



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
September 28, 2011

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

Item No. Page

MINUTES

- 1. Consider the approval of the minutes of the August 24, 2011 meeting of the Bismarck Planning and Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Lot 7, Block 11, Northern Pacific Addition - PUD Amendment (JT) ..... 1
Staff recommendation: deny [ ] schedule a hearing [ ] table [ ] deny
3. Lots 4 & 5, Block 6, Stonecrest 2nd Addition - Zoning Change (R10 to CG) (G2) ..... 23
Staff recommendation: schedule a hearing [ ] schedule a hearing [ ] table [ ] deny
4. Off-street Parking & Loading/Vehicle Stacking - Zoning Ordinance Text Amendment (Klee) ..... 27
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.

- 5. Part of Promontory Point IV - Annexation (G2) ..... 43
Staff recommendation: approve [ ] approve [ ] continue [ ] table [ ] deny

Bismarck-Burleigh County Community Development Department
221 North 5th Street • PO Box 5503 • Bismarck, ND 58506-5503 • TDD: 711 • www.bismarck.org





- 6. **Lot 14, Block 1, Kilber Addition – Annexation (Klee)**.....47  
*Staff recommendation: approve*                      approve    continue    table    deny
- 7. **Miriam Industrial Park 2<sup>nd</sup> Addition 1<sup>st</sup> Replat – Minor Subdivision Final Plat (JT)**..... 51  
*Staff recommendation: approve*                      approve    continue    table    deny
- 8. **Lot 1, Block 1, Schilling First Subdivision – PUD Amendment (JT)**.....57  
*Staff recommendation: approve*                      approve    continue    table    deny
- 9. **Lots 1-10, Block 68, Original Plat – Special Use Permit (parking lot) (JT)**..... 79  
*Staff recommendation: approve*                      approve    continue    table    deny

**OTHER BUSINESS**

- 10. **Other**

**ADJOURNMENT**

- 11. **Adjourn.** The next regular meeting date is scheduled for Wednesday, October 26, 2011.

Enclosure:            Minutes of the August 24, 2011 meeting  
                             Major Building Permits Report for August 2011  
                             Building Permit Activity Report for August 2011



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

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 7, Block 11, Northern Pacific Addition – Major PUD Amendment		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> 613 Development Corporation	<b>Engineer:</b> None	
<b>Reason for Request:</b> The applicant wishes to convert the existing property from its former uses as a salon, offices and apartments to a day care facility with offices and two apartments.		
<b>Location:</b> Along the east side of 3 <sup>rd</sup> Street North between East Avenue B and East Avenue C (613 North 3 <sup>rd</sup> Street).		
<b>Project Size:</b> 11,250 square feet	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> 3-story mixed-use building with two apartments, office space, vacant space formerly used as a salon with craft & gift sales, and off-street parking.	<b>Land Use:</b> 3-story, mixed-use building with two apartments, office space, salon, craft & gift sales, day care facility and off-street parking,	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> PUD – Salon, craft & gift sales, office space and two apartments	<b>Uses Allowed:</b> PUD- Day care facility, office space and two apartments	
<b>Maximum Density Allowed:</b> PUD – Two residential units	<b>Maximum Density Allowed:</b> PUD – Two residential units	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 10/86 (Lot 6) 04/87 (Lot 7)	<b>Platted:</b> 02/1915	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.</li> <li>2. The property was originally zoned as a PUD in April 1987. The allowable uses included a salon, offices and apartments. The PUD was amended in 2001 to include a craft &amp; gift sales as an allowable use. The salon was recently closed by its owners. The building owner/applicant has requested an amendment to the PUD to allow a day care facility</li> </ol>		
<i>continued...</i>		

3. Currently the applicant also owns the adjacent parcel to the south (611 North 3<sup>rd</sup> Street which is legally described as the north 50 feet of Lot 6, Block 11, Northern Pacific Addition) as a different entity. The property was acquired in 2002 to help accommodate additional parking demands. The lot to the south is primarily vacant; the only structure is a three-stall garage available for parking and storage. The partially developed lot was not included with the initial PUD and is not included in this request; however, the applicant has indicated that the off-street parking available on the adjacent lot would be utilized to support additional off-street parking needs for the building at 613 North 3<sup>rd</sup> Street. Planning staff has expressed a desire for the two lots to be combined as one parcel for the purpose of ensuring adequate parking would accompany the uses in the building located at 613 North 3<sup>rd</sup> Street. The applicant has indicated that the combination of the two separate lots could be accomplished pending a favorable outcome of his request to amend the PUD to allow a day care facility within the existing building.
4. The day care facility is intended to accommodate up to 58 children ranging in age from 0-12 years and 10 staff members. Based on this information provided with the application, 11 off-street parking spaces are required for the day care facility. Additionally, there shall be three off-street parking spaces provided for the apartments. Currently Lot 7 provides 17 parking spaces. With the additional parking available on the lot adjacent to the south, a total of 25 spaces would be provided.
5. Section 14-03-08(4)(r) of the City Code of Ordinances lists the requirements for a day care facility as a special use permit in any zoning district. A special use permit is not listed as an allowable use in a PUD zoning district; therefore, it is reasonable to ensure that a daycare facility in a PUD zoning district would meet the same requirements as a day care use in a different zoning district. The following five conditions would need to be satisfied: 1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per client. Work areas, office areas, and other areas not designed for use of the clients may not be counted in this computation; 2) Each lot shall provide an outdoor recreation area of not less than forty (40) square feet per client. The recreation area shall be fenced and located behind the building setback lines. Recreation areas shall be required only for those clients under twelve (12) years of age; 3) Adequate off street parking shall be provided at the following ratio: One space for each two employees and one space for each ten (10) clients; 4) Every sleeping room shall have at least one openable window or door approved for emergency escape or rescue; and 5) Day care centers shall conform to the Uniform Building Code and The Uniform Fire Codes which have been adopted by the City of Bismarck.
6. The City Traffic Engineer has expressed a concern with the proposed use of the property as a day care facility (see attached letter). The Traffic Engineer has stated that there is the potential for significant traffic impacts to 3<sup>rd</sup> Street traffic flow and the intersection of 3<sup>rd</sup> Street and Avenue C. 3<sup>rd</sup> Street is functionally classified a collector route and carries large volumes of traffic during AM and PM commute times. This facility is located south of the signalized intersection of 3<sup>rd</sup> Street and Avenue C with the northernmost driveway being located approximately 70 feet south of the intersection. This area is within the operational area of the intersection and will typically be inaccessible to southbound traffic during peak hours due to traffic stacking. There is an additional concern relating to the existing narrow driveways accessing this property and the ability of two motorists to utilize the driveways simultaneously. The Traffic Engineer and the applicant will meet to discuss potential improvements to the property that would ameliorate the above-listed concerns.

#### **FINDINGS:**

1. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include a mix of owner-occupied single-family dwellings, multi-family dwellings and the historic governors' mansion to the south east.

*continued...*

2. The proposed PUD amendment may not be compatible with adjacent land uses. Adjacent land uses include a mix of owner-occupied single-family dwellings, multi-family dwellings and the historic governors' mansion to the south east.
3. The proposed PUD amendment would place an undue burden on public services. In particular, the use of the property as a day care facility may adversely impact the traffic operations on 3<sup>rd</sup> Street and at the intersection of 3<sup>rd</sup> Street and Avenue C.
4. The proposed amendment may adversely affect property in the vicinity. In particular, the City Traffic Engineer has raised concerns regarding the traffic operations during peak commute times.
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed amendment is consistent with all adopted plans, policies and accepted planning practice

**RECOMMENDATION:**

Based on the above findings, staff recommends denial of the Major PUD Amendment for Lot 7, Block 11, Northern Pacific Addition.

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# Bismarck

Engineering Department

TO: Planning Department

From: Mark A. Berg, Traffic Engineer

RE: 613 North 3<sup>rd</sup> Street PUD – Day Care Facility

The proposed 58 child capacity could potentially create significant traffic impacts to 3<sup>rd</sup> Street traffic flow and the intersection of 3<sup>rd</sup> and Avenue C.

North 3<sup>rd</sup> Street is a collector route and carries large volumes of traffic during AM and PM traffic peaks. This typically coincides about same time parents pick up their children from daycare.

This facility is located south of the signalized intersection of 3<sup>rd</sup> Street and Avenue C.

The northern most driveway (71 Feet south) is in the operational area of the intersection and will typically be inaccessible to southbound traffic during peak hours due to traffic stacking. One southbound vehicle stopping to enter the daycare will stack traffic into the intersection of 3<sup>rd</sup> Street and Avenue C causing a breakdown of traffic movement and potential safety issues. This driveway also is minimal in width to allow ease of in and out traffic movements.

The southern driveway is approximately 16 feet wide. This is not sufficient to handle two-way traffic movements for ingress and egress. Minimum driveway width should be 24- 26 feet and desirable width of 30-feet provides for fluid traffic movements. The narrow driveway will only permit a one-way traffic flow.

After further investigation of the traffic movements at 3<sup>rd</sup> Street and Avenue C, during the afternoon peak traffic flow (4:30 PM to 5:30 pm) based on a traffic count dated 05/05/2010 traffic on the street will stack beyond either driveway into this property. This will result in exiting traffic being able to only turn right. Entering traffic attempting to make a left turn into the facility will block 3<sup>rd</sup> Street while waiting for an adequate gap to cross northbound traffic. This will impact southbound traffic at the signalized intersection at Avenue C.

On street parking is available along 3<sup>rd</sup> Street. This is a residential/rental neighborhood with limited off street parking for tenants. My office has received comments in the past from residents concerning limited on street parking.

If parents utilize on street parking along the west side of 3<sup>rd</sup> Street they may have a tendency to jaywalk across 3<sup>rd</sup> Street between stacked vehicles waiting for the traffic signal. This could potentially result in a pedestrian crash if they step out from between stacked vehicles.

**Melvin J. Bullinger, P.E., City Engineer**

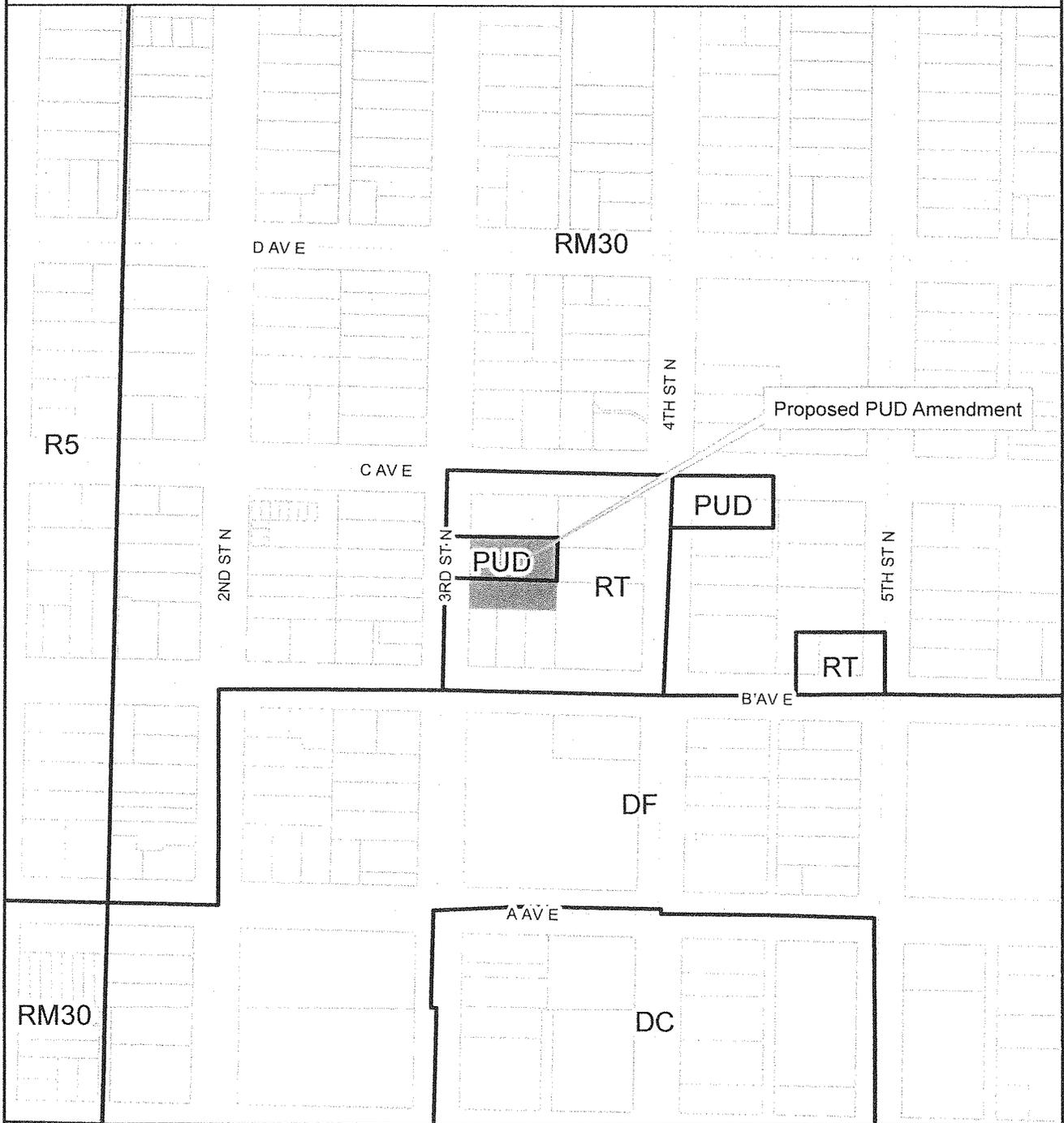
Phone: 701-355-1505 \* TDD: 711 \* FAX: 701-222-6593 \* 221 N. 4<sup>th</sup> Street \* P.O. Box 5503 \* Bismarck, ND 58506-5503

Based on the discussion above I would recommend denial of the change in the PUD to allow a daycare at this location.



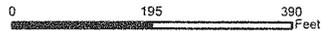
Mark A. Berg, Traffic Engineer

# Proposed PUD-Planned Unit Development Amendment The N50' of Lot 6 & Lot 7, Block 11, Northern Pacific Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: August 30, 2011 (kdg)

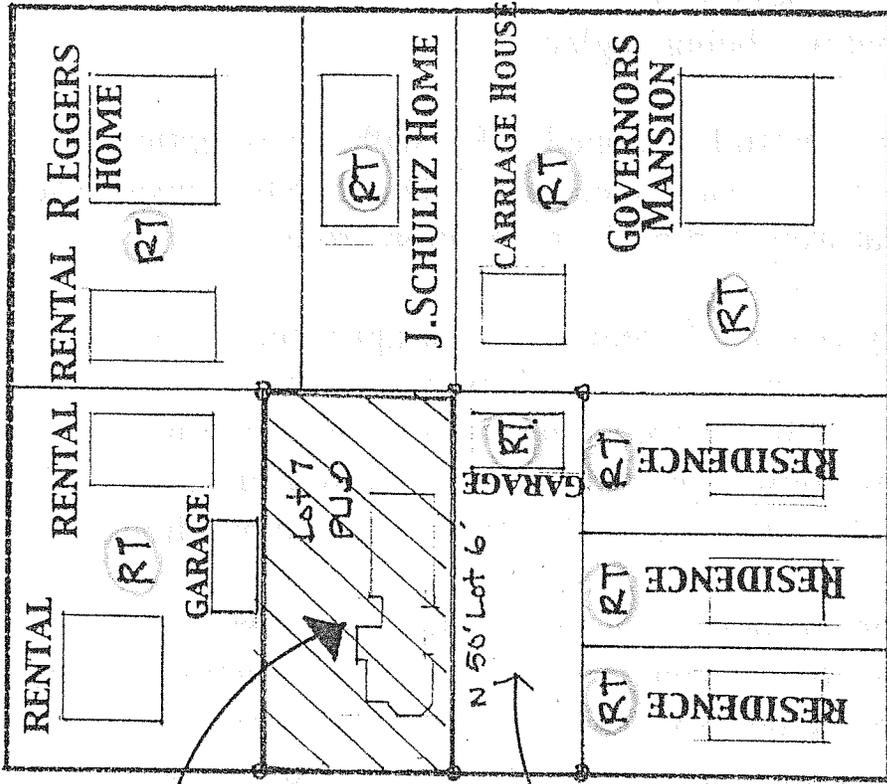
Source: City of Bismarck



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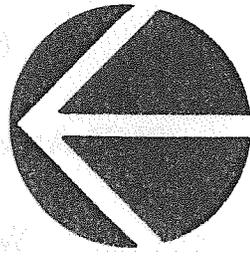
**SITE**  
**613**  
**N 3rd St.**

3RD STREET



AVE B

4TH STREET



north

1



THE  
GALPIN  
COMPANY  
P.O. BOX 710  
BOSTON, MA 02111  
(617) 258-6863

# Lot Ownership Map

Loren Galpin  
-owner-

613 N 3<sup>rd</sup> Street

PUD Amendment Zoning Request

Written Statement

In 1984 Loran Galpin Purchased the property at 613 N 3rd Street. At that time the building was a half empty property that had been divided up into a series of studio apartments to accommodate the pressure of the oil and coal boom in the 60's and 70's. It was a property in total disrepair.

Loran Galpin requested a PUD for the project and led the zoning effort to zone the rest of the block to RT so that future projects combining offices, multiple family apartments, condos or other designed approved uses that would begin to restore the neighborhood that was being neglected.

The block was successfully rezoned to RT with the exception of the 613 property which was zoned as a PUD due to the special use combinations that were part of the renovation project.

The 613 property was totally remodeled for apartments, offices and a salon. All interior and exterior walls were stripped bare, new electrical service, new plumbing, new heating cooling, new insulation, new windows, new roof and a total new interior on all levels. A new addition was added to the east of the building.

Due to its historical character, only the historical exterior of the property was able to be saved, since the earlier renovations during the energy boom had destroyed all of the interior detailing and character. The building was built in 1875 by the Russel's and has a history that involves Libby Custer. The original Carriage stone is still on site today,

Offices were created on the main floor along with a salon called Frankly Scarlet . The property was designed and structured around the salon , two business offices used for massage and consulting, and a two story apartment that was created for the floors two and three.

The property has remained as a salon until May 2011 when the owner closed their business . The apartment is one the most creative apartment suites in the downtown . It has had only two apartment tenants since its completion in 1985-86.

In 2003 Loran Galpin purchased the north 50 ft of lot 6 adjacent and to the south of the 613 . A new concrete parking lot was created and the existing 3 car garage on the east side of the lot was kept for parking and storage. The zoning of this lot is RT as is all properties located around 613 n 3r St ,except the Historical governor mansion on the corner of Ave B and 4<sup>th</sup> street .

Today after 26 years of being a building that had two offices , a salon , massage business offices ,and apartments we are asking for a PUD amendment that would permit us to add a Day Care Center to the uses that allowed in our PUD.

We do wish to keep the flexibility to permit a salon , offices , and apartments in the property in the future . However we see that the day care use is both appropriate and in keeping with the residential flavor of our property .

It offers:

1. A convenient and safe location to families working in and around downtown for their children
- 2.It has double the parking which adds to the ease for picking up and dropping off of the children.

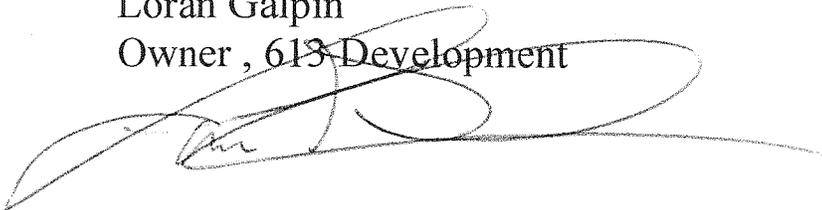
3. A fresh , sunlit environment in a residential setting for the children and the day care providers that will work in the center .
4. It retains the neighborhood theme while still encouraging a mix of uses that will hopefully help the surrounding neighborhood invest more in their properties.
- 5.The PUD Zoning Amendment is in keeping with the development of the property and is compatible with the uses permitted in the RT zoning surrounding the property .
6. The Queen Anne Victorian exterior character and historical theme of this property is a classic and it will remain as a significant property in the neighborhood.

**Our PUD Amendment request will utilize our building in the following manner .**

- Main floor 2510 sf Day Care
- Lower level 480 sf Day Care
- Basement laundry room 100sf : Day Care
  
- Upper two floors 1541 Sf + Basement laundry of 100 Sf Will remain as an apartment .

We respectfully request that our project be recommended for a public hearing to allow us to Create a new home for Perfect Start Day Care . We also request that the PUD continue to permit us to provide office, apartments and salon uses since they are in keeping with the PUD designation for this property .

Loran Galpin  
Owner , 613 Development



## Special use Permit for "Perfect Start" Day Care Center

Katie Oakland presently owns a Day Care Center called Perfect Start. She is seeking to expand and is looking for a business location that is convenient, visible, in a neighborhood setting, and in a property that will set a special character for her business and the little ones she cares for. Presently she serves approx 18-30 children but she will be expanding to approx. 55-58 children at 613 N 3<sup>rd</sup> street if her special use permit is granted and if the PUD Zoning Amendment request is approved.

To be approved the property must meet the following criteria:

### **I. Building must provide at least 35 sf per client for recreation and care. Work areas, office area and other areas not designated for clients use cannot be include in this space calculation ..**

The total interior floor area in the space rented by the Day Care Center including laundry room is 3,090 sf

Of this space the the following areas are not for client use

- Laundry 100 sf
- Restrooms 160sf
- One office 81 sf
- One play equipment room 90
- 

Total interior non -client space = 431 sf

- The balance of the space is dedicated to Client use areas for resting, play and learning
- Total space available for client use = 2659 sf
- Room required for interior recreation is 35 sf x 58 clients = 2030 sf

**\*\*\*The space exceeds the minimum required interior space by code\*\*\***

### **II. Outdoor recreation space must be not less than 40 sf per client**

- The outdoor play space is 20 x 45 = 900 sf
- A maximum of 18-20 will be scheduled for play at any one time.
- The Day Care Center is required to have 800 sf. of out door play area

**\*\*\*Proposed Outdoor Play exceeds the space area required by code.\*\*\***

### **III. Adequate off street parking Employees**

- 10 adult employees 1 parking space per two employees = 5 Spaces
- 58 clients 1 parking space per 10 clients = 6 spaces
- Total parking required = 11 spaces
- **Site has 25 spaces total**
- **2 spaces for apartment**
- **23 spaces for day care and visitors**

**\*\*\*Parking provide is double the number required .\*\*\***

### **IV. Sleeping rooms**

- Each sleeping room as a minimum of one window .
- There are three exit doors from the Day Care space .

**\*\*\*Sleeping room requirement are met or exceeded. \*\*\***

### **V. Conform to Uniform building and Fire Codes**

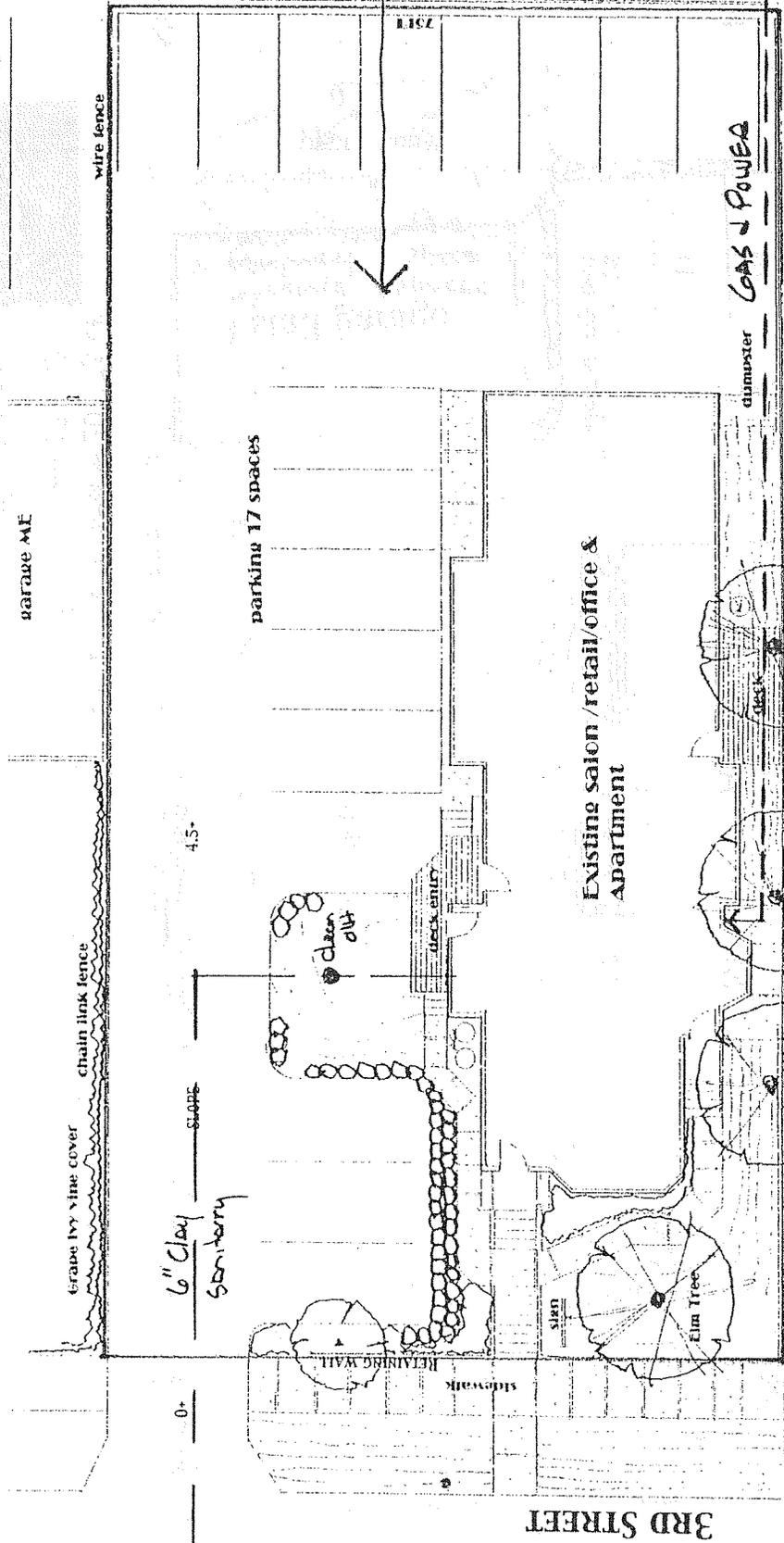
- Building was totally restored to commercial building codes .
- The property has been inspected yearly by the Bismarck Fire Inspections teams and we have met or exceeded their requirements at all times .
- Afire alarm is planned as a part of the tenant occupancy for thee property .

**\*\*\*Property does meet all city codes for fire and safety .\*\*\***

**We plan a walk through with the bldg or fire inspectors upon completion of the installation of the fire alarm system to make sure the space is fully compliant**

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MAIN FLOOR 2390 SF LOWER 450 SF  
 TWO STORY STUDIO/APARTMENT/ OFFICE  
 1056 SF 2ND FLOOR 535SF 3RD FLOOR  
 EASEMENT  
 LAUNDRY ROOM 150 SF  
 FURNACE ROOM & STORAGE 540 SF

**SITE PLAN**  
 613 N Third St  
 Existing PUD

Vacant Lot Mrs. Bill Cowan

UTILITY LOCATIONS  
 EXISTING CONDITIONS  
 \* INITIAL PUD IN 1985-86

2

CONTRACTS MANAGER

North

11-14-01

THEY CAN'T COPY THIS

SCALE 1/8"=1'-0"

John Schultz Home

cedar fence

John Schultz Home

704

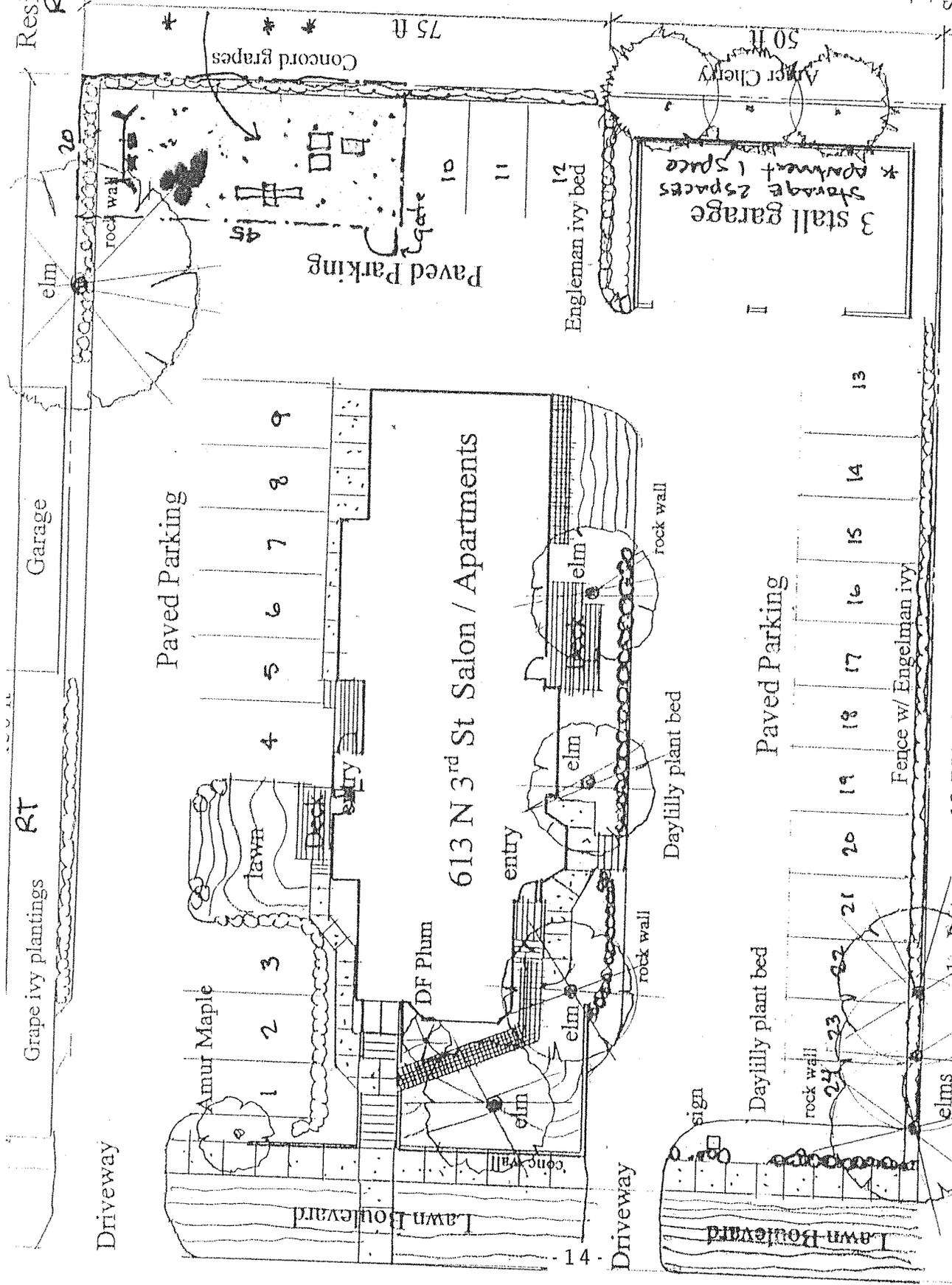
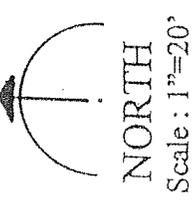
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Residential  
RT AUG 26 2011

Residential  
RT

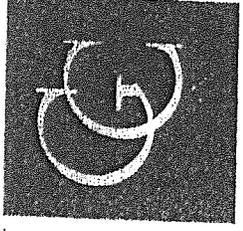
\* FENCED PLAY AREA  
910 SF.  
\* AREA = 800 SF  
\* 20 children supervised per play period.  
\* X 40 = 800 SF

Residential  
RT

24 parking  
+  
1 apt garage  
= 25 spaces



1. Dot area = 18,750 sf + boulevard 1625 sf = total area = 20,375 sf
2. Planting and landscape area = 3140 sf + boulevard lawn 1235sf
3. Total lawn and planting area = 4375 sf

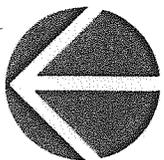


GAI PIN CO.  
P.O. Box 2567  
Dismark, ND 58502  
701-258-5665

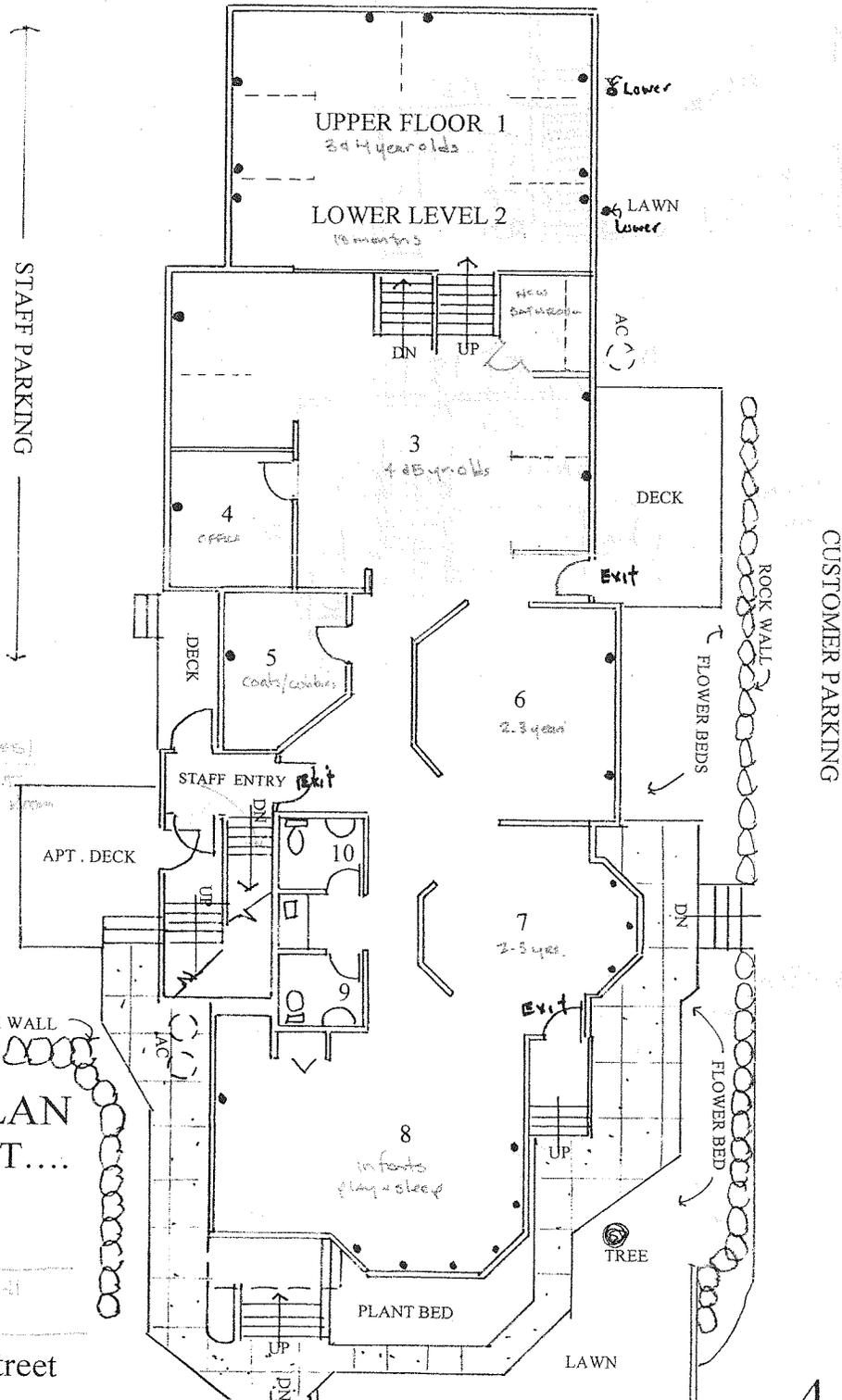
Residential-RT

Planting area = 21% of lot area.

Site Plan : 613 N Third Street  
Dismarck North Dakota



NORTH:  
SCALE 1/8" = 1'



LOWER LEVEL 480 SF  
MAIN FLOOR 2510 SF  
LAUNDRY 100 SF

- WINDOW LOCATIONS

# MAIN FLOOR PLAN ...613 N 3<sup>RD</sup> STREET...



EXHIBIT A  
8-16-11

Tenant 3<sup>rd</sup> Street



THE  
GALPIN  
COMPANY

P.O. Box 2567  
Bismarck, ND 58502  
(701) 258-6653

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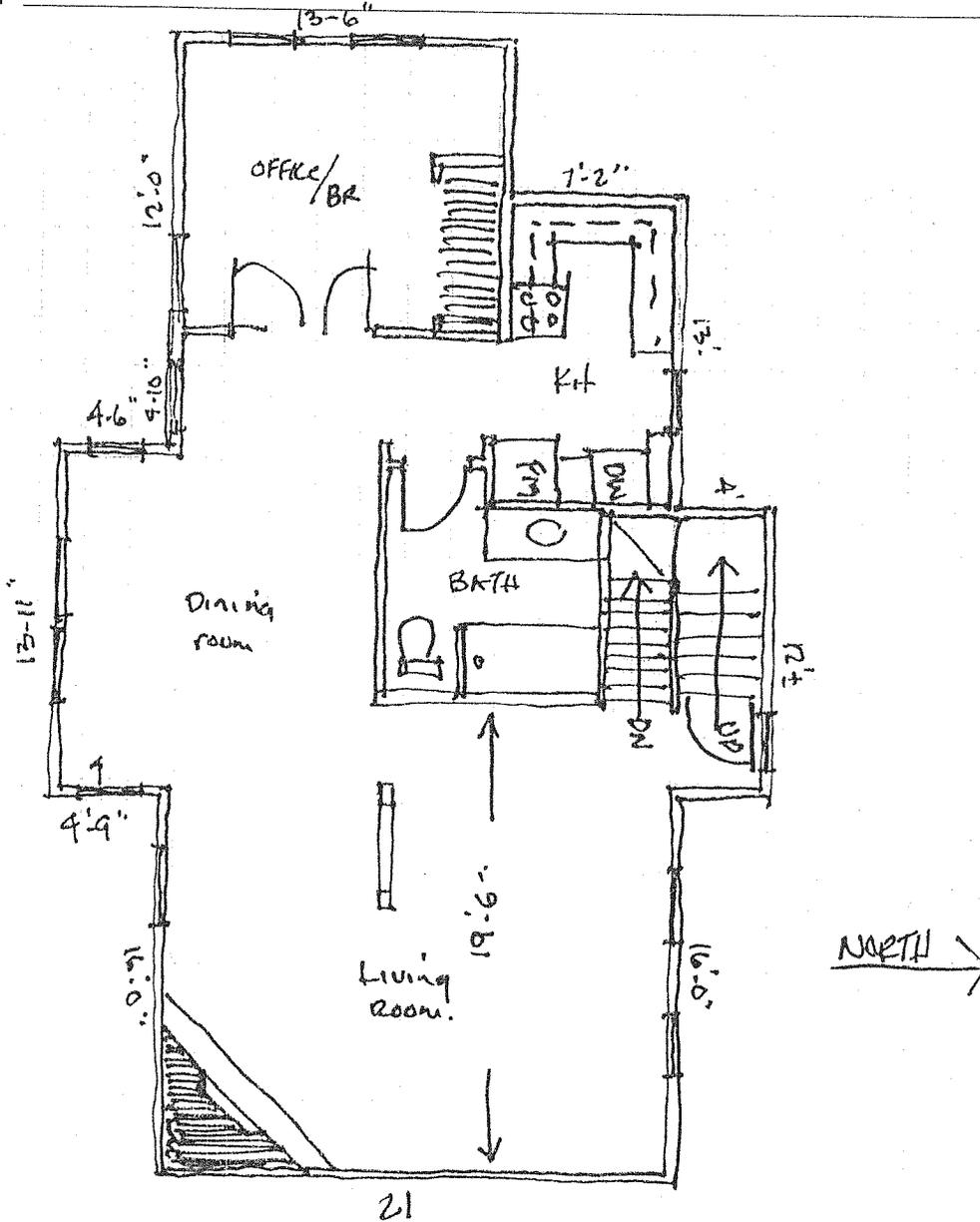
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PROJECT

613 APARTMENT PLAN

DATE

9-4-02



2nd FLOOR APARTMENT PLAN

1080 SF.

$\frac{1}{8}'' = 1'-0''$

+  
LOFT 461 SF

Total Floor = 1541 SF <sup>16</sup>; Laundry in lower level.

5



THE GALDIN COMPANY

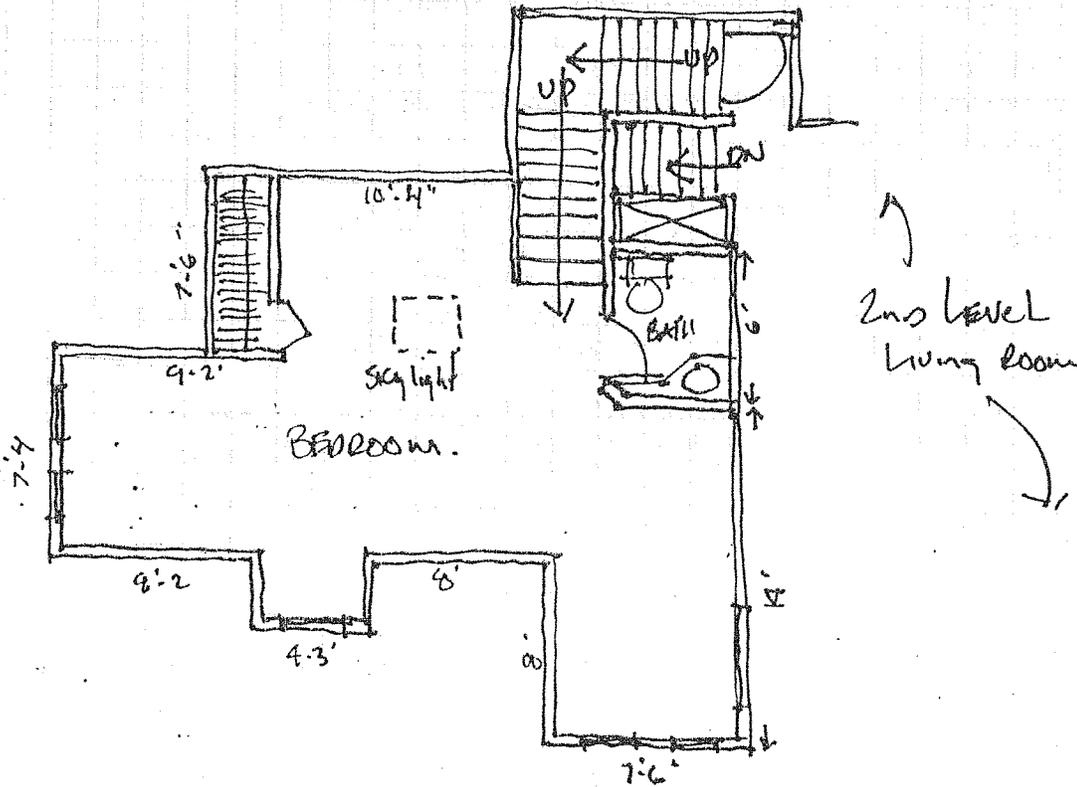
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PROJECT 613 APT. PLAN

DATE 9-4-02



3rd Floor LOFT BEDROOM

461 SF

$\frac{1}{8} = 1'-0"$

6

feet. Accessory buildings for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

All allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in size.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

*(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08)*

14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

1) The existing topographic character of the land;

2) Existing and proposed land uses;

3) The location of all existing and proposed buildings, structures and improvements;

4) The maximum height of all buildings;

5) The density and type of dwelling;

6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;

7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;

8) Proposed interior buffer areas between uses;

9) Acreage of PUD;

10) Utility service plan showing existing utilities in place and all existing and proposed easements;

11) Landscape plan; and

12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

1) A statement of the present ownership and a legal description of all the land included in the planned unit;

2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and

3) A copy of all proposed condominium agreements for common areas.

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form,

massing, texture, materials of construction, and type, size, and location of door and window openings:

1) Elevations of the front and one side of a typical structure.

2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.

b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

a. Proposal conforms to the comprehensive plan.

b. Buffer areas between noncompatible land uses may be required by the planning commission.

c. Preservation of natural features including trees and drainage areas should be accomplished.

d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.

e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.

b. All other changes in the planned unit shall be initiated in the following manner:

1) Application for Planned Development Amendment.

a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.

b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission.  
The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission.  
Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development

amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

END.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

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

1. Statement of purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

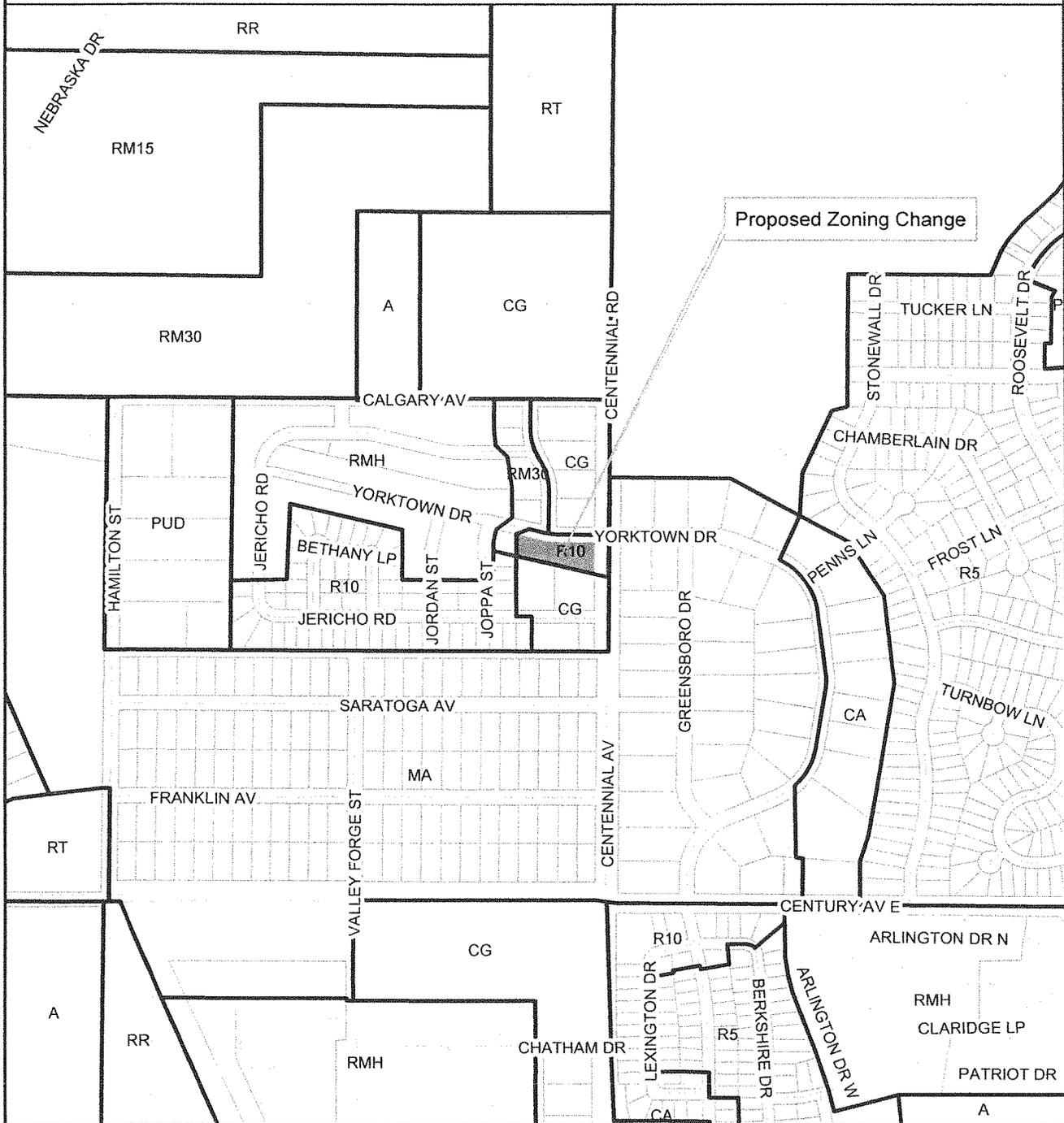
- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities located in special flood hazard areas such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges;
- f. To help maintain a stable tax base by providing for the use and development of special flood hazard areas so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is located in a special flood hazard area;

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

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 4 & 5 of Block 6 in Stonecrest Second Addition – Zoning Change (R10 to CG)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> Liechty Homes, Inc.	<b>Engineer:</b> Toman Engineering Company	
<b>Reason for Request:</b> Zone lots for commercial development (these two lots were left out of the earlier zoning change on this plat)		
<b>Location:</b> In northeast Bismarck, less than ½ mile north of Century Avenue on the west side of Centennial Avenue. (part of the N ½ of the SE ¼ of Section 23, T139N-R80W/ Hay Creek Township)		
<b>Project Size:</b> 1.21 acres	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Commercial	
<b>Zoning:</b> R10 - Residential	<b>Zoning:</b> CG-Commercial	
<b>Uses Allowed:</b> Single and two-family residential	<b>Uses Allowed:</b> Multi-family dwellings, offices, taverns, wholesale and heavy commercial	
<b>Maximum Density Allowed:</b> 10 units per acre	<b>Maximum Density Allowed:</b> 42 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 2001	<b>Platted:</b> April, 2011	<b>Annexed:</b> February, 2011
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Land Use Plan, which identifies the long range use of this area as general commercial west of Centennial Road (Bismarck-Mandan Regional Land Use Plan).</li> <li>2. The proposed zoning change is compatible with adjacent land uses and would not adversely affect property in the vicinity. Adjacent land uses include a church on a CG lot to the south; undeveloped CG and RM30 lots to the north; an undeveloped R10 lot to west, and undeveloped MA land to the east, across Centennial Road.</li> <li>3. The subdivision proposed for this property has already been annexed; therefore, the zoning change will not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from R10-Residential to CG-Commercial for Lots 4-5 of Block 6, Stonecrest Second Addition.		

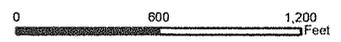
# Proposed Zoning Change

## Lots 4-5, Block 6, Stonecrest Second Addition

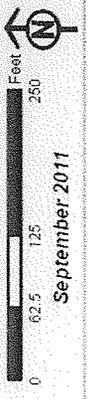
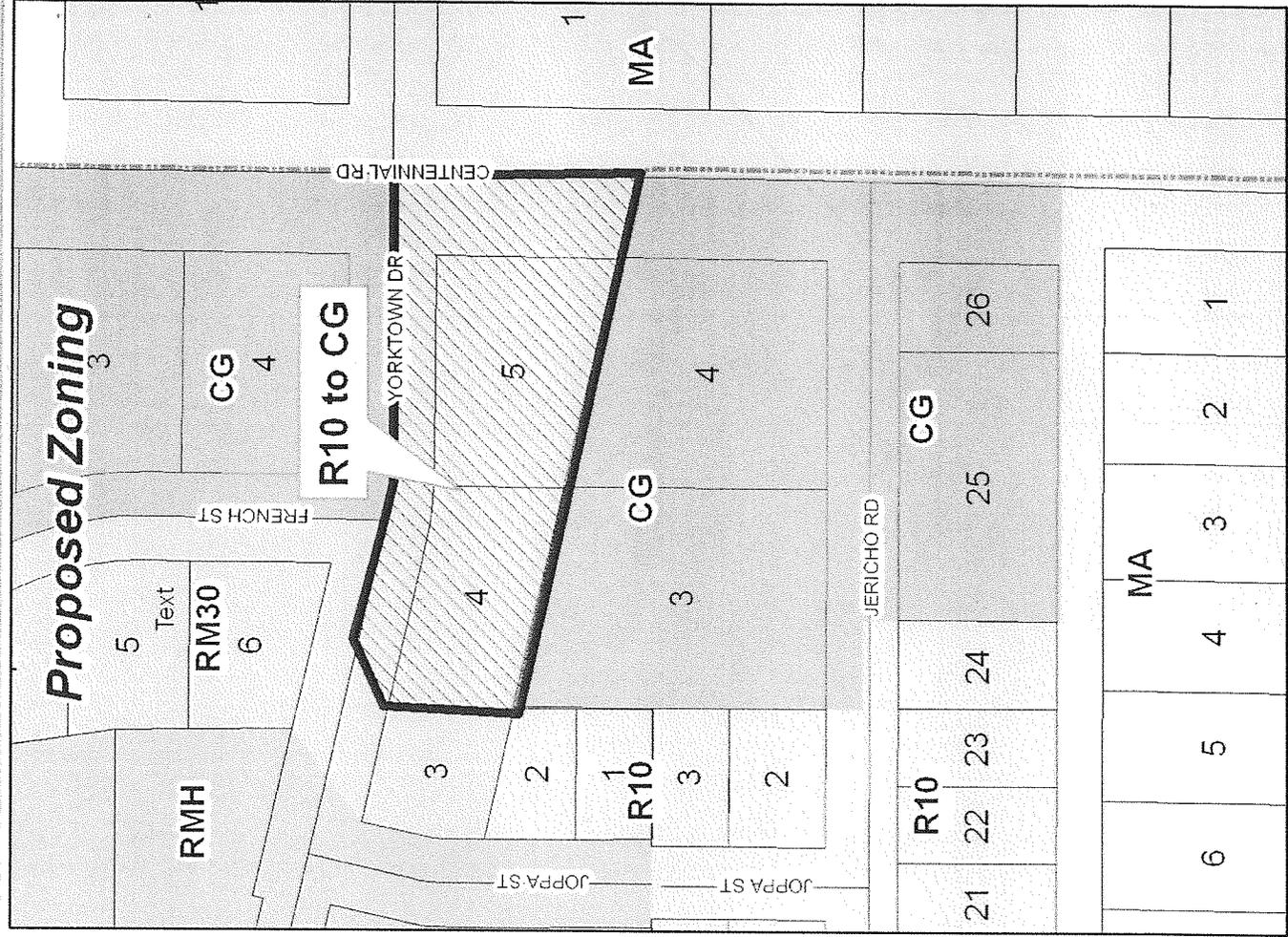
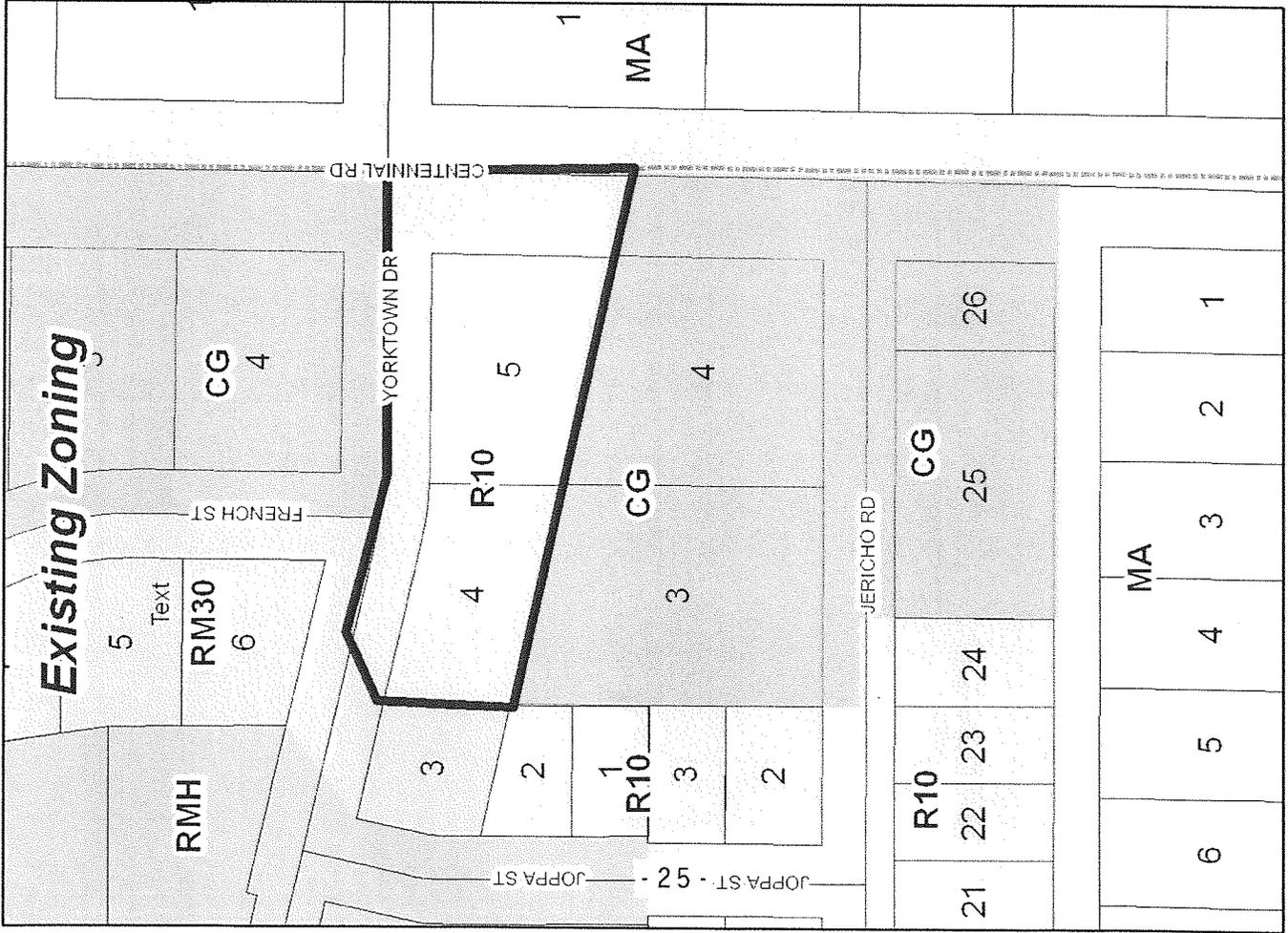


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: September 7, 2011 (kdg)

Source: City of Bismarck



# Stonecrest Second Addition Zoning Change - R10 to CG



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

September 2011



# 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 14-03-10 AND 14-04-21 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES, OFF-STREET PARKING AND LOADING, DOWNTOWN DISTRICT STANDARDS AND VEHICLE STACKING.

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.

\* \* \* \* \*

4. Permanent uses (planning commission approval).

\* \* \* \* \*

g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in banks only may also be permitted in a CA district) as a special use provided:

\* \* \* \* \*

3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of

this ordinance. In addition, ~~an ingress automobile parking reservoir~~ vehicle stacking spaces shall be provided on the premises in ~~conformance~~ accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

\* \* \* \* \*

m. Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, CR, MA or MB district as a special use, provided:

\* \* \* \* \*

2. Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. ~~There shall be vehicle holding spaces for at least three (3) full size passenger vehicles per wash bay provided on site.~~ In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, ~~These areas shall be~~ in addition to all common ingress and egress areas provided.

\* \* \* \* \*

Section 2. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

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

1. Off-street parking. Except as provided elsewhere in this section, 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 improvement or use, a site plan showing the required space designated as being reserved for off-street parking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate

of occupancy shall be issued unless the required facilities have been provided. Each required parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. The number of off-street parking spaces shall be provided on the basis of the following minimum requirements:

a. Dwellings:

1) Single-family and two-family dwellings - Two (2) spaces for each dwelling unit.

2) Multiple-family dwellings - One (1) space for each efficiency unit; one and one-half spaces for each one-bedroom unit; two (2) spaces for each two-bedroom unit; two and one-half (2.5) spaces for each three-bedroom unit or larger.

b. Rooming houses: One space for each sleeping room rented, plus two (2) additional spaces for the owner or operator of the rooming house.

c. Hotels and motels, including clubs: One space for each guest room. If in addition to sleeping rooms, patrons or residents are provided with assembly halls, bars, restaurants, nightclubs, retail shops, service establishments or other businesses, additional off-street parking spaces will be required for such other uses in accordance with the regulations of this section for such uses.

d. Hospitals: One space for each two patient beds plus one additional space for each two employees.

e. Restaurants, including bars, taverns, nightclubs, lunch counters, diners, drive-ins and all other

similar dining or drinking establishments: One space for each sixty (60) square feet of gross floor area. Patio area shall be included when calculating gross floor area. ~~When a drive-up take-out window is included, an ingress automobile stacking reservoir of not less than twelve (12) spaces serving each take-out window shall be provided.~~

f. Theaters: One space for each sixty (60) square feet of gross floor area.

g. Places of public assembly, including private clubs, lodges and fraternal buildings not providing overnight accommodations, assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, sport arenas, stadiums, gymnasiums, amusement parks, zoos, racetracks, fairgrounds, circus grounds, community centers, libraries, museums, and all other similar places of public assembly: One space for each sixty (60) square feet of gross floor area.

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

1) In a RT, CA, CB, CG commercial and MA industrial district - Off-street parking shall be provided in an amount equivalent to one space for each two hundred (200) square feet of gross floor space area on the ground floor, plus one space for each three hundred (300) square feet of gross floor area in a basement or any story above the ground floor; except that a furniture store shall have one space for each six hundred square feet of gross floor area.

2) In a CR commercial zone - Off-street parking shall be provided in an amount equivalent to five 5.0 spaces per thousand square feet of gross leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the Building Official.

i. Office buildings, adult or vocational education facilities, engraving works, blueprinting, and small animal veterinary clinics, including commercial, governmental and professional buildings, except as otherwise provided for in this section: One space for each two hundred fifty square feet of gross floor area.

j. Manufacturing and industrial plants, public utility buildings, contractor equipment yards, soft drink bottling establishments, fabricating plants and all other structures devoted to similar industrial pursuits: One space for each manufacturing employee on the largest shift, plus sufficient space to park all company-owned or leased vehicles including passenger automobiles, trucks, tractors, trailers and similar company-owned motor vehicles, plus one space for each two hundred fifty square feet of office area.

k. Terminal facilities, including airports, railroad, passenger and freight stations, bus depots, truck terminals and all other similar personal or material terminal facilities: Off-street parking space in an amount determined by the board of adjustment to be adequate to serve the public as customers, patrons and visitors, plus space to provide one off-street parking space for each employee plus space to provide off-street parking for all owned, leased or operated commercial vehicles, buses and similar motor vehicles.

l. Schools, including colleges, elementary schools, junior and senior high schools, whether public, private or parochial: One space for each employee, plus additional space for any places of public assembly in accordance with the requirements set forth in this section for such uses. In addition, all senior high schools and colleges shall provide one space for every five students.

m. Sanitariums, asylums, orphanages, adult or disabled care centers, convalescent homes, and similar institutions: One space for each four patient beds, plus one additional space for each employee.

n. Wholesale, warehouses and storage buildings, lumberyards and all other similar facilities. One

space for each six hundred (600) square feet of storage area. Retail and office areas shall meet the requirements of subsections h. and i. of Section 14-03-10 of the Zoning Ordinance.

o. Mortuary or funeral homes: One space for each four seats for patron use or one space for each sixty square feet of building area, whichever is greater.

p. Day care center: One space for each employee and one space for each ten children.

q. Animal hospital: Three spaces per doctor and one and one-half (1-1/2) additional spaces for every employee.

r. Senior Citizen Housing: .65 space for each living unit.

s. Filling stations: Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five spaces for each service stall or bay on the premises.

t. Motor vehicle repair garages: Two spaces per repair stall.

u. Churches and other religious institutions: One space for each sixty (60) square feet of gross floor area in the largest assembly area.

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least twelve (12) feet wide and twenty (20) feet in length. All vehicle stacking spaces

shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

<u>Type of use</u>	<u>Minimum number of stacking spaces</u>	<u>Measured from</u>
<u>Financial institution - ATM</u>	<u>3 spaces per lane</u>	<u>Kiosk</u>
<u>Financial institution - teller</u>	<u>4 spaces for first lane, 3 spaces for each additional lane</u>	<u>Window or pneumatic tube kiosk</u>
<u>Drive-through restaurant</u>	<u>12 spaces</u>	<u>Pick-up window</u>
<u>Drive-through coffee shop</u>	<u>10 spaces</u>	<u>Pick-up window</u>
<u>Car wash, automatic</u>	<u>6 spaces per bay</u>	<u>Entrance</u>
<u>Car wash, self-service</u>	<u>3 spaces per bay</u>	<u>Entrance</u>
<u>Drive-through car service (quick lube/oil change)</u>	<u>3 spaces per bay</u>	<u>Entrance</u>
<u>Drive-through pharmacy</u>	<u>3 spaces</u>	<u>Window</u>
<u>Drive-through cleaners</u>	<u>3 spaces</u>	<u>Window</u>
<u>Drive-through photo lab</u>	<u>3 spaces</u>	<u>Window</u>

For uses not specified above, the Planning and Zoning Commission shall determine the appropriate number of spaces required based on the requirements for a similar use.

23. Off-street loading. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a ~~plot~~ site plan showing the required space or structural design for off-street loading purposes to be provided in connection with such building, improvement or use, in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided in accordance with those shown on the approved plan. Such off-street loading space shall be provided in accordance with the following minimum requirements:

a. Each department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishment, retail establishment, storage warehouse or wholesale establishment which has an aggregate gross floor area of twenty-five thousand (25,000) square feet or more, arranged, intended or designed for such use, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Such Use	Required Number of Berths
25,000 but less than 40,000 . . . . .	1
40,000 but less than 100,000 . . . . .	2
100,000 but less than 160,000 . . . . .	2
160,000 but less than 240,000 . . . . .	4
240,000 up to and including 320,000 . . . . .	5
For each additional 90,000 . . . . .	1 Addl

b. Each multifamily dwelling having ten (10) dwelling units - One off-street loading berth for ten (10) up to and including thirty (30) dwelling units, plus one additional off-street loading berth for each additional thirty dwelling units.

c. Each auditorium, convention hall, exhibition hall, funeral home, hotel, office building, restaurant, sports arena, hospital or welfare institution which has an aggregate gross floor area of fifty thousand (50,000) square feet or more used or intended to be used for service to the arranged, intended or designed uses - One off-street loading berth for fifty thousand (50,000) square feet up to and including two hundred fifty thousand (250,000) square feet and one additional berth for each additional two hundred thousand (200,000) square feet of floor area.

d. In computing the ground coverage of the principal building and all accessory buildings for any nonresidential use, sufficient area shall be added to the actual area of the principal building and all accessory buildings to provide off-street parking as required by section 14-03-10 of this ordinance.

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

45. Continuing character of obligation. The schedule of requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this section to discontinue, change or dispense with, or to cause the discontinuance or change of the required vehicle parking or loading spaces apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets with the requirements of and is in compliance with this section. It shall be unlawful for any firm or corporation to use such building without acquiring such land or other suitable land for vehicle parking or loading space which meets with the requirements of and is in compliance with this article.

56. Fractional measurements. When units or measurements determining number of required off-street parking and off-street loading spaces result in the requirements of a fractional space, any fraction up to and including one-fourth shall be disregarded, and fractions over one-fourth shall require one off-street parking or off-street loading space.

67. Off-street parking and loading requirements in certain zoning districts. In that section of the city described as follows: Commencing at the intersection of the east line of Ninth Street and Thayer Avenue; thence south on

Ninth Street to a point one hundred fifty feet south of the south boundary line of Main Avenue being the center line of the Burlington Northern Railway Company right-of-way; thence west along the said center line of the Burlington Northern Railway Company right-of-way to the west line of Seventh Street extended; thence south to the center line of Bowen Avenue; thence west along the center line of Bowen Avenue to Fifth Street; thence north along the center line of Fifth Street to Front Avenue; thence west along the center line of Front Avenue to Third Street; thence north on Third Street one hundred fifty feet to the center line of the Burlington Northern Railway Company right-of-way; thence west along the center line of the Burlington Northern Railway Company right-of-way to the east line of Washington Street extended; thence north along the east line of Washington Street to the northwest corner of Lot 24, Block 84, Original Plat; thence east from the northwest corner of Lot 24, Block 84, Original Plat to the southwest corner of Lot 6, Block 84, Original Plat; thence north from the southwest corner of Lot 6, Block 84, Original Plat to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the east line of Mandan Street; thence north along the east line of Mandan Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of First Street; thence south along the east line of First Street to the northwest corner of Lot 18, Block 110, Original Plat; thence east from this point to the east line of Second Street; thence north along the east line of Second Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of Third Street; thence north along the east line of Third Street to the south line of Avenue A; thence east along the south line of Avenue A to the east line of Lot 4, Block 26, Northern Pacific Second Addition; thence south from this point along the center line of Block 26, Northern Pacific Second Addition and Block 126, Original Plat to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the west line of Eighth Street; thence south along the west line of Eighth Street to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the point of beginning, the following off-street parking provisions shall apply:

- a. For any new building replacing a building existing at the date of this article, a new building being constructed on vacant land or any building in

which the floor space is increased by any additions or structural alterations, off-street parking space will not be required under this article, but will be provided by the City of Bismarck, as the governing body of this city may from time to time provide by eminent domain, or other authorized legal means, and assess against the benefited property.

b. Notwithstanding any other requirements of this section relative to off-street parking, off-street loading shall be provided as designated elsewhere in this section.

78. Location of required parking and loading facilities. The off-street parking facilities required by this section shall be on the same lot or parcel of land as the structure they are intended to serve; provided, however, when practical difficulties, as determined by the board of adjustment, prevent the establishment of such facilities upon the same lot or parcel, they shall be furnished within four hundred feet of the premises to which they are appurtenant. The off-street loading facilities required by this section shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this article. All required off-street parking and loading facilities along with all ingress and egress driveways thereto shall be zoned adequately for the principal use which they are intended to serve.

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

off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or tractor-trailer combinations to back into them from a street or out of them into a street.

910. Use of required off-street parking by another building. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly required for another building or use unless the type of structure indicates that the periods of usage for such structures will not be simultaneous with each other, as determined by the board of adjustment.

1011. Maintenance of public off-street parking places provided. All off-street parking facilities for the use of the public required pursuant to the provisions of this section shall be paved, drained, lighted and periodically maintained by the owner in accordance with specifications of the city engineer, and such facilities shall be arranged for convenient access and safety of pedestrians and vehicles. No open area in an off-street parking area shall be encroached upon by buildings, storage or any other use; nor shall the number of parking spaces be reduced except upon the approval of the board of adjustment and then only after proof that, by reason of diminution of floor space, seating capacity, number of employees, or change in other factors controlling the regulation of the number of parking spaces, the proposed reduction is reasonable and consistent with the intent of this section.

1112. Collective action relative to off-street parking and loading. Nothing in this title shall be construed to prevent the joint use of off-street parking or off-street loading space for two or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this section.

1213. Mixed uses. In the case of mixed uses, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in subsections 1 and 2 of this section, and the off-street parking and

off-street loading space for one use shall not be considered as providing the required off-street parking or off-street loading space for any other use.

1314. Nonconforming uses. In the case of nonconforming uses where major repairs, substantial alterations or extensions are made, no such major repairs, substantial alterations or extensions shall be permitted unless and until the off-street parking and off-street loading facility space requirements of this section, so far as they apply to the use to which such building is devoted, shall be fully provided for. Provided, however, this item shall not apply to the rebuilding of nonconforming uses that are being rebuilt according to section 14-03-09 of the zoning ordinance, or to structures located upon lots in districts being assessed for city-operated parking lots.

1415. Vacant lots. Vacant lots may be used for temporary off-street parking purposes if they meet the following criteria:

a. Location. Lot is located not more than six hundred (600) feet in distance from a parking district boundary.

b. Surfacing. Lot shall be surfaced and said surfacing shall be approved by the city engineer.

c. Access. Lot shall have separate ingress and egress driveways and said driveways shall be approved by the city engineer.

d. Minimum size. Lot shall be of sufficient size to contain not less than ten (10) automobiles, with each parking space at least nine (9) feet wide and twenty feet long, in addition to the ingress and egress driveways required.

e. Permit. Lots shall be authorized by the issuance of a certificate of occupancy from the director of inspection's office following compliance with and receipt of approval of items a, b, c and d described above.

*(Ord. 4117, 12-30-86; Ord. 4213, 8-02-88; Ord. 4323, 4-24-90; Ord. 4236, 1-17-89; Ord. 4325 and 4326, 4-24-90 & 5-01-90; Ord. 4333, 6-05-90; Ord. 4332, 6-05-90; Ord. 4336, 7-31-90; Ord. 4770, 06-25-96; Ord. 4821, 02-25-97; Ord. 4863, 08-12-97; Ord. 4936, 09-08-98; Ord. 5206, 10-08-02; Ord. 5207, 10-08-02; Ord. 5247, 04-*

22-03; Ord. 5295, 02-24-04; Ord. 5501, 04-25-06; Ord. 5527, 06-27-06; Ord. 5693, 09-23-08; Ord. 5728, 05-26-09)

Section 2. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the CA Commercial District is hereby amended and enacted to read as follows:

14-04-21. Downtown Districts.

\* \* \* \* \*

14-04-21.1 DC Downtown Core District.

\* \* \* \* \*

5. Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Section ~~14-04-2103-10~~ 14-03-10. Off-street parking shall not be required for properties within the Downtown Parking District.

\* \* \* \* \*

14-04-21.4 Use Standards.

\* \* \* \* \*

2. Drive-through Facilities.

\* \* \* \* \*

b. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, ~~an ingress automobile parking reservoir of no less than 12 spaces per window~~ vehicle stacking spaces shall be provided on the premises in conformance with Section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

\* \* \* \* \*

10. Retail Sales and Service - Convenience Store/Gas Station.

\* \* \* \* \*

e. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, for car wash facilities, an ~~ingress automobile parking reservoir of no less than three (3) spaces per wash bay~~ vehicle stacking spaces shall be provided on the premises in accordance with Section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

\* \* \* \* \*

17. Vehicle Service, Limited.

\* \* \* \* \*

c. Adequate off-street parking shall be provided in conformance with Section 14-03-10 of this ordinance. In addition, for car wash facilities, an ~~ingress automobile parking reservoir of no less than three (3) spaces per wash bay~~ vehicle stacking spaces shall be provided on the premises in accordance with Section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.

\* \* \* \* \*

Section 4. 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.

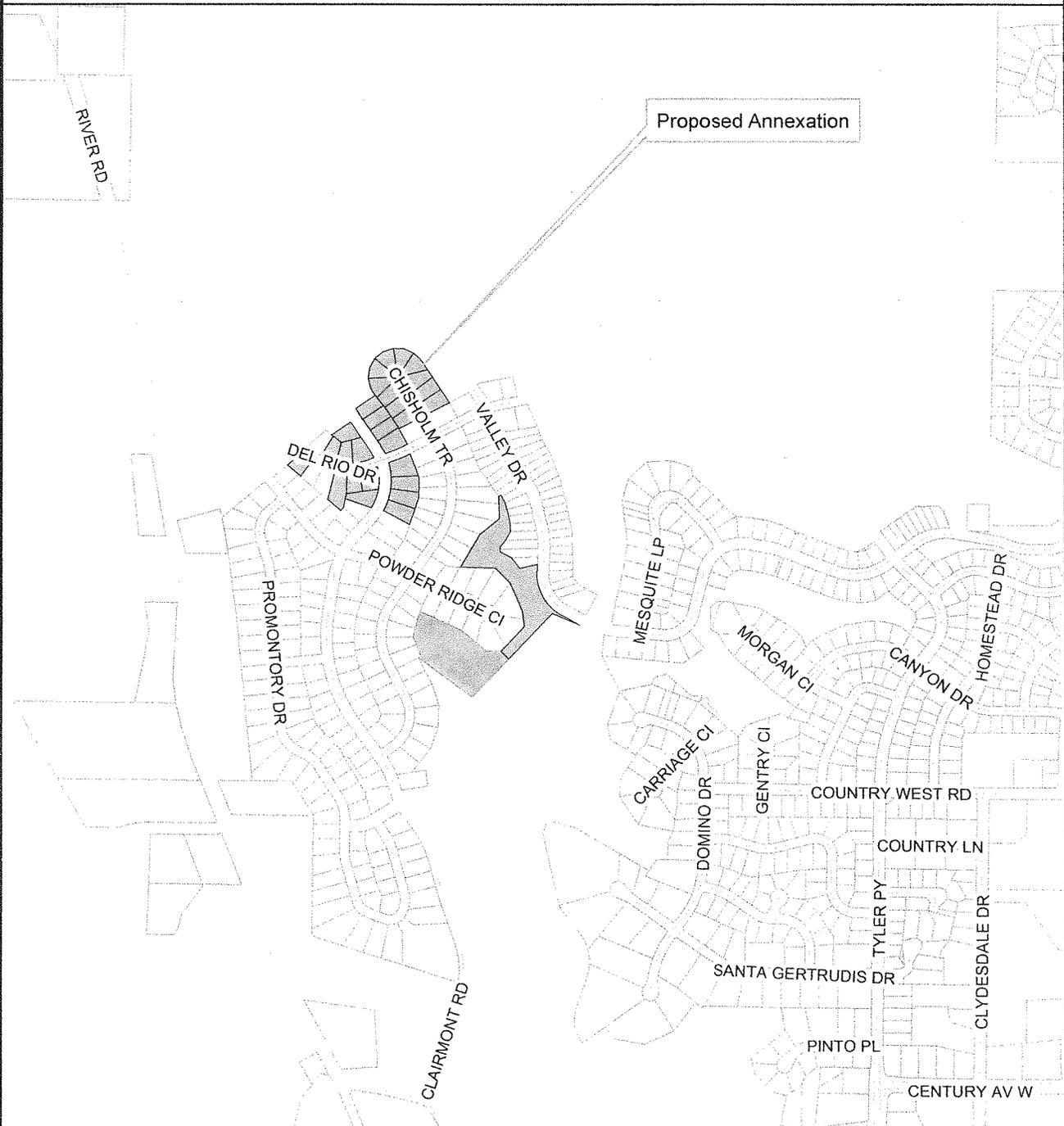
Section 5. Effective Date. This ordinance shall take effect following final passage and adoption.



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

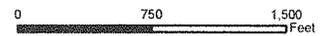
<b>BACKGROUND:</b>	
<b>Title:</b> Promontory Point IV – Annexation (part)	
<b>Status:</b> Planning Commission – Final Consideration	<b>Date:</b> September 28, 2011
<b>Owner(s):</b> Wachter Development Inc. (Lance Wachter)	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> To annex this land for development of an urban residential subdivision.	
<b>Location:</b> In northwest Bismarck on the plateau located between Tyler Coulee and River Road (in the SE ¼ of Section 24, T139N- R81W/ Hay Creek Township and in the W ½ of Section 19, T139N- R80W/Hay Creek Township)	
<b>Project Size:</b> 17.26 acres	<b>Number of Lots:</b> 30 lots in 5 blocks
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Platted & zoned, but undeveloped	<b>Land Use:</b> Residential
<b>Zoning:</b> R10-Residential and P-Public	<b>Zoning:</b> R10-Residential and P-Public
<b>Uses Allowed:</b> Single and two-family residential and public uses	<b>Uses Allowed:</b> Single and two-family residential and public uses
<b>Maximum Density Allowed:</b> R10 = 10 units per acre P-Public = no residential development	<b>Maximum Density Allowed:</b> R10 = 10 units per acre P-Public = no residential development
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>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.</li> <li>2. There is currently only one access road serving the existing Promontory Point developments. Valley Drive will provide the second access and will be constructed prior to building permits being issued for the lots within the outlined area shown in Exhibit A.</li> <li>3. The proposed annexation would not adversely affect property in the vicinity.</li> <li>4. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.</li> <li>5. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.</li> </ol>	
<b>RECOMMENDATION:</b>	
Based on the above findings, staff recommends annexation of Lots 9-12 & 15, Block 5; Lots 4-7, Block 6; Lots 1-4, Block 7; Lots 3-13 & 15-18, Block 8 and Lots 29-30, Block 9, Promontory Point IV.	

# Proposed Annexation Parts of Promontory Point IV



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: August 30, 2011 (kdg)

Source: City of Bismarck





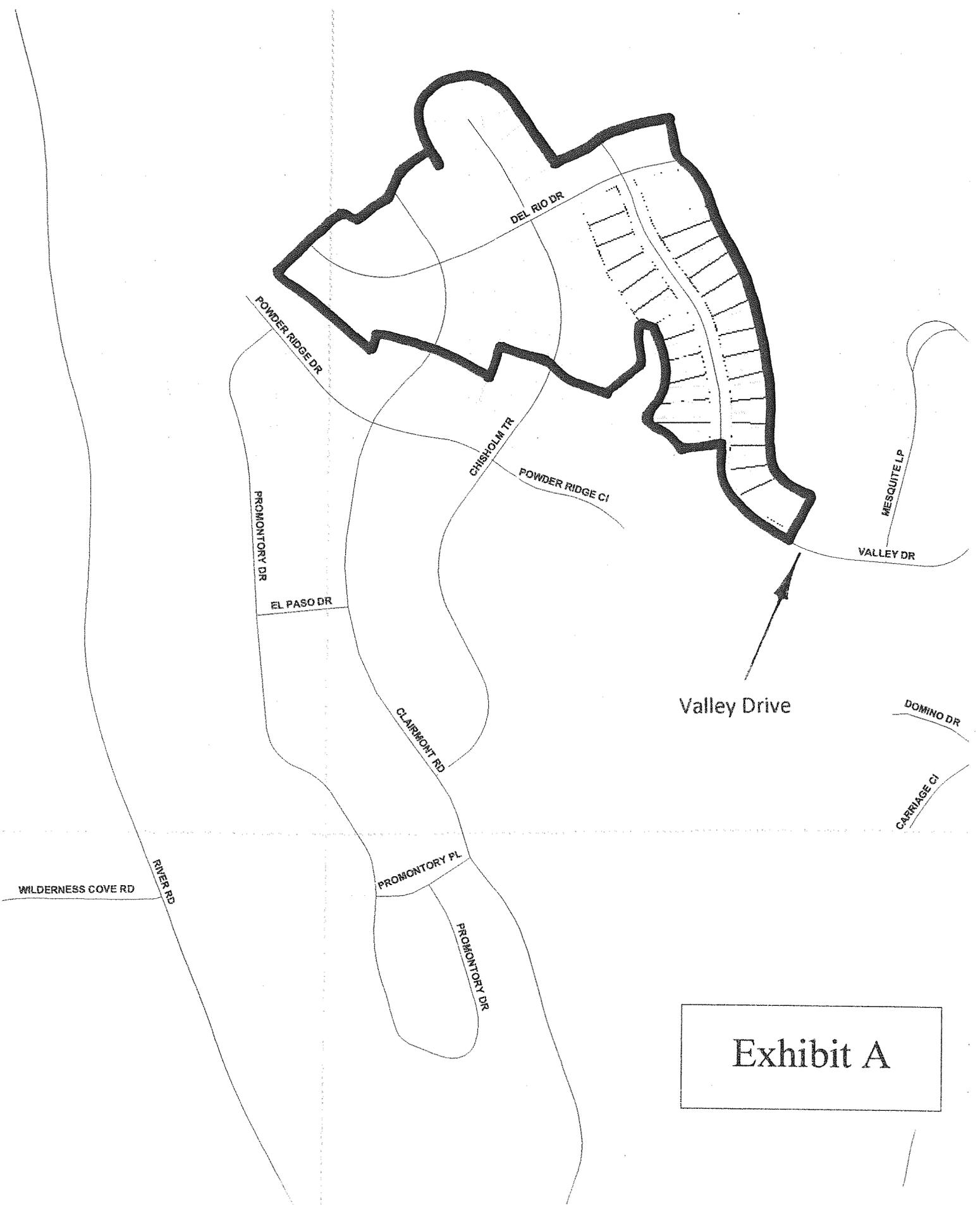
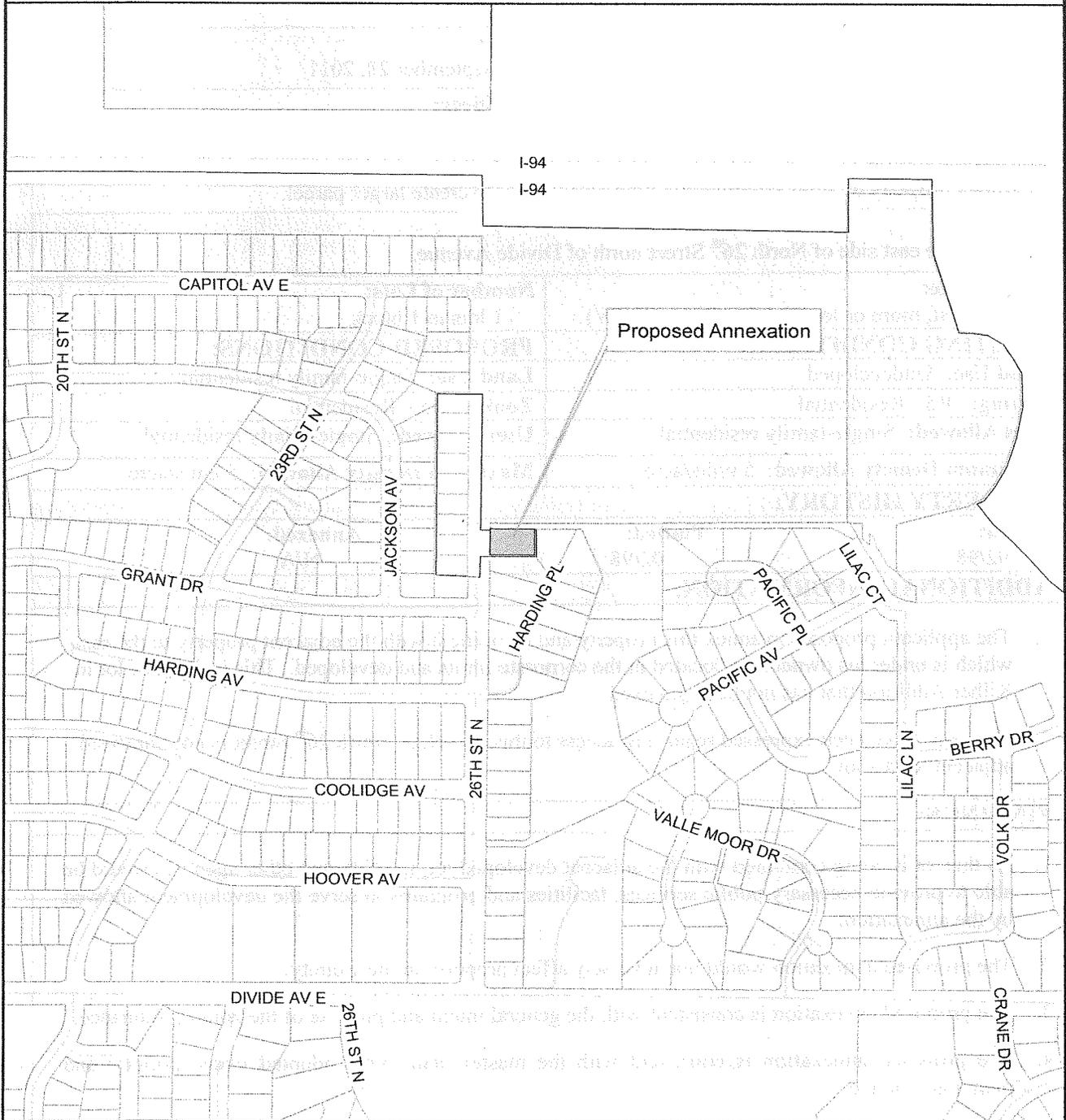


Exhibit A

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

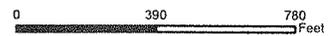
<b>BACKGROUND:</b>		
<b>Title:</b> Lot 14, Block 1, Kilber Addition – Annexation		
<b>Status:</b> Planning Commission – Final Consideration	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> Dennis Senger	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Annex property to allow combination with adjacent lot to create larger parcel.		
<b>Location:</b> Along the east side of North 26 <sup>th</sup> Street north of Divide Avenue.		
<b>Project Size:</b> 18,164 sf, more or less (lot & adjacent ROW)	<b>Number of Lots:</b> 1 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R5 - Residential	<b>Land Use:</b> Single-family residential	
<b>Uses Allowed:</b> Single-family residential	<b>Zoning:</b> R5 – Residential	
<b>Maximum Density Allowed:</b> 5 units/acre	<b>Uses Allowed:</b> Single-family residential	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 02/98	<b>Platted:</b> 02/98	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The applicant proposes to annex this property and combine it with the adjacent property to the east, which is under his ownership, located in the corporate limits and developed. This is the only lot in Kilber Addition that has not been annexed.</li> <li>Concerns have been expressed regarding access to this parcel, as North 26<sup>th</sup> Street is not improved adjacent to this lot.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>As this lot is being combined with the adjacent developed lot, the City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.</li> <li>The proposed annexation would not adversely affect property in the vicinity.</li> <li>The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.</li> <li>The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends annexation of Lot 14, Block 1, Kilber Addition and the east half of the adjacent North 26 <sup>th</sup> Street.		

# Proposed Annexation Lot 14, Block 1, Kilber Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: August 30, 2011 (kdj)

Source: City of Bismarck

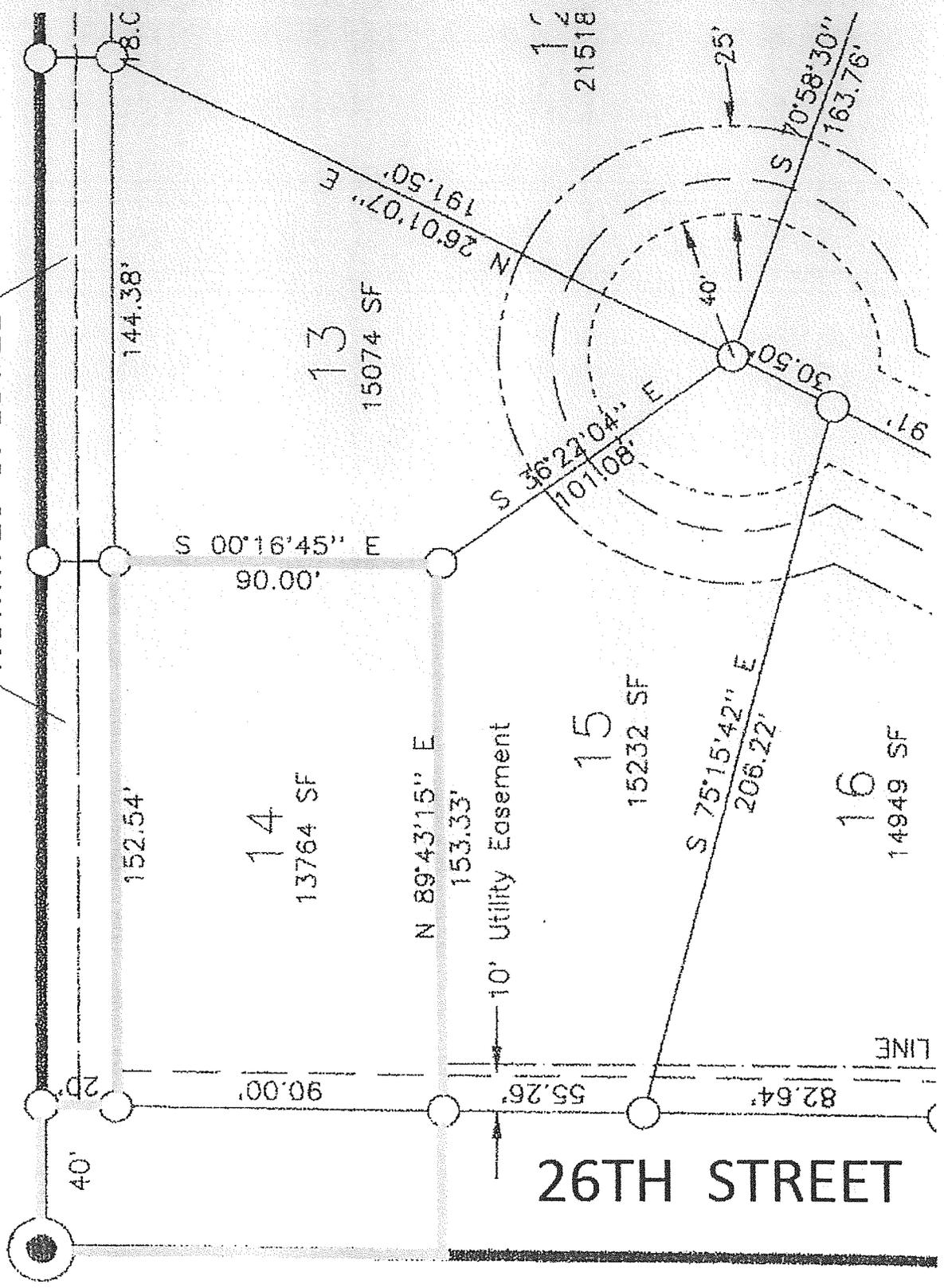


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AUG 25 2011

PROPOSED ANNEXATION

NORTH 20' OF LOT 21





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

<b>BACKGROUND:</b>		
<b>Title:</b> Miriam Industrial Park Second Addition First Replat – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Continued Public Hearing	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> S&P Partnership, LLP et al.	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> To subdivide the lot to allow for continued development of shop condos.		
<b>Location:</b> In east Bismarck, along the west side of Industrial Drive, approximately ¼ of a mile south of the I-94 interchange (a replat of the north 409.71 feet of Lot 17, Miriam Industrial Park Second Addition in part of the NE ¼ of Section 35, T139N-R80W/Hay Creek Township).		
<b>Project Size:</b> 7.72 acres	<b>Number of Lots:</b> 5 lots in a block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Partially-developed industrial shop condominiums	<b>Land Use:</b> Industrial shop condominiums	
<b>Zoning:</b> MA-Industrial	<b>Zoning:</b> MA-Industrial	
<b>Uses Allowed:</b> MA-Heavy commercial, wholesale and light industrial uses and truck terminals	<b>Uses Allowed:</b> MA-Heavy commercial, wholesale and light industrial uses and truck terminals	
<b>Maximum Density Allowed:</b> MA – N/A	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> 07/1975	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The public hearing on August 24, 2011 was continued because the stormwater management plan had not been approved by the City Engineer. A revised storm water management plan was submitted on Wednesday, September 14, 2011 and approved on Tuesday, September 20, 2011.</li> <li>The existing parcel has been administratively split through the City's lot modification process on two separate occasions resulting in a total of three parcels being created. As the creation of three parcels is the maximum allowed under the City's lot modification process, no additional lot splits would be allowed under the City's subdivision regulations. The property may only be subdivided further through the minor subdivision process.</li> <li>The internal area will be accessed off of Industrial Drive via an existing private driveway easement for access and circulation; no additional right-of-way would be dedicated.</li> </ol>		
<i>continued...</i>		

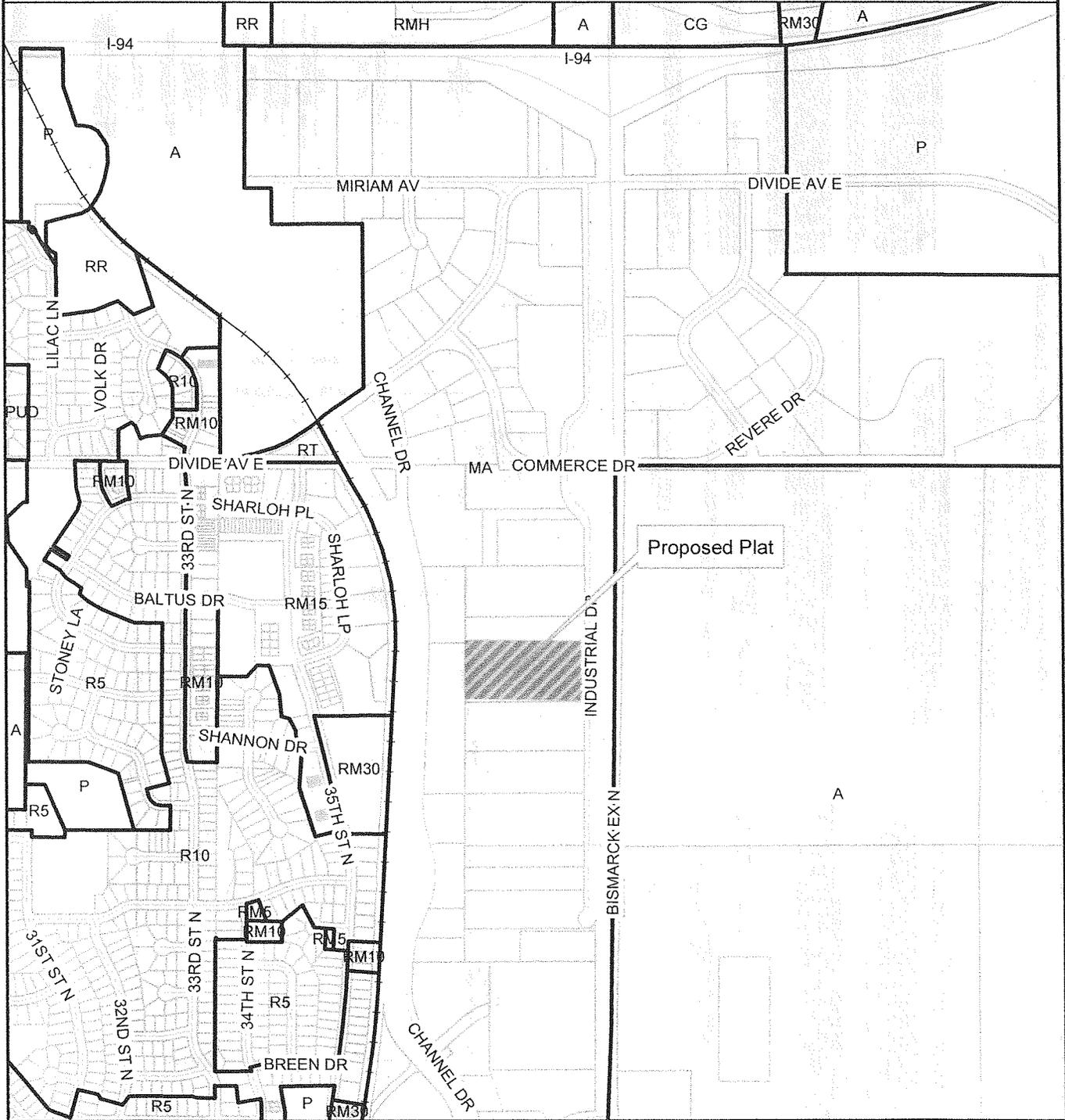
**FINDINGS:**

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developed industrial land to the south and north, partially-developed residential land separated by the CP Railway railroad line and the Hay Creek corridor to the west, Bismarck Expressway and undeveloped property to the east.
5. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

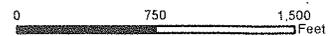
Based on the above findings, staff recommends approval of the minor subdivision final plat for Miriam Industrial Park Second Addition First Replat.

# Proposed Minor Subdivision Final Plat Miriam Industrial Park 2nd Addition 1st Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: July 27, 2011 (Klee)

Source: City of Bismarck





# MIRIAM INDUSTRIAL PARK SECOND ADDITION FIRST REPLAT

THE NORTH 409.71 FEET OF LOT 17 MIRIAM INDUSTRIAL PARK SECOND ADDITION  
 BISMARCK, NORTH DAKOTA  
 NE 1/4 SECTION 35, T. 139 N., R. 80 W.  
**BISMARCK, NORTH DAKOTA**

DAVID BRENDEL  
 4020 AMBERC DRIVE  
 BISMARCK, N.D. 58003

ON THIS DAY OF \_\_\_\_\_, 2011, BEFORE ME PERSONALLY APPEARED DAVID BRENDEL AND  
 JUDITH BRENDEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING  
 CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC  
 BY COMMISSION EXPIRES \_\_\_\_\_

DAVID BRENDEL  
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 BISMARCK, N.D. 58003

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NOTARY PUBLIC  
 BY COMMISSION EXPIRES \_\_\_\_\_





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

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 1, Schilling First Addition – Major PUD Amendment		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> Schilling Properties, LLC	<b>Engineer:</b> None	
<b>Reason for Request:</b> The applicant wishes to develop the remaining portion of the property with a five-story mixed-use building that would include below-grade parking, offices, document and record storage and three residential units on the fifth floor.		
<b>Location:</b> Along the north side of 43 <sup>rd</sup> Avenue NE just east of US Highway 83(1400 43 <sup>rd</sup> Avenue NE).		
<b>Project Size:</b> 4.386 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Six cold-storage buildings	<b>Land Use:</b> Five-story, mixed-use building to include offices, three condos, document and record storage and six cold-storage units as constructed	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> One residential unit, office facilities and interior and exterior storage buildings	<b>Uses Allowed:</b> Five-story, mixed-use building to include offices, three condos, document and record storage and six cold-storage units as constructed as specified by the PUD	
<b>Maximum Density Allowed:</b> PUD – One residential unit	<b>Maximum Density Allowed:</b> PUD – Three condo units	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 09/96	<b>Platted:</b> 09/96	<b>Annexed:</b> 09/96
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The property was zoned as a PUD in 1996 for the purposes of creating a storage facility with up to 12 buildings and one single-family dwelling to be constructed on-site.</li> <li>In 2003 the owners submitted an application for an amendment to the PUD to allow the construction of an “over and under” storage building and installing landscaping in-lieu of a previously-proposed security wall. It was determined that the applicant’s proposal did not constitute a major change from the original PUD. No action was taken on the request and the application was withdrawn.</li> <li>Currently there are six storage buildings located on the eastern 320 feet of the parcel. The west 334 feet is vacant and undeveloped. The site is accessed by a single approach off of 43<sup>rd</sup> Avenue NE. The site plan included with the application indicates the continued use of the existing driveway.</li> </ol>		
<i>continued...</i>		

4. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City’s Planned Unit Development district is “to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.” A copy of this section is attached.
5. The first two storage buildings in the original PUD were constructed in 1997. In 2003 a site plan was submitted and approved for the second phase of buildings; the plan included landscaping throughout the property. At this time, no landscaping has been installed on the property. Information and correspondence from the applicant in the project file states, “We will commit to planting trees and shrubbery around the perimeter of the PUD at a time when we and the City Forester feel confident that we will not disrupt services provided by the cable company and most of the additional fill has been placed next to the PUD.”
6. The site plan that was submitted in conjunction with the special use permit application in 1996 demonstrated a series of storage buildings, a residential dwelling and screening/security walls around the facility. The development of the current facility has deviated from the original proposal.
7. The proposed development is subject to the City’s site plan review, building plan review, and permitting processes prior to the commencement of development.

**FINDINGS:**

1. The proposed amendment to the PUD would be consistent with the US Highway 83 Corridor Transportation Study recommendations, which identifies this area as commercial and mixed uses. Mixed uses include residential, office and commercial uses.
2. The proposed PUD amendment is compatible with adjacent land uses. Adjacent land uses include partially-developed commercial property to the north, undeveloped, commercially-zoned property to the east, office uses south of 43<sup>rd</sup> Avenue NE and US Highway 83 to the west.
3. The area is already annexed; therefore the proposed PUD amendment would not place an undue burden on public services.
4. The proposed PUD amendment would not adversely affect property in the vicinity.
5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed PUD amendment is consistent with all adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval for the Major PUD Amendment for Schilling First Subdivision, as outlined in the attached PUD amendment document.

**SCHILLING FIRST SUBDIVISION PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 4783 (Adopted August 13, 1996)  
MAJOR PUD AMENDMENT (Adopted \_\_\_\_\_)**

WHEREAS, Ordinance No. 4783 was adopted by the Board of City Commissioners on August 13, 1996; and

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

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

WHEREAS, Schilling Properties, LLC has requested an amendment to the Planned Unit Development for Schilling First Subdivision.

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, Block 1, Schilling First Subdivision

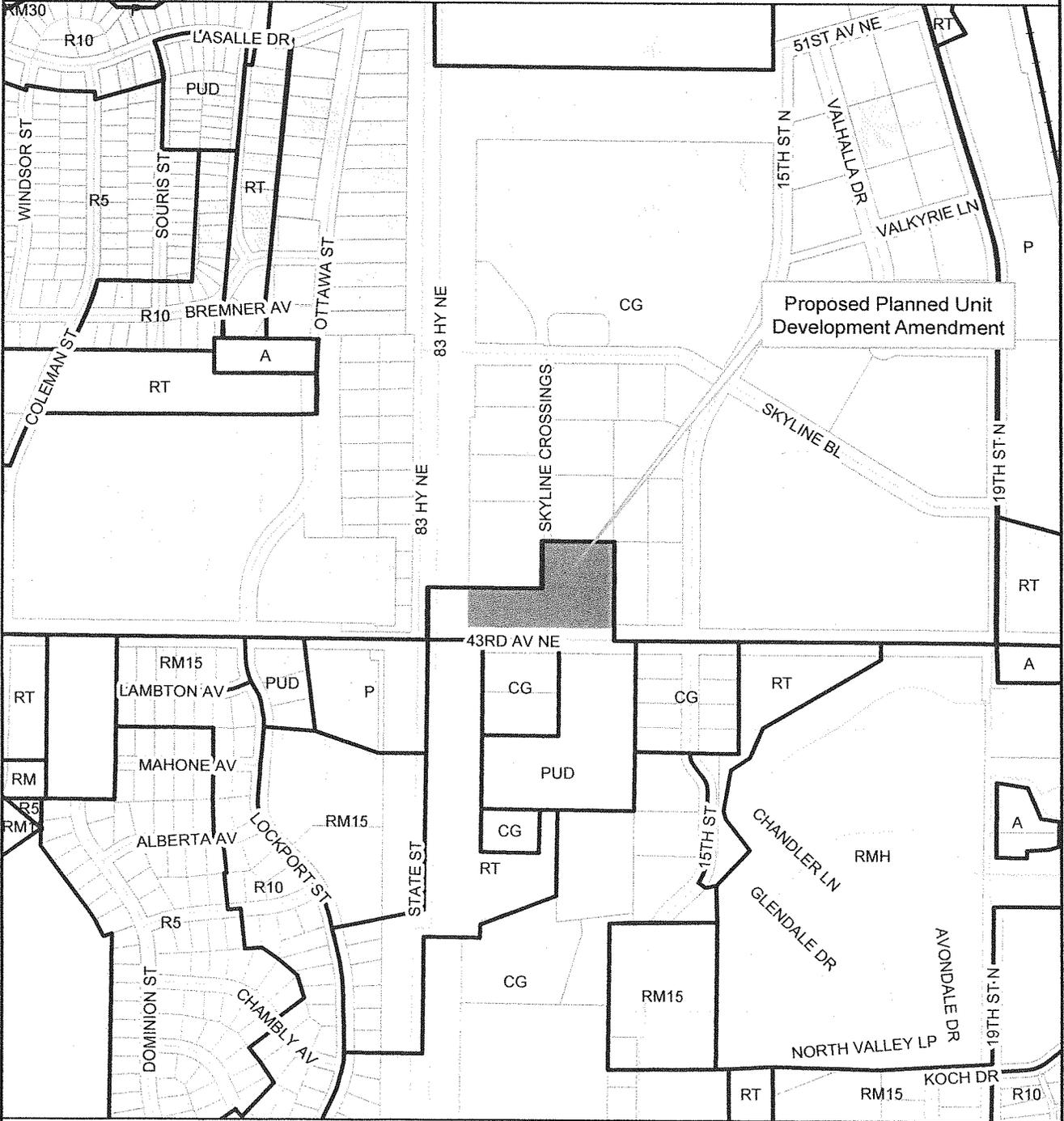
is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* ~~One residential unit, office facilities and interior & exterior storage facilities.~~ Uses permitted include a mixed use development, including the six storage facilities as constructed in 1997 & 2003, and a 5-story building containing office uses, document and record storage, a maximum of 3 residential units and below-grade parking. The configuration of the buildings on-site shall closely resemble the site plan submitted with the application. Any change in the use of any building from that indicated above will require an amendment to this PUD.
2. *Residential Development Standards.* The maximum allowable density shall be 3 units.
3. *Commercial Development Standards.* The six existing cold storage facilities on the east 330 feet of Lot 1 may remain as constructed. The cold storage facilities may not be expanded without amending the PUD in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). The mixed-use building on the west 334 feet of Lot 1 shall be no larger than 56,000 square feet in size and no taller than five stories with below-grade parking. The setbacks for the 5-story building shall be a minimum front yard setback of 50 feet along 43<sup>rd</sup> Avenue NE, a minimum front yard setback of 50 feet along US Highway 83, a minimum side yard setback of 10 feet on the east and a minimum rear yard setback of 10 feet

north. The minimum building setback requirements for the existing storage facilities adjacent to 43<sup>rd</sup> Avenue NE shall be a front yard setback of 15 feet along 43<sup>rd</sup> Avenue NE, a minimum rear yard setback of 10 feet, and a minimum side yard setback of 10 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code.

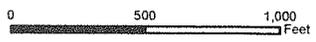
4. *Design Standards.* Primary building materials for the 5-story office building shall include brick, brick veneer, precast concrete panels or stone. Accent building materials shall include storefront and curtain wall glazing, prefinished metal coping, and metal panels.
5. *Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.
6. *Landscaping and Screening.* Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The remaining landscaping along the north side of the storage buildings shall also be installed in conjunction with site development.
7. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
8. *Signage.* Signage for the development may be installed in accordance with the provisions of Section 4-04 (Signs and Outdoor Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.
9. *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 Planned Unit Development Amendment Lot 1, Block 1, Schilling First Subdivision



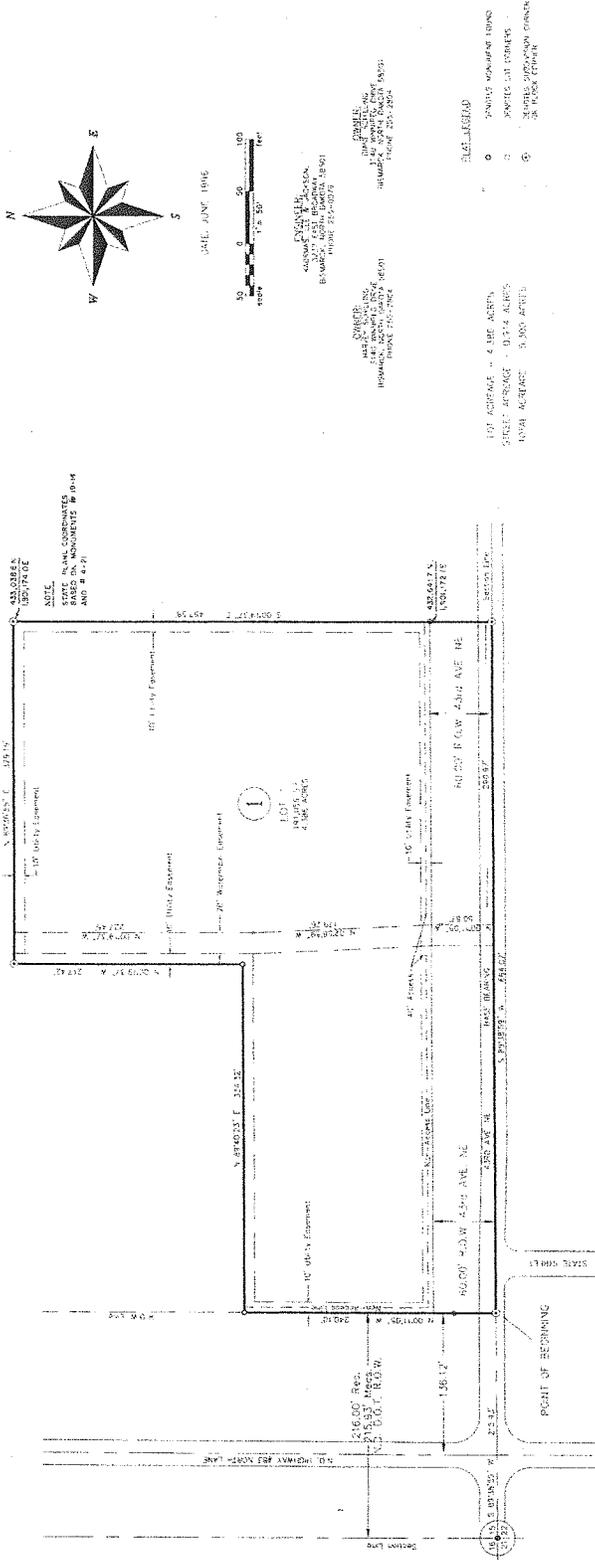
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: July 6, 2011 (kdg)

Source: City of Bismarck



# SCHILLING FIRST SUBDIVISION

TO THE CITY OF BISMARCK  
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, T139N, R80W,  
BURLEIGH COUNTY, NORTH DAKOTA



### OWNER'S CERTIFICATE AND DEDICATION

I, **John A. Schilling**, the owner of the above described land, do hereby certify that the same is being offered for public use and that I have no objection to the same being dedicated to the public use of the City of Bismarck, North Dakota.

*John A. Schilling*  
Owner

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
Owner

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
Owner

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
Owner

### APPROVAL OF CITY PLANNING COMMISSION

The Planning Commission of the City of Bismarck, North Dakota, has reviewed the proposed subdivision and has approved the same for the City of Bismarck, North Dakota.

*John A. Schilling*  
Chairman

### APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has reviewed the proposed subdivision and has approved the same for the City of Bismarck, North Dakota.

*John A. Schilling*  
Chairman

### DESCRIPTION

A certain tract of land lying in the southwest 1/4 of the southwest 1/4, section 15, township 139 north, range 80 west, Burleigh County, North Dakota, containing approximately 15.00 acres, more or less, as shown on the attached map.

### SURVEYOR'S CERTIFICATE

I, **John A. Schilling**, a registered professional land surveyor in the State of North Dakota, do hereby certify that the above described land is the same as shown on the attached map and that the same is being offered for public use.

*John A. Schilling*  
Surveyor

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
Surveyor

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
Surveyor

### APPROVAL OF CITY ENGINEER

I, **John A. Schilling**, a registered professional land surveyor in the State of North Dakota, do hereby certify that the above described land is the same as shown on the attached map and that the same is being offered for public use.

*John A. Schilling*  
City Engineer

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

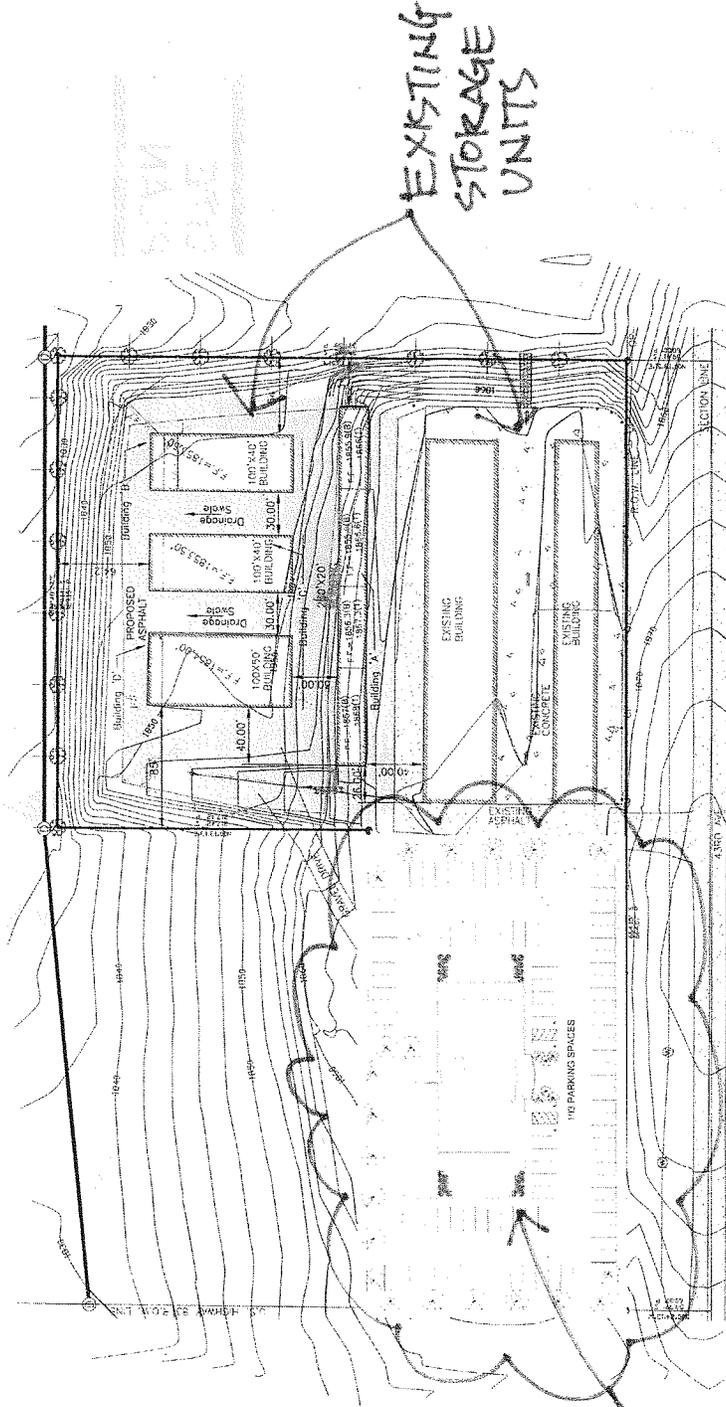
*John A. Schilling*  
City Engineer

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

*John A. Schilling*  
City Engineer

SW 1/4, SW 1/4, SECTION 15, T 139 N, R 80 W  
ADDRESS: 1440 43RD AVE. NORTH  
BISMARCK, NORTH DAKOTA

PROPOSED SITE

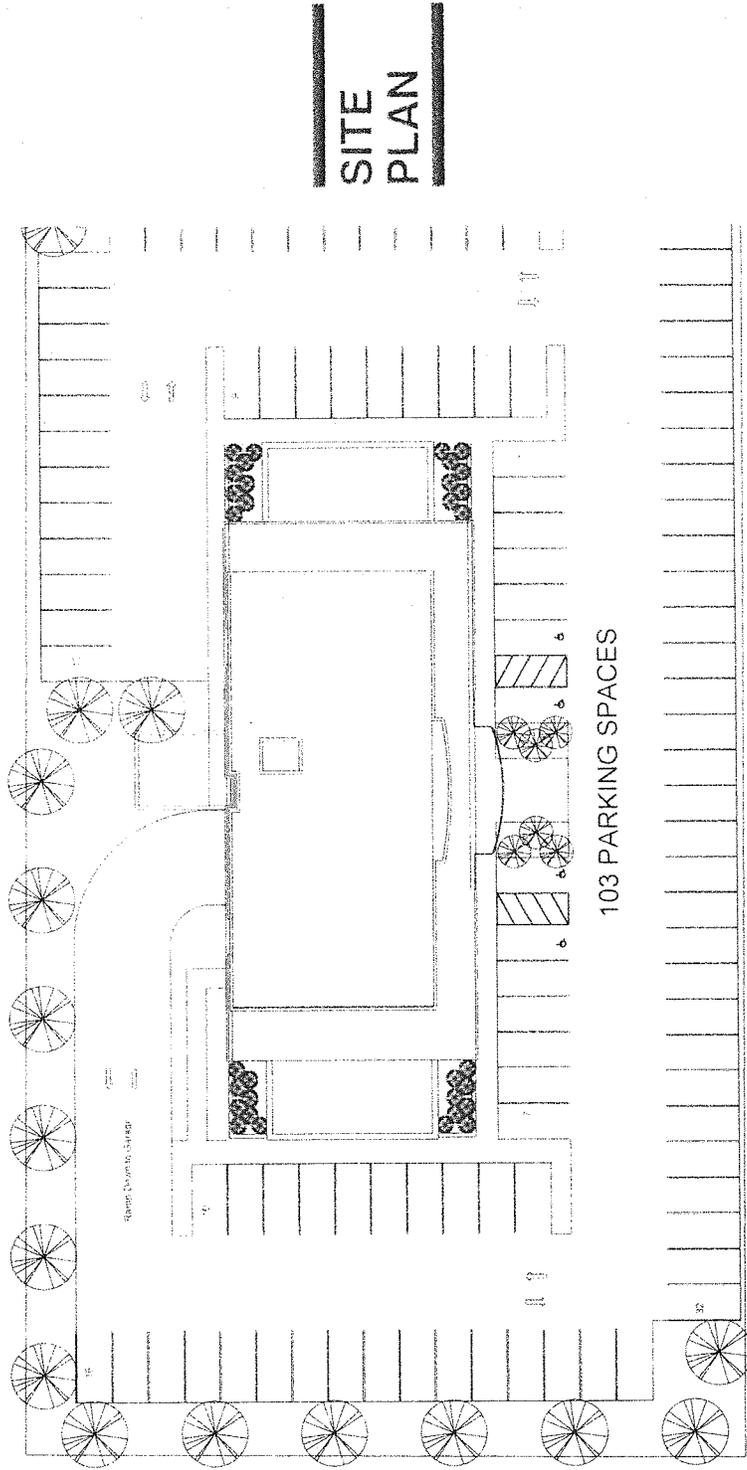
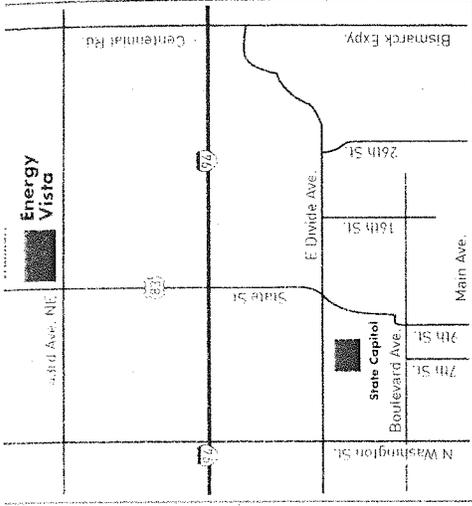


PROPOSED  
9-STOREY

MIXED-USE BUILDING

Rentable Area Schedule	
Name	Area
1st Floor Office E	3312 SF
1st Floor Office W	4090 SF
2nd Floor Office	8955 SF
3rd Floor Office	7322 SF
4th Floor Office	7084 SF
5th Floor Office	1461 SF
5th Floor 3-Bed Unit A	1551 SF
5th Floor 3-Bed Unit C	1536 SF

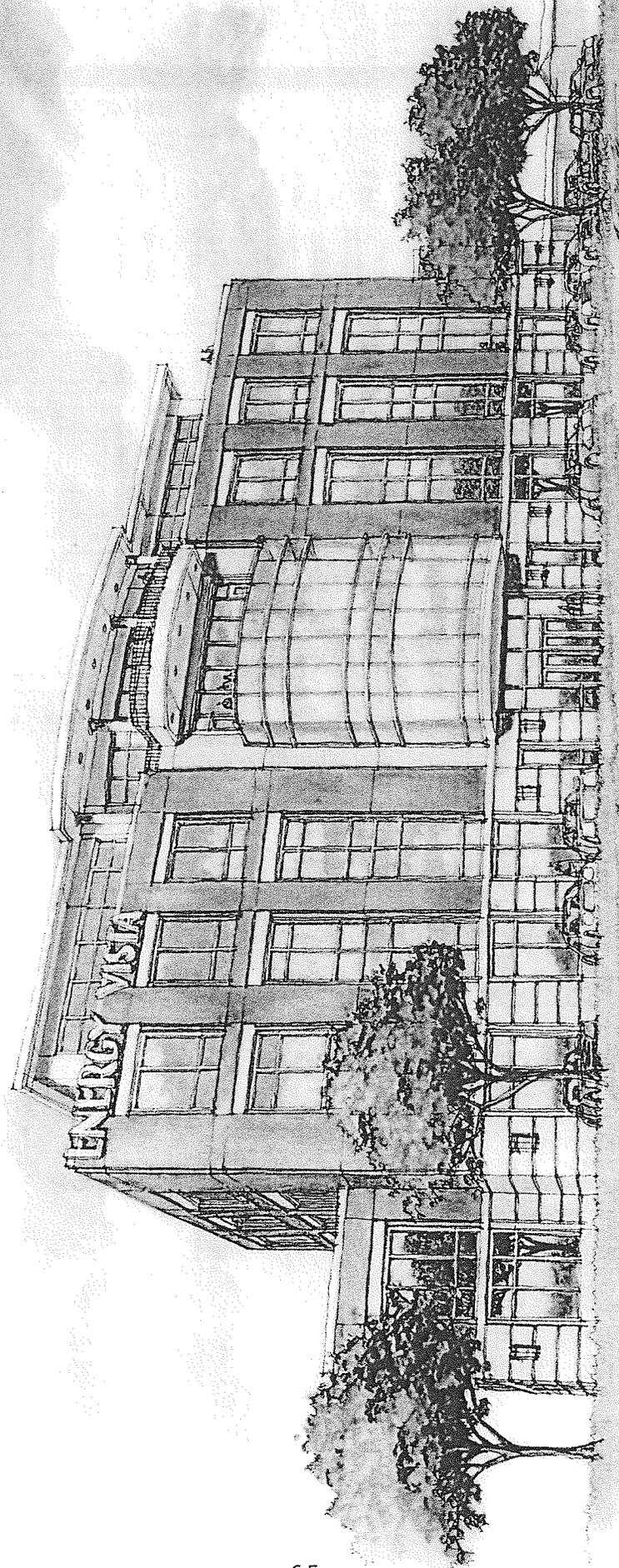
- Total Rentable Office Area = 32,224 SF
- Heated Underground Tenant Parking
- Easy Access to Hwy 83 and I-94



## SITE PLAN

103 PARKING SPACES

# Energy Vista



**Energy Vista**  
Bismarck, North Dakota

May 18, 2011

Conceptual Rendering

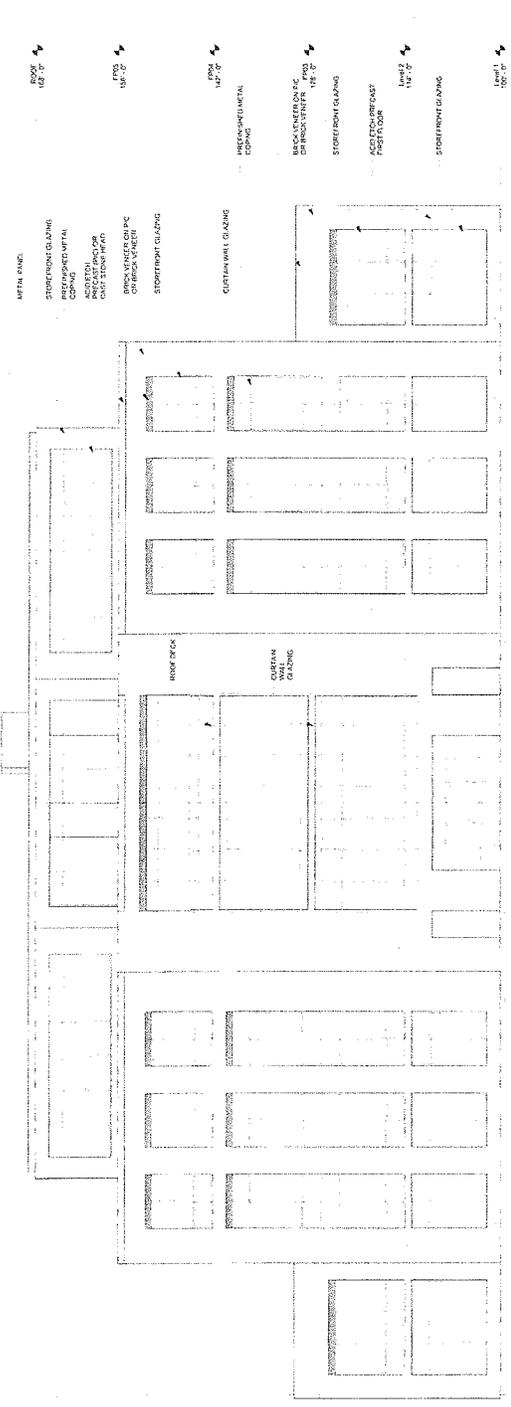
100-0001

Energy Vista Office Building  
 1420 AVENUE 138<sup>th</sup> S.W.  
 PRELIMINARY EXTERIOR ELEVATIONS

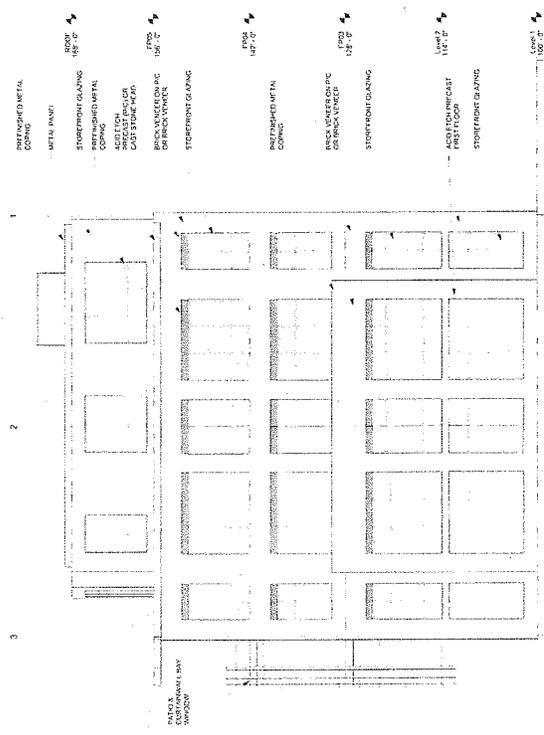
Client: Energy Vista  
 Project: 100-0011-D  
 Date: 09/27/11  
 Drawn By: Address  
 Checked by: Cheryl  
 Designer: Energy Vista  
 1420 AVENUE 138<sup>th</sup> S.W.  
 SEASIDE, WA 98138  
 Phone: 206-255-1100

Exterior Elevations  
 1/4" = 1'-0"

A200



Scale: 1/8" = 1'-0"



Scale: 1/8" = 1'-0"

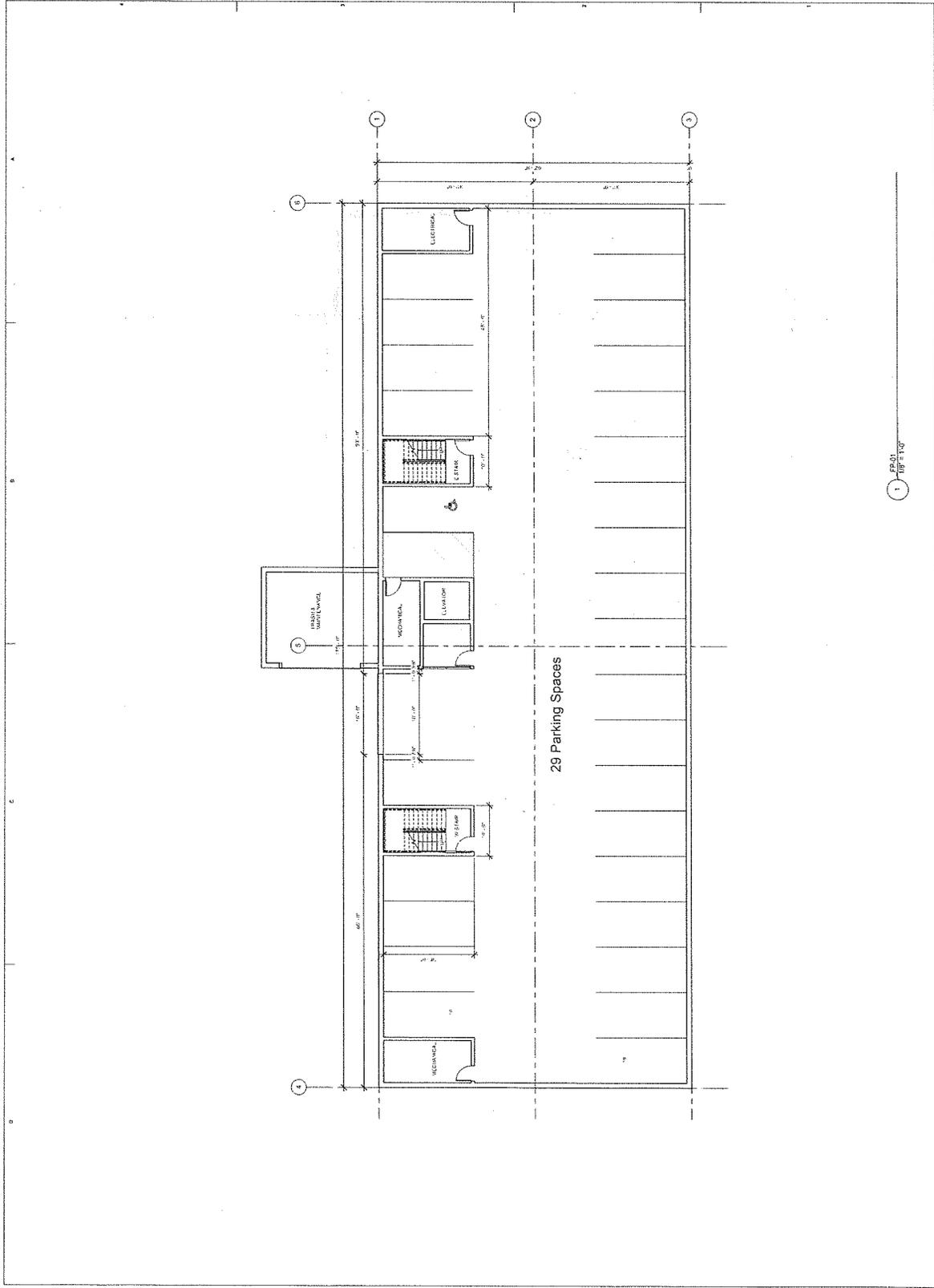
DJR  
ARCHITECTURE INC.  
1100 W. 10TH ST.  
DENVER, CO 80202

CONTRACTOR: STRUCTURAL  
DATE: 04/27/11

PROJECT: BISMARCK OFFICE BUILDING  
SHEET: GARAGE FLOOR PLAN  
DATE: 04/27/11  
DRAWN BY: [Name]  
CHECKED BY: [Name]

Bismarck Office Building  
1100 W. 10TH ST. DENVER, CO  
GARAGE FLOOR PLAN  
1

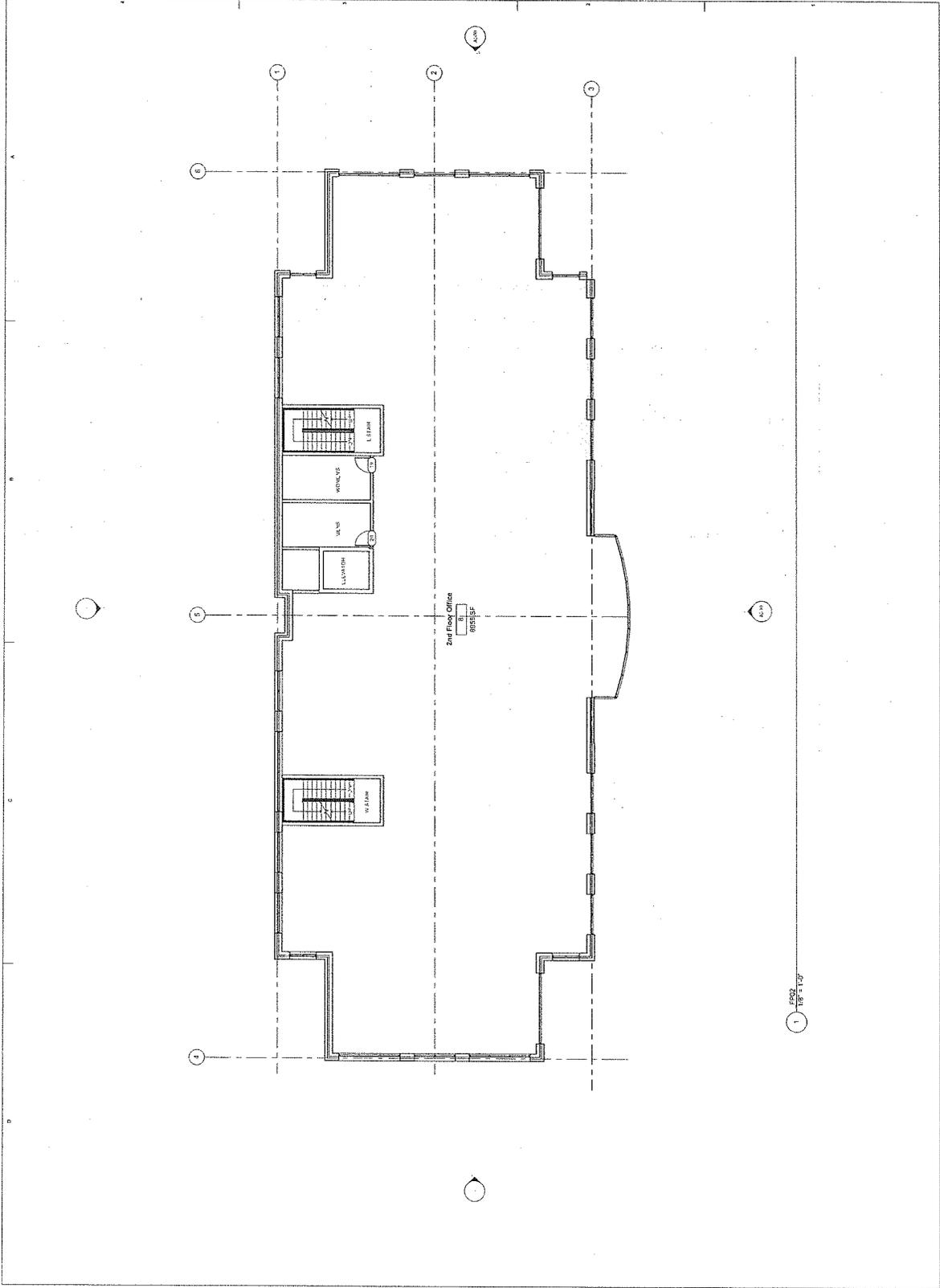
A100



1 1/8" = 1'-0"



PROJECT	Energy Vista Office Building
DATE	08/27/11
DESIGNED BY	ALAN
CHECKED BY	DAVID
CONTRACTOR	
SCALE	AS SHOWN
NOTES	



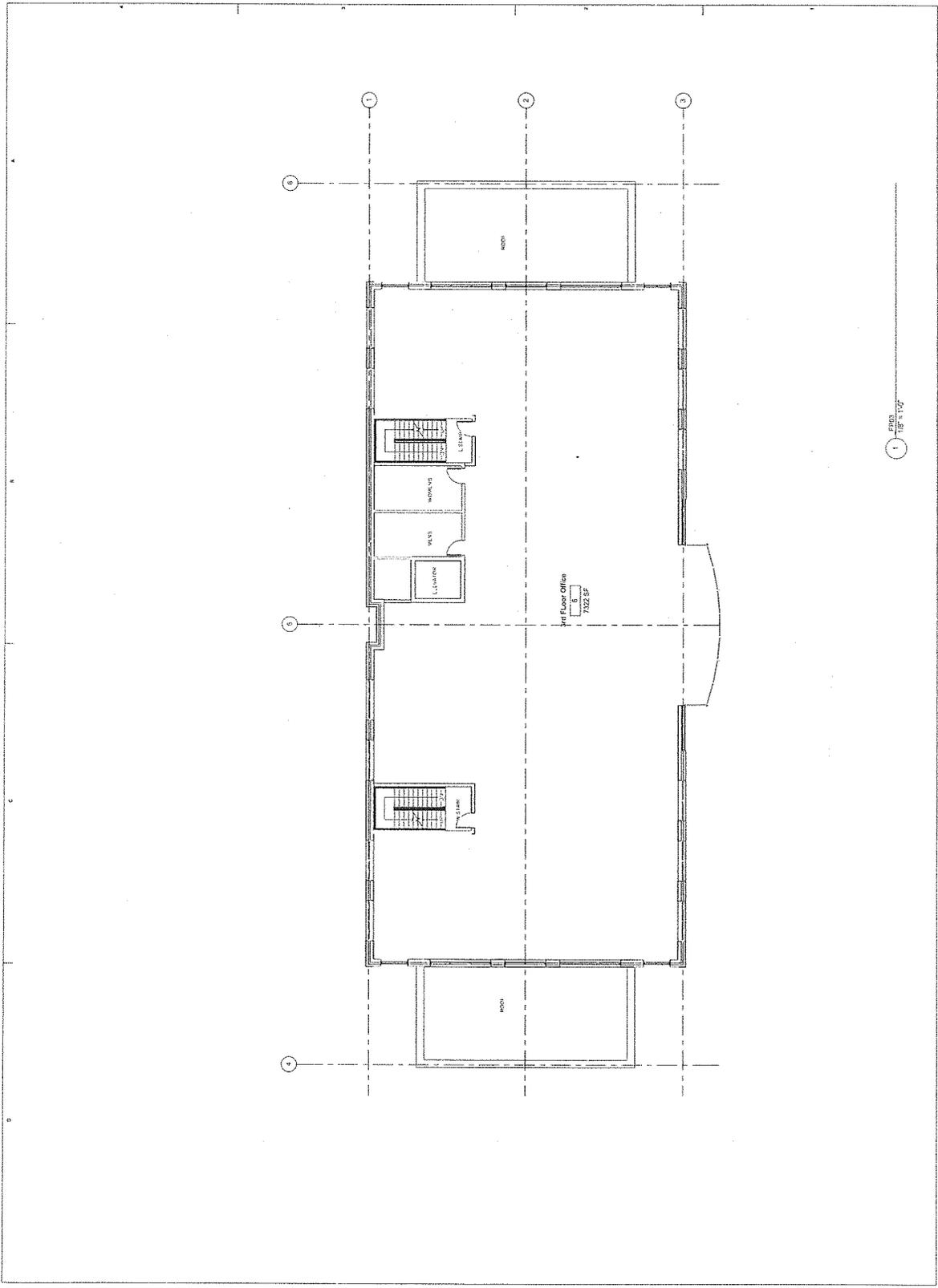
A130

Third Floor Plan

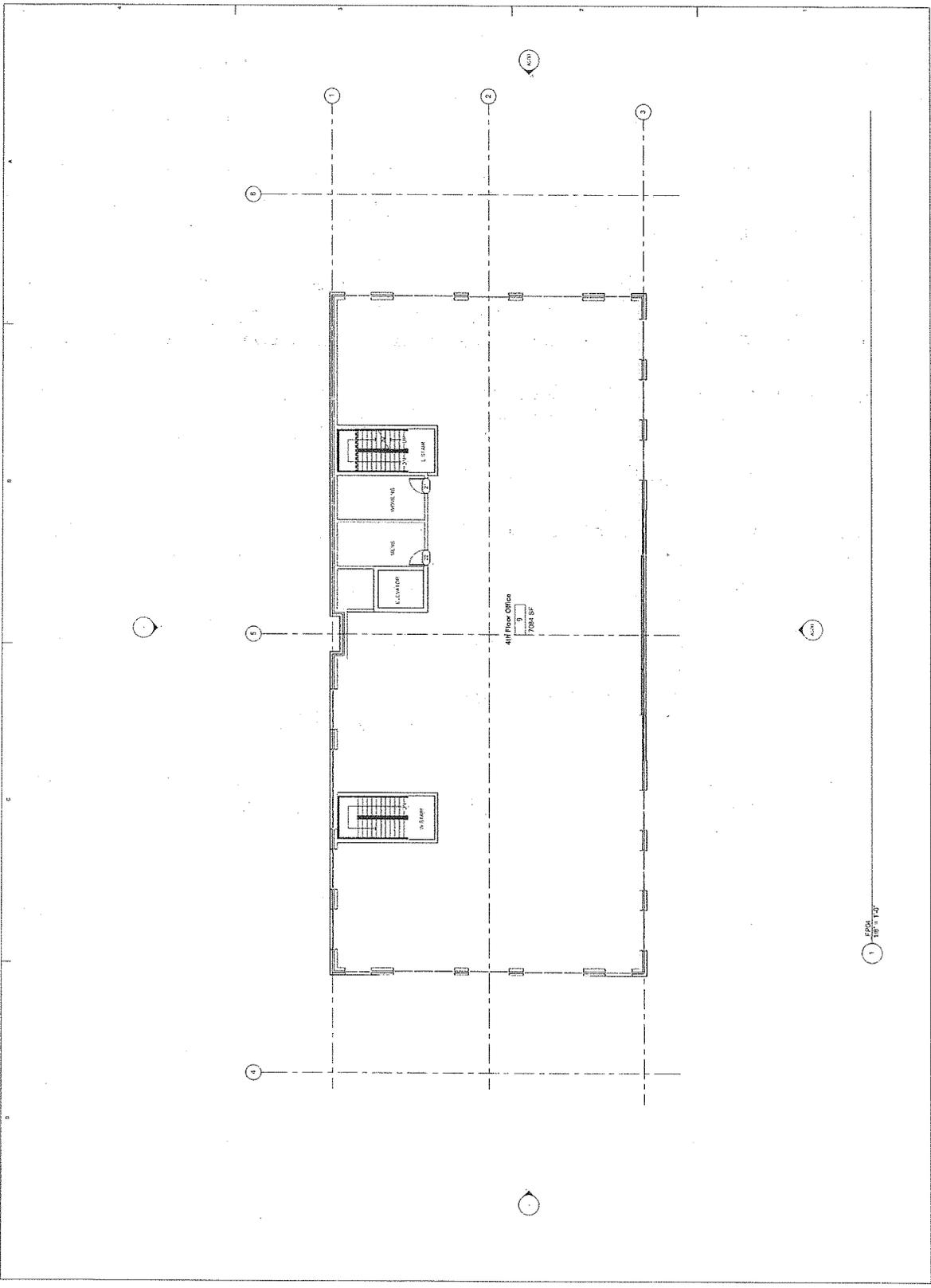
Bismarck Office Building  
1011 Bismarck Avenue, Bismarck, ND

Project Name	1011 Bismarck Avenue
Client	City of Bismarck
Architect	DJR Architecture, Inc.
Scale	1/8" = 1'-0"
Date	08/27/14
Drawn by	WJN
Checked by	WJN
Project No.	14-001
Sheet No.	303

DJR  
ARCHITECTURE, INC.  
1011 Bismarck Avenue  
Bismarck, ND 58102  
701.223.1111

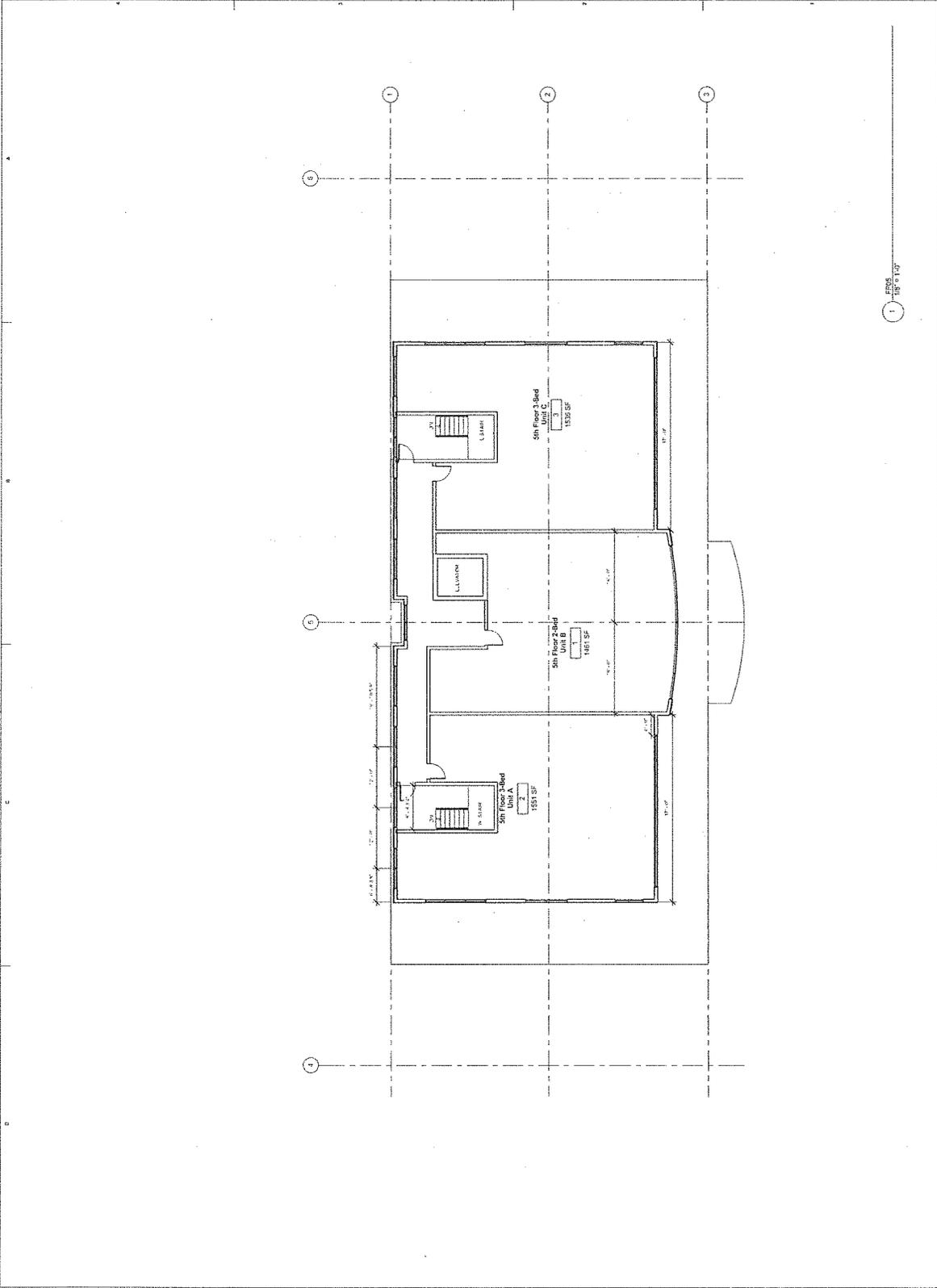


PROJECT NO.	100-100-0000
DATE	02/27/11
DESIGNED BY	ARCHITECT
CHECKED BY	ARCHITECT
DATE	02/27/11
PROJECT NO.	100-100-0000
DATE	02/27/11
DESIGNED BY	ARCHITECT
CHECKED BY	ARCHITECT
DATE	02/27/11



DATE	05/27/11
DESIGNED BY	ADAM
CHECKED BY	ADAM
PROJECT #	100000000
CONTRACT #	
CONTRACTOR	
CLIENT	
LOCATION	
DESCRIPTION	

DJR ARCHITECTURE INC.



feet. Accessory buildings for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

All allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in size.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

*(Ord. 4486, 04-27-93; Ord. 4564, 11-23-93; Ord. 4803, 11-12-96; Ord. 5026, 02-08-00; Ord. 5027, 02-08-00; Ord. 5286, 11-13-03; Ord. 5287, 12-16-03; Ord. 5368, 11-23-04; Ord. 5478, 12-13-05; Ord. 5665, 05-27-08)*

14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

1) The existing topographic character of the land;

2) Existing and proposed land uses;

- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) The maximum height of all buildings;
- 5) The density and type of dwelling;
- 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
- 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
- 8) Proposed interior buffer areas between uses;
- 9) Acreage of PUD;
- 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
- 11) Landscape plan; and
- 12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

- 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
- 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
- 3) A copy of all proposed condominium agreements for common areas.

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form,

massing, texture, materials of construction, and type, size, and location of door and window openings:

1) Elevations of the front and one side of a typical structure.

2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.

b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

a. Proposal conforms to the comprehensive plan.

b. Buffer areas between noncompatible land uses may be required by the planning commission.

c. Preservation of natural features including trees and drainage areas should be accomplished.

d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.

e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.

b. All other changes in the planned unit shall be initiated in the following manner:

1) Application for Planned Development Amendment.

a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.

b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission.  
The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission.  
Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development

amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

END.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

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

1. Statement of purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities located in special flood hazard areas such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges;
- f. To help maintain a stable tax base by providing for the use and development of special flood hazard areas so as to minimize future flood blight areas;
- g. To ensure that potential buyers are notified that property is located in a special flood hazard area;



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

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 1-10, Block 68, Original Plat – Special Use Permit (off-street accessory parking lot)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> September 28, 2011	
<b>Owner(s):</b> Medcenter One, Inc.	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> The applicant wishes to expand the existing accessory parking lot and make parking-related improvements to the property. Because the property is located in the DC-Downtown Core zoning district, a special use permit is required to create an additional surface lot.		
<b>Location:</b> The property is located along the east side of 6 <sup>th</sup> Street between Broadway Avenue and Thayer Avenue.		
<b>Project Size:</b> 37,633 sf	<b>Number of Lots:</b> 10 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Off-street accessory parking lot (lots 1-6) Unimproved (lots 7-10)	<b>Land Use:</b> Off-street accessory parking lot	
<b>Zoning:</b> DC-Downtown Core	<b>Zoning:</b> DC-Downtown Core	
<b>Uses Allowed:</b> Offices, commercial, housing and off-street parking lots with a special use permit	<b>Uses Allowed:</b> Offices, commercial, housing and off-street parking lots with a special use permit	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/05	<b>Platted:</b> Pre-1980	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>Section 14-04-21 (Downtown Districts) of the City Code of ordinances requires a special use permit for the creation or expansion of an off-street accessory parking lot.</li> <li>During the winter of 2010-2011, Medcenter One (MCO) demolished three buildings along the south half of the property to allow for the expansion of the existing asphalt parking lot currently located on the north half of the property. This project would improve the existing use as a gravel parking lot by providing an asphalt surface and landscaping.</li> <li>The proposed improvements include grading and paving the south 125 feet (+/-) of the property with the inclusion of curb and gutter along the east, south and western perimeters of the property, landscaping along the east and west perimeters of the parking area and additional lighting within the proposed expansion area of the off-street parking lot.</li> </ol>		
<i>continued...</i>		

4. With the idea that this area of downtown Bismarck has a potential for higher and better uses than a surface parking lot, the Planning Division has approached MCO with an offer to relax some of the requirements typically associated with the creation of an off-street surface lot in the DC-Downtown Core zoning district, with the understanding that the relief from the ordinance requirements would be conditional and limited to a maximum of five years from the date the special use permit would be granted. As recently as 2010, the City of Bismarck had planned to develop this area as a new six level, 420+ car parking facility.
5. In an effort to limit the development costs associated with an off-street parking lot, the Planning Division has suggested to MCO that the installation of the landscaping along the west side of the property adjacent to the public alley be withheld for a period up to five years and would be contingent upon possible future uses of the property.
6. To mitigate the need for additional improvements, including drip irrigation and additional electrical needs, it was suggested that the plant material along the east side should be drought tolerant with consideration given to native or ornamental grasses.

#### **FINDINGS:**

1. The proposed special use meets all the standards for accessory parking in the DC-Downtown Core zoning district outlined in Section 14-04-21.4(6).
2. The proposed special use would comply with all applicable provisions of the zoning ordinance and would be consistent with the general intent and purpose of the zoning ordinance.
3. The proposed special use would not adversely affect the public health, safety and general welfare.
4. The proposed special use may be detrimental to the use or development of adjacent properties; in particular, the use of land as a surface parking lot within the downtown area is counter-productive to the concept of a high-density, mixed-use area. The 1993 Central Business District Master Plan calls for a portion of this area to be developed as a public plaza/open space to complement the civic features currently offered by the Belle Mehus City Auditorium, the World War Memorial Building, the Burleigh County Courthouse and the City/County Office Building. The property is surrounded primarily by publicly-owned property with efforts to promote a public square, open space or community-related space that provides opportunity for public events. The detrimental use as an accessory off-street parking lot is mitigated by the fact that the use as a parking lot would not preclude the redevelopment of this property with a higher-density use.
5. The use would be designed, operated and maintained in a manner that would be compatible with the appearance of the existing character of the surrounding area. In particular, landscaping and screening improvements adjacent to the additional area are proposed. The proposed landscaping elements meet the intent of the landscaping and screening ordinance.
6. Adequate public facilities and services are in place.

*continued...*

7. The use may cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity. In particular, the investment and development of an additional surface parking lot in the DC-Downtown Core zoning district may further hamper efforts to promote this area as an opportunity for a public gathering space, public parking structure or other development that may impact the positive growth and improvement of the downtown area. By reducing the initial development requirements, it would provide time to explore future potential uses of the property.
8. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic, in particular, one gated access would be available to access the property off Thayer Avenue.

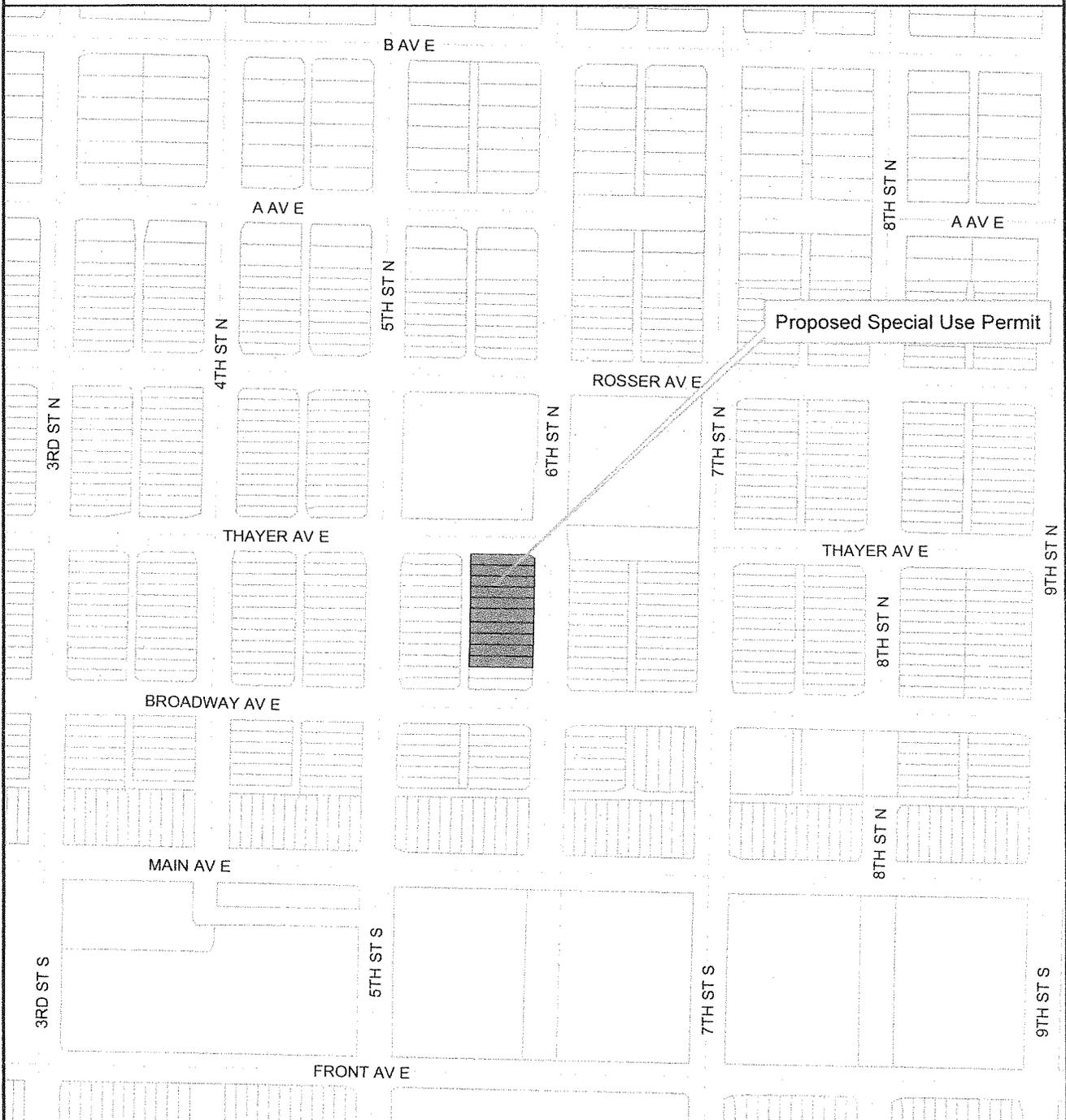
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to allow the expansion of an existing off-street accessory parking lot on Lots 1-10, Block 68, Original Plat with the following conditions:

1. Development of the site generally conforms to the site plan submitted in conjunction with the request for a special use permit.
2. The installation of the plant material along the west property line is delayed for a period of five years from the date the special use permit is granted to allow the continued efforts of the public and private sectors an opportunity to explore higher and better uses of the property. If another use does not occur at this location, the landscaping would need to be installed.
3. The plant material along the east side of the property and shown on the site plan would be installed in conjunction with the site improvements necessary for the expansion of the off-street parking lot

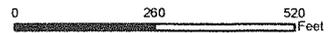
# Proposed Special Use Permit

## Lots 1-10, Block 68, Original Plat (204 North 6th Street)



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Map was Updated/Created: August 30, 2011 (kdj)

Source: City of Bismarck



**GENERAL LANDSCAPING NOTES**  
ALL CONTRACTORS SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING LANDSCAPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING LANDSCAPING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING LANDSCAPING.

**TOPSOIL NOTES**  
TOPSOIL SHALL BE REMOVED AND STOCKPILED AT THE PROJECT SITE. TOPSOIL SHALL BE REPLACED AND COMPACTED TO THE ORIGINAL FINISH GRADE. TOPSOIL SHALL BE REPLACED AND COMPACTED TO THE ORIGINAL FINISH GRADE.

**PLANT PALETTE**

PLANT COMMON NAME	SCIENTIFIC NAME	SIZE	QTY
1. SPRING INTERMEDIATE YEW	<i>Taxus canadensis</i>	2' 0"	2
2. SPANISH BROOM	<i>Spartanacis</i>	2' 0"	2

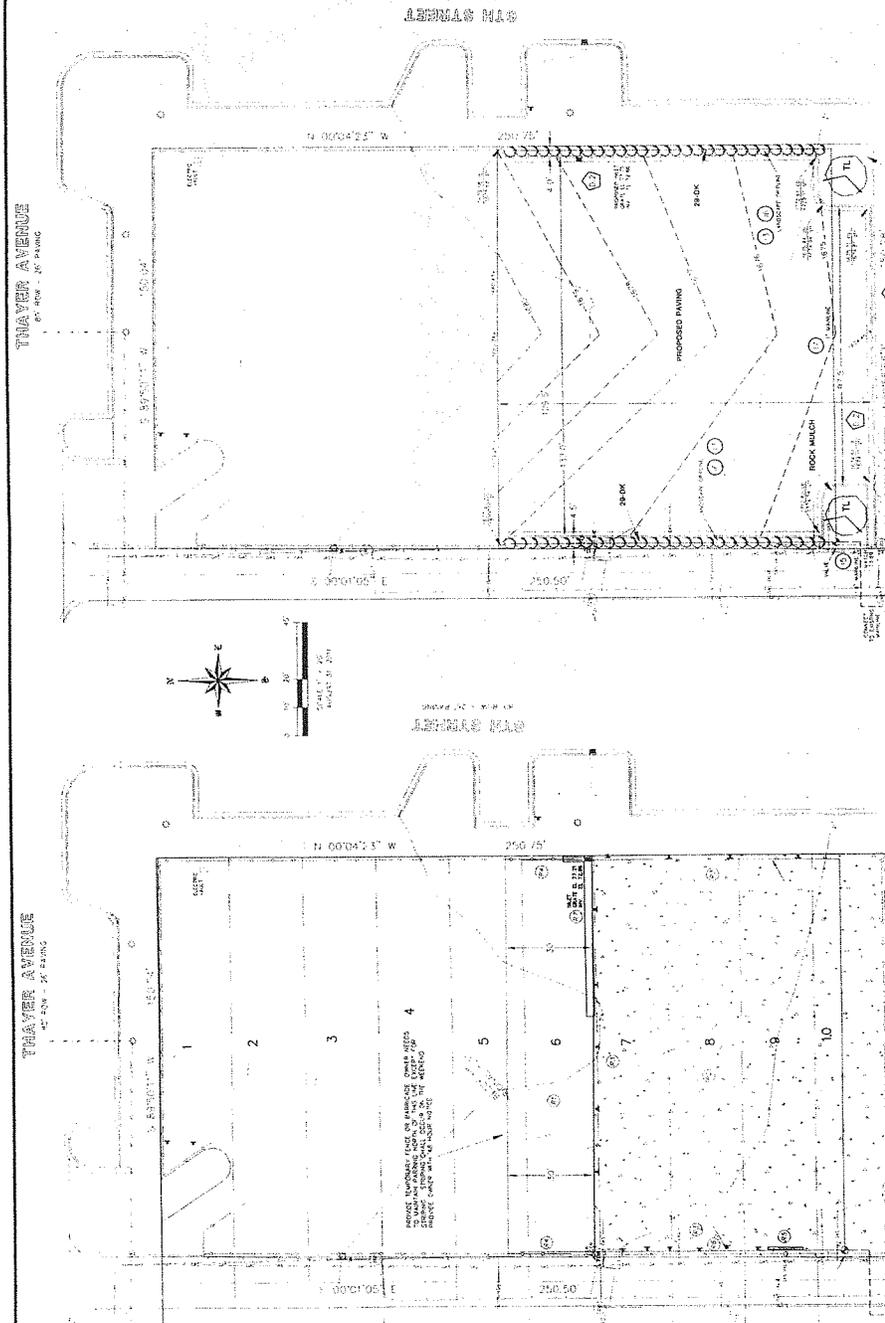
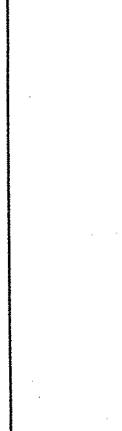
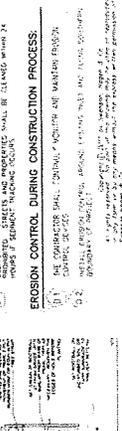


**STORM SEWER NOTES**  
STORM SEWER SHALL BE INSTALLED TO THE STREET. STORM SEWER SHALL BE INSTALLED TO THE STREET. STORM SEWER SHALL BE INSTALLED TO THE STREET.

**PAVING NOTES**  
PAVING SHALL BE DONE TO THE FINISH GRADE. PAVING SHALL BE DONE TO THE FINISH GRADE. PAVING SHALL BE DONE TO THE FINISH GRADE.

**GENERAL EROSION CONTROL NOTES**  
EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE. EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE. EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE.

**EROSION CONTROL DURING CONSTRUCTION PROCESS**  
EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE. EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE. EROSION CONTROL SHALL BE INSTALLED TO THE FINISH GRADE.



**EXISTING BUILDING**  
EXISTING BUILDING SHALL BE DEMOLISHED. EXISTING BUILDING SHALL BE DEMOLISHED. EXISTING BUILDING SHALL BE DEMOLISHED.

**ROCK MULCH**  
ROCK MULCH SHALL BE INSTALLED TO THE FINISH GRADE. ROCK MULCH SHALL BE INSTALLED TO THE FINISH GRADE. ROCK MULCH SHALL BE INSTALLED TO THE FINISH GRADE.

**PROPOSED PAVING**  
PROPOSED PAVING SHALL BE DONE TO THE FINISH GRADE. PROPOSED PAVING SHALL BE DONE TO THE FINISH GRADE. PROPOSED PAVING SHALL BE DONE TO THE FINISH GRADE.

**GENERAL NOTES**  
GENERAL NOTES SHALL BE INSTALLED TO THE FINISH GRADE. GENERAL NOTES SHALL BE INSTALLED TO THE FINISH GRADE. GENERAL NOTES SHALL BE INSTALLED TO THE FINISH GRADE.



**CITY PLANNING & ZONING COMMISSION**

**MEETING MINUTES**

**August 24, 2011**

The Bismarck Planning & Zoning Commission met on August 24, 2011, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chairman Yeager presided.

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

Commissioner Ken Selzler was 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 and Charlie Whitman – City Attorney.

Others present were Bonnie Staiger – 419 East Brandon Drive, Doug Mahowald – 3407 Chisholm Trail, Marcia Kilzer – 1985 Mesquite Loop, Willard and Jeannette Harsch – 1969 Mesquite Loop, Jake Axtman – 909 Basin Avenue, Cary Schilling – 5017 Bruce Avenue, Edina, MN, Harvey Schilling – 3140 Winnipeg Drive, Ed and Sherleen McCarty – 858 Eastview Drive, Marc Eidahl – 1720 Burnt Boat Drive Suite 202 and George Yineman – 1283 Eagle Crest Loop.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the July 27, 2011 meeting.

**MOTION:** Commissioner Armstrong made a motion to approve the minutes of the July 27, 2011 meeting as received. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

**CONSIDERATIONS –**

**MAJOR PUD AMENDMENT – LOT 1, BLOCK 1, SCHILLING FIRST SUBDIVISION ZONING ORDINANCE TEXT AMENDMENT – STORMWATER MANAGEMENT**

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

- A. A Major PUD Amendment for Lot 1, Block 1, Schilling Frist Subdivision. The property is located along the north side of 43<sup>rd</sup> Avenue NE just east of US Highway 83 (1400 43<sup>rd</sup> Avenue NE). The PUD Amendment would allow the remaining western portion of the property to be developed with a five-story mixed use building.
- B. A zoning ordinance text amendment relating to the Stormwater Management. The proposed amendments would modify various provisions of the ordinance, including the

contents of a stormwater management plan, the approval process for stormwater management plans and stormwater permits and enforcement procedures.

**MOTION:** Based on the findings in the staff report, Commissioner Warford made a motion to approve Consent Agenda items A and B, calling for public hearings on the items. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

**CONTINUED PUBLIC HEARING – SPECIAL USE PERMIT FOR LOT 2, BLOCK 1, COUNTRY WEST IV SECOND REPLAT (1720 BURNT BOAT DRIVE SUITE 204)**

Chairman Yeager opened continued public hearing for a special use permit to allow the use of a conference room in a multi-tenant office building for a church. The property is located along the north side of Burnt Boat Drive between Tyler Parkway and Clairmont Road (1720 Burnt Boat Drive, Suite 204).

Mr. Greenquist provided an overview of the request and listed the following findings for the special use permit:

1. The proposed use is not completely consistent with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed use may be detrimental to the use or development of adjacent properties. In particular, the operation of a church facility in a multi-tenant office building is not necessarily compatible with the office uses within the building.
4. The proposed use would not 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. In particular, the number of off-street parking spaces required for a church (1 parking space per 60 square feet) exceeds the number of off-street parking spaces available under the office building usage (1 parking space per 250 square feet).

Mr. Greenquist then listed the following additional information:

1. A church is allowed in the RT district as a special use. Section 14-03-08 (4)(f) of the City Code of Ordinances outlines the requirements for a church. A copy of this section was attached to the staff report.
2. There are some concerns with parking for a church facility in a multi-tenant office building. The site plan submitted with the application shows 58 parking spaces for the building. While this may be adequate for the office uses, there are concerns that any church activities during typical office hours would strain the available parking. In

addition, parking is not allowed on the north side of Burnt Boat Drive adjacent to the property.

3. Because of an error in the legal description of this property in last month's public notice, July's public hearing on this item was continued.

Mr. Greenquist said that staff recommends approval of the special use permit for a church in a multi-tenant building on Lot 2, Block 1, Country West IV Second Replat (1720 Burnt Boat Drive Suite 204) with the following conditions:

1. Group gatherings are limited to Wednesday evenings after 6:00 p.m. and on Sundays.
2. Weddings, funerals, or other social events shall not be held at this location.
3. Group gatherings shall not exceed 36 persons at any time.
4. A columbarium will not be allowed at this location.

Marc Eidahl, the pastor of New Life Church, stated that he would like to address the parking concern that was raised at the last meeting. He said that parking lot is being resurfaced and a new parking plan is being developed; however, there will be sufficient parking for the church's needs. Mr. Eidahl requested that the restriction limiting group gatherings to Wednesday evenings after 6:00 p.m. be removed, because occasionally they do hold meetings and small prayer groups on other weekday evenings.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the request for a the special use permit for a church in a multi-tenant building on Lot 2, Block 1, Country West IV Second Replat (1720 Burnt Boat Drive Suite 204) with the following conditions: 1) Group gatherings are limited to evenings after 6:00 p.m. and on Sundays; 2) Weddings, funerals, or other social events shall not be held at this location; 3) Group gatherings shall not exceed 36 persons at any time; and 4) A columbarium will not be allowed at this location. Commissioner Juhala seconded the motion with Commissioners Armstrong, Atkinson, Juhala, Laning, Warford and Yeager voting in favor and Commissioners Bullinger and Waldoch voting against. The motion passed 6-2.

#### **PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – PROMONTORY POINT IV ADDITON FIRST REPLAT**

Chairman Yeager called for the public hearing for the minor subdivision final plat for Promontory Point IV Addition First Replat. The property is located in northwest Bismarck on the west side of Tyler Coulee between Mesquite Loop and the north end of Clairmont Road (a replat of Lots 1-18, Block 9 and Lots 1-24, Block 1, Promontory Point IV Addition in part of the E½ of the SW¼ of Section 19, T139N – R80W/Hay Creek Township).

Mr. Greenquist provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. This replat does not change the roadway alignment and remains in conformance with the Fringe Area Road Master Plan which designates Valley Drive as a collector roadway.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would remain compatible with adjacent land uses; a zoning change is not proposed. Adjacent land uses include residential, except for Tyler Coulee along the east edge.
5. There is currently only one access road serving the existing Promontory Point developments. Valley Drive will provide the second access and will be constructed prior to housing development in this subdivision.
6. A waiver was approved for the original plat to exceed the maximum block length due to topographic constraints.
7. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services.
8. The proposed subdivision would not adversely affect property in the vicinity.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Greenquist said based on the above findings, staff recommends approval of minor subdivision final plat of Promontory Point IV Addition First Replat.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Promontory Point IV Addition First Replat.

Doug Mahowald stated that he is not against the development, but was wondering if the water pressure issue in the area will be addressed with this development. Commissioner Bullinger responded by saying the issue should be resolved this fall.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to approve the minor subdivision final plat for Promontory Point IV Addition First Replat. Commissioner Armstrong seconded the motion and it was

unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

## **PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – MIRIAM INDUSTRIAL PARK SECOND ADDITION FIRST REPLAT**

Chairman Yeager called for the public hearing for the minor subdivision final plat for Miriam Industrial Second Addition First Replat. The property is located in east Bismarck, along the west side of Industrial Drive, approximately  $\frac{3}{4}$  of a mile south of the I-94 interchange (a replat of the north 409.71 feet of Lot 17, Miriam Industrial Park Second Addition in part of the NE  $\frac{1}{4}$  of Section 35, T139N-R80W/Hay Creek Township).

Mr. Tomanek provided an overview of the request and listed the following findings for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision plat have been met.
2. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.
3. The storm water management plan has not been approved by the City Engineer.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developed industrial land to the south and north, partially-developed residential land separated by the CP Railway railroad line and the Hay Creek corridor to the west, Bismarck Expressway and undeveloped property to the east.
5. The property is already annexed; 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 then provided the following additional information:

1. The existing parcel has been administratively split through the City's lot modification process on two separate occasions resulting in a total of three parcels being created. As the creation of three parcels is the maximum allowed under the City's lot modification process, no additional lot splits would be allowed under the City's subdivision regulations. The property may only be subdivided further through the minor subdivision process.

2. The internal area will be accessed off of Industrial Drive via an existing private driveway easement for access and circulation; no additional right-of-way would be dedicated.

Mr. Tomanek said based on finding #3, staff recommends continuing the public hearing until such time as the storm water management plan has been approved by the City Engineer.

Chairman Yeager opened the public hearing for the minor subdivision final plat for Miriam Industrial Second Addition First Replat.

There was no public comment.

**MOTION:** Based on the findings contained in the staff reports, Commissioner Warford made a motion to continue the public hearing for the minor subdivision final plat for Miriam Industrial Second Addition First Replat until the September 28, 2011 City Planning & Zoning Commission meeting. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE FROM R5-RESIDENTIAL, RM5-RESIDENTIAL AND RM10-RESIDENTIAL TO R10-RESIDENTIAL – LOTS 1-3 AND 18-23, BLOCK 5, SHANNON VALLEY ADDITION**

Chairman Yeager called for the public hearing for the zoning change from the R5-Residential, RM5-Residential and RM10-Residential zoning districts to the R10-Residential zoning district for Lots 1-3 and 18-23, Block 5, Shannon Valley Addition. The property is located along the east side of North 34<sup>th</sup> Street and the Chivas Place cul-de-sac between East Avenue C and Crocus Avenue.

Ms. Lee listed the following findings for the zoning change:

1. This area 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 single-family residential to the north, south, east and west.
3. The property is already annexed; 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 distributed two letters and three emails in regards to the zoning change , attached as Exhibit A, Exhibit B and Exhibit C, Exhibit D and Exhibit E.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from the R5-Residential, RM5-Residential and RM10-Residential zoning districts to the R10-Residential zoning district on Lots 1-3 and 18-23, Block 5, Shannon Valley Addition.

Chairman Yeager called for the public hearing for the zoning change from the R5-Residential, RM5-Residential and RM10-Residential zoning districts to the R10-Residential zoning district on Lots 1-3 and 18-23, Block 5, Shannon Valley Addition.

No public comment was received.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the zoning change from the R5-Residential, RM5-Residential and RM10-Residential zoning districts to the R10-Residential zoning district on Lots 1-3 and 18-23, Block 5, Shannon Valley Addition. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Juhala, Laning, Waldoch, Warford and Yeager voting in favor of the motion.

#### **OTHER BUSINESS**

There was no other business.

#### **ADJOURNMENT**

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:30 p.m. to meet again on September 28, 2011.

Respectfully submitted,

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Kimberley Gaffrey  
Recording Secretary

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Wayne Yeager  
Chairman

Construction of Rental Housing (continued)

	Create Suitable Living		Provide Decent Housing		Create Economic Opportunities		Total
	Access	Sustain	Access	Sustain	Access	Sustain	
Number subsidized with project based rental assistance by another federal, state, or local program	0	0	0	0	0	0	0
Number designated for persons with HIV/AIDS	0	0	0	0	0	0	0
Of those, the number for the chronically homeless	0	0	0	0	0	0	0
Number of permanent housing units for homeless persons and families	0	0	0	0	0	0	0
Of those, the number for the chronically homeless	0	0	0	0	0	0	0



Rehabilitation of Rental Housing

	Create Suitable Living			Provide Decent Housing			Create Economic Opportunities			Total
	Access	Afford	Sustain	Access	Afford	Sustain	Access	Afford	Sustain	
Total LMH* units	0	0	0	0	40	0	0	0	0	40
Total SB*, URG units	0	0	0	0	0	0	0	0	0	0
Of Total, Number of Units Made 504 accessible	0	0	0	0	0	0	0	0	0	0
Brought from substandard to standard condition	0	0	0	0	0	0	0	0	0	0
Created through conversion of non-residential to residential buildings	0	0	0	0	0	0	0	0	0	0
Qualified as Energy Star	0	0	0	0	0	0	0	0	0	0
Brought to lead safety compliance	0	0	0	0	0	0	0	0	0	0
Affordable	0	0	0	0	40	0	0	0	0	40
Of Affordable Units										
Number subsidized by another federal, state, local program	0	0	0	0	27	0	0	0	0	27
Number occupied by elderly	0	0	0	0	39	0	0	0	0	39
Number of years of affordability	0	0	0	0	6	0	0	0	0	6
Average number of years of affordability per unit	0	0	0	0	0	0	0	0	0	0
Number designated for persons with HIV/AIDS	0	0	0	0	0	0	0	0	0	0

Greg Stites

From: Greg Stites [REDACTED]  
Sent: Thursday, August 18, 2011 1:20 PM  
To: 'cobplan@nd.gov'  
Subject: City Planning & Zoning Commission

SENT VIA E-MAIL and FAX to 701-222-6450

August 18, 2011

Community Development Department  
Planning Division  
PO Box 5503  
Bismarck, ND 58506-5503

Thank you for your letter dated August 12, 2011 regarding a public hearing on a zoning change on August 24, 2011, at 5 PM. Ronald & Martha Peltz and Richard Hammond have requested a zoning change to certain lots on the east side of 34<sup>th</sup> Street and on Chivas Place cul-de-sac south of Crocus Avenue just off of 35<sup>th</sup> Street.

We live at 3423 Crocus Avenue and our south property border abuts the empty lots located on Chivas Place.

We have no objections to the proposed zoning changes to the 3 lots along the east side of 34<sup>th</sup> Street just south of Crocus Avenue.

However, we are opposed to the proposed zoning changes for the empty lots on Chivas Place.

It is our understanding that 5 of the empty lots on Chivas Place are currently zoned R5-Residential with the 6<sup>th</sup> lot in the most southeastern location being an RM-5. An R5-Residential designation allows for single-family residential development only. It is our understanding that the proposal would change all of the empty lots on Chivas Place to R10-Residential which would allow both one and two-family residential development.

We are opposed to this zoning change because it would allow up to 10 families to occupy the 5 lots currently zoned for only single-family residential. And because of the extremely small size of the 6<sup>th</sup> lot currently zoned RM-5, it should actually be changed to an R5-Residential similar to the others on Chivas Place. All the empty lots on Chivas Place are completely surrounded by nicely built single-family residential homes. To change the zoning as proposed would diminish the property values of adjacent property owners unfairly. In building only single-family residences completely around Chivas Place, each of us has relied upon Chivas Place remaining R5-Residential.

The 6 empty lots available now are too crowded and too steep for even single-family residential development let alone two-family residential development.

If the owner(s) of these lots are interested in maximizing the potential for development, the owner(s) should consider re-platting the 6 lots into 2 R5-Residential lots whereby 2 single-family homes could be designed to occupy these steep and difficult lots upon which to build.

Thank you for our consideration.

Greg Stites  
Nancy Guy  
3423 Crocus Avenue  
Bismarck, ND 58501

RECEIVED

AUG 22 2011

August 21, 2011

Community Development Department  
Planning Division  
PO Box 5503  
Bismarck, ND 58506-5503

Responding to your letter of August 12, 2011 regarding a zoning change to Lots 1-3 and 18-23, Block 5, Shannon Valley. We live at 3407 Crocus Avenue next to the property at the corner of 34<sup>th</sup> and Crocus Avenue.

We strongly oppose the zoning change to R10-Residential-one and two-family Residential for the following reasons:

- Our property value and homes in the area would suffer. The original zoning is the zoning the immediate neighborhood expected when they chose to live here.
- We basically feel the lot facing 34<sup>th</sup> does not have adequate space to accommodate a Multi-family home without being too crowded and butting up to our property line. Even a single family home facing Crocus would have to be less in width to fit the pie shape lot.
- A new home is being built next to the corner lot and it would surprise us if the new owners would be in agreement to have the zoning changed to accommodate Multi-family homes on both sides of their home.
- The properties on Chivas Place are very narrow in the front, and would be better suited for 2 or 3 lots for single family homes. The values of the homes in that area would suffer if re-zoned to R10-Residential-one and two-family Residential.

Thank you for this opportunity to be heard.

Jeff Haas  
Victoria Haas  
3407 Crocus Avenue  
Bismarck, ND 58501

EXHIBIT B

August 22, 2011

Community Development Department  
Planning Division  
PO Box 5503  
Bismarck, ND 58501

Thank you for your letter dated August 12, 2011 regarding a public hearing on a zoning change on August 24, 2011, at 5 PM. Ronald & Martha Peltz and Richard Hammond have requested a zoning change to certain lots on the east side of the 34<sup>th</sup> Street and on Chivas Place cul-de-sac south of Crocus Avenue just off of 35<sup>th</sup> Street.

I live at 3430 Chivas Place and I live in the cul-de-sac where he wants to build.

We have no objections to the proposed zoning changes to the 3 lots along the east side of 34<sup>th</sup> street just south of Crocus Avenue.

However, we are opposed to the proposed zoning changes for the empty lots on Chivas Place.

It is our understanding that 5 of the empty lots on Chivas Place are currently zoned R5-Residential with the 6<sup>th</sup> lot in the most southeastern location being an RM-5. An R5-Residential designation allows for single-family residential development only. It is our understanding that the proposal would change all of the empty lots on Chivas Place to R10-Residential which would allow both one and two-family residential development.

We are opposed to this zoning change because it would allow up to 10 Families to occupy the 5 lots currently zoned for only single-family residential. And because of the extremely small size of the 6<sup>th</sup> lot currently zoned RM-5, it should actually be changed to and R%-Residential similar to the others on Chivas Place. All the empty lots on Chivas Place are completely surrounded by nicely built single-family residential homes. To change the zoning as proposed would diminish the property values of adjacent property owners unfairly. In building only single-family residence completely around Chivas Place, each of us has relied upon Chivas Place remaining R5-Residential.

The 6 empty lots available now are too crowded and too steep for even single-family residential development let alone two-family residential development.

If the owner(s) of these lots are interested in maximizing the potential for development, the owner(s) should consider re-platting the 6 lots into 2 R5-Residential lots whereby 2 single-family homes could be designed to occupy these steep and difficult lots upon which to build.

Thank you for our consideration

Robert and Heather Johnson  
3430 Chivas Place  
Bismarck ND 58501

EXHIBIT C

Kim Lee

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**From:** Cobplan <cobplan@nd.gov>  
**Sent:** Tuesday, August 23, 2011 10:44 AM  
**To:** klee@nd.gov  
**Subject:** FW: Proposed Zoning Change - Chivas Place and 34th Street

**From:** [REDACTED]  
**Sent:** Monday, August 22, 2011 8:56 PM  
**To:** cobplan@nd.gov  
**Cc:** klee@nd.gov  
**Subject:** Proposed Zoning Change - Chivas Place and 34th Street

August 22, 2011

Community Development Department  
Planning Division  
PO Box 5503  
Bismarck, ND 58506-5503

This email is in response the letter dated August 12, 2011 regarding a public hearing on a zoning changed to be held on August 24, 2011, at 5:00 pm. Ronald & Martha Peltz and Richard Hammond have requested a zoning change to specific lots on the east of 34<sup>th</sup> Street and on Chivas Place cul-de-sac south of Crocus Avenue just off of 35<sup>th</sup> Street. We will not be able to attend this meeting and therefore are responding via email our opinion to the proposed zoning changes.

We reside at 3429 Crocus Avenue and our south property border is directly located next to the empty lots on Chivas Place on the east side of 34<sup>th</sup> Street just south of Crocus Ave.

After evaluating the requested changes, we have no objections to the proposed zoning changes for the 3 lots along the east side of 34<sup>th</sup> Street just south of Crocus Ave. However, we are *opposed* to the proposed zoning changes for the empty lots located on Chivas Place.

We are opposed to this zoning change because it would allow up to 10 families to occupy the 5 lots currently zoned for only single-family residential. To change the zoning as proposed would diminish the property values of adjacent property owners which we feel is unfair when all other homes in the area are single-family residences.

To summarize, we have no objection to the requested zoning change for the 3 lots located along 34<sup>th</sup> Street, *but are opposed to the zoning request change for the 6 lots located on Chivas Place.*

Thank you for your time and consideration.

Larry and Christine Fitterer  
3429 Crocus Ave  
Bismarck, ND 58501

Kim Lee

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**Subject:** FW: zone change request/concern

**From:** Carol Hendrickson [mailto: ]

**Sent:** Tuesday, August 23, 2011 4:56 PM

**To:** klee@nd.gov

**Subject:** zone change request/concern

We live at 3435 Crocus Avenue, Bismarck ND, and would like to voice our concern on changing the zoning on some of the lots in our neighborhood to R10. We would like to see the lots on Crocus Avenue and Chivas Place zoned as R5, as this is how the rest of our neighborhood has been developed.

Thank you for considering our recommendation,  
Keith & Carol Hendrickson



**Major Permit Activity****August 2011**

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Non-deeded Owner:	UTTC Science and Tech Center
Address:	3315 University Drive
Cost:	\$511,064.00
Description:	Class rooms

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Non-deeded Owner:	Hollister Hills Condominiums
Address:	4913 Shelburne Street
Cost:	\$925,390.00
Description:	10-unit condo

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Non-deeded Owner:	Vue Credit Union
Address:	828 East Main Avenue
Cost:	\$735,050.00
Description:	1991 square foot addition and 2371 square foot alteration of bank

---

Non-deeded Owner:	Bismarck Retail Building
Address:	409 South 3rd Street
Cost:	\$767,918.00
Description:	Single story building for future restaurant

---

Non-deeded Owner:	Wachter Middle School
Address:	1107 South 7th Street
Cost:	\$2,906,334.00
Description:	Single and two-story additions and alterations

---

Non-deeded Owner:	Mainstay Suites
Address:	929 Gateway Avenue
Cost:	\$477,728.00
Description:	3600 square foot, single story pool building

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Non-deeded Owner:	Mainstays Suites
Address:	929 Gateway Avenue
Cost:	\$423,000.00
Description:	3450 square foot swimming pool with water slide

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Non-deeded Owner:	Town Center
Address:	401 North 4th Street
Cost:	\$1,176,000.00
Description:	Three-story office building

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Non-deeded Owner:	Arrow Head Ranch Condos
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Address: 3327 Nebraska Drive  
Cost: \$650,000.00  
Description: Single story, four unit condo

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Non-deeded Owner: Arrow Head Ranch Condos  
Address: 3327 Nebraska Drive  
Cost: \$650,000.00  
Description: Single story, four unit condo

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DATE SELECTION 8/2011

Permit Type	City		ETA		County							
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	35	5,917,177.00	12	1,925,824.00	6	1,229,103.00	3	585,371.00	2	348,038.00	1	136,560.00
SINGLE FAMILY ATTACHED	13	1,970,686.00	5	775,114.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	1	122,859.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	2	1,300,000.00	1	680,000.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	1	925,390.00	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	6	3,420.00	7	5,100.00	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	0	.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	1	500.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	1	302,000.00	0	.00	0	.00	3	219,599.00	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	1	1,176,000.00	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)	1	767,918.00	1	534,554.00	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	5	2,500.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	1	224,434.00	1	511,064.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	1	13,356.00	2	27,348.00	3	72,313.00	3	75,154.00	0	.00	0	.00
RESIDENTIAL GARAGES	7	67,536.00	11	94,948.00	14	287,232.00	12	220,848.00	0	.00	1	24,064.00
PATIOS AND COVERS	14	44,565.00	15	43,309.80	1	5,280.00	2	6,120.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	34	166,564.00	25	93,962.00	3	9,250.00	2	4,349.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	6	10,300.00	11	19,146.00	0	.00	1	4,096.00	0	.00	0	.00
BASEMENT FINISH	18	82,579.00	8	41,148.00	5	27,288.00	6	33,178.00	2	1,140.00	0	.00
INDUSTRIAL BUILDINGS	5	367,032.00	1	10,500.00	0	.00	1	5,688.00	0	.00	0	.00
COMMERCIAL BUILDINGS	5	381,440.00	2	60,800.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 8/2011

Permit Type	***** City *****		***** ETA *****		***** County *****							
	8/2011 Permits	Valuation	8/2010 Permits	Valuation	8/2011 Permits	Valuation	8/2010 Permits	Valuation				
OFFICE & PROFESSIONAL BLD	5	1,140,454.00	9	945,779.00	0	.00	0	.00	0	.00	0	.00
OTHER	4	915,259.00	1	46,300.00	0	.00	1	16,995.00	0	.00	0	.00
ALTER PUBLIC	1	2,906,334.00	2	3,079,850.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	1	.00	0	.00	1	.00	0	.00	0	.00	0	.00
OTHER	1	.00	2	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	9	46,415.00	3	24,362.00	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	171	18,504,425.00	120	8,755,337.80	34	2,141,530.00	40	1,174,398.00	4	349,178.00	2	160,624.00

DATE SELECTION 8/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	8/2011 Permits	8/2010 Permits	8/2011 Permits	8/2010 Permits	8/2011 Permits	8/2010 Permits
Plumbing	65	50	16	12	0	0
Electrical	139	97	0	0	0	0
Mechanical	117	103	25	20	4	4
Drain Field	0	0	20	8	3	4
Hood Suppression	0	3	0	0	0	0
SprinklerStandpipe	1	1	0	0	0	0
Alarm Detection	0	0	0	0	0	0
<b>Total</b>	<b>322</b>	<b>254</b>	<b>61</b>	<b>40</b>	<b>7</b>	<b>8</b>

DATE SELECTION 8/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 8/2011	Units 8/2010	Units 8/2011	Units 8/2010	Units 8/2011	Units 8/2010
SINGLE FAMILY DETACHED	35	12	6	3	2	1
SINGLE FAMILY ATTACHED	13	5	0	0	0	0
TWO UNIT	0	2	0	0	0	0
THREE & FOUR FAMILY	8	4	0	0	0	0
FIVE & MORE FAMILY	10	0	0	0	0	0
COMM (RETAIL SALES)	1	0	0	0	0	0
ROOM ADDITIONS	0	0	1	0	0	0
OTHER	3	0	0	0	0	0
BASEMENT FINISH	1	0	0	0	0	0
Total	71	23	7	3	2	1

Permit Type	DATE SELECTION 8/2011											
	City				ETA				County			
	8/2011		8/2010		8/2011		8/2010		8/2011		8/2010	
Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	
SINGLE FAMILY DETACHED	203	35,740,487.00	155	27,515,032.00	67	12,429,313.00	60	11,341,815.00	9	1,687,618.00	9	1,672,683.00
SINGLE FAMILY ATTACHED	63	9,869,851.00	52	8,092,508.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	1	238,476.00	1	122,859.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	5	3,120,500.00	3	1,720,000.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	1	925,390.00	2	2,144,000.00	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	24	11,940.00	22	5,100.00	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	1	31,516.00	0	.00	0	.00	0	.00	0	.00
HOTELS	2	12,311,458.00	1	4,362,000.00	0	.00	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	2	144,700.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	2	4,380,824.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	1	500.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	1	120,000.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	6	2,232,115.00	7	4,322,341.00	2	314,000.00	4	275,599.00	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	4	2,293,250.00	7	28,352,193.00	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)	4	1,746,791.00	3	801,671.00	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	14	1,307,297.00	8	989,243.00	0	.00	5	2,500.00	0	.00	0	.00
PUBLIC BUILDING	7	45,113,764.00	6	1,898,031.00	1	511,064.00	0	.00	1	11,342.00	0	.00
ROOM ADDITIONS	20	411,200.00	13	284,853.00	8	214,713.00	15	1,162,999.00	1	21,306.00	2	97,680.00
RESIDENTIAL GARAGES	42	408,076.00	61	544,716.00	56	1,153,820.00	59	998,723.00	5	196,660.00	16	493,352.00
PATIOS AND COVERS	77	228,220.00	103	355,819.80	10	87,925.00	10	44,267.00	0	.00	4	17,265.00
SWIMMING POOLS AND SPAS	0	.00	1	70,395.00	1	47,300.00	0	.00	0	.00	0	.00
OTHER	103	805,543.00	141	1,580,570.00	10	229,874.00	11	298,301.00	1	4,172.00	4	12,500.00
HOME OCCUPATIONS	2	.00	3	.00	1	.00	1	.00	0	.00	0	.00
STORAGE SHEDS	35	65,650.00	80	138,386.00	3	18,433.00	11	24,682.00	0	.00	1	5,120.00
BASEMENT FINISH	129	629,327.00	91	418,403.00	33	186,521.00	37	211,555.00	2	1,140.00	2	12,650.00
INDUSTRIAL BUILDINGS	18	3,210,633.00	15	1,453,887.00	1	286,382.00	1	5,688.00	0	.00	0	.00
COMMERCIAL BUILDINGS	35	7,752,813.00	19	2,285,493.00	1	84,100.00	1	988,684.00	0	.00	0	.00

DATE SELECTION 8/2011

Permit Type	***** City *****		***** ETA *****		***** County *****							
	8/2011	8/2010	8/2011	8/2010	8/2011	8/2010						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
OFFICE & PROFESSIONAL BLD	31	8,136,223.00	55	8,038,171.00	0	.00	1	97,000.00	0	.00	0	.00
OTHER	14	3,643,621.00	9	1,461,756.00	2	1,200,000.00	1	16,995.00	0	.00	0	.00
ALTER PUBLIC	11	5,313,277.00	13	6,027,768.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	7	.00	11	.00	1	.00	0	.00	0	.00	0	.00
OTHER	9	.00	6	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	2	.00	12	.00	10	.00	0	.00	0	.00
NURSERY STOCK SALES	6	.00	3	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	3	.00	3	.00	7	.00	5	.00	0	.00	0	.00
CIRCUS/CARNIVAL	2	50.00	1	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	1	.00	3	.00	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	53	656,266.00	35	241,156.00	0	.00	1	1,945.00	0	.00	0	.00
SIGN ALTERATION	2	9,587.00	1	26,915.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
	936	148,512,518.00	943	107,930,306.80	216	16,763,445.00	234	15,471,253.00	19	1,922,238.00	38	2,311,250.00

DATE SELECTION 8/2011

Permit Type	City		ETA		County	
	Permits 8/2011	Permits 8/2010	Permits 8/2011	Permits 8/2010	Permits 8/2011	Permits 8/2010
Plumbing	335	327	75	79	6	8
Electrical	750	693	0	0	0	0
Mechanical	774	677	128	124	13	18
Drain Field	0	0	20	8	3	4
Hood Suppression	0	3	0	0	0	0
SprinklerStandpipe	1	1	0	0	0	0
Alarm Detection	0	0	0	0	0	0
<b>Total</b>	<b>1896</b>	<b>1726</b>	<b>259</b>	<b>264</b>	<b>27</b>	<b>33</b>

DATE SELECTION 8/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 8/2011	Units 8/2010	Units 8/2011	Units 8/2010	Units 8/2011	Units 8/2010
SINGLE FAMILY DETACHED	202	155	67	60	9	9
SINGLE FAMILY ATTACHED	63	52	0	0	0	0
TWO UNIT	2	2	0	0	0	0
THREE & FOUR FAMILY	20	12	0	0	0	0
FIVE & MORE FAMILY	10	21	0	0	0	0
MANUFACTURED HOMES	4	2	0	0	0	0
GROUP QUARTERS	0	2	0	0	0	0
INDUSTRIAL	1	0	0	0	0	0
COMM (RETAIL SALES)	1	0	0	0	0	0
OTHER STRUCTURES	0	4	0	0	0	0
ROOM ADDITIONS	4	0	2	4	0	1
RESIDENTIAL GARAGES	0	1	0	1	0	1
PATIOS AND COVERS	3	1	0	0	0	0
OTHER	4	5	0	0	0	0
STORAGE SHEDS	0	2	0	0	0	0
BASEMENT FINISH	8	6	1	1	0	0
INDUSTRIAL BUILDINGS	1	0	0	0	0	0
ALTER PUBLIC	1	0	0	0	0	0
RESIDENTIAL	1	0	0	0	0	0
Total	325	265	70	66	9	11