



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
June 26, 2013

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

Item No. Page

INTRODUCTIONS

- 1. Introduction of New Planning and Zoning Commissioner Michael Donahue

MINUTES

- 2. Consider the approval of the minutes of the May 22, 2013 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 3. Meadowlark Commercial 7th Addition (JT)
a. Zoning Change (A, RT, CG & MA to CG & MA)..... 1
Staff recommendation: schedule a hearing []schedule a hearing []table []deny
b. Fringe Area Road Master Plan Amendment (Section 16, T139N-R80W) 7
Staff recommendation: schedule a hearing []schedule a hearing []table []deny
c. Preliminary Plat 9
Staff recommendation: tentative approval []tentative approval []table []deny



| | |
|---|--|
| 4. Koosman Addition (Klee) | |
| a. Zoning Change (RR to RM10) | 15 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| b. Preliminary Plat | 19 |
| <i>Staff recommendation: tentative approval</i> | <input type="checkbox"/> tentative approval <input type="checkbox"/> table <input type="checkbox"/> deny |
| 5. Alexander Subdivision (JW) | |
| <i>Gibbs Township</i> | |
| a. Zoning Change (A to RR) | 23 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| b. Preliminary Plat | 27 |
| <i>Staff recommendation: tentative approval</i> | <input type="checkbox"/> tentative approval <input type="checkbox"/> table <input type="checkbox"/> deny |
| 6. Trillium 4th Addition – Preliminary Plat (Klee)..... | 31 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| 7. Liberty Addition – Zoning Change (P to R5 & P) (Klee) | 35 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| 8. Cottonwood Lake 6th Addition Replat – Zoning Change (R10 to R10 & RM10) (JT) | 39 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| 9. Part of Lot 1, Block 1, United Tribes Technical College Subdivision – Zoning Change (P to CG) (JT) | 43 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| 10. West 200 feet of Lot 1 and Lots 2-3, Block 1, Duemeland’s 3rd Subdivision – Zoning Change (MA & MB to MB) (JW) | 49 |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |
| 11. Lot A of the NW¼ of Section 1, 139N-R81W/West Hay Creek Township – Land Use Plan Amendment (Urban Residential to Industrial)(Klee) | 53 |
| <i>Hay Creek Township</i> | |
| <i>Staff recommendation: schedule a hearing</i> | <input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny |

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

- 12. Part of the W½ of Section 16, T139N-R80W/Hay Creek Twp – Annexation (Klee) 57**
Staff recommendation: approve approve continue table deny
- 13. East 314 feet of Lot 14, Block 4, KMK Estates Subdivision – Annexation (Klee)..... 61**
Staff recommendation: approve approve continue table deny
- 14. Hay Creek Commercial Addition (JT)**
- a. Annexation 63
Staff recommendation: continue approve continue table deny
- b. Zoning Change (A & CG to CG)67
Staff recommendation: continue approve continue table deny
- c. Final Plat..... 71
Staff recommendation: continue approve continue table deny
- 15. River Road Heights Addition (JW)**
- a. Annexation 77
Staff recommendation: deny approve continue table deny
- b. Zoning Change (RR to R5)81
Staff recommendation: deny approve continue table deny
- c. Final Plat..... 85
Staff recommendation: deny approve continue table deny
- 16. Kamrose Addition (JT)**
- a. Zoning Change (RM15, RT & CA to R10, RM15 & P).....89
Staff recommendation: approve approve continue table deny
- b. Final Plat..... 93
Staff recommendation: approve approve continue table deny
- 17. Hay Creek Meadows 2nd Addition Replat – Minor Subdivision Final Plat (JW)..... 99**
Staff recommendation: approve approve continue table deny

18. **Lots 1-7, Block 1, Huber Real Estate Trust First Addition –**
Zoning Change (RM15 to R10) (JT)..... 103
Staff recommendation: approve approve continue table deny
19. **Lot 2, Block 4, Brookfield Estates –Special Use Permit (Accessory Building) (JW) ... 107**
Staff recommendation: approve approve continue table deny
20. **Part of the E ½ of the SW ¼ of Section 28, T139N-R80W –**
Special Use Permit (Child Care Center) (JW) 111
Staff recommendation: approve w/conditions approve continue table deny

OTHER BUSINESS

21. **Other**

ADJOURNMENT

22. **Adjourn.** The next regular meeting date is scheduled for Wednesday, July 24, 2013.

Enclosures: Meeting Minutes of May 22, 2013
 Building Permit Activity Report for May 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| BACKGROUND: | | |
|---|--|-------------------------------------|
| Title: Meadowlark Commercial Seventh Addition – Zoning Change (P, CG & MA to CG & MA) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Skyline Properties, LLC | Engineer: Bartlett & West | |
| Reason for Request: To plat, zone and annex property to allow commercial and industrial development projects. | | |
| Location: In north Bismarck, along the east side of US Highway 83 along the south side of the future section line road, 57 th Avenue NE (A replat of Auditor's Lot C, Lots 1 and 2, Block 3, Meadowlark Commercial Third Addition and LaSalle Avenue and 15 th Street North right-of-ways, Section 15, T139N-R80W/Hay Creek Township). | | |
| Project Size: 58.57 acres | Number of Lots: 12 lots in 4 blocks | |
| EXISTING CONDITIONS: | | PROPOSED CONDITIONS: |
| Land Use: Vacant/Undeveloped | | Land Use: General commercial |
| Zoning: P – Public CG – Commercial MA – Industrial | Zoning: CG – Commercial MA – Industrial | |
| Uses Allowed: P – Public parks, open space and multi-use trails CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial | Uses Allowed: CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial | |
| Maximum Density Allowed: P – N/A CG – 42 units per acre MA – N/A | Maximum Density Allowed: CG – 42 units per acre MA – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: 07/08 | Platted: N/A | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> 1. Planning staff has raised concerns with the applicant's request to change the areas currently zoned P – Public to MA – Industrial. The areas zoned P – Public were recently (2008) zoned at the applicant's request. The area currently conforms with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study), which identifies the area as open space to preserve the natural drainage way of Hay Creek. 2. Planning staff has also raised concerns with the continuity of this plat and other proposed subdivisions along the Hay Creek Corridor. In particular, the proposed subdivision to the north (JMAC Industrial Park Addition) provides separate lots for the Hay Creek greenway. By providing separate lots for Hay Creek, the natural drainage way is allowed to remain and public amenities such as open space and multi-use trail connections can occur. | | |

3. The applicant's engineer has indicated that the applicant has been meeting with the home owners that reside within Gussner Acreage Homesites, the rural subdivision directly adjacent to the west. Planning staff members have not had any recent contact with the adjacent residence owners.

FINDINGS:

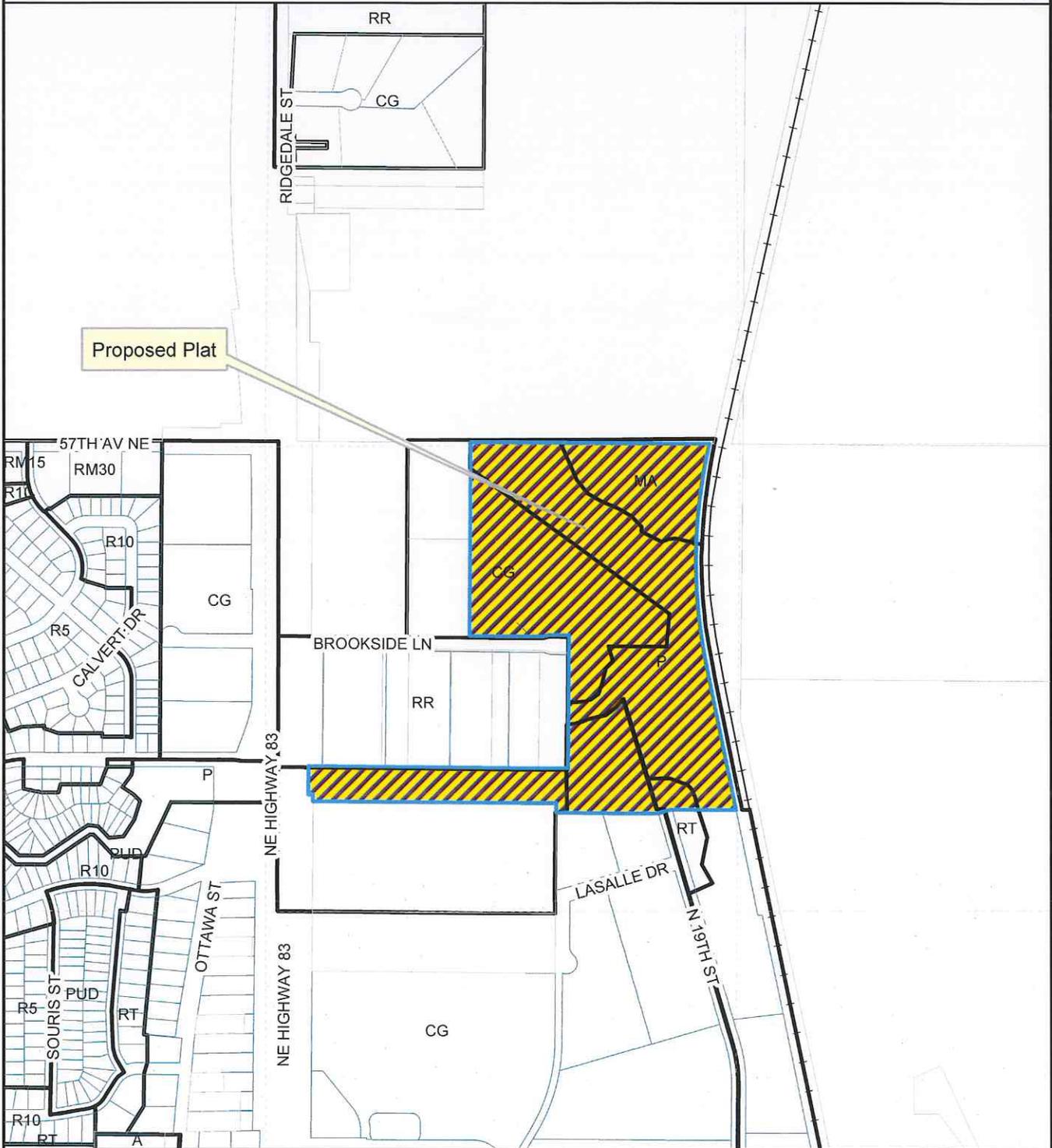
1. The proposed zoning change would be somewhat consistent with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study) as amended in 2008. The amended plan identifies the area as commercial, open space and light industrial. The Land Use Plan was amended at the request of the owner/developer, Skyline Properties, LLC. It is the position of Planning Staff that the Hay Creek greenway is an appropriate separation between commercial and industrial land uses; this concept is consistent with the future land use designations in the sections to the north. As staff is not supportive of an administrative amendment to move the land use classification, the owner/developer would need to request an amendment to the Land Use Plan to extend the industrial land use classification beyond the current boundary to the west. Planning staff would not support a request to extend the industrial land use classification west and south the meandering Hay Creek. The industrial land use is currently designated east and north of Hay Creek and directly adjacent to the CP Railroad that runs north and south through this section.
2. The proposed zoning change would be somewhat compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, developing commercial property to the south and five, rural residential homes to the west. The commercial development would be directly north and east of the existing homes and separated by a public street.
3. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, there are existing rural residentially-zoned homes directly adjacent to the proposed subdivision. Additionally, staff would prefer that the Hay Creek corridor is allowed to remain intact and be separated from developable lots through the use of easements or separate lots intended to preserve the natural corridor and drainage way.
4. The entire property would be annexed prior to development; therefore the subdivision would not place an undue burden on public services.
5. The proposed zoning change is partially consistent with the general intent and purpose of the zoning ordinance. In particular, Planning staff has concerns regarding the requested zoning change of property that is currently zoned P – Public and intended to allow the natural flow of Hay Creek and future open space and multi-use trail connections.
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change for Meadowlark Commercial Seventh Addition from the P – Public, CG – Commercial and MA – Industrial zoning districts to the CG – Commercial and MA – Industrial zoning districts with the understanding that staff is not supportive of the zoning change request; staff will encourage discussions between the owner/applicant, Bismarck Parks & Recreation and City staff to determine the most appropriate use of the lands around the Hay Creek Corridor; and the following condition:

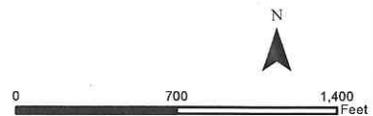
- A public hearing will not be scheduled until such time as the owner applies for a Land Use Plan Amendment to extend the industrial land use classification to the west; Planning staff is not supportive of extending the industrial land use classification beyond its current designation and would recommend denial of the request.

Proposed Plat and Zoning Change (A, RT, CG, MA & P to CG & MA) Meadowlark Commercial 7th Addition

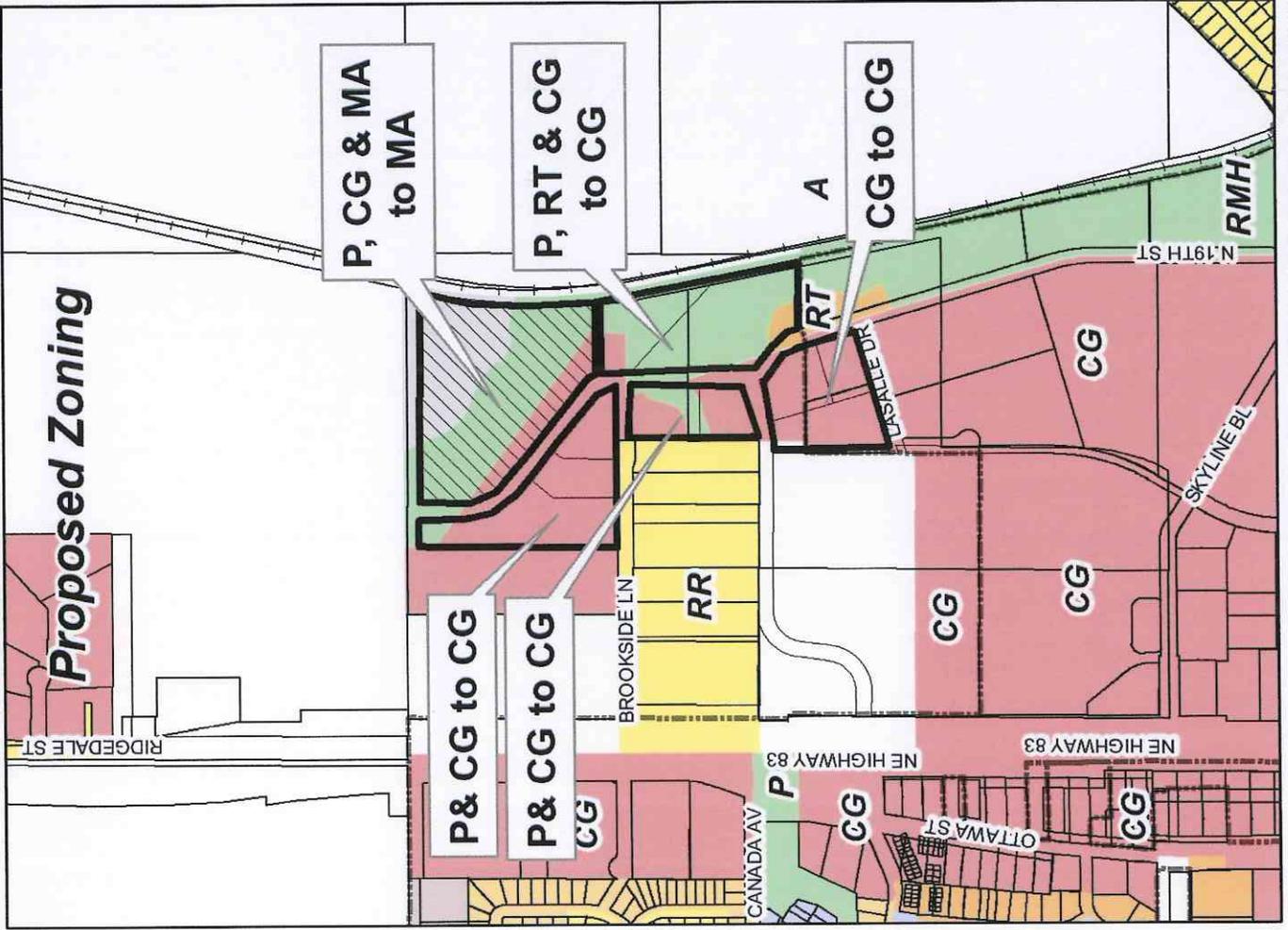
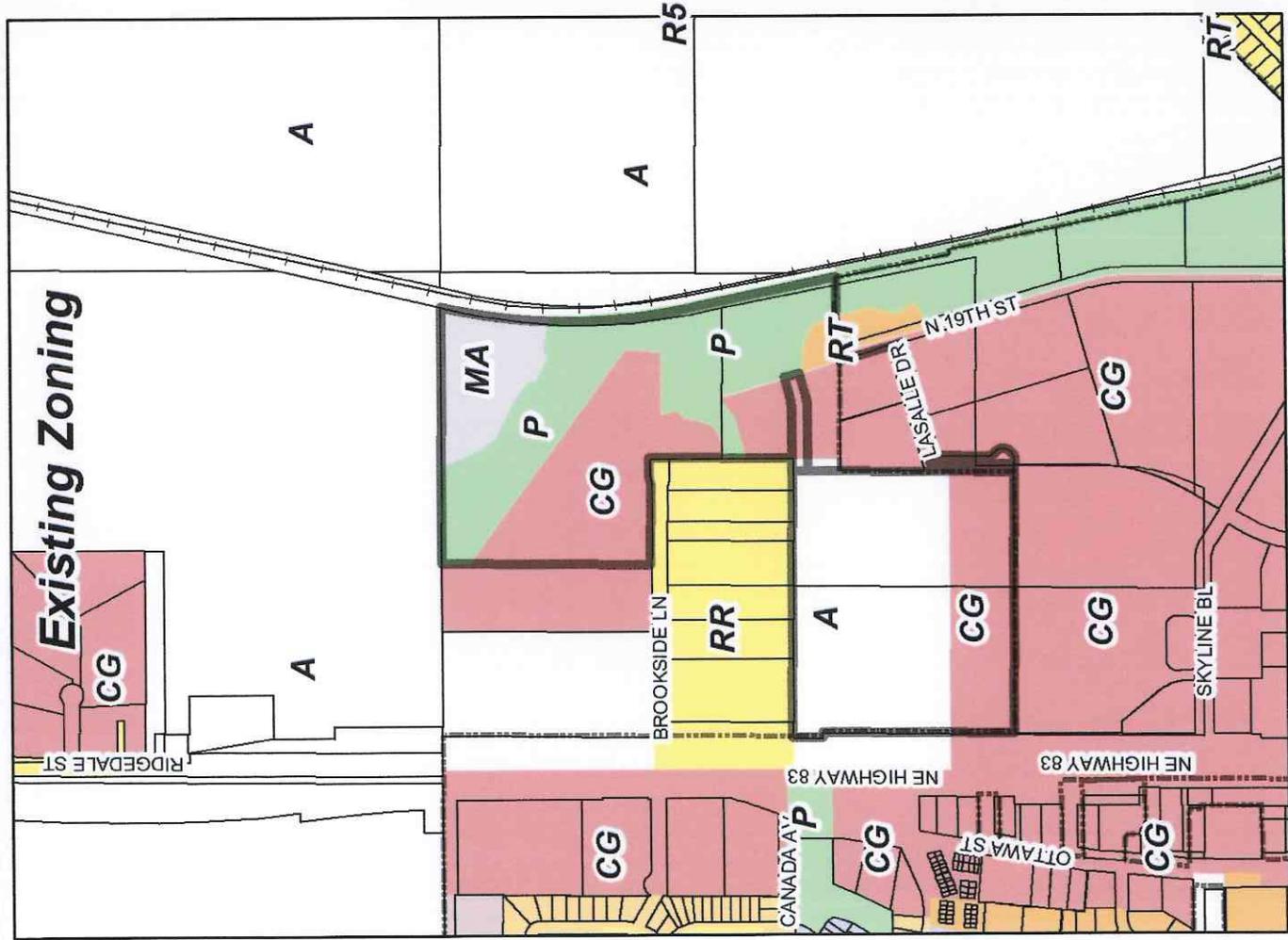


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 28, 2013 (hib)

Source: City of Bismarck



Meadowlark Commercial Seventh Addition - Zoning Change





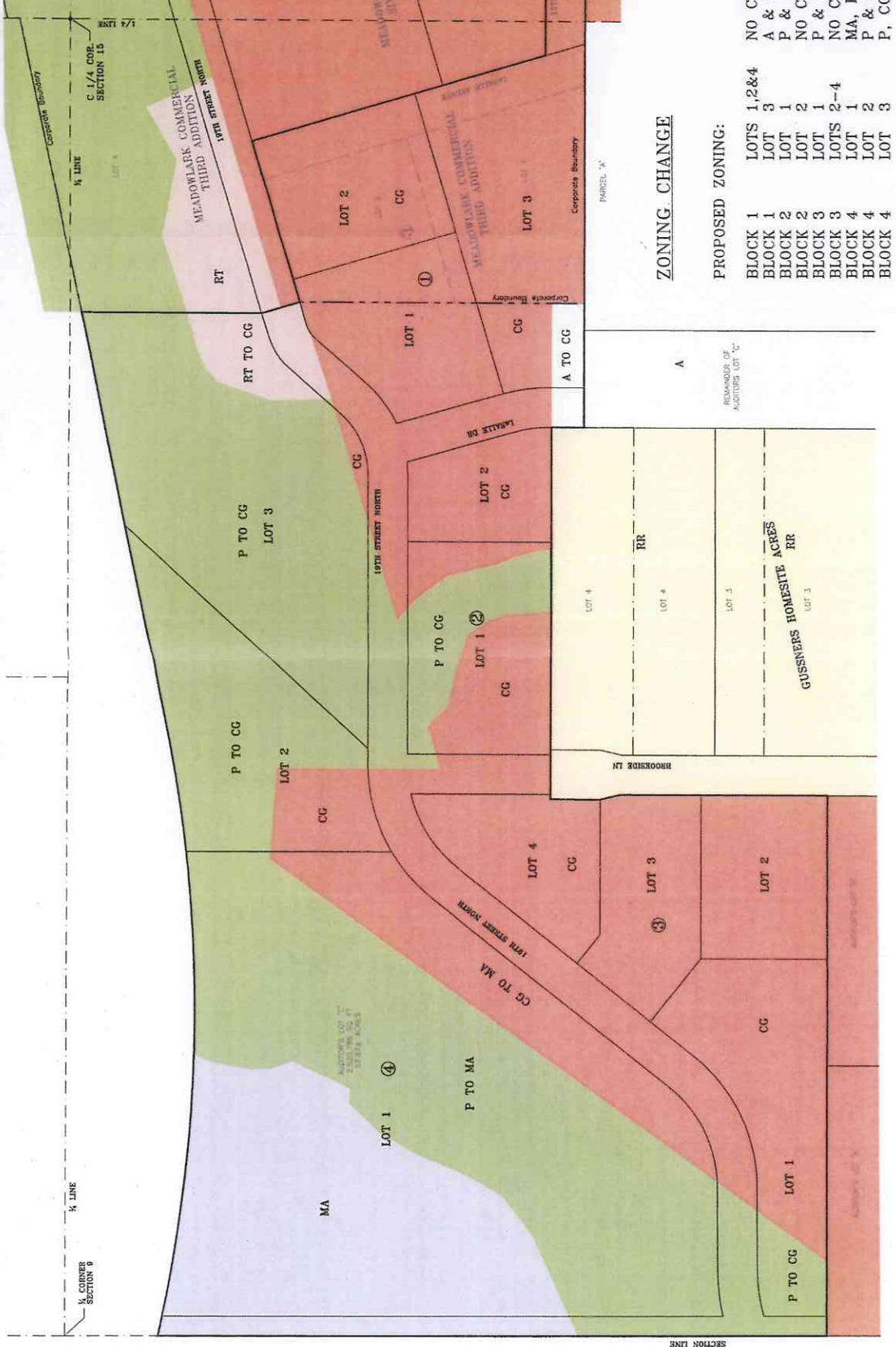
 Feet

 0 250 500 1,000

 June 2013

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.

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MAY 24 2013



ZONING CHANGE

PROPOSED ZONING:

- BLOCK 1 LOTS 1,2&4 NO CHANGE
- BLOCK 1 LOT 3 A & CG TO CG
- BLOCK 2 LOT 1 P & CG TO CG
- BLOCK 2 LOT 2 NO CHANGE
- BLOCK 3 LOT 1 P & CG TO CG
- BLOCK 3 LOTS 2-4 NO CHANGE
- BLOCK 4 LOT 1 MA, P TO MA
- BLOCK 4 LOT 2 P & CG TO CG
- BLOCK 4 LOT 3 P, CG & RT TO CG



DATE: May 24, 2013
 Prepared By:
BARTLETT & WEST
 3406 E. Center Ave.
 Denver, North Dakota
 58102-2500
 FAX 701-258-5111
 www.bartlettwest.com

RECEIVED
 JUN - 6 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:

Title:

Section 15, T139N-R80W/Hay Creek Township– Fringe Area Road Master Plan Amendment
(in conjunction with preliminary plat for Meadowlark Commercial 7th Addition)

Status:

Planning Commission – Consideration

Date:

June 26, 2013

Reason for Request:

Move the intersection of the north-south collector roadway (North 19th Street) with 57th Avenue approximately 750 feet west of the location identified in the Fringe Area Road Master Plan to reduce the number of crossings over the Hay Creek corridor.

Location:

Along the east side of US Highway between 43rd Avenue NE and 57th Avenue NE, approximately ½ mile north of WalMart. The section bounded by US Highway 83 on the west, 57th Avenue NE on the north, 43rd Avenue NE on the south and 26th Street NE on the east.

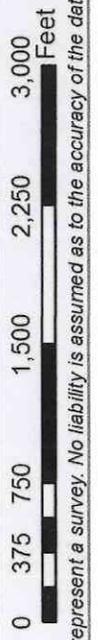
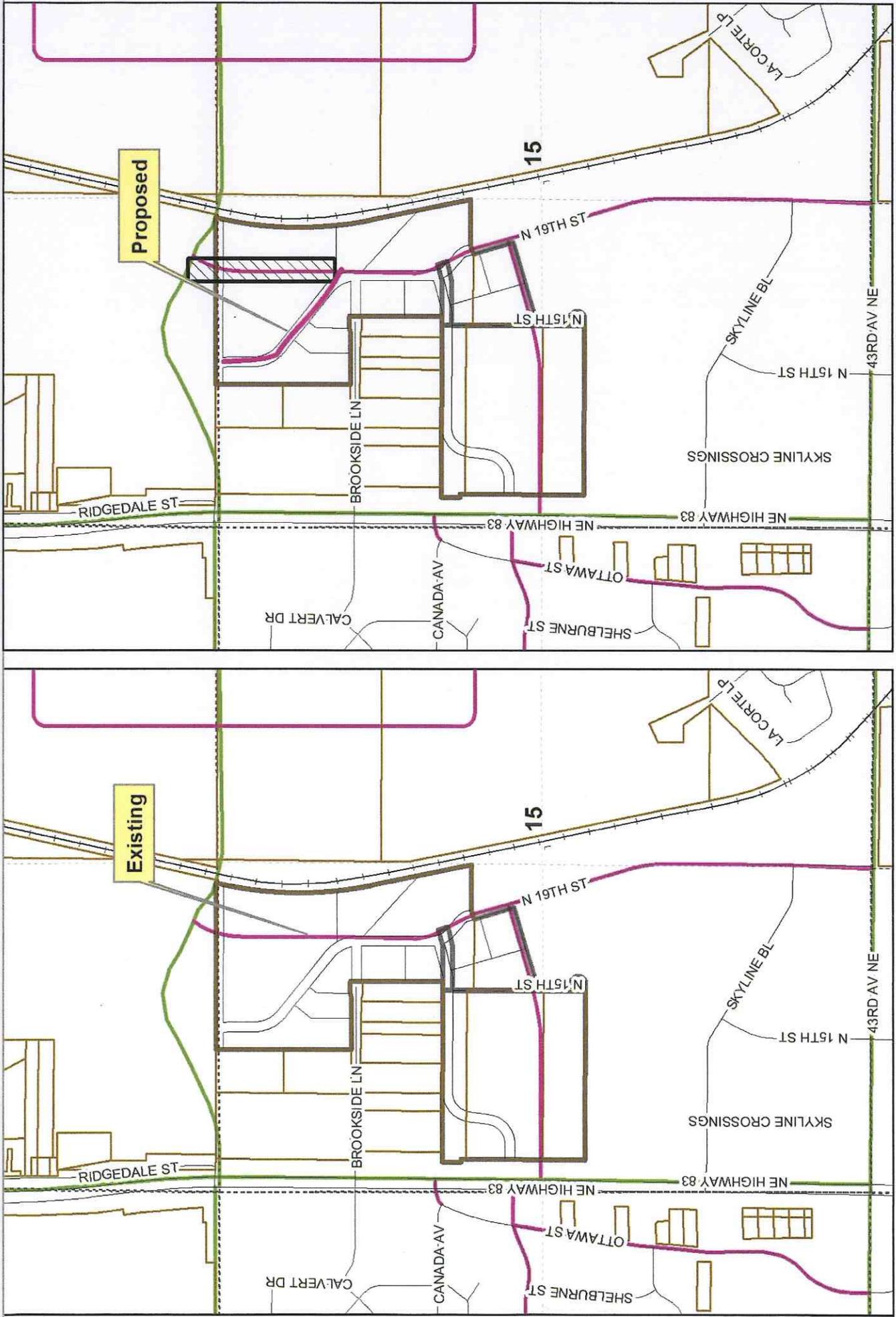
FINDINGS:

1. The Fringe Area Road Master Plan was adopted by the Board of City Commissioners on September 9, 2003.
2. The amendment will: 1) move the intersection of the north-south collector roadway (North 19th Street) with 57th Avenue approximately 750 feet west of the original location identified in the Fringe Area Road Master Plan to allow a reduced number of roadways required to cross Hay Creek.
3. The proposed subdivision (Meadowlark Commercial Seventh Addition) would conform to the Fringe Area Road Master Plan as amended.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a hearing for the amendment to the Fringe Area Road Master Plan for Section 15, T139N-R80W/Hay Creek Township (Map 9), to move the north-south collector roadway approximately 750 feet to the west resulting in a distance approximately ¼ mile east of US Highway 83.

Fringe Area Road Master Plan Amendment - Section 15, T139N-R80W/Hay Creek Township



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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| BACKGROUND: | | |
|---|--|------------------------|
| Title: Meadowlark Commercial Seventh Addition – Preliminary Plat | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Skyline Properties, LLC | Engineer: Bartlett & West | |
| Reason for Request: To plat, zone and annex property to allow commercial and industrial development projects. | | |
| Location: In north Bismarck, along the east side of US Highway 83 along the south side of the future section line road, 57 th Avenue NE (A replat of Auditor's Lot C, Lots 1 and 2, Block 3, Meadowlark Commercial Third Addition, Section 15, T139N-R80W/Hay Creek Township). | | |
| Project Size: 58.57 acres | Number of Lots: 12 lots in 4 blocks | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Vacant/Undeveloped | Land Use: General commercial | |
| Zoning: P – Public CG – Commercial MA – Industrial | Zoning: CG – Commercial MA – Industrial | |
| Uses Allowed: P – Public parks, open space and multi-use trails CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial | Uses Allowed: CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial | |
| Maximum Density Allowed: P – N/A CG – 42 units per acre MA – N/A | Maximum Density Allowed: CG – 42 units per acre MA – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: 07/08 | Platted: N/A | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> 1. Planning staff has raised concerns with the applicant's request to change the areas currently zoned P – Public to MA – Industrial. The areas zoned P – Public were recently (2008) zoned at the applicant's request. The area currently conforms with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study), which identifies the area as open space to preserve the natural drainage way of Hay Creek. 2. Planning staff has also raised concerns with the continuity of this plat and other proposed subdivisions along the Hay Creek Corridor. In particular, the proposed subdivision to the north (JMAC Industrial Park Addition) provides separate lots for the Hay Creek greenway. By providing separate lots for Hay Creek, the natural drainage way is allowed to remain and public amenities such as open space and multi-use trail connections can occur. | | |

3. The applicant's engineer has indicated that the applicant has been meeting with the home owners that reside within Gussner Acreage Homesites, the rural subdivision directly adjacent to the west. Planning staff members have not had any recent contact with the adjacent residence owners.

FINDINGS:

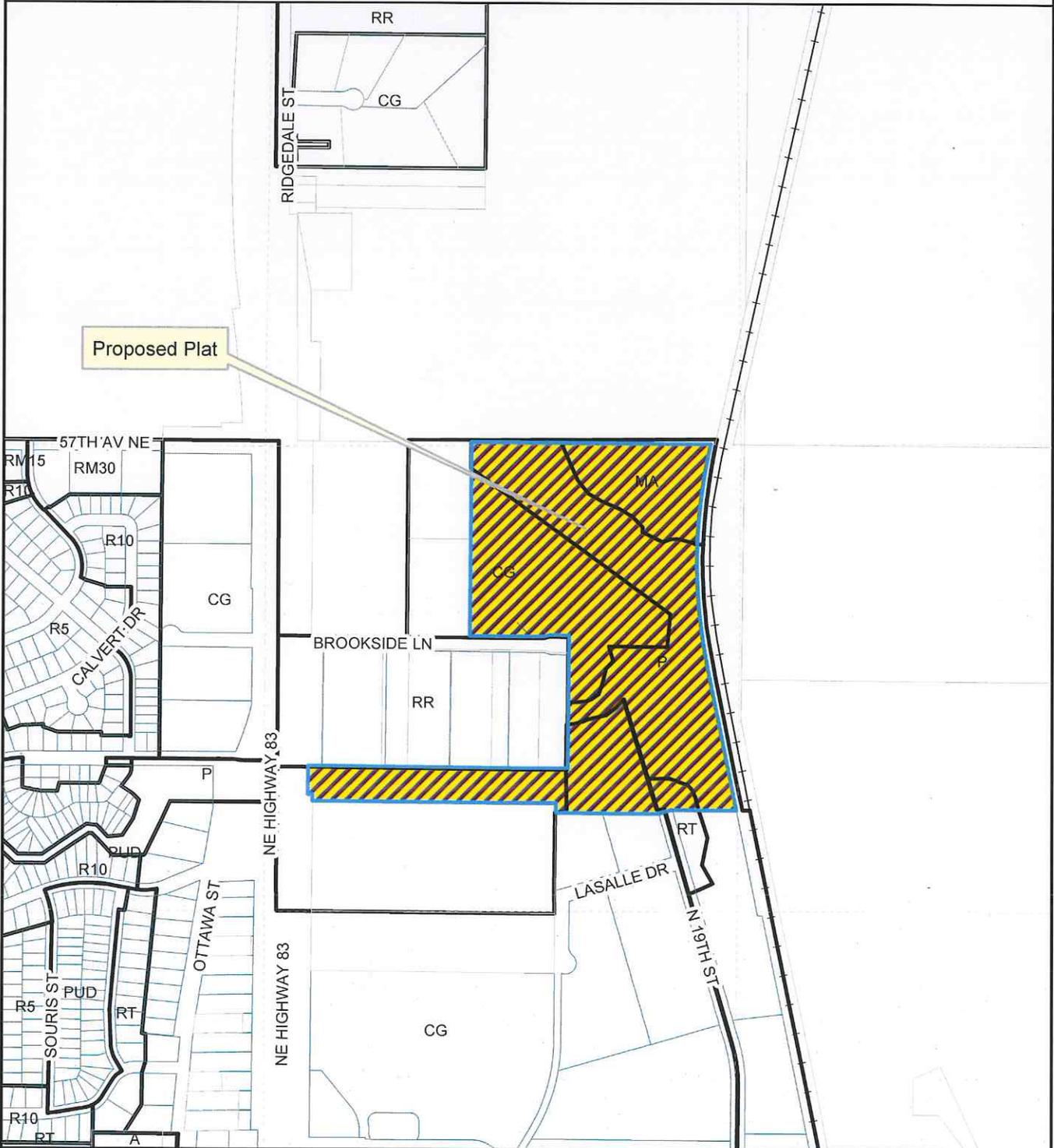
1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision is not generally consistent with the Fringe Area Road Master Plan, which identifies an extension of 19th Street North as a collector for Section 15, Hay Creek Township. A Fringe Area Road Master Plan Amendment has been proposed to move a portion of 19th Street North approximately 750 feet to the west to allow fewer roadway crossings over Hay Creek.
3. The proposed subdivision would be somewhat compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, developing commercial property to the south and rural residential homes to the west. The commercial development would be directly north and east of the existing homes and separated by a public street.
4. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, there are existing rural residentially-zoned homes directly adjacent to the proposed subdivision. Additionally, staff would prefer that the Hay Creek corridor is allowed to remain intact and be separated from developable lots through the use of easements or separate lots intended to preserve the natural corridor and drainage way.
5. The entire property would be annexed prior to development; therefore the subdivision would not place an undue burden on public services.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of Meadowlark Commercial Seventh Addition with the understanding that staff will encourage discussions between the owner/applicant, Bismarck Parks & Recreation and City staff to determine the most appropriate use of the lands around the Hay Creek Corridor; and the following condition:

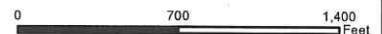
- A public hearing will not be scheduled until such time as the owner applies for a Land Use Plan Amendment to extend the industrial land use classification to the west; Planning staff is not supportive of extending the industrial land use classification beyond its current designation and would recommend denial of the request.

Proposed Plat and Zoning Change (A, RT, CG, MA & P to CG & MA) Meadowlark Commercial 7th Addition



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Source: City of Bismarck

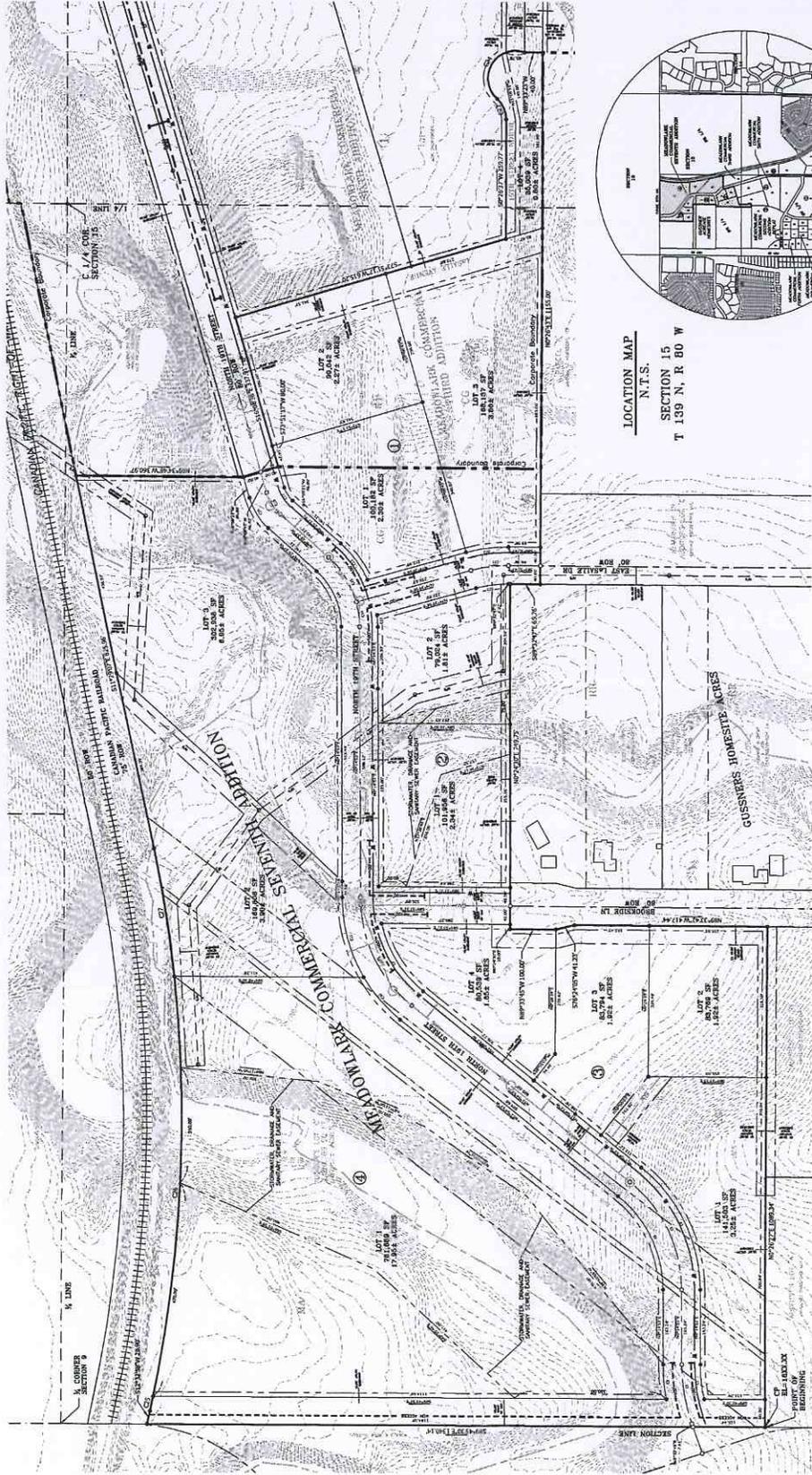


PRELIMINARY PLAT OF MEADOWLARK COMMERCIAL SEVENTH ADDITION

A REPLAT OF A PORTION OF AUDITOR'S LOT 'C', LOTS 1 AND 2, BLOCK 3 OF MEADOWLARK COMMERCIAL THIRD ADDITION AND LASALLE AVENUE AND 15TH STREET NORTH RIGHT OF WAYS, MEADOWLARK 6TH ADDITION IN THE WEST HALF (W 1/2) OF SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA,

TO BE HEREAFTER KNOWN AS:

LOTS 1 THROUGH 4 - BLOCK 1, LOTS 1 AND 2 - BLOCK 2, LOTS 1 THROUGH 4 - BLOCK 3, LOTS 1 THROUGH 3 - BLOCK 4 OF MEADOWLARK COMMERCIAL SEVENTH ADDITION TO THE CITY OF BISMARCK, LYING IN THE WEST HALF (W 1/2) OF SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA.



LOCATION MAP
N.T.S.
SECTION 15
T 139 N, R 80 W

BASES OF HORIZONTAL & HORIZONTAL DATUM
REMARKS SHOW THE BASIS OF HORIZONTAL & HORIZONTAL DATUM AND COORDINATE SYSTEM USED.
SOUTH ZONE, REFERENCED FROM THE CITY OF BISMARCK GPS CONTROL MONUMENT 'N-17' AND 'N-18' UP.

OWNERS
Nobleswood Hills, LLC
Nobleswood Commercial 6th
Nobleswood Commercial 7th
Lot 4 - Block 1
Nobleswood Commercial Plat
Lots 1 & 2 - Block 3

LEGEND
● FOUND NON MONUMENT PROPERTY CORNER
● TO BE SET, 5/8" x 3/8" REBAR W/ L.C. CAP
○ STAMPED "CELEBRITY #2756"
○ COMPUTED HIGHWAY POINT
+---+ HIGH ACCESS LINE

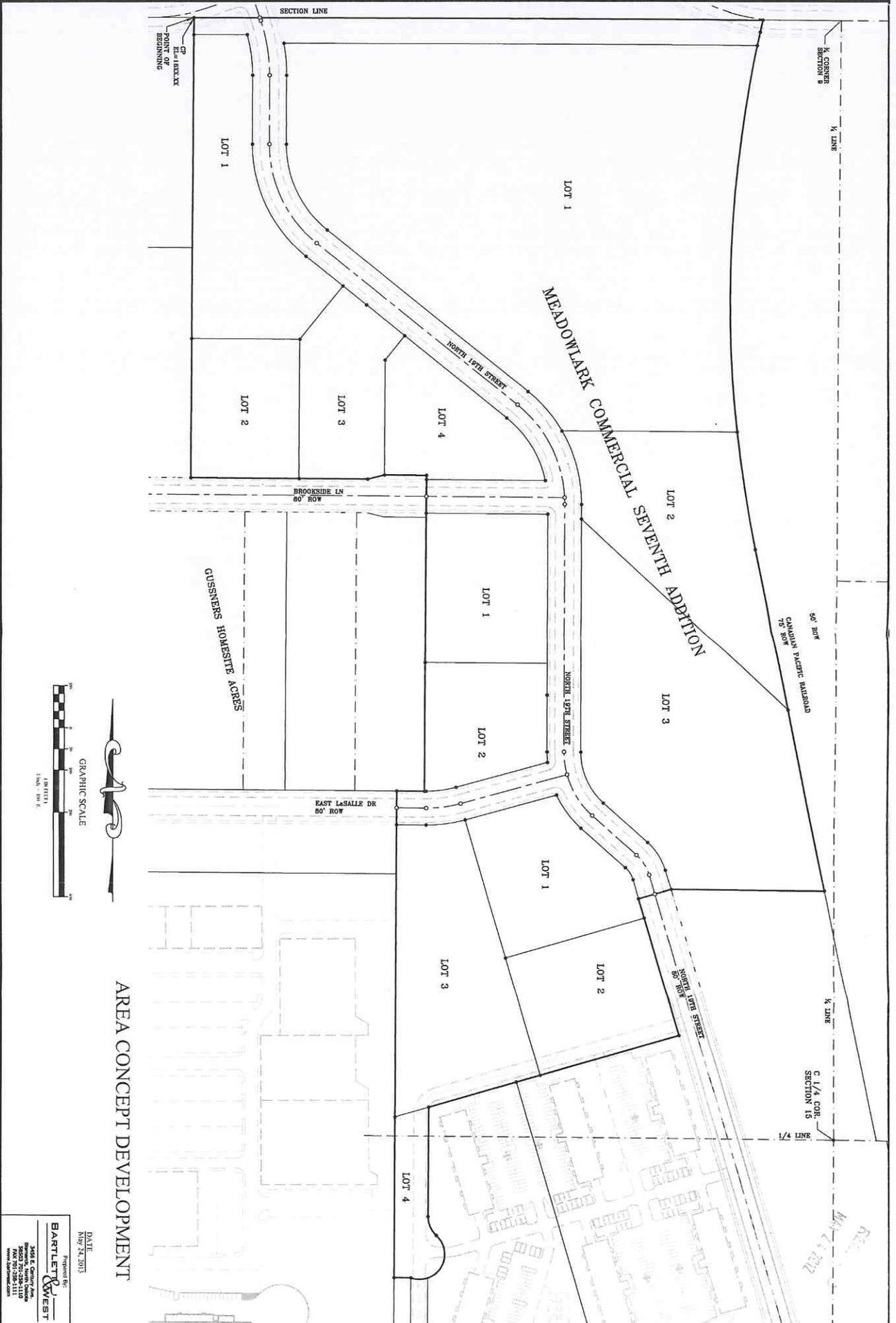
VERTICAL DATUM
THE CITY OF BISMARCK VERTICAL CONTROL NETWORK, NVDMS

| Curve # | Length | Radius | Delta |
|---------|--------|---------|----------|
| 01 | 114.10 | 2000.00 | 32.9150° |
| 02 | 114.10 | 2000.00 | 32.9150° |
| 03 | 114.10 | 2000.00 | 32.9150° |
| 04 | 114.10 | 2000.00 | 32.9150° |
| 05 | 114.10 | 2000.00 | 32.9150° |
| 06 | 114.10 | 2000.00 | 32.9150° |
| 07 | 114.10 | 2000.00 | 32.9150° |
| 08 | 114.10 | 2000.00 | 32.9150° |
| 09 | 114.10 | 2000.00 | 32.9150° |
| 10 | 114.10 | 2000.00 | 32.9150° |
| 11 | 114.10 | 2000.00 | 32.9150° |
| 12 | 114.10 | 2000.00 | 32.9150° |
| 13 | 114.10 | 2000.00 | 32.9150° |
| 14 | 114.10 | 2000.00 | 32.9150° |
| 15 | 114.10 | 2000.00 | 32.9150° |
| 16 | 114.10 | 2000.00 | 32.9150° |
| 17 | 114.10 | 2000.00 | 32.9150° |
| 18 | 114.10 | 2000.00 | 32.9150° |
| 19 | 114.10 | 2000.00 | 32.9150° |
| 20 | 114.10 | 2000.00 | 32.9150° |
| 21 | 114.10 | 2000.00 | 32.9150° |
| 22 | 114.10 | 2000.00 | 32.9150° |
| 23 | 114.10 | 2000.00 | 32.9150° |
| 24 | 114.10 | 2000.00 | 32.9150° |
| 25 | 114.10 | 2000.00 | 32.9150° |
| 26 | 114.10 | 2000.00 | 32.9150° |
| 27 | 114.10 | 2000.00 | 32.9150° |
| 28 | 114.10 | 2000.00 | 32.9150° |
| 29 | 114.10 | 2000.00 | 32.9150° |
| 30 | 114.10 | 2000.00 | 32.9150° |
| 31 | 114.10 | 2000.00 | 32.9150° |
| 32 | 114.10 | 2000.00 | 32.9150° |
| 33 | 114.10 | 2000.00 | 32.9150° |
| 34 | 114.10 | 2000.00 | 32.9150° |
| 35 | 114.10 | 2000.00 | 32.9150° |
| 36 | 114.10 | 2000.00 | 32.9150° |
| 37 | 114.10 | 2000.00 | 32.9150° |
| 38 | 114.10 | 2000.00 | 32.9150° |
| 39 | 114.10 | 2000.00 | 32.9150° |
| 40 | 114.10 | 2000.00 | 32.9150° |
| 41 | 114.10 | 2000.00 | 32.9150° |
| 42 | 114.10 | 2000.00 | 32.9150° |
| 43 | 114.10 | 2000.00 | 32.9150° |
| 44 | 114.10 | 2000.00 | 32.9150° |
| 45 | 114.10 | 2000.00 | 32.9150° |
| 46 | 114.10 | 2000.00 | 32.9150° |
| 47 | 114.10 | 2000.00 | 32.9150° |
| 48 | 114.10 | 2000.00 | 32.9150° |
| 49 | 114.10 | 2000.00 | 32.9150° |
| 50 | 114.10 | 2000.00 | 32.9150° |



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MAY 24 2012

DATE: May 24, 2012
SURVEYOR: Bartlett & Sweet
Bartlett & Sweet, Inc.
1000 S. Lincoln Ave.
Bismarck, ND 58103
TEL: 701-258-1111
FAX: 701-258-1111



AREA CONCEPT DEVELOPMENT

DATE: May 24, 2013
 Prepared by:
BARTLETT WEST
 3400 E. Central Ave.
 Denver, CO 80231
 Phone: (303) 733-1111
 www.bartlettwest.com

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|---|------------------------|
| BACKGROUND: | | |
| Title: Koosman Addition – Zoning Change (RR to R5 & RM10) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Leverson Family Trust Kerry & Pamela Emter | Engineer: Taney Engineering | |
| Reason for Request: Plat, zone and annex property for mixed-density residential development. | | |
| Location: West of North Washington Street along the south side of Ash Coulee Drive (a replat of Lots 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision). | | |
| Project Size: 7.64 acres | Number of Lots: 15 lots in 3 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Rural residential | PROPOSED CONDITIONS: | |
| Zoning: RR – Residential | Land Use: Mixed-density residential | |
| Uses Allowed: Rural residential | Zoning: R5 – Residential (Lots 1 & 2, Block1) RM10 – Residential (Remainder) | |
| Maximum Density Allowed: 65,000 sf minimum lot size | Uses Allowed: R5 – Single-family residential RM10 – Multi-family residential | |
| Maximum Density Allowed: 65,000 sf minimum lot size | Maximum Density Allowed: R5 – 5 units per acre RM10 – 10 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 04/59 | Platted: 08/66 | Annexed: --- |
| ADDITIONAL INFORMATION | | |
| <ol style="list-style-type: none"> The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. The proposed development would include a mid-density residential development (approximately 6.3 units per acre) that will function as a transition between what is expected to be higher intensity land uses along North Washington Street and the existing rural and urban single family residential to the west and south. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> The proposed zoning change is outside of the area covered by the Land Use Plan. | | |

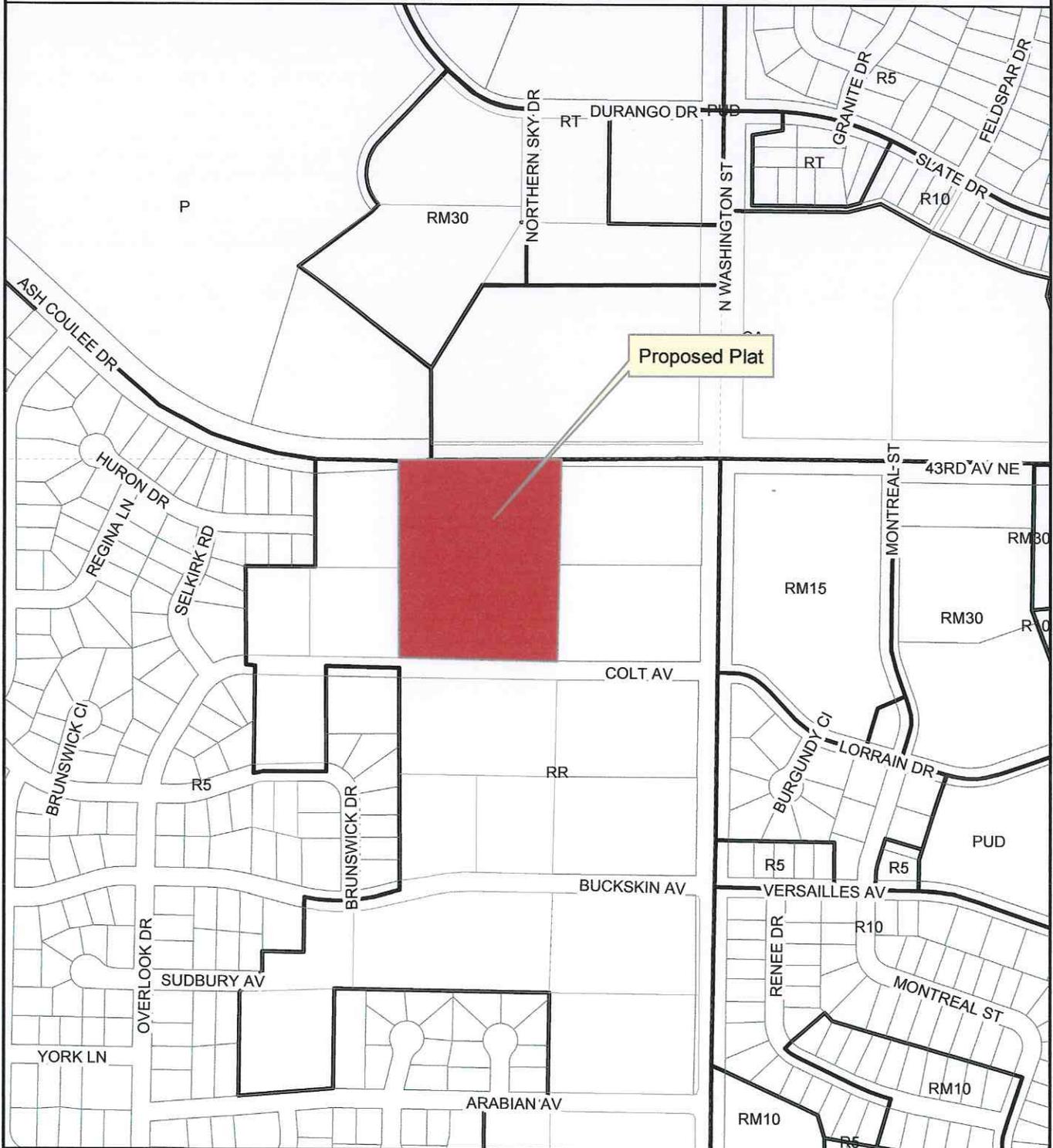
(continued)

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time.
3. The subdivision proposed for this property will be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RR – Residential zoning district to the R5 – Residential and the RM10 – Residential zoning districts for Koosman Addition.

Proposed Plat and Zoning Change (RR to RM10) Koosman Addition



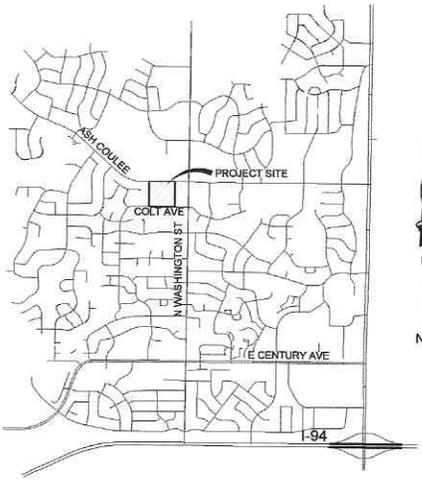
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 3, 2013 (Klee)

Source: City of Bismarck

N



0 437.5 875 Feet



ZONE CHANGE LEGEND

- ZONE RM - HIGH DENSITY MULTI FAMILY
- ZONE R5 - LOW DENSITY SINGLE FAMILY



SCALE: 1"=80'



LEGAL DESCRIPTION:
 BEING LOTS 2 AND 3A AND 3B OF LOT 3 OF BLOCK 1 OF THE
 K.M.K. ESTATES SUBDIVISION IN TOWNSHIP 139 NORTH
 (T139N) RANGE 80 WEST (R80W), COUNTY OF BURLEIGH,
 STATE OF NORTH DAKOTA.

TANEY ENGINEERING
 8739 S. JONES BLVD STE# 100
 LAS VEGAS, NV 89115
 (702) 387-4844 FAX: (702) 387-4233

KOOSMAN ADDITION - ZONE CHANGE EXHIBIT

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

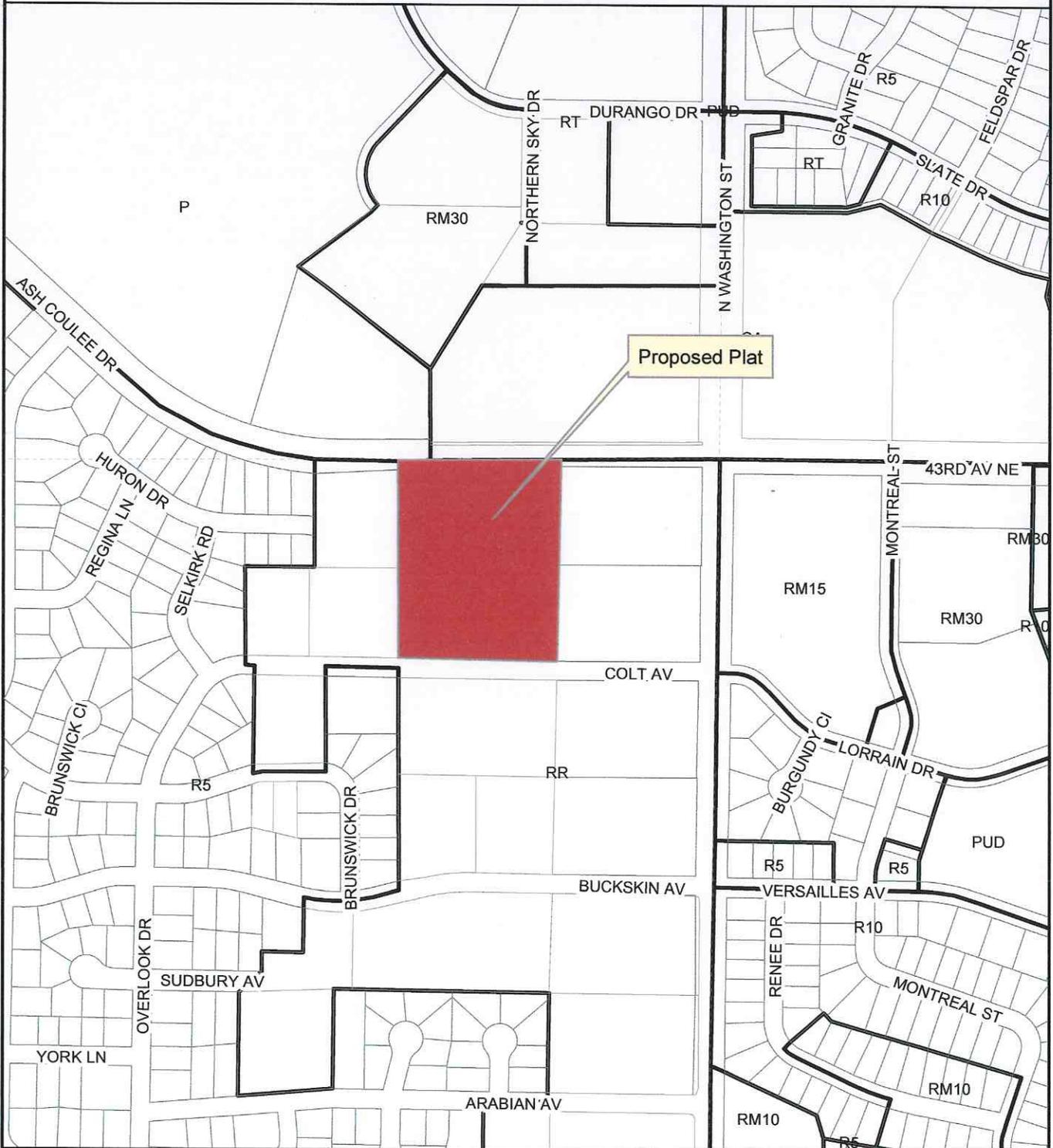
| | | |
|--|---|------------------------|
| BACKGROUND: | | |
| Title: Koosman Addition – Preliminary Plat | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Leverson Family Trust Kerry & Pamela Emter | Engineer: Taney Engineering | |
| Reason for Request: Plat, zone and annex property for mixed-density residential development. | | |
| Location: West of North Washington Street along the south side of Ash Coulee Drive (a replat of Lots 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision). | | |
| Project Size: 7.64 acres | Number of Lots: 15 lots in 3 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Rural residential | PROPOSED CONDITIONS: | |
| Zoning: RR – Residential | Land Use: Mixed-density residential | |
| | Zoning: R5 – Residential (Lots 1 & 2, Block1) RM10 – Residential (Remainder) | |
| Uses Allowed: Rural residential | Uses Allowed: R5 – Single-family residential RM10 – Multi-family residential | |
| Maximum Density Allowed: 65,000 sf minimum lot size | Maximum Density Allowed: R5 – 5 units per acre RM10 – 10 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 04/59 | Platted: 08/66 | Annexed: --- |
| ADDITIONAL INFORMATION | | |
| <p>1. The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request.</p> | | |
| FINDINGS: | | |
| <p>1. All technical requirements for consideration of a preliminary plat have been met.</p> <p>2. The proposed subdivision is consistent with the Fringe Area Road Master Plan for this section, which identifies Ash Coulee Drive as an arterial roadway. North Washington Street to the east of the proposed plat is classified as a principal arterial on the MPO's Functional Classification Network (July 2011) and Ash Coulee Drive is classified as a minor arterial.</p> | | |
| <i>(continued)</i> | | |

3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the east, west and south and undeveloped CA-zoned property to the north across Ash Coulee Drive. It is expected that the underlying rural residential lots in KMK Estates will transition to urban density residential over time.
4. The proposed subdivision will be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Koosman Addition.

Proposed Plat and Zoning Change (RR to RM10) Koosman Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 3, 2013 (klee)

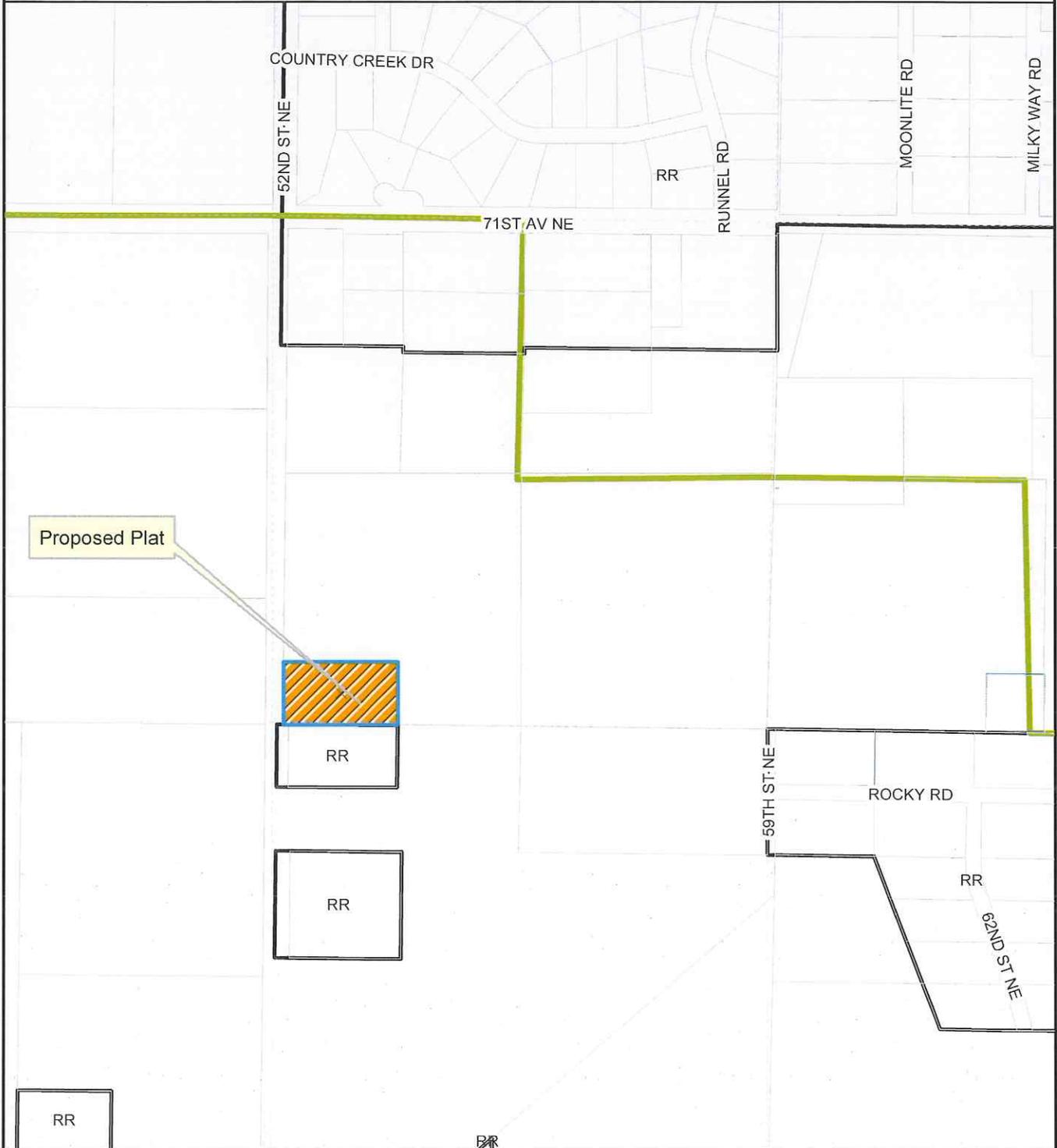
Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | |
|--|---|
| BACKGROUND: | |
| Title: Alexander Subdivision – Zoning Change (A to RR) | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 |
| Owner(s): Tammy and Robert Landsberger | Engineer: Houston Engineering |
| Reason for Request: Plat and rezone property to allow a single lot rural residential subdivision. | |
| Location: Along the east side of 52 nd Street NE, between 43 rd Avenue NE and 71 st Avenue NE. | |
| Project Size: 4.8 acres | Number of Lots: 1 lot in 1 block |
| EXISTING CONDITIONS: | |
| Land Use: Agriculture | PROPOSED CONDITIONS: Land Use: Rural residential |
| Zoning: A-Agriculture | Zoning: RR-Residential |
| Uses Allowed: Agriculture and large lot single-family residential and limited agriculture | Uses Allowed: Large lot single-family residential and limited agriculture |
| Maximum Density Allowed: One unit per 40 acres | Maximum Density Allowed: One unit per 65,000 square feet |
| PROPERTY HISTORY: | |
| Zoned: --- | Platted: --- |
| FINDINGS: | |
| <ol style="list-style-type: none"> 1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan). 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a single lot rural residential subdivision to the south and agriculturally zoned property to the north, east and west. 3. The proposed subdivision would be served by South Central Regional Water District and would have direct access on to 52nd Street NE; therefore, the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. | |
| RECOMMENDATION: | |
| Based on the above findings, staff recommends scheduling a public hearing for the zoning change for Alexander Subdivision from A-Agriculture zoning district to the RR – Rural Residential zoning district. | |

Proposed Plat and Zoning Change (A to RR) Alexander Subdivision



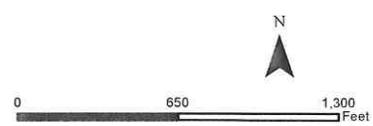
Proposed Plat

RR

RR

RR

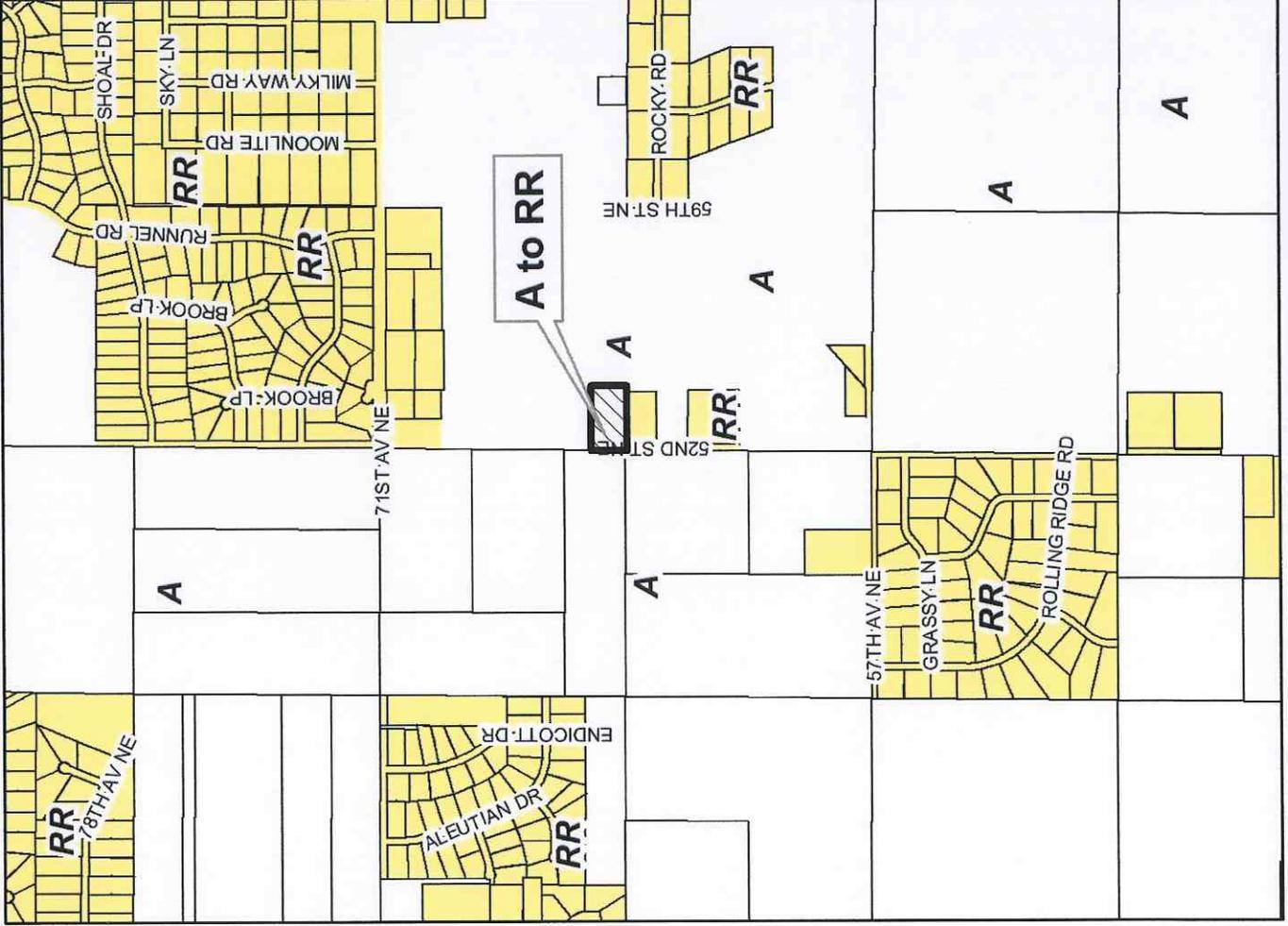
RR



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Map was Updated/Created: May 20, 2013 (hlb)

Source: City of Bismarck

Alexander Subdivision - Zoning Change



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.

June 2013

**BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | |
|--|---|
| BACKGROUND: | |
| Title: Alexander Subdivision – Preliminary Plat | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 |
| Owner(s): Tammy and Robert Landsberger | Engineer: Houston Engineering |
| Reason for Request: Plat and rezone property to allow a single lot rural residential subdivision. | |
| Location: Along the east side of 52 nd Street NE, between 43 rd Avenue NE and 71 st Avenue NE. | |
| Project Size: 4.8 acres | Number of Lots: 1 lot in 1 block |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: |
| Land Use: Agriculture | Land Use: Rural residential |
| Zoning: A-Agriculture | Zoning: RR-Residential |
| Uses Allowed: Agriculture and Large lot single-family residential and limited agriculture | Uses Allowed: Large lot single-family residential and limited agriculture |
| Maximum Density Allowed: One unit per 40 acres/One unit per 65,000 square feet | Maximum Density Allowed: One unit per 65,000 square feet |
| PROPERTY HISTORY: | |
| Zoned: --- | Platted: --- |
| ADDITIONAL INFORMATION: | |
| <ol style="list-style-type: none"> The proposed subdivision is located within the Urban Service Area Boundary. A waiver request has been submitted to eliminate the requirement of ghost platting and other USAB requirements. The waiver request seems reasonable, as the property is already a separate parcel and will be developed as a single lot subdivision in which the owner has no plans to subdivide further. | |
| FINDINGS: | |
| <ol style="list-style-type: none"> All technical requirements for consideration of a preliminary plat have been met. The proposed subdivision generally conforms to the Fringe Area Road master Plan, which identifies 52nd Street NE as a north-south arterial. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a single lot rural residential subdivision to the south and agriculturally zoned property to the north, east and west. The proposed subdivision would be served by South Central Regional Water District and would have direct access to 52nd Street NE; therefore, the proposed subdivision would not place an undue burden on public services. | |

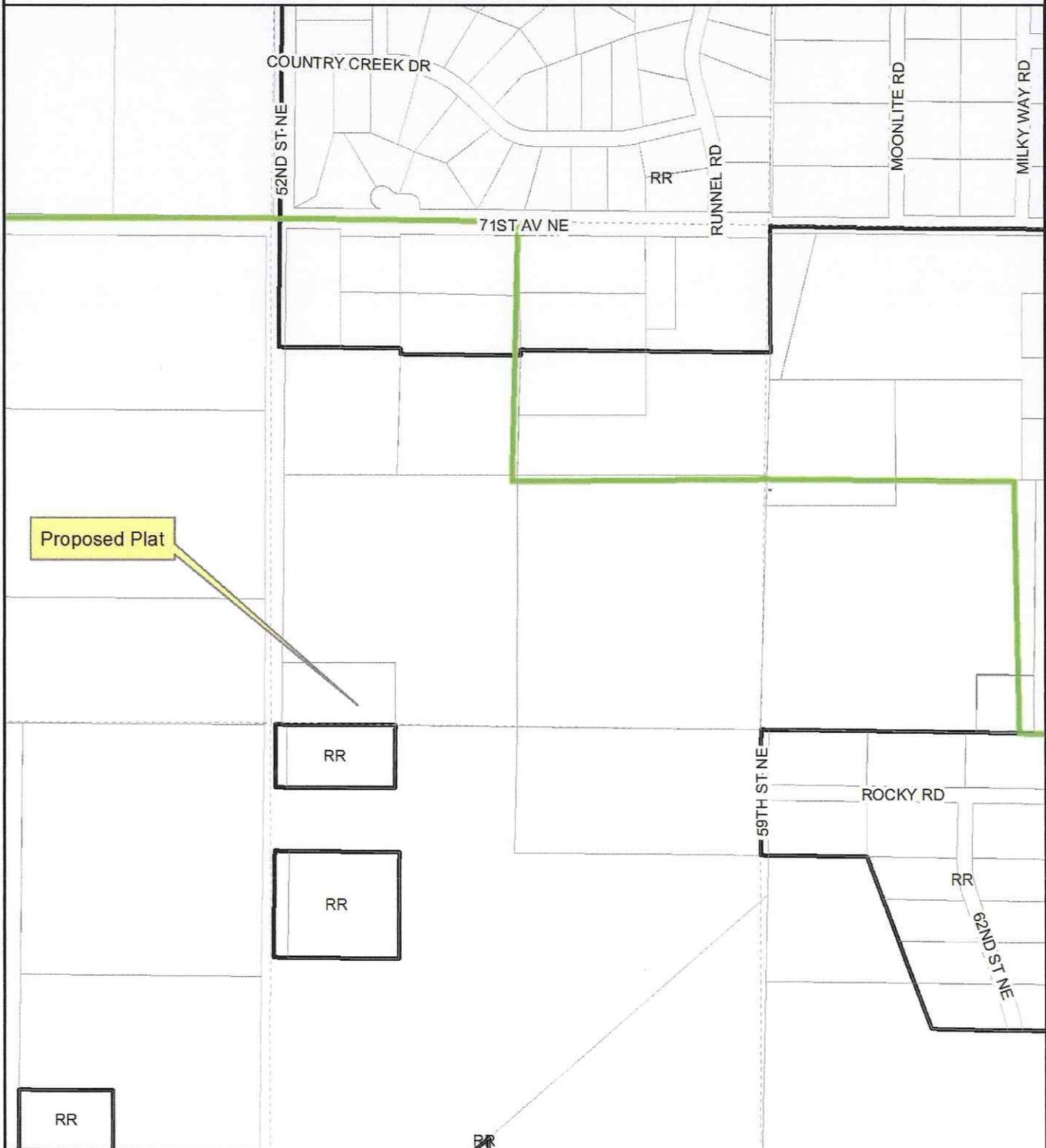
(continued)

5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of Alexander Subdivision.

Proposed Plat and Zoning Change (A to RR) Alexander Subdivision



Proposed Plat

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 20, 2013 (hib)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

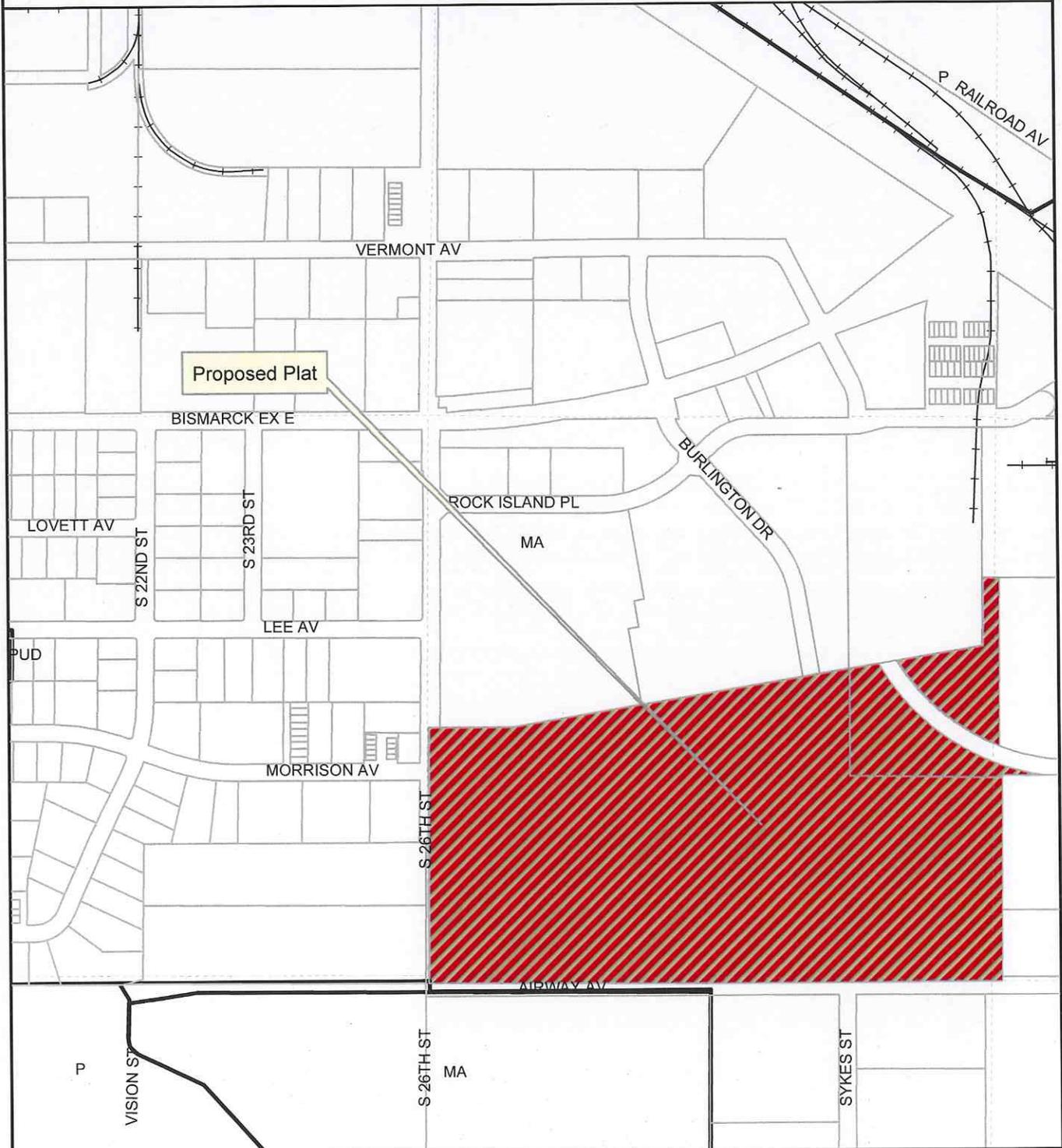
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|---|---|-----------------------------|
| BACKGROUND: | | |
| Title: Trillium 4 th Addition – Preliminary Plat | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): JL Partnership (owner) HD Partnership (developer) | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Plat property for light industrial development. | | |
| Location: East of South 26 th Street along the north side of Airway Avenue (part of the NW¼ of Section 11, T138N-R80W/Lincoln). | | |
| Project Size: 84.13 acres | Number of Lots: 18 lots in 5 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: MA – Industrial | Land Use: Light industrial | |
| Uses Allowed: Light industrial uses | Zoning: MA – Industrial | |
| Maximum Density Allowed: N/A | Uses Allowed: Light industrial uses | |
| | Maximum Density Allowed: N/A | |
| PROPERTY HISTORY: | | |
| Zoned: Pre-1980 | Platted: N/A | Annexed: Pre-1980 |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. All technical requirements for consideration of a preliminary plat have been met. 2. The proposed subdivision is consistent with the Fringe Area Road Master Plan for Section 11, T138N-80W/Lincoln Township, as amended, which identifies Morrison Avenue as the east-west collector for this section. Airway Avenue on the south side of the plat is classified as a minor arterial on the MPO’s Functional Classification Network (July 2011) and South 26th Street on the west side of the plat is classified as a future minor arterial. 3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing light industrial to the west, commercial uses to the north, a combination of light and heavy industrial uses to the east and the Bismarck Airport and developing light industrial uses to the south. 4. The proposed subdivision is already annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities. 5. The proposed subdivision would not adversely affect property in the vicinity. | | |
| <i>(continued)</i> | | |

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Trillium 4th Addition.

Proposed Plat Trillium 4th Addition



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Map was Updated/Created: April 22, 2013 (hib)

Source: City of Bismarck

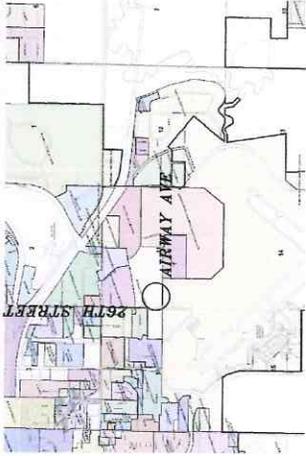


TRILLIUM 4TH ADDITION

PART OF THE NW SECTION 11, T. 138 N. R. 80 W.

BISMARCK, NORTH DAKOTA

LOCATION MAP



JUNE 14, 2013
SCALE - 1"=100'

NGVD29



OWNER: JL PARTNERSHIP
ADDRESS: PO BOX 1254
BISMARCK, ND 58504
PHONE: 701 223 6695

DEVELOPER: HD PARTNERSHIP
ADDRESS: 1102 WESTWOOD ST.
BISMARCK, ND 58503
PHONE: 701 223 6695

84.13 ACRES
EXISTING ZONING: MA
PROPOSED ZONING: MA
18 LOTS



SWENSON, HAGEN & COMPANY P.C.
 1000 14th Street
 Bismarck, North Dakota 58504
 Phone (701) 223-2200
 Fax (701) 223-2200
 www.swhc.com

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

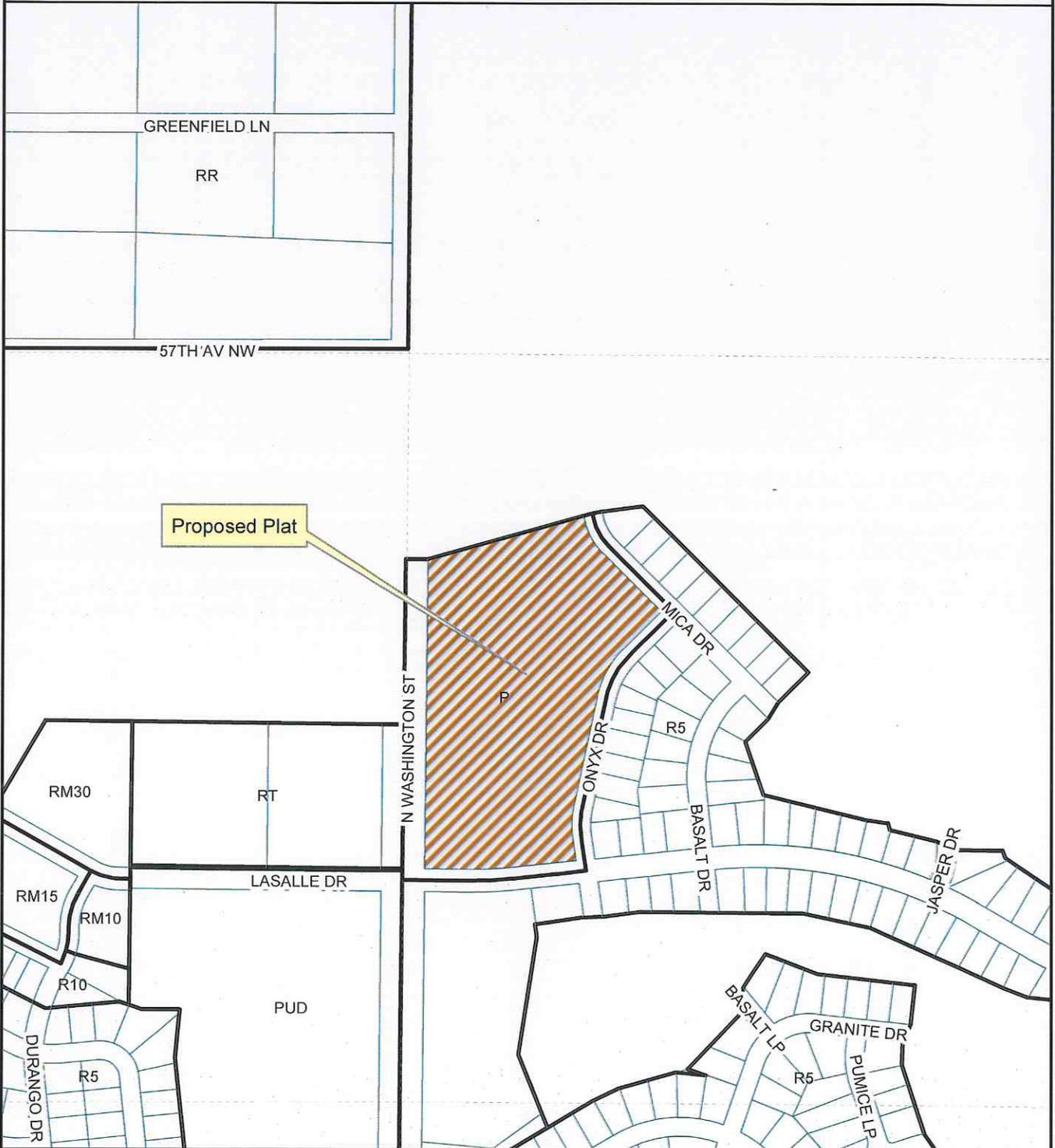
| | | |
|--|--|--------------------------|
| BACKGROUND: | | |
| Title: Liberty Addition – Zoning Change (P to R5 & P) (now known as Lot 1, Block 9, Boulder Ridge 5 th Addition) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Bismarck Public Schools | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Replat and rezone property for elementary school and single-family residential development. | | |
| Location: East of North Washington Street between 43 rd Avenue NW and 57 th Avenue NW (a replat of Lot 1, Block 9, Boulder Ridge 5 th Addition). | | |
| Project Size: 16.15 acres | Number of Lots: 6 lots in 1 block | |
| EXISTING CONDITIONS: | | |
| Land Use: Elementary school (under construction) | PROPOSED CONDITIONS: | |
| Zoning: P – Public | Land Use: Elementary school and five single family residential lots | |
| Uses Allowed: Public uses, including schools | Zoning: R5 – Residential P – Public | |
| Maximum Density Allowed: N/A | Uses Allowed: R5 – Single-family residential P – Public uses, including schools | |
| | Maximum Density Allowed: R5 – 5 units/acre P – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: 04/13 | Platted: 04/13 | Annexed: 04/13 |
| ADDITIONAL INFORMATION: | | |
| 1. This property is being replatted as Liberty Addition. A minor subdivision final replat only requires one meeting at the Planning & Zoning Commission; however, a zoning change requires two meetings at the Planning & Zoning Commission. The minor subdivision final plat will be considered in conjunction with the public hearing for the zoning change. | | |
| FINDINGS: | | |
| 1. The proposed zoning change is consistent with the Land Use Plan, which identifies the long range use of this area as public (land use component of US Highway 83 Corridor Transportation Study). The Land Use Plan amendment process allows an administrative amendment when the change is less than 660 feet in depth. In this case, it seems reasonable to allow an administrative amendment to extend the residential land use classification approximately 175 into the public land use classification. | | |
| <i>(continued)</i> | | |

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family residential to the south and east; undeveloped RT-Residential and A-Agricultural zoned property to the west, and undeveloped A-Agricultural zoned property to the north.
3. The property is already annexed and municipal services are in the process of being installed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the P – Public zoning district to the R5 – Residential and P-Public zoning districts for Liberty Addition, a replat of Lot 1, Block 9, Boulder Ridge 5th Addition.

Proposed Plat & Zoning Change (P to P & R5) Liberty Addition



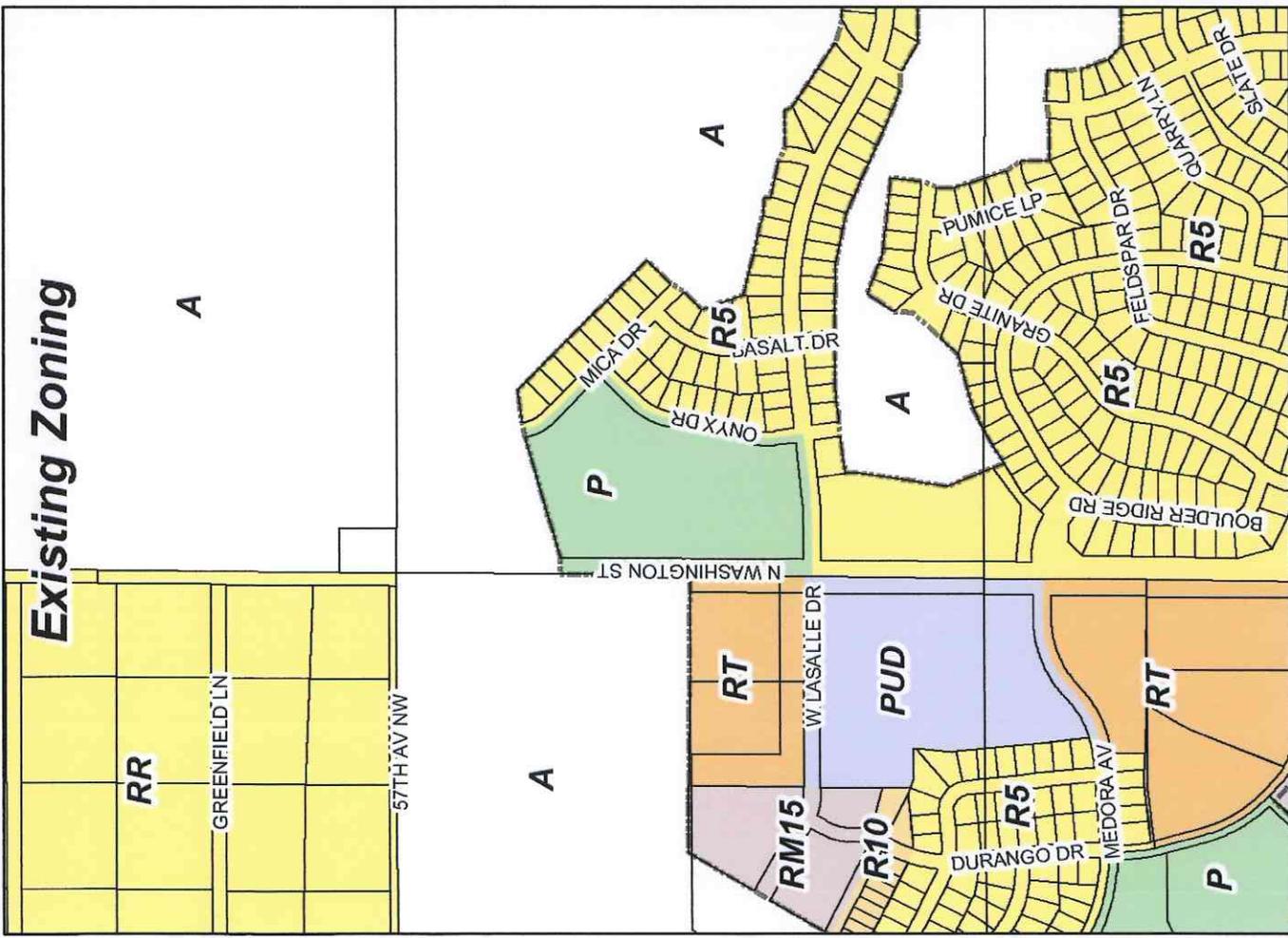
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 3, 2013 (hjb)

Source: City of Bismarck

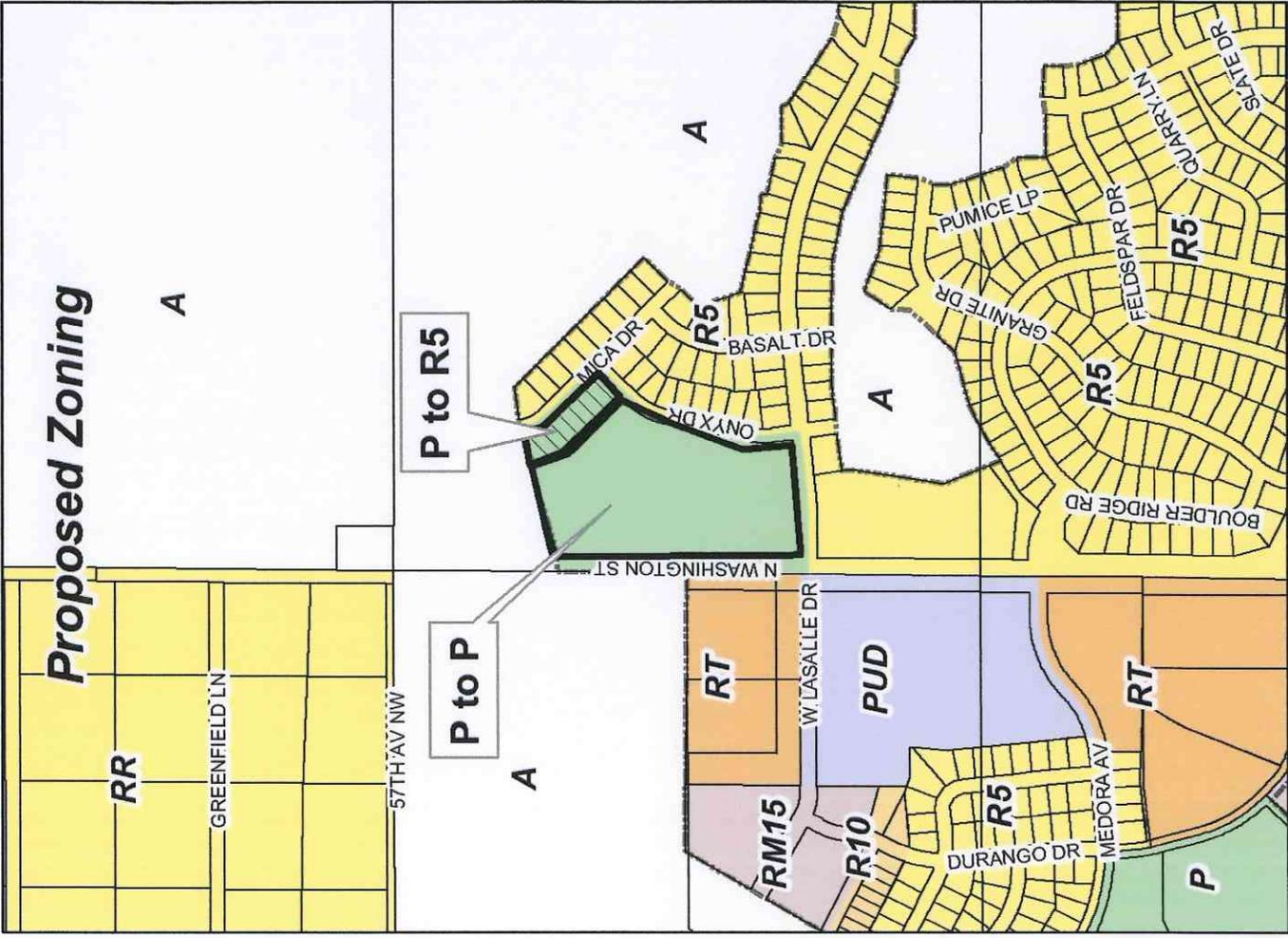


Liberty Addition - Zoning Change

Existing Zoning



Proposed Zoning



June 2013

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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|--|----------------------------|
| BACKGROUND: | | |
| Title: Cottonwood Lake 6 th Addition Replat – Zoning Change (A to R5) (Now known as Lots 1-8, Block 2, Lots 1-6, Block , Cottonwood Lake 6 th Addition) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Sattler Homes, Inc. | Engineer: Swenson, Hagen & Company | |
| Reason for Request: Rezone the property for a future mixed-density residential development. | | |
| Location: Along the south east side of South Washington Street between Wachter Avenue and Burleigh Avenue (A replat of Lots 1-8, Block 2, Lots 1-6, Block 3, Cottonwood Lake 6 th Addition). | | |
| Project Size: 4.93 acres | Number of Lots: 20 lots in 2 blocks | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Undeveloped | Land Use: Single, two and multi-family residential | |
| Zoning: R10 – Residential | Zoning: R10 – Residential RM15 – Residential | |
| Uses Allowed: R10 – Single and two-family residential | Uses Allowed: R10 – Single and two-family residential RM15 – Multi-family residential | |
| Maximum Density Allowed: R10 – 10 units per acre | Maximum Density Allowed: R10 – 10 units per acre RM15 – 15 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 08/2004 | Platted: 08/2004 | Annexed: 08/2004 |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> 1. This property is being replatted as Cottonwood Lake Sixth Addition Replat. A subdivision replat only requires one meeting at the Planning & Zoning Commission; a zoning change requires two meetings at the Planning & Zoning Commission. The minor subdivision final plat will be considered in conjunction with the public hearing for the zoning change. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north and west; multi-family residential to the south; and undeveloped single-family residentially zoned land to the east. 3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities. | | |
| <i>(continued)</i> | | |

4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

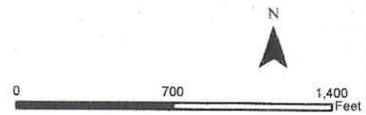
Based on the above findings, staff recommends scheduling a public hearing for the zoning change for Cottonwood Lake Sixth Addition Replat, a replat of Lots 1-8, Block 2 and Lots 1-6, Block 3, Cottonwood Lake Sixth Addition.

Proposed Plat and Zoning Change (R10 to R10 & RM15) Cottonwood Lake 6th Addition Replat

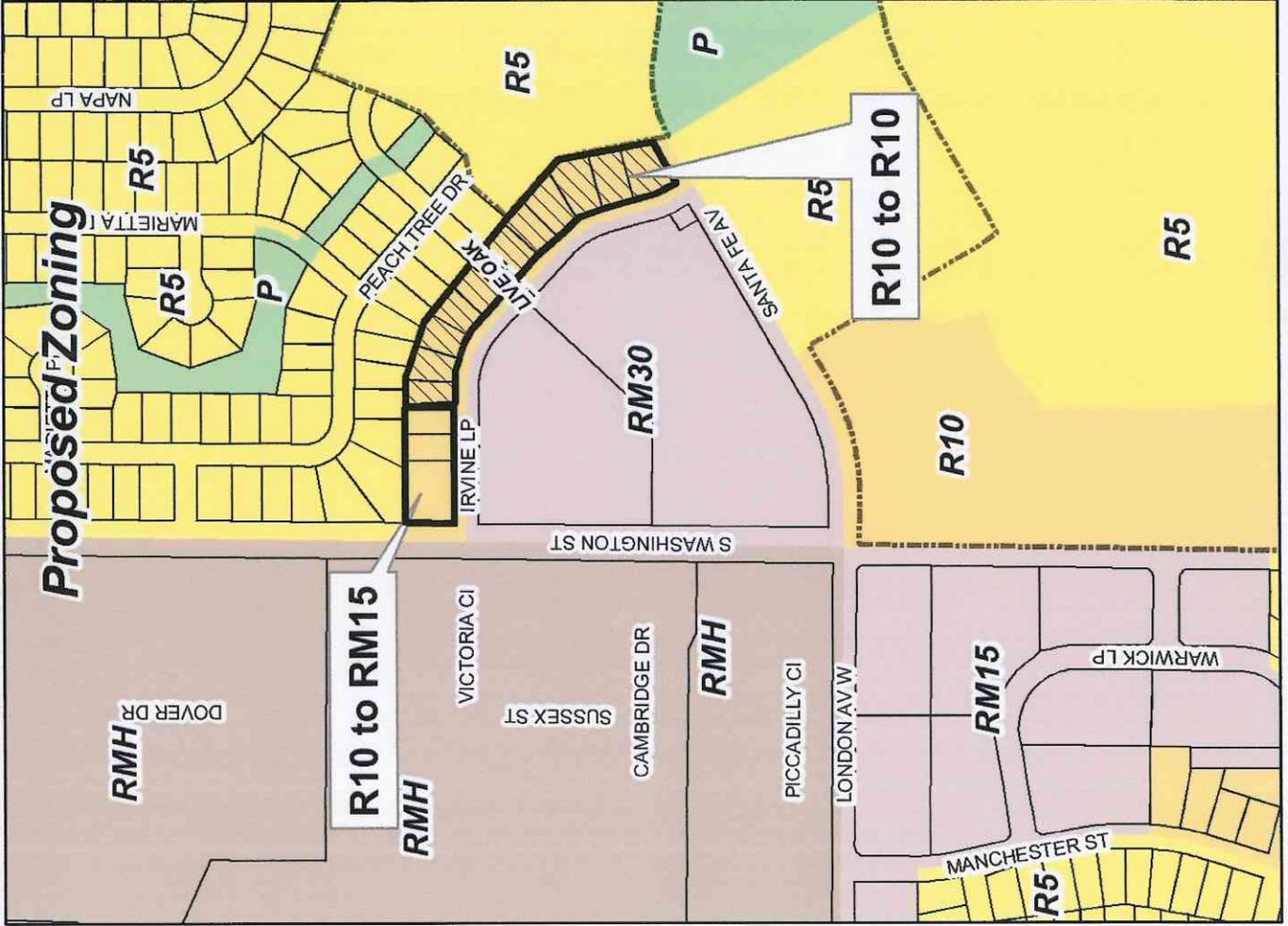
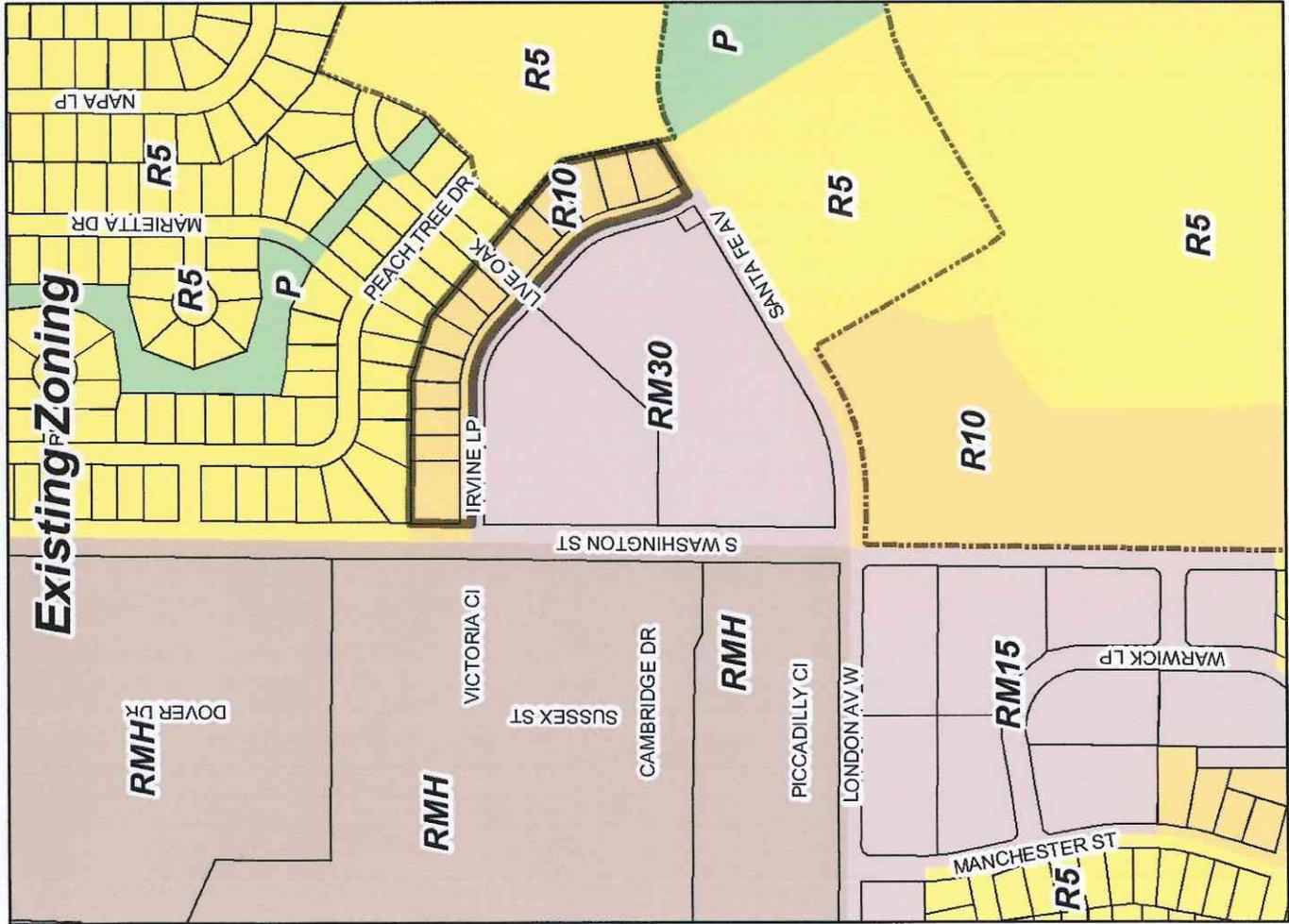


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: May 31, 2013 (hib)

Source: City of Bismarck



Cottonwood Lake Sixth Addition Replat - Zoning Change



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|---|------------------------|
| BACKGROUND: | | |
| Title: Part of Lot 1, Block 1, United Tribes Technical College Addition – Zoning Change (P to CG) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): United Tribes Technical College (owner) United Tribes Hotel Corporation (applicant) | Engineer: Swenson, Hagen & Company | |
| Reason for Request: To rezone property in conjunction with full-service hotel development project. | | |
| Location: In south Bismarck along the east side of ND Highway 1804 directly adjacent to the Bismarck Airport (Part of Lot 1, Block 1, United Tribes Technical College Addition). | | |
| Project Size: 8.44 acres | Number of Lots: 1 lot in 1 block | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Vacant/Campus Area | Land Use: Full-service hotel | |
| Zoning: P – Public | Zoning: CG – Commercial | |
| Uses Allowed: P – Parks, open space, college campuses and storm water facilities | Uses Allowed: CG – General commercial, multi-family residential, offices and hotels | |
| Maximum Density Allowed: P – N/A | Maximum Density Allowed: CG – 42 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 06/2006 | Platted: 06/2006 | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> 1. The applicant and owner have indicated their intent is to develop, construct and operate a full-service, 160-room Hyatt Place hotel on a portion of the United Tribes Technical College (UTTC) campus. The hotel would offer a full-service restaurant and 10,000 square feet of meeting room space. 2. The applicant and developer have indicated that the hotel will be a for-profit entity that is not directly affiliated with UTTC. However, UTTC has stated that there will be courses offered through the college in hotel/motel, hospitality and the food service industry fields in which students of UTTC are able to work at the hotel and gain college credits and work experience. 3. Currently the entire UTTC campus is outside City limits. There are service contracts with the City Fire and Public Works – Utility Operations Departments for fire protection and water service. The developer and applicant have indicated a desire to remain outside City limits once the hotel project has been completed. Planning Division staff has informed the developer/applicant that annexation into City limits will be required as a condition of the project. | | |
| <i>(continued)</i> | | |

4. The City Traffic Engineer has expressed concerns regarding the proposed access point along ND Highway 1804. The City's access control policy states that five access points will be allowed per mile along ND Highway 1804. The access points are generally spaces approximately ¼ mile apart to ensure adequate traffic flow and the ability to install traffic signals when warranted. The Traffic Engineer and the development group have had on-going discussions regarding the proposed access. Because this roadway is part of the North Dakota highway system, the NDDOT has also been involved in the discussions and will be included in the final decision.

FINDINGS:

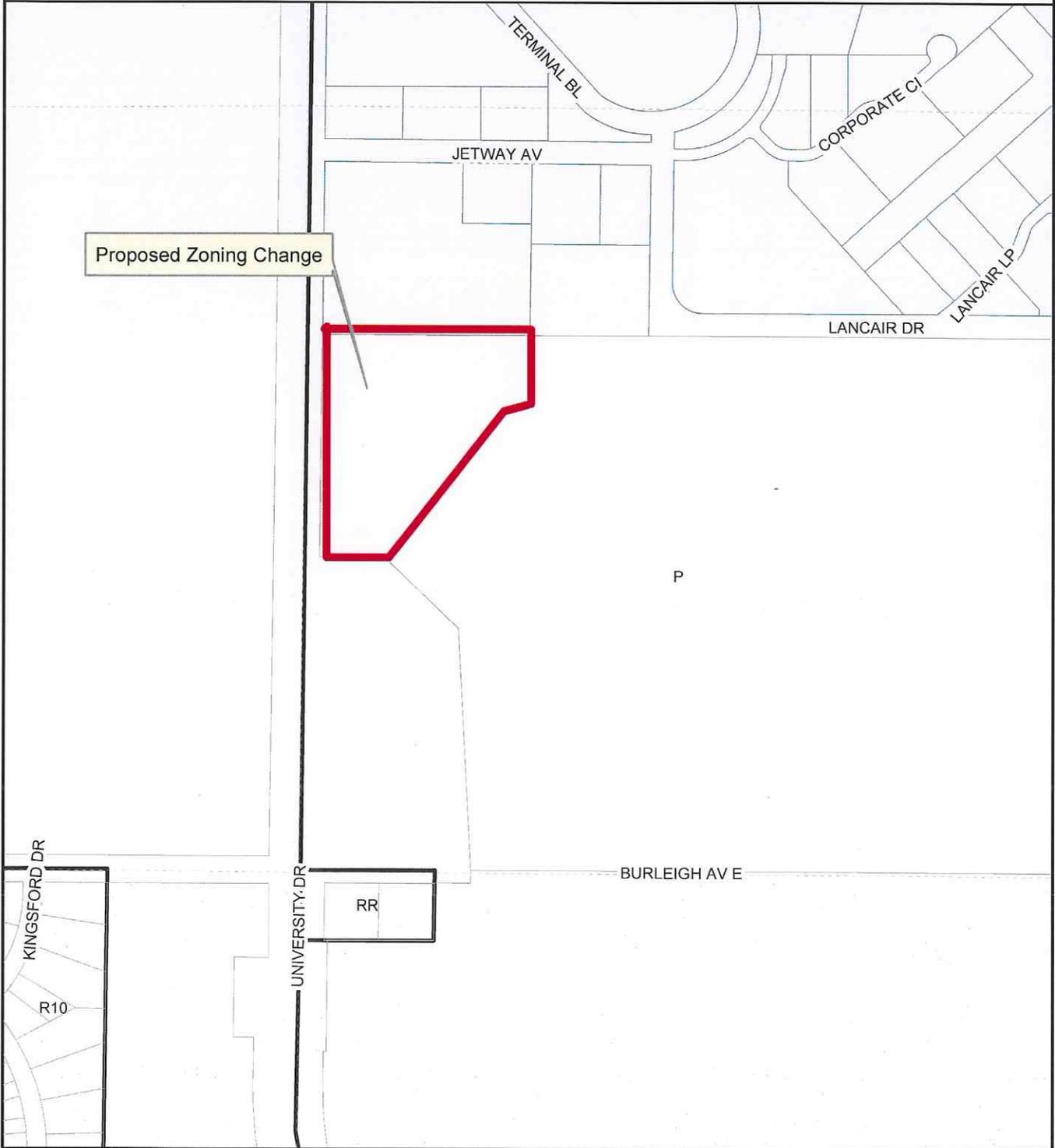
1. The proposed zoning change is outside the boundaries of the Land Use Plan.
2. The proposed zoning change would generally be compatible with adjacent land uses. Adjacent land uses include the Bismarck Airport, including the National Oceanic and Atmospheric Administration (NOAA) offices and the City of Bismarck's Emergency Operations Center to the north, United Tribes Technical College Campus to the east and southeast, the United States Army Reserve facilities to the south and Lincoln-Oakes Nursery to the west.
3. An annexation request has not yet been submitted in conjunction with this request, the entire property is currently outside City limits; therefore the proposed zoning change may place an undue burden on public services if the property is not annexed.
4. The proposed zoning change would not have an adverse impact on property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change for part of Lot 1, Block 1, United Tribes Technical College Addition from the P – Public zoning district to the CG-Commercial zoning district with the following conditions:

1. A plat of irregular description will be prepared to create a separate lot which the hotel project would occupy.
2. An annexation request is submitted by the applicant and developer prior to scheduling the public hearing for the zoning change.
3. The ingress/egress to the site from ND Highway 1804 is resolved to the satisfaction of the City Traffic Engineer, NDDOT and the applicant and developer prior to scheduling the public hearing for the zoning change.

Proposed Zoning Change (P to CG) Part of Lot 1, Block 1, United Tribes Technical College

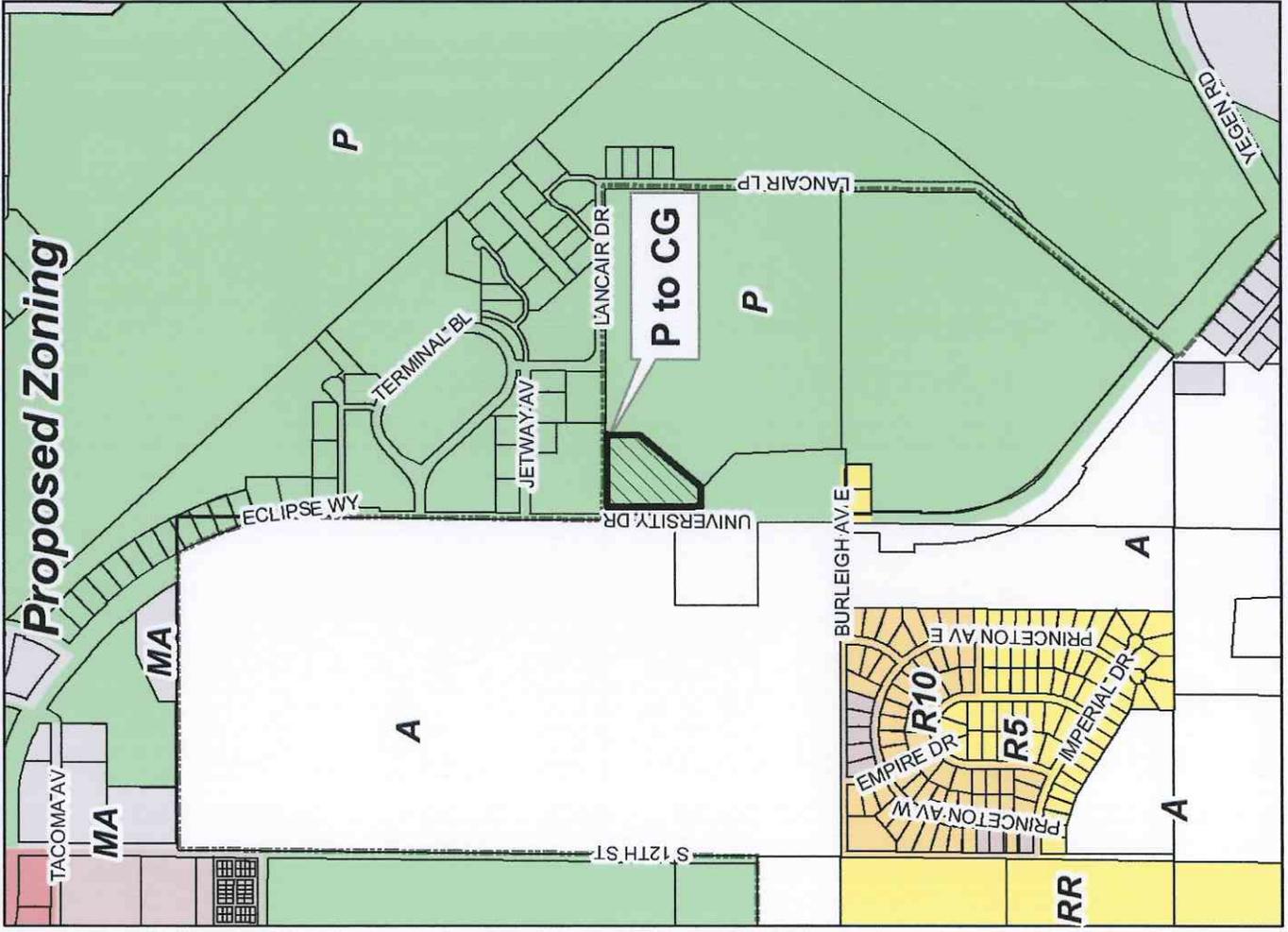
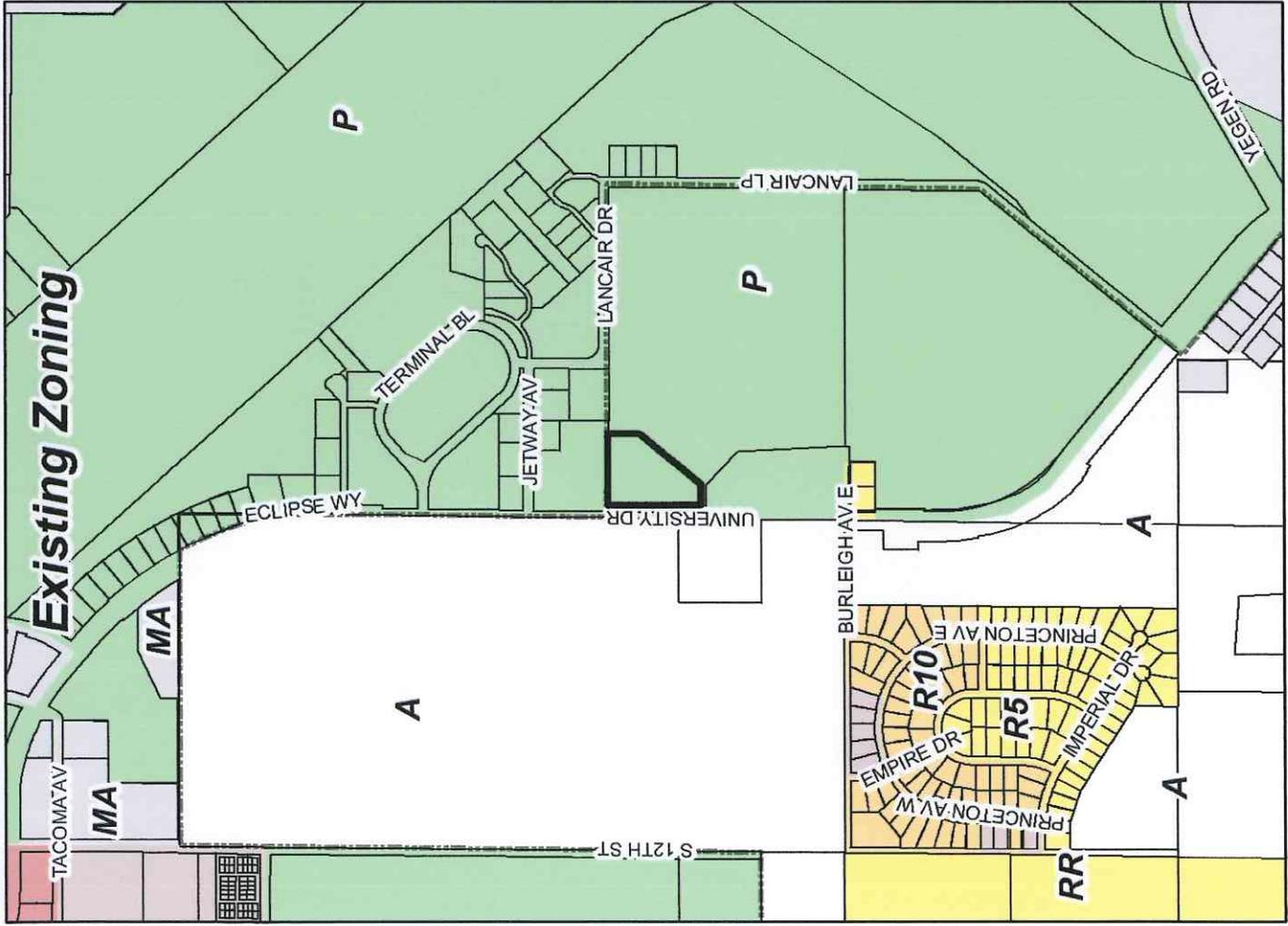


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 3, 2013 (hlb)

Source: City of Bismarck



Part of Lot 1, Block 1, United Tribes Technical College Addition - Zoning Change



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.

June 2013

RECEIVED
MAY 23 2013

**UNITED TRIBES TECHNICAL COLLEGE
PROPOSED HOTEL SITE
UNITED TRIBES TECHNICAL COLLEGE ADDITION**



8.44 Acres
367,581 Sq.Ft.

PROPOSED HOTEL SITE

ALL THAT PART OF LOT 1, BLOCK 1, UNITED TRIBES TECHNICAL COLLEGE ADDITION, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 1 UNITED TRIBES TECHNICAL COLLEGE ADDITION; THENCE SOUTH 0 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 728.34 FEET; THENCE NORTH 87 DEGREES 11 MINUTES 47 SECONDS EAST A DISTANCE OF 229.75 FEET; THENCE NORTH 39 DEGREES 50 MINUTES 21 SECONDS EAST A DISTANCE OF 507.61 FEET; A 260.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 165.98 FEET; THENCE NORTH 0 DEGREES 12 MINUTES 03 SECONDS EAST A DISTANCE OF 230.21 FEET TO THE NORTH LINE OF UNITED TRIBES TECHNICAL COLLEGE ADDITION; THENCE NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 680.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 8.44 ACRES MORE OR LESS.

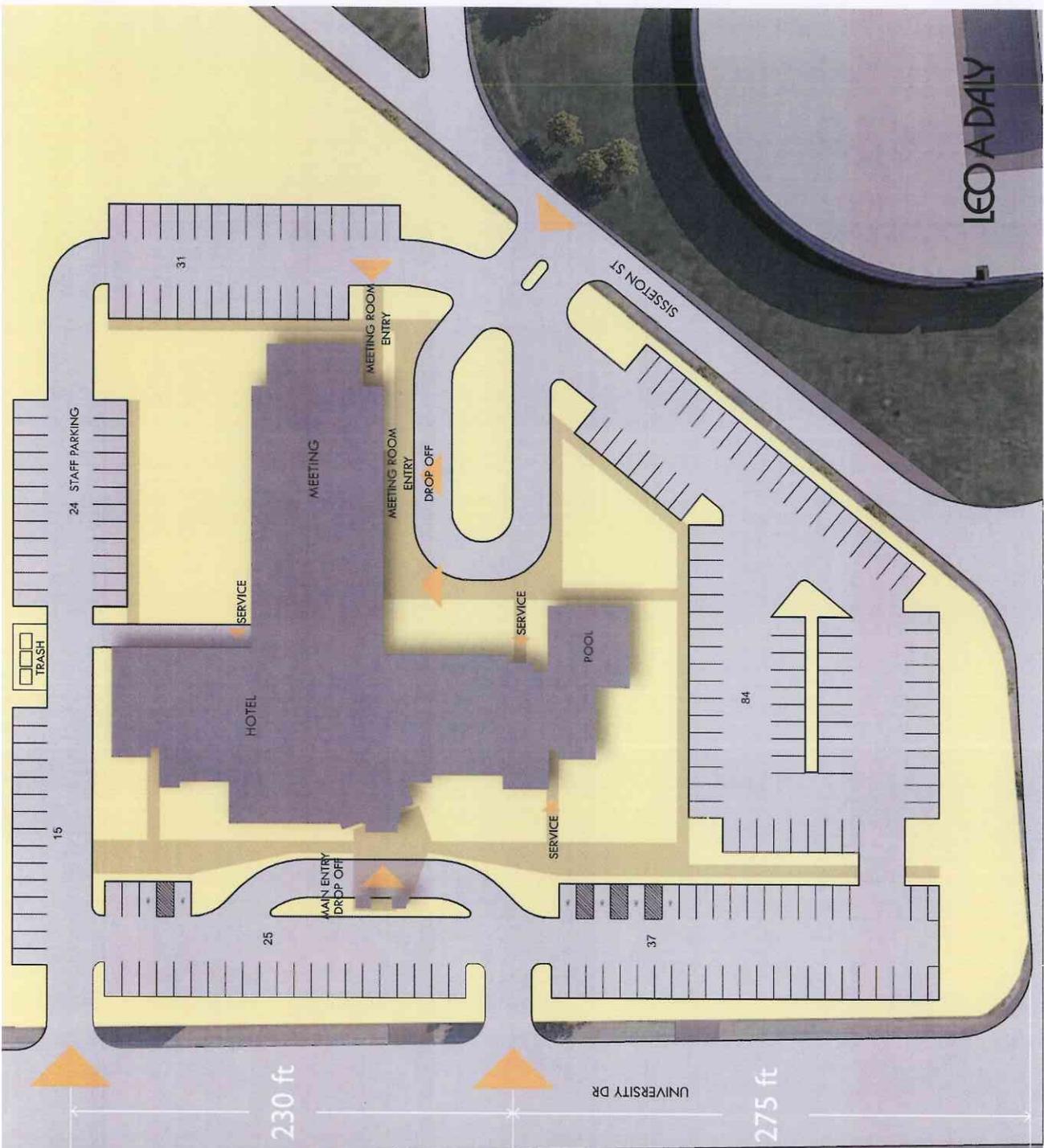


SCALE - 1" = 100'
JANUARY 19, 2009

SWENSON, HAGEN & COMPANY P.C.
 802 South Avenue P.O. Box 11351
 Bismarck, North Dakota 58501
 Phone (701) 237-2000
 Fax (701) 237-2000
 www.shc.com
 Surveying
 Land Planning
 Landscape & Site Design
 Construction Management

UTTC HOTEL STUDY
SITE PLAN 1:50
 04/03/2013
 TOTAL PARKING SPACES: 216
 SIDEWALK AREA: 14,409 SF
 BITUMINOUS AREA: 90,115 SF

KEY PLAN



LEO A DALY

RECEIVED
 MAY 7 3 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|---|------------------------|
| BACKGROUND: | | |
| Title: The West 200 feet of Lot 1, and Lots 2-3, Block 1, Duemelands 3 rd Subdivision – Zoning Change (MA & MB to MB) | | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 | |
| Owner(s): Aaron Stenberg, Duemelands Properties, LLLP (Owner) | Engineer: N/A | |
| Reason for Request: Rezone property bring entire parcel into one zoning district. | | |
| Location: Along the north side of Cartridge Loop and east side of Yegen Road. | | |
| Project Size: (5.26 acres) | Number of Lots: 3 Lots in 1 block | |
| EXISTING CONDITIONS: | | |
| Land Use: Industrial uses, including truck terminals | PROPOSED CONDITIONS: | |
| Zoning: MA – Industrial MB – Industrial | Land Use: Industrial uses, including tuck terminals | |
| Uses Allowed: MA – Industrial and commercial uses, including truck terminals MB – Industrial and commercial uses, including truck terminals | Zoning: MB – Industrial | |
| Uses Allowed: MA – Industrial and commercial uses, including truck terminals MB – Industrial and commercial uses, including truck terminals | Uses Allowed: MB – Industrial and commercial uses, including truck terminals | |
| Maximum Density Allowed: MA – N/A MB – N/A | Maximum Density Allowed: MB – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: Prior to 1980 | Platted: 01/1989 | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> When this property was platted in 1989, the zoning boundary for the northern half of the plat followed the quarter section line which was previously zoned MA – Industrial prior to 1980. The zoning change request is in conjunction with a site plan for a 3,550 square foot single-story addition to the existing building, (Federal Express Freight terminal facility). During the site plan review process, it was determined that Lots 1-3, Block 1 Duemelands' s 3rd Subdivision required a lot modification to combine the lots in order for the site plan to be approved. Section 14-09-03 of the City Code of Ordinances (Definitions) defines a Lot Combination as “A combination of two (2) or more platted lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision that meets the following criteria. Does not involve lots within more than one zoning jurisdiction.” In order for the lots to be combined, the site plan approved and a building permit issued, the entire parcel must be located within the same zoning district. | | |
| <i>(continued)</i> | | |

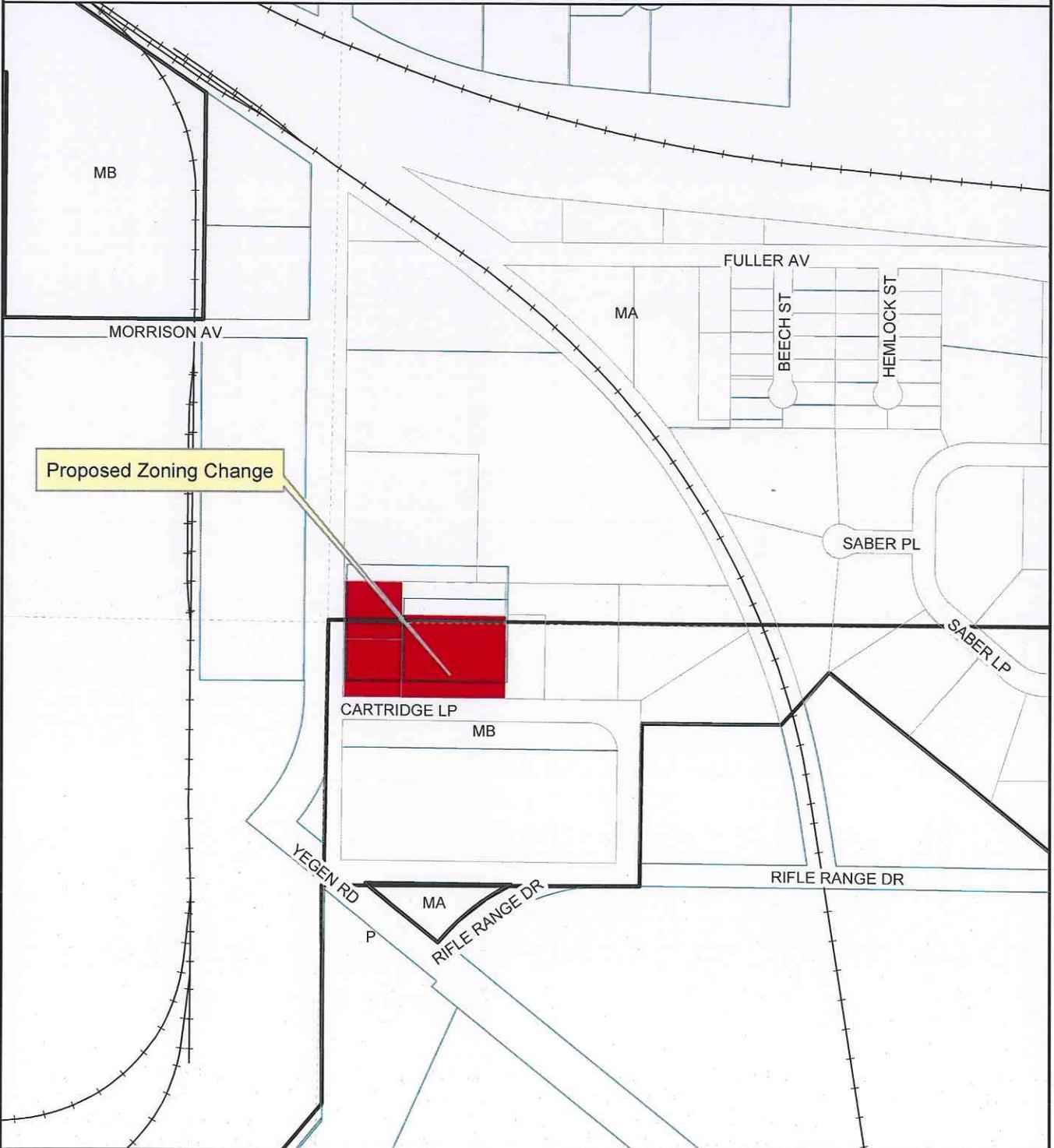
FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include industrial land uses to the north, south, east and west.
2. The property is being served by a private well and septic system and would have access to Yegen Road via Cartridge Loop; therefore, the zoning change would not place an undue burden on public services and facilities.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the MA – Industrial and MB – Industrial zoning districts to the MB – Industrial zoning district on the West 200 feet of Lot 1 and Lots 2-3, Block 1, Duemeland's 3rd Subdivision.

**Proposed Zoning Change (MB & MA to MB)
W200' of Lot 1, Lots 2 & 3, Block 1
Duemeland's 3rd Subdivision**

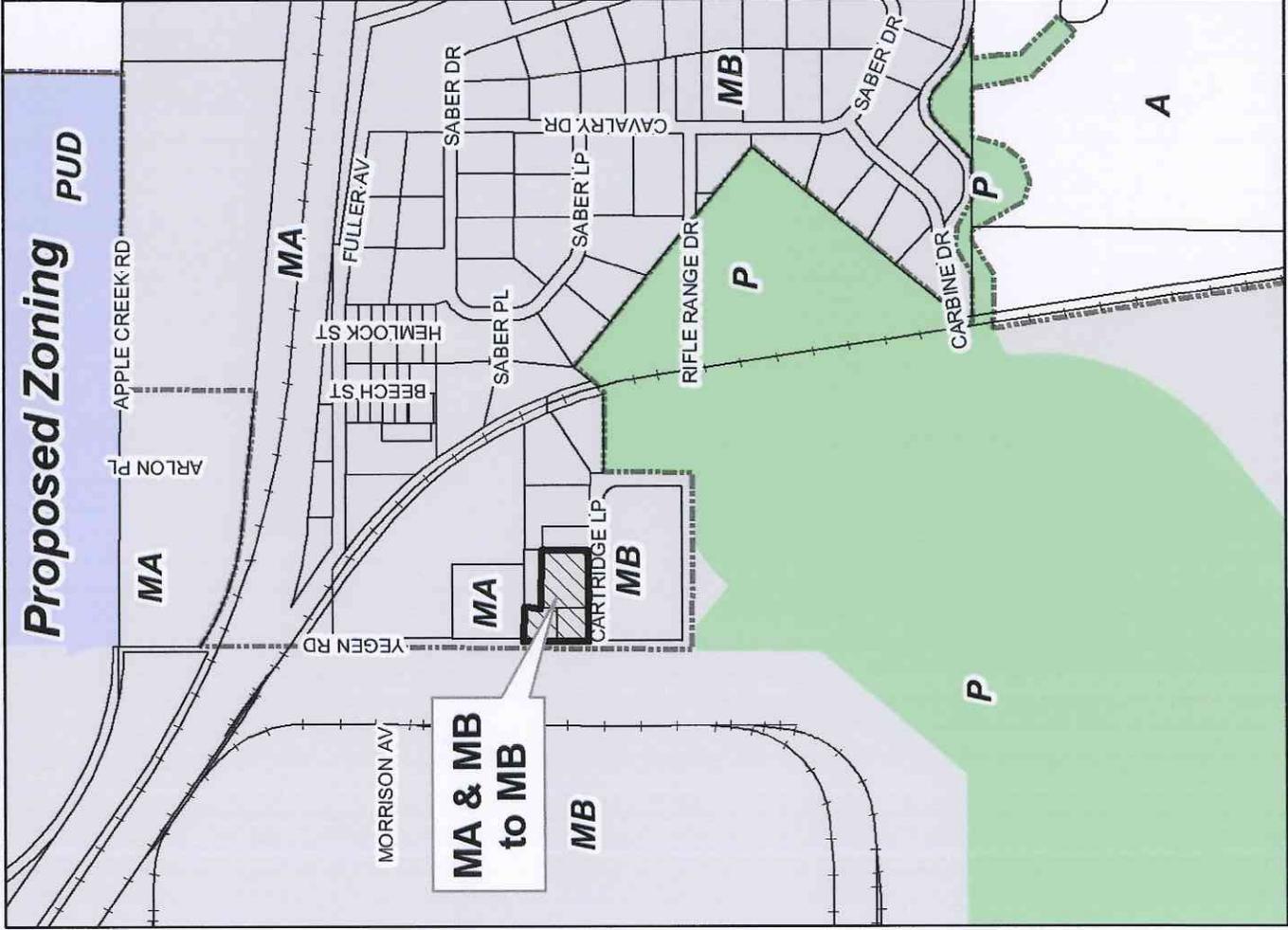


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Map was Updated/Created: June 3, 2013 (hnb)

Source: City of Bismarck



The West 200 Feet of Lot 1, and Lots 2-3, Block 1, Duemelands's 3rd Subdivision - Zoning Change



June 2013

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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | |
|---|-------------------------------|
| BACKGROUND: | |
| Title: Lot A of NW¼, Section 1, T139N-R81W/West Hay Creek Township – Land Use Plan Amendment (Urban Residential to Industrial) | |
| Status: Planning Commission – Consideration | Date: June 26, 2013 |
| Reason for Request: Introduce the light industrial land use classification into an area classified as urban residential. | |
| Location: Along the north side of Burnt Creek Drive, east of River Road and southwest of The Ridge at Hawktree. | |
| BACKGROUND: | |
| <ol style="list-style-type: none"> 1. The Bismarck-Mandan Regional Land Use Plan was adopted by the Bismarck Planning and Zoning Commission on July 25, 2007 and by the Board of City Commissioners on August 14, 2007. The future land use portion of this document is a component of the Bismarck Land Use Plan (LUP). 2. The applicant is requesting an amendment to the land use concept identified for Section 1, T139N-R81W/West Hay Creek Township, to introduce the light industrial land use classification into a 4.97-acre tract located north of Burnt Creek Drive, east of River Road and southwest of The Ridge at Hawktree. 3. The proposed amendment would introduce the light industrial land use classification into an area that is classified as urban residential. 4. The request is being made in advance of a preliminary plat and zoning change. The proposed use of the property for a storage facility would generally conform to the Land Use Plan if amended. | |
| FINDINGS: | |
| <ol style="list-style-type: none"> 1. The proposed change in the Land Use Plan is not compatible with adjacent land uses. Adjacent land uses include a mix of agricultural uses, rural residential uses and urban-density rural residential uses. 2. The proposed Land Use Plan amendment does not reflect a change in conditions since the Land Use Plan was established, nor does it result in an improved Land Use Plan which better responds to the needs of the community. 3. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the Land Use Plan at the time the property is developed. 4. The proposed Land Use Plan amendment will adversely affect property in the vicinity. In particular, an industrial land use in this location could have an adverse impact on the adjacent residential and agricultural land uses. | |
| <i>(continued)</i> | |

5. The proposed Land Use Plan is not consistent with the other aspects of the master plan, other adopted plans, policies and planning practice. In particular, introducing an industrial land use classification to a small parcel surrounded by an area designated as urban residential would be the land use planning equivalent of spot zoning.
6. The amendment to the Land Use Plan is not in the public interest and is solely for the benefit of a single property owner.

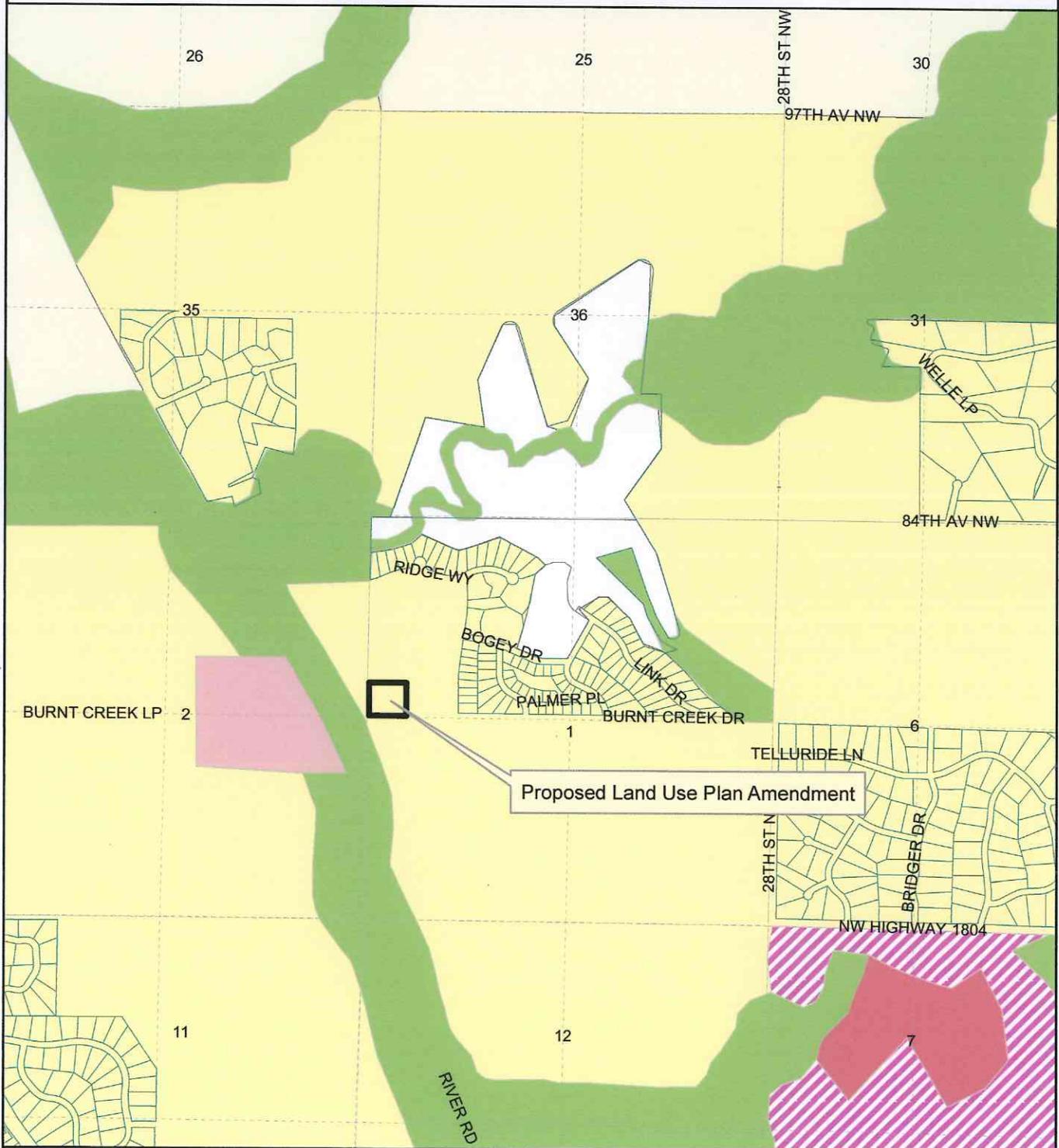
RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the proposed amendment to the Land Use Plan for Lot A of the NW¹/₄ of Section 1, T139N-R81W/West Hay Creek Township, to introduce a light industrial land use classification into this property, with the understanding that staff will be recommending denial of the request.

Proposed Land Use Plan Amendment

Lot A of the NW1/4 of Section 1, T139N-R81W/West Hay Creek Twp

Urban Residential to Industrial



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 Map was Updated/Created: June 3, 2013 (klec)

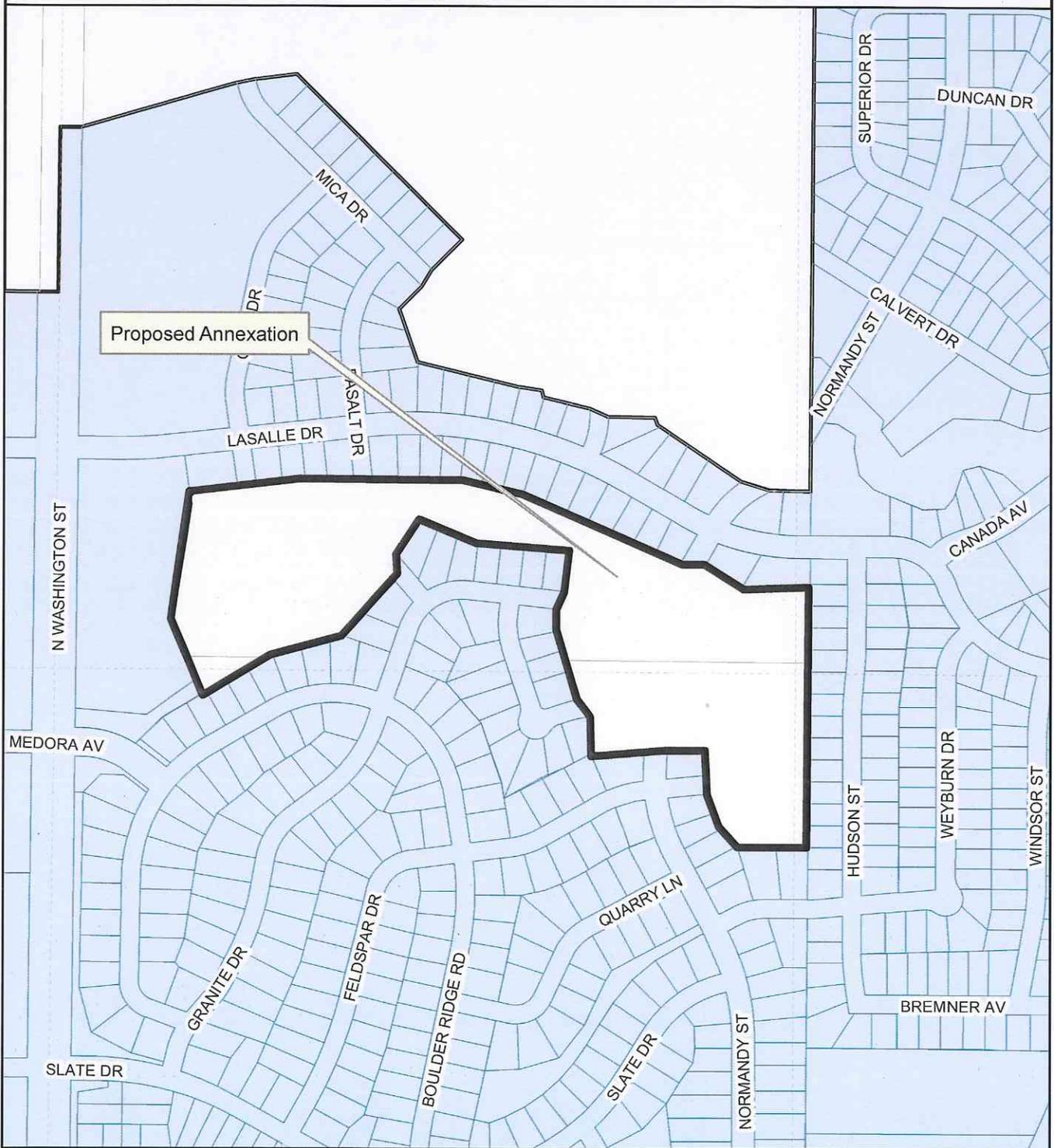
Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|---|-------------------------|
| BACKGROUND: | | |
| Title: Part of the W½ of Section 16, T139N-R80W/Hay Creek Township – Annexation | | |
| Status: Planning Commission – Final Consideration | Date: June 26, 2013 | |
| Owner(s): Five Guys Investment, LLP | Engineer: Swenson Hagen & Co. | |
| Reason for Request: Annex remnant property in advance of platting and zoning. | | |
| Location: Along the east side of North Washington Street between 43 rd Avenue NE and 57 th Avenue NE. | | |
| Project Size: 28.5 acres, more or less | Number of Lots: N/A | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: A – Agricultural | Land Use: Undeveloped | |
| Uses Allowed: Agricultural uses | Zoning: A – Agricultural | |
| Maximum Density Allowed: One unit per 65,000 square feet | Uses Allowed: Agricultural uses | |
| PROPERTY HISTORY: | | |
| Zoned: ---- | Platted: ---- | Annexed: ---- |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> The annexation of this property was a condition of approval of the final plat, zoning change and annexation of Boulder Ridge 6th Addition. The request was made in order to advance the actions related to Boulder Ridge 6th Addition to the City Commission and address the issues of the remnant un-annexed property within the Boulder Ridge development. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development. The proposed annexation would not adversely affect property in the vicinity. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. | | |
| RECOMMENDATION: | | |
| Based on the above findings, staff recommends approval of the annexation of the that part of the W½ of Section 16, T139N-R80W/Hay Creek Township lying north of Boulder Ridge 2 nd Addition, Boulder Ridge 3 rd Addition and Boulder Ridge 4 th Addition, south of Boulder Ridge 5 th Addition. | | |

Proposed Annexation Pt W1/2, Section 16, Hay Creek Township



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Map was Updated/Created: May 29, 2013 (hib)

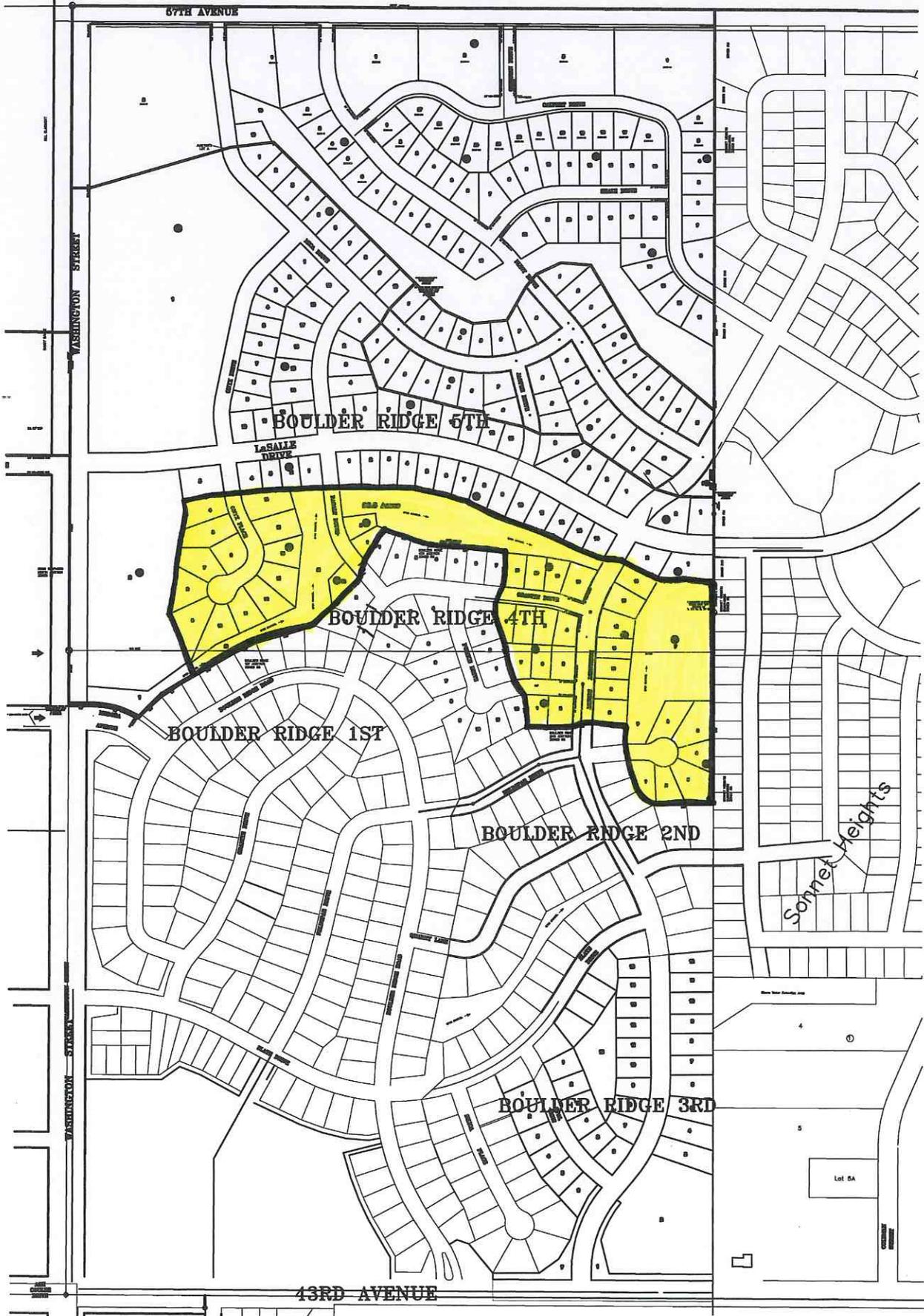
Source: City of Bismarck



BOULDER RIDGE DEVELOPMENT

SECTION 16 T 139 N R 80 W

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MAY 24 2012

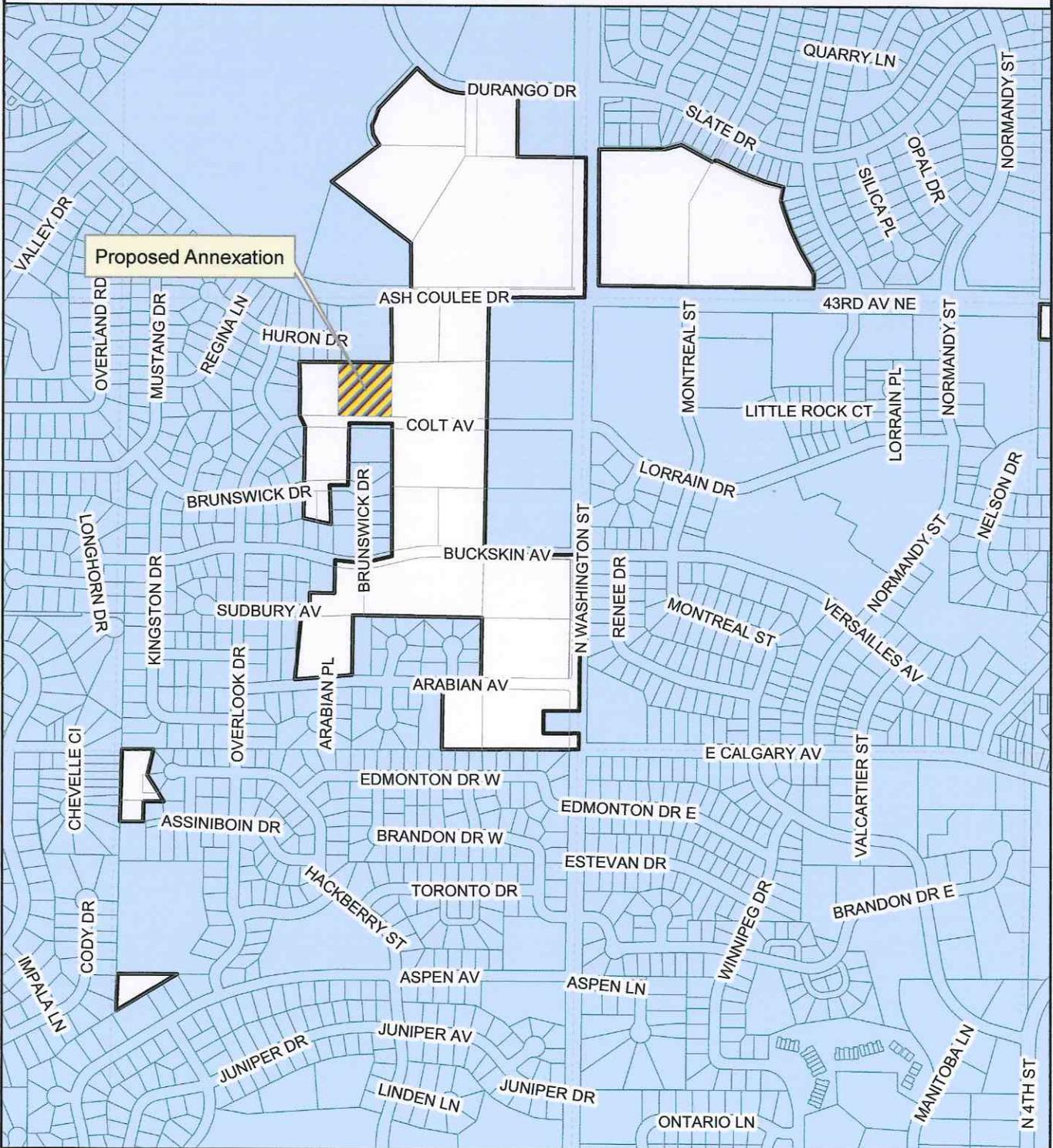


**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|--|------------------------|
| BACKGROUND: | | |
| Title: East 314 feet of Lot 14, Block 4, Block 1, KMK Estates 2 nd Subdivision – Annexation | | |
| Status: Planning Commission – Final Consideration | Date: June 26, 2013 | |
| Owner(s): Paul & Susan Bultsma | Engineer: N/A | |
| Reason for Request: Annex developed property in order to obtain municipal water service. | | |
| Location: Along the north side of Colt Avenue west of North Washington Street. | | |
| Project Size: 2.50 acres, more or less (lot & adjacent ROW) | Number of Lots: Part of 1 lot | |
| EXISTING CONDITIONS: | | |
| Land Use: Rural residential | PROPOSED CONDITIONS: | |
| Zoning: RR – Residential | Land Use: Rural residential | |
| Uses Allowed: Rural residential & limited agricultural uses | Zoning: RR – Residential | |
| Maximum Density Allowed: One unit per 65,000 square feet | Uses Allowed: Rural residential & limited agricultural uses | |
| | Maximum Density Allowed: One unit per 65,000 square feet | |
| PROPERTY HISTORY: | | |
| Zoned: 04/59 | Platted: 08/66 | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> The property owner has requested municipal water service and submitted the request for annexation as a condition of that service request. This lot was included in the June 2007 annexation agreement for parcels in KMK Estates. The annexation of this lot is preceding the annexation of the remainder of the subdivision scheduled for the spring of 2014 because the owner is in need of municipal services at this time. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation, as the property is already developed. The proposed annexation would not adversely affect property in the vicinity. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. | | |
| RECOMMENDATION: | | |
| Based on the above findings, staff recommends approval of the annexation of the East 314 feet of Lot 14, Block 4, KMK Estates 2 nd Subdivision, along with the north half of the adjacent Colt Avenue. | | |

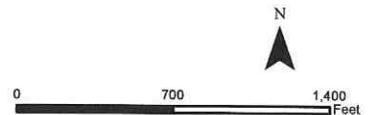
Proposed Annexation

East 314 feet of Lot 14, Block 4, KMK Estates 2nd Subdivision



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 Map was Updated/Created: May 8, 2013 (klee)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|---|------------------------|
| BACKGROUND: | | |
| Title: Hay Creek Commercial Addition – Annexation | | |
| Status: Planning Commission – Final Consideration | Date: June 26, 2013 | |
| Owner(s): Mandan 94, Investors, LLP Skyline Properties, LLC | Engineer: KLJ | |
| Reason for Request: To plat, zone and annex property in conjunction with large-scale commercial development project. | | |
| Location: In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township). | | |
| Project Size: 37.330 acres | Number of Lots: 2 lots in 2 blocks | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Vacant/Undeveloped | Land Use: General commercial | |
| Zoning: A – Agriculture CG – Commercial | Zoning: CG – Commercial | |
| Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices | Uses Allowed: CG – General commercial, multi-family residential and offices | |
| Maximum Density Allowed: A – 1 unit per 40 acres CG – 42 units per acre | Maximum Density Allowed: CG – 42 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 12/03 (part) | Platted: N/A | Annexed: N/A |
| ADDITIONAL INFORMATION: | | |
| 1. The storm water management plan for the final plat of Hay Creek Commercial Addition has not yet been approved by the City Engineer. | | |
| FINDINGS: | | |
| 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. | | |
| 2. The proposed annexation would not adversely affect property in the vicinity. | | |
| 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. | | |
| 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. | | |

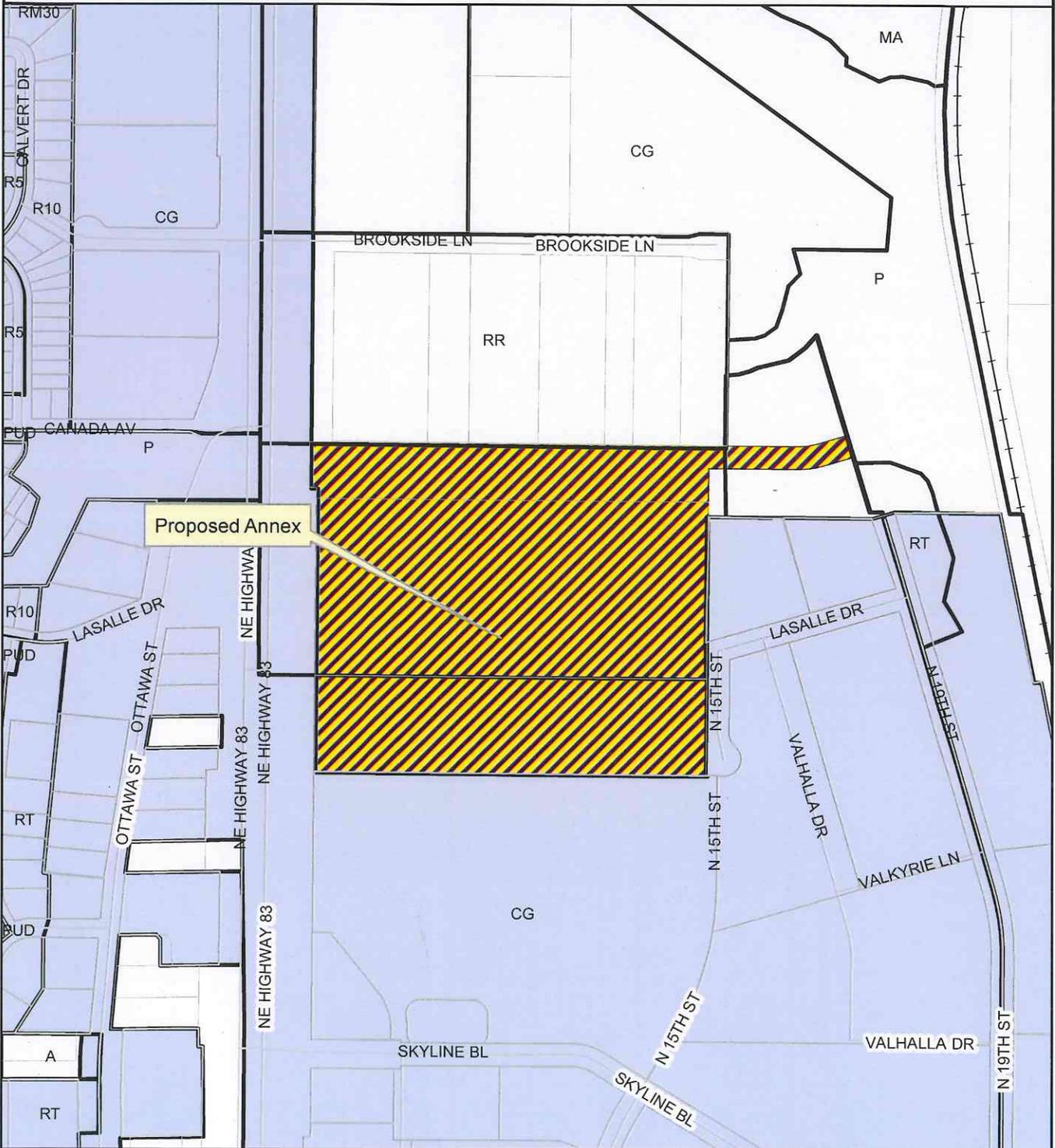
RECOMMENDATION:

As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the annexation of Hay Creek Commercial Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the annexation of Hay Creek Commercial Addition.

Proposed Annex Hay Creek Commercial Addition



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Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|---|------------------------|
| BACKGROUND: | | |
| Title: Hay Creek Commercial Addition – Zoning Change (A & CG to CG) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): Mandan 94, Investors, LLP Skyline Properties, LLC | Engineer: KLJ | |
| Reason for Request: To plat, zone and annex property in conjunction with large-scale commercial development project. | | |
| Location: In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township). | | |
| Project Size: 37.330 acres | Number of Lots: 2 lots in 2 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Vacant/Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: A – Agriculture CG – Commercial | Land Use: General commercial | |
| Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices | Zoning: CG – Commercial | |
| Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices | Uses Allowed: CG – General commercial, multi-family residential and offices | |
| Maximum Density Allowed: A – 1 unit per 40 acres CG – 42 units per acre | Maximum Density Allowed: CG – 42 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 12/03 (part) | Platted: N/A | Annexed: N/A |
| ADDITIOINAL INFORMATION: | | |
| 1. The storm water management plan for the final plat of Hay Creek Commercial Addition has not yet been approved by the City Engineer. | | |
| FINDINGS | | |
| 1. The proposed zoning change would be consistent with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study), which identifies the area as commercial. | | |
| <i>(continued)</i> | | |

2. The proposed zoning change would generally be compatible with adjacent land uses. Adjacent land uses include developing commercial uses to the south, east and west and rural residential dwellings directly adjacent to the north. The rural residential homes to the north lie approximately 600 feet north of the proposed developed and would be separated by the proposed extension of East LaSalle Drive, and the Hay Creek corridor drainage way.
3. The entire property would be annexed prior to development; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, there are five existing rural residentially-zoned homes approximately 600-700 feet north of the proposed subdivision. The homes would be separated from the commercial development by a public roadway (East LaSalle Drive) and approximately 550 feet of open space along the southern tier of the residentially zoned property.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

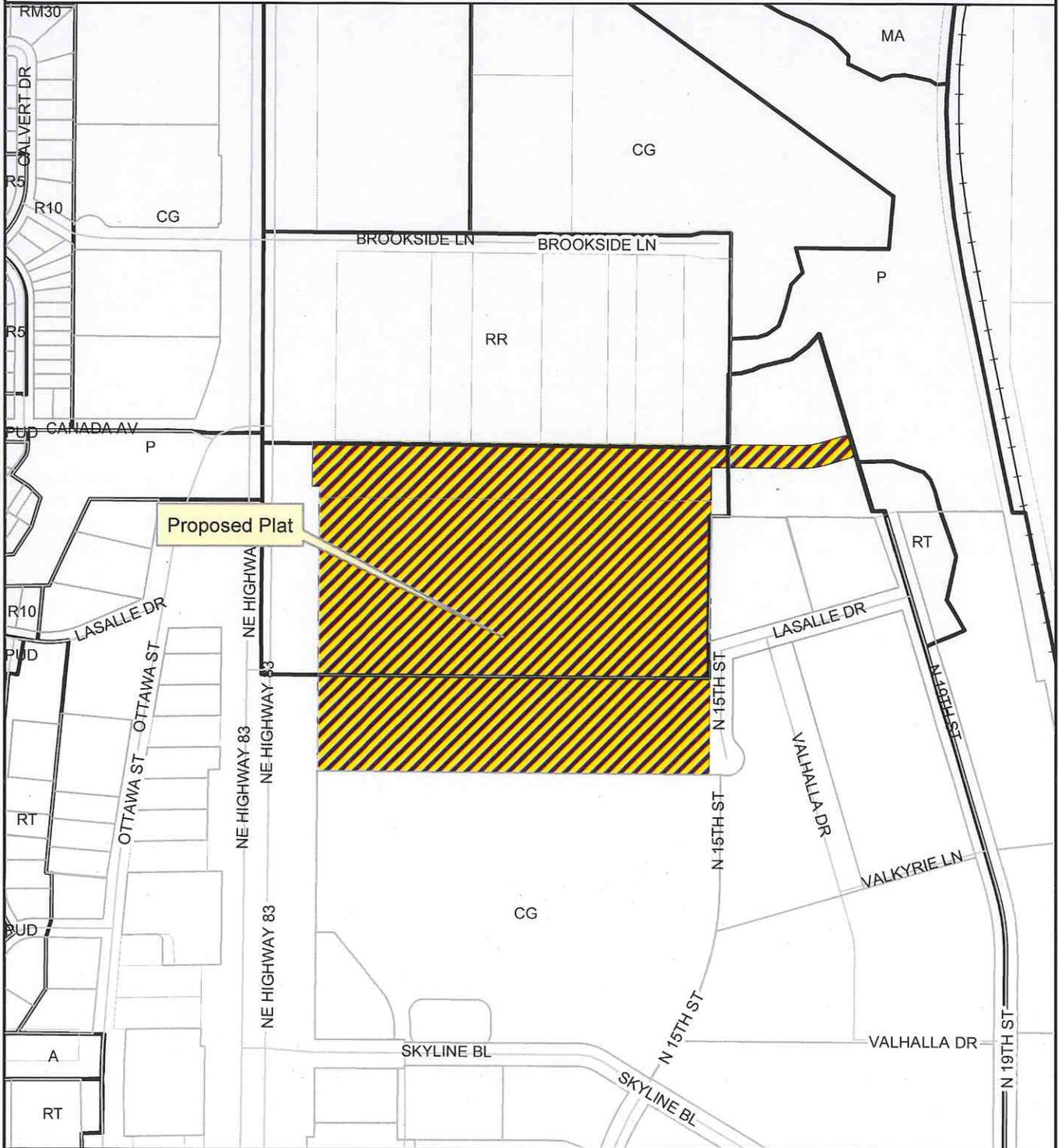
RECOMMENDATION:

As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the zoning change request for Hay Creek Commercial Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

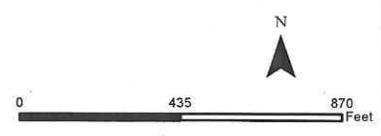
Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture and CG – Commercial zoning districts to the CG – Commercial zoning district for Hay Creek Commercial Addition.

Proposed Plat and Zoning Change (A & CG to CG) Hay Creek Commercial Addition

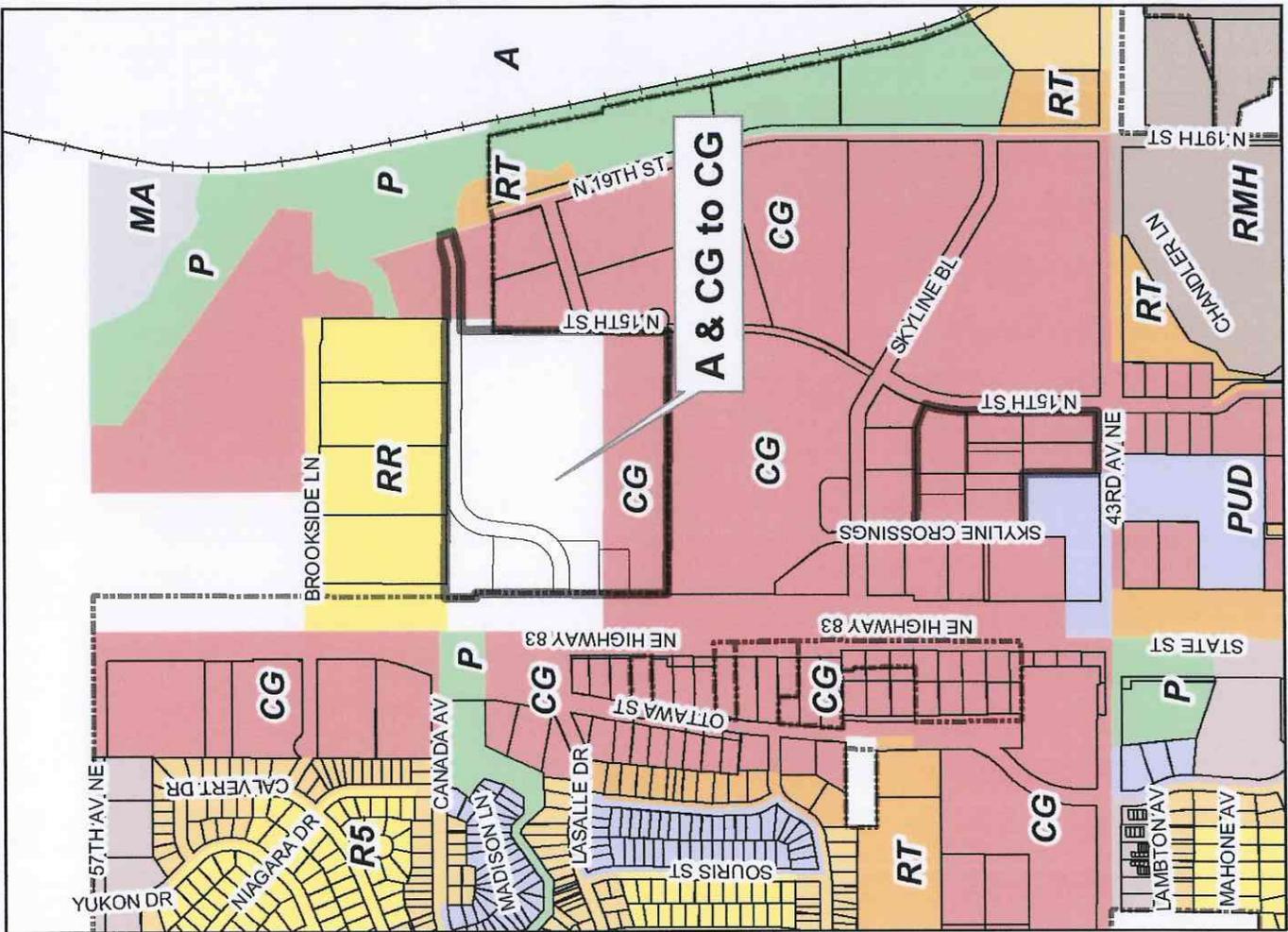
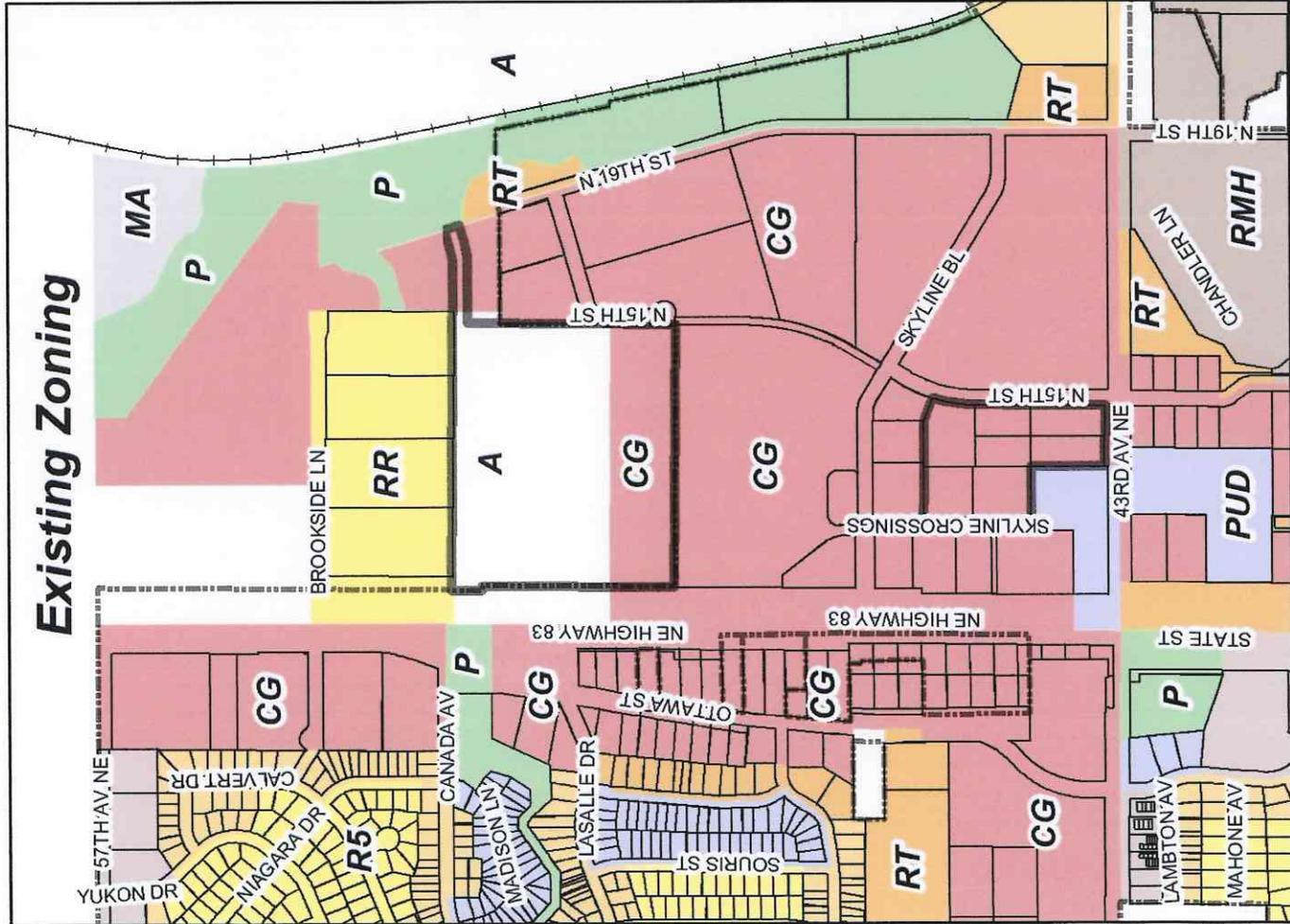


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Map was Updated/Created: April 23, 2013 (hjb)

Source: City of Bismarck



Hay Creek Commercial Addition - Zoning Change



May 2013

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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| BACKGROUND: | | |
|--|---|------------------------|
| Title: Hay Creek Commercial Addition – Final Plat | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): Mandan 94, Investors, LLP Skyline Properties, LLC | Engineer: KLJ | |
| Reason for Request: To plat, zone and annex property in conjunction with a large-scale commercial development project. | | |
| Location: In north Bismarck, along the east side of US Highway 83 approximately ½ mile north of 43 rd Avenue NE (A replat of Lots A & B and an unplatted portion of the W ½ of Section 15, T139N-R80W/Hay Creek Township). | | |
| Project Size: 37.330 acres | Number of Lots: 2 lots in 2 blocks | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Vacant/Undeveloped | Land Use: General commercial | |
| Zoning: A – Agriculture CG – Commercial | Zoning: CG – Commercial | |
| Uses Allowed: A – Agriculture CG – General commercial, multi-family residential and offices | Uses Allowed: CG – General commercial, multi-family residential and offices | |
| Maximum Density Allowed: A – 1 unit per 40 acres CG – 42 units per acre | Maximum Density Allowed: CG – 42 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: 12/03 | Platted: N/A | Annexed: N/A |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. All technical requirements for consideration of a final plat have been met. 2. The City Engineer has not approved the storm water management plan. 3. The proposed subdivision would conform to the Fringe Area Road Master Plan, which identifies East LaSalle Drive as the east-west collector roadway collector roadway for this section. 4. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include commercially-zoned property to the east, commercial property to the south and west and five, rural residential homes to the north. The commercial development would be separated from the homes by approximately 600-700 feet, most of which is the homeowners' back yards. | | |
| <i>(continued)</i> | | |

5. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, there are five existing rural residentially-zoned homes approximately 600-700 feet north of the proposed subdivision. The homes would be separated from the commercial development by a public roadway (East LaSalle Drive) and approximately 550 feet of open space along the southern tier of the residentially zoned property.
6. The proposed subdivision would be annexed prior to development; therefore the proposed subdivision would not place an undue burden on public services.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

As the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends continuing action on the final plat of Hay Creek Commercial Addition.

If the City Engineer approves the storm water management plan for the final plat prior to the Planning & Zoning Commission meeting, staff will changed its recommendation to:

Based on the above findings, staff recommends approval of the final of Hay Creek Commercial Addition.

Proposed Plat and Zoning Change (A & CG to CG) Hay Creek Commercial Addition

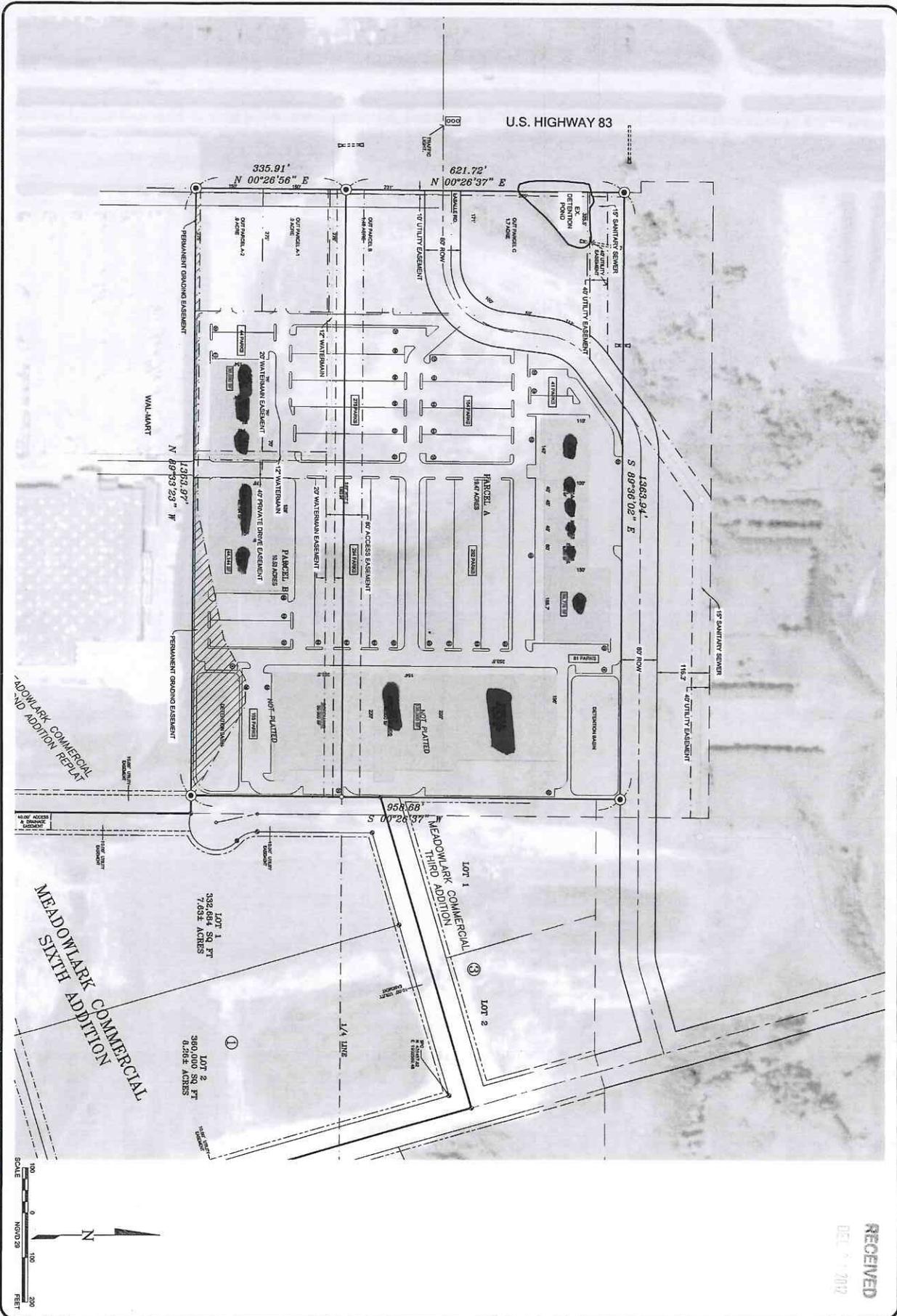


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



Dec 14, 2012 - 11:57am - J:\mcd\1612337-HayCreekComm\ADD1612337-HCCComm-1612337.dwg



PRELIMINARY - NOT FOR CONSTRUCTION



HAY CREEK COMMERCIAL
 WOODMONT BISMARCK DEVELOPERS, LP.
 BISMARCK, NORTH DAKOTA
EXISTING CONDITIONS W/ ROAD LAYOUT 4A & CONCEPTUAL SITE PLAN

NO. DATE REVISION
 1 12/14/2012
 1612337

| NO. | DATE | REVISION |
|-----|------------|----------|
| 1 | 12/14/2012 | |

RECEIVED
 DEC 11 2012



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
TAFF REPORT**

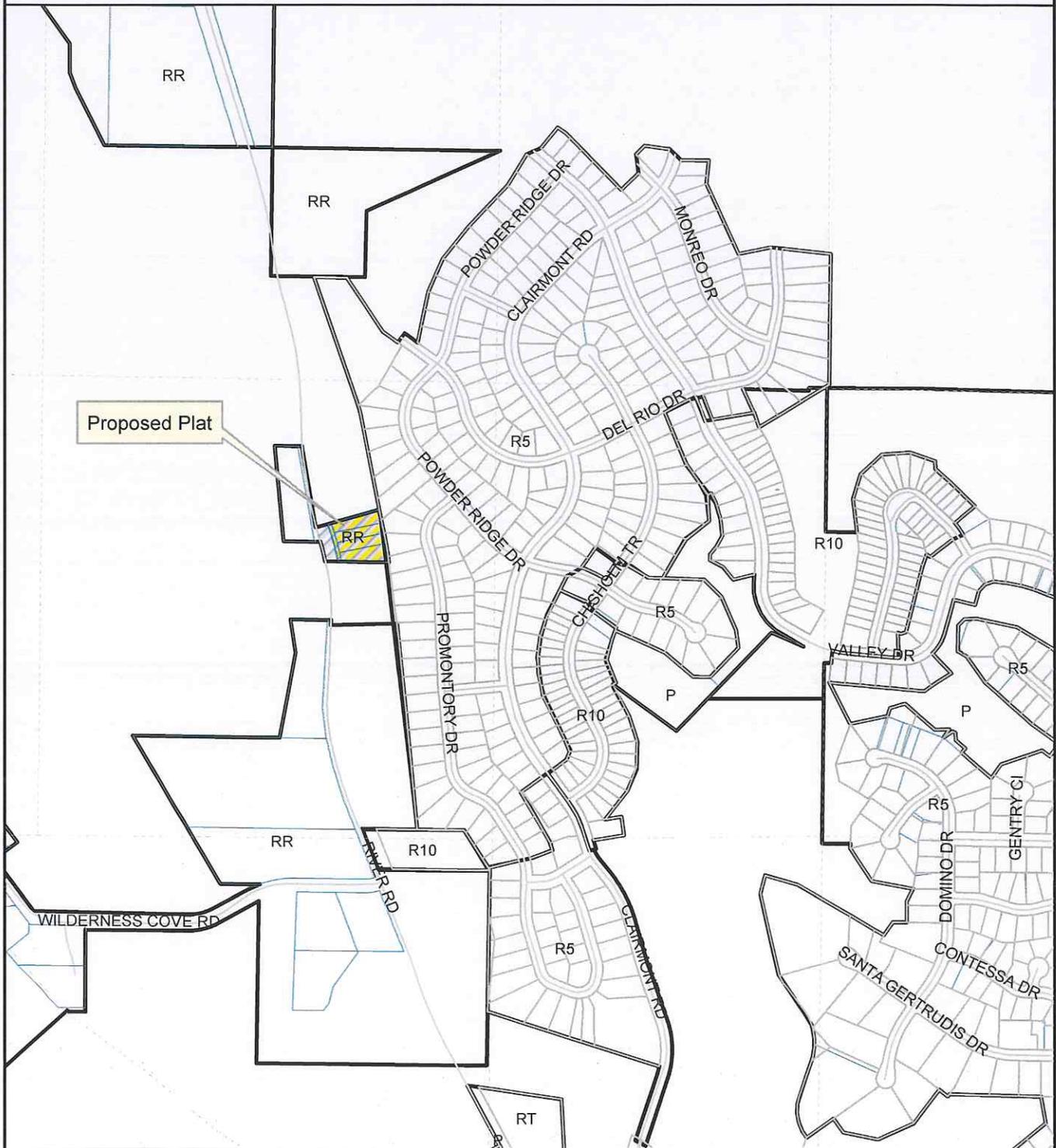
| | | |
|--|---|------------------------|
| BACKGROUND: | | |
| Title: River Road Addition – Annexation | | |
| Status: Planning Commission – Final Consideration | Date: June 26, 2013 | |
| Owner(s): Rudra Tamm | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Replat, rezone, and annex property for single-family development with municipal services. | | |
| Location: Along the east side of River Road, between Sandy River Drive and Wilderness Cove Road (Replat of Lot 1, Block 1, Scott Johnson Second Subdivision). | | |
| Project Size: 2.18 acres | Number of Lots: 5 lots in 1 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: RR-Residential | Land Use: Single-family residential | |
| Uses Allowed: RR-Large lot single-family residential and limited agriculture | Zoning: R5- Residential | |
| Maximum Density Allowed: RR – One unit / 65,000 square feet | Uses Allowed: R5 – Single-family residential. | |
| | Maximum Density Allowed: R5 – 5 units/acres | |
| PROPERTY HISTORY: | | |
| Zoned: 07/2004 | Platted: 07/2004 | Annexed: --- |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> The location of the proposed zoning change is approximately 100 feet below the current corporate limits. The City of Bismarck is currently updating its Grown Management Plan. The updated plan makes recommendations regarding urban development in this general location. It suggests that no urban development take place west of the grade separation between the current city limits and River Road starting north of Burnt Boat Road. It also suggests that although the City can provide services to this location, it is not advisable because of the significant grade separation. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed, although the provision of emergency services and garbage collection may be problematic because of the disconnected location. | | |
| <i>(continued)</i> | | |

2. The proposed annexation may adversely affect property in the vicinity. In particular, the proposed annexation may have an adverse impact on the surrounding rural residential agricultural land uses.
3. The proposed annexation not consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. In particular, although the proposed annexation is located adjacent to current cooperate limits; it is disconnected topography and urban roadway connections.
4. The proposed annexation is not consistent with the master plan, other adopted plans, policies and accepted planning practice. Although the location of the proposed annexation is adjacent to cooperate limits, there is a natural separation between urban character above the grade separation and the rural and agricultural character of the area below the grade separation.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the annexation of River Road Heights Addition.

Proposed Plat, Annex & Zoning Change (RR to R5) River Road Heights

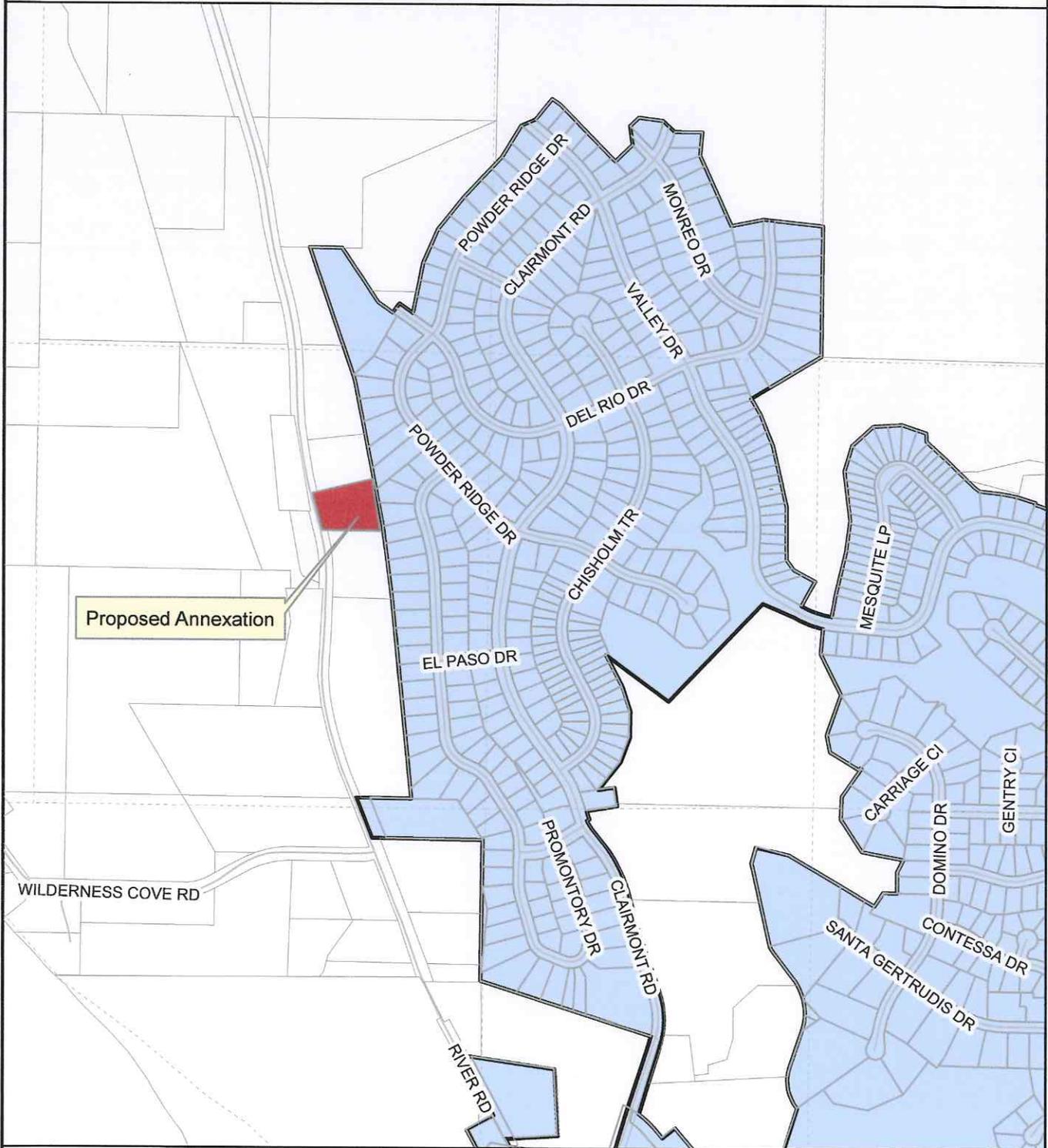


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 27, 2013 (hib)

Source: City of Bismarck



Proposed Annexation River Road Heights Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 21, 2013 (klee)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

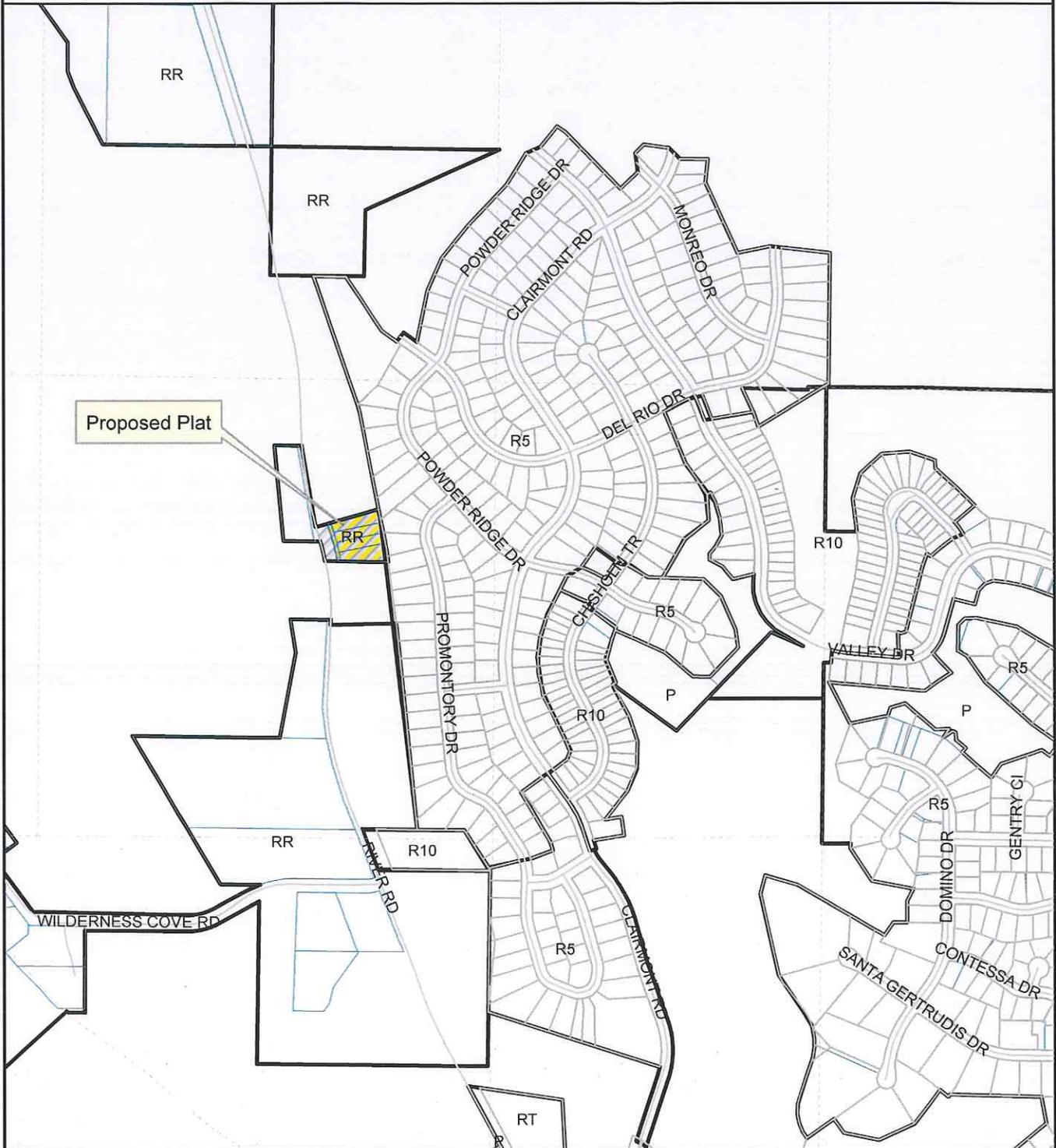
| | | |
|--|--|------------------------|
| BACKGROUND: | | |
| Title: River Road Heights Addition – Zoning Change (RR to R5) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): Rudra Tamm | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Replat, rezone and annex property for single family development with municipal services. | | |
| Location: Along the east side of River Road, between Sandy River Drive and Wilderness Cove Road (Replat of Lot 1, Block 1, Schott Johnson Second Subdivision). | | |
| Project Size: 2.18 acres | Number of Lots: 5 lots in 1 block | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Land Use: Undeveloped | Land Use: Single-family residential | |
| Zoning: RR- Rural residential | Zoning R5- Residential | |
| Uses Allowed: RR-Large lot single-family residential and limited agriculture | Uses Allowed: R5-Single-family residential | |
| Maximum Density Allowed: RR-One unit/ 65,000 square feet | Maximum Density Allowed: R5- 5 units/acre | |
| PROPERTY HISTORY: | | |
| Zoned: 07/2004 | Platted: 07/2004 | Annexed: --- |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> The location of the proposed zoning change is approximately 100 feet below the current corporate limits. The City of Bismarck is currently updating its Grown Management Plan. The updated plan makes recommendations regarding urban development in this general location. It suggests that no urban development take place west of the grade separation between the current city limits and River Road starting north of Burnt Boat Road. It also suggests that although the City can provide services to this location, it is not advisable because of the significant grade separation. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> The proposed zoning change is not completely consistent with the Land Use Plan, which identifies the long range use of this area as parks, open space and greenways (Bismarck Mandan Regional Future Land Use Plan). It is presumed that the parks, open space and greenways land use classification is a result of the existing grade separation of this area and its proximity the Missouri River. | | |
| <i>(continued)</i> | | |

2. The proposed zoning change is not completely compatible with adjacent land uses. Adjacent land uses include, urban single-family residential to the east above the grade separation, rural residential and agricultural uses to the north, south and west. This property is adjacent to the City of Bismarck and urban single-family residentially zoned property to the east, however there is a significant grade separation of approximately 100 feet between the two. This grade separation or ridge acts as a natural separation from the higher intensity urban land use to the east from the lower intensity rural and agricultural land uses to the north, south and west.
3. The proposed subdivision would be annexed prior to development; and would have access to River Road via a private road along the western edge of the proposed subdivision. City staff has determined that municipal services can be provided; however, due to the grade separation it is not advisable by planning staff.
4. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular, the proposed zoning change is not compatible with the character of the existing neighborhood and could be considered a spot zone because of the grade separation between this parcel and the adjacent R5 – Residential zoning to the east.
5. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, there is a natural separation between the higher intensity R5-Residential zoning district to the east and the lower intensity RR-Residential and A-Agricultural zoning districts to the north, south and west.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the zoning change from the RR-Rural Residential zoning district to the R5- Residential zoning district in conjunction with the minor subdivision final plat titled River Road Heights Addition.

Proposed Plat, Annex & Zoning Change (RR to R5) River Road Heights

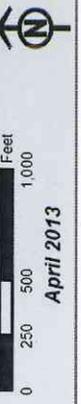
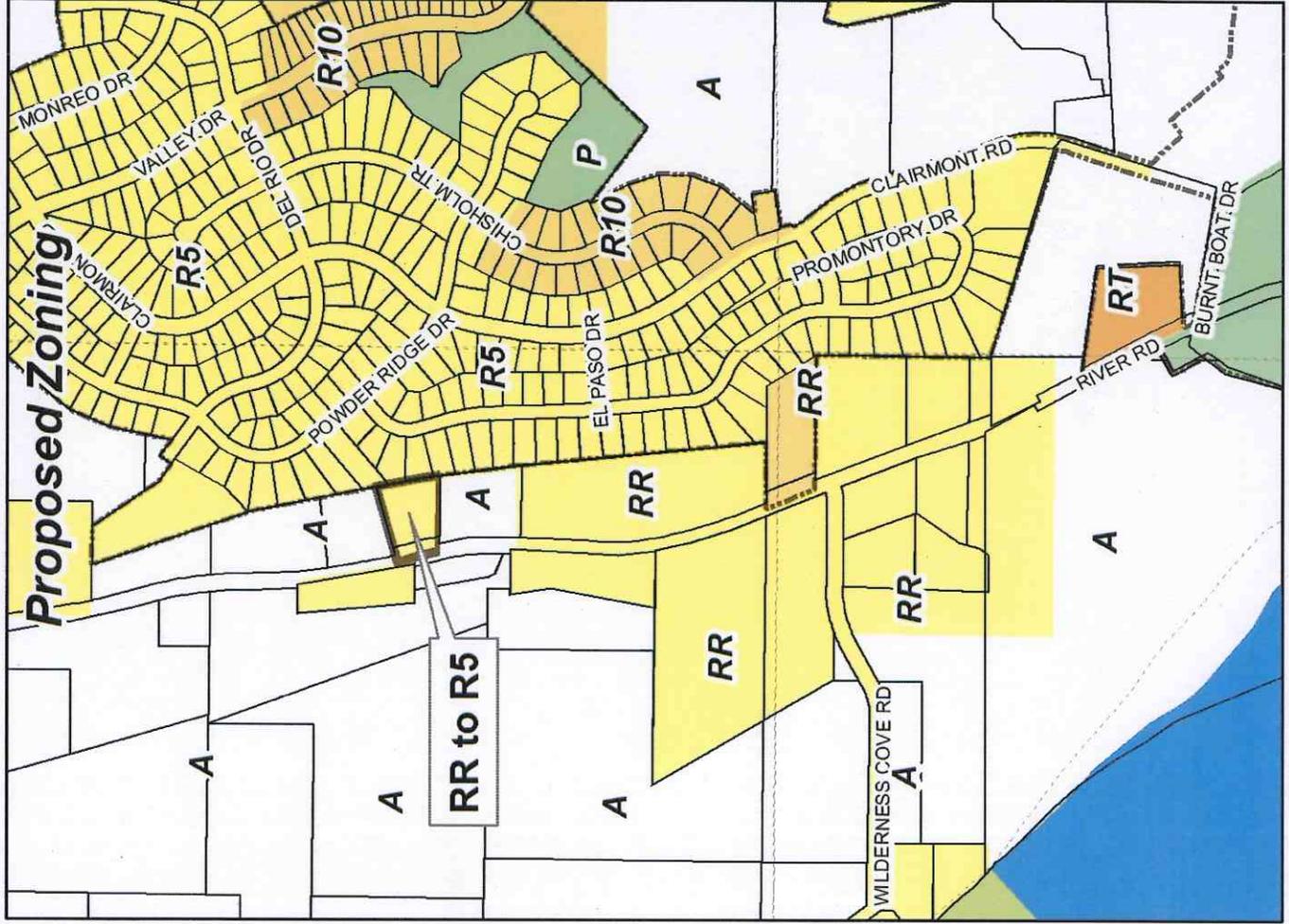
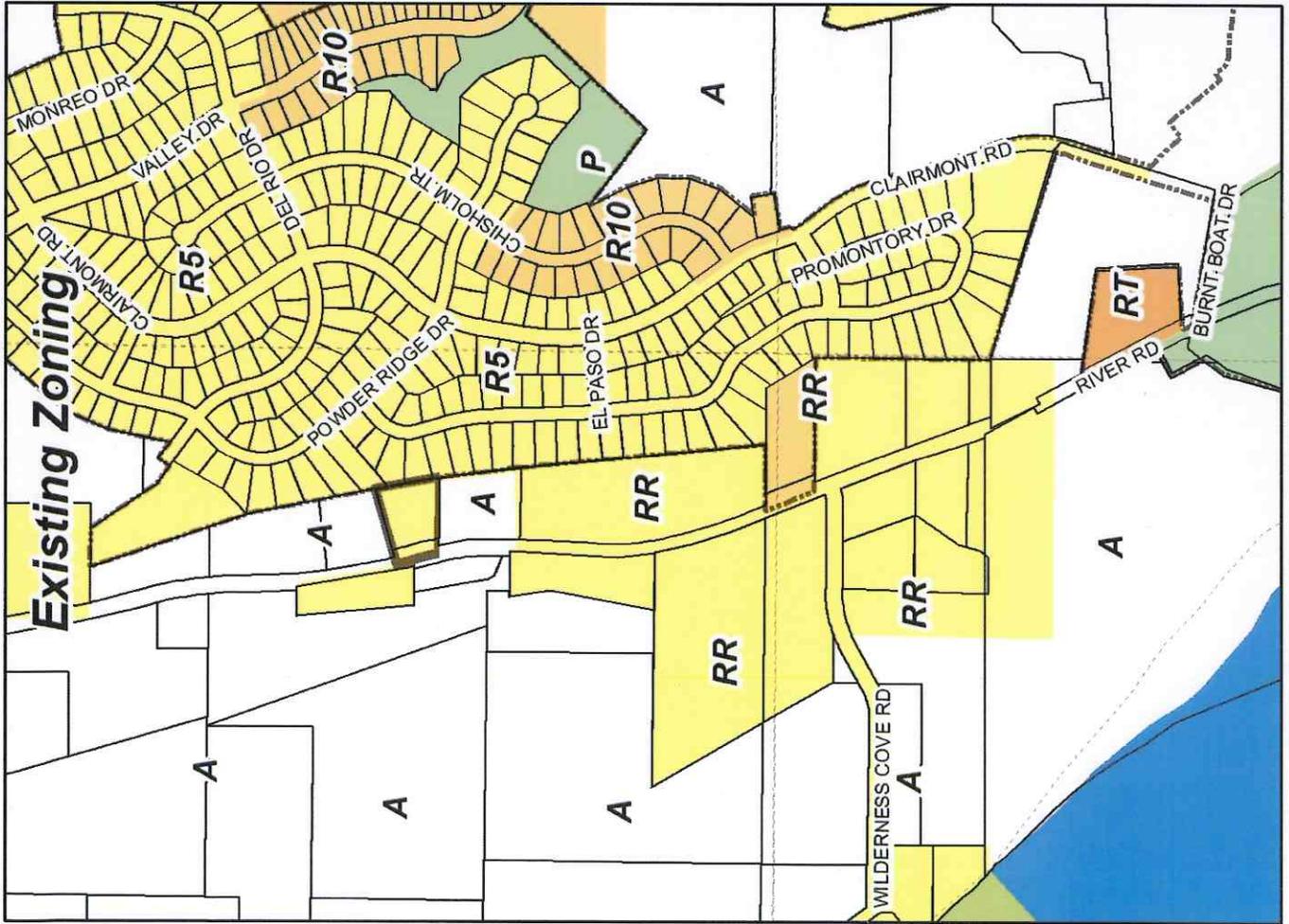


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Map was Updated/Created: March 27, 2013 (hlb)

Source: City of Bismarck



River Road Heights Addition - Zoning Change



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.

April 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

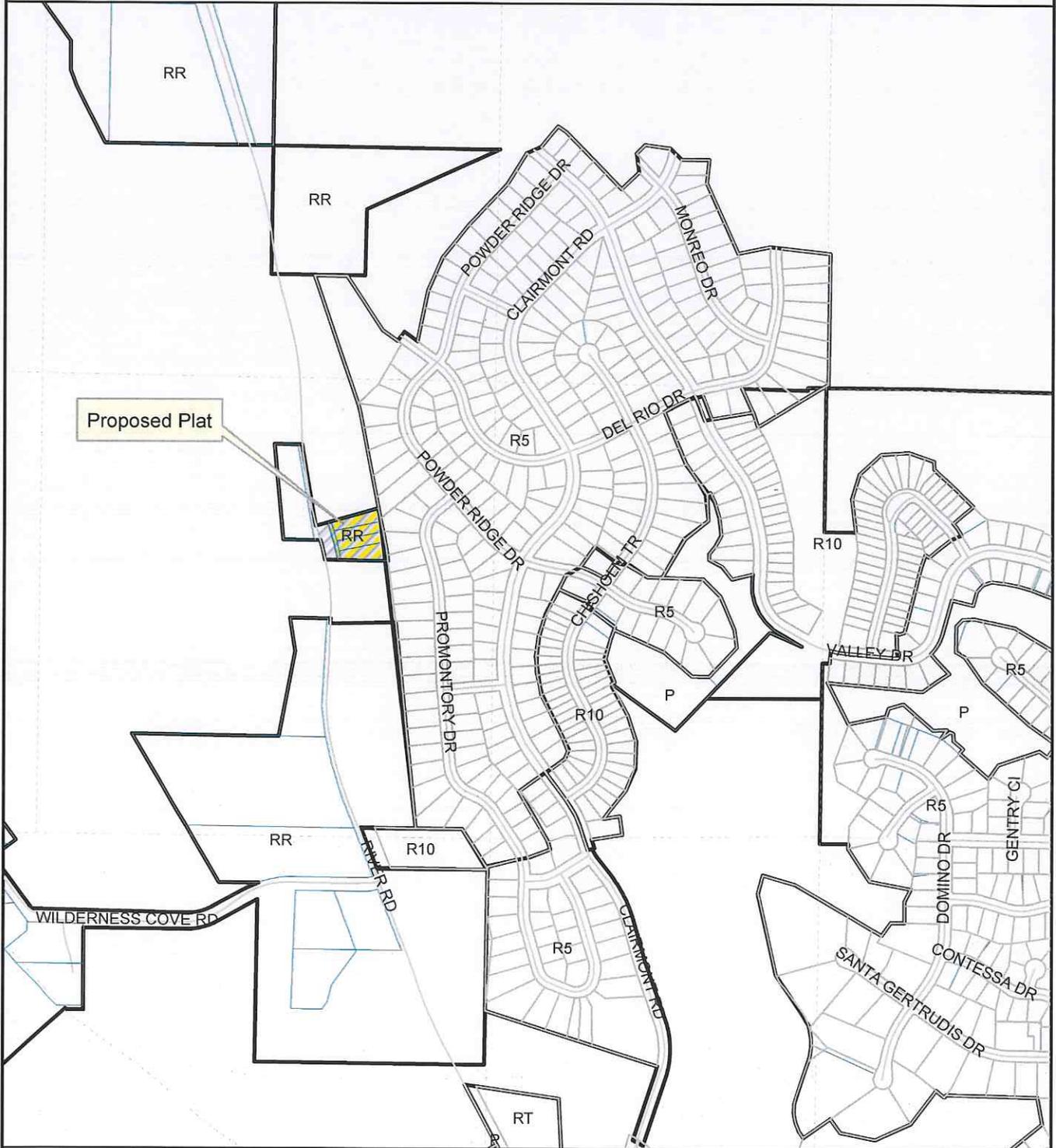
| BACKGROUND: | | |
|---|--|------------------------|
| Title: River Road Heights Addition – Minor Subdivision Final Plat (Replat of Lot 1, Block 1, Scott Johnson Second Subdivision) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): Rudra Tamm | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Replat, rezone and annex property for single family development with municipal services. | | |
| Location: Along the east side of River Road, between Sandy River Drive and Wilderness Cove Road (Replat of Lot 1, Block 1, Scott Johnson Second Subdivision). | | |
| Project Size: 2.18 acres | Number of Lots: 5 lots in 1 block | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: RR – Residential | Land Use: Single-family residential | |
| Uses Allowed: RR – Large lot single-family residential and limited agriculture | Zoning: R5 – Residential | |
| Maximum Density Allowed: RR – One unit/65,000 square feet | Uses Allowed: R5 – Single-family residential | |
| Maximum Density Allowed: RR – One unit/65,000 square feet | Maximum Density Allowed: R5 – 5 units/acre | |
| PROPERTY HISTORY: | | |
| Zoned: 07/2004 | Platted: 07/2004 | Annexed: --- |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> The location of the proposed minor subdivision final plat is approximately 100 feet below the current cooperate limits. The City of Bismarck is currently updating its Grown Management Plan. The updated plan makes recommendations regarding urban development in this general location. It suggests that no urban development take place west of the grade separation between the current city limits and River Road starting north of Burnt Boat Road. It also suggests that although the City can provide services to this location, it is not advisable because of the significant grade separation. | | |
| FINDINGS: | | |
| <ol style="list-style-type: none"> All technical requirements for approval of a minor subdivision final plat have been met. The storm water management plan has been approved by the City Engineer. | | |
| <i>(continued)</i> | | |

3. The proposed subdivision is not completely compatible with adjacent land uses. Adjacent land uses include, single-family residential to the east, rural residential to the west and agricultural uses to the north and south. This property is adjacent to the City of Bismarck and single-family residentially zoned property to the east, however there is a significant grade separation of approximately 100 feet between the two. This grade separation or ridge acts as a natural separation from the higher intensity urban land use to the east from the lower intensity rural use to the west and agricultural land uses to the north and south.
4. The proposed subdivision would be annexed prior to development; and would have access to River Road via a private road along the western edge of the proposed subdivision. City staff has determined that municipal services can be provided; however, due to the grade separation it is not advisable by planning staff.
5. The proposed subdivision may adversely affect property in the vicinity. In particular, the proposed subdivision may have an adverse impact on the existing rural residential and agricultural property to the north, south and west.
6. The proposed subdivision is consistent with the general intent and purpose of the subdivision regulations.
4. The proposed subdivision is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, there is a natural separation between the higher intensity R5-Residential zoning district to the east and the lower intensity RR-Residential and A-Agricultural zoning districts to the north, south and west.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the minor subdivision final plat of River Road Heights Addition.

Proposed Plat, Annex & Zoning Change (RR to R5) River Road Heights



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: March 27, 2013 (hnb)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|--|--------------------------|
| BACKGROUND: | | |
| Title: Kamrose Addition – Zoning Change (RM15, RT & CA to RM15, R10 & P) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): MK Home Builders, Inc. | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Plat and zone property for mixed density residential development. | | |
| Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (A replat of Lots 1-9, Block 1, Lots 11-14, Block 5 and Lots 1-3, Block 6, Huber Real Estate Trust First Addition, T138N-R80W/Lincoln Township). | | |
| Project Size: 20.84 acres | Number of Lots: 31 lots in 4 blocks | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Undeveloped | Land Use: Mixed-density residential and storm water retention | |
| Zoning: RM15 – Residential RT – Residential CA – Commercial | Zoning: R10 – Residential RM15 – Residential P – Public | |
| Uses Allowed: RM15 – Multi-family residential RT – Multi-family residential and offices CA – Neighborhood commercial and multi-family residential | Uses Allowed: R10 – Single and two-family residential RM15 – Multi-family residential P – Parks, open space, trails and storm water facilities | |
| Maximum Density Allowed: CA – 30 units/acre RT – 30 units/acre RM15 – 15 units/acre | Maximum Density Allowed: R10 – 10 units/acre RM15 – 15 units/acre P – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: 10/79 & 09/08 (portion) | Platted: 10/79 | Annexed: 06/07 |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. 3. The entire subdivision is annexed; therefore, it would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. | | |
| <i>(continued)</i> | | |

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

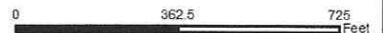
Based on the above findings, staff recommends approval of the zoning change from the RM15-Residential, RT-Residential and CA-Commercial zoning districts to the R10-Residential zoning district for Lots 1-5, Block 2, Lots 1-10, Block 3 and Lots 1-10, Block 5; the RM15-Residential zoning district for Lot 1, Block 1 and Lots 3-6, Block 1 and the P-Public zoning district for Lot 2, Block 1, Kamrose Addition.

Proposed Plat and Zoning Change (CA, RT & RM15 to RM15, R10 & P) Kamrose First Addition

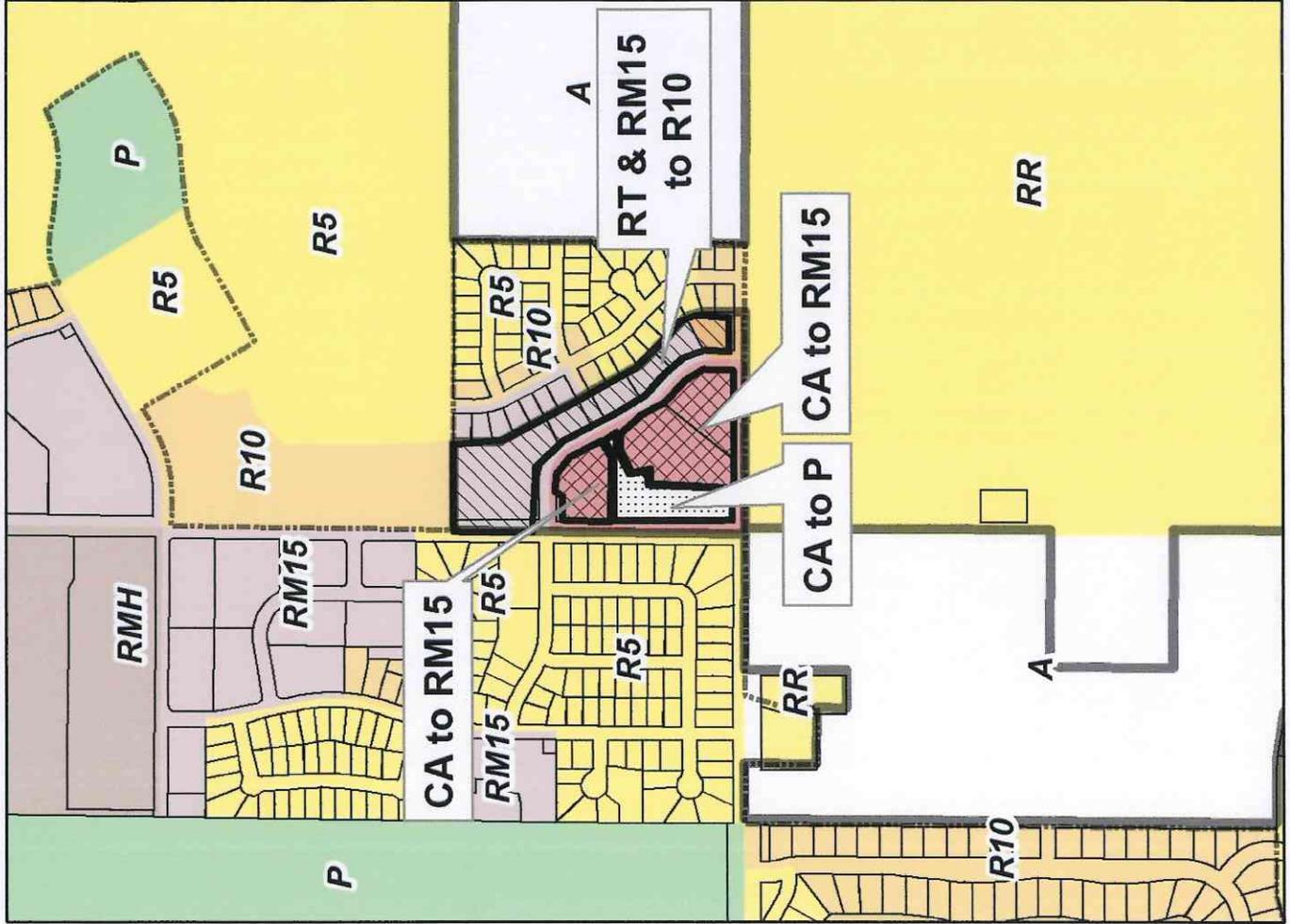
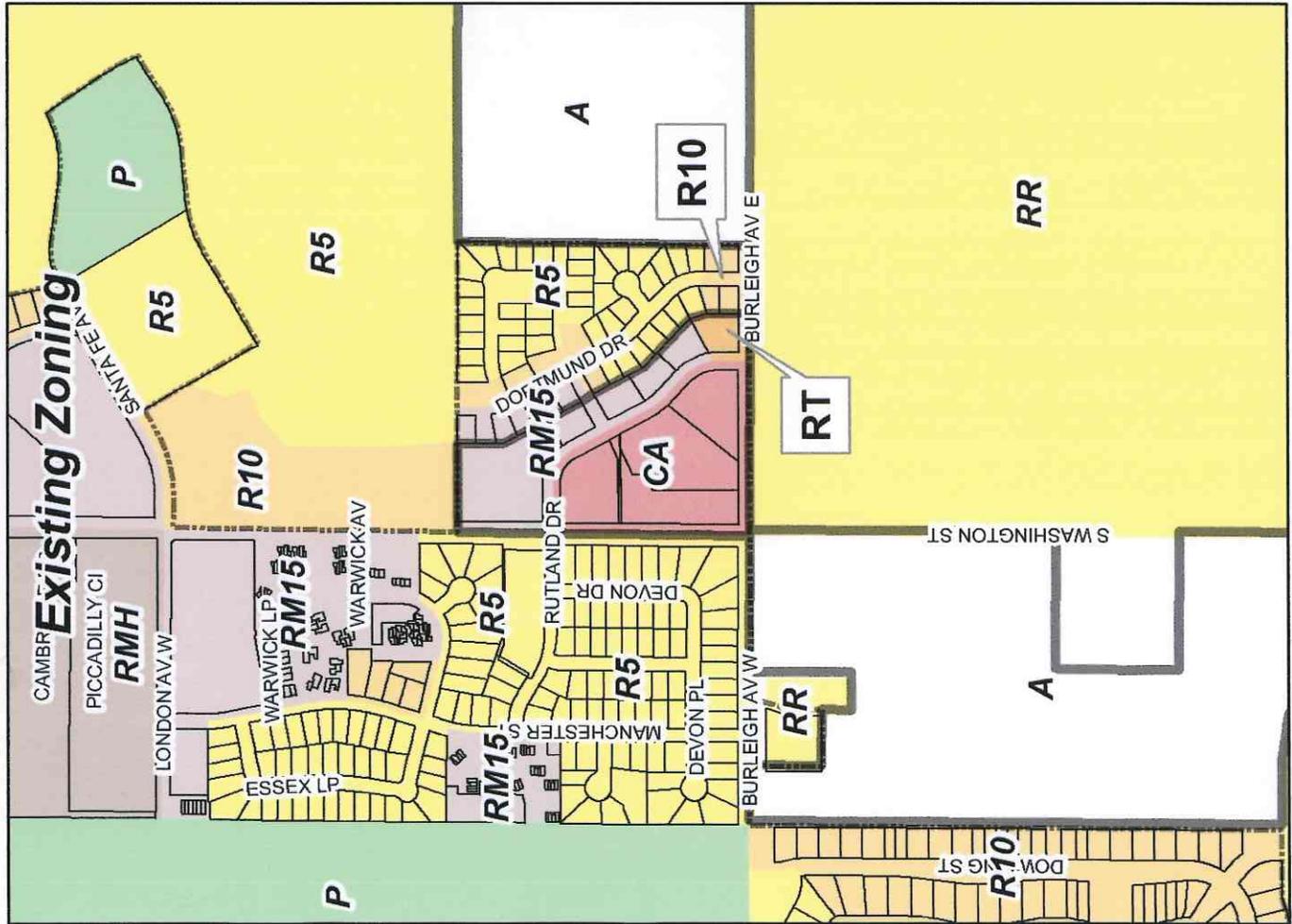


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 23, 2013 (hlb)

Source: City of Bismarck



Kamrose Addition - Zoning Change



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.

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|--|--------------------------|
| BACKGROUND: | | |
| Title: Kamrose Addition – Final Plat | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): MK Home Builders, Inc. | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Plat and zone property for mixed density residential development. | | |
| Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (A replat of Lots 1-9, Block 1, Lots 11-14, Block 5 and Lots 1-3, Block 6, Huber Real Estate Trust First Addition, T138N-R80W/Lincoln Township). | | |
| Project Size: 20.84 acres | Number of Lots: 31 lots in 4 blocks | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: RM15 – Residential RT – Residential CA – Commercial | Land Use: Mixed-density residential and storm water retention | |
| Uses Allowed: RM15 – Multi-family residential RT – Multi-family residential and offices CA – Neighborhood commercial and multi-family residential | Zoning: R10 – Residential RM15 – Residential P – Public | |
| Uses Allowed: RM15 – Multi-family residential RT – Multi-family residential and offices CA – Neighborhood commercial and multi-family residential | Uses Allowed: R10 – One- and two-family residential RM15 – Multi-family residential P – Parks, open space and storm water facilities | |
| Maximum Density Allowed: RM15 – 15 units/acre RT – 30 units/acre CA – 30 units/acre | Maximum Density Allowed: R10 – 10 units/acre RM15 – 15 units/acre P – N/A | |
| PROPERTY HISTORY: | | |
| Zoned: 10/79 & 09/08 (portion) | Platted: 10/79 | Annexed: 06/07 |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. All technical requirements for approval of a final plat have been met. 2. The storm water management plan requirement was waived by the City Engineer, as a plan was previously submitted for the underlying subdivision and the runoff will be decreasing with the lower intensity land uses. 3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Washington Street and Burleigh Avenue as arterial roadways. 4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. | | |
| <i>(continued)</i> | | |

5. The entire subdivision is annexed; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Kamrose Addition.

Proposed Plat and Zoning Change (CA, RT & RM15 to RM15, R10 & P) Kamrose First Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



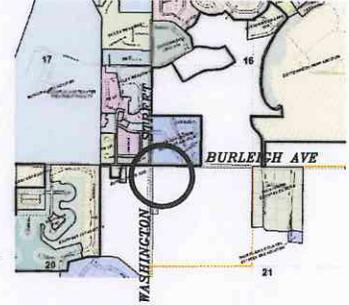
MAY 10 2013

KAMROSE ADDITION

A REPLAT OF LOTS 1-3, BLOCK 6, LOTS 8-8, BLOCK 1, & LOT 11, BLOCK 5, HUBER REAL ESTATE TRUST ADDITION
PART OF THE SE 1/4 OF SEC. 16, TOWNSHIP 138 N. RANGE 80 W.

BISMARCK, NORTH DAKOTA

LOCATION MAP



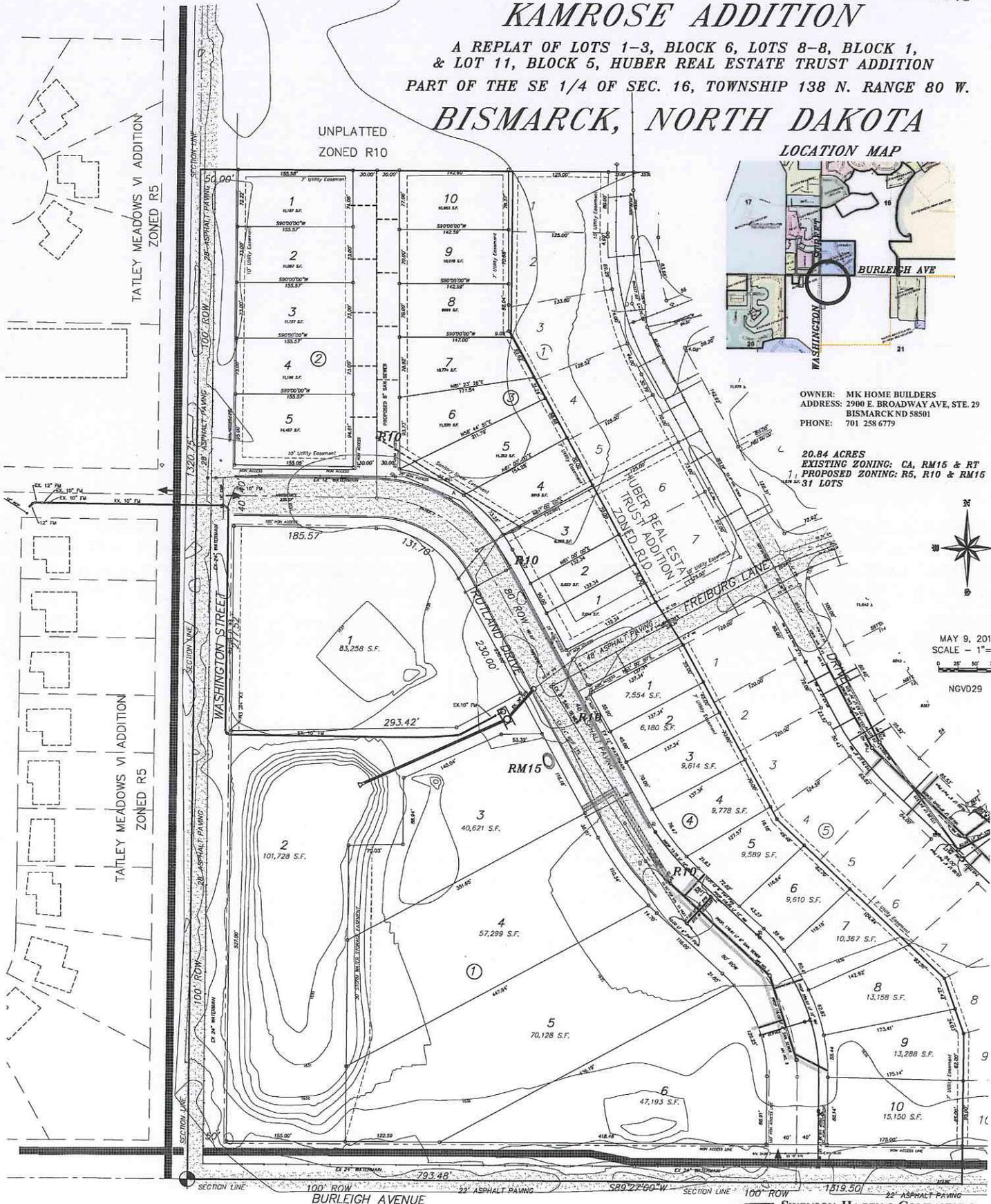
OWNER: MK HOME BUILDERS
ADDRESS: 2900 E. BROADWAY AVE, STE. 29
BISMARCK ND 58501
PHONE: 701 258 6779

20.84 ACRES
EXISTING ZONING: CA, RM15 & RT
PROPOSED ZONING: R5, R10 & RM15
11 LOTS



MAY 9, 2013
SCALE - 1"=50'

NGVD29



TATLEY MEADOWS VI ADDITION
ZONED R5

TATLEY MEADOWS VI ADDITION
ZONED R5

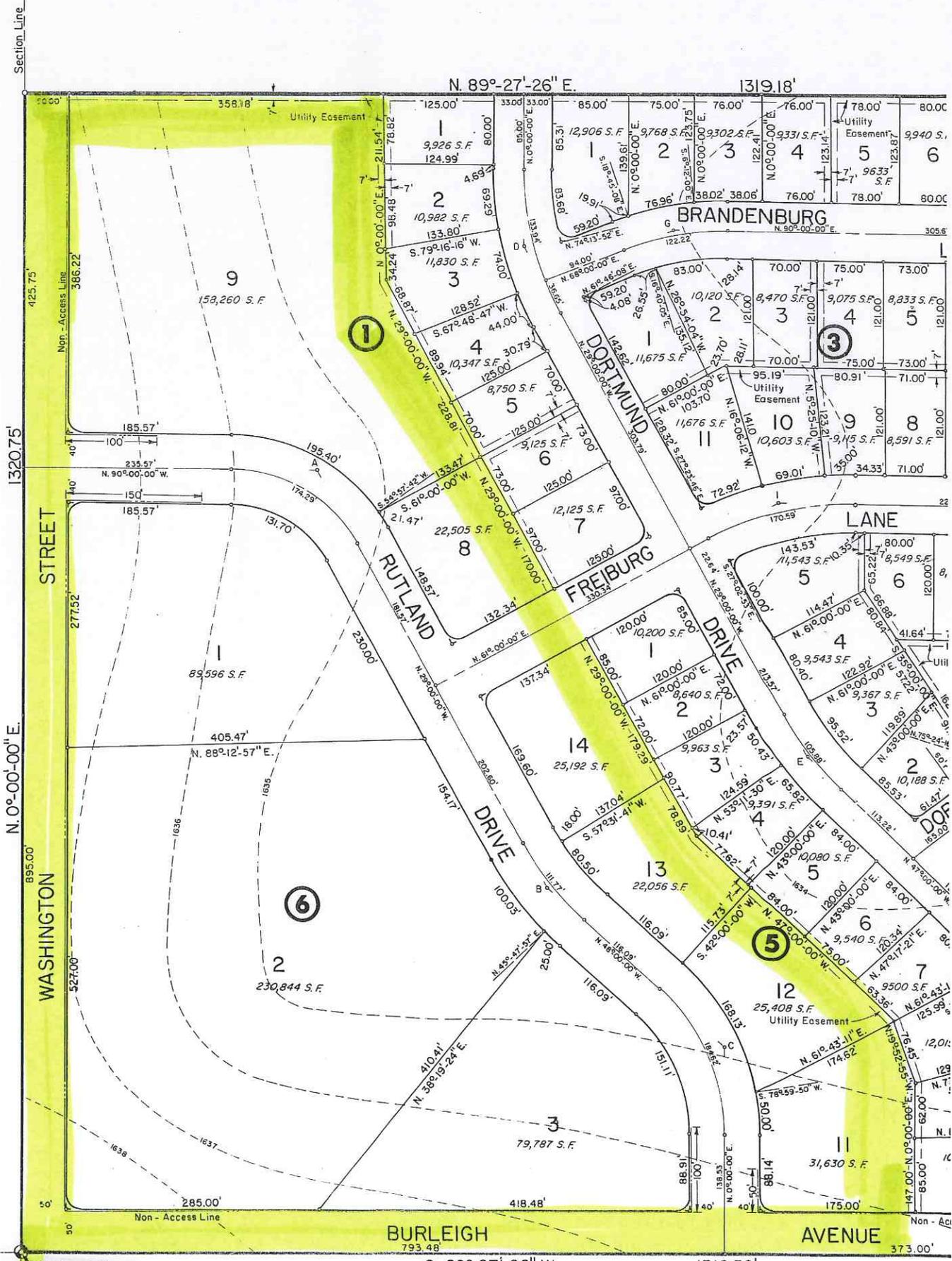
UNPLATTED
ZONED RR

SWENSON, HAGEN & COMPANY P.C.
900 Basin Avenue
Bismarck, North Dakota 58504
shag@swensonhagen.com
Phone (701) 253-2600
Civil Engineering
Land Acquire & Site Design
Construction Management
Fax (701) 253-2606

| | | | |
|---|-------------|-------------|-------|
| C | 48°-00'-00" | 26°-00'-00" | 98.1 |
| D | 29°-00'-00" | 17°-00'-00" | 87.16 |
| E | 18°-00'-00" | 17°-00'-00" | 53.3 |
| F | 47°-00'-00" | 30°-00'-00" | 83.0 |
| G | 22°-00'-00" | 18°-00'-00" | 61.8 |
| H | 90°-00'-00" | 98°-00'-00" | 58.4 |
| I | 29°-00'-00" | 17°-00'-00" | 87.16 |



SCALE · 1" = 100'
DATE · JUNE 14, 1979



Section Line
425.75'
Non-Access Line
386.22'
1320.75'
N. 0°-00'-00" E.
895.00'
WASHINGTON STREET
527.00'
Non-Access Line
285.00'

Southwest Corner
Section 16, T. 138 N., R. 80 W.

BURLEIGH AVENUE
793.48'
S. 89°-27'-00" W.
1319.50'
373.00'

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|--|--------------------------|
| BACKGROUND: | | |
| Title: Hay Creek Meadows 2 nd Addition Replat – Minor Subdivision Final Plat (Replat of Lots 9, Block 8, Hay Creek Meadows 2 nd Addition) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): Chris Volk (Owner) | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Replat property to allow for development of two, two-family dwellings aka rowhouse. | | |
| Location: Along the north side of East Divide Avenue between Crane Drive and North 33 rd Street. | | |
| Project Size: .54 acres, more or less | Number of Lots: 4 lots in 1 block | |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: | |
| Land Use: Undeveloped | Land Use: One and two-family residential | |
| Zoning: R10 – Residential | Zoning: R10 – Residential | |
| Uses Allowed: R10 – One and two-family residential | Uses Allowed: R10 – One and two-family residential | |
| Maximum Density Allowed: R10 – 10 units/acre | Maximum Density Allowed: R10 – 10 units/acre | |
| PROPERTY HISTORY: | | |
| Zoned: 05/03 | Platted: 05/03 | Annexed: 05/03 |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. The storm water management plan has been approved by the City Engineer. 3. The proposed minor subdivision final plat is compatible with adjacent land uses. Adjacent land uses include single family residential to the north and west, and two-family residential to the south and east. 4. The proposed minor subdivision final plat is already annexed; therefore, it would not place an undue burden on public services and facilities. 5. The proposed minor subdivision final plat would not adversely affect property in the vicinity. 6. The proposed minor subdivision final plat is consistent with the general intent and purpose of the subdivision regulations. 7. The proposed minor subdivision final plat is consistent with the master plan, other adopted plans, policies and accepted planning practice. | | |
| RECOMMENDATION: | | |
| Based on the above findings, staff recommends approval of the minor subdivision final plat of Hay Creek Meadows 2 nd Addition Replat. | | |

Proposed Plat Hay Creek Meadow's 2nd Addition Replat



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Map was Updated/Created: April 23, 2013 (hib)

Source: City of Bismarck



**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|---|---|--------------------------|
| BACKGROUND: | | |
| Title: Lots 1-7, Block 1, Huber Real Estate Trust First Addition – Zoning Change (RM15 to R10) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): MK Home Builders, Inc. Verity Homes of Bismarck, LLC Tom Kunz | Engineer: Swenson, Hagen & Co. | |
| Reason for Request: Zone property for single and two-family residential development. | | |
| Location: Along the east side of South Washington Street and the north side of Burleigh Avenue (Lots 1-7, Block 1, Huber Real Estate Trust First Addition). | | |
| Project Size: 1.68 acres | Number of Lots: 7 lots in 1 block | |
| EXISTING CONDITIONS: | | |
| Land Use: Undeveloped | PROPOSED CONDITIONS: | |
| Zoning: RM15 – Residential | Land Use: Single and two-family residential | |
| Uses Allowed: RM15 – Multi-family residential | Zoning: R10 – Residential | |
| Maximum Density Allowed: RM15 – 15 units/acre | Uses Allowed: R10 – Single and two-family residential | |
| Maximum Density Allowed: RM15 – 15 units/acre | Maximum Density Allowed: R10 – 10 units/acre | |
| PROPERTY HISTORY: | | |
| Zoned: 10/79 & 09/08 (portion) | Platted: 10/79 | Annexed: 06/07 |
| FINDINGS: | | |
| <ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north, mixed-density residential to the west, developing mixed-density residential to the east and undeveloped land to the south. 3. The entire subdivision is annexed; therefore, it would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. | | |

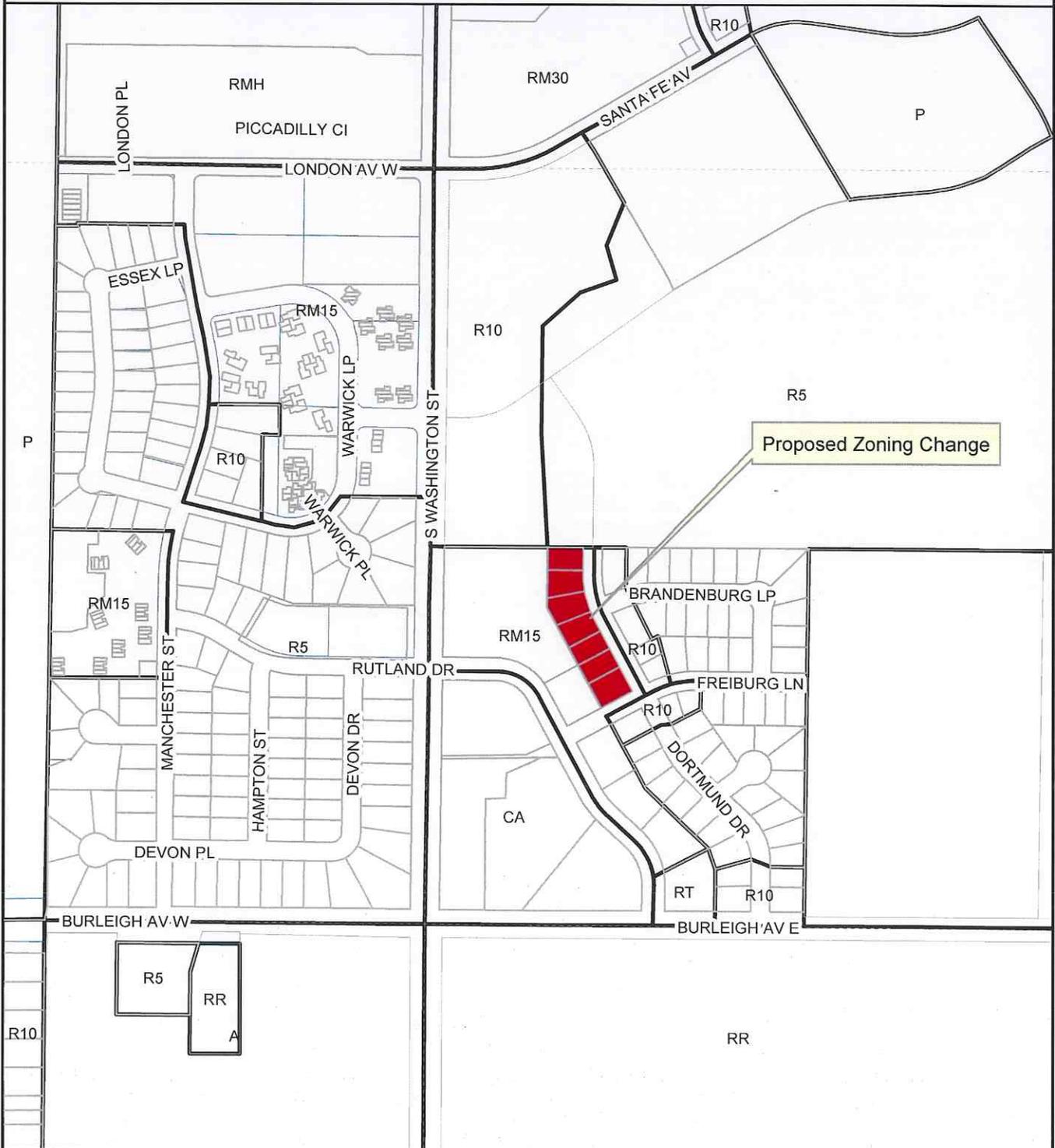
RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM15-Residential zoning district to the R10-Residential zoning district for Lots 1-7, Block 1, Huber Real Estate Trust First Addition.

Proposed Zoning Change (RM15 to R10)

Lots 1-7, Block 1

Huber Real Estate Trust First Addition

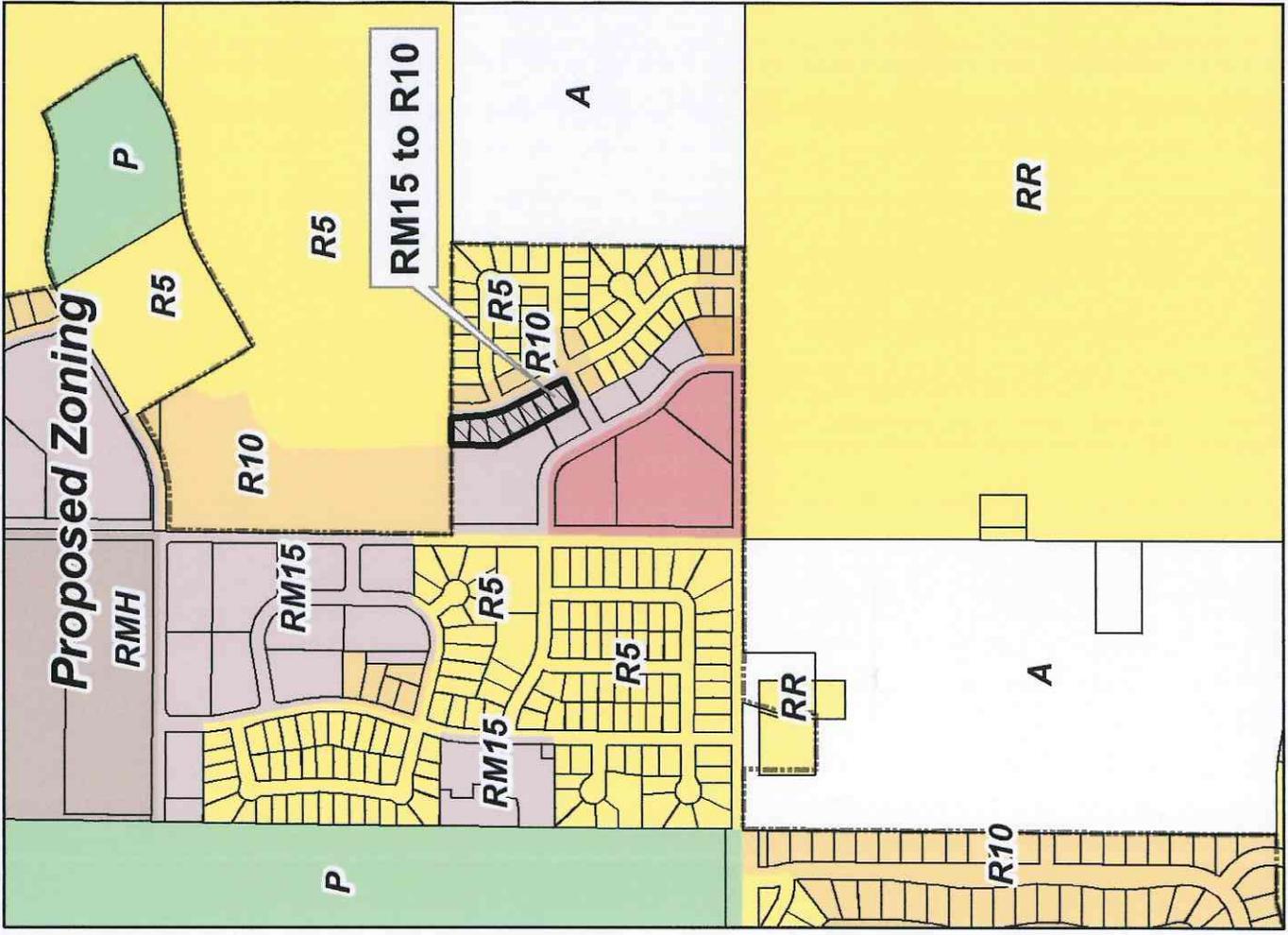
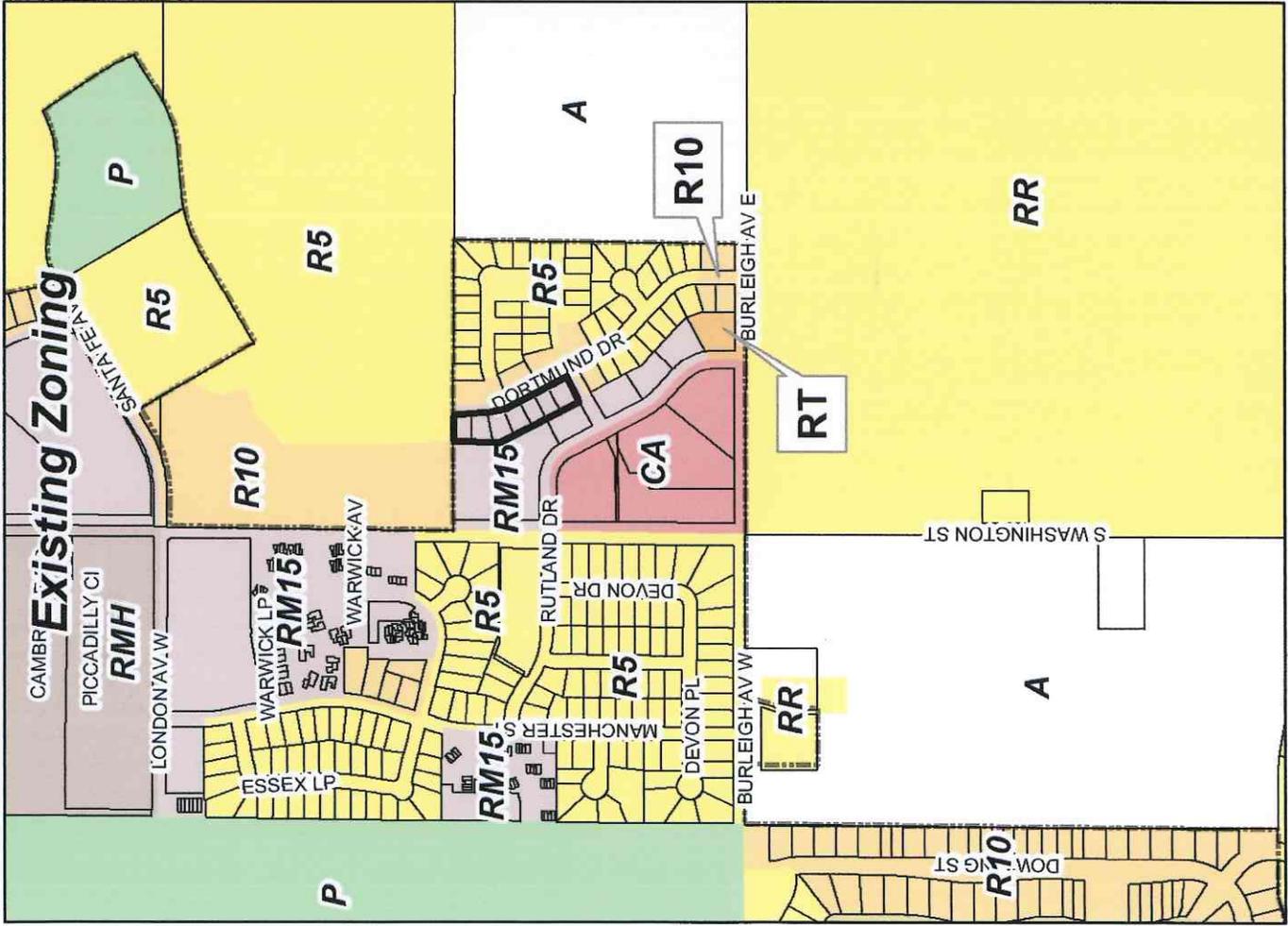


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 Map was Updated/Created: May 15, 2013 (hib)

Source: City of Bismarck



Huber Real Estate Trust First Addition - Zoning Change



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.

May 2013

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

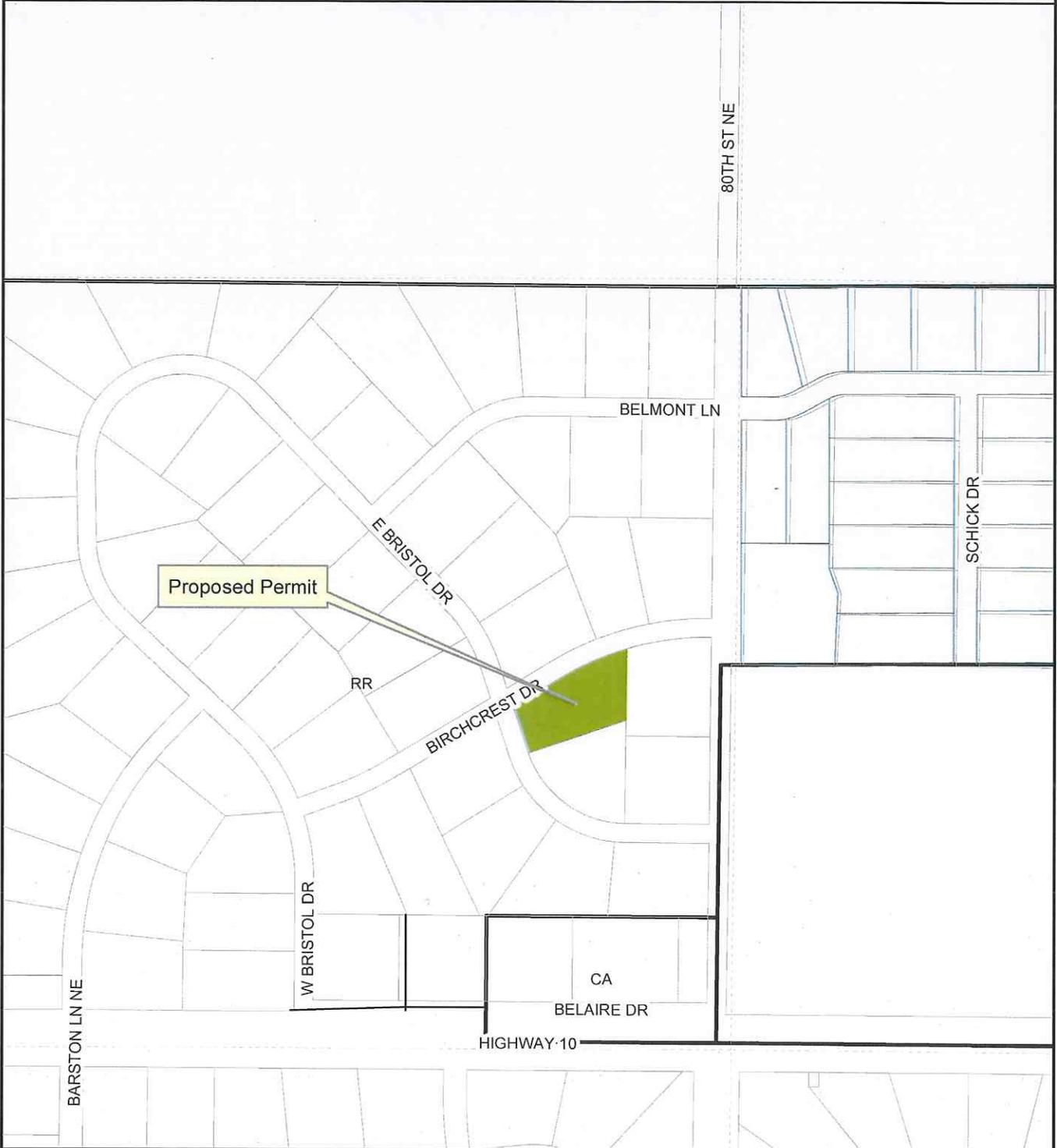
| | |
|---|---|
| BACKGROUND: | |
| Title: Lot 2, Block 4, Brookfield Estates – Special Use Permit (oversized accessory building) | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 |
| Owner(s): Joseph Allmaras | Engineer: N/A |
| Reason for Request: To increase the total amount of accessory buildings located on the property to 3,200 square feet, by constructing a 50'x 52' accessory building. | |
| Location: At the southeast intersection of East Bristol Drive and Birchcrest Drive, approximately ½ mile north of County Highway 10. | |
| Project Size: 1.95 acres (lot size) | Number of Lots: One lot |
| EXISTING CONDITIONS: | PROPOSED CONDITIONS: |
| Land Use: Rural residential | Land Use: Rural residential |
| Zoning: RR – Rural Residential | Zoning: RR - Rural Residential |
| Uses Allowed: Large lot single-family dwellings and limited agriculture | Uses Allowed: Large lot single-family dwellings and limited agriculture |
| Maximum Density Allowed: One unit per 65,000 square feet | Maximum Density Allowed: One unit per 65,000 square feet |
| PROPERTY HISTORY: | |
| Zoned: 03/1975 | Platted: 06/1975 |
| ADDITIONAL INFORMATION: | |
| <ol style="list-style-type: none"> 1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08. 2. According to the Burleigh Tax Equalization Department, there is an existing 24'x 24' accessory building located on the property. The existing accessory buildings was constructed in 1995. | |
| FINDINGS: | |
| <ol style="list-style-type: none"> 1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance. 2. The proposed special use would not adversely affect the public health, safety and general welfare. | |
| <i>(continued)</i> | |

3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,200 square feet on Lot 2, Block 4, Brookfield Estates.

**Proposed Special Use Permit
Lot 2, Block 4, Brookfield Estates
655 E Bristol Dr**



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Map was Updated/Created: May 22, 2013 (hib)

Source: City of Bismarck





BIRCHCREST DR

E BRISTOL DR

509

N

**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

| | | |
|--|---|-----------------------------|
| BACKGROUND: | | |
| Title: Part of the E½ of the SW¼ , Section 28, T139N-R80W/Lincoln Township – Special Use Permit (Child Care Center) | | |
| Status: Planning Commission – Public Hearing | Date: June 26, 2013 | |
| Owner(s): First Baptist Church (Owner) YMCA (Applicant) | Engineer: None | |
| Reason for Request: Approval of an afterschool child care center in conjunction with a church facility. | | |
| Location: At the intersection of North 3 rd Street and East Divide Avenue, south of Northridge Elementary School. | | |
| Project Size: 45,564 sf (lot)/2,480 sf (child care space) | Number of Lots: unplatted: 1 parcel | |
| EXISTING CONDITIONS: | | |
| Land Use: Church | Land Use: Church with after school child care center as accessory use | |
| Zoning: R5 – Residential | Zoning: R5 – Residential | |
| Uses Allowed: R5 – Single-family residential, churches and child care centers with a special use permit | Uses Allowed: R5 – Single-family residential, churches and child care centers with a special use permit | |
| Maximum Density Allowed: 5 units per acre | Maximum Density Allowed: 5 units per acre | |
| PROPERTY HISTORY: | | |
| Zoned: Pre-1980 | Platted: ----- | Annexed: Pre-1980 |
| ADDITIONAL INFORMATION: | | |
| <ol style="list-style-type: none"> 1. The proposed after school child care center is intended to accommodate up to 40 school aged children. Based on the number of children, the applicant has indicated that the after school program will employ four YMCA youth leaders that will provide care for the children. Based on these numbers, a minimum of eight (8) off-street parking spaces are required (1 per 10 clients, 1 per each employee). 2. The hours of operation will be from 3:30 pm to 6:00 pm. The proposed after school child care center will not be open to clients on holidays, days when school is not in session or during the summer months. 3. The applicants have been working with the Building Official to satisfy the requirements necessary to establish and operate a child care center. It is our understanding that the Building Official has deemed that the proposed child care center is not a significant change of occupancy from the existing church facility; therefore, no changes to the existing structure will be required. | | |
| <i>(continued)</i> | | |

4. Section 14-03-08(4)(q) 1 of the City Code of Ordinances states “Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.” The proposed after school child care center is located in the lower level of First Baptist Church; the existing parcel does not have an outdoor recreation area as required by City Code. The applicant has indicated that Bismarck Public Schools will allow the proposed after school child care center to use the adjacent outdoor recreation area at Northridge Elementary School. As this arrangement varies from the City Code, a variance must be granted by the Board of Adjustment in order for the after school child care center to use the adjacent recreation area at Northridge Elementary School.
5. Section 14-03-08(4)(q) of the City Code of Ordinances, outlines the requirements for a child care center. A Copy of this Section of the City Code is attached

FINDINGS:

1. The proposed would comply with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided that a variance is granted by the Board of Adjustment to allow the proposed after school child care center to use the adjacent outdoor recreation area at Northridge Elementary School.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, adequate off-street parking would be provided.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the operation of an afterschool child care center at 306 East Divide Avenue (Part of the E ½ of the SW ¼, Section 28 T139N-R80W/Lincoln Township) with the following conditions:

1. The Board of Adjustment grants a variance from the outdoor recreation area requirement to allow the proposed after school child care center to use the adjacent outdoor recreation area at Northridge Elementary School.
2. The configuration of the day care facility closely resembles the proposed layout included with the application.
3. The number of children allowed to occupy the day care facility is limited to 40.
4. The hours of operation are limited to after school from 3:00 PM to 6:00 PM on school days only.
5. Any changes to the proposed after school child care center would require an amendment to the special use permit.

Child Care Centers

Section 14-03-08(4)(q) (Special Uses)

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.

2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.

3) Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

4) Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.

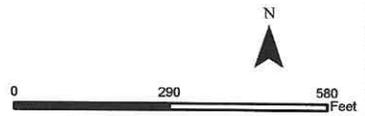
5) Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

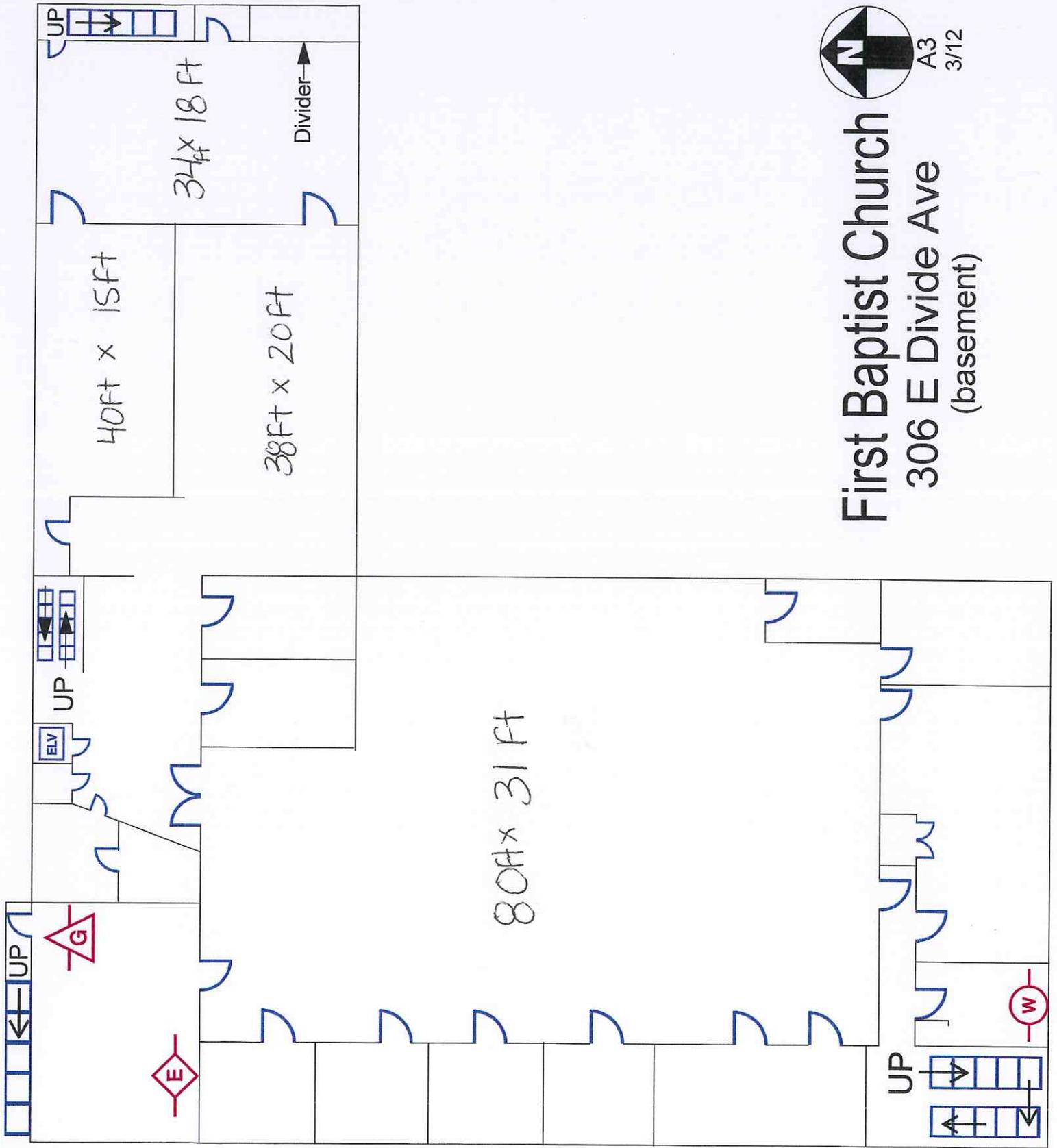
Proposed Special Use Permit 306 East Divide Avenue



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Map was Updated/Created: May 30, 2013 (hib)

Source: City of Bismarck





A3
3/12

First Baptist Church
 306 E Divide Ave
 (basement)