



PLANNING AND ZONING
COMMISSION

MEETING AGENDA
June 28, 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 May 24, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Edgewood Village 7th Addition First Replat, Lot 52, Block 1 (JW)**.....5
Zoning Change (RM30 to PUD) | ZC2023-006 | *Consideration*
Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny



3. **Basin Electric Fourth Addition Lot 1 Block 1 and Tracts 1A, 2A and 3A of Lot 1, Lot 2, Block 1, Basin Electric Third Addition and Lot 3, Block 1, Wisdom Park Office Addition (DN).....15**

Zoning Change (RT to CG) | ZC2023-007 | *Consideration*

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

REGULAR AGENDA

FINAL CONSIDERATION

The following item is a request for final action and forwarding to the City Commission.

4. **Part of Lot 2, Block 1 and Ash Coulee Drive Right-of-Way, Northern Sky Second Addition First Replat (Klee).....22**

Annexation | ANNX2023-001 | *Final Consideration*

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

PUBLIC HEARINGS

The following item is a request for final action and forwarding to the City Commission.

5. **Wachters Second Addition part of Block 16 And Parts of Section 4 and Section 9 / City Lands (Klee).....29**

Zoning Change (RM30, PUD & CG to RM30 & CG) | ZC2023-005 | *Public Hearing*

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

OTHER BUSINESS

6. **Introduction of Isak Johnson and Other Staff Changes**

ADJOURNMENT

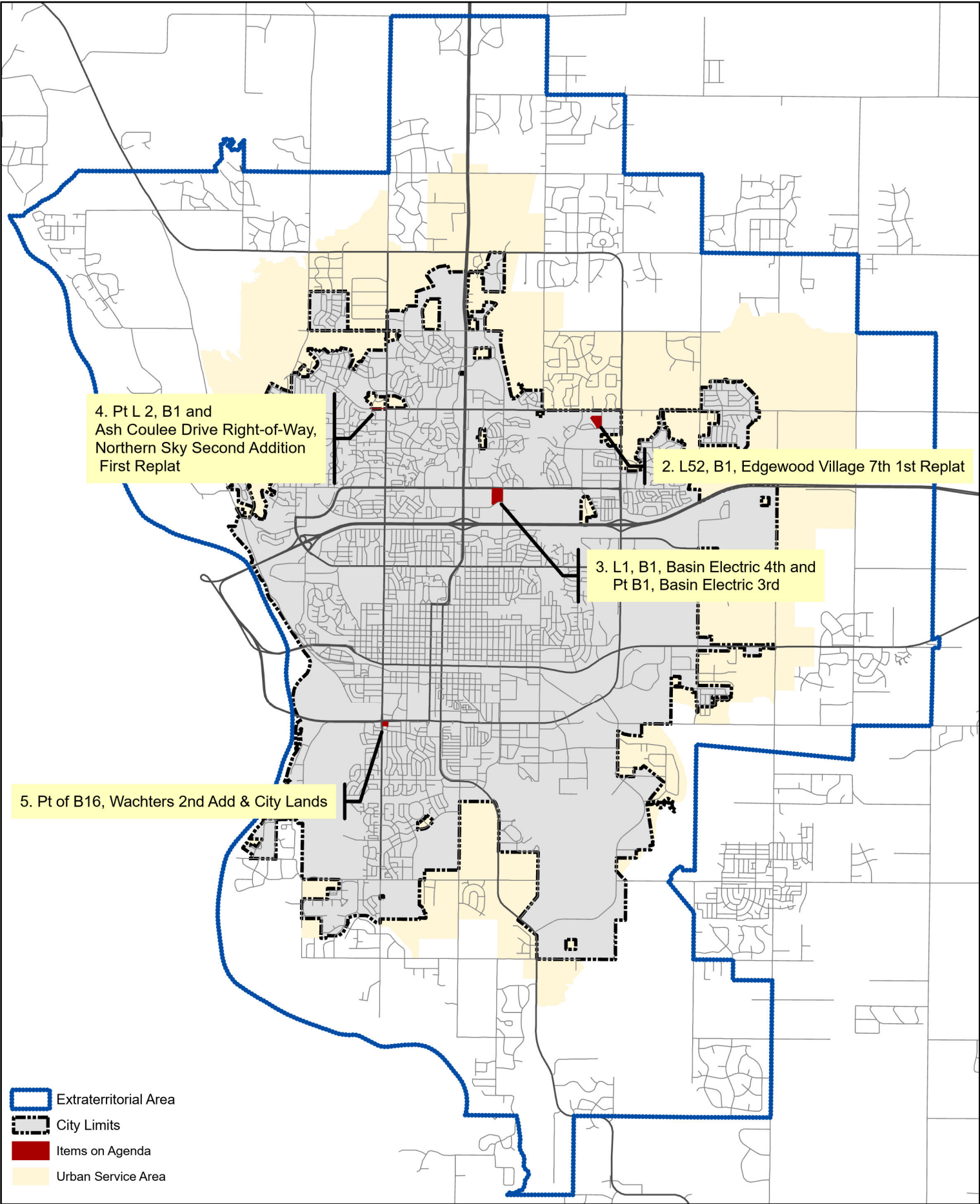
7. **Adjourn.** The next regular meeting date is scheduled for July 26, 2023.

Enclosures: Meeting Minutes of May 24, 2023
 Building Permit Activity Month to Date Report for May 2023
 Building Permit Activity Year to Date Report for May 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.



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

STAFF REPORT

Agenda Item # 2

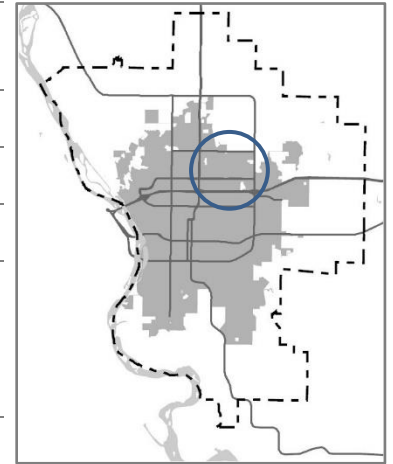
June 28, 2023

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-006**

Project Summary

<i>Title:</i>	Edgewood Village 7th Addition First Replat, Lot 52, Block 1
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Edgewood Properties LLLP
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson Hagen & Co
<i>Project Location:</i>	In northeast Bismarck, east of Nebraska Drive and south of 43rd Avenue NE, in the northeast quadrant of the intersection of Knudsen Avenue and Minnesota Drive
<i>Project Size:</i>	10.12 acres
<i>Applicant Request:</i>	Rezone to PUD for redevelopment to allow multiple detached single-family homes on one lot
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	1 lot in 1 block	<i>Lots/Blocks:</i>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Multiple detached single-family dwelling units
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density:</i>	RM30 – 30 units / acre	<i>Max Density:</i>	PUD – Density specified in PUD

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Edgewood North

Property History

<i>Zoned:</i>	08/2020
<i>Platted:</i>	08/2020
<i>Annexed:</i>	03/2013

Project Narrative

Edgewood Properties LLLP is requesting approval of a zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lot 52, Block 1, Edgewood Village First Replat.

The applicant is proposing to develop the property to include 31 detached single-family homes on one lot. The proposed development would also

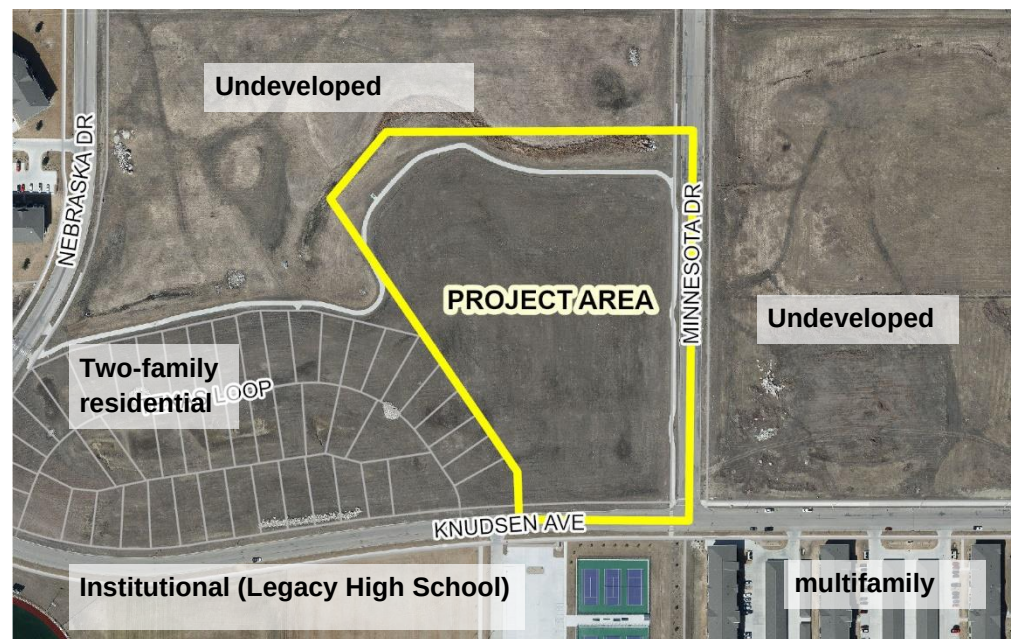
include a shared clubhouse, that would be designed in such a way that it could be converted to a single-family dwelling in the future, and other amenities such as greenspace and sports courts.

Approval of a PUD would be required as multiple detached single-family homes are not permitted to be located on one lot in the RM30 – Residential zoning district under current zoning requirements.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The NMU areas are areas with a mix mostly residential, with some lower density buildings, and also smaller-scale commercial and institutional uses. Goals and objectives of this plan as they relate to the proposed zoning map amendment are referenced in review standards below.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Future Land Use Plan is adhered to with the proposed amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Neighborhood Mixed Use (NMU) in the Future Land Use Plan, as described in the Project Context section above.

(continued)

The proposed zoning district would generally conform to the character of this district.

Adjacent land uses and zoning are not incompatible with the proposed amendment ([Goal S10-a](#), [S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning district would allow the development of 31 detached single-family homes on one lot and include a shared clubhouse and other shared amenities. Development that may be anticipated from the proposed zoning would have not negative impact on the surrounding properties.

A change in conditions or an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RM30 – Residential was established in August 2020 and based on the lot size, which is 10.12 acres, a total of 303 units would be permitted on this lot. Conditions have changed since this time, and the applicant is proposing to develop 31 single-family homes on this lot. Approval of the proposed PUD would be required as multiple detached single-family homes are not permitted to be located on one lot under current zoning requirements.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning

ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning map amendment from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district on Lot 52, Block 1, Edgewood Village First Replat.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. PUD Narrative
5. Preliminary PUD Site Plan

701-355-1845 | jwollmuth@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

Introduced by _____
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, BURLEIGH COUNTY, NORTH DAKOTA:

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

The following described property shall be excluded from the RM30 - Residential zoning district and included within the PUD – Planned Unit Development zoning district:

Lot 52, Block 1, Edgewood Village Seventh Addition First Replat

This PUD is subject to the following standards:

1. *Conformance to Submitted Documents*. The development must generally conform to the submitted site plan approved in conjunction with the PUD.
2. *Uses Permitted*. The uses within the district shall be limited to the following:
 - a. *Principal Uses*. The following principal uses shall be allowed:
 - i. Single-family residential. Up to 32 single-family dwelling units.
 - ii. Shared uses. Shared uses include a community clubhouse, which may be converted into a single-family dwelling unit, green space, and sports courts.

3. *Special Uses.* The following uses shall be allowed with a special use permit
 - a. All special uses permitted within the R5 – Residential zoning district.
4. *Dimensional Standards.* The following dimensional standards shall apply to all structures within this district:
 - a. *Setback requirements.* The maximum allowable density shall be 32 single-family dwelling units, the minimum setback requirements for all buildings shall be:
 - i. Twenty (20) feet along the west and north lot boundary;
 - ii. Twenty-five (25) feet along the east and south lot boundary, adjacent to the public right-of-way;
 - iii. Twenty (20) feet along the access road (driveway) providing access to the proposed buildings; and,
 - iv. Setbacks between buildings shall meet the minimum allowed under the City's Building Code.
 - b. *Lot Coverage.* The ground area occupied by all structures including single-family units, accessory buildings, and clubhouse shall comply with the maximum lot coverage for the RM – Residential zoning district.
 - c. *Height requirements.* No single-family dwelling unit shall exceed forty (40) feet in height. No accessory building shall exceed twenty-five (25) feet in height.
5. *Off-Street Parking and Loading.* Off-street parking and loading shall be installed in accordance with the provisions of Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading).
6. *Landscaping and Screening.* Landscaping and screening may be installed in accordance with the provisions of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
7. *Signs.* Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for residential zoning districts.
8. *Not listed.* All uses not listed within this PUD shall be prohibited.
9. *Modifications.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit

Developments). Major modifications require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

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

DRAFT



Zoning and Plan Reference Map

ZC2023-006

EDGEWOOD VILLAGE 7th ADDITION FIRST REPLAT L52, B1

Zoning Districts

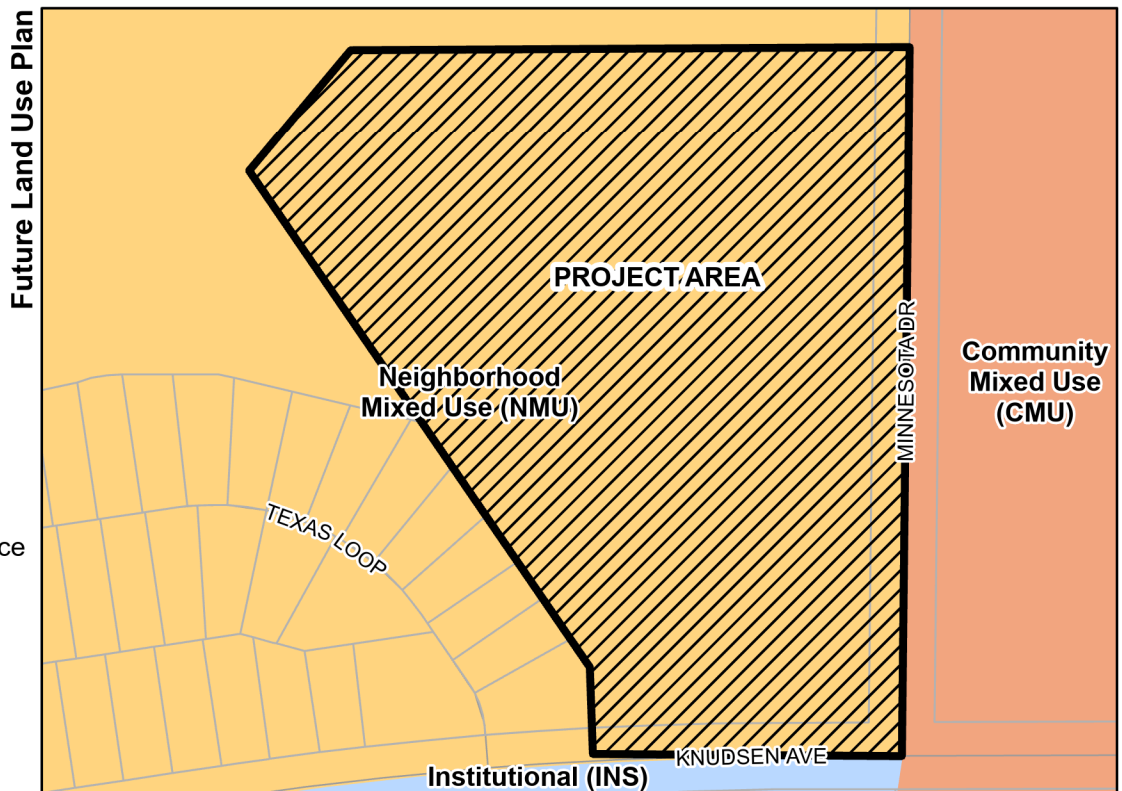
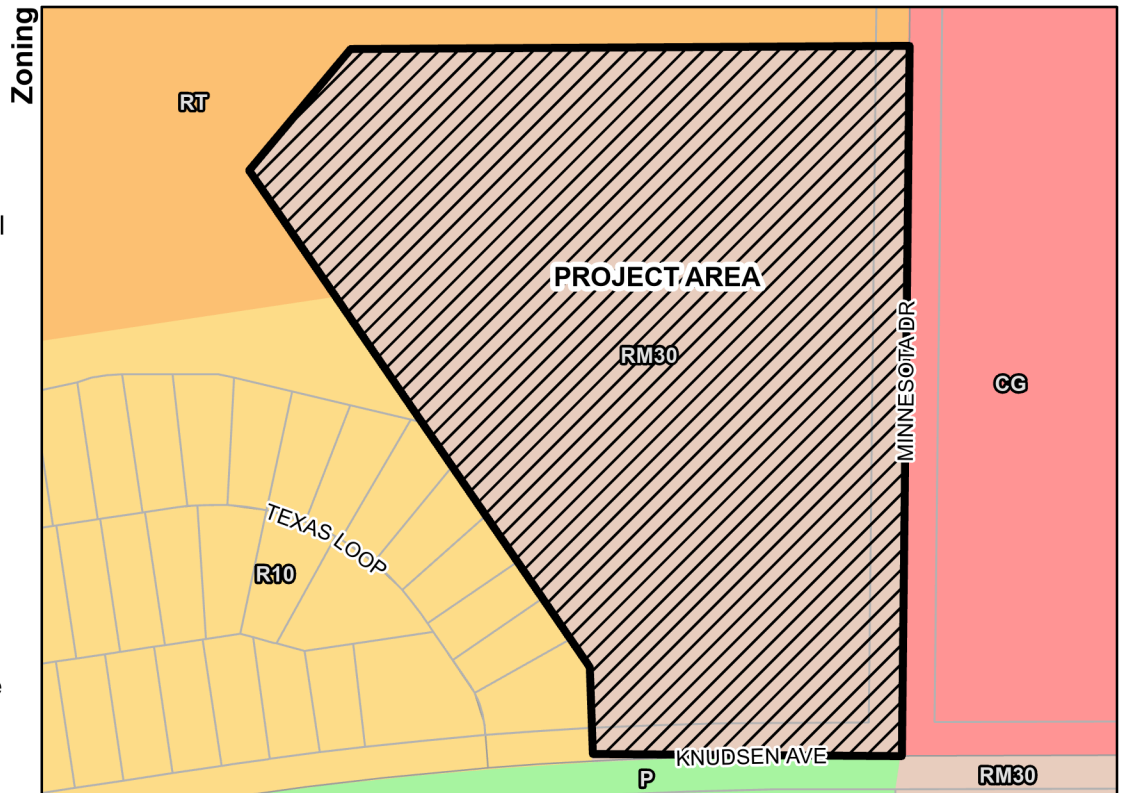
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential
	Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

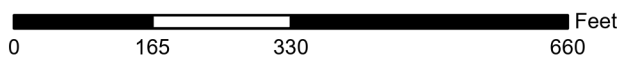
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Major Street Plan

—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate



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.





Proposed Zoning Change

EDGEWOOD VILLAGE 7th ADDITION FIRST REPLAT L52, B1

ZC2023-006

Proposed New Zoning Map

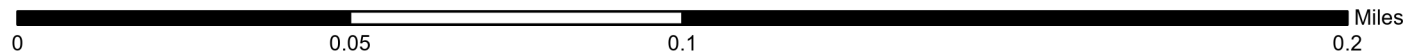
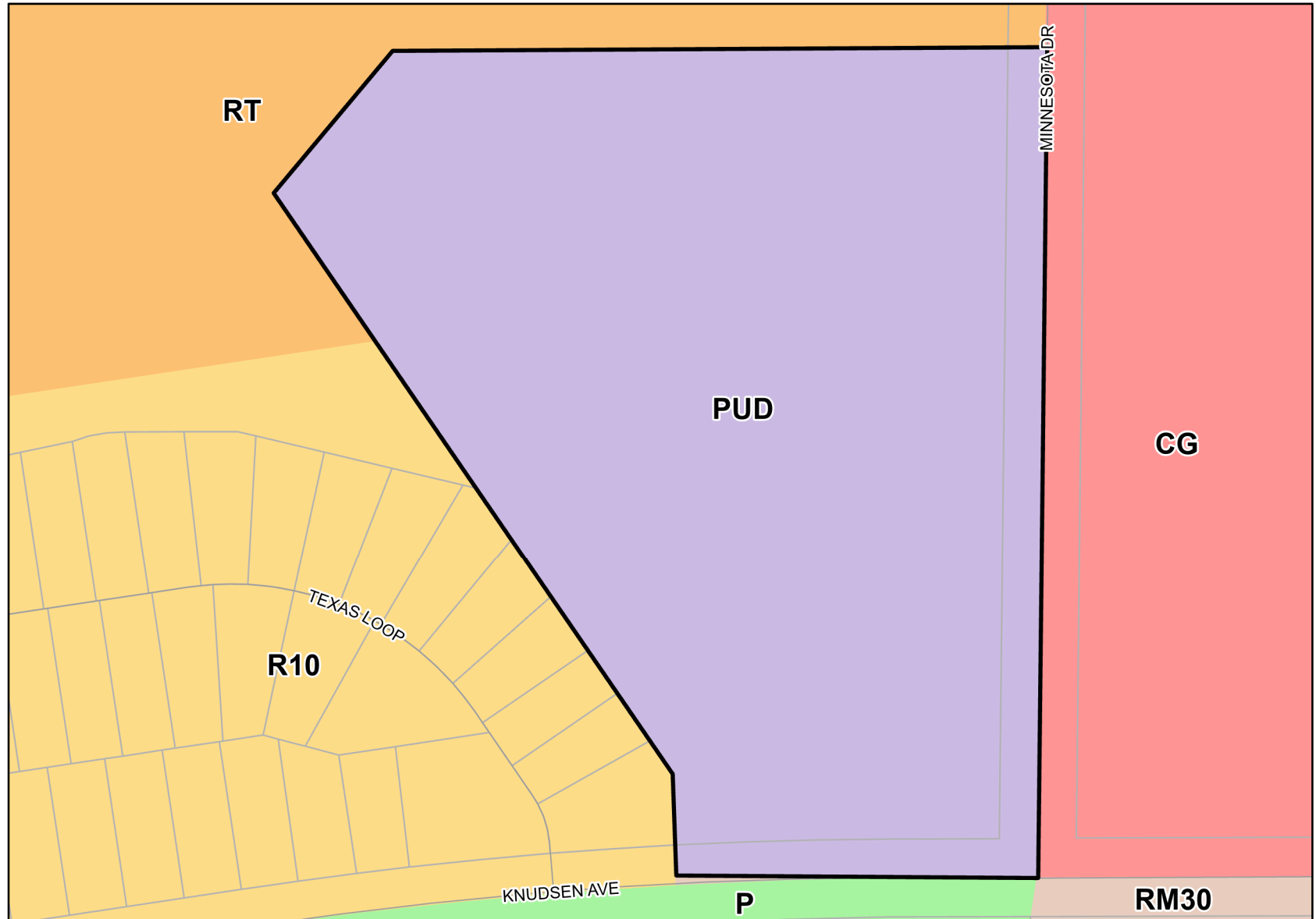
 Project Area
(zoning within
is proposed)

 City Limits

Zoning Districts

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

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



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SWENSON, HAGEN & CO. P.C.

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

EDGEWOOD VILLAGE 7TH ADDITION FIRST REPLAT

LOTS 52 BLOCK 1

Request for PUD

Edgewood Properties, LLLP is proposing to re-zone Lot 52 Block 1 Edgewood Village 7th Addition First Replat, west of Minnesota Drive, north of Knudsen Avenue into a development featuring single family-homes. The area is currently zoned as RM30, and is adjacent to properties zoned R10 to the west & RT to the north, both of which were also developed by this group.

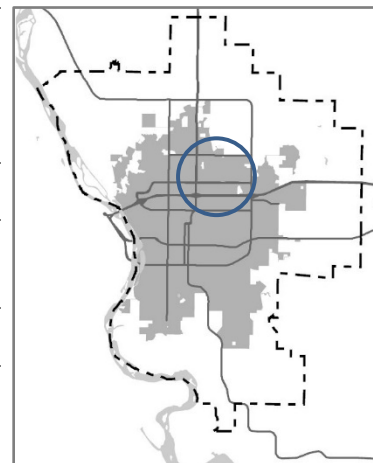
The proposed 31 single-family homes will be located on a single lot, with each unit being leased, rather than owned. The remaining areas will be a mix of shared-uses, with options for accessory buildings, a pickleball course, and other amenities. A community clubhouse will be constructed with aesthetics similar to the homes, and may be converted to a home at a future date.

The development shall be accessed by a private road/private access area, which will be owned & maintained by Edgewood Properties, LLLP or one of its subsidiaries. The private road/access area will also contain private sanitary sewer & waterlines for the areas served by the road, as well as stormwater facilities.

Additionally, the homes will be constructed so that lot lines may be platted at a future date and will conform to current city of Bismarck zoning standards.

Project Summary

<i>Title:</i>	Basin Electric Fourth Addition, Lot 1, Block 1; Tracts 1A, 2A, and 3A of Lot 1 and Lot 2, Block 1, Basin Electric Third Addition; Lot 3, Block 1, Wisdom Park Office Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Columbo, LLC Sanford Bismarck
<i>Project Contact:</i>	Landon Niemiller, AICP, Swenson, Hagen & Co.
<i>Project Location:</i>	In northeast Bismarck, in the southwest quadrant of the intersection of East Century Avenue and North 19th Street
<i>Project Size:</i>	17.03 Acres
<i>Applicant Request:</i>	Rezone property to allow unspecified commercial uses
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	6 lots in 3 blocks	<i>Lots/Blocks:</i>	6 lots in 3 blocks
<i>Land Use:</i>	Office and undeveloped	<i>Land Use:</i>	Undefined Commercial Uses
<i>Future Land Use:</i>	Community Mixed Use (CMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU)
<i>Zoning:</i>	RT – Residential	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre	<i>Max Density:</i>	RT – 30 units / acre

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Memorial

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	07/1980, 05/2003, 07/2022
<i>Annexed:</i>	Pre-1980

Project Narrative

Columbo, LLC and Sanford Health area requesting approval of a zoning change from the RT – residential zoning district to the CG – Commercial zoning district for Lot 1, Block 1, Basin Electric 4th Addition; Tracts 1A, 2A, 3A (of Lot 1), Lot 2, Block 1, Basin Electric 3rd Addition and Lot 3, Block 1, Wisdom Park Office Addition.

A majority of the area is developed as office uses and no change is anticipated. Lots 1 and 2, Block

1, Basin Electric Fourth Addition are currently vacant.

The applicant has not disclosed any specific plans for development at this time, although a previous zoning map amendment application, since withdrawn, in this area proposed an off-premise advertising sign. More information may be available prior to any public hearing, if the Planning and Zoning Commission chooses to call for one.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property is designated as Community Mixed Use in the Future Land Use Plan, which is characterized by higher intensity of activity, including commercial and institutional uses, and greater levels of development density. Goals and objectives of this plan as they relate to zoning map amendments are referenced in review standards below.

East Century Avenue is identified as an Arterial Roadway, and North 19th Street is identified as a collector roadway.

Public Engagement

Public engagement will commence if the Planning and Zoning Commission calls for a public hearing on this request.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

(continued)

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Community Mixed Use in the Future Land Use Plan, as described in the Project Context above. The proposed zoning district would generally conform to the character of this district. A plan reference map is attached to this staff report.

The proposed amendment is compatible with adjacent land uses and zoning ([Goal S10-a](#), [S5-a](#))

No. Certain uses allowed in the CG – Commercial Zoning district may create conflicts with the predominantly office uses within and adjacent to this area. Service Group B allows uses that may “produce offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located”, including motor vehicle repair, lumberyards, and other heavier uses. The use of the CA – Commercial zoning district or placement of conditions on the CG – Commercial district would alleviate this concern.

It should be noted that an off-premise advertising sign (billboard) would not be permitted on either Lot 1 or Lot 2, Basin Electric Fourth Addition, regardless of zoning. There are no locations on this property that would comply with required spacing distance from the intersection of East Century Avenue and North 19th Street. Furthermore, the Highway Beautification Act of 1965, and North Dakota’s agreement to comply, does not recognize commercial rezoning “created primarily to permit outdoor advertising structures” as valid for the purposes of permitting billboards.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of RT – Residential was established prior to 1980.

Conditions have changed since this time, including adoption of new comprehensive plans.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a](#), [Goal T1-c](#))

Yes. The proposed zoning map amendment may support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents, including residents of a nearby multifamily residential complex.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

No. The proposed zoning map amendment would not support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code, given the potential negative impact on existing office uses within and adjacent to the district.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The applicant has submitted a complete application for a zoning map amendment, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

No. City of Bismarck staff find that the proposed zoning map amendment would adversely impact the public health, safety, and general welfare, because of the potential for heavier commercial

(continued)

uses incompatible with the existing office uses in the district.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RT – Residential zoning district to the CG – Commercial zoning district for Lot 1, Block 1, Basin Electric 4th Addition; Tracts 1A, 2A, 3A (of Lot 1), Lot 2, Block 1, Basin Electric 3rd Addition and Lot 3, Block 1, Wisdom Park

Office Addition, with the understanding that staff has concerns with the zoning as currently proposed.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

Staff report prepared by: Daniel Nairn, AICP, Planning Manager
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 RT – Residential zoning district and included in the CG - Commercial zoning district:

Lot 1, Block 1, Basin Electric 4th Addition; Tracts 1A, 2A, 3A of Lot 1, Lot 2, Block 1, Basin Electric 3rd Addition and Lot 3, Block 1, Wisdom Park Office 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.



Zoning and Plan Reference Map

BASIN ELECTRIC 4TH AND 3RD ADDITIONS

ZC2023-007

Zoning Districts

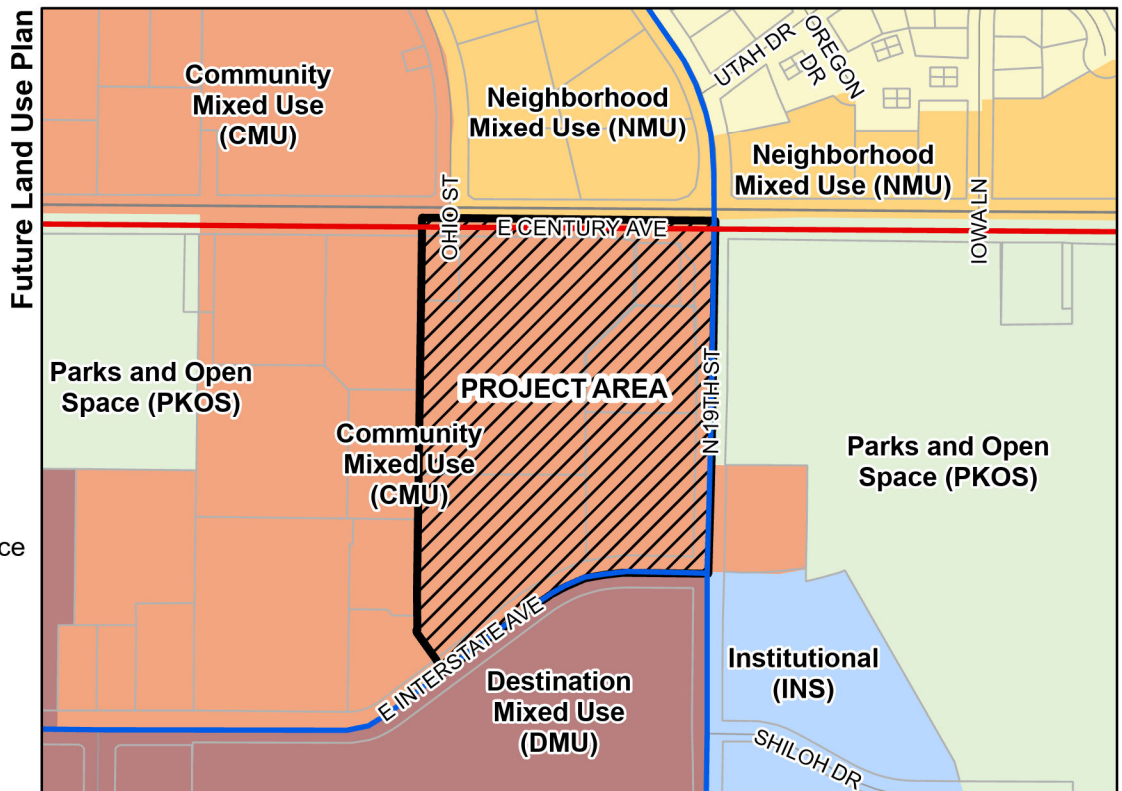
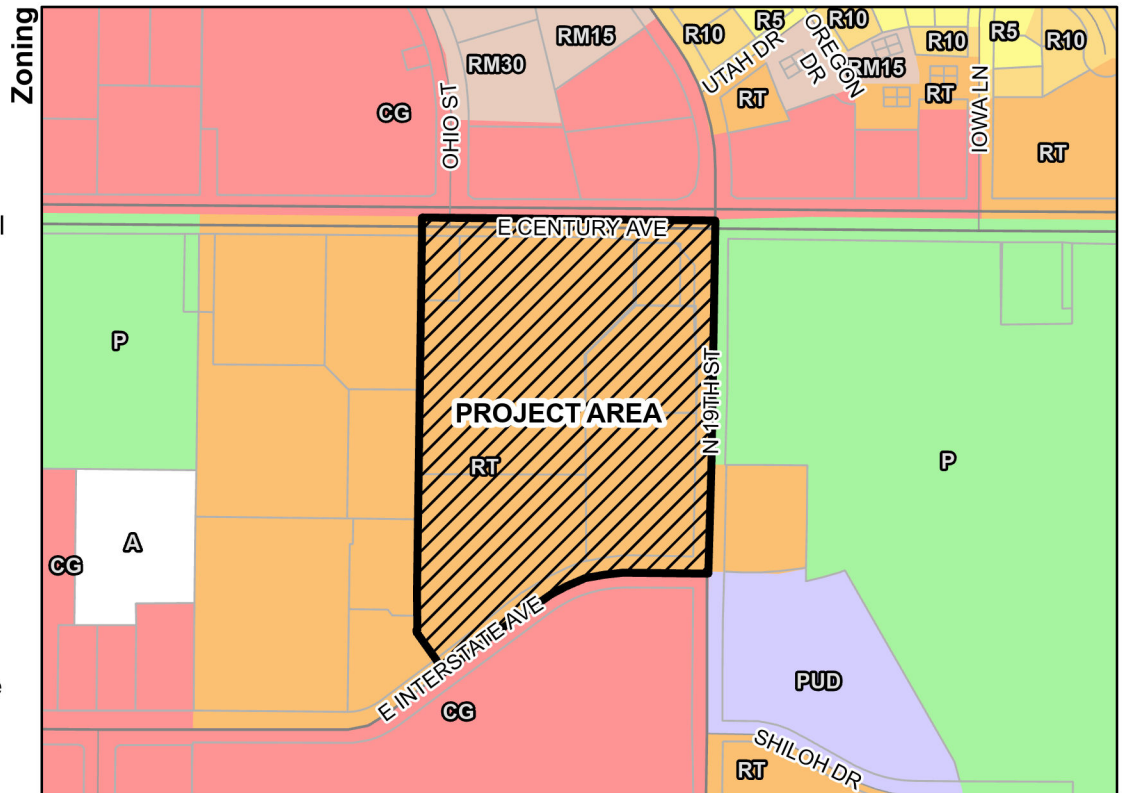
A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

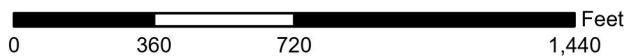
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Major Street Plan

- Existing Arterial
- Future Arterial
- Existing Collector
- Future Collector
- Existing Interstate
- Future Interstate



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.



20



City of Bismarck
Community Development
Planning Division
June 13, 2023

Proposed New Zoning Map

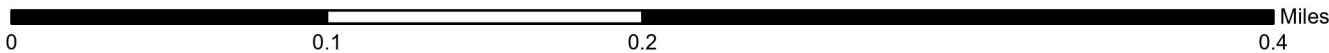
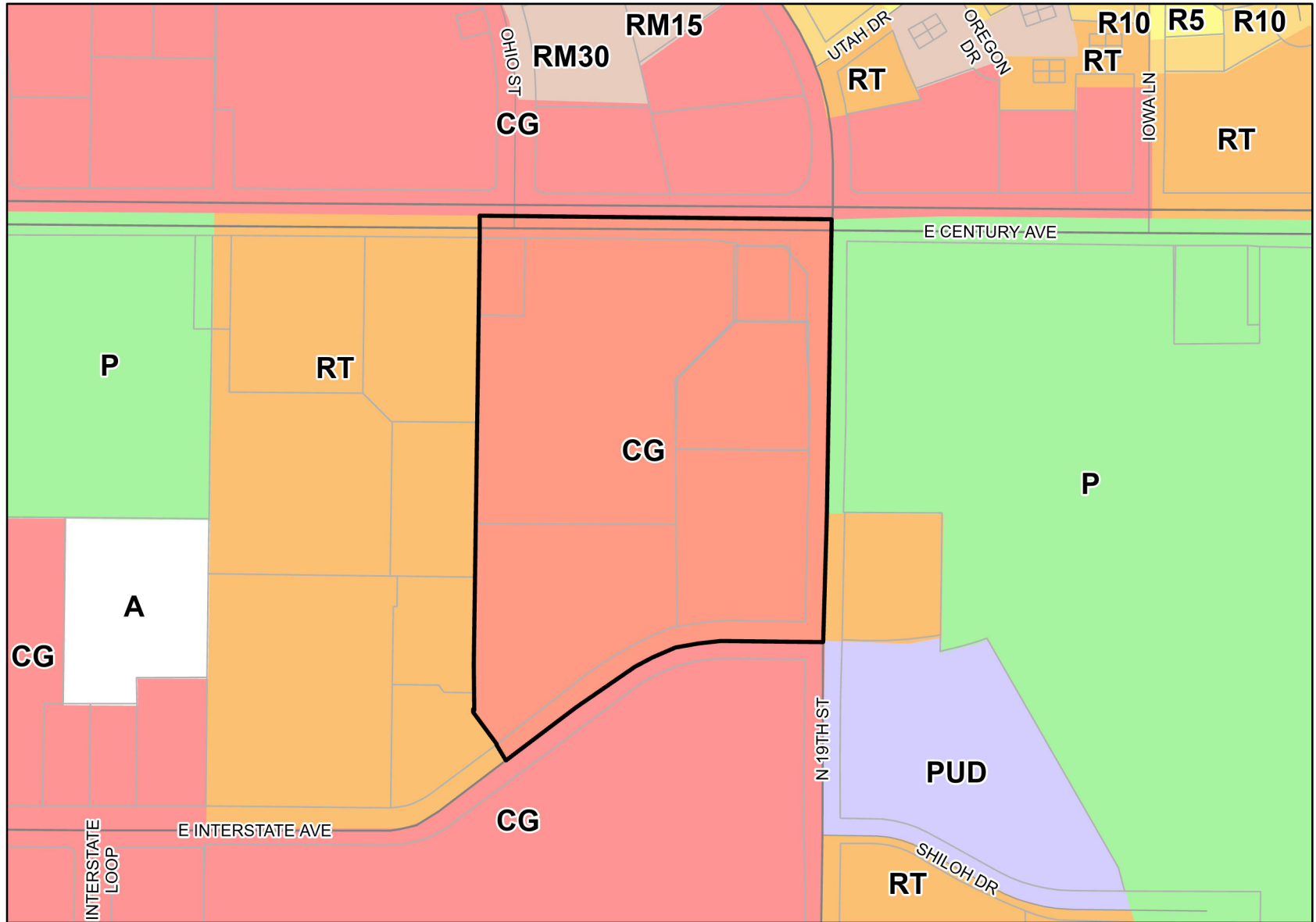
 Project Area (zoning within is proposed)

 City Limits

Zoning Districts

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

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



STAFF REPORT

Application for: **Annexation**

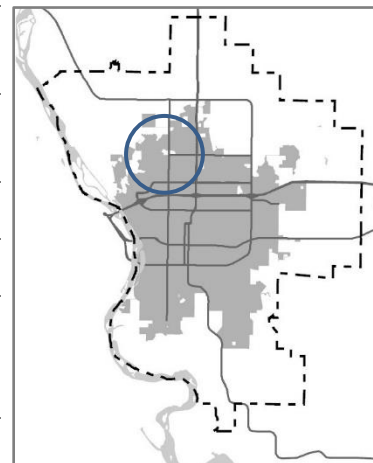
Agenda Item # 4

June 28, 2023

Project ID: **ANNX2023-001**

Project Summary

<i>Title:</i>	Part of Lot 2, Block 1 and Ash Coulee Drive Right-of-Way, Northern Sky Second Addition First Replat
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Property Owner(s):</i>	City of Bismarck
<i>Project Contact:</i>	Kim L. Lee, AICP, Planning Manager
<i>Project Location:</i>	In northwest Bismarck, in the northwest quadrant of the intersection of North Washington Street and Ash Coulee Drive
<i>Project Size:</i>	1.53 acres, more or less
<i>Applicant Request:</i>	Annex that portion of Lot 2, Block 1 not previously annexed and the Ash Coulee Drive right-of-way
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	Part of 1 lot in 1 block	<i>Lots/Blocks:</i>	Part of 1 lot in 1 block
<i>Land Use:</i>	Municipal Water Tower	<i>Land Use:</i>	Municipal Water Tower
<i>Future Land Use:</i>	Institutional (INS)	<i>Future Land Use:</i>	Institutional (INS)
<i>Zoning:</i>	P – Public Use	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses	<i>Uses Allowed:</i>	P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	P – N/A	<i>Max Density:</i>	P – N/A

Area Information

<i>Zoning Jurisdiction:</i>	Bismarck City Limits
<i>Township:</i>	N/A (City of Bismarck)
<i>Neighborhood:</i>	Horizon Heights

Property History

<i>Zoned:</i>	04/1999
<i>Platted:</i>	04/2022
<i>Annexed:</i>	N/A

Project Narrative

The City of Bismarck is requesting approval of the annexation of that portion of Lot 2, Block 1, not previously annexed and all of the Ash Coulee Drive right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat. The requested action will bring the that part of Lot 2, Block 1 not previously annexed into the corporate limits so it can be

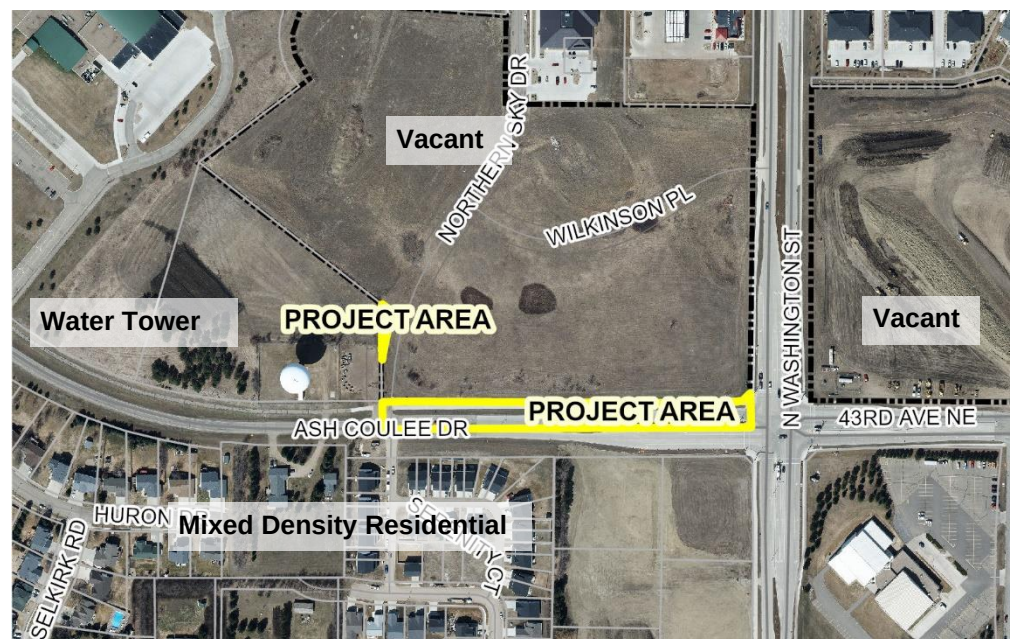
combined with the adjacent Lot 3, Block 1, Replat of Millenium Addition. It will also bring all of this segment of Ash Coulee Drive not previously annexed into the corporate limits. The remainder of Northern Sky Second Addition First Replat will not be annexed at this time, but will be annexed prior to development.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.

A Growth Phasing Plan Map is also attached to this staff report, showing prioritization for extension of the Bismarck city limits



The property has been identified as Institutional in the Future Land Use Plan. The Institutional areas are places of cultural, political, or administrative significance to the general public. Goals and objectives of this plan as they relate to an annexation are referenced in review standards below.

Public Engagement

Annexations do not have a public hearing before the Planning & Zoning Commission. The public will be duly notified of this request before it is heard by the City Commission, as will Burleigh County and Hay Creek Township in accordance

with the provisions of Section 40-51.2-05 of the North Dakota Century Code

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Growth Phasing Plan is adhered to with the proposed annexation ([Growth Phasing Plan](#))

Yes. The proposed annexation incorporates land that is within the Urban Service Area Boundary and has been designated as Expansion Ready.

(continued)

Adequate public facilities are or will be available to serve the annexed properties completely and equitably (Goal G3-b, Goal G3-c)

Yes. 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.

The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck (Goal G2-b, NDCC 40-51.2-03)

Yes. The area of the proposed annexation is clearly contiguous to the existing corporate boundaries. Approximately 50% of the proposed annexation's perimeter adjoins corporate limits. Generally, any proportion greater than 20% is considered unambiguously contiguous.

Proper administrative procedures related to the request are being followed (NDCC 40-51.2)

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. A written petition for the proposed annexation was submitted to the Community Development

Department, which has been deemed valid by City staff. A public hearing, subject to all notice requirements, would be held with the City Commission.

The public health, safety and general welfare will not be adversely impacted by the proposed annexation (Goal S10-a)

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed annexation would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of that portion of Lot 2, Block 1 and all of the Ash Coulee Drive right-of-way not previously annexed and included in the plat of Northern Sky Second Addition First Replat, as outlined in the attached draft annexation ordinance.

1. Draft Annexation Ordinance
2. Zoning and Plan Reference Map
3. Growth Phasing Plan Map

Staff report prepared by: Kim L Lee, AICP, Planning Manager

701-355-1846 | klee@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

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

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

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

That part of Lot 2, Block 1, Northern Sky Second Addition First Replat not previously annexed and more specifically described as beginning at the northwest corner of said Lot 2, Block 1, Northern Sky Second Addition First Replat, thence S52°16'05"E a distance of 37.80 feet to the west right-of-way line of Northern Sky Drive, thence along said right-of-way line westerly and to the left along a curve with a radius of 750 feet and a chord bearing of S11°10'36"W a distance of 168.56 feet, thence N00°46'33"E a distance of 188.14 feet to the point of beginning.

and

All that right-of-way of Ash Coulee Drive not previously annexed adjacent to the south boundary line of Northern Sky Second Addition First Replat, beginning at the west right-of-way line of Washington Street and terminating at the southerly extension of the west boundary line of Northern Sky Second Addition First Replat.

The above-described tracts of land contain 1.53 acres, more or less.

Section 2. Provisions Applicable. From and after the final passage and adoption of this ordinance and upon recording of this ordinance with the Burleigh

County Recorder, the territory herein described shall be a part of the corporate limits of the City of Bismarck, North Dakota.

DRAFT



Zoning and Plan Reference Map

ANNX2023-001

NORTHERN SKY 2ND ADDT 1ST REPLAT, Pt L2, B1 AND ASH
COULEE DR

Zoning Districts

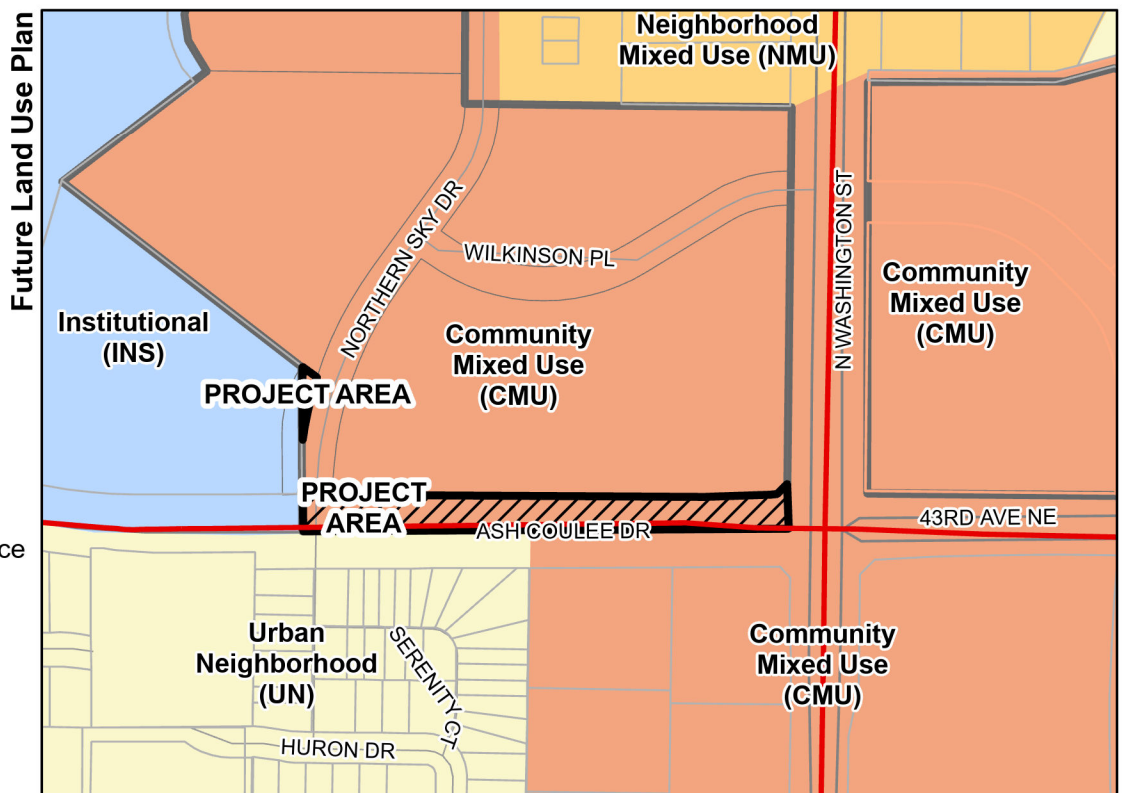
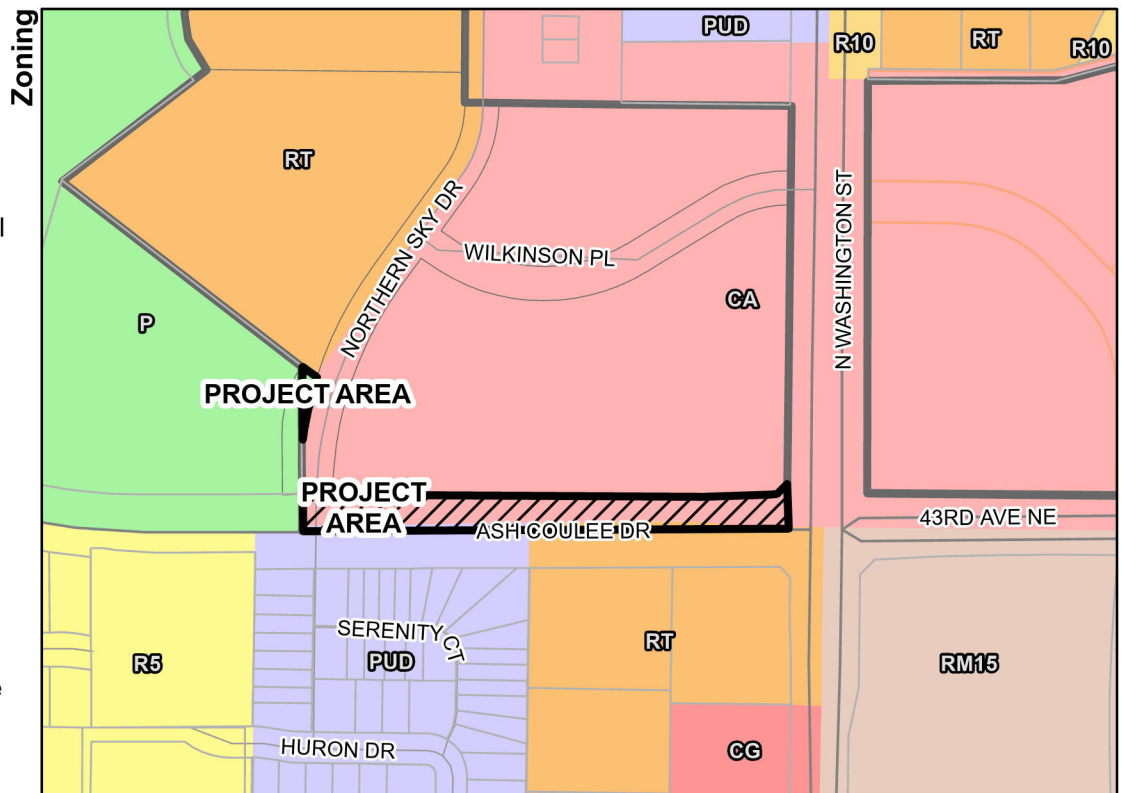
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RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC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

Future Land Use Plan

UN	Urban
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
TR	Residential Transitional
PKOS	Rural Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Major Street Plan

	Existing Arterial
	Future Arterial
	Existing Collector
	Future Collector
	Existing Interstate
	Future Interstate



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0 270 540 1,080 Feet



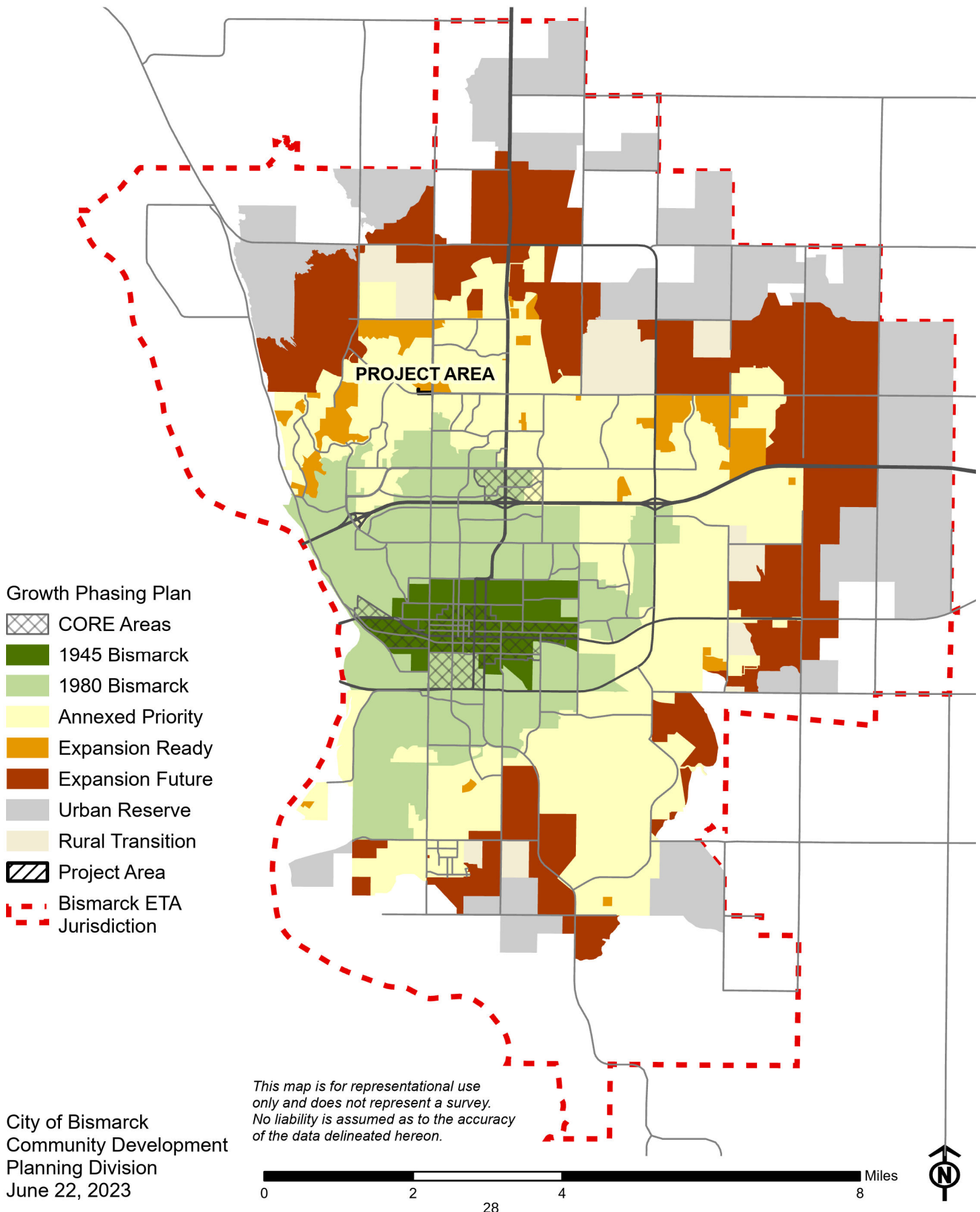
City of Bismarck
Community Development
Planning Division
June 22, 2023



Growth Phasing Plan Map

ANNX2023-001

NORTHERN SKY 2ND ADDT 1ST REPLAT,Pt L2, B1 AND ASH COULEE DR



STAFF REPORT

Agenda Item # 5

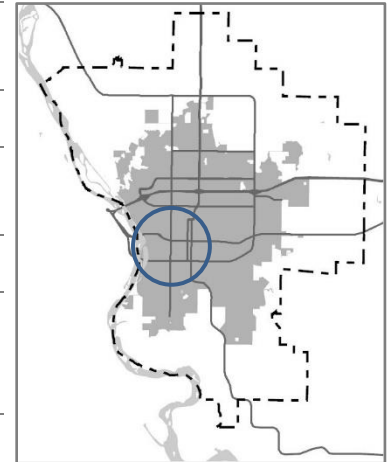
June 28, 2023

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-005**

Project Summary

<i>Title:</i>	Part of Block 16, Wachters Second Addition and adjacent lands
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Triple 3 Ventures LLC 1008 Portland Drive, LLC
<i>Project Contact:</i>	Kim L. Lee, AICP, Planning Manager
<i>Project Location:</i>	In south central Bismarck, in the southeast quadrant of the intersection of Bismarck Expressway and South Washington Street
<i>Project Size:</i>	2.4 acres, more or less
<i>Applicant Request:</i>	Eliminate PUD zoning that is no longer needed
<i>Staff Recommendation:</i>	Approve



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	4 parcels in 2 blocks	<i>Lots/Blocks:</i>	4 parcels in 2 blocks
<i>Land Use:</i>	Multi-family residential and Multi-tenant commercial facility	<i>Land Use:</i>	Multi-family residential and Multi-tenant commercial facility
<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	RM30 – Residential CG – Commercial PUD – Planned Unit Development	<i>Zoning:</i>	RM30 – Residential CG – Commercial
<i>Uses Allowed:</i>	RM30 – Multi-family residential CG – General commercial, multi-family residential, and office PUD – Uses specified in PUD	<i>Uses Allowed:</i>	RM30 – Multi-family residential CG – General commercial, multi-family residential, and office
<i>Max Density:</i>	RM30 – 30 units / acre CG – 42 units / acre PUD – Density specified in PUD	<i>Max Density:</i>	RM30 – 30 units / acre CG – 42 units / acre

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	10/1987
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	04/1969 and 04/1970
<i>Neighborhood:</i>	Wachter	<i>Annexed:</i>	Pre-1980

Project Narrative

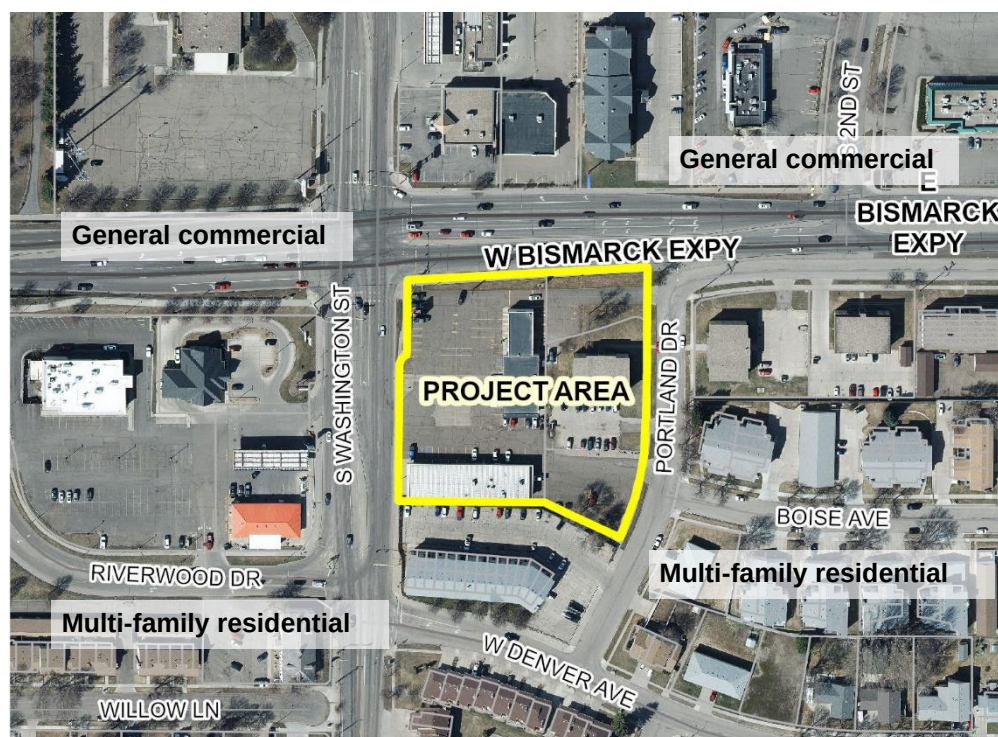
The City of Bismarck, with concurrence from the impacted property owners, is initiating a zoning map amendment from the RM30 – Residential, CG – Commercial and PUD – Planned Unit Development zoning districts to the RM30 – Residential and CG – Commercial zoning districts

for Lots 1-3 and 7, Block 16, Wachters Second Addition and adjacent lands. The PUD that was created in 1987 to accommodate a multi-tenant commercial retail sales facility and was amended in 1997 to allow vehicular access to the facility from Portland Drive.

Project Context

Land uses adjacent to the project area are depicted on the adjacent map:

A Zoning and Plan Reference Map is attached to this staff report, including current zoning, the Future Land Use Plan, Major Street Plan, and Active Mobility Plan.



The property has been identified as Commercial Mixed Use (CMU) and Neighborhood Mixed Use (NMU) in the Future Land Use Plan. The Commercial Mixed Use (CMU) areas are places of commerce, employment, and residence for the Bismarck community and the Neighborhood Mixed Use (NMU) areas are the social and

commercial gathering spaces for the immediate surrounding residential areas.

The proposed zoning map amendment will eliminate the PUD - Planned Unit Development zoning and change the commercial areas to CG –

(continued)

Commercial and the multi-family residential area to RM30 – Residential.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on June 16 and 23, and 64 letters were mailed to the owners of nearby properties on June 16, 2023.

All written comments received by staff prior to the public hearing will be distributed to the Planning and Zoning Commission and summarized by staff during the oral presentation.

Review Standards and Findings of Fact

The request is evaluated according to standards contained within the Comprehensive Plan, Bismarck Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

The Future Land Use Plan is adhered to with the proposed zoning map amendment ([Future Land Use Plan](#))

Yes. The proposed zoning map amendment is within the area designated as Commercial Mixed Use and Neighborhood Mixed Use in the Future Land Use Plan, as described in the Project Context section above. The proposed zoning districts would generally conform to the character of this district.

The proposed zoning map amendment is compatible with adjacent land uses and zoning are ([Goal S10-a, S5-a](#))

Yes. Adjacent uses are described in the project context section above. The proposed zoning districts would allow the existing multi-family residential and multi-tenant commercial uses to continue and would clarify the zoning. Development that may be anticipated from the

proposed zoning would have no negative impact on the surrounding properties.

A change in conditions or by an error in the zoning map has occurred since the previous zoning classification was established ([Goal S9-e](#))

Yes. The current zoning district of PUD – Planned Unit Development district was established in 1987 to accommodate access points. The PUD was also erroneously applied to part of the adjacent property occupied by a multi-family residential use. The PUD is no longer needed for the access points and the proposed zoning map amendment brings the existing uses into more appropriate zoning districts.

Undue restriction of housing options or access to neighborhood amenities would not result from the proposed zoning map amendment ([Goal S1-a, Goal T1-c](#))

Yes. The proposed zoning map amendment would not adversely impact housing opportunities in any way.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed zoning map amendment (Section 14-02-01; [NDCC 40-27-03](#))

Yes. The proposed zoning map amendment would support the purpose of the zoning ordinance, as stated in the City Code of Ordinances and North Dakota Century Code.

Proper administrative procedures related to the request are being followed (Section 14-07-02, [NDCC Chapter 40-47](#))

Yes. All administrative procedures of the City Code of Ordinances and North Dakota Century Code have been followed to date. The owners have concurred with the proposed City-initiated zoning map amendment and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

(continued)

The public health, safety and general welfare will not be adversely impacted by the proposed zoning map amendment ([Goal S10-a](#))

Yes. As a cumulative result of all findings contained in this staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the City-initiated zoning map amendment from the RM30 – Residential, CG –

Commercial and PUD – Planned Unit Development zoning districts to the RM30 – Residential and CG – Commercial zoning districts for Lots 1-3 and 7, Block 16, Wachters Second Addition and adjacent lands, as outlined and more specifically described in the attached draft zoning ordinance.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager

701-355-1846 | klee@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 RM30 – Residential and PUD – Planned Unit Development zoning district and included in the RM30 – Residential zoning district:

LOTS 1 AND 2, BLOCK 16, WACHTERS SECOND ADDITION, LESS THAT PART OF LOT 2 PART OF LOT 2, BLOCK 16, WACHTER'S SECOND ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, WITH THE PROPERTY IN LOT 2 MORE SPECIFICALLY DESCRIBED AS BEGINNING AT THE SE CORNER OF LOT 2; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 2, A DISTANCE OF 14 FEET; THENCE WESTERLY A DISTANCE OF 135.6 FEET TO THE SW CORNER OF LOT 2; THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 2 A DISTANCE OF 134.91 FEET TO THE POINT OF BEGINNING.

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 CG – Commercial and PUD – Planned Unit Development zoning districts and included in the CG – Commercial zoning district:

LOT 3 AND PART OF LOT 2, BLOCK 16, WACHTER'S SECOND ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH

DAKOTA, WITH THE PROPERTY IN LOT 2 MORE SPECIFICALLY DESCRIBED AS BEGINNING AT THE SE CORNER OF LOT 2; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 2, A DISTANCE OF 14 FEET; THENCE WESTERLY A DISTANCE OF 135.6 FEET TO THE SW CORNER OF LOT 2; THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 2 A DISTANCE OF 134.91 FEET TO THE POINT OF BEGINNING.

and

AUDITOR'S LOTS A AND B OF LOT 7, BLOCK 16, WACHTER'S SECOND ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, AND VACATED BISMARCK AVENUE WEST OF THE EAST LINE OF LOT 7 IN SECTIONS 4 AND 9, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

LOT A: ALL THAT PART OF LOT 7, BLOCK 16, WACHTER'S SECOND ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, THAT IS BOUNDED BY THE FOLLOWING DESCRIBED TRAVERSE: BEGINNING AT THE SW CORNER OF LOT 7, BLOCK 16; THENCE N0°23'50"E ALONG THE EAST RIGHT OF WAY LINE OF WASHINGTON STREET A DISTANCE OF 175.00 FEET; THENCE S89°36'10"E A DISTANCE OF 200.00 FEET; THENCE S0°23'50"W A DISTANCE OF 175.00 FEET; THENCE N8°36'10"W ALONG THE SOUTH LINE OF LOT 7, BLOCK 16 A DISTANCE OF 200.0 FEET TO THE POINT OF BEGINNING.

LOT B: ALL THAT PART OF BLOCK 1, WACHTER'S ADDITION AND LOT 7, BLOCK 16, WACHTER'S SECOND ADDITION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AND VACATED BISMARCK AVENUE THAT LIES WEST OF THE EAST LINE OF LOT 7 THAT IS BOUNDED BY THE FOLLOWING DESCRIBED TRAVERSE: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF BISMARCK EXPRESSWAY AND THE EAST LINE OF WASHINGTON STREET; THENCE S0°23'50"W ALONG THE EAST RIGHT OF WAY LINE OF WASHINGTON STREET A DISTANCE OF 106.17 FEET TO THE NORTH LINE OF LOT 7, BLOCK 16, WACHTER'S SECOND ADDITION; THENCE S90°00'00"W ALONG THE NORTH LINE OF SAID LOT 7 AND SAID EAST RIGHT OF WAY LINE OF WASHINGTON STREET A DISTANCE OF 10.00 FEET TO THE NW CORNER OF SAID LOT 7; THENCE S0°23'50"W CONTINUING ALONG THE WEST LINE OF SAID LOT 7 AND THE EAST RIGHT OF WAY LINE OF WASHINGTON STREET A DISTANCE OF 25.00 FEET TO A POINT WHICH LIES 175.00 FEET NORTH OF THE SW CORNER OF SAID LOT 7; THENCE S89°36'10"E A DISTANCE OF 200.00 FEET; THENCE N0°23'50"E ALONG THE EAST LINE OF LOT 7 AND THE EXTENSION THEREOF A DISTANCE OF 142.75 FEET TO THE SOUTH RIGHT OF WAY LINE OF BISMARCK EXPRESSWAY; THENCE S86°55'50"W ALONG SAID SOUTH RIGHT OF

WAY LINE OF BISMARCK EXPRESSWAY A DISTANCE OF 190.35 FEET TO THE POINT OF BEGINNING.

LESS PARCELS DEEDED TO THE STATE OF NORTH DAKOTA, FOR THE USE AND BENEFIT OF THE STATE HIGHWAY DEPARTMENT AND THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION RECORDED AS DOCUMENT NO.'S 305604 AND 482435.

and

A TRACT OF LAND LYING IN SECTIONS 4 AND 9, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF LOT 1, BLOCK 16, WACHTER'S SECOND ADDITION; THENCE WESTERLY ALONG THE NORTH LINE OF LOT 1, BLOCK 16 OF SAID ADDITION TO THE NW CORNER OF SAID LOT 1; THENCE NORTH ALONG THE WEST LINE OF SAID LOT EXTENDED A DISTANCE OF 99.53 FEET TO A LINE LYING PARALLEL TO AND 50 FEET SOUTH OF THE CENTERLINE OF BISMARCK EXPRESSWAY; THENCE EASTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 136.73 FEET; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 EXTENDED A DISTANCE OF 65.05 FEET TO THE POINT OF BEGINNING.

LESS PARCEL DEEDED TO THE STATE OF NORTH DAKOTA, FOR THE USE AND BENEFIT OF THE NORTH DAKOTA DEPARTMENT OF TRANSPORTATION RECORDED AS DOCUMENT NO. 482435.

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.



Zoning and Plan Reference Map

ZC2023-005

WACHTERS SECOND ADDITION PT B16, PTS SEC 4 & 9

Zoning Districts

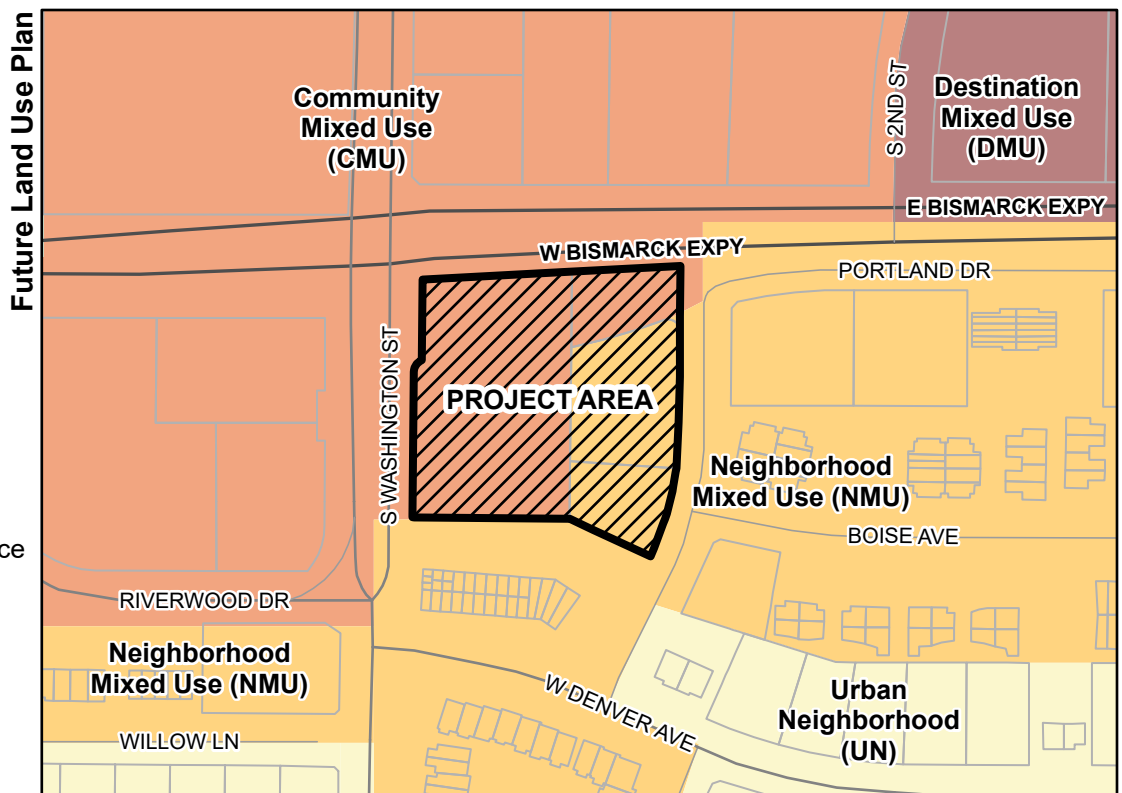
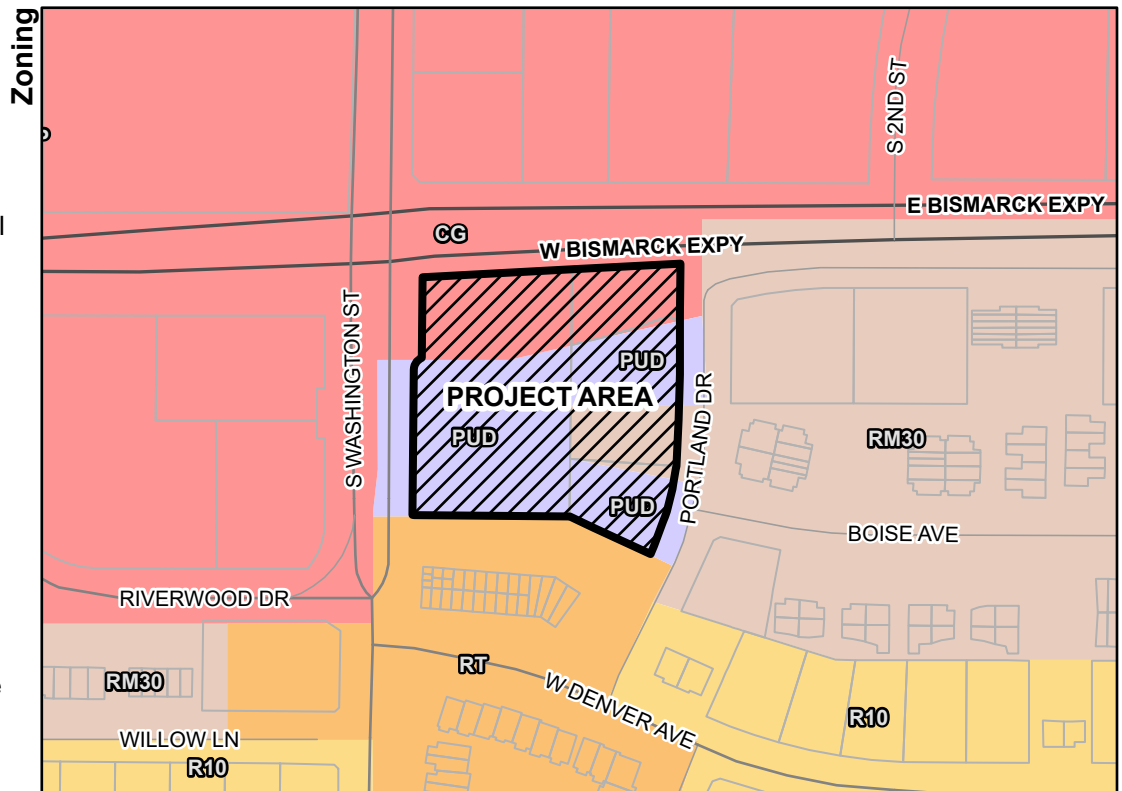
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TR	Residential Transitional
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
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Major Street Plan

- Future Arterial
- Future Collector
- Future Interstate



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

0 175 350 700 Feet



City of Bismarck
Community Development
Planning Division
May 17, 2023

Proposed New Zoning Map

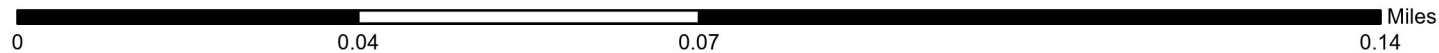
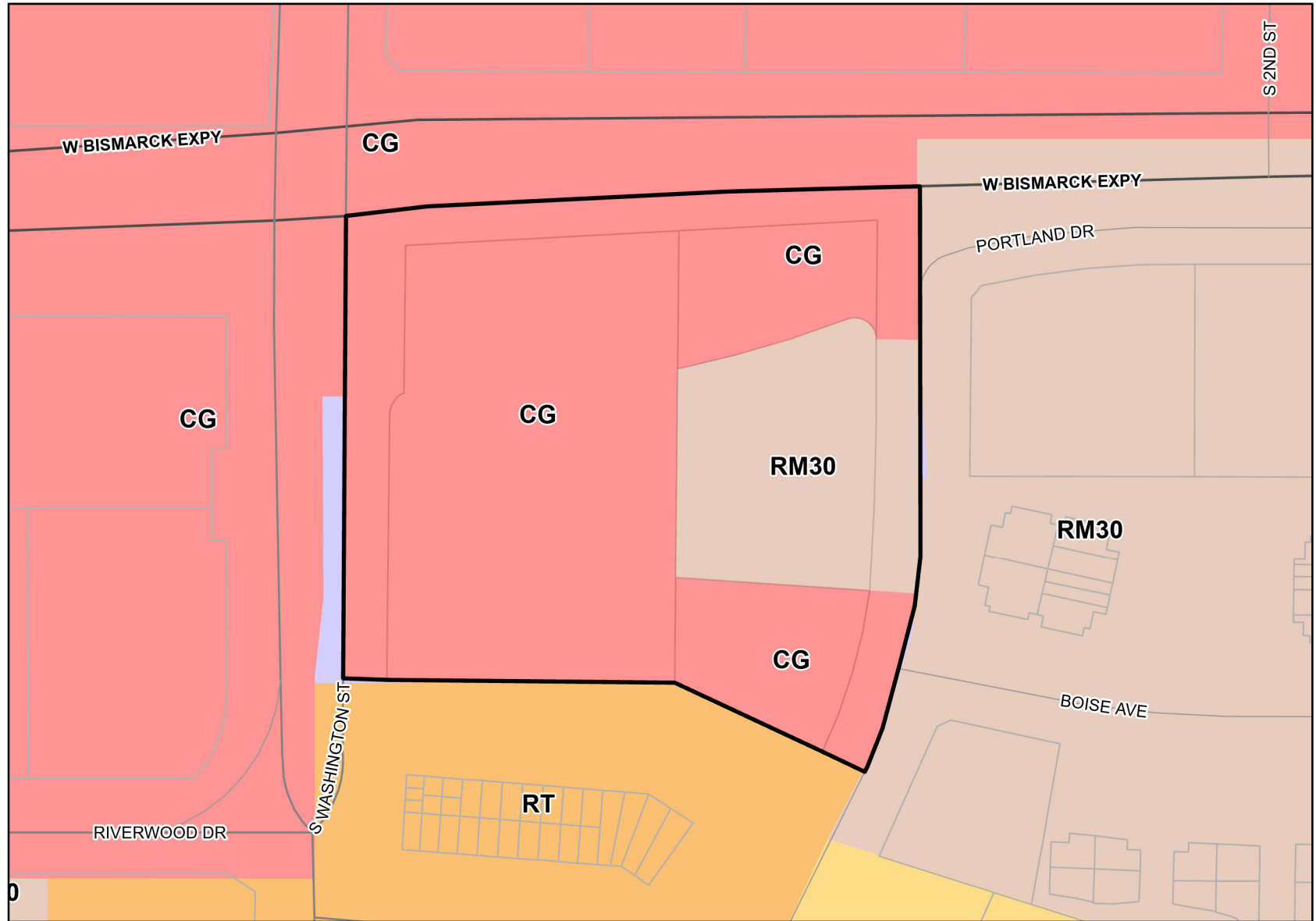
 Project Area
(zoning within is proposed)

 City Limits

Zoning Districts

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

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



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**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 24, 2023**

The Bismarck Planning & Zoning Commission met on May 24, 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 Brian Bitner, Robert Field, Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Wendy Van Duyne, Trent Wangen, and Paul Zent.

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 April 26, 2023 meeting.

MOTION: Commissioner Levchak made a motion to approve the minutes of the April 26, 2023 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

- 3. LOT 2, BLOCK 1, MISTY WATERS – PUD AMENDMENT**
- 4. LOT 2, BLOCK 1, SCHILLING SECOND ADDITION – ZONING MAP AMENDMENT**
- 5. PART OF BLOCK 16, PARTS OF SECTIONS 4 AND 9, WACHTERS SECOND ADDITION – ZONING MAP AMENDMENT**

Commissioner Van Duyne stated that that item 4 will be a conflict of interest for her so she will be recusing herself from the public hearing on that item.

MOTION: Based on the findings contained in the staff reports, Commissioner Levchak made a motion to approve consent agenda items 3, 4 and 5, calling for public hearings on the items as recommended by staff. Commissioner Schmitz seconded the motion, and it was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
RIVER OF HOPE ADDITION, LOT 1, BLOCK 1 AND
MEADOWLARK COMMERCIAL THIRD ADDITION, LOT 1, BLOCK 6**

Chair Schwartz called for the public hearing on the zoning map amendment for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition. The property is located 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.

Ms. Wollmuth gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed zoning map amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the zoning map amendment 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.

Chair Schwartz opened the public hearing.

Allison Artavia came forward to thank the commission for their consideration and stated the request is to simply improve the land to make it more accessible for future use but there are no immediate plans.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the zoning change from R10 – Residential and RT – Residential zoning districts to the CA – Commercial for Lot 1, Block 1, River of Hope Addition and Lot 1, Block 6, Meadowlark Commercial Third Addition. Commissioner Levchak seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duynes, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (OVERSIZED ACCESSORY BUILDING) LOT 5, BLOCK 1, MELEDEE ACRES

Chair Schwartz called for the public hearing on a special use permit to increase the total allowable area of accessory buildings up to 3,200 square feet on Lot 5, Block 1, Meledee Acres. The property is located south of Bismarck, west of Sibley Drive, along the north side of Dogwood Drive (7640 Dogwood Drive).

Ms. Wollmuth gave an overview of the request and stated that, as a cumulative result of all findings contained in the staff report, City of Bismarck staff find that the proposed special use permit would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval of the proposed special use permit to increase the total area of accessory buildings up to 3,200 square feet on Lot 5, Block 1, Meledee Acres.

Commissioner Field asked if this property is in the floodplain. Ms. Wollmuth responded that the property is in the Special Flood Hazard Area (SFHA) and that the applicant has submitted a building permit which will need to be reviewed for compliance with floodplain regulations and approved by the city's Floodplain Administrator.

Chair Schwartz opened the public hearing.

Andrea Adolf came forward to address any concerns or questions.

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 up to 3,200 square feet on Lot 5, Block 1, Meledee Acres. Commissioner Bitner seconded the motion, and the motion was unanimously approved with Commissioners Bitner, Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

OTHER BUSINESS

None

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 5:16 p.m. to meet again on June 28, 2023.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2023

*****City*****

*****ETA*****

	5/2023		5/2022		5/2023		5/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	14	\$5,753,715.63	28	\$9,227,934.00	3	\$1,169,204.48	6	\$1,387,764.54
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	\$1,942,696.45	8	\$2,003,398.26	6	\$1,858,782.41	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	2	\$72,590.10	0	\$0.00	0	\$0.00	1	\$46,450.80
DETACHED GARAGE	5	\$101,600.00	11	\$228,640.00	6	\$335,000.00	5	\$129,951.00
DECKS\PORCHES & COVERED PORCHES	31	\$122,379.25	15	\$50,001.00	3	\$11,451.00	1	\$2,079.00
SWIMMING POOLS	0	\$0.00	1	\$75,000.00	4	\$363,400.00	2	\$176,701.00
RESIDENTIAL ALTERATION/OTHER	5	\$58,323.92	10	\$432,497.94	2	\$37,807.20	2	\$10,500.00
STORAGE SHED	5	\$13,350.00	1	\$8,800.00	1	\$2,400.00	0	\$0.00
BASEMENT FINISH	7	\$185,217.00	3	\$95,137.50	0	\$0.00	2	\$47,472.00
COMMERCIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	4	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	6	\$60,243.00	4	\$26,000.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	1	\$13,811.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	10	\$40,788,900.00	15	\$12,143,359.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	1	\$499,890.00	1	\$300,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	12	\$8,744,773.00	7	\$226,575.37	1	\$94,000.00	0	\$0.00
Total	110	\$58,357,489.35	109	\$24,817,343.07	30	\$3,872,045.09	19	\$1,800,918.34

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2023**

*****City*****

*****ETA*****

	5/2023		5/2022		5/2023		5/2022	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	85	\$0.00	110	\$134,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	152	\$3,534,646.34	112	\$2,751,668.57	3	\$8,450.00	6	\$93,182.25
BUILDING PLUMBING	48	\$2,869,630.14	64	\$952,418.93	9	\$130,638.00	3	\$41,500.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	1	\$0.00	3	\$0.00
Total	285	\$6,404,276.48	286	\$3,838,087.50	13	\$139,088.00	12	\$134,682.25

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 5/2023

	*****City*****		*****ETA*****	
	5/2023	5/2022	5/2023	5/2022
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	2	1	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	8	8	6	0
SINGLE FAMILY DETACHED	13	27	3	3
SWIMMING POOLS	0	0	0	0
Total	23	36	9	3

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2023

*****City*****

*****ETA*****

	5/2023		5/2022		5/2023		5/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	22	\$8,308,665.74	73	\$22,330,290.32	9	\$3,466,833.94	12	\$3,456,145.96
ROWHOUSE (2) 1-HR FIRE SEPARATION	26	\$6,094,677.37	20	\$4,737,532.28	8	\$2,395,976.11	0	\$0.00
MANUFACTURED HOMES	6	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	3	\$105,386.10	3	\$47,988.00	1	\$88,698.00	1	\$46,450.80
DETACHED GARAGE	7	\$135,200.00	11	\$131,190.00	8	\$399,200.00	17	\$675,936.50
DECKS\PORCHES & COVERED PORCHES	42	\$162,276.00	31	\$105,786.00	4	\$14,475.00	3	\$12,033.00
SWIMMING POOLS	1	\$85,000.00	1	\$75,000.00	4	\$363,400.00	2	\$176,701.00
RESIDENTIAL ALTERATION/OTHER	11	\$208,623.92	24	\$640,284.67	6	\$621,388.36	8	\$407,627.49
HOME OCCUPATION	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	6	\$15,750.00	7	\$25,480.00	2	\$5,400.00	0	\$0.00
BASEMENT FINISH	28	\$600,425.00	30	\$801,657.00	3	\$85,677.50	7	\$177,403.00
RESIDENTIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	5	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	4	\$0.00	0	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	20	\$504,216.62	42	\$358,343.00	0	\$0.00	2	\$38,866.00
SIGN ALTERATION	11	\$87,690.27	1	\$35,000.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	44	\$67,266,653.00	27	\$43,218,588.00	0	\$0.00	10	\$2,400,000.00
COMMERCIAL ADDITION	2	\$1,499,890.00	3	\$11,600,387.00	0	\$0.00	1	\$2,937,630.00
COMMERCIAL ALTERATION	47	\$21,645,278.00	43	\$11,481,572.88	4	\$476,500.00	2	\$3,715,000.00
Total	288	\$106,719,732.02	327	\$95,589,099.15	53	\$7,917,548.91	65	\$14,043,793.75

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2023

*****City*****

*****ETA*****

	5/2023		5/2022		5/2023		5/2022	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	307	\$0.00	360	\$169,500.00	4	\$0.00	1	\$0.00
BUILDING MECHANICAL	568	\$10,941,414.18	542	\$9,906,347.01	88	\$1,004,170.25	78	\$515,640.64
BUILDING PLUMBING	106	\$4,415,758.67	148	\$4,004,567.77	20	\$287,765.14	21	\$172,855.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	3	\$10,000.00	4	\$0.00
Total	981	\$15,357,172.85	1050	\$14,080,414.78	115	\$1,301,935.39	104	\$688,495.64

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 5/2023

*****City*****

*****ETA*****

	5/2023	5/2022	5/2023	5/2022
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MANUFACTURED HOMES	6	1	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	26	20	8	0
SINGLE FAMILY DETACHED	21	71	9	8
SWIMMING POOLS	0	0	0	0
Total	53	92	17	8