



PLANNING AND ZONING
COMMISSION

MEETING AGENDA
September 27, 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 August 23, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Brei Estates First Addition Replat Lot 1, Block 1 (JW).....5**

Zoning Map Amendment | ZC2023-010 | *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. **Trillium Fifth Addition (IJ)**.....13

Minor Subdivision Final Plat | MPLT2023-005 | *Public Hearing*

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

4. **Grandview Heights (IJ)**.....20

Special Use Permit (Electronic Message Center) | SUP2023-007 | *Public Hearing*

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

5. **Briese Subdivision (JW)**.....28

Rural Residential Lot Split | RRLS2023-001 | *Public Hearing*

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

OTHER BUSINESS

6. Other Business

ADJOURNMENT

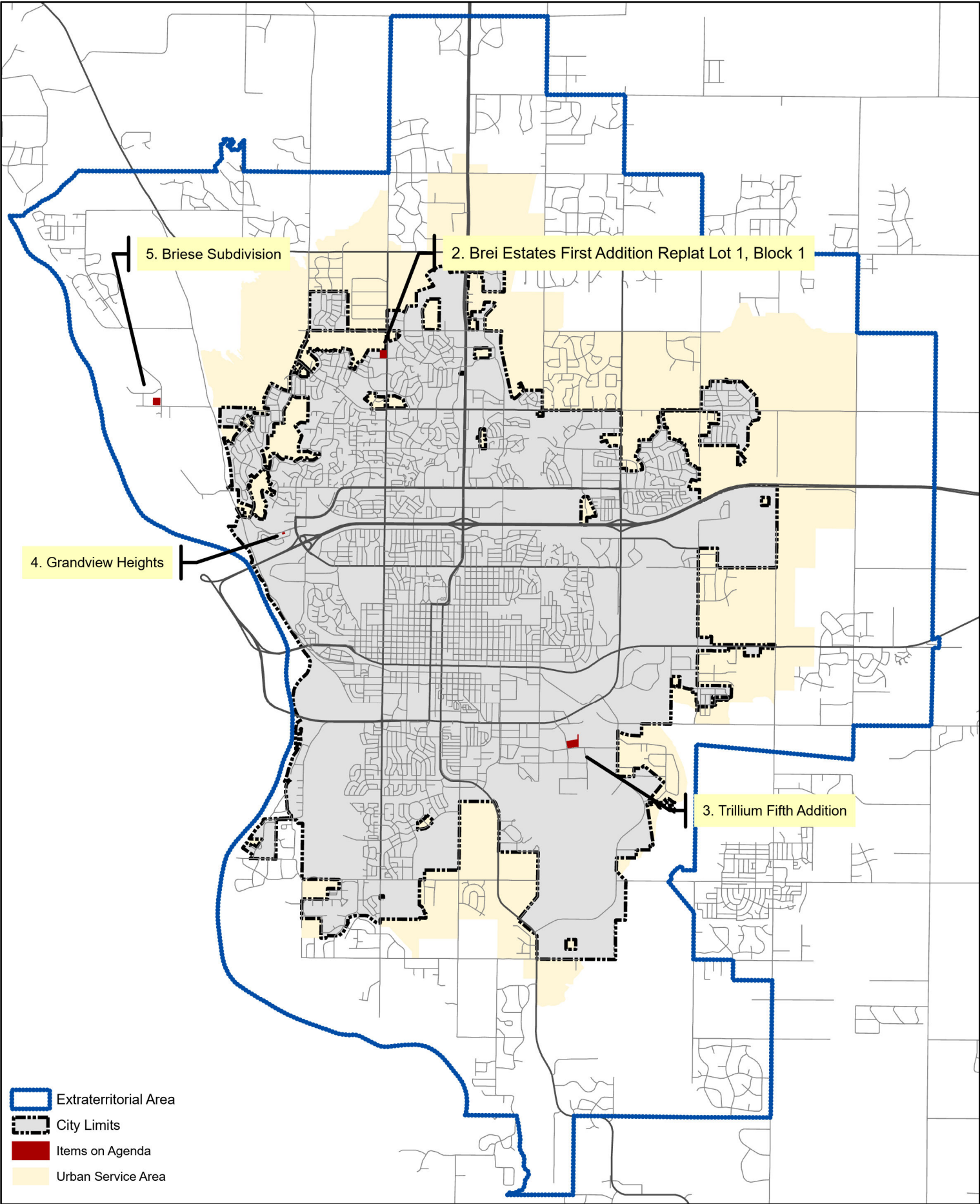
7. **Adjourn.** The next regular meeting date is scheduled for October 25, 2023.

Enclosures: Meeting Minutes of August 23, 2023
 Building Permit Activity Month to Date Report for August 2023
 Building Permit Activity Year to Date Report for August 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

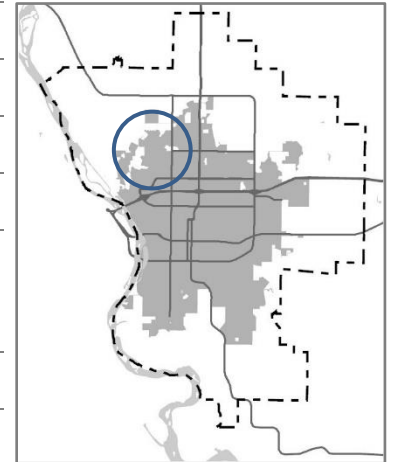
Agenda Item # 2
September 27, 2023

Application for: **Zoning Map Amendment**

Project ID: **ZC2023-010**

Project Summary

<i>Title:</i>	Brei Estates First Addition Replat, Lot 1, Block 1
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Brei Estates LLLP
<i>Project Contact:</i>	Randall Bakke
<i>Project Location:</i>	In northwest Bismarck in the northwest quadrant of the intersection of North Washington Street and West Lasalle Drive
<i>Project Size:</i>	201,866 square feet
<i>Applicant Request:</i>	Rezone property for mixed use development
<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>	Commercial mixed use
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU)
<i>Zoning:</i>	RT – Residential	<i>Zoning:</i>	Conditional CG – Commercial
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	Conditional CG – General commercial, multi-family residential, and offices
<i>Max Density:</i>	RT – 30 units / acre	<i>Max Density:</i>	CG – 42 units / acre

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>	04/2013
<i>Platted:</i>	04/2013
<i>Annexed:</i>	11/2012

Project Narrative

Brei Estates LLLP is requesting approval of a zoning map amendment from the RT – Residential zoning district to the Conditional CG – Commercial zoning district on Lot 1, Block 1, Brei Estates First Addition Replat.

The proposed zoning map amendment is being requested to allow for the development of

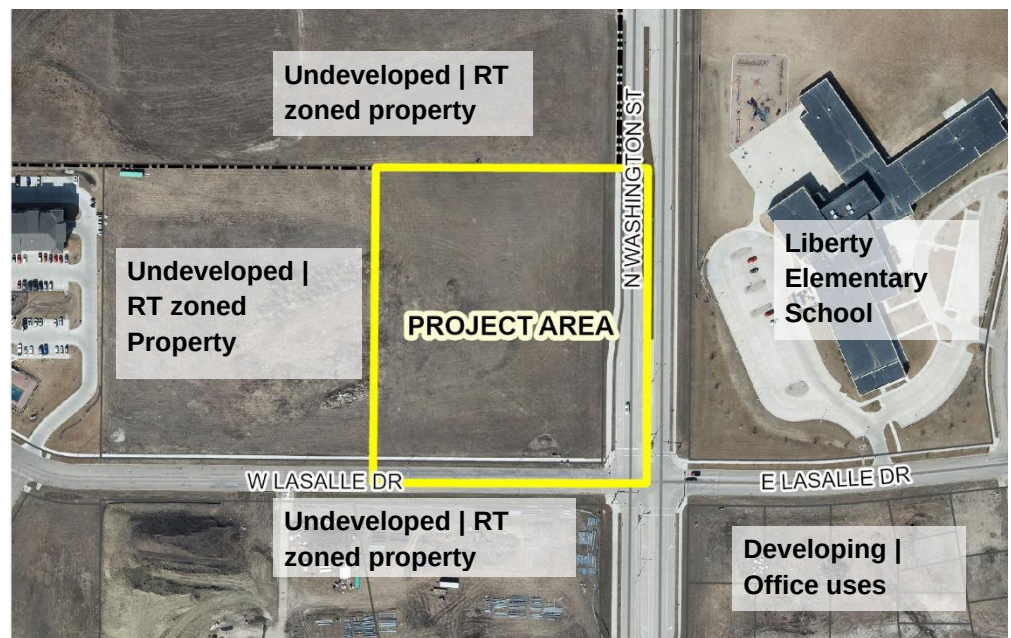
commercial mixed uses, as outlined in the draft zoning ordinance.

This request is in conjunction with a plat modification to reduce the non-access line along West Lasalle Drive from 300 feet to 150 feet. The City Commission is tentatively scheduled to act on this request at their meeting of November 14, 2023.

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 the social and commercial gathering spaces for the immediate surrounding residential areas. 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 zoning map 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,

(continued)

as described in the Project Context section above. The proposed zoning district would generally conform to the character of this district.

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

Yes. Adjacent uses are described in the project context section above. The proposed zoning allows many of the same uses as the adjacent RT – Residential districts in addition to commercial mixed-use development.

The proposed conditional zoning would conform to the Neighborhood Mixed Use (NMU) classification, outlined in the Future Land Use Plan, is located adjacent to an arterial roadway (North Washington Street), and includes restrictions for more intensive uses, including but not limited to:

- Retail Group B, which includes vehicle sales.
- Service Group B, which includes motor vehicle repair garage
- Wholesale trade and distribution
- Hotel/Motel

Given these conditions, 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 RT - Residential was established in April 2013. Conditions have changed since this time, including adoption of a new comprehensive plan (Together 2045).

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 enhance the diversity of housing types available to Bismarck residents and would support a mix of uses to create vibrant neighborhoods where necessities and amenities of daily life are easily accessible to all residents.

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 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 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 scheduling a public hearing for the zoning change from the RT – Residential zoning district to the Conditional CG – Commercial zoning district for Lot 1, Block 1, Brei Estates First Addition Replat.

(continued)

Attachments

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

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Senior Planner
701-355-1854 | 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 RT – Residential zoning district and included in the Conditional CG – Commercial zoning district:

Lot 1, Block 1, Brei Estates First Addition Replat

This Conditional CG – Commercial zoning district is subject to the following additional standards:

1. *Use Restrictions.* All uses permitted within the CG – Commercial zoning district are permitted, with the exception of the following:
 - a. Group dwelling
 - b. Hotel Motel
 - c. Retail group B
 - d. Service group B
 - e. Wholesale group
 - f. Public recreation group
 - g. Railroad or bus passenger station
 - h. Commercial greenhouse

- i. Commercial parking lot
- 2. *Special Uses*. All uses allowed as special uses in the CG – Commercial zoning district are permitted, with the exception of the following:
 - a. Seasonal nursesey or bedding stock
 - b. Filling station
 - c. Small animal veterinary clinic
 - d. Auto laundry – car wash
- 3. *Dimensional Standards*. All dimensional standards and other requirements of the ordinance shall follow the CG – Commercial zoning district provisions.

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

ZC2023-010

BRIE ESTATES FIRST ADDITION REPLAT LOT 1, BLOCK 1

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

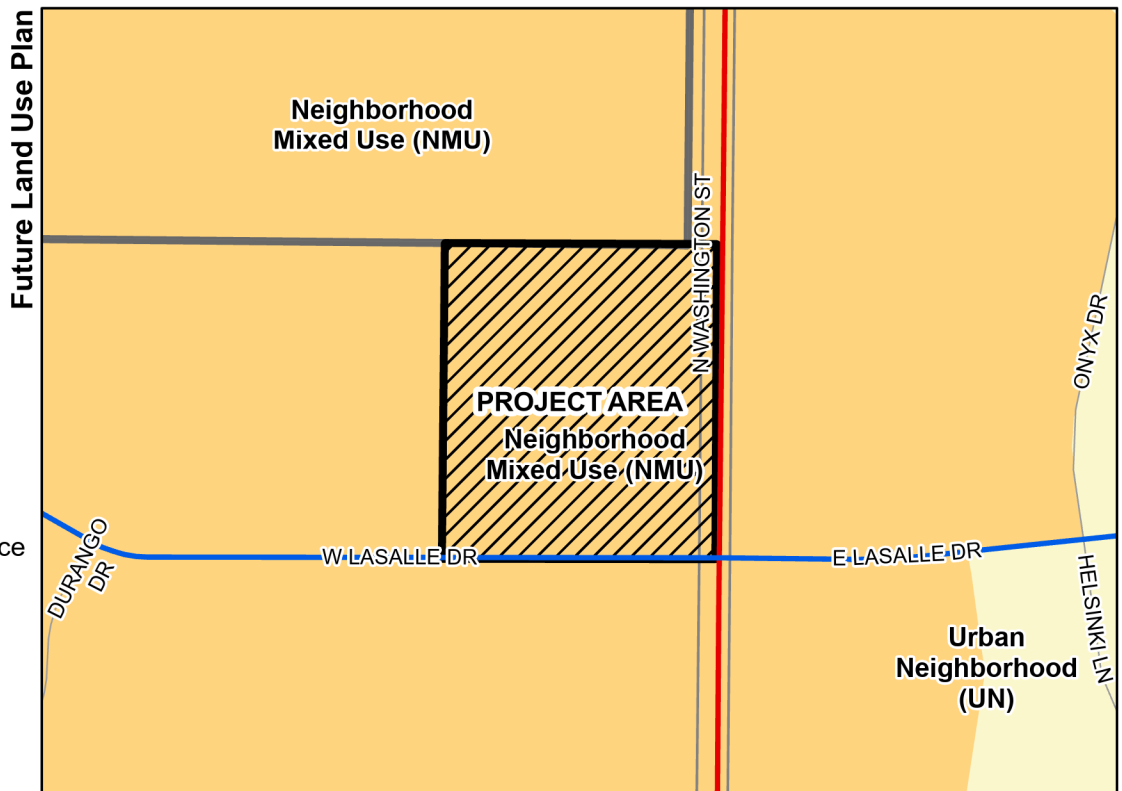
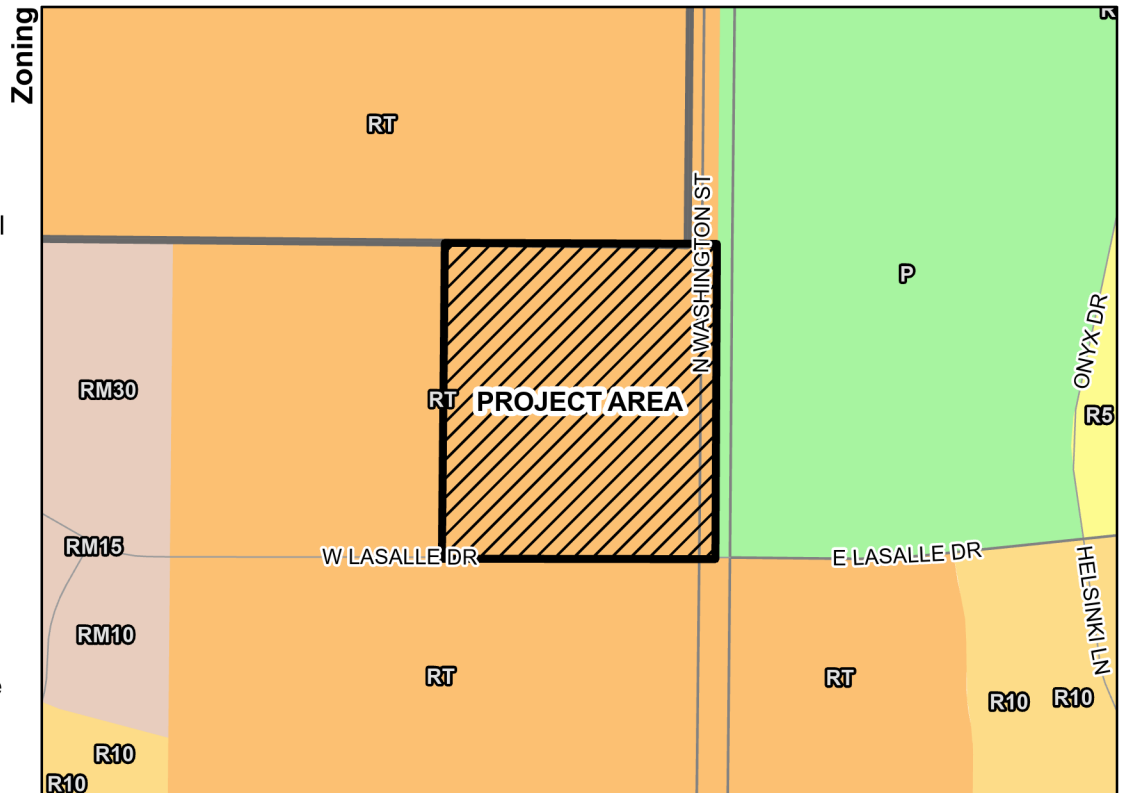
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

Future Shared Trail

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.

0 240 480 960 Feet



City of Bismarck
Community Development
Planning Division
September 20, 2023



Proposed Zoning Change

BRIE ESTATES FIRST ADDITION REPLAT LOT 1, BLOCK 1

ZC2023-010

Proposed New Zoning Map

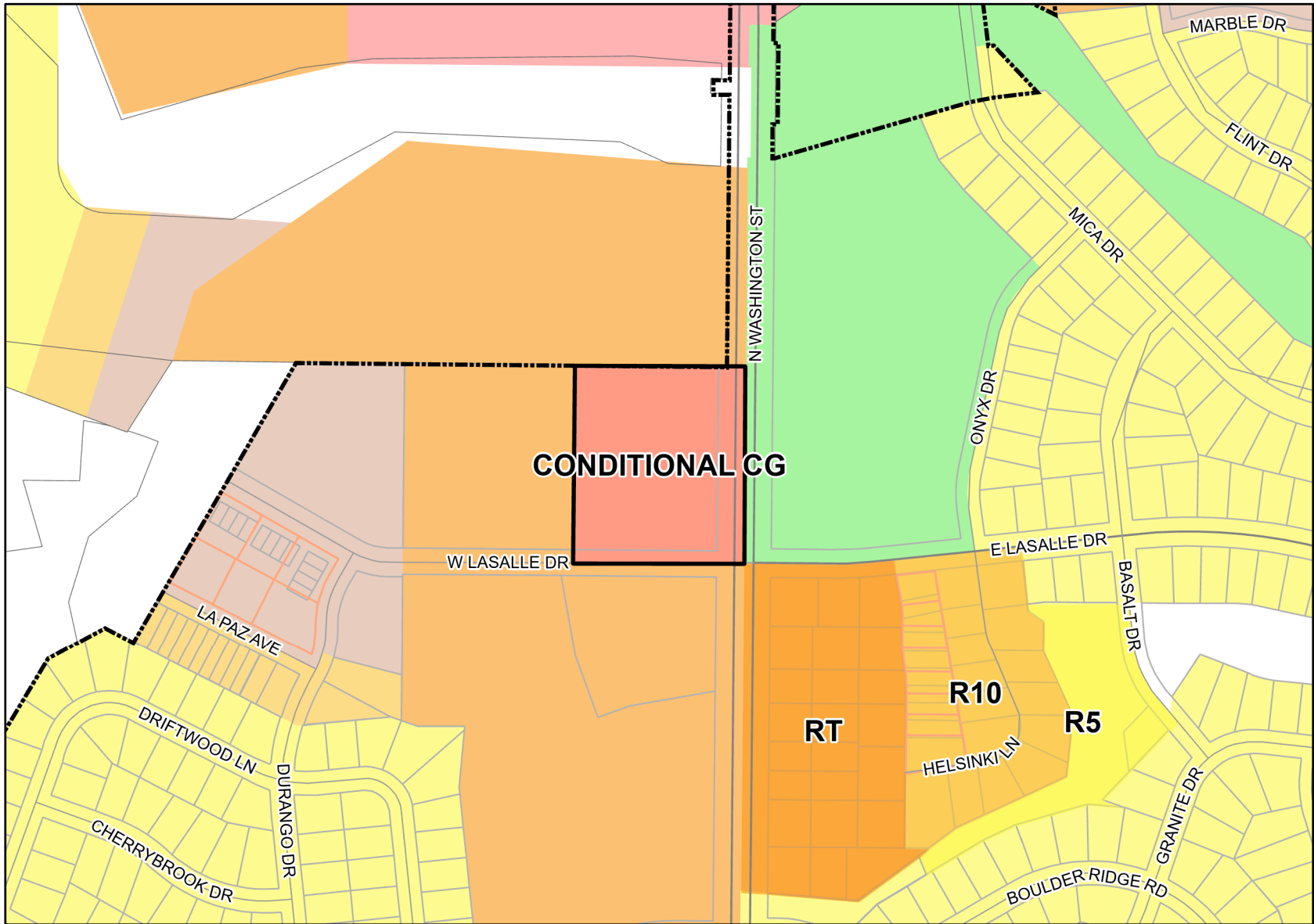
 Project Area
(zoning within
is proposed)

 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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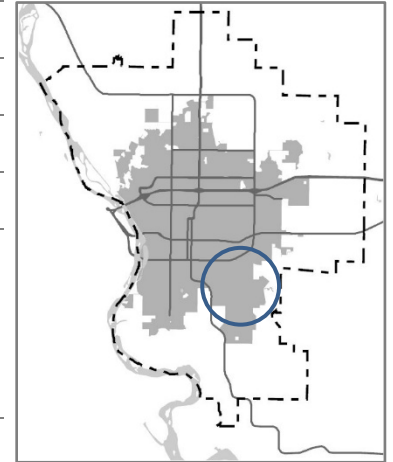
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City of Bismarck
Community Development
Planning Division
September 22, 2023

Project Summary

<i>Title:</i>	Trillium Fifth Addition
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	JL Partnership
<i>Project Contact:</i>	Harvey Schneider, Toman Engineering
<i>Project Location:</i>	In southeast Bismarck, in the southeast quadrant of Burlington Drive and Morrison Avenue (a replat of Lots 1 & 2, Block 2, Trillium 4th Addition, and Parts of Morrison Avenue & Burlington Drive Rights-of-Way)
<i>Project Size:</i>	10.88 acres, more or less
<i>Applicant Request:</i>	Replat for industrial development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	2 lots in 1 block
<i>Land Use:</i>	Undeveloped industrial	<i>Land Use:</i>	Industrial
<i>Future Land Use:</i>	Industrial (IND)	<i>Future Land Use:</i>	Industrial (IND)
<i>Zoning:</i>	MA – Industrial	<i>Zoning:</i>	MA – Industrial
<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos	<i>Uses Allowed:</i>	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos
<i>Max Density:</i>	MA – N/A	<i>Max Density:</i>	MA – N/A

Area Information

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

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	02/2014
<i>Annexed:</i>	Pre-1980

Project Narrative

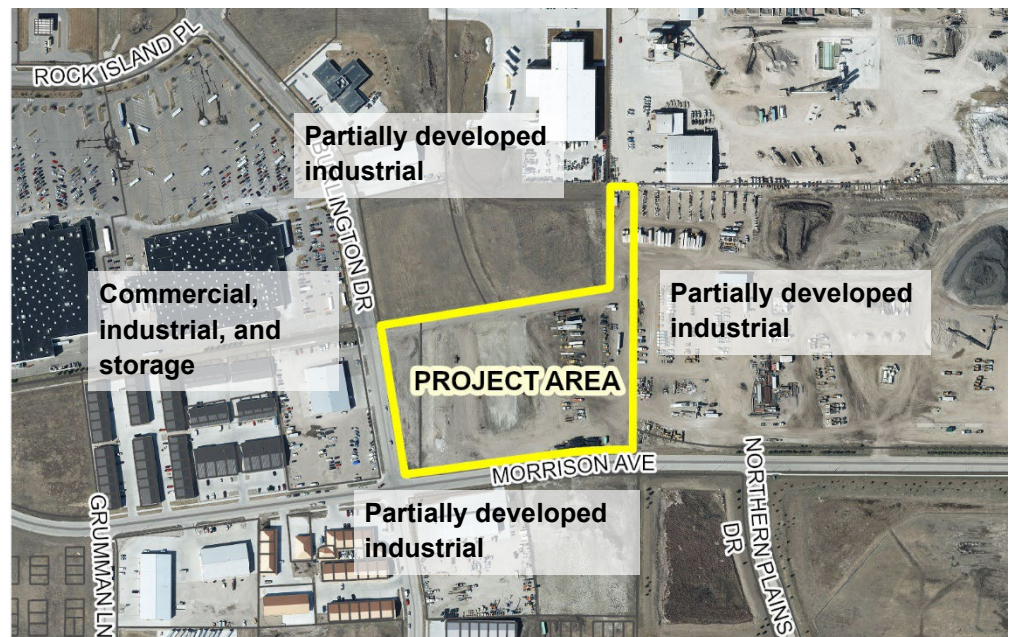
JL Partnership is requesting approval of a minor subdivision final plat titled Trillium Fifth Addition. The owner wishes to rearrange the existing Lots 1 & 2, Block 2, Trillium Fourth Addition into a new formation, maintaining the same number of total lots.

The total area of each individual proposed lot will remain approximately the same as the original two. The primary difference is that the current narrow Lot 1, Block 2, Trillium Fourth Addition is proposed to have a squarer shape, while the second lot will remain considerably larger. The existing MA – Industrial zoning is not being requested to change.

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 Industrial (IND) in the Future Land Use Plan. The IND areas are centers of research, production, and distribution. Goals and objectives of this plan as they relate to minor subdivision final plats are referenced in review standards below.

The project area is surrounded on three sides by partially developed MA – Industrial, land to the north, east and south. To the west is MA – Industrial zoned land containing a mixture of commercial, industrial, and storage uses.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 15 and September 22, and 19 letters were mailed to the owners of nearby properties on September 15, 2023.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

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.

(continued)

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.

Dimensional standards of the zoning ordinance are met with the proposed subdivision ([Title 14](#))

Yes. All lots meet area and width requirements of the zoning district within which they are located, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment ([Goal 15, Section 14.1-04-03](#));

Yes, with conditions. There is a plan to manage any stormwater runoff generated by this subdivision. The post-construction stormwater management permit (PCSMP) has been conditionally approved by the City Engineer.

The City Engineer has also specified that, due to conditions of the site, the subdivision would be limited to a maximum impervious surface area of 65 percent, less than the normal 80 percent allowed in MA – Industrial, districts. The remaining area will be grass/lawn. If the proposed impervious surface area is over 65 percent of the total area, additional stormwater requirements will be needed.

Technical specifications required of the final plat have been met ([Section 14-09-07](#))

Yes. The proposed final plat contains the required information to ensure an accurate and timely review by staff, the Planning and Zoning Commission, and the general public.

Proper administrative procedures related to the request are being followed ([Section 14-09-04](#))

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 final plat approval, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

This proposed minor subdivision final plat is neither increasing nor reducing the number of lots in this area. As such, this project will not require any additional utility capital charges or trigger any utility capital charge refunds due to the prior vested charges from the previous lot configuration.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the minor subdivision final plat with the following conditions:

1. Any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area.

(continued)

Attachments

1. Zoning and Plan Reference Map
 2. Final Plat
 3. Original Plat with Replatted Area Highlighted
-

Staff report prepared by: Isak Johnson, Planner

701-355-1850 | ijohnson@bismarcknd.gov

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
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Future Land Use Plan

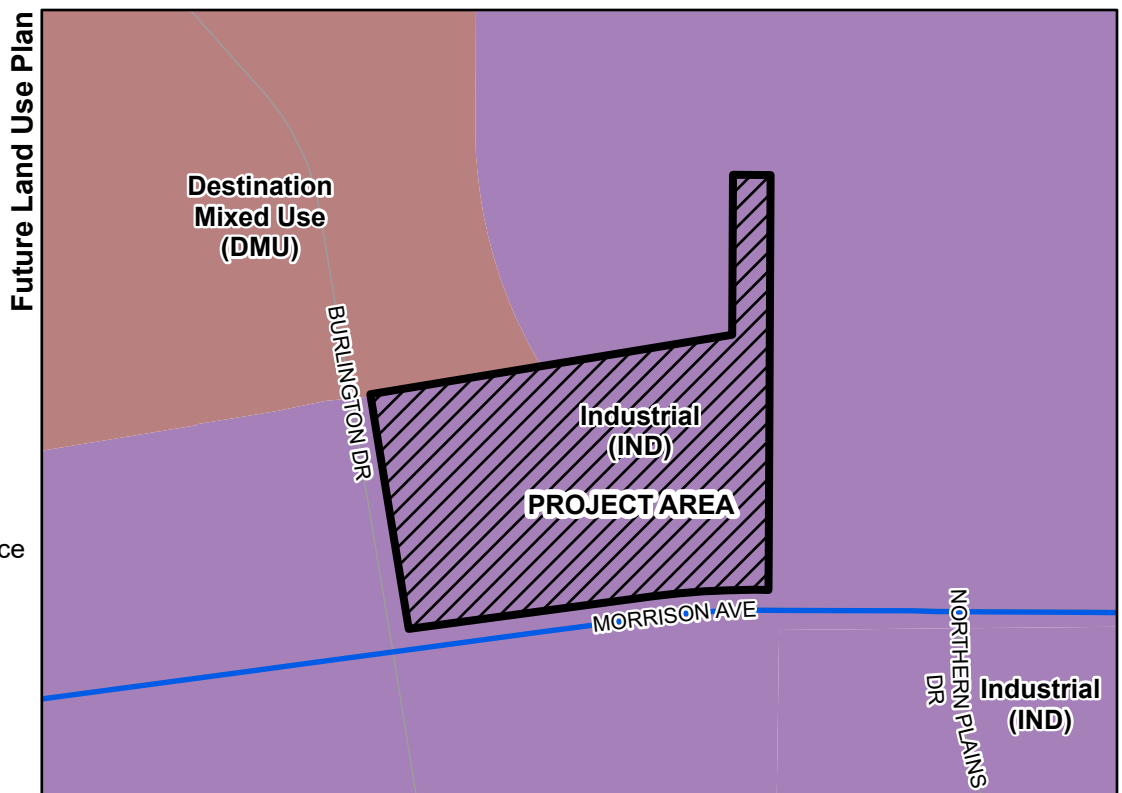
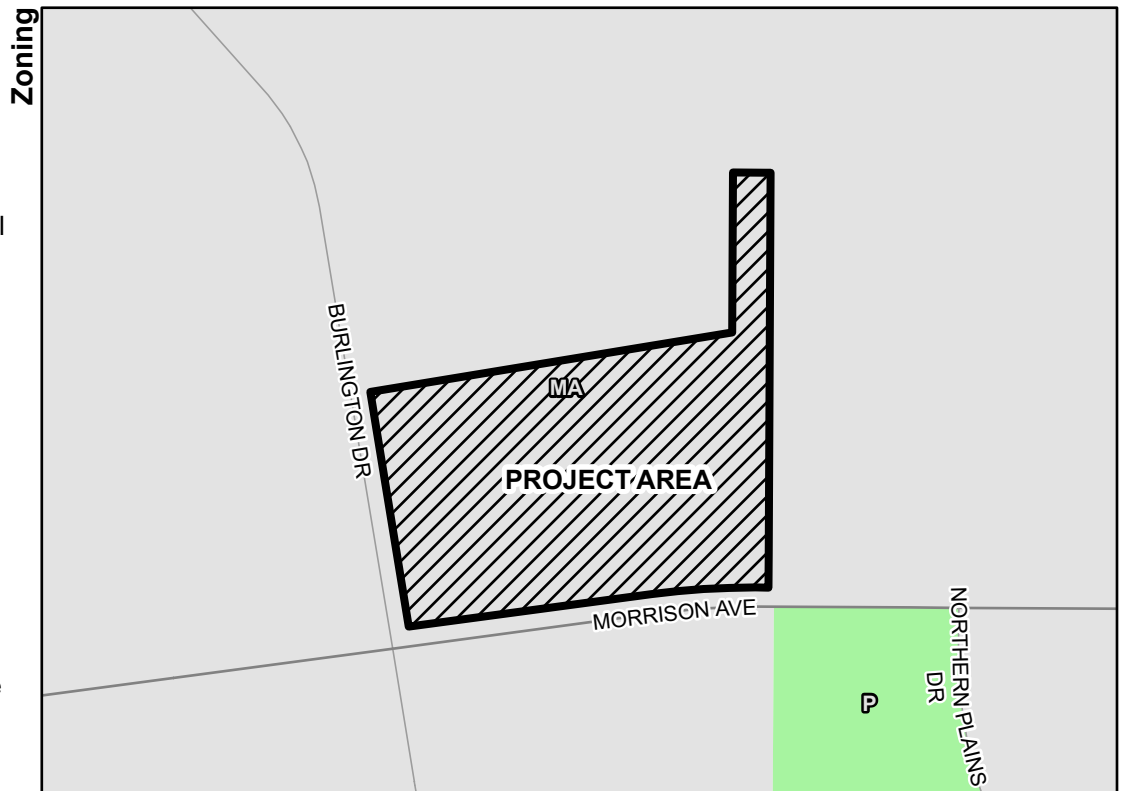
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IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Transitional Rural
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

— Future Shared Trail

Major Street Plan

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



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City of Bismarck
Community Development
Planning Division
September 12, 2023

TRILLIUM 5TH ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

ALL OF LOTS 1 & 2, BLOCK 2 AND PORTIONS OF BURLINGTON DRIVE AND MORRISON AVENUE, TRILLIUM 4TH ADDITION OF THE NW1/4 AND NE1/4 OF SECTION 11, T138N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

11-12-2023

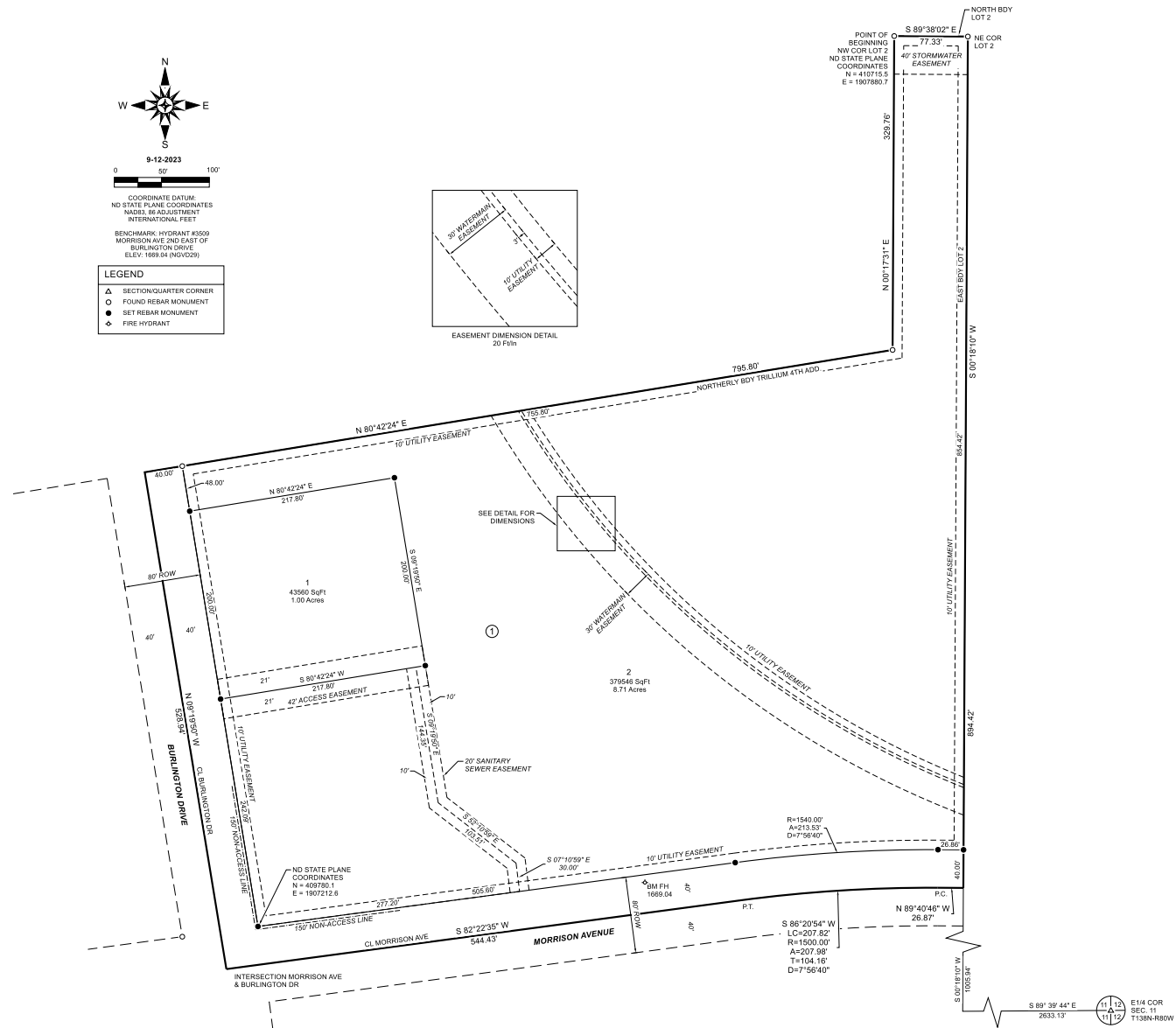
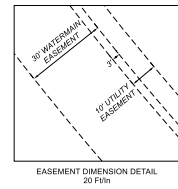
0 50' 100'

COORDINATE DATUM:
ND STATE PLANE COORDINATES
NAD83 (B) ADJUSTMENT
INTERNATIONAL FEET

BENCHMARK: HYDRANT #3509
MORRISON AVE 2ND EAST OF
BURLINGTON DRIVE
(ELEV. 1689.04 (NGVD29))

LEGEND

- SECTION/QUARTER CORNER
- FOUND REBAR MONUMENT
- SET REBAR MONUMENT
- FIRE HYDRANT



OWNER:
JL PARTNERSHIP
PO BOX 1254
BISMARCK, ND 58502-1254

BASIS OF BEARING:
NORTH 89° 42' 24" EAST

NOTES:
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. TOTAL LOTS: 9.71 AC (423,108 SF)
TOTAL ROW: 1.17 AC (50,886 SF)
TOTAL AREA: 10.88 AC (473,992 SF)

LOT	ACRES	SQ FT
1	1.00	43,560
2	8.71	379,546
ROW	1.17	50,886

DESCRIPTION OF PROPERTY

A TRACT OF LAND BEING ALL OF LOTS 1 & 2, BLOCK 2 AND PORTIONS OF BURLINGTON DRIVE AND MORRISON AVENUE, TRILLIUM 4TH ADDITION OF THE NW1/4 AND NE1/4 OF SECTION 11, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 2, TRILLIUM 4TH ADDITION OF THE CITY OF BISMARCK, NORTH DAKOTA; THENCE SOUTH 89°38'02" EAST ALONG THE NORTH BOUNDARY LINE OF SAID LOT 2 FOR 77.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 00°18'10" WEST ALONG THE EAST BOUNDARY LINE OF SAID LOT 2 FOR 89.42 FEET TO A POINT ON THE CENTERLINE OF MORRISON AVENUE; THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES: THENCE NORTH 86°40'46" WEST FOR 26.87 FEET TO THE P.C. (POINT OF CURVATURE) OF A CURVE TO THE LEFT HAVING A RADIUS OF 1500.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS OF SOUTH 86°20'54" WEST, 207.82 FEET) AN ARC LENGTH OF 207.88 FEET TO THE P.T. (POINT OF TANGENCY) OF SAID CURVE TO THE LEFT; THENCE SOUTH 82°22'35" WEST FOR 544.43 FEET TO THE POINT OF INTERSECTION OF SAID MORRISON AVENUE AND BURLINGTON DRIVE; THENCE NORTH 9°19'50" WEST ALONG THE CENTERLINE OF SAID BURLINGTON DRIVE FOR 528.34 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID TRILLIUM 4TH ADDITION; THENCE NORTH 80°42'24" EAST ALONG SAID NORTHERLY BOUNDARY LINE FOR 785.80 FEET; THENCE NORTH 00°17'31" EAST CONTINUING ALONG SAID NORTHERLY BOUNDARY LINE FOR 329.78 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 10.88 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, ANDREA 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.

ANDREA L. MARQUARDT, RLS 4623 DATE _____

OWNER'S CERTIFICATE AND DEDICATION

WE, OF J. PARTNERSHIP, BEING THE OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED "TRILLIUM 5TH ADDITION", 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 EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND FOR WATERMAINS AS SHOWN ON THIS PLAT AS "WATERMAIN EASEMENTS" ACROSS, ABOVE, OR UNDER THOSE CERTAIN STRIPS OF LAND.

WE ALSO DEDICATE TO THE CITY OF BISMARCK FOR PUBLIC USE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "STORMWATER EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF ALLOWING THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER AND/OR OVER THOSE AREAS INCLUDING THE CONSTRUCTION AND MAINTENANCE OF STORMWATER FACILITIES TOGETHER WITH NECESSARY APPURTENANCES.

WE ALSO DEDICATE ALL EASEMENTS AS SHOWN ON THIS PLAT AS "ACCESS EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF SHARED ACCESS BETWEEN 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.

STEVEN D. MCCORMICK, A PARTNER
JL PARTNERSHIP

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 HERREITH, 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 CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVE THIS PLAT THIS ____ DAY OF _____, 2023.

GABRIEL J. SCHELL, CITY ENGINEER

STAFF REPORT

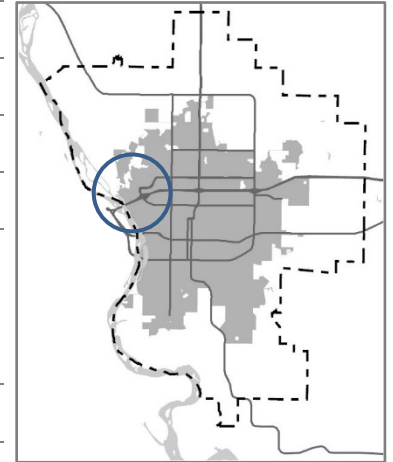
Application for: **Special Use Permit**

Agenda Item # 4
September 27, 2023

Project ID: **SUP2023-007**

Project Summary

<i>Title:</i>	Grandview Heights Electronic Message Center
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Bradley R. Roshau & Rod Pagel
<i>Project Contact:</i>	Wayne Munson, Bismarck Sign Co. LLC
<i>Project Location:</i>	1715 Burnt Boat Drive; in northwest Bismarck, along the south side of Burnt Boat Drive, between Broadview Lane and North Grandview Lane (1715 Burnt Boat Drive)
<i>Project Size:</i>	27,393 sq ft
<i>Applicant Request:</i>	Installation of an electronic message center (EMC)
<i>Staff Recommendation:</i>	Approve with conditions



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>	Office - general	<i>Land Use:</i>	Office - general
<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>	RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential	<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<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>	Grandview

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	12/1976
<i>Annexed:</i>	Pre-1980

Project Narrative

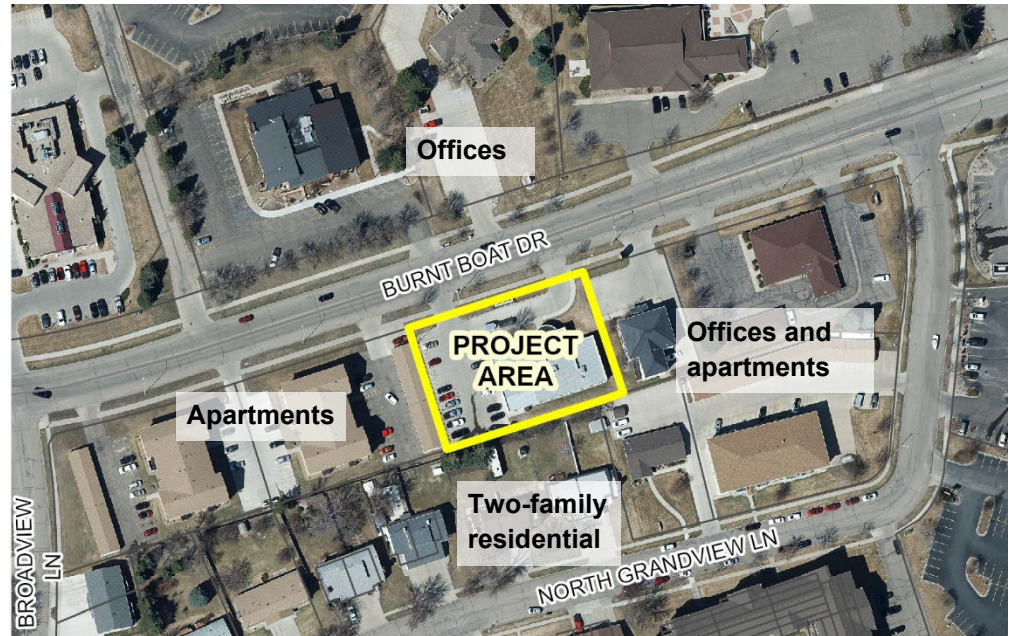
Rodney Pagel and Bradley Roshau, on behalf of Pagel Hager Attorneys at Law, are requesting approval of a special use permit at 1715 Burnt Boat Drive for an EMC sign (East 63.5' of Lot 5,

all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights). An SUP is required for an EMC for commercial uses located within 150 feet of residential uses.

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 Community Mixed Use (CMU) in the Future Land Use Plan. The CMU areas are places of commerce, employment, and residence for the Bismarck community. Goals and objectives of this plan as they relate to the proposed special use permit are referenced in review standards below.

The project area is adjacent to office uses to the north across Burnt Boat Drive; this is mostly zoned RT – Residential, with some land zoned CA – Commercial to the northeast. There is more RT – residential land to the east and west with a mixture of offices and apartments to the east, and more apartments to the west. To the south are two-family residences on land zoned R10 – Residential.

Public Engagement

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 15 and September 22, and 70 letters were mailed to the owners of nearby properties on September 15, 2023.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

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

(continued)

Code of Ordinances, and relevant state law. Findings of fact, related to land use, are presented in response to each standard.

Special regulations established for this type of use have been met (Section 14-03-08(1)c)

14-03.1-07(5)d-e Electronic Message Center Signs for Non-residential Uses Near Residential Uses

Yes, with conditions. The proposed EMC sign meets the appropriate dimensional requirements for the issuance of an SUP for an EMC within 150 feet of residential uses.

The applicant has acknowledged the related operational requirements necessary for the issuance of an SUP for an EMC within 150 feet of residential uses as well (14-03.1-07(5)e). Issuance and continued usage of the SUP will depend on the sign continuing to meet the specified operational requirements.

The general intent and purpose of the zoning ordinance would be adhered to with the proposed special use permit (Section 14-03-08(1)c)

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.

Together 2045 Bismarck's Comprehensive Plan is adhered to with the proposed Special Use Permit (Section 14-03-08(1)c)

Yes. The proposed Special Use Permit adheres to the overall goals and objectives of the comprehensive plan.

Proper administrative procedures related to the request are being followed (Section 14-03-08(1))

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant has submitted a complete application for a special use permit, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled by the Planning and Zoning Commission for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the electronic message center sign at 1715 Burnt Boat Drive with the following conditions:

1. Operational requirements of an electronic message center sign within 150 feet of residential uses are met in accordance with Section 14-03.1-07(5)e of the Bismarck Code of City Ordinances.

Attachments

1. Draft Special Use Permit Resolution
2. Zoning and Plan Reference Map
3. Proposed Site Exhibit
4. Proposed Sign Dimensions

Staff report prepared by: Isak Johnson, Planner

(continued)

701-355-1850 | ijohnson@bismarcknd.gov

**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR AN ELECTRONIC MESSAGE CENTER SIGN
IN GRANDVIEW HEIGHTS (SUP2023-007)**

WHEREAS, certain special uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, must be granted approval by the Planning and Zoning Commission within certain zoning districts, as established by Section 14-03-08 of the Bismarck Code of City Ordinances; and

WHEREAS, the owners of property described as the East 63.5 feet of Lot 5, all of Lot 6 and the West half of Lot 7, Block 3, Grandview Heights have requested approval of a special use permit to allow an electronic message center sign in the RT – Residential zoning district within 150 feet of a residential area on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on September 27, 2023 regarding this request for a special use permit and considered public testimony and findings of fact related to the request.

NOW, THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Bismarck, North Dakota, that the application for a special use permit for an electronic message center sign on the East 63.5 feet of Lot 5, all of Lot 6 and the West half of Lot 7, Block 3, Grandview Heights is hereby approved, subject to the following conditions:

1. Operational requirements of an electronic message center sign within 150 feet of residential uses are met in accordance with Section 14-03.1-07(5)e of the Bismarck Code of City Ordinances.
2. The special use permit is put into use by September 27, 2025.
3. All other terms and conditions of the zoning ordinance are met.

Adopted this 27th day of September, 2023.

CERTIFICATE

I, Ben Ehreth, do hereby certify that I am the duly appointed, qualified Community Development Director of the City of Bismarck, North Dakota, and that the foregoing is a full, true and correct copy of a resolution adopted at a legally convened meeting of the Planning and Zoning Commission held on this September 27, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand, North Dakota, this 27th day of September, 2023.

Ben Ehreth
Community Development Director
Bismarck, North Dakota



Zoning and Plan Reference Map

GRANDVIEW HEIGHTS EMC

SUP2023-007

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

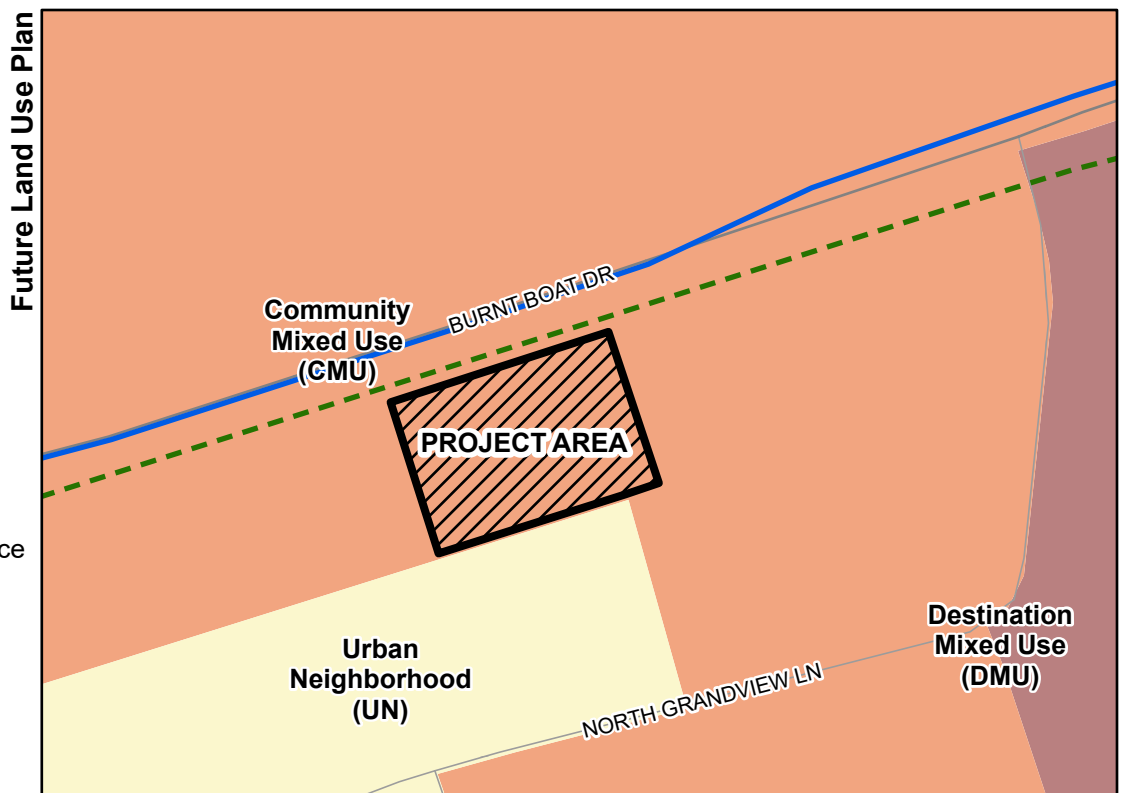
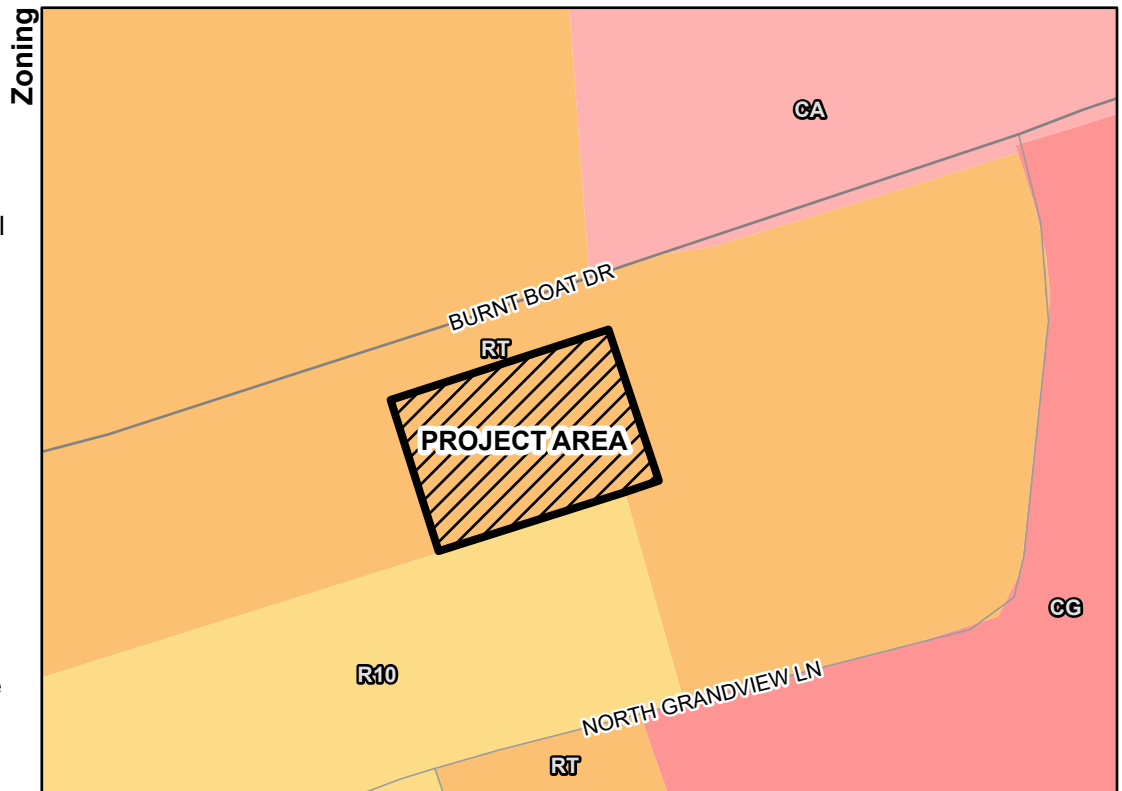
UN	Urban
	Neighborhood
NMU	Neighborhood
	Mixed Use
CMU	Community
	Mixed Use
DMU	Destination
	Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial
	Mixed Use
INS	Institutional
RR	Rural
	Residential
TR	Transitional
	Rural
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

Active Mobility Plan

— Future Shared Trail

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.

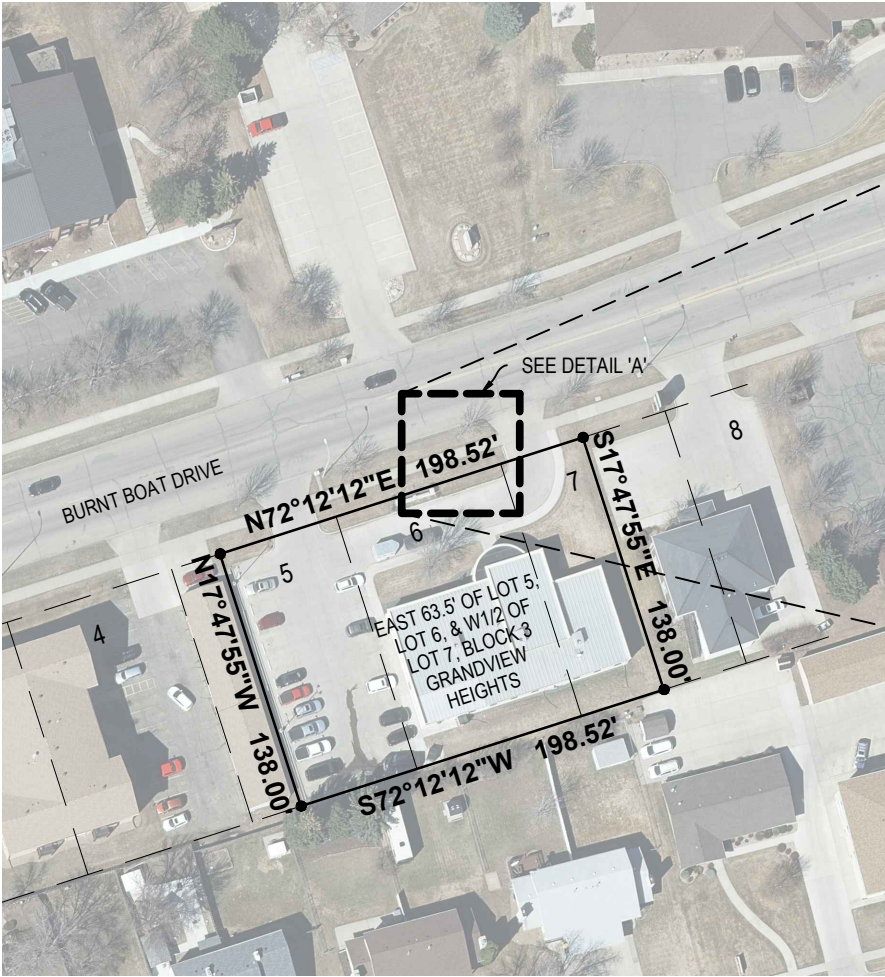
0 120 240 480 Feet



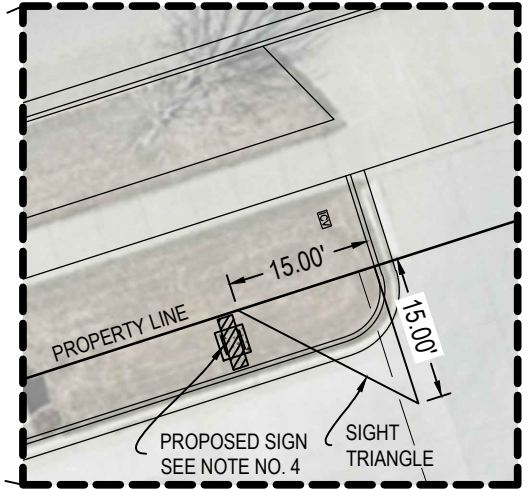
City of Bismarck
Community Development
Planning Division
September 13, 2023

SITE LAYOUT

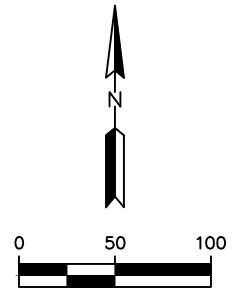
1715 BURNT BOAT DRIVE



DETAIL A
SCALE 1" = 20'



- NOTES**
- 1.) PLATTED LOT LINES AND EASEMENTS SHOWN PER "GRANDVIEW HEIGHTS" AND WARRANTY DEED DOCUMENT NO. 567325.
 - 2.) AERIAL IMAGERY IS APPROXIMATE.
 - 3.) PROPERTY AND RIGHT OF WAY MONUMENTS TO BE FIELD VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO SETTING SIGN FOUNDATION.
 - 4.) PROPOSED SIGN IS 66"X19.125" ON A 24"X24" BASE ON A 36"X36" CONCRETE PAD. SIGN DIMENSIONS PROVIDED BY BISMARCK SIGN CO.



SCALE: 1 INCH = 100 FEET

N.D. STATE PLANE, SOUTH ZONE
INTERNATIONAL FEET
BEARINGS AND DISTANCES ARE GRID

1715 BURNT BOAT DRIVE PROPOSED SIGN LOCATION

BISMARCK SIGN CO.
1926 FRONTIER DRIVE | BISMARCK, NORTH DAKOTA

MOUNTAIN PLAINS LLC
1300 TACOMA AVENUE, SUITE A | BISMARCK, ND 58504
(701) 557-3348 | WWW.MTNPLAINS.COM

NO.	DATE	DESCRIPTION
1	7/28/2023	PERMIT DRAWING

DATE: July 28, 2023

PROJECT NO:
26 008485

DRWN BY:
JME

APPD BY:
NWN

SHEET NO:
1 OF 1

SHEET TITLE:
SITE LAYOUT



*approximately scaled

BISMARCK SIGN CO.
SIGN DESIGN

Account: Pagel Hager
Attorneys at Law

Project# 230068-03

Rep: AM

Artist: MK

Colors/
production notes:

Proof # 03

☐ Approved

Sheet # 1/1

☐ Approved pending revisions

☐ Revise and resubmit

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



**ANY CHANGES AFTER SIGNING
ARE AT AN ADDITIONAL CHARGE.**
By signing this proof you are agreeing that all spelling,
colors, and placement are accurate.

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by anyone other than Bismarck Sign Company will be prosecuted to the fullest extent of the law.
Copyright ©2021 Bismarck Sign Company
All colors and dimensions are approximate and may vary from the actual product.

X

DATE

PLEASE PRINT, SIGN, DATE AND RETURN TO SALES REP

STAFF REPORT

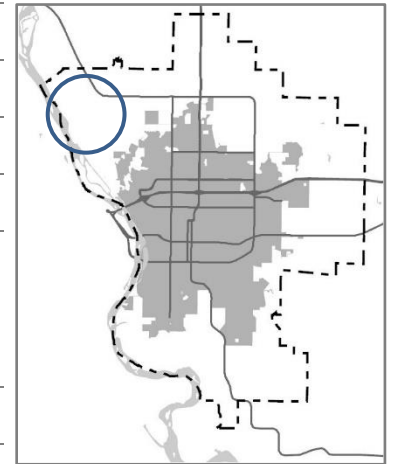
Agenda Item # 5
September 27, 2023

Application for: **Rural Residential Lot Split**

Project ID: **RRLS2023-001**

Project Summary

<i>Title:</i>	Briese Subdivision, Lot 2 and Lot 4, Block 1
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	Mark and Tamara Unterseher
<i>Project Contact:</i>	Tamara Unterseher
<i>Project Location:</i>	Northwest of Bismarck, west of River Road in the northwest quadrant of the intersection of Sandy River Road and Fernwood Drive (4310 Fernwood Drive and 4130 Sandy River Drive)
<i>Project Size:</i>	4.82 acres
<i>Applicant Request:</i>	Reconfigure property boundaries to create additional parcel for development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	2 lots in 1 block	<i>Lots/Blocks:</i>	3 parcels in 1 block
<i>Land Use:</i>	Rural Residential	<i>Land Use:</i>	Rural Residential
<i>Future Land Use:</i>	Rural Residential (RR)	<i>Future Land Use:</i>	Rural Residential (RR)
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density:</i>	RR – 1 unit per 65,000 square feet

Area Information

<i>Zoning Jurisdiction:</i>	Extraterritorial Area (ETA)
<i>Township:</i>	Hay Creek (organized)
<i>Neighborhood:</i>	Fernwood

Property History

<i>Zoned:</i>	Pre-1980
<i>Platted:</i>	06/1996
<i>Annexed:</i>	N/A

Project Narrative

Mark and Tamara Unterseher are requesting approval of a rural residential lot split for Lot 2 and Lot 4, Block 1, Briese Subdivision.

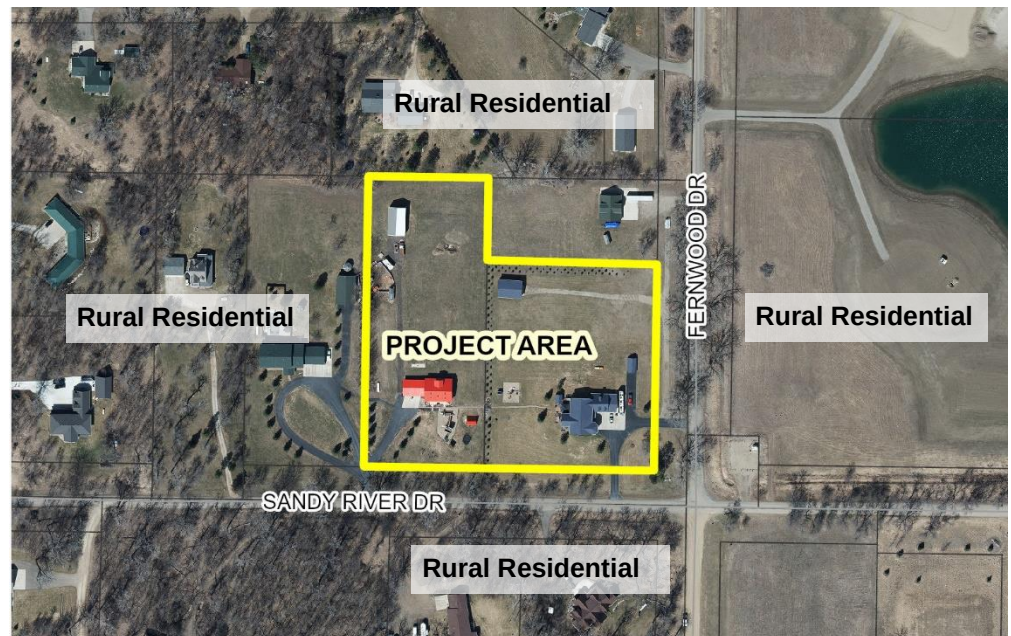
The proposed rural residential lot split would reconfigure the property boundary between Lot 2

and Lot 4 to create a new parcel for development. The applicants are proposing to construct a single-family dwelling on the new parcel.

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 Rural Residential (RR) in the Future Land Use Plan. The RR areas are places for country living with convenient proximity to city life. Goals and objectives of this plan as they relate to the proposed rural residential lot split are referenced in review standards below.

During development of these lots, a frontage road along the west side of Fernwood Drive and second access to Lot 4 were constructed without the County's approval. Additionally, the second access to Lot 4, located along the south side of the lot is through an existing platted non-access line.

The County Engineer has requested that the following occur prior to the issuance of any building permits for the new parcel:

1. The frontage road along the west side of Fernwood Drive be removed
2. The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission
3. The platted non-access line along the east side of the proposed new parcel, adjacent to Fernwood Drive, be vacated by the City Commission
4. Approval of a second access to Lot 4 be approved by the Burleigh County Commission

(continued)

5. An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder

The applicant and their consultant are aware of these conditions and are working with City and County staff to satisfy these conditions.

Public Engagement

The Hay Creek Township was notified of this request on September 12. The township has not yet made a recommendation on this request.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on September 15 and 22, and 60 letters were mailed to the owners of nearby properties on September 15, 2023.

Basic project information, with the ability to contact staff for more details, has been provided publicly online through the Community Development Activities map.

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.

Dimensional standards of the zoning ordinance are met with the proposed lot split ([Title 14](#))

Yes. The resulting parcels meet all area and width requirements of the RR – Residential zoning district, and there is sufficient space within each lot for anticipated buildings to meet density, setback, and lot coverage requirements.

Proper administrative procedures related to the request are being followed (Section 14-09-05)

Yes. All administrative procedures of the City Code of Ordinances have been followed to date. The applicant with a legal interest in the property has submitted a complete application for a lot split, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission. A public hearing has been scheduled for this request, and all requirements for notice of this hearing have been met, as documented in this report above.

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

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

Staff Recommendation

Based on the above findings, staff recommends approval of the rural residential lot split for Lot 2 and Lot 4, Brise Subdivision which would modify the property boundary between the two lots to create a new parcel for development with the following conditions:

1. The frontage road along the west side of Fernwood Drive be removed
2. The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission
3. Approval of a second access to Lot 4 be approved by the Burleigh County Commission
4. An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder

(continued)

Attachments

1. Zoning and Plan Reference Map
2. Lot Split Exhibit
3. Briese Subdivision with Highlighted Change

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

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
	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	

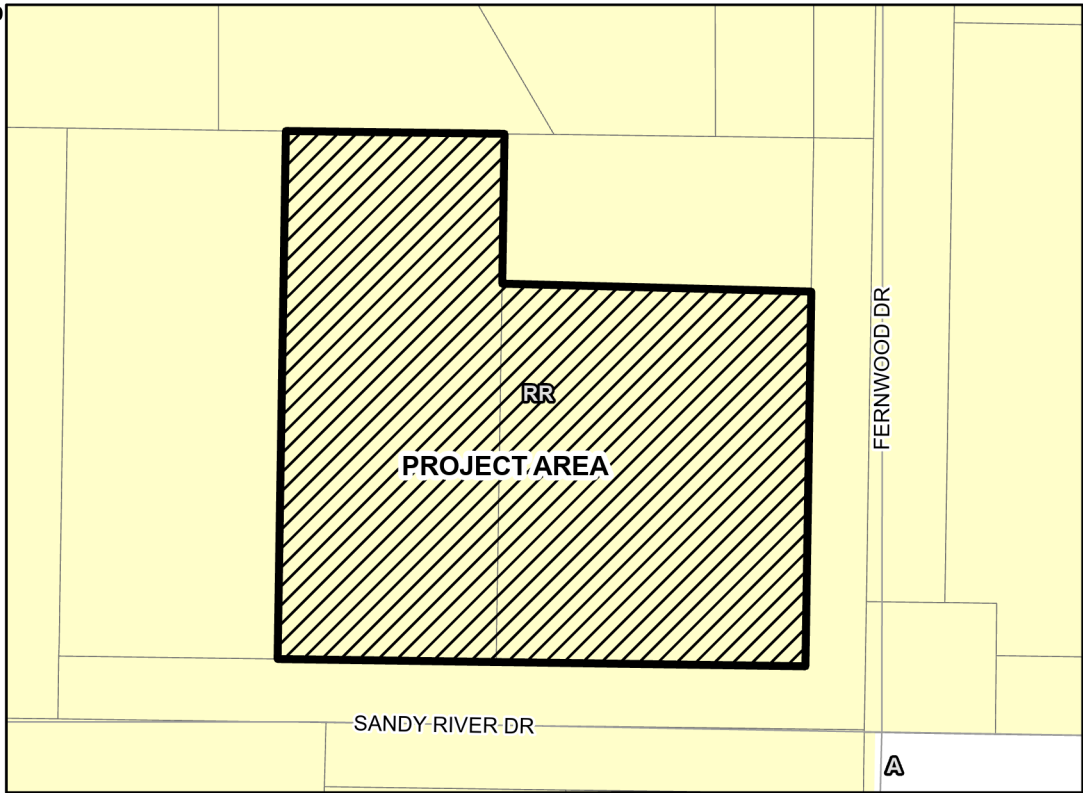
Active Mobility Plan

— Future Shared Trail

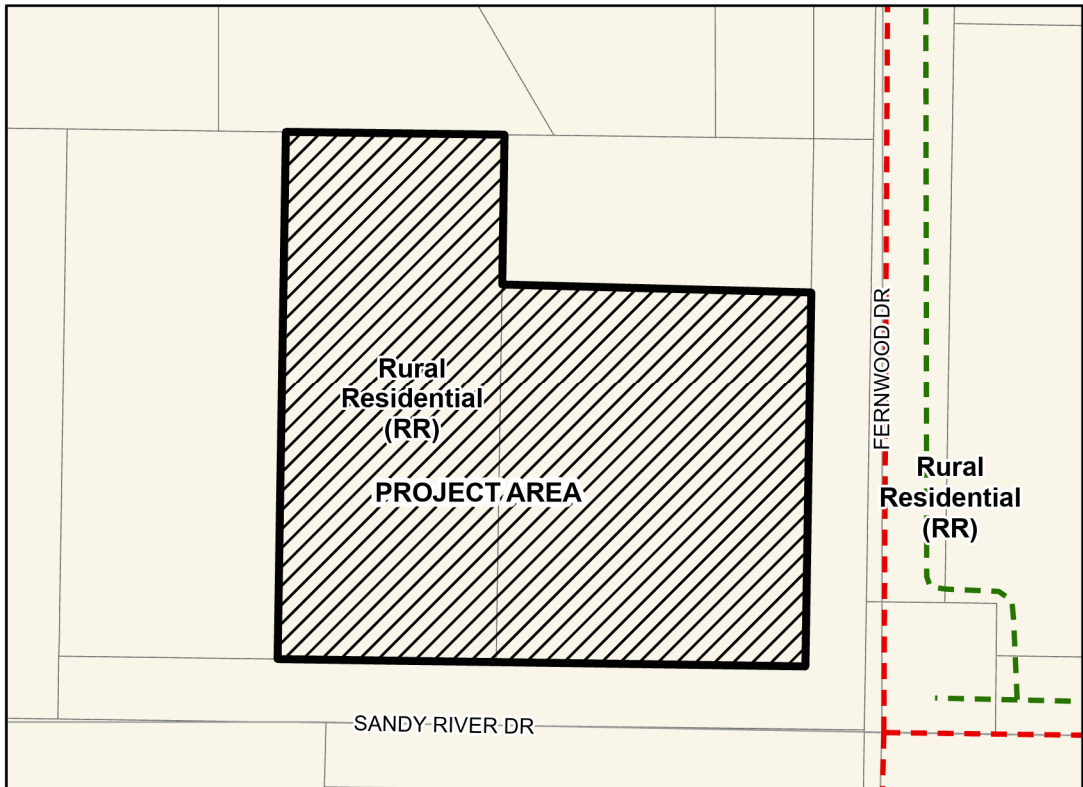
Major Street Plan

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

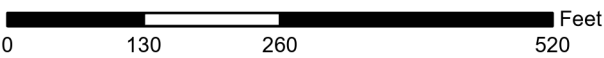
Zoning



Future Land Use Plan



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





DESCRIPTION:
LOTS 2 AND 4, BLOCK 1 IN BRIESE SUBDIVISION, BISMARCK, ND. CONTAINING 210,278 SQUARE FEET (4.83 ACRES).

RESULTING DESCRIPTIONS:

1:
PART OF LOT 4, BLOCK 1 IN BRIESE SUBDIVISION, BISMARCK, ND; DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 13' 21" WEST A DISTANCE OF 150.00 FEET; THENCE NORTH 80° 52' 06" WEST A DISTANCE OF 95.08 FEET; THENCE NORTH 87° 58' 39" WEST A DISTANCE OF 162.77 FEET TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 01° 13' 26" EAST ON SAID WEST LINE A DISTANCE OF 116.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 89° 14' 45" EAST ON THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 294.93 FEET TO THE POINT OF BEGINNING, CONTAINING 37,291 SQUARE FEET.

ALSO: PART OF LOT 2, BLOCK 2 IN BRIESE SUBDIVISION; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 01° 13' 26" WEST ON THE EAST LINE OF SAID LOT 2 A DISTANCE OF 264.09 FEET; THENCE NORTH 87° 58' 39" WEST A DISTANCE OF 105.50 FEET; THENCE NORTH 01° 13' 26" EAST A DISTANCE OF 261.51 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE NORTH 89° 22' 50" WEST ON SAID NORTH LINE A DISTANCE OF 105.50 FEET TO THE POINT OF BEGINNING, CONTAINING 27,724 SQUARE FEET. IN ALL CONTAINING 65,015 SQUARE FEET.

2:
LOT 4, BLOCK 1 IN BRIESE SUBDIVISION; CONTAINING 105,088 SQUARE FEET.

LESS: PART OF LOT 4, BLOCK 1 IN BRIESE SUBDIVISION, BISMARCK, ND; DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 01° 13' 21" WEST A DISTANCE OF 150.00 FEET; THENCE NORTH 80° 52' 06" WEST A DISTANCE OF 40.38 FEET; THENCE NORTH 74° 33' 23" WEST A DISTANCE OF 95.08 FEET; THENCE NORTH 87° 58' 39" WEST A DISTANCE OF 162.77 FEET TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 01° 13' 26" EAST ON SAID WEST LINE A DISTANCE OF 116.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 89° 14' 45" EAST ON THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 294.93 FEET TO THE POINT OF BEGINNING, CONTAINING 37,291 SQUARE FEET. IN ALL CONTAINING 67,797 SQUARE FEET.

3:
LOT 2, BLOCK 1 IN BRIESE SUBDIVISION, CONTAINING 105,199 SQUARE FEET.

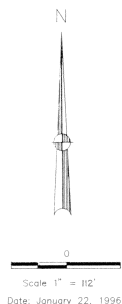
LESS: PART OF LOT 2, BLOCK 1 IN BRIESE SUBDIVISION, BISMARCK, ND; DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 01° 13' 26" WEST ON THE EAST LINE OF SAID LOT 2 A DISTANCE OF 264.09 FEET; THENCE NORTH 87° 58' 39" WEST A DISTANCE OF 105.50 FEET; THENCE NORTH 01° 13' 26" EAST A DISTANCE OF 261.51 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE NORTH 89° 22' 50" WEST ON SAID NORTH LINE A DISTANCE OF 105.50 FEET TO THE POINT OF BEGINNING, CONTAINING 27,724 SQUARE FEET. IN ALL CONTAINING 77,475 SQUARE FEET.

UNTERSHEHER EXHIBIT
LOTS 2 & 4, BLOCK 1
BRIESE SUBDIVISION
BISMARCK, ND

Independent Land Surveying & Engineering

SHEET: 1 OF 1 JOB NUMBER: 23043
SCALE: 1"= 60' DWG REVISION DATES
DRAWN BY: MRI
DWG DATE: 7/20/23
DWG NAME: 23043 Survey.dwg

4215 Old Red Trail NW
Mandan, ND 58554
Phone: 701-663-5194
Cell: 701-595-2079
mark@isurveynd.com



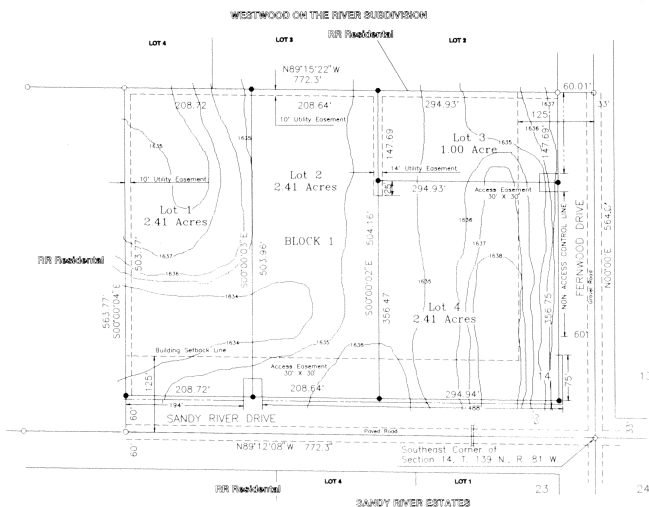
- IRON PIPE FOUND
 - IRON PIPE TO BE SET
- 100YR FLOOD PLAIN EL. 1638.1

OWNER
Dennis L. Briese
1613 River Dr.
Mandan, N.D.

SURVEYOR
Wilfred Eberle, RLS 1201
5423 Winnipeg Dr.
Bismarck, N.D. 58501

DISTRIBUTION OF ACREAGE
Lots: 8.24 Acres
Streets: 1.76 Acres
Total: 10.00 Acres

BRIESE SUBDIVISION LOCATED IN THE SE1/4SE1/4 OF SECTION 14, TOWNSHIP 139 NORTH, RANGE 81 WEST, FIFTH P.M. BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Fourteen (14), Township 139 North, Range 81 West of the Fifth P.M., Burleigh County, North Dakota, more fully described as follows:
Beginning at a point on the southeast corner of the SE1/4SE1/4 of said Section 14, thence running N07°00'E along the east line of said SE1/4SE1/4 a distance of 564.6 feet, to a Iron Monu, on the southeast corner of "WESTWOOD ON THE RIVER SUBDIVISION", thence N89°15'22"W along the south line of "WESTWOOD ON THE RIVER SUBDIVISION" a distance of 772.3 feet, to a Iron Monu, thence S07°00'04"E a distance of 563.77 feet, to a Iron Monu, on the south line of said SE1/4SE1/4, thence S89°12'08"E along the south line of said SE1/4SE1/4 a distance of 772.3 feet to the point of beginning.
Tract contains 10.00 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Wilfred Eberle, a Registered Land Surveyor in the State Of North Dakota hereby certify that the accompanying plat was surveyed under my supervision and that all information shown hereon is true and correct to the best of my knowledge.

Wilfred Eberle
Wilfred Eberle
Registered Land Surveyor
N.D. Registration 1201



STATE OF NORTH DAKOTA COUNTY OF BURLEIGH

On this 22 day of May, 1996, personally appeared before me, Wilfred Eberle, known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

Paul J. Pfeifle
Notary Public - Burleigh County
My Commission expires:

PAUL J. PFEIFLE
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires March 15, 2000

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Burleigh County, North Dakota, has approved the subdivision of land on the accompanying plat, has accepted the dedication of all streets and easements shown thereon and has approved the grounds as shown on the accompanying plat as an amendment to the master plan of Burleigh County. The foregoing action of the Board of County Commissioners of Burleigh County was taken by resolution approved on the 22 day of May, 1996.

Ray Grobar
Chairman, Ray Grobar

Kevin Glott
County Auditor, Kevin Glott

APPROVAL OF CITY PLANNING COMMISSION

The Subdivision of land as shown on the annexed plat has been approved by the Planning Commission of the city of Bismarck, on the 22 day of May, 1996, in accordance with the laws of the State Of North Dakota, ordinances of the city of Bismarck and regulations adopted by said Planning Commission. In witness whereon are set the hands and seals of the chairman and secretary of the Planning Commission of the city of Bismarck.

David Blackstead
DAVID BLACKSTEAD, CHAIRMAN

Carl D. Hokenstad
CARL D. HOKENSTAD, SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the city of Bismarck, North Dakota has approved the subdivision of land as shown on the annexed plat. Has accepted the dedication of all streets shown thereon. Has approved the grounds as shown on the annexed plat as an amendment to the master plan of the city of Bismarck, North Dakota. The foregoing action of the City Commission of Bismarck, North Dakota was taken by resolution the 22 day of May, 1996.

W. C. Wocken
ATTEST
W. C. WOCKEN, CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER
I, Melvin J. Bullinger, City Engineer of the city of Bismarck, North Dakota, hereby approve Briese Subdivision, Bismarck, North Dakota as shown on the annexed plat.

Melvin J. Bullinger
MELVIN J. BULLINGER
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS That Dennis L. and Janice Briese of Mandan, North Dakota, being the owner and proprietor of part of the SE1/4SE1/4 as described above and shown on the accompanying plat, has caused that portion described hereon to be surveyed and platted and to be known hereafter as "BRIESE SUBDIVISION" and hereby donate and dedicate all streets to the public use forever. He also dedicates easements to run with the land, for access, water, sewer, gas, electric, or other public utilities or services under, on or over those certain strips of land designated hereon as "Access and Utility Easements".

Dennis L. Briese
Dennis L. Briese

Janice Briese
Janice Briese

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH

On this 22 day of May, 1996, personally appeared before me, Dennis L. and Janice Briese, known to me to be the persons who executed the foregoing instrument and acknowledged to me that he executed the same.

Paul J. Pfeifle
Notary Public - Burleigh County
My Commission expires:

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
August 23, 2023**

The Bismarck Planning & Zoning Commission met on August 23, 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 Mike Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Robert Field, Cole Johnson, Paul Levchak, Daniel Lukens, Gabe Schell, Mike Schmitz, Trent Wangen, and Paul Zent.

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

MINUTES

Chair Schwartz called for consideration of the minutes of the July 26, 2023 meeting.

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

CONSIDERATION

**2. PARADISE VALLEY SECOND ADDITION - ZONING CHANGE AND MAJOR
SUBDIVISION PRELIMINARY PLAT**

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

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
BODEN ADDITION FIRST REPLAT**

Chair Schwartz called for the public hearing on a minor subdivision final plat for Boden Addition First Replat. The property is located in northwest Bismarck, east of North Washington Street and west of Basalt Drive, along the south side of East Lasalle Drive.

Mr. Johnson 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 minor subdivision plat would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat of Boden Addition First Replat.

Chair Schwartz opened the public hearing.

Landon Niemiller with Swenson Hagen and Co. came forward to explain their plan to reduce the number of lots from ten to eight to allow larger twin homes.

Chair Schwartz closed the public hearing, as there were no further comments.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the minor subdivision final plat for Boden Addition First Replat. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SILVER RANCH THIRD ADDITION FIRST REPLAT

Chair Schwartz called for the public hearing on a minor subdivision final plat for Silver Ranch Third Addition First Replat. The property is located in northeast Bismarck, north of 43rd Avenue NE and east of 52nd Street NE along the north side of Welder Avenue.

Mr. Nairn provided 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 minor subdivision final plat would not adversely impact the public health, safety, and general welfare.

Mr. Nairn said, based on the findings, staff recommends approval of the minor subdivision final plat for Silver Ranch Third Addition First Replat.

Commissioner Levchak questioned if the rural residential home to the north of the property had shown any interest in the proposed request. Mr. Nairn replied that no comments had been received from any adjacent property owners.

Chair Schwartz opened the public hearing.

Landon Niemiller with Swenson Hagen & Co. came forward to explain that adjusting the property lines within this area and creating additional lots required a replat.

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

Commissioner Schell stated that, with the additional lots, capital utility charges will apply.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the minor subdivision final plat for Silver Ranch Third Addition First Replat Addition First Replat. Commissioner Johnson seconded the motion, and the motion was unanimously approved

with Commissioners Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
TREE TOP SECOND ADDITION**

Commissioner Schwartz called for the public hearing on a minor subdivision final plat for Tree Top Second Addition. The property is located in north central Bismarck, in the southwest quadrant of the intersection of US Highway 83 NW and 57th Ave NE.

Mr. Johnson provided 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 minor subdivision final plat would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the minor subdivision final plat for Tree Top Second Addition.

Commissioner Schell questioned the dead end on the private road and if there would be access from the south.

Chair Schwartz opened the public hearing.

Brad Krogstad with KLJ came forward to explain that they have worked with the property owner to the south, Furniture Row, and that they agree with the plans. They are in the process of drafting paperwork reflecting their agreement to a condition to record an easement prior to development.

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

Commissioner Schell stated that with the additional lots, capital utility charges will apply.

MOTION: Based on the findings contained in the staff report, Commissioner Levchak made a motion to recommend approval of the minor subdivision final plat of Tree Top Second Addition. Commissioner Zent seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
PLANNED UNIT DEVELOPMENT AMENDMENT
MISTY WATERS SECOND REPLAT**

Chair Schwartz called for the public hearing on a minor subdivision final plat and planned unit development amendment of Misty Waters Second Addition. The property is located northwest of Bismarck, west of River Road along the west side of Burnt Creek Loop.

Ms. Wollmuth provided 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 minor subdivision final plat and planned unit development amendment would not adversely impact the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings, staff recommends approval the minor subdivision final plat and planned unit development amendment of Misty Waters Second Addition, with the following conditions:

1. The development must generally conform to the site plan submitted with the application, including building locations.
2. A separate easement document for landscaping within the Burnt Creek Loop right-of-way is approved / accepted by the Burleigh County Commission and recorded prior to recordation of the final plat.

Commissioner Schmitz asked that if water and sewer were not permitted and floor drains were, where would the floor drains drain to.

Commissioner Schell asked staff to elaborate on the reasoning behind not wanting to allow water and sewer in each unit. Ms. Wollmuth stated that with water and sewer these units may easily evolve into inappropriate uses such as businesses and dwelling units.

Chair Schwartz questioned the reason for the request for a PUD rather than commercial. Ms. Wollmuth replied that the property is currently zoned PUD – Planned Unit Development, and that storage units are permitted within industrial zoning districts. She went on to say that rezoning a property next to existing residential uses to industrial would not be appropriate.

Chair Schwartz opened the public hearing.

Missy Moritz, the applicant, came forward to explain the neighborhood's need for these storage units and request allowance to include water and sewer hookups. She then described a lack of restrooms for unit owners.

Dave Tschider came forward to describe security and maintenance concerns the applicant has if water and sewer are not permitted. He added that a landscape buffer along the north and east sides of the proposed development would be installed to provide a buffer from the existing residential properties.

Commissioner Levchak expressed concern with the floor drains contaminating the river.

Commissioner Schmitz asked if the applicant would be satisfied with water and sewer connections restricted only to one sink and one toilet.

Commissioner Lukens questioned if staff was aware of the applicant's request of water and sewer. Ms. Wollmuth replied that staff was aware but is not supportive of the individual units having water and sewer.

Chair Schwartz asked why the proposed storage units would be separate from the HOA. Ms. Moritz responded that she doesn't feel the residents of Misty Waters should have to be responsible for supervising the units and that the property would have its own HOA, covenants, and funds. Chair Schwartz then asked if the units would be strictly for the residents of Misty Waters. Ms. Moritz stated the units would be available for Misty Waters residents first and then any remaining for the rest of the community.

Harvey Schneider approached to explain that the sewer are planned to tie into the existing sewer system managed by South Central Regional Water District. There is no design plan for providing floor drains in the units without water and sewer. Mr. Schneider stated a possibility of adding a holding tank for floor drains if the commission decided not to allow water and sewer.

Dave Tschider came forward again to explain that the covenants include provisions to avoid excessive noise, showers and living quarters and stated additional requirements can be added.

Commissioner Zent asked how many units are planned. Ms. Moritz responded that with 32 units planned, there would be no room for expansion and that a communal bathroom carries the risk of vandalism and maintenance responsibility would fall on the HOA.

Commissioner Wangen asked if there was any opposition from the residents of the area. Ms. Moritz said there was none.

Chair Schwartz asked if Ms. Moritz lived on site and if she was prepared to take responsibility to ensure the units were in compliance with the proposed covenants. Ms. Moritz noted that she does not live on-site but security cameras would be installed and would be running 24 hours a day and she will have access to them at any time.

Steve McCormick came forward and stated Misty Waters has provided millions of dollars in tax revenue to both the city and the county. He explained the need for bathrooms in the units and stated that a storage unit facility is most appropriate for this property. He then stated that the Misty Waters HOA would have the final say over the storage unit HOA.

Doug Schmidt, the Vice President of the Misty Waters HOA board of directors, came forward in support of the project and indicated the board supports the project with the bylaws and covenants.

Pat Spillman, a resident of Misty Waters, came forward to address issues in the Misty Waters community he feels should be addressed prior to the storage unit project moving forward. Mr. Spillman spoke of setback requirements from the Missouri River and stated he believes the units do not meet those requirements. He then stated he spoke with seven different neighbors that had not been notified of the project.

Commissioner Field addressed Mr. Spillman by stating holding this project would not solve other problems he has with the development.

Mr. McCormick spoke again about the security cameras being effective in the neighborhood in the past.

Mr. Schmidt came forward to tell the commission that the board voted to approve shop condos at this location at last year's annual meeting, but they have not met on this project specifically.

Logan Thompson, the adjacent neighbor to the north of the project, supports the project including the water and sewer hook ups.

Tom Ault, an 11-year resident of Misty Waters, spoke in support of the project and stated that the value of the units will decrease if they do not include water and sewer.

Commissioner Levchak made a motion to continue the public hearing. The motion failed with no second.

Further discussion was held regarding delays in construction; parking spaces; and the process of changing the PUD amendment document to reflect the Commission's wishes.

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

MOTION: Based on the findings contained in the staff report and arguments made by the applicant, Commissioner Schmitz made a motion to recommend approval of the minor subdivision final plat and planned unit development amendment to include allowance of one toilet and one sink in each storage unit and the conditions indicated in the staff report: The development must generally conform to the site plan submitted with the application, including building locations; and a separate easement document for landscaping within the Burnt Creek Loop right-of-way is approved / accepted by the Burleigh County Commission and recorded prior to recordation of the final plat, for Misty Waters Second Replat. Commissioner Field seconded the motion, and the motion was approved with Commissioners Field, Johnson, Lukens, Schell, Schmitz, Wangen, and Zent voting in favor of the motion. Commissioners Levchak and Schwartz voted against the motion.

Mayor Schmidt suggested that staff could make changes required to meet the intent of the motion without a need to return to the Planning and Zoning Commission for further review.

PUBLIC HEARING - SPECIAL USE PERMIT (DRIVE-THROUGH) JACKS FIRST ADDITION LOT 3, BLOCK 1

Chair Schwartz called for the public hearing on a special use permit to allow a drive-through in conjunction with a fast-food restaurant on Lot 3, Block 1, Jacks First Addition. The property is located in south Bismarck, in the southwest quadrant of the intersection of East Bismarck Expressway and South 11th 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 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 allow a drive-through in conjunction with a fast-food restaurant on Lot 3, Block 1, Jacks First Addition, with the following condition:

1. A site plan for site development will not be approved and a building permit will not be issued until the easement is released as proposed.

Chair Schwartz opened the public hearing.

Commissioner Zent asked for the name of the restaurant. The applicant, Andrew Johnson, prefers not to reveal the name but shared that it is a fried chicken franchise.

Commissioner Schell stated that the planned drive-through wraps around the building and a traffic impact study will need to be submitted for review by the city and the North Dakota Department of Transportation prior to site plan approval.

The applicant, Mr. Johnson, stated he has had conversations with the City Engineering department regarding traffic studies and he is aware of all requirements.

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

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to approve of the special use permit to allow a drive-through in conjunction with a fast-food restaurant on Lot 3, Block 1, Jacks First Addition with the condition that a site plan for site development will not be approved and a building permit will not be issued until the easement is released as proposed. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Levchak, Lukens, Schell, Schmitz, Schwartz, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – 2023 GROWTH PHASING PLAN AMENDMENT

Chair Schwartz called for the public hearing on a proposed amendment to the Growth Phasing Plan.

Mr. Nairn gave an overview of the amendments including the purpose, analysis, function, and priorities. Studies were performed on historical annexations, projections for growth, and the available capacity of land in various areas to meet the growth trends.

Five areas of the map are proposed to change, as outlined in the staff report. The amendment will also change the names of the areas of the plan from Annexed Priority, Expansion Ready, and Expansion Future to Annexed Priority 1, Expansion Priority 2, and Expansion Priority 3, respectively, as well as the definition of Expansion Priority 2.

Chair Schwartz opened the public hearing.

Commissioner Wangen questioned if this proposal is related to any ETA adjustments. Mr. Nairn replied that this is not directly related, but the ETA boundaries are being discussed and this plan may inform those discussions.

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

OTHER BUSINESS

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:02 p.m. to meet again on September 27, 2023.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2023

*****City*****

*****ETA*****

	8/2023		8/2022		8/2023		8/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	16	\$7,522,824.48	23	\$6,668,589.24	1	\$288,556.85	4	\$1,574,840.48
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	\$4,218,565.86	6	\$1,527,390.92	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	32	\$6,420,000.00	0	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	1	\$14,348.25	1	\$23,996.28	3	\$338,760.60	2	\$652,653.51
DETACHED GARAGE	6	\$79,300.00	4	\$41,318.75	5	\$423,200.00	7	\$308,041.50
DECKS\PORCHES & COVERED PORCHES	8	\$89,073.00	7	\$16,378.75	3	\$16,612.00	3	\$23,312.25
SWIMMING POOLS	3	\$252,500.00	4	\$337,000.00	0	\$0.00	3	\$275,000.00
RESIDENTIAL ALTERATION/OTHER	13	\$570,585.44	1	\$18,000.00	2	\$80,874.74	2	\$98,831.73
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	2	\$4,980.00	1	\$3,000.00	1	\$2,880.00	0	\$0.00
BASEMENT FINISH	2	\$58,480.00	2	\$31,336.25	1	\$25,628.00	1	\$27,305.00
RESIDENTIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	15	\$337,158.91	2	\$6,300.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	2	\$16,948.37	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	28	\$13,633,234.38	9	\$16,369,944.00	0	\$0.00	3	\$625,000.00
COMMERCIAL ADDITION	2	\$2,280,000.00	1	\$445,000.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	9	\$2,761,995.34	2	\$1,349,000.00	0	\$0.00	0	\$0.00
Total	162	\$38,259,994.03	68	\$26,837,254.19	16	\$1,176,512.19	25	\$3,584,984.47

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2023**

*****City*****

*****ETA*****

	8/2023		8/2022		8/2023		8/2022	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	100	\$0.00	96	\$25,000.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	161	\$2,462,381.50	181	\$4,672,664.17	10	\$132,970.25	13	\$293,686.00
BUILDING PLUMBING	66	\$1,110,190.00	44	\$1,003,724.00	3	\$23,970.00	7	\$190,425.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	6	\$0.00	6	\$0.00
Total	327	\$3,572,571.50	321	\$5,701,388.17	19	\$156,940.25	26	\$484,111.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2023

	*****City*****		*****ETA*****	
	8/2023	8/2022	8/2023	8/2022
Living Units	Units	Units	Units	Units
MANUFACTURED HOMES	2	2	0	0
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	20	6	0	0
SINGLE FAMILY DETACHED	16	23	1	4
SWIMMING POOLS	0	0	0	0
Total	38	31	1	4

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 8/2023

*****City*****

*****ETA*****

	8/2023		8/2022		8/2023		8/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	46	\$18,436,076.52	115	\$35,357,748.31	18	\$6,497,590.34	25	\$8,980,821.46
ROWHOUSE (2) 1-HR FIRE SEPARATION	64	\$14,777,180.78	54	\$11,451,619.69	8	\$2,395,976.11	0	\$0.00
MULTI FAMILY RESIDENTIAL	32	\$6,420,000.00	1	\$0.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	13	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	11	\$573,663.95	7	\$207,945.40	8	\$848,864.43	6	\$771,306.27
DETACHED GARAGE	18	\$401,850.10	22	\$277,908.75	31	\$1,408,380.00	36	\$1,577,228.00
DECKS\PORCHES & COVERED PORCHES	85	\$584,868.11	53	\$170,012.30	9	\$47,341.00	9	\$252,803.45
SWIMMING POOLS	8	\$670,500.00	9	\$770,286.00	5	\$423,400.00	7	\$714,601.00
RESIDENTIAL ALTERATION/OTHER	44	\$1,793,283.09	32	\$971,366.33	8	\$702,263.10	10	\$506,459.22
HOME OCCUPATION	3	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	10	\$27,337.50	9	\$30,955.00	4	\$10,380.00	1	\$3,000.00
BASEMENT FINISH	34	\$764,814.00	37	\$990,686.00	4	\$111,305.50	10	\$228,651.50
RESIDENTIAL	2	\$0.00	2	\$0.00	1	\$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	9	\$0.00	8	\$0.00
NURSERY STOCK SALES	4	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	49	\$916,306.53	53	\$446,278.00	1	\$6,600.00	3	\$46,866.00
SIGN ALTERATION	19	\$142,083.64	1	\$35,000.00	0	\$0.00	0	\$0.00
ELECTRONIC MESSAGE CENTER	1	\$309,234.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	80	\$86,244,887.38	48	\$73,258,230.00	4	\$1,450,000.00	21	\$6,425,000.00
COMMERCIAL ADDITION	4	\$3,779,890.00	6	\$12,255,387.00	0	\$0.00	1	\$2,937,630.00
COMMERCIAL ALTERATION	72	\$27,605,515.34	53	\$16,331,611.88	7	\$1,003,547.00	2	\$3,715,000.00
Total	605	\$163,447,490.94	517	\$152,555,034.66	117	\$14,905,647.48	139	\$26,159,366.90

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 8/2023

*****City*****

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	8/2023		8/2022		8/2023		8/2022	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	613	\$0.00	629	\$201,500.00	2	\$0.00	2	\$0.00
BUILDING MECHANICAL	995	\$17,803,026.85	997	\$22,246,899.55	173	\$1,804,751.12	174	\$1,434,334.61
BUILDING PLUMBING	239	\$7,072,698.29	285	\$9,108,927.92	50	\$638,935.14	59	\$762,579.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	15	\$25,000.00	13	\$2,000.00
Total	1847	\$24,875,725.14	1911	\$31,557,327.47	240	\$2,468,686.26	248	\$2,198,913.61

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 8/2023

*****City*****

*****ETA*****

	8/2023	8/2022	8/2023	8/2022
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	40	18	0	0
MANUFACTURED HOMES	12	3	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	64	53	6	0
SINGLE FAMILY DETACHED	45	111	17	19
SWIMMING POOLS	0	0	0	0
Total	161	185	23	19