Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA

November 20, 2013

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

Item No. | Page

MINUTES

1. Consider approval of the minutes of the October 23, 2013 meeting of the Bismarck Planning & Zoning Commission.

PUBLIC HEARING

2. Consider approval of the MPO's Downtown Bismarck Subarea Study (Jason Graff, Crandall Arambula)

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

3. **Hamburg Industrial Park 2nd Addition** (Klee)

   a. Zoning Change (A 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. **Lot 7, Block 1, Northern Pacific 2nd Addition** – Zoning Change (RM30 to RT)(JW) 9

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

5. **Lots 1-3, Block 1, Sonnet Heights Subdivision** – Zoning Change (RM15 to RM30)(JW) 13

   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.

6. **Pinehurst 9th Addition** (JT)

   a. Zoning Change (R5 & RT to RT & PUD) 17

   Staff recommendation: approve □approve □continue □table □deny

   b. Final Plat 31

   Staff recommendation: approve □approve □continue □table □deny

7. **Fazekas Subdivision** – Final Plat (JW) 37

   Staff recommendation: continue □approve □continue □table □deny

8. **BREI Estates 1st Addition Replat** – Minor Subdivision Final Plat (JT) 43

   Staff recommendation: approve □approve □continue □table □deny

9. **Lot 14, Block 1, Sonnet Heights Subdivision** – Zoning Change (R5 to R10) (JW) 49

   Staff recommendation: approve □approve □continue □table □deny

10. **Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and part of the SE¼ of the NE¼ of Section 5, T138N-R80W** – Zoning Change (CG & P to P) (JW) 53

    Staff recommendation: approve □approve □continue □table □deny

11. **Auditor's Lot A of the SE¼ of the NE¼ of Section 33, T139N-R80W and Lots 1 & 2, Block 1, Replat of Calkins Addition** – Zoning Change (RM30 to PUD) (Klee) 57

    Staff recommendation: approve □approve □continue □table □deny

12. **Zoning Administrator/Multiple Sections of Title 14** – Zoning Ordinance Text Amendment (CH) 81

    Staff recommendation: approve □approve □continue □table □deny

OTHER BUSINESS

13. **Other**

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for Wednesday, December 18, 2013.

Enclosures: Meeting Minutes of October 23, 2013
Building Permit Activity Report for October 2013

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Hamburg Industrial Park Second Addition – Zoning Change (A to MA)	
Status: Planning Commission - Consideration	**Date:** November 20, 2013
Owner(s): Lincoln Land Development, LLP	**Engineer:** Houston Engineering Company
Reason for Request: Plat, zone and annex property for second phase of an industrial development.	
Location: In east Bismarck, east of the Bismarck Airport along the east side of Yegen Road, north of the intersection with Lincoln Road (part of the NW¼ of the SW¼ of Section 13, T138N-R80W/Lincoln Township).	
Project Size: 13.2 acres	**Number of Lots:** 6 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light industrial
Zoning: A – Agricultural	**Zoning:** MA – Industrial
Uses Allowed: Agriculture	**Uses Allowed:** Light industrial uses
Maximum Density Allowed: One unit/40 acres	**Maximum Density Allowed**: N/A

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

FINDINGS:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies the future use of this area as industrial (Bismarck-Mandan Regional future Land Use Plan).

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the east and south, agricultural and industrial uses to the north and the Bismarck Airport and the first phase of this development to the west.

3. The subdivision proposed for this property would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.

4. The proposed subdivision would not adversely affect the adjacent properties.

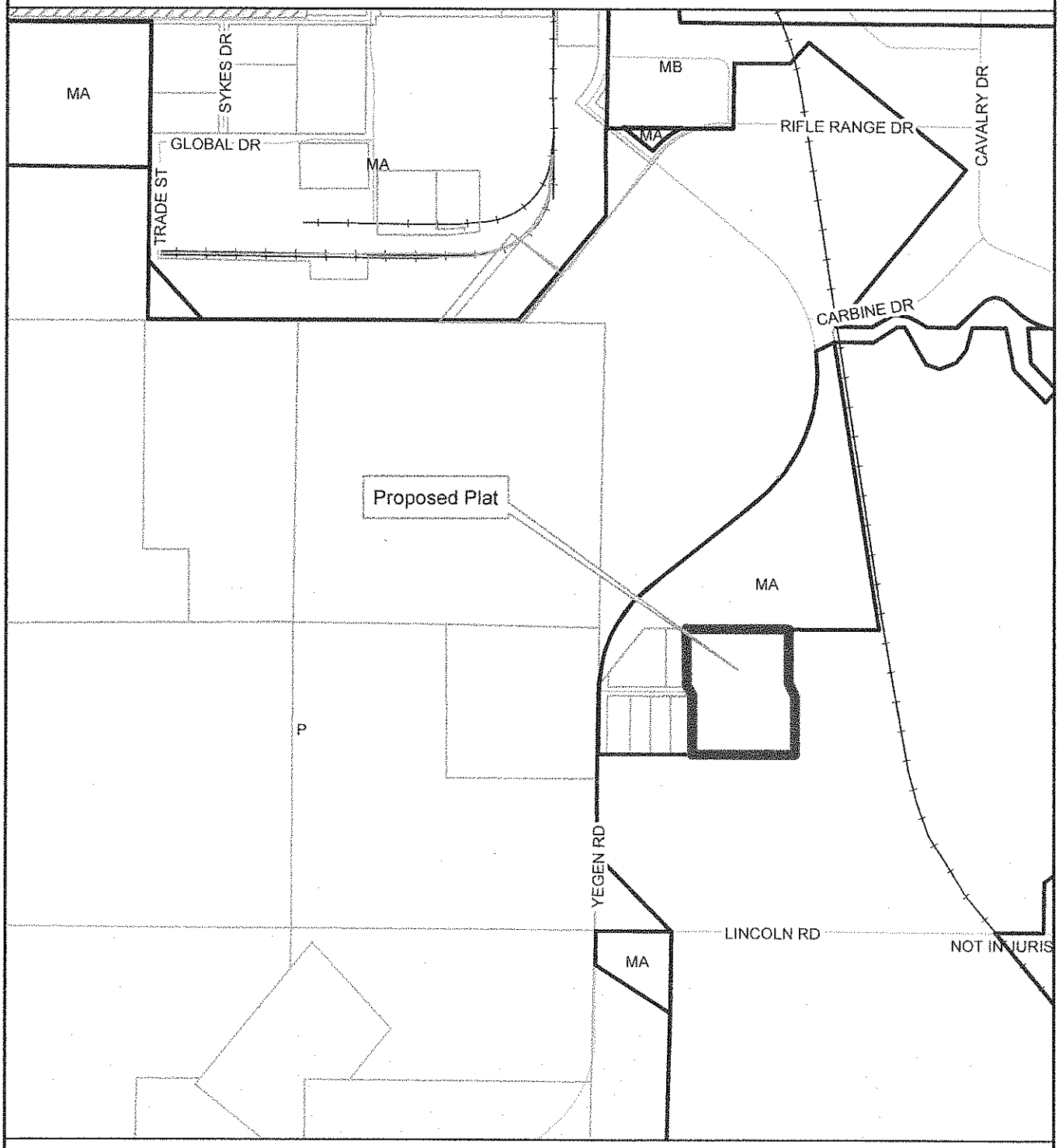
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

6. 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 scheduling a public hearing on the zoning change from the A – Agricultural zoning district to the MA – Industrial zoning district for Hamburg Industrial Park Second Addition.

Proposed Plat and Zoning Change (A to MA)
Hamburg Industrial 2nd Addition



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Map was Updated/Created: October 21, 2013 (hlb)

Source: City of Bismarck

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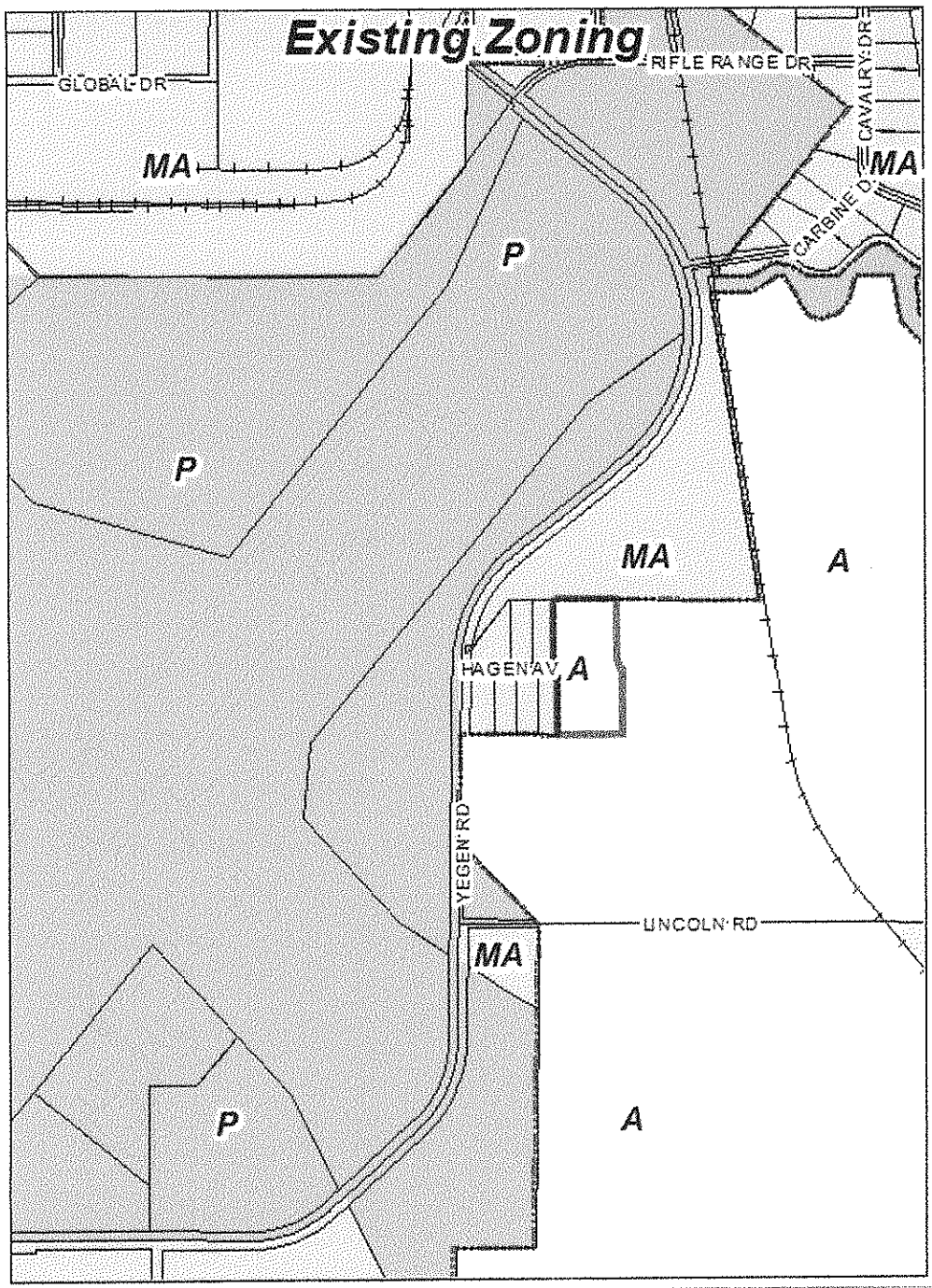
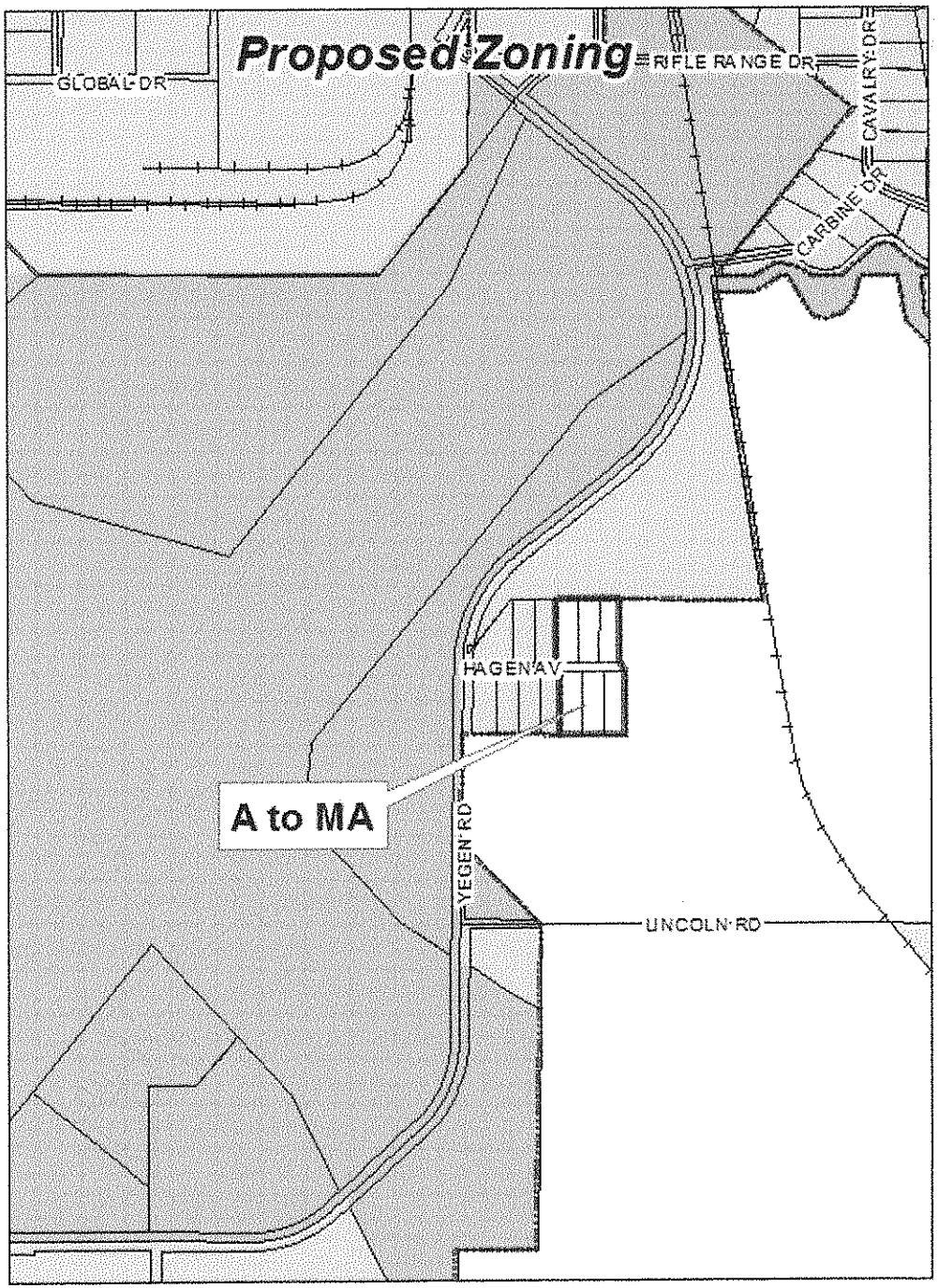
Hamburg Industrial Park Second Addition - Zoning Change





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November 2012

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Hamburg Industrial Park Second Addition – Preliminary Plat	
Status: Planning Commission - Consideration	**Date:** November 20, 2013
Owner(s): Lincoln Land Development, LLP	**Engineer:** Houston Engineering Company
Reason for Request: Plat, zone and annex property for second phase of an industrial development.	
Location: In east Bismarck, east of the Bismarck Airport along the east side of Yegen Road, north of the intersection with Lincoln Road (part of the NW¼ of the SW¼ of Section 13, T138N-R80W/Lincoln Township).	
Project Size: 13.2 acres	**Number of Lots:** 6 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light industrial
Zoning: A – Agricultural	**Zoning:** MA – Industrial
Uses Allowed: Agriculture	**Uses Allowed:** Light industrial uses
Maximum Density Allowed: One unit/40 acres	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

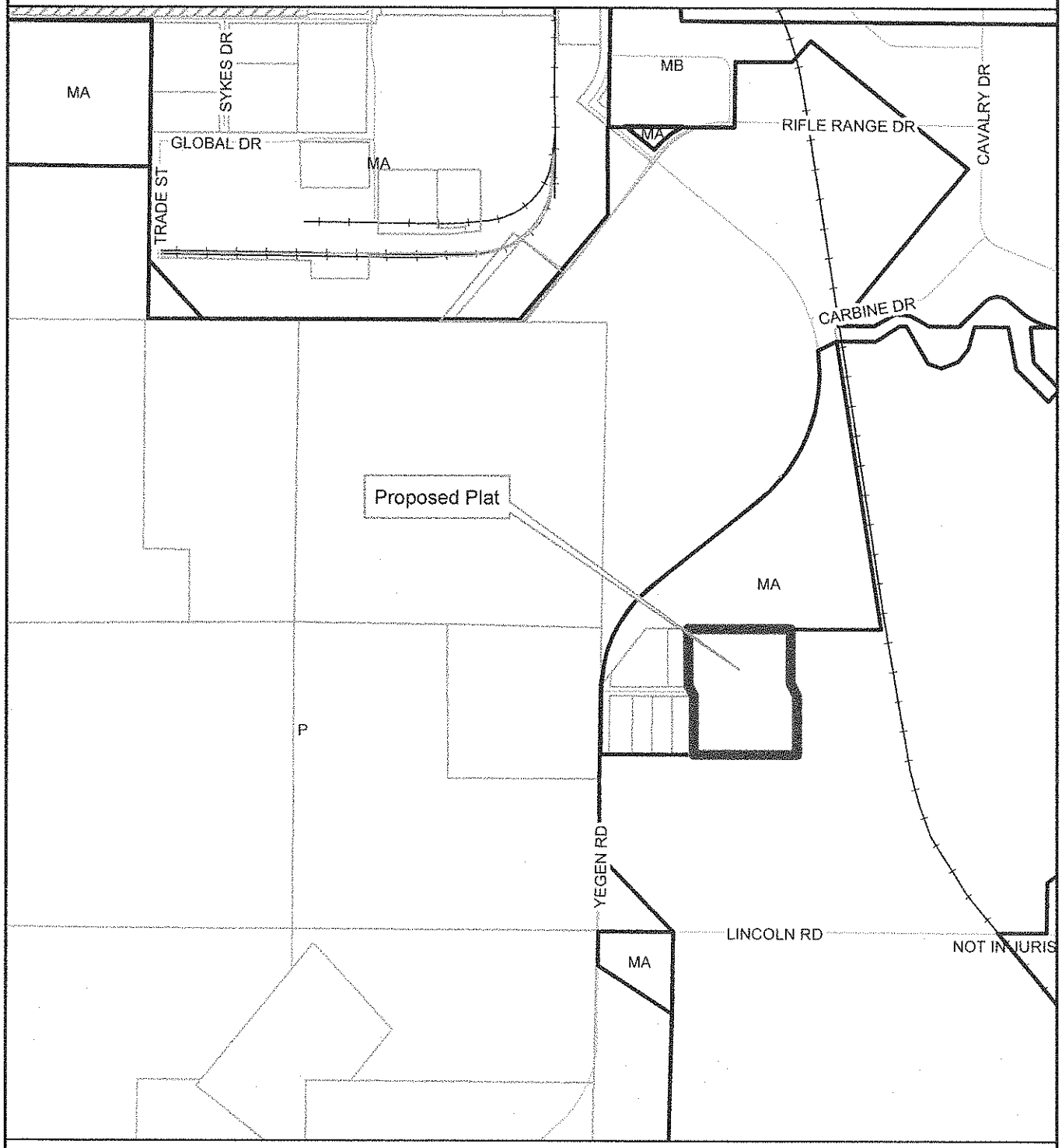
FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Yegen Road as an arterial roadway.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the east and south, agricultural and industrial uses to the north and the Bismarck Airport and the first phase of this development to the west.
4. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect the adjacent properties.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Hamburg Industrial Park Second Addition.

Proposed Plat and Zoning Change (A to MA)
Hamburg Industrial 2nd Addition



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Source: City of Bismarck

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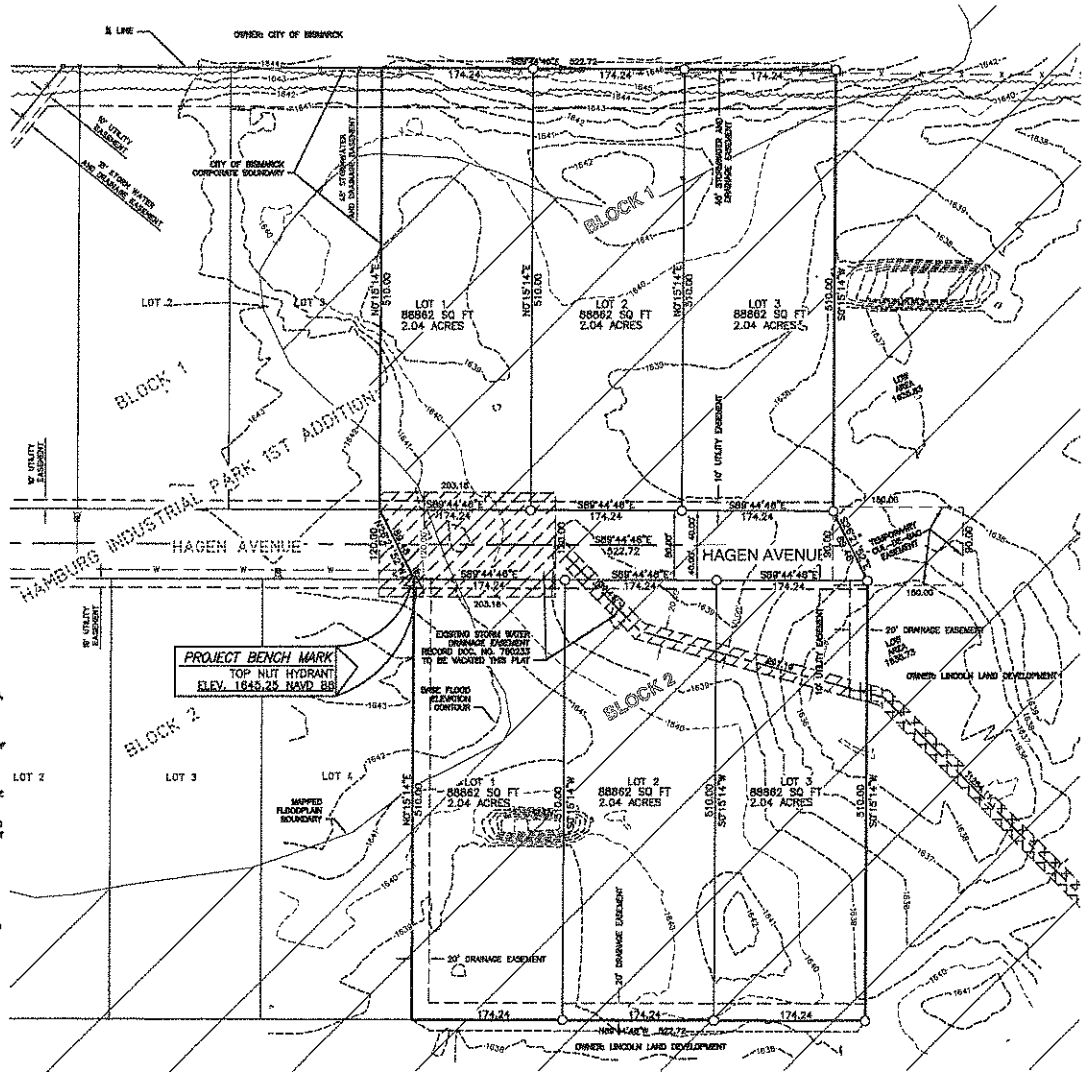
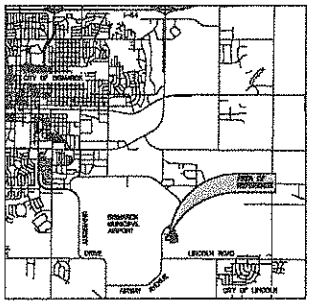
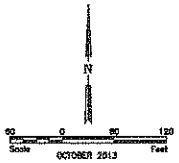
PRELIMINARY PLAT OF
HAMBURG INDUSTRIAL PARK 2ND ADDITION

PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 138 NORTH,
RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA







LEGEND

PLAT BOUNDARY	
LOT LINE	
UTILITY EASEMENT	
NON ACCESS LINE	
BUILDING SETBACK	
WATER MAIN	W
SANITARY SEWER MAIN	SS
BASE FLOOD ELEVATION	1642.00
IRON MONUMENT FOUND	●
IRON MONUMENT SET	○
MEASURED DISTANCE	303.20
MEASURED BEARING	N89°27'53"W
100 YEAR FLOODPLAIN (1642)	
STORM WATER DRAINAGE EASEMENT	

PLAT INFORMATION

LOT ACREAGE:	12.24 ACRES
RIGHT OF WAY ACREAGE:	0.96 ACRES
TOTAL ACREAGE:	13.20 ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY DATA

ZONING REQUEST

CURRENT ZONING: A-AGRICULTURAL

PROPOSED ZONING: MA-LIGHT INDUSTRIAL

OWNER

LANCE HAGEN
6420 COPPER RIDGE LANE
LINCOLN, ND 58504

ENGINEER/SURVEYOR

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE: 701.323.0200

DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4, BLOCK 2, HAMBURG INDUSTRIAL PARK 1ST ADDITION, ACCORDING TO THE RECORDED PLAT ON FILE AT THE BURLEIGH COUNTY RECORDER'S OFFICE; THENCE NORTH 00°15'14" WEST ALONG THE EASTERLY LINE OF SAID LOT 4, FOR A DISTANCE OF 510.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE NORTH 89°21'52" WEST ALONG THE EASTERLY LINE OF SAID HAMBURG INDUSTRIAL PARK 1ST ADDITION, FOR A DISTANCE OF 69.48 FEET TO THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, SAID HAMBURG INDUSTRIAL PARK 1ST ADDITION; THENCE NORTH 00°15'14" EAST ALONG THE EASTERLY LINE OF SAID LOT 3, FOR A DISTANCE OF 510.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 89°44'48" EAST, FOR A DISTANCE OF 522.72 FEET; THENCE SOUTH 00°15'14" WEST, FOR A DISTANCE OF 510.00 FEET; THENCE SOUTH 89°21'52" EAST, FOR A DISTANCE OF 69.48 FEET; THENCE SOUTH 00°15'14" WEST, FOR A DISTANCE OF 510.00 FEET; THENCE NORTH 89°44'48" WEST, FOR A DISTANCE OF 522.72 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 13.20 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT LANCE HAGEN, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS HAMBURG INDUSTRIAL PARK 1ST ADDITION, TO THE CITY OF BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SANITARY SEWER, WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS STORMWATER, WATERMAIN, AND/OR UTILITY EASEMENTS.

LANCE HAGEN
6420 COPPER RIDGE LANE
LINCOLN, ND 58504

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } ss

ON THIS DAY OF 2012 BEFORE ME PERSONALLY APPEARED KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

APPROVAL OF CITY PLANNING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK ON THE DAY OF 2012, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER, CHAIRMAN CARL D. HOKENSTAD, SECRETARY

APPROVAL OF CITY COMMISSION

THE CITY COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA, WAS TAKEN ON THE ____ DAY OF _____, 2012.

ATTEST:
WM. WOCKEN, CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THE HAMBURG INDUSTRIAL PARK 1ST ADDITION, BISMARCK, NORTH DAKOTA AS SHOWN ON THE PLAT.

MELVIN J. BULLINGER, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, STEVEN M. LANGLIE, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON _____; THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET PRIOR TO PLAT RECORDATION.

STEVEN M. LANGLIE, LAND SURVEYOR
LICENSE NO. 6476

HOUSTON ENGINEERING, INC
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58501

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } ss

ON THIS DAY OF 2012 BEFORE ME PERSONALLY APPEARED STEVEN M. LANGLIE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

Houston Engineering Inc.
BISMARCK
P: 701.323.0200
F: 701.323.0300

RECEIVED
OCT 18 2013

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lots 7, Block 41, Northern Pacific 2nd Addition – Zoning Change (RM15 to RT)	
Status: Planning Commission – Consideration	**Date:** November 20, 2013
Owner(s): Diane Davis	**Engineer:** None
Reason for Request: Zone property for multi-family residential and office uses.	
Location: In central Bismarck, at the northeast intersection of North 5th Street and East Avenue B.	
Project Size: 7,500 square feet	**Number of Lots:** 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Office Uses	**Land Use:** Residential and Office Uses
Zoning: RM30 – Residential	**Zoning:** RT – Residential
Uses Allowed: RM30 – Multi-family residential	**Uses Allowed:** RT – Residential and office uses
Maximum Density Allowed: RM30 – 30 units/acre	**Maximum Density Allowed:** RT – 30 units/acre

PROPERTY HISTORY:		
Zoned: Pre – 1980	**Platted:** 1912	**Annexed:** Pre – 1980

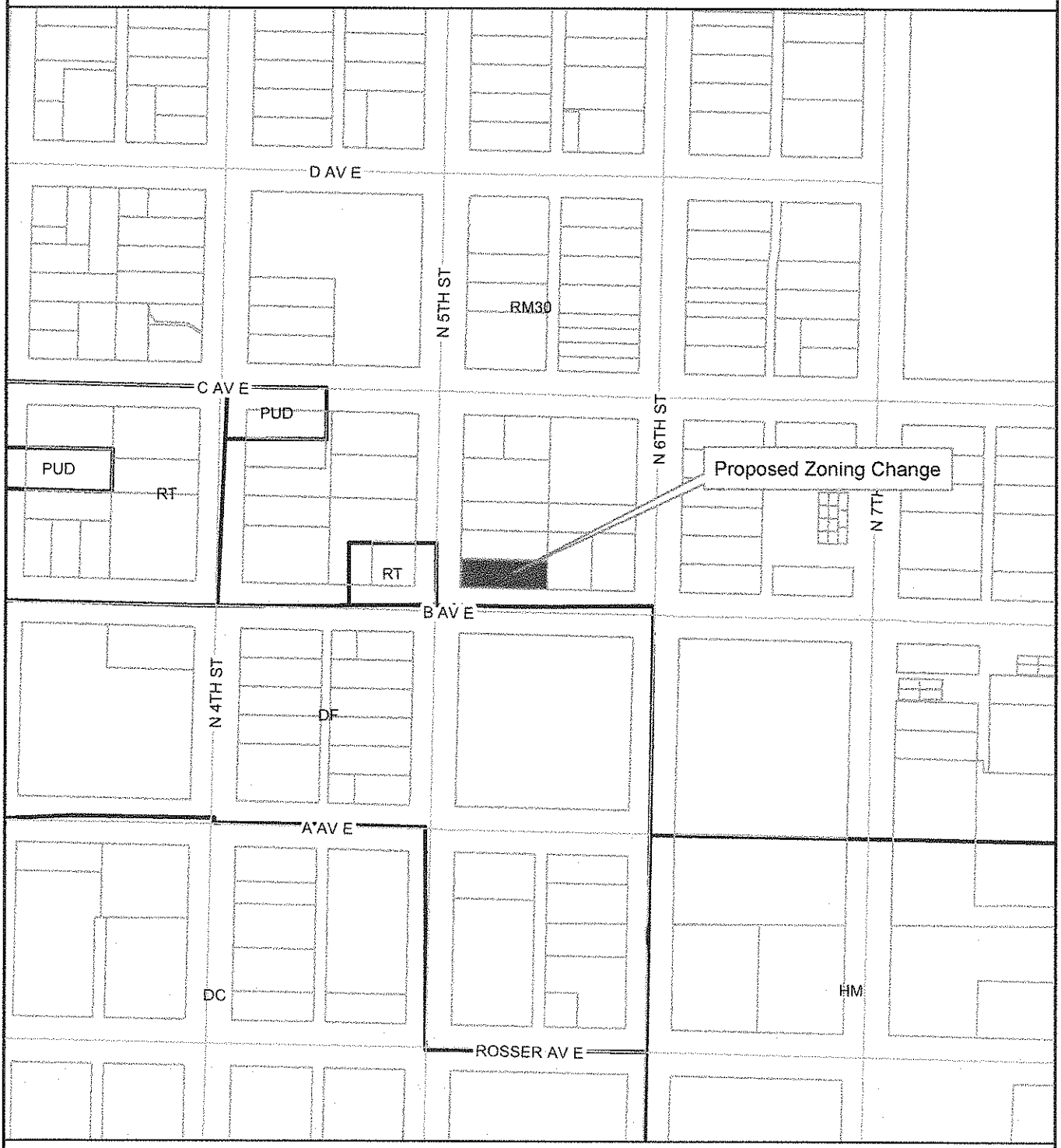
FINDINGS:

1. The proposed zoning change located within the developed portion of the community and is outside the boundaries of the Land Use Plan.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the Veterans Memorial Public Library to the south across East Avenue B, a multi-family residence / yoga studio to the west across North 5th Street, an apartment complex to the north and parking lot to the east.
3. The property is annexed and is served by municipal services; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM30-Residential zoning district to the RT-Residential district for Lot 7, Block 41, Northern Pacific 2nd Addition.

Proposed Zoning Change (RM30 to RT)
Lot 7, Block 41
Northern Pacific 2nd Addition



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Map was Updated/Created: October 15, 2013 (hlb)

Source: City of Bismarck

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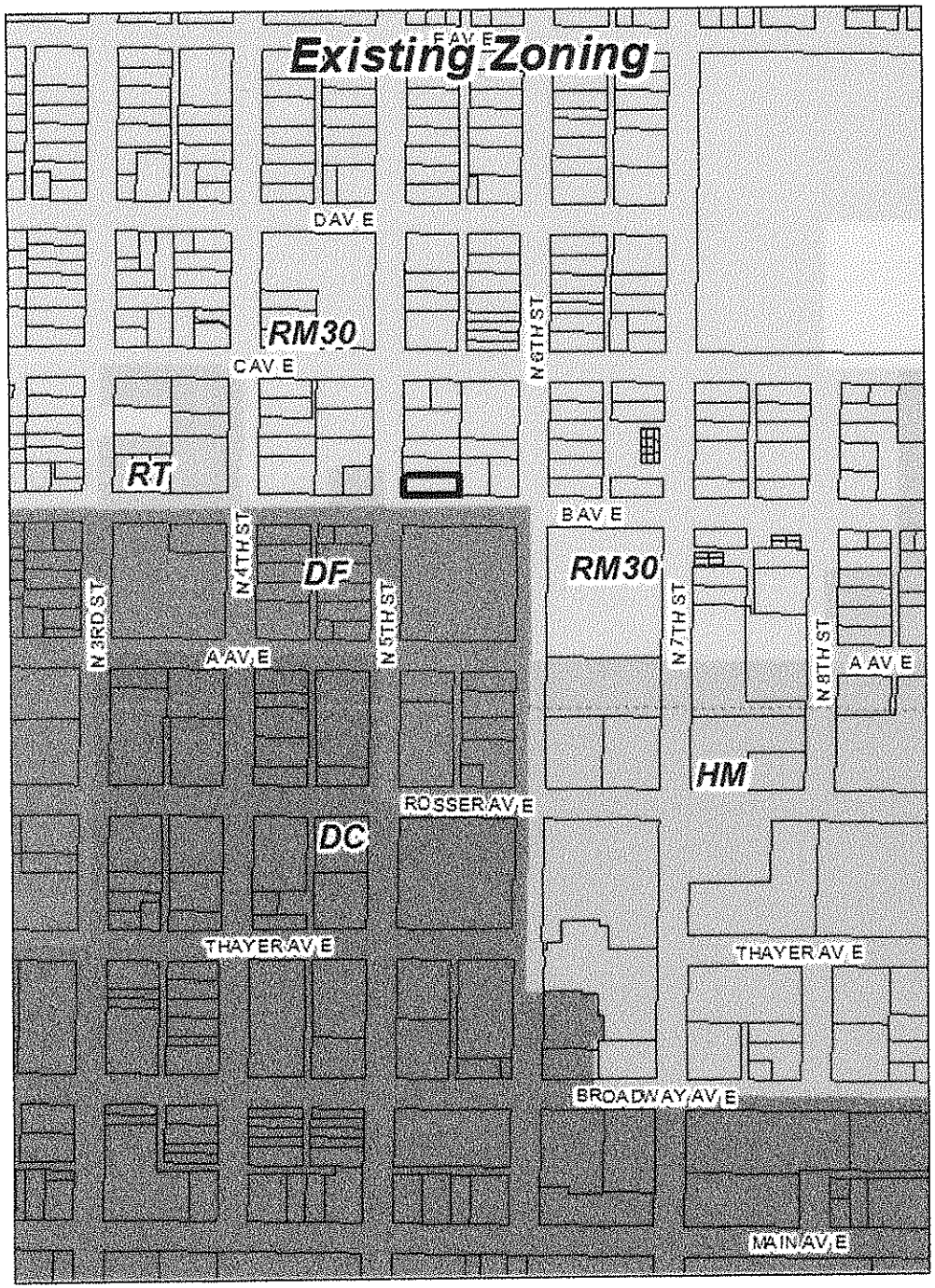
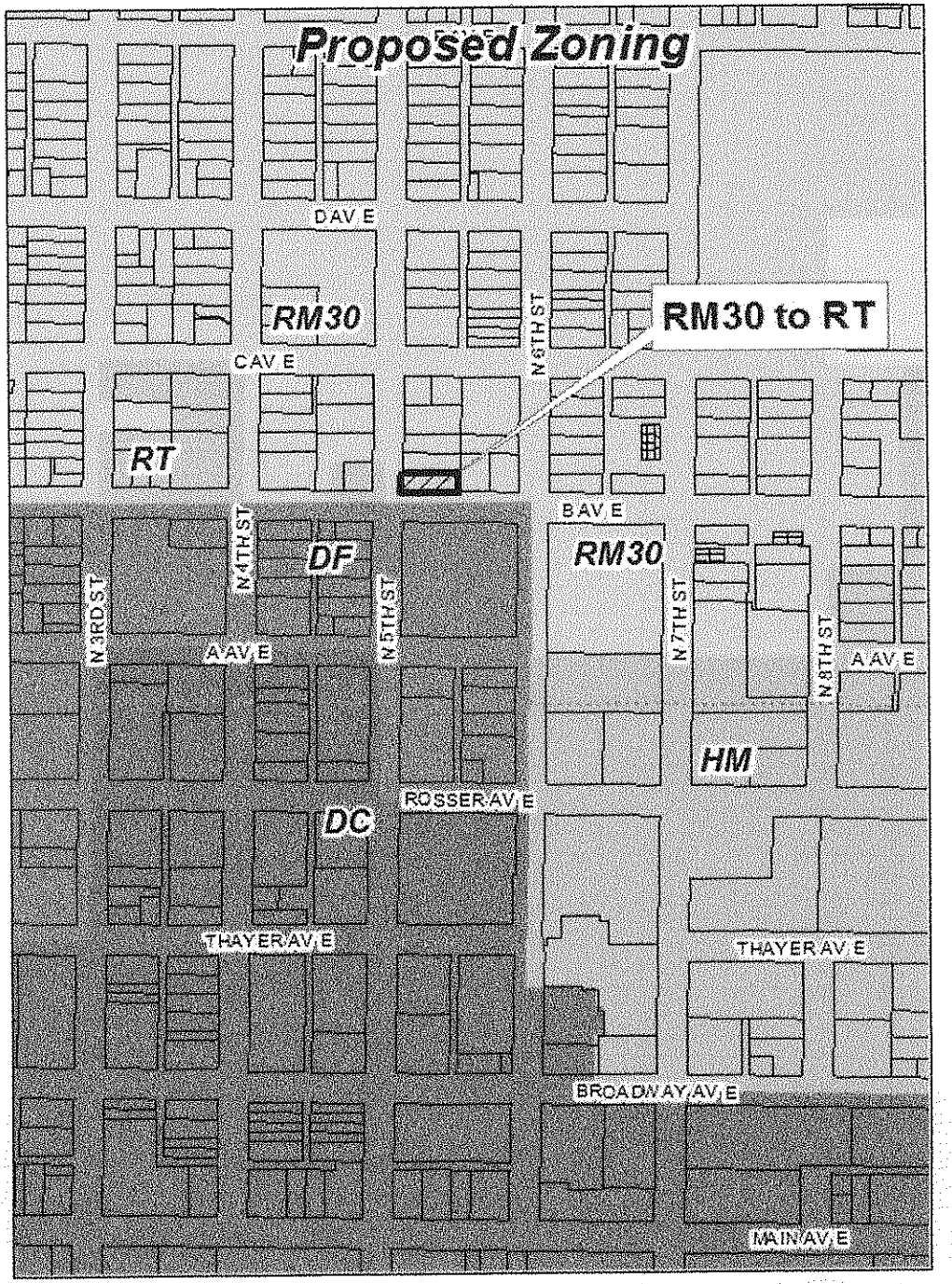
Lot 7, Block 41, Northern Pacific 2nd Addition - Zoning Change





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November 2013

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BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:

Title:
Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change (RM15 to RM30)

Status: Planning Commission – Public Hearing	**Date:** November 20, 2012
Owner(s): Jomani Developing, LLC	**Engineer:** None

Reason for Request:
Rezone property to increase the allowable density for a multi-family development.

Location:
In north Bismarck along the north side of Niagara Drive, south of 57th Avenue NE, approximately ½ mile west of US Highway 83.

Project Size: 2.25 acres more or less	**Number of Lots:** 3 lots in 1 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Multi-family residential
Zoning: RM15 – Residential	**Zoning:** RM30 – Residential
Uses Allowed: Multi-family residential	**Uses Allowed:** Multi-family residential
Maximum Density Allowed: 15 units/acre	**Maximum Density Allowed:** 30 units/acre

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
12/1980	12/1980	03/2007

ADDITIONAL INFORMATION:

1. Building permits will not be issued for any of the lots along 57th Avenue NE until 57th Avenue NE from US Highway 83 to the western edge of the lot being developed is constructed to City standards. In addition, with the development of 57th Avenue NE, the developer(s) may be financially responsible for constructing a north bound left turn lane and a south bound right turn lane on Highway 83 at 57th Avenue NE to NDDOT standards (20:1 taper and 320' storage).

2. The Bismarck Planning & Zoning Commission at their meeting of December 12, 2012 denied a zoning request for the proposed zoning change for this property and the property to the east (Lots 1-4, Block 3, Sonnet Heights Subdivision). During that meeting, the applicant indicated that changing his request to a RM20-Residenital zoning district would achieve his desire to construct a 36-unit apartment building. Staff also indicated that they may be willing to support a request to the RM20-Residenital zoning district.

FINDINGS:

1. This area is identified in the Land Use Plan as residential (land use portion of the US Highway 83 Transportation Corridor Study).

2. The proposed zoning change would be not compatible with adjacent land uses. In particular, the proposed bulk and density of 30 units per acre is not compatible with the single and two-family residential use located south of Lot 3 and south across Niagara Drive. Adjacent land uses include partially developed single and two-family homes to the south, undeveloped multi-family to the east and undeveloped agricultural land to the west and north.

(continued)

3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services, provided 57th Avenue NE is constructed prior to development.

4. The proposed zoning change may adversely affect property in the vicinity. In particular, the single and two-family homes located south of the proposed zoning change may be adversely affected by higher density development located adjacent to Lot 3 and across the Niagara Drive to the south.

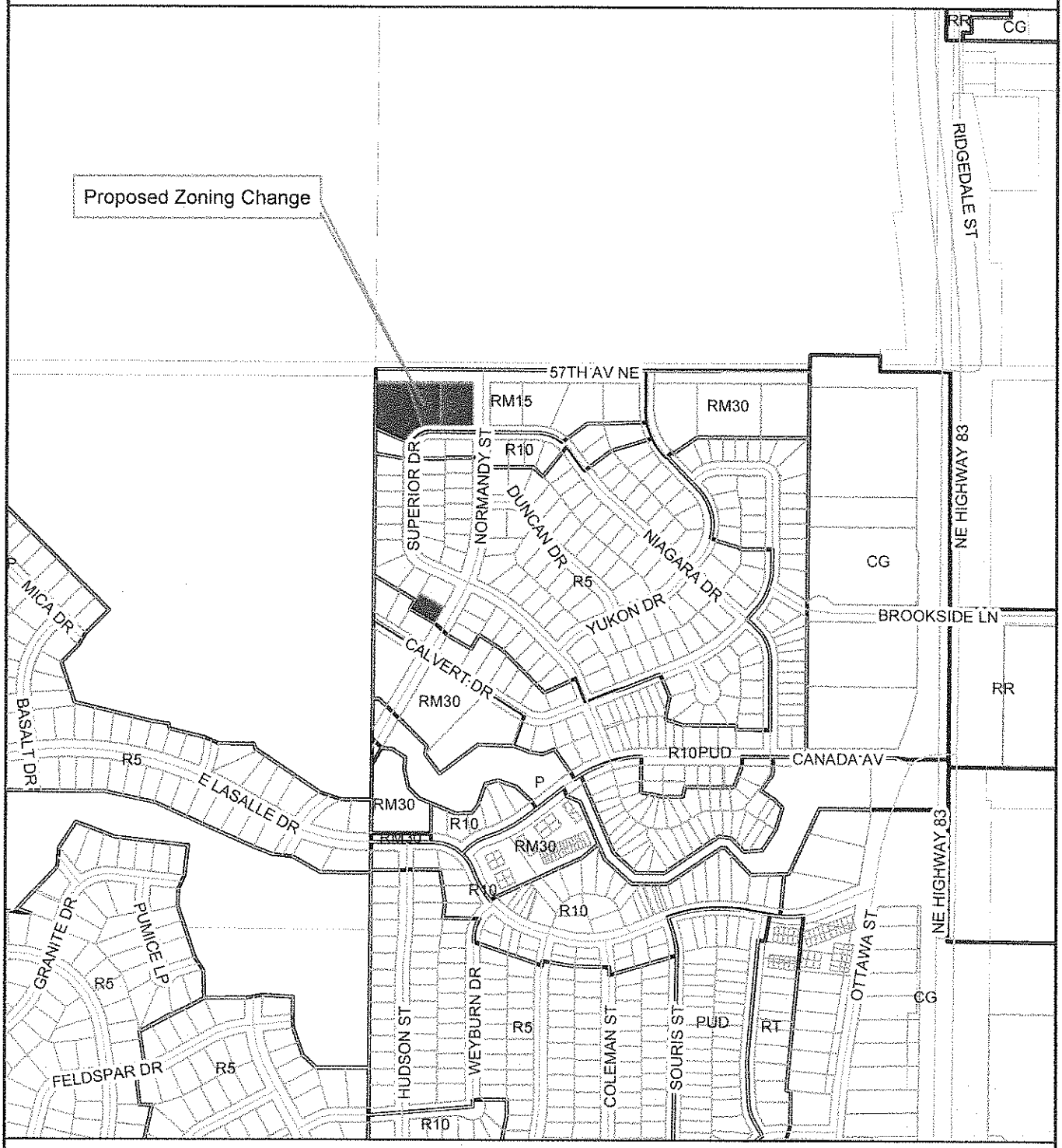
5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. The zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. In particular, the property to the south of the proposed zoning change is zoned R10 – Residential and is expected to develop as single and two-family homes. A single-family dwelling was constructed in July 2013 on the lot to the south, adjacent to the proposed zoning change.

6. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, increasing the density to from 15 units per acre to 30 units per acre is contrary to the concepts of transitional zoning, given the fact that there would no longer be a zoning transition between the higher density multi-family and the single and two-family residential homes to the south.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15-Residential zoning district to the RM-30 Residential zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision, with the understanding that staff will recommend denial of the zoning change, but may be willing to support approval of a zoning change to the RM20-Residenital zoning district.

Proposed Zoning Change (RM15 to R30)
Lots 1-3, Block 1
Sonnet Heights Subdivision



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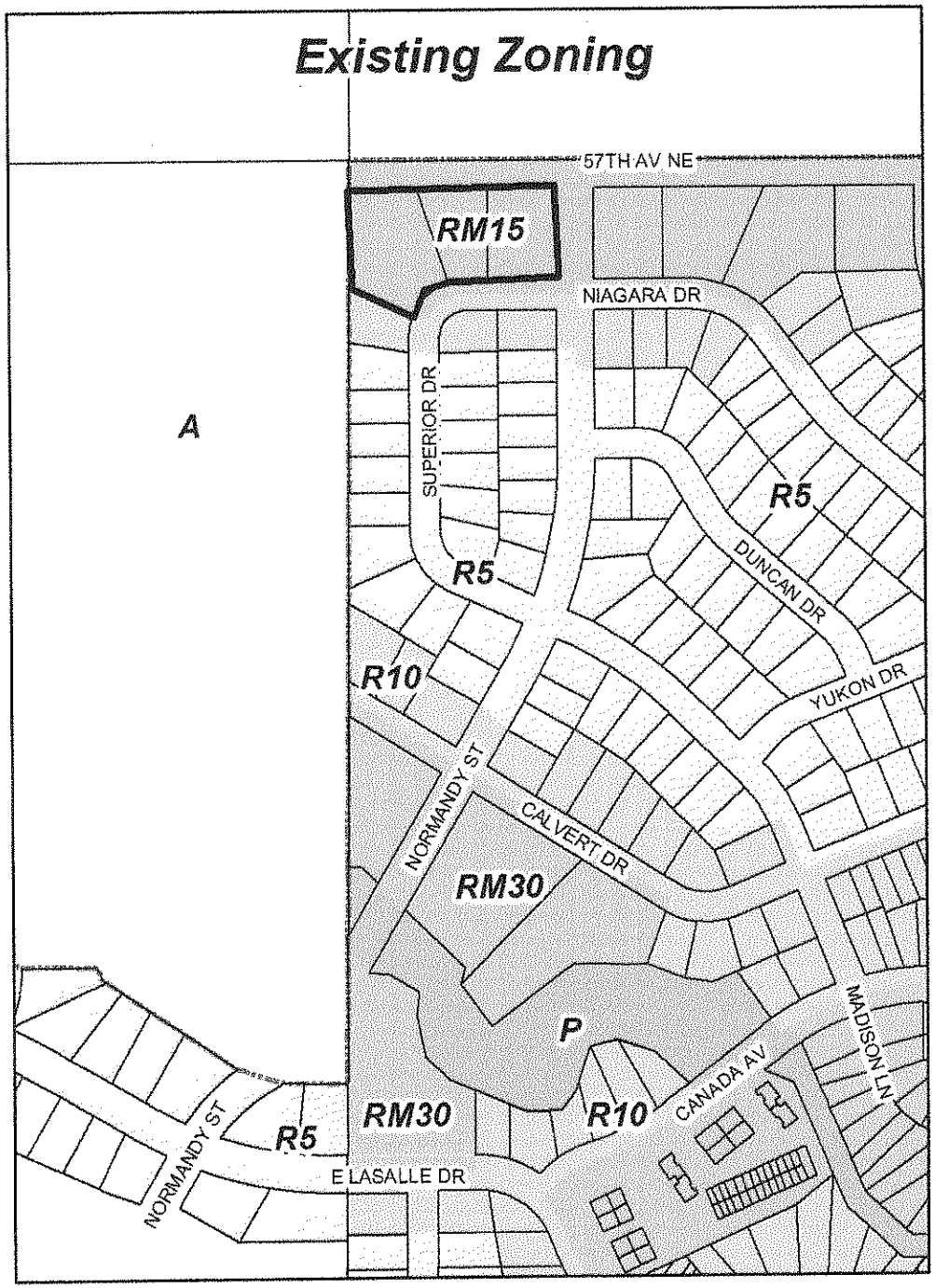
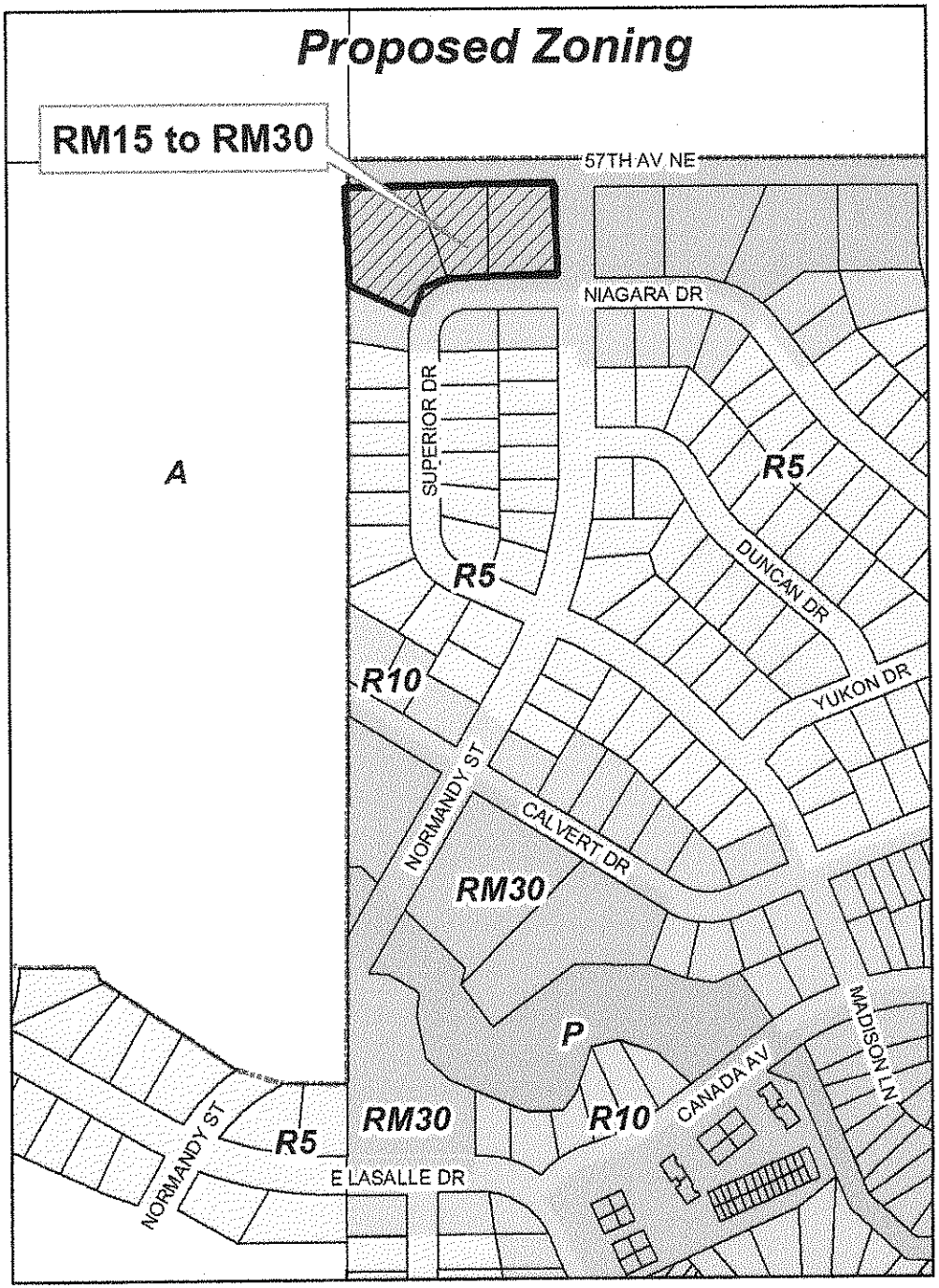
Source: City of Bismarck

Lots 1-3, Block 1, Sonnet Heights Subdivision





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November 2013

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BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Pinehurst 9th Addition – Zoning Change (R5 & RT to RT, & PUD)	
Status: Planning Commission – Public Hearing	**Date:** November 20, 2013
Owner(s): JPR Investments, LLC City of Bismarck	**Engineer:** BKBM Engineers
Reason for Request: To plat and rezone property for a full-service, 4-story, 123-room hotel project (Lot 2, Block 1) and an office building (Lot 1, Block 1).	
Location: In west Bismarck between East Century Avenue and Country West Road along an extension of West Interstate Avenue (part of the NW ¼ of Section 29, T139N-R80W/Hay Creek Township).	
Project Size: 11.459 acres +/-	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** 4-story, 123-room hotel project (Lot 2) Office building (Lot 1)
Zoning: R5 - Residential RT – Residential	**Zoning:** RT – Residential (Lot 1) PUD – Planned Unit Development (Lot 2)
Uses Allowed: R5 – Single-family residential RT – Multi-family residential, offices, medical offices and banks	**Uses Allowed:** RT – Multi-family residential, offices, medical offices and banks PUD – Uses specified in the PUD ordinance
Maximum Density Allowed: R5 – 5 units per acre RT – 30 units per acre	**Maximum Density Allowed**: RT – 30 units per acre PUD – N/A

PROPERTY HISTORY:		
Zoned: 07/1998	**Platted:** N/A	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The applicant has indicated the hotel development project would precede the office building project. The current zoning allows for the office use on Lot 1, Block 1. The current zoning of Lot 2, Block 1 does not permit a hotel. The necessary zoning to support a hotel is CG – Commercial. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses. Planning staff recommended the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed.

FINDINGS:

1. The proposed zoning change lies outside the boundaries of the Land Use Plan.

2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west and south, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark assisted living center to the east, and the Pinehurst retail development to the south across East Century Avenue.

3. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.

4. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, it may adversely impact the Touchmark assisted living center directly adjacent to the east. The Touchmark facility offers independent and assisted living quarters for individuals above 55 years of age. The size and scale of the proposed development would be compatible with the assisted living center and the architectural design of the proposed hotel would generally be compatible with the existing structures in the area, provided adequate screening between the proposed hotel and the existing assisted living center is provided. A 15-foot vegetative buffer yard is proposed along the east property line. Additionally there is a 50-foot pipeline easement to the east of the proposed buffer yard; although the pipeline easement will not provide a location for additional plantings, it will provide additional separation between the two facilities and help to mitigate incompatibility.

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 R5 – Residential and the RT – Residential zoning districts to the RT – Residential zoning district for Lots 1 & 3, Block 1, and to PUD-Planned Unit Development zoning district for Lot 2, Block 1, Pinehurst 9th Addition, as outlined in the attached draft PUD ordinance.

ORDINANCE NO.

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

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

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

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

The following described property shall be excluded from the R5 – Residential and RT – Residential districts and included within the RT – Residential district.

Lots 1 & 3, Block 1, Pinehurst Ninth Addition.

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

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

Lot 2, Block 1, Pinehurst Ninth Addition.

This PUD is subject to the following development standards:

1. Uses Permitted. The following uses are permitted within this Planned Unit Development:

a. A 123 room hotel with restaurant space, indoor pool and attached meeting room space.

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

3. Dimensional Standards.

a. Front Yard Setback. The minimum front yard setback is eighty (80) feet along Interstate Avenue.

b. Side Yard Setback. The minimum side yard setback is eighty (80) feet along the north property line.

c. Rear Yard Setback. The minimum rear yard setback is forty (40) feet along the east property line.

d. Height. The maximum building height is four stories above grade.

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

f. Landscape Buffer Setback. The minimum setback from the east property line of the subdivision is twenty (20) feet to accommodate the required landscape buffer.

4. *Development Standards.*

a. Site Plans and Building Plans. Development of the site and building shall generally conform to the site plan and building elevations submitted with the application for the Planned Unit Development.

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.

c. Parking and Loading. 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. Loading areas shall be oriented away from the residentially-zoned property to the east of the subdivision.

d. Landscaping and Screening. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

e. Buffer Yards. In accordance with the requirements of Section 14-03-11, a buffer yard for the entire development shall be provided along the entire eastern edge of the PUD. Said buffer yard shall be no less than fifteen (15) feet in width. The entire landscape buffer yard shall be installed in conjunction with site development and be planted with one of the two following configurations; 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, or a minimum of two (2) shade trees, two (2) ornamental trees, two (2) large upright coniferous trees and a six (6) foot high screening fence 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 screening fence may not be chain link with plastic slats.

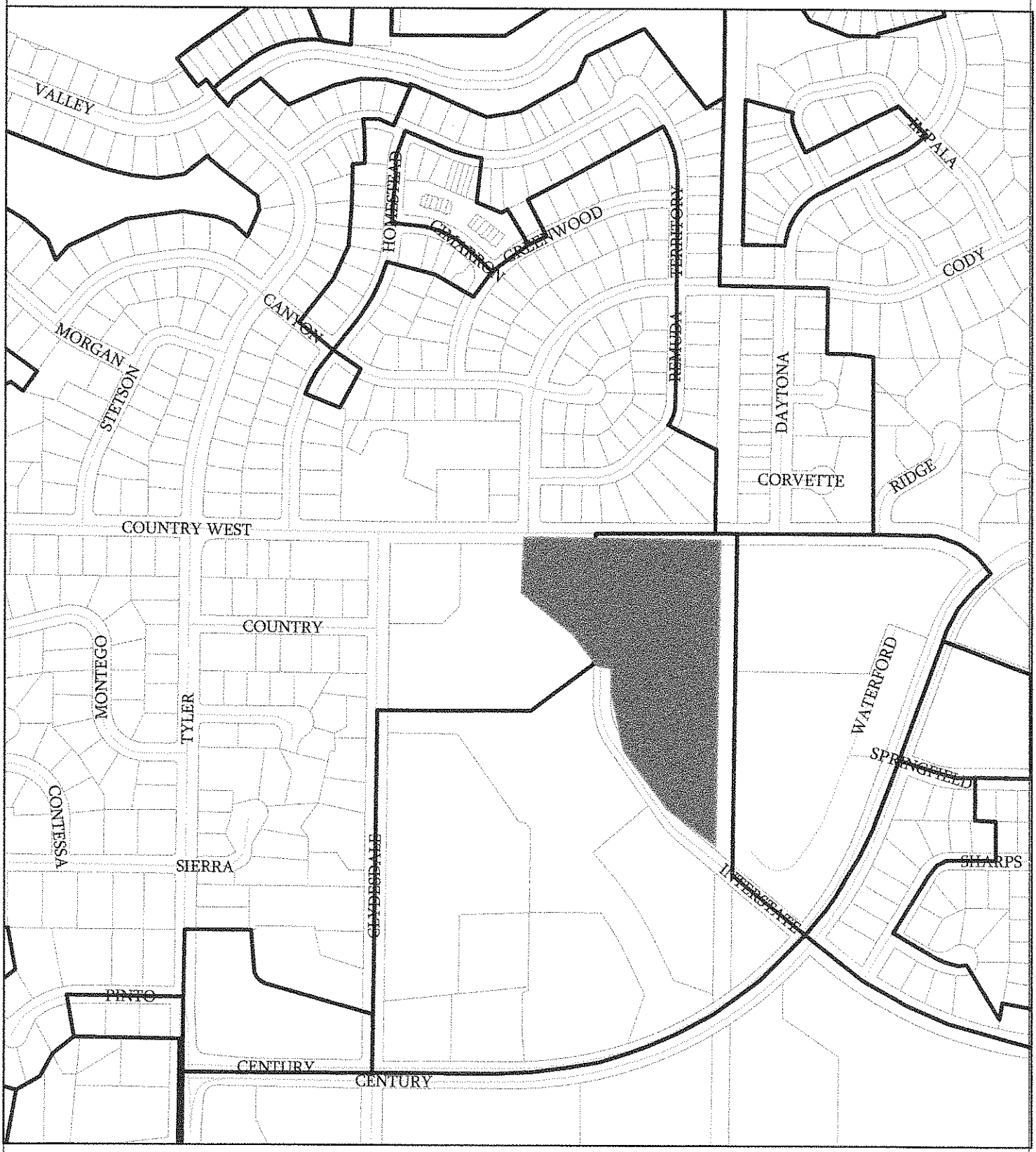
f. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

5. *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 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Plat and Zoning Change (R5 and RT to RT, P and PUD)
Pinehurst 9th 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 heron.
Map was Updated/Created: November 7, 2013 (hlb)

Source: City of Bismarck

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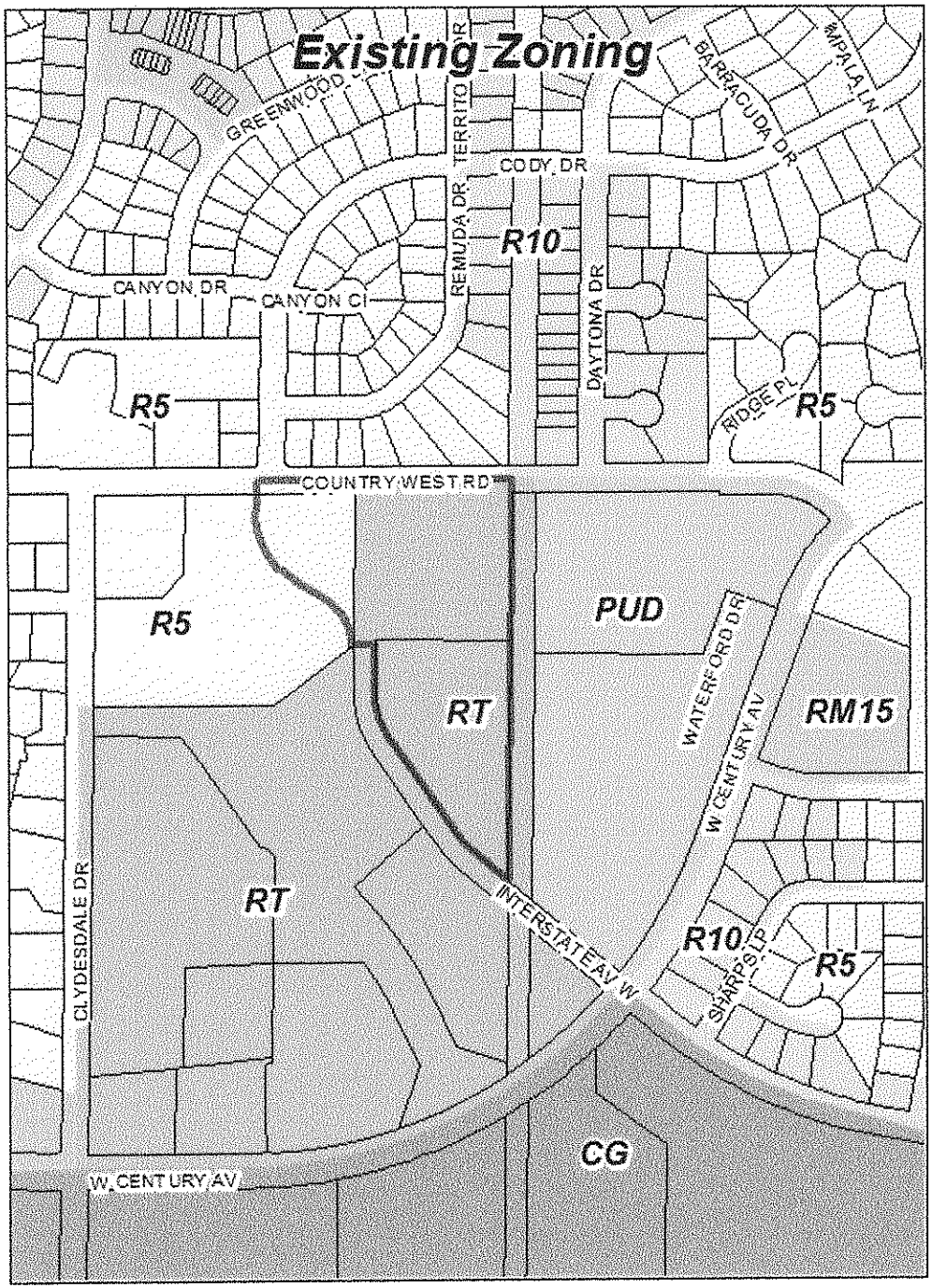
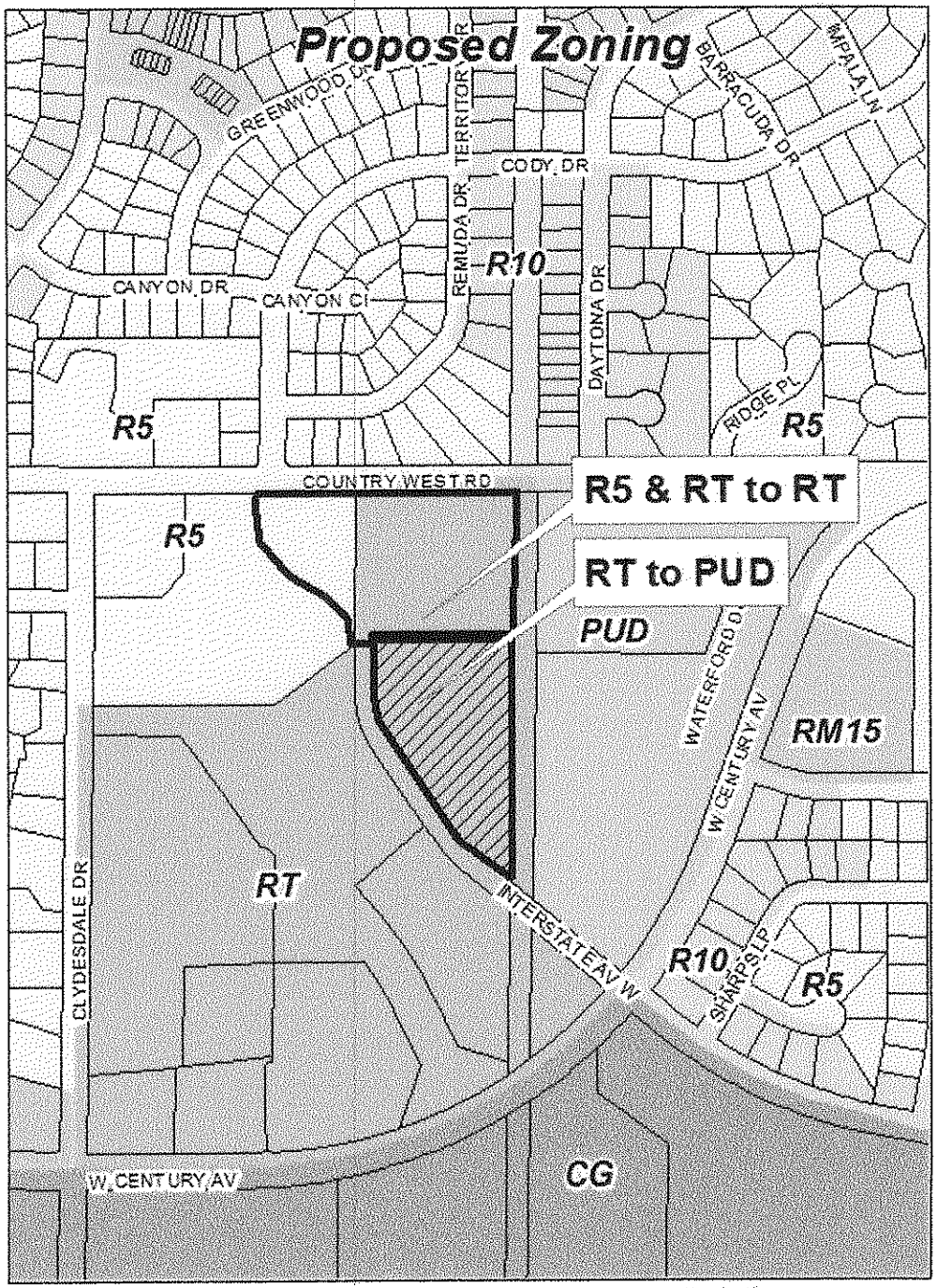
Pinehurst 9th Addition - Zoning Change





0 250 500 1,000 Feet

November 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.

RECEIVED
JUL 16 2013

- Development
- Construction
- Property Management
- Commercial & Residential Real Estate

Pinehurst 9th Addition
RDI #: 11-091

Date: 7.12.13

RE: Lot C Zoning Change to PUD

Project Location and Description

Lot 2 Block 1 of Pinehurst Ninth Addition proposed plat is a Planned Unit Development that consists of one structure, four-story, 123 guestroom hotel in northwest Bismarck with restaurant space, indoor pool, and attached meeting room space. The first floor building footprint is roughly 25,744sf and the overall site is approximately 4.2 acres.

Character and Features

- The building will have perimeter footing and foundation to frost depth and slab on grade. The four (4) stories above grade area are of wood framed construction and gabled roof. There are two elevators planned to be centrally located.

- **Surface parking requirement:** 1 stall per room + 1 stall per 60gsf of restaurant/lounge/meeting space = 123 stalls + (4,467gsf Rest./Lounge/Mtg. Space)/60gsf = 123 + 74 = 197 total parking stalls required and 210 total parking stalls are provided.

- **Exterior materials:** A combination of E.I.F.S., cultured stone, and commercial prefinished horizontal seamless steel siding to fit within the regional context of western North Dakota and eastern Montana.

- **Site Development**: Site drainage / retention areas are anticipated on this site and will be developed per the submitted drainage study. Retaining walls will be developed at select areas to manage grade changes as depicted on the proposed site plans. Landscaping and screening at minimum will meet the standards set by Bismarck Zoning Ordinance Chapter 14-03-11 and includes: dumpster/utility screening, planting beds, tree plantings, mulch/stone landscaping, patios, and possibly a water feature. Access to the site is provided from Interstate Avenue, which is proposed to be extended to Country West Road via additional improvements and right-of-way dedications.

We believe that the description and attachments provided will facilitate your review process and approval. Please do not hesitate to contact us if you have any questions or need additional information.

With respect,

Elissa Novotny Leino
Roers Development

Attachments:
Concept Image/Rendering
Preliminary Plat – revised per City comments
Preliminary Architectural Plans

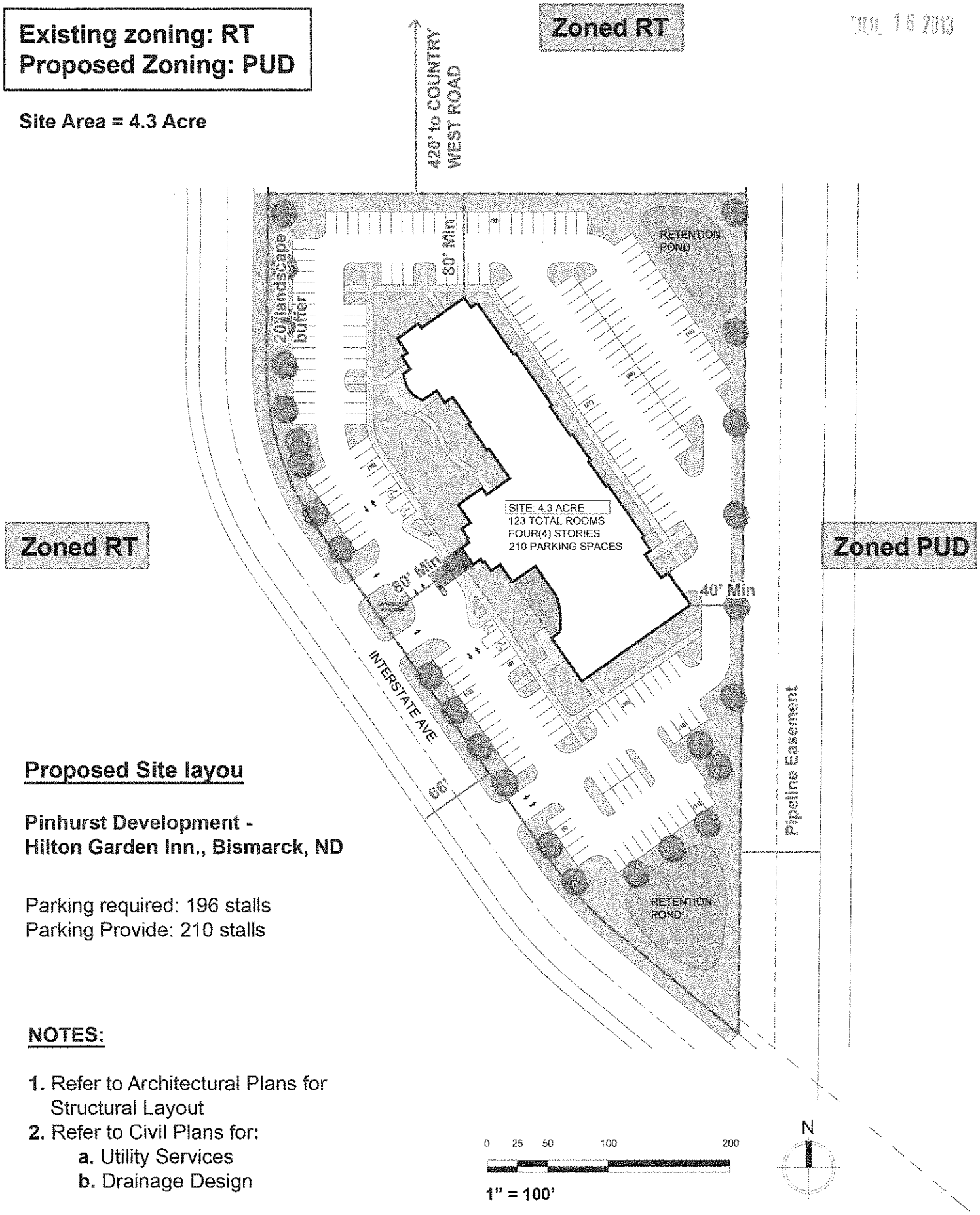
ROERS
Building success.

200 45th Street South, Fargo, ND 58103 | www.roers.com | tel: 701.356.5050 | fax: 701.282.2121

RECEIVED
JUL 16 2013

Existing zoning: RT
Proposed Zoning: PUD

Site Area = 4.3 Acre



Proposed Site layou

Pinhurst Development -
Hilton Garden Inn., Bismarck, ND

Parking required: 196 stalls
Parking Provide: 210 stalls

NOTES:

1. Refer to Architectural Plans for Structural Layout
2. Refer to Civil Plans for:
   a. Utility Services
   b. Drainage Design

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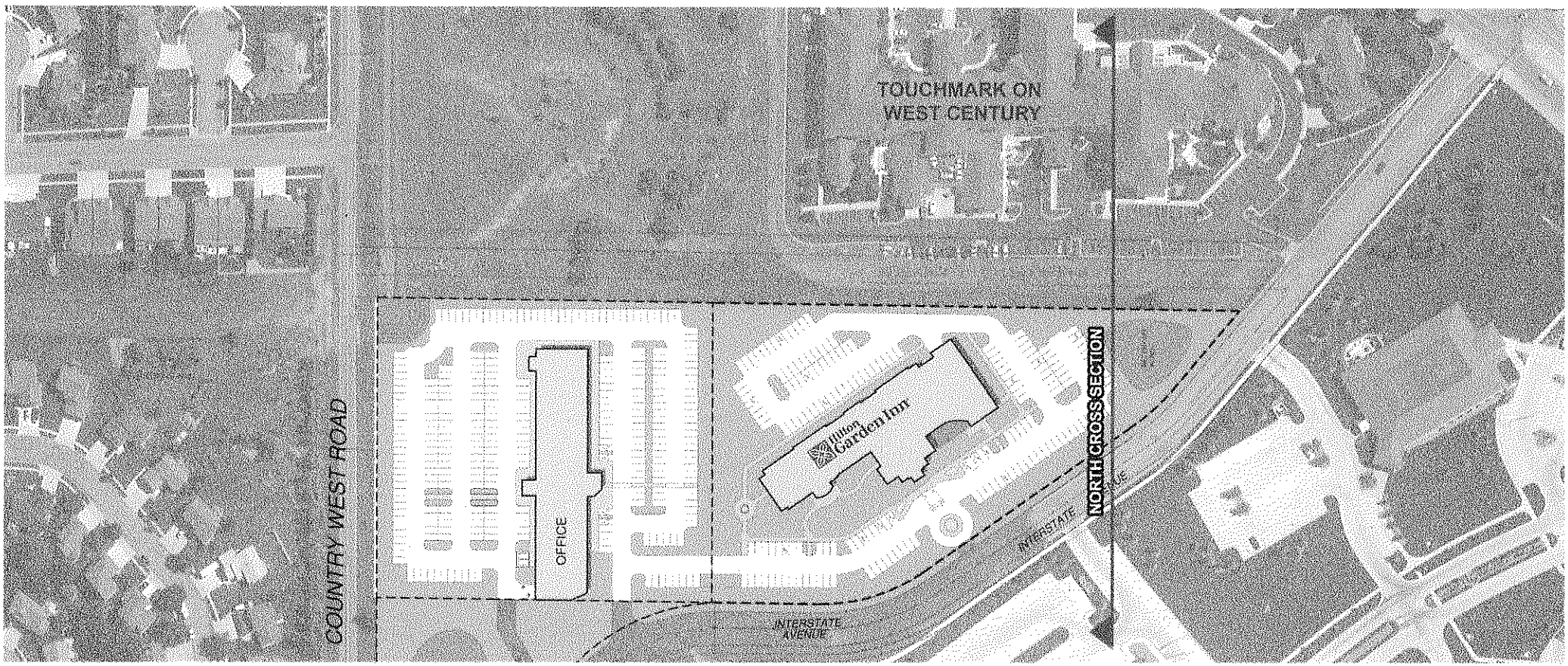
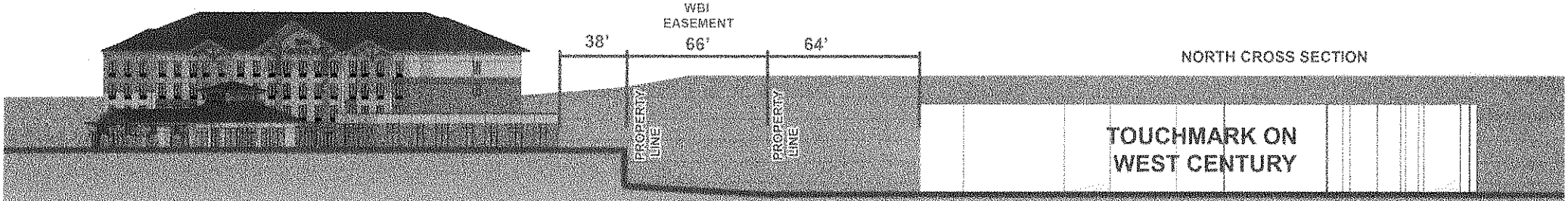
NOV 14 2013





ROERS
Building success.

PINEHURST DEVELOPMENT PROPOSED CONCEPT

Bismarck, ND

Nov 2013

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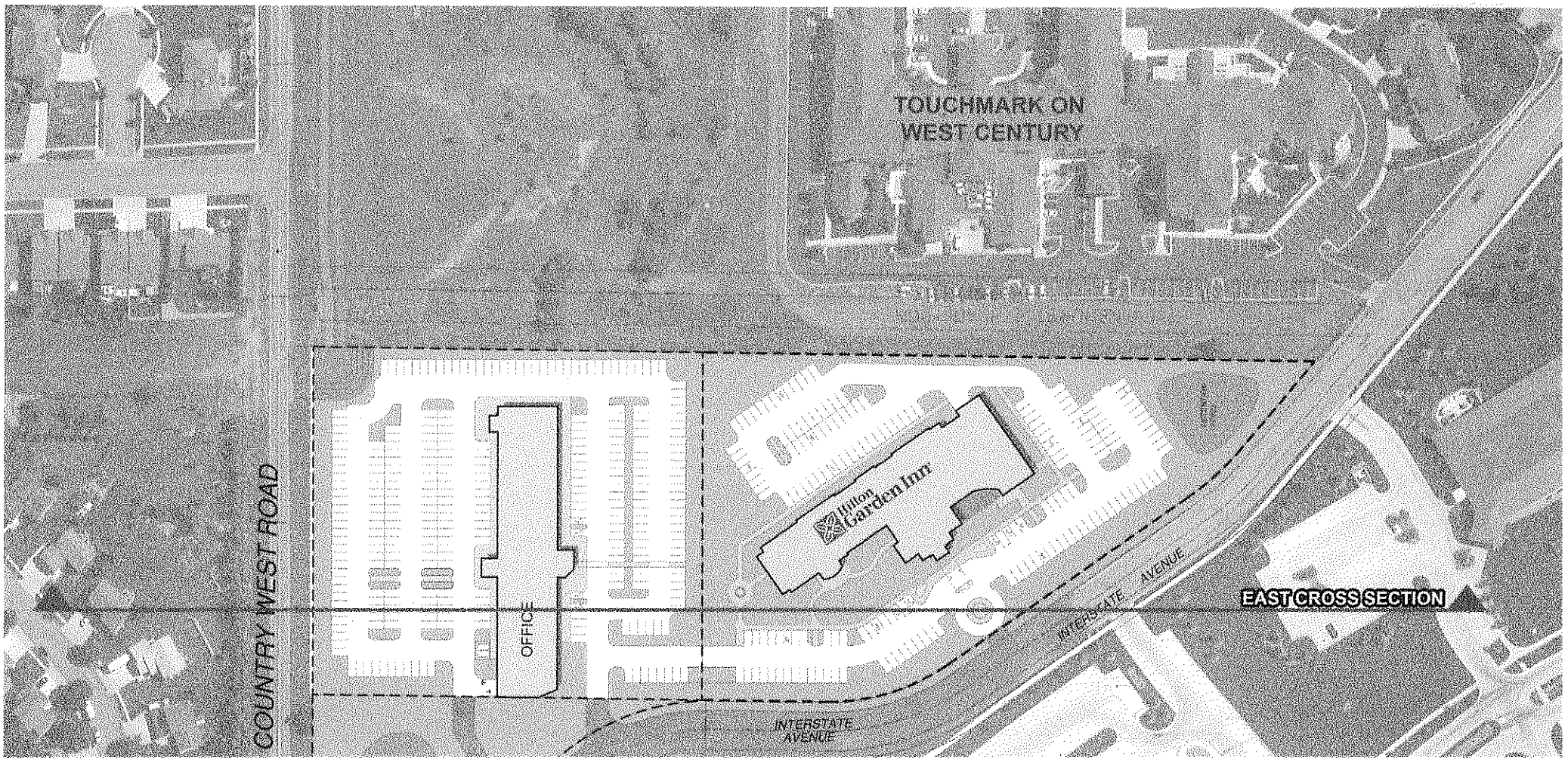
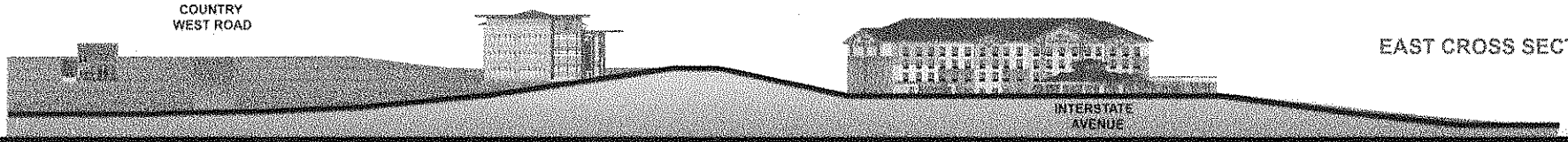




EAST CROSS SECTION

ROERS
Building success.

PINEHURST DEVELOPMENT PROPOSED CONCEPT

Bismarck, ND

Nov 2013

RECEIVED
NOV 14 2013

ROERS

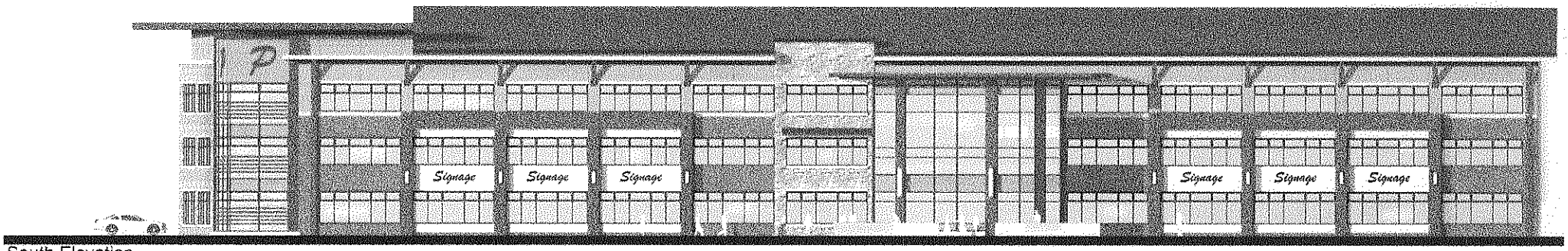
Building success.

PINEHURST DEVELOPMENT PROPOSED CONCEPT

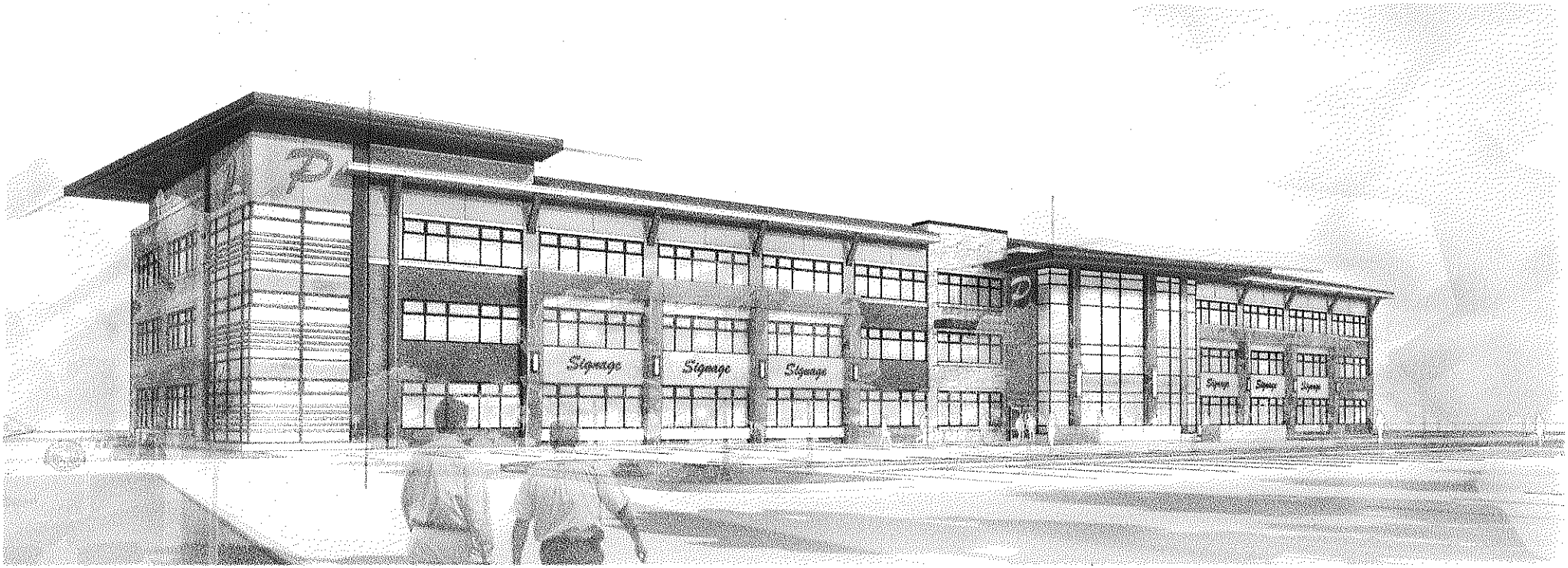
Bismarck, ND

Nov 2013

RECEIVED
NOV 14 2013



South Elevation



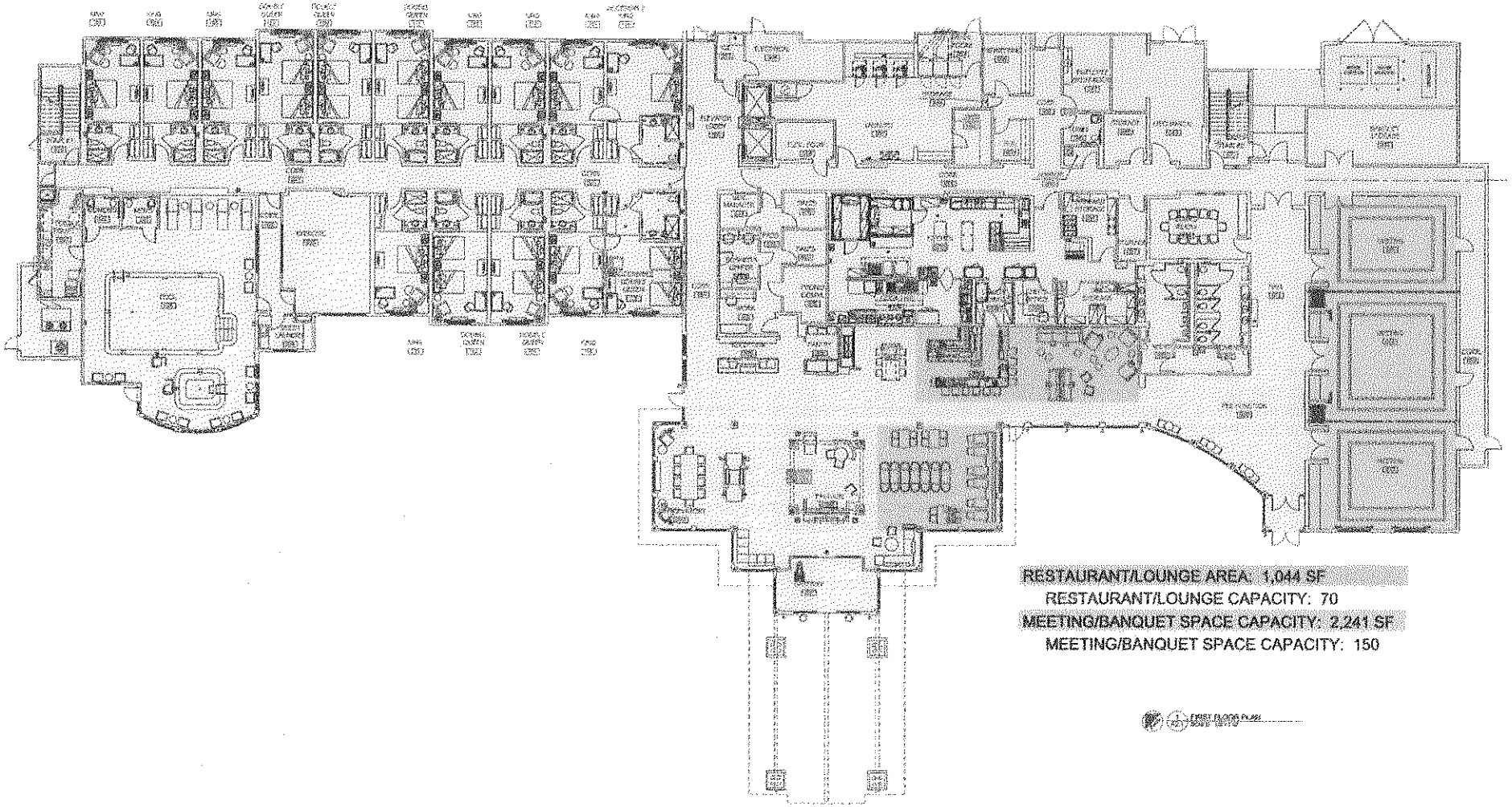
Southwest Perspective

ROERS
Building success.

PINEHURST DEVELOPMENT PROPOSED CONCEPT

Bismarck, ND

Nov 2013



RESTAURANT/LOUNGE AREA: 1,044 SF
RESTAURANT/LOUNGE CAPACITY: 70
MEETING/BANQUET SPACE CAPACITY: 2,241 SF
MEETING/BANQUET SPACE CAPACITY: 150

ROERS
Building success

HILTON GARDEN INN AT PINEHURST

Bismarck, ND

May 2013

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Pinehurst 9th Addition – Final Plat	
Status: Planning Commission – Public Hearing	**Date:** November 20, 2013
Owner(s): JPR Investments, LLC City of Bismarck	**Engineer:** BKBM Engineers
Reason for Request: To plat and rezone property for a full-service, 4-story, 123-room hotel project (Lot 2, Block 1) and an office building (Lot 1, Block 1).	
Location: In west Bismarck between East Century Avenue and Country West Road along an extension of West Interstate Avenue (part of the NW¼ of Section 29, T139-R80W/Hay Creek Township).	
Project Size: 11.459 acres +/-	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** 4-story, 123-room hotel project (Lot 2) Office building (Lot 1)
Zoning: R5 - Residential RT – Residential	**Zoning:** RT – Residential (Lots 1 & 3) PUD – Planned Unit Development (Lot 2)
Uses Allowed: R5 – Single-family residential RT – Multi-family residential, offices, medical offices and banks	**Uses Allowed:** RT – Multi-family residential, offices, medical offices and banks PUD – Uses specified in the PUD ordinance
Maximum Density Allowed: R5 – 5 units per acre RT – 30 units per acre	**Maximum Density Allowed:** RT – 30 units per acre PUD – N/A

PROPERTY HISTORY:		
Zoned: 07/1998	**Platted:** N/A	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The applicant has indicated the hotel development project would precede the office building project. The current zoning allows for the office use on Lot 1, Block 1. The current zoning of Lot 2, Block 1 does not permit a hotel. (The necessary zoning to support a hotel is CG – Commercial. Staff is not supportive of the CG – Commercial zoning district at this location due to the variety of allowable uses.) Planning staff recommended the applicant request the Planned Unit Development – PUD zoning district to ensure the property is developed as proposed.

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 would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus to the west and south, a City of Bismarck water reservoir to the northwest, single-family dwellings to the north across Country West Road, the Touchmark assisted living center to the east, and the Pinehurst retail development to the south across East Century Avenue.

4. The entire property is currently within corporate limits; therefore the proposed zoning change would not place an undue burden on public services.

5. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, it may adversely impact the Touchmark assisted living center directly adjacent to the east. The Touchmark facility offers independent and assisted living quarters for individuals above 55 years of age. The size and scale of the proposed development would be compatible with the assisted living center and the architectural design of the proposed hotel would generally be compatible with the existing structures in the area, provided adequate screening between the proposed hotel and the existing assisted living center is provided. A 15-foot vegetative buffer yard is proposed along the east property line. Additionally there is a 50-foot pipeline easement to the east of the proposed buffer yard; although the pipeline easement will not provide a location for additional plantings, it will provide additional separation between the two facilities and help to mitigate incompatibility.

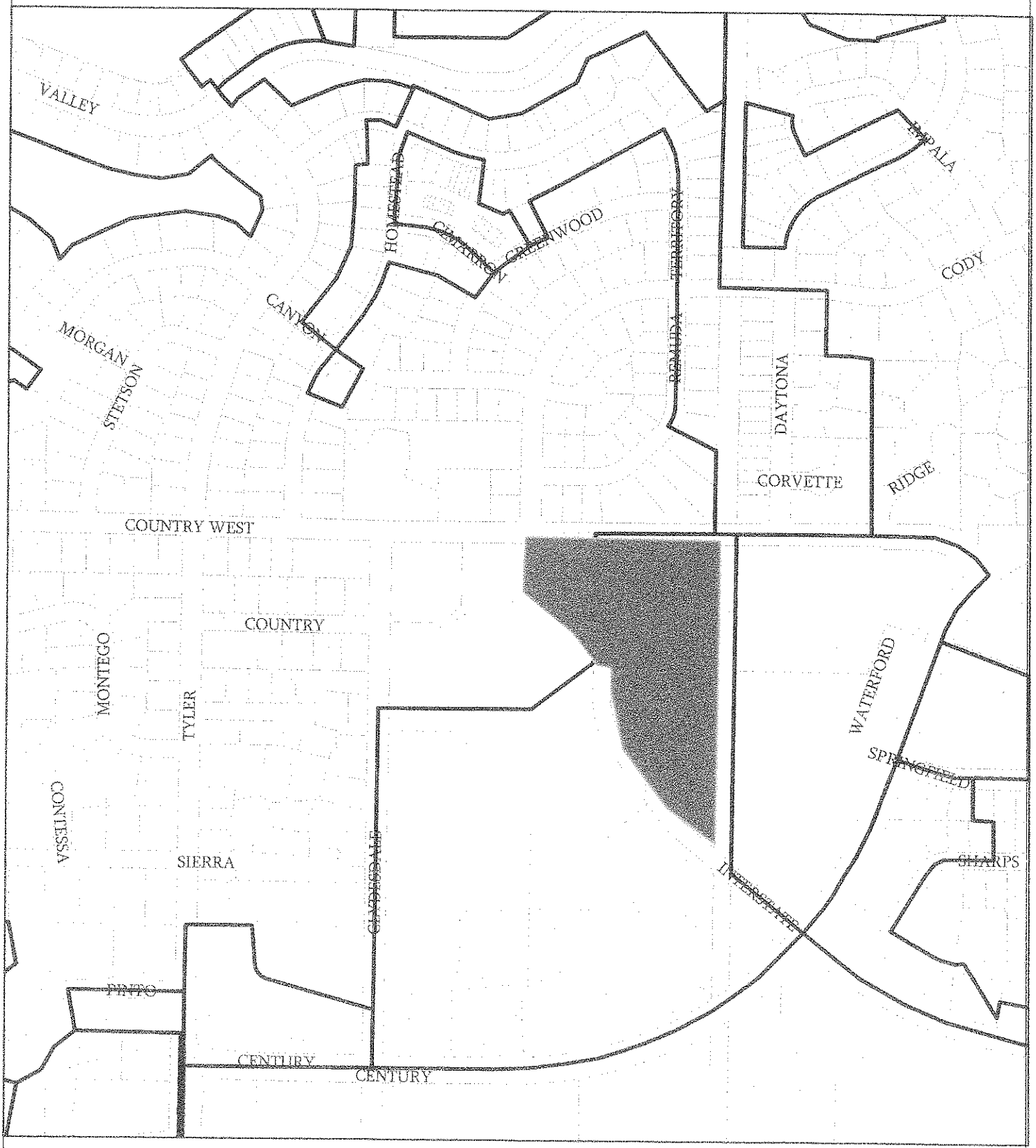
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

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 approval of the final plat for Pinehurst Ninth Addition.

Proposed Plat and Zoning Change (R5 and RT to RT, P and PUD)
Pinehurst 9th Addition

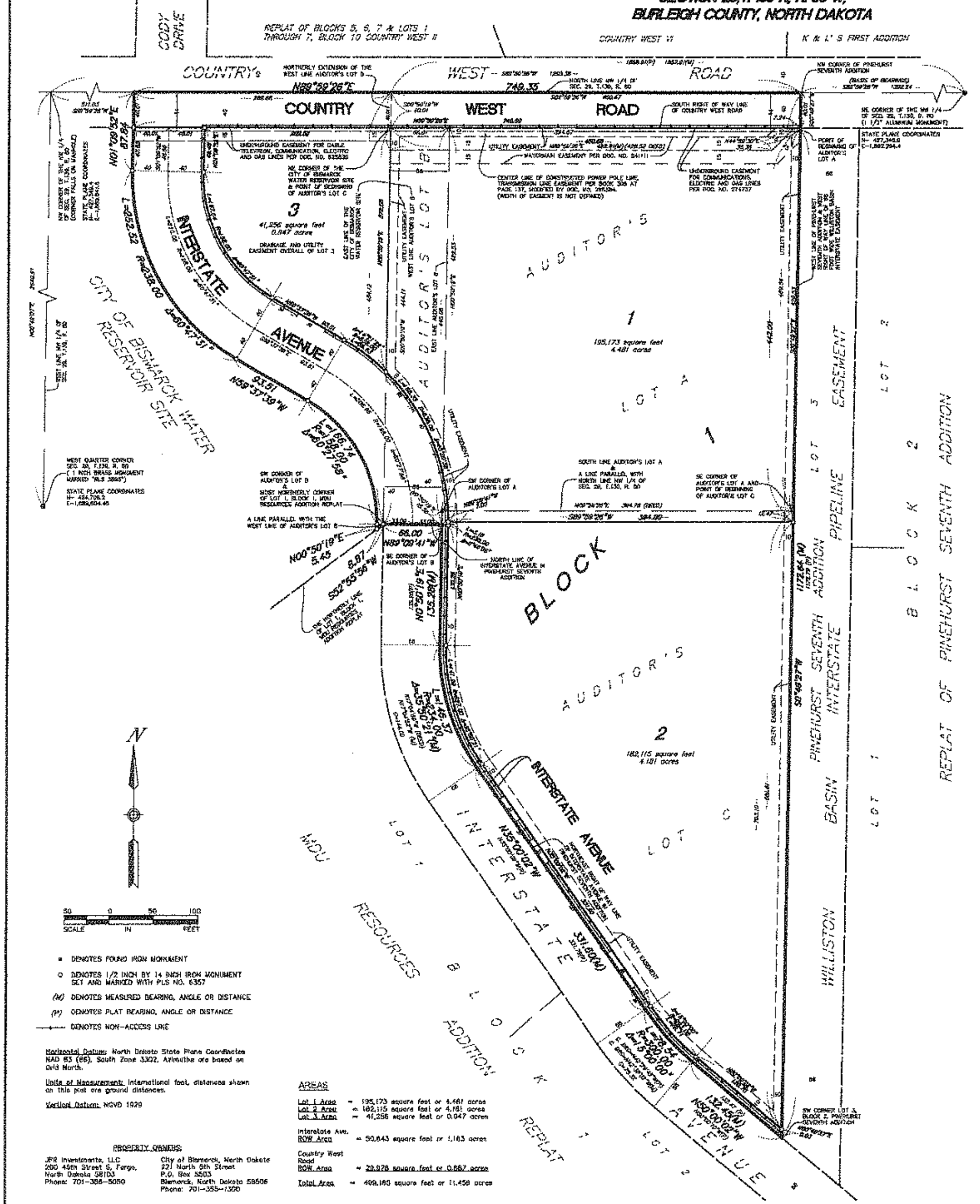


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: November 7, 2013 (lib)

Source: City of Bismarck

PINEHURST NINTH ADDITION

TO THE CITY OF BISMARCK, BEING PART OF THE NORTHWEST 1/4 OF SECTION 29, T. 139 N, R. 80 W, BURLEIGH COUNTY, NORTH DAKOTA



■ DENOTES FOUND IRON MONUMENT

○ DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED WITH PLS NO. 6357

(M) DENOTES MEASURED BEARING, ANGLE OR DISTANCE

(P) DENOTES PLAT BEARING, ANGLE OR DISTANCE

—+— DENOTES NON-ACCESS LINE

Horizontal Datum: North Dakota State Plane Coordinates NAD 83 (86), South Zone 3302. Azimuths are based on Grid North.

Units of Measurement: International foot, distances shown on this plat are ground distances.

Vertical Datum: NGVD 1929

PROPERTY OWNERS:

JPR Investments, LLC
200 45th Street S, Fargo, North Dakota 58103
Phone: 701-388-5050

City of Bismarck, North Dakota
221 North 5th Street
P.O. Box 5503
Bismarck, North Dakota 58506
Phone: 701-355-1300

AREAS

Lot 1 Area	= 195,173 square feet or 4.481 acres
Lot 2 Area	= 182,115 square feet or 4.181 acres
Lot 3 Area	= 41,256 square feet or 0.947 acres
Interstate Ave. ROW Area	= 50,643 square feet or 1.163 acres
Country West Road ROW Area	= 29,978 square feet or 0.687 acres
Total Area	= 499,165 square feet or 11.459 acres

DESCRIPTION

AUDITOR'S LOT A, more particularly described as follows:

Commencing at a found monument representing the northeast corner of the Northwest Quarter of Section 29, T.139 N, R 80W, of the 5th Principal Meridian, Burleigh County, North Dakota; thence S89°59'26"W on the north line of said Northwest Quarter, which is the basis of bearing, a distance of 1302.24 feet to the northwest corner of Pinehurst Seventh Addition; thence S0°49'27"W along the west line of Pinehurst Seventh Addition, which is also the west right-of-way line of the 66 foot wide Williston Basin Interstate easement, a distance of 40.01 to the point of intersection with the south right-of-way line of Country West Road, said point being the point of beginning; thence continuing S0°49'27"W along the west line of Pinehurst Seventh Addition a distance of 420.63 feet; thence S89°59'26"W parallel with the north line of said Northwest Quarter a distance of 384.78 feet to the point of intersection with the east right of way of proposed Interstate Avenue being 66.00 feet east and parallel to the east boundary of the City of Bismarck Water Reservoir Site; thence N0°50'19"E along said east right-of-way line of proposed Interstate Avenue a distance of 420.53 feet to the point of intersection of the south right-of-way line with Country West Road; thence N89°59'26"E along the south right-of-way line of Country West Road a distance of 384.67 feet to the point of beginning.

And

AUDITOR'S LOT B, more particularly described as follows:

Commencing at found monument representing the northeast corner of the Northwest Quarter of Section 29, T.139 N., R.80W. of the 5th Principal Meridian, Burleigh County, North Dakota, thence S89°59'26"W on the north line of said Northwest Quarter, which is the basis of bearing, a distance of 1858.91 feet; thence S0°50'10"W a distance of 40.01 feet to the northeast corner of the City of Bismarck Water Reservoir site, located on the south right-of-way line of Country West Road, said point being a found monument and the point of beginning; thence N89°59'26"E, along the south right-of-way line of Country West Road a distance of 66.01 feet; thence S0°50'19"W along the east right-of-way line of proposed Interstate Avenue a distance of 445.08 feet to a point on the east right-of-way of the north end of the Interstate Avenue in Pinehurst Seventh Addition; thence N89°09'41"W along the north boundary of Interstate Avenue of Pinehurst Seventh Addition a distance of 66.00 feet to the east boundary of the City of Bismarck Water Reservoir site; thence N0°50'19"E along the east boundary of the City of Bismarck Water Reservoir site a distance of 444.11 feet to the point of intersection of the south right-of-way line of Country West Road and the point of beginning.

And

AUDITOR'S LOT C, more particularly described as follows:

Commencing at a found monument representing the northeast corner of the Northwest Quarter (NW1/4), of Section 29, Township 139 North, Range 80 West of the 5th Principal Meridian, Burleigh County, North Dakota; thence S89°59'26"W along the north line of said Northwest Quarter (NW1/4), which is the basis of bearing, a distance of 1302.24 feet to the northeast corner of Pinehurst Seventh Addition; thence S0°49'27"W along the west line of Pinehurst Seventh Addition, which is also the west right-of-way line of the 66 foot wide Williston Basin Interstate Pipeline easement, a distance of 460.64 feet to the point of beginning which is a found monument representing the southeast corner of Auditors Lot "A"; thence continuing S0°49'27"W along the west line of Pinehurst Seventh Addition a distance of 703.10 feet to the southeast corner of Lot 3, Block 2 of Pinehurst Seventh Addition; thence N50°00'10"W along the northeast right-of-way of Interstate Avenue in Pinehurst Seventh Addition a distance of 132.47 feet to the point of curvature; thence N42°29'45"W on the chord of a curve a distance of 78.32 feet to a found monument at the point of tangency located on the northeast right-of-way of said Interstate Avenue, said curve is concave to the right and has a radius of 300.00 feet; thence N35°00'00"W continuing along said northeast right-of-way of said Interstate Avenue a distance of 331.80 feet to the point of curvature; thence N17°04'56"W on the chord of a curve a distance of 144.00 feet to the point of tangency located on the northeast right-of-way of said Interstate Avenue, said curve is concave to the right and has a radius of 234.00 feet; thence N0°50'19"E along the east right-of-way of said Interstate Avenue a distance 135.28 feet to a found monument at the southeast corner of Auditors Lot "B"; thence continuing N0°50'19"E along the east right-of-way of said Interstate Avenue a distance of 15.65 feet to a found monument at the southwest corner of Auditors Lot "A"; thence N89°59'26"E along the south line of Auditors Lot "A", a distance of 384.80 feet to the point of beginning.

And

That part of Section 29, T. 139N, R. 80W of the 5th Principal Meridian, Burleigh County, North Dakota described as follows: Commencing at the northwest corner of the Northwest Quarter of said Section 29; thence South 89 degrees 59 minutes 26 seconds West, assumed bearing, along the north line of said Northwest Quarter a distance of 1862.91 feet to the northerly extension of the west line of Auditor's Lot B of Auditor's Lots A & B of NW 1/4, Section 29, Township 139 North, Range 80 West, Burleigh County, North Dakota and the point of beginning of the land to be described; thence South 00 degrees 50 minutes 19 seconds West, along the west line of said Auditor's Lot B a distance of 484.12 feet to the southwest corner of said Lot B, also being the most northerly corner of Lot 1, Block 1, MDU Resources Addition Replat, according to the recorded plat thereof, Burleigh County, North Dakota; thence South 52 degrees 55 minutes 56 seconds West, along the north line of said Lot 1, a distance of 8.87 feet; thence North 00 degrees 50 minutes 19 seconds East, along a line parallel with the west line of said Lot B a distance of 5.45 feet; thence northwesterly 166.74 feet along a tangential curve concave to the southwest, having a radius of 158.00 feet, a central angle of 60 degrees 27 minutes 58 seconds; thence North 59 degrees 37 minutes 39 seconds West, tangent to said curve, a distance of 93.51 feet; thence northwesterly and northerly 252.52 feet along a tangential curve concave to the northeast, having a radius of 238.00 feet, a central angle of 60 degrees 47 minutes 31 seconds; thence North 01 degree 09 minutes 52 seconds East, tangent to said curve, a distance of 87.84 feet to said North line of the Northwest Quarter; thence North 89 degrees 59 minutes 26 seconds East along said north line of the Northwest Quarter a distance of 225.68 feet to the point of beginning.

SURVEYOR'S CERTIFICATE

I, Mark S. Hanson, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that the annexed plat is a correct representation of the notes of a survey performed under my supervision and completed on the 7th day of May, 2013, that all distances are correct and monuments are placed in the ground as shown and that the outside boundary lines are correctly designated on the plat to the best of my knowledge and belief.

____
Mark S. Hanson, PLS
ND Reg. No. LS-6357

STATE OF __________) COUNTY OF __________)

On this ____ day of __________, 2013, before me personally appeared Mark S. Hanson, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

____
Notary Public for State of __________
County of __________
My commission expires __________

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat or an amendment to the master plan of the City of Bismarck, North Dakota.

The foregoing action of the Board of City Commissioners of Bismarck, North Dakota, was taken by resolution approved the ____ day of __________, 2013

____
ATTEST: W.C. Wocken ~ City Administrator

APPROVAL OF CITY ENGINEER

I, Melvin J. Bullinger, City Engineer of the City of Bismarck, North Dakota, hereby approve "Pinehurst Ninth Addition", Bismarck, North Dakota, as shown on the annexed plat.

____________________ __________
Melvin J Bullinger, City Engineer Date

APPROVAL OF CITY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the planning commission of the City of Bismarck, on the ____ day of __________ 2013, in accordance with the laws of the State of North Dakota, ordinances of the City of Bismarck, and regulations adopted by the said planning commission.

In witness whereof are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

____________________ ____________________
David Blackstead ~Chairman Carl Hokenstad ~Secretary

OWNER'S CERTIFICATE AND DEDICATION

Know all men by these presents that JPR Investments LLC, a North Dakota limited liability company, being the owner and proprietor of a portion of the property shown on the annexed plat, has caused that portion described hereon to be surveyed and platted as "Pinehurst Ninth Addition", and does so dedicate streets as shown hereon and all easements shown as "Utility Easement" to run with the land, for gas, electric, telephone and other public utilities or services on, across or under those certain strips of land designated hereon.

____
James P. Roers, President
JPR INVESTMENTS, LLC
200 45th Street South
Fargo, North Dakota 58103

STATE OF __________) COUNTY OF __________)

On this ____ day of __________, 2013, before me personally appeared James P. Roers, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

____
Notary Public for the State of __________
County of __________
My commission expires __________

OWNER'S CERTIFICATE AND DEDICATION

Know all men by these presents that the City of Bismarck, North Dakota, a municipal corporation, being the owner and proprietor of a portion of the property shown on the annexed plat, has caused that portion described hereon to be surveyed and platted as "Pinehurst Ninth Addition", and does so dedicate streets as shown hereon and all easements shown as "Utility Easement" to run with the land, for gas, electric, telephone and other public utilities or services on, across or under those certain strips of land designated hereon.

____
John Warford, Mayor
City of Bismarck, North Dakota
221 North 5th Street
P.O. Box 5503
Bismarck, North Dakota 58506

STATE OF __________) COUNTY OF __________)

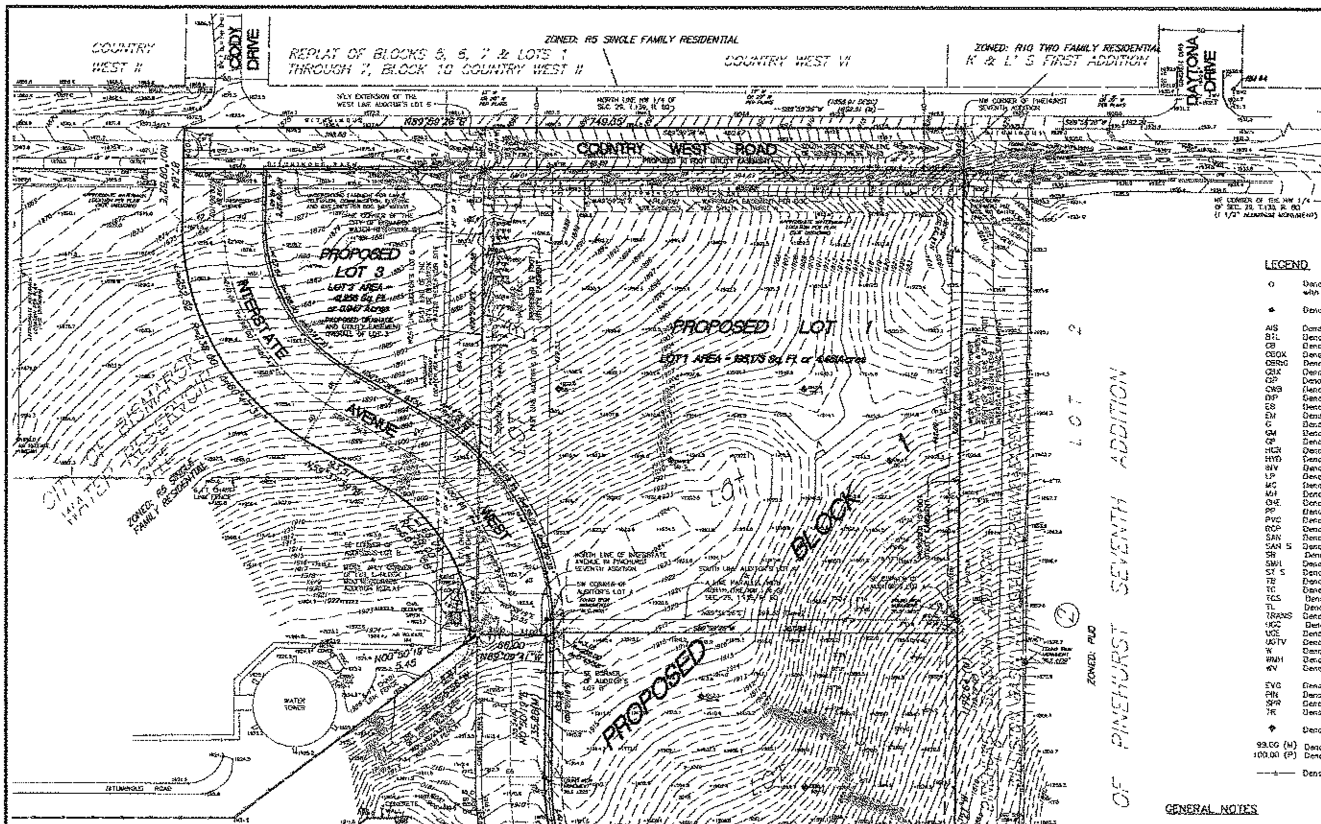
On this ____ day of __________, 2013, before me personally appeared John Warford, known to me to be the person described in and who executed the within certificate and he acknowledged to me that he executed the same.

____
Notary Public for the State of __________
County of __________
My commission expires __________

LAND SURVEYOR:

SUNDE LAND SURVEYING

Main Office
[illegible]
Bloomington, Minnesota [illegible]
[illegible] (Fax [illegible])
Branch Office
Mandan, North Dakota [illegible]



LEGEND

○	Denotes iron monument set marked with P.L.S. No. 6357
●	Denotes found iron monument
AIS	Denotes advertisement/information sign
BTL	Denotes beaver tail curb
CB	Denotes catch basin
CBOX	Denotes control box
CBRG	Denotes cable bridge
CBX	Denotes communication box
CIP	Denotes cast iron pipe
CWB	Denotes concrete wall base
DIP	Denotes ductile iron pipe
EB	Denotes electric box
EM	Denotes electric meter
G	Denotes gutter
GM	Denotes gas meter
GP	Denotes guard post
HCR	Denotes handicap ramp
HYD	Denotes fire hydrant
INV	Denotes structure invert
LP	Denotes light pole
MC	Denotes metal cover
MH	Denotes manhole
OHE	Denotes overhead electric line
PP	Denotes power pole
PVC	Denotes polyvinylchloride pipe
RCP	Denotes reinforced concrete pipe
SAN	Denotes sanitary manhole
SAN S	Denotes sanitary sewer
SB	Denotes Soil Boring
SMH	Denotes storm manhole
ST S	Denotes storm sewer
TB	Denotes telephone box
TC	Denotes top of concrete curb
TCS	Denotes traffic control sign
TL	Denotes traffic light
TRANS	Denotes transformer
UGC	Denotes underground communication line
UGE	Denotes underground electric line
UGTV	Denotes underground cable television
W	Denotes water line
WMH	Denotes water manhole
WV	Denotes water valve
EVG	Denotes evergreen tree
PIN	Denotes pine tree
SPR	Denotes spruce tree
TR	Denotes deciduous tree
⯁	Denotes soil boring
99.00 (M)	Denotes measured distance
100.00 (P)	Denote plat distance of Pinehurst 7th Add
——+——	Denotes non access line

BENCH MARKS (BM)— N.G.V.D. 1929

1.) Top of top nut of fire hydrant on east side of proposed Interstate Avenue 200 feet +/- northwest of end of constructed street
Elevation = 1905.06 feet

2.) Top of top nut of fire hydrant on northeast side of Interstate Avenue just west of Williston Basin Pipeline.
Elevation = 1866.90 feet

3.) Top of top nut of fire hydrant on northeast side of Interstate Avenue 70 feet +/- southeast of end of constructed street.
Elevation = 1865.34 feet

4.) Top of top nut of fire hydrant at northeast quadrant of Country West Road and Daytona Avenue.
Elevation = 1934.77 feet

DESCRIPTION OF PROPERTY SURVEYED

(Per PLAT of AUDITORS LOTS "A & B", Doc. No. 755859)

AUDITOR'S LOT A, more particularly described as follows:

Commencing at a found monument representing the northeast corner of the Northwest Quarter of Section 29, T.139 N, R 80W, of the 5th Principal Meridian, Burleigh County, North Dakota; thence S89°59'26"W on the north line of said Northwest Quarter, which is the basis of bearing, a distance of 1392.24 feet to the northwest corner of Pinehurst Seventh Addition; thence S0°49'27"W along the west line of Pinehurst Seventh Addition, which is also the west right-of-way line of the 86 feet wide Williston Basin Interstate easement, a distance of 40.01 to the point of intersection with the south right-of-way line of Country West Road, said point being the point of beginning; thence continuing S0°49'27"W along the west line of Pinehurst Seventh Addition a distance of 429.53 feet; thence S89°59'26"W parallel with the north line of said Northwest Quarter a distance of 394.78 feet to the point of intersection with the east right of way of proposed Interstate Avenue being 66.00 feet east and parallel to the east boundary of the City of Bismarck Water Reservoir Site; thence N0°50'19"E along said east right-of-way line of proposed Interstate Avenue a distance of 429.53 feet to the point of intersection of the south right-of-way line with Country West Road; thence N89°59'26"E along the south right-of-way line of Country West Road a distance of 394.67 feet to the point of beginning.

AUDITOR'S LOT B, more particularly described as follows:

Commencing at found monument representing the northeast corner of the Northwest Quarter of Section 29, T.139 N., R.80W. of the 5th Principal Meridian, Burleigh County, North Dakota, thence S89°59'26"W on the north line of said Northwest Quarter, which is the basis of bearing, a distance of 1858.91 feet; thence S0°50'19"W a distance of 40.01 feet to the northeast corner of the City of Bismarck Water Reservoir site, located on the south right-of-way line of Country West Road, said point being a found monument and the point of beginning; thence N89°59'26"E along the south right-of-way line of Country West Road a distance of 66.01 feet; thence S0°50'19"W along the east right-of-way line of proposed Interstate Avenue a distance of 445.06 feet to a point on the east right-of-way of the north end of the Interstate Avenue in Pinehurst Seventh Addition; thence N89°09'41"W along the north boundary of Interstate Avenue of Pinehurst Seventh addition a distance of 66.00 feet to the east boundary of the City of Bismarck Water Reservoir site; thence N0°50'19"E along the east boundary of the City of Bismarck Water Reservoir site a distance of 444.11 feet to the point of intersection of the south right-of-way line of Country West Road and the point of beginning.

(Per PLAT of AUDITORS LOT "C", Doc. No. 779532)

AUDITOR'S LOT C, more particularly described as follows:

Commencing at a found monument representing the northeast corner of the Northwest Quarter (NW1/4), of Section 29, Township 139 North, Range 80 West of the 5th Principal Meridian, Burleigh County, North Dakota; thence S89°59'26"W along the north line of said Northwest Quarter (NW1/4), which is the basis of bearing, a distance of 1392.24 feet to the northwest corner of Pinehurst Seventh Addition; thence S0°49'27"W along the west line of Pinehurst Seventh Addition, which is also the west right-of-way line of the 86 foot wide Williston Basin Interstate Pipeline easement, a distance of 469.54 feet to the point of beginning which is a found monument representing the southeast corner of Auditors Lot "A"; thence continuing S0°49'27"W along the west line of Pinehurst Seventh Addition a distance of 703.10 feet to the southwest corner of Lot 3, Block 2 of Pinehurst Seventh Addition; thence N30°00'40"W along the northeast right-of-way of Interstate Avenue in Pinehurst Seventh Addition a distance of 132.47 feet to the point of curvature, thence N42°29'45"W on the chord of a curve a distance of 78.32 feet to a found monument at the point of tangency located on the northeast right-of-way of said Interstate Avenue, said curve is concave to the right and has a radius of 300.00 feet; thence N35°00'09"W continuing along said northeast right-of-way of said Interstate Avenue a distance of 331.60 feet to the point of curvature; thence N17°04'59"W on the chord of a curve a distance of 144.00 feet to the point of tangency located on the northeast right-of-way of said Interstate Avenue, said curve is concave to the right and has a radius of 234.00 feet; thence N0°50'19"E along the east right-of-way of said Interstate Avenue a distance 135.26 feet to a found monument at the southeast corner of Auditors Lot "B"; thence continuing N0°50'19"E along the east right-of-way of said Interstate Avenue a distance of 15.55 feet to a found monument at the southwest corner of Auditors Lot "A"; thence N89°59'26"E along the south line of Auditors Lot "A", a distance of 394.80 feet to the point of beginning.

And

That part of Section 29, T. 139N, R. 80W of the 5th Principal Meridian, Burleigh County, North Dakota described as follows: Commencing at the northeast corner of the Northwest Quarter of said Section 29; thence South 89 degrees 59 minutes 26 seconds West, assumed bearing, along the north line of said Northwest Quarter 1852.91 feet to the northerly extension of the west line of Auditor's Lot B of Auditor's Lots A & B of NW 1/4 , Section 29, Township 139 North, Range 80 West, Burleigh County, North Dakota and the point of beginning of the land to be described; thence South 00 degrees 50 minutes 19 seconds West, along the west line of said Auditor's Lot B 484.12 feet to the southwest corner of said Lot B, also being the most northerly corner of Lot 1, Block 1, MDU Resources Addition Replat, according to the recorded plat thereof, Burleigh County, North Dakota; thence South 52 degrees 35 minutes 56 seconds West, along the north line of said Lot 1, a distance of 8.87 feet; thence North 00 degrees 50 minutes 19 seconds East, along a line parallel with the west line of said Lot B 5.45 feet; thence northwesterly 166.74 feet along a tangential curve concave to the southwest, having a radius of 158.00 feet, a central angle of 60 degrees 27 minutes 58 seconds; thence North 59 degrees 37 minutes 39 seconds West, tangent to said curve, 93.51 feet; thence northwesterly and northerly 252.57 feet along a tangential curve concave to the northeast, having a radius of 238.00 feet, a central angle of 60 degrees 47 minutes 31 seconds; thence North 01 degree 09 minutes 52 seconds East, tangent to said curve, 87.84 feet to said North line of the Northwest Quarter; thence North 89 degrees 59 minutes 26 seconds East along said north line of the Northwest Quarter 285.68 feet to the point of beginning.

GENERAL NOTES

1.) Survey Coordinate Basis: North Dakota State Plane South Zone Coordinates.Azimuths are based on Grid North. Combined Scale Factor (1/CF) 1.0001492509. Ground Coordinate (or distance) = State Plane Coordinate (or Grid distance) times 1/CF.NDDOT Monument No. 08-29 used for coordinate information.

2.) Distances shown on this survey are ground distances.

3.) Horizontal locations and vertical elevation are based on the international foot unit of measurement.

UTILITY NOTES

1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary.

2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.

3.) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our North Dakota One Call, ticket number 13014303.

4.) Contact NORTH DAKOTA ONE CALL at 1-800-795-0555 for precise onsite location of utilities prior to any excavation.

ZONING NOTES

1) Zoning information obtained from the City of Bismarck web site on 6-12-2013.

The subject property is zoned RT (Office-Multi-Family Residential)

2) Proposed zoning as follows:

Lot 1, Block 1 = RT (Office—Multi-Family Residential)

Lot 2, Block 1 = PUD (Planned Unit Development)

AREA

Overall Gross Area = 499,165 square feet or 11.459 acres

Lot 1 Area = 195,173 square feet or 4.481 acres
Lot 2 Area = 182,115 square feet or 4.181 acres
Lot 3 Area = 41,256 square feet or 0.947 acres
Interstate Ave. W.
ROW Area = 50,643 square feet or 1.163 acres

Country West Road
ROW Area = 29,978 square feet or 0.687 acres

Total Area = 499,165 square feet or 11.459 acres

PLAT RECORDING INFORMATION

The plat of Auditor's Lots A & B of NW 1/4, Section 29, Township 139 North, Range 80 West was filed of record on 12/22/2011, as Document No. 755859.

The plat of Auditor's Lot C of NW 1/4, Section 29, Township 139 North, Range 80 West was filed of record on 1/08/2013, as Document No. 779532

TITLE COMMITMENT

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

PROPERTY OWNER:
JPH Investments, LLC
200 45th Street S, Fargo, ND 58103

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of North Dakota.

Dated this 14th day of May, 2013

SUNDE LAND SURVEYING, LLC.

By: Mark S. Hanson
Mark S. Hanson, L.S. N.D. No. LS 6357

Rescale & add property on west side	JMD	07/11/2013
Preliminary plat	JMD	06/12/2013

Drawing Title:
PRELIMINARY PLAT OF:
PINEHURST NINTH ADDITION
TO THE CITY OF BISMARCK,
PART OF NW 1/4, SEC. 29, T.139N, R.80W, BURLEIGH CO., ND

SUNDE LAND SURVEYING
www.sunde.com

Project: 2013-032-ND | Bk/Pg: 1002/25 | Date: 6/14/2013
Township: 139 Range: 80 Section: 29
File: 2013032ND_ppinth02.dwg | Sheet: 1 of 1

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Fazekas Subdivision – Final Plat

Status: Planning Commission – Public Hearing	**Date:** November 20, 2013
Owner(s): Michael Fazekas	**Engineer:** KLJ

Reason for Request:
Plat and rezone property to allow development of a two-lot single-family rural residential subdivision.

Location:
Southeast of Bismarck, west of England Street and south of Scout Street.

Project Size: 3.128 acres	**Number of Lots:** 2 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: RR - Residential	**Zoning:** RR – Residential
Uses Allowed: Rural residential & limited agriculture	**Uses Allowed:** Rural residential & limited agriculture
Maximum Density Allowed: One unit/65,000 square feet	**Maximum Density Allowed:** One unit/65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The proposed subdivision is located within the Urban Service Area Boundary, (USAB). A waiver has been requested to eliminate the requirement of ghost platting and other USAB requirements. The waiver request seems reasonable, as the property will be developed as a two lot subdivisions in which the owner has no plans to further subdivide.

2. The north half of a future right-of-way was dedicated when the adjacent plat (Wooded Acres Subdivision) was recorded; however, the right-of-way has not been improved. In the event that a roadway is desired, a 33 foot access easement has been placed along the northern edge of the proposed subdivision adjacent to the existing future right-of-way previously dedicated

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. Written concurrence from the County Engineer is also required.

3. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies England Street as a north-south arterial roadway.

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north south east and west.

(continued)

5. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to England Street via an existing private roadway; therefore, the proposed subdivision would not place an undue burden on public services.

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.

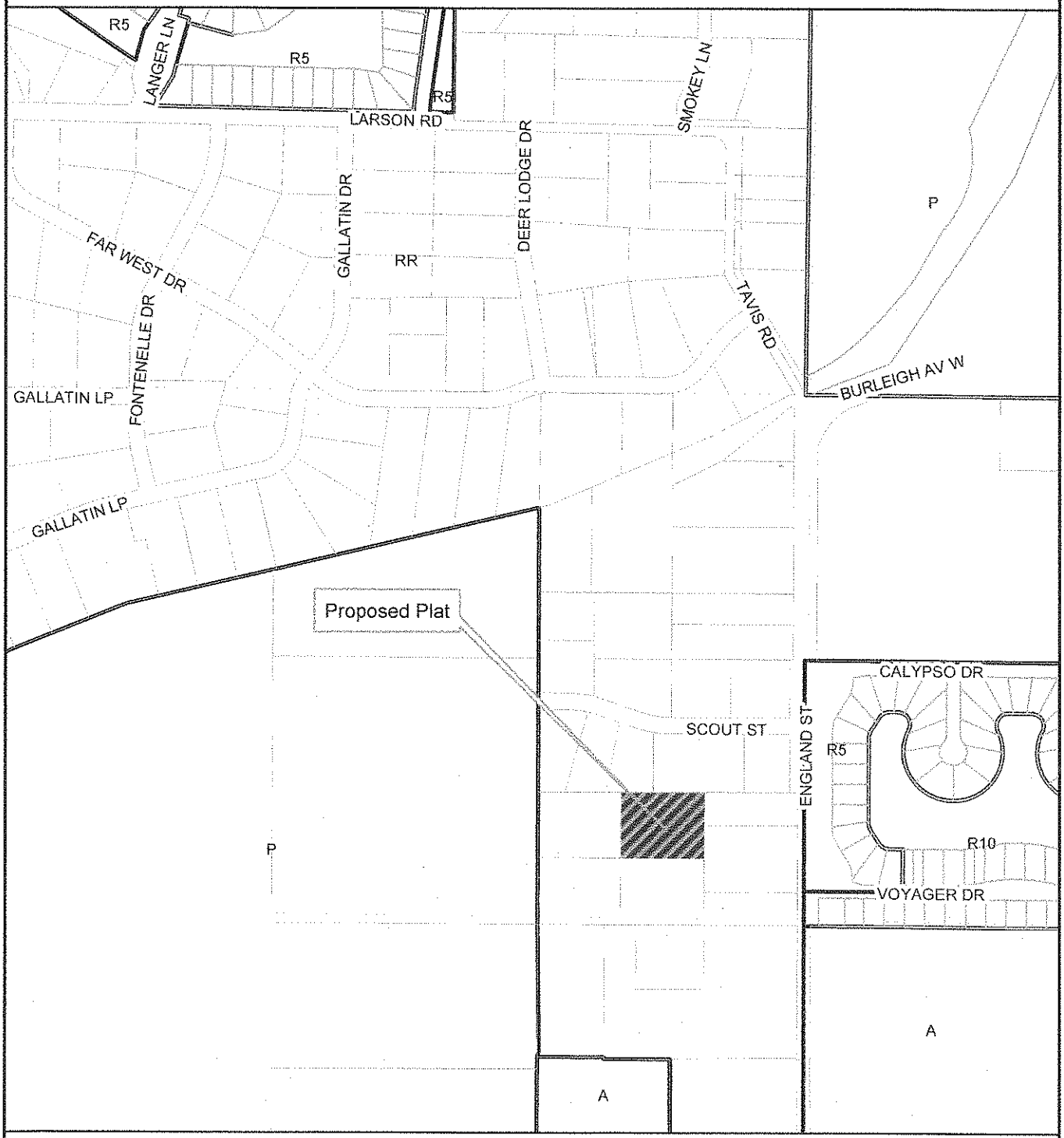
RECOMMENDATION:

Based on the above findings, staff recommends continuing action on the final plat of Fazekas Subdivision until the storm water management plan has been approved by the City Engineer with written concurrence from the Burleigh County Engineer.

If the City Engineer approves the storm water management plan and written concurrence from the Burleigh County Engineer is received prior to the meeting, staff will change its recommendation to:

> Based on the above findings, staff recommends approval of the final plat for Fazekas Subdivision, including the granting of a waiver from ghost platting requirements.

Proposed Plat
Fazekas 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 heron.
Map was Updated/Created: June 25, 2013 (hlb)

Source: City of Bismarck

N

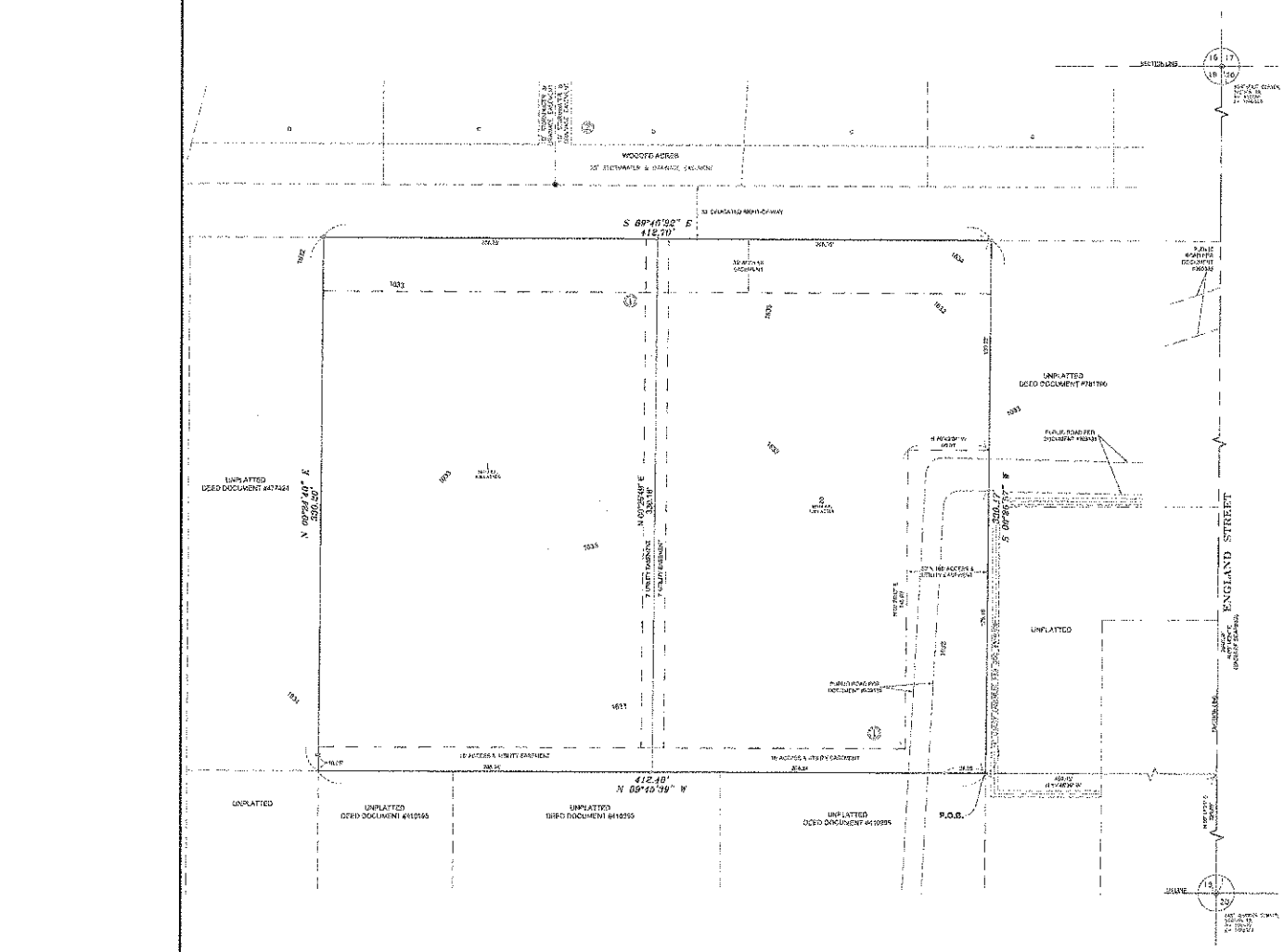
0 625 1,250 Feet

FAZEKAS SUBDIVISION

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 138 NORTH, RANGE 80 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

OWNER:
MICHAEL & LORETTA FAZEKAS
3906 HIDELAND STREET
BISMARCK, NORTH DAKOTA 58504

ENGINEER/SURVEYOR:
KLJ
526 SOO LANE DRIVE
BISMARCK, NORTH DAKOTA 58501
PH: 701.355.0400
FAX: 701.355.0761
www.KLJeng.com



DESCRIPTION

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

COMMENCING AT THE CASS COUNTY MONUMENT OF SAID SECTION 18; THENCE ALONG THE EAST LINE OF SAID SECTION 18, N 00°14'24" E A DISTANCE OF 329.88 FEET; THENCE N 89°45'39" W A DISTANCE OF 66.45 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 410995 AND STATED IN THE BURLEIGH COUNTY RECORDERS OFFICE, AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF SAID TRACT, FROM SAID POINT OF BEGINNING, N 89°45'39" W A DISTANCE OF 412.48 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK/DOC NUMBER 477421 AND STATED IN THE BURLEIGH COUNTY RECORDER'S OFFICE; THENCE ALONG THE EAST LINE OF SAID TRACT, N 00°24'40" E A DISTANCE OF 330.20 FEET TO THE SOUTH LINE OF WOODED ACRES SUBDIVISION; THENCE ALONG SAID SOUTH LINE, S 89°45'32" E A DISTANCE OF 412.70 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER 781790 AND RECORDED IN THE BURLEIGH COUNTY RECORDERS OFFICE; THENCE ALONG THE WEST LINE OF SAID TRACT, S 00°28'07" W A DISTANCE OF 330.17 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 136934 SQUARE FEET OR 3.126 ACRES.

SURVEYOR'S CERTIFICATE

I, KENT A. GRAVE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF THE RESULTS OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 4 DAY OF JUNE, 2013, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

KENT A. GRAVE
REGISTERED PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3483

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS ____ DAY OF _____, 201__, BEFORE ME PERSONALLY APPEARED KENT A. GRAVE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK.

THE FOREGOING ACTION OF THE CITY COMMISSION OF BISMARCK, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 201__.

ATTEST:
M. C. WOODEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, BRIAN J. BUELIGEN, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "FAZEKAS SUBDIVISION" AS SHOWN ON THE ANNEXED PLAT.

BRIAN J. BUELIGEN – CITY ENGINEER

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 201__, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION.

IN WITNESS WHEREOF AND SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WARDE LEE HARDY – CHAIRMAN

CARL G. HOKENSTAD – SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE COUNTY OF BURLEIGH, NORTH DAKOTA.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 201__.

JERRY WOODCOCK – CHAIRMAN

KEVIN J. GUST – COUNTY AUDITOR

OWNERS' CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MICHAEL A. LORETTA FAZEKAS, BEING THE OWNERS AND PROPRIETORS OF A PORTION OF THE PROPERTY SHOWN ON THE ANNEXED PLAT HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "FAZEKAS SUBDIVISION", AND DO SO DEDICATE STREETS AS SHOWN HEREON, INCLUDING ALL SEWER, ELECTRIC, WATER AND GAS DISTRIBUTION LINES AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

THEY ALSO RESERVE EASEMENTS TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE AND OTHER PUBLIC UTILITIES OR SERVICES ON, ACROSS OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON.

MICHAEL FAZEKAS

STATE OF NORTH DAKOTA)
) SS
COUNTY OF _____)

ON THIS ____ DAY OF _____, 201__, BEFORE ME PERSONALLY APPEARED MICHAEL FAZEKAS KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

LORETTA FAZEKAS

STATE OF NORTH DAKOTA)
) SS
COUNTY OF _____)

ON THIS ____ DAY OF _____, 201__, BEFORE ME PERSONALLY APPEARED LORETTA FAZEKAS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

_____ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

OCT 3 1 2013

PLAT LEGEND

5	BLOCK/LOT NUMBERS
○	IRON REBAR w/ LS CAP TO BE SET
●	IRON REBAR FOUND
⊕	IRON REBAR w/ LS 2352 CAP FOUND
———	PROPOSED BOUNDARY LINE
- - - - -	PROPOSED PLAT LINE
— — — —	PROPOSED EASEMENT LINE
———	ADJACENT PROPERTY LINE
———	EXISTING EASEMENT LINE
———	CENTERLINE OF EASEMENT

PLAT NOTES:

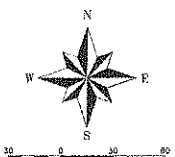
1. PER SITE LIES WITHIN THE 100 YEAR FLOOD ZONE, THE 100 YEAR FLOOD PLAIN ELEVATION IS 1838.6. ELEVATIONS SHOWN ARE NAVD 88.

2. THERE IS A BLANKET EASEMENT ON THIS PROPERTY FOR BURLEIGH WATER USERS COMPREHENSIVE RWS DOCUMENT #410995.

3. THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO FAZEKAS SUBDIVISION FOR A PERIOD OF TIME YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, RESCIND SOUTH CENTRAL REGIONAL WATER DISTRICT'S SPECIFICATIVE WATER SERVICE IF ANY CITY WATER SERVICE IS AVAILABLE.

PLAT INFORMATION

- NUMBER OF LOTS: 2
- LOT ACREAGE = 3.156 ACRES
- R.O.W. ACREAGE = 0.00 ACRES
- TOTAL ACREAGE = 3.126 ACRES



DATE: OCTOBER 2013
BASIS OF BEARING – STATE PLANE
TOPOGRAPHIC DATUM NAVD 88
UNITS OF MEASURE – INTERNATIONAL FEET
BENCHMARK – FIRE HYDRANT # 2686 – ELEV. 1839.09'

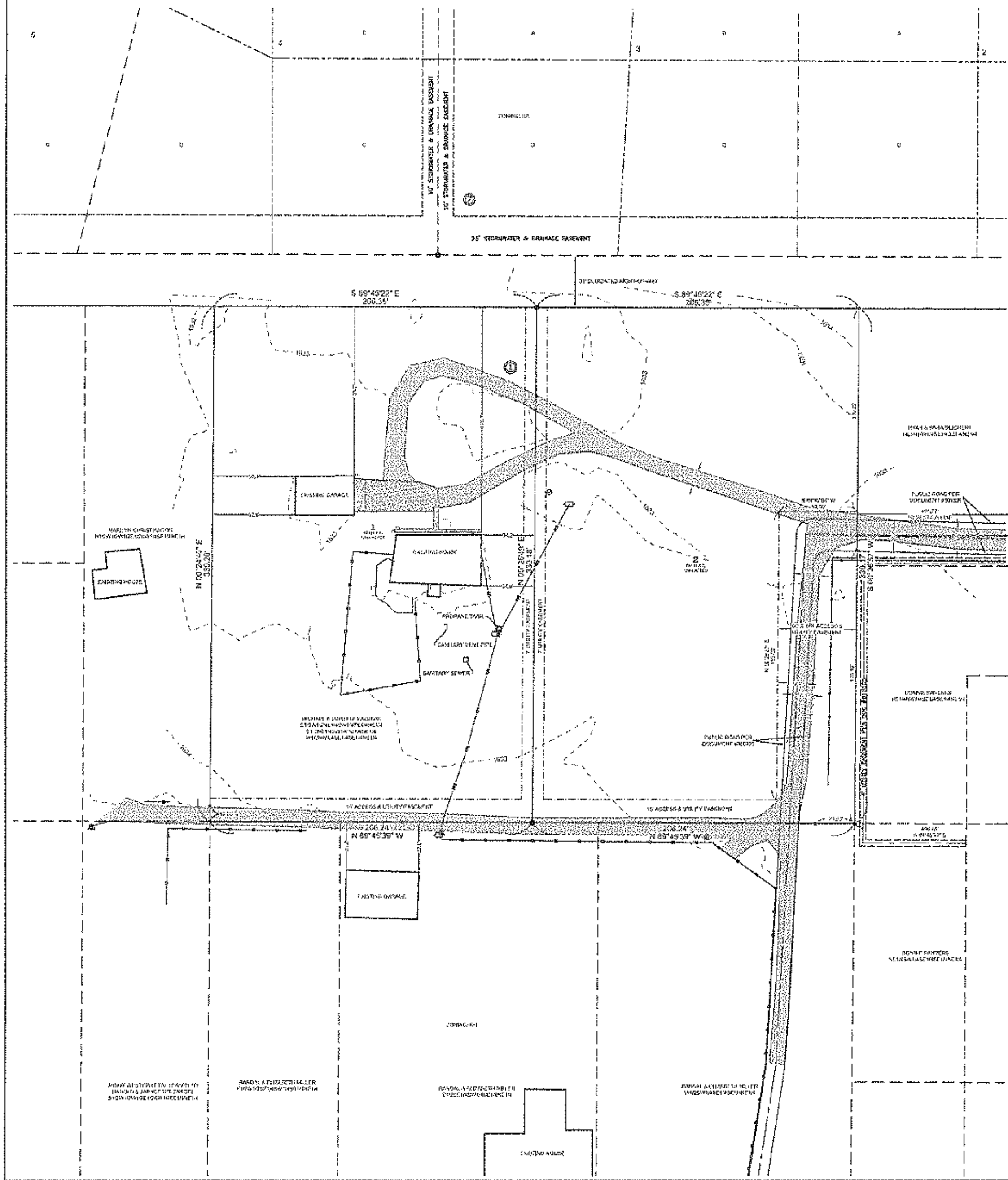
FAZEKAS SUBDIVISION

FAZEKAS SUBDIVISION

A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST QUARTER, THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 138 NORTH, RANGE 80 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

OWNER:
MICHAEL & LORETTA FAZEKAS
3908 ENGLAND STREET
BISMARCK, NORTH DAKOTA 58504
PHONE 701-400-5173

ENGINEER:
KLJ
128 SOO LINE DRIVE
BISMARCK, NORTH DAKOTA 58501
PHONE 701-355-8400



ZONING INFORMATION

EXISTING: RR
PROPOSED: RR

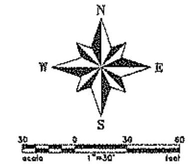
PLAT INFORMATION

- NUMBER OF LOTS: 2
- LOT ACREAGE – 3.128 ACRES
- R.O.W. ACREAGE – 0.00 ACRES
- TOTAL ACREAGE – 3.128 ACRES

PLAT NOTES:

THIS SITE LIES WITHIN THE 100 YEAR FLOOD PLAIN. THE 100 YEAR FLOOD PLAIN ELEVATION IS 1635.6. ELEVATIONS SHOWN ARE NAVD 88.

THERE IS A BLANKET EASEMENT ON THE PROPERTY FOR BURLEIGH WATER USERS COOPERATIVE PER DOCUMENT #320307.



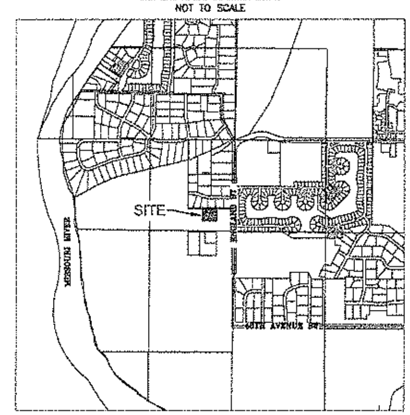
DATE: JULY 2013
BASIS OF BEARING – STATE PLANE
TOPOGRAPHIC DATUM NAVD 88
BENCHMARK – GPS ELEV. 1632.08

PLAT LEGEND

- PROPOSED BOUNDARY LINE
- PROPOSED EASEMENT LINE
- CONCRETE EDGE
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT LINE
- CENTERLINE OF EASEMENT
- EXISTING BUILDING LINE
- BARBED WIRE FENCE LINE
- WOOD FENCE LINE
- CENTERLINE OF ROAD
- EXISTING GRAVEL LINE
- ASPHALT EDGE
- EXISTING OVERHEAD POWER LINE
- WATER SERVICE VALVE
- EXISTING POWER POLE
- EXISTING ELECTRICAL PEDESTAL
- EXISTING TELEPHONE PEDESTAL
- ASPHALT SURFACE
- GRAVEL SURFACE
- CONCRETE SURFACE
- 2 BLOCK/LOT NUMBERS
- IRON REBAR & LS CAP SET
- IRON REBAR FOUND
- IRON REBAR & LS 2363 CAP FOUND
- CALCULATED CORNER

VICINITY MAP

NOT TO SCALE



KLJ

FAZEKAS SUBDIVISION

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
BREI Estates First Addition Replat – Minor Subdivision Final Plat

Status:	**Date:**
Planning Commission – Public Hearing	November 20, 2013
Owner(s):	**Engineer:**
BREI Estates, LLLP	Swenson, Hagen & Co.

Reason for Request:
Plat, zone and annex property for mixed density residential and office development.

Location:
In northwest Bismarck between 43rd Avenue/Ash Coulee Road and 57th Avenue NE, along the west side of North Washington Street (parts of the NE¼ of Section 17, T139N-R80W/Hay Creek Township).

Project Size:	**Number of Lots:**
22.92 acres	15 lots in 4 blocks

EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Single, two & multi-family residential and office uses
Zoning: Conditional R10-Residential, RM10-Residential, RM15-Residential, RM30-Residential and RT-Residential	**Zoning:** Conditional R10-Residential, RM10-Residential, RM15-Residential, RM30-Residential and RT-Residential
Uses Allowed: Conditional R10 – Two-family residential only RM10 – Multi-family dwellings RM15 – Multi-family dwellings RM30 – Multi-family dwellings RT – Multi-family dwellings and office uses	**Uses Allowed:** Conditional R10 – Two-family residential only RM10 – Multi-family dwellings RM15 – Multi-family dwellings RM30 – Multi-family dwellings RT – Multi-family dwellings and office uses
Maximum Density Allowed: R10 – 10 units/acre RM15 – 15 units/acre RM30 – 30 units/acre RT – 30 units/acre	**Maximum Density Allowed**: R10 – 10 units/acre RM15 – 15 units/acre RM30 – 30 units/acre RT – 30 units/acre

PROPERTY HISTORY:

Zoned:	**Platted:**	**Annexed:**
04/2013	04/2013	04/2013

ADDITIONAL INFORMATION:

1. This property was platted, zoned and annexed in April 2013. However, there was an error made by the surveyor with the field measurements and on the recorded mylar copy of the subdivision plat. The entire subdivision is being replatted to correct the field error. The overall subdivision size was reduced by 6,610 square feet. The majority of the Lots in Blocks 1-3 were modified slightly; the Lots in Block 4 were not changed. The property is undeveloped at this time.

FINDINGS:

1. All technical requirements for approval of a minor subdivision final plat have been met.

(continued)

2. The storm water management plan waiver request has been approved by the City Engineer.

3. The proposed subdivision has been annexed prior to development; therefore, it will not place an undue burden on public services and facilities.

4. The zoning for the proposed subdivision is not changing and would continue to be compatible with adjacent land uses.

5. The proposed subdivision would not adversely affect property in the vicinity.

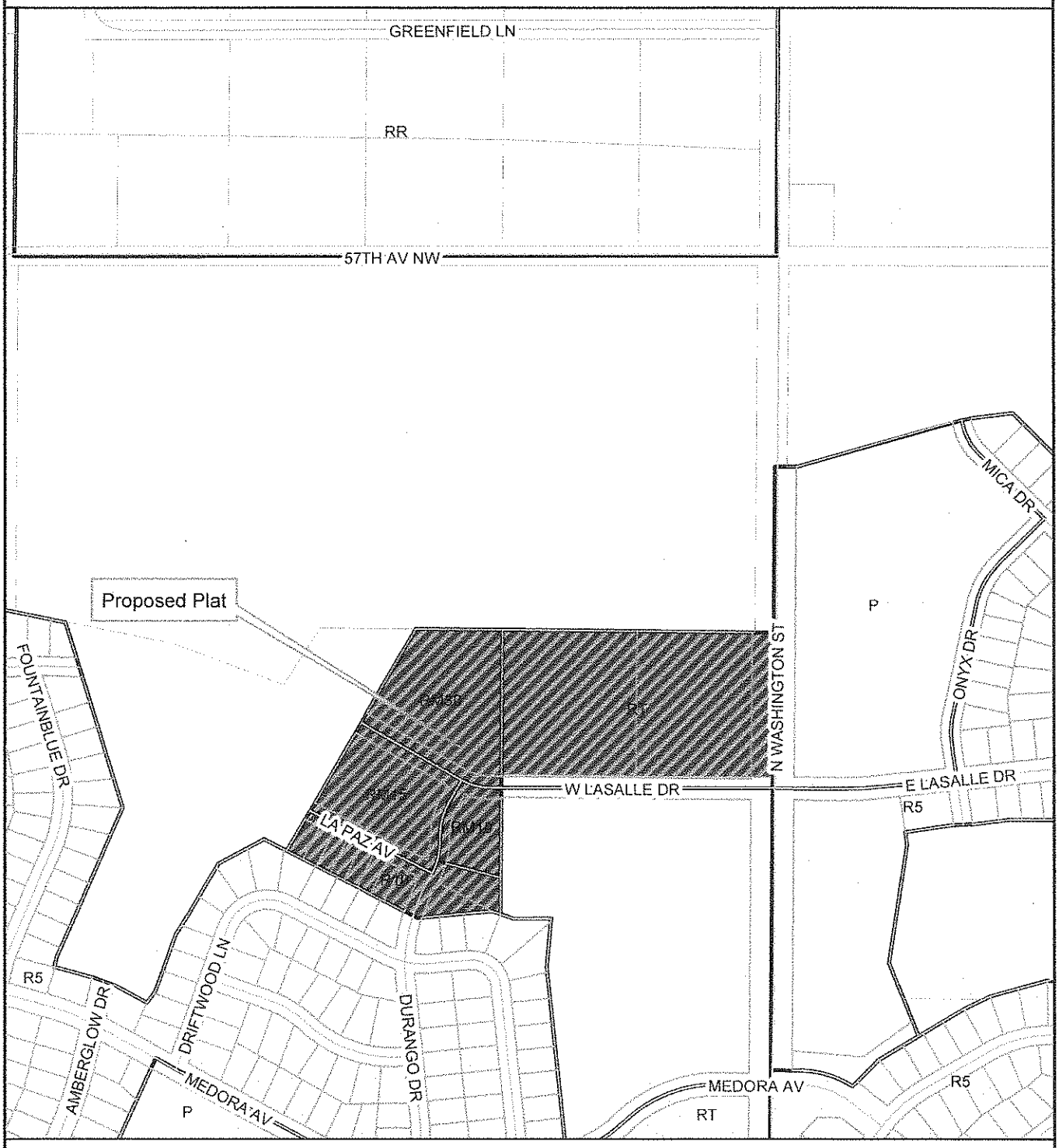
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

7. The proposed subdivision is consistent 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 BREI Estates First Addition Replat.

Proposed Minor Subdivision Plat
BREI Estates 1st Addition Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Map was Updated/Created: October 9, 2013 (nlb)

Source: City of Bismarck

N

0 437.5 875 Feet

BREI ESTATES FIRST ADDITION REPLAT

ALL OF BREI ESTATES FIRST ADDITION, PART OF THE NORTHEAST 1/4, SECTION 17, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY

NORTH DAKOTA

DESCRIPTION

ALL OF BREI ESTATES FIRST ADDITION, PART OF THE NORTHEAST 1/4, SECTION 17, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOOD SHEPHERD NORTH ADDITION; THENCE NORTH 89 DEGREES 27 MINUTES 47 SECONDS EAST, ALONG THE NORTH LINE OF SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 644.87 FEET, TO THE WEST LINE OF SAID GOOD SHEPHERD NORTH ADDITION; THENCE SOUTH 00 DEGREES 31 MINUTES 09 SECONDS WEST, ALONG SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 467.55 FEET, TO THE NORTHERLY LINE OF HORIZON HEIGHTS SECOND ADDITION; THENCE NORTH 71 DEGREES 03 MINUTES 05 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 201.95 FEET; THENCE SOUTH 44 DEGREES 47 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 205.18 FEET; THENCE NORTH 61 DEGREES 44 MINUTES 00 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 811.12 FEET; THENCE NORTH 30 DEGREES 15 MINUTES 13 SECONDS EAST, A DISTANCE OF 592.38 FEET, TO THE WESTERLY EXTENSION OF THE NORTH LINE OF ALBERTA'S LOT E-1; THENCE SOUTH 89 DEGREES 27 MINUTES 23 SECONDS EAST, ALONG SAID EXTENSION AND THE NORTH LINE OF ALBERTA'S LOT E-1, A DISTANCE OF 1248.62 FEET, TO THE EAST LINE OF SAID NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 31 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 204.46 FEET, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 21.18 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 6, 2013, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND BEARING DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
508 BASIN AVENUE
BISMARCK, NORTH DAKOTA

MATTHEW M. STERN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8086

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DANA PARKER, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BREI ESTATES LLP OF BISMARCK, NORTH DAKOTA BEING THE OWNERS AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BREI ESTATES FIRST ADDITION REPLAT", BISMARCK, NORTH DAKOTA.

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

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

RANDALL J. BAKKE, GENERAL PARTNER
BREI ESTATES LLP
1550 EIGHT BOULEVARD
BISMARCK, N.D. 58502

ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED RANDALL J. BAKKE OF BREI ESTATES LLP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS THEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER – CHAIRMAN CARL D. HOSKINSTAD – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THIS _____ DAY OF _____, 2013.

ATTEST
K. C. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BREI ESTATES FIRST ADDITION REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

CURVE DATA

CURVE	DELTA ANGLE	TANGENT	RADIUS	ARC	CHORD
C1	90°00'00"	20.00'	20.00'	31.42'	N45°00'00"E
C2	90°00'00"	20.00'	20.00'	31.42'	S45°00'00"E
C3	90°00'00"	20.00'	20.00'	31.42'	S45°00'00"W
C4	90°00'00"	20.00'	20.00'	31.42'	N45°00'00"W

AREA DATA

LOT	BLOCK	GROSS SQ. FT.	GROSS AC.	R.O.W. SQ. FT.	R.O.W. AC.	NET SQ. FT.	NET AC.
1	1	129,761	2.98	0	0.00	129,761	2.98
2	1	129,761	2.98	0	0.00	129,761	2.98
3	1	129,761	2.98	0	0.00	129,761	2.98
TOTALS		389,283	8.93	0	0.00	389,283	8.93

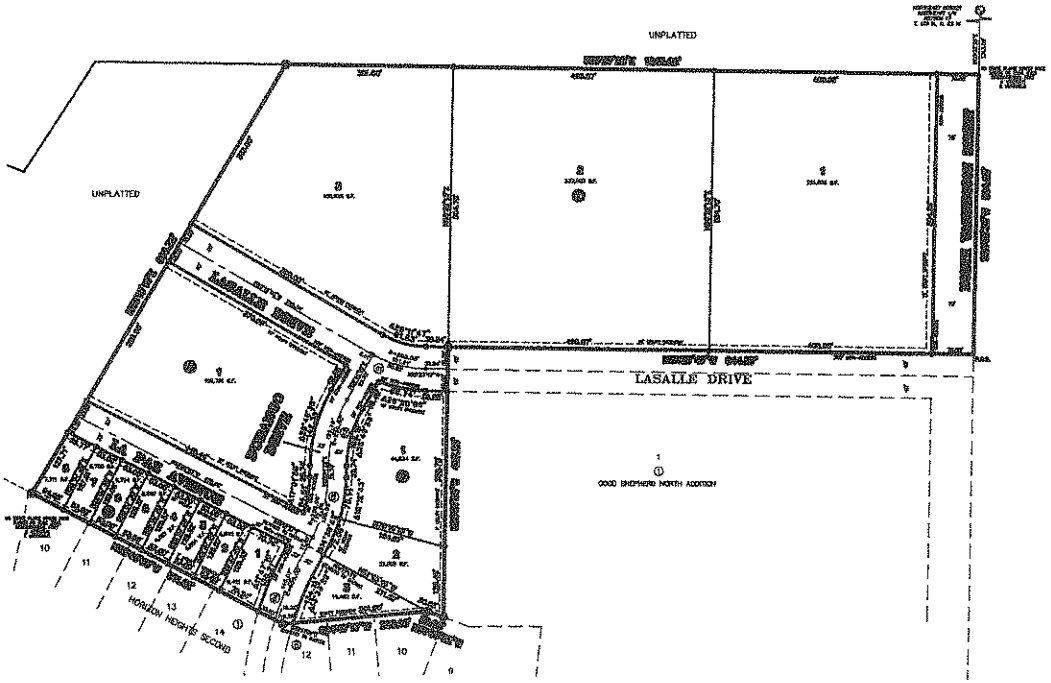
LEGEND

- BASIS OF BEARING: NORTH DAKOTA STATE PLANE SOUTH ZONE BY GPS OBSERVATION
- MONUMENTS: FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "SWENSON HAGEN & CO" UNLESS OTHERWISE NOTED
- BEARINGS BASED ON: NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83 SOUTH ZONE, ADJUSTMENT OF 1986, UNITS ARE INTERNATIONAL FEET
- VERTICAL DATUM: NATIONAL GEODETIC VERTICAL DATUM OF 1929
- BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS
- LOTS 1-8 BLOCK 4 ARE TWIN HOME LOTS EACH LOT ALLOWS 1 UNIT OF AN ATTACHED TWIN HOME
- ○ MONUMENT TO BE SET
- ● MONUMENT IN PLACE

N
W E
S

0' 50' 100'
SCALE: 1"=100'

SEPTEMBER 24, 2013
DATUM: NGVD 1929



SWENSON, HAGEN & COMPANY P.C.

BREI ESTATES FIRST ADDITION

ALL OF AUDITOR'S LOT E-1 AND PART OF THE NORTHEAST 1/4,
SECTION 17, T. 139 N., R. 80 W.
BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA

ORIGINAL / RECORDED VERSION

CURVE DATA

CURVE	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
C1	6°11'47"	52.60'	950.00'	201.91'
C2	25°49'08"	194.28'	430.00'	193.79'
C3	20°14'21"	86.54'	245.00'	86.56'
C4	11°55'54"	72.40'	870.00'	146.87'

AREA DATA

LOTS	BLOCKS SQ. FEET	ACRES
STREET	45,176 SF	3.46 ACRES
TOTAL	1,005,179 SF	23.07 ACRES

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY CITY ORDINANCE

BENCHMARK:
HYDRANT #4882 BETWEEN TACOMA ROAD BETWEEN YELLOWBANK DRIVE AND GRANITE DRIVE
ELEV = 1878.24 (NGVD 29)

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1929

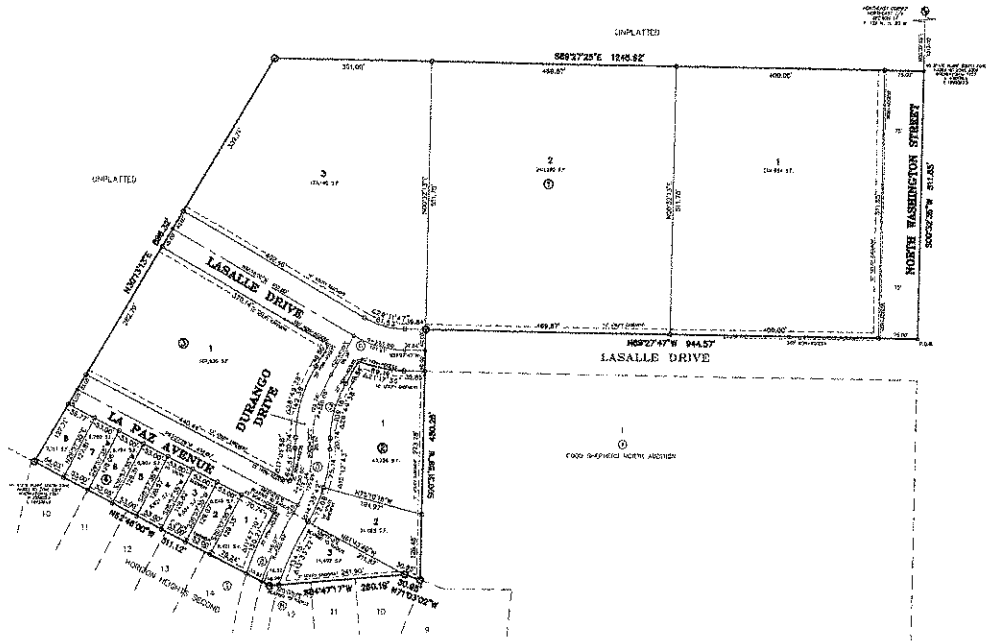
BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS

LOTS 1-8 BLOCK A AND THIS SAME LOTS EACH LOT ALLOWS 1 UNIT OF AN ATTACHED TWIN HOME.

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

N
W E
S

0 50' 100' 150'
SCALE: 1"=100'
MARCH 5, 2013
DATUM: NGVD 1929



DESCRIPTION

ALL OF AUDITOR'S LOT E-1 AND PART OF THE NORTHEAST 1/4, SECTION 17, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF GOOD SHEPHERD NORTH ADDITION; THENCE NORTH 89 DEGREES 37 MINUTES 47 SECONDS WEST, ALONG THE NORTH LINE OF SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 944.57 FEET, TO THE WEST LINE OF SAID GOOD SHEPHERD NORTH ADDITION; THENCE SOUTH 00 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID GOOD SHEPHERD NORTH ADDITION, A DISTANCE OF 460.16 FEET, TO THE NORTHERLY LINE OF HORIZON HEIGHTS SECOND ADDITION; THENCE NORTH 71 DEGREES 03 MINUTES 02 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 280.19 FEET; THENCE SOUTH 84 DEGREES 47 MINUTES 17 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 280.19 FEET; THENCE NORTH 52 DEGREES 49 MINUTES 03 SECONDS WEST, CONTINUING ALONG SAID NORTHERLY LINE, A DISTANCE OF 311.12 FEET; THENCE NORTH 30 DEGREES 13 MINUTES 13 SECONDS EAST, A DISTANCE OF 698.32 FEET, TO THE WESTERLY EXTENSION OF THE NORTH LINE OF AUDITOR'S LOT E-1; THENCE SOUTH 89 DEGREES 37 MINUTES 25 SECONDS EAST, ALONG SAID EXTENSION AND THE NORTH LINE OF AUDITOR'S LOT E-1, A DISTANCE OF 1245.82 FEET, TO THE EAST LINE OF SAID NORTHEAST 1/4; THENCE SOUTH 00 DEGREES 22 MINUTES 35 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 511.82 FEET; TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 23.07 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 8, 2013, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

MATTHEW M. STERN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8299
SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

ON THIS 5TH DAY OF March 2013, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT BREI ESTATES LLP OF BISMARCK, NORTH DAKOTA BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "BREI ESTATES FIRST ADDITION", BISMARCK, NORTH DAKOTA.

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

RANDALL J. BAKKE, GENERAL PARTNER
BREI ESTATES LLP
1800 BOWN BOULEVARD
BISMARCK, N.D. 58502

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH }

ON THIS 11th DAY OF March 2013, BEFORE ME PERSONALLY APPEARED RANDALL J. BAKKE OF BREI ESTATES LLP KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES Aug. 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 26th DAY OF March 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE ILKE YEAGER – CHAIRMAN
CARL D. HOKENSTAD – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 12th DAY OF March 2013.

ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "BREI ESTATES FIRST ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

3/27/2013

SWENSON, HAGEN & COMPANY P.C.

BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Lot 14, Block 1, Sonnet Heights Subdivision – Zoning Change (R5 to R10)		
Status: Planning Commission – Public Hearing	**Date:** November 20, 2013	
Owner(s): Mario Spasovski	**Engineer:** None	
Reason for Request: Rezone property to allow for the development of a twinhome.		
Location: In northeast Bismarck, along the east side of Normandy Street, between 57th Avenue NE and Canada Avenue.		
Project Size: 11,644 square feet	**Number of Lots:** 1 lot in 1 block	
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**	
Land Use: Undeveloped	**Land Use:** Two-family residential	
Zoning: R5 – Residential	**Zoning:** R10 – Residential	
Uses Allowed: R5 – Single-family residential	**Uses Allowed:** Single and two-family residential	
Maximum Density Allowed: 5 units/acre	**Maximum Density Allowed:** 10 units/acre	
PROPERTY HISTORY:		
Zoned: 12/1980	**Platted:** 12/1980	**Annexed:** 03/2007

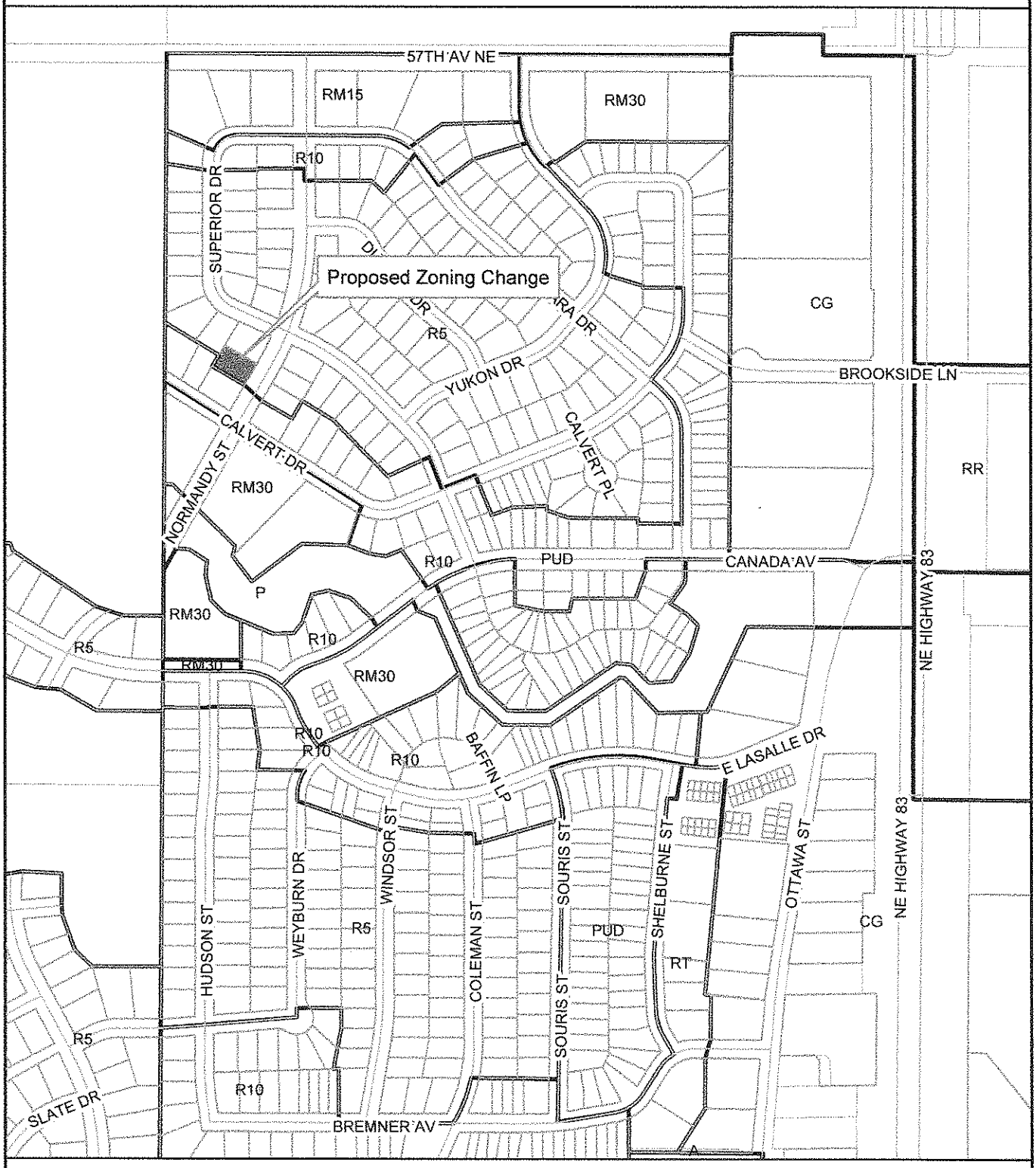
FINDINGS:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies this area as urban residential (land use portion of US Highway 83 Corridor Transportation Study).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family residential to the north, east and west, and developing single and two-family residential to the south and southeast.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the R5-Residential zoning district to the R10-Residential zoning district on Lot 14, Block 1, Sonnet Heights Subdivision.

Proposed Zoning Change (R5 to R10)
Lot 14, Block 1, Sonnet Heights 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 heron.
Map was Updated/Created: September 27, 2013 (klee)

Source: City of Bismarck

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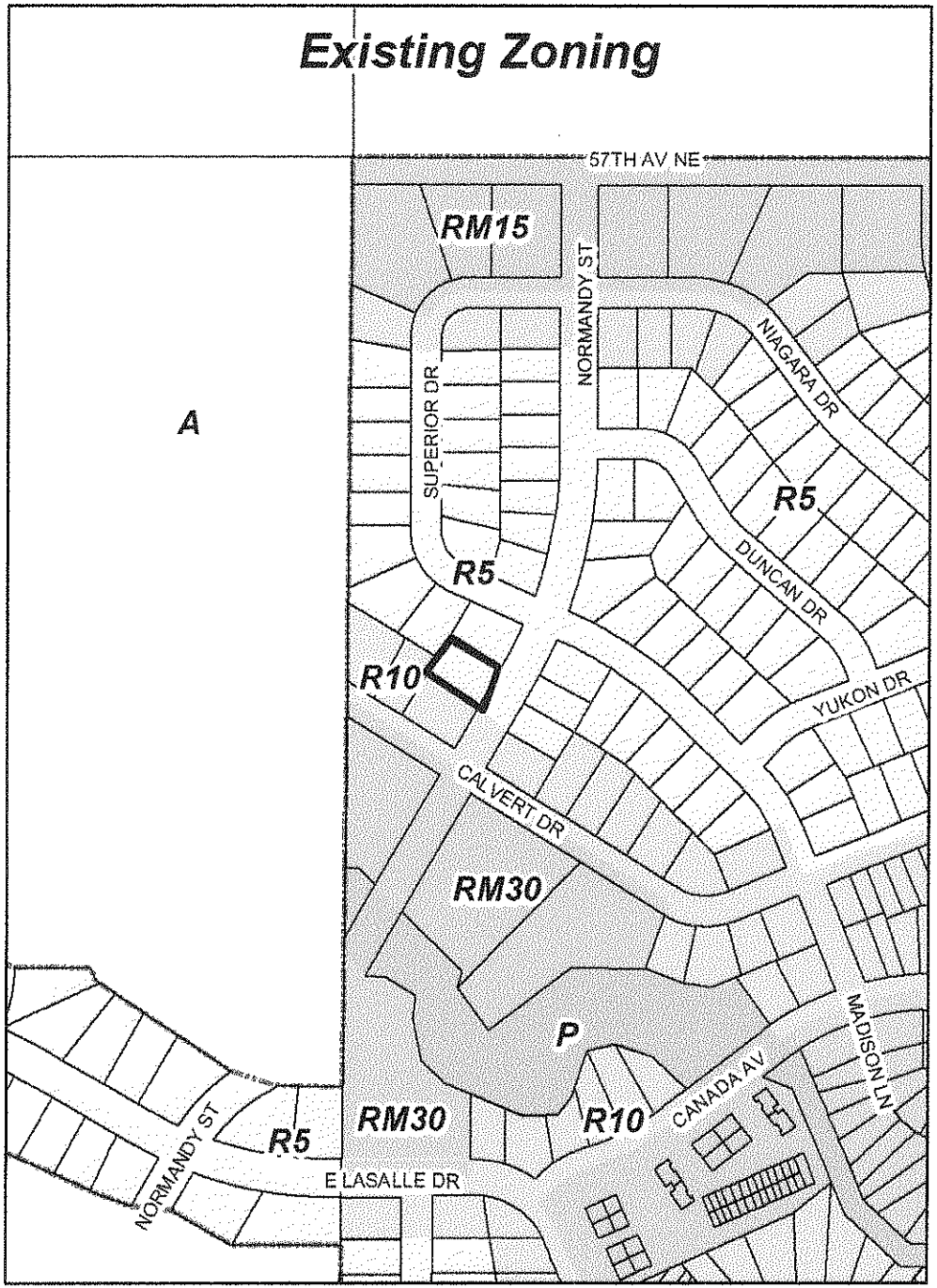
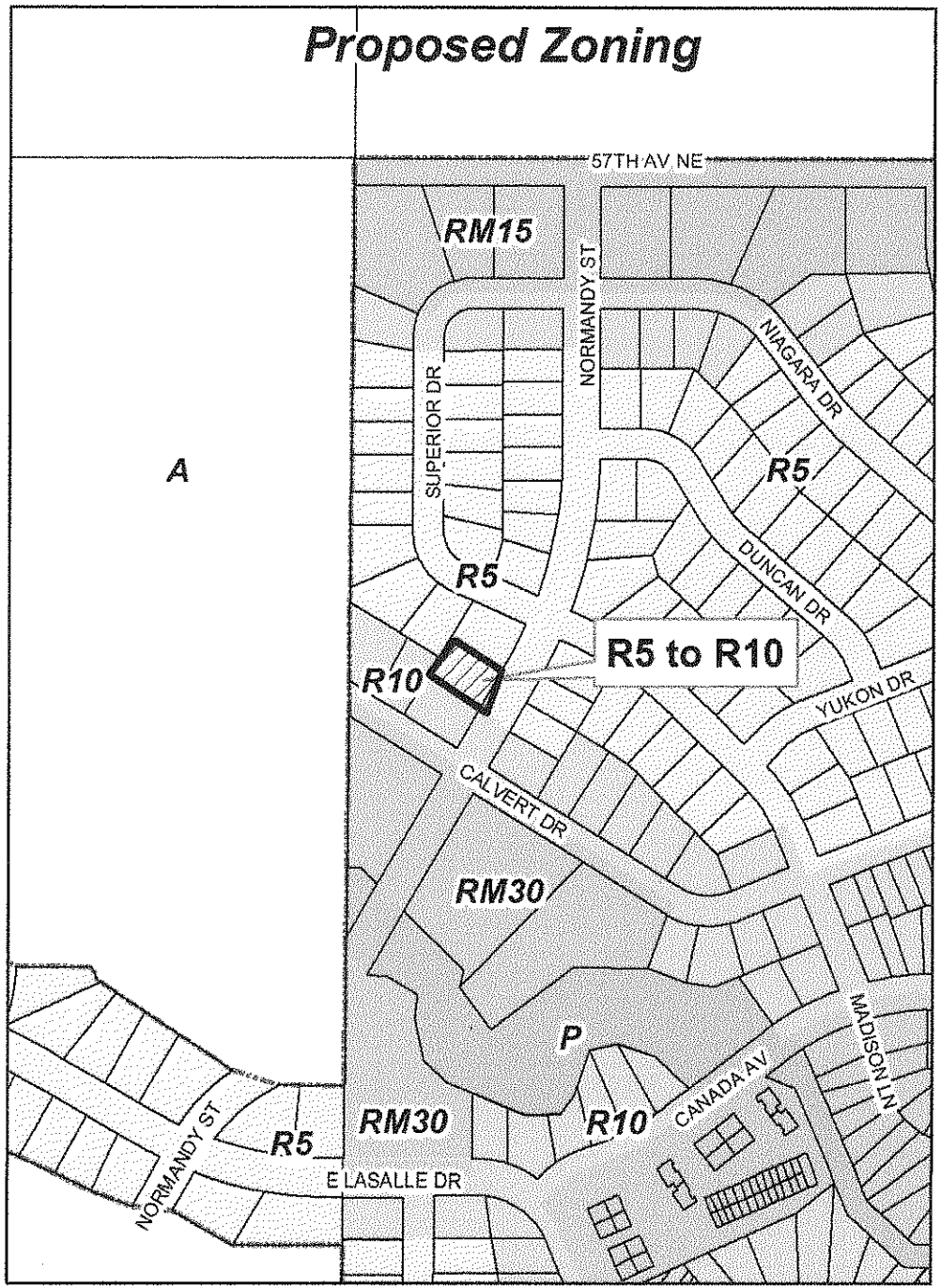
Lot 14, Block 1, Sonnet Heights Subdivision - Zoning Change





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October 2013

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BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:

Title:
Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and part of the SE¼ of the NE¼ of Section 5, T138N-R80W – Zoning Change (P & CG to P)

Status: Planning Commission – Public Hearing	**Date:** November 20, 2013
Owner(s): Bismarck Parks and Recreation District	**Engineer:** Ulteig Engineers, Inc.

Reason for Request:
Rezone property to bring all parcels owned by the Park District in the area into the same zoning district and allow for the development of the Municipal Ball Park.

Location:
In central Bismarck, at the northwest intersection of West Sweet Avenue and South Washington Street, south of Memorial Highway.

Project Size: 12 acres, more or less	**Number of Lots:** 3 parcels in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Recreational ball park	**Land Use:** Recreational ball park
Zoning: P – Public; CG – Commercial	**Zoning:** P – Public
Uses Allowed: P – Public uses including parks/ open space storm water drainage and facilities; CG – General commercial	**Uses Allowed:** P – Public uses including parks/ open space storm water drainage and facilities
Maximum Density Allowed: P – N/A; CG – 42 units/acre	**Maximum Density Allowed:** P – N/A

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
Pre-1959	Portion 04/1953	Pre-1959

ADDITIONAL INFORMATION:

1. The proposed zoning change is in conjunction with the construction of a new grandstand at the Municipal Ball Park. During the site plan review process it was determined that a variance was needed to reduce the front yard setback along the south side of the property from 25 feet to 16 feet to allow a portion of the grandstand to be placed in the front yard setback, which was approved by the Board of Adjustment on September 25, 2013. It was also determined during the site plan review process that a lot modification to combine the lots included in the proposed zoning change request was required. The site plan was approved on October 4, 2013; however, in order to proceed with the lot modification a zoning change must be approved by the Bismarck Planning & Zoning Commission.

2. Section 14-09-03 of the City Code of Ordinances (Definitions) defines a lot combination as, "a combination of two (2) or more platted lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision that meets the following criteria: Does not involve lots within more than one zoning jurisdiction.".

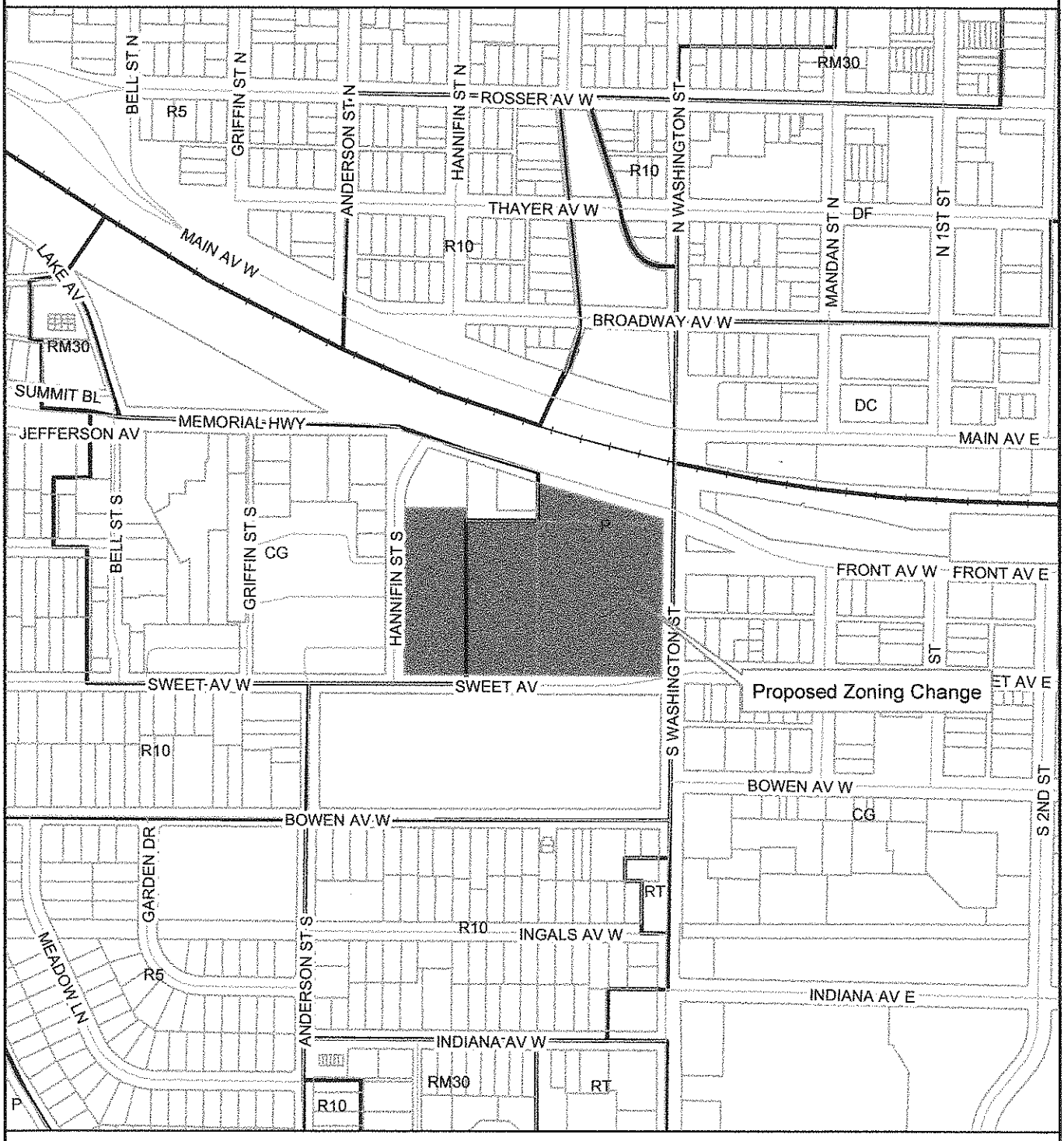
FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include commercial and public uses to the north, a park to the south, a mobile home park to the west and a combination of commercial uses and residential uses to the east across South Washington Street.
2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the P – Public and CG – Commercial zoning districts to the P – Public zoning district on Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and part of the SE¼ of the NE¼ of Section 5, T138N-R80W.

Proposed Zoning Change (P & CG to P)
Lot A of Auditor's Lots 15 & 16, Park Hills Auditors Lots, Lots 2 &3 of Park Hill Subdivision of Lot 14 and Lots 33-47, Park Hills Auditors Lots



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Map was Updated/Created: September 27, 2013 (klee)

Source: City of Bismarck

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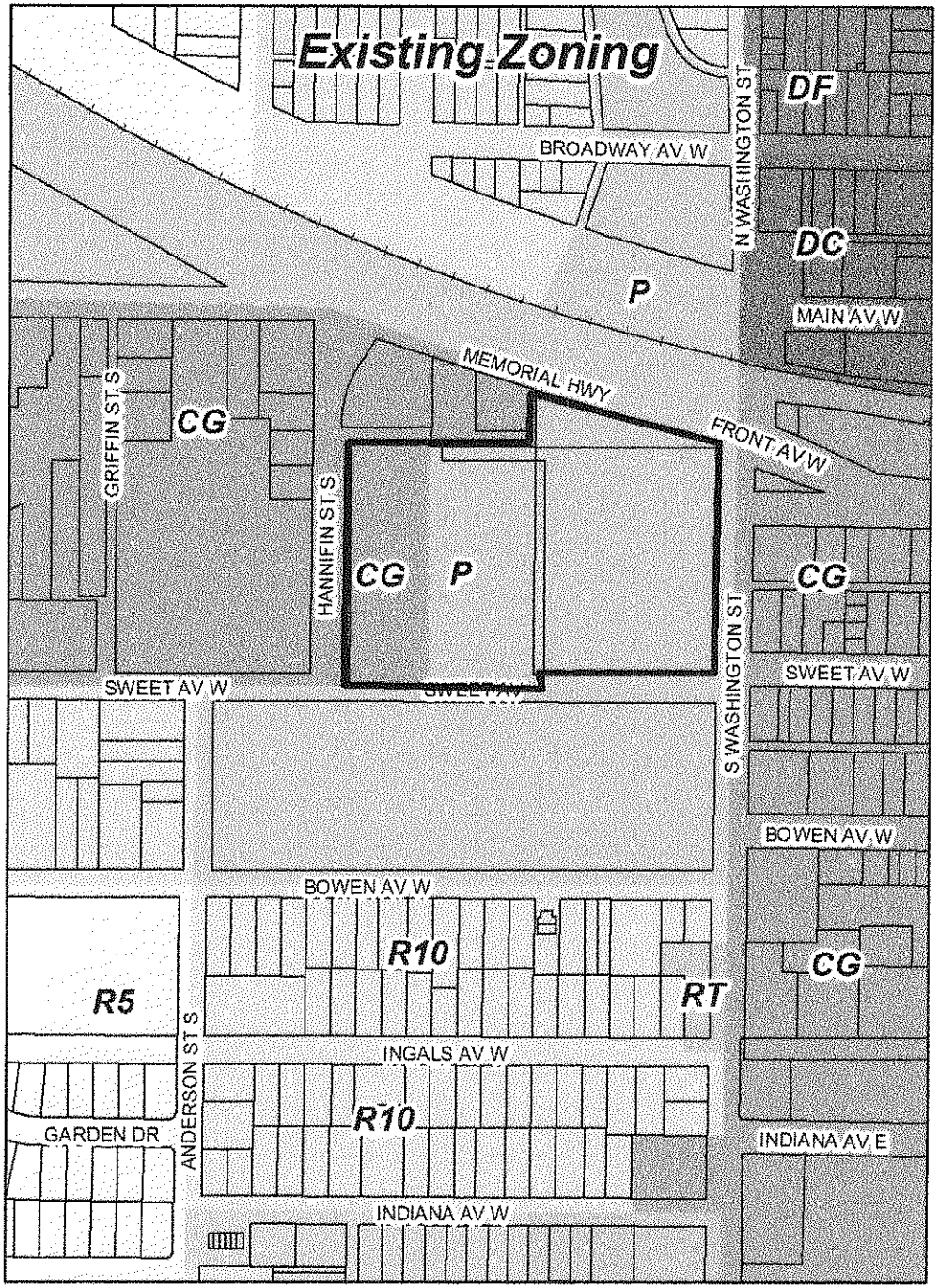
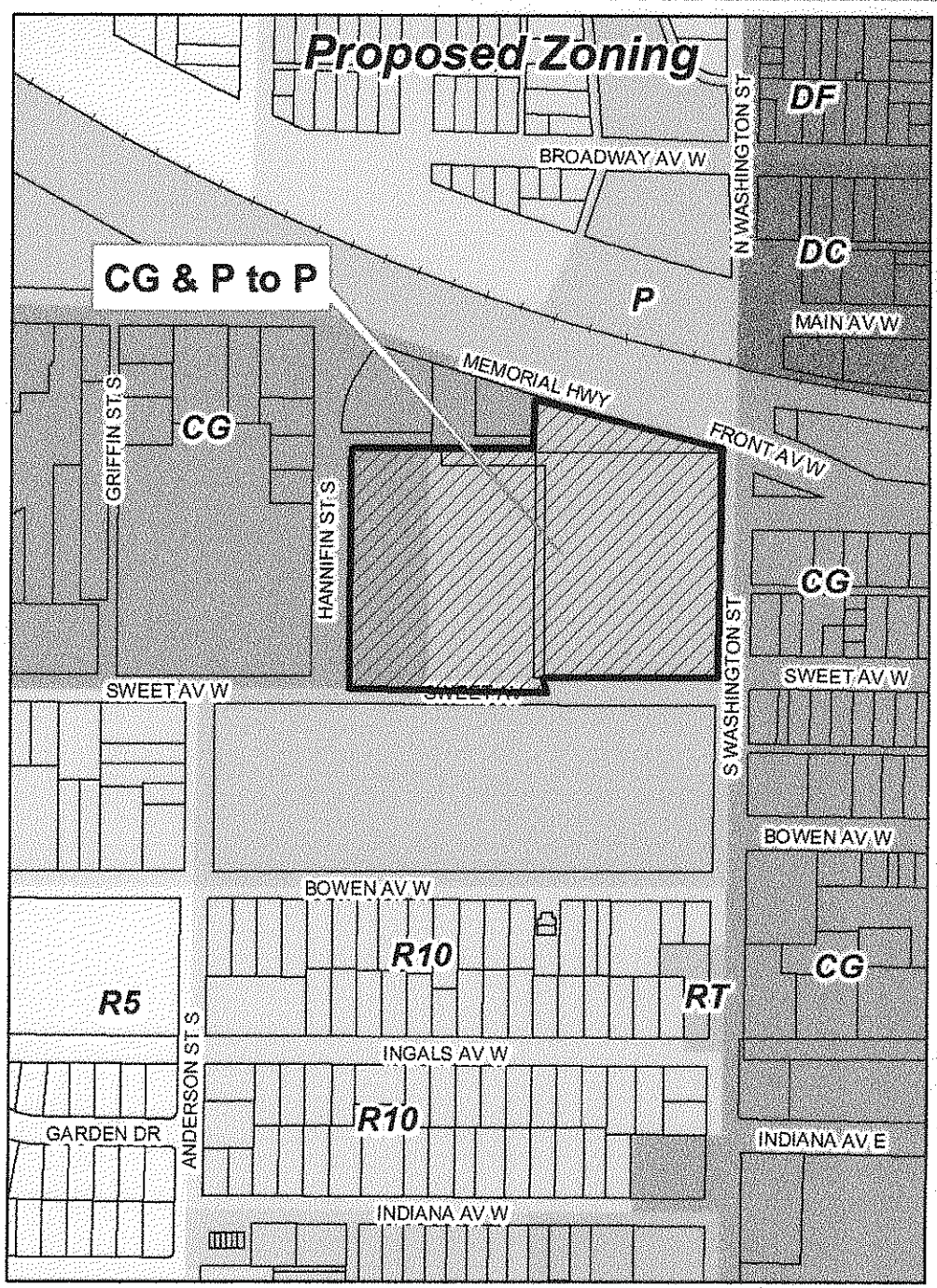
Lots 2 & 3 of Park Hill Subdivision of Lot 14, Lot A of Auditor's Lot 15, Park Hill Auditor's Lots, and Part of Section 5





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October 2013

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BISMARCK-BURLEIGH COUNTY PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:

Title:
Auditor's Lot A of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands) and Lots 1 & 2, Block 1, Replat of Calkins Addition – Zoning Change (RM30 to PUD)

Status:	**Date:**
Planning Commission – Public Hearing	November 20, 2013
Owner(s):	**Engineer:**
Ruth Meiers Hospitality House – applicant Baptist Home, Inc. - owner	N/A

Reason for Request:
Rezone property to allow for the adaptive reuse of a former nursing home/senior living facility for use as a mixed-use facility with affordable multi-family residential rental housing, transitional housing, a soup kitchen, a food pantry, a limited service clinic, a limited service salon, a limited service baby boutique, services for residents and administrative offices for Ruth Meier's Hospitality House and other agencies providing services to the homeless.

Location:
Along the east side of State Street at the intersection with and north of East Boulevard Avenue.

Project Size:	**Number of Lots:**
4.04 acres, more or less	One parcel
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Nursing Home/Senior Living Facility	**Land Use:** Ruth Meier's Hospitality House
Zoning: RM30 – Residential	**Zoning:** PUD – Planned Unit Development
Uses Allowed: Multi-family residential	**Uses Allowed:** Uses specified in PUD
Maximum Density Allowed: 30 units per acre	**Maximum Density Allowed:** As specified in PUD

PROPERTY HISTORY:

Zoned:	**Platted:**	**Annexed:**
Pre-1980	07/51 (part)	Pre-1980

ADDITIONAL INFORMATION:

1. 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." A copy of this section is attached.

2. In Bismarck, a PUD zoning designation has been used to allow the adaptive re-use of existing buildings. Examples of these types of PUDs include Goebel Pediatric Dentistry office (Christian Science Reading Room), the Frankly Scarlett building (apartments), the Bismarck School District administrative offices (Hughes Middle School), the North Dakota Bar Association offices (CB Little House) and the Good Shepherd North facility (mixed-use building for apartment complex).

3. The proposed PUD would allow the development of the adaptive reuse of the property for a mixed-use facility with affordable multi-family residential rental housing, transitional rental housing, a soup kitchen, a food pantry, a limited service clinic, a limited service salon, a limited service baby boutique, services for residents and administrative offices for Ruth Meiers Hospitality House and other agencies providing services to the homeless and tenants of the building. Copies of the written statement and an addendum providing additional information are attached.

(continued)

4. Ruth Meiers Hospitality House currently operates three facilities in the community. The facility on 18th and Broadway includes the Stone Soup Kitchen, 31 beds of transitional housing and the administrative offices for the organization. The facility on 23rd and Thayer includes a 120-bed emergency shelter for homeless men and 25 affordable efficiency apartments. The family shelter is a 65-bed emergency shelter for homeless families.

   If the proposed PUD is approved, it is expected that the operations from the 18th and Broadway location and the family shelter will be moved to the new location. The facility on 23rd and Thayer will continue to operate as an emergency shelter for homeless men. Starting this month, this emergency shelter will remain open 24 hours a day and will provide three meals a day and coordinated services to homeless men.

5. To provide clarification of terms used, the following definitions, as used by the US Department of Housing and Urban Development (HUD) and found on hud.gov, are provided:

   - Affordable Housing – In general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities.

   - Emergency Shelter – Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for a specific population of the homeless.

   - Homeless Person – An individual who lacks a fixed, regular, and adequate nighttime residence; as well an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

   - Transitional Housing – A project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

FINDINGS:

1. The property is located within the developed portion of the community and is outside of the area covered by the Land Use Plan. The zoning of this property and adjacent properties has been in place for many years.

2. The proposed zoning change is not completely compatible with adjacent land uses. Adjacent land uses include the Capitol grounds to the west and northwest across State Street, single-family residential to the north and northeast, a mix of multi-family residential and single-family residential to the east and mixed-density residential to the south across East Boulevard Avenue.

3. The exterior of the building is not proposed to change; therefore, the visual impact on existing uses in the area will not change.

(continued)

4. The general layout of the site is not proposed to change with the conversion of the use; therefore, the proposed PUD does preserve the natural features of the property insomuch as possible. Additional parking would be added in the southwest portion of the site to bring the total number of on-site spaces to 138.

5. The internal access road and parking circulation system is adequately designed for the type of traffic generated. Additional parking would be added to the site and new off-street parking areas would be landscaped in accordance with the provisions of Section 14-03-11of the City Code of Ordinances (Landscaping and Screening).

6. The character and nature of the proposal contains a planned and coordinated mix of uses located within the building.

7. The property is already annexed and is served by municipal utilities; therefore, the proposed zoning change will not place an undue burden on public services.

8. The proposed zoning change is not completely consistent with all adopted plans, policies and accepted planning practice. In particular, the proposed use of the property for some non-residential uses is unusual in a residential neighborhood. However, the property currently includes many similar uses as a nursing home/senior living facility. The proposed use will allow the adaptive reuse of a building that would have few other suitable uses, the uses would be located in the building with few exterior modifications to the building or site, and the use of the property would be limited by the provisions of the PUD ordinance.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Auditor's Lot A of the SE¼ of the NE¼ of Section 33, T139N-R80W and Lots 1 & 2, Block 1, Replat of Calkins Addition, as outlined in the attached draft PUD ordinance.

ORDINANCE NO.

Introduced by	
First Reading	
Second Reading	
Final Passage and Adoption	
Publication Date	

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 RM30 – Residential zoning district and included within the PUD – Planned Unit Development zoning district.

Auditor's Lot A of the SE¼ of the NE¼ of Section 33, T139N-R80W (City Lands) and Lots 1 and 2, Block 1, Replat of Calkins Addition.

This PUD is subject to the following development standards:

1. Uses Permitted. The use of the property shall be limited to those uses outlined in the application for a Planned Unit Development:

a. Up to ~~79,000 square feet for~~ 90 units of affordable housing in efficiency, one-bedroom and two-bedroom apartments ~~on the second and third floor of the main building~~ that ~~will~~ provide ~~longer-term~~ permanent rental housing for low and moderate income ~~residents~~ tenants;

b. Up to ~~10,000 square feet for~~ 100 beds of ~~a 30-day residential program~~ transitional housing ~~on the second and third floors of the building~~ that ~~will~~ provides ~~shorter term~~ temporary housing and re-employment training and education for low and moderate income ~~residents~~ tenants;

c. ~~A~~ One or more multi-purpose room(s) ~~on the main floor~~ that ~~will~~ may also be used as an area for ~~child care early childhood development and afterschool programs~~ for ~~residents~~ tenants' families;

d. Up to 7,000 square feet ~~on the main floor~~ for administration offices ~~for Ruth Meier's Hospitality House (limited to offices for the management of the rental units and administrative offices for the Ruth Meier's organization)~~. Up to 2, 800 square feet of the allowable office space may be leased to other agencies and organizations that are members of a homeless coalition (either the Missouri Valley Homeless Coalition and/or the North Dakota Coalition for Homeless Persons) and provide services to the homeless and/or tenants of the building, with the remainder used by Ruth Meiers Hospitality House for management of the activities within the building and general administrative offices for the organization.

e. Up to 2,500 square feet ~~on the main floor~~ for JoAnne's Clinic, which ~~will~~ may provide ~~limited~~ basic and preventive medical services to ~~both residents and non-residents~~ uninsured persons;

f. Up to 6,000 square feet ~~on the main floor~~ for a Food Pantry, which ~~will~~ may provide groceries to ~~both residents and non-residents~~ low income families;

g. Up to 5,000 square feet ~~on the main floor~~ for a Baby Boutique ~~that will~~ which may provide baby items to ~~both residents and non-residents~~ low income families;

h. Up to 500 square feet for a salon which may provide services for ~~both residents and non-residents~~ low income families ~~(existing salon area)~~;

i. Up to 7,000 square feet for community service activities, including religious services, education seminars and space for small gatherings;

j. Up to 4,000 square feet for nutritional services ~~(soup kitchen), limited to a noon meal for both residents and non-residents~~ including a soup kitchen which may provide a noon meal to tenants and may be open to the community at large;

~~k. The apartments on the north side of the main building will continue to be used as apartments.~~

l. Any use of the property not specifically included herein shall be prohibited, including the use of any portion of the property for an emergency homeless shelter.

~~2. *Operational Standard.* The following operational standard shall be followed:~~

~~a. The use of any portion of the property for single point of entry activities shall be prohibited.~~

~~b. The use of any portion of the property for an emergency homeless shelter shall be prohibited.~~

~~c. Food will be prepared at this facility for residents of the emergency shelter, but will be transported to the emergency shelter to be served to those residents.~~

3. *Development Standards.*

a. Site Plans and Building Plans. Any modification of the site and building shall generally conform to the site plan and building layout plans submitted with the application for the Planned Unit Development.

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.

c. Parking and Loading. ~~Any additional 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), if needed.~~ A minimum of 136 off-street parking spaces shall be provided and any new off-street parking areas shall be landscaped in accordance with the provisions of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

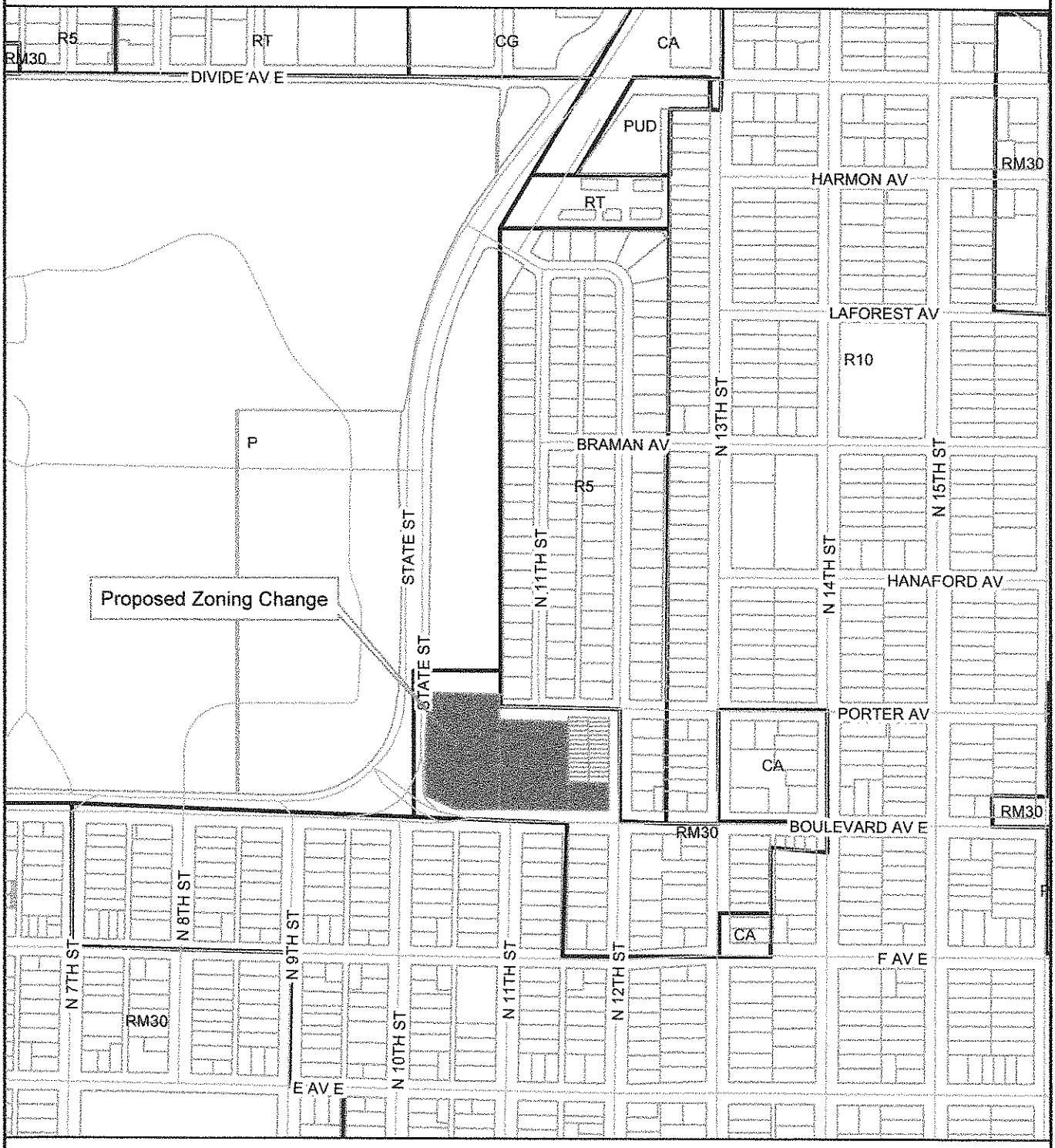
c. Signage. Any signage for the facility shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

4. *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 (RM30 to PUD)
Auditor's Lot A of the SE1/4 of the NE1/4 of Section 33, T139N-R80W and Lots 1 & 2, Block 1, Replat of Calkins Addition



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Map was Updated/Created: September 27, 2013 (klee)

Source: City of Bismarck

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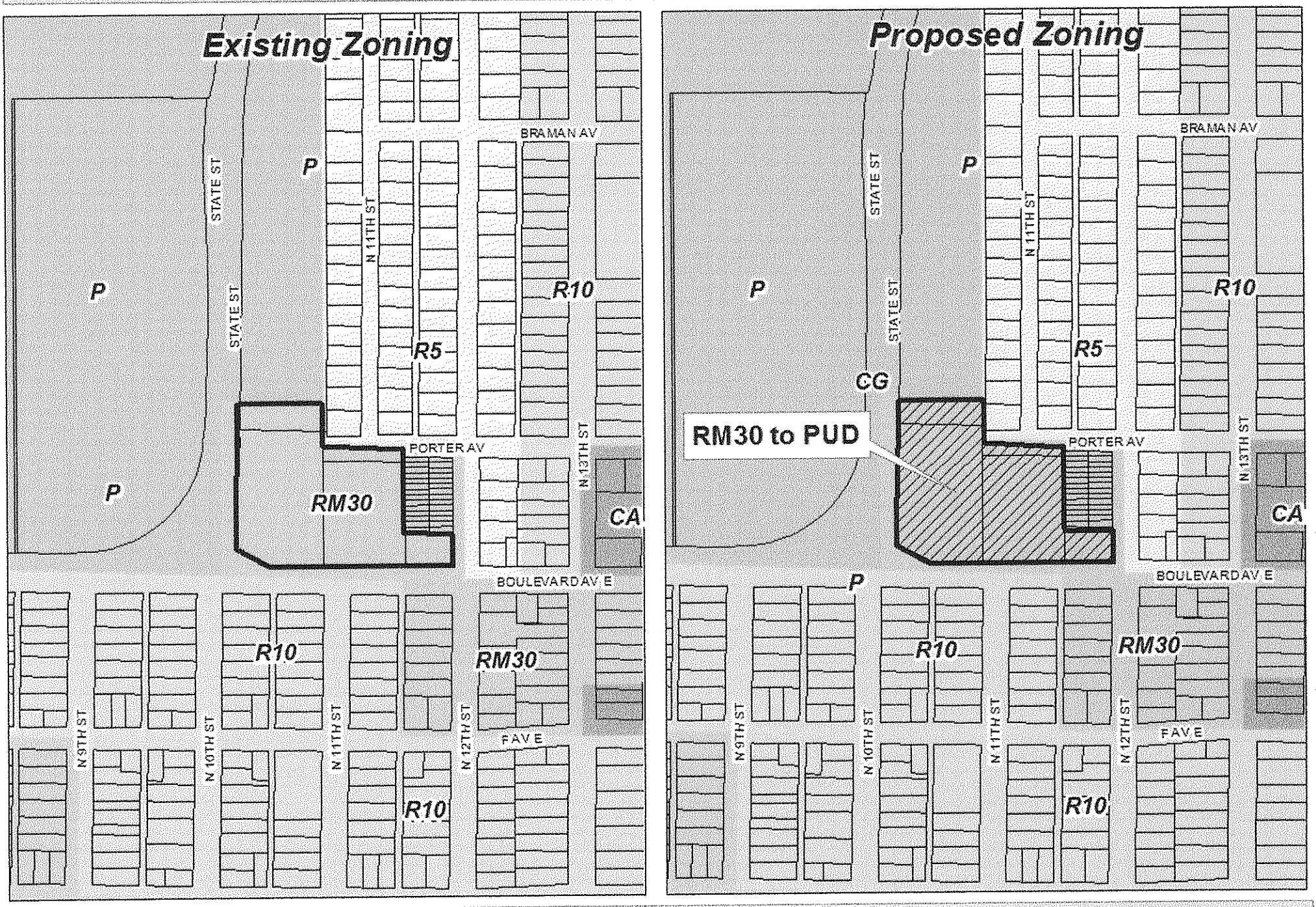
Auditor's Lot A of the SE¼ of the NE¼ of Section 33, T139N-R80W and Lots 1 & 2, Block 1, Replat of Calkins Addition



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November 2013

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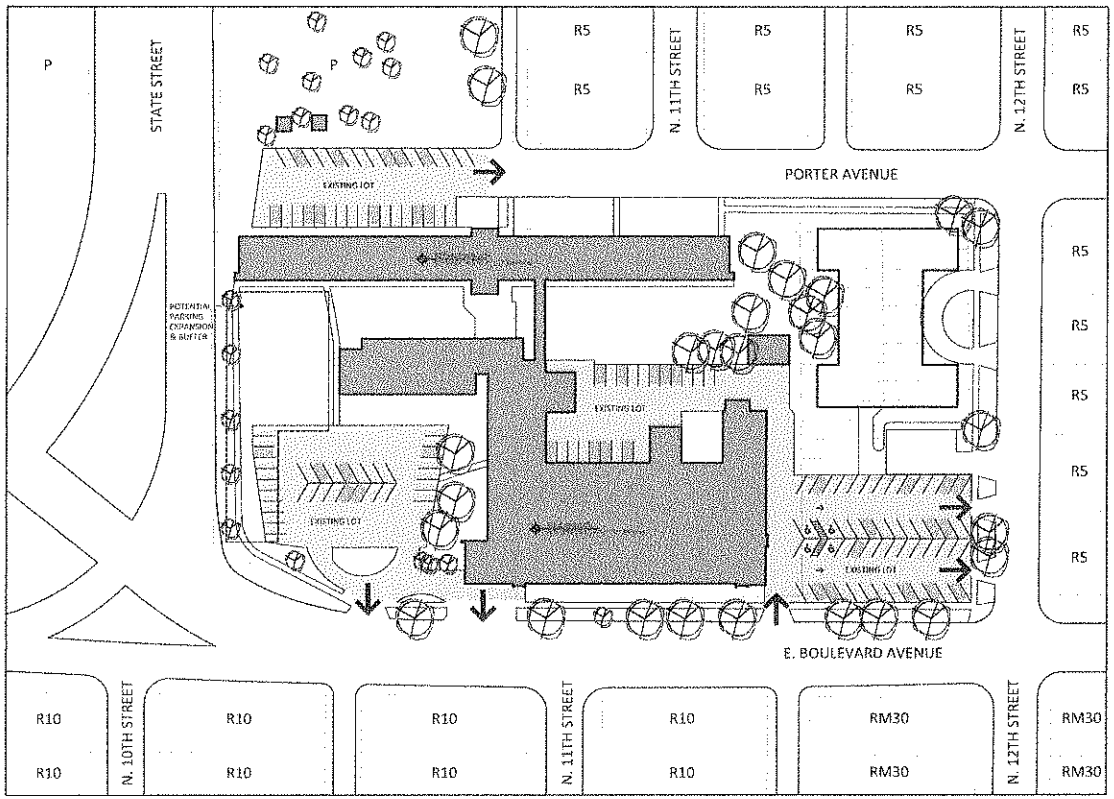


N 1 site plan

RUTH MEIERS' BAPTIST HOME REMODEL

13.22

C1.0

RUTH MEIERS' HOSPITALITY HOUSE

SEP 18 2013

PUD Zoning Application

Baptist Home Renovation

9/18/2013

1) Site Plan Description
2) Written Statement
3) Existing Building Photos
4) Site Plan 1" = 100'
5) Site Plan 8 ½" x 11"

City of Bismarck - PUD Zoning Application

Site Plan Description

- **Due to the nature of this project, which is only interior renovations, the following aspects of the site plan will not be provided unless requested**

    - Topographic Survey
    - Existing and proposed land uses (these are addressed in the written statement)
    - Density and type of dwelling (these are addressed in the written statement)
    - Areas conveyed to common park areas
    - Interior buffer areas between uses
    - Utility Service Plan
    - Landscape Plan

Please see the attached Site Plan

City of Bismarck - PUD Zoning Application

Written Statement

Present Ownership & Legal Description of All Land Included:

The land is currently owned by Baptist Apartments, Inc, but is under final negotiations with Ruth Meiers' Hospitality House for purchase. A transfer of ownership is intended for the end of September.

Legal Description:

Lot Descriptions are currently being reviewed by the City

Lot Descriptions:	W:	All of Block 36 exc L1-2 + N 15' of L3 + all lots 30, 31 & 32 less parcel taken for Nighway Row.
	C:	PT NE1/4 COM 85.52'N OF THE NE COR BLK 96 MCK & COFF, E240', N310.48' W240' S ON E LINE CAP PARK ADD TO B EG #13383
	E:	L1 +2, B1 Replat of Calkins Addition

Explanation of Objectives:

Ruth Meiers' Hospitality House is applying for a PUD for the property on 1100 E Boulevard Ave, Bismarck, ND 58501 because the property size and location is ideal for continuing our mission in Bismarck, unifying and strengthen community services available those who need them and placing clients on a track to self-sufficiency. A PUD is required in order to utilize this property to fully serve the community. The current zoning of RM-30 accommodates the majority of the planned spaces. The proposed PUD will allow for the various occupancies that the Ruth Meier's Hospitality House anticipates needing, and is currently planning for. These added functions would include administrative offices and community services (i.e. a small clinic, food pantry, nutrition services). The PUD application includes retail, service and business user groups to allow for these additional functions.

This PUD application does not include the addition of any buildings to the property. Currently, the only anticipated adjustment to exterior would be the potential need to expand parking, which will be determined and confirmed with City Community Development prior to permitting. There are no exterior changes, however maintenance upgrades may take place (i.e. window and roof replacements).

Through Community Meetings and outreach, Ruth Meiers' has been working to overcome the misconception that a homeless shelter is planned for this project. The homeless shelter, or emergency shelter, will remain in its current location and will not be located in the Baptist Home. Locating the emergency shelter within this PUD is not in the short or long term plans of the Ruth Meier's Hospitality House. The currently shelter location is ideally located close to Day-Labor employment opportunities.

The Apartments and Residential Program will house individuals who hold jobs and have passed thorough background investigations. No one will be allowed to rent or reside here that has any history of sexual offense or felonies. No Drugs or Alcohol is allowed in the facility.

The Food Pantry is a community service that provides families and individuals with 50 pounds of groceries once per month. This service often serves families that have permanent living arrangements, but need some assistance with groceries due to increased costs of living or other expenses.

The Clinic is currently planned to be open two afternoons a week to provide general medical services, such as immunizations, to anyone in the community that doesn't have health insurance. As a part of the PUD the Clinic would be open to the public, not just existing clients.

The Administration Area, would house many of the Ruth Meiers' Hospitality House staff, including the office for managing the rental offices, the Director's Office and other staff. This will not hold all of the offices for the organization, but would be a majority of them.

Community Services space will allow for the community to attend religious services, educational seminars and utilize space to host small gatherings.

The North Apartments will remain as is. Ruth Meiers' is working with all of the residents to be sure that they can stay in their current apartment through the transition of ownership.

Community Meetings:

Through Community Meetings, Ruth Meier's Hospitality House recognized the following community concerns and is addressing the concerns with the indicated strategies:

- Homeless individuals will come into the neighborhood and stay because the name Ruth Meier's is associated with an emergency shelter.
    - The Emergency Shelter, which what is typically understood to be a homeless shelter, will not be changing locations. Therefore, the police, the bus station and other social services will be directing homeless individuals to the same location.
    - Due to the community's concerns with the name Ruth Meier's attracting homeless to the neighborhood, the Ruth Meier's Hospitality House Board of Directors is exploring naming the facility something that would clearly denote the building is not a homeless shelter (i.e. "The Boulevard Apartments by Ruth Meiers'")

- Having a "Soup Kitchen" was unfavorable to some individuals, because they expect homeless people to walk through the neighborhoods from the emergency shelter to get food and will remain in the neighborhood, making it unsafe.
    - The community was concerned with the term "Soup Kitchen". Therefore, the kitchen and dining area is being re-named Nutrition Services. Through the PUD this is planned to be opened to the neighbors and community to stop by for lunch, or to cater an educational seminar. Nutrition Services is only open for lunch.

- To alleviate the concern of individuals walking through the neighborhood, the following strategies have been made: the emergency shelter on Broadway will be open during the day starting in October, 2013. This will remove homeless individuals from the streets on a larger scale. Also, food will be cooked at the Baptist Home, but transported down to the Emergency Shelter to serve the clients that aren't in the Residential Program or Apartments.

- Some community members wanted the building to be open to the public so that they could walk into the facility, use the chapel space for parties or small events, grab a cup of coffee and stop in to the director's office to discuss community concerns.
  - This suggestion is fully aligned with the Ruth Meiers' Mission. All of the services that Ruth Meier's provides are open to the public, to serve both those in need and our neighbors.

User Groups:

Below is an outline of the User Groups that would be added through the PUD.

Proposed PUD User Groups:	Current SF	Max SF
• RM-30		
○ Apartments	52,000SF	79,000SF
○ 30-Day Residential Program	7,200SF	10,000SF
○ JoAnne's Clinic	1,500SF	2,500SF
○ Child Care for Tenants / Multipurpose Room		
• Retail Group A		
○ Food Pantry	4,500SF	6,000SF
○ Baby Boutique	200SF	500SF
○ Maintain Existing Salon	450SF	500SF
• Offices-Bank group		
○ Administration	6,000SF	7,000SF
○ Community Services	4,500SF	7,000SF
• Service Group A		
○ Nutrition Services	3,300SF	4,000SF

City of Bismarck - PUD Zoning Application

Existing Building Photos

As outlined in the zoning ordinance, architectural drawings are required to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door & window openings. Since there will be no changes to the building's exterior appearance, photographs of the existing building are provided.

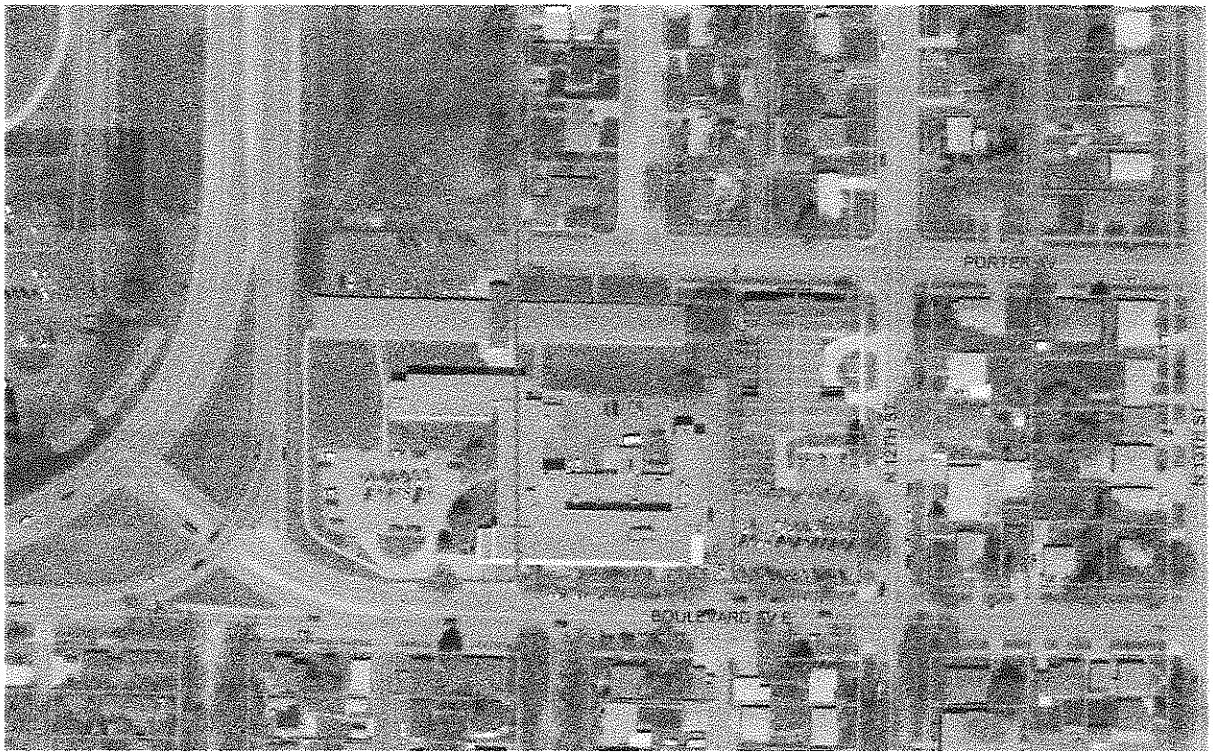


Image 1: Aerial Image of Project Site & Lots

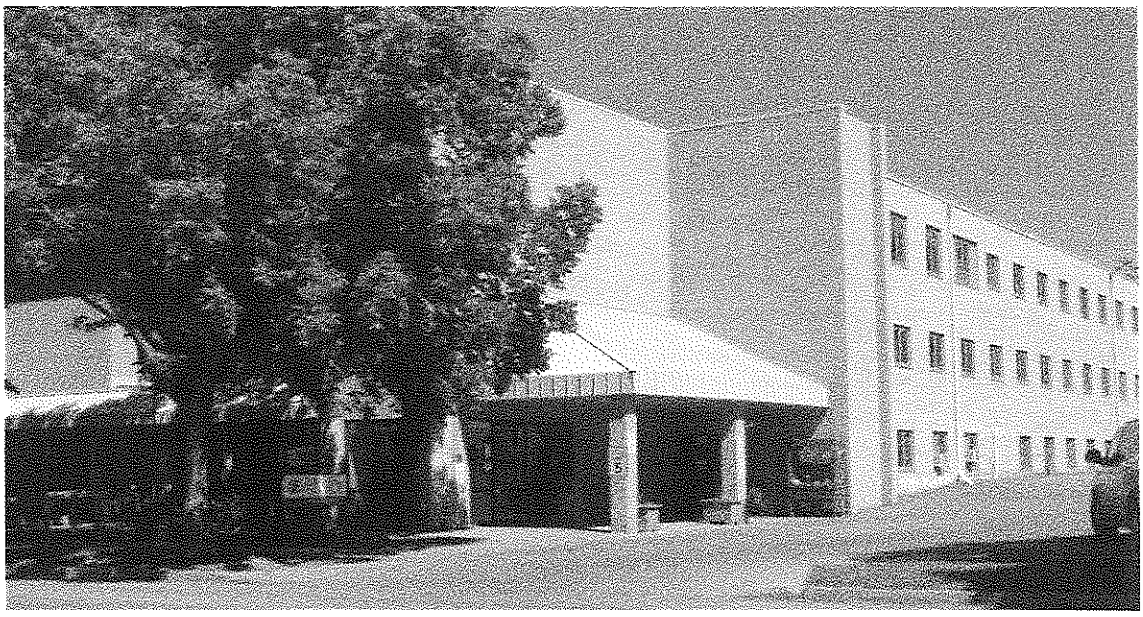


Image 2: Main Entrance – photo is looking Northwest

Image 3: Covered walkway between main building and north apartments – photo is looking south

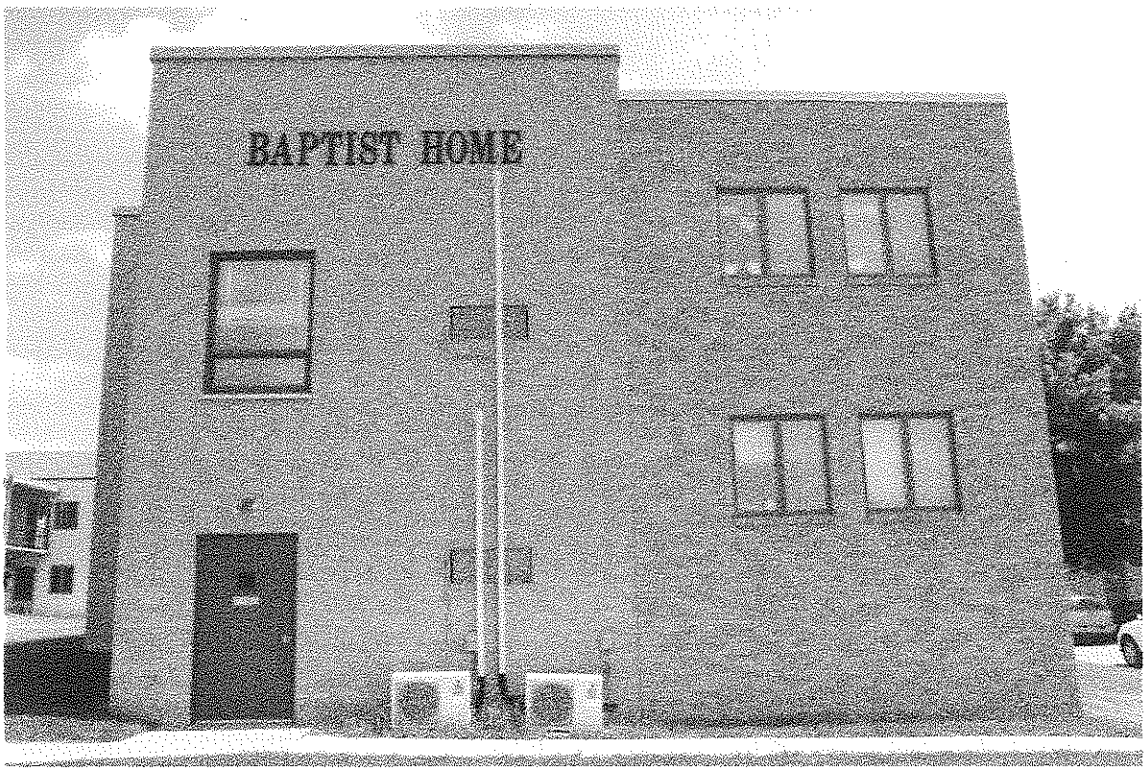


Image 4: northwest wing of the main building – photo is looking east

Image 5: Photo standing on the southwest corner of the west lot looking north and slightly east.

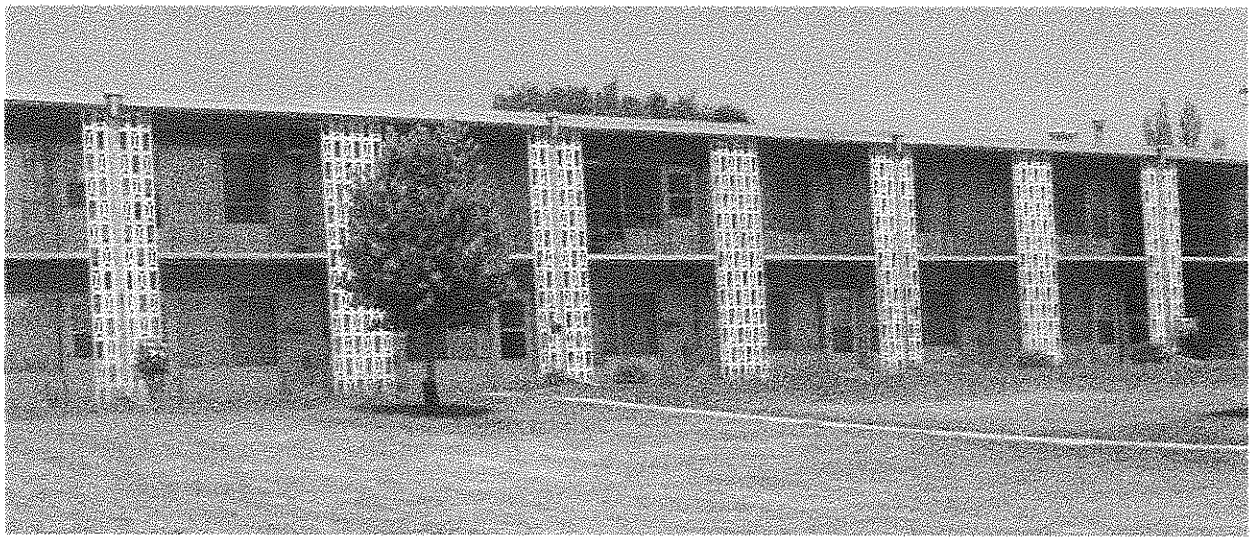


Image 6: Photo looking at the south side of the north apartments.

Image 7: Photo looking at the north side of the north apartments.

ADDENDUM TO THE PUD APPLICATION

11-14-13

-Max # of Rental Units on-site

-90 apartment units

-Max # of Transitional Housing beds

-50 beds max on 2nd Floor

-50 beds max on 3rd Floor

-Discuss Terminology (30 Day Residential / Transitional Housing / Tenants)

-Transitional Housing will be utilized in lieu of 30-Day residential Housing. After reviewing requirements, the tenants in this area will have a signed contract and will be allowed to stay from 90 days to 2 years.

-All those who sleep in the facility will be tenants under contract, in lieu of residents.

-Discuss Family Emergency Situations

-Welcome House & Transitional Housing will help families in need of housing

-Families can move directly into Transitional Housing

-Future Leased Space – Max SF

-2,800 SF for agencies that are members of the Missouri Valley Homeless Coalition or the ND Coalition for Homeless Persons.

-Existing Ruth Meiers' Buildings to Remain / Uses

-305 N 23rd Street

1) Emergency Shelter for Homeless Men
   - 120 Beds
   - 3 meals / day
   - Coordinated Services
   - Open 24 hours
   - Laundry / Showers / Lockers

2)25 Efficiency Apartments

-Tenants are current Section 8 / ND Housing

12-22 Ruth Meiers' Baptist Home Renovation
Off-Street Parking

Unique Circumstances:

Apartments-

- Housing Incentive Funds that support Ruth Meiers' require the following criteria, which is guaranteed for the next 15 years:
    - 30% of all apartments provided by Ruth Meier's are required to be exclusively for the elderly population, these typically use the transit bus for transportation.
    - 100% of residents are required to be homeless upon intake.
    - Less that ½ of residents in Ruth Meiers' current apartments own vehicles.
    - Only 7 individuals in the 36 north apartments own vehicles.
- Transitional Housing Program is the transition to the apartments (still at a homeless status to be able to acquire aid, but must hold down a job & sign a contract)
- Clinic is only open two afternoons a week from 1 – 4 pm.
- Salon is not staffed daily and not open to the public, but for low income clients and residents.
- Baby Boutique is only used for those who attend classes through the Burleigh Co Public Health and Family Planning and they get points / vouchers to purchase items. No cash is exchanged. Last year there were a total of 60 visitors. The boutique is open one afternoon a week.
- Outreach office staff typically comes in one afternoon every two weeks, but they will have an office.
    - Only four Outreach offices will be used on a daily basis
    - Outreach includes: Burleigh Co Social Services, Guardian Protective Services, Job Service, West Central & Great Plains Food Bank
- Community Space is planned to be used by residents and for community outreach.
- Soup kitchen is mostly used for Ruth Meiers' clients living in the building, but is also open to neighbors that may want a free meal.

Proposed PUD Parking Requirements

- Reduced parking spaces given requirements of rented apartments
  - 30% Senior Citizen Housing (.65 space for each living unit)
  - 70% remaining calculated at 1 / unit, since the housing is considered permanent and those originally homeless could eventually purchase a car.
- Remaining Occupancies to be based upon Specific Uses / Staff Requirements / Times of Use

Current Parking Count

North Apartments

36	units					
	30% - 10.8	X	.65	space/unit	7.02	spaces
	70% - 25.2	X	1	space/unit	25.2	spaces
				SUB-TOTAL	**32**	**spaces**

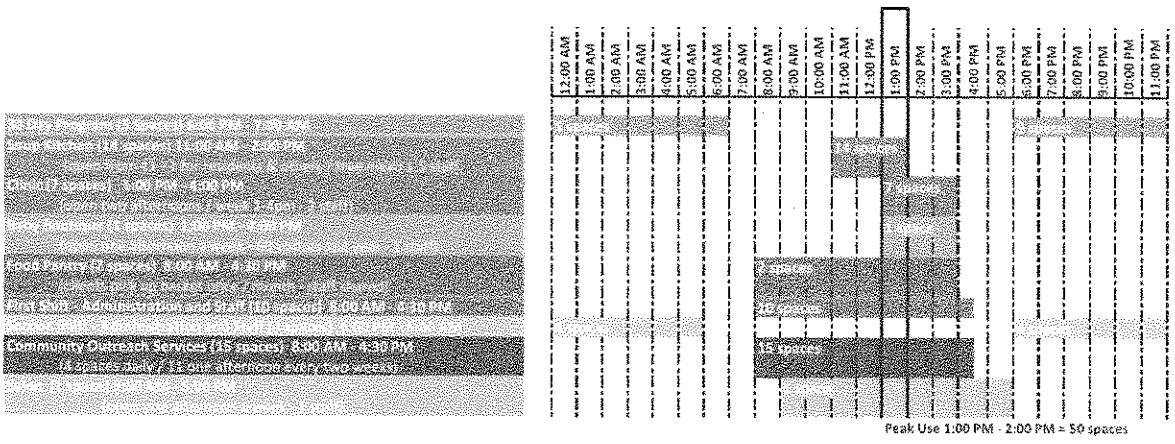
Third Floor

19	units					
	30% - 5.7	X	.65	space/unit	3.7	spaces
	70% - 13.3	X	1	space/unit	13.3	spaces
50	people	/	10	people/space	5	spaces
				SUB-TOTAL	**22**	**spaces**

Second Floor

30	units					
	30% - 9	X	.65	space/unit	5.85	spaces
	70% - 21	X	1	space/unit	21	spaces
50	people	/	10	people/space	5	spaces
				SUB-TOTAL	**32**	**spaces**

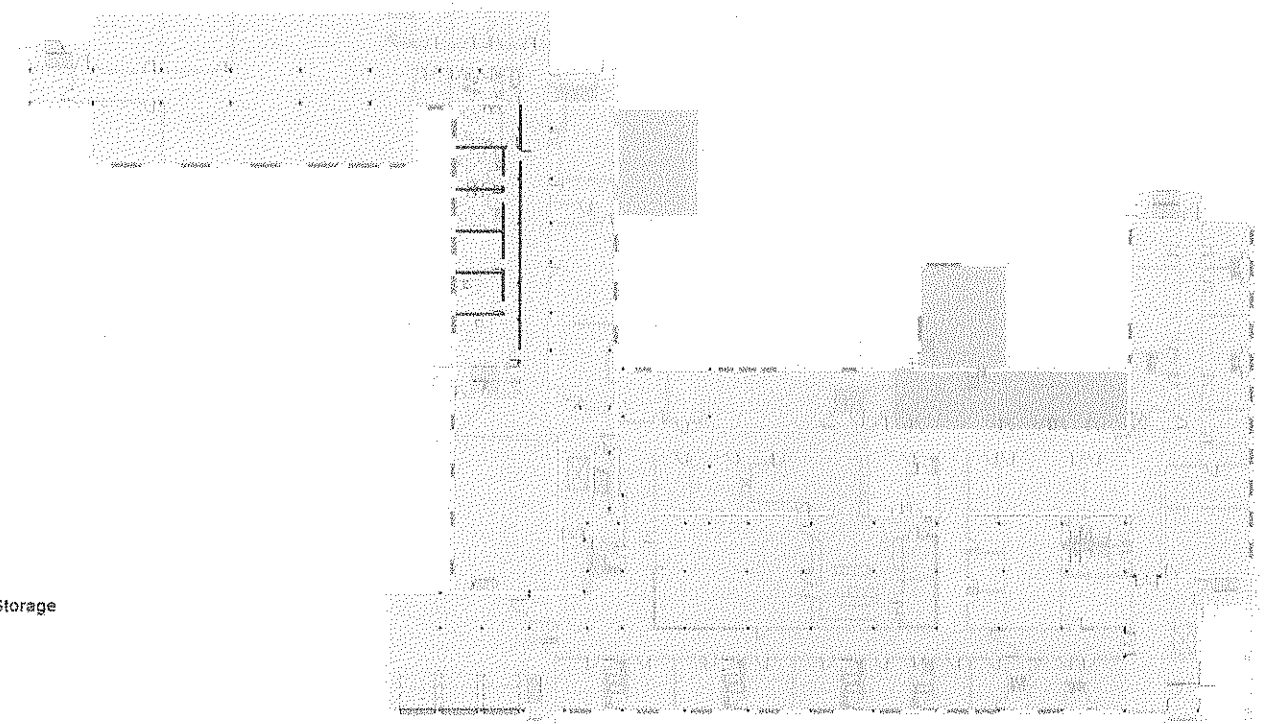
Ground Floor*



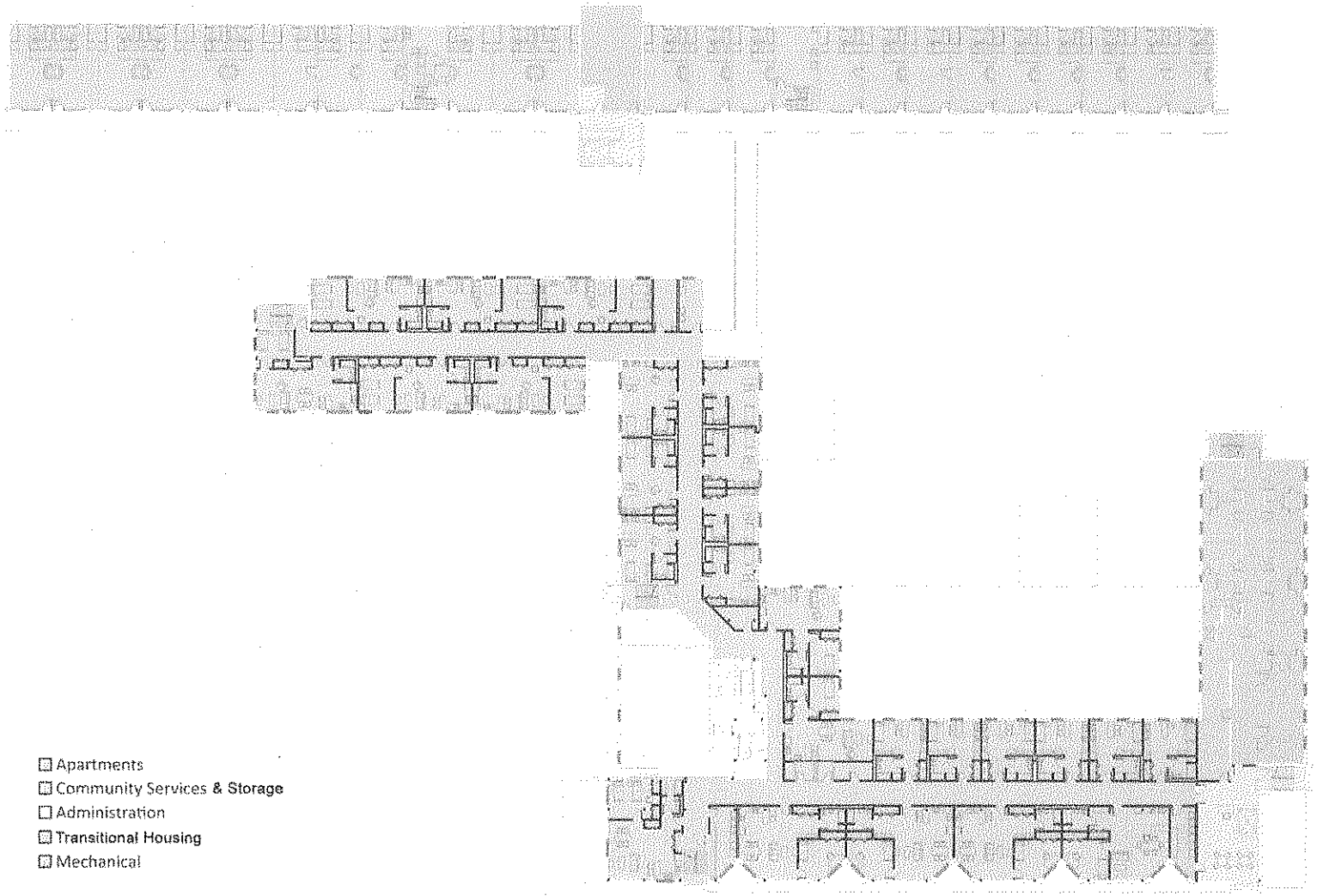
SUB-TOTAL	**50**	**spaces**

CALCULATED TOTAL	**136**	**spaces**
PROVIDED ON-SITE	**138**	**spaces**

*Ground Floor Calculations are based upon worst case scenario, where all part time visitors and staff are on site simultaneously. In reality the majority of services are available only one day per week.



- Apartments
- Community Services & Storage
- Administration
- Transitional Housing
- Mechanical

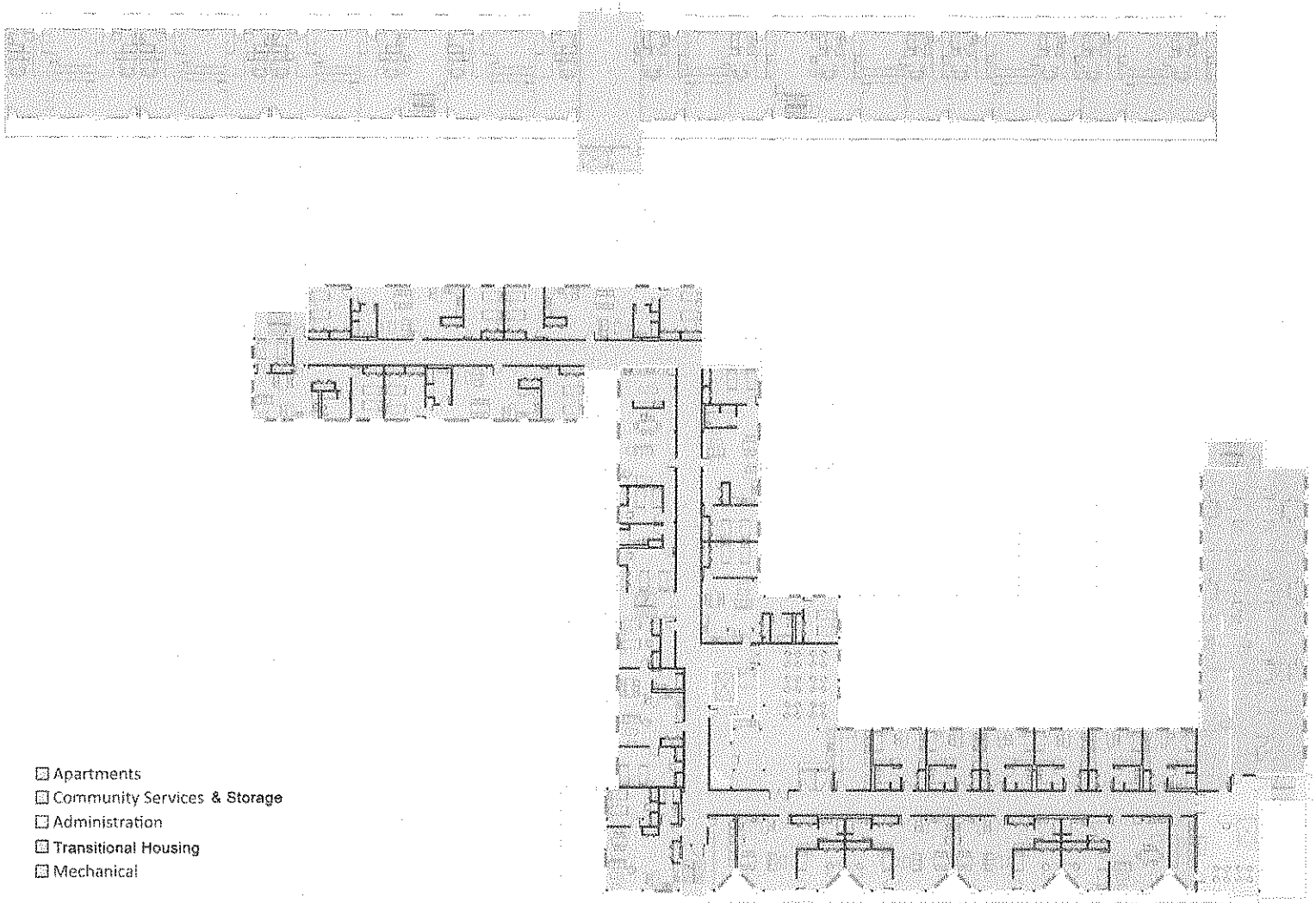


ubl design group

second floor plan

RUTH MEIER'S HOSPITALITY HOUSE

09/04/13



übl design group

third floor plan

RUTH MEIER'S HOSPITALITY HOUSE

09/04/13

CITY OF BISMARCK
Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT PORTIONS OF TITLE 14 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO ZONING AND RESPONSIBILITY FOR ADMINSITRATION AND ENFORCEMENT.

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

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Building Official: The person designated by the Director of Community Development to administer and enforce the City's building regulations and other duties as specified in this Chapter.

* * * * *

Special use: A use permitted in a particular zoning district only upon showing that such in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in a zoning ordinance and authorized by the city planning and zoning commission or the ~~Building Official~~ Zoning Administrator (where allowed).

* * * * *

Zoning Administrator: The person or persons designated by the Director of Community Development to administer and enforce the City's zoning and subdivision regulations.

Section 2. Amendment. Section 14-03-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to General Provisions is hereby amended and re-enacted as follows:

14-03-04. General Provisions.

* * * * *

5. Nonconforming uses. The Building Official is authorized to issue a certificate of occupancy for a building only if said building fully complies with the zoning ordinance in effect at the date of issuance of the building permit and with the building code and with other applicable ordinances of the City of Bismarck.

* * * * *

Section 3. Amendment. Section 14-03-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Districts is hereby amended and re-enacted as follows:

14-03-05. Supplementary Provisions.

* * * * *

9. Residential Area Identification Signs.

* * * * *

j. A permit for a residential area identification sign must be issued by the ~~City~~ Building Official prior to the construction or installation of such sign in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures). If a homeowners' association is established, documentation on such association shall be submitted to ~~and approved by~~ the ~~City~~ Building Official prior to the granting of a permit for the residential area identification sign.

10. Industrial Park Area Identification Signs.

* * * * *

i. Maintenance of all industrial park area identification signs and plantings shall be the responsibility of the industrial park owner(s). ~~If a property owners' association is established, documentation on such association shall be submitted to and approved by the City Building Official prior to the granting of a permit for the industrial park area identification sign.~~

j. A permit for an industrial park area identification sign must be issued by the Building Official prior to the construction or installation of such sign in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Outdoor Display Structures). If a ~~homeowner's~~ property owners' association is established, documentation on such association shall be submitted to the Building Official prior to the granting of a permit for the industrial park area identification sign.

* * * * *

Section 4. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

* * * * *

2. Home occupation:

a. There is permitted in a dwelling any occupation customarily incidental to the principal use as a dwelling subject to the following limitations:

1. A permit for the home occupation shall be obtained from the ~~Building Official~~ Zoning Administrator prior to the initiation of the use. Said permit shall be valid for two years. An administrative fee may be charged. Any appeal

from a decision relative to said permit shall be referred to the Board of Adjustment.

* * * * *

Section 5. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and ~~Building Official~~ by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and ~~Building Official~~ the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

1. General provisions.

a. The uses listed in this section are designated as special uses, and no building permit or certificate of occupancy shall be issued by the Building Official until the application for such permit or certificate has been reviewed and authorized by the city planning and zoning commission except that certain uses may be authorized by the ~~Building Official~~ Zoning Administrator.

* * * * *

c. Before approving the issuance of a building permit or certificate of occupancy for a special use, the city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall find:

* * * * *

d. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) is authorized to impose any conditions on the granting of a building permit or certificate of

occupancy for a special use ~~it deems~~ as deemed necessary for the protection of the neighborhood and the general welfare of the public.

e. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall not authorize the location of a special use in any district from which it is prohibited.

f. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator shall not be authorized to permit the issuance of a building permit or certificate of occupancy for any special use if it is found that such special use would fail to comply with any of the requirements of this title or this section.

g. The city planning and zoning commission or ~~Building Official~~ the Zoning Administrator (where allowed) shall require the applicant for authorization of a special use to furnish any engineering drawings or specifications, site plans, operating plans or any other data ~~the board finds~~ necessary to appraise the need for or effect of such special use.

* * * * *

2. Temporary uses (administrative approval). The ~~Building Official~~ Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen days after termination of the use. The following are temporary uses to which such regulations apply:

* * * * *

f. For a show, circus, menagerie or carnival in a CA, CR, CG, MA, MB, A or P Zone for a period of no more than ten days provided that proof of a bond or liability insurance as required by City Ordinance 5-03-08 is provided prior to the first day of the event and that no less than thirty days prior to the first day of the event the applicant shall submit an application for the event to the ~~Building Official~~ Zoning Administrator. Such application shall be

accompanied by a fee ~~of $100.00 per day,~~ as established by the City, for each day of the event ~~fee~~ which shall be in addition to any other license or inspection fees, and a site plan of the event showing at least the following details:

1) General layout with dimensions and legal description.

2) Location and type of sanitary facilities. There shall be at least one toilet facility for each sex for every ten concessions.

3) Circulation plan showing access points, pedestrian areas and parking areas.

4) At least nine hundred square feet of area shall be required for each concession.

5) No public right-of-way shall be utilized for any portion of the event without special permission of the Board of City Commissioners.

6) No noise in excess of sixty decibels may be emitted after 11:00 p.m.

7) No event may begin earlier than 9:00 a.m. nor continue later than 1:00 a.m.

8) Each event which conducts, operates, manages or sponsors any ferris wheel, merry-go-round or other amusement ride shall post a $500,000 bond or liability insurance as required by City Ordinance 5-03-08.

9) Shows, circuses, menageries or carnivals held at the Civic Center or the Missouri Valley Complex do not require a special use permit. Events held at those locations must still comply with all applicable City Ordinances and adopted codes.

10) The Zoning Administrator will provide a copy of each application for a temporary special use permit for a show, circus, menagerie or carnival to the Police Department, Fire

Department, the Building Official, the Traffic Engineer and to the Environmental Health Administrator for events held within the City and to the Sheriff, the County Engineer, the Building Official, ~~the Environmental Health Administrator~~ and the Rural Fire Department for events held outside the City.

* * * * *

3. Permanent uses (administrative approval). The ~~Building Official~~ Zoning Administrator may issue special use permits for the following uses without a public hearing or approval of the city planning and zoning commission:

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

c. Golf driving range. A golf driving range not an accessory use to a golf course may be permitted in an A, CG, or MA district as a special use, provided:

* * * * *

4. Parking shall be provided to equal 90% of the facility's rated capacity ~~as determined by the Building Official~~.

* * * * *

h. Motor Vehicle Parts Salvage Yard. In addition to other provisions of Title 14 of the revised ordinances of the City of Bismarck, a motor vehicle parts salvage yard may be operated in the MA or MB industrial districts as a special use, provided:

1. That the ~~certificate of occupancy~~ special use permit granted under the provisions of this article shall be revoked by the ~~Building Official~~ Zoning Administrator if the holder

violates any provisions of this ordinance or any special provision imposed by the city planning and zoning commission.

* * * * *

v. Small Wind Energy Systems. This section is intended to provide reasonable standards for the use of a Small Wind Energy System (SWES) which would allow electrical power consumers to supplement or replace their use of utility-provided electrical power without creating negative impacts to adjacent properties or the public.

* * * * *

7. Additional rules regarding SWES's.

* * * * *

a. Sound Measurements. Following approval and installation of a SWES, the ~~Building Official~~ Zoning Administrator may require the owner/operator of the SWES to engage a certified technician to perform sound measurements at the closest property line to determine and report ambient and operating decibel levels.

* * * * *

Section 6. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-Street Parking and Loading is hereby amended and re-enacted as follows:

14-03-10. Off-Street Parking and Loading.

1. Off-street parking.

* * * * *

h. Retail establishments, including personal service shops, equipment or repair shops:

* * * * *

2) In a CR commercial zone – Off-street parking shall be provided in an amount equivalent to five (5~~.0~~) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the ~~Building Official~~ Zoning Administrator.

* * * * *

4. Uses not specifically mentioned or unique situations. For any use not specifically mentioned in this section or in unique situations, the ~~Building Official/~~Zoning Administrator has the authority to modify the number of off-street parking spaces required based on the occupancy load. In such cases, either the ~~Building Official/~~Zoning Administrator or the applicant for the certificate of occupancy or building permit may apply to the board of adjustment for an interpretation of the provisions of this article for such off-street parking and off-street loading requirements and the board of adjustment shall render a decision in writing in the manner provided for in this article for such action.

* * * * *

9. Plan of required off-street parking or loading areas. For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the ~~Building Official~~ Zoning Administrator to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided additional area for lanes, alleys, aisles and drives necessary for safe and adequate parking maneuvering. For each off-street loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or

tractor-trailer combinations to back into them from a street or out of them into a street.

* * * * *

Section 7. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RMH Residential District is hereby amended and re-enacted as follows:

14-04-05. RMH Residential District

* * * * *

4. Community Storage Buildings. Private garages or storage buildings located within manufactured home parks but not located on individual lots may be allowed, provided:

* * * * *

f. Site Plan. No community storage building or buildings shall be constructed until a site plan has been approved by the ~~Building Official~~ Zoning Administrator.

* * * * *

Section 8. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CR Commercial District is hereby amended and re-enacted as follows:

14-04-13. CR Commercial District.

* * * * *

8. Off-street parking. Off-street parking shall be provided in an amount equivalent to five (5~~.0~~) spaces per thousand (1,000) square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the ~~Building Official~~ Zoning Administrator.

* * * * *

Section 9. Amendment. Section 14-04-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

* * * * *

3. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

* * * * *

"Floodplain Administrator" means the person designated by the ~~City of Bismarck~~ Director of Community Development to administer and enforce the City's floodplain regulations.

* * * * *

5. Administration.

* * * * *

c. ~~Designation of~~ Administration by the Floodplain Administrator. The ~~Building Official~~ Floodplain Administrator, as defined herein, shall ~~is hereby appointed to~~ administer and implement this section by granting or denying development permit and non-structural development permit applications in accordance with its provisions.

Section 10. Amendment. Section 14-05-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Administration and Enforcement is hereby created and enacted as follows:

14-05-01. Administration and Enforcement. This title shall be administered and enforced by the Zoning Administrator ~~except as provided herein~~.

Section 11. Amendment. Section 14-05-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Building

Permits and Approval of Plan is hereby amended and re-enacted as follows:

14-05-~~01~~ 01.1. Building Permits and Approval of Plans. ~~This article shall be enforced by the~~ The Building Official~~, who~~ shall in no case grant any permit for the construction, moving, or alteration of any building if the building as proposed to be constructed, moved or altered would be in violation of any of the provisions of this article. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the plot to be built upon, the exact sizes and locations on the plot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of such building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the plot and neighboring plots as may be necessary to determine and provide for the enforcement of this chapter. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Building Official.

(Ord. 4486, 04-27-93; Ord. 5728, 05-26-09)

Section 12. Amendment. Section 14-05-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Duties of Building Official, Fire Chief, Courts, City Planning and Zoning Commission and Board of City Commissioners as to Matter of Appeal is hereby amended and re-enacted as follows:

* * * * *

14-05-~~03~~ 04. Duties of ~~Building Official,~~ Zoning Administrator, Board of Adjustment, ~~Fire Chief,~~ Health Officer, Courts, City Planning and Zoning Commission and Board of City Commissioners as to Matter of Appeal. It is the intent of this article that questions arising in connection with the enforcement of the article shall be presented first to the ~~Building Official~~ Zoning Administrator and that such questions shall be presented to the board of adjustment only on appeal from the ~~Building Official~~ Zoning Administrator and that from the decision of the board of adjustment, appeal may be made to the board of city commissioners as provided by ordinance. Questions involving the enforcement of Section 14-05-05.1 shall be presented first to the ~~Fire Chief~~ Health Officer and that such questions shall be presented to the board of adjustment only on appeal from the ~~Fire Chief~~ Health Officer and that from

the decision of the board of adjustment, appeal may be made to the board of city commissioners as provided by ordinance. Questions involving special uses shall be presented to the city planning and zoning commission and appeal may be made to the board of city commissioners as provided by ordinance. Temporary special uses may be granted by the ~~Building Official~~ Zoning Administrator and appealed to the board of city commissioners.
(Ord. 4486, 04-27-93; Ord. 5728, 05-26-09)

Section 13. Amendment. Section 14-05-03.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Notice and Order is hereby amended and re-enacted as follows:

14-05-03.1. Notice and Order. Whenever a violation of this title is found, the ~~Building Official~~ Zoning Administrator or his or her agent shall give written notifications to the owner of the property or to the occupant or renter of the property that a violation has occurred and order the violation abated and the property, building or use brought into compliance with this title. Whenever a violation of Section 14-05-05.1 of this title is found, the ~~Fire Chief~~ Health Officer or his or her agent shall give written notifications to the owner of the property or to the occupant or renter of the property that a violation has occurred and order the violation abated and the property, building or use brought into compliance with this title. A reasonable amount of time must be allowed for compliance.
(Ord. 4862, 08-12-97; Ord. 5728, 05-26-09)

Section 14. Amendment. Section 14-05-05.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Accumulation of Certain Items Prohibited is hereby amended and re-enacted as follows:

14-05-05.1 Accumulation of Certain Items Prohibited.

1. No person shall cause, permit, keep, accumulate or allow the accumulation of any commercial equipment, junk, refuse, surplus, scrap, salvage or other similar items outside of a closed building in any residentially-zoned district. The items for which accumulations are prohibited under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household appliances, machinery, farm machinery, commercial equipment, new or used building materials, construction or demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery

parts, tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items has value or is operational shall not excuse conduct prohibited by this section. For the purposes of this section, residential districts shall include RR, RR5, R5, RMH, R10, RM, RT, PUD, and HM. Prior to signing a complaint under this section, the ~~Fire Chief~~ Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

2. No person shall cause, permit, keep, accumulate or allow the accumulation of any junk, refuse, surplus, scrap, salvage or similar items outside of a closed building or opaque fencing in any commercially, industrially or agriculturally-zoned district absent a special use permit. The items for which accumulations are prohibited under this section may include one or more of the following but are not limited to hazardous wastes, scrap metals, used or scrap lumber, household or commercial appliances, used building materials or salvage, construction demolition waste or salvage, abandoned or unlicensed vehicle(s), automotive or machinery parts, used tires, used oil or solvents, garbage or rubbish of any kind, waste paper, used furniture or other household goods, barrels, rags, boxes, cardboard, or other similar items. The fact that an item or items may have value does not excuse the conduct prohibited by this section. The prohibitions contained in this section shall apply to properties zoned CA, ~~CB,~~ DC, DF, PUD, CR, CG, MA, MB, or A. Prior to signing a complaint under this section, ~~the Fire Chief~~ Health Officer or his or her agent must serve the property owner or tenant with a notice and order pursuant to Section 14-05-03.1.

(Ord. 4861, 08-12-97; Ord. 4936, 09-08-98; Ord. 5728, 05-26-09)

Section 15. Amendment. Section 14-05-06.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Abatement is hereby amended and re-enacted as follows:

14-05-06.1 Abatement. The imposition of a penalty provided by the provisions of this title shall not preclude the city from instituting proceedings to restrain, correct or abate a continuing violation of this title. If within ten days of a final order that order has not been obeyed, the ~~Building Official~~ Zoning Administrator or Health Officer or ~~his or her~~ their agent is hereby authorized to restrain, correct or abate

the violation and have the costs incurred assessed against the property. An order of the ~~Fire Chief~~ Zoning Administrator or Health Officer issued pursuant to Section 14-05-03.1 becomes final when upheld by the Board of City Commissioners or when the time specified for appeal to the board of city commissioners has expired.

(Enacted: Ord. 4963, 02-23-99)
(Ord. 5728, 05-26-09

* * * * *

Section 16. Amendment. Section 14-06-02 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Powers and Duties is hereby amended and re-enacted as follows:

* * * * *

14-06-02. Powers and Duties. The board of adjustment is an administrative board whose powers and duties are limited generally by the laws of the State of North Dakota, particularly by the powers and duties set forth in this section. The board of adjustment shall not have the power to amend this article on zoning, nor to permit nor prohibit any actions which accomplish an amendment of this article on zoning, nor to permit any action nor fail to prohibit any action which would violate this article. However, it is declared the intent of this section that any actions taken by the board of adjustment in full compliance with the provisions of this section shall be deemed to be administrative actions, and shall not be interpreted as unauthorized amendments of the article. The board of adjustment shall have the following powers and duties:

1. Interpretation. On appeal from an order, requirement, determination or provision made by the ~~Building Official~~ Zoning Administrator or other administrative official, or by request from any official, agency or head of the city, the board of adjustment shall decide any question involving the interpretation of any provision of this article. The board of adjustment may, in conformity with this article, reverse, affirm, or modify wholly or in part, or render a decision upon any such appeal or request.

* * * * *

Section 17. Amendment. Section 14-06-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Appeal Procedure is hereby amended and re-enacted as follows:

14-06-03. Appeal Procedure.

1. Appeal - How taken: An appeal to the board of adjustment may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the ~~Building Official~~ Zoning Administrator based in whole or in part upon the provisions of this article. Such appeal shall be taken within such time as shall be prescribed by the board of adjustment by general rule, by filing with the ~~Building Official~~ Zoning Administrator and with the board of adjustment a notice of appeal and specifying the grounds thereof. The ~~Building Official~~ Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the ~~Building Official~~ Zoning Administrator certifies to the board of adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, and notice to the ~~Building Official~~ Zoning Administrator and on due cause shown.

2. Appeal - Procedure. The board of adjustment shall fix a reasonable time for the hearing of an appeal or for action on any matter upon which it is required to pass under this article and give due notice thereof to interested parties, and make all decisions within a reasonable time. Upon any hearing, any party may appear in person or by agent or attorney. The concurring vote of four members of the board shall be necessary to reverse an order, requirement, decision or determination of the ~~Building Official~~ Zoning Administrator or other official, or to decide in favor of the applicant any matter upon which it is required to pass under this article. The board shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

* * * * *

Section 18. 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 19. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
October 23, 2013

The Bismarck Planning & Zoning Commission met on October 23, 2013 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Vernon Laning, Doug Lee, Mike Schwartz, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Mel Bullinger and Mike Donahue were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Jason Tomanek – Planner, Jenny Wollmuth – Planner, Hilary Balzum – Community Development Office Assistant and Charlie Whitman – City Attorney.

Others present were Robert Graham, Alan Lerberg, Marcia Lerberg, Kathleen Atkinson, Kirby Seibel, Marilyn Pope, Frank Kartch, Chris Hambrick, Olivia Huber, Diane Martin, Dave Patience, Landon Niemiller, Leigh Jacobs, Tom Oakland, Steve Kuball, Duane Boeller, Kelly Hall, Rose Laning, Brandy Jurgens, Mike Jurgens, Michelle Metzger, Dan Waldoch and Joan Millner.

MINUTES

Chairman Yeager called for consideration of the minutes of the September 25, 2013 meeting.

MOTION: Commissioner Schwartz made a motion to approve the minutes of the September 25, 2013 meeting as received. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION

A. SOUTHLAND 2ND ADDITION – ZONING CHANGE AND PRELIMINARY PLAT
B. SATTLER'S SUNRISE 10TH ADDITION – ZONING CHANGE AND PRELIMINARY PLAT
C. AUDITOR'S LOT A OF THE SE1/4 OF THE NE1/4 OF SECTION 33, T139N-R80W AND LOTS 1 & 2, BLOCK 1, REPLAT OF CALKINS ADDITION – ZONING CHANGE
D. LOT 14, BLOCK 1, SONNET HEIGHTS SUBDIVISION – ZONING CHANGE
E. LOTS 2 AND 3 OF PARK HILL SUBDIVISION OF LOT 14, LOT 1 OF AUDITOR'S LOT 15, PARK HILL AUDITOR'S LOTS, AND PART OF THE SE1/4 OF THE NE1/4 OF SECTION 5, T138N-R80W – ZONING CHANGE

Chairman Yeager called for consideration of the following consent agenda items:

A. Southland 2nd Addition – Zoning Change and Preliminary Plat
B. Sattler's Sunrise 10th Addition – Zoning Change and Preliminary Plat
C. Auditor's Lot A of the SE1/4 of the NE1/4 of Section 33, T139N-R80W and Lots 1 & 2, Block 1, Replat Of Calkins Addition – Zoning Change
D. Lot 14, Block 1, Sonnet Heights Subdivision – Zoning Change

E. Lots 2 and 3 of Park Hill Subdivision of Lot 14, Lot 1 of Auditor's Lot 15, Park Hill Auditor's Lots, And Part of the SE1/4 of the NE1/4 of Section 5, T138N-R80W – Zoning Change

MOTION: Commissioner Warford made a motion to approve consent agenda items A, B, C, D and E, granting tentative approval and/or calling for public hearings on the items as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT – SOUTH MEADOWS ADDITION

Chairman Yeager called for the continued public hearing on the zoning change from the A-Agricultural zoning district to the R5-Residential, R10-Residential, RM30-Residential and P-Public zoning districts and the final plat of South Meadows Addition. The plat includes 147 lots in six blocks on 75.89 aces and is located in south Bismarck, south of Burleigh Avenue and west of South Washington Street (part of the E1/2 of the NE1/4 of Section 20, T138N-R80W/Lincoln Township).

Ms. Lee provided an overview of the zoning change, including the findings:

1. The Land Use Plan identifies this area as urban residential (Bismarck-Mandan Regional Future Land Use Plan).

2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.

3. The entire subdivision would be annexed prior to development; 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.

Ms. Lee then gave an overview of the final plat, including the 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 FAA has determined that the development is in compliance with FAA Advisory Circular 150/5200-33B, "Hazardous Wildlife Attractants On or Near Airports."

4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies Downing Street to the west of this plat as the north-south collector for this section and Glenwood Drive to the south of this plat as the east-west collector for this section.

5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the west, single-family residential to the north, undeveloped agricultural land to the east, and rural residential to the south.

6. The entire subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.

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.

Ms. Lee said that based on these findings, staff recommends continuing action on the zoning change from the A-Agricultural zoning district to the R5-Residential, R10-Residential, RM30-Residential and P-Public zoning districts and the final plat for South Meadows Addition until the stormwater management plan has been approved by the City Engineer.

Chairman Yeager opened the public hearing.

Diane Martin said she was told after the last meeting that the retention pond that was put in near her home is supposed to be draining within 48 hours, but it is currently full from the last time it rained several days ago. She said there is going to be a lot of standing water right next to their home all of the time and especially during the summer.

Dave Patience said he has also wondered why the pond has not drained like it is supposed to and thinks the bottom of it may have been sealed by mistake by heavy equipment when it was constructed and would then need to be perforated somehow. He said many other subdivisions, such as in the Minneapolis area, welcome ponds with standing water and actually consider them an addition to their land value.

Commissioner Laning asked if the water does not drain, then what prevents it from turning stagnant and into a mosquito pond. Mr. Patience answered that an aerator can be added to the pond and repeated that the perception in Bismarck is that ponds are not acceptable.

Olivia Huber said they have experienced issues at their home with drainage because of the makeup of the soil in that area. She said a pond in this location will never be able to drain completely and the only drainage solution they could find at their home for a drain field was to install a gravel bed to pump the water into.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to continue the public hearing on the zoning change from the A-Agricultural zoning district to the R5-Residential, R10-Residential, RM30-Residential and P-Public zoning districts and final plat for South Meadows Addition, pending approval of the stormwater management plan. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson,

Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – FINAL PLAT – AIRWAY AVENUE ADDITION

Chairman Yeager called for the public hearing on the final plat for Airway Avenue Addition. The proposed plat is 11lots in one (1) block on 20.0 acres and is located in southeast Bismarck, along the north side of Airway Avenue and the west side of South 26th Street (the S1/2 of the S1/2 of the NE1/4 of Section 10, T138N-R80W/Lincoln Township).

Mr. Tomanek provided an overview of the request, including the following findings:

1. All technical requirements for consideration of the final plat have been met.

2. The storm water management plan has been approved by the City Engineer.

3. The proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Airway Avenue as the east-west collector roadway for this section.

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include industrial uses to the north and west; undeveloped land to the east which is zoned MA - Industrial and the Airport to the south.

5. The proposed subdivision would not adversely affect the adjacent properties.

6. The City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed, provided access via urban section roadways are required prior to development of lots within the development

7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

Mr. Tomanek stated that the applicant has requested this item to be continued so they could explore alternative options for stormwater management.

Chairman Yeager opened the public hearing. With there being no comments, the public hearing was closed.

MOTION: Based on the findings contained in the staff report and the request of the applicant, Commissioner Lee made a motion to continue the final plat for Airway Avenue Addition pending approval of the revised stormwater management plan. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT – OAKLAND SUBDIVISION

Chairman Yeager called for the public hearing on the zoning change from the from the A-Agriculture zoning district to the RR – Rural Residential zoning district and the final plat for Oakland

Subdivision. The final plat is 17 lots in three blocks on 40.0 acres and is located northeast of Bismarck, along the south side of 84th Avenue NE, between 26th Street NE and 41st Street NE (part of the NE¼ of Section 2, T139N-R80W/Hay Creek Township).

Ms. Wollmuth provided an overview of the requests, including the following findings for the zoning change:

1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as rural residential (US Highway 83 Corridor Study).

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, and partially-developed rural residential to the south and west.

3. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to both 71st Avenue NE and 41st Street NE via internal streets; 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.

Ms. Wollmuth then provided the following findings for the final plat:

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, with written concurrence from the County Engineer.

3. The Hay Creek Township Board of Supervisors has recommended approval of the proposed subdivision.

4. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies 84th Avenue NE as an arterial roadway and 76th Avenue NE as the east - west collector roadway for this section.

5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, and partially-developed rural residential to the south and west.

6. The subdivision proposed for the property would be served by South Central Regional Water District and would have access to both 71st Avenue NE and 41st Street NE via internal streets; 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.

Ms. Wollmuth said based on these findings, staff recommends approval of the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and final plat of Oakland Subdivision.

Ms. Wollmuth also distributed comments received via e-mail, attached as Exhibits A and B.

Chairman Yeager opened the public hearing.

Chris Hambrick asked if the large lot within the subdivision would be allowed to be further subdivided in the future and also where the access point would be on 84th Ave NE. Ms. Wollmuth explained that the existing access point along the south side of 84th Avenue would most likely be used if the owner were to further develop Lot 2, Block 1 in the future. She added that any future development would require an application process including notification of neighboring properties if it does take place.

There being no further comment, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Armstrong made a motion to approve the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and the final plat for Oakland Subdivision. Commissioner Atkinson seconded the motion and it was unanimously approved by Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT – LOT13B, BLOCK 1, NORTH STAR ACRES

Chairman Yeager called for the public hearing for a special use permit to increase the total amount of accessory buildings located on the property to 3,200 square feet at 6808 North Star Acres Road. The property is located northeast of Bismarck, south of 71st Avenue NE and west of North Star Acres Road.

Ms. Wollmuth then provided an overview of the request and the following findings:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed special use would not adversely affect the public health, safety and general welfare.

5. The request is compatible with adopted plans policies and accepted planning practice.

Ms. Wollmuth said based on these findings, staff recommends approval of the special use permit to increase the total amount of accessory buildings located on the property to 3,200 square feet, by constructing a 40' x 80' accessory building at 6808 North Star Acres Road.

Chairman Yeager opened the public hearing.

Commissioner Laning asked what the current coverage limit is. Ms. Wollmuth said there is no lot coverage requirement in this district, but the maximum accessory building size without a special use permit is 2,400 square feet.

There being no further comment, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to approve the special use permit to increase the total amount of accessory buildings at 6808 North Star Acres Road to 3,200 square feet. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT – LOTS 1-3, BLOCK 2 AND THE S1/2 OF THE VACATED MAYFAIR AVENUE ADJACENT, MAYFAIR MANAGERS ADDITION

Chairman Yeager called for the public hearing for the special use permit for Lots 1-3, Block 2, and the S1/2 of the vacated Mayfair Avenue adjacent, Mayfair Managers Addition, to allow the operation of a 2, 400 square foot church in an existing strip mall facility. The property is located in southeast Bismarck, south of Bismarck Expressway on the west side of South 12th Street (1012 South 12th Street).

Ms. Wollmuth provided an overview of the request, including the following findings:

1. A church is allowed as a special use in the CG-Commercial zoning district, provided specific conditions are met. The proposed church meets all five provisions outlined in Section 14-03-08(3)(f) of the City Code of Ordinances (Zoning). A copy of this section of the City Code is attached.

2. The use of the property for a church is in harmony with the purpose and intent of the zoning ordinance and with the master plan of the City of Bismarck.

3. The use of the property for a church would not adversely affect the health and safety of the public and the workers and residents of the area, nor will it be detrimental to the use or development of adjacent properties or the general neighborhood.

4. The use of the property for a church would comply with all special regulations established by the zoning ordinance and the building code, as well as all special conditions necessary for the safety and welfare of the public.

Ms. Wollmuth said based on these findings, staff recommends approval of the special use permit to allow the operation of a 2,400 square foot church in an existing strip mall facility at 1012 South 12th Street with the following condition:

1. A change of occupancy building permit for this use will not be issued until all regulations established by the zoning ordinance including required off-street parking and loading are met.

Chairman Yeager opened the public hearing. There being no comments, the public hearing was closed.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the special use permit to allow the operation of a church at Lots 1-3, Block 2 and the S1/2 of the vacated Mayfair Avenue adjacent, Mayfair Managers Addition, with the condition that a change of occupancy building permit for this use will not be issued until all regulations established by the zoning ordinance including required off-street parking and loading are met. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – DEFINITIONS AND DOWNTOWN DISTRICTS/BREWERY, BREW PUB AND MICROBREWERY

Chairman Yeager called for the public hearing for a zoning ordinance text amendment for Definitions and Downtown Districts/Brewery, Brew Pub and Microbrewery.

Mr. Tomanek explained that the proposed ordinance would increase the allowable number of barrels brewed at a microbrewery from 5,000 to 10,000. The zoning ordinance text amendment would also increase the number of gallons of beer brewed from 155,000 gallons to 310,000 gallons per year.

Chairman Yeager opened the public hearing on the proposed zoning ordinance text amendment. There being no comments, the public hearing was closed.

MOTION: Based on staff's recommendation, Commissioner Lee made a motion to approve the zoning ordinance text amendment to the definitions relating to brewery, brewpub and microbrewery ordinance. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – ZONING ADMINISTRATOR/MULTIPLE SECTIONS OF TITLE 14

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to the Zoning Administrator/Multiple Sections of Title 14, and stating that the staff recommendation is to continue action, opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Commissioner Laning made a motion to continue action on the zoning ordinance text amendment relating to Zoning Administrator/Multiple Sections of Title 14 as recommended by staff. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

Ms. Lee explained that the CDs that were distributed prior to the meeting contain the draft report for the Downtown Subarea Study. The MPO wanted the Commissioners to have the report to review prior to the public hearing on the study, which is scheduled for the November 20th meeting.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:30 p.m. to meet again on November 20, 2013.

Respectfully submitted,

_____
Hilary Balzum
Recording Secretary

_____
Wayne Lee Yeager
Chairman

DATE SELECTION 10/2013

Permit Type	City 10/2013 Permits	City 10/2013 Valuation	City 10/2012 Permits	City 10/2012 Valuation	ETA 10/2013 Permits	ETA 10/2013 Valuation	ETA 10/2012 Permits	ETA 10/2012 Valuation	County 10/2013 Permits	County 10/2013 Valuation	County 10/2012 Permits	County 10/2012 Valuation
SINGLE FAMILY DETACHED	34	6,266,718.75	49	9,438,314.00	8	1,445,659.75	9	2,203,485.50	6	1,111,087.75	3	638,474.00
SINGLE FAMILY ATTACHED	15	2,356,280.50	17	2,537,768.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	2	499,764.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	4	524,668.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	1	1,106,184.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	4	.00	5	1,400.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	2	8,860,000.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	1	225,000.00	7	412,755.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	4	2,725,507.00	2	1,170,000.00	2	772,000.00	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	1	175,000.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	5	351,591.00	0	.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	1	784,350.00	6	46,951.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	2	109,051.50	2	311,130.00	1	184,599.00	2	174,105.00	0	.00	2	68,424.00
RESIDENTIAL GARAGES	7	200,420.00	9	66,832.00	3	60,180.00	11	237,984.00	1	10,752.00	1	22,848.00
PATIOS AND COVERS	9	28,785.00	10	35,925.00	4	36,540.00	3	35,900.00	2	25,380.00	0	.00
SWIMMING POOLS AND SPAS	1	54,595.00	0	.00	0	.00	1	45,000.00	0	.00	0	.00
OTHER	6	16,700.00	12	32,640.00	0	.00	1	68,000.00	0	.00	1	7,900.00
HOME OCCUPATIONS	2	.00	1	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	0	.00	2	4,200.00	0	.00	1	2,250.00	0	.00	0	.00
BASEMENT FINISH	10	29,879.75	18	102,897.75	3	12,072.50	4	18,612.00	0	.00	0	.00
INDUSTRIAL BUILDINGS	1	200,000.00	4	2,170,214.00	0	.00	1	24,760.00	0	.00	0	.00
COMMERCIAL BUILDINGS	7	2,280,847.00	15	1,108,100.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 10/2013

	City				ETA				County			
	10/2013		10/2012		10/2013		10/2012		10/2013		10/2012	
Permit Type	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	1	353,626.00	4	534,398.00	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	3	507,972.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	1	2,220,250.00	0	.00	0	.00	1	51,400.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00	1	.00	0	.00	0	.00
OTHER	2	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	7	476,990.53	8	145,757.05	0	.00	1	4,200.00	0	.00	0	.00
SIGN ALTERATION	1	59,000.00	1	2,200.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	123	19,239,356.03	184	29,295,305.80	21	2,511,061.25	37	3,148,448.50	9	1,147,219.75	7	737,646.00

DATE SELECTION 10/2013

	City		ETA		County	
Permit Type	10/2013 Permits	10/2012 Permits	10/2013 Permits	10/2012 Permits	10/2013 Permits	10/2012 Permits
Plumbing	127	98	15	21	7	2
Electrical	163	183	0	0	0	0
Mechanical	144	137	40	37	8	6
Drain Field	0	0	29	28	4	6
Hood Suppression	1	4	0	0	0	0
SprinklerStandpipe	7	9	0	0	0	0
Alarm Detection	4	0	0	0	0	0
Total	446	431	84	86	19	14

DATE SELECTION 10/2013

Living Units	City 10/2013 Units	City 10/2012 Units	ETA 10/2013 Units	ETA 10/2012 Units	County 10/2013 Units	County 10/2012 Units
SINGLE FAMILY DETACHED	34	49	6	9	6	3
SINGLE FAMILY ATTACHED	15	17	0	0	0	0
TWO UNIT	4	0	0	0	0	0
THREE & FOUR FAMILY	0	13	0	0	0	0
FIVE & MORE FAMILY	0	16	0	0	0	0
MANUFACTURED HOMES	2	0	0	0	0	0
HOTELS	0	162	0	0	0	0
NON-STRUCTURAL DEVELOPMEN	0	17	0	0	0	0
INDUSTRIAL	1	1	0	0	0	0
ROOM ADDITIONS	0	1	0	2	0	2
RESIDENTIAL GARAGES	0	16	0	8	0	1
PATIOS AND COVERS	0	7	0	3	0	0
SWIMMING POOLS AND SPAS	0	0	0	1	0	0
OTHER	1	9	0	0	0	1
STORAGE SHEDS	0	1	0	1	0	0
BASEMENT FINISH	0	15	0	4	0	0
INDUSTRIAL BUILDINGS	0	2	0	1	0	0
COMMERCIAL BUILDINGS	0	3	0	0	0	0
OFFICE & PROFESSIONAL BLD	0	1	0	0	0	0
SIGN PERMITS	0	1	0	0	0	0
NEW SIGN PERMIT	0	0	0	1	0	0
Total	57	330	8	31	6	7

DATE SELECTION 10/2013

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	OWNERS NAME / CONTRACTOR	VALUATION
CITY OF BISMARCK	2013-0001950	3909 APPLE CREEK RD	INDUSTRIAL ENTERPRISES INC.	1,895,507.00
			INDUSTRIAL ENTERPRISES INC	
CITY OF BISMARCK	2013-0001958	303 W FRONT AV	BISMARCK PARKS & REC DISTRICT	2,220,250.00
			CAPITAL CITY CONSTRUCTION INC	
CITY OF BISMARCK	2013-0002054	800 E BISMARCK EX	EIDE, ALLEN	1,655,000.00
			PROFESSIONAL CONTRACTORS INC	

DATE SELECTION 10/2013

Permit Type	City 10/2013 Permits	City 10/2013 Valuation	City 10/2012 Permits	City 10/2012 Valuation	ETA 10/2013 Permits	ETA 10/2013 Valuation	ETA 10/2012 Permits	ETA 10/2012 Valuation	County 10/2013 Permits	County 10/2013 Valuation	County 10/2012 Permits	County 10/2012 Valuation
SINGLE FAMILY DETACHED	398	72,459,957.15	395	72,286,533.50	133	27,068,385.50	146	31,160,876.10	33	6,576,156.50	22	4,121,619.00
SINGLE FAMILY ATTACHED	201	29,934,519.25	108	17,685,333.50	4	869,119.00	0	.00	1	183,120.00	0	.00
TWO UNIT	9	1,706,435.00	10	2,843,995.00	0	.00	1	406,947.00	0	.00	1	255,093.00
THREE & FOUR FAMILY	2	1,150,640.00	19	9,107,443.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	14	27,279,768.00	14	44,279,491.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	40	3,000.00	39	2,975.00	0	.00	2	.00	1	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	1	1,500.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	1	2,000.00	2	.00	0	.00	0	.00	0	.00	0	.00
HOTELS	2	14,096,480.00	4	16,209,999.00	0	.00	0	.00	0	.00	0	.00
MOTELS	2	2,015,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	18	6,639,059.00	23	4,575,269.00	2	1,000.00	0	.00	1	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	1	4,700,000.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	19	18,987,435.00	16	14,265,588.00	5	1,557,496.00	3	757,893.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	3	19,381,914.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	10	17,066,047.51	6	19,134,064.00	0	.00	1	1,217,750.00	1	26,400.00	0	.00
SCHOOLS AND EDUCATIONAL	1	11,921,517.00	4	48,823.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	1	813,256.00	5	4,113,548.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	1	12,986,524.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	51	15,598,337.10	92	13,149,669.00	4	3,110,779.00	1	483,190.00	1	76,300.00	0	.00
PUBLIC BUILDING	1	900,000.00	4	6,544,411.00	1	10,795,250.00	2	381,876.00	0	.00	0	.00
ROOM ADDITIONS	18	499,179.50	15	588,085.00	9	476,405.00	18	808,143.00	6	444,607.00	2	68,424.00
RESIDENTIAL GARAGES	90	877,816.00	76	679,626.00	95	1,831,084.00	108	2,102,078.00	10	295,864.00	13	309,032.00
PATIOS AND COVERS	116	395,987.00	120	637,869.50	28	185,598.00	28	149,585.00	5	38,520.00	3	11,040.00
SWIMMING POOLS AND SPAS	4	169,595.00	4	91,145.00	1	30,000.00	2	84,217.00	0	.00	0	.00
OTHER	70	986,638.25	173	624,357.25	6	248,290.00	16	249,714.00	1	2,110.00	4	278,900.00
HOME OCCUPATIONS	8	.00	3	.00	4	8,320.00	0	.00	1	.00	0	.00
STORAGE SHEDS	25	47,881.00	22	50,337.00	3	9,200.00	6	19,250.00	0	.00	0	.00
BASEMENT FINISH	150	732,086.25	172	838,755.25	50	292,126.25	34	173,333.00	2	14,049.00	1	6,403.00
INDUSTRIAL BUILDINGS	19	15,609,881.00	17	13,180,908.00	1	412,240.00	5	526,378.00	0	.00	0	.00
COMMERCIAL BUILDINGS	45	15,158,615.37	60	12,987,635.50	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 10/2013

Permit Type	City 10/2013 Permits	City 10/2013 Valuation	City 10/2012 Permits	City 10/2012 Valuation	ETA 10/2013 Permits	ETA 10/2013 Valuation	ETA 10/2012 Permits	ETA 10/2012 Valuation	County 10/2013 Permits	County 10/2013 Valuation	County 10/2012 Permits	County 10/2012 Valuation
OFFICE & PROFESSIONAL BLD	18	3,958,889.00	28	3,389,551.00	0	.00	1	1,860,500.00	0	.00	0	.00
OTHER	32	2,757,280.85	28	9,950,532.00	3	233,500.00	3	172,500.00	0	.00	0	.00
ALTER PUBLIC	15	38,901,519.00	3	47,884.00	1	72,860.00	4	1,040,288.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	9	.00	4	.00	4	.00	4	.00	0	.00	0	.00
OTHER	3	.00	6	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	1	.00	2	.00	16	.00	11	.00	0	.00	0	.00
NURSERY STOCK SALES	4	.00	4	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	10	.00	7	.00	3	.00	4	.00	0	.00	0	.00
CIRCUS/CARNIVAL	1	.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	1	98,476.00	0	.00	0	.00
NEW SIGN PERMIT	55	1,454,200.41	64	1,248,544.45	1	4,000.00	2	7,485.00	0	.00	0	.00
SIGN ALTERATION	2	116,485.00	9	167,250.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	2	15,290.42	1	34,500.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	1469	315,265,919.06	1566	292,647,535.95	376	47,205,652.75	406	41,983,231.10	63	7,657,126.50	46	5,050,511.00

DATE SELECTION 10/2013

	City		ETA		County	
Permit Type	10/2013 Permits	10/2012 Permits	10/2013 Permits	10/2012 Permits	10/2013 Permits	10/2012 Permits
Plumbing	750	734	162	179	36	20
Electrical	1243	1304	0	3	0	0
Mechanical	1341	1317	243	261	55	40
Drain Field	0	0	130	148	30	25
Hood Suppression	1	4	0	0	0	0
SprinklerStandpipe	7	9	0	0	0	0
Alarm Detection	4	0	0	0	0	0
Total	3430	3417	535	591	121	85

DATE SELECTION 10/2013

	City		ETA		County	
	10/2013	10/2012	10/2013	10/2012	10/2013	10/2012
Living Units	Units	Units	Units	Units	Units	Units
SINGLE FAMILY DETACHED	398	395	133	146	32	22
SINGLE FAMILY ATTACHED	201	108	4	0	1	0
TWO UNIT	18	18	0	2	0	2
THREE & FOUR FAMILY	6	68	0	0	0	0
FIVE & MORE FAMILY	362	408	0	0	0	0
MANUFACTURED HOMES	15	12	0	2	1	0
HOTELS	0	320	0	0	0	0
MOTELS	74	0	0	0	0	0
NON-STRUCTURAL DEVELOPMEN	0	18	0	0	0	0
INDUSTRIAL	2	13	0	1	0	0
COMM (RETAIL SALES)	0	2	0	0	0	0
OTHER STRUCTURES	3	4	25	0	0	0
PUBLIC BUILDING	8	0	0	0	0	0
ROOM ADDITIONS	6	5	2	8	1	2
RESIDENTIAL GARAGES	0	47	0	54	0	6
PATIOS AND COVERS	1	57	0	12	0	3
SWIMMING POOLS AND SPAS	0	3	0	2	0	0
OTHER	5	125	3	5	0	3
STORAGE SHEDS	0	13	0	4	0	0
BASEMENT FINISH	9	91	2	20	0	0
INDUSTRIAL BUILDINGS	1	4	0	2	0	0
COMMERCIAL BUILDINGS	1	17	0	0	0	0
OFFICE & PROFESSIONAL BLD	0	2	0	0	0	0
OTHER	9	3	0	0	0	0
RESIDENTIAL	1	0	0	2	0	0
MOVE WITHIN PMT LOCATION	0	0	0	1	0	0
SIGN PERMITS	0	1	0	0	0	0
NEW SIGN PERMIT	0	3	0	1	0	0
Total	1120	1736	169	263	35	38

DATE SELECTION 10/2013

Permit Type	City of Lincoln 10/2013 Permits	City of Lincoln 10/2013 Valuation	City of Lincoln 10/2012 Permits	City of Lincoln 10/2012 Valuation	Lincoln ETA 10/2013 Permits	Lincoln ETA 10/2013 Valuation	Lincoln ETA 10/2012 Permits	Lincoln ETA 10/2012 Valuation
OFFICE & PROFESSIONAL BLD	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	2	26,000.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00
Permit Type Total	134	24,910,759.00	121	12,877,350.25	10	1,426,456.00	21	2,653,788.00

DATE SELECTION 10/2013

Permit Type	********** City of Lincoln ********** 10/2013 Permits	10/2012 Permits	********** Lincoln ETA ********** 10/2013 Permits	10/2012 Permits
Plumbing	82	61	2	6
Electrical	128	57	0	2
Mechanical	113	43	9	5
Drain Field	0	1	3	7
Hood Suppression	0	0	0	0
SprinklerStandpipe	0	0	0	0
Alarm Detection	0	0	0	0
Total	323	162	14	20