



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
November 19, 2014

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

Item No. Page

MINUTES

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

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. RDO Hay Creek Industrial Park (JW)
a. Zoning Change (A & MA to A & MA)..... 1
Staff recommendation: schedule a hearing []schedule a hearing []table []deny
b. Preliminary Plat 5
Staff recommendation: tentative approval []tentative approval []table []deny
3. Reuter's Addition (JW)
a. Zoning Change (A to R5, R10 & PUD)..... 9
Staff recommendation: schedule a hearing []schedule a hearing []table []deny
b. Preliminary Plat 19
Staff recommendation: tentative approval []tentative approval []table []deny
4. West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision 5th Replat - Zoning Change (CG to RT) (JT) 23
Staff recommendation: schedule a hearing []schedule a hearing []table []deny



- 5. **Lot 4B, Block 3, North Hills 15th Addition – Zoning Change (RM10 to RT) (Klee)** 27
Staff recommendation: schedule a hearing schedule a hearing table deny
- 6. **Auditor’s Lot A of Lot 13, Lot 14, , Lot 15, Lot 16 & Auditor’s Lot A of Lot 17, Block 1, Boulder Ridge 1st Addition – Zoning Change (R10 to CA) (Klee)**..... 31
Staff recommendation: schedule a hearing schedule a hearing table deny
- 7. **Madison Lane Addition – PUD Amendment (JT)**..... 33
Staff recommendation: schedule a hearing schedule a hearing table deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

- 8. **Lot 2, Block 1, Oakland Subdivision – Rural Residential Lot Split (JW)**..... 41
Hay Creek Township
Staff recommendation: approve approve continue table deny
- 9. **Meadowlark Commercial 7th Addition (JT)**
 - a. **Annexation (part)**..... 47
Staff recommendation: approve approve continue table deny
 - b. **Future Land Use Plan Amendment** 51
Staff recommendation: approve approve continue table deny
 - c. **Zoning Change (RT, CG, MA & P to RT, CG & MA)**..... 55
Staff recommendation: approve approve continue table deny
 - d. **Final Plat**..... 61
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

- 10. **Other**

ADJOURNMENT

- 11. **Adjourn.** The next regular meeting date is scheduled for Wednesday, December 17, 2014.

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

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: RDO Hay Creek Industrial Addition– Zoning Change (A & MA to A & MA)		
Status: Planning Commission - Consideration	Date: November 19, 2014	
Owner(s): RDO Holdings & Co.	Engineer: Houston Engineering, Inc.	
Reason for Request: Plat, zone and annex property for light industrial development.		
Location: In east Bismarck, between East Divide Avenue and I-94, west of Bismarck Expressway (A Replat of Tract B of the E½ of the SW¼ of Lot 3 of the W½ of the SE¼ Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8, Block 3 Miriam Industrial Park First Addition and Lots A & B of Lot 6 and Lots B & C of Lot 7, block 3, Miriam Industrial Park First Addition of Section 26, T139N-R80W/Hay Creek Township).		
Project Size: 57.4 acres	Number of Lots: 10 lots in 2 blocks	
EXISTING CONDITIONS:		
PROPOSED CONDITIONS:		
Land Use: Undeveloped	Land Use: Light industrial	
Zoning: A – Agricultural MA – Industrial	Zoning: A – Agricultural MA – Industrial	
Uses Allowed: Agriculture	Uses Allowed: A – Agricultural including wetlands, floodplain and floodway MA – Light industrial uses	
Maximum Density Allowed: One unit/40 acres	Maximum Density Allowed: N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside the area covered in 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 undeveloped agricultural land and rural residential properties across Interstate 94 to the north, existing industrial to the east, undeveloped agricultural land and undeveloped RT – Residential zoned land to the south and existing residential and public land to the west across the railroad tracks. 3. The subdivision proposed for this property would be annexed prior to development; therefore, the zoning change would not place an undue burden on public services and facilities. 4. The proposed subdivision would not adversely affect the adjacent properties. 		
<i>(continued)</i>		

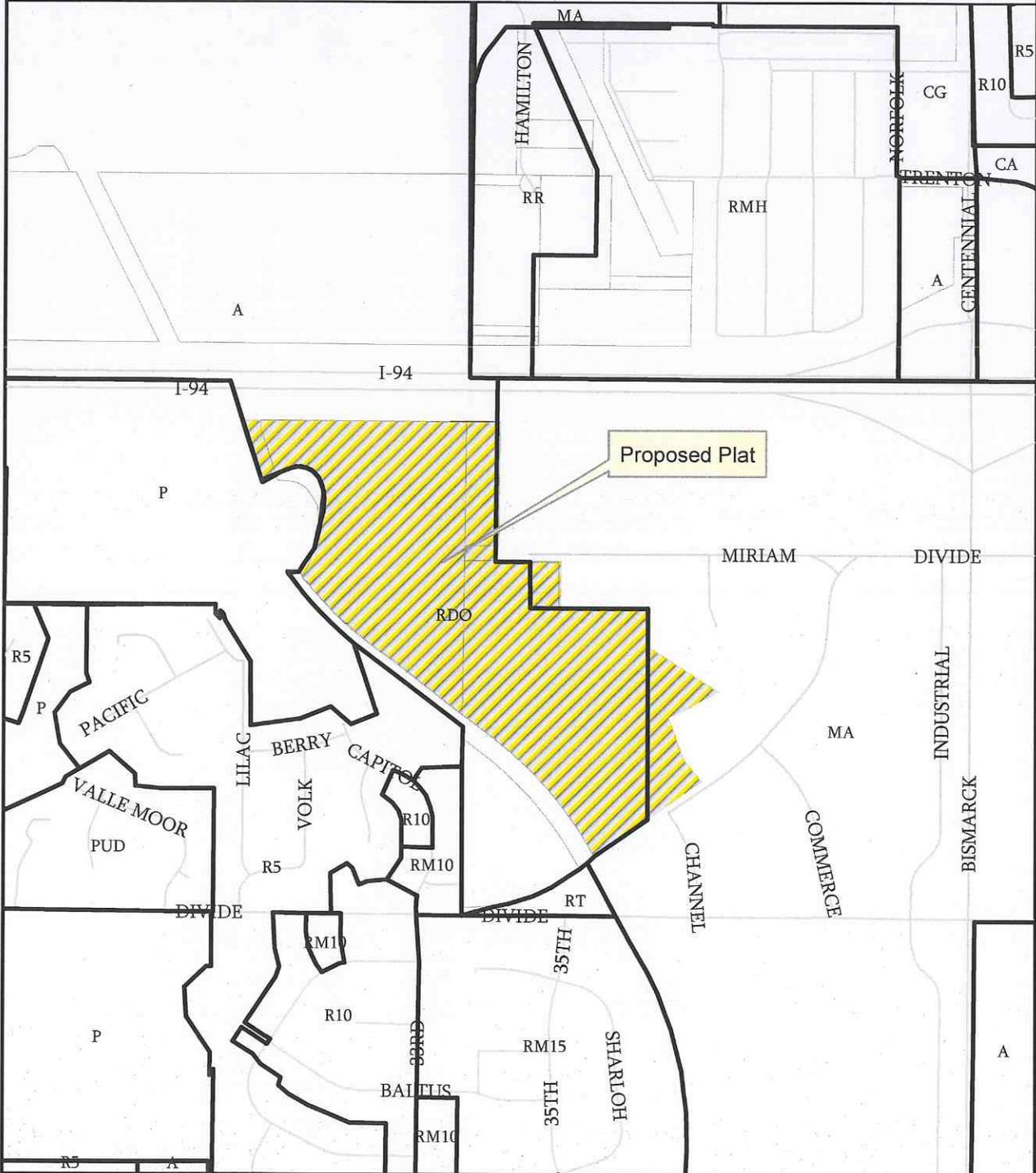
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural and MA – Industrial zoning districts to the A – Agricultural and MA – Industrial zoning districts for RDO Hay Creek Industrial Addition.

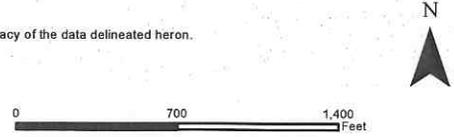
/jw

Proposed Plat RDO Hay Creek Industrial 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: 11/14/20 (Hlb)

Source: City of Bismarck



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: RDO Hay Creek Industrial Addition– Preliminary Plat		
Status: Planning Commission - Consideration	Date: November 19, 2014	
Owner(s): RDO Holdings & Co.	Engineer: Houston Engineering, Inc.	
Reason for Request: Plat, zone and annex property for light industrial development.		
Location: In east Bismarck, between East Divide Avenue and I-94, west of Bismarck Expressway (A Replat of Tract B of the E½ of the SW¼ of Lot 3 of the W½ of the SE¼ Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8, Block 3 Miriam Industrial Park First Addition and Lots A & B of Lot 6 and Lots B & C of Lot 7, block 3, Miriam Industrial Park First Addition of Section 26, T139N-R80W/ Hay Creek Township).		
Project Size: 57.4 acres	Number of Lots: 10 lots in 2 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Light industrial	
Zoning: A – Agricultural MA – Industrial	Zoning: A – Agricultural MA – Industrial	
Uses Allowed: Agriculture	Uses Allowed: A – Agricultural including wetlands, floodplain and floodway MA – Light industrial uses	
Maximum Density Allowed: One unit/40 acres	Maximum Density Allowed: N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
1. The applicant is working with the City Traffic Engineer to provide an alternative alignment that will improve the operation of the intersection of the proposed Channel Drive and East Divide Avenue.		
FINDINGS:		
1. All technical requirements for consideration of a preliminary plat have been met.		
2. The proposed subdivision is outside the area covered in the 2014 SFringe Area Road Master Plan. Channel Drive, a minor arterial roadway, will be extended north from East Divide/Global Drive to Miriam Drive.		
<i>(continued)</i>		

3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include undeveloped agricultural land and rural residential properties across Interstate 94 to the north, existing industrial to the east, undeveloped agricultural land and undeveloped RT – Residential zoned land to the south and existing residential and public land to the west across the railroad tracks to the west.
4. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect the adjacent properties.
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.

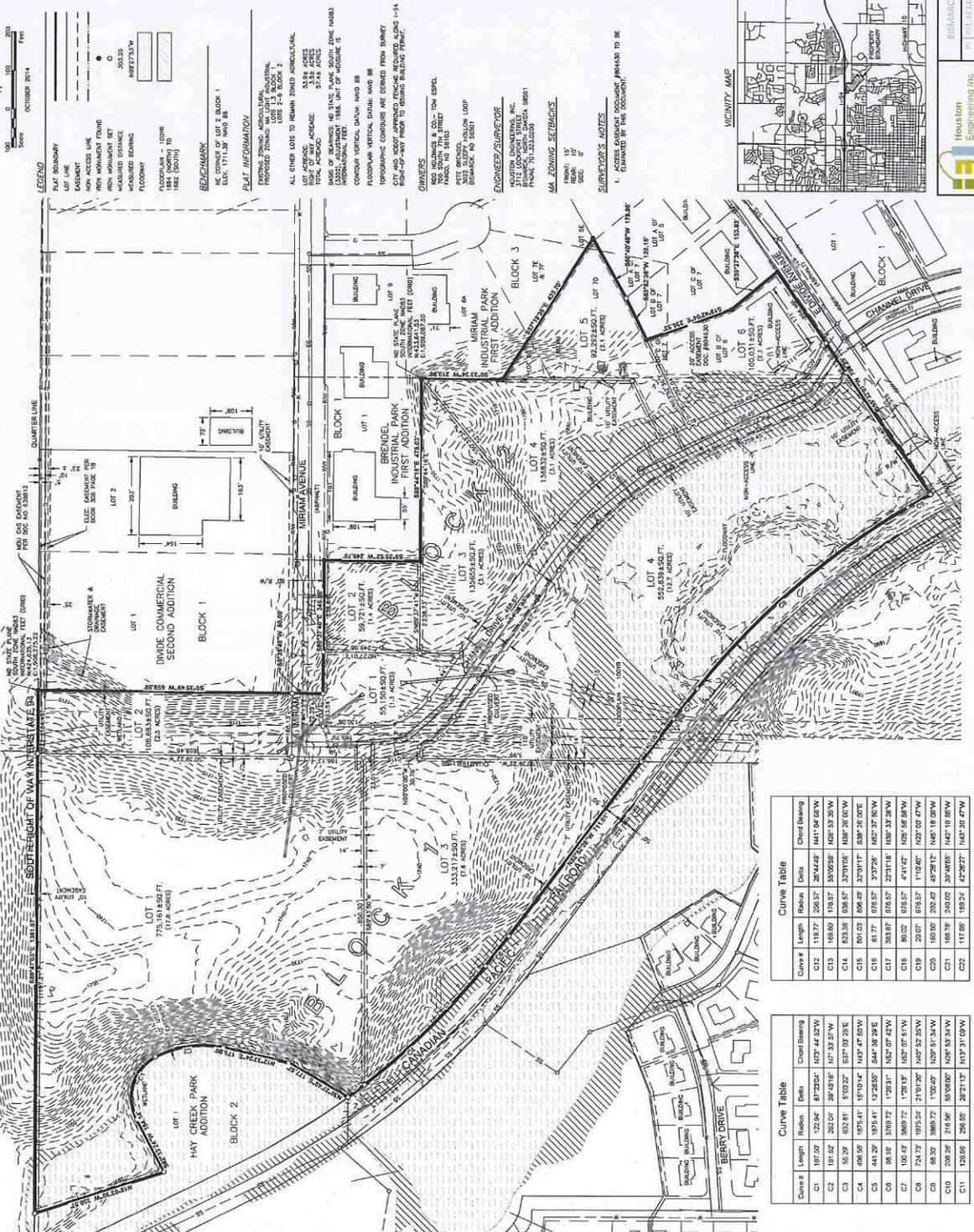
RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for RDO Hay Creek Industrial Addition.

/jw

PRELIMINARY PLAT RDO HAY CREEK INDUSTRIAL ADDITION

Being a Replat of Tract B of the E/4SW, Lot 3 of the W/4SE, Lot 5E of Lot 7 and Lot 8C of Block 3, Miriam Industrial Park First Addition, Lots A & B of Lot 6 and Lots B & C of Lot 7 of Block 3, Miriam Industrial Park First Addition, Located in the South Half of Section 26, Township 139 North, Range 80 West of the 5th Principal Meridian in Burleigh County, North Dakota.



LEGEND
 PLAT BOUNDARY
 LOT LINE
 EASEMENT
 NON-ACCESS LINE
 IRON MONUMENT
 ROD
 MEASURED DISTANCE
 MEASURED BEARING
 FLOODPLAIN
 FLOODPLAIN - LOWER
 BENCHMARK

PLAT INFORMATION
 THIS ZONE IS AGRICULTURAL INDUSTRIAL ZONING DISTRICT, ZONING DISTRICT 1-3, BLOCK 3.
 ALL OTHER LOTS TO REMAIN ZONED AGRICULTURAL.
 LOT AREA: 33.84 ACRES
 TOTAL ACRES: 37.44 ACRES
 BASE OF BEARING: N63°16'30" E
 DISTANCE: 198.00 FT.
 CONTOUR VERTICAL DATUM: NAVD 88
 FLOODPLAIN VERTICAL DATUM: NAVD 88
 TOPOGRAPHIC CONTOURS ARE DERIVED FROM BAKERY CITY AND ADJACENT AREAS REQUIRED ALONG 1-14 HIGHWAY FROM TO BOUNDING BEARING TOWER.

OWNERS
 RDO HAY CREEK INDUSTRIAL ADDITION
 300 SOUTH 7TH STREET
 BISMARCK, ND 58103

ENGINEER/SURVEYOR
 J. W. LUDWIG, INC.
 312 LOCKPORT DRIVE
 BISMARCK, ND 58103
 PHONE: 701.251.0330

MA ZONING SETBACKS
 FRONT: 10'
 REAR: 10'
 SIDE: 0'

SURVEYOR'S NOTES
 1. ACCESS EASEMENTS SHOWN PERMITS TO BE EXAMINED BY THE DOCUMENT.



Curve Table

Curve #	Length	Radius	Delta	Chord Bearing
C13	119.77	262.57	26°44'56"	N41°04'57"W
C13	168.60	130.87	58°00'35"	N26°32'30"W
C14	83.38	138.57	32°01'08"	N58°25'00"W
C15	85.05	158.67	32°01'17"	S88°25'00"E
C16	61.77	876.57	3°37'28"	N82°27'50"W
C17	333.87	876.57	2°31'18"	N89°32'30"W
C18	80.52	876.57	4°14'42"	N85°48'30"W
C18	24.07	876.57	1°10'40"	N25°02'47"W
C20	168.50	200.47	42°30'12"	N45°18'00"W
C21	168.76	200.07	39°48'55"	N42°18'00"W
C22	117.86	183.24	42°29'27"	N42°38'47"W

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing
C1	187.59	123.56	87°20'41"	N37°44'53"W
C2	181.82	262.57	39°45'16"	N17°33'27"W
C3	58.29	602.41	5°10'22"	N37°07'28"E
C4	498.59	1075.41	15°10'14"	N37°47'59"W
C5	443.29	1075.41	13°28'58"	S44°38'29"E
C6	84.19	339.72	1°28'31"	N82°07'42"W
C7	102.47	388.72	1°28'13"	N82°07'51"W
C8	724.73	1975.24	21°01'30"	N67°52'25"W
C9	88.30	388.72	1°02'49"	N29°51'34"W
C10	200.30	218.96	15°05'00"	N29°53'34"W
C11	138.89	258.95	26°21'13"	N19°31'19"W

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Reuters Addition – Zoning Change (A to R5, R10 & PUD)		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): Donald & Jeanne Reuter (owner) Verity Homes of Bismarck, LLC (applicant) Diversity Homes, Inc. (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for mixed density residential development.		
Location: In northeast Bismarck, along the west side of 52 nd Street NE, east of Roosevelt Drive between 43 rd Avenue NE and East Century Avenue (the SE¼ of the NE¼ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 40 acres	Number of Lots: 177 lots in 10 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	Land Use: Mixed-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential R10 – Residential PUD – Planned Unit Development P – Public	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential R10 – Single and two-family residential PUD – Uses specified in PUD P – Public uses including parks, trails, stormwater detention/retention etc.	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre PUD – Density as specified in PUD P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City’s Planned Unit Development district is “to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.” A copy of this section is attached.</p> <p style="text-align: right;"><i>(continued)</i></p>		

2. The required site plan and written statement for the PUD have been submitted by the applicant and are attached. The PUD as proposed would allow for 43 residential units in a mix of 3 to 5-unit row houses. The proposed PUD will have access points along Doubleday Drive. 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 east.
3. The property owner and applicants have indicated their desire to annex the proposed subdivision; however, an annexation route to extend municipal services has not yet been provided. The property owner and applicants are aware that the final plat, zoning change and annexation request will not be scheduled for a public hearing by the Planning and Zoning Commission until such a time that an appropriate annexation route is established.
4. Staff has raised some concerns regarding the location of the proposed PUD. In particular, higher density land uses are generally located along major roadways so residents of the higher land uses are not driving through a lower intensity land uses to get to their homes. The applicant has stated they are unable to relocate the proposed PUD closer to 52nd Street NE due to topography and have expressed their desire for the PUD to remain at its current location as the future neighborhood park will be an additional amenity to the proposed PUD. This seems reasonable to staff.

FINDINGS:

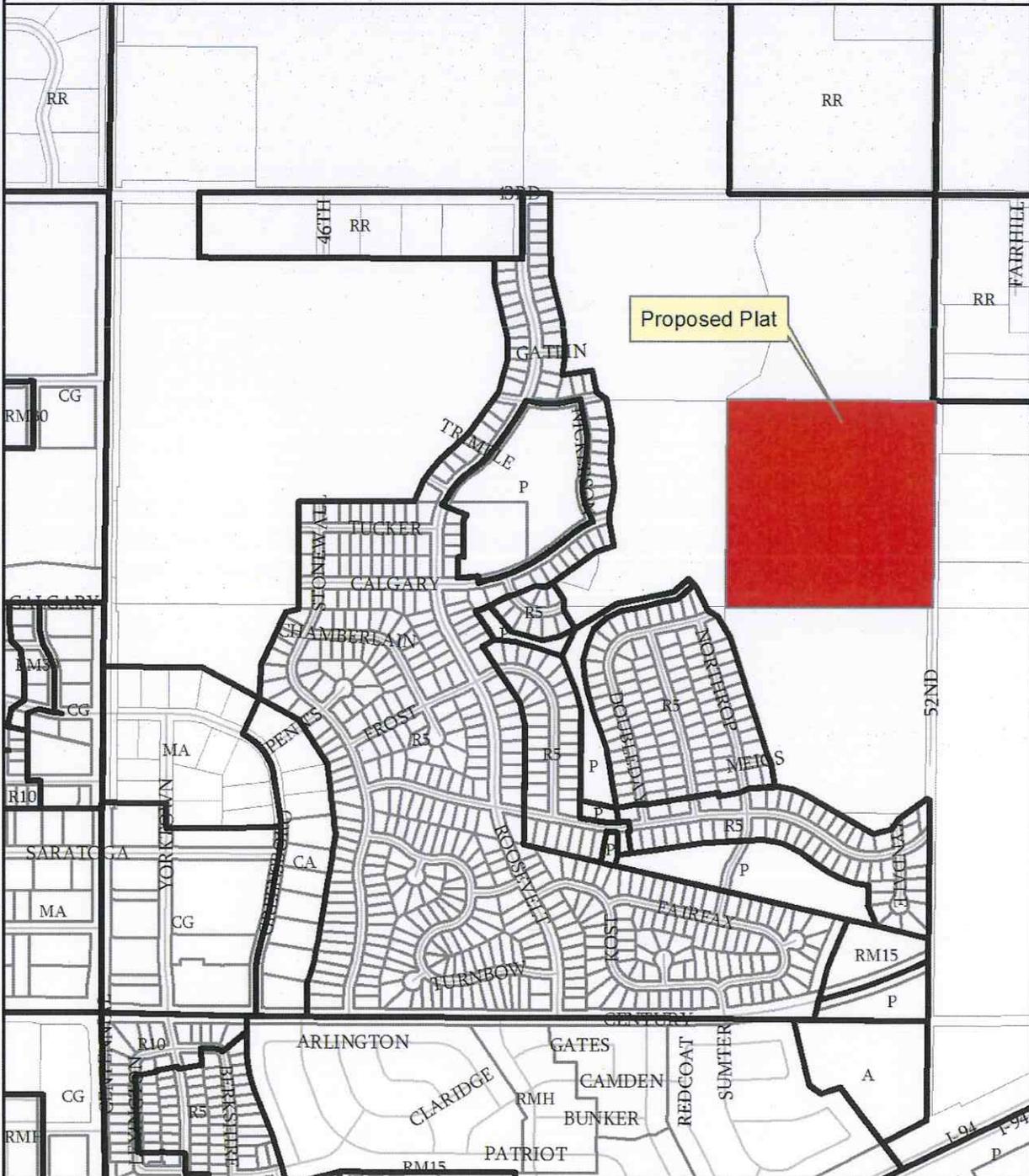
1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this development block as medium-density residential. Medium-density residential land use requires an overall density of 4 to 10 units per acre; the proposed overall density of the subdivision is 4.4 units per acre.
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 A-Agricultural zoned land to the north, east and south.
3. The entire subdivision would be annex prior to development; therefore, the zoning change would not place an undue burden on public services and facilities, provided that an annexation route to extend municipal services to the proposed subdivision is provided
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural zoning district to the R5 – Residential, R10 – Residential, and PUD – Planned Unit Development zoning districts for Reuters Addition, as outlined in the attached draft ordinance, and with the understanding that a public hearing will not be scheduled until an appropriate annexation route is provided to extend municipal services to the proposed subdivision.

/jw

Proposed Plat and Zoning Change (A to R5 & R10) Reuter's Addition

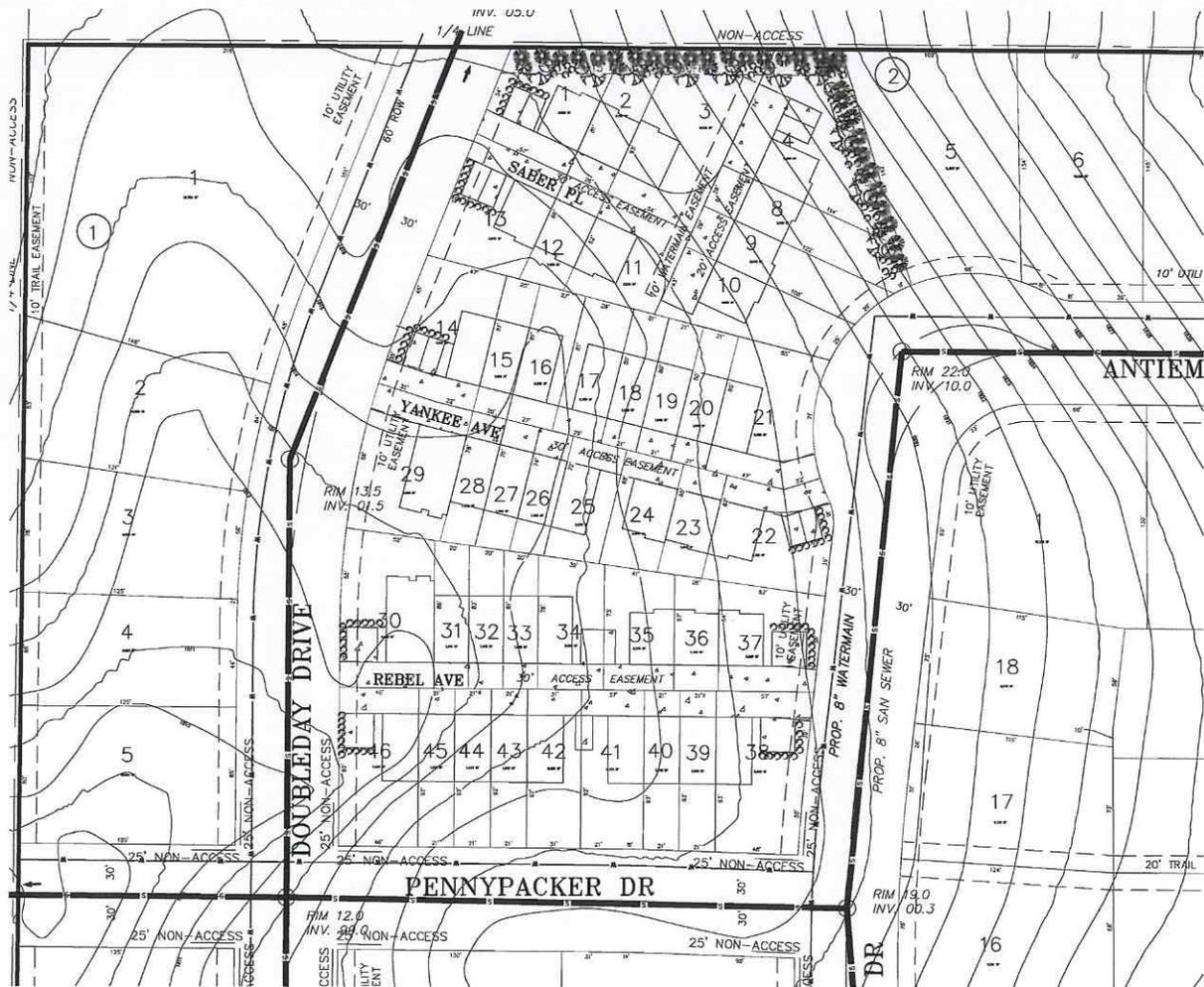


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 10/23/2014

Source: City of Bismarck

0 875 1,750 Feet

REUTERS ADDITION PUD SITE PLAN BISMARCK, NORTH DAKOTA



Reuters Addition

Request for Approval of Reuters Addition Planned Unit Development

Verity Homes and Diversity Homes of North Dakota is proposing to develop approximately 2.80 acres of the future Reuters Addition as a Planned Unit Development, located in the SE ¼ of the ND ¼ of Section 24, Township 139 North, Range 80 West.

The developers are considering developing the property into a residential development with 43 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 area.

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 the future land use plan for Bismarck. The projected density of 15 units per acre and reconfiguration of the lots is to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for green space, driving lanes, emergency access, and storm water storage and drainage.

The project will address the housing needs of the community by building modestly priced housing in North Bismarck. Verity and Diversity Homes anticipate that the proposed row houses, situated on smaller parcels of land, and adjacent to a neighborhood park, will attract younger, first-time homebuyers.

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

Zoning: PUD

Front yard: 25'

Side yard: 5'

Rear yard: 10'

Stairs may extend into front yard setbacks 10'

Zero setback on Access Easements

Lot area: 1,400 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.

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 A – Agricultural zoning district and included within the R5 – Residential zoning district:

Lots 2-5, Block 1; Lots 5-7, Block 2; Lots 1-26, Block 5; Lot 1, Block 6, Lot 1, Block 7; Lots 1-6, Block 8; Lots 1-18, Block 9; and Lots 1-19, Block 10, Reuters Addition

The following described property shall be excluded from the A – Agricultural zoning district and included within the R10 – Residential zoning district:

Lots 1-14, Block 3; Lots 1-40, Block 4

The following described property shall be excluded from the A – Agricultural zoning district and included within the P – Public zoning district

Lot 1, Block 1

The following described property shall be excluded from the A – Agricultural zoning district and included within the PUD – Planned Unit Development District:

Lots 1-3 and 8-46, Block 2, Reuters Addition

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 43 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 Reuters Addition dated November 5, 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 fourteen-hundred (1,400) square feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, a minimum rear yard setback of ten (10) feet, and a maximum building height of forty (40) feet. Stairs may extend into front yard setback ten (10) feet. Rear yards are along the private access roads and the front yards are along the courtyard portion of the site except the front yard for the southernmost units adjacent to Pennypacker Drive.
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. *Landscaping and Screening.* Landscaping and screening 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.

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: Reuters Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): Donald & Jeanne Reuter (owner) Verity Homes of Bismarck, LLC (applicant) Diversity Homes, Inc. (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: Plat and zone property for mixed density residential development.		
Location: In northeast Bismarck, along the west side of 52 nd Street NE, east of Roosevelt Drive between 43 rd Avenue NE and East Century Avenue (the SE ¹ / ₄ of the NE ¹ / ₄ of Section 24, T139N-R80W/Hay Creek Township).		
Project Size: 40 acres	Number of Lots: 177 lots in 10 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture	Land Use: Mixed-density residential	
	Zoning: R5 – Residential R10 – Residential PUD – Planned Unit Development P – Public	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential R10 – Single and two-family residential PUD – Uses specified in PUD P – Public uses including parks, trails, stormwater detention/retention etc.	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre PUD – Density as specified in PUD P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. The property owner and applicants have indicated their desire to annex the proposed subdivision; however, an annexation route to extend municipal services has not yet been provided. The property owner and applicants are aware that the final plat, zoning change and annexation request will not be scheduled for a public hearing until such a time that an appropriate annexation route is established.</p>		
<i>(continued)</i>		

2. The proposed plat is a new urban residential subdivision and is subject to the provisions of the Neighborhood Parks and Open Space ordinance. The Bismarck Parks and Recreation District has proposed a 2 acre neighborhood park be located partially within the proposed plat as well as in the adjacent properties to the west and northwest. A statement of intent to provide a neighborhood park and open space has been submitted with the application.

FINDINGS:

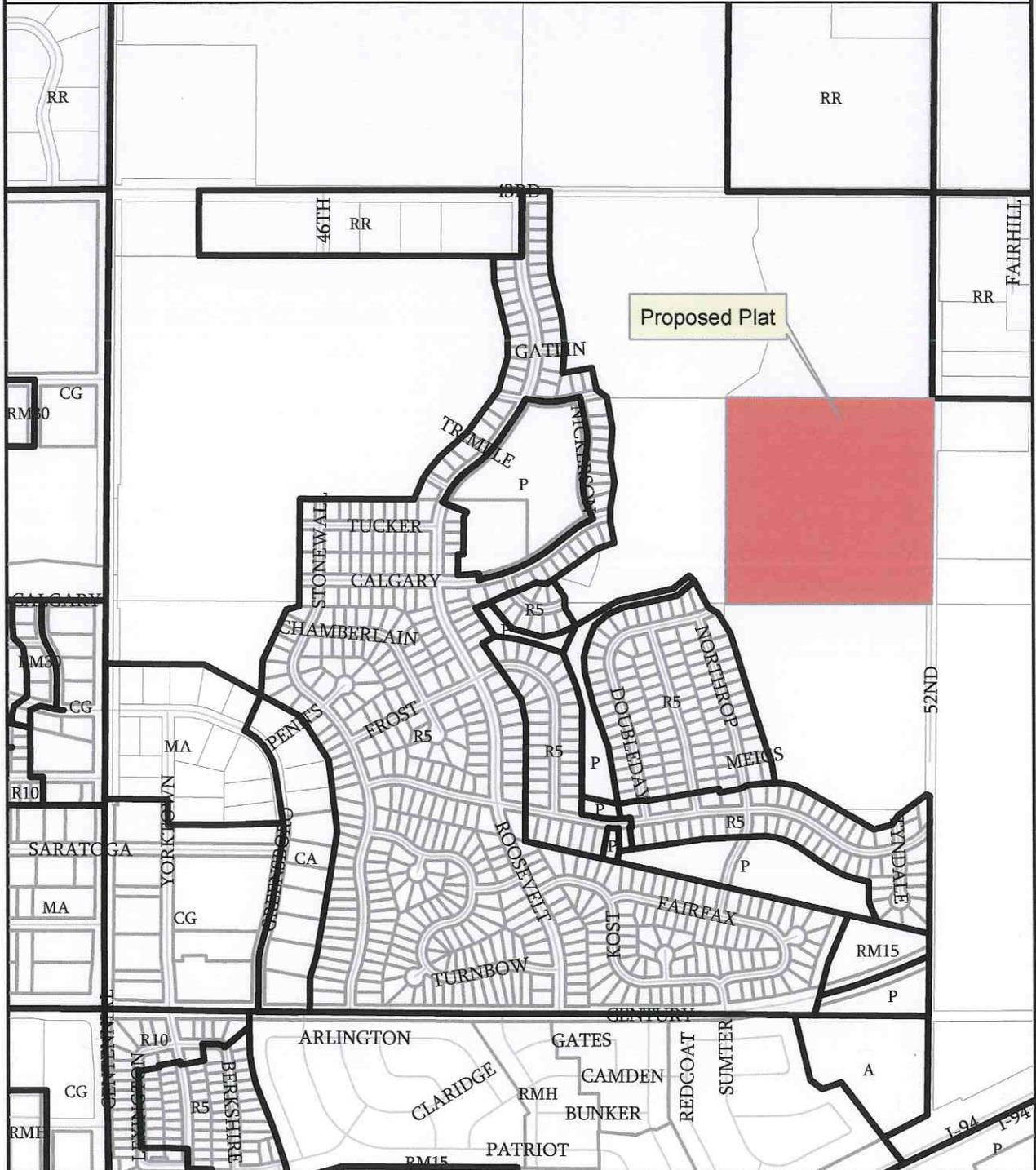
1. All technical requirements for consideration of a preliminary plat have not been met.
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan for this area, which identifies 52nd Street NE as an arterial roadway and East Calgary Avenue as the east-west collector roadway for this section.
3. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes 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.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Reuters Addition with the understanding that a public hearing will not be scheduled until an appropriate annexation route is provided to extend municipal services to the proposed subdivision.

/jw

Proposed Plat and Zoning Change (A to R5 & R10) Reuter's Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 10/23/2014

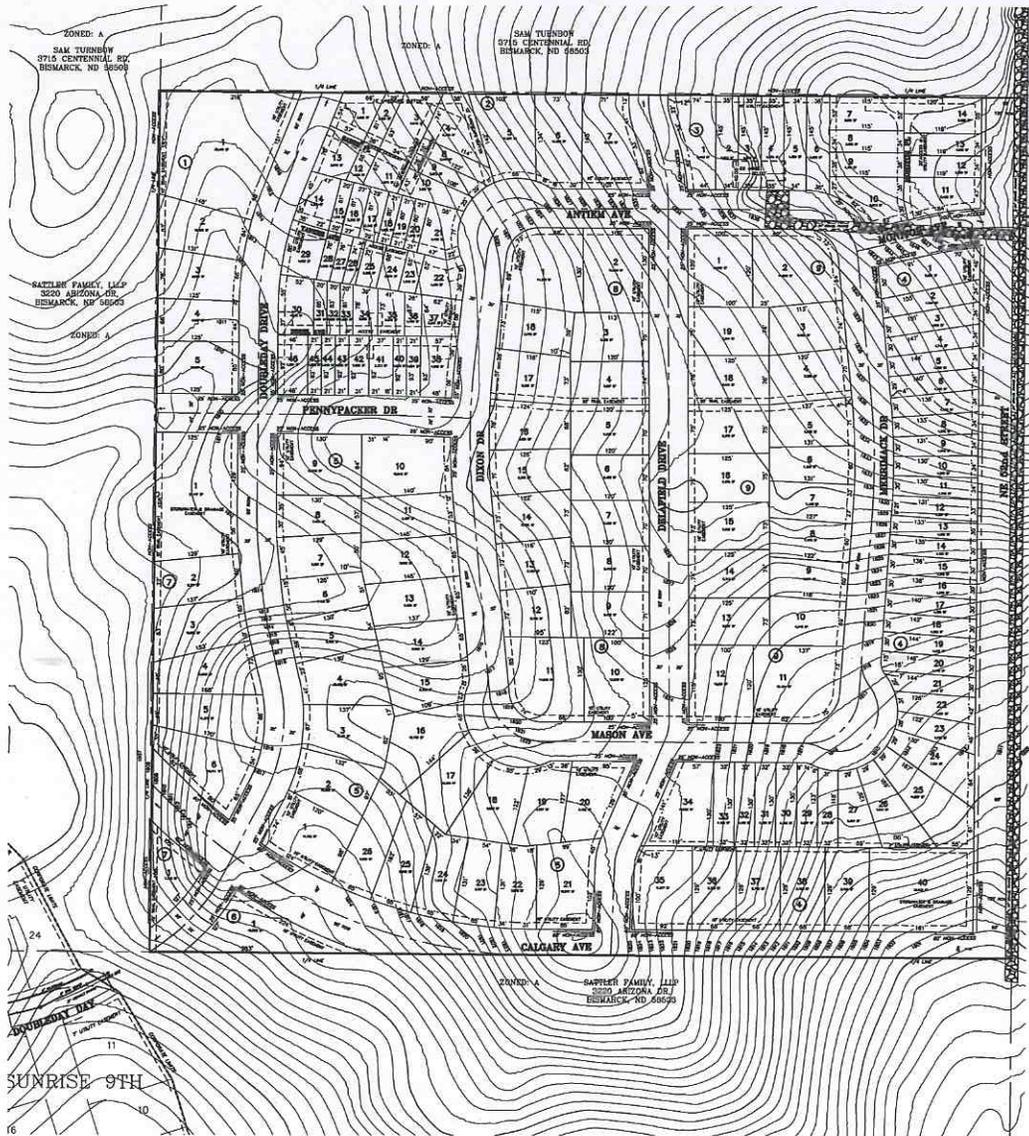
Source: City of Bismarck



REUTERS ADDITION

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

BISMARCK, NORTH DAKOTA



SARA HUBER-CROSS
4006 NE 52ND ST
ZONED: HR
5

HUBER SUBDIVISION
6

TOMAS & CHARLOTTE HUBER
3913 NE 52ND ST
ZONED: A

SILVER RANCH LLP
1117 N 52ND ST
BISMARCK, ND 58501
ZONED: A



OWNER:
DONALD & JEANNE REUTER
3926 NE 52ND ST
BISMARCK, ND 58503

40.00 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5, R10, PUD, P
177 LOTS

DEVELOPERS:
VERITY HOMES
3100 N 14TH ST., SUITE 1
BISMARCK, ND 58503
701-663-4117

DIVERSITY HOMES
2101 46TH AVE SE, SUITE 1
MANDAN, ND 58554
701-751-3999



LOCATION MAP

SWENSON, HAGEN & COMPANY P.C.

500 5th Avenue
Bismarck, North Dakota 58501
www.swh.com
Phone: (701) 227-1000
Fax: (701) 227-1006

Services:
Surveying
Engineering
Land Planning
Title Administration
Landmark & 18th Century
Construction Management

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: The West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision 5 th Replat – Zoning Change (CG to RT)		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): Jomani Developing, LLC	Engineer: SEH Engineering, Inc.	
Reason for Request: To rezone property to allow it to be combined with the adjacent RT-zoned parcels for development of a new office building.		
Location: In north Bismarck along the west side of Ottawa Street west of US Highway 83 between LaSalle Drive and Bremner Avenue.		
Project Size: 6,320 SF (.14 acre)	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Office building	
Zoning: CG – Commercial	Zoning: RT – Residential	
Uses Allowed: General commercial, multi-family dwellings and office uses	Uses Allowed: Multi-family dwellings and office uses	
Maximum Density Allowed: 42 units per acre	Maximum Density Allowed: 30 units per acre	
PROPERTY HISTORY:		
Zoned: 05/2011	Platted: 05/2011	Annexed: 03/2007
ADDITIONAL INFORMATION:		
1. The owner intends to combine the westerly 40 feet of Lot 1, Block 1, Sonnet Heights 5 th Addition Replat with the adjacent Lots 2-4, Block 1, Sonnet Heights 5 th Addition Replat. The lots cannot be combined as one parcel with multiple zoning districts in place. The final approval of the lot combination request will be withheld until each of the lots has the same zoning in place.		
FINDINGS:		
1. The proposed zoning change is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.		
2. The proposed zoning change is considered a down-zoning and would generally be compatible with adjacent land uses. Adjacent land uses include undeveloped RT – Residential and CG – Commercial zoned parcels to the south, office uses to the north, single-family dwellings across Shelburne Street to the west and undeveloped CG – Commercial parcels to the east.		
<i>(continued)</i>		

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

RECOMMENDATION:

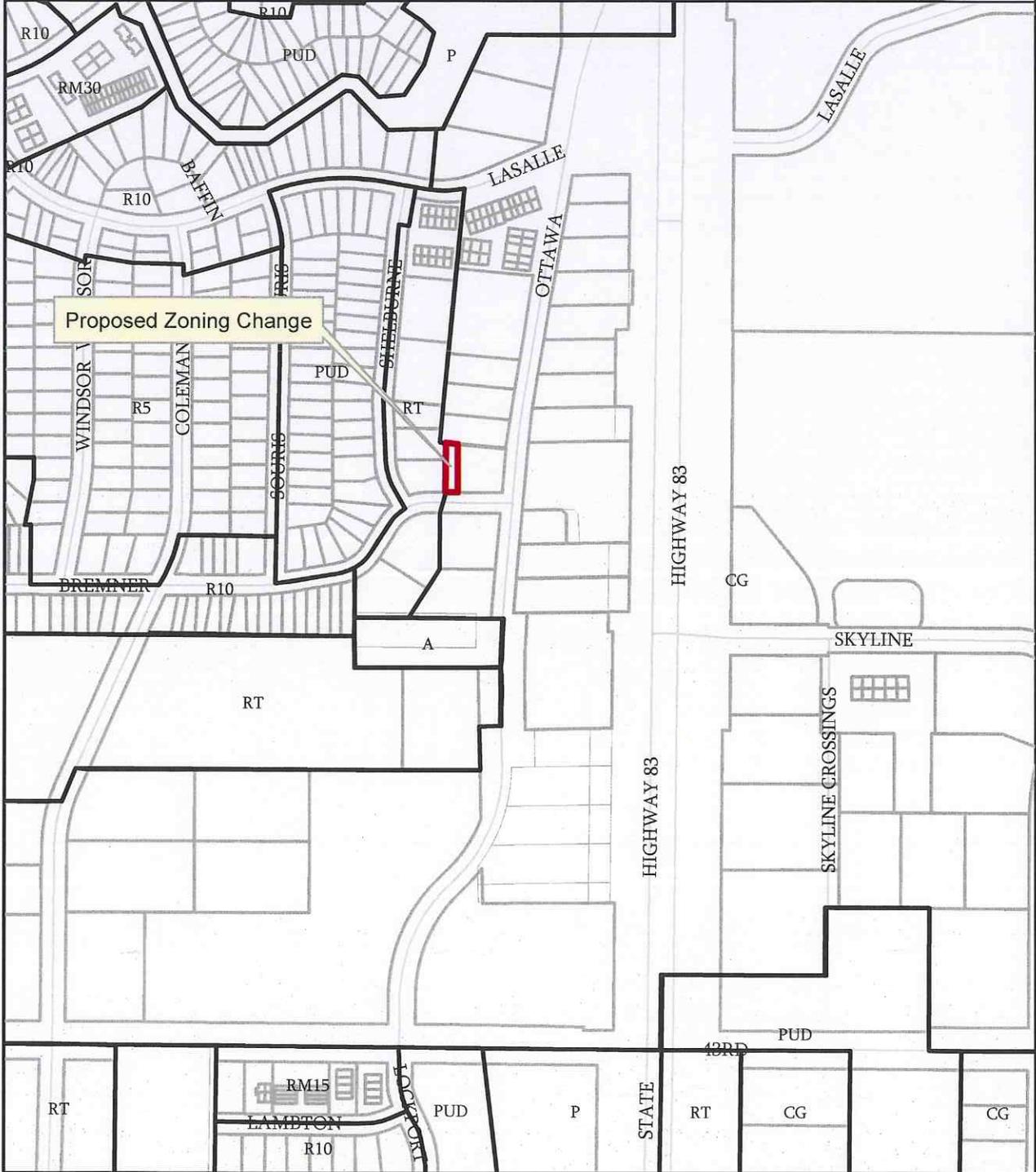
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the CG – Commercial zoning district to the RT – Residential zoning district for the West 40 feet of Lot 1, Block 1, Sonnet Heights Subdivision 5th Replat.

/jt

Proposed Zoning Change (CG to RT)

West 40' of Lot 1, Block 2

Sonnet Heights Subdivision 5th Replat

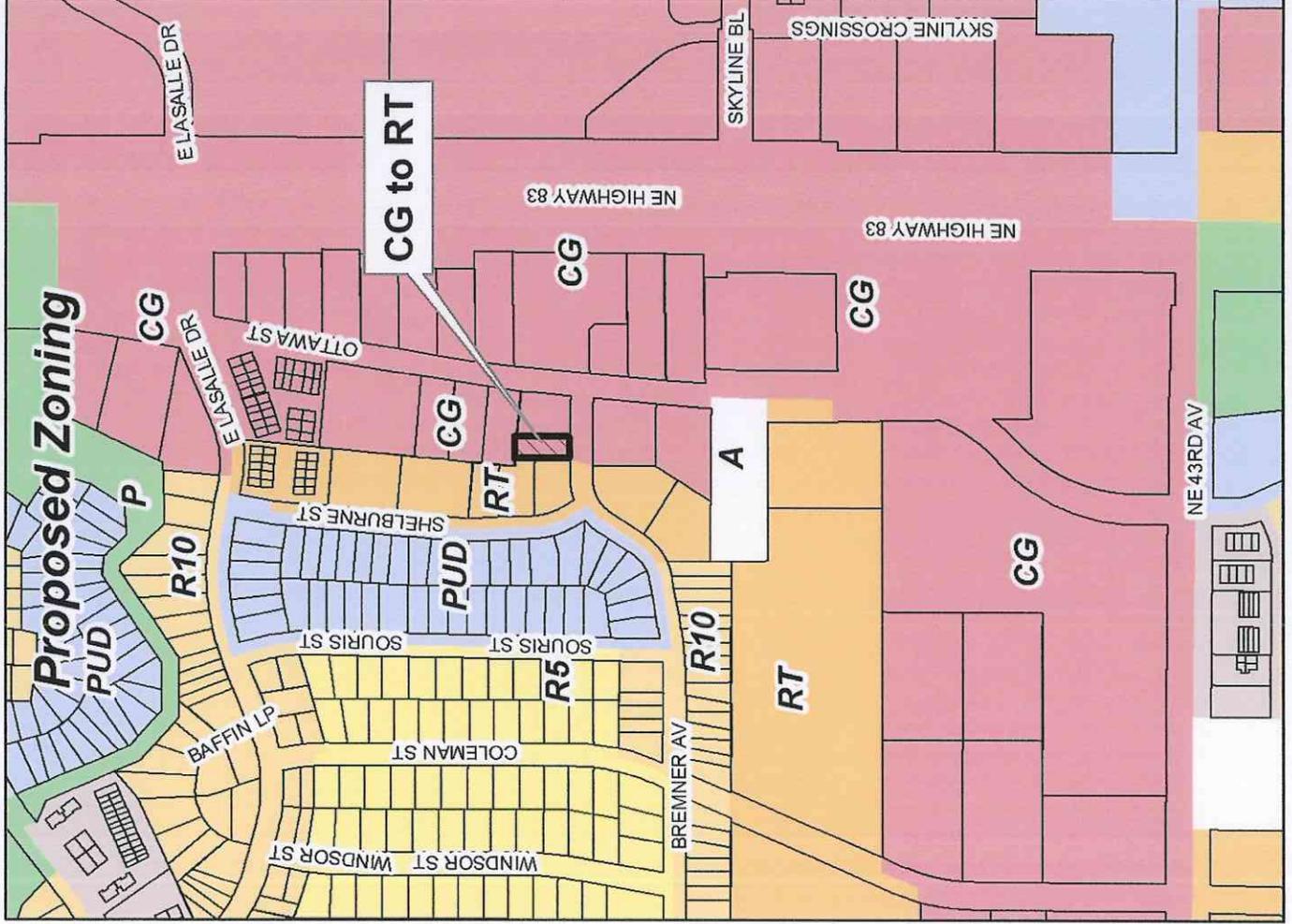
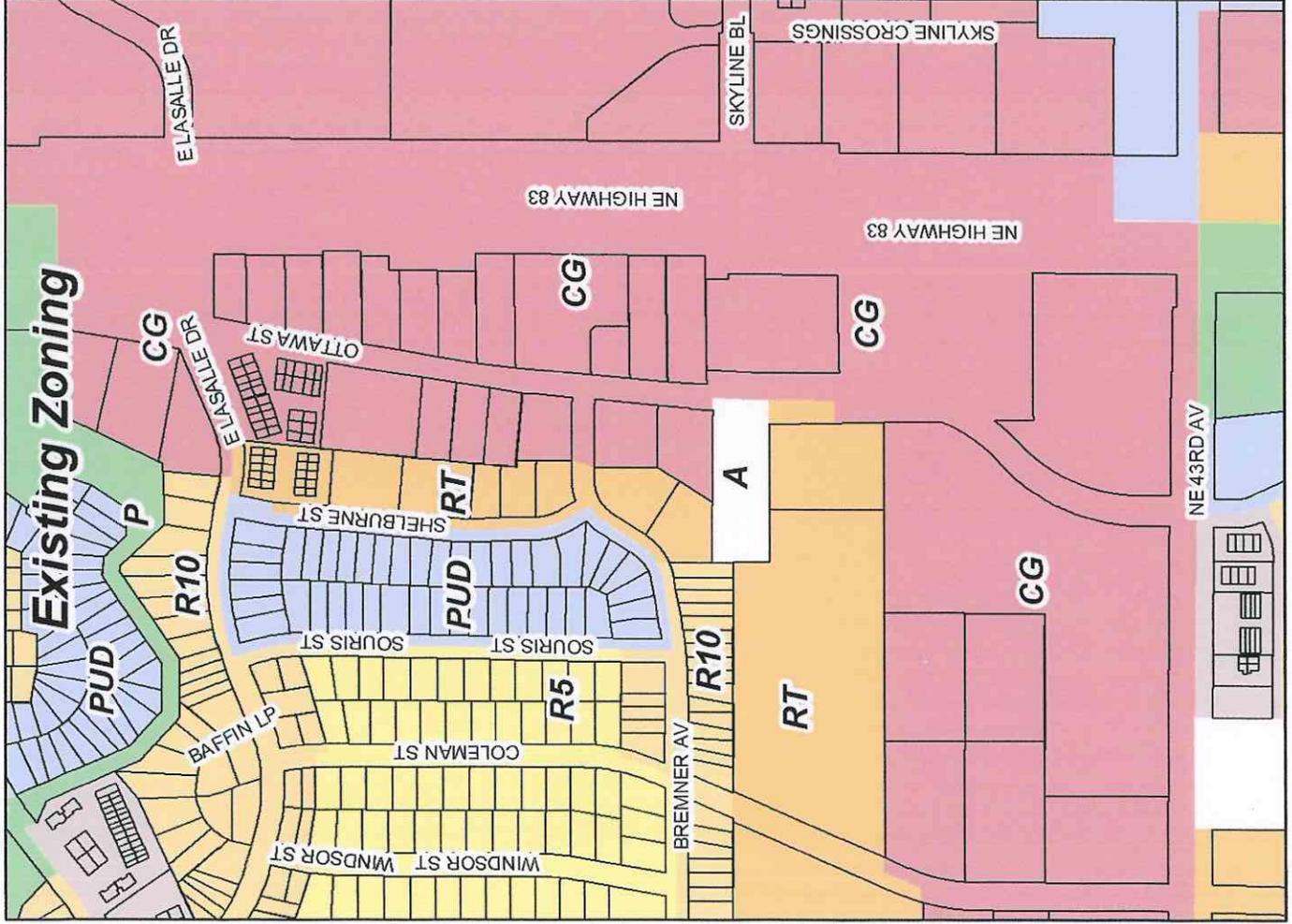


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
 Date: 11/12/2011(b)

Source: City of Bismarck



The West 40' of Lot 1, Block 1, Sonnet Heights Subdivision 5th Replat - Zoning Change



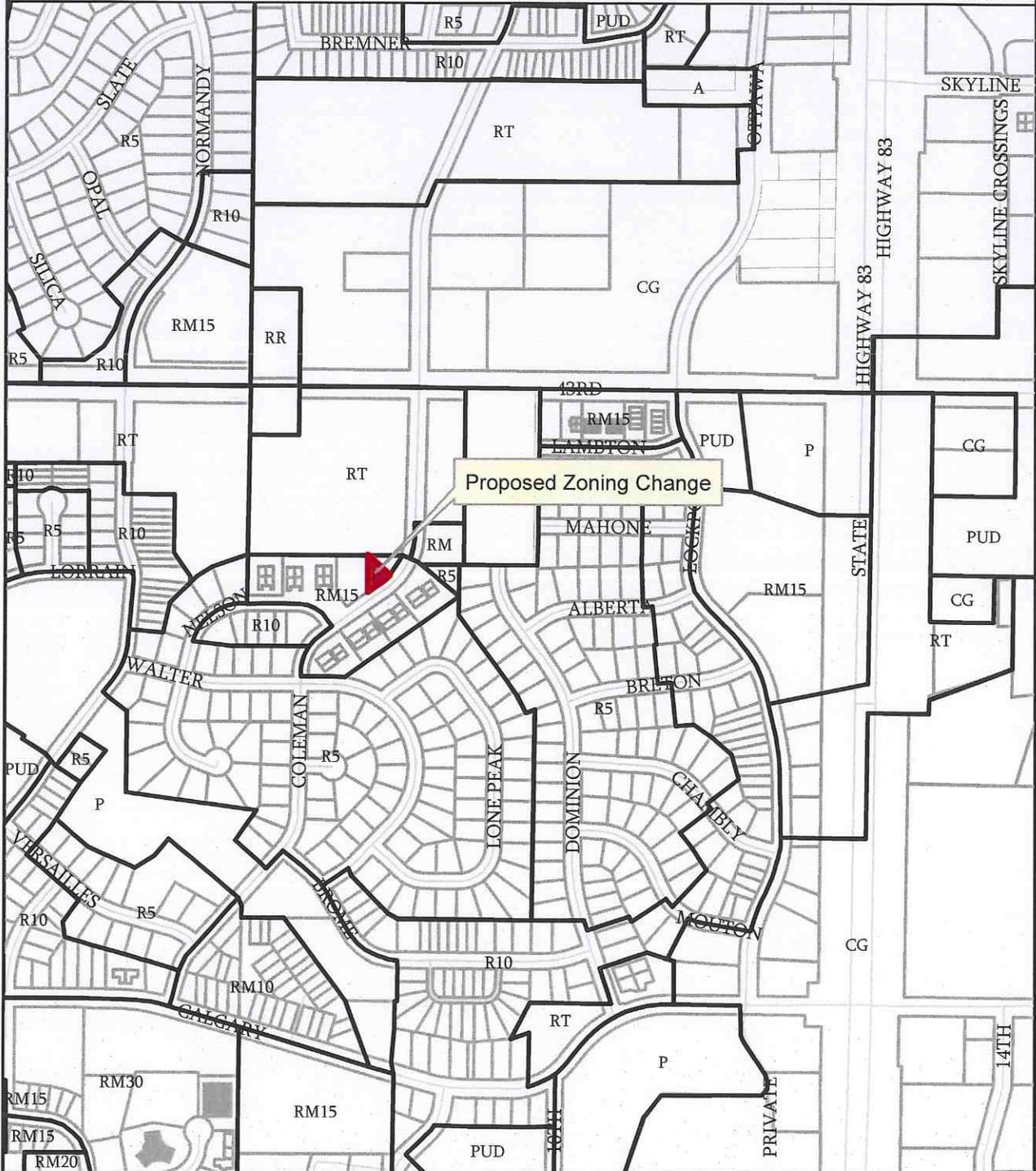
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. August 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 4B, Block 3, North Hills 15 th Addition – Zoning Change (RM15 to RT)		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): Koch Construction, Inc.	Engineer: N/A	
Reason for Request: Rezone property to allow this parcel to be combined with the adjacent RT-zoned parcel upon transfer of ownership.		
Location: In north Bismarck, south of 43 rd Avenue NE along the west side of Coleman Street.		
Project Size: 0.15 acres/6,369 square feet	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM15 – Residential	Land Use: Open Space/Office	
Uses Allowed: Multi-family residential	Zoning: RT – Residential	
Maximum Density Allowed: 15 units/acre	Uses Allowed: Multi-family residential and office uses	
	Maximum Density Allowed: 30 units/acre	
PROPERTY HISTORY:		
Zoned: 07/2008	Platted: 07/2008	Annexed: 07/2007
FINDINGS:		
<ol style="list-style-type: none"> 1. This proposed zoning change is outside of the area included in 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 multi-family residential to the east, west and south and an office building to the north. 3. The parcel is already annexed and will be combined with the adjacent developed parcel upon approval of the zoning change and transfer of ownership; therefore, the proposed zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for Lot 4B, Block 3, North Hills 15 th Addition.		
/Klee		

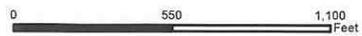
Proposed Zoning Change (RM15 to RT)

Lot 4B, Block 3, North Hills 15th 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: 11/14/20 (Rib)

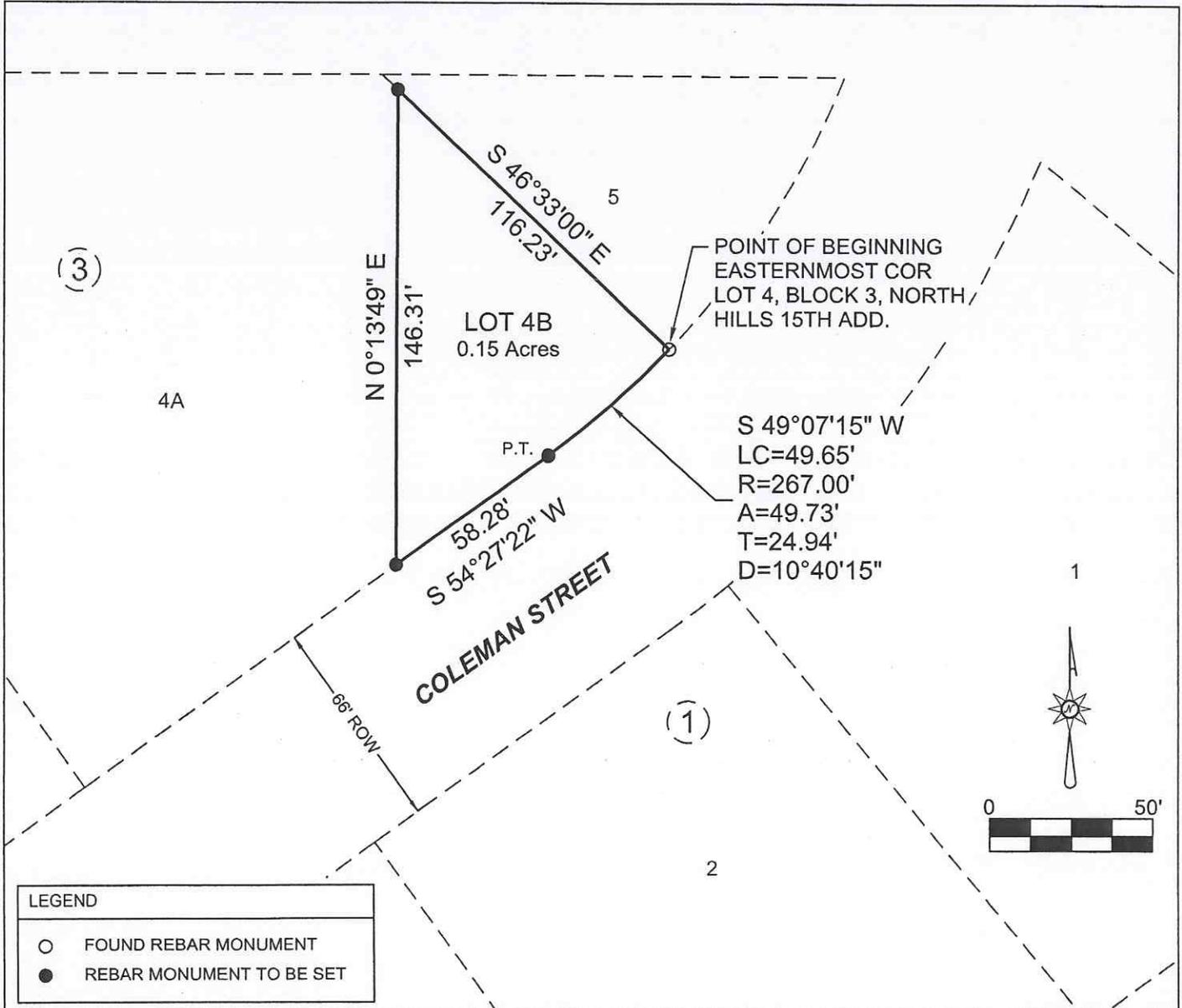
Source: City of Bismarck



PLAT OF IRREGULAR DESCRIPTION

Lot 4B, Block 3 North Hills 15th Addition NE1/4 Section 21 Township 139 North Range 80 West

Present Owner Koch Construction, Inc.



Traverse PC

30567

DESCRIPTION

Lot Number Lot 4B, Block 3, North Hills 15th Addition () of NE1/4 Section 21 Township 139 North

Range 80 West, described as follows: A tract of land being a part of Lot 4, Block 3, North Hills 15th Addition of the City of Bismarck, Burleigh County, North Dakota, being more particularly described as follows:

Beginning at the easternmost corner of Lot 4, Block 3, North Hills 15th Addition of the City of Bismarck, Burleigh County, North Dakota, said point also being on the arc of a curve to the Right having a radius of 267.00 feet; thence along said curve to the Right and along the southeasterly boundary line of said Lot 4 (the chord of which bears South 49° 07' 15" West, 49.65 feet) an arc length of 49.73 feet to the P.T. (Point of Tangency) of said curve to the Right; thence South 54° 27' 22" West continuing along said southeasterly boundary line for 58.28 feet; thence North 0° 13' 49" East for 146.31 feet to a point on the northeasterly boundary line of said Lot 4; thence South 46° 33' East along said northeasterly boundary line for 116.23 feet to the Point of Beginning. Said tract of land containing 6,369 SqFt (0.15 Acres), more or less.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Auditor's Lot A of Lot 13, Lot 14, Lot 15, Lot 16 & Auditor's Lot A of Lot 17, Block 1, Boulder Ridge First Addition – Zoning Change (R10 to CA)		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): 14 Guys, LLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow parcels to be combined with adjacent CA-zoned parcels when annexed.		
Location: In north Bismarck, north of 43 rd Avenue NE between North Washington Street and Boulder Ridge Road.		
Project Size: 1.16 acres/50,737 square feet	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: R10 – Residential	Land Use: Buffer Yard	
Uses Allowed: One and two-family residential	Zoning: CA – Commercial	
Maximum Density Allowed: 10 units/acre	Uses Allowed: Limited commercial uses/buffer yard	
	Maximum Density Allowed: 30 units/acre	
PROPERTY HISTORY:		
Zoned: 09/2005	Platted: 09/2005	Annexed: 03/2006 (part)
FINDINGS:		
<ol style="list-style-type: none"> 1. This proposed zoning change is outside of the area included in 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 two-family residential and office uses to the north, two-family residential uses to the east and undeveloped CA-zoned property to the south and west. 3. Some of the parcels are annexed and some are not. All of these parcels, as well as the adjacent CA-zoned parcels, will be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the R10 – Residential zoning district to the CA – Commercial zoning district for Auditor's Lot A of Lot 13, Lot 14, Lot 15, Lot 16 & Auditor's Lot A of Lot 17, Block 1, Boulder Ridge First Addition.		
/Klee		

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Madison Lane Addition – PUD Amendment		
Status: Planning Commission – Consideration	Date: November 19, 2014	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: To amend the existing Planned Unit Development (PUD) to allow the construction of a twinhome on a previously designated private park area (Lot 33, Block 1) and to move the private park area to two lots (Lots 10-11, Block 1) within the subdivision that were recently placed in the special flood hazard area or 100-year flood plain with the adoption of the revised FEMA flood insurance rate map in August 2014.		
Location: In north Bismarck, approximately ¼ mile west of US Highway 83 between Canada Avenue LaSalle Drive along the private roadway, Madison Lane.		
Project Size: 6.51 acres	Number of Lots: 3 lots in 1 block (amendment) 41 lots in 1 block (entire subdivision)	
EXISTING CONDITIONS:		
Land Use: Single-family dwellings and a private park	PROPOSED CONDITIONS:	
Land Use: Single-family dwellings and a private park	Land Use: 38 Single-family dwellings, 1 twinhome and a private park for area residents	
Zoning: PUD – Planned Unit Development	Zoning: PUD – Planned Unit Development	
Uses Allowed: Uses specified in PUD	Uses Allowed: Uses specified in PUD, as amended	
Maximum Density Allowed: Specified in PUD (5 units/acre)	Maximum Density Allowed: Specified in PUD (38 single-family units and one twinhome – 5.83 units/acre), as amended	
PROPERTY HISTORY:		
Zoned: 04/2012	Platted: 12/1980	Annexed: 04/2007
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 original PUD was approved in May 2012 and included provisions to allow 40 single-family dwelling units. The area was recently remapped by FEMA and a portion of the subdivision has been included in the special flood hazard area or 100-year flood plain. 		
<i>(continued)</i>		

3. The required site plan and written statement for the PUD amendment have been submitted by the applicant and are attached. The PUD amendment, as proposed, would allow for the modification of the previously-designated private park area to be relocated on the two lots that are now included in the special flood hazard area or 100-year flood plain in the southwest corner of the subdivision. In addition, the PUD amendment, as proposed, would allow for the construction of a twinhome with the applicable lot area on a lot that was previously platted for the construction of a private park and common area.

FINDINGS

1. The proposed PUD amendment is compatible with adjacent land uses. Adjacent land uses include single and two-family residential to the north and mixed density residential uses to the south, east and west.
2. The entire property is located within City limits; therefore the proposed PUD amendment would not place an undue burden on public services.
3. The proposed PUD amendment would not adversely affect property in the vicinity.
4. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the Planned Unit Development amendment for Madison Lane Addition, as outlined in the attached PUD amendment.

/jt

**MADISON LANE ADDITION PUD AMENDMENT
ORDINANCE NO. 5877 (Adopted April 24, 2012)
MAJOR PUD AMENDMENT (Adopted XXXX, 2014)**

WHEREAS, Ordinance No. 5877 was adopted by the Board of City Commissioners on April 24, 2012; and

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

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

WHEREAS, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development Madison Lane Addition.

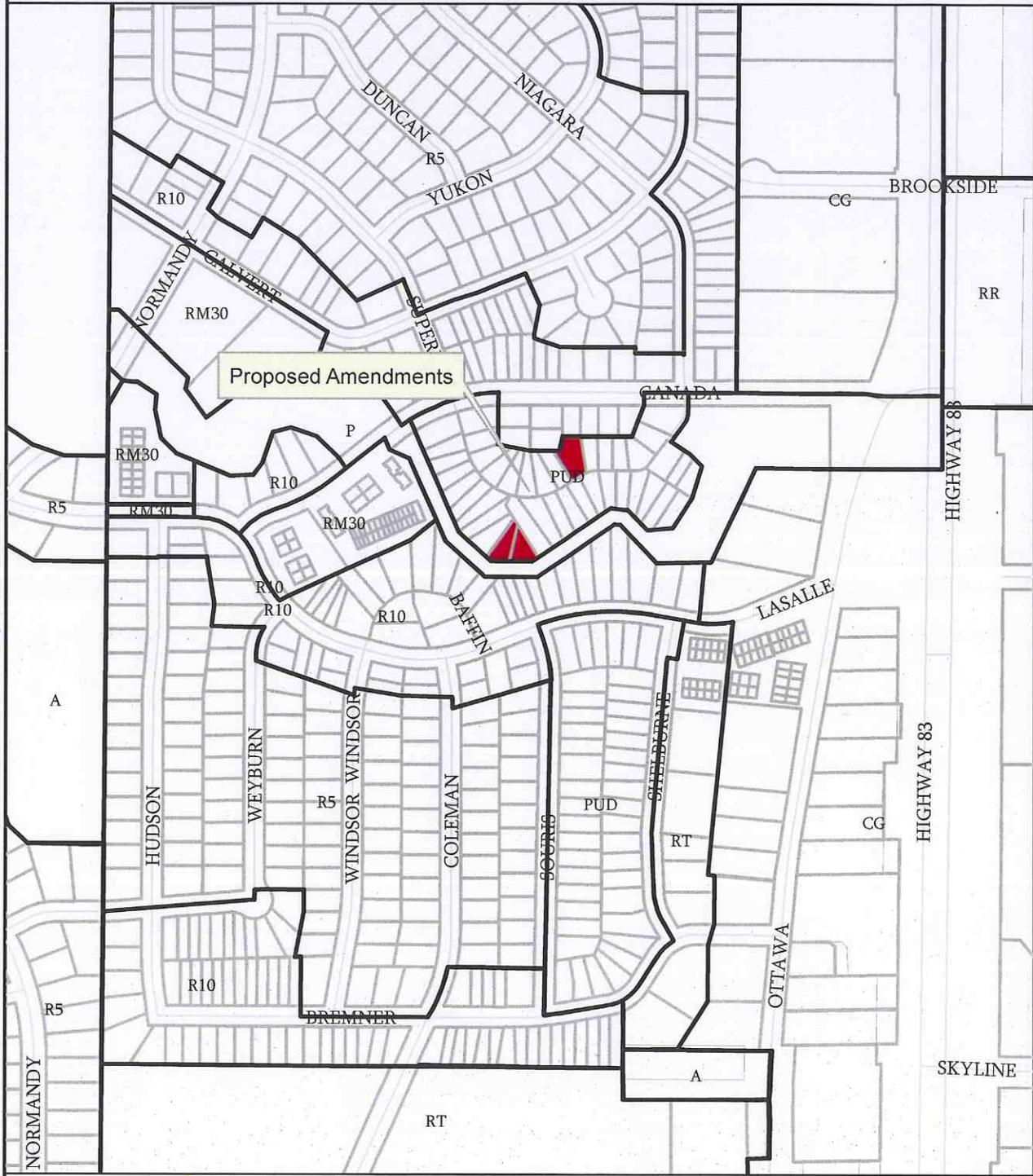
NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Madison Lane Addition

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

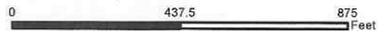
1. *1. Uses Permitted.* Permitted uses include 38 single-family dwellings, 1 twinhome and a private park and playground area.
2. *General Development Standards.* Each buildable lot shall have an area of not less than 5,000 square feet, a front property line width of not less than 40 feet measured 40 feet from the property line, and a front yard setback of 20 feet measured from the edge of the access easement. Each buildable lot shall have two side yards with a minimum side yard setback of six feet on each side of the home. All other development standards, including lot coverage and height limits shall be the same as the R5-Residential standards.
3. *Density.* The maximum allowable density shall be ~~40 units~~ 38 single-family units and one twinhome unit.
4. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Proposed PUD Amendment Lots 10-11 and 33, Block 1 Madison Lane 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: 10/21/20 (Hib)

Source: City of Bismarck



RECEIVED
OCT 17 2013

PUD AMENDMENT WRITTEN STATEMENT

PUD ORDINANCE NO. 5877

Lots 1-41, Block 1 Madison Lane Addition

Verity Homes of North Dakota proposes amending PUD Ordinance No. 5877 relating to the development of Madison Lane Addition, to allow a two-family dwelling on a split Lot 33, with appropriate lot areas, approximately 3,960 sf & 5,675. (see attached proposed auditor's lot and site plan)

Currently, single-family dwellings and a private park/playground area are the allowed uses with adjusted R5 setbacks. Due to the recent updates in FEMA flood maps, two of the intended single-family lots (lots 10-11) are now in the flood plain with limited buildable area.

In exchange for the allowed twinhome on Lot 33, the developer would designate lots 10-11 as the new private park/playground area.

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: Lot 2, Block 1, Oakland Subdivision – Rural Residential Lot Split	
Status: Planning Commission – Public Hearing	Date: November 19, 2014
Owner(s): Thomas and Angela Oakland	Engineer/Surveyor: Lowery 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: 9.35 acres (resulting 2.75 acres and 6.60 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. The public hearing on the proposed rural residential lot split was continued at the October 22, 2014 meeting of the Bismarck Planning & Zoning Commission because a site survey showing the required forty (40) foot front yard setback for the existing single-family dwelling from the access easement had not be furnished to this office by the applicant’s consulting engineer prior to the public hearing. The private access easement adjacent to the proposed Lot 2A will be reduced to forty (40) feet in order for the existing single-family dwelling to meet the required setback from the access easement. 2. 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 when the property was zoned A-Agriculture and 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. 3. The proposed rural residential lot split would add one additional dwelling unit that would have access to 84th Avenue NE via an existing private driveway (access easement). According to the City Traffic Engineer, the average number of daily vehicle trips generated by a rural residential property is six (6) trips per day. The applicant intends to record an access and maintenance agreement with the Burleigh County Recorder to ensure the existing driveway provides access to the existing lots along the west side of the existing driveway and that existing and future owners of those lots maintain the private access easement. 	

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 will not be detrimental to the use or development of adjacent properties, provided that the existing private driveway or access easement does not encroach any further to the east than its current location and that a private access and maintenance agreement be recorded with the Burleigh County Recorders office.
4. The proposed rural residential lot split will not place an undue burden on existing public services and facilities. In particular, the proposed lot 2B would have access to 84th Avenue NE via an existing private driveway (access easement).
5. The proposed rural residential lot split 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 rural residential lot split for Lot 2, Block 1, Oakland Subdivision into two parcels, a northern parcel of 2.75 acres and a southern parcel of 6.60 acres, with the following conditions:

1. The existing private driveway (access easement) not encroach any further east than its current location.
2. A plat of irregular description will be prepared as required and recorded by the Burleigh County Auditor.
3. An private access and maintenance agreement be recorded with the Burleigh County Recorder to ensure the existing private driveway provides access to the lots along the west side of the existing private driveway and that existing and future owners of those lots maintain the private driveway (access easement).
4. Further subdivision of Lot 2, Block 1, Oakland Subdivision will require a minor plat.

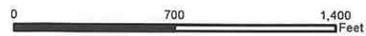
/jw

Proposed Rural Residential Lot Split Lot 2, Block 1, Oakland Subdivision



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

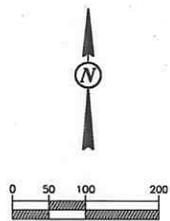
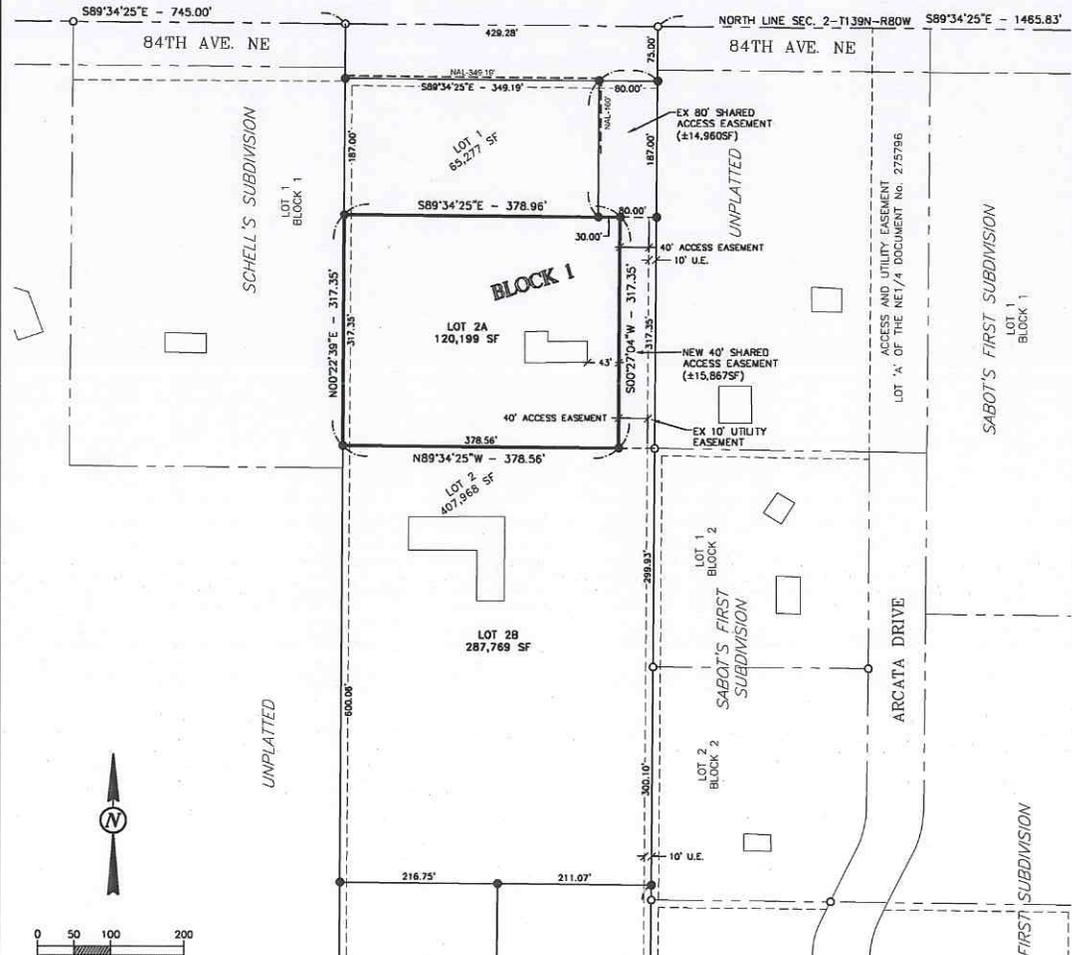
Source: City of Bismarck



PLAT OF

LOT 2A OF LOT 2, BLOCK 1, OAKLAND SUBDIVISION Section 2, Township 139N, Range 80W

Present Owner: THOMAS J. & ANGELA OAKLAND



DESCRIPTION

TRACT: LOT 2A OF LOT 2, BLOCK 1, OAKLAND SUBDIVISION

Section: 2, Township 139N Range 80W, described as follows:

LEGEND

- MONUMENT SET
- MONUMENT FOUND
- - - EX. EASEMENT
- - - EX. PROPERTY LINE
- PROPERTY BOUNDARY LINE
- - - CENTER LINE/SECTION LINE



DRAWN BY: RJW
 CHECKED BY: CAN
 DATE: 11/4/14

OPTION A

C:\Users\jhy\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\...

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Seventh Addition – Annexation (portion)		
Status: Planning Commission – Public Hearing	Date: November 19, 2014	
Owner(s): Meadowlark Hills, LLC MDS Properties, LLC Skyline Properties, LLP Invesco Holdings, Inc.	Engineer: Larson Engineering	
Reason for Request: To plat, zone and annex property to allow commercial, office, multi-family and industrial development projects.		
Location: In north Bismarck, along the east side of US Highway 83 along the south side of the future section line road, 57 th Avenue NE (A replat of part of Auditor's Lot C, Lots 1 and 2, Block 3, and Lot 4, Block 6, Meadowlark Commercial Third Addition and LaSalle Avenue and 15 th Street North rights-of-way, Section 15, T139N-R80W/Hay Creek Township).		
Project Size: 66.06 acres	Number of Lots: 16 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: P – Public RT – Residential CG – Commercial MA – Industrial	Land Use: Light industrial, general commercial, office, and multi-family	
Zoning: P – Public RT – Residential CG – Commercial MA – Industrial	Zoning: RT – Residential CG – Commercial MA – Industrial	
Uses Allowed: P – Public parks, open space and multi-use trails RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	Uses Allowed: RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	
Maximum Density Allowed: P – N/A RT – 30 units per acre CG – 42 units per acre MA – N/A	Maximum Density Allowed: RT – 30 units per acre CG – 42 units per acre MA – N/A	
PROPERTY HISTORY:		
Zoned: 08/2008	Platted: 08/2008 (portion)	Annexed: 08/2008 (portion)

FINDINGS:

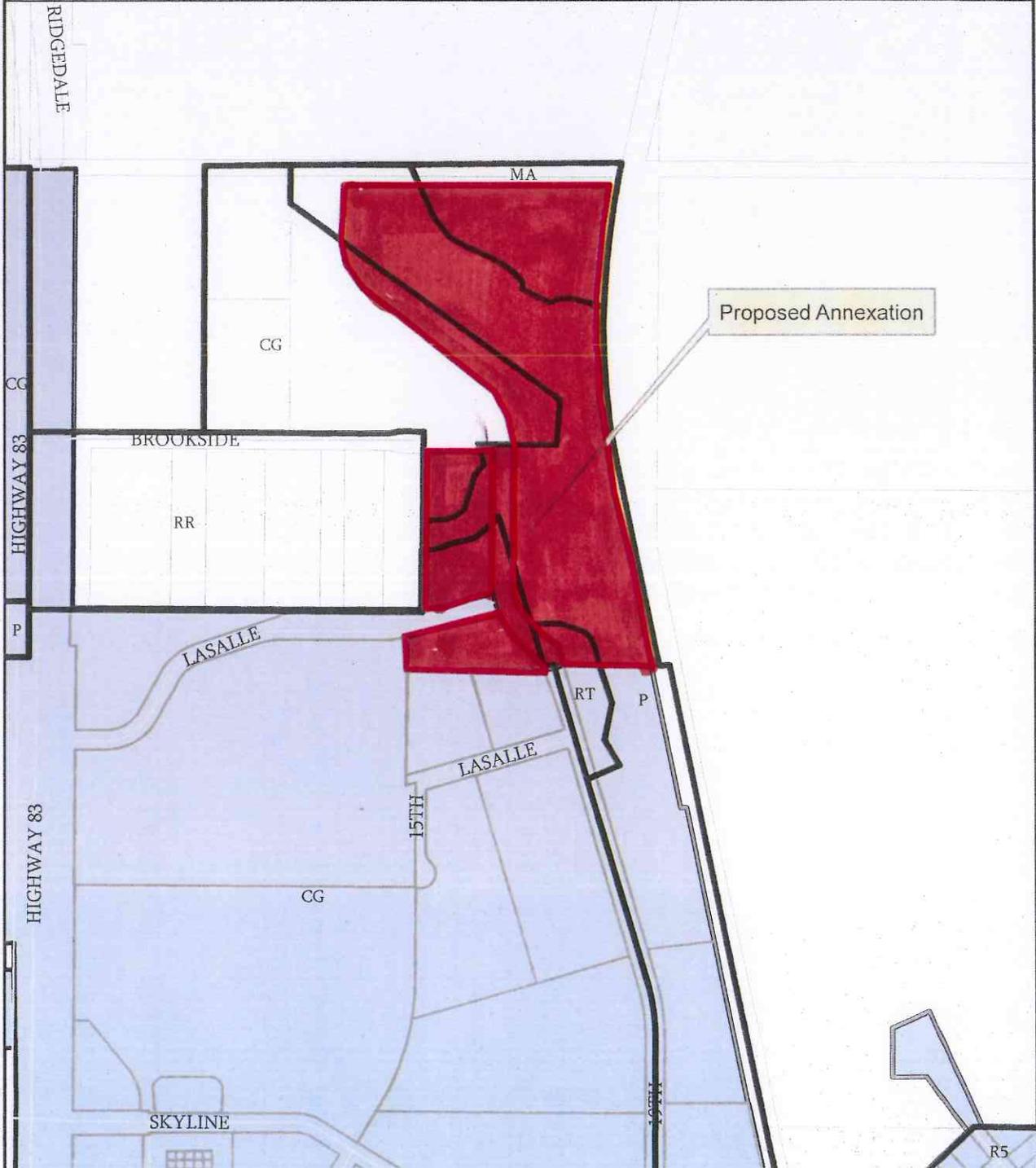
1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent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

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lots 1-3, Block 1, Lots 1-2, Block 2, and Lots 1-4, Block 4, Meadowlark Commercial 7th Addition.

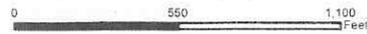
/jt

Proposed Annexation Meadowlark Commercial Seventh 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: 11/13/2014

Source: City of Bismarck



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Section 15, T139N-R80W/Hay Creek Township – Land Use Plan Amendment (Commercial & Conservation to Industrial & Mixed-Use Commercial in conjunction with the zoning change request for Meadowlark Commercial 7 th Addition)	
Status: Planning Commission – Public Hearing	Date: November 19, 2014
Reason for Request: Introduce the office/mixed-use land use classifications into an area classified as commercial and open space/conservation land uses.	
Location: In north Bismarck along a northerly extension of North 19 th Street, east of US Highway 83 and west of the Canadian Pacific rail line, approximately ½ mile north of Skyline Boulevard.	
BACKGROUND:	
<ol style="list-style-type: none"> 1. The Future Land Use Plan (FLUP) in the 2014 Growth Management Plan was adopted by the Bismarck Planning and Zoning Commission on March 26, 2014 and by the Board of City Commissioners on April 22, 2014. The proposed zoning change is somewhat consistent with the FLUP in the Growth Management Plan. This area has been identified as commercial and conservation with an open space/greenway running north-south through the property 2. The applicant is requesting an amendment to the land use concept identified for Section 15, T139N-R80W/Hay Creek Township, to introduce the office/mixed-use land use classifications into an area classified as commercial and open space/conservation land uses classifications. The proposed amendment would introduce the office/mixed-use land use classification into an area that is classified as conservation and commercial. 3. The request is being made in conjunction with a zoning change request for Meadowlark Commercial 7th Addition. 4. The current land use plan reflects a previous understanding from 2008 between the applicant and the Bismarck Parks and Recreation District (BPRD). The arrangement would have provided land to the BPRD along the Hay Creek corridor for multi-use trails and open space. As part of the arrangement, BPRD would have become the land owner along a portion of North 19th Street, thus resulting in BPRD sharing a portion of the construction costs associated with the extension of North 19th Street. The current agreement between the applicant and the BPRD would no longer result in the BPRD owning land along North 19th Street; however, the applicant has indicated a willingness to provide an easement to allow the extension of the Hay Creek trail. The final location of the future trail extension is not known at this time and it is likely that the exact location would not be determined until such time as each lot along the east side of North 19th Street is studied and programmed to accommodate an end-user of the property. If the final location of the multi-use trail cannot lie adjacent to Hay Creek due to topographic constraints, BPRD has indicated that an alternative would be to locate the multi-use trail within the North 19th Street public right-of-way. 	

FINDINGS:

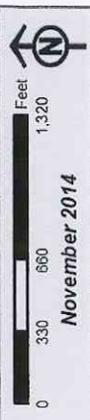
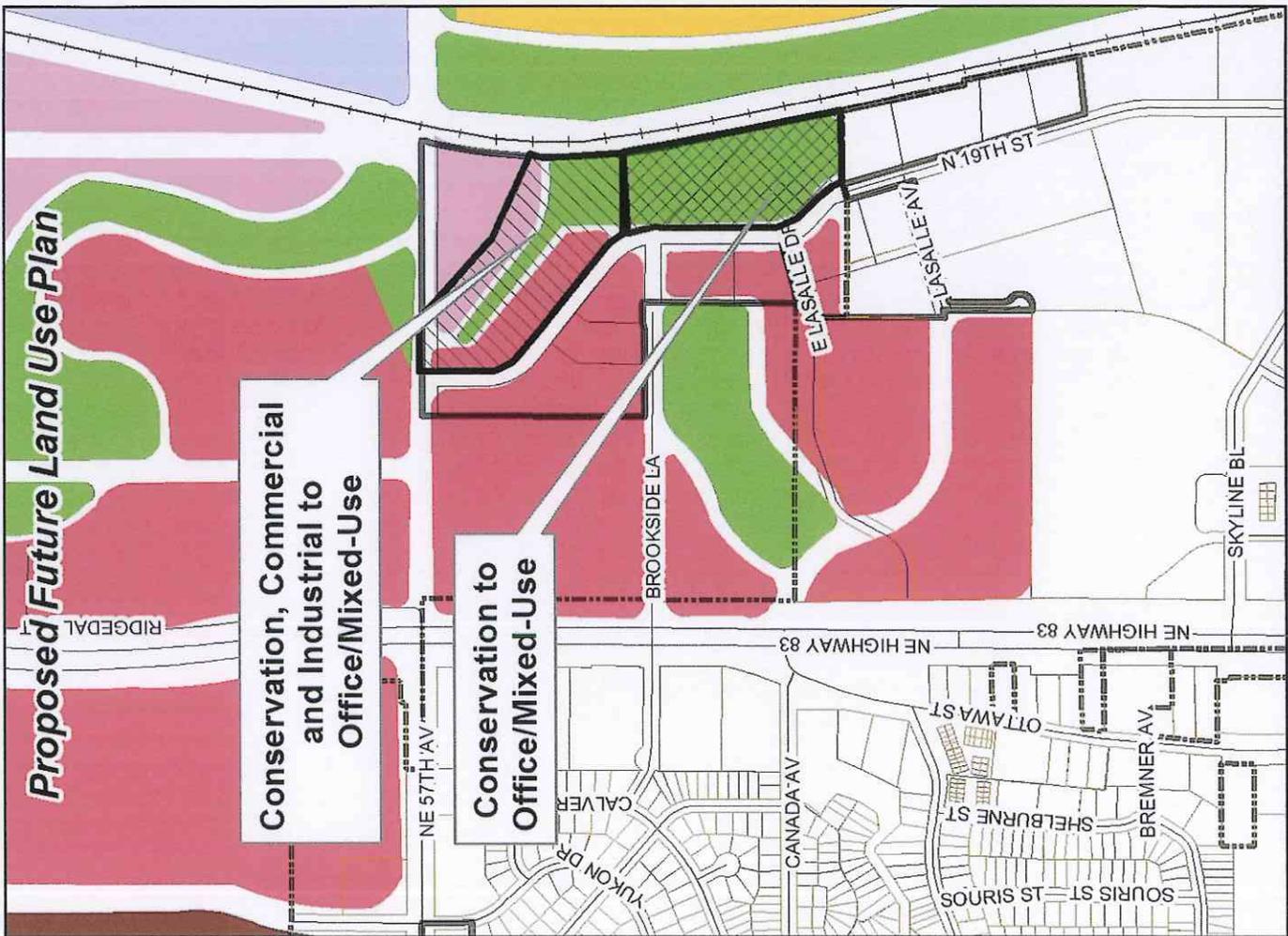
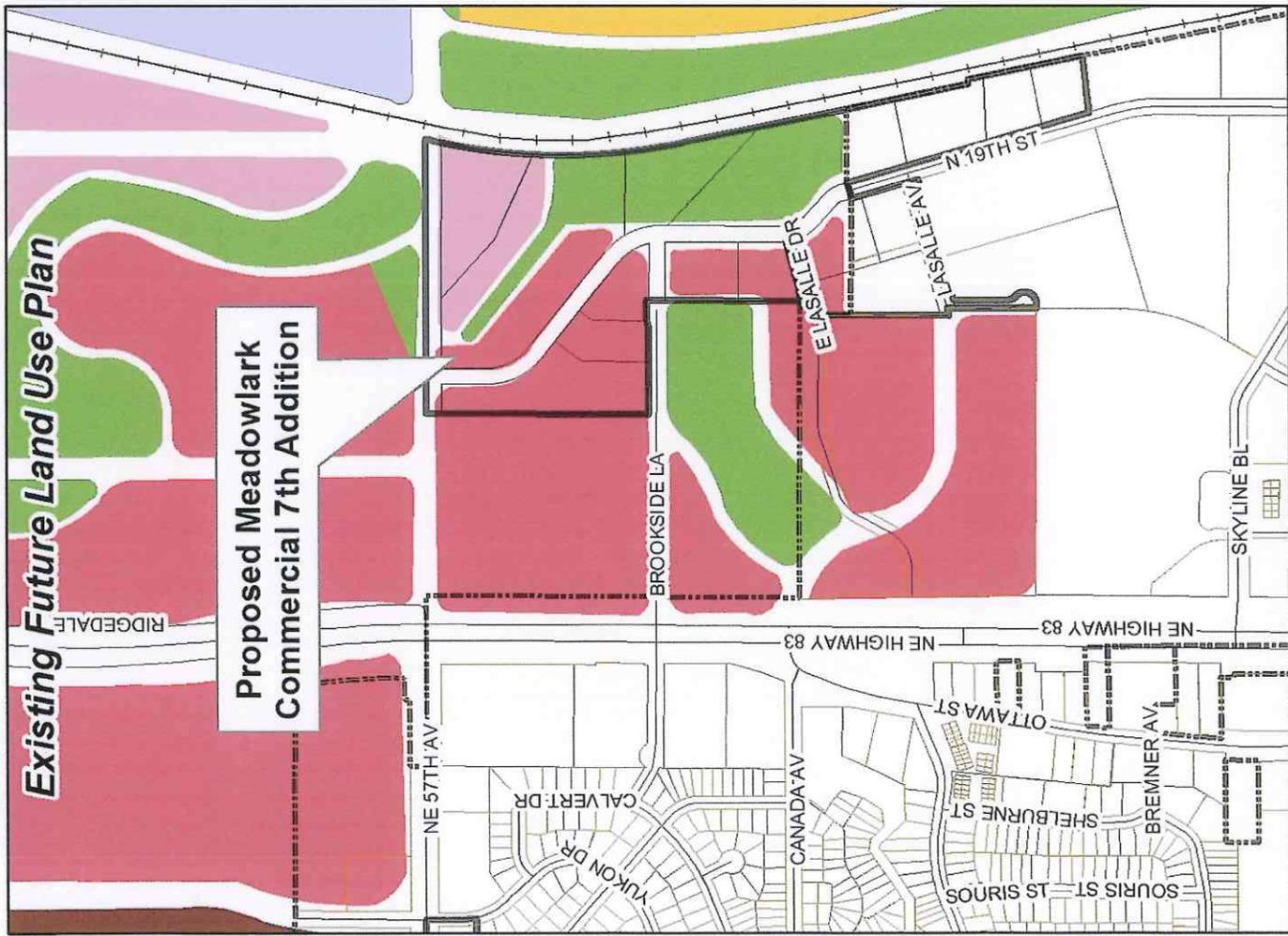
1. The proposed change in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan would be somewhat compatible with adjacent land uses. Adjacent land uses include developing commercial uses to the south, agricultural uses to the east and north and existing rural residential uses to the west. The FLUP designates the area which has currently developed as rural residential dwellings as commercial and open space land uses.
2. The proposed Land Use Plan Amendment does reflect a change in conditions since the Future Land Use Plan (FLUP) was established. In particular, the BPRD no longer desires to become the owner of any property along the Hay Creek corridor and a multi-use trail easement would be dedicated along the Hay Creek corridor to allow for the extension of the multi-use trail.
3. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the Future Land Use Plan at the time the property is developed.
4. The proposed Land Use Plan amendment may adversely affect property in the vicinity. In particular, commercial development along North 19th Street would likely result in increased traffic movements in an existing rural residential area.
5. The proposed Future Land Use Plan amendment is generally consistent with the other aspects of the master plan, other adopted plans, policies and planning practice. In particular, introducing the office/mixed-use land use classification to an area currently identified as open space and commercial land uses would be an appropriate land use transition.
6. The amendment to the Land Use Plan is in the public interest and is not solely for the benefit of a single property owner.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the proposed amendment to the Future Land Use Plan (FLUP) for Section 15, T139N-R80W/Hay Creek Township, to introduce the office/mixed-use land use classifications into an area classified as commercial and open space/conservation land uses.

ljt

Future Land Use Plan - Requested Amendment



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.

November 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Seventh Addition – Zoning Change (P, RT, CG & MA to RT, CG & MA)		
Status: Planning Commission – Public Hearing	Date: November 19, 2014	
Owner(s): Meadowlark Hills, LLC MDS Properties, LLC Skyline Properties, LLP Invesco Holdings, Inc.	Engineer: Larson Engineering	
Reason for Request: To plat, zone and annex property to allow commercial, office, multi-family and industrial development projects.		
Location: In north Bismarck, along the east side of US Highway 83 along the south side of the future section line road, 57 th Avenue NE (A replat of part of Auditor's Lot C, Lots 1 and 2, Block 3, and Lot 4, Block 6, Meadowlark Commercial Third Addition and LaSalle Avenue and 15 th Street North rights-of-way, Section 15, T139N-R80W/Hay Creek Township).		
Project Size: 66.06 acres	Number of Lots: 16 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: P – Public RT – Residential CG – Commercial MA – Industrial	Land Use: Light industrial, general commercial, office, and multi-family	
Zoning: P – Public RT – Residential CG – Commercial MA – Industrial	Zoning: RT – Residential CG – Commercial MA – Industrial	
Uses Allowed: P – Public parks, open space and multi-use trails RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	Uses Allowed: RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	
Maximum Density Allowed: P – N/A RT – 30 units per acre CG – 42 units per acre MA – N/A	Maximum Density Allowed: RT – 30 units per acre CG – 42 units per acre MA – N/A	
PROPERTY HISTORY:		
Zoned: 08/2008	Platted: 08/2008 (portion)	Annexed: 08/2008 (portion)

ADDITIONAL INFORMATION:

1. Planning staff has raised concerns with the applicant's request to change the areas currently zoned P – Public. The areas zoned P – Public were recently (2008) zoned at the applicant's request. The area currently conforms with the Future Land Use Plan of the 2014 Growth Management plan, which identifies the area as open space to preserve the natural drainageway along Hay Creek.
2. Planning staff has also raised concerns with the continuity of this plat and other proposed subdivisions along the Hay Creek Corridor. In particular, the proposed subdivision to the north (JMAC Industrial Park Addition) provides separate lots for the Hay Creek greenway. By providing separate lots for Hay Creek, the natural drainage way is allowed to remain and public amenities such as open space and multi-use trail connections could occur.

FINDINGS:

1. The proposed zoning change would be somewhat consistent with the Future Land Use Plan in the 2014 Growth Management Plan as amended. The Future Land Use Plan of the 2014 Growth Management Plan reflects the previous requested land use of the owner/developer, Skyline Properties, LLC. The previous arrangement between the applicant and the BPRD would have provided land to the BPRD along the Hay Creek corridor for multi-use trails and open space. As part of the arrangement, BRPD would have become the land owner along a portion of North 19th Street, thus resulting in BPRD sharing a portion of the construction costs associated with the extension of North 19th Street. The current agreement between the applicant and the BPRD would no longer result in the BPRD owning land along North 19th Street; however, the applicant has indicated a willingness to provide an easement to allow the extension of the Hay Creek trail. The final location of the future trail extension is not known at this time and it is likely that the exact location would not be determined until such time as each lot along the east side of North 19th Street is studied and programmed to accommodate an end-user of the property. If the final location of the multi-use trail cannot lie adjacent to Hay Creek due to topographic constraints, BPRD has indicated that an alternative would be to locate the multi-use trail within the North 19th Street public right-of-way.
2. The proposed zoning change would be somewhat compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, developing commercial property to the south and five, rural residential homes to the west. The commercial development would be directly north and east of the existing homes and separated by a public street.
3. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, there are existing rural residentially-zoned homes directly adjacent to the proposed subdivision. Additionally, staff would prefer that the Hay Creek corridor be allowed to remain intact and be separated from developable lots through the use of an easement along the edge of the floodway or separate lots intended to preserve the natural corridor and drainageway.
4. The entire property would be annexed prior to development; therefore the subdivision would not place an undue burden on public services.

(continued)

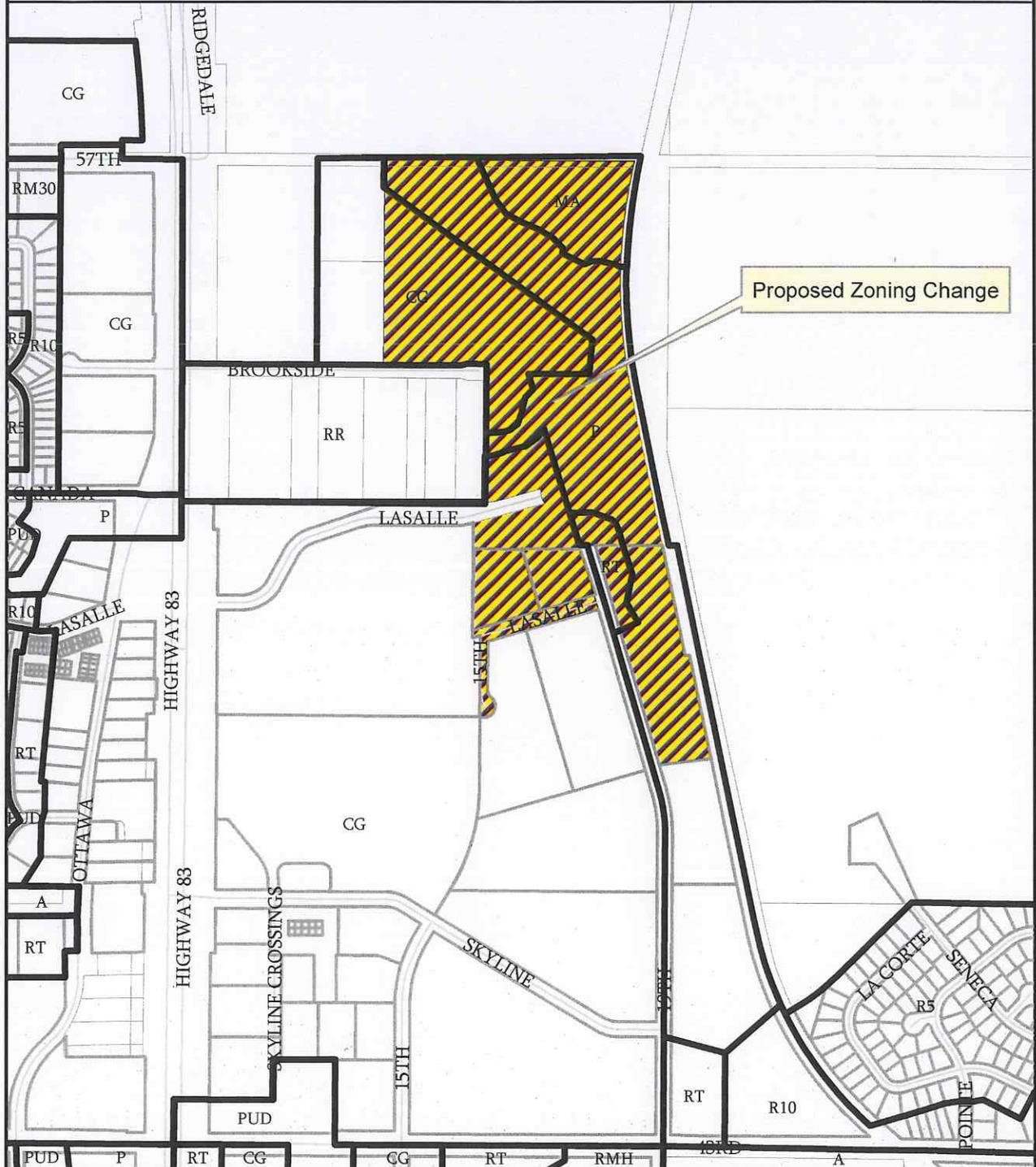
5. The proposed zoning change is generally consistent with the general intent and purpose of the zoning ordinance.
6. The proposed subdivision is generally consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RT – Residential and CG – Commercial districts to the CG – Commercial zoning district for Lots 1-3, Block 1; from the CG – Commercial and P – Public zoning districts to the CG – Commercial zoning district for Lots 1-3, Block 2; from the CG – Commercial zoning district to the CG – Commercial zoning district for Lots 1-3, Block 3; from the RT – Residential and P – Public zoning districts to the RT – Residential zoning district for Lots 2-8, Block 4; and from the MA – Industrial and P – Public zoning districts to the MA – Industrial zoning district, Meadowlark Commercial 7th Addition.

/jt

Proposed Zoning Change (P, RT, CG & MA to RT, CG & MA) Meadowlark Commercial Seventh Addition

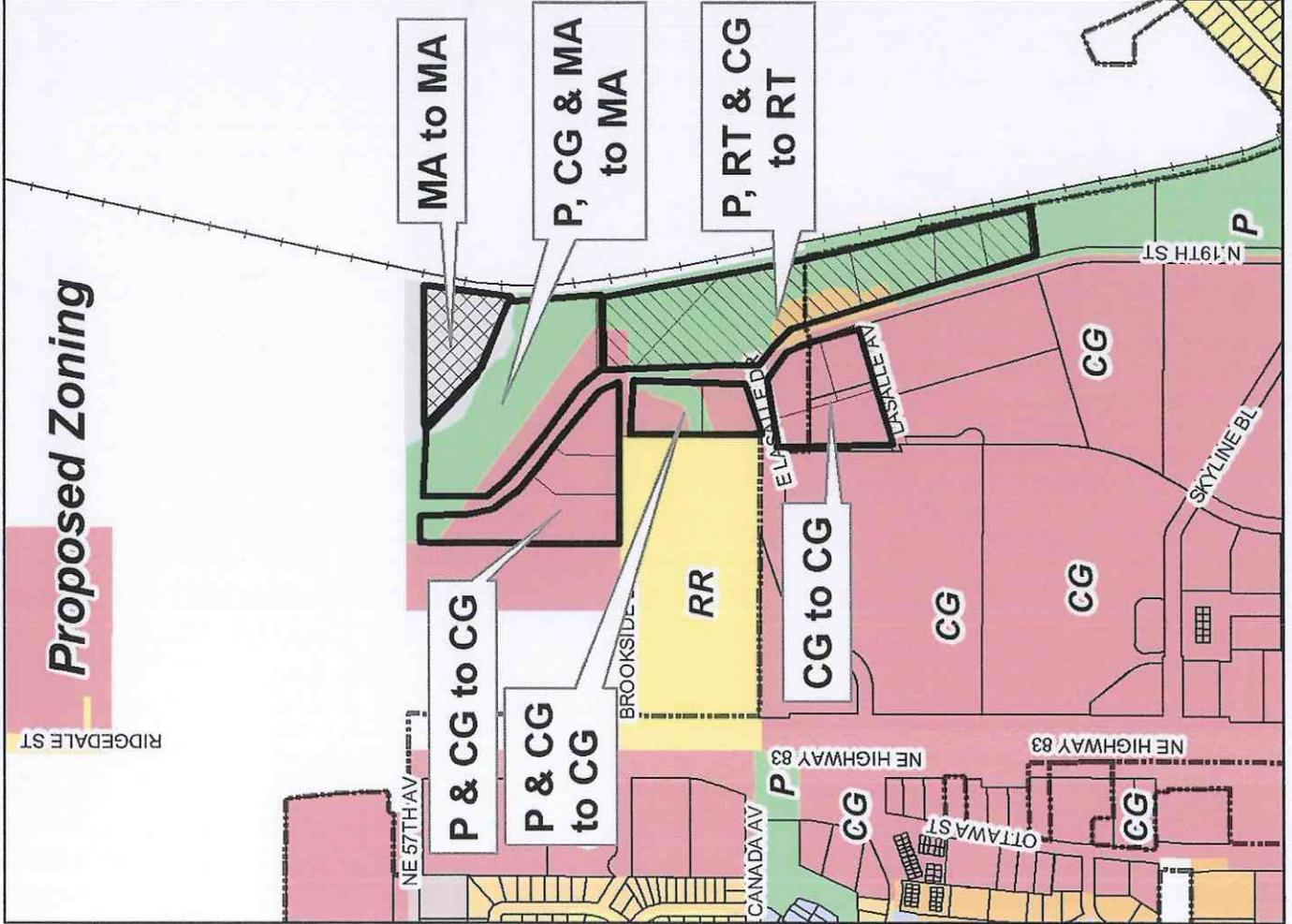
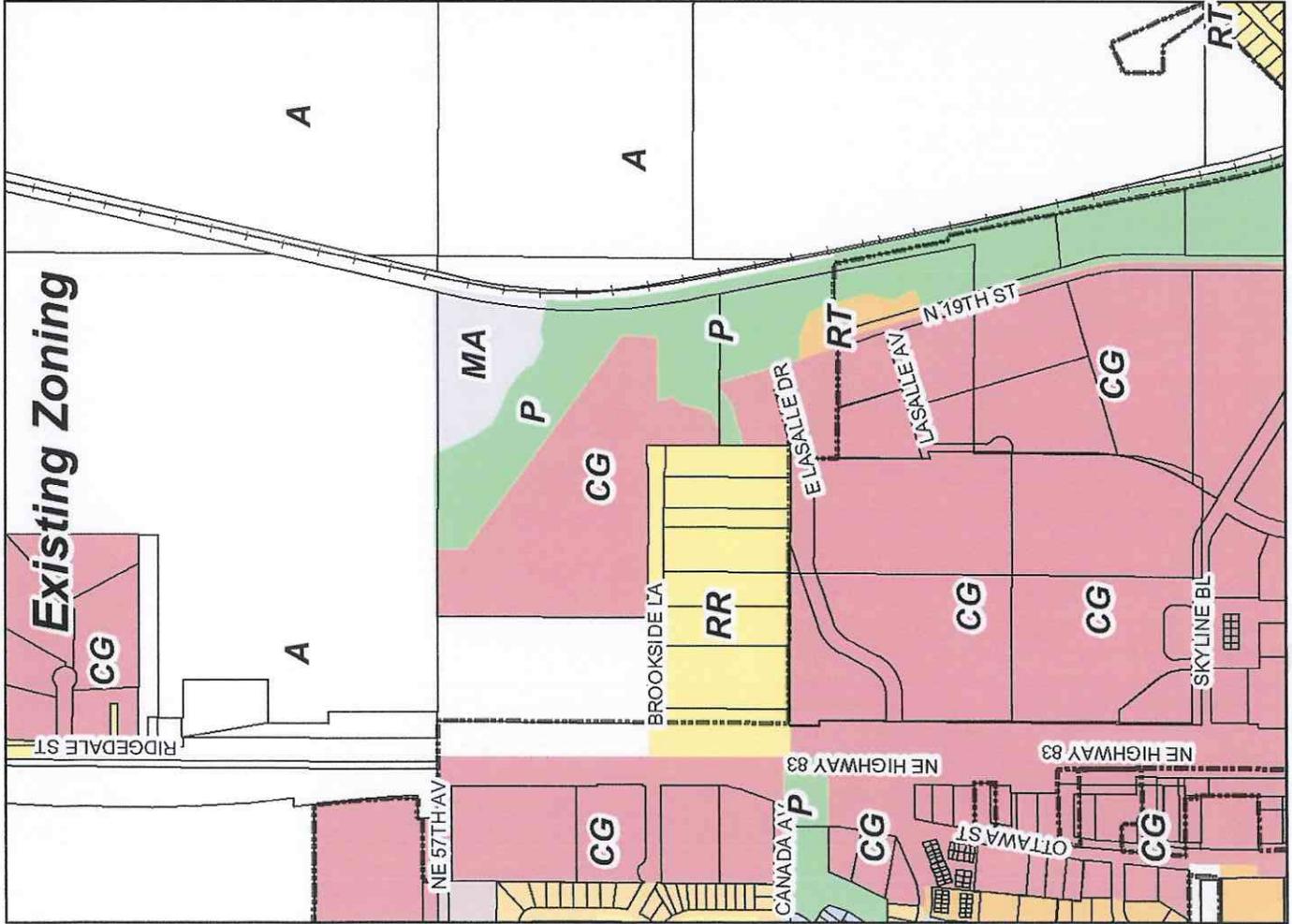


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 11/14/20 (N/b)

Source: City of Bismarck



Meadowlark Commercial Seventh 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.

November 2014

Larson Engineering, Inc.
1655 North Grandview Lane, Suite 202
Bismarck, ND 58503-0877
701.751.3949
www.larsonengr.com

RECEIVED

SEP 30 2014



Larson

September 30, 2014

City of Bismarck
Office of Community Development – Planning Division
221 North 5th Street
Bismarck, ND 58506-5503

Re: Skyline Properties – Meadowlark Commercial 7th Addition
Land Use Plan Amendment - **REVISED**

LEND Project No: 72140004.001

To Whom It May Concern:

On behalf of our client and landowner, Mr. Dan Schmaltz, with Skyline Properties, LLC, we would like to propose an amendment to the City of Bismarck's Land Use Plan in coordination with filing the plat for Meadowlark Commercial 7th Addition. The amended areas are all in Block 4, and are as follows:

- 1.) Lot 2 – Current Zoning is a mixture of MA, P, and CG. Proposed Zoning is RT – Office/Multi-Family Residential.
- 2.) Lot 3 – Current Zoning is a mixture of P and CG. Proposed Zoning is RT.
- 3.) Lot 4 – Current Zoning is a mixture of P, CG, and RT. Proposed zoning is RT.
- 4.) Lots 5 & 6 – Current Zoning is a mixture of P and RT. Proposed zoning is RT.
- 5.) Lots 7 & 8 – Current Zoning is P. Proposed Zoning is RT.

The amendments to the Land Use Plan would greatly utilize the proposed areas by allowing small retail businesses with small parking lots on Lots 3 through 8. The Park District is also aware of the proposed changes on all lots that are currently zoned P, and are not in opposition to the changes. We thank you for your consideration of these amendments to the Land Use Plan. If you have any questions

Sincerely,

Kevin G. Nelson, PE, PLS
Regional Manager
Larson Engineering, Inc.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Seventh Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: November 19, 2014	
Owner(s): Meadowlark Hills, LLC MDS Properties, LLC Skyline Properties, LLP Invesco Holdings, Inc.	Engineer: Larson Engineering	
Reason for Request: To plat, zone and annex property to allow commercial, office, multi-family and industrial development projects.		
Location: In north Bismarck, along the east side of US Highway 83 along the south side of the future section line road, 57 th Avenue NE (A replat of part of Auditor's Lot C, Lots 1 and 2, Block 3, and Lot 4, Block 6, Meadowlark Commercial Third Addition and LaSalle Avenue and 15 th Street North rights-of-way, Section 15, T139N-R80W/Hay Creek Township).		
Project Size: 66.06 acres	Number of Lots: 16 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Light industrial, general commercial, office, and multi-family	
Zoning: P – Public RT – Residential CG – Commercial MA – Industrial	Zoning: RT – Residential CG – Commercial MA – Industrial	
Uses Allowed: P – Public parks, open space and multi-use trails RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	Uses Allowed: RT – Multi-family residential and offices CG – General commercial, multi-family residential and offices MA – Light industrial, manufacturing, storage facilities and general commercial	
Maximum Density Allowed: P – N/A RT – 30 units per acre CG – 42 units per acre MA – N/A	Maximum Density Allowed: RT – 30 units per acre CG – 42 units per acre MA – N/A	
PROPERTY HISTORY:		
Zoned: 08/2008	Platted: 08/2008 (portion)	Annexed: 08/2008 (portion)

ADDITIONAL INFORMATION:

1. Planning staff and the City Traffic Engineer have also has raised concerns relating to the connection of Brookside Lane to 19th Street North. Currently Brookside Lane is a narrow gravel roadway that only services the five homes along the south side of the roadway. The concern relates to the potential increase in traffic volumes that could utilize the unimproved Brookside Lane roadway to access the commercial areas along North 19th Street which would be east of the existing rural subdivision, Gussner Acreage Homesites.
2. Lot 1, Block 4 in the northeast corner of the proposed subdivision does not currently have access via public roadway. The City Engineering Department requires that a public roadway is built to the far edge of the property prior to development occurring on the lot. The alignment of the section line roadway, 57th Avenue NE has been designed to be constructed along the east-west section line which is also the northern boundary of the proposed subdivision. In addition, North 19th Street would need to be constructed to 57th Avenue NE prior to the development of lots adjacent to the roadway.
3. The proposed Lots 5-8, Block 4, were previously platted as Lot 4, Block 6, Meadowlark Commercial 3rd Addition in 2008. At that time, the lot was labeled "green space/floodway non-developable" and the applicant requested to zone the lot P – Public. The proposed final plat would modify the previously platted 8.63 acre lot and create four separate lots that would include the Hay Creek floodway and the special flood hazard areas or 100-year flood plain over portions of each lot.
4. Bismarck Parks & Recreation District's (BPRD) master plan indicates a continuation of the Hay Creek Trail in this general area. An easement for the multi-use trail corridor along the western tier of the subdivision was previously proposed by the applicant. However, BPRD staff had concerns about the ability to construct a multi-use trail in the proposed area. Planning staff recommended that the 20-foot multi-use trail easement be placed directly adjacent to the western edge of the floodway. The applicant's engineer has indicated that the proposed location directly adjacent to the floodway is not satisfactory to the applicant because the final grades and end users of the properties are not defined at this time. A plat note has been added to address the implementation of the future multi-use trail. The note states "For Lots 2 through 8, Block 4, a 20 foot wide easement is to be incorporated into each lot for a multi-use trail. The mutually acceptable location will be agreed upon at a later date between the owner and the Bismarck Parks & Recreation District."

FINDINGS:

1. The preliminary plat was tentatively approved by the City Planning & Zoning Commission on June 26, 2013. The final plat was submitted in June 2013 and has been revised several times over the past 15 months.
2. All technical requirements for approval of a final plat have been met.

(continued)

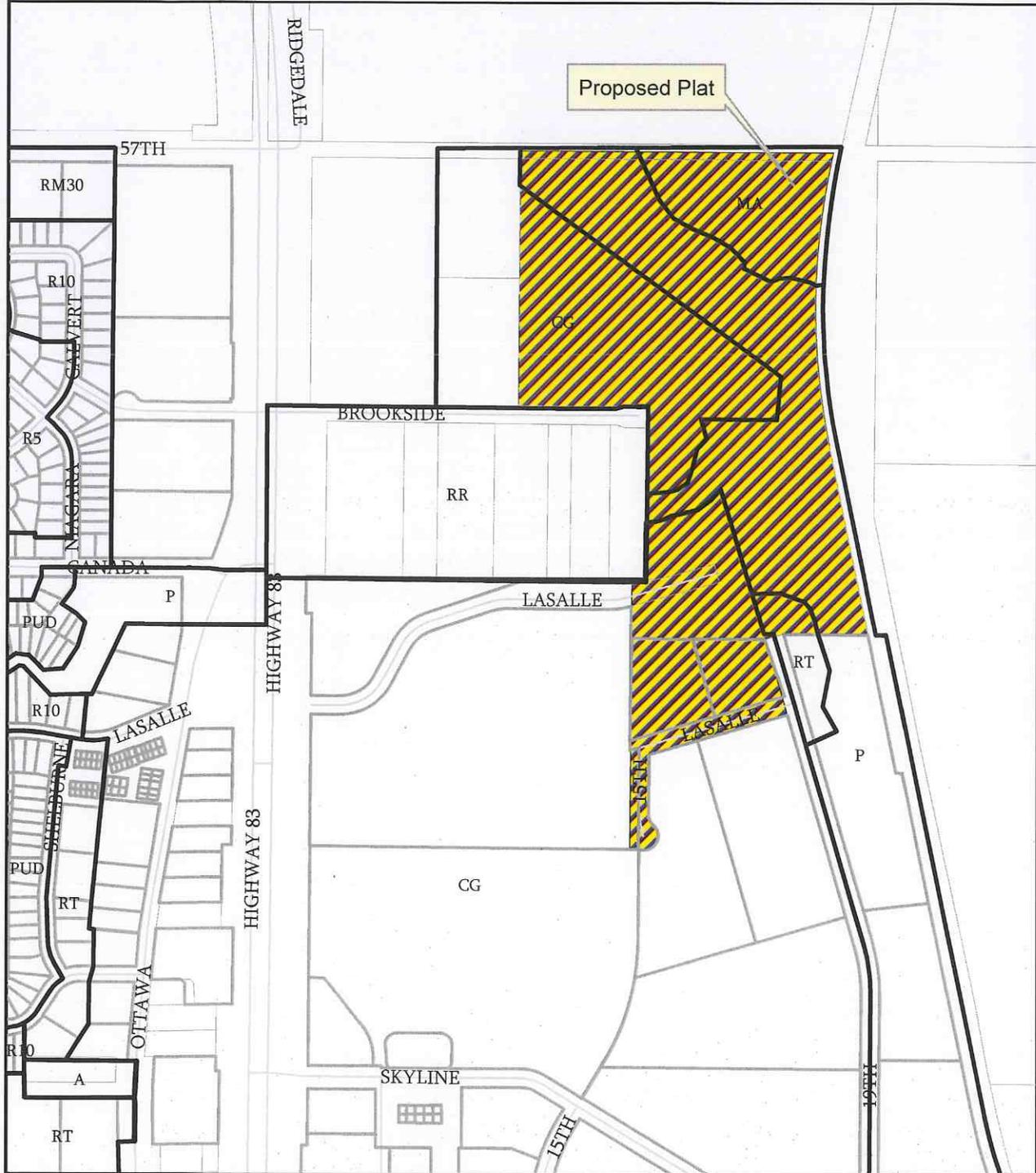
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision would be somewhat compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, developing commercial property to the south and rural residential homes to the west. The commercial development would be directly north and east of the existing homes and separated by a public street.
5. The proposed subdivision is generally consistent with the 2014 Fringe Area Road Master Plan, which identifies an extension of 19th Street North as the north/south collector for Section 15, Hay Creek Township.
6. The proposed subdivision may have an adverse impact on property in the vicinity; in particular, there are existing rural residentially-zoned homes directly adjacent to the proposed subdivision. Additionally, staff would prefer that the Hay Creek corridor is allowed to remain intact and be separated from developable lots through the use of easements or separate lots intended to preserve the natural corridor and drainage way.
7. An annexation request for portions of the property has been submitted in conjunction with this request and development would not be permitted on parcels that are not within City limits; therefore, the subdivision would not place an undue burden on public services.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat of Meadowlark Commercial Seventh Addition with the understanding that the applicant will meet with the Bismarck Parks and Recreation District staff to determine a mutually acceptable location for the future Hay Creek multi-use path and lots are not developable until such time as all adjacent roadways are in place or under contract to be constructed.

/jt

Proposed Plat Meadowlark Commercial 7th 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: 6/20/2014(hlb)

Source: City of Bismarck



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

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

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

Commissioner Doug Lee was absent.

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

MINUTES

Chairman Yeager called for consideration of the minutes of the September 24, 2014 meeting.

MOTION: Commissioner Armstrong made a motion to approve the minutes of the September 24, 2014 meeting as received. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. SATTLETT'S SUNRISE 10TH ADDITION –
ZONING CHANGE AND PRELIMINARY PLAT**
- B. DOWNTOWN DISTRICTS –
ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Sattler's Sunrise 10th Adiditon – Zoning Change and Preliminary Plat
- B. Downtown Districts – Zoning Ordinance Text Amendment

Commissioner Atkinson said he would like to pull item #3 for discussion and stated he would like more information on the proposed downtown design review committee.

Chairman Yeager asked if there are any comments to be made regarding Sattler's Sunrise 10th Addition being tabled.

Dave Patience, Swenson, Hagen & Co., said this addition would be a continuation of the existing neighborhood and that discussions have been held with Bismarck Parks and Recreation staff several times. He said they are continuing to work on meeting with Parks and Recreation staff regarding parks space and that Ms. Lee has communicated with the owner and they are all coming closer to a solution.

MOTION: Commissioner Schwartz made a motion to table consent agenda item A as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Mr. Tomanek explained that item #3, the Downtown District portion of the zoning ordinance, is being amended with the intent of removing regulations on building designs and to develop separate design guidelines with specific graphics to guide desirable building designs. He said the Downtown Subarea Study was a starting point for this possibility and that City Commissioner Askvig believes the Renaissance Zone Authority would be an appropriate body to have the responsibility. He said it would be approximately another two or three more months before the downtown design review committee function would be finalized and implemented.

Commissioner Seminary asked who will decide who is on the committee. Mr. Tomanek said the desire would be to keep the existing Renaissance Zone Authority, but to potentially add more technical advisors if deemed necessary as the ordinance does allow for that.

Commissioner Seminary asked if the new committee would have any interaction or crossover with the Planning and Zoning Commission. Mr. Tomanek said only recommendations of denial from the downtown design review committee could be appealed to the City Commission, not the Planning Commission. Commissioner Seminary said he feels city staff should be the ones taking accountability for design issues. Mr. Tomanek said multiple other municipalities have design review committees with at-large citizens and staffed by city staff in order to avoid arbitrary decisions and promote consistency.

MOTION: Commissioner Atkinson made a motion to approve consent agenda item B, calling for a public hearing on the items as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT – SONNET HEIGHTS SUBDIVISION SIXTH REPLAT

Chairman Yeager called for the continued public hearing on the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat. The proposed plat is 37 lots in one block on

4.88 acres and is located along the south side of 57th Avenue NE between Yukon Drive and Normandy Street (a replat of Lots 1-4, Block 3, Sonnet Heights Subdivision).

Ms. Lee gave an overview of the request then presented the following findings:

1. All technical requirements for approval of the minor subdivision final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. 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.
4. 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.
5. 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.
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.

Ms. Lee said based on these findings, staff recommends approval of the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the minor subdivision final plat for Sonnet Heights Subdivision Sixth Replat. Commissioner Schwartz seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT
AND ZONING CHANGE –
STONERIDGE ADDITION**

Chairman Yeager called for the continued public hearing on the minor subdivision final plat and the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition. The proposed plat is 27 lots in two blocks on 2.95 acres and is located in northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.

Mr. Tomanek provided an overview of the requests and presented the following findings for the zoning change:

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.

Mr. Tomanek then gave the following findings for the final plat:

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.

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.

Mr. Tomanek said based on these findings, staff recommends approval of the final plat and the zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition, as outlined in the draft PUD ordinance.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff reports, Commissioner Seminary made a motion to approve the minor subdivision final plat and zoning change from the RM30-Residential zoning district to the PUD-Planned Unit Development zoning district for Stoneridge Addition, as outlined in the draft PUD ordinance. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Hay Creek Township representative Justin Vanderlinden joined the meeting at this time.

PUBLIC HEARING – RURAL RESIDENTIAL LOT SPLIT LOT 2, BLOCK 1, OAKLAND SUBDIVISION

Chairman Yeager called for the public hearing on the rural residential lot split for Lot 2, Block 1, Oakland Subdivision. The property is located northeast of Bismarck, along the south side of 84th Avenue NE, between 26th Street NE and 41st Street NE (3605 84th Avenue NE).

Ms. Wollmuth gave an overview of the request, including the following 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.

Ms. Wollmuth said 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 lots.

Mr. Vanderlinden, a representative of Hay Creek Township, said the townships concern was related to the access easement and that the access will not be maintained by the township.

Chairman Yeager opened the public hearing.

Thomas Oakland, 3605 84th Avenue NE, said he wanted to address the rumors of the area turning into a commercial use and explained that the lots are only be subdivided so that he can build a new home for his family.

Ms. Wollmuth said additional written public testimonies from Chris and Roberta Hambrick, 8200 Arcata Drive and Connie Kassian, CenturyLink, are attached as Exhibits A, B and C.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to continue the public hearing on a rural residential lot split for Lot 2, Block 1, Oakland Subdivision, 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 lots. Commissioner Armstrong seconded the motion and it was approved with

Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Waldoch, Seminary and Yeager voting in favor of the motion.

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

Chairman Yeager explained that he has a conflict of interest with this project and would like to turn the meeting over to Vice Chairman Armstrong at this time in order for him to entertain a motion of whether or not he should stay on as Chairman for the next item.

Vice Chairman Armstrong said he will take a motion at this time as it pertains to allowing Chairman Yeager to stay at the table and in place for the next item.

MOTION: Commissioner Seminary made a motion to allow Chairman Yeager to remain in his position as Chairman for the next agenda item. Commissioner Armstrong seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Waldoch and Seminary voting in favor of the motion.

Chairman Yeager then called for the public hearing for a zoning change from the RM15-Residential zoning district to the PUD-Planned Unit Development zoning district for Lots 1-3, Block 1, Sonnet Heights Subdivision. The property is located in north Bismarck, along the north side of Niagara Drive, south of 57th Avenue NE, approximately ½ mile west of US Highway 83.

Ms. Wollmuth gave an overview of the request, including the following 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.

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.

Ms. Wollmuth said based on these 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 draft PUD Ordinance.

Commissioner Seminary said the general intent of this zoning change is not totally compatible with the adjacent land uses and asked if a landscape buffer will be an adequate buffer in another three to five years. Ms. Wollmuth said she feels it will be to provide a visual transition to the existing single family home to the west.

Ms. Waldoch asked what the difference would be between the old RM15 zoning district and the new PUD zoning district. Ms. Wollmuth explained that the RM15 would allow 15 units per acre rather than the 45 units, or 20 units per acre, that are proposed to be built, and be comparable to an RM20 zoning district. Ms. Wollmuth stated that there would be no difference in building height. She also said there is a difference in the height limitations between the two zoning districts.

Commissioner Atkinson verified that the zoning to the east is RM15 and there is developing commercial zoning to the north. Ms. Wollmuth said that is correct.

Chairman Yeager opened the public hearing.

Jon Hamer, 5507 Normandy Drive, said he was under the impression that all of Sonnet Heights would be single-family homes and that Normandy Drive would not be a through street, so he is not supportive of this proposal.

Wade Felton, Jomani Developing, Inc., said he would like to elaborate on the RM15 zoning. He said the existing zoning would allow 33 units but he would be allowed 12 more than that with the proposed zoning. He is trying to benefit the neighborhood by going out of his way to make it more presentable by doing a PUD instead.

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

Commissioner Seminary said he appreciates staff facilitating rather than regulating, but that not using transitional zoning as the standard could become a concern.

Commissioner Waldoch said she appreciates the developers being aware of the importance of parking aesthetics and she feels the distance from Superior Drive is ideal.

Chairman Yeager said access has been secured to the area in order to reduce traffic and the applicant went out of his way to improve the project.

MOTION: Based on the findings contained in the staff report, Commissioner Waldoch made a motion to approve 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 draft PUD ordinance. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – PUD AMENDMENT LOTS 1 AND 3-18, BLOCK 1, MISSOURI VALLEY COMPLEX

Chairman Yeager called for the public hearing for a major PUD Amendment for Lots 1 and 3-18, Block 1, Missouri Valley Complex to allow the construction and operation of the Burleigh/Morton Detention Center on Lot 1. The property is located 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.

Ms. Lee gave an overview of the request, including the following 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.

Ms. Lee said based on the above findings, staff recommends approval 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 draft PUD amendment document.

Commissioner Laning asked if any of the old detention center buildings are going to be demolished by Burleigh County. Burleigh County Sheriff Pat Heinert said the jails in both Morton and Burleigh Counties will be renovated into office spaces and possibly a new communication center for Morton County, but they will not be demolished.

Chairman Yeager opened the public hearing.

Greg Doucette said he is the architectural representative on this project and he would be happy to entertain questions if anybody has them.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bullinger made a motion to approve 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 draft PUD amendment. Commissioner Laning seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE –THROUGH) LOT 2, BLOCK 1, MUNICH ADDITION

Chairman Yeager called for the public hearing for a special use permit for a drive-through in conjunction with a coffee shop to be located on Lot 2, Block 1, Munich Addition. The property is located in west Bismarck, along the south side of West Divide Avenue between Schafer Street and Ward Road.

Ms. Wollmuth gave an overview of the request, including the following findings:

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.
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.

Ms. Wollmuth said 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.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve 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. Commissioner Armstrong seconded the motion and it was approved with Commissioners Armstrong, Atkinson, Bullinger, Donahue, Laning, Schwartz, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:45 p.m. to meet again on November 19, 2014.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

Hilary Balzum

From: Planning General Mailbox
Sent: Wednesday, October 15, 2014 9:28 AM
To: Jenny Wollmuth; Hilary Balzum
Subject: FW: Oakland lot split

From: rjh@bis.midco.net [mailto:rjh@bis.midco.net]
Sent: Wednesday, October 15, 2014 7:09 AM
Cc: Planning General Mailbox
Subject: Oakland lot split

Hi

Writing to you about Thomas and Angela Oakland lot split.

This is destroying our quality of life and ability to enjoy our property. City planning does have a responsibility to consider that fact when allowing all of these changes. We have a right to keep quality of life and not have our property value decreased because of all these demands. It will make our property less desirable to prospective buyers should we decide to sell with all the noise and traffic on the bedroom side of our house. Are we not allowed a basic right to be able to get the sleep we need?

You are allowing them to turn a single lot into three lots that have a driveway right on the property border to ours. They do have room on the other side of the existing house could they not be required to move the now ROAD to that side of the house which would put it in the middle of their property rather than on the border of ours or the neighbors to the west? When we bought our property it was one family with one quiet border who came and went during daytime hours. They were respectful and picked up garbage if it blew over.

We already deal with garbage in our pasture which I have to continually pick up to prevent harm to my horses. We request Oakland's be required to put up a solid privacy fence and maintain it at their expense to prevent this. This would be better than fights over making them pay for vet bills due to my horses ingesting the garbage.

They already have a lot of different traffic all hours of the day which is disruptive to us being allowed to enjoy our yard. Some of these vehicles have very loud exhaust systems. Adding more people will only increase this problem. Again a solid privacy fence would lessen the noise and garbage we continually have to deal with. I cannot spend time with my horses without noise and traffic which again decreases my quality of life.

We are very tired of our quality of life being destroyed. Even inside our house the noise carries over. The beeping of machines and the pounding and banging all the time. The noise of the large trucks coming and going all day long. I am nine months pregnant and will shortly have a newborn who will need to sleep. I think the City planning as well as the Oaklands have a responsibility here.

When we wanted to put up a shop we were forced to tear down two sheds, go to all our neighbors and explain what we wanted to do and attend numerous meetings in order to put up a small shop that only enhances our property value. Our neighbors also have utilized that shop a couple of times for their own projects of

improvement. We were also required to rezone. We lost work hours and this put us under a lot of stress. The Oaklands have never been required to come to explain what they wanted to do.

Thank you,

Roberta Hambrick

8200 Arcata Drive

Hilary Balzum

From: Planning General Mailbox
Sent: Monday, October 20, 2014 9:48 AM
To: Hilary Balzum; Jenny Wollmuth; Kim Lee
Subject: FW: Thomas Oakland Lot Split

From: crh@bis.midco.net [mailto:crh@bis.midco.net]
Sent: Sunday, October 19, 2014 12:23 PM
To: Planning General Mailbox
Subject: Thomas Oakland Lot Split

PLEASE FORWARD TO ALL MEMBERS OF CITY PLANNING DEALING WITH THE OAKLAND PROPOSED SPLIT

Hello,

We are writing this in regards to the proposed Oakland lot split.

1. We do not want the access easement right on our property line. We were told by city planning there was not legally enough room for a road there. Three lots makes that a road not a driveway.
2. This ruins our quality of life. We would be unable to enjoy our back yard due to constant noise. This has already been a problem. Our bedroom is on that side of the property and we have a newborn coming in a month. The noise already comes inside the house so that we cannot even escape in our own home. We love our home and have been here 9 years. We do not like feeling pushed out of our home.
3. There have already been a lot of problems with garbage blowing over onto our property where my horses could wind up ingesting it causing veterinary bills.

Thoughts

1. Could they not move the road to the west of the existing house to provide access off of the property line and not being on the property line to the neighbors to the west either. They could even eliminate the lot at the very north end of the property.
2. Could access to the south portion of the split be run ONLY to the south between lots three and four as no houses or properties exist there now with an agreement from the Oakland's that they would not drive through the north.
3. If the city planning does decide to allow them to use the current driveway as a road we request the Oakland's be required to put up a solid 6 foot privacy fence all along the access line at their expense and they also be required to maintain it so that this decision on the part of city planning does not further destroy our quality of life.

Thank you

Chris and Roberta Hambrick

8200 Arcata Drive

Hilary Balzum

From: Planning General Mailbox
Sent: Wednesday, October 22, 2014 4:37 PM
To: Hilary Balzum
Subject: FW: ND - Bismarck Community Development Department - Burleigh County Amendment to Existing Planned Unit Development for Lots 1 and 3-18

From: Kassian, Connie [mailto:~~connie.kassian@centurylink.com~~]
Sent: Wednesday, October 22, 2014 4:04 PM
To: Kim Lee; Planning General Mailbox
Cc: Barnes, Diane; Blickensderfer, Kent P; Vanwatermulen, Terry M; Kaiser, Dan; Studemann, Jeremy; Colvin, Tina
Subject: ND - Bismarck Community Development Department - Burleigh County Amendment to Existing Planned Unit Development for Lots 1 and 3-18

Bismarck Community Development Department – Planning Division

Good Afternoon Kim,

Thank you for your letter dated 10-10-2014 notifying CenturyLink that the Bismarck Planning and Zoning Commission will be conducting a public hearing on Wednesday, October 22, 2014 at 5:00 pm.

CenturyLink does have a recorded easement within the proposed PUD amendment, Lots 1 and 3-18, Block 1, Missouri Valley Complex. The easement accommodates a buried facility that is running north and south along the west property of the Development. If our easement is in conflict with your Development plans, we are more than happy to work with you on relocation agreements.

A Centurylink representative will not be at the hearing, but are an interested party. Please give us a call if you have any questions.

Thank-you

Respectfully,

CONNIE M. KASSIAN
ENGINEERING & CONSTRUCTION
1101 16th St. NE
Mandan, ND 58554
701-222-6889 OFFICE
701-214-9743 WIRELESS
701-663-3428 FAX
~~connie.kassian@centurylink.com~~



Permit Type	DATE SELECTION 10/2014		DATE SELECTION 10/2014		DATE SELECTION 10/2014	
	Permits	Valuation	Permits	Valuation	Permits	Valuation
SINGLE FAMILY DETACHED	34	6,279,425.96	34	6,266,718.75	2	312,945.50
SINGLE FAMILY ATTACHED	17	2,066,503.65	15	2,356,280.50	0	.00
TWO UNIT	0	.00	2	499,764.00	0	.00
THREE & FOUR FAMILY	0	.00	0	.00	0	.00
FIVE & MORE FAMILY	7	27,711,000.00	0	.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00
MANUFACTURED HOMES	0	.00	4	.00	0	.00
MOBILE HOME WITHOUT EXTRA	6	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	0	.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	0	.00	0	.00	0	.00
HOTELS	0	.00	0	.00	0	.00
MOTELS	0	.00	0	.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMENT	3	.00	1	225,000.00	0	.00
AMUSEMENT & RECREATION	0	.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00
INDUSTRIAL	0	.00	4	2,725,507.00	0	.00
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	2	221,313.00	5	351,591.00	0	.00
SCHOOLS AND EDUCATIONAL	2	4,997,490.00	0	.00	0	.00
COMM (RETAIL SALES)	0	.00	0	.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	0	.00	0	.00
OTHER STRUCTURES	1	1,890,000.00	1	784,350.00	0	.00
PUBLIC BUILDING	0	.00	0	.00	0	.00
ROOM ADDITIONS	2	61,380.00	2	109,051.50	1	21,000.00
RESIDENTIAL GARAGES	9	64,896.00	7	200,420.00	8	194,614.00
PATIO AND COVERS	7	13,650.00	9	28,785.00	0	.00
SWIMMING POOLS AND SPAS	1	69,219.59	1	54,595.00	2	91,651.00
OTHER	2	203,200.00	6	16,700.00	0	.00
HOME OCCUPATIONS	0	.00	2	.00	0	.00
STORAGE SHEDS	1	2,310.00	0	.00	0	.00
BASEMENT FINISH	7	28,287.20	10	29,879.75	2	9,908.50
INDUSTRIAL BUILDINGS	0	.00	1	200,000.00	0	.00
COMMERCIAL BUILDINGS	0	.00	7	2,280,847.00	0	.00

Permit Type	***** City *****		DATE SELECTION		***** ETA *****	
	10/2014 Permits	Valuation	10/2013 Permits	Valuation	10/2014 Permits	Valuation
OFFICE & PROFESSIONAL BLD	4	3,146,827.00	1	353,626.00	0	.00
OTHER	11	313,372.00	0	.00	0	.00
ALTER PUBLIC	0	.00	1	2,220,250.00	0	.00
APTS TO CONDO	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00
SINGLE FAMILY TO MULTI-FA	0	.00	0	.00	0	.00
MULTI-FAMILY TO SINGLE-FA	0	.00	0	.00	0	.00
RESIDENTIAL	0	.00	0	.00	0	.00
OTHER	1	.00	2	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00
FIREWORKS SALES	0	.00	0	.00	0	.00
NURSERY STOCK SALES	0	.00	0	.00	0	.00
TEMPORARY STRUCTURE PERMIT	1	.00	0	.00	0	.00
CIRCUS/CARNIVAL	0	.00	0	.00	0	.00
MOVE OUT OF PWT LOCATION	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00
MOVE WITHIN PWT LOCATION	0	.00	0	.00	0	.00
NEW SIGN PERMIT	10	197,783.45	7	476,990.53	1	725.00
SIGN ALTERATION	0	.00	1	59,000.00	0	.00
ELECTRONIC MESSAGE CENTER	0	.00	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00
Permit Type Total	128	47,266,657.85	123	19,239,356.03	16	630,844.00
					21	2,511,061.25

DATE SELECTION 10/2014

Permit Type	***** City *****		***** ETA *****	
	Permits 10/2014	Permits 10/2013	Permits 10/2014	Permits 10/2013
Plumbing	74	126	15	15
Electrical	91	158	0	0
Mechanical	110	144	25	39
Drain Field	1	0	30	29
Hood Suppression	0	5	0	0
SprinklerStandpipe	3	7	0	0
Alarm Detection	2	0	0	0
Total	281	440	70	83

DATE SELECTION 10/2014

 City *****
 Units 10/2014 Units 10/2013 Units 10/2014 Units 10/2013

Living Units	Units 10/2014	Units 10/2013	Units 10/2014	Units 10/2013
SINGLE FAMILY DETACHED	34	34	2	8
SINGLE FAMILY ATTACHED	17	15	0	0
TWO UNIT	0	4	0	0
FIVE & MORE FAMILY	246	0	0	0
MANUFACTURED HOMES	0	2	0	0
MOBILE HOME WITHOUT EXTRA	4	0	0	0
INDUSTRIAL	0	1	0	0
ROOM ADDITIONS	2	0	0	0
RESIDENTIAL GARAGES	0	0	3	0
OTHER	1	1	0	0
Total	304	57	5	8

PERMIT LOCATION	PERMIT NUMBER	PROPERTY ADDRESS	DATE SELECTION	10/2014	OWNERS NAME CONTRACTOR	VALUATION
CITY OF BISMARCK	2014-0001671	4100 SARATOGA		AV	WESTMOR INDUSTRIES, LLC WESTMOR INDUSTRIES, LLC	1,890,000.00
CITY OF BISMARCK	2014-0001708	3442 E CENTURY		AV	NORTHWEST CONTRACTING INC NORTHWEST CONTRACTING INC	2,800,000.00
CITY OF BISMARCK	2014-0001776	1248 EDWARDS		AV	PROFESSIONAL CONTRACTORS INC PROFESSIONAL CONTRACTORS INC	2,173,745.00
CITY OF BISMARCK	2014-0001777	1226 EDWARDS		AV	PROFESSIONAL CONTRACTORS INC PROFESSIONAL CONTRACTORS INC	2,823,745.00
CITY OF BISMARCK	2014-0001780	3111 NE 43RD		AV	NORTHRIDGE CONSTRUCTION INC NORTHRIDGE CONSTRUCTION INC	7,035,000.00
CITY OF BISMARCK	2014-0001781	2907 NE 43RD		AV	NORTHRIDGE CONSTRUCTION INC NORTHRIDGE CONSTRUCTION INC	6,892,000.00
CITY OF BISMARCK	2014-0001782	3213 NE 43RD		AV	NORTHRIDGE CONSTRUCTION INC NORTHRIDGE CONSTRUCTION INC	6,892,000.00
CITY OF BISMARCK	2014-0001783	3227 NE 43RD		AV	NORTHRIDGE CONSTRUCTION INC NORTHRIDGE CONSTRUCTION INC	6,892,000.00

Permit Type	***** DATE SELECTION *****		***** DATE SELECTION *****		***** DATE SELECTION *****	
	Permits	10/2014 Valuation	Permits	10/2013 Valuation	Permits	10/2014 Valuation
SINGLE FAMILY DETACHED	292	53,830,142.35	394	71,757,208.65	81	14,409,653.23
SINGLE FAMILY ATTACHED	160	23,920,164.69	201	29,934,519.25	4	721,514.50
TWO UNIT	11	1,752,564.75	9	1,706,435.00	0	.00
THREE & FOUR FAMILY	1	1,006,200.00	3	1,332,008.00	0	.00
FIVE & MORE FAMILY	13	54,719,451.00	13	27,098,400.00	0	.00
CONDO/TOWNHOUSE-1 HR.WALL	0	.00	0	.00	0	.00
MANUFACTURED HOMES	1	.00	40	3,000.00	0	.00
MOBILE HOME WITHOUT EXTRA	35	.00	0	.00	0	.00
MOBILE HOME WITH EXTRAS	1	1,800.00	0	.00	0	.00
MOBILE HOME MISCELLANEOUS	2	.00	1	2,000.00	0	.00
HOTELS	0	.00	2	14,096,480.00	0	.00
MOTELS	0	.00	2	2,015,000.00	0	.00
GROUP QUARTERS	0	.00	0	.00	0	.00
NON-STRUCTURAL DEVELOPMENT	9	825,711.64	18	6,639,059.00	1	.00
AMUSEMENT & RECREATION	1	343,900.00	0	.00	0	.00
CHURCHES AND RELIGIOUS	0	.00	0	.00	0	.00
INDUSTRIAL	42	29,087,724.00	19	18,987,435.00	2	1,192,510.45
RESEARCH & DEVELOPMENT	0	.00	0	.00	0	.00
AUTO SERVICE AND REPAIR	0	.00	0	.00	0	.00
HOSPITALS & INSTITUTIONAL	0	.00	0	.00	0	.00
OFFICE, BANK & PROFESSION	10	2,335,172.00	10	17,066,047.51	0	.00
SCHOOLS AND EDUCATIONAL	3	6,097,490.00	1	11,921,517.00	0	.00
COMM (RETAIL SALES)	2	217,815.00	1	813,256.00	0	.00
OTHER (PUBLIC PARKING GAR	0	.00	1	12,986,524.00	0	.00
OTHER STRUCTURES	44	37,102,442.00	51	15,598,337.10	1	150,000.00
PUBLIC BUILDING	3	56,358,984.28	1	900,000.00	0	.00
ROOM ADDITIONS	25	616,297.90	18	439,179.50	12	559,639.90
RESIDENTIAL GARAGES	83	712,394.00	90	877,816.00	73	1,600,520.50
PATIO AND COVERS	193	737,826.25	116	395,987.00	17	142,750.00
SWIMMING POOLS AND SPAS	8	393,247.59	4	169,595.00	4	176,326.00
OTHER	44	367,061.88	70	986,638.25	5	107,466.50
HOME OCCUPATIONS	4	.00	8	.00	0	.00
STORAGE SHEDS	14	37,690.00	25	47,881.00	3	26,640.00
BASEMENT FINISH	128	787,524.43	150	732,086.25	26	159,121.25
INDUSTRIAL BUILDINGS	11	8,683,595.00	19	15,609,881.00	0	.00
COMMERCIAL BUILDINGS	34	12,191,931.98	45	15,158,615.37	3	596,760.00

PERMIT ACTIVITY REPORT - YTD

Permit Type	DATE 10/2014		DATE 10/2013		DATE 10/2014		DATE 10/2013	
	Permits	Valuation	Permits	Valuation	Permits	Valuation	Permits	Valuation
OFFICE & PROFESSIONAL BID	21	6,157,612.74	18	3,958,889.00	0	.00	0	.00
OTHER	26	9,513,809.04	32	2,757,280.85	3	2,887,348.00	3	233,500.00
ALTER PUBLIC	6	16,583,803.00	15	38,901,519.00	0	.00	1	72,860.00
APTS TO CONDO	16	.00	0	.00	0	.00	0	.00
TO/FROM RESIDENTIAL	0	.00	0	.00	0	.00	0	.00
SINGLE FAMILY TO MULTI-FA	1	.00	0	.00	0	.00	0	.00
MULTI-FAMILY TO SINGLE-FA	4	.00	0	.00	0	.00	0	.00
RESIDENTIAL	3	.00	9	.00	0	.00	4	.00
OTHER	7	286,625.32	3	.00	0	.00	0	.00
CHRISTMAS TREE SALES	0	.00	0	.00	0	.00	0	.00
FIREWORKS SALES	1	.00	1	.00	0	.00	0	.00
NURSERY STOCK SALES	5	.00	4	.00	13	.00	16	.00
TEMPORARY STRUCTURE PERMIT	7	.00	10	.00	0	.00	3	.00
CIRCUS/CARNIVAL	0	.00	1	.00	0	.00	0	.00
MOVE OUT OF PMT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE INTO PERMIT LOCATION	0	.00	0	.00	0	.00	0	.00
MOVE WITHIN PMT LOCATION	0	.00	0	.00	0	.00	0	.00
NEW SIGN PERMIT	92	3,219,842.31	55	1,454,200.41	2	21,725.00	1	4,000.00
SIGN ALTERATION	1	16,500.00	2	116,485.00	0	.00	0	.00
ELECTRONIC MESSAGE CENTER	1	34,711.49	2	15,290.42	0	.00	0	.00
FLOOD RELATED PERMITS	0	.00	0	.00	0	.00	0	.00
Permit Type Total	1365	327,940,034.64	1467	314,894,241.56	250	22,751,975.33	376	47,205,652.75

Permit Type	***** DATE SELECTION 10/2014 *****		***** ETA 10/2013 *****	
	Permits 10/2014	Permits 10/2013	Permits 10/2014	Permits 10/2013
Plumbing	689	749	107	162
Electrical	1082	1238	2	0
Mechanical	1271	1340	194	242
Drain Field	1	0	93	130
Hood Suppression	0	5	0	0
SprinklerStandpipe	3	7	0	0
Alarm Detection	2	0	0	0
Total	3097	3423	396	534

DATE SELECTION 10/2014

Living Units	***** City *****		DATE SELECTION 10/2014		***** ETA *****	
	Units 10/2014	Units 10/2013	Units 10/2014	Units 10/2013	Units 10/2013	Units 10/2013
SINGLE FAMILY DETACHED	292	394	81	133		
SINGLE FAMILY ATTACHED	160	201	4	4		
TWO UNIT	22	18	0	0		
THREE & FOUR FAMILY	4	10	0	0		
FIVE & MORE FAMILY	522	358	0	0		
MANUFACTURED HOMES	1	15	0	0		
MOBILE HOME WITHOUT EXTRA	9	0	0	0		
MOTELS	0	74	0	0		
INDUSTRIAL	15	2	0	0		
OTHER STRUCTURES	2	3	0	0		25
PUBLIC BUILDING	0	8	0	0		0
ROOM ADDITIONS	13	6	6	2		2
RESIDENTIAL GARAGES	1	0	4	0		0
PATIOS AND COVERS	3	1	0	0		0
SWIMMING POOLS AND SPAS	0	0	1	0		0
OTHER	4	5	1	3		3
BASEMENT FINISH	12	9	4	2		2
INDUSTRIAL BUILDINGS	0	1	0	0		0
COMMERCIAL BUILDINGS	0	1	0	0		0
OTHER	85	9	0	0		0
RESIDENTIAL	0	1	0	0		0
Total	1145	1116	101	169		