PLANNING AND ZONING COMMISSION

MEETING AGENDA
November 16, 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 October 26, 2022 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Technology Hill Addition** (JW)..... 26

Major Subdivision Preliminary Plat | PPLT2022-014 | *Consideration*

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

3. **Norbs Subdivision** (JW)…….. 33

Apple Creek Township

Major Subdivision Preliminary Plat | PPLT2022-016 | *Consideration*

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

REGULAR AGENDA

PUBLIC HEARINGS

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

4. **Christianson First Addition First Replat** (DN)…….. 41

Minor Subdivision Final Plat | MPLT2022-009 | *Public Hearing*

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

5. **Lot 5 and the E½ of vacated Georgia Street, Block 2, Shamrock Industrial Park** *(*JW)…….. 48

Zoning Change | ZC2022-020 | *Public Hearing*

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

6. **Lot 2, Block 1, Wal-Mart Addition** (JW)…….. 56

Special Use Permit | SUP2022-021 (Drive-Through) | *Public Hearing*

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

7. **Limited Commercial Recreation in CA Commercial** *(*Klee)…….. 63

Zoning Ordinance Text Amendment | ZOTA2022-004 | *Public Hearing*

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

8. **Together 2045: Bismarck's Comprehensive Plan** *(*DN)…….. 68

Comprehensive Plan | *Public Hearing*

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

OTHER BUSINESS

9. **Other**

ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for December 21, 2022.

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

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

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

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

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

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

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

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

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

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

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

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

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

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
October 26, 2022

The Bismarck Planning & Zoning Commission met on October 26, 2022, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. The meeting was held in person and via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Cole Johnson, Vernon Laning, Paul Levchak, Gabe Schell, Mike Schwartz, and Wendy Van Duyne.

Commissioners Brian Bitner, Kevin Martin, Mike Schmitz, Trent Wangen and Paul Zent were absent.

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

Chair Schwartz called the meeting to order and Community Development Senior Administrative Assistant Sarah Fricke took roll call.

MINUTES

Chair Schwartz called for consideration of the minutes of the September 28, 2022 meeting.

MOTION: Commissioner Laning made a motion to approve the minutes of the September 28, 2022 meeting, as presented. Commissioner Van Duyne seconded the motion, and it was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

CONSIDERATION

2. **TNK RANCH SUBDIVISION – ZONING CHANGE AND MAJOR SUBDIVISION PRELIMINARY PLAT**
3. **SHAMROCK INDUSTRIAL PARK - ZONING CHANGE**
4. **LIMITED COMMERICAL RECREATION IN CA COMMERCIAL – ZONING ORDINANCE TEXT AMENDMENT**
5. **TOGETHER 2045: BISMARCK'S COMPREHENSIVE PLAN**

MOTION: Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve the consent agenda items 2, 3, 4 and 5, granting tentative approval or calling for a public hearing on the items as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

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

Chair Schwartz called for the public hearing on the zoning change and major subdivision final plat for Frank Addition. The proposed plat is a two-lot subdivision on 1.76 acres. The property is located in north Bismarck, north of 43rd Avenue NE, along the west side of Ottawa Street (part of the SW1/4 of Section 16, T139-R80W/City Lands).

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

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

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

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

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

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

Ms. Wollmuth then 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) with written concurrence from the County Engineer.

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district and approval of the major subdivision final plat for Frank Addition with the following conditions prior to recordation of the final plat:

1. The applicants must enter into a development agreement for the future reconstruction of Ottawa street to an urbanized section.

2. The applicants must submit a petition for Ottawa Street improvements.

3. The applicants must pay the required utility capital charges.

Rob Illg, SEH, Inc. was present to respond to questions or comments. There were none.

Chair Schwartz opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district and major subdivision final plat for Frank Addition, with the following conditions to recordation of the plat: 1) The applicants must enter into a development agreement for the future reconstruction of Ottawa street to an urbanized section; 2) The applicants must submit a petition for Ottawa Street improvements; 3) The applicants must pay the required utility capital charges. Commissioner Van Duyne seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT ASTER RIDGE SUBDIVISION

Chair Schwartz called for the public hearing on the of a zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and a major subdivision final plat for Aster Ridge Subdivision, a four-lot subdivision on 40.5 acres. The property is located 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, T139N-R79W/Gibbs Township).

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

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

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

4. The 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.

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.

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

Ms. Wollmuth 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) 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 zoning change.

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and approval of the major subdivision final plat for Aster Ridge Subdivision.

Commissioner Laning asked if staff responds to public comments. Ms. Wollmuth replied that the comments are forwarded to the Commissioners the morning of the meeting only.

Chair Schwartz opened the public hearing.

Written comments regarding this request are attached as Exhibit A.

Landon Niemiller, Swenson Hagen & Co. said he was present to respond to any questions or comments the Commission may have.

Resident Stephanie Kuntz stated she was against the zoning change. Commissioners Schell and Levchak stated only four parcels would be created, ranging from 8.7 to 10 acres in size.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and major subdivision preliminary plat for Aster Ridge Subdivision. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE
BRUNSKILL SUBDIVISION (VERSION 2)

Chair Schwartz called for the public hearing on the zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and a major subdivision final plat for Brunskill Subdivision a four-lot subdivision on 39.95 acres. The property is located southeast of Bismarck, in the northwest quadrant of the intersection of 66th Street SE and 55th Avenue SE (the SE¼ of the NE¼ of Section 30, T138N-R79W/Apple Creek Township).

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

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

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

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

4. The 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.

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

Ms. Wollmuth 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) with written concurrence from the County Engineer.

3. The Apple Creek Township Board of Supervisors has been notified of the request but has not yet made a recommendation for the proposed zoning change.

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the RR5 – Residential zoning district and approval of the major subdivision final plat for Brunskill Subdivision.

Ms. Wollmuth reminded the Commission they previously denied a major subdivision 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.

Commissioner Schell asked if all of the lots are a minimum of 5 acres. Ms. Wollmuth stated each lot was at least 5 acres in size.

Chair Schwartz opened the public hearing.

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

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

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING) LOT 7, BLOCK 3, PHEASANT VALLEY

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 7, Block 3, Pheasant Valley. The property is located northeast of Bismarck, west of Centennial Road and south of 71st Avenue NE (6700 Ringneck Road).

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

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

2. The proposed special use would be compatible with adjacent land uses and zoning if recommended conditions are met.

3. The Hay Creek Township Board of Supervisors has been notified of the proposed special use 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 if recommended conditions are met.

9. The proposed special use would not adversely affect the public health, safety, and general welfare if recommended conditions are met.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 7, Block 3, Pheasant Valley.

Chair Schwartz opened the public hearing.

Written comments regarding this request are attached as Exhibit B.

Albert Perrin III came forward to respond to any questions or comments.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the special use permit to increase the total allowable area of accessory buildings to 3.200 square feet on Lot 7, Block 3, Pheasant Valley. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (EMC)
LOT 2, BLOCK 1, CAROLS ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow an electronic message center on a freestanding sign in a residential area on Lot 2, Block 1 Carols Addition. The property is located in north Bismarck, in the southwest quadrant of the intersection of North Washington Street and Buckskin Avenue (125 Buckskin Avenue).
Mr. Nairn gave an overview of the request, including the following findings related to land use:

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

2. The proposed special use would be compatible with adjacent land uses and zoning if recommended conditions are met.

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

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

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

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

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

8. The proposed special use would not adversely affect the public health, safety, and general welfare if recommended conditions are met.

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to allow 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 a pipeline easement document #904727 is obtained from the owner of the easement prior to issuance of a sign permit.

Commissioner Laning asked whether the property or the sign is within 150 feet of a residential area. Mr. Nairn responded that the proposed sign is within 150 feet of a residential zone. Commissioner Levchak asked how the property would be accessed. Mr. Nairn replied that the access will be from the north on Buckskin Avenue.

Chair Schwartz opened the public hearing.

Written comment in opposition to the request is attached as Exhibit C.

Scott Bina from Mann Signs came forward to respond to any questions or comments and let the commission know that Mann Signs is currently working on getting the encroachment agreement.

Karen Bonnet came forward to speak in opposition to the special use permit.

Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the special use permit to allow a 32 square foot electronic message center sign on Lot 2, Block 1, Carols Addition, with the condition that a written consent to encroach within a pipeline easement document #904727 be obtained from the owner of the easement prior to issuance of a sign permit. Commissioner Schell seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING) LOT 4, BLOCK 3, APPLE MEADOWS FIRST ADDITION

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 4, Block 3, Apple Meadows First Addition. The property is located east of Bismarck, south of County Highway 1/East Main Avenue, west of 80th Street NE, at the intersection of Baron Lane and Beacon Loop (7921 Beacon Loop).

Mr. Nairn indicated the original plan included a covered walkway that would have put the project over 3,200 square feet so it was removed from the plan. Mr. Nairn showed revised building plans.

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

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

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

3. The Apple Creek Township Board of Supervisors has been notified of the request but has not yet made a recommendation for the proposed zoning change.

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

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

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

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

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

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

Mr. Nairn said, based on these findings, staff recommends approval of the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 4, Block 3, Apple Meadows First Subdivision.

Written comments in opposition to the request are attached as Exhibit D. Both comments are related to the design and not the size. A bedroom is indicated on the plans and staff asked the applicant about it being a possible dwelling. There is not a full bathroom, nor a full kitchen. The applicant states this will be for occasional use for guests only.

Commissioner Levchak questioned whether these types of buildings are measured at the foundation or at the eaves of the building. Mr. Nairn said they are measured at the foundation.

Chair Schwartz opened the public hearing.

Brittann Schettler and Dave Schettler came forward to respond to any questions or comments.

Commissioner Schell asked the owner to expand on the use of the special use permit, in particular the bedroom. Mr. Schettler confirmed that the building will be used for guests and cleaning game and that he understands this could not be used as a separate dwelling unit

Commissioner Van Duyne asked about the exterior aesthetics of the building. Mr. Schettler confirmed that siding and shingles will match the house.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 4, Block 3, Apple Meadows First Subdivision. Commissioner Laning seconded the motion, and the motion was unanimously approved with Commissioners

Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING) LOT 3, BLOCK 6, GRANDE PRAIRIE ESTATES THIRD SUBDIVISION

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 3, Block 6, Grande Prairie Estates Third Subdivision. The property is located northeast of Bismarck, north of 43rd Avenue NE and west of Centennial Road, along the east side of Junction Road (5221 Junction Road).

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

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

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

3. The Hay Creek Township Board of Supervisors has been notified of the request but has not yet made a recommendation for the proposed zoning change.

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

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

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

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

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

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

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 3, Block 6, Grande Prairie Estates Third Subdivision with the following condition:

1. The proposed accessory building be used for residential uses only.

Chair Schwartz opened the public hearing.

Written comments regarding this request are attached as Exhibit E.

Peter Hoerner came forward to respond to any questions or comments.

Commissioner Schell suggested planning a layout prior to building because a second approach may be necessary.

Ms. Wollmuth noted that the proposed request does not include approval of a second approach and that the Burleigh County Commission would need to approve a second approach if one was wanted by the owners.

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

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the special use permit to increase the total allowable area of accessory buildings to 3,200 square feet on Lot 3, Block 6, Grande Prairie Estates Third Subdivision with the condition that the proposed accessory building be used for residential uses only. Commissioner Laning seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Laning, Levchak, Schell, Schwartz, and Van Duyne voting in favor of the motion.

OTHER BUSINESS

Commissioner Laning asked if there would be an in-depth presentation on Together 2045 Bismarck's Comprehensive Plan.

Mr. Nairn said that a draft of the plan was submitted to the commission prior to this meeting to allow additional time for review, but that a new draft plan and a full presentation will be provided for the public hearing scheduled for November 16.

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:55 p.m. to meet again on November 16, 2022.

Respectfully submitted,

_____
Sarah S. Fricke
Recording Secretary

_____
Mike Schwartz
Chair

Exhibit A

Sarah Fricke

From: craig kuntz <[redacted]>
Sent: Wednesday, October 26, 2022 7:20 AM
To: Planning - General Mailbox
Subject: Public Hearing for rezoning Aster Ridge

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

To whom it may concern,
I am against the request to change the zoning to Residential as well as the subdivision.
I have nothing against Tim and Deb and wish them the best in this request.
However I moved out here in 2014 for the sole reason it was slightly out of town and was a very quiet area.
It's a great place to raise a family due to the "country" feel, adding more houses and traffic will only take that away.
Changing this area to Residential will only make the area more populated, along with more traffic and noise.
We have the 66th bypass coming through already that will create more traffic and noise.
I would however prefer this proposed change over it being sold to a developer who will sell off the land in 1.5-2.0 acre lots as that will compound the reasons I'm against this in the first place.
Thanks for your time.
Sincerly,
Craig Kuntz
6030 62nd St NE
Bismarck, ND 58504

Sarah Fricke

From: Planning - General Mailbox
Sent: Monday, October 24, 2022 2:24 PM
To: Sarah Fricke; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: comments for re-zoning in Gibbs Township

From: Amber Haman <[redacted]>
Sent: Monday, October 24, 2022 1:11 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: comments for re-zoning in Gibbs Township

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

In reference to the letter sent to property owners on October 14, 2022, regarding the approval of a major subdivision final plan on 66th st NE, I state no objection and do support this final plat and zoning change from A to RR5. This area of the property is only ½ mile north of the Silver Ranch planned subdivision and significantly south of other subdivisions that are zoned RR5.

Thank you,

Amber Haman
6505 Rocky Road
Bismarck, ND 58503

Sarah Fricke

From: Planning - General Mailbox
Sent: Wednesday, October 19, 2022 1:35 PM
To: Sarah Fricke
Subject: FW: Albert Perrin III Special Use Permit Request

From: Snow, Darren J. <[redacted]>
Sent: Wednesday, October 19, 2022 8:09 AM
To: Daniel Nairn <dnairn@bismarcknd.gov>; Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Albert Perrin III Special Use Permit Request

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

Daniel and Planning team,
I live at 6913 Ringneck Road just a few houses down from Perrin's. I received the letter notifying me of the special use permit request.

I am supportive of the special use permit being approved.
Thanks,
Darren Snow, PE
Marathon Petroleum Logistics
North West Area
Operations Director
1611 E Century Ave, Suite 300
Bismarck, ND 58503
[redacted]

Sarah Fricke

From: Derek Schulte <[redacted]>
Sent: Wednesday, October 26, 2022 7:46 AM
To: Planning - General Mailbox
Subject: Electronic Message Center sign opinion

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

Hello,
I am a resident of Bismarck and I want to speak out against the proposed Electronic Message Center sign for the property at the corner of Washington Street and Buckskin Avenue. I am concerned that it will needlessly add to light pollution in the area and is a waste of electricity. Thank you,
Derek Schulte
3835 Renee Dr.
Bismarck

Exhibit D

Sarah Fricke

From: Planning - General Mailbox
Sent: Monday, October 24, 2022 10:25 AM
To: Sarah Fricke; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: Lot 4 Block 3 Apple Meadows First Subdivision (Schettler)

From: [redacted]>
Sent: Friday, October 21, 2022 6:33 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>; Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Re: Lot 4 Block 3 Apple Meadows First Subdivision (Schettler)

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

Good Evening,

Regarding the special use permit for the 3200 sq ft building being requested by Brittann Schettler at Lot 4, Block 3, Apple Meadows First Subdivision, I am supportive of the size of the building provided the following are addressed:

1. The building follows the subdivision association requirement that exterior buildings be of the same exterior construction of the residence. If you drive through Apple Meadows Subdivisions 1 and 2, you will see various sizes of exterior buildings but they all have one thing in common; they all match the exterior construction of the primary dwelling. I am not in favor of a steel, tin or barn looking exterior building.

Jason Bartsch
7901 Beacon Loop

Sarah Fricke

From: Planning - General Mailbox
Sent: Tuesday, October 25, 2022 2:09 PM
To: Sarah Fricke; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: Brittany Schettler Special Permit

From: GARY KITZAN <[redacted]>
Sent: Tuesday, October 25, 2022 7:40 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Brittany Schettler Special Permit

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

Good morning, we are writing in response to the special use permit that Brittann Schettler is requesting to build an 80 x 40 ft shop at 7921 Beacon Loop.
While there are many shops in our development that exceed the size allowable in our covenants, the siding and shingles of these shops match the home on the property. We are willing to overlook the astronomical size of this building, but it appears that this structure, will look like a barn with steel siding and other features. The new structure should be built to match their existing home's siding and shingles as the other shops in our development do.
Also, the plans show there will be a bedroom and a living room upstairs which indicates to us that their plan is to use this as a second dwelling in the future. We strongly oppose this as well as it is against our covenants to have a second dwelling on our lots.
Thank you for taking the time to consider our thoughts on this issue.

Sincerely,
Gary and Marla Kitzan
7830 Beacon Loop

Sent from my iPhone

Exhibit E

Sarah Fricke

From: Planning - General Mailbox
Sent: Friday, October 21, 2022 8:48 AM
To: Sarah Fricke; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: proposed permit to build on lot3, block 6 grand prairie 3rd subdivision

From: [redacted]>
Sent: Thursday, October 20, 2022 11:43 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: proposed permit to build on lot3, block 6 grand prairie 3rd subdivision

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

I received the letter from the planning and zoning commission on the proposed building on this lot. I have been at my present address since 1995. The proposed building is very close to the drainage easement. Since my time out here I have seen water on that very location several times. Both during spring runoff and a couple of times when we had 5" plus rainfall. The culverts to the west will not handle a heavy flow of water at one time and in spring a rapid melt with ice in the culverts will cause water to back up.

I have no problem with this building being built but just wanted to make the owner aware that water could be an issue on this site.

Darold R Cvancara
5466 Cactus Circle
[redacted]

Thank you

Sarah Fricke

From: Don Becker <[redacted]>
Sent: Wednesday, October 26, 2022 7:25 AM
To: Planning - General Mailbox
Subject: Peter Hoerner building

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

I am Don Becker, 5212 Junction Road, and owner of property directly across the street from Mr.Hoerners property. My wife and I have no problem with them putting up this shop. Thank you for the bulletin you sent out. Sincerely, Don and Carol Becker

Sent from my iPhone

Sarah Fricke

From: Planning - General Mailbox
Sent: Friday, October 21, 2022 8:51 AM
To: Sarah Fricke; Daniel Nairn; Jenny Wollmuth; Kim Lee
Subject: FW: Comments regarding special use permit

From: Burgard, Michael <[redacted]>
Sent: Friday, October 21, 2022 8:19 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Comments regarding special use permit

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

I object to approving the increase to the total area of accessory buildings to 3200 sg ft on Lot 3, Block 6 … 5221 Junction Road. Our planning and zoning commission has current set max limits in place for reasons on these properties and increasing the capacity only welcomes more requests in our sub-division. More structures on the properties in clusters.

I , myself, would build additional structures if we ALL just could request these special use permits, but I follow the rules. I also feel that these types of requests eventually turn the properties into more commercialized properties with businesses operating out of them. Not saying that is the case with this request, but take a drive through our development and see the increased activity with trucks, equipment parked, etc. Its more than we all think.

We built these properties in Grand Prairie to have space, with nice outlying shop buildings (to max zoning requirements) to keep it clean and organized. We are loosing that sense of comfort in our community with everyone just wanting to build bigger and above the limits. What's next 4000 sq ft.. which in turn I will be submitting my permit if we just continue on that path.

Lastly, the location that was provided on the plan is of concern for the overall flow on the spring watershed/runoff. The water running thought that property should not be blocked if there is any buildup on the property. That should be evaluated by the planning committee as well so that property owners to the east are not having backed up water into their properties.

Resident – Grand Prairie Estates

Mike Burgard
5613 Flatrock Drive
Bismarck ND

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

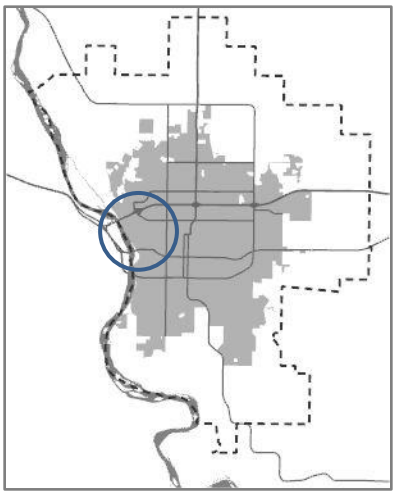
Agenda Item # 2
November 16, 2022

Application for: **Major Subdivision Preliminary Plat**

Project ID: **PPLT2022-014**

Project Summary

Title:	Technology Hill Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	City of Bismarck (owner) Bismarck State College (applicant)
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	West-central Bismarck, south of Edwards Avenue and West of Schafer Street (Part of Tract 3 of Section 31, T139N-R80W/City Lands)
Project Size:	20 acres
Request:	Plat property for future development of educational uses associated with Bismarck State College



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Educational / Institutional
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:*	P – Public Use
Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses	*Uses Allowed:*	P – Parks, open space, stormwater facilities, and other public uses
Max Density:	P – N/A	*Max Density:*	P – N/A

Property History

Zoned:	Pre-1980	*Platted:*	N/A	*Annexed:*	Pre-1980

(continued)

Staff Analysis

The City of Bismarck and Bismarck State College are requesting approval of a major subdivision preliminary plat for Technology Hill Addition.

The property is zoned P – Public and the proposed plat is being requested for the future development of educational uses associated with Bismarck State College.

Adjacent uses include educational uses located to the north and northwest, single family residential uses to the east across Schafer Street, and public uses associated with municipal utilities (Bismarck Water Treatment Plant) located to the south and southwest.

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

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

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the major subdivision preliminary plat for Technology Hill Addition.

Attachments

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

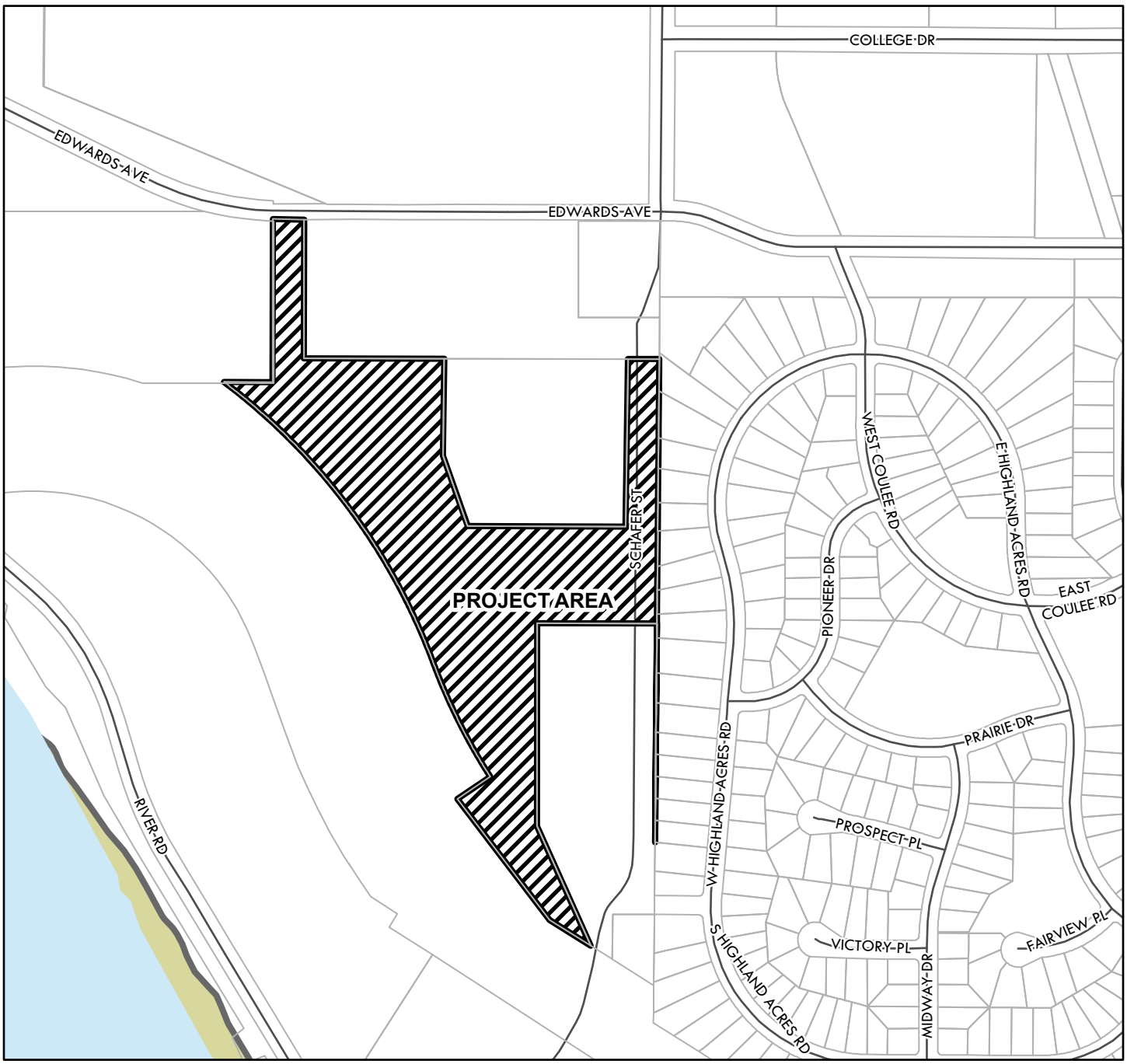
(continued)

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

Location Map

TECHNOLOGY HILL ADDITION

PPLT2022-014



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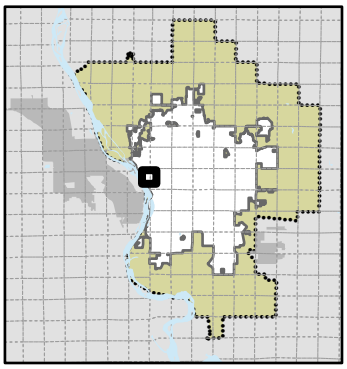

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
October 17, 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

TECHNOLOGY HILL ADDITION

PPLT2022-014

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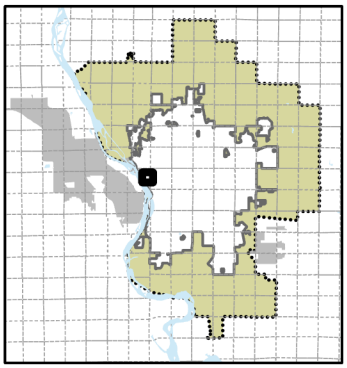
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 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

TECHNOLOGY HILL ADDITION

PPLT2022-014

Zoning Districts

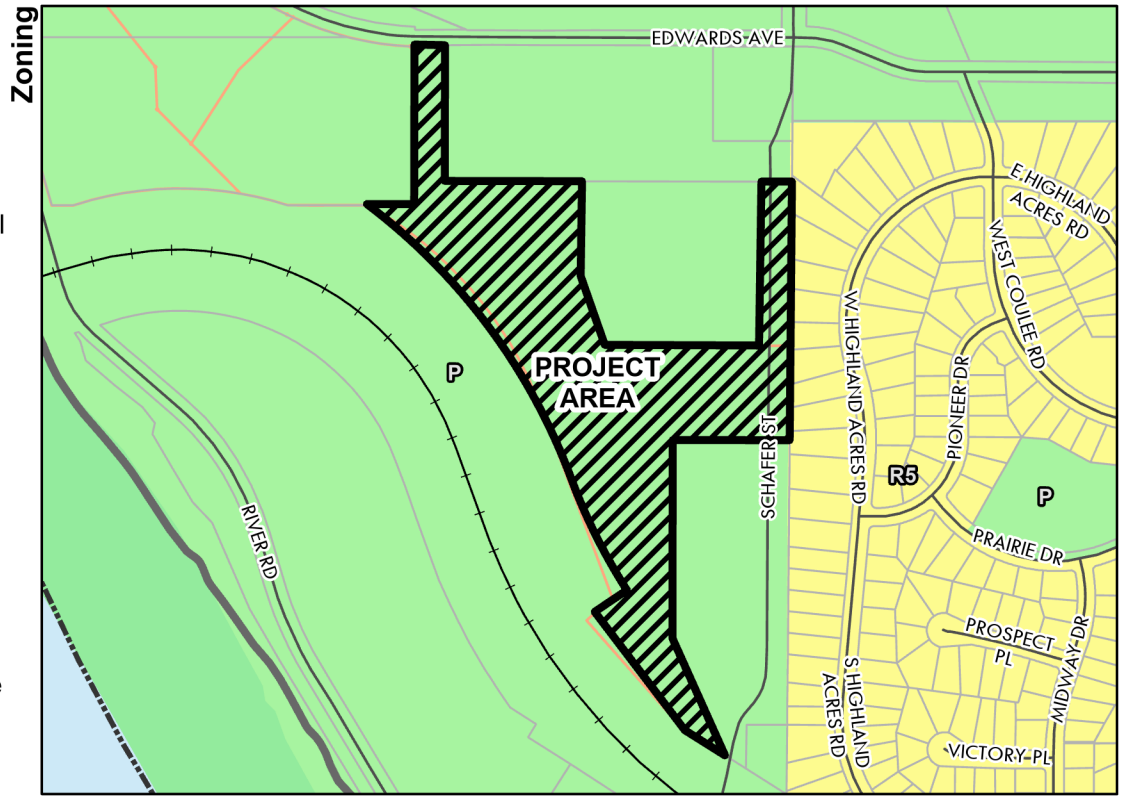
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

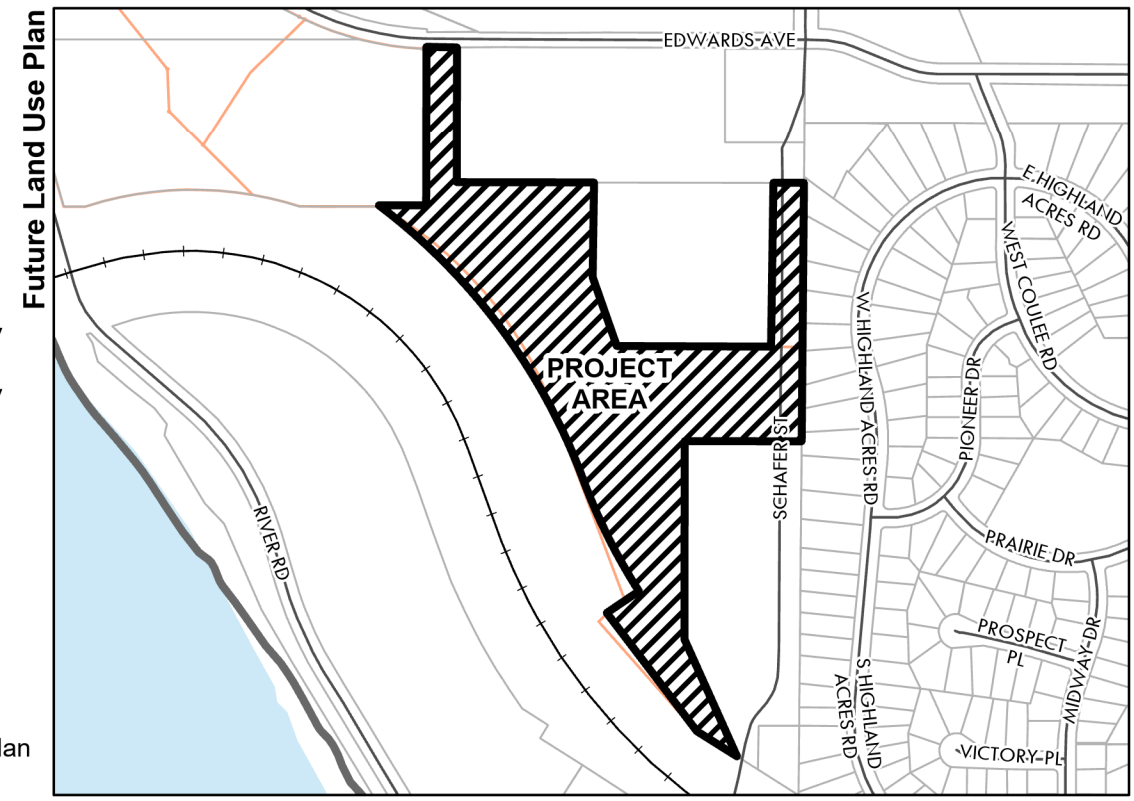
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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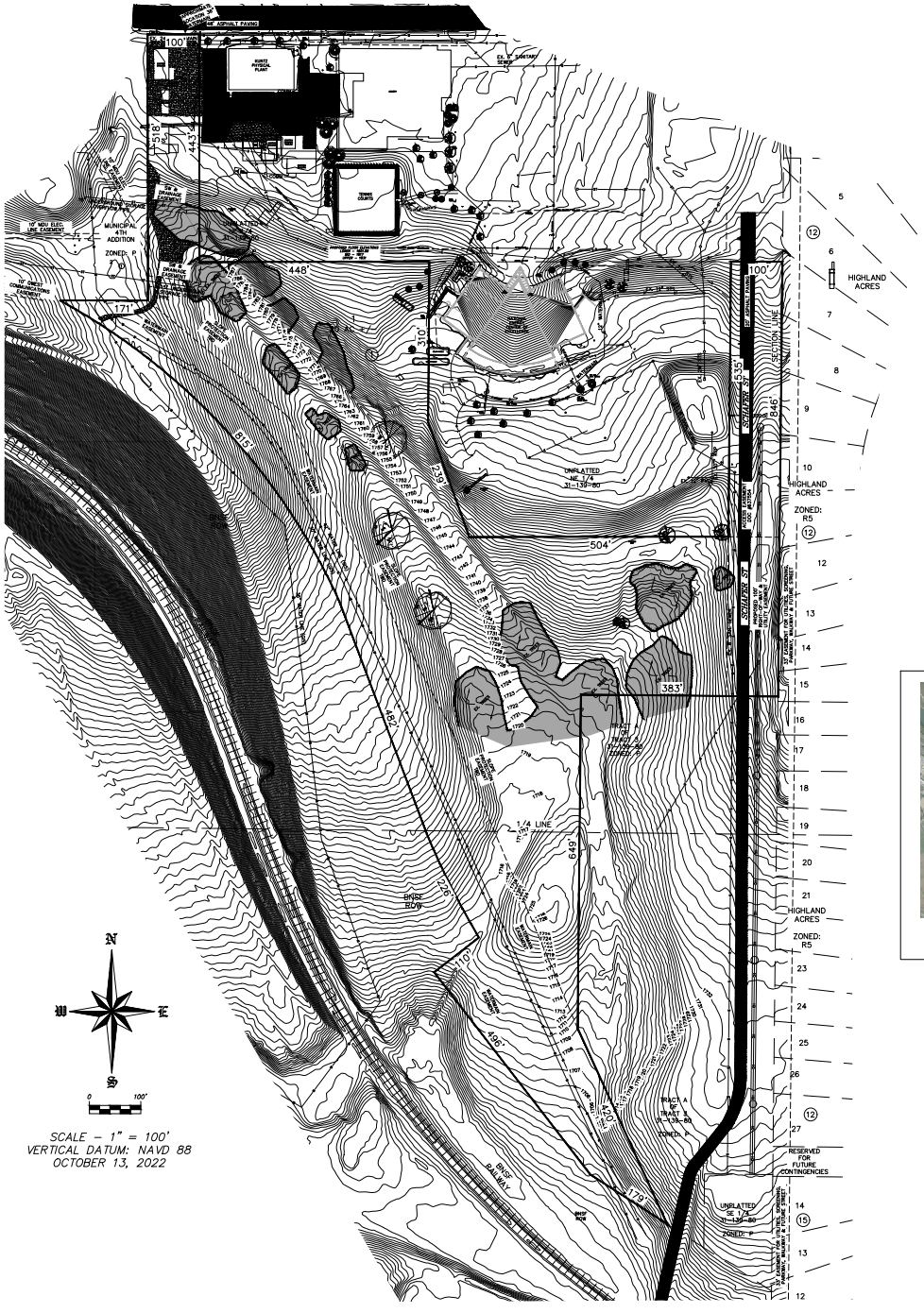
N

City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

TECHNOLOGY HILL ADDITION

PART OF TRACT 3 OF SECTION 31 TOWNSHIP 139 NORTH, RANGE 80 WEST

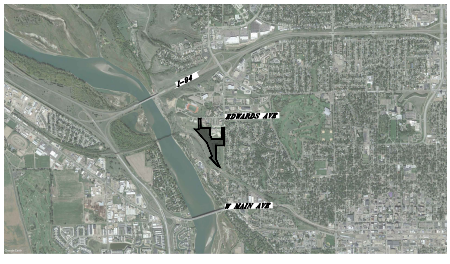
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



20 ACRES +/-
EXISTING ZONING: P
1 LOT 1 BLOCK

OWNER: CITY OF BISMARCK (UTILITIES)
221 N 5th St.
BISMARCK, ND 58506

DEVELOPER: BISMARCK STATE COLLEGE
1500 EDWARDS AVE
BISMARCK, ND 58506



LOCATION MAP

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

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

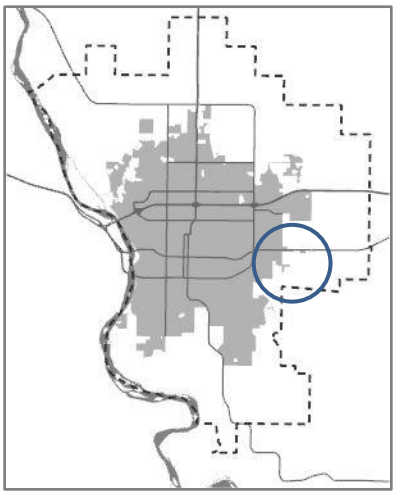
Agenda Item # 3
November 16, 2022

Application for: **Major Subdivision Preliminary Plat**

Project ID: **PPLT2022-016**

Project Summary

Title:	Norbs Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	CKNG Properties, LLC
Project Contact:	Landon Niemiller, Swenson Hagen & Co.
Location:	East of Bismarck, east of 52nd street SE and south of East Main Avenue/County Highway 10, along the west side of Mulberry Lane (a replat of part of Lot 11, Block 1, Barbies Neighborhood Subdivision)
Project Size:	9.2 acres
Request:	Plat property for future rural residential development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 parcel in 1 block	*Number of Lots:*	5 lots in 1 block
Land Use:	Undeveloped	*Land Use:*	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:	03/1977	*Platted:*	03/1977	*Annexed:*	N/A

(continued)

Staff Analysis

CKNG Properties, LLC is requesting approval of major subdivision preliminary plat for Norbs Subdivision.

The property is zoned RR – Residential and the proposed plat is being requested for future rural residential development. Immediate access to lots within the plat w be via a cul-de-sac (Mulberry Circle). The applicant has submitted a written justification for the use of a cul-de-sac noting that the area adjacent to the proposed plat is developed and that the extension of right-of-way beyond the developed area is unlikely. City Staff and the County Engineer have indicated that the proposed cul-de-sac is acceptable in this location.

The City's Secondary Access Policy establishes minimum requirements for providing secondary roadway access to developed property for life safety and property protection, including alternative ingress and egress routes for residents. Although the proposed plat includes five new lots, the policy considers the cumulative impact of both existing and new subdivisions. Secondary access is measured from the last intersecting primary roadway access and no more than 16 rural residential lots may be added beyond this point. The area adjacent to the proposed plat exceeds this requirement. Both City and County staff are working with the applicant and their consultant to determine a practical solution to provide secondary access to the area, which will be resolved prior to scheduling a public hearing for the proposed plat.

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

Required Findings of Fact (relating to land use)

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required;
5. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer;
6. The Apple Creek Township Board of Supervisors has not yet made a recommendation for the proposed preliminary plat;
7. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is within two miles of the city limits and will require an agreement with the South Central Regional Water District prior to recordation of the plat.

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends tentative approval of the preliminary plat for Norbs Subdivision with the understanding that a public hearing will not be scheduled until a practical solution to provide secondary access to the area is determined.

Attachments

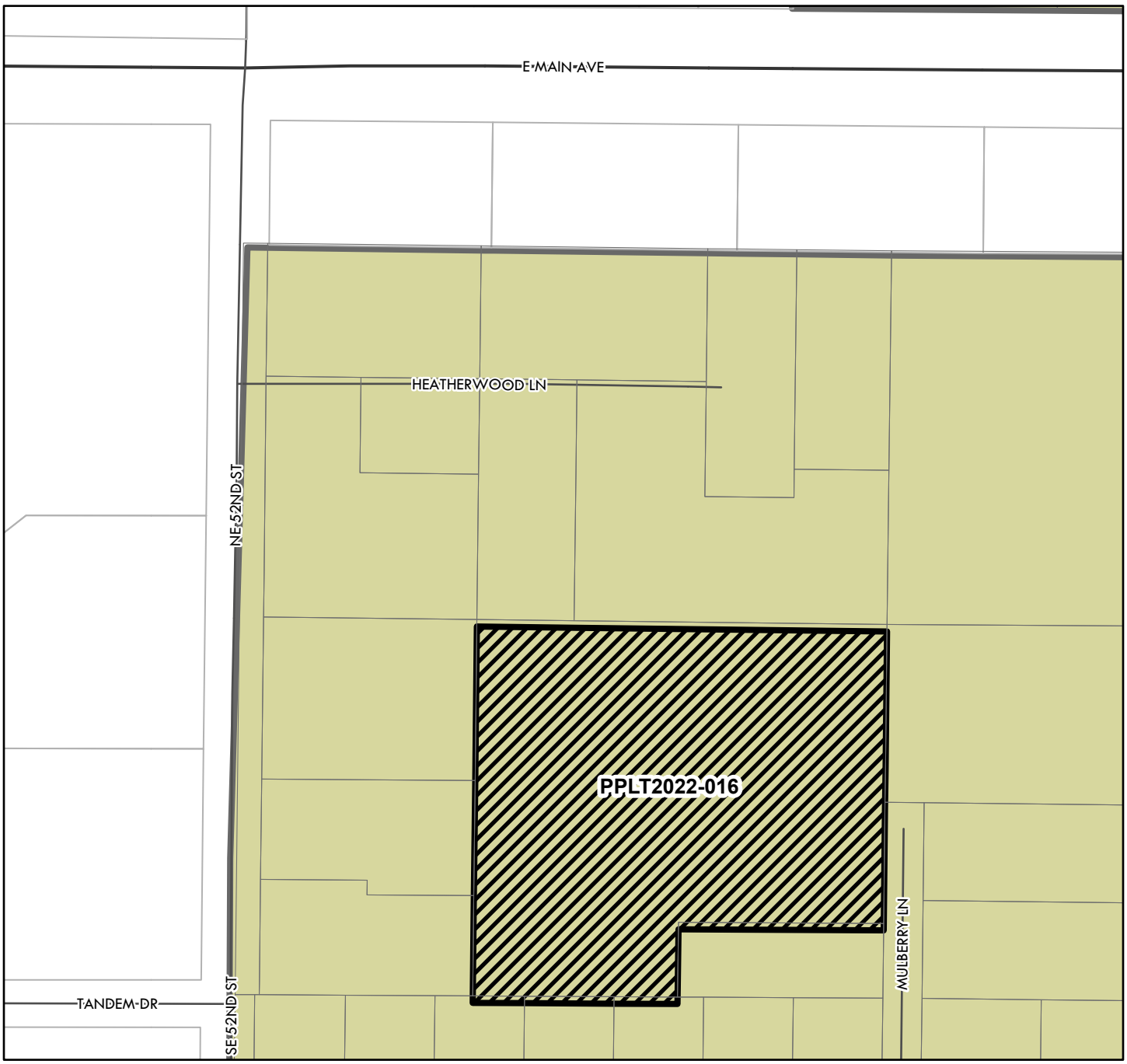
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Preliminary Plat
5. Written Justification for Cul-de-sac Waiver

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

Location Map

NORB'S SUBDIVISION

PPLT2022-016

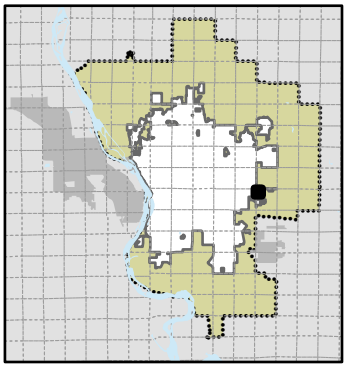


0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



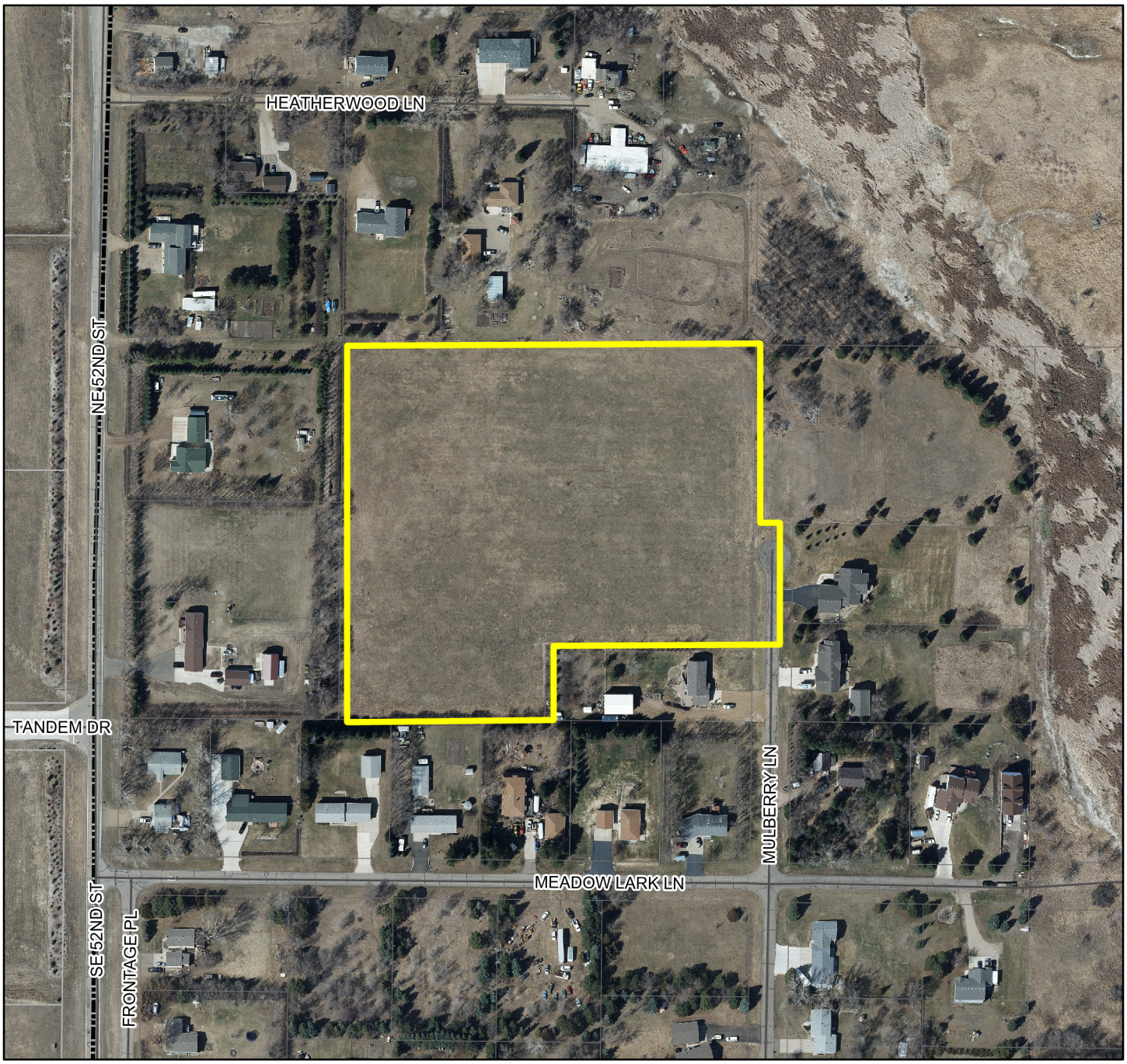
City of Bismarck
Community Development Department
Planning Division
October 18, 2022 (SF)

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

NORBS SUBDIVISION

PPLT2022-016



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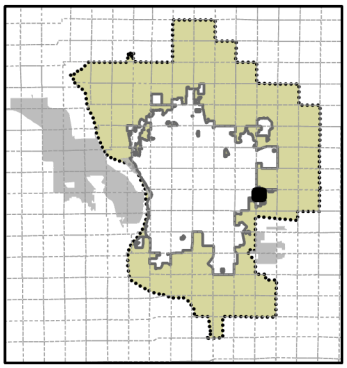
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

NORBS SUBDIVISION

PPLT2022-016

Zoning Districts

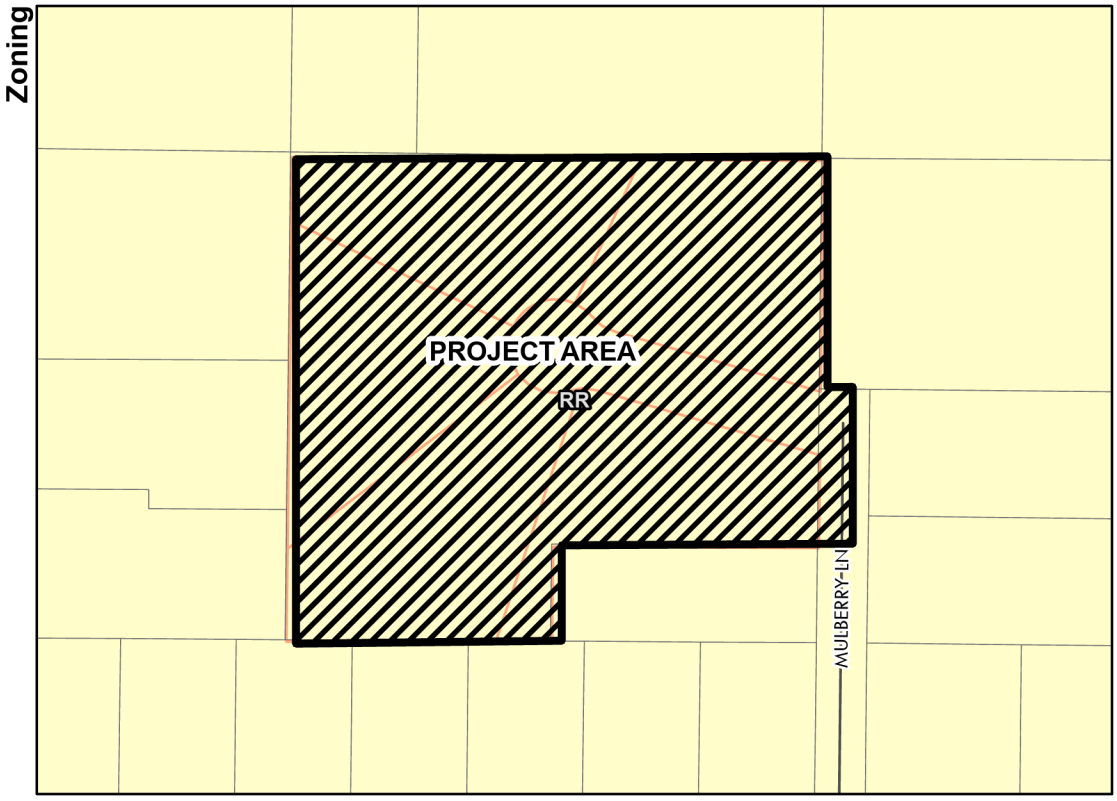
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

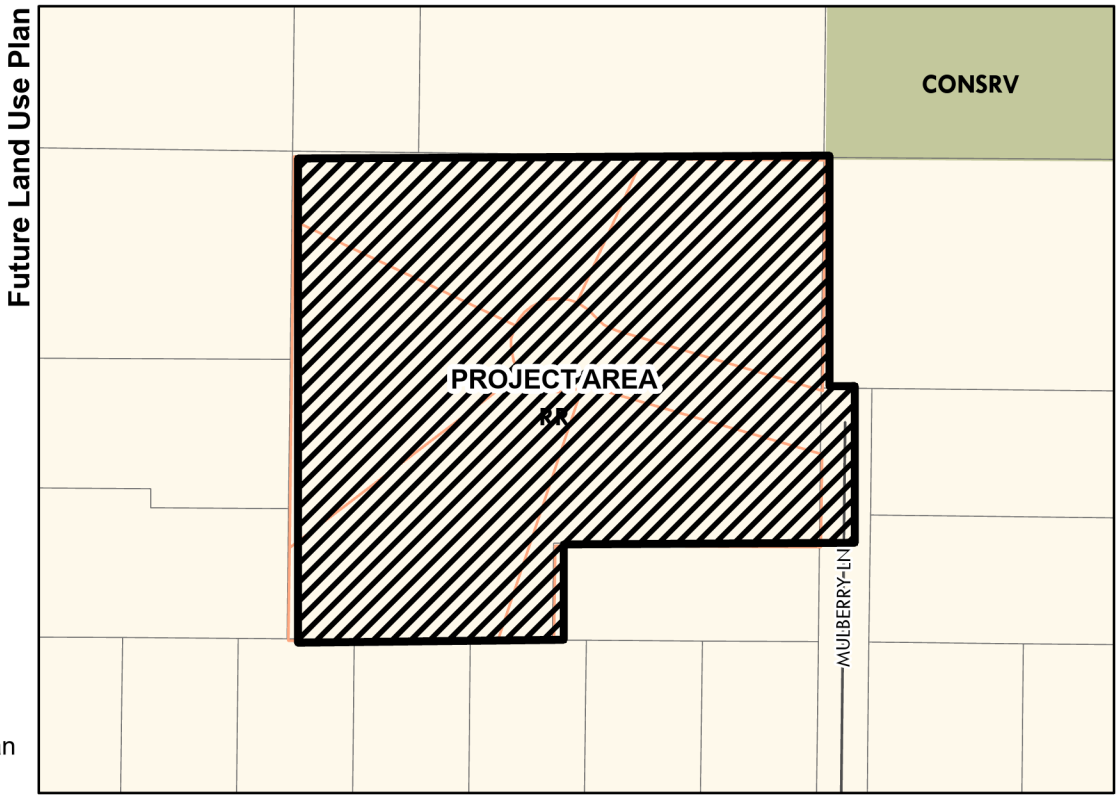
Future Land Use Plan

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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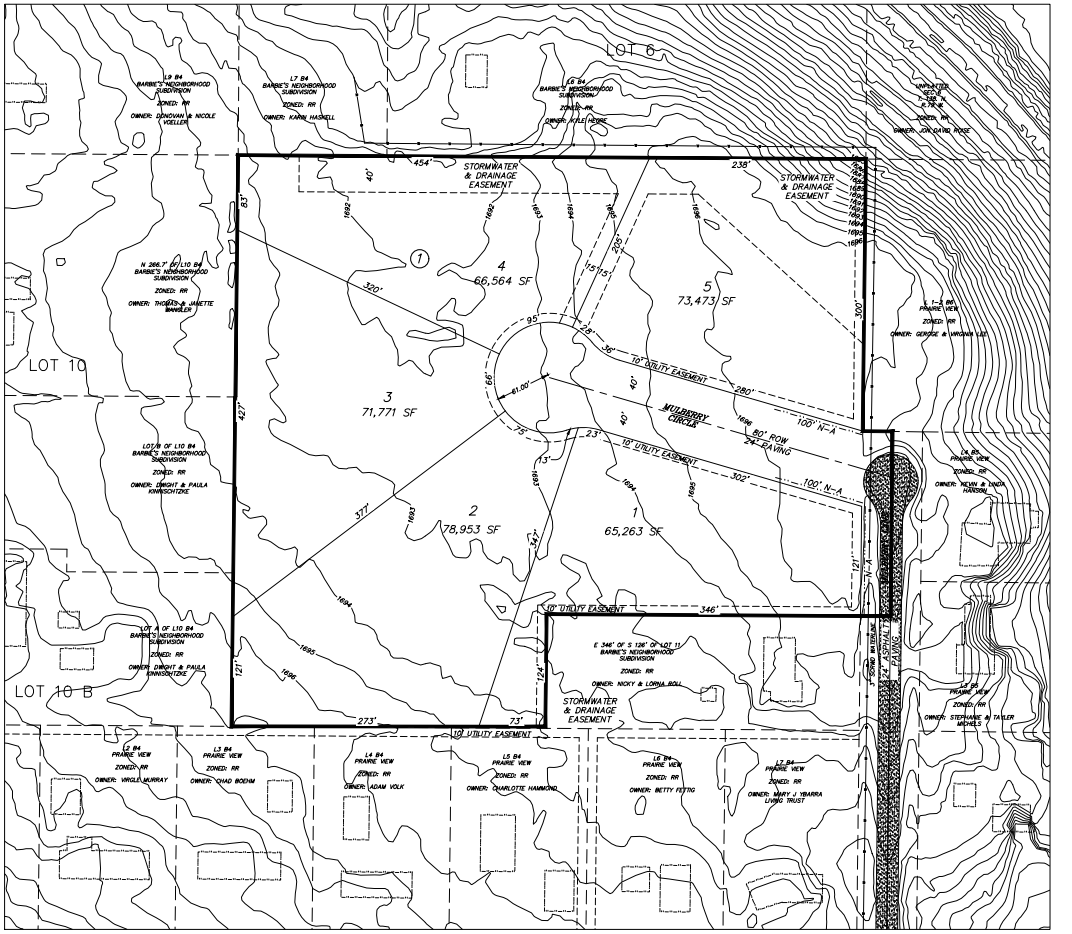
City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

NORBS SUBDIVISION

BEING PART OF LOT 11 BLOCK 1
BARBIE'S NEIGHBORHOOD SUBDIVISION AND
PART OF MULBERRY LANE RIGHT-OF-WAY OF
THE SW 1/4 OF
SECTION 6 T. 138 N. R. 79 W.

BURLEIGH COUNTY, NORTH DAKOTA

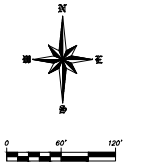


LOCATION MAP

5 LOTS
1 BLOCK
9.2 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: RR

OWNER: GKNG PROPERTIES, LLC

ADDRESS: 14170 52ND ST NE
BALDWIN, ND 58521



SCALE – 1" = 60'

VERTICAL DATUM: NAVD 88

OCTOBER 31, 2022

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

SWENSON, HAGEN & CO. P.C.

civil engineering . surveying . land planning . hydrology
landscape & site design . construction management

NORB'S SUBDIVISION

CUL-DE-SAC JUSTIFICAITON/WAIVER

GKNG, Properties, LLC, developers of the proposed Norb's Subdivision, proposed a cul-de-sac extending from the current dead-end Mulberry Lane right-of-way, northwesterly an additional 393' +/-, creating Mulberry Circle. The area in question is developed such that an extension of right-of-way beyond the proposed plat is unlikely due to existing homes on the north and west, and floodplain/floodway issues to the east.

The extension of the cul-de-sac will result in a total length of approx. 945', which exceeds the city's standards for permanent dead-end roads. However, in order to fully develop the parcel, the additional length is needed. The cul-de-sac will allow for an additional five rural residential lots in the area, which will not place an undue burden on city or county services.

909 Basin Avenue . Bismarck, North Dakota 58504
(701) 223-2600 . (701) 223-2606 Fax
sheng@swensonhagen.com

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

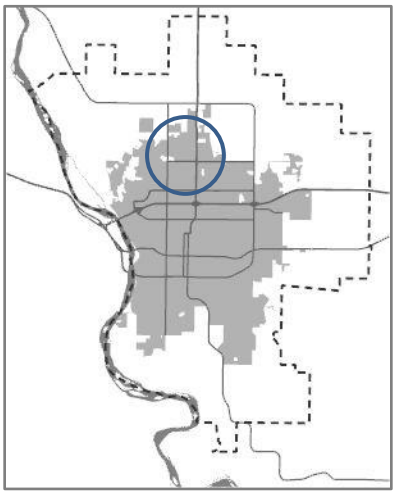
Agenda Item # 4
November 16, 2022

Application for: **Minor Plat**

Project ID: **MPLT2022-009**

Project Summary

Title:	Christianson First Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	The Shoppes at Osgood, LLC
Project Contact:	Toni Haider, PE, Christianson Companies
Location:	North Bismarck, north of 43rd Avenue NE, along the east side of Coleman Street (a replat of Lot 3C of Lot 3, Block 1, Christianson First Addition)
Project Size:	1.96 Acres
Request:	Replat property to split into two lots for future commercial development



Site Information

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

Property History

Zoned:	2004	*Platted:*	2018 (Christianson 1st)	*Annexed:*	2007

(continued)

Staff Analysis

The Shoppes at Osgood, LLC is requesting approval of a minor subdivision final plat titled Christianson First Addition First Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 4 and November 11, and 7 letters were mailed to the owners of nearby properties on November 4, 2022.

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

The administrative lot split process can only be utilized up to three times within a plat. Since Christianson First Addition had been split the allotted times, a minor subdivision final plat is required to further split Lot 3C of Lot 3, Block 1, Christianson First Addition.

This plat would dedicate a new access easement that more accurately covers the paved area through the lot, and an access easement previously dedicated along the north 13 feet is removed where it does not overlap with the new easement.

One additional capital utility charge for a commercial water meter will be due prior to recordation of the plat.

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

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The City Engineer has waived the requirement for a Post-Construction Stormwater Management Permit (PCSMP);
3. The proposed subdivision is 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 approval of the minor subdivision final plat titled Christianson First Addition First Replat.

Attachments

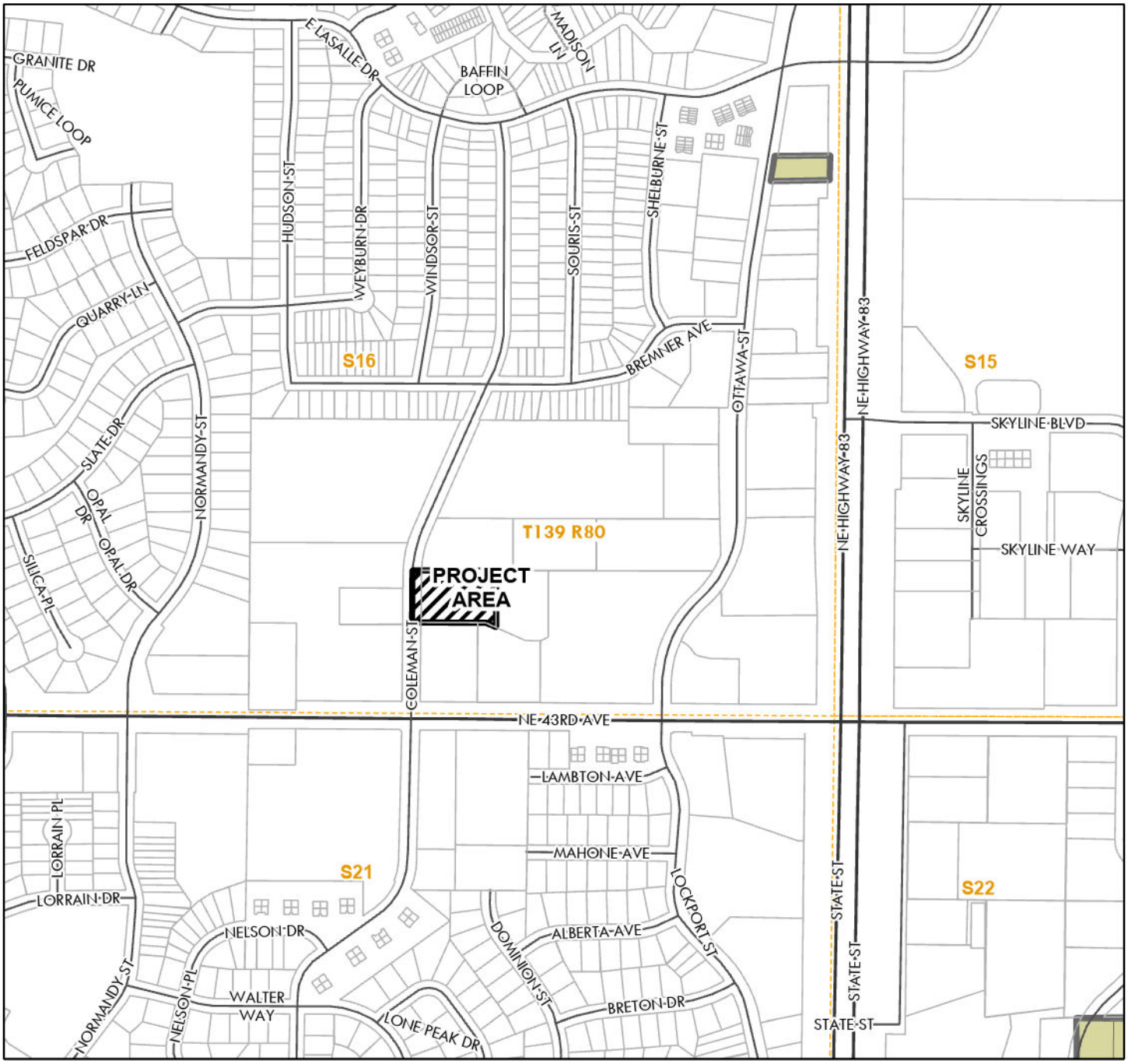
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Minor Plat
5. Original Plat with Replatted Area Highlighted

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

Location Map

MPLT2022-009

CHRISTIANSON FIRST ADDITION FIRST REPLAT

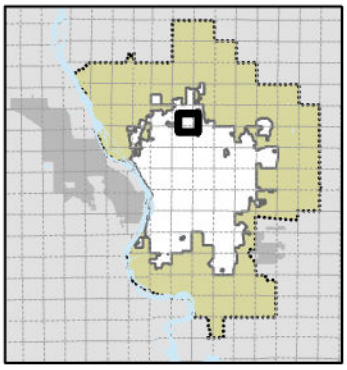


0 0.15 0.3 0.6 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 8, 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

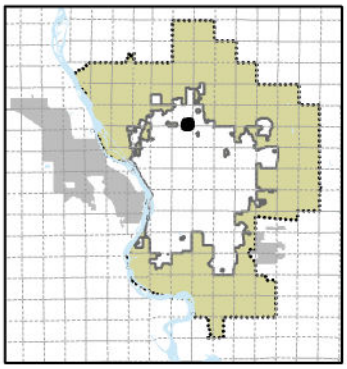
CHRISTIANSON FIRST ADDITION FIRST REPLAT

MPLT2022-009

0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

MPLT2022-009

CHRISTIANSON FIRST ADDITION FIRST REPLAT

Zoning Districts

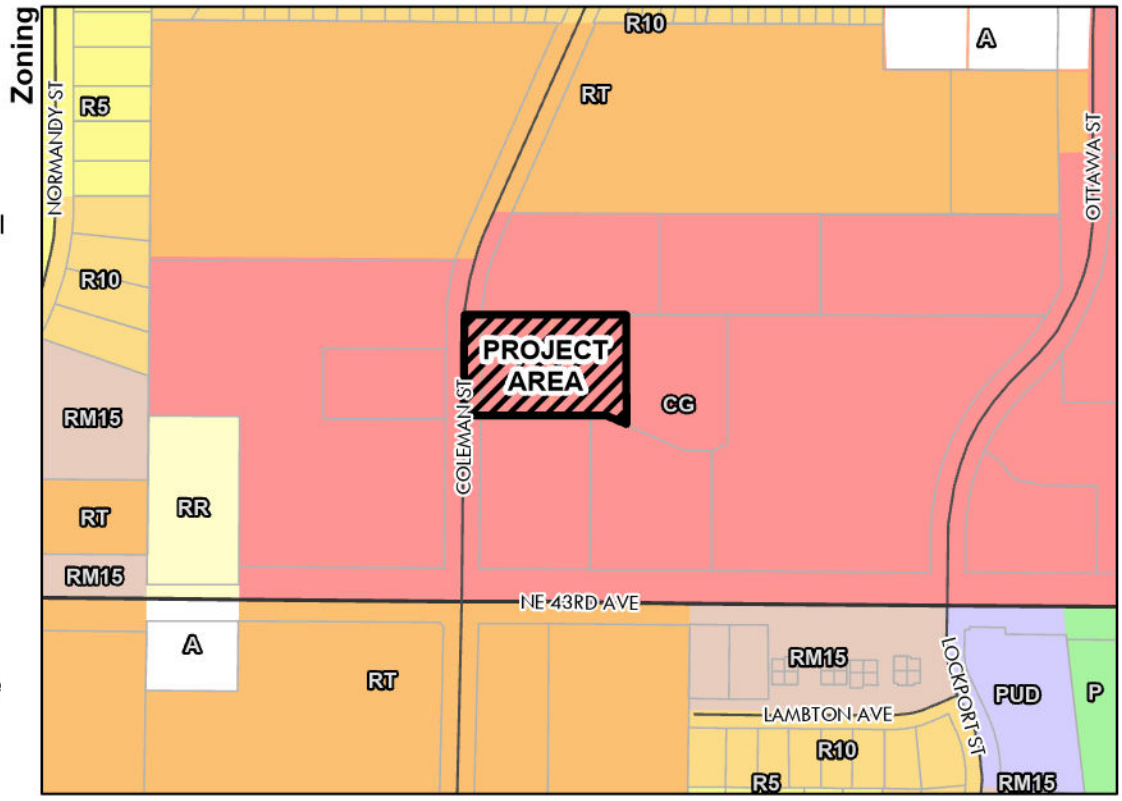
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

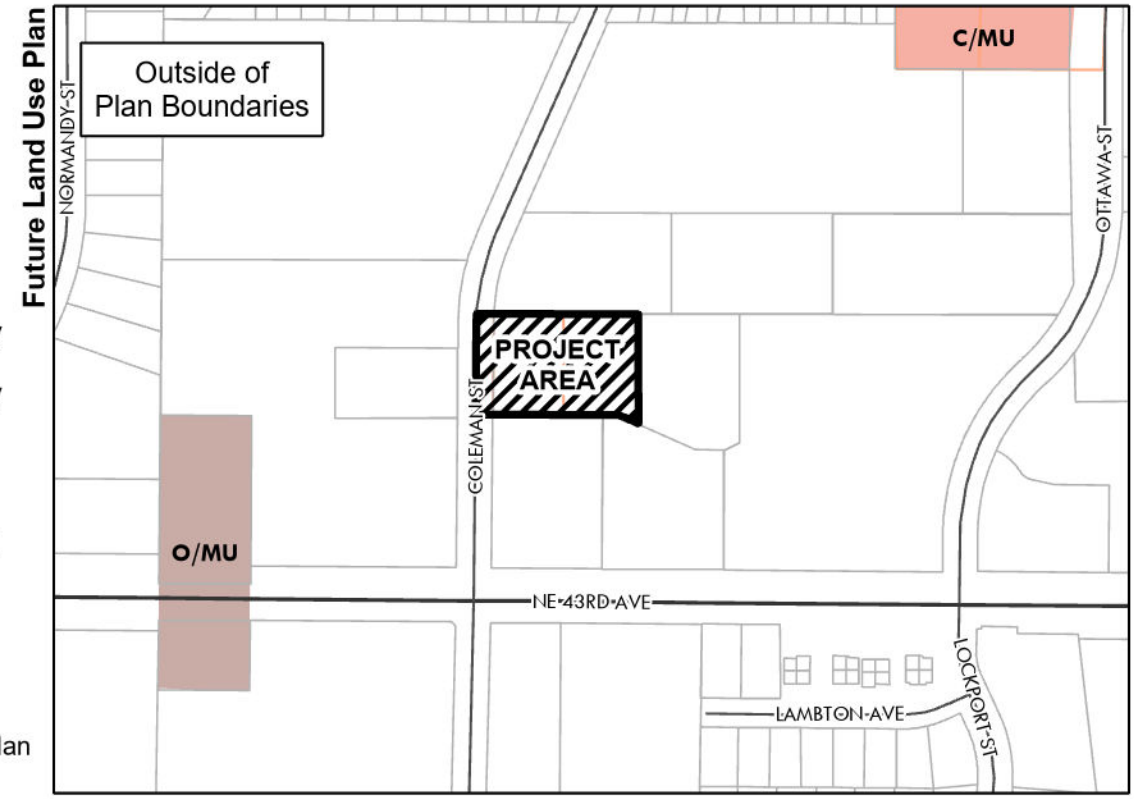
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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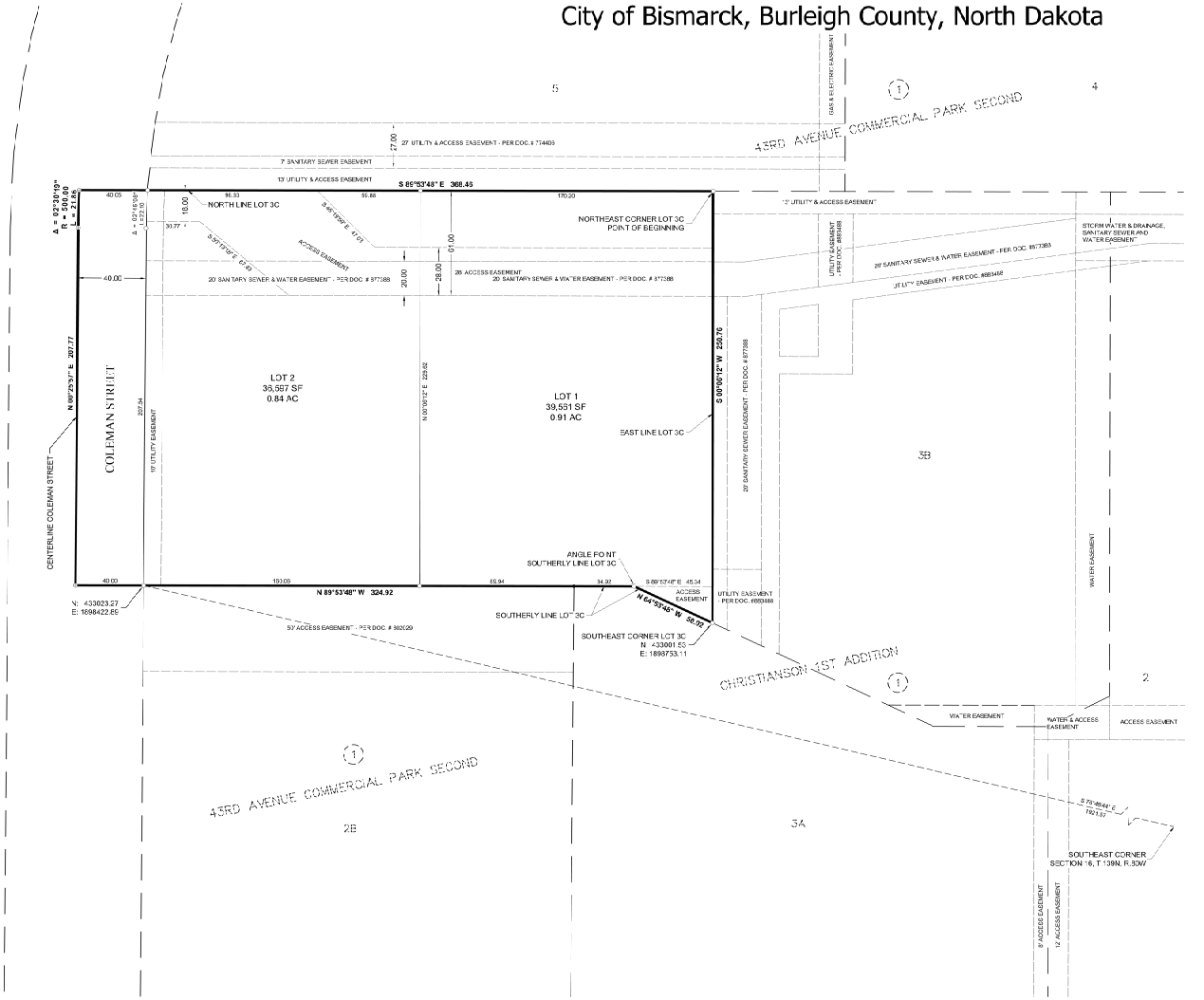
0 0.07 0.15 0.3 Miles

City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

CHRISTIANSON FIRST ADDITION FIRST REPLAT

Being a replat of Lot 3C of Lot 3, Block 1, CHRISTIANSON FIRST ADDITION and adjoining easterly half of Coleman Street right-of-way in the Southeast Quarter of Section 16, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



1 inch = 30 feet

LEGEND:

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

AREA TABULATIONS:

2 Lots	=	76,158 SF	1.75± Acres
Right of Way	=	9,185 SF	0.21± Acres
Total	=	85,343 SF	1.96± Acres

OWNER'S CERTIFICATE AND DEDICATION

The Shoppes at Osgood LLC being all the owners of the lands platted herein, do hereby voluntarily consent to the execution of this plat titled CHRISTIANSON FIRST ADDITION FIRST REPLAT, 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 "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, its officers and employees for emergency services and any other governmental use or uses, provided that maintenance and clearance of the easement is the responsibility of the land owning parties and the city shall not be responsible in any way to furnish any city services if such access easements are not properly maintained or are obstructed by the owners of property in the subdivision.

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

Kevin Christianson, President
The Shoppes at Osgood LLC

STATE OF _____)
) SS
COUNTY OF _____)

Be it known on this _____ day of _____, 20____, before me personally appeared Kevin Christianson, 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 _____

DESCRIPTION:

CHRISTIANSON FIRST ADDITION FIRST REPLAT being a replat of Lot 3C of Lot 3, Block 1, CHRISTIANSON FIRST ADDITION and adjoining easterly half of Coleman Street right-of-way in the Southeast Quarter of Section 16, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota and being more particularly described as follows:

Beginning at the northeast corner of said Lot 3C; thence South 00 degrees 38 minutes 12 seconds West on an assigned bearing along the east line said Lot 3C a distance of 250.76 feet to the southeast corner of said Lot 3C; thence North 64 degrees 53 minutes 48 seconds West along the southerly line of said Lot 3C a distance of 53.02 feet to an angle point along said southerly line; thence North 89 degrees 53 minutes 48 seconds West along said southerly line and its westerly extension a distance of 324.92 feet to its intersection with the centerline of Coleman Street; thence North 00 degrees 06 minutes 57 seconds East along said centerline a distance of 207.77 feet; thence continuing along said centerline northerly 21.86 feet along a tangential curve concave to the east having a radius of 500.00 feet, a delta angle of 02 degrees 30 minutes 15 seconds to its intersection with the westerly extension of the north line of said Lot 3C; thence South 89 degrees 53 minutes 48 seconds East along said north line a distance of 368.46 feet to the Point of Beginning.

Said described Parcel contains 1.96 acres more or less.

BASIS OF BEARING:
Derived from North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

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 2831
COLEMAN STREET 2ND NORTH OF 43RD AVENUE
Elevation = 1900.88

OWNER:
The Shoppes at Osgood LLC
4509 33rd Ave S STE 100
Fargo, ND 58104

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

SURVEYED:
October 12, 2022

SURVEYOR'S CERTIFICATE:

I, Robert M. Ilg, 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 October 12, 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. Ilg
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.

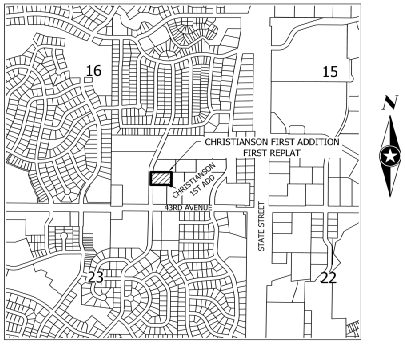
Mike Schwartz
Chairman

Ben J. Ehreth
Secretary

APPROVAL OF CITY ENGINEER

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

Gabriel J. Schell - City Engineer



VICINITY MAP
NOT TO SCALE

DATE: 11/1/2022

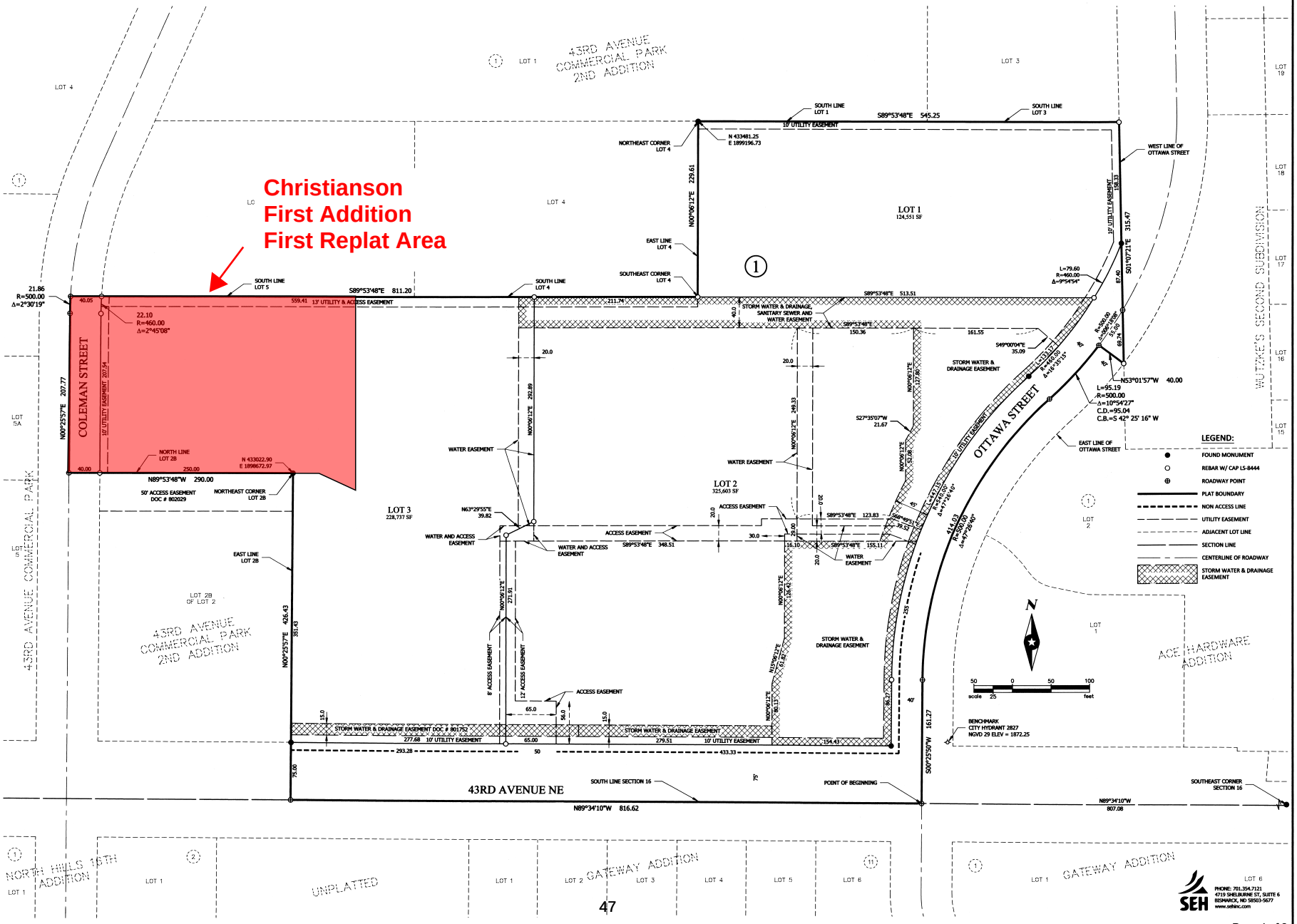
SEH

2290_01

REPLATTED AREA EXHIBIT

CHRISTIANSON FIRST ADDITION

Being a replat of Lots 1 and 2 of Lot 2A of Lot 2, and Lots 6 and 7, Block 1 of 43rd Avenue Commercial Park 2nd Addition and adjacent 43rd Avenue NE, Coleman Street and Ottawa Street rights-of-way located in the Southeast Quarter of Section 16, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



DATE: 6/14/18

47

SEH
PHONE: 701.354.7121
4710 SHELBURNE ST, SUITE 6
BISMARCK, ND 58503-5677
www.sehinc.com

2290_01

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

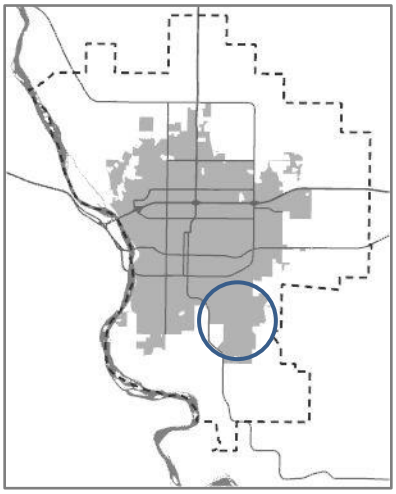
Agenda Item # 5
November 16, 2022

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 – Public Hearing
Owner(s):	Park Avenue Properties, LLP
Project Contact:	Scott Beierle
Location:	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 Street adjacent, Block 2, Shamrock Industrial Park.

(continued)

The Planning and Zoning Commission at their meeting of October 26, 2022 considered this request and called for a public hearing.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 4 and 11, and 15 letters were mailed to the owners of nearby properties on November 4, 2022.

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 approval of 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

(continued)

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

ORDINANCE NO. XXXX

First Reading	
Second Reading	
Final Passage and Adoption	
Publication Date	

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

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

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

The following described property shall be excluded from the P – Public zoning district and included in the MA – Industrial zoning district:

Lot 5 and the E½ of the vacated Georgia Street adjacent, Block 2, Shamrock Industrial Park

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

SHAMROCK INDUSTRIAL PARK

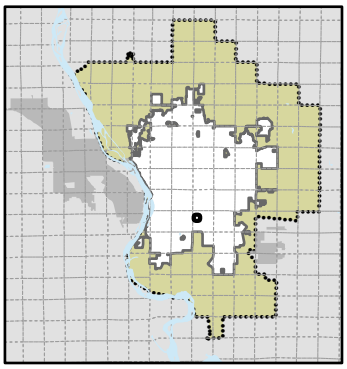
ZC2022-020

0 0.02 0.04 0.07 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



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

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Aerial Map

SHAMROCK INDUSTRIAL PARK

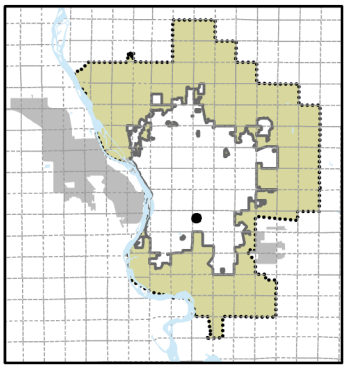
ZC2022-020

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

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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
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DF	Downtown Fringe

Future Land Use Plan

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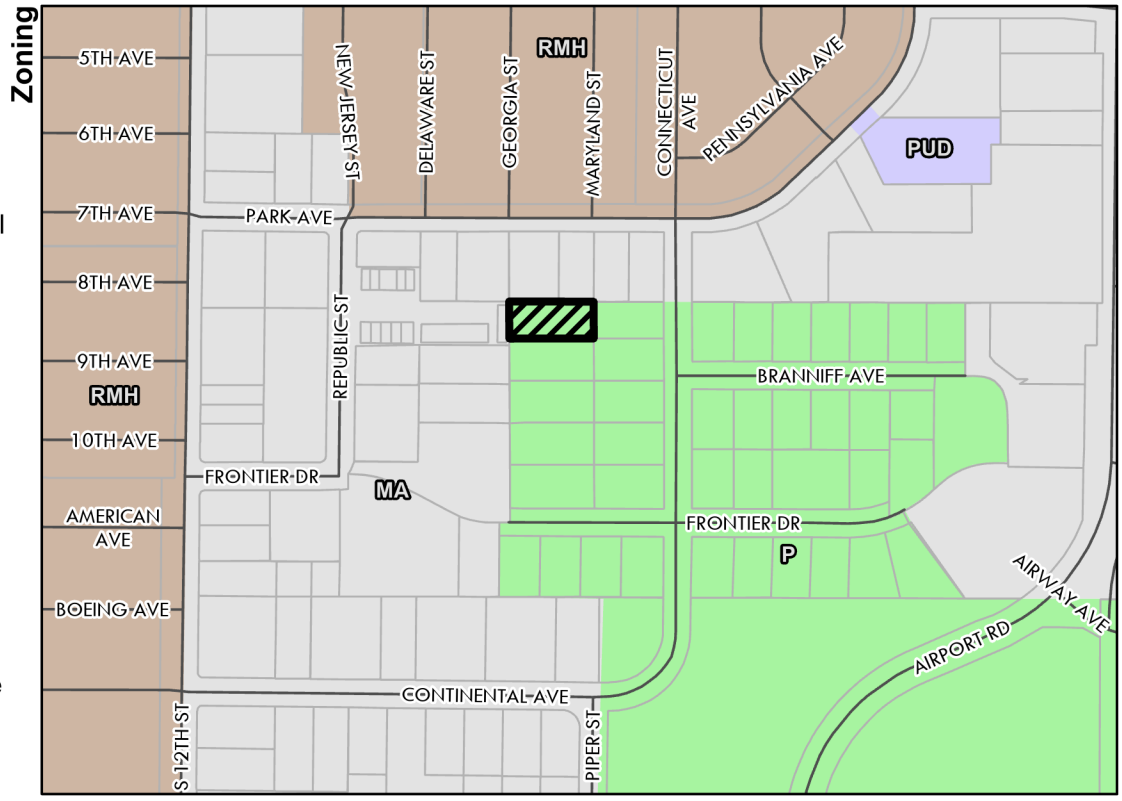
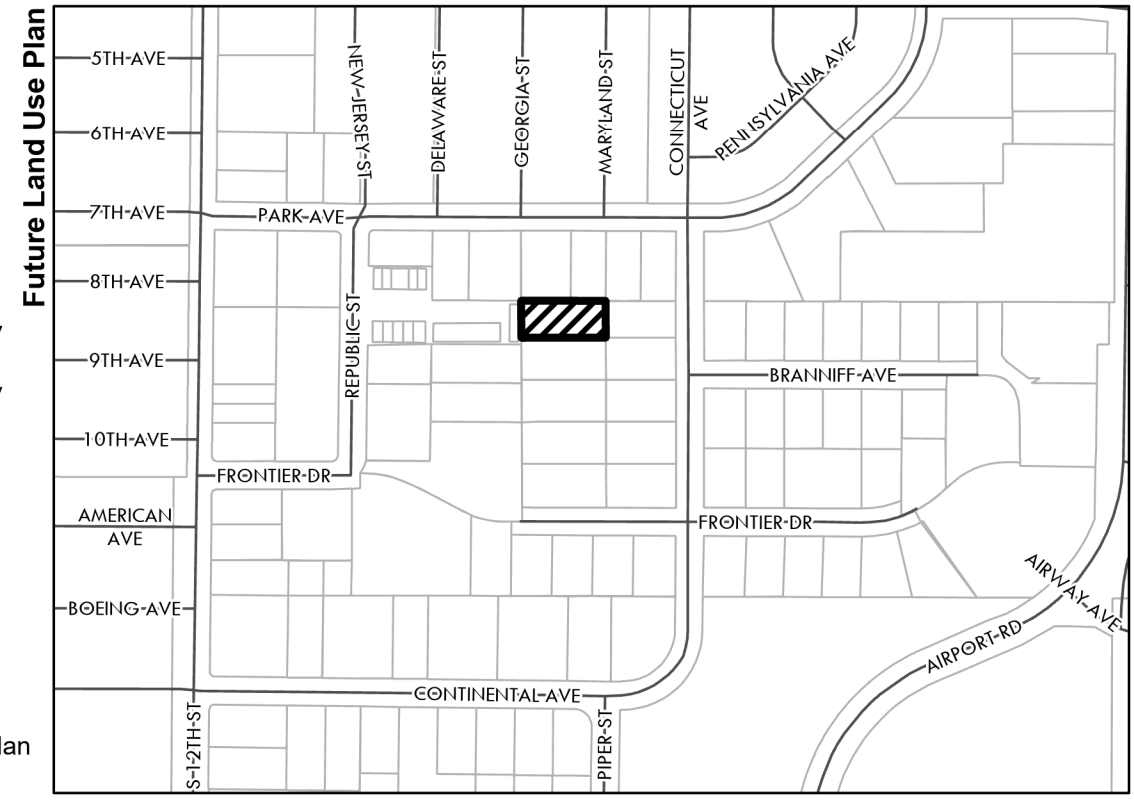
O/MU	Office/ Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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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

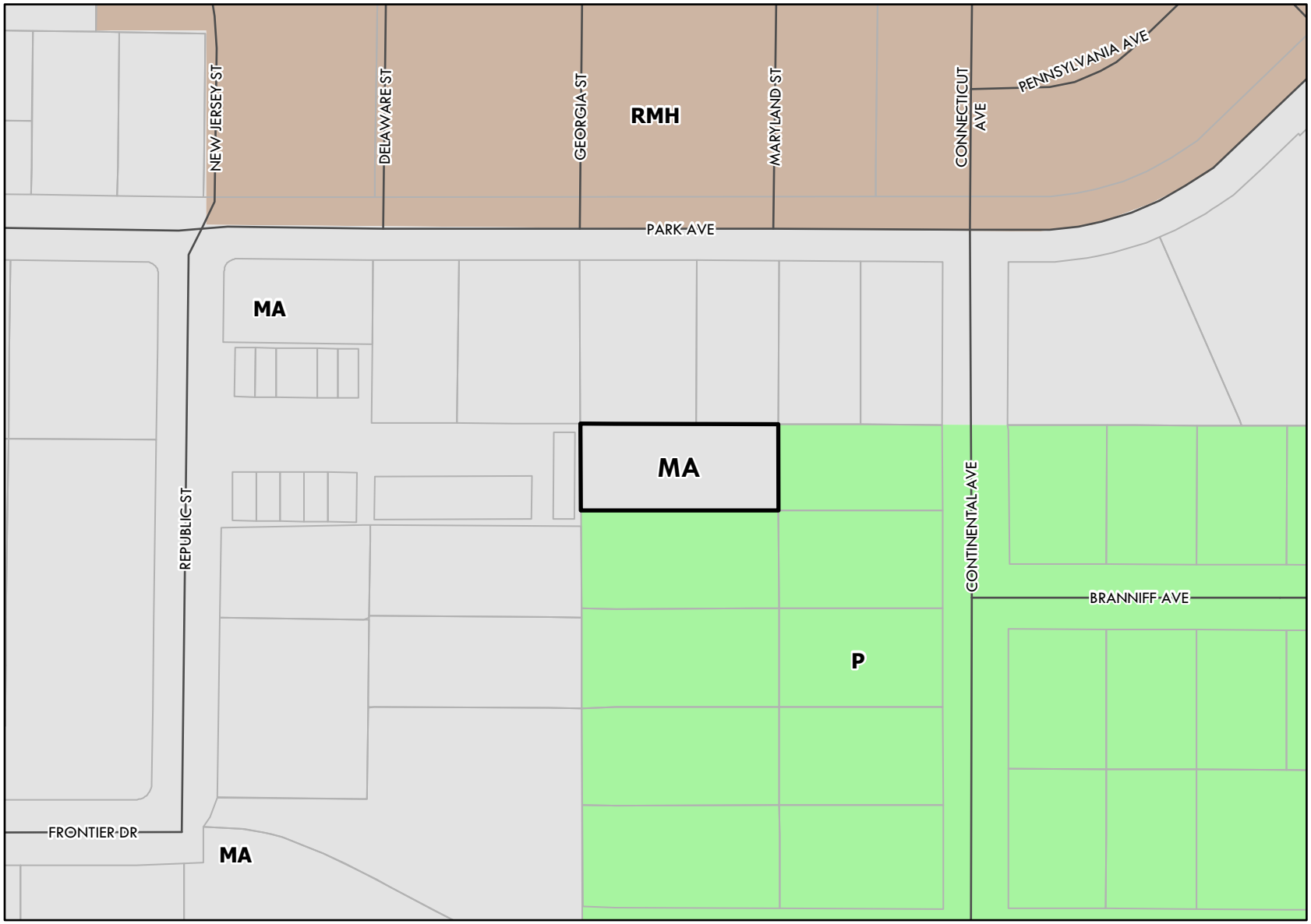
Project Area (zoning within is proposed)

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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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
October 21, 2022

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

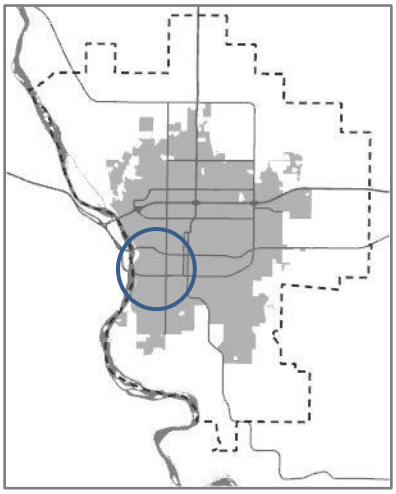
Agenda Item # 6
November 16, 2022

Application for: **Special Use Permit**

Project ID: **SUP2022-021**

Project Summary

Title:	Lot 2, Block 1, Wal-Mart Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Batis Development Co./BDC - Bismarck LLC
Project Contact:	AJ Tuck, PE, Moore Engineering
Location:	South Bismarck, between East Bismarck Expressway and East Arbor Avenue, along the east side of South Washington Street (715 South Washington Street)
Project Size:	48,140 square feet
Request:	Ope a drive-through in conjunction with a coffee shop



Site Information

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

Property History

Zoned:	03/1990	*Platted:*	03/1990	*Annexed:*	Pre-1980

Staff Analysis

Batis Development Co./BDC - Bismarck LLC is requesting approval of a special use permit to allow the operation of a drive-through in conjunction with a coffee shop on Lot 2, Block 1, Wal-Mart Addition.

(continued)

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 4 and November 11 and 10 letters were mailed to the owners of nearby properties on November 4, 2022.

Adjacent uses include commercial uses to the north, east, south and west across South Washington Street.

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

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

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

   A site plan for this special use permit was submitted with the application and the site plan is currently under administrative staff review. Staff have confirmed these criteria would be met.

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

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

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

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

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

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

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

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

6. *"On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet*

(continued)

above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines."

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

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a drive-through in conjunction with a coffee shop on Lot 2, Block 1, Wal-Mart Addition.

Attachments

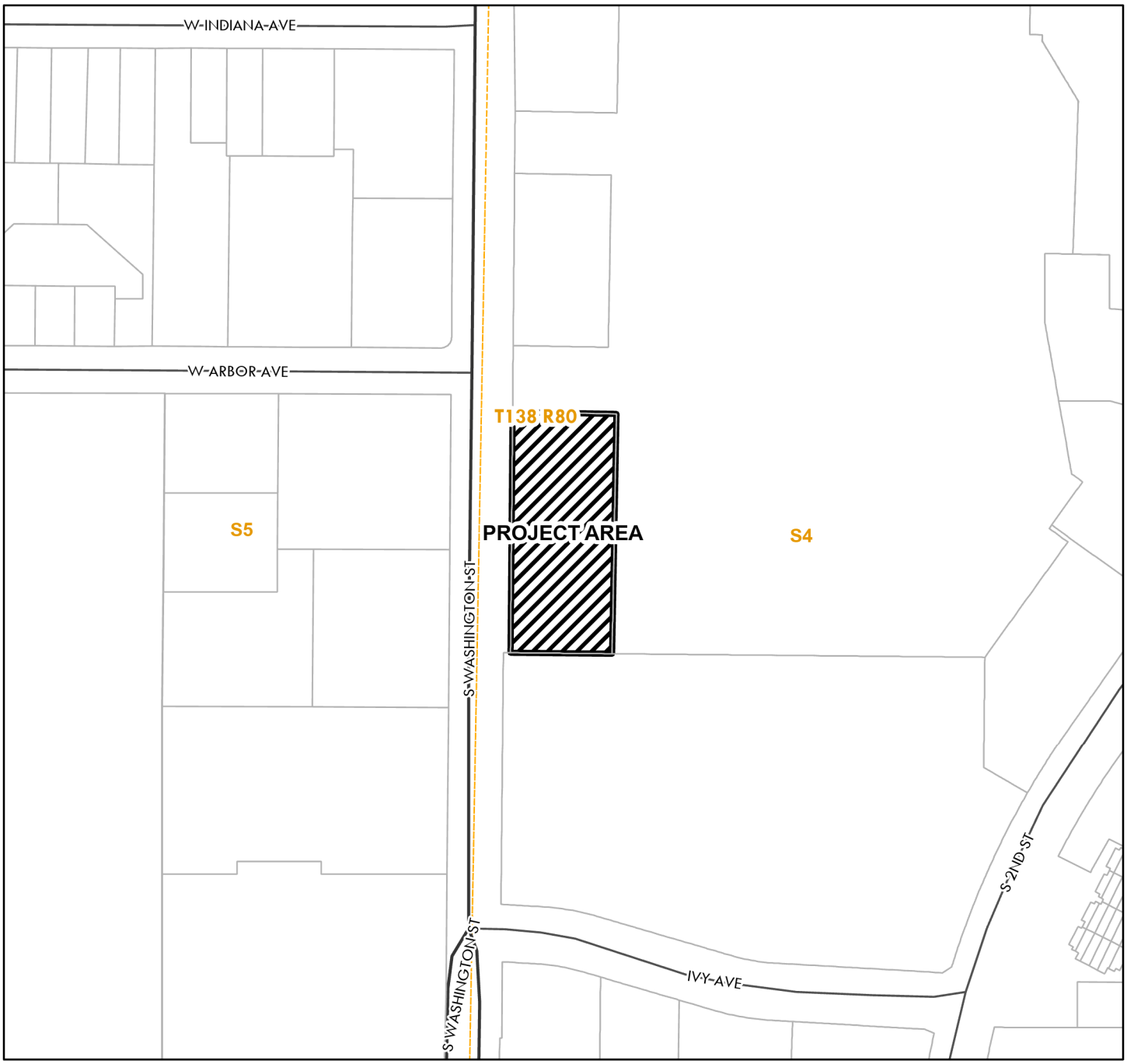
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan Exhibit

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

Location Map

WALMART ADDITION, L2, B1

SUP2022-021



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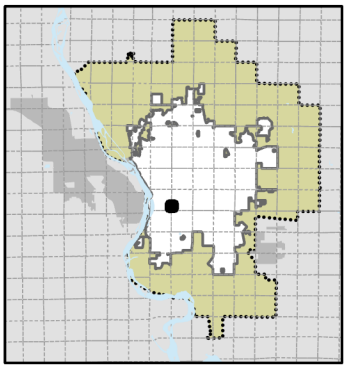
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 9, 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

WALMART ADDITION, L2, B1

SUP2022-021

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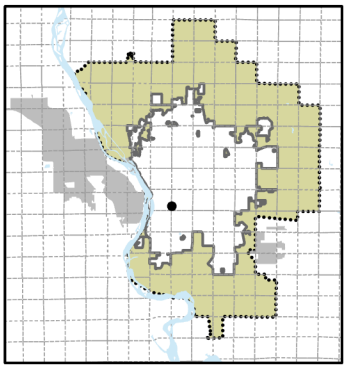
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

WALMART ADDITION, L2, B1

SUP2022-021

Zoning Districts

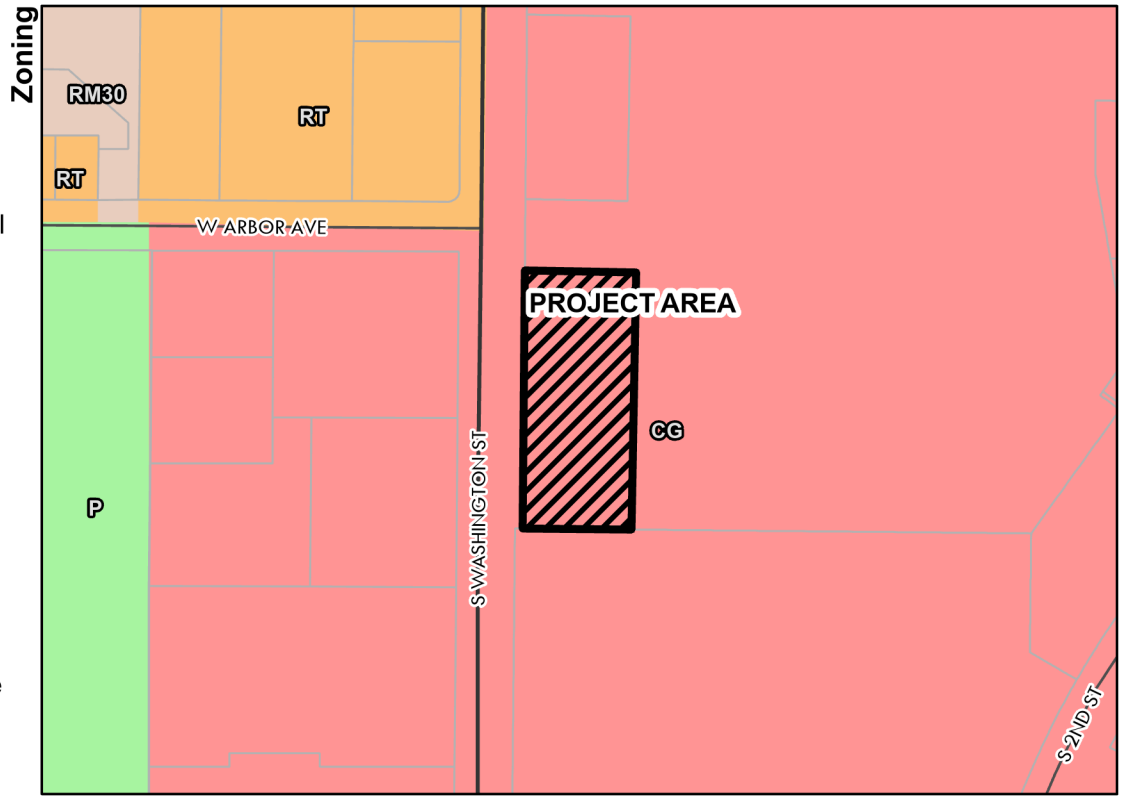
A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

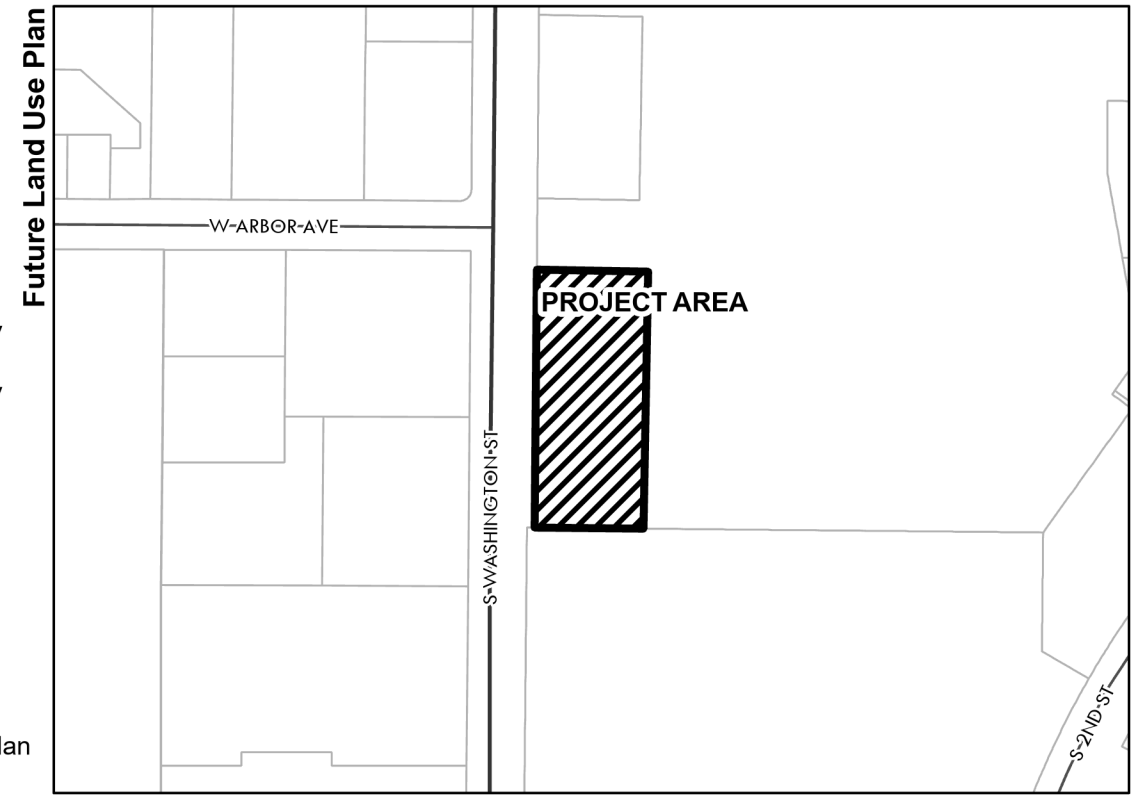
Future Land Use Plan

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

Fringe Area Road Master Plan

- Future Arterial Road
- Future Collector Road





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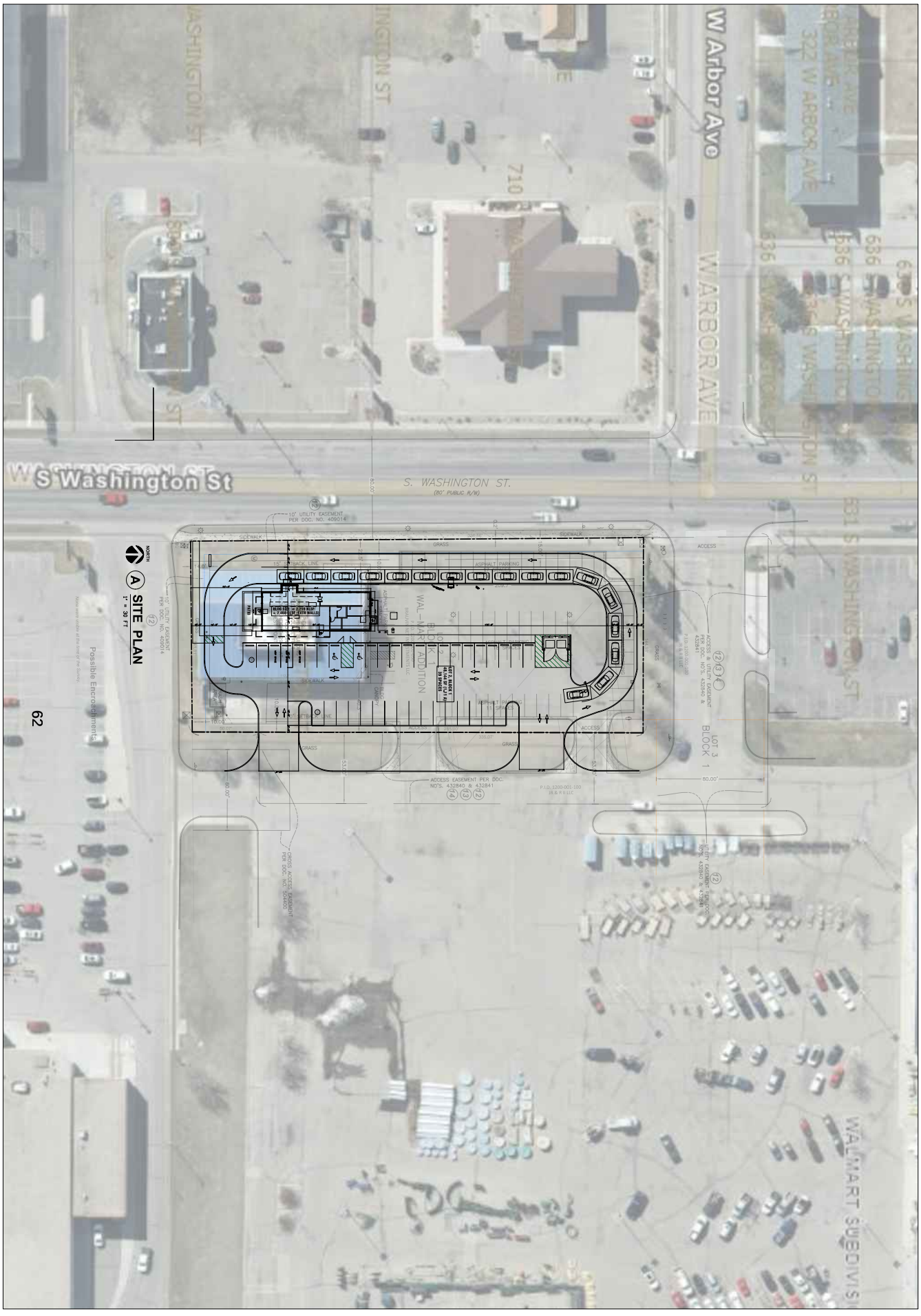
City of Bismarck
Community Development Dept.
Planning Division
November 8, 2022



SHEET NO. A2	BATIS DEVELOPMENT 2933 SW WOODSIDE DR., SUITE 200 TOPEKA, KANSAS 66614 785.272.4400 785.271.0944 F	SITE ARCH. PLAN	SINGLE TENANT BUILDING **STARBUCKS COFFEE COMPANY** 715 S. WASHINGTON ST. BISMARCK, NORTH DAKOTA	DATE: 4-4-22 REVISIONS: 6-15-22 9-7-22

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Agenda Item # 7
November 16, 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 – Public Hearing
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 uses 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 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 – Commercial 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 approval of the 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.

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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.

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

Application for: **Comprehensive Plan**

Agenda Item # 8
November 16, 2022

Project Summary

Title:	Together 2045 Bismarck's Comprehensive Plan
Status:	Planning & Zoning Commission – Public Hearing
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 Planning and Zoning Commission considered this request during their October 25, 2022 meeting and called for a public hearing on the plan. The public has been duly notified of this request. A notice was published in the Bismarck Tribune on November 4 and November 11, 2022.

Together 2045 is intended to comply with North Dakota state law governing municipal planning and zoning. This Plan will fulfill the purpose of a "comprehensive plan" in NDCC Section 40-47-03, as a basis for the zoning ordinance. It would further be adopted in accordance with procedures outlined in NDCC Chapter 40-48 as Bismarck's "official master plan," and also as a "major street plan" referenced in Section 40-48-19. State regulation of plan content is minimal in North Dakota.

Under state law, the Planning Commission is the entity that adopts a plan for the City of Bismarck. If the Planning and Zoning Commission chooses to adopt Together 2045, staff will also forward the Plan to the Board of City Commissioners for their own review, with the recommendation of the Planning and Zoning Commission.

A full draft of the Plan is attached to this report in digital form. Paper copies of the draft as well as any maps included in the Plan are available upon request from the Community Development Department on the second floor of the City-County Office building at 221 North 5th Street. 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

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 Planning Process

The proposed draft of Together 2045 is the result of 18 months of public process, led by an Advisory Committee and a Technical Committee. A public participation plan was presented to the Planning and Zoning Commission in Spring 2021,

(continued)

which outlined proposed activities. All of the objectives of this Plan have been met.

The following key methods were used for gathering public and stakeholder input:

- A representative survey of households in the City of Bismarck and the extraterritorial area
- Three formal public meetings were held, as well as a digital option for kickoff meetings
- Together 2045 was presented for discussion and input at eight organizational meetings, as well as boards within city government
- Public input was gathered at a Together 2045 booth for the duration of two outdoor public events
- Nine focus groups were convened twice each on specific topics related to the plan
- Presentations were made during regularly-scheduled meetings of the Park Board, School Board, Burleigh County, and organized townships
- A land use scenario game was played with eleven different groups to generate discussion about growth alternatives
- Additional online surveys were conducted on neighborhood identities and growth potential
- Bismarck youth were engaged in logo design and input on land use scenarios.
- Numerous interviews with land developers, major landowners, and Plan stakeholders
- Emails to stakeholders, website updates, press releases, social media posts, and other means of communication were used at process milestones.

All activities and the resulting input are documented in the background report “Overview of Public Outreach Activities” available online.

In preparation for the Plan, City staff have also performed historic research, data analysis and mapping, and other studies necessary to support the goals and recommendations of the Plan. These results were discussed with the Advisory and Technical Committees and are compiled in various background reports.

Two separate grants were received from the North Dakota Department of Health and AARP to conduct outside expert review of the Plan, and to evaluate plan implementation through the zoning ordinance. Numerous recommendations from these reports have been incorporated into the current draft of Together 2045.

Summary of Plan

Together 2045 is intentionally concise to facilitate use by city staff, elected and appointed officials, and the general public. The document is not intended to be read through from start to finish. Over four hundred links, all underlined, in the Plan direct users to related sections, interactive maps, or external documents.

Each section of Together 2045 is summarized below:

<u>Introduction:</u>

- Explanation of the purpose and core values of Together 2045
- Outline for the five elements of the Plan: Shape, Connect, Inhabit, Grow, and Thrive
- Brief historic overview and future outlook for the City of Bismarck
- A map of neighborhoods identified for the City of Bismarck
- Peer communities, planning partners, and available resources outside of Bismarck

<u>Plan Elements:</u>

(continued)

All goals and objectives of the Plan are organized into the five elements, and each goal includes performance metrics and cross-references between goals.

- Shape. Land use and urban form, including context-specific designs for neighborhoods and districts
- Connect. Transportation and infrastructure connections throughout the city
- Inhabit. Natural resources and natural hazards of Bismarck and the surrounding area
- Growth. Growth management and economic development both inwardly and outwardly
- Thrive. Health, public safety, housing, and community services to ensure that all residents benefit from community growth

Plan Maps:

A series of maps depict place-based strategies for growth and development, with attention paid to both the existing developed areas and future growth corridors of the city. Most maps include an amendment process and criteria to guide adaptation over time.

- Future Land Use Plan. Place types showing expected intensities and uses throughout the community, used as a basis for rezoning action
- Growth Phasing Plan. Timing of infrastructure and growth of areas outside of city limits, with historic growth references included
- Major Street Plan. Corridors with streets classified locally as arterials and collectors, both existing and planned
- Active Mobility Plan. Existing and future trails and street connections for bicycles and pedestrians
- Community Facilities Plan. Future need for parks, fire stations, and utilities to serve anticipated growth

Implement:

- Outline of available tools and partners to be utilized in plan implementation
- A table of implementation actions, with timelines, responsible parties, and plan goals included
- Summary of recommendations for implementation through a new zoning and subdivisions ordinance

Changes since Preliminary Review

A full draft of the Plan was provided to the Planning and Zoning Commission and general public prior to consideration by the Planning and Zoning Commission on October 26. Changes since this version are relatively minor. Each change, either in text or map, is outlined below:

- Page 38 - Future Land Use Plan. Northeast of Bismarck, near the intersection of 57th Avenue NE and 52nd Street NE, classification changed from Industrial Flex, Community Mixed Use, and Neighborhood Mixed Use to Urban Reserve.
- Page 38 - Future Land Use Plan. North of Bismarck, along the east side of US Highway 83/State Street, the east half of State Street Office Park and all land east of future Collector Aurora Street is changed from Community Mixed Use to Industrial Flex.
- Page 52 - Urban Reserve. The chart showing completion of urban reserve is adjusted based on updated projections from

(continued)

the revised Future Land Use Plan map. The new projections are:

Area Annexed	**Year Annexed** (projected range)
Urban Service Area (USAB)	2045 - 2071
Urban Reserve A (URA)	2054 - 2087
Urban Reserve B (URB)	2060 - 2098

- Page 58 - Major Street Plan. West Lasalle Drive east of Sunlight Drive is removed as collector. This road is not expected to connect to a future Tyler Parkway, due to topographical constraints.
- Minor typos and corrections were made throughout the document

Staff Recommendation

Based on the above findings, staff recommends of adoption of Together 2045 Bismarck's Comprehensive Plan by approval of the attached resolution.

Attachments

1. Resolution for Adoption of Together 2045
2. Draft Together 2045 Comprehensive Plan

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

RESOLUTION OF ADOPTION FOR TOGETHER 2045 BISMARCK'S COMPREHENSIVE PLAN

WHEREAS, the City of Bismarck has initiated the preparation of a comprehensive plan to guide future growth and development of the physical, social, and economic environment of the Bismarck community; and

WHEREAS, the public has participated thoroughly in the process of exploring, drafting, reviewing, and completing this plan through a variety of activities and means, as documented and presented in reports to the Planning and Zoning Commission; and

WHEREAS, notice was published in the official newspaper for a Planning and Zoning Commission public hearing in accordance with state law; and

WHEREAS, the Bismarck Planning and Zoning Commission has reviewed Together 2045 Bismarck's Comprehensive Plan and held a public hearing on said plan on November 16, 2022; and

WHEREAS, the Together 2045 Bismarck's Comprehensive Plan will serve as a consistent and rational basis for decisions of the Planning and Zoning Commission regarding application of the zoning and subdivision ordinance and other land use regulation, superseding previously adopted plans, including the 1980 Comprehensive Policy Plan, the 2014 Growth Management Plan, the 2014 Fringe Area Roadway Master Plan, and the 2016 Infill and Redevelopment Plan; and

NOW, THEREFORE BE IT RESOLVED, by the Bismarck Planning and Zoning Commission, that it hereby adopts Together 2045 Bismarck's Comprehensive Plan, as presented at the November 16, 2022 public hearing; and

BE IT FURTHER RESOLVED, that the Bismarck Planning and Zoning Commission recommends the adoption of Together 2045 Bismarck's Comprehensive Plan to the Board of City Commissioners.

CERTIFICATE

IN WITNESS WHEREOF, I, Michael Schwarz, do hereby certify that I am the duly appointed, qualified Chairman of the Planning and Zoning Commission of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on November 16, 2022.

_____ _____

Michael Schwartz, Chairman Date
Bismarck Planning & Zoning Commission

ATTEST:

_____ _____

Ben Ehreth, Secretary Date
Bismarck Planning & Zoning Commission

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 10/2022

	**********City**********				**********ETA**********			
	10/2022		**10/2021**		**10/2022**		**10/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	12	$3,288,726.74	24	$7,010,718.97	2	$1,036,299.46	2	$1,335,028.20
ROWHOUSE (2) 1-HR FIRE SEPARATION	41	$8,570,988.33	14	$2,995,216.18	0	$0.00	0	$0.00
MULTI FAMILY RESIDENTIAL	0	$0.00	1	$191,457.83	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	2	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	2	$33,975.72	1	$3,120.00	1	$76,175.00	4	$107,321.28
DETACHED GARAGE	3	$56,800.00	3	$28,400.00	4	$267,249.91	5	$166,400.00
DECKS\PORCHES & COVERED PORCHES	9	$27,548.10	11	$148,894.88	0	$0.00	1	$1,800.00
SWIMMING POOLS	1	$90,000.00	2	$165,000.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	2	$88,680.00	7	$67,264.63	0	$0.00	1	$60,200.00
HOME OCCUPATION	0	$0.00	1	$0.00	0	$0.00	1	$0.00
BASEMENT FINISH	2	$40,850.00	6	$101,824.00	1	$21,500.00	0	$0.00
COMMERCIAL	1	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	6	$80,000.00	14	$137,513.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	39	$19,468,090.00	5	$1,869,231.00	0	$0.00	14	$2,106,000.00
COMMERCIAL ADDITION	0	$0.00	2	$660,000.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	4	$1,571,666.00	7	$3,708,171.00	1	$65,000.00	0	$0.00
Total	**124**	**$33,317,324.89**	**100**	**$17,086,811.49**	**9**	**$1,466,224.37**	**28**	**$3,776,749.48**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 10/2022

	**********City**********				**********ETA**********			
	10/2022		**10/2021**		**10/2022**		**10/2021**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	87	$1,500.00	99	$18,000.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	154	$2,730,976.27	137	$1,744,385.10	8	$41,534.12	26	$254,226.46
BUILDING PLUMBING	66	$1,736,092.00	56	$837,721.00	13	$241,400.00	8	$291,400.00
BUILDING SEPTIC	0	$0.00	0	$0.00	5	$0.00	7	$7,000.00
Total	**307**	**$4,468,568.27**	**292**	**$2,600,106.10**	**26**	**$282,934.12**	**41**	**$552,626.46**

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	*******************City*******************		*******************ETA*******************	
	10/2022	**10/2021**	**10/2022**	**10/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	2	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	37	8	0	0
SINGLE FAMILY DETACHED	12	24	2	2
SWIMMING POOLS	0	0	0	0
Total	**51**	**34**	**2**	**2**

PERMIT ACTIVITY REPORT - YTD
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	**********City**********				**********ETA**********			
	10/2022		**10/2021**		**10/2022**		**10/2021**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	155	$45,826,286.14	179	$49,858,041.99	29	$11,041,545.44	48	$18,035,208.23
ROWHOUSE (2) 1-HR FIRE SEPARATION	109	$23,410,389.10	151	$32,591,793.45	0	$0.00	2	$452,915.30
MULTI FAMILY RESIDENTIAL	0	$0.00	1	$191,457.83	0	$0.00	0	$0.00
MANUFACTURED HOMES	7	$0.00	23	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	11	$383,241.76	23	$1,256,567.17	10	$1,156,033.10	12	$808,522.68
DETACHED GARAGE	28	$329,333.75	29	$369,900.00	45	$2,045,677.91	58	$2,273,940.00
DECKS\PORCHES & COVERED PORCHES	75	$237,795.65	107	$818,176.33	9	$252,803.45	11	$53,544.00
SWIMMING POOLS	11	$945,286.00	14	$1,141,584.00	7	$714,601.00	7	$585,849.00
RESIDENTIAL ALTERATION/OTHER	37	$1,438,058.85	56	$1,727,446.76	10	$506,459.22	3	$144,025.77
HOME OCCUPATION	3	$0.00	5	$0.00	0	$0.00	2	$0.00
STORAGE SHED	9	$30,955.00	17	$53,800.00	2	$12,000.00	1	$2,880.00
BASEMENT FINISH	40	$1,045,833.50	76	$1,709,058.50	11	$250,151.50	9	$201,111.00
RESIDENTIAL	2	$0.00	10	$0.00	0	$0.00	0	$0.00
COMMERCIAL	2	$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	64	$555,178.00	101	$1,573,049.46	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	99	$102,283,771.51	66	$53,865,157.21	22	$8,921,426.00	31	$16,538,813.00
COMMERCIAL ADDITION	7	$16,613,387.00	7	$5,362,176.00	2	$7,118,268.00	2	$2,800,000.00
COMMERCIAL ALTERATION	65	$20,741,149.88	82	$29,343,885.86	3	$3,780,000.00	4	$4,643,457.00
Total	**733**	**$213,876,666.14**	**971**	**$180,147,791.56**	**161**	**$35,845,831.62**	**197**	**$46,540,265.98**

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	*******************City*******************				*******************ETA*******************			
	10/2022		**10/2021**		**10/2022**		**10/2021**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	875	$203,000.00	853	$2,303,717.15	5	$0.00	2	$0.00
BUILDING MECHANICAL	1268	$26,050,380.27	1243	$12,296,505.55	227	$2,005,458.11	238	$2,550,971.14
BUILDING PLUMBING	413	$12,536,587.92	405	$12,061,783.63	84	$1,224,064.00	97	$2,691,592.00
BUILDING SEPTIC	0	$0.00	0	$0.00	25	$2,000.00	33	$39,500.00
Total	**2556**	**$38,789,968.19**	**2501**	**$26,662,006.33**	**341**	**$3,231,522.11**	**370**	**$5,282,063.14**

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	*******************City*******************		*******************ETA*******************	
	10/2022	**10/2021**	**10/2022**	**10/2021**
Living Units	**Units**	**Units**	**Units**	**Units**
DECKS\PORCHES & COVERED PORCHES	0	133	0	0
MULTI FAMILY RESIDENTIAL	0	0	0	0
MANUFACTURED HOMES	5	15	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	102	122	0	2
SINGLE FAMILY DETACHED	150	158	24	43
SWIMMING POOLS	0	0	0	0
Total	**257**	**430**	**24**	**47**