PLANNING AND ZONING COMMISSION

MEETING AGENDA
April 26, 2023

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

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

As always, live meeting coverage is available on Government Access Channels 2 & 602HD, Radio Access 102.5 FM, FreeTV.org, RadioAccess.org, ROKU, Apple TV and Fire TV.

Item No. Page No.

MINUTES

1. Consider approval of the minutes of the March 22, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Lot 1, Block 1, River of Hope Addition and**
Lot 1, Block 6, Meadowlark Commercial Third Addition (JW)……..5

Zoning Change (R10 and RT to CA) | ZC2023-001 | *Consideration*

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

REGULAR AGENDA

PUBLIC HEARINGS

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

3. **Lots 1-3, Block 1, Tall Pines Subdivision** (DN)…….....13

Gibbs Township

Zoning Change (A to RR5 and Conditional RR5) | ZC2022-027 | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2023-001 | *Public Hearing*

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

4. **Expressway Industrial Park First Replat** (DN)…….....26

Special Use Permit (Data Center) | SUP2023-004 | *Public Hearing*

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

5. **Hay Creek Substation Addition** (DN)…….....34

Special Use Permit (Data Center) | SUP2023-002 | *Public Hearing*

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

6. **Brookfield Estates** (JW)…….....42

Gibbs Township

Special Use Permit (Oversized Accessory Building) | SUP2023-003 | *Public Hearing*

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

OTHER BUSINESS

7. Other Business

ADJOURNMENT

8. **Adjourn.** The next regular meeting date is scheduled for May 24, 2023.

Enclosures: Meeting Minutes of March 22, 2023
Building Permit Activity Month to Date Report for March 2023
Building Permit Activity Year to Date Report for March 2023

BISMARCK PLANNING AND ZONING COMMISSION
PUBLIC HEARING PROCEDURE AND PROTOCOL

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

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

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

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

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

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

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

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

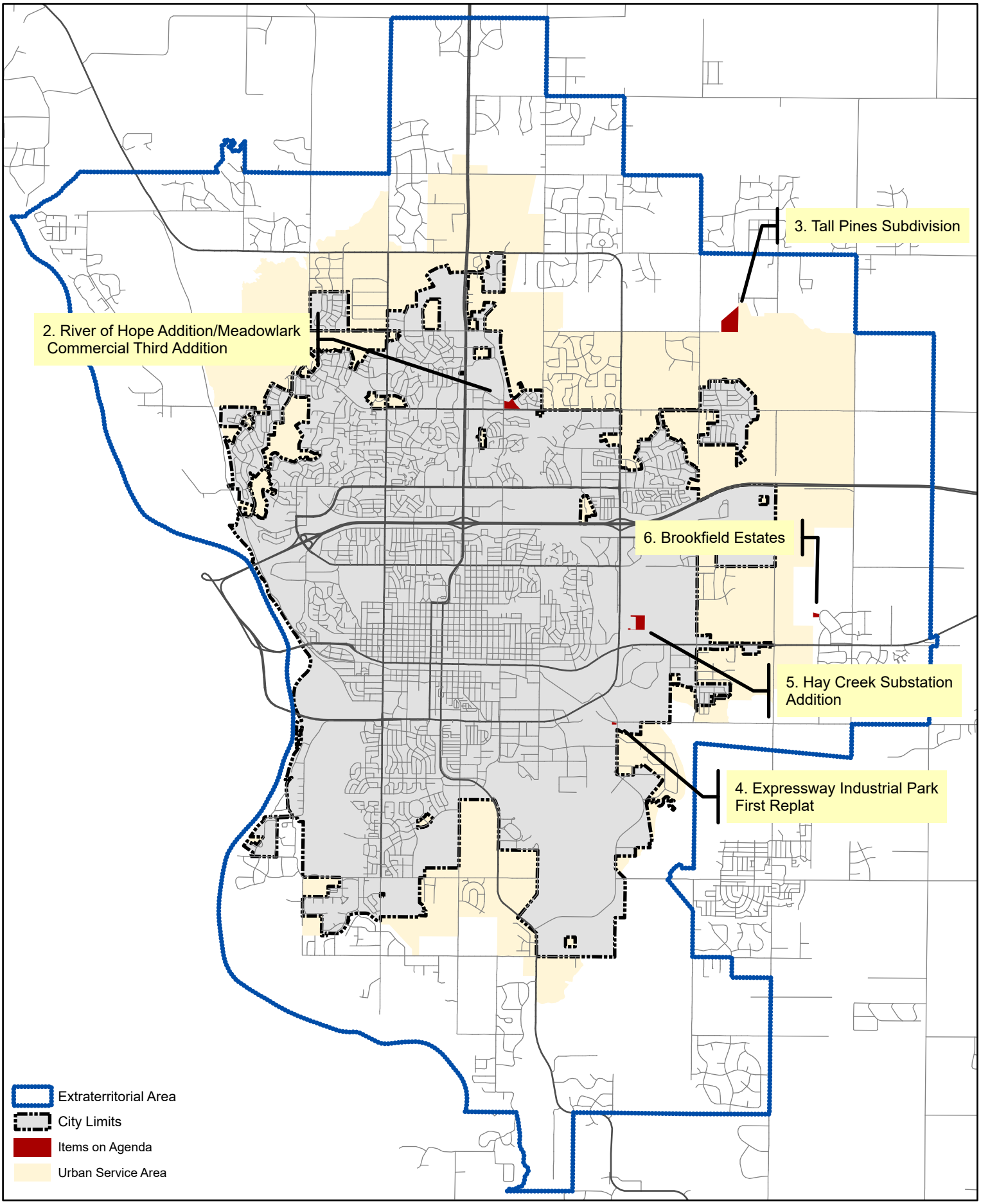
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions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

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

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

General Location Map

Bismarck Planning & Zoning Commission - April 26, 2023



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

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

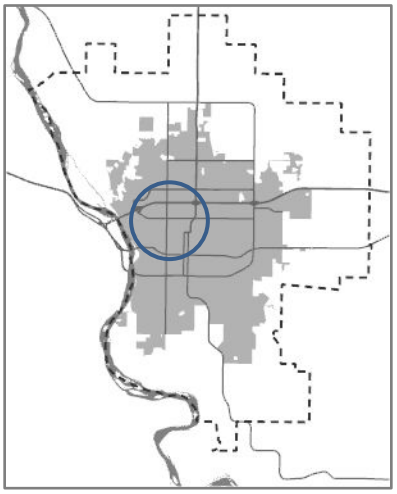
Agenda Item # 2
April 26, 2023

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-001**

Project Summary

Title:	Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Alison Artavia (Lot 1, Block 1, River of Hope Addition) Dakota Square Plaza, LLC (Lot 1, Block 6, Meadowlark Commercial Third Addition)
Project Contact:	Alison Artavia
Location:	In northeast Bismarck, west of State Street / US Highway 83 in the northeast quadrant of the intersection of 43rd Avenue NE and North 19th Street
Project Size:	9.98 acres
Request:	Rezone properties to allow for commercial recreation in conjunction with a religious institution



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 2 blocks	*Number of Lots:*	2 lots in 2 blocks
Land Use:	Multi-family residential and religious Institution	*Land Use:*	Multi-family residential, religious Institution, and commercial recreation
Future Land Use:	Neighborhood Mixed Use Parks and Open Space	*Future Land Use:*	Neighborhood Mixed Use Parks and Open Space
Zoning:	RT – Residential R10 – Residential	*Zoning:*	CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential R10 – Single and two-family residential	*Uses Allowed:*	CA – Neighborhood commercial
Max Density:	RT – 30 units / acre R10 – 10 units / acre	*Max Density:*	CA – 30 units / acre

(continued)

Property History

Zoned:	07/2005 (Meadow Lark Commercial) 05/2002 (River of Hope)	*Platted:*	07/2005 (Meadow Lark Commercial) 05/2002 (River of Hope)	*Annexed:*	07/2005 (Meadow Lark Commercial) 05/2002 (River of Hope)

Staff Analysis

Alison Artavia and Dakota Square Plaza, LLC are requesting approval of a zoning change from the from the RT – Residential and the R10 – Residential zoning districts to the CA – Commercial zoning district for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition.

The proposed zoning change is being requested to allow for commercial recreation in conjunction with a religious institution (River of Hope Church).

The property owner of the existing multi-family property to the west has agreed to be included in this request, which would connect the requested CA – Commercial zoning to an existing commercial zoning district. No changes are anticipated on this property.

Adjacent uses include a privately-owned P – Public zoned property for stormwater management to the north, developed single-family uses to the east across the Dakota Missouri Valley and Western Rail line, undeveloped A – Agriculture and RMH – Residential zoned property to the south across 43rd Avenue NE, and undeveloped CG – Commercial zoned property to the west across North 19th Street.

Conformance with Comprehensive Plan

The Future Land Use Plan in Together 2045 defines the area within the proposed zoning change as Neighborhood Mixed Use (NMU) and Parks and Open Space (PKOS).

The NMU land use designation allows for multi-family residential and smaller-scale commercial and institutional uses and the PKOS land use designation allows spaces that are largely kept natural providing many functions of the community ecosystem.

The proposed zoning change conforms to the Future Land Use Plan and includes multi-family residential, small-scale commercial uses, institutional uses. The PKOS area coincides with the Floodway portion of the Special Flood Hazard Area and is expected to remain undeveloped, regardless of zoning.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan, in Together 2045;
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;

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential and the R10 – Residential zoning districts to the CA – Commercial zoning district for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition.

Attachments

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

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

CITY OF BISMARCK
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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the R10 – Residential zoning district and included in the CA – Commercial zoning district:

Lot 1, Block 1, River of Hope Addition

The following described property shall be excluded from the RT – Residential zoning district and included in the CA – Commercial zoning district:

Lot 1, Block 6, Meadow Lark Commercial Third Addition

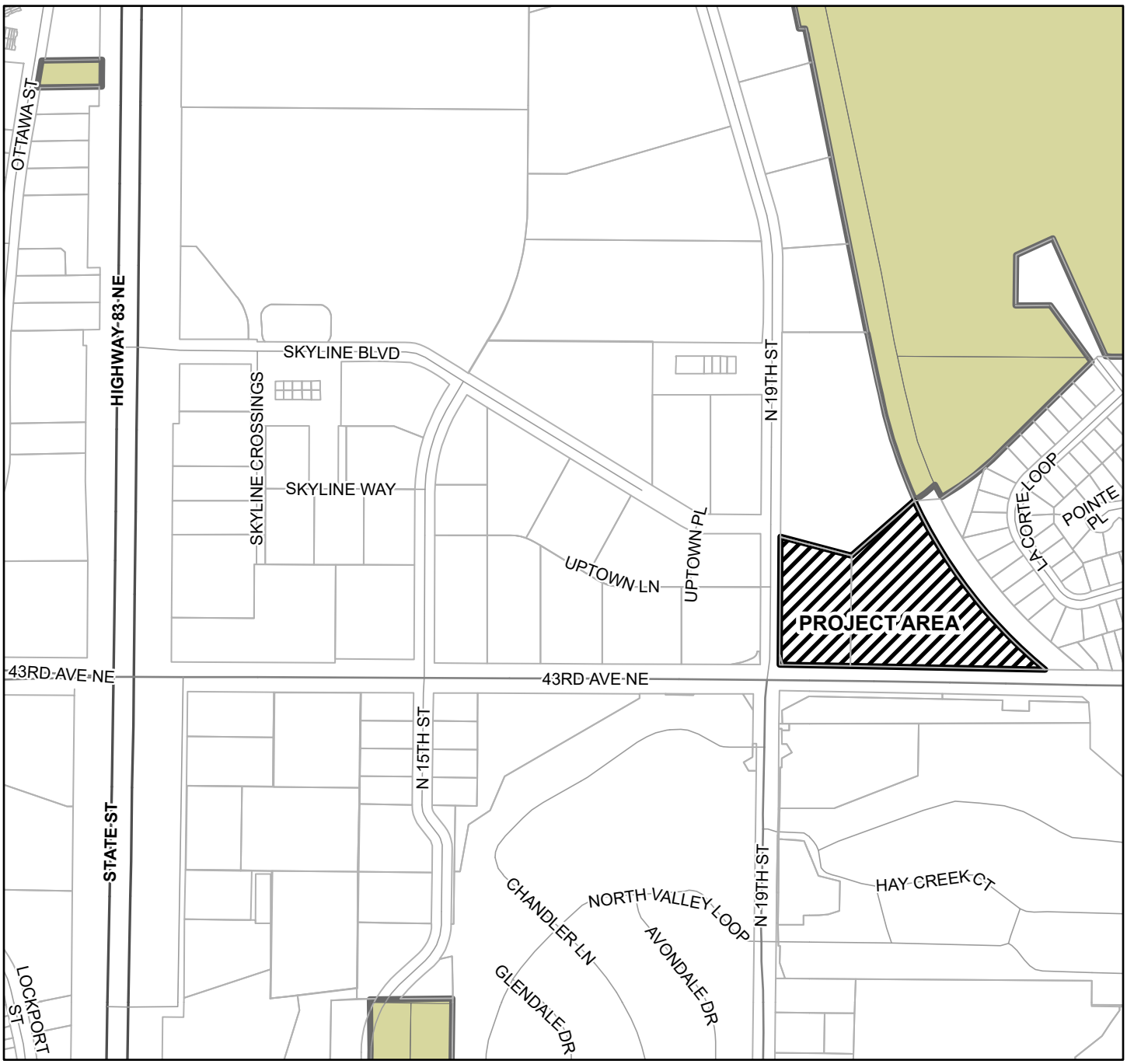
Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

Location Map

ZC2023-001

RIVER OF HOPE ADD L1,B1 & MEADOWLARK COMMERICAL 3RD L1,B6



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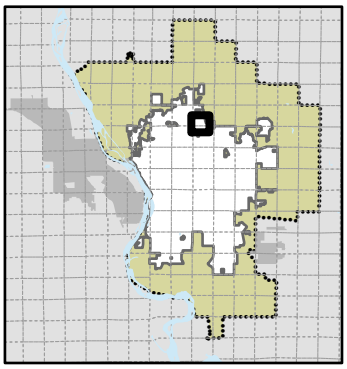


City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

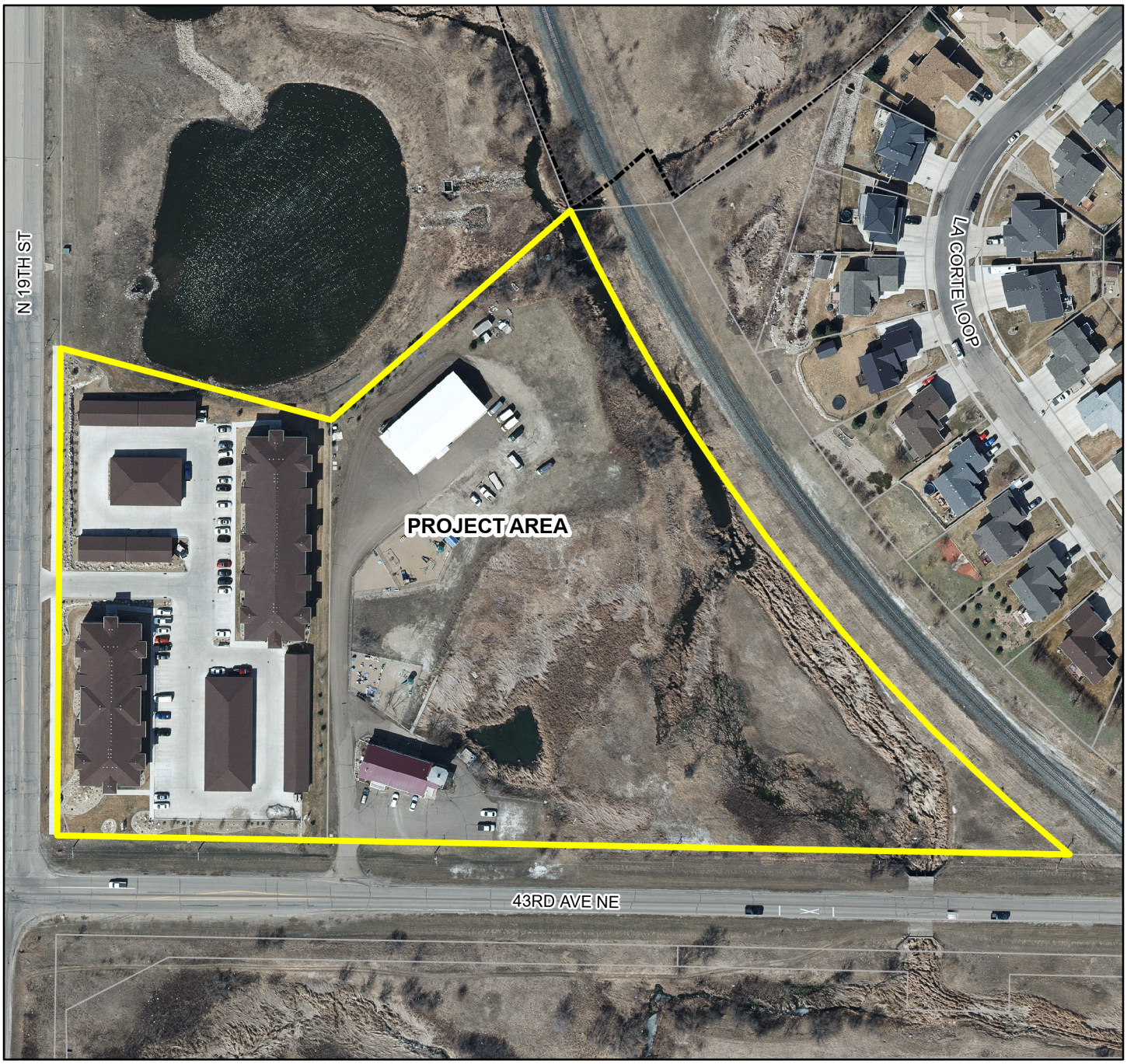
City of Bismarck
Community Development Department
Planning Division
April 14, 2023 (SF)

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

ZC2023-001

RIVER OF HOPE ADD L1,B1 & MEADOWLARK COMMERICAL 3RD L1,B6



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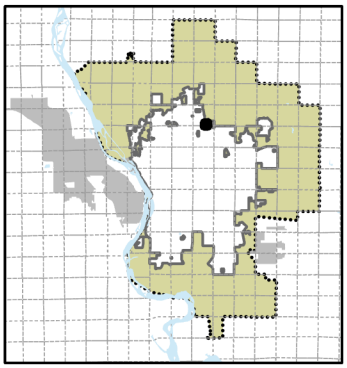
City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
April 14, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

ZC2023-001

RIVER OF HOPE ADD L1,B1 & MEADOWLARK COMMERICAL 3RD L1,B6

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

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/ URB	Mid/Long-Term

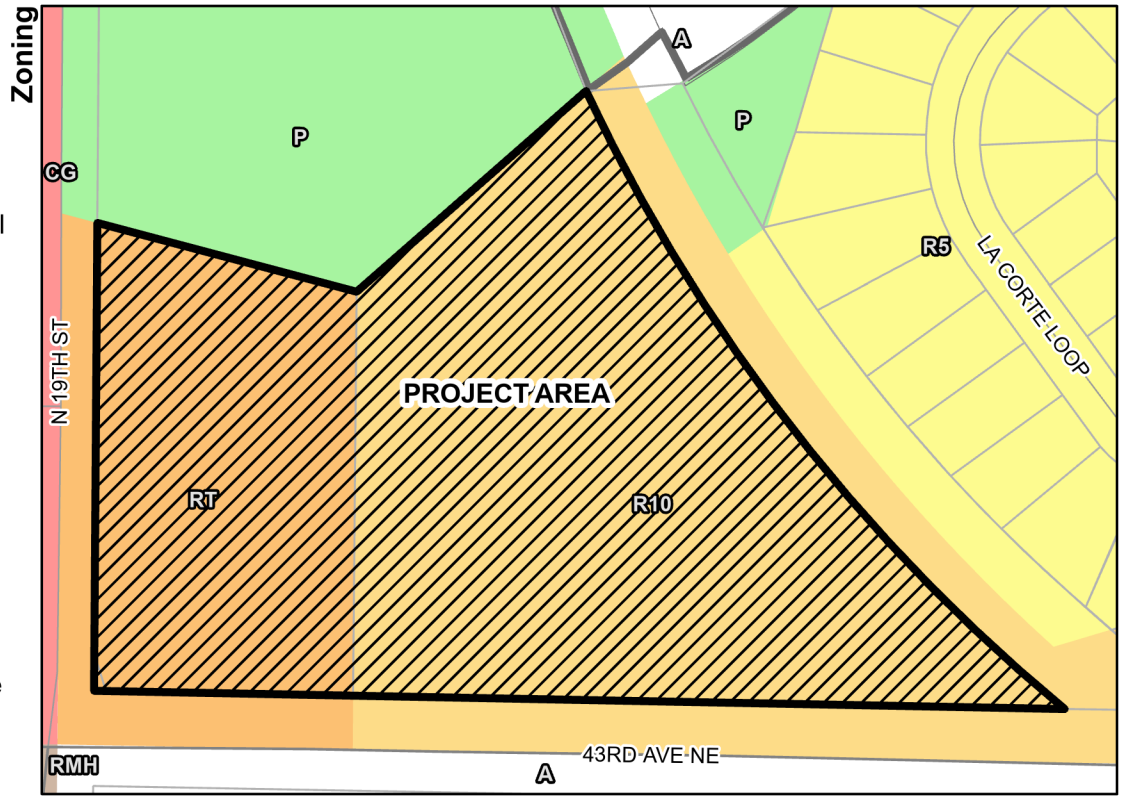
Major Street Plan

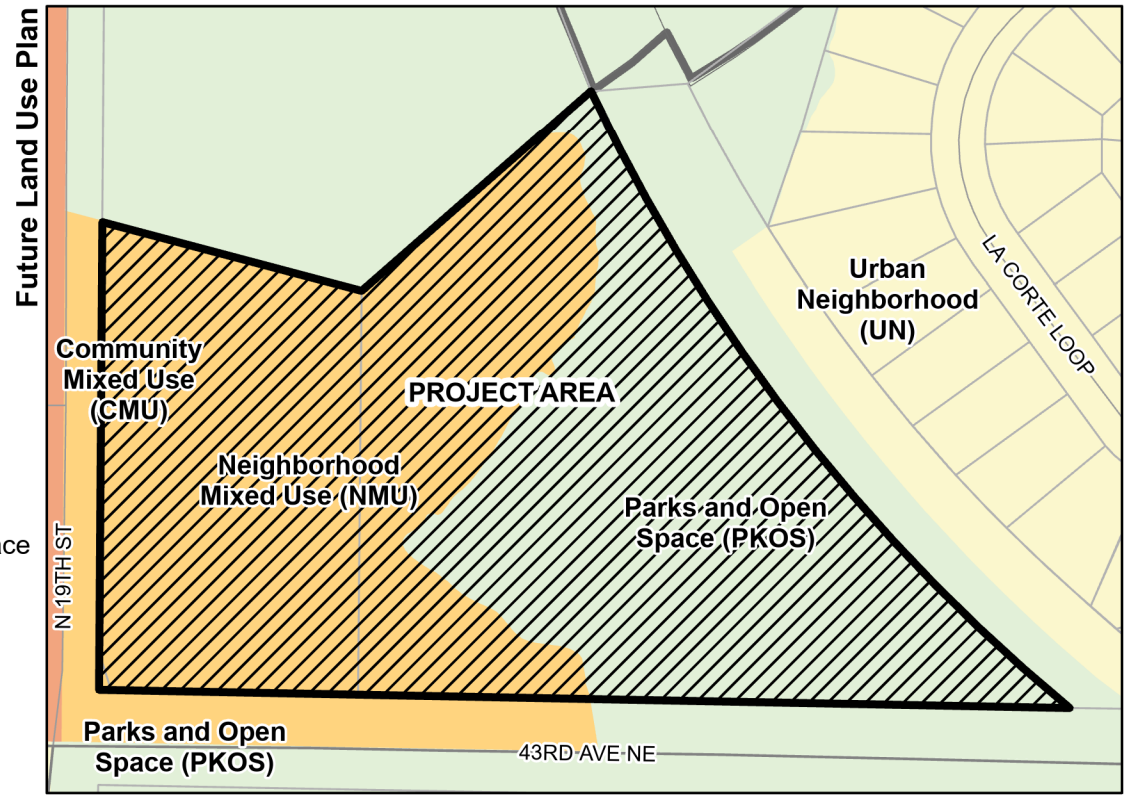
- Future Arterial
- Future Collector
- Future Interstate

Streets

Functional System

- Interstate





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City of Bismarck
Community Development
Planning Division
April 14, 2023

Proposed Zoning Change

RIVER OF HOPE ADD L1,B1 & MEADOWLARK COMMERICAL 3RD L1,B6

ZC2023-001

Proposed New Zoning Map

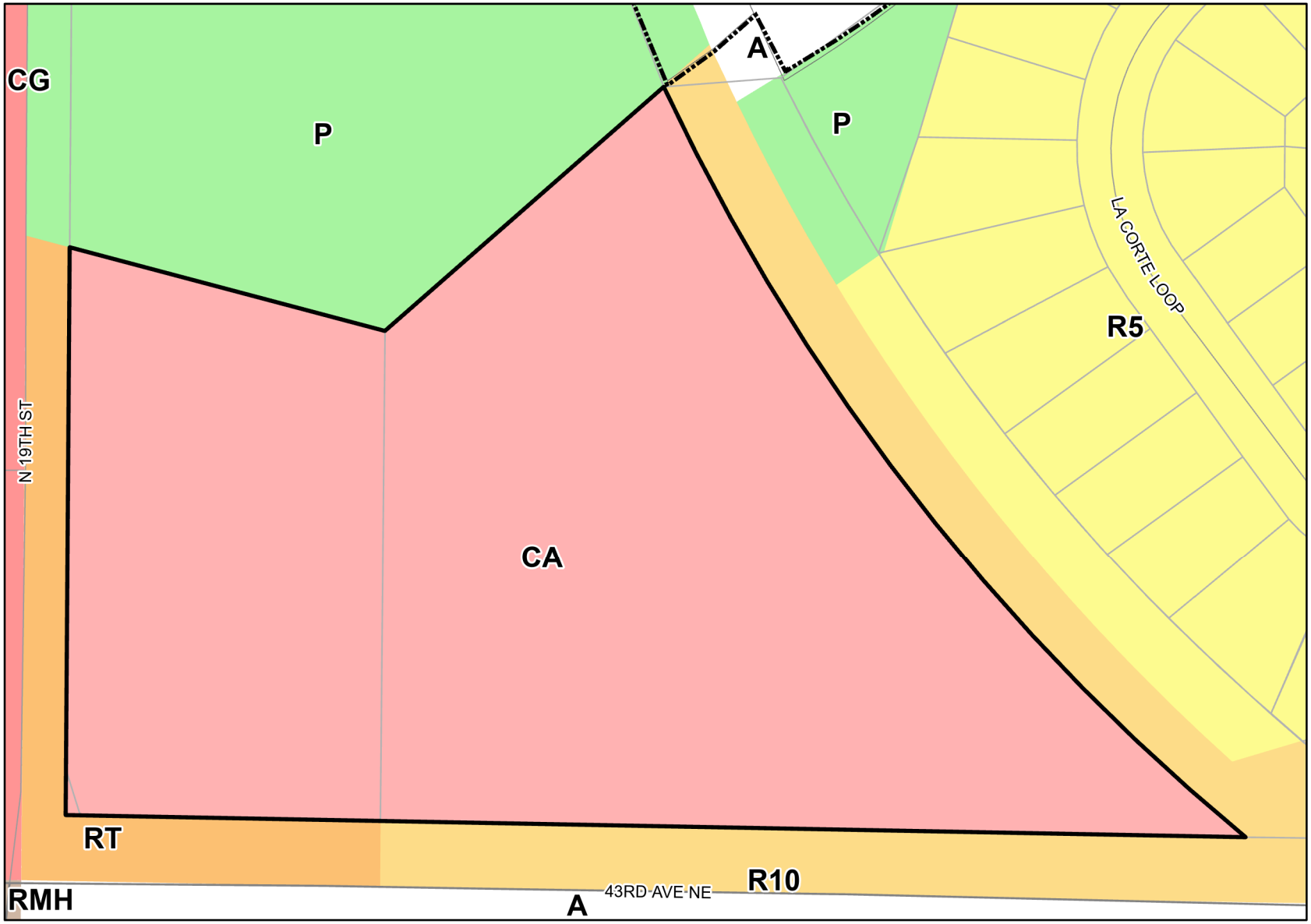
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



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City of Bismarck
Community Development
Planning Division
April 14, 2023

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Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

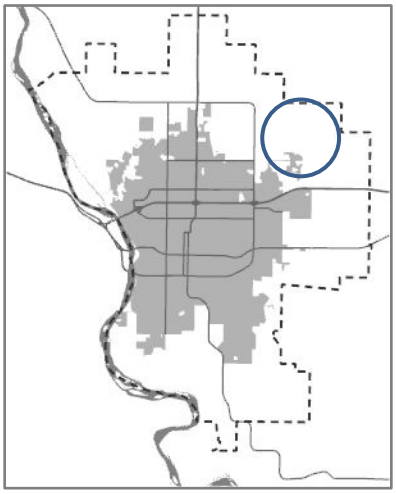
Agenda Item # 3
April 26, 2023

Application for: **Zoning Map Amendment**
Final Plat

Project ID: **ZC2022-027**
FPLT2023-001

Project Summary

Title:	Tall Pines Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Eric and Melanie Wagner
Project Contact:	Andra Marquardt, RLS, Toman Engineering
Location:	Northeast of Bismarck, north of 43rd Avenue NE and east of 52nd Street on the north side of 57th Avenue NE (under construction)
Project Size:	33.07 Acres
Request:	Plat a two-lot subdivision for development of a religious institution and one single-family residence



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 tract	*Number of Lots:*	2 lots in 1 block
Land Use:	Agricultural	*Land Use:*	Rural residential and religious institution
Future Land Use:	Urban Neighborhood Urban Reserve Mid-Term	*Future Land Use:*	Urban Neighborhood Urban Reserve Mid-Term
Zoning:	A – Agricultural	*Zoning:*	RR5 – Residential Conditional RR5 – Residential
Uses Allowed:	A – Agriculture	*Uses Allowed:*	RR5 – RR – Large lot single-family residential and limited agriculture Conditional RR5 – Religious Institution and other special uses
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

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

(continued)

Staff Analysis

Eric and Melanie Wagner are requesting approval of a zoning change from the A – Agricultural to the RR5 –Residential and Conditional RR5 – Residential zoning districts and a major subdivision final plat for Tall Pines Subdivision.

The applicants intend to construct one single-family home on Lot 1 (west lot) and a religious institution, with potential future expansion for a school, on Lot 2 (east lot).

The Planning and Zoning Commission considered this request at their meeting of January 25, 2023 and called for a public hearing on this zoning change and tentatively approved this preliminary plat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 14 and April 21, and 23 letters were mailed to the owners of nearby properties on April 14, 2023.

Adjacent uses include rural residences to the west and undeveloped agriculturally zoned land in all other directions.

The property would be accessed from 57th Avenue NE, which is currently under construction by Burleigh County. The applicant has received a waiver from the Burleigh County Commission from the requirement to complete and pave all rights-of-way in the platted area. Burleigh County Commission will still need to accept the right-of-way of this plat, which typically occurs after City Commission approval.

Conformance to Comprehensive Plan

The Future Land Use Plan in Together 2045 designates the area within the proposed plat into two separate districts, roughly divided by a ridgeline. The southeastern portion is designated as Urban Neighborhood, which is within the Urban Service Area and expected to urbanize within the plan timeframe. The northwestern portion, which drains away from city limits, is designed as Urban Reserve Mid-Term.

Related to the Urban Neighborhood areas, Plan Objective G5(a) states:

> *"Preserve the ability of the City to expand its boundaries by strictly limiting rural development within the Urban Service Area of the Growth Phasing Plan, unless future urbanization is clearly feasible and agreed to by all parties."*

The applicant intends to construct a religious institution on this site prior to annexation, which will require a water holding tank and pumping system to aid with fire suppression because rural water does not provide sufficient pressures for fire protection for assembly uses. Rural development would also require a private septic tank. The applicant understands the City's expectation to annex the property and connect to city water and sewer systems in the future, once the city limits are contiguous to this property. An agreement between Bismarck and South-Central Water District will be signed by both parties reflecting future annexation.

No rural residences, either as a principle use on the lot or as a result of later subdivision, would be permitted within the conditional zoning district (Lot 2). A parsonage house on the property with the religious institutional use, and clearly ancillary in nature, would still be permitted. The applicant has noted potential future plans for a school on this site. A religious institution will require a special use permit prior to construction.

With this understanding and these conditions, staff believe that the proposed rural development on this lot would not inhibit the City's ability to grow in this direction.

(continued)

Related to the Urban Reserve Mid-Term area, Plan Objective G5(c) states:

> *"Allow large-lot rural residential development with a minimum lot size of eight and a half acres in areas identified as Urban Reserve in the Growth Phasing Plan, with the expectation that lots would redevelop with urban services upon annexation"*

Lot 1 is 12.11 acres in size, which is sufficient to naturally allow redevelopment into urban densities in the future when city services are available. Although about one-quarter of the lot area is within the Urban Service Area, the majority is without. The property owner is encouraged to place the house on the lot outside of the Urban Service Area to allow the more accessible portion of the lot to the south to redevelop.

The Major Street Plan identifies the southern boundary of the plat as a future arterial and portions along the eastern boundary as a future collector. The north-south road is planned to begin further to the east but shift to the western boundary at some point to the north. Sufficient right-of-way is dedicated for half of both of these roadways. Because the alignment of the future collector has yet to be determined, any additional right-of way dedicated on this plat that will not be necessary for this roadway can be vacated at a later date.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan of Together 2045;
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 proposed zoning change and recommends approval;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the Major Street Plan;
4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;

(continued)

6. The Gibbs Township Board of Supervisors has been notified of the proposed final plat and recommends approval;
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.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of a zoning change from the A – Agricultural to the RR5 –Residential and Conditional RR5 –Residential zoning districts and approval for the final plat for Tall Pines Subdivision, including granting of a waiver from the requirements related to ghost platting in the Urban Service Area Boundary, with the understanding that Lot 2, Block 1, Tall Pines would be annexed into the city limits when municipal services are available and adjacent to the subdivision.

Attachments

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

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

CITY OF BISMARCK
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 CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

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

Lot 1, Block 1, Tall Pines Subdivision

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

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

Lot 2, Block 1, Tall Pines Subdivision

This RR5 – Residential zoning district is subject to the following additional standards:

1. No residential uses are permitted prior to annexation into the City of Bismarck, unless clearly ancillary and sharing a parcel with the principal use.

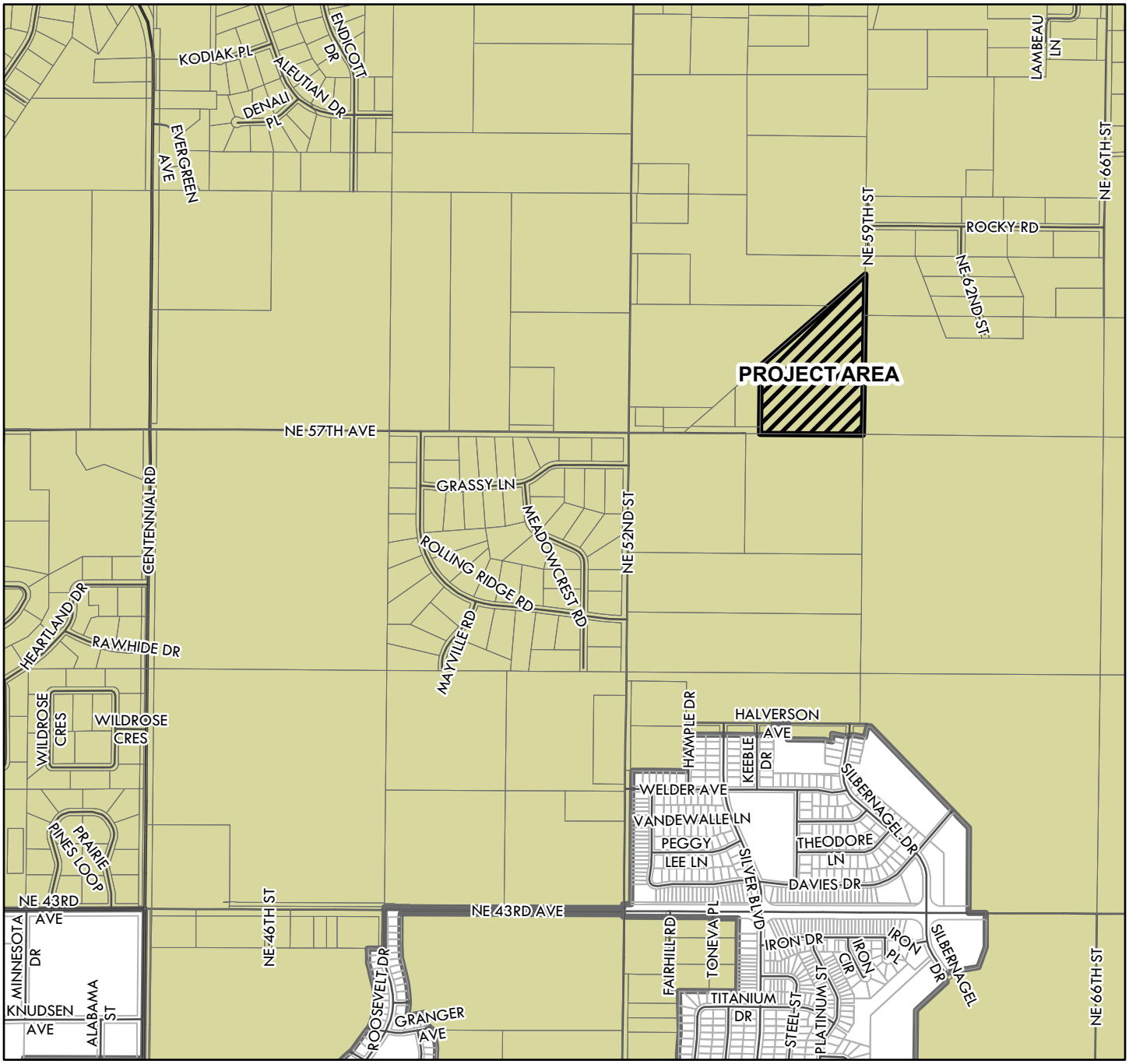
Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

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

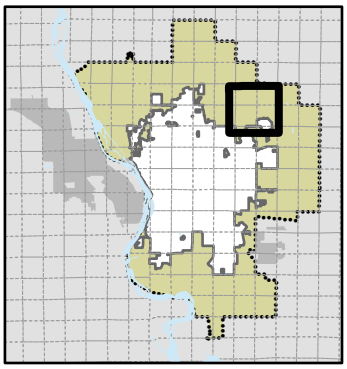
Location Map

Tall Pines Subdivision

PPLT2022-017
ZC2022-027



0 0.38 0.75 1.5 Miles



City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange

City of Bismarck
Community Development Department
Planning Division
January 3, 2023 (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.

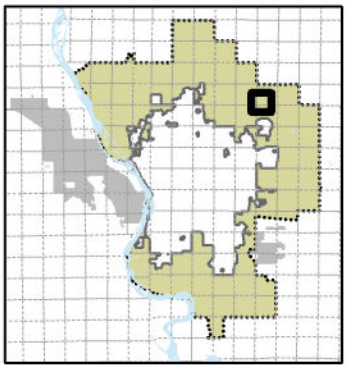
Aerial Map

TALL PINES SUBDIVISION

PPLT2022-017
ZC2022-027

0 0.15 0.3 0.6 Miles

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
January 17, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

TALL PINES SUBDIVISION

PPLT2022-017
ZC2022-027

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

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
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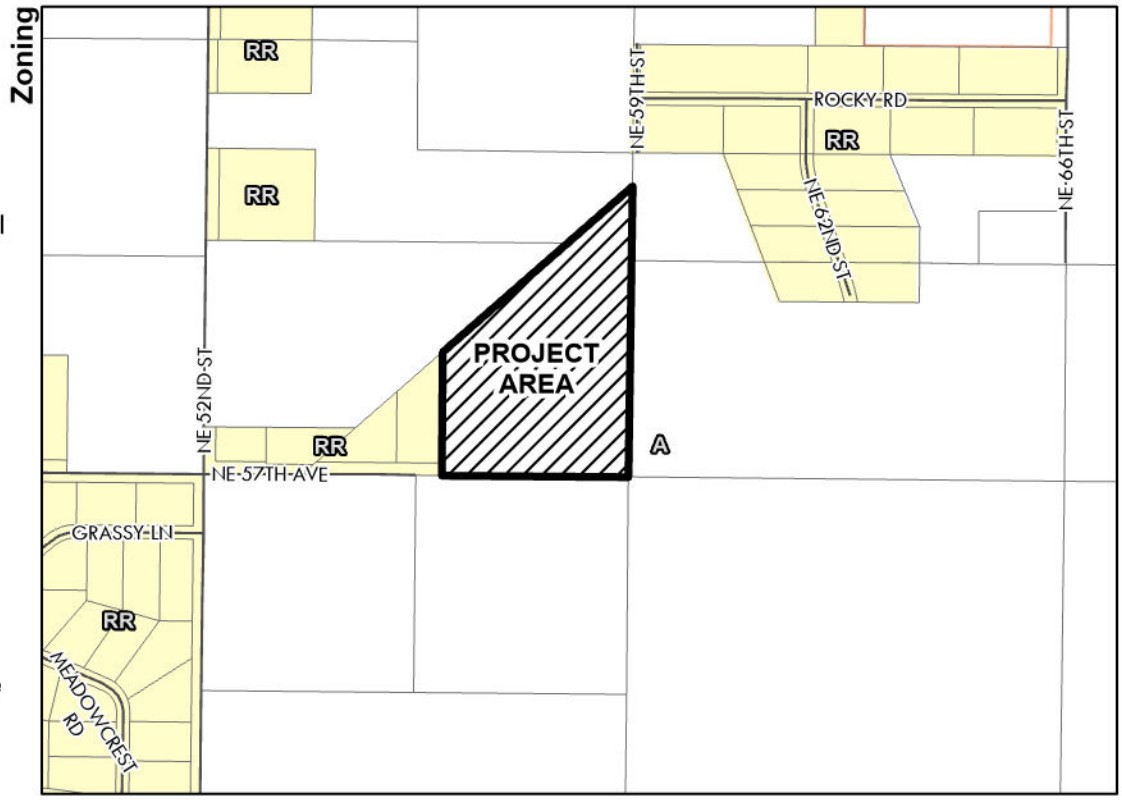
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space Urban Reserve
URA/ URB	Mid/Long-Term

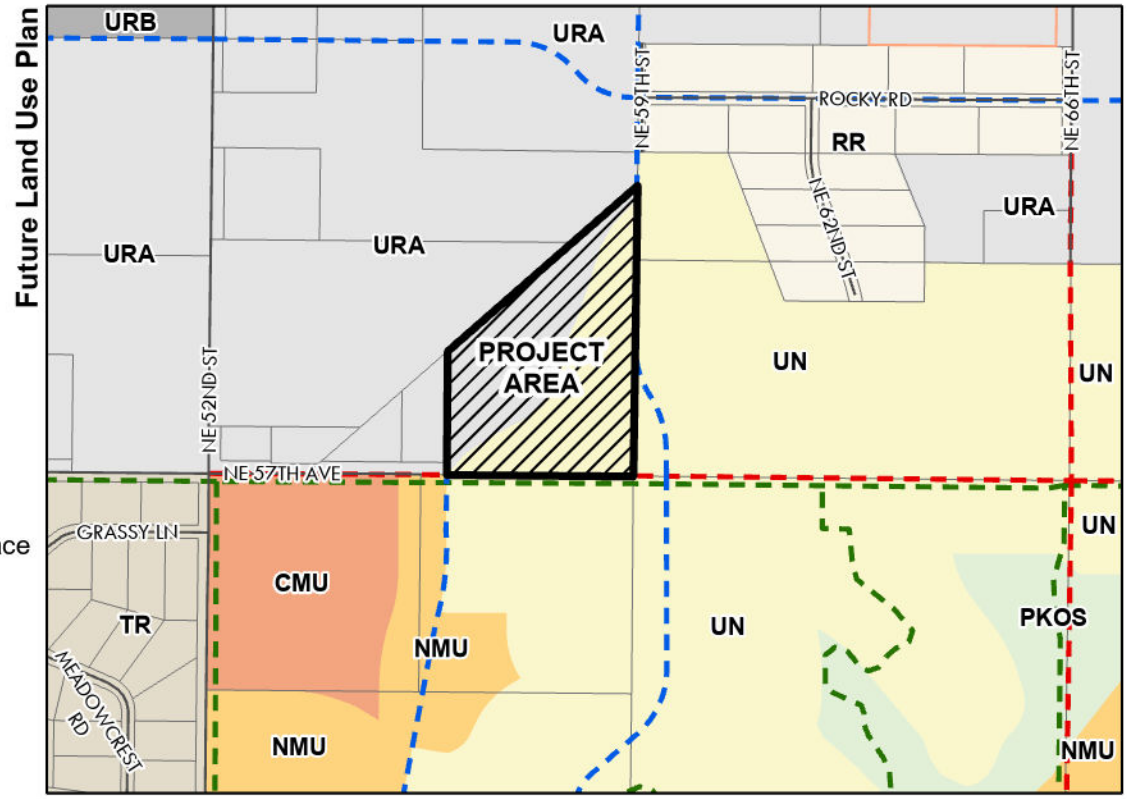
Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

Active Mobility Plan

- Future Shared Trail





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0 500 1,000 2,000 Feet

City of Bismarck
Community Development
Planning Division
January 17, 2023

Proposed Zoning Change

TALL PINES SUBDIVISION

PPLT2022-017
ZC2022-027

Proposed New Zoning Map

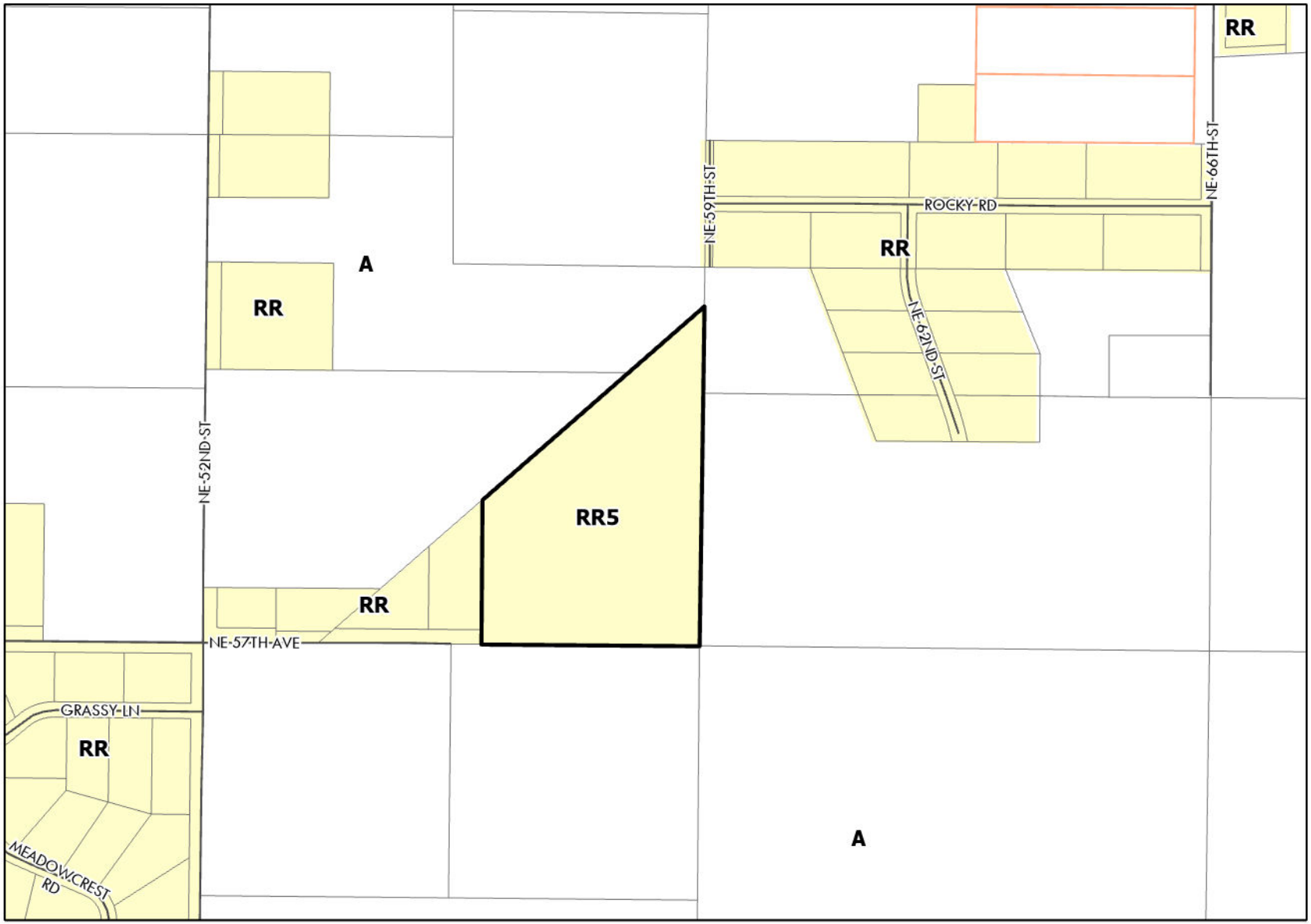
Project Area (zoning within is proposed)

City Limits

Zoning Districts

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

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



0 0.28 0.55 1.1 Miles

City of Bismarck
Community Development
Planning Division
January 17, 2023

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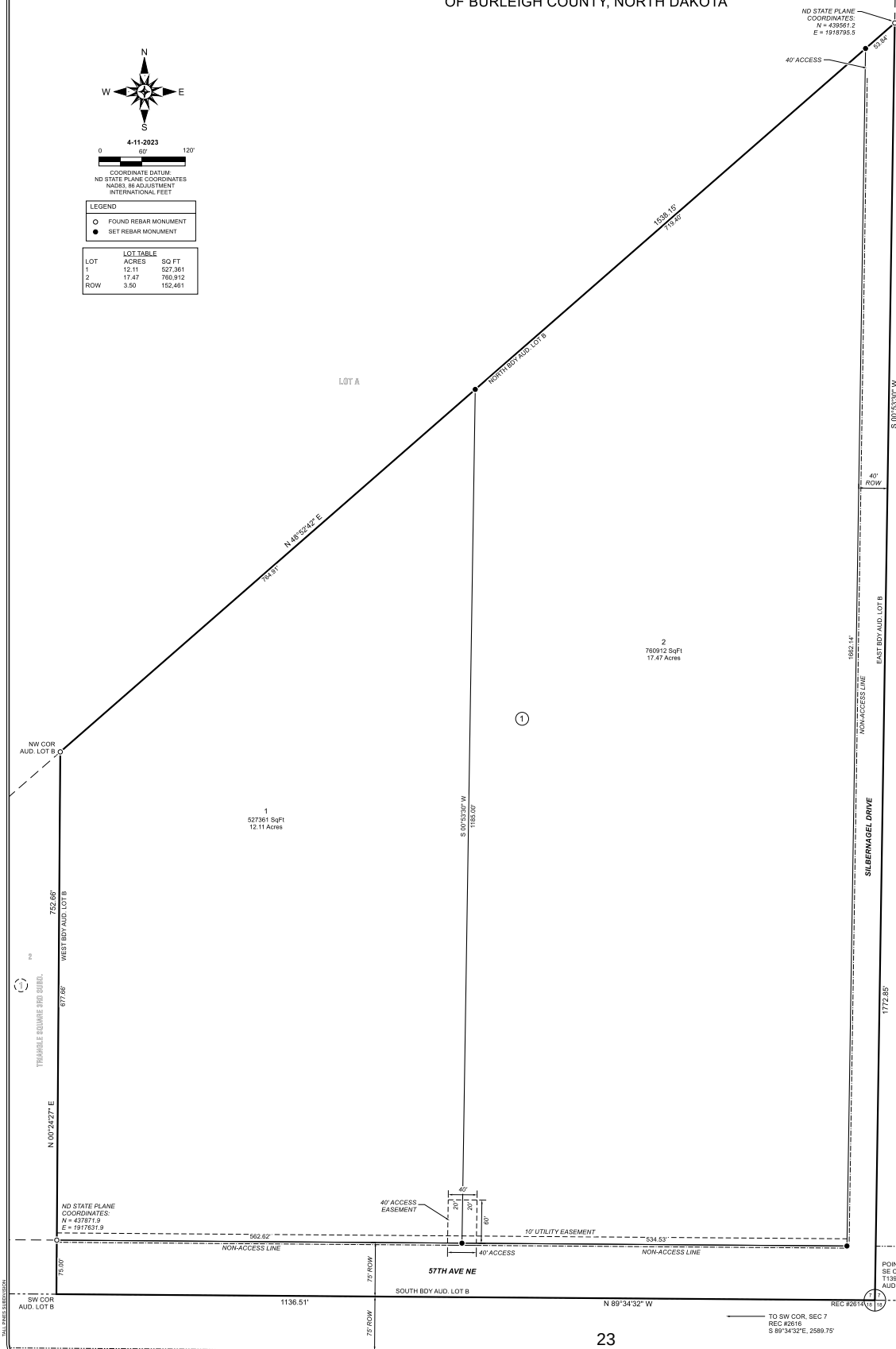
No liability is assumed as to the accuracy of the data delineated hereon.

TALL PINES SUBDIVISION

ALL OF AUDITOR'S LOT B OF THE SW1/4 OF SECTION 7, T139N-R79W
OF BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF AUDITOR'S LOT B OF THE SW1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SECTION 7, T139N-R79W, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF AUDITOR'S LOT B OF SAID SW1/4; THENCE NORTH 89°34'32" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID AUDITOR'S LOT B FOR 1136.51 FEET TO THE SOUTHWEST CORNER OF SAID AUDITOR'S LOT B; THENCE NORTH 00°24'27" EAST ALONG THE WEST BOUNDARY LINE OF SAID AUDITOR'S LOT B FOR 752.66 FEET TO THE NORTHWEST CORNER OF SAID AUDITOR'S LOT B; THENCE NORTH 48°52'42" EAST ALONG THE NORTH BOUNDARY LINE OF SAID AUDITOR'S LOT B FOR 1538.15 FEET TO THE NORTHEAST CORNER OF SAID AUDITOR'S LOT B; THENCE SOUTH 00°53'30" WEST ALONG THE EAST BOUNDARY LINE OF SAID AUDITOR'S LOT B FOR 1772.85 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 33.07 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

ANDRA L. MARQUARDT, RLS 4623 DATE

OWNER'S CERTIFICATE AND DEDICATION

WE, ERIC AND MELANIE WAGNER, BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "TALL PINES SUBDIVISION", AND DEDICATE 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 ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS FOR BOTH LOTS 1 AND 2 OF THIS SUBDIVISION.

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

ERIC WAGNER MELANIE WAGNER

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS____DAY OF _____, 2023.

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

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THE_____DAY OF _____2023, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK.

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

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE_____DAY OF_____, 2023.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA WAS APPROVED THE_____DAY OF _____, 2023.

BECKY MATTHEWS - CHAIR ATTEST: MARK SPLONSKOWSKI
COUNTY AUDITOR/TREASURER

APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES THIS PLAT THIS___DAY OF _____, 2023.

GABRIEL J. SCHELL - CITY ENGINEER

OWNER:
ERIC AND MELANIE WAGNER
31126 MCARTHUR RD
UNDERWOOD, MN 56586

BASIS OF BEARING:
SOUTH BOUNDARY LINE
NORTH 89° 34' 32" WEST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO TALL PINES SUBDIVISION FOR A PERIOD OF FIVE YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.
3. TOTAL LOTS: 29.57 AC± (1,288,273 SF)
   TOTAL ROW: 3.50 AC± (152,461 SF)
   TOTAL AREA: 33.07 AC± (1,440,734 SF)

TOMAN ENGINEERING COMPANY
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
Surveyor: Andra L. Marquardt, RLS-4623

TALL PINES SUBDIVISION

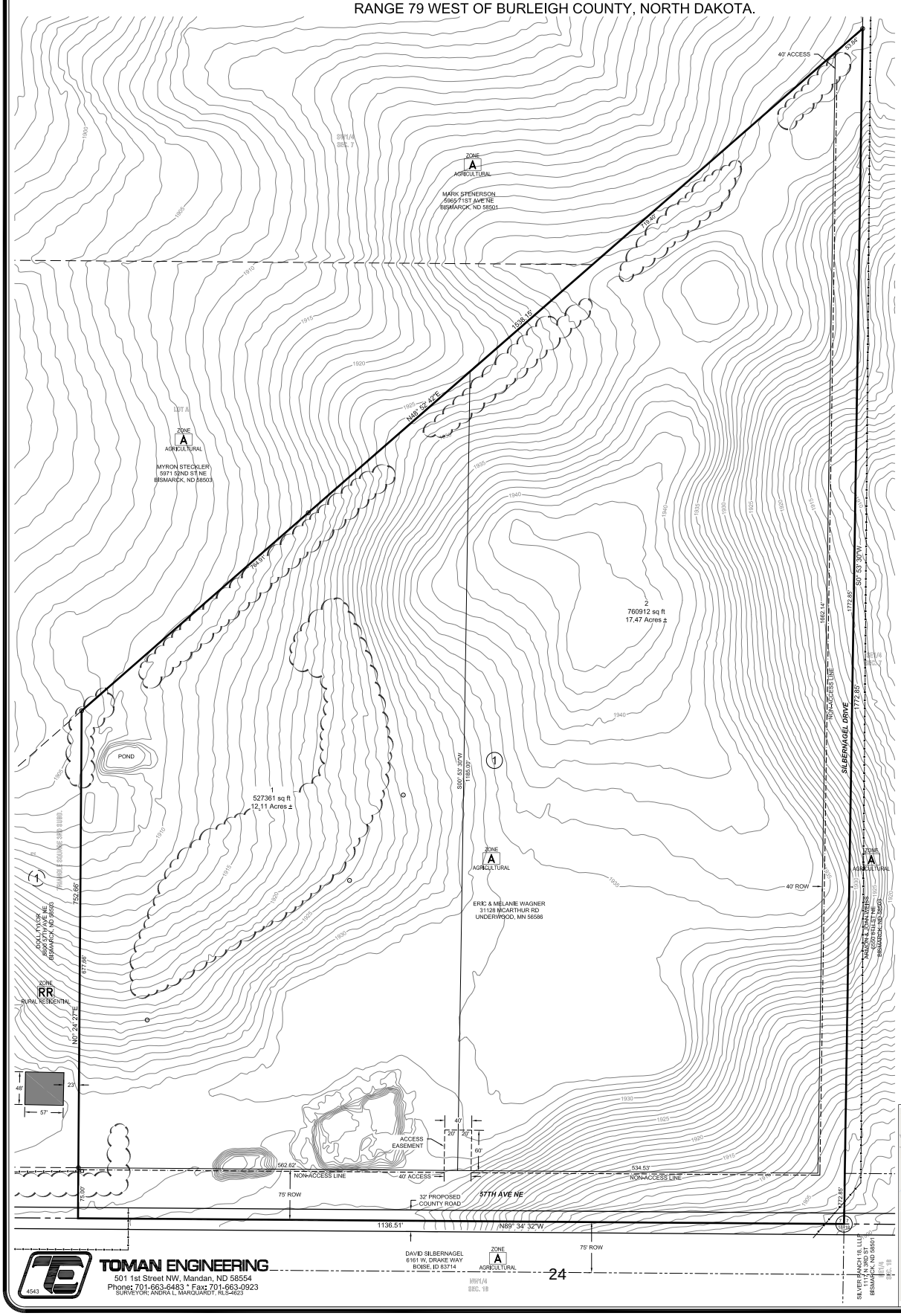
Traverse PC

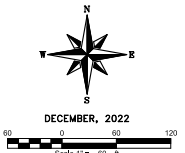
PRELIMINARY PLAT OF

TALL PINES SUBDIVISION

OF BURLEIGH COUNTY, NORTH DAKOTA

ALL OF AUDITOR'S LOT B OF THE SW1/4 OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 79 WEST OF BURLEIGH COUNTY, NORTH DAKOTA.





LEGEND

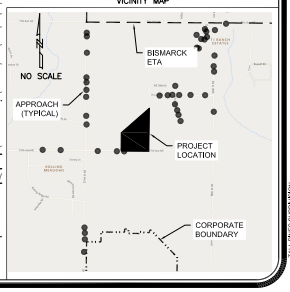
- FOUND REBAR MONUMENT
- ELECTRICAL BOX
- UNDERGROUND ELECTRIC
- GAS LINE
- RURAL WATER
- EXISTING BUILDING
- EXISTING TREE ROW

OWNERS:
ERIC & MELANIE WAGNER
31128 MCARTHUR RD
UNDERWOOD, MN 56586

BASIS OF BEARING:
BASIS OF BEARING: SOUTH BOUNDARY LINE
NORTH 89° 34' 32" WEST.

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. CONTOURS TAKEN FROM BISMARCK-MANDAN MPO LIDAR DATA COMPILED ON APRIL, 2020.
3. TOTAL LOT ACREAGE: 29.58
TOTAL ROAD ACREAGE: 3.49
TOTAL ACREAGE: 33.07

VICINITY MAP



TOMAN ENGINEERING
501 1st Street NW, Mandan, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923
SURVEYOR: ANDRA L. MARQUARDT, RLS-4623
4543

TALL PINES SUBDIVISION

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PROPOSED PLAT AND ZONING CHANGE FROM THE A – AGRICULTURE ZONING DISTRICT TO THE RR5 – RESIDENTIAL AND CONDITIONAL RR5 – RESIDENTIAL ZONING DISTRICTS FOR TALL PINES SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE (APPROVED)(DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF.

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

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

_____

_____

_____

_____

_____
CHAIRMAN, TOWNSHIP BOARD

_____
ATTEST: TOWNSHIP CLERK

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

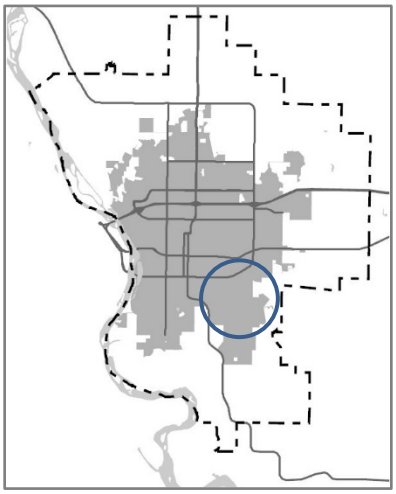
Agenda Item # 4
April 26, 2023

Application for: **Special Use Permit**

Project ID: **SUP2023-004**

Project Summary

Title:	Lot 2, Block 1, Expressway Industrial Park First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	AL & DP Properties, LLC – Owner Northern Immersion, LLC, – Applicant
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In southeast Bismarck, south of East Bismarck Expressway on the southwest corner of Apple Creek Road and Yegen Road.
Project Size:	0.95 Acres
Request:	Construct a data center in conjunction with office and industrial uses



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Undeveloped	*Land Use:*	Data center, office, storage, industrial uses
Future Land Use:	Industrial	*Future Land Use:*	Industrial
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	Pre-1980	*Platted:*	02/2013	*Annexed:*	Pre-1980

(continued)

Staff Analysis

AL & DP Properties, LLC and Northern Immersion, LLC are requesting approval of a special use permit to construct a data center on Lot 2, Block 1, Expressway Industrial Park First Replat.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 14 and April 21, and 7 letters were mailed to the owners of nearby properties on April 14.

Adjacent uses developing industrial to the north, a regional detention center to the northeast, and industrial uses to the east, south, and west.

Data Center standards are outlined in 14-03-08(4)z of the City Code of Ordinances.

1. *"All data processing and storage is contained within a building constructed in compliance with the International Building Code and International Fire Code."*

   The applicant affirms that the data center will be completely contained within a code-compliant structure. Verification of building code compliance will occur prior to issuance of a building permit for the structure.

2. *"Written verification is submitted from the utility provider that sufficient capacity will be available to meet anticipated needs for electrical power."*

   A letter from Capital Electric verifying sufficient electrical power capacity to serve the proposed data center is attached to this staff report.

3. *"Facilities are equipped with environmental controls to maintain the proper conditions for the operation of electronic equipment."*

   The applicant affirms that adequate environmental controls will be installed. The data center systems utilize immersion cooling technology which uses liquid to cool the computers, rather than air cooling. Dry cooler fans will be used in the summer to cool fluids. In the cooler months, the excess heat generated by the data center will be used to heat the remaining buildings on the site.

4. *"The applicant verifies at the time of application that all requirements of Chapter 8-10 (Noises) of the Bismarck Code of Ordinances will be met during operations, as measured from the property line of the subject parcel. Verification may be in the form of a noise study, manufacturer specifications, data from comparable facilities, or any combination thereof."*

   Because the subject property and all adjoining properties are within an industrial zoning district, the maximum noise level allowed is 75 dB. The nighttime standard is applied because operations are assumed to occur at all hours.

   Based on this information supplied by the applicant, maximum noise levels should not be exceeded. The maximum decibel rating on the dry cooler fans is 67 decibels. This is within the allowable noise limits for the area. Any future noise violations on the site would be subject to enforcement, per standard procedures.

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;

(continued)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for an data center on Lot 2, Block 1, Expressway Industrial Park First Replat.

Attachments

1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Statement of Utility Capacity
5. Site Plan

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

Location Map

EXPRESSWAY INDUSTRIAL PARK FIRST REPLAT

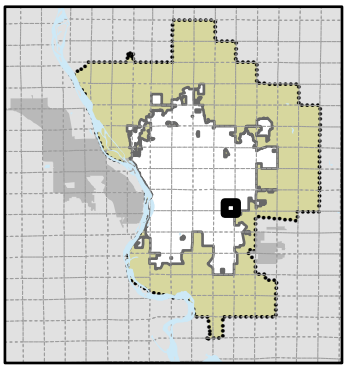
SUP2023-004

0 0.07 0.15 0.3 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 24, 2023 (SF)

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Aerial Map

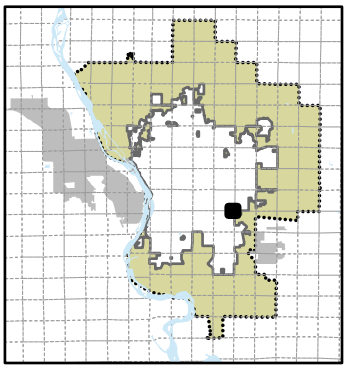
EXPRESSWAY INDUSTRIAL PARK FIRST REPLAT

SUP2023-004

0 0.05 0.1 0.2 Miles

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
April 19, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

EXPRESSWAY INDUSTRIAL PARK FIRST REPLAT

SUP2023-004

Zoning Districts

A	Agriculture
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INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/ URB	Urban Reserve Mid/Long-Term

Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate

Streets

Functional System

- Interstate
- Principal Arterial - Other; Principal
- Minor Arterial; Major
- Local

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0 255 510 1,020 Feet

City of Bismarck
Community Development
Planning Division
April 19, 2023

Capital Electric
COOPERATIVE

March 22, 2023

Northern Immersion LLC
Attn: Colton Shoults
13816 Saddlehorn Dr
Bismarck, ND 58503

Re: Statement of Utility Capacity

Dear Colton,

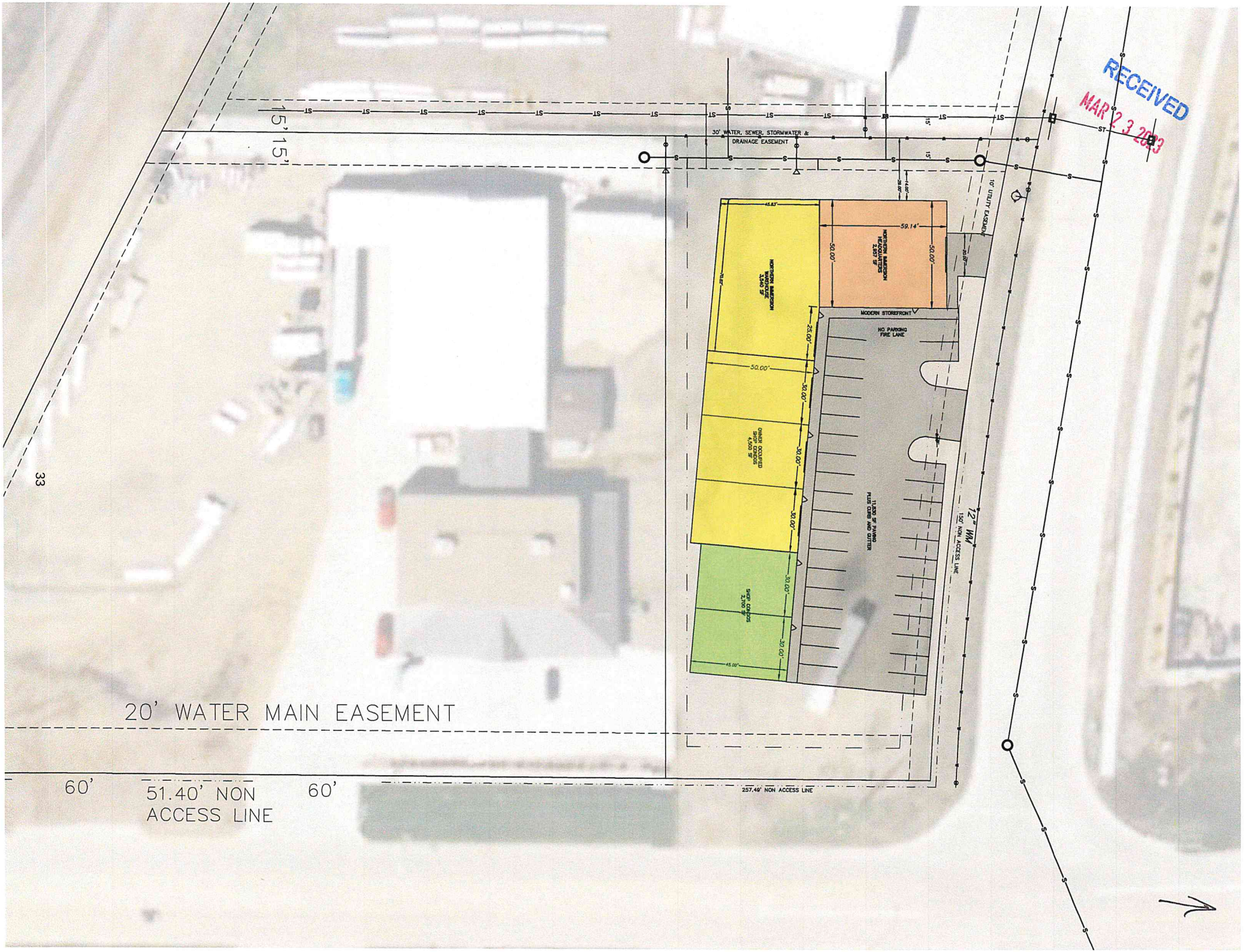
This letter is in response to your request for confirmation of utility capacity to be utilized for a data center load. It is Capital Electric's understanding that the location of the proposed data center site is on Lot 2 Block 1 of the Expressway Industrial Park First Replat, with an address of 3807 Apple Creek Road, Bismarck, ND 58504. The site is subject to the zoning ordinances of the City of Bismarck, which require a statement of sufficient capacity from the utility providing electric service at the desired location.

In confirmation of this request, Capital Electric is the retail electric utility provider at this location and has sufficient capacity up to 3MW, subject to the terms and conditions of a mutually agreed upon electric service agreement between Capital Electric and Northern Immersion LLC.

Feel free to contact me with any general questions or comments about is topic at 701-712-7908 or email grego@capitalelec.com. Thank you for your attention to this matter, and we look forward to working with you in the future.

Sincerely,

Greg Owen
Manager of Engineering Services


RECEIVED
MAR 23 2023
15'
15'
30' WATER, SEWER, STORMWATER & DRAINAGE EASEMENT
10' UTILITY EASEMENT
59.14'
50.00'
50.00'
NORTHERN MARKERS HEADQUARTERS 2,957 SF
NORTHERN MARKERS WAREHOUSE 3,043 SF
MODERN STOREFRONT
NO PARKING FIRE LANE
25.00'
50.00'
30.00'
30.00'
30.00'
OWNER OCCUPIED SHOP CONDOS 4,500 SF
SHOP CONDOS 2,700 SF
30.00'
30.00'
15.00'
11,000 SF PAVING PLUS CURB AND GUTTER
12" WM
150' NON ACCESS LINE
257.49' NON ACCESS LINE
20' WATER MAIN EASEMENT
33
60'
51.40' NON ACCESS LINE
60'

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

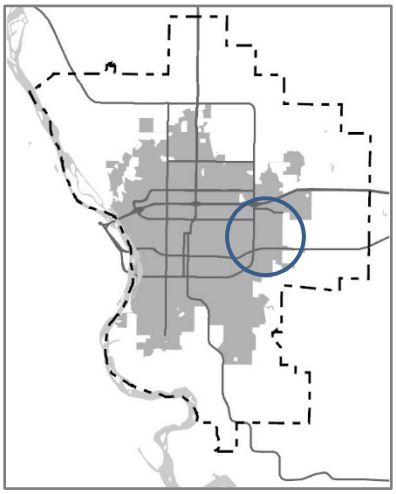
Agenda Item # 5
April 26, 2023

Application for: **Special Use Permit**

Project ID: **SUP2023-002**

Project Summary

Title:	Lot 1, Block 1, Hay Creek Substation
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Central Power Electrical Cooperative – Owner Top Speed Energy USA, LLC – Applicant
Project Contact:	Gary Emineth, Top Speed Energy USA, LLC
Location:	In east Bismarck, east of North Bismarck Expressway and north of East Main Avenue
Project Size:	0.95 Acres
Request:	Construct a data center



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Substation	*Land Use:*	Substation and data center
Future Land Use:	Industrial	*Future Land Use:*	Industrial
Zoning:	MA – Industrial	*Zoning:*	MA – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	*Uses Allowed:*	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
Max Density:	MA – N/A	*Max Density:*	MA – N/A

Property History

Zoned:	08/2020	*Platted:*	08/2020	*Annexed:*	Pre-1980

(continued)

Staff Analysis

Central Power Electrical Cooperative and Top Speed Energy USA, LLC are requesting approval of a special use permit to construct a data center on Lot 1, Block 1, Hay Creek Substation. An electrical substation owned by Central Power Cooperative is currently on the property.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 14 and April 21, and 2 letters were mailed to the owners of nearby properties on April 14.

Adjacent uses include another electrical substation to the west, and undeveloped land in all other directions.

The Future Land Use Plan identifies an area as Urban Neighborhood (UN) for future residential development to the northeast. This area is over 1,000 feet away from the data center building site and is, therefore, not expected to be impacted by the proposed use.

Data Center standards are outlined in 14-03-08(4)z of the City Code of Ordinances.

1. *"All data processing and storage is contained within a building constructed in compliance with the International Building Code and International Fire Code."*

   The applicant affirms that the data center will be completely contained within a code-compliant structure. Verification of building code compliance will occur prior to issuance of a building permit for the structure.

2. *"Written verification is submitted from the utility provider that sufficient capacity will be available to meet anticipated needs for electrical power."*

   A letter from Capital Electric verifying sufficient electrical power capacity to serve the proposed data center is attached to this staff report.

3. *"Facilities are equipped with environmental controls to maintain the proper conditions for the operation of electronic equipment."*

   The applicant affirms that adequate environmental controls will be installed, utilizing air cooling. The computers are also equipped with a mechanism to automatically power down if over-heating or over-current thresholds are reached.

4. *"The applicant verifies at the time of application that all requirements of Chapter 8-10 (Noises) of the Bismarck Code of Ordinances will be met during operations, as measured from the property line of the subject parcel. Verification may be in the form of a noise study, manufacturer specifications, data from comparable facilities, or any combination thereof."*

   Because the subject property and all adjoining properties are within an industrial zoning district, the maximum noise level allowed is 75 dB. The nighttime standard is applied because operations are assumed to occur at all hours.

   Based on information supplied by the applicant, maximum noise levels should not be exceeded. The maximum decibel rating on the computers is 75 decibels, but the outside noise would be lower, especially when measured from property boundaries. For these reasons, staff believe the operation would be within the allowable noise limits for the area. Any future noise violations on the site would be subject to enforcement, per standard procedures.

(continued)

Required Findings of Fact (relating to land use)

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

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for a data center on Lot 1, Block 1, Hay Creek Substation.

Attachments

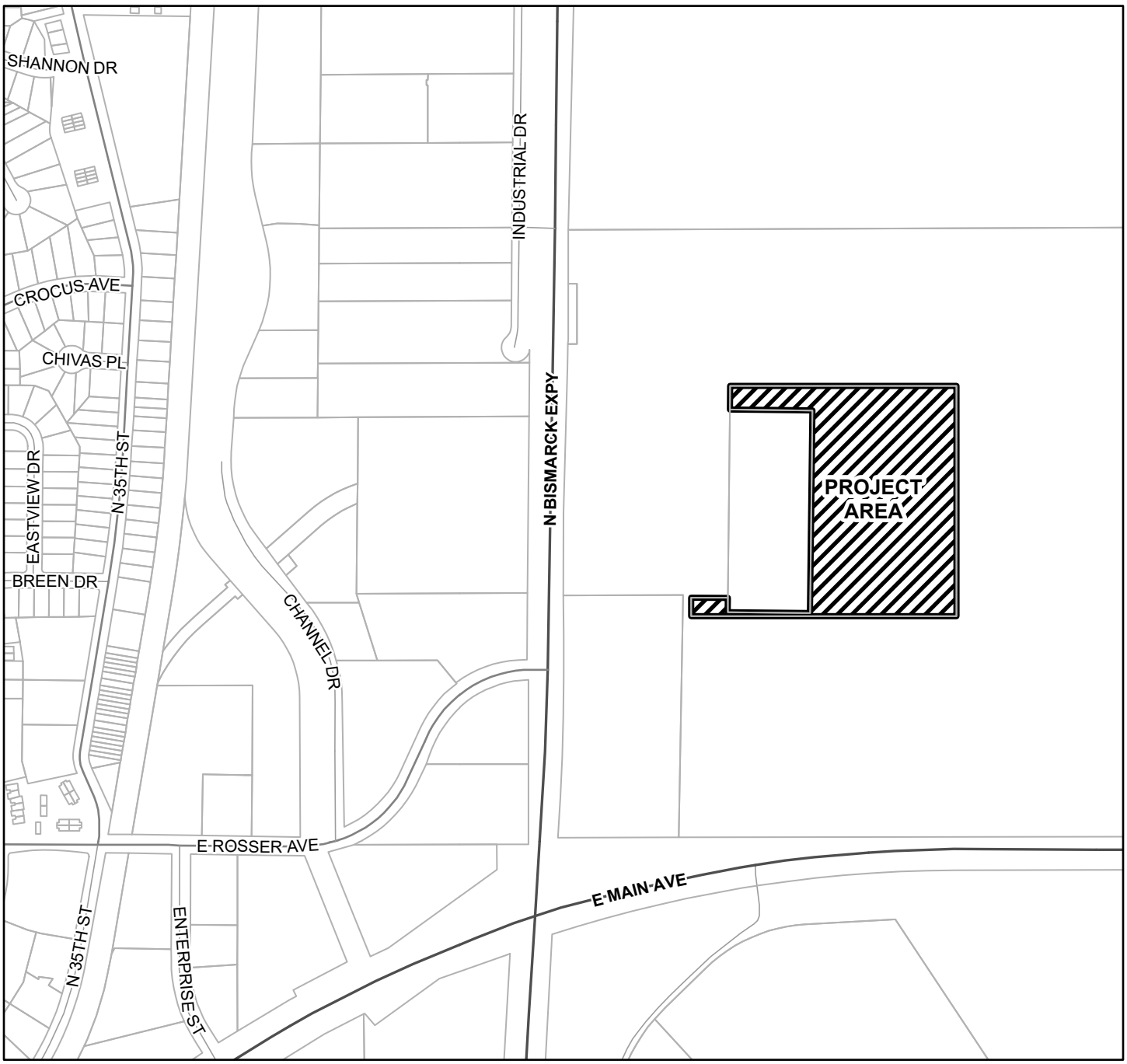
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Statement of Utility Capacity
5. Site Plan

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

Location Map

HAY CREEK SUBSTATION L1, B1

SUP2023-002



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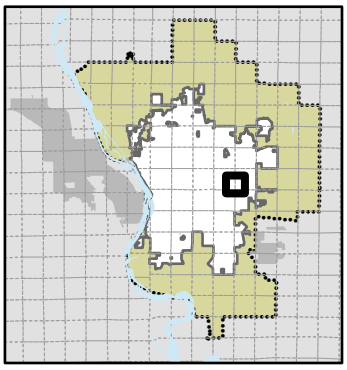
City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
March 17, 2023 (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

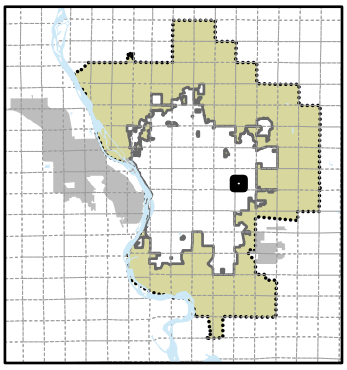
HAY CREEK SUBSTATION L1, B1

SUP2023-002

0 0.07 0.15 0.3 Miles

City Limits

Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
April 19, 2023

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

HAY CREEK SUBSTATION L1, B1

SUP2023-002

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

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/ URB	Urban Reserve Mid/Long-Term

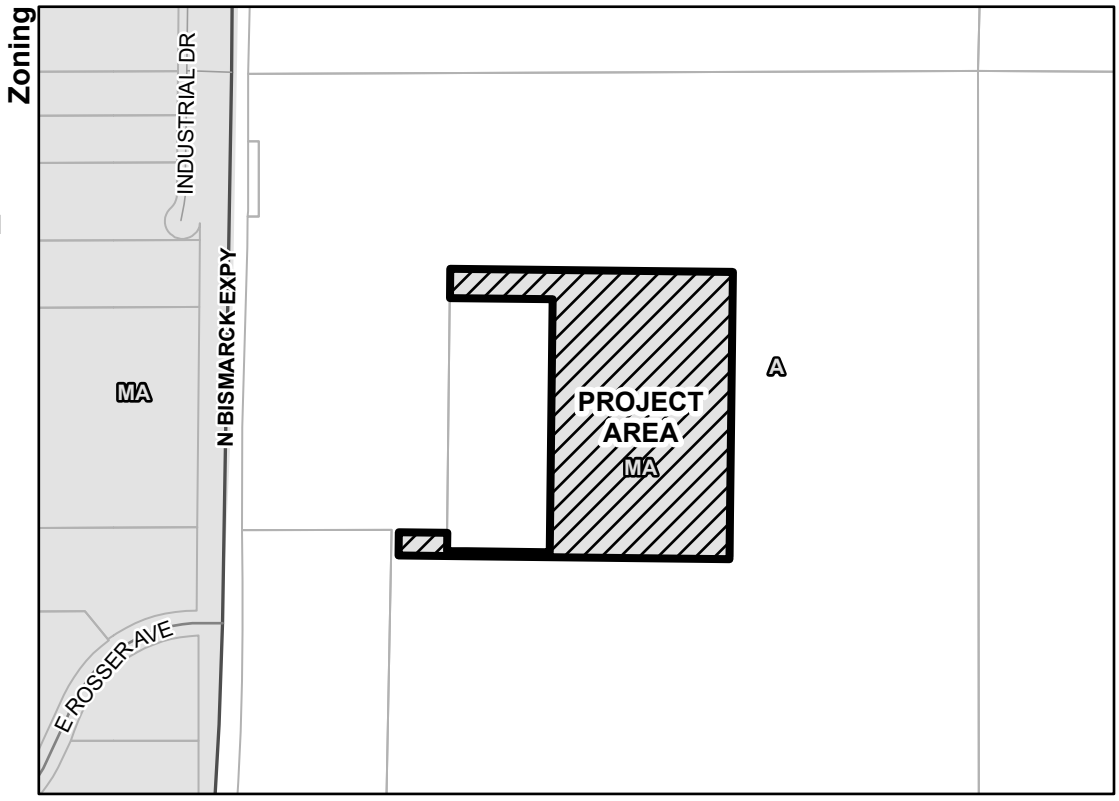
Major Street Plan

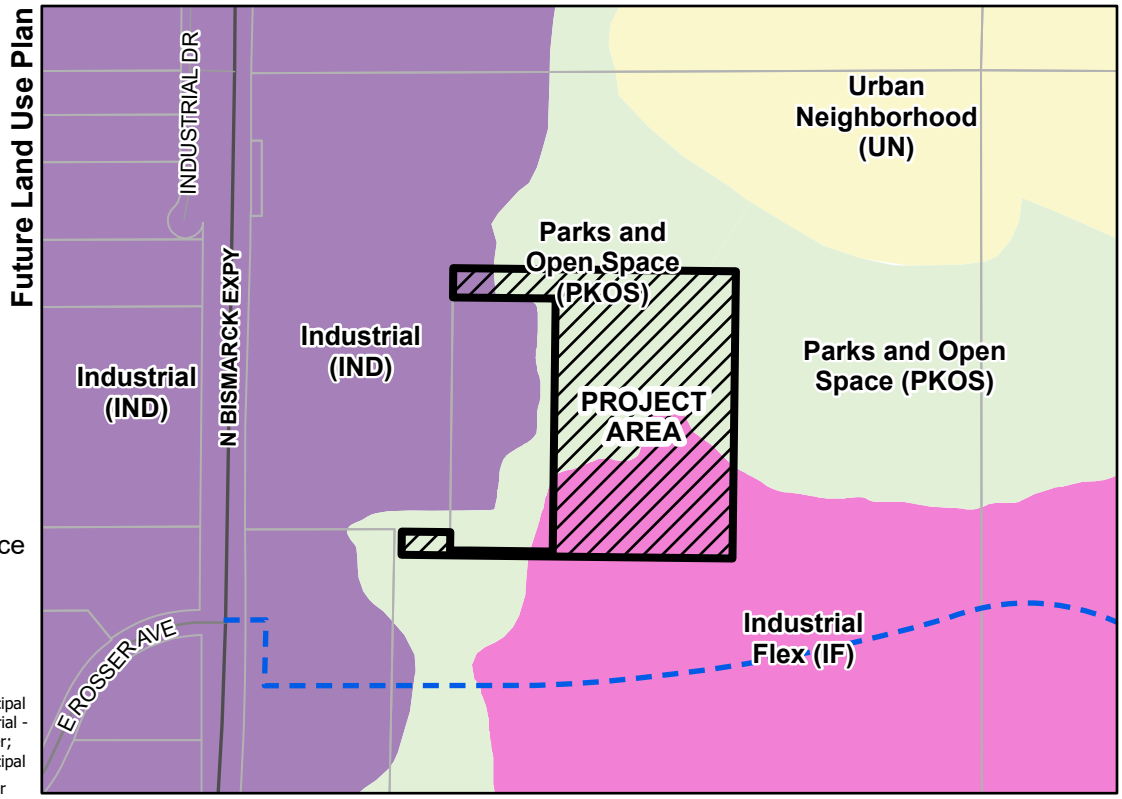
- Future Arterial
- Future Collector
- Future Interstate

Streets

Functional System

- Interstate
- Principal Arterial - Other; Principal
- Minor Arterial; Major
- Local





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

0 475 950 1,900 Feet

City of Bismarck
Community Development
Planning Division
April 19, 2023

Capital Electric
COOPERATIVE

RECEIVED
MAR 17 2023

March 15, 2023

Top Speed Energy
Attn: Gary Emineth
100 W Broadway, Suite 210
Bismarck, ND 58501

Re: Statement of Utility Capacity

Dear Gary,

This letter is in response to your request for confirmation of utility capacity to be utilized for a data center load. It is Capital Electric's understanding that the location of the proposed data center site is on Lot 1 Block 1 of the Hay Creek Substation Subdivision, with an address of 629 N Bismarck Expressway, Bismarck, ND 58503. The site is subject to the zoning ordinances of the City of Bismarck, which require a statement of sufficient capacity from the utility providing electric service at the desired location.

In confirmation of this request, Capital Electric is the retail electric utility provider at this location and has sufficient capacity up to 5MW, subject to the terms and conditions of a mutually agreed upon electric service agreement between Capital Electric and Top Speed Energy.

Feel free to contact me with any general questions or comments about is topic at 701-712-7908 or email grego@capitalelec.com. Thank you for your attention to this matter, and we look forward to working with you in the future.

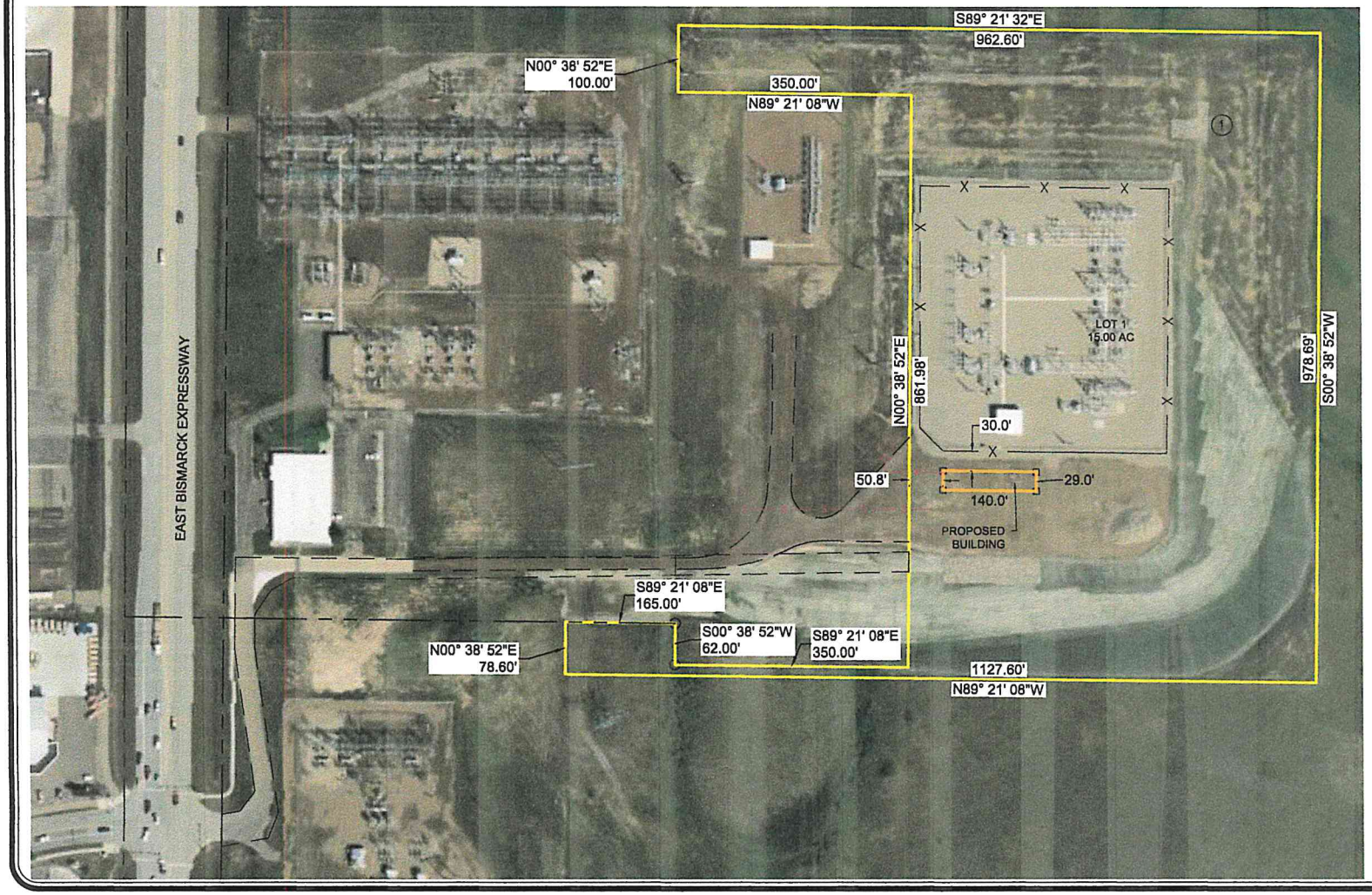
Sincerely,

Greg Owen
Manager of Engineering Services

RECEIVED
MAR 17 2023

LOT SURVEY EXHIBIT

LOT 1 BLOCK 1
SUBDIVISION HAY CREEK SUBSTATION
ADDRESS 629 N BISMARCK EXPY
BUILDER MILESTONE BUILDERS



NORTH

SCALE: 1" = 120'
0 60 120

SYMBOL LEGEND

- FOUND MONUMENT
- SET MONUMENT
- BUILDING SETBACK NAIL OR WOOD STAKE
- LIGHT POLE
- UTILITY BOX
- —S— SANITARY SEWER MAIN
- — — BACK OF CURB
- —W— WATER MAIN

Independent Land Surveying & Engineering
4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5184
Cell: 701-595-2079
mark@ilsurveynd.com
JOB NUMBER: 23011

Bismarck COMMUNITY DEVELOPMENT

STAFF REPORT

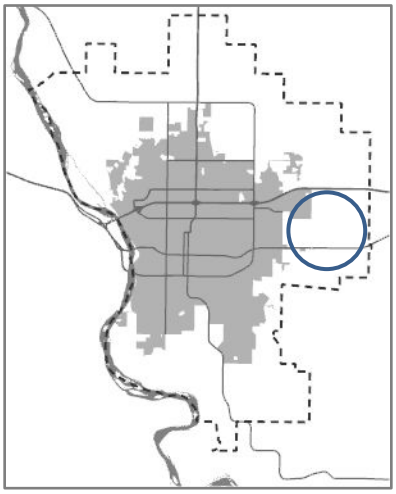
Agenda Item # 6
April 26, 2023

Application for: **Special Use Permit**

Project ID: **SUP2023-003**

Project Summary

Title:	Lot 12, Block 1, Brookfield Estates
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Nathan and Jenna Bernhardt
Project Contact:	Nathan Bernhardt
Location:	East of Bismarck, between 66th Street NE and 80th Street NE, along the west side of West Bristol Drive (930 West Bristol Drive)
Project Size:	2.4 acres
Request:	Increase the total allowable area of accessory buildings up to 3,200 square feet



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	*Number of Lots:*	1 lot in 1 block
Land Use:	Large lot rural residential	*Land Use:*	Large lot rural residential
Future Land Use:	Already zoned. Not in Future Land Use Plan	*Future Land Use:*	Already zoned. Not in Future Land Use Plan
Zoning:	RR – Residential	*Zoning:*	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	*Uses Allowed:*	RR – Large lot single-family residential and limited agriculture
Max Density:	RR – 1 unit per 65,000 square feet	*Max Density:*	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	*Platted:*	05/1975	*Annexed:*	N/A

(continued)

Staff Analysis

Nathan and Jenna Bernhardt are requesting approval of a special use permit to increase the total area of accessory buildings up to 3,200 square feet on Lot 12, Block 1, Brookfield Estates.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on April 14 and April 21, and 35 letters were mailed to the owners of nearby properties on April 14, 2023.

Adjacent uses include rural residential uses to the north, east across West Bristol Drive, and south, and undeveloped A – Agriculture zoned property with to the west.

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

The parcel size for the proposed special use is 2.4 acres, or 104,544 square feet, which meets the criteria for a maximum allowable area of up to 3,200 square feet for all accessory buildings located on the property.

The applicant is proposing to construct a 3,087 square foot accessory building. There is an existing 672 square foot accessory building located on the property. The applicant has indicated that this accessory building will be removed. The total area of accessory buildings located on site would be 3,087 square feet.

The applicant intends to utilize an existing second approach along the north side of the property to gain access to the proposed accessory building. The Burleigh County Engineer has indicated that a second approach must be approved by the Burleigh County Commission prior to construction of the proposed accessory building, as records indicate approval of the approach has not yet been granted.

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

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The Gibbs Township Board of Supervisors has been notified and has recommended tentative approval of the request;
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;

(continued)

8. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to increase the area of accessory buildings up to 3,200 square feet on Lot 12, Block 1, Brookfield Estates, with the following condition:

1. A second approach permit must be approved by the Burleigh County Commission prior to construction of the proposed accessory building.

Attachments

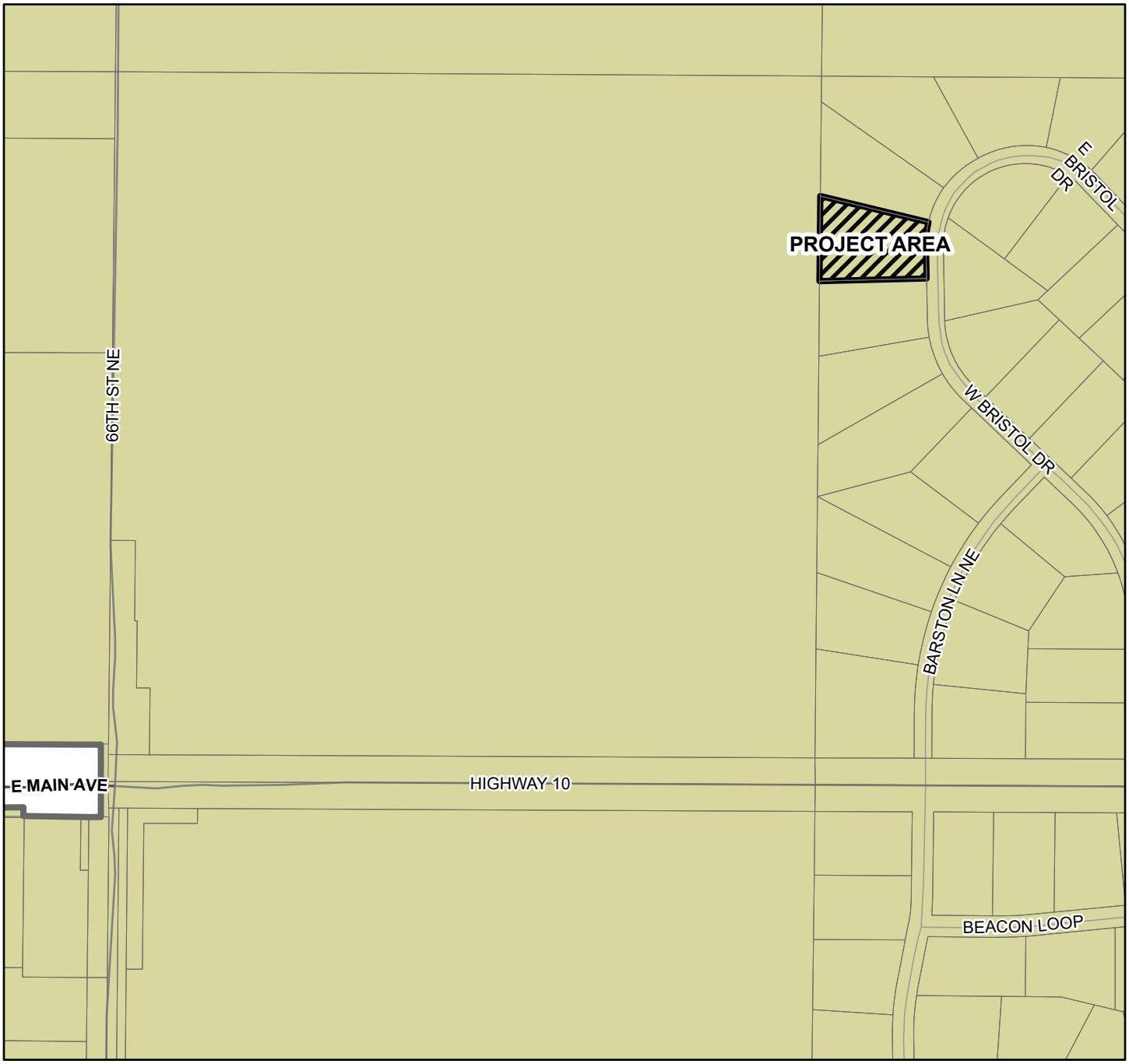
1. Location Map
2. Aerial Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Township Resolution

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

Location Map

BROOKFIELD ESTATES, LOT 12, BLOCK 1

SUP2023-003

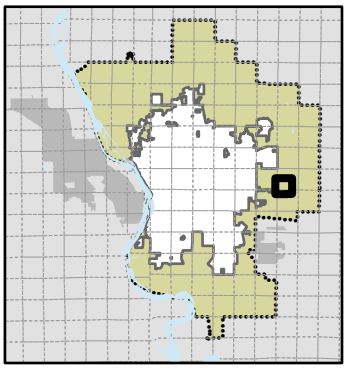


0 0.13 0.25 0.5 Miles

City Limits

Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



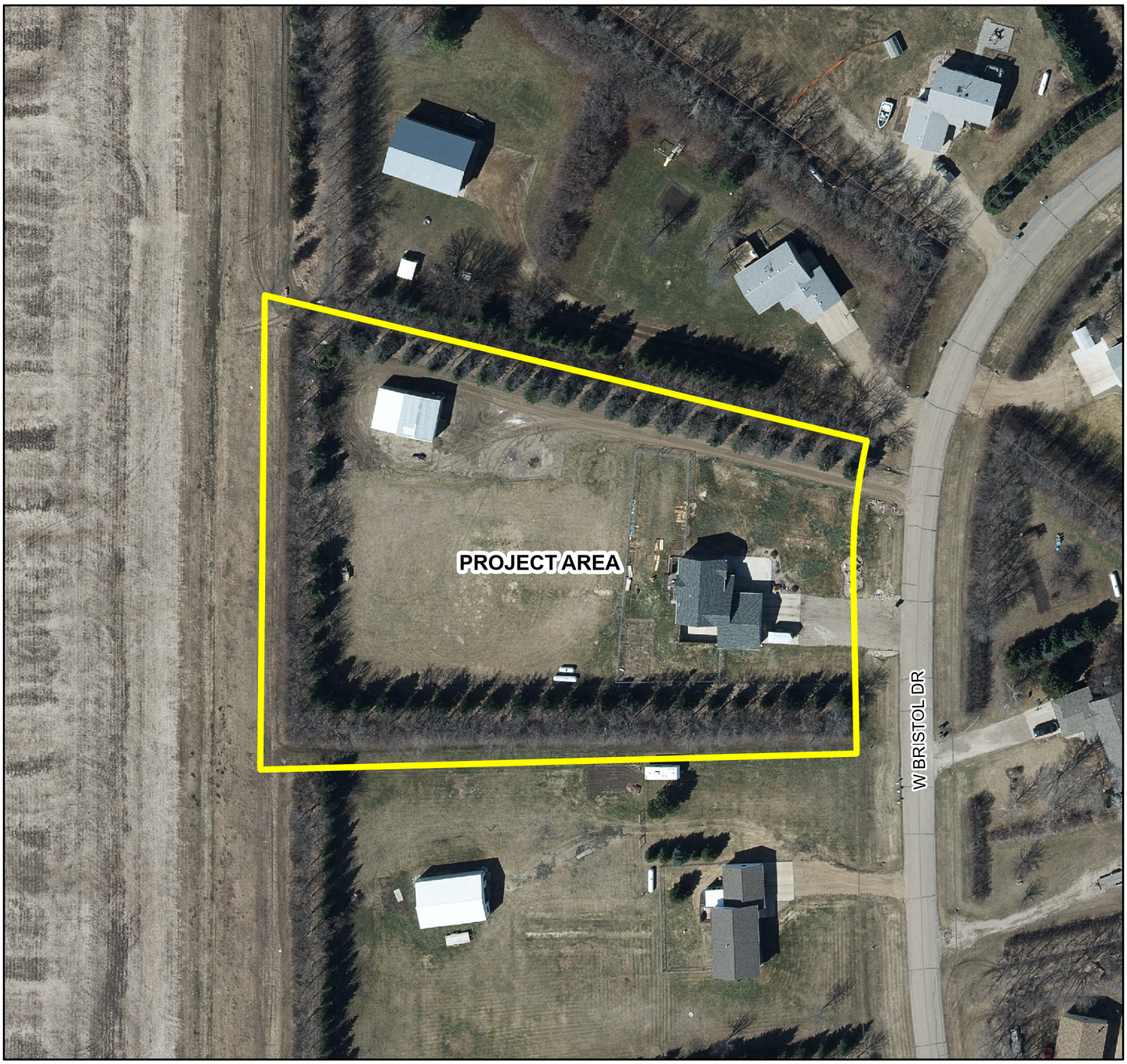
City of Bismarck
Community Development Department
Planning Division
March 22, 2023 (SF)

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

BROOKFIELD ESTATES, LOT 12, BLOCK 1

SUP2023-003



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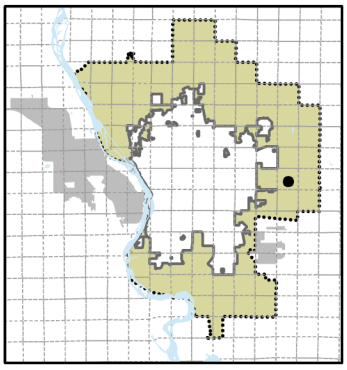
Bismarck ETA Jurisdiction



City of Bismarck
Community Development
Planning Division
April 13, 2023

Aerial Imagery from April 2020

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Zoning and Plan Reference Map

BROOKFIELD ESTATES, LOT 12, BLOCK 1

SUP2023-003

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

UN	Urban Neighborhood
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/ URB	Urban Reserve Mid/Long-Term

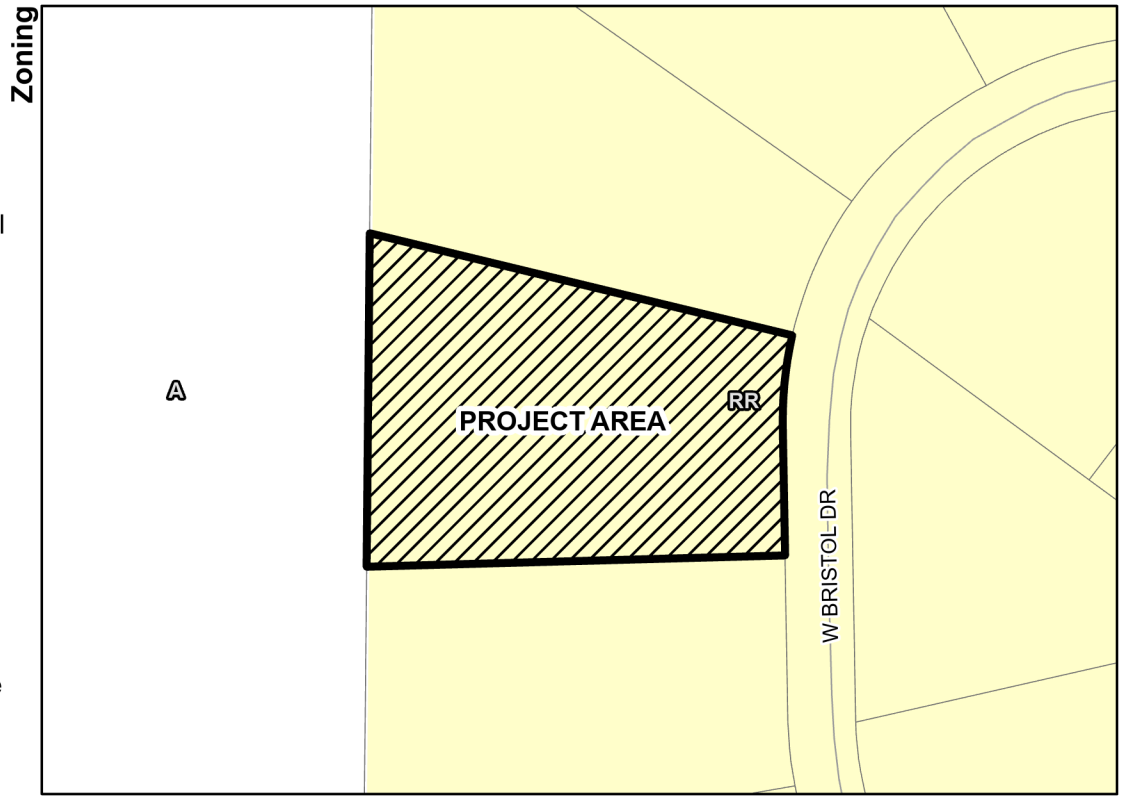
Major Street Plan

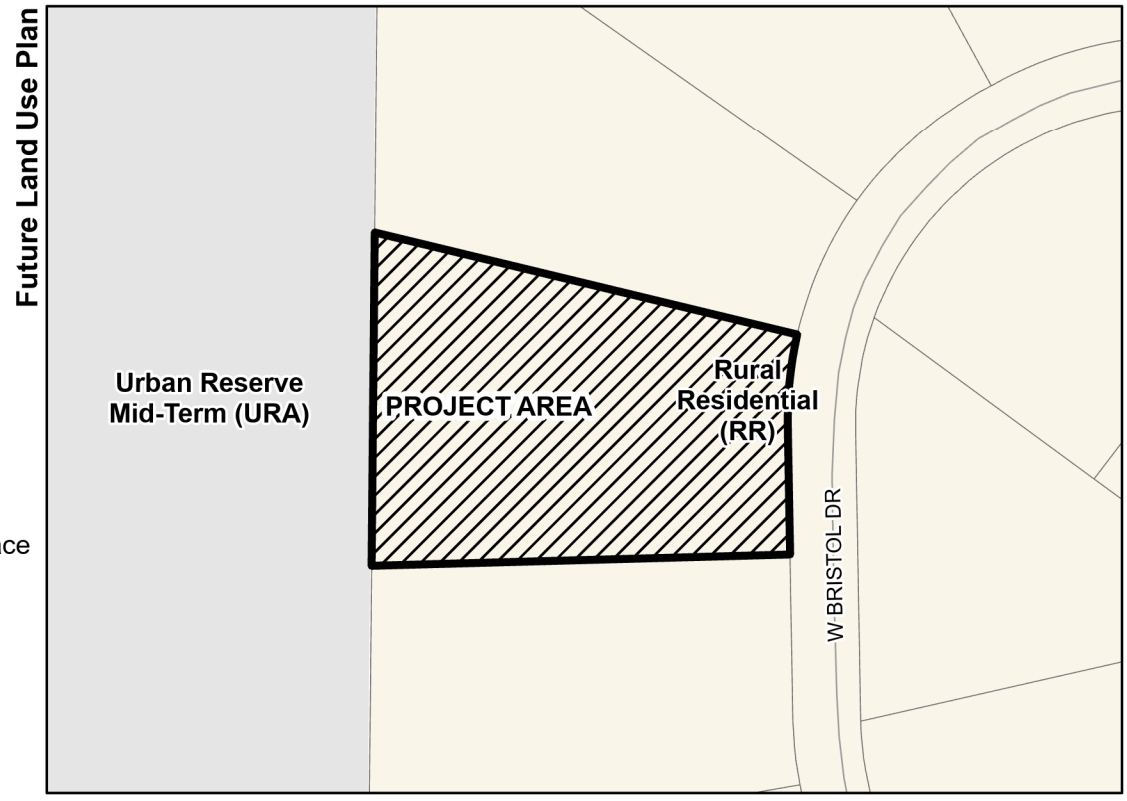
- Future Arterial
- Future Collector
- Future Interstate

Streets

Functional System

- Interstate





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0 130 260 520 Feet

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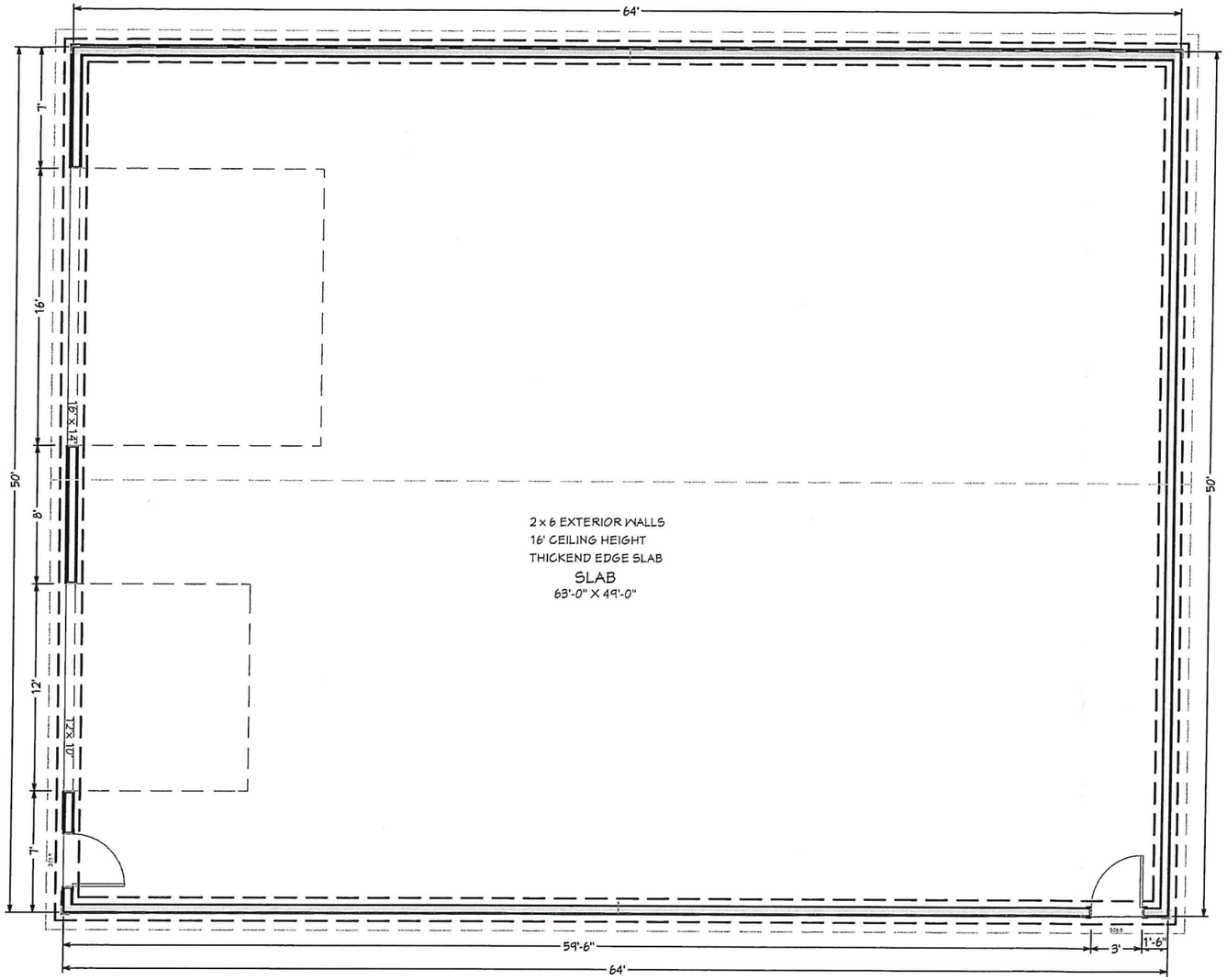
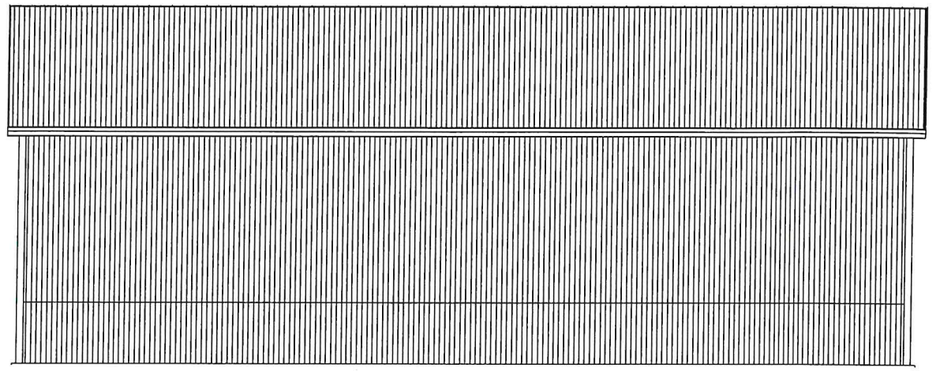
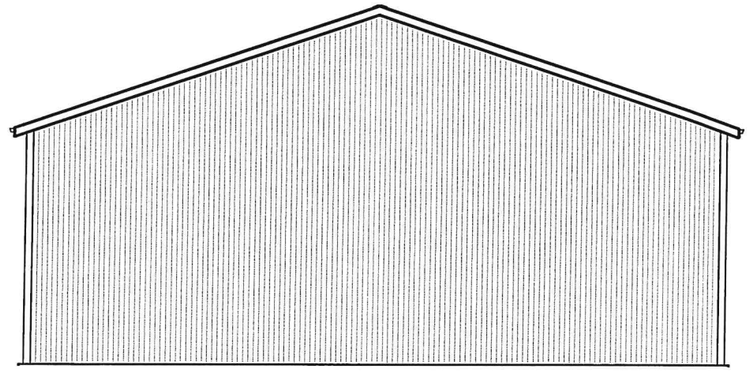
City of Bismarck
Community Development
Planning Division
April 13, 2023

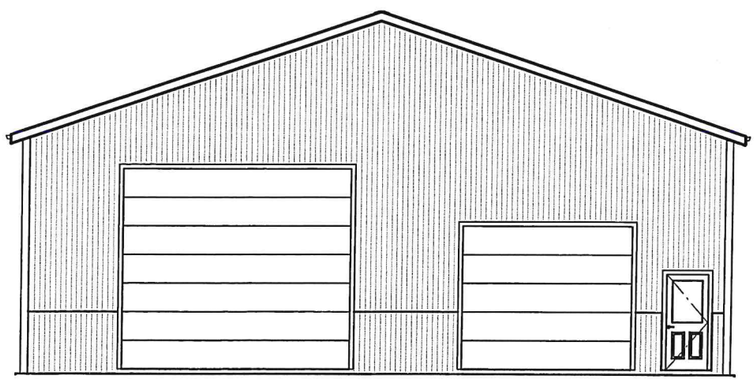
RECEIVED
MAR 2 2 2022

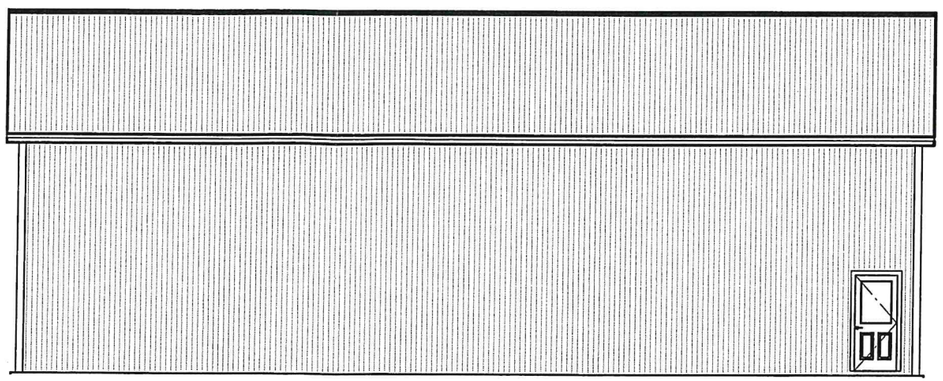
RECEIVED
MAR 2 2 2023











E
NATHAN BARNHARDT

50 X 64 ' SHOP

DRAWN BY: K.A.L.

DATE: 3/3/2023

These plans and elevations are only conceptual and give the client and example of what is to be built. The contractor and homeowner are responsible for verifying the dimensions and structural requirements. The draftsman can not be held responsible for any inaccurate information that may lead to additional costs or delays.

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE SPECIAL USE PERMIT FOR AN OVERSIZED ACCESSORY BUILDING ON LOT 12, BLOCK 1, BROOKFIELD ESTATES AND HEREBY RECOMMEND TO THE BISMARCK PLANNING AND ZONING COMMISSION THAT SAID SPECIAL USE PERMIT BE (TENTATIVELY APPROVED)(DENIED).

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

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

_____

_____

_____

_____

_____
CHAIRMAN, TOWNSHIP BOARD

_____
ATTEST: TOWNSHIP CLERK

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
March 22, 2023

The Bismarck Planning & Zoning Commission met on March 22, 2023, 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, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner and Wendy Van Duyne were absent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the February 22, 2023 meeting.

MOTION: Commissioner Schmitz made a motion to approve the minutes of the February 22, 2023 meeting, as presented. Commissioner Levchak seconded the motion, and it was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

2. LOT 1, BLOCK 1, BASIN ELECTRIC FOURTH ADDITION – ZONING CHANGE

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

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SYKES SECOND ADDITION

Chair Schwartz called for the public hearing on the minor subdivision final plat titled Sykes Second Addition. The property is located in southeast Bismarck, south of East Bismarck Expressway between Burlington Drive and Northern Plains Drive, along the south side of Airway Avenue (a replat of Lots 1-3, Block 2, Sykes Addition).

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

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

2. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)

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

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

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

Ms. Wollmuth said, based on the above findings, staff recommends approval of the minor subdivision final plat titled Sykes Second Addition, with the following condition:

1. A development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat.

Chair Schwartz opened the public hearing.

Molly Barnes with Northern Improvement Company appeared to answer any questions.

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

MOTION: Commissioner Levchak made a motion to recommend approval of the minor subdivision final plat titled Sykes Second Addition, with the condition that a development agreement between the City of Bismarck and the property owner(s) detailing the construction and transfer of ownership of Lot 4 must be approved prior to recordation of the proposed plat. Commissioner Schmitz seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent.

PUBLIC HEARING – ANNEXATION, ZONING CHANGE AND MAJOR SUBDIVISION FINAL PLAT SILVER RANCH FOURTH ADDITION

Chair Schwartz called for the final consideration on the partial annexation of Silver Ranch Fourth Addition and Silver Ranch Third Addition on 35.79 acres.

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

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

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

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

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

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the partial annexation of Silver Ranch Third Addition and Silver Ranch Fourth Addition. Commissioner Wangen seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

Chair Schwartz then called for the public hearing on a zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts for Silver Ranch Fourth Addition, and a major subdivision final plat for Silver Ranch Fourth Addition. The proposed plat is 24 lots in five blocks on 36.31 acres and is located northeast of Bismarck, north of 43rd Avenue NE and west of 52nd Street NE along extensions of Silver Boulevard.

Mr. Nairn gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan of Together 2045.

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.

Mr. Nairn then gave the findings related to land use for the major subdivision final plat:

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

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;

3. The proposed subdivision generally conforms to the Major Street Plan, as amended;

4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP)

5. A neighborhood park agreement including this plat was approved by the Bismarck Parks and Recreation District in conjunction with Silver Ranch Third Addition;

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.

Mr. Nairn said, based on these findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts, and approval of the major subdivision final plat for Silver Ranch Fourth Addition, with the following condition:

1. Temporary turnaround easements are dedicated at the termini of Silver Boulevard, Keeble Drive, Noble Drive, and Halverson Avenue in conjunction with plat recordation.

Chair Schwartz opened the public hearing.

Landon Niemiller from Swenson Hagen & Co. was present to answer any questions or address any concerns.

There being no questions or 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 R10 – Residential, RM20 – Residential, and CA – Commercial zoning districts for Silver Ranch Fourth Addition; and the major subdivision final plat for Silver Ranch Fourth Addition, with the condition that temporary turnaround easements are dedicated at the termini of Silver Boulevard, Keeble Drive, Noble Drive, and Halverson Avenue in conjunction with plat recordation. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, and Wangen voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:13 p.m. to meet again on April 26, 2023.

Respectfully submitted,

_____
Sarah Fricke
Recording Secretary

_____
Mike Schwartz
Chair

DRAFT

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2023

	*******************City*******************				********************ETA********************			
	3/2023		**3/2022**		**3/2023**		**3/2022**	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	2	$622,781.18	20	$6,127,087.17	1	$311,595.64	1	$334,838.14
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	$2,183,482.36	12	$2,734,134.02	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$32,796.00	1	$44,838.00	0	$0.00	0	$0.00
DETACHED GARAGE	0	$0.00	4	$88,550.00	0	$0.00	3	$118,250.00
DECKS\PORCHES & COVERED PORCHES	4	$0.00	3	$17,970.75	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	0	$0.00	5	$54,586.73	1	$16,137.68	0	$0.00
HOME OCCUPATION	1	$0.00	0	$0.00	0	$0.00	0	$0.00
STORAGE SHED	0	$0.00	3	$9,240.00	0	$0.00	0	$0.00
BASEMENT FINISH	5	$92,471.50	6	$169,140.50	1	$16,125.00	2	$55,319.50
RESIDENTIAL	0	$0.00	1	$0.00	0	$0.00	0	$0.00
COMMERCIAL	1	$0.00	0	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	1	$9,750.00	10	$63,350.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	14	$9,729,753.00	4	$29,660,469.00	0	$0.00	6	$1,200,000.00
COMMERCIAL ADDITION	1	$1,000,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	14	$7,636,245.00	5	$908,604.68	0	$0.00	0	$0.00
Total	**56**	**$21,307,279.04**	**74**	**$39,877,970.85**	**3**	**$343,858.32**	**12**	**$1,708,407.64**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2023

	*******************City*******************				********************ETA********************			
	3/2023		**3/2022**		**3/2023**		**3/2022**	
Trade Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	49	$0.00	78	$15,500.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	117	$1,345,188.94	112	$890,973.30	7	$24,462.50	5	$12,345.00
BUILDING PLUMBING	8	$269,350.00	26	$403,570.80	1	$9,720.00	4	$48,830.00
Total	**174**	**$1,614,538.94**	**216**	**$1,310,044.10**	**8**	**$34,182.50**	**9**	**$61,175.00**

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 3/2023

	*******************City*******************		*******************ETA*******************	
	3/2023	**3/2022**	**3/2023**	**3/2022**
Living Units	**Units**	**Units**	**Units**	**Units**
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	12	0	0
SINGLE FAMILY DETACHED	2	20	1	1
Total	**10**	**32**	**1**	**1**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2023

	**********City**********				**********ETA**********			
	3/2023		3/2022		3/2023		3/2022	
Census Code	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
SINGLE FAMILY DETACHED	2	$622,781.18	23	$6,727,219.65	1	$311,595.64	2	$627,397.69
ROWHOUSE (2) 1-HR FIRE SEPARATION	16	$3,595,620.92	12	$2,734,134.02	0	$0.00	0	$0.00
MANUFACTURED HOMES	2	$0.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ADDITION	1	$32,796.00	2	$44,838.00	0	$0.00	0	$0.00
DETACHED GARAGE	1	$16,800.00	3	$28,550.00	0	$0.00	4	$178,250.00
DECKS\PORCHES & COVERED PORCHES	6	$9,531.00	5	$23,451.75	0	$0.00	0	$0.00
SWIMMING POOLS	1	$85,000.00	0	$0.00	0	$0.00	0	$0.00
RESIDENTIAL ALTERATION/OTHER	4	$139,300.00	11	$94,586.73	2	$25,387.68	2	$305,675.48
HOME OCCUPATION	2	$0.00	1	$0.00	0	$0.00	0	$0.00
STORAGE SHED	0	$0.00	3	$9,240.00	0	$0.00	0	$0.00
BASEMENT FINISH	17	$308,826.00	20	$526,951.50	3	$85,677.50	4	$91,467.50
RESIDENTIAL	1	$0.00	1	$0.00	0	$0.00	0	$0.00
COMMERCIAL	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NURSERY STOCK SALES	4	$0.00	0	$0.00	0	$0.00	0	$0.00
NEW SIGN PERMITS	7	$258,053.00	29	$237,185.00	0	$0.00	2	$38,866.00
SIGN ALTERATION	2	$3,050.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL NEW CONSTRUCTION	27	$17,409,753.00	7	$30,212,469.00	0	$0.00	10	$2,400,000.00
COMMERCIAL ADDITION	1	$1,000,000.00	0	$0.00	0	$0.00	0	$0.00
COMMERCIAL ALTERATION	29	$12,136,355.00	25	$6,454,548.00	1	$19,500.00	2	$3,715,000.00
Total	**127**	**$35,617,866.10**	**142**	**$47,093,173.65**	**7**	**$442,160.82**	**26**	**$7,356,656.67**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2023

	*******************City*******************				*******************ETA*******************			
	3/2023		**3/2022**		**3/2023**		**3/2022**	
Permit Type	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**	**Permits**	**Valuations**
BUILDING ELECTRIC	167	$0.00	163	$25,500.00	0	$0.00	0	$0.00
BUILDING MECHANICAL	337	$4,707,492.84	343	$5,088,655.33	58	$766,970.25	49	$259,652.50
BUILDING PLUMBING	21	$644,101.00	46	$1,429,392.05	1	$15,015.00	5	$60,655.00
Total	**525**	**$5,351,593.84**	**552**	**$6,543,547.38**	**59**	**$781,985.25**	**54**	**$320,307.50**

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 3/2023

	*******************City*******************		*******************ETA*******************	
	3/2023	**3/2022**	**3/2023**	**3/2022**
Living Units	**Units**	**Units**	**Units**	**Units**
MANUFACTURED HOMES	2	0	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	16	12	0	0
SINGLE FAMILY DETACHED	2	23	1	2
SWIMMING POOLS	0	0	0	0
Total	**20**	**35**	**1**	**2**