



REQUEST FOR CITY COMMISSION ACTION

Item Description: Various Publicly-owned Lots and Tracts in South Bismarck and ETA (Phase 6 of 6) – Zoning Change (A, MA, RR & R5 to P)

REQUEST

The City of Bismarck's Community Development Department – Planning Division has initiated this zoning change for publicly owned land from various zoning districts to the P – Public zoning district.

All of the parcels are located in south Bismarck or south of the corporate limits in the City's extraterritorial area, except for one stormwater detention area with the North Plains Commerce Centre. Two parcels that are part of Cottonwood Park are proposed for rezoning. Other sites proposed for rezoning are part of the grounds of the Missouri River Correctional Center, Prairie Rose School, and the portion of Sibley Island within the City's jurisdiction.

Representatives from the Parks and Recreation District, state agencies, and Bismarck Public Schools were consulted to assure that all of the properties listed will continue in their current use into the future.

PLANNING & ZONING COMMISSION

The Planning & Zoning Commission held a public hearing on the zoning change on May 25, 2016.

No members of the public spoke at the public hearing.

At the conclusion of the public hearing, and based on the findings contained in the staff report, the Planning & Zoning Commission unanimously recommended approval of the zoning change from the A – Agricultural, RR – Residential, MA – Industrial and R5 – Residential zoning districts to the P – Public zoning district for various publicly-owned lots and tracts in south Bismarck and the ETA.

The staff report from the May 25th meeting of the Planning & Zoning Commission is attached.

RECOMMENDED CITY COMMISSION ACTION

June 14th Meeting of the Board of City Commissioners – consider the request for the zoning change as outlined in Ordinance 6216, and call for a public hearing on the item for the June 28th meeting of the Board of City Commissioners.

June 28th Meeting of the Board of City Commissioners – hold a public hearing on the request for the zoning change as outlined in Ordinance 6216, and take final action on the request.

ORDINANCE NO. 6216

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

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

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

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

The following described property shall be excluded from the R5-Residential zoning district and included in the P-Public zoning district:

Auditor's Lot G of the SW ¼ of NE ¼, the NW ¼ of the SE ¼, the NE ¼ of the SW ¼, and the SE ¼ of the NW ¼ of Section 16, T138N-R80W/Lincoln Township.

The following described properties shall be excluded from the RR-Residential zoning district and included in the P-Public zoning district:

Lot 5, Block 3, Ridgeview Acres 2nd Subdivision

Lot A of Lot 22, Block 2, Falconer Estates

Lot A of Lot 23, Block 2, Falconer Estates

All unplatted portions of the SW ¼ of Section 34, T138N-R80W/Lincoln Township, known as a portion of Sibley Island.

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

Auditor's Lot A of Lot 1, Block 2, Northern Plains Commerce Centre Addition.

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

Auditor's Lot H of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, T138N-R80W/Lincoln Township.

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

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



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

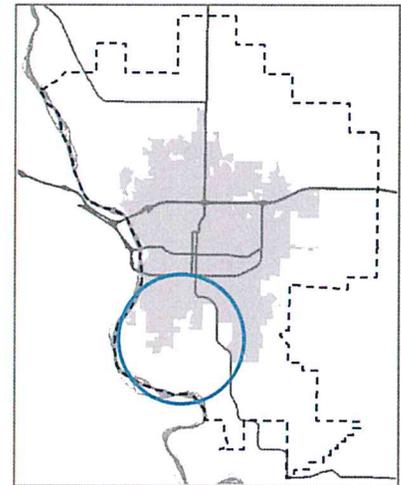
May 25, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-004

Project Summary

Title:	Various P-Public District Zoning Changes (R5, RR, MA, and A to P) – Phase 6 of 6
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bismarck Parks and Recreation District Bismarck Public Schools State of North Dakota United States Army Corp of Engineers
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Various tracts of land in south Bismarck.
Project Size:	108.73 Acres
Request:	City-initiated action to rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	8 tracts	<i>Number of Lots:</i>	8 tracts
<i>Land Use:</i>	Parks, schools, stormwater facility, open space	<i>Land Use:</i>	Parks, schools, stormwater facility, open space
<i>Designated GMP</i>	Civic	<i>Designated GMP</i>	Civic
<i>Future Land Use:</i>	Low Density Residential Conventional Rural Residential	<i>Future Land Use:</i>	Low Density Residential Conventional Rural Residential
<i>Zoning:</i>	R5 – Residential RR – Residential MA – Industrial A – Agriculture	<i>Zoning:</i>	P – Public Use
<i>Uses Allowed:</i>	Various, depending on zone	<i>Uses Allowed:</i>	P – Parks, schools, open space, stormwater facilities, and other public uses.
<i>Max Density Allowed:</i>	Various, depending on zone	<i>Max Density Allowed:</i>	P – N/A

(continued)

Staff Analysis

In Section 14-04-16 of the Bismarck Code of Ordinances, the P – Public zoning district is “established as a district in which the predominant use of land is for public uses,” specifically for public recreation, education and other government services. Over time, several parcels throughout the city have been acquired by a government agency and put to public use, while remaining in their original zoning district. The Community Development Department proposes to rezone these properties to the P – Public zoning district, in order to meet the intent of the ordinance and improve the consistency of the zoning map.

This project is the last of six rezoning phases planned. All of the parcels are south of the city limits in the City’s Extraterritorial Area, except for one stormwater detention area with the North Plains Commerce Center.

Two parcels that are part of Cottonwood Park are proposed for rezoning. Other sites proposed for rezoning are part of the grounds of the Missouri River Correctional Center, Prairie Rose School, and the portion of Sibley Island within the City’s jurisdiction.

Representatives from the Parks and Recreation District, state agencies, and Bismarck Public Schools were consulted to assure that all of the properties listed will continue in their current use into the future.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification, as the properties are already annexed and served;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established;

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

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the P – Public zoning district for the properties described as:

- Auditor’s Lot G of the SW ¼ of NE ¼, the NW ¼ of the SE ¼, the NE ¼ of the SW ¼, and the SE ¼ of the NW ¼ of Section 16 T138N-R80W/Lincoln Township.

And of the zoning change from the RR – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 5, Block 3, Ridgeview Acres 2nd Subdivision
- Lot A of Lot 22, Block 2, Falconer Estates
- Lot A of Lot 23, Block 2, Falconer Estates
- All unplatted portions of the SW ¼ of Section 34, T138N-R80W/Lincoln Township, known as a portion of Sibley Island.

And of the zoning change from the MA – Industrial zoning district to the P – Public zoning district for the properties described as:

- Auditor’s Lot A of Lot 1, Block 2, Northern Plains Commerce Centre Addition.

And of the zoning change from the A –Agricultural zoning district to the P – Public zoning district for the properties described as:

- Auditor's Lot H of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Section 16, T138N-R80W/Lincoln Township.

- Government lot 5 of the SE ¼ of Section 19, T138N-R80W/Lincoln Township.

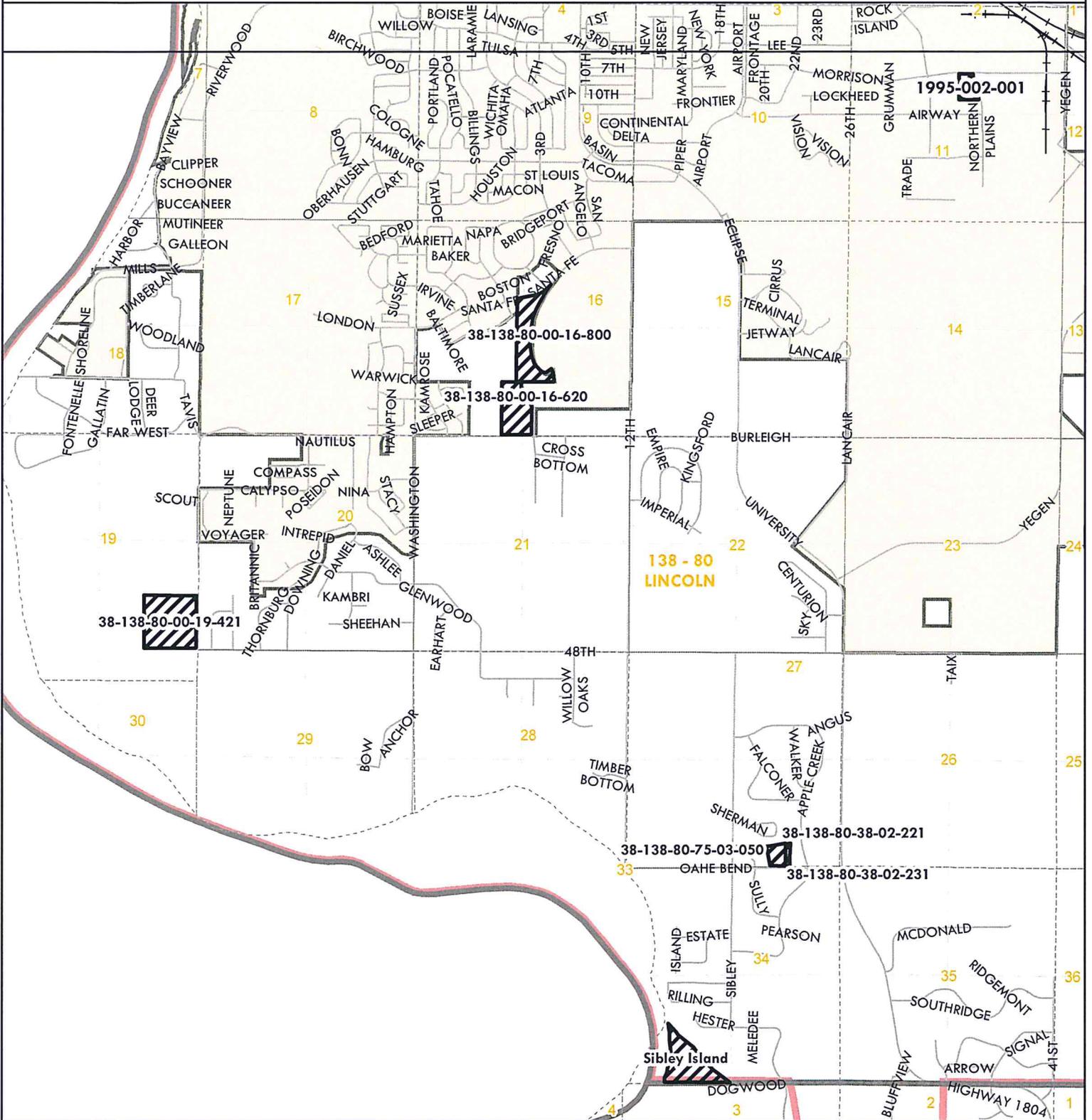
And of the zoning change from the A –Agricultural zoning district and the P – Public zoning district to the P – Public zoning district for the properties described as:

Attachments

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

Phase VI: Various P-Public Zoning Changes (RR, R5, MA and A to P) in South Bismarck and Bismarck ETA

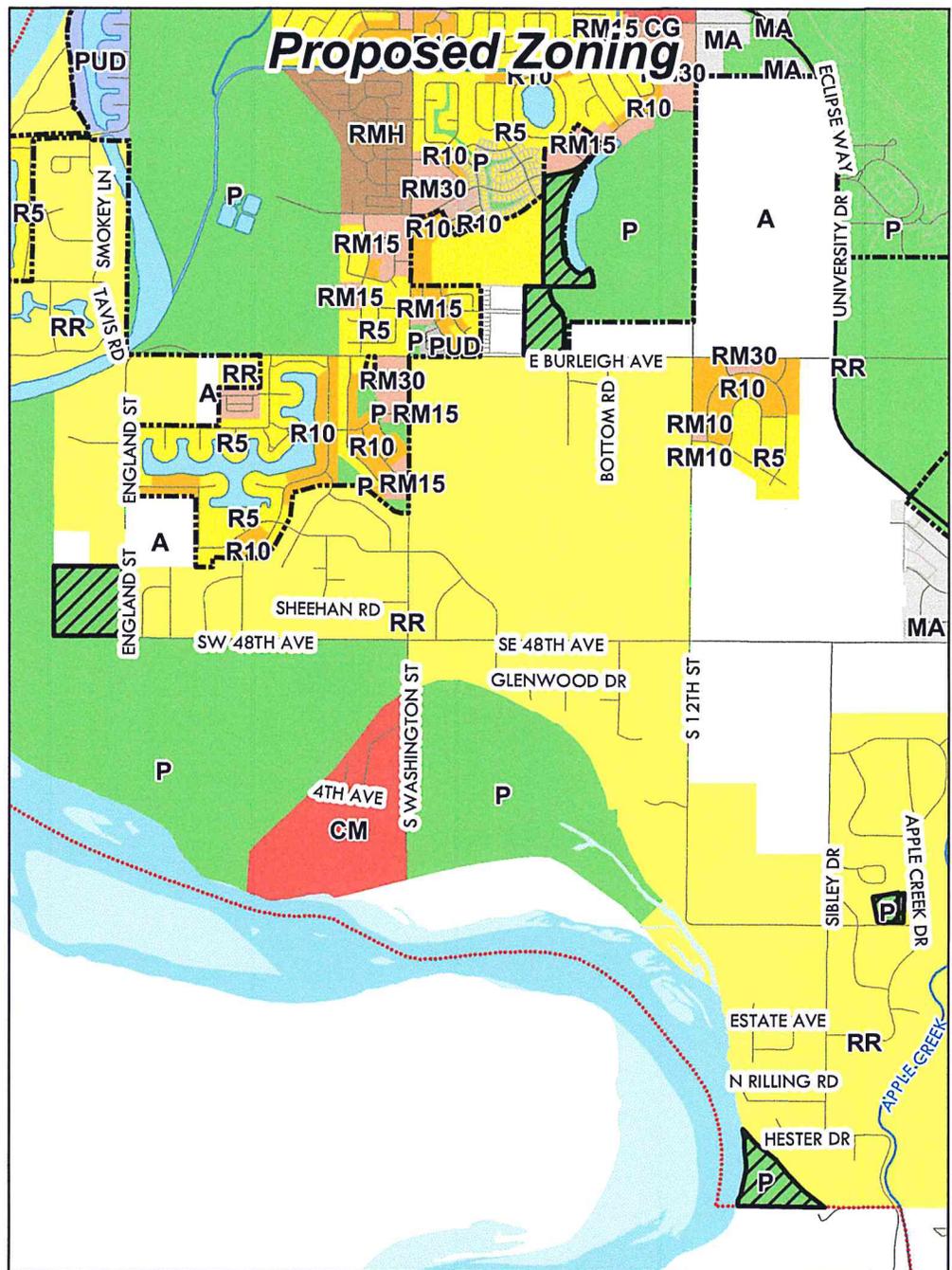
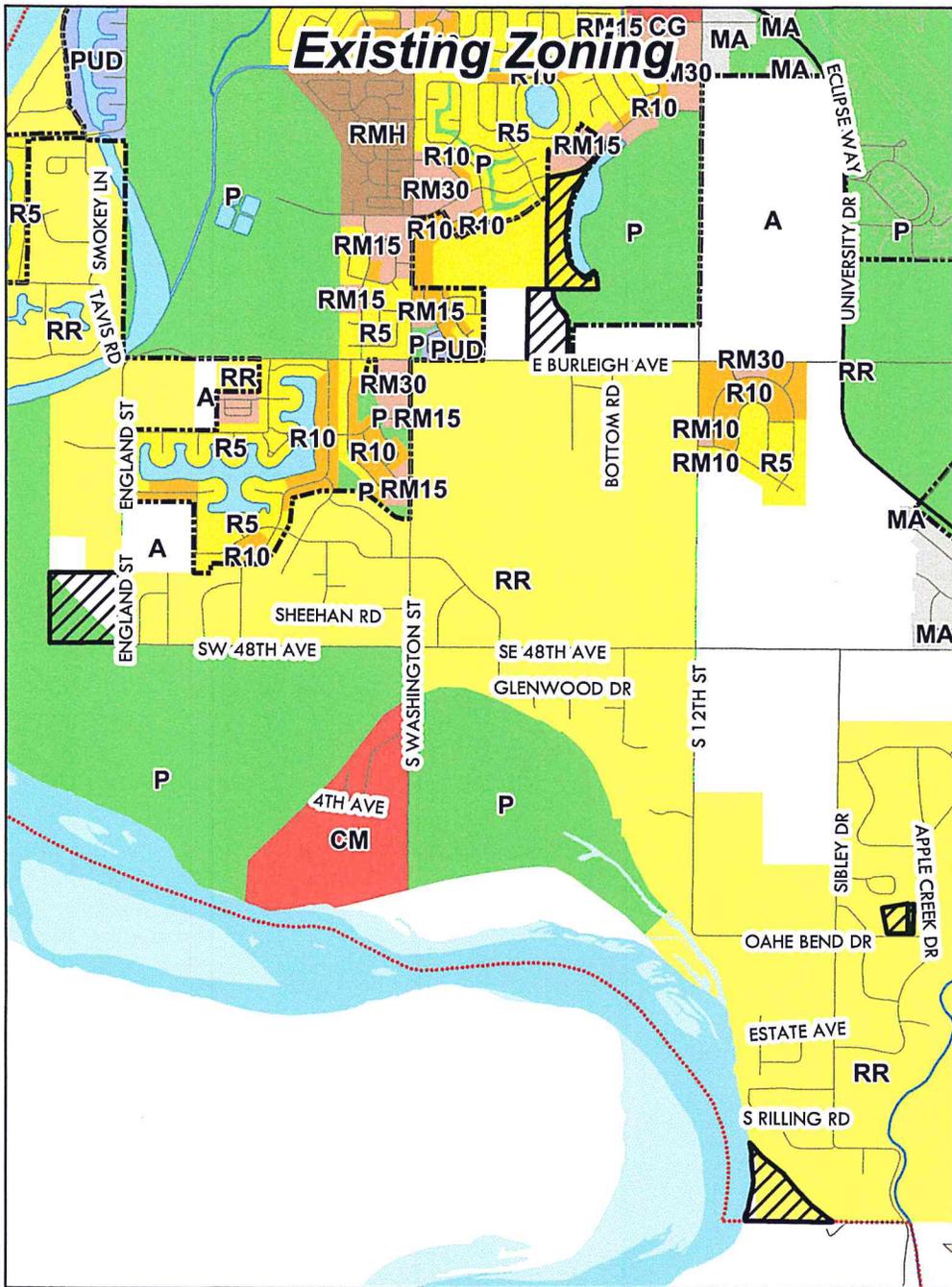


May 9, 2016 (DAN)



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.

Various P-Public District Zoning Changes (Phase 6) - Zoning Change



 Areas to be Changed
  City Limits
  Extraterritorial Area

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0 1,650 3,300 6,600 Feet

April, 2016

