



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
February 26, 2014

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

Item No. Page

MINUTES

- 1. Consider approval of the minutes of the January 22, 2014 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Daybreak Addition (JT)
a. Zoning Change (A to CG)
Staff recommendation: schedule a hearing
b. Preliminary Plat
Staff recommendation: tentative approval
3. Sara's Subdivision - Preliminary Plat (JW)
Staff recommendation: tentative approval
4. Kilber North 2nd Addition First Replat - Zoning Change (R10 & RM10 to R10) (JT)
Staff recommendation: schedule a hearing
5. Section 2, Fort Rice Township - Fringe Area Road Master Plan Amendment (Klee)
Staff recommendation: schedule a hearing



6. Part of KMK Estates and Geloff Estates – Zoning Change (RR to R5) (Klee).....	25
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
7. RM District/Single Family Provisions - Zoning Ordinance Text Amendment (Klee)	29
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
8. RM & RT Districts/Row Houses - Zoning Ordinance Text Amendment (Klee).....	31
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
9. Religious Institutions – Zoning Ordinance Text Amendment (Klee).....	35
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

10. Geloff Estates Addition – Annexation (Klee)	51
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
11. Kilber North 2nd Addition First Replat – Minor Subdivision Final Plat (JT).....	55
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
12. Airway Avenue Addition – Final Plat (JT)	61
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
13. Part of Lot 4, Block 1, Boutrous 2nd Addition – Zoning Change (A to CG)(JW)	69
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
14. Lot 1, Block 2, Sunrise Town Centre – Special Use Permit (drive-through) (JW).....	73
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
15. Off-street Parking and Loading/Joint Use of Parking – Zoning Ordinance Text Amendment (Klee).....	79
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
16. Appeal Procedures – Zoning Ordinance Text Amendment (CW/Klee).....	83
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
17. Landscaping & Screening – Zoning Ordinance Text Amendment (JT).....	91
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

OTHER BUSINESS

18. **Other**

ADJOURNMENT

19. **Adjourn.** The next regular meeting date is scheduled for Wednesday, March 26, 2014.

Enclosures: Meeting Minutes of January 22, 2014
Building Permit Activity Report for January 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

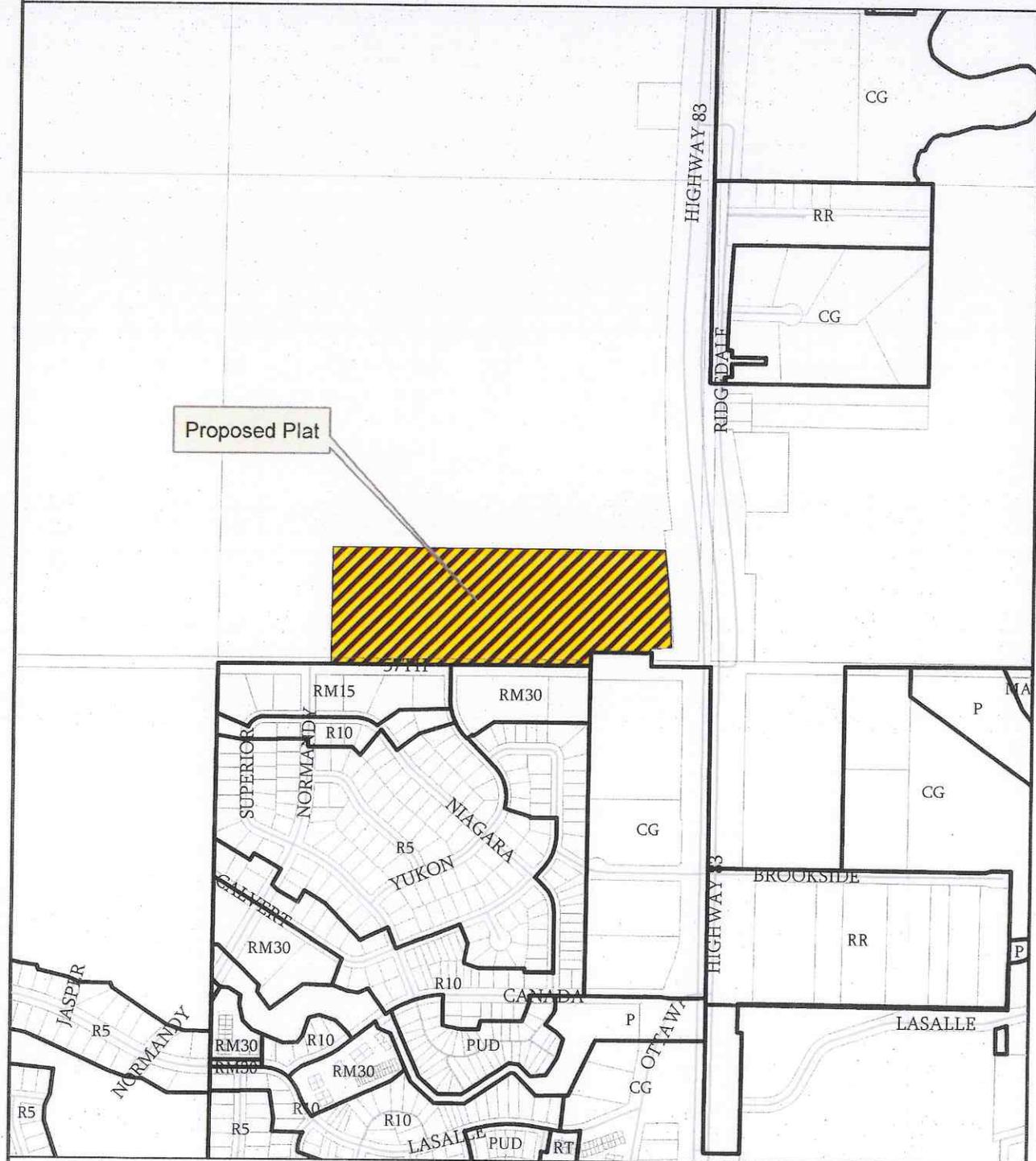
BACKGROUND:		
Title: Daybreak Addition – Zoning Change (A to CG)		
Status: Planning Commission – Consideration	Date: February 26, 2014	
Owner(s): TPR, LLP	Engineer: Houston Engineering	
Reason for Request: To plat, annex and zone property for a commercial development.		
Location: In north Bismarck along the west side of US Highway 83 and along the north side of 57 th Avenue NE (part of the SE¼ of Section 9, T139-R80W/Hay Creek Township).		
Project Size: 25.69 acres +/-	Number of Lots: 3 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Car dealership (Lot 1, Block 1) and other commercial uses	
Zoning: A – Agriculture	Zoning: CG – Commercial	
Uses Allowed: A – Agricultural uses	Uses Allowed: CG – Commercial uses including restaurants, retail sales and apartments	
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. Although the proposed subdivision is not subject to the regulations of the Neighborhood Parks Ordinance, the owner has been working with the Bismarck Parks & Recreation District and Planning staff to develop a conceptual master plan for the parks and open space opportunities within the entire section of land. The master plan indicates a 21.5 acre park area within the NW¼ of the section, multi-use trail connections throughout the section, proposed land uses and projected roadway networks. A copy of the preliminary master plan is included with this report.</p>		
FINDINGS:		
<p>1. The proposed zoning change would be consistent with the Land Use Plan (future land use component of the US Highway 83 Corridor Transportation Study), which identifies the area as commercial and mixed-use.</p>		
<i>(continued)</i>		

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north and west, developing commercial and multi-family uses to the south, and US Highway 83, a fireworks sales building to the east and four rural residential dwellings to the northeast that are located along the east side of US Highway 83.
3. An annexation request has been submitted for the entire subdivision; therefore the proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not have an adverse impact on property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

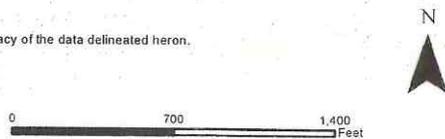
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning district for Daybreak Addition.

Proposed Plat & Zoning Change (A to CG) Daybreak Addition



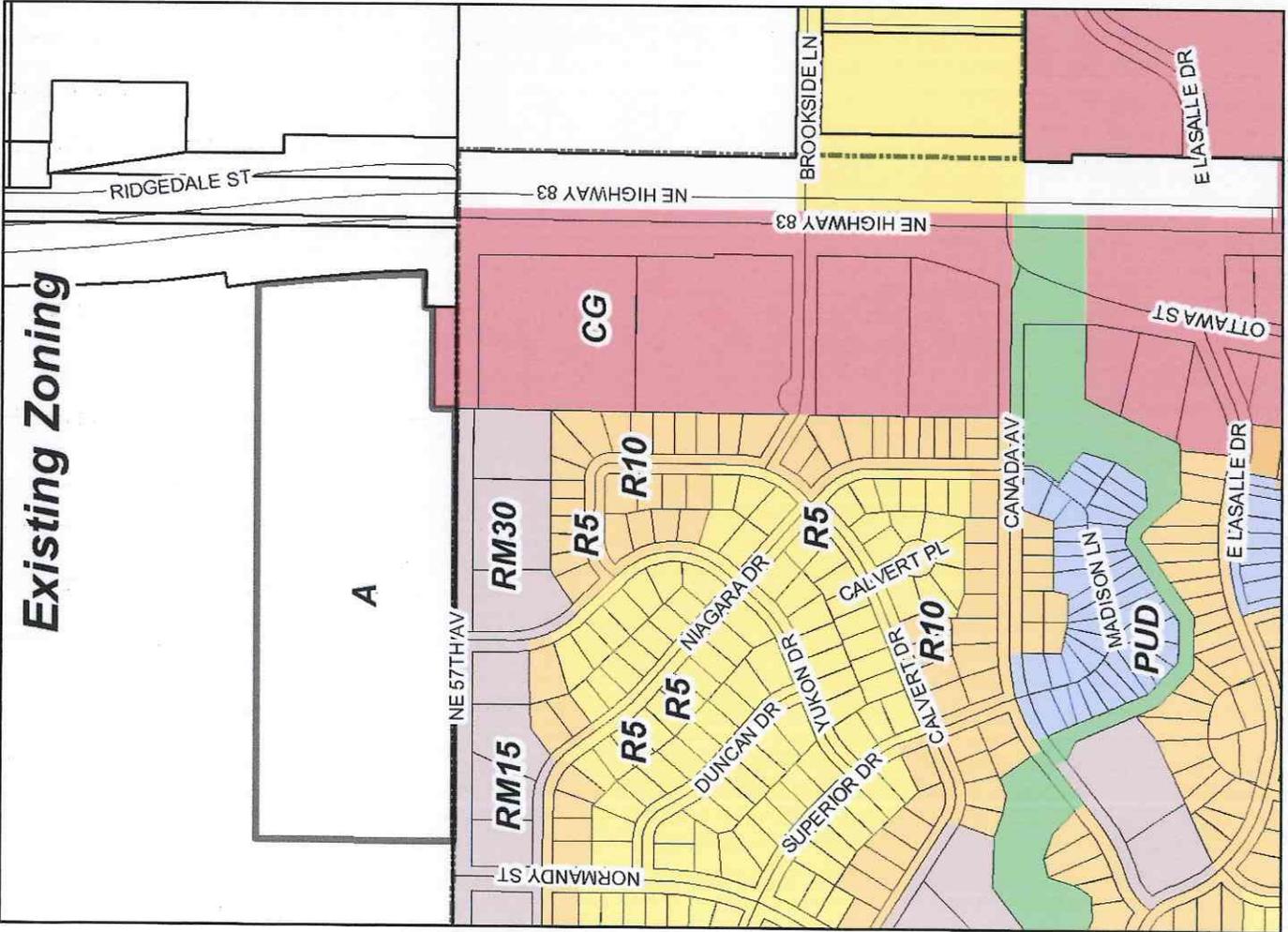
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: January 24, 2014 (hib)

Source: City of Bismarck

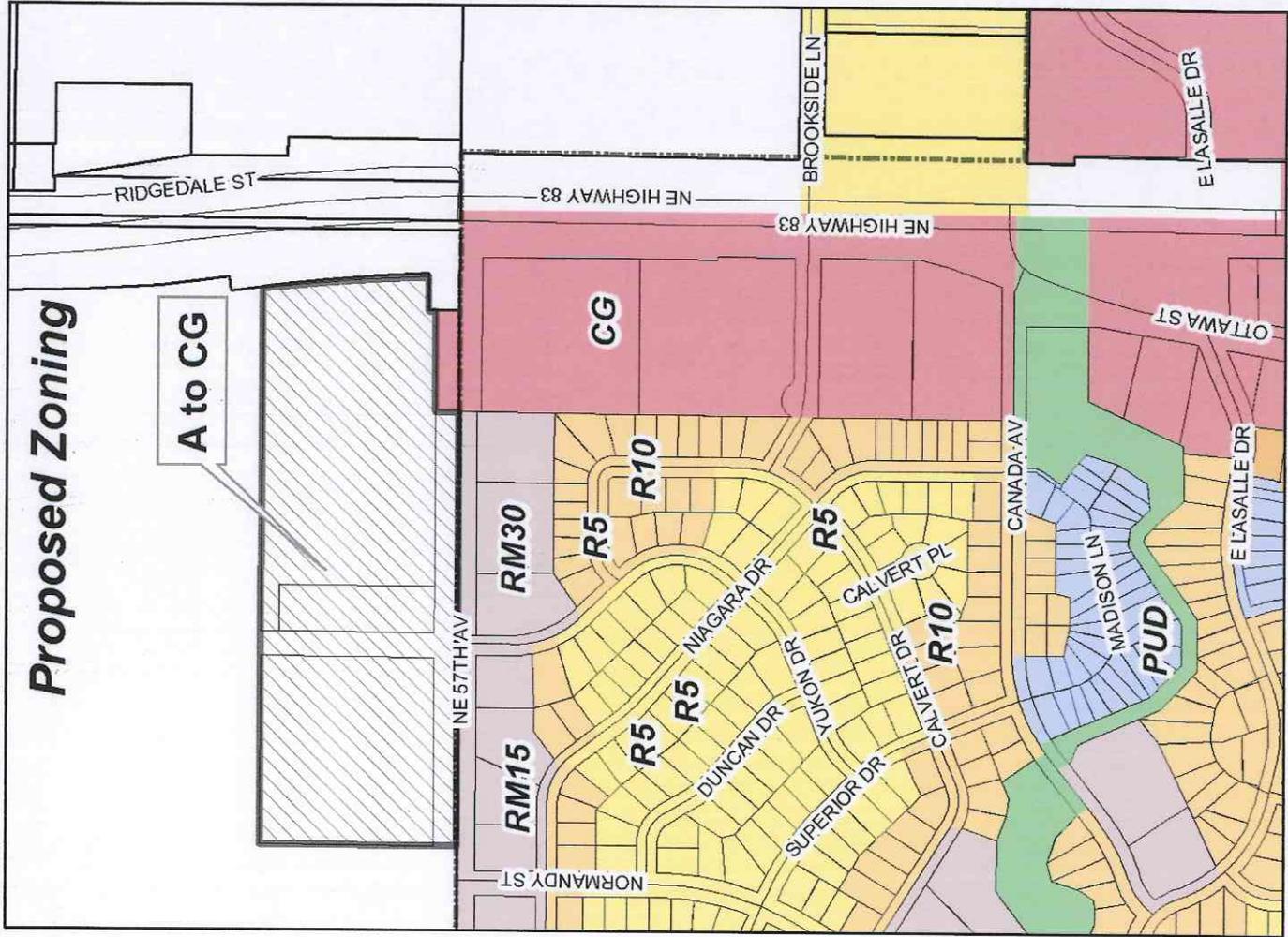


Daybreak Addition - Zoning Change

Existing Zoning



Proposed Zoning



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HIGHWAY 1804

Washington St

64TH AV NW

OAKFIELD DR

57th Ave.

MIXED USE

HIGH DENSITY RESIDENTIAL

HIGH DENSITY RESIDENTIAL

MED DENSITY RESIDENTIAL

MED DENSITY RESIDENTIAL

MED DENSITY RESIDENTIAL

COMMERCIAL MEDICAL

COMMERCIAL

MIXED USE

MIXED USE

MIXED USE

COMMERCIAL

COMMERCIAL

NORTHSTAR DR

YUKON DR

NORMANDY ST

US 83

PARK
21.5 acres



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

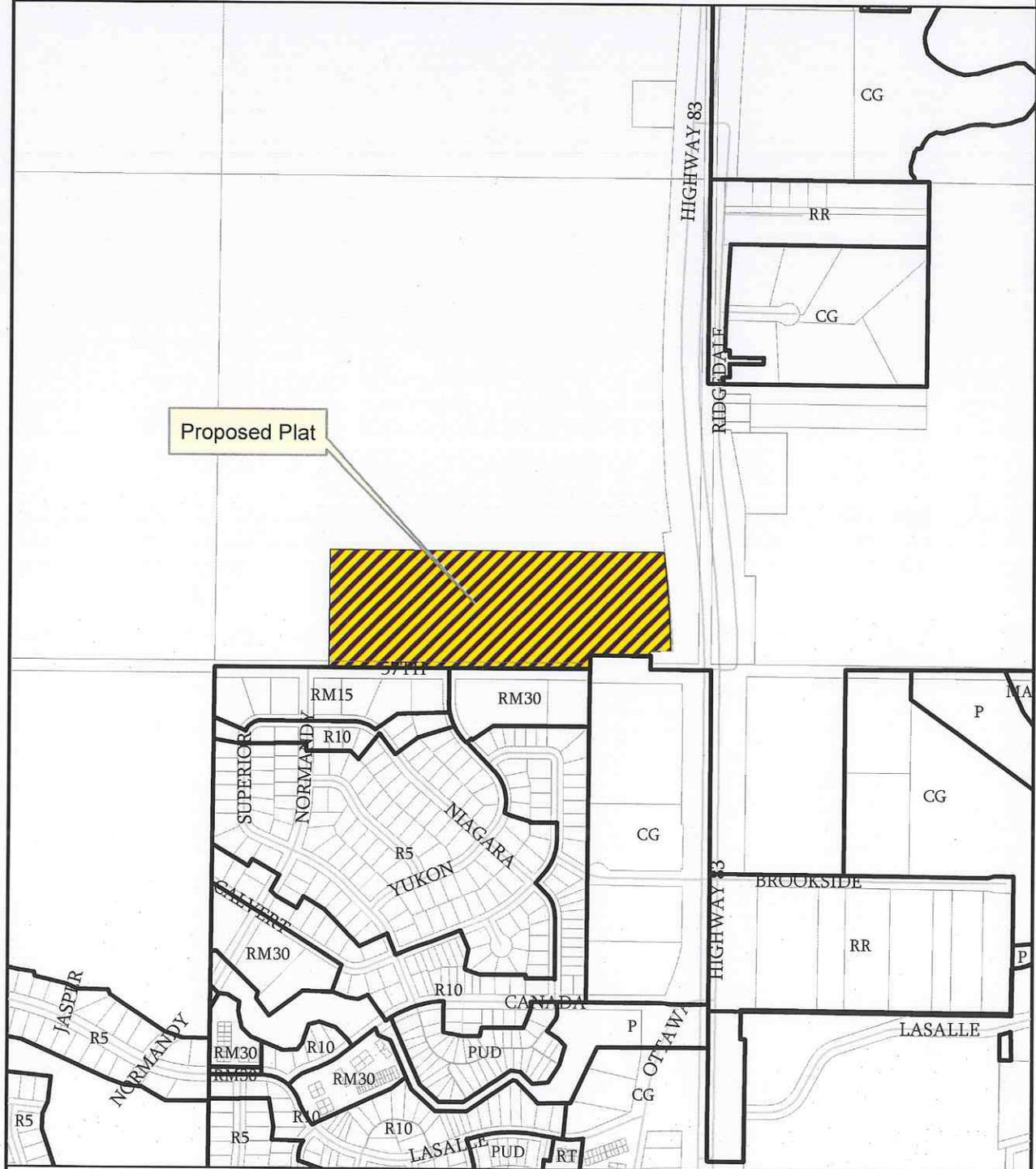
BACKGROUND:		
Title: Daybreak Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: February 26, 2014	
Owner(s): TPR, LLP	Engineer: Houston Engineering	
Reason for Request: To plat, annex and zone property for a commercial development.		
Location: In north Bismarck along the west side of US Highway 83 and along the north side of 57 th Avenue NE (part of the SE¼ of Section 9, T139-R80W/Hay Creek Township).		
Project Size: 25.69 acres +/-	Number of Lots: 3 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Car dealership (Lot 1, Block 1) and other commercial uses	
Zoning: A – Agriculture	Zoning: CG – Commercial	
Uses Allowed: A – Agricultural uses	Uses Allowed: CG – Commercial uses including restaurants, retail sales and apartments	
Maximum Density Allowed: 1 unit per 40 acres	Maximum Density Allowed: CG – 42 units per acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. Although the proposed subdivision is not subject to the regulations of the Neighborhood Parks Ordinance, the owner has been working with the Bismarck Parks & Recreation District and Planning staff to develop a conceptual master plan for the parks and open space opportunities within the entire section of land. The master plan indicates a 21.5 acre park area within the NW¼ of the section, multi-use trail connections throughout the section, proposed land uses and projected roadway networks. A copy of the preliminary master plan is included with this report.</p>		
FINDINGS:		
<p>1. All technical requirements for consideration of a preliminary plat have been met.</p> <p>2. The proposed subdivision conforms with Fringe Area Road Master Plan, which identifies US Highway 83 as the north-south arterial roadway and 57th Avenue as the east-west arterial roadway for this section. The proposed subdivision also conforms with the US Highway 83 Corridor Study which identified Yukon Drive as the north-south collector roadway for this section.</p>		
<i>(continued)</i>		

3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped land to the north and west, developing commercial and multi-family uses to the south, and US Highway 83, a fireworks sales building to the east and four rural residential dwellings to the northeast that are located along the east side of US Highway 83.
4. An annexation request has been submitted for the entire subdivision; therefore the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision would not have an adverse impact on property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

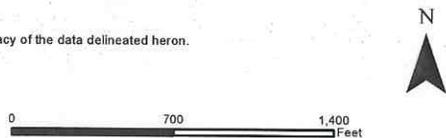
Based on the above findings, staff recommends tentative approval of the preliminary plat for Daybreak Addition.

Proposed Plat & Zoning Change (A to CG) Daybreak Addition



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Map was Updated/Created: January 24, 2014 (hib)

Source: City of Bismarck



HIGHWAY 1804

Washington St

US 83

COMMERCIAL/
MEDICAL

COMMERCIAL

COMMERCIAL

COMMERCIAL

YUKON DR

MIXED
USE

NORTHSTAR DR

MIXED
USE

MIXED
USE

MIXED
USE

NORMANDY ST

HIGH DENSITY
RESIDENTIAL

HIGH DENSITY
RESIDENTIAL

MED DENSITY
RESIDENTIAL

PARK
21.5 acres

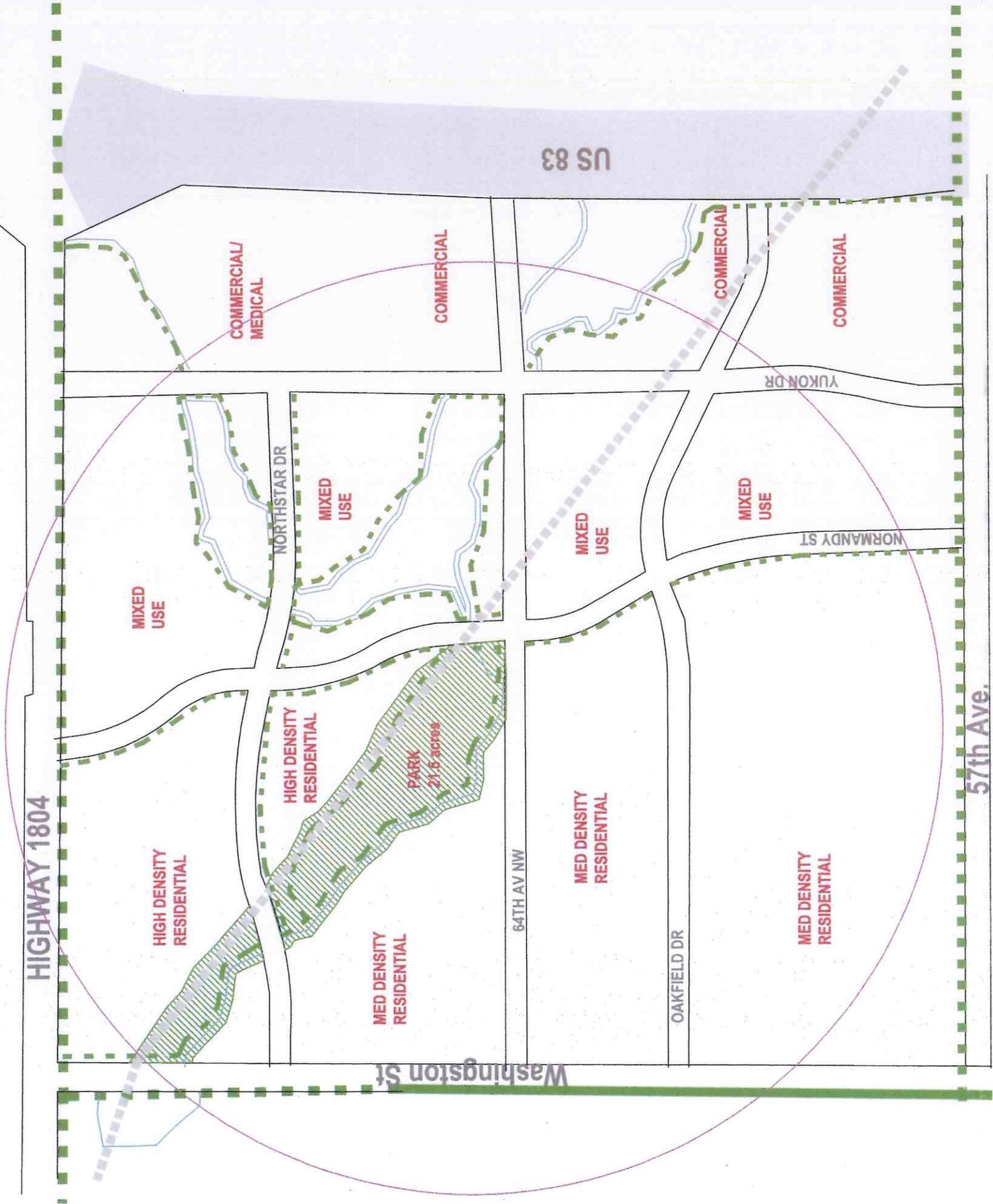
64TH AV NW

MED DENSITY
RESIDENTIAL

OAKFIELD DR

MED DENSITY
RESIDENTIAL

57th Ave.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Sara's Subdivision – Preliminary Plat		
Status: Planning Commission – Consideration	Date: February 26, 2014	
Owner(s): Ryan and Sara Deichert	Engineer: Hummert Land Surveying	
Reason for Request: Plat, property for one single-family rural residential lot.		
Location: Along the west side of England Street, south of Scout Street (The N½ of the NE¼ of the SE¼ of the NE¼ and the NE¼ of the NW¼ of the SE ¼ of the SE¼ of the NE¼ of Section 19, T138N-R80/ Lincoln Township).		
Project Size: 1.86 acres or 81,021 square feet	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: Rural residential	
Uses Allowed: RR – Rural residential	Zoning: RR – Residential	
Uses Allowed: RR – Large lot single-family residential	Uses Allowed: RR – Large lot single-family residential	
Maximum Density Allowed: RR – One unit/65,000 square feet	Maximum Density Allowed: RR – One unit/65,000 square feet	
PROPERTY HISTORY:		
Zoned: 12/1976	Platted: ---	Annexed: ---
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A request for a zoning change from the RR-Residential zoning district to the R5-Residential zoning district and a preliminary plat titled Sara's Addition were considered during at the May 22, 2013 meeting of the Bismarck Planning and Zoning Commission. At that time it was the applicant's intent to create a three lot, one block urban subdivision. The revised plat replaces the original plat with a one-lot rural residential subdivision. The zoning change and annexation requests have been withdrawn. 2. The proposed subdivision is located within the Urban Service Area Boundary and is subject to USAB requirements. However, it is unclear if a waiver from ghost platting the proposed subdivision will be submitted or if the proposed lot will be ghost platted on the final plat. 3. A 22 - 24 foot private / judgment gravel roadway (doc 451459 and 309335) is located within the proposed subdivision. This roadway provides access to England Street for property owners to the south and west of the proposed plat. 4. The north half of a future right-of-way was dedicated when the adjacent subdivision (Wooded Acres Subdivision) was recorded; however, the right-of-way has not been improved. In the event that the property is annexed and a public roadway is required, a 33 foot access easement has been placed along the northern edge of the proposed subdivision as well as the western edge of the proposed subdivision to provide access to adjacent properties to the west and south. 		

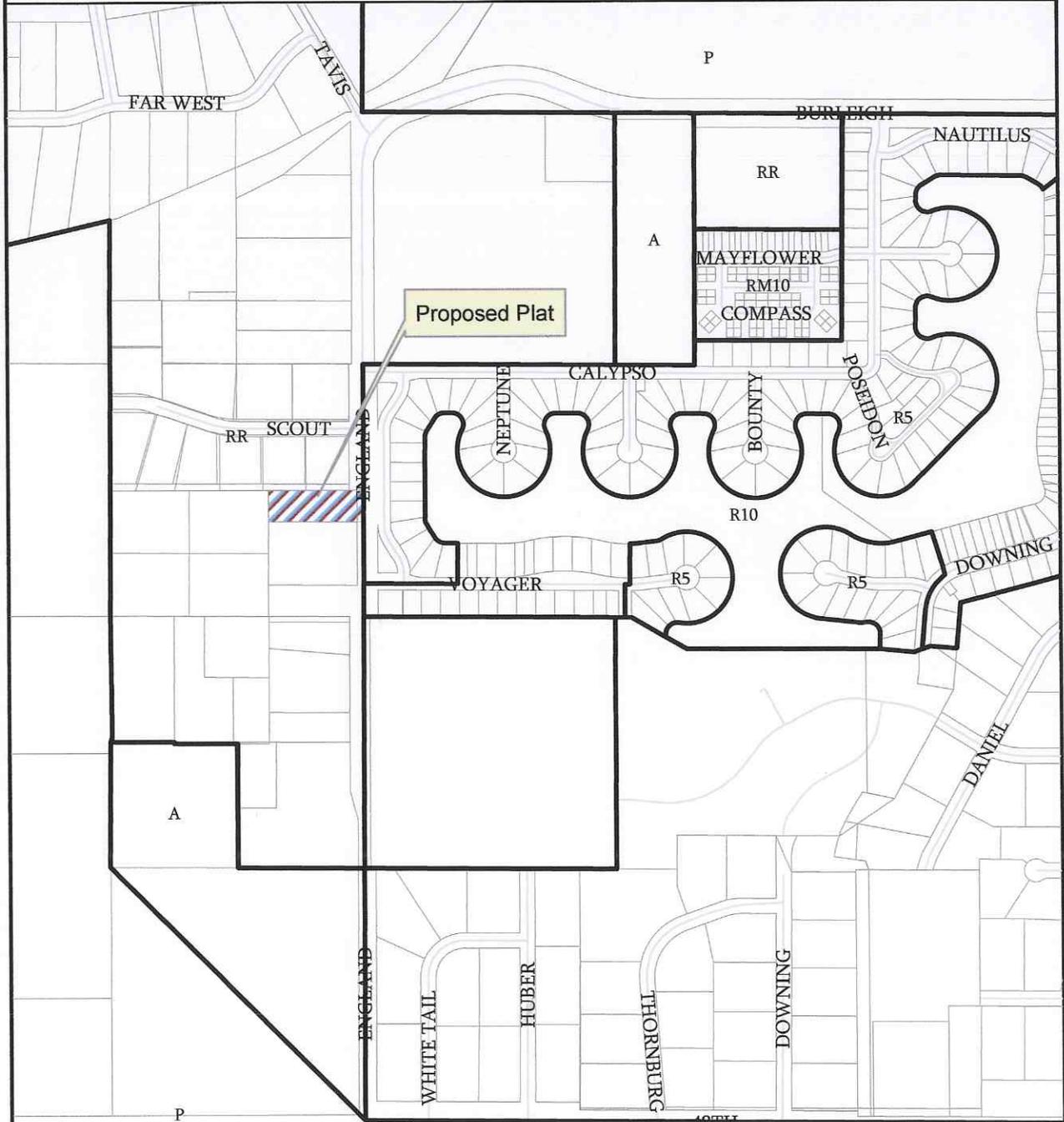
FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan, which identifies England Street as a north-south arterial roadway.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include urban residential to the east, and rural residential to the north, south, and west.
4. The proposed subdivision would be served by South Central Regional Water District and would have access to England Street; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

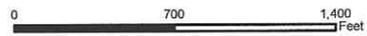
Based on the above findings, staff recommends tentative approval of the preliminary plat of Sara's Subdivision.

Proposed Plat Sara's 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: January 30, 2014 (Klee)

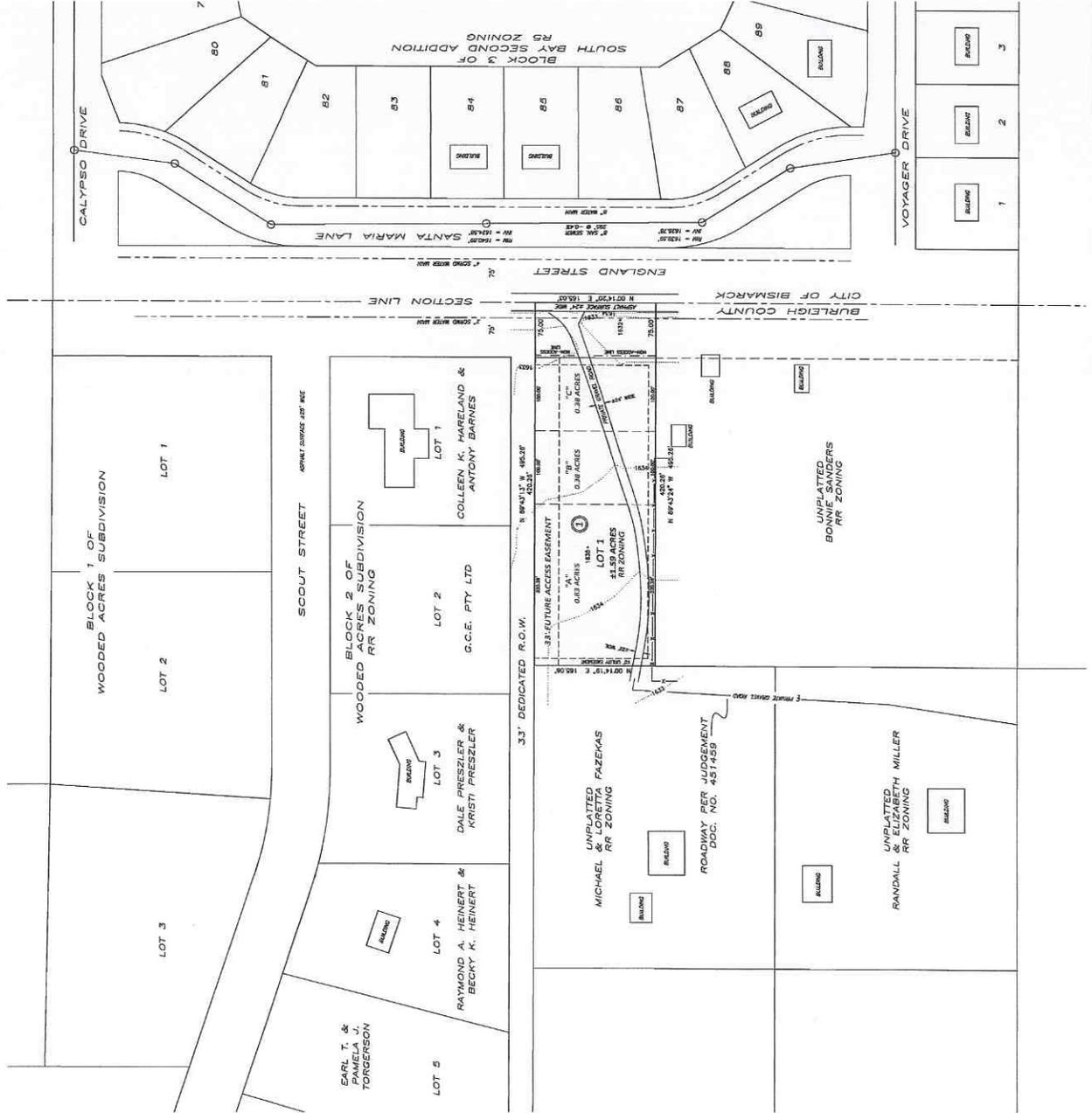
Source: City of Bismarck



PRELIMINARY PLAT OF
SARA'S SUBDIVISION

BEING THE N1/2NE1/4SE1/4SE1/4NE1/4 AND THE NE1/4NW1/4SE1/4SE1/4NE1/4
 OF SECTION 19, T138N, R80W OF THE 5TH P.M.
 BURLEIGH COUNTY, NORTH DAKOTA

JAN 24 2014



SCALE: 1" = 80'
 DATE OF FIELD SURVEY: APRIL 2, 2013

PROPERTY OWNERS:
 RYAN AND JANA HESBERT
 414 N. 23rd STREET
 BISMARCK, ND 58501

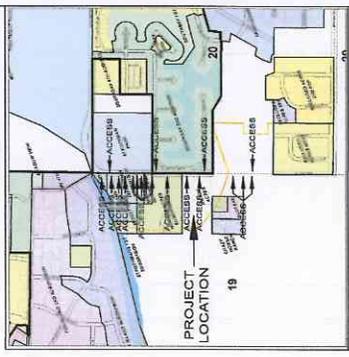
PREPARED BY:
 ARON HUMMERT, PLS
 1309 16th STREET SE
 HUMMERT LAND SURVEYING
 BISMARCK, ND 58503
 PHONE: (701) 426-8824

TOTAL ACRES: 1.976 ACRES MORE OR LESS

FLOODPLAIN INFORMATION:
 THE ENTIRE AREA LIES WITHIN THE
 100 YEAR FLOOD PLAIN - ZONE AE.
 BASIC FLOOD ELEVATION (BFE) IS 1536.0'
 PER FRM MAP NUMBER 3801500780C
 EFFECTIVE DATE: JULY 14, 2005

ALL ELEVATIONS SHOWN HEREON ARE RELATIVE TO NAVD83
 AS DETERMINED BY CITY BENCHMARK DATA.

VICINITY MAP



HUMMERT LAND SURVEYING
 1309 16th STREET SE
 BISMARCK, NORTH DAKOTA 58503

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

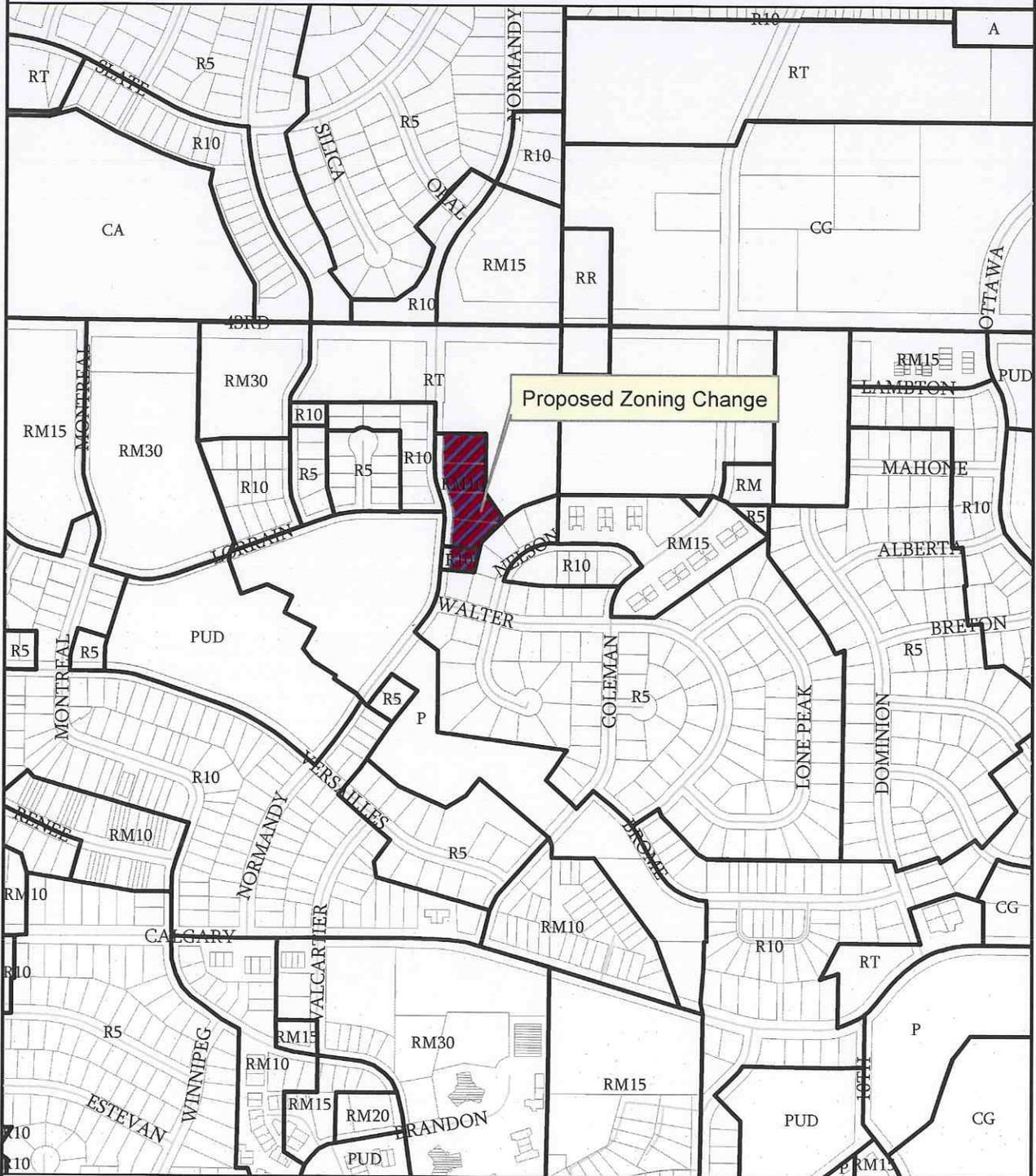
BACKGROUND:		
Title: Kilber North 2 nd Addition First Replat – Zoning Change (R10 & RM10 to R10)		
Status: Planning Commission – Consideration	Date: February 26, 2014	
Owner(s): Kilber Development, LLC (owner) Reddoor Homes (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and rezone the property to allow eight two-unit row houses.		
Location: In north Bismarck along the east side of Normandy Street and south of 43 rd Avenue NE (a replat of Lots 2-7, Block 2, Kilber North 2 nd Addition).		
Project Size: 2.72 acres	Number of Lots: 16 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Eight two-unit row houses	
Zoning: RM10 – Residential R10 – Residential	Zoning: R10 – Residential	
Uses Allowed: RM10 – Multi-family residential R10 – Single and two-family residential	Uses Allowed: R10 – Single and two-family residential	
Maximum Density Allowed: RM10 – 10 units/acre R10 – 10 units/acre	Maximum Density Allowed: R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 04/2013	Platted: 04/2013 (replat in progress)	Annexed: 04/2013
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicant has applied for a zoning change from the RM10 – Residential and R10 – Residential zoning districts to the R10 – Residential zoning district. The zoning change request requires one additional meeting at the Planning & Zoning Commission. Planning staff is comfortable allowing the minor subdivision final plat to proceed ahead of the zoning change request. It is likely the public hearing for the zoning change would be held in March 2014. 		
FINDINGS:		
<ol style="list-style-type: none"> The proposed zoning change 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 developing mixed density residential and office uses to the west, P-Public zoned open space and developing one and two-family residential to the south, mixed density residential and office uses to the east, and developing mixed density residential to the north across 43rd Avenue NE. 		
<i>(continued)</i>		

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

RECOMMENDATION:

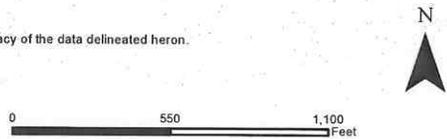
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R10 – Residential and the RM10 – Residential zoning districts to the R10 – Residential zoning district for Kilber North 2nd Addition First Replat.

Proposed Zoning Change (R10 & RM15 to R10) Kilber's North 2nd Addition Replat

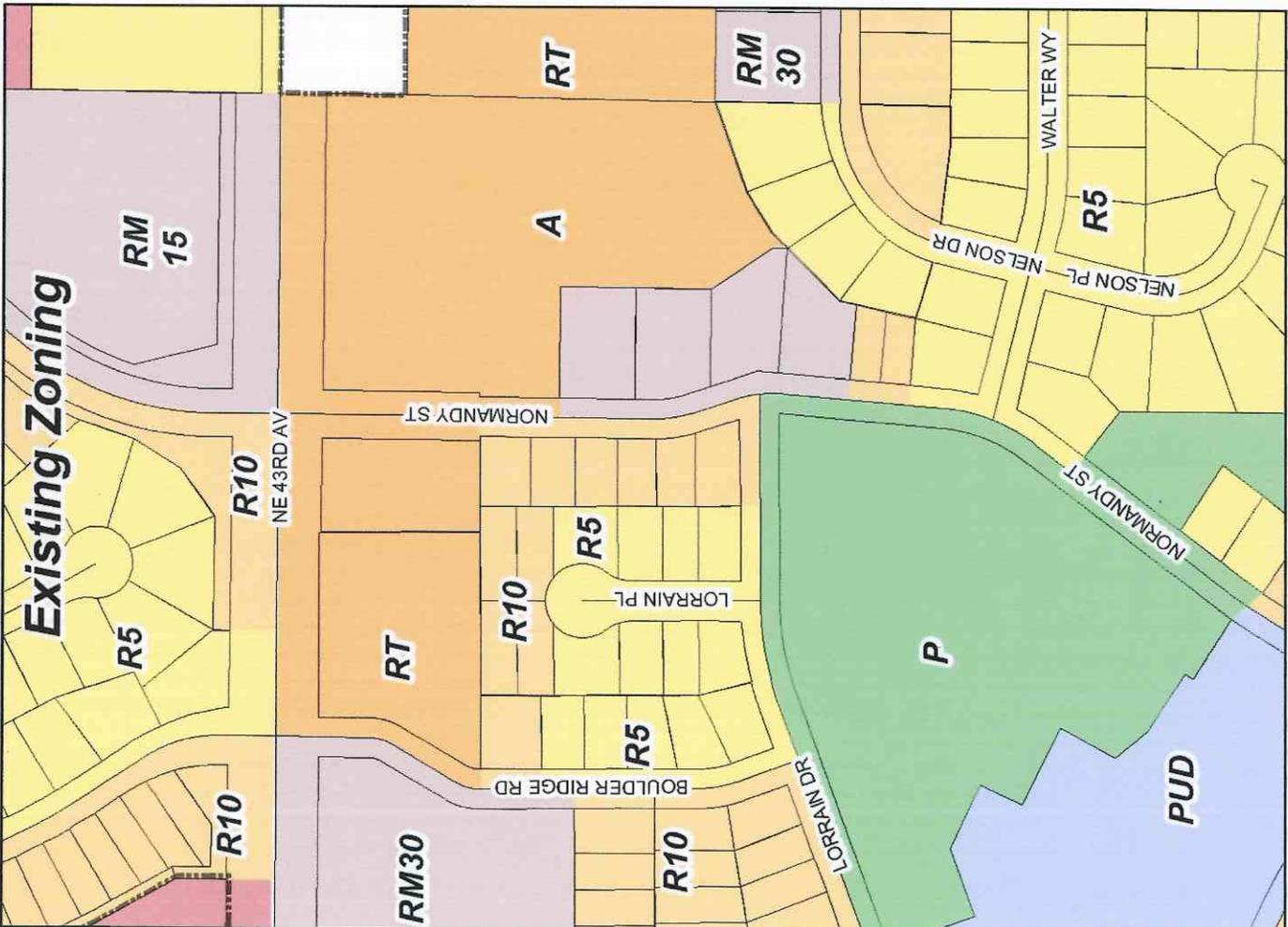


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 19, 2014 (hib)

Source: City of Bismarck



Kilber North Second Addition First Replat - Zoning Change

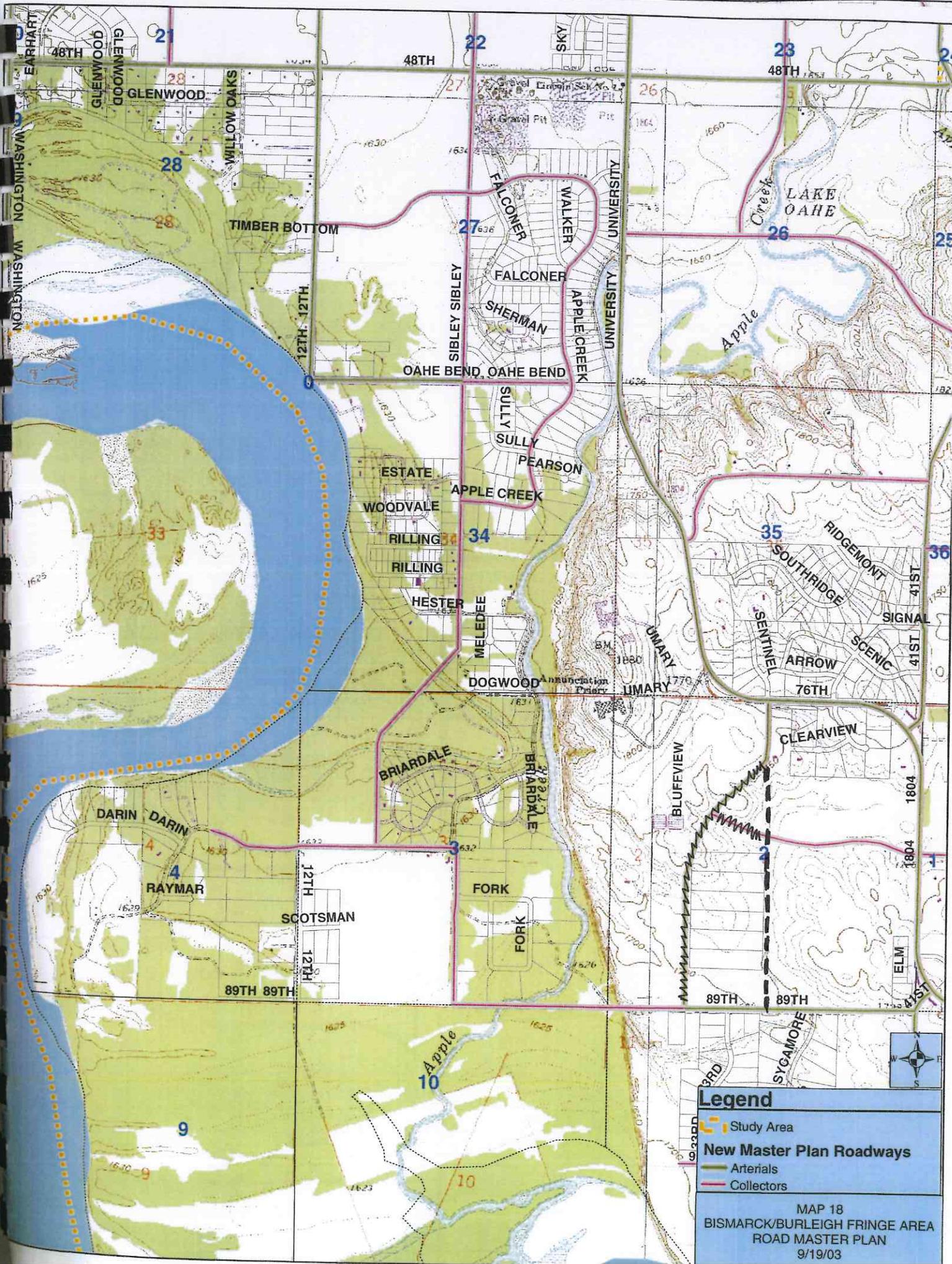


February 2014

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Section 2, T137N-R80W/Fort Rice Township– Fringe Area Road Master Plan Amendment (in conjunction with plat for University of Mary Subdivision)	
Status: Planning Commission – Consideration	Date: February 26, 2014
Reason for Request: Move the central and southern portions of a north-south arterial through this section approximately ¼ mile (1320 feet) to the east.	
Location: Section bounded by ND Highway 1804 on the north, ND Highway 1804 on the east, 89 th Avenue SE on the south, and the bluffs above Apple Creek on the west.	
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The Fringe Area Road Master Plan was adopted by the City Commission on September 9, 2003. 2. This amendment will move the central and southern portions of a north-south arterial in this section approximately ¼ mile (1320 feet) to the east to the quarter-section line. This is a non-typical section because of the alignment of ND Highway 1804 through the area and the bluffs above Apple Creek to the west. 3. The alignment identified in the Fringe Area Road Master Plan for this area shows this north-south arterial starting at the quarter-section line, but then curving to the west through an existing pond as it moves south to connect with Bluffview Drive to the south. The alignment bisects a pond and property owned by the University of Mary. Moving the central and southern portions of the roadway to the east to a location that is along the eastern edge of the property owned by the University of Mary will help facilitate development of the University's property as well as privately-owned property to the east. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed Fringe Area Road Master Plan amendment is justified by a change in conditions since the Fringe Area Road Master Plan was adopted. In particular, the proposed alignment did not take into account the existence of a body of water in this area. 2. The proposed Fringe Area Road Master Plan amendment will not adversely affect property in the vicinity. 3. The proposed Fringe Area Road Master Plan amendment is consistent with the general intent and purpose of the zoning ordinance and the subdivision regulations. 4. The proposed Fringe Area Road Master Plan amendment is consistent with other aspects of the master plan, other adopted plans, policies and planning practice. 	
RECOMMENDATION:	
Based on the above findings, staff recommends scheduling a public hearing on the proposed amendment to the Fringe Area Road Master Plan for Section 2, T137N-R80W/Fort Rice Township (Map 18), to move the central and southern portions of a north-south arterial through this section approximately ¼ mile (1320 feet) to the east to the quarter-section line.	



Legend

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

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



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

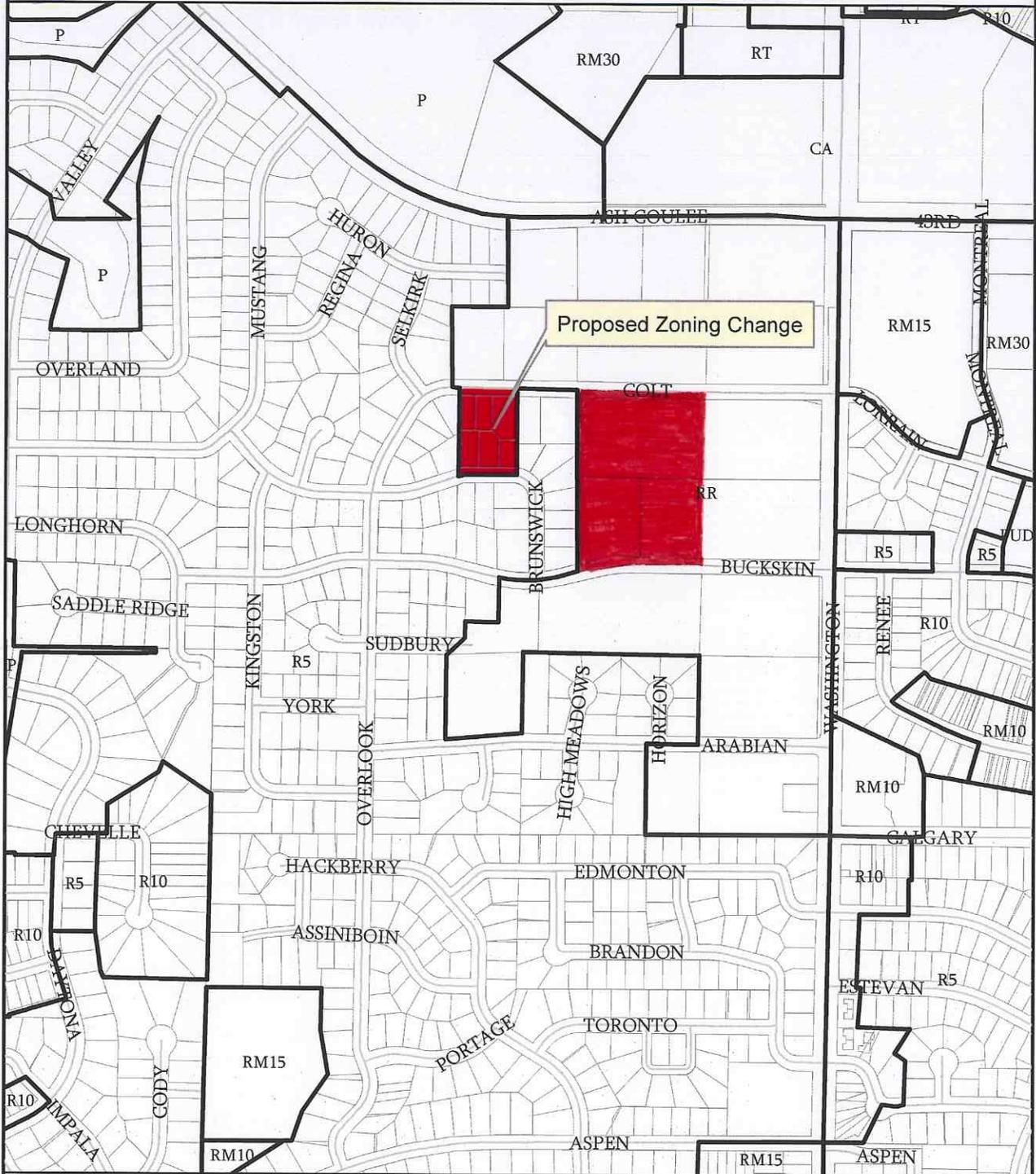
BACKGROUND:		
Title: Part of KMK Estates and all of Geloff Estates – Zoning Change (RR to R5)		
Status: Planning Commission - Consideration	Date: February 26, 2014	
Owner(s): LA of L3, B2, KMK- Daniel Haakenson LB of L3, B2, KMK – Robert & Nadine Schaff L4, B2, KMK – Curtis & Diane Wentz L1-6, B1, Geloff – Richard & Brandy Geloff	Engineer: N/A	
Reason for Request: Rezone recently re-platted property and property in the process of being platted to allow for urban residential development.		
Location: West of North Washington Street between Colt Avenue and Buckskin Avenue.		
Project Size: 11.4 acres	Number of Lots: 8 lots/4 parcels in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Rural residential	PROPOSED CONDITIONS:	
Zoning: RR – Residential	Land Use: Single-family residential	
Uses Allowed: Rural residential	Zoning: R5 – Residential	
Uses Allowed: Rural residential	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: 65,000 sf minimum lot size	Maximum Density Allowed: R5 – 5 units per acre	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 08/1966 (KMK Estates) 07/2013 (Geloff Estates)	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. The plat for Geloff Estates was recorded in 2013 and the replat of Lots 3 and 4, Block 2, KMK Estates (High Meadows 12th Addition) is in process. 		
FINDINGS:		
<ol style="list-style-type: none"> The proposed zoning change 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 a mix of rural and urban residential to the north, west and south, and a church to the east. 		
<i>(continued)</i>		

3. The property will be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RR-Residential zoning district to the R5-Residential zoning district for Lot A of Lot 3, Lot B of Lot 3 and Lot 4, Block 2, KMK Estates and Lots 1-6, Block 1, Geloff Estates.

Proposed Zoning Change (RR to R5) Geloff Estates and Pt of KMK Estates



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: February 14, 2014 (hib)

Source: City of Bismarck



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 14-04-07 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE RM RESIDENTIAL DISTRICT, USED PERMITTED.

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

Section 1. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

g. Single-family and two-family dwelling only within the following described area:

1) Area bounded by Washington Street, Boulevard Avenue, Sixteenth Street and Broadway Avenue;

2) Area bounded by Ninth Street, Sweet Avenue, ~~Sixteenth Street~~ Airport Road and Indiana Avenue;

3) Area bounded by Third Street, Divide Avenue, Fourth Street and Boulevard Avenue.

* * * * *

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, adoption and publication.

CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-07 AND 14-04-0 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE RM RESIDENTIAL AND RT RESIDENTIAL DISTRICTS, USES PERMITTED, ROW HOUSES.

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

Section 1. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

e. Row houses. Attached single-family dwellings in groups of not more than eight (8) or less than ~~two (2)~~ three (3).

1) Density. The maximum allowable density per acre shall be as stipulated in the underlying zoning district.

2) Lot and Yard Requirements.

Each attached single-family dwelling hereafter erected shall conform to the following minimum lot area and yard requirements:

	Interior	End	Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in front	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet		10	25
Depth of rear yard in feet	20	20	20

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by the city building code pertaining to area separation walls.

5) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit in compliance with Section 14-03-10 hereof.

6) Regulations Imposed on Overall Structure. The lot coverage requirements and the minimum front, side and rear yard setbacks shall be imposed on the overall structure rather than on each individual unit.

* * * * *

Section 2. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RT

Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

h. Row houses. Attached single-family dwelling in groups of not more than eight (8) nor less than ~~two (2)~~ three (3).

1) Density. The maximum allowable density is sixteen (16) families per net acre.

2) Lot area.

a) Lot and yard requirement regulations for row house use. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

	Interior	Interior End	Street Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in feet	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet	-	10	25
Depth of rear yard in feet	20	20	20

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by Chapter 5 of the city building code pertaining to area separation walls.

5) Access to rear yards. The required rear yard to each row dwelling shall have an unobstructed access to a public walkway at least four (4) feet wide extending to an alley or street.

6) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit as provided under Section 14-03-10 of this ordinance.

* * * * *

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

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

CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03, 14-03-08, 14-03-10, 14-04-01, 14-04-01.1, 14-04-03, 14-04-06, 14-04-07, 14-04-08, 14-04-09, 14-04-10, 14-04-12, 14-04-13, 14-04-14, 14-04-17 AND 14-04-21 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO RELIGIOUS INSTITUTIONS.

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

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

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

* * * * *

Religious Institution. A building that primarily provides a meeting area for religious activities and related social events. Examples include churches, chapels, temples, synagogues and mosques and any other building or portion of a building used for this purpose.

* * * * *

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

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

* * * * *

b. Cemetery. A cemetery, mausoleum or columbarium (except for columbarium allowed as an accessory use to a church religious institution in accordance with this section) may be permitted in any A or P district as a special use, provided:

* * * * *

f. Churches Religious Institutions. A church religious institution may be permitted in any RR, RR5, R5, R10, RM, or RT district except MA, MB, P or RMH districts as a special use, provided:

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

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

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

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

have been provided in accordance with those shown on the approved plan.

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

* * * * *

1. Adult entertainment centers. Notwithstanding anything in this zoning ordinance to the contrary, an adult entertainment center shall be permitted only in an MA or MB district and in no other district, providing the center meets the following conditions:

1. The center is located no closer than two thousand (2,000) feet from any preexisting church religious institution, school, or residentially zoned property and/or property used for residential purposes.

* * * * *

s. Retail Liquor Sales. Retail liquor sales for Burleigh County Class AA, B, D and E liquor license holders may be permitted within the city's four-mile extraterritorial jurisdiction in any CA, CB, CG, CR or MA district as a special use provided:

1. The site is not within three hundred (300) feet from the nearest lot line point of any church religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes.

* * * * *

u. Microbrewery. A microbrewery may be permitted in any CG or DC district as a special use provided:

1. The site may not be located within three hundred (300) feet of the nearest lot line of any church religious institution, public or parochial

school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.

* * * * *

Section 3. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-street Parking and Loading is hereby amended and re-enacted to read as follows:

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

1. Off-street parking.

* * * * *

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

* * * * *

Section 4. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR Residential District is hereby amended and re-enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. ~~Church~~ Religious institution.

* * * * *

Section 5. Amendment. Section 14-04-01.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR5 Residential District is hereby amended and re-enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 6. Amendment. Section 14-04-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R5 Residential District is hereby amended and re-enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 7. Amendment. Section 14-04-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R10 Residential District is hereby amended and re-enacted to read as follows:

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 8. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care centers.
- b. Church Religious institution.

* * * * *

Section 9. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RT Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Church Religious institution.
- b. Child care center.

c. Mortuary/funeral homes.

* * * * *

Section 10. Amendment. Section 14-04-09 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to HM Medical Facility District is hereby amended and re-enacted to read as follows:

14-04-09. HM Medical Facility District.

* * * * *

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care center.
- b. Church Religious institution.

* * * * *

Section 11. Amendment. Section 14-04-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CA Commercial District is hereby amended and re-enacted to read as follows:

14-04-10. CA Commercial District. In any CA commercial district, the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. A single- or two-family dwelling when used in conjunction with a commercial use.
 - b. Multifamily dwelling.
 - c. Group dwelling.
 - d. Row houses/townhouses (subject to RM residential zone regulations).
 - e. Retail group A.

- f. Service group A.
- g. Office-bank group.
- h. Health-medical group.
- i. Public recreation group.
- j. Education group.
- k. Religious institution.

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Filling station.
- d. Seasonal nursery and bedding stock sales.
- e. Church.
- fe. Child care center.
- gf. Drive-in bank.
- hg. Retail liquor sales.

* * * * *

Section 12. Amendment. Section 14-04-12 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CG Commercial District is hereby amended and re-enacted to read as follows:

14-04-12. CG Commercial District. In any CG commercial district the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. A single- or two -family dwelling when used in conjunction with a commercial use.

- b. Multifamily dwelling.
- c. Group dwelling.
- d. Multifamily high rise.
- e. Hotel-motel.
- f. Retail group A.
- g. Service group A.
- h. Office-bank group.
- i. Retail group B.
- j. Service group B.
- k. Commercial recreation group.
- l. Wholesale group.
- m. Health-medical group.
- n. Education group.
- o. Public recreation group.
- p. Railroad or bus passenger station.
- q. Commercial greenhouse.
- r. Commercial parking lot.
- s. Religious institution.

The following special uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.

- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- ~~f. Church.~~
- ~~gf.~~ Drive-in retail or service establishment.
- ~~hg.~~ Child care center.
- ~~ih.~~ Small animal veterinary clinic.
- ~~ji.~~ Golf driving range.
- ~~kj.~~ Auto laundry - car wash.
- ~~lk.~~ Retail liquor sales.
- ~~ml.~~ Microbrewery.

* * * * *

Section 13. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District.

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. Retail group A.
 - b. Service group A.
 - c. Office-bank group.
 - d. Commercial recreational group.
 - e. Health-medical group.
 - f. Religious institution.

The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Seasonal nursery and bedding stock sales.
- d. Filling station.
- e. Child care center.
- f. Drive-in retail or service establishment.
- ~~g. Church.~~
- hg. Auto laundry - car wash.
- ih. Retail liquor sales.

* * * * *

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

14-04-14. MA Industrial District. In any MA industrial district the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted:
 - a. Hotel-motel.
 - b. Retail group A.
 - c. Retail group B.
 - d. Service group A.
 - e. Service group B.
 - f. Wholesale group.

- g. Truck terminal.
- h. Railroad or bus passenger station.
- i. Railroad freight station.
- j. Industrial group A.
- k. Radio or television transmitting station.
- l. Commercial recreation group.
- m. Office-bank group.
- n. Religious institution.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary circus/fair/carnival.
- d. Temporary farm and garden produce sales.
- e. Temporary fireworks sales.
- f. Seasonal nursery and bedding stock sales.
- g. Solid waste disposal facility.
- h. Airport.
- i. Recreational vehicle park.
- j. Filling station.
- k. Drive-in retail or service establishment.
- l. Motor vehicle parts salvage yard.
- m. Small animal veterinary clinic.

- n. Animal hospital or kennel.
- o. Golf driving range.
- p. Junkyard.
- q. Retail liquor sales.
- r. Racetracks.
- s. Child care center.

* * * * *

Section 15. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

- 2. Uses permitted. The following uses are permitted.
 - a. Public recreation group.
 - b. Farming group.
 - c. Golf course.
 - d. Livestock sales pavilion.
 - e. Loam stripping.
 - f. Oil or gas well.
 - g. Radio or television transmitting station.
 - h. Sand or gravel extraction and processing.
 - i. Sewage treatment plant.

j. One single-family dwelling shall be allowed for each parcel of land not less than forty (40) acres in size or the aliquot part of a corrective section intended to comprise a quarter-quarter-section, provided such aliquot part is not less than thirty-five (35) acres in size. For purposes of this section, a parcel refers to a contiguous tract of land which is taxed as a single tax parcel, located within a single section of land, and not bisected by a public roadway.

k. Family child care.

The following special uses are allowed as per Section 14-03-08 hereof:

- a. Temporary circus/fair/carnival.
- b. Temporary Christmas tree sales.
- c. Temporary religious meetings.
- d. Seasonal nursery and bedding stock sales.
- e. Temporary fireworks sales.
- f. Temporary farm and garden produce sales.
- g. Solid waste disposal facility.
- h. Recreational vehicle park.
- i. Small animal veterinary clinic.
- j. Animal hospital or kennel.
- k. Airport.
- l. Cemetery.
- m. Junkyard.
- n. Child care center.
- o. Church Religious institution.
- p. Golf driving range.

- q. Vehicular racetrack.
- r. Hazardous material bulk storage plant.

* * * * *

Section 16. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Downtown Districts is hereby amended and re-enacted to read as follows:

* * * * *

14-04-21. Downtown Districts.

* * * * *

14-04-21.3 Use Categories.

* * * * *

3. Institutional Uses.

* * * * *

f. Religious Institutions. Religious institutions primarily provide meeting areas for religious activities and related social events. Examples include churches, chapels, temples, synagogues and mosques and any other building or portion of a building used for this purpose.

* * * * *

14-04-21.4 Use Standards.

* * * * *

5. Microbrewery.

a. The site may not be located within three hundred (300) feet of the nearest lot line of any church religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless

the entity(s) affected by the above limitation consent to the granting of the special use permit.

* * * * *

9. *Religious Institutions.*

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

b. Space for off-street parking shall be provided as per section 14-03-10 hereof or as the City Planning and Zoning Commission may require.

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

d. A columbarium is allowed as an accessory use to a church religious institution provided it is included within the principal structure.

e. At least thirty-five (35) percent of the parcel shall be maintained as landscaped open space.

* * * * *

Section 17. 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 18. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Geloff Estates Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: February 26, 2014	
Owner(s): Richard and Brandy Geloff	Engineer: N/A	
Reason for Request: Annex recently re-platted property for development.		
Location: Along the south side of Colt Avenue west of North Washington Street (A replat of part of Lot 5, Block 2, KMK Estates 2 nd Subdivision).		
Project Size: 2.24 acres	Number of Lots: 6 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Rural residential	Land Use: Single-family residential	
Zoning: RR – Residential	Zoning: RR – Residential	
Uses Allowed: RR – Rural residential	Uses Allowed: RR – Rural residential	
Maximum Density Allowed: RR – One unit/65,000sf	Maximum Density Allowed: RR – One unit/65,000sf	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 07/2013	Annexed: ---
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> The City initiated the annexation of those parts of KMK Estates Subdivision and KMK Estates 2nd Subdivision not previously annexed in October 2006. In June 2007, an annexation agreement was entered into between the City and all property owners that annexation would be delayed for five years, until June 2012. In June 2011, conversations amongst City staff and impacted property owners resulted in a decision being made that annexation would be delayed until June 2014. All property owners were also informed that they could be annexed earlier upon request. The plat recorded in 2013 was not accompanied by a zoning change or early annexation request. The applicant was proposing the plat for future development, with the understanding that the proposed lots would all be combined as one tax parcel until the property was annexed and rezoned to R5-Residential. They are now asking for annexation to expedite development. A staff-initiated zoning change for this and other properties being replatted from RR-Residential to R5-Residential is also in process. 		
FINDINGS:		
<ol style="list-style-type: none"> The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation. The proposed annexation would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Geloff Estates Addition, with the understanding that the lots will remain combined as one parcel until the property is rezoned to R5-Residential.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Kilber North 2 nd Addition First Replat – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: February 26, 2014	
Owner(s): Kilber Development, LLC (owner) Reddoor Homes (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and rezone the property to allow eight two-unit row houses.		
Location: In north Bismarck along the east side of Normandy Street and south of 43 rd Avenue NE (a replat of Lots 2-7, Block 2, Kilber North 2 nd Addition).		
Project Size: 2.72 acres	Number of Lots: 16 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM10 – Residential R10 – Residential	Land Use: Eight two-unit row houses	
Uses Allowed: RM10 – Multi-family residential R10 – Single and two-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: RM10 – 10 units/acre R10 – 10 units/acre	Uses Allowed: R10 – Single and two-family residential	
PROPERTY HISTORY:		
Zoned: 04/2013	Platted: 04/2013	Annexed: 04/2013
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicant has applied for a zoning change from the RM10 – Residential and R10 – Residential zoning districts to the R10 – Residential zoning district. The zoning change request requires one additional meeting at the Planning & Zoning Commission. Planning staff is comfortable allowing the minor subdivision final plat to proceed ahead of the zoning change request. It is likely the public hearing for the zoning change would be held in March 2014. 		
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 property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 		
<i>(continued)</i>		

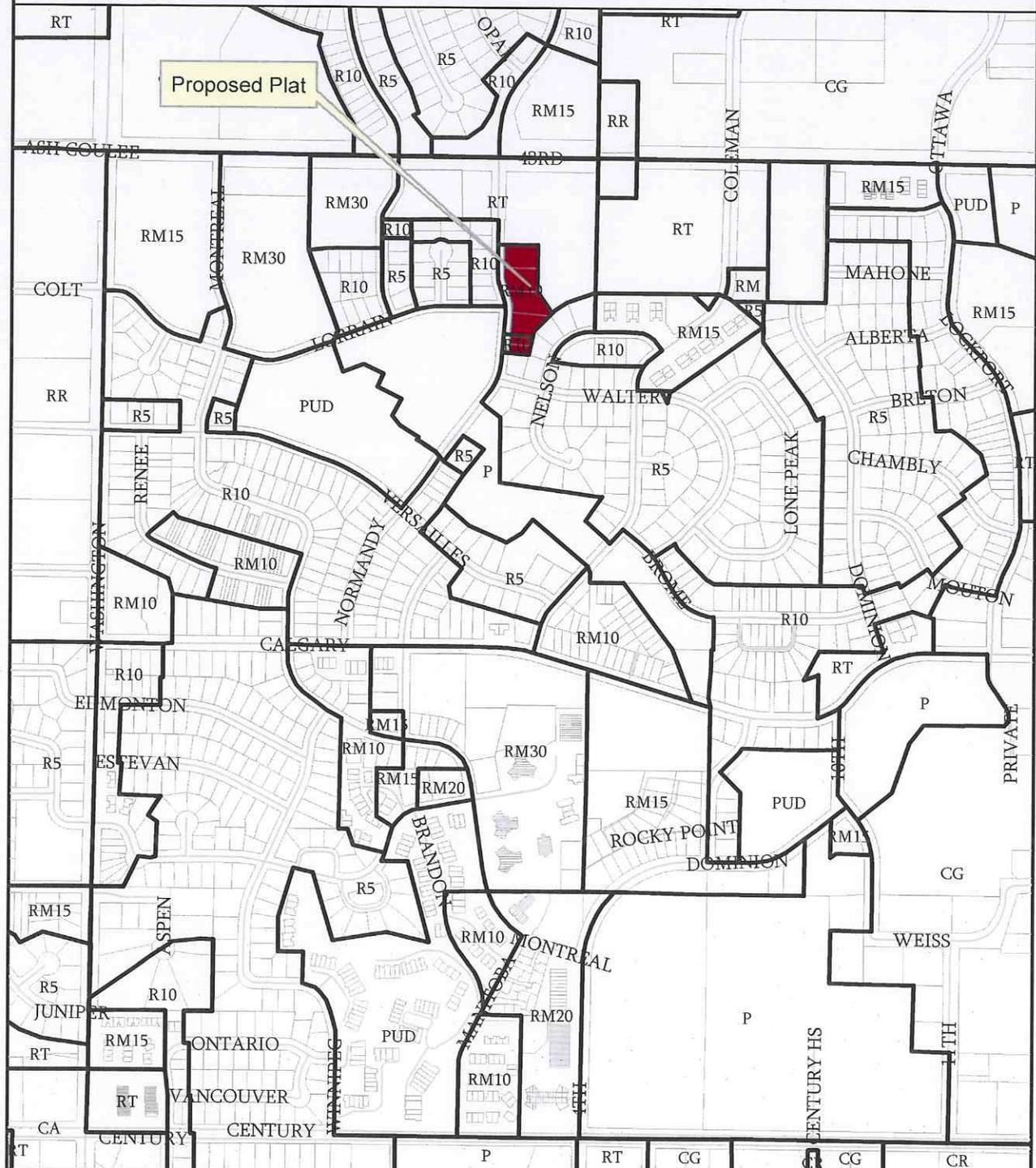
4. A request for a zoning change for the proposed subdivision has been submitted. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single and two-family residential to the west and south and office uses to the north and east.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Kilber North 2nd Addition First Replat with the following condition:

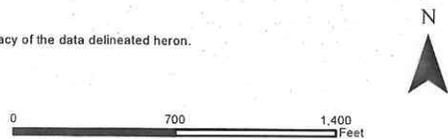
1. Development of the site is limited to twin homes, as proposed.

Proposed Plat Kilber North 2nd Addition First Replat



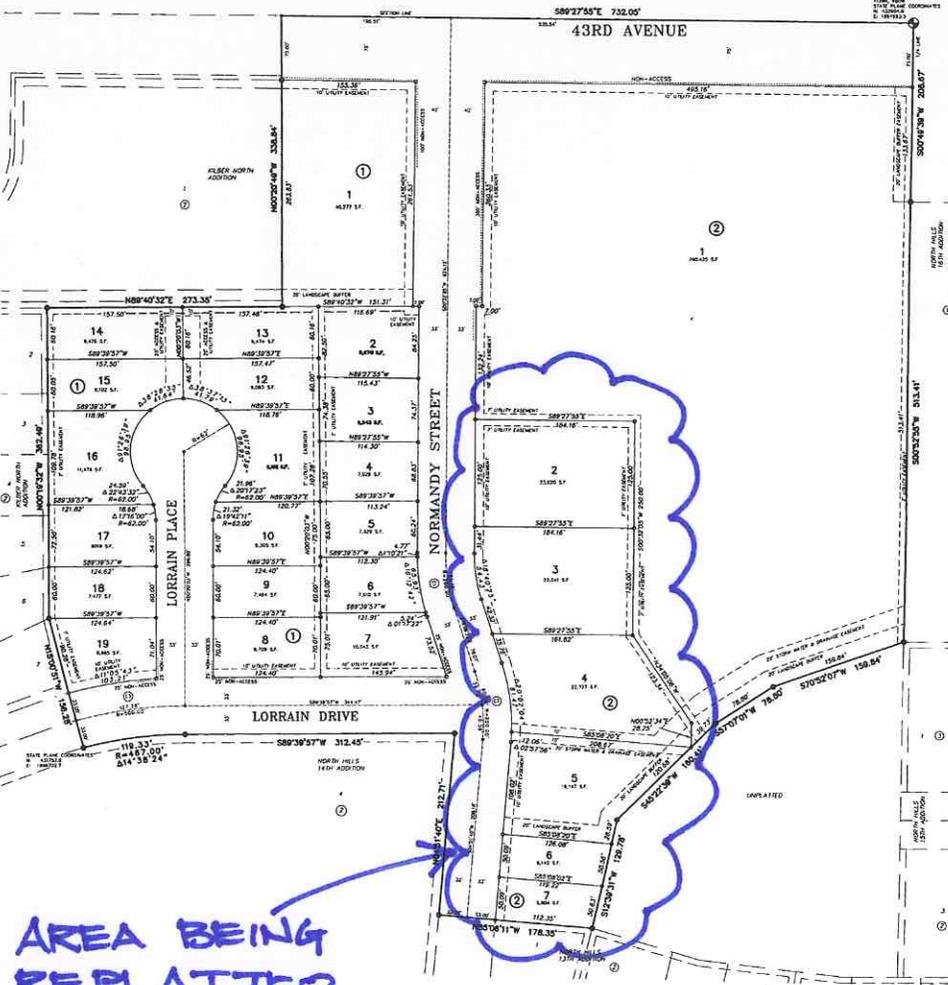
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Map was Updated/Created: January 24, 2014 (hib)

Source: City of Bismarck



KILBER NORTH 2ND ADDITION

TRACT L & TRACT X-1 OF THE NW1/4
SECTION 21, T. 139 N., R. 80 W.
BISMARCK, NORTH DAKOTA



AREA BEING REPLATTED

NOTES

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

HORIZONTAL CURVE INTERSECTION OF
VERMILION AVENUE & NORMANDY STREET
ELEV. = 1888.02 (ENCL 2)

COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
MAD 83 SOUTH ZONE
ADJUSTMENT OF 1982
UNITS ARE METRIC/ENGLISH FEET

METRIC DATA:
NATIONAL CENTER OF GRAVITY SURVEY OF 1999
BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

CURVE DATA

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	ANGLE
1	S89°27'55" W	732.00'	117.00'	117.00'
2	S89°27'55" W	732.00'	117.00'	117.00'
3	S89°27'55" W	732.00'	117.00'	117.00'

AREA DATA

LOT	SQ. FT.	SQ. M.	ACRES
TOTAL	591,448.57	173,590.00	14.00

DESCRIPTION

TRACT L & TRACT X-1 OF THE NW 1/4, OF SECTION 21, T. 139 N., R. 80 W., BISMARCK, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID TRACT X-1 WHICH IS ALSO THE NE CORNER OF THE NW 1/4, THENCE SOUTH 00 DEGREES 49 MINUTES 39 SECONDS WEST, ALONG THE BOUNDARY LINE OF SAID TRACT X-1, A DISTANCE OF 208.81 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 343.81 FEET; THENCE SOUTH 00 DEGREES 52 MINUTES 50 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 159.84 FEET; THENCE SOUTH 57 DEGREES 07 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 78.80 FEET; THENCE SOUTH 45 DEGREES 22 MINUTES 39 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 184.11 FEET; THENCE SOUTH 12 DEGREES 39 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 129.78 FEET; THENCE NORTH 85 DEGREES 08 MINUTES 11 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 178.33 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 40 SECONDS EAST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 212.71 FEET; TO THE BOUNDARY LINE OF SAID TRACT L; THENCE SOUTH 00 DEGREES 30 MINUTES 51 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 310.45 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT ON A 467.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID BOUNDARY LINE, AN ARC LENGTH OF 119.25 FEET; THENCE NORTH 12 DEGREES 50 MINUTES 51 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 156.28 FEET; THENCE NORTH 00 DEGREES 51 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 322.81 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 33 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 273.35 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 49 SECONDS WEST, CONTINUING ALONG SAID BOUNDARY LINE, A DISTANCE OF 138.38 FEET; TO THE NORTH LINE OF SAID NW 1/4; THENCE SOUTH 89 DEGREES 27 MINUTES 25 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY LINE AND THE NORTH LINE OF THE NW 1/4, A DISTANCE OF 732.05 FEET; TO THE POINT OF BEGINNING.

ABOVE DESCRIBED TRACT CONTAINS 17.66 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

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

MATTHEW M. STERN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8289

ON THIS 27th DAY OF March 2013, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME:

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2014

DAVID PATIENCE, NOTARY PUBLIC
BURLINGTON COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2014

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 27th DAY OF MARCH 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY THE PLANNING COMMISSION IN WITNESS WHEREOF, THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK:

WILLIE TEJER - CHAIRMAN
CARL D. HORNSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN HEREON, HAS APPROVED THE DEDICATION OF THE ANNEXED PLAT AS SHOWN ON THE ANNEXED PLAT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE ANNEXED PLAT AS SHOWN ON THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 28th DAY OF MARCH 2013.

W. C. MOOREN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

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

MELVIN J. BULLINGER
CITY ENGINEER

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT GARY J. NELSON AND KAREN D. NELSON, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON, HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS SHOWN ON THE ANNEXED PLAT, BISMARCK, NORTH DAKOTA.

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

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNERS PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES IN COMMON WITH HIS OWNERS MAKING THE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND SUCCESSORS AND APPURTENANCES TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUBDIVISION, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IT DEEMS NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY MANNER TO FURNISH ANY CITY SERVICES OR SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBTAINED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS "STORM WATER AND DRAINAGE EASEMENTS" FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE LAKEMENT AREA.

STATE OF NORTH DAKOTA) GARY J. NELSON
COUNTY OF BURLINGHAM) KAREN D. NELSON
POWER OF ATTORNEY
KAREN D. NELSON
230 GREENFIELD LANE
BISMARCK, ND 58503

ON THIS 28th DAY OF March 2013, BEFORE ME PERSONALLY APPEARED GARY J. NELSON AS HIMSELF AND AS POWER OF ATTORNEY FOR KAREN J. NELSON, SHE IS KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

JOHN W. K...
NOTARY PUBLIC
BURLINGTON COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES JUNE 19, 2015

SWENSON, HAGEN & COMPANY P.C.

500 Basin Avenue
Bismarck, North Dakota 58501
Phone (701) 293-3900
Fax (701) 293-3906

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

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

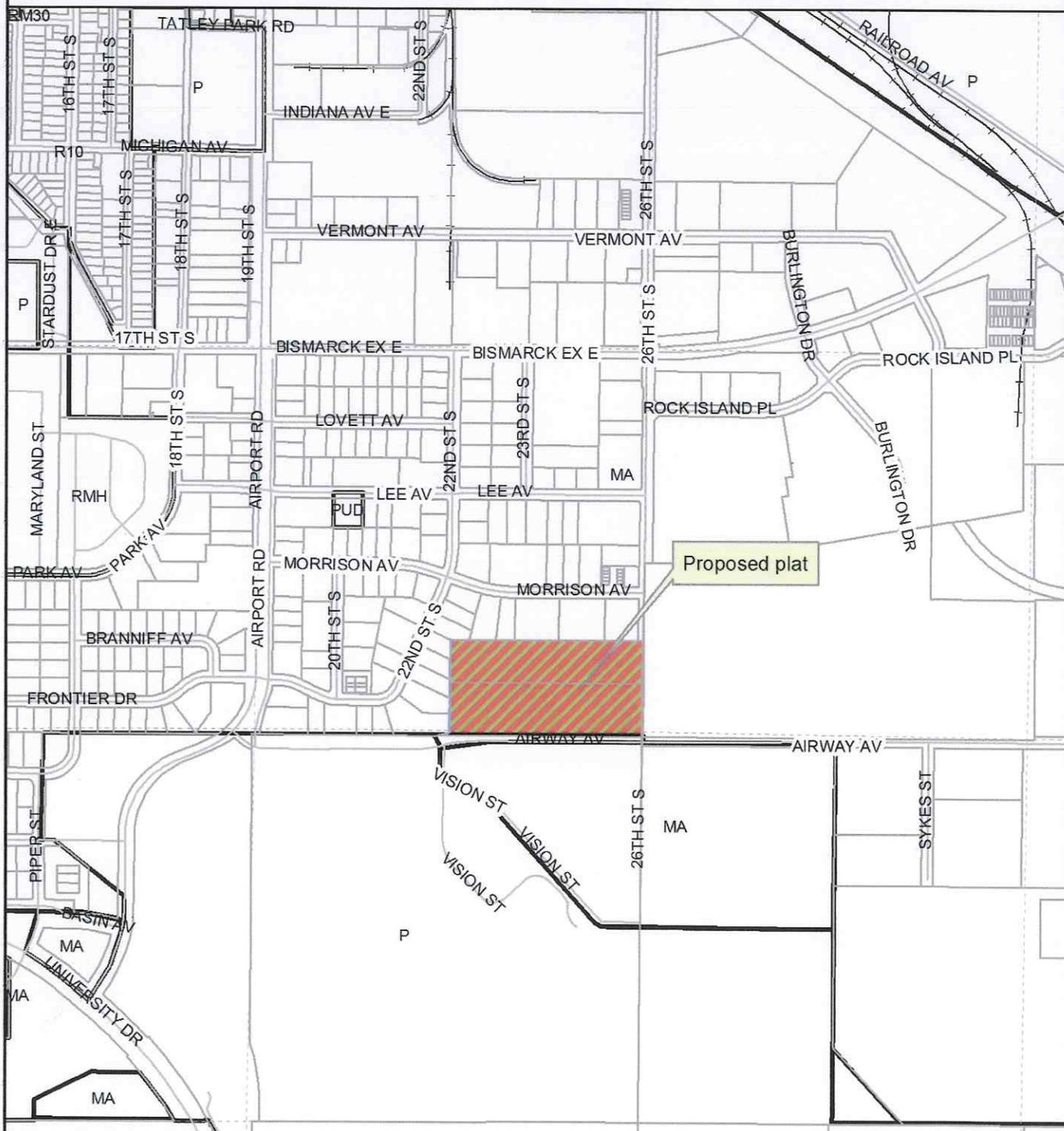
BACKGROUND:		
Title: Airway Avenue Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: February 26, 2014	
Owner(s): Clairmont 3G, LLLP TSI Enterprises, LLC	Engineer: Swenson, Hagen & Company	
Reason for Request: Plat the property to allow for future development of industrial lots.		
Location: In southeast Bismarck, along the north side of Airway Avenue and the west side of South 26 th Street. (the S1/2 of the SE1/4 of the NE1/4 of Section 10, T138N-R80W /Lincoln Township).		
Project Size: 20.0 acres	Number of Lots: 11 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Partially-developed/industrial uses	PROPOSED CONDITIONS:	
	Land Use: Industrial	
Zoning: MA – Industrial	Zoning: MA – Industrial	
Uses Allowed: MA – Industrial and commercial uses	Uses Allowed: MA – Industrial and commercial uses	
Maximum Density Allowed: MA – N/A	Maximum Density Allowed: MA – N/A	
PROPERTY HISTORY:		
Zoned: Pre-1990	Platted: N/A	Annexed: Pre-1990
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The proposed subdivision would include the use of a private roadway via an access easement through the development. The applicant has requested the use of a private roadway due to existing buildings on-site and limited ability to construct a public roadway through the development. The action of final plat was continued at the October 23, 2013 Planning & Zoning Commission meeting, at the request of the owner. 		
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for consideration of the final plat have been met. The storm water management plan has been approved by the City Engineer. The proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Airway Avenue as the east-west collector roadway for this section. 		
<i>(continued)</i>		

4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include industrial uses to the north and west; undeveloped land to the east which is zoned MA - Industrial and the Airport to the south.
5. The proposed subdivision would not adversely affect the adjacent properties.
6. The City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed, provided access via urban section roadways are required prior to development of lots within the development
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

RECOMMENDATION:

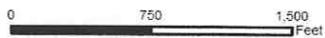
Based on the above findings, staff recommends approval of the final plat for Airway Avenue Addition with the understanding that individual lots will not be developable until access via a paved roadway is provided and all adjacent roadways are improved to City urban section roadway standards or are under contract for such improvement.

Proposed Plat Airway Avenue 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: February 29, 2012 (klee)

Source: City of Bismarck



RECEIVED
MAR 16 2012

AIRWAY AVENUE ADDITION

THE SOUTH 1/2 OF THE SOUTH 1/4 OF THE NORTHEAST 1/4 OF SECTION 10 TOWNSHIP 138 NORTH RANGE 80 WEST BURLEIGH COUNTY, NORTH DAKOTA

BISMARCK, NORTH DAKOTA

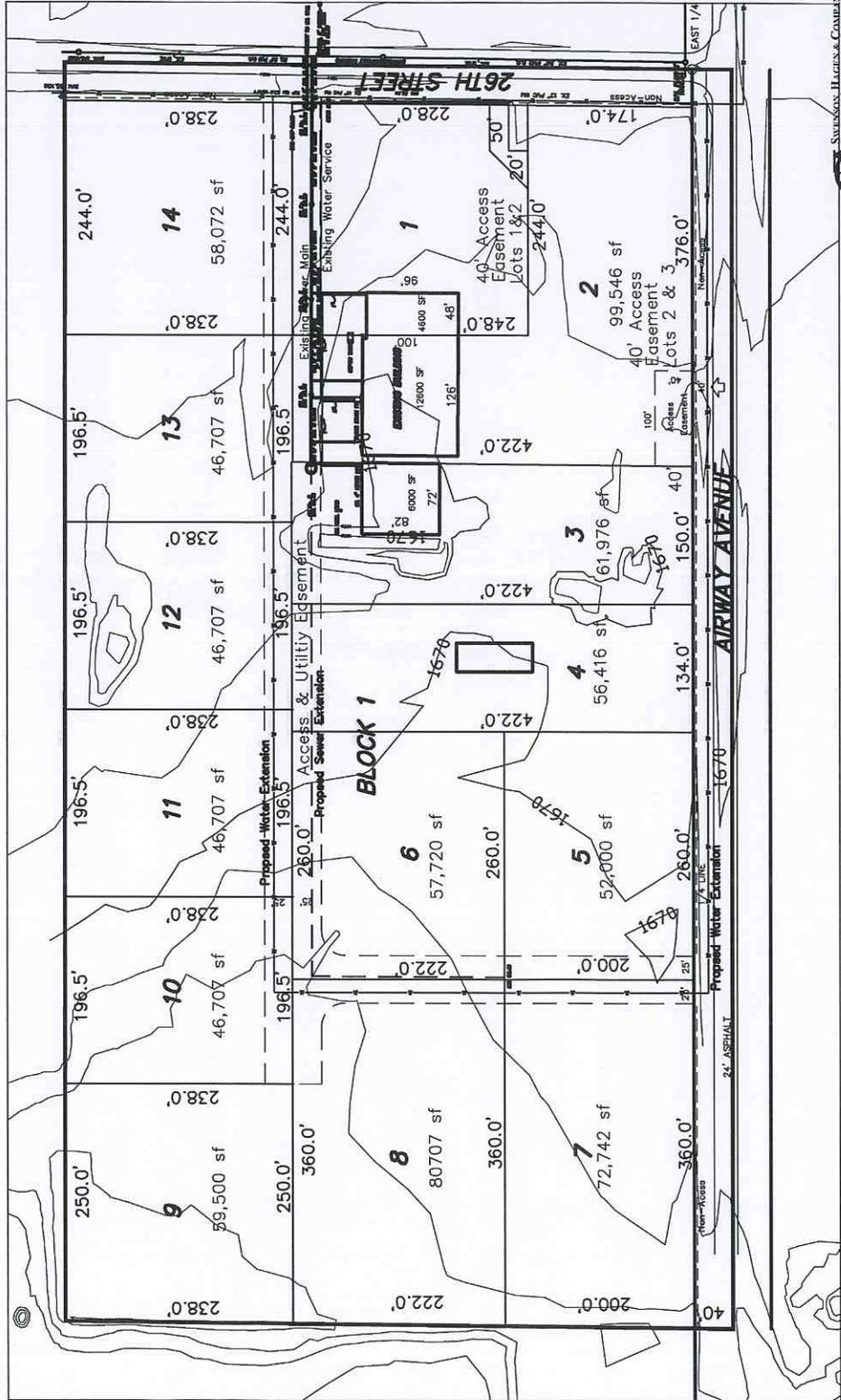
OWNER: CLAIRMONT 3G LLLP
1720 BURNT BOAT DRIVE
BISMARCK ND 58503

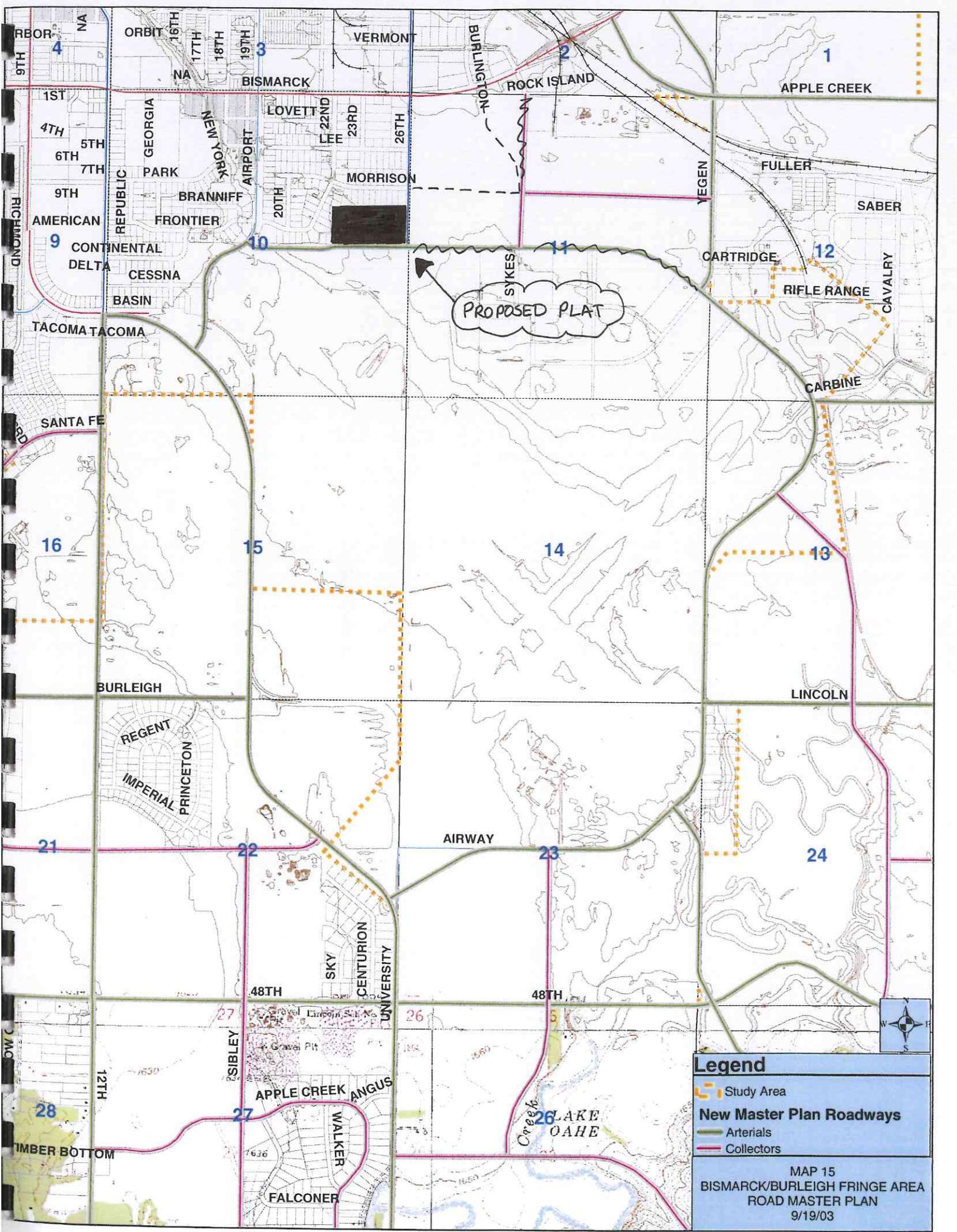
12 LOTS
20.0 ACRES

NOTES:
OWNER AGREES TO LUMP
THESE LOTS AS ONE
TO BE USED AS ONE
NO USE OF OTHER ZONE
STATE PLANS COMPASSIONATE SERVICE FROM
BISMARCK/ANDREWS AND DISTRICTS
RECORD THIS PLAN TO BISMARCK PLANS
RECORDING DEPARTMENT

DISCLAIMER:
PROPERTY LINES ARE BASED ON AERIAL
PHOTOGRAPHS OF THE DATE SHOWN ON
PROPERTY OF THESE THE CITY LIMITS

BY [Signature]
SCALE: 1"=100'
FEBRUARY 14, 2012
○ UNIMPROVED
○ IMPROVED BY PLAN





PROPOSED PLAT

Legend

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

MAP 15
BISMARCK/BURLEIGH FRINGE AREA
ROAD MASTER PLAN
9/19/03

RECEIVED

FEB 24 2012

Airway Avenue Addition Private Road

The owner of Airway Avenue Addition has proposed a private road to be constructed within the property. Due to existing buildings on the site and their proximity to the north property line there is not adequate room for public improvements north of the buildings and adequate room for an additional building and parking lot south of the north property line. A City street in an industrial district requires an 80 foot right of way. Setbacks will require 25 feet each side of the public right of way and a rear yard for an additional building north of the public street of 10 feet is required. Therefore a public street north of the building will not leave adequate room for a building and parking lot north of a proposed public street.

The alternate to a public street is for the developer to create a lot owners association to provide for the construction and maintenance of a private roadway inside the subdivision for the benefit of the owners of all the lots.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

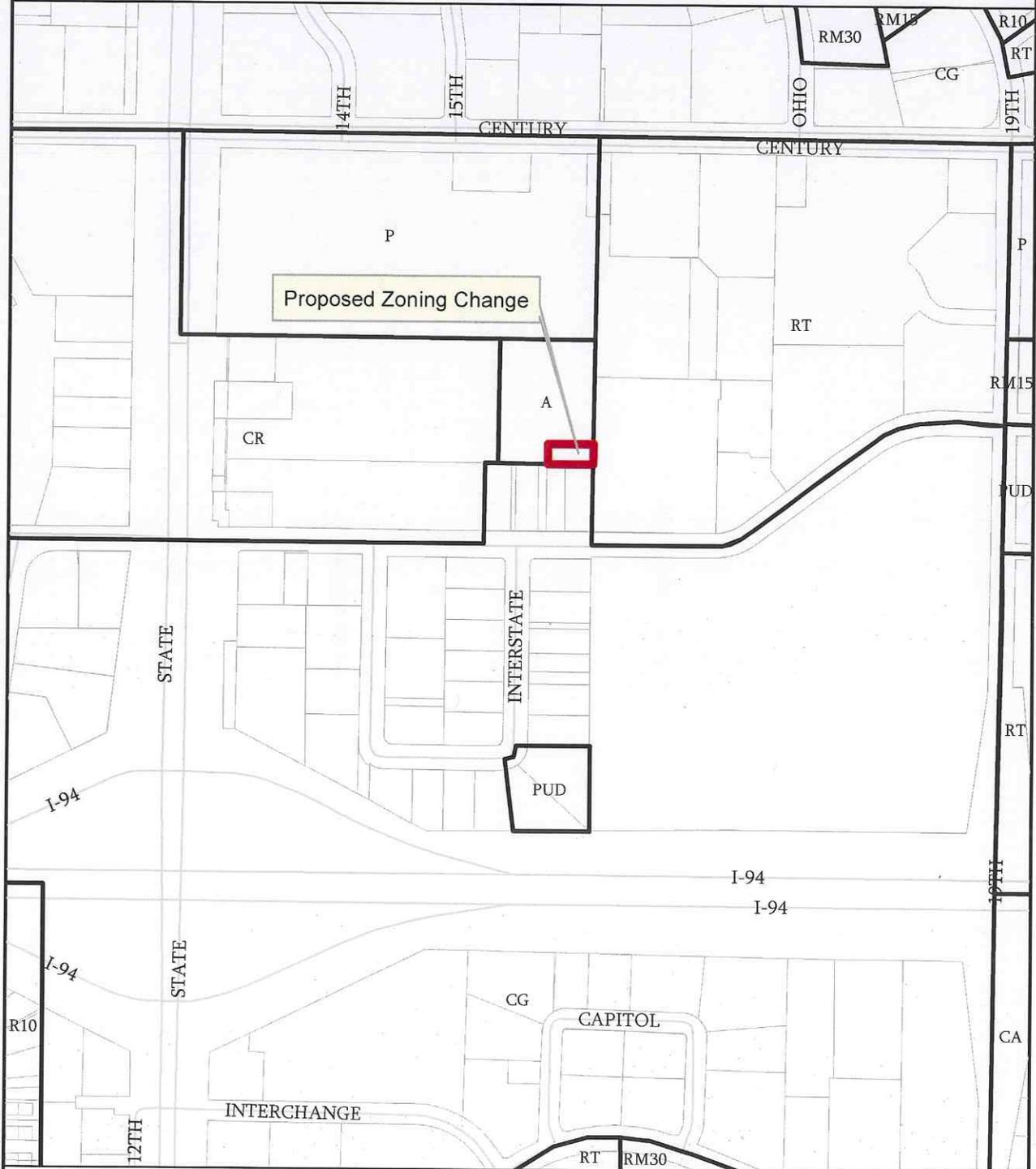
BACKGROUND:		
Title: Part of Lot 4, Block 1, Boutrous 2 nd Addition – Zoning Change (A to CG)		
Status: Planning Commission – Public Hearing	Date: February 26, 2014	
Owner(s): Jerry Brekke	Engineer: None	
Reason for Request: Rezone property to allow the property to be combined with the adjacent parcel to the south and accommodate the expansion of the existing parking lot for Grand Theaters.		
Location: In north Bismarck, north of East Interstate Avenue between State Street and North 19 th Street.		
Project Size: 8,909 square feet, more or less	Number of Lots: Portion of one parcel	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Surface parking lot	
Zoning: A– Agriculture	Zoning: CG – Commercial	
Uses Allowed: A - Agriculture	Uses Allowed: CG – General Commercial	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: CG – 42 units/acre	
PROPERTY HISTORY:		
Zoned: ---	Platted: 11/1970	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The proposed zoning change is in conjunction with a lot modification request to combine the south 59 feet of the east 151 feet of Lot 4, Block 1, Boutrous 2nd Addition (8,909 square feet) with the adjacent Lots 2, 3, and 4, Block 1, Green Thumb Addition, in order to expand the existing parking lot. Section 14-09-03 of the City Code of Ordinances (Definitions) defines a lot combination as, “a combination of two (2) or more platted lots into a single lot whose boundaries coincide with the lot lines shown on the recorded plat of the subdivision that meets the following criteria: Does not involve lots within more than one zoning jurisdiction.” 		
FINDINGS:		
<ol style="list-style-type: none"> The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include existing commercial uses to the west and south across East Interstate Avenue, an extension of Basin Electric property to the east and an undeveloped agriculturally zoned property to the north. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services. The proposed zoning change would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

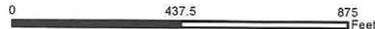
Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning districts on the South 59 feet of the East 151 feet of Lot 4, Block 1, Boutrous 2nd Addition.

**Proposed Zoning Change (A to CG)
South 59' of the east 151' of Lot 4, Block 1
Boutros 2nd Addition**

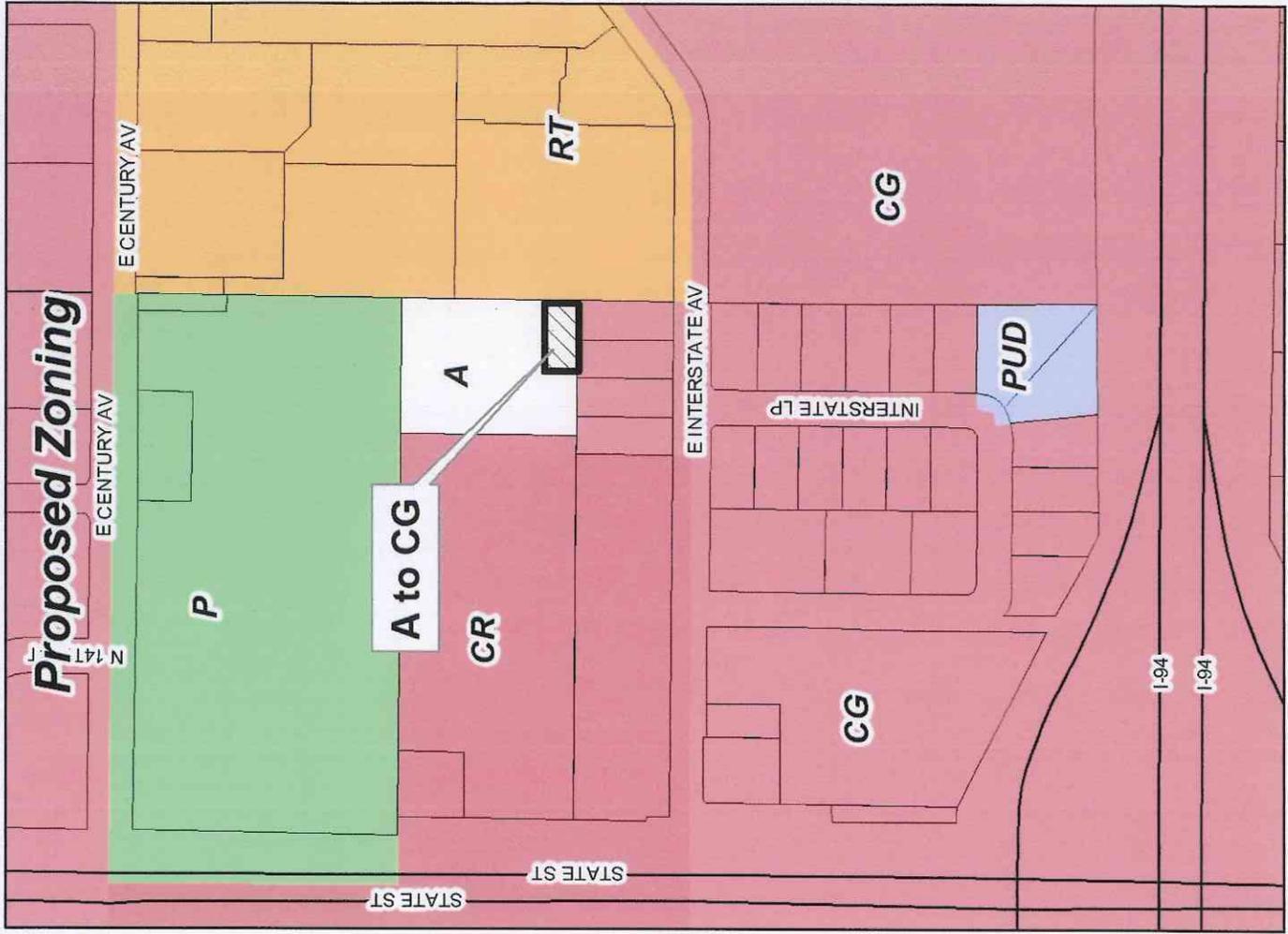
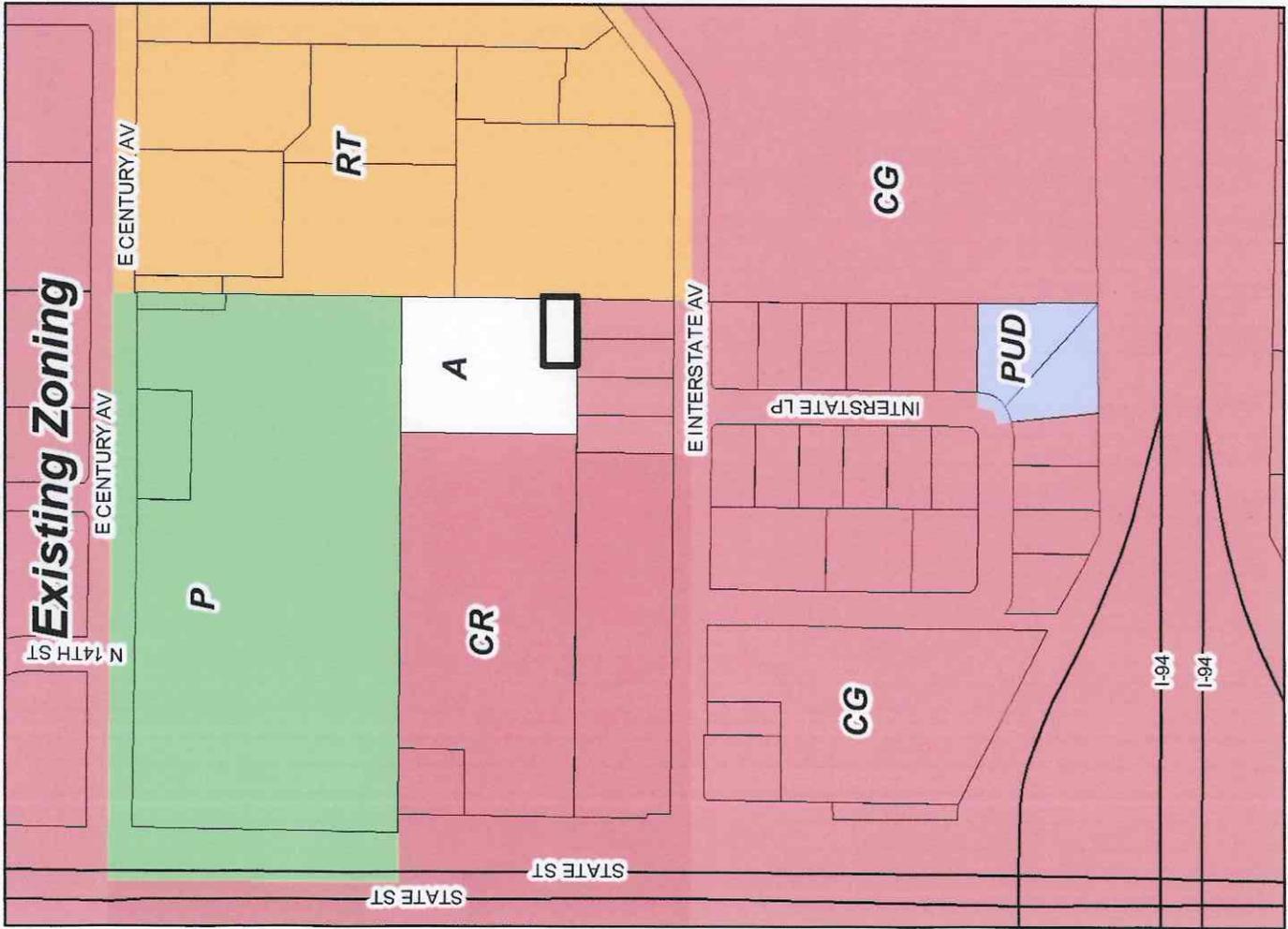


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: December 17, 2013 (hib)

Source: City of Bismarck



Part of Lot 4, Block 1, Boutros Second Addition - Zoning Change



January 2014

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 COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 1, Block 2, Sunrise Town Centre Addition – Special Use Permit (Drive-through)		
Status: Planning Commission – Public Hearing	Date: February 26, 2014	
Owner(s): Dan's Supermarket	Engineer: Toman Engineering Co.	
Reason for Request: Allow a drive-through window in conjunction with a financial institution located within Dan's Supermarket.		
Location: In northeast Bismarck, east of Centennial Road in the southeast quadrant of the intersection of Yorktown Drive and Saratoga Avenue.		
Project Size: 6.6 acres	Number of Lots: One lot in one block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Financial institution/supermarket with a drive-through window	
Zoning: CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: General commercial	Uses Allowed: General commercial	
Maximum Density Allowed: 42 units/acre	Maximum Density Allowed: 42 units/acre	
PROPERTY HISTORY:		
Zoned: 03/2013	Platted: 03/2013	Annexed: 03/2013
FINDINGS:		
<ol style="list-style-type: none"> 1. A financial institution 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) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections the ordinance are 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>(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, adequate off-street parking would be provided and stacking areas are located on private property away from Greensboro Drive

RECOMMENDATION:

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window in conjunction with a financial institution located within Dan's Supermarket on Lot 2, Block 1, Sunrise Town Centre Addition, with the following conditions:

1. The construction and operation of a drive-through 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.

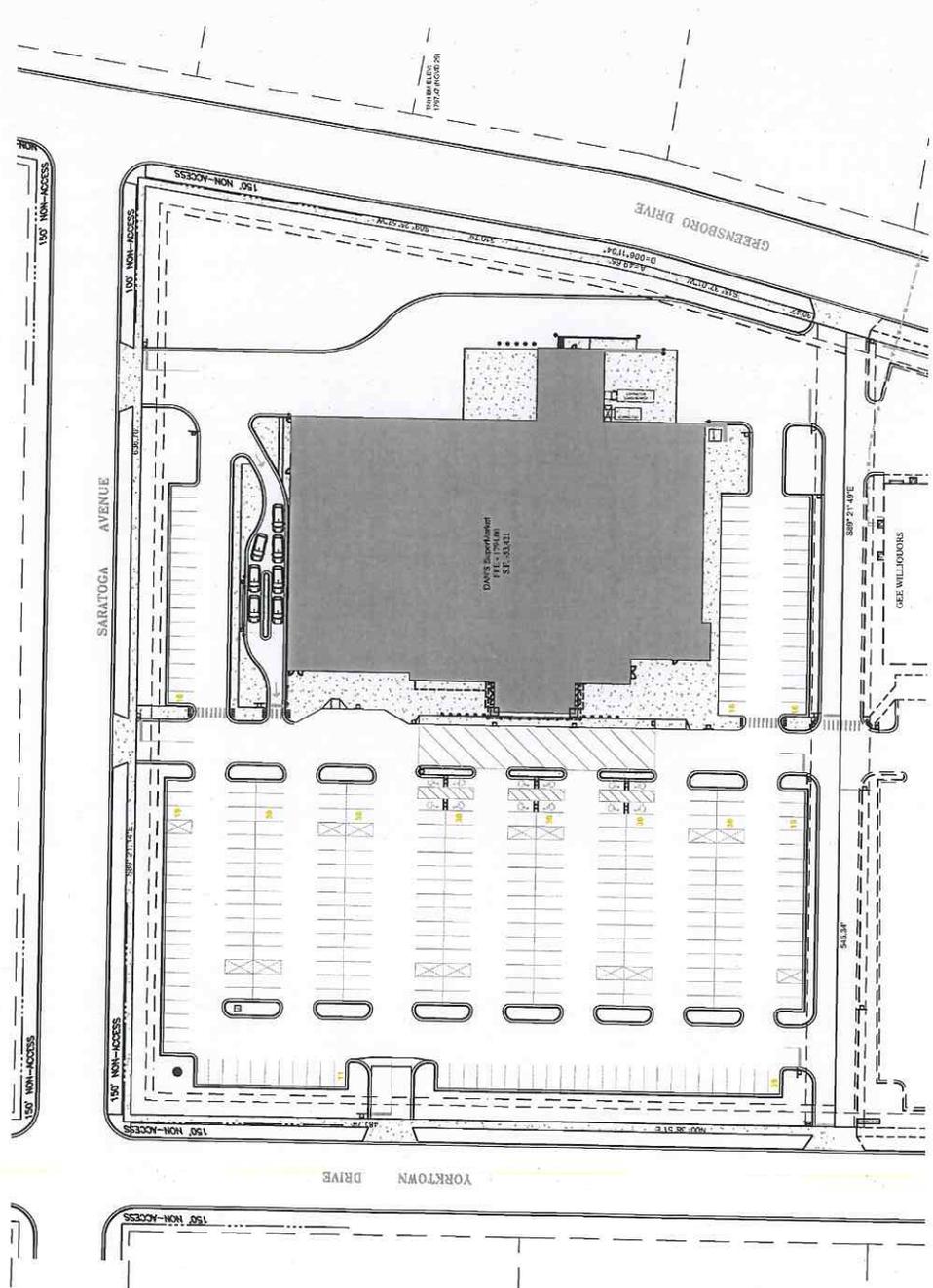
Section 14-03-08(4) of the City Code of Ordinances (Special Uses)(Permanent Uses)

- 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.

Section 14-03-10(2) of the City Code of Ordinances (Special Uses)

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate



TOMAN ENGINEERING
 501 1st Street NW, Mantoloking, NJ 08854
 Phone: 701-463-6483 * Fax: 701-463-0923

DAN'S SuperMarket Inc.
 600 YORKTOWN DRIVE
 BISMARCK, NORTH DAKOTA 58540

LOT 1, BLOCK 2,
 SURPRISE TOWN CENTRE ADDITION
 SITE IMPROVEMENTS
 SHEET 1 OF 1

JANUARY, 2014

PARKING LOT LAYOUT

CONTRACTOR'S RESPONSIBILITY FOR VERIFYING EXISTING UTILITIES AND CONDITIONS PRIOR TO EXCAVATION.

OWNER:
 Dan's SuperMarket Inc.
 835 S. WASHINGTON ST SUITE 4
 BISMARCK, ND 58504
 TEL: 701-251-9802

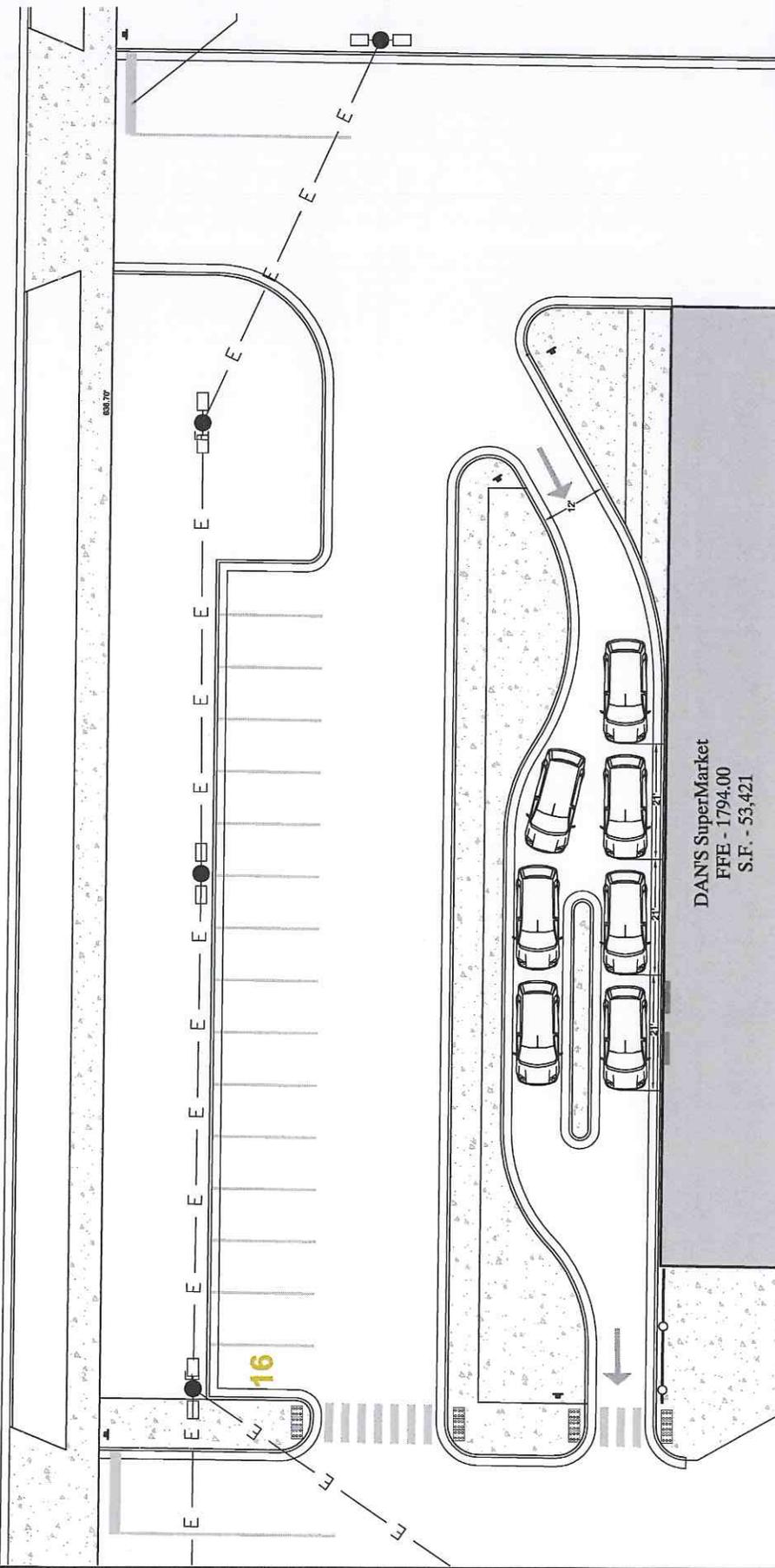
CONTRACTOR:
 UNKNOWN

ZONING:
 CG

SETBACKS:
 FRONT: 10'
 SIDE: 10'
 REAR: 10'

LOT AREA:
 6,674 ACRES
 287,515.00 SQ FT

SARATOGA AVENUE



DAN'S SuperMarket
 FFE - 1794.00
 S.F. - 53,421

LEGEND

- PROPOSED CURB & GUTTER
- PROPOSED CONCRETE
- PROPOSED BUILDING

OWNER:
 DAN'S SuperMarket Inc.
 833 S. WASHINGTON ST SUITE 4
 BISMARCK, ND 58504
 TEL: 701-221-9052

CONTRACTOR:
 UNKNOWN

ZONING:
 CG

SETBACKS:
 FRONT: 15'
 SIDE: 0'
 REAR: 10'

LOT AREA:
 207,518.00 SQ. FT.

THIS DRAWING IS THE PROPERTY OF
 TOMAN ENGINEERING INC. AND SHALL REMAIN THE PROPERTY OF
 TOMAN ENGINEERING INC. UNLESS
 OTHERWISE SPECIFIED BY CONTRACT.

CAUTION
 UTILITY LOCATIONS APPROXIMATE
 CONTRACTOR IS RESPONSIBLE FOR
 VERIFYING LOCATION PRIOR TO
 EXCAVATION

TOMAN ENGINEERING
 CIVIL ENGINEERING
 5011 13th SW BISMARCK, ND 58503
 PHONE: 701-983-5463 FAX: 701-983-0923

DAN'S SuperMarket Inc.
 3103 YORKTOWN DRIVE
 BISMARCK, NORTH DAKOTA 58540

LOT 1, BLOCK 2
 SUNRISE TOWN CENTRE ADDITION
 SITE IMPROVEMENTS
 SHEET 1 OF 1

JANUARY, 2014
VEHICLE STACKING

JAN 24 2014

CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

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

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

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

1. Off-street parking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy in any zone shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street parking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required parking space shall be of an area at least nine (9) feet wide and eighteen (18) feet in length, in addition to the ingress and egress driveways required. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4)

or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. The number of off-street parking spaces shall be provided on the basis of the following minimum requirements:

* * * * *

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

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

2) ~~In a CR commercial zone~~ In a CA, CG, CR commercial and MA industrial district for a multi-tenant shopping center with a minimum of 30,000 square feet of leasable area and a minimum of five tenants - Off-street parking shall be provided in an amount equivalent to ~~five~~ 5.0 spaces per thousand one space for each two hundred fifty (250) square feet of gross leasable area, provided the area of all assembly uses within the shopping center do not exceed twenty-five (25) percent of the total leasable area. Where minimum setbacks occur, no parking shall be allowed between a building and an adjacent street. A site circulation plan shall be prepared by the shopping center and approved by the ~~Building Official~~ Zoning Administrator.

* * * * *

13. Mixed uses. In the case of mixed uses, except as provided for in subsection 1(h)(2) of this section for a multi-tenant shopping center, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately as specified in subsections 1 and 2 of this

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

* * * * *

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

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

CITY OF BISMARCK Ordinance No. 60XX

<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 14-01-06, 14-06-03 and 14-07-02 OF THE CITY OF BISMARCK CODE OF ORDINANCES (1986 Rev.) BY AMENDING THE SECTIONS RELATING APPEAL PROCESS OF THE COMMISSION, APPEAL PROCEDURE AND PROCEDURE.

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

Section 1. Amendment. Section 14-01-06 relating to Appeal Process of Commission (Planning and Zoning Commission) is hereby amended and re-enacted as follows:

14-01-06. Appeal Process of Commission. Any final decision of the city planning and zoning commission may be appealed to the city commission by either the aggrieved applicant or the applicant's agent representative or by any officer, department, board, or bureau of the city. Notice of appeal in writing shall be delivered to the office of the city administrator or other designated official to the community development department within 10 calendar days of the city planning and zoning commission's decision. A hearing shall be set before the city commission within 30 days of the receipt of the notice of appeal unless otherwise agreed by the applicant.

1. For an appeal from the denial of a zoning change ordinance or a zoning ordinance text amendment or for any item requiring a public hearing at the city commission, the hearing on appeal will only consider the question of whether or not to reverse the decision of the planning and zoning commission, introduce the ordinance, if necessary, and call for a public hearing on the zoning change ordinance, text amendment ordinance or other item requiring

a public hearing. At the hearing, only the aggrieved applicant or their representative, a person entitled to receive mailed written notice of the application or an officer, department, board or bureau of the city may argue for or against the appeal. No new evidence may be presented and the review is limited to the record as received from the planning and zoning commission and the arguments at the hearing.

2. After the hearing, the city commission shall decide the appeal on its merits and shall issue its written decision containing its findings and an appropriate order. The written decision shall be issued within 10 calendar days of the close of the hearing. If the City Commission decides to reverse the decision of the planning and zoning commission and call for a public hearing and second reading on the ordinance zoning change ordinance, the zoning ordinance text amendment, or any other item requiring a public hearing, a hearing will be set for a date that allows the public hearing to be appropriately noticed pursuant to the North Dakota Century Code and this code of ordinances. The written decision shall be issued within 10 days of the close of the hearing.

3. ~~At The public hearing resulting from an appeal shall be conducted in accordance with Section 14-07-02(6-8).~~ each party may present evidence consisting of sworn testimony and exhibits introduced through sworn testimony, in any order deemed sufficient by the city commission so long as each party is given a full opportunity to be heard. After the hearing, the city commission shall decide the issue on its merits and shall issue its written decision containing its findings and an appropriate order. The written decision shall be issued within 10 days of the close of the hearing.

4. For all appeals from the denial of a request prior to a public hearing at the planning and zoning commission, the hearing on appeal will only consider whether or not to require a public hearing or further action at the planning and zoning commission and shall be conducted pursuant to paragraphs 1 and 2 of this section. The action of the city commission regarding the appeal is limited to denying the appeal and upholding the planning and zoning commission or reversing the planning and zoning commission and sending

the matter back to the planning and zoning commission for further action.

5. For all other appeals from a final decision of the planning and zoning commission for which the decision of the city commission will be final, the hearing shall be conducted according to Section 14-07-02(6-8).

A final decision of the city commission on an appeal from a decision of the planning and zoning commission may be appealed to the district court in the manner provided in NDCC Section 28-34-01.

*Reference: NDCC Sec. 40-47-01.1, Home Rule Charter for the City of Bismarck, Article 3, Section 11.
(Ord. 4486, 04-27-93; Ord. 4501, 04-27-93; Ord. 5446, 07-26-05)*

Section 2. Amendment. Section 14-06-03 relating to Appeal Procedure (Board of Adjustment) is hereby amended and re-enacted as follows:

14-06-03. Appeal Procedure.

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

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

3. Appeal to the Board of City Commissioners. A decision of the board of adjustment may be appealed to the board of city commissioners by either the aggrieved applicant or by any officer, department, board, or bureau of the city by filing, within fifteen (15) calendar days after notice of the decision, with the office of the city auditor administrator or the community development department, a notice of appeal pursuant to the provisions of section 40-47-11, NDCC. The board of city commissioners shall fix a time, within thirty days, for the hearing of the appeal and shall give due notice of the hearing to the parties. The appeal shall be decided within a reasonable time. Any party to the appeal may appear in person or by agent representative or by attorney at the hearing of the board of city commissioners on the appeal. The board of city commissioners may reverse or affirm the decision of the board of adjustment, in whole or in part, or may modify the order, decision or determination appealed.

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

Section 3. Amendment. Section 14-07-02 relating to Procedure is hereby amended and re-enacted as follows:

14-07-02. Procedure.

1. Initiation of Amendments. Amendments to the zoning ordinance shall be initiated only in the following manner:

a. Amendments to the text of the ordinance and/or changes in the zoning boundaries or

classification of properties shown on the zoning map may be initiated by the board of city commissioners or the planning commission.

b. Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the planning commission secretary of a zoning change application, which application shall be provided by the planning commission secretary, and accompanied by the applicable fee and all other materials and data required in said application.

2. Application for Amendment.

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

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

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

4. Public Hearing by Planning and Zoning Commission. Following preliminary approval of a zoning change application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the

City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the proposed zoning change. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning and Zoning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study.

5. Planning and Zoning Commission Recommendations. Following approval by the Planning and Zoning Commission after the public hearing, the Director of Community Development shall forward the proposed amendment to the Board of City Commissioners together with the Planning and Zoning Commission's recommendation and a report fully setting forth the reasons for such recommendation. If the Planning and Zoning Commission denies the request, the proposed amendment shall not be forwarded to the Board of City Commissioners unless appealed pursuant to Section 14-01-06.

6. Board of City Commissioners' Actions. Upon receipt of the Planning Commission's recommendation and report, the Board of City Commissioners shall consider the proposed amendment and, if they agree, schedule a public hearing on same within ninety (90) days following the time said recommendation and report were first received by the Secretary to the Board of City Commissioners. Notice of the time and place of holding such public hearing shall first be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. At the public hearing, each party and other interested persons may present evidence or argument consisting of testimony and exhibits introduced through either sworn or unsworn testimony, as required by the city commission, in any order deemed sufficient by the city commission so long as all interested parties or persons are given a reasonable opportunity to be heard. All of the records of the proceeding before the planning and zoning commission are deemed to be part of the record for this public hearing. The record before the planning

and zoning commission transmitted to the city commission shall become part of the record of the public hearing. A hearing shall be granted to any person interested, and the time and place specified. Following the public hearing on the proposed amendment, the Board of City Commissioners may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study by either staff or the planning and zoning commission.

7. Protest. If a protest petition against a change, supplement, modification, amendment or repeal of the zoning ordinance is filed and is signed by owners of twenty (20) per cent or more of the property immediately adjacent and within one hundred fifty (150) feet of the request, excluding street right-of-way widths, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the board of city commissioners~~7~~. Otherwise, said amendment shall not be approved or adopted without proceeding anew as in the case of a new amendment.

8. No amendments to the zoning ordinance shall be approved for a change in zoning classification different from the one applied for and contained in the public notice of hearing except that a downzoning may be approved. No amendments to the zoning ordinance shall be approved for a change in zoning classification ~~nor~~ for any land not included therein in the application and the public notice of the hearing without referring said change to the planning commission for its review and recommendations, and proceeding pursuant to subsections (2), (3) and (4) above, provided, however, that an amendment may be approved for only a portion of the area proposed for rezoning if the portion rezoned is accurately and sufficiently delimited in the approval action.

9. Withdrawal of Applications. Any application filed pursuant to subsection (b) of subsection (2) above may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that the request for withdrawal shall be only with the consent of either the planning commission or the board of city commissioners, whichever body has advertised the hearing, or their respective secretaries.

(Ord. 4222, 1-03-89; Ord. 4298, 10-31-89; Ord. 4647, 12-06-94; Ord. 4946, 10-27-98; Ord. 5214, 11-12-02, Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5728, 05-26-09)

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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



Bismarck

Community Development Department

MEMORANDUM

TO: Chair Yeager and Planning & Zoning Commission Members

FROM: Jason Tomanek, Planner *JT.*

DATE: February 20, 2014

RE: Landscaping and Screening Ordinance Proposed Amendments

At the January 22, 2014 meeting of the Bismarck Planning & Zoning Commission, Planning staff provided proposed amendments to the Landscaping and Screening Ordinance that were intended to help address the implementation and certification of required plant material for new construction projects throughout Bismarck. Comments and questions were provided by landscape architects and consulting engineers. There were a number of concerns about how the proposed amendments would be implemented. The Planning & Zoning Commission voted to continue the hearing until the February 26, 2014 meeting, with the understanding that Planning staff would meet with the landscape architects and consulting engineers to try and develop a workable amendment to the ordinance. As a result of that meeting, Planning staff is considering a new approach to the Landscaping and Screening Ordinance that will require additional study and research before a revised draft can be provided for your consideration. At this time, Planning staff recommends to continue the public hearing for one additional month to allow adequate time for further development of the proposed ordinance amendments. The next regular meeting of the Planning and Zoning Commission is scheduled for March 26, 2014.

I will be available to answer any questions you may have.



[REDACTED]

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 14-03-11 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO CERTIFICATION REQUIREMENTS OF THE LANDSCAPING AND SCREENING ORDINANCE.

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

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

* * * * *

11. *Installation, Maintenance, Replacement, Inspection and Enforcement.*

a. Installation of Street Trees. The City Forester shall determine the time for installation of street trees.

Installation of Other Required Landscaping. All other landscaping and buffer yards required by this subsection shall be healthy and in-place as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping cannot be completed in conjunction with site development due to seasonal constraints, the plant material shall be installed at the beginning of the next growing season, unless otherwise approved by the Director of Community Development and the City Forester.

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

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

12. Certification. Certification by ~~the~~ a registered professional landscape architect, ~~the~~ a registered professional engineer or ~~the~~ a landscape designer that prepared the landscape plans, in accordance with requirements of this section, is required upon installation of all required plant material. Such certification shall confirm that the landscape materials have been installed in accordance with the landscape plan approved by the Community Development Department - Planning Division and the Public Works Department - Forestry Division. The certification shall address the installation of approved species, quantities and locations as shown on the approved landscape plan. Any deviation from the approved landscape plans shall be noted in the certification. Noted deviations must also address how the modifications satisfy the intent of the Landscaping and Screening Ordinance.

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

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

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
January 22, 2014**

The Bismarck Planning & Zoning Commission met on January 22, 2014 at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Tom Atkinson, Mel Bullinger, Mike Donahue, Vernon Laning, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Doug Lee and Mike Schwartz were absent.

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

MINUTES

Chairman Yeager called for consideration of the minutes of the December 18, 2013 meeting.

MOTION: Commissioner Warford made a motion to approve the minutes of the December 18, 2013 meeting as received. Commissioner Armstrong seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

CONSIDERATION

- A. EVERGREEN RIDGE ADDITION –
ZONING CHANGE AND PRELIMINARY PLAT**
- B. SOUTHBAY 5TH ADDITION –
ZONING CHANGE AND PRELIMINARY PLAT**
- C. PART OF LOT 4, BLOCK 1, BOUTROUS 2ND ADDITION –
ZONING CHANGE**
- D. LOT 4, BLOCK 1, TRENTON ADDITION –
LAND USE PLAN AMENDMENT AND ZONING CHANGE**
- E. OFF-STREET PARKING AND LOADING/JOINT USE OF PARKING –
ZONING ORDINANCE TEXT AMENDMENT**
- F. APPEAL PROCEDURES – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Evergreen Ridge Addition – Zoning Change and Preliminary Plat
- B. Southbay 5th Addition – Zoning Change and Preliminary Plat
- C. Part of Lot 4, Block 1, Boutrous 2nd Addition – Zoning Change

- D. Lot 4, Block 1, Trenton Addition – Land Use Plan Amendment and Zoning Change
- E. Off-Street Parking and Loading/Joint Use of Parking – Zoning Ordinance Text Amendment
- F. Appeal Procedures – Zoning Ordinance Text Amendment

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

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – ANNEXATION, ZONING CHANGE AND FINAL PLAT –
HAMBURG INDUSTRIAL PARK 2ND ADDITION**

Chairman Yeager called for final consideration of the annexation and the public hearing on the zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district and the final plat for Hamburg Industrial Park 2nd Addition. The proposed plat is six lots in two blocks on 13.2 acres and is located in east Bismarck, east of the Bismarck Airport and along the east side of Yegen Road, north of the intersection with Lincoln Road (part of the NW¹/₄ of the SW¹/₄ of Section 13, T138N-R80W).

Ms. Lee provided an overview of the requests, including the following findings for the annexation:

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

Ms. Lee then provided the following findings for the zoning change:

1. The proposed zoning change is consistent with the Land Use Plan, which identifies the future use of this area as industrial (Bismarck-Mandan Regional future Land Use Plan).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the east and south, agricultural and

industrial uses to the north and the Bismarck Airport and the first phase of this development to the west.

3. The subdivision proposed for this property would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed subdivision would not adversely affect the adjacent properties.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee then offered the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision conforms to the Fringe Area Road Master Plan, which identifies Yegen Road as an arterial roadway.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land to the east and south, agricultural and industrial uses to the north and the Bismarck Airport and the first phase of this development to the west.
5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities, provided a cul-de-sac or hammerhead turn-around is provided at the east end of Hagen Drive.
6. The proposed subdivision would not adversely affect the adjacent properties.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee stated that based on these findings, staff recommends approval of the annexation, the zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district and the final plat for Hamburg Industrial Park 2nd Addition, provided the required cul-de-sac or hammerhead turn-around at the east end of Hagen Drive is added to the boundary of the final plat or an off-site easement for the turn-around is obtained prior to recording the final plat.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the annexation, zoning change from the A-Agriculture zoning district to the MA-Industrial zoning district and the final plat for Hamburg Industrial Park 2nd Addition, provided the required cul-de-sac or hammerhead turn-around at the east end of Hagen Drive is added to the boundary of the final plat or an off-site easement for the turn-around is obtained prior to recording the final plat. Commissioner Donahue seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – KAMROSE ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat for Kamrose Addition First Replat. The proposed plat is 11 lots in one block on 1.91 acres and is located in southwest Bismarck along the east side of South Washington Street and the north side of Burleigh Avenue (a replat of Lot 1, Block 1, Kamrose First Addition).

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

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
4. The zoning for the proposed subdivision is not changing and would continue to be compatible with adjacent land uses. Adjacent land uses include developing single and two-family residential to the north and east, undeveloped multi-family zoned parcels to the south and established single-family residential to the west across South Washington Street.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

Mr. Tomanek said based on these findings, staff recommends approval of the minor subdivision final plat for Kamrose Addition First Replat, with the following condition:

1. Development of the site must generally conform to the site plan submitted with the application; any substantial deviation from the master plan would need to be reconsidered by the Planning & Zoning Commission before implementation.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the minor subdivision final plat for Kamrose Addition First Replat, with the condition that development of the site must generally conform to the site plan submitted with the application; any substantial deviation from the master plan would need to be reconsidered by the Planning & Zoning Commission before implementation. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING CHANGE – LOTS 1 & 2, BLOCK 1, HAMILTON’S FIRST ADDITION

Chairman Yeager called for the public hearing for a zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-2, Block 1, Hamilton’s First Addition. The property is located in northeast Bismarck, along the south side of Calgary Avenue and the east side of Hamilton Street.

Mr. Tomanek then provided an overview of the request and the following findings:

1. The proposed zoning change would not be entirely consistent with the Land Use Plan (Bismarck-Mandan Regional Future Land Use Plan), which was amended to allow industrial land uses prior to the zoning change of the parcel in 2009. However, because this amendment would move the boundary between land use classifications less than 600 feet, it would be considered a minor amendment and would be approved administratively in conjunction with the zoning change.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include Legacy High School to the north, multi-family residential to the west, undeveloped limited industrial and service uses to the south and single-family dwellings to the east which is buffered by a 6-foot high, 50-foot wide earthen berm with trees and shrubs installed atop the berm.
3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.

4. The proposed zoning would not have an adverse impact on 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 these findings, staff recommends approval of the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district on Lots 1-2, Block 1, Hamilton's First Addition, with the following conditions:

1. Development of the site must generally conform to the site plan submitted with the application and is limited to four (4) 12-unit apartment buildings and four (4) twin homes located along the easternmost portion of the property.
2. The maximum height of any building is 35 feet.
3. Lots 1 & 2, Block 1, Hamilton's First Addition must be combined as one parcel through the City's lot modification process.
4. The twin homes must remain as part of the overall development and cannot be split off in the future and sold as individual lots.

Chairman Yeager opened the public hearing.

Mike Kelsch, an attorney representing Liechty Homes, asked if the drainage issue at this location caused by the berm that is in place will be addressed at some point. He said Liechty Homes would like to develop this area but standing water is already an issue in the area of Stonecrest 2nd Addition. He also wants to know who is supposed to maintain the berm as he is aware litigation between the owners is in process. He concluded by stating that removal of the berm should be considered.

Dave Patience said he was under the impression that the water issues were further to the south and that the berm, as well as the underlying easement, could be vacated in order to expand the site. He said his main concern is the stipulation on the number of units being allowed to be built. He said the applicant would like to have the flexibility of more garages near the utility easement to allow more transition between the residential and industrial zoning districts.

Commissioner Laning asked Mr. Patience if he is asking for the unit number limitation to be lifted. Mr. Patience said with the transition to the industrial zoning and the new high school being built nearby, a stipulation on the number of units would not allow them to work around the buffer.

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

Chairman Yeager asked Mr. Tomanek why the limitation was put on the number of allowable units. Mr. Tomanek said in following the Land Use Plan, gradually increasing densities to serve as transitional zoning is ideal. He said a request to vacate the buffer would likely be accepted by staff but staff would like to see guarantees that the developer will provide orderly growth and compatible land uses. He said it is likely that more recommendations of this nature will be made in the future because there are recent examples of incompatible land uses in areas where master plans were developed but later changed after a portion of the area was developed. Mr. Tomanek continued by saying that Planning staff received a master plan from the consultant and staff is basing the recommendation on the submitted master plan.

Mr. Patience said when a zoning change is applied for and the planning staff asks for a sketch it is given, but it is not necessarily the final plan and the owner is being restricted on his options before the land purchase is even complete.

Commissioner Donahue stated that his support regarding this item is on the side of the Planning staff.

Commissioner Warford said people buy land and it changes hand and then rules change, which typically makes people unhappy. He said this puts restrictions on the developers but they need to look down the road and plan ahead so there is more consistency and less 'buyer beware'.

Commissioner Bullinger asked if there will be any changes made to the proposed layout if the zoning change is approved. He said it is an issue that the driveway on the north side runs parallel to the right of way and adjacent to the sidewalk which is supposed to be six feet wide. He said a joint driveway would be more acceptable.

Mr. Tomanek said the general concept would be approved at this time and that conditions on recommendations like this may become more standard going forward because of the sensitivity of the permitted uses.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to approve the zoning change from the PUD-Planned Unit Development zoning district to the RM15-Residential zoning district for Lots 1-2, Block 1, Hamilton's First Addition, with the following conditions: 1. Development of the site must generally conform to the site plan submitted with the application and is limited to four (4) 12-unit apartment buildings and four (4) twin homes located along the easternmost portion of the property; 2. The maximum height of any building is 35 feet; 3. Lots 1 & 2, Block 1, Hamilton's First Addition must be combined as one parcel through the City's lot modification process; and 4. The twin homes must remain as part of the overall development and cannot be split off in the future and sold as individual lots. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger,

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

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – LANDSCAPING AND SCREENING

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to Landscaping and Screening. The proposed ordinance would clarify the requirements of the landscaping and screening ordinance relating to installation, maintenance, replacement, inspection and enforcement.

Mr. Tomanek explained that currently, most site plans that come in for the review process require a landscape plan. He said most plans that have been installed in the past have required more than one inspection to determine compliance with approved plans. In addition, because landscape contractors do not require permits, it has been difficult in the past to make sure the improved plans are implemented correctly. He said subdivisions require a stormwater certification so there is a precedent for such a certification. He added that issues need to be worked through and a workable ordinance needs to be adopted.

Commissioner Bullinger asked if landscape plans ever come in separately from a site plan review application. Mr. Tomanek replied that sometimes after a site plan has already been approved a modification to the landscape plan might be allowed as long as the minimums are met, but it is rare that a landscape plan would ever come in for review without a site plan application.

Mr. Patience said that consulting engineers cannot be the ones to certify the landscape plans as they are not familiar with the technical names of the landscape materials. He said the Forestry department should charge a landscape fee and hire seasonal employees to take inventory once a year on the items that have been required.

Jake Axtman said he supports the intent of the amendment, but there needs to be some more detailing done and some more revisions made so that it works for everyone.

AJ Wallevand said the items mentioned need to be worked through so that the process will run smoothly for all of those involved.

Mr. Swenson said a professional engineer should not sign any plans unless they are confident in doing so. He said his concerns are regarding the lack of follow up on landscaping that is being neglected. He added that the ordinance is already not being followed even with new development.

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

Commissioner Warford said he would like to see the staff take a look at some of the definitions such as landscape designer, landscape architect, professional engineer and professional engineer with certification.

MOTION: Commissioner Laning made a motion to continue the zoning ordinance text amendment to the February 26th meeting, to allow staff to clarify the amendments and definitions within. Commissioner Donahue seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – DOWNTOWN DISTRICTS

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to Downtown Districts. The proposed ordinance would require a special use permit prior to the demolition of any building structure in the Downtown Core and Downtown Fringe zoning districts.

Mr. Tomanek explained that the Downtown Core and Downtown Fringe districts have a use table regarding what is allowed in the downtown area. He explained that this amendment is an attempt to address the removal of buildings for the purpose of creating surface parking lots by requiring a special use permit to be obtained, as well as approval of a site plan prior to the demolition of a structurally sound and historically significant building. He said it is not intended to prohibit the use of a property, but to preserve the historical fabric of Bismarck and to maintain a more dense and walkable nature in the downtown area.

Commissioner Bullinger asked if this would dictate the inventory taken for the historical register in 2000 to be updated regularly. Mr. Tomanek said the inventory has been amended by the State since adoption.

Chairman Yeager opened the public hearing.

Kate Herzog said that looking at this proposal from a financial angle it makes sense. She said when structures are demolished to create surface parking lots, taxable property is lost and commercial opportunities are lost. She said many resources are being put into the revitalization of the downtown area and there are many options for owners who wish to get their properties compatible with the surrounding area again.

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

MOTION: Commissioner Warford made a motion to approve the zoning ordinance text amendment relating to Downtown Districts as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

ELECTION OF OFFICERS

Commissioner Armstrong made a motion to re-elect Wayne Yeager as chairman for another term. Commissioner Warford seconded the motion and with all other Commissioner voting in favor, Chairman Yeager was elected for another term.

Commissioner Warford made a motion to re-elect Mark Armstrong as vice chairman for another term. Commissioner Bullinger seconded the motion and with all other Commissioners voting in favor, Vice Chairman Armstrong was elected for another term.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:15 p.m. to meet again on February 26, 2014.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

Permit Type	DATE SELECTION 1/2014		DATE SELECTION 1/2013		DATE SELECTION 1/2014		DATE SELECTION 1/2013		Permits	Valuation	Permits	Valuation	Permits	Valuation
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation						
SINGLE FAMILY DETACHED	3	686,656.75	11	1,842,393.00	0	.00	4	517,062.00	0	.00	0	.00	0	.00
SINGLE FAMILY ATTACHED	2	357,314.00	1	189,691.00	0	.00	0	.00	0	.00	0	.00	0	.00
TWO UNIT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	0	.00	1	200,000.00	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	0	.00
MANUFACTURED HOMES	0	.00	3	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITHOUT EXTRA	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
HOTELS	0	.00	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	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMEN	0	.00	1	.00	0	.00	0	.00	0	.00	0	.00	1	.00
AMUSEMENT & RECREATION	0	.00	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	0	.00
INDUSTRIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	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	0	.00
OFFICE, BANK & PROFESSION	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
SCHOOLS AND EDUCATIONAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMM (RETAIL SALES)	1	171,515.00	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	0	.00
OTHER STRUCTURES	5	783,000.00	12	.00	0	.00	0	.00	0	.00	0	.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
ROOM ADDITIONS	0	.00	0	.00	0	.00	2	50,000.00	0	.00	0	.00	0	.00
RESIDENTIAL GARAGES	0	.00	0	.00	2	4,872.00	0	.00	0	.00	0	.00	0	.00
PATIOS AND COVERS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
SWIMMING POOLS AND SPAS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	5	22,044.50	5	119,000.00	1	.00	0	.00	0	.00	0	.00	0	.00
HOME OCCUPATIONS	0	.00	1	.00	0	.00	1	.00	0	.00	0	.00	0	.00
STORAGE SHEDS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
BASEMENT FINISH	10	57,469.50	23	101,835.00	1	7,224.75	8	48,867.00	0	.00	1	6,350.00	0	.00
INDUSTRIAL BUILDINGS	0	.00	1	5,760.00	0	.00	0	.00	0	.00	0	.00	0	.00
COMMERCIAL BUILDINGS	8	682,966.98	4	5,203,577.00	0	.00	0	.00	0	.00	0	.00	0	.00

Permit Type	DATE SELECTION 1/2014		DATE SELECTION 1/2013		DATE SELECTION 1/2014		DATE SELECTION 1/2013		DATE SELECTION 1/2014		DATE SELECTION 1/2013	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BLD	0	.00	1	10,200.00	0	.00	0	.00	0	.00	0	.00
OTHER	2	725,665.92	1	250,000.00	0	.00	0	.00	0	.00	0	.00
ALTER PUBLIC	0	.00	1	6,000.00	0	.00	0	.00	0	.00	0	.00
APTS TO CONDO	12	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
OTHER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMI	0	.00	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	3	19,134.70	4	80,950.00	0	.00	0	.00	0	.00	0	.00
SIGN ALTERATION	1	16,500.00	0	.00	0	.00	0	.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00	0	.00	0	.00
Permit Type Total	52	3,522,267.35	70	8,009,406.00	4	12,096.75	15	615,929.00	0	.00	2	6,350.00

Permit Type	***** City *****		***** ETA *****		***** County *****	
	Permits 1/2014	Permits 1/2013	Permits 1/2014	Permits 1/2013	Permits 1/2014	Permits 1/2013
Plumbing	23	37	3	8	0	1
Electrical	64	88	0	0	0	0
Mechanical	57	116	4	26	0	6
Drain Field	0	0	0	9	0	0
Hood Suppression	0	2	0	0	0	0
SprinklerStandpipe	0	10	0	0	0	0
Alarm Detection	0	0	0	0	0	0
Total	144	253	7	43	0	7

DATE SELECTION 1/2014

Living Units	***** City *****		***** ETA *****		***** County *****	
	Units	1/2013	Units	1/2014	Units	1/2013
SINGLE FAMILY DETACHED	3	11	0	4	0	0
SINGLE FAMILY ATTACHED	2	1	0	0	0	0
MANUFACTURED HOMES	0	3	0	0	0	0
OTHER	0	1	0	0	0	0
OTHER	0	1	0	0	0	0
Total	5	17	0	4	0	0

DATE SELECTION 1/2014

***** City of Lincoln ***** Lincoln ETA *****
1/2014 1/2014 1/2013

Living Units	Units	Units	Units
SINGLE FAMILY DETACHED	0	0	0
SINGLE FAMILY ATTACHED	0	0	0
MANUFACTURED HOMES	0	0	0
OTHER	0	0	0
OTHER	0	0	0
Total	0	0	0