Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA
January 28, 2015

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

Item No. | Page

MINUTES

1. Consider approval of the minutes of the December 17, 2014 meeting of the Bismarck Planning & Zoning Commission.

PRESENTATION/PUBLIC HEARING
2015-2040 LONG RANGE TRANSPORTATION PLAN

2. Presentation and public hearing on the Metropolitan Planning Organization's 2015-2040 Long Range Transportation Plan – Jason Carbee, HDR Engineering

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

3. **Southport Phase II** – PUD Amendment (Klee) 1

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

4. **Capitol View Addition** – PUD Amendment (JT) 7

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

5. **Accessory Buildings** – Zoning Ordinance Text Amendment (Klee) 15

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.

6. **Part of the E½ of Section 9, T139N-R80W/Hay Creek Township –** Annexation (Klee) 31

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

7. **RDO Hay Creek Industrial Addition** (JW)

   a. Annexation 35

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

   b. Zoning Change (A & MA to MA) 37

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

   c. Final Plat 41

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

8. **South 40 feet of the vacated East Thayer Avenue adjacent to Blocks 1 & 2, Eagles Addition** – Zoning Change (CG & MA to CG) (JW) 57

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

9. **Lot 1, Block 1, Boutrous Third Addition** – Special Use Permit (digital billboard) (JW) 61

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

10. **Lot 18, Block 12, Grande Prairie Estates Second Subdivision** – Special Use Permit (accessory building) (JW) 69

    Hay Creek Township

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

11. **Auditor's Lot A, Block 4, Wachter's Addition** – Special Use Permit (drive through for food establishment) (JW) 75

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

12. **Auditor's Lots B & C, Block 4, Wachter's Addition** – Special Use Permit (drive through for coffee shop) (JW) 81

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

OTHER BUSINESS

13. **Election of Chair and Vice Chair**

14. **Update on Downtown District Revisions**

15. **Other**

ADJOURNMENT

16. **Adjourn.** The next regular meeting date is scheduled for Wednesday, February 25, 2015.

Enclosures: Meeting Minutes of December 17, 2014

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Southport Phase II – Major PUD Amendment	
Status: Planning Commission – Consideration	**Date:** January 28, 2015
Owner(s): Southport Development (developer)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Modify PUD to increase the number of dwelling units allowed in the residential portion of the development from 132 units to 133 units.	
Location: Along the west side of Riverwood Drive south of West Bismarck Expressway.	
Project Size: 43.1 acres (entire PUD)	**Number of Lots:** 8 lots (entire PUD)
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Mixed use	**Land Use:** Mixed use
Zoning: PUD – Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: As allowed by the original PUD & amendments	**Uses Allowed:** As allowed by the original PUD & amendments
Maximum Density Allowed: Density specified in PUD	**Maximum Density Allowed:** Density specified in PUD

PROPERTY HISTORY:		
Zoned: 10/1992 (PUD) 03/2011 (Last Amendment)	**Platted:** 04/1993 (Southport)	**Annexed:** 05/1993

ADDITIONAL INFORMATION:

1. Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan.

2. In 1997, the Southport Phase II PUD was amended to allow "a mixed-use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height." The proposed changes were tied to a modified site plan, which included a 25' x 80' (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of the channel) continued to be designated as a commercial area with offices, a marina and a restaurant.

3. There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42' x 48' deck on the northern end of the building.

(continued)

4. In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of the channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.

5. A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.

6. In 2002, the PUD was amended to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).

7. In 2011, the PUD was amended to change the a use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant.

8. The PUD amendment as proposed would increase the number of allowable dwelling units from 132 units to 133 units for the residential portion of the development.

FINDINGS:

1. All technical requirements for consideration of a major PUD amendment have been met.

2. The PUD as amended would be compatible with the adjacent land uses. Adjacent land uses include a variety of residential uses within the PUD and to the south, open space to the north, the Missouri River to the west, and a public golf course, archery facility and open space to the east.

3. The property is already being developed; therefore, the PUD as amended would not place an undue burden on public services.

4. The PUD as amended is consistent with adopted plans, policies and accepted planning practice. It is also consistent with the original PUD, which allowed a variety of residential dwelling units within the development.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the major PUD amendment for Southport Phase II, as outlined in the attached draft PUD amendment document.

SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5312 (Adopted March 23, 2004)
MAJOR PUD AMENDEMNT (Adopted March 23, 2011)
MAJOR PUD AMENDMENT (Adopted _____)

WHEREAS, Ordinance No. 5312 was adopted by the Board of City Commissioners on March 23, 2004; and

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

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

WHEREAS, the PUD was amended on March 23, 2011 to change the a use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant and to eliminate the convenience store use; and

WHEREAS, Southport Marina, LLC has requested an amendment to the Planned Unit Development for Southport Phase II.

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:

> Lots 1-8, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport

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

1. *Uses Permitted.* Uses permitted include a mixed use development, including a maximum of ~~132~~ 133 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; marina parking facilities, a marina restroom facility and boat ramp on Tracts A, B and C of Lot 1, Southport Phase II; a bar/restaurant/office building, a marina restroom facility, and parking facilities on Lot 6, Southport Phase II; a maintenance/office building on Lot 4, Southport Phase II; a private roadway over Lot 3, Southport Phase II (Southport Loop); and channel/marina facilities, including the sale of gas and minor convenience items from a kiosk, on Lots 5 and 8, Southport Phase II. The configuration of residential units and other uses shall generally conform to the overall development plan for Southport Phase II dated March 3, 2004. Any change in the use of any building from that indicated above will require an amendment to this PUD.

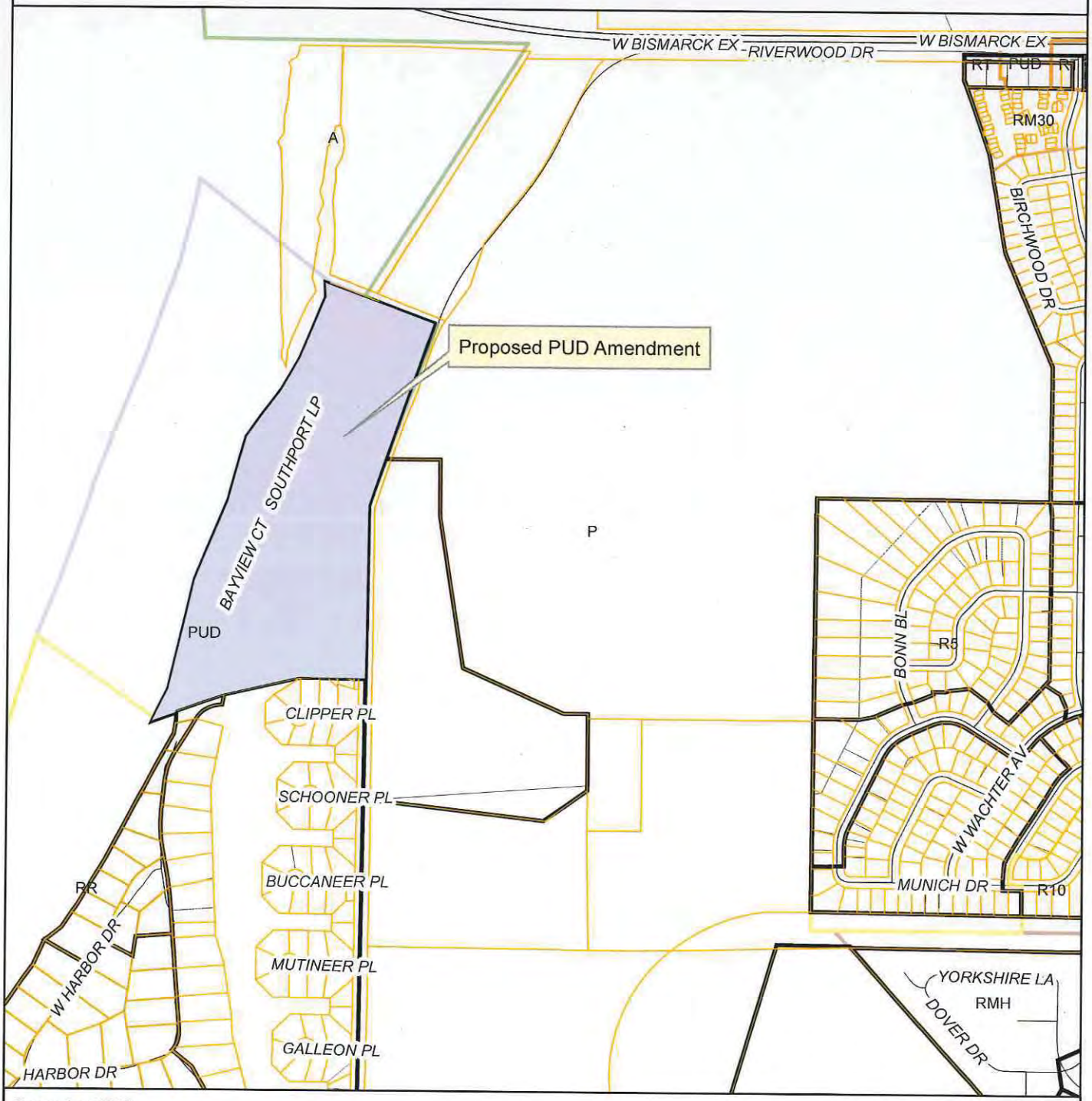
2. *Residential Development Standards.* The maximum allowable density shall be ~~132~~ 133 units, the minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Riverwood Drive, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code. Residential building types shall be substantially similar to those approved in the original PUD and subsequent amendments and shall be no more than two stories in height. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.

3. *Commercial Development Standards.* The bar/restaurant/office building on Lot 6 shall be no larger than 4850 square feet in size on two floors (3490 square feet on the first floor and 1360 square feet on the second floor), with a first floor deck no larger than 1920 square feet on the west side of the building (480 square feet associated with office use and 1440 square feet associated with bar/restaurant use), and a second floor deck no larger than 480 square feet on the west side of the building (associated with office use), as submitted with the request for this PUD amendment (exterior elevations and building footprint) and subsequent amendments. The two story portion of the building will be used for offices and the one story portion of the one story building will be used as a bar/restaurant. The minimum front yard setback for the building shall be 25 feet along Riverwood Drive. Operation of the bar/restaurant will be subject to any standards agreed to by the City and the Developer in conjunction with liquor licensing for the establishment. The kiosk to be located at the end of the southernmost dock on Lot 5 shall be no larger than 100 square feet, no more than one story in height, and architecturally similar to other buildings in the development. Any change to the exterior dimensions, uses or setbacks of the building that are inconsistent with these standards will require an amendment to this PUD.

4. *Maintenance Building/Office.* The maintenance/office building located on Lot 4 shall be no larger than 1200 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. This building may be used for storage of maintenance equipment for the development and office space for Southport Development. Any change to the location, size or use of this building that is inconsistent with these standards will require an amendment to this PUD.

5. *Marina Restroom Facilities.* The marina restroom facility located on Tract A of Lot 1, and any future marina restroom facility to be located on Lot 6, shall be no larger than 256 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. The marina restroom facility on Lot 6 may be attached to the north side of the bar/restaurant, rather than a free-standing building, provided the addition is no more than 256 square feet, no more than one story in height, and

Proposed PUD Amendment
Southport Phase II



December 2014

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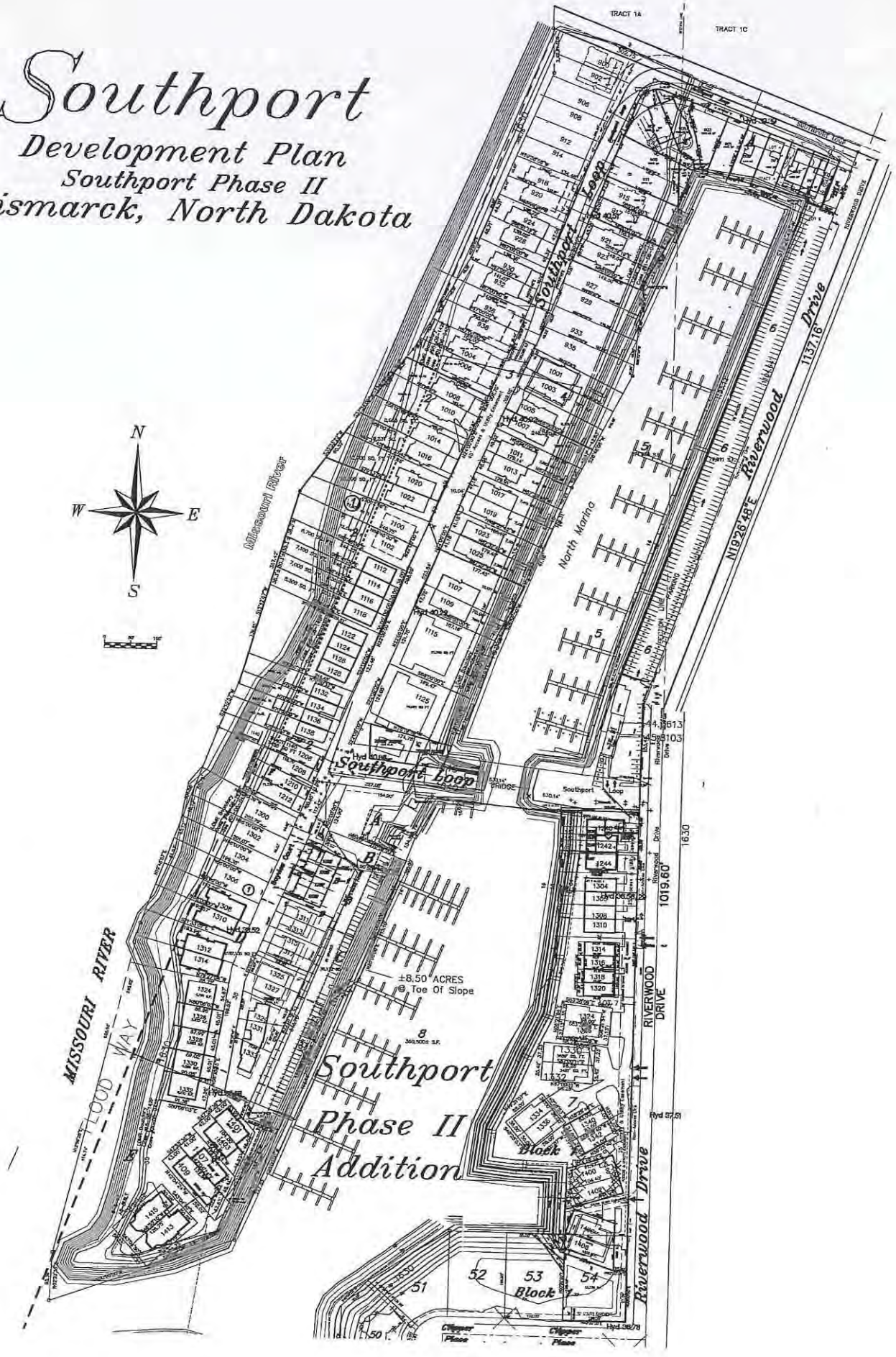
Southport

Development Plan

Southport Phase II

Bismarck, North Dakota



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1, Block 1, Capitol View Addition – Major PUD Amendment	
Status: Planning Commission – Consideration	**Date:** January 28, 2015
Owner(s): State Street Partners, LLP	**Engineer:** EAPC
Reason for Request: Amend PUD to allow the development of a 5-story office/mixed-use building.	
Location: Along the east side of State Street just south of East Divide Avenue.	
Project Size: 1.838 acres	**Number of Lots:** 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped, previously a motel	**Land Use:** 5-story mixed-use office building
Zoning PUD-Planned Unit Development	**Zoning:** PUD-Planned Unit Development
Uses Allowed: As specified by the draft PUD	**Uses Allowed:** As specified by the draft PUD
Maximum Density Allowed: N/A	**Maximum Density Allowed:** As specified by the draft PUD

PROPERTY HISTORY:		
Zoned: 09/2010	**Platted:** 05/09	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The initial PUD in 2009 permitted an 84-foot tall, mixed-use office building with two dwelling units on the top floor.

2. The PUD was amended, at the request of the property owner, in 2010 to allow the construction of a 3-story hotel. That plan has been abandoned by the owner in-lieu of this request.

3. The east property line contains a utility easement with overhead utility lines in place. Due to the utility lines, the plant material required for the buffer yard would be modified slightly. The large upright coniferous trees and large upright deciduous trees have been removed from the requirements and replaced with small upright evergreen species and small ornamental trees. The proposed plant material for the east buffer yard would not change from the previously-approved proposal. The required buffer yard along the south property line shall conform to the requirements of the Landscaping and Screening Ordinance (14-03-11) and can be determined during the Site Plan Review process prior to site development. The required buffer yard along the south property line would be 15-feet; adequate room is available for the plant material in this area, no modifications from the buffer yard ordinance would be necessary.

FINDINGS:

1. The proposed use would be compatible with adjacent land uses. Adjacent land uses include the Capitol grounds to the west, commercial uses to the north, offices and apartments to the south and single and two-family residential to the east.

(continued)

2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services

3. The proposed PUD amendment and subsequent development would not adversely affect property in the vicinity provided the landscape buffer yard is installed in conjunction with site development and exterior lighting of the building and the off-street parking areas is designed in a manner to limit the amount of ambient light that is cast onto the adjoining residential properties.

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

5. The proposed PUD amendment and subsequent development 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 major PUD amendment for Lot 1, Block 1, Capitol View Addition, as outlined in the attached PUD amendment.

CAPITOL VIEW ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5729 (Adopted May 26, 2009)
MAJOR PUD AMENDMENT (Adopted September 22, 2010)
MAJOR PUD AMENDMENT (Adopted _ _/_ _, 2015)

WHEREAS, Ordinance No. 5729 was adopted by the Board of City Commissioners on May 26, 2009; and

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

WHEREAS, the PUD was amended on September 22, 2010 to change the proposed use of the property to a 3-story, 82-unit hotel; and

WHEREAS, State Street Partners, LLP has requested an amendment to the Planned Unit Development for Lot 1, Block 1, Capitol View 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:

Lot 1, Block 1, Capitol View Addition

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

1. *Uses Permitted.* Uses permitted include:

   a. ~~Hotel~~ A 5-story office building with underground parking, a financial institution with a drive-thru, a restaurant and residential uses.

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

2. *Special Uses.*

   A special use to allow a drive-through facility in conjunction with a financial instituition.

3. *Development Standards.*

   a. Front Yard Setback. A building setback of not less than 25-feet from Divide Avenue East and not less than 15 feet from 12th Street North.

   b. Side Yard Setback. A building setback of not less than 20 feet along the east property line.

   b. Rear Yard Setback. A building setback of not less than 22-feet along the south property line.

   c. Height. The maximum building height is ~~50~~ 85 feet.

e. Lot coverage. The maximum lot coverage for buildings and required parking is 75% of the total lot area.

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

4. *Design and Aesthetic Standards.*

a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance. The design of the building shall generally conform to the submitted architectural renderings submitted with the application. The building's primary exterior treatments shall be composed of brick or a similar material, precast panels or a similar material, metal panels or a similar material and glass windows.

b. Outdoor storage is not allowed within this Planned Unit Development.

5. *Development Standards.*

a. Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.

b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement. Concrete perimeter curbing of the parking areas will not be required. A minimum of 82 off-street parking spaces shall be provided based on the site plan submitted with the application.

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

d. Buffer Yards. Buffer yards shall be provided along the south and east property lines and shall generally conform to the site plan that was submitted with the application. The buffer yard plantings must be within the buffer yard easements shown on the face of the plat. The entire landscape buffer yard shall be installed within in conjunction with site development. The proposed plant material for the east buffer yard would not change from the previously-approved proposal. The required buffer yard along the east property line is 20-feet. The required buffer yard along the south property line shall conform to the requirements of the Landscaping and Screening Ordinance (14-03-11) and can be determined during the Site Plan Review process prior to site development. The required buffer yard along the south property line is 15-feet.

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

f. Signage. Signage for the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development. A pylon sign may not exceed 40 feet in height.

g. Lighting. Exterior lighting shall be designed and installed in a manner to limit the amount of ambient light effects on adjoining residential properties.

~~g~~h. All other development standards shall be as outlined in Section 14-04-08, RT-Residential District, of the City Code of Ordinances.

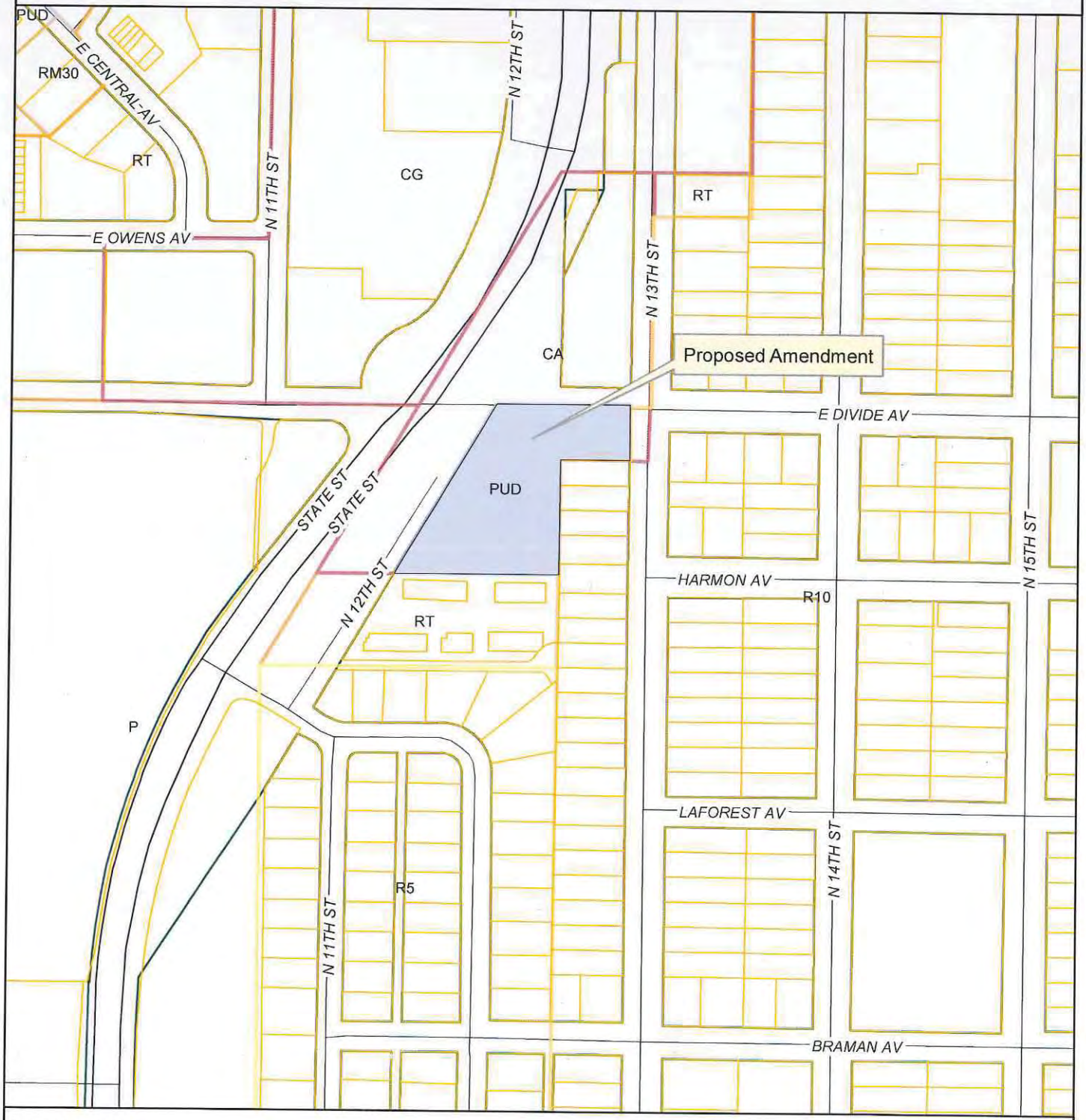
6. *Site Plan Review.*

a. The site plan submitted with the application does not constitute an official site plan. Prior to development the proposed development is subject to the City's Site Plan Review Process and must meet the established regulations and guidelines.

7. *Changes.*

a. 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
Capitol View Addition



December 2013

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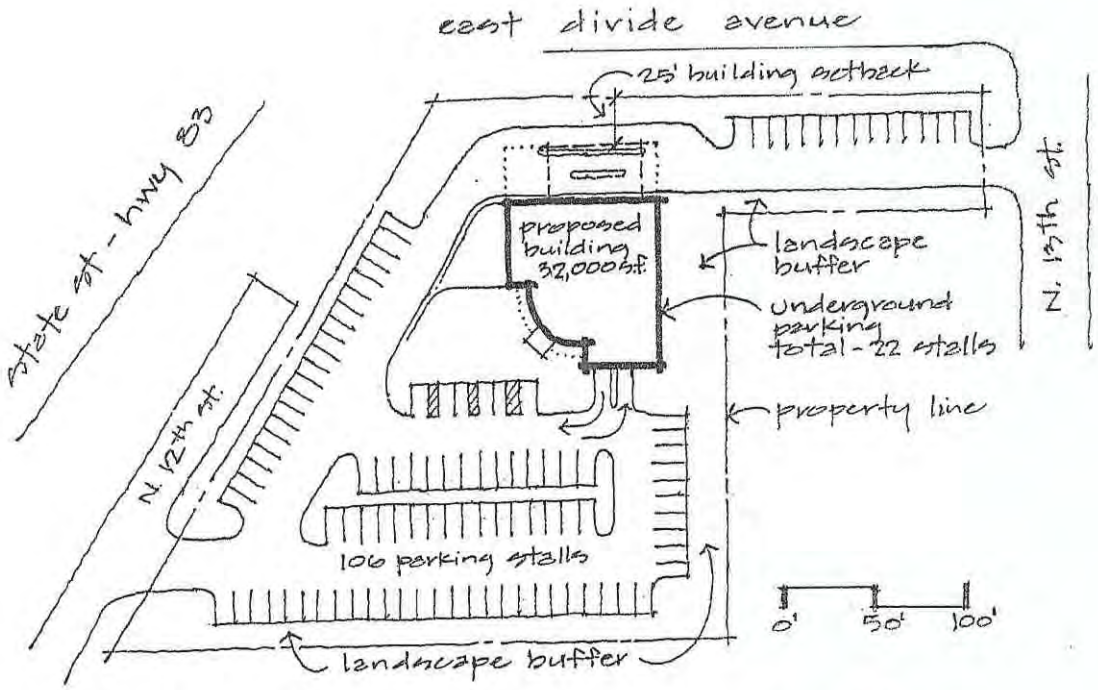


state & divide site plan

bismarck, nd

12.26.14 eapc architects engineers

CITY OF BISMARCK
Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-05, 14-03-06, 14-04-01, 14-04-01.1 AND 14-04-17 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SUPPLEMENTARY PROVISIONS, INCIDENTAL USES, AND THE RR - RESIDENTIAL, RR5-RESIDENTIAL AND A-AGRICULTURAL ZONNG DISTRICTS.

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

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

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

* * * * *

Accessory building: See "Building-Accessory".

Accessory use: A use or structure that is clearly incidental to and customarily found in connection with a principal structure or use; is subordinate in area, extent and purpose to the principal building or uses; contributes to the comfort, convenience or necessity of occupants of the principal use; and is located on the same lot and in the same zoning district as the principal use.

* * * * *

Building-Accessory: A subordinate building or structure, the use of which is customarily incidental to

that of a principal building on the same lot, including, without limitation, garages, storage sheds, playhouses, kennels, statuary, trellises, barbecue stoves or similar structures, storm or civil defense shelter, radio towers, satellite receiving or transmitting stations or antennas, and other structures, towers, antenna, ornaments or devices.

* * * * *

Section 2. Amendment. Section 14-03-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Supplementary Provisions is hereby amended and re-enacted to read as follows:

14-03-05. Supplementary Provisions. The regulations specified in this title shall be subject to the following provisions and interpretations:

* * * * *

4. Location of residential accessory buildings.

a. In any residential zoning district except RR and RR5 (see the RR or RR5 district for accessory building regulations specific to that district), all accessory buildings except garages shall be located in the rear yard and shall not be less than three feet from the rear or side lot line when located at least ten feet behind the rear wall of the principal building. If the ten-foot distance behind the rear wall of the principal building cannot be maintained, the same ~~side yard must be maintained~~ setbacks shall be maintained as is required for the principal building. Any uncovered deck, patio or porch shall not be considered as part of the principal building for purposes of this subsection. ~~If the ten-foot distance cannot be maintained the same side yard must be maintained as is required for the principal building.~~

b. A garage located in a rear yard and approached from an alley must be set back from the alley line at least twenty feet. When the approach to the garage is parallel to the alley and the car maneuvers on private property, the distance from the alley and side lot lines to the garage may be not less than three feet.

c. Accessory buildings, including garages, located on a corner lot in a residential district shall be located not less than twenty feet from the lot line of the side street and in no case shall be set back less than the setback distance required for the principal building. The minimum setback from the adjacent lot line of the lot also facing the side street shall be the same as required for the principal building.

d. In a residential district any garage on an inside lot may be located with the same setback from the street as required for the principal building providing that such setback is at least twenty feet and that such garage does not violate the side yard requirements for a principal building for the district in which it is located. If such detached garage is located at least ten feet behind the rear wall of the principal building ~~on the adjacent lots, having the greater setback from the front property line,~~ such garage may be located not less than three feet from the side lot line. ~~In all instances, such measurement shall be made from the eaves.~~

e. All setback measurements for accessory buildings shall be made from the eaves rather than the wall or foundation.

~~e~~f. No accessory building shall be allowed on any utility easement.

* * * * *

Section 3. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses. Permitted uses and approved special uses shall be deemed to include accessory uses and accessory structures that are customarily incidental to the principal use, subject to the following standards:

1. Accessory Uses and Buildings.

a. General Requirements. Accessory uses and buildings shall comply with the following standards and all other applicable regulations of this chapter:

1. The accessory use or building shall be incidental and customarily associated with the principal use or structure.

2. Except for accessory buildings for one and two-family residential uses constructed in accordance with the provisions of Section 14-03-06(1)(b), the accessory use or building shall be subordinate in area, extent, and purpose to the principal use or building served.

3. The accessory use or building shall contribute to the comfort, convenience and necessity of the occupants of the principal use or building served.

4. The accessory use or building shall be located on the same zoning lot as the principal use or building.

5. The accessory use or building shall not be injurious to the use and enjoyment of surrounding properties.

6. No accessory building shall be located within any recorded public easement or over any known public utility.

b. One and two-family residential accessory uses and buildings.

1. Accessory uses and buildings commonly associated with residential uses include recreational activities, raising of pets, hobbies and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-02 or 14-04-17 of this ordinance. No more than three (3)

dogs or cats, four months of age or older are allowed.

3. Private swimming pools are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. ~~All allowable accessory buildings to a residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum of twenty-four hundred (2,400) square feet for lots between 65,000 square feet and five and one-half (5.5) acres; and to a maximum of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet for lots larger than five and one-half (5.5) acres. For residential accessory buildings, the maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.~~ All allowable accessory buildings for a one or two-family residence in an urban residential zoning district (R5, R10, RM & RT) shall be limited to a maximum area of twelve hundred (1,200) square feet, a maximum wall height of twelve (12) feet and a maximum building height of twenty-five (25) feet.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

~~The allowable accessory buildings for a single-family residence on a lot in an RR - Residential district with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in~~

~~accordance with the provisions of Section 14-03-08.~~

~~The allowable accessory buildings for a single-family residence on a lot in an RR - Residential or RR5 - Residential district with 65,000 square feet to seven and one-half (7.5) acres in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.~~

~~The allowable accessory buildings to a non-farm single-family residence in an A - Agricultural zoning district may be increased to a maximum of 15,000 square feet as a special use in accordance with the provisions of Section 14-04-17.~~

5. All allowable accessory buildings for a single-family rural residence in a rural residential zoning district (RR & RR5) shall be limited to a maximum area of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum area of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; to a maximum area of twenty-four hundred (2,400) square feet for lots over 65,000 square feet, except as provided for herein. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in a rural residential zoning district (RR & RR5) with more than 65,000 square feet in area may be increased

to a maximum of thirty-two hundred (3,200) square feet in provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

6. All allowable accessory buildings for a single-family rural residence in the agricultural zoning district (A) shall be limited to a maximum area of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet and a maximum wall height of sixteen (16) feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot in the A – Agricultural zoning district with at least eighty (80) acres in acres, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts are not less than seventy (70) acres in size when combined together, may be increased to a maximum of 15,000 square feet as a special use in

accordance with the provisions of Sections 14-03-08 and 14-04-17.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

~~5~~7. Construction of ~~a garage or storage building in any RR, RR5, or A zone~~ an accessory building for a single-family rural residence on a lot in a rural residential or agricultural zoning district (RR, RR5 & A) is allowed prior to the construction of the principal dwelling provided the following conditions are met:

a. A petition waiving any objection to the proposed outbuilding is signed by 60% of all owners of land within one-quarter mile of the ~~request~~ property on which the building will be located.

b. ~~Limitations of the garage or shed~~ Any residential accessory building constructed pursuant to this section shall be limited to one structure of no more than one thousand two hundred (1,200) square feet for lots less than 10 acres in size, one thousand eight hundred (1,800) square feet for lots between 10 and 34 acres in size, and two thousand four hundred (2,400) for lots over 34 acres in size.

~~6~~7. All allowable accessory buildings shall comply with the applicable provisions of Section 14-03-05.

c. Multi-family accessory uses and structures.

1. Accessory uses and buildings commonly associated with multi-family residential uses

include recreational activities, management offices, and parking of occupants' vehicles.

2. Customary domestic pets are allowed in accordance with the provisions of Title 3 of the Bismarck Code of Ordinances, but not including horses, poultry or agricultural livestock except as allowed in Sections 14-04-01, 14-04-02 or 14-04-17 of this ordinance. No more than three (3) dogs or cats, four months of age or older are allowed per dwelling unit.

3. Swimming pools for the use of residents and their guests are allowed in accordance with the provisions of Chapter 4-06 of the City Code of Ordinances.

4. Accessory buildings shall be located on the side or rear of the principal building and are not permitted within any required front yard.

5. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

6. All allowable accessory buildings shall comply with the applicable provisions of Section 14-03-05.

d. Non-residential accessory buildings or uses in residential zoning districts:

1. Accessory uses and buildings commonly associated with non-residential uses in residential zoning districts, such as schools and religious facilities, include offices, athletic and recreation facilities, and maintenance facilities.

2. A parish house or similar residential facility is allowed as an accessory use to a religious facility, along with any accessory uses and buildings commonly associated with a residential use.

3. Signage shall be subject to the provisions of Section 4-04-10 of the City Code of Ordinances.

4. All non-residential accessory buildings in residential zoning districts shall be subject to the applicable provisions of Section 14-03-05.

5. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

e. Non-residential accessory uses and buildings in all other zoning districts.

1. Health and Medical Uses. Accessory uses and buildings commonly associated with health and medical uses (health care facilities, not including free-standing medical clinics) include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, housing for staff or trainees and maintenance facilities.

2. Office Uses. Accessory uses and buildings commonly associated with office uses, including medical clinics and financial institutions, include cafeterias, health facilities, maintenance facilities and other amenities primarily for the use of the employees in the building.

3. Institutional Uses. Accessory uses and buildings commonly associated with non-residential uses in residential zoning districts, such as schools and religious facilities, include offices, athletic and recreation facilities, and maintenance facilities.

4. Commercial Uses. Accessory uses and buildings commonly associated with commercial uses include offices, storage of goods for sale on the premises and maintenance facilities.

5. Industrial Uses. Accessory uses and buildings commonly associated with industrial uses include offices, cafeterias, health facilities, maintenance facilities and other amenities primarily for the use of the employees in the building.

6. Agricultural Uses. Gate houses, guard shelters, and structures for parking attendants may be located in a front or side yard at least five (5) feet from the property line and outside of any required sight triangle.

7. All other accessory buildings and structures, including mechanical equipment and electrical transformers, shall comply with the applicable setbacks (front, side and rear) and lot coverage requirements for principal buildings within the underlying zoning district. The provisions of Section 14-03-05 of the City Code of Ordinances do not apply to non-residential accessory buildings in non-residential zoning districts.

8. The design and construction of any accessory building shall be similar to or compatible with the design and construction of the principal building.

9. Except for agricultural buildings located in the agricultural zoning district, no accessory building shall exceed the height or floor area of the principal building.

10. Manufacturing and repair facilities incidental to the principal use subject to the following limitations:

a. Floor space so used shall not exceed twenty-five percent of the total floor space devoted to the principal use.

b. No motive power other than electricity shall be used.

c. No motor used on any machine for manufacturing and repair shall exceed one horsepower.

d. All operations shall be conducted so that no dust, odor, smoke, noise, vibration, heat or glare created by such operation is perceptible from any boundary line of the lot on which the principal use is located.

* * * * *

Section 5. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR Residential District is hereby amended and re-enacted to read as follows:

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

* * * * *

10. Accessory Buildings. All allowable accessory buildings ~~to~~ for a single-family rural residence shall be limited to a maximum of fourteen hundred (1,400) square feet for lots of 40,000 square feet or less; to a maximum of eighteen hundred (1,800) square feet for lots between 40,000 square feet and 64,999 square feet; and to a maximum of twenty-four hundred (2,400) square feet for lots ~~between~~ over 65,000 square feet, except as provided herein ~~and five and one-half (5.5) acres; and to a maximum of one (1) percent of the total lot area up to a maximum of five thousand (5,000) square feet for lots larger than five and one-half (5.5) acres~~. ~~For residential accessory buildings,~~ ~~t~~The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence on a lot ~~in an RR - Residential district~~ with 40,000 to 64,999 square feet in area may be increased to a maximum of twenty-four hundred (2,400) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

The allowable accessory buildings for a single-family rural residence on a lot ~~in an RR - Residential district~~ with more than 65,000 square feet ~~to seven and one-half (7.5) acres~~ in area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings, and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 6. Amendment. Section 14-04-01.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RR5 Residential District is hereby amended and re-enacted to read as follows:

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

* * * * *

11. Accessory Buildings. All allowable accessory buildings ~~to~~ for a single-family rural residence shall be limited to a maximum of ~~twenty-four hundred (2,400)~~ thirty-two hundred (3,200) square feet ~~for each lot of five and one-half (5.5) acres or less and to one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet for lots larger than five and one-half (5.5) acres~~. ~~For residential accessory buildings,~~ ~~t~~The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

~~The allowable accessory buildings for a single-family residence on a lot in an RR5 - Residential district with five and one-half (5.5) acres to seven and one-half (7.5) acres in an area may be increased to a maximum of thirty-two hundred (3,200) square feet provided a special use~~

~~permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.~~

Accessory buildings for the above computations shall include the following buildings: barns, stables, storage buildings and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 7. Amendment. Section 14-04-17 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the A Agricultural District is hereby amended and re-enacted to read as follows:

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

* * * * *

11. Accessory Buildings. All allowable accessory buildings ~~to~~ for a non-farm single-family rural residence shall be limited to a maximum of one (1) percent of the total area of the lot up to a maximum of five thousand (5,000) square feet. The maximum wall height shall be limited to fourteen (14) feet and the maximum building height shall be limited to twenty-five (25) feet.

The allowable accessory buildings for a single-family rural residence a lot in the agricultural zoning district (A) with at least forty (40) acres in area, or the aliquot part of a corrective section intended to comprise a quarter-quarter section, provided such aliquot part is not less than thirty-five (35) acres in size, may be increased to a maximum of seventy-five hundred (7,500) square feet and a maximum wall height of sixteen (16) feet provided a special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

~~Accessory buildings for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages. Attached garages are not included in the above computations,~~

~~provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.~~

~~All~~ The allowable accessory buildings to a non-farm single-family residence may be increased to a maximum of fifteen thousand (15,000) square feet in area, provided:

a. The property on which the accessory building(s) is to be located is no less than 80 acres in size, or two aliquot parts of a corrective section intended to comprise two quarter-quarter sections, provide such aliquot parts when combined are not less than seventy (70) acres in size.

b. The property on which the accessory building(s) is to be located is at least two (2) miles from the current corporate limits of Bismarck.

c. A special use permit is approved by the Planning Commission in accordance with the provisions of Section 14-03-08.

Accessory buildings for the above computations shall include the following buildings: barns, stables and storage buildings, attached and detached garages. Attached garages are not included in the above computations, provided the area occupied by an attached garage does not exceed one and one-half times the area of the footprint of the dwelling portion of the principal structure to which it is attached.

* * * * *

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Part of the E½ of Section 9, T139N-R80W/Hay Creek Township – Annexation	
Status: Planning Commission – Final Consideration	**Date:**
Owner(s): TPR, LLC – E1698' of SE¼ and NE¼ Belfield Access Terminal, LLC – AL B of SE¼ Wapiti LLP – AL C2 of NE¼	**Engineer:** Houston Engineering, Inc.
Reason for Request: Annex property for future platting and development.	
Location: In north Bismarck, along the west side of US Highway 83 between 57th Avenue NE and ND Highway 1804(Auditor's Lot B of the SE¼, the East 1698 feet of the SE¼ less Auditor's Lot B and Daybreak Addition and Tree Top Addition, Auditor's Lot C2 of the NE¼, and the East 1698 of the NE¼ less Auditor's Lots C1, C2, C3 and D, Section 9, T139N-R80W/Hay Creek Township)	
Project Size: 120.41 acres	**Number of Lots:** 4 parcels
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Undeveloped
Zoning: A – Agricultural	**Zoning:** A – Agricultural
Uses Allowed: A – Agriculture	**Uses Allowed:** A – Agriculture
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed**: A – One unit/40 acres

PROPERTY HISTORY:		
Zoned: N/A	**Platted:** N/A	**Annexed:** N/A

ADDITIONAL INFORMATION:

1. The request for annexation was not accompanied by a plat or zoning change; however, both would be required prior to development of the property.

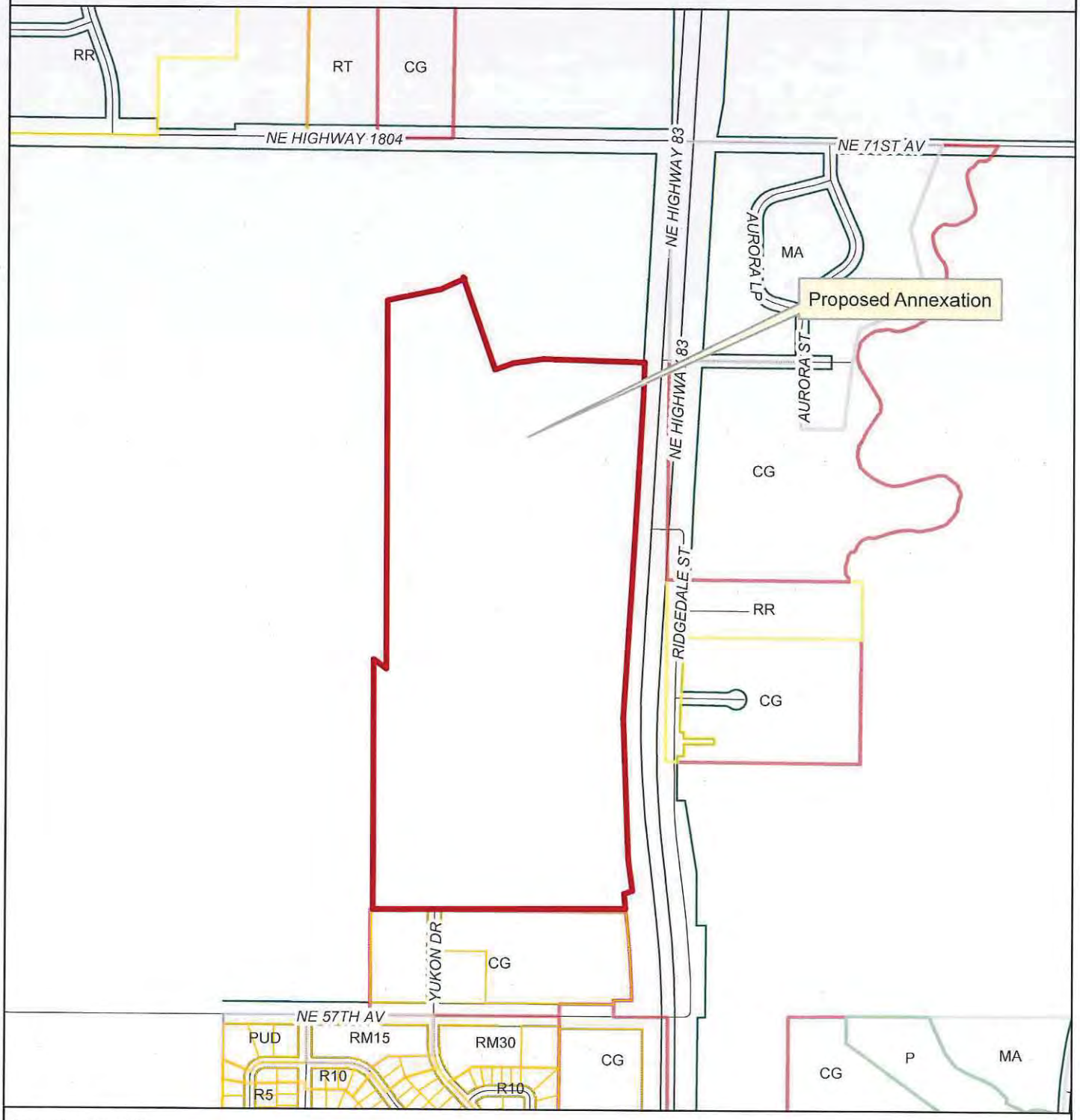
FINDINGS:

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 at the time the property is developed.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of Title 14 of the City Code of Ordinances.
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 part of the E½ of Section 9, T139N-R80W/Hay Creek Township, more specifically described as Auditor's Lot B of the SE¼, the East 1698 feet of the SE¼ less Auditor's Lot B and Daybreak Addition and Tree Top Addition, Auditor's Lot C2 of the NE¼, and the East 1698 of the NE¼ less Auditor's Lots C1, C2, C3 and D, Section 9, T139N-R80W/Hay Creek Township, and with the understanding that the property will not be developable until it is platted and zoned.

Proposed Annexation
Part of the E1/2 of Section 9, T139N-R80W/Hay Creek Township



December 30, 2014

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

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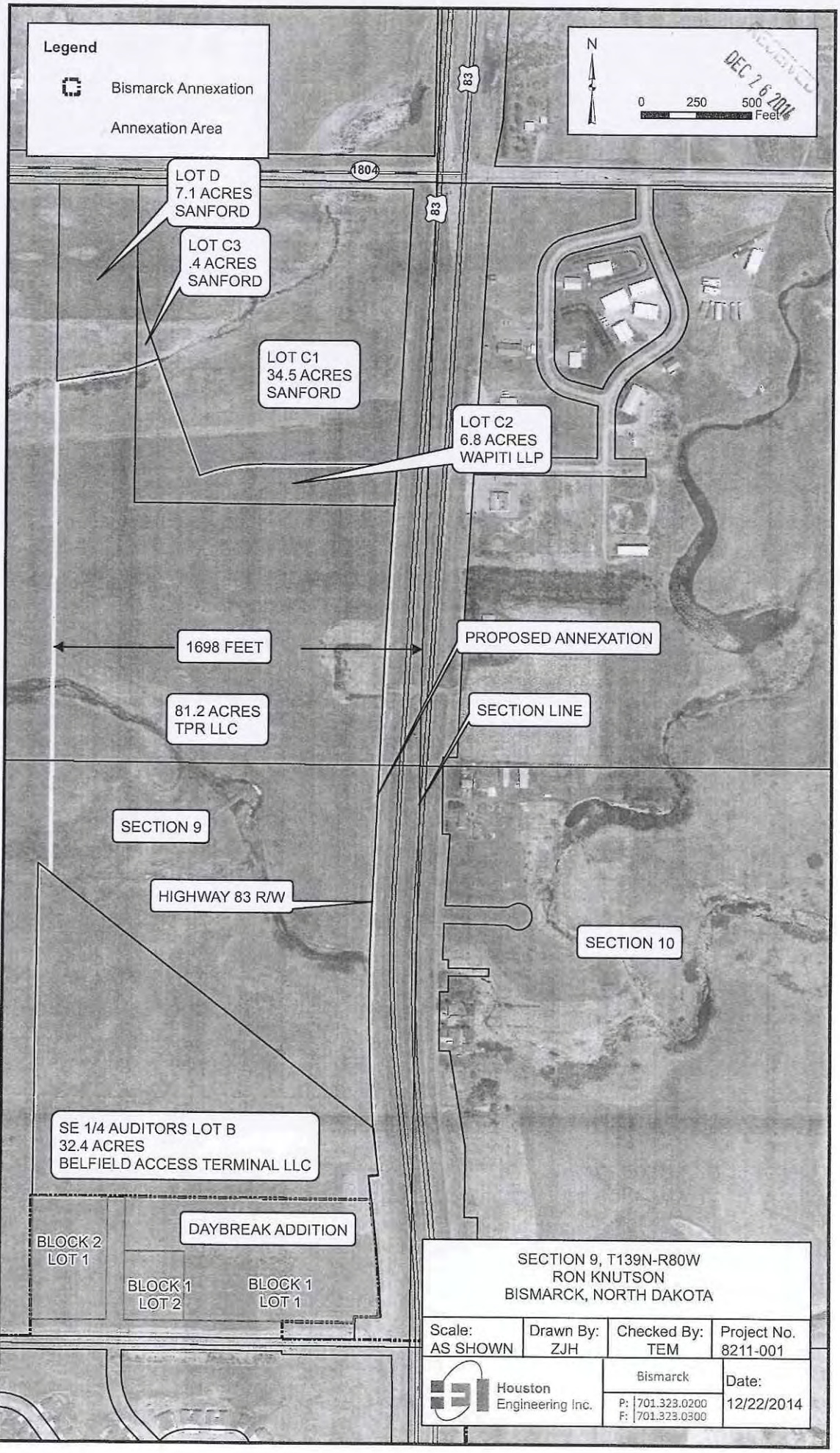


SECTION 9, T139N-R80W
RON KNUTSON
BISMARCK, NORTH DAKOTA

Scale:	Drawn By:	Checked By:	Project No.
AS SHOWN	ZJH	TEM	8211-001

Houston Engineering Inc.
Bismarck
P: 701.323.0200
F: 701.323.0300
Date: 12/22/2014

Path: H:\Bismarck\JBN\8211 Belfield Access Terminal\8211-001 Section 9 Daybreak Addition\GIS\Maps\Annexation\Annexation 12-18-2014.mxd

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: RDO Hay Creek Industrial Addition – Annexation	
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 E1/2 of the SW1/4, Lot 3, part of Lot 5 of the W1/2 of the SE1/4 of Section 26, T139N-R80W/Hay Creek Township).	
Project Size: 53.3 acres more or less	**Number of Lots:** 9 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light industrial
Zoning: A – Agricultural MA – Industrial	**Zoning:** MA – Industrial
Uses Allowed: Agriculture	**Uses Allowed:** 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:

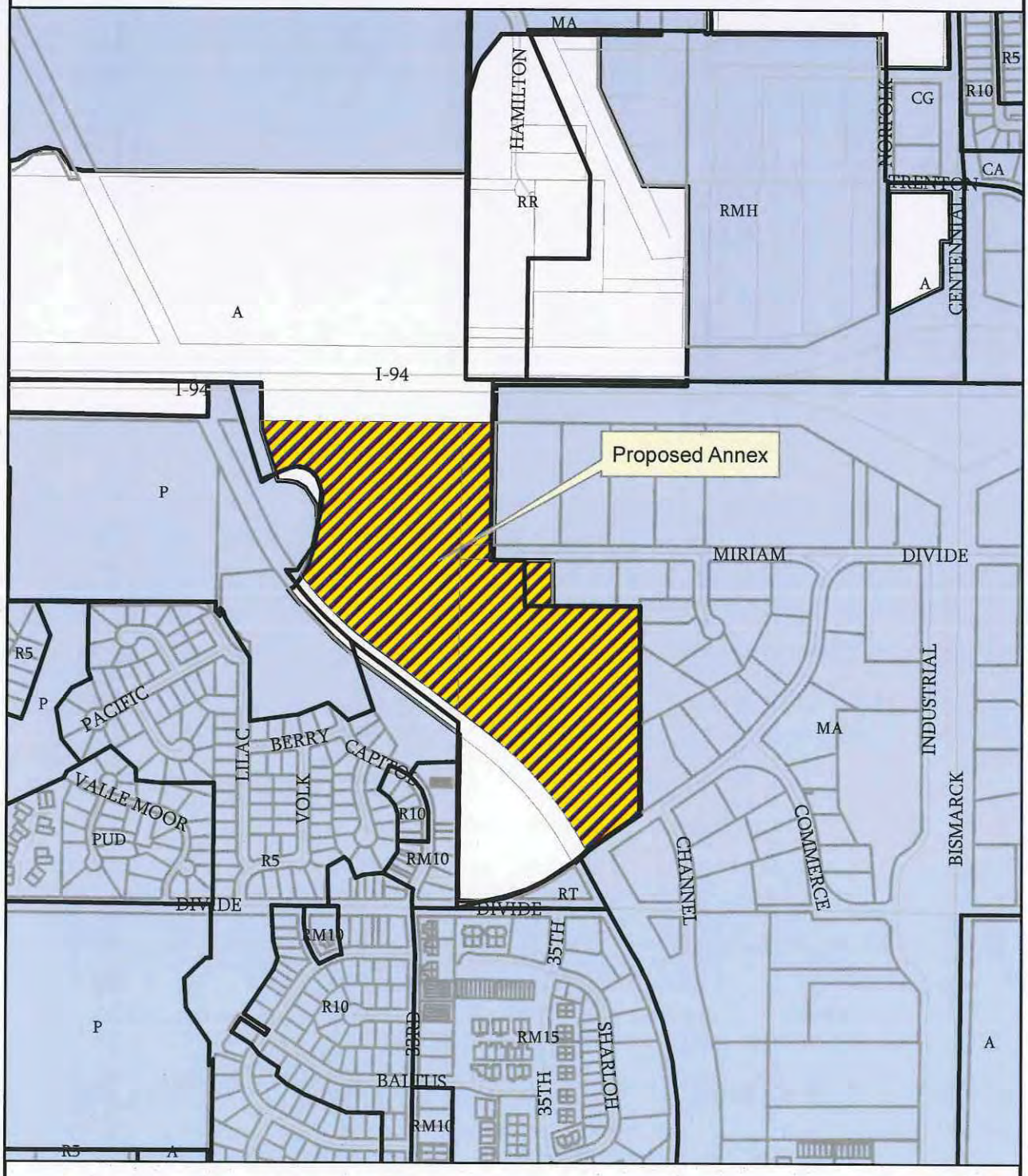
1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent 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 RDO Hay Creek Industrial Addition.

/jw

Proposed Annexation
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 heron.
Date: 10/20/2016(klb)

Source: City of Bismarck

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
RDO Hay Creek Industrial Addition– Zoning Change (A & MA to MA)

Status: Planning Commission - Public Hearing	**Date:** January 28, 2015
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 E1/2 of the SW1/4, Lot 3, part of Lot 5 of the W1/2 of the SE1/4, Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8, Block 3 Miriam Industrial Park First Addition and Lot B of Lot 6 and Lot 7 of Lot 7, Block 3, Miriam Industrial Park First Addition, Section 26, T139N-R80W/Hay Creek Township).

Project Size: 57.4 acres	**Number of Lots:** 9 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light industrial
Zoning: A – Agricultural MA – Industrial	**Zoning:** MA – Industrial
Uses Allowed: Agriculture	**Uses Allowed:** MA – Light industrial uses
Maximum Density Allowed: One unit/40 acres	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
N/A	N/A	N/A

FINDINGS:

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 across the railroad tracks to the west.

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.

(continued)

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

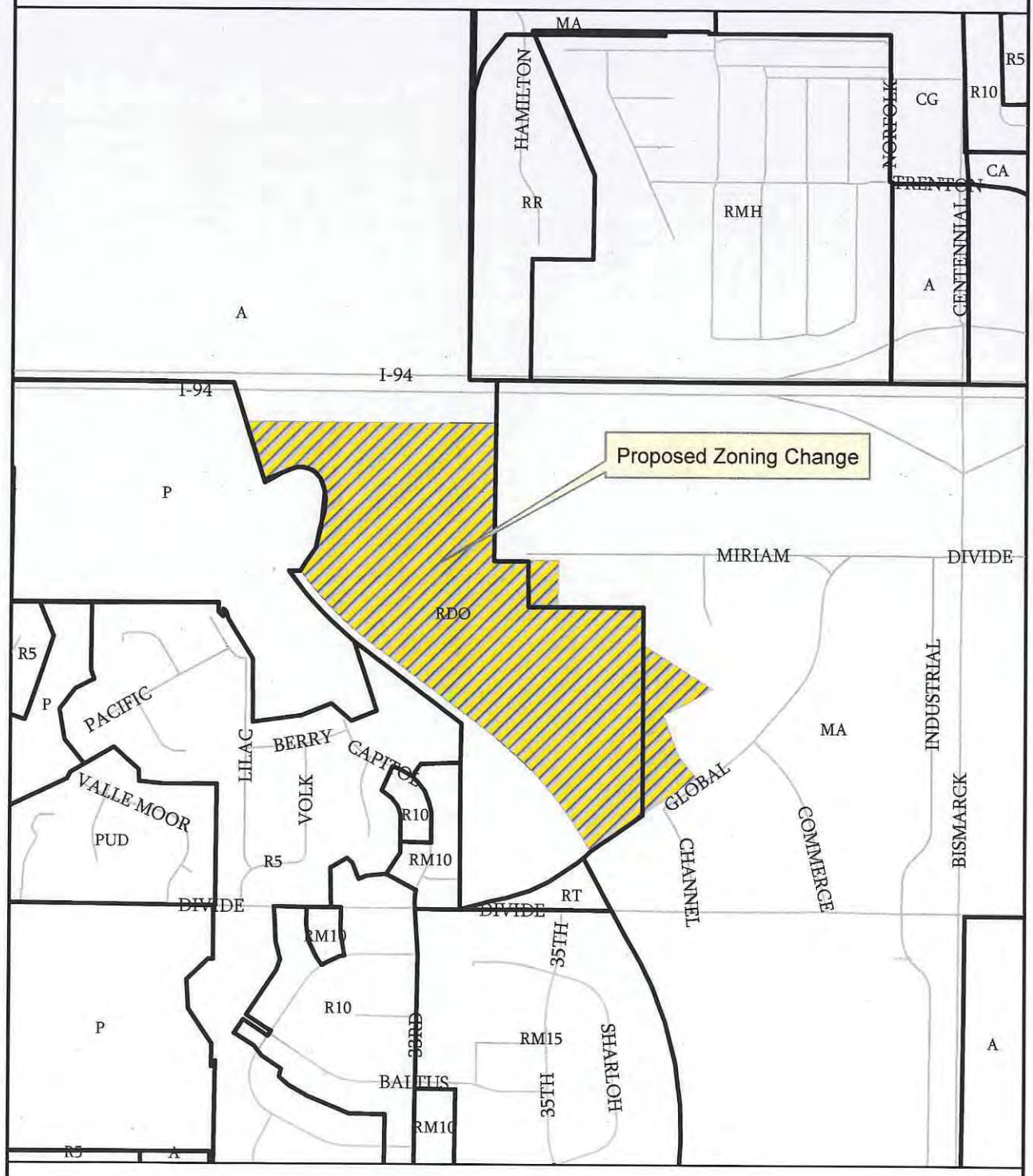
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

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

/jw

Proposed Plat & Zoning Change (A & MA to MA)
RDO Hay Creek Industrial Addition



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Date: 1/14/2015(hlb)

Source: City of Bismarck

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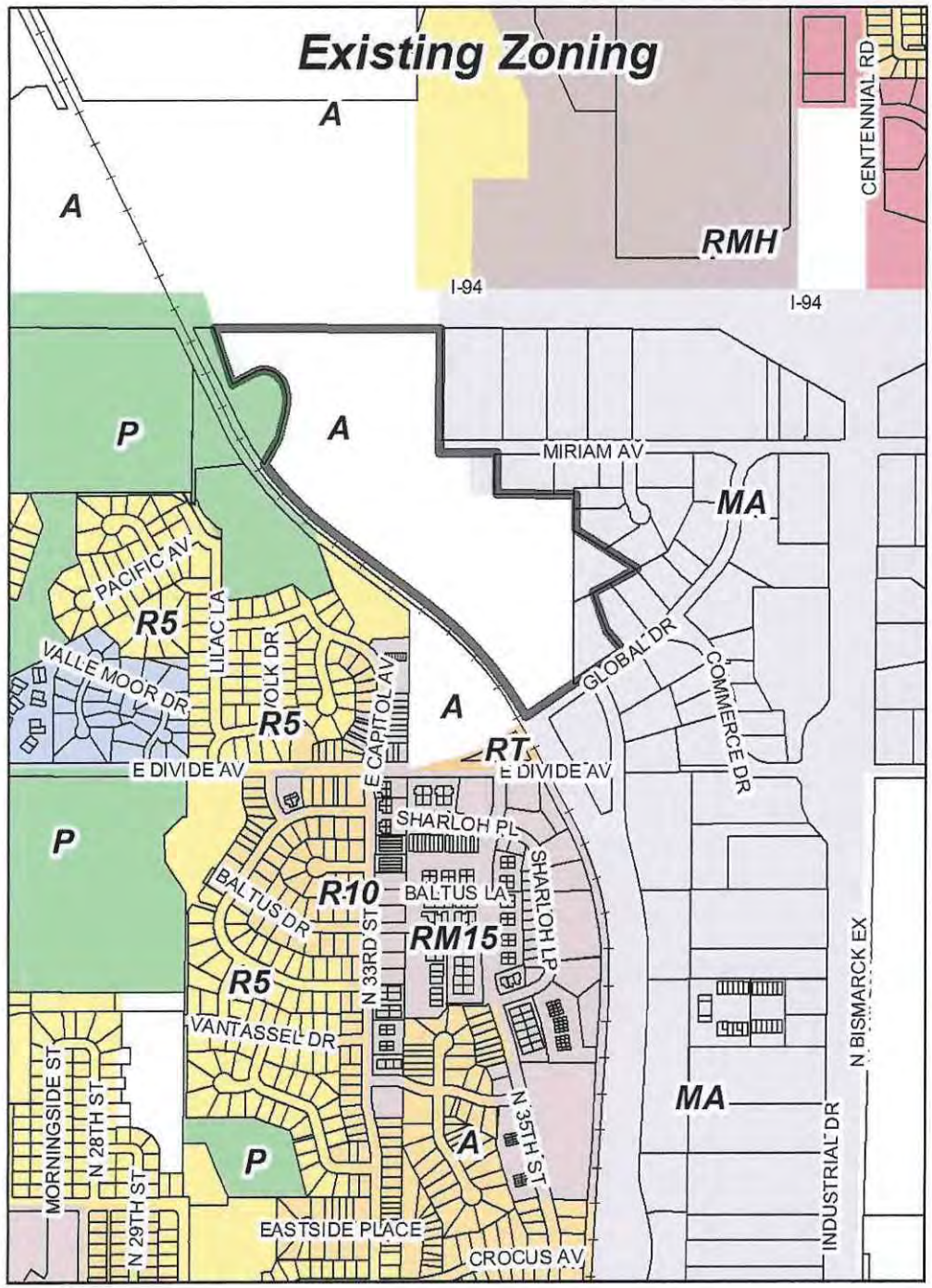
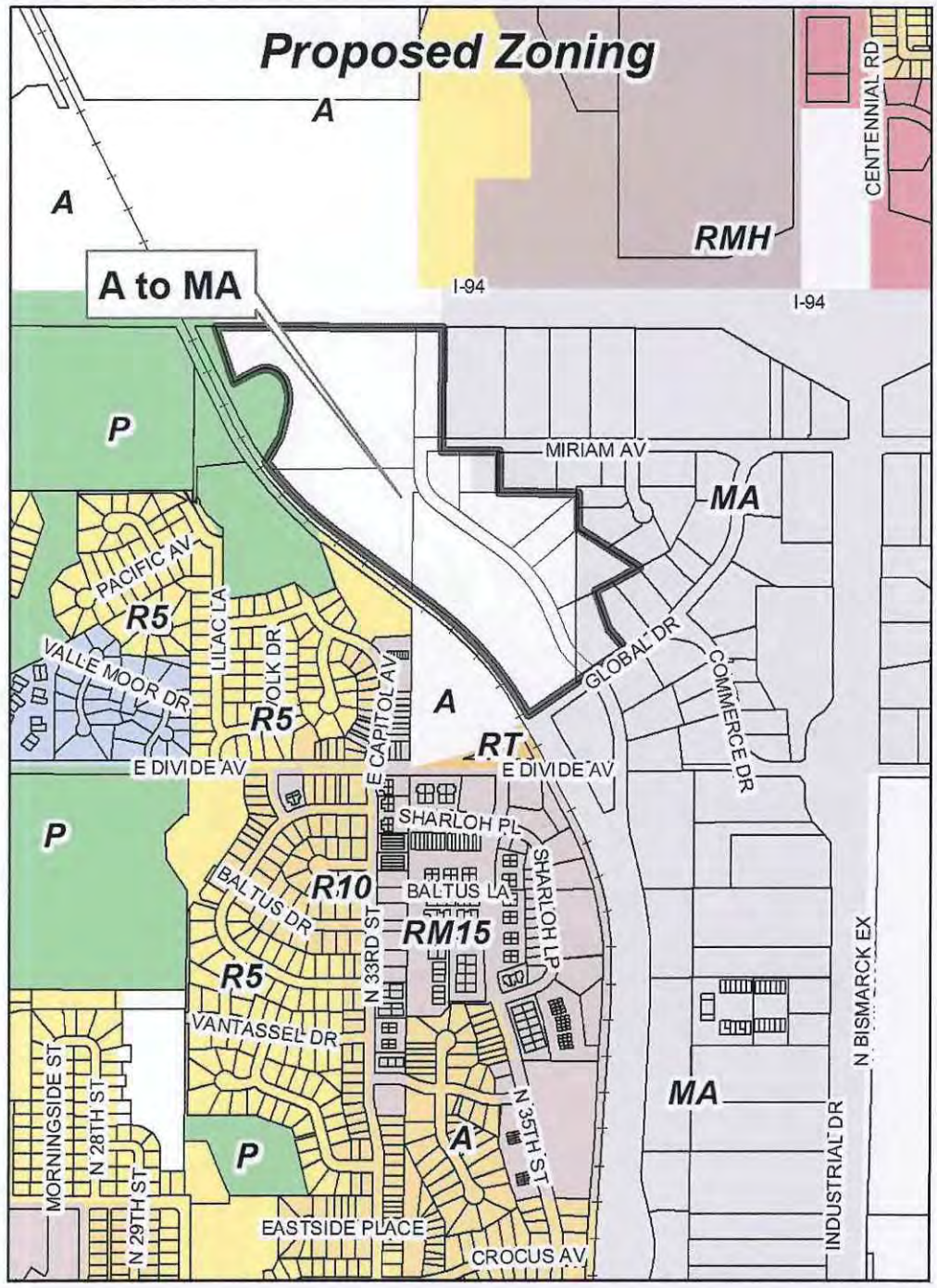
RDO Hay Creek Addition - Zoning Change





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Feet
0 330 660 1,320

January 2015

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 E1/2 of the SW1/4, Lot 3, part of Lot 5 of the W1/2 of the SE1/4, Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8, Block 3 Miriam Industrial Park First Addition and Lot B of Lot 6 and Lot 7 of Lot 7, Block 3, Miriam Industrial Park First Addition, Section 26, T139N-R80W/Hay Creek Township).	
Project Size: 57.4 acres	**Number of Lots:** 9 lots in 2 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Light industrial
Zoning: A – Agricultural MA – Industrial	**Zoning:** MA – Industrial
Uses Allowed: Agriculture	**Uses Allowed:** 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. Portions of the proposed subdivision are located within the Special Flood Hazard Area (SFHA) or 100-year floodplain and floodway. In addition, four federally designated wetlands are also located within the proposed subdivision. The applicant and the City of Bismarck are working with the US Army Corps of Engineers (USACE) to secure a Section 404 permit. The USACE requires any impact to wetlands to first be avoided, second minimized and finally mitigated. In addition, the applicant has submitted a request for approval of a floodplain development permit with the City of Bismarck.

2. The applicant also has requested a waiver to reduce the roadway width of Channel Drive in the proposed plat from 48 feet to 44 feet. The applicant has indicated the standard 80 feet of right-of-way will be provided and the Channel Drive will have limited access along the west side of the roadway due as to its proximity to the floodway and wetlands. This has been approved by the City Engineering Department as reducing the width of the roadway will help to achieve the minimization requirements in the USACE Section 404 permit.

FINDINGS:

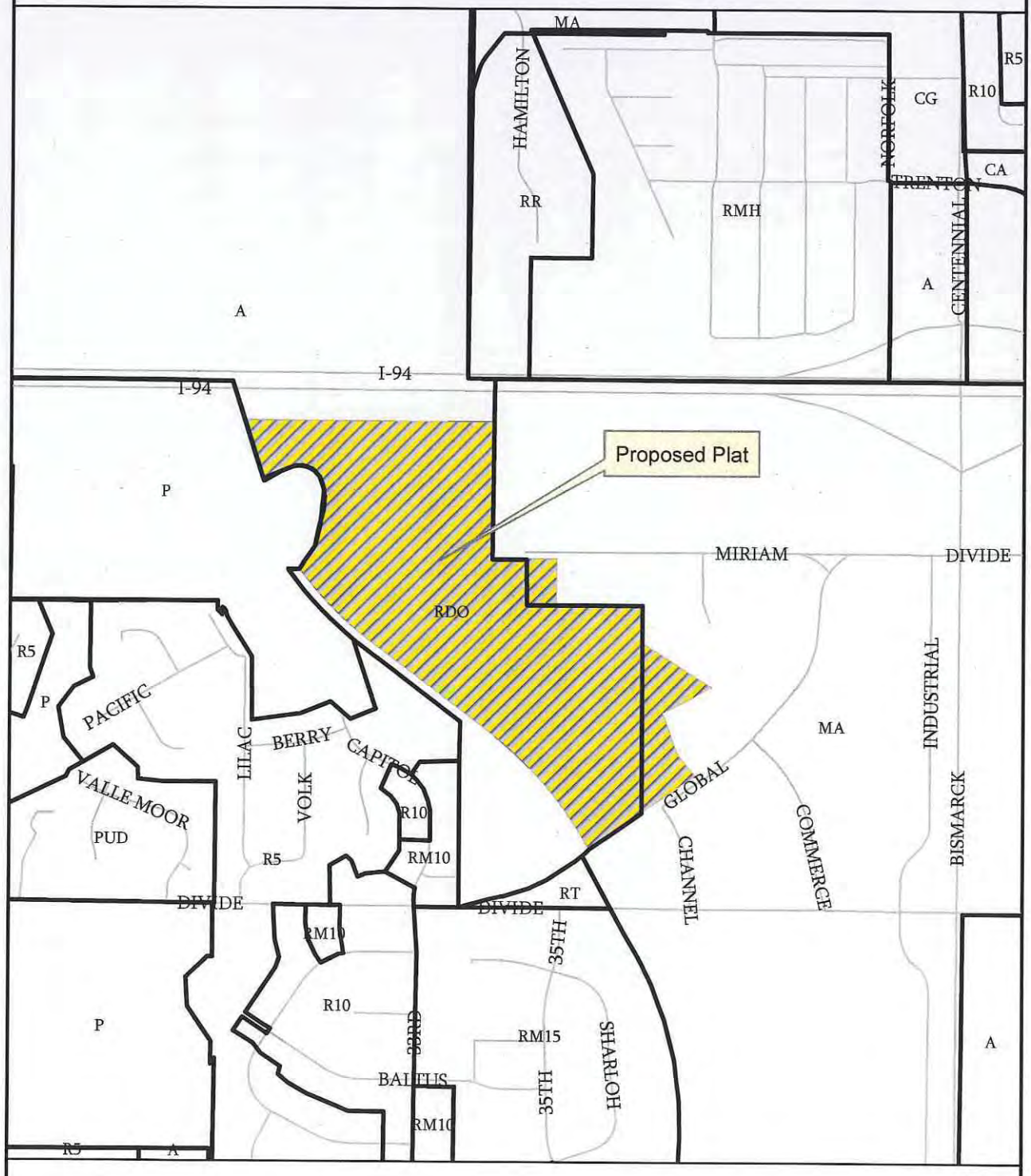
1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer.
3. The proposed subdivision is outside the area covered in the 2014 Fringe Area Road Master Plan. Channel Drive, a collector roadway, will be extended north from the intersection of East Divide Avenue and Global Drive to Miriam Avenue.
4. 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 across the railroad tracks to the west.
5. The entire subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect the adjacent properties.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for RDO Hay Creek Industrial Addition, including granting a waiver to reduce the roadway width of Channel Drive from 48 feet to 44 feet.

/jw

Proposed Plat & Zoning Change (A & MA to MA)
RDO Hay Creek Industrial Addition



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Date: 1/14/2015(hlb)

Source: City of Bismarck

N

0 700 1,400 Feet

RDO HAY CREEK INDUSTRIAL ADDITION

Being a Replat of: Tract B in E1/2SW1/4, Lot 3 and Part of Lot 5 of the W1/2SE1/4, Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8 of Block 3, Miriam Industrial Park First Addition, Lot B of Lot 6 and Lot C of Lot 7 of Block 3, Miriam Industrial Park First Addition,
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 FOUND	●
IRON MONUMENT SET	○
MEASURED DISTANCE	303.20'
MEASURED BEARING	N89°27'53"W
FLOODWAY	
FLOODPLAIN - 100YR 1694 (NORTH) TO 1682 (SOUTH)	

FEMA MAP NO. 38015C0805D
REVISED AUGUST 4, 2014

PLAT INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: MA LIGHT INDUSTRIAL

LOT ACREAGE: 53.93± ACRES
RIGHT OF WAY ACREAGE: 3.51± ACRES
TOTAL ACREAGE: 57.44± ACRES

SW1/4 ACREAGE: 25.41± ACRES
SE1/4 ACREAGE: 32.03± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY

CITY AND NDDOT APPROVED FENCING REQUIRED ALONG I-94 RIGHT-OF-WAY PRIOR TO ISSUING BUILDING PERMIT.

BENCHMARK

NE CORNER OF LOT 3 BLOCK 2
ELEV. 1722.06' NAVD 88

SURVEYOR'S NOTES

1. ACCESS EASEMENT DOCUMENT #804830 TO BE ELIMINATED BY THIS DOCUMENT.

MA ZONING SETBACKS

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

UNBUILDABLE LOTS

LOT 2 BLOCK 1
LOT 1 BLOCK 2
LOT 4 BLOCK 2

Parcel Line Table

Line #	Length	Direction
L1	222.03'	N12°56'48"E
L2	248.80'	N5°08'50"E
L3	80.82'	N90°00'00"W

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing
C1	187.50'	122.94'	87°23'04"	N73° 44' 52"W
C2	181.82'	262.04'	39°45'16"	N7° 33' 57"W
C3	496.56'	1875.41'	15°10'14"	N43° 47' 50"W
C4	98.16'	3769.72'	1°29'31"	N52° 07' 42"W
C5	100.43'	3869.72'	1°29'13"	N52° 07' 51"W
C6	724.73'	1975.24'	21°01'20"	N40° 52' 35"W
C7	88.30'	3869.72'	1°00'40"	N29° 51' 34"W
C8	146.04'	336.74'	24°50'56"	N34° 19' 08"W
C9	532.04'	936.57'	32°32'52"	N38° 10' 07"W
C10	208.26'	216.57'	55°05'56"	N28° 53' 35"W
C11	55.27'	1878.12'	1°41'10"	N37° 03' 25"W

Curve Table

Curve #	Length	Radius	Delta	Chord Bearing
C12	441.29'	1875.41'	13°28'55"	N44° 38' 29"W
C13	163.39'	376.74'	24°50'56"	N34° 19' 08"W
C14	128.69'	296.74'	24°50'56"	N34° 19' 08"W
C15	509.31'	896.57'	32°32'52"	N38° 10' 07"W
C16	29.03'	976.57'	1°42'12"	N22° 44' 47"W
C17	292.58'	976.57'	17°09'56"	N32° 10' 51"W
C18	233.15'	976.57'	13°40'44"	N47° 36' 11"W
C19	116.77'	256.57'	26°44'46"	N41° 04' 08"W
C20	126.96'	256.57'	28°21'07"	N13° 31' 11"W
C21	169.80'	176.57'	55°05'56"	N28° 53' 35"W
C22	272.56'	896.57'	17°25'04"	S45° 44' 01"E

Scale: 100 0 100 200 Feet
JANUARY 20, 2015

Houston Engineering Inc.
BISMARCK
P: 701.323.0200
F: 701.323.0300

JAN 2 0 2015

DESCRIPTION:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 26, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA;

THENCE NORTH 89 DEGREES 45 MINUTES 26 SECONDS WEST, ALONG SAID QUARTER LINE, A DISTANCE OF 2471.97 FEET TO THE WEST LINE OF DIVIDE COMMERCIAL SECOND ADDITION TO BURLEIGH COUNTY, NORTH DAKOTA, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 35 MINUTES 49 SECONDS WEST, ALONG THE WEST LINE OF SAID DIVIDE COMMERCIAL SECOND ADDITION, A DISTANCE OF 738.95 FEET TO THE SOUTHWEST CORNER OF SAID DIVIDE COMMERCIAL SECOND ADDITION;

THENCE SOUTH 89 DEGREES 37 MINUTES 40 SECONDS EAST, ALONG THE SOUTH LINE OF SAID DIVIDE COMMERCIAL SECOND ADDITION, A DISTANCE OF 346.96 FEET TO THE CORNER OF SAID DIVIDE COMMERCIAL SECOND ADDITION AND THE NORTHWEST CORNER OF LOT 1 BLOCK 1 OF BRENDEL INDUSTRIAL PARK FIRST ADDITION TO THE CITY OF BISMARCK;

THENCE SOUTH 00 DEGREES 25 MINUTES 52 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1 BLOCK 1, A DISTANCE OF 249.78 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 BLOCK 1;

THENCE SOUTH 89 DEGREES 44 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT 1 BLOCK 1, A DISTANCE OF 475.03 FEET TO THE CORNER OF SAID LOT 1 BLOCK 1 AND THE WEST LINE OF MIRIAM INDUSTRIAL PARK FIRST ADDITION TO THE CITY OF BISMARCK;

THENCE SOUTH 00 DEGREES 33 MINUTES 34 SECONDS WEST, ALONG THE WEST LINE OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 210.90 FEET TO THE CORNER OF LOTS 8A AND 8C BLOCK 3 OF MIRIAM INDUSTRIAL PARK FIRST ADDITION;

THENCE SOUTH 57 DEGREES 19 MINUTES 38 SECONDS EAST, ALONG THE LINE COMMON TO LOT 5E OF LOT 5, LOTS 7D, 7E, 7F OF LOT 7 AND LOTS 8A AND 8C OF LOT 8 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION , A DISTANCE OF 435.70 FEET TO THE EASTERLY CORNER OF SAID LOT 5E OF LOT 5 BLOCK 3;

THENCE SOUTH 60 DEGREES 40 MINUTES 48 SECONDS WEST, ALONG THE LINE COMMON TO LOT 5E OF LOT 5, LOT 7D OF LOT 7, LOT A OF LOT 5 AND LOT A OF LOT 7 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 178.00 FEET TO THE NORTHERLY CORNER OF LOTS A & B OF LOT 7 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION;

THENCE SOUTH 63 DEGREES 52 MINUTES 38 SECONDS WEST, ALONG THE LINE COMMON TO LOT 7D OF LOT 7 AND LOT B OF LOT 7 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 120.15 FEET TO THE NORTHERLY CORNER OF LOT B & C OF LOT 7 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION;

THENCE SOUTH 19 DEGREES 42 MINUTES 04 SECONDS EAST, ALONG THE LINE COMMON TO LOT B & C OF LOT 7 AND LOT A & B OF LOT 6 BLOCK 3 OF SAID MIRIAM INDUSTRIAL PARK FIRST ADDITION, A DISTANCE OF 238.53 FEET TO THE CORNER OF SAID LOTS A & B OF LOT 6;

THENCE SOUTH 38 DEGREES 27 MINUTES 36 SECONDS EAST, ALONG THE LINE OF SAID LOTS A & B OF LOT 6, A DISTANCE OF 153.93 FEET TO THE SOUTHERLY CORNER OF SAID LOTS A & B OF LOT 6;

THENCE SOUTH 55 DEGREES 32 MINUTES 07 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT B OF LOT 6 AND THE NORTH 40.00 FOOT R-O-W LINE OF DIVIDE AVENUE, A DISTANCE OF 700.29 FEET TO THE INTERSECTION OF SAID NORTH R-O-W AND THE NORTHEASTERLY 50.00 FOOT R-O-W LINE OF THE CANADIAN PACIFIC RAILROAD;

THENCE NORTHWESTERLY AND TO THE LEFT, ALONG SAID RAILROAD R-O-W LINE, ON A NON-TANGENTAL 3869.72 FOOT RADIUS CURVE, AN ARC LENGTH OF 68.30 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 29 DEGREES 51 MINUTES 34 SECONDS WEST;

THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID RAILROAD R-O-W LINE, ON A 1075.24 FOOT RADIUS CURVE, AN ARC LENGTH OF 724.73 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 40 DEGREES 52 MINUTES 35 SECONDS WEST;

THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG SAID RAILROAD R-O-W LINE, ON A 3869.72 FOOT RADIUS CURVE, AN ARC LENGTH OF 100.43 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 52 DEGREES 07 MINUTES 51 SECONDS WEST;

THENCE NORTH 52 DEGREES 52 MINUTES 28 SECONDS WEST, CONTINUING ALONG SAID RAILROAD R-O-W LINE, A DISTANCE OF 711.01 FEET;

THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID RAILROAD R-O-W LINE, ON A 3789.72 FOOT RADIUS CURVE, AN ARC LENGTH OF 98.16 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 52 DEGREES 07 MINUTES 42 SECONDS WEST;

THENCE NORTHWESTERLY AND TO THE RIGHT, CONTINUING ALONG SAID RAILROAD R-O-W LINE, ON A 1875.41 FOOT RADIUS CURVE, AN ARC LENGTH OF 496.56 FEET TO THE SOUTHERLY CORNER OF LOT 1 BLOCK 2 OF HAY CREEK PARK ADDITION, SECTION 26, TOWNSHIP 139 NORTH, RANGE 80 WEST, BURLEIGH COUNTY, NORTH DAKOTA, SAID CURVE HAVING A CHORD BEARING OF NORTH 43 DEGREES 47 MINUTES 50 SECONDS WEST;

THENCE NORTH 30 DEGREES 27 MINUTES 49 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 177.57 FEET;

THENCE NORTH 12 DEGREES 33 MINUTES 24 SECONDS EAST, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 175.00 FEET;

THENCE NORTHERLY AND TO THE LEFT, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, ON A NON-TANGENTAL 262.04 FOOT RADIUS CURVE, AN ARC LENGTH OF 181.82 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 07 DEGREES 33 MINUTES 57 SECONDS WEST;

THENCE NORTHWESTERLY AND TO THE LEFT, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, ON A NON-TANGENTAL 122.94 FOOT RADIUS CURVE, AN ARC LENGTH OF 187.50 FEET, SAID CURVE HAVING A CHORD BEARING OF NORTH 73 DEGREES 44 MINUTES 52 SECONDS WEST;

THENCE SOUTH 62 DEGREES 33 MINUTES 24 SECONDS WEST, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 184.14 FEET;

THENCE NORTH 18 DEGREES 03 MINUTES 30 SECONDS WEST, CONTINUING ALONG THE EASTERLY LINE OF SAID LOT 1 BLOCK 2, A DISTANCE OF 350.57 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 BLOCK 2 AND THE EAST-WEST QUARTER LINE OF SAID SECTION 26;

THENCE SOUTH 89 DEGREES 45 MINUTES 26 SECONDS EAST, ALONG SAID QUARTER LINE, A DISTANCE OF 1351.66 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 57.4 ACRES, MORE OR LESS.

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THOMAS ESPEL, ASSISTANT SECRETARY AND TREASURER, RDO HOLDINGS & CO BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "RDO HAY CREEK INDUSTRIAL ADDITION", TO THE CITY OF BISMARCK NORTH DAKOTA AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SANITARY SEWER, WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR LANDSCAPE, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS LANDSCAPE, STORMWATER, WATERMAIN, AND/OR UTILITY EASEMENTS.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR STORMWATER DRAINAGE TO THE CITY OF BISMARCK FOR THE USE OF CHANNELING STORM WATERS IN ACCORDANCE WITH THE CITY OF BISMARCK REQUIREMENTS. UNLESS APPROVED BY THE CITY OF BISMARCK, THESE AREAS SHALL REMAIN UNALTERED EXCEPT FOR REPAIRS AND MAINTENANCE.

____
THOMAS ESPEL
700 SOUTH 7TH STREET
FARGO, NORTH DAKOTA 58103

STATE OF NORTH DAKOTA)
) ss
COUNTY OF ________)

ON THIS _____ DAY OF ________, 2015, BEFORE ME PERSONALLY APPEARED THOMAS ESPEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

________________ NOTARY PUBLIC
________ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ________, 20___

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PETER BRENDEL AND ELAINE BRENDEL, BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESIGNATED HEREON TO BE SURVEYED AND PLATTED AS "RDO HAY CREEK INDUSTRIAL ADDITION", TO THE CITY OF BISMARCK NORTH DAKOTA AND DO SO DEDICATE STREETS AS SHOWN HEREON INCLUDING ALL SANITARY SEWER, WATER, CULVERTS, STORMWATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HERE ON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR LANDSCAPE, GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS LANDSCAPE, STORMWATER, WATERMAIN, AND/OR UTILITY EASEMENTS.

THEY ALSO DEDICATE EASEMENTS TO RUN WITH THE LAND FOR STORMWATER DRAINAGE TO THE CITY OF BISMARCK FOR THE USE OF CHANNELING STORM WATERS IN ACCORDANCE WITH THE CITY OF BISMARCK REQUIREMENTS. UNLESS APPROVED BY THE CITY OF BISMARCK, THESE AREAS SHALL REMAIN UNALTERED EXCEPT FOR REPAIRS AND MAINTENANCE.

____
PETER BRENDEL
3022 SLEEPY HOLLOW LOOP
BISMARCK, NORTH DAKOTA 58501

____
ELAINE BRENDEL

STATE OF NORTH DAKOTA)
) ss
COUNTY OF ________)

ON THIS _____ DAY OF ________, 2015, BEFORE ME PERSONALLY APPEARED PETER AND ELAINE BRENDEL, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

________________ NOTARY PUBLIC
________ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ________, 20___

________________ NOTARY PUBLIC
________ COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ________, 20___

APPROVAL OF CITY PLANNING COMMISSION:

THE SUBDIVISION OF LAND AS SHOWN ON THE PLAT HAS BEEN APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK ON THE _____ DAY OF ________, 2015, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY SAID PLANNING AND ZONING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BISMARCK.

____
WAYNE LEE YEAGER – CHAIRMAN

____
CARL D. HOKENSTAD – SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED SUBDIVISION OF LAND AS SHOWN ON THE ANNEX PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AS AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF ________ 2015.

____
ATTEST
W. C. WOCKEN – CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "RDO HAY CREEK INDUSTRIAL ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

____
MELVIN J. BULLINGER, CITY ENGINEER

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGEMENT:

I, TODD MARSCHALL, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE 26TH DAY OF DECEMBER, 2014, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. MONUMENTS TO BE SET PRIOR TO PLAT RECORDATION.

____
TODD MARSCHALL, LAND SURVEYOR
LICENSE NO. 4431

HOUSTON ENGINEERING, INC
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA, 58501

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

ON THIS _____ DAY OF ________, 2015 BEFORE ME PERSONALLY APPEARED TODD MARSCHALL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

________________ NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES ________, 20___

Houston Engineering Inc.
BISMARCK
P: 701.323.0200
F: 701.323.0300

PRELIMINARY PLAT
RDO HAY CREEK INDUSTRIAL ADDITION

Being a Replat of: Tract B of the E½SW¼, Lot 3 of the W½SE¼, Lot 5E of Lot 5, Lot 7D of Lot 7 and Lot 8C of Lot 8 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.

Curve Table				
Curve #	Length	Radius	Delta	Chord Bearing
C1	187.50'	122.94'	87°23'04"	N73° 44' 52"W
C2	181.62'	262.04'	39°45'16"	N7° 33' 57"W
C3	55.29'	632.81'	5°00'22"	S37° 03' 25"E
C4	496.56'	1875.41'	15°10'14"	N43° 47' 50"W
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C15	501.03'	896.49'	32°01'17"	S38° 26' 00"E
C16	61.77'	976.57'	3°37'26"	N52° 37' 50"W
C17	383.87'	976.57'	22°31'18"	N38° 33' 28"W
C18	80.02'	976.57'	4°41'42"	N25° 56' 58"W
C19	20.07'	976.57'	1°10'40"	N23° 00' 47"W
C20	160.50'	202.40'	45°26'12"	N45° 16' 09"W
C21	166.78'	240.00'	39°48'55"	N42° 16' 56"W
C22	117.95'	159.24'	42°26'27"	N43° 30' 47"W

100 0 100 200
Scale Feet
OCTOBER 2014

LEGEND

PLAT BOUNDARY	
LOT LINE	
EASEMENT	
NON ACCESS LINE	
IRON MONUMENT FOUND	●
IRON MONUMENT SET	○
MEASURED DISTANCE	303.20
MEASURED BEARING	N89°27'53"W
FLOODWAY	
FLOODPLAIN – 100YR 1694 (NORTH) TO 1682 (SOUTH)	

BENCHMARK

NE CORNER OF LOT 2 BLOCK 1
ELEV. 1711.39' NAVD 88

PLAT INFORMATION

EXISTING ZONING: AGRICULTURAL
PROPOSED ZONING: MA LIGHT INDUSTRIAL
LOTS 1,3 BLOCK 1
LOTS 2–6 BLOCK 2

ALL OTHER LOTS TO REMAIN ZONED AGRICULTURAL

LOT ACREAGE: 53.9± ACRES
RIGHT OF WAY ACREAGE: 3.5± ACRES
TOTAL ACREAGE: 57.4± ACRES

BASIS OF BEARINGS: ND STATE PLANE SOUTH ZONE NAD83 (3302), ADJUSTMENT 1986. UNIT OF MEASURE IS INTERNATIONAL FEET.

CONTOUR VERTICAL DATUM: NAVD 88

FLOODPLAIN VERTICAL DATUM: NAVD 88

TOPOGRAPHIC CONTOURS ARE DERIVED FROM SURVEY

CITY AND NDDOT APPROVED FENCING REQUIRED ALONG I–94 RIGHT–OF–WAY PRIOR TO ISSUING BUILDING PERMIT.

OWNERS

RDO HOLDINGS & CO.– TOM ESPEL
700 SOUTH 7TH STREET
FARGO, ND 58103

PETE BRENDEL
3022 SLEEPY HOLLOW LOOP
BISMARCK, ND 58501

ENGINEER/SURVEYOR

HOUSTON ENGINEERING, INC.
3712 LOCKPORT STREET
BISMARCK, NORTH DAKOTA 58501
PHONE 701.323.0200

MA ZONING SETBACKS

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

SURVEYOR'S NOTES

1. ACCESS EASEMENT DOCUMENT #804530 TO BE ELIMINATED BY THIS DOCUMENT.

VICINITY MAP

Houston Engineering Inc.
BISMARCK

Print Form

Bismarck

CITY/ETA SUBDIVISION SUBMITTAL REQUIREMENTS WAIVER REQUEST FORM

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

PROPERTY INFORMATION:

Name of Subdivision: RDO Hay Creek Industrial Addition

Location of Subdivision: SE ½ Section 26 T139 N R80W

Name of Property Owner/Developer: RDO Holdings & Co / Ted Sanders

Contact Person (if different from owner): Stan Hanson, Houston Eng. Inc

REQUESTED WAIVERS FROM SUBMITTAL REQUIREMENTS:

☐ **Area Concept Development Plan**	Prior approval from Director Community Development: (signature & date)
Reason for Request:	
☐ **Preliminary Stormwater Management Plan**	Prior approval from City Engineer: (signature & date)
Reason for Request:	
☐ **Preliminary Municipal Utility Servicing Plan**	Prior approval from Director of Utility Operation: (signature & date)
Reason for Request:	
☐ **USAB Roadway Submittal Requirements**	Prior approval from City Engineer: (signature & date)
Reason for Request:	
☒ **Other (Specify)**	Prior approval from appropriate department head: (signature & date)
Reason for Request:	Variance request from 48' roadwidth to 44 FT
☐ **Other (Specify)**	Prior approval from appropriate department head: (signature & date)
Reason for Request:	

HoustonEngineering Inc.
Bismarck Office | 701.523.0200 | 701.523.0300
3712 Lockport Street | Bismarck ND 58503

December 8, 2014

Mel Bullinger, PE
Bismarck City Engineer
PO Box 5503
221 North 5th Street
Bismarck, ND 58506-5503

Re: RDO Hay Creek Industrial Addition- Preliminary Plat
Variance Request for Street Width, Approach Width, Non-access Line and ROW Encroachment

Dear Mel:

RDO Holdings and Company (RDO) has submitted the RDO Hay Creek Industrial Addition preliminary plat to the City of Bismarck. This plat includes an extension to Miriam Avenue and the construction of Channel Drive from Divide (Global) Avenue north to Miriam Avenue. Channel Drive is required by the City of Bismarck to provide emergency access to the proposed industrial area, and as a planned collector street, under the City's Long Range Transportation Plan (LRTP), including a potential future extension north under Interstate 94. Miriam Avenue will be a typical full access street for MA Zoning, utilizing a 48 foot within and an 80 foot right-of-way (ROW). This is consistent with the existing street section to the east. Channel Drive is a collector street with limited access along the west side, due to it being located adjacent to Hay Creek. Subsequently, on behalf of RDO we are requesting a waiver to the 48 foot wide design requirement and related standards; the 80 foot ROW would still be provided. In our opinion there are several reasons that justify this wavier, which are outlined as follows:

- This collector street is located along Hay Creek, with portions needing to be constructed within delineated wetlands, which are part of the designated Hay Creek floodplain on the DFIRM. The Corps of Engineers (COE) requires such wetland impacts to first be avoided, second minimized and for those that can't be avoided or impacts minimized they need to be mitigated. As such, narrowing the roadway and other modifications to the standard section, via this waiver request, will minimize the impact and reduce the area that needs to be mitigated.

- Given the need to minimize roadway wetland impacts it is proposed that grading along west side be modified to allow a five (5) foot bench section using a 2% grade down from the top of curb, then continuing at a 3:1 slope down into the Hay Creek floodplain. The placement of additional material on the west side or a side walk requirement would increase wetland impacts. Since there are no developable parcels west Channel Drive, in the floodplain, there appears to be no justification or need for a sidewalk. Initial estimates are that the wetland losses can be reduced by around one acre, utilizing the proposed measures. A final determination on the avoided or minimized impacts is still under review.

- Access along the west side of Channel Drive is limited, with two noted exceptions. The first is the RDO access at Miriam Avenue, which the City has agreed to allow at this location. The second is located north of the west non-access line along Channel Drive from the Divide (Global) Avenue ROW. This second location is for the owner's access to the undevelopable property.

Mel Bullinger, PE, Bismarck City Engineer
RDO Hay Creek Industrial Addition- Preliminary Plat
Variance Request for Street Width, Approach Width, Non-access Line and ROW Encroachment
December 8, 2014

- Considering the proposed development, mostly one-sided, along Channel Drive there is no need for the street to have parking on both sides. Eliminating parking on one side reduces the need for a 48 foot street section. In addition, the City of Bismarck's zoning ordinances do not allow the consideration of on street parking; therefore on-site parking should be adequate.

- A narrower street width, with or without parking, reduces snow removal requirements, and provides wider boulevards for snow storage. Essentially less snow to be removed from the street and a wider area to place it. Again the 80 foot ROW width would not change.

- One concern with narrower streets is turning movements for entering and exiting the adjoining lots. Based on our analysis this is not impeded if adequate approach widths are provided. **Exhibit A** illustrates the current 48 foot street design standard and the 40 foot maximum approach width, compared to the requested wavier for a 40 foot width and a 48 foot approach, illustrated on **Exhibit B**. These exhibits both use a WB-67 tractor trailer unit and reflect the street section being centered in the ROW. It is important to note the access width is an important consideration in the ability to make the turn into the driving lane without impacting the other driving lane. The 40 foot street configuration consists of two 15 foot driving lanes and a 10 foot parking lane, as shown.

- Again given the street location and adjacent uses there is no apparent need to incorporate a sidewalk on the west side, and if a sidewalk were required one could be included to the east. As a review however, there are no sidewalks on either side of Channel Drive south of Divide (Global) Avenue. Given the grading on the east side of Channel Drive south of Divide (Global) Avenue a sidewalk could not be constructed without considerable earthwork, and a retaining wall to avoid impacts to the private access and parking. Second the ROW along the west side is restricted due to the encroachment of fencing and parking use by CK Auto. Another point to document is that there are no sidewalks on either side of Divide (Global) Avenue east of Channel Drive. Considering pedestrian access and use long range plans call for a public pedestrian trail system west of Hay Creek and west of the CP Railroad tracks. This pedestrian trail would extend north under Interstate 94.

- The LRTP designates that Channel Drive may at some point be extended under Interstate 94 to the north. Using a narrower street width, without sidewalks, would result in a significant decrease in the future cost for the interstate structures over this street. Though there may be a need to incorporate pedestrian access on one side of this future crossing.

- There is a considerable cost savings to be attained when constructing at a reduced width given the required length of street. Especially considering the assessment of construction costs to each side of the street, as in this instance there is no benefit to the undevelopable properties located in the Hay Creek floodplain. Should the undevelopable properties be purchased or donated for public use to an entity like the Bismarck Park District, then the public would potentially bear the burden of these assessments.

Mel Bullinger, PE, Bismarck City Engineer
RDO Hay Creek Industrial Addition- Preliminary Plat
Variance Request for Street Width, Approach Width, Non-access Line and ROW Encroachment
December 8, 2014

- Another waiver is required at the south end of Channel Drive just north of Divide (Global) Avenue. In this location the property owner (Brendel) is allowing his parcel to be re-platted to facilitate establishing the required 80 foot ROW. This results in the loss of a portion of his property to the west, which is being offset by RDO to the north, per a private agreement. While Brendel had requested and desired Channel Drive to be located further west such was not practical or allowable, in the City's opinion, based on their requirement for an acceptable "T" intersection at this location. Subsequently, the new street and ROW is located very close to the existing building and existing topography creates issues requiring special consideration. First, it is requested that Channel Drive be graded to provide a maximum slope of 4% from the north overhead door on Brendel's building to the street, this requires around a 2.6% street gradient from the intersection. This access location also requires the easterly non-access line be limited to 120 feet. Second, a graded access around the southwest corner is necessary to provide the owner access for snow removal, versus using the street, to haul snow around the building. To accommodate these considerations an 8 foot encroachment easement into the ROW is requested along the 120 feet non-access line. Based on this and a 40 foot street section the City would retain the desired 12 foot minimum required for sidewalk and snow storage. Without the 8 foot encroachment easement the grading and access around the structure are problematic. The elements associated with this section of the waiver request are illustrated on **Exhibit C**.

In conclusion, given the justifications outlined above and the attached exhibits it is requested the City allow the use of a 40 foot wide (face to face curb roadway width), the designated grading configuration to the west, 48 foot wide approaches, the 120 foot non-access line, associated street grading and encroachment easement on Channel Drive from Divide (Global) Avenue to Miriam Avenue be approved. Your consideration of this request is greatly appreciated.

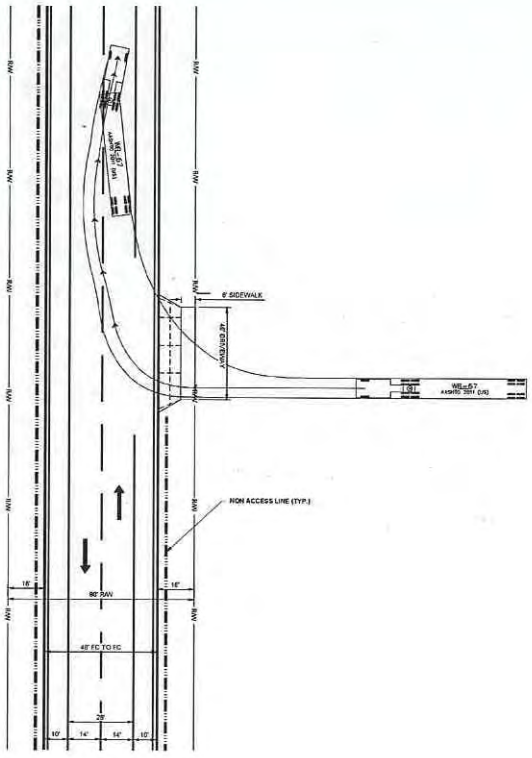
Sincerely,

Michael H. Gunsch, PE
Senior Project Engineer

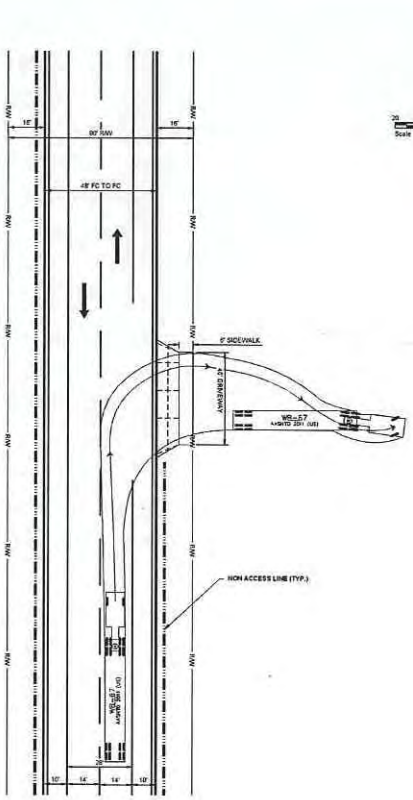
Enclosures

cc: Mark Berg, Bismarck City Traffic Engineer
Kim Lee, Bismarck Community Development
Ted Sanders, RDO Holdings & Co.
Stan Hanson, Houston Engineering
Pete Brendel, Landowner
HEI No. 6054-026

houstoneng.com



ENTERING 48' ROADWAY



EXITING 48' ROADWAY

No.	Revision	Date	By

Houston Engineering Inc.

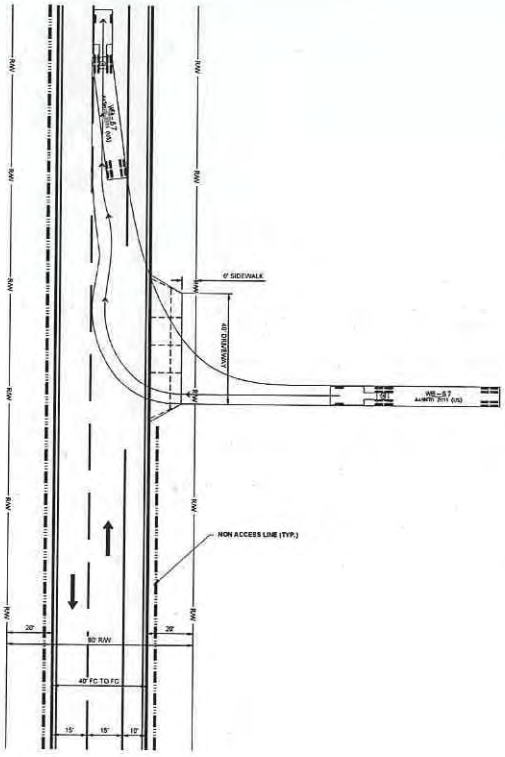
Bismarck

Drawn by: EEM | Date: 11-20-14
Checked by: MHG | Scale: AS SHOWN

ROADWAY EXHIBIT
48' ROAD WITH 40' ACCESS
BURLEIGH COUNTY, NORTH DAKOTA

EXHIBIT
A
PROJECT NO. 6054-026

SHEET
1 of 2



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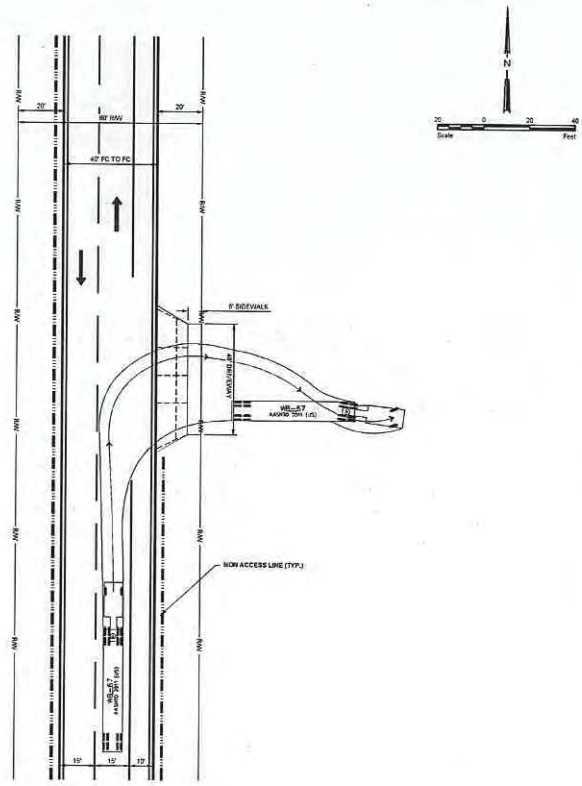


EXITING 40' ROADWAY

No.	Revision	Date	By

Houston Engineering Inc

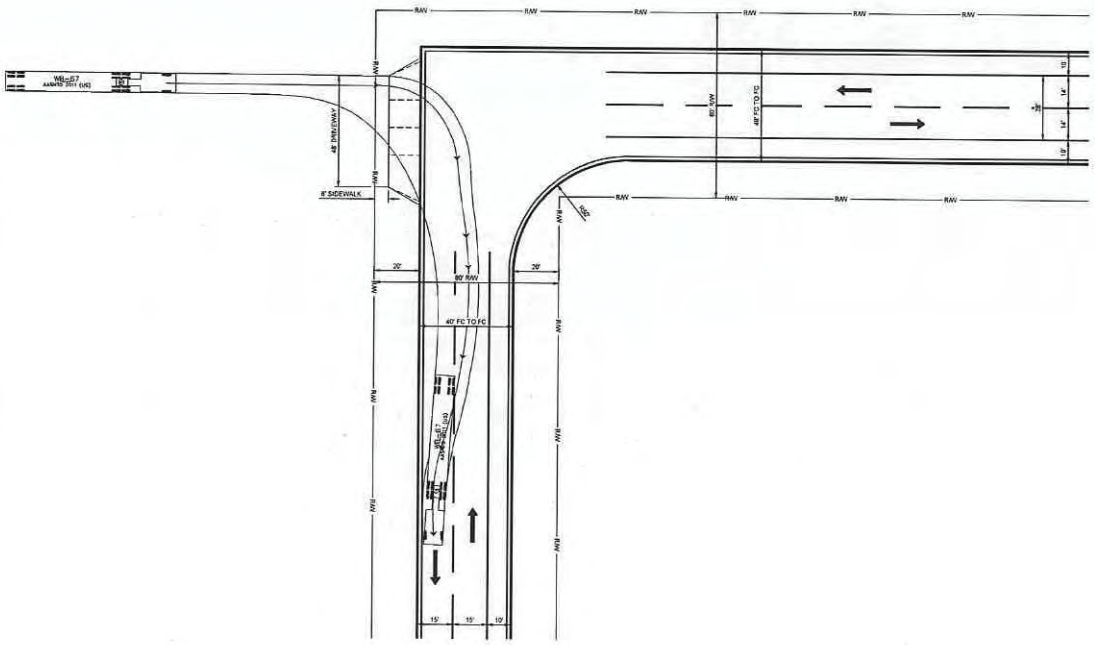
Bismarck

Drawn by	Date
EEM	11-20-14
Checked by	Scale
MHG	AS SHOWN

ROADWAY EXHIBIT
40' ROAD WITH 48' ACCESS
BISMARCK, NORTH DAKOTA

EXHIBIT
A
PROJECT NO. 6054-026

SHEET
2 of 2



ENTERING 40' ROADWAY

No.	Revision	Date	By

Houston Engineering Inc.

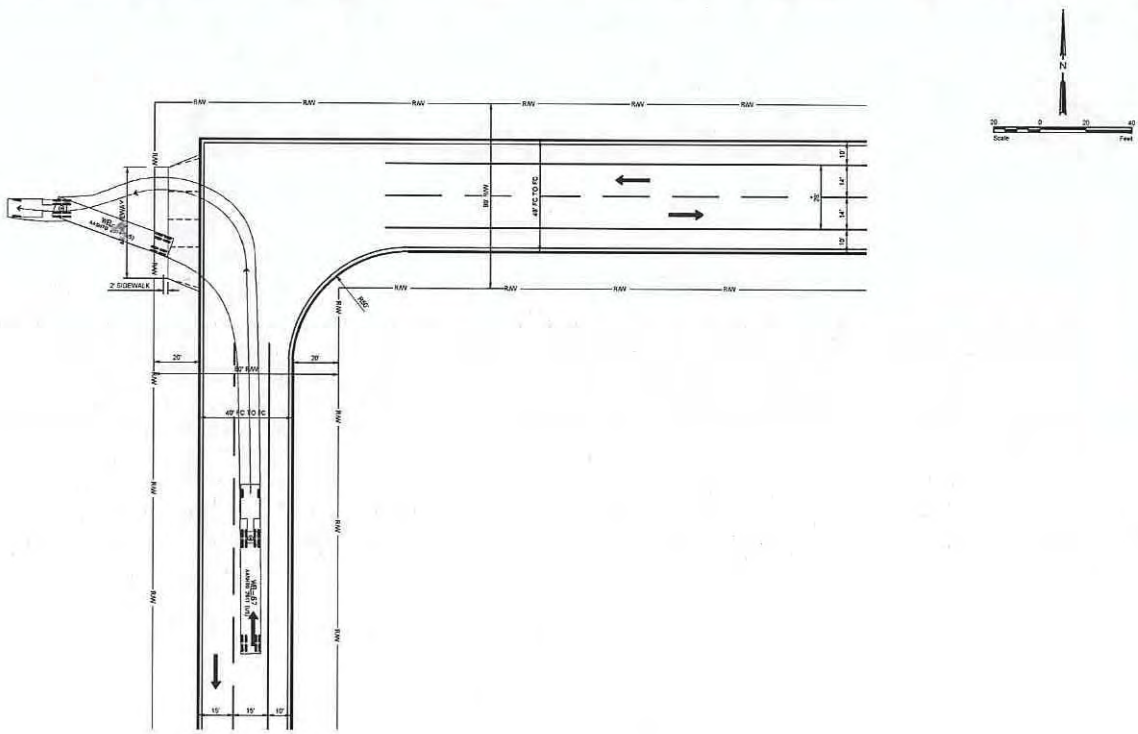
Bismarck

Drawn by	Date
EEM	11-20-14
Checked by	Scale
MHG	AS SHOWN

ROADWAY EXHIBIT
40' ROAD
BISMARCK, NORTH DAKOTA

EXHIBIT
B
PROJECT NO. 6054-026

SHEET
1 of 2



EXITING 40' ROADWAY

No.	Revision	Date	By

Houston Engineering Inc.

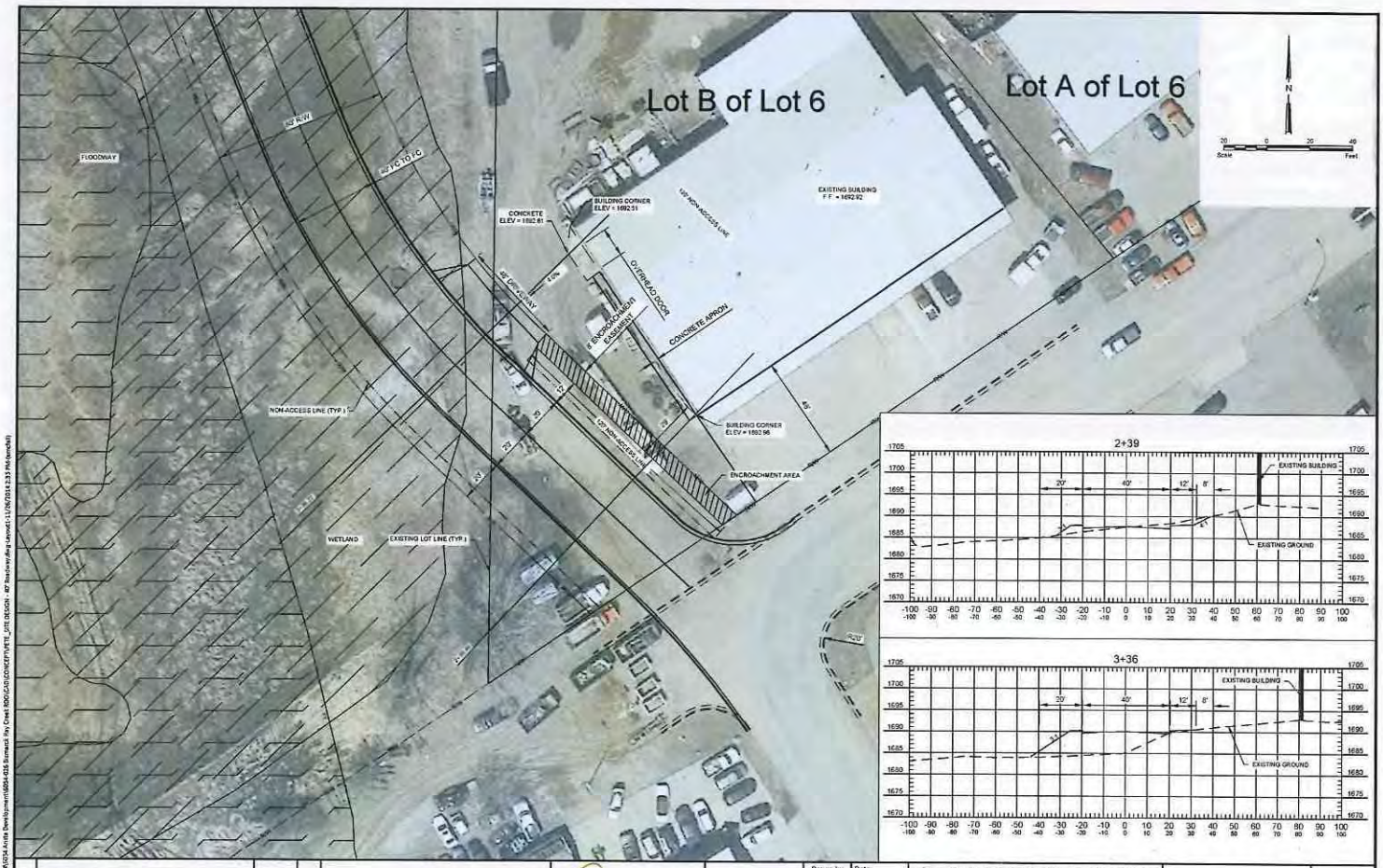
Bismarck

Drawn by	Date
EEM	11-20-14
Checked by	Scale
MHG	AS SHOWN

ROADWAY EXHIBIT
40' ROAD
BISMARCK, NORTH DAKOTA

EXHIBIT
B
PROJECT NO. 6054-026

SHEET
2 of 2



No.	Revision	Date	By

Houston Engineering Inc.

Bismarck

Drawn by	Date
EEM	11-20-14
Checked by	Scale
MHG	AS SHOWN

PETE BRENDEL ACCESS & ENCROACHMENT EASEMENT
CHANNEL DRIVE - 40' ROADWAY
BISMARCK, NORTH DAKOTA

EXHIBIT C
PROJECT NO. 6054-026

SHEET
1 of 1

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
The South 40 feet of the vacated East Thayer Avenue adjacent to Blocks 1 and 2, Eagles Addition – Zoning Change (MA to CG)

Status:	**Date:**
Planning Commission – Public Hearing	January 15, 2015
Owner(s): Fraternal Order of the Eagles M Family, LLC	**Engineer:** N/A

Reason for Request:
Rezone property to bring entire property including vacated right-of-way under one zoning district.

Location:
In east Bismarck, east of North 26th Street between East Rosser Avenue and East Broadway Avenue.

Project Size:	**Number of Lots:**
14,800 square feet, more or less	Adjacent to 2 blocks

EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Block 1: Eagles club and undeveloped parcel Block 2: Multi-family Residential	**Land Use:** Block 1: Eagles club and undeveloped parcel Block 2: Multi-family Residential
Zoning: MA - Industrial	**Zoning:** CG – Commercial
Uses Allowed: MA – Light industrial, manufacturing, storage facilities and general commercial	**Uses Allowed:** CG – General commercial, multi-family residential offices, fraternal clubs
Maximum Density Allowed: MA – N/A	**Maximum Density Allowed:** CG – 42 units / acre

PROPERTY HISTORY:

Zoned:	**Platted:**	**Annexed:**
Pre-1980	Pre-1980	Pre-1980

ADDITIONAL INFORMATION:

1. The proposed zoning change is being requested to bring all of the parcels included in Blocks 1 and 2, Eagles Addition into the same zoning district. East Thayer Avenue north of North 26th Street was vacated and added to the adjacent properties to the north (Blocks 1 and 2, Eagles Addition) in 1994. Prior to the vacation, the zoning district boundary separating the CG – Commercial zoning district and the MA – Industrial zoning district followed the centerline of East Thayer Avenue. This boundary was not adjusted when the entire vacated roadway was added to Blocks 1 and 2, Eagles Addition.

FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include existing commercial uses to the north, south and west and existing industrial uses to the south.

(continued)

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

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the MA – Industrial zoning district to the CG – Commercial zoning district on the South forty (40) feet of the vacated East Thayer Avenue adjacent to Blocks 1 and 2, Eagles Addition.

/JW

Proposed Zoning Change (MA to CG)
The South 40' of the vacated Thayer Avenue adjacent to Blocks 1 and 2, Eagles Addition

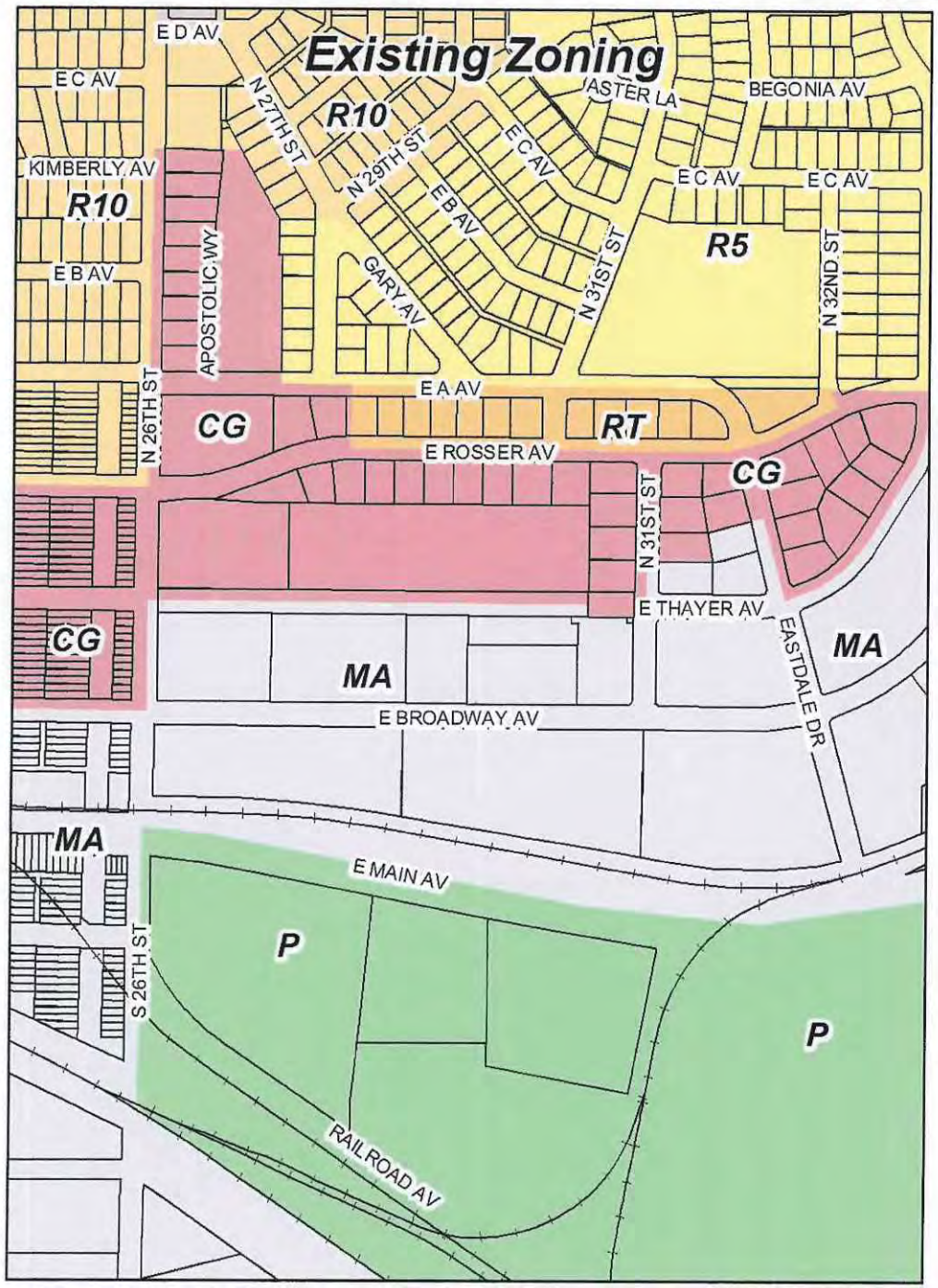
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 12/1/2014hib)

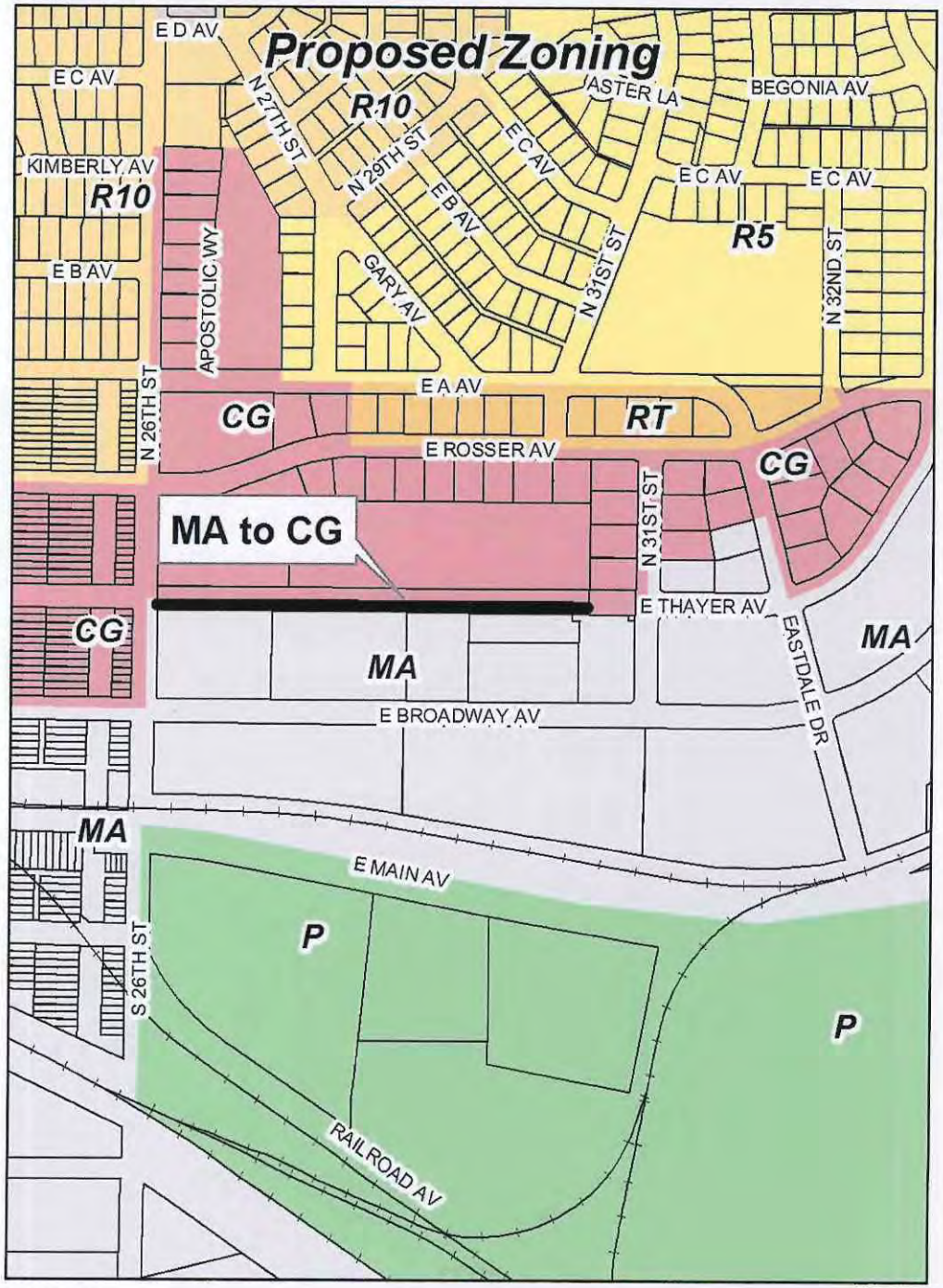
Source: City of Bismarck

N

0 475 950 Feet

The South 40 feet of the vacated East Thayer Avenue adjacent to BLocks 1 & 2, Eagles Addition





Feet
0 250 500 1,000

N

December 2014

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

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1, Block 1, Boutrous 3rd Addition – Special Use Permit (Digital Billboard)	
Status: Planning Commission – Public Hearing	**Date:** January 28, 2015
Owner(s): The Boutrous Group, LLP – owner Dakota Outdoor Advertising – applicant	**Consultant:** RMG Outdoor, Inc.
Reason for Request: Allow the placement of a forty-five (45) foot tall pylon sign with two 36' x 10.6' digital billboard faces less than 300 feet from a residential zoning district.	
Location: In central Bismarck, along the west side of North 12th Street and the north side of East Capitol Avenue, west of State Street (2112 North 12th Street).	
Project Size: 28,532 square feet	**Number of Lots:** 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Commercial	**Land Use:** Commercial (billboard/digital billboard)
Zoning: CG – Commercial	**Zoning:** CG – Commercial
Uses Allowed: General commercial uses	**Uses Allowed:** General commercial uses
Maximum Density Allowed: 42 units/acre	**Maximum Density Allowed:** 42 units/acre

PROPERTY HISTORY:		
Zoned: Pre-1980	**Platted:** 07/2008	**Annexed:** Pre-1980

ADDITIONAL INFORMATION:

1. The Bismarck Planning and Zoning Commission at their meeting of December 17, 2014 continued the public hearing on the proposed special use request to allow staff additional time to further research the information submitted by the applicant and the safety improvements outlined in the NDDOT Safety Improvement Study.

2. The proposed special use permit is for a forty-five (45) foot tall pylon sign that will include two 36' x 10.6' digital billboard faces. The applicant has indicated that the sign will be orientated in such a manner as to ensure that the digital sign faces will not be seen by the residential properties to the east and northeast. The digital billboard faces will be visible to north and south facing traffic on State Street. The applicant has submitted renderings that would support this statement; those renderings are attached.

(continued)

3. Section 4-04-12 of the City Code of Ordinances (Special Provisions for Digital Billboard Signs) includes a provision that digital billboards must be located at least 300 feet from any RR, RR5, R5, R10, RM or RMH zoning district, as measured from any part of the sign to the nearest property line in any residential zoning district. This distance may be reduced to 150 feet provided the following requirements are met:

    a. The digital billboard is oriented away from the residential property;
    b. No portion of the sign face or viewing surface of the digital billboard is visible from the residential property; and
    c. A special use permit is approved by the Planning & Zoning Commission in accordance with the provisions of Section 14-03-08.

2. According to the NDDOT 2011-2013 Urban High Crash Locations, the proposed special use would be placed at the 7th most dangerous intersection in the State of ND and the 2nd most dangerous intersection in the City of Bismarck. The NDDOT compiles this information based on scores according to crash severity. A copy of the document is attached.

3. The NDDOT has recently conducted a safety improvement project for State Street / US Highway 83 from East Divide Avenue to East Calgary Avenue. This study identifies a number of safety concerns and makes recommendations regarding lane assignments, traffic light visibility and other potential obstructions to the safe flow of traffic. As this project was recently completed, the City of Bismarck and the NDDOT have not made final determinations on which safety options will be implemented.

4. The applicant and landowner met with City staff on Wednesday, December 10, 2014 in an effort to alleviate staff's concerns with the proposed special use. The applicant provided staff with copies of studies from other cities and states throughout the country that indicate that digital billboards do not increase the potential for visual distractions resulting in higher crash statistics. Staff has reviewed the submitted information and understands the applicant's desire to place the digital billboards in a location that has a high volume of traffic to increase the visibility of the digital billboards. However, staff still has concerns with the proposed special use. In particular, placing a digital billboard at a location that has been designated as a high ranking dangerous intersection could increase the visual distractions and create additional unsafe driving conditions for all users of the roadway.

FINDINGS:

1. The proposed special use meets the provisions for a digital billboard outlined in Section 4-04-12(5). In particular, the digital billboard is oriented away from the residential properties and the sign faces or viewing surfaces of the digital billboard signs would not be visible from any of the residential property located within 300 feet of the sign based on the information submitted by the applicant.

2. Although the proposed special use meets the provisions for such a use in the zoning ordinance, the proposed special use is not completely in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck. In particular, the placement of digital billboards in a location that has been designated is a high ranking dangerous intersection may increase the potential for traffic accidents and cause unsafe driving conditions in this location.

3. The proposed special use may adversely affect the health and safety of the public and the workers and residents in the area. In particular, adding digital billboards in this location may increase visual distractions at an already high ranking dangerous intersection which may increase the crash potential in the area.

(continued)

4. Although the proposed special use would be orientated away from the residential properties to the north and northwest, it may be detrimental to the use or development of adjacent properties. In particular, adding digital billboards may increase visual distractions at an already high ranking dangerous intersection which may increase the crash potential in the area.

5. The proposed special use does not completely comply with all of the special regulations established by Section 14-03-08 of the City Code of Ordinances. In particular, the visual distractions in this area may be increased with the placement of the proposed digital billboards causing a negative impact on the safety and welfare of the public.

RECOMMENDATION:

Based on the above findings, staff recommends denial of the special use permit to allow a forty-five (45) foot tall pylon sign with two 10.6'x 36' digital billboard faces less than 300 feet from a residential zoning district.

/JW

Proposed Special Use Permit
Lot 1, Block 1, Boutrous 3rd Addition

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated heron.
Date: 10/23/2018

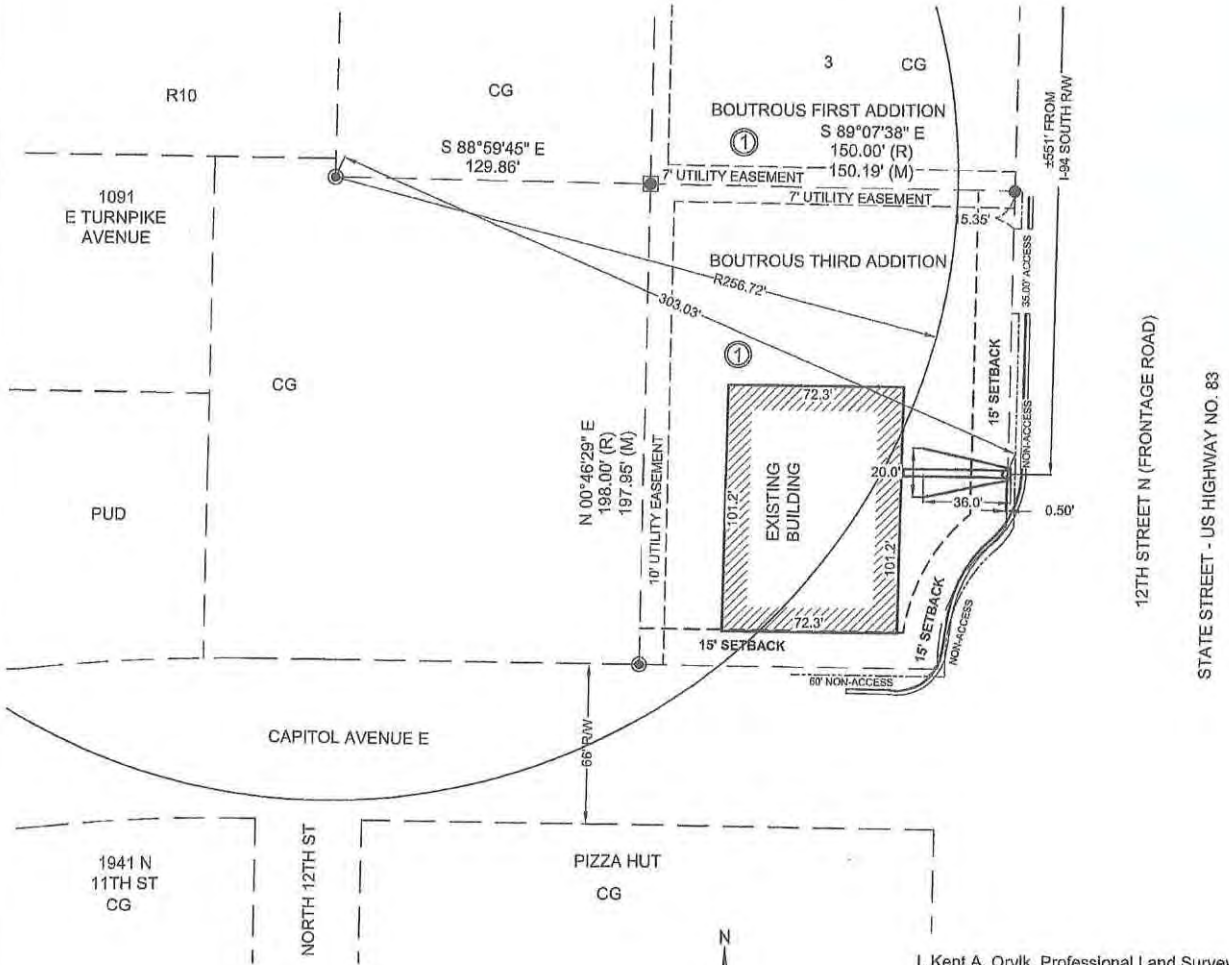
Source: City of Bismarck

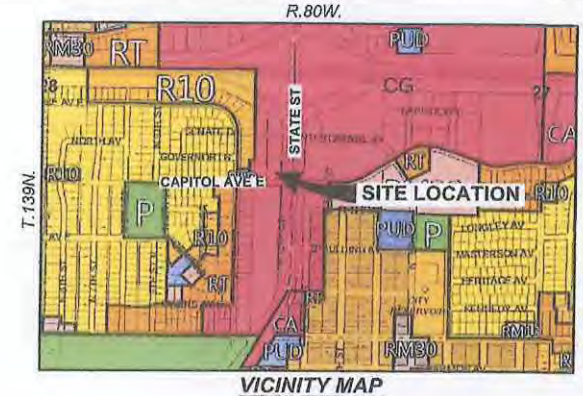
N

0 437.5 875 Feet

RECEIVED
OCT 15 2014

CERTIFICATE OF SURVEY





VICINITY MAP
NOT TO SCALE

LEGEND

- YPC Unreadable - Found
- 1/2" Rebar - Found
- 1" Iron Pipe - Found
- Adjacent Property Line
- Building Setback Line
- Easement Line
- Curb and Gutter
- Existing Building
- PUD-Planned Unit Developments
- RT-Residential District
- R5-Residential District
- R10-Residential District
- RM13-Residential District
- RM30-Residential District
- CA-Commercial District
- CG-Commercial District
- P-Public Use District
- (M) Measured
- (R) Record

NOTE :

Survey was performed in U.S. State Plane NAD 1983 (Conus), North Dakota South Zone 3302, GEOID12A. Units are International Feet.

I, Kent A. Orvik, Professional Land Surveyor, N.D. PLS No. 3463, do hereby certify that the survey shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed June 30, 2014.

KENT A. ORVIK REGISTERED LAND SURVEYOR L.S. 3463 NORTH DAKOTA

Kent A. Orvik
N.D. PLS No. 3463

10/6/14
Date

Rev'd. -Revised Sign - 10/24/2014 Field Book: M-3352

2112 N 12TH ST - CORNERSTONE
DAKOTA OUTDOOR ADVERTISING
RAPID CITY, SOUTH DAKOTA

SHEET NO. 1

KLJ

LOT 1, BLOCK 1
BOUTROUS THIRD ADDITION
BURLEIGH COUNTY
NORTH DAKOTA

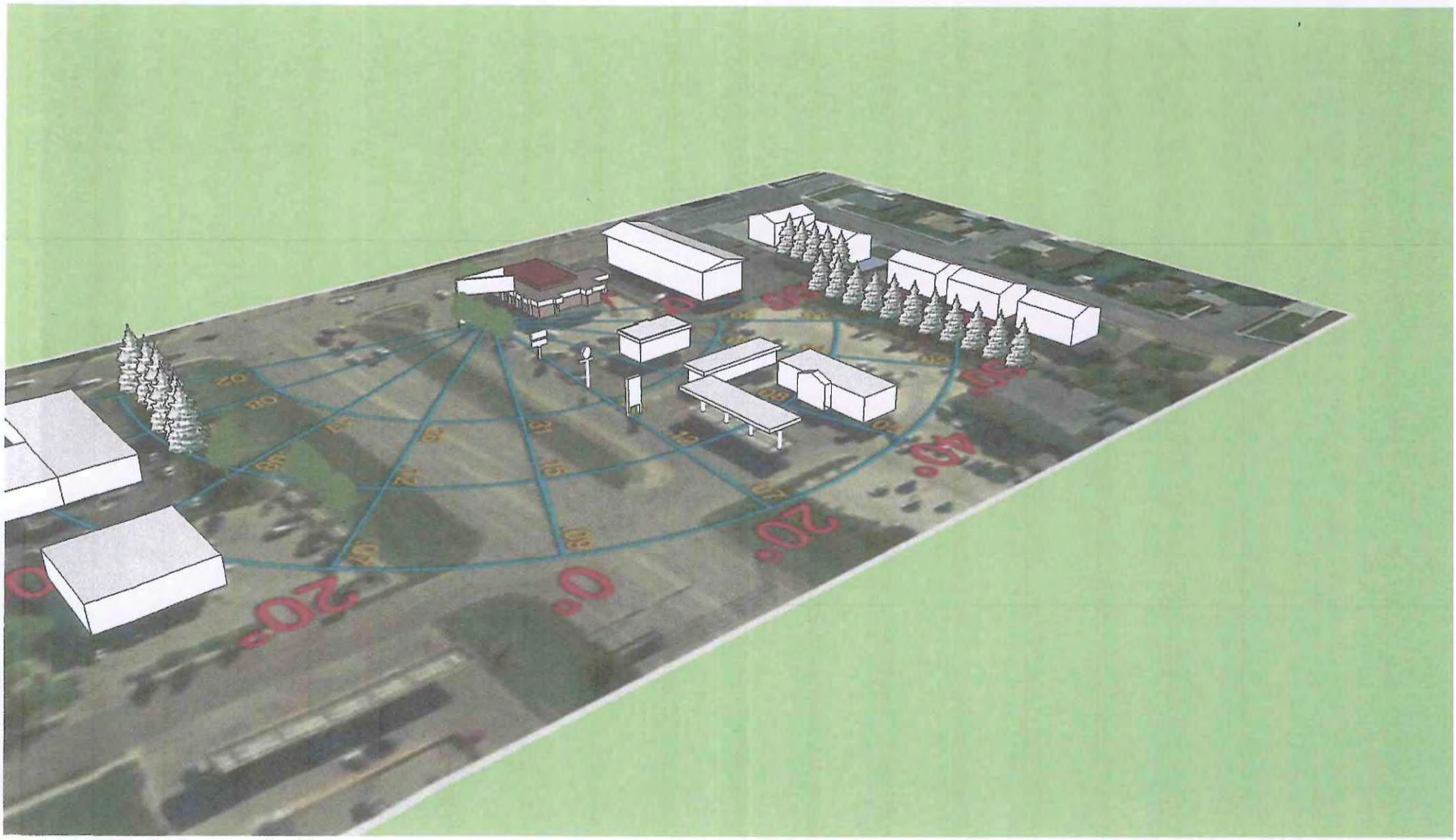
DRAWN BY	CHKD BY	PROJECT NO.	DATE
KEJ	JRJ	1614372	08/06/2014

© KLJ 2014

Oct 04, 2014 - 1:08pm - P:\Private\ND\City\Bismarck\1614372-DakotaOutdoor\CADD\1614372-SignExhibit.dwg

- Exhibit "C" -

RECEIVED
OCT 15 2014



- Exhibit "D" -

Prepared by the North Dakota Department of Transportation
Programming Division, Traffic Operations Section, October 2014
Sorted By City

2011-2013 Urban High Crash Locations

23 USC § 409 Documents
NDDOT Reserves All Objections

City	Location	Crash Severity					Total By Year	Total Crashes	Weighted Total Crashes	Rank 2011-2013	Trends
		Fatal	InjA	InjB	InjC	PDO					
Bismarck	State St & Century Ave	0	0	4	25	78	2011 = 30 2012 = 40 2013 = 37	107	272	5	Total crashes have been steady. There were 53 rear end crashes (21 of 58 occurred between 1 pm - 3 pm) and 19 left turn crashes (15 of 19 were WB to SB).
Bismarck	State St & Capitol Ave	1	0	8	12	48	2011 = 27 2012 = 20 2013 = 22	69	258	7	Total crashes have been steady. There was 1 fatal involving a NB vehicle that ran a red light. There were 32 rear end crashes (20 NB, 8 SB, 1 EB, and 3 WB), 23 of 32 rear end crashes occurred between 3 pm - 6 pm. There were 23 angle crashes (11 were SB & EB).
Bismarck	State St & Interstate Ave	0	1	0	26	69	2011 = 37 2012 = 30 2013 = 29	96	254	8	Total crashes have been steady. There were 57 rear end crashes (31 were NB, 14 SB, 6 EB, and 6 WB), 12 angle crashes, 9 left turn crashes (6 of 9 were SB to EB), and 13 sideswipe same direction (all NB).
Bismarck	Bismarck Expwy & 7th St	0	1	5	15	51	2011 = 20 2012 = 22 2013 = 30	72	225	12	Total crashes increased in 2013. There were 47 rear end crashes (21 SB, 13 EB, and 13 WB), and 13 sideswipe same direction crashes (12 of 13 were WB).
Bismarck	Bismarck Expwy & Washington St	0	1	3	16	56	2011 = 20 2012 = 23 2013 = 33	76	214	16	Total crashes increased in 2013. There were 47 rear end crashes (14 EB, 13 WB, 11 NB, and 9 SB), surface condidtions were 4 wet, 8 ice/snow, 36 dry, and time of day were 9 crashes between 8am - 10 am and 22 crashes between 2pm -6pm.
Bismarck	State St & I-94 WB Ramps	0	2	4	6	50	2011 = 21 2012 = 26 2013 = 15	62	188	20	Total crashes peaked in 2012. There were 21 NB rear end crashes and 15 SB rear end crashes, with 17 of 36 (48%) during non-dry conditions (11 ice/snow, 6 wet). There were 8 NB+WB angle crashes.
Bismarck	State St & Divide Ave	0	0	2	16	68	2011 = 22 2012 = 28 2013 = 36	86	186	23	Total crashes have been increasing. There were 63 rear end crashes (26 SB, 17 NB, 13 WB, and 7 EB) with 18 ice/snow conditions and 19 crashes between 1pm-3pm. 10 sideswipe same direction crashes (8 of 10 SB).
Bismarck	Main Ave & 7th St	1	0	3	7	46	2011 = 23 2012 = 16 2013 = 18	57	171	26	Total crashes have been steady. There was 1 fatal crash that involved V1 SB which failed to stop at red light and hit a pedestrian. There were 22 rear end crashes (15 SB, 6 EB), 17 angle crashes (11 SB & WB, 6 SB & EB), and 16 sideswipe same direction crashes (13 SB).
Bismarck	Bismarck Expwy & 3rd St	0	1	3	10	45	2011 = 18 2012 = 20 2013 = 21	59	167	28	Total crashes have been steady. There were 18 WB rear end crashes, with 7 between 4pm and 5pm. There were 11 EB rear end crashes. There were 5 EB to NB left turn crashes, with 4 of 5 on the weekend.
Bismarck	Bismarck Expwy & 9th St / University Dr	0	1	4	7	43	2011 = 23 2012 = 12 2013 = 20	55	158	31	Total crashes dipped in 2012. There were 18 EB rear end crashes and 14 WB rear end crashes. There were 5 NB+EB angle crashes.
Bismarck	Bismarck Expwy & Divide Ave	0	1	2	9	40	2011 = 20 2012 = 19 2013 = 13	52	145	35	Total crashes decreased in 2013. There were 30 rear end crashes (14 WB, 7 SB, 6 ND, 3 EB), and 13 angle crashes.
Bismarck	Main Ave & 9th St	0	0	5	9	35	2011 = 19 2012 = 15 2013 = 15	49	144	38	Total crashes have been steady. There were 23 angle crashes (18 NB & EB, and 5 NB & WB), and 17 rear end crashes (8 NB, 4 EB, and 5 WB).

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot 18, Block 12, Grande Prairie Estates Second Subdivision – Special Use Permit (oversized accessory building)

Status: Planning Commission – Public Hearing	**Date:** January 28, 2015
Owner(s): Rory Hedgland (applicant) Jamie King (owner)	**Engineer:** None

Reason for Request:
To increase the total square feet of accessory buildings located on a rural residential lot to 2,700 square feet, by constructing a 1,500 square foot accessory building.

Location:
North of Bismarck, along the west side of Morris Road, east of 26th Street NE and north of 43rd Avenue NE.

Project Size: 1.76 acres (lot size)	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: RR – Rural Residential	**Zoning:** RR - Rural Residential
Uses Allowed: Large lot single-family dwellings and limited agriculture	**Uses Allowed:** Large lot single-family dwellings and limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	**Maximum Density Allowed:** One unit per 65,000 square feet

PROPERTY HISTORY:

Zoned: 09/1977	**Platted:** 09/1977

ADDITIONAL INFORMATION:

1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).
2. According to the permit information on file with the Building Inspection Division, there is an existing 1,200 square foot accessory building constructed in 2003 located on the property. If approved, the proposed special use would increase the total area of accessory buildings to 2,700 square feet.

FINDINGS:

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

(continued)

2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The Hay Creek Township Board of Supervisors has recommended approval of the proposed special use.
6. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 2,700 square feet on Lot 18, Block 12, Grande Prairie Estates Second Subdivision.

/JW

Propose Special Use Permit
Lot 18, Block 12, Grande Prairie Estates Second Subdivision

December 15, 2014

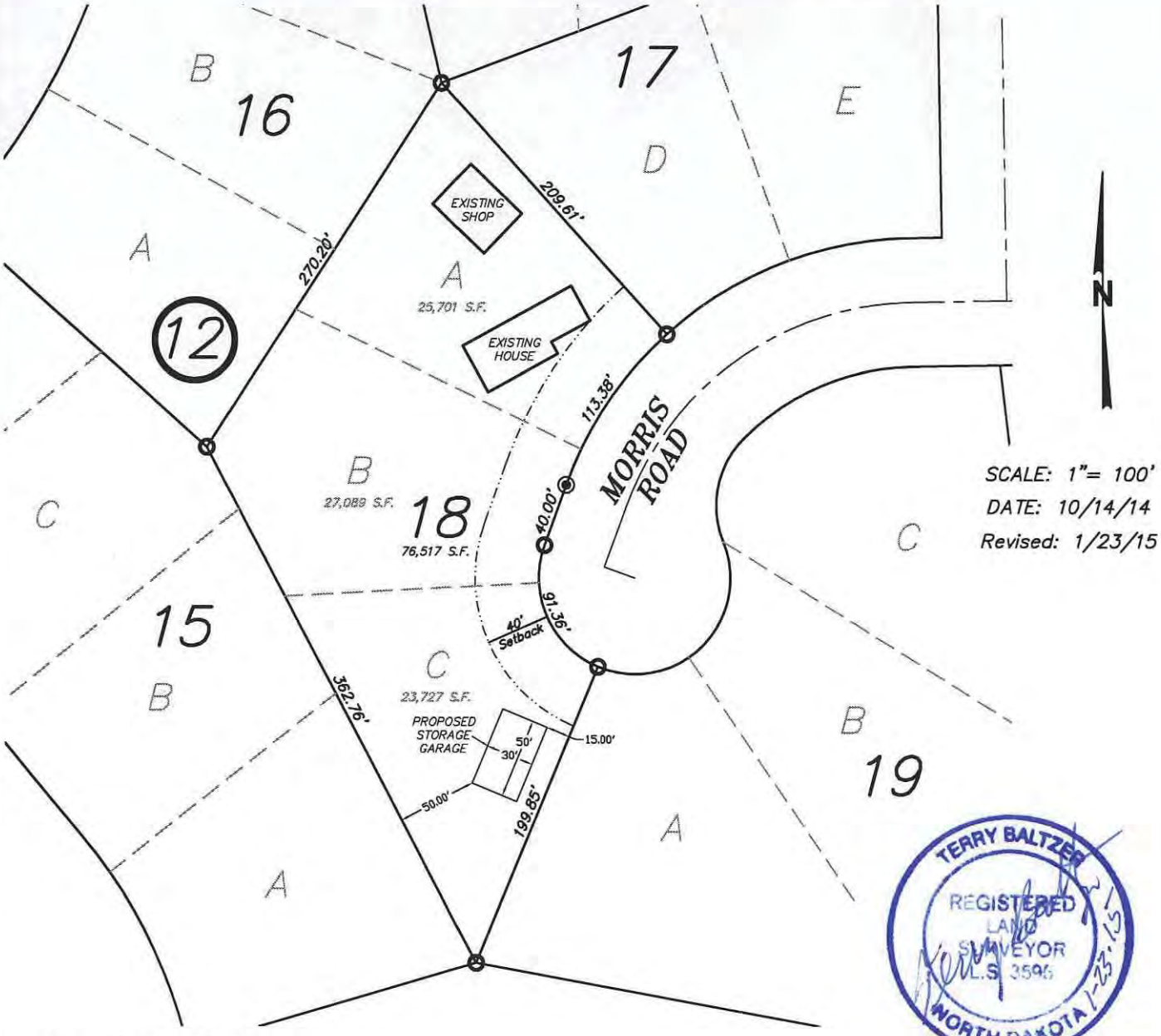
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 270 540 1,080 Feet

N

LOT SURVEY EXHIBIT

LOT 18 BLOCK 12
SUBDIVISION Grand Prairie Estates 2nd
ADDRESS 2808 Morris Road
BUILDER Roy Hegland



TERRY BALTZER
REGISTERED LAND SURVEYOR
L.S. 3596
NORTH DAKOTA
1-23-15

- FOUND MONUMENT
- SET MONUMENT
- BUILDING SETBACK OR NON-ACCESS STAKE

NOTES PLS

THE BUILDING SETBACK LINES SHOWN ARE TYPICAL, THERE MAY BE OTHER BUILDING RESTRICTIONS THAT AFFECT THIS PROPERTY. THE BUILDER IS RESPONSIBLE FOR VERIFYING THE BUILDING SETBACKS AND BUILDING DIMENSIONS. LOT DIMENSIONS ARE FROM PLAT.

FAXED OR EMAILED TO: BUILDER OR OWNER

DATED:

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

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RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP, BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE PROPOSED SPECIAL USE PERMIT TO INCREASE THE TOTAL AREA OF ACCESSORY BUILDINGS TO 2,700 SQUARE FEET ON LOT 18, BLOCK 12, GRANDE PRAIRIE ESTATES SECOND SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID SPECIAL USE PERMIT BE (APPROVED)(DENIED). (PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

_____

_____

_____

_____

D Pearce — 1-6-2015

CHAIRMAN, TOWNSHIP BOARD — DATE

Allan J Stein — 1/6/15

ATTEST: TOWNSHIP CLERK — DATE

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Part of Auditor's Lots A, C and D, part of Blocks 3 and 4, Wachter's Addition – Special Use Permit (drive-through in conjunction with a food establishment in a single-tenant building)

Status:	**Date:**
Planning Commission – Public Hearing	January 28, 2015
Owner(s):	**Architect:**
CBL & Associates Management, Inc.	Swenson, Hagen & Co.

Reason for Request:
To allow for a drive-through in conjunction with a food establishment in a single tenant building.

Location:
In south Bismarck, on the Kirkwood Mall property, along west side of South 7th Street and north side of East Bismarck Expressway.

Project Size:	**Number of Lots:**
49.8 acres	One parcel in two blocks

EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Regional shopping center and related uses.	**Land Use:** Regional shopping center and related uses including a drive-through in conjunction with a food establishment with a special use permit.
Zoning: CR – Commercial	**Zoning:** CR – Commercial
Uses Allowed: CR – Regional shopping center and related uses	**Uses Allowed:** CR – Regional shopping center and related uses
Maximum Density Allowed: N/A	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:

Zoned:	**Platted:**	**Annexed:**
Pre-1980	04/1969	Pre-1980

ADDITIONAL INFORMATION:

1. A drive-through in conjunction with a food establishment is allowed as a special use in the CR – Commercial district, provided specific conditions are met. The proposed drive-through meets all six (6) provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Off-Street Parking and Loading). Copies of both sections of the ordinance are attached.

FINDINGS:

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

(continued)

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 on the Kirkwood Mall property.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a food establishment in a single-tenant building along the west side of South 7th Street and north side of East Bismarck Expressway on part of Auditor's Lots A, C and D, part of Blocks 3 and 4, Wachter's Addition with the following condition:

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

/JW

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

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

1) The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.

2) Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.

3) Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, an ingress automobile parking reservoir shall be provided on the premises in conformance with section 14-03-10 of this ordinance.

4) Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on a local street.

5) All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.

6) On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.

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

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

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

Proposed Special Use Permit
Auditor's Lots A, C and D, part of Blocks 3 and 4
Wachter's Addition

December 15, 2014 (hlb)

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0 200 400 800 Feet

N

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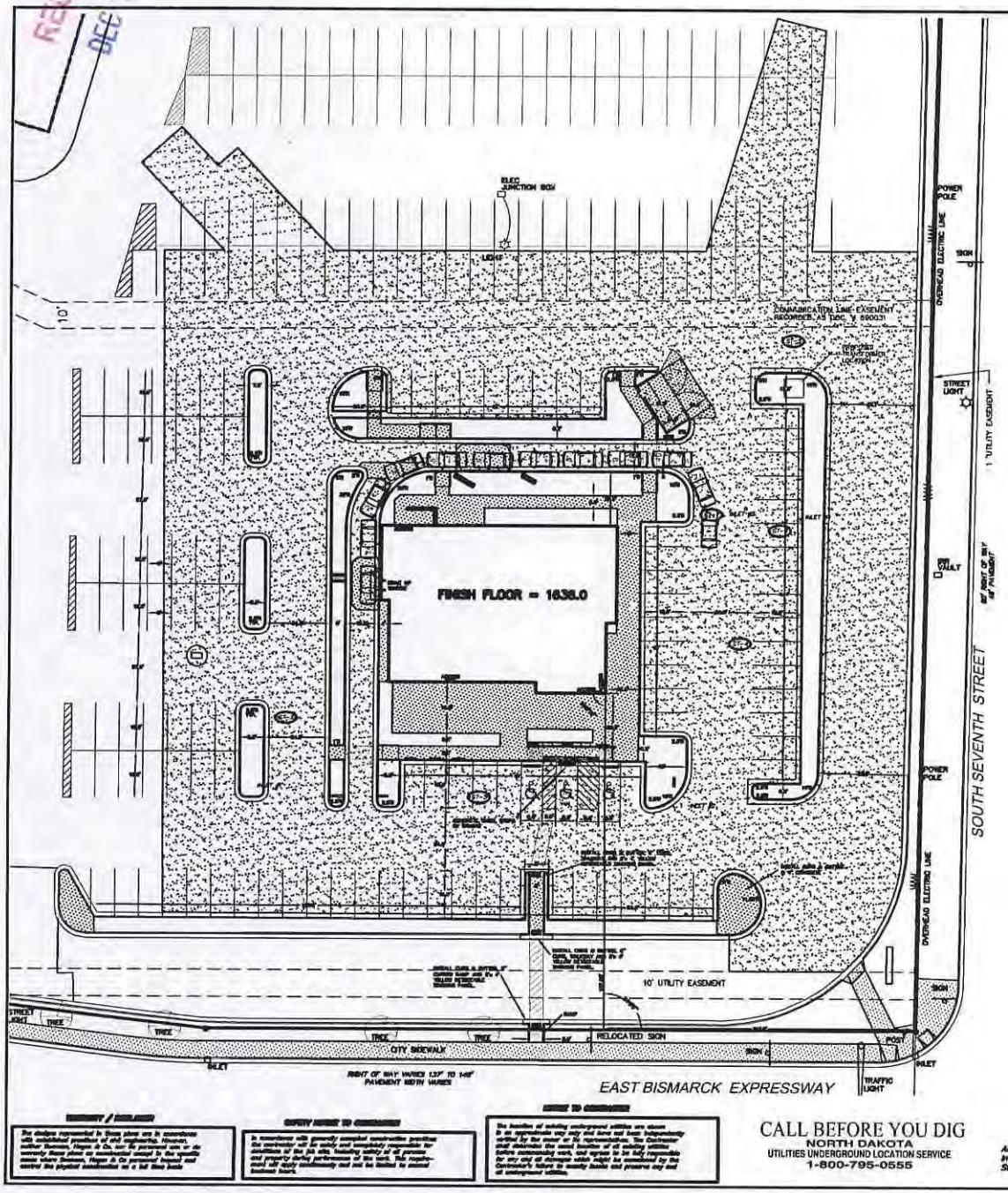
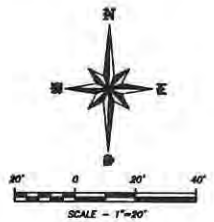


OWNER
KIRKWOOD MALL ACQUISITION, LLC
MANAGING AGENT
CBL & ASSOCIATES MANAGEMENT INC
2030 HAMILTON PLACE BOULEVARD
CHATTANOOGA, TENNESSEE 37421
TELE: 423-855-0001 / 423-490-8518

DESCRIPTION
LOTS 4, 5 AND 6 OF AUDITOR'S LOT C OF BLOCK 3 AND PART OF AUDITOR'S LOT D OF LOT 7, BLOCK 3, WACHTER'S ADDITION TO THE CITY OF BISMARCK, NORTH DAKOTA

ZONING
THE SUBJECT PROPERTY IS ZONED CR (BISMARCK ZONING TITLE 14)
A. MINIMUM SETBACK 20 FEET
B. MAXIMUM HEIGHT 50 FEET

LEGEND—PROPOSED
- SANITARY SEWER
- STORM SEWER
- WATERMAIN
- CONCRETE
- ASPHALT
- SPOT ELEVATIONS
- CURB & GUTTER ELEVATIONS
- STORM SEWER INLETS/MH
- SANITARY SEWER MH
- SIGNS
- POWER POLE
- LIGHT POLE
- HYDRANT
- VALVE



SCALE - 1"=20'
DECEMBER 8, 2014

REVISION	DATE:
add domestic water	11-12-14
relocate domestic water & sewer	12-05-14

DRIVE UP WINDOW STACKING EXHIBIT
PROPOSED PANERA LOCATION
KIRKWOOD MALL
WACHTER'S ADDITION
BISMARCK, NORTH DAKOTA

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
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Civil Engineering
Landscape & Site Design
Construction Management
1802 North Airport
Bismarck, North Dakota 58504
sheep@swenson-hagen.com
Phone (701) 223-2600
Fax (701) 223-2606

DRAWN BY: MJB
CHECK BY:
DATE: 12/8/2014
FILE DESC: KPSC
COMPUTER FILE:
SURVEY FILE:

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JASON R. PETRYSZYN
REGISTERED
PROFESSIONAL
6346
ENGINEER
NORTH DAKOTA
SWENSON HAGEN & CO.

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Part of Auditor's Lots A, C and D, part of Blocks 3 and 4, Wachter's Addition – Special Use Permit (drive-through in conjunction with a coffee shop in a multi-tenant building)

Status:	**Date:**
Planning Commission – Public Hearing	January 28, 2015
Owner(s):	**Architect:**
CBL & Associates Management, INC	Swenson, Hagen & Co.

Reason for Request:
To allow for a drive-through in conjunction with a coffee shop in a multi-tenant building.

Location:
In south Bismarck, on the Kirkwood Mall property along the east side of South 3rd Street, between East Bowen Avenue and East Bismarck Expressway.

Project Size:	**Number of Lots:**
49.8 acres	One parcel in two blocks

EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Regional shopping center and related uses.	**Land Use:** Regional shopping center and related uses including a drive-through in conjunction with a coffee shop with a special use permit.
Zoning: CR – Commercial	**Zoning:** CR – Commercial
Uses Allowed: CR – Regional shopping center and related uses	**Uses Allowed:** CR – Regional shopping center and related uses
Maximum Density Allowed: N/A	**Maximum Density Allowed:** N/A

PROPERTY HISTORY:

Zoned:	**Platted:**	**Annexed:**
Pre-1980	04/1969	Pre-1980

ADDITIONAL INFORMATION:

1. A drive-through in conjunction with a coffee shop is allowed as a special use in the CR – Commercial district, provided specific conditions are met. The proposed drive-through meets all six (6) provisions outlined in Section 14-03-08(4)(g) of the City Code of Ordinances (Special Uses) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Off-Street Parking and Loading). Copies of both sections of the ordinance are attached.

FINDINGS:

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.

(continued)

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 on the Kirkwood mall property

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow a drive-through in conjunction with a coffee shop in a multi-tenant building along the east side of south 3rd Street on part of Auditor's Lots A, C and D, part of Block 3 and Block 4, Wachter's Addition with the following condition:

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

/JW

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

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

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Drive-through cleaners	3 spaces	Window
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Gated parking lots and entrances	2 spaces	Gate

Proposed Special Use Permit
Part of Auditor's Lots A, C & D, Part of Blocks 3 and 4
Wachter's Addition

December 15, 2014 (hlb)

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.

0 200 400 800 Feet

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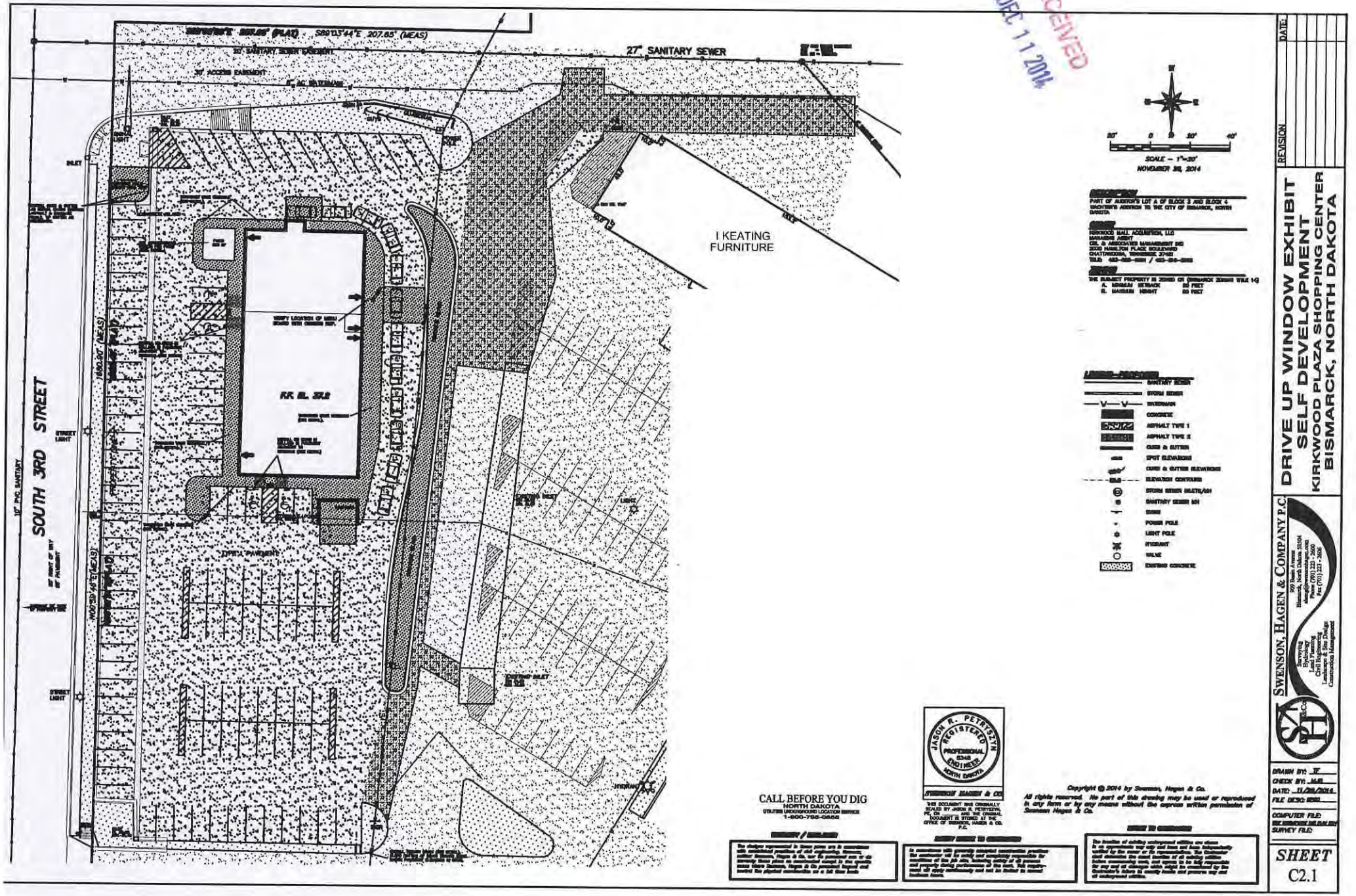

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DRIVE UP WINDOW EXHIBIT
SELF DEVELOPMENT
KIRKWOOD PLAZA SHOPPING CENTER
BISMARCK, NORTH DAKOTA

REVISION | DATE

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

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CHECK BY: JRP
DATE: 11/26/2014
FILE DESC:
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JASON R. PETRIE
REGISTERED
PROFESSIONAL
8348
ENGINEER
NORTH DAKOTA

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P:\Bismarck\KPSC\SELF DEVELOPMENT SITE PLAN 2014.dwg, 12/10/2014 11:36:16 AM, MikeB