into a permanent freestanding sign.

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

   One EMC would be placed on this property.

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

   The size of the EMC would be 32 square feet.

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 freestanding sign would also contain static content, as depicted in the attached designs.

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 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.*

(continued)

d. *Video. The use of streaming video or full-motion video on any electronic message center sign is prohibited."*

The applicant has submitted a narrative to indicate they are aware and willing to operate the sign according to ordinance 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"*

   The sign is equipped with the required features.

In addition to the provisions cited above specific to electronic message centers in residential areas, all signs must meet the following public safety provision in Section 14-03.1-05(7):

> *"A sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard."*

The freestanding sign complies with all requirements of the commercial zoning districts, which are applicable to the RT – Residential zoning districts. Only the EMC portion of the sign must meet residential standards because of its proximity to residences.

The sign is proposed to be located within a 50-foot easement for a pipeline that is adjacent to the south property line of Lot 2, Block 1, Carols Addition. The ordinance allows signs within easements, but only if any encroachment is consented to by the entity with rights to use the easement. The applicant is working on receiving this written authorization, which would be a condition of issuance of the final sign permit.

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;

(continued)

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 staff recommends approval of the special use permit to allow a 32 square foot electronic message center sign on Lot 2, Block 1, Carols Addition, with the following condition:

1. Written consent to encroach within pipelines easement document #904727 is obtained from the owner of the easement prior to issuance of a sign permit

Attachments

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

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

Location Map

CAROLS ADDITION L2,B1

SUP2022-018

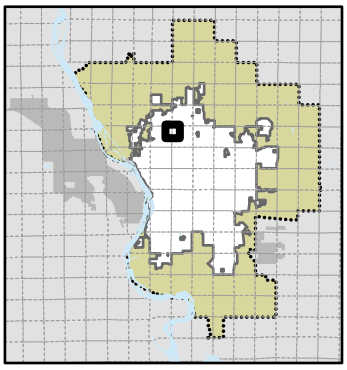
0 0.1 0.2 0.4 Miles

N

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 12, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

Aerial Map

CAROLS ADDITION L2,B1

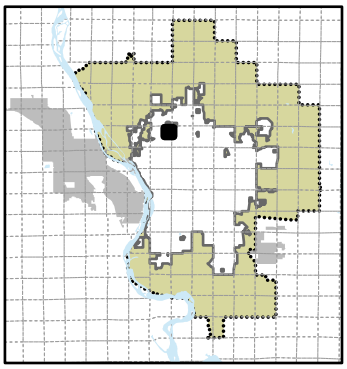
SUP2022-018

0 0.07 0.15 0.3 Miles

N

City Limits

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

CAROLS ADDITION L2,B1

SUP2022-018

Zoning Districts

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DC	Downtown Core
DF	Downtown Fringe

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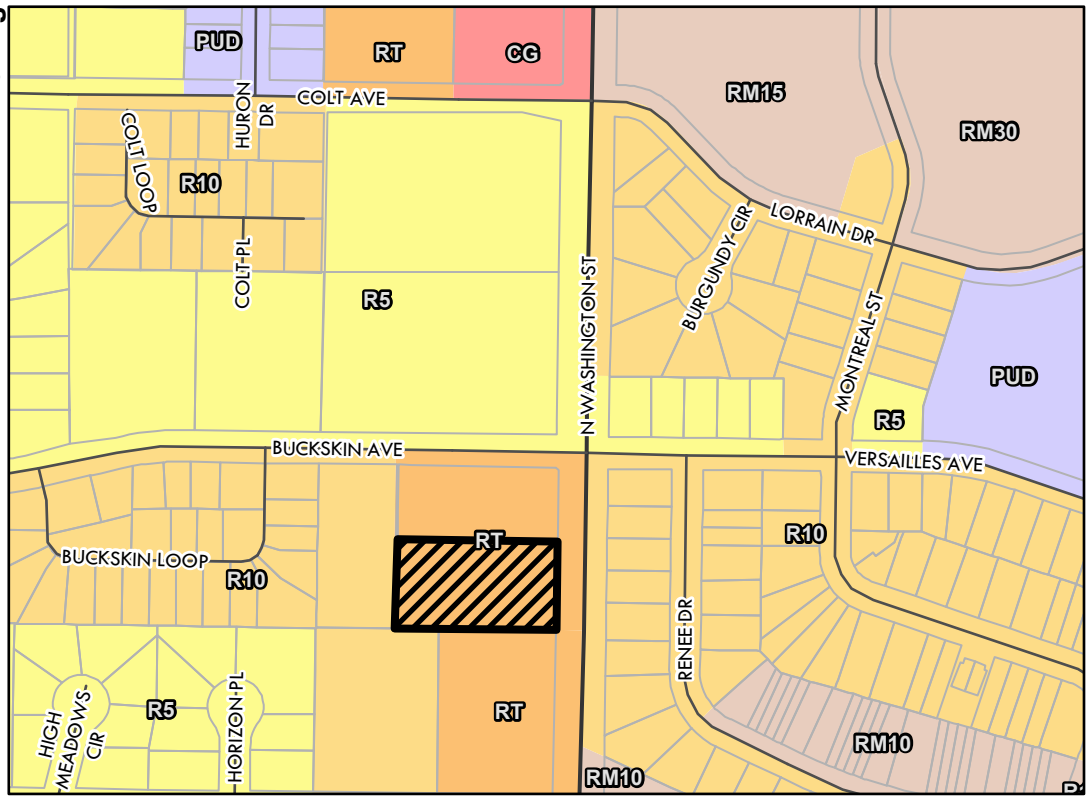
RR	Standard Rural Residential
UR	Urban Reserve

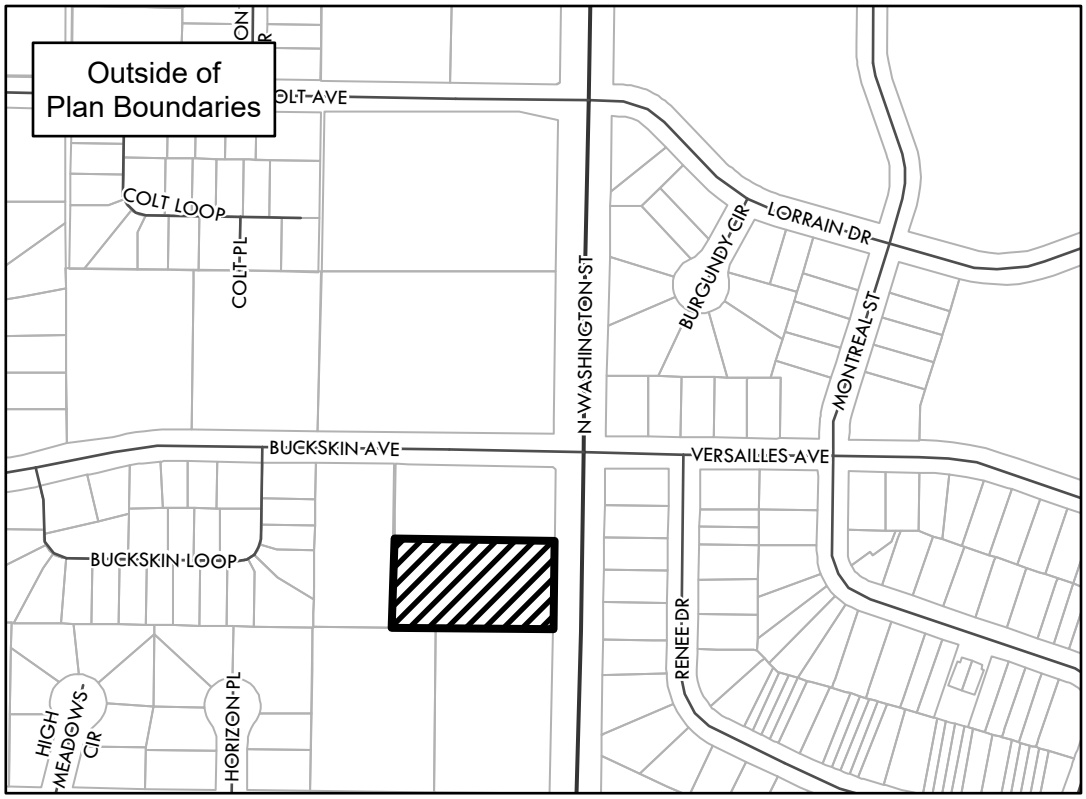
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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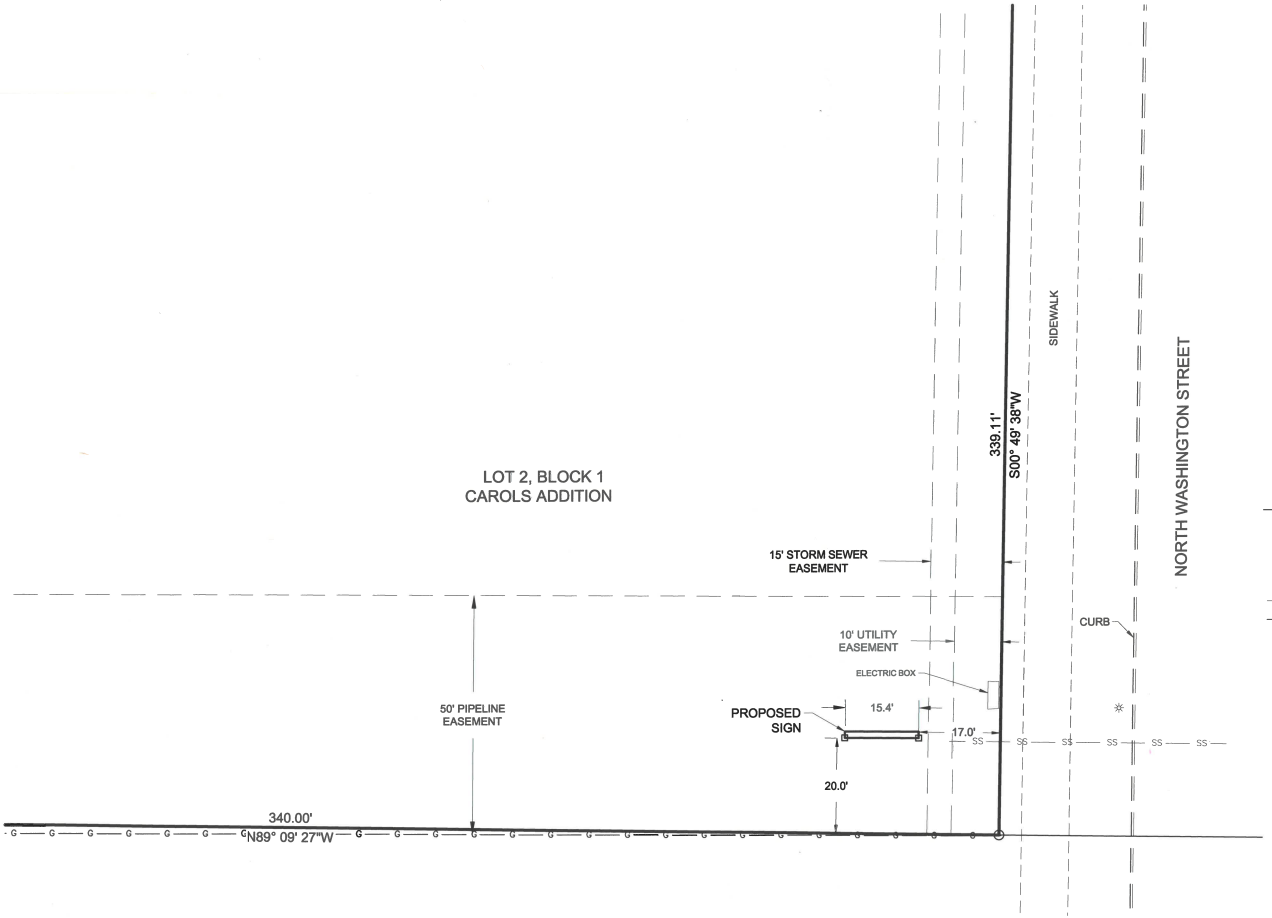
0 0.07 0.15 0.3 Miles

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



NORTH

SCALE: 1" = 20'

0 10 20

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.

LEGEND

- FOUND SURVEY MONUMENT
- SET 1/2" CAPPED REBAR "LS-9628"
- EXISTING FENCE
- (R) RECORD DEED MEASUREMENT
- SET WOOD STAKE
- LIGHT POLE
- SS STORM SEWER PIPE
- G NUSTAR PIPELINE LINE

REGISTERED PROFESSIONAL LAND SURVEYOR
MARK R. ISAACS
LS-9628
DATE 10-11-22
NORTH DAKOTA

SURVEY FOR SIGN LOCATION
LOT 2, BLOCK 1
CAROLS ADDITION
CITY OF BSMARCK, ND

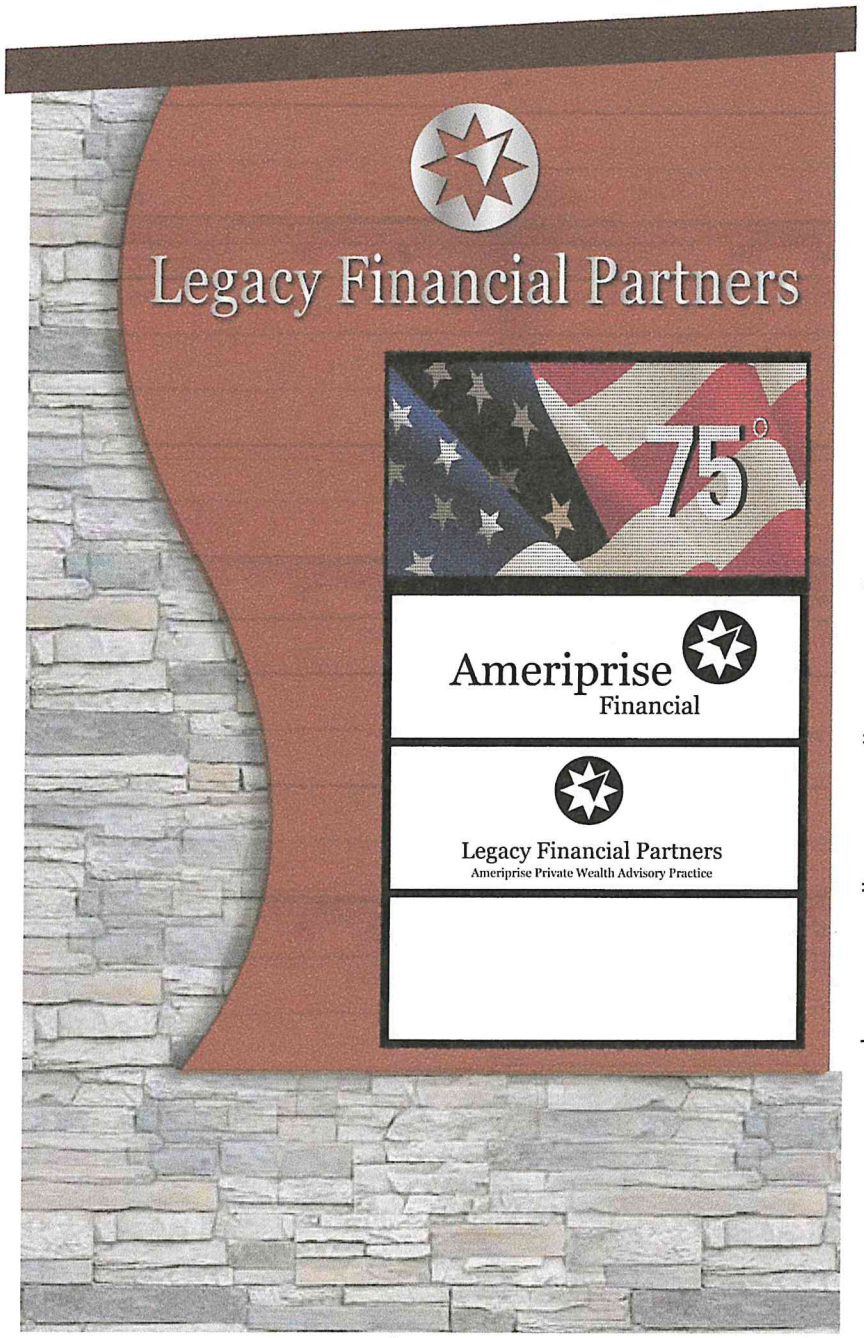
Independent Land Surveying & Engineering

SHEET: 1 OF 1	JOB NUMBER:22189
SCALE: 1"= 20'	DWG REVISION DATES:
DRAWN BY: MRI	– –
DWG DATE:10/5/22	– –
DWG NAME: 22189 Survey.dwg	

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701–663–3184
Cell: 701–565–2079
mark@ilsurveynd.com

Option 2

RECEIVED
SEP 20 2022



*wood and stone to match building

mann
SIGNS, INC
1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT: Legacy Financial

APPROVAL: X

WORK ORDER: 77 39522

DUE TO VARIATIONS IN OUTPUT DEVICES, THE COLORS SHOWN HERE MAY NOT REFLECT ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN THIS ARTWORK ARE THE PROPERTY OF MANN SIGNS, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT FROM MANN SIGNS, INC.

100 Feet South Side

RECEIVED
SEP 2 0 2022

mann
SIGNS, INC
1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT: Legacy Financial

APPROVAL: X

WORK ORDER: 39522

DUE TO VARIATIONS IN OUTPUT DEVICES, THE COLORS SHOWN HERE MAY NOT REFLECT ACTUAL COLORS.

THE CONCEPTS REPRESENTED IN THIS ARTWORK ARE THE PROPERTY OF MANN SIGNS, INC. AND MAY NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT FROM MANN SIGNS, INC.

300 Feet South Side

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SIGNS, INC
1507 Continental Ave
bismarck, nd 58504
701-355-1111
www.mannsignsinc.com

CLIENT: Legacy Financial

APPROVAL: X

WORK ORDER: 39522

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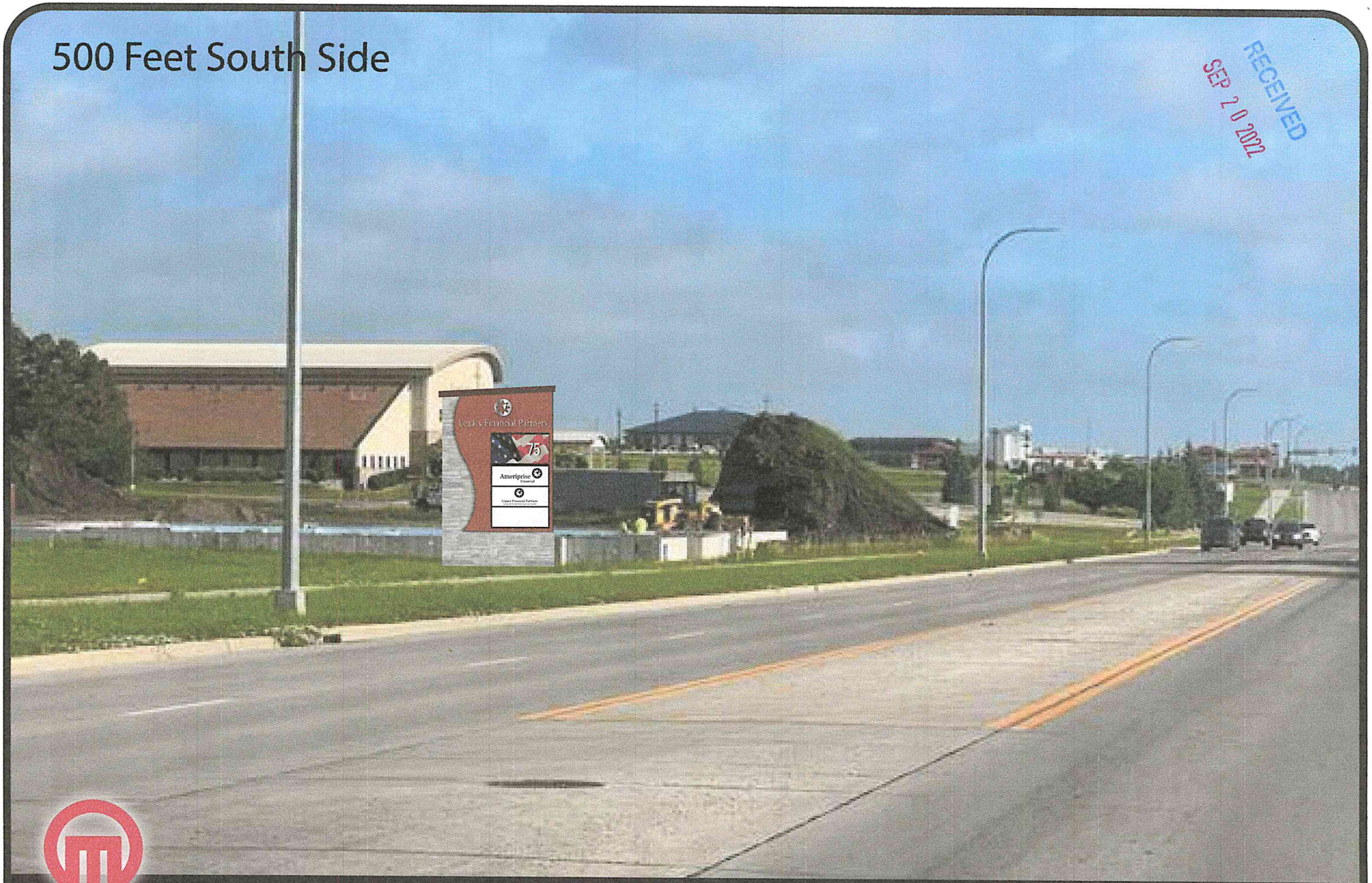
500 Feet South Side



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CLIENT:	APPROVAL:	WORK ORDER:
Legacy Financial	X	39522

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100 Feet North Side

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bismarck, nd 58504
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APPROVAL: X

WORK ORDER: 39522

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300 Feet North Side

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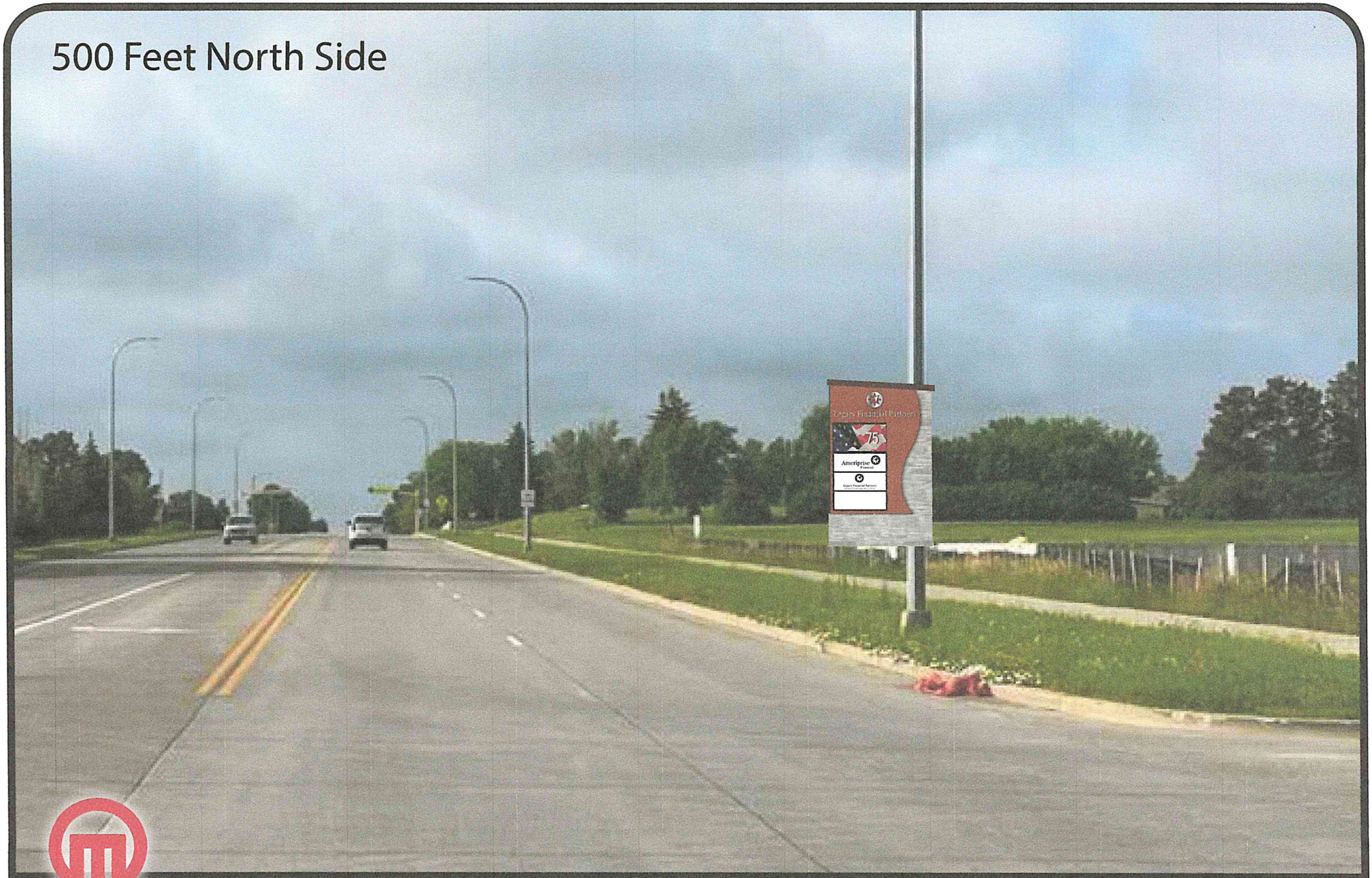
500 Feet North Side



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CLIENT:	APPROVAL:	WORK ORDER:
Legacy Financial	X	39522

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

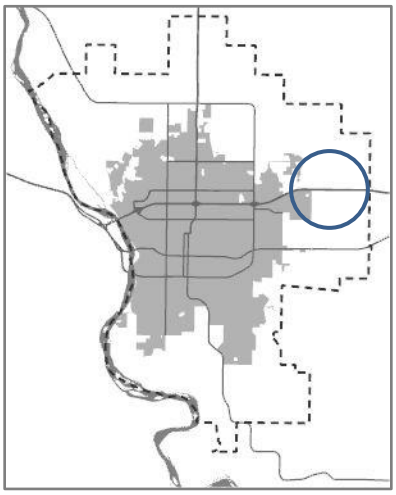
Agenda Item # 11
October 26, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-019**

Project Summary

Title:	Lot 4, Block 3, Apple Meadows First Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Brittan Schettler
Project Contact:	Brittan Schettler
Location:	East of Bismarck, south of County Highway 10/East Main Avenue, west of 80th Street NE, at the intersection of Baron Lane and Beacon Loop (7921 Beacon Loop)
Project Size:	3,200 Square Feet
Request:	Increase the total allowable area of accessory buildings 3,200 square feet



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Lot in 1 Block	*Number of Lots:*	1 Lot in 1 Block
Land Use:	Large lot rural residential	*Land Use:*	Large lot 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:	03/2001	*Platted:*	07/2001	*Annexed:*	N/A

(continued)

Staff Analysis

Brittan Schettler is requesting approval of a special use permit to increase the total allowable area of accessory structures on a lot to 3,200 square feet for Lot 4, Block 3, Apple Meadows First Subdivision.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 14 and October 21, and 75 letters were mailed to the owners of nearby properties on October 14, 2022.

Adjacent uses include single-family rural residential in all directions.

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 2.04 acres or 104,544 square feet, which meets the criteria for a maximum allowable area of 3,200 square feet for all accessory buildings located on the property. The overall area of the buildings, including a covered entry area, is 3,200 square feet.

According to the lot survey submitted by the applicant, the proposed accessory building would meet setback requirements for an accessory building located within the RR – Residential zoning district. Other dimensional standards would be met as well.

The building contains a bedroom, which must comply with all relevant building code standards. However, this is not classified as an accessory dwelling unit because the bedroom is not accompanied with a kitchen and full bathroom. An additional special use permit may be required if the applicant wishes to utilize the building as an accessory dwelling unit in the future.

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

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

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends approval of a special use permit to increase the total allowable area of accessory structures on a lot to 3,200 square feet for Lot 4, Block 3, Apple Meadows First Subdivision.

Attachments

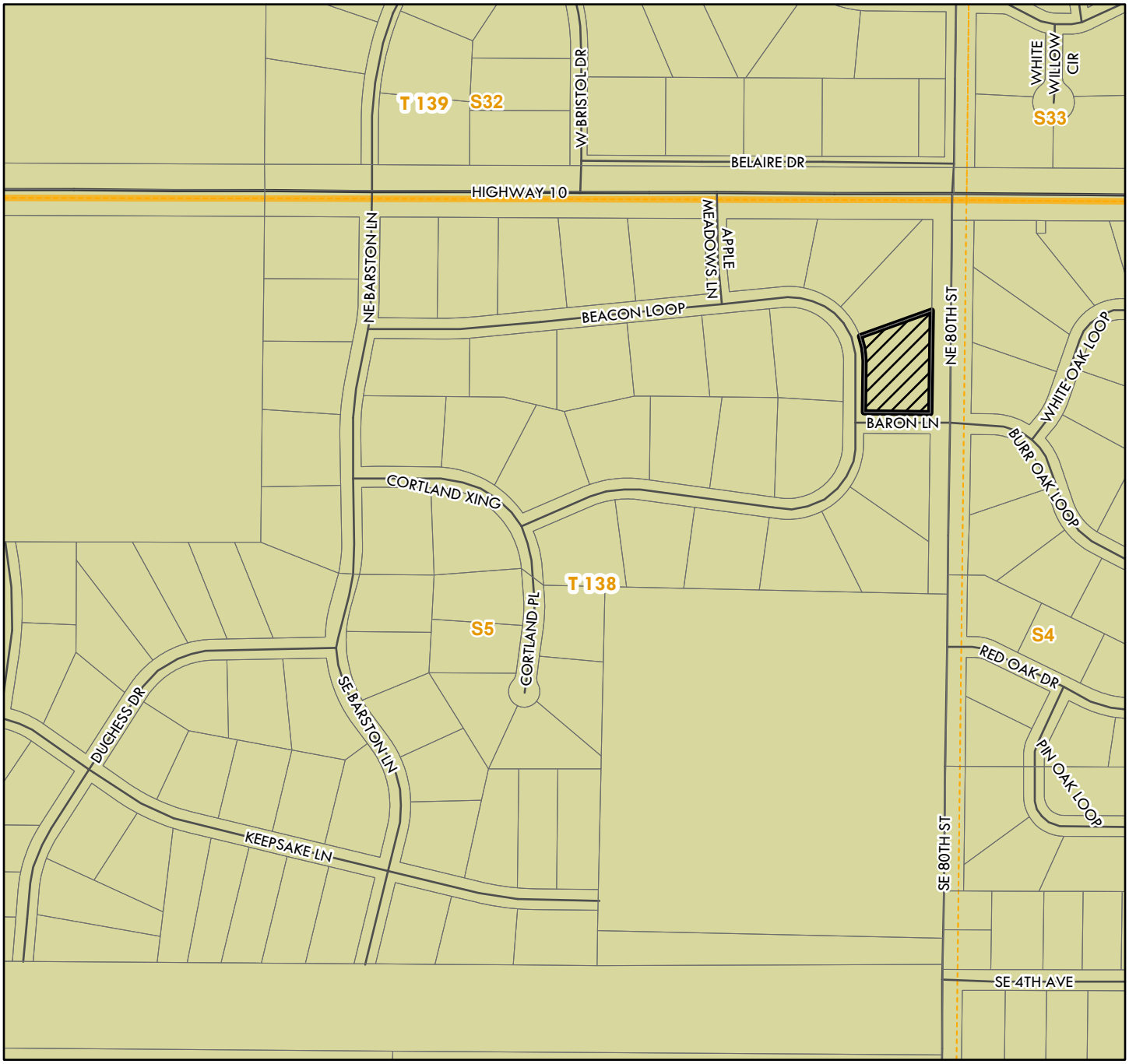
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Exhibit
5. Building Plans

Staff report prepared by: Daniel Nairn, AICP, Senior Planner
701-355-1845 | dnairn@bismarcknd.gov

Location Map

SUP2022-019

APPLE MEADOWS FIRST SUBDIVISION , LOT 4, BLOCK 3



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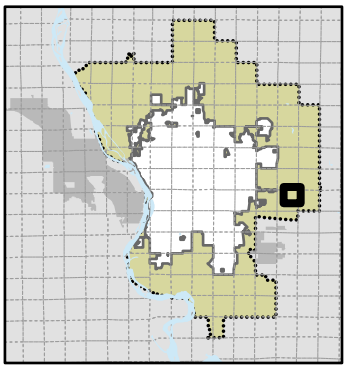


Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
September 27, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

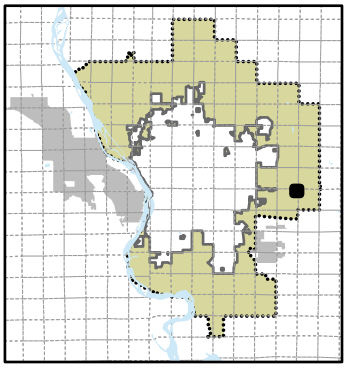
Aerial Map

APPLE MEADOWS FIRST SUBDIVISION , LOT 4, BLOCK 3

SUP2022-019

0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

SUP2022-019

APPLE MEADOWS FIRST SUBDIVISION , LOT 4, BLOCK 3

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

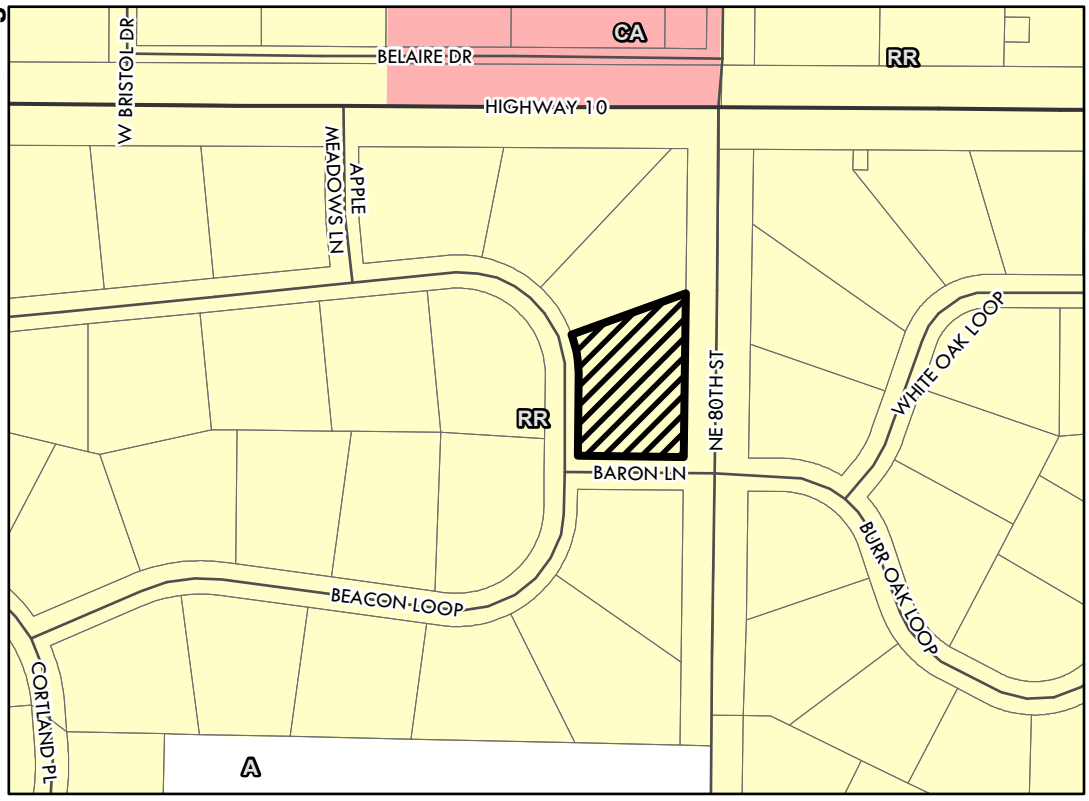
Future Land Use Plan

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

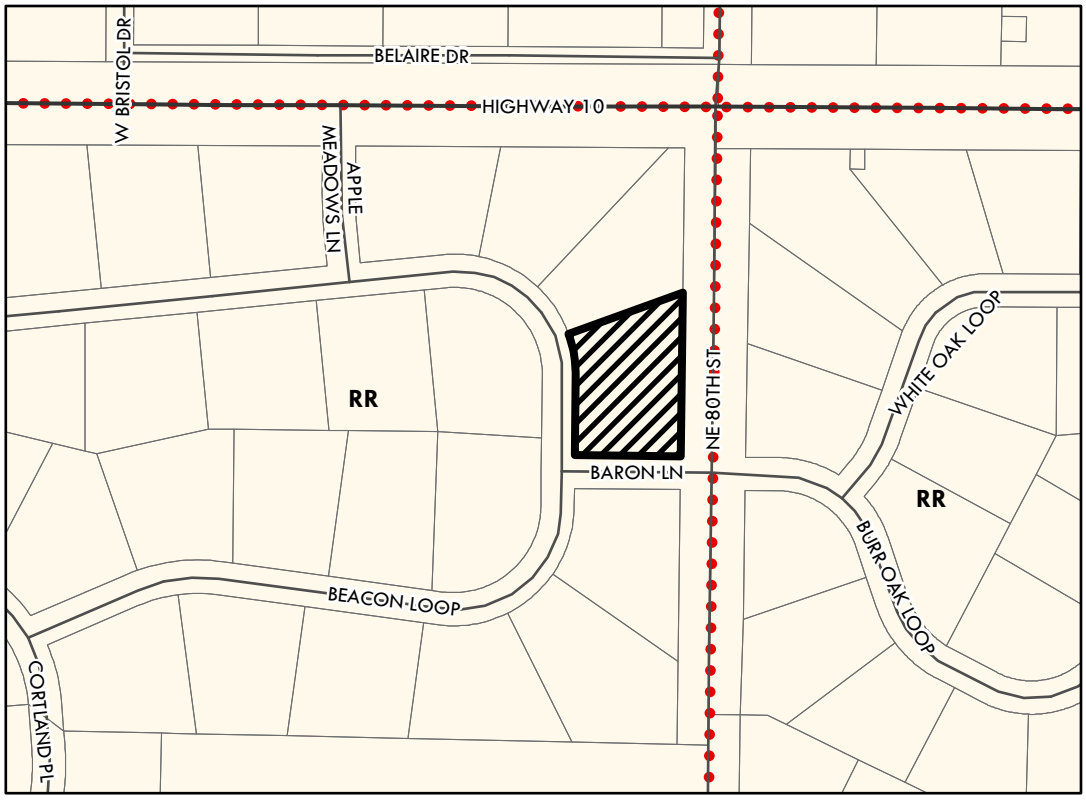
Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road

Zoning



Future Land Use Plan



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0 0.07 0.15 0.3 Miles

90

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

Site Plan Exhibit

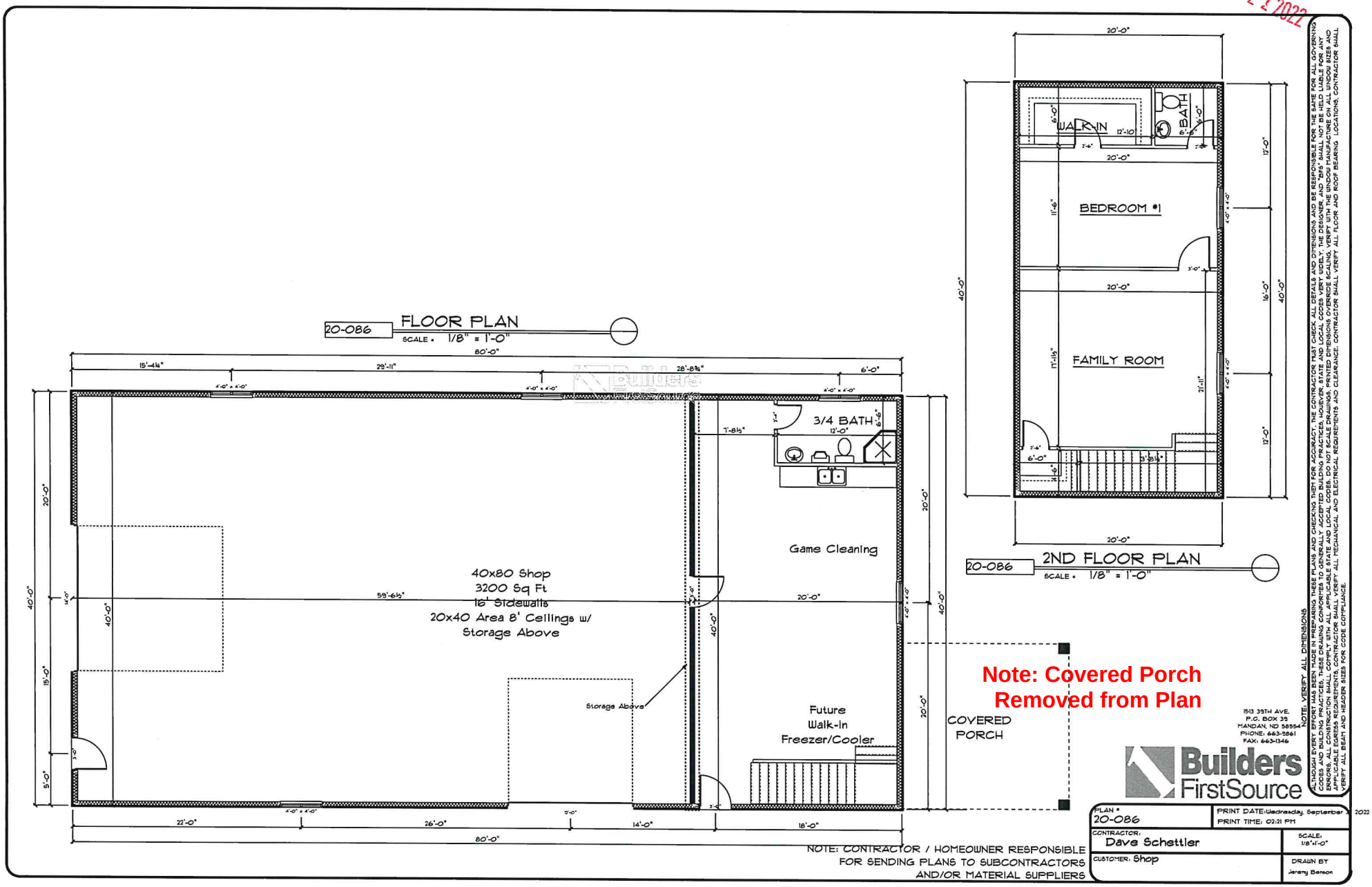
SUP2022-019 | 10/4/2022

Drawn by: DN | Confirmed by: BS

0 91 40 80 160 Feet

N

RECEIVED
SEP 2 2 2022



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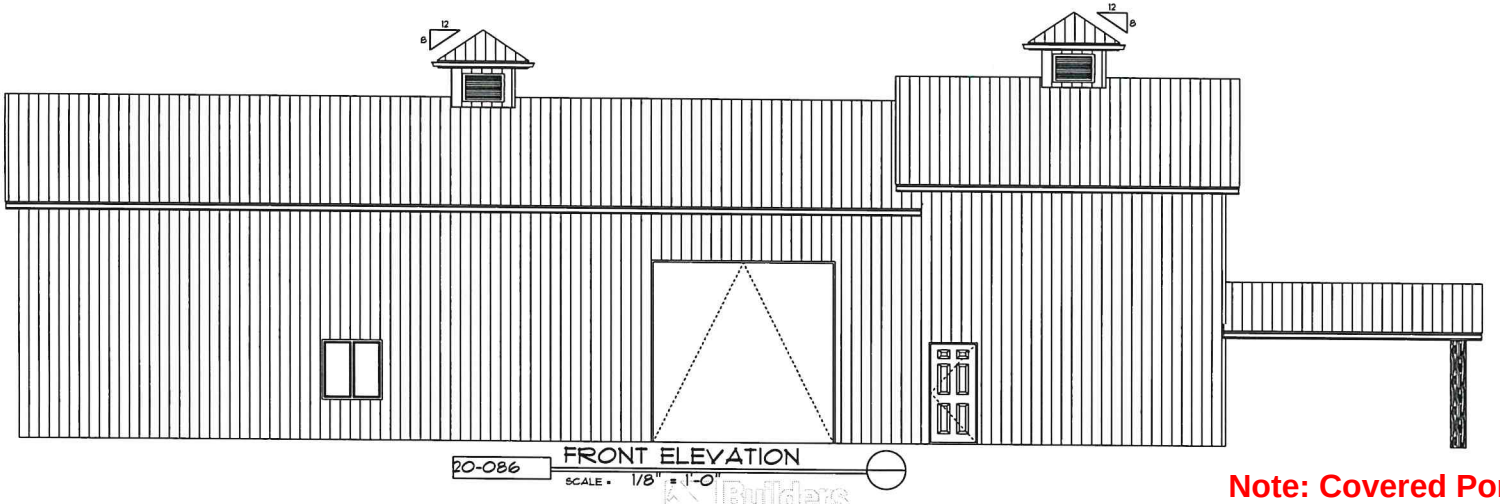
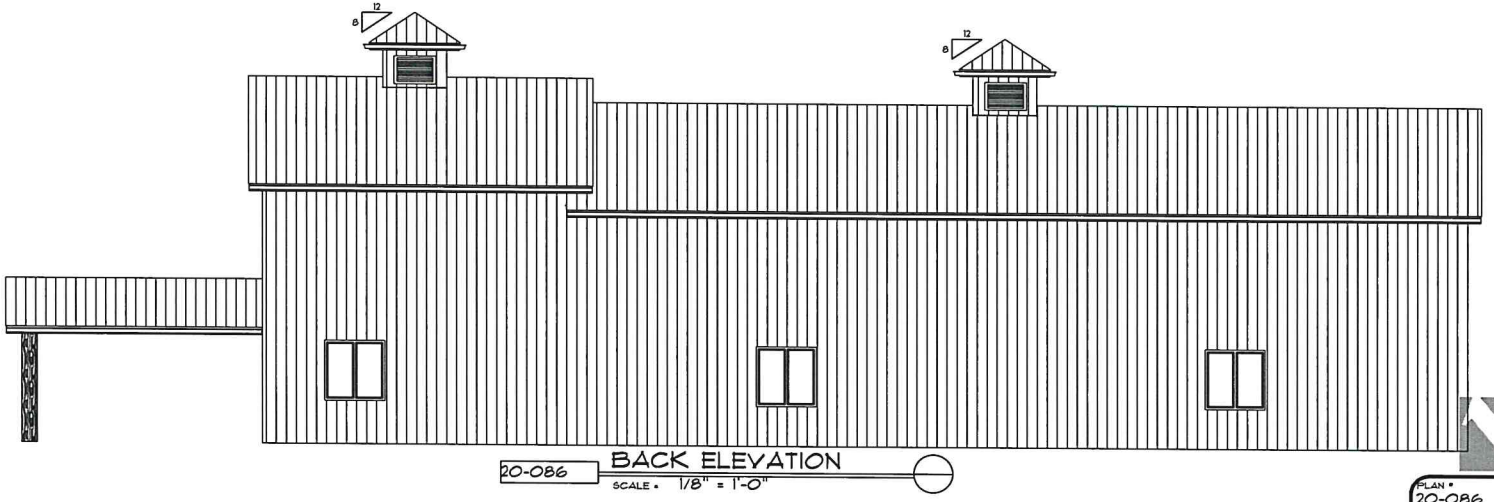
SEP 22 2022



20-086 FRONT ELEVATION
SCALE: 1/8" = 1'-0"

Note: Covered Porch Removed from Plan



20-086 BACK ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: CONTRACTOR / HOMEOWNER RESPONSIBLE FOR SENDING PLANS TO SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS

1513 39TH AVE.
P.O. BOX 39
MANDAN, ND 58554
PHONE: 663-3861
FAX: 663-1346

Builders FirstSource

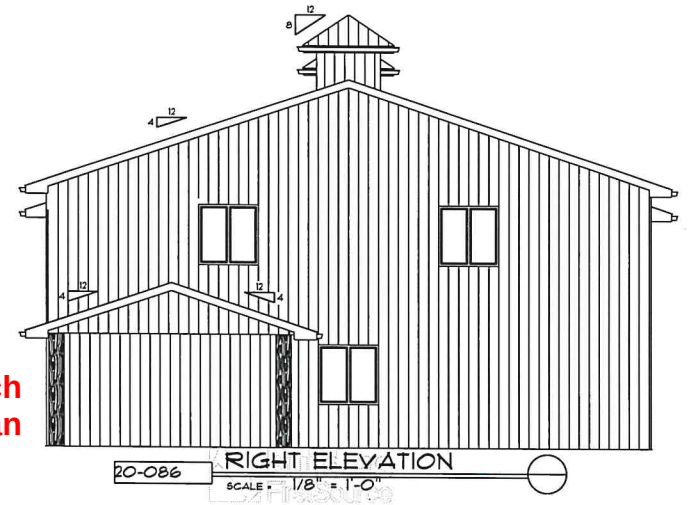
NOTE: VERIFY ALL DIMENSIONS

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING ORDERS AND DECISIONS OF CITY, STATE AND LOCAL OFFICIALS. THESE DRAWING COMPONENTS IS GENERALLY ACCEPTED BUILDING PRACTICES, HOWEVER, STATE AND LOCAL CODES VARY WIDELY. THE DESIGNER, AND THIS SHALL NOT BE HELD LIABLE FOR ANY CONSTRUCTION ERRORS. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND SHALL COORDINATE ALL PORTIONS OF THE WORK. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCE. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND HEADER SIZES FOR CODE COMPLIANCE.

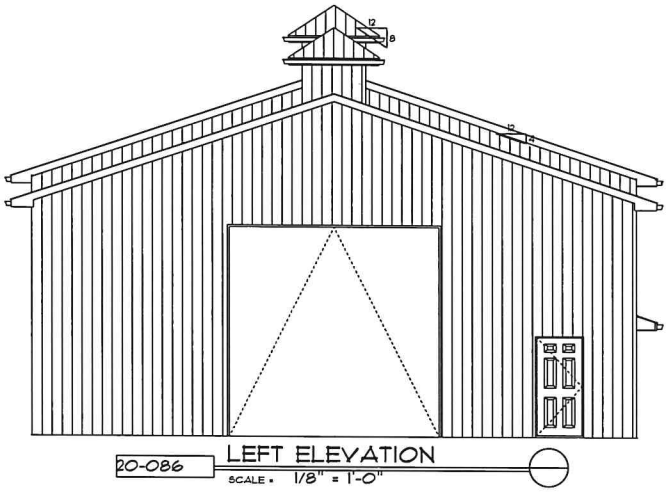
PLAN # 20-086	PRINT DATE: Wednesday, September 21, 2022 PRINT TIME: 02:21 PM
CONTRACTOR: Dave Schettler	SCALE: 1/8"=1'-0"
CUSTOMER: Shop	DRAWN BY: Jeremy Benson

RECEIVED
SEP 22 2022

Note: Covered Porch Removed from Plan



20-086 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



20-086 LEFT ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: CONTRACTOR / HOMEOWNER RESPONSIBLE FOR SENDING PLANS TO SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS

NOTE: VERIFY ALL DIMENSIONS

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PHONE: 663-3861
FAX: 663-1346

Builders FirstSource

PLAN # 20-086	PRINT DATE: Wednesday, September 21, 2022 PRINT TIME: 02:21 PM
CONTRACTOR: Dave Schettler	SCALE: 1/8"=1'-0"
CUSTOMER: Shop	DRAWN BY: Jeremy Benson

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

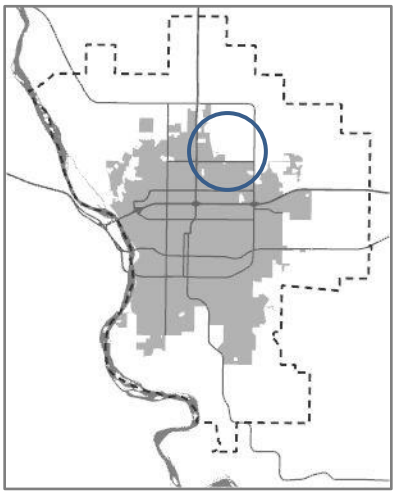
Agenda Item # 12
October 26, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-020**

Project Summary

Title:	Lot 3, Block 6, Grande Prairie Estates Third Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Peter Hoerner
Project Contact:	Peter Hoerner
Location:	Northeast of Bismarck, north of 43rd Avenue NE and west of Centennial Road, along the east side of Junction Road (5221 Junction Road)
Project Size:	2.11 acres
Request:	Increase the total allowable area of accessory buildings to 3,200 square feet



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Large lot rural residential	*Land Use:*	Large lot rural residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
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:	Pre-1980	*Platted:*	11/1979	*Annexed:*	N/A

(continued)

Staff Analysis

Peter Hoerner is requesting approval of a special use permit to increase the total allowable area of accessory structures on a lot to 3,200 square feet for Lot 3, Block 6, Grande Prairie Estates Third Subdivision.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 14 and October 21, and 64 letters were mailed to the owners of nearby properties on October 14, 2022.

Adjacent uses include rural residential uses to the north, east, 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 2.11 acres or 91,911 square feet, which meets the criteria for a maximum allowable area of 3,200 square feet for all accessory buildings located on the property.

The applicant is proposing to construct a 2,400 square foot accessory building. There is an existing 768 square foot accessory building and an existing 120 square foot accessory building located on the property. The applicant has indicated that the 120 square foot accessory building will be removed. The total area of accessory buildings located on site would be 3,168 square feet.

According to the site plan submitted by the applicant, the proposed accessory buildings would meet setback requirements for an accessory building located within the RR – Residential zoning district.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The Hay Creek Township Board of Supervisors has been notified but has not yet made a recommendation;
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.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the area of accessory buildings to 3,200 square feet on Lot 3, Block 6, Grande Prairie Estates Third Subdivision, with the following condition:

Attachments

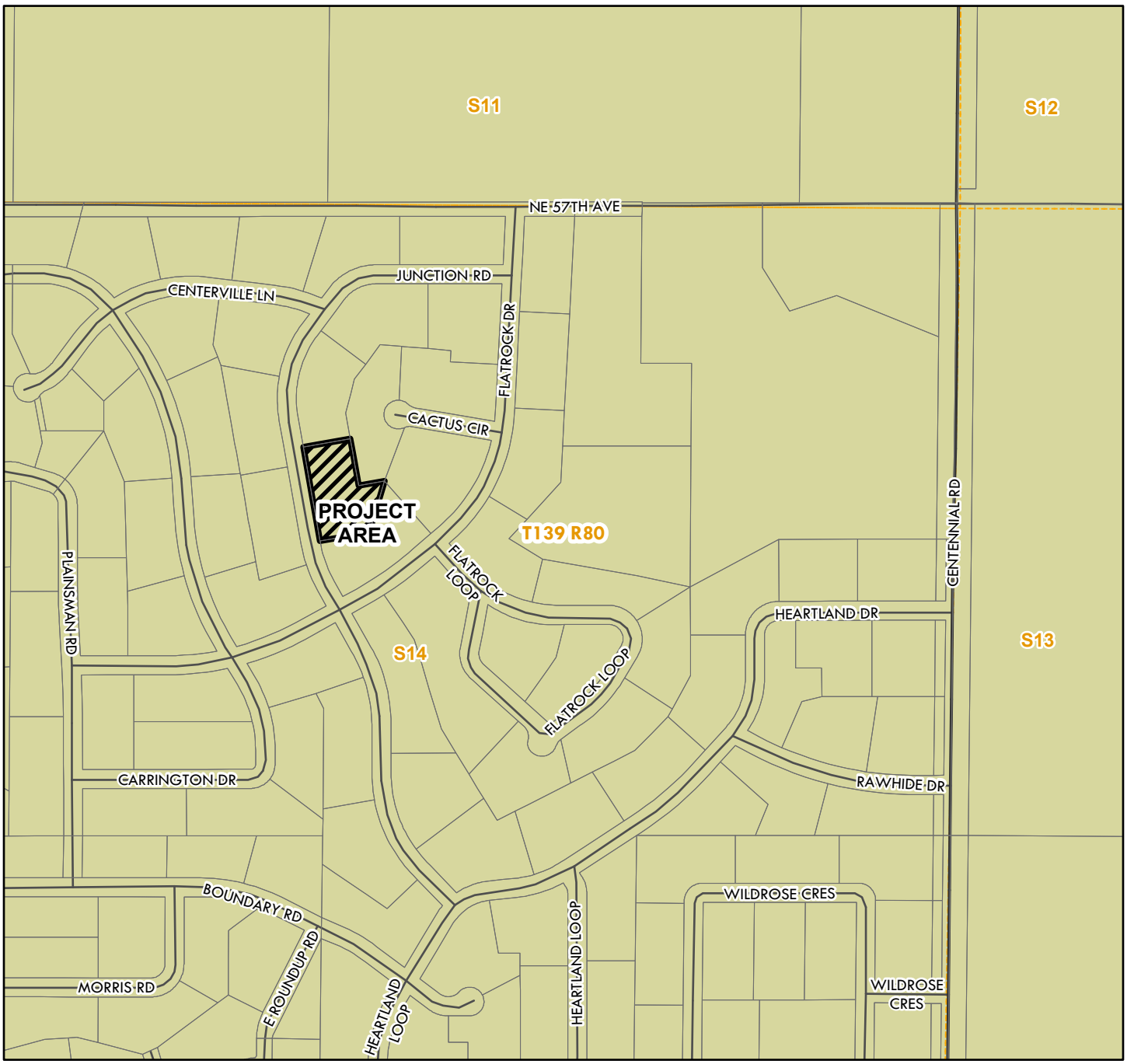
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan

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

Location Map

SUP2022-020

GRANDE PRAIRIE ESTATES THIRD SUB LOT 3, BLK 6



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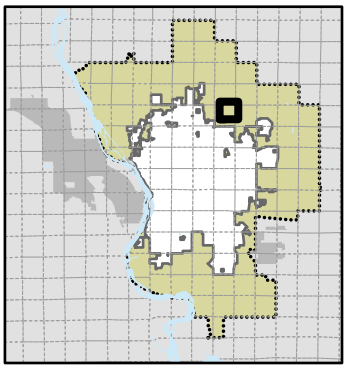


Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
October 21, 2022 (SF)

This map is for representational use only and is not a survey. No liability is assume as to accuracy of the data shown hereon.

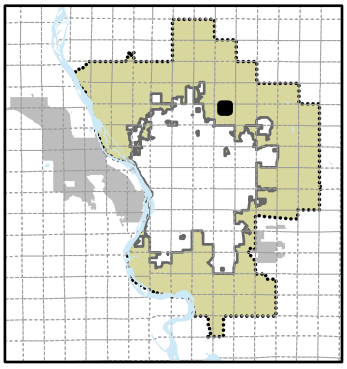
Aerial Map

GRANDE PRAIRIE ESTATES THIRD SUB LOT 3, BLK 6

SUP2022-020

0 0.05 0.1 0.2 Miles

Bismarck ETA Jurisdiction



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

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

GRANDE PRAIRIE ESTATES THIRD SUB LOT 3, BLK 6

SUP2022-020

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

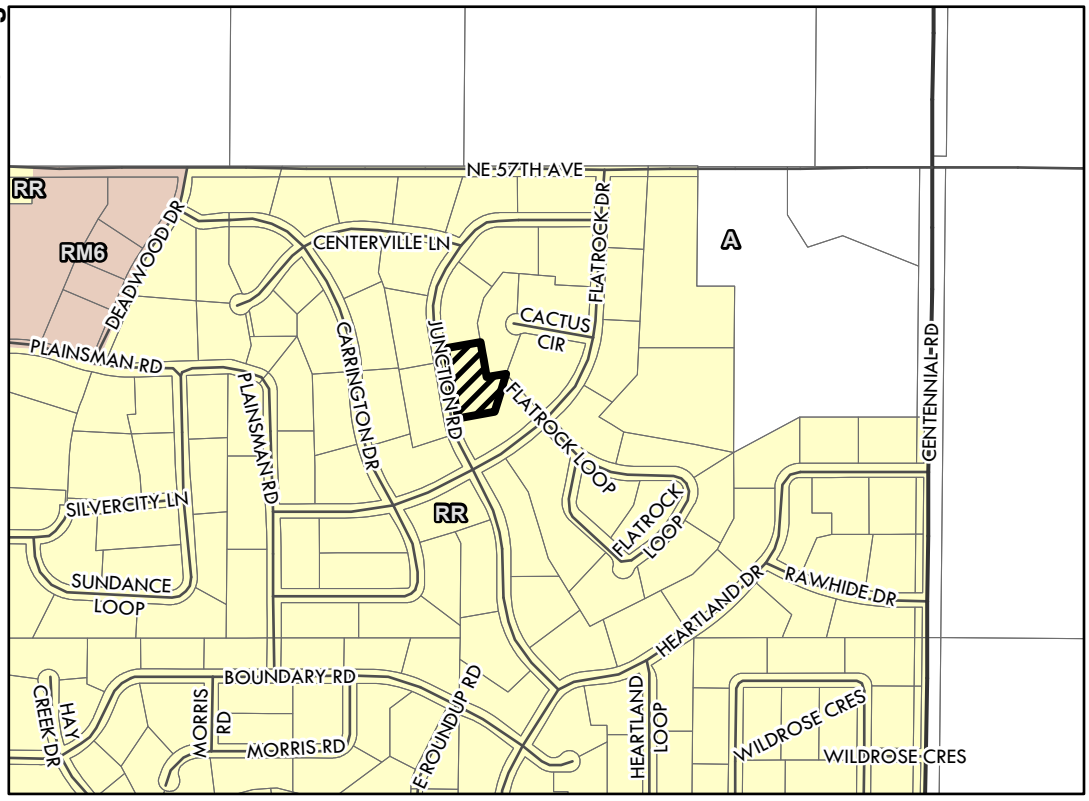
Future Land Use Plan

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

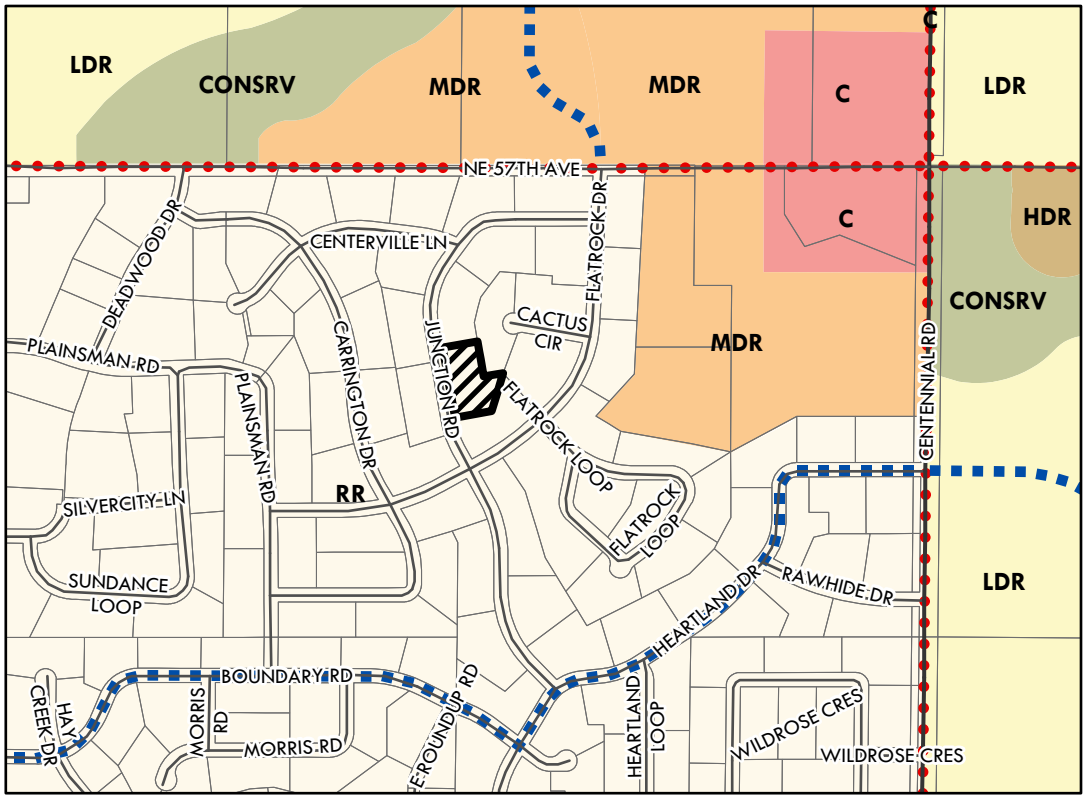
Fringe Area Road Master Plan

- 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.

Miles
0 0.2 0.4 0.8
100

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

Site Plan Exhibit

SUP2022-020 |

Drawn by: JW | Confirmed by:

0 101 45 90 180 Feet

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BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 28, 2022

The Bismarck Planning & Zoning Commission met on September 28, 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, Vern Laning, Kevin Martin, Gabe Schell, Wendy Van Duyne, Trent Wangen, Paul Zent, and Mike Schmitz.

Commissioner Paul Levchak was absent.

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

Chair Schwartz called the meeting to order, and Community Development Director Ben Ehreth took roll call.

MINUTES

Ms. Lee said staff recommended a condition on the Washington Square special use permit and the action was not included in the motion. It was Commissioners Zent and Bitner's intent to include that condition. Commissioner Laning also noted that his name was misspelled throughout the minutes and was omitted from the last three motions.

MOTION: Commissioner Laning made a motion to approve the minutes of the August 24, 2022 meeting, with corrections. Commissioner Van Duyne seconded the motion, and it was unanimously approved with a voice vote.

CONSIDERATION

Chair Schwartz called for consideration of the consent agenda.

2. **ASTER RIDGE SUBDIVISION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**
3. **BRUNSKILL SUBDIVISION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**

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

FINAL CONSIDERATION – ANNEXATION
PUBLIC HEARING –ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT
DAYBREAK SECOND ADDITION

Chair Schwartz called for the final consideration of the annexation and a public hearing on the zoning change from the A – Agricultural zoning district to the RT – Residential and CG - Commercial zoning districts and major subdivision final plat for Daybreak Second Addition. The property is located in north Bismarck between 57th avenue NE and 71st avenue NE/ ND Highway 1804, along the west side of US Highway 83 (part of Section 9, T139N-R80W/Hay Creek Township) and consist of 125 acres.

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

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

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

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

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

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

She then provided the following findings related to land use for the zoning change:

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

She then provided 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)

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the annexation of that portion of the plat not previously annexed; the zoning change from the A – Agricultural zoning district to the RT – Residential and CG – Commercial zoning districts; and the major subdivision final plat for Daybreak Second Addition with the understanding that:

1. A Development Agreement outlining the roles and responsibilities for off-site improvements to US Highway 83 as identified in the Traffic Impact Study must be agreed to by the applicant prior to the City Commission taking final action on the final plat; and
2. An off-site easement for the extension of water services from Yukon Drive south of the proposed plat to the proposed plat, as identified in the utility servicing plan, must be provided to the City Engineer prior to the City Commission taking final action on the final plat.

Chair Schwartz opened the public hearing.

Jason Petryszyn from Swenson Hagen & Co. came forward to explain to the commission the need for secondary access due to a potential large user coming into the project. Two water mains will be added on Yukon and Ridgeland.

Chair Schwartz asked about fulfilling the requirements on the Developers Agreement. Mr. Petryszyn indicated no issues are foreseen.

Commissioner Schell asked for clarification that the second condition added was acceptable to the applicant. Mr. Petryszyn indicated that it was.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the annexation of that portion of the plat not previously annexed, the zoning change from the A – Agricultural zoning district to the RT – Residential and CG – Commercial zoning districts; and the major subdivision final plat with the understanding that: 1) a Development Agreement outlining the roles and responsibilities for off-site improvements to US Highway 83 as identified in the Traffic Impact Study must be agreed to by the applicant prior to the City Commission taking final action on the final plat; and 2) an off-site easement for the extension of water services from Yukon Drive south of the proposed plat to the proposed plat, as identified in the utility servicing plan, must be provided to the City Engineer prior to the City Commission taking final action on the final plat. Commissioner Laning seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin, Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – MAJOR SUBDIVISION FINAL PLAT
YEGEN STRIP ADDITION

Chair Schwartz called for the public hearing on the major subdivision final plat for Yegen Strip Addition. The property is located in east Bismarck along the west side of Yegen Road between Apple Creek Road and Morrison Avenue.

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)

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

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

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

Ms. Lee said, based on these findings, staff recommends approval of the major subdivision final plat for Yegen Strip Addition.

Chair Schwartz opened the public hearing.

Mr. Laning asked what would be loaded at the facility.

Greg Feser, Feser Engineering, informed the Commission that the property will be used as a grain loading facility and will not need an easement through any adjacent property for sanitary sewer service at this time.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the major subdivision final plat of Yegen Strip Addition. Commissioner Van Duyne seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin, Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion

PUBLIC HEARING – ZONING CHANGE
LOTS 49 & 50, BLOCK 2, SONNET HEIGHTS SUBDIVISION FIRST REPLAT

Chair Schwartz called for the public hearing on the zoning change from the R10 – Residential zoning district to the RT – Residential zoning district for Lots 49 and 50, Block 2, Sonnet Heights Subdivision First Replat. The property is located in north Bismarck, west of US Highway 83/State Street, along the north side of East Lasalle Drive.

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

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.

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the R10 – Residential zoning district to the RT – Residential zoning district for Lots 49 and 50, Block 2, Sonnet Heights Subdivision First Replat.

Chair Schwartz opened the public hearing.

Jason Petryszyn, Swenson Hagen & Co., stated the use will be an agriculture commodities business, a low traffic generator as most of their business will be done online.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the zoning change from the R10 – Residential zoning district to the RT – Residential zoning district for Lots 49 and 50, Block 2, Sonnet Heights Subdivision First Replat. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin, Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
LOT 1 AND PART OF LOT 2, BLOCK 1, MEADOW LARK HILL SECOND ADDITION REPLAT

Chair Schwartz called for the public hearing on 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 1, Meadow Lark Hill Second Addition Replat. The property is located in west-central Bismarck, west of West Divide Avenue and south of Interstate 94, along the west side of Schafer Street.

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

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.

Ms. Wollmuth said, based on these findings, staff recommends approval of 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 2, Meadow Lark Hill Second Addition Replat.

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 Laning made a motion to approve 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 1, Meadow Lark Hill Second Addition Replat. Commissioner Johnson seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin, Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT
LOTS 1 AND 2, BLOCK 1, SONNET HEIGHTS SUBDIVISION 5TH REPLAT

Chair Schwartz called for the public hearing for f a special use permit to allow the operation of a child care center on Lots 1 and 2, Block 1, Sonnet Heights Subdivision 5th Replat. The property is located in north Bismarck, north of 43rd Avenue NE along the west side of Ottawa Street (4700 Ottawa Street).

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

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.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow operation of a child care center on Lots 1 and 2, Block 1, Sonnet Heights Subdivision 5th Replat with the following conditions:

1. The required outdoor recreation area fence must be installed prior to occupation.

2. Development of the sire and operations of the childcare center must generally conform to the material provided with the application.

Chair Schwartz opened the public hearing.

Darrel and Colleen Bergen indicated that they had nothing to add and thanked the Commission for consideration of their request.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve the special use permit to allow the operation of a child care center on Lots 1 and 2, Block 1, Sonnet Heights Subdivision 5th Replat with the following conditions: 1) the required outdoor recreation area fence must be installed prior to occupation; and 2) development of the sire and operations of the childcare center must generally conform to the material provided with the application. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin, Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT
LOT 2, BLOCK 1, WOLF SUBDIVISION

Chair Schwartz called for the public hearing for a special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 2, Block 1, Wolf Subdivision. The property is located southeast of Bismarck, south of 55th Avenue SE and west of 66th Street SE (6415 55th Avenue SE).

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

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. Apple Creek Township Board of Supervisors has not yet provided a recommendation for the proposed special use;

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

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

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

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

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

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

Mr. Hutchings said, based on these findings, staff recommends approval of the special use permit to increase the area of accessory buildings to 3,200 square feet on Lot 2, Block 1, Wolf Subdivision.

Commissioner Laning asked if the owner is aware of the setback requirements, as the application reflected the location of the building may vary. Mr. Hutchings responded that the applicant has been informed of the requirements and the digitized map allows some flexibility.

Chairman Schwartz questioned a square on the location map attachment. The owner stated it is a concrete slab and not a structure.

Chair Schwartz opened the public hearing.

Monte Sicble came forward and stated Apple Creek Township does not find any reason not to approve the request, but wants to go on record stating they would like some of the wordage changed from special use because it has a different meaning in the township's rules.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 2, Block 1, Wolf Subdivision. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Johnson, Laning, Martin,

Schell, Schmitz, Schwartz, Van Duyne, Wangen and Zent voting in favor of the motion.

OTHER BUSINESS

Mr. Ehreth introduced Sarah Fricke as Community Development's new Senior Administrative Assistant. He also noted that Senior Planner Will Hutchings will be departing his position.

The Commissioners welcomed Ms. Fricke and thanked Mr. Hutchings for his contributions to the organization.

UPDATE OF TOGETHER 2045

Mr. Nairn updated the Commission on the status of the Together 2045 planning process. The final draft was brought to the Advisory Committee and revisions will be made based on their comments. An updated draft will be included with the October agenda to the Planning and Zoning Commission for consideration and then the public hearing is tentatively scheduled for the November meeting. Commissioner Johnson stated he was hearing positive feedback in the community. The final draft will be available to the public the same time the Planning and Zoning Commission receives it.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:53 p.m. to meet again on October 26, 2022.

Respectfully submitted,

_____
Sarah S. Fricke
Recording Secretary

_____
Mike Schwartz
Chairman

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2022

	*******************City*******************				*******************ETA*******************			
	9/2022		**9/2021**		**9/2022**		**9/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	28	$7,193,723.59	24	$6,906,226.81	2	$1,043,890.89	4	$1,534,031.32
ROWHOUSE (2) 1-HR FIRE SEPARATION	14	$3,387,781.08	34	$7,673,473.83	0	$0.00	0	$0.00
MANUFACTURED HOMES	0	$0.00	2	$0.00	0	$0.00	1	$0.00
RESIDENTIAL ADDITION	2	$141,320.64	5	$156,913.10	3	$308,551.83	2	$60,843.00
DETACHED GARAGE	5	$50,625.00	2	$20,850.00	3	$145,200.00	7	$271,300.00
DECKS\PORCHES & COVERED PORCHES	13	$40,235.25	11	$35,229.50	0	$0.00	0	$0.00
SWIMMING POOLS	1	$85,000.00	1	$44,000.00	0	$0.00	2	$171,628.00
RESIDENTIAL ALTERATION/OTHER	3	$378,012.52	2	$7,000.00	0	$0.00	0	$0.00
HOME OCCUPATION	1	$0.00	1	$0.00	0	$0.00	0	$0.00
STORAGE SHED	1	$9,000.00	2	$5,820.00	0	$0.00	0	$0.00
BASEMENT FINISH	1	$14,297.50	2	$40,420.00	0	$0.00	0	$0.00
RESIDENTIAL	0	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	5	$28,900.00	7	$54,664.30	0	$0.00	0	$0.00
SIGN ALTERATION	1	$1,000.00	0	$0.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	0	$0.00	1	$40,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	12	$11,757,451.51	3	$234,400.00	1	$2,496,426.00	1	$179,890.00
COMMERCIAL ADDITION	2	$8,538,638.00	1	$40,000.00	0	$0.00	1	$2,800,000.00
COMMERCIAL ALTERATION	8	$2,837,872.00	14	$3,665,498.00	0	$0.00	0	$0.00
Total	**97**	**$34,463,857.09**	**116**	**$18,924,495.54**	**9**	**$3,994,068.72**	**18**	**$5,017,692.32**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2022

	*******************City*******************				*******************ETA*******************			
	9/2022		**9/2021**		**9/2022**		**9/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	167	$0.00	111	$1,753,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	156	$1,562,138.83	129	$863,940.15	5	$22,955.00	25	$201,749.00
BUILDING PLUMBING	66	$1,755,125.00	59	$1,057,187.23	6	$138,528.00	8	$97,323.00
BUILDING SEPTIC	0	$0.00	0	$0.00	5	$0.00	5	$8,500.00
Total	**389**	**$3,317,263.83**	**299**	**$3,674,127.38**	**16**	**$161,483.00**	**38**	**$307,572.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2022

	*******************City*******************		*******************ETA*******************	
	9/2022	**9/2021**	**9/2022**	**9/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	0	2	0	1
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	14	28	0	0
SINGLE FAMILY DETACHED	27	19	2	4
SWIMMING POOLS	0	0	0	0
Total	**41**	**49**	**2**	**5**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2022

	**********City**********				**********ETA**********			
	9/2022		**9/2021**		**9/2022**		**9/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	143	$42,537,559.40	155	$42,847,323.02	27	$10,005,245.98	46	$16,700,180.03
ROWHOUSE (2) 1-HR FIRE SEPARATION	68	$14,839,400.77	137	$29,596,577.27	0	$0.00	2	$452,915.30
MANUFACTURED HOMES	5	$0.00	21	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	9	$349,266.04	22	$1,253,447.17	9	$1,079,858.10	9	$741,101.40
DETACHED GARAGE	26	$304,533.75	26	$341,500.00	40	$1,746,428.00	53	$2,107,540.00
DECKS\PORCHES & COVERED PORCHES	66	$210,247.55	96	$669,281.45	9	$252,803.45	10	$51,744.00
SWIMMING POOLS	10	$855,286.00	12	$976,584.00	7	$714,601.00	7	$585,849.00
RESIDENTIAL ALTERATION/OTHER	35	$1,349,378.85	49	$1,660,182.13	10	$506,459.22	2	$83,825.77
HOME OCCUPATION	3	$0.00	4	$0.00	0	$0.00	1	$0.00
STORAGE SHED	9	$30,955.00	17	$53,800.00	2	$12,000.00	1	$2,880.00
BASEMENT FINISH	38	$1,004,983.50	70	$1,607,234.50	10	$228,651.50	9	$201,111.00
RESIDENTIAL	2	$0.00	10	$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	3	$0.00	4	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	58	$475,178.00	87	$1,435,536.46	3	$46,866.00	0	$0.00
SIGN ALTERATION	2	$36,000.00	14	$245,697.00	0	$0.00	0	$0.00
ELECTRONIC MESSAGE CENTER	0	$0.00	1	$40,000.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	60	$82,815,681.51	61	$51,995,926.21	22	$8,921,426.00	17	$14,432,813.00
COMMERCIAL ADDITION	7	$16,613,387.00	5	$4,702,176.00	2	$7,118,268.00	2	$2,800,000.00
COMMERCIAL ALTERATION	61	$19,169,483.88	75	$25,635,714.86	2	$3,715,000.00	4	$4,643,457.00
Total	**610**	**$180,591,341.25**	**871**	**$163,060,980.07**	**151**	**$34,347,607.25**	**170**	**$42,803,416.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2022

	*******************City*******************				*******************ETA*******************			
	9/2022		**9/2021**		**9/2022**		**9/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	793	$201,500.00	759	$2,285,717.15	4	$0.00	2	$0.00
BUILDING MECHANICAL	1135	$23,700,230.00	1114	$10,584,399.45	198	$1,583,097.99	207	$2,283,885.68
BUILDING PLUMBING	347	$10,809,315.92	350	$11,228,621.63	71	$973,844.00	88	$2,395,633.00
BUILDING SEPTIC	0	$0.00	0	$0.00	19	$2,000.00	26	$32,500.00
Total	**2275**	**$34,711,045.92**	**2223**	**$24,098,738.23**	**292**	**$2,558,941.99**	**323**	**$4,712,018.68**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2022

	*******************City*******************		*******************ETA*******************	
	9/2022	**9/2021**	**9/2022**	**9/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	0	133	0	0
MANUFACTURED HOMES	3	13	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	67	114	0	2
SINGLE FAMILY DETACHED	138	135	23	41
SWIMMING POOLS	0	0	0	0
Total	**208**	**397**	**23**	**45**