



PLANNING AND ZONING
COMMISSION

MEETING AGENDA
October 25, 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.

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MINUTES

1. Consider approval of the minutes of the September 27, 2023 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA
CONSIDERATION

The following items are requests for public hearings.

2. **Silver Ranch Fourth Addition (DN)**.....5

Major Subdivision Preliminary Plat | PPLT2022-009 | *Consideration*

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

Zoning Map Amendment | ZC2022-014 | *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. **Brei Estates First Addition Replat Lot 1, Block 1 (JW)**.....18

Zoning Map Amendment | ZC2023-010 | *Public Hearing*

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

4. **Paradise Valley Second Addition (JW)**.....26

Zoning Map Amendment | ZC2023-008 | *Public Hearing*

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

Major Subdivision Final Plat | FPLT2023-003 | *Public Hearing*

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

5. **Sunny-View Acres Ninth Subdivision (IJ)**.....45

Special Use Permit (Accessory Building) | SUP2023-008 | *Public Hearing*

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

OTHER BUSINESS

6. Request from resident to consider amendment to definition of family.
7. Other Business

ADJOURNMENT

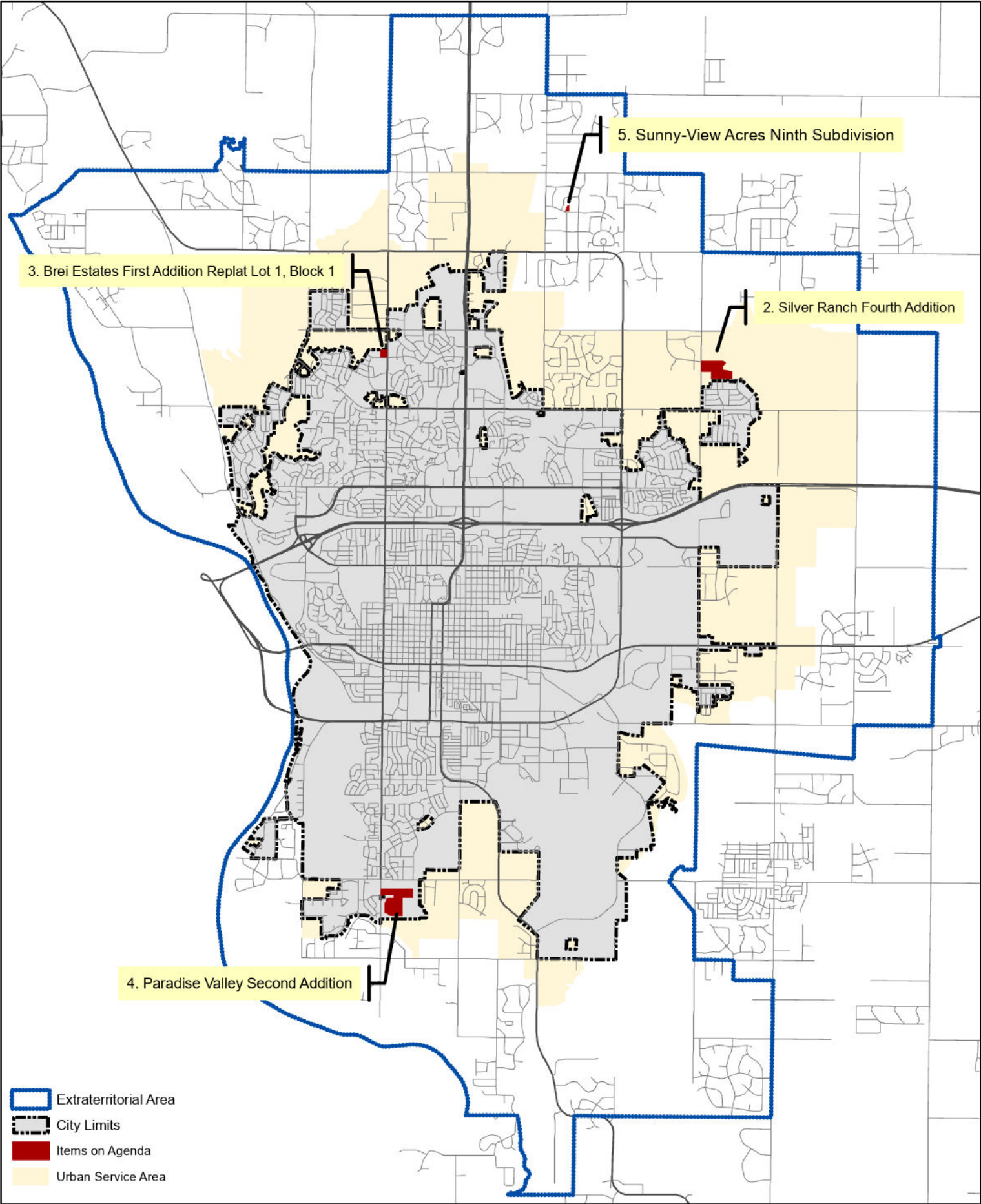
8. **Adjourn.** The next regular meeting date is scheduled for November 15, 2023.

Enclosures: Meeting Minutes of September 27, 2023
 Building Permit Activity Month to Date Report for September 2023
 Building Permit Activity Year to Date Report for September 2023

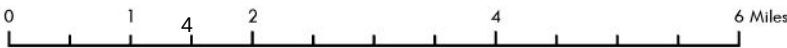
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

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

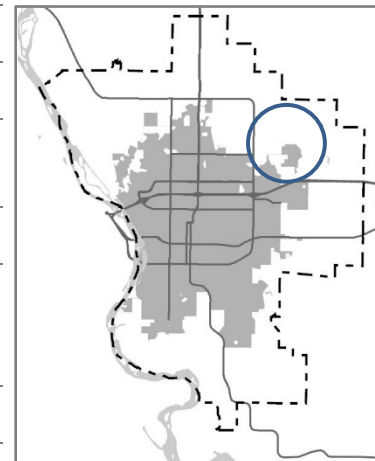
October 25, 2023

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

Project ID: **ZC2022-014**
PPLT2022-009

Project Summary

<i>Title:</i>	Silver Ranch Fourth Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration
<i>Property Owner(s):</i>	Investcore, Inc Chad Wachter, LLC
<i>Project Contact:</i>	Landon Niemiller, Swenson Hagen & Co.
<i>Project Location:</i>	Northwest of Bismarck, north of 43 rd Avenue NE and west of 52 nd Street NE along extensions of Silver Boulevard and Silbernagel Drive
<i>Project Size:</i>	43.1 Acres
<i>Applicant Request:</i>	Plat and zone for future mixed-density residential and neighborhood commercial development
<i>Staff Recommendation:</i>	Call for public hearing



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	3 unplatted parcels	<i>Lots/Blocks:</i>	19 Lots in 4 Blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Two-family residential, multi-family residential, school, water tower
<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)	<i>Future Land Use:</i>	Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	RM20 – Residential R10 – Residential P – Public Use
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	RM20 – Multi-family residential R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	A – 1 unit / 40 acres	<i>Max Density:</i>	RM20 – 20 units / acre R10 – 10 units / acre P – N/A

(continued)

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	N/A
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	N/A
<i>Neighborhood:</i>	Silver Ranch	<i>Annexed:</i>	N/A

Project Narrative

Investcore, Inc and Chad Wachter, LCC request approval of a zoning ordinance map amendment from the A – Agricultural zoning district to the RM20 – Residential, R10 – Residential, and P – Public zoning districts and the preliminary plat for Silver Ranch Fourth Addition. The applicant also intends to request an annexation which would be reviewed in conjunction with a final plat.

The subdivision would allow development of a school site, low to moderate density residential

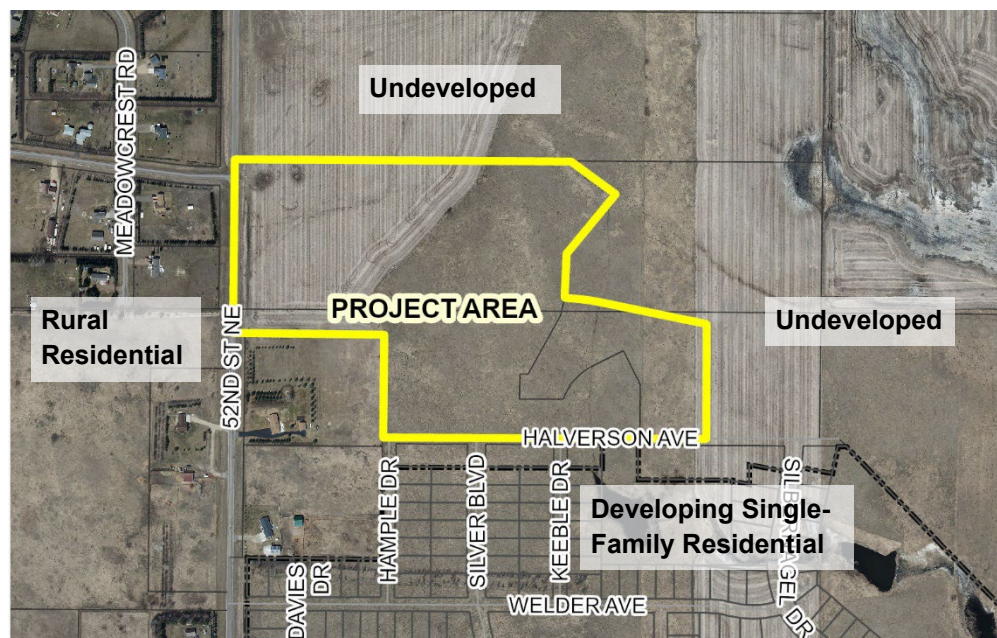
uses, a potential site for a future water tower, and stormwater facilities to support development.

A final plat, zoning map amendment, and annexation for Silver Ranch Fourth Addition was tentatively approved/recommended by the Planning and Zoning Commission on March 22, 2022, and these requests were approved by the City Commission on May 9, 2023. However, the boundaries and lots of the plat have been substantially changed, which requires a new application and review.

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 and Urban Neighborhood in the Future Land Use Plan. Goals and objectives of this plan

as they relate to zoning ordinance amendments are referenced in review standards below.

(continued)

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.

Preliminary Plat

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. The right-of-way of Noble Drive and the extension of Silver Boulevard shown on the proposed plat are both identified as future collector roadways. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes, with an administrative amendment to the Active Mobility Plan. A shared-use path originating from a park to the south will continue through this subdivision, but the alignment will be shifted to the east around a proposed stormwater detention pond. If the plat is approved, the Director of Community Development and the City Engineer would also approve an amendment to the Active Mobility Plan to adjust the alignments of the plan to reflect the rights-of-way or easements dedicated on the plat. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal 11-a](#), Section 14-09-04(2)a(vii))

Yes. Adequate parks and open space already exist to serve anticipated residents of this subdivision. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District. A neighborhood park will be developed on Lot 20, Block 8, Silver Ranch Third Addition, adjacent to the south.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. the proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes, with the understanding that a certain standard of internal access for vehicles and pedestrians is met within blocks 2 and 3, in lieu of local public roads.

As proposed, the subdivision would result in a disconnected street network, leading to potential traffic congestion and barriers to emergency response on both a regional and local scale.

At a regional scale, the developing Silver Ranch area is functionally connected to Bismarck by only 43rd Avenue NE. A blockage of this roadway would divert emergency response a significant distance. A proposed extension of East Century Avenue and 52nd Street NE would provide an additional means of access to this area once it is completed.

At a local scale, the area concept development plan submitted with this request, and attached to this staff report, would result in block lengths that exceed the maximum length of 1,320 feet on three separate blocks. Certain blocks shown in the Area Concept Development Plan could

(continued)

contain eight or nine traditional city blocks, found in the central areas of Bismarck. The ordinance violation would not occur within Silver Ranch Fourth Addition, but the street layout approved in this plat would influence subsequent phases of development.

Previously approved versions of Silver Ranch Fourth Addition included an extension of Keeble Drive, but that right-of-way has been removed from this version.

The Together 2045 Comprehensive Plan includes Goal C4: “Encourage a highly connected network of streets and pathways,” with the following relevant objectives:

“a) Improve vehicular travel for all road users by dispersing traffic, allowing multiple route options, and providing safe alternatives for cyclists or scooters through creation of a fine-grained pattern of streets

b) Enhance the existing secondary access policy to ensure at least two reasonably direct and reliable means of access to all developed areas for emergency services and general travel

c) Provide for sufficient street and pathway connectivity and shortened block lengths on new development during the subdivision review process, including to undeveloped areas outside of the development with use of temporary stub-outs as necessary”

According to the US DOT, “A well-connected transportation network reduces the distances traveled to reach destinations, increases the options for routes of travel, and can facilitate walking and bicycling.” The goal for a well-connected street network supports other objectives of the comprehensive plan, including public health, traffic congestion, and emergency services.

Roadway access is managed to reduce potential points of conflict and improve safety (Goal C3-b)

Yes, with a note on the final plat to determine an appropriate access point from Lots 1-2, Block 1 to Noble Drive. The location of this driveway and access easement has not yet been determined, but it can be reviewed during site development. Otherwise, direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City’s access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

Stormwater runoff impacted by this subdivision is adequately managed to protect public and private investments and the natural environment (Goal I5, Section 14.1-04-03);

Yes. There is a plan to manage any stormwater runoff generated by this subdivision. A scoping sheet for a post-construction stormwater management permit (PCSMP) has been approved by the City Engineer, and the PCSMP will be approved prior to submittal of a final plat. Stormwater detention ponds will be installed on Lot 1, Block 1 and Lots 1 and 3, Block 3.

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. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal I6-a)

Yes. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA),

(continued)

also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District ([Goal G3-f](#), Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through future revenues or other public goods associated with this subdivision ([Goal G3-a](#))

Yes. The future revenue and other public goods generated by the proposed subdivision are expected to be proportional to the public costs of development. Public costs associated with provision of municipal water and sewer service to new development will be adequately compensated for through payment of capital utility charges. The initial development will be funded by the developer or through special assessment of properties benefitted by said improvements, as outlined in the Development Cost Policy. Ongoing costs of maintenance and operation of all public facilities will be offset by property and/or sales tax derived from the proposed subdivision.

Technical specifications required of the preliminary plat have been met (Section 14-09-07)

Yes. The proposed preliminary 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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the preliminary plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to utility capital charges, which will be due upon creation of a street improvement district, annexation, or recordation of the plat, whichever is the latter.

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, recognizing that future platting and growth in this area may result in a deficiently connected network or streets unless remedied.

Zoning Map Amendment

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

Yes, with the understanding that the proposed RM20 zoning district is developed at low-to-moderate densities suitable to the Urban Neighborhood classification.

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

(continued)

At this time, it is the applicant's intent to develop a complex of townhomes or rowhouses on Blocks 2 and 3, which align with the Urban Neighborhood designation, especially as a transition to more intensive uses to the north. This could be included in a condition on the zoning district.

Although Lot 3, Block 1 is zoned R10, it is intended for development as a school site, which aligns with the intent of the Neighborhood Mixed Use District it is within.

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 district would allow a range of residential densities, as well as institutional uses. Development that may be anticipated from the proposed zoning would have not 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 A – Agricultural zoning district was established by default with extension of the Extraterritorial area. Conditions have changed since this time as the City of Bismarck has developed.

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 calling for a public hearing on the zoning map amendment from the A – Agricultural zoning district to the RM20 – Residential, R10 – Residential, and P – Public zoning districts and tentative approval of the preliminary plat for Silver Ranch Fourth Addition, with the following conditions:

1. Staff and the applicant consider conditions placed on the RM20 zoning district to limit density and provide internal street connectivity.

(continued)

2. An administrative amendment to the Active Mobility Plan occurs in conjunction with recordation.
3. The final plat notes a future access to Lots 1-2, Block 1 from Noble Drive.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat
5. Area Concept Development Plan

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

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the A – Agricultural zoning district and included in the RM20 – Residential zoning district:

Lot 1, Block 2; and Lots 1 – 3, Block 3, Silver Ranch Fourth Addition.

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

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

Lots 1 and 3, Block 1; Lots 1 – 12, Block 4, Silver Ranch Fourth Addition.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

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

Lot 2, Block 1, Silver Ranch Fourth Addition.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 5. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

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

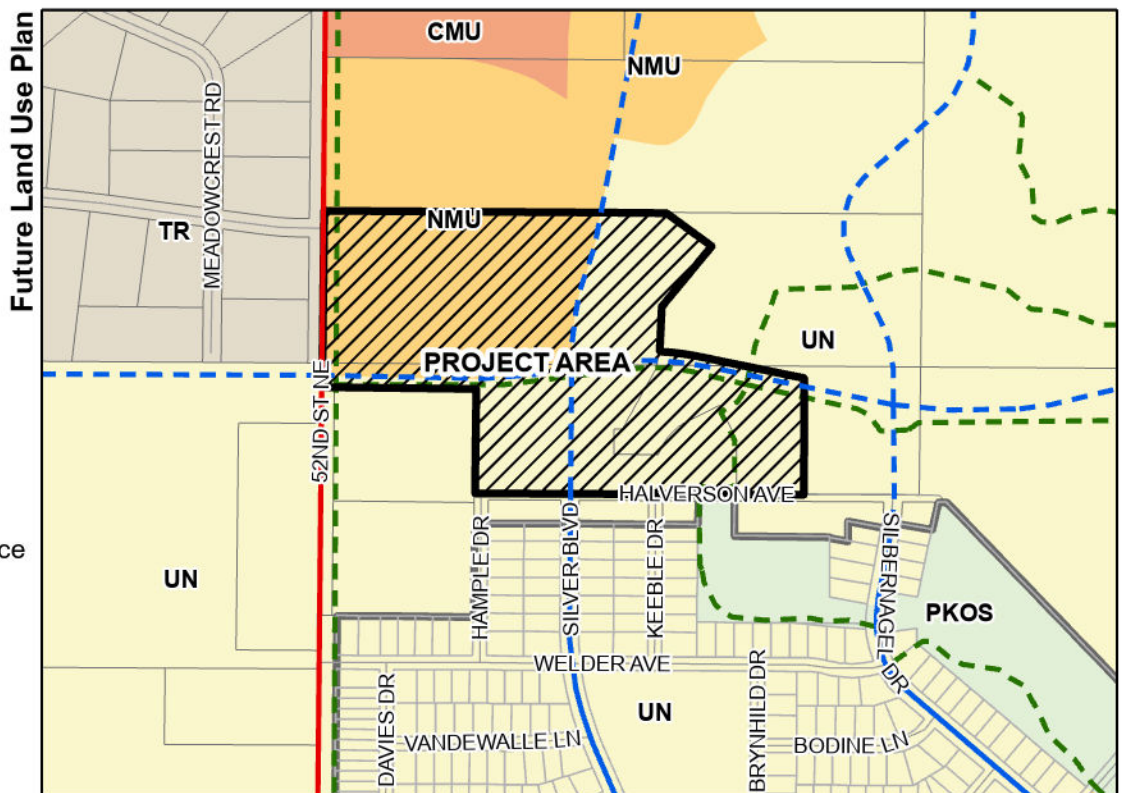
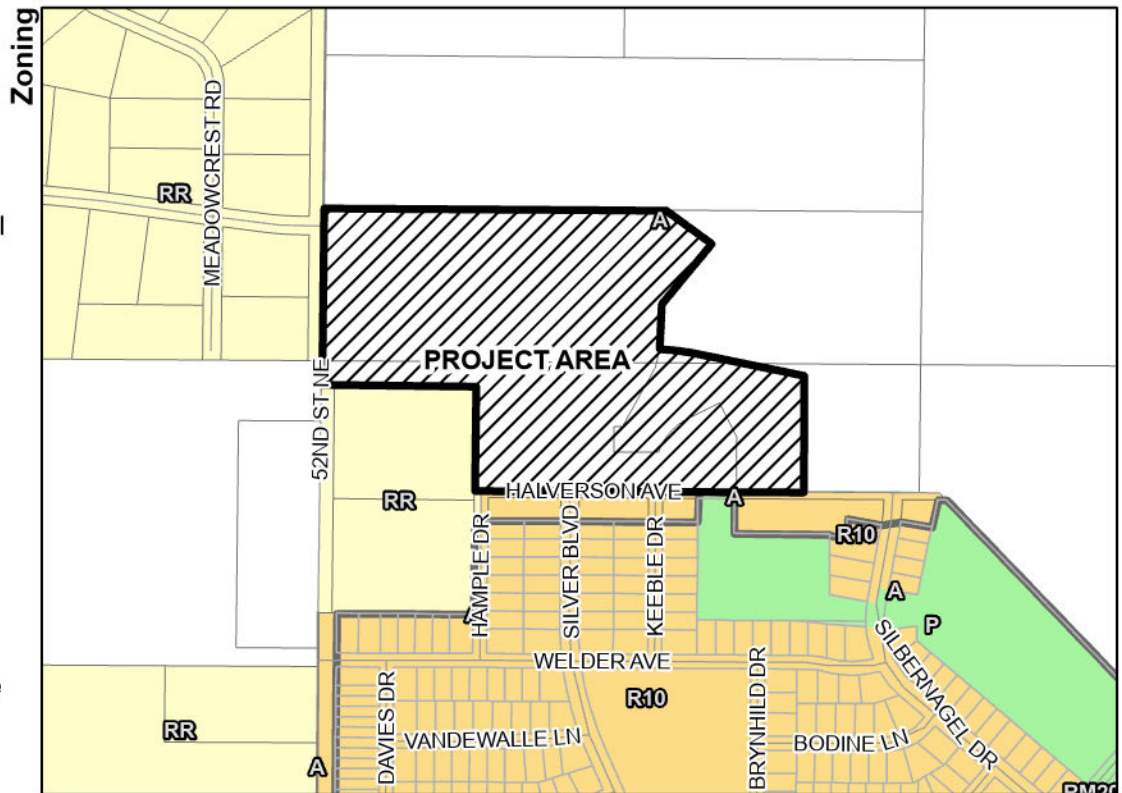
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/	Urban Reserve
URB	Mid/Long-Term

Active Mobility Plan

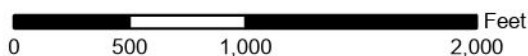
— Future Shared Trail

Major Street Plan

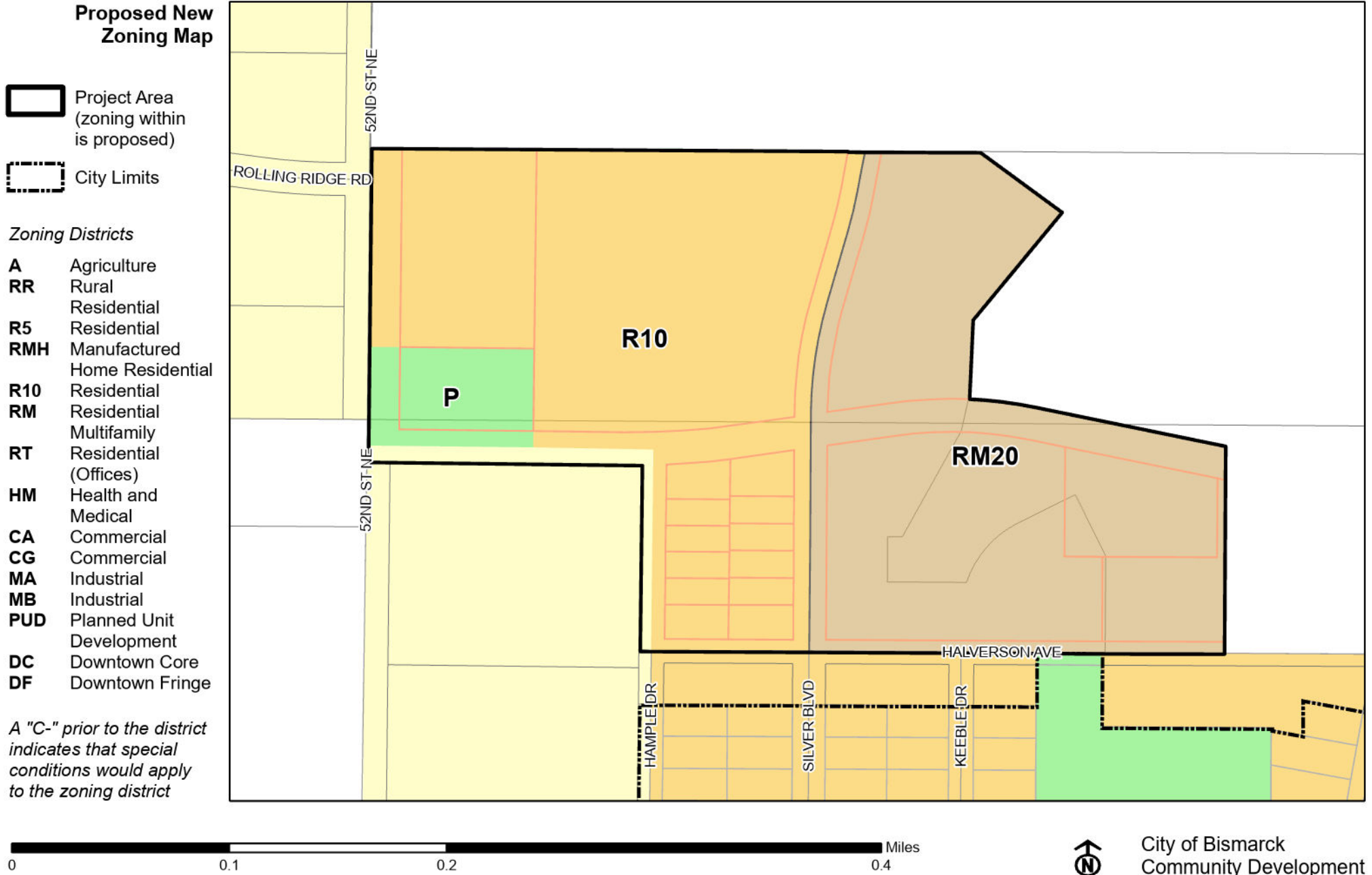
—	Existing Arterial
- -	Future Arterial
—	Existing Collector
- -	Future Collector
—	Existing Interstate
- -	Future Interstate



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



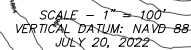
City of Bismarck
Community Development
Planning Division
October 17, 2023



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BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



R10 --26 UNITS
RM20--281 UNITS

SILVER RANCH FOURTH ADDITION MASTERPLAN

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



STAFF REPORT

Agenda Item # 3

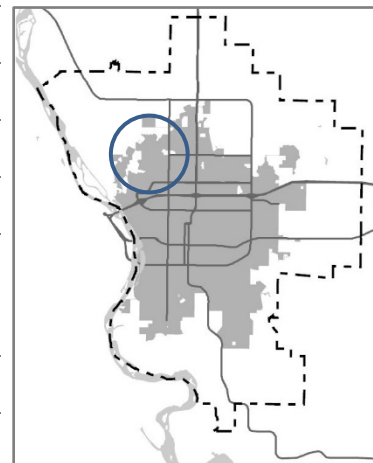
October 25, 2023

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 and Zoning Commission - Public Hearing
<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>	Approve



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 Planning and Zoning Commission considered this request at their meeting of September 27, 2023, and called for a public hearing on the request.

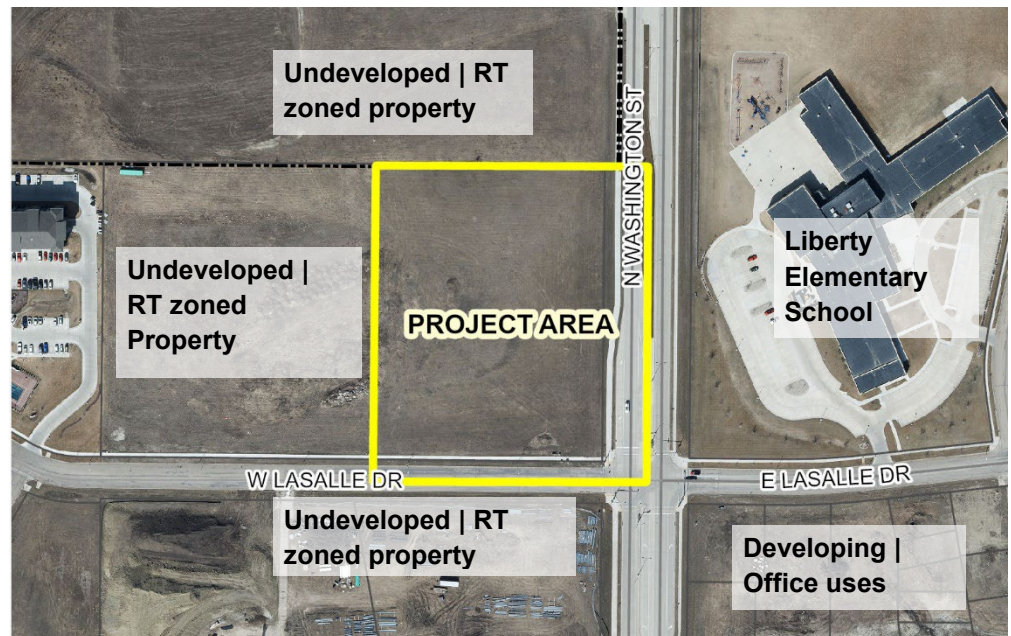
The proposed zoning map amendment is being requested to allow for the development of commercial mixed uses, as outlined in the draft zoning ordinance.

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

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 13 and October 20, and six letters

were mailed to the owners of nearby properties on October 13.

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.

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, 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 area surrounding the proposed request is vacant and zoned RT – Residential which would allow for high density residential uses and limited business development. Single and two-family residential are not permitted within this zoning district and would not be located adjacent to the proposed request.

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 RT – Residential zoned 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](#))

(continued)

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

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 nursey 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

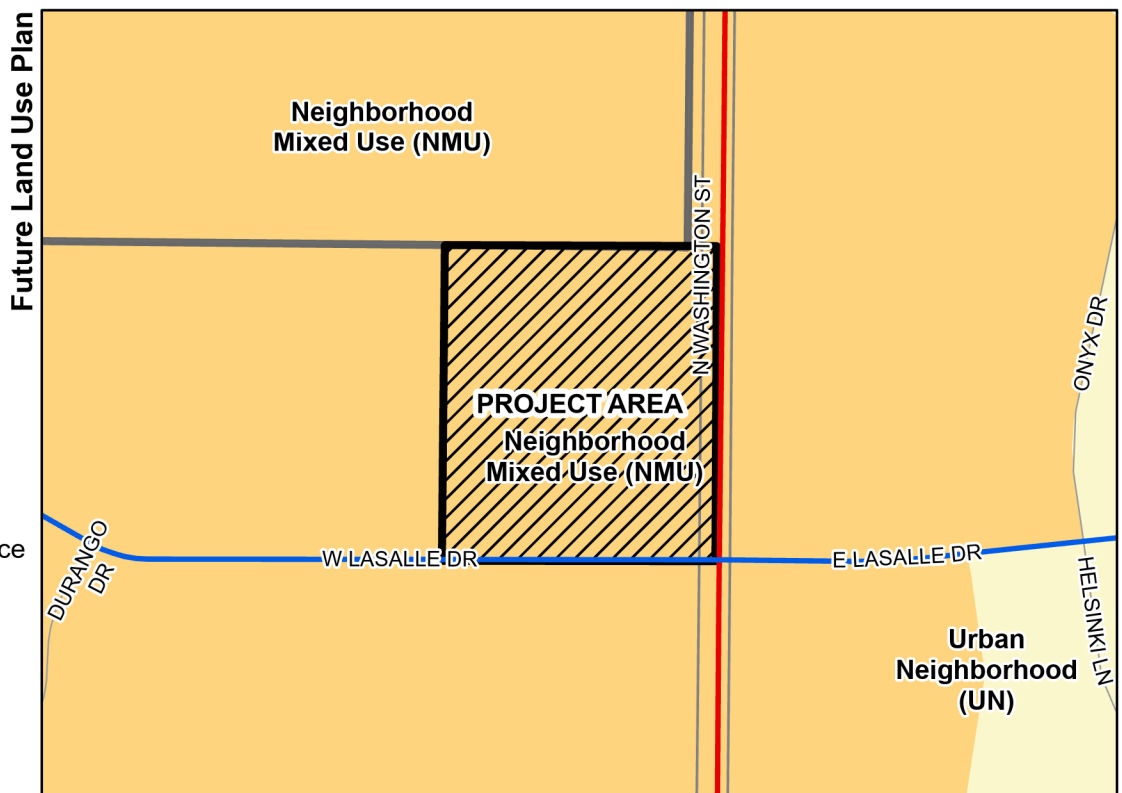
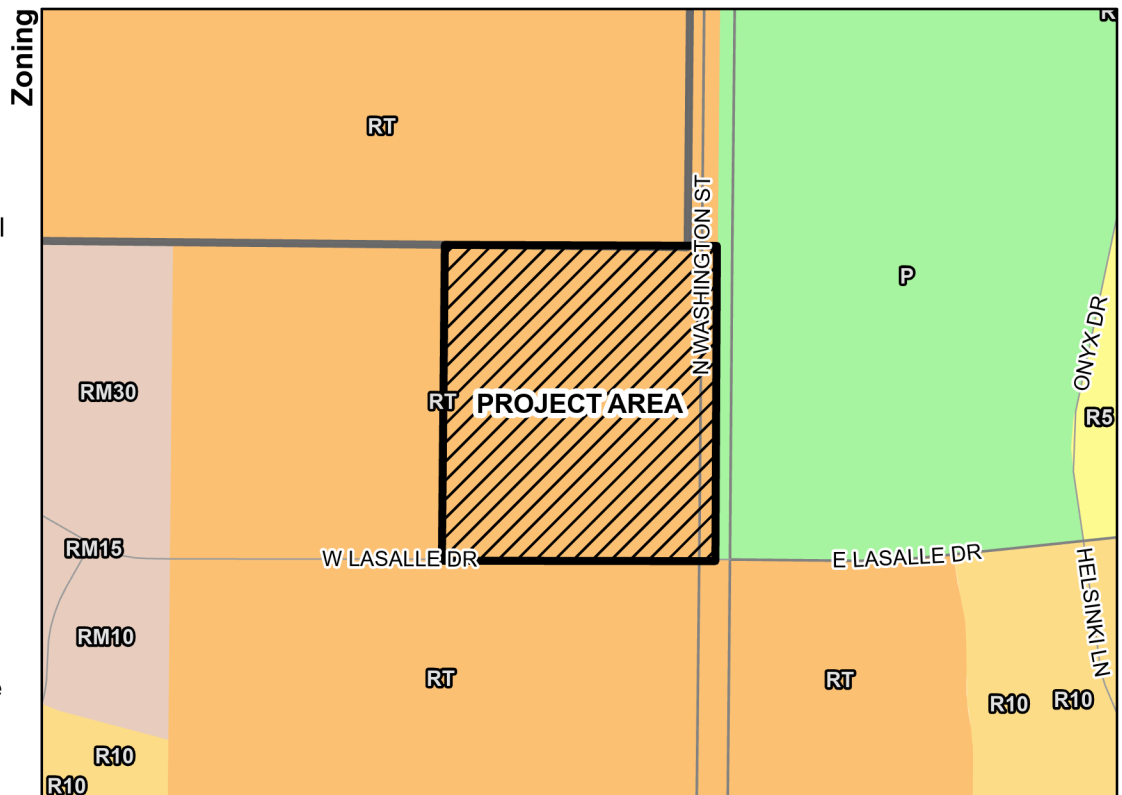
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
	Urban Reserve
URA/	Mid/Long-Term
URB	

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

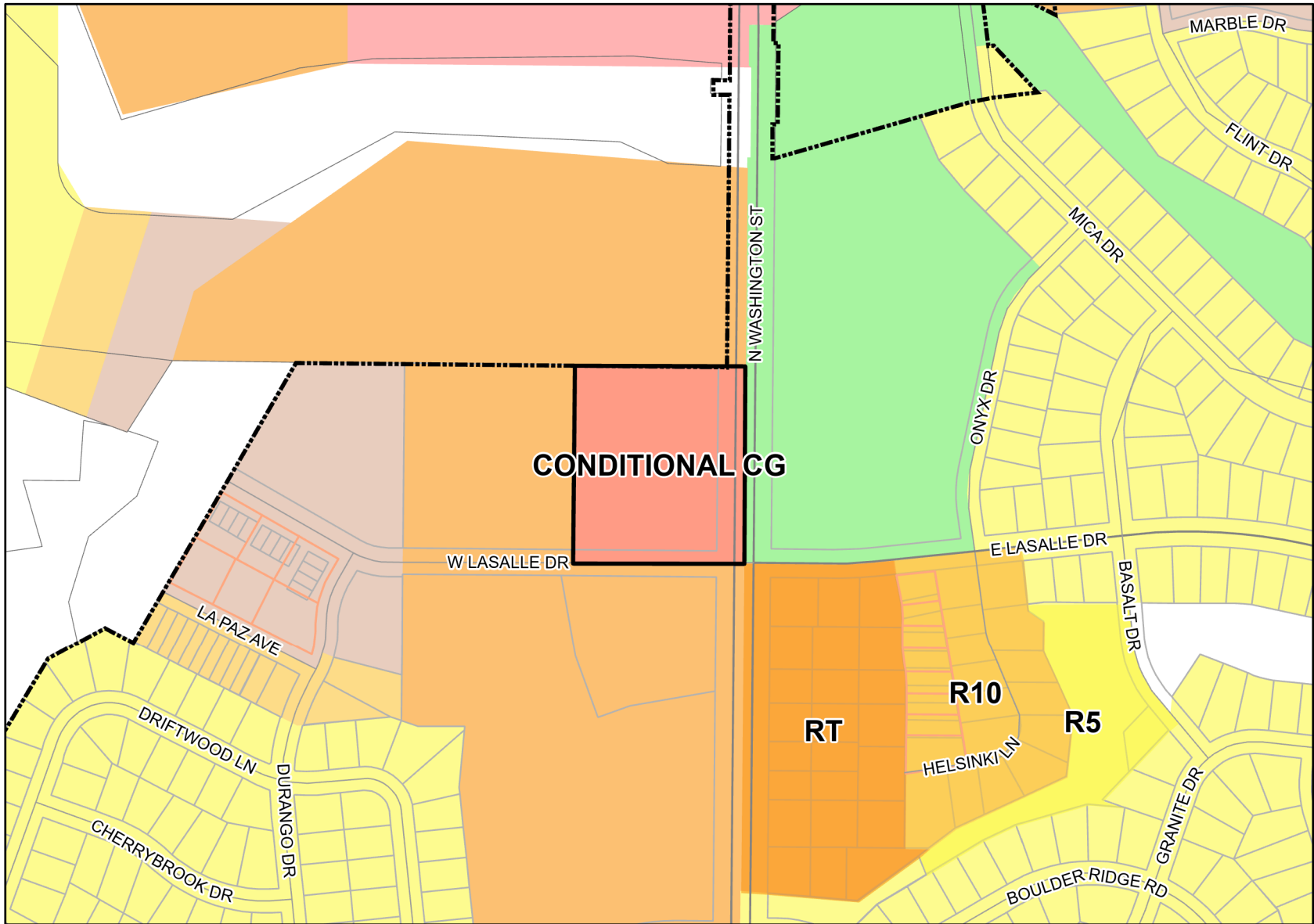
 Project Area
(zoning within
is proposed)

 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*



0 0.13 0.25 25 0.5 Miles

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



City of Bismarck
Community Development
Planning Division
September 22, 2023

STAFF REPORT

Agenda Item # 4

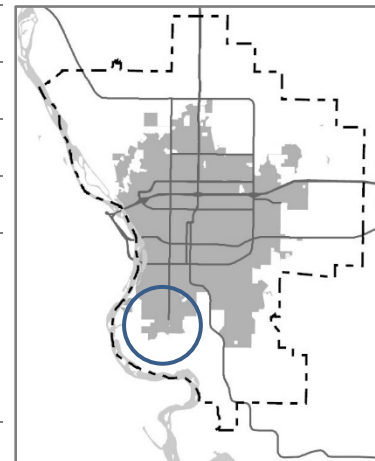
October 25, 2023

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

Project ID: **ZC2023-008**
FPLT2023-003

Project Summary

<i>Title:</i>	Paradise Valley Second Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Property Owner(s):</i>	MBR Properties LLC
<i>Project Contact:</i>	Hanna Boese, PE, Lowry Engineering
<i>Project Location:</i>	In south Bismarck, in the southeast quadrant of the intersection of South Washington Street and East Burleigh Avenue (A replat of Lot 1 and Lot 20, Block 4, all of Block 5 and all of Block 6, Paradise Valley Addition)
<i>Project Size:</i>	59.83 acres
<i>Applicant Request:</i>	Replat and rezone a portion of Paradise Valley Addition for future development
<i>Staff Recommendation:</i>	Approve with conditions



Site Information

<i>Existing Conditions</i>		<i>Proposed Conditions</i>	
<i>Lots/Blocks:</i>	70 lots in 3 blocks	<i>Lots/Blocks:</i>	93 lots in 3 blocks
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-, two, and multi-family residential, commercial uses, a public park and stormwater facilities
<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)	<i>Future Land Use:</i>	Community Mixed Use (CMU) Neighborhood Mixed Use (NMU) Urban Neighborhood (UN)
<i>Zoning:</i>	R5 – Residential RM15 – Residential Conditional CG – Commercial	<i>Zoning:</i>	R5 – Residential R10 – Residential RM15 – Residential Conditional CG – Commercial P – Public

<i>Uses Allowed:</i>	R5 – Single-family residential RM15 – Multi-family residential Conditional CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single- and two-family residential RM15 – Multi-family residential Conditional CG – General commercial, multi-family residential, and offices P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density:</i>	R5 – 5 units / acre RM15 – 15 units / acre Conditional CG – 42 units / acre	<i>Max Density:</i>	R5 – 5 units / acre R10 – 10 units / acre RM15 – 15 units / acre Conditional CG – 42 units / acre P – N/A

Area Information**Property History**

<i>Zoning Jurisdiction:</i>	Bismarck City Limits	<i>Zoned:</i>	08/2022
<i>Township:</i>	N/A (City of Bismarck)	<i>Platted:</i>	08/2022
<i>Neighborhood:</i>	Paradise Valley	<i>Annexed:</i>	08/2022

Project Narrative

MBR Properties, LLC is requesting approval of a zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and major subdivision final plat for Paradise Valley Second Addition.

This request is being made to mitigate existing construction concerns associated with the underlying plat of Paradise Valley Addition. The proposed zoning map amendment would reduce the density of the area. The proposed plat would modify the previous lot configuration, the size of the existing stormwater management pond, add an additional sanitary lift station and stormwater easements, and modify the locations of existing streets.

A plat modification to change the name of Paradise Drive east of Balerud Drive to Hatteras Lane will be initiated by staff in conjunction with this request. The street name change is necessary as both segments of Paradise Drive will no longer connect as a result of the proposed replat. It is anticipated that the City Commission would take final action on the plat modification in conjunction with the proposed plat.

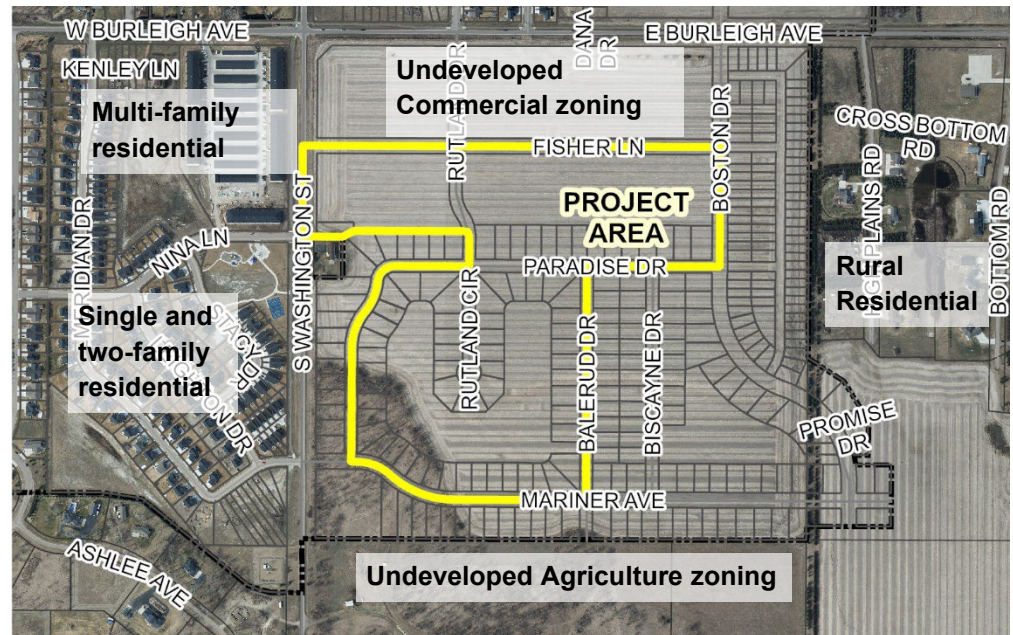
The Planning and Zoning Commission considered the request at their meeting of August 23, 2023 and called for a public hearing on the zoning change and tentatively approved the preliminary plat.

(continued)

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), Neighborhood Mixed Use (NMU), and Urban Neighborhood (UN) in the Future Land Use Plan. The CMU, NMU and UN areas are places of commerce, employment, social and commercial gathering spaces for the immediate surrounding residential areas, and quite enjoyment of home life. Goals and objectives of this plan as they relate to the zoning map amendment and proposed major subdivision final plat are referenced in review standards below.

This area has been designated by staff as the “Paradise Valley Neighborhood.” This designation will continue for this general area and be referenced in future planning documents.

Public Engagement

The project is located within the City of Bismarck. Therefore, no communications with the township have occurred.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 13 and October 20, and 42 letters

were mailed to the owners of nearby properties on October 13.

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.

Zoning Map Amendment

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

(continued)

Yes. The proposed zoning map amendment is within the area designated as Community Mixed Use (CMU), Neighborhood Mixed Use (NMU), and Urban Neighborhood (UN) in the Future Land Use Plan, 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 district would allow commercial uses based on conditions outlined in the zoning ordinance, single-, two- and multifamily residential and parks, open space and stormwater facilities. Development that may be anticipated from the proposed zoning would not have a negative impact.

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 districts of R5 – Residential, RM15 – Residential and Conditional CG – Commercial were established in 2022. Conditions have changed since this time. The proposed plat and zoning map amendment are being requested to mitigate existing construction concerns associated with the underlying plat of Paradise Valley Addition. Zoning would reduce the density of the area.

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 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.

Major Subdivision Final Plat

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

Yes. The proposed final plat is substantially similar to the preliminary plat.

Any and all conditions placed on approval of the preliminary plat by the Planning and Zoning Commission have been satisfied or will remain in place for future completion

Yes. Approval of the preliminary plat did not include conditions.

(continued)

Sufficient easements and rights-of-way are including on the proposed subdivision to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision ([Goal G3-d](#))

Yes. The proposed subdivision includes easements that extended into and through the plat. The plat includes easement for utilities including sanitary and storm sewer, and stormwater drainage.

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.

The Major Street Plan is adhered to with the proposed subdivision ([Major Street Plan](#))

Yes. The corridors identified in the Major Street Plan are incorporated into rights-of-way within the proposed subdivision. East Burleigh Avenue and South Washington Street, both existing arterial roadways and Mariner Avenue, a future collector roadway are included in the proposed plat. A plan reference map is attached to this staff report.

The Active Mobility Plan is adhered to with the proposed subdivision ([Active Mobility Plan](#))

Yes. The corridors identified in the Active Mobility Plan are incorporated into rights-of-way or easements within the proposed subdivision. A future shared use trail has been identified within the Boston Drive right-of-way, along the east side of the proposed plat. A plan reference map is attached to this staff report.

A neighborhood park will be available within walking distance for all urban residents ([Goal I1-a](#), Section 14-09-04(2)a(vii))

Yes. The applicant has entered into a park development agreement with the Bismarck Parks and Recreation District for the creation of a park

within the underlying plat of Paradise Valley Addition. The park would be located on Lot 10, Block 8, Paradise Valley Addition which is located east of to the proposed plat.

Vehicle trips generated by the proposed subdivision will be adequately supported by the transportation system ([Goal C3-c](#))

Yes. A traffic impact study and potential mitigation measures was previously submitted with the underlying plat of Paradise Valley Addition. The City Engineer has determined that an additional traffic impact study for the proposed replat would not be required as the proposed replat would decrease the overall density of the replatted area.

Street connectivity is provided for efficient travel and secondary access for emergency services ([Goal C4](#), Section 14-09-05)

Yes, a waiver to allow a cul-de-sac (Rutland Circle) was previously submitted and approved by the City Commission with the underlying plat of Paradise Valley Addition. The use of a cul-de-sac is justified because there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or undesirable through traffic between incompatible land uses. Subdivision design requirements, such as maximum block length, intended to promote street connectivity have been met. The City's Secondary Roadway Access Policy has been met allowing alternative routes into and out of the subdivision.

Roadway access is managed to reduce potential points of conflict and improve safety ([Goal C3-b](#))

Yes. Direct access to major public roadways is appropriately limited and spacing of all intersections is adequate to meet the City's access management standards and professional engineering judgement. Non-access lines will be dedicated with the proposed plat to communicate and enforce this access control.

(continued)

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

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. All rights-of-way and dedicated easements conform to design standards of the subdivision ordinance.

Natural hazards and impact to environmentally sensitive land is minimized through the location and design of the proposed subdivision (Goal 16-a)

Yes, with restrictions on development. A portion of the proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

Water supply systems will seamlessly transition from a rural to an urban system through cooperation with the South-Central Regional Water District (Goal G3-f, Section 14-09-04(2)d)

Yes. The proposed subdivision will be served with municipal water upon development and no future transition will be necessary.

The City's investment in infrastructure associated with the proposed subdivision is expected to receive a proportional long-term return to residents through

future revenues or other public goods associated with this subdivision (Goal G3-a)

Yes, with revisions to the development agreements for the underlying plat of Paradise Valley Addition which were previously approved by the City Commission in 2022. The City Engineer has notified the applicant that the existing development agreement needs to be revised. The revised development agreement will be approved by the City Commission when they approve the final plat.

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. Staff held a meeting with the applicant to discuss the request prior to submittal of a formal application. A complete application for the final plat was submitted to the Community Development Department, and the required staff review of all submitted materials has occurred prior to submittal of this report to the Planning and Zoning Commission.

Creation of any new lots in the City of Bismarck is subject to development capital charges for municipal utilities. Utility capital charges will be due at the later of these points: plat recordation, establishing a water and sewer escrow or receipt of a street petition.

(continued)

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 zoning map amendment from the R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts to the R5 – Residential, R10 – Residential, RM15 – Residential, Conditional CG – Commercial and P – Public zoning districts and tentative approval of

the major subdivision final plat for Paradise Valley Second Addition, with the following condition:

1. Revisions to the Development Agreement for Paradise Valley Second Addition are approved in conjunction with Bismarck City Commission review of the final plat.

Attachments

1. Draft Zoning Ordinance
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Final Plat
5. Preliminary Plat
6. Original Plat with replatted area highlighted

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

CITY OF BISMARCK

ORDINANCE NO. XXXX

First Reading
Second Reading
Final Passage and Adoption
Publication Date

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.), AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

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

The following described property shall be excluded from the R5 – Residential zoning districts and included in the R5 – Residential zoning district:

Lots 2-42 and Lots 69-79, Block 2, Paradise Valley Second Addition

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 R5 – Residential and RM15 – Residential zoning districts and included in the R10 – Residential zoning district:

Lots 43-68, Block 2 and Lots 2-11, Block 3, Paradise Valley Second Addition

Section 3. 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 RM15 – Residential zoning district and included in the RM15 – Residential zoning district:

Lot 1, Block 3, Paradise Valley Second Addition

Section 4. 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 Conditional CG – Commercial zoning district and included in the Conditional CG - Commercial zoning district:

Lot 1, Block 1, Paradise Valley Second Addition

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

1. *Permitted Uses.* The following uses are permitted:
 - a. Multifamily dwelling.
 - b. Group dwelling.
 - c. Multifamily high rise.
 - d. Hotel-motel.
 - e. Retail group A.
 - f. Service group A.
 - g. Office-bank group.
 - h. Retail group B.
 - i. Service group B.
 - j. Commercial recreation group.
 - k. Wholesale group.
 - l. Health-medical group.
 - m. Education group.
 - n. Public recreation group.
 - o. Commercial greenhouse.
 - p. Religious institution.
 - q. Microbrew pub.
 - r. Domestic distillery.
2. *Special Uses.* The following uses are allowed as a special use pursuant to Section 14-03-08 of the City Code of Ordinances:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.
- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- f. Drive-in retail or service establishment on Lot 1, Block 1 only.
- g. Child care center.
- h. Small animal veterinary clinic.
- i. Auto laundry - car wash on Lot 1, Block 1 only.
- j. Retail liquor sales.
- k. Microbrewery.

3. *Design Standards.* The following design standards shall apply to all development.

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. All building facades must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or non-corrugated prefinished metal architectural panels (including standing seam metal products). If prefinished metal architectural panels are used, no more than 70% of any elevation facing a public right-of-way may consist of the same material, although two different panel types of complementary colors could be used.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete (including poured in place, pre-cast concrete panels and concrete block).

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming or complementary to the original architectural design and general appearance

- c. Design Elements. Overhead garage doors, such as those proposed for the business condos, must be oriented inward with entrances to all units from a common entrance point. Said entrance point shall be landscaped as needed to minimize the impact of the loading/unloading areas of these units on the adjacent residential uses. In addition, a landscaped area along the western edge of Lot 1, Block 4 shall be planted with no less than seven (7) large coniferous trees and six (6) deciduous shade trees. Garage doors may be no greater than ~~nine (9)~~ fourteen (14) feet in height. Main entrances to each unit within the business condos shall face and be clearly visible from the adjacent street frontage on the northern edge of the development and all entrances shall be articulated to define the entry point for that unit.

4. *Development Standards.*

- a. Building Height. No principal building shall exceed three (3) stories or 50 feet in height.
- b. Lighting. All exterior/outdoor lighting fixtures shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties, with the exception of low-wattage landscape lighting and up-lighting intended to highlight part of a building or landscaping; provided, that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the sky.
- c. Signage. Signage may be installed in accordance with the provisions of Chapter 14-03.1 (Signs) following standards for CA – Commercial zoning districts. Off-premise advertising signs and electronic message center signs are specifically prohibited.
- d. Lot Area, Lot Width, Lot Coverage, Setbacks and Other Requirements. All other development standards shall be as outlined in Section 14-04-12 of the City Code of Ordinances (CG Commercial District) and other applicable sections of the City Code of Ordinances.

Section 5. 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 R5 – Residential, RM15 – Residential and Conditional CG – Commercial zoning districts and included in the P - Public zoning district:

Lots 2-3, Block 1 and Lot 1, Block 2, Paradise Valley Second Addition

Section 6. Repeal. All ordinances or parts of ordinances in conflict with this ordinance area hereby repealed.

Section 7. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.



Zoning and Plan Reference Map

PPLT2023-001

PARADISE VALLEY SECOND ADDITION

Zoning Districts

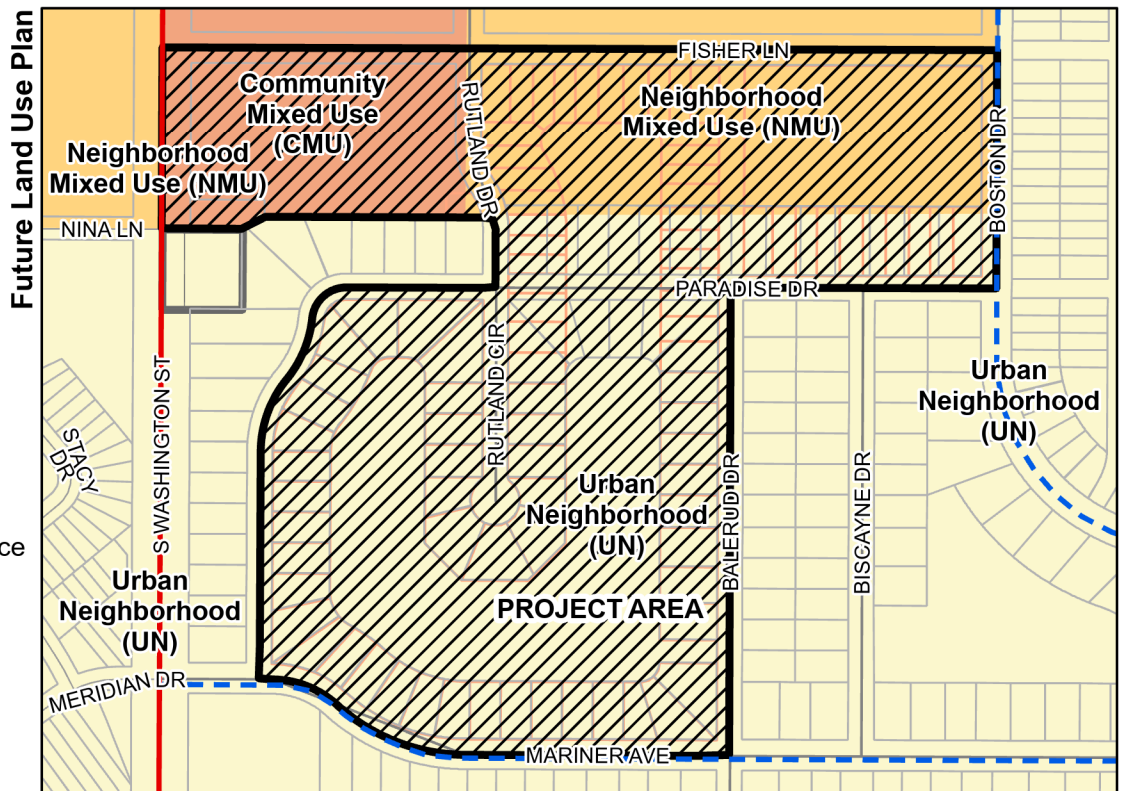
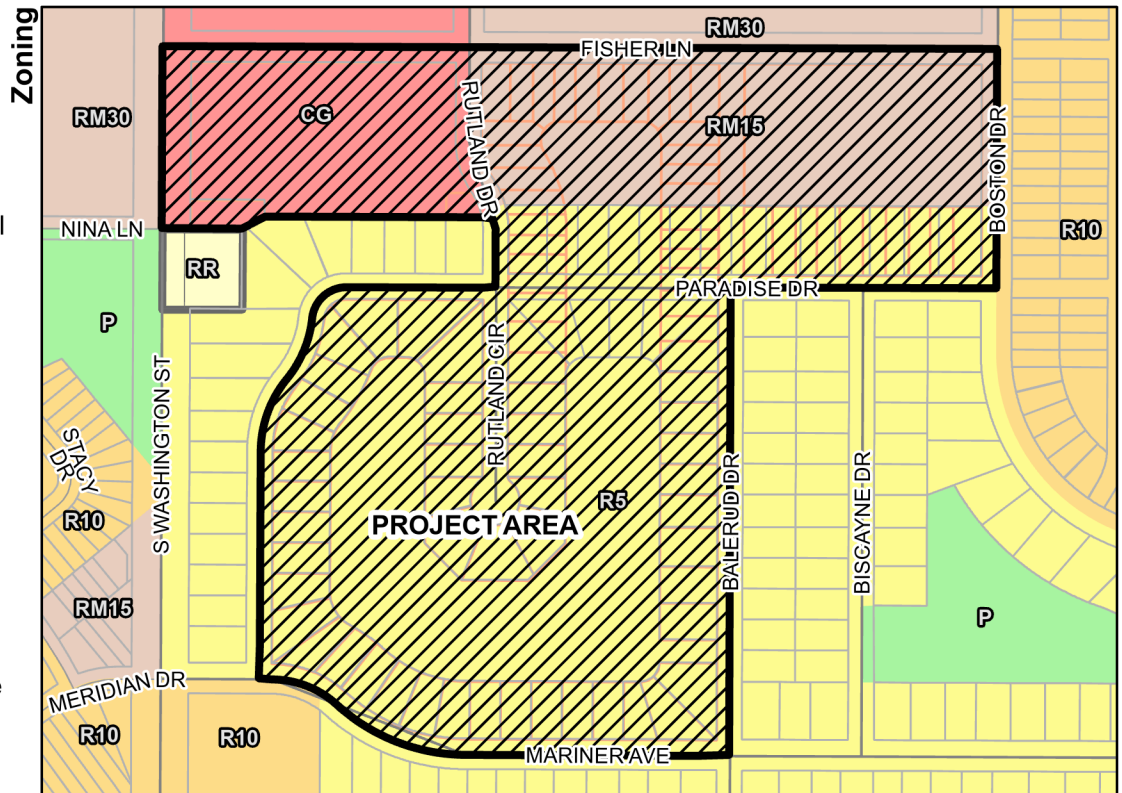
A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

Future Land Use Plan

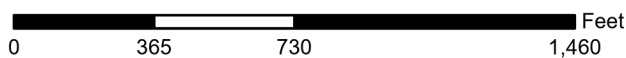
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural
TR	Residential Transitional
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

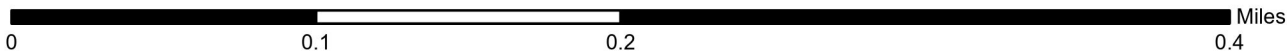
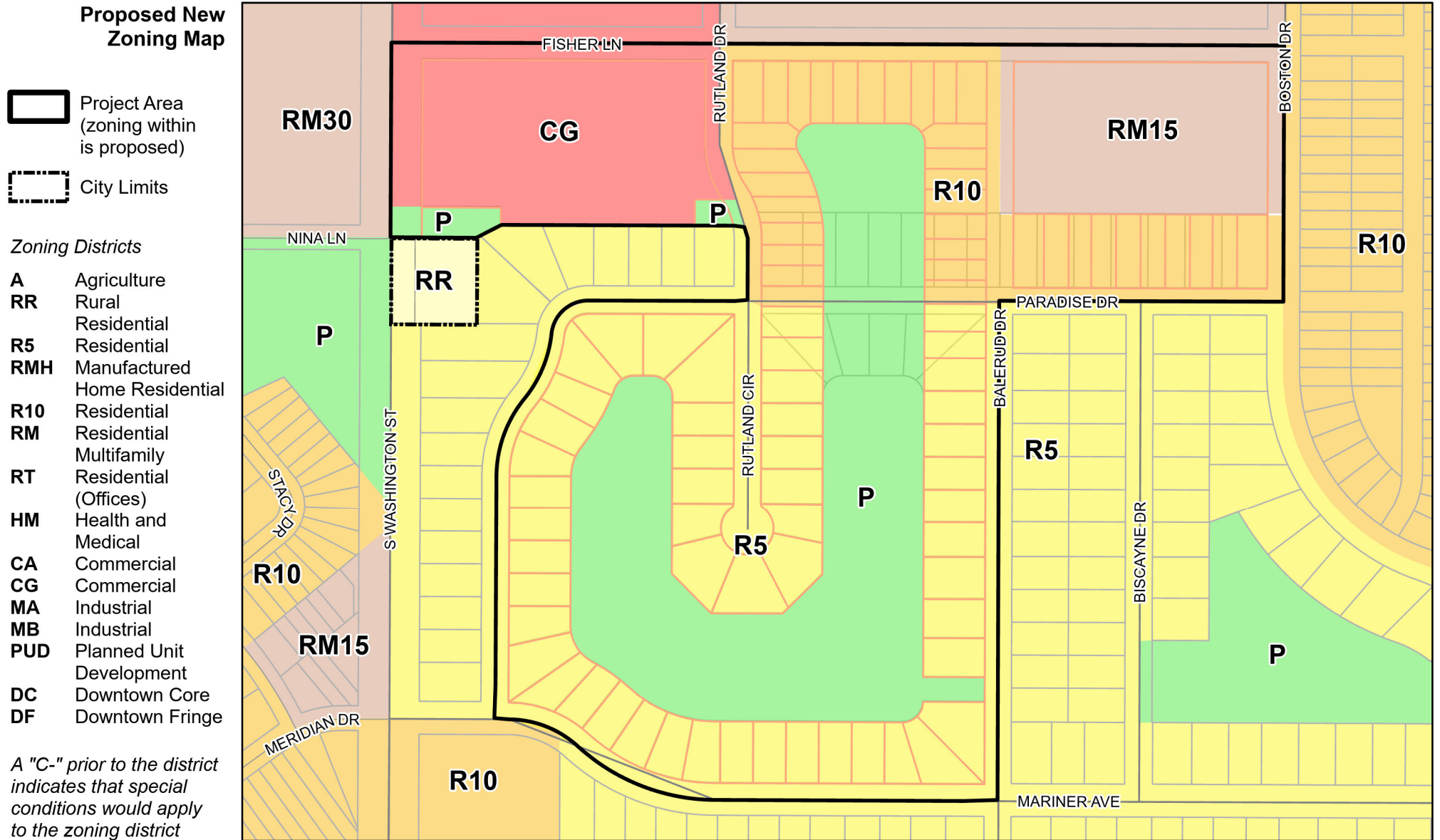
Major Street Plan

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



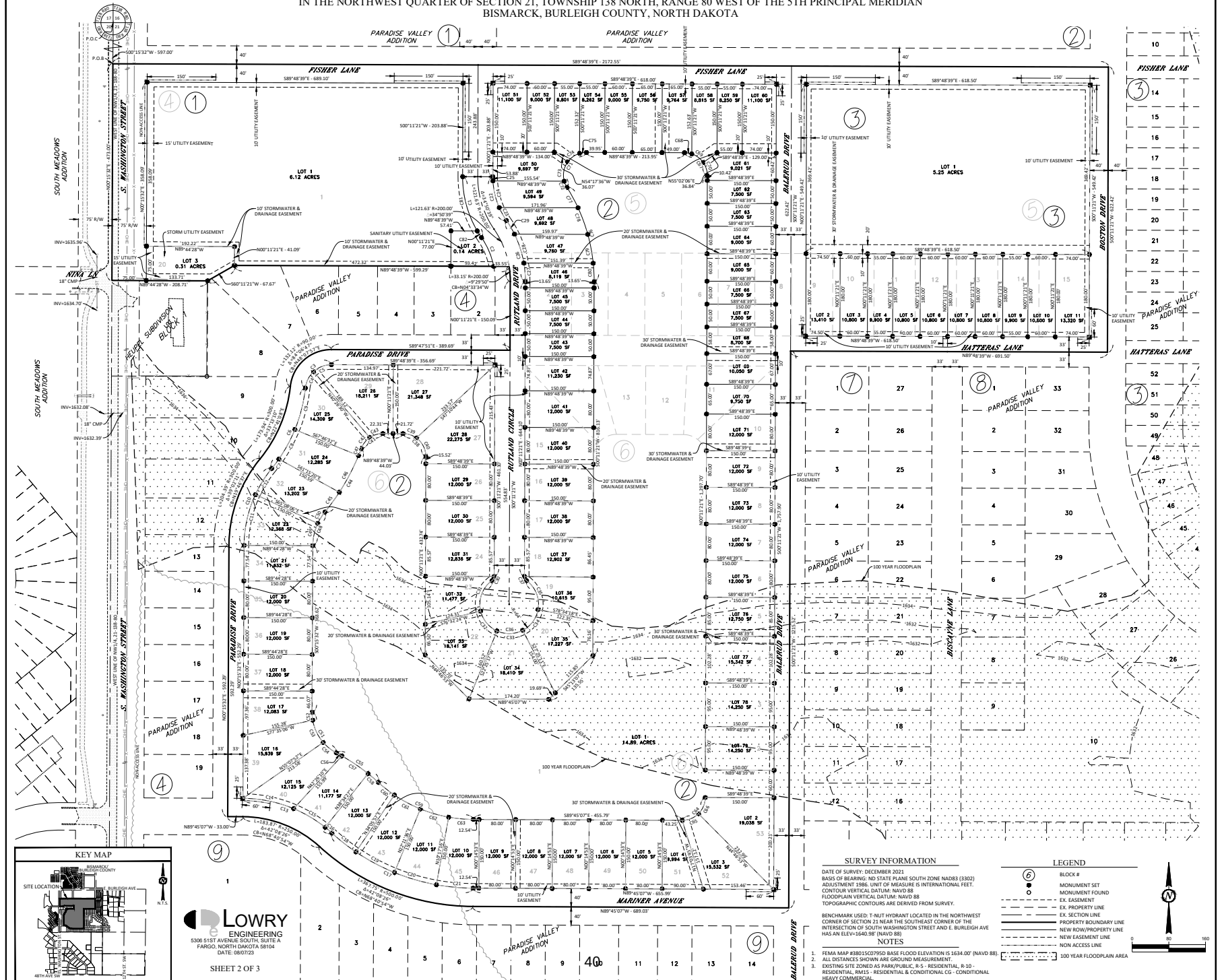
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.





PARADISE VALLEY SECOND ADDITION

A REPLAT OF LOT 1 & 20 BLOCK 4, ALL OF BLOCK 5 & ALL OF BLOCK 6 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: NO STATE PLANE SOUTH ZONE NAD83 (3202)
ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.
CONTIGUOUS VERTICAL DATUM: NAVD 88
FLOODPLAIN VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY.

BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 12 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH WASHINGTON STREET AND E. BURLEIGH AVE. HAS AN ELEVATION OF 1640.98' (NAVD 88).

NOTES

1. FEMA MAP #88015C07950 BASE FLOOD ELEVATION IS 1634.00' (NAVD 88).
2. ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.
3. EXISTING SITE ZONED AS PARK/PUBLIC, R-5, RESIDENTIAL, R-20, RESIDENTIAL, RM-15 - RESIDENTIAL & CONDITIONAL CG - CONDITIONAL HEAVY COMMERCIAL.

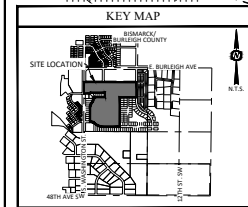
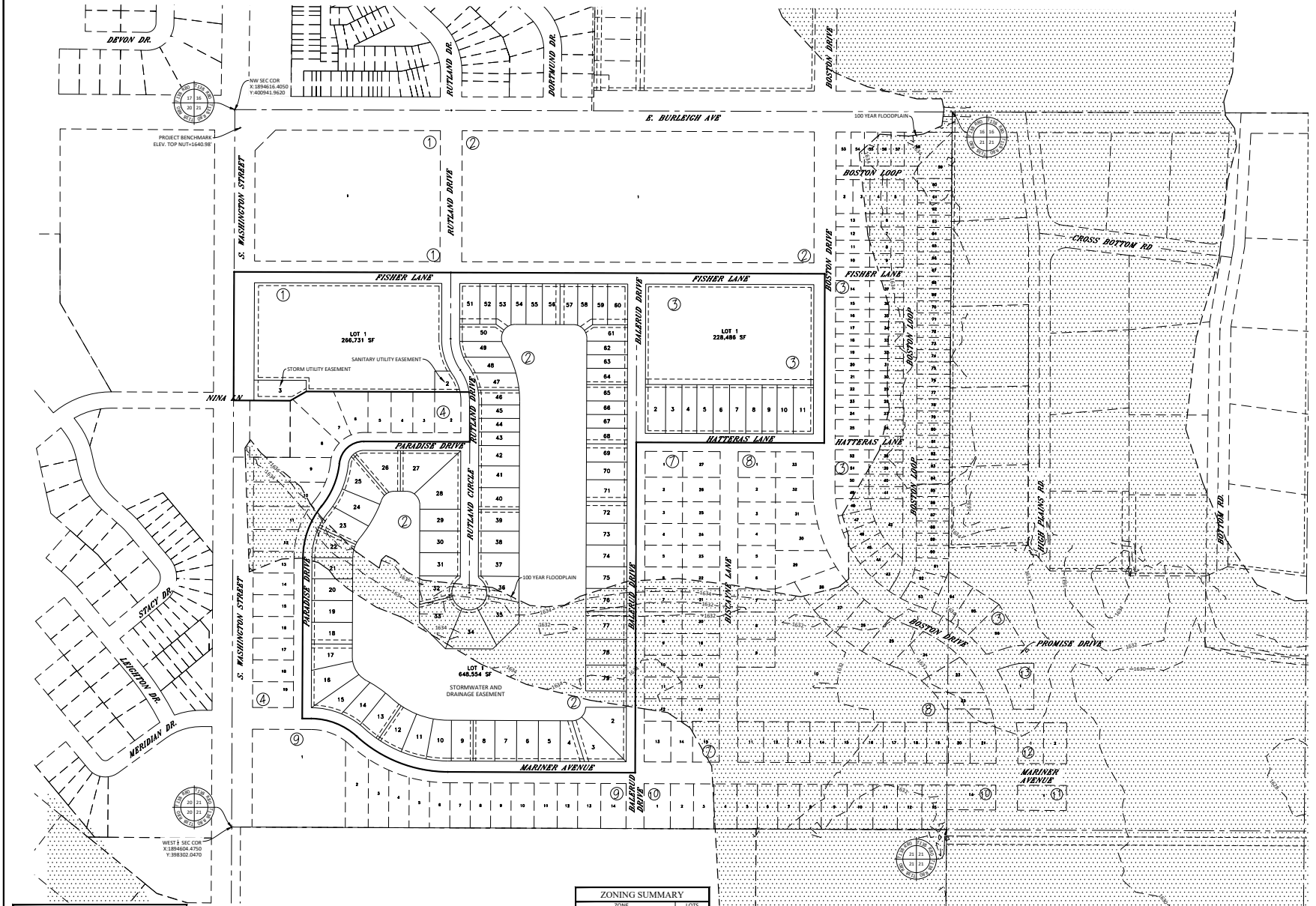
LEGEND

- Block 4
- Block 5
- Block 6
- Monument Set
- Monument Found
- Property Boundary Line
- Section Line
- Property Boundary Line
- New Row/Property Line
- New Easement Line
- Non Access Line
- 100 Year Floodplain Area

LOWRY
ENGINEERS
5306 S 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 08/07/23

PARADISE VALLEY SECOND ADDITION

A REPLAT OF LOT 1 & 20 BLOCK 4, ALL OF BLOCK 5 & ALL OF BLOCK 6 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



CURRENT OWNER'S INFORMATION
MBR PROPERTIES LLC
PO BOX 1272
BISMARCK, ND 58502

LOWRY
ENGINEERING
5008 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 10/10/23

SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 (E3002)
ADJUSTMENT: 1986. UNIFORM OF MEASURE IS INTERNATIONAL FEET.
CONTOUR VERTICAL DATUM: NAVD 88
FLOODPLAIN VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY.

BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 21 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH WASHINGTON STREET AND E. BURLEIGH AVE HAS AN ELEV=1640.98' (NAVD 88)

NOTES

- FEMA MAP #18015C0795D BASE FLOOD ELEVATION IS 1634.00' (NAVD 88).
- ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.
- EXISTING SITE ZONED AS PARK/PUBLIC, R-5 - RESIDENTIAL, R-10 - RESIDENTIAL, RM-5 - RESIDENTIAL & CONDITIONAL CG - CONDITIONAL HEAVY COMMERCIAL.

ZONING SUMMARY

ZONE	LOTS
PARK / PUBLIC	3
R5 - RESIDENTIAL	53
R10 - RESIDENTIAL	26
R15 - RESIDENTIAL	1
CONDITIONAL CG -	
CONDITIONAL HEAVY COMMERCIAL	3

AREA

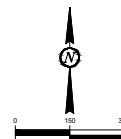
LOTS	2,190,262 SF	50.28 ACRES
RIGHT-OF-WAY	416,069 SF	9.55 ACRES
TOTAL	2,606,331 SF	59.83 ACRES

SURVEYORS INFORMATION

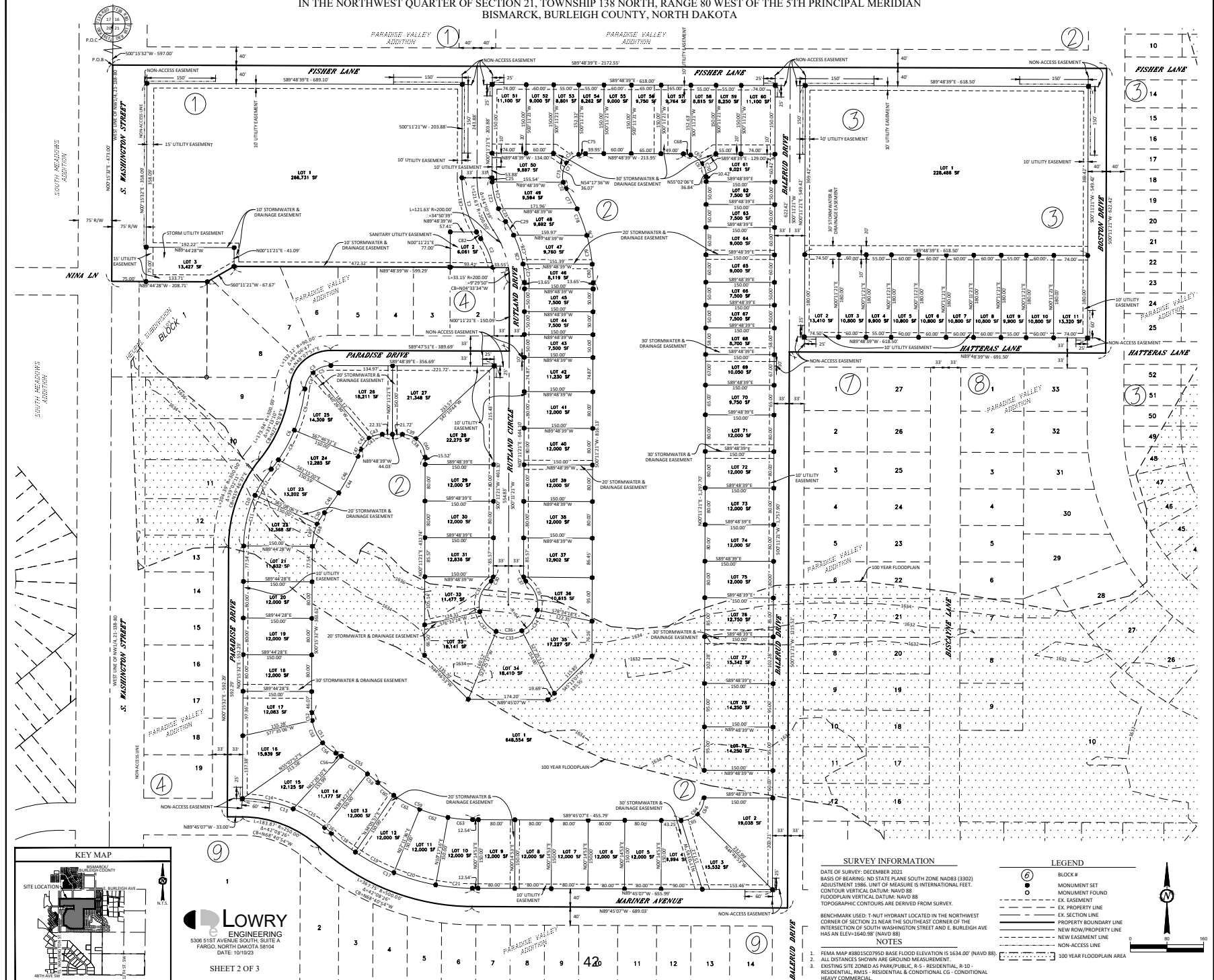
COLE A. NEST
REGISTERED LAND SURVEYOR
LS - 7513
5085 51ST AVE S, STE A
FARGO, ND 58104

LEGEND

- ⑥ BLOCK #
- MONUMENT SET
- EX. EASEMENT
- EX. PROPERTY LINE
- EX. SECTION LINE
- NEW ROW/PROPERTY LINE
- NEW EASEMENT LINE
- TRACT/PARCEL AREA
- 100 YEAR FLOODPLAIN AREA



A REPLAT OF LOT 1 & 20 BLOCK 4, ALL OF BLOCK 5 & ALL OF BLOCK 6 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



PARADISE VALLEY SECOND ADDITION

A REPLAT OF LOT 1 & 20 BLOCK 4, ALL OF BLOCK 5 & ALL OF BLOCK 6 OF PARADISE VALLEY ADDITION,
IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE S00°15'32"W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 591.00 FEET TO THE POINT OF BEGINNING; THENCE S80°48'39"E A DISTANCE OF 2172.55 FEET; THENCE S00°11'21"W A DISTANCE OF 622.42 FEET; THENCE N89°48'39"W A DISTANCE OF 691.50 FEET; THENCE S00°11'21"W A DISTANCE OF 1215.52 FEET; THENCE N89°48'07"W A DISTANCE OF 689.03 FEET; THENCE NORTHWESTERLY 367.75 FEET ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 42°08'26" AND A CHORD BEARING N60°40'54"W; THENCE WESTERLY 188.87 FEET ALONG A REVERSE CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 42°08'26" AND A CHORD BEARING N60°40'54"W; THENCE N89°48'07"W A DISTANCE OF 33.09 FEET; THENCE N00°15'32"E A DISTANCE OF 592.29 FEET; THENCE NORTHEASTERLY 204.39 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 39°02'11" AND A CHORD BEARING N15°40'37"E; THENCE NORTHEASTERLY 171.94 FEET ALONG A REVERSE CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 33°13'10" AND A CHORD BEARING N22°41'38"E; THENCE NORTHEASTERLY 132.12 FEET ALONG A REVERSE CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 84°06'47" AND A CHORD BEARING N48°07'57"E; THENCE S89°47'51"E A DISTANCE OF 389.69 FEET; THENCE N00°11'21"E A DISTANCE OF 150.09 FEET; THENCE NORTHERLY 33.15 FEET ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 7°37'50" AND A CHORD BEARING N00°33'34"W; THENCE N89°48'39"W A DISTANCE OF 599.29 FEET; THENCE S60°11'21"W A DISTANCE OF 61.67 FEET; THENCE N89°44'28"W A DISTANCE OF 208.71 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 21; THENCE N00°15'32"E ALONG SAID WEST LINE A DISTANCE OF 473.00 FEET TO THE POINT OF BEGINNING.

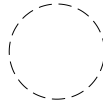
SAID TRACT OF LAND CONTAINS ±59.83 ACRES MORE OR LESS AND IS SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

SURVEYORS CERTIFICATE

I, COLE A. NESET, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE PLAT IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SHOWN HEREON ARE ACCURATE, TOGETHER WITH THOSE FOUND, ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

COLE A. NESET,
REGISTERED LAND SURVEYOR
LS - 7513
5306 51ST AVE S, STE A,
FARGO, ND 58104

DATE



APPROVAL OF CITY ENGINEER

I, GABRIEL J. SCHELL, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "PARADISE VALLEY SECOND ADDITION", BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE PLAT.

GABRIEL J. SCHELL - CITY ENGINEER

APPROVAL OF PLANNING AND ZONING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 20____, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND ORDINANCES OF THE CITY OF BISMARCK.

MICHAEL J. SCHWARTZ - CHAIR

ATTEST: BEN EHRHETH - 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, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THIS PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS APPROVED THE _____ DAY OF _____, 20____.

ATTEST
KEITH J. HUNKE - CITY ADMINISTRATOR

OWNERS' CERTIFICATE & DEDICATION

WE, MBR PROPERTIES LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY, BEING ALL OWNERS OF THE LANDS PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT TITLED PARADISE VALLEY SECOND ADDITION, AND DEDICATE AND REDEDICATE ALL RIGHTS OF WAY TO THE CITY OF BISMARCK AS SHOWN ON THIS PLAT FOR PUBLIC USE, AND CONSENT TO ANY ACCESS CONTROL TO THE PROPERTY AS SHOWN.

WE ALSO DEDICATE "STORM UTILITY EASEMENTS" INCLUSIVE OF LOT 3, BLOCK 1.

WE ALSO DEDICATE "SANITARY UTILITY EASEMENTS" INCLUSIVE OF LOT 2, BLOCK 1.

WE ALSO DEDICATE "STORMWATER AND DRAINAGE EASEMENTS" INCLUSIVE OF LOT 1, BLOCK 2.

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

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

BRAD BALERUD

BY:
BRAD BALERUD - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

STATE OF _____)
COUNTY OF _____) SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRAD BALERUD, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

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

RANDY RHONE

BY:
RANDY RHONE - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

STATE OF _____)
COUNTY OF _____) SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RANDY RHONE, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

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

STEVE MARINER

BY:
STEVE MARINER - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

STATE OF _____)
COUNTY OF _____) SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVE MARINER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

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

GREG MARINER

BY:
GREG MARINER - MEMBER
MBR PROPERTIES LLC
P.O. BOX 1272
BISMARCK, ND 58502

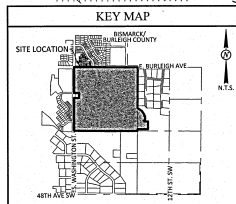
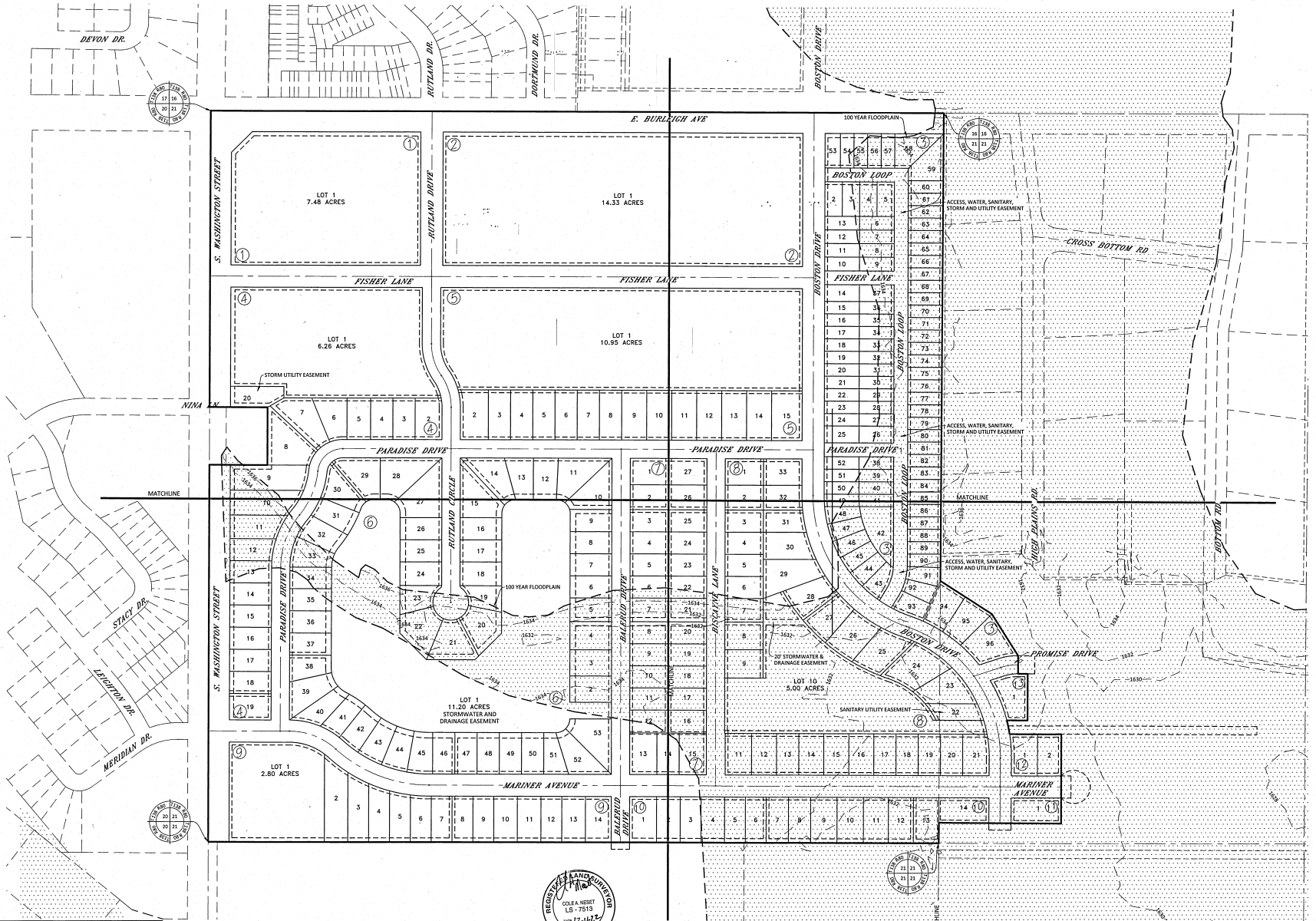
STATE OF _____)
COUNTY OF _____) SS

ON THIS _____ DAY OF _____, 20____, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED GREG MARINER, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED SAME AS HIS FREE ACT AND DEED.

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

AREA			
LOTS	2,190,262 SF	50.28 ACRES	
RIGHT-OF-WAY	416,069 SF	9.55 ACRES	
TOTAL	2,606,331 SF	59.83 ACRES	

PART OF THE NORTH HALF OF SECTION 21, TOWNSHIP 138 NORTH, RANGE 80 WEST
OF THE 5TH PRINCIPAL MERIDIAN
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



CURRENT OWNER'S INFORMATION
MBR PROPERTIES LLC
2211 E MAIN AVE
BISMARCK, ND 58501



5306 51ST AVENUE SOUTH, SUITE A
FARGO, NORTH DAKOTA 58104
DATE: 11/30/22

SURVEY INFORMATION

DATE OF SURVEY: DECEMBER 2021
BASIS OF BEARING: ND STATE PLANE SOUTH ZONE NAD83 (3302)
ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.
CONTOUR VERTICAL DATUM: NAVD 88
FLOODPLAIN VERTICAL DATUM: NAVD 88
TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY.

BENCHMARK USED: T-NUT HYDRANT LOCATED IN THE NORTHWEST CORNER OF SECTION 21 NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH 14 WASHINGTON STREET AND W. BURLEIGH AVE HAS AN ELEV=1640.98" (NAVD 88)

NOTES

FEMA MAP #38015-02795D BASE FLOOD ELEVATION IS 1634.00'. ALL DISTANCES SHOWN ARE GROUND MEASUREMENT.

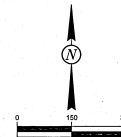
LOTS 2-93 IN BLOCK 3 ARE SIZED FOR ONE HALF OF A TWO UNIT ROW HOUSE. THESE LOTS ARE NOT DEVELOPABLE AS SINGLE LOTS.

AREA		
LOTS	5,729,228 SF	131.53 ACRES
RIGHT-OF-WAY	1,452,790 SF	33.35 ACRES
TOTAL	7,182,018 SF	164.92 ACRES

SURVEYORS INFORMATION
COLE A. NESET
 REGISTERED LAND SURVEYOR
 ND REG. NO. 7513
 5306 51ST AVE S. STE A.
 FARGO, ND 58104

LEGEND

- | | |
|---|--------------------------|
|  | BLOCK # |
|  | MONUMENT SET |
|  | MONUMENT FOUND |
|  | EX. EASEMENT |
|  | EX. PROPERTY LINE |
|  | EX. SECTION LINE |
|  | PROPERTY BOUNDARY LINE |
|  | NEW ROW/PROPERTY LINE |
|  | NEW EASEMENT LINE |
|  | CITY LIMITS |
|  | TRACT/PARCEL AREA |
|  | 100 YEAR FLOODPLAIN AREA |



STAFF REPORT

Agenda Item # 5

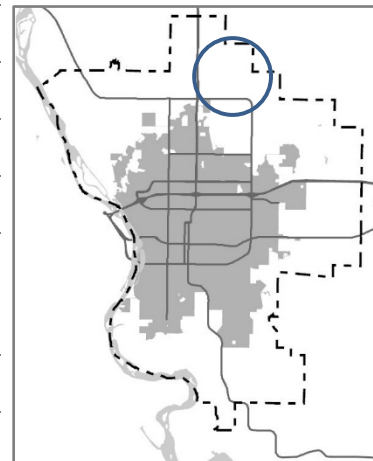
October 25, 2023

Application for: **Special Use Permit**

Project ID: **SUP2023-008**

Project Summary

<i>Title:</i>	Sunny-view Acres Accessory Building
<i>Status:</i>	Planning and Zoning Commission - Public Hearing
<i>Property Owner(s):</i>	Justin and Jessica Hofmann
<i>Project Contact:</i>	Justin and Jessica Hofmann
<i>Project Location:</i>	North of Bismarck, along the north side of 76th Avenue NE, between Stone Loop and Moonstone Lane
<i>Project Size:</i>	2.08 acres
<i>Applicant Request:</i>	Increase allowable size of accessory structures to 3,200 square feet
<i>Staff Recommendation:</i>	Approve



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>	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>	Sunnyview

Property History

<i>Zoned:</i>	09/2004
<i>Platted:</i>	05/2000
<i>Annexed:</i>	NA

Project Narrative

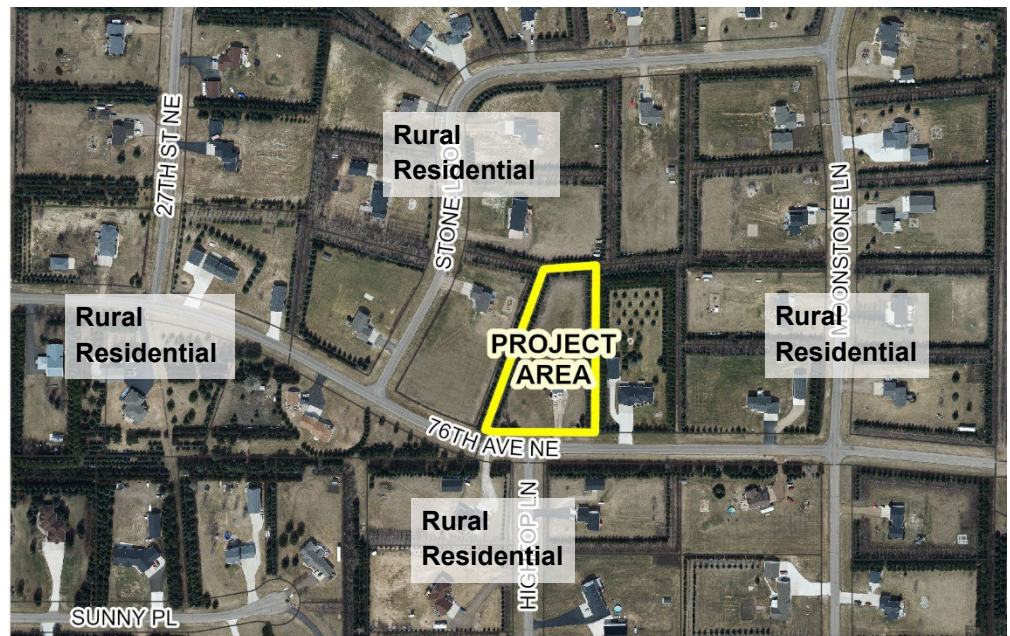
Justin and Jessica Hofmann are requesting approval of a special use permit to increase the allowable size of accessory structures to 3,200 square feet on Lot 1, Block 1, Sunny-view Acres Ninth.

Their parcel is within the Extraterritorial Area and is large enough to have an allowable maximum size of accessory structures of 2,400 square feet without the SUP.

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 special use permits are referenced in review standards below.

The project area is zoned RR - Rural Residential and is surrounded by RR – Rural Residential land. The Growth Phasing Plan neither identifies the area for city expansion nor as Urban Reserve; therefore, urban-style redevelopment within the next 50 years is unlikely.

Public Engagement

The Hay Creek Township was notified of this request on October 11. The township has not responded to the notification as of this staff report.

The public has been duly notified of this request. A notice was published in the Bismarck Tribune on October 13 and October 20, and 79 letters were mailed to the owners of nearby properties on October 13, 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

(continued)

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.

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

Yes. *The proposed accessory structure will conform to requirements of Section 14-03-06(1)(b)(5), which states, “the allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).” The size of the lot is 2.08 acres (≈90,605 sq ft) and the sum of all accessory structures on the lot would be 3,200 sq ft.*

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 special use permit 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 special use permit for an increased maximum allowable size of accessory structures to 3,200 sq ft.

Attachments

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

Staff report prepared by: Isak Johnson, Planner

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**RESOLUTION OF
BISMARCK PLANNING AND ZONING COMMISSION**

**SPECIAL USE PERMIT FOR INCREASING ALLOWABLE SIZE OF ACCESSORY
STRUCTURES TO 3,200 SQUARE FEET
IN SUNNY-VIEW ACRES NINTH SUBDIVISION (SUP2023-008)**

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 Lot 1, Block 1, Sunny-view Acres Ninth Subdivision have requested approval of a special use permit to allow an increased allowable size of accessory structures to 3,200 square feet in the RR – Residential zoning district on said property; and

WHEREAS, The Bismarck Planning and Zoning Commission held a public hearing on October 25, 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 increased allowable size of accessory structures to 3,200 square feet on Lot 1, Block 1, Sunny-view Acres Ninth Subdivision is hereby approved, subject to the following conditions:

1. The special use permit is put into use by October 25, 2025.
2. All other terms and conditions of the zoning ordinance are met.

Adopted this 25th day of October, 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 October 25, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand, this 25th day of October, 2023.

Ben Ehreth
Community Development Director
Bismarck, North Dakota



Zoning and Plan Reference Map

SUP2023-008

SUNNY-VIEW ACRES 9TH OVERSIZED ACCESSORY BUILDING

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

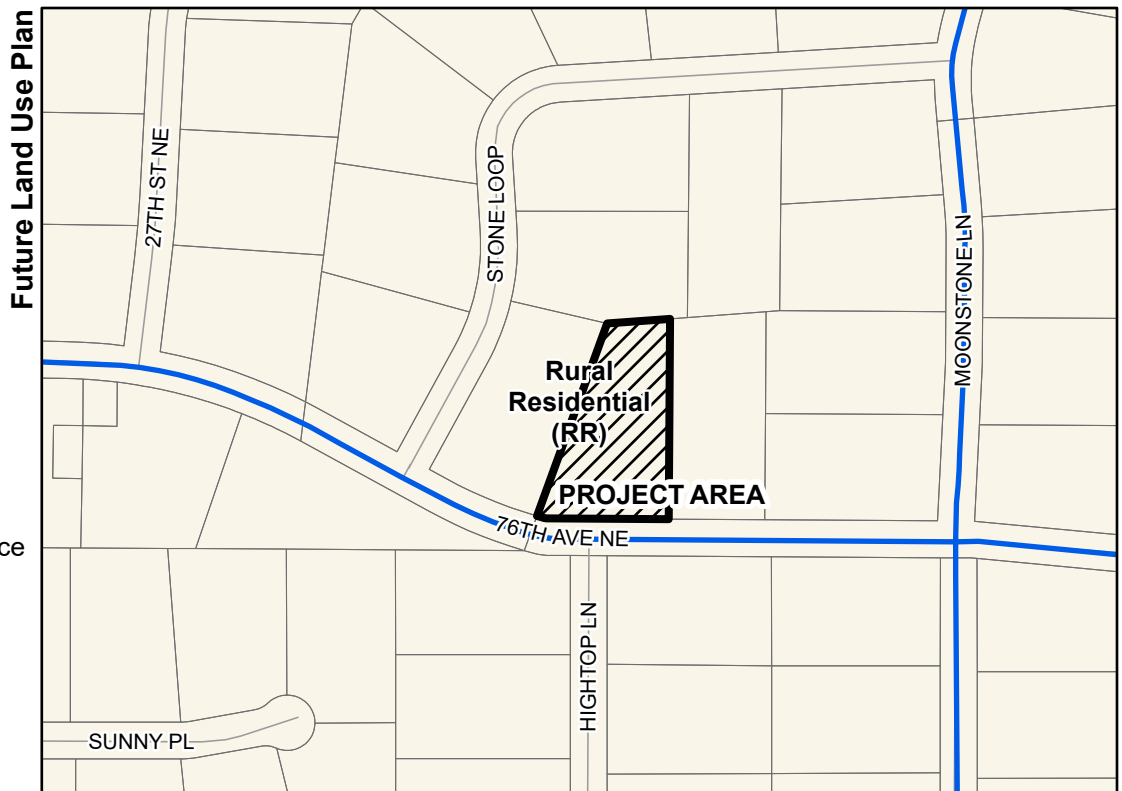
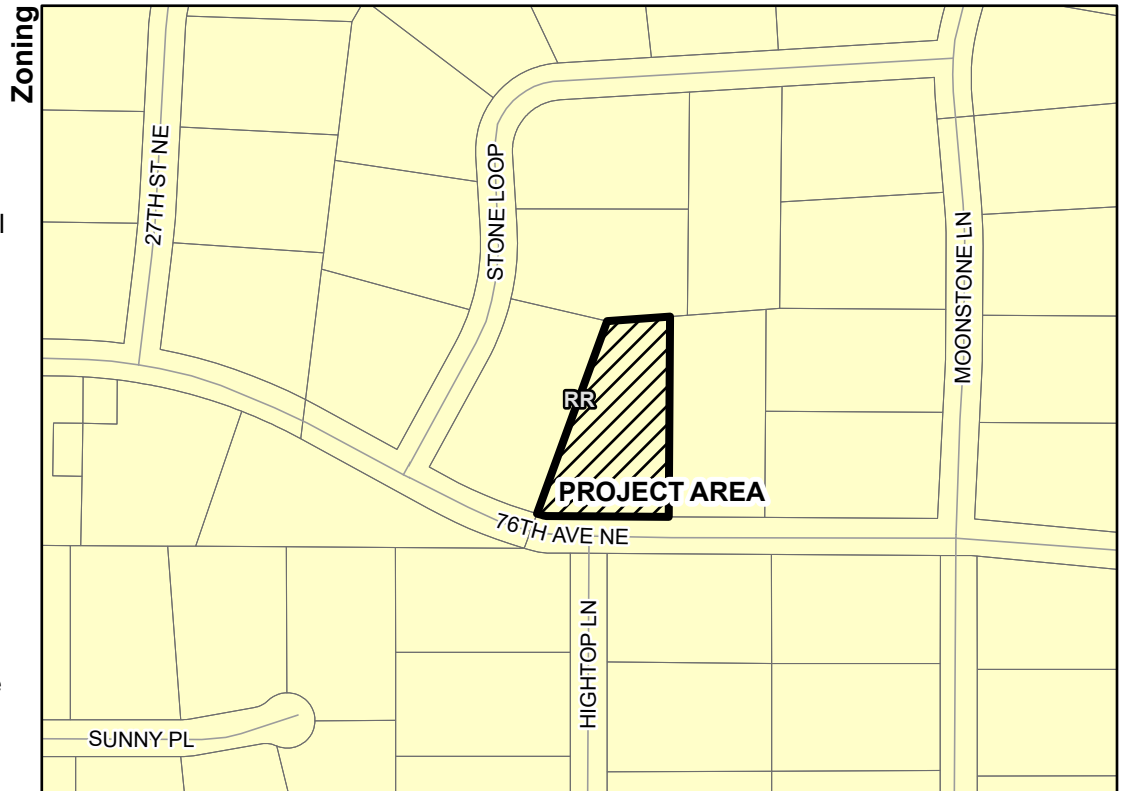
UN	Urban
NMU	Neighborhood Mixed Use
CMU	Community Mixed Use
DMU	Destination Mixed Use
DT	Downtown
IND	Industrial
IF	Industrial Flex
IMU	Industrial Mixed Use
INS	Institutional
RR	Rural Residential
TR	Transitional Rural
PKOS	Parks/Open Space
URA/URB	Urban Reserve Mid/Long-Term

Active Mobility Plan

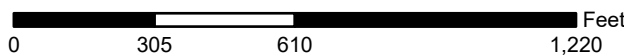
— Future Shared Trail

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 herein.



City of Bismarck
Community Development
Planning Division
September 29, 2023



more than
50'

36x88

3,200.50 ft²

2950

more than 1-1
10' from House

more than 5'
from street

more
than 15'
from
Property
Line

7601

76

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 27, 2023**

The Bismarck Planning & Zoning Commission met on September 27, 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 Robert Field, Cole Johnson, Daniel Lukens, Gabe Schell, Wendy Van Duyne, Trent Wangen, and Paul Zent.

Commissioners Brian Bitner, Payl Levchak and Mike Schmitz were absent.

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 August 23, 2023 meeting.

MOTION: Commissioner Wangen made a motion to approve the minutes of the August 23, 2023 meeting, as presented. Commissioner Zent seconded the motion, and it was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

CONSIDERATION

3. LOT 1, BLOCK 1, BREI ESTATES FIRST ADDITIONS – ZONING MAP AMENDMENT

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

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
TRILLIUM FIFTH ADDITION**

Chair Schwartz called for the public hearing on the minor subdivision final plat for Trillium Fifth Addition. The property is located in southeast Bismarck, in the northeast 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).

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 proposed zoning map amendment 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 Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area, per findings from the Engineering Department.

Chair Schwartz opened the public hearing.

Molly Barnes, the applicant came forward to thank staff, request approval, and answer any questions from the commissioners.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the minor subdivision final plat for Trillium Fifth Addition, with the condition that any proposed development exceeding a maximum of 65 percent impervious surface area will require additional stormwater considerations in the subdivision area. Commissioner Lukens seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING - SPECIAL USE PERMIT (ELECTRONIC MESSAGE CENTER) LOT 5, BLOCK 1, GRANDVIEW HEIGHTS

Chair Schwartz called for the public hearing on a special use permit to allow an electronic message center sign on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights. The property is located in northwest Bismarck, along the south side of Burnt Boat Drive, between Broadview Lane and North Grandview Lane (1715 Burnt Boat 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 proposed special use permit would not adversely impact the public health, safety, and general welfare.

Mr. Johnson said, based on the findings, staff recommends approval of the proposed special use permit to allow an electronic message center sign on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights, with the condition that 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.

Chair Schwartz opened the public hearing.

Commissioner Zent asked if the sign would be lit all night. Scott Hager with Bismarck Sign Co. LLC came forward and stated that the owners intend to follow all code requirements, which allows the sign to remain on at night but with no frame changes.

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

Commissioner Schell questioned the addition of the condition to follow the ordinance. Mr. Nairn answered that it is not strictly necessary but does provide the owner and applicant with clear instructions.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the special use permit to allow an electronic message center on the east 63.5' of Lot 5, all of Lot 6, and the West ½ of Lot 7, Block 3, Grandview Heights with the conditions stated in the staff report. Commissioner Johnson seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, Schwartz, Van Duyne, Wangen, and Zent voting in favor of the motion.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 2 AND LOT 4, BLOCK 1, BRIESE SUBDIVISION

Chair Schwartz called for the public hearing on a rural residential lot split for Lot 2 and Lot 4, Block 1, Briese Subdivision. The property is located 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).

Ms. Wollmuth gave an overview of the request, stating that 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. She then 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 rural residential lot split on Lot 2 and Lot 4, Block 1, Briese Subdivision, with the following conditions:

1. Prior to the issuance of any building permits for the new parcel:
 - a. The frontage road along the west side of Fernwood Drive be removed
 - b. The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission
 - c. The platted non-access line along the east side of the proposed new parcel, adjacent to Fernwood Drive, be vacated by the City Commission
 - d. Approval of a second access to Lot 4 be approved by the Burleigh County Commission
 - e. An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder

Commissioner Zent asked if staff had any comments from the township. Ms. Wollmuth stated Hay Creek Township was notified but staff had not received any response.

Chair Schwartz asked if the back of the lot is buildable. Ms. Wollmuth answered that the applicant's consultant created a unique shape in order to meet minimum size, depth and width requirements outlined in the RR – Residential zoning district requirements.

Chair Schwartz opened the public hearing.

Tamara Unterseher, the applicant, came forward to explain her need for the lot modification.

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

MOTION: Based on the findings contained in the staff report, Commissioner Zent made a motion to recommend approval of the rural residential lot split for Lot 2 and Lot 4, Block 1, Brieze Subdivision including the conditions that prior to the issuance of any building permits for the new parcel: The frontage road along the west side of Fernwood Drive be removed; The platted non-access line along the south side of Lot 4, adjacent to Sandy River Drive be vacated by the City Commission; The platted non-access line along the east side of the proposed new parcel, adjacent to Fernwood Drive, be vacated by the City Commission; Approval of a second access to Lot 4 be approved by the Burleigh County Commission; An Auditor's Plat describing the resulting parcels is recorded with the Burleigh County Recorder. Commissioner Field seconded the motion, and the motion was unanimously approved with Commissioners Field, Johnson, Lukens, Schell, 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 5:26 p.m. to meet again on October 25, 2023.

Respectfully submitted,

Sarah Fricke
Recording Secretary

Mike Schwartz
Chair

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2023

*****City*****

*****ETA*****

	9/2023		9/2022		9/2023		9/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	17	\$4,858,292.05	28	\$7,193,723.59	3	\$1,583,789.10	2	\$1,043,890.89
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	\$1,344,322.55	14	\$3,387,781.08	0	\$0.00	0	\$0.00
MULTI FAMILY RESIDENTIAL	2	\$16,729,556.90	4	\$8,996,526.51	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	3	\$136,388.35	2	\$141,320.64	0	\$0.00	3	\$308,551.83
DETACHED GARAGE	2	\$22,000.00	5	\$50,625.00	5	\$213,000.00	3	\$145,200.00
DECKS\PORCHES & COVERED PORCHES	25	\$104,589.04	13	\$40,235.25	4	\$19,432.50	0	\$0.00
SWIMMING POOLS	4	\$386,888.00	1	\$85,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ALTERATION/OTHER	2	\$13,979.62	3	\$378,012.52	1	\$27,738.97	0	\$0.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	3	\$7,515.00	1	\$9,000.00	1	\$2,880.00	0	\$0.00
BASEMENT FINISH	5	\$89,655.00	1	\$14,297.50	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	4	\$77,800.00	5	\$28,900.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	5	\$40,145.00	1	\$1,000.00	0	\$0.00	0	\$0.00
COMMERCIAL NEW CONSTRUCTION	1	\$3,700,812.00	8	\$2,760,925.00	0	\$0.00	1	\$2,496,426.00
COMMERCIAL ADDITION	0	\$0.00	2	\$8,538,638.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	5	\$1,193,400.00	8	\$2,837,872.00	0	\$0.00	0	\$0.00
Total	84	\$28,705,343.51	97	\$34,463,857.09	14	\$1,846,840.57	9	\$3,994,068.72

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2023

*****City*****

*****ETA*****

	9/2023		9/2022		9/2023		9/2022	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	92	\$0.00	167	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	125	\$1,335,047.86	156	\$1,562,138.83	7	\$100,207.00	5	\$22,955.00
BUILDING PLUMBING	39	\$921,767.75	66	\$1,755,125.00	5	\$55,726.00	6	\$138,528.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	10	\$0.00	5	\$0.00
Total	256	\$2,256,815.61	389	\$3,317,263.83	22	\$155,933.00	16	\$161,483.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2023

*****City*****

*****ETA*****

	9/2023	9/2022	9/2023	9/2022
Living Units	Units	Units	Units	Units
BASEMENT FINISH	0	0	0	0
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
DETACHED GARAGE	0	0	0	0
RESIDENTIAL ADDITION	0	0	0	0
RESIDENTIAL ALTERATION/OTHER	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	11	0	0
SINGLE FAMILY DETACHED	15	27	3	2
SWIMMING POOLS	0	0	0	0
Total	21	38	3	2

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2023

*****City*****

*****ETA*****

	9/2023		9/2022		9/2023		9/2022	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	62	\$22,856,425.62	143	\$42,551,471.90	22	\$8,519,322.39	27	\$10,024,712.35
ROWHOUSE (2) 1-HR FIRE SEPARATION	70	\$16,121,503.33	68	\$14,839,400.77	8	\$2,395,976.11	0	\$0.00
MULTI FAMILY RESIDENTIAL	34	\$23,149,556.90	5	\$8,996,526.51	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	13	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL ADDITION	14	\$710,052.30	9	\$349,266.04	8	\$848,864.43	9	\$1,079,858.10
DETACHED GARAGE	20	\$423,850.10	26	\$304,533.75	36	\$1,621,380.00	40	\$1,746,428.00
DECKS\PORCHES & COVERED PORCHES	110	\$689,457.15	66	\$210,247.55	13	\$66,773.50	9	\$252,803.45
SWIMMING POOLS	12	\$1,057,388.00	10	\$855,286.00	5	\$423,400.00	7	\$714,601.00
RESIDENTIAL ALTERATION/OTHER	46	\$1,807,262.71	35	\$1,349,378.85	9	\$730,002.07	10	\$506,459.22
HOME OCCUPATION	3	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHED	13	\$34,852.50	9	\$30,955.00	5	\$13,260.00	2	\$12,000.00
BASEMENT FINISH	38	\$831,829.50	38	\$1,004,983.50	5	\$133,945.00	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	53	\$994,106.53	58	\$475,178.00	1	\$6,600.00	3	\$46,866.00
SIGN ALTERATION	24	\$182,228.64	2	\$36,000.00	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	81	\$89,945,699.38	56	\$76,019,155.00	4	\$1,450,000.00	22	\$8,921,426.00
COMMERCIAL ADDITION	4	\$3,779,890.00	7	\$16,613,387.00	0	\$0.00	2	\$7,118,268.00
COMMERCIAL ALTERATION	77	\$28,798,915.34	61	\$19,169,483.88	7	\$1,003,547.00	2	\$3,715,000.00
Total	687	\$191,692,252.00	611	\$182,805,253.75	133	\$17,213,070.50	151	\$34,367,073.62

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2023

*****City*****

*****ETA*****

	9/2023		9/2022		9/2023		9/2022	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	700	\$0.00	790	\$201,500.00	2	\$0.00	4	\$0.00
BUILDING MECHANICAL	1095	\$18,672,918.19	1135	\$23,700,230.00	204	\$2,368,539.64	198	\$1,583,097.99
BUILDING PLUMBING	277	\$7,899,866.04	347	\$10,809,315.92	56	\$698,661.14	70	\$966,344.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	25	\$25,000.00	19	\$2,000.00
Total	2072	\$26,572,784.23	2272	\$34,711,045.92	287	\$3,092,200.78	291	\$2,551,441.99

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 9/2023**

*****City*****

*****ETA*****

	9/2023	9/2022	9/2023	9/2022
Living Units	Units	Units	Units	Units
DECKS\PORCHES & COVERED PORCHES	0	0	0	0
MULTI FAMILY RESIDENTIAL	131	60	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	68	64	6	0
SINGLE FAMILY DETACHED	60	138	20	21
SWIMMING POOLS	0	0	0	0
Total	271	265	26	21