



5. **Rocky Heights Addition (Klee)**
- a. Zoning Change (R5, R10 & RM15 to R5 & R10).....17  
*Staff recommendation: approve*      approve    continue    table    deny
- b. Final Plat.....21  
*Staff recommendation: approve*      approve    continue    table    deny
6. **Woodruff Subdivision (Klee)**
- Gibbs Township*
- a. Zoning Change (A to RR) .....29  
*Staff recommendation: approve*      approve    continue    table    deny
- b. Minor Subdivision Final Plat.....33  
*Staff recommendation: approve*      approve    continue    table    deny
7. **Lots 21-24 & E10' of Vacated Alley, Block 40, Governor Pierce Addition –  
Special Use Permit (drive-through) (JT) ..... 39**  
*Staff recommendation: approve with conditions*  
approve    continue    table    deny

OTHER BUSINESS

8. **Other**

ADJOURNMENT

9. **Adjourn.** The next regular meeting date is scheduled for Wednesday, January 26, 2011.

Enclosure:        Minutes of the November 17, 2010 meeting  
                         Major Building Permits Report for November 2010  
                         Building Permit Activity Report for November 2010

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

<b>BACKGROUND:</b>		
<b>Title:</b> Ashland Estates II Subdivision – Zoning Change (A-Agricultural to RR-Residential)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> Eugene Clooten & Eugene Clooten, Jr.	<b>Engineer:</b> Toman Engineering Co.	
<b>Reason for Request:</b> To subdivide an unplatted 5-acre parcel into two platted lots and to change the zoning from A-Agricultural to RR-Residential for the purpose of obtaining a building permit to construct a house.		
<b>Location:</b> Approximately 6½-miles south of downtown Bismarck, on the south side of Sibley Drive between Briardale Third Subdivision and Ashland Estates. (Lot D of the NW ¼ of the SW ¼ of Section 3, T137N-R80W, Fort Rice Township)		
<b>Project Size:</b> 4.99 acres	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> 1 existing house and 1 accessory building	<b>Land Use:</b> two single-family houses	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential	
<b>Uses Allowed:</b> General agriculture	<b>Uses Allowed:</b> Rural residential and limited agriculture	
<b>Maximum Density Allowed:</b> One unit per 40-acres	<b>Maximum Density Allowed:</b> One unit per 1½-acres	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> ---	<b>Platted:</b> ---	<b>Annexed:</b> ---
<b>ADDITIONAL INFORMATION:</b>		
<p>Since the proposed subdivision is located within the two to four-mile ETA, it is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Burleigh County can participate in decisions on development proposals in the area of joint jurisdiction. The County may object to the City's final decisions and request negotiation within 30 days of the decisions. If the City and County do not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners.</p>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. Adjacent land uses include undeveloped agricultural land to the northwest and southeast with some developed rural residential subdivisions to the south, west and east.</li> <li>2. The subdivision proposed for this property would be served by South Central Regional Water District, and would have access to Sibley Drive.</li> </ol> <p><b>The following findings are from the staff report on the preliminary plat for this proposed subdivision:</b></p> <ol style="list-style-type: none"> <li>3. The proposed subdivision is not consistent with the City's Secondary Roadway Access Policy. The purpose of this policy is to establish minimum requirements for providing secondary roadway access to subdivisions and developments in order to have a reasonable level of emergency vehicle access to developed property for life safety and property protection, including alternative ingress and egress routes for residents.</li> </ol>		

**FINDINGS (continued):**

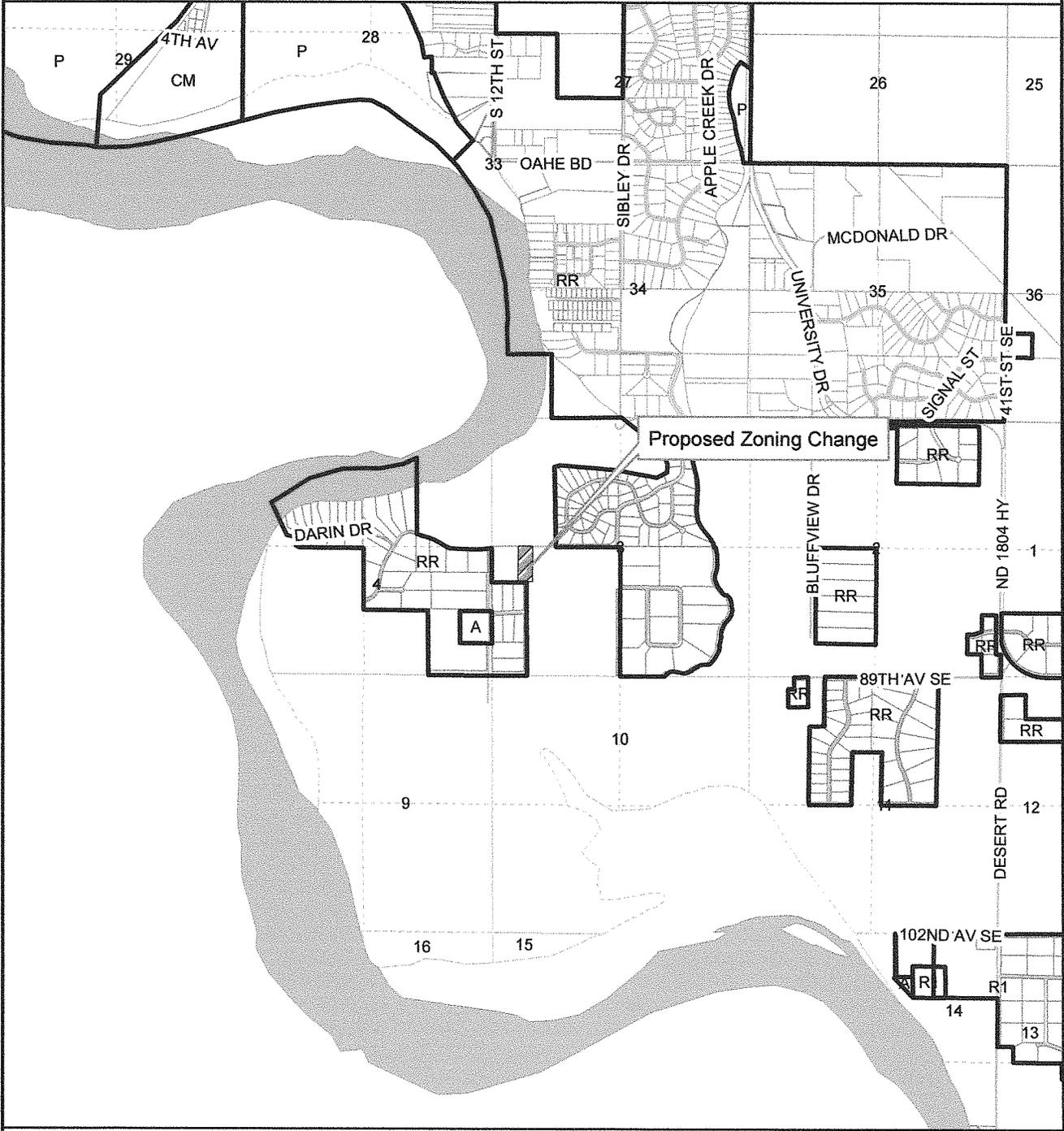
4. The maximum distance allowed by the Secondary Roadway Access Policy between a proposed subdivision and a secondary access roadway is ¼ mile. The distance from this proposed subdivision to the nearest a secondary access roadway is 1.95 miles.
5. Sibley Drive is the only existing collector road servicing this area. A future collector road, 89<sup>th</sup> Ave, is shown in the Fringe Area Road Master Plan but is not yet constructed. That collector would provide an outlet to Highway 1804 and function as a second access to this area. Until 89<sup>th</sup> Avenue or another road is constructed, Sibley Drive is the sole access to this area.
6. Given only one access road, safety of the residents is a concern. If Sibley Drive is blocked, emergency services cannot be provided to the residents. Approving this plat would increase the population density of this area (albeit by only one housing unit) and compound the safety risk.
7. The Planning Commission has the authority to recommend denial of this subdivision based on the single access safety issue. "For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of any city may . . . regulate and restrict . . . the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes." (NDCC Chapter 40-47-01)
8. Additionally, the Bismarck Zoning Regulations state: "It is the intent of this ordinance to provide regulations, standards and guides for the city's development which will: . . . Secure safety from fire, panic and other dangers; . . . (14-02-01)
9. This is not the last remaining parcel of land that is open for residential development in the Bismarck area. More suitable locations exist where secondary access is available.
10. When a second access route is provided into the Briardale area, additional residential development may be appropriate at this location.
11. In 2005, Briardale 4<sup>th</sup> Subdivision was proposed for the area directly adjacent to the east edge of the Ashland Estates II Subdivision. On February 23, 2005 the Bismarck Planning Commission voted unanimously to deny Briardale 4<sup>th</sup> Subdivision, the proposed rezoning, and any future platting in this area until a second access road into this area is provided.
12. The Bismarck Board of City Commissioners, at its meeting of March 22, 2005, affirmed the Planning Commission's denial of the final plat of Briardale 4<sup>th</sup> Subdivision and the zoning change from A-Agricultural to RR-Residential.
13. Following the denial of the Board of City Commissioners, the applicant, Eugene Clooten appealed the City's decision to District Court. On February 10<sup>th</sup>, 2006, the Court affirmed the decision of the Bismarck City Commission.

**RECOMMENDATION:**

Based on the findings, staff cannot support approval of the proposed subdivision plat or the proposed zoning change or any future platting in this area until a second access road is provided. Because of the single-access concerns, staff cannot distinguish between a subdivision proposal with several lots and a proposal to add only one lot when it is likely that more similar one-lot requests would follow.

Staff recommends denial of the proposed zoning change.

# Proposed Zoning Change (A to RR) Ashland Estates II Subdivision



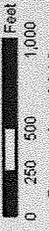
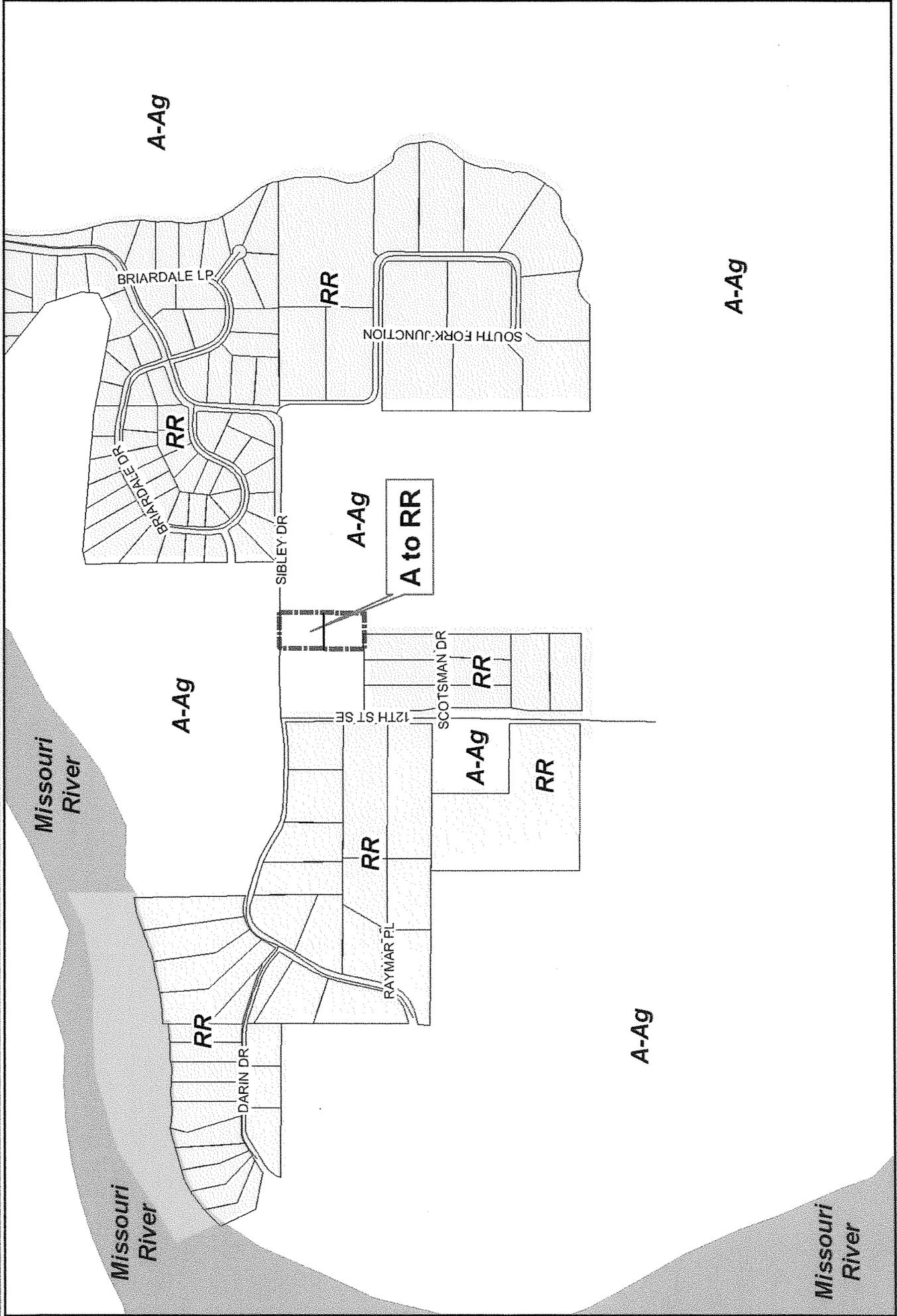
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: October 20, 2010 (kdg)

Source: City of Bismarck



0 1,750 3,500 Feet

# Ashland Estates II Subdivision - Zoning Change



December 2010

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

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

<b>BACKGROUND:</b>		
<b>Title:</b> Ashland Estates II Subdivision – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> Eugene Clooten & Eugene Clooten, Jr.	<b>Engineer:</b> Toman Engineering Co.	
<b>Reason for Request:</b> To subdivide an unplatted 5-acre parcel into two platted lots and to change the zoning from A-Agricultural to RR-Residential for the purpose of obtaining a building permit to construct a house.		
<b>Location:</b> Approximately 6½-miles south of downtown Bismarck, on the south side of Sibley Drive between Briardale Third Subdivision and Ashland Estates. (Lot D of the NW ¼ of the SW ¼ of Section 3, T137N-R80W, Fort Rice Township)		
<b>Project Size:</b> 4.99 acres	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> 1 existing house and 1 accessory building	<b>Land Use:</b> two single-family houses	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential	
<b>Uses Allowed:</b> General agriculture	<b>Uses Allowed:</b> Rural residential and limited agriculture	
<b>Maximum Density Allowed:</b> One unit per 40-acres	<b>Maximum Density Allowed:</b> One unit per 1½-acres	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> ---	<b>Platted:</b> ---	<b>Annexed:</b> ---
<b>ADDITIONAL INFORMATION:</b>		
<p>Since the proposed subdivision is located within the two to four-mile ETA, it is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Burleigh County can participate in decisions on development proposals in the area of joint jurisdiction. The County may object to the City's final decisions and request negotiation within 30 days of the decisions. If the City and County do not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners.</p>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed subdivision is not consistent with the City's Secondary Roadway Access Policy. The purpose of this policy is to establish minimum requirements for providing secondary roadway access to subdivisions and developments in order to have a reasonable level of emergency vehicle access to developed property for life safety and property protection, including alternative ingress and egress routes for residents.</li> <li>2. The maximum distance allowed by the Secondary Roadway Access Policy between a proposed subdivision and a secondary access roadway is ¼ mile. The distance from this proposed subdivision to the nearest a secondary access roadway is 1.95 miles.</li> </ol>		
<i>(continued on next page)</i>		

**FINDINGS (continued):**

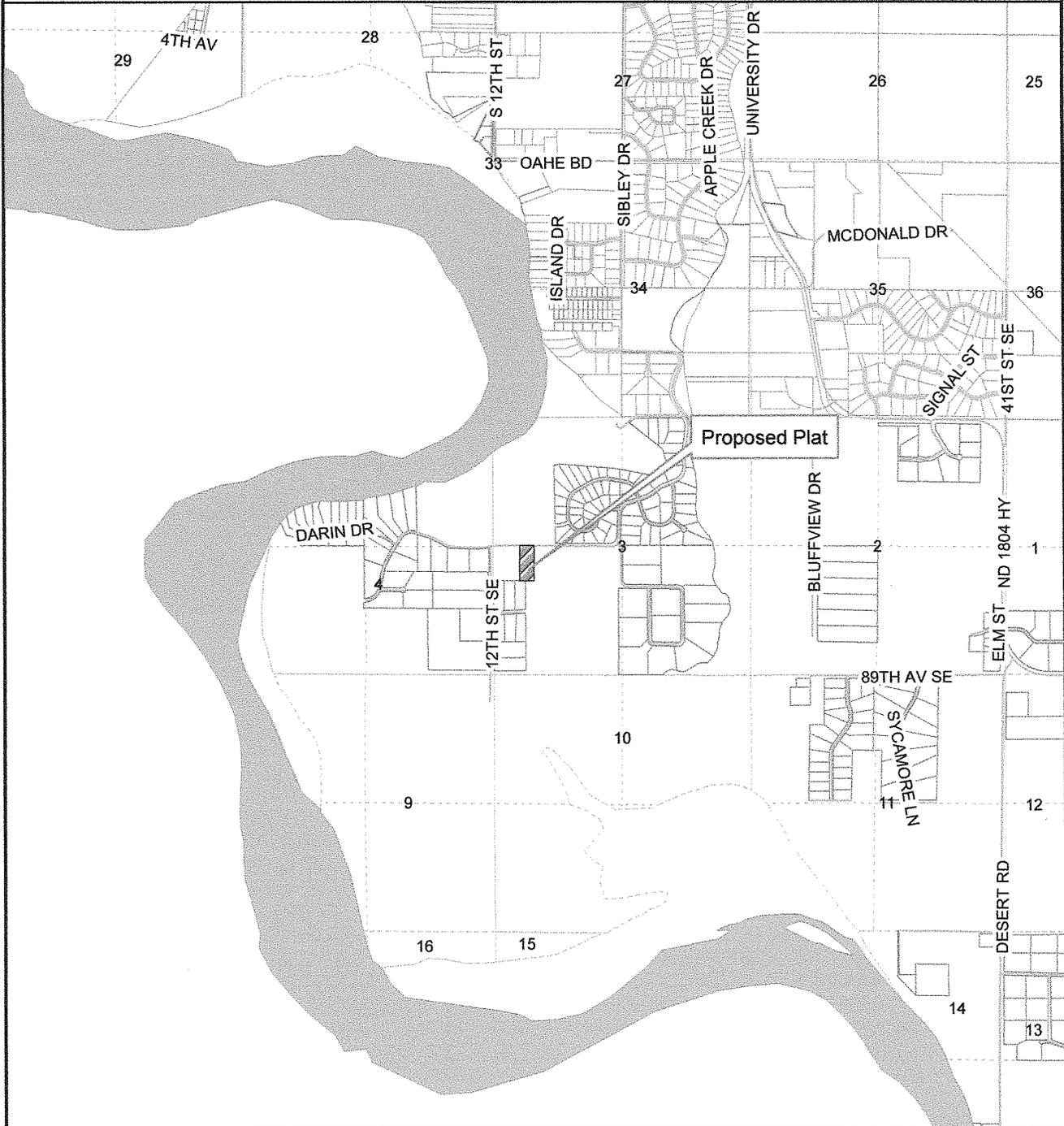
3. Sibley Drive is the only existing collector road servicing this area. A future collector road, 89<sup>th</sup> Ave, is shown in the Fringe Area Road Master Plan but is not yet constructed. That collector would provide an outlet to Highway 1804 and function as a second access to this area. Until 89<sup>th</sup> Avenue or another road is constructed, Sibley Drive is the sole access to this area.
4. Given only one access road, safety of the residents is a concern. If Sibley Drive is blocked, emergency services cannot be provided to the residents. Approving this plat would increase the population density of this area (albeit by only one housing unit) and compound the safety risk.
5. The Planning Commission has the authority to recommend denial of this subdivision based on the single access safety issue. "For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing body of any city may . . . regulate and restrict . . . the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes." (NDCC Chapter 40-47-01)
6. Additionally, the Bismarck Zoning Regulations state: "It is the intent of this ordinance to provide regulations, standards and guides for the city's development which will: . . . Secure safety from fire, panic and other dangers; . . . (14-02-01)
7. This is not the last remaining parcel of land that is open for residential development in the Bismarck area. More suitable locations exist where secondary access is available.
8. When a second access route is provided into the Briardale area, additional residential development may be appropriate at this location.
9. In 2005, Briardale 4<sup>th</sup> Subdivision was proposed for the area directly adjacent to the east edge of the Ashland Estates II Subdivision. On February 23, 2005 the Bismarck Planning Commission voted unanimously to deny Briardale 4<sup>th</sup> Subdivision, the proposed rezoning, and any future platting in this area until a second access road into this area is provided.
10. The Bismarck Board of City Commissioners, at its meeting of March 22, 2005, affirmed the Planning Commission's denial of the final plat of Briardale 4<sup>th</sup> Subdivision and the zoning change from A-Agricultural to RR-Residential.
11. Following the denial of the Board of City Commissioners, the applicant, Eugene Clooten appealed the City's decision to District Court. On February 10<sup>th</sup>, 2006, the Court affirmed the decision of the Bismarck City Commission.

**RECOMMENDATION:**

Based on the findings, staff cannot support approval of the proposed subdivision plat or the proposed zoning change or any future platting in this area until a second access road is provided. Because of the single-access concerns, staff cannot distinguish between a subdivision proposal with several lots and a proposal to add only one lot when it is likely that more similar one-lot requests would follow.

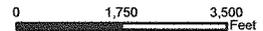
Staff recommends denial of the proposed subdivision plat.

# Proposed Plat Ashland Estates II Subdivision

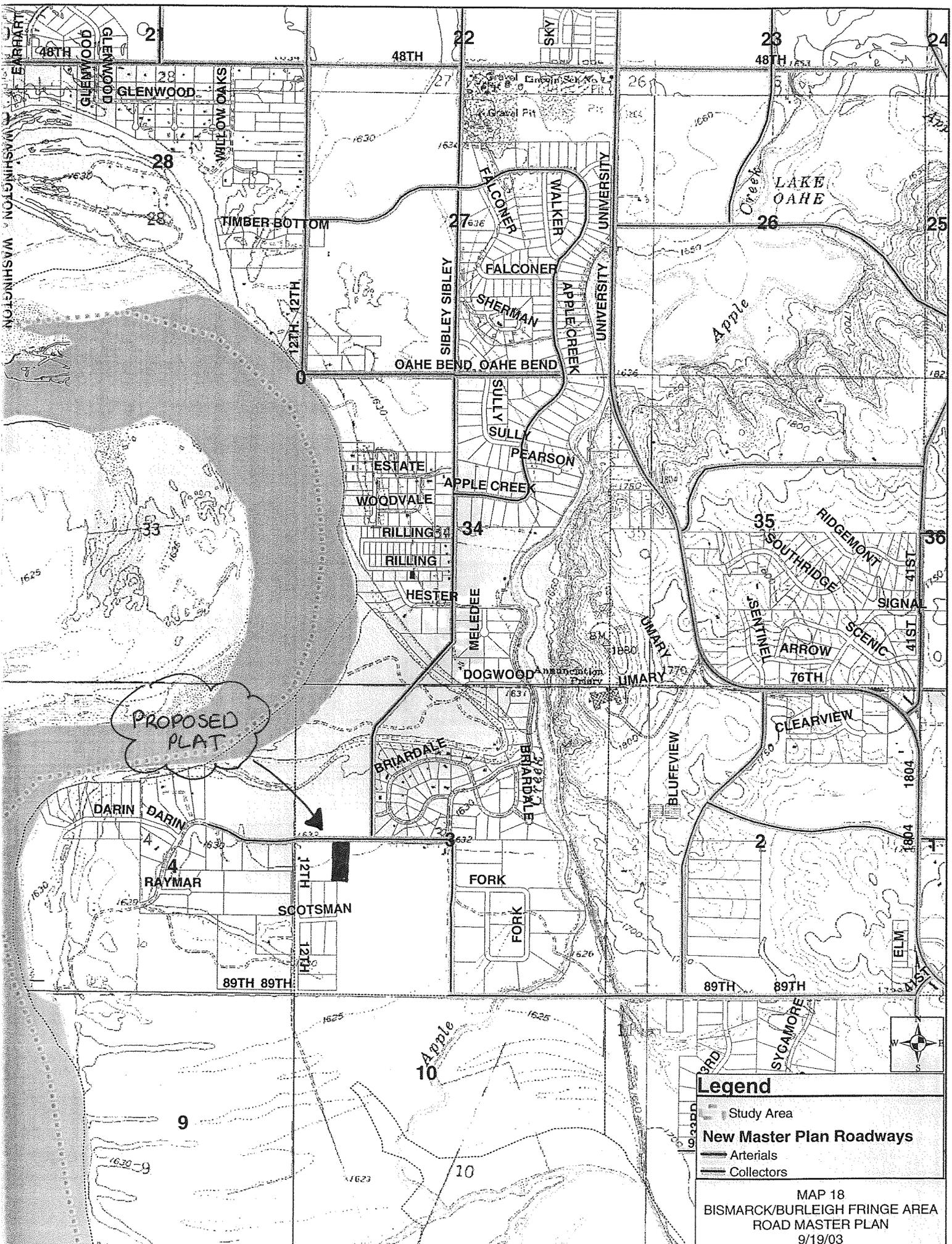


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Map was Updated/Created: October 20, 2010 (kdg)

Source: City of Bismarck







PROPOSED PLAT

**Legend**

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

MAP 18  
 BISMARCK/BURLEIGH FRINGE AREA  
 ROAD MASTER PLAN  
 9/19/03

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

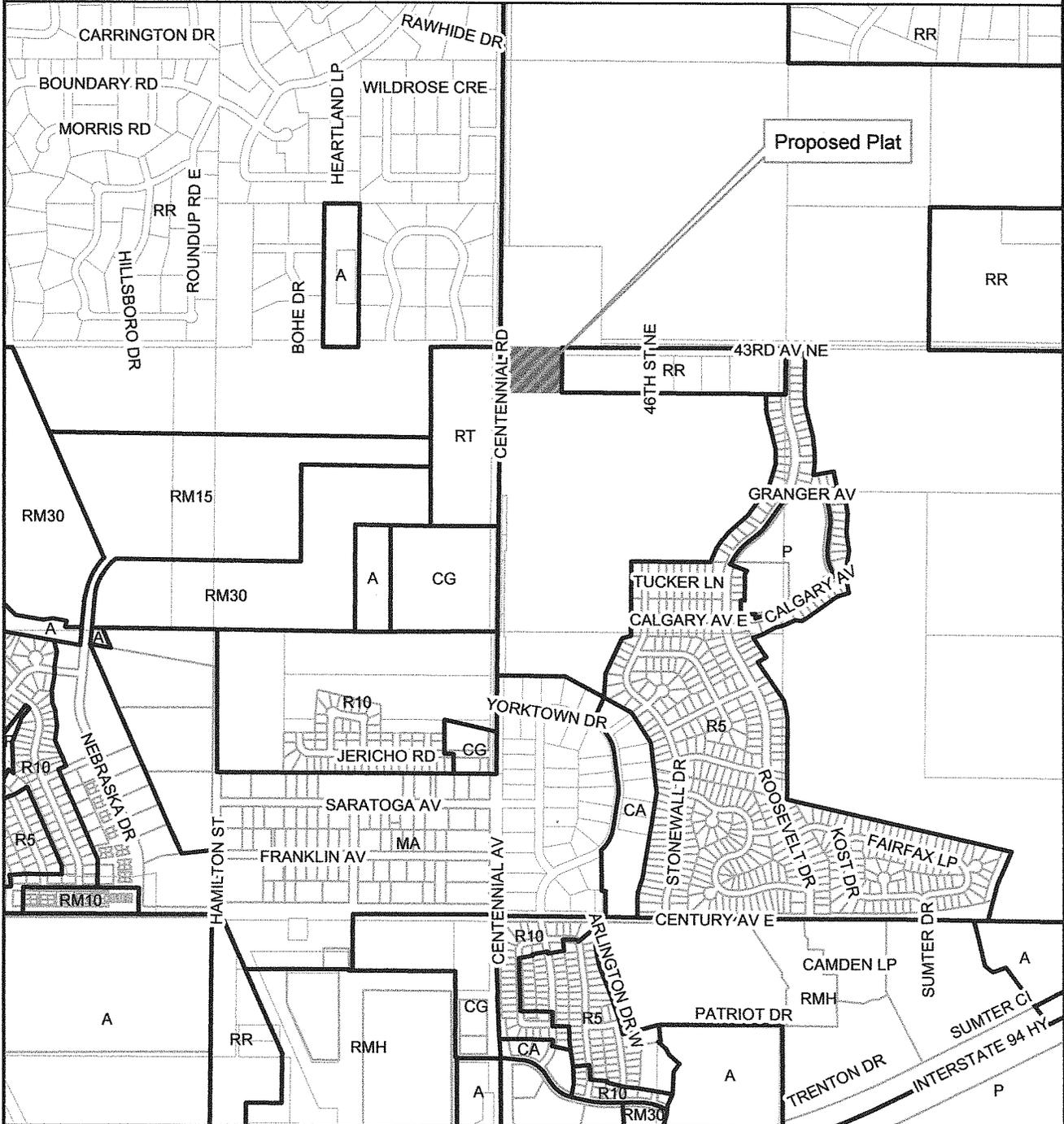
<b>BACKGROUND:</b>		
<b>Title:</b> MDU Substation Subdivision – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> Montana Dakota Utilities Company	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> The owners wish to plat this parcel and build an electrical substation.		
<b>Location:</b> Northeast of Bismarck, a corner lot southeast of the intersection of Centennial Road and 43 <sup>rd</sup> Avenue N.E. (NE ¼ of Section 24, T139N/R80W Hay Creek Township)		
<b>Project Size:</b> 5.54 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> vacant, undeveloped	<b>Land Use:</b> electrical substation	
<b>Zoning:</b> A-Agricultural	<b>Zoning:</b> A-Agricultural	
<b>Uses Allowed:</b> general agricultural and utilities	<b>Uses Allowed:</b> general agricultural and utilities	
<b>Maximum Density Allowed:</b> 1 residential dwelling unit per 40-acres	<b>Maximum Density Allowed:</b> 1 residential dwelling unit per 40-acres	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> ---	<b>Platted:</b> ---	<b>Annexed:</b> ---
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. A zoning change is not needed and although the Future Land Use Plan shows this area as “Neighborhood Commercial” utility service group uses such as an electrical substation are allowed in any zoning district.</li> <li>2. The proposed subdivision complies with the Fringe Area Road Master Plan. Adequate right-of-way will be dedicated for 43<sup>rd</sup> Avenue. Adequate right-of-way already exists along Centennial Road.</li> <li>3. Access to the property is provided by an approach on 43<sup>rd</sup> Avenue N.E..</li> <li>4. The proposed subdivision is compatible with adjacent land uses and would not adversely affect property in the vicinity. A landscaped buffer yard will be installed on the east side of this lot.</li> <li>5. Surrounding land uses include undeveloped agricultural land to the north, south and west. There is a church to the east and a rural residential subdivision to the northwest.</li> <li>6. The proposed plat is consistent with all adopted plans, policies and accepted planning practices.</li> <li>7. The Storm Water Management Plan has been approved by the City Engineer.</li> </ol>		
<i>(continued on next page)</i>		

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat of MDU Substation Subdivision with the following two conditions:

1. That the buffer yard is planted by June 15, 2011 or in conjunction with the development of the site, whichever comes first.
2. The landscape plan for the buffer yard must be submitted to and approved by City staff prior to the request being forwarded to the Board of City Commissioners for final action.

# Proposed Plat MDU Substation 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 29, 2010 (kdg)

Source: City of Bismarck

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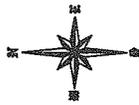
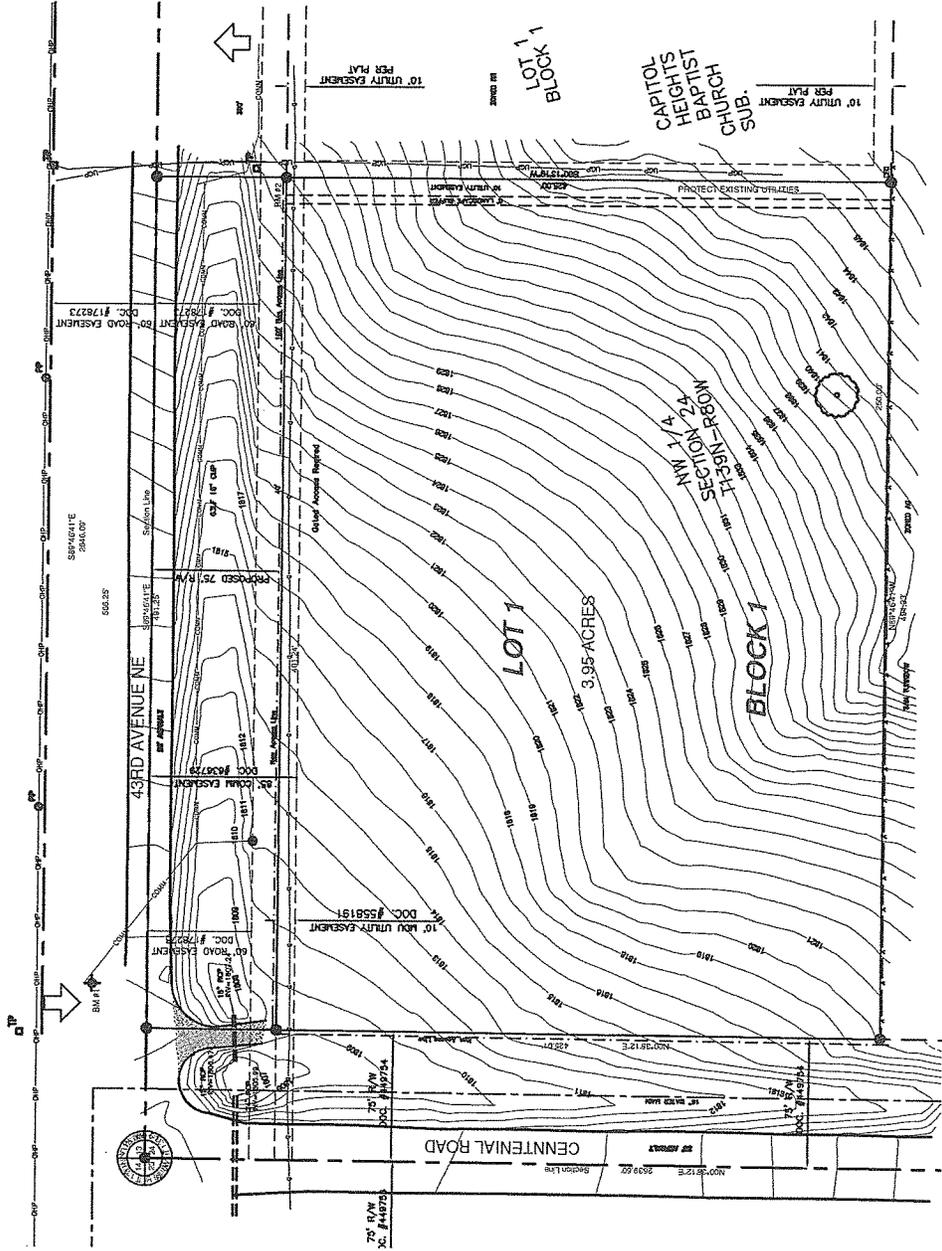


0 600 1,200  
Feet



RECEIVED  
AUG 19 2010

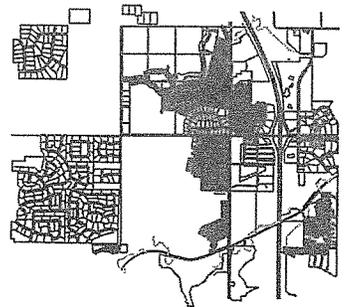
PRELIMINARY PLAT  
**MDU SUBSTATION SUBDIVISION**  
THE NORTH 425.00' OF SECTION 24 T 139 N, R 80 W  
WEST OF CAPITAL HEIGHTS BAPTIST CHURCH SUBDIVISION  
AND EAST OF CENTENNIAL ROAD RIGHT OF WAY  
**BURLEIGH COUNTY, NORTH DAKOTA**

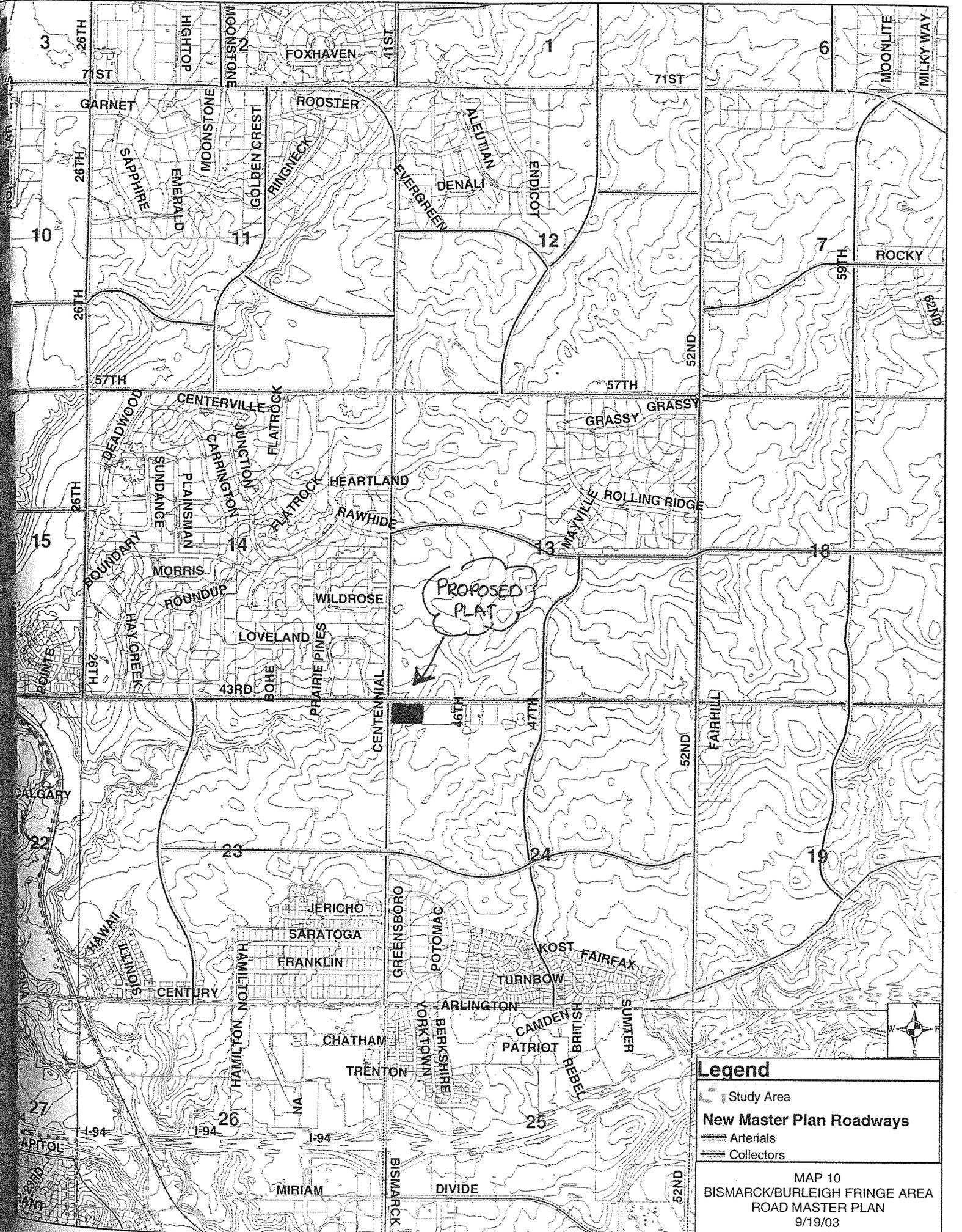


JUNE 29, 2010  
SCALE - 1"=50'  
NAD 83

MONTANA-DAKOTA UTILITIES CO.  
REGIONAL ELECTRIC SYSTEMS ENGINEER  
PO BOX 1457  
BISMARCK, ND 58502  
224-5830

EXISTING ZONING AG  
TOTAL ACREAGE - 4.81 ACRES





**Legend**

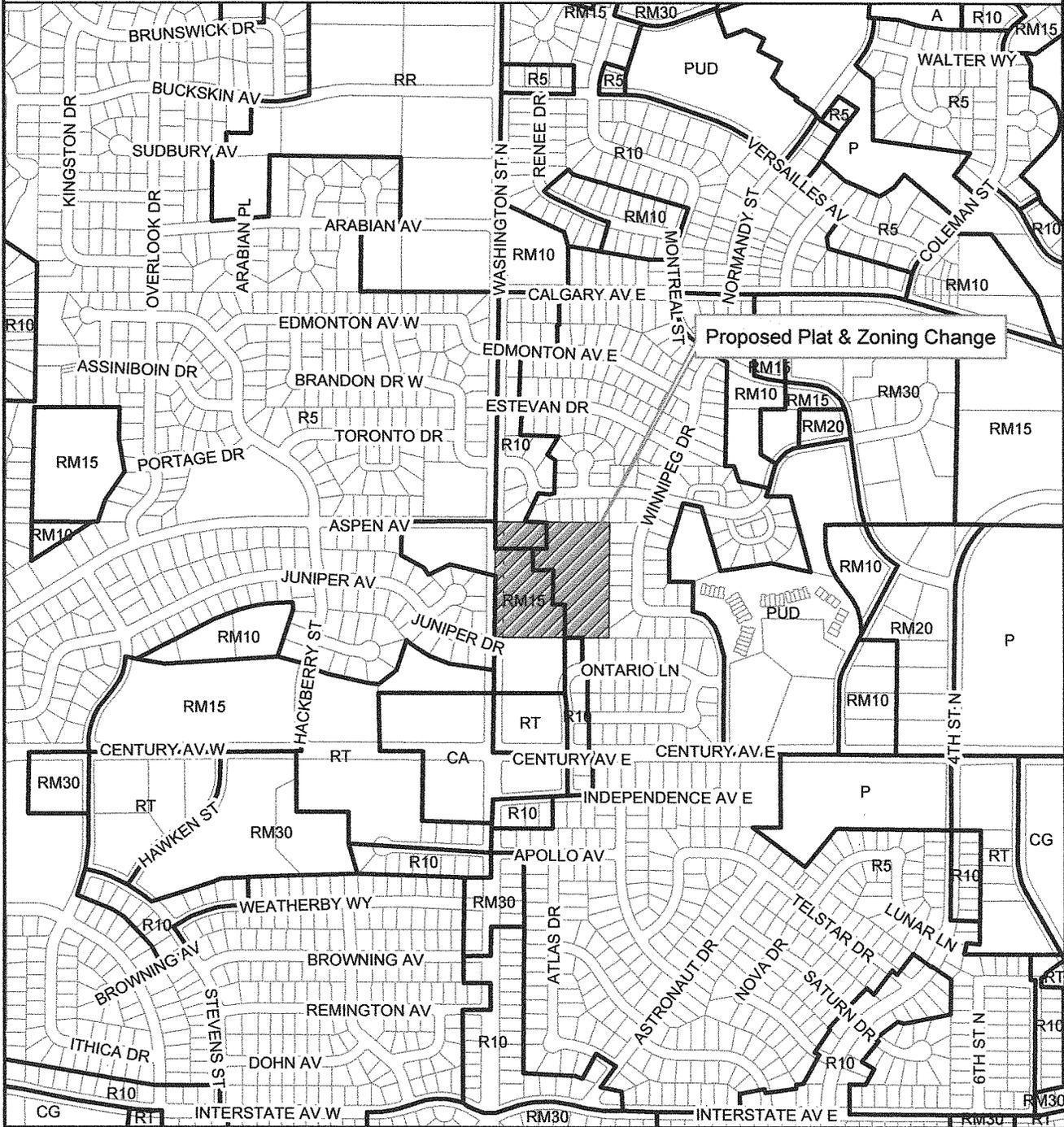
- Study Area
- New Master Plan Roadways**
  - Arterials
  - Collectors

MAP 10  
 BISMARCK/BURLEIGH FRINGE AREA  
 ROAD MASTER PLAN  
 9/19/03

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

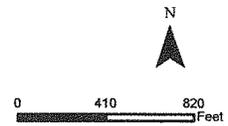
<b>BACKGROUND:</b>		
<b>Title:</b> Rocky Heights Addition – Zoning Change (R5, R10, and RM15 to R5 and R10)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> George & Jean Hilts	<b>Engineer:</b> Kadmas Lee & Jackson	
<b>Reason for Request:</b> The owners wish to subdivide this parcel into 12 residential lots for single and two-family dwellings and one common lot to be owned by a homeowners' association.		
<b>Location:</b> In north Bismarck, along the east side of North Washington Street; north of Century Avenue; between the Juniper Drive and Aspen Drive intersections (SW ¼ of Section 21, T139N-R80W/Hay Creek Township)		
<b>Project Size:</b> 10-acres	<b>Number of Lots:</b> 12 residential lots and one common lot	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> single-family house was removed	<b>Land Use:</b> 12 residential lots and one common lot	
<b>Zoning:</b> R5, R10, and RM15 Residential	<b>Zoning:</b> R5 and R10 Residential	
<b>Uses Allowed:</b> single, two-family, and multi-family dwellings	<b>Uses Allowed:</b> single and two-family dwellings	
<b>Maximum Density Allowed:</b> RM15 = 15 units per acre	<b>Maximum Density Allowed:</b> R5 = 5 units per acre, R10 = 10 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include single and two-family dwellings to the west; a church to the northwest; single family dwellings to the north and east; single family, duplex and row-house dwellings to the south.</li> <li>2. The subdivision proposed for this property will be an urban residential subdivision and has already been annexed; therefore, the zoning change will not place an undue burden on public services.</li> <li>3. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of the zoning change for Rocky Heights Addition from R5, R10, and RM15 Residential to R5 and R10 Residential.		

# Proposed Plat and Zoning Change (RM15, R10 & R5 to R10 & R5) Rocky Heights Addition

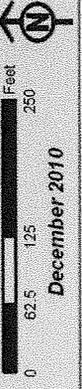
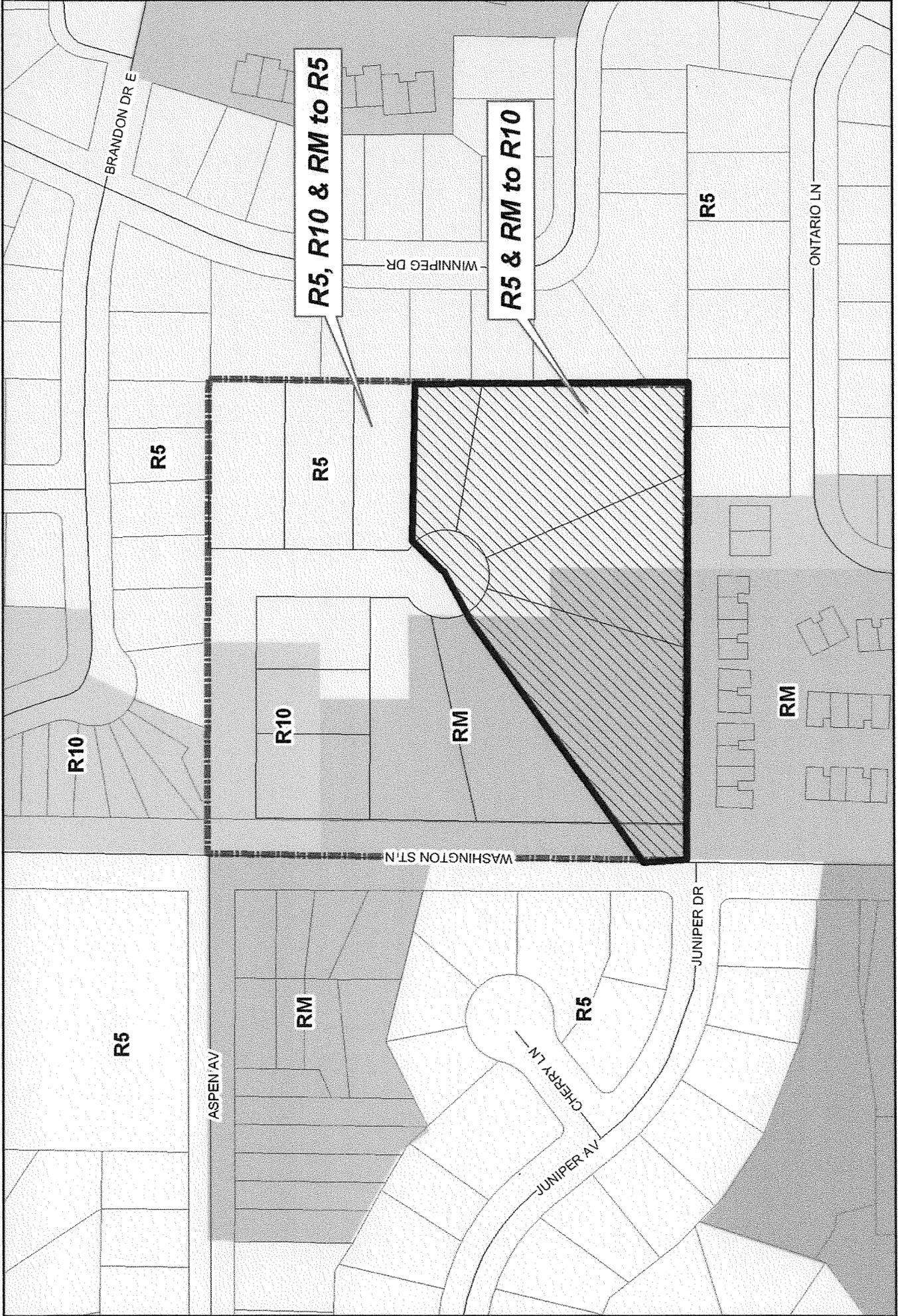


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Map was Updated/Created: August 25, 2010 (kdj)

Source: City of Bismarck



# Rocky Heights Addition - Zoning Change



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December 2010

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

<b>BACKGROUND:</b>		
<b>Title:</b> Rocky Heights Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> George & Jean Hilts	<b>Engineer:</b> Kadrmass Lee & Jackson	
<b>Reason for Request:</b> The owners wish to subdivide this parcel into 12 residential lots and one common lot to be owned by a homeowners' association.		
<b>Location:</b> In north Bismarck, along the east side of North Washington Street; north of Century Avenue; between the Juniper Drive and Aspen Drive intersections (SW ¼ of Section 21, T139N-R80W/ Hay Creek Township)		
<b>Project Size:</b> 10-acres	<b>Number of Lots:</b> 12 residential lots and one common lot	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> single-family house was removed	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R5, R10, and RM15 Residential	<b>Land Use:</b> 12 residential lots, one common lot	
<b>Uses Allowed:</b> single, two-family, and multi-family	<b>Zoning:</b> R5 and R10 Residential	
<b>Maximum Density Allowed:</b> RM15 = 15 units per acre	<b>Uses Allowed:</b> single and two-family dwellings	
	<b>Maximum Density Allowed:</b> R5 = 5 units per acre, R10 = 10 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A single access on North Washington Street is shown at the northwest corner of the subject parcel. A looped roadway with two access points is unfeasible. A street constructed on the steep hillside would exceed the maximum allowable grade. A cul-de-sac has been requested and is acceptable.</li> <li>2. The location of Aspen Drive creates a double-frontage lot situation with four lots along the north side of this plat. The developer has offered a buffer strip of 20-feet to separate these lots from the new street right-of-way.</li> <li>3. Section 14-09-05(4)(e) of the Bismarck Ordinance says: <i>Double frontage or reverse frontage lots shall not be permitted except where lots back on arterial streets or highways, or where topographic or other conditions render subdividing in another fashion unreasonable. Such double frontage lots shall have an additional depth of at least twenty (20) feet over and above normal lot size in order to allow screen planting and landscaping along the back lot line.</i></li> </ol>		
<i>(continued on next page)</i>		

**ADDITIONAL INFORMATION continued:**

4. The ordinance allows an exception for double-frontage lots which back on arterial streets or highways. Aspen Court is a local residential street. When designing new subdivisions and creating double frontage lots along arterials, the newly created lots are vacant, undeveloped. The buyers of those new lots willingly choose to purchase and live on a double frontage lot. Although the current residents to the north of the proposed plat did not choose to live on double frontage lots, it was a reasonable expectation that someday the property to their south could be subdivided.
5. The ordinance allows another exception from the double frontage lot ban "*where topographic or other conditions render subdividing in another fashion unreasonable*". Topography does not completely prohibit the proposed street from being relocated.
6. One negative aspect for the homes to the north would be having car headlights shining into their rear windows. To screen headlights, the developer has proposed landscaping be installed on the 20-foot buffer strip (see landscaping proposal). The proposed tree species and density indicated on the consultant's landscaping plan may not adequately protect those properties from headlight glare.
7. Staff had earlier indicated to the owners' representatives that the staff recommendation on this plat would be to retain the existing row of mature juniper trees along the north edge of the proposed plat and plant additional new trees to allow them to become established and eventually replace the aging junipers. Staff had indicated that a buffer lot of 50-feet in width would be recommended for the north edge of the proposed plat. A buffer lot of that width would have contained the mature junipers. The representatives disagreed with the staff recommendation and the existing junipers were cut down.
8. For any new landscaping in this buffer strip to be effective, it would have to be more densely planted than shown on the consultants' landscaping plan with replacement conifers of a suitable size.
9. Staff has since looked at alternative spacing for this area north of Aspen Court. It is possible with the proposed 20-foot buffer strip to locate the new street so the curb would be at least 43-feet south of the northern property line. A new sidewalk of 4½-feet in width would be located somewhere north of the curb.

**FINDINGS:**

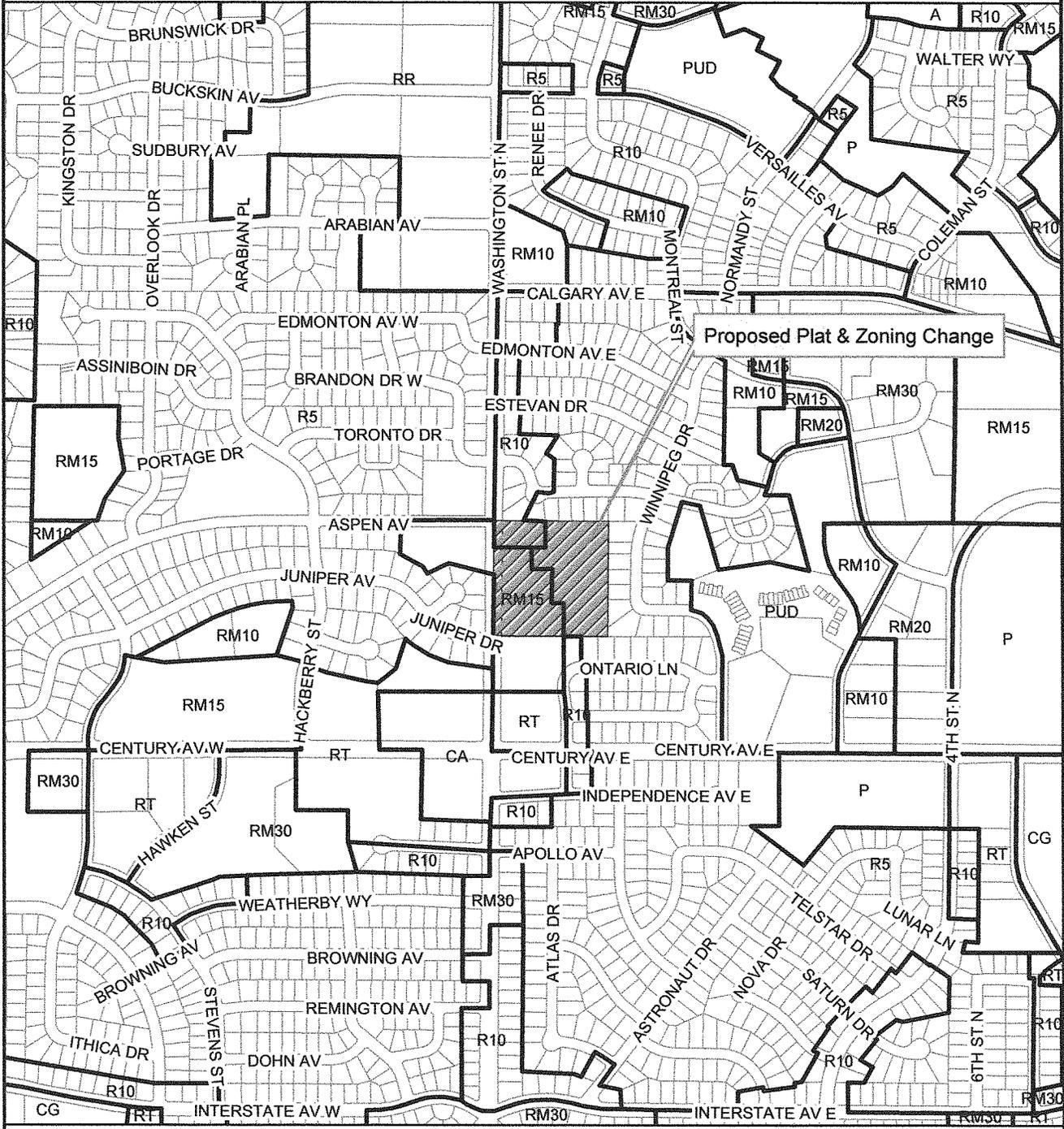
1. The proposed plat is not completely consistent with all technical requirements for a final plat. In particular, the double-frontage lot situation is an issue.
2. For double-frontage lots backing on local residential streets, the ordinance does not establish a minimum separation distance between a rear lot line and a street.
3. The proposed plat is compatible with adjacent land uses. Adjacent land uses include single and two-family dwellings to the west; a church to the northwest; single family dwellings to the north and east; single family, duplex and row-house dwellings to the south.
4. The proposed subdivision will be an urban residential subdivision and has already been annexed; therefore, it will not place an undue burden on public services.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The Storm Water Management Plan has been approved by the City Engineer.

**RECOMMENDATION:**

Based on the additional information above and on the findings, staff reluctantly recommends approval of the proposed plat with five conditions:

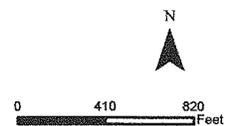
- 1) That the buffer lot of 20-feet in width and landscaping contained within it be under common ownership of a Rocky Heights homeowners' association and maintained by the association in perpetuity.
- 2) That the width and alignment of the paved portion of the east/west segment of Aspen Drive be configured to result in a separation distance of 43-feet between the north property line and the north curb.
- 3) That the landscape plan for the buffer yard must be revised, submitted to and approved by City staff prior to the request being forwarded to the Board of City Commissioners for final action.
- 4) That the buffer yard is planted by June 15, 2011 or in conjunction with the development of the site, whichever comes first.
- 5) That the landscaping materials be planted prior to any building permits being issued for this subdivision and that all plant materials are maintained in a healthy condition for perpetuity.

# Proposed Plat and Zoning Change (RM15, R10 & R5 to R10 & R5) Rocky Heights Addition



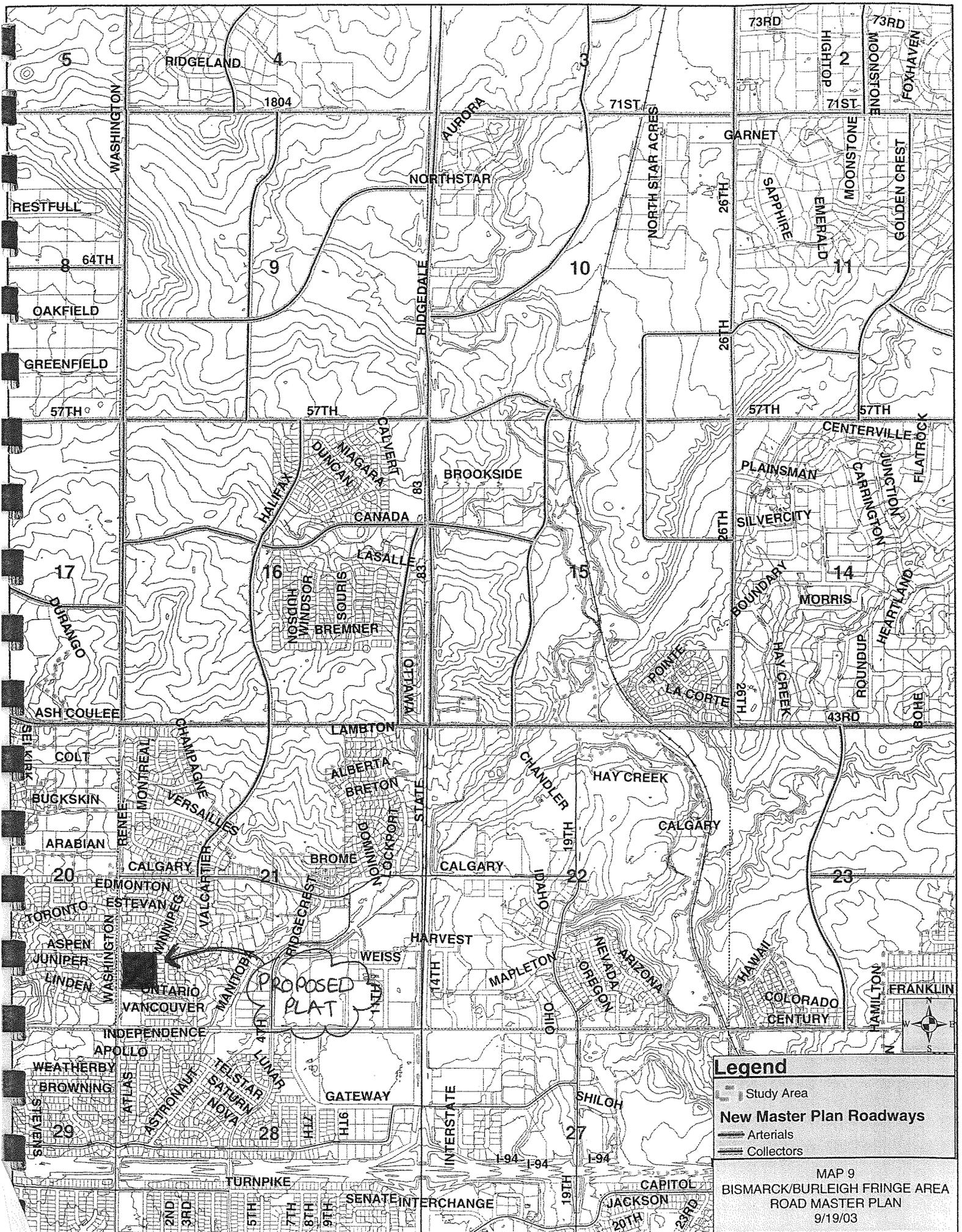
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: August 25, 2010 (kdg)

Source: City of Bismarck









**Legend**

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

MAP 9  
 BISMARCK/BURLEIGH FRINGE AREA  
 ROAD MASTER PLAN  
 9/19/03



PROPOSED PLAT



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

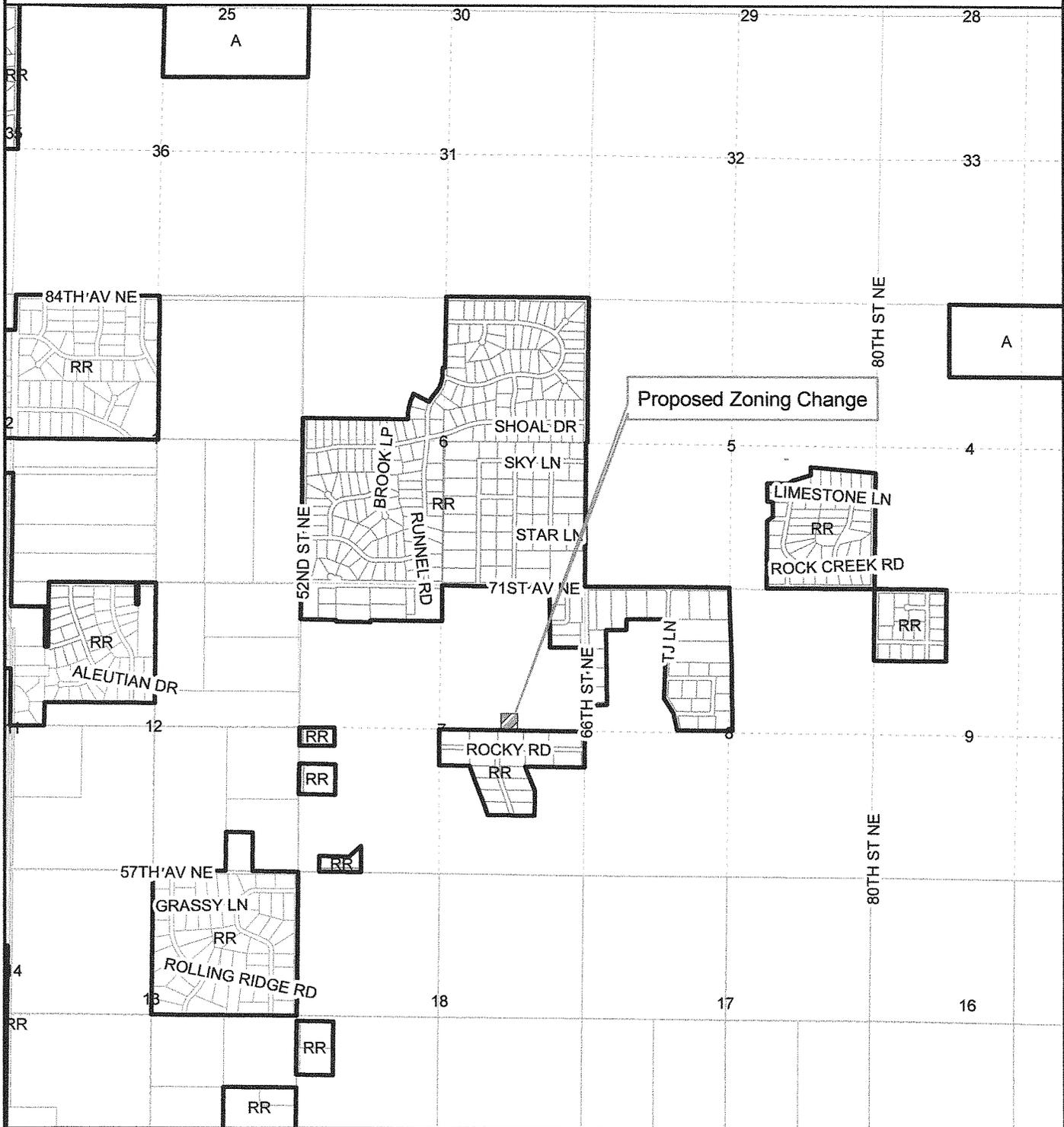
<b>BACKGROUND:</b>	
<b>Title:</b> Woodruff Subdivision – Zoning Change (A to RR)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010
<b>Owner(s):</b> Garret Woodruff	<b>Engineer:</b> Bartlett & West
<b>Reason for Request:</b> Plat and rezone developed property for purpose of obtaining a building permit for an accessory building. The actions will also bring the property into compliance with zoning requirements.	
<b>Location:</b> West of 66 <sup>th</sup> Street NE, south of 71 <sup>st</sup> Avenue NE and north of Rocky Road (part of the NE¼ of Section 7, T139N-R79W/Gibbs Township).	
<b>Project Size:</b> 2.07 acres	<b>Number of Lots:</b> One lot in one block
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Rural residential	<b>Land Use:</b> Rural residential
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>Maximum Density Allowed:</b> One unit per 40 acres	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. Since the proposed subdivision is located partially within the two to four-mile ETA, it is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Burleigh County can participate in decisions on development proposals in the area of joint jurisdiction. The County may object to the City's final decisions and request negotiation within 30 days of the decision. If the City and County do not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners.</li> <li>2. The property included in the proposed subdivision was split off from the surrounding agricultural property with a plat of irregular description in 2006. The plat of irregular description included the following note, "Due to its size (under 40 acres) and its current zoning, Agriculture, this parcel constitutes a non-conforming use. No further building permit will be allowed for this parcel until it is platted and zoned."</li> </ol>	
<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 urban residential (Bismarck-Mandan Regional Land Use Plan).</li> <li>2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include rural residential to the south and agricultural land to the west, north and east.</li> </ol>	
<i>(continued)</i>	

3. The property included in the zoning change is already developed, has access via a private drive to Rocky Road, and is served by South Central Regional Water District; therefore, the zoning change will not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

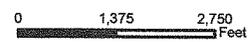
Based on the above findings, staff recommends approval of the zoning change for Woodruff Subdivision from A – Agricultural to RR – Residential.

# Proposed Plat & Zoning Change (A to RR) Woodruff 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 herein.  
Map was Updated/Created: August 25, 2010 (kdg)

Source: City of Bismarck





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

<b>BACKGROUND:</b>	
<b>Title:</b> Woodruff Subdivision – Preliminary Plat	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010
<b>Owner(s):</b> Garret Woodruff	<b>Engineer:</b> Bartlett & West
<b>Reason for Request:</b> Plat and rezone developed property for purpose of obtaining a building permit for an accessory building. The actions will also bring the property into compliance with zoning requirements.	
<b>Location:</b> West of 66 <sup>th</sup> Street NE, south of 71 <sup>st</sup> Avenue NE and north of Rocky Road (part of the NE¼ of Section 7, T139N-R79W/Gibbs Township).	
<b>Project Size:</b> 2.07 acres	<b>Number of Lots:</b> One lot in one block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> A – Agriculture	<b>Land Use:</b> Rural residential
<b>Uses Allowed:</b> Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential & limited agriculture
<b>Maximum Density Allowed:</b> One unit per 40 acres	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. The Gibbs Township Board of Supervisors has recommended approval of the proposed subdivision. The formal resolution was mailed but not received by our office and a replacement will be forthcoming.</li> <li>2. Since the proposed subdivision is located partially within the two to four-mile ETA, it is subject to joint jurisdiction procedures as established by NDCC 40-47-01.1. Burleigh County can participate in decisions on development proposals in the area of joint jurisdiction. The County may object to the City’s final decisions and request negotiation within 30 days of the decision. If the City and County do not come to an agreement within 30 days, the dispute is submitted to a committee for mediation. If the mediation committee is unable to resolve the dispute to the satisfaction of the City and Burleigh County, the dispute must be resolved by the Burleigh County Board of Commissioners.</li> <li>3. The property included in the proposed subdivision was split off from the surrounding agricultural property with a plat of irregular description in 2006. The plat of irregular description included the following note, “Due to its size (under 40 acres) and its current zoning, Agriculture, this parcel constitutes a non-conforming use. No further building permit will be allowed for this parcel until it is platted and zoned.”</li> <li>4. Access to the parcel is provided via a private access easement and a privately-maintained drive on the east half of the 59<sup>th</sup> Street NE right-of-way (only the east half of the roadway is dedicated) from the west end of Rocky Road. The applicant is in the process of obtaining an additional private access easement over the adjacent property to accommodate the alignment of the existing driveway.</li> </ol>	
<i>(continued)</i>	

5. The current access to the parcel will not change with the proposed plat; however, there is some concern about the continued use of the east-west portion of the private access easement when the adjacent property is developed. Because the location of this private access easement creates a double-frontage issue for the developed lots to the south, it would be undesirable to turn it into a public roadway. With future development of the adjacent property and the creation of public roadways in this area, access to the property in this plat may need to be modified.

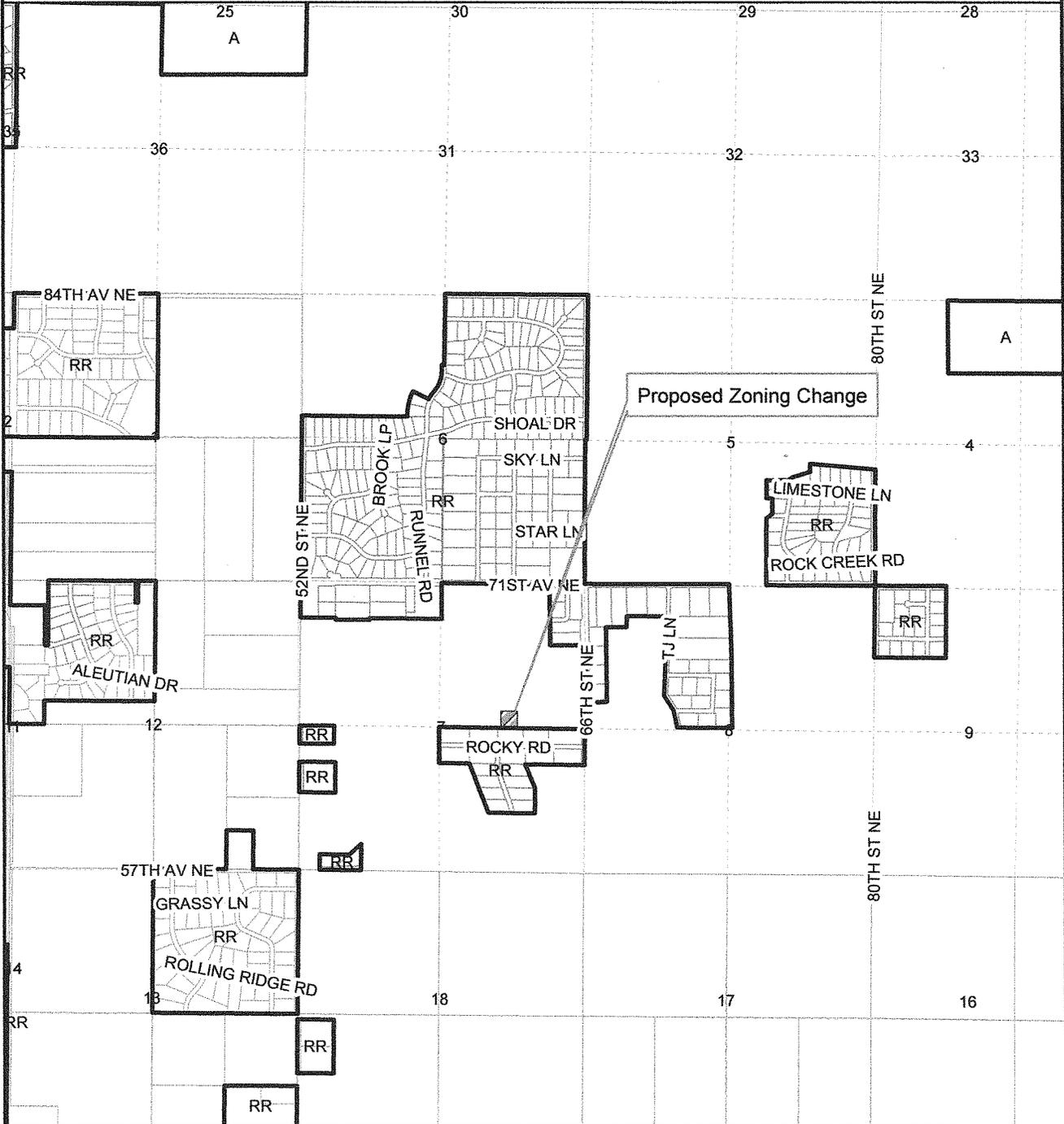
**FINDINGS:**

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is in conformance with the Fringe Area Road Master Plan, which identifies 59<sup>th</sup> Street NE as the north-south collector for this section.
2. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include rural residential to the south and agricultural land to the west, north and east.
3. The property included in the proposed subdivision is already developed, has access via a private drive to Rocky Road, and is served by South Central Regional Water District; therefore, the proposed subdivision would not place an undue burden on public services.
4. The proposed subdivision would not adversely affect property in the vicinity.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat for Woodruff Subdivision, with the understanding that the property owner will work with the adjacent property owner to improve access to the property in this subdivision when the adjacent property is developed.

# Proposed Plat & Zoning Change (A to RR) Woodruff Subdivision



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Map was Updated/Created: August 25, 2010 (kdg)

Source: City of Bismarck

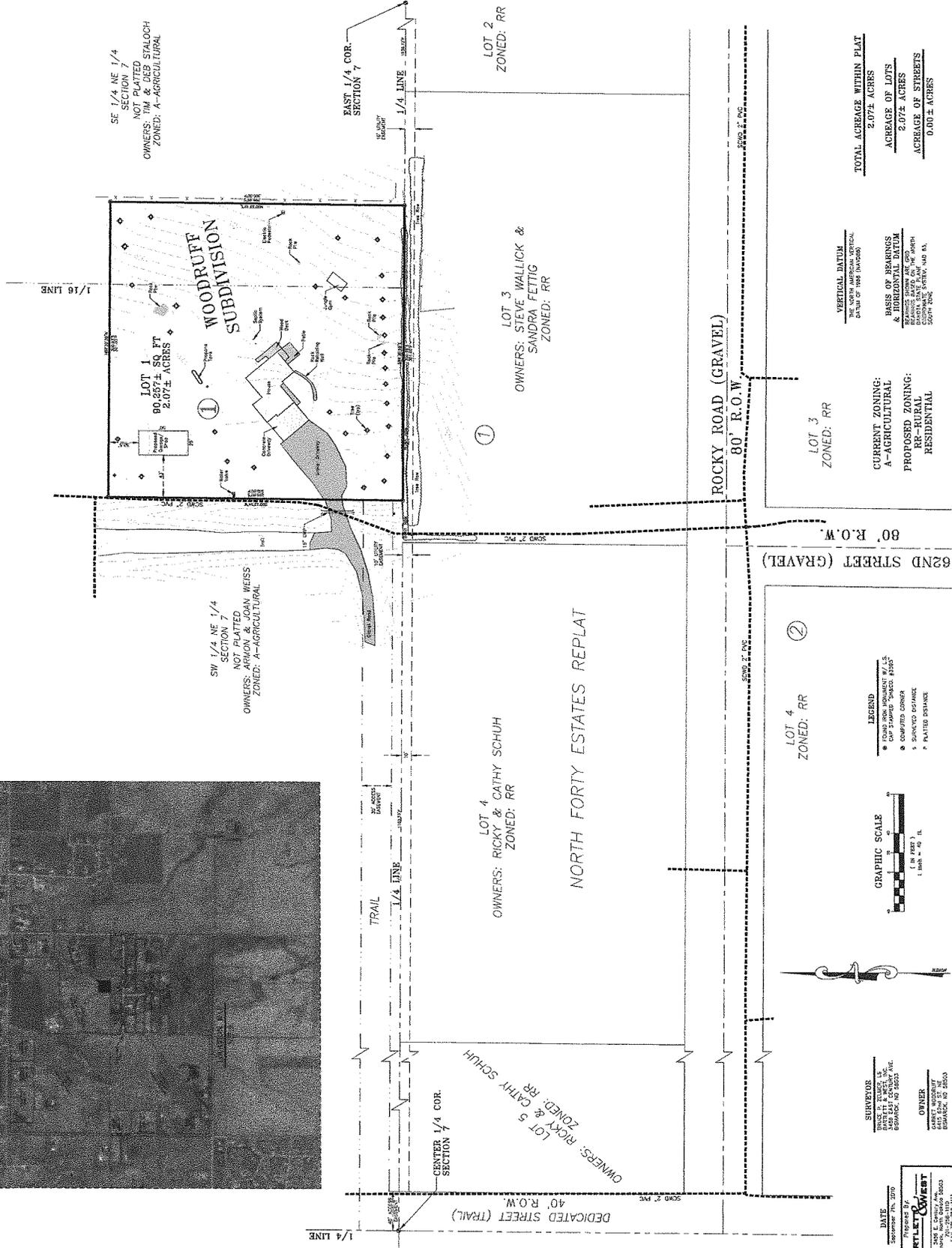
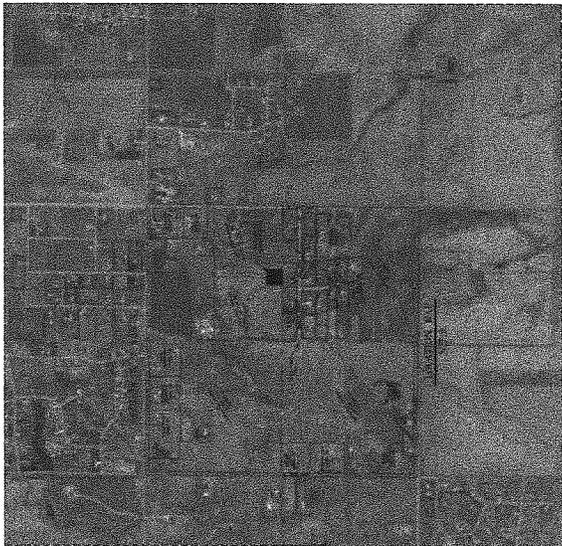


0 1,375 2,750  
Feet



# PRELIMINARY PLAT OF WOODRUFF SUBDIVISION

A Plat of Lot 1, Block 1 of Woodruff Subdivision, being a replat of Lot "A" and lying in the Northeast Quarter (NE 1/4) of Section 7, Township 139 North, Range 79 West of the 5th P.M., Burleigh County, North Dakota.



SE 1/4 NE 1/4  
SECTION 7  
NOT PLATTED  
OWNERS: TIM & DEB STALOCH  
ZONED: A-AGRICULTURAL

SW 1/4 NE 1/4  
SECTION 7  
NOT PLATTED  
OWNERS: ARMON & JOAN WEISS  
ZONED: A-AGRICULTURAL

LOT 4  
OWNERS: RICKY & CATHY SCHUH  
ZONED: RR

LOT 3  
OWNERS: STEVE WALLICK &  
SANDRA FETTING  
ZONED: RR

LOT 2  
ZONED: RR

CENTER 1/4 COR.  
SECTION 7

DEDICATED STREET (TRAIL)  
40' R.O.W.  
OWNERS: RICKY & CATHY SCHUH  
ZONED: RR

ROCKY ROAD (GRAVEL)  
80' R.O.W.

62ND STREET (GRAVEL)  
80' R.O.W.

LOT 4  
ZONED: RR

LOT 3  
ZONED: RR

TOTAL ACRES WITHIN PLAT	2.07± ACRES
ACREAGE OF LOTS	2.07± ACRES
ACREAGE OF STREETS	0.00± ACRES

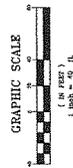
VERTICAL DATUM  
THE NORTH AMERICAN OFFICIAL  
EDITION OF 1985 (NAD83)

BASIS OF BEARINGS  
& HORIZONTAL DATUM  
BEARINGS: MEASURED ON THE 1983  
COORDINATE SYSTEM, NAD 83,  
50074 DATUM

CURRENT ZONING:  
A-AGRICULTURAL

PROPOSED ZONING:  
RESIDENTIAL

- LEGEND
- CONVEYED CORNER
  - COMPUTED CORNER
  - ⊙ SURVEYED DISTANCE
  - ⊠ PLATTED DISTANCE



SUBREVISOR  
TRACE R. ZIEGLER, LS  
304 EAST CENTRAL AVE.  
BISMARCK, ND 58503

OWNER  
RICKY & CATHY SCHUH  
445 15th Street  
Bismarck, ND 58503

DATE  
COMPILED BY  
PREPARED BY  
**BARTLEY & WEBB**  
304 E. CENTRAL AVE., SUITE 200  
BISMARCK, ND 58503  
701-258-1011  
www.bartleywebb.com



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

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 21-24 and the East 10-feet of the Vacated Alley Adjacent, Block 40, Governor Pierce Addition – Special Use Permit (drive-through)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> December 15, 2010	
<b>Owner(s):</b> Railway Credit Union	<b>Engineer:</b> Galpin Company/Loran Galpin	
<b>Reason for Request:</b> Allow a new drive-through window in conjunction with an existing financial institution.		
<b>Location:</b> Along the east side of 24 <sup>th</sup> Street South between Main Avenue East and Railroad Avenue (112 24 <sup>th</sup> Street South).		
<b>Project Size:</b> 15,000 square feet	<b>Number of Lots:</b> Four lots on two parcels	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Financial Institution	<b>Land Use:</b> Financial Institution with drive-through	
<b>Zoning:</b> MA – Industrial	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> Heavy commercial, wholesale, light industrial, offices, banks & repair shops	<b>Uses Allowed:</b> Heavy commercial, wholesale, light industrial, offices, banks & repair shops	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> Pre-1980	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. A bank with a drive-through window is allowed as a special use in the MA 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.</li> <li>2. The proposed special use would not adversely affect the public health, safety and general welfare.</li> <li>3. The proposed special use would not be detrimental to the use or development of adjacent properties.</li> <li>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.</li> <li>5. Adequate public facilities and services are in place.</li> <li>6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity</li> </ol>		
<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, the public alley directly adjacent to the north property line will provide for adequate ingress and egress for the property, 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 bank on Lots 21-24 and the east 10-feet of the vacated alley adjacent, Block 40, Governor Pierce Addition, with the following conditions:

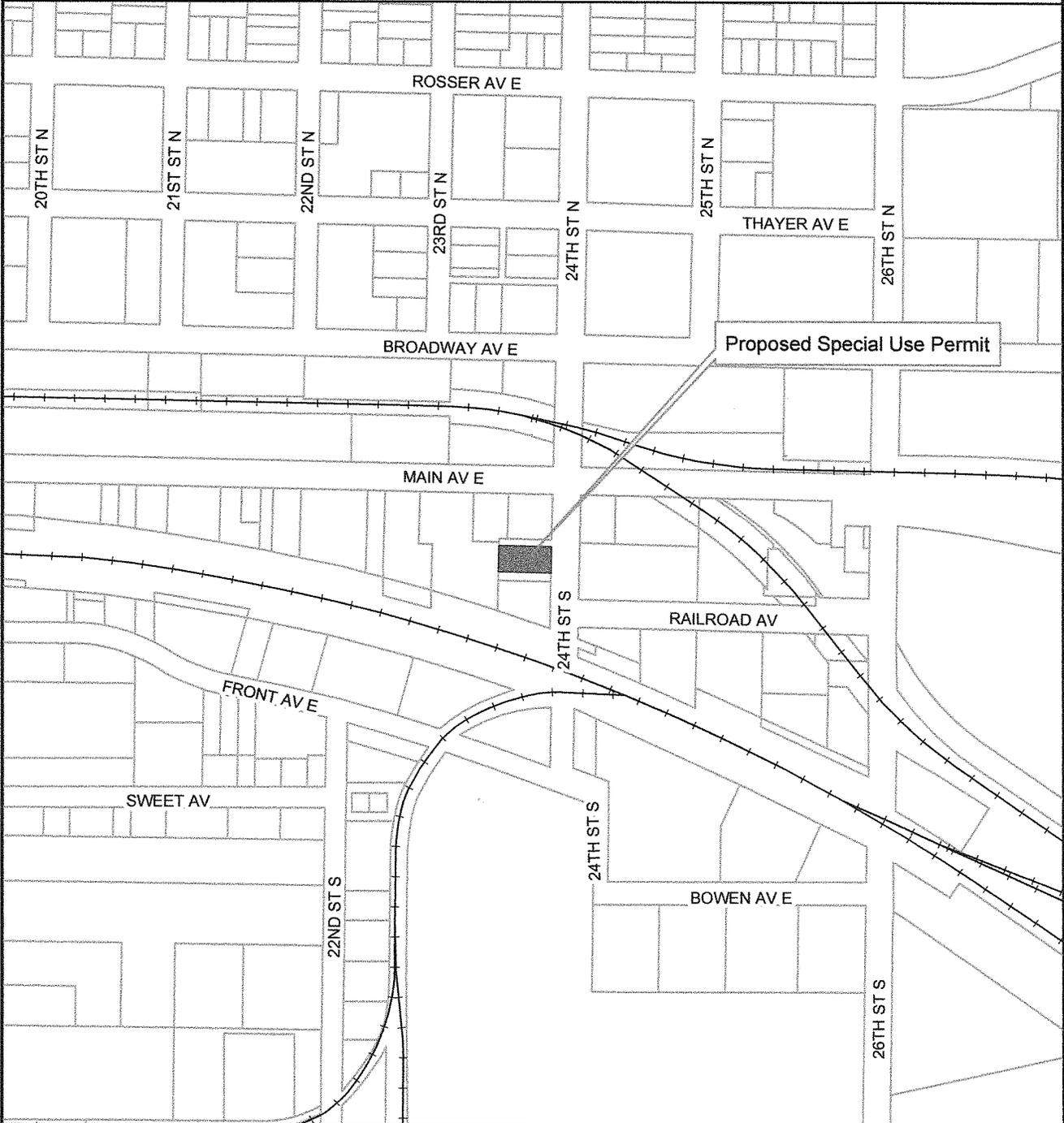
1. The construction and operation of a drive-through window must meet all applicable requirements for such a use in the MA zoning district.
2. Development of the site generally conforms to the site plan submitted with the application.

**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:

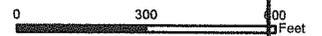
1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
2. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles 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  
Lots 21-24 & the East 10' of the Vacated Alley Adjacent,  
Block 40, Governor Pierce Addition**

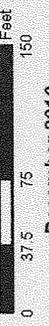
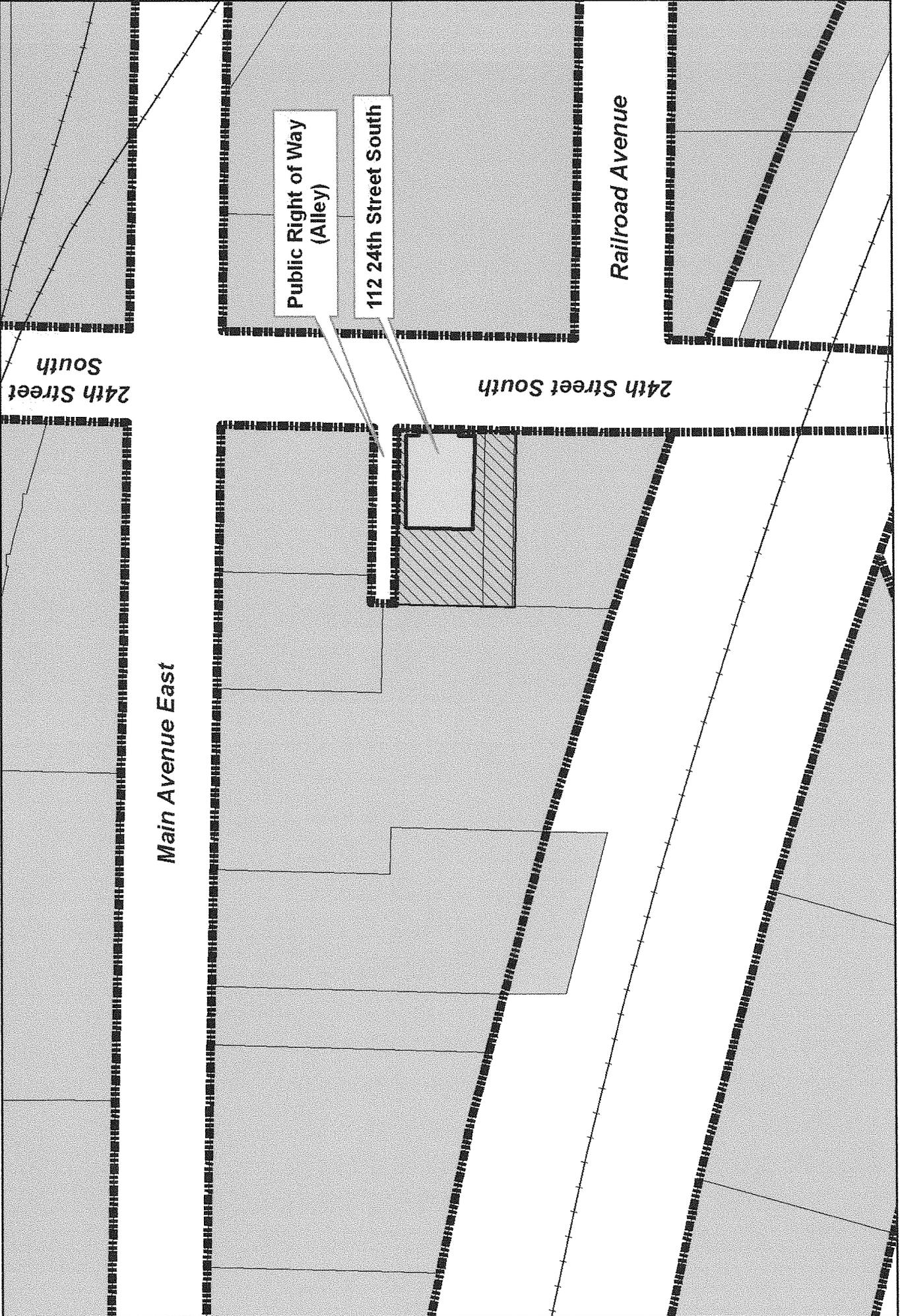


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Map was Updated/Created: November 17, 2010 (kdj)

Source: City of Bismarck



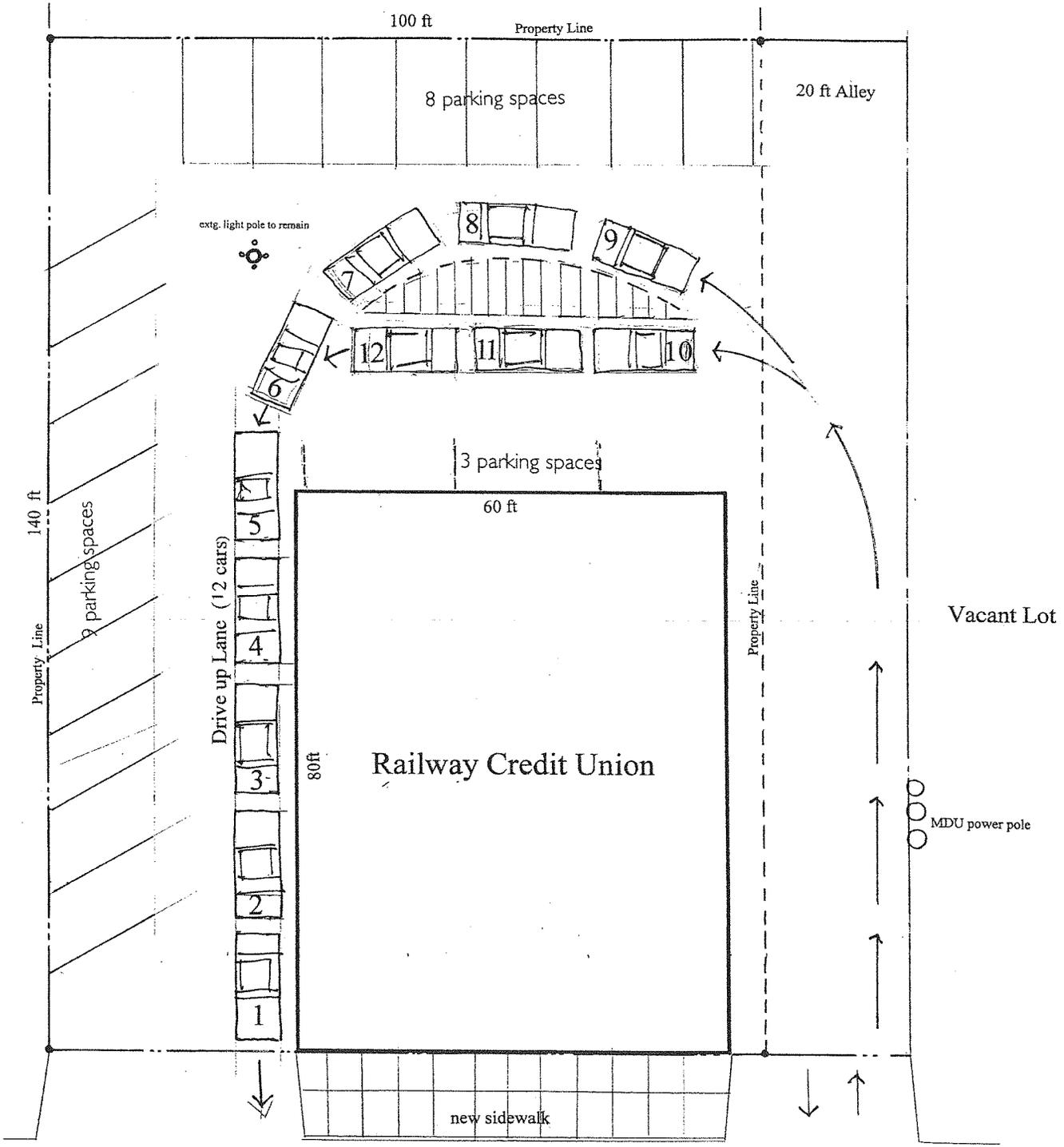
112 24th Street South - Special Use Permit (Bank Drive Through)



December 2010

**Legend** ■■■■ Right of Way ■■■■ Parcels ——— Railways

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**Railway Credit Union**  
 112 S. 24<sup>th</sup> Street .. Bismarck ,ND

24<sup>th</sup> Street

Site Plan  
 Scale: 1"= 10'



12-3-10



**CITY PLANNING & ZONING COMMISSION  
MEETING MINUTES  
November 17, 2010**

The Bismarck Planning & Zoning Commission met on November 17, 2010, 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, Mel Bullinger, Jack Hegedus, Curt Juhala, Ken Selzler, Wayne Yeager, Lisa Waldoch and John Warford.

Commissioners Jo Conmy and Vernon Laning 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 and Charlie Whitman – City Attorney.

Others present were Brad Krogstad, Brent Erickson and Brian Eiseman – 128 Soo Line Drive, Dave Patience – 909 Basin Avenue, Art Goldammer – 3615 Bay Place SE, Mandan, Jim Goetz – 3216 Sandy Lane SE, Mandan, Shirley Billington – 423 Denver Avenue, Gary Johnsrud – 17147 340<sup>th</sup> Avenue, Starbuck, MN, Scott Lunneborg – 4017 37<sup>th</sup> Avenue NW, Mandan, Thomas Swafford – 2240 Lakeaires Boulevard, Saint Paul, MN, Adam Shae – 27771 County Road 24, Glenwood, MN 52334 and Scott Helberg – 13919 103<sup>rd</sup> Street, Becker, MN.

**MINUTES**

Chairman Yeager called for consideration of the minutes of the October 27, 2010 meeting.

**MOTION:** Commissioner Warford made a motion to approve the minutes of the October 27, 2010 meeting as received. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

**CONSIDERATIONS –**

**ZONING CHANGE FROM A , RR & R5 TO R5 AND PRELIMINARY PLAT –  
HORIZON HEIGHTS FIFTH ADDITION**

**ZONING CHANGE FROM A & R5 TO R5 AND PRELIMINARY PLAT – EAGLE  
CREST THIRD ADDITION**

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

- A. A zoning change from the A-Agricultural, RR-Residential and R5-Residential zoning districts to the R5-Residential zoning district and preliminary plat for Horizon Heights Fifth Addition. The property is 80 lots in 6 blocks on 38.87 acres located in northwest Bismarck, north of Medora Avenue, northwest of Horizon Middle School (a replat of Lots 4 and 5, Block 8, Horizon Heights 4<sup>th</sup> Addition, all of Auditor's Lot WH and a

portion of Auditor's Lot F1 of the W½ of Section 17, T139N-R80W/Hay Creek Township).

- B. A zoning change from the A-Agricultural and R5-Residential zoning districts to the R5-Residential zoning district and preliminary plat for Eagle Crest Third Addition. The property is 36 lots in 3 blocks on 17.75 acres located along the west side of Valley Drive between High Creek Road and Mustang Drive (part of the NW¼ of Section 20, T139N-R80W/Hay Creek Township).

**MOTION:** Commissioner Armstrong made a motion to approve the Consent Agenda items A and B calling for a public hearing on both items. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

**PUBLIC HEARING –ZONING CHANGE FROM PUD-PLANNED UNIT DEVELOPMENT TO CG-COMMERCIAL FOR LOT A-1, BLOCK 1, U-RENT SUBDIVISION**

Chairman Yeager called for the public hearing for the zoning change from the PUD-Planned Unit Development zoning district to the CG-Commercial zoning district for Lot A-1, Block 1, U-Rent Subdivision. The property is located along the east side of State Street near the intersection of 14<sup>th</sup> Street North and Mapleton Avenue.

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

1. The proposed zoning change is consistent with the Land Use Plan which identifies the long range use of this area as commercial (Bismarck-Mandan Regional Land Use Plan).
2. The proposed zoning change is compatible with adjacent land uses. Adjacent land uses include commercial properties surrounding this parcel.
3. The subdivision is already annexed and utilities are in place; therefore, the 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.

Mr. Tomanek said based on the above findings, staff recommends approval of the zoning change from the PUD-Planned Unit Development zoning district to the CG-Commercial zoning district

for Lot A-1, Block 1, U-Rent Subdivision from PUD–Planned Unit Development to CG-Commercial.

Chairman Yeager opened the public hearing for the zoning change from the PUD-Planned Unit Development zoning district to the CG-Commercial zoning district for Lot A-1, Block 1, U-Rent Subdivision from PUD – Planned Unit Development to CG - Commercial.

No public comment was received.

Chairman Yeager closed the public hearing.

**MOTION:** Based on the findings contained in the staff report, Commissioner Hegedus made a motion to approve the zoning change from the PUD-Planned Unit Development zoning district to the CG-Commercial zoning district for Lot A-1, Block 1, U-Rent Subdivision from PUD–Planned Unit Development to CG-Commercial. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Yeager, Waldoch and Warford voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT FOR LOTS 1 AND 2 OF BLOCK 1, SLOVEN SECOND SUBDIVISION, TRACT 335 OF THE SW¼ OF SECTION 2, LINCOLN TOWNSHIP, AND AN UNPLATTED ADJACENT TRACT IN THE SW¼ OF SECTION 2, LINCOLN TOWNSHIP (225 SOUTH 26<sup>TH</sup> STREET)**

Chairman Yeager called for the public hearing for a special use permit to allow a junkyard on Lots 1 and 2 of Block 1, Sloven Second Subdivision, Tract 335 of the SW¼ of Section 2, Lincoln Township, and an unplatted adjacent tract in the SW¼ of Section 2, Lincoln Township (225 South 26<sup>th</sup> Street). The property is located south of East Main Avenue along the east side of 26<sup>th</sup> Street South, located south of the railroad tracks and north of the Bismarck Public Works Building.

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

1. The proposed use with the recommended conditions is in harmony with the purpose and intent of Title 14 (Zoning) and with the master plan of the City of Bismarck.
2. The proposed use with the recommended conditions will not adversely affect the health and safety of the public and the workers and residents in the area, and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
3. The proposed use with the recommended conditions will comply with all special regulations established by Section 14-03-08(i) of the Bismarck Zoning Ordinance, and all special conditions necessary for the safety and welfare of the public.

Mr. Greenquist then provided the following additional information:

1. A Special Use Permit was approved for this site in 1990 for a junkyard not to exceed 5-acres. Because the junkyard gradually expanded to 8.7-acres, a new Special Use Permit was needed to bring the facility into compliance. A second Special Use Permit was approved for this site on October 22, 2008. The 2008 approval was for 8.7-acres and included additional conditions.
2. According to Section 14-03-08(h) of the Bismarck Ordinance, a special use must be put into use within twenty-four (24) months of the granting of the special use or it shall lapse and the landowner must re-apply. The required conditions of the 2008 approval have not been implemented and the 24-month period expired on October 22, 2010.
3. A temporary permit for a 12' x 60' construction office was issued on June 17, 2008 for a period of one year (until May 1, 2009). That permit was extended to December 31, 2009 when it expired.
4. On October 11, 2010, the applicant re-applied for a new Special Use Permit. The applicant proposes the following changes from the conditions of the 2008 approval:
  - a) The building was to be located at the southwest corner of the property. The applicant wishes to change the location and put the new building at a more centralized location within the junkyard.
  - b) As required by ordinance, the fence was to be located 15-feet back from the property line. The applicant wishes to move the fence 8-feet closer to the street, 7-feet back from the property line.
  - c) In accordance with City standards, the new sidewalk was to be located 10-feet back from the curb. The applicant wishes to locate the sidewalk 2-feet away from the curb.
  - d) As a special condition of the 2008 approval, the landscaping trees to be located along 26<sup>th</sup> Street and at the northwest corner of the property were to be a minimum of 8-feet tall at time of planting. The applicant wishes to install trees of 4-feet in height.
5. Previous conditions of the 2008 approval that the applicant did not propose changing are:
  - a) The finished grade at the bottom of the new fence will be equal to or higher than the top of the curb.
  - b) Subject to building permit approval, a fence of 8-feet in height will be installed with color and material to be reviewed by the planning staff and Planning Commissioner Waldoch.
  - c) Tree species are subject to approval by the City Forester.

- d) Fire hydrant location and interior access route are subject to approval by the Bismarck Fire Chief. Fire hydrant installation was to occur within 5-years of approval of the Special Use Permit.
  - e) Development of the site shall conform to the site plan as approved by the Planning Commission.
6. The provisions for approval of a Special Use Permit for a junkyard as specified in 14-03-08(i) are as follows:
- a) A junkyard may be permitted in a MA or MB Industrial District as a Special Use.
  - b) The total area of the premises shall be a minimum of two (2) acres and a maximum of five (5) acres in size.
  - c) No burning of salvaged material or junk will occur on the premises.
  - d) The buildings comply with the setback requirements of the City zoning regulations.
  - e) The entire junkyard will be enclosed with a fence eight (8) feet in height.
  - f) All junk will be stored within the fenced area.
  - g) The operation is not located immediately adjacent to any arterial street or highway. In 2008 26<sup>th</sup> Street was classified as a collector street; it is currently in the process of being reclassified as a minor arterial street.
  - h) The operation will be conducted and the area be maintained in such a manner as to prevent unsightliness to the adjacent areas.
  - i) A completely and permanently landscaped setback strip will be installed at the west and northwest edges of the junkyard. After fill material is added to elevate the area, trees will be planted between the new sidewalk and the new fence and at the northwest corner of the site. The land owner and applicant shall be responsible for providing, protecting and maintaining all landscaping materials in healthy growing condition.
  - j) Building permit approvals are subject to the standard site plan review process and approval of a storm water management plan.

Mr. Greenquist said that based on the above findings and additional information, staff recommends a waiver of the 5 acre maximum and approval of the special use permit to allow a junkyard on operation located on 8.67 acres, with the following eight conditions:

1. Fill material will be added to elevate the low areas along the west edge and at the northwest corner of the site to allow the new fence and trees to be installed on elevated ground to better screen the site from 26<sup>th</sup> Street. Finished grade elevations at the bottom

of the fence shall be equal to or higher than the top of the curb along the east side of 26<sup>th</sup> Street South. A grading plan is subject to approval by City Engineering;

2. To allow adequate room for snow storage and to allow for adequate safety separation between traffic and pedestrians, the new sidewalk shall be located not less than 10-feet from the curb (see attached email comments from the Director of Public Works and the City Traffic Engineer);
3. To allow adequate room for tree growth between the sidewalk and the fence, to accommodate the sidewalk location as indicated in #2 above, and to be consistent with the ordinance requirement, the fence shall be located 15-feet back from the property line;
4. Consistent with the 2008 approval, fencing color and material is subject to review and approval by staff and Planning Commissioner Waldoch prior to issuance of a building permit;
5. Consistent with the 2008 approval, trees shall not be less than 8-feet tall at time of planting. Tree species will be subject to approval by the City Forester;
6. Fire hydrant location and interior access route are subject to approval by the Bismarck Fire Chief prior to issuance of the building permit. Fire hydrant installation will occur within 3-years of approval of the Special Use Permit. (note the 2008 approval allowed a 5-year grace period);
7. A new sidewalk along the east side of 26<sup>th</sup> Street will be installed to city specifications, and;
8. The applicant shall comply with all of the above conditions and install all improvements within one year of the date of approval of the Special Use Permit.

There was discussion and sharing of ideas regarding setbacks, fill material, the sidewalk, the fence and landscaping between the Bismarck Planning & Zoning Commissioners.

Chairman Yeager opened the public hearing for the special use permit to allow a junkyard on Lots 1 and 2 of Block 1, Sloven Second Subdivision, Tract 335 of the SW¼ of Section 2, Lincoln Township, and an unplatted adjacent tract in the SW¼ of Section 2, Lincoln Township (225 South 26<sup>th</sup> Street).

Charlie Whitman, City Attorney, explained that Northern Metal Recycling has been around for a long time and essentially they are operating as a non-conforming use. He said that Northern Metal Recycling does not need anything from the City unless they want to change how they are operating, build a structure or obtain a building permit. Mr. Whitman stated that Northern Metal Recycling applied for a special use permit because they are interested in making changes and if the changes are not made in a certain amount of time, the special use permit lapses. He concluded by saying there is not an enforcement issue because the City cannot make Northern Metal Recycling use the special use permit. It is granted as a privilege.

Dave Patience, Swenson, Hagen & Co., addressed his concerns with the proposed sidewalk, the fence, landscaping, fill material and amount and the expense of all the proposed conditions. Mr. Patience also presented some other options to the proposed conditions.

Scott Helberg , Northern Metal Recycling, stated that he understands some of the conditions of the special use permit, but would like some consideration to changing other conditions to help keep the costs down. He would like to work with the City in coming up with a compromise that both parties can agree upon and be satisfied with, so the improvements can be made.

Chairman Yeager closed the public hearing.

After some more discussion regarding setbacks, fill material, the fence and landscaping, the Bismarck Planning & Zoning Commissioners reached a general consensus.

**MOTION:** Based on the findings contained in the staff report, Commissioner Hegedus made a motion to approve waiver of the 5 acre maximum and the special use permit to allow a junkyard on operation located on 8.67 acres, with the following eight conditions:

1. Fill material will be added to elevate the low areas along the west edge and at the northwest corner of the site to allow the new fence and trees to be installed on elevated ground to better screen the site from 26<sup>th</sup> Street. Finished grade elevations at the bottom of the fence shall be equal to or higher than the top of the curb along the east side of 26<sup>th</sup> Street South. A grading plan is subject to approval by City Engineering;
2. The improvements along the west edge of the property are subject to dimensional requirements: a) The distance from the face of the curb to the sidewalk will be 10 feet, leaving 9½ feet of grass boulevard between the back of curb and the sidewalk, b) The sidewalk will be 6 feet wide with the east edge of the sidewalk aligned on the property line. The property line is 16 feet back from the face of the curb, c) The fence will be located no less than 7 feet beyond the sidewalk and property line. This places the fence at 23 feet back from the face of the curb;
3. Prior to obtaining a building permit for the fence, the Bismarck Board of Adjustment must approve a variance to reduce the front yard setback distance;
4. For pedestrian safety and for better truck-driver visibility, the fence on either side of the entrance road shall be tapered back (to allow for sight triangles as defined in Section 14-02-03 of the Bismarck Zoning Ordinance);
5. Fencing color and material is subject to review and approval by staff and Planning Commissioner Waldoch prior to issuance of a building permit;

6. A final landscape plan for the site, including the location, species and size of plant material to be installed, will be developed by a joint effort between the applicant's consultant and City staff;
7. Fire hydrant location and interior access route are subject to approval by the Bismarck Fire Chief prior to issuance of the building permit. Fire hydrant installation will occur within 3-years of approval of the Special Use Permit;
8. A new sidewalk along the east side of 26<sup>th</sup> Street will be installed to city specifications; and
9. The applicant shall comply with all of the above conditions and install all improvements within one year of the date of approval of the Special Use Permit (by November 17, 2011).

Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Yeager, Waldoch and Warford 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 6:12 p.m. to meet again on December 15, 2010.

Respectfully submitted,

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Kimberley Gaffrey  
Recording Secretary

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Wayne Yeager  
Chairman

**Major Permit Activity  
November 2010**

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Non-deeded Owner: Raymond J. Bohne Readiness Center  
Address: 4200 East Divide Avenue  
Cost: \$1,113,138.00  
Description: 2 story addition and alterations for medical exam rooms

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Non-deeded Owner: Med Center One, Inc.  
Address: 300 North 7th Street  
Cost: \$503,500.00  
Description: 2 story addition to the west side of the building

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Non-deeded Owner: Medcenter One KDU 2nd Floor  
Address: 209 North 7th Street  
Cost: \$360,000.00  
Description: 2nd floor interior finish for kidney dialysis center

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Non-deeded Owner: State of North Dakota  
Address: 608 East Boulevard Avenue  
Cost: \$3,534,287.00  
Description: Floodplain, non-structural

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Non-deeded Owner: St. Alexius Medical Center  
Address: 900 East Broadway Avenue  
Cost: \$375,703.00  
Description: Alteration of operation room storage, offices and break room

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Non-deeded Owner: Prairie Rose Dental  
Address: 900 East Calgary Avenue  
Cost: \$1,769,000.00  
Description: Single story building to be used as a dental office

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DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****							
	11/2010	11/2009	11/2010	11/2009	11/2010	11/2009						
	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	238	41,964,736.00	155	26,792,837.00	80	14,944,570.00	64	11,881,006.00	10	1,899,221.00	10	2,083,128.00
SINGLE FAMILY ATTACHED	75	10,986,449.00	28	4,250,384.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	2	456,971.00	2	345,000.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	3	1,720,000.00	11	3,413,935.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	3	2,747,291.00	3	4,008,000.00	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	23	5,100.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	5	4,095.00	28	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	2	.00	5	6,420.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	2	31,516.00	5	8,587.00	0	.00	0	.00	0	.00	0	.00
HOTELS	1	4,362,000.00	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	3	652,434.00	2	327,693.00	0	.00	0	.00	0	.00	0	.00
STRUCTURE OTHER THAN BLDG	3	7,915,111.00	3	14,571,030.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	1	475,000.00	1	2,896,625.00	1	500.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	1	120,000.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	11	4,766,518.00	17	3,945,871.00	8	949,956.00	15	2,054,900.00	0	.00	1	210,867.00
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	2	18,648,860.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	9	30,461,482.00	1	764,372.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	2	10,323,743.00	0	.00	1	44,075.00	0	.00	0	.00
COMM (RETAIL SALES)	6	2,771,193.00	1	13,606.00	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	32	1,895,737.00	15	549,741.00	5	2,500.00	2	155,000.00	0	.00	0	.00
PUBLIC BUILDING	7	1,981,683.00	15	14,728,805.00	0	.00	3	4,490,342.00	0	.00	1	22,786.00
ROOM ADDITIONS	21	547,016.00	27	1,043,650.00	25	1,535,761.00	17	841,339.00	2	97,680.00	2	12,064.00
RESIDENTIAL GARAGES	78	1,146,435.00	80	1,111,891.00	73	1,242,387.00	84	1,486,802.00	20	557,090.00	10	208,320.00
PATIOS AND COVERS	116	392,454.80	121	668,812.00	15	58,517.00	21	80,515.00	4	17,265.00	2	18,960.00
SWIMMING POOLS AND SPAS	2	71,595.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	172	1,714,096.00	171	1,275,205.00	14	307,301.00	16	323,694.00	4	12,500.00	2	2,800.00
HOME OCCUPATIONS	4	.00	2	.00	1	.00	2	.00	0	.00	0	.00
STORAGE SHEDS	97	181,646.00	75	135,353.00	12	27,754.00	9	17,463.00	1	5,120.00	0	.00
BASEMENT FINISH	126	604,625.00	118	627,674.00	47	263,628.00	54	326,847.00	4	23,575.00	1	4,940.00
INDUSTRIAL BUILDINGS	20	2,269,393.00	19	1,311,037.00	1	5,688.00	2	60,000.00	0	.00	0	.00
COMMERCIAL BUILDINGS	35	5,047,204.00	31	2,376,423.00	1	988,684.00	2	336,000.00	1	77,503.00	0	.00

DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****							
	11/2010 Permits	Valuation	11/2009 Permits	Valuation	11/2010 Permits	Valuation	11/2009 Permits	Valuation				
OFFICE & PROFESSIONAL BLD	71	10,421,090.00	77	10,777,489.00	1	97,000.00	6	1,011,737.00	0	.00	0	.00
OTHER	14	5,495,366.00	16	2,930,793.00	1	16,995.00	0	.00	0	.00	0	.00
ALTER PUBLIC	16	7,349,679.00	7	363,886.00	0	.00	1	30,000.00	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	11	.00	10	.00	0	.00	0	.00	0	.00	0	.00
OTHER	11	.00	15	.00	0	.00	1	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	2	.00	1	.00	10	.00	9	.00	0	.00	0	.00
NURSERY STOCK SALES	3	.00	3	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	4	.00	15	.00	5	.00	3	.00	0	.00	0	.00
CIRCUS/CARNIVAL	1	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	3	.00	5	.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	2	.00	2	.00	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	65	585,807.00	56	775,678.00	1	1,945.00	0	.00	0	.00	1	811.00
SIGN ALTERATION	1	26,915.00	5	110,885.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
	1302	149,170,637.80	1152	129,104,285.00	301	20,443,186.00	312	23,139,720.00	46	2,689,954.00	30	2,564,676.00

DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****	
	11/2010 Permits	11/2009 Permits	11/2010 Permits	11/2009 Permits	11/2010 Permits	11/2009 Permits
Plumbing	514	421	105	98	11	11
Electrical	1025	923	0	0	0	0
Mechanical	980	924	194	204	21	12
Drain Field	1	1	16	11	0	3
Hood Suppression	1	1	0	0	0	0
SprinklerStandpipe	2	2	0	0	0	0
Alarm Detection	1	0	0	0	0	0
Total	2562	2315	401	400	45	35

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Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 11/2010	Units 11/2009	Units 11/2010	Units 11/2009	Units 11/2010	Units 11/2009
SINGLE FAMILY DETACHED	238	155	80	64	10	10
SINGLE FAMILY ATTACHED	75	28	0	0	0	0
TWO UNIT	4	2	0	0	0	0
THREE & FOUR FAMILY	12	26	0	0	0	0
FIVE & MORE FAMILY	28	80	0	0	0	0
MANUFACTURED HOMES	2	0	0	0	0	0
MOBILE HOME WITHOUT EXTRA	0	3	0	0	0	0
MOBILE HOME WITH EXTRAS	1	1	0	0	0	0
MOBILE HOME MISCELLANEOUS	0	1	0	0	0	0
GROUP QUARTERS	9	4	0	0	0	0
AMUSEMENT & RECREATION	4	0	0	0	0	0
HOSPITALS & INSTITUTIONAL	0	294	0	0	0	0
ROOM ADDITIONS	4	0	6	4	1	0
RESIDENTIAL GARAGES	5	1	1	3	1	1
PATIOS AND COVERS	1	1	0	2	0	0
OTHER	7	3	1	1	0	1
STORAGE SHEDS	2	0	0	0	0	0
BASEMENT FINISH	9	0	1	3	1	0
COMMERCIAL BUILDINGS	0	1	0	23	0	0
ALTER PUBLIC	0	7	0	0	0	0
RESIDENTIAL	0	1	0	0	0	0
FIREWORKS SALES	0	0	0	1	0	0
<b>Total</b>	<b>401</b>	<b>608</b>	<b>89</b>	<b>101</b>	<b>13</b>	<b>12</b>

DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****							
	11/2010 Permits	Valuation	11/2009 Permits	Valuation	11/2010 Permits	Valuation	11/2009 Permits	Valuation				
SINGLE FAMILY DETACHED	15	2,636,801.00	13	2,374,952.00	4	636,033.00	3	423,377.00	0	.00	2	636,000.00
SINGLE FAMILY ATTACHED	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	2	345,000.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MANUFACTURED HOMES	5	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	3	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	1	2,520.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	1	1,412.00	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
STRUCTURE OTHER THAN BLDG	1	3,534,287.00	0	.00	0	.00	0	.00	0	.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
INDUSTRIAL	1	7,500.00	1	810,000.00	2	125,422.00	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	1	1,769,000.00	1	764,372.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER STRUCTURES	1	7,494.00	2	98,800.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	1	7,000.00	0	.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	3	130,496.00	2	114,639.00	2	34,470.00	0	.00	0	.00	0	.00
RESIDENTIAL GARAGES	5	508,715.00	4	30,428.00	1	19,200.00	3	36,608.00	1	20,250.00	0	.00
PATIOS AND COVERS	0	.00	6	23,655.00	1	1,890.00	2	3,765.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	9	14,900.00	8	47,331.00	0	.00	1	.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	2	1,800.00	3	4,250.00	0	.00	0	.00	0	.00	0	.00
BASEMENT FINISH	9	46,593.00	5	22,319.00	3	15,437.00	4	16,273.00	2	10,925.00	0	.00
INDUSTRIAL BUILDINGS	2	505,000.00	2	8,800.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	8	1,752,214.00	0	.00	0	.00	0	.00	0	.00	0	.00

DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****							
	11/2010 Permits	Valuation	11/2009 Permits	Valuation	11/2010 Permits	Valuation	11/2009 Permits	Valuation				
OFFICE & PROFESSIONAL BLD	4	496,587.00	8	327,231.00	0	.00	2	29,000.00	0	.00	0	.00
OTHER	0	.00	1	1,500.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	1	1,113,138.00	0	.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	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00
OTHER	3	.00	1	.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	8	126,569.00	4	48,205.00	0	.00	0	.00	0	.00	1	811.00
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
Permit Type Total	78	12,651,094.00	70	5,032,414.00	13	832,452.00	15	509,023.00	3	31,175.00	3	636,811.00

DATE SELECTION 11/2010

Permit Type	***** City *****		***** ETA *****		***** County *****	
	11/2010 Permits	11/2009 Permits	11/2010 Permits	11/2009 Permits	11/2010 Permits	11/2009 Permits
Plumbing	56	49	6	11	1	2
Electrical	110	101	0	0	0	0
Mechanical	105	113	23	30	3	2
Drain Field	1	1	16	11	0	3
Hood Suppression	1	1	0	0	0	0
SprinklerStandpipe	2	2	0	0	0	0
Alarm Detection	1	0	0	0	0	0
Total	276	267	45	52	4	7

DATE SELECTION 11/2010

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units 11/2010	Units 11/2009	Units 11/2010	Units 11/2009	Units 11/2010	Units 11/2009
SINGLE FAMILY DETACHED	15	13	4	3	0	2
TWO UNIT	0	2	0	0	0	0
MANUFACTURED HOMES	1	0	0	0	0	0
RESIDENTIAL GARAGES	4	0	0	0	0	0
OTHER	1	0	0	0	0	0
BASEMENT FINISH	2	0	0	0	1	0
Total	23	15	4	3	1	2

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	11/2010	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2010-0001603	4200 E DIVIDE	AV		RAYMOND J BOHNE READINESS CTR ASSOCIATED POOL BUILDERS INC	1,113,138.00
CITY OF BISMARCK	2010-0001654	608 E BOULEVARD	AV		STATE OF NORTH DAKOTA NORTH DAKOTA DEPT OF TRANSPORT	3,534,287.00
CITY OF BISMARCK	2010-0001684	900 E CALGARY	AV		PRAIRIE ROSE DENTAL MISSOURI RIVER CONTRACTING	1,769,000.00