



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
October 22, 2014

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

Item No. Page

MINUTES

- 1. Consider approval of the minutes of the September 24, 2014 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Sattler's Sunrise 10th Addition (Klee)
a. Zoning Change (A to R5)..... 1
Staff recommendation: table []schedule a hearing []table []deny
b. Preliminary Plat 5
Staff recommendation: table []tentative approval []table []deny
3. Downtown Districts - Zoning Ordinance Text Amendment (JT)..... 9
Staff recommendation: schedule a hearing []schedule a hearing []table []deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

- 4. Sonnet Heights Subdivision Sixth Replat - Minor Subdivision Final Plat (Klee)..... 29
Staff recommendation: approve []approve []continue []table []deny



- 5. Stoneridge Addition (JT)**
- a. Zoning Change (RR to R5 & PUD).....35
Staff recommendation: approve approve continue table deny
- b. Minor Subdivision Final Plat..... 47
Staff recommendation: approve approve continue table deny
- 6. Lot 2, Block 1, Oakland Subdivision – Rural Residential Lot Split (JW)..... 53**
Hay Creek Township
Staff recommendation: continue approve continue table deny
- 7. Lots 1-3, Block 1, Sonnet Heights Subdivision – Zoning Change (RM15 to PUD) (JW) 57**
Staff recommendation: approve approve continue table deny
- 8. Lots 1 and 3-18, Block 1, Missouri Valley Complex – PUD Amendment (Klee) 77**
Staff recommendation: approve approve continue table deny
- 9. Lot 2, Block 1, Munich Addition – Special Use Permit (Drive-through) (JW)..... 91**
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

- 10. Other**

ADJOURNMENT

- 11. Adjourn.** The next regular meeting date is scheduled for Wednesday, November 19, 2014.

Enclosures: Meeting Minutes of September 24, 2014
 Building Permit Activity Report for September 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

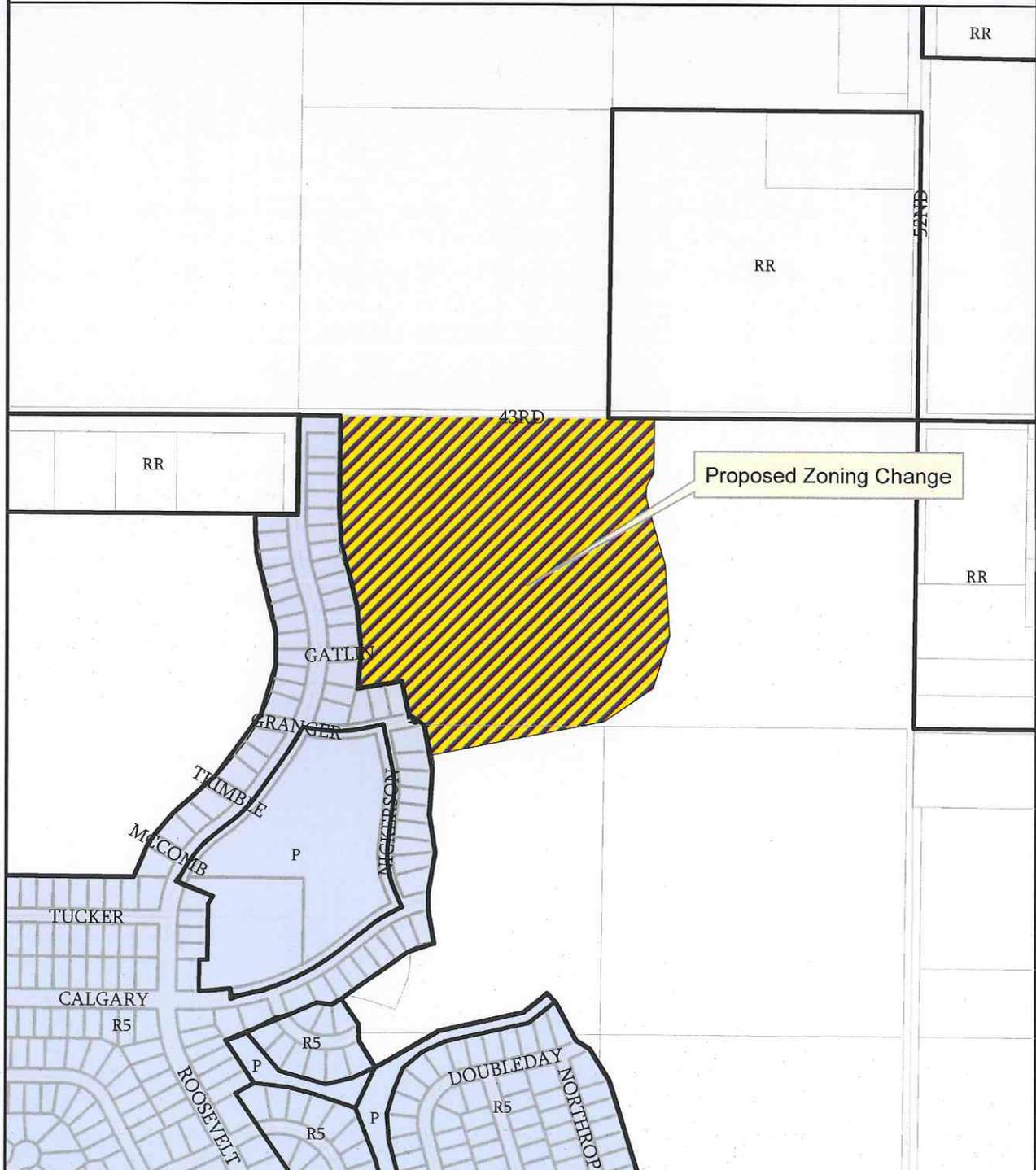
BACKGROUND:		
Title: Sattler's Sunrise 10 th Addition – Zoning Change (A to R5)		
Status: Planning Commission – Consideration	Date: October 22, 2014	
Owner(s): Sattler Family, LLLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: Along the south side of 43 rd Avenue NE east of Roosevelt Drive (part of the NE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 39.75 acres	Number of Lots: 117 lots in 9 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is generally consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this development block as medium density residential. A greater density will be required for the undeveloped portion development block in order to meet the 4 to 10 units per acre target for the medium density residential designation. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west and undeveloped A-Agricultural zoned land to the north, east and south. 3. The entire subdivision would be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities, provided the plat is extended to the southeast and redesigned in order provide services to the adjacent land owner <u>and</u> provided an agreement is reached with the Bismarck Parks and Recreation District regarding the development of a neighborhood park in this area. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends tabling the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Sattler’s Sunrise 10th Addition until the plat is extended to the south/southeast in order to provide services to the adjacent land owner and until a tentative agreement has been reached with the Bismarck Parks and Recreation District regarding the provision of a neighborhood park within the development in accordance with the City’s Neighborhood Parks and Open Space ordinance.

/Klee

Proposed Zoning Change (A to R5) Sattler's Sunrise 10th Addition

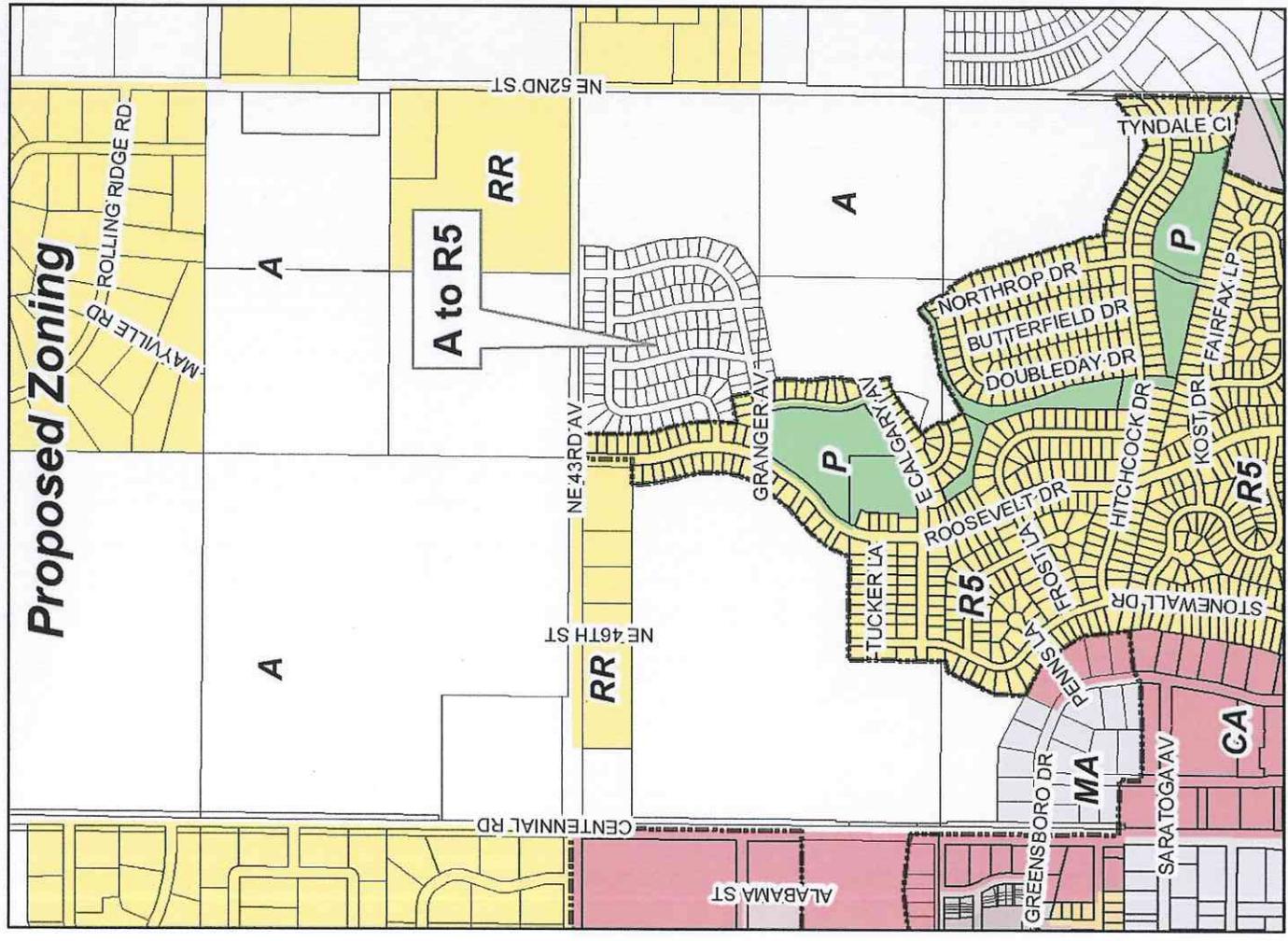
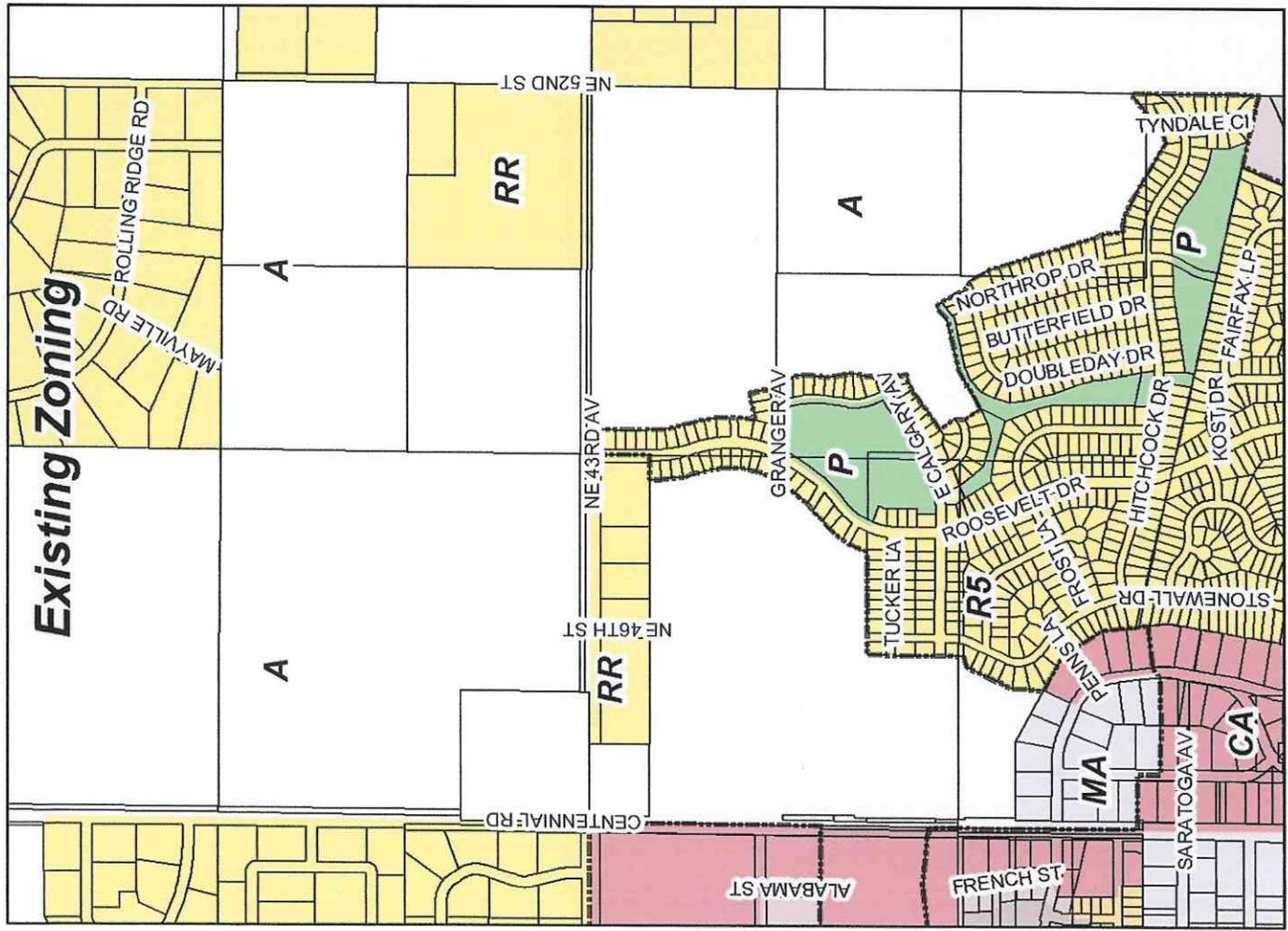


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Date: 9/19/2014(hlb)

Source: City of Bismarck



Sattler's Sunrise 10th Addition - Zoning Change



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Sattler's Sunrise 10 th Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: October 22, 2014	
Owner(s): Sattler Family, LLLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for single-family residential development.		
Location: Along the south side of 43 rd Avenue NE east of Roosevelt Drive (part of the NE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 39.75 acres	Number of Lots: 117 lots in 9 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agricultural	Land Use: Single-family residential	
Uses Allowed: A – Agricultural uses	Zoning: R5 – Residential	
Maximum Density Allowed: A – 1 unit/40 acres	Uses Allowed: R5 – Single-family residential	
	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The proposed plat is less than 20 feet from the northern edge of property owned by another property owner. Extending this plat to south/southeast would allow the adjacent property owner to have access to municipal services and develop a portion of his property. Staff continues to have concerns with the practice of platting without making provisions to provide services to the adjacent land owner(s), as it prohibits the orderly development of the city. As the proposed plat is a new urban residential subdivision submitted after January 1, 2014, it is subject to the provisions of the Neighborhood Parks and Open Space ordinance. The applicant has met with the Bismarck Parks and Recreation District to discuss the provision of parks and open space within the proposed plat. The Bismarck Parks and Recreation District has requested the provision of a neighborhood park within the development in order to meet its goal of providing a neighborhood park within a one-quarter to one-half mile walking distance of all single-family dwellings. The Bismarck Parks and Recreation District would also like to see trails provided within a future phase of the development in order to provide a connection between the existing trails and 43rd Avenue NE. The Bismarck Parks and Recreation District has also proposed a neighborhood park location that would come out of and benefit this development as well as other adjacent developments. The applicant has asked that the playground area at Sunrise Elementary School be considered the neighborhood park for this area, but that facility is not always open to the public and there is no guarantee the Bismarck School District would always have a playground in this area. As a statement of intent to provide neighborhood park and open space was not submitted with the plat, the Bismarck Parks and Recreation District is requesting the development of a neighborhood park in the area, and the applicant appears to be unwilling to work with the Bismarck and Recreation District on the provision of a neighborhood park within the development, the provisions of the ordinance have not been met and the plat cannot move forward. 		

FINDINGS:

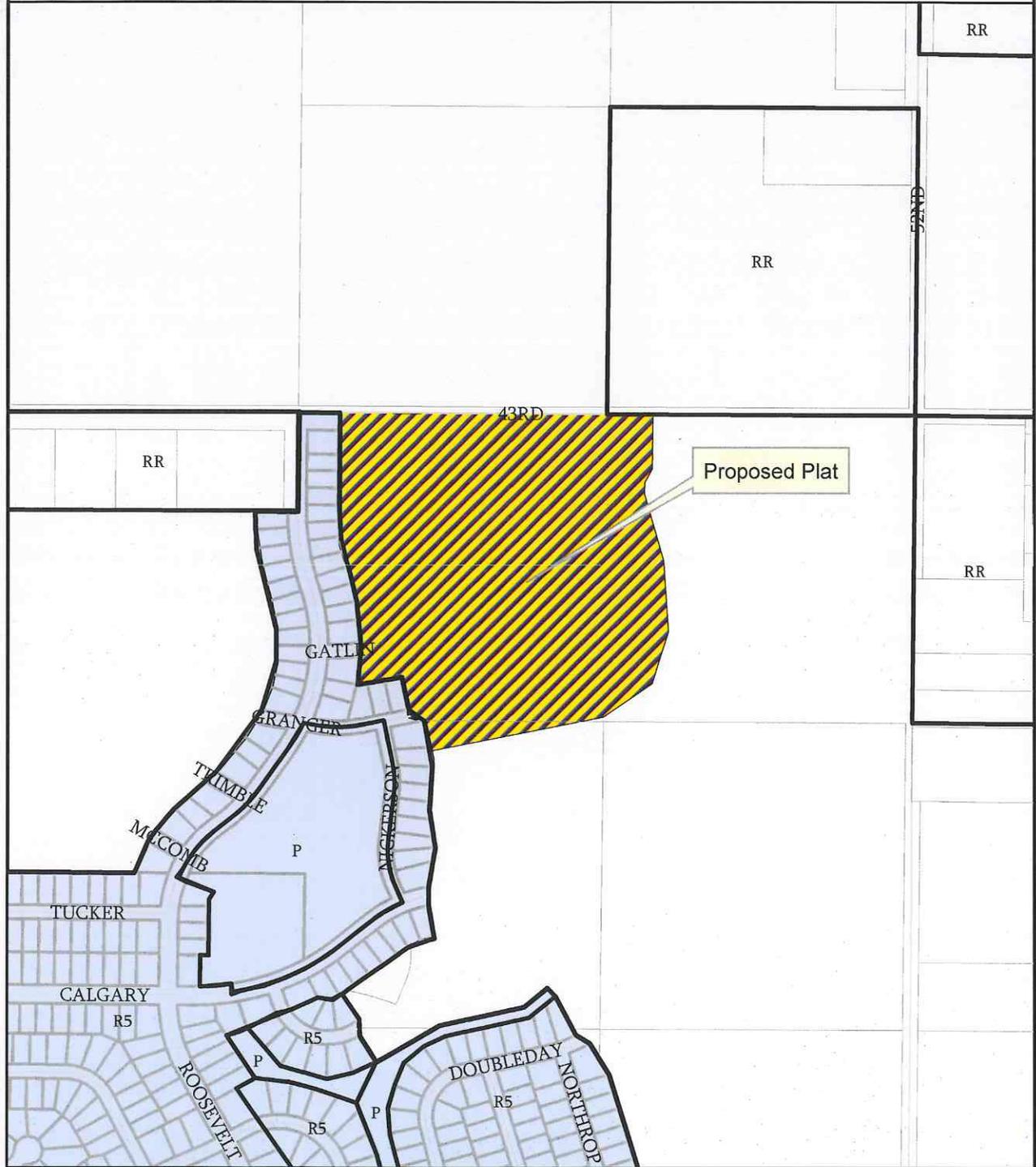
1. All technical requirements for consideration of a preliminary plat have not been met. In particular, a statement of intent to provide neighborhood parks and open space has not been submitted by the applicant and the Director of the Bismarck Parks and Recreation District has not granted a waiver.
2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for this area, which identifies 43rd Avenue NE as an arterial and Roosevelt Drive to the west of the plat as the north-south collector for this section.
3. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential and an elementary school to the west and undeveloped A-Agricultural zoned land to the north, east and south.
4. The entire subdivision would be annexed prior to development; therefore, the proposed subdivision would not place an undue burden on public services and facilities, provided the plat is extended to the southeast and redesigned in order provide services to the adjacent land owner and provide an agreement is reached with the Bismarck Parks and Recreation District to allow the development of a neighborhood park in this area.
5. The proposed subdivision is not consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. In particular, it is not in compliance with the Neighborhood Parks and Open Space ordinance.
6. The proposed subdivision is not consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, it is not consistent with the Bismarck Parks and Recreation District goal of providing a neighborhood park within a one-quarter mile walking distance of all single family dwellings.

RECOMMENDATION:

Based on the above findings, staff recommends tabling the preliminary plat for Sattler's Sunrise 10th Addition until the plat is extended to the southeast/southeast in order to provide services to the adjacent land owner and until a tentative agreement has been reached with the Parks and Recreation District regarding the provision of a neighborhood park within the development in accordance with the City's Neighborhood Parks and Open Space ordinance.

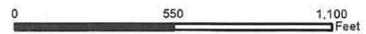
/Klee

Proposed Plat Sattler's Sunrise 10th Addition



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Date: 9/19/2014(hlb)

Source: City of Bismarck



SATTLER'S SUNRISE 10TH ADDITION UTILITY MASTERPLAN

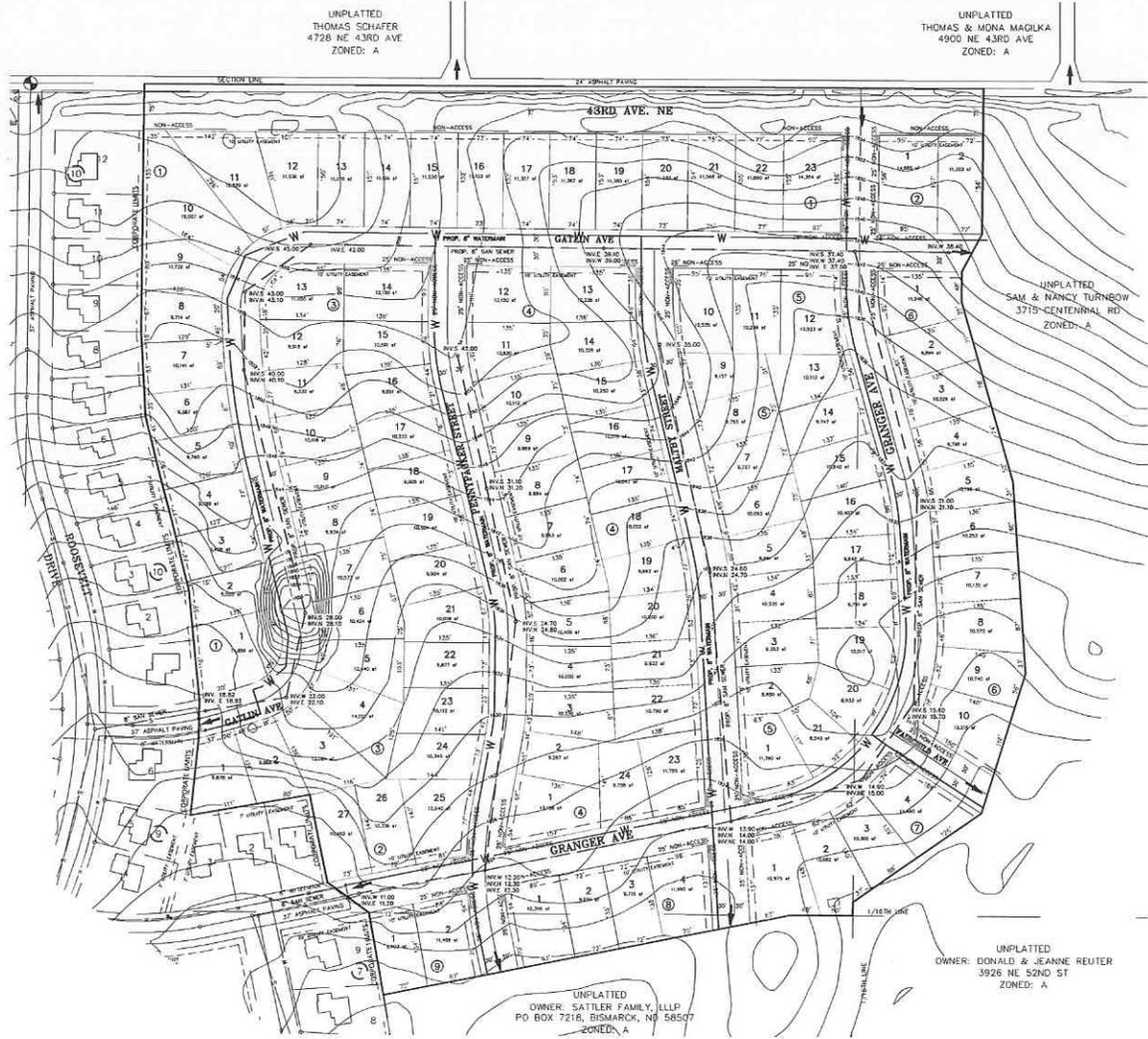
PART OF THE NORTHEAST 1/4
OF SECTION 24, T. 139 N., R. 80 W.

BISMARCK, NORTH DAKOTA

OCT 08 2014



SCALE - 1"=40'
6 40' 80' 120'
SEPTEMBER 13, 2014
114VC 55



CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21, 14-04-21.1 AND 14-04-21.2 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DOWNTOWN DISTRICTS, DC DOWNTOWN CORE DISTRICT AND DF DOWNTOWN FRINGE DISTRICT.

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

Section 1. Amendment. Section 14-04-21 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Downtown Districts is hereby amended and re-enacted to read as follows:

14-04-21. Downtown Districts.

1. Districts Established. The following downtown zoning districts are hereby established: DC Downtown Core District and DF Downtown Fringe District.

2. Use Table. The table contained herein lists the uses allowed within the downtown zoning districts.

a. Use Categories. All of the categories listed in the use table are explained in detail in Section 14-04-21.3. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated explanation and the full explanation in Section 14-04-21.3, the provisions of Section 14-04-21.3 shall prevail.

b. Use Standards. An "X" in the third column of the use table indicates that the use is subject to use-specific standards. These standards are listed alphabetically in Section 14-04-21.4.

c. Uses Permitted By Right. A "P" indicates that a use category is allowed by right in the respective zoning district. These permitted uses are subject to all other applicable provisions of this chapter.

d. Special Uses. An "SUP" indicates that the use is allowed only if reviewed and approved as a Special Use, in accordance with the Special Use provisions in Section 14-03-08, and is subject to all other applicable regulations in this chapter.

e. Uses Not Allowed. An "---" indicates that the use is not allowed in the respective zoning district.

Use Table.

Use Category	Definition	Use Standards	District	
			DC	DF
Residential Uses				
Group Living	Residential occupancy of a structure by a group of people who do not meet the definition of household.		P	P
Household Living	Residential occupancy of a dwelling unit by a household (related or up to four unrelated).			
Single-family, detached			---	P
Duplex/single-family attached (2)			---	P
Single-family, attached (3-8)			---	P
Multi-family structure			P	P
Multi-family - senior citizens		X	P	P
Residences on 2 nd floor & above			P	P
Commercial Uses				
Drive-through Facilities	Drive-through facilities in conjunction with a permitted principal use.	X	SUP	SUP

Entertainment Event, Major	Activities and structures that draw large numbers of people to specific events or shows. This category does not include outdoor recreation and entertainment uses, such as golf driving ranges and racetracks.		P	---
Microbrewery	Small-scale brewery that manufactures up to 10,000 barrels of fermented malt beverages per year.	X	SUP	---
Office	Activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.		P	P
Parking, Accessory	Parking that is accessory to a specific use, but not located on the same parcel as the use - use standards for accessory parking that is adjacent to a residential use.	X	SUP	SUP
Parking, Commercial	Parking that is not accessory to a specific use - fees may or may not be charged.	X	SUP	SUP
Retail Sales and Services Sales-Oriented Personal Service-Oriented Entertainment-Oriented Repair-Oriented	Establishments involved in the sale, lease or rental of any new or used products to the general public - they may also provide personal services or entertainment or provide product repair or services for consumer and business goods - use standards for convenience store/gas stations, mortuaries/funeral homes and vehicle sales lots. This category does not include self-service	X	P	P

	storage uses, adult entertainment centers, animal hospitals or kennels, off-premise advertising signs or microbreweries. Convenience store/gas stations are not allowed within the Downtown Core.			
Vehicle Repair	Service to passenger vehicles, light trucks and other consumer motor vehicles - generally, the customer does not wait at the site while the service or repair is being performed.	X	SUP	P
Vehicle Service, Limited	Direct services to motor vehicles where the driver generally waits in the car or nearby while the service is performed.	X	SUP	P
Institutional Uses				
Colleges	Colleges and institutions of higher learning.		P	P
Community Services	Public, non-profit or charitable uses, generally providing a local service to the community.	X	P	P
Child care	Care, protection and supervision for children and adults on a regular basis away from their primary residence for less than 24 hours/day.			
Family child care		X	---	P
Child care center		X	---	SUP
Health Care Facilities	Medical or surgical care to patients, with overnight care.		P	P
Parks and Open Areas	Natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.		P	P

Religious Institutions	Meeting area for religious activities	X	P	P
Safety Services	Public safety and emergency response services.		P	P
Schools	Schools at the primary, elementary, middle, junior high or high school level.	X	---	P
Other Uses				
Detention Facilities	Government-operated facilities for the detention or incarceration of people.	X	P	---
Moving of buildings/structures	Moving in of a building or structure that has been previously occupied in another location.	X	---	SUP
Passenger Terminals	Passenger terminals for regional bus and rail service.	X	P	P
Telecommunications Facilities	Devices and supporting elements necessary to provide telecommunication services.		SUP	SUP
Utilities and Essential Services	Infrastructure services that need to be located in or near the area where the service is provided.		P	P

(Ord. 5422, 05-24-05; Ord. 5719, 05-12-09; Ord. 5958, 03-26-13; Ord. 6020, 11-26-13)

Section 2. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DC Downtown Core District is hereby amended and re-enacted to read as follows:

14-04-21.1 DC Downtown Core District.

1. Purpose. The purpose of the Downtown Core District is to preserve and enhance the mixed-use, pedestrian-oriented nature of the City's downtown area. The district allows a wide range of mutually supportive uses in order to enhance downtown Bismarck's role as a commercial, cultural, governmental, health/ medical, entertainment and residential center. The district standards also facilitate

the creation of a strong and distinctive sense of place through the inclusion of open space and public plazas. The use of design standards will maintain the historical integrity, enhance the quality of design, and preserve the human-scale development of downtown.

2. Uses. Uses are allowed in the Downtown Core District in accordance with the Use Table of Section 14-04-21.

3. Dimensional Standards. Development within the Downtown Core District is subject to the following dimensional standards:

a. Lot Area. The minimum lot area is 7,000 square feet. For lots platted prior to 1953, the minimum lot area is 5,000 square feet.

b. Lot Width. The minimum lot width is 25 feet.

c. Lot Depth. There is no lot depth requirement.

d. Front Yard Setback. There is no minimum front yard setback. If the development site is between two existing buildings which are both setback from the front property line, the front yard setback may not exceed the average setback of the adjoining buildings. A building shall be built to the front property line. In no case shall a setback greater than 15 feet be allowed, and this area must be designed and utilized as a privately-owned public space intended for seating areas, display areas for artwork or for use as a gathering or performance area. The area shall be landscaped and/or incorporate streetscape elements.

e. Side Yard Setback. There is no minimum side yard setback, unless the side property line abuts residentially-zoned property, in which case the minimum side yard setback shall be 6 feet.

f. Rear Yard Setback. There is no minimum rear yard setback, unless the rear property line abuts residentially-zoned property, in which case the minimum rear yard setback shall be 10 feet.

g. Height. The maximum height is 130 feet, unless a special use permit to exceed this height is granted in accordance with the provisions of Section 14-08-03. The minimum height is two stories or 20 feet.

h. Lot Coverage. The maximum lot coverage is 100%.

4. Design Standards. All development within the Downtown Core District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Core District. The regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with or improve the character of the Downtown Core District and fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to special enclosure, architectural design, building materials, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Review Guidelines document. ~~An administrative~~ A decision by ~~City staff~~ the Downtown Design Review Committee regarding the application of the design standards guidelines may be appealed ~~to the City's Renaissance Zone Authority~~ and will be subject to the ~~Authority's standard hearing procedures.~~ Any decision of the ~~Renaissance Zone Authority~~ regarding design standards may be appealed to the Board of City

Commissioners pursuant to the process outlined in Section 14-06-03(3).

c. Remodeling Restoration or Rehabilitation of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the ~~remodeling, renovation~~ restoration or rehabilitation of existing historically significant buildings should reflect the original architectural character of the building. The introduction of any new design elements should be consistent with the traditional features of the building. The rehabilitation of existing historically significant buildings is encouraged to be in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. New Construction. Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

e. Building Materials. The following primary building materials are prohibited from use as exterior finishes: unfinished, precast concrete block, residential grade vinyl siding, residential grade steel siding, lap siding or other materials typically found on residential dwellings. ~~For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete~~

~~panels, glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than forty percent (40%) shall be prohibited from covering more than forty percent (40%) of the exterior walls.~~

~~All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.~~

~~For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall be prohibited unless deemed necessary to preserve the structural integrity of the building.~~

~~f. **Building Colors Design Aspects.** Design aspects including mass, form scale, colors, height, alignment, width and horizontal rhythm shall be in accordance with the design guidelines and be approved by the Downtown Design Review Committee. All other building design aspects not listed herein shall be in accordance with the design guidelines: In order to maintain a sense of harmony within the Downtown Core District, color schemes used should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues should generally be limited to smaller accent features of the building. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.~~

~~g. **Height.** The height of a new mid-block building shall be within one story/15 feet of any adjoining building. If a proposed mid-block~~

development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.

h. Alignment. New infill development in the Downtown Core District shall maintain the zero setback and the alignment of adjoining facades at the property line.

i. Width. New buildings shall reflect the existing characteristic rhythm of facades along the street. New construction on multiple lots, including parking ramps, should respect this pattern by designing the pattern of adjacent facade widths into the new facade.

j. Horizontal Rhythms. New development shall maintain the alignment of building windows, cornices, and rooflines that dominate the block on which it will be constructed. Character and scale shall be compatible with surrounding structures through the use of materials, detailing and window placement. A clear visual division between the street level and upper floors shall also be maintained. Canopies and awnings consistent with the architectural style of the building are encouraged to accentuate the street level relationship between the building and streetscape and to provide protection for pedestrians.

k. Entrances. Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. Recessed entrances shall allow operation of the door(s) without extending beyond the property line into the public right-of-way.

l. Windows. Ground floor windows shall be transparent. The original size, shape and proportion of all windows on existing historically significant buildings shall be preserved. For new non-residential buildings, a minimum of fifty percent (50%) of first floor facades fronting the street shall be windows, doors and other transparent elements. In order to preserve the character of existing historically significant buildings, it is not the intent of this provision to require windows to be installed where none existed in the original design. However, if the exterior of an existing historically significant building is being remodeled, renovated or rehabilitated, the size, shape and proportion of the original window openings shall generally be restored or maintained. Replacement windows shall generally conform with the style of the original windows used in the building. ~~with wood or prefinished aluminum as the finish material.~~

m. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

n. ~~Vacant Buildings.~~ ~~Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.~~

o. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than sixty (60) days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural

treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

~~**p. Exposed Common Walls.** If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.~~

~~**q p. Work in Public Right-of-Way.** Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck (May 1995) or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.~~

~~**r g. Landscaping and Screening.** New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.~~

5. Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the provisions of Section 14-03-10. Off-street parking

shall not be required for properties within the Downtown Parking District.

6. Landscaping and Screening. Development within the Downtown Core District, including the development of parking areas, shall be subject to the requirements of Section 14-03-11. If decorative fencing or any other streetscape elements are used, they shall be consistent with or complementary to the designated downtown streetscape elements

7. Signage. All signage in the Downtown Core District shall be installed and maintained in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances. Canopies used for signage shall be consistent with the architectural style of the building.

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11; Ord. 5852, 11-22-11)

14-04-21.2 DF Downtown Fringe District.

Section 3. Amendment. Section 14-04-21.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the DF Downtown Fringe District is hereby amended and re-enacted to read as follows:

1. Purpose. The purpose of the Downtown Fringe District is to strengthen and complement the City's downtown area by allowing uses not normally allowed in the Downtown Core District. The Downtown Fringe District also serves to provide a transitional area between the Downtown Core District and adjacent commercial and residential zoning districts. The uses allowed in this district usually require larger parcels and a greater emphasis on automobile access and parking.

2. Uses. Uses are allowed in the Downtown Fringe District in accordance with the Use Table of Section 14-04-21.

3. Dimensional Standards. Development within the Downtown Fringe District is subject to the following dimensional standards:

a. Lot Area. The minimum lot area is 7,000 square feet. For lots platted prior to 1953, the minimum lot area is 5,000 square feet.

b. Lot Width. The minimum lot width is 60 feet. For lots platted prior to 1953, the minimum lot width is 50 feet.

c. Lot Depth. There is no lot depth requirement.

d. Front Yard Setback. There is no minimum front yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum front yard setback shall be 15 feet. In no case shall a setback greater than 25 feet be allowed, and this area must be landscaped and/or incorporate streetscape elements.

e. Side Yard Setback. There is no minimum side yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum side yard setback shall be 6 feet.

f. Rear Yard Setback. There is no minimum rear yard setback, unless the property is immediately adjacent to a residentially-zoned property, in which case the minimum rear yard setback shall be 10 feet.

g. Height. The maximum height is 75 feet, unless the property is immediately adjacent to a residentially-zoned property, in which case the maximum height is 50 feet.

h. Lot Coverage. The maximum lot coverage is 100%, unless the property is immediately adjacent to a residentially zoned parcel, in which case the maximum lot coverage shall be 70%.

4. Design Standards. All development within the Downtown Fringe District is subject to the following design standards:

a. Intent. The intent of the design standards is to create and maintain a high visual quality and appearance for the Downtown Fringe District. The regulations are also intended to ensure that new buildings, building additions, façade alterations, building rehabilitations, and signage are compatible with the character of the Downtown Fringe District and

fit into their surroundings. It is also the intent of these regulations to stimulate and protect public and private investment through the establishment of high standards with respect to architectural design, building materials, and appearance, and to support the preservation of historically significant buildings.

b. Review and Approval. All new buildings, building additions, facade alterations (both structural and non-structural), demolition of existing buildings, signage, streetscape installation or modification, fences, lighting and improvements within the public right-of-way within the Downtown Core District shall be subject to the City's downtown design review procedures and guidelines established in the Downtown Design Review Guidelines document. An ~~administrative decision by City staff~~ the Downtown Design Review Committee regarding the application of the design standards guidelines may be appealed ~~to the City's Renaissance Zone Authority and will be subject to the Authority's standard hearing procedures.~~ Any decision of the Renaissance Zone Authority regarding design standards may be appealed to the Board of City Commissioners pursuant to the process outlined in Section 14-06-03(3).

c. Remodeling Restoration or Rehabilitation of Historically Significant Buildings. Any building listed on the National Register of Historic Places, identified as being individually eligible for listing on the National Register or identified as contributing to the downtown Bismarck historic district in the Historic Architectural Inventory and Evaluation (2000) or any subsequent inventory and evaluation, is considered to be a historically significant building. For any building not identified above that is more than 50 years old, a determination shall be made on a case-by-case basis as to whether or not the building is historically significant. Projects involving the ~~remodeling, renovation~~ restoration or rehabilitation of existing historically significant buildings should reflect the original architectural character of the building. The introduction of any new design elements should be consistent with the traditional features of the building. The rehabilitation of existing historically significant buildings is encouraged to be

in accordance with the Secretary of the Interior's Standards for Rehabilitation.

d. **New Construction.** Projects involving new construction shall consider the context of the site and be compatible with the general character of the downtown area. While new buildings are required to fit into their surroundings, the City will not require uniformity of design or dictate specific architectural styles. The overall context of the downtown area includes a variety of architectural styles and these regulations are intended to allow both flexibility and creativity in achieving compatible design solutions.

e. **Building Materials.** The following primary building materials are prohibited from use as exterior finishes: unfinished, precast concrete block, residential grade vinyl siding, residential grade steel siding, lap siding or other materials typically found on residential dwellings. For new construction, all walls visible from the street shall be primarily faced with architectural materials such as brick, stone, architectural concrete or pre-cast concrete panels, glass, exterior insulation finish insulation systems, or an equivalent or better. The use of plain surface concrete block shall be prohibited (i.e. the surface must be dimensional). The use of typical residential exterior materials shall be prohibited (i.e. residential grade vinyl siding, residential grade steel siding, composite brick). Non-transparent mirrored or one-way glass with a reflectance greater than forty percent (40%) shall be prohibited from covering more than forty percent (40%) of the exterior walls.

~~All subsequent renovations, additions and related structures undertaken after the construction of an original building shall be finished with materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.~~

~~For existing historically significant buildings, the sheathing or installation of another material over the facade or any wall visible from the street shall~~

~~be prohibited unless deemed necessary to preserve the structural integrity of the building.~~

~~f. **Building Colors Design Aspects.** Design aspects including mass, form scale, colors, height, alignment, width and horizontal rhythm shall be in accordance with the design guidelines and be approved by the Downtown Design Review Committee. All other building design aspects not listed herein shall be in accordance with the design guidelines. In order to maintain a sense of harmony within the Downtown Core District, color schemes used should complement the predominant hues of adjoining buildings. Color schemes should generally be simple, using the minimum number of colors necessary to accentuate architectural features. The use of extremely bright hues should generally be limited to smaller accent features of the building. Repainting projects which do not substantially change the existing color scheme are not subject to the building color criteria.~~

~~g. **Height.** The height of a new mid-block building shall be within one story/15 feet of any adjoining building. If a proposed mid-block development is between two existing buildings that vary more than three stories in height, the new building shall be within one story/15 feet in height of either the taller or shorter building. The height of a new corner building may be higher than buildings on adjoining parcels, but should generally be within the average height of the buildings occupying the three adjacent corners of the intersection. It is not the intent of this provision to regulate the height of a new building which occupies one-quarter of a block or more as it relates to adjacent or adjoining buildings.~~

~~h. **Alignment.** New infill development in the Downtown Core District shall maintain the zero setback and the alignment of adjoining facades at the property line.~~

~~i. **Entrances.** Main entrances to buildings shall face and be clearly visible from the street, and be recessed to maintain a coherent pattern along the sidewalk and to define the entry point. Recessed~~

entrances shall allow operation of the door(s) without extending beyond the property line into the public right-of-way.

j. Rooftop Equipment. Rooftop equipment shall be screened from ground level views with parapet walls or enclosures similar in form, material and detail to the primary structure.

~~**k. Vacant Buildings.** Vacant and abandoned buildings shall be made to appear inhabited. Boarding up windows in vacant or abandoned buildings shall be prohibited.~~

l. Demolition and Vacant Lots. Any demolition shall be in accordance with the provisions of Section 4-05-03 of the City Code of Ordinances. Any lots left vacant after demolition shall be treated to control fugitive dust. If the lot is to remain vacant for more than sixty (60) days, said lot shall be landscaped, mulched and seeded or sodded to establish a perennial vegetative grass cover. The lot shall be maintained and kept free of debris and litter. If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines. Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.

~~**m. Exposed Common Walls.** If common walls are exposed due to demolition of adjoining buildings, the walls shall be treated to ensure that the walls do not become a visual eyesore. The treatment may be temporary or permanent depending on the potential for redevelopment of adjoining parcels. Temporary alternative treatments include masonry paint or vines.~~

~~Permanent alternative treatments include architectural treatment that is similar to the front façade of the building or stucco. The wall treatment shall be in place within ninety (90) days of the date of demolition, unless a longer period is authorized at the time of approval of the demolition plans, and shall be the financial responsibility of the owner of the property upon which the demolished building was located.~~

n. Work in Public Right-of-Way. Any work within the public right-of-way that relates to an identified streetscape element, as identified in the Streetscape Guidelines for Downtown Bismarck (May 1995) or subsequent updates, shall be in accordance with the design elements identified by those guidelines and shall comply with the standards established by the City Engineer.

o. Landscaping and Screening. New construction and major remodeling, renovation or rehabilitation projects shall be subject to the requirements of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening), including the installation of street trees if required.

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

6. Landscaping and Screening. Development within the Downtown Fringe District, including the development of parking areas, shall be subject to the requirements of Section 14-03-11. If decorative fencing or any other streetscape elements are used, they shall be consistent with or complementary to the designated downtown streetscape elements.

7. Signage. All signage in the Downtown Fringe District shall be installed and maintained in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances. Canopies used for signage shall be consistent with the architectural style of the building.

(Ord. 5422, 05-24-05; Ord. 5813, 03-22-11)

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

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

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Sonnet Heights Subdivision Sixth Replat – Minor Subdivision Final Plat		
Status: Planning Commission – Continued Public Hearing	Date: October 22, 2014	
Owner(s): Liberty Homes, LLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat property so each unit being constructed on the property is on its own parcel (five buildings with 8 units in three of the buildings and 6 units in two of the buildings).		
Location: Along the south side of 57 th Avenue NE between Yukon Drive and Normandy Street (a replat of Lots 1-4, Block 3, Sonnet Heights Subdivision).		
Project Size: 4.88 acres	Number of Lots: 37 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Developing multi-family residential	Land Use: Multi-family residential	
Zoning: RM30 – Residential	Zoning: RM30 – Residential	
Uses Allowed: Multi-family residential	Uses Allowed: Multi-family residential	
Maximum Density Allowed: 30 units/acre	Maximum Density Allowed: 30 units/acre	
PROPERTY HISTORY:		
Zoned: 12/1980	Platted: 12/1980	Annexed: 04/2007
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The public hearing on this request was continued at the September 24th meeting because there were outstanding issues with the storm water management plan for the final plat and it could not be approved by the City Engineer. 		
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for approval of a minor subdivision final plat have been met. The storm water management plan has been approved by the City Engineer. The proposed subdivision does not impact the Fringe Area Road Master Plan, which identifies Normandy Street as a north-south collector and 57th Avenue NE as an arterial. The proposed subdivision would not impact adjacent land uses. Adjacent land uses include a combination of one and two-family residential to the south, undeveloped multi-family residential to the east and west and developing commercial and undeveloped land to the north across 57th Avenue NE. The proposed subdivision is already annexed and is in the process of being developed; therefore, it would not place an undue burden on public services and facilities. 		
<i>(continued)</i>		

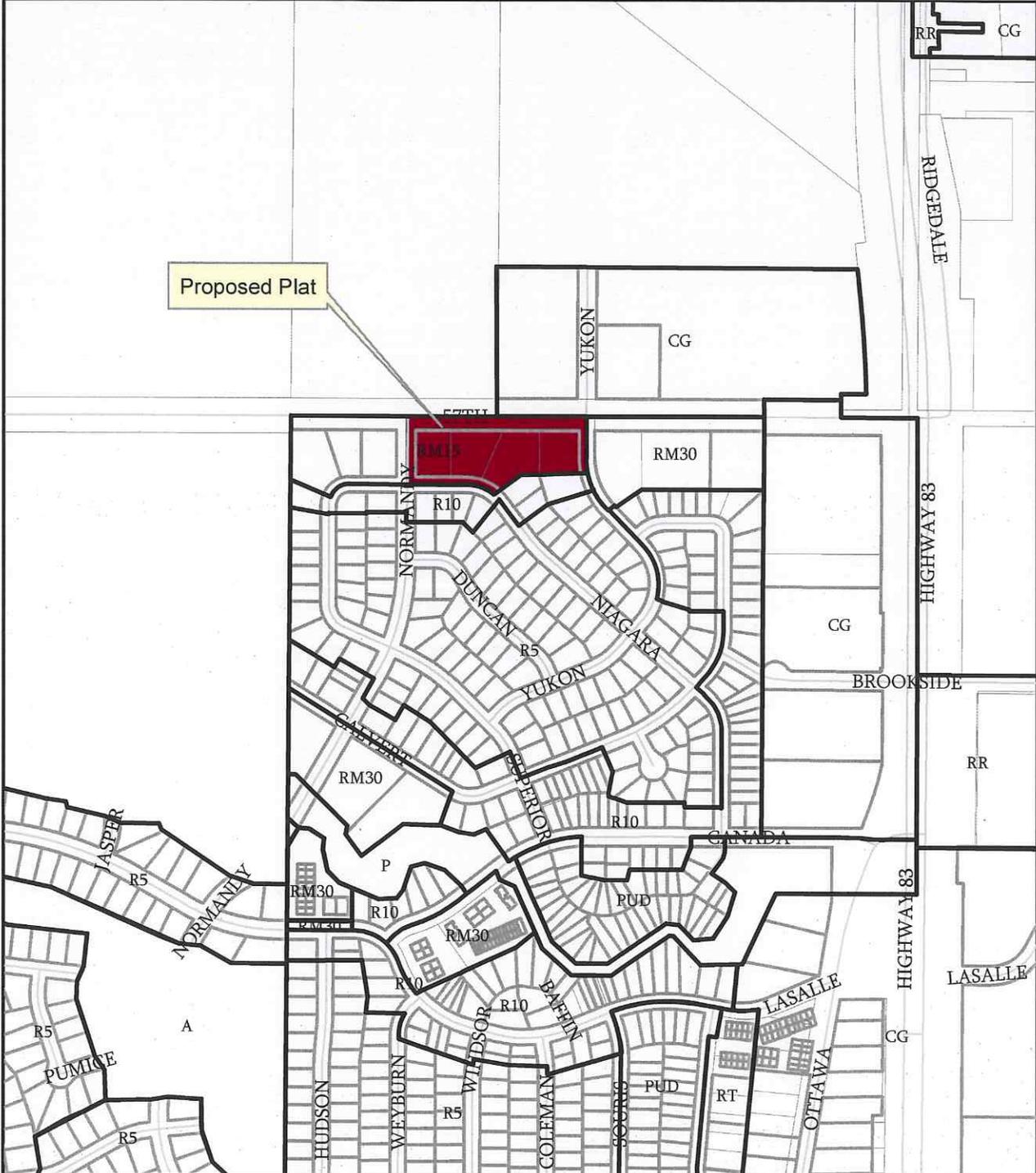
- 6. The proposed subdivision would not adversely affect property in the vicinity.
- 7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
- 8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat.

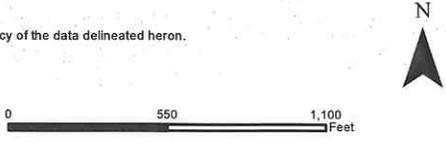
/Klee

Proposed Plat Sonnet Heights Subdivision Sixth Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 9/2/2014 (hlb)

Source: City of Bismarck



SONNET HEIGHTS SUBDIVISION

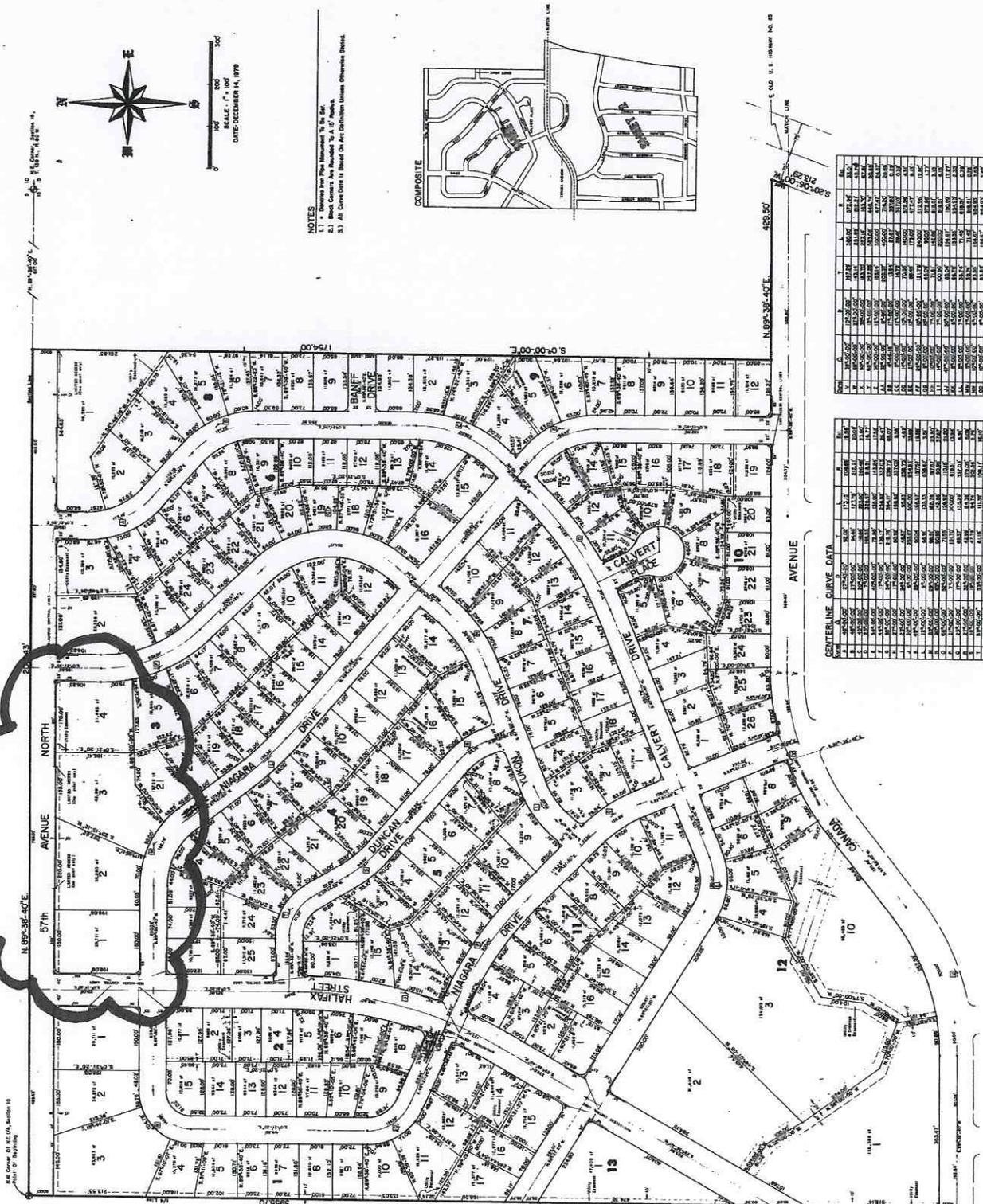
Part Of The East 1/2 Of Sec. 16, T.139N., R.80W.

Burleigh County, North Dakota

Sheet 1 Of 3

AREA BEING REPLATED
AS SONNET HEIGHTS SUBDIVISION

SIXTH REPLAT



NOTES

1. * Derived from Plat Submitted to the State.
2. Block Corners Are Planted 3" x 12" Pines.
3. All Corner Data is Based on True Definition Unless Otherwise Stated.

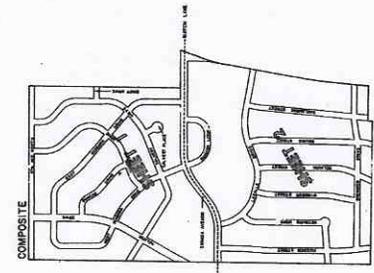


Table with 4 columns: Station, Curve Data, Station, Curve Data. It lists curve information for various segments of the subdivision.

Table with 4 columns: Station, Curve Data, Station, Curve Data. It lists curve information for various segments of the subdivision.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Stoneridge Addition – Zoning Change (RM30 to PUD)		
Status: Planning Commission – Continued Public Hearing	Date: October 22, 2014	
Owner(s): Liechty Homes, Inc. (owner) Verity Homes of Bismarck, LLC (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow the development of a 6-building/27-unit row house development.		
Location: In northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.		
Project Size: 2.95 acres	Number of Lots: 27 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: 6-building, 27-unit row house development	
Zoning: RM30 – Residential	Zoning: PUD – Planned Unit Development	
Uses Allowed: Multi-family residential	Uses Allowed: PUD – Uses specified in PUD	
Maximum Density Allowed: 30 units/acre	Maximum Density Allowed: PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/2011	Platted: 04/2011	Annexed: 04/2011
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The public hearing on this request was continued at the September 24th meeting because there were outstanding issues with the storm water management plan for the final plat and it could not be approved by the City Engineer. 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. 3. 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.
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, provided the required landscape buffer yard is installed in conjunction with site development. A 15-foot landscape buffer yard is required along the western edge of the property to help mitigate the impacts of the multi-family development adjacent to the existing single-family development. The landscape buffer yard ordinance requires a combination of trees and shrubs or a combination of a 6-foot screening fence and a variety of trees to help screen the higher intensive land uses from the lower intensive single-family land use to the west.
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 RM15 – Residential zoning district to the PUD – Planned Unit Development zoning for Lots 1-10, Block 1 and Lots 1-17, Block 2, Stoneridge Addition, as outlined in the attached draft PUD ordinance.

/jt

ORDINANCE NO.

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

AN ORDINANCE TO AMEND AND RE-ENACT 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.

Stoneridge 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 Stoneridge 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

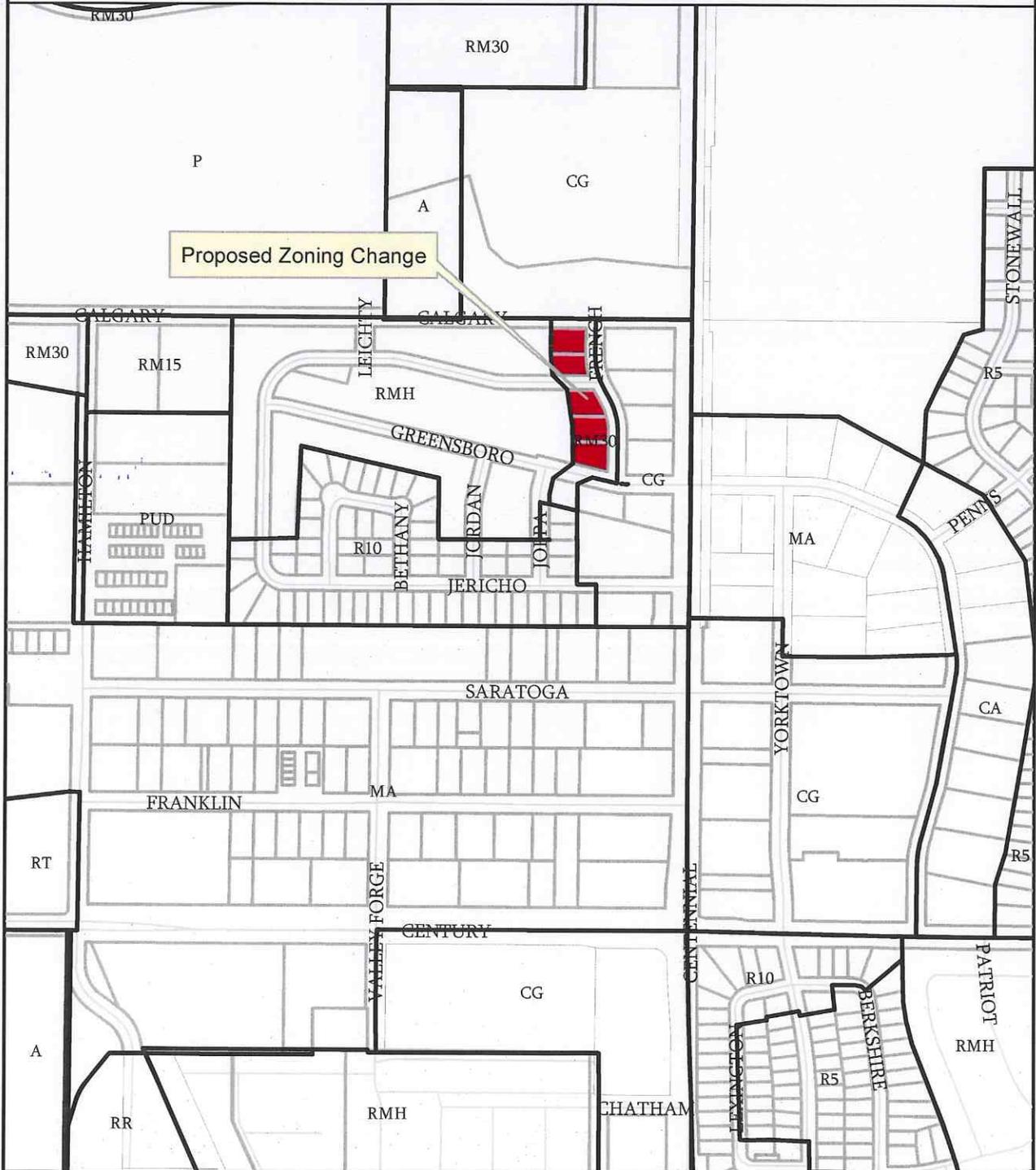
repair and maintenance of the private roadway shall be the responsibility of the home owners association.

4. *Development Standards.* Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
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.

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

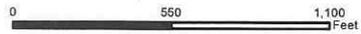
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

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

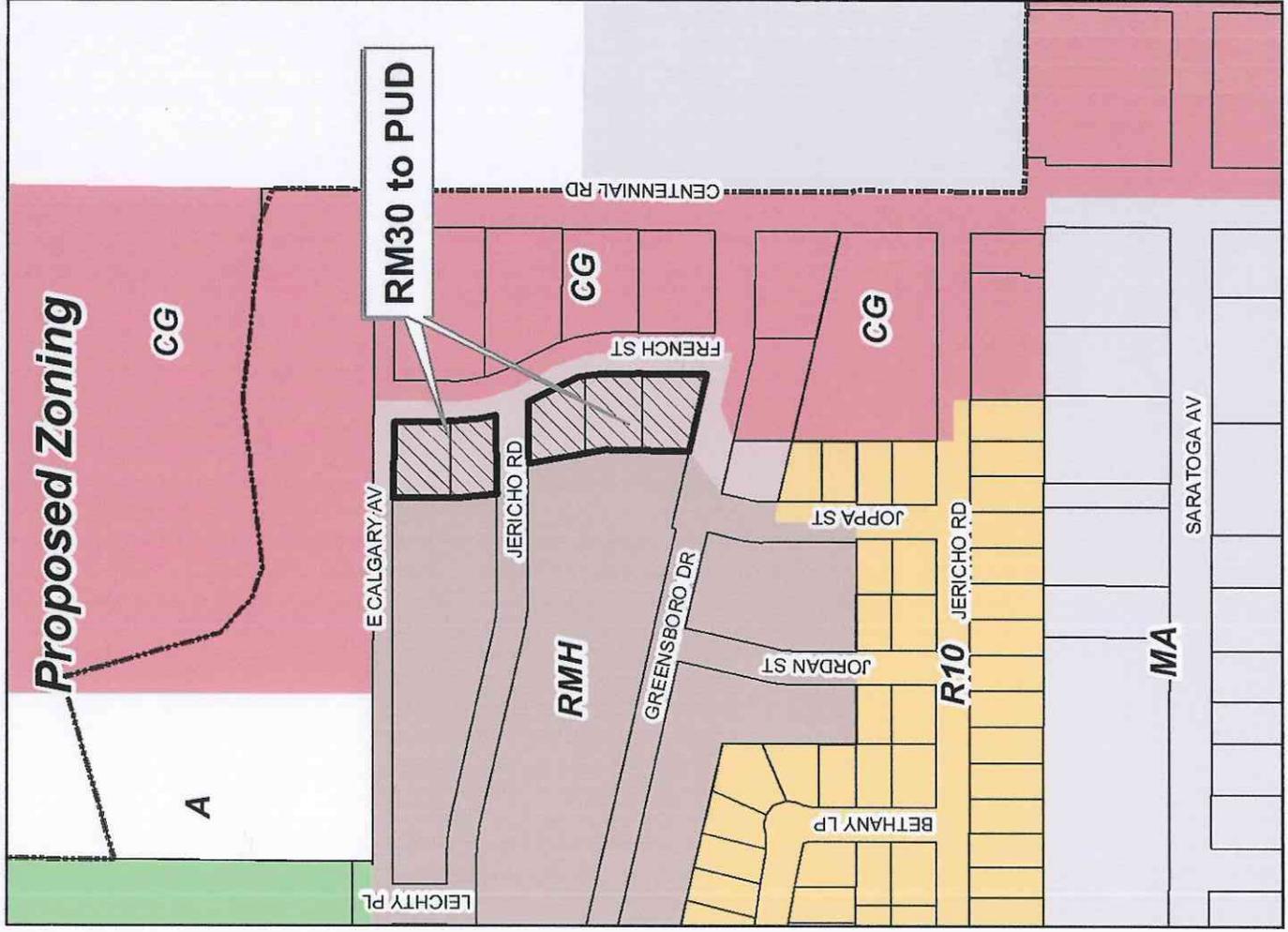
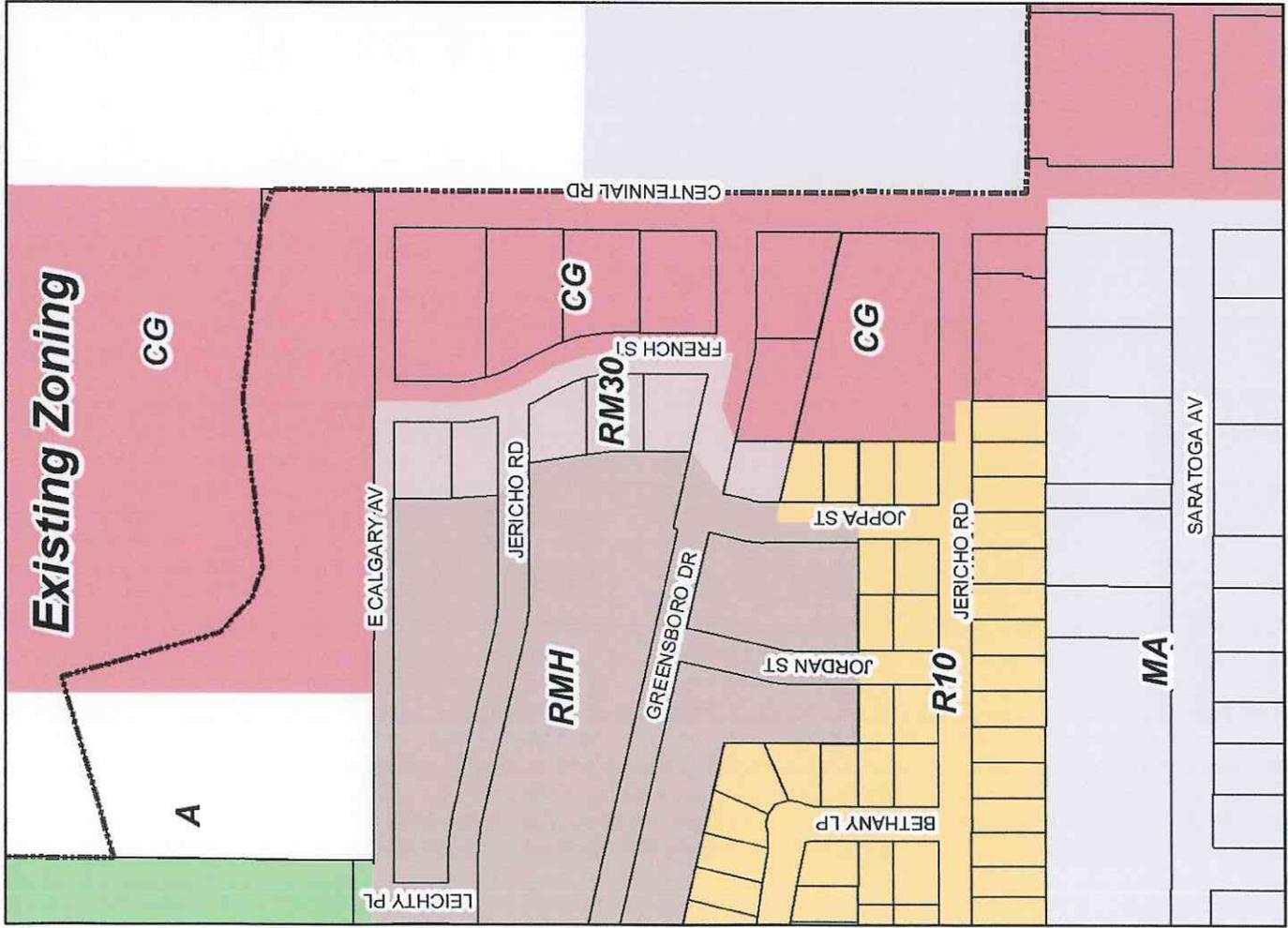


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 7/25/2014 (h/b)

Source: City of Bismarck



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



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.

August 2014

JUL 25 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'

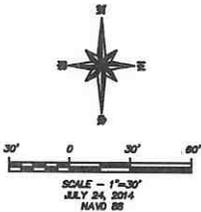
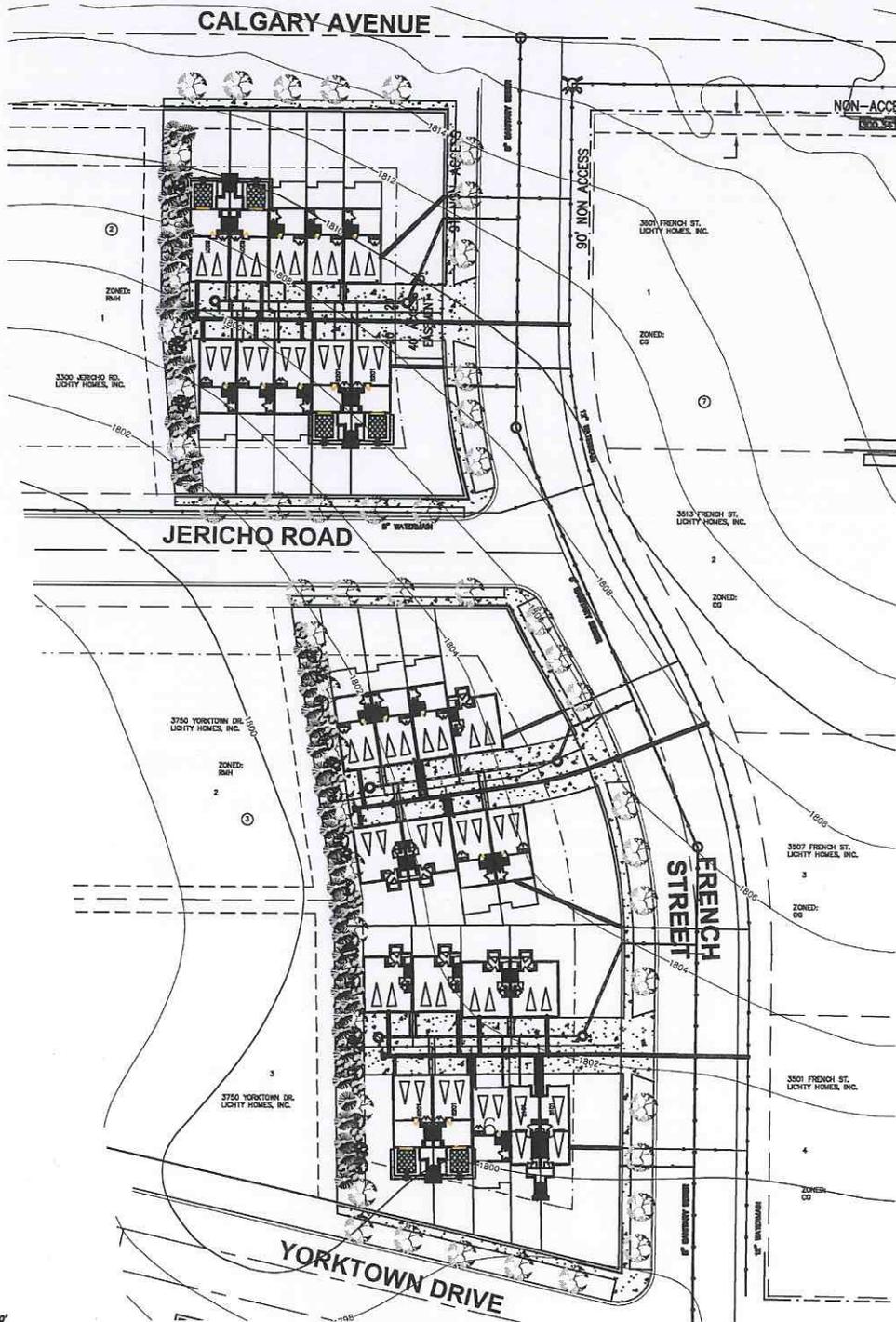
Rear yard: 10'

Zero setback on Access Easements

Lot area: 1,500 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.



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

DATE: JULY 24, 2014
 DRAWN BY: JH
 CHECK BY: JH
 FILE NO.:
 COMPUTER FILE:



SWENSON, HAGEN & COMPANY P.C.
 900 Basin Avenue
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone 701.251-3600
 Fax 701.251-3606

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

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 25 2014

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URBAN DESIGN ASSOCIATES



AERIAL VIEW LOOKING NW
RED DOOR HOMES | BISMARCK, NORTH DAKOTA

STONERIDGE SITE PLANNING
2 JULY 2014



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.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Stoneridge Addition –Minor Subdivision Final Plat		
Status: Planning Commission – Continued Public Hearing	Date: October 22, 2014	
Owner(s): Liechty Homes, Inc. (owner) Verity Homes of Bismarck, LLC (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow the development of a 6-building/27-unit row house development.		
Location: In northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.		
Project Size: 2.95 acres	Number of Lots: 27 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: 6-building, 27-unit row house development.	
Zoning: RM30 – Residential	Zoning: PUD – Planned Unit Development	
Uses Allowed: Multi-family residential	Uses Allowed: PUD – Uses specified in PUD	
Maximum Density Allowed: 30 units/acre	Maximum Density Allowed: PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/2011	Platted: 04/2011	Annexed: 04/2011
ADDITIONAL INFORMATION:		
1. The public hearing on this request was continued at the September 24 th meeting because there were outstanding issues with the storm water management plan for the final plat and it could not be approved by the City Engineer.		
FINDINGS:		
1. All technical requirements for approval of a minor subdivision final plat have been met.		
2. The storm water management plan has been approved by the City Engineer.		
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.		
4. The proposed subdivision 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.		
<i>(continued)</i>		

5. The proposed zoning change would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development. A 15-foot landscape buffer yard is required along the western edge of the property to help mitigate the impacts of the multi-family development adjacent to the existing single-family development. The landscape buffer yard ordinance requires a combination of trees and shrubs or a combination of a 6-foot screening fence and a variety of trees to help screen the higher intensive land uses from the lower intensive single-family land use to the west.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Stoneridge Addition.

/jt

Proposed Minor Plat Stoneridge Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 8/26/2014 (lib)

Source: City of Bismarck



1402-01

STONECREST SECOND ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
PART OF THE N1/2 OF THE SE1/4 OF SECTION 23, T139N-R80W

AREA BEING REPLATTED AS STONEBRIDGE ADDITION

SHEET CONTAINING CURVE TABLE				
CURVE #	ARC LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	178.42	271.23	140.00	119.97
C2	58.50	97.19	340.00	84.43
C3	87.11	147.22	260.00	68.53
C4	48.19	151.20	260.00	57.18
C5	81.00	151.20	260.00	67.39
C6	74.82	151.20	260.00	67.39
C7	74.82	151.20	260.00	67.39
C8	58.50	97.19	340.00	84.43
C9	30.00	139.07	170.00	38.14
C10	388.12	678.24	200.00	162.28
C11	126.82	492.22	170.00	114.47
C12	17.20	233.35	340.00	17.20
C13	25.25	139.07	170.00	25.25
C14	91.36	197.50	170.00	91.36
C15	63.37	197.50	170.00	63.37
C16	69.87	197.50	170.00	69.87
C17	16.58	379.51	340.00	16.58
C18	58.50	139.07	170.00	58.50
C19	63.15	174.07	170.00	63.15
C20	43.87	174.07	170.00	43.87
C21	48.42	174.07	170.00	48.42
C22	61.65	174.07	170.00	61.65
C23	48.42	174.07	170.00	48.42

LOT CURVE TABLE				
CURVE #	ARC LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C11	178.42	271.23	140.00	119.97
C12	58.50	97.19	340.00	84.43
C13	87.11	147.22	260.00	68.53
C14	48.19	151.20	260.00	57.18
C15	81.00	151.20	260.00	67.39
C16	74.82	151.20	260.00	67.39
C17	74.82	151.20	260.00	67.39
C18	58.50	97.19	340.00	84.43
C19	30.00	139.07	170.00	38.14
C20	388.12	678.24	200.00	162.28
C21	126.82	492.22	170.00	114.47
C22	17.20	233.35	340.00	17.20
C23	25.25	139.07	170.00	25.25
C24	91.36	197.50	170.00	91.36
C25	63.37	197.50	170.00	63.37
C26	69.87	197.50	170.00	69.87
C27	16.58	379.51	340.00	16.58
C28	58.50	139.07	170.00	58.50
C29	63.15	174.07	170.00	63.15
C30	43.87	174.07	170.00	43.87
C31	48.42	174.07	170.00	48.42
C32	61.65	174.07	170.00	61.65
C33	48.42	174.07	170.00	48.42

SHEET CONTAINING LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S29° 12' 49" E	41.41'
L2	S00° 30' 59" W	10.11'
L3	S00° 30' 59" W	218.14'
L4	N07° 00' 19" E	84.26'
L5	N07° 00' 19" E	168.52'
L6	N07° 00' 19" E	168.52'
L7	N07° 00' 19" E	294.86'
L8	N07° 00' 19" E	294.86'
L9	S00° 30' 59" W	408.46'
L10	S00° 30' 59" W	408.46'
L11	S76° 59' 41" E	371.81'
L12	S00° 30' 59" W	184.62'
L13	N00° 02' 38" E	178.84'
L14	S00° 30' 59" W	227.48'
L15	N00° 49' 45" E	3.60'
L16	N00° 49' 45" E	271.64'
L17	N00° 11' 37" E	131.44'
L18	N12° 56' 42" E	201.19'
L19	N19° 56' 41" E	874.70'
L20	S00° 46' 30" W	43.44'

LOT TABLE	
LOT #	50 FT ACRES
BLOCK 1	181844
BLOCK 2	1
BLOCK 3	128864
BLOCK 4	2
BLOCK 5	16842
BLOCK 6	14000
BLOCK 7	11428
BLOCK 8	121468
BLOCK 9	2
BLOCK 10	16325
BLOCK 11	15281
BLOCK 12	16708
BLOCK 13	184843
BLOCK 14	64829
BLOCK 15	6261
BLOCK 16	8261
BLOCK 17	8261
BLOCK 18	13254
BLOCK 19	23164
BLOCK 20	27972
BLOCK 21	1223
BLOCK 22	30025
BLOCK 23	20000
BLOCK 24	46249
TOTAL	1308141

DATE: JUNE, 2011
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

LEGEND:
A. PLANNED SECTION QUARTERS CORNER
B. PLANNED REAR MONUMENT
C. SET POINT MONUMENT

NOTE:
1. BEARINGS AND DISTANCES ARE TAKEN FROM PERMITS OF RECORD FOR THE PLANNED SECTION QUARTERS CORNER AND REAR MONUMENT.
2. POINT OF BEGINNING FOR THE PLANNED SECTION QUARTERS CORNER IS THE POINT OF BEGINNING FOR THE PLANNED REAR MONUMENT.

SHEET 1 OF 2

1402-01

TOMAN ENGINEERING
501 14 Street NW, Minnetonka, MN 55345
Phone: 952-835-8822
Fax: 952-835-8823
www.toman-engineering.com

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Lot 2, Block 1, Oakland Subdivision – Rural Residential Lot Split	
Status: Planning Commission – Public Hearing	Date: October 22, 2014
Owner(s): Thomas and Angela Oakland	Engineer/Surveyor: Lowry Engineering
Reason for Request: Split one previously platted rural residential lot into two parcels.	
Location: Northeast of Bismarck, along the south side of 84 th Avenue NE, between 26 th Street NE and 41 st Street NE (3605 84 th Avenue NE).	
Project Size: 9.37 acres (resulting 2.54 acres and 6.82 acres)	Number of Lots: One lot split into two parcels
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Rural residential	Land Use: Rural residential
Zoning: RR – Residential	Zoning: RR – Residential
Uses Allowed: Rural residential	Uses Allowed: Rural residential
Maximum Density Allowed: One unit per 65,000 square feet	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 12/2013	Platted: 12/2013
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. A single-family dwelling and an 8,064 square foot accessory building are located on Lot 2, Block 1, Oakland Subdivision. Both structures were constructed on the property prior to it being platted as a single lot in Oakland Subdivision in December 2013, when the property was zoned A-Agriculture and the accessory building was used for agricultural purposes. As proposed, the existing single-family dwelling would be located on the northern parcel and the existing accessory building would be located on the southern parcel. Because of the size of the accessory building, it is considered a nonconforming structure. 2. Staff has concerns with the proposed lot split. In particular, creating a parcel with a nonconforming structure but no principal building would also create a nonconforming use, as a nonconforming use the accessory building is subject to provisions outlined in Section 14-03-09 of the City Code of Ordinances (Nonconforming uses). 3. According to the site plan submitted with the application, it is unclear if the existing single-family dwelling will have a front yard setback of forty (40) feet from the proposed access easement along the east side of the parcel as required in Section 14-02-03 of the City Code of Ordinances (Definitions / Yard-Front). The applicant is working with their consulting engineer to produce a lot layout that will be conforming and has asked that the public hearing be continued to the November 19, 2014 meeting of the Bismarck Planning and Zoning Commission. 	

FINDINGS:

1. All technical requirements for approval of a rural residential lot split have been met.
2. The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.
3. The proposed rural residential lot split would not be detrimental to the use or development of adjacent properties, provided a revised lot layout is submitted that shows the location of the with the required forty (40) foot front yard setback from the proposed access easement along the east side of the parcel.
4. Access would be provided via an existing access easement on 84th Avenue NE and the new parcel would be served by South Central Regional Water District (SCRWD) therefore; the proposed rural residential lot split would not place an undue burden on existing public services and facilities.
5. The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice, provided that a revised lot layout is submitted that shows the existing single-family dwelling would be in compliance with the setback requirements.

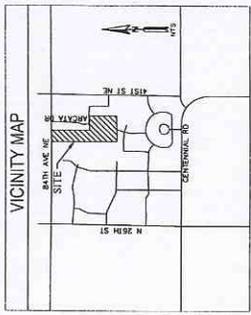
RECOMMENDATION:

Based on the above findings, staff recommends continuing the public hearing on the rural residential lot split for Lot 2, Block 1, Oakland Subdivision into two parcels, a northern parcel of 2.54 acres and a southern parcel of 6.82 acres until a revised lot layout is submitted that shows the existing single-family dwelling is setback at least forty (40) feet from the proposed access easement along the eastern edge of the proposed lot split.

/JW

LOT SPLIT, LOT 2 OAKLAND SUBDIVISION

A PORTION OF THE NORTH EAST QUARTER OF SECTION 2, T139N, R80W OF THE FIFTH
PRINCIPAL MERIDIAN, COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA



SURVEY INFORMATION
BASIS OF BEARING STATE PLANE COORDINATE SYSTEM,
NAD 83 (ADL 86), NORTH DAKOTA SOUTH ZONE 1302
BENCHMARK-NGS 4877400 88 DAKOTA

STATE PLANE COORDINATE TIES	
POINT	GRID NORTH
PT. A	448.844.1
PT. B	448.394.5
PT. C	1.808.372.2
PT. D	1.811.016.8

ALL DISTANCES SHOWN ARE GROUND

OWNER
THOMAS J. S. ANDREW
3805 84TH AVE. NE
BISMARCK, ND 58503

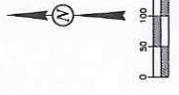
ENGINEER
LOWRY ENGINEERING
3330 FIECHNER DR. SW, 102
FARGO, ND 58103

OLD DESCRIPTION

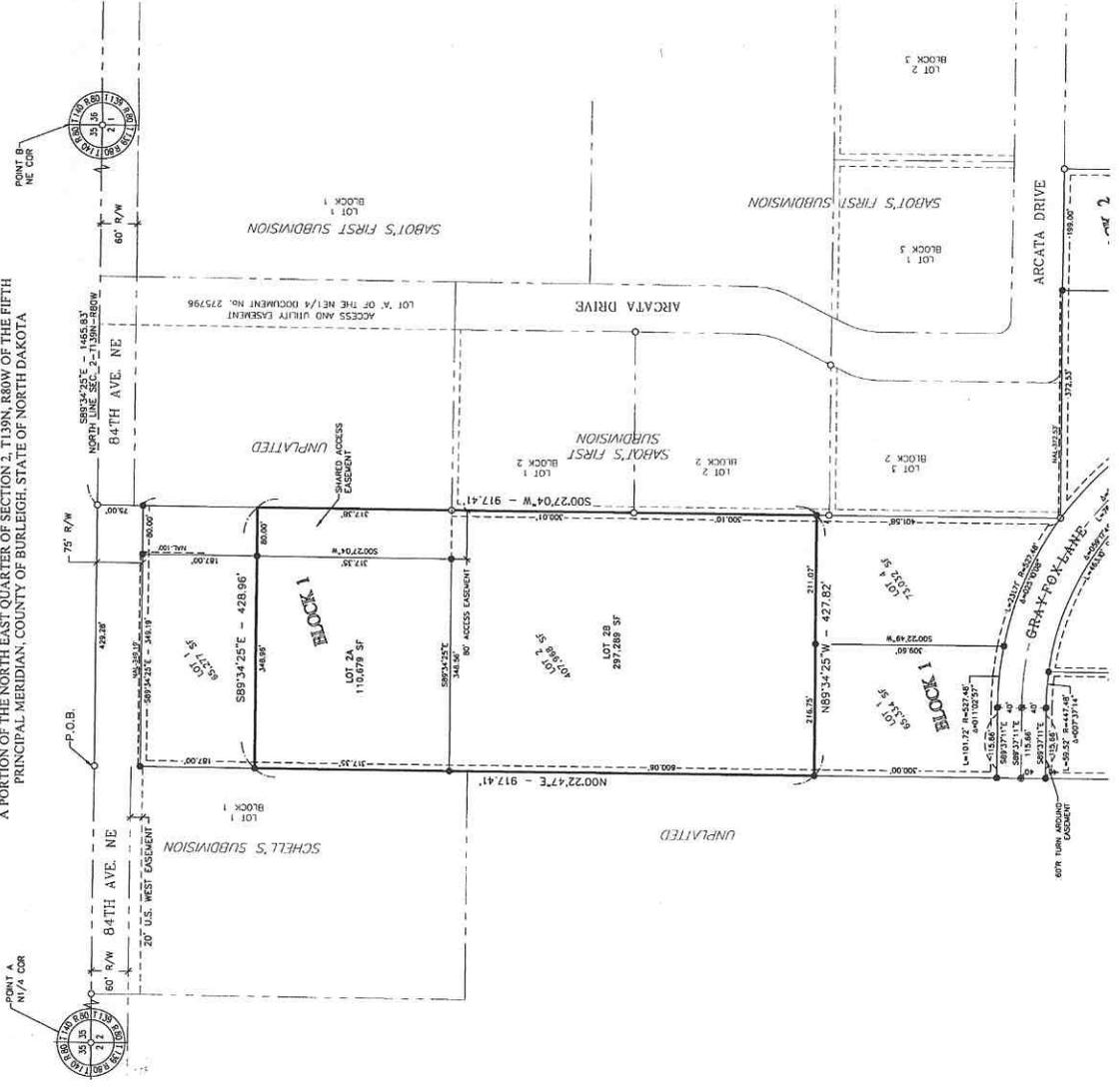
A PORTION OF THE NORTH EAST QUARTER OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 80
WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
LOT 2 BLOCK 1 OF OAKLAND SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA

NEW DESCRIPTION

A PORTION OF THE NORTH EAST QUARTER OF SECTION 2, TOWNSHIP 139 NORTH, RANGE 80
WEST OF THE FIFTH PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
LOT 2A & 2B, BLOCK 1 OF OAKLAND SUBDIVISION, BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- IRON MONUMENT PLACED 5/8" BAR CAPPED LS-7513
 - ⊙ CENTERLINE MARKER NOT SET
 - IRON MONUMENT FOUND
 - PLAT BOUNDARY
 - LOT LINES
 - - - EX. LOT LINES
 - - - UTILITY EASEMENT LINE (U.E.)
 - - - STORM WATER EASEMENT LINE
 - - - NON ACCESS LINE (N.A.)



SHEET 1 OF 2

LOWRY
ENGINEERING
3330 FIECHNER DRIVE - SUITE 102
FARGO, NORTH DAKOTA 58103

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 1-3, Block 1, Sonnet Heights Subdivision– Zoning Change (RM15 to PUD)		
Status: Planning Commission – Public Hearing	Date: October 22, 2014	
Owner(s): Jomani Development Inc. (owner) Consolidated Construction Inc. (applicant)	Engineer: Wenck Associates, Inc.	
Reason for Request: Rezone property to allow a 45-unit, three-story apartment building with garages and underground parking.		
Location: In north Bismarck, along the north side of Niagara Drive, south of 57 th Avenue NE, approximately ½ mile west of US Highway 83.		
Project Size: 2.25 acres / 98,080 square feet	Number of Lots: 3 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM15 – Residential	Land Use: Multi-family residential, as specified in PUD Ordinance	
Uses Allowed: Multi-family residential	Zoning: PUD – Planned Unit Development	
Maximum Density Allowed: 15 units/acre	Uses Allowed: PUD – Uses specified in PUD ordinance	
	Maximum Density Allowed: PUD – Density specified in PUD ordinance	
PROPERTY HISTORY:		
Zoned: 12/1980	Platted: 12/1980	Annexed: 03/2007
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 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. 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, on-grade garages and off-street paved surface parking spaces. The proposed PUD will utilize access points on Normandy Drive and 57th Avenue NE; access will not be provided on 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 existing single and two-family dwellings to the south. 		
<i>(continued)</i>		

3. The Bismarck City Commission at their meeting of October 14, 2014 approved a non-access line modification along the south side of 57th Avenue NE, adjacent to the proposed PUD to reduce the width of the opening from eighty (80) feet to fifty (50) feet and move it west to a location fifty (50) feet east of the northwest corner of the proposed PUD..
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 an RM20 – Residential zoning district would achieve his desire to construct a 36-unit apartment building. 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 direction 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 is attached.
5. The Bismarck Planning and Zoning Commission, at their meeting of December 18, 2013, denied a second 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 of 57th Street NE between US Highway 83 and North Washington Street has been completed. In addition, an auto dealership is under construction northeast of the proposed PUD. Multi-family buildings are also under construction east of the proposed PUD.
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 outside of the area covered in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).
2. The proposed zoning change would be compatible with adjacent land uses, provided that additional landscaping be included for additional buffering between the proposed PUD 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 northeast including the construction of an auto dealership.
3. The property is already annexed and 57th Avenue NE has been improved; 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 landscaped berm to deter tenants and guests from utilizing Superior Drive as on-street parking would 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 would provide the needed buffering to make a visual transition between the higher density multi-family building and the existing 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 approval 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

ORDINANCE NO.

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

AN ORDINANCE TO AMEND AND RE-ENACT 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 forty-five (45) residential units in a three-story multi-family building. The configuration of the site shall generally conform to the site plan submitted with the application dated September 8, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.
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 off-street 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 impact 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 of off-site impacts.

4. *Landscaping and Screening:*

- a. Landscaping and screening 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 three (3) foot high by four (4) foot wide (top) berm along the south side of the property adjacent to Superior Drive, shall be installed as shown in the site plan dated September 8, 2014 with a combination of trees and shrubs with no less than two (2) shade trees and two (2) ornamental trees and two (2) large upright coniferous trees to help mitigate the visual 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).

5. *Off-Street Parking and Loading:* Off-street parking and loading will be required in accordance with Section 14-03-10 of the City Code of Ordinances (Off-Street Parking and Loading).

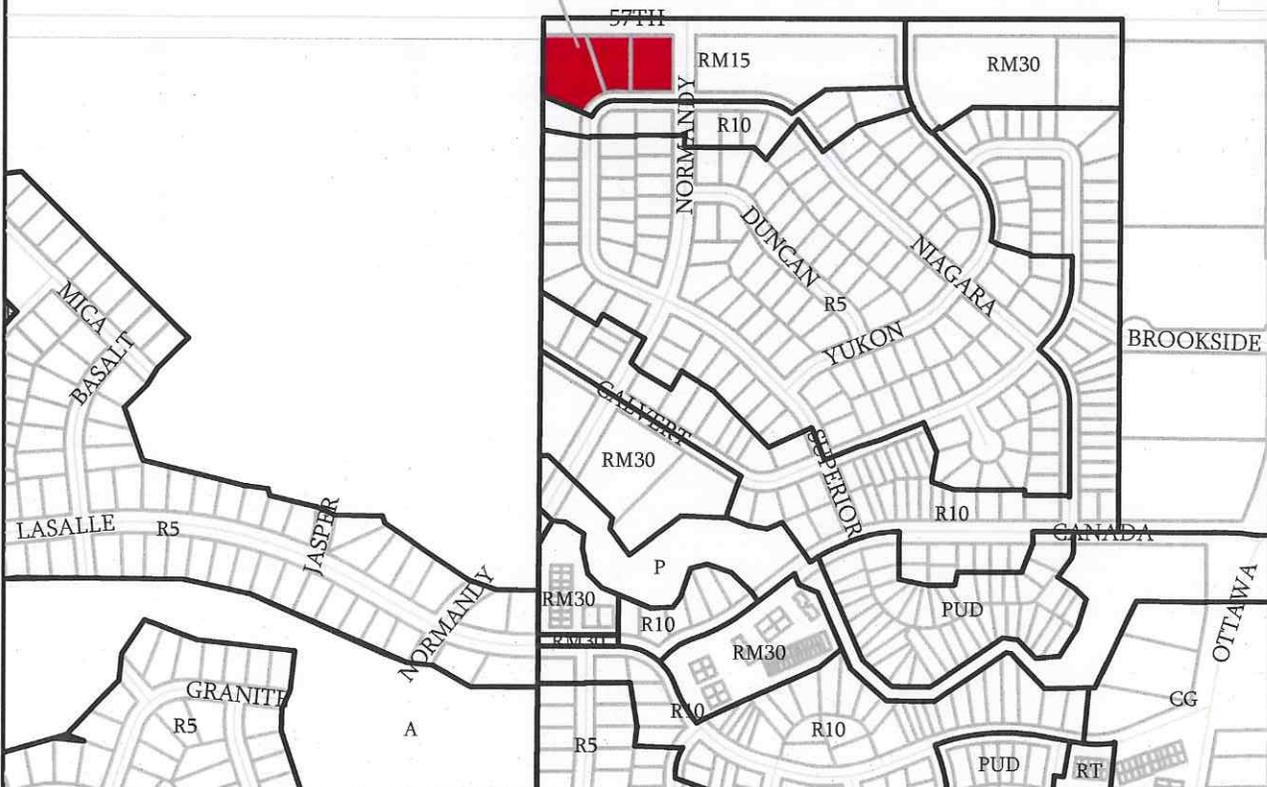
6. *Changes:* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning and Zoning Commission.

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.

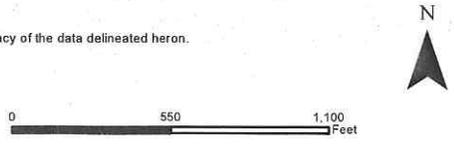
Proposed Zoning Change (RM15 to PUD) Lots 1-3, Block 1, Sonnet Heights Subdivision

Proposed Zoning Change



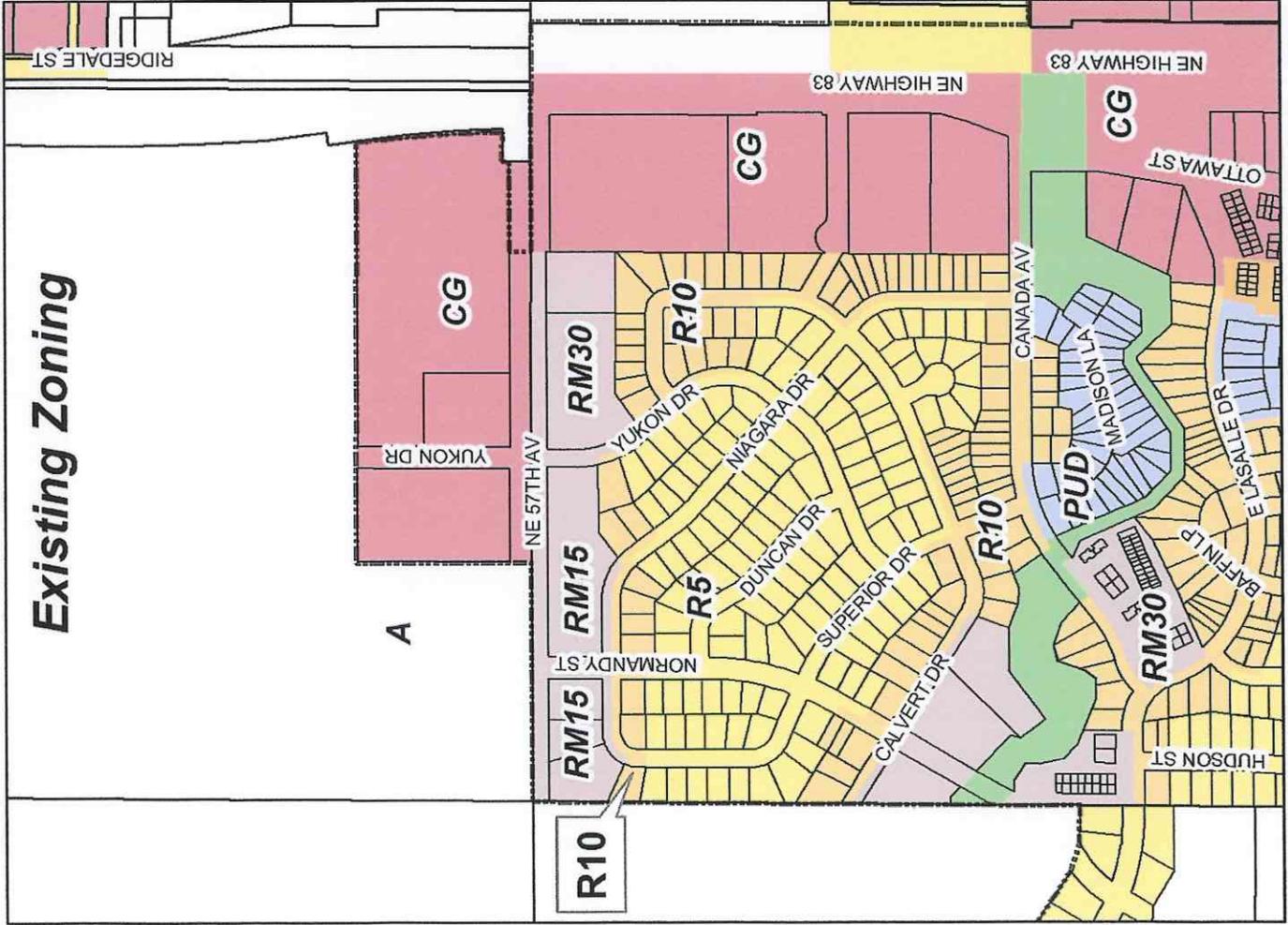
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 7/25/2014 (nib)

Source: City of Bismarck

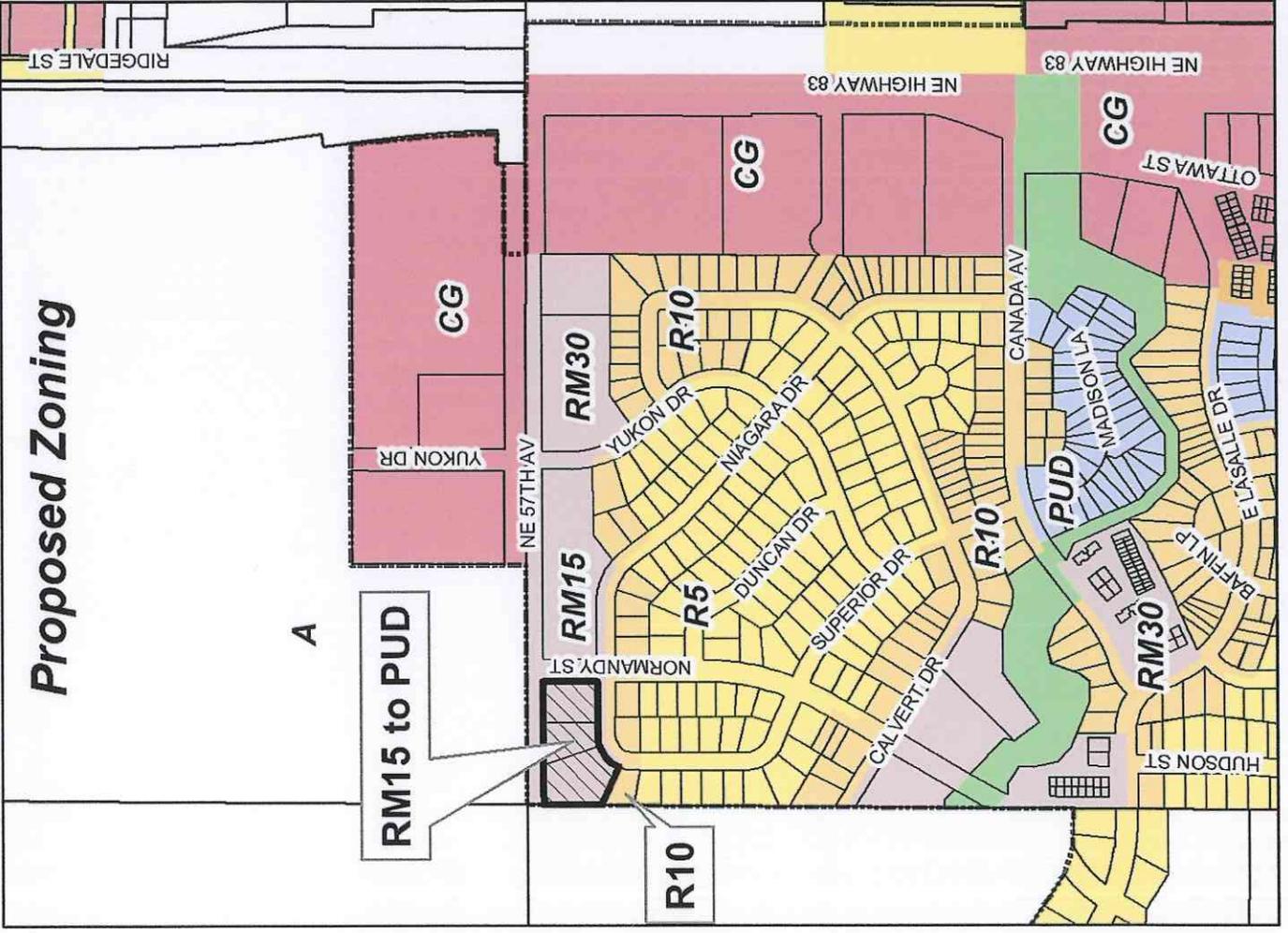


Lots 1-3, Block 1, Sonnet Heights Subdivision - Zoning Change

Existing Zoning



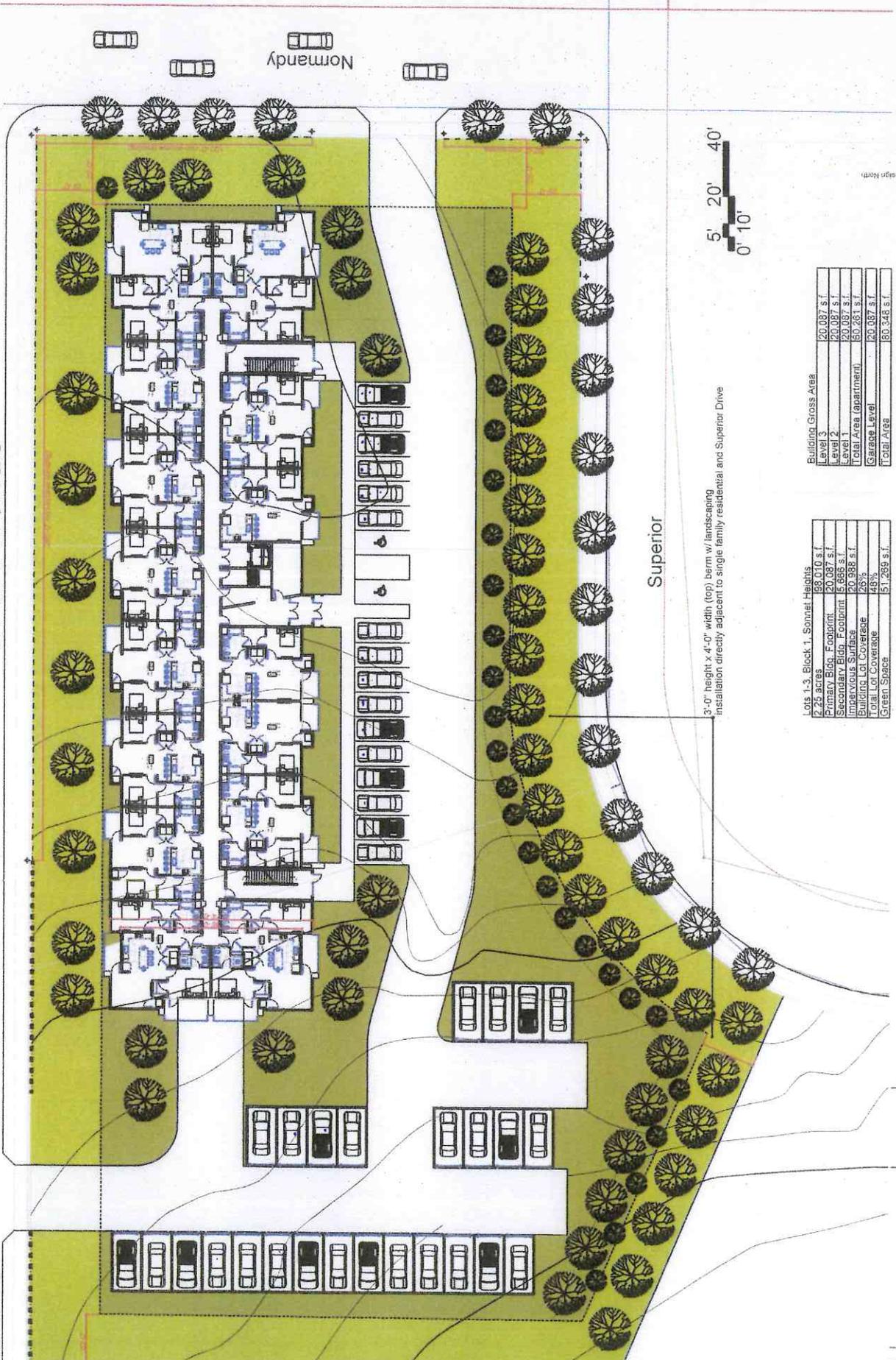
Proposed Zoning



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.

August 2014

57th Avenue



3'-0" height x 4'-0" width (top) berm w/ landscaping installation directly adjacent to single family residential and Superior Drive



Building Gross Area	
Level 3	20,087 s.f.
Level 2	20,087 s.f.
Level 1	20,087 s.f.
Total Area (apartment)	60,261 s.f.
Garage Level	20,087 s.f.
Total Area	80,348 s.f.

Lots 1-3, Block 1, Summit Heights	
2.25 acres	95,010 s.f.
Primary Bldg. Footprint	20,087 s.f.
Secondary Bldg. Footprint	20,087 s.f.
Building Lot Coverage	20,087 s.f.
Total Lot Coverage	40%
Green Space	51,269 s.f.

1'-0" Contour (City of Bismarck 2013) 2'-0" Aerial Contour (City of Bismarck 2013)

Not For Construction - 09/08/2014 - WLY

RM20 (20 x 2.25 acres = 45 total units)

Concept Site Plan
Scale: 1/8" = 1'-0"



A100

CALVERT CREEK
MULTI-FAMILY DWELLINGS
BISMARCK, NORTH DAKOTA

CONSOLIDATED CONSTRUCTION CO.
4300 North Fitzhugh Street
Apt. 200, Waco, TX 76787
www.consolidated-con.com

DATE	DESCRIPTION	BY
09/08/2014	CONCEPT SITE PLAN	WLY
03/24/2014	PRELIMINARY	WLY
02/10/2014	PRELIMINARY	WLY



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: $20,087 \times 3 = 60,261$ square feet
- Underground Garage Level: 20,087 square feet
Total Multi-Family + Underground Garage: $20,087 \times 4 = 80,348$ 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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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: (26) Spaces
- Off-Street Paved Surface: (13) 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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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

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.

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 83 south 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-Residential 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: Lots 1 and 3-18, Block 1, Missouri Valley Complex – Major PUD Amendment		
Status: Planning Commission – Public Hearing		Date: October 22, 2014
Owner(s): Burleigh County		Engineer: None
Reason for Request: Amend PUD to allow the construction and operation of the Burleigh/Morton Detention Center on Lot 1.		
Location: In east Bismarck, along the south side of County Highway 10, the east side of Bismarck Expressway and the north side of Yegen Road and Apple Creek Road. Lot 1 is located along the north side of Apple Creek Road east of and at the intersection with Yegen Road.		
Project Size: 162.28 acres (entire PUD) 45.11 acres (Lot 1)		Number of Lots: 18 lots in 1 block (entire PUD) 1 lot in 1 block (Lot 1)
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: County fairgrounds (various uses)		Land Use: County fairgrounds (various uses)
Zoning: PUD – Planned Unit Development		Zoning: PUD – Planned Unit Development
Uses Allowed: Uses specified in PUD		Uses Allowed: Uses specified by PUD
Maximum Density Allowed: N/A		Maximum Density Allowed: N/A
PROPERTY HISTORY:		
Zoned: 06/2006 (PUD amended in 06/2006, 09/2009 & 09/2013)	Platted: 06/2006	Annexed: 11/1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 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. The Missouri Valley Complex Planned Unit Development was approved by the City of Bismarck in June 2004 and the final plat was recorded in July 2006. The PUD ordinance indicates that the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) and that major changes require a majority vote of the Bismarck Planning & Zoning Commission. The PUD was amended in July 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles. The PUD was amended again in 2009 to allow utilities on all lots and again in 2013 to allow auctions on certain lots. 		
<i>(continued)</i>		

4. All allowable land uses in a PUD are specified in the PUD ordinance. If a specific type of land use is not specified, it is not allowed. To allow auctions within the PUD, new language is proposed as an addition to the permitted uses for this PUD.
5. The property owner has requested the amendment to allow the construction and operation of a new detention center for Burleigh and Morton Counties on Lot 1.

FINDINGS:

1. The Missouri Valley Complex is outside of the area included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The PUD as amended would not create incompatibilities with the existing adjacent land uses, as the area proposed for the detention center is separated from the remainder of the Missouri Valley Complex by a tributary of Apple Creek (including floodway and special flood hazard areas) and there are light industrial uses to the west across Yegen Road and to the south across Apple Creek Road. Adjacent land uses for the entire PUD include undeveloped State-owned land to the north and southeast, a State prison and other State-owned land to the west, industrial uses to the south and southwest, and industrial uses and undeveloped RR and A-zoned land to the east.
3. The property is already annexed and municipal services are available in Apple Creek Road; therefore, the PUD as amended will not place an undue burden on public services.
4. The proposed PUD amendment is consistent with adopted plans, policies and accepted planning practice, provided that the detention center use is limited to Lot 1.

RECOMMENDATION:

Based on the above findings, staff recommends approve of the major PUD amendment for Missouri Valley Complex to allow the construction and operation of a detention center on Lot 1, Block 1, as outlined in the attached draft PUD amendment document.

/Klee

**MISSOURI VALLEY COMPLEX PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5373 (Adopted November 23, 2004 – effective July 10, 2006)
MAJOR PUD AMENDMENT (Adopted July 26, 2006)
MAJOR PUD AMENDMENT (Adopted September 23, 2009)
MAJOR PUD AMENDMENT (Adopted September 25, 2013)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5373 was adopted by the Board of City Commissioners on November 23, 2004; and

WHEREAS, the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, the PUD was amended on July 26, 2006 to correct lot numbers and to expand the area that could be used for off-road vehicles; again on September 23, 2009 to allow utilities on all lots; and again on September 25, 2013 to allow auctions on specific lots.

WHEREAS, Burleigh County has requested a fourth amendment to the Planned Unit Development for Lots 1 and 3-19, Block 1, Missouri Valley Complex.

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:

Lot 1 and Lots 3-19, Block 1, Missouri Valley Complex

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

1. Uses Permitted. Uses permitted include:

Lots 5, 7 & 8 – Perimeter Landscaping and Parking

To be used for landscaping and parking. The east end of Lot 8 and the south end of Lot 5 may include structures to define these locations as entrance points to the Missouri Valley Complex.

Lot 6 – Lift Station

Lot 6 is the site of an existing sanitary sewer lift station and is reserved for continuation of that use.

Lots 11, 12, 14 & 18 – Off-Road Motor Sports

For motorcycle events such as motocross and for other similar motor sports activities including but not limited to ATVs and snowmobiles or bicycle uses.

Lot 19 – Roads

The interior road system is designated as a lot rather than as dedicated streets or access easements. The objective is for the county to retain ownership of the roads and provide maintenance.

Lot 1 – Detention Center

A detention center for Burleigh and Morton Counties is allowed on Lot 1.

Lots ~~1~~, 3, 4, 9, 10, 11 & 13 – Nature & Recreation

The primary land use objectives for these lots are to preserve and enhance the creek and wetland areas for outdoor recreation, wildlife habitat and flood water storage. Some typical uses would include multi-use trails, environmental education, archery, community gardens, bird watching, a dog agility course, Frisbee golf, non-motorized watercraft, picnic areas and other suitable uses of a similar character. Structures within these lots may include picnic tables, picnic shelters, toilets and similar structures. Lots 4 and 9 could include structures to define these locations as entrance points to the Missouri Valley Complex.

Lots 14, 15, 16, 17 & 18 – Multi-Use Activities

An indoor arena for year-round functions such as agricultural and community education; festivals; stock shows; dances; community meetings; auctions limited to benefit auctions, estate auctions, occasional livestock auctions tied to 4H or other not-for-profit educational livestock shows, and similar types of auctions, but specifically excluding commercial livestock sales and auctions (regardless of whether the livestock being sold commercially is breeding/production stock or other livestock); collector meets and other suitable activities.

A grandstand for outdoor entertainment, concerts, trade shows, fairs, collector and swap meets, car shows and other suitable activities.

Active use areas include parking for events such as exhibits, carnival rides, vendor booths, etc.

Buckstop Junction on Lot 16: There is a long-term lease agreement in this area with the Missouri Valley Historical Society. Area is reserved based on the Historical Society plan for expansion of additional streets, building sites and other “town” features. A new parking area is planned to the northwest of the “town”.

A crop maze, historic period agriculture demonstrations or research related agricultural plots may occupy areas within these lots.

The NDSU / Burleigh County Extension / 4H activities and offices are on Lot 17. Part of the 4H program includes a shooting sports component. An indoor shooting range may be constructed on a portion of Lot 17.

The area is also slated for an indoor arena and parking. Part of this area, including Lot 18, may be developed as an outdoor arena for livestock or rodeo activities or other suitable uses such as tractor pulls.

Accessory uses including restroom facilities, registration booths, various concessions such as food and beverage services, beer gardens, and other services and uses normally associated with major events that bring large gatherings of people are allowed throughout the “Multi-Use Activities” area.

Any proposed changes that are inconsistent with these permitted use standards will require an amendment to this PUD.

Lots 11, 12, 14 & 18

Camping is allowed on Lots 11, 12, 14 & 18 when associated with an event such as a rodeo or motocross rally.

All lots – Utility Systems

For the benefit of the public, utility systems for gas, water, communication, electrical and sewer are allowed on any lot when the following factors are present:

- 1) The structure or use is necessary for the safe or efficient operation of the utility.
- 2) The utility which the structure or use serves is one available to the general public.
- 3) The design and location of the premises and structures are in compliance with the development standards for this PUD and other applicable codes.
- 4) The use complies with setback regulations specified for this PUD.
- 5) Wherever the lot on which the use is located adjoins a lot in a residential district, there is planted and maintained a landscaped screened planting strip no less than five feet in width adjacent to all lot boundaries so adjoining a lot in a residential district.
- 6) Proper fencing with lot entrances shall be erected at least six (6) feet high and maintained around all installations and structures in which there is any safety hazard whatsoever for children, provided that all structures shall be so located that such safety fence shall be so placed as not to encroach on any front yard.
- 7) The following uses are declared to be typical utilities:
 - a. Electric transformer or substations.
 - b. Electric transmission lines.
 - c. Sewage lift stations.
 - d. Water pumping stations.
 - e. Cell phone, microwave, radio, or communication towers.

- f. Gas regulator stations, excluding stations emitting noise of more than fifty (50) decibels at any property line adjacent to any residentially zoned area.

2. *Development Standards.*

The primary objective for this PUD area is to promote development consistent with the goals and objectives of the Missouri Valley Fairgrounds Site Strategic Development Plan of October 2001. A parallel objective is to allow flexibility in developing the site by placing a greater emphasis on development concepts and a lesser emphasis on a list of detailed specific uses, locations, arrangements, and numbers of buildings and structures.

Proposed developments in this area are not exempt from construction requirements of building, plumbing, electrical, and fire codes.

Building setback requirements in this PUD are as follows:

Front yard. Each lot shall have a front yard of not less than 25 feet.

Side yard. Each lot shall have side yards of not less than 15 feet.

Rear yard. Each lot shall have a rear yard of not less than 50 feet.

East Boundary. For Lots 4, 9, 10, 11, 12 & 13 of Block 1, a building setback of 75 feet shall apply to the east boundary line of those lots.

Lot 19 contains the interior road system. Building setbacks will be measured from the boundary of this lot.

Lot coverage shall not exceed 80 percent (80%).

Except for utilities as allowed herein, no structure shall exceed 50 feet in height.

For structures or trees within any powerline easement area, written permission from the easement owner is required.

Parking lots will be subject to the requirements of Section 14-03-11 of the Code of Ordinances of the City of Bismarck, North Dakota.

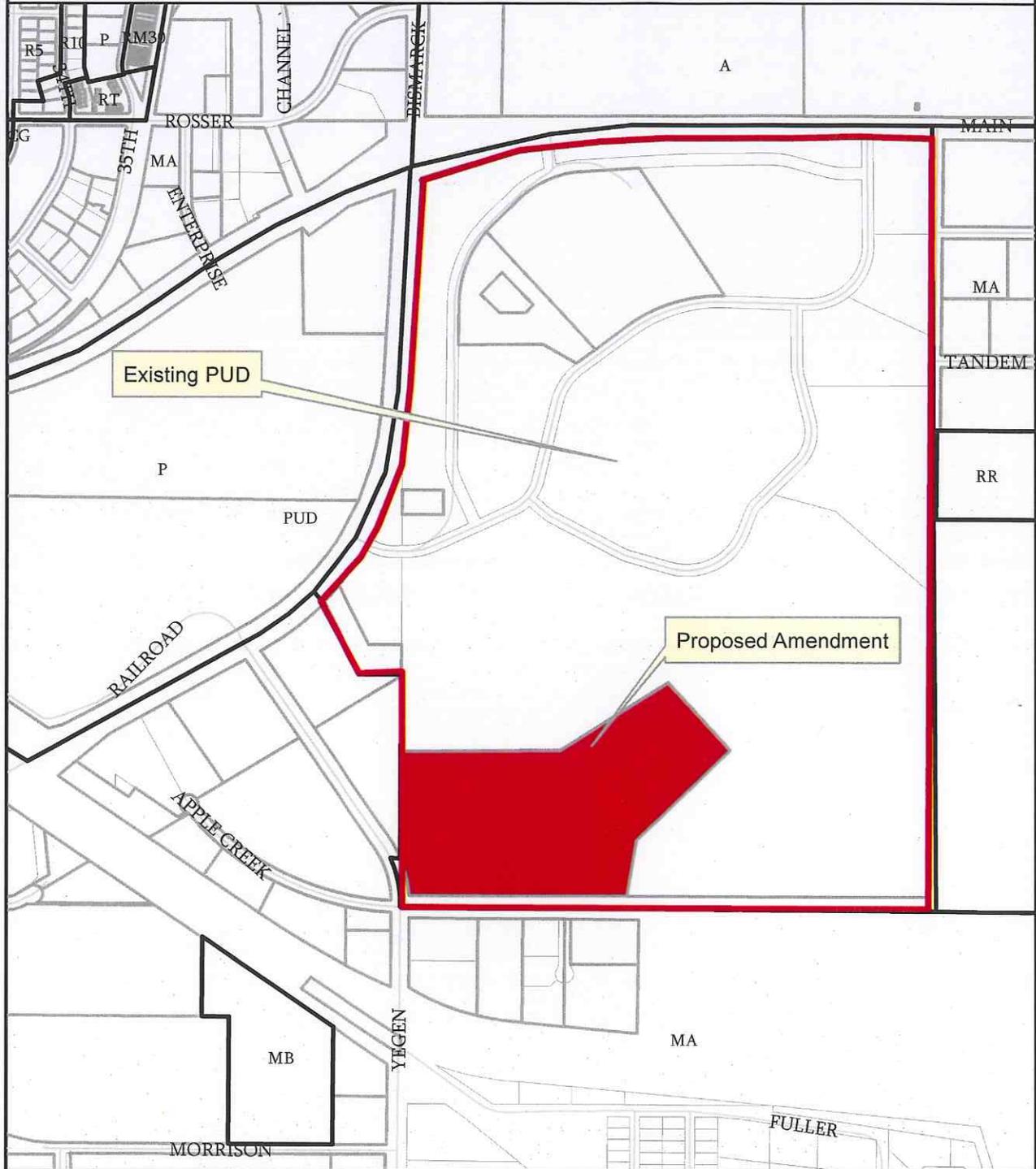
Any proposed changes that are inconsistent with these development standards will require an amendment to this PUD.

3. *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

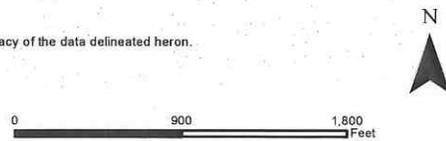
public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed PUD Amendment Lots 1 and 3-18, Block 1, Missouri Valley Complex



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 10/9/2014(hlb)

Source: City of Bismarck





AUG 22 2014

August 15, 2014

Kim Lee, Planning Manager
City of Bismarck | Community Development
221 N. 5th Street
P.O. Box 5503
Bismarck, ND 58506-5503

**RE: PUD Amendment
Missouri Valley Complex
Written Statement**

Via: E-mail only

Dear Kim,

Please consider this letter the required written statement to be included with the PUD Amendment Request for Lot 1, Block 1 of Missouri River Complex.

General Site Description:

The existing property is approximately 45.109 acres. Generally, as it exists today the site is natural and has been undisturbed. A portion of the property towards the southeast is wetlands and has been delineated as such by surveying. There are portions of the existing property near the west edge that have been used as storage of dirt by the Burleigh County Highway Department.

The site will be modified to accommodate the detention center use and needs as described below:

The detention center has been placed on the site to maximize the best use of the site, minimize impacts to the site as well as avoid the existing wetlands and poor subsoil conditions.

The entire property will be fenced. The intent of fencing is to delineate the property edges. It will be "rural" in style. It will not be security fencing or fencing similar the State Penitentiary.

The vegetation over the entire site will be returned to natural local vegetation, with the exception of the area directly adjacent to the southeast facing front door and parking lots. The area near the front door will be a combination of turf grass and landscaping.

The site will include two approaches from Apple Creek Road. The site will include a paved and gravel loop road surrounding the building, which will provide access to the various parking lots on the property, several detention center access points, and services entrances. The road will also meet public safety requirements for fire access.

The site will include four separate paved parking lots. The two on the southeast side of the site will accommodate staff and public parking. The two on the northwest side of the site will accommodate law enforcement overflow and work release. Included with the parking lots will be appropriate sidewalks to connect the parking to the building. Also, included will be the required landscaping necessary to meet the City of Bismarck landscaping requirements.

The site will also include minimum site signage to direct the public and law enforcement.

The lighting on the site will be the minimum required to accommodate safety and traffic needs.

General Building Description:

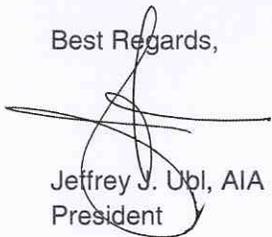
The building houses a single and very specific use. The building is approximately 213,000 SF. Included within the building will 12,990 SF of staff and administration space, there will be four separate detention center housing pods to include beds for 476 inmates. Additionally, there will be 21,752 SF dedicated to booking and intake. The remaining square footage will be dedicated to housing, food services, laundry, security, healthcare services, and utilities.

The building design has been purposefully sited and designed to accommodate future growth. The building design allows for four additional housing pods as well as room for a new Sheriff's office if deemed necessary in the future.

The building exterior will be a combination of precast wall construction and metal walls panels, textured and colored to compliment the natural landscape. (See attached preliminary rendering)

I hope you find this statement complete. If you have any questions regarding this request please let me know. I can be contacted directly at 701.751.4555.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jeffrey J. Ubl', is written over a horizontal line. The signature is stylized and loops back under the line.

Jeffrey J. Ubl, AIA
President

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 describe 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.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 2, Block 1, Munich Addition – Special Use Permit (drive-through in conjunction with a coffee shop)		
Status: Planning Commission – Public Hearing	Date: October 22, 2014	
Owner(s): Tana Trotter	Architect: Jiran Architects & Planners, PC	
Reason for Request: To allow for a drive-through in conjunction with a coffee shop in a multi-use building.		
Location: In west Bismarck, along the south side of West Divide Avenue between Schafer Street and Ward Road.		
Project Size: 88,810square feet	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: General commercial uses including drive-through in conjunction with a coffee shop with a special use permit	
Zoning: CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: CG – General commercial uses	Uses Allowed: GC – General commercial uses	
Maximum Density Allowed: CG – 42 units/ acre	Maximum Density Allowed: CG – 42 units/acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: 06/2014	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A drive-through is allowed as a special use in the CG – Commercial district, provided specific conditions are met. The proposed drive-through meets all six (6) provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses) and meets the required vehicle stacking outline in Section 14-03-10(2) of the City Code of Ordinances (Off-Street Parking and Loading). Copies of both sections of the ordinance are attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed special use would comply with all applicable provisions of the zoning ordinance. 2. The proposed special use permit 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 		
<i>(continued)</i>		

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.
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 to provide for appropriate on-site circulation of traffic; in particular, adequate vehicle stacking spaces would be provided in a manner that would not negatively impact traffic movements on West Divide Avenue.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a coffee shop on Lot 2, Block 1, Munich Addition with the following condition:

1. The site must generally conform to the site plan submitted with the application.

/JW

Proposed Special Use Permit Lot 2, Block 1, Munich Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 9/12/2014(hb)

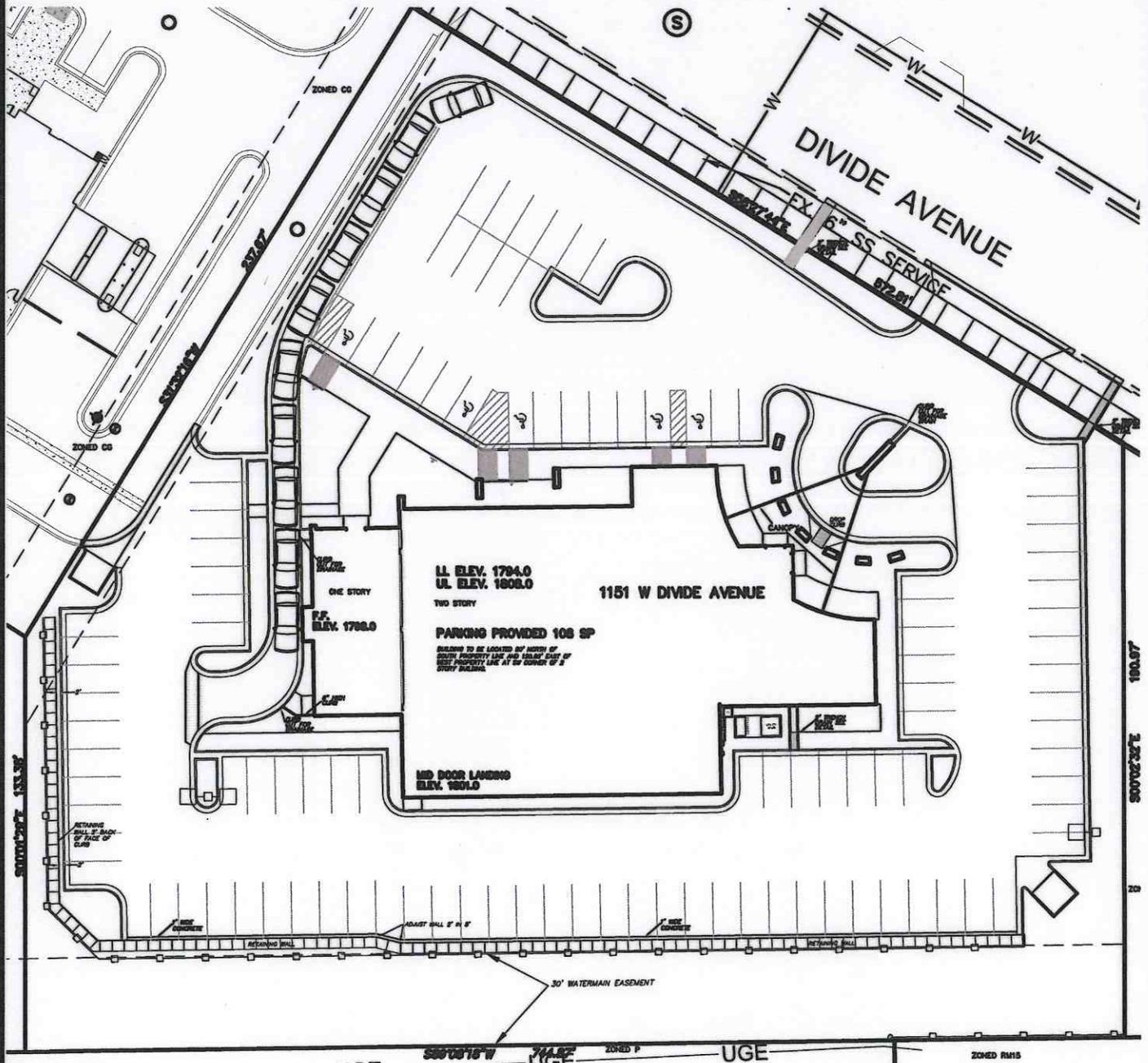
Source: City of Bismarck

0 550 1,100
Feet



SPECIAL USE PERMIT DRAWING FOR DRIVE UP COFFEE SHOP PROXIMAL 50 LIFE CENTER

RECEIVED
SEP 11 2014



SWENSON, HAGEN & COMPANY P.C.
 909 Basin Avenue
 Bismarck, North Dakota 58504
 sheng@swensonhagen.com
 Phone (701) 223 - 2600
 Fax (701) 223 - 2606

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

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

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

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

Section 14-03-10(2) (off Street Parking and Loading)

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

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