

- 5. **Southport Phase II – PUD Amendment (Lot 6) (Klee)**15
Staff recommendation: schedule a hearing schedule a hearing table deny
- 6. **Special Use Permits (Roadway Maintenance Facilities) – Zoning Ordinance Text Amendment (Klee)**25
Staff recommendation: schedule a hearing schedule a hearing table deny
- 7. **Subdivision Regulations (Lot Modifications) – Zoning Ordinance Text Amendment (Klee)**29
Staff recommendation: schedule a hearing schedule a hearing table deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

- 8. **Part of Boulder Ridge 2nd Addition – Annexation (G²)** 31
Staff recommendation: approve approve continue table deny
- 9. **Lot 1, Block 1, Koch Creek Subdivision (Klee)**
Hay Creek Township
 - a. **Zoning Change (A & PUD to RT & CG)**.....35
Staff recommendation: approve w/conditions approve continue table deny
 - b. **Special Use Permit (church)**41
Staff recommendation: approve w/conditions approve continue table deny
- 10. **Landscaping & Screening – Zoning Ordinance Text Amendment (JT)**47
Staff recommendation: approve approve continue table deny
- 11. **Floodplain District – Zoning Ordinance Text Amendment (Klee)**65
Staff recommendation: approve approve continue table deny
- 12. **DC & DF Districts – Zoning Ordinance Text Amendment (JT)**69
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

13. Other

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for Wednesday, March 23, 2011.

Enclosure: Minutes of the January 26, 2011 meeting
 Major Building Permits Report for January 2011
 Building Permit Activity Report for January 2011

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

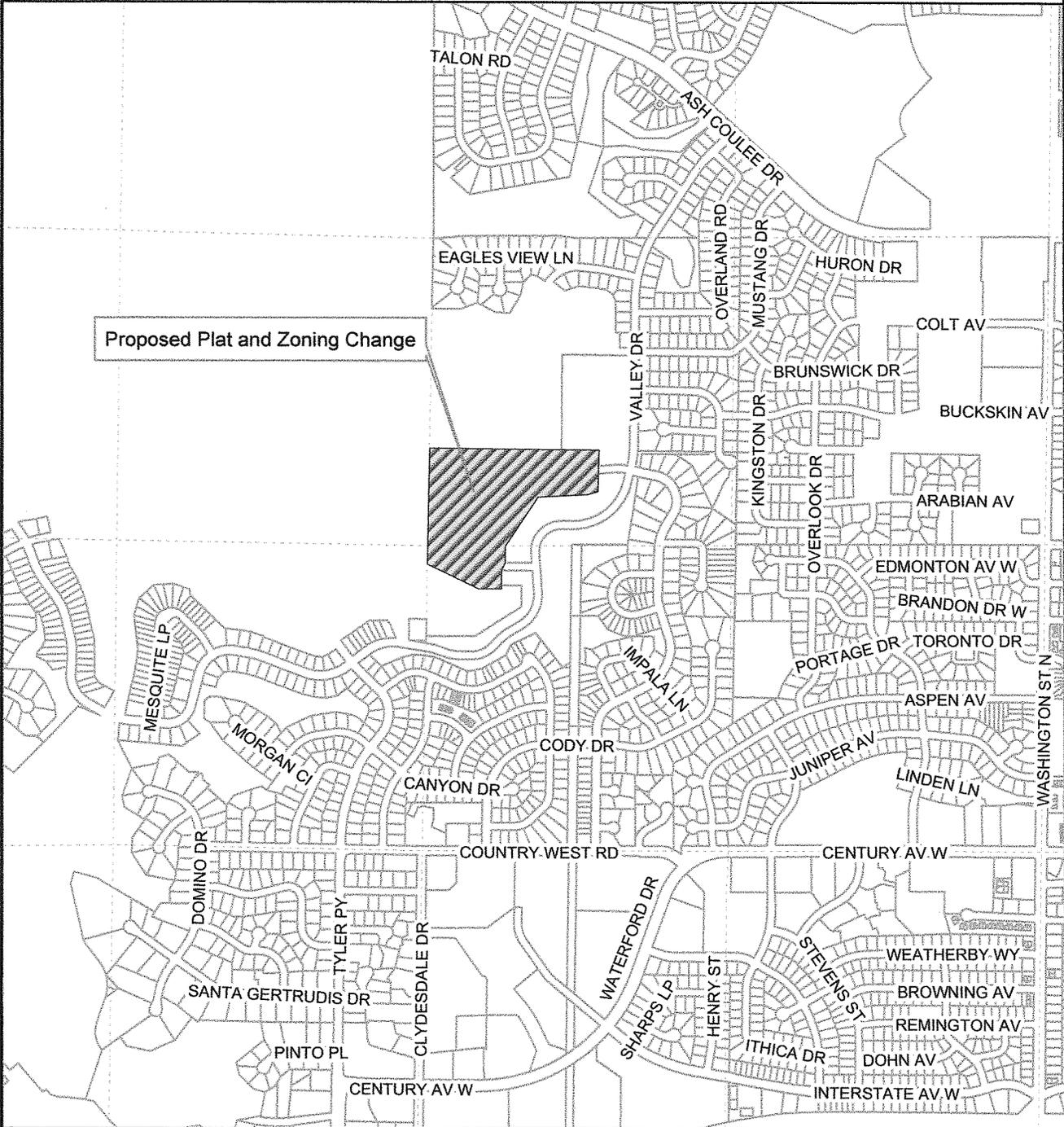
BACKGROUND:		
Title: Eagle Crest Fourth Addition – Zoning Change (A & R5 to R5)		
Status: Planning Commission – Consideration	Date: February 23, 2011	
Owner(s): Knutson Properties, LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: Plat, zone, and annex property for single-family residential development.		
Location: In north Bismarck along the west side of Valley Drive between Tyler Parkway and Mustang Drive (Auditor's Lot A1 of the NW¼ and SW¼ of Section 20, T139N-R80W/Hay Creek Township)		
Project Size: 25.72 acres	Number of Lots: 56 lots in 4 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Single-family residential	
Zoning: A–Agricultural and R5–Residential	Zoning: R5–Residential	
Uses Allowed: A – General agriculture and large lot residential. R5 – Single-family residential	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: Part – 06/00	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 1. There is an adjoining area of developable land along the west side of this plat. Conceptual plans for development of this land have been prepared. 2. Proper access needs to be provided to that land which would otherwise be landlocked because of steep terrain. 3. Because the adjoining area to the west is large enough to accommodate several future homes, access should be provided by a normal-width public street rather than a narrow private driveway. 4. The current plat layout proposes a private access easement, 24-feet wide, to serve this area to the west. 5. Staff will continue to work with the developer to accommodate access to the adjoining property. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as urban residential and open space (Bismarck-Mandan Regional Land Use Plan). 		
<i>(continued)</i>		

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the south, west, and north. There is public land to the east and a park to the northeast.
3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change will 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 the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

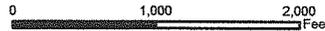
Based on the above findings, staff recommends scheduling a public hearing for the zoning change on Eagle Crest Fourth Addition with the understanding that the public hearing will not be held until access issues are resolved on the plat.

Proposed Plat and Zoning Change (A to R5) Eagle Crest Fourth Addition

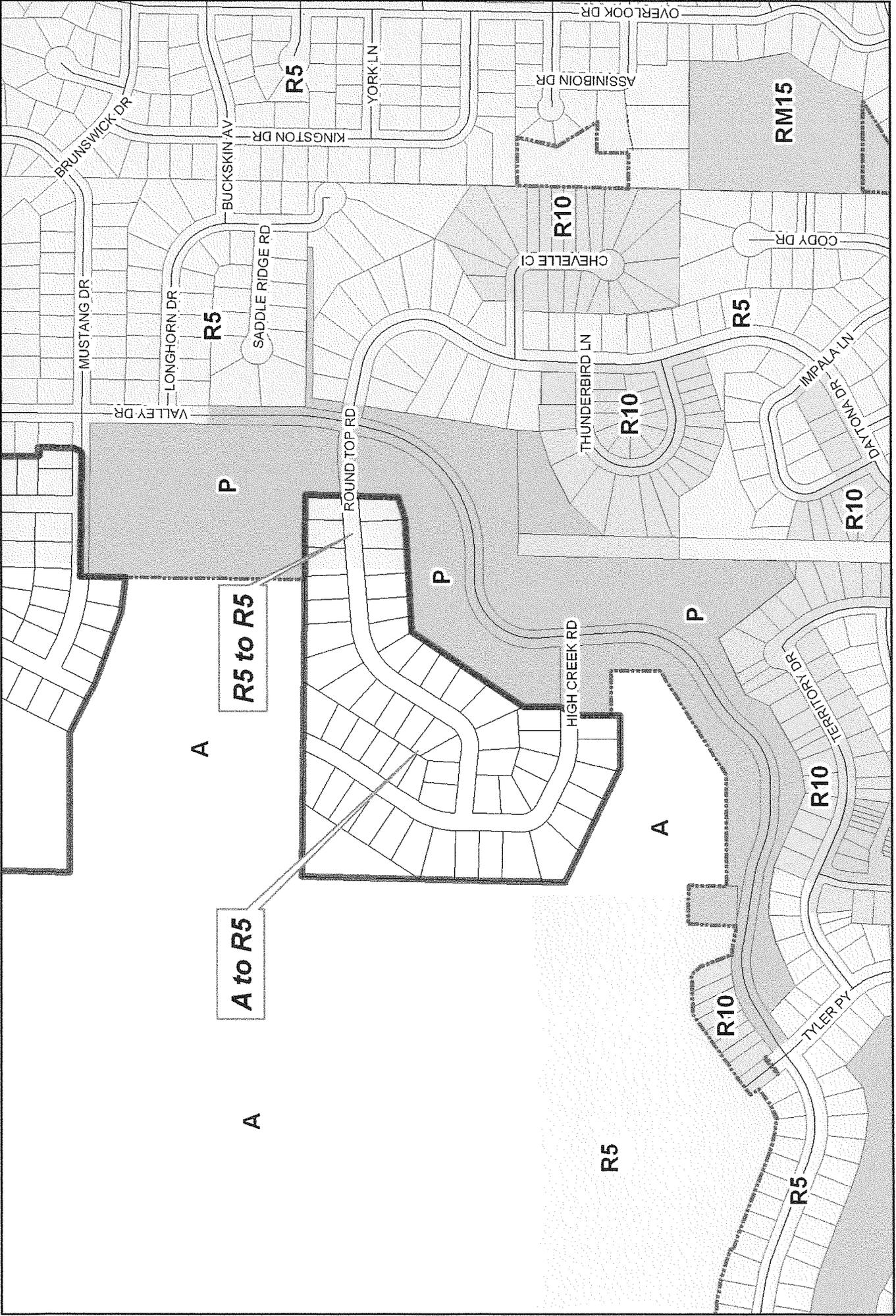


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Map was Updated/Created: January 25, 2011 (kdg)

Source: City of Bismarck



Eagle Crest 4th Addition - Zoning Change A & R5 to R5



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

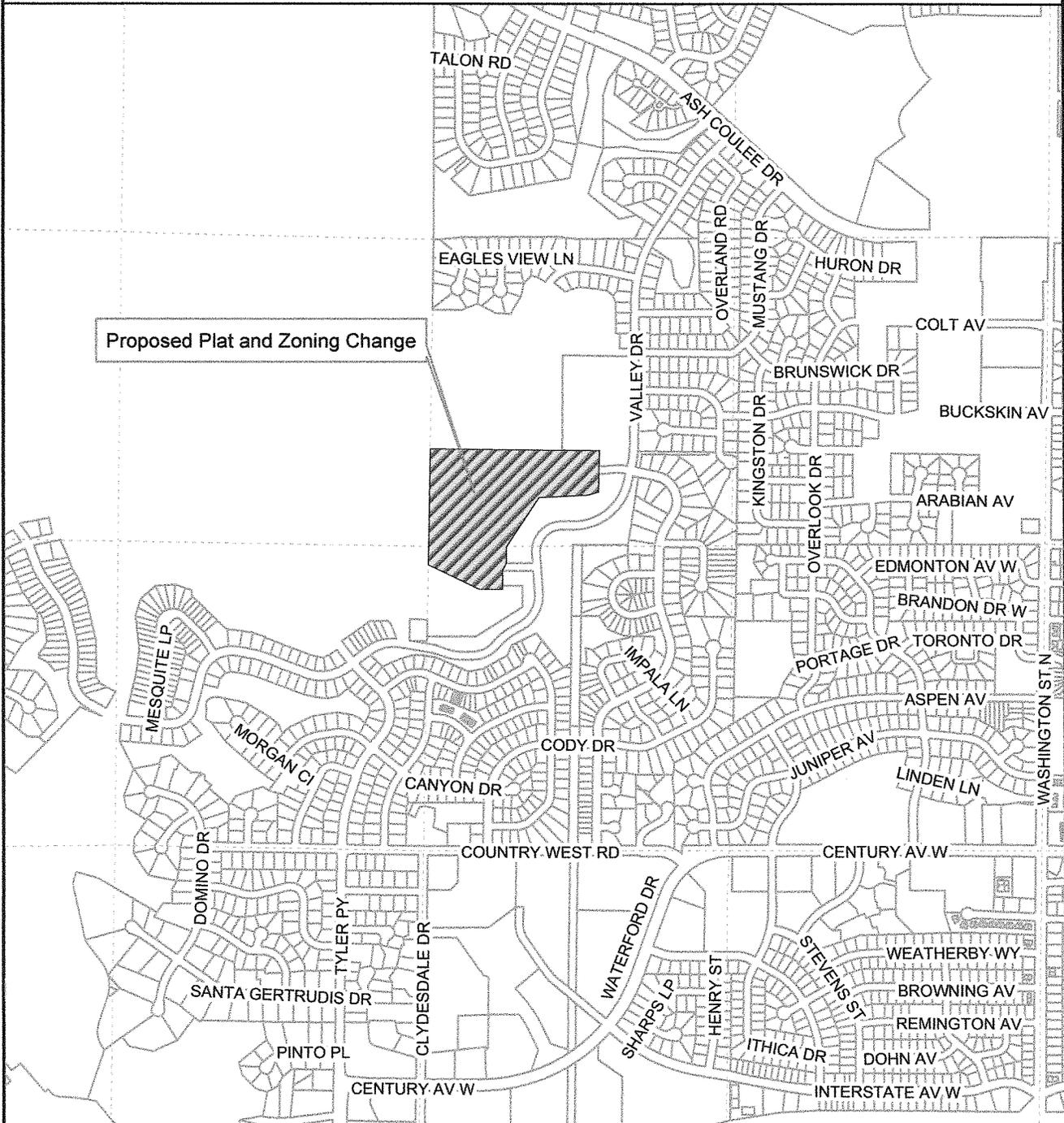
BACKGROUND:		
Title: Eagle Crest Fourth Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: February 23, 2011	
Owner(s): Knutson Properties, LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: Plat, zone, and annex property for single-family residential development.		
Location: In north Bismarck along the west side of Valley Drive between Tyler Parkway and Mustang Drive (Auditor's Lot A1 of the NW¼ and SW¼ of Section 20, T139N-R80W/Hay Creek Township)		
Project Size: 25.72 acres	Number of Lots: 56 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A–Agricultural and R5–Residential	Land Use: Single-family residential	
Uses Allowed: A – General agriculture and large lot residential. R5 – Single-family residential	Zoning: R5–Residential	
Maximum Density Allowed: A – One unit/40 acres R5 – 5 units/acre	Uses Allowed: R5 – Single-family residential	
PROPERTY HISTORY:		
Zoned: Part – 06/00	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> 1. There is an adjoining area of developable land along the west side of this plat. Conceptual plans for development of this land have been prepared. 2. Proper access needs to be provided to that land which would otherwise be landlocked because of steep terrain. 3. Because the adjoining area to the west is large enough to accommodate several future homes, access should be provided by a normal-width public street rather than a narrow private driveway. 4. The current plat layout proposes a private access easement, 24-feet wide, to serve this area to the west. 5. Staff will continue to work with the developer to accommodate access to the adjoining property. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed subdivision does not impact the Fringe Area Road Master Plan for the area, which identifies Valley Drive as the north-south collector for this section. 		
<i>(continued)</i>		

2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the south, west, and north. There is public land to the east and a park to the northeast.
3. The proposed subdivision would be annexed prior to development; therefore, it will not place an undue burden on public services and facilities.
4. The proposed subdivision would not adversely affect property in the vicinity, assuming that proper public access will be provided to the adjoining property to the west of this plat.
5. The proposed subdivision will be consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, assuming that proper public access will be provided to the adjoining property to the west of this plat.
6. The proposed subdivision will be consistent the master plan, other adopted plans, policies and accepted planning practice, assuming that proper public access will be provided to the adjoining property to the west of this plat.

RECOMMENDATION:

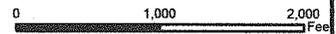
Based on the above findings, staff recommends tentative approval of the preliminary plat of Eagle Crest Fourth Addition with the understanding that the west access issue will be resolved prior to submittal of the final plat.

Proposed Plat and Zoning Change (A to R5) Eagle Crest Fourth Addition



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Map was Updated/Created: January 25, 2011 (kdg)

Source: City of Bismarck



RECEIVED
FEB 1 2011



JANUARY 21, 2011
SCALE 1"=60'
16V0229

OWNER:
KNUTSON PROPERTIES LLP
150 EAGLE CREST LOOP
BISMARCK, ND 58501
282-9484

ZONING:
EXISTING - A
PROPOSED - RS

ACREAGE:
TOTAL - 267.2 Acres

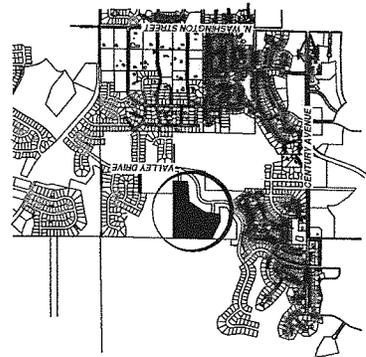
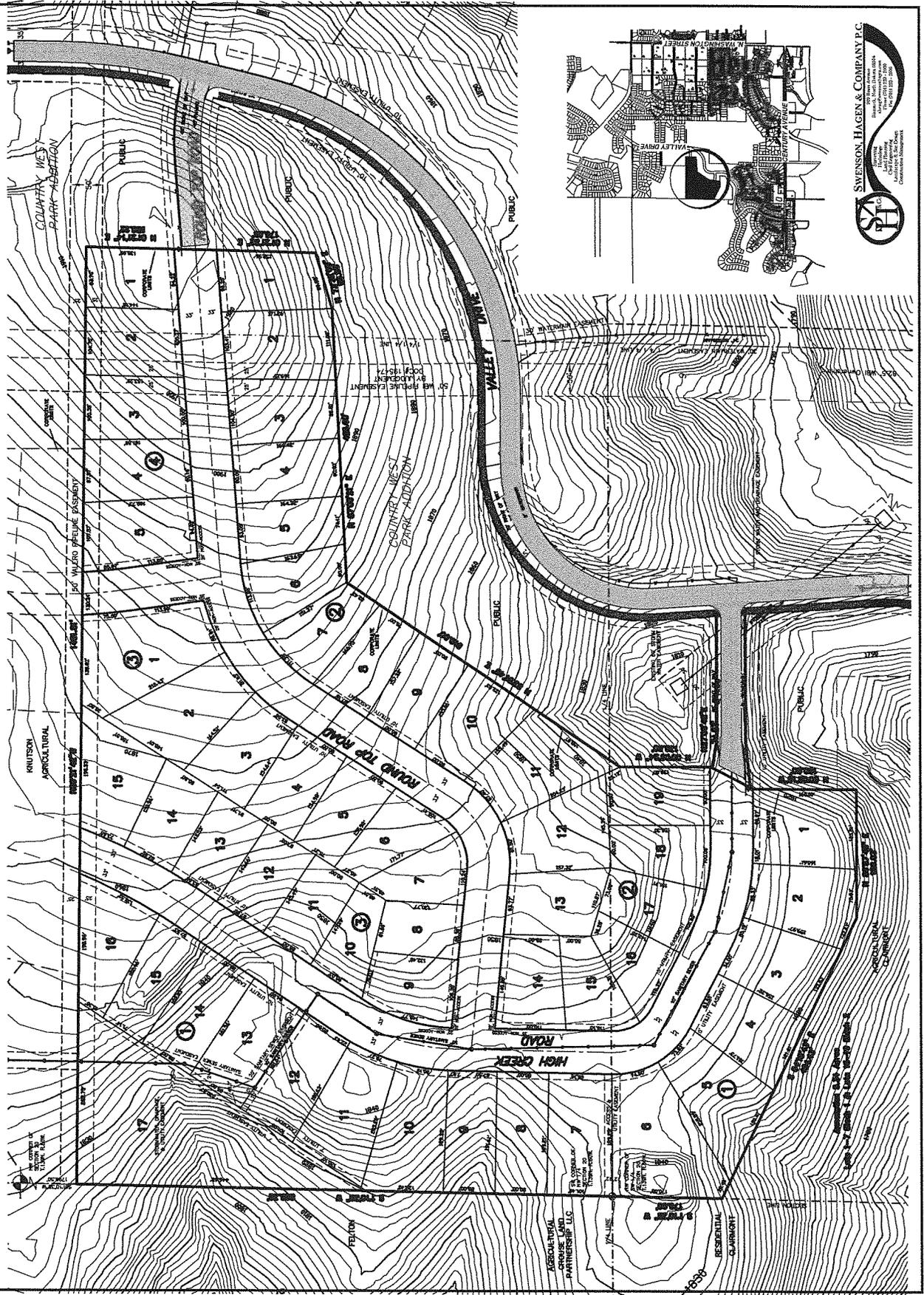
LOTS:
TOTAL - 66 LOTS

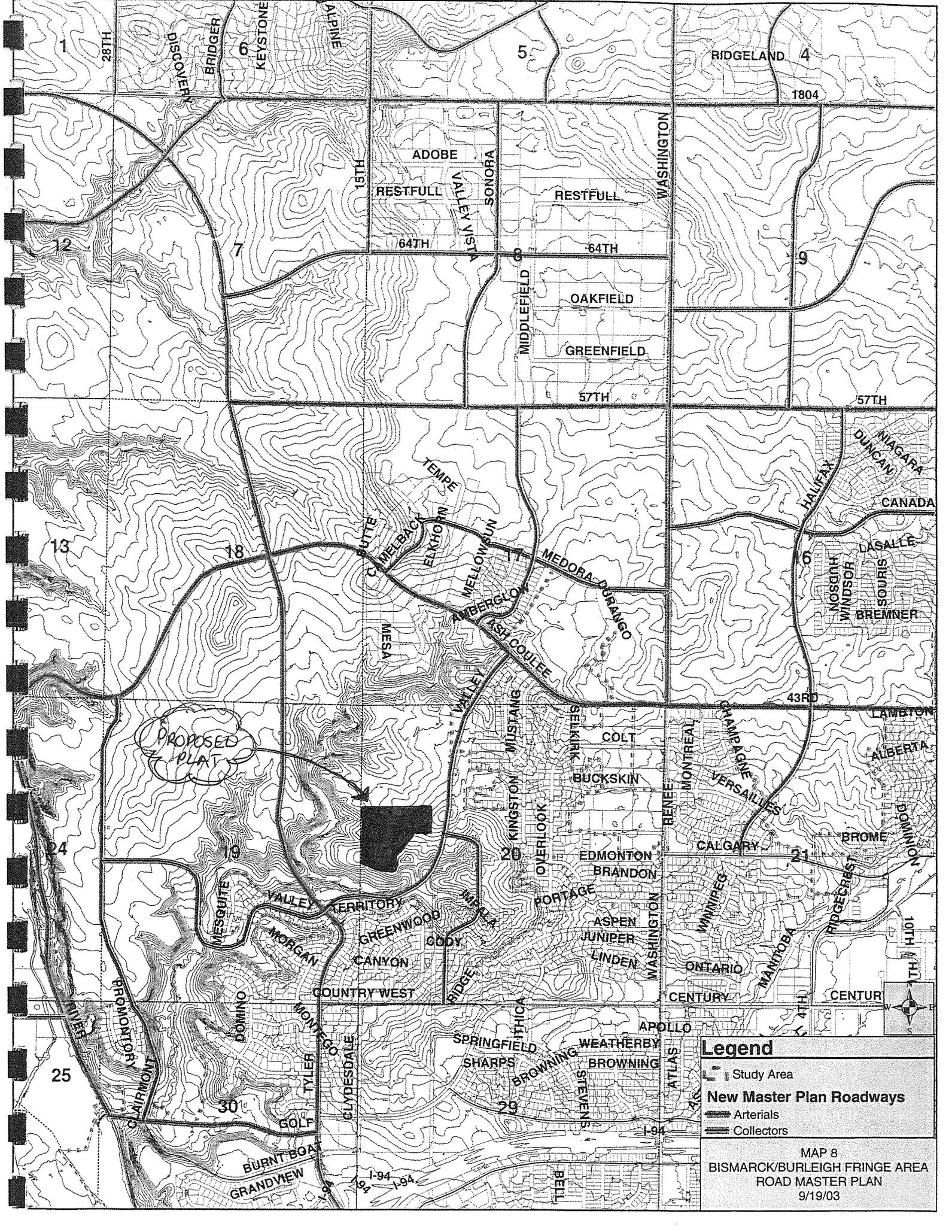
EAGLE CREST FOURTH ADDITION BISMARCK NORTH DAKOTA

PRELIMINARY PLAT

AUDITOR'S LOT A1 OF THE NW 1/4 & SW 1/4 OF SECTION 20, T. 139 N., R. 80 W. BISMARCK, NORTH DAKOTA

BASE OF BEARING:
NORTH DAKOTA STATE PLANE
DATUM: NAD 83
DATE: 08/12/09





PROPOSED PLATS

Legend

- Study Area
- New Master Plan Roadways**
 - Arterials
 - Collectors

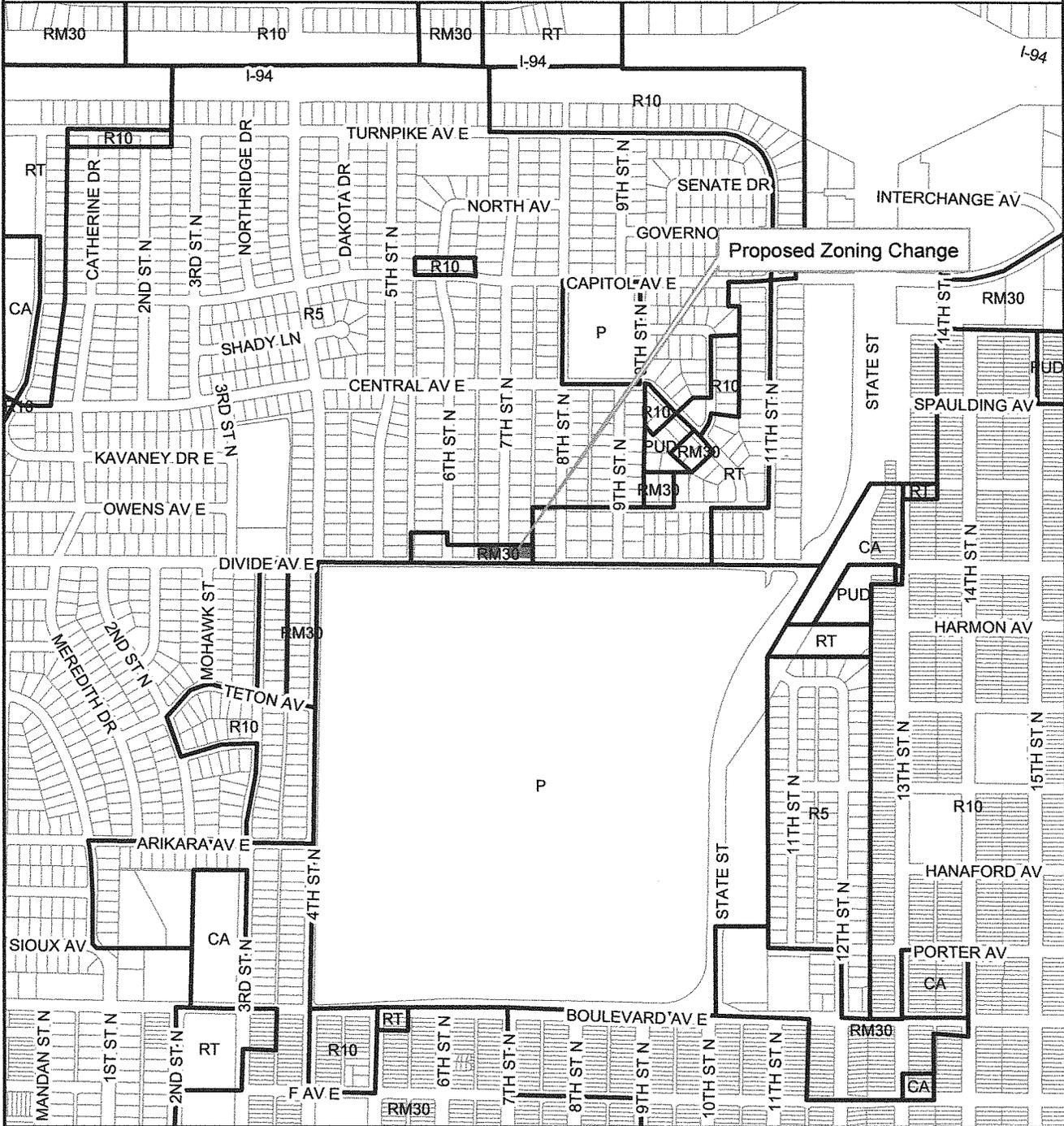
MAP 8
BISMARCK/BURLEIG FRINGE AREA
ROAD MASTER PLAN
9/19/03

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

BACKGROUND:		
Title: Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition – Zoning Change (RM30 to R10)		
Status: Planning Commission – Consideration	Date: February 23, 2011	
Owner(s): Lindquist/Schmaltz–L13, B1 less S40’ of E15’ MDU – S40’ of E15’ of L13, B1 Malkmus – L13, B2	Engineer: N/A	
Reason for Request: City-initiated zoning change to bring the zoning of the property in line with the actual use of the property as single-family residential.		
Location: Along both sides of North 7 th Street at the intersection with Divide Avenue.		
Project Size: 16,974 square feet	Number of Lots: 2 lots in 2 blocks (3 parcels)	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Single-family residential	Land Use: Single-family residential	
Zoning: RM30 - Residential	Zoning: R10 – Residential	
Uses Allowed: Multi-family residential	Uses Allowed: Single and two-family residential	
Maximum Density Allowed: 30 units/acre	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: 1952	Annexed: Pre-1980
FINDINGS:		
<ol style="list-style-type: none"> 1. This area developed in the 1950s and is outside of the area covered by the Land Use Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family to the east, single-family residential to the north, two-family residential to the west and the State Capitol grounds to the south. 3. The property is already developed; therefore, the proposed zoning change will not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change for Lot 13, Block 1 and Lot 13, Block 2, Jennings First Addition from RM30 – Residential to R10 – Residential.		

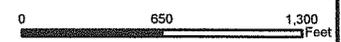
Proposed Zoning Change (RM30 to R10)

Lot 13, Block 1 & Lot 13, Block 2, Jennings's First Addition

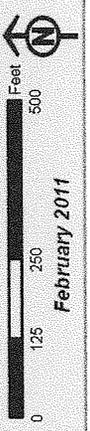


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 Map was Updated/Created: January 28, 2011 (kdg)

Source: City of Bismarck



Lot 13, Block 1 & Lot 13, Block 2, Jennings's First Addition - Zoning Change RM30 to R10



February 2011

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

BACKGROUND:		
Title: Southport Phase II – Major PUD Amendment		
Status: Planning Commission – Consideration	Date: February 23, 2011	
Owner(s): Southport Marina LLP	Engineer: Swenson Hagen & Co.	
Reason for Request: Modify PUD to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant.		
Location: Along the west side of Riverwood Drive south of Bismarck Expressway.		
Project Size: 43.1 acres (entire PUD) 1.71 acres (portion being amended)	Number of Lots: 8 lots (entire PUD) Part of 1 lot (portion being amended)	
EXISTING CONDITIONS:		
Land Use: Mixed use	PROPOSED CONDITIONS:	
Zoning: PUD – Planned Unit Development	Land Use: Mixed use	
Uses Allowed: As allowed by the original PUD & amendments	Zoning: PUD – Planned Unit Development	
Maximum Density Allowed: Density specified in PUD	Uses Allowed: As allowed by the original PUD & amendments	
PROPERTY HISTORY:	Maximum Density Allowed: Density specified in PUD	
Zoned: 10/92 (PUD) 02/04 (Last Amendment)	Platted: 04/93 (Southport)	Annexed: 05/93
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan. In 1997, the Southport Phase II PUD was amended to allow “a mixed use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height.” The proposed changes were tied to a modified site plan, which included a 25’ x 80’ (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of channel) continued to be designated as a commercial area with offices, a marina and a restaurant. There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42’ x 48’ deck on the northern end of the building. 		
<i>(continued)</i>		

4. In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.
5. A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.
6. In 2002, the PUD was amended to allow to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).
7. The PUD amendment as proposed would convert the two-story portion of the existing convenience store/bar/restaurant to an office use. The area to be converted to office space is 1740 square feet on the first floor and 1344 square feet on the second floor, for a total of 3084 square feet. The decks on the west side of the two-story portion of the building will be ancillary to the office use and the deck on the west side of the single story portion of the building will continue to be used for the bar/restaurant function.

FINDINGS:

1. All technical requirements for consideration of a major PUD amendment have been met.
2. The PUD as amended would not be any less compatible with the adjacent land uses than uses allowed in the approved PUD. Adjacent land uses include a variety of residential uses to the north, west and south and a public golf course, archery facility and open space to the east.
3. The property is already being developed; therefore, the PUD as amended would not place an undue burden on public services.
4. The PUD as amended is consistent with adopted plans, policies and accepted planning practice. It is also consistent with the original PUD, which includes all of the commercial uses on Lot 6 with direct access on a public right of way.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the major PUD amendment for Southport Phase II, as outlined in the attached draft PUD amendment document.

**SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5312 (Adopted March 23, 2004)
MAJOR PUD AMENDEMENT (Adopted _____) - DRAFT**

WHEREAS, Ordinance No. 5312 was adopted by the Board of City Commissioners on March 23, 2004; and

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

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

WHEREAS, Southport Marina LLC has requested an amendment to the Planned Unit Development for Southport Phase II.

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

Lots 1-8, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport

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

- Uses Permitted.* Uses permitted include a mixed use development, including a maximum of 132 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; marina parking facilities, a marina restroom facility and boat ramp on Tracts A, B and C of Lot 1, Southport Phase II; a convenience store/bar/restaurant/office building, a marina restroom facility, and parking facilities on Lot 6, Southport Phase II; a maintenance/office building on Lot 4, Southport Phase II; a private roadway over Lot 3, Southport Phase II (Southport Loop); and channel/marina facilities on Lots 5 and 8, Southport Phase II. The configuration of residential units and other uses shall generally conform to the overall development plan for Southport Phase II dated March 3, 2004. Any change in the use of any building from that indicated above will require an amendment to this PUD.
- Residential Development Standards.* The maximum allowable density shall be 132 units, the minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Riverwood Drive, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code. Residential building types shall be substantially similar to those approved in the original PUD and subsequent

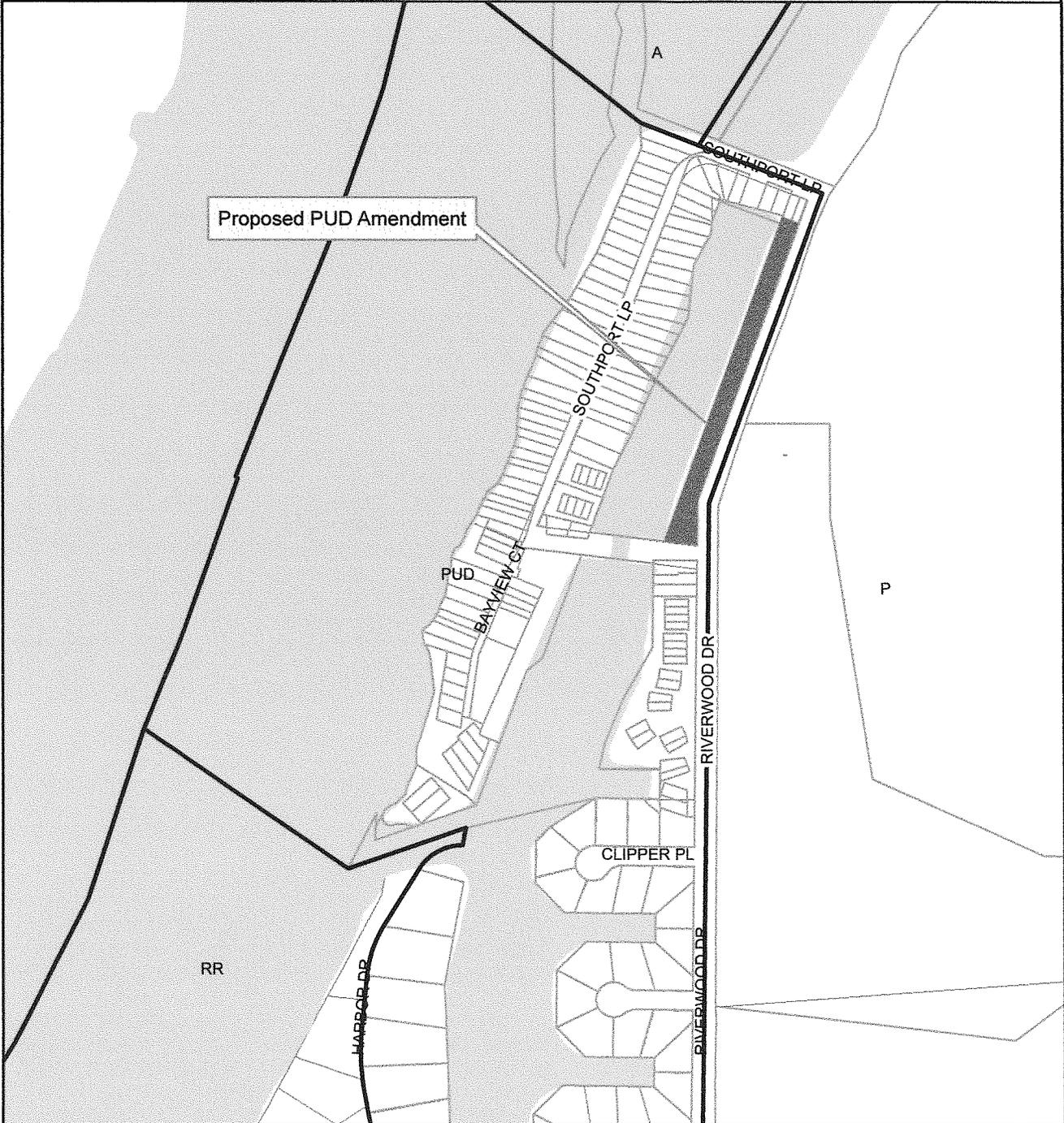
amendments and shall be no more than two stories in height. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Commercial Development Standards.* The convenience store/bar/restaurant/office building on Lot 6 shall be no larger than 4600 square feet in size on two floors (3250 square feet on the first floor and 1350 square feet on the second floor), with a first floor deck no larger than 960 square feet on the west side of the building, and a second floor deck no larger than 480 square feet on the west side of the building, as submitted with the request for this PUD amendment (exterior elevations and building footprint). The minimum front yard setback for the building shall be 25 feet along Riverwood Drive. Operation of the convenience store/bar/restaurant will be subject to any standards agreed to by the City and the Developer in conjunction with liquor licensing for the establishment. The two story portion of the building will be used for offices, the southern portion of the one story portion of the building will be used as a convenience store and office and the northern portion of the one story building will be used as a bar/restaurant. Any change to the exterior dimensions, uses or setbacks of the building that are inconsistent with these standards will require an amendment to this PUD.
4. *Maintenance Building/Office.* The maintenance/office building located on Lot 4 shall be no larger than 1200 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. This building may be used for storage of maintenance equipment for the development and office space for Southport Development. Any change to the location, size or use of this building that is inconsistent with these standards will require an amendment to this PUD.
5. *Marina Restroom Facilities.* The marina restroom facility located on Tract A of Lot 1, and any future marina restroom facility to be located on Lot 6, shall be no larger than 256 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. The marina restroom facility on Lot 6 may be attached to the north side of the convenience store/bar/restaurant, rather than a free-standing building, provided the addition is no more than 256 square feet, no more than one story in height, and architecturally similar to the rest of the building. Any change to the location, size or use of these buildings that is inconsistent with these standards will require an amendment to this PUD.
6. *Parking.* Off-street parking areas shall be provided on Lot 1 and on Lot 6 as shown on the overall development plan. Based on the square footage of the convenience store/bar/restaurant/office building and the number of rental docks, a minimum of 225 off-street parking spaces must be provided on Lot 6 and a minimum of 80 off-street parking spaces must be provided on Lot 1, as shown on the overall development plan. That portion of the parking lot on

Lot 6 required to provide the number of parking spaces required for the convenience store/bar/restaurant/office building (113 parking spaces) shall be paved ~~in conjunction with the expansion of the convenience store/bar/restaurant.~~ Any changes to the location of parking areas will require an amendment to this PUD.

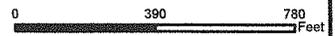
7. *Signage.* Signage shall be limited to the existing signage for the convenience store/bar/restaurant/office building and one development identification sign, which will be placed on Lot 6. The existing signage for the convenience store/bar/restaurant/office building may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The development identification sign to be installed on Lot 6 shall be a monument style sign no more than 60 square feet in area, and shall meet all other requirements as outlined in Section 14-03-05(9) of the City Code (Residential Area Identification Signs). Any change to the location or size of the allowed signs will require an amendment to this PUD.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed PUD Amendment Southport Phase II - Lot 6



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 16, 2011 (kdg)

Source: City of Bismarck



Southport Phase II

Part Of Section 7 & 8 T. 138 N., R. 80 W.
Bismarck, North Dakota

DESCRIPTION

TRACT L OF LOTS A, B, C, B-1, D-1 AND D-2 OF LOT 1 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA CONTAINING 67,852 SQUARE FEET, MORE OR LESS.

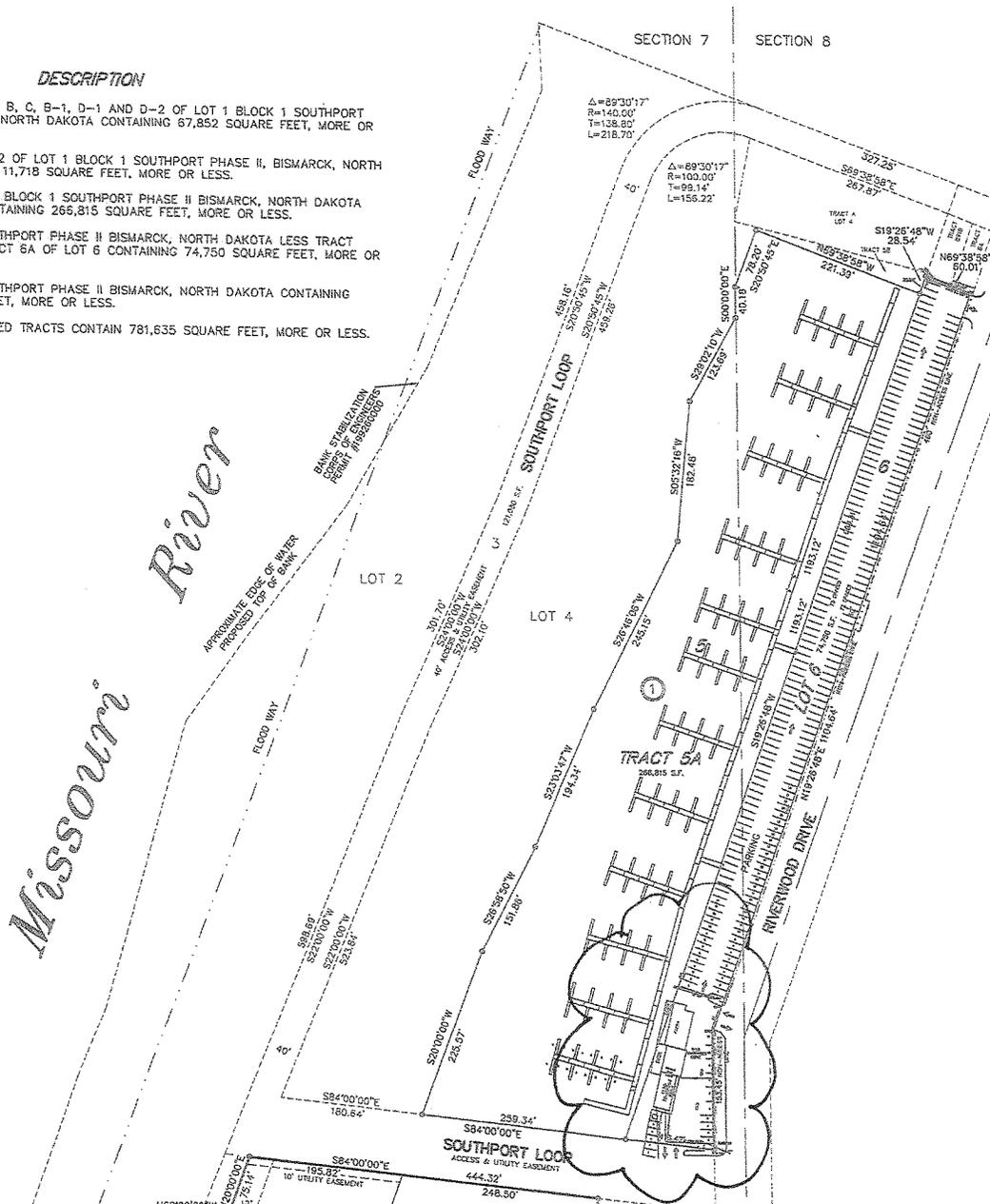
TRACT J OF LOT D-2 OF LOT 1 BLOCK 1 SOUTHPORT PHASE II, BISMARCK, NORTH DAKOTA CONTAINING 11,718 SQUARE FEET, MORE OR LESS.

TRACT 5A OF LOT 5 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA LESS TRACT 5B CONTAINING 266,815 SQUARE FEET, MORE OR LESS.

LOT 6 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA LESS TRACT 891B AND LESS TRACT 6A OF LOT 6 CONTAINING 74,750 SQUARE FEET, MORE OR LESS.

LOT 8 BLOCK 1 SOUTHPORT PHASE II BISMARCK, NORTH DAKOTA CONTAINING 360,500 SQUARE FEET, MORE OR LESS.

THE ABOVE DESCRIBED TRACTS CONTAIN 781,635 SQUARE FEET, MORE OR LESS.



Kim Lee

RECEIVED

FEB 09 2011

From: Stacey Zander [staceyzander@[REDACTED]]
Sent: Wednesday, February 09, 2011 3:59 PM
To: klee@nd.gov; Dave Patience; Sean Smith; Eric Moritz; Judy Moritz
Subject: Request to amend PUD for Southport Marina and The Pier Bar & Grill

This is a Request to amend the PUD for Southport Marina and The Pier Bar & Grill.

We want to amend the PUD for Southport Marina and The Pier Bar & Grill, to convert the 2-Story area, currently used as the restaurant/kitchen and dining room/upstairs banquet room, to Office Space. The area to be converted is 1740 sqft on the main floor and 1344 sqft upstairs for a total of 3084 sqft.

If you have any questions, please feel free to call.
Thank you,
Stacey Zander

701.[REDACTED].[REDACTED]

CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES (ROADWAY MAINTENANCE FACILITIES).

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

Section 1. 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 to read 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 (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 (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

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

* * * * *

w. Roadway Maintenance Facilities. Roadway maintenance facilities necessary for the provision of services by a governmental entity may be permitted in

any A - Agricultural district as a special use provided:

1. The parcel meets the dimensional requirements for the A - Agricultural zoning district.

2. The parcel is located along an improved section line roadway or other roadway classified as an arterial.

3. The parcel is located at least 1/2 mile (2640 feet) from any residentially zoned property.

4. All proposed buildings will meet the setback requirements for the A - Agricultural zoning district.

5. All exterior equipment and material storage areas will be set back no less than one hundred fifty (150) feet from a front property line and no less than seventy-five (75) feet from a side or rear property line.

6. A landscaped buffer yard is provided around the perimeter of the site to screen the operation from adjacent land uses. Said buffer yard shall be no less than fifty (50) feet in width and shall be densely planted in conjunction with site development in accordance with the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).

7. A site plan is submitted showing the overall dimensions of the site, the location of specific activities, fences, landscaped buffer yards, parking areas, adjacent roadways and proposed access (ingress/egress).

8. A written narrative is submitted describing the operation of the facility, including fugitive dust management, run-off control, and spill containment.

* * * * *

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

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY OF BISMARCK Ordinance No. XXXX

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

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

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

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

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

* * * * *

Lot Split: The division of a previously platted lot into not more than three (3) lots, that meets the following criteria:

a. The lot split does not involve the creation of new utility easements;

b. The lot split does not require the dedication of public rights-of-way for the purpose of gaining access to the property;

c. All parcels conform to the minimum lot area, width and depth for the zoning district in which the property is located;

d. The resulting parcels can be legally described with no more than two (2) directional descriptors (e.g. the north 100 feet of the west 200 feet of Lot 1, Block 1, ABC Addition). For an irregularly-shaped residential lot being split for a two or three unit side-by-side residential dwelling (row house) lot, the Director of Community Development may waive this requirement, provided the resulting parcels can be legally described as the original lot number combined with a letter (e.g. Lot 1 would become Lots 1A, 1B and 1C), and provided that any line the line(s) dividing the parcel along a common wall is a straight line from the front property line to the back property line along the common wall;

e. The property has not previously been divided through the lot split provisions of this ordinance.

* * * * *

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

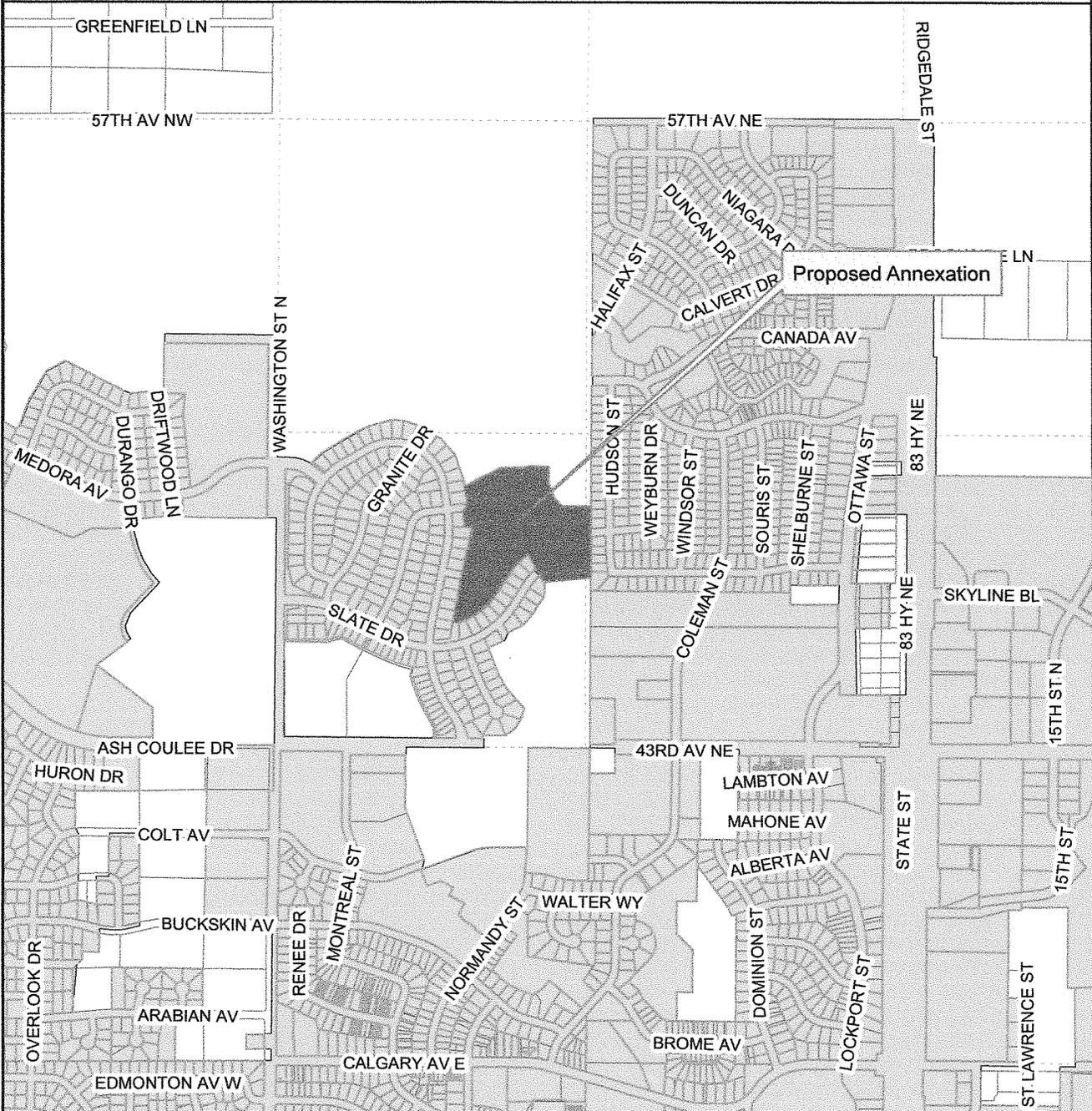
Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

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

BACKGROUND:		
Title: Boulder Ridge Second Addition (part) – Annexation		
Status: Planning Commission – Final Consideration	Date: February 23, 2011	
Owner(s): Boulder Ridge Development	Engineer: Swenson Hagen & Co.	
Reason for Request: Applicant wishes to proceed with development and annexations in phases		
Location: North Bismarck, east of North Washington Street and North of 43 rd Avenue (Part of the SW¼ of Section 16, T139N-R80W/Hay Creek Township)		
Project Size: 20.97 acres	Number of Lots: 46 lots in 7 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Single-family residential	
Zoning: R5 – Residential	Zoning: R5 – Residential	
Uses Allowed: Single family residential	Uses Allowed: Single family residential	
Maximum Density Allowed: Five units per acre	Maximum Density Allowed: Five units per acre	
PROPERTY HISTORY:		
Zoned: May 2010	Platted: May 2010	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the annexation of Lots 11-23, Block 2; Lot 6, Block 3; Lots 1-14, Block 4; Lots 1-5, Block 5; Lots 1-5, Block 6; Lots 1-7, Block 7 and Lot 1, Block 8, Boulder Ridge Second Addition.		

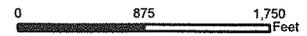
Proposed Annexation

L11-23, B2; L6, B3; L1-14, B4; L1-5, B5; L1-5, B6; L1-7, B7; and L1, B8, Boulder Ridge Second Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 24, 2011 (kdg)

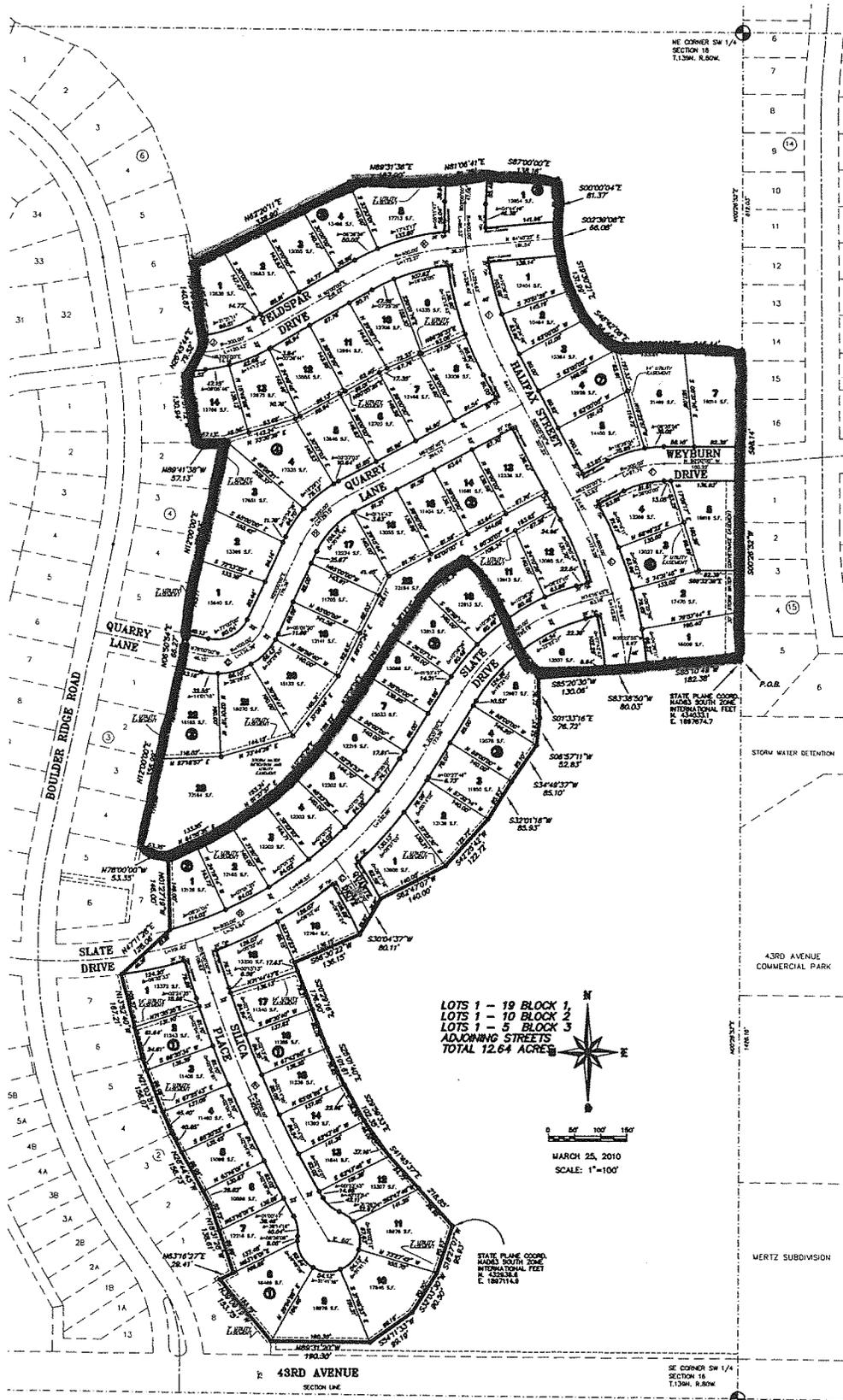
Source: City of Bismarck



BOULDER RIDGE SECOND ADDITION

PART OF THE SOUTHWEST 1/4 OF
SECTION 16, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA

JAN 2 1 2011



LOTS 1 - 19 BLOCK 1
 LOTS 1 - 10 BLOCK 2
 LOTS 1 - 5 BLOCK 3
 ADJOINING STREETS
 TOTAL 12.64 ACRES

N
 E
 S
 W

0 50' 100' 150'

MARCH 25, 2010
 SCALE: 1"=100'

STATE PLANE COORD.
 NAD83 SOUTH ZONE
 INTERNATIONAL FEET
 N. 4242551.4
 E. 1897674.7

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

BACKGROUND:		
Title: Lot 1, Block 1, Koch Creek Subdivision – Zoning Change (A & PUD to RT & CG)		
Status: Planning Commission – Public Hearing	Date: February 23, 2011	
Owner(s): Abaco North, LLC	Engineer: N/A	
Reason for Request: Rezone property to allow commercial and office uses on the property, including a church as a special use on the South 704.95 feet of the West 412.18 feet of this parcel.		
Location: Along the north side of ND Highway 1804 approximately ¼ mile west of US Highway 83.		
Project Size: 17.3 acres (entire plat)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Commercial kennel & undeveloped land	Land Use: Commercial and office uses, including a church	
Zoning: A - Agricultural PUD – Planned Unit Development	Zoning: RT – Residential CG – Commercial	
Uses Allowed: A – Agriculture PUD – Uses as specified in the PUD (commercial kennel & ancillary uses)	Uses Allowed: RT – Office and residential, church as special use CG – General commercial uses	
Maximum Density Allowed: A – 1 unit/40 acres PUD – N/A	Maximum Density Allowed: RT – 30 units/acre CG – 42 units/acre	
PROPERTY HISTORY:		
Zoned: 02/08 (PUD portion)	Platted: 09/99	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A special use permit to allow the operation of an animal shelter on the property was granted by Burleigh County in September 1999. 2. The plat of Koch Creek Subdivision was approved by Burleigh County around the same time. The zoning of the property remained as A – Agricultural because the only proposed use was the animal shelter, which was allowed as a special use in the A – Agricultural district. 3. The zoning of the South 704.95 feet of the West 412.18 feet of the lot was changed from A – Agricultural to PUD – Planned Unit Development in March 2008 to allow the reuse of the western portion of property for a similar but expanded use and establish standards for the expanded use. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the future use of this area as mixed use (US Highway 83 Corridor Transportation Study). The Mixed Use 1 category includes a mix of horizontally-integrated residential with commercial and/or office uses. The Mixed Use 2 category includes a mix of horizontally-integrated commercial and office uses. 		

(continued)

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural land to the south, a combination of agricultural and rural residential to the west and north, and a combination of agricultural and office/light industrial uses to the east.
3. The proposed zoning change may put an undue burden on public services. In particular, the higher intensity land uses allowed by the proposed zoning may create conflicts at the access point(s) on ND Highway 1804 and adversely impact traffic operations on that roadway. There are also concerns with access to this parcel and how it will relate to the overall roadway network needed to provide access to adjacent parcels. In addition, a storm water management plan was not required when this property was platted because the zoning remained A-Agricultural; such a plan would be required prior to further development of the property.
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.

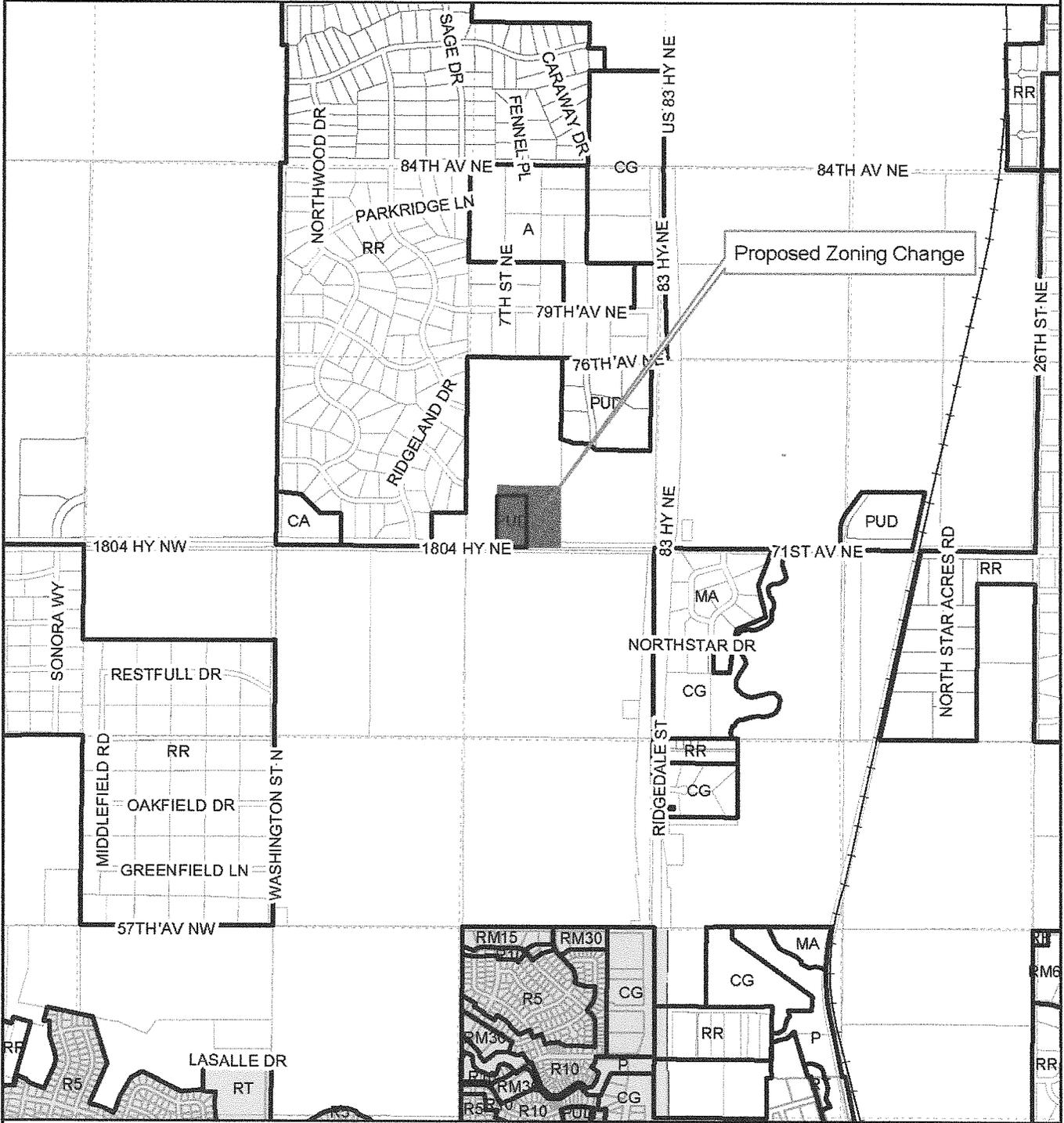
RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change for Lot 1, Block 1, Koch Creek Subdivision from A – Agricultural and PUD – Planned Unit Development to RT – Residential on the West 412.18 feet of the parcel and CG – Commercial on the remainder of the parcel, with the following conditions:

1. A roadway easement or roadway dedication must be provided over the west 40 feet of Lot 1 to provide public right-of-way for a north-south roadway in this location from ND Highway 1804 north to an extension of Crestland Place, which will allow for future development of the adjacent property. Said easement or dedication must be in place prior to any building permits for new construction being issued for any portion of Lot 1.
2. A roadway easement or roadway dedication must be provided over the north 40 feet of Lot 1 to provide public right-of-way for an east-west extension of Crestland Place to Yukon Drive in this location, which will allow for future development of the adjacent property. Said easement or dedication must be in place prior to any building permits for new construction being issued for any portion of Lot 1.
3. A roadway easement or roadway dedication must be provided over the east 40 feet of Lot 1 to provide public right-of-way for an extension of Yukon Drive from State Street Office Park to ND Highway 1804 in this location. If the entire 40 feet is not needed because of the alignment of Yukon Drive, this easement or dedication could be reduced to accommodate the alignment of the roadway. Said easement or dedication must be in place prior to any building permits for new construction being issued for any portion of Lot 1.
4. As a storm water management plan has not been prepared for this property, a storm water management plan will be required prior to any additional development, any increase in impervious surface or any land disturbing activities on any portion of Lot 1.
5. As this property is located outside of the corporate limits and is served by rural water, land uses may be limited because of required fire flows for sprinklers.

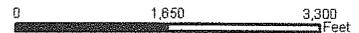
Proposed Zoning Change from A and PUD to RT and CG

Lot 1, Block 1, Koch Creek Subdivision

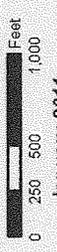


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 Map was Updated/Created: December 29, 2010 (kdj)

Source: City of Bismarck

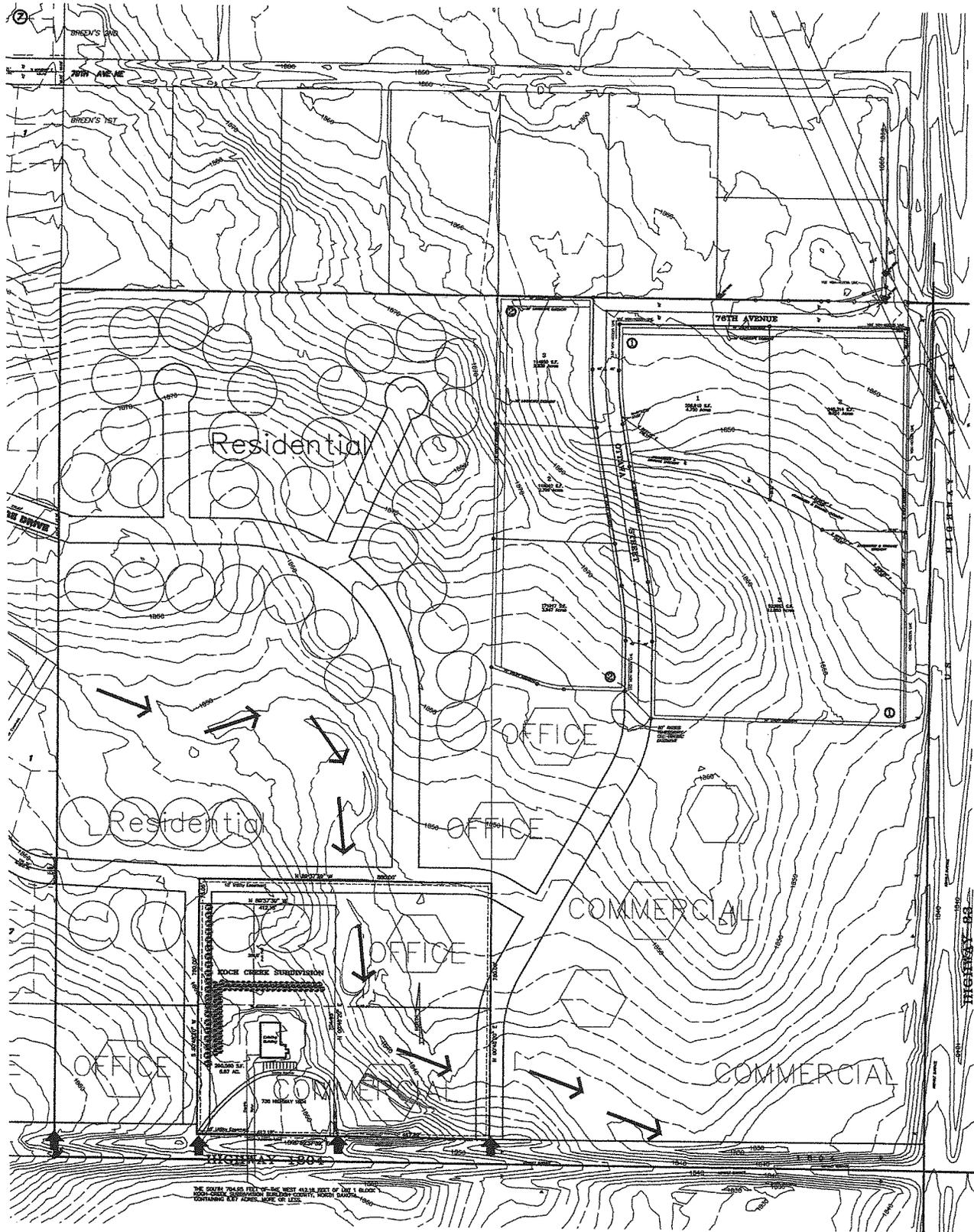


Lot 1, Block 1, Koch Creek Subdivision - Zoning Change (A & PUD to RT & CG)



January 2011

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

BACKGROUND:		
Title: Part of Lot 1, Block 1, Koch Creek Subdivision – Special Use Permit (Church)		
Status: Planning Commission – Public Hearing	Date: February 23, 2011	
Owner(s): Abaco North, LLC – owner Holy Cross Lutheran Church - applicant	Engineer: N/A	
Reason for Request: Allow reuse of existing building and property as a church (South 704.95 feet of the West 412.18 feet of this parcel).		
Location: Along the north side of ND Highway 1804 approximately ¼ mile west of US Highway 83.		
Project Size: 6.67 acres	Number of Lots: Part of one lot	
EXISTING CONDITIONS:		
Land Use: Commercial kennel	PROPOSED CONDITIONS:	
Zoning: PUD – Planned Unit Development	Land Use: Church	
Uses Allowed: PUD – Uses as specified in the PUD (commercial kennel & ancillary uses)	Zoning: RT – Residential	
Uses Allowed: PUD – Uses as specified in the PUD (commercial kennel & ancillary uses)	Uses Allowed: RT – Office and residential, church as special use	
Maximum Density Allowed: PUD – N/A	Maximum Density Allowed: RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 02/08 (A to PUD)	Platted: 09/99	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A special use permit to allow the operation of an animal shelter on the property was granted by Burleigh County in September 1999. The plat of Koch Creek Subdivision was approved by Burleigh County around the same time. The zoning of the property remained as A – Agricultural because the only proposed use was the animal shelter, which was allowed as a special use in the A – Agricultural district. 2. The zoning of the South 704.95 feet of the West 412.18 feet of the lot was changed from A – Agricultural to PUD – Planned Unit Development in March 2008 to allow a commercial kennel. 3. The applicants are now proposing to reuse the existing building for a church, which is only allowed with a special use permit. Section 14-03-08 (4)(f) of the City Code of Ordinances outlines the requirements for a church. A copy of this section is attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed use is in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck. 2. The proposed special use will not adversely affect the public health, safety and general welfare. 3. The proposed use will not be detrimental to the use or development of adjacent properties. 		
<i>(continued)</i>		

4. The proposed use will comply with all special regulations established by Section 14-03-08 of the City Code of Ordinances, and all special conditions necessary for the safety and welfare of the public.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit for a church to be located on the South 704.95 feet of the West 412.18 feet of Lot 1, Block 1, Koch Creek Subdivision, with the following conditions:

1. A certificate of occupancy for the change in occupancy must be obtained from the Building Inspections Division prior to the building being used as a church.
2. Because of the change in use and off-street parking requirements, a site plan will need to be submitted to and approved by the City prior to the building being used as a church. It is expected that a storm water management plan will be needed for required hard-surfacing of the off-street parking area.
3. The existing parking lot and access drives from ND Highway 1804 must be brought into compliance with Section 14-03-10 (Off-Street Parking and Loading) and Section 14-03-11 (Landscaping and Screening) of the City Code of Ordinance in conjunction with the conversion of the property to a church.
4. The special use must be put into use within twenty-four (24) months from (the date of approval) or it shall lapse.

14-03-08. Special Uses.

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

f. Churches. A church may be permitted in any district except MA, MB, P or RMH districts as a special use, provided:

1. The lot area, lot width, front yard, side yard, rear yard and height limits of a church shall conform to the lot, yard and height requirements specified for a principal building in the district regulations where the building permit is requested.

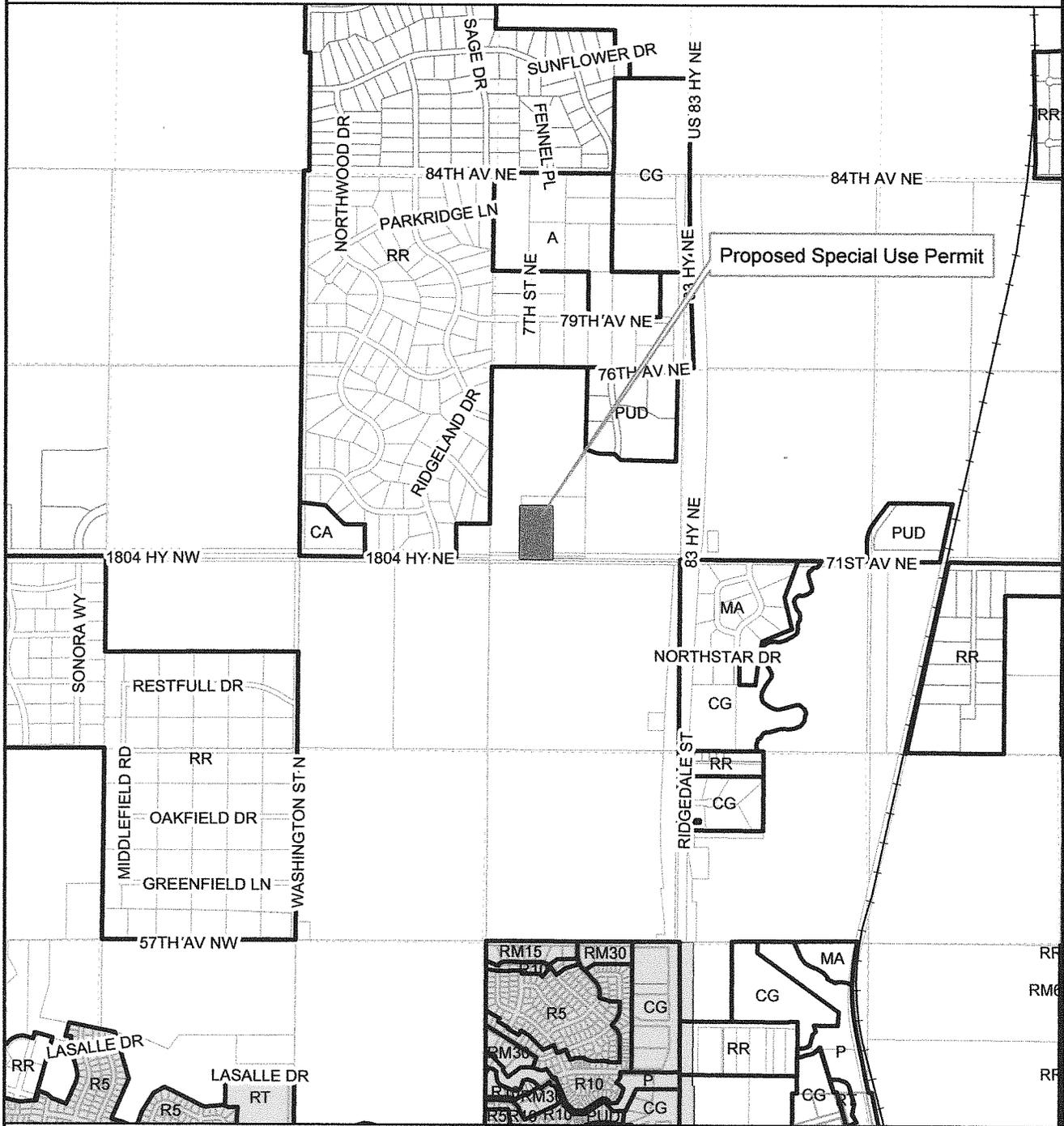
2. The ground area occupied by the principal and accessory buildings shall not exceed thirty-five (35) percent of the total area of the lot.

3. Space for off-street parking shall be provided as per section 14-03-10 hereof or as the city planning and zoning commission may require.

4. No application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building a plot plan showing the open space designated as being reserved for off-street parking purposes to be provided in connection with such building and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan.

5. A columbarium is allowed as an accessory use to a church in any district in which a church is permitted, provided it is included within the principal structure.

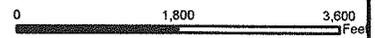
Proposed Special Use Permit Part of Lot 1, Block 1, Koch Creek Subdivision



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Map was Updated/Created: December 29, 2010 (kdg)

Source: City of Bismarck

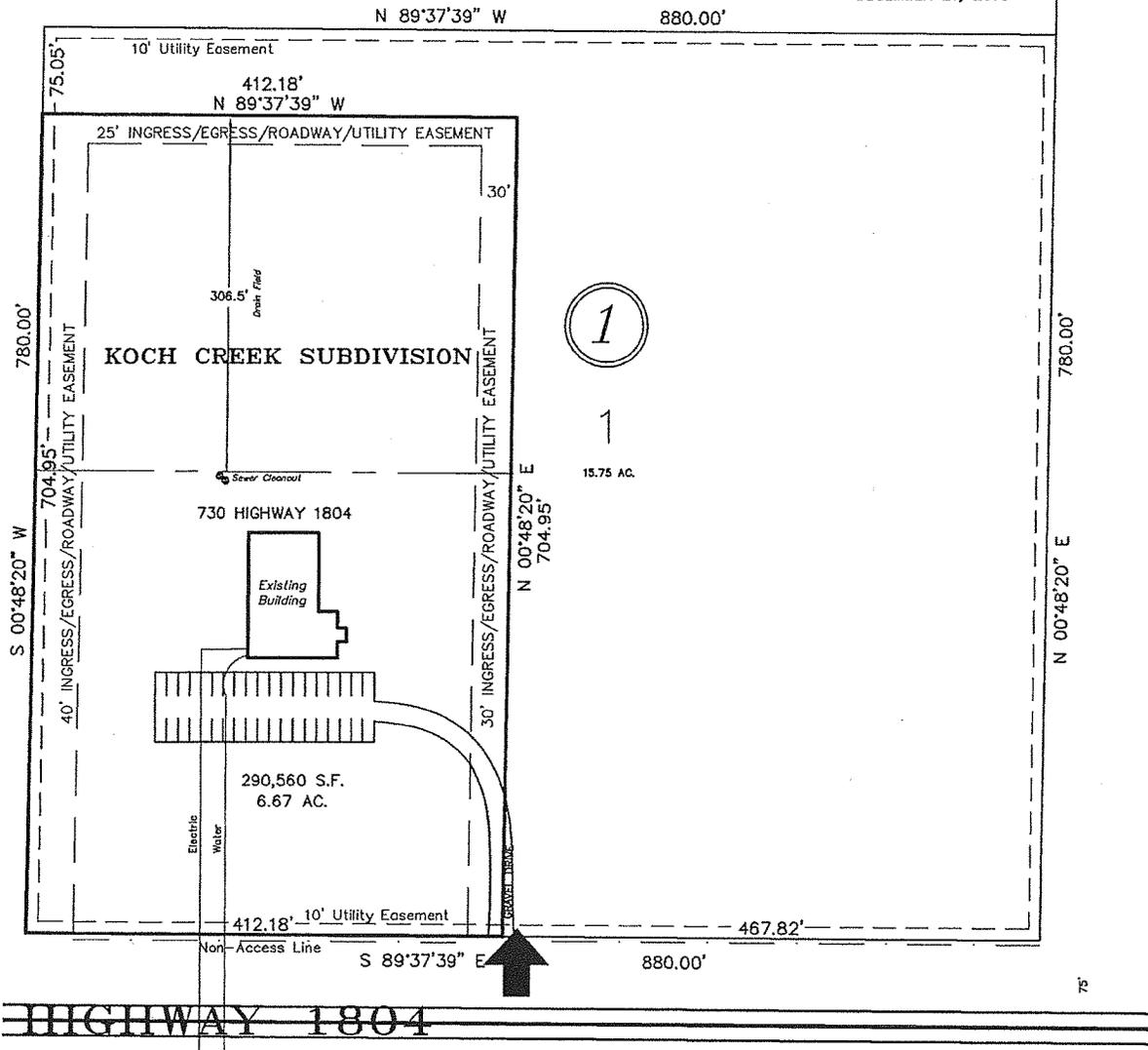
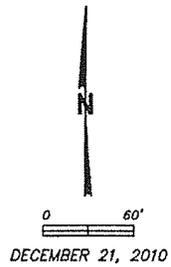
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"EXHIBIT A"

PART OF LOT 1 BLOCK 1
 SUBDIVISION Koch Creek Subdivision
 ADDRESS 730 Highway 1804
 OWNER ABACO North LLC



DESCRIPTION

THE SOUTH 704.95 FEET OF THE WEST 412.18 FEET OF LOT 1 BLOCK 1, KOCH CREEK SUBDIVISION OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

THE ABOVE DESCRIBED TRACT CONTAINS 6.67 ACRES, MORE OR LESS.

SWENSON, HAGEN & COMPANY P.C.
 209 Barla Avenue
 Bismarck, North Dakota 58504
 shc@swensenhagen.com
 Phone (701) 223-2600
 Fax (701) 223-2006

Surveying
 Hydrology
 Land Planning
 Civil Engineering
 Landscape & Site Design
 Construction Management

CITY OF BISMARCK Ordinance No. XXXX

First Reading	
Second Reading	
Final Passage and Adoption	
Publication Date	

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-11 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO LANDSCAPING AND SCREENING.

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

Section 1. Amendment. Section 14-03-11 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Landscaping and Screening is hereby amended and re-enacted to read as follows:

14-03-11. Landscaping and Screening.

1. *Purpose.* The purpose of these regulations are to maintain the City's quality and character by enhancing its visual appearance through the use of landscaping; enhance environmental conditions by providing shade, air purification, reduction of storm water run-off, and filtering of noise and light; promote neighborhood character, traffic calming, wildlife habitat, pedestrian amenity and aesthetic value, screen off-street parking areas and exterior storage areas from view of persons on public streets and adjoining properties and mitigate off-site headlight projection; provide buffer areas between land uses of differing intensity; and encourage the planting of trees and other plant materials throughout the community that are native or generally suitable for this area.

2. *Applicability.* The landscaping requirements contained herein shall apply to any of the following:
 - a. The construction of any principal commercial, industrial, institutional, or multi-family

building(s) with more than 4 three (3) or more units or an accessory building for any of the above uses.

- b. The installation of any parking area or the expansion of any existing parking area by five (5) or more required off-street parking spaces; and
- c. A change in the use of the property that requires rezoning to a more intensive zoning classification or a special use permit.
- d. The reconstruction of a portion of an existing off-street parking lot equal to or greater than twenty percent (20%) at one time or forty percent (40%) over a five (5) year period, regardless of whether or not required parking spaces are added, and provided the required plant materials do not reduce the number of off-street parking spaces below what is required. Reconstruction includes any land disturbance activity or exposure of any subgrade or soil material. Regular maintenance, minor repairs, patch work or a partial mill and overlay would not constitute reconstruction. Only those portions of the off-street parking areas being reconstructed would be subject to these requirements. Consideration may be given by the Director of Community Development and the City Forester on a case-by-case basis to modify the requirements for the reconstructed off-street parking areas.

3. *General Requirements.* All exposed ground areas, including areas not devoted to off-street parking, drives, sidewalks or other such improvements shall be landscaped with grass, vegetative ground cover, shrubs, trees or other ornamental landscape materials within 1 year following the date of building occupancy in conjunction with site development. All landscaped areas shall be kept neat, clean and uncluttered. No required landscaped area shall be used for parking of vehicles or for the storage or display of materials, supplies or merchandise. Boulevard areas shall be subject to the requirements of Sections 10-03-14 and 10-05-04.

4. *Landscaping Plan Required.* A landscape plan shall be required for all development subject to the provisions of this subsection. All landscape plans submitted for approval shall contain, at a minimum, the following information:

- a. North point and scale;
- b. The boundary lines of the property with dimensions and area;
- c. The location of all driveways, parking areas, sidewalks, structures, utilities, or other features, existing or proposed, affecting the landscaping of the site;
- d. The location, common name, scientific name to the species level, size and quantity of all existing trees, shrubs or other vegetation intended for use in meeting the requirements of this subsection;
- e. The location, common name, scientific name to the species level, size and quantity of all proposed landscape materials;
- f. The location and height of any proposed earthen berms, masonry fences or other features used to meet the landscaping or buffer yard requirements; ~~and~~
- g. The location of any existing and/or proposed easements; ~~and~~
- h. The square footage of each interior parking lot landscaping area and the overall square footage of all interior parking lot landscaping areas shown.

5. *Landscape Design Considerations.* Landscape design should serve to provide visually interesting open space, reduce the potential negative impact of development on adjacent land uses, and complement the scale of the development and its surroundings. The following items are to be considered in developing a landscape plan for submittal to the City:

- a. Landscape materials and structural items placed within the sight triangle of a corner lot, as defined in Section 14-02-03, shall not have a height of more than three (3) feet above the curb level during all stages of plant growth. Deciduous trees may be planted within the sight triangle provided they are not an obstruction to vision between three (3) feet and ten (10) feet above the curb level;
- b. Landscape materials and structural items at driveway entrances shall be placed so that visibility for vehicles entering or exiting a parking lot is not obstructed;
- c. Trees or shrubs shall not be planted under utility lines when their ultimate height may interfere with the lowest lines;
- d. Landscaped areas shall be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity;
- e. Landscaped areas and plantings shall be located in a manner to allow adequate room for proper maintenance;
- f. A variety of tree and shrub species shall be utilized to provide year around visual interest. Except for continuous hedges and street trees, not more than fifty (50) percent of the required number of trees or shrubs may be comprised of any one (1) species. In addition, not more than fifty (50) percent of the shrubs and perennials within any planting bed larger than five hundred (500) square feet in area may be comprised of any one (1) genus;
- g. Final slopes greater than a 3:1 ratio, including slopes on earthen berms, will not be permitted without special approval or treatment, such as special seed mixtures or reforestation, terracing or retaining walls; and

h. Within the DC - Downtown Core and DF - Downtown Fringe zoning districts, streetscape elements from the City's Streetscape Guidelines should be incorporated into the perimeter parking lot landscaping.

6. *Landscape Materials Standards.*

a. Plant Quality. Plants installed to satisfy the requirements of this subsection must meet or exceed the plant quality standards of the most recent edition of *American Standards for Nursery Stock*, published by the American Association of Nurserymen, be nursery grown and adapted to the local area.

b. Artificial Plants. No artificial plants or vegetation may be used to meet any standard of this section.

c. Sizes.

Type of Material	Minimum Size at Time of Planting
Shade or Ornamental Trees	Caliper of 1½ inches measured 6 inches above the root collar for trees with a mature height of 30 feet or greater
<u>Ornamental Trees</u>	Caliper of 1 inch measured 6 inches above the root collar for trees with a mature height of less than 30 feet
Upright Coniferous Trees	Minimum height of 4 feet above grade
Shrubs	Minimum height of 2 feet above grade or a minimum container size of 2 gallons and minimum mature height of 3 feet above grade
Perennials	Minimum container size of 1 gallon

d. Existing Plant Material. Existing, healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum sizes specified above.

- e. Ground Cover. Vegetative ground cover shall be of a size and spacing to provide a minimum of fifty (50%) percent coverage during the first full growing season and complete coverage upon maturity. Only pervious weed barriers shall be allowed. Mulch may not be used in lieu of vegetative ground cover, except in those situations where mulch is necessary to promote healthy tree and shrub growth.

Where mulch is used, an adequate vertical barrier must be included around the perimeter of the mulch area to prevent mulch from washing into the public right-of-way or on to adjacent properties.

- f. Soil in Landscaped Areas. Soil in landscaped areas shall consist of loose, friable, loamy topsoil that is free of excess acid and alkali. It shall be free from objectionable amounts of sod, hard lumps, gravel, subsoil or other undesirable material, to a depth of eighteen (18) inches.

7. *Street Trees.*

- a. Purpose. The street tree requirements are intended to promote air quality, shade, neighborhood character, traffic calming, reduced storm water runoff, wildlife habitat, pedestrian amenity and aesthetic value.
- b. Applicability. Street trees shall be installed in conjunction with the construction of any principal commercial, industrial, institutional or multi-family building with more than three (3) units along a section of public roadway with curb and gutter installed or scheduled to be installed in conjunction with the project.
- c. Location. Street trees shall be installed within the ~~street~~ public right-of-way or within ten (10) feet of the ~~street~~ public right-of-way.
- d. Spacing and Planting Requirements. Unless the City Forester determines that it is necessary to address specific site conditions, three (3)

deciduous trees are required for every one hundred (100) linear feet of street frontage. Street trees need not be placed at exact intervals, but they must be placed evenly along the street frontage. The City Forester shall have the authority to determine the final location of street trees in accordance with Section 13-02-01 of the City Code. Mulch shall be installed to a minimum coverage thickness of two (2) inches within a radius of three (3) feet of the trunk base. Tree grates may be used in lieu of mulching at the discretion of the City Forester.

- e. Permit Required. A planting permit must be obtained from the Forestry Division of the Public Works Department prior to planting any trees within the public right-of-way.

8. *Perimeter Parking Lot Landscaping.*

- a. Purpose. The perimeter parking lot landscaping requirements are intended to screen views of parking lots and access lanes from public rights-of-way, mitigate off-site headlight projection, and provide pervious surfaces to reduce storm water run-off.
- b. Applicability. Perimeter parking lot landscaping shall be required with the installation or reconstruction (as defined in subsection 2(d)) of any off-street parking area or access lane adjacent to the public right-of-way and/or visible from and within three hundred (300) feet of a public right-of-way.
- c. Standards. All parking lots and access lanes shall provide perimeter landscaping between said off-street parking areas and access lanes and adjacent ~~street~~ public rights-of-way. Said perimeter landscaping shall be constructed with standard poured-in-place concrete curbing on the parking lot side in order to minimize damage to plant material.
- d. Trees and Shrubs. Trees and shrubs shall be installed in accordance with the following table. The intent of the minimum requirements column is

to provide a total number of trees and shrubs required based on street frontage, not to dictate the spacing of the trees and shrubs within that frontage. For fractions of the specified linear feet, the number of trees and shrubs required shall be the corresponding fraction.

Parking Lot Size (Number of Spaces)	Minimum Landscaping Width	Minimum Requirements
Less than 100	4 feet; or	Masonry wall, decorative fencing or continuous evergreen or deciduous hedge with a minimum height of 3 feet.
	6 feet	1 shade or ornamental tree and 5 shrubs for every 25 linear feet of street frontage.
<u>101 to 399</u> 400	10 feet; or	4 shade or ornamental trees and 40 shrubs for every 100 linear feet of street frontage; or
		Masonry wall, decorative fencing combined with a variety of landscape materials, or continuous evergreen or deciduous hedge with a minimum height of 3 feet
	20 feet; or	Earthen berm with a minimum height of 3 feet plus 2 shade or ornamental trees for every 100 linear feet of street frontage; or 2 shade or ornamental trees and 15 shrubs for every 100 linear feet of street frontage.

	30 feet	4 shade or ornamental trees and 10 shrubs for every 100 linear feet of street frontage.
More than <u>400 or more</u>	20 feet; or	Earthen berm with a minimum height of 3 feet plus 4 shade or ornamental trees for every 100 linear feet of street frontage; or 4 shade or ornamental trees and 15 shrubs for every 100 linear feet of street frontage; or Masonry wall, decorative iron fencing combined with a variety of landscape materials, or continuous evergreen or deciduous hedge with a minimum height of 4 feet.
	30 feet; or	4 shade or ornamental trees and 15 10 shrubs for every 100 linear feet of street frontage.
	40 feet <u>or greater</u>	4 shade or ornamental trees for every 100 linear feet of street frontage.

e. Applicability to Industrial Districts. Within the MA - Industrial and MB - Industrial zoning districts, the Director of Community Development and the City Forester may waive or modify perimeter parking lot landscaping requirements based on site conditions if the parking lot has twenty five (25) or fewer parking spaces and the property is not located along a collector or arterial roadway.

f. Grade Differential. Consideration will be given for parking areas and access lanes that are significantly above or below the finish grade of the adjacent public right-of-way. Modifications to the required plant quantities will be

considered on a case-by-case basis by the Director of Community Development and the City Forester with the submittal of section and/or elevation drawings showing how the design will meet the intent of the ordinance.

- g. Separation. For off-street parking areas with varying widths adjacent to a public right-of-way, the average separation distance between the parking area and the right-of-way will be the basis for the required plant materials.
- h. Substitutions. The Director of Community Development and the City Forester may allow perennials to be substituted for a portion of the required shrubs on a one-to-one basis, and for one shade tree to be substituted for three shrubs, based on specific site conditions and the overall landscape design for the site.

9. *Interior Parking Lot Landscaping.*

- a. Purpose. The interior parking lot landscaping requirements are intended to break up large expanses of pavement, provide relief from the heat island effect associated with paved areas, promote air quality, shade, aesthetic value, and provide pervious surfaces to reduce storm water run-off.
- b. Applicability. Interior parking lot landscaping applies to any new or reconstructed parking lot (as defined by subsection 2(d)).
- c. Standards. All parking lots containing fifty (50) or more off-street parking spaces shall provide interior landscape areas within the parking lot. Said landscape areas shall be provided at the rate of ten (10) square feet per parking space, shall be no less than ten (10) feet by ten (10) feet (100 square feet), and shall be constructed with poured-in-place concrete curbing to minimize damage to plant material. The poured-in-place concrete curbing requirement may be waived by the Director of Community Development and the City Forester for landscape beds intended to function as rain gardens, storm water infiltration areas

or storm water detention facilities. For parking lots with one hundred (100) to four hundred (400) parking spaces, at least fifty percent (50%) of the landscape areas shall be no less than six hundred (600) square feet in area with a minimum width dimension of ten (10) feet. For parking lots with more than four hundred (400) parking spaces, at least fifty percent (50%) of the landscape areas shall be no less than twelve hundred (1200) square feet in area with a minimum width dimension of ten (10) feet.

- d. Placement of Landscape Areas. Live plant material should be evenly dispersed throughout the parking area.
- e. Trees and Shrubs. At least one (1) shade tree and three (3) shrubs shall be provided for every twenty (20) parking spaces or fraction thereof within the off-street parking area. One (1) shade tree may be substituted for three (3) shrubs, but shrubs may not be substituted for shade trees. The Director of Community Development and the City Forester may allow perennials to be substituted for a portion of the required shrubs on a one-to-one basis, based on specific site conditions and the overall landscape design for the site.
- ~~f. Transfer of Interior Parking Lot Landscaping Areas. For parking lots containing 100 or fewer parking spaces, the required interior landscaping area and plantings may be transferred and combined with the required perimeter parking lot landscape area.~~

10. Buffer Yards.

- a. Purpose. The buffer yard requirements are intended to provide separation between land uses of differing intensity. Buffer yards utilize a combination of distance and plantings to form a dense landscaping screen to mitigate the undesirable impacts associated with incompatible land uses on adjacent properties. Earthen berms and/or opaque wood or similar screening fence as defined in this section may also be used where

appropriate at the discretion of the Director of Community Development and the City Forester.

- b. Applicability. Buffer yards shall be required between a single- or two-family residential use and any other non-agricultural land use, and between a multiple family residential use (three (3) or more units) and any commercial, industrial or institutional use. Buffer yards shall also be required for parking lots and access lanes associated with these uses, whether they are located on the same parcel or on a separate parcel.
- c. Location of Buffer Yards. Buffer yards shall be located along the entire length of any lot line where two (2) land uses of differing intensity abut, excluding areas adjacent to access points and sight triangles. Such buffer yards may be located within required yards, but not within any portion of the public right-of-way or over any established trail or access easement.
- d. Responsibility of for Buffer Yard Installation. Installation of Aall required buffer yards shall be the responsibility of the proposed higher intensity use and shall be located on the lot of the higher intensity use unless a perpetual landscape easement is obtained from the property owner with the lower intensity use, in which case the buffer yard may be located on the lot with the lower intensity use. In situations where the higher intensity use was in place prior to the adoption of this ordinanee section (October 8, 2002) or any subsequent amendments, a buffer yard shall not be required with the subsequent development of the adjacent lower intensity land use. Landscape easements for buffer yards may be required in conjunction with the platting process in situations where such buffer yards will be required based on existing or proposed zoning and/or land uses.
- e. Standards. Buffer yards shall be installed in accordance with the following table:

Area Where Buffer Yard Required	Minimum Width of Buffer Yard	Landscape Materials Required per 100 Linear Feet
Side or rear yard of any expanding higher intensity land use adjacent to single and two-family residential uses or zoning	10 feet w/6-foot screening fence	4 shade trees and 2 ornamental trees
Side or rear yard of any new multi-family land use adjacent to single and two-family residential uses or zoning or Side or rear yard of any new commercial or institutional use adjacent to a multi-family residential use or zoning	15 feet <u>or</u> 15 feet w/6-foot screening fence	3 shade trees, and 4 ornamental trees, <u>and</u> 2 large upright coniferous trees, or 10 small upright coniferous trees and 14 shrubs (25% of shrubs must be evergreens)
		2 shade trees and 2 ornamental trees and 2 large upright coniferous trees

Side or rear yard of any new commercial or institutional land use adjacent to a single or two-family residential use or zoning	20 feet <u>or</u>	2 shade trees and 4 ornamental trees and 3 large upright coniferous trees and 10 small upright coniferous trees and 14 shrubs
	20 feet w/6-foot screening fence	2 shade trees and 3 ornamental trees and 2 large upright coniferous trees
Side or rear yard of any new industrial use adjacent to any residential use or zoning	50 feet w/6-foot berm	5 shade trees and 7 ornamental trees and 10 large upright coniferous trees and 10 small upright coniferous trees and 24 shrubs

A screening fence may be made of solid wood, composite material with the appearance of solid wood, vinyl with the appearance of solid wood, masonry, or a combination of masonry and any of the other materials listed. In situations where the rear walls of accessory garages are located within twenty (20) feet of a property line, the planting material numbers required for a buffer yard with a screening fence will apply, provided the wall of the accessory garages is at least one hundred (100) feet in length and provided that the number of planting materials required for a buffer yard without a fence are provided in areas not occupied by such garages.

In order to provide flexibility in the application of this ordinance, the Director of Community Development and the City Forester may allow material numbers and/or types to be modified on a case-by-case basis with the submittal of an oblique view or elevation sketch

of the buffer yard showing how the proposed materials will meet the dense landscaping screen intent of this ordinance within five (5) years of initial installation and at full maturity.

f. Sizes. In order to provide an effective landscaping screen in conjunction with site development, minimum sizes at the time of planting and minimum heights at maturity have been established. The classification of various types of materials shall be based on the City of Bismarck's Forestry standards and specifications.

Type of Materials	Minimum Size at Time of Planting	Minimum Height at Maturity
Shade Trees	Caliper of <u>2 1.5</u> inches measured 6 inches above the root collar	20 feet
Ornamental Trees	Caliper of <u>1 1/2</u> inches measured 6 inches above the root collar	15 feet
Small Upright Coniferous Trees	Minimum height of 2 feet above grade or minimum container size of 5 gallons	6 feet
Large Upright Coniferous Trees	Minimum height of 4 feet above grade	20 feet
Shrubs	Minimum height of 2 feet above grade or a minimum container size of 2 gallons	3 feet

g. Applicability to Non-Conforming Uses. Proposed modifications to a required buffer yard adjacent to any non-conforming use, based on zoning, may

- be considered on a case-by-case basis by the Director of Community Development and the City Forester.
- h. Applicability to Buffer Yards in Areas Within the Extraterritorial Area. Consideration will be given by the Director of Community Development and the City Forester on a case-by-case basis to allow a modified buffer yard in developing areas within the extraterritorial area. Consideration will be given for reduced plant quantities, sizes, locations and plant species.
 - i. Grade Differential. Consideration will be given for required buffer yards that are significantly above or below the finish grade of the adjacent property. Modifications to the required plant quantities may be considered on a case-by-case basis by the Director of Community Development and the City Forester with the submittal of section and/or elevation drawings showing how the design will meet the intent of the ordinance.
11. *Installation, Maintenance, Replacement, Inspection and Enforcement.*
- a. Installation of Street Trees. The City Forester shall determine the time for installation of street trees.
 - b. Installation of Other Required Landscaping. All other landscaping and buffer yards required by this subsection shall be healthy and in-place as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping can not be completed in conjunction with site development due to seasonal constraints, the plant material shall be installed at the beginning of the next growing season, within one (1) year following the date of building or site occupancy, unless otherwise approved by the Director of Community Development and the City Forester. Upon installation of all landscape materials, the landscape architect or designer who prepared the landscape plan, the construction manager who oversaw site construction or the property owner

~~must provide certification to the City Forester that the landscape materials were installed in accordance with the approved landscape plan.~~

c. Maintenance and Replacement. The owner, or successors in interest, or agent, if any, shall be responsible for regular maintenance of all landscaping in good condition in a way that presents a healthy, neat and orderly appearance. All landscaping must be maintained free from disease, pests, weeds and litter. This maintenance must include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other maintenance, as needed and in accordance with acceptable horticultural practices. Dead plants must be promptly removed and replaced within the next growing season. Trees located along fire department access routes, as identified on an approved site plan, must be pruned as needed to maintain a vertical clearance height of no less than fourteen (14) feet.

d. Inspection and Enforcement. All landscaping shall be subject to periodic inspection by the City Forester. Landscaping that is not installed, maintained or replaced as needed to comply with the approved landscape plan shall be considered a violation of this Section and shall be subject to the enforcement provisions Chapter 13-02-14.

(Ord. 5437, 06-28-05; Ord. 5450, 08-23-05; Ord. 5562, 11-28-06; Ord. 5640, 10-09-07)

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

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 and 14-04-19 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS AND THE FP FLOODPLAIN DISTRICT.

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 to read as follows:

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

* * * * *

Nonconforming use: The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this article title for the district in which it is located, either at the effective date of this article title, or as a result of subsequent amendments which may be incorporated into this article title.

Nonconforming structure: A structure which does not conform to the regulations of this title for the district in which it is located, either at the effective date of this title or as a result of subsequent amendments which may be incorporated into this title.

* * * * *

Section 2. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted to read 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.

* * * * *

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value as assessed of the structure either: before the improvement or repair is started; or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

* * * * *

4. General provisions.

* * * * *

c. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the

terms of this section and other applicable regulations, unless a valid building permit was in place prior to July 27, 2010, except as provided for in subsection 6(b)(5) (additions to existing structures).

* * * * *

h. Non-conforming Status. Any structure constructed with the lowest floor elevated as required by the regulations in effect at the time of construction shall not be considered a non-conforming structure for the purposes of this section, provided the lowest floor of said structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation.

* * * * *

6. Provisions for flood hazard reduction.

* * * * *

b. Specific standards. In all special flood hazard areas where base flood elevation data have been provided as set forth in subsection 4(b) (basis for establishing the special flood hazard areas) or subsection 5(d)(2) (use of other base flood data), the following provisions are required:

* * * * *

5. Additions to existing structures.

a. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory building that is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure, provided the lowest floor of the existing structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation.

* * * * *

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

Section 4. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY OF BISMARCK
Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21.1 AND 14-04-21.2 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE DC DOWNTOWN CORE DISTRICT AND THE DF DOWNTOWN FRINGE DISTRICT.

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

Section 1. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DC Downtown Core District is hereby amended and re-enacted to read as follows:

14-04-21.1 DC Downtown Core District.

* * * * *

4. Design Standards. All development within the Downtown Core District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Core District. The regulations are also intended to ensure that new buildings, building additions, facade alterations, building rehabilitations, and signage are compatible with or improve the character of the Downtown Core District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, details, and

appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. Compliance with these design standards shall be carried out in conjunction with the City's site plan review procedures. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures. An administrative decision by City staff regarding the design standards may be appealed to the City's Planning and Zoning Commission Renaissance Zone Authority and will be subject to the Commission's Authority's standard public hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3).

c. Remodeling of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, or more than 50 years old is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the remodeling, renovation or rehabilitation of existing historically significant buildings shall should reflect the original architectural character of the building. The introduction of any new design elements must should be consistent with the traditional features of the building. To the greatest degree practicable, The rehabilitation of existing historically significant buildings shall is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. New Construction. Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

ee. Building Materials. For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than 40 percent (40%) shall be prohibited from covering more than 40 percent (40%) of the exterior walls.

All subsequent renovations, additions and related structures ~~constructed~~ undertaken after the construction of an original building shall be ~~constructed of~~ finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

~~In order to maintain a sense of harmony within the area, the colors and materials used should generally be compatible with or complementary to those used for buildings on adjoining parcels.~~

f. Building Colors. In order to maintain a sense of harmony within the Downtown Core District, color schemes used ~~shall~~ should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues ~~shall~~ should generally be limited to smaller accent features of the building. ~~Color schemes which are designed to draw attention or which create a result that is difficult for people to ignore shall not be allowed.~~ Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.

dg. Height. The height of a new mid-block building shall be within one story/15 feet of any adjoining building. If a proposed mid-block development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.

eh. Alignment. New infill development in the Downtown Core District shall maintain the zero setback and the alignment of adjoining facades at the property line.

fi. Width. New buildings shall reflect the existing characteristic rhythm of facades along the street. New construction on multiple lots, including parking ramps ~~that require two or more lots~~, should respect this pattern by designing the pattern of adjacent façade widths into the new facade.

ej. Horizontal Rhythms. New development shall maintain the alignment of building windows, cornices,

and rooflines that dominate the block on which it will be constructed. Character and scale shall be compatible with surrounding structures through the use of materials, detailing and window placement. A clear visual division between the street level and upper floors shall also be maintained. Canopies and awnings consistent with the architectural style of the building are encouraged to accentuate the street level relationship between the building and streetscape and to provide protection ~~of~~ for pedestrians.

hk. Entrances. Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. ~~The size, spacing, horizontal alignment and proportions of doors should reflect the predominant style along the block. The size, spacing, horizontal alignment and proportions of doors should reflect the predominant style along the block. Recessed entries that were part of the original building design shall be preserved. For new buildings, recessed entries shall be required when the property is located in an area where recessed entries are the predominate style.~~

i. Historic Preservation. Rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation to the greatest degree practicable.

jl. Display Windows. The original size, and shape and proportion of ~~display~~ all windows on existing historically significant buildings shall be preserved. For new non-residential buildings, a minimum of fifty percent (50%) of first floor facades fronting the street shall be windows, doors and other transparent elements. In order to preserve the character of existing historically significant buildings, it is not the intent of this provision to require windows to be installed where none existed in the original design. However, if the exterior of an existing historically significant building is being remodeled, renovated or rehabilitated, the size, shape and proportion of the original window openings shall generally be restored or maintained. Replacement

windows shall generally conform with the style of the original windows used in the building, with wood or prefinished aluminum as the finish material.

km. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

ln. Vacant Buildings. Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.

mo. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than ~~180~~ 60 days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter.

np. Exposed Common Walls. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within 90 days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

eq. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck, ~~dated (May 1995)~~ or subsequent updates, shall be in accordance with the design elements identified by those guidelines and

shall comply with the standards established by the City Engineer.

r. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.

* * * * *

Section 2. Amendment. Section 14-04-21.2 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

14-04-21.2 DF Downtown Fringe District.

* * * * *

4. Design Standards. All development within the Downtown Fringe District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Fringe District. The regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with the character of the Downtown Fringe District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, details, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. ~~Compliance with these design standards shall be carried out in conjunction with the City's site plan review procedures.~~ All new buildings, building additions, facade alterations (both structural and non-structural) demolition of existing buildings, signage, streetscape installation

or modification, fences, lighting and improvement within the public right-of-way within the Downtown Fringe District shall be subject to the City's downtown design review procedures. An administrative decision by City staff regarding the design standards may be appealed to the City's Planning and Zoning Commission Renaissance Zone Authority and will be subject to the Commission's Authority's standard public hearing procedures. Any decision of the Renaissance Zone Authority regarding design standards may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03.

c. Remodeling of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, ~~or more than 50 years old~~ is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the remodeling, renovation or rehabilitation of existing historically significant buildings ~~shall~~ should reflect the original architectural character of the building. The introduction of any new design elements ~~must~~ should be consistent with the traditional features of the building. ~~To the greatest degree practicable,~~ The rehabilitation of existing historically significant buildings ~~shall~~ is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. New Construction. Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these

regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

ee. Building Materials. For new non-residential and multi-family residential buildings containing more than 8 units, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than 40 percent (40%) shall be prohibited from covering more than 40 percent (40%) of the exterior walls.

For residential buildings containing eight (8) or fewer units, traditional typical residential building materials may be used.

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

For existing historically significant buildings, the sheathing or installation of another material over the façade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.

f. Building Colors. In order to maintain a sense of harmony within the Downtown Fringe District, color schemes used shall should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues shall should generally be limited to smaller accent features

of the building. Color schemes which are designed to draw attention or which create a result that is difficult for people to ignore shall not be allowed. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.

dg. Height. The height of a new building should be within one story/15 feet of any buildings on adjoining parcels. It is not the intent of this provision to regulate the height of a building which occupies one-quarter of a block or more as it relates to buildings on adjoining parcels.

eh. Alignment. The setbacks and alignment of a new building should be similar to any buildings on adjoining parcels.

fi. Entrances. Main entrances to buildings shall face and be clearly visible from the street.

~~g. Historic Preservation. Rehabilitation of existing historically significant buildings shall be in accordance with the Secretary of the Interior's Standards for Rehabilitation to the greatest degree practicable.~~

hj. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

ik. Vacant Buildings. Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.

jl. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to ensure to control fugitive dust. If the lot is to remain vacant for more than ~~180~~ 60 days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter.

k. Exposed Common Walls. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within 90 days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

l. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck, dated (May 1995) or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.

o. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.

* * * * *

~~Section 4. Amendment. Section 14-04-21.3 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Categories is hereby amended and re-enacted to read as follows:~~

~~14-04-21.3 Use Categories.~~

~~* * * * *~~

~~4. Other Uses.~~

a. Demolition of Existing Buildings. This category includes the demolition of any existing building, regardless of reason for the demolition. A building ordered demolished by the Building Official under Chapter 4-03 of the City Code of Ordinances (Dangerous Buildings) shall not require a special use permit prior to demolition.

* * * * *

Section 5. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Standards is hereby amended and re-enacted to read as follows:

14-04-21.4 Use Standards.

* * * * *

2. Demolition of Existing Buildings.

a. No existing building shall be demolished unless a special use permit is approved in accordance with the provisions of Section 14-03-08.

b. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances.

c. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than 180 days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative cover. The lot shall be maintained and kept free of debris and litter.

d. If the lot is to be used for an accessory or commercial parking facility, a special use permit application for the accessory or commercial parking facility shall be submitted and processed at the same time as the special use permit for the demolition.

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent

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

Section 4. Effective Date. This ordinance shall take effect following final passage and adoption.

CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
January 26, 2011

The Bismarck Planning & Zoning Commission met on January 26, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Vice Chairman Armstrong presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Jack Hegedus, Curt Juhala, Vernon Laning, Lisa Waldoch and John Warford.

Commissioners Jo Conmy, Ken Selzer and Wayne Yeager were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Gregg Greenquist – Planner, Jason Tomanek – Planner, Kimberley Gaffrey – Office Assistant III, Steve Saunders – MPO Planner, Ben Ehreth – MPO Planner, Ray Ziegler – Building Official and Charlie Whitman – City Attorney.

Others present were Steve Windish and Steve Grabill – Ulteig Engineers, Marcus Hall – Burleigh County Engineer, Brent Erickson – 128 Soo Line Drive, Jake Axtman – 909 Basin Avenue, Randy Hellman – 1704 Valley Drive, AJ Wallevand – Ulteig Engineers, Tim Atkinson - Burleigh County Planning Commission Chairman, James Small – Burleigh County Planning Commissioner, Brian Bitner – Board of County Commissioner, Kathy Fortney – 618 West Interstate Avenue, Harvey Schneider – Toman Engineering, Stacy Tschider – 8606 Island Road, Jeff Jonson – 1825 Harbor Drive, Matt Thompson – 928 Arthur Drive, Jeff Hinz – 3301 Hackberry Street, Don Ronsberg – 1209 Restful Drive, Terry Sailer – 1313 Restful Drive, Evelyn & Mark Orth – 3725 Promontory Drive, Dave & Colleen Pearce – 5001 Fernwood Drive, Kathleen Jones – 4380 Wildwood Street, Ingrid & Roger Bailey – 4051 Sandy River Drive, Steve Kahl – 1734 Pinto Place, Dale Sandstrom – 1748 Pinto Place, Ellen & Allen Lukes – 1749 Pinto Place, Jim Grunefelder – 1707 Pinto Place, Lana Hanson – 1762 Pinto Place, Bonnie Staiger – 419 East Brandon Drive, Lon Romsaas – 1301 Laramie Drive, Dave Patience – 909 Basin Avenue, Roger Hagen – 1932 North Grandview Lane, RW Robinson – 2220 West Harbor Drive, Emil Kirschenmann – 5401 Fernwood Drive, Shirley Keller – 1732 Golf Drive, Dr. Ed Keller – 1732 Golf Drive, C Peterson – 200 Ridge Land Loop, Marcia Kilzer – 1982 Mesquite Loop and LeAnn Eckroth – Bismarck Tribune.

MINUTES

Vice Chairman Armstrong called for consideration of the minutes of the December 15, 2010 meeting.

MOTION: Commissioner Warford made a motion to approve the minutes of the December 15, 2010 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

PUBLIC HEARING – MPO NORTHWEST BISMARCK SUB-AREA STUDY

Steve Grabill with Ulteig Engineers presented the Northwest Bismarck Sub-area Study. The executive summary is attached as Exhibit A.

Vice Chairman Armstrong opened the public hearing for the Northwest Bismarck Sub-area Study.

Terry Sailer said he is not in favor of the 64th Avenue NW and Sonora Way extensions.

Shirley Keller commented that she is the owner of one of the twin homes and 19 trees that would have to be destroyed if Century Avenue is extended west.

Steve Kahl stated that he is disappointed in the outcome of the Northwest Bismarck Sub-area Study because at the last public input meeting suggestions were made to move back the diversion of Century Avenue to meet Burnt Boat Drive and they were ignored. Mr. Kahl finished by saying there are problems with the study itself and also how it has been conducted.

Don Ronsberg said that he is also concerned with the 64th Avenue NW and Sonora Way extensions because he foresees a majority of the traffic being driven on that road will be high school students trying to gain access to Horizon Middle School and become a real issue.

Randy Hellman stated that he would like to see more about the Tyler P Coulee option, rather than running on Tyler Parkway, because it is all residential north of Century Avenue and there is already a lot of traffic.

Dale Sandstrom expressed a concern regarding the process. He went on to say that at the public input hearings he requested to be notified of any meetings of the technical group or sub groups, if there were any new recommendations and was assured he would be notified. Mr. Sandstrom continued by saying he was not given any notice and was told by Steve Grabill there were no meetings during that period. He said that the even though the notice of this meeting and the ad that was in Monday's newspaper stated that the documents would be available online and at the public library, they were not. Mr. Sandstrom added that he called the telephone number listed in the newspaper ad and only got voicemail so he emailed the members of the Board of City Commissioners pointing out the lack of information. He continued by saying he then received a telephone call from Steve Grabill on Monday afternoon and was told that report was not finished and it should be available pretty soon. Mr. Sandstrom added that the 88 page report was finally available online, late Monday afternoon and the process is not reasonable.

Steve Grabill explained that Mr. Sandstrom is correct; the report was not available online until late Monday afternoon because he was waiting on last minute comments from the Federal Highway Administrations.

Tim Atkinson said that he would like to see more dedicated bicycle lanes on the streets, like they are doing in a much smaller community like Dickinson.

Marsha Kilzer asked for further explanation regarding the extension of a roadway in Tyler Coulee.

Steve Grabill responded by saying that the Tyler Coulee extension would essentially start at Burnt Boat Drive or some other extension of Century Avenue and would extend north through the coulee east of Clairmont Road, cross Valley Drive, connecting Tyler and Ash Coulee. Mr. Grabill said that there are concerns of constructability and restrictive covenants in the area.

Roger Bailey said he has attended several of these public hearings and would like to know how much the public matters.

Vice Chairman Armstrong answered by saying that public input is a very important part of the process and the Commissioners want to hear from the public.

Lana Hanson stated that she would be affected by the Golf Drive, Burnt Boat Drive and the River Road corridors and does not think they offer viable solutions.

Bonnie Staiger commented that the part of the city that is being discussed with the study holds a very special aura and it is so important that everyone take the time develop that area respectfully.

Vice Chairman Armstrong closed the public hearing.

After some discussion it was the general consensus of the Bismarck Planning & Zoning Commission to continue the public hearing on the Northwest Bismarck Sub-area Study to the next meeting.

MOTION: Commissioner Hegedus made a motion to continue the public hearing on the Northwest Bismarck Subarea Study to the February 23, 2011 Bismarck Planning & Zoning Commission. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

CONSIDERATIONS –

ZONING CHANGE FROM R10 TO R10, RM30, RMH AND CG AND PRELIMINARY PLAT – STONECREST SECOND ADDITION

ZONING CHANGE FROM R10, RM15, & P TO R10, RM15 AND P AND PRELIMINARY PLAT – EDGEWOOD VILLAGE FOURTH ADDITION

ZONING CHANGE FROM A & PUD TO RT & CG - LOT 1, BLOCK 1, KOCH CREEK SUBDIVISION

ZONING ORDINANCE TEXT AMENDMENT – FP-FLOODPLAIN DISTRICT

ZONING ORDINANCE TEXT AMENDMENT – DC-DOWNTOWN CORE & DF-DOWNTOWN FRINGE DISTRICTS

Vice Chairman Armstrong called for consideration of the following consent agenda items:

- A. A zoning change from the R10-Residential zoning district to the R10-Residential, RM30-Residential, RMH-Residential and CG-Commercial zoning districts and preliminary plat for Stonecrest Second Addition. The property is 19 lots in 7 block on 37.61 acres located In northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue (part of the N½ of the SE¼ of Section 23, T139N-R80W/ Hay Creek Township).

- B. A zoning change from the R10-Residential, RM15-Residential and P-Public zoning districts to the R10-Residential, RM15-Residential and P-Public zoning districts and preliminary plat for Edgewood Village Fourth Addition. The property is 9 lots in 2 block on 14.2 acres located in northeast Bismarck, north of Century Avenue, between Colorado Drive and Nebraska Drive (a replat of Lots 9-22 & Lot 26, Block 3, and Lots 1-17, Block 4, Edgewood Village Second Addition and the adjoining Montana Drive, in part of the SW¼ of Section 23, T139N-R80W/Hay Creek Township).
- C. A zoning change from the A-Agricultural and PUD-Planned Unit Development zoning districts to the RT-Residential and CG-Commercial zoning districts on Lot 1, Block 1, Koch Creek Subdivision. The property is 1 lot in 1 block on 17.3 acres located along the north side of ND Highway 1804 approximately ¼ mile west of US Highway 83.
- D. A zoning ordinance text amendment relating to the FP-Floodplain District. The proposed amendments would clarify the floodplain district requirements for existing structures and some improvements.
- E. A zoning ordinance text amendment zoning ordinance text amendment relating to the DC-Downtown Core and DF-Downtown Fringe Districts. The proposed amendments would update and modify portions of the code pertaining to design standards.

MOTION: Commissioner Laning made a motion to approve Consent Agenda items A, B, C, D and E, calling for a public hearing on all items. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION – PART OF THE N½ OF THE SE¼ OF SECTION 23, T139N-R80W/HAY CREEK TOWNSHIP (BEING PLATTED AS STONECREST SECOND ADDITION)

Vice Chairman Armstrong called for the final consideration for the annexation for part of the N½ of the SE¼ of Section 23, T139N-R80W/ Hay Creek Township (being platted as Stonecrest Second Addition). The property is located in northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue (part of the N½ of the SE¼ of Section 23, T139N-R80W/ Hay Creek Township).

Mr. Greenquist provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Greenquist said based on the above findings, staff recommends annexation for part of the N½ of the SE¼ of Section 23, T139N-R80W/ Hay Creek Township (being platted as Stonecrest Second Addition) as described by a metes and bounds legal description of the property containing 37.61 acres.

MOTION: Commissioner Laning made a motion to approve the annexation for part of the N½ of the SE¼ of Section 23, T139N-R80W/ Hay Creek Township (being platted as Stonecrest Second Addition). Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE FROM A-AGRICULTURAL TO RR-RESIDENTIAL AND FINAL PLAT – FERNWOOD SUBDIVISION

Vice Chairman Armstrong called for the public hearing for the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district and final plat for Fernwood Subdivision. The property is 6 lots in 1 block on 14.42 acres and is located along the east side of Fernwood Drive at the intersection with the southern east-west portion of Burnt Creek Loop (part of the E½ of the NW¼ of the NE¼ of Section 14, T139N-R81W/West Hay Creek Township, including a replat of the North 30.00 feet of Lot 1, Block 1, Hanson Subdivision).

Ms. Lee provided an overview of the request and listed 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 urban residential (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include a combination of rural residential and agricultural.
3. The property included in the proposed subdivision is partially developed, has access via Fernwood Drive and Burnt Creek Loop and is served by South Central Regional Water District; therefore, the proposed zoning change will 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.

Ms. Lee then listed the following findings for the 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.
3. The proposed subdivision is in general conformance with the Fringe Area Road Master Plan, which identifies both Fernwood Drive and Burnt Creek Loop as arterials.
4. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include a combination of rural residential and agricultural.
5. The property included in the proposed subdivision is partially developed, has access via Fernwood Drive and Burnt Creek Loop and is served by South Central Regional Water District; therefore, the proposed subdivision will 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.

Ms. Lee then listed the following additional information:

1. The Hay Creek Township Board of Supervisors has recommended approval of the proposed subdivision, with comments.
2. This property is located within the Urban Service Area Boundary (USAB) and is subject to ghost platting. The applicants have requested a waiver of the ghost platting requirement because Lots 2 and 3 are four (4) feet below the current base flood elevation and are unlikely to become urban lots in the future.
3. The City Engineer has approved the request from South Central Regional Water District to provide service to the subdivision, with the understanding that the following plat note is included on the mylar: "The water service agreement between the City of Bismarck and South Central Regional Water District will allow the provision of water service to Fernwood Subdivision for a period of ten years and subsequent to that time, the City may, upon a one year notice, require South Central Regional Water District to discontinue water service if City water service is available."
4. The amount of right-of-way dedicated for both Burnt Creek Loop and Fernwood Drive is acceptable as shown.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from A-Agricultural to RR-Residential and final plat for Fernwood Subdivision and granting a waiver of the ghost platting requirements.

Commissioner Bullinger questioned whether or not there will be limited access with the plat. Ms. Lee responded by saying yes, there will be shared access for Lots 3 & 4 and Lots 5 & 6 and staff will make sure it is noted on the plat.

Vice Chairman Armstrong called for the public hearing for the zoning change from A–Agricultural to RR–Residential and final plat for Fernwood Subdivision.

There was no public comment.

Vice Chairman Armstrong closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus made a motion to approve the zoning change from A–Agricultural to RR–Residential and final plat for Fernwood Subdivision and granting a waiver of the ghost platting requirements. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION AND PUBLIC HEARING – ZONING CHANGE FROM A-AGRICULTURAL & R5-RESIDENTIAL TO R5-RESIDENTIAL AND FINAL PLAT – EAGLE CREST THIRD ADDITION

Vice Chairman Armstrong called for the final consideration for the annexation and the public hearing for the zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and the final plat for Eagle Crest Third Addition. The property is 36 lots in 4 blocks on 17.75 acres and is located along the west side of Valley Drive between High Creek Road and Mustang Drive (part of Tract 2-A in the NW¹/₄ of Section 20, T139N-R80W/Hay Creek Township).

Ms. Lee provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Ms. Lee then listed 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 urban residential (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single family residential to the north and west, a park to the southeast and undeveloped property to the southwest and west.

3. The subdivision proposed for this property will be annexed prior to development; therefore, the zoning change will 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 listed the following findings for the 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.
3. The proposed subdivision does not impact the Fringe Area Road Master Plan for the area, which identifies Valley Drive as the north-south collector for this section.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include single family residential to the north and west, a park to the southeast and undeveloped property to the southwest and west.
5. The proposed subdivision would be annexed prior to development; therefore, it will not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then listed the following additional information:

1. The applicant originally requested the use of a cul-de-sac for this development and submitted written justification for this request. Based on these criteria included in 14-09-05(1)(m) of the Subdivision Regulations (Design Standards), staff did not support the use of a cul-de-sac in this location, as Ranch Circle could be extended south to Mustang Drive. The preliminary plat was considered by the Planning and Zoning Commission at the November 17, 2010 meeting. The Commission tentatively approved the preliminary plat, denying the request for the use of a cul-de-sac as proposed, and with the understanding that the subdivision will be redesigned to eliminate the cul-de-sac prior to submittal of the final plat. The final plat was redesigned with a loop road.

Ms. Lee said based on the above findings, staff recommends approval of the annexation (Lots 1-12, Block 1; Lots 1-11, Block 2; Lots 1-4, Block 3; and Lots 1-9, Block 4), zoning change from the A-

Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and final plat for Eagle Crest Third Addition.

Vice Chairman Armstrong called for the public hearing for the zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and final plat for Eagle Crest Third Addition.

Dave Patience said that he understands there is a policy that states if a developer can avoid the use of a cul-de-sac, they do so, but with this plat there would be a quality of life and economic benefits of using a cul-de-sac. Mr. Patience stated that he is a certified planner and does not think not allowing cul-de-sacs is a good idea.

Carl Hokenstad explained that there is an ordinance relating to cul-de-sacs and the Board of City Commissioners directed the Planning Division to develop the ordinance for cul-de-sacs. The Board of City Commissioners felt there were too many cul-de-sacs that conflicted with continuity, traffic, pedestrian access and snow removal. Mr. Hokenstad stated that there was great effort in developing the cul-de-sac ordinance and it has been in place for several years. He went on to say that the burden falls on the developer and the developers must justify why the cul-de-sac is being placed in the plat and obviously topography reasons are justifiable. Mr. Hokenstad concluded by saying there are no topography issues in this area and the ordinance says there should not be cul-de-sacs.

Vice Chairman Armstrong closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Laning made a motion to approve the annexation (Lots 1-12, Block 1; Lots 1-11, Block 2; Lots 1-4, Block 3; and Lots 1-9, Block 4), zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and final plat for Eagle Crest Third Addition. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION AND PUBLIC HEARING – ZONING CHANGE FROM A-AGRICULTURAL, RR-RESIDENTIAL & R5-RESIDENTIAL- TO R5-RESIDENTIAL AND FINAL PLAT – HORIZON HEIGHTS FIFTH ADDITION

Vice Chairman Armstrong called for the final consideration for the annexation and the public hearing for the zoning change from the A-Agricultural, RR-Residential and R5-Residential zoning districts to the R5-Residential zoning district and the final plat for Horizon Heights Fifth Addition. The property is 18 lots in 3 blocks on 7.91 +/- acres located in northwest Bismarck, north of Medora Avenue, northwest of Horizon Middle School (a replat of Lots 4 and 5, Block 8, Horizon Heights 4th Addition, a replat of all of Auditor's Lot WH and a portion of Auditor's Lot F1 of the W½ of Section 17, T139N-R80W/Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the annexation:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time the property is developed.

2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

Mr. Tomanek then listed the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan which identifies the long range use of this area as urban residential (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include partially developed single-family subdivisions to the east and south, agricultural zoning to the north and west and two large lot, single-family dwellings to the west.
3. The property would be annexed prior to development; therefore, the 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.

Mr. Tomanek then listed the following findings for the plat:

1. All technical requirements for approval of a final plat have been met.
2. The stormwater management plan has been approved by the City Engineer.
3. The proposed subdivision generally conforms with the Fringe Area Road Master Plan, which identifies Medora Avenue, LaSalle Drive West and Cornice Drive as collector roadways for Section 17.
4. The proposed subdivision would be compatible with adjacent land undeveloped uses. Adjacent land uses include partially developed single-family subdivisions to the east and south, agricultural land to the north and west and two large lot, single-family dwellings to the west.
5. A portion of the property would be annexed prior to development; 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.

Mr. Tomanek said based on the above findings, staff recommends approval of the annexation (Lots 8-13 and the un-annexed portion of Lots 14-15, Block 6, Lots 2-6, Block 7 and Lots 1-7, Block 8), zoning change from the A-Agricultural, RR-Residential & R5-Residential zoning districts to the R5-Residential zoning district and final plat for Horizon Heights Fifth Addition.

Vice Chairman Armstrong called for the public hearing for the zoning change from the A-Agricultural, RR-Residential & R5-Residential zoning districts to the R5-Residential zoning district and final plat for Horizon Heights Fifth Addition.

There was no public comment.

Vice Chairman Armstrong closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus made a motion to approve the annexation (Lots 8-13 and the un-annexed portion of Lots 14-15, Block 6, Lots 2-6, Block 7 and Lots 1-7, Block 8), zoning change from the A-Agricultural, RR-Residential & R5-Residential zoning districts to the R5-Residential zoning district and final plat for Horizon Heights Fifth Addition. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – LANDSCAPING AND SCREENING

Vice Chairman Armstrong called for the public hearing for the zoning ordinance text amendment relative to landscaping and screening.

Mr. Tomanek provided an overview of the zoning ordinance text amendment for landscaping and screening. The proposed ordinance would update and modify the landscaping and screening requirements.

Mr. Tomanek said staff recommends approval of the zoning ordinance text amendment relative to landscape and screening as presented.

Vice Chairman Armstrong opened the public hearing for the zoning ordinance text amendment relative to landscape and screening.

Dave Patience stated that his concerns with the proposed zoning ordinance text amendment are the requirements and policing of landscaping on four unit buildings, the paragraph dealing with reconstructing parking lots, and the proposed buffer requirement between different multi-family densities.

Jake Axtman stated that he has worked closely with Mr. Tomanek and supports most of the proposed changes. He said that his concern with the proposed requirements for reconstruction of parking lots

and suggested that language be added that says only the portions of the parking lot that are being reconstructed are subject to the landscaping requirements.

AJ Wallevand said she also agrees with Mr. Axtman and has also worked closely with Mr. Tomanek.

Vice Chairman Armstrong closed the public hearing.

After some discussion it was the general consensus of the Bismarck Planning & Zoning Commission to continue the public hearing on the zoning ordinance text amendment relative to landscaping and screening to the next meeting.

MOTION: Commissioner Warford made a motion to continue zoning ordinance text amendment relative to landscaping and screening to the February 23, 2011 Bismarck Planning & Zoning Commission meeting and to continue to work with the design community and engineers. Commissioner Hegedus seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Hegedus, Juhala, Laning, Waldoch and Warford voting in favor of the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business Vice Chairman Armstrong declared the Bismarck Planning & Zoning Commission adjourned at 7:23 p.m. to meet again on February 23, 2011.

Respectfully submitted,

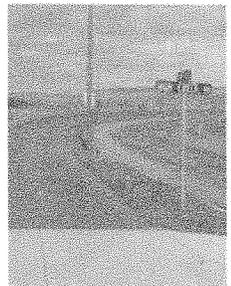
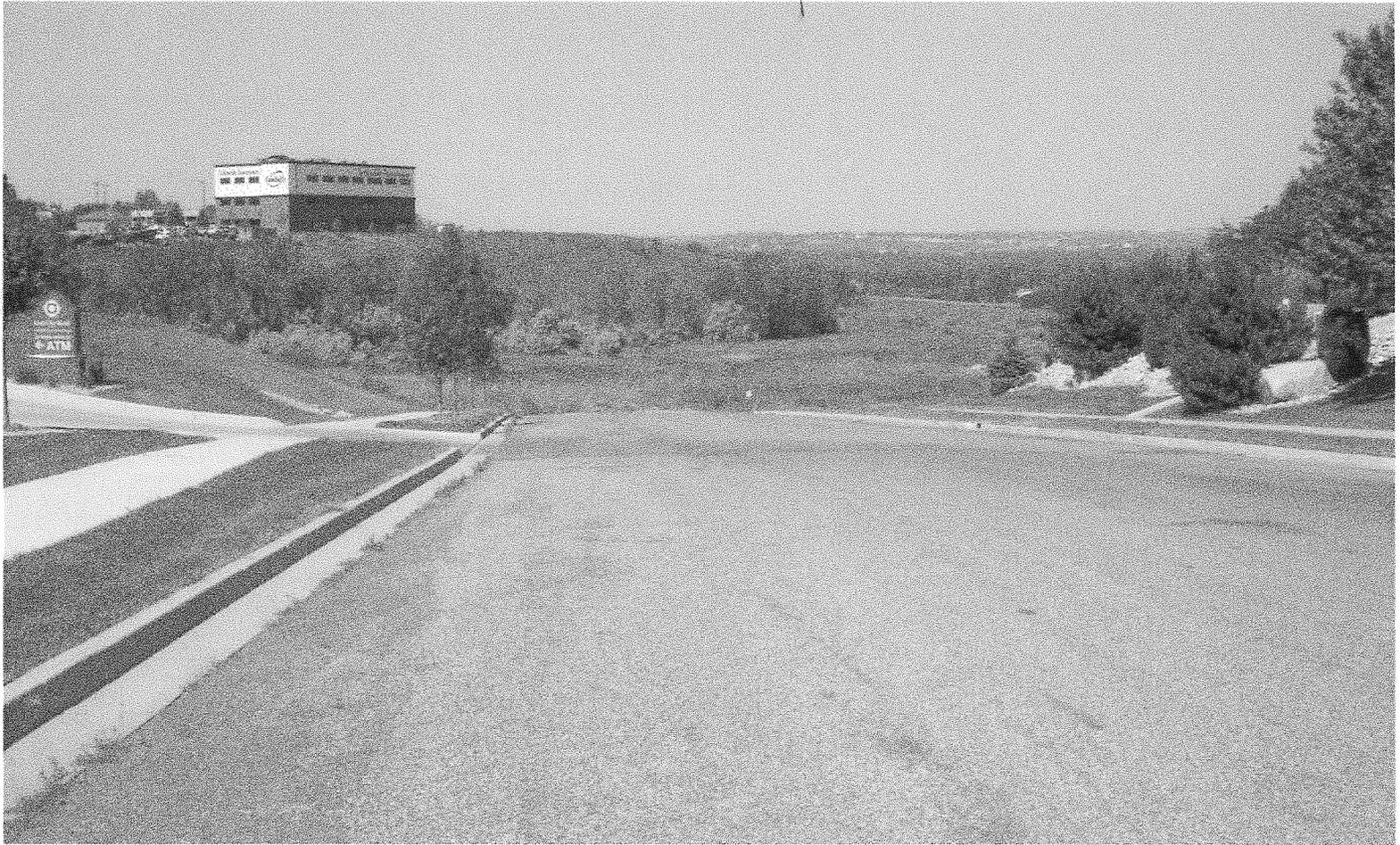
Kimberley Gaffrey
Recording Secretary

Mark Armstrong
Vice Chairman



Northwest Bismarck Sub-area Study Executive Summary

prepared for



I. Introduction and Background

Over the past few years, local staff and elected officials have been faced with numerous questions relative to development in and around northwest Bismarck:

- What should be done to address traffic along Ash Coulee Drive, and how will future extension of the corridor and associated development be handled?
- Can River Road handle future growth in the area below the bluffs, and where, when and how can future connections be made from River Road to the top of the escarpment?
- Should Golf Drive or Burnt Boat Drive be extended and if so, should it serve as a local road or a collector street? Would it be better to extend Century Avenue west through the Fire Station?
- Should Tyler Parkway be extended to the north as suggested in past plans?
- Will Tyler Parkway's current configuration be able to handle future traffic?
- Do the corridor alignments proposed by past planning efforts adequately address the needs of the area? Some past plans only took a broad brush look at northwest Bismarck.

In response to these questions, the Bismarck Northwest Sub-Area Study was initiated by the City of Bismarck and the Bismarck-Mandan Metropolitan Planning Organization. Local staff and government officials desire to have a plan in place to effectively manage future development proposals so that important transportation corridors may be preserved. Their goal is to create a comprehensive plan for transportation facilities northwest of Bismarck.

This area has significant potential for future development. Yet, within the Study Area, the natural and built environment offers limited opportunity to extend or expand existing corridors. Therefore, it is critical that future corridors with good connectivity to the existing transportation system be planned.

II. Issues

Issues were identified in the following categories:

- Access & Distribution of Traffic
- Accommodation of utilities
- Barriers to development
- Corridor preservation
- Costs, funding and project programming
- Environmental impacts
- Harsh terrain
- Land use and timing for development
- Pedestrian and bicycle mobility
- Property and corridor impacts

III. Proposed Corridor Alignments

Corridor alignment alternatives were derived from the technical analysis with input from the Study Review Committee. Proposed corridor alignments are shown in Figures 1EX, 2EX and 3EX.

Profiles were prepared to examine the approximate grades that could be established for some of the individual corridors. Areas showing a significant amount of cut or fill are indicators of the need for drainage facilities, potential structures, and possibly additional right of way.

The following paragraphs provide an overview of the pros and cons associated with individual alignments. Local technical staffs gave feedback on which alignments they support, and their positions are reflected in the narrative for each corridor that follows.

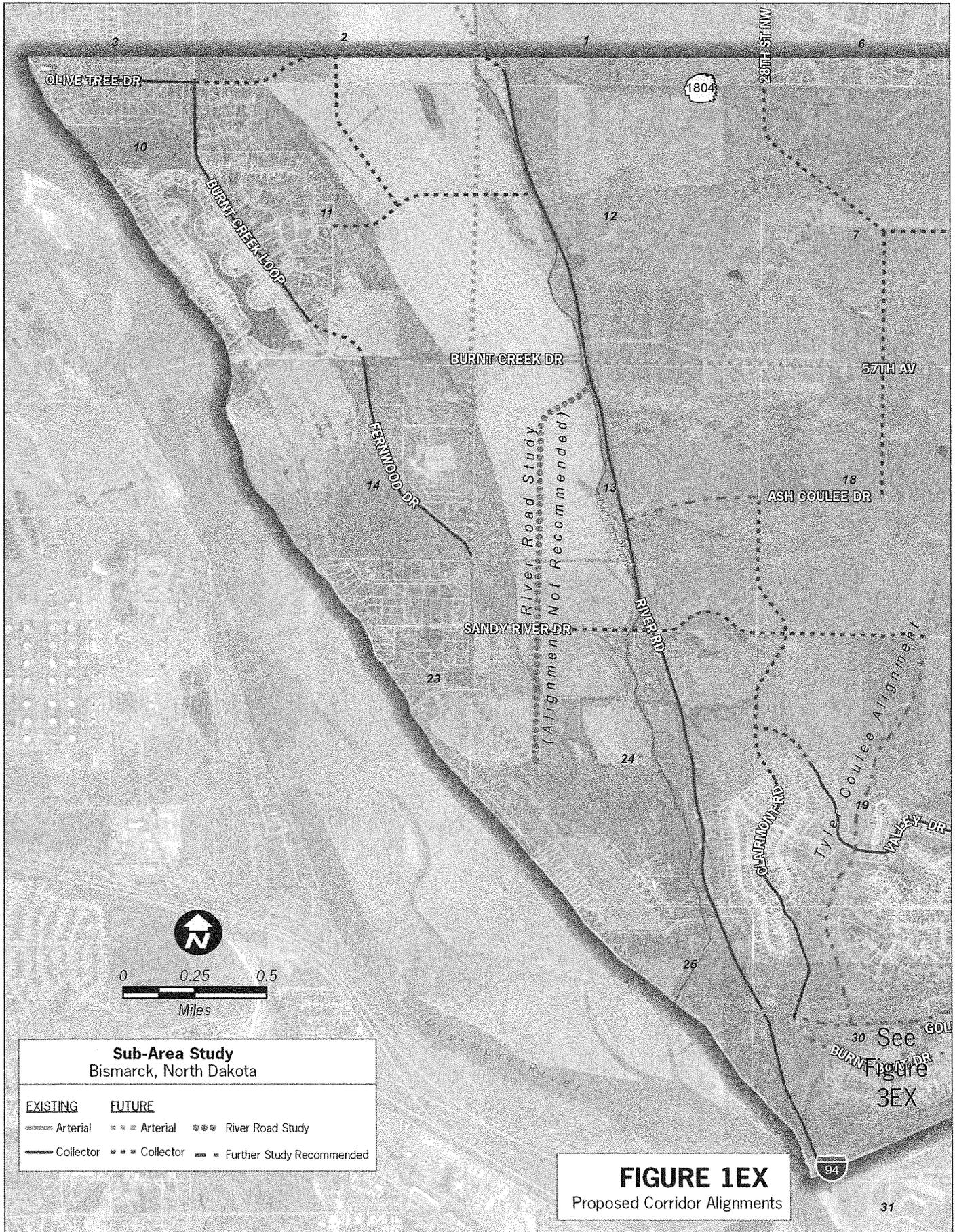
Issues such as corridor speed, type of turn lanes, access management, on-street parking, and use by trucks and other modes of travel are addressed through current city and county policy and ordinances. Further definition of corridor attributes may occur as each corridor develops and with input from public stakeholders.

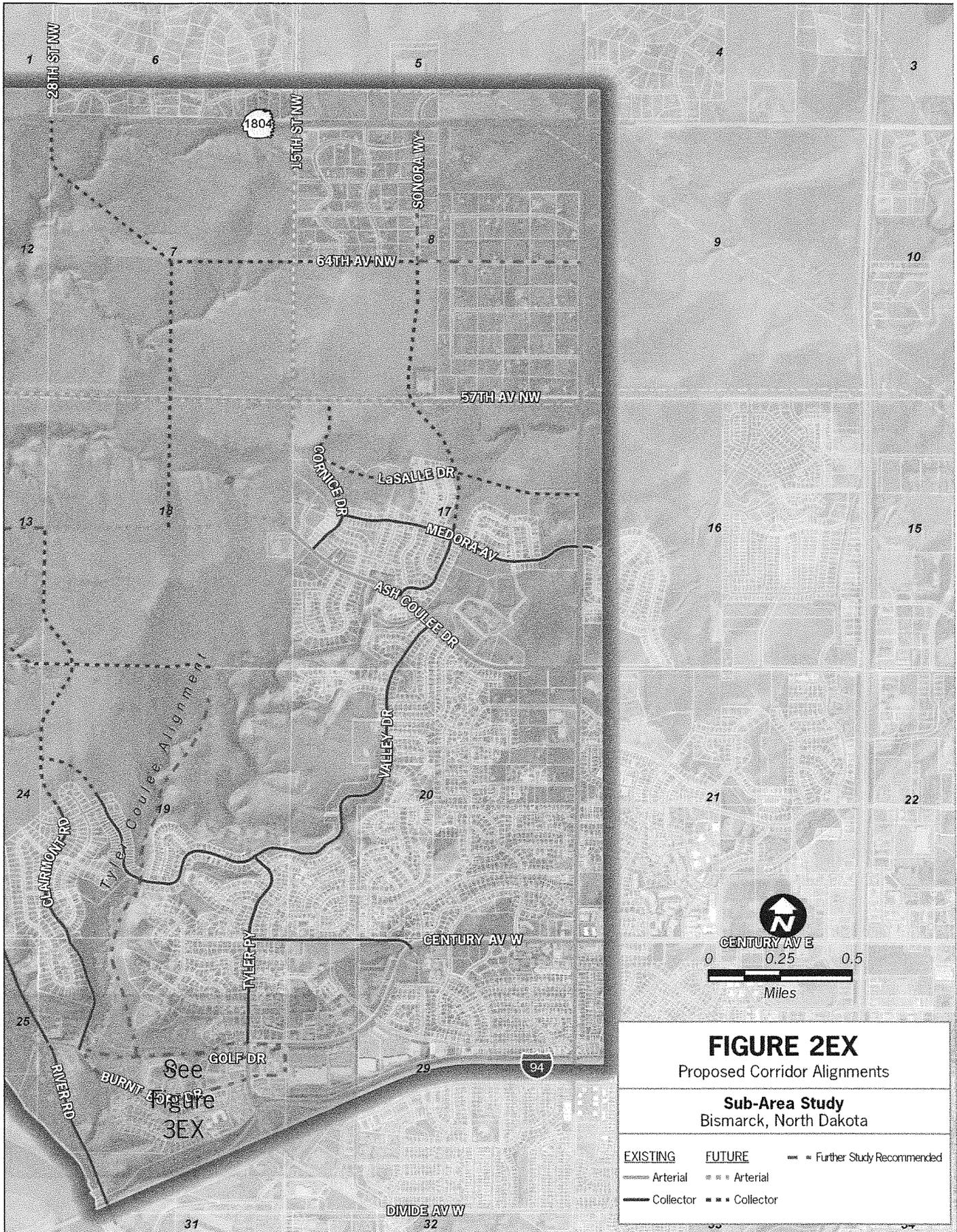
A. Century Avenue, Golf Drive, & Burnt Boat Drive Alignments

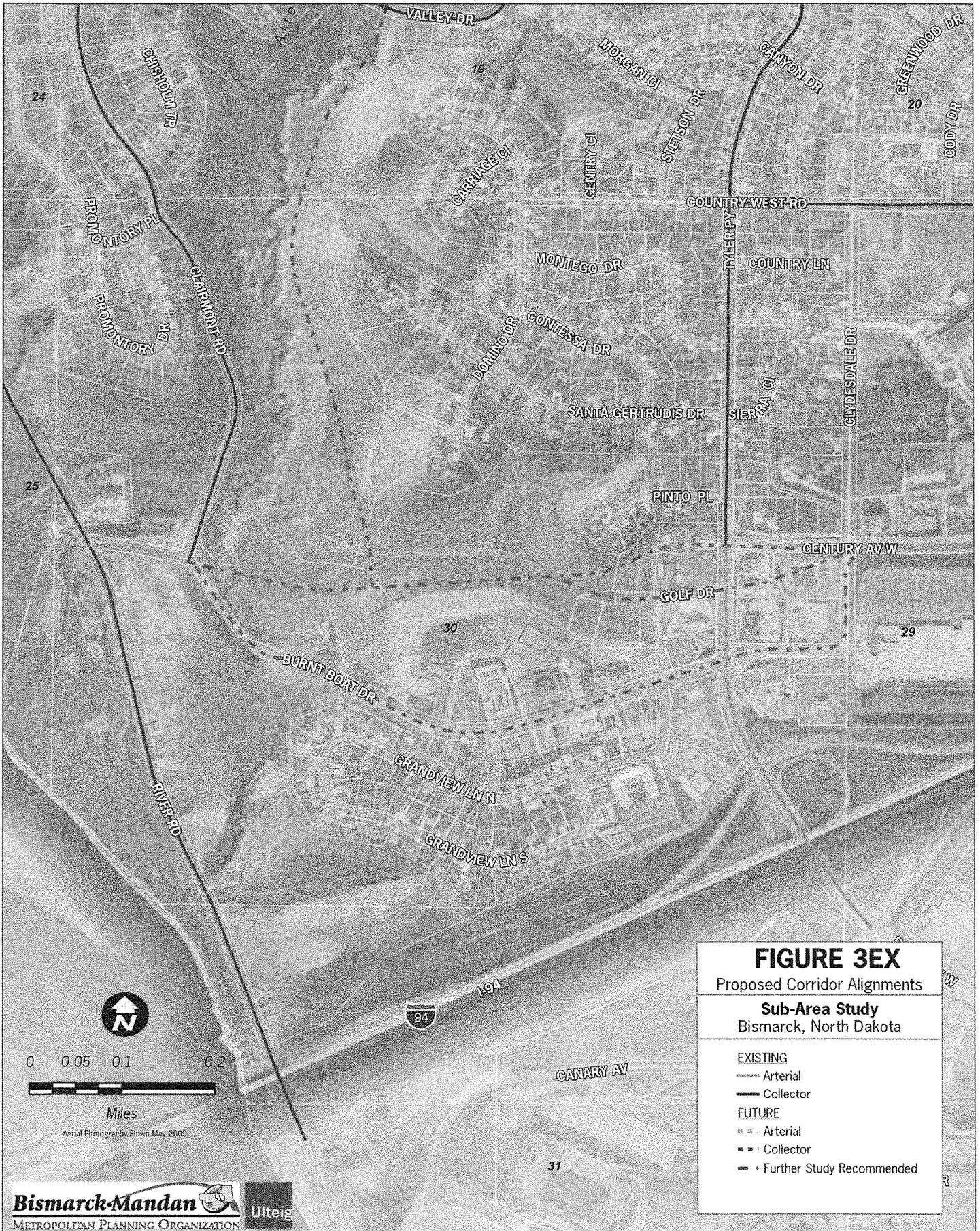
Five options to improve east-west access and mobility by extending or realigning Century Avenue were considered:

- Option A – Do Nothing
- Option B – Extend West off Century Avenue Alignment
- Option C – Extend West off Golf Drive Alignment
- Option D – Extend West off Burnt Boat Drive Alignment
- Option E – Conduct Additional Study of Alignment Alternatives

Option E is recommended because there are unanswered questions concerning alignment alternatives. Concerns were raised regarding potential archaeological site, visual and noise impacts. Efforts to answer these questions were beyond the scope of this study. Often, these questions are answered during the environmental process for a proposed project. The environmental process can address potential social and environmental concerns while examining design alternatives in more detail.







1. Optional Alignment Comparisons and Evaluations

The options for extending Century Avenue were evaluated and compared based on a number of traffic and socio-economic criteria (See Table 1). These criteria and discussion of their evaluations are provided in the following paragraphs. The table compares the options more from a system level than from a level focused only on the Tyler Parkway area. The top two option rankings in Table 1 are highlighted in green and the bottom two option rankings are highlighted in red.

Table 1

Alignment Option	Traffic Evaluation Criteria									Socio-Economic Criteria				
	Intersection LOS	Signal Progression	Vehicle Storage	Tyler Pkwy Impacts	Multimodal Opportunities	Interchange Impacts	Traffic Capacity	Traffic Safety	Access Impacts	Visual Impacts	Noise Impacts	Residential Land Purchased	Business & Economic Impacts	Project Cost
Option A – Do Nothing	3	1	4	4	3	2	4	4	4	1	4	1	1	1
Option B – Century Avenue Extension	1	2	1	1	1	1	1	1	1	4	3	2	1	3
Option C – Golf Drive Alignment	1	3	2	2	1	3	2	2	2	3	1	1	3	4
Option D – Burnt Boat Alignment	2	4	3	3	2	4	3	3	3	2	2	1	2	2

- 1 - Top ranked or best option
- 4 - Lowest ranked or worst option

a. Traffic Evaluation Criteria

i. Intersection Level of Service

Intersection Level of Service pertains to the amount of vehicular traffic delay at a given intersection. It is influenced by a number of factors, but primarily it is influenced by the number of vehicles at an intersection, the number of lanes and whether the intersection is signalized. Another factor to consider is the number of left turning vehicles, particularly those that don't have a designated left turn lane or those occurring at unsignalized intersections.

Based on our analysis, the Century Avenue and Golf Drive extension alignments performed equally well. The Burnt Boat Drive intersection operates poorly today, and the intersection delay will continue to increase unless substantial improvements are made. The ability to make these improvements is uncertain.

Future traffic levels at Burnt Boat Drive would be higher than other options primarily because the roadway would carry more traffic from existing developments. This would result in lower intersection performance than occurs with Options A or B. The Do Nothing option operated most poorly because of added pressure it placed on a multitude of other intersections

within the study area.

ii. Signal Progression

The ability of traffic to move through a number of signalized intersections along a corridor is influenced by a number of factors. These factors include the number and spacing of signalized intersections, as well as the turning movements by cars moving along the corridor.

Generally speaking, traffic will more easily progress along a corridor that has less traffic and has fewer signalized intersections that are well spaced, as opposed to more signalized intersections that are busier and more closely spaced.

Based on our analysis, the Do Nothing alternative performed the best because poor access to Tyler Parkway would result in little change in traffic conditions along the corridor. An argument could be made that signal progression could be significantly impacted elsewhere, but this has not been studied.

The Century Avenue Extension performed well because it maintains good spacing for the signalized intersections and does the best at spreading heavy volumes of traffic along the Tyler Parkway Corridor. The Golf Drive extension spreads the traffic but not as much. Plus it adds another signalized intersection. The Burnt Boat Drive extension, because of heavier traffic at the intersection and its proximity to the interchange, has the potential to cause greater signal progression problems in the future.

iii. Vehicle Storage

Adequate vehicle storage is needed for traffic using through and turn lanes. When inadequate storage is available, left and right turning traffic can stack into the through traffic lanes, rendering those lanes inoperable. Similarly, through traffic can stack to block access to turn lanes they become inoperable as well.

The need for vehicle storage is dependent upon the amount of traffic and whether the traffic is turning or going straight. Both storage needs and availability factored into our analysis.

There are storage tradeoffs with each of the alignment alternatives. For example, the direct extension of Century Avenue has ample storage room on the east, west and south approaches, but is limited by proximity to the Pinto Place intersection to the north.

The Golf Drive intersection is limited by proximity to the Burnt Boat Drive intersection and both the Fire Station and Pinto Place. The Burnt Boat Drive intersection is limited by proximity to the interchange and driveways on the east and west approaches. Given current vehicle storage issues at Burnt Boat Drive and the importance of the interchange, vehicle storage issues were considered as major issues with this alternative in comparison to other alternatives.

iv. Tyler Parkway Impacts

Our analysis assumed full build-out of traffic lanes along Tyler Parkway, and 30% of full build-out for area development. Under these conditions, each alignment alternative performed relatively the same, with Tyler Parkway operating at near-capacity.

It is important to recognize that should area development exceed the 30% full build out scenario, or should localized high traffic generating development occur, higher traffic volumes would result in more pronounced differences in how well each of the alignment options perform.

Relative impacts to the Tyler Parkway corridor are a function of most of the other traffic analysis criteria examined. The Do Nothing option was considered to perform the worst, assuming that the Tyler Parkway extension is made with no extension of Century Avenue. The heaviest impacts would occur in existing developed areas north of Century Avenue.

With the Burnt Boat Drive alignment option, traffic concerns relate to the high traffic volumes at the Burnt Boat Drive intersection and limitations on vehicle storage between Burnt Boat Drive and the I-94 Interchange.

v. Multimodal Opportunities

Multimodal opportunities relates to the ability to provide or improve non-motorized travel within the study area. In this regard, the Do Nothing option ranked lowest because there would be no provision to extend existing bicycle or pedestrian facilities west of Tyler Parkway. The Century Avenue extension and Golf Drive extension alternatives would provide equal capabilities to extend these facilities, whereas the Burnt Boat corridor has right of way limitations that reduce the ability to adequately provide these amenities.

vi. Interchange Impacts

Analysis of the I-94 Interchange was not included within the scope of this Study. However, placement of major intersections in close proximity to interchange ramps typically creates queues at the interchange that are detrimental to interchange traffic operations. From this standpoint, traffic turning movements that are further from the interchange have fewer impacts. Therefore, the Burnt Boat Drive option raises the greatest concern.

vii. Traffic Capacity

Traffic capacity is influenced by many factors, including vehicle storage, intersection spacing and geometrics. The direct extension of Century Avenue provides the best spacing for major intersections, more room for vehicle storage, and the most corridor capacity for both Tyler Parkway and Century Avenue.

Golf Drive ranks next, since it results in more available lanes than the Burnt Boat Drive option and keeps Century Avenue traffic separate from Burnt Boat Drive traffic. Burnt Boat Drive operates with less capacity since there are fewer lanes and adjacent intersections are in close proximity to Burnt Boat Drive.

viii. Traffic Safety

There are a number of corridor design and intersection geometric features that influence traffic safety. They include curvilinear alignment, steep grades, skewed intersections, excess access, driver confusion, sight distances and regional safety impacts among others.

The options for extending Century Avenue were evaluated and compared based on a number of traffic safety evaluation criteria. These criteria relate to all modes of travel. A summary of how the alignment options compare is provided in Table 2. The top two option rankings in Table 2 are highlighted in green and the bottom two option rankings are highlighted in red.

Table 2

Alignment Option	Safety Evaluation Criteria						
	Curvilinear Alignment	Steep Grades	Skewed Intersections	Excess Access	Driver Confusion	Sight Distances	Regional Safety Impacts
Option A – Do Nothing	1	1	1	1	4	2	4
Option B – Century Avenue Extension	2	2	1	1	1	2	1
Option C – Golf Drive Alignment	3	2	2	2	2	1	2
Option D – Burnt Boat Alignment	4	3	2	3	3	3	3

- 1 - Top ranked or best option
- 4 - Lowest ranked or worst option

Overall, the direct extension of Century Avenue is the safest option because it offers a better route when looking at these criteria. The Do Nothing option was the bottom ranked option primarily because of anticipated safety impacts on the overall transportation system. Golf Drive ranked higher than Century Avenue from a sight distance standpoint due to the vertical curve on Tyler Parkway.

ix. Access Impacts

Access impacts have both traffic and socio-economic ramifications. From the traffic side, accesses located too close to major intersections can have a detrimental impact on intersection operations and safety. Furthermore, these accesses can become blocked and experience significant delays when the major intersection traffic gets backed up.

From the socio-economic standpoint, both residential and business property owners appreciate having driveways that are readily accessible. When their driveways (accesses) become blocked, drivers become frustrated and businesses can lose patrons.

The direct extension of Century Avenue has the least impact on access, with access impacts being limited to Golf Drive and Pinto Place. The Golf Drive option would require closure of the east bank driveway and would impact business accesses east of Tyler Parkway through the north-south connection to Century Avenue. Additionally, access to the fire station may become blocked by queues from the Golf Drive intersection.

With the Burnt Boat Drive option, accesses on the east, west and south approaches may become blocked during peak traffic periods. Also, adjacent businesses and Grand View Lane would have detrimental mobility and safety impacts on the Burnt Boat Drive intersection.

b. Socio-Economic Criteria

i. Visual Impacts

Comparisons of visual impacts are subjective and require some assumptions. From the perspective of the Pinto Place neighborhood, negative visual impacts from greatest to least impacting would be the Century Avenue extension alternative, followed by the Golf Drive extension, with the Burnt Boat Drive extension being a distant third. This is the order the options were ranked.

We believe these opinions are subjective because the assumption is made that the valley west of Tyler Parkway remains undeveloped, and the undeveloped look is considered more visually appealing than a developed alternative. If the valley is developed, land use and vegetation adjacent to the streets in the valley could be more influential on the area's visual appeal than choice of alignment options.

ii. Noise Impacts

Noise impacts are proportional to the distance between a roadway and adjacent properties. The closer the roadway, the greater the potential for traffic noise. This study did not conduct noise analysis for the various alignment options.

Therefore, it is not known whether there is a significant difference in noise impacts on Pinto Place residents when comparing the Century Avenue and Golf Drive extension options. Given the distance principle, the Century Avenue option would have a greater noise impact than the Golf Drive option.

It is, however, reasonable to conclude that the Burnt Boat Drive option, while resulting in little if any impact on Pinto Place, would have greater impacts on properties in the vicinity of Burnt Boat Drive. Since most of these properties are more commercial in nature, these impacts were considered lower than the other two alignment options. A noise analysis would need to verify this conclusion.

iii. Residential Land Purchased

Since only the direct extension of Century Avenue resulted in the purchase of residential land (two twin homes), all other options were considered equal.

iv. Business Land Purchased / Impacted

Businesses may be impacted from changes in access, new traffic congestion, or buyouts. The option with the greatest impact on businesses is the Golf Drive option, where a full half block of established businesses would be bought out. This option also impacts the funeral home and the bank located west of Tyler Parkway. Queues from Golf Drive could also impact access to the Fire Station.

The option with the second highest impacts on business is the Burnt Boat Drive option. This option would result in at least two buyouts to address access issues on the east side of Tyler Parkway. Further study is needed to identify exactly which businesses would be impacted. In addition, business impacts associated with the realignment of Century Avenue would occur.

The direct extension of Century Avenue would result in relocation of the Fire Station and impacts to the funeral home. No other business impacts are anticipated.

v. Project Cost

It is difficult to establish detailed cost estimates for these alternatives given the property acquisition required for some. The cost of each alignment option is ranked as follows:

Option A – Do Nothing	Lowest Cost
Option B – Century Avenue Extension	Second Highest Cost
Option C – Golf Drive Extension	Highest Cost
Option D – Burnt Boat Drive Extension	Second Lowest Cost

B. Pedestrian and Bicycle Facility Alignments

Existing and recommended pedestrian and bicycle facility alignments are shown in Figure 4EX. These alignments follow the roadway alignment locations shown and discussed earlier in this chapter. For sidewalks and multi-use trails, it is generally preferable to construct these along roadways because of available right of way. Further, street lighting and the presence of pass-by traffic provides a sense for added safety.

These alignments may be considered candidates for construction of either bike trails or bike lanes. However, bike lanes should be considered where traffic volumes and speeds are lower and more experienced bike riders are anticipated.

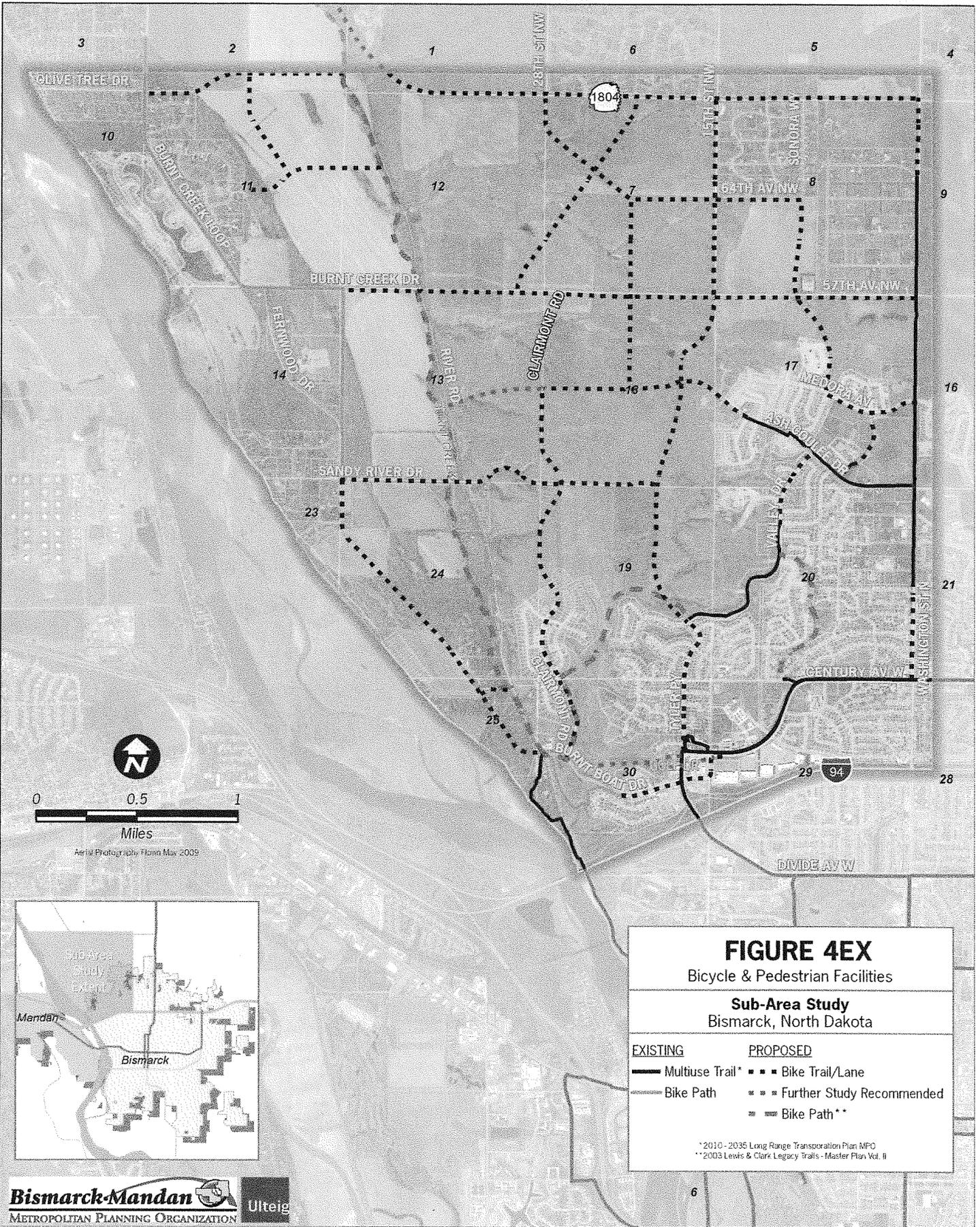


FIGURE 4EX
 Bicycle & Pedestrian Facilities

Sub-Area Study
 Bismarck, North Dakota

EXISTING	PROPOSED
— Multiuse Trail *	••• Bike Trail/Lane
- - - Bike Path	- - - Further Study Recommended
	••• Bike Path **

*2010 - 2035 Long Range Transportation Plan MPO
 **2003 Lewis & Clark Legacy Trails - Master Plan Vol. II

IV. Public and Agency Involvement

A. Public Input Meetings

The first public input meeting was held on June 30, 2009 at the Good Shepherd Lutheran Church. Seventy-five property owners and business representatives were in attendance. The purpose of this meeting was to present and receive feedback on preliminary alignments and corridor issues.

A second public input meeting was held on September 16, 2010 at Horizon Middle School. The purpose of this meeting was to present and receive feedback on the draft Northwest Bismarck Sub-Area Study Report and its recommendations. 119 property and business representatives were in attendance. Significant feedback was received in opposition to the direct extension of Century Avenue and the extension of 64th Avenue NW.

B. Developer and Landowner Meetings

Notices of the public input meetings were sent to area landowners and developers in advance of the meetings. Efforts were made to meet with some stakeholders with interest in large tracts of land in the Study Area. Their ideas and feedback were relayed to the Study Review Committee for further consideration.

C. Study Review Committee

A Study Review Committee (SRC) was formed to guide the study process. The SRC was a technical committee having the task of reviewing study information and analysis, considering alternatives and study recommendations, and providing insight into City, County, State and Federal desires and expectations.

D. Coordination with City and County Officials

Two newsletters were distributed to City and County planning commissioners and elected officials. These newsletters were intended to give them an opportunity to become informed of project objectives and ongoing activities.

Presentations to City and County elected officials were scheduled to occur throughout the study process. The first set was conducted early in the process to introduce them to the study and ask whether there were any initial concerns that the consultant should be aware of. Two additional presentations were provided to the Bismarck City Commission. These were held prior to and following the second public input meeting. The final set of presentations was provided during the adoption phase of the project.

E. NDDOT Management Presentation

An NDDOT Management Presentation was held on August 16, 2010. The purpose of this presentation was to inform NDDOT management on the findings of the draft Report and to receive any feedback they wished to provide. It also informed them of study content so that they could respond to questions from the public involvement process.

F. MPO TAC and Policy Board Meetings

Progress and status reports have been provided on a monthly basis to the MPO Technical Advisory Committee (TAC) and Policy Board. Summaries of these meetings are available upon request from the MPO.

These meetings serve an important purpose in that they enable local officials and technical staff to stay involved with ongoing study activities. It also benefits the study when local technical staffs use their knowledge and expertise to provide guidance to the consultant.

V. Northwest Subarea Recommendations

A. Priority Corridors and Timing of Development

Burleigh County has identified the need to construct an east-west roadway from Washington Street west to River Road. This study identified the 57th Avenue corridor as the optimum location for this alignment. Since this appears to be a high County priority, its construction may occur prior to development.

The availability of roads and utilities, as well as the cost of infrastructure expansion, are factors that impact the cost of development. Therefore, these factors have a great influence on the timing of development. The timing of development is important because it will largely determine which roads get built first and which roads are available to serve the additional traffic.

The following observations were made concerning the timing of development and potential priority corridors:

- 57th Avenue will likely be constructed by Burleigh County within the next five years. This may lead to surrounding development.
- Developers are planning to extend Clairmont Road to the north to service new residential subdivisions. This will place added pressure on the Burnt Boat Drive/Tyler Parkway intersection, possibly heightening the need to extend Century Avenue.
- The public perceives that congestion and safety issues exist at the Ash Coulee Drive and Washington Street intersection. Further analysis should be undertaken to determine whether these issues occur for more than brief periods during the day. Washington Street corridor upgrades that have been programmed should address this intersection.

- Congestion during the morning drop off of the students at Horizon Middle School exists along Ash Coulee Drive. This congestion can be attributed to only one access to the school. An additional access point to Medora Avenue should be developed. There has been a joint effort between the school board and city to improve access to the school.
- Extension of Tyler Parkway or a corridor in the vicinity of Century Avenue would be an expensive endeavor for the City of Bismarck. It may be many years before either or both corridors can be funded. Therefore, choice of which one comes first appears to be an important decision for the City to make.
- A corridor extension in the vicinity of Century Avenue would pay the greatest dividends toward improving access to the Missouri River lowlands, and reducing congestion at Tyler Parkway and Burnt Boat Drive. Tyler Parkway would take the most traffic pressure off the Ash Coulee and Clairmont Road corridors.

B. Recommended City Actions

The City of Bismarck has the ability to use this Report as an important tool in responding to future development proposals in Northwest Bismarck. Yet, this alone does not adequately position the City to preserve future corridors and associated opportunities that exist today. There are a number of steps the City may consider in order to be more proactive in guiding optimum use of the undeveloped land in Northwest Bismarck:

1. Selection of Alternatives

A specific recommendation was not provided to select some alternatives alignments because selection could not be made without further analysis beyond the scope of the Study. Decisions for some corridor alignments will need to be made pending further analysis. These corridors include:

- Extension of Century Avenue (Burnt Boat Drive, Golf Drive and Direct Extension along current Century Avenue alignment remain options)
- Extension of 64th Avenue NW and Sonora Way
- Construction of the Tyler Coulee Corridor
- Extension of Ash Coulee Drive west of the Clairmont Road extension to River Road

2. Complete Environmental Documentation for Century Avenue and Tyler Parkway /Tyler Coulee Corridors

Environmental documentation activities for the Century Avenue and Tyler Parkway / Tyler Coulee corridors should be undertaken to ascertain that these corridors are viable and that the NEPA environmental process is followed.

3. Consider Policies that Promote a Mix of Employment Centers within Planned Residential Land Use

If current plans to develop the Northwest Subarea as primarily residential land become a reality, a high amount of future commuter traffic may result in traffic congestion on much of Bismarck's north side. Ideally, more people would have the opportunity to find work without having to leave northwest Bismarck when traveling to their work place.

Changes in policies and/or modifications in land use plans can be adopted to promote more mixed use development northwest of Bismarck. This could reduce traffic projections, resulting in less future traffic pressure on the entire transportation system.

4. Consider Policies and New Design Standards that Promote Context Sensitive Solutions and Complete Streets

Current City of Bismarck roadway Design Standards and policies do not specifically address context sensitive solutions and complete streets practices. Design elements including right of way needs, lane widths, placement of multimodal facilities and other design elements could be reassessed in relation to future land use and environmental characteristics.

Establishment of new standards and policies requires careful consideration and stakeholder involvement that was beyond the scope of this study. Therefore, it is recommended that the City of Bismarck review current standards and policies to improve the ability for future developments to incorporate context sensitive solutions and complete streets strategies.

5. Acquire Land for Fire Station Relocation (If Applicable)

This study considers an alternative that would extend Century Avenue directly west of Tyler Parkway (with no realignment). In order for this to occur, the City would need to relocate the fire station from the west side of Tyler Parkway.

The Fire Department personnel have indicated that the Fire Department's optimum service area would benefit by relocating to south of the Divide Avenue Interchange. Available vacant locations appear to be few, and unless the City acts in the near future, the cost of acquiring the needed land may increase significantly. Therefore, if the Century Avenue direct extension option is selected, it might be in the City's best interest to acquire property for a relocated fire station sooner rather than later.

6. Acquire Land for Century Avenue Extension (If Applicable)

Corridor right of way is often acquired through the platting process. In the case of the Century Avenue extension, it is unlikely that the land would be dedicated as street right of way through the platting process. It is unlikely because the Century Avenue extension would have limited developable property on either side of the extension.

Therefore, if the Century Avenue extension is to be constructed, the City may need to purchase the right of way for the roadway corridor.

7. Access Management During Platting and Development

This Report discusses the need for corridor preservation, while acknowledging that the understanding of ideal corridor development is changing with the advent of Complete Streets philosophy. Still, the existing north end of the Tyler Parkway corridor serves as a vivid reminder that unless access is managed, the ability for collector and arterial roads to safely and efficiently move future traffic can be left in doubt.

Until a more clear understanding of how additional access can be allowed in a complete streets context without significantly impeding the safety and mobility of vehicular traffic, it is advisable to follow current City ordinances pertaining to access control.

8. Identify Special Transportation Funding Mechanisms

There are limited financial resources available to construct new transportation facilities. Most often, available funding is spent to improve existing infrastructure rather than to build new roads. Therefore, it is common for new roads, roadway extensions, and other new transportation facility improvements to be made when land develops. This allows adjacent landowners to bear some (or all) of the cost for the improvements.

For future corridor improvement projects such as the extension or realignment of Century Avenue or the extension of Tyler Parkway, the City's current funding mechanisms may not work. In order for the City to fund these improvements, there may need to be new funding resources and/or mechanisms identified.

9. Plan for Orderly Extension of Utilities

This study recommends new transportation corridor alignments for northwest Bismarck. These new alignments may influence the desired locations for future utility extensions into northwest Bismarck (See Appendix C). Therefore, it would be prudent to revisit existing master plans and determine whether proposed future utility alignments should be modified to be more consistent with the recommended transportation corridor alignments identified in the northwest Bismarck Subarea Study.

10. Plan and/or Acquire Land for Future Parks and Schools

If northwest Bismarck ever completely fills in with urban residential development, there is potential for as many as 50,000 people to reside there. The 2007 Regional Future Land Use Plan has identified green space within northwest Bismarck that could be used for parks. However, almost all of this land is located in ravines, where grades are not conducive to certain types of park amenities, such as ball fields.

Ideally, there should be a regional park located in northwest Bismarck at some time in the future. This park should have 120 acres or more set aside with adequate flat land available to serve various desirable park functions. This regional park could use some of the flat land that overlooks ravines where additional green space and possible cultural resources are located.

Additionally, future schools will be needed to accommodate the students located within the new developments. Bismarck School District representatives should consider the need for future schools in this area and incorporate site acquisitions in their school development plans.

11. Prepare a Policy for Roundabout Implementation

Arterial and collector street intersections can be ideal locations for placement of a roundabout. Currently, there is no City or County policy to suggest if or where roundabouts should be considered, and what steps should be taken if a roundabout becomes the preferred method for traffic control.

Without a policy in place, it is likely that developers will choose to prepare plats with insufficient right of way and to implement traffic control that has lower initial costs. This could all occur to the detriment of traffic safety and mobility, as well as reduced aesthetics and sustainability for the region. Some municipalities and state governments have adopted policies that require roundabouts to be considered along with other forms of traffic control. Some entities have even gone as far as to require that other forms of traffic control must be proven more effective than roundabouts.

It is recommended that a new City/County policy be adopted that lays out the steps for roundabout consideration, as well as right of way requirements and how future plats will accommodate them.

12. Context Sensitive Corridor Recommendations

This study recommends that future corridor studies and development proposals within the study area incorporate a Complete Streets/Context Sensitive Solutions based approach to more effectively integrate a multi-modal transportation system into the study area. Prime corridors and locations which may especially benefit from this approach include:

- River Road, where strong consideration should be given to maintaining a two lane, limited access scenic route. Implementation of land use policies to preserve this scenic resource by limiting development within eyesight of the roadway in wooded areas is encouraged.
- Clairmont Road and Ash Coulee Drive, where the future development pattern is likely to remain largely residential; and opportunities exist to create a residential avenue that enhances or establishes a strong neighborhood character similar to the Historic Cathedral District.
- All functionally classified intersections of the recommended roadways in the Study Area where there is a strong opportunity to create effective neighborhood service centers that enhance or define the character of their neighborhoods.
- The recommended roadways located between 57th Avenue, Highway 1804, 15th Street NW and 28th Street NW (in Section 12 in Hay Creek Township) where a future commercial and mixed use center is identified in the Regional Future Land Use Plan.

13. Corridor Preservations Recommendations

This study recommends that future corridors be preserved through the platting and development processes. A summary list of the corridor alignment recommendations is provided as follows:

NORTHWEST SUBAREA ALIGNMENT RECOMMENDATION MATRIX				
Corridor Alignment	Key Element	Recommended	Not Recommended	Further Study
Ash Coulee Drive	Optional extension to Clairmont Drive	SRC ✓		
Ash Coulee Drive	Optional extension to River Road		SRC	✓
Burnt Boat Drive	Proximity to Interchange and Business Impacts		SRC	✓
Golf Drive Extension	Business Impacts East of Tyler Parkway		SRC	✓
Century Avenue Extension	Fire Station and Pinto Place Impacts	SRC		✓
Fernwood Drive Extension	Existing Alignment is Central / Parallels River	SRC ✓		
River Road Expansion	Environmental & Physical Constraints		SRC X	
Sandy River Road Extension	Need a Second Connection from Valley	SRC ✓		
57th Avenue North	Section Line / Limited Existing Development	SRC ✓		
64th Avenue North	Connection Need is Uncertain	SRC		✓
Clairmont Road	Planned North-South Traffic Carrier	SRC ✓		
Tyler Coulee	Cost / Environmental / Constructability Concerns		SRC	✓
Tyler Parkway	Direct Connection to Interchange / Limited Options	SRC ✓		

KEY

SRC = Study Review Committee Preferred Alignment

✓ = Study Recommendation

X = Fatal Flaw

**Major Permit Activity
January 2011**

Non-deeded Owner: Bremer Bank
Address: 710 South Washington Street
Cost: \$1,104,190.00
Description: Entryway and drive-through addition and interior alteration for a bank

Non-deeded Owner: Kobe Japanese Steakhouse
Address: 915 West Interstate Avenue
Cost: \$305,302.00
Description: Interior alteration for a restaurant

Permit Type	DATE SELECTION 1/2011											
	***** City *****				***** ETA *****				***** County *****			
	1/2011		1/2010		1/2011		1/2010		1/2011		1/2010	
Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	
SINGLE FAMILY DETACHED	2	290,481.00	3	479,684.00	1	181,010.00	0	.00	0	.00	0	.00
SINGLE FAMILY ATTACHED	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.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	1	2,520.00	0	.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	0	.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	1	134,350.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	0	.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	0	.00	0	.00	0	.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	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.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	0	.00	0	.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	0	.00	0	.00	0	.00	1	96,115.00	0	.00	0	.00
RESIDENTIAL GARAGES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
PATIOS AND COVERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	7	55,400.00	9	661,163.00	0	.00	1	32,000.00	0	.00	1	5,000.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	1	800.00	0	.00	0	.00	0	.00	0	.00	0	.00
BASEMENT FINISH	13	66,939.00	8	38,098.00	4	29,554.00	5	30,783.00	0	.00	1	6,650.00
INDUSTRIAL BUILDINGS	0	.00	1	5,200.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	3	400,260.00	4	194,100.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	1/2011	1/2010	1/2011	1/2010	1/2011	1/2010
	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	3	1,119,190.00	4	610,482.00	0	.00
OTHER	0	.00	0	.00	0	.00
ALTER PUBLIC	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00
OTHER	3	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00
NEW SIGN PERMIT	4	74,189.00	1	7,000.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
Permit Type Total	37	2,009,779.00	32	2,130,077.00	5	210,564.00
					7	158,898.00
					0	.00
					2	11,650.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits
Plumbing	24	14	3	1	0	0
Electrical	102	60	0	0	0	0
Mechanical	78	81	14	8	1	2
Drain Field	0	0	0	0	0	0
Hood Suppression	0	1	0	0	0	0
SprinklerStandpipe	0	0	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	204	156	17	9	1	2

DATE SELECTION 1/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010
SINGLE FAMILY DETACHED	2	3	1	0	0	0
GROUP QUARTERS	0	1	0	0	0	0
BASEMENT FINISH	1	1	0	1	0	0
Total	3	5	1	1	0	0

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION 01/2011	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2011-0000018	710 S WASHINGTON ST		BREMER BANK FACES LODGING CORPORATION	1,104,190.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETR *****		***** County *****							
	1/2011 Permits	1/2011 Valuation	1/2010 Permits	1/2010 Valuation	1/2011 Permits	1/2011 Valuation						
SINGLE FAMILY DETACHED	2	290,481.00	3	479,684.00	1	181,010.00	0	.00	0	.00	0	.00
SINGLE FAMILY ATTACHED	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.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	1	2,520.00	0	.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	0	.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	1	134,350.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	0	.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	0	.00	0	.00	0	.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	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	0	.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	0	.00	0	.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	0	.00	0	.00	0	.00	1	96,115.00	0	.00	0	.00
RESIDENTIAL GARAGES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
PATIOS AND COVERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	7	55,400.00	9	661,163.00	0	.00	1	32,000.00	0	.00	1	5,000.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	1	800.00	0	.00	0	.00	0	.00	0	.00	0	.00
BASEMENT FINISH	13	66,939.00	8	38,098.00	4	29,554.00	5	30,783.00	0	.00	1	6,650.00
INDUSTRIAL BUILDINGS	0	.00	1	5,200.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	3	400,260.00	4	194,100.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
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TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00
OTHER	3	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00
NEW SIGN PERMIT	4	74,189.00	1	7,000.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
	37	2,009,779.00	32	2,130,077.00	5	210,564.00
					7	158,898.00
					0	.00
					2	11,650.00

DATE SELECTION 1/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits	1/2011 Permits	1/2010 Permits
Plumbing	24	14	3	1	0	0
Electrical	102	60	0	0	0	0
Mechanical	78	81	14	8	1	2
Drain Field	0	0	0	0	0	0
Hood Suppression	0	1	0	0	0	0
SprinklerStandpipe	0	0	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	204	156	17	9	1	2

DATE SELECTION 1/2011

Living Units	City		ETA		County	
	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010	Units 1/2011	Units 1/2010
SINGLE FAMILY DETACHED	2	3	1	0	0	0
GROUP QUARTERS	0	1	0	0	0	0
BASEMENT FINISH	1	1	0	1	0	0
Total	3	5	1	1	0	0