



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
August 28, 2013

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

Item No. Page

MINUTES

- 1. The minutes of the June 26 and July 24, 2013 meetings of the Bismarck Planning & Zoning Commission will be distributed for consideration at the September meeting.

PRESENTATION

- 2. Update on Downtown Subarea Study – Crandall Arambula/MPO

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 3. East Divide Industrial Park Addition (JT)
a. Zoning Change (A & MA to MA) 1
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
b. Preliminary Plat 5
Staff recommendation: tentative approval [] tentative approval [] table [] deny
4. Lots 1-3, Block 2 and the S1/2 of the vacated Mayfair Avenue, Mayfair Managers – Zoning Change (MA to CG) (Klee) 11
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
5. Subdivision Regulations/Recording of Documents – Zoning Ordinance Text Amendment (Klee) 15
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny

Bismarck-Burleigh County Community Development Department
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6. **Subdivision Regulations/Neighborhood Parks – Zoning Ordinance Text Amendment (CH)**..... 29

Staff recommendation: schedule a hearing schedule a hearing table deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

7. **Lot 14 less E314 feet, Block 4, KMK Estates 2nd Subdivision – Annexation (Klee)**..... 37

Staff recommendation: approve approve continue table deny

8. **High Meadows 12th Addition (Klee) – Final Plat (Klee)** 39

Staff recommendation: continue approve continue table deny

9. **Edgewood Village Square Addition (JW)**

a. **Zoning Change (RM15 to R10)**.....45

Staff recommendation: approve approve continue table deny

b. **Minor Subdivision Final Plat**..... 49

Staff recommendation: approve approve continue table deny

10. **Alexander Subdivision (JW)**

Gibbs Township

a. **Zoning Change (A to RR)**53

Staff recommendation: approve approve continue table deny

b. **Final Plat**..... 57

Staff recommendation: approve approve continue table deny

11. **Koosman Addition (Klee)**

a. **Annexation** 63

Staff recommendation: approve approve continue table deny

b. **Zoning Change (RR to R5 & RM10)**.....67

Staff recommendation: approve approve continue table deny

c. **Final Plat**..... 73

Staff recommendation: approve approve continue table deny

12. Part of Lot 1, Block 1, United Tribes Technical College Subdivision (JT)	
a. Annexation.....	79
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Zoning Change (P to CG).....	83
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
13. Lot A of the NW ¼ of Section 1, T139N-R81W/West Hay Creek Township – Land Use Plan Amendment (Urban Residential to Industrial) (Klee).....	89
<i>Hay Creek Township</i>	
<i>Staff recommendation: deny</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
14. Auditor’s Lots 4 & 5, Section 1, T138N-R80W/Lincoln Township – Zoning Change (A to MA) (JT).....	93
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
15. Missouri Valley Complex – Major PUD Amendment (Klee).....	99
<i>Staff recommendation: approve w/changes</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
16. Part of Lot 1, Block 1, Northern Sky Addition – Zoning Change (CG to PUD) (JW)..	107
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
17. Lot 1, Block 1, Good Shepherd North Addition – Major PUD Amendment (JT).....	117
<i>Staff recommendation: none</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
18. Lot 3 less Lot A of Lot 3, Block 1, Prairie Hills 5th Addition – Special Use Permit (drive-though) (JW).....	135
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
19. CA – Commercial Zoning District/Education Group – Zoning Ordinance Text Amendment (Klee).....	141
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

OTHER BUSINESS

20. Other

ADJOURNMENT

21. **Adjourn.** The next regular meeting date is scheduled for Wednesday, September 25, 2013.

Enclosures: Building Permit Activity Reports for May and June 2013

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

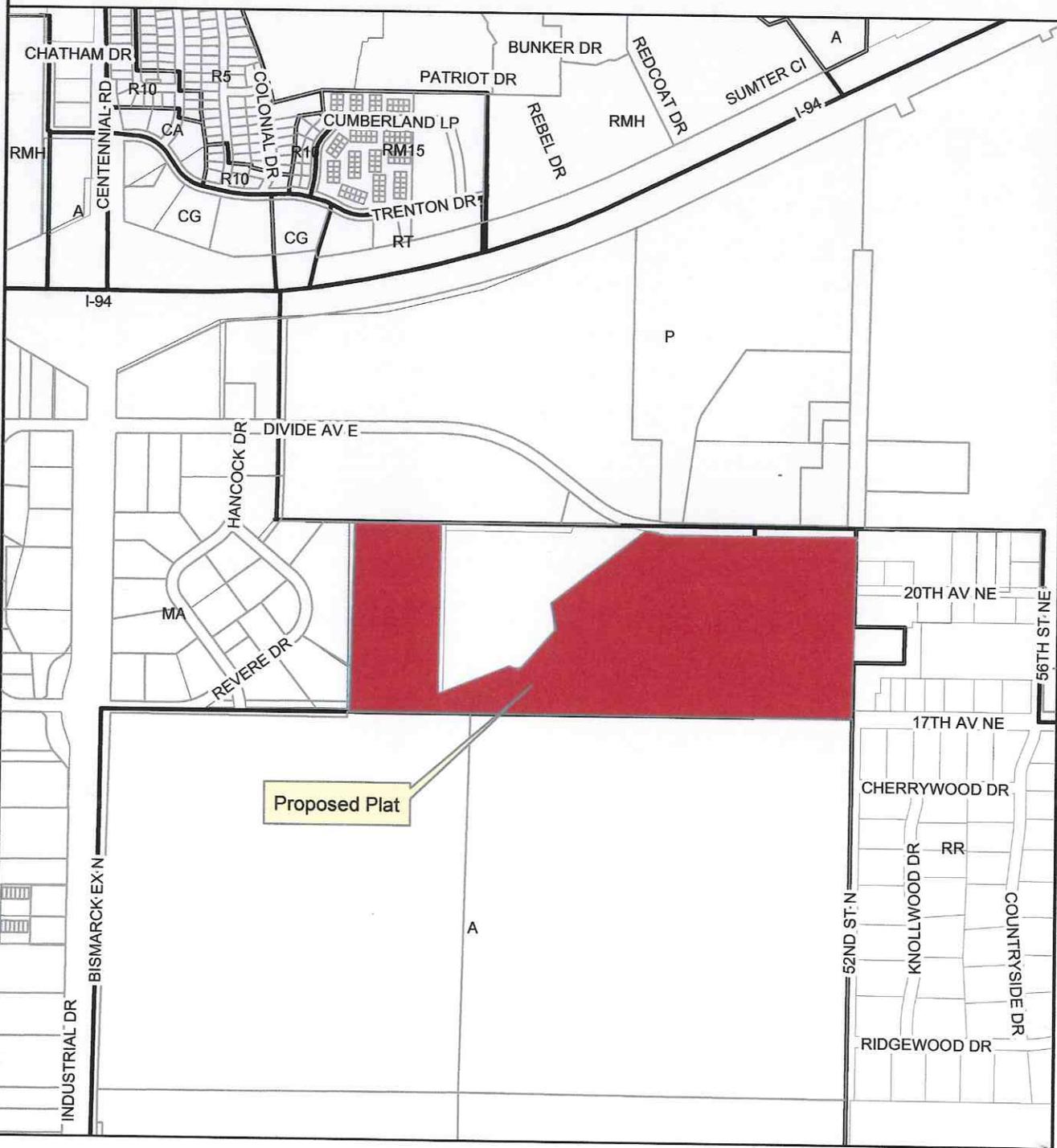
BACKGROUND:		
Title: East Divide Industrial Park Addition – Zoning Change (A & MA to MA)		
Status: Planning Commission – Consideration	Date: August 28, 2013	
Owner(s): JL Partnership	Engineer: Toman Engineering Company	
Reason for Request: To plat, zone and annex property in conjunction with an industrial development project.		
Location: In northeast Bismarck, along the south side of East Divide Avenue, directly west of 52 nd Street NE (Auditor’s Lots B-B, C-C, D & E of the South ½ of Section 25, T139N-R80W/Hay Creek Township).		
Project Size: 78.05 acres	Number of Lots: 21 lots in 5 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant/Undeveloped	Land Use: Industrial	
Zoning: A – Agriculture MA – Industrial	Zoning: MA – Industrial	
Uses Allowed: A – Agriculture MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	Uses Allowed: MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: 06/1982 (MA)	Platted: N/A	Annexed: 01/2008
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which identifies the area as industrial. 2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the North Dakota Army National Guard Armory and the Burleigh County Highway Department Shop to the north, industrial uses to the west, undeveloped land to the south and rural residential dwellings across 52nd Street NE to the east. 3. An annexation request has been submitted in conjunction with this request, 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 existing rural residentially-zoned homes to the east of the proposed subdivision. Planning staff will work with the applicant to provide adequate screening and separation between the two land uses. 		
<i>(continued)</i>		

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:

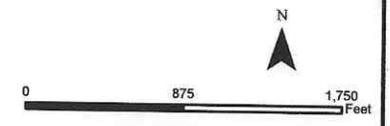
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture and MA – Industrial zoning districts to the MA – Industrial zoning district for East Divide Industrial Park Addition.

Proposed Plat and Zoning Change (A & MA to MA) East Divide Industrial Park Addition

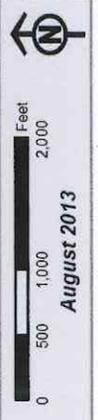
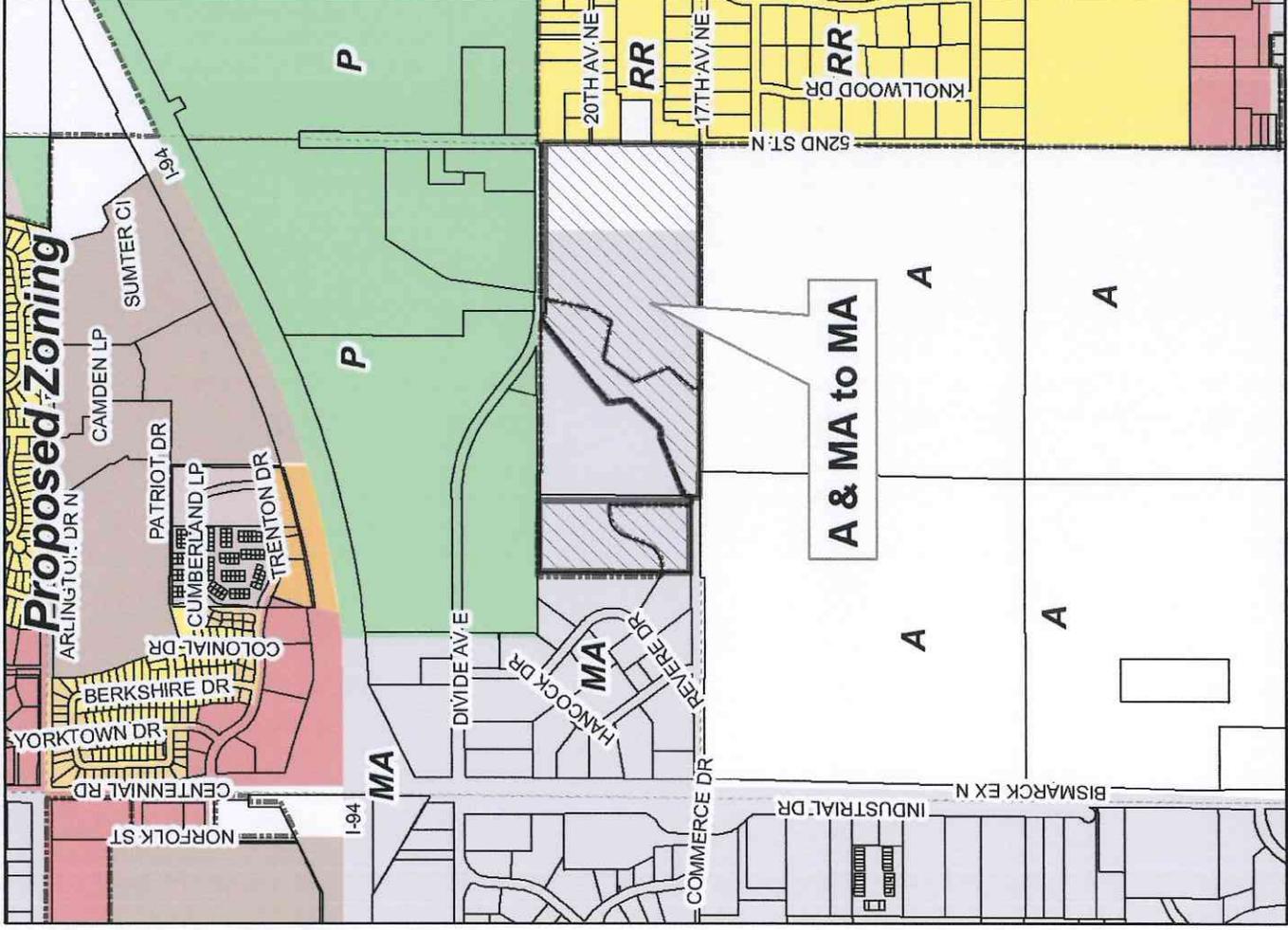
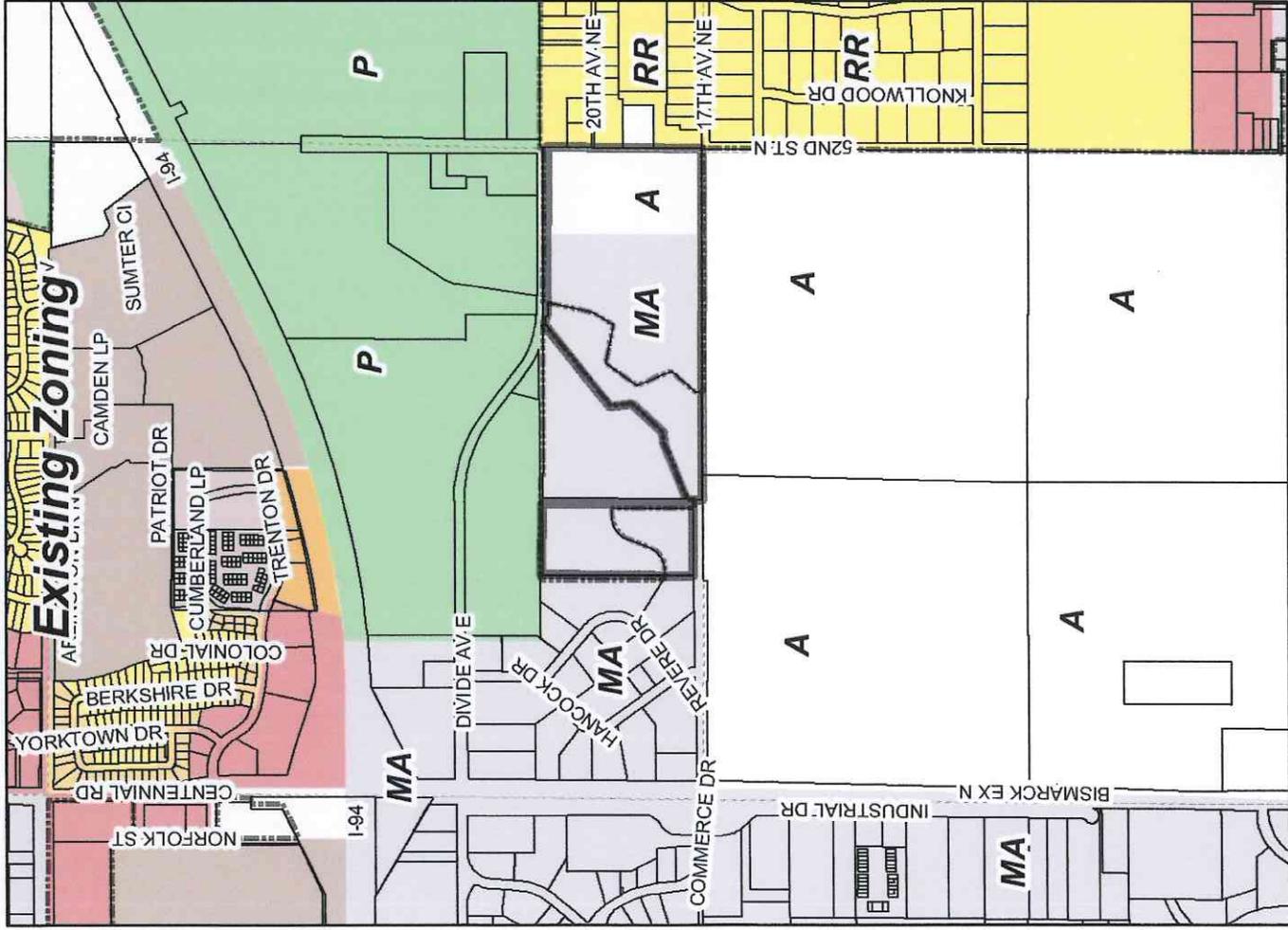


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: July 30, 2013 (Klee)

Source: City of Bismarck



East Divide Industrial Park Addition - Zoning Change



August 2013

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

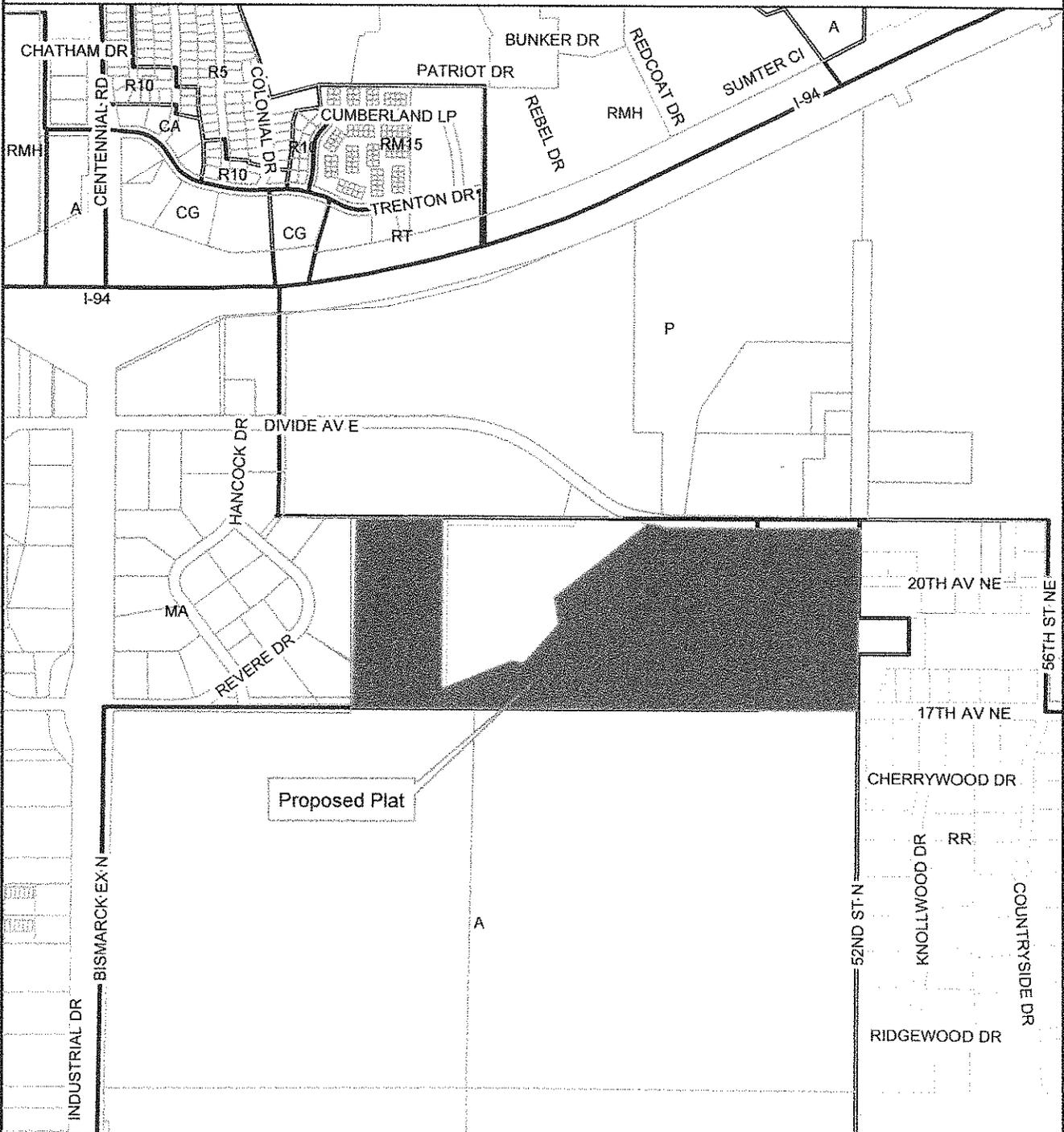
BACKGROUND:		
Title: East Divide Industrial Park Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: August 28, 2013	
Owner(s): JL Partnership	Engineer: Toman Engineering Company	
Reason for Request: To plat, zone and annex property in conjunction with an industrial development project.		
Location: In northeast Bismarck, along the south side of East Divide Avenue, directly west of 52 nd Street NE (Auditor's Lots B-B, C-C, D & E of the South ½ of Section 25, T139N-R80W/Hay Creek Township).		
Project Size: 78.05 acres	Number of Lots: 21 lots in 5 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant/Undeveloped	Land Use: Industrial	
Zoning: A – Agriculture MA – Industrial	Zoning: MA – Industrial	
Uses Allowed: A – Agriculture MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	Uses Allowed: MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	
Maximum Density Allowed: A – 1 unit per 40 acres MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: 06/1982 (MA)	Platted: N/A	Annexed: 01/2008
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 outside the boundaries of the Fringe Area Road Master Plan. Divide Avenue will be extended through this property and has been identified as an arterial roadway and 52nd Street NE is a section line roadway which has also been identified as an arterial road. 3. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the North Dakota Army National Guard Armory and the Burleigh County Highway Department Shop to the north, industrial uses to the west, undeveloped land to the south and rural residential dwellings across 52nd Street NE to the east. 4. The proposed subdivision may have an adverse impact on property in the vicinity. In particular, there are existing rural residentially-zoned homes to the east of the proposed subdivision. Planning staff will work with the applicant to provide adequate screening and separation between the two land uses. 		
<i>(continued)</i>		

- 5. An annexation request has been submitted in conjunction with this request, the entire property would be annexed prior to development; therefore the proposed 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:

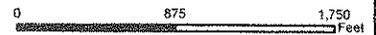
Based on the above findings, staff recommends tentative approval of the preliminary plat of East Divide Industrial Park Addition.

Proposed Plat and Zoning Change (A & MA to MA) East Divide Industrial Park Addition



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Map was Updated/Created: July 30, 2013 (klee)

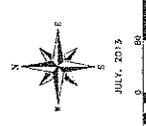
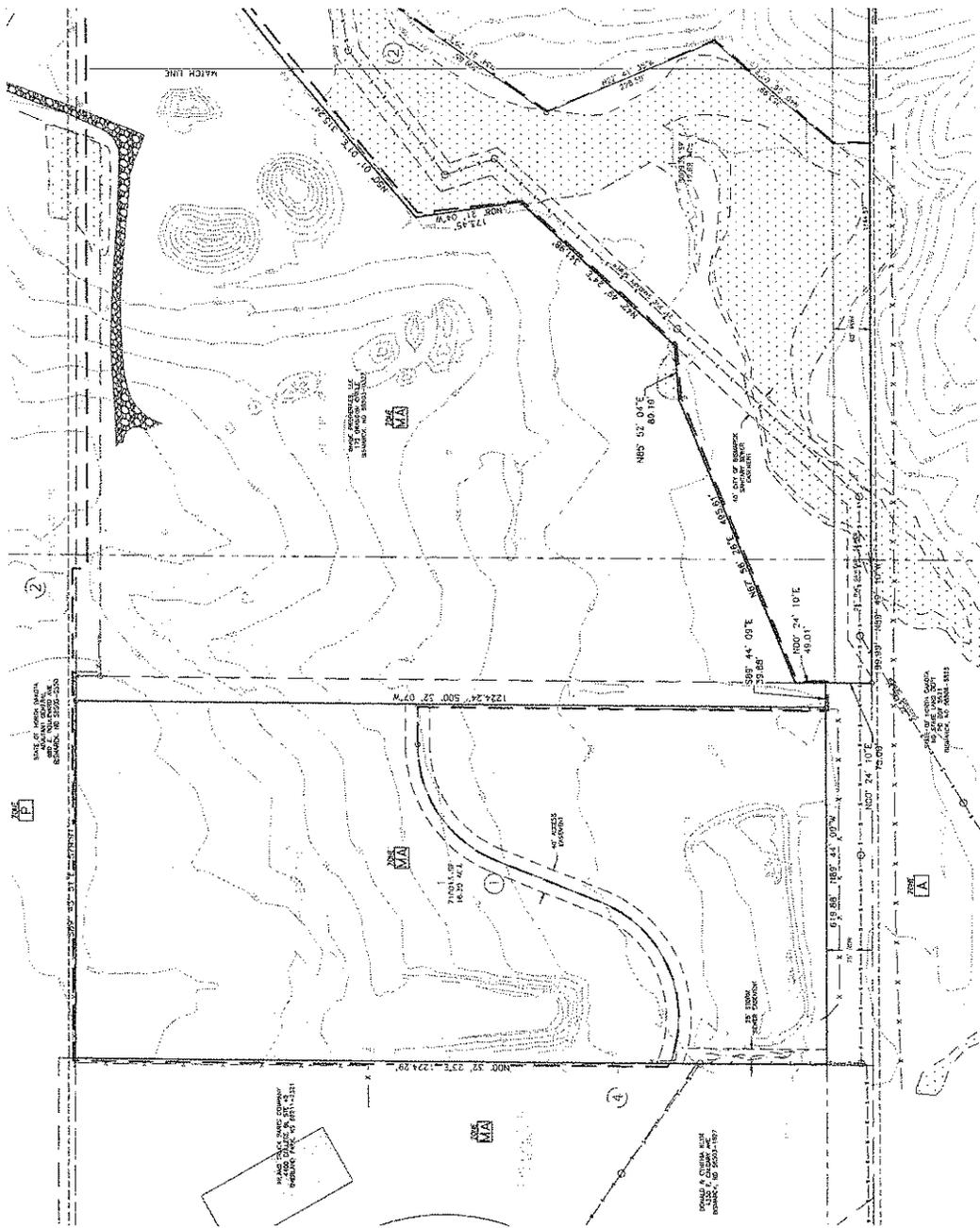
Source: City of Bismarck



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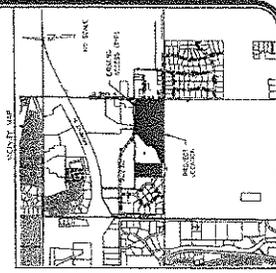
PRELIMINARY PLAT OF EAST DIVIDE INDUSTRIAL PARK ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
ALL OF AUDITOR'S LOTS D & E OF THE SE1/4, AUDITOR'S LOTS B-B, C-C OF THE SW1/4 OF SECTION 25,
T139N-R80W, AND CENTENNIAL PARK 3RD ADDITION OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



LEGEND

- TREE
- POLE
- POST
- CONCRETE
- GRAVEL
- BRICK
- ASPH
- CONCRETE
- GRAVEL
- BRICK
- ASPH
- CONCRETE
- GRAVEL
- BRICK
- ASPH



CONTRACT:
FOR THE CITY OF BISMARCK, NORTH DAKOTA
AND BURLEIGH COUNTY, NORTH DAKOTA
PROJECT NO. 13-001-0128

OWNER:
CITY OF BISMARCK (D & E, BLOCK 2)
AND BURLEIGH COUNTY (B, C, D, E, BLOCK 1)
A. HANSEN, 101 1/2 S. 13TH ST., BISMARCK, ND 58503
PHONE: 701-483-3322

DESIGNER:
TOMAN ENGINEERING, INC.
501 1st Street NW, Minnetonka, MN 55356
Phone: 763-483-4633 Fax: 763-483-4823

TOMAN ENGINEERING
501 1st Street NW, Minnetonka, MN 55356
Phone: 763-483-4633 Fax: 763-483-4823

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

BACKGROUND:		
Title: Lots 1-3, Block 2, and the S½ of the vacated Mayfair Avenue, Mayfair Managers Addition – Zoning Change (MA to CG)		
Status: Planning Commission – Consideration	Date: August 28, 2013	
Owner(s): 12 th Street Investments, LLC	Engineer: N/A	
Reason for Request: Rezone recently rezoned property back to CG – Commercial to allow uses not allowed in the MA-Industrial zoning district (church as a special use).		
Location: Along the west side of South 12 th Street just south of Bismarck Expressway.		
Project Size: 62,454 square feet	Number of Lots: 1 parcel	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Commercial	Land Use: Commercial uses	
Zoning: MA – Industrial	Zoning: CG – Commercial	
Uses Allowed: MA – Light industrial uses, including manufacturing and warehousing, and commercial uses	Uses Allowed: CG – General commercial uses, including retail and services uses; churches allowed as a special use	
Maximum Density Allowed: MA – N/A	Maximum Density Allowed: CG – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 05/12	Platted: 12/75	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. This property was included in a zoning change for several properties in this area in 2012 and was included in order to avoid creating a spot zone. 2. Staff will contact adjacent owners regarding the option of rezoning their properties to CG – Commercial also. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the boundaries of the Bismarck Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include commercial development to the north and east, light industrial to the south, and undeveloped land and a manufactured home park to the west. 3. The area is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities. 		
<i>(continued)</i>		

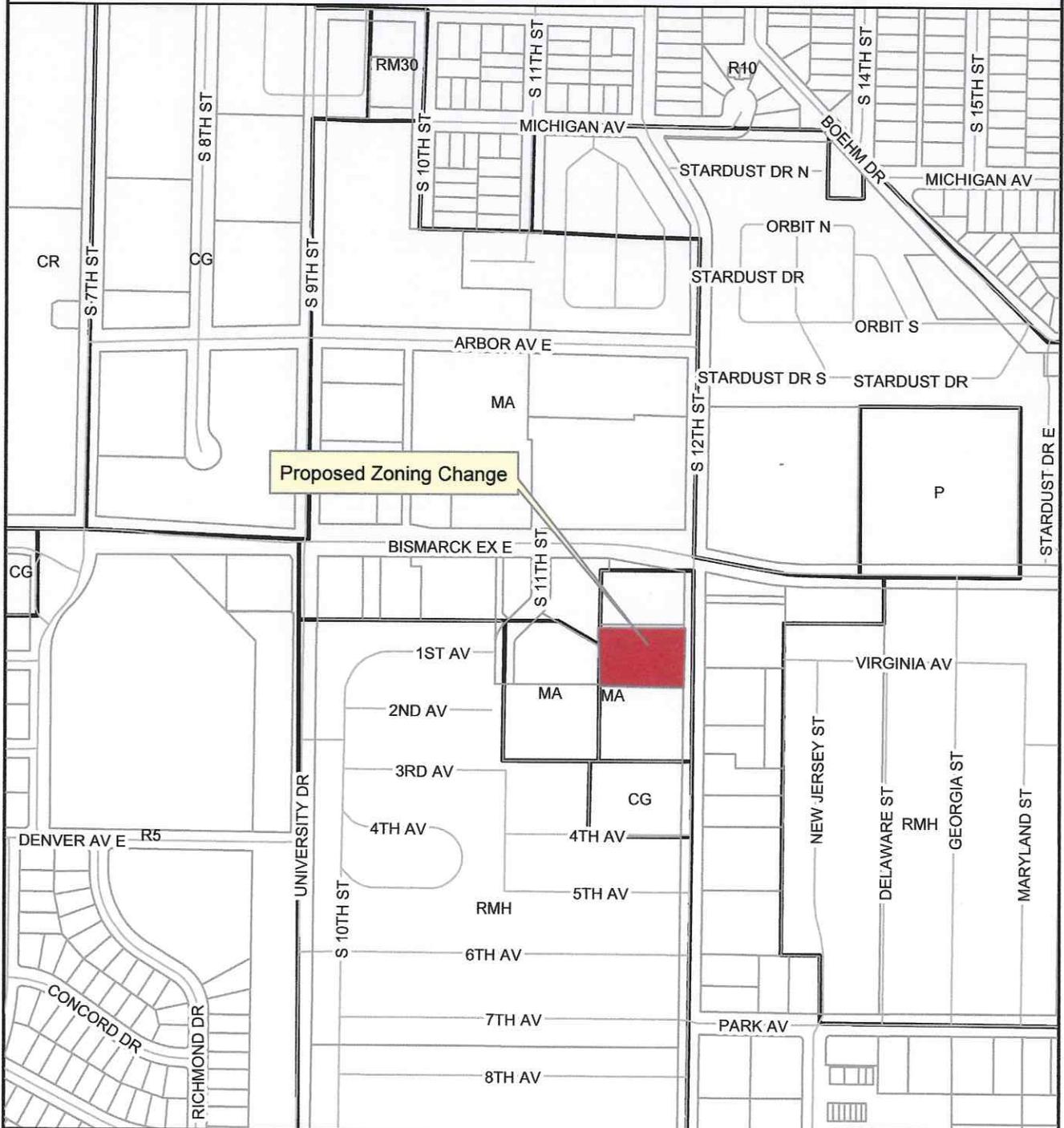
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning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

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from MA- Industrial zoning district to the CG-Commercial zoning district for Lots 1-3, Block 2 and the S½ of the vacated Mayfair Avenue, Mayfair Managers Addition, with the understanding that staff will work with the adjacent land owners regarding the inclusion of their properties in the zoning change back to CG – Commercial (Lots 1-3, Block 1 and the N½ of the vacated Mayfair Avenue, Mayfair Managers Addition; Tract S of the SE1/4 of Section 4, T138N-R80W; Lots 1 and 2, Block 2, Wachter’s 17th Addition; and Lot 1, Block 1, Wachter’s 18th Addition).

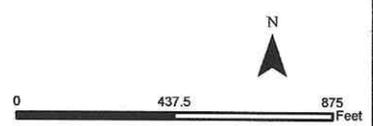
Proposed Zoning Change (MA to CG)

Lots 1-3 & S 1/2 of Vacated Mayfair Avenue, Mayfair Managers Addition

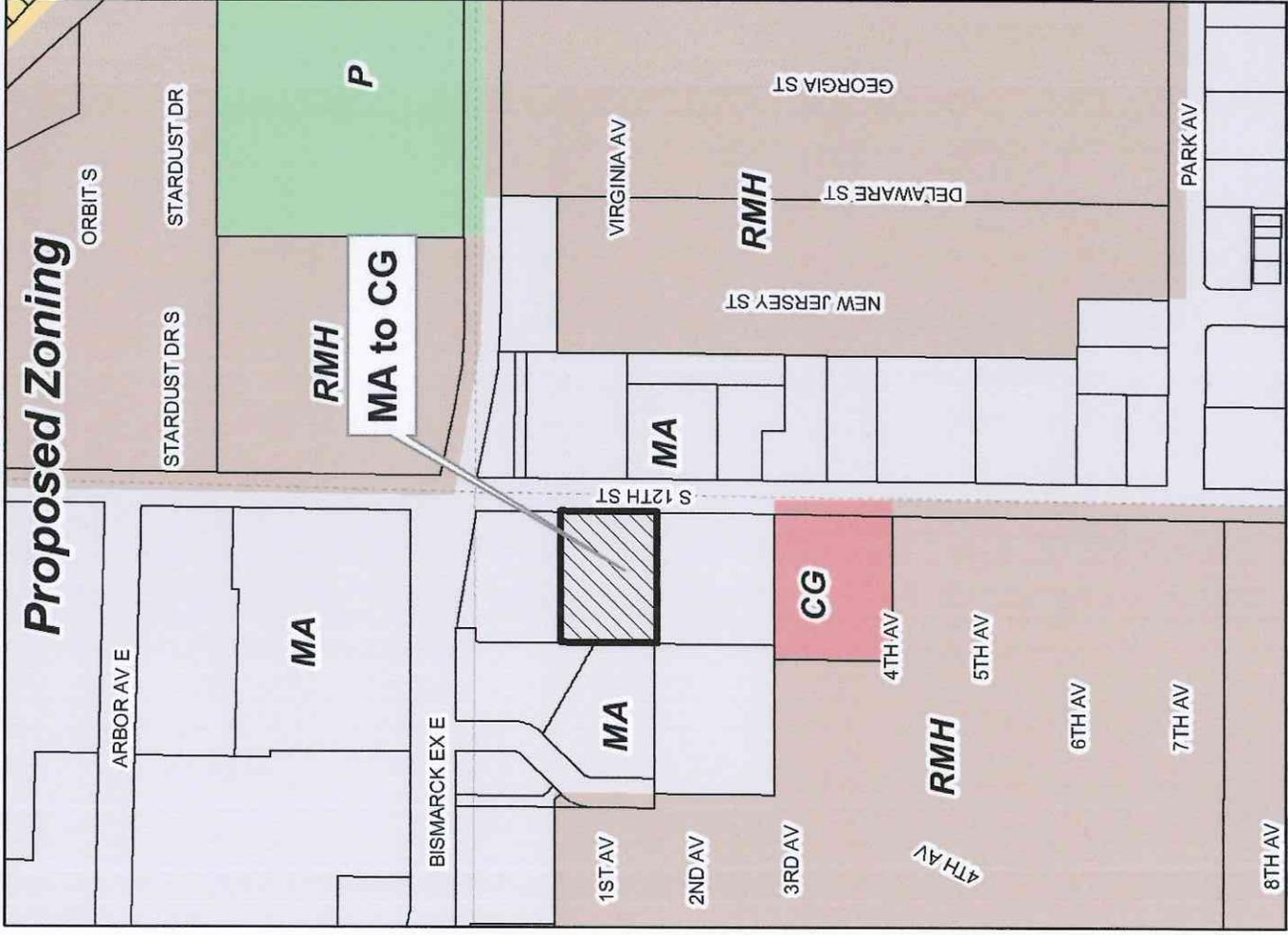
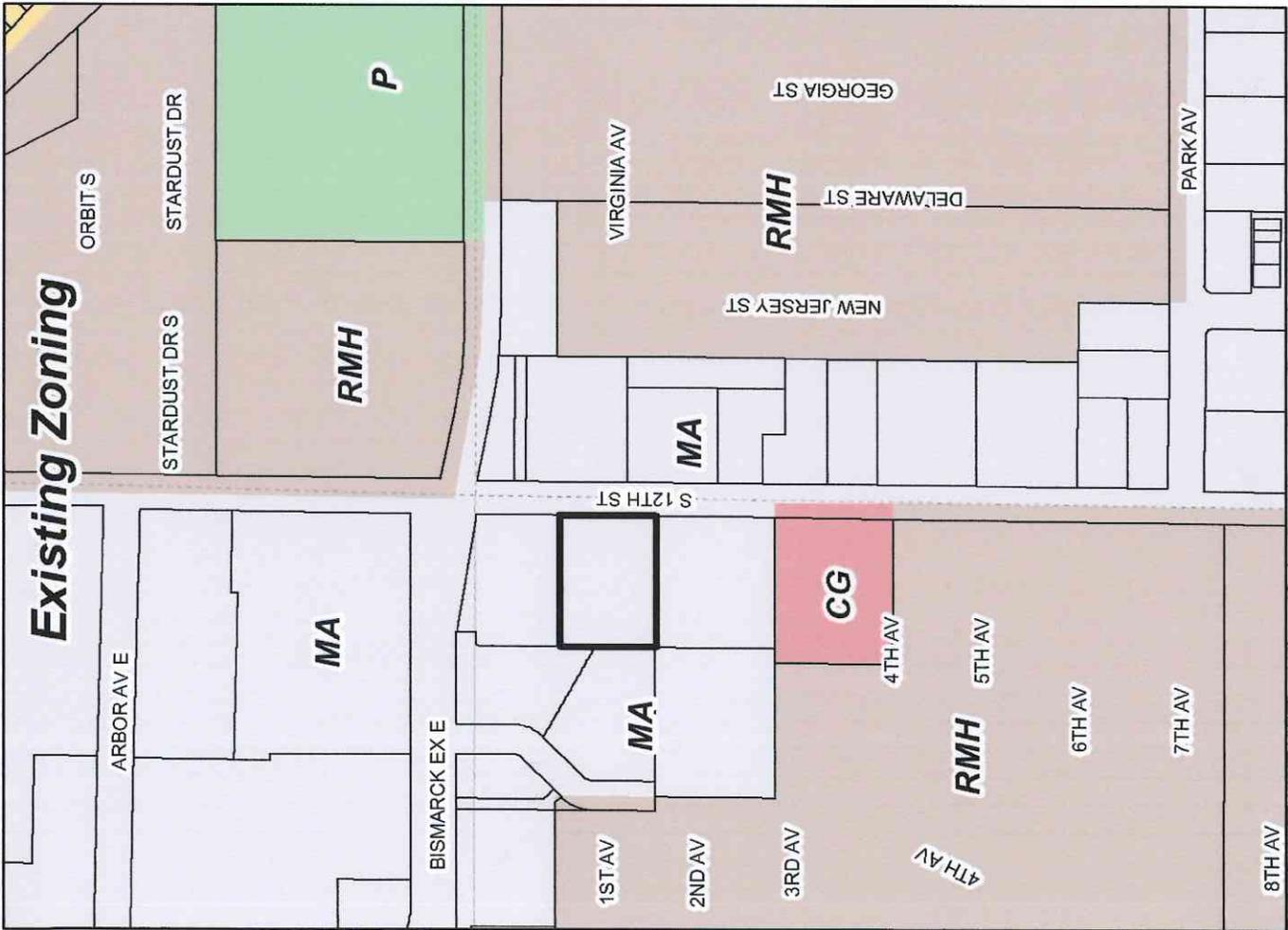


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Map was Updated/Created: August 5, 2013 (Klee)

Source: City of Bismarck



Lots 1-3 and the South 1/2 of the vacated Mayfair Avenue, Mayfair Addition - Zoning Change



August 2013

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CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-04 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND PROCEDURE.

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

Section 1. Amendment. Section 14-09-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land and Procedure is hereby amended and re-enacted to read as follows:

14-09-04. Procedure

* * * * *

- 3. Minor Subdivision Plat.
 - a. The purpose of this subsection is to provide for an expedited review and approval process for the resubdivision of previously platted property that meets the criteria for a minor subdivision plat. Subdivision plats that do not meet the criteria shall be considered major subdivision plats.
 - b. The subdivider shall apply in writing to the Director of Community Development for approval of a minor subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.

- c. The number of prints of the minor subdivision final plat as indicated on the current application form shall accompany the application for approval. The minor subdivision final plat shall comply with the provisions of Section 14-09-07(2) of these regulations and shall be accompanied by:
- i. The applicable fee;
 - ii. Either a copy of a current title insurance policy running to the benefit of the City and prepared within the past six months or an current attorney's opinion of ownership prepared within the past six months and including a list of easement holders;
 - iii. An 8½ x 11 reduction of the plat;
 - iv. An acceptable digital copy of the plat for use in the City's geographic information system (GIS); and
 - v. A storm water management plan prepared in accordance with the provisions of Section 14.1-02-01 (Storm Water Management Plan/Application) Title 14.1 of the Zoning Ordinance.
 - vi. A copy of the proposed home owners association documents if there are any common lots (private roadways, parking areas, green spaces, etc.) or any association maintenance required within the proposed plat.
- d. After receipt of the application for minor subdivision plat approval, the Director of Community Development shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to date of the scheduled public hearing, the City shall attempt

to notify all known adjacent property owners within three hundred (300) feet of the proposed minor subdivision plat. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Director of Community Development shall send a notice of the time and place of such public hearing to the subdivider and property owner(s) before the date fixed for the hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.

- e. After a public hearing, the Planning and Zoning Commission may act upon the request for minor subdivision plat approval. If the Planning and Zoning Commission approves the minor subdivision plat, such approval will be entered upon the tracing plat prepared for recording and will be signed by the secretary of the Planning and Zoning Commission (Director of Community Development) and the Chair of the Planning and Zoning Commission. If the Planning and Zoning Commission disapproves the subdivision, such action, together with the reasons therefore, will be entered in the official records of the Planning and Zoning Commission and the subdivider shall be so notified.

- f. A minor subdivision plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of City Commissioners. Following final approval by the Board of City Commissioners, a plat in recordable form shall be furnished to the Director of community Development within one hundred eighty (180) days following approval. The Director of Community Development may grant extensions of thirty (30) days for good cause shown in writing. Upon review and obtaining required signatures, the Director of Community Development shall file and record the original signed plat with the Burleigh County Recorder. All final plats shall be provided digitally formatted to the City of

~~Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.~~

g. Following final approval of a minor subdivision final plat by the Board of City Commissioners, a plat in recordable form, along with any required plat ratifications, any required storm water management plan certification and the final home owners association documents if required shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The Director of Community Development may grant extensions of thirty (30) days for good cause shown in writing.

h. Upon review and obtaining required signatures, and upon receipt of an acceptable digital file of the approved plat, the Director of Community Development shall file and record the original signed plat and any required ratifications, any required rural water agreement and any required home owners association documents with the Burleigh County Recorder.— All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

4. Tentative approval - Major Subdivision Plat:

- a. The subdivider shall apply in writing to the Director of Community Development for tentative approval of a major subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.
- b. The number of prints of the preliminary plat as indicated in the current application form shall be filed with the Director of Community Development at the time application for tentative approval is made. The plat shall comply with the

provisions of Section 14-09-07(1) of these regulations and shall be accompanied by:

- i. The applicable fee;
- ii. An 8½ x 11 reduction of the plat;
- iii. An acceptable digital copy of the plat for use in the City's geographic information system (GIS);
- iv. A concept development plan showing the proposed location of roadways and a generalized lot layout for all adjacent land within ½ mile of the proposed plat that is owned by the applicant;
- v. A preliminary storm water management plan that includes:
 - a. The name of the applicant;
 - b. The name of the proposed plat;
 - c. The location of the proposed plat, including a description, a location map and the area of the proposed plat;
 - d. The existing site conditions and characteristics, including: topography; watershed information; delineation of streams, wetlands or other public waters and their descriptions; existing storm water facilities and features; soils and soil characteristics; current ground cover conditions; current land use and zoning; and the location of any floodplains or floodways.
 - e. A general written description of the development to occur.
 - f. Proposed final site conditions, including ~~The proposed a~~ preliminary grading plan shown at contours as required to clearly indicate the

relationship of the proposed changes to existing topography and remaining features;

- b. A preliminary drainage plan of the developed site delineating the direction and at what rate storm water runoff will be conveyed from the site and setting forth the areas of the site where storm water will be collected; and
 - c. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the preliminary review of the project.
- c. For a proposed subdivision plat within or adjacent to the corporate limits, a preliminary utility servicing plan is also required. This preliminary utility servicing plan shall include:
- i. An accurate location map;
 - ii. The proposed layout of lots and streets;
 - iii. Topographic contours with a minimum contour interval of two (2) feet;
 - iv. The location of any existing municipal utilities within or adjacent to the plat; and
 - v. The proposed location of water and sanitary sewer mains within the subdivision, how these mains are proposed to connect to the existing utility systems, and any easements on adjacent property required to accommodate connections.
- d. For proposed subdivision plats outside of the corporate limits, but within the Urban Service Area Boundary, the following profiles for roads/streets are also required:

- i. Three profiles of existing ground elevation; one at centerline and one on each side of the right-of-way, fifty feet beyond the right-of-way lines, and
 - ii. Two centerline profiles of proposed design elevations; one for a rural road section and another for a future urban street section design.
- e. For proposed subdivision plats within two miles of the corporate limits, the source of water shall be identified. If the subdivision is to be served by South Central Regional Water District a formal request from South Central Regional Water District to service the subdivision shall be submitted in conjunction with the request for tentative approval. Said request shall include a statement indicating that all rural water service lines installed by or on behalf of South Central Regional Water District will be installed to City specifications. The City Engineer shall review the request and make a determination as to whether or not South Central Regional Water District service will be allowed. If South Central Regional Water Service is allowed, a rural water agreement is required.
- f. All areas proposed for development shall be platted to the edge of the property with all undevelopable land included within the plat (subject to discussion and agreement by the landowner and the City).
- i. Land determined by the owner and City to be undevelopable and/or needed for stormwater purposes shall be:
 - a. Included in adjoining platted lot(s) as a stormwater easement that is privately owned, with only major maintenance by City. The amount of property taxes and special assessments for these areas will be determined by the City based on the level of benefit and the value of the land; or

- b. Platted as a separate lot(s) that is owned and maintained by the City, as a regional stormwater conveyance or detention facility; or
- c. Platted as a separate lot(s) that is owned and maintained by the Bismarck Parks and Recreation District (subject to their agreement) as a natural area; or
- d. Platted as a separate lot(s) that is owned and maintained by the Bismarck Parks and Recreation District, (subject to their agreement) and including a City-maintained stormwater easement; or
- e. Any combination of the above options.

Undevelopable land will be maintained as a natural area unless a drainage easement is present and the easement requires major maintenance. Major maintenance shall include maintenance of existing structures, mowing below floodplain elevation, cleaning of sediment and maintenance of access.

- g. The Planning and Zoning Commission shall approve, approve conditionally, table or disapprove such preliminary major subdivision plat. If approved with modification or waiver of certain requirements by the Planning and Zoning Commission, the reasons therefore shall be specified. If approved conditionally, the conditions and reasons therefore shall be specified. In any conditional approval, the Planning and Zoning Commission may require the subdivider to submit a revised preliminary major subdivision plat. If disapproved, the reasons for that action shall be stated, and if possible, the Planning and Zoning Commission shall make recommendations on the basis of which the proposed subdivision may be approved.

- h. The action of the Planning and Zoning Commission shall be entered on the official records of the Planning and Zoning Commission, including any conditions imposed and the reasons for any disapproval of a preliminary major subdivision plat.
 - i. Tentative approval of a preliminary major subdivision plat by the Planning and Zoning Commission is not an acceptance of the major subdivision plat for record, but is rather an expression of approval of a general plat for the final approval and recording upon fulfillment of all requirements of these regulations.
 - j. Tentative approval shall be effective for a maximum period of twelve (12) months, unless upon application by the subdivider, the Director of Community Development grants an extension. If the final major subdivision plat has not been submitted for final approval within this time limit, a preliminary major subdivision plat must again be submitted to the Planning and Zoning Commission for tentative approval.
5. Final approval - Major Subdivision Plats:
- a. The subdivider shall apply in writing to the Director of Community Development for final approval of a major subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.
 - b. The number of prints of the final major subdivision plat as indicated in the current application form shall accompany the application for final approval. The final plat shall comply with the provisions of Section 14-09-07(2), of these regulations, and shall be accompanied by:
 - i. Either a copy of a current title insurance policy running to the benefit of the City and prepared within the past six months or an current attorney's opinion of ownership

- prepared within the past six months and including a list of easement holders
- ii. An 8½ x 11 reduction of the plat;
 - iii. An acceptable digital copy of the plat, if required for use in the City's geographic information system (GIS); and
 - iv. A storm water management plan prepared in accordance with the provisions of Section 14.1-02-01 (Storm Water Management Plan/Application) Title 14.1 of the Zoning Ordinance.
 - v. A copy of the proposed home owners association documents if there are any common lots (private roadways, parking areas, green spaces, etc.) or any association maintenance required within the proposed plat.
- c. For proposed subdivision plats located within the City of Bismarck's extraterritorial area, an assurance of completion of the required improvements (in a form acceptable to the Planning Commission Board of County Commissioners) shall be required only if such improvements are will not be constructed and accepted prior to recording of the plat.
- d. For plats proposed within the Urban Service Area Boundary, the following are also required:
- i. Grading plans for both rural section roadways to be constructed to serve the rural lots and future urban roadway sections to be constructed to serve the ghost platted urban lots.
 - ii. Master plans for the future extension of municipal water and sewer facilities to ghost platted urban lots.
 - iii. Watershed Master Plan (as defined in Section 14.1-01-02).

- e. After receipt of the application for final major subdivision plat approval, the Director of Community Development shall give notice of a public hearing on such proposed subdivision by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed major subdivision plat. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Director of Community Development shall send a notice of the time and place of such public hearing to the subdivider and property owner(s) before the date fixed for the hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.
- f. After a public hearing, the Planning and Zoning Commission may act upon the request for final approval. If the Planning and Zoning Commission approves the subdivision, such approval will be entered upon the tracing plat prepared for recording and will be signed by the secretary (Director of community Development) and the Chair of the Planning and Zoning Commission. If the Planning and Zoning Commission disapproves the subdivision, such action, together with the reasons therefor will be entered in the official records of the Planning and Zoning Commission and the subdivider shall be so notified.
- g. Upon final approval of a major subdivision plat involving the creation of new street(s), the widening, decreasing or vacation of existing street(s) or alley(s), or the creation, enlargement or decrease of other lands devoted to public use, the Planning and Zoning Commission

shall at the same time and without further public hearing, approve such change in streets, alleys or public lands as an amendment to the master plan. The ~~p~~Planning and Zoning ~~e~~Commission will transmit notice of such action to the ~~b~~Board of ~~e~~City ~~e~~Commissioners of the City of Bismarck together with appropriate recommendations concerning the acceptance of dedicated streets and alleys, or the vacation thereof, and of the acceptance of other dedicated lands. ~~In the case of streets, alleys and public lands lying outside the City of Bismarck, notice of the action of the planning commission and appropriate recommendations will be transmitted to the board of county commissioners of Burleigh County or other body having jurisdiction in order to procure approval of roadway dedications.~~

- h. Final approval of a major subdivision plat by the ~~p~~Planning and Zoning ~~e~~Commission shall in no way constitute legal acceptance of any dedicated streets, alleys or other public lands.
- i. A final major subdivision plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of City Commissioners. ~~Following final approval by the Board of City Commissioners, a plat in recordable form shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The director of Community Development may grant extensions of thirty (30) days for good cause shown in writing. Upon review and obtaining required signatures, the Director of Community Development shall file and record the original signed final major subdivision plat with the Burleigh County Recorder. All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.~~
- j. In the case of a final major subdivision plat with streets, alleys and public lands lying

outside the City of Bismarck, notice of the action of the ~~planning commission~~ Board of City Commissioners and appropriate recommendations will be transmitted to the Board of County Commissioners of Burleigh County ~~or other body having jurisdiction~~ in order to procure approval of roadway dedications.

k. Following ~~final~~ approval of a final major subdivision plat by the Board of City Commissioners, and acceptance of roadway dedications by the Board of County Commissioners if required, a plat in recordable form, along with any required plat ratifications, any required storm water management plan certification and the final home owners association documents if required shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The Director of Community Development may grant extensions of ~~thirty (30) days~~ for good cause shown in writing.

l. Upon review and obtaining required signatures, and upon receipt of an acceptable digital file of the approved plat, the Director of Community Development shall file and record the original signed plat, any required ratifications, any required rural water agreement and any required home owners association documents with the Burleigh County Recorder.— All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

Ord. 4393, 08-27-91; Ord. 4483, 02-02-93; Ord. 4733, 11-14-95; Ord. 4804, 11-12-96; Ord. 4822, 02-25-97; Ord. 4946, 10-27-98; Ord. 5097, 02-13-01; Ord. 5138, 11-13-01 Ord. 5146, 12-18-01; 5218, 11-26-02l Ord. 5279, 09-23-03; Ord. 5297, 02-24-04; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5370, 11-23-04; Ord. 5452, 08-23-05; Ord. 5453, 08-23-05; Ord. 12-12-06; Ord. 5728, 05-26-09)

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication after the required comment period under Section 40-47-01.1 of the North Dakota Century Code.

CITY OF BISMARCK Ordinance No. XXXX

First Reading	_____
Second Reading	_____
Final Passage and Adoption	_____
Publication Date	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-03 AND 14-09-04 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, PROCEDURE AND THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

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

Section 1. Amendment. Section 14-09-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions and the Regulations Governing the Subdivision of Land is hereby amended and re-enacted to read as follows:

14-09-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Park Concept Development Plan: a conceptual plan of development of park and open space facilities for a particular property. Such plans may be developed for a subdivision plat or as part of a larger property that may be developed in phases and form the basis for subsequent subdivision plats.

Neighborhood Park: a park that typically serves the immediate residential areas within walking distance. Both passive and active park uses may be provided. Neighborhood parks do not typically have amenities that citizens would be drawn to drive to, but may include such features as part of a Park Development Agreement.

Park Development Agreement: a written agreement between the Bismarck Parks and Recreation District and an owner and/or developer of land within the planning and zoning jurisdiction of the City of Bismarck. Such agreements shall be in accordance with the latest adopted City policy and shall include provisions for the transfer of property to the Park District for the purpose of development of park and open space facilities and the obligations of all parties pursuant to the provisions of the agreement.

Section 2. Amendment. Section 14-09-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Procedure and the Regulations Governing the Subdivision of Land is hereby amended and re-enacted to read as follows:

14-09-04. Procedure.

- 1. Preliminary steps:
 - a. Prior to preparing a subdivision plat for submittal, the applicant shall meet with ~~planning and engineering~~ City and Park District staff to discuss the proposed plat, consistency of the plat with City and Park District policies and plans, the overall concept plan for the area, extension of municipal utilities to service the plat, compliance with the fringe area road master plan, the development of park and open spaces within the plat, and storm water management issues.

* * * * *

4. Tentative approval - Major Subdivision Plat:

* * * * *

- b. The number of prints of the preliminary plat as indicated in the current application form shall be filed with the Director of Community Development at the time application for tentative approval is made. The plat shall comply with the provisions of Section 14-09-07(1) of these regulations and shall be accompanied by:

- i. The applicable fee;
- ii. An 8½ x 11 reduction of the plat;
- iii. A digital copy of the plat;
- iv. A concept development plan showing the proposed location of roadways and a generalized lot layout for all adjacent land within ½ mile of the proposed plat that is owned by the applicant.
- v. A preliminary storm water management plan that includes:
 - a. The proposed preliminary grading plan shown at contours as required to clearly indicate the relationship of the proposed changes to existing topography and remaining features;
 - b. A preliminary drainage plan of the developed site delineating the direction and at what rate storm water runoff will be conveyed from the site and setting forth the areas of the site where storm water will be collected; and
 - c. Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the preliminary review of the project.
- vi. A statement of intent to provide neighborhood park and open space, as shown on the plat, unless waived by the Director of Parks and Recreation.

* * * * *

5. Final approval - Major Subdivision Plats:

- a. The subdivider shall apply in writing to the Director of Community Development for final

approval of a major subdivision plat by the specified application deadline and on the proper form. All current owners of property within the plat shall sign or ratify the application form.

- b. The number of prints of the final major subdivision plat as indicated in the current application form shall accompany the application for final approval. The final plat shall comply with the provisions of Section 14-09-07(2), of these regulations, and shall be accompanied by:
 - i. Either a copy of a current title insurance policy or a current attorney's opinion of ownership, running to the benefit of the City of Bismarck;
 - ii. An 8½ x 11 reduction of the plat;
 - iii. A digital copy of the plat, if required; and
 - iv. A storm water management plan in accordance with Title 14.1 of the Zoning Ordinance.
 - v. A Park Development Agreement or Park Concept Development Plan in accordance with the latest adopted City policy, unless waived by the Director of Parks and Recreation.

* * * * *

- i. A final major subdivision plat that is approved by the Planning and Zoning Commission will be recommended for approval to the Board of City Commissioners. Following final approval of the major subdivision plat and the Park Development Agreement or Park Concept Development Plan (if required) by the Board of City Commissioners, a plat in recordable form shall be furnished to the Director of Community Development within one hundred eighty (180) days following approval. The director of Community Development may grant extensions of thirty (30) days for good cause shown in writing. Upon review and obtaining required signatures, the Director of Community Development shall file and record the original

signed final major subdivision plat with the Burleigh County Recorder. A signed Park Development Agreement (if required) shall be recorded in conjunction with the final major subdivision plat. The recording of Park Concept Development Plans is not required. All final plats shall be provided digitally formatted to the City of Bismarck's current computer-aided drafting and geographic system software and policy, including coordinate system ties as defined within this zoning ordinance.

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect on January 1, 2014 following final passage, and adoption and publication after the required comment period under Section 40-47-01.1 of the North Dakota Century Code.

CITY OF BISMARCK NEIGHBORHOOD PARKS AND OPEN SPACE POLICY

Purpose The purpose of the neighborhood parks and open space policy is to maintain and enhance the high quality visual aesthetic of the community and to ensure that adequate usable neighborhood parks, open space and recreational facilities are provided for existing and future residents of the City of Bismarck. Because new development within the City, or intended to be in the City, increases population and the demand for public services, it shall be the policy of the City of Bismarck that the owner and/or developer of major urban residential subdivision plats provide for neighborhood parks, playgrounds, open space and natural areas, and trails. The provision of such facilities in newly developed areas maintains the high quality of life enjoyed by the citizens of the community by permitting the City to identify, obtain, continue, maintain and enhance its recreation and open space system.

Zoning Ordinance Provisions The following policies shall be in accordance with the relevant provisions contained in Chapter 14-09 of the Code of Ordinances (Zoning Ordinance) – Regulations Governing the Subdivision of Land.

Application The provisions of this policy shall apply as a condition on the approval of all major urban subdivision plats with residential zoning districts. If a plat is submitted that is deemed by the Parks and Recreation District to be of insufficient size or number of lots to provide a neighborhood park, the requirement may be waived. If adjacent land is under the same ownership, such facilities may be provided in conjunction with subsequent submittals of subdivision plats. In those cases, a Park Concept Development Plan shall be required for the surrounding property. Such Concept Development Plans shall be approved in the same manner as specified for Park Development Agreements.

Procedure The provision of neighborhood parks and open space shall generally be accomplished through the approval of subdivision plats and further described in a Park Development Agreement or Park Concept Development Plan signed by all parties, following approval by the Bismarck Parks and Recreation District. Final approval of such an agreement by the Board of City Commissioners shall be required in conjunction with approval of the subdivision plat. Park Development Agreements shall be recorded in conjunction with the subdivision plat. The recording of Park Concept Development Plans is not required. The requirement for a Park Development Agreement or Park Concept Development Plan may be waived for good reason by the Director of Parks and Recreation. If an agreement to provide park and open space is not reached, the Bismarck Board of City Commissioners shall be the final arbiter.

Transfer of Property The transfer of property for the purposes of parks and open space may be accomplished either by dedication or by sale of the land to the Bismarck Parks and Recreation District. The costs of the sale of the land may be financed through the City's special assessment process.

Establishment of Facilities It is intended that the installation of neighborhood parks and/or other recreational or open space areas be done by the Parks and Recreation District at the time of installation of other public infrastructure, prior to development on the lots within the subdivision plat. The costs of the installation of neighborhood parks and open space areas may be financed through the City's special assessment process. Any required utility and access easements within the subdivision plat shall be provided by the owner/developer.

Maintenance Maintenance of the park, trails, or other open space areas will be provided by the Bismarck Parks and Recreation District.

Bismarck Planning and Zoning Commission approval _____

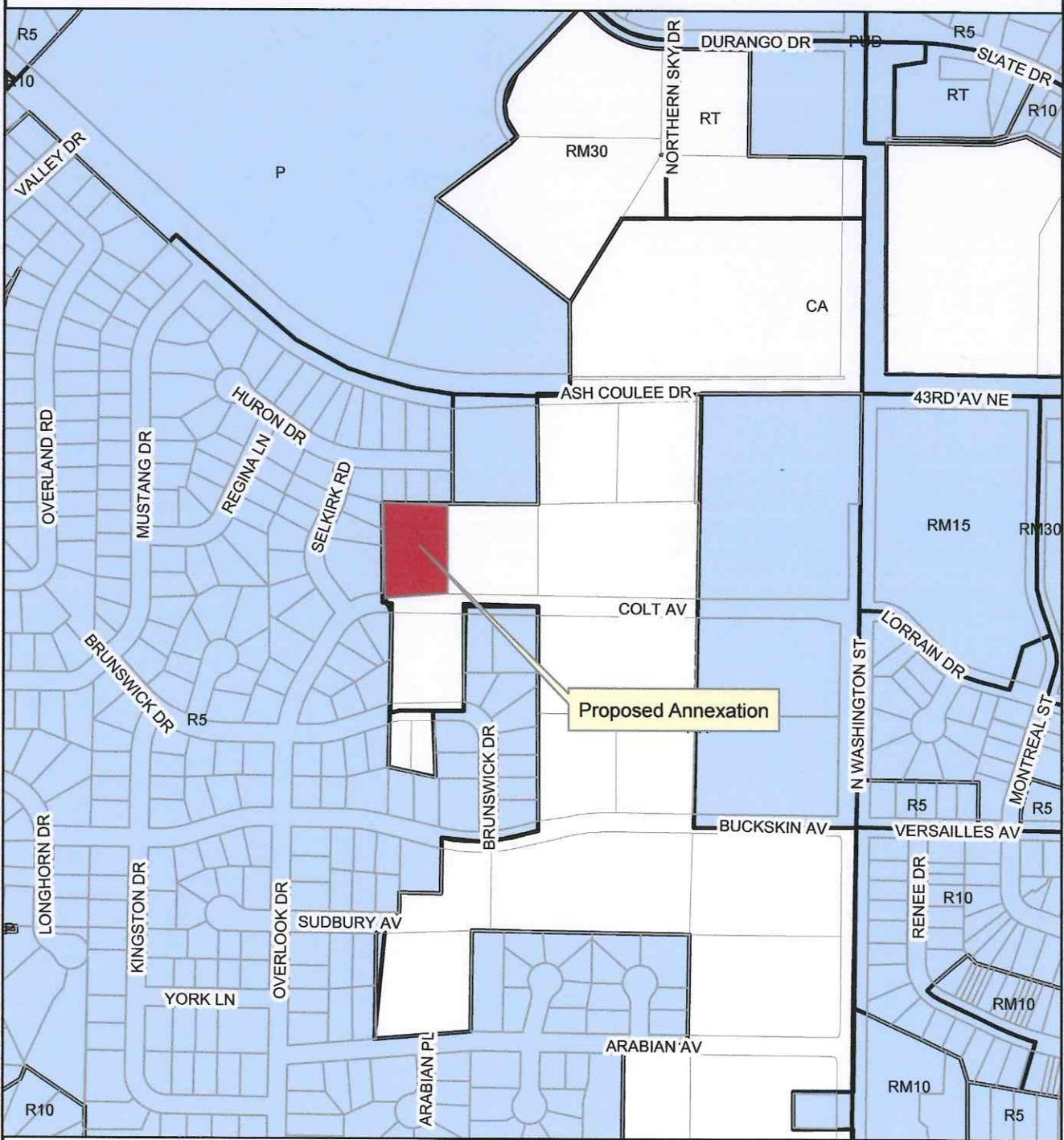
Bismarck Board of City Commissioners approval _____

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

BACKGROUND:		
Title: Lot 14 less the East 314 feet, Block 4, KMK Estates 2 nd Subdivision – Annexation		
Status: Planning Commission – Final Consideration	Date: August 28, 2013	
Owner(s): Joanne & Roger Drevlow	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: 1.87 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: ----
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 Lot 14 less the East 314 feet, Block 4, KMK Estates 2 nd Subdivision, along with the north half of the adjacent Colt Avenue.		

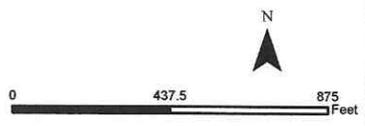
Proposed Annexation

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



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: August 5, 2013 (kiee)

Source: City of Bismarck



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

BACKGROUND:		
Title: High Meadows 12 th Addition – Final Plat		
Status: Planning Commission – Public Hearing (continued)	Date: August 28, 2013	
Owner(s): Daniel Haakenson – Lot A of L3, B2 Robert & Nadine Schaff – Lot B of L3, B2 Curt & Diane Wentz – L4, B2	Engineer: Swenson, Hagen & Co.	
Reason for Request: Re-plat property for further development upon annexation (currently scheduled for 2014).		
Location: In northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue (A replat of Lots A and B of Lot 3, Block 2 and Lot 4, Block 2, KMK Estates Subdivision).		
Project Size: 9.16 acres	Number of Lots: 25 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Rural residential	Land Use: Single-family residential	
Zoning: RR – Residential	Zoning: RR – Residential	
Uses Allowed: RR – Rural residential	Uses Allowed: RR – Rural residential	
Maximum Density Allowed: RR – One unit/65,000sf	Maximum Density Allowed: RR – One unit/65,000sf	
PROPERTY HISTORY:		
Zoned: 04/59	Platted: 11/69	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 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. 2. The proposed plat was not accompanied by a zoning change or early annexation request. The applicant is proposing the plat for future development. The plat could not be recorded or the lots developed until the existing accessory buildings located within the proposed public right-of-way are removed and the property is annexed and rezoned to R5-Residential. 3. The proposed plat was reduced in size since consideration of the preliminary plat. The property north of Colt Avenue that was included in the preliminary plat is now in the process of being platted as Koosman Addition and has been removed from this plat. 		
<i>(continued)</i>		

4. The applicant is requesting the use of a cul-de-sac for this development and has submitted written justification for this request. Section 14-09-05(1)(m) of the Subdivision Regulations (Design Standards) states, "The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process." Based on these criteria, staff has no objection to the use of a cul-de-sac in this location.

FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has not yet been approved by the City Engineer.
3. The proposed subdivision is outside of the area covered by the Fringe Area Road Master Plan. North Washington Street to the east of the proposed plat and Ash Coulee Drive to the north of the proposed plat are both classified as minor arterials on the MPO's Functional Classification Network (2009).
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural single-family residential to the north, south, east and west.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities, provided the existing accessory buildings within the proposed Canter Street right-of-way are removed prior to recording the plat.
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, provided the property is annexed and rezoned to R5-Residential prior to the plat being recorded and the new lots sold for development.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends continuing action on the final plat of High Meadows 12th Addition until the storm water management plan has been approved by the City Engineer.

If the City Engineer approves the storm water management plan prior to the public meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the final plat of High Meadows 12th Addition, including the granting of a waiver to allow the use of a cul-de-sac, and with the following condition:

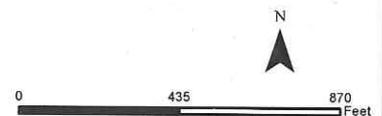
1. The mylar for High Meadows 12th Addition cannot be recorded until the existing accessory buildings located within the proposed Canter Street public right-of-way and on Lot 12, Block 1 are removed from the property, the property is annexed and the property is rezoned to R5- Residential.

Proposed Plat High Meadows 12th 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: February 20, 2013 (Klee)

Source: City of Bismarck



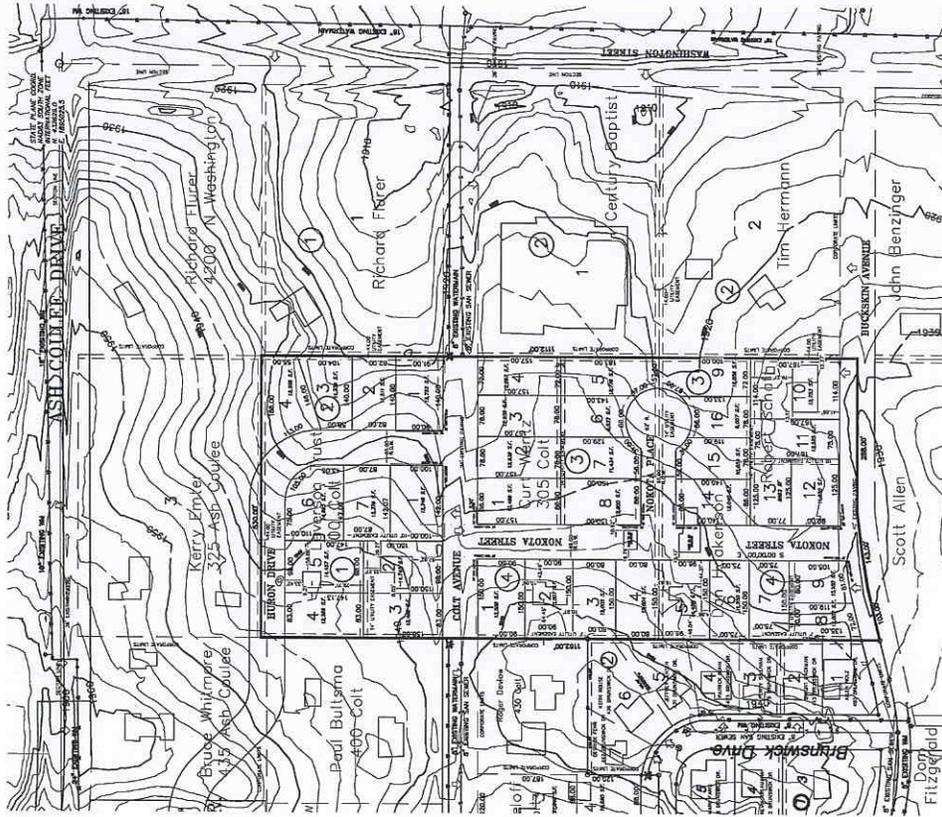
RECEIVED
MAR 15 2013

HIGH MEADOWS 12TH ADDITION

BEING A REPLAT OF LOT 2 BLOCK 1, LOTS A & B OF LOT 3, BLOCK 2, & LOT 4 BLOCK 2 OF KMK ESTATES

PART OF THE SW 1/4 OF THE S 1/2 OF THE NW 1/4 SECTION 20, T. 139, R. 80 W.

BISMARCK, NORTH DAKOTA



13.72 ACRES
 EXISTING ZONING: RR
 PROPOSED ZONING: R5
 36 LOTS

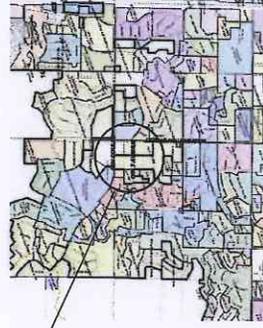
OWNERS:

LEVERSON TRUST
 300 COLT AVENUE
 BISMARCK ND 58503 233-9687

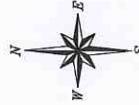
CURT WENTZ
 305 COLT AVENUE
 BISMARCK ND 58503 255-0514

DAN HAAKENSEN
 300 BUCKSKIN AVENUE
 BISMARCK ND 58503 255-7581

ROBERT SCHAFF
 250 BUCKSKIN AVENUE
 BISMARCK ND 58503 258-9894



PROJECT AREA



MARCH 13, 2013
 SCALE - 1"=100'



NGVD29



SWENSON, HAGEN & COMPANY P.C.
 1000 14th Street, S.W.
 Bismarck, ND 58503
 Phone: (701) 255-1234
 Fax: (701) 255-1235
 www.swhagen.com

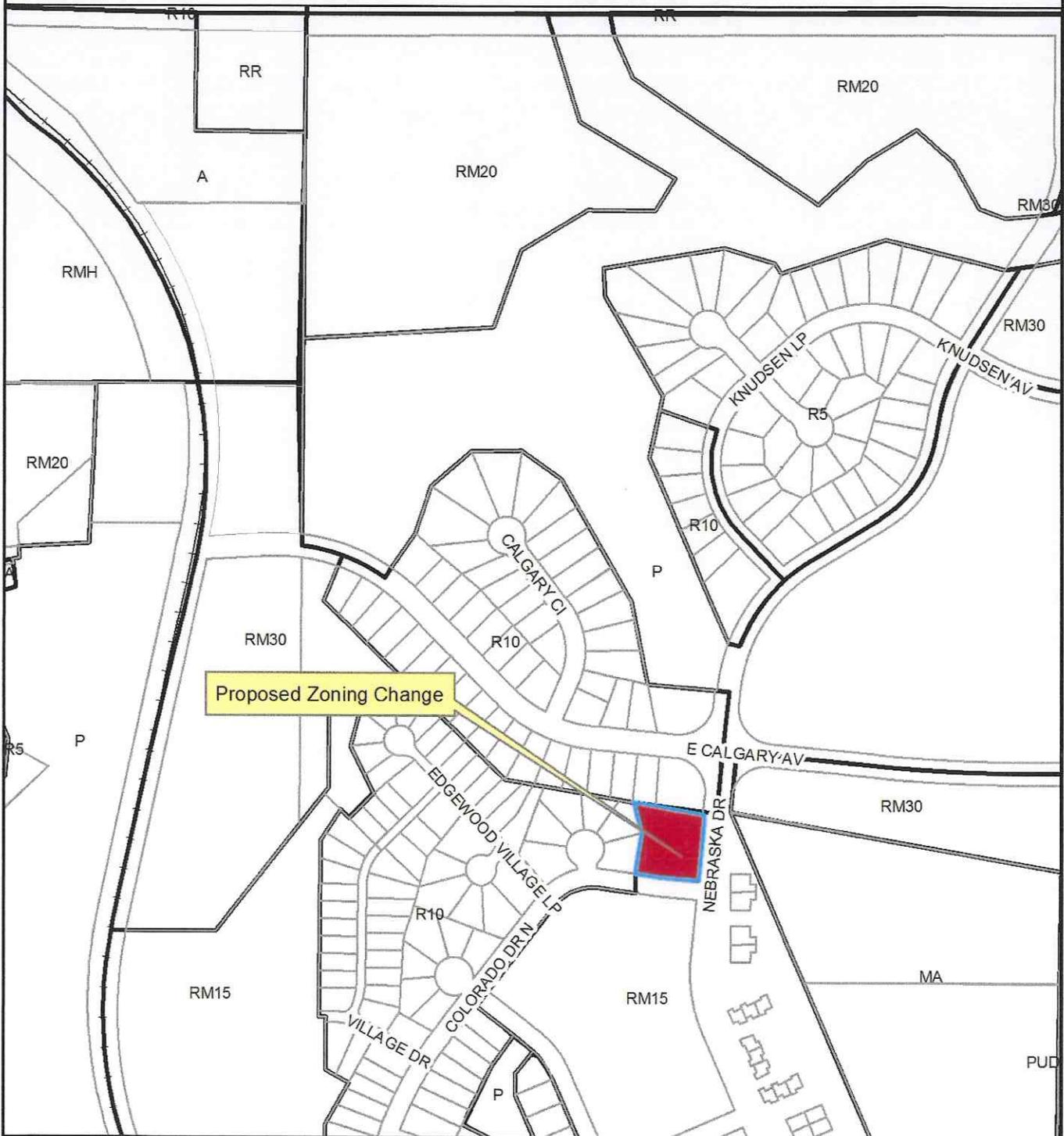
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Edgewood Village Square Addition – Zoning Change (RM15 to R10) (Replat of Lot 1, Block 1, Edgewood Village Second Addition)		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): Edgewood Development Group LLC	Engineer: AE2S	
Reason for Request: Replat and rezone property for one and two-family development.		
Location: Along the west side of Nebraska Drive between North Colorado Drive and East Calgary Avenue.		
Project Size: 1.61 acres	Number of Lots: 5 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM15 – Residential	Land Use: One and two-family residential	
Uses Allowed: RM15 – Multi-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: RM15 – 15 units/acre	Uses Allowed: R10 – One and two-family residential	
PROPERTY HISTORY:	Maximum Density Allowed: R10 – 10 units/acre	
Zoned: 09/2007	Platted: 09/2007	Annexed: 09/2007
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long term 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 one and two-family residential to the north and west, multi-family to the east and a senior living and care center to the south. 3. The property is annexed; therefore, the proposed zoning change 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. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

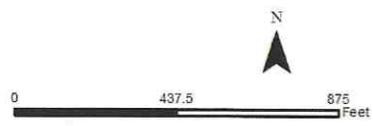
Based on the above findings, staff recommends approval of the zoning change from the RM15-Residential zoning district to the R10-Residential zoning district for Edgewood Village Square Addition.

Proposed Zoning Change and Minor Subdivision Final Plat (RM15 to R10) Edgewood Village Square Addition

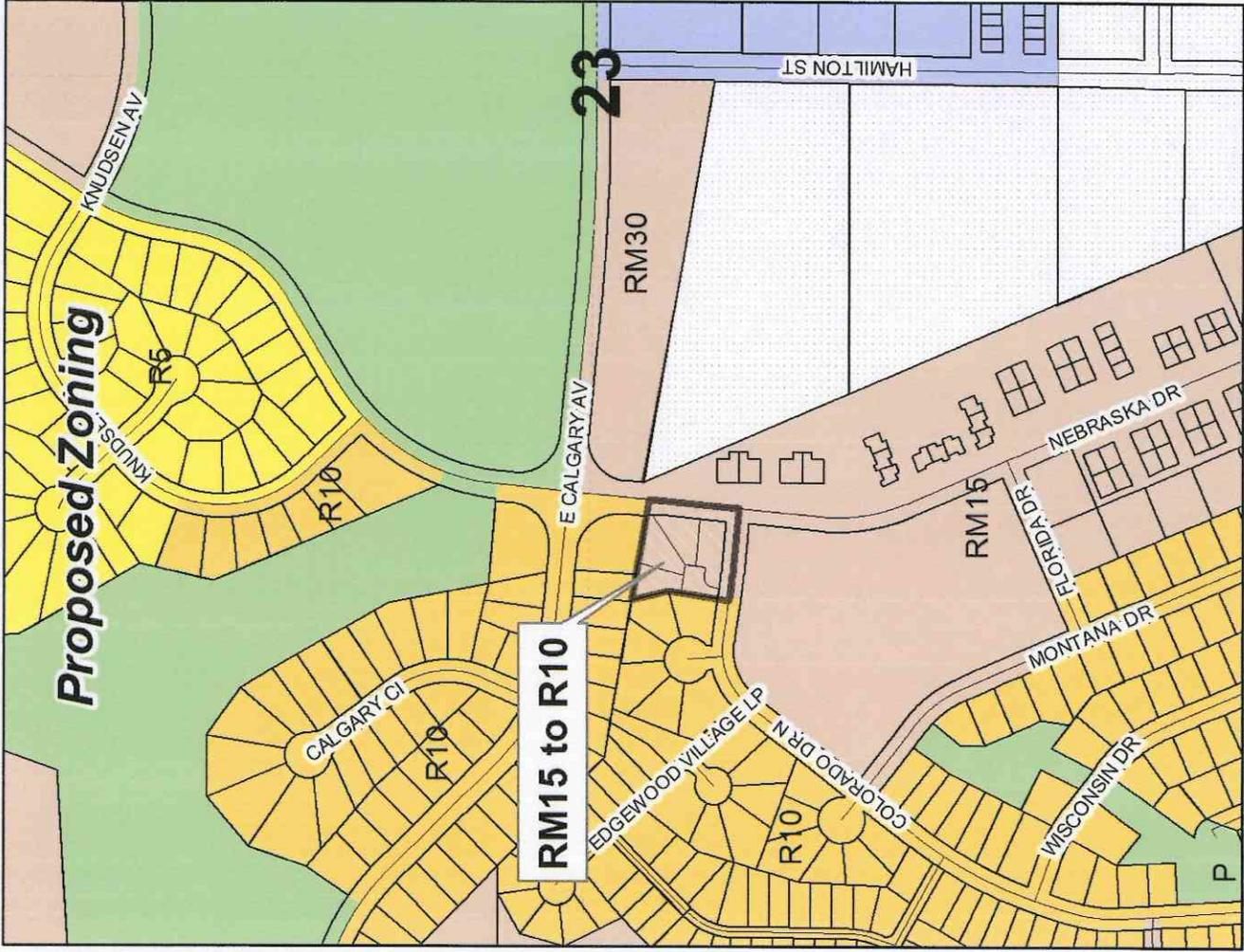
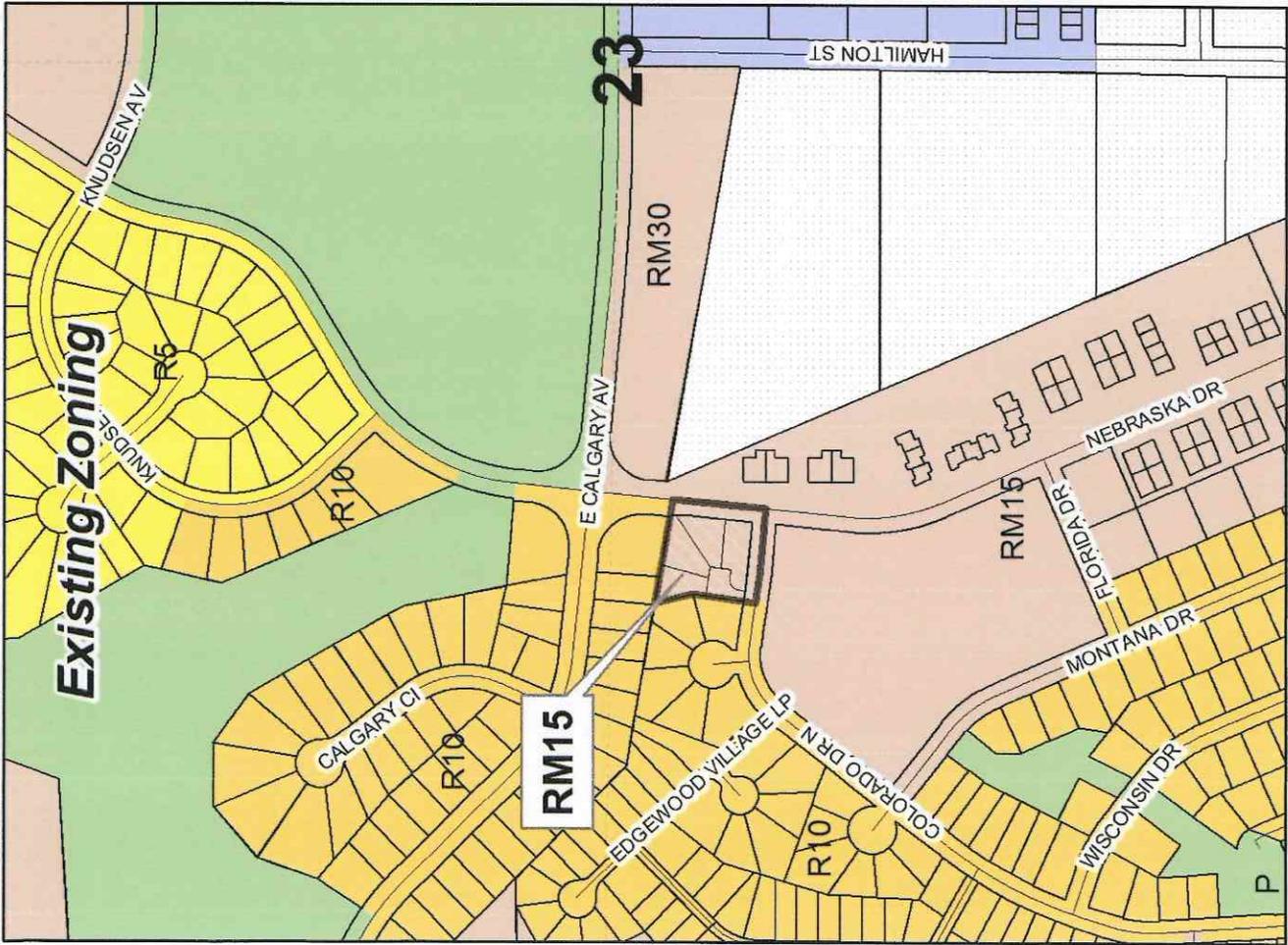


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: June 18, 2013 (hnb)

Source: City of Bismarck



Edgewood Village Square Addition - Zoning Change

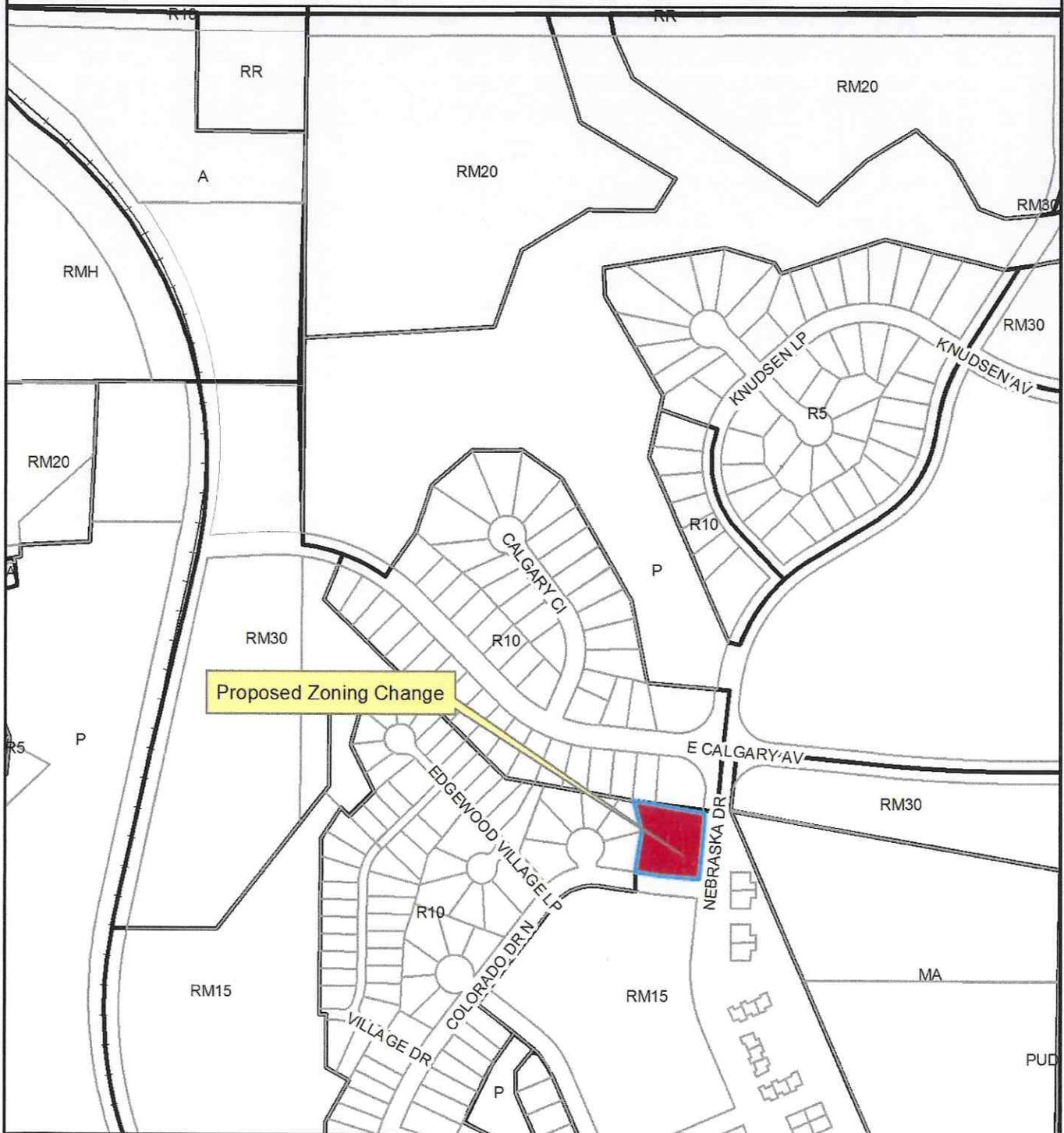


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

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

BACKGROUND:		
Title: Edgewood Village Square Addition – Minor Subdivision Final Plat (Replat of Lots 1, Block 1, Edgewood Village Second Addition)		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): Edgewood Development Group, LLC	Engineer: AE2S	
Reason for Request: Replat and rezone property for one and two-family development.		
Location: Along the west side of Nebraska Drive between North Colorado Drive and East Calgary Avenue.		
Project Size: 1.61 acres	Number of Lots: 5 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: One and two-family residential	
Zoning: RM15 – Residential	Zoning: R10 – Residential	
Uses Allowed: RM15 – Multi-family residential	Uses Allowed: R10 – One and two-family residential	
Maximum Density Allowed: R15 – 15 units/acre	Maximum Density Allowed: R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 09/2007	Platted: 09/2007	Annexed: 09/2007
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. A storm water management plan waiver request has been approved by the City Engineer. 3. The proposed minor subdivision final plat is compatible with adjacent land uses. Adjacent land uses include one and two-family residential to the north and west, multi-family to the east and a senior living and care center to the south. 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 Edgewood Village Square Addition.		

Proposed Zoning Change and Minor Subdivision Final Plat (RM15 to R10) Edgewood Village Square 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 18, 2013 (hib)

Source: City of Bismarck



EDGEWOOD VILLAGE SQUARE ADDITION

A REPLAT OF LOT 1, BLOCK 1, EDGEWOOD VILLAGE SECOND ADDITION

CITY OF BISMARCK, NORTH DAKOTA

BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

AUG 15 2013

DESCRIPTION OF PLAT BOUNDARY

The plat is shown as a replat of Lot 1, Block 1, Edgewood Village Second Addition, being a portion of the southwest quarter (SW 1/4) of Section 23, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota. The plat is shown as a replat of Lot 1, Block 1, Edgewood Village Second Addition, being a portion of the southwest quarter (SW 1/4) of Section 23, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota. The plat is shown as a replat of Lot 1, Block 1, Edgewood Village Second Addition, being a portion of the southwest quarter (SW 1/4) of Section 23, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota.

OWNER'S CERTIFICATE & DECLARATION

I, the undersigned, being the owner of the above described property, do hereby certify that the same is as shown on the attached plat, and that the same is a replat of Lot 1, Block 1, Edgewood Village Second Addition, being a portion of the southwest quarter (SW 1/4) of Section 23, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota. I further declare that the same is a replat of Lot 1, Block 1, Edgewood Village Second Addition, being a portion of the southwest quarter (SW 1/4) of Section 23, Township 139 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota.

Name: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 My commission expires: _____
 My registration number: _____

APPROVAL OF CITY PLANNING COMMISSION

The City Planning Commission has reviewed the above described plat and has approved the same for filing with the Register of Deeds, Burleigh County, North Dakota, on this _____ day of _____, 2013.

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners has reviewed the above described plat and has approved the same for filing with the Register of Deeds, Burleigh County, North Dakota, on this _____ day of _____, 2013.

APPROVAL OF CITY ENGINEER

I, the undersigned, being the City Engineer, do hereby certify that the above described plat is a true and correct copy of the original plat on file in the office of the City Engineer, Burleigh County, North Dakota.

CERTIFICATE OF SURVEYOR

I, the undersigned, being a Licensed Professional Surveyor, do hereby certify that the above described plat is a true and correct copy of the original plat on file in the office of the Surveyor, Burleigh County, North Dakota.

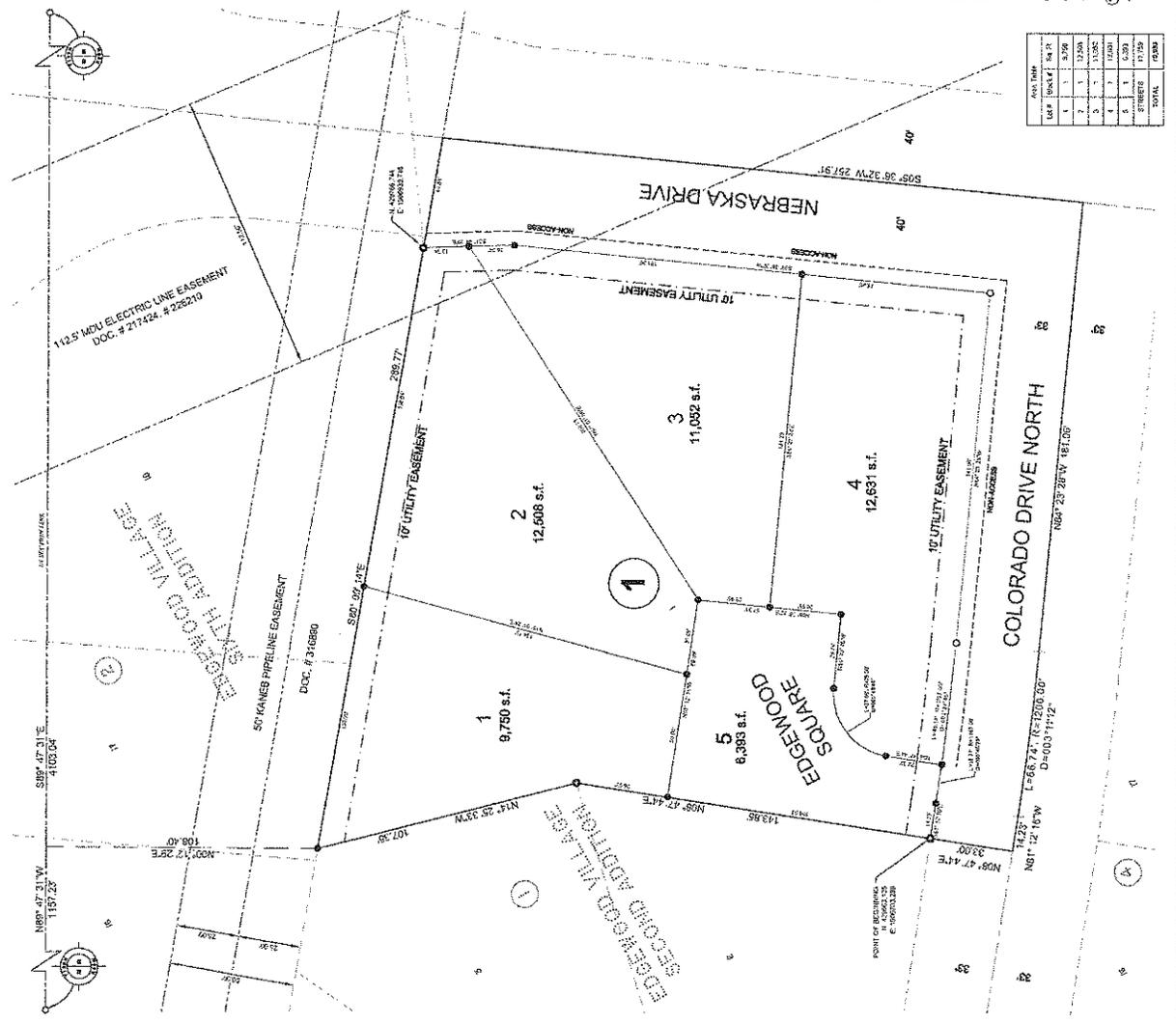
Name: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 My commission expires: _____
 My registration number: _____

NOTES

1. THIS PLAT IS A REPLAT OF LOT 1, BLOCK 1, EDGEWOOD VILLAGE SECOND ADDITION, BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA. THE PLAT IS SHOWN AS A REPLAT OF LOT 1, BLOCK 1, EDGEWOOD VILLAGE SECOND ADDITION, BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 23, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

LEGEND

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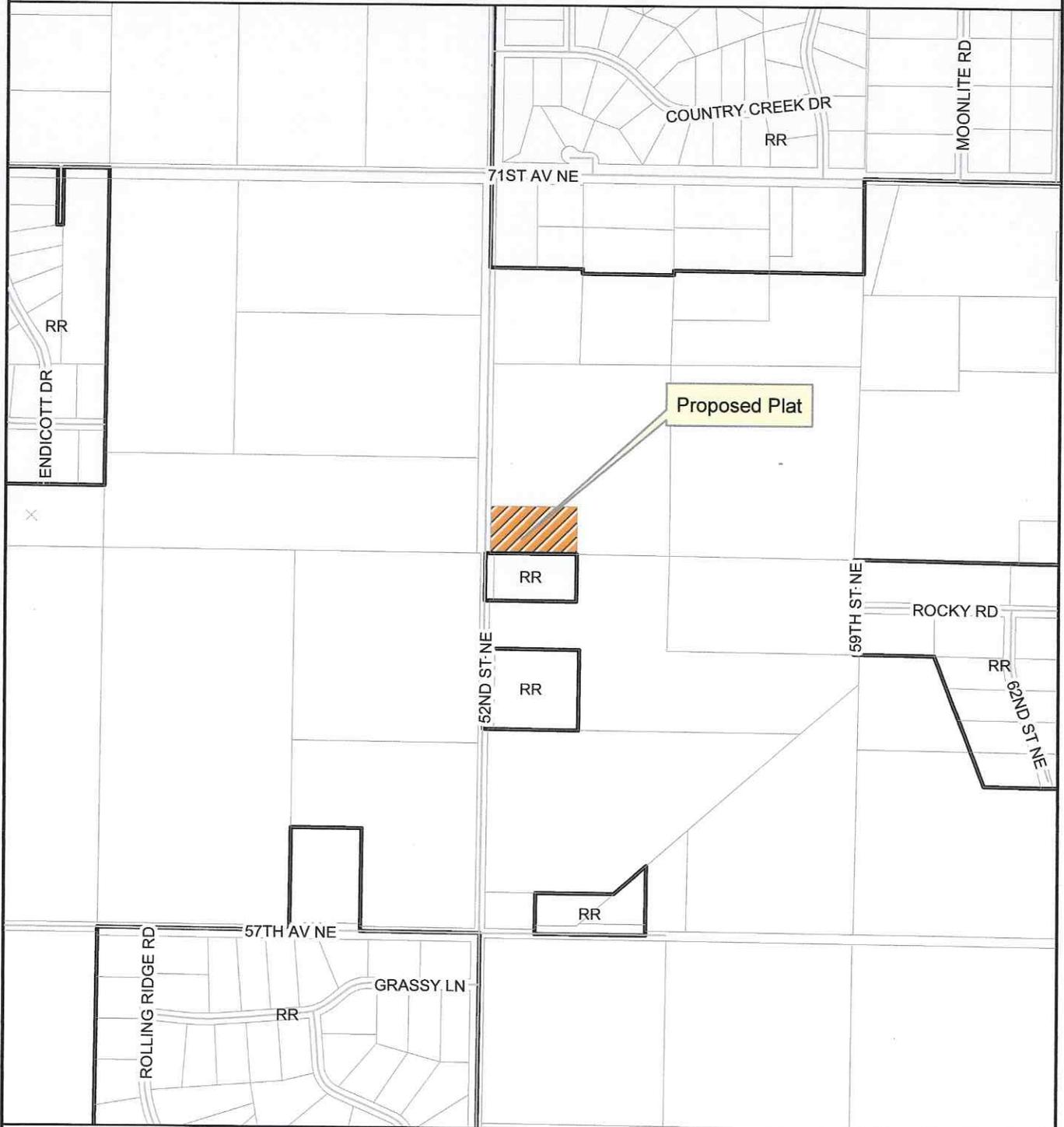
AREA	AREA	AREA	AREA	AREA	AREA
1	2	3	4	5	TOTAL
9,750	12,508	11,092	12,691	8,385	54,426



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

BACKGROUND:	
Title: Alexander Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Public Hearing	Date: August 28, 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	Land Use: Rural residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture and large lot single-family residential and limited agriculture	Uses Allowed: Rural 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 approval of the zoning change for Alexander Subdivision from the A – Agriculture zoning district to the RR – Rural Residential zoning district.	

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

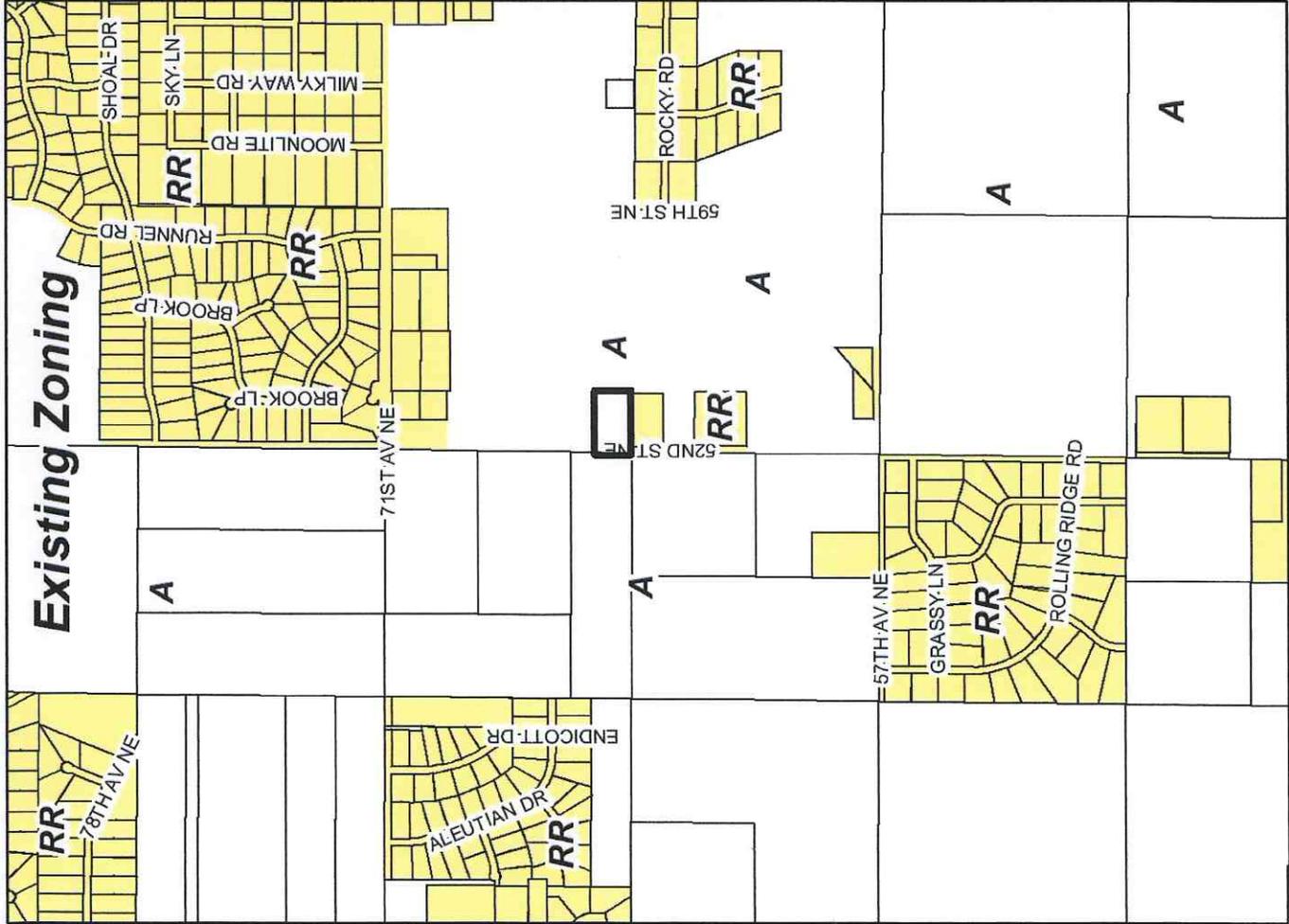


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: August 16, 2013 (Klee)

Source: City of Bismarck



Alexander 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 PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

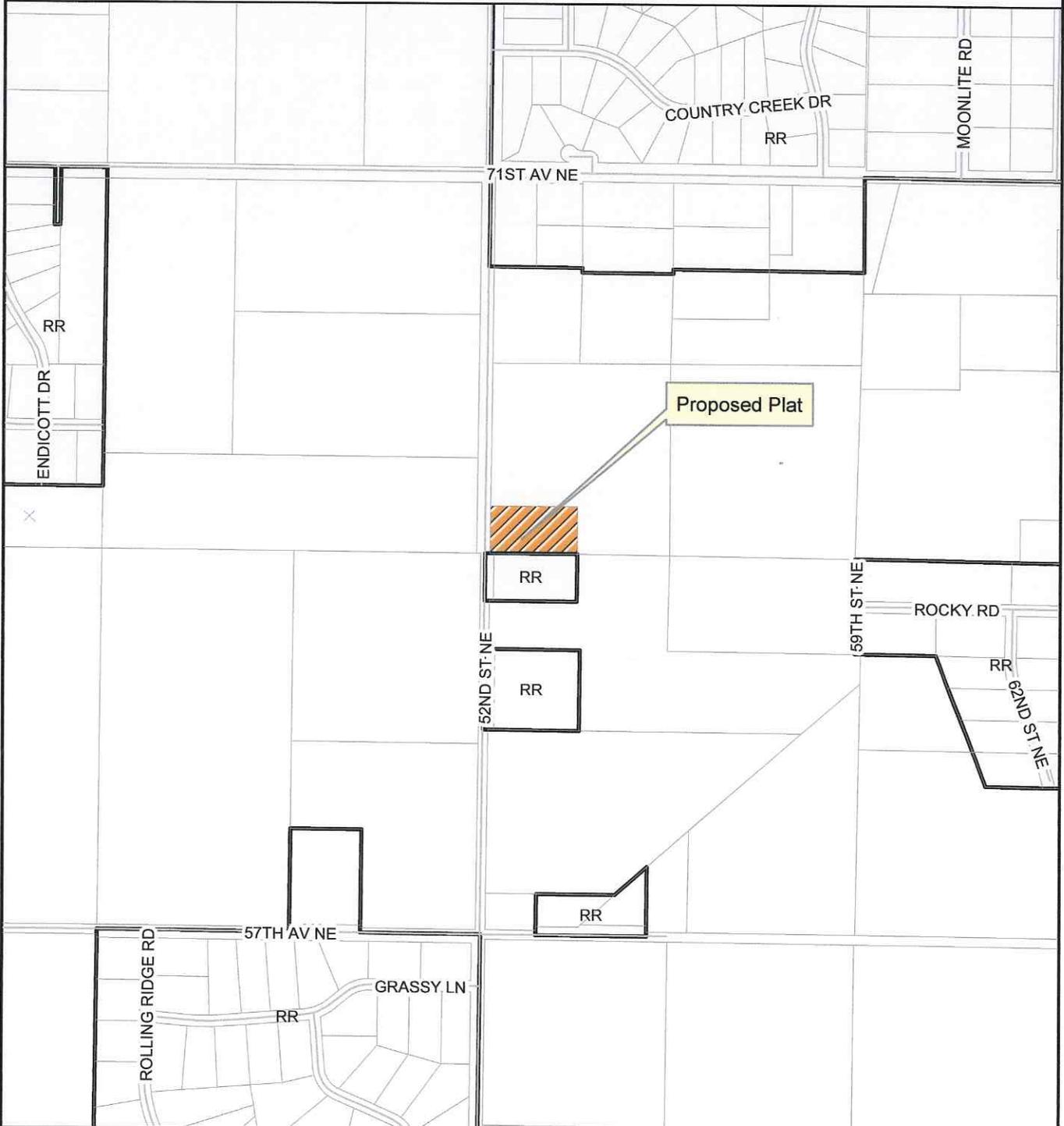
BACKGROUND:	
Title: Alexander Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: August 28, 2013
Owner(s): Tammy and Robert Landsberger	Engineer: Houston Engineering
Reason for Request: Plat and rezone property to allow a single lot rural residential subdivision.	
Location: 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	Land Use: Rural residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture and Large lot single-family residential and limited agriculture	Uses Allowed: Rural 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 approval of a final plat have been met. The storm water management plan has been approved by the City Engineer, with written concurrence of the County Engineer. The Gibbs Township Board of Supervisors has recommended approval of the proposed plat. The proposed subdivision generally conforms to the Fringe Area Road master Plan, which identifies 52nd Street NE as an 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. 	
<i>(continued)</i>	

6. 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.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. 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 Alexander Subdivision and granting a waiver from all USAB requirements.

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



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Map was Updated/Created: August 16, 2013 (klee)

Source: City of Bismarck



PRELIMINARY PLAT ALEXANDER SUBDIVISION

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER,
OF SECTION 7, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN IN BURLEIGH COUNTY, NORTH DAKOTA.



LEGEND

- PLAT BOUNDARY
- UTILITY EASEMENT
- IRON ACCESS LINE
- WATER MAIN
- SEWER MAIN
- SAINTARY SEWER MAIN
- EXISTING FENCE
- PROPERTY BOUNDARY
- SECTION LINE
- IRON MONUMENT FOUND
- IRON MONUMENT SET
- MEASURED BEARING
- EXISTING ACCESS POINTS

PLAT INFORMATION

SUBDIVISION: RR
 LOT AREA: 4.32 ACRES
 RIGHT OF WAY: 0.57 ACRES
 TOTAL ACRES: 4.79 ACRES

BASE OF BEARINGS, NO STATE PLANK SOUTH
 ZONE NORTH (3302), ADJUSTMENT 1986
 CONTIGUOUS VERTICAL DATUM: NAD 83
 TOPOGRAPHIC CONTOURS ARE DERIVED
 FROM 2008 COAR DATA.

ZONING REQUEST

CURRENT ZONING: A
 ZONING REQUEST: RR

OWNER

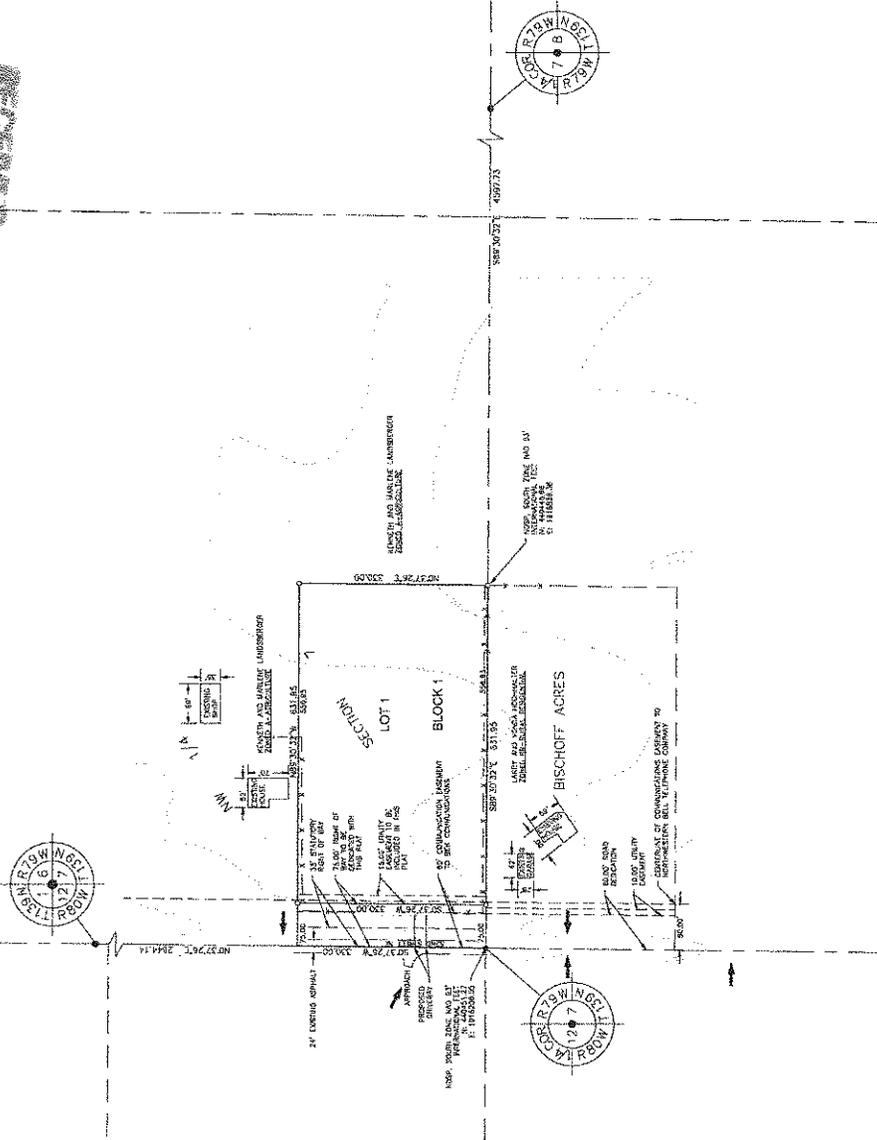
MRS. ANN BARKER, LANDLORDS
 208 NORTH 16TH STREET #10
 BISMARCK, ND 58001

ENGINEER/SURVEYOR

HEI ENGINEERING INC.
 3712 LOCKPORT STREET
 BISMARCK, NORTH DAKOTA 58001
 PHONE: 701.333.0300



RECEIVED
 JUN 10 2013



This document is the property of HEI Engineering Inc. and is not to be distributed or used for any other purpose without the written consent of HEI Engineering Inc.

BISMARCK
 P: 701.333.0300
 F: 701.333.0300

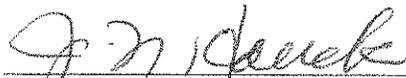
HEI Engineering Inc.

RESOLUTION

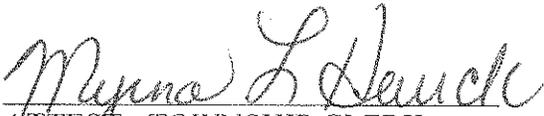
JUN 27 2013

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT AND ZONING CHANGE OF ALEXANDER SUBDIVISION
AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS
THAT SAID PLAT BE (APPROVED)(DENIED). (PLEASE ATTACH CONDITIONS,
IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:



CHAIRMAN, TOWNSHIP BOARD



ATTEST: TOWNSHIP CLERK

6-25-2013

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

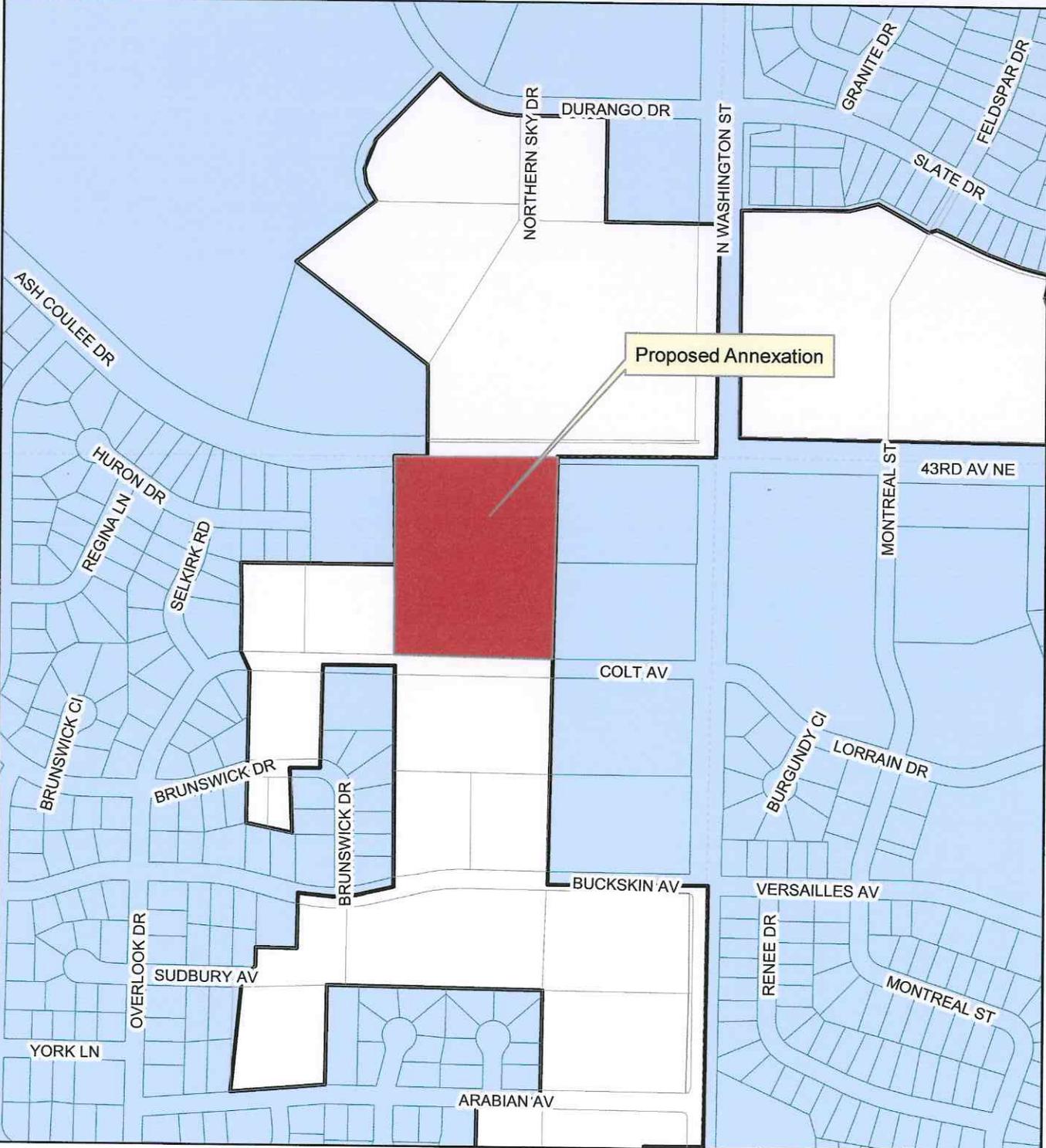
BACKGROUND:		
Title: Koosman Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: August 28, 2013	
Owner(s): Leverson Family Trust - owner Kerry & Pamela Emter - owner KLC of Willmar, Inc. - applicant	Engineer: Taney Engineering	
Reason for Request: Plat, zone and annex property for mixed-density residential development.		
Location: West of North Washington Street along the south side of Ash Coulee Drive (a replat of Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).		
Project Size: 8.16 acres	Number of Lots: 17 lots in 3 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Rural residential	Land Use: Mixed-density residential	
Zoning: RR – 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. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.</p> <p>2. The proposed annexation would not adversely affect property in the vicinity.</p>		
<i>(continued)</i>		

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. 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 Koosman Addition.

Proposed Annexation Kosman 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 COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Koosman Addition – Zoning Change (RR to R5 & RM10)		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): Leverson Family Trust - owner Kerry & Pamela Emter - owner KLC of Willmar, Inc. - applicant	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 Lot 2 and Lots 3A and 3B of Lot 3, Block 1, KMK Estates Subdivision).		
Project Size: 8.16 acres	Number of Lots: 17 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – 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		
<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 8.16 units per acre for the proposed RM10 portion) 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. 		
<i>(continued)</i>		

3. A 15-foot landscaped buffer yard would be required between the proposed RM10 zoning and any adjacent RR or R5 zoning in accordance with Section 14-03-11 (10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). A landscape buffer easement is shown on the face of the proposed plat and this area will need to be planted with a minimum of three (3) shade trees, four (4) ornamental trees, two (2) large upright coniferous trees, ten (10) small upright coniferous trees and fourteen (14) shrubs, 25% of shrubs must be evergreens species, per one hundred (100) linear feet, with minimum sizes at planting and minimum sizes at maturity as outlined in Section 14-03-11(10) of the City Code of Ordinances. A landscape plan would need to be submitted and approved by the Planning Division prior to installation and the buffer yard would need to be installed in conjunction with site development.

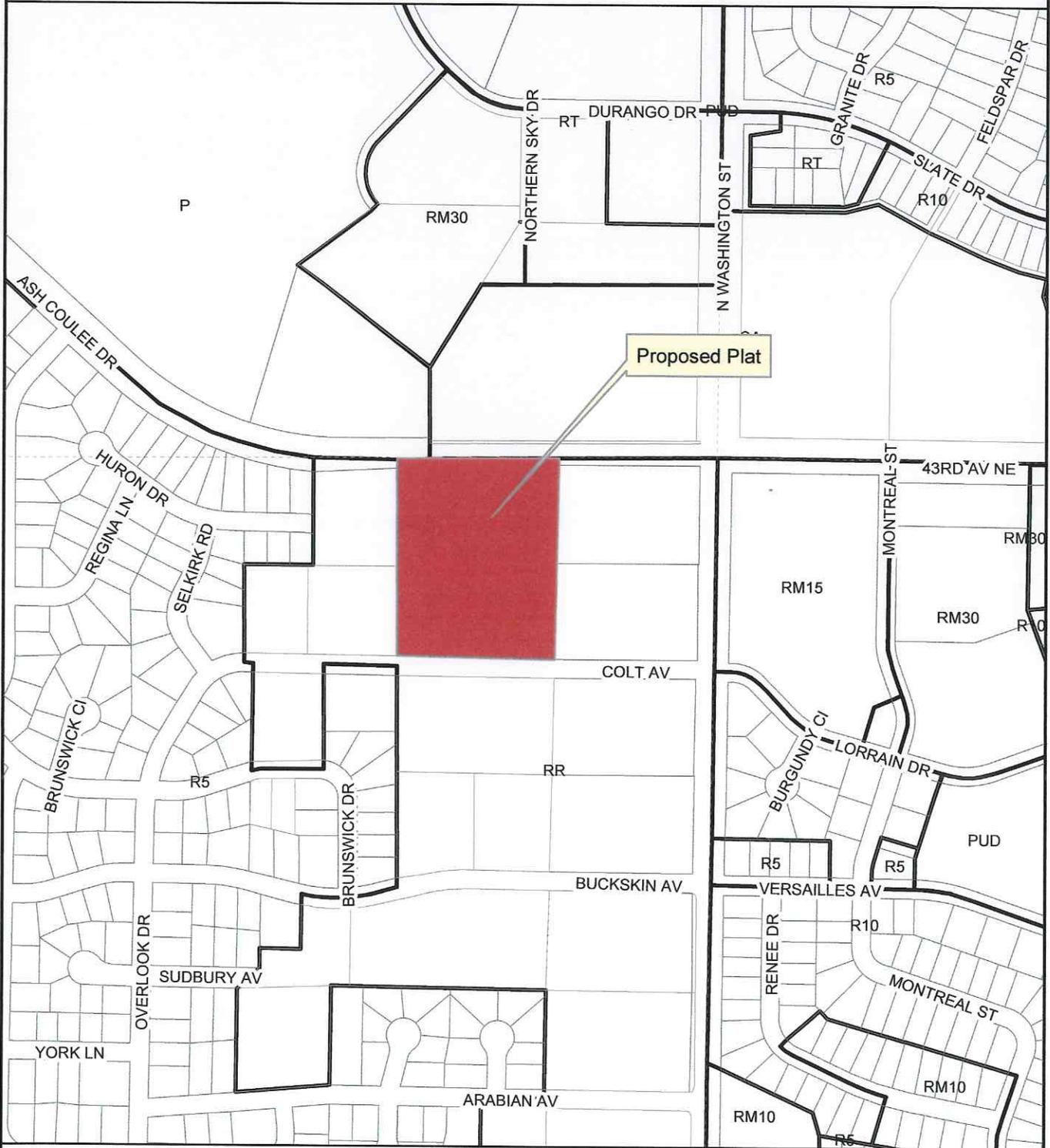
FINDINGS:

1. The proposed zoning change is outside of the area covered by the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses, provided the required landscape buffer yards are installed in conjunction with site development. 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, and the proposed development will provide a land use transition between the future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west.
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:

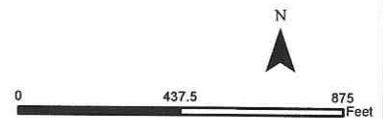
Based on the above findings, staff recommends approval of the zoning change from the RR – Residential zoning district to the R5 – Residential on Lots 1 and 2, Block 1 and to the RM10 – Residential zoning districts for Lots 2-6, Block 1, Lot 1, Block 2 and Lots 1-10, Block 3, Koosman Addition, with the condition that the development of the RM10-zoned lots be limited to one four-unit building on each lot and that the required buffer yard is installed in conjunction with site development.

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

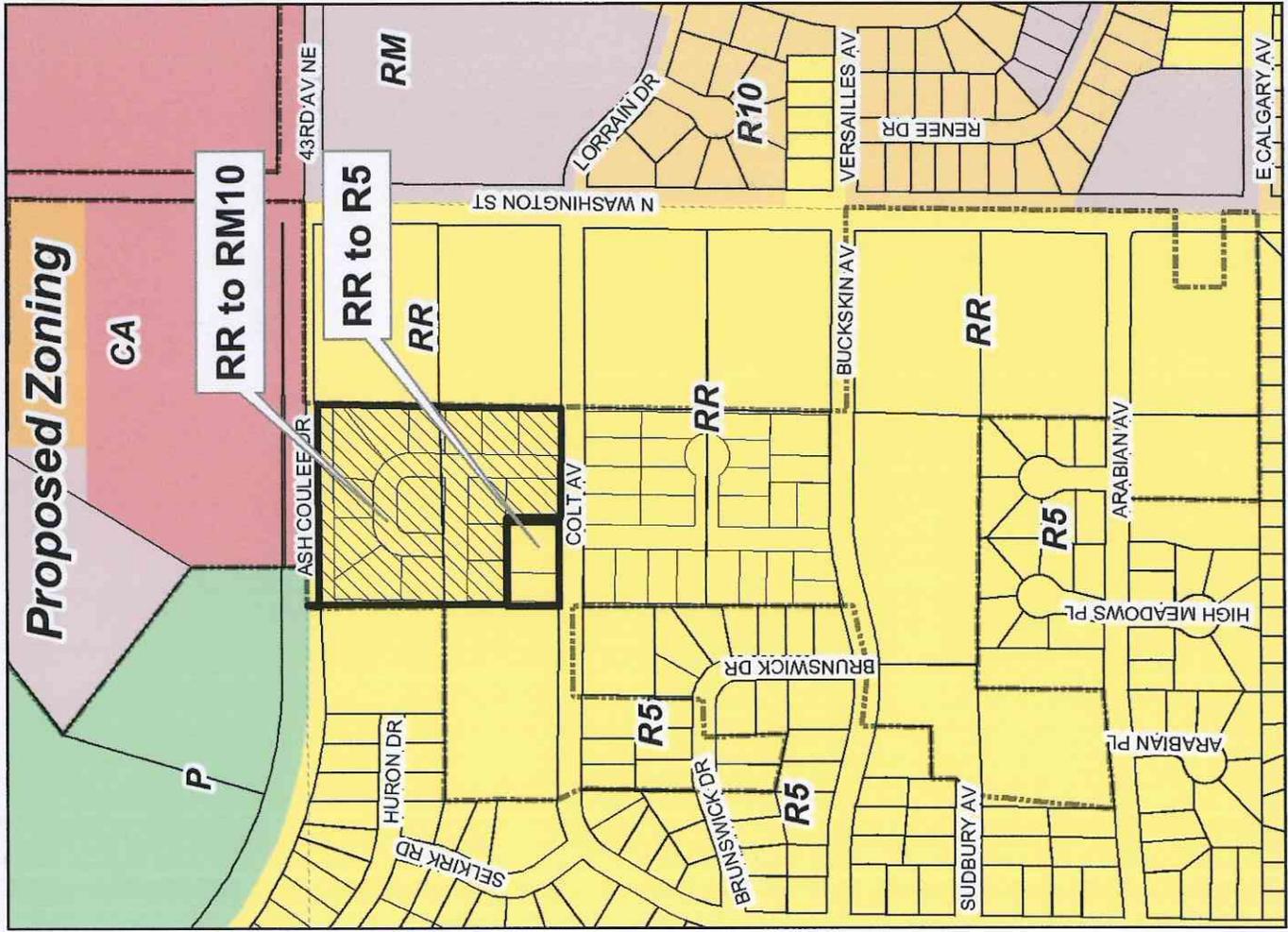
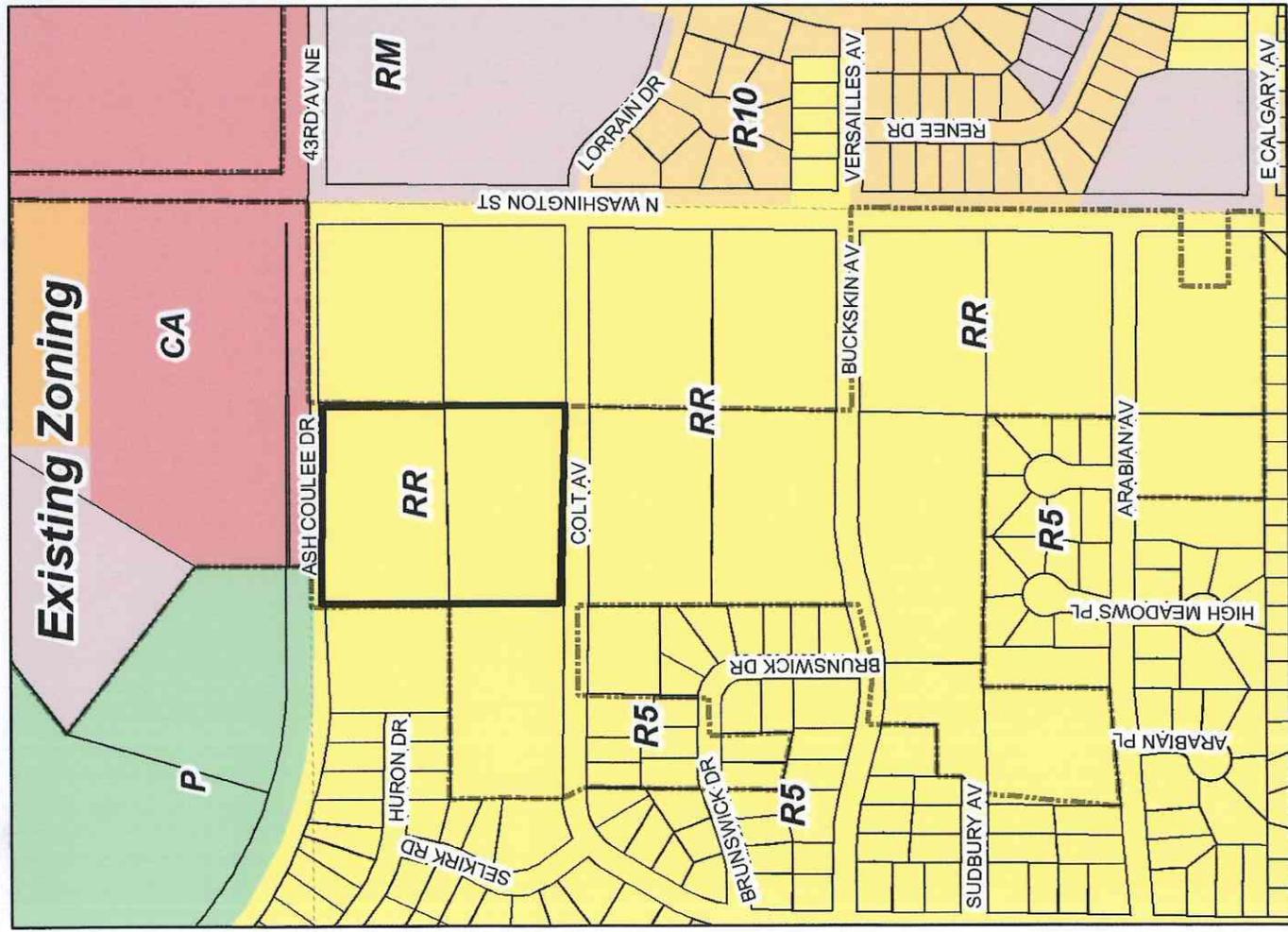


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Map was Updated/Created: June 3, 2013 (klee)

Source: City of Bismarck

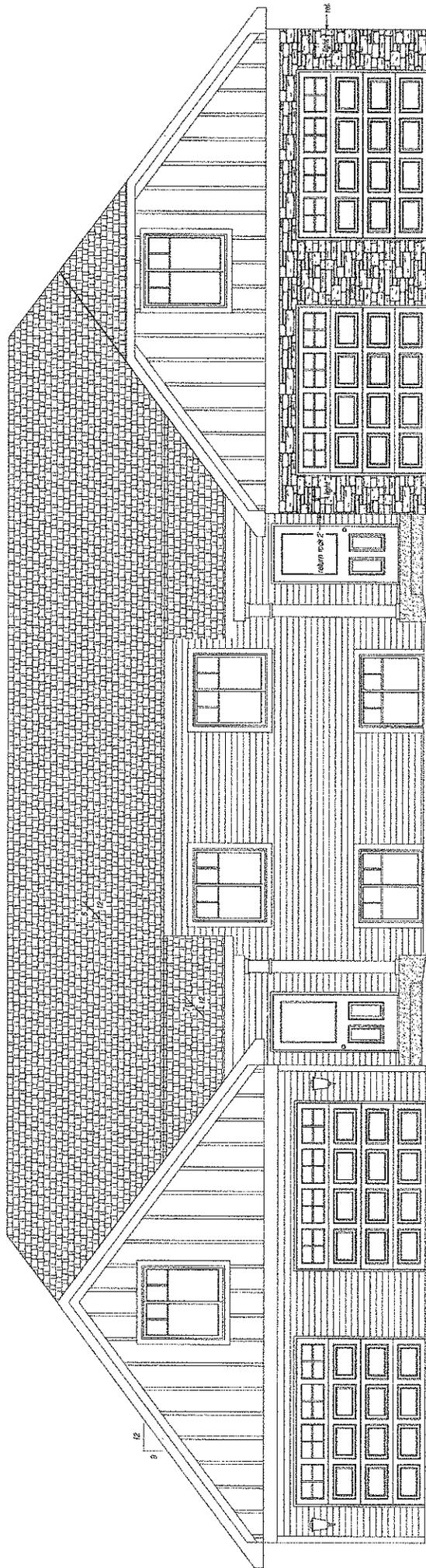


Koosman Addition - Zoning Change



August 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.



KOOSMAN ADDITION - QUAD-PLEX HOMES

ZONE:

TYPICAL LOT: 102'x105'
 AREA: 10,710 SQ. FT.
 BUILDING FOOT PRINT AREA = 3,566 SQ. FT.
 LOT COVERAGE = 33% (MAX. ALLOWABLE 50%)

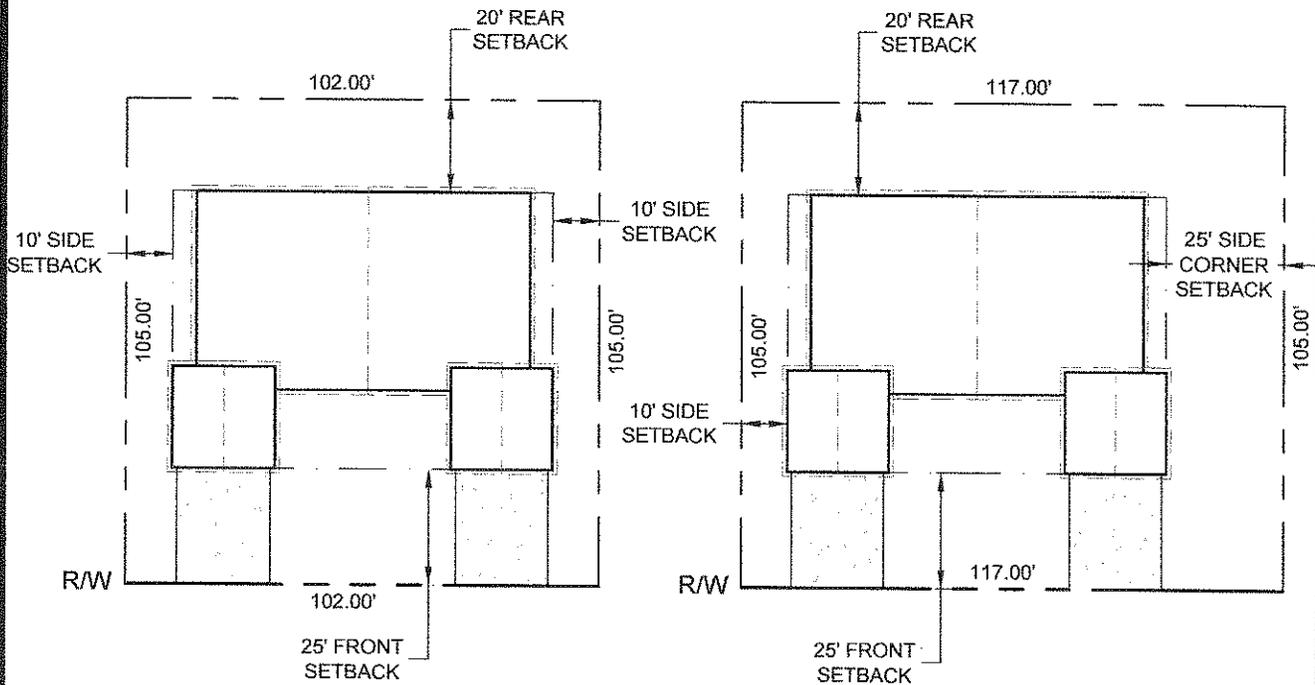
SETBACKS:

25' - FRONT
 20' - REAR
 10' - SIDE
 25' - CORNER SIDE

IMPERVIOUS AREA: (ROOF, DRIVEWAY, WALK): 5,082 SQ. FT., 47.5%

PERVIOUS AREA: (GREEN SPACE): 5,628 SQ. FT., 52.5% (TYPICAL INTERIOR LOT)

- PROPERTY LINE
- ROW LINE
- SETBACK LINE
- HOUSE FOOTPRINT
- ROOF LINE



TYPICAL INTERIOR LOT

TYPICAL CORNER LOT

NOTE:
 GRAPHIC INTENDED TO DEMONSTRATE SMALLEST FOOTPRINT SITTING ON A TYPICAL LOT.



TANEY ENGINEERING
 8020 S. JONES BLVD STE# 100
 LAS VEGAS, NV 89115
 (702) 362-6944 FAX: (702) 352-9233

DATE: 6.7.2013

PAGE:

TYPICAL LOT EXHIBIT

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

BACKGROUND:		
Title: Koosman Addition – Final Plat		
Status: Planning Commission – Pubic Hearing	Date: August 28, 2013	
Owner(s): Leverson Family Trust - owner Kerry & Pamela Emter - owner KLC of Willmar, Inc. - applicant	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: 8.16 acres	Number of Lots: 17 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – 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		
<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 8.16 units per acre for the proposed RM10 portion) 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. An erosion and sediment control permit was issued for the site to install best management practices (BMPs) erosion and sediment control measures. The installation of these measures did involve some site grading and additional site grading was done at the applicant's own risk. 		
<i>(continued)</i>		

4. A 15-foot landscaped buffer yard would be required between the proposed RM10 zoning and any adjacent RR or R5 zoning in accordance with Section 14-03-11 (10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). A landscape buffer easement is shown on the face of the proposed plat and this area will need to be planted with a minimum of three (3) shade trees, four (4) ornamental trees, two (2) large upright coniferous trees, ten (10) small upright coniferous trees and fourteen (14) shrubs, 25% of shrubs must be evergreens species, per one hundred (100) linear feet, with minimum sizes at planting and minimum sizes at maturity as outlined in Section 14-03-11(10) of the City Code of Ordinances. A landscape plan would need to be submitted and approved by the Planning Division prior to installation and the buffer yard would need to be installed in conjunction with site development.
5. The proposed subdivision does not include a roadway connection to Ash Coulee Drive as such a roadway would be too close to the intersection of Ash Coulee Drive and North Washington Avenue and staff indicated they could not support it. A non-access line is included on the plat along the southern edge of Ash Coulee Drive to prohibit any access from this subdivision to Ash Coulee.
6. Concerns have been raised by adjacent land owners regarding the impact of this project on traffic in the neighborhood, especially at the intersection of Colt Avenue and North Washington Street. The latest traffic counts (2012) indicate an average daily traffic count (ADT) of 8,120 vehicles on North Washington Street between Ash Coulee Drive and Colt Avenue and an ADT of 10,310 vehicles further south on North Washington Street between Edmonton Drive and Estevan Drive. The Institute of Transportation Engineers (ITE) Trip Generation manual indicates that a unit in a condo or townhome development generates approximately 6 trips per day and a single-family residence generates approximately 9 trips per day. Based on these numbers, the one additional single family unit and the 60 additional units in the four-unit buildings are estimate to generate an 370 trips per day. Using the lower number to the north of this site of 8,120 ADT and assuming that all trips generated by this development would go to or come from North Washington Street (which is unlikely), the proposed development would represent a 4.5% increase to traffic on North Washington Street.
7. The City's Capital Improvement Program includes the reconstruction of North Washington Street from Calgary Avenue north through 57th Avenue NE in 2015, if funding is available.

FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. 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.
4. The proposed subdivision would be compatible with adjacent land uses, provided the required landscape buffer yards are installed in conjunction with site development. 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, and the proposed development will provide a land use transition between the future higher intensity land uses to the east along North Washington Street and the lower intensity land uses to the west.

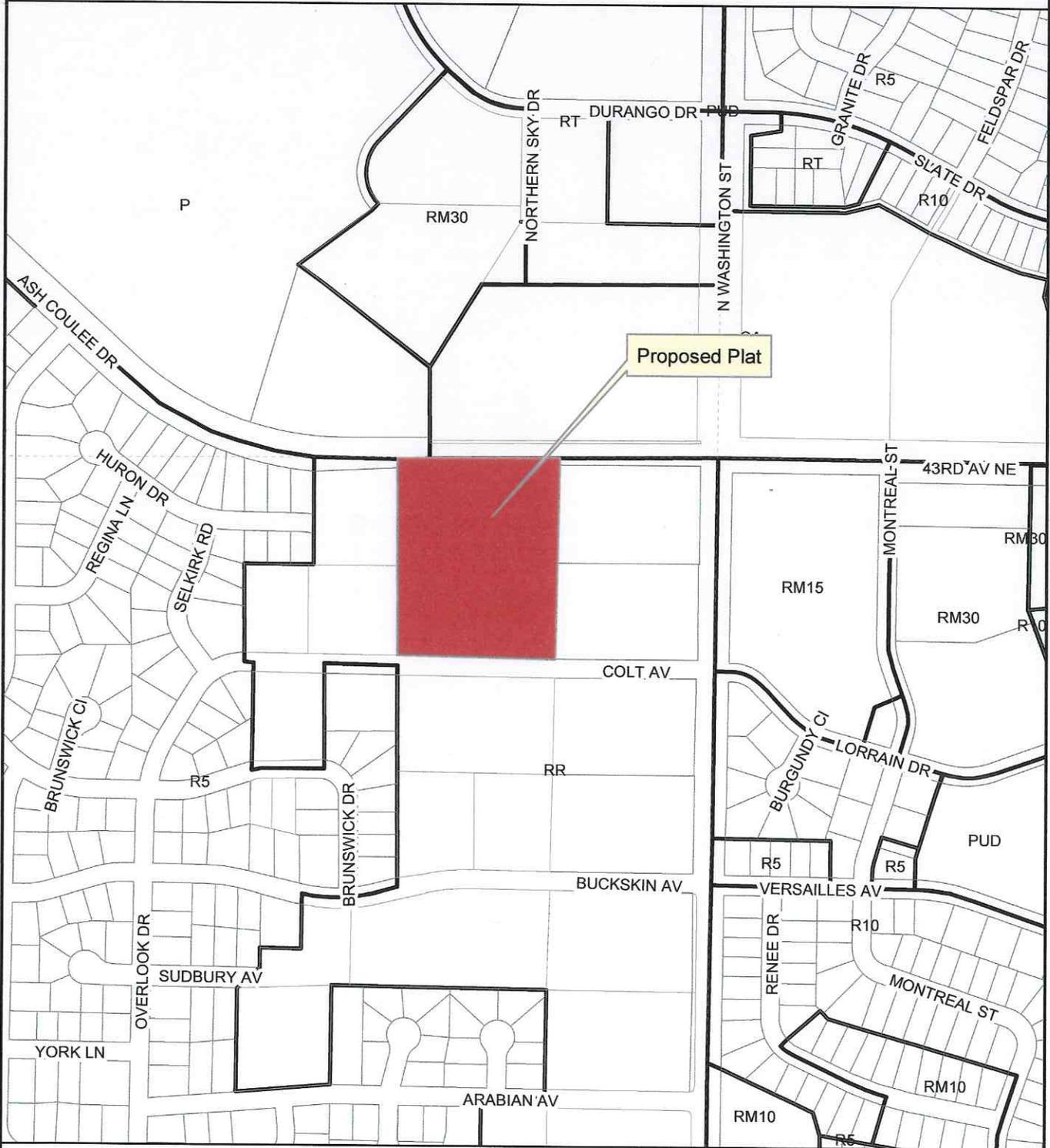
(continued)

5. 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.
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 Koosman Addition, with the condition that the required buffer yard is installed in conjunction with site development.

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



AUG 22 2019

KOOSMAN ADDITION

REPLAT OF LOT 2, BLOCK 1 OF K.M.K. ESTATES, AND LOTS 3A AND 3B AS SHOWN ON THE PLAT OF SURVEY OF LOT 3 BLOCK 1 OF K.M.K. ESTATES, SITUATED WITHIN SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, 5TH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA

DESCRIPTION
 REPLAT OF LOT 2, BLOCK 1 OF K.M.K. ESTATES, AND LOTS 3A AND 3B AS SHOWN ON THE PLAT OF SURVEY OF LOT 3 BLOCK 1 OF K.M.K. ESTATES, SITUATED WITHIN SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, 5TH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA. THIS REPLAT IS BEING FILED FOR THE PURPOSE OF CORRECTING THE RECORDS OF THE BUREAU OF RECORDS AND MAPS, BISMARCK, NORTH DAKOTA, TO REFLECT THE ACTUAL SURFACE CONDITIONS OF THE PROPERTY DESCRIBED HEREIN.

APPROVAL OF CITY PLANNING COMMISSION
 THE CITY PLANNING COMMISSION HAS REVIEWED THE REPLAT AND HAS DETERMINED THAT THE REPLAT IS IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY ORDINANCES. THE COMMISSION HAS APPROVED THE REPLAT AND HAS RECOMMENDED THAT THE CITY ENGINEER APPROVE THE REPLAT. THE COMMISSION'S ACTION IS BASED ON THE INFORMATION PROVIDED TO IT BY THE APPLICANT AND THE INFORMATION AVAILABLE TO THE COMMISSION AT THE TIME OF ITS ACTION.

APPROVAL OF BOARD OF CITY COMMISSIONERS
 THE BOARD OF CITY COMMISSIONERS HAS REVIEWED THE REPLAT AND HAS DETERMINED THAT THE REPLAT IS IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY ORDINANCES. THE BOARD HAS APPROVED THE REPLAT AND HAS RECOMMENDED THAT THE CITY ENGINEER APPROVE THE REPLAT. THE BOARD'S ACTION IS BASED ON THE INFORMATION PROVIDED TO IT BY THE APPLICANT AND THE INFORMATION AVAILABLE TO THE BOARD AT THE TIME OF ITS ACTION.

APPROVED: _____
 W. L. JOHNSON - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER
 I, JAMES T. BULLOCK, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THE REPLAT OF LOT 2, BLOCK 1 OF K.M.K. ESTATES, AND LOTS 3A AND 3B AS SHOWN ON THE PLAT OF SURVEY OF LOT 3 BLOCK 1 OF K.M.K. ESTATES, SITUATED WITHIN SECTION 20, TOWNSHIP 138 NORTH, RANGE 80 WEST, 5TH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA.

SURVEYOR'S CERTIFICATE
 I, JAMES T. BULLOCK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE SURVEY AND THE INSTRUMENTS USED THEREIN AND THAT THE SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH DAKOTA SURVEYING ACT AND THAT ALL DIMENSIONAL AND BEARING DATA ARE CORRECT.

DATE OF SURVEY: _____
 COUNTY OF BEND: _____
 STATE OF NORTH DAKOTA: _____

OWNERS CERTIFICATE AND DECLARATION
 I, _____, OWNER OF THE PROPERTY DESCRIBED IN THE REPLAT, HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE SURVEY AND THE INSTRUMENTS USED THEREIN AND THAT THE SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NORTH DAKOTA SURVEYING ACT AND THAT ALL DIMENSIONAL AND BEARING DATA ARE CORRECT.

STATE OF NORTH DAKOTA: _____
 COUNTY OF BEND: _____

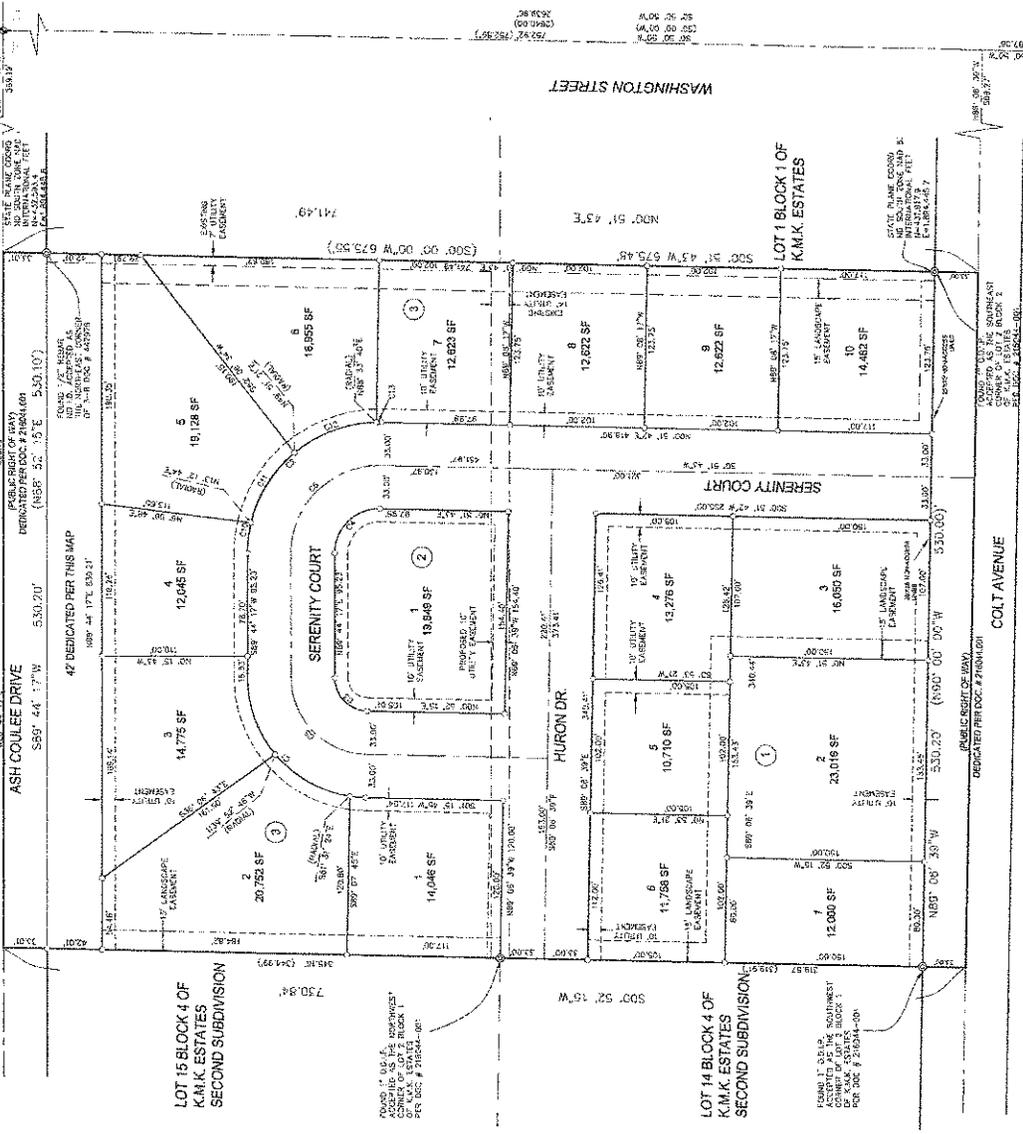
DATE OF THIS CERTIFICATE: _____
 SIGNATURE OF OWNER: _____

STATE OF NORTH DAKOTA: _____
 COUNTY OF BEND: _____

DATE OF THIS CERTIFICATE: _____
 SIGNATURE OF OWNER: _____

STATE OF NORTH DAKOTA: _____
 COUNTY OF BEND: _____

DATE OF THIS CERTIFICATE: _____
 SIGNATURE OF OWNER: _____



NOTES
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 2. THE REPLAT IS IN ACCORDANCE WITH THE CITY CHARTER AND THE CITY ORDINANCES.
 3. THE COMMISSION HAS APPROVED THE REPLAT AND HAS RECOMMENDED THAT THE CITY ENGINEER APPROVE THE REPLAT.
 4. THE BOARD HAS APPROVED THE REPLAT AND HAS RECOMMENDED THAT THE CITY ENGINEER APPROVE THE REPLAT.

SECTION	LOT #	AREA (SQ FT)
1	1	14,046
1	2	20,752
1	3	14,775
1	4	12,046
1	5	19,128
1	6	16,955
1	7	12,823
1	8	12,823
1	9	12,823
1	10	14,483

SECTION	LOT #	AREA (SQ FT)
15	1	14,046
15	2	20,752
15	3	14,775
15	4	12,046
15	5	19,128
15	6	16,955
15	7	12,823
15	8	12,823
15	9	12,823
15	10	14,483

TANSEY ENGINEERING
 SURVEYING & MAPPING
 1800 13TH AVE SW, BISMARCK, ND 58103
 (701) 755-1111

DATE OF THIS CERTIFICATE: _____
 SIGNATURE OF SURVEYOR: _____

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

BACKGROUND:		
Title: Part of Lot 1, Block 1, United Tribes Technical College Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: August 28, 2013	
Owner(s): United Tribes Technical College (owner) United Tribes Hotel Corporation (applicant)	Engineer: N/A	
Reason for Request: To annex the property in conjunction with a 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: Part of 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 management, 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 in the hospitality industry field. 3. Currently the entire UTTC campus is outside the corporate limits. There are service contracts with the City Fire and Public Works – Utility Operations Departments for fire protection and water service for the campus facilities. The applicant has requested annexation of a portion of Lot 1, Block 1, United Tribes Technical College Addition to allow the extension of public utilities and services to the site proposed for the hotel. 		
<i>(continued)</i>		

4. The City Traffic Engineer has expressed concerns regarding the access to the site directly from 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 City 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 will be involved in the discussions, and would make the final decision. At this time, a proposed private access roadway is being considered by the City Traffic Engineer. The roadway would straddle the property line between the Bismarck Airport and the UTTC campus. The purpose of the roadway would be primarily for access to the hotel site from ND Highway 1804. Discussions have been held regarding a future connection to internal roadways within the Bismarck Airport. At this time, the NDDOT has not granted the access point as proposed. The applicant has been informed of the need for a traffic impact study (TIS) that would analyze the results of the hotel development on this site in relation to the traffic movements along ND Highway 1804. The results of the study would be delivered to the City Traffic Engineer and forwarded to the NDDOT along with comments and a recommendation by the City Traffic Engineer.

FINDINGS:

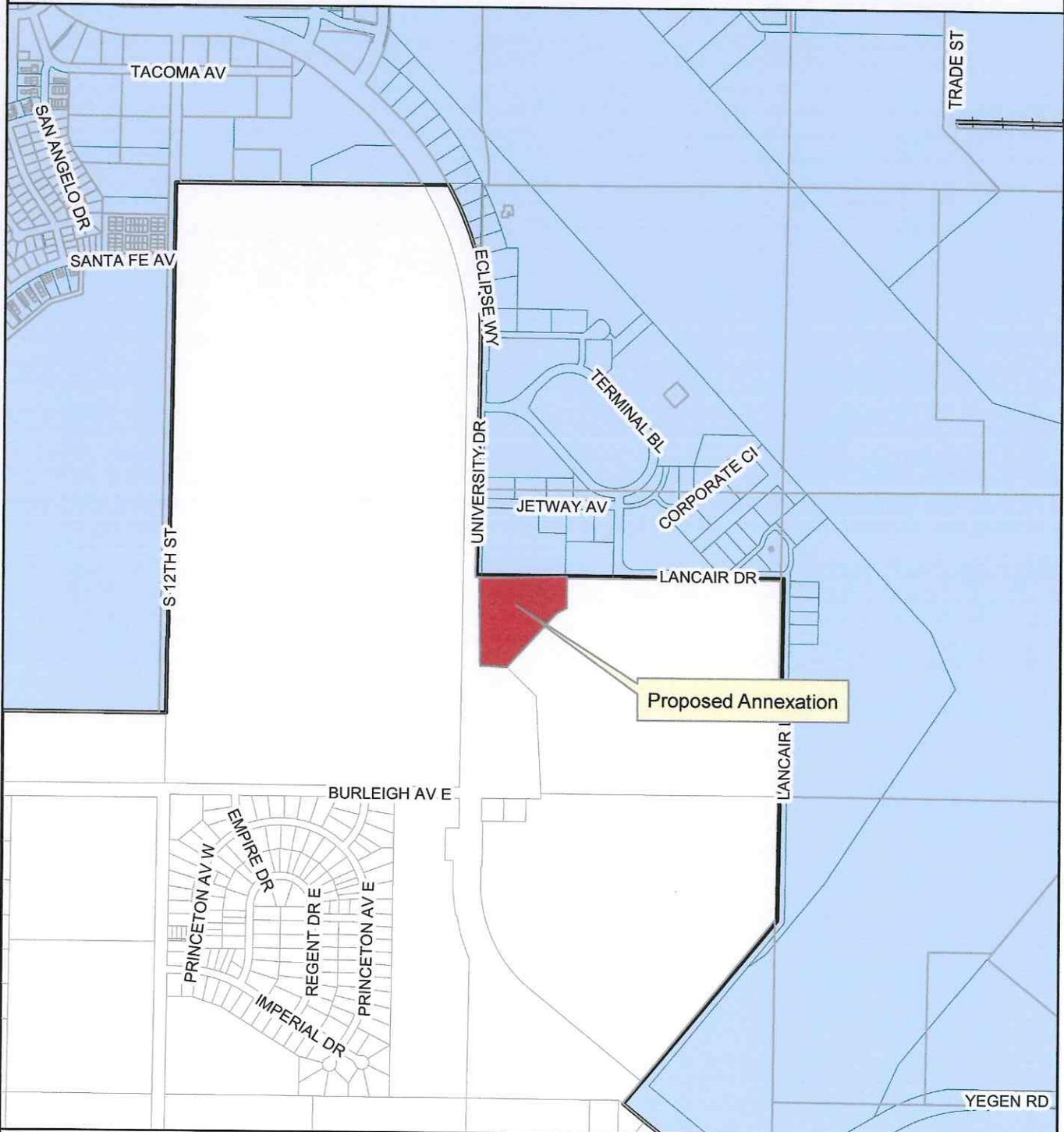
1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation 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:

Based on the above findings, staff recommends approval of the annexation of part of Lot 1, Block 1, United Tribes Technical College Addition with the following conditions:

1. A plat of irregular description will be prepared and recorded to create a separate lot which the hotel project would occupy.
2. The property would be zoned to the CG – Commercial zoning district prior to development.
3. The ingress/egress to the site from ND Highway 1804 is resolved to the satisfaction of the City Traffic Engineer, NDDOT, the applicant and developer prior to forwarding the request to the Board of City Commissioners for final action.

Proposed Annexation Part of Lot 1, Block 1, United Tribes Technical College 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: August 16, 2013 (Klee)

Source: City of Bismarck



**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 – Public Hearing	Date: August 28, 2013	
Owner(s): United Tribes Technical College (owner) United Tribes Hotel Corporation (applicant)	Engineer: N/A	
Reason for Request: To rezone property in conjunction with a 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: Part of 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:		
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<i>(continued)</i>		

4. The City Traffic Engineer has expressed concerns regarding the access to the site directly from 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 City 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 will be involved in the discussions and would make the final decision. At this time, a proposed private access roadway is being considered by the City Traffic Engineer. The roadway would straddle the property line between the Bismarck Airport and the UTTC campus. The purpose of the roadway would be primarily for access to the hotel site from ND Highway 1804. Discussions have been held regarding a future connection to internal roadways within the Bismarck Airport. At this time, the NDDOT has not granted the access point as proposed. The applicant has been informed of the need for a traffic impact study (TIS) that would analyze the results of the hotel development on this site in relation to the traffic movements along ND Highway 1804. The results of the study would be delivered to the City Traffic Engineer and forwarded to the NDDOT along with comments and a recommendation by the City Traffic Engineer.

FINDINGS:

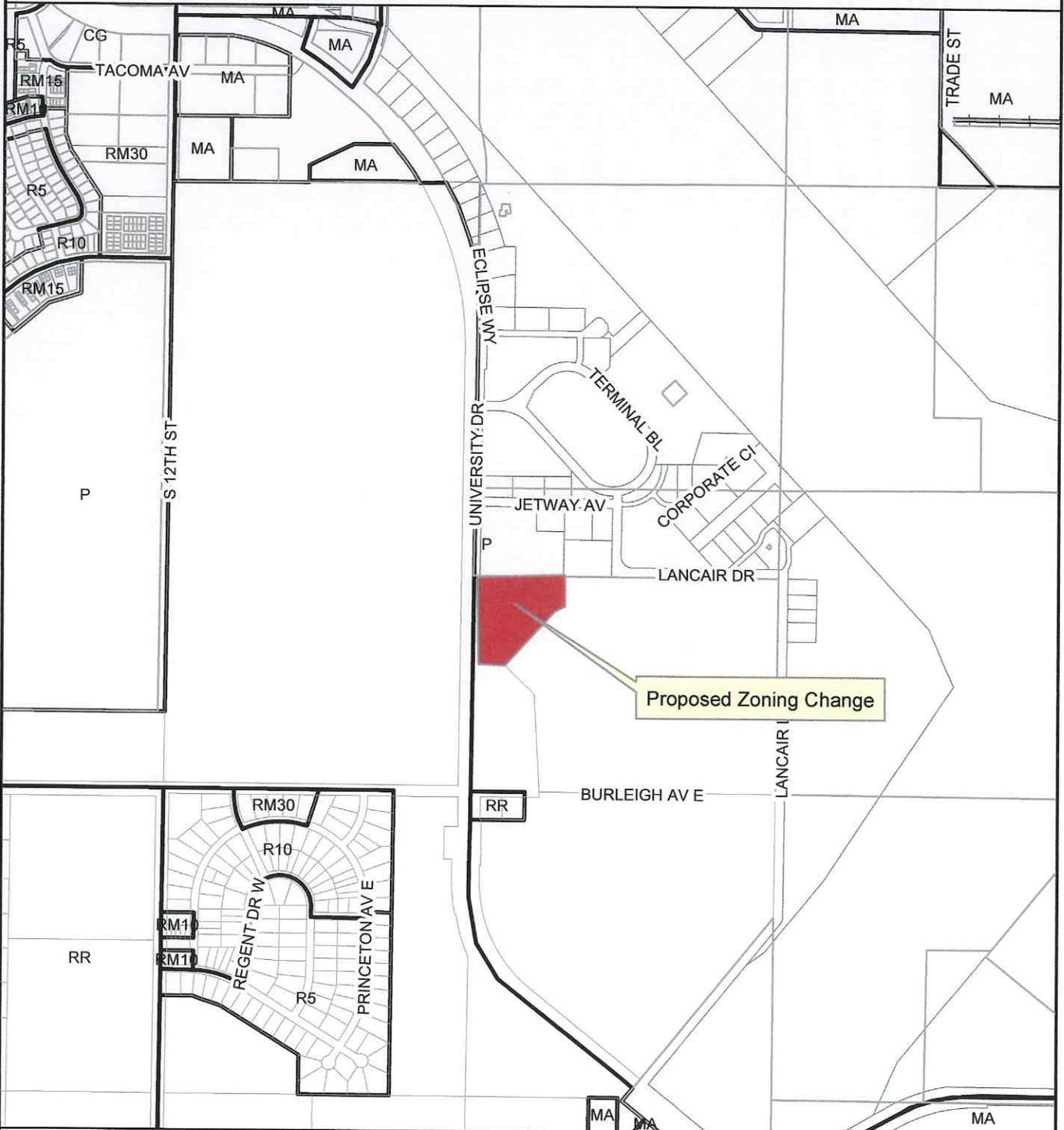
1. The proposed zoning change is outside the boundaries of the Land Use Plan.
2. The proposed zoning change would generally be compatible with adjacent land uses. Adjacent land uses include the Bismarck Airport, including the National Oceanic and Atmospheric Administration (NOAA) offices and the City 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 been submitted in conjunction with this application; only the portion of the campus designated for the hotel project would be 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 approval of 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 and recorded to create a separate lot which the hotel project would occupy.
2. The property would be annexed prior to development.
3. The ingress/egress to the site from ND Highway 1804 is resolved to the satisfaction of the City Traffic Engineer, NDDOT, the applicant and developer prior to forwarding the request to the Board of City Commissioners for final action.

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

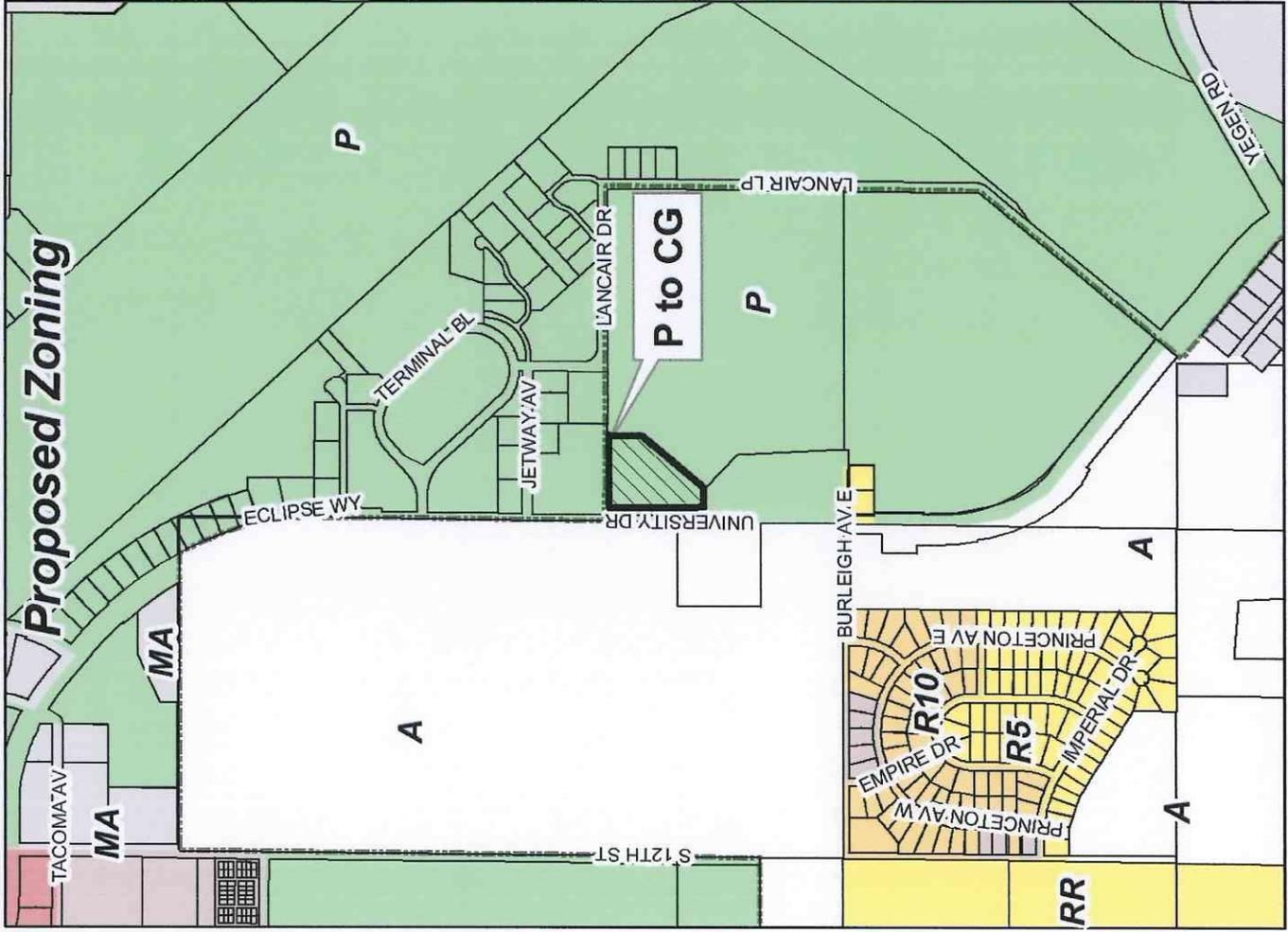
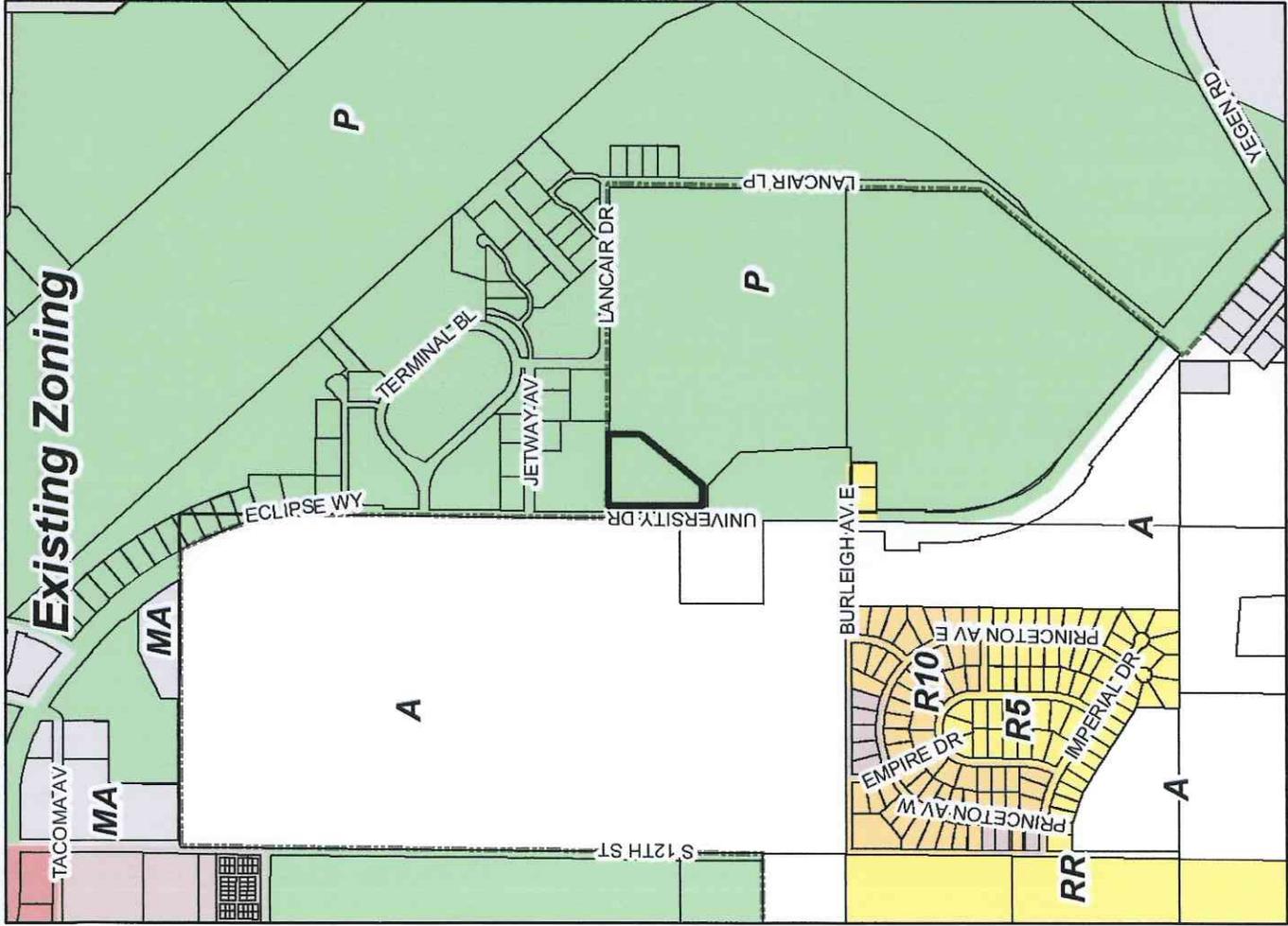


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Map was Updated/Created: August 16, 2013 (klee)

Source: City of Bismarck



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



June 2013

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UTTC HOTEL STUDY

SITE PLAN 1:50

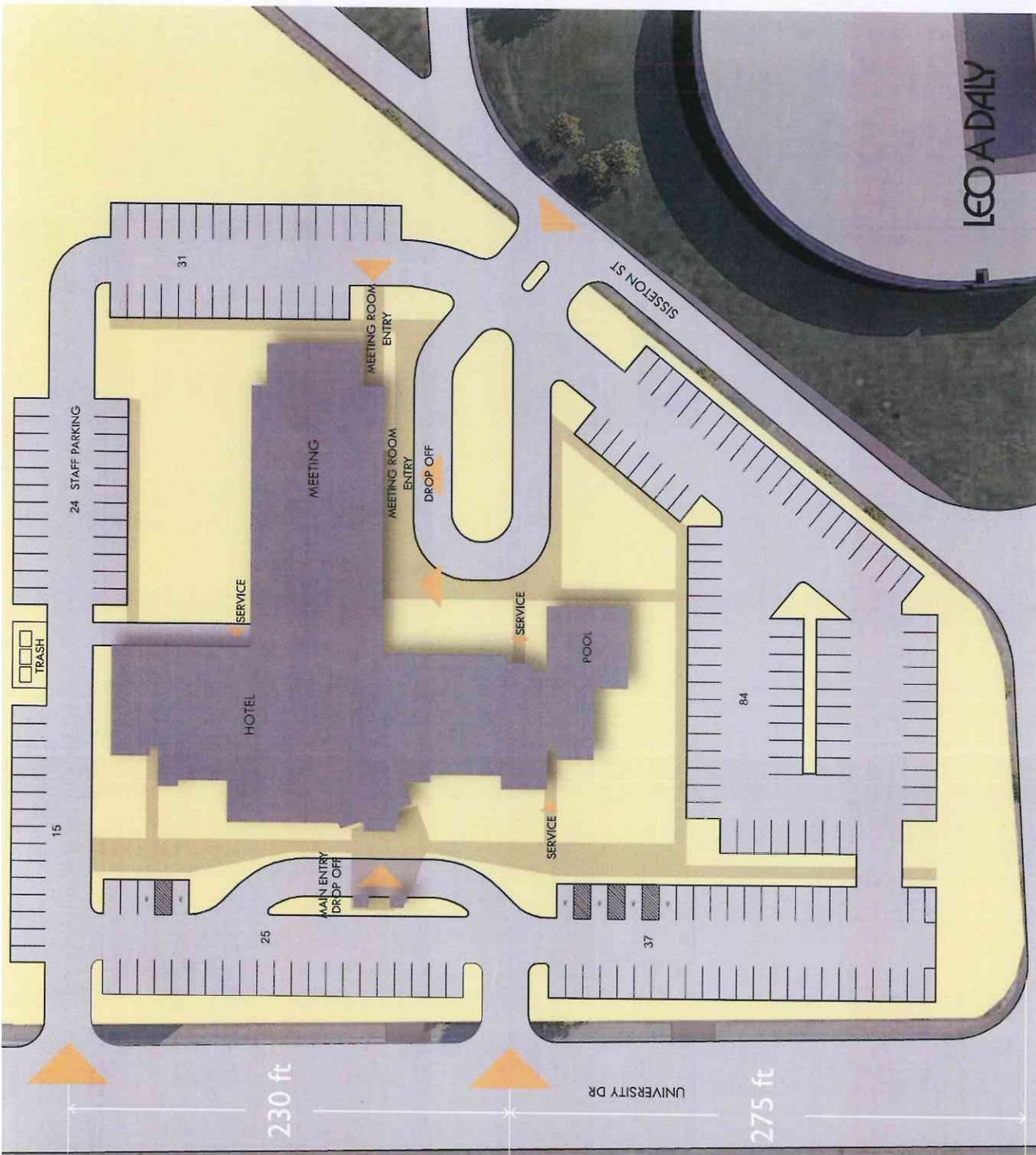
04/03/2013

TOTAL PARKING SPACES: 216

SIDEWALK AREA: 1,440 SF

BITUMINOUS AREA: 90,115 SF

KEY PLAN



LEO A DALY

RECEIVED
MAY 7 3 2013

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

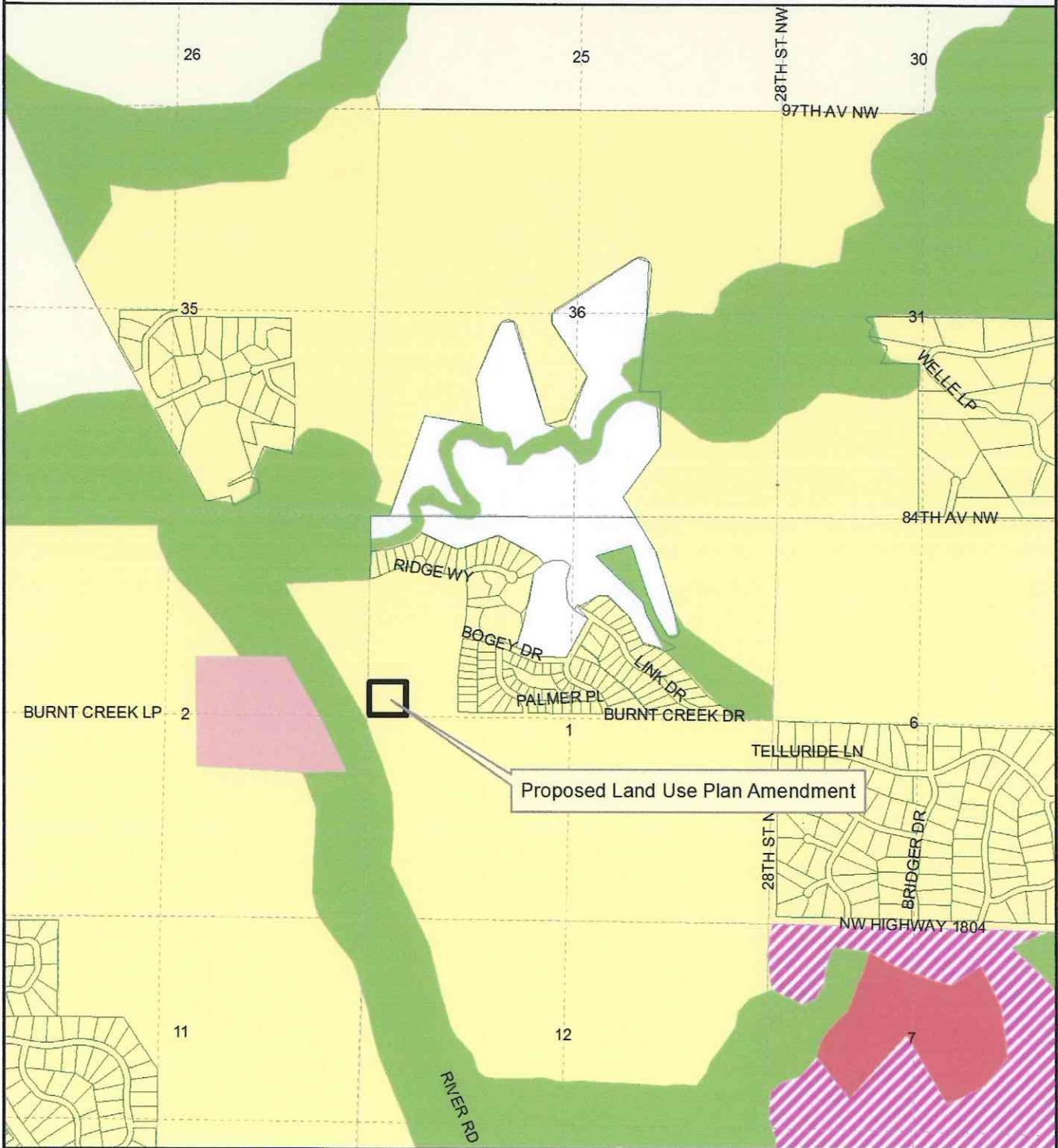
BACKGROUND:	
Title: Lot A of NW¼, Section 1, T139N-R81W/West Hay Creek Township – Land Use Plan Amendment (Urban Residential to Industrial)	
Status: Planning Commission – Public Hearing (continued)	Date: August 28, 2013
Reason for Request: Introduce the light industrial land use classification into an area classified as urban residential.	
Location: Along the north side of Burnt Creek Drive, between ND Highway 1804/River Road and Hawktree Drive, southwest of The Ridge at Hawktree.	
BACKGROUND:	
<ol style="list-style-type: none"> 1. This request was continued at the July 24th meeting to provide additional time for the applicant to meet with adjacent land owners. It is our understanding that this meeting was held on August 15, 2013. 2. 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). 3. 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. 4. The proposed amendment would introduce the light industrial land use classification into an area that is classified as urban residential. 5. 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 Hay Creek Township Board of Supervisors have recommended denial of the request. 4. 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. 	
<i>(continued)</i>	

5. 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.
6. 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.
7. 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 denial of the proposed amendment to the Land Use Plan for Lot A of the NW¼ of Section 1, T139N-R81W/West Hay Creek Township, to introduce a light industrial land use classification into this property.

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 (Klee)

Source: City of Bismarck



Kim Lee

From: HayCreekTownship@aol.com
Sent: Wednesday, July 24, 2013 9:43 AM
To: klee@nd.gov
Subject: July 24 Agenda Item please

July 24 Agenda Item please (last listed item)

Re: Lot A of NW 1/4, Section I, T139N-R81W/West Hay Creek Township- Land Use Plan Amendment Zone Change

Kim:

On behalf of Hay Creek Township Board, I express our concerns and objections to the proposed change:

- 1) We are not in favor of "spot zoning" for this area of the Township;
- 2) Residents of adjoining property have expressed individual concerns/disapproval to members of our Board regarding the proposed change;
- 3) Questions were raised regarding runoff and drainage from this specific property relative to Burnt Creek.

My apologies for not appearing in person. I write in hope you will be able to register these concerns with the commission.

I am available via telephone at 701.222.1521 or via email at haycreektownship@aol.com

Dave Pearce, Chair
Hay Creek Township Officers

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

BACKGROUND:		
Title: Auditor's Lots 4 & 5, Section 1, Lincoln Township – Zoning Change (A to MA)		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): MME, Inc.	Engineer: N/A	
Reason for Request: Zone property for future platting and development for light commercial, light industrial, warehouses, distribution facilities, wholesale material sales, shop condos and related office uses.		
Location: In east Bismarck along the south side of County Highway 10 and the west side of 52 nd Street SE (Auditor's Lots 4 & 5, Section 1, T138-R80W/Lincoln Township).		
Project Size: 68 acres	Number of Lots: Part of 1 parcel	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Light commercial and industrial uses including warehouse and distribution facilities, wholesale material sales, shop condos and related office uses	
Zoning: A – Agriculture	Zoning: MA – Industrial	
Uses Allowed: A – Agricultural uses	Uses Allowed: MA – General commercial, warehouses, storage facilities, manufacturing and shop condos	
Maximum Density Allowed: MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The City of Bismarck is currently updating its Growth Management Plan (GMP). The updated plan makes recommendations regarding urban development in this general location. It suggests that the area between the Missouri Valley Complex and 52nd Street SE would be best suited for business park and light industrial land uses. The GMP Future Land Use Plan (FLUP) is a draft and has not been finalized or adopted. Public hearings regarding the FLUP will be held in the near future and final adoption of the Plan is anticipated in the fall. 2. The applicant has requested a zoning change prior to platting the property. A conceptual layout of the potential development has been provided. The proposed plan indicates a 50-foot vegetative landscape buffer yard with a 6-foot high earthen berm along the east side of the property adjacent to 52nd Street SE to help mitigate the impacts of the proposed development on the existing rural residential to the east across 52nd Street SE. 		
<i>(continued)</i>		

3. The applicant held a neighborhood meeting on Wednesday, August 21, 2013. Approximately 70 adjacent property owners were notified of the meeting; there were seven people in attendance. The purpose of the meeting was to provide information and discuss the applicant's development plans for the property. The adjacent property owners cited concerns with some of the potential uses that are allowed in the MA – Industrial zoning district. The neighbors asked the developer to consider a Planned Unit Development (PUD) zoning district that would remove incompatible land uses from the MA – Industrial zoning district.

FINDINGS:

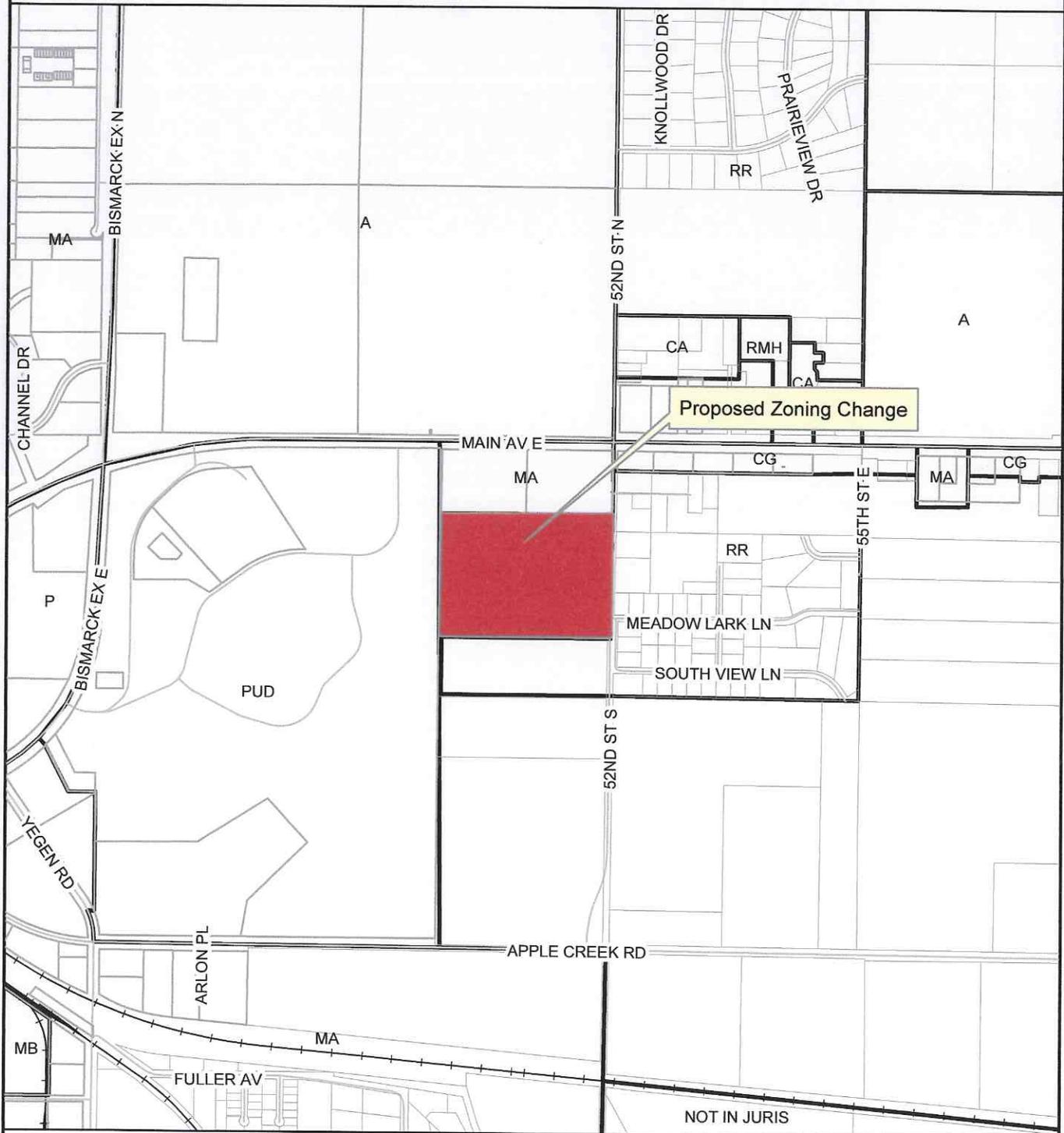
1. The proposed zoning change lies within the boundaries of the Land Use Plan (2007 Bismarck-Mandan Future Regional Land Use Plan). The current Land Use Plan indicates the future land uses include Mixed-Use Commercial and Industrial land uses in addition to Urban Residential land uses. The City of Bismarck is currently updating the Growth Management Plan and the future land use recommendations. The plan makes recommendations regarding urban development in this general location. It suggests that the area between the Missouri Valley Complex and 52nd Street SE would be best suited for business park and light industrial land uses. The GMP Future Land Use Plan (FLUP) is a draft and has not been finalized or adopted.
2. The proposed zoning change would be somewhat compatible with adjacent land uses. Adjacent land uses include the Missouri Valley Complex to the west, undeveloped agriculturally zoned land to the north across East Main Avenue, undeveloped RR-Residential zoned land to the south and existing rural residential to the east across to 52nd Street SE.
3. The entire property is currently within the corporate limits; 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, residents within the existing rural residential subdivision to the east expressed concerns with industrial land uses in this area when a similar request was considered in 2007. At that time, the adjacent property owner to the south of these parcels had requested a zoning change from the A – Agriculture zoning district to the MA – Industrial zoning district. Planning staff recognizes this request is similar; however, Planning staff is supportive of the vegetative landscape buffer yard and the use of the 6-foot earthen berm to help mitigate the impacts of the incompatible land uses by providing additional separation and visual screening of the property. Additionally, staff recognizes that the GMP FLUP contains draft recommendations indicating the appropriate future land uses in this area would be light industrial and business park uses. Planning staff also recognizes that 52nd Street SE is an arterial roadway that is intended to carry large volumes of traffic. This roadway also provides physical separation between the proposed use and the existing rural subdivision.
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 and the concerns expressed by adjacent property owners, staff recommends to continue the public hearing for the zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district for Auditor's Lots 4 & 5, Section 1, Lincoln Township to allow Planning staff time to work with the applicant for the purpose of exploring a conditional MA – Industrial zoning district or a Planned Unit Development (PUD) zoning district.

Proposed Zoning Change (A to MA)

Auditor's Lots 4 & 5, Section 1, Lincoln Township

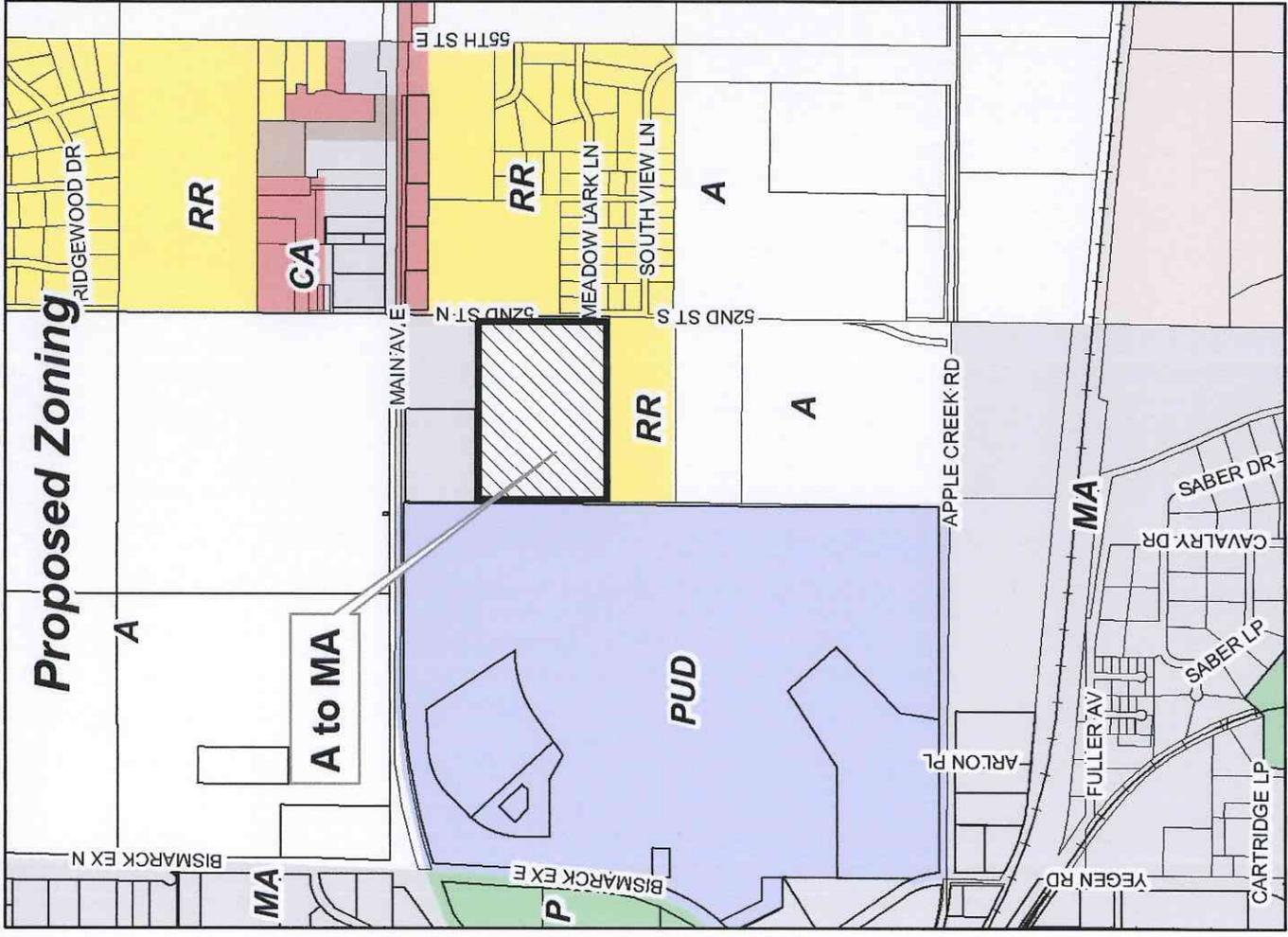
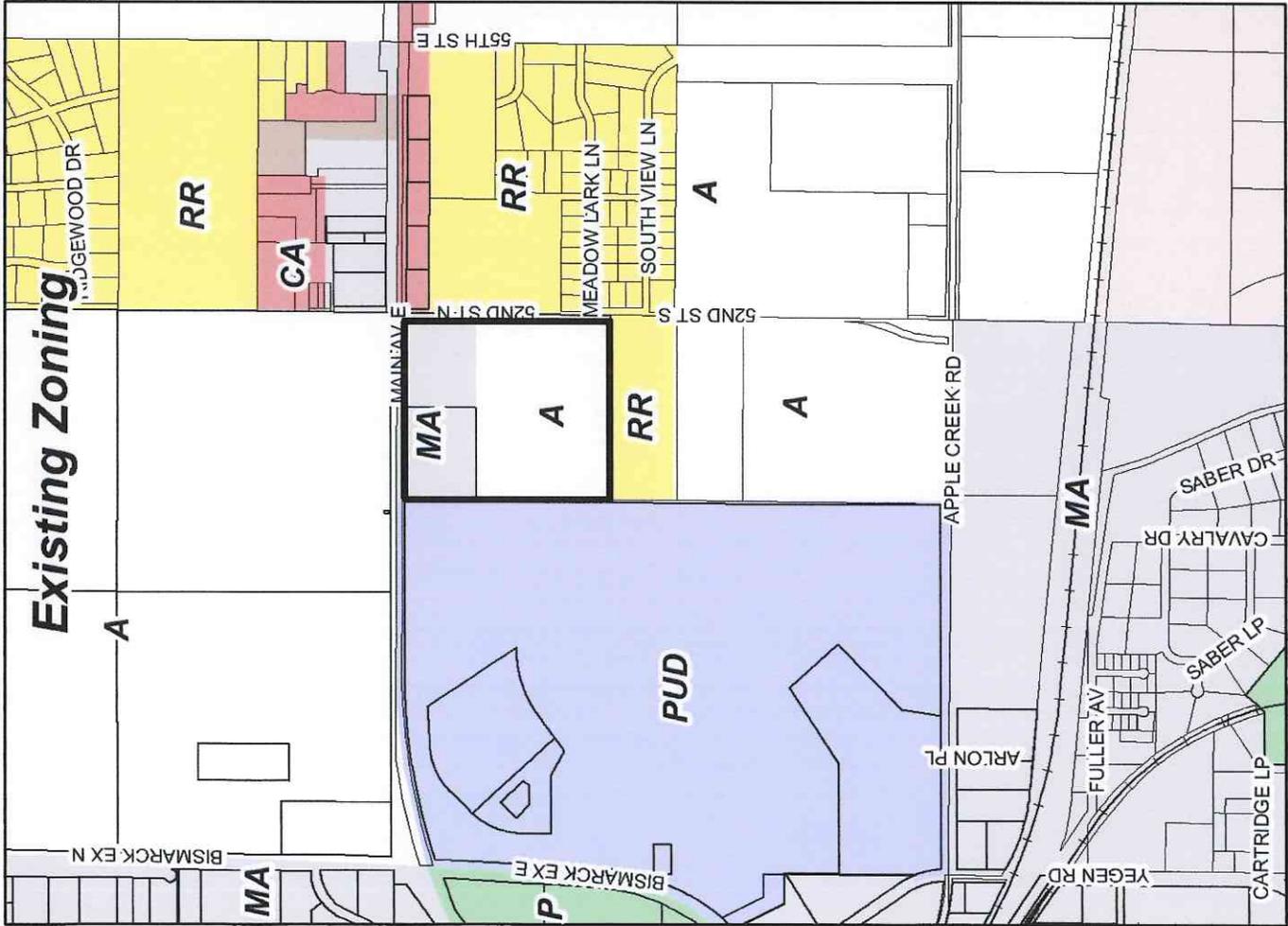


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 Map was Updated/Created: August 16, 2013 (Klee)

Source: City of Bismarck



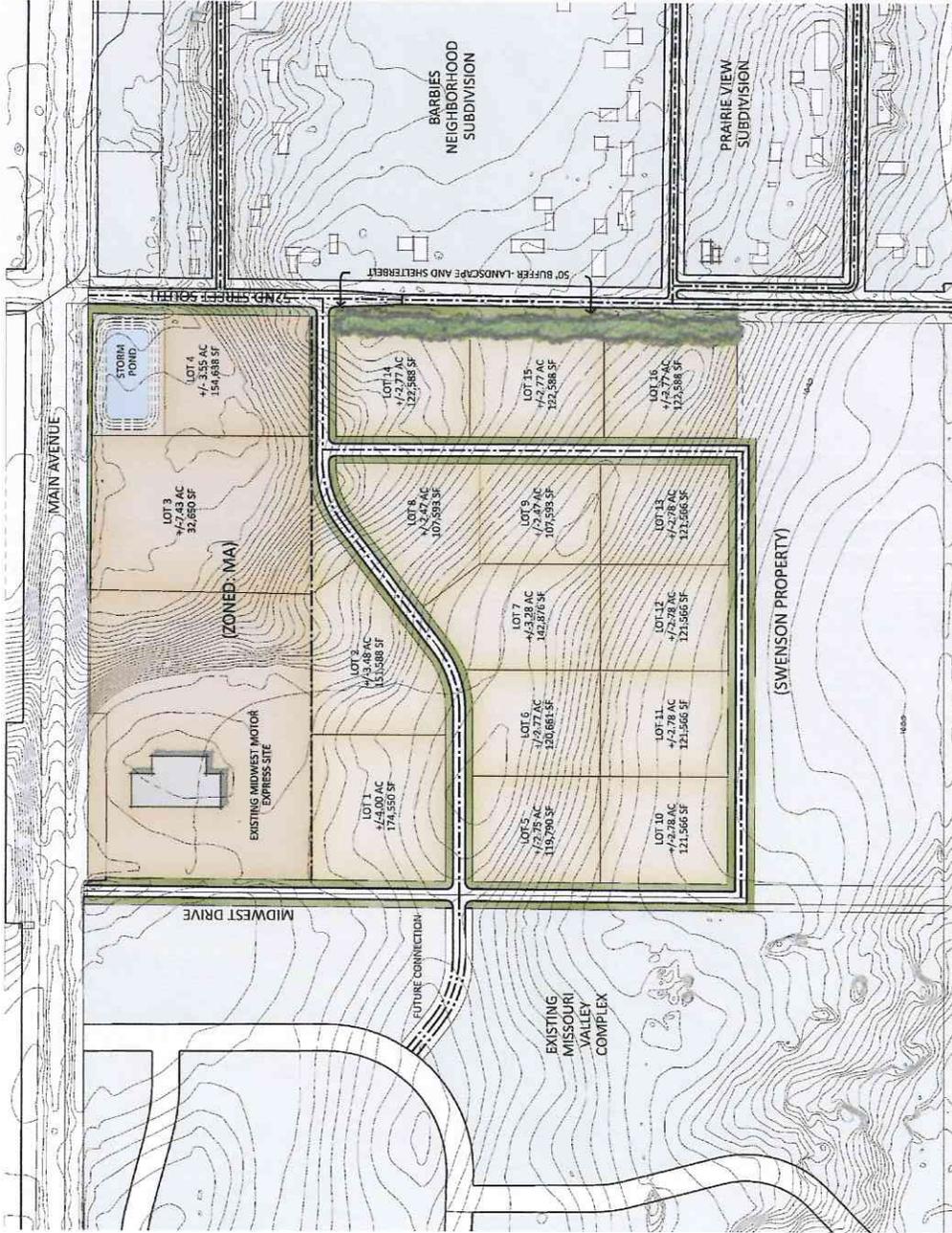
Auditor's Lots 4 & 5, Section 1, Lincoln Township - Zoning Change



July 2013

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AUG 16 2013



PLAN NORTH



NorthWest Development Group Inc.

MIDWEST BUSINESS PARK

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AUGUST 16TH, 2013



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

BACKGROUND:		
Title: Lots 1 and 3-18, Block 1, Missouri Valley Complex – Major PUD Amendment		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): Burleigh County	Engineer: None	
Reason for Request: Amend PUD to allow auctions as a permitted use on all lots.		
Location: In east Bismarck, along the south side of County Highway 10, the east side of Bismarck Expressway and the north side of Yegen Road and Apple Creek Road.		
Project Size: 162.28 acres	Number of Lots: 18 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: County fairgrounds (various uses)	Land Use: County fairgrounds (various uses)	
Zoning: PUD – Planned Unit Development	Zoning: PUD – Planned Unit Development	
Uses Allowed: Uses specified in PUD	Uses Allowed: Uses specified by PUD	
Maximum Density Allowed: N/A	Maximum Density Allowed: N/A	
PROPERTY HISTORY:		
Zoned: 06/06 (PUD amended in 06/06 & 09/09)	Platted: 06/06	Annexed: 11/80
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The Missouri Valley Complex Planned Unit Development was approved by the City of Bismarck in June 2004 and the final plat was recorded in July 2006. The PUD ordinance indicates that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning & Zoning Commission. 2. The PUD was amended in July 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles. The PUD was amended again in 2009 to allow utilities on all lots. 3. All allowable land uses in a PUD are specified in the PUD ordinance. If a specific type of land use is not specified, it is not allowed. To allow auctions within the PUD, new language is proposed as an addition to the permitted uses for this PUD. 4. The property owner has requested the amendment to allow auctions as a permitted use on all lots within the subdivision. Because the PUD identifies specific allowable uses for specific lots, it seems reasonable to allow auctions only on those lots where similar uses are allowed, rather than on all lots. Similar uses are allowed on the multi-use activity lots, which are Lots 14, 15, 16, 17 & 18, Block 1. 5. The word “auction” is generally defined as the sale of property to the highest bidder. While some auctions would be an appropriate use in the Missouri Valley Complex, other auctions would not be appropriate uses. For the purposes of this amendment, it seems reasonable to limit the types of auctions to benefit auctions, estate auctions and similar types of auctions, but to specifically exclude commercial livestock sales and auctions because that use is clearly defined in the zoning ordinance as an industrial use that would only be allowed in the MB – Industrial zoning district (stockyards, feeding pens or livestock sales facility). 		

FINDINGS:

1. The PUD as amended would not create incompatibilities with the existing adjacent land uses, as it adds a use that is similar in scope to other permitted uses, provided that the auction uses are limited to the multi-use activity lots (Lots 14, 15, 16, 17 & 18, Block 1) and commercial livestock sales and auctions are excluded. Adjacent land uses include undeveloped State-owned land to the north and southeast, a State prison and other State-owned land to the west, industrial uses to the south and southwest, an industrial uses and undeveloped RR and A-zoned land to the east.
2. The property is already being developed; therefore, the PUD as amended will not place an undue burden on public services.
3. The proposed PUD amendment is consistent with adopted plans, policies and accepted planning practice, provided that the auction uses are limited to the multi-use activity lots (Lots 14, 15, 16, 17 & 18, Block 1) and commercial livestock sales and auctions are excluded.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the major PUD amendment for Missouri Valley Complex to allow auctions limited to benefit auctions, estate auctions, occasional livestock auctions tied to 4H or other not-for-profit educational livestock shows, and similar types of auctions, but specifically excluding commercial livestock sales and auctions, and with this activity limited to Lots 14, 15, 16, 17 & 18, Block 1 as outlined in the attached draft PUD amendment document.

**MISSOURI VALLEY COMPLEX PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5373 (Adopted November 23, 2004 – effective July 10, 2006)
MAJOR PUD AMENDMENT (Adopted July 26, 2006)
MAJOR PUD AMENDMENT (Adopted September 23, 2009)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5373 was adopted by the Board of City Commissioners on November 23, 2004; and

WHEREAS, the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, the PUD was amended on July 26, 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles, and again on September 23, 1009 to allow utilities on all lots; and

WHEREAS, Burleigh County has requested a third amendment to the Planned Unit Development for Lots 1 and 3-19, Block 1, Missouri Valley Complex.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lot 1 and Lots 3-19, Block 1, Missouri Valley Complex

is hereby approved and this PUD is now subject to the following development standards:

1. Uses Permitted. Uses permitted include:

Lots 5, 7 & 8 – Perimeter Landscaping and Parking

To be used for landscaping and parking. The east end of Lot 8 and the south end of Lot 5 may include structures to define these locations as entrance points to the Missouri Valley Complex.

Lot 6 – Lift Station

Lot 6 is the site of an existing sanitary sewer lift station and is reserved for continuation of that use.

Lots 11, 12, 14 & 18 – Off-Road Motor Sports

For motorcycle events such as motocross and for other similar motor sports activities including but not limited to ATVs and snowmobiles or bicycle uses.

Lot 19 – Roads

The interior road system is designated as a lot rather than as dedicated streets or access easements. The objective is for the county to retain ownership of the roads and provide maintenance.

Lots 1, 3, 4, 9, 10, 11 & 13 – Nature & Recreation

The primary land use objectives for these lots are to preserve and enhance the creek and wetland areas for outdoor recreation, wildlife habitat and flood water storage. Some typical uses would include multi-use trails, environmental education, archery, community gardens, bird watching, a dog agility course, Frisbee golf, non-motorized watercraft, picnic areas and other suitable uses of a similar character. Structures within these lots may include picnic tables, picnic shelters, toilets and similar structures. Lots 4 and 9 could include structures to define these locations as entrance points to the Missouri Valley Complex.

Lots 14, 15, 16, 17 & 18 – Multi-Use Activities

An indoor arena for year-round functions such as agricultural and community education; festivals; stock shows; dances; community meetings; auctions limited to benefit auctions, estate auctions, occasional livestock auctions tied to 4H or other not-for-profit educational livestock shows, and similar types of auctions, but specifically excluding commercial livestock sales and auctions; collector meets and other suitable activities.

A grandstand for outdoor entertainment, concerts, trade shows, fairs, collector and swap meets, car shows and other suitable activities.

Active use areas include parking for events such as exhibits, carnival rides, vendor booths, etc.

Buckstop Junction on Lot 16: There is a long-term lease agreement in this area with the Missouri Valley Historical Society. Area is reserved based on the Historical Society plan for expansion of additional streets, building sites and other “town” features. A new parking area is planned to the northwest of the “town”.

A crop maze, historic period agriculture demonstrations or research related agricultural plots may occupy areas within these lots.

The NDSU / Burleigh County Extension / 4H activities and offices are on Lot 17. Part of the 4H program includes a shooting sports component. An indoor shooting range may be constructed on a portion of Lot 17.

The area is also slated for an indoor arena and parking. Part of this area, including Lot 18, may be developed as an outdoor arena for livestock or rodeo activities or other suitable uses such as tractor pulls.

Accessory uses including restroom facilities, registration booths, various concessions such as food and beverage services, beer gardens, and other services and uses normally associated with major events that bring large gatherings of people are allowed throughout the “Multi-Use Activities” area.

Any proposed changes that are inconsistent with these permitted use standards will require an amendment to this PUD.

Lots 11, 12, 14 & 18

Camping is allowed on Lots 11, 12, 14 & 18 when associated with an event such as a rodeo or motocross rally.

All lots – Utility Systems

For the benefit of the public, utility systems for gas, water, communication, electrical and sewer are allowed on any lot when the following factors are present:

- 1) The structure or use is necessary for the safe or efficient operation of the utility.
- 2) The utility which the structure or use serves is one available to the general public.
- 3) The design and location of the premises and structures are in compliance with the development standards for this PUD and other applicable codes.
- 4) The use complies with setback regulations specified for this PUD.
- 5) Wherever the lot on which the use is located adjoins a lot in a residential district, there is planted and maintained a landscaped screened planting strip no less than five feet in width adjacent to all lot boundaries so adjoining a lot in a residential district.
- 6) Proper fencing with lot entrances shall be erected at least six (6) feet high and maintained around all installations and structures in which there is any safety hazard whatsoever for children, provided that all structures shall be so located that such safety fence shall be so placed as not to encroach on any front yard.
- 7) The following uses are declared to be typical utilities:
 - a. Electric transformer or substations.
 - b. Electric transmission lines.
 - c. Sewage lift stations.
 - d. Water pumping stations.
 - e. Cell phone, microwave, radio, or communication towers.
 - f. Gas regulator stations, excluding stations emitting noise of more than fifty (50) decibels at any property line adjacent to any residentially zoned area.

2. Development Standards.

The primary objective for this PUD area is to promote development consistent with the goals and objectives of the Missouri Valley Fairgrounds Site Strategic Development Plan of October 2001. A parallel objective is to allow flexibility in developing the site by placing a greater emphasis on development concepts and a lesser emphasis on a list of detailed specific uses, locations, arrangements, and numbers of buildings and structures.

Proposed developments in this area are not exempt from construction requirements of building, plumbing, electrical, and fire codes.

Building setback requirements in this PUD are as follows:

Front yard. Each lot shall have a front yard of not less than 25 feet.

Side yard. Each lot shall have side yards of not less than 15 feet.

Rear yard. Each lot shall have a rear yard of not less than 50 feet.

East Boundary. For Lots 4, 9, 10, 11, 12 & 13 of Block 1, a building setback of 75 feet shall apply to the east boundary line of those lots.

Lot 19 contains the interior road system. Building setbacks will be measured from the boundary of this lot.

Lot coverage shall not exceed 80 per cent.

Except for utilities as allowed herein, no structure shall exceed 50 feet in height.

For structures or trees within any powerline easement area, written permission from the easement owner is required.

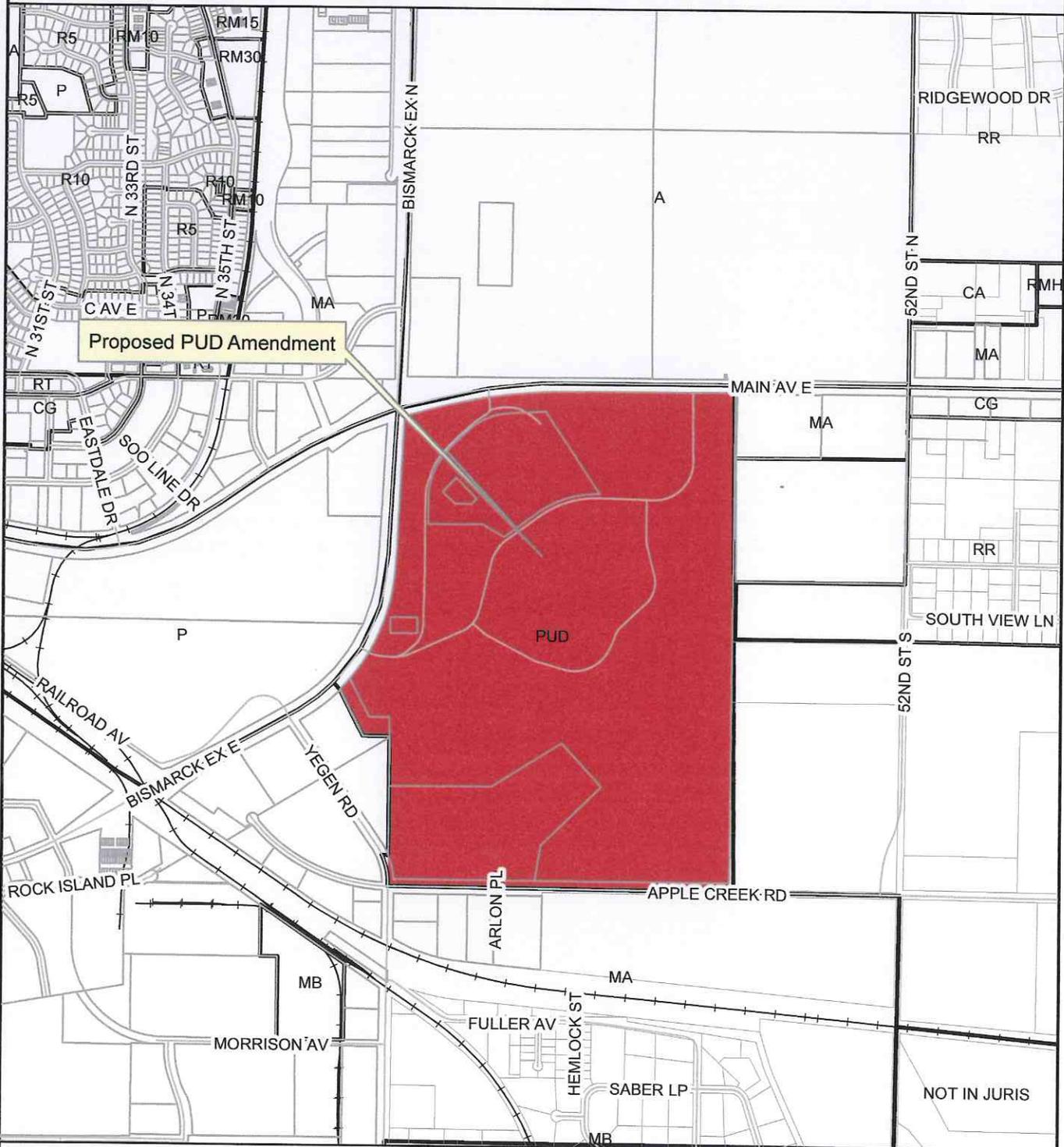
Parking lots will be subject to the requirements of Section 14-03-11 of the Code of Ordinances of the City of Bismarck, North Dakota.

Any proposed changes that are inconsistent with these development standards will require an amendment to this PUD.

3. Changes.

This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed Major PUD Amendment Missouri Valley Complex



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Map was Updated/Created: August 16, 2013 (klee)

Source: City of Bismarck



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

BACKGROUND:		
Title: The North 250 feet of Lot 1, Block 1, Northern Sky Addition – Zoning Change (CA to PUD)		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): Wilment Properties, LLC	Engineer: Swenson, Hagen & Co	
Reason for Request: To rezone property for a neighborhood convenience market to include a convenience store with drive through window and car wash.		
Location: In northwest Bismarck, along the west side of North Washington Street and the south side of Durango Drive.		
Project Size: 82,118 square feet	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Neighborhood convenience market, including convenience store, drive through and carwash	
Zoning: CA – Commercial	Zoning: PUD – Planned Unit Development	
Uses Allowed: CA – Neighborhood commercial, multi-family dwellings and offices	Uses Allowed: PUD – uses specified in the PUD ordinance	
Maximum Density Allowed: CA – 30 units per acre	Maximum Density Allowed: PUD – N/A	
PROPERTY HISTORY:		
Zoned: 06/2012	Platted: 06/2012	Annexed: 06/2012
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is, "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." Although the CA-Commercial zoning district allows the operation of a filling station (convenience store) by special use permit, the necessary zoning to support both a drive through and car wash is CG – Commercial by special use permit. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses. Planning staff suggested the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed. A PUD written statement, site plan and architectural renderings were submitted with the application and are attached. The applicant has applied to the City Commission for a Class E liquor license for the retail sale of beer (off-sale). 		

FINDINGS:

1. The proposed zoning change is generally consistent with the Land Use Plan, which identifies the long range use of this area as mixed use (Future Land Use Component of the US Highway 83 Transportation Corridor Study). The mixed use land use classification allows for some commercial uses in addition to residential and office uses.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include a religious facility to the north, developing RT-Residential zoned land to the east and undeveloped and unannexed RT-Residential and CA-Commercial zoned land to the south and west.
3. The entire property is currently within the corporate limits; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning would not have an adverse impact on property in the vicinity, given the zoning of the adjacent parcels. In particular, the proposed carwash and drive through may have an adverse impact on the adjacent properties as they are only allowed as special uses in a CG-Commercial zoning district.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice; however, the zoning change will specify the look and character of the proposed neighborhood market including the drive through and carwash facility.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the CA-Commercial zoning district to the PUD-Planned Unit Development on the North 250 feet of Lot 1, Block 1, Northern Sky Addition as outlined in the attached draft PUD ordinance.

ORDINANCE NO.

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

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

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

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

The following described property shall be excluded from the CA – Commercial district and included within the PUD – Planned Unit Development District.

The North 250 feet of Lot 1, Block 1, Northern Sky Addition

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this Planned Unit Development:
 - a. Filling station, limited to twelve (12) pumps. The installation of any additional pumps will require an amendment to the PUD.
 - b. Convenience store, including the retail sale of beer (off-sale) if the required Class E license is approved by the Board of City Commissioners.
 - c. Drive-through, limited to convenience store items, including coffee and yogurt shop products, with a minimum of ten (10) stacking spaces measured from the pick-up window.
 - d. Self-service carwash, with three (3) stacking spaces per bay measured from the entrance.
2. *Special Uses.* There are no allowed special uses within this Planned Unit Development.

3. *Dimensional Standards.*

- a. Lot Coverage. The lot coverage of a commercial building and its accessory buildings along with all required off-street parking shall not exceed seventy percent (70%) of the total lot area.
- b. Front Yard. The minimum front yard setback is fifteen (15) feet along the north (Durango Drive) and 20 feet to the east (North Washington Street).
- c. Side Yard. The minimum side yard setback is ten (10) feet along the west side of the property.
- d. Rear Yard. The minimum rear yard setback is ten (10) feet along the south side of the property.
- e. Height Limit. The maximum building heights of the convenience store and self-service car wash is one story.

4. *Development Standards.*

- a. Off-street Parking and Loading. Off-street parking, loading, and stacking shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading). Based on the square footage and proposed uses, a minimum of 33 spaces shall be provided, exclusive of spaces at the pumps
- b. Landscaping and Screening. Landscaping and screening shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- c. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
- d. Signage. Signage for the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

5. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment

through the establishment of high standards with respect to materials, details and appearance. The design of the building shall generally conform to the architectural renderings submitted with the application. As specified in the PUD narrative submitted with the application, primary exterior material finishes shall be roof band and panels, cultured stone and dryvit for both the convenience store and self-service carwash.

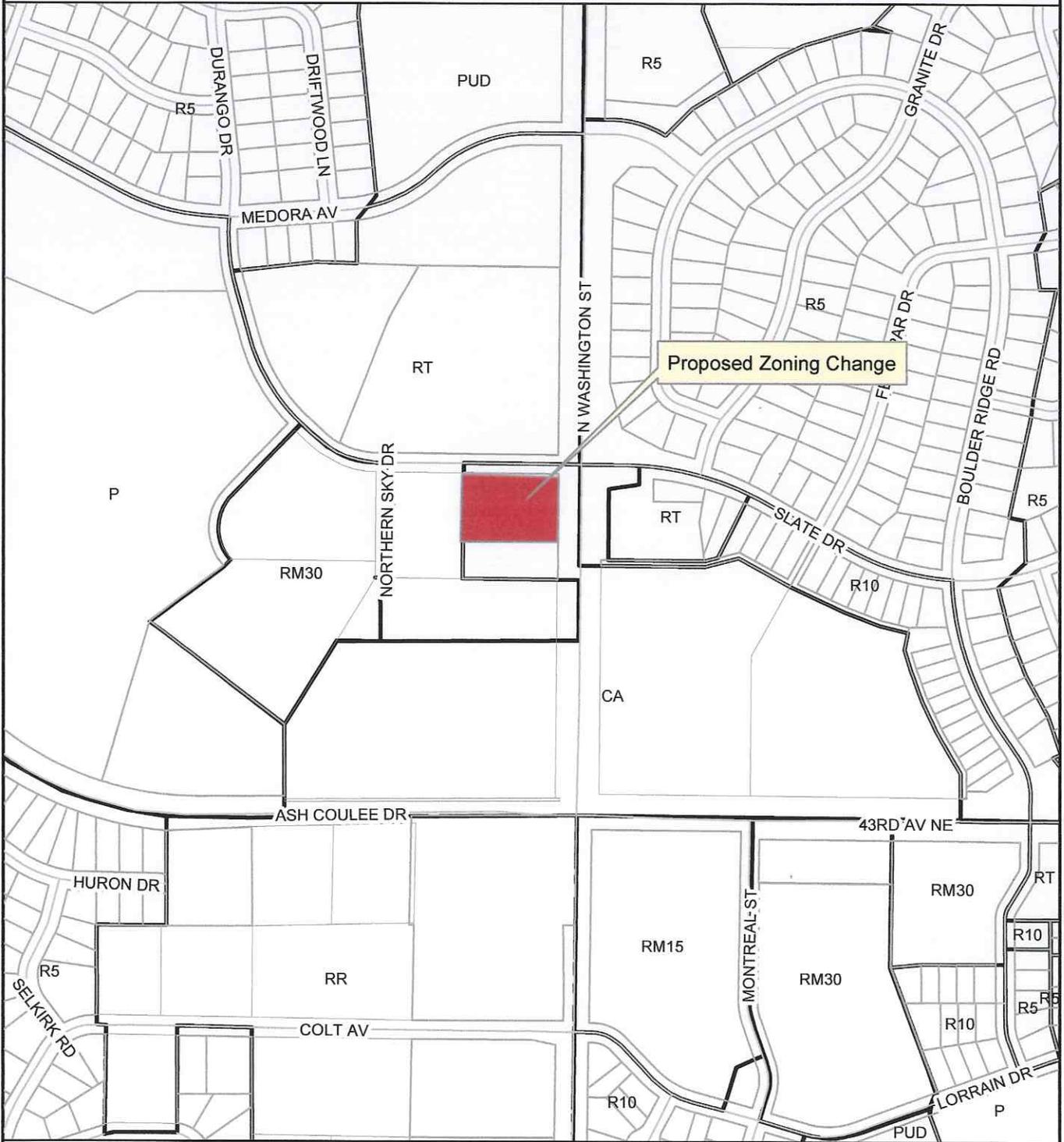
b. Outdoor storage is not allowed within this Planned Unit Development.

6. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and approval by the Bismarck Planning & Zoning Commission.

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

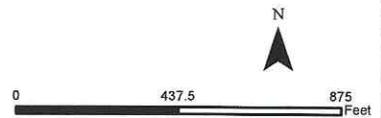
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Zoning Change (CA to PUD) Part of Lot 1, Block 1, Northern Sky Addition

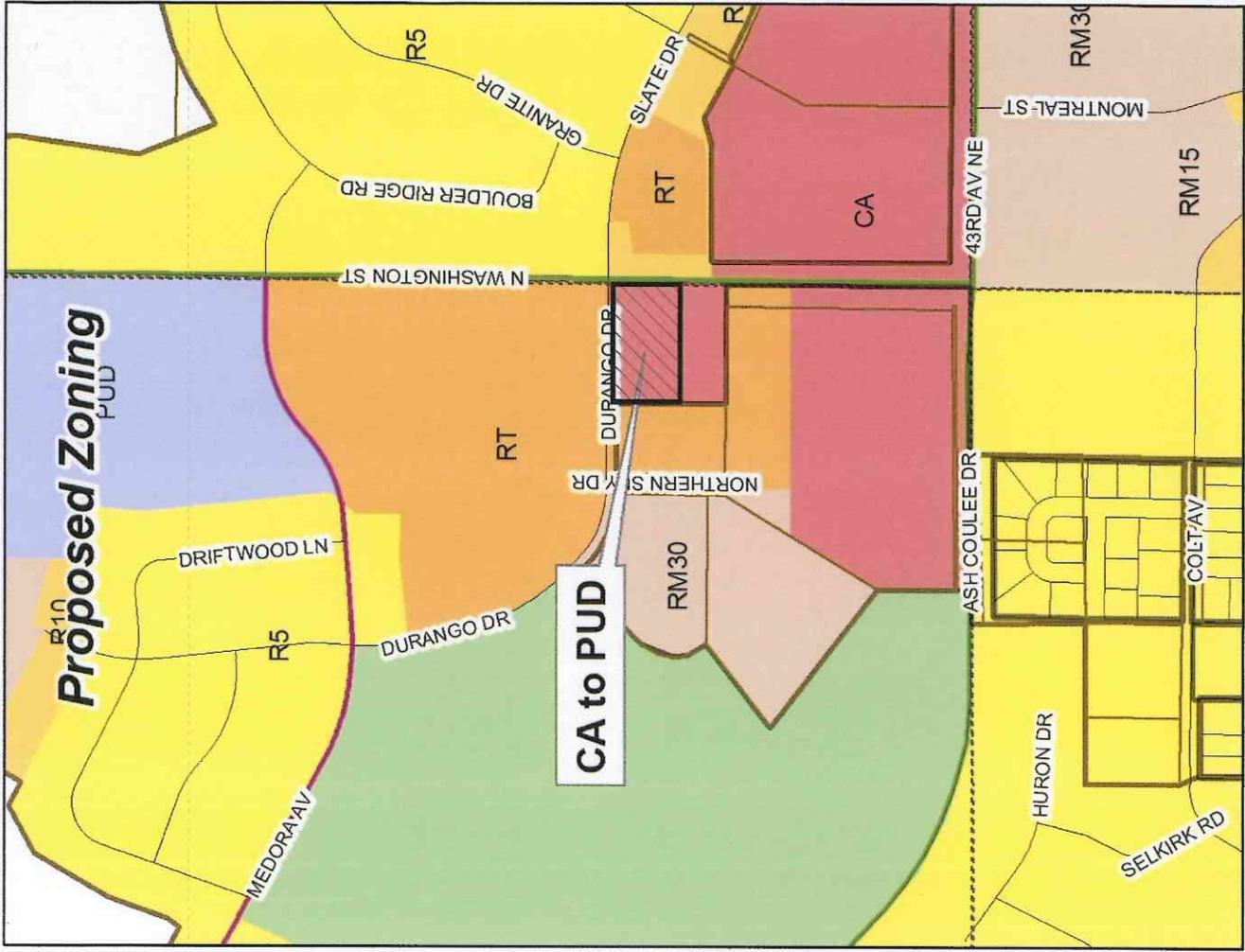
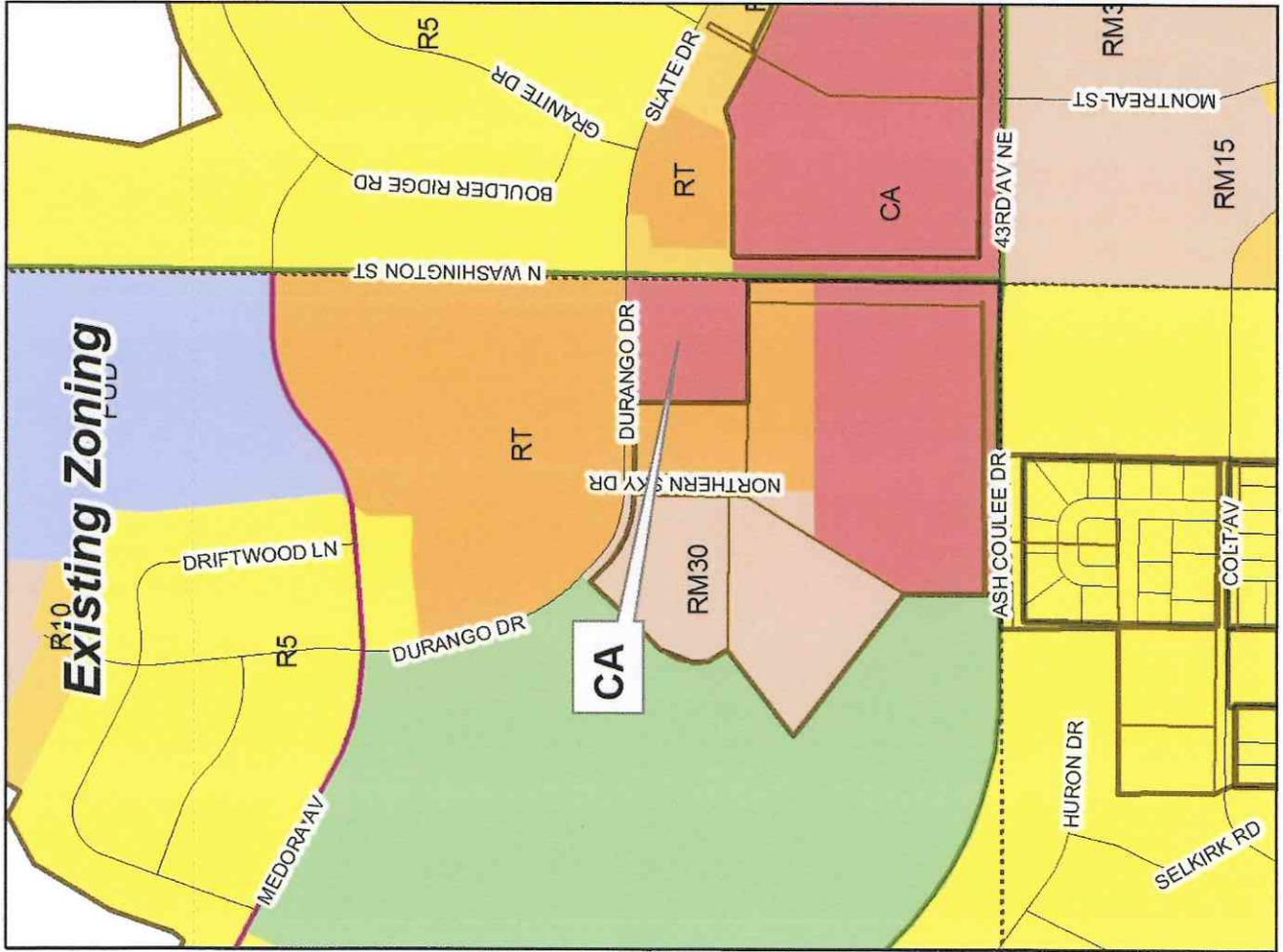


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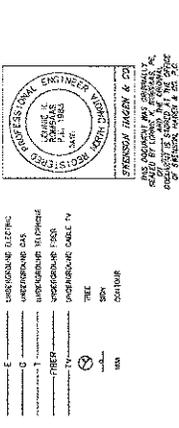
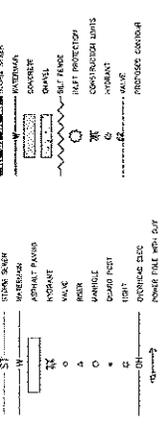
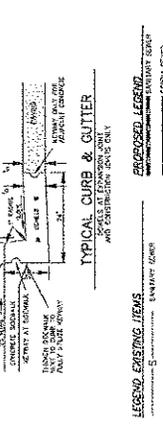
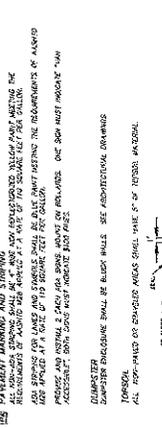


Part of Lot 1, Block 1, Northern Sky Addition - Zoning Change

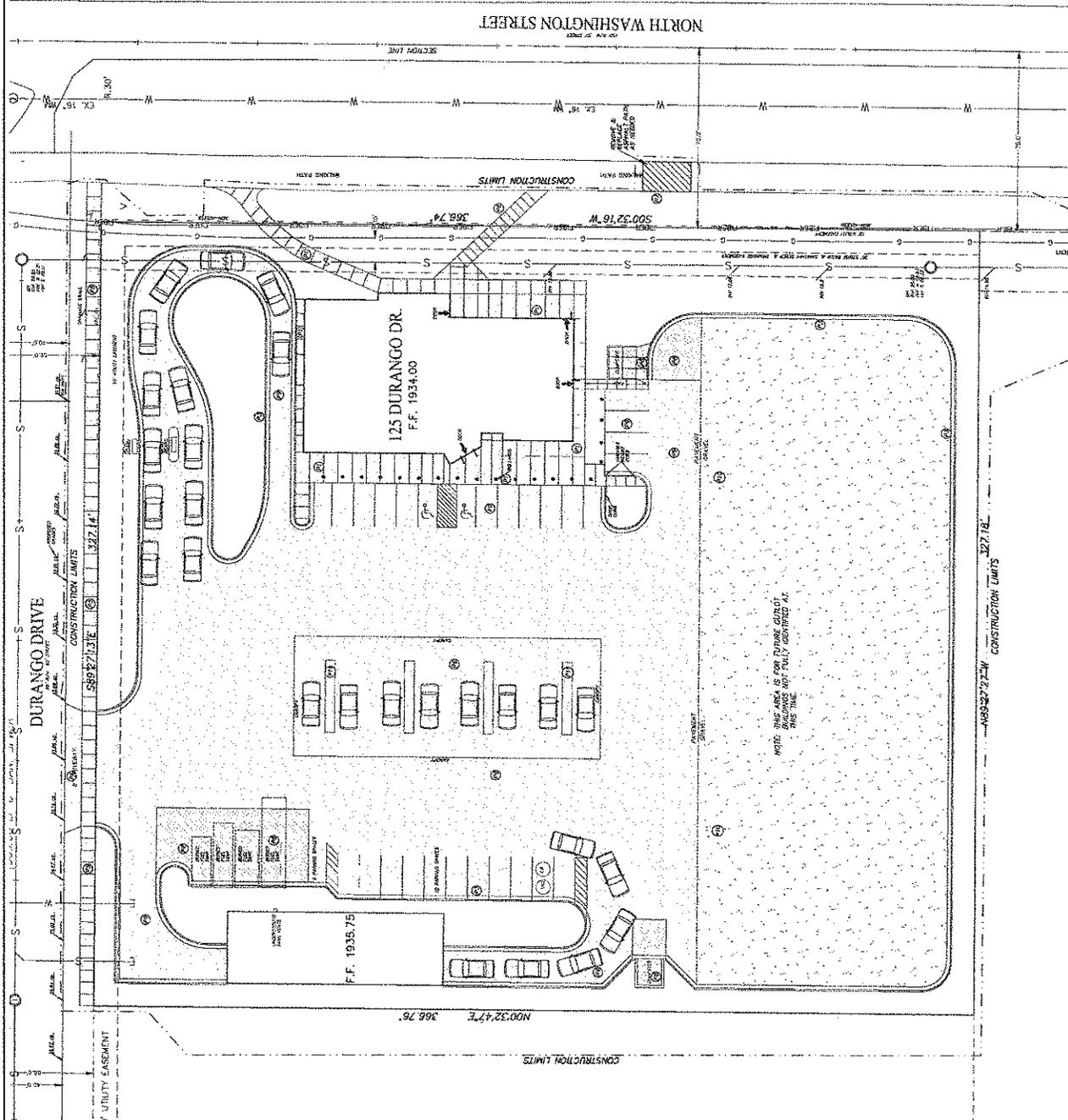


This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

- 1. PAVING: ALL DRIVE DRIVEWAYS SHALL BE 4" HOT MIX ASPHALT PAVED SURFACE. DRIVEWAYS AND SIDEWALKS SHALL BE 4" PORTLAND CEMENT CONCRETE WITH 1% SLOPE TO DRAIN. ALL DRIVEWAYS AND SIDEWALKS SHALL BE 4" PORTLAND CEMENT CONCRETE WITH 1% SLOPE TO DRAIN. ALL DRIVEWAYS AND SIDEWALKS SHALL BE 4" PORTLAND CEMENT CONCRETE WITH 1% SLOPE TO DRAIN.
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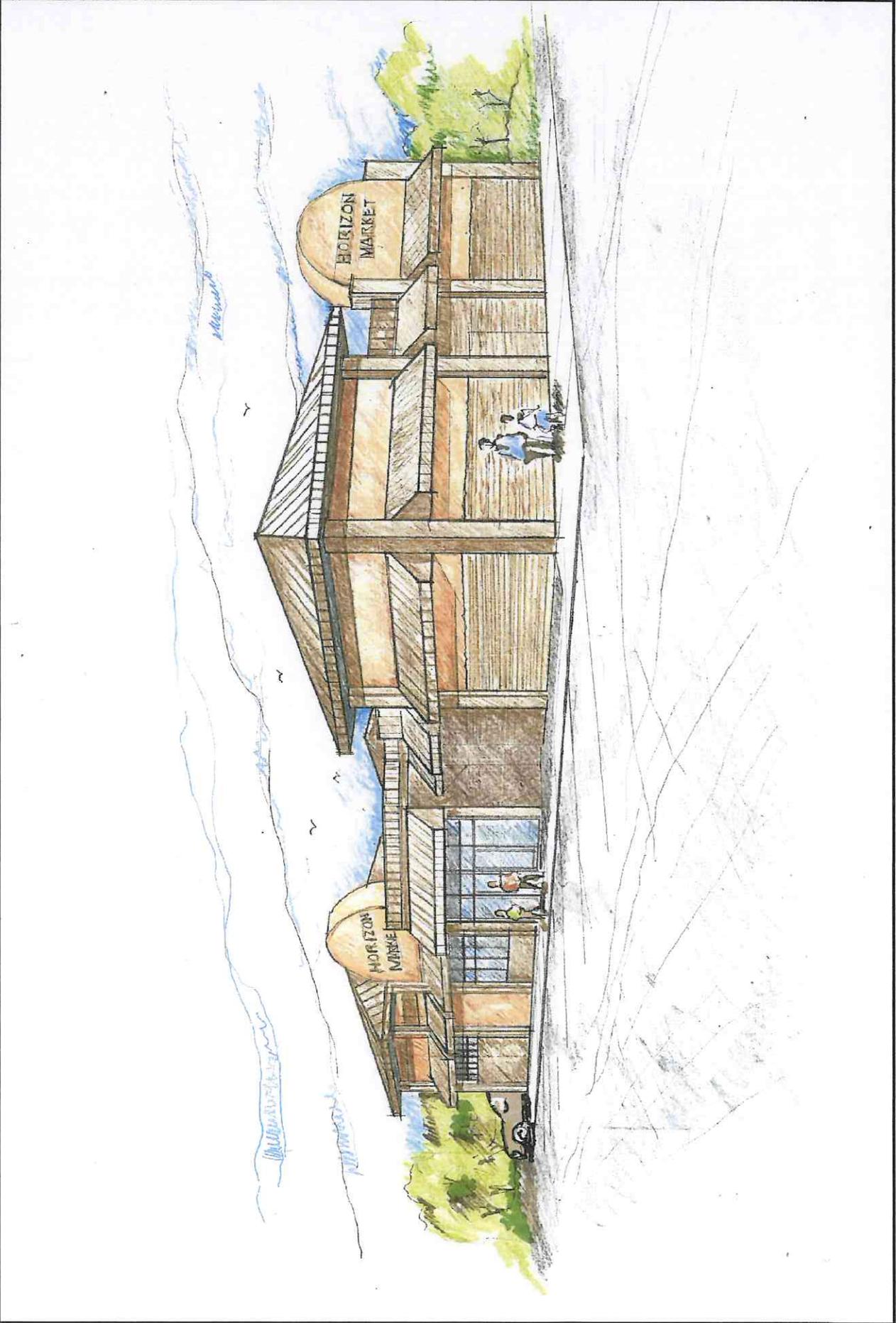


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 AUG 21 2013

	Prof. #: 13200 Date: August 21, 2013 Drawn by: DRB	HORIZON MARKET C-STORE PERSPECTIVE	
3430 Chevelle Circle, Bismarck, ND 58503 P: 701-400-2624 DON BARNSESS ARCHITECT			





HORIZON MARKET CAR WASH PERSPECTIVE

DON BARNES ARCHITECT
3430 Chevelle Circle, Bismarck, ND 58503 P: 701-400-2624

Prof. #: 13200
Date: August 21, 2013
Drawn by: DRB

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

BACKGROUND:	
Title: Lot 1, Block 1, Good Shepherd North Addition – PUD Amendment	
Status: Planning Commission – Public Hearing	Date: August 28, 2013
Owner: IRET Properties, LP	Engineer: N/A
Reason for Request: To modify the existing Planned Unit Development (PUD), to allow for the redevelopment of the former Good Shepherd North church property as an apartment complex. The amendment includes relocating the existing driveway/approach on Medora Avenue approximately 60 feet to the west; decreasing the number of apartment units from 288 to 280; adding free-standing garage units; adding on to the existing church facility to provide a swimming pool and vestibule; and reconfiguring the interior roadways. Parking would be provided, underground in garages and as surface parking lots.	
Location: Along the west side of North Washington Street and the north side of Medora Avenue (4916 North Washington Street).	
Project Size: 18.178 acres	Number of Lots: 1 lot in 1 block
EXISTING CONDITIONS:	
Land Use: Church facility and campus	Land Use: Three apartment buildings and the adaptive re-use of the existing church building to include gymnasium space, a fitness center, community rooms, vending and leasing offices
Zoning: PUD – Planned Unit Development	Zoning: PUD-Planned Unit Development
Uses Allowed: As specified in the PUD	Uses Allowed: As specified in the PUD
Maximum Density Allowed: 16 units per acre (specified in the existing PUD)	Maximum Density Allowed: 16 units per acre based on proposal
ADDITIONAL INFORMATION:	
<p>1. On June 27, 2012 the first public hearing was held regarding the originally proposed zoning change from Conditional RT-Residential to PUD-Planned Unit Development for this parcel of land. Approximately 50 surrounding property owners attended the public hearing and overwhelmingly were not supportive of the original development proposal by the Sand Companies, Inc. The original proposal included the redevelopment of the former Good Shepherd North church property as an apartment complex by maintaining the existing 2-story church building and constructing four, 3-story buildings. The four buildings as proposed consisted of one 50-unit building, two 74-unit buildings and one 82-unit building for a total of 288 units. The project proposed parking would have been provided both underground and on surface lots. This request was denied by Planning & Zoning Commission.</p>	
<i>(continued)</i>	

2. The Sand Companies, Inc. amended the initial plan for the parcel and submitted a second application requesting a zoning change from the Conditional RT – Residential zoning district to the PUD – Planned Unit Development zoning district.

After consideration of the request, The Sand Companies, Inc. met with adjacent property owners prior to the public hearing to understand the concerns of the residents and adequately demonstrated measures to help mitigate the transition between the proposed high density, multi-family development and the existing single-family residences to the east.

On October 24, 2012 a public hearing was held regarding the proposed zoning change for this parcel of land. Again, surrounding property owners attended the public hearing and were still not supportive of the development proposal. The revised proposal included additional landscaping and a raised earthen berm; increased separation between the existing single-family homes to the west and the proposed apartments; portions of the proposed apartment buildings nearest to the existing single-family homes reduced from three-stories to two-stories to help with transitioning from single-family homes to multi-story apartment buildings and underground and off-street parking for residents and guests. The density and proposed number of units did not change from 288 units; the buildings consisted of one, two and three-bedroom unit apartments. According to the applicant's architect, the buildings would range in height from 35 feet to 46 feet (average roof height). The applicant's previous development proposal would have located a 3-story building approximately 80 feet from the nearest property line on the west. The proposal was modified to further separate the proposed southernmost building from the existing single-family dwellings to the west by reducing the footprint of the proposed building. The previous proposal provided approximately 80 feet of separation between the eastern property boundary of the adjacent single-family lots and the proposed 3-story multi-family complex. The revised layout demonstrated 102 feet of separation between the eastern property boundary and the proposed 2-story portion of the southernmost multi-family building. The revised request was unanimously supported by the Planning & Zoning Commission and was forwarded to the Board of City Commissioners with a recommendation to approve.

3. The Board of City Commissioners held a public hearing on the request on November 27, 2012. Again, surrounding property owners attended the public hearing and still were not supportive of the development proposal by the Sand Companies, Inc. The Board of City Commissioners approved the zoning change request with a 3-2 vote with the condition that a traffic impact study (TIS) be completed to analyze the impacts of the proposed development project along with the new elementary school and a separate development project directly north of the subject property.
4. The City Traffic Engineer had expressed concerns with the existing access point on the south side of the property. In particular, the concerns relate to the steep grade of the interior roadway and the close proximity of the driveway to North Washington Street. A traffic impact study was completed in April 2013 by Midwest Traffic Consulting, which included a recommendation to consider relocating the existing access point on Medora Avenue farther to the west of the intersection of Medora Avenue and North Washington Street. The applicant's revised plan reflects the traffic impact study recommendation by moving the access point along Medora Avenue approximately 60 feet to the west.
5. The installation of the buffer yard plantings would be required in conjunction with site development. The purpose of the buffer yard is to provide both separation and screening between potentially incompatible land uses. At the request of the adjacent land owners to the west, the applicants are proposing an earthen berm with trees along the western property line between the proposed facilities and the buffer yard plantings required by City ordinance. The buffer yard has been modified to allow for the construction of garages adjacent to the west property line.

(continued)

FINDINGS:

1. The proposed PUD amendment may not be completely compatible with adjacent land uses. Adjacent land uses include single-family dwellings adjacent to a portion of the site along the west, undeveloped RT-zoned land to the south and north, and undeveloped R10 zone land to the northwest. The proposed landscape buffer yard and the two-story portions of the proposed buildings would help mitigate the some of the visual impacts along the western property line of Lot 1, Block 1, Good Shepherd North Addition. The buffer yard plant types and quantities would need to be installed in conjunction with site development and would help mitigate incompatibility. Additionally, an earthen berm planted with trees along the western property line between the proposed facilities and the buffer yard plantings required by City ordinance would be incorporated. The minimum height of the berm would be five feet.
2. The property is already annexed; therefore proposed zoning change would not place an undue burden on public services.
3. The proposed PUD amendment may adversely affect property in the vicinity. In particular; the previous development proposal addressed the incompatibility of a multi-family land use adjacent to the existing single-family land use by reducing the height of the westernmost portions of the proposed apartment buildings from three stories to two stories when adjacent to the single-family residences to the west. The current proposal demonstrates the proposed buildings adjacent to the west property line would have two-story and three-story portions.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. In particular, multi-family dwellings, commercial uses and developments that have the sizeable structures, large numbers of dwelling units and potential to generate large volumes of traffic, are generally compatible with arterial roadways such as North Washington Street.
5. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, the Land Use Plan was amended on November 27, 2012 to extend the mixed-use land use classification approximately 1,635 feet to the south in part of the E½ of the section (south to the southern edge of Good Shepherd North Addition). The Land Use Plan was amended in conjunction with the Sand Companies, Inc.'s second PUD request to rezone the property from the Conditional RT – Residential zoning district to the Planned Unit Development zoning district. Planning staff was supportive of the Land Use Plan amendment request.
6. The overall site layout as proposed has changed from what was previously approved. The approved configuration of the site, the reduced height of the buildings and the inclusion of a continuous landscape buffer yard and earthen berm helped to mitigate the impacts of incompatible land uses. The change in building configuration and site layout does resemble the plan that was approved in November 2012. Additionally, the revised plan does address the adjacent property owners' concerns relating to the height of the proposed apartment buildings along the southwestern portion of the parcel by providing two-story portions of the buildings that would be most closely located to the existing single-family homes to the west.

RECOMMENDATION:

Based on the above findings, Planning staff is generally supportive of the request to amend Planned Unit Development. Planning staff recommends that the Planning & Zoning Commission consider the input of the adjacent property owners and amend the findings, if necessary, to support the Commission's decision.

**GOOD SHEPHERD NORTH ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5934 (Adopted November 23, 2012)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5934 was adopted by the Board of City Commissioners on November 23, 2012; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, IRET Properties has requested an amendment to the Planned Unit Development for Good Shepherd North Addition.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lot 1, Block 1, Good Shepherd North Addition

is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* ~~Two Hundred Eighty Eight (288)~~ Two Hundred Eighty (280) Multi-family dwellings not to exceed 16-units per acre. The adaptive reuse of the former church facility for gymnasium space, a fitness center, swimming pool, other uses for use by the inhabitants of the apartments and the community at large and office facilities for the management company. The configuration of the buildings on-site shall closely resemble the site plan submitted with the application. Any change in the use of any building from that indicated above will require an amendment to this PUD.
2. *Special Uses.* There are no allowed special uses within this Planned Unit Development.
3. *Residential Development Standards.* The maximum allowable density shall be sixteen (16) units per acre.
 - a. *Front Yard Setback.* The minimum front yard setback is fifteen (15) feet along LaSalle Drive, North Washington Street and Medora Avenue.
 - b. *Side Yard Setback.* The minimum side yard setback is fifteen (15) feet.

- c. Rear Yard Setback. The minimum rear yard setback along the west property line of ~~38~~ 70 feet is required for the building located in the northwest corner of the property. The minimum setback along the west property line of ~~102~~ 135 feet is required for the building located in the southwest corner of the property The minimum setback of 100 feet along the west property line is required for the building located directly south of the former church facility.
- d. Height. The maximum building height is two (2) stories for portions of the buildings adjacent to a residential land use. The maximum building height for portions not directly adjacent to a residential land use is three (3) stories above grade and not more than fifty (50) feet.
- e. Lot Coverage. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

4. *Development Standards.*

- a. Site Development. Development of the site shall generally conform to the site plan submitted.
- b. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.

5. *Parking and Loading.*

- a. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

6. *Landscaping and Screening.*

- a. In accordance with the requirements of Section 14-03-11, a buffer yard for the entire development shall be provided along the entire western edge of the PUD. The entire landscape buffer yard shall provide a

continuous berm with a minimum height of 5 feet and no greater than a 3 to 1 slope on the sides, planted with a minimum of three (3) shade trees, four (4) ornamental trees, two (2) large upright coniferous tree, ten (10) small upright coniferous trees and fourteen (14) shrubs, 25% (twenty-five percent) of which must be evergreen species, per one hundred (100) linear feet, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City's landscaping ordinance. The entire buffer yard would need to be installed in conjunction with site development.

7. *Screening of Mechanical Equipment and Solid Waste Collection Areas.*

- a. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

8. *Changes.*

- a. This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed PUD Amendment Good Shepherd North Subdivision



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 26, 2013 (hib)

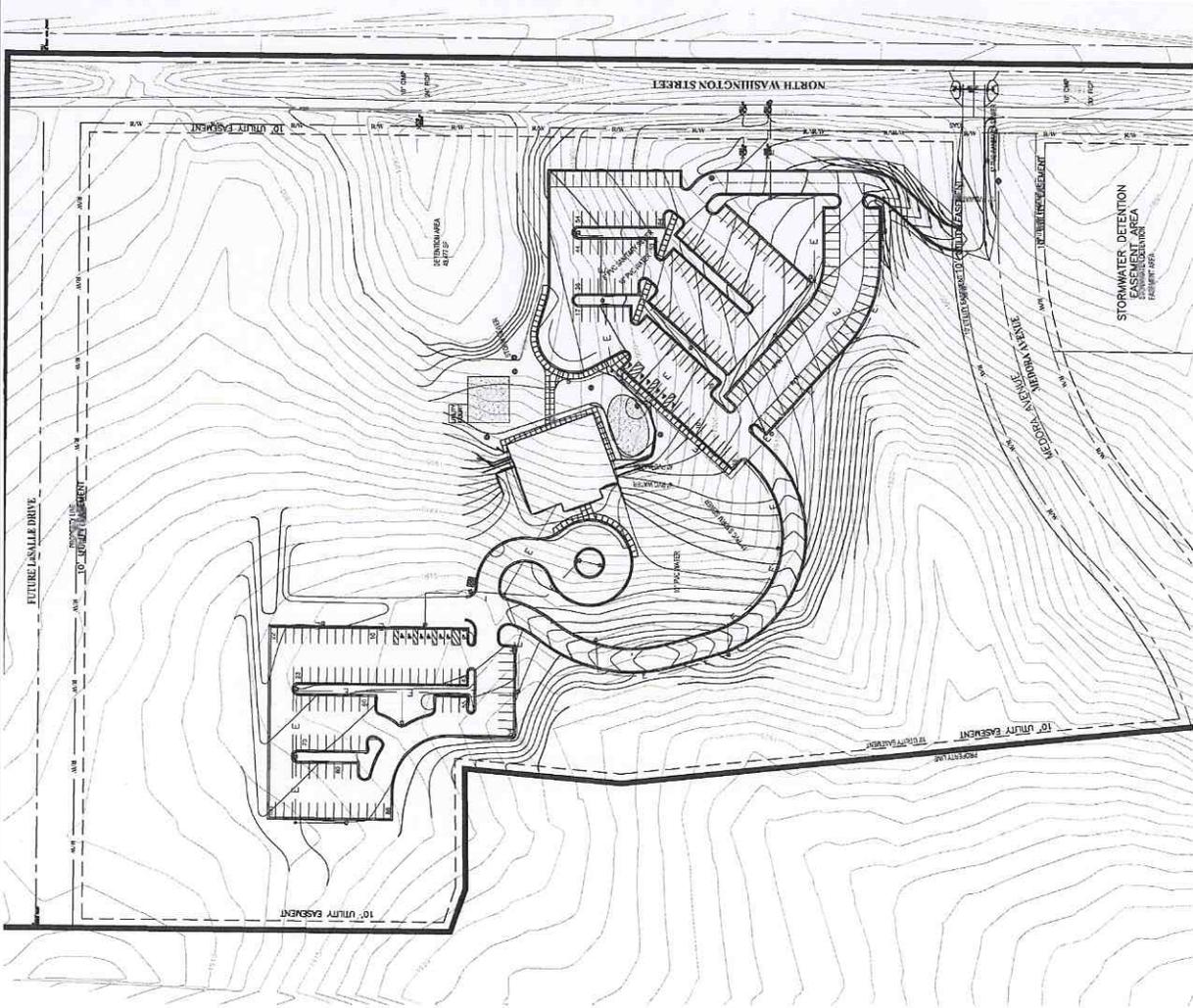
Source: City of Bismarck



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JUN 20 2013

EXISTING
CONDITIONS



EXISTING CONDITIONS & UTILITY PLAN
SCALE: 1/8"

Sand Architects, LLC
 366 South Trunk Avenue
 Water Park, MS, 38677-7127
 Office: (662) 302-1100
 Fax: (662) 302-1101
 E-Mail: info@sandarchitects.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION
 06/19/2013

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 PROJECT NO.: 13-001
 SHEET NO.: 13-001-01
 DATE: 06/19/2013
 DRAWN BY: JAC

BISMARCK HOUSING
 Good Shepherd Site
 BISMARCK, ND
 EXISTING PLAN

A-0.1

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AUG 16 2013



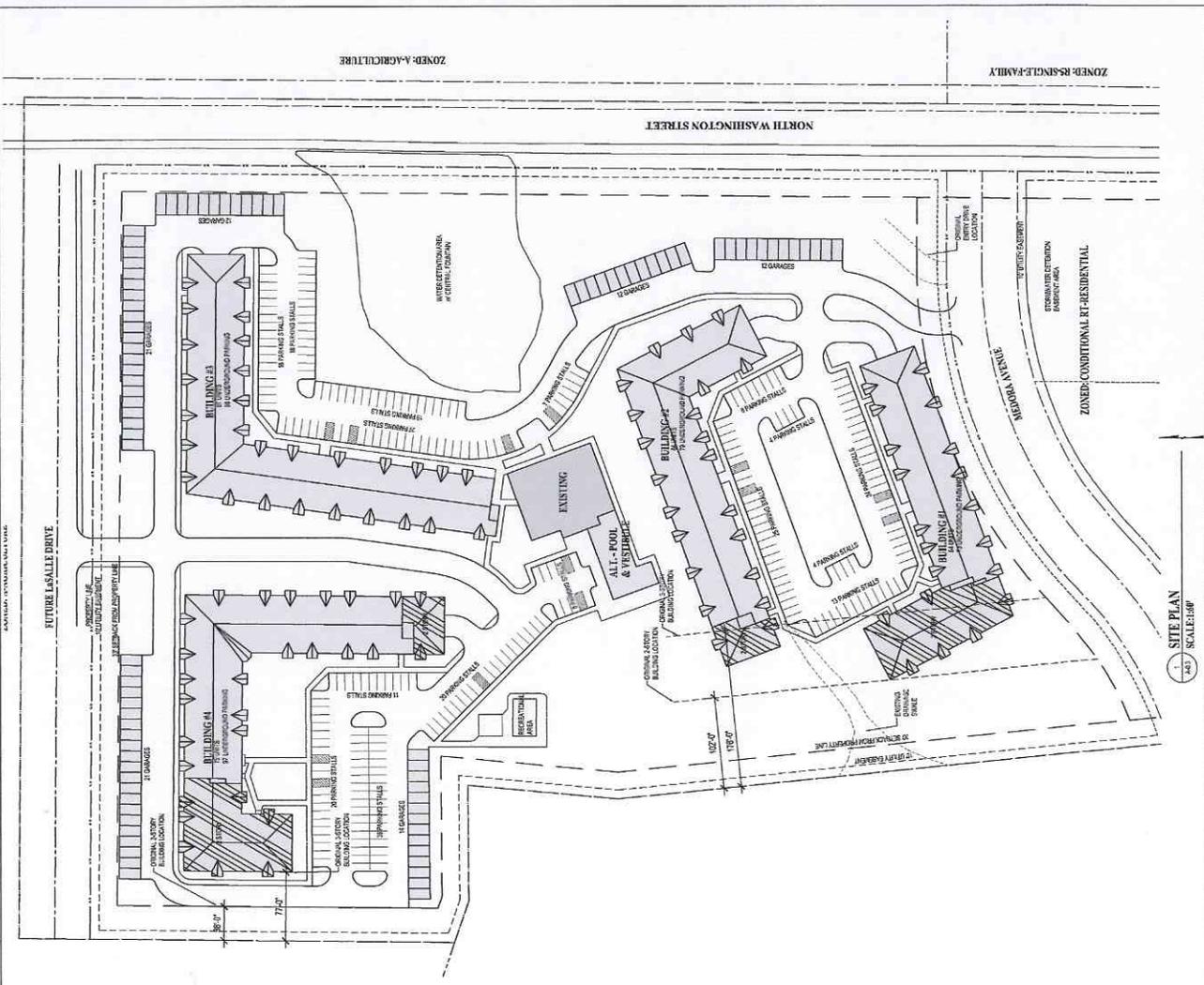
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BISMARCK HOUSING
 Good Shepherd Site
 BISMARCK, ND
 SITE PLAN

A-0.2

REVISED 1-14-13



BUILDING KEY

[Symbol]	EXISTING BUILDING
[Symbol]	NEW BUILDING 2-STORY
[Symbol]	NEW BUILDING 3-STORY
[Symbol]	NEW BUILDING 4-STORY

EXISTING PLAN CALCULATIONS

BUILDING #1	84 UNITS
BUILDING #2	64 UNITS
BUILDING #3	87 UNITS
BUILDING #4	75 UNITS
TOTAL UNITS	280

PARKING REQUIREMENT CALCULATIONS

BUILDING #	UNITS	PROGRAM RATIO	COVERED	UNCOVERED	TOTAL
BUILDING #1	84	1.0	0	84	84
BUILDING #2	64	2.4	0	154	154
BUILDING #3	87	2.4	0	209	209
BUILDING #4	75	2.4	0	180	180
TOTAL	280	2.4	0	623	623

COVERED PARKING REQUESTED

24	STUDIO UNITS x 1 STALL	= 24 STALLS
32	1 BEDROOM UNITS x 1 STALL	= 32 STALLS
40	1 BEDROOM + DEN x 1 STALL	= 40 STALLS
40	2 BEDROOM UNITS x 2 STALLS	= 80 STALLS
30	3 BEDROOM UNITS x 2 STALLS	= 60 STALLS
280	TOTAL UNITS	= 417 STALLS - TOTAL

PARKING PROVIDED

283	STALLS
------------	---------------

TOTAL PROVIDED: 283 STALLS

PARKING PROVIDED

283	STALLS
283	STALLS
34	STALLS
34	STALLS
92	DETACHED GARAGE
92	DETACHED GARAGE
770	STALLS

BUILDING PLAN CALCULATIONS

EXISTING BUILDING	280
2-STORY	280
3-STORY	280
4-STORY	280
TOTAL UNITS	280

SITE CALCULATIONS

SITE SIZE:	78,147 S.F. = 1.817 ACRES
DENSITY:	280 UNITS / 183,177 ACRES
	= 154 UNITS / ACRE

BUILDING LOT COVERAGE

TOTAL S.F.	154,000 S.F.
% OF SITE	21.13%

PARKING - LOT COVERAGE

TOTAL S.F.	48,325 S.F.
% OF SITE	6.33%

IMPERVIOUS - LOT COVERAGE (LESS PARKING)

TOTAL S.F.	154,171 S.F.
% OF SITE	19.86%

TOTAL LOT COVERAGE

BUILDING + SITE	302,821 S.F.
% OF SITE	38.8%
ALLOWED	50%
ACTUAL	48.19%

GREENSPACE - LOT COVERAGE

TOTAL S.F.	47,568 S.F.
% OF SITE	6.09%

BUILDING FOOTPRINTS

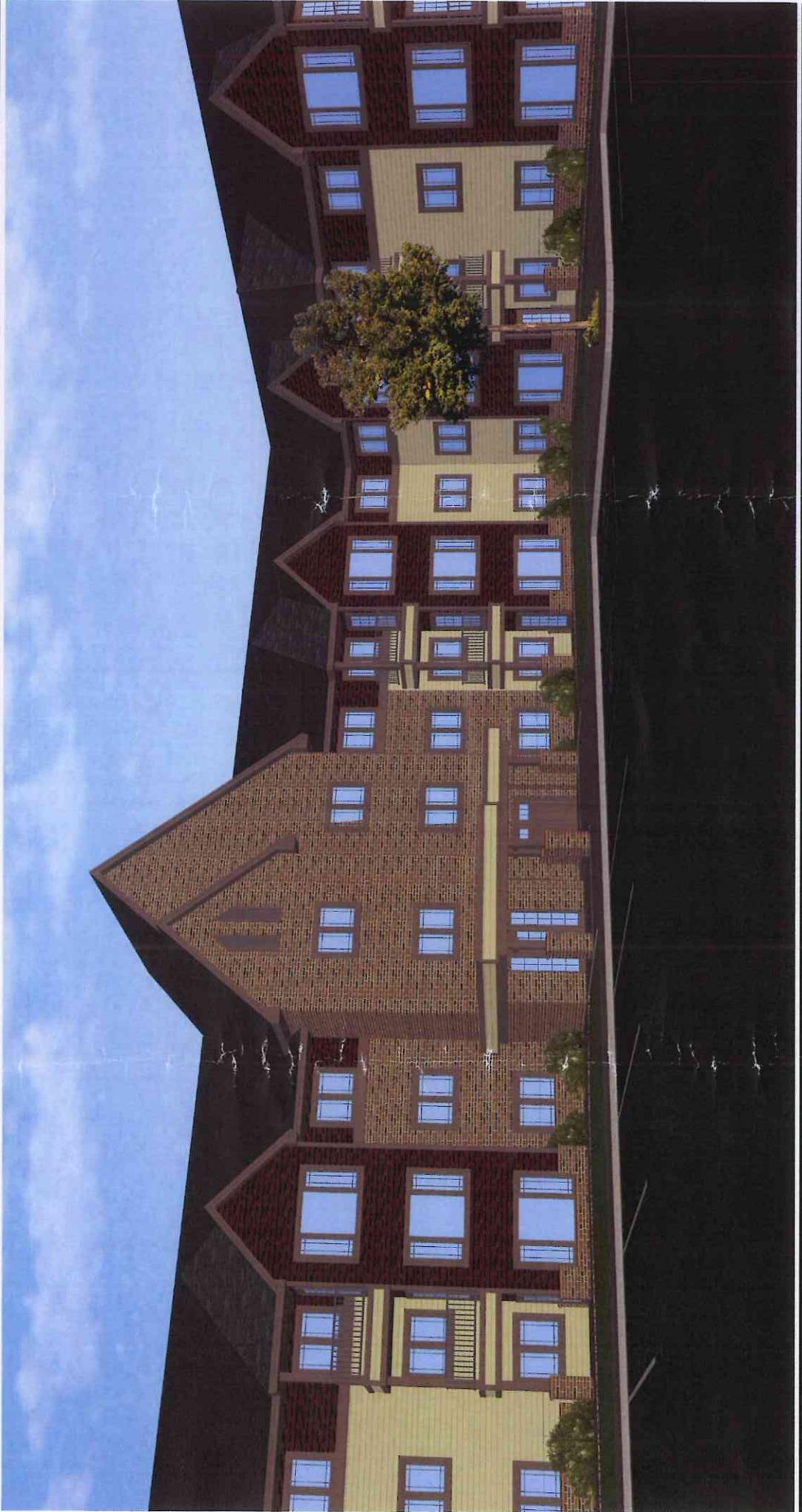
EXISTING	6,400 S.F.
BUILDING #1	35,400 S.F.
BUILDING #2	35,700 S.F.
BUILDING #3	38,400 S.F.
BUILDING #4	33,200 S.F.
GARAGES	3,200 S.F.
POOL & YARD	18,000 S.F.
TOTAL	160,300 S.F.

OWNER/APPLICANT
 REVISED
 PROPOSAL
 2013

SITE PLAN
 1/8" = 1'-0"
 SCALE: 1/8" = 1'-0"

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JUN 20 2013



Bismarck Housing - Good Shepherd Site
Bismarck, ND

RECEIVED

JUN 20 2013



Bismarck Housing - Good Shepherd Site
Bismarck, ND

Preliminary - Subject to Change



#



August 21, 2013

366 South Tenth Avenue
PO Box 727
Waite Park, MN 56387-0727

Planning & Zoning Commission
221 North 5th Street, PO Box 5503
Bismarck, North Dakota 58506-5503

www.SandCompanies.com

P: (320) 202-3100
F: (320) 202-3139

RE: PUD Amendment Request.
Lot 1, Block 1, Good Shepherd North Addition.

Dear Commission Members:

On November 27, 2012, the Board of City Commissioners granted final approval of the Land Use Plan amendment and request for zoning change for the Good Shepherd apartment development. This approval had a stipulation that the site plan would not be approved without the submittal of a traffic impact study for North Washington Street. Midwest Traffic Consulting, LLC completed the study on April 13, 2013 which was submitted to the City.

One of the findings of the traffic study was the proposed location of the site access to Medora and its close proximity to North Washington Street. Below is an excerpt from the study (page 17):

- The proposed redevelopment of the Good Shepherd site plans to use an existing access driveway to Medora Avenue. This access is less than 200 feet from the North Washington Street & Medora Avenue intersection. In the Full Build 2014 scenario, queues from the intersection could extend to this access driveway in the morning peak hour. With the steep grade and possible impedance from backed up cars, there should be some consideration given to relocating this proposed access farther from the intersection to the extent possible.
- Recommended Improvements: Consider moving the Medora Avenue access driveway farther west if possible.

Also in the Staff Report dated May 23, 2012, the City Traffic Engineer raised concern with the same access point. With these concerns, we felt it was important to address this concern before moving to final site plan approval.

One of the purposes of the requested PUD amendment is to increase the site access distance from the Medora/North Washington intersection which we have done. While making these revisions along with working through the grading, drainage & utility drawings, we have also been able to come up with a better site plan that is more efficient and better meets the intent of our prior approval.

Sand Development, LLC
a Subsidiary of Sand Companies, Inc.

Equal Opportunity Employer

366 South Tenth Ave., PO Box 727
Waite Park, Minnesota 56387-0727
(320) 202-3100

46 East Fourth Street, Suite 200
Saint Paul, Minnesota 55101-1137
(651) 289-0300

22851 Industrial Blvd.
Rogers, Minnesota 55374-8703
(320) 202-3100

3831 Tyrone Blvd., Suite 104
Saint Petersburg, Florida 33709-4114
(727) 384-4400

To summarize and assist in following our requested changes, below are the development standards from our approved PUD with requested changes as applicable.

1. *Uses Permitted.* The following are permitted within this Planned Unit Development:
 - a. Multifamily dwellings not to exceed 16-units per acre.

REQUESTED AMENDMENT: NONE.

- b. Adaptive reuse of the former church facility for gymnasium space, fitness center, other uses for use by the inhabitants of the apartment and the community at large and office facilities for the management company.

REQUESTED AMENDMENT: NONE.

2. *Special Uses.* There are no allowed special uses within this Planned Unit Development.

REQUESTED AMENDMENT: NONE.

3. *Dimensional Standards.*

- a. Front Yard Setback. The minimum front yard setback is fifteen (15) feet along LaSalle Drive, North Washington Street and Medora Avenue.

REQUESTED AMENDMENT: NONE.

- b. Side Yard Setback. The minimum side yard setback is fifteen (15) feet.

REQUESTED AMENDMENT: NONE.

- c. Rear Yard Setback. The minimum rear yard setback along the west property line of 38 feet is required for the building located in the northwest corner of the property. The minimum setback of 102 feet is required for the building located in the southwest corner of the property.

REQUESTED AMENDMENT: The new plan actually has the NW apartment Building #4 setback approximately 70 feet (vs. 38') & SW apartment buildings #1 & #2 setback approximately 102 feet & 135 feet, respectively (vs. 102').

- d. Height. The maximum building height is two (2) stories for portions of the buildings adjacent to a residential land use. The maximum building height for portions not directly adjacent to a residential land use is three (3) stories above grade and not more than fifty (50) feet.

REQUESTED AMENDMENT: NONE, although it should be noted in the PUD, as was in the case of the original plan, that there will be areas of the apartment buildings that will have a portion of the parking garage exposed because of grades & so there is access to the garage.

- e. Lot Coverage. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

REQUESTED AMENDMENT: NONE.

Sand Development, LLC
a Subsidiary of Sand Companies, Inc.

Equal Opportunity Employer

4. *Development Standards.*

a. Site Development.

REQUESTED AMENDMENT: Refer to revised site plan.

b. Accessory Buildings.

REQUESTED AMENDMENT: The garages would have separate setbacks per the site plan.

c. Parking and Loading.

REQUESTED AMENDMENT: NONE.

d. Landscaping and Screening.

REQUESTED AMENDMENT: NONE.

e. Buffer Yards. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

REQUESTED AMENDMENT: NONE.

f. Screening of Mechanical Equipment and Solid Waste Collection Areas.

REQUESTED AMENDMENT: NONE.

Below is a summary of the site and building calculations comparing the approved PUD with the proposed amended PUD.

	Approved PUD	Amended PUD
SITE SIZE		
Total Acres	18.17	18.17
Total Square Feet	791,847	791,847
SITE DENSITY		
Total Number of Units	288	280
Units Per Acre	15.9	15.4
BUILDING LOT COVERAGE		
Total Building Square Feet	142,640	169,400
Percent of Total Site	18.0%	21.4%
PARKING LOT COVERAGE		
Total Parking Square Feet	59,760	49,320
Percent of Total Site	7.5%	6.2%

Sand Development, LLC

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	Approved PUD	Amended PUD
IMPERVIOUS COVERAGE		
Impervious (less parking) Square Feet	115,175	151,171
Percent of Total Site	14.5%	19.1%
TOTAL LOT COVERAGE		
Building + Site	317,575	369,891
Percent of Total Site	40.1%	46.7%
Maximum Allowed	50.0%	50.0%
GREEN SPACE LOT COVERAGE		
Total Green Space Square Feet	474,272	421,956
Percent of Total Site	59.9%	53.3%
BUILDING FOOTPRINTS		
Existing	8,440	8,440
Building #1	23,900	27,200
Building #2	34,300	29,400
Building #3	34,700	35,700
Building #4	41,400	38,400
Garages	NA	26,500
Pool & Welcome Vestibule	NA	3,760
Total Building Square Feet	142,740	169,400
PARKING (APTS/ASSEMBLY)		
Surface	332	261
Below Building	354	347
Garages	NA	92
Total Parking for Apts	686	700

#

Sand Development, LLC

a Subsidiary of Sand Companies, Inc.

Equal Opportunity Employer

366 South Tenth Ave., PO Box 727
Waite Park, Minnesota 56387-0727
(320) 202-3100

46 East Fourth Street, Suite 200
Saint Paul, Minnesota 55101-1137
(651) 289-0300

22851 Industrial Blvd.
Rogers, Minnesota 55374-8703
(320) 202-3100

3831 Tyrone Blvd., Suite 104
Saint Petersburg, Florida 33709-4114
(727) 384-4400

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

BACKGROUND:		
Title: Lot 3 less Lot 3A, Block 1, Prairie Hills 5 th Addition – Special Use Permit		
Status: Planning Commission – Public Hearing	Date: August 28, 2013	
Owner(s): First State Bank of Munich	Engineer: N/A	
Reason for Request: Allow a drive-through window and ATM kiosk in conjunction with a financial institution.		
Location: In northwest Bismarck, along the south side of Divide Avenue between Schafer Street and College Drive.		
Project Size: 4.7 acres	Number of Lots: One parcel	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: CG – Commercial	Land Use: Financial institution with a drive – through window	
Uses Allowed: General commercial	Zoning: CG – Commercial	
Maximum Density Allowed: 42 units per acre	Uses Allowed: General commercial	
	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: 05/1980	Platted: 05/1980	Annexed: 05/1980
FINDINGS:		
<ol style="list-style-type: none"> 1. A bank with a drive-through window is allowed as a special use in the CG – Commercial zoning district, provided specific conditions are met. The proposed drive-through window and ATM kiosk meet all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections the ordinance are attached. 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. This use would not cause a negative 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 and stacking areas are located away from Divide Avenue 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window and ATM kiosk in conjunction with a financial institution on Lot 3 less Lot 3A, Block 1, Prairie Hills 5th Addition, with the following conditions:

1. The construction and operation of a drive-through and ATM kiosk window must meet all applicable requirements for such a use in the CG- Commercial zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

14-03-08(4)

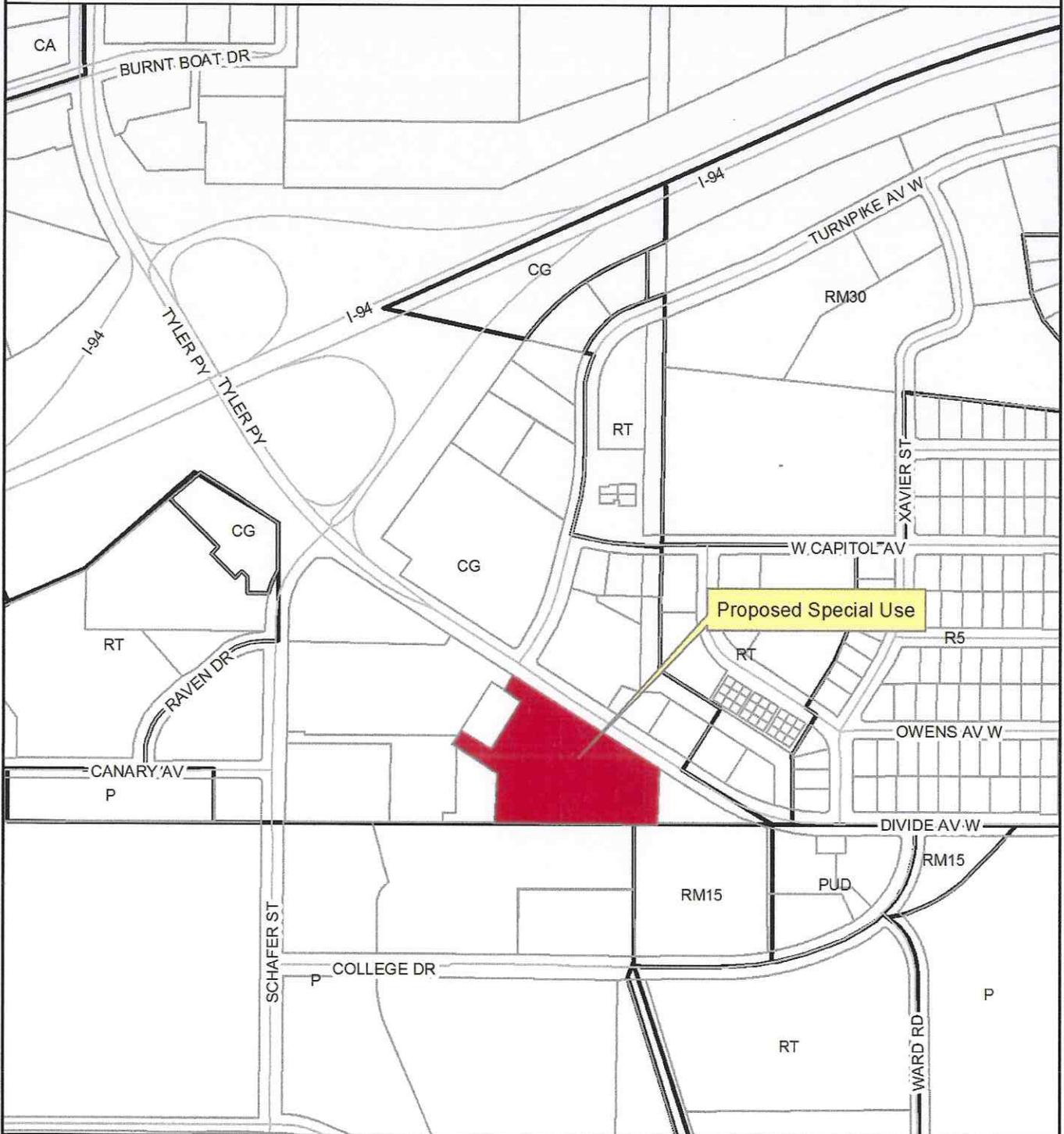
- g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:
1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
 2. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.
 3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, an ingress automobile parking reservoir shall be provided on the premises in conformance with section 14-03-10 of this ordinance.
 4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on a local street.
 5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.
 6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

14-03-10(2)

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

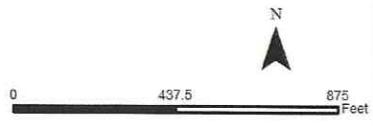
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

Proposed Special Use Permit (Drive-Through) Lot 3 less Lot A, Block 1, Prairie Hills 5th 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: August 16, 2013 (Klee)

Source: City of Bismarck





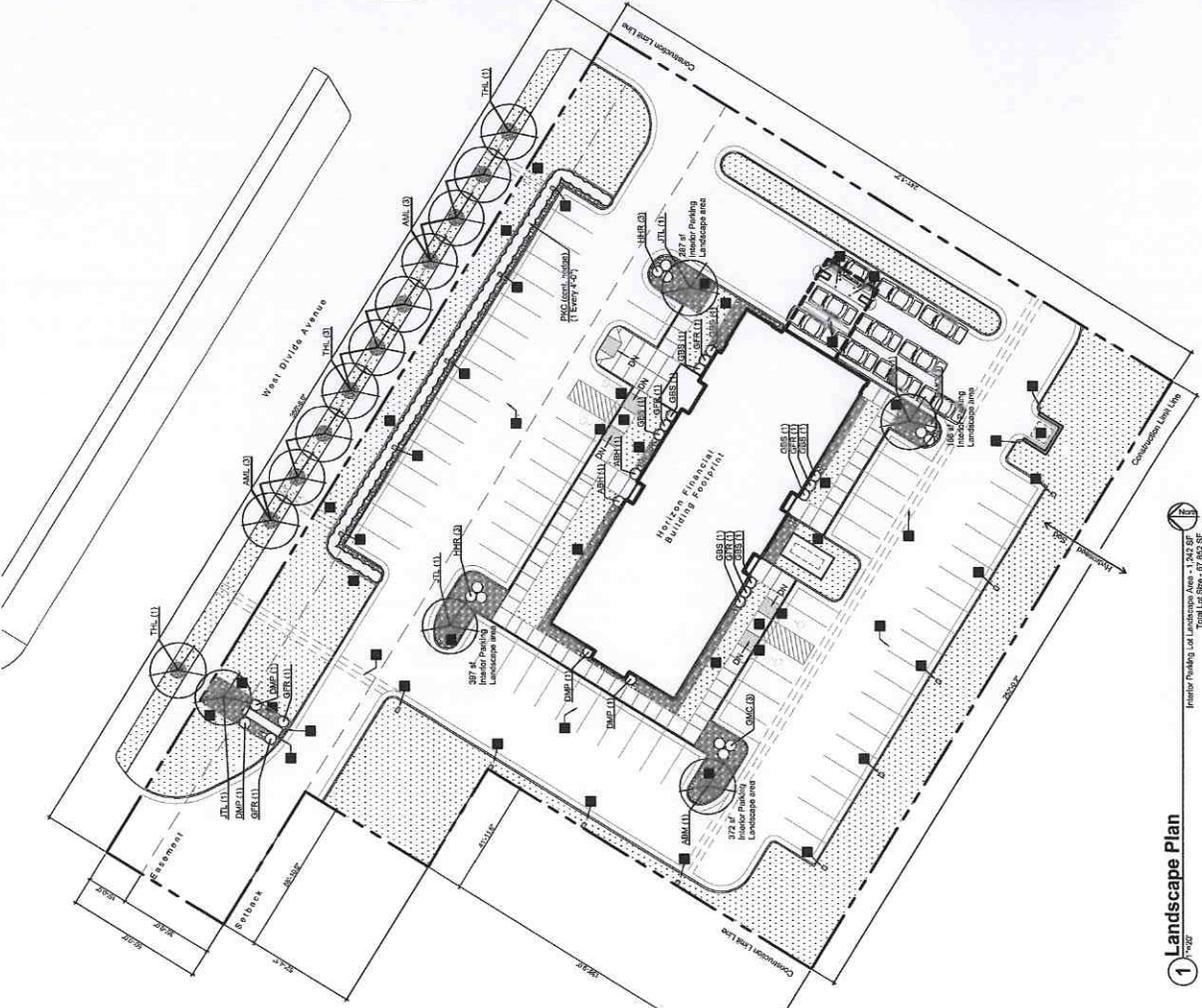
127 West Divide Avenue, Bismarck, ND 58503

Site Plan Notes

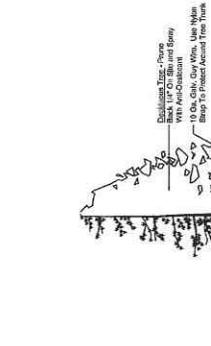
- 1) Irrigated Site Lighting - See Electrical Plans
- 2) Motorist Sign
- 3) Dumpster Enclosure - See Detail 3A1.1 D For Additional Information
- 4) ADA Compliant Facility Parking Storage - See CH1
- 5) ADA Staircase Ramp With Treaded Domes
- 6) ADA Staircase Ramp With Treaded Domes
- 7) ADA Staircase Ramp With Treaded Domes
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Site Materials Key

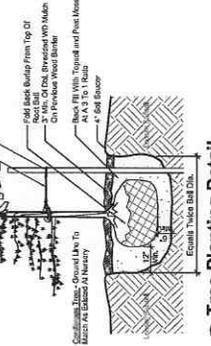
- Area to Receive Soil
- Rock Mulch - 4" Natural Down
- Wood Mulch: Double Shredded Cedar Wood
- Miller Paver, Color: Charcoal



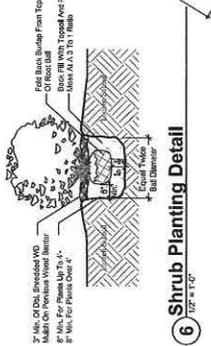
1 Landscape Plan
 1/2" = 1' = 0"
 Interior Parking Lot Landscape Area - 1,242 SF
 Total Lot Area - 17,852 SF
 Drawing Scale - 1/8"



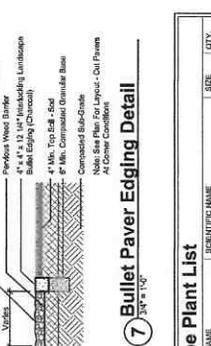
2 Bollard Detail
 1/2" = 1' = 0"



3 Dumpster Enclosure
 1/2" = 1' = 0"



4 Tree Planting Detail
 1/2" = 1' = 0"



5 Shrub Planting Detail
 1/2" = 1' = 0"



6 Bullet Paver Edging Detail
 1/2" = 1' = 0"

SYMBOL	COMMON NAME	SIZE	QTY.
SHRUBS			
ATH	Asplenium Platyneuron	2 GAL.	2
CH	Chamaecyparis Nostralis	2 GAL.	2
DMP	Dwarf Maple Tree	2 GAL.	4
GBB	Green Blue Spruce	2 GAL.	8
GFR	Green (Fountain) Red Leaf Forsythia	2 GAL.	8
HR	Holly For Privacy, Tree	2 GAL.	8
	TOTAL	24	32
TREES			
ADM	Autumn Blush Maple	2 GAL.	2
JTL	Jaymeester Tree Lipo Tree DM	2 GAL.	3
THL	Thornless Honey Locust	2 GAL.	3
	TOTAL	6	8

RECEIVED
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CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CA COMMERCIAL DISTRICT.

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

Section 1. Amendment. Section 14-04-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CA Commercial District is hereby amended and re-enacted to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

1. General description. The CA commercial district is established as a district in which the predominant use of the land is for commercial and service uses to serve residential districts in the general area. The CA commercial district should be served by arterial or collector streets. For the CA commercial district, in promoting the general purposes of this article, the specific intent of this section is:

a. To encourage the continued use of the land for neighborhood commercial and services uses.

b. To prohibit heavy commercial and services uses and industrial uses of the land, and to prohibit any other use which would substantially depreciate the value of residential districts surrounding the CA commercial district.

c. To encourage the discontinuance of mixed uses and uses that would not be permitted as new uses under the provisions of this article.

d. To discourage the expansion of CA commercial districts and the encroachment of such districts into surrounding residential districts.

e. To discourage any use, which because of its character or size, would create requirements and costs for public services, such as police and fire protection, water supply and sewerage substantially in excess of those necessary if the district were developed solely for neighborhood commercial and service uses.

2. Uses permitted. The following uses are permitted:

a. A single- or two-family dwelling when used in conjunction with a commercial use.

b. Multifamily dwelling.

c. Group dwelling.

d. Row houses/townhouses (subject to RM residential zone regulations).

e. Retail group A.

f. Service group A.

g. Office-bank group.

h. Health-medical group.

i. Public recreation group.

j. Education group.

The following special uses are permitted as per Section 14-03-08 hereof:

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

- c. Filling station.
- d. Seasonal nursery and bedding stock sales.
- e. Church.
- f. Child care center.
- g. Drive-in bank.
- h. Retail liquor sales.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication after the required comment period under Section 40-47-01.1 of the North Dakota Century Code.