



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
November 16, 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 October 26, 2011 meeting of the Bismarck Planning and Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Mapleton Addition - Preliminary Plat (JT) 1
Staff recommendation: tentative approval []tentative approval []table []deny
3. Lot 5, Block 1, Centennial Park 4th Addition and Tract 1 of N1/2 of Section 20, T139N-R80W - Zoning Change (RM30 & A to CG) (Klee) 5
Staff recommendation: deny []schedule a hearing []table []deny
4. Definitions - Zoning Ordinance Text Amendment (Klee) 9
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. **Shannon Valley 4th Addition 1st Replat (Klee)**
- a. Zoning Change (RM15 to R10).....11
Staff recommendation: approve approve continue table deny
- b. Minor Subdivision Final Plat.....15
Staff recommendation: approve approve continue table deny
6. **Lots 3 & 4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition – Zoning Change (R10 to CG) (JT).....21**
Staff recommendation: approve approve continue table deny
7. **Lot 1, Block 1, Eastdale Addition – Special Use Permit (drive-through) (JT).....27**
Staff recommendation: approve approve continue table deny
8. **Part of the E½ of the SE¼ of Section 28, T139N-R80W – Special Use Permit (drive-through) (JT).....33**
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

9. **Other**

ADJOURNMENT

10. **Adjourn.** The next regular meeting date is scheduled for Wednesday, December 21, 2011.

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

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

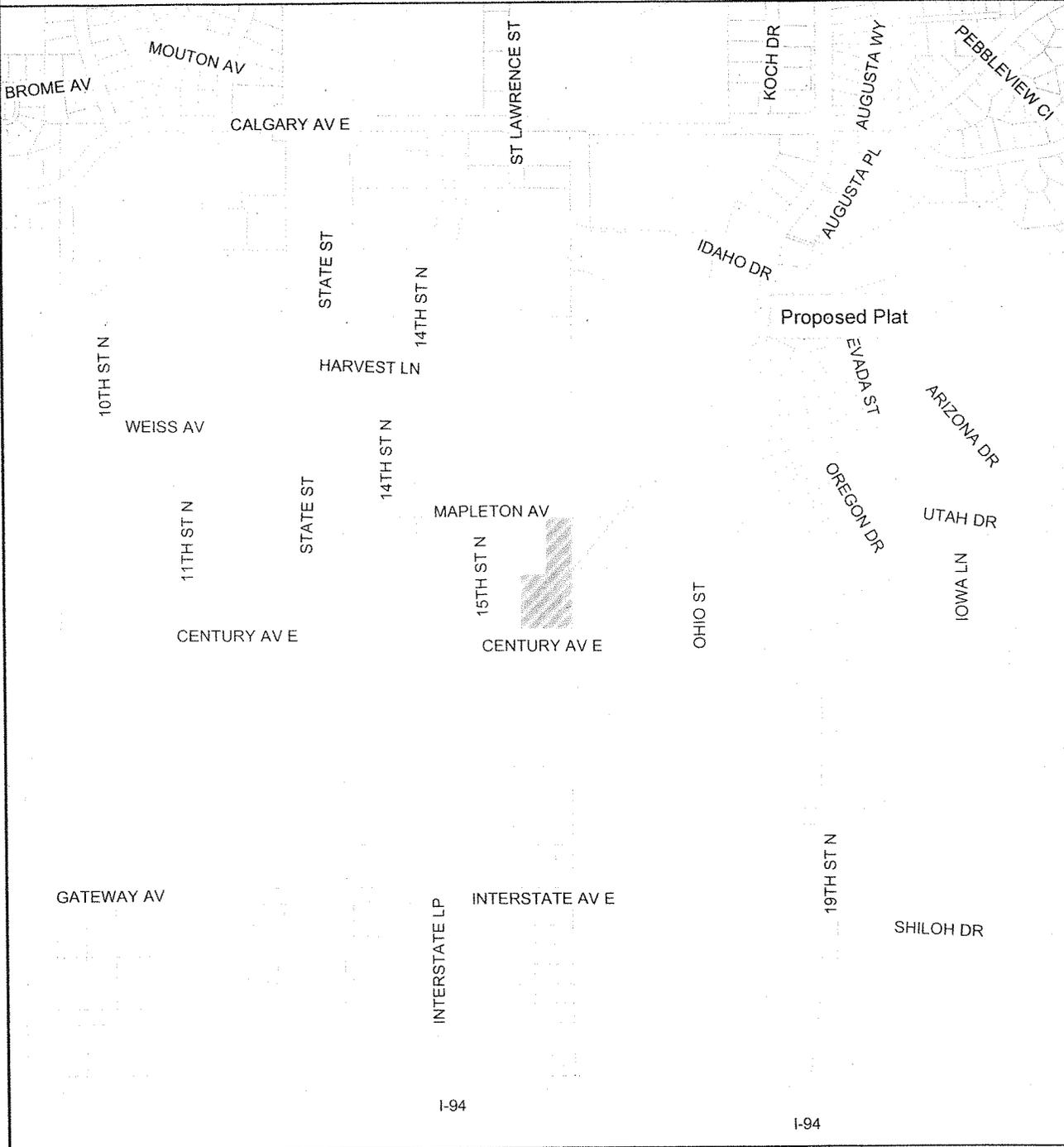
BACKGROUND:		
Title: Mapleton Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: November 16, 2011	
Owner(s): Allddez Investments, LLC	Engineer: Swenson, Hagen & Company	
Reason for Request: Plat property to allow for future commercial development.		
Location: Along the north side of Century Avenue between North 15 th Street and Ohio Street (an unplatted portion of the east 264 feet of the south 330 feet of the SW ¼ of Section 22, T139N - R80W/Hay Creek Township).		
Project Size: 2.57 acres	Number of Lots: Two lots in one block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Single-family house and storage buildings	Land Use: Commercial uses	
Zoning: CG-Commercial	Zoning: CG-Commercial	
Uses Allowed: Multi-family dwellings, offices, hotels, wholesale and heavy commercial	Uses Allowed: Multi-family dwellings, offices, hotels, wholesale and heavy commercial	
Maximum Density Allowed: 42 units per acre	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
1. The existing structures will be demolished prior to the redevelopment of the property.		
FINDINGS:		
1. All technical requirements for consideration of the preliminary plat have been met.		
2. The proposed subdivision lies outside the Fringe Area Road Master Plan area.		
3. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include commercial and office uses surrounding the property.		
4. The proposed subdivision would not adversely affect the adjacent properties.		
5. The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed.		
<i>findings continued...</i>		

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

RECOMMENDATION:

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

Proposed Plat Mapleton 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 October 19, 2011 (kdg)

Source: City of Bismarck

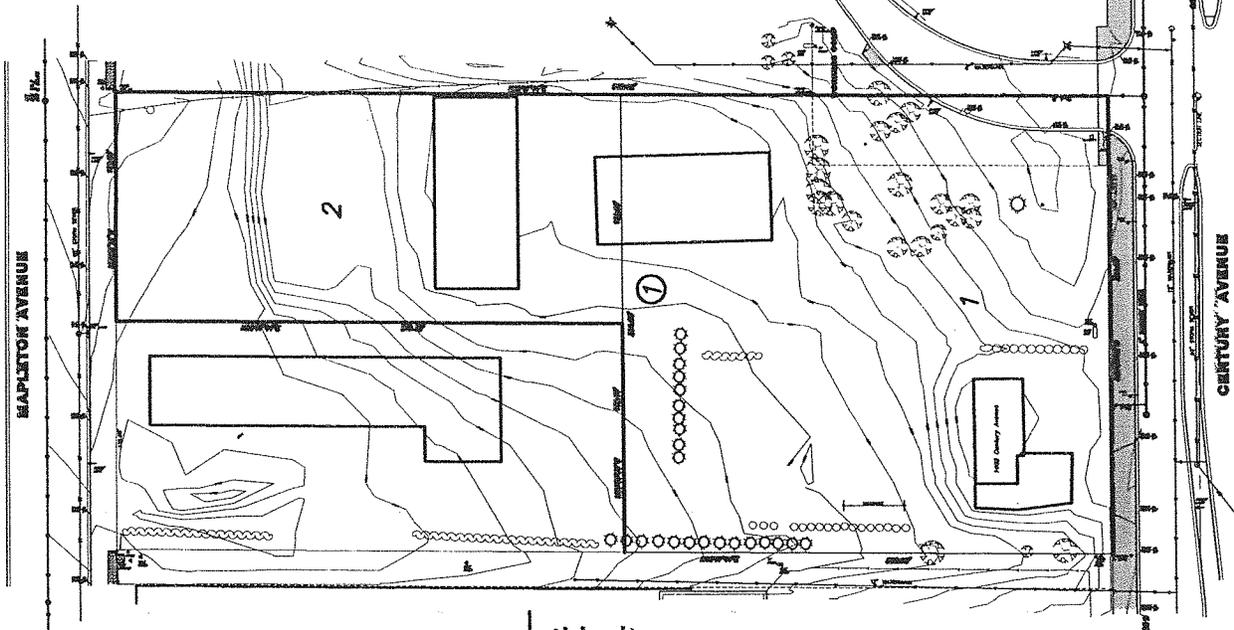


OCT 14 2011

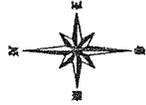
MAPLETON ADDITION

PART OF THE EAST 204' OF THE SOUTH 330' SW 1/4 SECTION 22 T 130 N R 50 W

BISMARCK NORTH DAKOTA



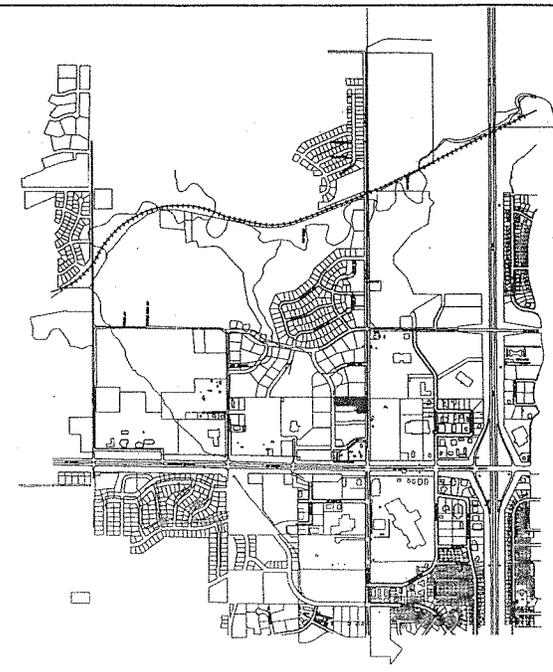
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1" = 9900'
1" = 10000'



SCALE - 1"=30'
OCTOBER 6, 2011

BRIDGE AVENUE ROAD 1928
PART OF CONTIGUOUS EAST OF COMMON
PROPERTY, 1928-29
DESIGNED BY S. CONVERSE
SOUTHWEST PROPERTY CORNER
ELEVATION 1062.5
1/4 NORTH OF THE FIELD
ELEVATION 1010.0

OF ADJACENT RELEASE
PROPERTY AND IN THE
ADJACENT PROPERTY
ADJACENT TO THE
ADJACENT TO THE



3 LOTS
3.67 ACRES

OWNER
SIVENSON HAGEN & COMPANY, LLC
111 S. MAIN ST., SUITE 200
BISMARCK, ND 58101

DESCRIPTION
THE EAST 1/2 OF THE EAST 204' OF THE SOUTH 330' OF THE SW 1/4 SECTION 22-130-50
THE EAST 1/2 OF THE SOUTH 204' OF THE SW 1/4 OF THE SW 1/4 SECTION 22-130-50
THE EAST 1/2 OF THE NORTH 404' OF THE SOUTH 1/2, SW 1/4, SW 1/4 SECTION 22-130-50



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

BACKGROUND:		
Title: Lot 5, Block 1, Centennial Park 4 th Addition and Tract 1 of the N½ of Section 25, T139N-R80W/ Hay Creek Township – Zoning Change (RM30 & A to CG)		
Status: Planning Commission – Consideration	Date: November 16, 2011	
Owner(s): Dale Pahlke	Engineer: N/A	
Reason for Request: Change zoning to allow commercial development (specific use not identified).		
Location: Along the south side of Trenton Drive approximately ¼ mile east of Centennial Road.		
Project Size: 6.37 acres, more or less	Number of Lots: 1 lot and 1 unplatted tract	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM30 – Residential (L5, B1) A – Agricultural (unplatted tract)	Land Use: Commercial (unspecified)	
	Zoning: CG – Commercial	
Uses Allowed: RM30 – Multi-family residential A – Agricultural uses	Uses Allowed: CG – General commercial	
Maximum Density Allowed: RM30 - 30 units per acre A – 1 unit per 40 acres	Maximum Density Allowed: 42 units per acre	
PROPERTY HISTORY:		
Zoned: 06/94 (L5, B1, CP4th)	Platted: 05/94 (L5, B1, CP4th)	Annexed: 03/04 (L5, B1, CP4th)
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. This area was originally platted as Centennial Park 2nd Addition in 1978 with MA – Industrial zoning. 2. When the plat of Centennial Park 4th was approved in 1994, the zoning was changed to a mix of residential and commercial uses at the request of the property owner (Century Park Partnership). At that time, the lots along the south side of Trenton Drive were zone to CG – Commercial (Lots 1-3) and to RM30 – Residential (Lots 4 & 5). 3. In 1996, Lot 4, Block 1, was rezoned from RM30 – Residential to CG – Commercial at the request of the property owner (Frank Bavendick). At this same time, an RM15 area was created on the north side of Trenton Drive between the CA – Commercial along Yorktown Drive and Colonial Drive to serve as a transition between the commercial development and the single-family residential to the north, with the consent of the property owner (Century Park Partnership). 4. In 1997, most of the RM15 transition area created in 1996 was rezoned to R10 – Residential at the request of the property owner (Centennial Partners) in order to reduce the density on the residential lots. The remaining RM15 parcel (Lot 17, Block 4) was rezoned to CA – Commercial in 1998 at the request of the property owner (Centennial Partners). 		
<i>(continued)</i>		

5. A request to rezone Lot 5, Block 1, Centennial Park 4th Addition from RM30 to CG was denied by the Planning & Zoning Commission during consideration of the request in April 2004 and was subsequently withdrawn by the applicant.
6. If the zoning change were to be approved, the unplatted tract would need to be platted and Trenton Drive extended to the eastern edge of the tract prior to development of the tract.

FINDINGS:

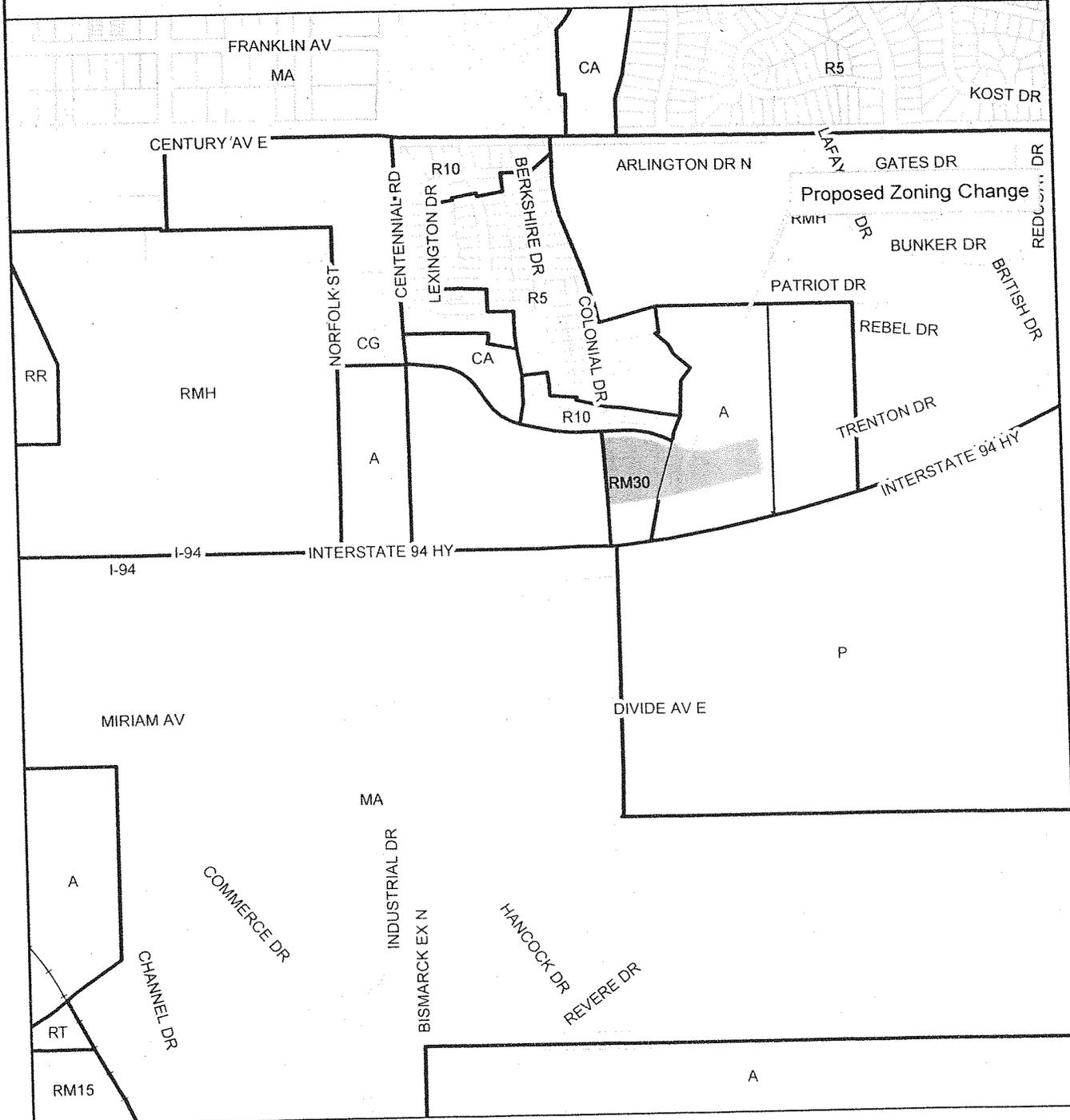
1. The proposed zoning change would be inconsistent with the Land Use Plan, which identifies the long range use of this area as urban residential (Tract 1) and commercial (Lot 5, Block 1) (Bismarck-Mandan Regional Land Use Plan). The commercial land use designation for Lot 5, Block 1, Centennial Park 4th Addition is contrary to the established zoning for this lot.
2. The proposed zoning change would not be compatible with all adjacent land uses. Adjacent land uses include single-family residential and undeveloped R10-zoned lots to the north, undeveloped CG-zoned lots to the west, I-94 and commercial/industrial uses to the south across I-94, and undeveloped land to the east.
3. The proposed zoning change will not place an undue burden on public services, provided the unplatted property was platted and Trenton Drive was extended to the eastern edge of the property.
4. The proposed zoning change would adversely affect property in the vicinity. In particular, an extension of commercial uses on the south side of Trenton Drive would adversely affect the low-density residential development on the north side of Trenton Drive.
5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular, the zoning ordinance discourages incompatible uses in close proximity to one another without the use of transitional zoning and/or landscape buffers.
6. The proposed zoning change is not consistent with adopted plans, policies and accepted planning practice. In particular, given the fact that there is no longer a zoning transition between the single-family residential area on the north side of Trenton Drive and the commercial area on the south side of Trenton Drive, expanding the existing commercial area further to the east is contrary to the concepts of transitional zoning and buffers.

RECOMMENDATION:

Based on the above findings, staff recommends denying the request for a zoning change from RM30 – Residential and A – Agricultural to CG – Commercial on Lot 5, Block 1, Centennial Park 4th Addition and Tract 1 of the N½ of Section 25, T139N-R80W/Hay Creek Township.

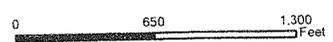
Proposed Zoning Change (RM30 & A to CG)

Lot 5, Block 1, Centennial Park Fourth Addition and Tract 1 of the N½ of Section 25, T139N-R80W

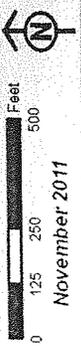
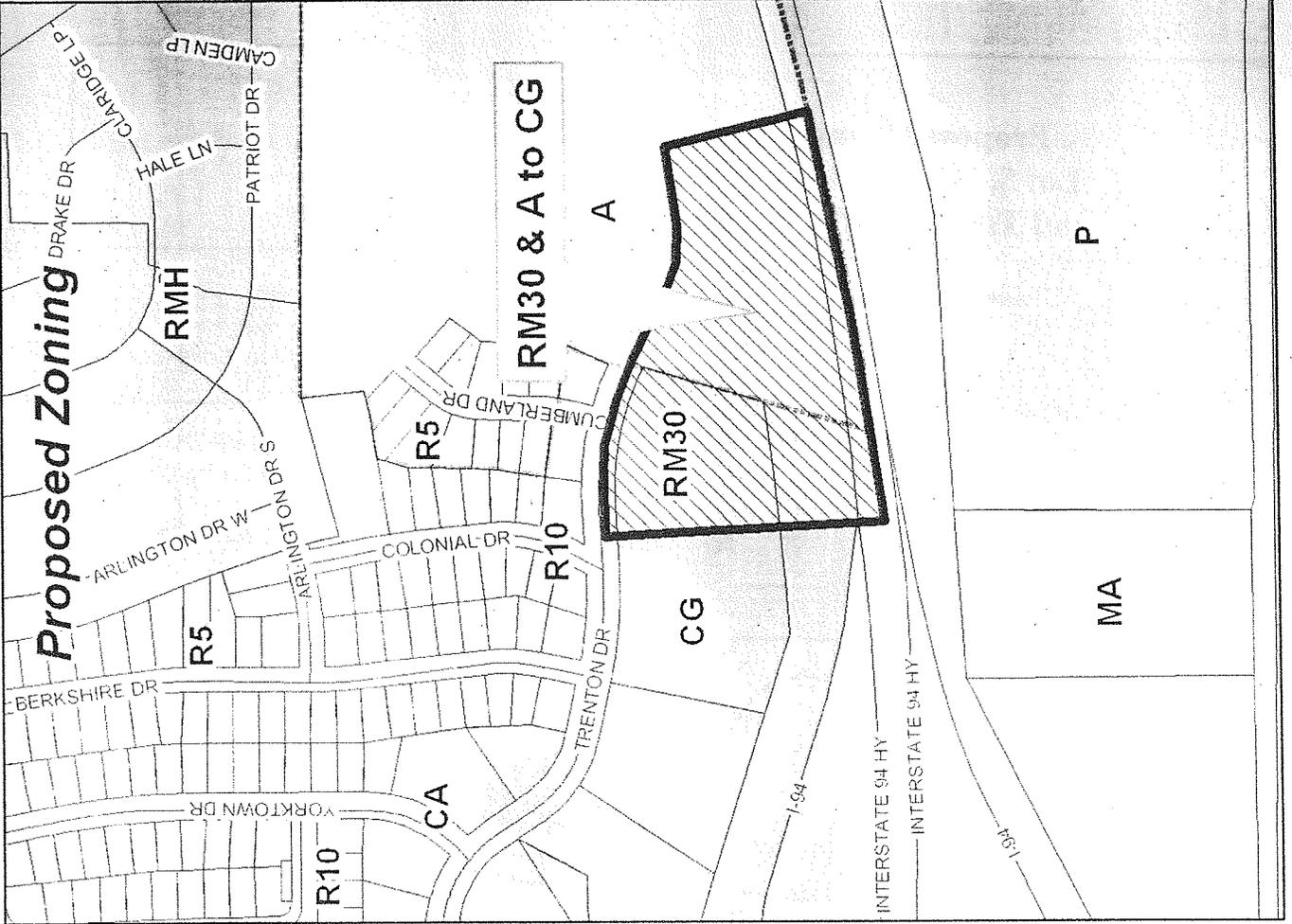
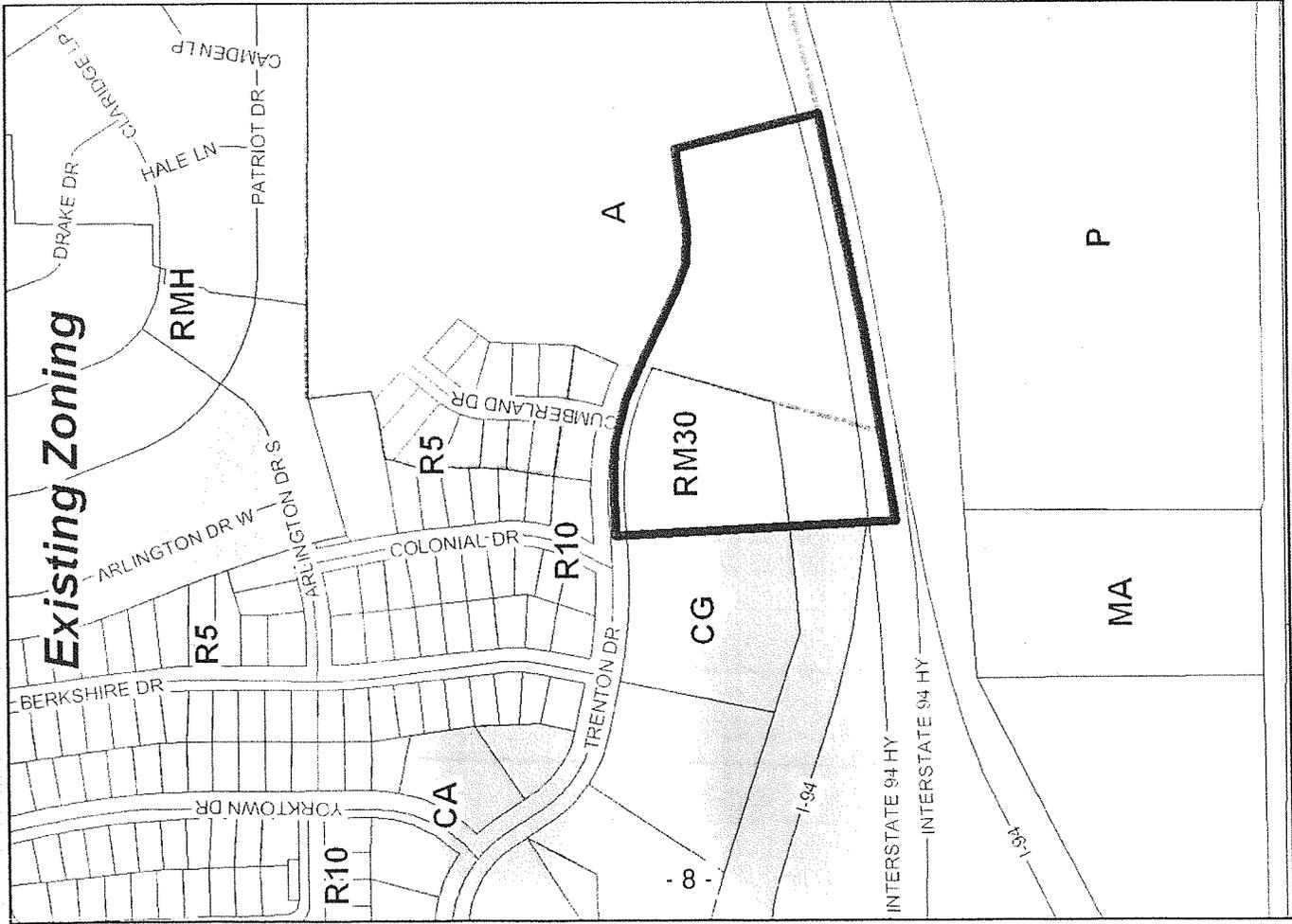


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Map was Updated/Created: October 19, 2011 (kdj)

Source: City of Bismarck



Proposed Zoning Change - RM30 & A to CG



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CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-10 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:

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

* * * * *

Dwelling-Single-family: A building containing only one dwelling unit designed to be located on a permanent perimeter foundation and, if site built, constructed in accordance with the provisions of the applicable City codes governing construction; or, if manufactured off site, constructed in accordance with either the City codes governing construction or the HUD Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280). All single-family dwellings shall be considered and taxed as real property, as provided by law. Each single-family dwelling shall have a minimum ~~overall front~~ width of ~~twenty-four (24)~~ twenty (20) feet, a minimum ~~overall~~ depth of twenty (20) feet, a ~~minimum main floor living space square footage of nine hundred (900)~~ square feet, and a minimum ceiling height of seven (7) feet, six (6) inches. A

manufactured home that meets all of the requirements herein is classified as a single family dwelling.

* * * * *

Family: One or more persons related by blood, adoption, marriage, or foster care for children, living and cooking together as a single housekeeping unit; or, a number of persons, but not exceeding four, living together as a single housekeeping unit, though not related by blood, adoption, marriage, or foster care for children. In accordance with the provisions of NDCC 25-16-13, a group home serving six or fewer developmentally disabled persons is classified as a family in all single-family residential districts (RR, RR5 and R5), and a group home serving eight or fewer developmentally disabled persons is classified as a family in all other residential zoning districts.

* * * * *

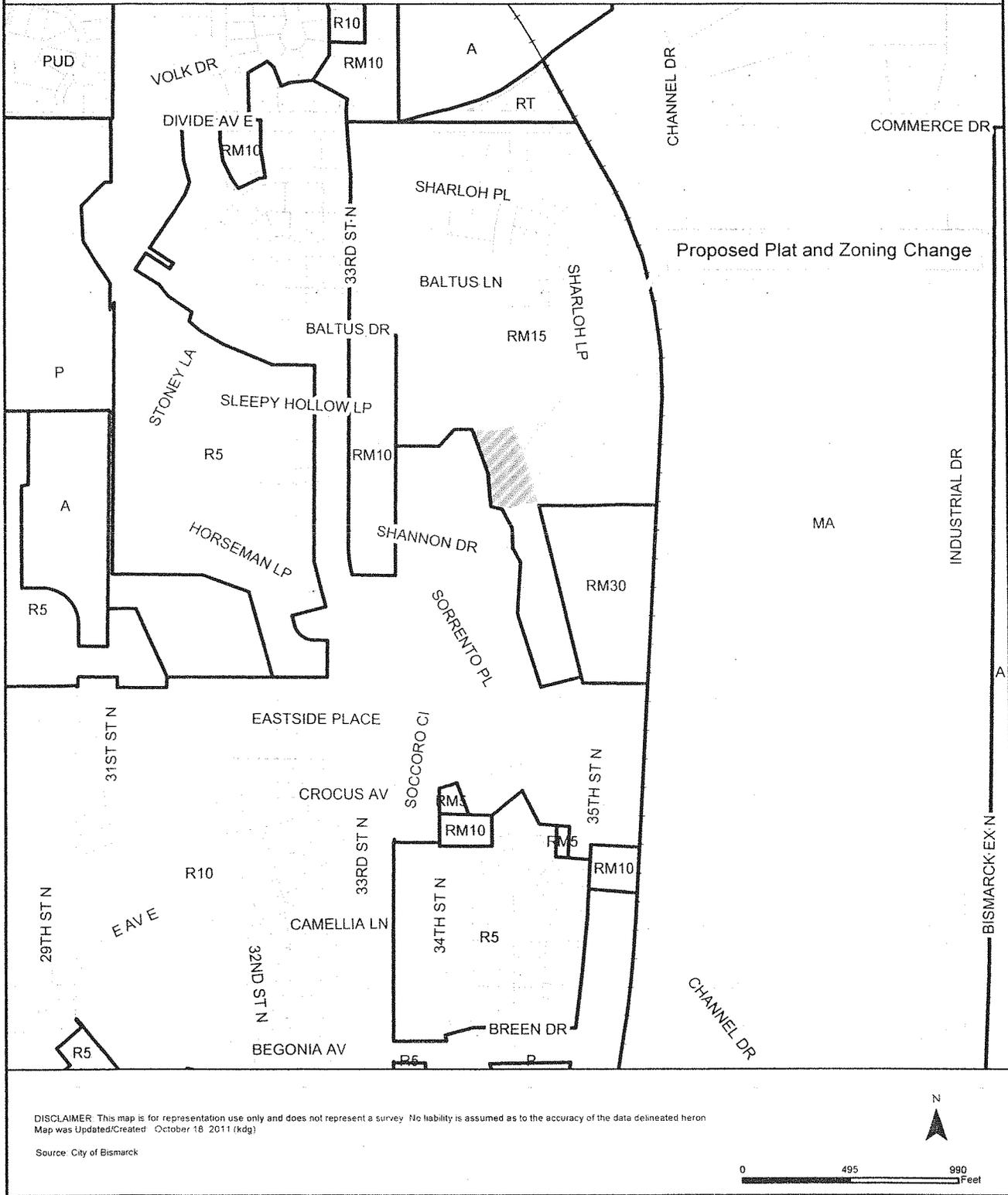
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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

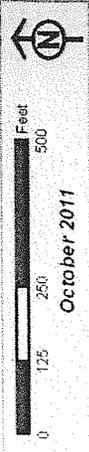
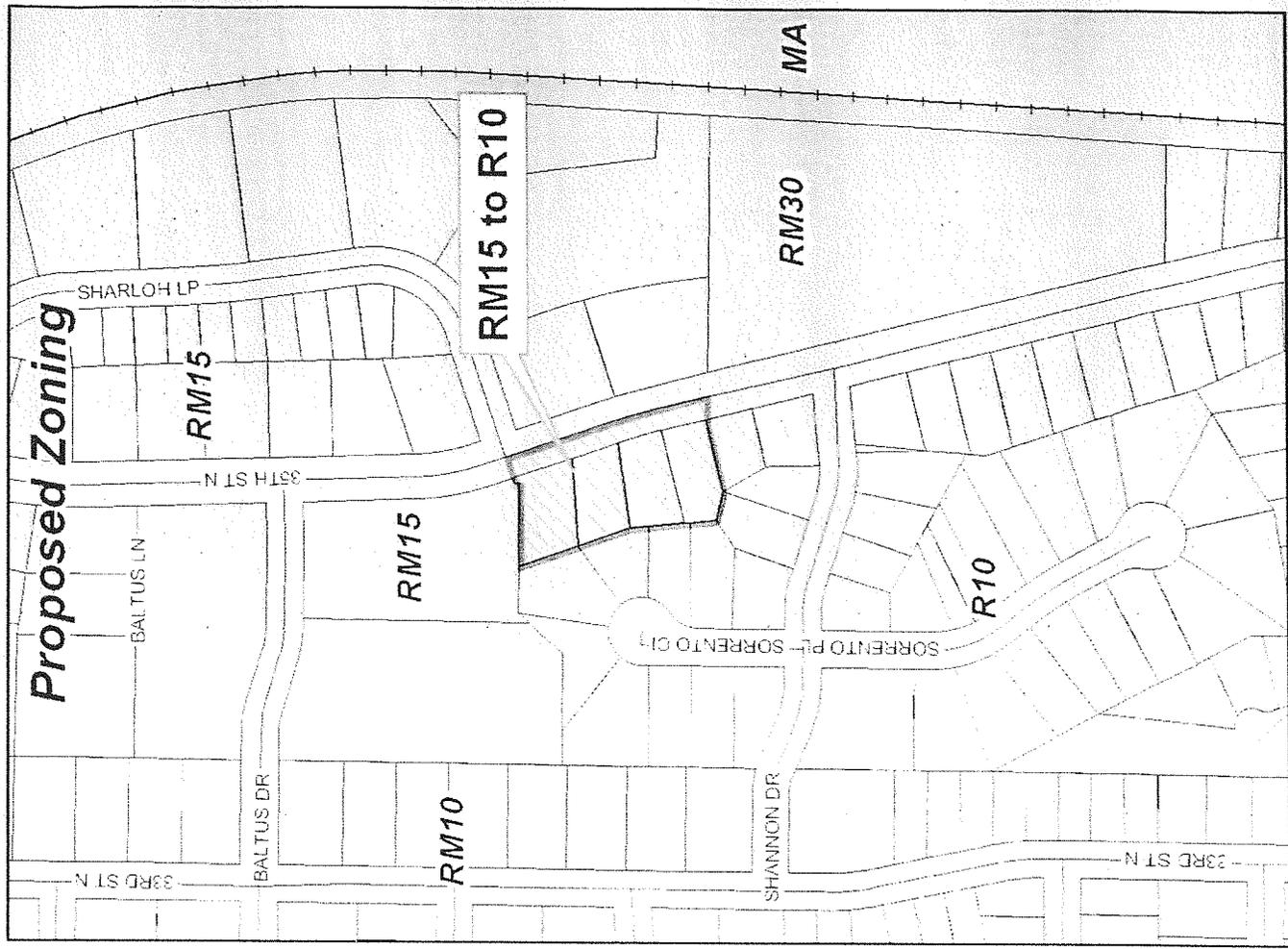
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-8, Block 1, Shannon Valley 4 th Addition 1 st Replat – Zoning Change (RM15 to R10)		
Status: Planning Commission – Public Hearing	Date: November 16, 2011	
Owner(s): ToddcO, Inc.	Engineer: Houston Engineering, Inc.	
Reason for Request: Replat and rezone property to allow twinhome development.		
Location: Along the west side of North 35 th Street between Baltus Drive and Shannon Drive.		
Project Size: 1.33 acres, more or less	Number of Lots: 8 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: One & two-family residential	
Zoning: RM15 – Residential	Zoning: R10 – Residential	
Uses Allowed: Multi-family residential	Uses Allowed: One and two-family residential	
Maximum Density Allowed: 15 units/acre	Maximum Density Allowed: 10 units/acre	
PROPERTY HISTORY:		
Zoned: 06/06	Platted: 06/06	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicants are proposing to replat and rezone the property for twinhome development. The current zoning would allow the construction of four two-unit buildings on the property, but they would have to be on a large common lot as a condo association. The proposed changes will allow the same style of development with individual ownership of each unit and lot. 		
FINDINGS:		
<ol style="list-style-type: none"> This area is outside of the area covered by the Land Use Plan. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family to the north, east and south and one and two-family residential to the west. The property is already annexed; therefore, the proposed zoning change will not place an undue burden on public services. The proposed zoning change would not adversely affect property in the vicinity. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends approval of the zoning change from RM15 – Residential to R10 – Residential on Lots 1-8, Block 1, Shannon Valley Fourth Addition First Replat.		

Proposed Minor Subdivision Final Plat & Zoning Change (RM15 to R10) Shannon Valley Fourth Addition First Replat



Lots 1-8, Block 1, Shannon Valley Fourth Addition First Replat- Zoning Change



October 2011

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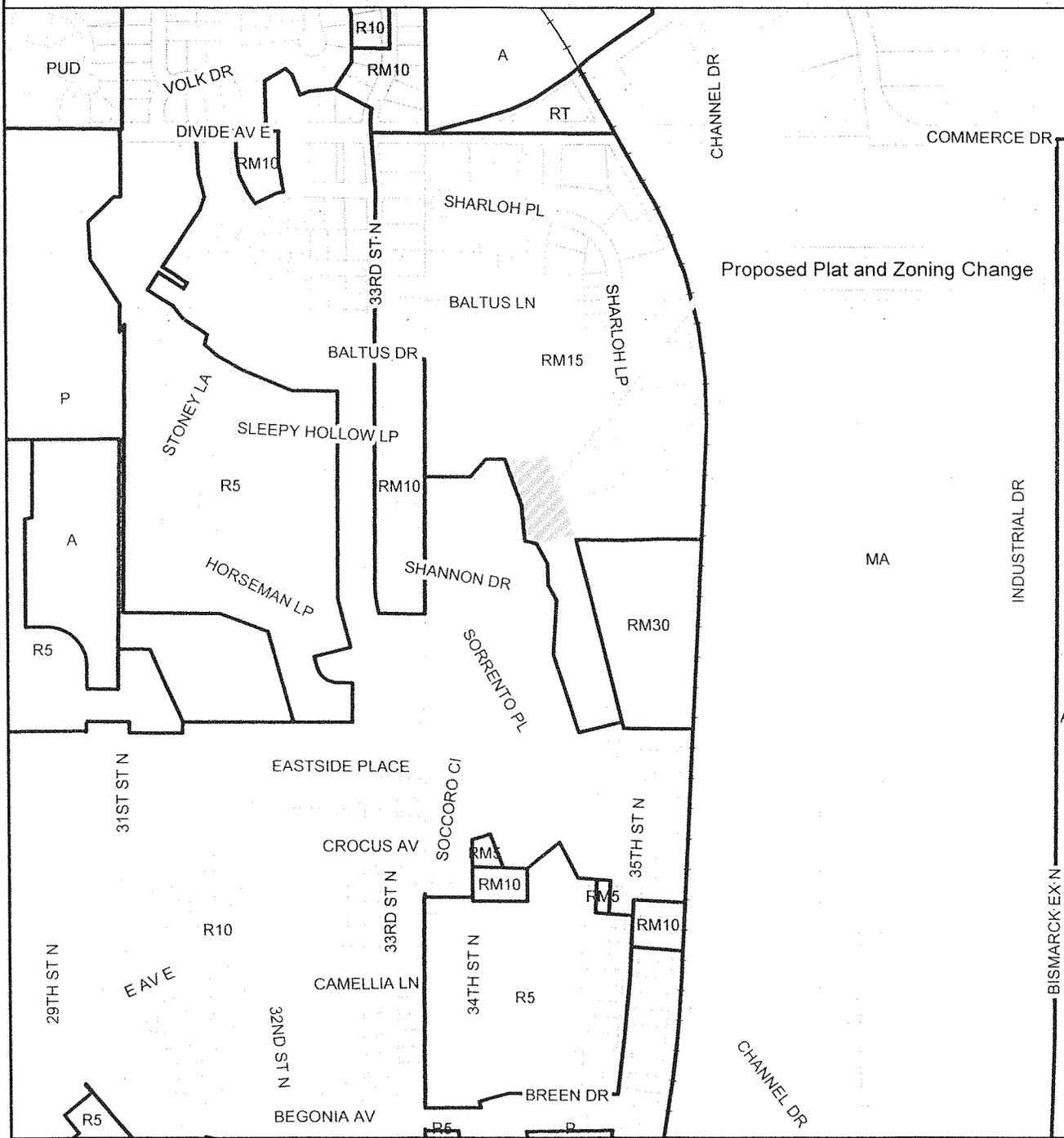
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-8, Block 1, Shannon Valley 4 th Addition 1 st Replat – Minor Subdivision Final Plat (a replat of Lots 1-4, Block 2, Shannon Valley 4 th Addition)		
Status: Planning Commission – Public Hearing	Date: November 16, 2011	
Owner(s): Todco, Inc.	Engineer: Houston Engineering, Inc.	
Reason for Request: Replat and rezone property to allow twinhome development.		
Location: Along the west side of North 35 th Street between Baltus Drive and Shannon Drive.		
Project Size: 1.33 acres, more or less	Number of Lots: 8 lots in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped		Land Use: One & two-family residential
Zoning: RM15 – Residential		Zoning: R10 – Residential
Uses Allowed: Multi-family residential		Uses Allowed: One and two-family residential
Maximum Density Allowed: 15 units/acre		Maximum Density Allowed: 10 units/acre
PROPERTY HISTORY:		
Zoned: 06/06	Platted: 06/06	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicants are proposing to replat and rezone the property for twinhome development. The current zoning would allow the construction of four two-unit buildings on the property, but they would have to be on a large common lot as a condo association. The proposed changes will allow the same style of development with individual ownership of each unit and lot. 		
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for approval of a minor subdivision final plat have been met. The storm water management plan has been approved by the City Engineer. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include multi-family to the north, east and south and one and two-family residential to the west. The proposed subdivision is already annexed and utilities are in place in North 35th Street. The proposed subdivision would not adversely affect property in the vicinity. The proposed subdivision is consistent with the general intent and purpose of the subdivision regulations. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

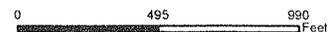
Based on the above findings, staff recommends approval of the minor subdivision final plat for Shannon Valley Fourth Addition First Replat.

Proposed Minor Subdivision Final Plat & Zoning Change (RM15 to R10) Shannon Valley Fourth Addition First Replat



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Map was Updated/Created: October 18, 2011 (kdj)

Source: City of Bismarck

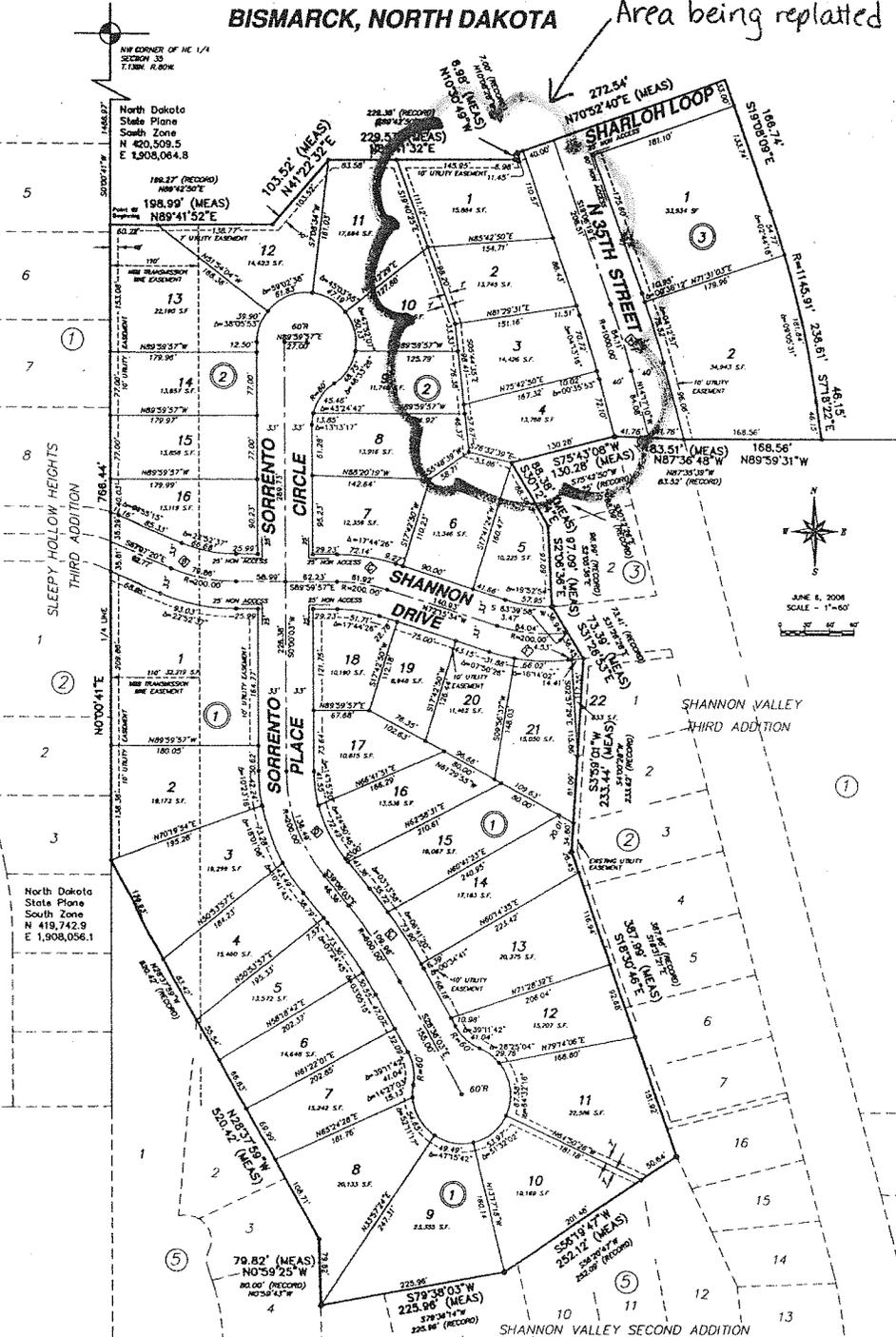


SHANNON VALLEY FOURTH ADDITION

REPLAT OF LOTS 4 AND 5 BLOCK 4, LOTS 3-6 BLOCK 2, PART OF SHARLOH DRIVE AND PART OF THE WEST 1/2 OF ADJOINING 35TH STREET OF EAST HILLS ADDITION AND PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 & WEST 1/2 OF THE NORTHEAST 1/4 SECTION 35, T. 139 N., R. 80 W

BISMARCK, NORTH DAKOTA

Area being replatted



CURVE	RADIUS (L)	LENGTH (S)	DELTA
A	1000.00	100.00	22.50°
B	1000.00	100.00	22.50°
C	1000.00	100.00	22.50°
D	1000.00	100.00	22.50°
E	1000.00	100.00	22.50°
F	1000.00	100.00	22.50°

NOTE: BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.
 NOTE: NAME OF BEARING IS NORTH-SOUTH 1/4 LINE BEARING NORTH 0° 0' 0" E.

DESCRIPTION

REPLAT OF LOTS 4 AND 5 BLOCK 4, LOTS 3-6 BLOCK 2, PART OF SHARLOH DRIVE, AND PART OF THE WEST 1/2 OF ADJOINING 35TH STREET OF EAST HILLS ADDITION AND PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 35 TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 35, SAID POINT BEING SOUTH 89 DEGREES 00 MINUTES 41 SECONDS WEST A DISTANCE OF 1468.87 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 35, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 BLOCK 4 OF EAST HILLS ADDITION TO THE CITY OF BISMARCK, THENCE NORTH 88 DEGREES 41 MINUTES 30 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 162.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, A DISTANCE OF 228.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, A DISTANCE OF 102.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 3, A DISTANCE OF 228.53 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, THENCE NORTH 70 DEGREES 48 SECONDS WEST, ALONG THE WEST LINE OF LOT 3, A DISTANCE OF 168.74 FEET, THENCE SOUTHWEST AND TO THE POINT, CONTAINING ALONG SAID CENTERLINE, ON A 1145.81 FOOT RADIUS CURVE, AN ARC LENGTH OF 238.81 FEET, THENCE SOUTH 07 DEGREES 18 MINUTES 22 SECONDS EAST, A DISTANCE OF 144.15 FEET, TO THE NORTH LINE OF SHANNON VALLEY THIRD ADDITION TO THE CITY OF BISMARCK, THENCE NORTH 88 DEGREES 18 MINUTES 31 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 168.74 FEET TO THE NORTHWEST CORNER OF LOT 1 BLOCK 1 OF SAID SHANNON VALLEY THIRD ADDITION AND THE EAST RIGHT-OF-WAY LINE OF NORTH 35TH STREET, THENCE NORTH 81 DEGREES 58 MINUTES 48 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 83.51 FEET, TO THE NORTHEAST CORNER OF SAID LOT 1 BLOCK 1 OF SAID SHANNON VALLEY THIRD ADDITION AND THE WEST RIGHT-OF-WAY LINE OF SAID NORTH 35TH STREET, THENCE SOUTH 12 DEGREES 43 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 130.28 FEET TO THE NORTHWEST CORNER OF SAID ADDITION, THENCE SOUTH 03 DEGREES 12 MINUTES 54 SECONDS EAST, ALONG THE WEST LINE OF SAID ADDITION, A DISTANCE OF 87.08 FEET TO THE SOUTHWEST CORNER OF LOT 1 BLOCK 3 OF SAID ADDITION, THENCE SOUTH 03 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE WEST LINE OF SHANNON VALLEY SECOND ADDITION, A DISTANCE OF 87.08 FEET TO THE SOUTHWEST CORNER OF LOT 2 BLOCK 3 OF SHANNON VALLEY SECOND ADDITION AND THE NORTH RIGHT-OF-WAY LINE OF SHANNON DRIVE, THENCE SOUTH 03 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE OF 72.39 FEET TO THE NORTHEAST CORNER OF LOT 1 BLOCK 2 OF SAID ADDITION AND THE NORTH-OF-WAY LINE OF SHANNON DRIVE, THENCE SOUTH 03 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE WEST LINE OF SHANNON VALLEY SECOND ADDITION, A DISTANCE OF 533.44 FEET, THENCE SOUTH 18 DEGREES 30 MINUTES 46 SECONDS EAST, CONTINUING ALONG SAID WEST LINE AND THE WEST LINE OF LOT 8 OF SAID ADDITION, A DISTANCE OF 87.08 FEET TO THE SOUTHWEST CORNER OF LOT 2 BLOCK 3 OF SHANNON VALLEY SECOND ADDITION AND THE NORTH RIGHT-OF-WAY LINE OF SHANNON DRIVE, THENCE SOUTH 03 DEGREES 12 MINUTES 54 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 78.82 FEET, THENCE NORTH 28 DEGREES 38 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF SAID ADDITION, A DISTANCE OF 25 SECONDS WEST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 78.82 FEET, THENCE NORTH 28 DEGREES 38 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF SECTION 35, THENCE NORTH 20 DEGREES 00 MINUTES 48 SECONDS EAST, ALONG SAID QUARTER LINE, A DISTANCE OF 768.44 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 18.33 ACRES, MORE OR LESS.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 22ND DAY OF SEPTEMBER, 2006, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF BISMARCK, NORTH DAKOTA, AND THE REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

David Blodgett - Chairman
Carl B. Hordstad - Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, HAS TAKEN BY RESOLUTION APPROVED THE 22ND DAY OF SEPTEMBER, 2006.

Richard C. Wooten
 ATTEST
 R. C. WOOTEN - CITY ADMINISTRATOR

SURVEYOR'S CERTIFICATE

I, TODD MARSHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE ORIGINAL SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 2006, AND THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STATE OF NORTH DAKOTA) SWENSON, HAGEN & CO. P.C.
 COUNTY OF BURLEIGH) 808 BAHNS AVENUE
 BISMARCK, NORTH DAKOTA 58504) REGISTERED LAND SURVEYOR
 N.D. REGISTRATION NO. 442

ON THIS 22ND DAY OF SEPTEMBER, 2006, BEFORE ME PERSONALLY APPEARED TODD MARSHALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

APPROVAL OF CITY ENGINEER

I, MELVIN J. BRALLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE SHANNON VALLEY FOURTH ADDITION, BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Melvin J. Brallinger
 CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW TO ALL MEN BY THESE PRESENTS THAT APPLE CREEK LIP AND THE CITY OF BISMARCK, NORTH DAKOTA BEING THE OWNER'S AND PROPRIETOR'S OF THE PROPERTY SHOWN HEREON HAS CAVED THAT PORTION DESCRIBED HEREON BE SHARLEH DRIVE BE SHANNON VALLEY FOURTH ADDITION, BISMARCK, NORTH DAKOTA, AND DOES SO DEDICATE THEREAS AS SHOWN HEREON INCLUDING ALL SEWER, GULLYWAYS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER BUILT HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

STATE OF NORTH DAKOTA) 55
 COUNTY OF BURLEIGH) APPLE CREEK LIP
 1771 W CAVALRY DRIVE
 BISMARCK, NORTH DAKOTA 58504
 OWNER EXCEPT LOT 1 BLOCK 1
 OWNER LOT 1 BLOCK 1

ON THIS 22ND DAY OF SEPTEMBER, 2006, BEFORE ME PERSONALLY APPEARED CEDRIC BRALLINGER AND APPLE CREEK LIP 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.

STATE OF NORTH DAKOTA) 55
 COUNTY OF BURLEIGH) Melvin J. Brallinger
 City Engineer
 Bismarck, North Dakota
 MY COMMISSION EXPIRES AUGUST 24, 2010

STATE OF NORTH DAKOTA) 55
 COUNTY OF BURLEIGH) Melvin J. Brallinger
 City Engineer
 Bismarck, North Dakota
 MY COMMISSION EXPIRES AUGUST 24, 2010



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

BACKGROUND:		
Title: Lots 3 & 4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition – Zoning Change (RT to CA)		
Status: Planning Commission – Public Hearing	Date: November 16, 2011	
Owner(s): J & L Development, Inc.	Engineer: Swenson, Hagen & Company	
Reason for Request: The proposed zoning change would allow the addition of a second building and the expansion of the existing strip mall facility.		
Location: In east Bismarck, along the north side of East Rosser Avenue just east of North 26 th Street.		
Project Size: 16,379 SF (0.37 acres)	Number of Lots: Part of 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: RT – Residential	Land Use: Commercial strip mall	
Uses Allowed: RT – Multi-family and offices	Zoning: CA – Commercial	
Maximum Density Allowed: RT – 30 units per acre	Uses Allowed: CA – Multi-family, light commercial and offices	
	Maximum Density Allowed: CA – 30 units per acre	
PROPERTY HISTORY:		
Zoned: 08/71	Platted: 08/71	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A site plan has been submitted as part of the City's formal Site Plan Review Process. The site plan shows the expansion of the existing strip mall facility located on the parcel directly to the west and an additional strip mall facility on the remaining undeveloped property related to this zoning change request. The site plan also illustrates the appropriate buffer yard screening elements and separation distance necessary to satisfy the regulations of the Landscaping and Screening Ordinance. 2. The primary access to the site will be from the south off Rosser Avenue. There is a significant elevation change across the site from south to north that would limit access from the north. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is in an area outside the boundaries of the Bismarck-Mandan Regional Future Land Use Plan. 		
<i>continued...</i>		

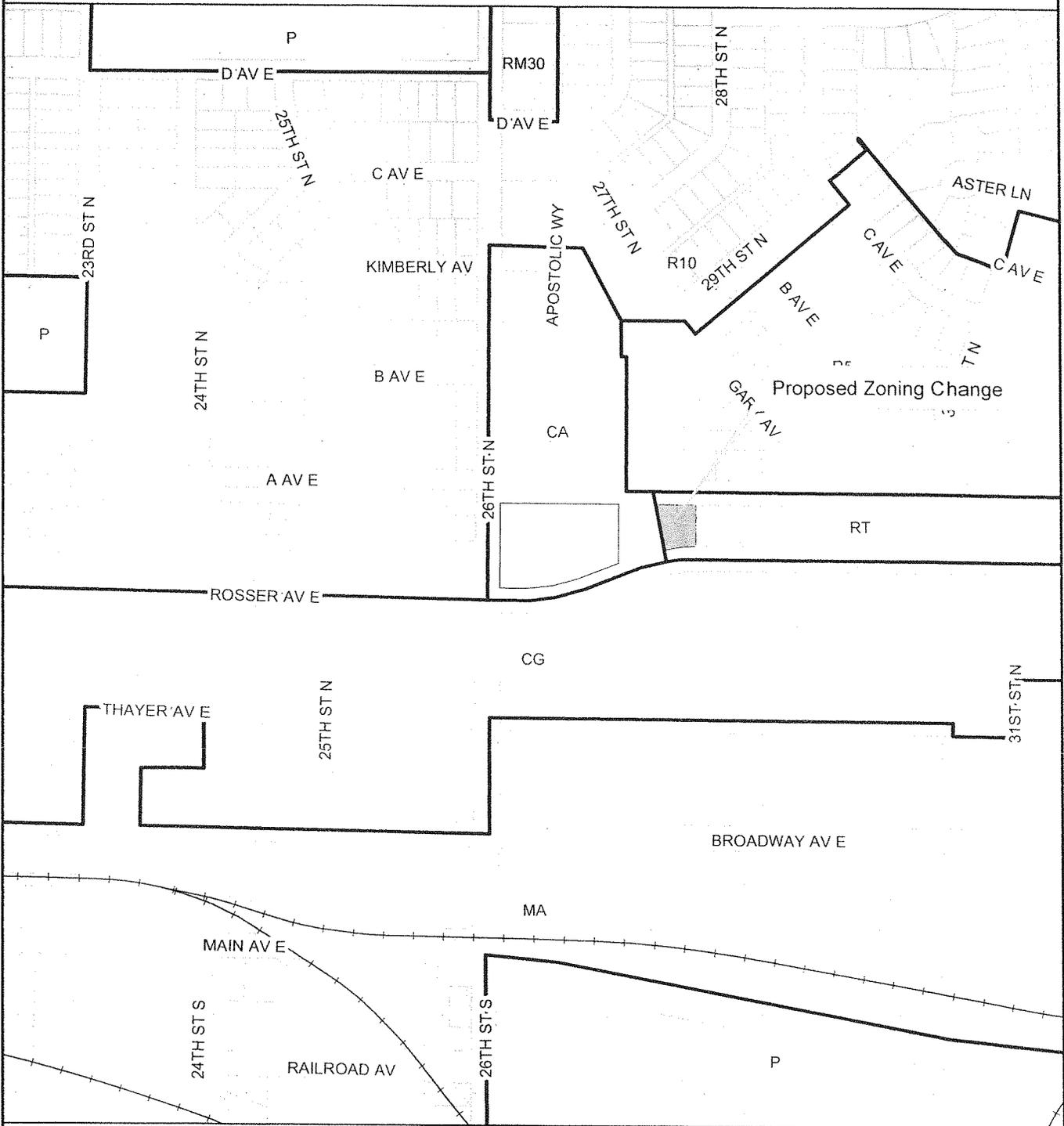
3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services.
4. With the installation of the required buffer yard landscaping, the proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change for Lots 3 & 4, less the east 80.63 feet of Lot 4, Block 1, Eastdale Addition, from RT-Residential to CA-Commercial.

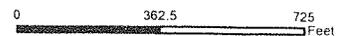
Proposed Zoning Change (RT to CA)

Lots 3-4, less the E80.63' of Lot 4, Block 1, Eastdale Addition

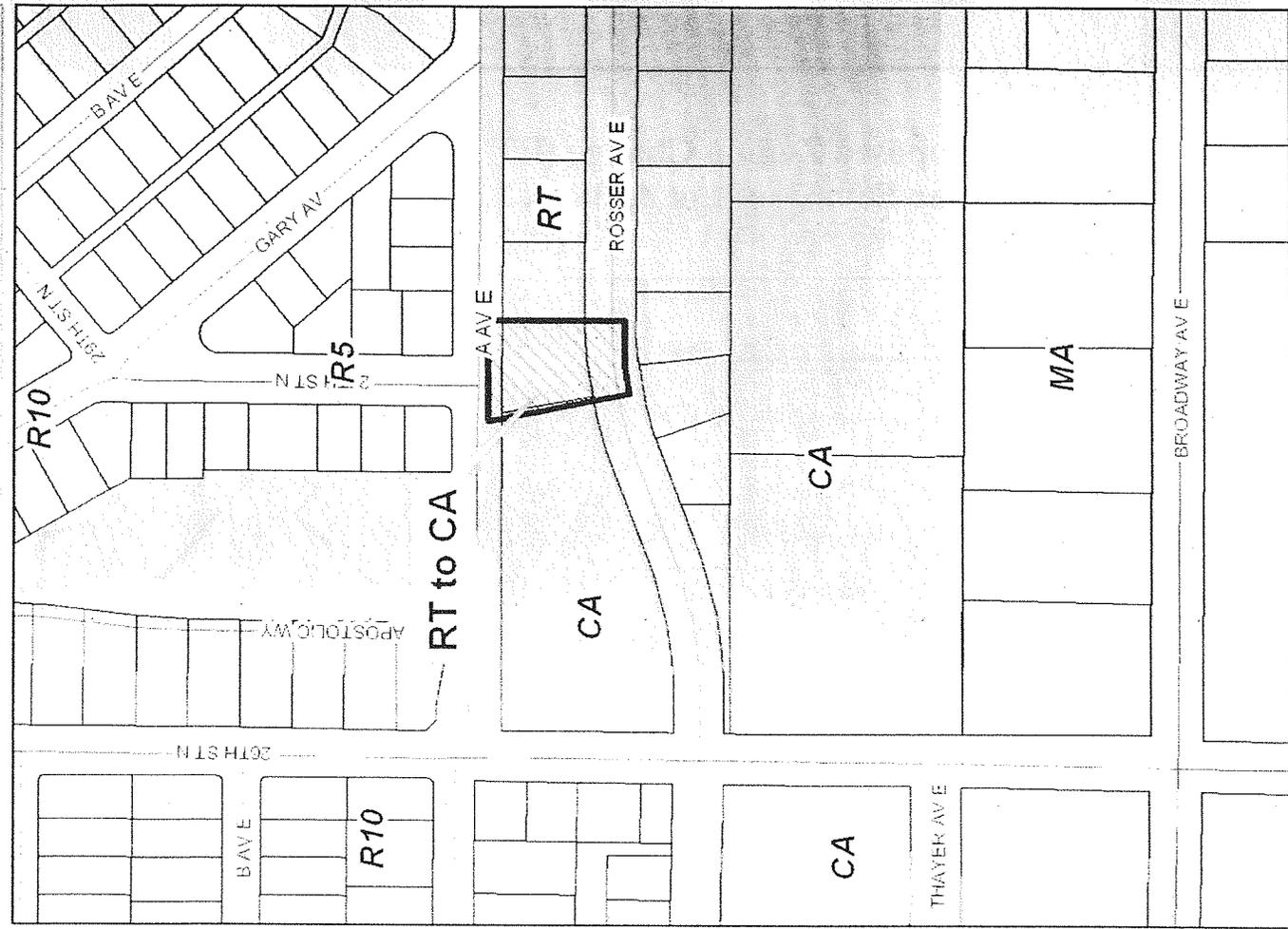


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: November 9, 2011 (kee)

Source: City of Bismarck

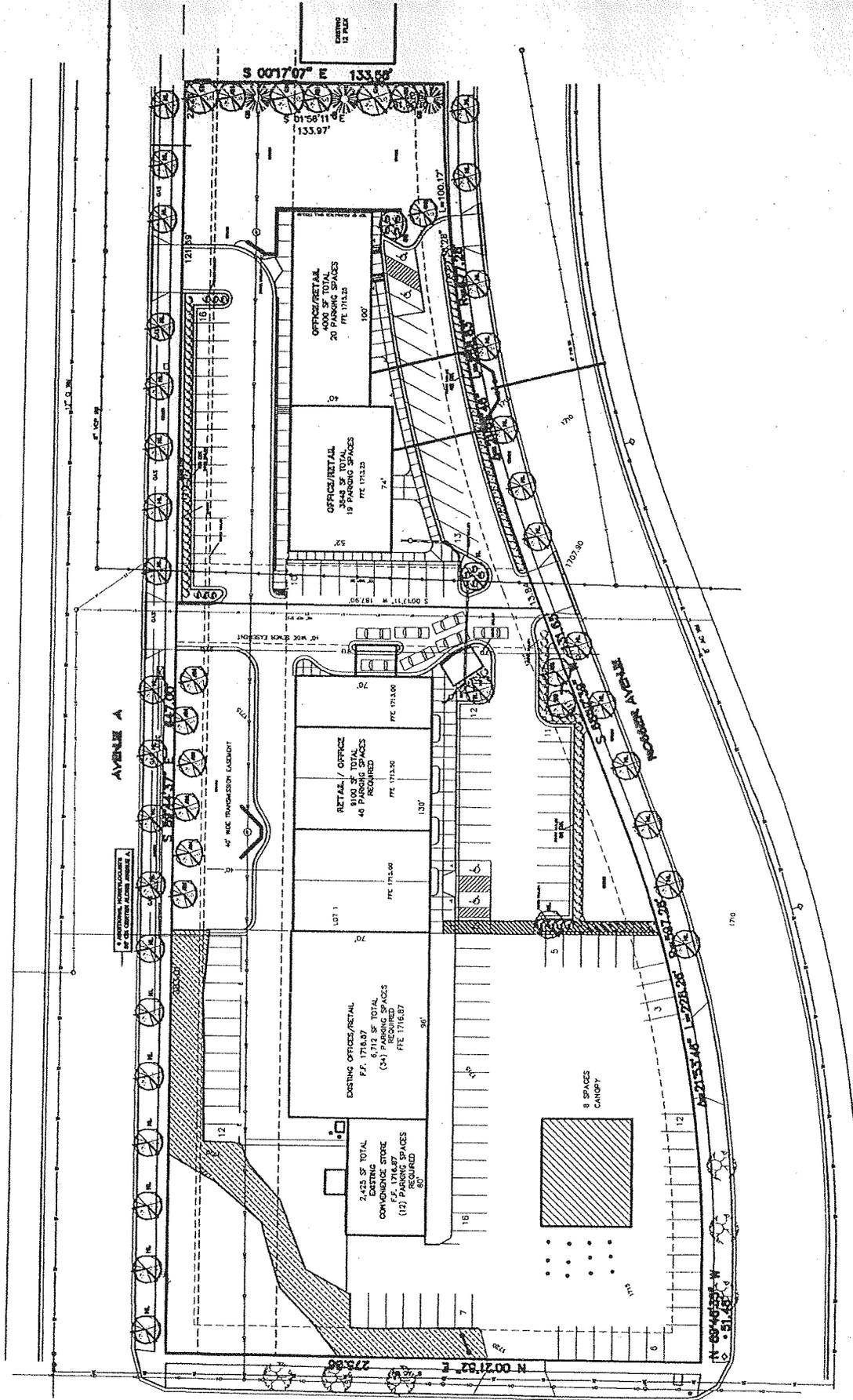


Lots 3-4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition



October 2011

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.



S 001707' E 133.89'

S 0158'11" E 133.97'

OFFICE/RETAIL
4000 SF TOTAL
20 PARKING SPACES
FTE 1714.87

OFFICE/RETAIL
2548 SF TOTAL
19 PARKING SPACES
FTE 1713.33

RETAIL / OFFICE
8100 SF TOTAL
48 PARKING SPACES
REQUIRED
FTE 1713.30

EXISTING OFFICES/RETAIL
F.F. 1718.87
6,712 SF TOTAL
(34) PARKING SPACES
REQUIRED
FTE 1716.87

2,425 SF TOTAL
EXISTING
CONFERENCE STORAGE
(12) PARKING SPACES
REQUIRED

8 SPACES
CANOPY

AVENUE A

AVENUE B

N 002182' E 275.58'

N 89°46'57" W
C = 51.48'

24TH STREET

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

BACKGROUND:		
Title: Lot 1, Block 1, Eastdale Addition – Special Use Permit (drive-through)		
Status: Planning Commission – Public Hearing	Date: November 16, 2011	
Owner(s): J & L Development, Inc.	Engineer: Swenson, Hagen & Company	
Reason for Request: Allow a new drive-through window in conjunction with bank.		
Location: Along the north side of Rosser Avenue just east of North 26 th Street (2600 East Rosser Avenue).		
Project Size: 43,400 square feet	Number of Lots: One lot	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Strip mall	Land Use: Expanded strip mall with a bank	
Zoning: CG-Commercial	Zoning: CG-Commercial	
Uses Allowed: Multi-family dwellings, offices, hotels, banks and heavy commercial	Uses Allowed: Multi-family dwellings, offices, hotels, banks and heavy commercial	
Maximum Density Allowed: 42-units per acre	Maximum Density Allowed: 42-units per acre	
PROPERTY HISTORY:		
Zoned: 08/71	Platted: 08/71	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<p>1. The site plan submitted with the application demonstrates the required stacking spaces as those proposed with recent amendment to the vehicle stacking requirements. Previous to the proposed amendment, the required stacking spaces for a bank facility was 12. The proposed ordinance amendment would reduce the number off stacking spaces for a bank facility to 3 spaces per lane for an ATM and 4 spaces per teller lane. The amendment was considered by the Board of City Commissioners on November 8th and a public hearing has been scheduled for November 22nd.</p>		
FINDINGS:		
<p>1. A bank with a drive-through window is allowed as a special use in the CG-Commercial zoning district, provided specific conditions are met. The proposed drive-through window meets all six provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Zoning). A copy of this section the ordinance is attached.</p> <p>2. The proposed special use would not adversely affect the public health, safety and general welfare.</p> <p>3. The proposed special use would not be detrimental to the use or development of adjacent properties.</p>		
<i>continued...</i>		

4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic. In particular, adequate off-street parking is available on-site and stacking space for seven vehicles in the two drive-through lanes would be provided.
8. The City Traffic Engineer has reviewed the proposed site plan and has no opposition to the special use permit to allow the operation of a drive-through.

RECOMMENDATION:

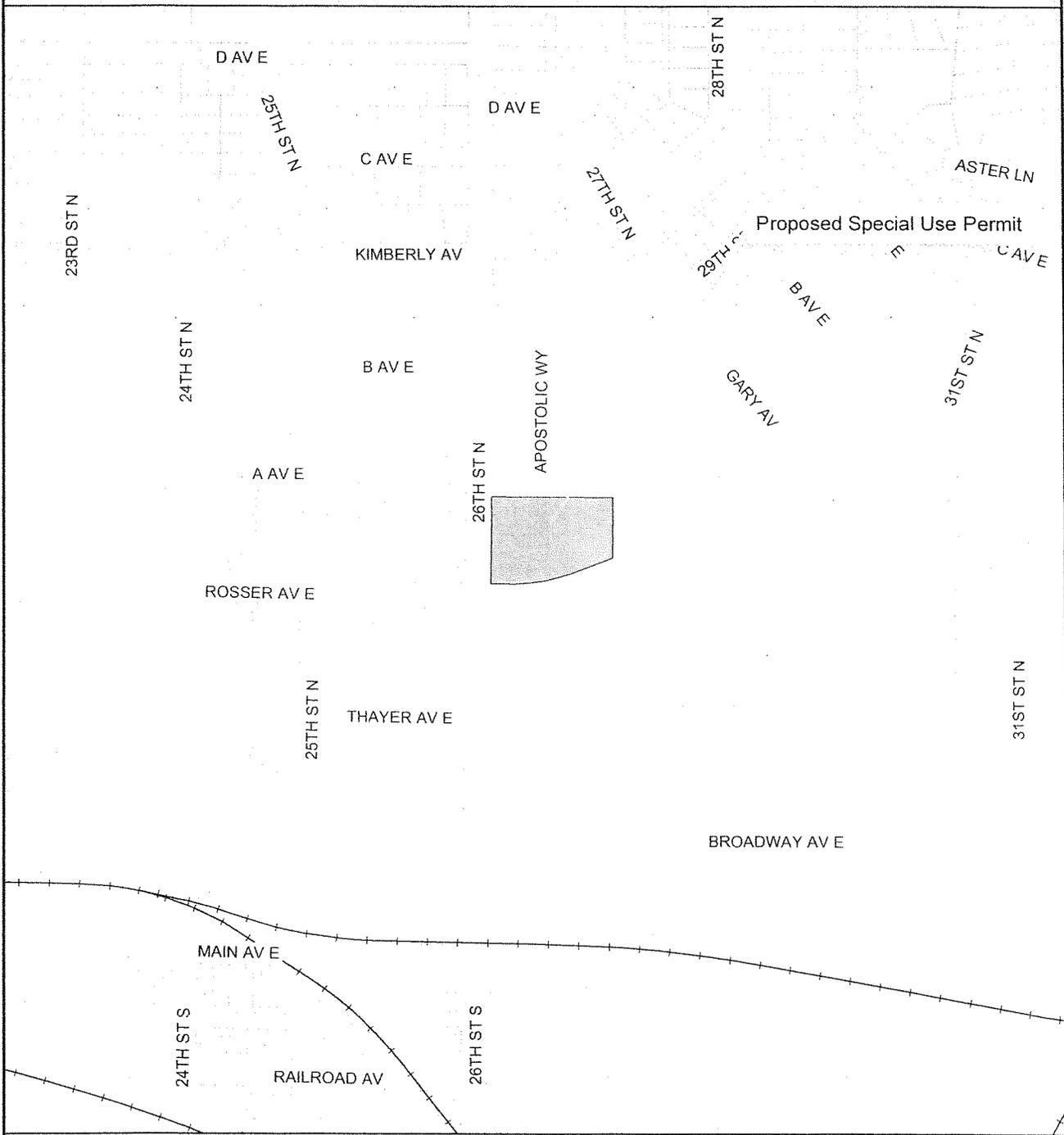
Staff recommends approval of a special use permit to allow a drive-through window in conjunction with a bank on Lot 1, Block 1, Eastdale Addition, with the following conditions:

1. The construction and operation of a drive-through window must meet all applicable requirements for such a use in the CG-Commercial zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.
3. The special use permit is contingent upon the final passage and adoption of the proposed amendments relating to vehicle stacking that will be considered by the Board of City Commissioners later this month.

14-03-08(4)

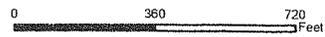
- g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in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

Proposed Special Use Permit Lots 1, Block 1, Eastdale Addition

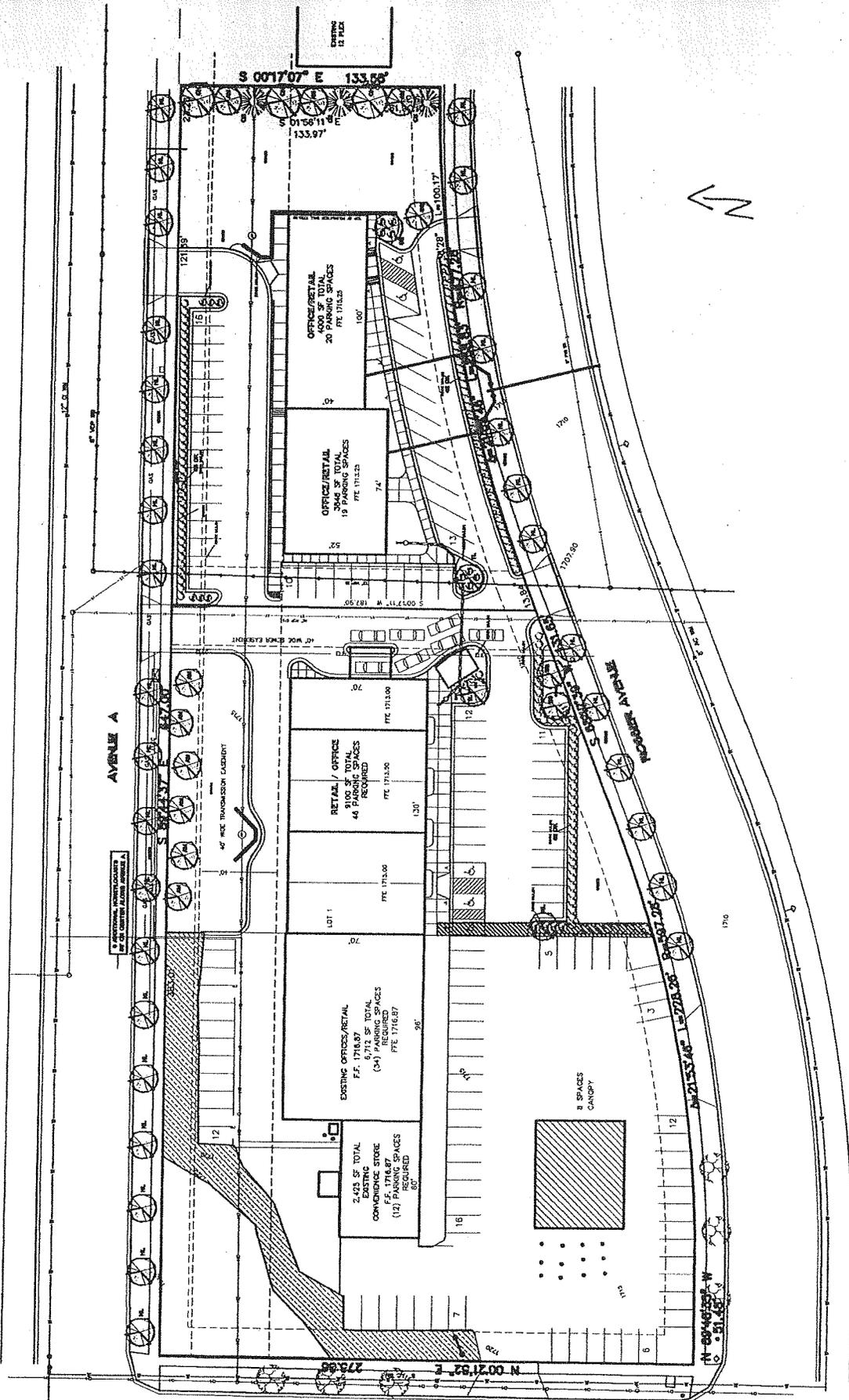


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: September 27, 2011 (kdg)

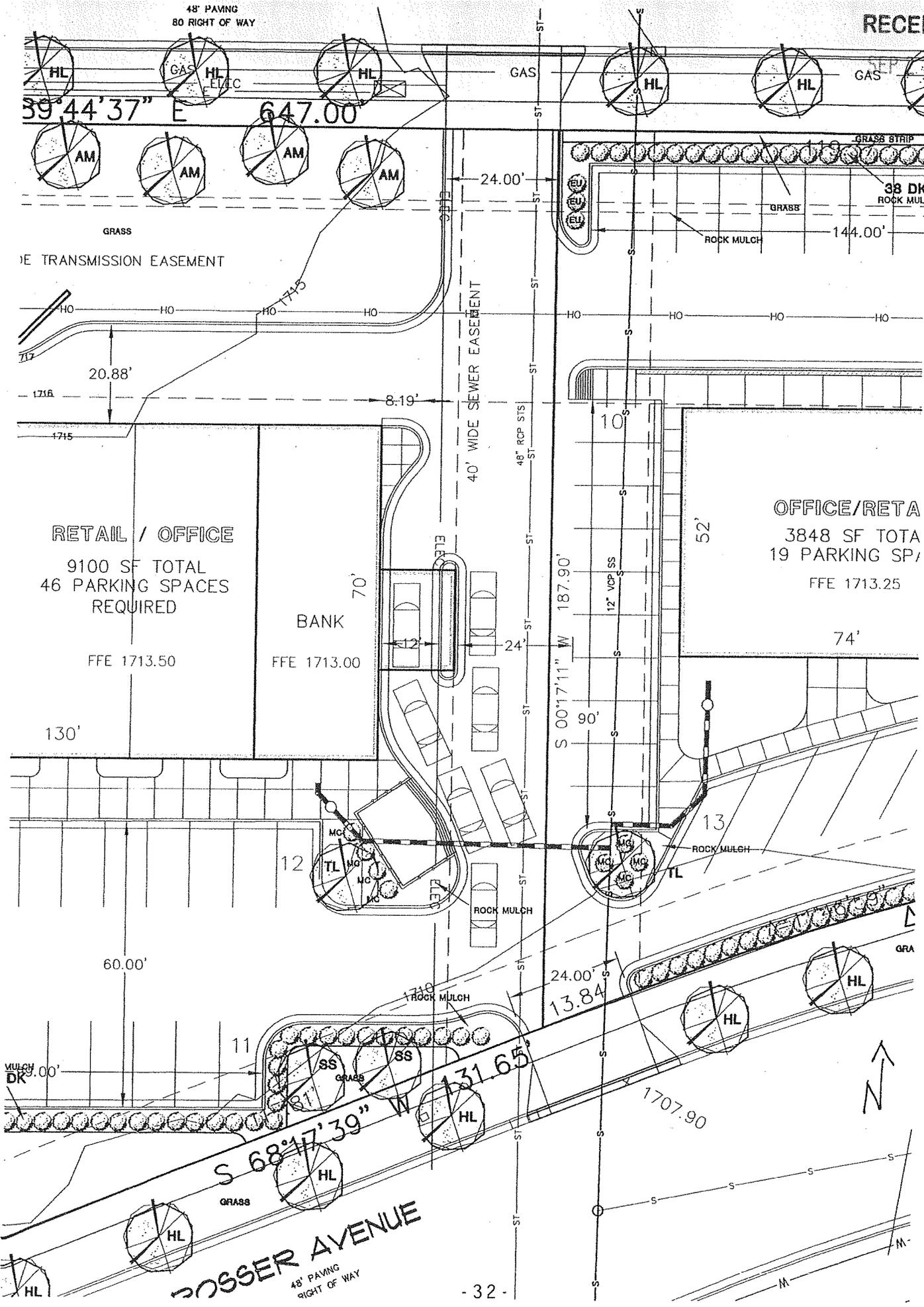
Source: City of Bismarck



RECEIVED
SEP 21 2011



26TH STREET



RETAIL / OFFICE
 9100 SF TOTAL
 46 PARKING SPACES
 REQUIRED
 FFE 1713.50

BANK
 70'
 FFE 1713.00

OFFICE/RETAIL
 3848 SF TOTAL
 19 PARKING SP/
 FFE 1713.25

ROSSER AVENUE
 48" PAVING
 RIGHT OF WAY

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

BACKGROUND:		
Title: Part of the E½ of the SE¼ of Section 28, T139N-80W/Hay Creek Township – Special Use Permit (drive-through)		
Status: Planning Commission – Public Hearing	Date: November 16, 2011	
Owner(s): Leverson Family Trust	Engineer: Swenson, Hagen & Company	
Reason for Request: Allow a new drive-through window in conjunction with restaurant.		
Location: Along the west side of North 12 th Street between Divide Avenue and Capitol Avenue (2000 North 12 th Street).		
Project Size: 43,400 square feet	Number of Lots: One parcel	
EXISTING CONDITIONS:		
Land Use: Restaurant	PROPOSED CONDITIONS:	
Zoning: CG-Commercial	Land Use: Restaurant with a drive-through	
Uses Allowed: Multi-family dwellings, offices, hotels, restaurants and heavy commercial	Zoning: CG-Commercial	
Maximum Density Allowed: 42-units per acre	Uses Allowed: Multi-family dwellings, offices, hotels, restaurants and heavy commercial	
PROPERTY HISTORY:	Maximum Density Allowed: 42-units per acre	
Zoned: Pre-1980	Platted: N/A	Annexed: Pre-1980
FINDINGS:		
<ol style="list-style-type: none"> 1. A restaurant with a drive-through window is allowed as a special use in the CG-Commercial zoning district, provided specific conditions are met. The proposed drive-through window meets all six provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Zoning). A copy of this section the ordinance is attached. 2. The proposed special use would not adversely affect the public health, safety and general welfare. 3. The proposed special use would not be detrimental to the use or development of adjacent properties. 4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area. 5. Adequate public facilities and services are in place. 6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity 		
<i>findings continued...</i>		

7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic. In particular, ample off-street parking is available on-site and stacking space for twelve vehicles in the drive-through lane would be provided.
8. The City Traffic Engineer has reviewed the proposed site plan and has no opposition to the special use permit to allow the operation of a drive-through.

RECOMMENDATION:

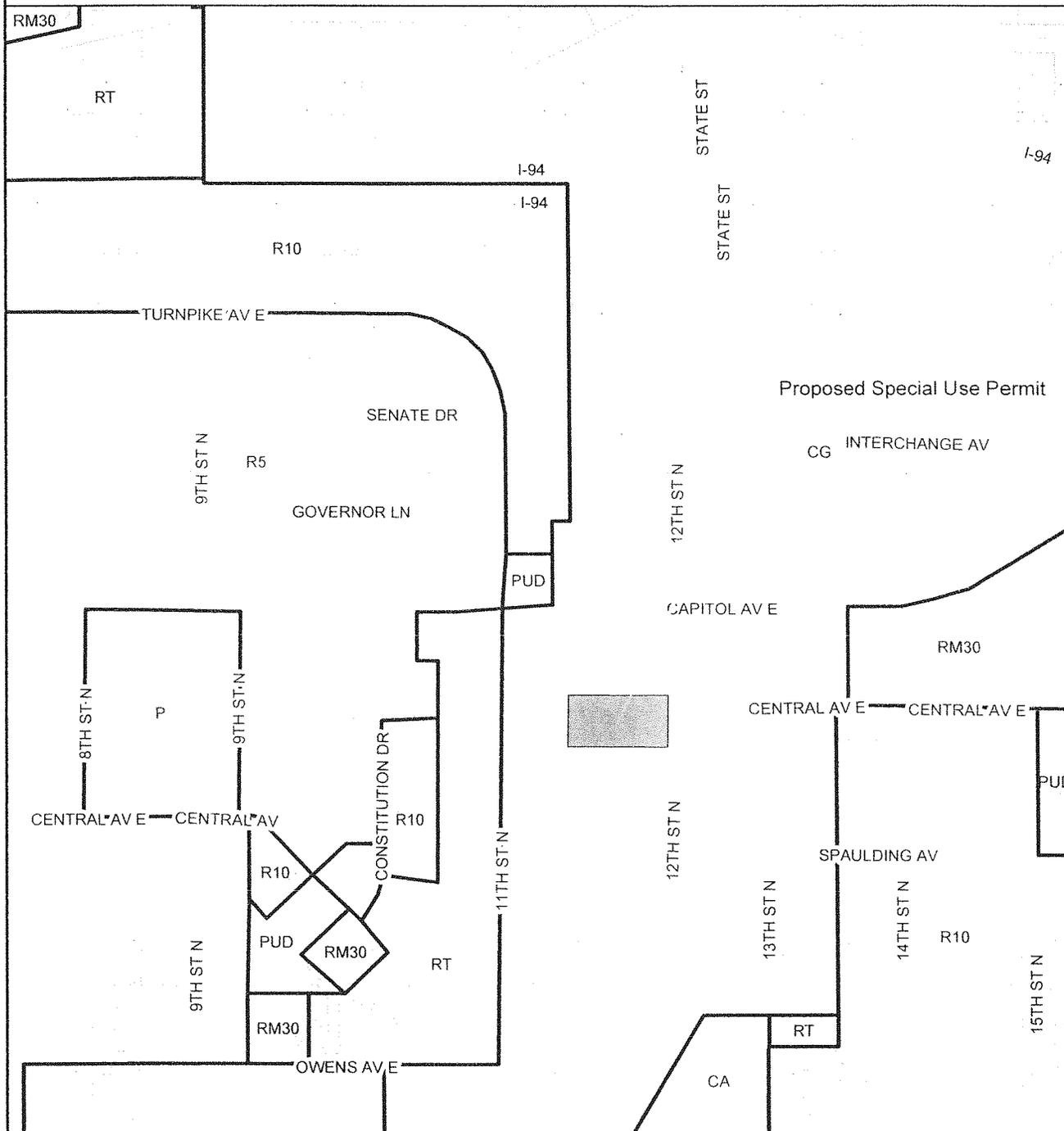
Staff recommends approval of a special use permit to allow a drive-through window in conjunction with a restaurant on an unplatted tract described as part of the E½ of the SE¼ of Section 28, T139N-80W/Hay Creek Township (2000 North 12th Street), with the following conditions:

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

14-03-08(4)

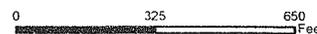
- g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in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

Proposed Special Use Permit
Part of the E½ of the SE¼ of Section 28, T139N-R80W
(2000 North 12th 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: October 19, 2011 (kdj)

Source: City of Bismarck



155'

280'

17.3'

63'

2000 12TH STREET

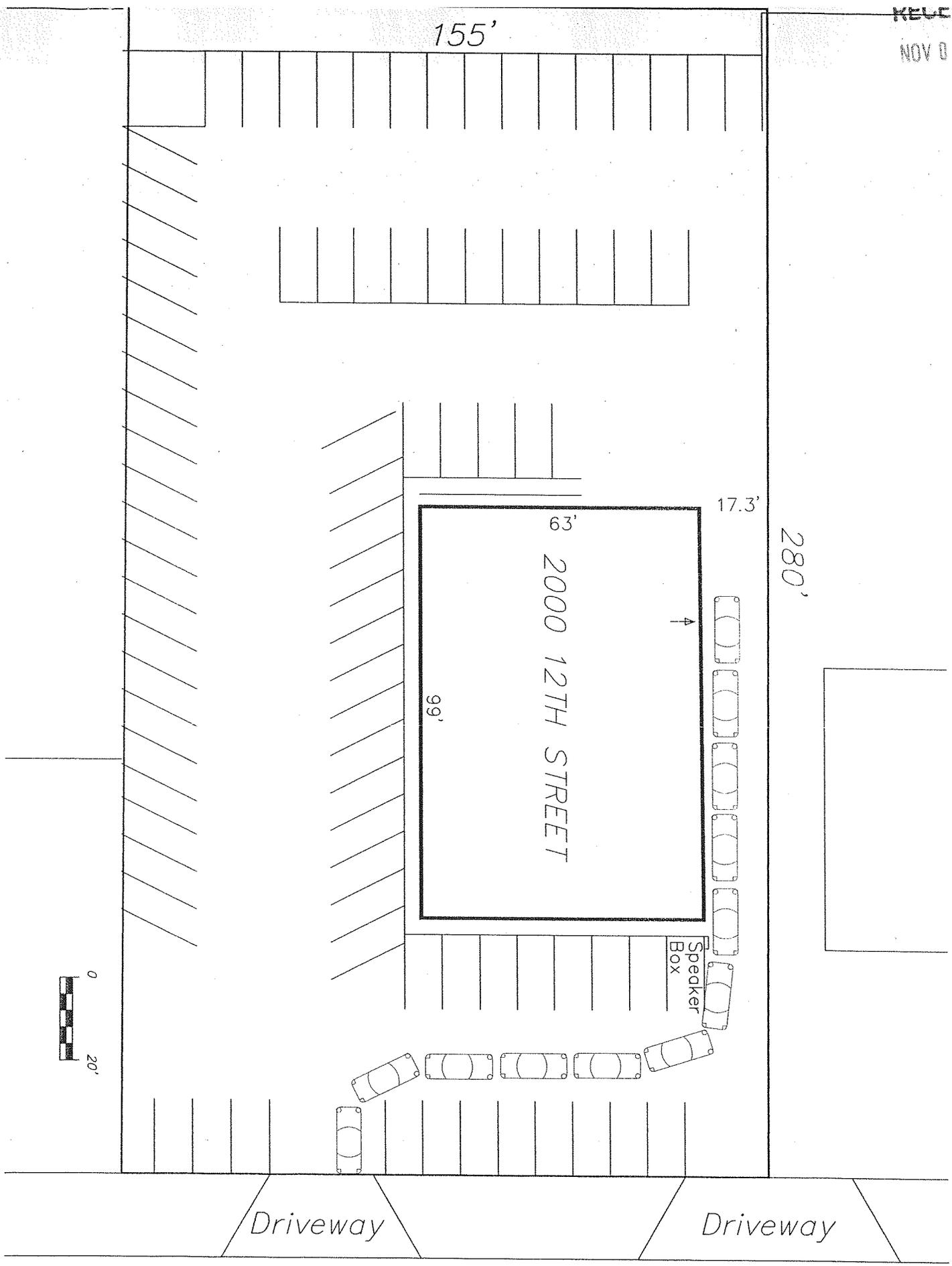
99'

Speaker
Box

Driveway

Driveway

12TH STREET



CITY PLANNING & ZONING COMMISSION

MEETING MINUTES

October 26, 2011

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

Commissioners present were Mark Armstrong, Mel Bullinger, Curt Juhala, Doug Lee, Ken Selzler, Mike Schwartz, John Warford and Wayne Yeager.

Commissioners Tom Atkinson, Vernon Laning and Lisa Waldoch were absent.

Staff members present were Carl Hokenstad – Community Development Director, Kim Lee – Planning Manager, Gregg Greenquist – Planner, Jason Tomanek – Planner, Kimberley Gaffrey – Office Assistant III, Charlie Whitman – City Attorney, Ray Ziegler – Building Official, Linda Oster – Project Engineer and Colleen Peterson – Stormwater Program Coordinator.

Others present were Loran Galpin – 501 East Main Avenue, Jake Axtman – 909 Basin Avenue, Katie Oakland – 6400 Copper Ridge Way, Pat & David Schwartz – 106 West Avenue B and Clarence and Radie Clayton – 3224 East Avenue C.

MINUTES

Chairman Yeager called for consideration of the minutes of the September 28, 2011 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the September 28, 2011 meeting as received. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Juhala, Lee, Selzler, Schwartz, Warford and Yeager voting in favor of the motion.

INTRODUCTION OF COMMISSIONER DOUG LEE

Chairman Yeager introduced Doug Lee, a new Commissioner representing the City.

CONSIDERATIONS –

**ZONING CHANGE – LOTS 3 & 4, LESS THE 80.63 FEET OF LOT 4, BLOCK 1,
EASTDALE ADDITION**

ZONING CHANGE – LOTS 1-4, BLOCK 2, SHANNON VALLEY FOURTH ADDITION

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

- A. A zoning change from the RT-Residential zoning district to the CA-Commercial zoning district for Lots 3 & 4, less the East 80.63 feet of Lot 4, Block 1, Eastdale Addition. The property is part of two lots in one block on 16,379 square feet, located in east Bismarck, along the north side of East Rosser Avenue just east of North 26th Street.

Chairman Yeager called for the public hearing for the zoning change from the R10-Residential zoning district to the CG-Commercial zoning district for Lots 4 & 5, Block 6, Stonecrest Second Addition.

Clarence Clayton said that he attends Capital Christian Center that is adjacent the proposed zoning change. He stated that the proposed zoning would not be compatible with the existing zoning and it would negatively affect the financial future of this area. He also expressed his concern with the potential for a bar on this property.

Mr. Greenquist noted that there is a regulation for taverns that requires a minimum setback of 300 feet setback from the property line of a church, so the lots would not be allowed to have a bar on them.

Commissioner Warford said the zoning district directly across Centennial Road is MA-Industrial, and then asked what types of uses are allowed in that district. Mr. Greenquist responded by saying that light industrial uses are allowed.

Todd Freitag indicated that he also attends Capital Christian Center and his concern is for the children that attend the preschool and after school programs located at the church and their safety.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Selzler made a motion to approve the zoning change from the R10-Residential zoning district to the CG-Commercial zoning district for Lots 4 & 5, Block 6, Stonecrest Second Addition. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Juhala, Lee, Selzler, Schwartz, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – MAJOR PUD-PLANNED UNIT DEVELOPMENT AMENDMENT – LOT 7, BLOCK 11, NORTHERN PACIFIC ADDITION

Chairman Yeager called for the public hearing for the Major PUD-Planned Unit Development Amendment for Lot 7, Block 11, Northern Pacific Addition. The property is located along the east side of North 3rd Street between East Avenue B and East Avenue C (613 North 3rd Street). The PUD Amendment would allow a salon, offices, apartments and a day care.

Mr. Tomanek provided an overview of the request and listed the following findings for the PUD-Planned Unit Development Amendment:

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.
2. The proposed PUD amendment would not place an undue burden on public services. In particular, the installation of directional signage and signage prohibiting right turn traffic

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. The Traffic Engineer has stated that there is the potential for significant traffic impacts to 3rd Street traffic flow and the intersection of 3rd Street and Avenue C. 3rd 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 3rd 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 have discussed improvements to the property that would ameliorate the above-listed concerns. The improvements include new paint markings in the parking area to accommodate diagonal parking spaces and yellow arrows indicating the direction of traffic flow; a one-way traffic circulation pattern that would have traffic enter the site at the southernmost driveway and exit the property by utilizing the northernmost driveway; installing permanent signage throughout the property that indicates the appropriate ingress and egress to the off-street parking area and "Right Turn Only" signs displaying the time times 7:30 AM to 8:30 AM and 4:30 PM to 5:30 PM; and the removal of an existing shrub located adjacent to the northernmost driveway to aid in visibility as motorists exit the property.

Mr. Tomanek said based on the above findings, staff recommends approval of the Major PUD Amendment for Lot 7, Block 11, Northern Pacific Addition, as outlined in the PUD Amendment, which includes the following provisions to address the required traffic safety improvements:

1. New paint markings in the parking area to accommodate diagonal parking spaces.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – PARKING REGULATIONS/STACKING

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to Parking Regulations/Stacking.

Ms. Lee provided an overview of the zoning ordinance text amendment for Parking Regulations/Stacking. The proposed amendments would specify off-street vehicle stacking requirements for drive-through facilities for various types of uses.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for Parking Regulations/Stacking, as presented.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to Parking Regulations/Stacking.

There was no public comment.

Chairman Yeager closed the public hearing.

MOTION: Commissioner Lee made a motion to approve the zoning ordinance text amendment relative to Parking Regulations/Stacking. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Juhala, Lee, Selzler, Schwartz, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – STORMWATER MANAGEMENT (TITLE 14.1)

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to Stormwater Management (Title 14.1).

Ms. Lee provided an overview of the zoning ordinance text amendment for Stormwater Management (Title 14.1). The proposed amendment 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. Ms. Lee added that the original ordinance was approved in 1997 and this would be the first major revision to the ordinance since that time. Staff has been working on the ordinance since last winter and the changes are being initiated in part to comply with new requirements of the Clean Water Act. She added that changes have also been made regarding the application of the ordinance within the extraterritorial area, with written concurrence of the County Engineer being required prior to approval of a stormwater management plan or a stormwater permit. Informational meetings were held with consulting engineers on October 17th and with the Bismarck-Mandan Homebuilders Association on October 20th. Minor modifications to the ordinance were made in response to comments received at those meeting.

Ms. Lee said staff recommends approval of the zoning ordinance text amendment for Stormwater Management (Title 14.1) as presented.

From: Clarence Clayton

Sent: Monday, October 24, 2011 11:20 PM

To: cobplan@nd.gov

Subject: Written Comment on Zoning Change for Lots 4-5, Block 6, Stonecrest Second Addition

City Planning & Zoning Commission

Dear Commission Members,

We would like to submit a written comment concerning the "Zoning Change" for the Lots 4-5, Block 6, Stonecrest Second Addition. The existing zoning allows the major uses: R10-Residential--Single and two family residential. We would like this zoning designation to remain as R10-Residential---Single and two family residential.

We attend the Capital Christian Center (church) adjacent to this identified piece of property. We feel that any development/construction that would be considered a major use under the proposed zoning change (CG-Commercial--Multi-family dwellings, offices, taverns, wholesale and heavy commercial) WOULD NOT be compatible with the existing residential community and lifestyles. Structures that are possible under the proposed zoning change would affect the financial future (negatively) for the area.

Thank you for the opportunity to provide comments on the proposed zoning change.

Clarence & Radie Clayton
3224 E. Ave. C.
Bismarck, North Dakota

**Major Permit Activity
October 2011**

Non-deeded Owner: Riverview Apartments - Benedictine Center
Address: 7500 University Drive
Cost: \$360,000.00
Description: Third floor alteration for apartment units

Non-deeded Owner: City of Bismarck (water)
Address: 100 East Indiana Avenue
Cost: \$5,244,100.00
Description: Demo and reconstruction of existing lift station

Non-deeded Owner: JL Jeffries, Inc.
Address: 1113 East LaSalle Drive
Cost: \$928,000.00
Description: Three-story, ten unit condominium

Non-deeded Owner: Carpet World Addition
Address: 501 Airport Road
Cost: \$338,500.00
Description: Addition to existing building

Non-deeded Owner: Town Centre
Address: 401 North 4th Street
Cost: \$1,247,073.00
Description: Interior finish of all floors

DATE SELECTION 10/2011

Permit Type	City		ETA		County				
	10/2011 Permits	Valuation	10/2010 Permits	Valuation	10/2011 Permits	Valuation	10/2010 Permits	Valuation	
OFFICE & PROFESSIONAL BLD	2	20,000.00	7	1,261,649.00	0	.00	0	.00	
OTHER	1	229,983.00	4	3,936,160.00	1	360,000.00	0	.00	
ALTER PUBLIC	1	5,244,100.00	1	81,233.00	0	.00	0	.00	
APTS TO CONDO	0	.00	0	.00	0	.00	0	.00	
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	
RESIDENTIAL	3	.00	0	.00	2	.00	0	.00	
OTHER	1	.00	0	.00	0	.00	0	.00	
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	
TEMPORARY STRUCTURE PERMI	0	.00	0	.00	0	.00	0	.00	
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00	0	.00	
MOVE OUT OF PMT LOCATION	1	.00	0	.00	0	.00	0	.00	
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00	
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00	
NEW SIGN PERMIT	5	47,823.00	9	69,900.00	0	.00	0	.00	
SIGN ALTERATION	0	.00	0	.00	0	.00	0	.00	
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	
Permit Type Total	131	16,626,124.00	115	14,263,537.00	33	2,822,708.00	28	1,945,064.00	
							7	567,552.00	
								3	309,801.00

DATE SELECTION 10/2011

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 10/2011	Units 10/2010	Units 10/2011	Units 10/2010	Units 10/2011	Units 10/2010
SINGLE FAMILY DETACHED	40	40	10	7	2	1
SINGLE FAMILY ATTACHED	5	2	0	0	0	0
FIVE & MORE FAMILY	10	0	0	0	0	0
MANUFACTURED HOMES	3	0	0	0	0	0
ROOM ADDITIONS	0	0	0	1	0	0
OTHER	0	1	0	1	0	0
BASEMENT FINISH	0	1	0	0	0	0
Total	58	44	10	9	2	1

DATE SELECTION 10/2011

Permit Type	City		ETA		County							
	10/2011	10/2010	10/2011	10/2010	10/2011	10/2010						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	290	50,432,116.00	223	39,327,935.00	82	16,043,105.00	76	14,308,537.00	11	2,057,509.00	10	1,899,221.00
SINGLE FAMILY ATTACHED	69	10,732,969.00	75	10,986,449.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	1	238,476.00	2	456,971.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	6	3,720,500.00	3	1,720,000.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	4	4,896,961.00	3	2,747,291.00	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	41	13,440.00	24	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	3	652,434.00	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	9	3,349,302.00	10	4,759,018.00	2	314,000.00	6	824,534.00	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	5	3,540,323.00	8	28,692,482.00	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)	6	3,302,780.00	6	2,771,193.00	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	17	5,534,057.00	32	2,363,243.00	0	.00	5	2,500.00	0	.00	0	.00
PUBLIC BUILDING	7	45,113,764.00	7	1,981,683.00	1	511,064.00	0	.00	2	304,742.00	0	.00
ROOM ADDITIONS	26	516,322.00	18	416,520.00	12	603,208.00	23	1,501,291.00	1	21,306.00	2	97,680.00
RESIDENTIAL GARAGES	55	536,652.00	73	637,720.00	75	1,504,988.00	72	1,223,187.00	6	219,700.00	19	536,840.00
PATIOS AND COVERS	97	293,581.00	118	396,549.80	14	100,245.00	14	56,627.00	0	.00	4	17,265.00
SWIMMING POOLS AND SPAS	0	.00	2	71,595.00	1	47,300.00	0	.00	0	.00	0	.00
OTHER	143	951,343.00	163	1,699,196.00	16	301,424.00	14	307,301.00	4	169,127.00	4	12,500.00
HOME OCCUPATIONS	2	.00	4	.00	1	.00	1	.00	0	.00	0	.00
STORAGE SHEDS	40	73,200.00	95	179,846.00	3	18,433.00	12	27,754.00	0	.00	1	5,120.00
BASEMENT FINISH	146	739,758.00	117	558,032.00	41	230,657.00	44	248,191.00	3	10,806.00	2	12,650.00
INDUSTRIAL BUILDINGS	20	4,065,080.00	18	1,764,393.00	1	286,382.00	1	5,688.00	0	.00	0	.00
COMMERCIAL BUILDINGS	44	8,102,780.00	27	3,294,990.00	1	84,100.00	1	988,684.00	0	.00	1	77,503.00

DATE SELECTION 10/2011

Permit Type	***** City *****		***** ETA *****		***** County *****	
	10/2011 Permits	10/2010 Permits	10/2011 Permits	10/2010 Permits	10/2011 Permits	10/2010 Permits
Plumbing	516	457	94	99	9	10
Electrical	1011	911	0	0	0	0
Mechanical	1002	875	227	171	25	18
Drain Field	0	1	11	12	3	4
Hood Suppression	0	2	0	0	0	0
SprinklerStandpipe	1	2	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	2576	2281	411	356	46	41