Bismarck

*Community Development Department*

# BISMARCK PLANNING AND ZONING COMMISSION
# MEETING AGENDA
## August 27, 2014

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

Item No. | Page

## PRESENTATION/PUBLIC HEARING
## FRINGE AREA ROAD MASTER PLAN UPDATE

**1.** Presentation and public hearing on the draft report for the Metropolitan Planning Organization's Fringe Area Road Master Plan Study – Bill Troe, SRF Consulting.

## MINUTES

**2.** Consider approval of the minutes of the July 23, 2014 meeting of the Bismarck Planning & Zoning Commission.

## CONSENT AGENDA

### CONSIDERATION

The following items are requests for a public hearing.

**3.** **Heritage Ridge Addition** (JT)

a. Zoning Change (A to R5, R10, RM15 & P) ..... 1

*Staff recommendation: schedule a hearing* ☐schedule a hearing ☐table ☐deny

b. Preliminary Plat ..... 5

*Staff recommendation: tentative approval* ☐tentative approval ☐table ☐deny

**4.** **Lots 2-3, Block 2 and Lots 4-6, Block 3, Stonecrest 2nd Addition –** Zoning Change (RM30 to PUD) (JT) ..... 13

*Staff recommendation: schedule a hearing* ☐schedule a hearing ☐table ☐deny

**5.** **Lot 2, Block 3, KMK Estates** – Zoning Change (RR to R10 & RT) (JT) ..... 25

*Staff recommendation: schedule a hearing* ☐schedule a hearing ☐table ☐deny

6. **Lots 1-3, Block 1, Sonnet Heights Subdivision** – Zoning Change (RM15 to PUD) (JW) 29

*Staff recommendation: schedule a hearing* ☐schedule a hearing ☐table ☐deny

7. **Lots 1-24, Block 14, McKenzie's Addition** – PUD Amendment (JW)..... 49

*Staff recommendation: schedule a hearing* ☐schedule a hearing ☐table ☐deny

# REGULAR AGENDA

## FINAL CONSIDERATION/PUBLIC HEARINGS

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

8. **Parts of KMK Estates and High Meadows 9th Addition** – Annexation (Klee)..... 61

*Staff recommendation: approve* □approve □continue □table □deny

9. **High Meadows 12th Addition** (Klee)

a. Zoning Change (RR to R5 & PUD).....85

*Staff recommendation: approve* □approve □continue □table □deny

b. Final Plat..... 105

*Staff recommendation: approve* □approve □continue □table □deny

10. **Huber Second Subdivision** – Final Plat (JW)..... 111

*Gibbs Township*

*Staff recommendation: approve* □approve □continue □table □deny

11. **Lots 7-9 less the East 10 feet, Block 37, Northern Pacific Addition** – Special Use Permit (Off-site Parking Lot) (JW)..... 117

*Staff recommendation: approve* □approve □continue □table □deny

12. **Lot 2, Block 3, Grand Prairie Estates 3rd Subdivision** – Special Use Permit (Increased Size of Accessory Building) (JW)..... 123

*Hay Creek Township*

*Staff recommendation: approve* □approve □continue □table □deny

13. **Lots 1-2 and the West 40 feet of the vacated 11th Street, Block 4, Century Commercial Park** – Special Use Permit (Expanded Day Care Center) (JW).... 129

*Staff recommendation: approve* □approve □continue □table □deny

## OTHER BUSINESS

14. **Other**

## ADJOURNMENT

**15. Adjourn.** The next regular meeting date is scheduled for Wednesday, September 24, 2014.

Enclosures: Meeting Minutes of July 23, 2014
Building Permit Activity Report for July 2014

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| **BACKGROUND:** | |
|---|---|
| **Title:**<br>Heritage Ridge Addition – Zoning Change (A to R5, R10, RM10, RM15 and P) | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>MDU – (owner)<br>Lucinda Ward et al – (owner)<br>Benchmark Developments, LLC – (owner/applicant ) | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Plat and zone property for mixed density residential development. | |
| **Location:**<br>North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township). | |
| **Project Size:**<br>160.44 acres | **Number of Lots:**<br>300 lots in 11 blocks |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Undeveloped | **Land Use:** Mixed density residential |
| **Zoning:** A – Agricultural | **Zoning:** R5 – Residential<br>R10 – Residential<br>RM10 – Residential<br>RM15– Residential Conditional<br>P – Public |
| **Uses Allowed:**<br>A – Agriculture | **Uses Allowed:**<br>R5 – Single-family residential<br>R10 – One- and two-family residential<br>RM10 – Multi-family residential<br>RM15 Conditional – Multi-family residential<br>P – Public uses including parks, trails, storm water detention/retention etc. |
| **Maximum Density Allowed**:<br>A – One unit/40 acres | **Maximum Density Allowed**:<br>R5 – 5 units/acre<br>R10 – 10 units/acre<br>RM10 – 10 units/acre<br>RM15 Conditional – 15 units/acre<br>P – N/A |

| **PROPERTY HISTORY:** | | |
|---|---|---|
| **Zoned:**<br>N/A | **Platted:**<br>N/A | **Annexed:**<br>N/A |

## ADDITIONAL INFORMATION:

1. Planning staff raised a concern with the developer relating to Lot 1, Block 4 in the northeast corner of the proposed subdivision. In particular, placing multi-family zoning in the interior portion of a subdivision is contrary to good planning practice. However, the developer has indicated a desire to develop the lot as an assisted living center in the future. Planning staff suggested buffering the assisted living center building with twin homes or independent living cottages for residents of the assisted living facility.

*(continued)*

2. Planning staff will continue to work with the developer to determine the appropriate manner to buffer the proposed multi-family land use from the existing rural residential dwellings to the north and east and the future single and two-family land uses to the west and south of Lot 1, Block 4.

**FINDINGS:**

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan Update, which identifies the area as Low Density Residential.

2. The proposed zoning change would generally compatible with adjacent land uses. Adjacent land uses include large lot single-family rural residential to the north and east and agricultural uses to the south and west.

3. The subdivision proposed for this property would be annexed prior to development; however, a route for annexing the property and extending municipal services has not been established. Additionally, emergency services including Police and Fire protection have expressed concerns with servicing an annexed property that is not directly adjacent to City limits.

4. The proposed zoning change may adversely affect property in the vicinity. In particular, without appropriate buffering and screening, the proposed multi-family land use on Lot 1, Block 4 may have adverse impacts on the adjacent large-lot single-family rural residential land uses to the north.

5. The proposed zoning change would generally be consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided appropriate measures are taken to buffer and screen the higher density land uses proposed for Lot 1, Block 4.

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 Heritage Ridge Addition, with the understanding that Planning staff will continue to work with the developer to ensure appropriate measures are in place to provide adequate screening and buffering of the medium density land use proposed for Lot 1, Block 4.

*/jt*

# Proposed Plat & Zoning Change (A to R5, R10, RM15 & P)
# Heritage Ridge 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 heron.
Date: 3/24/2014(hlb)

Source: City of Bismarck

N

0 900 1,800 Feet

RECEIVED
AUG 2 0 2014

# HERITAGE RIDGE ADDITION

THE SOUTHWEST 1/4
OF SECTION 8, T. 139 N., R. 80 W.

## BISMARCK, NORTH DAKOTA

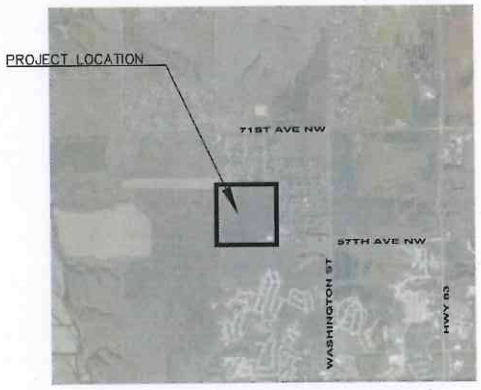
PHASE MAP

**OWNERS:**

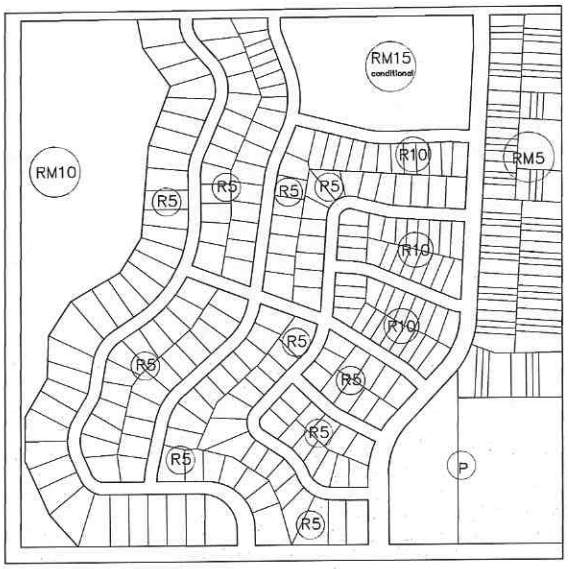
BENCHMARK DEVELOPMENTS, LLC
PO BOX 7188
BISMARCK, ND 58507
701-258-6018

MDU
PO BOX 5650
BISMARCK, ND 58506
701-222-7900

160.44 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5, R10, RM5, P
303 LOTS




LOCATION MAP




ZONING MAP

ZONING:

R5: LOTS 1-35 BLOCK 1; LOTS 1-22 BLOCK 2; ALL OF BLOCK 3; LOTS 1-8, 21-35 BLOCK 5; ALL OF BLOCK 6, 9, & 10

R10: LOTS 23-30 BLOCK 2; LOTS 9-20 BLOCK 5; ALL OF BLOCK 7 & 8

RM10: LOT 36, BLOCK 1

CONDITIONAL RM15 (HEIGHT RESTRICTION: ALL OF BLOCK 4

RM5: LOTS 1-38, 41-79 BLOCK 11

P: LOTS 39-40 BLOCK 11

*PAVING NOTES:*
*COMMUNITY LOOP, SELECT LANE, RESERVE LANE, AND LIMITED LANE (FROM SONORA WAY TO COMMUNITY LOOP) WILL HAVE 60' RIGHT OF WAYS W/30' PAVING AND MOUNTABLE CURB WITH PARKING RESTRICTED TO ONE SIDE OF THE RIGHT OF WAY.*

*COLLECTIVE LANE, VALLEY VISTA LANE, CRESTED BUTTE ROAD, AND LIMITED LANE (FROM COMMUNITY LOOP TO CRESTED BUTTE ROAD) WILL HAVE 60' RIGHT OF WAYS W/37' PAVING AND MOUNTABLE CURB.*

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Heritage Ridge Addition – Preliminary Plat | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>MDU – (owner)<br>Lucinda Ward et al – (owner)<br>Benchmark Developments, LLC – (owner/applicant) | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Plat and zone property for mixed density residential development. | |
| **Location:**<br>North of 57th Avenue NW and west of North Washington Street (the SW¼ of Section 8, T139N-R80W/Hay Creek Township). | |
| **Project Size:**<br>160.44 acres | **Number of Lots:**<br>300 lots in 11 blocks |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Undeveloped | **Land Use:** Mixed density residential |
| **Zoning:** A – Agricultural | **Zoning:** R5 – Residential<br>R10 – Residential<br>RM10 – Residential<br>RM15 – Residential Conditional<br>P – Public |
| **Uses Allowed:**<br>A – Agriculture | **Uses Allowed:**<br>R5 – Single-family residential<br>R10 – One- and two-family residential<br>RM10 – Multi-family residential<br>RM15 Conditional – Multi-family residential<br>P – Public uses including parks, trails, storm water detention/retention etc. |
| **Maximum Density Allowed**:<br>A – One unit/40 acres | **Maximum Density Allowed**:<br>R5 – 5 units/acre<br>R10 – 10 units/acre<br>RM10 – 10 units/acre<br>RM15 Conditional – 15 units/acre<br>P – N/A |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>N/A | **Platted:**<br>N/A | **Annexed:**<br>N/A |

## ADDITIONAL INFORMATION:

1. The applicant has indicated a desire to have the subdivision annexed prior to development in 2015. At this time, an adequate annexation route for water and sewer utilities is not in place. It is likely that the sanitary sewer system will need to be extended from the east and through two adjacent land owners' property. Off-site easements will be necessary to extend the sanitary sewer system to the proposed subdivision.

*(continued)*

2. The proposed subdivision would be constructed in three phases with the initial phase beginning at the south end adjacent to 57th Avenue NW

3. The developer is proposing to dedicate the south half of the 64th Avenue NW right-of-way in the northeast corner of the property. At this time, the adjacent properties to the north and east have not provided the necessary right-of-way to allow the extension of 64th Avenue NE to the east. The 2.51-acre parcel to the north was platted as part of Crested Butte Subdivision in 1978 and is currently occupied by a single-family dwelling. The parcel to the east is a 4.92 acre lot which is currently undeveloped. City Planning & Engineering staff requested the dedication of the south half of the 64th Avenue NW right-of-way in the event that the future development of the adjacent parcels is considered, adequate right-of-way would be obtained to allow the continuation of 64th Avenue NW.

**FINDINGS:**

1. All technical requirements for consideration of a preliminary plat have been met.

2. The proposed subdivision generally conforms with the Fringe Area Road Master Plan for this area, which identified 57th Avenue NW as the east-west arterial roadway and Sonora Way as the north-south collector roadway for this section.

3. The proposed subdivision would generally compatible with adjacent land uses. Adjacent land uses include large-lot single-family rural residential to the north and east and agricultural uses to the south and west.

4. The proposed subdivision would be annexed prior to development; however, a route for annexing the property and extending municipal services has not been established. Additionally, emergency services including Police and Fire protection have expressed concerns with servicing an annexed property that is not directly adjacent to City limits.

5. The proposed subdivision may adversely affect property in the vicinity. In particular, without appropriate buffering and screening, the proposed multi-family land use on Lot 1, Block 4 may have adverse impacts on the adjacent large-lot single-family rural residential land uses to the north.

6. The proposed subdivision would generally be consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided appropriate measures are taken to buffer and screen the higher density land uses proposed for Lot 1, Block 4.

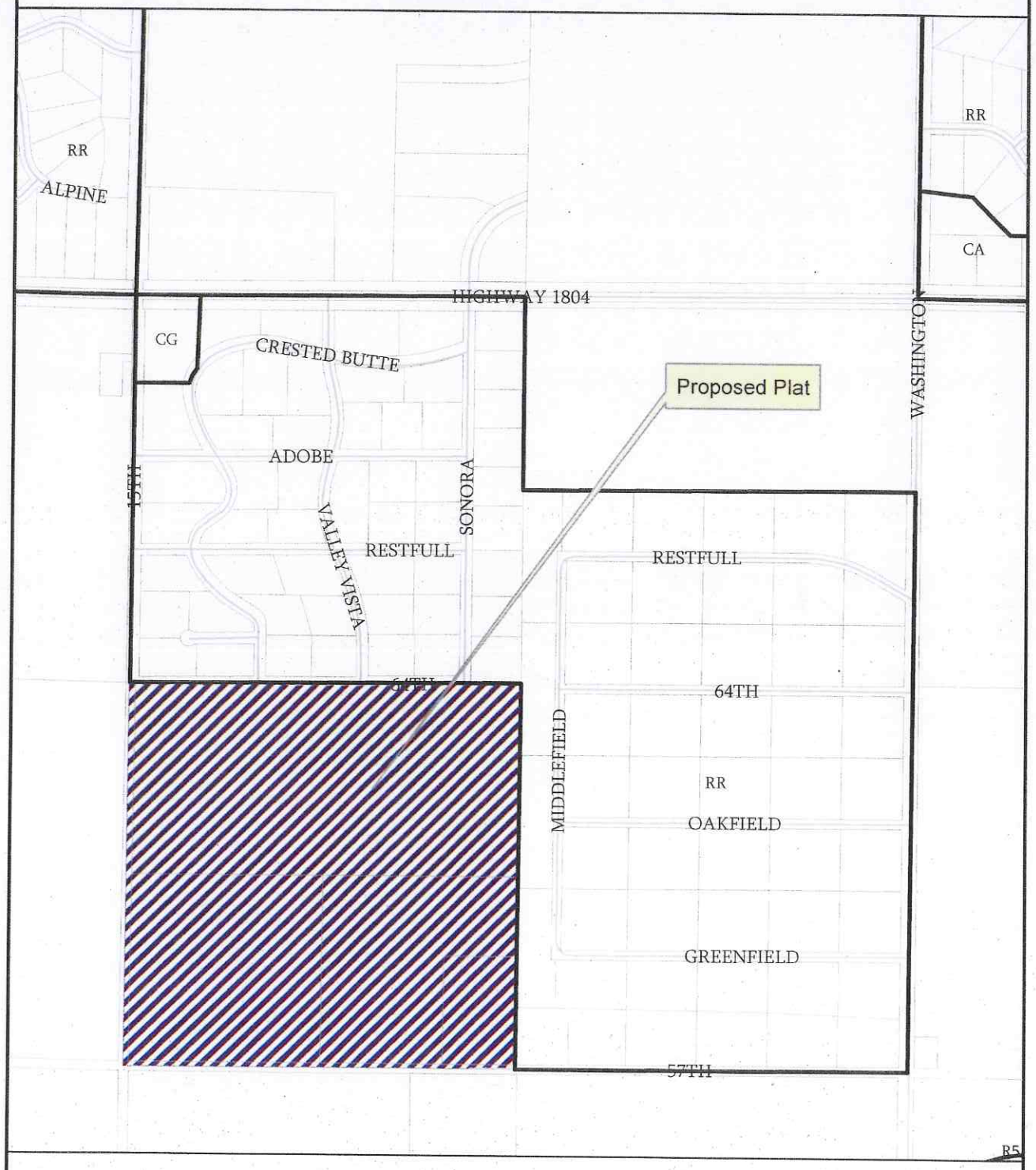
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

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

*/jt*

# Proposed Plat & Zoning Change (A to R5, R10, RM15 & P)
# Heritage Ridge Addition

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Date: 3/24/2014(hlb)

Source: City of Bismarck

N

0 900 1,800 Feet

RECEIVED
AUG 2 0 2014

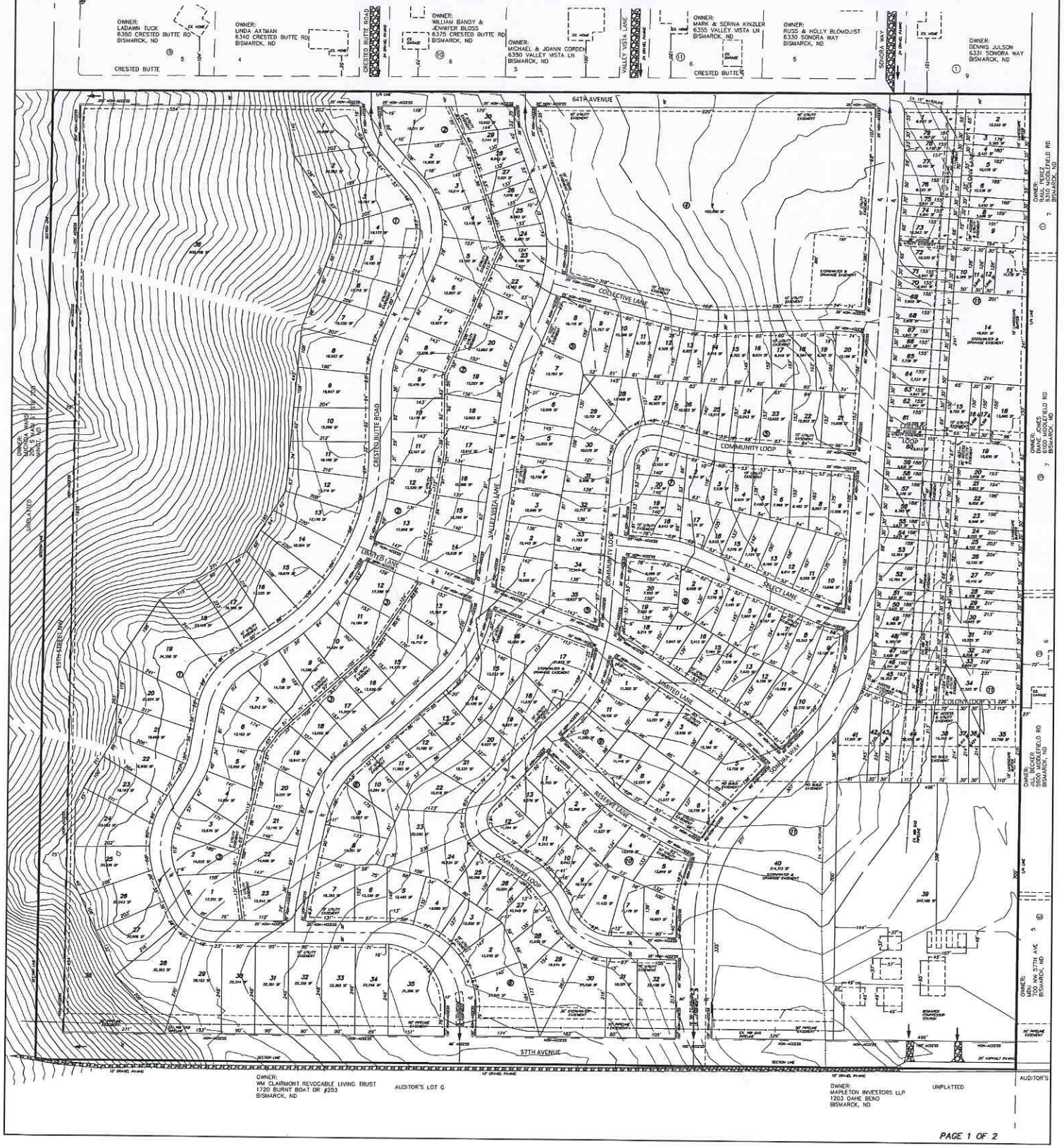
# HERITAGE RIDGE ADDITION

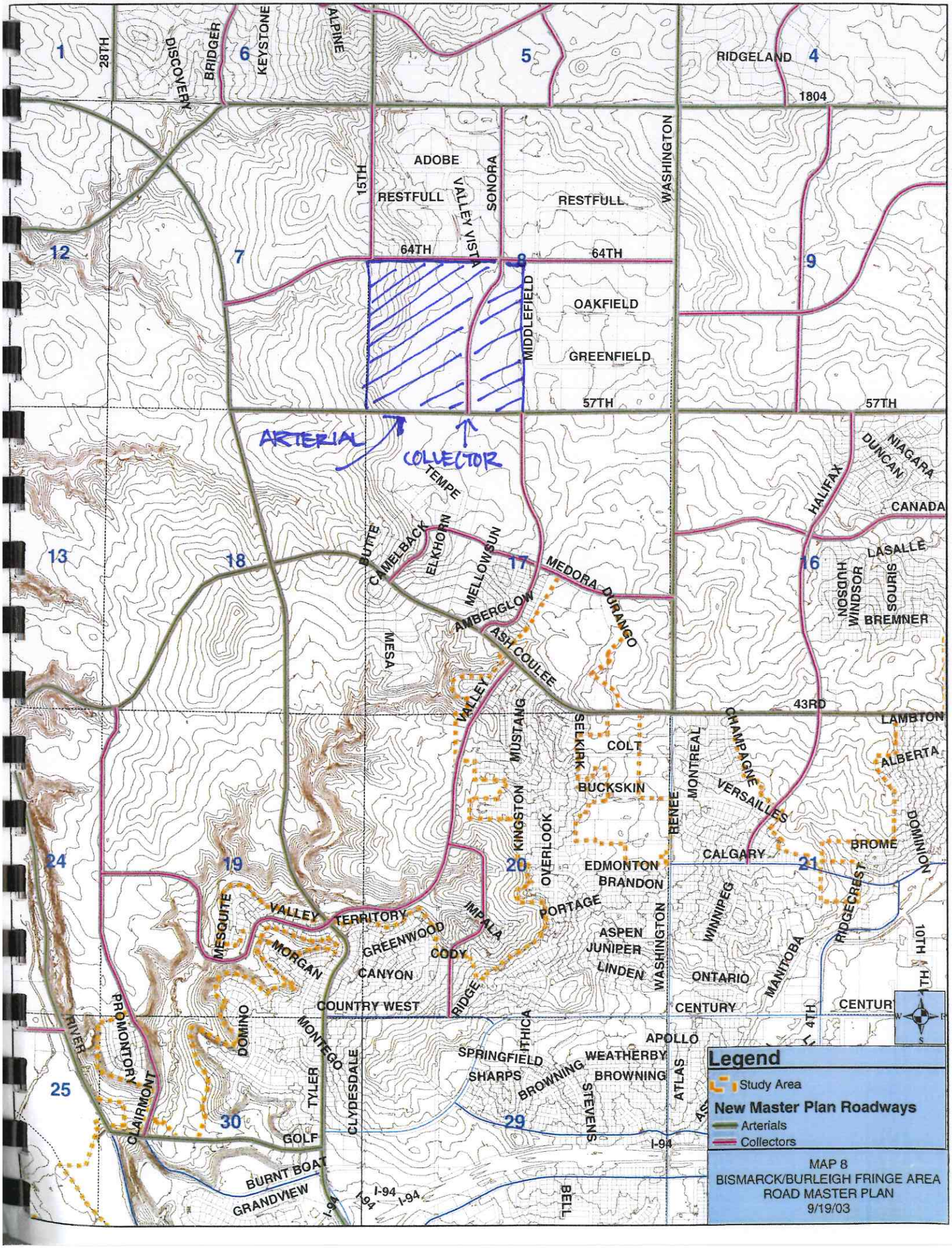
THE SOUTHWEST 1/4
OF SECTION 8, T. 139 N., R. 80 W.

## BISMARCK, NORTH DAKOTA

SCALE - 1"=100'
0 50 100 150
JULY 29, 2014
NAVD 88

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
109 Gross Avenue
Bismarck, North Dakota 58501
shcmail@swensonhagen.com
Phone (701) 223-2606
Fax (701) 223-2606




28TH
DISCOVERY
BRIDGER
KEYSTONE
ALPINE
RIDGELAND
1804
ADOBE
RESTFULL
VALLEY VISTA
SONORA
15TH
WASHINGTON
64TH
OAKFIELD
MIDDLEFIELD
GREENFIELD
57TH
ARTERIAL
COLLECTOR
TEMPE
BUTTE
CAMELBACK
ELKHORN
MELLOWSUN
MEDORA
DURANGO
AMBERGLOW
ASH COULEE
MESA
HALIFAX
DUNCAN
NIAGARA
CANADA
LASALLE
HUDSON
WINDSOR
SOURIS
BREMNER
43RD
LAMBTON
ALBERTA
VALLEY
MUSTANG
SELKIRK
COLT
BUCKSKIN
MONTREAL
CHAMPAGNE
VERSAILLES
RENEE
KINGSTON
OVERLOOK
EDMONTON
BRANDON
CALGARY
BROME
DOMINION
RIDGECREST
WINNIPEG
MANITOBA
ONTARIO
CENTURY
CENTUR
10TH
4TH
MESQUITE
VALLEY
TERRITORY
MORGAN
GREENWOOD
CANYON
CODY
IMPALA
PORTAGE
ASPEN
JUNIPER
LINDEN
WASHINGTON
RIDGE
COUNTRY WEST
PROMONTORY
RIVER
DOMINO
MONTEGO
TYLER
CLYDESDALE
ITHICA
SPRINGFIELD
SHARPS
BROWNING
WEATHERBY
BROWNING
APOLLO
ATLAS
STEVENS
CLAIRMONT
GOLF
I-94
BURNT BOAT
GRANDVIEW
BELL
Legend
Study Area
New Master Plan Roadways
Arterials
Collectors
MAP 8
BISMARCK/BURLEIGH FRINGE AREA
ROAD MASTER PLAN
9/19/03

Print Form

Bismarck

# *CITY/ETA SUBDIVISION SUBMITTAL REQUIREMENTS WAIVER REQUEST FORM*

If any waivers from submittal requirements are being requested, this form must be completed and submitted in conjunction with the unified development application. **For such waivers, approval from the appropriate department must be obtained prior to submitting the application.**

## PROPERTY INFORMATION:

Name of Subdivision: Heritage Ridge Addition

Location of Subdivision: SW 1/4 of Sectio 8, T. 139 N, R. 80 W.

Name of Property Owner/Developer: Benchmark Developments, LLC/Chad Moldenhauer

Contact Person (if different from owner): Dave Patience, Swenson Hagen & Co.

## REQUESTED WAIVERS FROM SUBMITTAL REQUIREMENTS:

| | |
|---|---|
| ☐ **Area Concept Development Plan** | Prior approval from Director Community Development: (signature & date) |
| Reason for Request: | |
| ☐ **Preliminary Stormwater Management Plan** | Prior approval from City Engineer: (signature & date) |
| Reason for Request: | |
| ☐ **Preliminary Municipal Utility Servicing Plan** | Prior approval from Director of Utility Operation: (signature & date) |
| Reason for Request: | |
| ☐ **USAB Roadway Submittal Requirements** | Prior approval from City Engineer: (signature & date) |
| Reason for Request: | |
| ☒ **Other (Specify)** | Prior approval from appropriate department head: (signature & date) |
| Reason for Request: | Private road justification--see attached |
| ☐ **Other (Specify)** | Prior approval from appropriate department head: (signature & date) |
| Reason for Request: | |

# JUSTIFICATION FOR PRIVATE ROADS

Benchmark Developments, LLC requests the allowance of private roads to be developed in conjunction with the Heritage Ridge Addition. The proposed roads provide a multitude of benefits to the parcel owners as well as the public at large.

The private roads will provide, in a variety of configurations, vehicle and pedestrian access to all parcel owners and their guests, as well as utility easements, including storm sewer for the public good, and emergency access for government agencies.

The use of private roads creates as safer, quieter environment for the parcel owners and the developer to more fully improve the lots by limiting traffic, lowering speed limits, and reducing on-street parking, while still maintaining emergency access standards.

Road maintenance, road improvement and snow plowing burdens will be removed from the city's responsibility and budget and placed with the Home Owners Association.

axtman+associates, pc

Heritage Ridge

Heritage Park

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Lots 2-3, Block 2, and Lots 4-6, Block 3, Stonecrest 2nd Addition – Zoning Change (RM30 to PUD)<br>(To be replatted and known as Stoneridge Addition) | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Liechty Homes, Inc. (owner)<br>Verity Homes of Bismarck, LLC (applicant) | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Rezone property to allow the development of a 6-building/27-unit row house development. | |
| **Location:**<br>In northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue. | |
| **Project Size:**<br>1.82 acres | **Number of Lots:**<br>5 lots in 2 blocks (to be replatted as 27 lots) |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Undeveloped | **Land Use:** 16-building row house development |
| **Zoning:**<br>RM30 – Residential | **Zoning:**<br>PUD – Planned Unit Development |
| **Uses Allowed:**<br>Multi-family residential | **Uses Allowed:**<br>PUD – Uses specified in PUD |
| **Maximum Density Allowed**:<br>15 units/acre | **Maximum Density Allowed**:<br>PUD – Density as specified in PUD |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>04/2011 | **Platted:**<br>04/2011 | **Annexed:**<br>04/2011 |

## ADDITIONAL INFORMATION:

1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

2. The required site plan and written statement for the PUD have been submitted by the applicant and are attached. The PUD as proposed would allow for a 16-building row house development. The proposed PUD will have access points along French Street. In addition, the proposed PUD will provide the required landscaping outlined in Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) in an effort to provide a visual transition between the proposed multi-family building and the single-family dwellings to the west.

## FINDINGS:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

*(continued)*

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped commercially-zoned parcels to the north, east and south.

3. The property is annexed and services would be extended in conjunction with development; therefore, the 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 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 RM15 – Residential zoning district to the PUD – Planned Unit Development zoning district on Lots 2-3, Block 2 & Lots 4-6, Block 3, Stonecrest 2nd Addition, as outlined in the attached draft PUD ordinance.

*/jt*

14-04-18. Planned Unit Developments.

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

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

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
    a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
    b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
    a. Proposal conforms to the comprehensive plan.
    b. Buffer areas between noncompatible land uses may be required by the planning commission.
    c. Preservation of natural features including trees and drainage areas should be accomplished.
    d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
    e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

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

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

**ORDINANCE NO.**

| | |
|---|---|
| *Introduced by* | _____ |
| *First Reading* | _____ |
| *Second Reading* | _____ |
| *Final Passage and Adoption* | _____ |
| *Publication Date* | _____ |

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.**

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential District and included within the PUD – Planned Unit Development District.

Stone Ridge Addition

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 27 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Stone Ridge Addition dated July 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Multi-family Residential Development Standards.* Each buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty (20) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, a minimum rear yard setback of five (5) feet, and a maximum building height of forty (40) feet. Rear yards are along the private access roads and the front yard is along the courtyard portion of the site.

3. *Private Driveway Maintenance.* The development and construction of the private driveways shall be the responsibility of the developer. On-going

and maintenance of the private roadway shall be the responsibility of the home owners association.

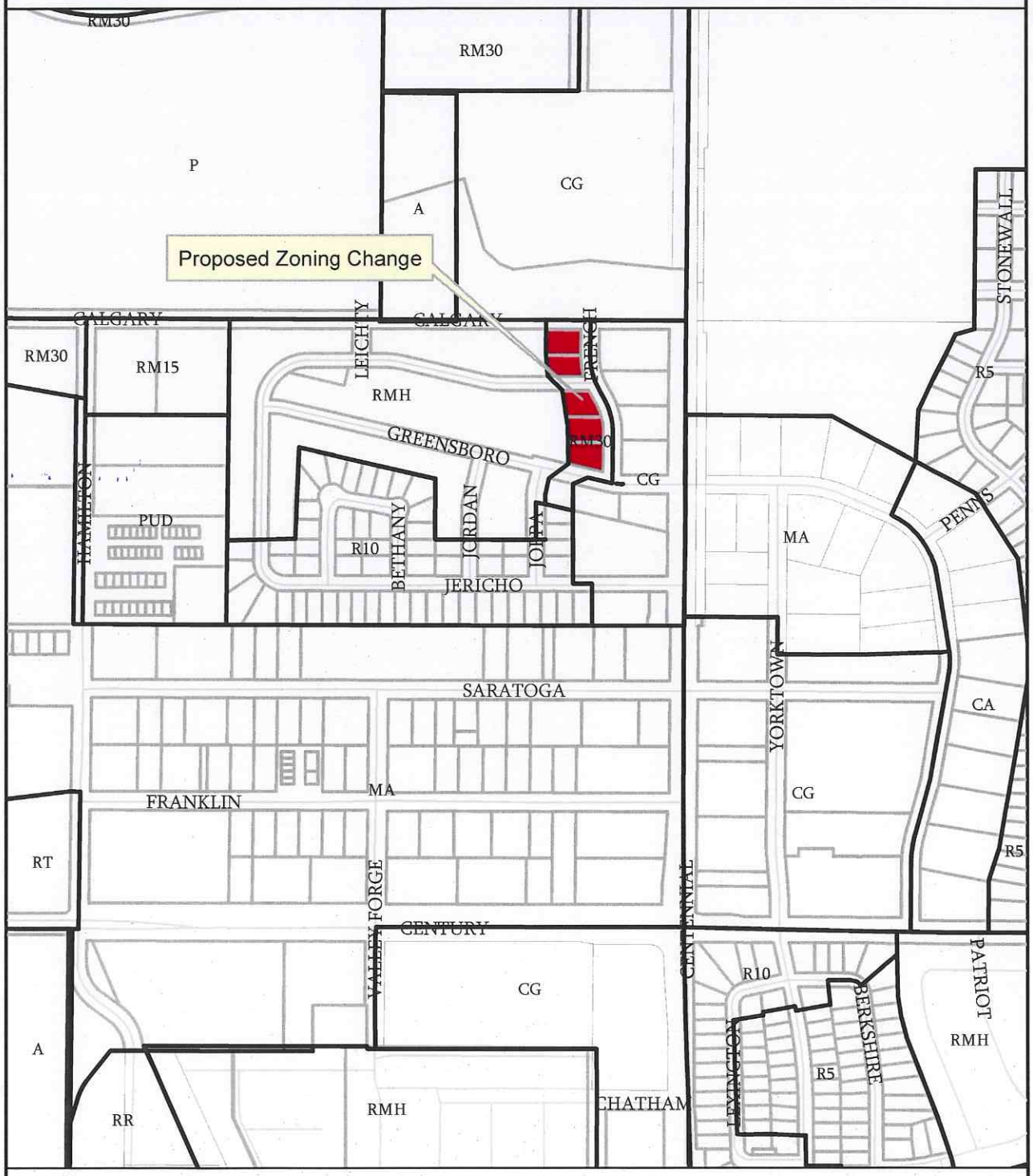
4. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

DRAFT

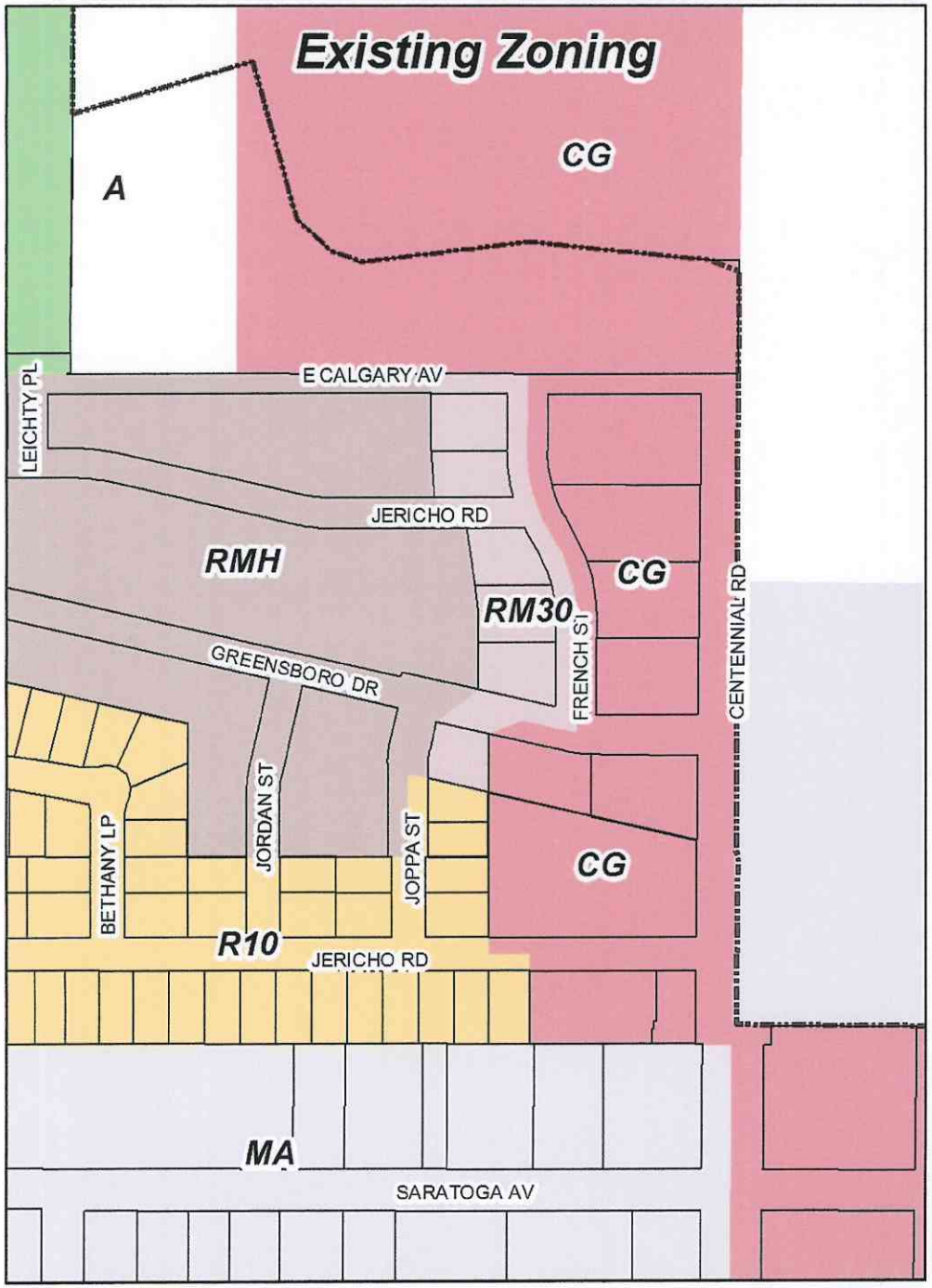
# Proposed Zoning Change (RM30 to PUD)
# Lots 2-3, Block 2 and Lots 4-6, Block 3
# Stonecrest Second Addition

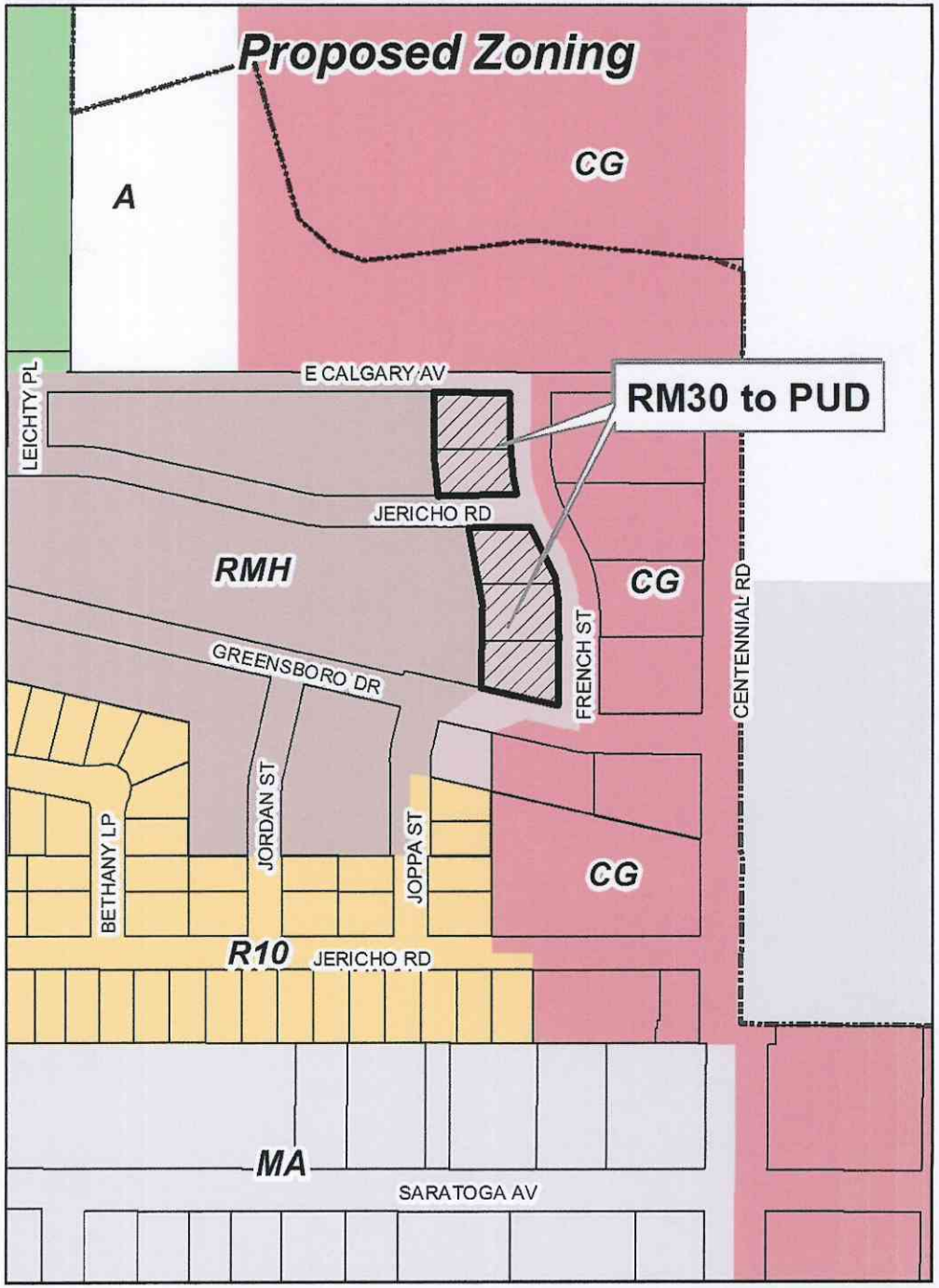



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 7/25/2014(hlb)

Source: City of Bismarck

# Lots 2-3, Block 2 and Lots 4-6, Block 3, Stonecrest 2nd Addition - Zoning Change




Feet
0 125 250 500

August 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.*

JUL 2 5 2014

# Stone Ridge Addition

## Request for Approval of Stone Ridge Planned Unit Development

Verity Homes of North Dakota is proposing to develop approximately 1.82 acres located South of Calgary avenue. The area is currently platted as Lots 2-3, Block 2 and Lots 4-6 Block 3 Stonecrest 2nd Addition, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 27 row houses that will include a mix of two and three bedroom units, featuring high end finishes such as quartz countertops, hardwood flooring, and security systems, along with architectural design unique to the Northeast Bismark.

Verity Homes proposes rezoning the property to a PUD district in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 15 units per acre and reconfiguration of the lots is not to establish new uses, but to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of common areas.

The project will address the housing needs of the community by building modestly priced housing in North Bismarck. Verity Homes anticipates that the proposed row houses, situated on smaller parcels of land, will attract younger, first-time homebuyers.

Considering that the existing zoning of the property allows for the construction of high density residences, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscaping, adequate parking and emergency lane access will be applied per the city standards and ordinances.

Zoning: PUD

Front yard: 25'

Side yard: 6'

Rear yard: 10'

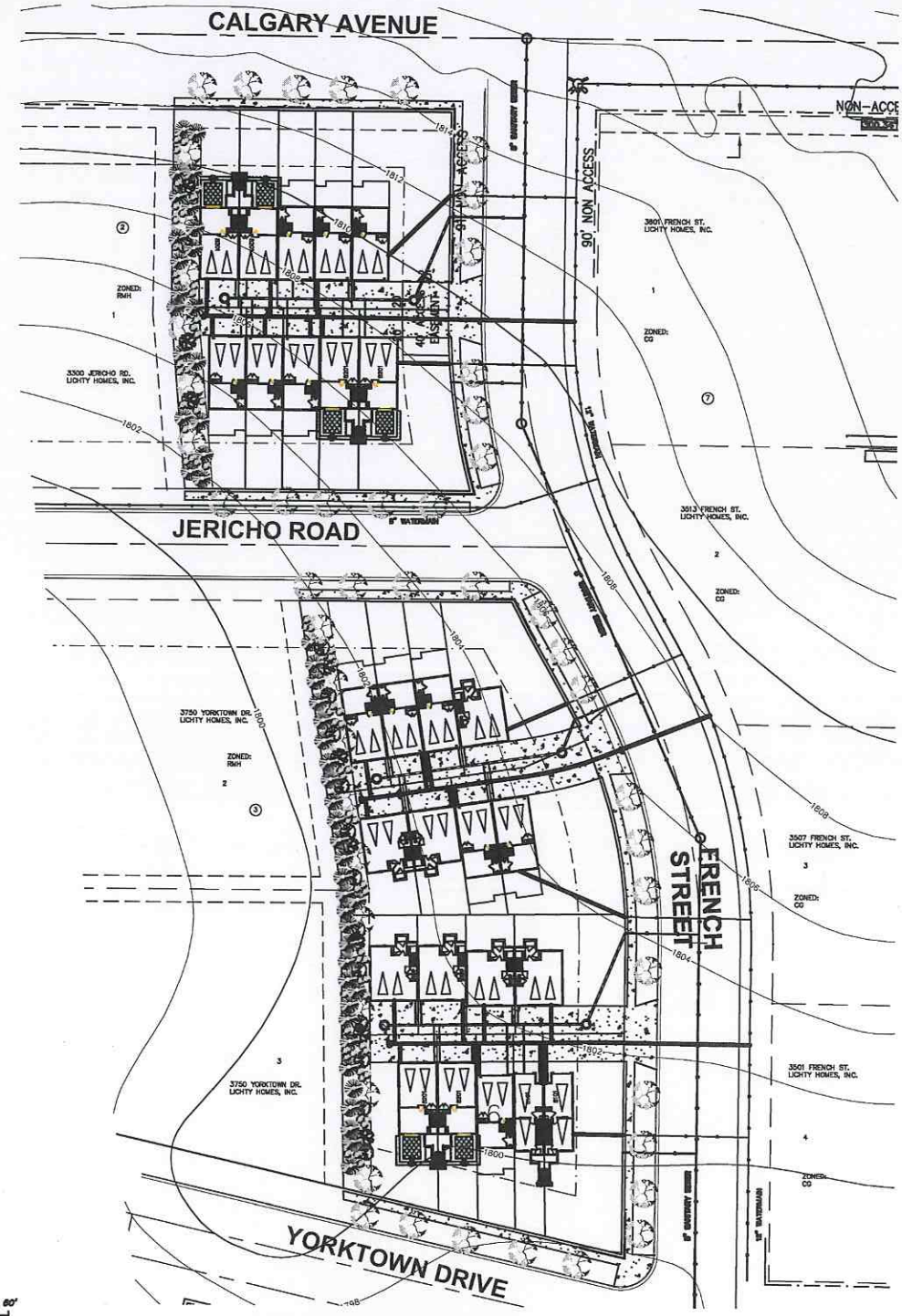
Zero setback on Access Easments

Lot area: 1,500 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.

JUL 25 2014




30' 0 30' 60'

SCALE – 1"=30'
JULY 24, 2014
NAVD 88

**EXISTING ZONING: RM 30**
**PROPOSED ZONING: PUD**

| | |
|---|---|
| *DEPTH OF FRONT YARD :* | *25'* |
| *WIDTH OF SIDE YARD:* | *6'* |
| *DEPTH OF REAR YARD:* | *10'* |
| *LOT WIDTH IN FRONT OF BUILDING LINE:* | *16'* |
| *MAXIMUM NUMBER OF UNITS:* | *74'* |
| *MAXIMUM BUILDING HEIGHT:* | *40'* |
| *ACCESS EASEMENT SETBACK:* | *ZERO* |

*MINIMUM LOT SIZE:*
*INTERIOR: 1,500 sf*
*END : 2,600 sf*

*1.82 ACRES, ROW HOUSES, 15 UNITS PER ACRE*

SHEET C1.0

SURVEY FIELD:
COMPUTER FILE:
FILE DESC:
DATE:
DRAWN BY: JM
CHECK BY: JP

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shengr@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

**PUD SITE PLAN & ZONE CHANGE**
**STONERIDGE ADDITION**
**REPLAT OF LOTS 2-3 BLOCK 2, LOTS 4-6 BLOCK 3**
**STONECREST 2ND ADDITION**

| REVISION | DATE |
|---|---|
| | |

JUL 2 5 2014

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URBAN DESIGN ASSOCIATES

# AERIAL VIEW LOOKING NW

RED DOOR HOMES | BISMARCK, NORTH DAKOTA

STONERIDGE SITE PLANNING

2 JULY 2014

0 50 100 150 FEET

N

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Lot 2, Block 3, KMK Estates – Zoning Change (RR to RT – Conditional & R10) | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>March 26, 2014 |
| **Owner(s):**<br>Jerry Kessel | **Engineer:**<br>N/A |
| **Reason for Request:**<br>Rezone property for future twin homes and multi-family or office uses. | |
| **Location:**<br>In northwest Bismarck along the west side of North Washington Street and the north side of Arabian Drive. | |
| **Project Size:**<br>4.09 acres | **Number of Lots:**<br>1 lot in 1 block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Rural residential | **Land Use:** Two-family residential and office uses |
| **Zoning:** RR – residential | **Zoning:** RT – Residential Conditional<br>R10 – Residential |
| **Uses Allowed:**<br>RR – Large lot single-family residential | **Uses Allowed:**<br>RT Conditional – multi-family dwellings and office uses with building heights not to exceed 2-stories<br>R10 – Single and two-family residential |
| **Maximum Density Allowed**:<br>RR – 1 unit/65,000 SF | **Maximum Density Allowed**:<br>RT – 30 units/acre<br>R10 – 10 units/acre |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>05/1959 | **Platted:**<br>06/1966 | **Annexed:**<br>N/A |

## ADDITIONAL INFORMATION:

1. The parcel measures approximately 510 feet east/west and 350 feet north/south. The applicant intends to split the parcel into two separate lots with the existing house and outbuildings located on the west 250 feet of the parcel. The R10 zoning district would be located on the west 250 feet, the remainder of the parcel would be zoned RT – Residential Conditional.

2. Planning staff has some concerns relating to the request for RT-Residential zoning along the eastern portion of the parcel. The RT-Residential zoning district allows office uses and multi-family uses such as condos, apartments, townhomes and group living facilities. The applicant has indicated he intends to sell the property and does not have plans to redevelop the site. Without a defined use for this property, Planning staff cannot be supportive of an unconditional RT-Residential zoning district because the allowable height of 50 feet in the RT-Residential zoning district has the potential for allowing incompatible land uses adjacent to the existing single-family and rural residential uses to the south and north. With previous zoning change requests along North Washington Street, Planning staff has been supportive of limiting structures to no more than 2-stories in height.

## FINDINGS:

1. The proposed zoning change is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include single-family dwellings to the south and west, large-lot single-family rural residential dwellings to the north, single and two-family dwellings and partially-developed multi-family zoned parcel with a child care center across North Washington Street to the east.

3. The parcel would be annexed prior to 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, provided limitations are placed on the overall height of any structures would not exceed two stories.

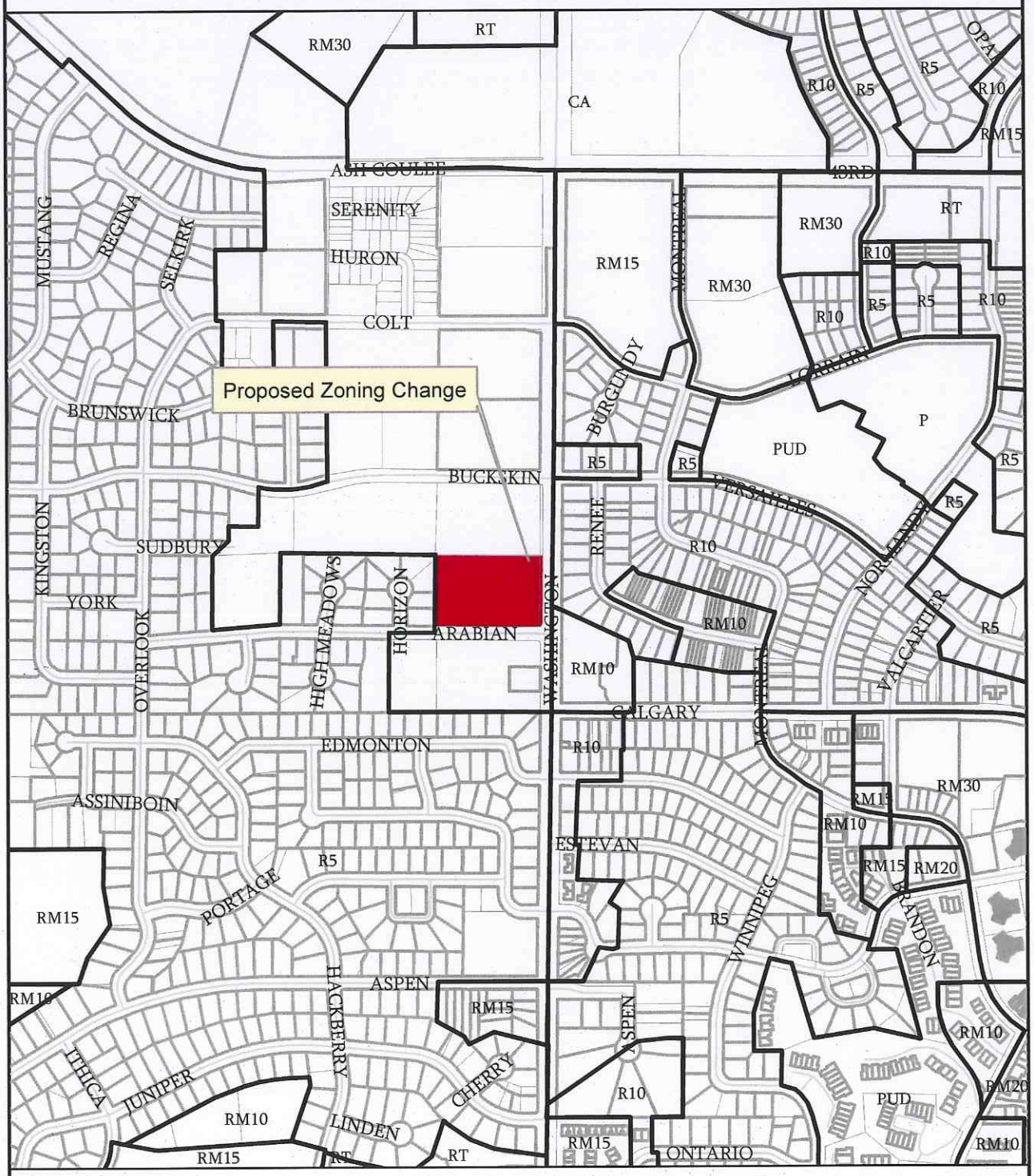
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

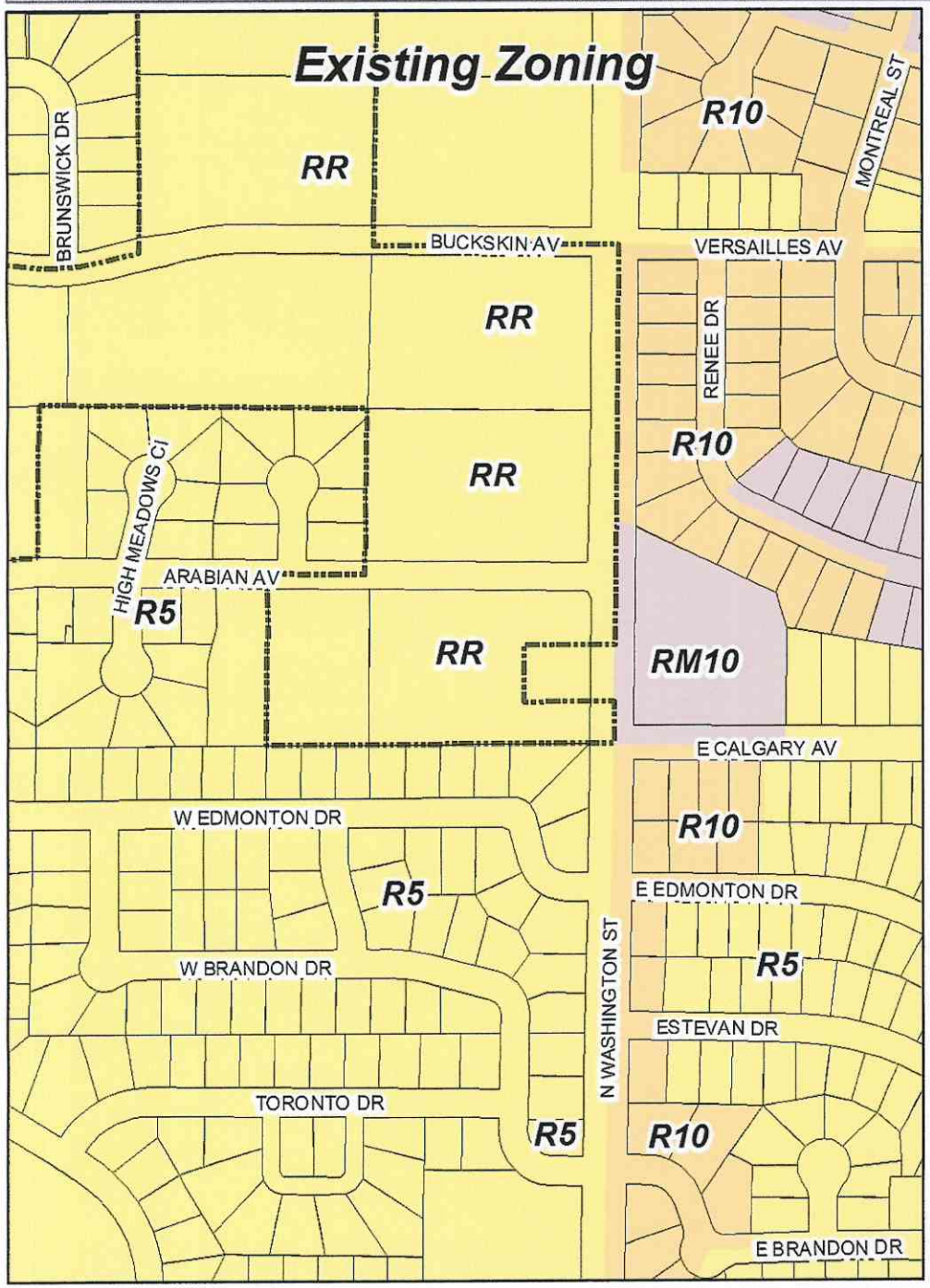
## RECOMMENDATION:

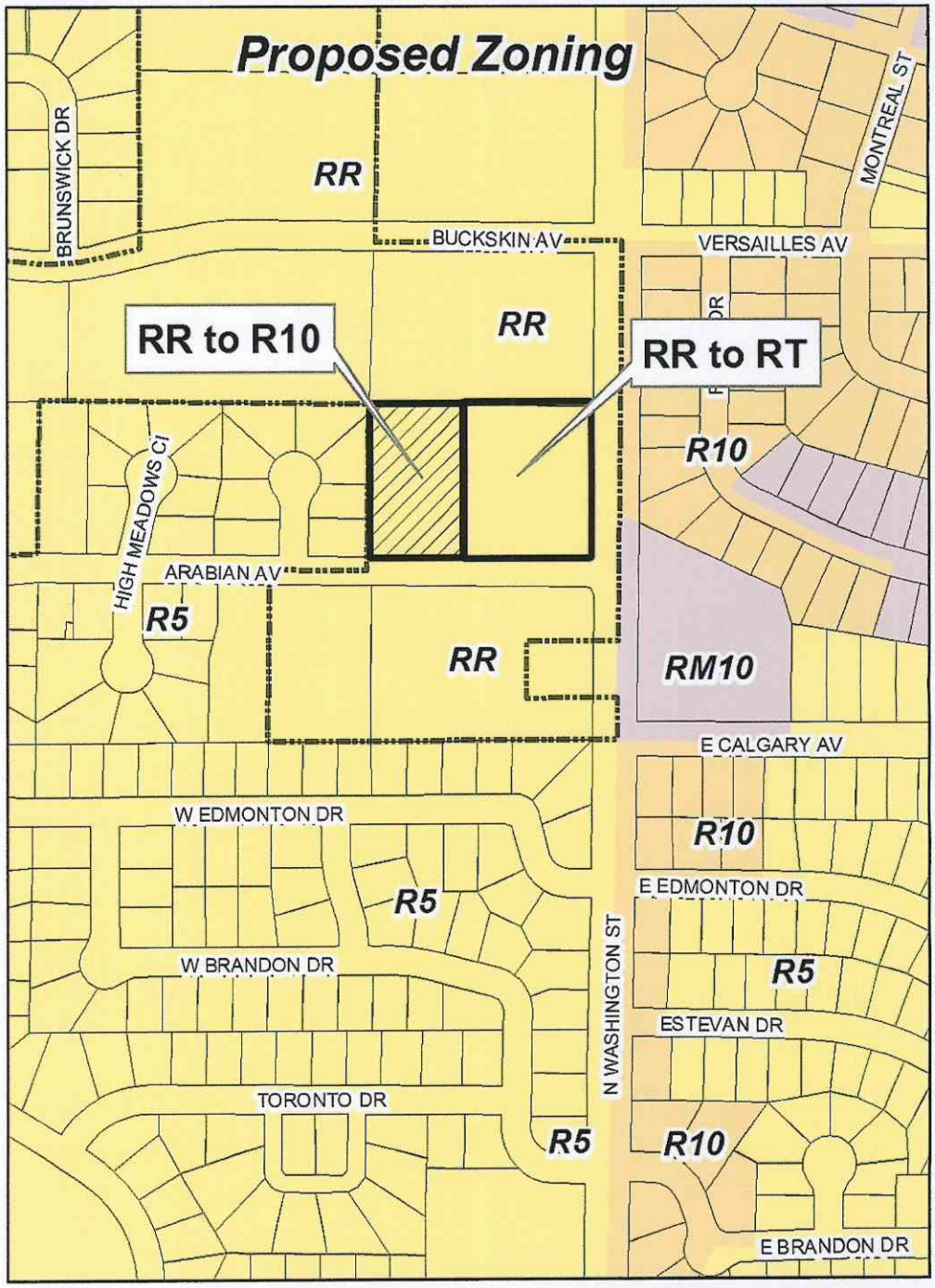
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RR – Residential zoning district to the R10 – Residential on the west 250 feet of the parcel and the RT – Residential Conditional zoning district on the remainder of the parcel, for Lot 2, Block 3, KMK Estates, with the understanding that Planning staff will recommend limitations on the height of structures as a condition to be considered by the Planning & Zoning Commission.

# Proposed Zoning Change (RR to R10 & RT)
# Lot 2, Block 3, KMK Estates



# Lot 2, Block 3, KMK Estates - Zoning Change




Feet
0 125 250 500

August 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-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Lots 1-3, Block 1, Sonnet Heights Subdivision– Zoning Change (RM15 to PUD) | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Jomani Development Inc. (owner)<br>Consolidated Construction Inc. (applicant) | **Engineer:**<br>Wenck Associates, Inc. |
| **Reason for Request:**<br>Rezone property to allow a 45-unit, three-story apartment building with garages and underground parking. | |
| **Location:**<br>In north Bismarck, along the north side of Niagara Drive, south of 57th Avenue NE, approximately ½ mile west of US Highway 83. | |
| **Project Size:**<br>2.25 acres / 98,080 square feet | **Number of Lots:**<br>3 lots in 1 block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Undeveloped | **Land Use:** Multi-family residential, as specified in PUD |
| **Zoning:**<br>RM15 – Residential | **Zoning:**<br>PUD – Planned Unit Development |
| **Uses Allowed:**<br>Multi-family residential | **Uses Allowed:**<br>PUD – Uses specified in PUD ordinance |
| **Maximum Density Allowed**:<br>15 units/acre | **Maximum Density Allowed**:<br>PUD – Density specified in PUD ordinance |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>12/1980 | **Platted:**<br>12/1980 | **Annexed:**<br>03/2007 |

## ADDITIONAL INFORMATION:

1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

2. The required site plan and written statement for the PUD have been submitted by the applicant and are attached. The PUD as proposed would allow for a 45-unit, three-story multi-family building with one level of underground parking, three garages and fourteen (14) off-street parking spaces. The proposed PUD will utilize two access points, Normandy Drive and 57th Avenue NE; access will not be provided onto Superior Drive. In addition, the proposed PUD will provide additional landscaping beyond the required landscaping outlined in Section 14-03-11 of the City Code of Ordinances(Landscaping and Screening) in an effort to provide a visual transition between the proposed multi-family building and the single and two-family dwellings to the south.

*(continued)*

3. The applicant is proposing to relocate the access point onto 57th Avenue NE west approximately 375 feet from Normandy Drive. City Engineering staff is receptive to this proposal; however a non-access line vacation would be required prior to its relocation.

4. The Bismarck Planning and Zoning Commission, at their meeting of December 19, 2012, denied a zoning request for a proposed zoning change for this property and the property to the east (Lots 1-4, Block 3, Sonnet Heights Subdivision). During that meeting, the applicant indicated that changing his request to a RM20 – Residential zoning district would achieve his desire to construct a 36-unit apartment building. Staff also indicated that they may be willing to support a request to the RM20 – Residential zoning district. It was also mentioned at the meeting that adjacent property owners purchased lots with the understanding that the property would be constructed at the existing RM15 – Residential density. The need for transitional zoning was also discussed; in particular, per the request of the City Commission, zoning transitions should be maintained. An excerpt of the minutes from the December 19, 2012 meeting of the Planning and Zoning Commission are attached.

5. The Bismarck Planning and Zoning Commission, at their meeting of December 18, 2013, denied a zoning change request for this property from the RM15 – Residential zoning district to the RM20 – Residential zoning district in order to place a 36-unit, 3-story apartment building on this property. An excerpt of the December 18, 2013 meeting of the Planning and Zoning Commission is attached.

6. The surrounding area has changed somewhat since the initial zoning changes were requested. In particular, the construction on 57th Street NE has been completed. In addition, the construction of an auto dealership north of the proposed amendment as well as the construction of a multi-family buildings east of the proposed PUD have begun.

7. The applicant conducted an informational meeting regarding the proposed PUD with the neighborhood on July 14, 2014.

**FINDINGS:**

1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP), which identifies this area as residential.

2. The proposed zoning change would be compatible with adjacent land uses, provided, that additional landscaping be provided for additional buffering between the proposed zoning change and the adjacent single and two-family homes. Adjacent land uses include a combination of single and two-family homes to the south, developing multi-family residentially zoned property (RM15) to the east, undeveloped agricultural property to the north and developing commercial property to the northwest including the construction of an auto dealership.

3. The property is already annexed and the construction of 57th Avenue NE will be completed by the end of the year; therefore, the proposed zoning change would not place an undue burden on public services.

4. The proposed zoning change would not adversely affect property in the vicinity, provided that the additional landscaping be provided as proposed in order to provide additional buffering between the proposed zoning change and the adjacent single and two-family dwellings.

*(continued)*

5. The proposed zoning change is not completely consistent with the general intent and purpose of the zoning ordinance. In particular, the zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. If installed as proposed, the additional landscaping would provide additional buffering and a visual transition between the proposed zoning change and the single and two-family dwellings to the south. In addition, there will not be access to Superior Drive; a berm to deter tenants and guests from utilizing Superior Drive as on-street parking will also be installed.

6. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. However the installation of the additional landscaping will provide the needed buffering to make a visual transition between the higher density multi-family building and the lower density single and two-family dwellings to the south to help mitigate any adverse impact on those properties.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing of the zoning change from the RM15 – Residential zoning district to the PUD-Planned Unit Development on Lots 1-3, Block 1, Sonnet Heights Subdivision, as outlined in the attached draft PUD Ordinance

*JW*

14-04-18. Planned Unit Developments.

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

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

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
    a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
    b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
    a. Proposal conforms to the comprehensive plan.
    b. Buffer areas between noncompatible land uses may be required by the planning commission.
    c. Preservation of natural features including trees and drainage areas should be accomplished.
    d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
    e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

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

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

**ORDINANCE NO.**

| | |
|---|---|
| *Introduced by* | _____ |
| *First Reading* | _____ |
| *Second Reading* | _____ |
| *Final Passage and Adoption* | _____ |
| *Publication Date* | _____ |

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.**

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the Rm15 – Residential District and included within the PUD – Planned Unit Development District.

Lots 1, 2, and 3, Block 1, Sonnet Heights Subdivision.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this Planned Unit Development:
    a. A maximum of 45 residential units in a three-story multi-family building.

2. *Dimensional Standards:*
    a. Setbacks shall be provided in accordance with Section 14-04-07 of the City Code of Ordinances (RM District Regulations).
    b. Heights. The maximum height of the building is thirty-seven (37) feet.
    c. Lot Coverage. The maximum lot coverage for buildings and required parking is fifty (50) percent of the total lot area.

3. *Design Standards:*
    a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity and create a lessened visual inpact upon the surrounding land uses. Each building or structure shall utilize complementary building materials, colors and design features

that will be present throughout the site. Exterior lighting shall be designed and installed in a manner intended to limit the amount off off-site impacts.

4. *Private Roadway maintenance:*
   a. The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the owner.

5. *Landscaping and Screening:*
   a. Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). Additional landscape plantings and buffering, including a berm along the south side of the property adjacent to Superior Avenue, shall be installed along the southern edge of the property to help mitigate the impacts and provide a transition between the multi-family residential building and the existing single and two-family dwellings to the south.

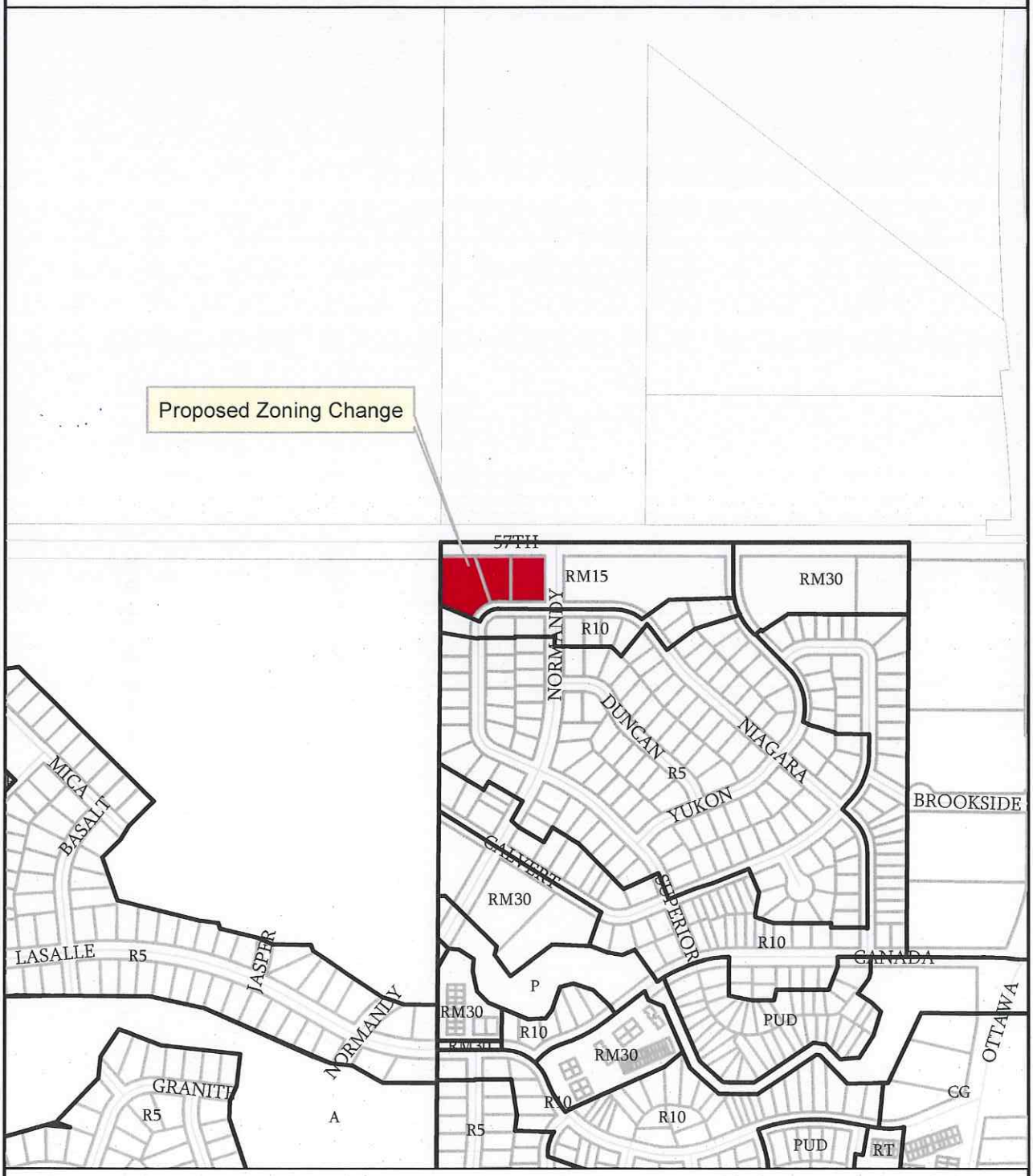
   b. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collection areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).

6. *Changes:* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning and Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

# Proposed Zoning Change (RM15 to PUD)
# Lots 1-3, Block 1, Sonnet Heights Subdivision



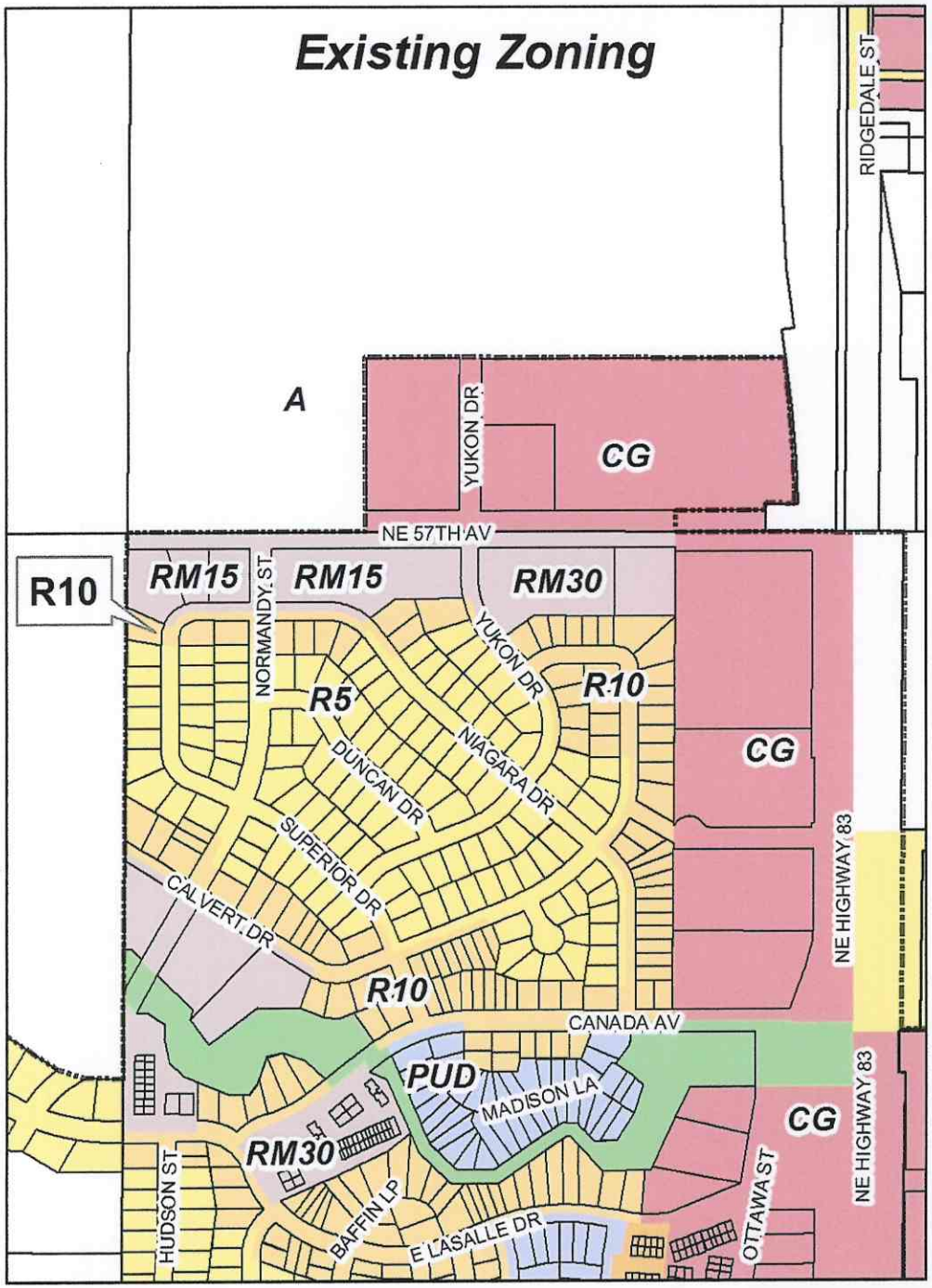

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 7/25/2014(hlb)

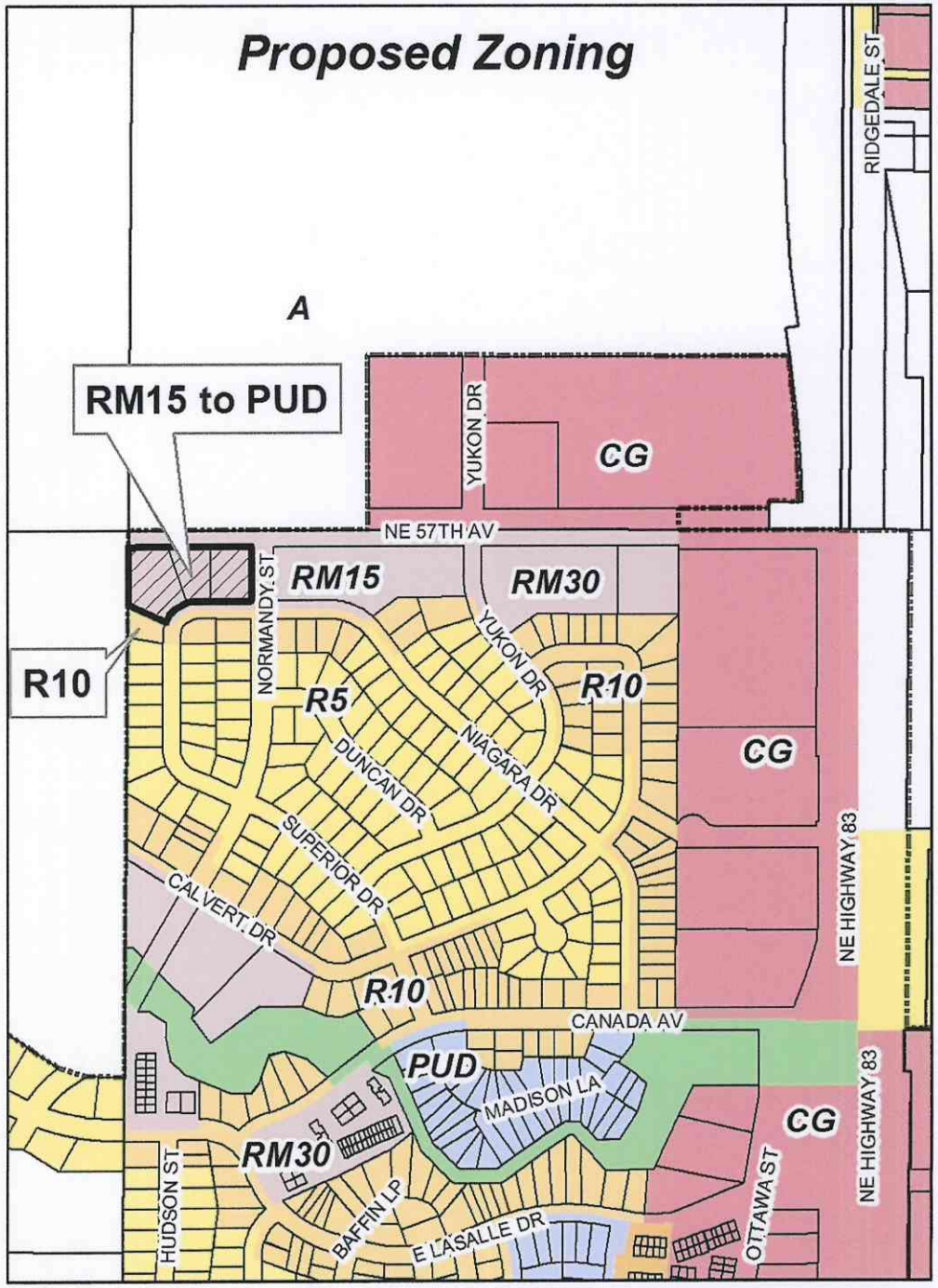
Source: City of Bismarck

N

0 550 1,100 Feet

# Lots 1-3, Block 1, Sonnet Heights Subdivision - Zoning Change




Feet
0 250 500 1000

August 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.*

CONSOLIDATED
– CONSTRUCTION CO. INC. –

RE: Calvert Creek Apartments

July 21, 2014

Calvert Creek Apartments
Lots 1-3, Block 1, Sonnet Heights
Superior/Normandy Drive & 57th Avenue
Bismarck, North Dakota 58503

## Site / Building Statistics:

Existing Zoning: RM15
Proposed Zoning: (PUD) Planned Unit Development
Group R-2 Residential as per 2012 International Building Code
Group V-A Construction w/ Fire Sprinkler System
Allowable Area: (3) stories / 12,000 square feet per level
Allowable Area Increase w/ fire sprinkler: (4) stories / 43,500 square feet per level

### ITEM ONE: SITE STATISTICS

- Site Area: 2.25 acres (98,010 square feet)
- Primary Building Footprint: 20,087 square feet
  Total Multi-Family Area: 20,087 x 3 = 60,261 square feet
- Underground Garage Level: 20,087 square feet
  Total Multi-Family + Underground Garage: 20,087 x 4 = 80,348 square feet
- Secondary Building Footprint (on-grade garage): 5,666 square feet
- Impervious Surface: 20,988 square feet (off-street parking / sidewalk)

- Lot Coverage (primary & secondary building): 25,763 / 98,010 = 26%
- Lot Coverage (Building & Impervious Surface): 46,741 / 98,010 = 48%
- Green Space: 51,269 square feet

### ITEM TWO: ORDINANCE REQUIREMENTS

- Front Setback @ 57th Avenue: 25'-0"
- Front Setback @ Normandy: 25'-0"
- Front Setback @ Superior: 25'-0"
- Side Yard Setback: 20'-0"
- Rear Yard Setback: 20'-0"
- Proposed Building Height: 37'-0"

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– CONSTRUCTION CO. INC. –

ITEM THREE: PARKING REQUIREMENTS

- 3 Bed: 06 Units x 2.5 = (15)
- 2 Bed: 30 Units x 2 = (60)
- 1 Bed: 09 Units x 1.5 = 13.5 (14)
  Total Required Parking: (89) Units

- Underground Parking: (50) Spaces
- On-Grade Garage: (24) Spaces
- Off-Street Paved Surface: (14) Spaces
  Total Proposed Parking: (89) Spaces

- ADA Accessible Spaces: (4) Spaces w/ (2) Van Accessible Aisles (Section 4.1.2)
  (2) Underground Spaces w/ (1) Van Accessible Aisle
  (2) On-Grade Spaces w/ (1) Van Accessible Aisle

ITEM FOUR: DWELLING DESIGN

- 100/200/300: 1,358 square feet – (2) Bed
- 101/201/301: 1,358 square feet – (2) Bed
- 102/202/302: 1,104 square feet – (2) Bed
- 103/203/303: 1,152 square feet – (2) Bed
- 104/204/304: 834 square feet – (1) Bed
- 105/205/305: 1,104 square feet – (2) Bed
- 106/206/306: 834 square feet – (1) Bed
- 107/207/307: 1,104 square feet (2) Bed
- 108/208/308: Support Space (Lease Office, Fitness & Club Room)
- 109/209/309: 1,104 square feet – (2) Bed
- 110/210/310: 834 square feet – (1) Bed
- 111/211/311: 1,104 square feet – (2) Bed
- 112/212/312: 1,104 square feet – (2) Bed
- 113/213/313: 1,104 square feet – (2) Bed
- 114/214/314: 1,576 square feet – (3) Bed
- 115/215/315: 1,576 square feet – (3) Bed
  Total Dwelling Units: (45) Units w/ Support Space

- RM15 Zoning: 15 Units x 2.25 Acres = 33.75 (33) Units
- RM20 Zoning: 20 Units x 2.25 Acres = 45 Units
- Proposed Zoning: PUD w/ 45 Dwelling Units (maximum)

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– CONSTRUCTION CO. INC. –

**ITEM FIVE: GENERAL CONDITIONS**

The proposed structure shall be (3) three levels of multi-family dwelling units (above finished grade) with (1) one level of underground parking. The maximum exposed building height shall be 37'-0" as seen from 57th Avenue, Normandy Drive and Superior Drive.

**ITEM SIX: LANDSCAPING REQUIREMENTS**

Landscaping transition between PUD and R10:

I. 15'-0" buffer yard as required with (3) shade trees, (4) ornamental trees, (2) large conifers, (10) small conifers and (14) shrubs

(or)

II. 15'-0" buffer yard as required with a 6'-0" height screening fence, (2) shade trees, (2) ornamental trees and (2) large conifers

III. Street trees required along Normandy Drive @ (3) per 100 linear feet of street frontage

IV. Street trees along 57th Avenue would not be required until the road is urbanized with sidewalk, concrete curb & gutter.

V. No interior landscaping islands

VI. No perimeter parking lot landscaping required

**ITEM SEVEN: ADJUSTMENT TO ACCESS POINT @ 57th Avenue**

The proposed primary site access / egress point along 57th Avenue requires a modification to the existing non-access line beginning at the northwest corner of Lot 3, extending 105'-0" to the east. An adjustment to 50'-0" (min.) - 90'-0" (max.) from 105'-0 is being requested in order to improve the sight line and stopping distance between Normandy Drive and the proposed access / egress point.

Respectfully Submitted,

Wayne Lee Yeager

Wayne Lee Yeager, AIA, NCARB

RM20 (20 x 2.25 acres = 45 total units)

Not For Construction - 06/20/2014 - WLY

01 / 001 Concept Site Plan
scale 1/16" = 1'-0"


4300 North Richmond Street
Appleton, Wisconsin 54913
www.consolidated-const.com

600 South Second Street
Bismarck, North Dakota 58504
www.consolidated-const.com

CONSOLIDATED CONSTRUCTION CO.

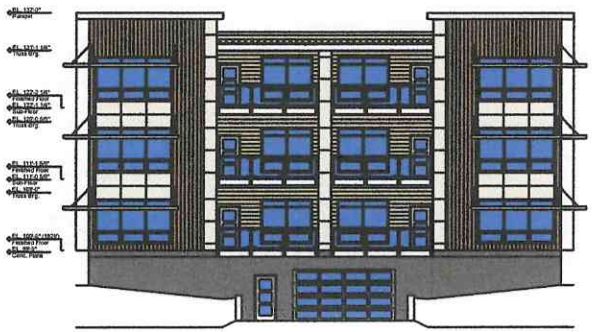

# CALVERT CREEK
## MULTI-FAMILY DWELLINGS
BISMARCK, NORTH DAKOTA

| Date | Description |
|---|---|
| 06-16-2014 | CONCEPT SITE PLAN - PRE EIS |

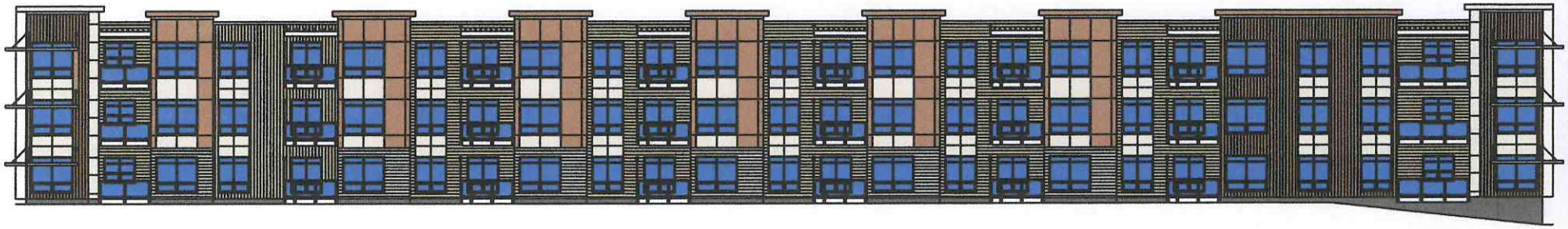
| | |
|---|---|
| Project #: | 036401 |
| Drawn By: | WLY |
| Issue Date: | 06-16-2014 |
| Issue # | 1 |

A100

DESC



03 A400 Concept Elevation - West
scale 1/8" = 1'-0"



02 A400 Concept Elevation - North
scale 1/8" = 1'-0"

036401 CONCEPT DESIGN 06/25/2014 - NOT FOR CONSTRUCTION

01 A400 Concept Elevation - South
scale 1/8" = 1'-0"

ARCHITECTURAL
(1) HOUR FIRE BARRIER
(2) HOUR FIRE BARRIER
(20) MINUTE ATTIC DRAFTSTOP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Appleton, Wisconsin 54913
www.consolidated-const.com

CONSOLIDATED CONSTRUCTION CO.

600 South Second Street
Bismarck, North Dakota 58504
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# CALVERT CREEK

MULTI-FAMILY DWELLINGS

BISMARCK, NORTH DAKOTA

| Date | Description |
|---|---|
| 06-25-2014 | CONCEPT DESIGN |

Project # 036401

Drawn By: WLY

Issue Date: 06-25-2014

Issue # 1

A400

DSC

**PUBLIC HEARING – ZONING CHANGE**
**LOTS 1-3, BLOCK 1 AND LOTS 1-4, BLOCK 3, SONNET HEIGHTS SUBDIVISION**

Chairman Yeager called for the public hearing on the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 2, Sonnet Heights Subdivision. The property is located in north Bismarck, along the north side of Niagara Drive, south of 57th Avenue NE, approximately ¼ mile west of US Highway 83outh of 43rd Avenue NE, between US Highway 83/State Street and North 19th Street.

Ms. Wollmuth provided an overview of the request, including the following information: "Building permits will not be issued for any of the lots along 57th Avenue NE until 57th Avenue NE from US Highway 83 to the western edge of the lot being developed is constructed to City standards. In addition, with the development of 57th Avenue NE, the developer(s) may be financially responsible for constructing a north bound left turn lane and a south bound right turn lane on Highway 83 at 57th Avenue NE to NDDOT standards (20:1 taper and 320' storage)." She added that the applicant has concerns with this statement, as he believes it is contrary to what he was previously told.

Ms. Wollmuth then listed the following findings for the zoning change:

1. This area is identified in the Land Use Plan as residential (land use portion of the US Highway 83 Transportation Corridor Study).

2. The proposed zoning change would be not compatible with adjacent land uses. In particular, the proposed bulk and density of 30 units per acre is not compatible with the single and two-family residential uses located to the south across Niagara Drive. Adjacent land uses include partially developed single and two-family homes to the south, undeveloped multi-family to the east and undeveloped agricultural land to the north.

3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services, provided 57th Avenue NE is constructed prior to development.

4. The proposed zoning change may adversely affect property in the vicinity. In particular, the single and two-family homes located south of the proposed zoning change may be adversely affected by higher density development located across the street.

5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. The zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. In particular, the property to the south of the proposed zoning change is zoned R10 – Residential and is expected to develop as single and two-family homes.

6. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, increasing the density to from 15

units per acre to 30 units per acre is contrary to the concept of transitional zoning, given the fact that there would no longer be a zoning transition between the higher density multi-family and the single and two-family residential homes to the south.

Ms. Wollmuth said based on these findings, staff recommends denial of the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision.

Chairman Yeager opened the public hearing on the zoning change for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision.

Derek VanLuik, an area resident, stated that he is opposed to the zoning change, adding that he does not believe that area should be developed at a higher density.

Angie Koppang, an area resident, expressed concerns with increased traffic in the area, adding that there are many families with young children. She is opposed to the zoning change.

Taylor Rash stated that he lives across the street from the property and is opposed to the zoning change. He added that even with the construction of 57th Avenue NE, traffic through the neighborhood will still increase because it would be a shorter route.

Wade Felton, applicant, thanked staff for working with him on the development of Sonnet Heights. He then stated that a similar zoning change was approved for the northern tier of lots along 57th Avenue when the Sonnet Heights Subdivision Second Replat was approved in 2008/2009. He added that based on his proposed plan, a zoning of RM20-Residential would meet his needs. He continued by saying that if 57th Avenue was constructed, traffic would go that way because it is a more direct route.

Chairman Yeager closed the public hearing.

Commissioner Atkinson asked about required landscape buffers. Mr. Tomanek relied that there is not a buffer yard requirement if the uses are across the street from each other. If they share a side or rear lot line, a buffer yard with a minimum depth of 15 feet is required. The amount of landscaping required would depend on whether or not the design includes a 6-foot screening fence.

Commissioner Armstrong asked if an RM20-Resdiential zoning district could be approved without re-notification. Ms. Lee replied that since that is a lower density than what was advertised, it could be approved without another public hearing.

Commissioner Waldoch indicated that she was uncomfortable with the change to RM30-Residential, adding that people purchased the surrounding lots expecting the property to be developed at RM15-Residential densities.

Commissioner Warford stated that he shared Commissioner Waldoch's opinion. He added that the need for zoning transitions has become very evident in recent discussions and that the

increased use of transitional zoning has been the direction of the City Commission. He went on to say that Bismarck will be a better community if it sticks to the policy of requiring transitional zoning.

**MOTION:** Based on the findings contained in the staff report, Commissioner Warford made a motion to deny the zoning change from the RM15-Residential zoning district to the RM30-Residential zoning district for Lots 1-3, Block 1 and Lots 1-4, Block 3, Sonnet Heights Subdivision. Commissioner Selzler seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Laning, Lee, Schwartz, Selzler, Waldoch, Warford and Yeager voting in favor of the motion to deny the request.

**BISMARCK PLANNING & ZONING COMMISSION**
**DECEMBER 18, 2013**

## PUBLIC HEARING – ZONING CHANGE – LOTS 1-3, BLOCK 1, SONNET HEIGHTS SUBDIVISION

Chairman Yeager called for the public hearing for a zoning change from the RM15-Residential zoning district to the RM20-Residential zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision.

Ms. Wollmuth then provided an overview of the request and the following findings:

1. The proposed zoning is consistent with the Land Use Plan, which identifies this area as residential (land use portion of the US Highway 83 Transportation Corridor Study).

2. The proposed zoning change would be not compatible with adjacent land uses. In particular, the proposed bulk and density of 20 units per acre is not compatible with the single and two-family residential uses located south of Lot 3 and south across Niagara Drive. Adjacent land uses include a combination of single and two-family homes to the south, undeveloped multi-family residentially zoned property (RM15) to the east and undeveloped agricultural land to the west and north.

3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services, provided 57th Avenue NE is constructed and paved prior to development.

4. The proposed zoning change may adversely affect property in the vicinity. In particular, the single and two-family homes located south of the proposed zoning change may be adversely affected by higher density development located adjacent to Lot 3 and across Niagara Drive to the south.

5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. The zoning ordinance discourages incompatible land uses in close proximity to one another without the use of transitional zoning. In particular, the property to the south of the proposed zoning change is zoned R10 – Residential and is being developed as single and two-family homes. A single-family dwelling was constructed in July 2013 on the lot to the south of Lot 3, adjacent to the proposed zoning change.

6. The proposed zoning change is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, increasing the density to from 15 units per acre to 20 units per acre is contrary to the concepts of transitional zoning, given the fact that there would no longer be a zoning transition between the higher density multi-family and the single and two-family residential homes to the south.

Ms. Wollmuth said based on these findings, staff recommends denial of the zoning change from the RM15-Residential zoning district to the RM20-Residential zoning district on Lots 1-3, Block 1, Sonnet Heights Subdivision.

Ms. Wollmuth distributed comments from Jacelyn Brown and Berna Vetter received via e-mail, attached as Exhibits A and B.

Commissioner Atkinson asked if the zoning directly south of the proposed change is R10-Residential. Ms. Wollmuth said it is Superior Drive and then R10-Residential zoning directly adjacent; however a single family dwelling has been constructed there.

Commissioner Waldoch asked if it is known when 57th Avenue NE will be completely finished. Commissioner Bullinger said Burleigh County graded it recently with the intention of having it completely done in a year.

Chairman Yeager opened the public hearing.

Taylor Rosh said this same proposal was presented a year ago and it was denied. He said the only person who supported it was the developer. He said traffic is already increasing in the area and with the amount of small children in the neighborhood, he is very concerned about their safety. He said Mr. Felton claims their concerns are unfounded but he does not live there himself and only wants the proposed apartment complex to turn a profit.

Jason Haskins said his concerns are similar to those of Mr. Rosh. He also feels there is not enough of a buffer between the zoning districts to bring in a high capacity apartment building.

Casey Langdon said he has concerns of too much traffic, property values decreasing and the safety of the children in the area. He said he feels the developer can buy more appropriately zoned land elsewhere.

Mr. Felton said the zoning change that he proposed a year ago was for RM30-Residential zoning with the understanding that RM20-Residential zoning would be an option. He said the current RM15-Residential zoning will allow 33 rental units and RM20-Residential could be with the condition of only allowing 36 units, as it is his desire to construct a 36-unit apartment building. He said regardless of the zoning, a multi-family dwelling will be built with either 33 or 36 units.

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

**MOTION:** Based on the findings contained in the staff report, Commissioner Donahue made a motion to deny the zoning change from the RM15-Residential zoning district to the RM20-Residential zoning district for Lot 1-3, Block 1, Sonnet Heights Subdivision. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Schwartz, Waldoch, Warford and Yeager voting in favor of the motion.

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Block 15, McKenzie's Addition – PUD Amendment | |
| **Status:**<br>Planning Commission – Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Diocese of Bismarck | **Consultant:**<br>Al Fitterer Architect PC |
| **Reason for Request:**<br>To amend the Planned Unit Development (PUD) to allow the demolition and construction of an office building at 520 North Washington Street (Center for Pastoral Ministry and to allow 304 West A Avenue (CB Little House) to be used as a residential use. | |
| **Location:**<br>In central Bismarck, along the west side of North Washington Street between Avenue A and Avenue B. | |
| **Project Size:**<br>90,000 square feet | **Number of Lots:**<br>1 block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:**<br>Religious facilities, office and residential | **Land Use:**<br>Religious facilities, office and residential |
| **Zoning:**<br>PUD – Planned Unit Development | **Zoning:**<br>PUD – Planned Unit Development |
| **Uses Allowed:**<br>Uses specified in PUD | **Uses Allowed:**<br>Uses specified in PUD, as amended |
| **Maximum Density Allowed**:<br>Specified in PUD (5 units/acre) | **Maximum Density Allowed**:<br>Specified in PUD (5 units/acre) |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>03/2004 (PUD)<br>04/2004 (PUDA) | **Platted:**<br>Pre-1980 | **Annexed:**<br>Pre-1980 |

## ADDITIONAL INFORMATION

1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

2. The original PUD was approved in March 2004 and included provisions that brought the existing office uses into compliance and allowed the adaptive reuse of the CB Little House for non-Diocese offices.

3. The PUD was amended in April of 2005, to allow the demolition of the carriage house which was being used for storage. Since the use of the carriage house for storage was included in the original PUD ordinance, removing the carriage house from the property required an amendment to the PUD. The area occupied by the carriage house has become open space.

*(continued)*

4. The required site plan and written statement for the PUD amendment have been submitted by the applicant and are attached. The PUD amendment as proposed would allow the demolition and reconstruction of the office building located at 520 North Washington Street (Center for Pastoral Ministry), in line with the existing building, seventeen (17) feet from North Washington Street and the change the use of the building located at 304 West Avenue A (CB Little House) from offices for the ND State Bar Association into residential living quarters for clergy of the Diocese of Bismarck.

**FINDINGS**

1. The proposed PUD amendment is compatible with adjacent land uses. Adjacent land uses include residential to the north, south and east, and a private catholic grade school with associated offices to the west.

2. The entire property is located within City limits; therefore the proposed zoning change would not place an undue burden on public services.

3. The proposed PUD amendment would not adversely affect property in the vicinity.

4. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.

5. The proposed PUD amendment 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 Planned Unit Development amendment for Block 15, McKenzie's Addition, as outlined in the attached PUD amendment.

*/JW*

**Section 14-04-18 of the City Code of Ordinances (Planned Unit Developments)**

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

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

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

1) The existing topographic character of the land;

2) Existing and proposed land uses;

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

4) The maximum height of all buildings;

5) The density and type of dwelling;

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

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

8) Proposed interior buffer areas between uses;

9) Acreage of PUD;

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

11) Landscape plan; and

12) Surrounding land uses, zoning and ownership.

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

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

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

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

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:

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

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

2. Review and approval.

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

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

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

a. Proposal conforms to the comprehensive plan.

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

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

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

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

4. Changes.

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

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

1) Application for Planned Development Amendment.

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

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

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

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

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

**BLOCK 15, MCKENSIE'S ADDITION PUD AMENDMENT**
**ORDINANCE NO. 5309 (Adopted March 9, 2004)**
**MAJOR PUD AMENDMENT (Adopted January April 27, 2005)**
**MAJOR PUD AMENDMENT (Adopted XXXX, 2014)**

WHEREAS, Ordinance No. 5309 was adopted by the Board of City Commissioners on June March 9, 2005; and

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

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

WHEREAS, The Diocese of Bismarck has requested an amendment to the Planned Unit Development for Block 15, Mckenzie's Addition.

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

Block 15, McKenzie's Addition

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

1. *1. Uses Permitted.* Uses permitted include uses accessory to a religious facility (rectory/offices), office uses, and parking. The use of the building at 519 Raymond Street (northwest corner of the block) is limited to rectory/office for Cathedral of the Holy Spirit; the use of the building at 520 North Washington Street (northeast corner of the block) is limited to offices and other related uses in conjunction with the Catholic Diocese of Bismarck's Center for Pastoral Ministry; and the use of the building at 304 West Avenue A (southeast corner of the block – CB Little House) is limited to ~~professional offices (medical or bank uses not allowed)~~ residential living units for clergy of the Catholic Diocese of Bismarck ~~The use of both the carriage house and the maintenance building is limited to accessory storage~~. The configuration of the site shall generally conform to the site plan submitted with the application dated June 12, 2012. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *General Development Standards.* The maximum allowable density, minimum lot area, minimum lot width, lot coverage, setbacks and height limits are the same as the R5-Residential standard, except for the building located at 520 North Washington Street, which will be setback seventeen (17) feet from the front property line along North Washington Street. Any change to the

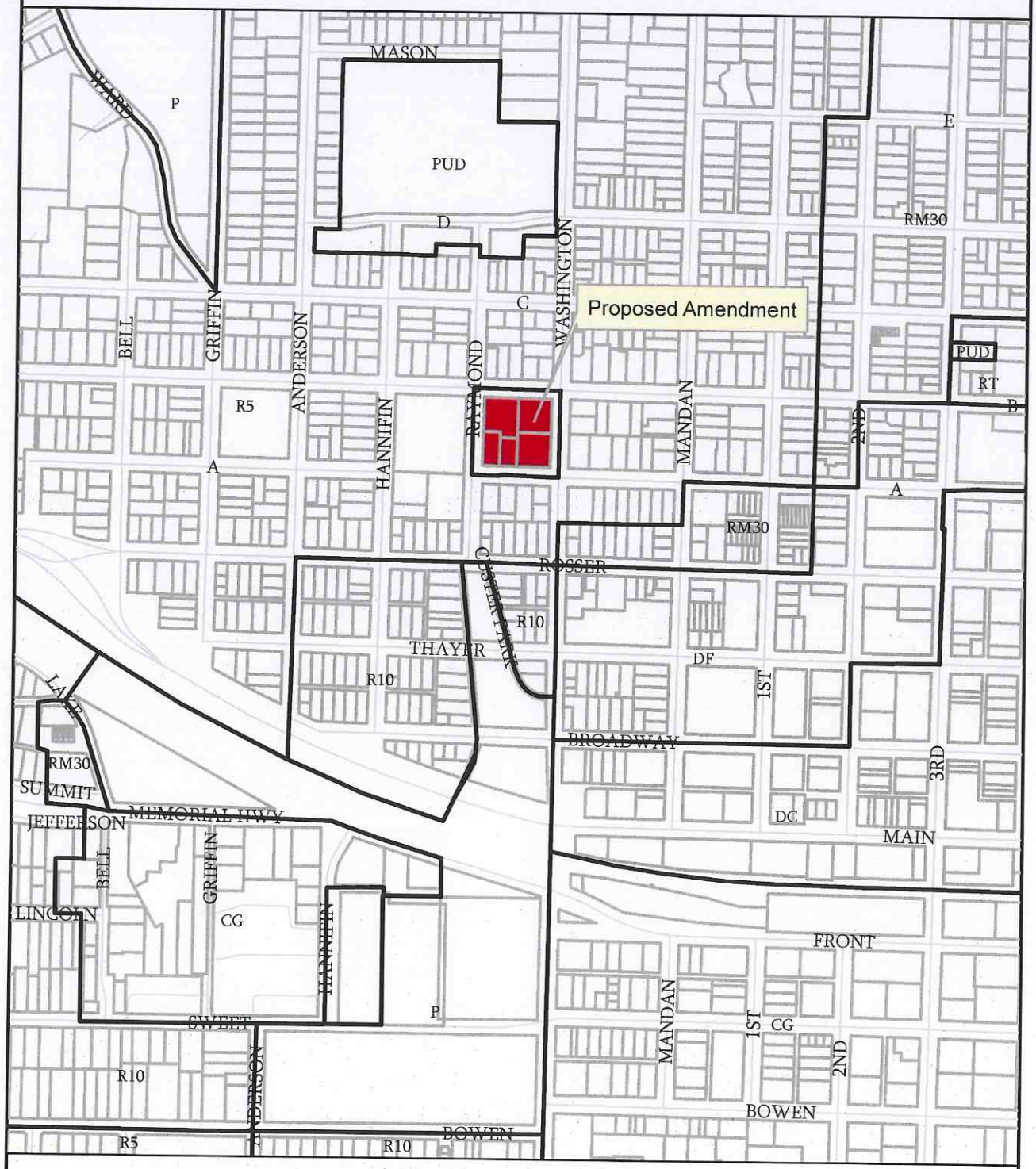
buildings that would violate these standards will require an amendment to this PUD.

3. *Parking.* Adequate parking shall continue to be provided on site for the existing and proposed uses.

4. *Signage.* Signage is limited to the existing sign at the entrance on North Washington Street, the existing sign at the entrance on East Avenue A, the existing sign on the front of the rectory building, and one additional sign. The existing signs may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The one additional sign allowed may be a monument style sign or of a style similar to the existing signs, with a face no more than 15 square feet in area. This new sign may be placed at the entrance on North Washington Street or at the entrance on East Avenue A (it may not be placed at the southeast corner of the block).

5. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

# Proposed PUD Amendment
# Lots 1-24, Block 15, McKenzie's 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 heron.
Date: 7/18/2014(hlb)

Source: City of Bismarck

N

0 550 1,100 Feet

**Al Fitterer Architect PC**
200 Third Avenue NW • PO Box 129 • Mandan, ND 58554 • Phone (701)663-7543 • Fax (701)663-7544

# Attachment to Unified Development Application
## City of Bismarck

| | | | |
|---|---|---|---|
| **To:** | Community Development – Bismarck | **From:** | Al Fitterer, Al Fitterer Architect PC |
| **Attn:** | Jenny Wollmuth, Planner | **Date:** | 7/7/2014 |
| **Re:** | Roman Catholic Diocese of Bismarck | **CC:** | Dale Eberle, Chancellor |

☐ **Urgent** **x For Review** **x For Your Use** ☐ **Please Reply**

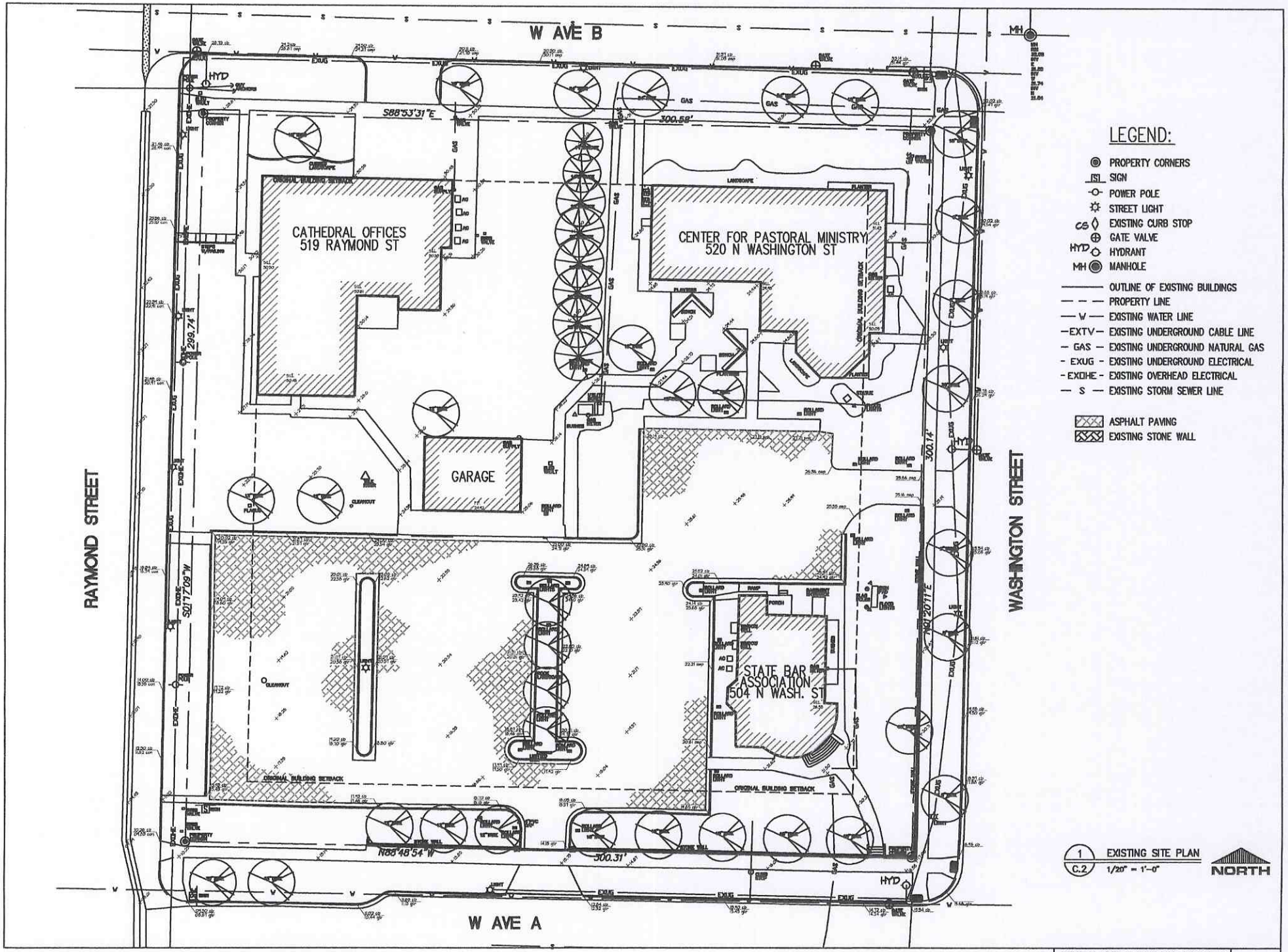
**PUD Amendment to Ordinance No. 5309**

1. 520 North Washington; Center for Pastoral Ministry
    a. NE Corner of block.
        i. Demolish existing two story office structure.
        ii. Construct new office building with partial basement.
        iii. Setback variance from 25 to 17 feet. (existing building setback is 17 feet)

2. 519 North Raymond; Cathedral of Holy Spirit
    a. NW Corner of block.
        i. Existing use is office space.
        ii. Change from office use to rectory for Cathedral of Holy Spirit.

3. 304 West Avenue A; CB Little House
    a. SE Corner of block
        i. Existing use is office space.
        ii. Change from office use to residential.

4. Maintenance building
    a. Center of block
        i. Demolish building.




**AL FITTERER, ARCHITECT PC**
200 THIRD AVE NW
PO BOX 129
MANDAN, NORTH DAKOTA 58554
701-663-7543 VOICE
701-663-7544 FAX

| | |
|---|---|
| CENTER FOR PASTORAL MINISTRY | C.2 |
| F1221 | |
| 6-12-14 | |

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Part of KMK Estates and part of High Meadows 9th Addition - Annexation | |
| **Status:**<br>Planning Commission – Final Consideration | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Multiple owners<br>10 owners in KMK Estates<br>1 owner in High Meadows 9th Addition | **Engineer:**<br>N/A |
| **Reason for Request:**<br>Annex properties in accordance with the 2007 annexation agreement. | |
| **Location:**<br>In northwest Bismarck, along the west side of North Washington street, south of Ash Coulee Drive. | |
| **Project Size:**<br>36.50 acres, more or less | **Number of Lots:**<br>12 parcels in 4 blocks |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Rural residential | **Land Use:** Rural residential |
| **Zoning:** RR – Residential | **Zoning:** RR – Residential |
| **Uses Allowed:**<br>RR – Rural residential | **Uses Allowed:**<br>RR – Rural residential |
| **Maximum Density Allowed**:<br>RR – One unit/65,000sf | **Maximum Density Allowed**:<br>RR – One unit/65,000sf |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>1959 | **Platted:**<br>KMK Estates - 1966<br>High Meadows 9th – 1997 | **Annexed:**<br>N/A |

## ADDITIONAL INFORMATION:

1. The City initiated the annexation of those parts of KMK Estates Subdivision, KMK Estates 2nd Subdivision and High Meadows 9th Addition not previously annexed in mid-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 2014. All property owners were also informed that they could be annexed earlier upon request.

2. Several property owners have annexed their properties early in order to obtain City services; one property was replatted as Geloff Estates and annexed earlier this year; three properties were replatted as Evergreen Ridge Addition and annexed earlier this year; and three other properties are in the process of being replatted as High Meadows 12th Addition.

3. The zoning of the properties will not change with this annexation; however, requests for zoning changes will be processed on a case-by-case basis.

## FINDINGS:

1. The owners of all of the properties included in this annexation entered into annexation agreements with the City and submitted applications for annexation in July 2007.

2. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.

3. The proposed annexation would not adversely affect property in the vicinity.

4. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.

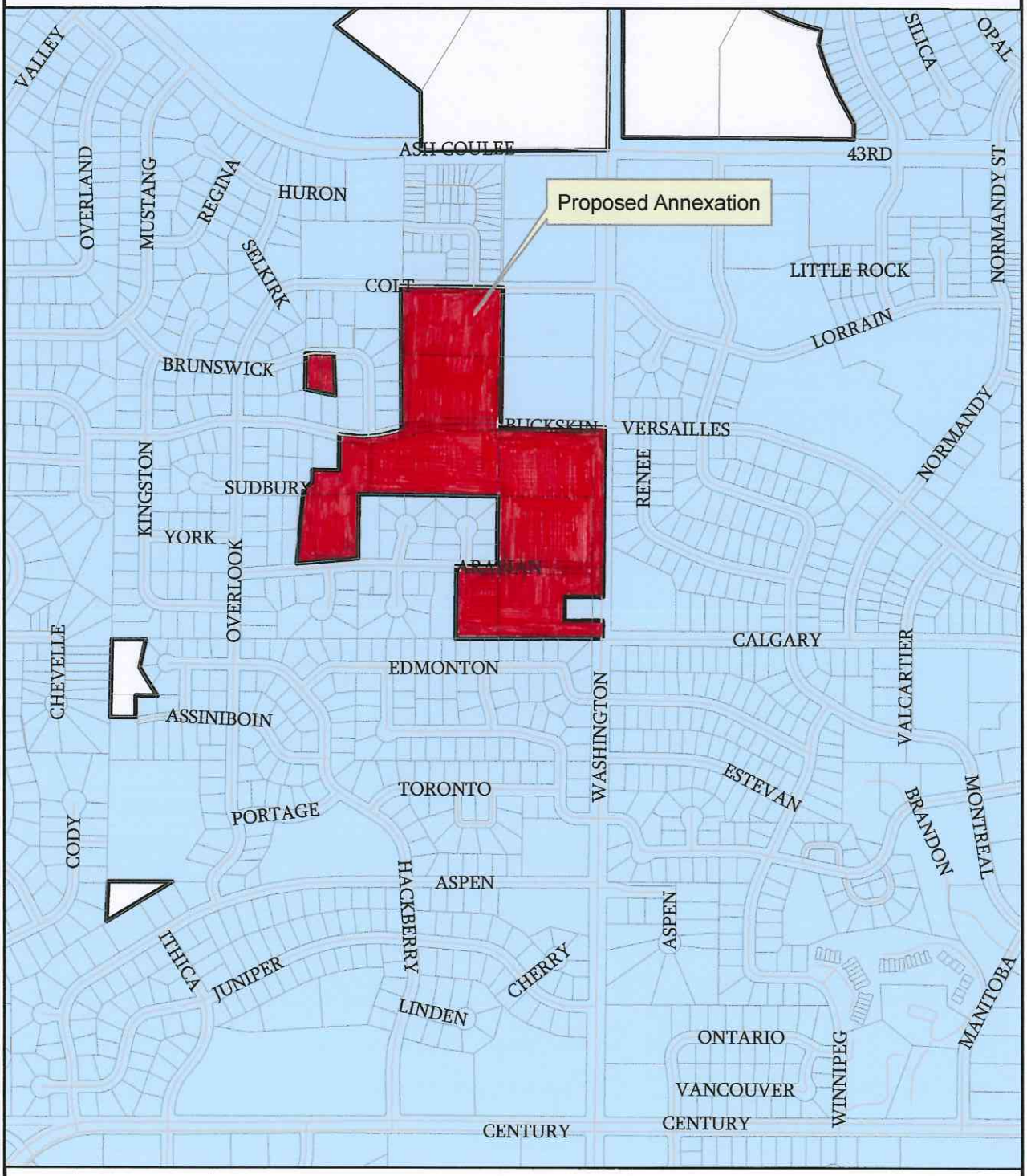
5. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

## RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of the following, in accordance with the annexation agreement entered into in July 2007:

- Lot A of Lot 3, Block 2, KMK Estates (being replatted as part of High Meadows 12th Addition)
- Lot B of Lot 3, Block 2, KMK Estates (being replatted as part of High Meadows 12th Addition)
- Lot 4, Block 2, KMK Estates (being replatted as part of High Meadows 12th Addition)
- Lot 1, Block 3, KMK Estates
- Lot 2, Block 3, KMK Estates
- E½ of Lot 4 less Lot A and part of Lot 6, Block 3 east of High Meadows 5th, KMK Estates
- Lot 7, Block 3, KMK Estates
- Lot 1 less the N120' of the S220' of the E150', Block 4, KMK Estates
- Lot 2, Block 4, KMK Estates
- Lot 6, Block 1, High Meadows 9th Addition
- Lot 7, Block 1, High Meadows 9th Addition

# Proposed Annexation
# Unannexed portions of
# KMK Estates and High Meadows 9th Addition




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 heron. (klee/081914)

Source: City of Bismarck

N

0 700 1,400 Feet

# MEMORANDUM OF AGREEMENT

The parties to this Agreement are:

BURLEIGH COUNTY
CITY OF BISMARCK
HAY CREEK TOWNSHIP
RESIDENTS OF KMK ESTATES

In order to settle the City of Bismarck initiated annexation of the portions of KMK Estates that lie outside of the City of Bismarck corporate limits, the parties agree as follows:

The parties agree to participate in the paving of Arabian, Buckskin and Colt Avenues within KMK Estates as described in the November 15, 2006 estimate by County Engineer Jon Mill (Attachment 1). The paving will be completed in the manner outlined in the estimate with a 3½ inch milled asphalt base and a 1½ inch hot mix surface during the summer of 2007. The estimated cost to complete the paving project is $78,026.

The parties agree to participate in the cost of the paving project in the following manner:

| | |
|---|---|
| Burleigh County | 25% |
| City of Bismarck | 25% |
| Hay Creek Township | 25% |
| KMK Estates and benefited City property | 25% |

Each 25% share equals $19,506.00 as currently estimated and all payments will be made to the Burleigh County Auditor.

1. Burleigh County and the City of Bismarck will be credited for in kind labor or materials contributed to the project, pursuant to Attachment 1.

2. The County agrees to provide its work at a rate typically given to townships within Burleigh County.

3. KMK's contribution of $19,506.50 will be reduced by $4095 for road frontage in the paving project that is presently within the City. KMK Estates' residents agree to escrow $15,406.00 for their portion of the project in a manner acceptable to Hay Creek Township by June 1, 2007. KMK's contribution may be adjusted upon receipt of final numbers for road frontages for the paving project.

4. The City will provide $19,449.00 worth of millings to the paving project and $57.50 for the balance of its share. The City will pay the balance of the KMK share for road frontage already in the City that will be paved in the amount of $4095.00. The City's contribution for road frontage already within the City may be adjusted upon receipt of final numbers for road frontages for the paving project.

5. The City agrees to assume full responsibility of and maintain the newly paved roads in KMK Estates.

6. Hay Creek Township agrees to pay $19,506.50 toward the paving project.

7. The City of Bismarck also agrees to assume full responsibility for 19th Street from Calgary Avenue to 43rd Avenue.

8. All of the parties agree that all of the dollar amounts and measurements are current best estimates and will be adjusted pursuant to the formula used in this Agreement by actual measurements, actual quantities used and actual costs, upon completion of the paving project.

9. Each resident of KMK Estates agrees to provide the City with a Petition for Annexation signed by each of the owners for each property which shall take effect five (5) years from the finalization of this Agreement. The City will cease its annexation of KMK Estates started in 2006 upon execution of this Agreement. Each resident of KMK Estates will provide a

signed Petition for Annexation to the City within 30 days of the execution of this Agreement. Each of the residents will be provided a copy of this Agreement that includes a numbered signature page that each resident will execute and return to the City. Upon receipt of all of the signature pages and execution by the County, Township and City, the City will combine them into one document and the parties agree that this Agreement will be deemed to be fully executed.

Dated this 19th day of June, 2007.

BURLEIGH COUNTY

Attest:

Burleigh County Auditor

Commission Chairman,
Burleigh County

Dated this 4th day of June, 2007.

Attest:

W.C. Wocken,
City Administrator

CITY OF BISMARCK

John Warford, President,
Bismarck City Commission

Dated this 25 day of June, 2007.

HAY CREEK TOWNSHIP

Attest:

Lora J. Crowley
Hay Creek Township
Clerk

Chairman, Board of Township
Supervisors

Dated this 7th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Winnifred Leverson
Leverson Family Trust
300 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 7th day of May, 2007, before me personally appeared Winnifred Leverson, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Jan M. Kramer
Notary Public
Burleigh County, North Dakota
My Commission Expires:

JAN M. KRAMER
Notary Public
State of North Dakota
My Commission Expires June 29, 2011

Dated this 6 day of ~~May, 2007.~~ June 2007

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Kerry Emter
325 Ash Coulee Drive

Pamela Emter
325 Ash Coulee Drive

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 6 day of ~~May~~ June, 2007, before me personally appeared Kerry Emter & Pamela Emter, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public
Burleigh County, North Dakota
My Commission Expires:

MARIAN EMTER
Notary Public
State of North Dakota
My Commission Expires May 29, 2013

Dated this 7th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Caroline Haakenson

Daniel Haakenson
300 Buckskin Avenue

Caroline Haakenson
300 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 7th day of May, 2007, before me personally appeared Caroline Haakenson, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

ADAM J HASS
NOTARY PUBLIC STATE OF NORTH DAKOTA
My Commission Expires July 28, 2012

Notary Public
~~Burleigh~~ Cass County, North Dakota
My Commission Expires: July 28, 2012

Dated this 14th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Daniel Haakenson
300 Buckskin Avenue

Caroline Haakenson
300 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 14th day of May, 2007, before me personally appeared Dan Haakenson, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public
Burleigh County, North Dakota
My Commission Expires:

VALERIE M BREN
Notary Public
State of North Dakota
My Commission Expires Aug. 3, 2007

Dated this 7th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Robert Schaff
250 Buckskin Avenue

Nadine Schaff
250 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 7th day of May, 2007, before me personally appeared Robert Schaff + Nadine Schaff, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

DEBORAH L ANDERSON
Notary Public
State of North Dakota
My Commission Expires Aug 29, 2011

Notary Public
Burleigh County, North Dakota
My Commission Expires:

Dated this 10 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Curtis Wentz
305 Colt Avenue

Diane Wentz
305 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 10 day of May, 2007, before me personally appeared Curtis & Diane Wentz, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

MARY JANE SAILER
Notary Public
State of North Dakota
My Commission Expires Oct 28, 2011

Notary Public
Burleigh County, North Dakota
My Commission Expires:

Dated this 6th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

John Benzinger
125 Buckskin Avenue

Eileen Benzinger
125 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 6th day of May, 2007, before me personally appeared John + Eileen Benzinger, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

MONICA BENZINGER
Notary Public
State of North Dakota
My Commission Expires June 3, 2010

Notary Public
Burleigh County, North Dakota
My Commission Expires:

Dated this 4 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Jerry P. Kessel

Jerry P. Kessel
200 Arabian Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 4 day of May, 2007, before me personally appeared Jerry P. Kessel, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Carla M. Miller

Notary Public
Burleigh County, North Dakota
My Commission Expires:

CARLA M. MILLER
Notary Public
State of North Dakota
My Commission Expires Feb. 5, 2008

Dated this 8th day of June, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Charles M. Avery
460 Arabian Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 8th day of June, 2007, before me personally appeared Charles M. Avery, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

KIMBERLA K BOHRER
Notary Public
State of North Dakota
My Commission Expires July 24, 2008

Notary Public Kimberla K. Bohrer
Burleigh County, North Dakota
My Commission Expires: 7-24-08

Dated this 3rd day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Donald J. Fitzgerald
Donald Fitzgerald
435 Buckskin Avenue

Lorraine Fitzgerald
Lorraine Fitzgerald
435 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 3 day of May, 2007, before me personally appeared DONALD J. & LORRAINE FITZGERALD, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

STUART WACKER
Notary Public
State of North Dakota
My Commission Expires April 8, 2009

Stuart Wacker
Notary Public
Burleigh County, North Dakota
My Commission Expires: 4-8-09

Dated this 7 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Louise E. Heupel

Louise Heupel
301 Buckskin Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 7th day of May, 2007, before me personally appeared Louise E. Heupel, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Inez L. Iverson

Notary Public
Burleigh County, North Dakota
My Commission Expires:

INEZ L. IVERSON
Notary Public
State of North Dakota
My Commission Expires Mar. 20, 2010

Dated this 7 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Raul Perez Torres
3710 N. Washington Street
By George Neigum, Power of Attorney

Aff. No 5656

STATE OF Puerto Rico )
) SS.
COUNTY OF San Juan )

On this 7 day of May, 2007, before me personally appeared Raul Perez Torres, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

IRENE REYES DIEZ
ABOGADA-NOTARIO

Notary Public
Puerto Rico
My Commission Expires: Never. It's Permanent
#7584

Dated this 8 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Julio R Perez
3710 N. Washington Street
By George Neigum, Power of Attorney

Helen T Perez
3710 N. Washington Street
By George Neigum, Power of Attorney

AFF.NUM. 15587

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 8 day of May, 2007, before me personally appeared JULIO R. PEREZ Y HELEN T. PEREZ, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

In Mayaguez, P.R., on this 8 days of May, 2007.

Notary Public
Burleigh County, North Dakota
My Commission Expires: PERMANENT

ANGEL GARCIA TROCHE
ISLA DE PUERTO RICO
ABOGADO NOTARIO

Dated this 4th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH
ADDITION LANDOWNER

Bruce T. Imsdahl

Bruce T. Imsdahl
Co-Trustee of Imsdahl Family Trust
425 Colt Avenue

Margaret L. Imsdahl

Margaret L. Imsdahl
Co-Trustee of Imsdahl Family Trust
425 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 4th day of May, 2007, before me personally appeared Bruce T. Imsdahl & Margaret L. Imsdahl, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

NORMA E ESLINGER
Notary Public
State of North Dakota
My Commission Expires August 30, 2011

Norma E. Eslinger

Notary Public
Burleigh County, North Dakota
My Commission Expires: 8-30-2011

Dated this 30 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Roger P. Drevlow
430 Colt Avenue

Joanne M. Drevlow
430 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 30 day of May, 2007, before me personally appeared Joanne Drevlow, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Notary Public
Burleigh County, North Dakota
My Commission Expires:

LENORA E. SORENSON
Notary Public
State of North Dakota
My Commission Expires Mar. 31, 2010

Dated this 14th day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Paul M. Bultsma
400 Colt Avenue

Susan R. Bultsma
400 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 14th day of May, 2007, before me personally appeared Paul M. Bultsma + Susan R. Bultsma, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

Kathryn Wermager
Notary Public
State of North Dakota
My Commission Expires 6-6-07

Notary Public
Burleigh County, North Dakota
My Commission Expires:

Dated this 14 day of May, 2007.

KMK ESTATES/HIGH MEADOWS 9TH ADDITION LANDOWNER

Jeffrey K. Hofstad
405 Colt Avenue

Joy I. Hofstad
405 Colt Avenue

STATE OF NORTH DAKOTA )
) SS.
COUNTY OF BURLEIGH )

On this 14th day of May, 2007, before me personally appeared Jeff & Joy Hofstad, known to me to be the persons who are described in, and who executed the within and foregoing instrument and who severally acknowledged to me that they executed the same.

JEANETTE GRAVSETH
Notary Public
State of North Dakota
My Commission Expires April 7, 2010

Notary Public
Burleigh County, North Dakota
My Commission Expires:

# BURLEIGH COUNTY HIGHWAY DEPARTMENT

2000 N. 52ND STREET, BISMARCK, NORTH DAKOTA 58501, (701) 221-6870

Attachment 1

PROJECT KMK Gravel Street Light Paving Cost Estimate DATE 15 Nov 06

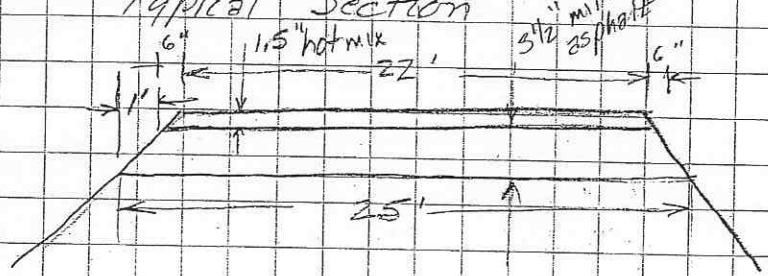
Street lengths unpaved as of 15 November 2006 (Shaun measured)

Arabian → 1,587'
Buckskin → 1,034'
Colt → ±1,546'

4,167' total length

(Residents @ 14 Nov 06 meet stated they thought length was 3,000', costs that day based on 3,000')

Typical Section




Millings EA = $24' \times \frac{3.5}{12}$ = 7.000 SF/LF
7.000 SF × 4,167' = 29,169 CF
÷ 27 CF/CY = 1,080.3 CY
× 2 ton/CY = 2,161 Ton millings

Hot Bit EA = $22.5' \times \frac{1.5}{12}$ = 2.8125 SF
2.8125 SF × 4,167' = 11,720 CF
÷ 27 CF/CY = 434.1 CY
× 2 ton/CY = 868.2 ton hot Mix

Cost Estimate Summary

Grading of Buckskin & prepping other 2 roads → $5,000

Hauling & placing millings (assume no acquisition cost)
2,161 ton × $9/ton → $19,449

Acquisition & placement of Hot Bituminous
868 ton × $50/ton → + $43,400

Subtotal → $67,849

Engr & Contingency 15% + 10,177

Grand Total Estimate $78,026

Jon R Mill
15 Nov 06

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>High Meadows 12th Addition – Zoning Change (RR to R5 & PUD) | |
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Daniel Haakenson – Lot A of L3, B2 (owner)<br>Robert & Nadine Schaff – Lot B of L3, B2 (owner)<br>Curt & Diane Wentz – L4, B2 (owner)<br>Verity Homes of Bismarck, LLC (applicant) | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Replat and rezone property for urban mixed-density development. | |
| **Location:**<br>In northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue (a replat of Lots A and B of Lot 3, Block 2 and Lot 4, Block 2, KMK Estates Subdivision). | |
| **Project Size:**<br>9.16 acres | **Number of Lots:**<br>45 lots in 3 blocks |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Rural residential | **Land Use:** Mixed density urban residential |
| **Zoning:** RR – Residential | **Zoning:** R5 – Residential<br>PUD – Planned Unit Development |
| **Uses Allowed:**<br>RR – Rural residential | **Uses Allowed:**<br>R5 – Single-family residential<br>PUD – Residential uses as specified in PUD |
| **Maximum Density Allowed**:<br>RR – One unit/65,000sf | **Maximum Density Allowed**:<br>R5 – 5 units/acre<br>PUD – Density as specified in PUD |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>04/1959 | **Platted:**<br>11/1969 | **Annexed:**<br>--- |

## ADDITIONAL INFORMATION

1. 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 2014. All property owners were also informed that they could be annexed earlier upon request.

2. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

*(continued)*

3. The required site plan and written statement for the PUD have been submitted by the applicant and are attached. The proposed PUD would be a one and two-family residential development with an overall density of 4.9 units per acre. The PUD portion of the development would have a density of 5.4 units per acre. The development includes a mix of one and two-family dwellings that will function as a transition between higher intensity land uses along North Washington Street and the existing larger lot rural and urban single family residential to the west and south.

4. Some of the single family lots within the proposed PUD are as small as 4,450 square feet, which would set a precedent. Historically, the smallest size single-family lots allowed under either previous versions of the zoning ordinance or PUD provisions has been 5,000 square feet. Staff requested that the lot sizes for the single family dwellings be increased in size, but the lot sizes were not changed. Staff is concerned with the precedent set by the smaller lot size.

**FINDINGS:**

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural single-family residential to the west and south, a religious institution to the east and a developing one and two-unit residential subdivision to the north

3. The subdivision proposed for this property would 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 approval of the zoning change from the RR – Residential zoning district to the R5 – Residential zoning district for Lots 3 and 7, Block 1 and Lot 21, Block 3 and to the PUD – Planned Unit Development zoning district for Lots 1-2, 4-6 and 8-12, Block 1, Lots 1-12, Block 2 and Lots 1-20, Block 3, High Meadows 12th Addition, as outlined in the attached draft PUD ordinance, and with the understanding that all lots to be occupied by single family dwellings be increased to 5,000 square feet.

*/Klee*

14-04-18. Planned Unit Developments.

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

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

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.
    a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
    b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
    a. Proposal conforms to the comprehensive plan.
    b. Buffer areas between noncompatible land uses may be required by the planning commission.
    c. Preservation of natural features including trees and drainage areas should be accomplished.
    d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
    e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

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

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

**ORDINANCE NO.**

| | |
|---|---|
| *Introduced by* | _____ |
| *First Reading* | _____ |
| *Second Reading* | _____ |
| *Final Passage and Adoption* | _____ |
| *Publication Date* | _____ |

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.**

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RR – Residential District and included within the R5 – Residential District.

Lots 3 and 7, Block 1, and Lot 21, Block 3, High Meadows 12th Addition.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RR – Residential District and included within the PUD – Planned Unit Development District.

Lots 1-2, 4-6 and 8-12, Block 1, Lots 1-12, Block 2 and Lots 1-20, Block 3, High Meadows 12th Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 42 residential units in both single-family and two-family buildings. Lots 1-2, 4-6 and 8-12, Block 1, Lots 1-12, Block 2 and Lots 15-20, Block 3 are limited to single-family dwellings and Lots 1-14, Block 3 are limited to one-half of a two-family dwelling. Any change in the use of the property from that indicated above will require an amendment to this PUD.

2. *Single-family Residential Development Standards.* Each buildable lot shall have an area of not less than five thousand (5,000) square feet, a minimum

width of not less than fifty (50) feet, a minimum front yard setback of twenty-five (25) feet, a minimum side yard setback of five (5) feet, a minimum rear yard setback of fifteen (15) feet, and a maximum building height of forty (40) feet.

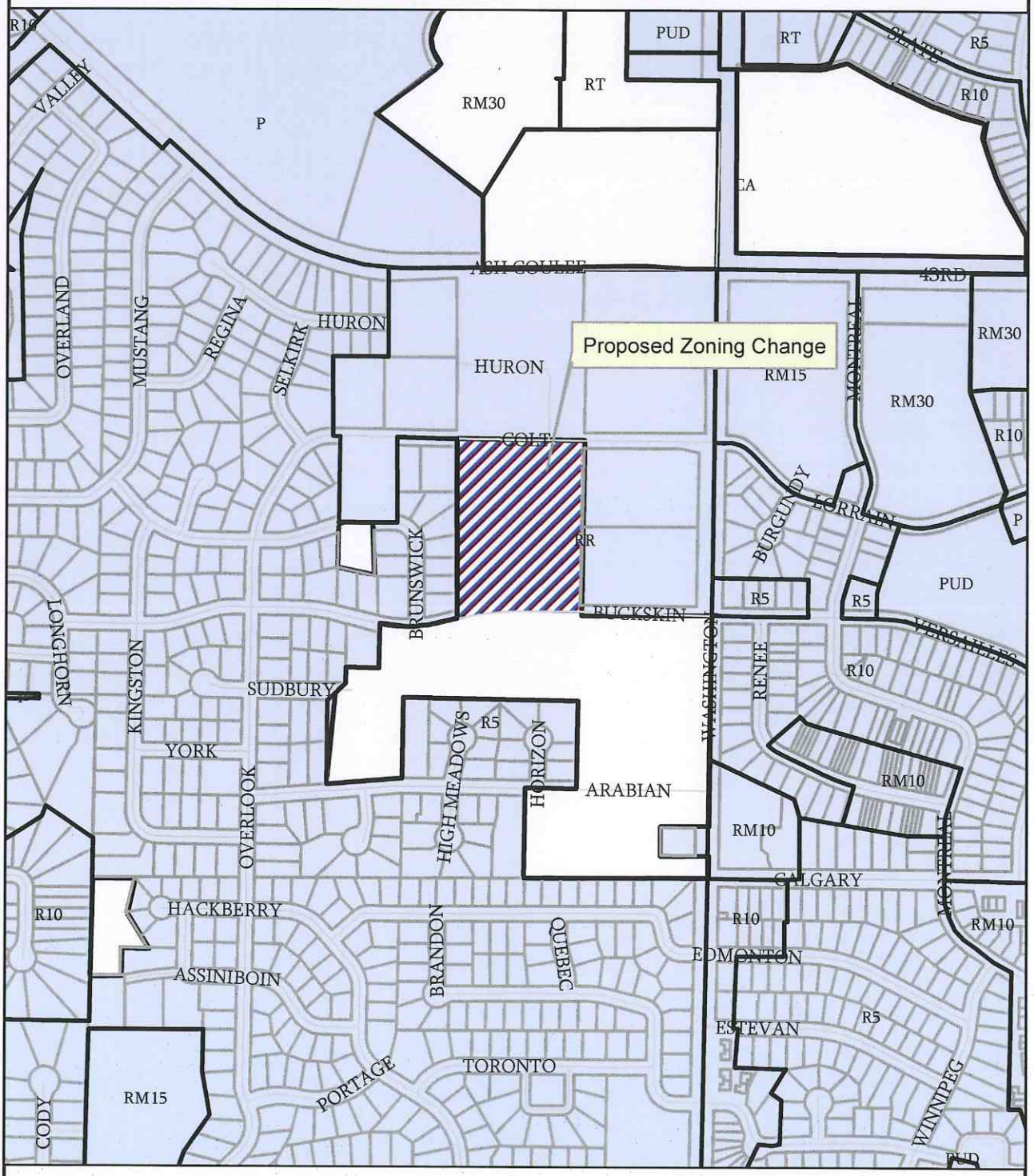
3. *Two-family Residential Development Standards*. Each buildable lot shall have an area of not less than twenty-eight hundred (2,800) square feet, a minimum width of not less than twenty-five (25) feet, a minimum front yard setback of twenty-five (25) feet, a minimum side yard setback of five (5) feet, a minimum rear yard setback of fifteen (15) feet, and a maximum building height of forty (40) feet.

4. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

# Proposed Zoning Change (RR to PUD)
# High Meadows 12th 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 heron.
Date: 6/20/2014(hlb)

Source: City of Bismarck

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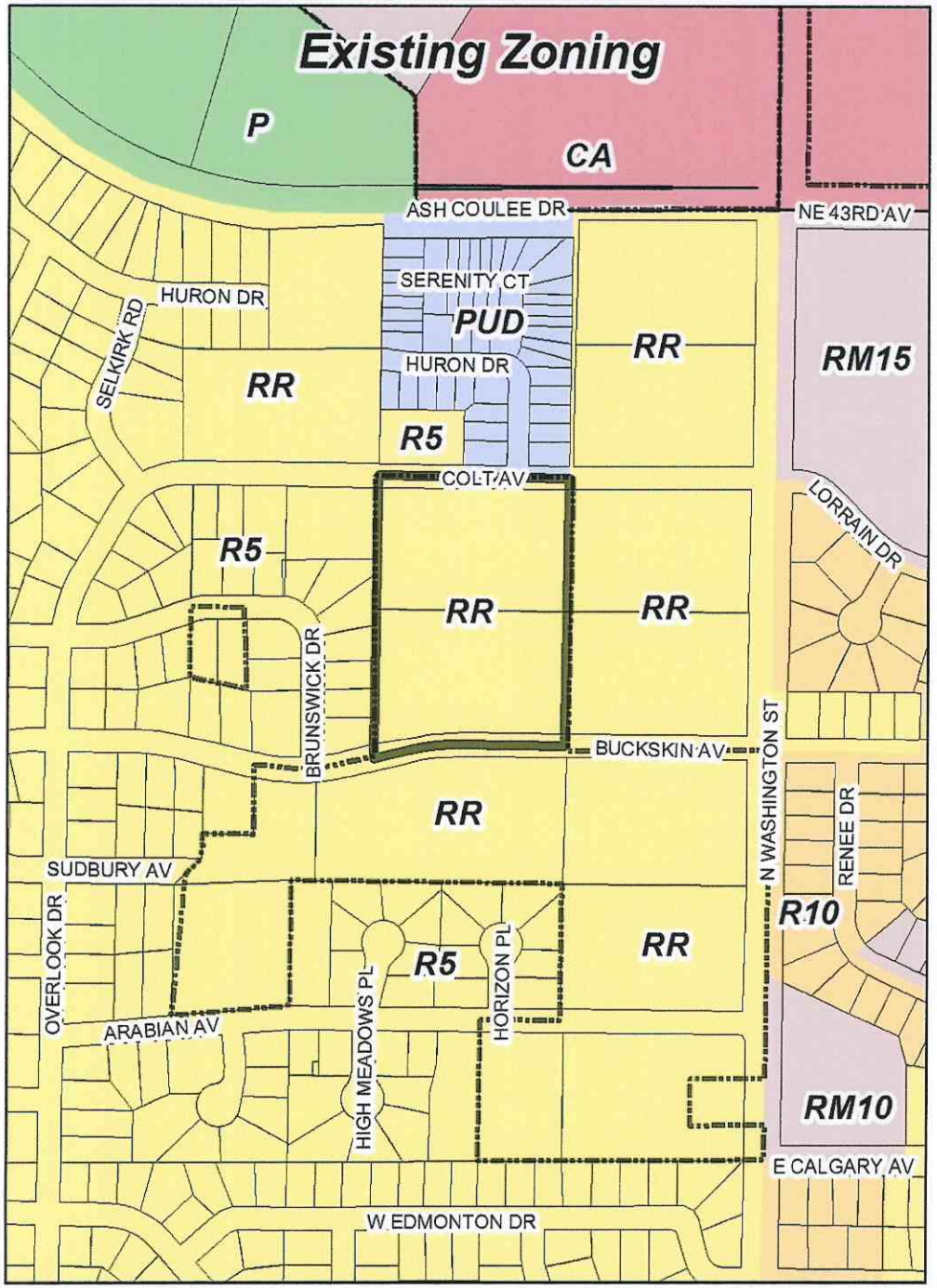
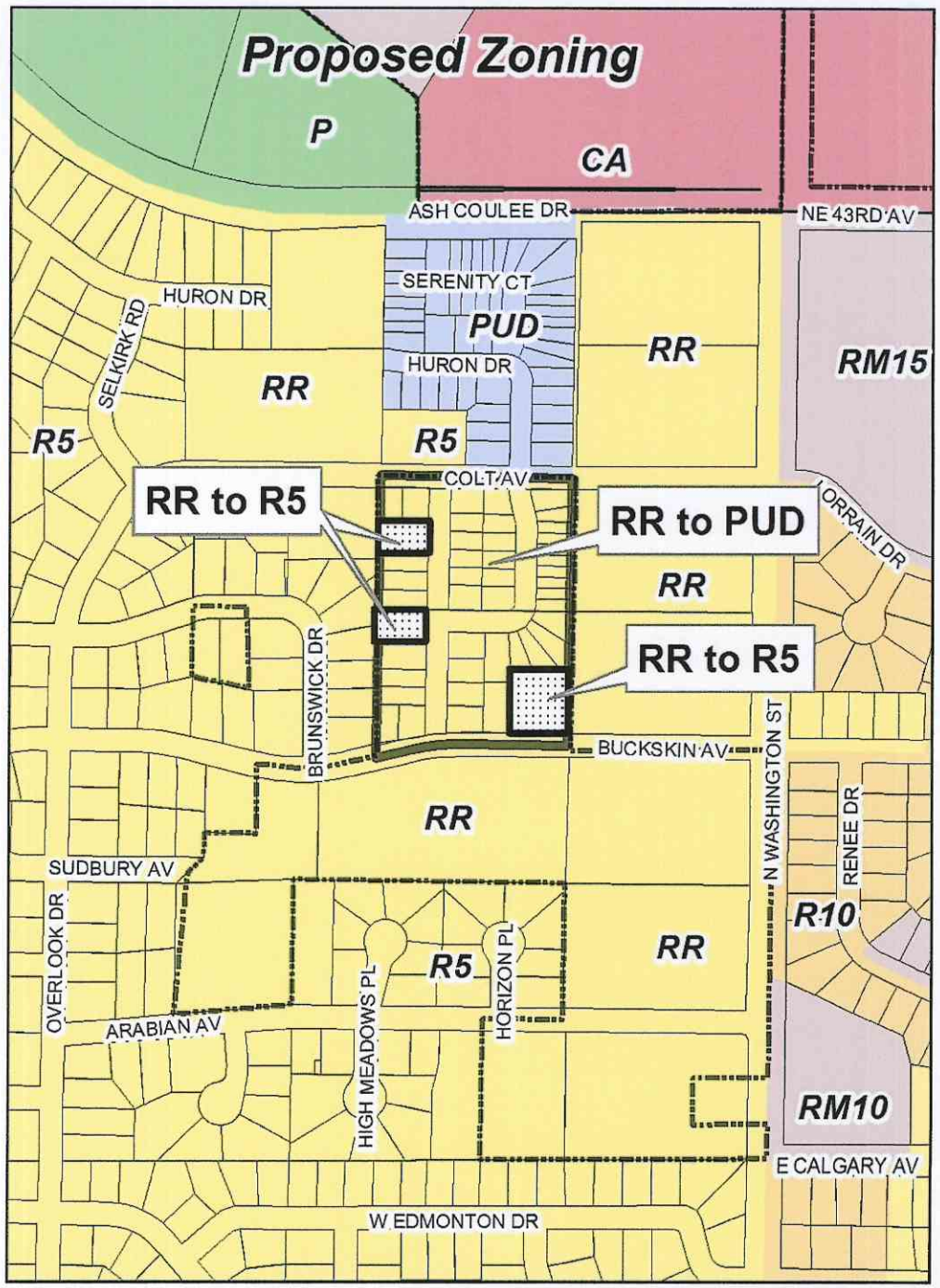
# High Meadows 12th Addition - Zoning Change

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August 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.*

JUN 2 0 2014

# High Meadows 12th Addition

## Request for Approval of High Meadows 12th Planned Unit Development

Verity Homes of North Dakota is proposing to develop approximately 9.16 acres located South of Colt Ave and North of Buckskin Ave. The area is currently platted as Lots A & B of Lot 3 & Lot 4 Block 2 KMK Estates, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 28 single family homes and seven twin homes (14 residences) while the three existing homes will remain in place.

The developer proposes rezoning the property to a PUD district in order to allow smaller lot sizes, while maintaining low density zoning. The intended project will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 4.80 units per acre and re-platting of the lots will address the housing needs of the community by allowing for modestly priced housing in North Bismarck. The proposed PUD conforms to the 2014 Bismarck Growth Management Plan, Specifically Housing Goal #5 to "expand the stock of affordable housing options for all income levels".

The following PUD zoning requirements are requested.

Zoning: PUD

Front yard: 25'

Side yard: 5'

Rear yard: 15'

Lot Width in Front @ Bldg Line: 25' (Twin Home Lots)

40' (Single Family Home Lots)

Lot area: 2,800 SF Minimum (Twin Home Lots)

4,400 SF Minimum (Single Family Home Lots)

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.

# HIGH MEADOWS 12TH ADDITION

## PUD SITE PLAN/ZONING/UTILITY MASTERPLAN

## EXISTING ZONING: RR
## PROPOSED ZONING: PUD

| | |
|---|---|
| FRONT YARD SETBACK | 25' |
| SIDE YARD SETBACK | 5' |
| REAR YARD SETBACK | 15' |
| LOT WIDTH IN FRONT AT BUILDING LINE: | |
| TWIN HOME LOTS: | 25' |
| SINGLE FAMILY HOME LOTS: | 40' |
| MAXIMUM BUILDING HEIGHT: | 40' |
| MINIMUM LOT SIZE: | |
| TWIN HOME LOTS: | 2800 SF |
| SINGLE FAMILY HOME LOTS: | 4400 SF |


SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>High Meadows 12th Addition – Final Plat | |
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Daniel Haakenson – Lot A of L3, B2(owner)<br>Robert & Nadine Schaff – Lot B of L3, B2 (owner)<br>Curt & Diane Wentz – L4, B2 (owner)<br>Verity Homes of Bismarck, LLC (applicant) | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Replat, rezone and annex property for increased urban mixed-density development. | |
| **Location:**<br>In northwest Bismarck, west of North Washington Street between Colt Avenue and Buckskin Avenue (a replat of Lots A and B of Lot 3, Block 2 and Lot 4, Block 2, KMK Estates Subdivision). | |
| **Project Size:**<br>9.16 acres | **Number of Lots:**<br>45 lots in 3 blocks |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:** Rural residential | **Land Use:** Mixed density urban residential |
| **Zoning:** RR – Residential | **Zoning:** R5 – Residential<br>PUD – Planned Unit Development |
| **Uses Allowed:**<br>RR – Rural residential | **Uses Allowed:**<br>R5 – Single-family residential<br>PUD – Residential uses as specified in PUD |
| **Maximum Density Allowed**:<br>RR – One unit/65,000sf | **Maximum Density Allowed**:<br>R5 – 5 units/acre<br>PUD – Density as specified in PUD |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>04/1959 | **Platted:**<br>11/1969 | **Annexed:**<br>--- |

## ADDITIONAL INFORMATION

1. 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 2014. All property owners were also informed that they could be annexed earlier upon request.

2. The proposed development would be a one and two-family residential development with an overall density of 4.9 units per acre. The PUD portion of the development would have a density of 5.4 units per acre. The development includes a mix of one and two-family dwellings that will function as a transition between higher intensity land uses along North Washington Street and the existing larger lot rural and urban single family residential to the west and south.

*(continued)*

3. The City's Capital Improvement Program includes the reconstruction of North Washington Street from Calgary Avenue north through 57th Avenue NE in 2015, if funding is available.

**FINDINGS:**

1. The revised preliminary plat was tentatively approved by the Planning & Zoning Commission on July 23, 2014.

2. All technical requirements for approval of a final plat have been met.

3. The storm water management plan has been approved by the City Engineer.

4. The proposed subdivision is outside of the area covered by the Fringe Area Road Master Plan. North Washington Street to the east of the proposed plat and Ash Coulee Drive to the north of the proposed plat are both classified as minor arterials on the MPO's Functional Classification Network (2009).

5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of urban single-family residential and rural single-family residential to the west and south, a religious institution to the east and a one and two-unit residential subdivision to the north.

6. The proposed subdivision would be annexed and services will be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.

7. The proposed subdivision would not adversely affect property in the vicinity.

8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

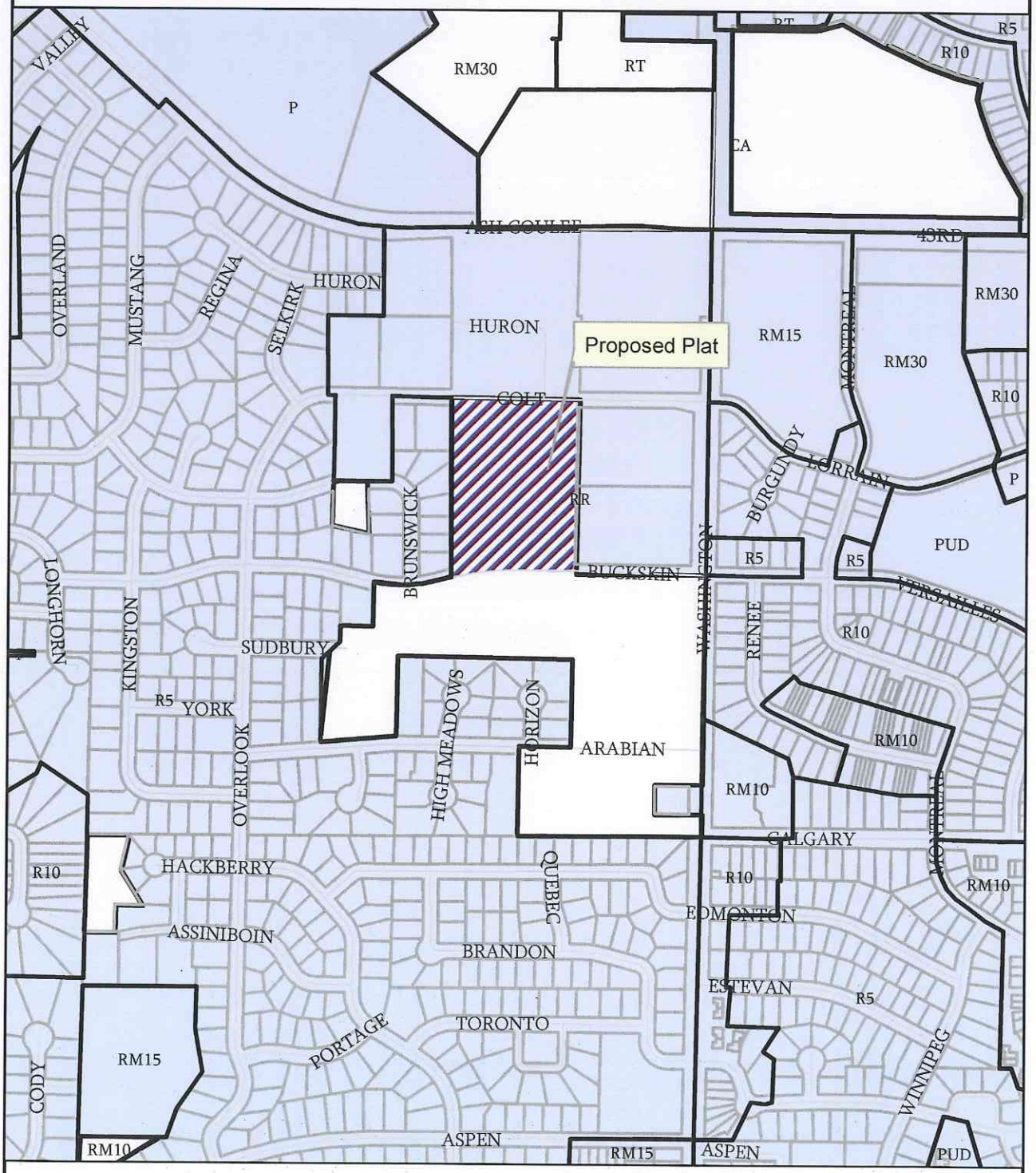
9. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat of High Meadows 12th Addition.

*/Klee*

# Proposed Plat
# High Meadows 12th Addition

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Date: 6/20/2014(hlb)

Source: City of Bismarck

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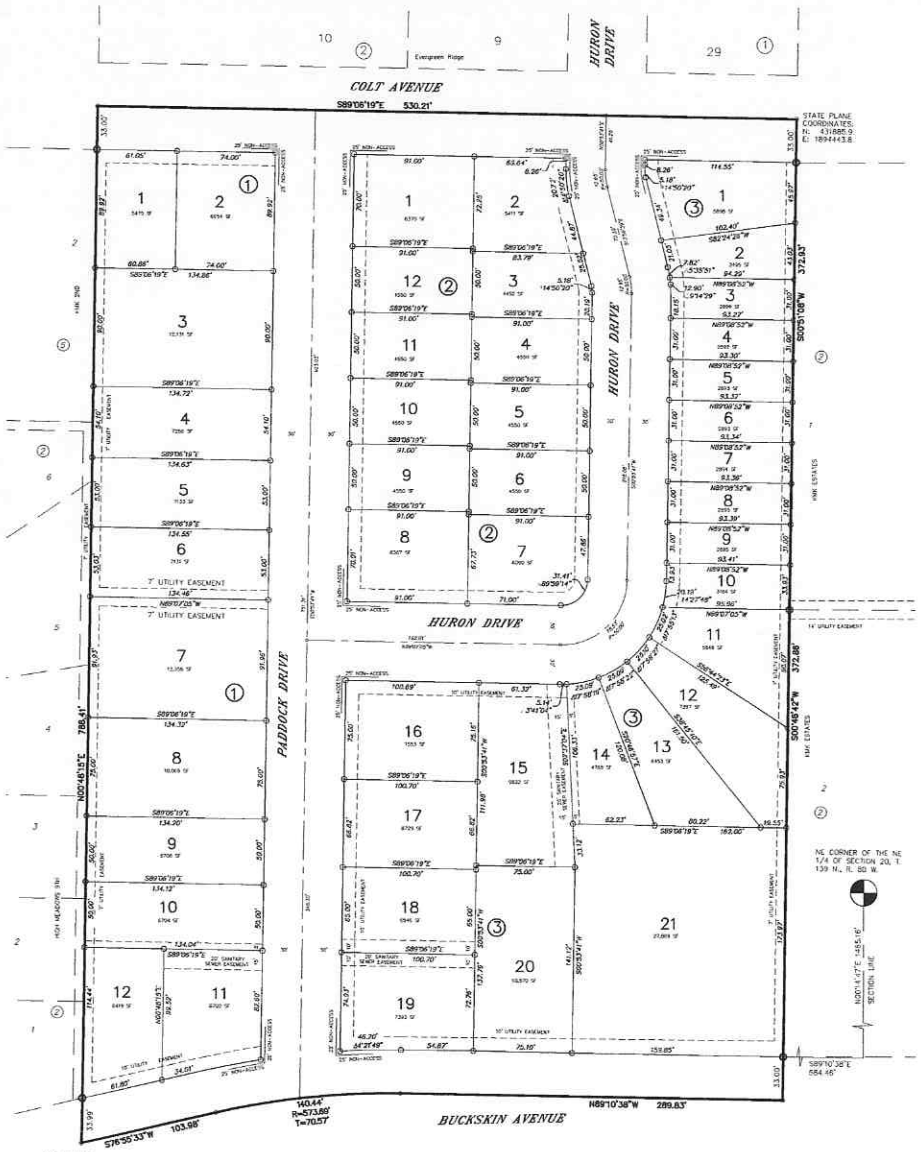
AUG 1 9 2014

# HIGH MEADOWS 12TH ADDITION

BEING A REPLAT OF LOTS A & B OF LOT 3 BLOCK 2 & LOT 4 BLOCK 2 OF KMK ESTATES PART OF THE NE 1/4 OF SECTION 20, T. 139 N., R. 80 W.

## BISMARCK, BURLEIGH COUNTY NORTH DAKOTA




### DESCRIPTION

BEING A REPLAT OF LOTS A & B OF LOT 3 BLOCK 2 & LOT 4 BLOCK 2 OF KMK ESTATES PART OF THE NE 1/4 OF SECTION 20, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 BLOCK 2 HIGH MEADOWS 9TH ADDITION; THENCE NORTH 00 DEGREES 48 MINUTES 15 SECONDS EAST, ALONG THE EAST LINES OF HIGH MEADOWS 9TH, KMK 2ND AND ITS NORTHERN EXTENSION, A DISTANCE OF 788.41 FEET TO THE CENTER RIGHT-OF-WAY LINE OF COLT AVENUE; THENCE SOUTH 89 DEGREES 06 MINUTES 19 SECONDS EAST, A DISTANCE OF 530.21 FEET TO THE NORTHERLY EXTENSION OF LOT 1 BLOCK 3 KMK ESTATES; THENCE SOUTH 00 DEGREES 53 MINUTES 41 SECONDS WEST, A DISTANCE OF 33.00 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 08 SECONDS WEST, ALONG THE EAST BOUNDARY LINE OF KMK ESTATES, A DISTANCE OF 372.93 FEET, TO THE NORTH BOUNDARY LINE OF SAID LOT 3, BLOCK 2; THENCE SOUTH 00 DEGREES 49 MINUTES 42 SECONDS WEST, ALONG THE EAST BOUNDARY LINE OF SAID LOT 3, A DISTANCE OF 372.88 FEET, EXTENDING TO THE CENTER RIGHT-OF-WAY LINE OF BUCKSKIN AVENUE; THENCE N 89 DEGREES 10 MINUTES 38 SECONDS WEST, ALONG SAID CENTERLINE, A DISTANCE OF 289.83 FEET; THENCE SOUTHWESTERLY AND TO THE LEFT ON A 573.89 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 00 DEGREES 55 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, AN ARC LENGTH OF 140.44 FEET; THENCE SOUTH 76 DEGREES 55 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 103.88 FEET TO THE EAST BOUNDARY OF HIGH MEADOWS 9TH ADDITION EXTENDED; THENCE NORTH 00 DEGREES 48 MINUTES 15 SECONDS EAST, ALONG SAID EAST BOUNDARY LINE EXTENDED, A DISTANCE OF 33.99 FEET TO THE POINT OF THE BEGINNING.

THE ABOVE TRACT CONTAINS 9.16 ACRES, MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 _____ 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 DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3595

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

### 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 _____ DAY OF _____, 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER – CHAIRMAN  CARL D. HOKENSTAD – 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 THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2014.

ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

### APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HIGH MEADOWS 12TH ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

### OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VERITY HOMES, CURTIS C WENTZ AND DIANE M WENTZ, ROBERT N SCHAFF AND NADINE SCHAFF AND DANIEL T HAAKENSON BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HIGH MEADOWS 12TH ADDITION", 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.

HE FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING 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 ALL OTHERS HAVING LIKE 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 ASSIGNS AND APPURTENANT 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 WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

ARTHUR GOLDAMMER
VERITY HOMES
BISMARCK, ND 58503
OWNER, LOTS 4-6 BLOCK 1;
ALL OF BLOCK 2;
LOTS 1-11 BLOCK 3

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDAMMER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

CURTIS C WENTZ
305 COLT AVENUE
BISMARCK ND 58503
OWNERS LOTS 1-3 BLOCK 1

DIANE M WENTZ
305 COLT AVE.
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED CURTIS C WENTZ AND DIANE M WENTZ, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

ROBERT N SCHAFF
250 BUCKSKIN AVENUE
BISMARCK ND 58503
OWNERS LOTS 11-21, BLOCK 3

NADINE SCHAFF
250 BUCKSKIN AVENUE
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED ROBERT N SCHAFF AND NADINE SCHAFF, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

DANIEL T HAAKENSON
300 BUCKSKIN AVENUE
BISMARCK, ND 58503
OWNER, LOTS 7-12 BLOCK 1

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED DANIEL T HAAKENSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

_____ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

### NOTES

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

BENCHMARK:
HYDRANT#910 COLT AVENUE
1ST EAST OF SOLWAK ROAD
ELEV = 1934.82 (NGVD 29)

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1929

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

○ MONUMENT TO BE SET
O MONUMENT IN PLACE

### AREA

| | | |
|---|---|---|
| LOTS | 289,159 S.F. | 6.63 ACRES |
| STREET | 110,054 S.F. | 2.53 ACRES |
| TOTAL | 399,213 S.F. | 9.16 ACRES |

N
W E
S

0 20' 40' 60'

SCALE: 1"=40'

JULY 22, 2014

DATUM: NGVD 1929

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
swco@swensonhagen.com
Phone (701) 223-2860
Fax (701) 223-2864
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

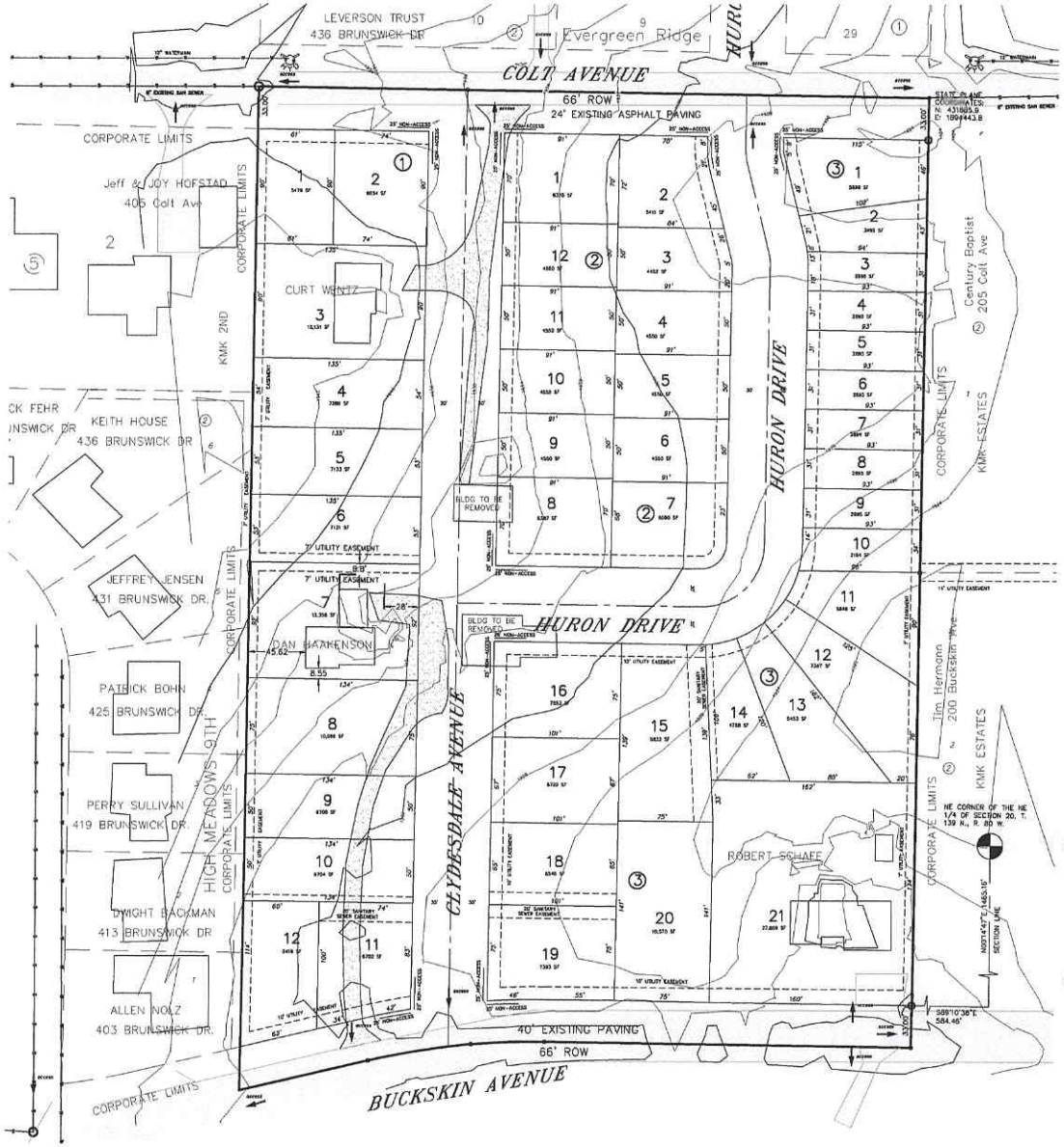
# HIGH MEADOWS 12TH ADDITION

BEING A REPLAT OF LOTS A & B OF LOT 3, BLOCK 2, & LOT 4 BLOCK 2 OF KMK ESTATES

PART OF THE SW 1/4 OF THE S 1/2 OF THE NW 1/4
SECTION 20, T. 139, R. 80 W.

## BISMARCK, NORTH DAKOTA

JUL 09 2014




9.16 ACRES
EXISTING ZONING: RR
PROPOSED ZONING: PUD
45 LOTS

OWNERS:

VERITY HOMES
3100 N 14TH ST
BISMARCK ND 58503 663-4117

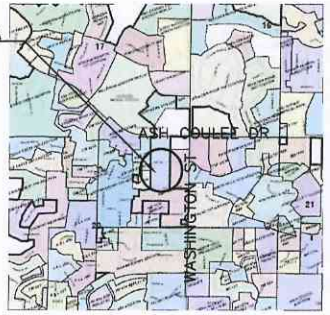
CURT WENTZ
305 COLT AVENUE
BISMARCK ND 58503 255-0544
LOT 4 BLOCK 2 KMK ESTATES

DAN HAAKENSON
300 BUCKSKIN AVENUE
BISMARCK ND 58503 255-7581
LOT 3A BLOCK 2 KMK ESTATES

ROBERT SCHAFF
250 BUCKSKIN AVENUE
BISMARCK ND 58503 258-9894
LOT 3B BLOCK 2 KMK ESTATES

JULY 9, 2014
SCALE - 1"=40'
NGVD29

PROJECT AREA





SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
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Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58504
shcmail@swenson-hagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Huber Second Subdivision – Final Plat | |
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Lloyd and Mary Deringer | **Engineer:**<br>Swenson, Hagen & Co. |
| **Reason for Request:**<br>Plat property to allow development of a three-lot rural residential subdivision. | |
| **Location:**<br>Northeast of Bismarck, along the south side of 43rd Avenue NE east of 52nd Street NE<br>(Lot A of Government Lot 1 of the NW ¼ , Section 19, 139N-R79W/Gibbs Township). | |
| **Project Size:**<br>6.17 acres | **Number of Lots:**<br>3 lots in 1 block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:**<br>Undeveloped | **Land Use:**<br>Rural residential |
| **Zoning:**<br>RR – Residential | **Zoning:**<br>RR – Residential |
| **Uses Allowed:**<br>Rural residential and limited agriculture | **Uses Allowed:**<br>Rural residential and limited agriculture |
| **Maximum Density Allowed**:<br>One unit per 65,000 square feet | **Maximum Density Allowed:**<br>One unit per 65,000 square feet |
| **PROPERTY HISTORY:** | |
| **Zoned:**<br>04/1959 | **Platted:**<br>--- |

## ADDITIONAL INFORMATION:

1. The property to be occupied by the proposed subdivision was zoned rural residential in 1959 and is located within the City's Urban Service Area Boundary (USAB). The applicant has indicated that they have no plans to further subdivide the proposed lots and have submitted a waiver request to allow the use of a private roadway (Toneva Place). As a requirement of platting property located within the USAB, staff has requested that the proposed subdivision be ghost platted to identify future lots that can be developed at urban densities in the future.

## FINDINGS:

1. The preliminary plat was tentatively approved on July 23, 2013.
2. All technical requirements for approval of a final plat have been met.
3. The stormwater management plan has been approved by the City Engineer, with written concurrence from the Burleigh County Engineer.
4. The Gibbs Township Board of Supervisors has recommended approval of the proposed plat.
5. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies 43rd Avenue NE as an arterial roadway.

*(continued)*

6. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the east and south, and undeveloped agriculturally zoned property to the north, west, and south.

7. The subdivision proposed for this property would be served by South Central Regional Water District and would have access to 43rd Avenue NE via a private roadway; therefore the proposed zoning change would not place an undue burden on public services.

8. The proposed subdivision would not adversely affect property in the vicinity.

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

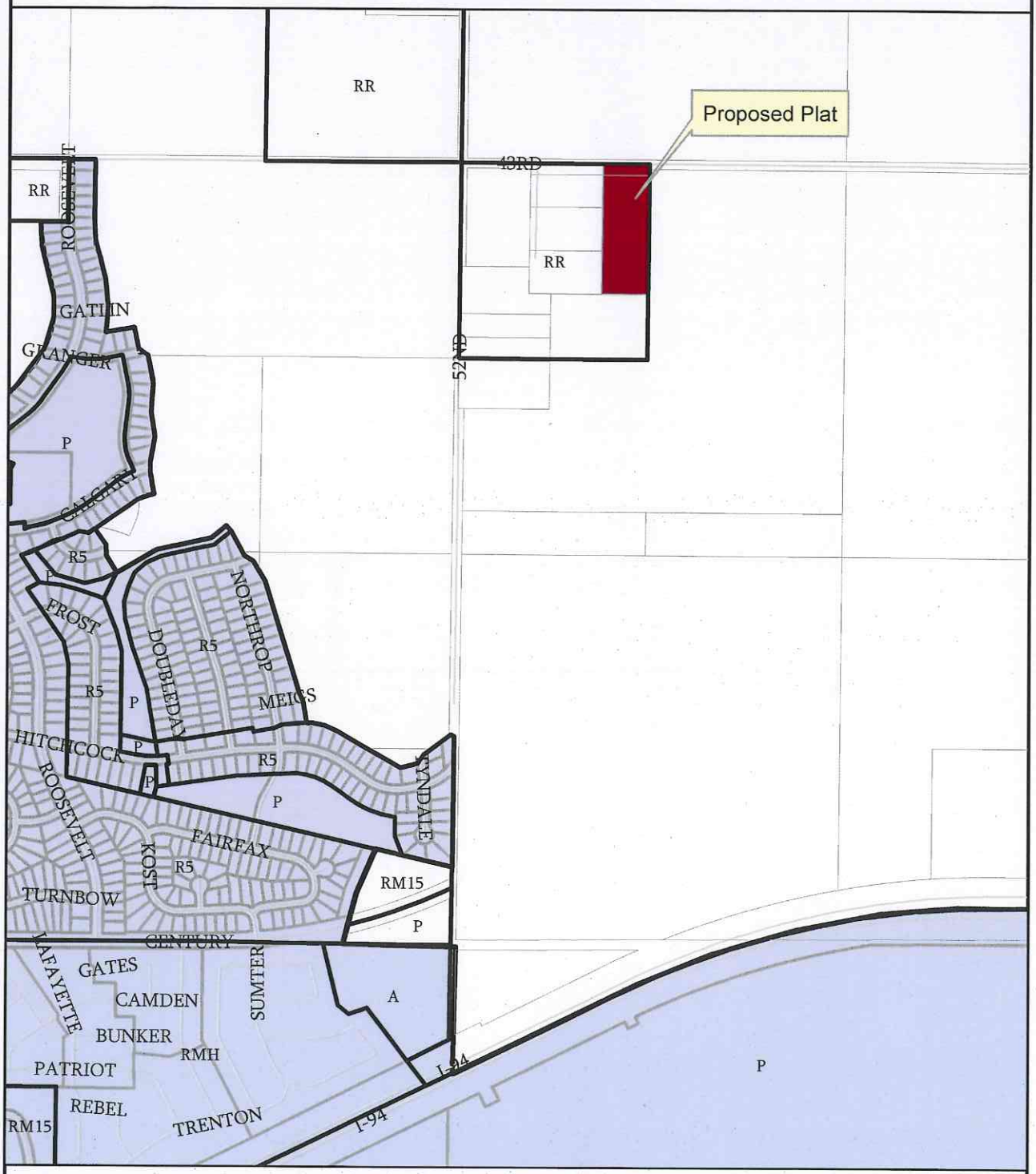
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat of Huber 2nd Subdivision, including the granting a waiver for the use of the private roadway.

*/JW*

# Proposed Plat
# Huber Second 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 heron.
Date: 6/20/2014(hlb)

Source: City of Bismarck

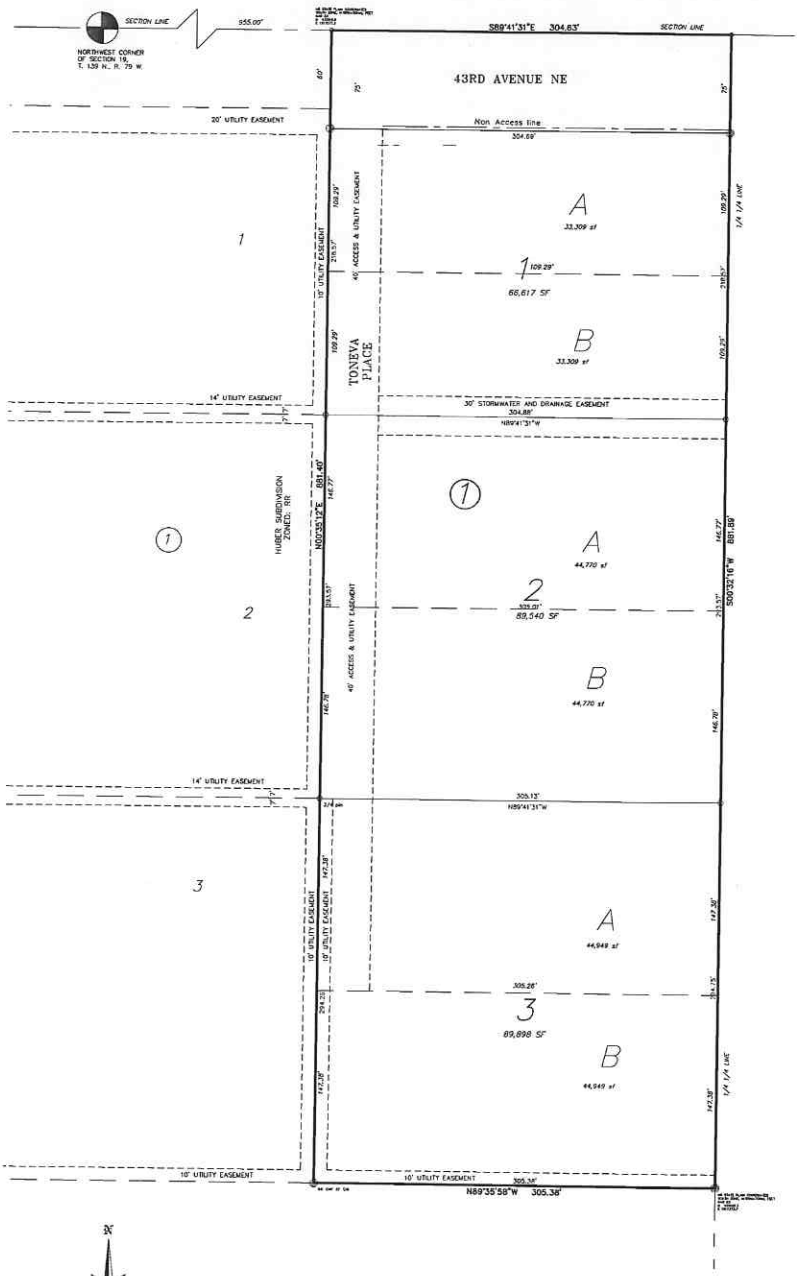
N

0 900 1,800 Feet

# HUBER SECOND SUBDIVISION

AUDITORS LOT A OF GOVERNMENT LOT 1 NORTHWEST 1/4
SECTION 19, TOWNSHIP 139 N., RANGE 79 W.

## BURLEIGH COUNTY, NORTH DAKOTA




SCALE - 1"=40'

0 20 40 80

JULY 22, 2014

NAVD 88

### AREA

| | | |
|---|---|---|
| LOTS | 248,708 S.F. | 5.65 ACRES |
| 1 BLOCK | 27,878 S.F. | 0.62 ACRES |
| TOTAL | 276,586 S.F. | 6.27 ACRES |

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

### NOTES

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

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENTS.

NOTE:
THE WATER SERVICE AGREEMENT BETWEEN THE CITY OF BISMARCK AND SOUTH CENTRAL REGIONAL WATER DISTRICT WILL ALLOW THE PROVISION OF WATER SERVICE TO ENGLAND ACRES FOR A PERIOD OF 5 YEARS AND SUBSEQUENT TO THAT TIME, THE CITY MAY, UPON A ONE YEAR NOTICE, REQUIRE SOUTH CENTRAL REGIONAL WATER DISTRICT TO DISCONTINUE WATER SERVICE IF CITY WATER SERVICE IS AVAILABLE.

### DESCRIPTION

AUDITORS LOT A OF GOVERNMENT LOT 1 NORTHWEST 1/4 SECTION 19, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA CONTAINING -.- ACRES , MORE OR LESS.

### SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, 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 _____ 2014, 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 DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA )
) SS
COUNTY OF BURLEIGH )

SWENSON, HAGEN & CO. P.C.
909 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3885

ON THIS _____ DAY OF _____ 2014, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

### 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 _____ DAY OF _____ 2014, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER – CHAIRMAN

CARL D. HOKENSTAD – 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 THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____ 2014.

ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

### APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HUBER SECOND SUBDIVISION", BURLEIGH COUNTY, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

### APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____DAY OF _____ 2014.

JIM PELUSO – CHAIRMAN

ATTEST
KEVIN J. GLATT – COUNTY AUDITOR

### OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT LLOYD DERINGER AND MARY DERINGER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HUBER SECOND SUBDIVISION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

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

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 DEDICATED 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 THERETO 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 EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING 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 ALL OTHERS HAVING LIKE 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 ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. THEY ALSO GRANT 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 WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA )
) SS
COUNTY OF BURLEIGH )

LLOYD DERINGER
5315 FAIRHILL ROAD
BISMARCK, ND 58503

MARY DERINGER
5315 FAIRHILL ROAD
BISMARCK, ND 58503

ON THIS _____ DAY OF _____ 2014, BEFORE ME PERSONALLY APPEARED LLOYD DERINGER AND MARY DERINGER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES _____

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
shcmail@swensonhagen.com
Phone (701) 223-2697
Fax (701) 223-2698
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

PROJECT LOCATION

LOCATION MAP

OWNER:
LLOYD & MARY DERINGER
5315 FAIRHILL RD
BISMARCK, ND 58503
701-426-1058

6.2 ACRES
3 LOTS

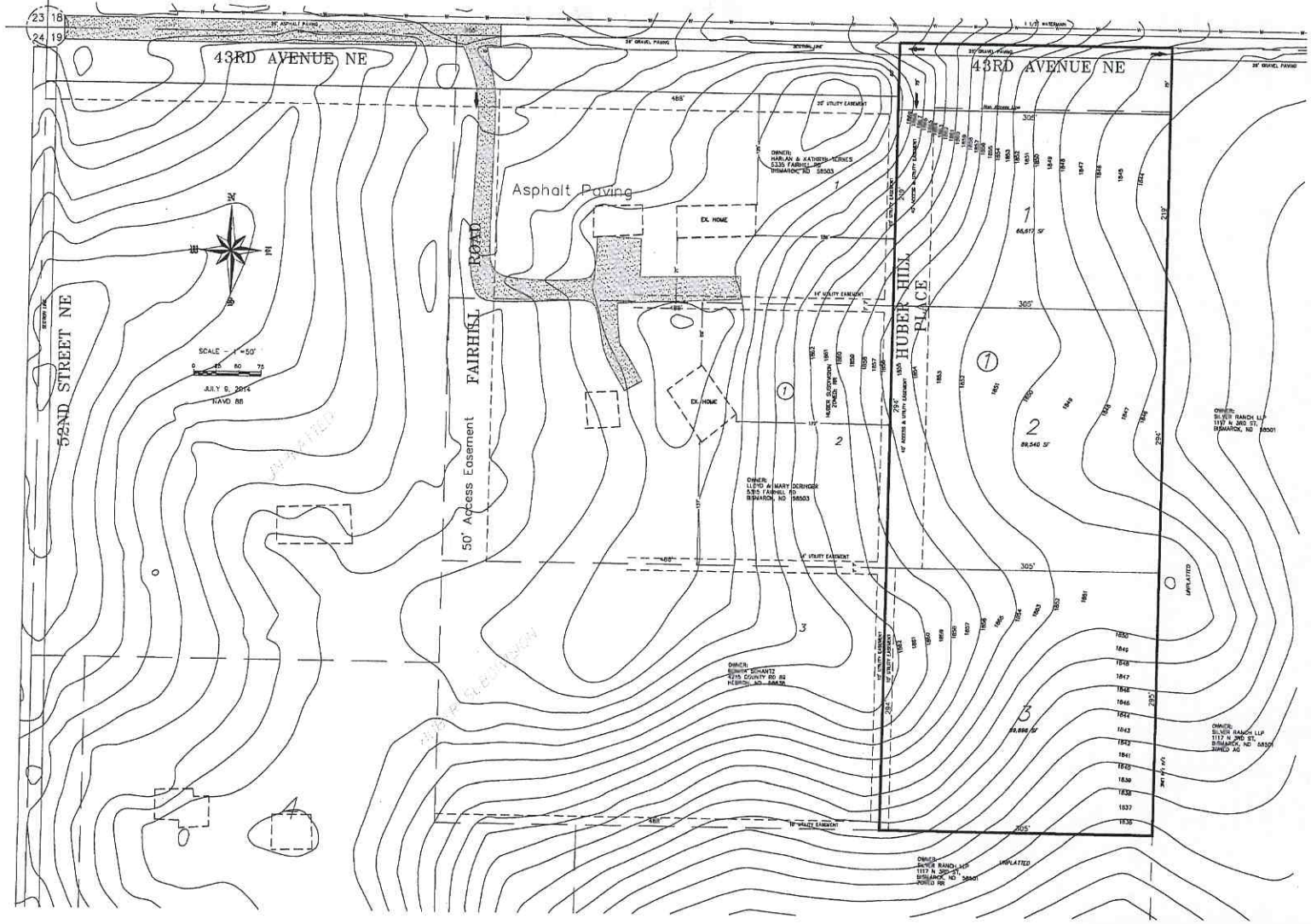
EXISTING ZONING: RR
GOV'T LOT 1

# HUBER SECOND SUBDIVISION

LOT A OF GOVERNMENT LOT 1 OF
SECTION 19, T. 139 N., R. 79 W.

## BURLEIGH COUNTY, NORTH DAKOTA

JUL 0 9 2014




SWENSON, HAGEN & COMPANY P.C.

RESOLUTION

RECEIVED
JUL 21 2014

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PROPOSED PLAT OF HUBER SECOND SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT BE (APPROVED)(DENIED). (PLEASE ATTACH CONDITIONS, IFANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:

_____

_____

_____

_____

CHAIRMAN, TOWNSHIP BOARD

John Hauck

DATE

7-18-2014

Myrna L Hauck

ATTEST: TOWNSHIP CLERK

7-18-2014

DATE

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Lots 7-9, Block 37, Northern Pacific Addition – Special Use Permit (Off-site parking lot) | |
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>St. Alexius Medical Center (applicant)<br>Morris Tschider (owner) | **Engineer:**<br>Swenson, Hagen &Company |
| **Reason for Request:**<br>To allow the construction of an off-site parking lot in the RT-residential zoning district to benefit both Professional Building Limited Partnership, located east of the proposed off-site parking lot, and St. Alexius Medical Center located, south of the proposed off-site parking lot. | |
| **Location:**<br>In central Bismarck, north of East Avenue A and east of North 8th Street. | |
| **Project Size:**<br>21,000 square feet | **Number of Lots:**<br>One parcel in one block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:**<br>Residential | **Land Use:**<br>Off-site parking lot |
| **Zoning:**<br>RT – Residential | **Zoning:**<br>RT – Residential |
| **Uses Allowed:**<br>RT – Multi-family residential, offices and off-site parking lots | **Uses Allowed:**<br>RT – Multi-family residential & offices and off-site parking lots allowed as a special use |
| **Maximum Density Allowed**:<br>RT – 30 units/acre | **Maximum Density Allowed:**<br>RT – 30 units/acre |

| PROPERTY HISTORY: | | |
|---|---|---|
| **Zoned:**<br>Pre-1980 | **Platted:**<br>Pre-1980 | **Annexed:**<br>Pre-1980 |

## ADDITIONAL INFRMATION:

1. An off-site parking lot is allowed as a special use in the RT – Residential zoning district, provided specific conditions are met. The proposed off-site parking lot meets all five (5) provisions outlined in in Section 14-03-08(4)(x) of the City Code of Ordinances (Special Uses)(Off-site Parking). A copy of this section of the ordinance is attached.

2. The proposed off-site parking lot will provide parking for the professional building, located to the east of the proposed off-site parking lot, and St. Alexius Medical Center's Medical Arts Plaza building, located south of the proposed-off-site parking lot; both properties are located within four-hundred (400) feet of the proposed off-site parking lot.

3. The applicant has indicated that the two existing single family dwellings located on Lot 8 and Lot 9 will be demolished in September 2014.

## FINDINGS:

1. The proposed special use would comply with applicable provisions of the zoning ordinance. In particular, the proposed special use meets all five (5) provisions outlined in in Section 14-03-08(4)(x) of the City Code of Ordinances (Special Uses)(Off-site Parking).

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, provided the landscaping and buffer yard is installed. According to the site plan submitted with the application, the required landscaping and buffer yard will be installed per Section 14-03-11(10) of the City Code of Ordinances.

4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

5. Adequate public facilities and services are in place to serve the proposed special use.

6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

7. The proposed special use is compatible with adopted plans, policies and accepted planning practice.

## RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the construction of an off-site parking lot on Lots 7-9, Block 37, Northern Pacific 2nd Addition, with the following condition:

1. Development of the site shall generally conform to the site plan submitted.

*/JW*

**Section 14-03-08(4)(x) of the City Code of Ordinances (Special Uses)(Off-site Parking).**

x. Off-site Parking Lots. Off-site parking lots for any use may be permitted in any R5-Residential, R10-Residential, RM-Residential and RT-Residential district as a special use provided:

1. The lot or parcel meets the dimensional requirements for the underlying zoning district.

2. The lot or parcel is located along a public roadway and obtains access from a roadway classified as either a local roadway or a collector.

3. The lot or parcel is located no further than four hundred (400) feet from the use it is intended to serve.

4. A landscaped buffer yard is provided along any common lot line with an existing residential use and the buffer yard is installed in accordance with the provisions of Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards).

5. A site plan is submitted showing the overall dimensions of the site, the location and dimensions of parking spaces and access aisles, perimeter landscaping, landscaped buffer yards, adjacent roadways and proposed access (ingress/egress).

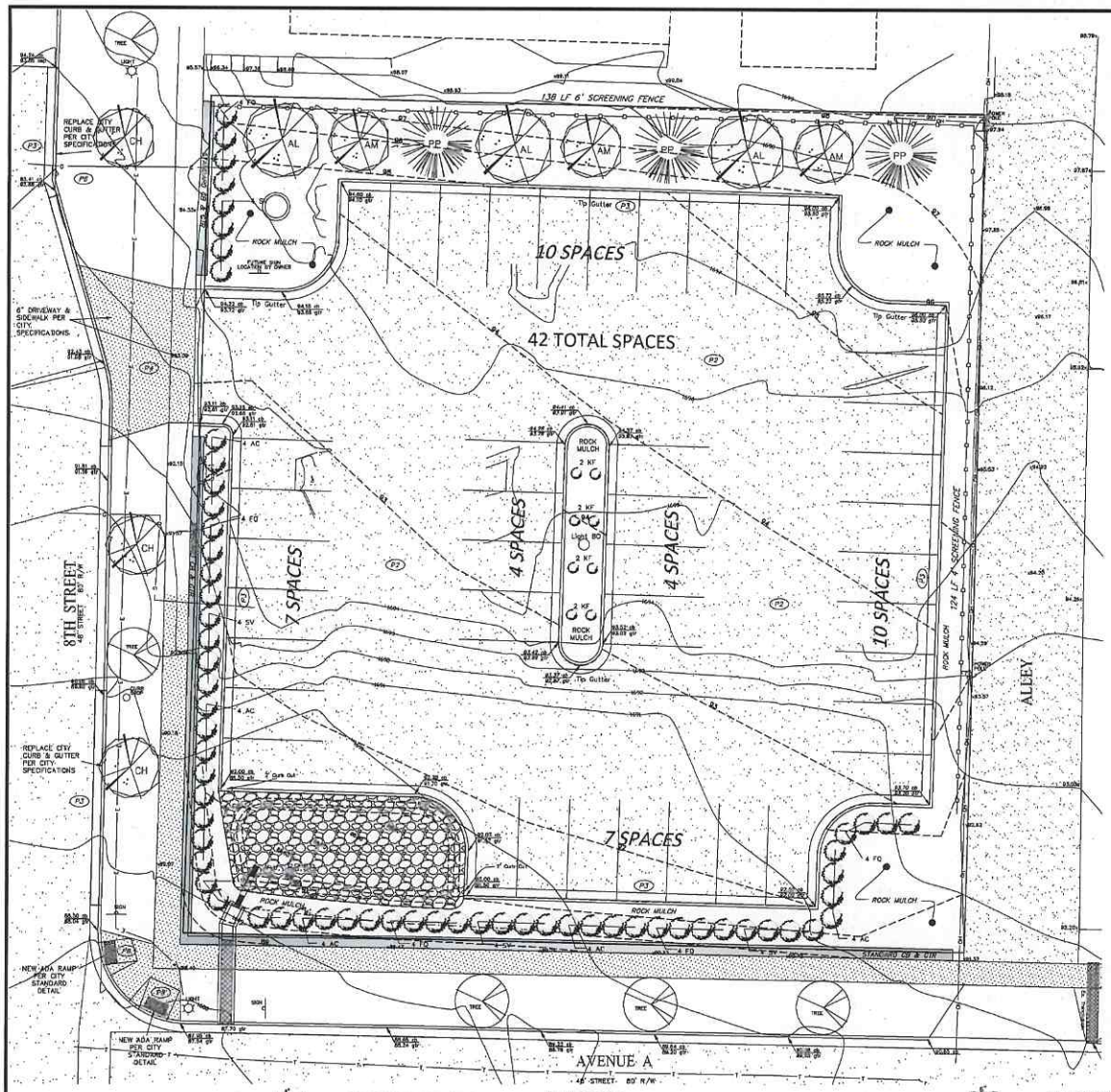
# Proposed Special Use Permit
# Lots 7-9 less the East 10', Block 37
# Northern Pacific 2nd Addition

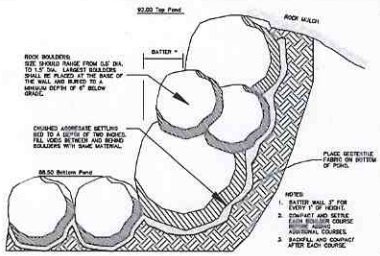
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 7/25/2014(hlb)

Source: City of Bismarck

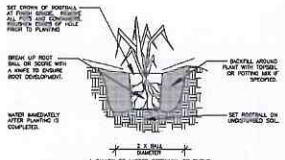
N

0 550 1,100 Feet



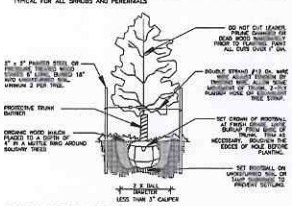




ROCK DETENTION WALL DETAIL NTS



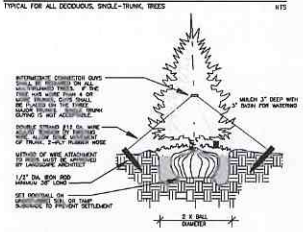

SHRUB/PERENNIAL PLANTING DETAIL NTS

TYPICAL FOR ALL SHRUBS AND PERENNIALS




TREE PLANTING DETAIL

TYPICAL FOR ALL DECIDUOUS, SINGLE-TRUNK, TREES NTS




EVERGREEN PLANTING DETAIL NTS

TYPICAL FOR ALL MULTI-TRUNKED & EVERGREEN TREES

## GENERAL LANDSCAPING

- G1 ALL CONTRACTORS WISHING TO SUBMIT BIDS FOR THIS LANDSCAPING PROJECT SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL CONDITIONS.
- G2 PROTECT THE IMPROVEMENTS ON SITE AND ON THE ADJOINING PROPERTIES. PROVIDE BARRICADES, COVERINGS OR OTHER TYPE OF PROTECTION AS NECESSARY TO PREVENT DAMAGE AND TO SAFEGUARD AGAINST INJURY TO EXISTING UTILITIES.
- G3 DAMAGE THAT OCCURS TO PLANTS DURING TRANSPORTATION AND INSTALLATION WILL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
- G4 ALL LANDSCAPE PLANTINGS ARE TO BE WATERED BY THE LANDSCAPE CONTRACTOR THE SAME DAY THAT THE PLANTING OCCURS. IF WATER IS NOT AVAILABLE ON SITE, THE LANDSCAPE CONTRACTOR SHALL PROVIDE ALTERNATIVE METHODS FOR WATERING.
- G5 SOLITARY TREES DO NOT NEED TO BE EDGED AROUND. HOWEVER ORGANIC WOOD MULCH SHALL BE PLACED AROUND THE TREE IN A MULTILE RING THAT CONFORMS TO THE DETAIL PROVIDED FOR TREE PLANTINGS.
- G6 FURNISHED TREES GUARANTEED TO LIVE AND REMAIN STRONG, VIGOROUS, AND HEALTHY CONDITION FOR 365 DAYS MINIMUM FROM DATE LANDSCAPE INSTALLATION IS ACCEPTED AS COMPLETED.
- G7 LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING AND CARING FOR ALL PLANT MATERIAL AND OTHER LANDSCAPING IMPROVEMENTS UNTIL THE DATE OF FINAL INSPECTION AND APPROVAL.
- G8 ALL PLANTING BEDS SHALL BE INSTALLED WITH 3" OF 1" CRUSHED ROCK MULCH, LANDSCAPE FABRIC WITH A MINIMUM WEIGHT OF 4 OZ./SY, AND WHEREVER NECESSARY, 6" COMMERCIAL GRADE BLACK PLASTIC EDGING TO CONTAIN THE PLANTING BED.

## FENCING NOTES

- F1 A 6' & 4' HIGH OPAQUE VINYL FENCE SHALL BE INSTALLED WHERE DEPICTED ON THE PLANS. FENCE SHALL BE INSTALLED 6" SOUTH & WEST OF THE PROPERTY LINE. FENCE SHALL BE BUFFTECH CHESTERFIELD WITH CERTAGRAIN & ALMOND COLORED, OR ENGINEER EQUAL, APPROVED.
- F2 ALL FASTENERS AND HARDWARE SHALL BE A NON-CORROSIVE METAL MATERIAL APPROVED FOR OUTDOOR USE BY THE MANUFACTURER.

## STRIPING

- SS1 STRIPING SHALL BE 4" WIDE NON REFLECTORIZED PAINT MEETING THE REQUIREMENTS OF AASHTO M28 APPLIED AT A RATE OF 110 SQUARE FEET PER GALLON. COLOR SHALL BE YELLOW. TYPICAL FOR ALL STRIPING UNLESS OTHERWISE NOTED.

## PAVEMENT

- P1 ON SITE EXTERIOR CONCRETE MATERIALS AND CONSTRUCTION MATERIALS SHALL CONFORM TO CITY OF BISMARCK SPECIFICATIONS EXCEPT AS MODIFIED HEREIN. AIR CONTENT SHALL BE 5% TO 7%. STRENGTH AT 28 DAYS SHALL BE 4000 PSI.
- P2 CONCRETE PAVING 5" WITH FIBERMESH (SEE DETAIL).
- P3 STANDARD VERTICAL FACE CURB AND GUTTER. SEE DETAIL.
- P4 6" CONCRETE FOR DRIVEWAY APRON PER CITY STANDARD SPECIFICATIONS.
- P5 SUBGRADE UNDER AREAS TO BE PAVED SHALL BE 4" THICK. NDDOT CLASS V GRAVEL (SEE DETAIL) AND SHALL COMPLY WITH CITY OF BISMARCK SPECIFICATIONS EXCEPT DENSITY SHALL BE 95% OF ASTM D 698.
- P6 CONTRACTOR SHALL REPLACE CURB AND GUTTER WHERE OLD DRIVEWAYS WERE LOCATED.
- P7 CONTRACTOR SHALL PLACE MOUNTABLE CURB AND GUTTER ALONG EDGE OF SIDEWALK WHERE SHOWN ON THE PLANS.

## ELECTRICAL

- E1 CONTRACTOR SHALL COORDINATE LOCATION OF CONDUIT TO ISLAND FOR ELECTRICAL WITH ELECTRICAL CONTRACTOR.

## LEGEND

- PROPOSED STORM SEWER
- PROPOSED CONCRETE
- 62 PROPOSED CONTOUR
- PROPOSED SCREENING FENCE
- PROPOSED SHRUB
- PROPOSED TREE
- PROPOSED METER MANHOLE
- PROPOSED STANDARD CURB & GUTTER

N

10' 0 10' 20'

SCALE – 1"=10'

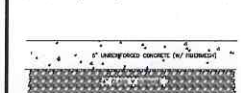
JULY 31, 2014

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555

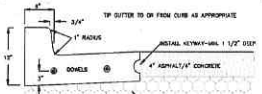
LONNIE K. ROMSAS REGISTERED PROFESSIONAL ENGINEER 1993 NORTH DAKOTA

SWENSON HAGEN & CO

THIS DOCUMENT WAS ORIGINALLY SEALED BY LONNIE K. ROMSAS, PE ON _____ AND THE ORIGINAL DOCUMENT IS STORED AT THE OFFICE OF SWENSON, HAGEN & CO. P.C.




CONCRETE PAVING

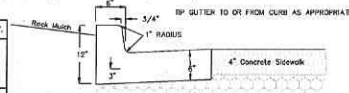



TYPICAL CURB & GUTTER

DOWEL CURB AT EXPANSION AND CONSTRUCTION JOINTS ONLY

PLANT PALETTE

| | SYM. | COMMON NAME | SCIENTIFIC NAME | SIZE | QNTY. |
|---|---|---|---|---|---|
| TREES | AL | AMERICAN LINDEN | Tilia americana | 2" Cal. | 3 |
| | AM | AMUR MAPLE | Acer ginnala | 1 1/2" Cal. | 3 |
| | CH | COMMON HACKBERRY | Celtis occidentalis | 2" Cal. | 3 |
| | PP | PONDEROSA PINE | Pinus ponderosa | 1 1/2" Cal. | 3 |
| SHRUBS | AC | ALPINE CURRANT | Ribes alpinum | 2 Gallon | 20 |
| | SV | SAVIN JUNIPER | Juniperus sabina | 2 Gallon | 20 |
| | AF | ANTON FOLKARD SPIREA | Spiraea bumalda 'Anton Folkard' | 2 Gallon | 20 |
| | CB | CHIPPER BUSH | Diervilla lonicera | 2 Gallon | 20 |




TYPICAL CURB & GUTTER

P:\Bismarck Northern Pacific\CANCER CENTER\PARKING LOT AVE A & 8TH ST.dwg, Landscape Grading & Paving (C3.0), 8/20/2014 9:02:05 AM
1:3.20261

Copyright © 2014 by Swenson, Hagen & Co.
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| DATE: | REVISION |
|---|---|
| | |

# LANDSCAPING, GRADING & PAVING
## LOTS 7-9 BLOCK 37
## NORTHERN PACIFIC 2ND ADD.
## BISMARCK, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
1900 West Century Avenue 58504
Bismarck, North Dakota
shaq@swensonhagen.com
Phone (701) 223-2500
Fax (701) 223-7606

DRAWN BY: SK
CHECK BY: LKR
DATE: 7/31/2014
FILE DESC: NORTH PACIFIC
COMPUTER FILE: PARKING LOT AVE A & 8TH ST
SURVEY FILE:

SHEET
C3.0

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

| BACKGROUND: | |
|---|---|
| **Title:**<br>Lot 2, Block 3, Grand Prairie Estates Third Subdivision – Special Use Permit (oversized accessory building ) | |
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Deb and Gary Schmidt | **Engineer:**<br>None |
| **Reason for Request:**<br>To increase the total amount of accessory buildings located on the property to 2,964 square feet, by constructing a 1,664 square foot accessory building. | |
| **Location:**<br>Northeast of Bismarck, north of 43rd Avenue NE, along the west side of Plainsman Road, and east of 26th Street NE. | |
| **Project Size:**<br>2.58 acres (lot size) | **Number of Lots:**<br>One lot in one block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:**<br>Rural residential | **Land Use:**<br>Rural residential |
| **Zoning:**<br>RR – Rural Residential | **Zoning:**<br>RR - Rural Residential |
| **Uses Allowed:**<br>Large lot single-family dwellings and limited agriculture | **Uses Allowed:**<br>Large lot single-family dwellings and limited agriculture |
| **Maximum Density Allowed**:<br>One unit per 65,000 square feet | **Maximum Density Allowed:**<br>One unit per 65,000 square feet |
| **PROPERTY HISTORY:** | |
| **Zoned:**<br>09/1977 | **Platted:**<br>09/1977 |

## ADDITIONAL INFORMATION:

1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).
2. According to the permit information on file with the Building Inspection Division, there is an existing 1,300 square foot accessory building located on the property. The existing accessory buildings was constructed in 1997.

## FINDINGS:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

*(continued)*

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 proposed special use would be compatible with the surrounding rural residential neighborhood.

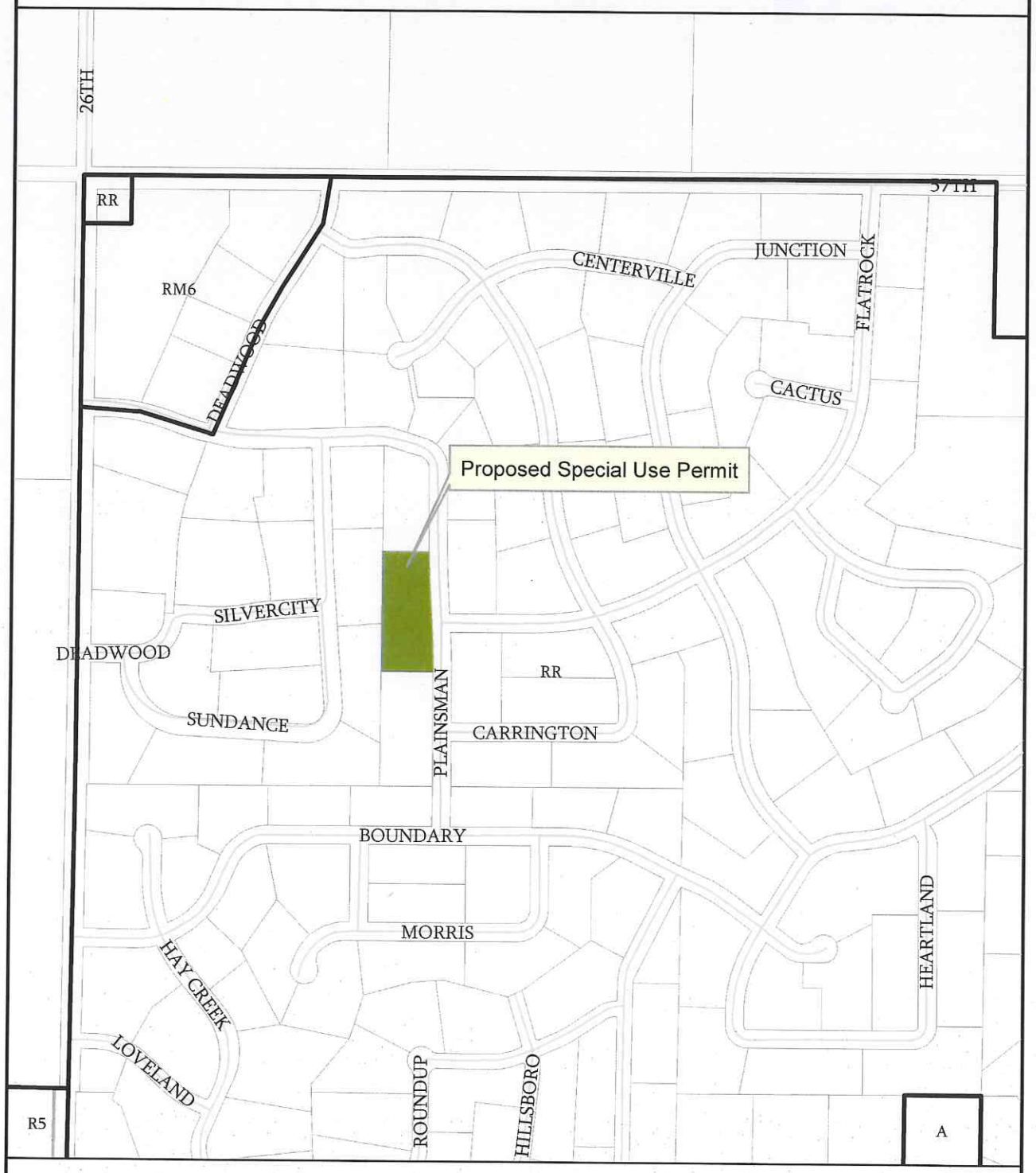
5. The request is compatible with adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 2,964 square feet on Lot 2, Block 3, Grand Prairie Estates Third Subdivision.

*/JW*

# Proposed Special Use Permit
# Lot 2, Block 3, Grande Prairie Estates 3rd 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 heron.
Date: 7/29/2014(hlb)

Source: City of Bismarck

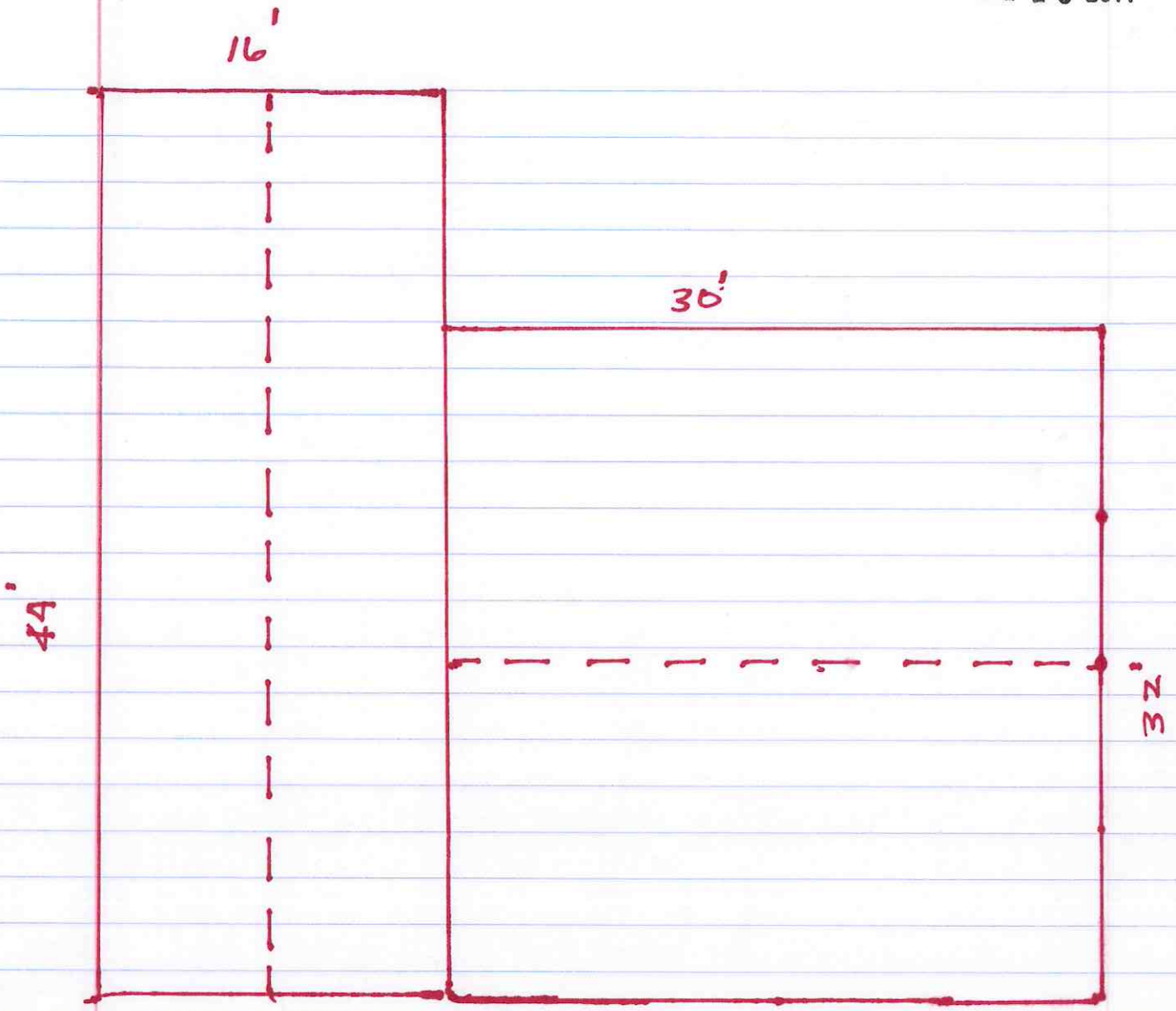
N

0 550 1,100 Feet

JUL 2 5 2014

5043
5019
5032
5233
5010
5219
5214
5212
5308
5313
5020
5200
5300
5317
5210
5140
Proposed
Accessory building

JUL 2 5 2014




$44 \times 16 = 704$

$32 \times 30 \quad 960$

$1664$

# BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
# STAFF REPORT

## BACKGROUND:

**Title:**
Lots 1-2 and the West 40 feet of the vacated 11th Street right-of-way, Block 4, Century Commercial Park– Special Use Permit Amendment (Child Care Center)

| | |
|---|---|
| **Status:**<br>Planning Commission – Public Hearing | **Date:**<br>August 27, 2014 |
| **Owner(s):**<br>Kurt Chaffee (owner)<br>New Song Church (applicant) | **Consultant:**<br>None |

**Reason for Request:**
To amend the existing special use permit to allow the number of clients to be increased from 50 clients to 81 clients.

**Location:**
The property is located in north central Bismarck, along the east side of North 10th Street, north of Weiss Avenue and west of State Street.

| | |
|---|---|
| **Project Size:**<br>77,400 square foot (lot)<br>18,000 square foot (building) | **Number of Lots:**<br>One parcel in one block |
| **EXISTING CONDITIONS:** | **PROPOSED CONDITIONS:** |
| **Land Use:**<br>Church with a child care center | **Land Use:**<br>Church with expanded child care center |
| **Zoning:**<br>CG - Commercial | **Zoning:**<br>CG – Commercial |
| **Uses Allowed:**<br>General commercial a child care center is allowed with a special use permit | **Uses Allowed:**<br>General commercial a child care center is allowed with a special use permit |
| **Maximum Density Allowed**:<br>42 units per acre | **Maximum Density Allowed:**<br>42 units per acre |

## PROPERTY HISTORY:

| | | |
|---|---|---|
| **Zoned:**<br>Pre-1980 | **Platted:**<br>07/1971 | **Annexed:**<br>Pre-1980 |

## ADDITIONAL INFORMATION:

1. The Planning and Zoning Commission, at their meeting of May 26, 2014, approved a special use permit for a child care center for this property with the condition that the number of clients is limited to no more than 50 clients and that any increase over 50 clients shall require an amendment to the special use permit.

2. The proposed amendment to the special use permit would allow the existing child care center to add thirty-one (31) additional clients. The applicant is proposing to convert the 866 square foot existing gathering space located on the lower level of the building into classroom space for clients ages four (4) and older and to convert an existing 252 square foot store room on the main level of the building into classroom space for infants twelve (12) months and younger. The total number of clients under the age of 2 ½ years will be approximately twenty-four (24).

*(continued)*

3. The proposed child numbers and ages would require a total of twenty (20) employees.

4. The hours of operation for the proposed child care center will be from 7:00 am to 6:00 pm, Monday through Friday.

5. The existing outdoor play area, located along the west side of the building, will continue to be used by one classroom with no more than fourteen (14) clients per classroom at one time.

6. The applicant has been working with the Building Inspections Division and Fire Department to ensure that all the requirements set forth to establish and operate a child care center are met.

**FINDINGS:**

1. A child care center is allowed as a special use in the CG-Commercial zoning district, provided specific conditions are met. The proposed child care center meets the provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances. A copy of this section is attached.

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties.

4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.

5. Adequate public facilities and services are in place.

6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.

7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic; in particular, on-street parking is limited to Sundays only.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the special use permit to expand the child care center on Lot 1-2, Block 4, Century Commercial Park, with the following condition:

1. The number of clients is limited to 81 clients

2. The use of the existing outdoor recreation area is limited to fourteen (14) clients per classroom rotation.

**Section 14-03-08(4)(q) (Special Uses)**

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.

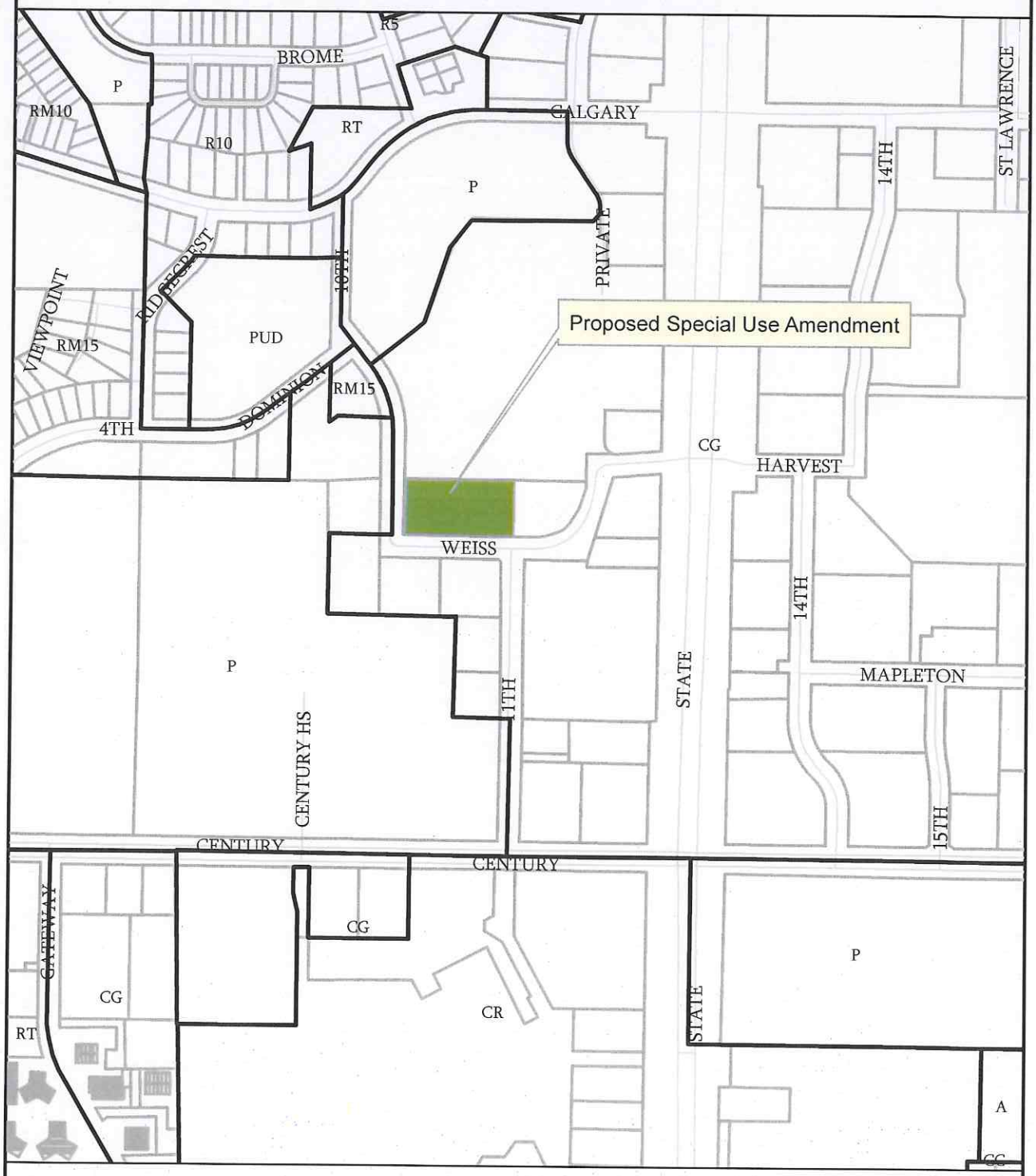
2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.

3) Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

4) Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.

5) Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

# Proposed Special Use Amendment
## Lots 1-2 and the West 40' of the vacated 11th Street adjacent to Lot 1, Block 4
## Century Commercial Park

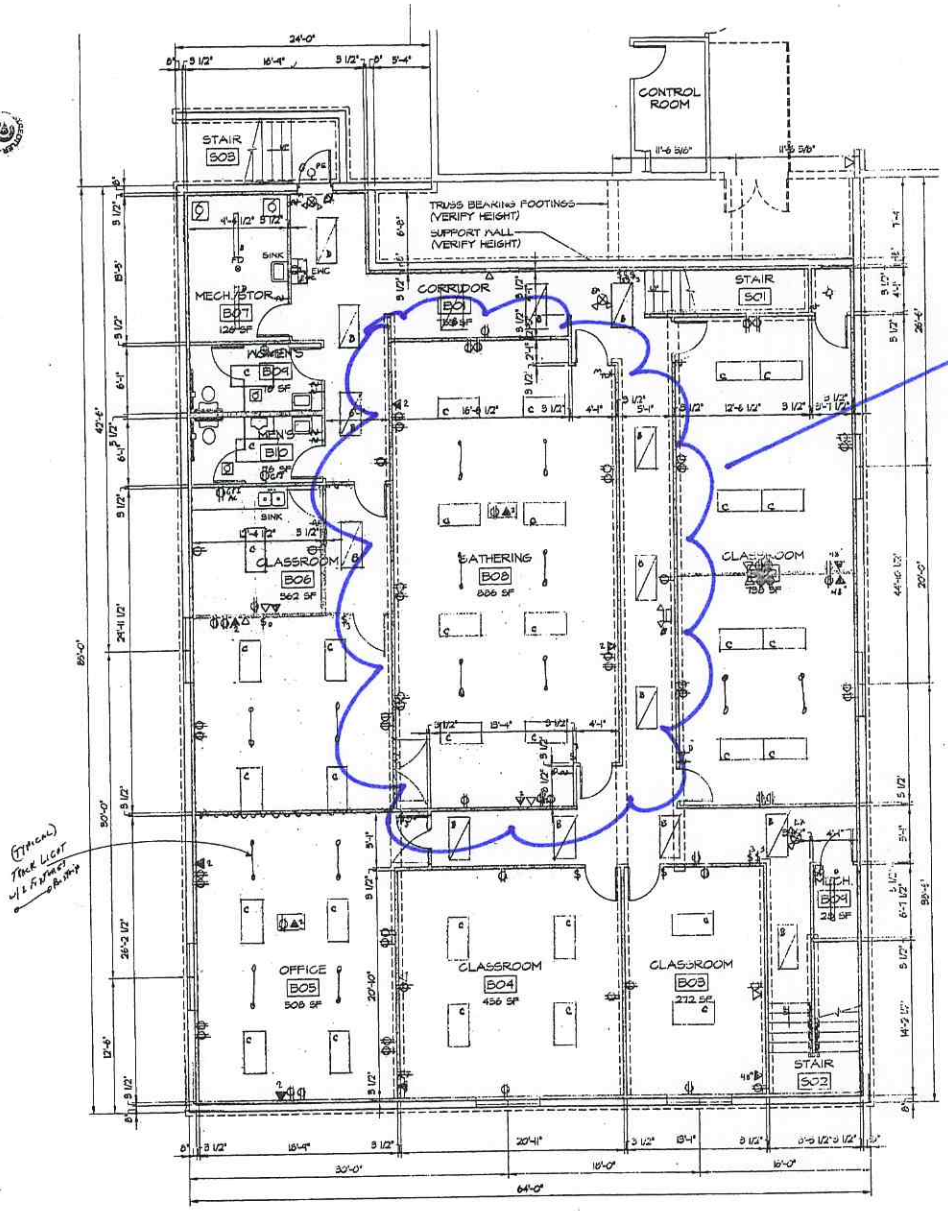



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 8/20/2014(hlb)

Source: City of Bismarck

N

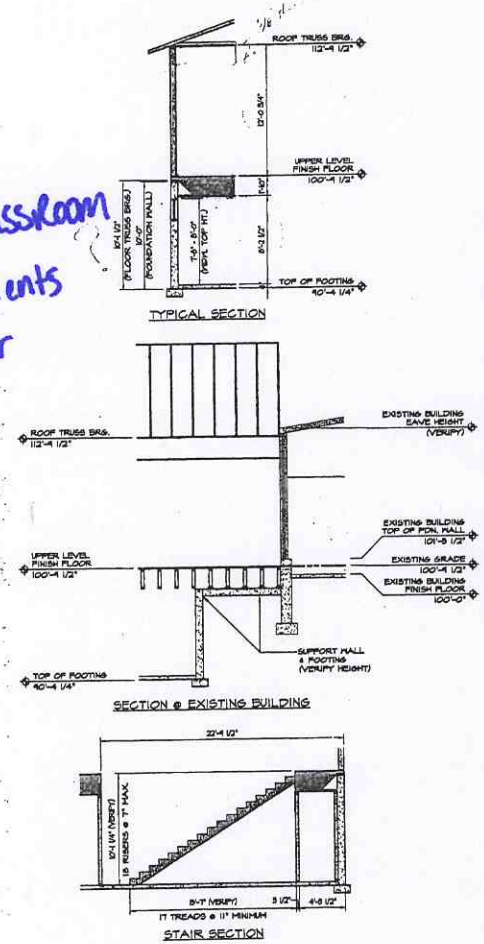
0 475 950 Feet




LG. SCALE LOWER LEVEL PLAN

1/5 3/16" = 1'-0"

NORTH




TYPICAL BUILDING SECTIONS

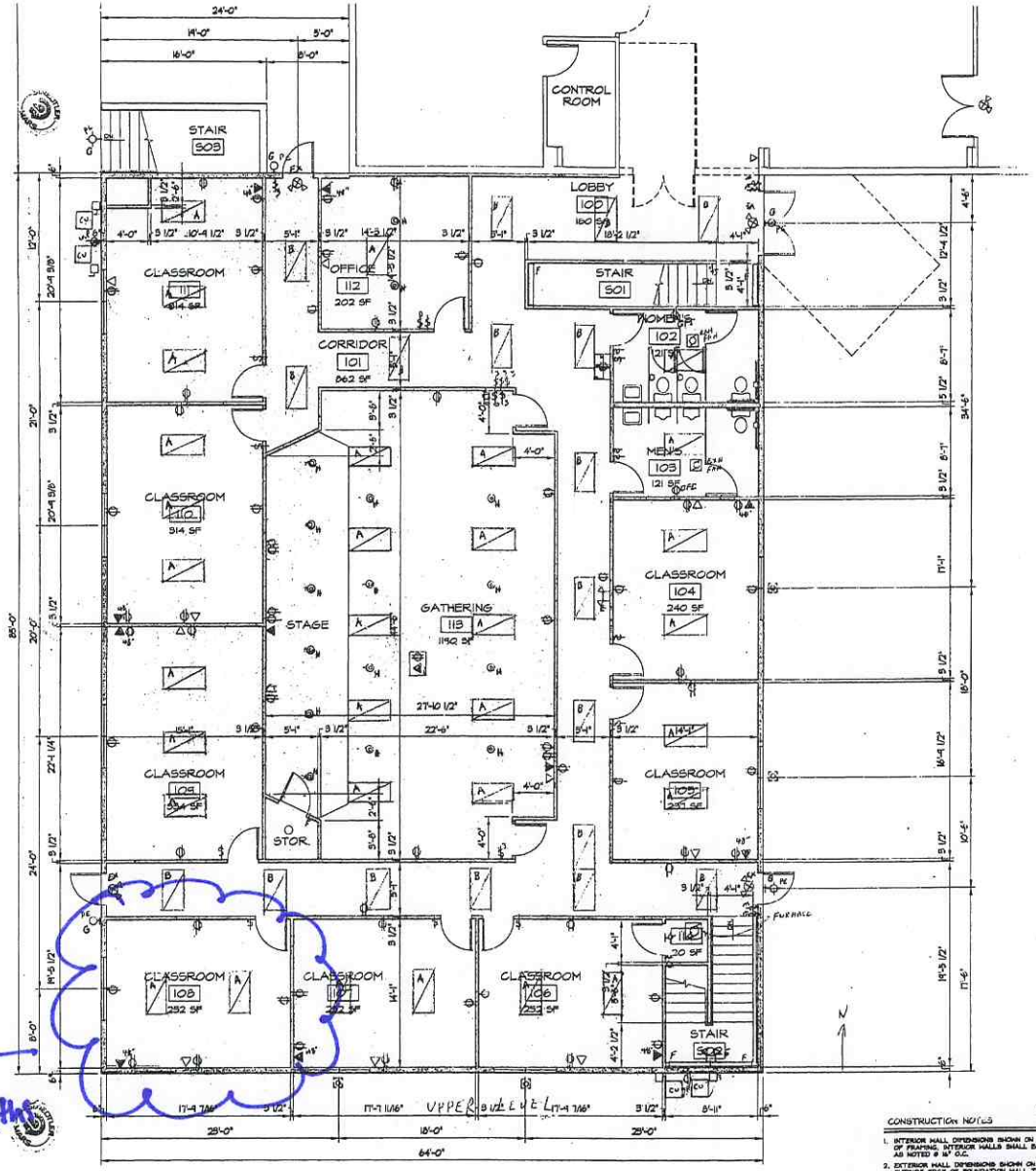
2/6 3/16" = 1'-0"

PLUM BUILDING SYSTEMS
Supporting Contractors With Value-Based Component Building Systems

NEW SONG CHURCH
ADDITION & REMODEL
LG. SCALE LOWER LEVEL PLAN

PROJECT NO: 3941
DATE: 11/16/04
DR.BY: JMM

5
5 of 6




Additional Classroom Space for Clients 12 months + younger

## LG. SCALE UPPER LEVEL PLAN

1/4 — 3/16" = 1'-0"

NORTH

CONSTRUCTION NOTES

1. INTERIOR WALL DIMENSIONS SHOWN ON DRAWINGS ARE TO FACE OF FRAMING. INTERIOR WALLS SHALL BE WOOD FRAMED 2x4 OR 2x6 AS NOTED @ 16" O.C.
2. EXTERIOR WALL DIMENSIONS SHOWN ON DRAWINGS ARE FROM OUTSIDE EDGE OF FOUNDATION WALL TO INSIDE FACE OF FRAMING. EXTERIOR WALLS ARE SHOWN AS WOOD FRAMING 2x6 @ 16" O.C. W/ 1/2" SHEATHING ON THE OUTSIDE OF THE WALL.
3. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT ALL MATERIAL, WORKMANSHIP & CONSTRUCTION COMPLIES ANY APPLICABLE STATE, COUNTY OR LOCAL CODES & REGULATIONS.
4. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO CHECK THE PLANS & TO NOTIFY THE OWNER OF ANY ERRORS, OMISSIONS OR DISCREPANCIES IN THESE PLANS PRIOR TO BIDDING.
5. STAIRWAYS WILL HAVE 11" MINIMUM TREADS & 7" MAXIMUM RISERS.
6. FLOOR LOADING:
   40/10/0/0/0 FOR SUPPORT OF CLASSROOM & OFFICE AREAS
   100/10/0/0/0 FOR SUPPORT OF CORRIDOR & ASSEMBLY AREAS
7. ROOF LOADING:
   30/0/0/0/0 (STANDARD LOADING)

PLUM BUILDING SYSTEMS
Supporting Contractors With Value-Based Component Building Systems

| | | |
|---|---|---|
| NEW SONG CHURCH<br>ADDITION & REMODEL<br>LG. SCALE UPPER LEVEL PLAN | PROJECT NO. 3841<br>DATE: 11/16/04<br>DRAWN JMM | 4<br>4 of 8 |

PERMIT ACTIVITY REPORT - MTD

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2014 Valuation | City 7/2013 Permits | City 7/2013 Valuation | ETA 7/2014 Permits | ETA 7/2014 Valuation | ETA 7/2013 Permits | ETA 7/2013 Valuation |
|---|---|---|---|---|---|---|---|---|
| SINGLE FAMILY DETACHED | 38 | 6,956,474.04 | 39 | 6,999,691.25 | 2 | 563,738.25 | 14 | 3,573,693.00 |
| SINGLE FAMILY ATTACHED | 2 | 372,744.00 | 17 | 2,871,403.50 | 4 | 721,514.50 | 0 | .00 |
| TWO UNIT | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| THREE & FOUR FAMILY | 3 | 406,026.00 | 0 | .00 | 0 | .00 | 0 | .00 |
| FIVE & MORE FAMILY | 2 | 13,395,000.00 | 3 | 6,940,000.00 | 0 | .00 | 0 | .00 |
| CONDO/TOWNHOUSE-1 HR.WALL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MANUFACTURED HOMES | 0 | .00 | 8 | .00 | 0 | .00 | 0 | .00 |
| MOBILE HOME WITHOUT EXTRA | 5 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOBILE HOME WITH EXTRAS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOBILE HOME MISCELLANEOUS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| HOTELS | 0 | .00 | 1 | 5,562,400.00 | 0 | .00 | 0 | .00 |
| MOTELS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| GROUP QUARTERS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| NON-STRUCTURAL DEVELOPMEN | 3 | 190,400.00 | 4 | 269,584.00 | 1 | .00 | 0 | .00 |
| AMUSEMENT & RECREATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| CHURCHES AND RELIGIOUS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| INDUSTRIAL | 12 | 8,462,831.00 | 3 | 2,491,219.00 | 0 | .00 | 0 | .00 |
| RESEARCH & DEVELOPMENT | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| AUTO SERVICE AND REPAIR | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| HOSPITALS & INSTITUTIONAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| OFFICE, BANK & PROFESSION | 1 | 422,661.00 | 1 | 1,873,000.00 | 0 | .00 | 0 | .00 |
| SCHOOLS AND EDUCATIONAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| COMM (RETAIL SALES) | 0 | .00 | 1 | 813,256.00 | 0 | .00 | 0 | .00 |
| OTHER (PUBLIC PARKING GAR | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| OTHER STRUCTURES | 3 | 637,000.00 | 7 | 7,065,580.00 | 0 | .00 | 0 | .00 |
| PUBLIC BUILDING | 1 | 118,993.28 | 1 | 900,000.00 | 0 | .00 | 0 | .00 |
| ROOM ADDITIONS | 2 | 20,113.50 | 5 | 118,305.00 | 2 | 23,536.00 | 1 | 22,194.00 |
| RESIDENTIAL GARAGES | 13 | 82,640.00 | 20 | 181,612.00 | 6 | 71,424.00 | 17 | 369,808.00 |
| PATIOS AND COVERS | 21 | 65,239.50 | 13 | 28,082.00 | 2 | 18,450.00 | 7 | 47,465.00 |
| SWIMMING POOLS AND SPAS | 2 | 89,663.00 | 0 | .00 | 0 | .00 | 0 | .00 |
| OTHER | 7 | 12,850.00 | 8 | 407,128.00 | 1 | 10,560.00 | 0 | .00 |
| HOME OCCUPATIONS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| STORAGE SHEDS | 1 | 2,880.00 | 5 | 8,975.00 | 0 | .00 | 0 | .00 |
| BASEMENT FINISH | 13 | 57,841.50 | 10 | 55,675.25 | 0 | .00 | 3 | 19,897.75 |
| INDUSTRIAL BUILDINGS | 1 | 1,006,034.00 | 6 | 1,075,221.00 | 0 | .00 | 1 | 412,240.00 |
| COMMERCIAL BUILDINGS | 5 | 2,038,237.00 | 7 | 1,303,156.40 | 0 | .00 | 0 | .00 |

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2014 Valuation | City 7/2013 Permits | City 7/2013 Valuation | ETA 7/2014 Permits | ETA 7/2014 Valuation | ETA 7/2013 Permits | ETA 7/2013 Valuation |
|---|---|---|---|---|---|---|---|---|
| OFFICE & PROFESSIONAL BLD | 3 | 418,813.25 | 2 | 212,688.00 | 0 | .00 | 0 | .00 |
| OTHER | 4 | 198,910.00 | 5 | 76,500.00 | 0 | .00 | 1 | 100,000.00 |
| ALTER PUBLIC | 1 | 1,249,700.00 | 6 | 27,100,200.00 | 0 | .00 | 0 | .00 |
| APTS TO CONDO | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| TO/FROM RESIDENTIAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| SINGLE FAMILY TO MULTI-FA | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MULTI-FAMILY TO SINGLE-FA | 1 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| RESIDENTIAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| OTHER | 1 | 286,625.32 | 0 | .00 | 0 | .00 | 0 | .00 |
| CHRISTMAS TREE SALES | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| FIREWORKS SALES | 0 | .00 | 0 | .00 | 1 | .00 | 0 | .00 |
| NURSERY STOCK SALES | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| TEMPORARY STRUCTURE PERMI | 1 | .00 | 2 | .00 | 0 | .00 | 0 | .00 |
| CIRCUS/CARNIVAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOVE OUT OF PMT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOVE INTO PERMIT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOVE WITHIN PMT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| NEW SIGN PERMIT | 12 | 827,302.98 | 6 | 75,925.00 | 0 | .00 | 0 | .00 |
| SIGN ALTERATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| ELECTRONIC MESSAGE CENTER | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| FLOOD RELATED PERMITS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| Permit Type Total | 158 | 37,318,979.37 | 180 | 66,429,601.40 | 19 | 1,409,222.75 | 44 | 4,545,297.75 |

PERMIT ACTIVITY REPORT - MTD

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2013 Permits | ETA 7/2014 Permits | ETA 7/2013 Permits |
|---|---|---|---|---|
| Plumbing | 82 | 118 | 16 | 26 |
| Electrical | 128 | 142 | 1 | 0 |
| Mechanical | 139 | 184 | 16 | 21 |
| Drain Field | 0 | 0 | 16 | 13 |
| Hood Suppression | 0 | 5 | 0 | 0 |
| SprinklerStandpipe | 4 | 4 | 0 | 0 |
| Alarm Detection | 0 | 0 | 0 | 0 |
| Total | 353 | 453 | 49 | 60 |

DATE SELECTION 7/2014

| Living Units | City 7/2014 Units | City 7/2013 Units | ETA 7/2014 Units | ETA 7/2013 Units |
|---|---|---|---|---|
| SINGLE FAMILY DETACHED | 37 | 39 | 2 | 14 |
| SINGLE FAMILY ATTACHED | 2 | 17 | 7 | 0 |
| THREE & FOUR FAMILY | 3 | 0 | 0 | 0 |
| FIVE & MORE FAMILY | 12 | 76 | 0 | 0 |
| MOBILE HOME WITHOUT EXTRA | 0 | 0 | 0 | 0 |
| PUBLIC BUILDING | 0 | 8 | 0 | 0 |
| ROOM ADDITIONS | 1 | 3 | 1 | 0 |
| OTHER | 1 | 0 | 0 | 0 |
| BASEMENT FINISH | 0 | 2 | 0 | 0 |
| OTHER | 0 | 8 | 0 | 0 |
| Total | 56 | 153 | 10 | 14 |

DATE SELECTION 07/2014

| PERMIT LOCATION | PERMIT NUMBER | PROPERTY ADDRESS | | | OWNERS NAME<br>CONTRACTOR | VALUATION |
|---|---|---|---|---|---|---|
| CITY OF BISMARCK | 2014-0001027 | 50 | FRAINE BARRACKS | LA | ST OF ND ATTN: HOLLY GAUGLER<br>SWANBERG CONSTRUCTION, INC | 1,249,700.00 |
| CITY OF BISMARCK | 2014-0001097 | 1365 | TACOMA | AV | PARAMOUNT BULDERS INC<br>PARAMOUNT BUILDERS INC | 1,664,210.00 |
| CITY OF BISMARCK | 2014-0001108 | 3320 | HAMILTON | ST | EDGEWOOD DEVELOPMENT GROUP LLC<br>EDGEWO0D DEVELOPMENT GROUP LLC | 1,568,635.00 |
| CITY OF BISMARCK | 2014-0001114 | 2840 | VALLEY FORGE | ST | JETM LLP<br>NORTHWEST CONTRACTING INC | 2,592,160.00 |
| CITY OF BISMARCK | 2014-0001160 | 3909 | APPLE CREEK | RD | INDUSTRIAL ENTERPRISES INC<br>INDUSTRIAL ENTERPRISES INC | 1,006,034.00 |
| CITY OF BISMARCK | 2014-0001190 | 320 W | LASALLE | DR | CONSOLIDATED CONST CO,INC<br>CONSOLIDATED CONST CO,INC | 12,500,000.00 |

PERMIT ACTIVITY REPORT - YTD

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2014 Valuation | City 7/2013 Permits | City 7/2013 Valuation | ETA 7/2014 Permits | ETA 7/2014 Valuation | ETA 7/2013 Permits | ETA 7/2013 Valuation |
|---|---|---|---|---|---|---|---|---|
| SINGLE FAMILY DETACHED | 177 | 32,577,311.09 | 258 | 46,744,832.45 | 48 | 8,872,554.28 | 104 | 20,607,595.75 |
| SINGLE FAMILY ATTACHED | 110 | 17,287,986.04 | 97 | 14,848,086.25 | 4 | 721,514.50 | 2 | 420,860.00 |
| TWO UNIT | 11 | 1,752,564.75 | 6 | 1,054,745.00 | 0 | .00 | 0 | .00 |
| THREE & FOUR FAMILY | 4 | 1,412,226.00 | 2 | 1,150,640.00 | 0 | .00 | 0 | .00 |
| FIVE & MORE FAMILY | 6 | 27,008,451.00 | 10 | 17,697,000.00 | 0 | .00 | 0 | .00 |
| CONDO/TOWNHOUSE-1 HR.WALL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MANUFACTURED HOMES | 1 | .00 | 28 | 3,000.00 | 0 | .00 | 0 | .00 |
| MOBILE HOME WITHOUT EXTRA | 15 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOBILE HOME WITH EXTRAS | 1 | 1,800.00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOBILE HOME MISCELLANEOUS | 2 | .00 | 1 | 2,000.00 | 0 | .00 | 0 | .00 |
| HOTELS | 0 | .00 | 1 | 5,562,400.00 | 0 | .00 | 0 | .00 |
| MOTELS | 0 | .00 | 2 | 2,015,000.00 | 0 | .00 | 0 | .00 |
| GROUP QUARTERS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| NON-STRUCTURAL DEVELOPMEN | 4 | 190,400.00 | 13 | 4,687,414.00 | 1 | .00 | 2 | 1,000.00 |
| AMUSEMENT & RECREATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| CHURCHES AND RELIGIOUS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| INDUSTRIAL | 25 | 19,833,514.00 | 12 | 13,760,093.00 | 1 | 237,129.00 | 3 | 785,496.00 |
| RESEARCH & DEVELOPMENT | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| AUTO SERVICE AND REPAIR | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| HOSPITALS & INSTITUTIONAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| OFFICE, BANK & PROFESSION | 4 | 1,458,859.00 | 4 | 14,844,856.51 | 0 | .00 | 0 | .00 |
| SCHOOLS AND EDUCATIONAL | 0 | .00 | 1 | 11,921,517.00 | 0 | .00 | 0 | .00 |
| COMM (RETAIL SALES) | 2 | 217,815.00 | 1 | 813,256.00 | 0 | .00 | 0 | .00 |
| OTHER (PUBLIC PARKING GAR | 0 | .00 | 1 | 12,986,524.00 | 0 | .00 | 0 | .00 |
| OTHER STRUCTURES | 32 | 24,038,651.00 | 31 | 13,764,945.10 | 1 | 150,000.00 | 4 | 3,110,779.00 |
| PUBLIC BUILDING | 3 | 56,358,984.28 | 1 | 900,000.00 | 0 | .00 | 1 | 10,795,250.00 |
| ROOM ADDITIONS | 16 | 325,258.40 | 11 | 262,136.00 | 7 | 266,323.90 | 4 | 97,634.00 |
| RESIDENTIAL GARAGES | 54 | 501,179.00 | 63 | 547,404.00 | 47 | 1,039,901.50 | 61 | 1,181,064.00 |
| PATIOS AND COVERS | 130 | 525,918.75 | 72 | 240,092.00 | 15 | 99,470.00 | 18 | 127,278.00 |
| SWIMMING POOLS AND SPAS | 5 | 214,338.00 | 1 | 30,000.00 | 2 | 84,675.00 | 0 | .00 |
| OTHER | 34 | 129,711.88 | 51 | 759,618.25 | 5 | 107,466.50 | 6 | 169,290.00 |
| HOME OCCUPATIONS | 4 | .00 | 6 | .00 | 0 | .00 | 4 | 8,320.00 |
| STORAGE SHEDS | 13 | 35,380.00 | 17 | 33,381.00 | 2 | 24,240.00 | 3 | 9,200.00 |
| BASEMENT FINISH | 93 | 609,214.18 | 124 | 614,618.25 | 18 | 119,382.75 | 38 | 228,198.75 |
| INDUSTRIAL BUILDINGS | 9 | 8,643,907.00 | 16 | 15,360,981.00 | 0 | .00 | 1 | 412,240.00 |
| COMMERCIAL BUILDINGS | 31 | 12,020,259.98 | 31 | 10,080,633.37 | 3 | 596,760.00 | 0 | .00 |

PERMIT ACTIVITY REPORT - YTD

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2014 Valuation | City 7/2013 Permits | City 7/2013 Valuation | ETA 7/2014 Permits | ETA 7/2014 Valuation | ETA 7/2013 Permits | ETA 7/2013 Valuation |
|---|---|---|---|---|---|---|---|---|
| OFFICE & PROFESSIONAL BLD | 15 | 2,945,554.25 | 10 | 1,136,228.00 | 0 | .00 | 0 | .00 |
| OTHER | 14 | 9,120,437.04 | 27 | 2,232,393.00 | 3 | 2,887,348.00 | 2 | 103,500.00 |
| ALTER PUBLIC | 5 | 12,396,375.00 | 13 | 36,640,769.00 | 0 | .00 | 1 | 72,860.00 |
| APTS TO CONDO | 16 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| TO/FROM RESIDENTIAL | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| SINGLE FAMILY TO MULTI-FA | 1 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MULTI-FAMILY TO SINGLE-FA | 4 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| RESIDENTIAL | 1 | .00 | 7 | .00 | 0 | .00 | 1 | .00 |
| OTHER | 3 | 286,625.32 | 0 | .00 | 0 | .00 | 0 | .00 |
| CHRISTMAS TREE SALES | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| FIREWORKS SALES | 1 | .00 | 1 | .00 | 13 | .00 | 16 | .00 |
| NURSERY STOCK SALES | 5 | .00 | 4 | .00 | 0 | .00 | 0 | .00 |
| TEMPORARY STRUCTURE PERMI | 4 | .00 | 7 | .00 | 0 | .00 | 3 | .00 |
| CIRCUS/CARNIVAL | 0 | .00 | 1 | .00 | 0 | .00 | 0 | .00 |
| MOVE OUT OF PMT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOVE INTO PERMIT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| MOVE WITHIN PMT LOCATION | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| NEW SIGN PERMIT | 56 | 2,648,391.86 | 37 | 833,488.53 | 1 | 21,000.00 | 1 | 4,000.00 |
| SIGN ALTERATION | 1 | 16,500.00 | 1 | 57,485.00 | 0 | .00 | 0 | .00 |
| ELECTRONIC MESSAGE CENTER | 1 | 34,711.49 | 2 | 15,290.42 | 0 | .00 | 0 | .00 |
| FLOOD RELATED PERMITS | 0 | .00 | 0 | .00 | 0 | .00 | 0 | .00 |
| Permit Type Total | 913 | 232,592,324.31 | 971 | 231,600,827.13 | 171 | 15,227,765.43 | 275 | 38,134,565.50 |

PERMIT ACTIVITY REPORT - YTD

DATE SELECTION 7/2014

| Permit Type | City 7/2014 Permits | City 7/2013 Permits | ETA 7/2014 Permits | ETA 7/2013 Permits |
|---|---|---|---|---|
| Plumbing | 431 | 452 | 54 | 98 |
| Electrical | 752 | 833 | 2 | 0 |
| Mechanical | 925 | 897 | 117 | 148 |
| Drain Field | 0 | 0 | 31 | 57 |
| Hood Suppression | 0 | 5 | 0 | 0 |
| SprinklerStandpipe | 4 | 4 | 0 | 0 |
| Alarm Detection | 0 | 0 | 0 | 0 |
| Total | 2146 | 2244 | 204 | 303 |

DATE SELECTION 7/2014

| Living Units | City 7/2014 Units | City 7/2013 Units | ETA 7/2014 Units | ETA 7/2013 Units |
|---|---|---|---|---|
| SINGLE FAMILY DETACHED | 176 | 258 | 48 | 104 |
| SINGLE FAMILY ATTACHED | 110 | 97 | 7 | 2 |
| TWO UNIT | 22 | 12 | 0 | 0 |
| THREE & FOUR FAMILY | 7 | 6 | 0 | 0 |
| FIVE & MORE FAMILY | 168 | 250 | 0 | 0 |
| MANUFACTURED HOMES | 1 | 13 | 0 | 0 |
| MOBILE HOME WITHOUT EXTRA | 2 | 0 | 0 | 0 |
| MOTELS | 0 | 74 | 0 | 0 |
| INDUSTRIAL | 15 | 0 | 0 | 0 |
| OTHER STRUCTURES | 2 | 0 | 0 | 25 |
| PUBLIC BUILDING | 0 | 8 | 0 | 0 |
| ROOM ADDITIONS | 5 | 5 | 3 | 0 |
| RESIDENTIAL GARAGES | 1 | 0 | 1 | 0 |
| PATIOS AND COVERS | 2 | 0 | 0 | 0 |
| SWIMMING POOLS AND SPAS | 0 | 0 | 1 | 0 |
| OTHER | 3 | 4 | 1 | 3 |
| BASEMENT FINISH | 11 | 9 | 2 | 1 |
| COMMERCIAL BUILDINGS | 0 | 1 | 0 | 0 |
| OTHER | 85 | 9 | 0 | 0 |
| Total | 610 | 746 | 63 | 135 |