



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
February 25, 2015

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

Item No. Page

MINUTES

- 1. Consider approval of the minutes of the January 28, 2015 meeting of the Bismarck Planning & Zoning Commission.

URBAN RENEWAL PLAN

- 2. Proposed Revisions to Official Urban Renewal Plan – City Administrator Bill Wocken (Action requested: Comment on consistency with the Comprehensive Plan)

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 3. University of Mary Second Subdivision – Preliminary Plat (Klee) 1
Staff recommendation: tentative approval [ ]tentative approval [ ]table [ ]deny
4. Metro Industrial Park Third Subdivision (JW)
a. Zoning Change (A & MA to MA) 5
Staff recommendation: schedule a hearing [ ]schedule a hearing [ ]table [ ]deny
b. Preliminary Plat 11
Staff recommendation: tentative approval [ ]tentative approval [ ]table [ ]deny
5. Part of Lot 1, Block 1, Shannon Valley Third Addition – Zoning Change (RM30 to R10) (JW) 17
Staff recommendation: schedule a hearing [ ]schedule a hearing [ ]table [ ]deny



- 6. **Auditor's Lot J of the NE¼ of Section 30 (Vacated Tyler's Western Village), T139N-R80W/Hay Creek Township – Zoning Change (A and RM30 to RT) (JW)..... 21**  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
- 7. **Part of Northern Sky Addition and Part of the SE¼ of the SE¼ of Section 17, T139N-R80W/Hay Creek Township – Zoning Change (RM30, RT & CA to CA) (JW) . 25**  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
- 8. **Kamrose Crossing Addition – PUD Amendment (JT)..... 29**  
*Staff recommendation: schedule a hearing*    schedule a hearing    table    deny
- 9. **Stoneridge Addition – PUD Amendment (JT) ..... 41**  
*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.

- 10. **Imperial Valley First Replat – Minor Subdivision Final Plat (Klee)..... 51**  
*Staff recommendation: approve*    approve    continue    table    deny
- 11. **Apple Creek Road Subdivision (JW)**  
*Apple Creek Township*
  - a. **Zoning Change (A to RR)..... 55**  
*Staff recommendation: approve*    approve    continue    table    deny
  - b. **Final Plat..... 59**  
*Staff recommendation: approve*    approve    continue    table    deny
- 12. **Southport Phase II – PUD Amendment (Klee)..... 63**  
*Staff recommendation: approve*    approve    continue    table    deny
- 13. **Capitol View Addition – PUD Amendment (JT)**
  - a. **PUD Amendment ..... 71**  
*Staff recommendation: approve*    approve    continue    table    deny
  - b. **Lot 1, Block 1 – Special Use Permit (drive-through)..... 89**  
*Staff recommendation: approve*    approve    continue    table    deny

14. **Lot 7, Block 2, Rolling Meadows Subdivision – Special Use Permit**  
(accessory building) (JW) .....95

*Hay Creek Township*

*Staff recommendation: approve*                      approve    continue    table    deny

15. **Accessory Buildings – Zoning Ordinance Text Amendment (Klee)**..... 99

*Staff recommendation: approve*                      approve    continue    table    deny

### OTHER BUSINESS

16. **Other**

### ADJOURNMENT

17. **Adjourn.** The next regular meeting date is scheduled for Wednesday, March 25, 2015.

Enclosures:      Meeting Minutes of January 28, 2015  
                         Building Permit Activity Report for January 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> University of Mary Second Subdivision – Preliminary Plat	
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015
<b>Owner(s):</b> University of Mary	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> Plat property for further development of university campus.	
<b>Location:</b> South of Bismarck, along the southwest side of ND Highway 1804 approximately two miles south of 48 <sup>th</sup> Avenue SE (Government Lot 3, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ , and part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ , Section 2, T137N-R80W/Fort Rice Township).	
<b>Project Size:</b> 95.8 acres	<b>Number of Lots:</b> 3 lots in one block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> University owned/undeveloped	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> University owned/undeveloped	<b>Land Use:</b> Expansion of university campus
<b>Zoning:</b> A – Agricultural	<b>Zoning:</b> A – Agricultural
<b>Uses Allowed:</b> A – Agriculture	<b>Uses Allowed:</b> A – Agriculture
<b>Maximum Density Allowed:</b> A – One unit/40 acres	<b>Maximum Density Allowed:</b> A – One unit/40 acres
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. The plat is being proposed to clean up the underlying legal description and allow further development of the University of Mary campus in the future.</li> <li>2. The area included in the proposed plat was originally included in the plat of University of Mary Subdivision, but was removed from the plat prior to final approval.</li> <li>3. As educational facilities are not a permitted use within the A-Agricultural zoning district, a zoning change will be required prior to expansion of the campus into this area.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. All technical requirements for consideration of a preliminary plat have been met.</li> <li>2. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway. The west half of a future collector roadway is being dedicated along the eastern edge of the plat (Sentinel Street). An existing road easement along the quarter-section line provides a connection to Bluffview Drive.</li> </ol>	
<i>(continued)</i>	

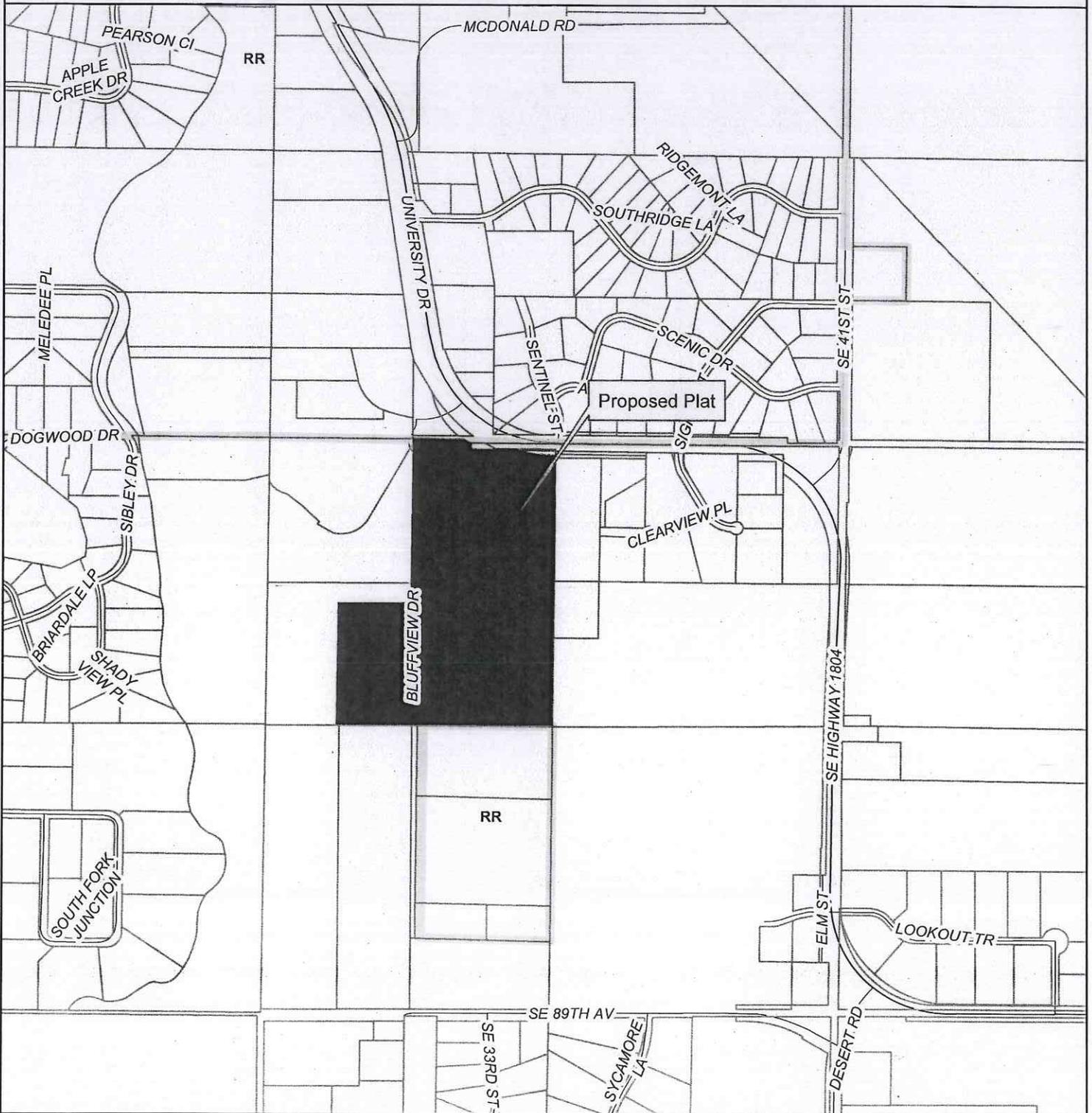
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north, the Annunciation Priory to the northeast and east and a combination of agricultural uses and rural residential to the southeast, south, east and northeast across US Highway 1804.
4. The property would be served by an extension of City water from the campus and a private on-site sewer treatment system and would have direct access on ND Highway 1804; therefore, the subdivision would not place an undue burden on public services and facilities, provided the property is zoned appropriately prior to development.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat for the University of Mary Second Subdivision, with the understanding that the property will be zoned appropriately prior to development.

*/Klee*

# Proposed Plat University of Mary Second Subdivision



January 26, 2015 (hib)

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.



FEB 18 2015

# UNIVERSITY OF MARY SECOND SUBDIVISION

PART OF THE NORTHWEST 1/4 OF SECTION 2 AND  
AND PART OF THE SOUTHWEST 1/4 OF SECTION 35  
T. 137 N., R. 80 W.

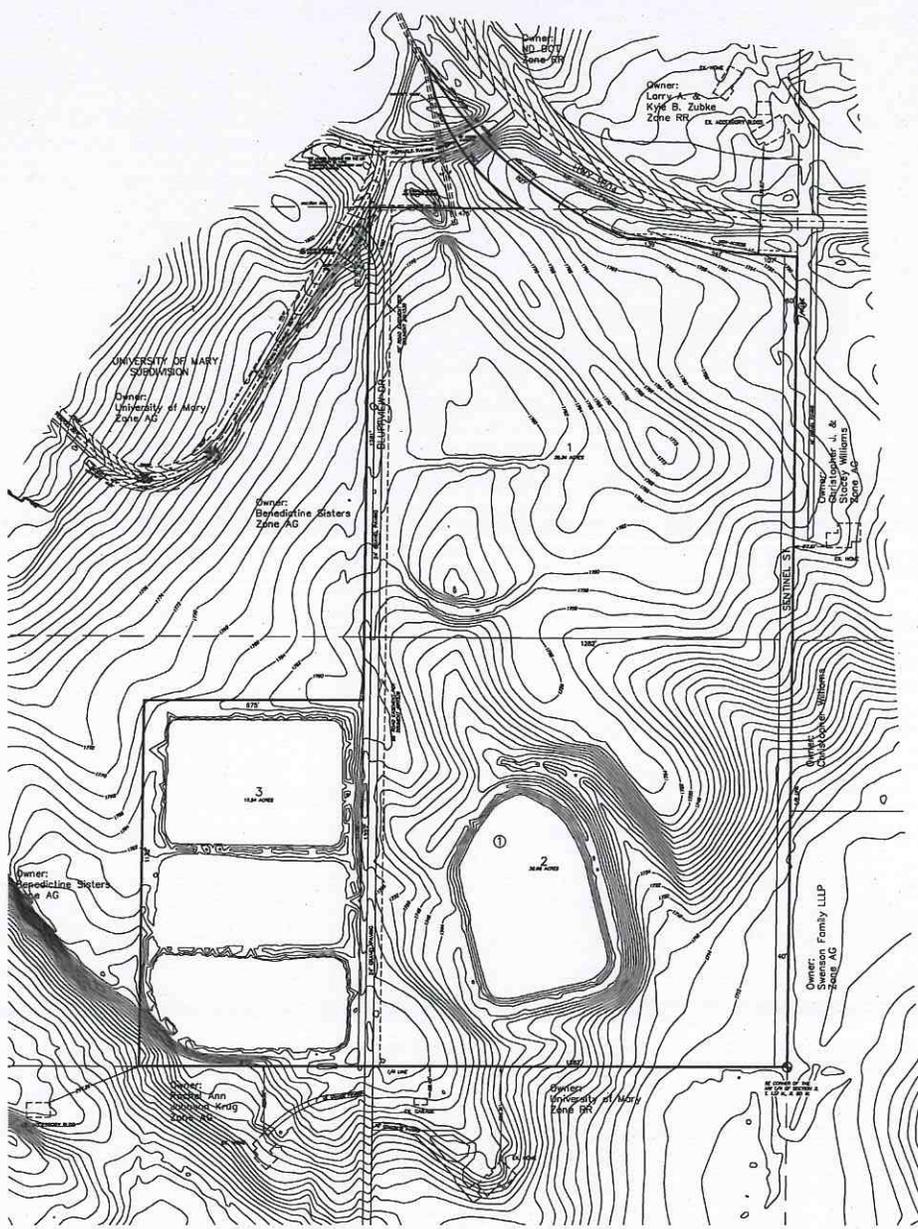
## BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE - 1"=150'  
0 30 60 90 120 150  
JANUARY 22, 2015  
NAVD 88

**OWNER:**  
**UNIVERSITY OF MARY**  
7500 UNIVERSITY DRIVE  
BISMARCK, ND 58504  
701-355-8030

97.16 ACRES  
EXISTING ZONING: A  
3 LOTS



PROJECT LOCATION



LOCATION MAP

**SWENSON, HAGEN & COMPANY P.C.**  
 225 Bank Avenue  
 Bismarck, North Dakota 58501  
 (701) 355-8030  
 www.swhagen.com  
 Surveying  
 Civil Engineering  
 Landmark & Site Design  
 Planning & Design  
 Environmental Science  
 Construction Management

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

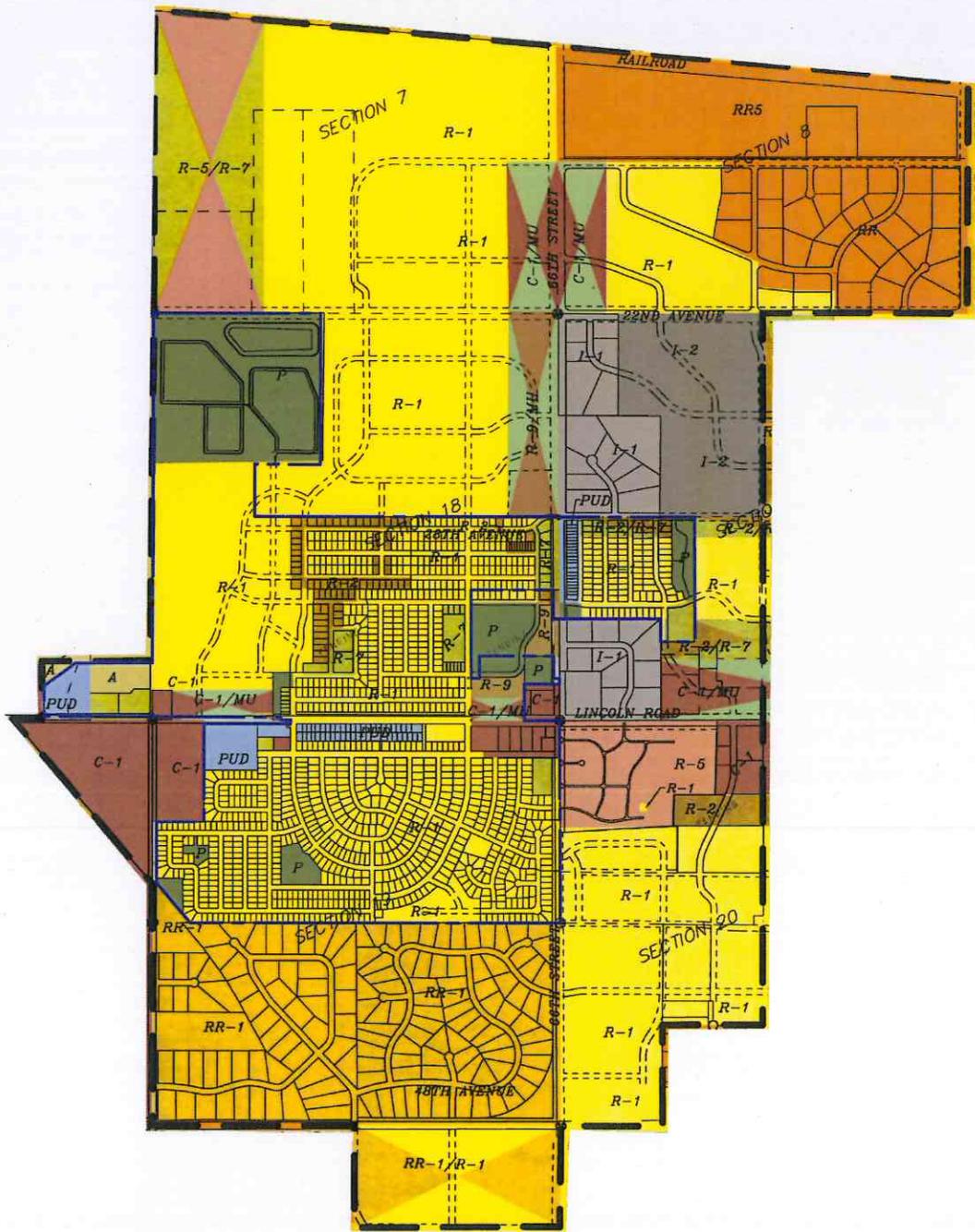
<b>BACKGROUND:</b>		
<b>Title:</b> Metro Industrial Park Third Subdivision – Zoning Change (A & MA to MA)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Leona McDonald & Hertz Rental Bisman Rifle & Pistol Association (Lot 2, Block 2)	<b>Engineer:</b> Ulteig Engineering	
<b>Reason for Request:</b> To plat, zone and annex property in conjunction with an industrial development project.		
<b>Location:</b> South of Bismarck, west of ND Highway 1804, between University Drive and 48 <sup>th</sup> Avenue SE (a replat of Lot 1, Block 2 and Lots 1, 2, 9, 10 and 11, Block 2, Replat of Metro Industrial Park Subdivision and part of the E½ of the SE¼ of Section 22, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 8.8 acres	<b>Number of Lots:</b> 5 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture	<b>Land Use:</b> Industrial	
<b>Uses Allowed:</b> A – Agriculture	<b>Zoning:</b> MA – Industrial	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres	<b>Uses Allowed:</b> MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan, which identifies this area as industrial.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the Bismarck Municipal Airport to the north and northeast, undeveloped A-Agriculture zoned property to the northwest and west, and industrial uses to the east and south.</li> <li>3. The proposed zoning change would be served by South Central Regional Water District; therefore the proposed zoning change would not place an undue burden on public services.</li> <li>4. The proposed zoning change would not have an adverse impact on property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> </ol>		
<i>(continued)</i>		

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

**RECOMMENDATION:**

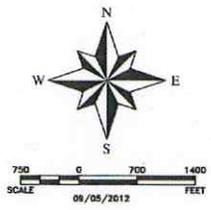
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agriculture and MA - Industrial zoning districts to the MA – Industrial zoning for Metro Industrial Park Third Subdivision.

*/JW*



**LEGEND**

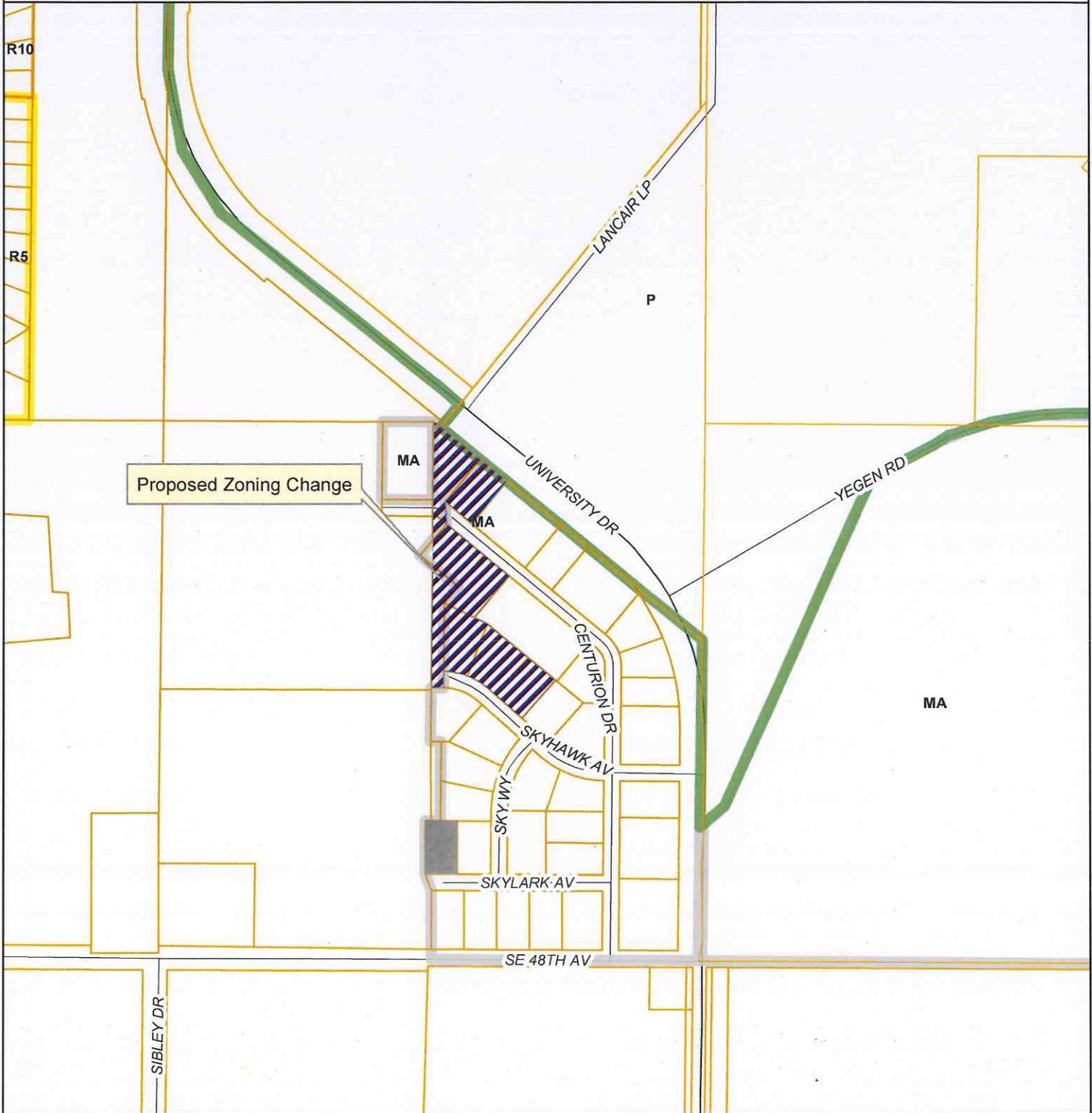
- |  |      |  |   |
|--|------|--|---|
|  | R-1  |  | P   |
|  | R-2  |  | A   |
|  | R-5  |  | PUD                                       |
|  | R-7  |  | RR5 (RURAL RESIDENTIAL - BURLEIGH COUNTY) |
|  | R-9  |  | RR (RURAL RESIDENTIAL - BISMARCK)         |
|  | C-1  |  | MB (HEAVY INDUSTRIAL - BISMARCK)          |
|  | MU   |  | CG (HEAVY COMMERCIAL - BISMARCK)          |
|  | I-1  |  | PROPOSED FUTURE ROW                       |
|  | I-2  |  | CORPORATE BOUNDARY                        |
|  | RR-1 |  | CURRENT EXTRATERRITORIAL AREA (ETA)       |



**Kadmas  
Lee &  
Jackson**  
Engineers Surveyors  
Planners

**Figure 3: Lincoln Future Extraterritorial Land Use Plan**

# Proposed Zoning Change (A to MA) Metro Industrial Park Third Addition

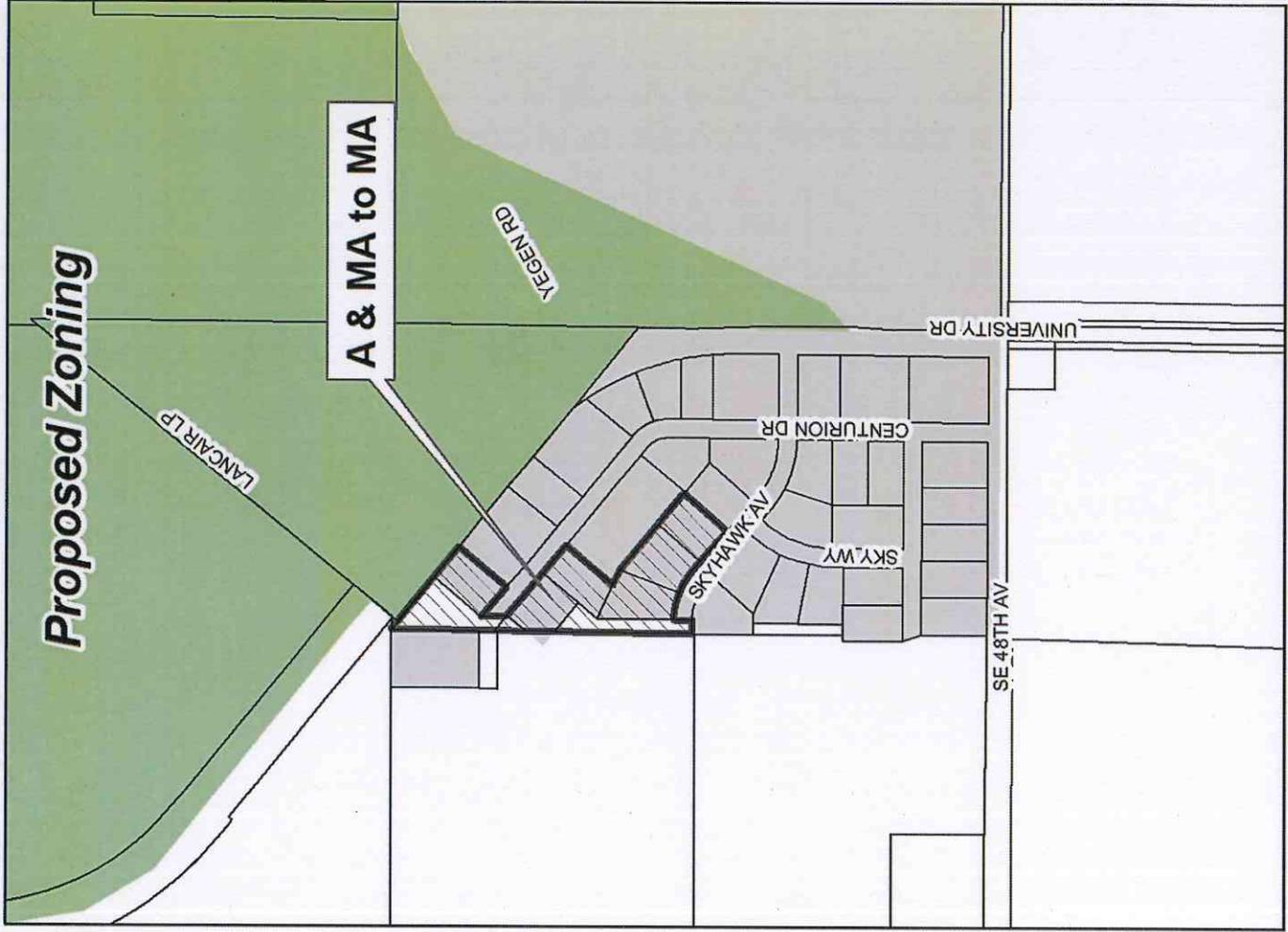
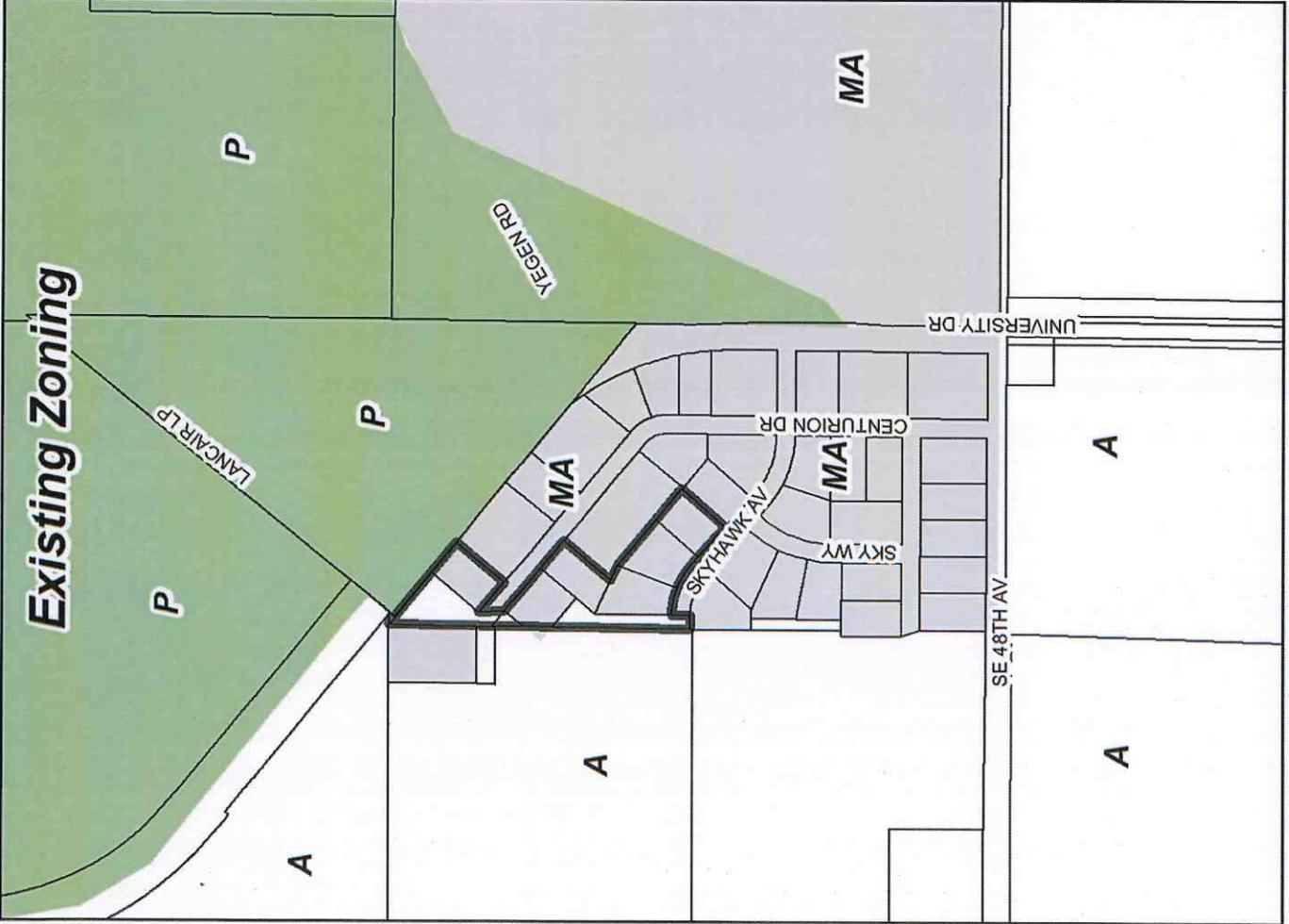


January 21, 2015 (hib)

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.



Metro Industrial Park 3rd Subdivision - Zoning Change



February 2015

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Metro Industrial Park Third Subdivision –Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Leona McDonald & Hertz Rental Bisman Rifle & Pistol Association (Lot 2, Block 2)	<b>Engineer:</b> Ulteig Engineering	
<b>Reason for Request:</b> To plat, zone and annex property in conjunction with an industrial development project.		
<b>Location:</b> South of Bismarck, west of ND Highway 1804, between University Drive and 48 <sup>th</sup> Avenue SE (a replat of Lot 1, Block 2 and Lots 1, 2, 9, 10 and 11, Block 2, Replat of Metro Industrial Park Subdivision and part of the E½ of the SE¼ of Section 22, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 8.8 acres	<b>Number of Lots:</b> 5 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Vacant/Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture	<b>Land Use:</b> Industrial	
<b>Uses Allowed:</b> A – Agriculture	<b>Zoning:</b> MA – Industrial	
<b>Maximum Density Allowed:</b> A – 1 unit per 40 acres	<b>Uses Allowed:</b> MA – Light industrial, general commercial, warehouses, storage facilities, manufacturing and shop condos	
	<b>Maximum Density Allowed:</b> MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<p>1. The applicant has submitted a request to waive the requirement to pave extensions of roadways located within the proposed subdivision (Centurion Drive and Skyhawk Avenue), this request seems reasonable as the existing roadways adjacent to the proposed subdivision are not paved. As the proposed subdivision is located outside city limits, the Burleigh County Commission at their meeting of February 18, 2015 approved the request to waive the requirement to pave the extensions of Centurion Drive and Skyhawk Avenue.</p>		
<b>FINDINGS:</b>		
<p>1. All technical requirements for consideration of a preliminary plat have been met.</p> <p>2. The proposed subdivision is consistent with the 2015 Fringe Area Road Master Plan for this area, which identifies the extension of Centurion Drive as a collector roadway for this area.</p>		
<i>(continued)</i>		

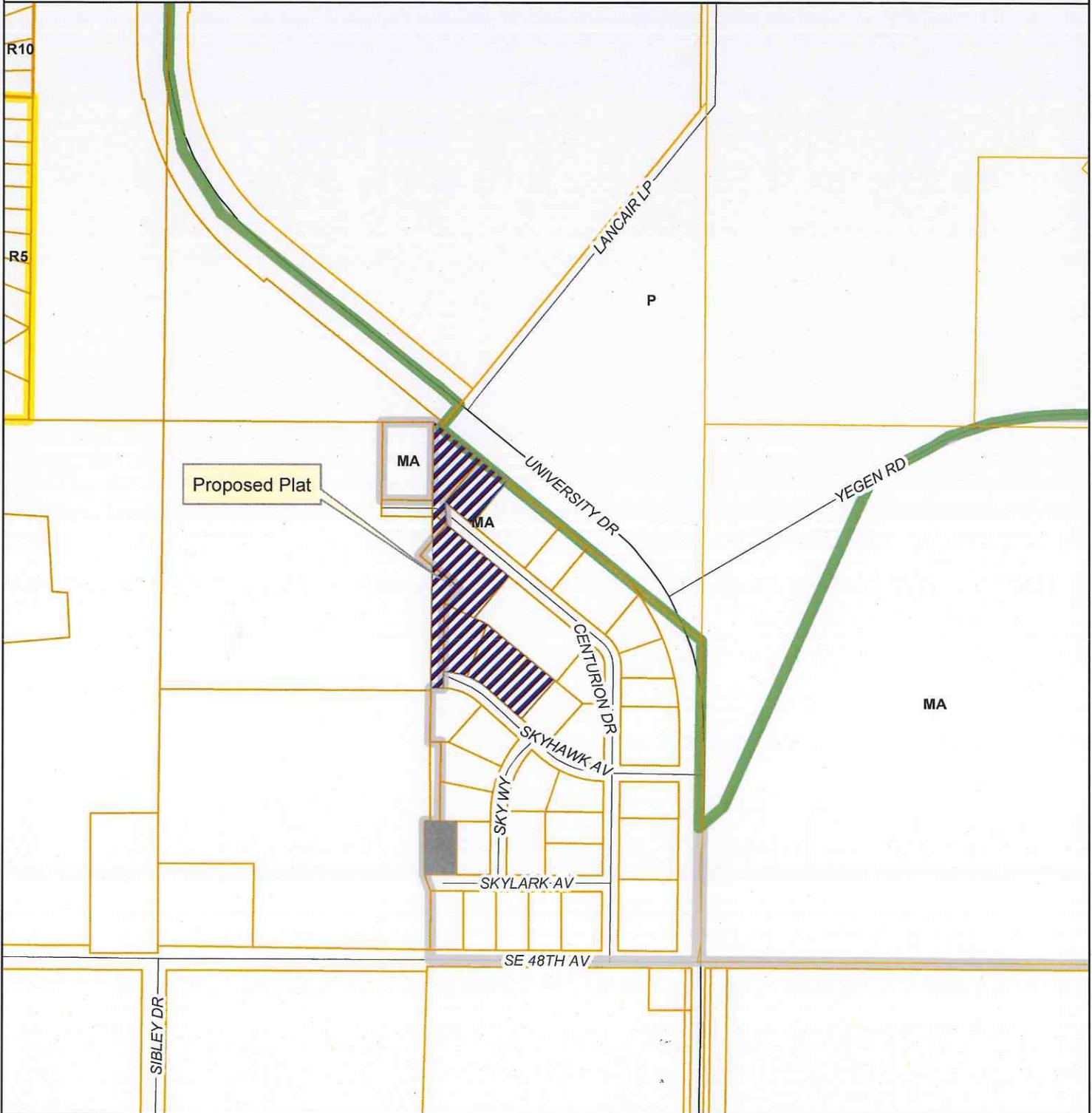
3. The proposed subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the Bismarck Municipal Airport to the north and northeast, undeveloped A-Agriculture zoned property to the northwest and west, and industrial uses to the east and south.
4. The proposed subdivision would be served by South Central Regional Water District and would have direct access to extensions of Centurion Drive and Skyhawk Avenue; therefore, it would not place an undue burden on public services and facilities.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided that a waiver is granted by to waive the requirement to pave extensions of Centurion Drive and Skyhawk Avenue located within the proposed subdivision.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat of Metro Industrial Park Third Subdivision, including granting of a waiver from the requirement of to pave the extensions of Centurion Drive and Skyhawk Avenue located within the proposed subdivision.

*/JW*

# Proposed Plat Metro Industrial Park Third Addition



January 21, 2015 (hib)

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FEB 18 2015

PRELIMINARY PLAT OF

# METRO INDUSTRIAL PARK THIRD SUBDIVISION

BEING A RE-PLAT OF LOT 1, BLOCK 2 AND LOTS 1, 2, 9, 10 AND 11, BLOCK 1, BLOCK 2 AND LOT 1, BLOCK 1, REPLAT OF METRO INDUSTRIAL PARK SUBDIVISION TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA AND PART OF THE E/2 OF THE SE 1/4 OF SECTION 22-T138N-R60W

OWNERS DESCRIPTION AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Heier Rental Properties, L.L.P., whose address is Cannon, North Dakota as certifier purchase and owns McDonald, whose address is Bismarck North Dakota, two owners of the following described property:

Lot 1, Block 1, Lots 1, 2, 9, 10 and 11, Block 2 and Lot 1, Block 1, REPLAT OF METRO INDUSTRIAL PARK, a duly recorded plat on file and of record in the office of the County Recorder, Burleigh County, North Dakota.

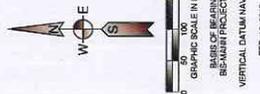
And That part of the East Half of the Southeast Quarter of Section 22, Township 138N, Range 60 West, 5th Principal Meridian, Burleigh County, North Dakota as shown on the attached plat.

That the Northern portion of the West Half of the Southeast Quarter of Section 22, Township 138N, Range 60 West, 5th Principal Meridian, Burleigh County, North Dakota, contains 80 acres, more or less, and is being subdivided into 11 lots, as shown on the attached plat. The lots are described as follows:

Lot 1: The Northern portion of the West Half of the Southeast Quarter of Section 22, Township 138N, Range 60 West, 5th Principal Meridian, Burleigh County, North Dakota, containing 80 acres, more or less, and being subdivided into 11 lots, as shown on the attached plat. The lots are described as follows:

Lot 1: The Northern portion of the West Half of the Southeast Quarter of Section 22, Township 138N, Range 60 West, 5th Principal Meridian, Burleigh County, North Dakota, containing 80 acres, more or less, and being subdivided into 11 lots, as shown on the attached plat. The lots are described as follows:

LINE	LENGTH	BEARINGS
1	63.55	S89°17'07" E
2	63.57	S89°16'47" W
3	83.71	S89°17'07" W
4	100.00	S27°12'47" E
5	20.00	S89°17'07" W
6	83.71	S89°16'47" W
7	113.00	S89°17'07" W
8	113.00	S89°16'47" W
9	200.00	S17°24'37" W
10	43.00	S89°16'47" W



ZONE: MA LIGHT INDUSTRIAL  
 LOTS TO BE SERVED BY SOUTH CENTRAL WATER DISTRICT  
 LOTS ARE NOT SERVED BY SANITARY SEWER  
 PLAT DATA  
 TOTAL LOT AREA: 373.133 S.F.-A  
 TOTAL ROADWAY: 10,388.8 E.F.-A  
 TOTAL ACRES: 8.577-1 (8.58 ACRES-1)  
 PROPOSED ZONING: MANUFACTURAL



The above described land contains 8.68 acres, more or less, and is subject to easements of record. Said owner has caused the above described tract of land to be surveyed and platted as "METRO INDUSTRIAL PARK THIRD SUBDIVISION" to the City of Bismarck, Burleigh County, North Dakota, and to hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

OWNER:  
 Heier Rental Properties, L.L.P.  
 Laura McDonald

State of North Dakota  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, a notary public with and for said County, personally appeared Laura McDonald, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that she executed the same.

Notary Public

CITY OF BISMARCK ENGINEERING DEPARTMENT APPROVAL  
 Approved by City Engineer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

City Engineer

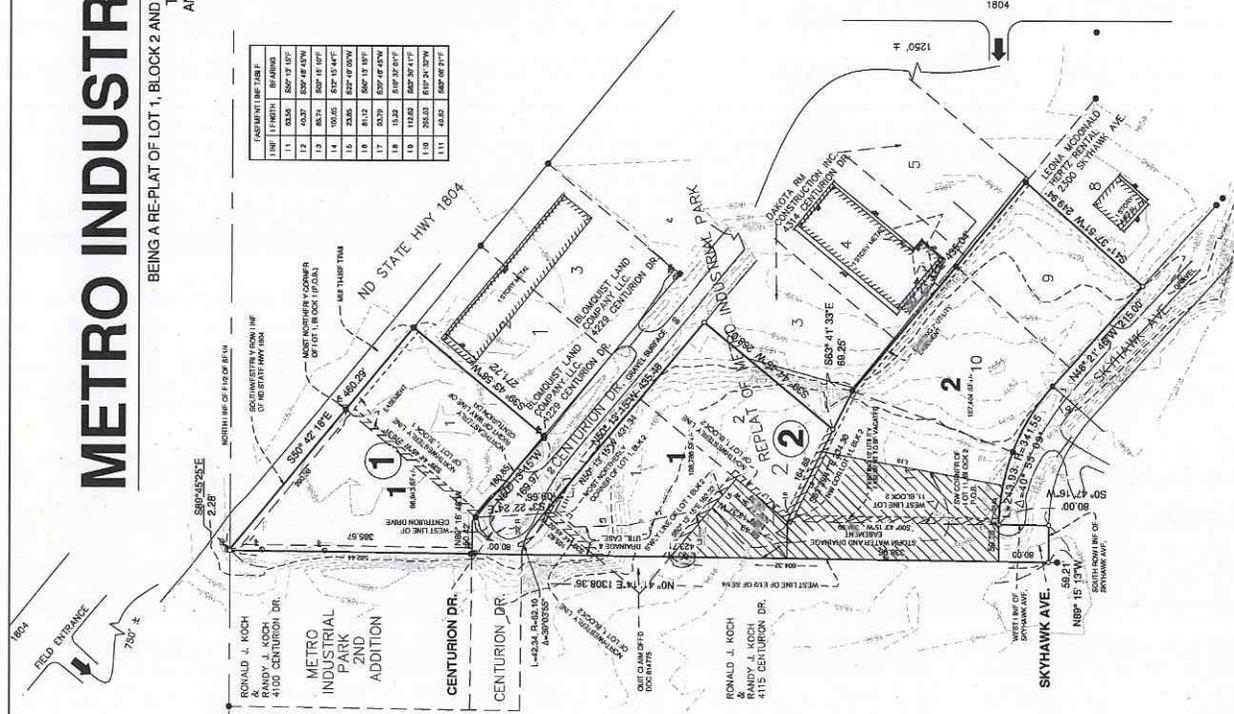
CITY OF BISMARCK PLANNING COMMISSION APPROVAL  
 Approved by the City of Bismarck Planning Commission the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Bismarck Planning Commission

BISMARCK CITY COMMISSION APPROVAL  
 Approved by the Board of City Commissioners and ordered filed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mike Stremmel, Mayor

Bill Wooten, City Administrator



PREPARED BY



Bismarck, North Dakota - Denver, Denver, Lakota  
 Fargo - Sioux Falls - St. Paul - Williston



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

RECEIVED  
JAN 23 2015

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:

Location of Subdivision:

Name of Property Owner/Developer:

Contact Person (if different from owner):

**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:

**Other (Specify)** Prior approval from appropriate department head:  
(signature & date)

Reason for Request:

Stur-D Products is requesting a variance on Title 14-09-05 Section 1.S.2, 2<sup>nd</sup> paragraph ...*"roadways must be paved"*. Stur-D Products requests a variance so that they can incorporate recently purchased property into the Metro Industrial Park Third Addition which is a replat of the Replat of Metro Industrial Park.

The variance request is for the western portion of Centurion Drive and Skyhawk Avenue where right-of-way has been dedicated for future street extensions to the west. The locations described above can be seen in the preliminary plat that is included with this request.

The basis for a variance is as follows:

The streets shown in the preliminary plat are existing with gravel surface including the areas being dedicated for street right-of-way. The length of street for each dedication averages approximately 59.7 feet and 59.2 feet for Centurion Drive and Skyhawk Avenue, respectively. In addition, both streets dead end at the west line of the replat and paving this short segment of street would be diminutive compared to what is already in place.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

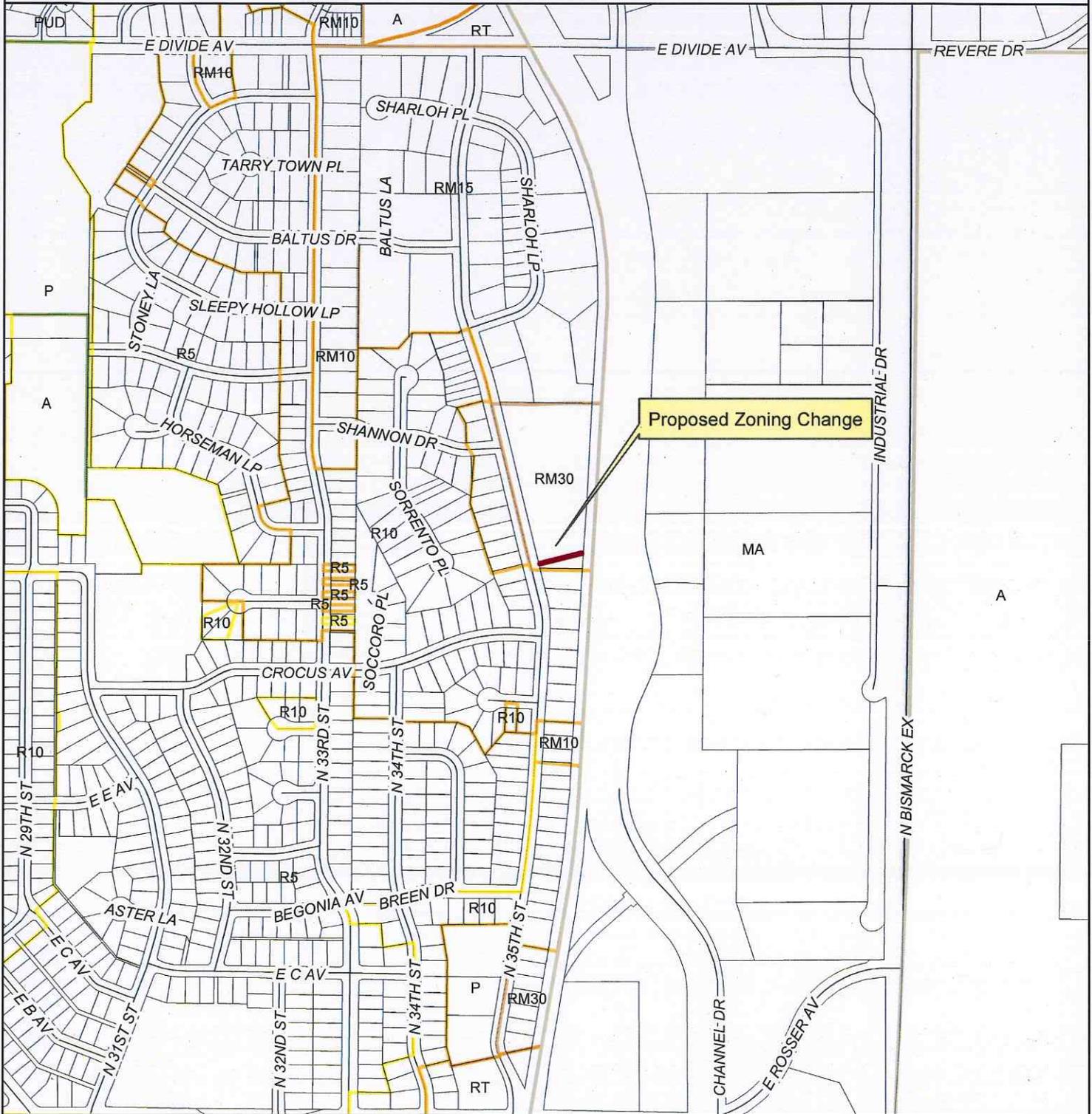
<b>BACKGROUND:</b>		
<b>Title:</b> Part of Lot 1, Block 1, Shannon Valley Addition – Zoning Change (RM30 to R10)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Dakota Boys Ranch	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone a portion of the lot in order to combine with adjacent parcel.		
<b>Location:</b> In east Bismarck, between East Divide Avenue and East A Avenue, along the east side of North 35 <sup>th</sup> Street.		
<b>Project Size:</b> 3,629 square feet, more or less	<b>Number of Lots:</b> Portion of one lot	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Multi-family residential	<b>Land Use:</b> Single and two-family residential	
<b>Zoning:</b> A – Agricultural RM30 - Residential	<b>Zoning:</b> R10 – Residential	
<b>Uses Allowed:</b> RM30 – Multi-family residential	<b>Uses Allowed:</b> R10 – Single and two-family residential	
<b>Maximum Density Allowed:</b> RM30 – 30 units/acre	<b>Maximum Density Allowed:</b> R10 – 10 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/2002	<b>Platted:</b> 04/2002	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<p>1. The proposed zoning change is being requested in order to combine the southern 3,629 square feet of Lot 1, Block 1 with the adjacent property to the south, which is zoned R10 – Residential. The property owner to the south constructed a fence and installed landscaping on Lot 1, Block 1 in error. The applicant has agreed to sell that portion of Lot 1, Block 1 to the adjacent property owner. Prior to combining the two parcels, they must be located within the same zoning district.</p>		
<b>FINDINGS:</b>		
<p>1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the north and west, industrial uses to the east across the Hay Creek channel and single and two-family dwellings to the south.</p> <p>2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.</p> <p>3. The proposed zoning change would not adversely affect property in the vicinity.</p> <p>4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</p> <p>5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</p>		

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM30 – Residential zoning district to the R10 – Residential zoning district on part of Lot 1, Block 1, Shannon Valley Third Addition (to be known as Lot 1B, Block 1, Shannon Valley Third Addition).

*/JW*

# Proposed Zoning Change Lot 1B, Block 1, Shannon Valley Third Addition (RM30 to R10)

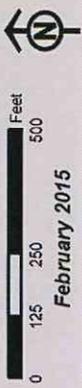
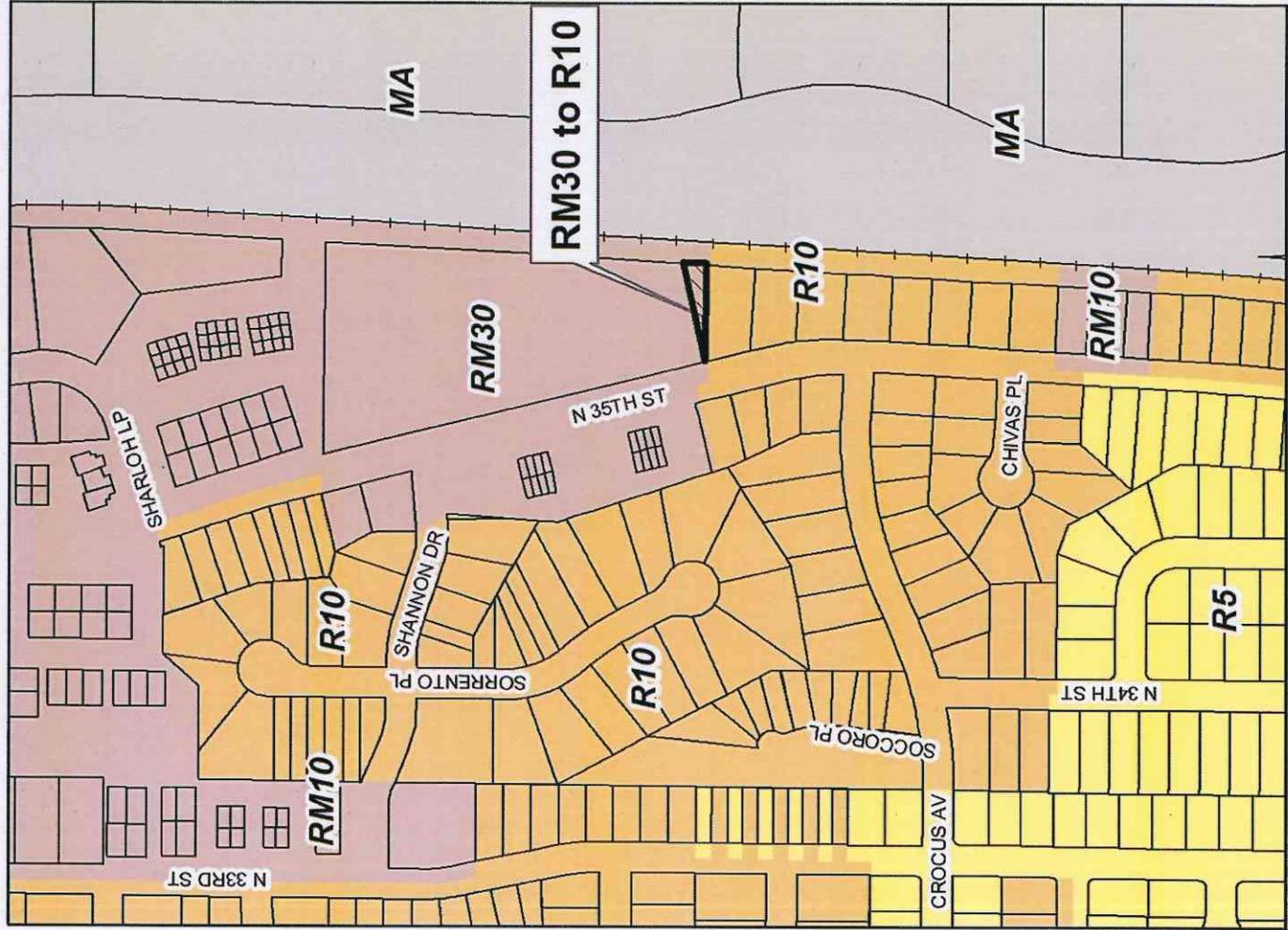
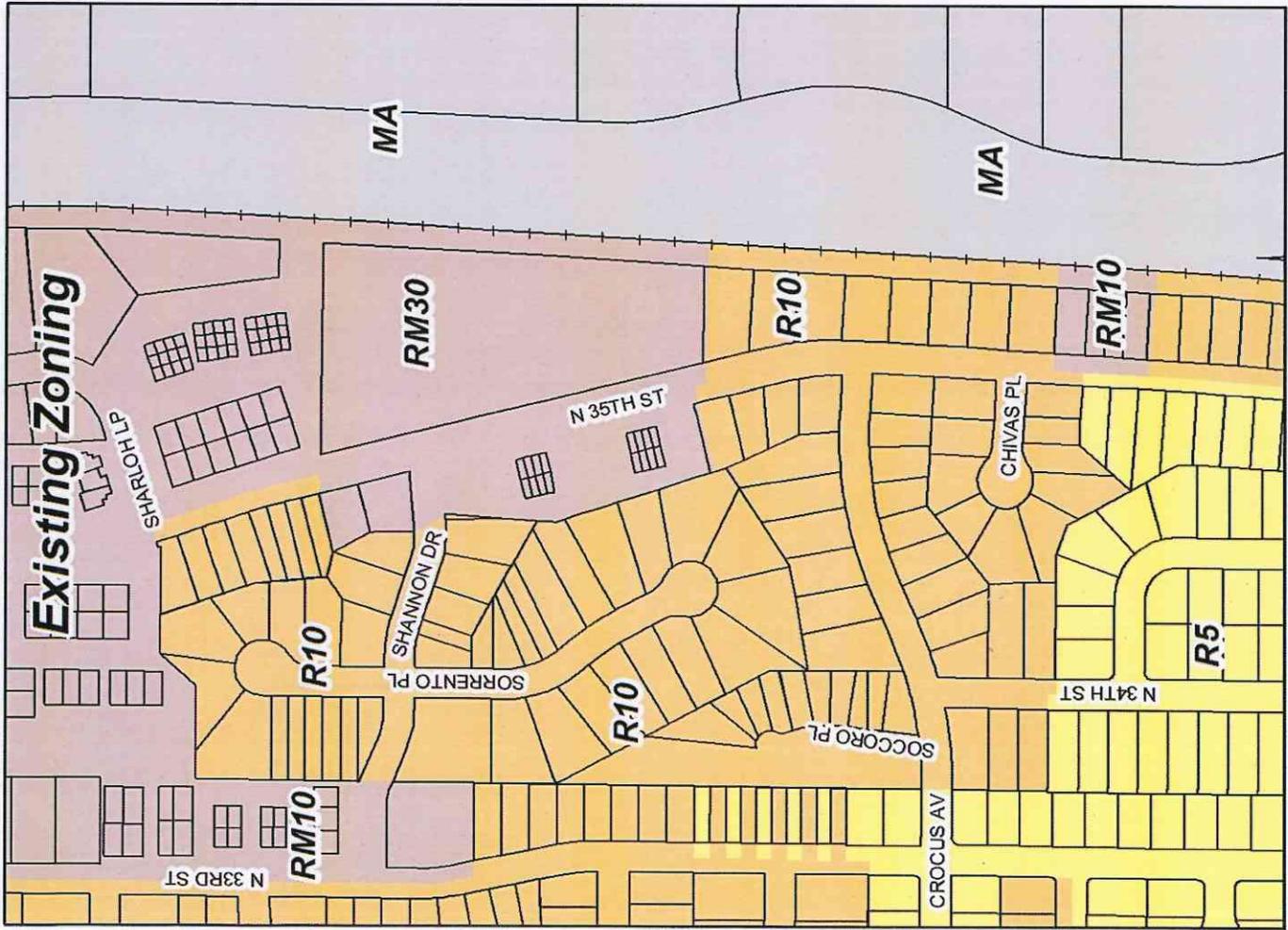


January 21, 2015 (hib)

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.



# Part of Lot 1, Block 1, Shannon Valley Third Addition - Zoning Change



February 2015

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**

<b>BACKGROUND:</b>		
<b>Title:</b> Auditor's Lot J of the NE¼ of Section 30 (Vacated Tyler's Western Village), T139N-R80W/Hay Creek Township – Zoning Change (A & RM30 to RT)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> C Family Trust	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to in order to combine with adjacent parcel.		
<b>Location:</b> In northwest Bismarck, north of I-94 and east of Tyler Parkway, along the north side of Burnt Boat Drive.		
<b>Project Size:</b> 8,655 square feet, more or less	<b>Number of Lots:</b> One parcel	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Multi-family residential and offices	
<b>Zoning:</b> A – Agricultural RM30 – Residential	<b>Zoning:</b> RT – Residential	
<b>Uses Allowed:</b> A – Agriculture RM30 – Multi-family residential	<b>Uses Allowed:</b> RT – Multi-family residential and offices	
<b>Maximum Density Allowed:</b> A – One unit/40 acres RM30 – 30 units/acre	<b>Maximum Density Allowed:</b> RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
1. The proposed zoning change is being requested in order to combine Auditor's Lot J with Auditor's Lot G of Lot 1, Block 1, Country West IV, the adjacent property to the south, which is zoned RT – Residential. Prior to combining the two parcels, they must be located within the same zoning district.		
<b>FINDINGS:</b>		
1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped RM30 – Residential zoned property to the north and east, undeveloped A-Agriculture zoned property to the west, and existing office uses to the south.		
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 scheduling a public hearing on the zoning change from the A – Agricultural and RM30 – Residential zoning districts to the RT – Residential zoning district on Auditor’s Lot J of the NE¼ of Section 30 (Vacated Tyler’s Western Village), T139N-R80W/Hay Creek Township.

*/JW*

# Proposed Zoning Change Auditor's Lot J, Section 30, Hay Creek Township (A and RM30 to RT)

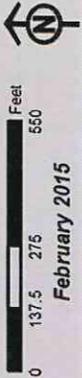
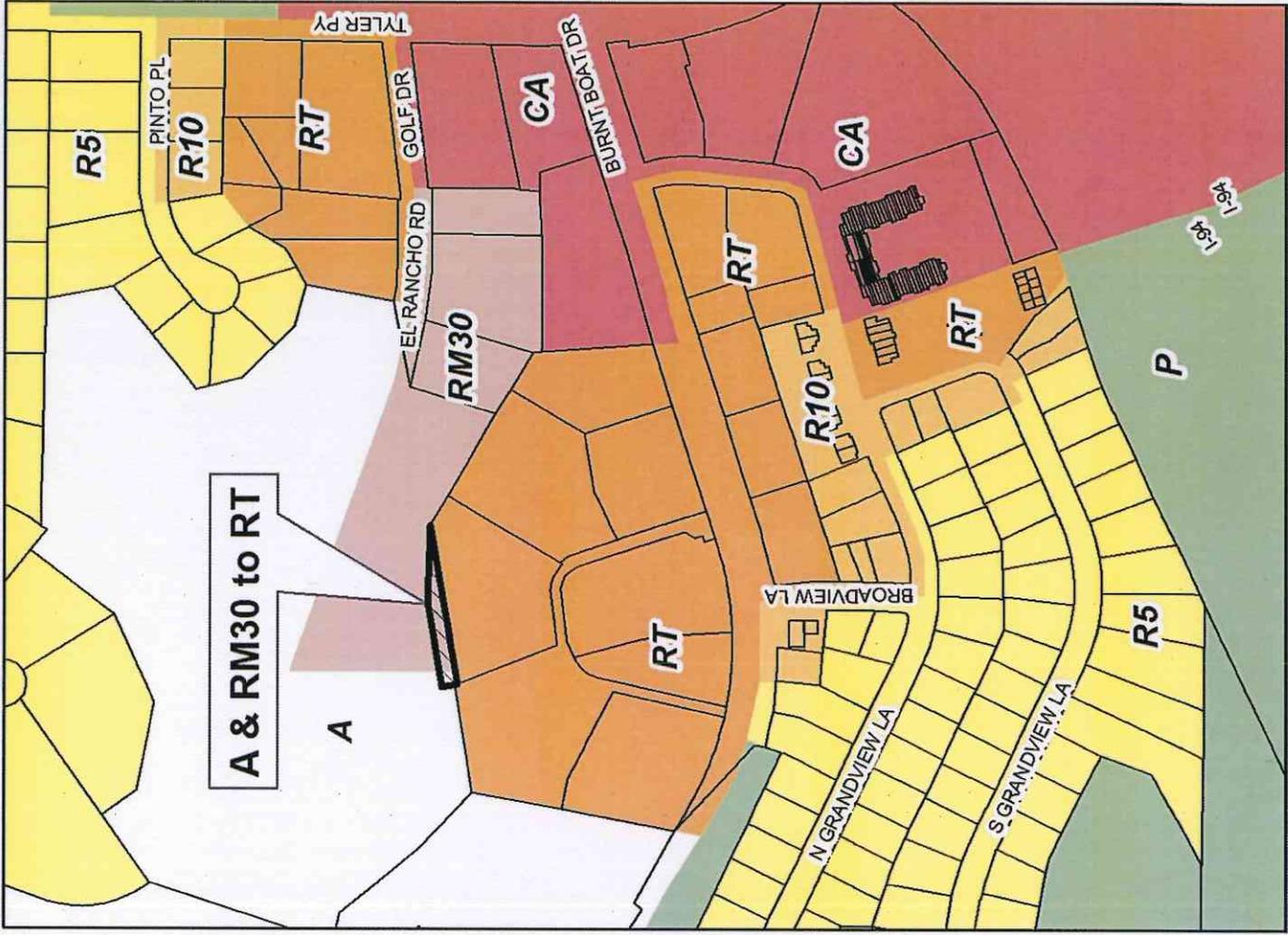
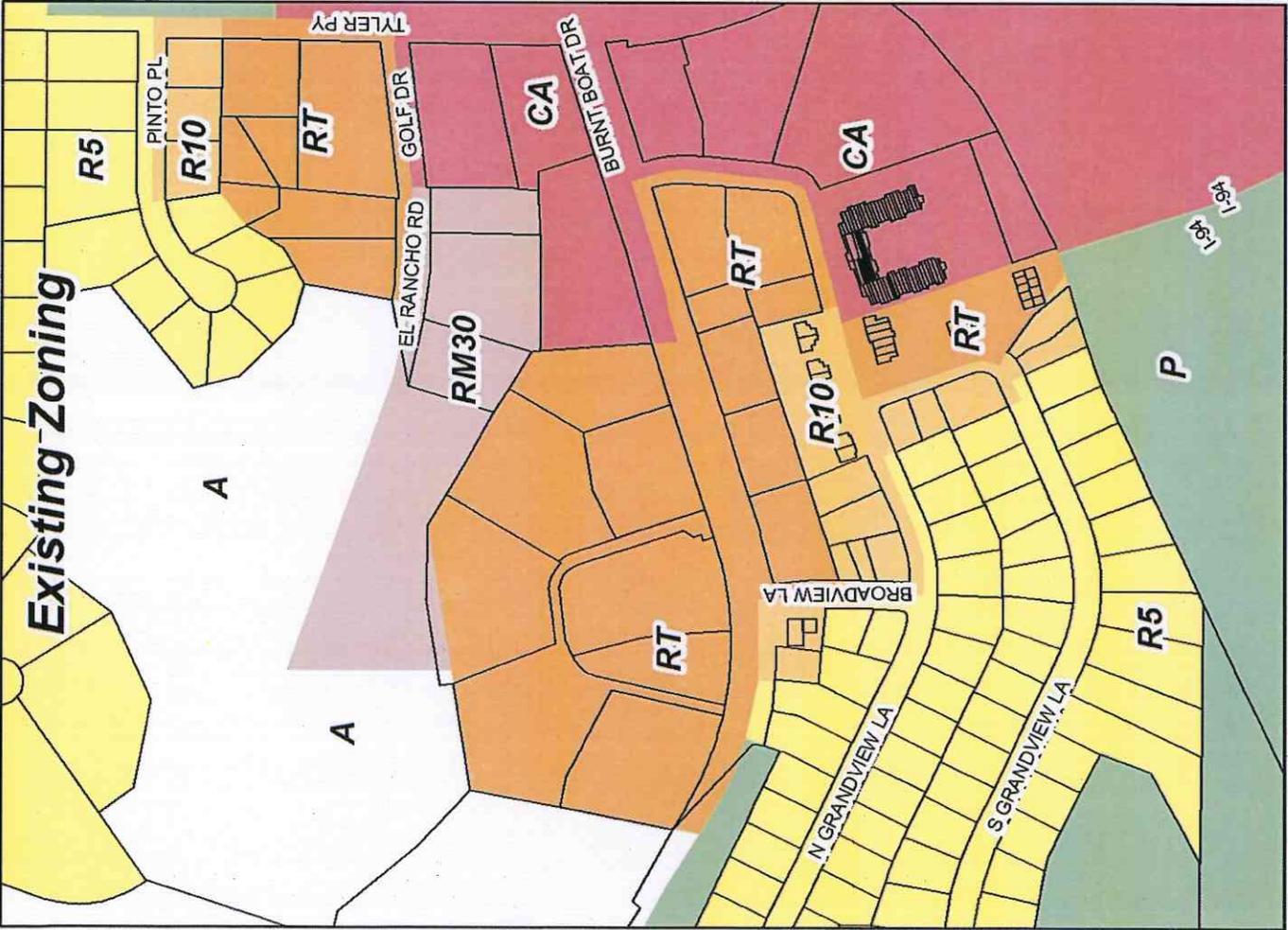


January 21, 2015 (h1b)

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**Auditor's Lot J of the NE 1/4 of Section 30-Hay Creek Township - Zoning Change**



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February 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Part of Northern Sky Addition and part of the SE¼ of the SE¼ of Section 17, T139N-R80W/Hay Creek Township - Zoning Change (RM30, RT & CA to CA)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Wilment Development, LLC	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow for neighborhood commercial development.		
<b>Location:</b> In northwest Bismarck, in the northwest quadrant of the intersection of North Washington Street and Ash Coulee Drive / 43 <sup>rd</sup> Avenue NE.		
<b>Project Size:</b> 27.83 acres	<b>Number of Lots:</b> 5 lots in 2 blocks and 1 parcel	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RM30 – Residential (Lots 1&2, Block 2) RT – Residential (Lot 2, Block 1 & northern portion of unplatted parcel located south of Lots 1 & 2, Block 1) CA – Commercial (southern portion of Lot 1, Block 1 and unplatted parcel located south of Lots 1 & 2, Block 1)	<b>Zoning:</b> CA – Commercial	
<b>Uses Allowed:</b> RM30 – Multi-family residential RT – Multi-family residential and offices CA – Multi-family residential, offices and neighborhood commercial uses	<b>Uses Allowed:</b> CA – Multi-family residential, offices and neighborhood commercial uses	
<b>Maximum Density Allowed:</b> RM30 – 30units/acre RT – 30 units/acre CA – 30 units/acre	<b>Maximum Density Allowed:</b> CA – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 11/2002 (unplatted) 05/2012 (Northern Sky Addition)	<b>Platted:</b> 05/2012 (Northern Sky Addition)	<b>Annexed:</b> 05/2012 (Northern Sky Addition)
<b>ADDITIONAL INFORMATION:</b>		
1. The proposed zoning change is outside the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).		
<i>(continued)</i>		

2. Staff has concerns with the portion of the proposed zoning change that would rezone Lots 1 and 2, Block 2, Northern Sky Addition from RM30 – Residential to CA – Commercial and has suggested to the applicant that a zoning designation of RT – Residential would be supported by staff as introducing commercial uses further away from the intersection of North Washington Street and Ash Coulee / 43<sup>rd</sup> Street NE may have an adverse impact on the neighborhood. The applicant and staff have agreed to meet to discuss the proposed zoning change and the proposed concept plan for the area prior to the public hearing on the request.

#### **FINDINGS:**

1. The proposed zoning change for Lot 1 and Lot 2, Block 1 may not be completely compatible with adjacent land uses. In particular, rezoning Lots 1 and 2, Block 2 to CA – Commercial may not provide a zoning transition between Horizon Middle School and higher uses associated with a CA – Commercial zoning district and would introduce commercial uses further into the existing neighborhood. Adjacent land uses include developing RT – Residential zoned property to the north (including a religious facility), developing single and two-family residential and undeveloped CA – Commercial zoned property to the east across North Washington Street, Horizon Middle School to the west and developing single and two-family residential to the south across Ash Coulee Drive and one large lot single family dwelling.
2. The un-annexed portions of the property will be annexed prior to development; therefore, the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change, with the exception of Lot 1 and Lot 2, Block 2, would not adversely affect property in the vicinity. However, the proposed zoning change for Lot 1 and Lot 2, Block 2 may adversely affect property in the vicinity. In particular, expanding commercial uses further into the existing neighborhood adjacent to Horizon Middle School and the amount of traffic potentially generated by those uses may adversely affect the existing lower density uses to the north and west.
4. The proposed zoning change, with the exception of Lot 1 and Lot 2, Block 2, is consistent with the general intent and purpose of the zoning ordinance. The proposed zoning change of Lot 1 and Lot 2, Block 2 is not completely constant with the general intent and purpose of the zoning ordinance. In particular expanding the commercial zoning district further into the existing neighborhood without a zoning transition is contrary to the concepts of transitional zoning and buffers.
5. The proposed zoning change, with the exception of Lot 1 and Lot 2, Block 2, is consistent with the master plan, other adopted plans, policies and accepted planning practice. However the proposed zoning change for Lot 1 and Lot 2, Block to is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, given the fact that there would no longer be a zoning transition between the P-Public zoned property to the west, expanding the commercial area further to the west is contrary to the concepts of transitional zoning and buffers.

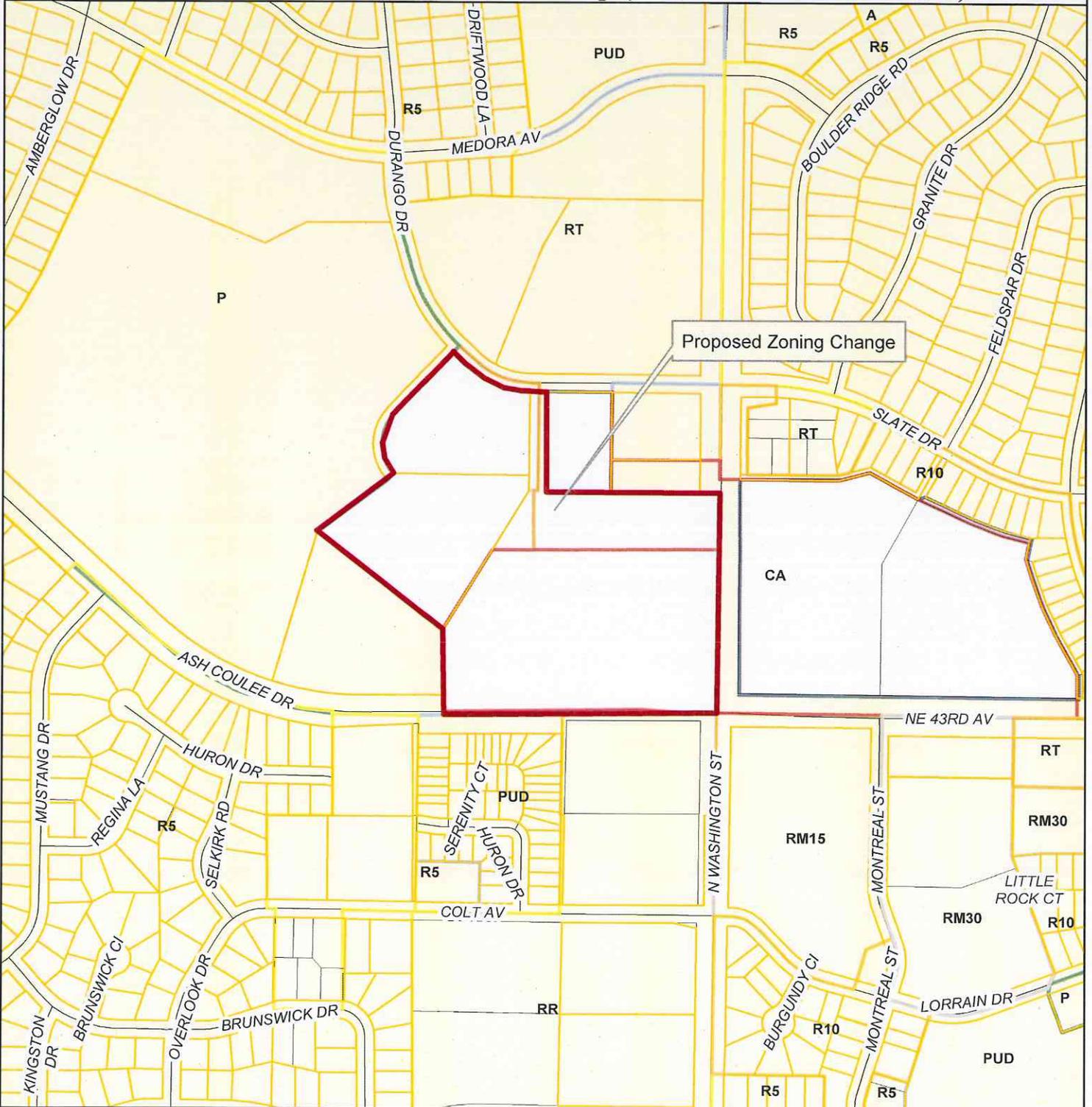
#### **RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM30 – Residential, RT-Residential and CA – Commercial zoning districts to the CA – Commercial zoning district on part of Northern Sky Addition and part of the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 17, T139N-R80W/ Hay Creek Township, with the understanding that staff will continue to work with the applicant prior to the public hearing to address staff's concerns with the proposed CA – Commercial zoning for Lots 1 and 2, Block 2, Northern Sky Addition.

/JW

# Proposed Zoning Change

Lot 1 less the North 250 feet and Lot 2, Block 1 and  
Lots 1 and 2, Block 2, Northern Sky Addition and Auditor's Lot C-3, Section 17,  
T139N-R80W/Hay Creek Township (CA, RT and RM30 to CA)

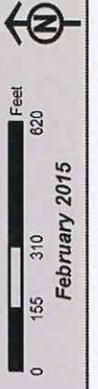
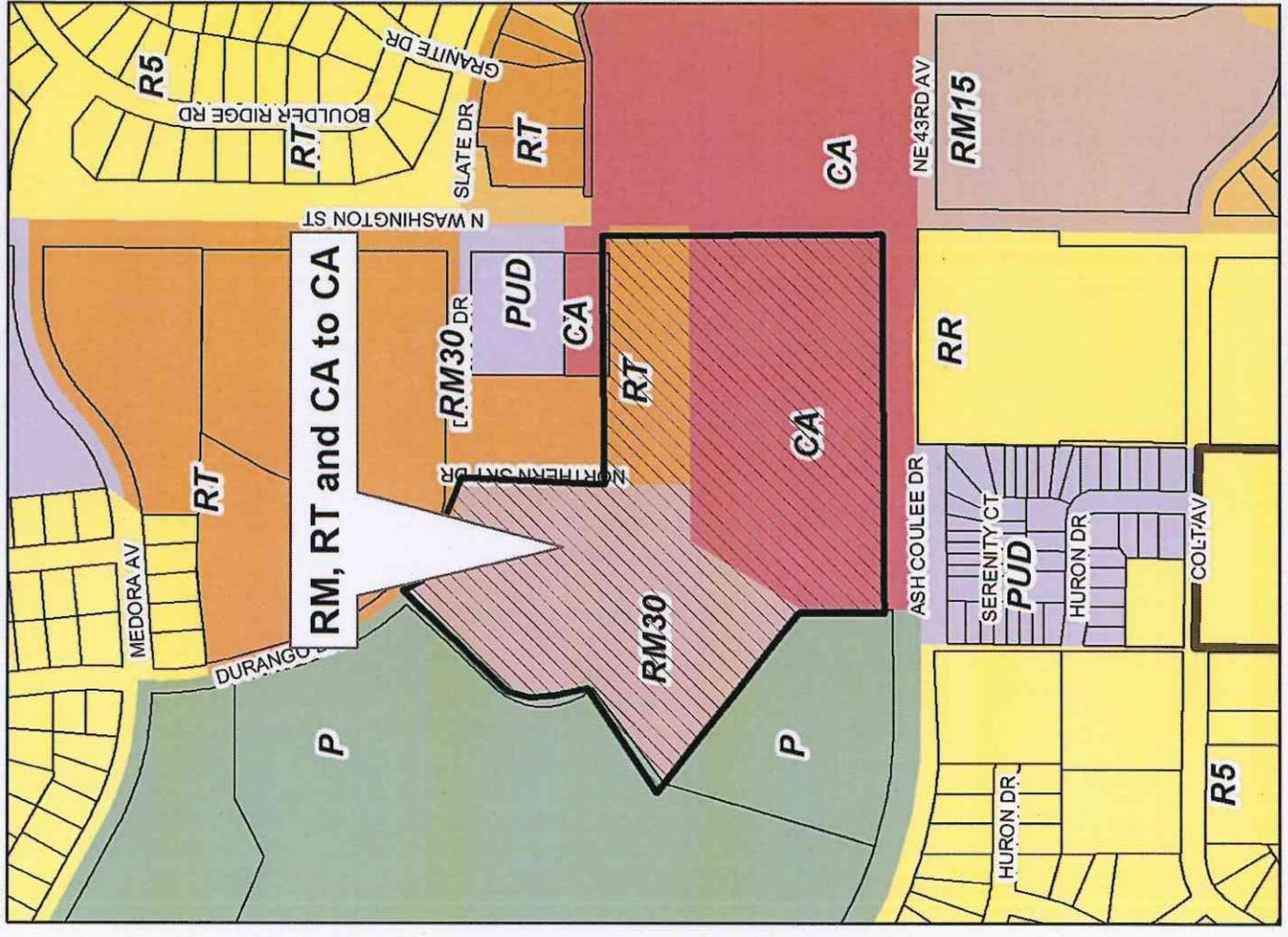
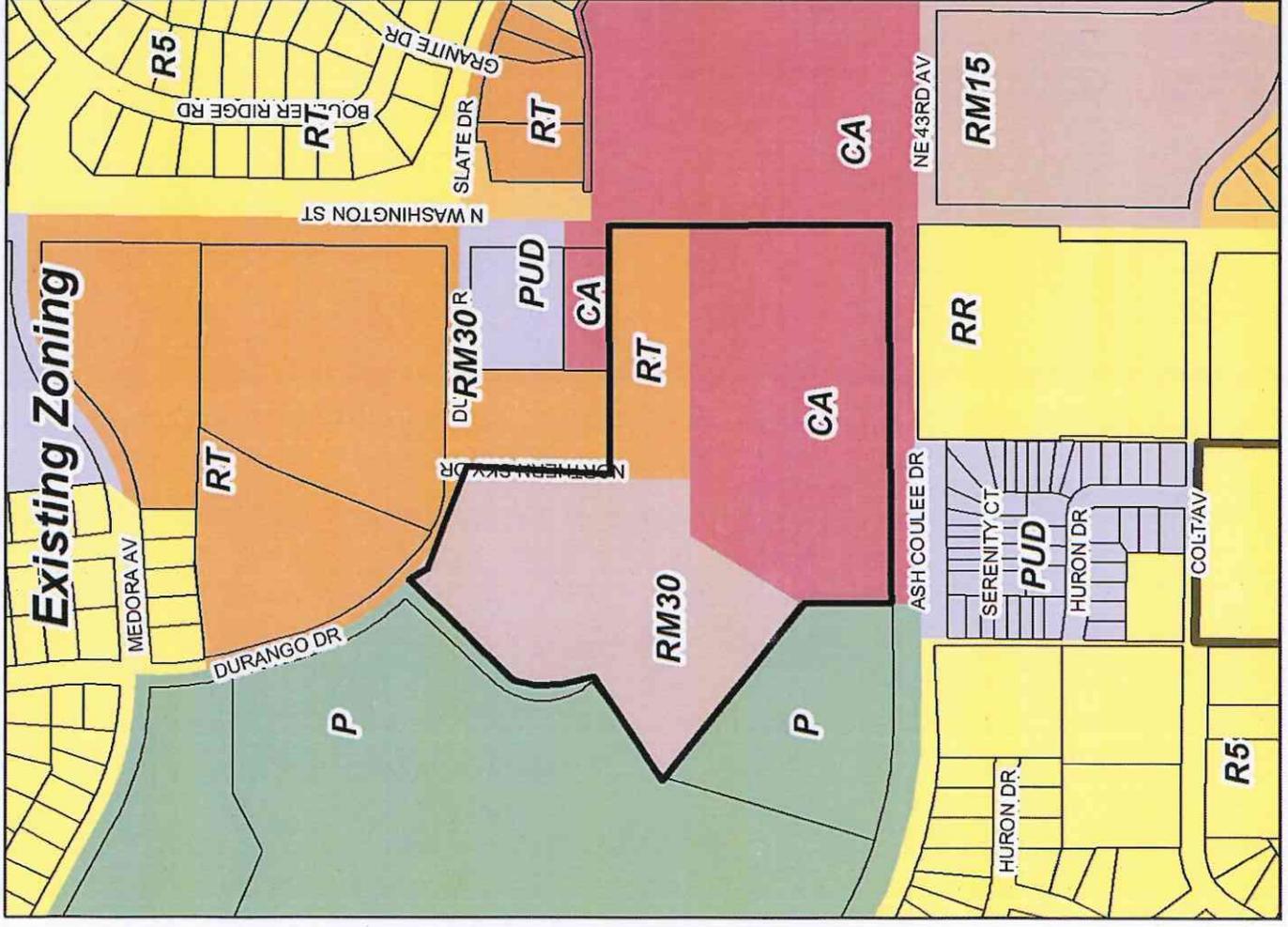


January 21, 2015 (h/b)

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Part of Northern Sky Addition and Part of the SE1/4 of the Section 17, Hay Creek Township - Zoning Change



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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Kamrose Crossing Addition – Major PUD Amendment		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Verity Homes of Bismarck, LLC	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Amend the PUD to clarify rear yard setback requirements.		
<b>Location:</b> In south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.		
<b>Project Size:</b> 4.96 acres	<b>Number of Lots:</b> 78 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> 18-building/74-unit row house development	
<b>Zoning:</b> RM15 – Residential	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> RM15 – Multi-family residential	<b>Uses Allowed:</b> PUD – Uses specified in PUD	
<b>Maximum Density Allowed:</b> RM15 – 15 units/acre	<b>Maximum Density Allowed:</b> PUD – Density as specified in PUD	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 07/2014	<b>Platted:</b> 07/2014	<b>Annexed:</b> 06/2007
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The property was platted and zoned as a PUD in July 2014. The current setback requirements for the rear yard setback would not allow for the construction of the proposed townhomes. Planning and Inspections staff are comfortable with a reduction of the rear yard setback of fifteen (15) feet as measured from the edge of the property line. The 15 foot setback would allow for a 20 foot drive lane between the buildings and a five foot sidewalk adjacent to the rear of each building; this area totals 30 feet. The 30 foot area is currently shown on the plat as an access easement.</li> <li>Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed PUD amendment is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.</li> </ol>		
<i>(continued)</i>		

2. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue.
3. The property is annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed PUD amendment would not adversely affect property in the vicinity.
5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the major Planned Unit Development amendment for Kamrose Crossing Addition, as outlined in the attached draft PUD amendment document.

*/jt*

#### 14-04-18. Planned Unit Developments.

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

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

- a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
  - 1) The existing topographic character of the land;
  - 2) Existing and proposed land uses;
  - 3) The location of all existing and proposed buildings, structures and improvements;
  - 4) The maximum height of all buildings;
  - 5) The density and type of dwelling;
  - 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
  - 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
  - 8) Proposed interior buffer areas between uses;
  - 9) Acreage of PUD;
  - 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
  - 11) Landscape plan; and
  - 12) Surrounding land uses, zoning and ownership.
  
- b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
  - 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
  - 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
  - 3) A copy of all proposed condominium agreements for common areas.
  
- c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
  - 1) Elevations of the front and one side of a typical structure.
  - 2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

- a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
  - a. Proposal conforms to the comprehensive plan.
  - b. Buffer areas between non-compatible land uses may be required by the planning commission.
  - c. Preservation of natural features including trees and drainage areas should be accomplished.
  - d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
  - e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
  - a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
  - b. All other changes in the planned unit shall be initiated in the following manner:
    - 1) Application for Planned Development Amendment.
      - a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
      - b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.
    - 2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.
    - 3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

**CAPITOL VIEW ADDITION PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 6074 (Adopted July 22, 2014)  
MAJOR PUD AMENDMENT (Adopted \_\_/\_\_/\_\_, 2015)**

WHEREAS, Ordinance No. 6074 was adopted by the Board of City Commissioners on July 22, 2014; 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, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development for Lots 1-78, Block 1, Kamrose Crossing 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:

Lots 1-78, Block 1, Kamrose Crossing Addition

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

1. *Uses Permitted.* Uses permitted include:

Uses permitted include a maximum of 74 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Kamrose Crossing Addition dated April 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD. Any proposed changes that are inconsistent with these permitted use standards will require an amendment to this PUD.

2. *Development Standards.*

Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, (as measured from the edge of the access easement) a minimum rear yard setback of ~~five (5)~~ fifteen (15) feet (as measured from the edge of the property line), and a maximum building height of forty (40) feet. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site .

3. *Design and Aesthetic Standards.*

Each building or structure shall utilize select finish materials including fiber cement board as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.*

The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the home owners association.

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

#### 14-04-18. Planned Unit Developments.

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

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

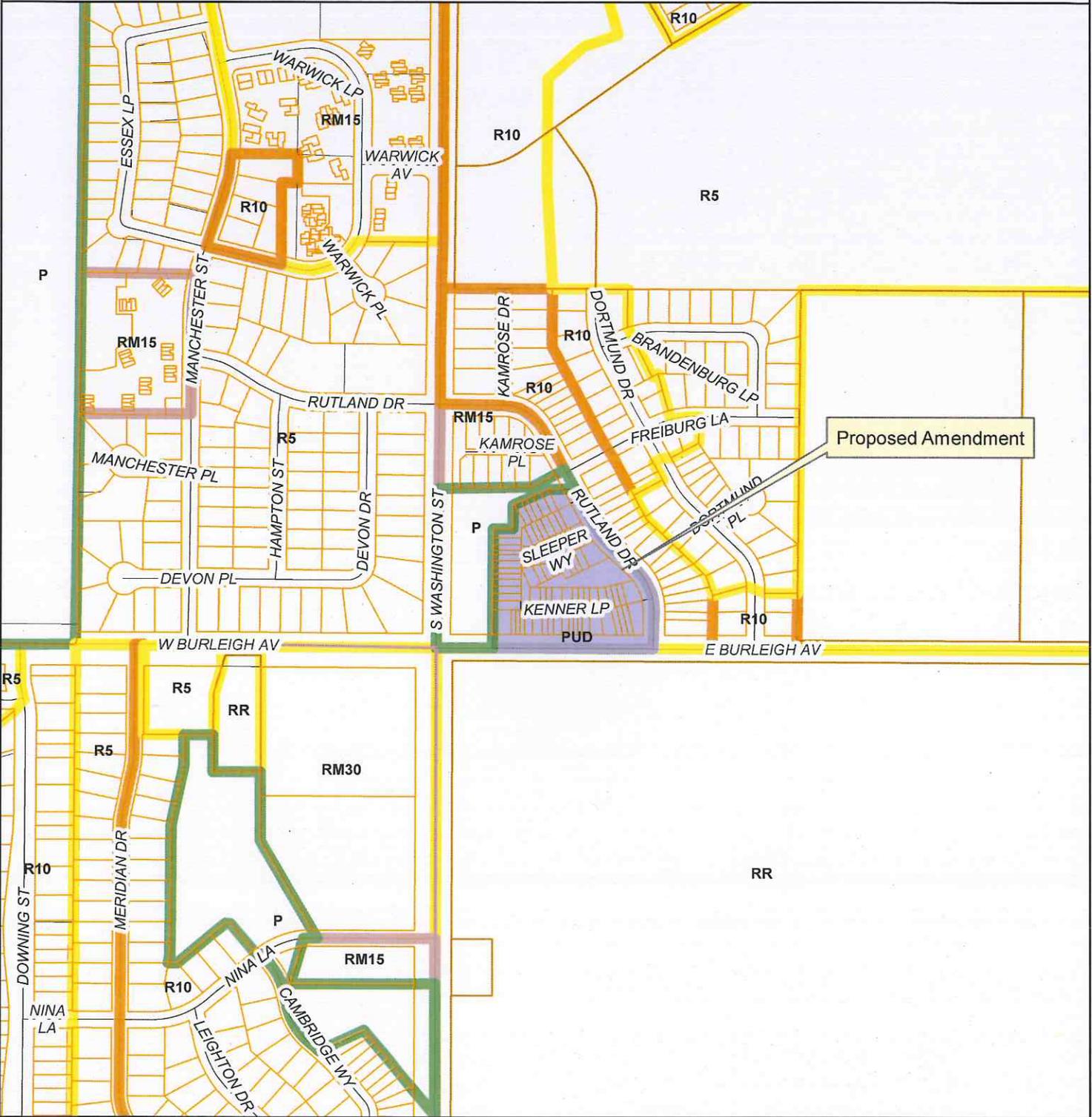
- a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
  - 1) The existing topographic character of the land;
  - 2) Existing and proposed land uses;
  - 3) The location of all existing and proposed buildings, structures and improvements;
  - 4) The maximum height of all buildings;
  - 5) The density and type of dwelling;
  - 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
  - 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
  - 8) Proposed interior buffer areas between uses;
  - 9) Acreage of PUD;
  - 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
  - 11) Landscape plan; and
  - 12) Surrounding land uses, zoning and ownership.
- b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
  - 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
  - 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives; and
  - 3) A copy of all proposed condominium agreements for common areas.
- c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
  - 1) Elevations of the front and one side of a typical structure.
  - 2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

- a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
  - a. Proposal conforms to the comprehensive plan.
  - b. Buffer areas between non-compatible land uses may be required by the planning commission.
  - c. Preservation of natural features including trees and drainage areas should be accomplished.
  - d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
  - e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.
4. Changes.
  - a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
  - b. All other changes in the planned unit shall be initiated in the following manner:
    - 1) Application for Planned Development Amendment.
      - a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
      - b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.
    - 2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.
    - 3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

# Proposed PUD Amendment Kamrose Crossing Addition



January 21, 2015 (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.





**BUILDING LOCATION PLAN**  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION  
25 APRIL 2014

A



SCALE: 1"=40'  
MAY 23, 2014



**NOTES**

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

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

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

BENCHMARK:  
WASHINGTON ST. & BURLING AVE.  
ELEV = 1636.77 (NGVD 29)

DECLARATION OF COVENANTS AND RESTRICTIONS HAVE BEEN  
RECORDED ON \_\_\_\_\_ AS DOCUMENT NO. \_\_\_\_\_  
WITH THE BURLING COUNTY RECORDER

**AREA**

LOTS	215,242 S.F.	4.84 ACRES
STREETS	34,822 S.F.	1.26 ACRES
TOTAL	270,064 S.F.	6.20 ACRES

- MONUMENT TO BE SET
- MONUMENT IN PLACE

*30' ACCESS EASEMENT  
INCLUDES A 20' DRIVE  
LAKE AND TWO 5' SIDEWALKS  
WHICH WOULD BE ADJACENT  
TO THE BUILDING.*

RECORDED UNDER 142 BY SA OF SECTION 14.1  
BY SA OF SECTION 14.1  
BY SA OF SECTION 14.1  
BY SA OF SECTION 14.1



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Stoneridge Addition – Major PUD Amendment		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Liechty Homes, Inc. (owner) Verity Homes of Bismarck, LLC (applicant)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Amend the PUD to clarify rear yard setback requirements.		
<b>Location:</b> In northeast Bismarck west of Centennial Road along the west side of French Street and the south side of Calgary Avenue.		
<b>Project Size:</b> 2.95 acres	<b>Number of Lots:</b> 27 lots in 2 blocks	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> 6-building, 27-unit row house development	
<b>Zoning:</b> RM30 – Residential	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> Multi-family residential	<b>Uses Allowed:</b> PUD – Uses specified in PUD	
<b>Maximum Density Allowed:</b> 30 units/acre	<b>Maximum Density Allowed:</b> PUD – Density as specified in PUD	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/2011	<b>Platted:</b> 04/2011	<b>Annexed:</b> 04/2011
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The property was re-platted and zoned as a PUD in November 2014. The current setback requirements for the rear yard setback would not allow for the construction of the proposed townhomes. Planning and Inspections staff are comfortable with a reduction of the rear yard setback of fifteen (15) feet as measured from the edge of the property line. The 15 foot setback would allow for a 20 foot drive lane between the buildings and a five foot sidewalk adjacent to the rear of each building; this area totals 30 feet. The 30 foot area is currently shown on the plat as an access easement.</li> <li>Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.</li> </ol>		

(continued)

2. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include developing single-family homes to the west and undeveloped commercially-zoned parcels to the north, east and south.
3. The property is annexed and services would be extended in conjunction with development; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed PUD amendment would not adversely affect property in the vicinity, provided the required landscape buffer yard is installed in conjunction with site development.
5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

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

*/jt*

**14-04-18. Planned Unit Developments.**

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

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:
  - a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
    - 1) The existing topographic character of the land;
    - 2) Existing and proposed land uses;
    - 3) The location of all existing and proposed buildings, structures and improvements;
    - 4) The maximum height of all buildings;
    - 5) The density and type of dwelling;
    - 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
    - 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
    - 8) Proposed interior buffer areas between uses;
    - 9) Acreage of PUD;
    - 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
    - 11) Landscape plan; and
    - 12) Surrounding land uses, zoning and ownership.
  - b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
    - 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
    - 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
    - 3) A copy of all proposed condominium agreements for common areas.
  - c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
    - 1) Elevations of the front and one side of a typical structure.
    - 2) A perspective of a typical structure, unless waived by the planning department.
2. Review and approval.
  - a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
  - b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.
3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

- a. Proposal conforms to the comprehensive plan.
- b. Buffer areas between non-compatible land uses may be required by the planning commission.
- c. Preservation of natural features including trees and drainage areas should be accomplished.
- d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
- e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

#### 4. Changes.

- a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
- b. All other changes in the planned unit shall be initiated in the following manner:
  - 1) Application for Planned Development Amendment.
    - a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
    - b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.
  - 2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.
  - 3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

**STONERIDGE ADDITION PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 6091 (Approved November 25, 2014)  
MAJOR PUD AMENDMENT (Adopted \_\_/\_\_/\_\_, 2015)**

WHEREAS, Ordinance No. 6091 was adopted by the Board of City Commissioners on November 26, 2014; 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, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development for Lots 1-10, Block 1 and Lots 1-17, Block 2, Stoneridge 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:

Lots 1-10, Block 1 and Lots 1-17, Block 2, Stoneridge Addition

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

*1. Uses Permitted:*

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

*2. Development Standards.*

Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, (as measured from the edge of the access easement) a minimum rear yard setback of ~~five (5)~~ fifteen (15) feet (as measured from the edge of the property line), and a maximum building height of forty (40) feet. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site .

*3. Design and Aesthetic Standards.*

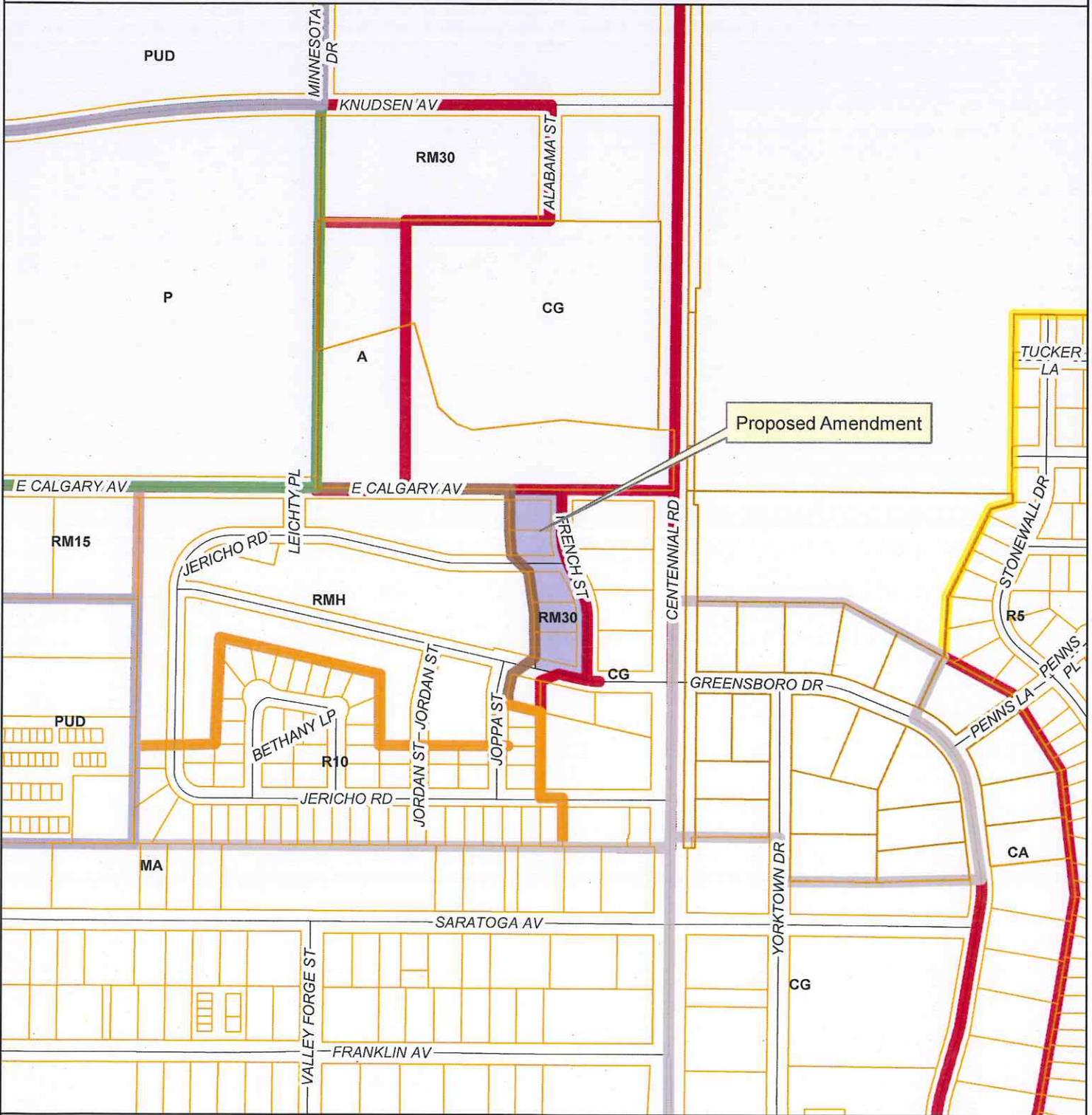
Each building or structure shall utilize select finish materials including fiber cement board as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.*

The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the home owners association.

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

# Proposed PUD Amendment Stoneridge Addition



January 21, 2015 (h/b)

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JUL 25 2014

## Stone Ridge Addition

### Request for Approval of Stone Ridge Planned Unit Development

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

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

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

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

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

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

Zoning: PUD

Front yard: 25'

Side yard: 6'

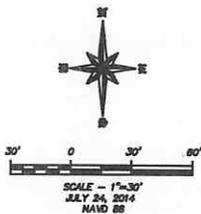
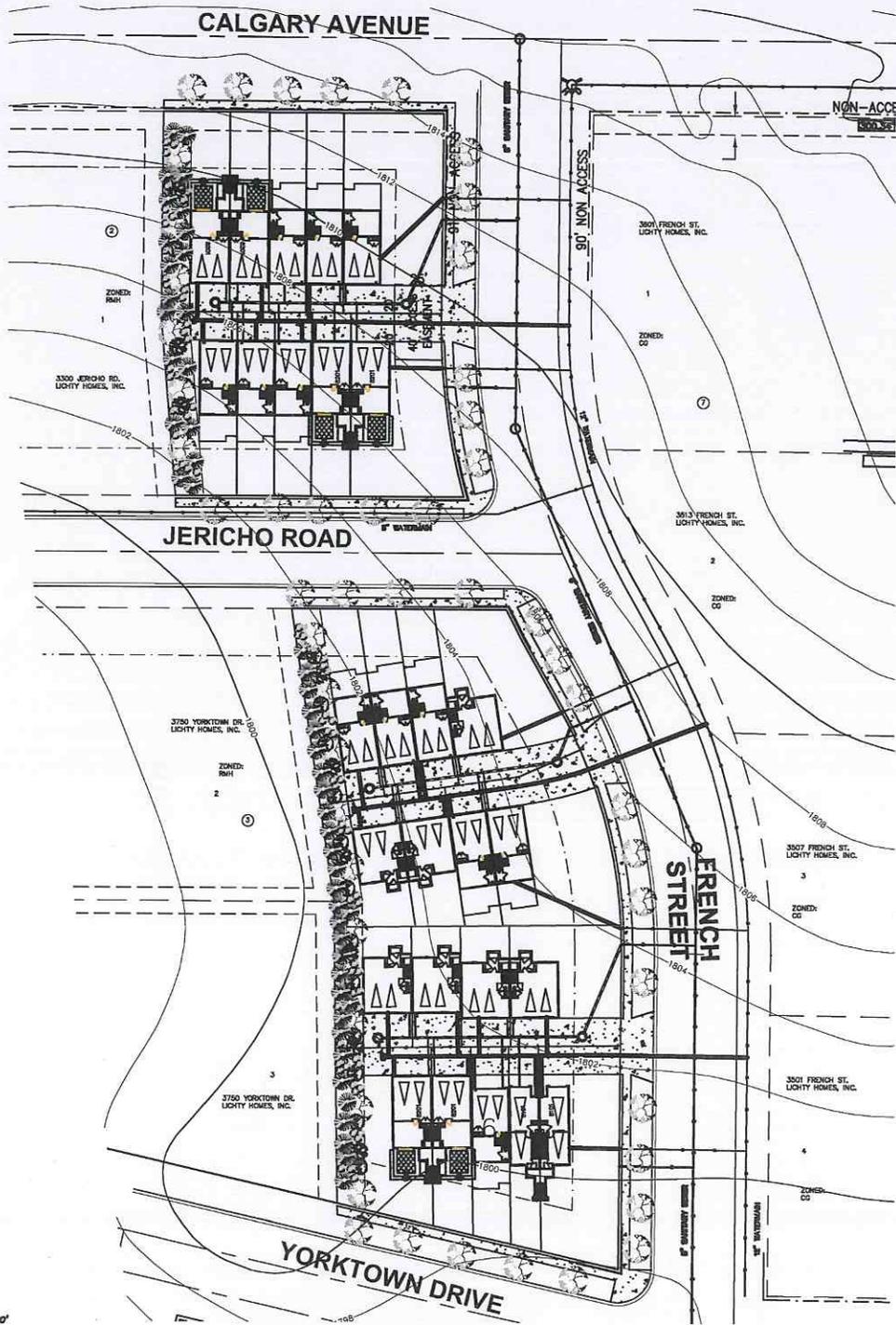
Rear yard: 10'

Zero setback on Access Easements

Lot area: 1,500 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.



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

DEPTH OF FRONT YARD : 25'  
 WIDTH OF SIDE YARD: 6'  
 DEPTH OF REAR YARD: 10'  
 LOT WIDTH IN FRONT OF BUILDING LINE: 16'  
 MAXIMUM NUMBER OF UNITS: 74'  
 MAXIMUM BUILDING HEIGHT: 40'  
 ACCESS EASEMENT SETBACK: ZERO  
 MINIMUM LOT SIZE:  
     INTERIOR: 1,500 sf  
     END : 2,600 sf

1.82 ACRES, ROW HOUSES, 15 UNITS PER ACRE

**SHEET C1.0**

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

909 Basin Avenue  
 Bonarock, North Dakota 58504  
 shweg@swensonhagen.com  
 Phone (701) 251-2500  
 Fax (701) 251-2506

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

REVISION	DATE

JUL 25 2014

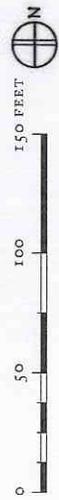
© 2014 URBAN DESIGN ASSOCIATES

URBAN DESIGN ASSOCIATES



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

STONERIDGE SITE PLANNING  
2 JULY 2014



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Imperial Valley Subdivision First Replat – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Arnold & Luella Gomke	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat to allow development for one and two-family residential served by a private roadway.		
<b>Location:</b> South of Bismarck, along the south side of Burleigh Avenue at the intersection with and east of south 12 <sup>th</sup> Street (a replat of Lots 1-3, Block 1, Imperial Valley Subdivision).		
<b>Project Size:</b> 4.78 acres	<b>Number of Lots:</b> 11 lots in one block	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> Urban density one and two-family residential
<b>Zoning:</b> R10 – Residential		<b>Zoning:</b> R10 – Residential
<b>Uses Allowed:</b> R10 – One and two-family residential		<b>Uses Allowed:</b> R10 – One and two-family residential
<b>Maximum Density Allowed:</b> R10 – 10 units/acre		<b>Maximum Density Allowed:</b> R10 – 10 units/acre
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 07/2012	<b>Platted:</b> 01/1974	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The applicants have requested a waiver to allow the use of a private roadway (Empire Circle) to provide access to the new lots. Because of the location of the subdivision at the intersection of two arterial roadways, and the developer's desire to provide a paved roadway with curbing for the project rather than a rural road section, it seems reasonable to allow a private roadway in this situation.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>All technical requirements for approval of the minor subdivision final plat have been met.</li> <li>The storm water management plan has been approved by the City Engineer.</li> <li>The proposed subdivision does not impact the Fringe Area Road Master Plan, which identifies both Burleigh Avenue and South 12<sup>th</sup> Street as arterials.</li> <li>The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include urban density one and two-family residential to the south and east, agricultural land to the west and Lincoln Oakes Nursery to the north across Burleigh Avenue.</li> </ol>		
<i>(continued)</i>		

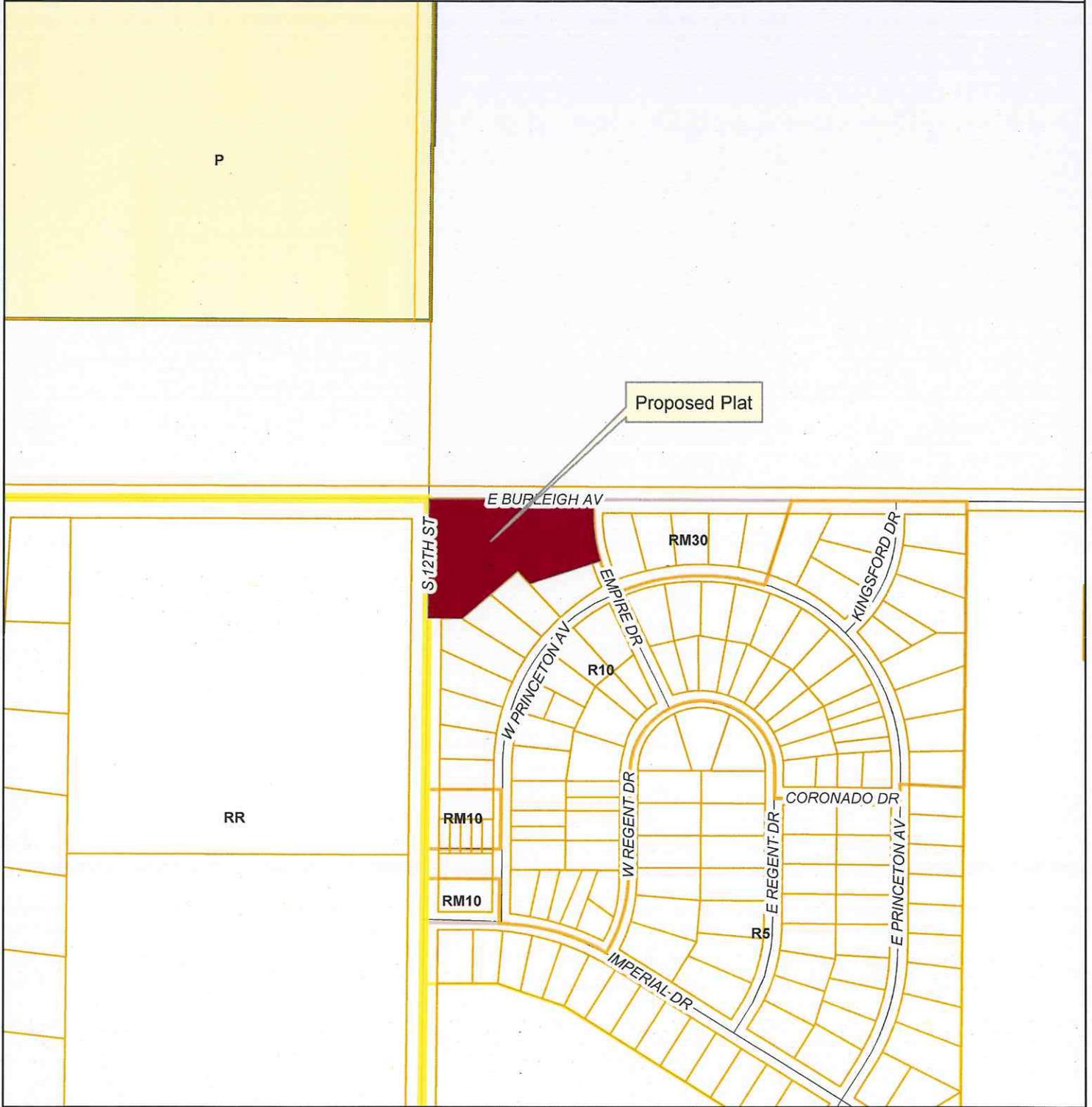
5. The proposed subdivision was previously platted and has access to rural water and a central sewer treatment system through the Imperial Valley Association; therefore, it would not place an undue burden on public services and facilities provided Empire Drive is improved to County standards for a paved rural roadway section.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the minor subdivision final plat for Imperial Valley Subdivision First Replat, including the granting of a waiver to allow the use of a private roadway (Empire Circle) within the development.

*/Klee*

# Proposed Minor Plat Imperial Valley Subdivision First Replat



January 26, 2015 (h/b)

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**

<b>BACKGROUND:</b>	
<b>Title:</b> Apple Creek Road Subdivision – Zoning Change (A to RR)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015
<b>Owner(s):</b> Terry Wald	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> Plat and zone property to create one addition lot for rural residential development.	
<b>Location:</b> East of Bismarck, along the east side of 52 <sup>nd</sup> Street NE and the north side of Apple Creek Road, south of County Highway 10 (Part of the SW ¼ of Section 6, T138N-R79W/Apples Creek Township and Auditor's Lot 8A of the SE ¼ of Section 1, T138N-R80W/ Lincoln Township).	
<b>Project Size:</b> 48.45 acres	<b>Number of Lots:</b> 3 lots in 1 block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>
<b>Zoning:</b> A – Agricultural	<b>Land Use:</b> Rural residential
<b>Uses Allowed:</b> A – Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> A – Agriculture	<b>Uses Allowed:</b> RR – Rural residential
<b>Maximum Density Allowed:</b> A – One unit/40 acres	<b>Maximum Density Allowed:</b> RR – One unit/65,000sf
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>The proposed plat is located within the City's Urban Service Area Boundary (USAB) and in an area identified in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan as low density residential. The proposed plat is subject to USAB requirements including the requirement to ghost plat to achieve the overall density requirements for the low density residential land use outlined in the FLUP. The overall average density of 2.5 units is required. As proposed, the overall density of the plat is .14 units per acre.</li> <li>The applicant has submitted a request to waive the requirement of ghost platting. The request seems reasonable at this time as the property is being platted in order to create one additional buildable lot (Lot 2) for the purpose of obtaining a building permit to construct one single-family dwelling unit. Staff has informed the applicant that further subdivision of any of the lots in the proposed plat would require a replat including a ghost plat that would achieve the overall density requirements identified in the FLUP in the 2014 Growth Management Plan. The applicant has submitted a concept plan that shows how the proposed plat may be subdivided for future urbanization. The overall density of the concept plan is 2.8 units per acre. A copy of the concept plan is attached.</li> <li>The proposed plat is located within both Lincoln Township and Apples Creek Township. The two townships are two different taxing districts and a lot cannot be located within multiple townships. As a result, Lot 1 located in Lincoln Township is considered a non-conforming lot as it does not meet the minimum lot size for a lot located within the RR-Residential zoning district.</li> </ol>	
<i>(continued)</i>	

**FINDINGS:**

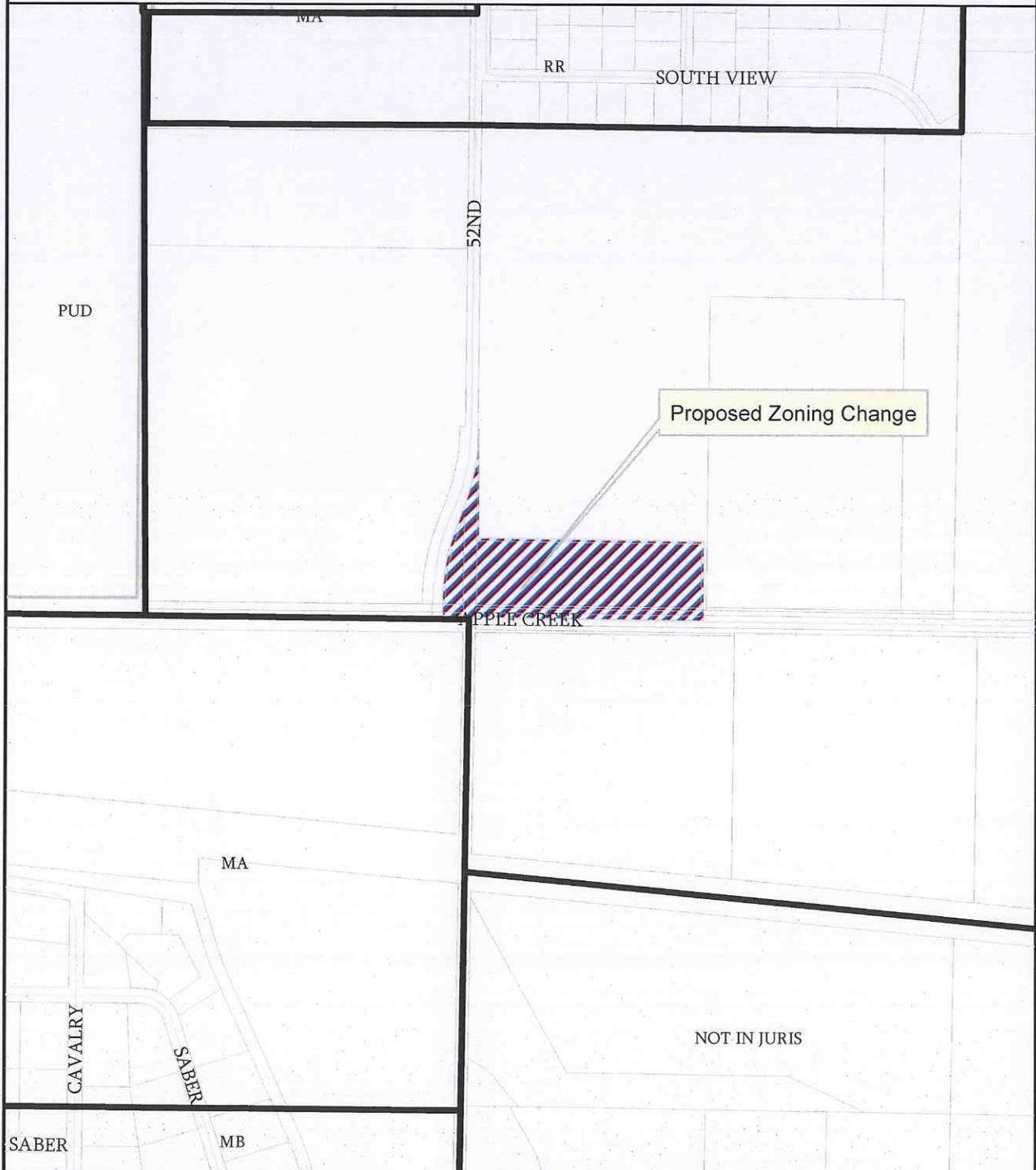
1. The proposed zoning change is not completely consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as low density residential (urban density average of 2.5 units / acre).
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include partially developed agriculture zoned property to the north, south east and west, and unplatted MA – Industrial zoned property to the southwest.
3. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Apple Creek Road; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided that a waiver is granted to waive the requirement of ghost platting for the proposed subdivision.
6. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, the proposed zoning change is not consistent with the FLUP in the 2014 Growth Management Plan; however, as the zoning change is being proposed for the addition of one additional single-family dwelling unit staff is comfortable with the proposed zoning change at this time. Any future subdivision of the proposed plat will require a ghost plat that would achieve the overall density requirements identified in the FLUP.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district for Apple Creek Road Subdivision, with the understanding that any further subdivision of any of the lots in the proposed plat would require a replat including a ghost plat that would achieve the overall density requirements identified in the FLUP in the 2014 Growth Management Plan.

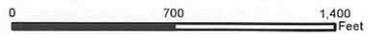
*/JW*

# Proposed Plat and Zoning Change (A to RR) Apple Creek Road Subdivision

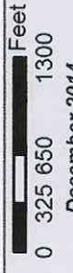
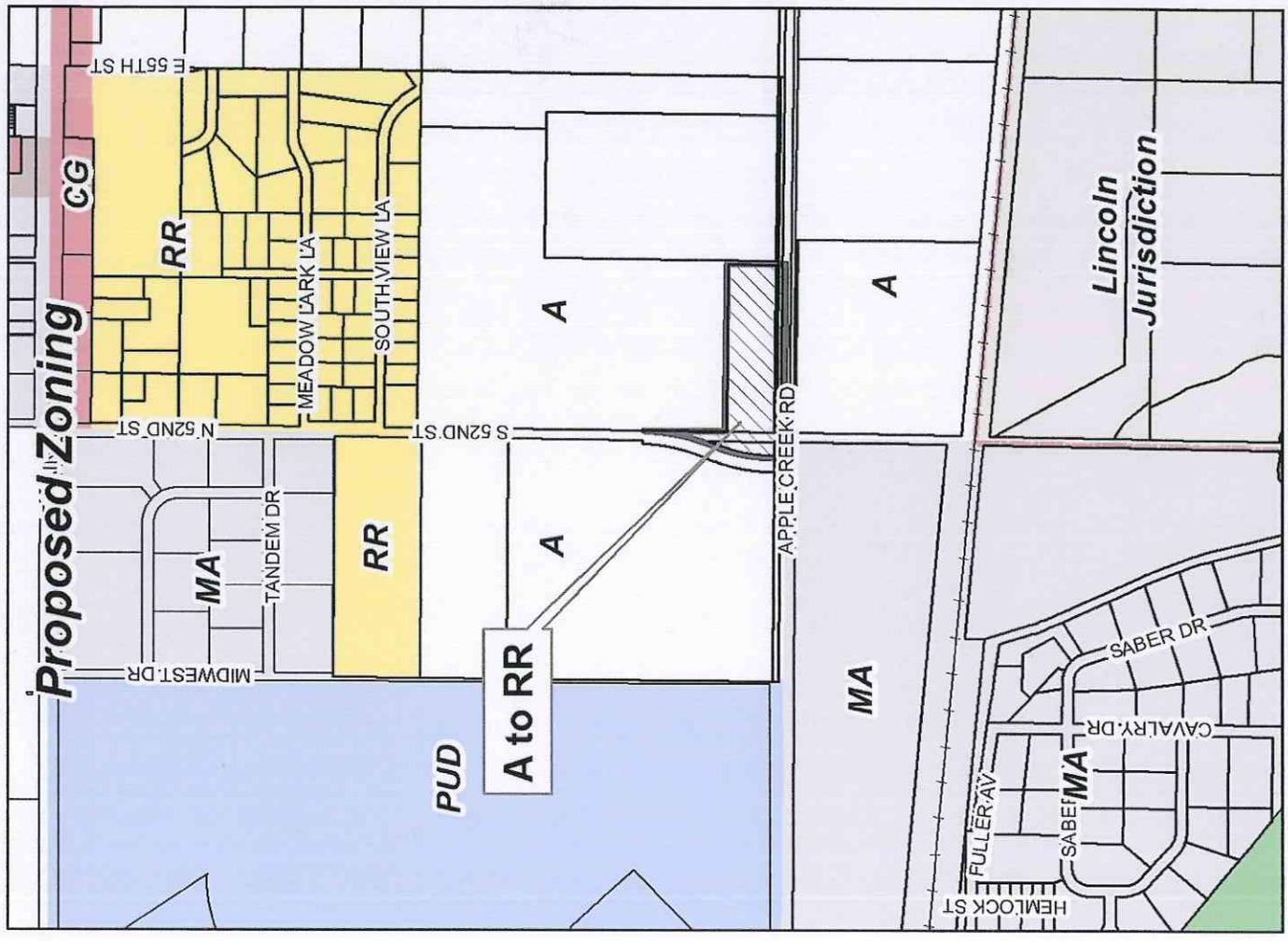
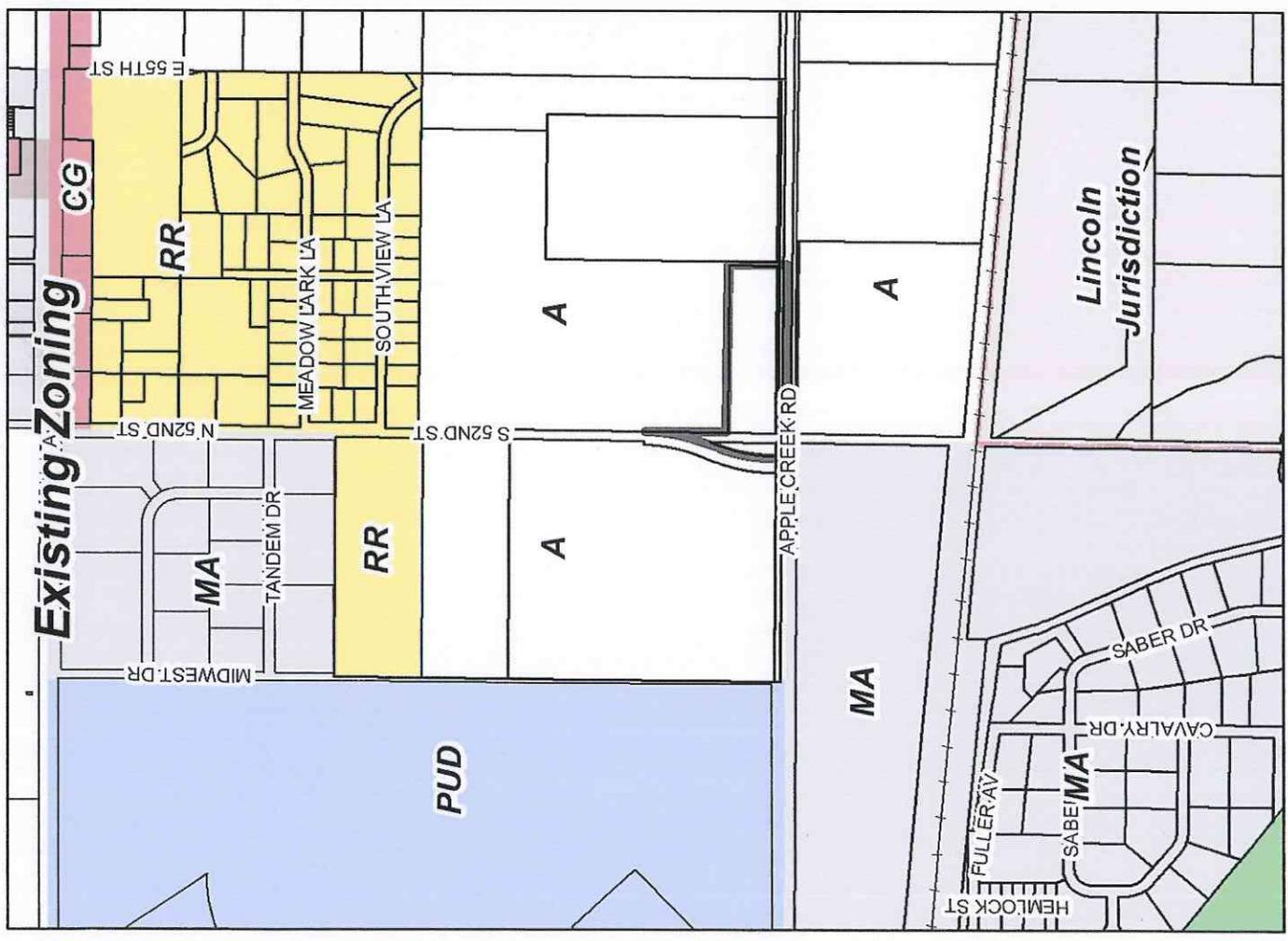


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 11/17/2018(b)

Source: City of Bismarck



# Apple Creek Road Subdivision - Zoning Change



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

December 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Apple Creek Road Subdivision – Preliminary Plat (A to RR)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015
<b>Owner(s):</b> Terry Wald	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> Plat and zone property to create one addition lot for rural residential development.	
<b>Location:</b> East of Bismarck, along the east side of 52 <sup>nd</sup> Street NE and the north side of Apple Creek Road, south of County Highway 10 (Part of the SW ¼ of Section 6, T138N-R79W/Apple Creek Township and Auditor’s Lot 8A of the SE ¼ of Section ,1 T138N-R80W/ Lincoln Township).	
<b>Project Size:</b> 48.45 acres	<b>Number of Lots:</b> 3 lots in 1 block
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Rural residential
<b>Zoning:</b> A – Agricultural	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> A – Agriculture	<b>Uses Allowed:</b> RR – Rural residential
<b>Maximum Density Allowed:</b> A – One unit/40 acres	<b>Maximum Density Allowed:</b> RR – One unit/65,000sf
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> N/A	<b>Platted:</b> N/A
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. The proposed plat is located within the City’s Urban Service Area Boundary (USAB) and in an area identified in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan as low density residential. The proposed plat is subject to USAB requirements including the requirement to ghost plat to achieve the overall density requirements for the low density residential land use outlined in the FLUP. The overall average density of 2.5 units is required. As proposed, the overall density of the plat is .14 units per acre.</li> <li>2. The applicant has submitted a request to waive the requirement of ghost platting. The request seems reasonable at this time as the property is being platted in order to create one additional buildable lot (Lot 2) for the purpose of obtaining a building permit to construct one single-family dwelling unit. Staff has informed the applicant that further subdivision of any of the lots in the proposed plat would require a replat including a ghost plat that would achieve the overall density requirements identified in the FLUP in the 2014 Growth Management Plan. The applicant has submitted a concept plan that shows how the proposed plat may be subdivided for future urbanization. The overall density of the concept plan is 2.8 units per acre. A copy of the concept plan is attached.</li> <li>3. The proposed plat is located within both Lincoln Township and Apple Creek Township. The two townships are two different taxing districts and a lot cannot be located within multiple townships. As a result, Lot 1 located in Lincoln Township is considered a non-conforming lot as it does not meet the minimum lot size for a lot located within the RR-Residential zoning district.</li> <li>4. The Burleigh County Commission, at their meeting of January 21, 2015, vacated the right-of-way for the north-south section line located in the proposed plat.</li> </ol>	

**FINDINGS:**

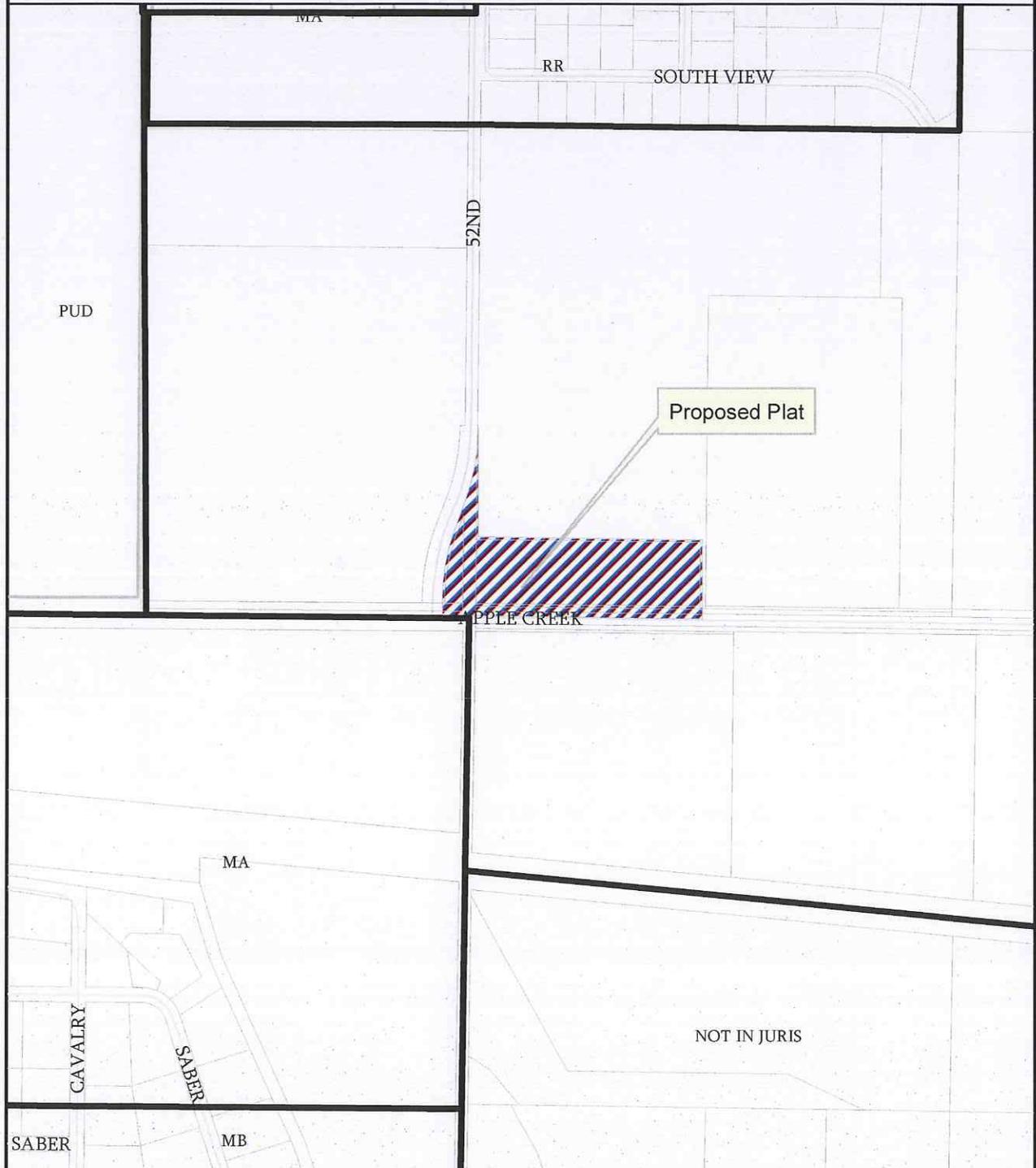
1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has been approved by the City Engineer with written concurrence from the County Engineer.
3. The Apple Creek Board of Township Supervisors has recommended approval of the proposed plat. A portion of the proposed plat is also located within an unorganized township (Lincoln Township).
4. The proposed subdivision is consistent with the 2014 Fringe Area Road Master Plan for this area, which identifies both 52<sup>nd</sup> Street SE and Apple Creek Road as arterial roadways.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include partially developed A – Agricultural zoned property to the north, south east and west, and unplatted MA – Industrial zoned property to the southwest.
6. The proposed subdivision would be served by South Central Regional Water District and would have direct access to Apple Creek Road; therefore, it would not place an undue burden on public services and facilities.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided that a waiver is granted to waive the requirement of ghost platting for the proposed subdivision.
9. The proposed zoning change is not completely consistent with the master plan, other adopted plans, policies and accepted planning practice. In particular, the proposed subdivision is not consistent with the FLUP in the 2014 Growth Management Plan; however, as the subdivision is being proposed for the addition of one additional single-family dwelling unit staff is comfortable with the proposed zoning change at this time. Any future subdivision of the proposed plat will require a ghost plat that would achieve the overall density requirements identified in the FLUP.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat of Apple Creek Road Subdivision, including granting a waiver from the requirement to ghost plat the proposed subdivision with the understanding that any further subdivision of any of the lots in the proposed plat would require a replat including a ghost plat that would achieve the overall density requirements identified in the FLUP in the 2014 Growth Management Plan.

/JW

# Proposed Plat and Zoning Change (A to RR) Apple Creek Road Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 11/17/2018 (nlb)

Source: City of Bismarck

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Feet





RECEIVED  
DEC 04 2014

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP,  
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE  
PROPOSED PLAT AND ZONING CHANGE OF APPLE CREEK ROAD  
SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD OF CITY  
COMMISSIONERS THAT SAID PLAT AND ZONING CHANGE BE  
(APPROVED) (DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE  
with comments.  
RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE URLEIGH COUNTY BOARD  
OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH  
CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

1. where are the approaches for lot 2?
2. Dispute with adjacent landowner about North West land along 52nd St (Rick Solberg)
3. whats going to be done with lot 2? Future development?

Paul Gent 12/1/14  
CHAIRMAN, TOWNSHIP BOARD DATE

Ann O'Dougherty 12/1/14  
ATTEST: TOWNSHIP CLERK DATE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Southport Phase II – Major PUD Amendment		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> Southport Development (developer)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Modify PUD to increase the number of dwelling units allowed in the residential portion of the development from 132 units to 133 units.		
<b>Location:</b> Along the west side of Riverwood Drive south of West Bismarck Expressway.		
<b>Project Size:</b> 43.1 acres (entire PUD)	<b>Number of Lots:</b> 8 lots (entire PUD)	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Mixed use	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Land Use:</b> Mixed use	
<b>Uses Allowed:</b> As allowed by the original PUD & amendments	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Maximum Density Allowed:</b> Density specified in PUD	<b>Uses Allowed:</b> As allowed by the original PUD & amendments	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 10/1992 (PUD) 03/2011 (Last Amendment)	<b>Platted:</b> 04/1993 (Southport)	<b>Annexed:</b> 05/1993
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>		
<i>(continued)</i>		

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 approval 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 approval of the major PUD amendment for Southport Phase II to increase the number of units allowed in the residential portion of the development from 132 units to 133 units, as outlined in the attached PUD amendment document.

/Klee

**SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 5312 (Adopted March 23, 2004)  
MAJOR PUD AMENDEMENT (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:

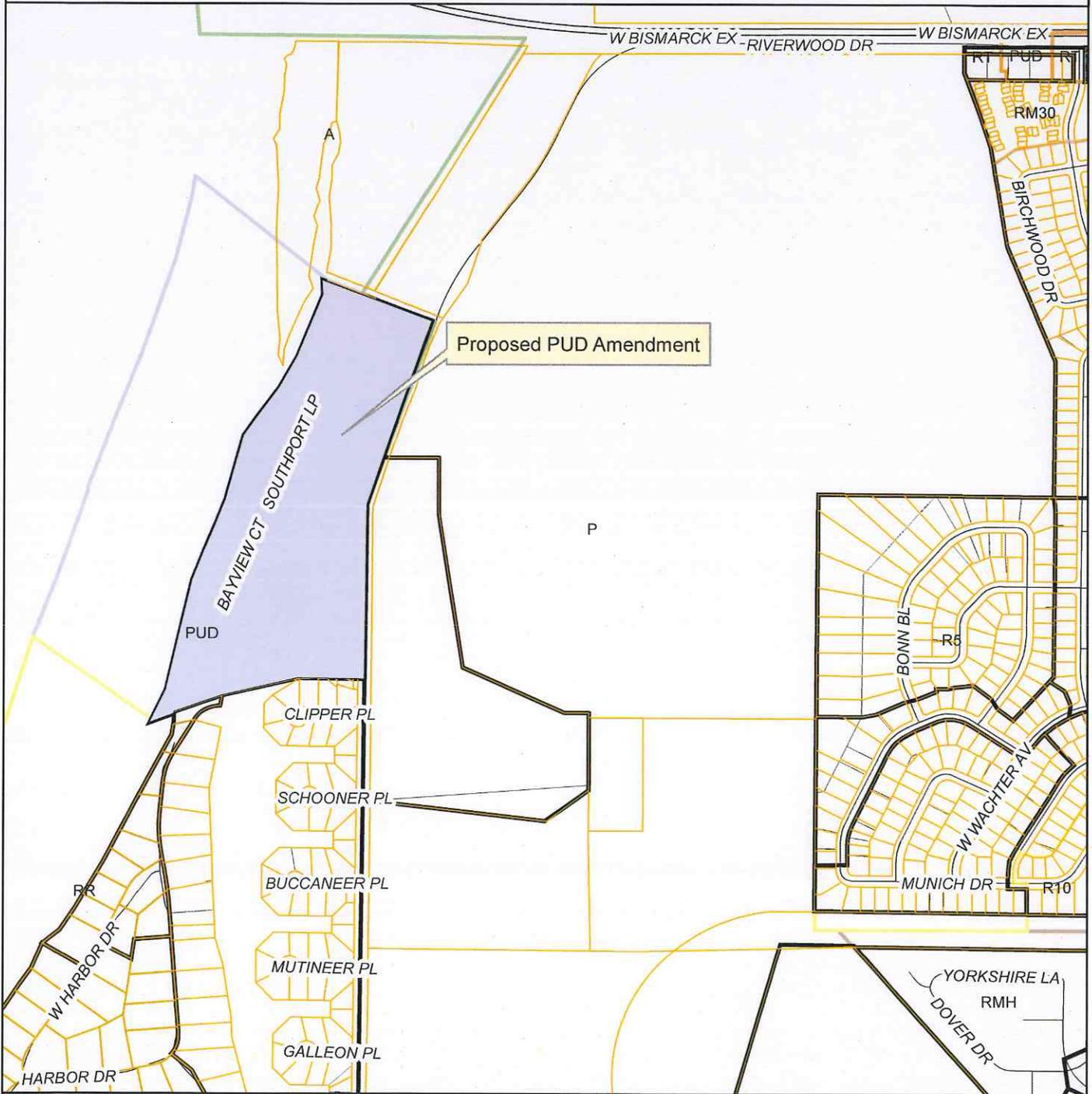
1. *Uses Permitted.* Uses permitted include a mixed use development, including a maximum of ~~132~~ 133 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; 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

architecturally similar to the rest of the building. Any change to the location, size or use of these buildings that is inconsistent with these standards will require an amendment to this PUD.

6. *Parking.* Off-street parking areas shall be provided on Lot 1 and on Lot 6 as shown on the overall development plan. Based on the square footage of the bar/restaurant/office building and the number of rental docks, a minimum of 225 off-street parking spaces must be provided on Lot 6 and a minimum of 80 off-street parking spaces must be provided on Lot 1, as shown on the overall development plan. That portion of the parking lot on Lot 6 required to provide the number of parking spaces required for the bar/restaurant/office building shall be paved. Any changes to the location of parking areas will require an amendment to this PUD.
7. *Signage.* Signage shall be limited to the existing signage for the bar/restaurant/office building and one development identification sign, which will be placed on Lot 6. The existing signage for the bar/restaurant/office building may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The development identification sign to be installed on Lot 6 shall be a monument style sign no more than 60 square feet in area, and shall meet all other requirements as outlined in Section 14-03-05(9) of the City Code (Residential Area Identification Signs). Any change to the location or size of the allowed signs will require an amendment to this PUD.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

# Proposed PUD Amendment Southport Phase II



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.

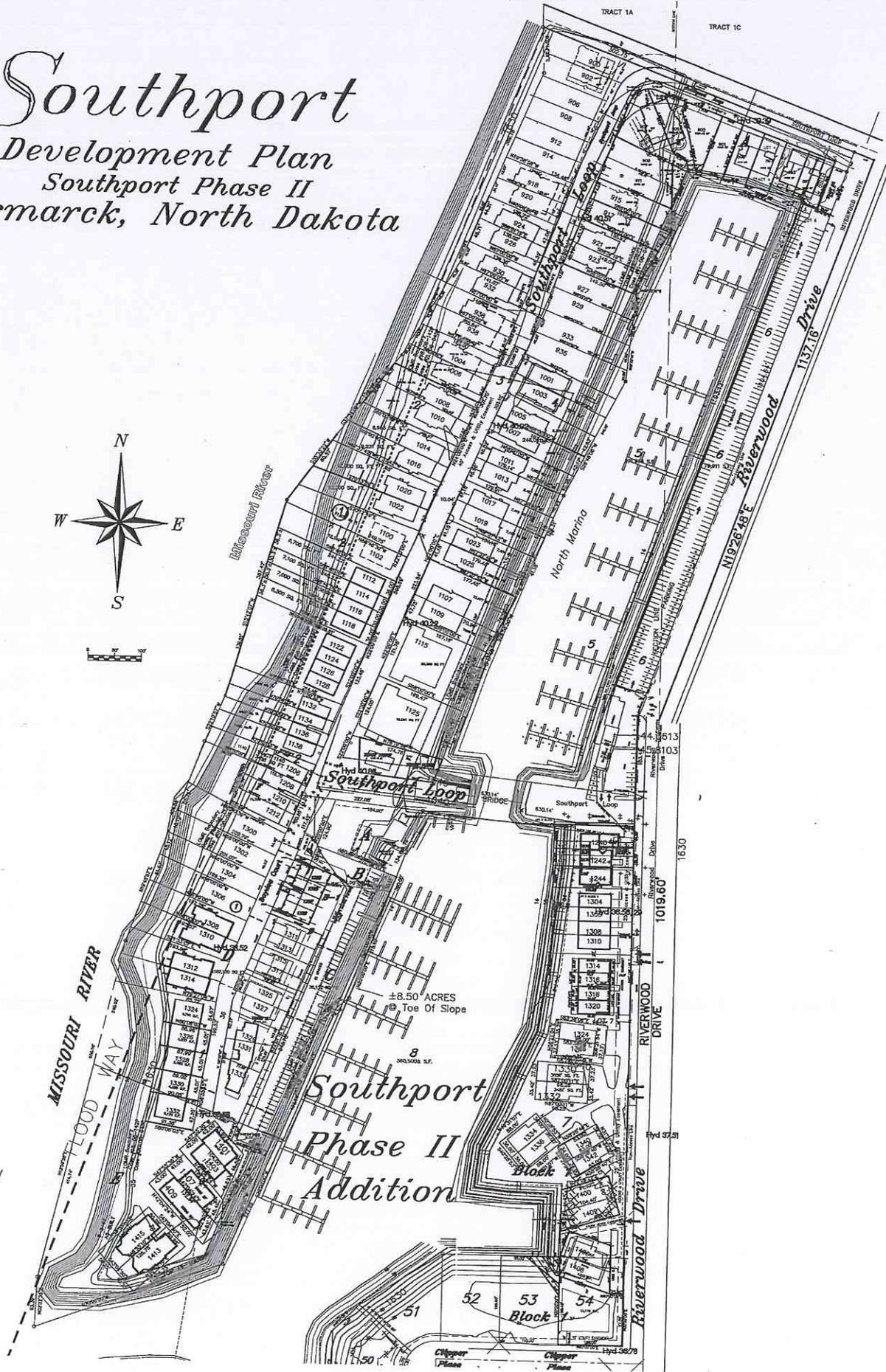
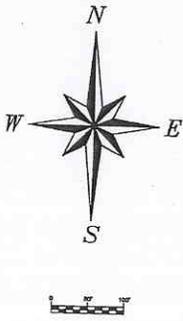


# Southport

Development Plan

Southport Phase II

Bismarck, North Dakota



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Capitol View Addition – Major PUD Amendment		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> State Street Partners, LLP	<b>Engineer:</b> EAPC	
<b>Reason for Request:</b> Amend PUD to allow the development of a 5-story office/mixed-use building.		
<b>Location:</b> Along the east side of State Street just south of East Divide Avenue.		
<b>Project Size:</b> 1.838 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped, previously a motel	<b>Land Use:</b> 5-story mixed-use office building	
<b>Zoning:</b> PUD-Planned Unit Development	<b>Zoning:</b> PUD-Planned Unit Development	
<b>Uses Allowed:</b> As specified by the PUD	<b>Uses Allowed:</b> As specified by the amended PUD	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> As specified by the amended PUD	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 09/2010	<b>Platted:</b> 05/09	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The initial PUD in 2009 permitted an 84-foot tall, mixed-use office building with two dwelling units on the top floor.</li> <li>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.</li> <li>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.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>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.</li> </ol>		

*(continued)*

2. The property is already annexed; therefore, the PUD amendment 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 document.

*/jt*

**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 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:

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 and a financial institution with a drive-thru.

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 institution.

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 12<sup>th</sup> 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.

gh. 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.



February 10, 2015

Mr. Jason Tomanek – Planner  
 Community Development Department  
 Planning Division  
 City of Bismarck  
 221 N. Fifth Street  
 Bismarck, ND 58506

SUBJ: Capitol View Addition – Lot 1, Block 1  
 Planned Unit Development

RE: Proposed New Office Building at  
 Capitol View Addition  
 Lot 1, Block 1  
 Bismarck, North Dakota

Dear Jason:

**Project Description Narrative**

The purpose of this project is to develop a 32,000 square foot multi-story office building with a bank drive-thru and associated parking at the Capitol View Addition on the southeast corner of State Street/ Highway 83 and East Divide Avenue in Bismarck, North Dakota. The lower level of the office building will include enclosed parking for a total of 22 parking stalls.

The proposed office building exterior materials consist of simulated stone and precast cornice at the building base, punched window openings, face brick and prefinished metal panels surrounding the building middle and top with an EIFS cornice at the perimeter roof edge. The curved shaped front entrance has reflective glass with aluminum curtain wall window frames and a translucent lite crown supported by stainless steel brackets at the roof top. An area for building signage is provided on the front face of the building above the main entry. An attached canopy with prefinished metal panels is above the main visitor entry and also at the drive-thru bank teller lanes.

**Summary of Parking Calculations**

Required – (1 space per 250 square feet of gross floor area = 1 x 32,000/250) = 128 parking stalls  
 Proposed - 128 parking stalls

**Project Amendment Requests**

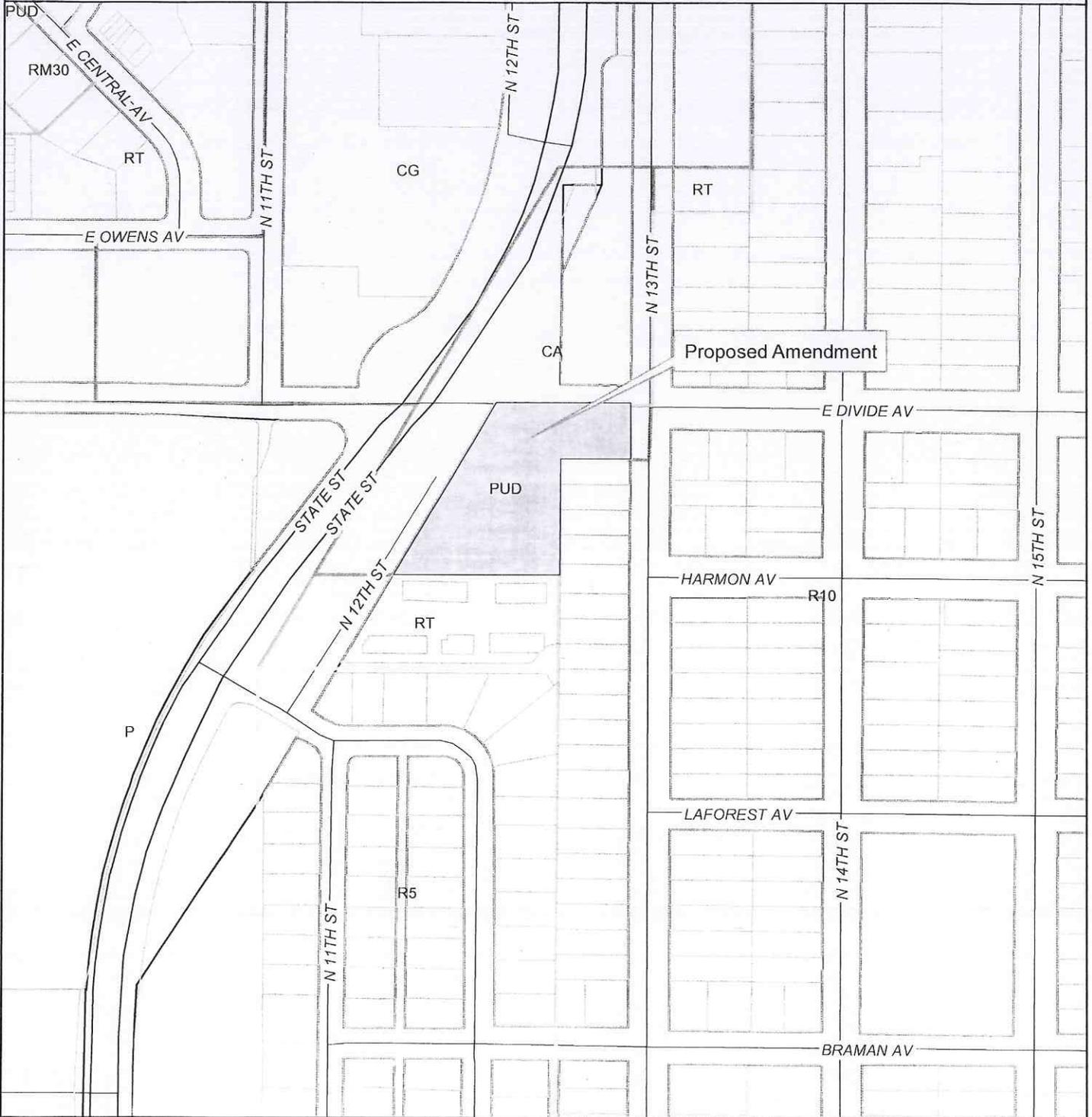
We are requesting the following amendments:

1. We are requesting an amendment to the Planned Unit Development for Lot 1, Block 1, Capitol View Addition from the current Hotel Use to an Office Bank Group Use.
2. We are requesting an amendment to the Planned Unit Development for Lot 1, Block 1, Capitol View Addition to increase the maximum building height from 50 feet to 85 feet.

Respectfully Submitted,

Stanley Schimke, CID  
 Director of Healthcare Services  
 EAPC Architects Engineers

# Proposed PUD Amendment Capitol View Addition



December 2013

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.



E Divide Ave

NORTH 13th STREET

EAST DIVIDE AVENUE

25' Building Setback

STATE STREET - HWY 83

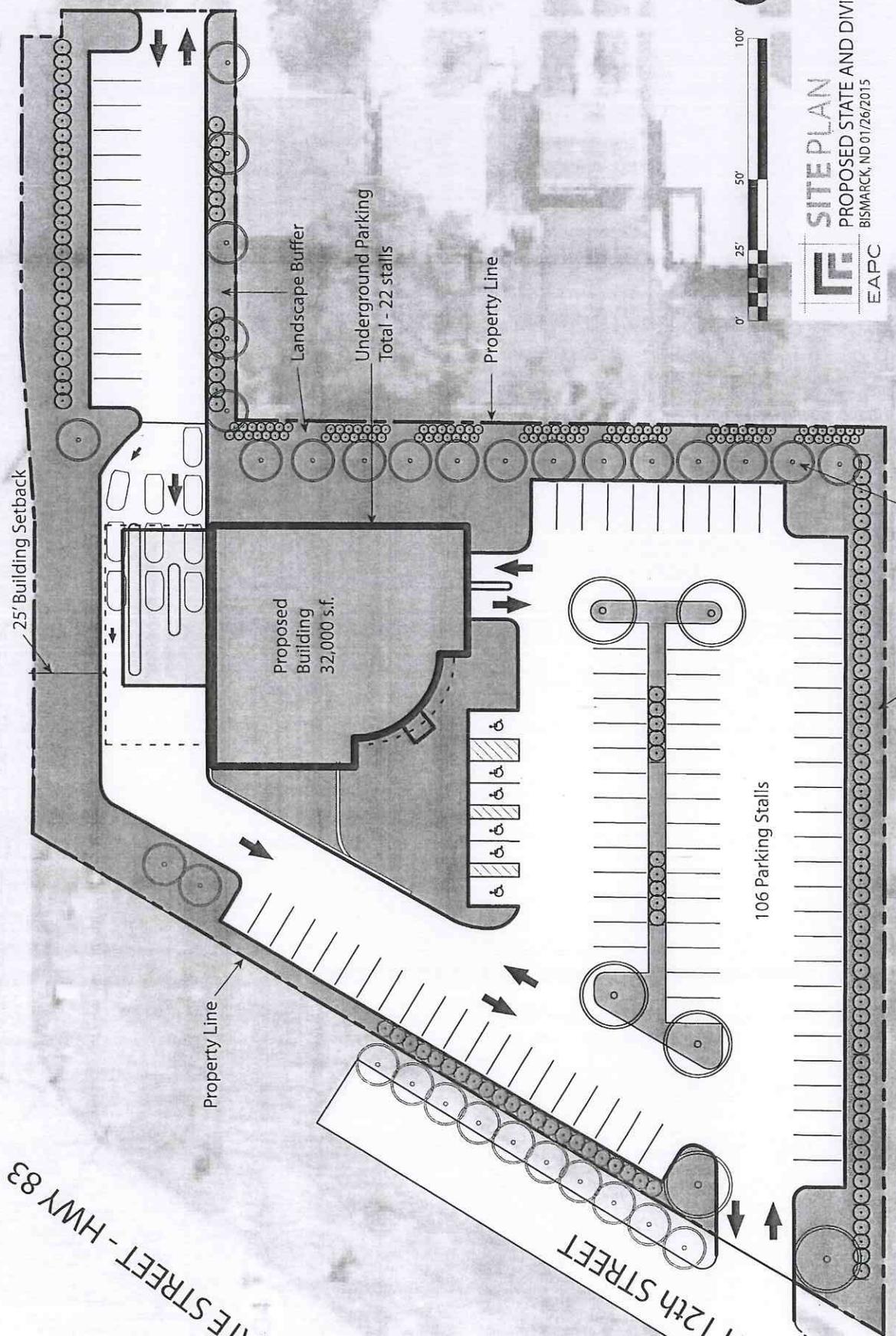
Proposed Building  
32,000 s.f.

Underground Parking  
Total - 22 stalls

106 Parking Stalls



**SITE PLAN**  
PROPOSED STATE AND DIVIDE BLDG  
BISMARCK, ND 01/26/2015  
EAPC



Landscape Buffer

Property Line

Landscape Buffer

Property Line

translucent crown with stainless steel supports

eifs cornice

pre-finished metal panel

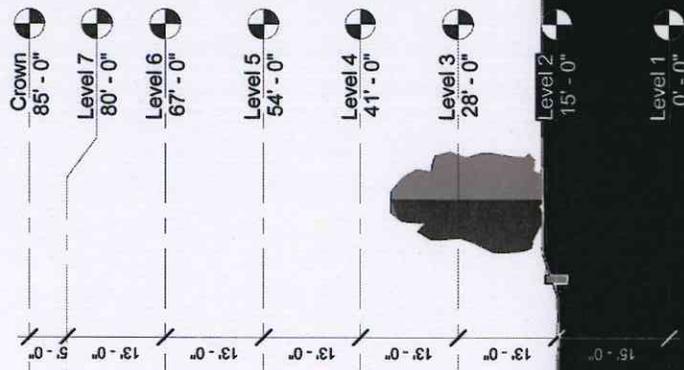
face brick

tinted reflective glass in aluminum frames

bank drive thru

precast cornice

cultured stone



# NORTHElevation

Proposed State & Divide Bldg

Bismarck, ND 02/10/2015

Scale: 1/16" = 1'





translucent crown with stainless steel supports

signage location

eifs cornice

pre-finished metal panel

face brick

tinted reflective glass in aluminum frames

precast cornice

parking garage

cultured stone

Crown  
85' - 0"

Level 7  
80' - 0"

Level 6  
67' - 0"

Level 5  
54' - 0"

Level 4  
41' - 0"

Level 3  
28' - 0"

Level 2  
15' - 0"

Level 1  
0' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

13' - 0"

15' - 0"

0' - 0"

# SOUTHElevation

Proposed State & Divide Bldg  
Bismarck, ND 02/10/2015  
Scale : 1/16" = 1'



translucent crown with stainless steel supports

signage location

eifs cornice

pre-finished metal panel

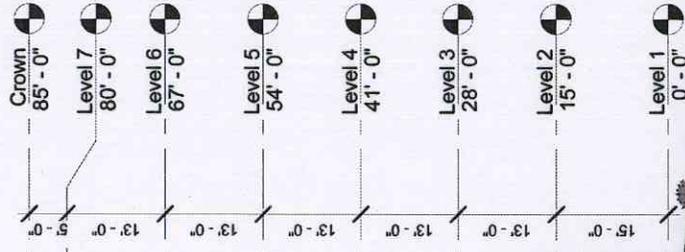
face brick

tinted reflective glass in aluminum frames

precast cornice

cultured stone

bank drive thru



# WESTElevation

Proposed State & Divide Bldg

Bismarck, ND 02/10/2015

Scale : 1/16" = 1'



Top of Crown 85' Above 1st Floor

80' Above 1st Floor

eifs cornice

face brick

translucent crown with stainless steel supports

pre-finished metal panel

signage location

tinted reflective glass in aluminum frames

precast cornice

cultured stone



SWFFacade

Proposed State & Divide Bldg  
Blairsville, ND 02/04/2015



65' Above 2nd Floor

eifs cornice

pre-finished metal panel

tinted reflective glass  
in aluminum frames

face brick

precast cornice

cultured stone

bank drive thru

E divide st.



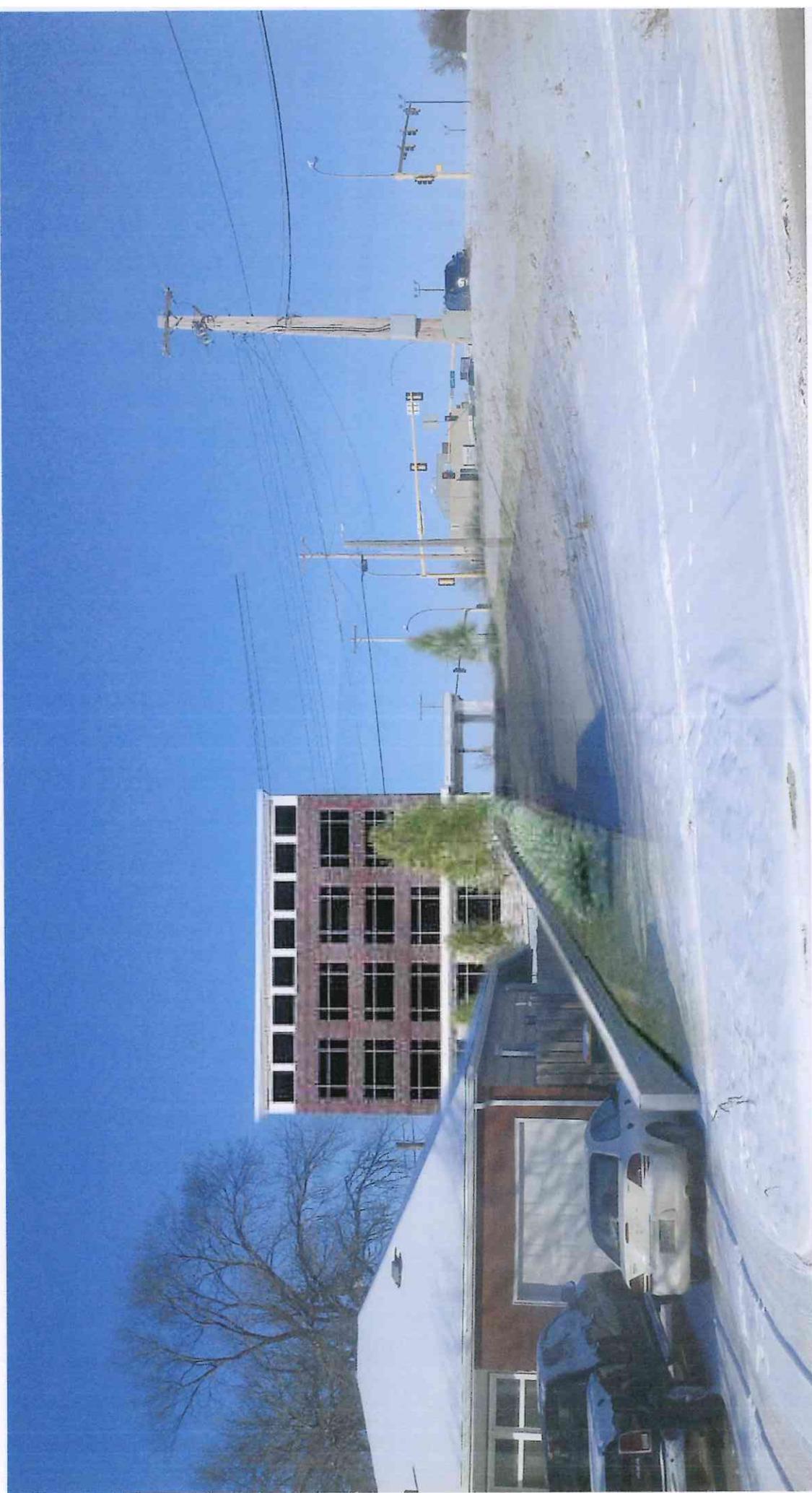
SWFacade  
Proposed State & Divide Bldg  
Bismarck, ND 02/04/2015



# NORTHFacade

Proposed State & Divide Bldg  
Bismarck, ND 02/10/2015





# EASTFacade

Proposed State & Divide Bldg  
Bismarck, ND 02/10/2015





# SOUTHFacade

Proposed State & Divide Bldg  
Bismarck, ND 02/10/2015





# WESTFacade

Proposed State & Divide Bldg  
Bismarck, ND 02/10/2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 1, Capitol View Addition – Special Use Permit (Financial Institution with a Drive Through)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015	
<b>Owner(s):</b> State Street Partners, LLP	<b>Engineer:</b> EAPC	
<b>Reason for Request:</b> Allow a drive-through window and ATM kiosk in conjunction with a financial institution.		
<b>Location:</b> Along the east side of State Street just south of East Divide Avenue.		
<b>Project Size:</b> 1.838 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped, previously a motel	<b>Land Use:</b> 5-story office building	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> As specified by the draft PUD	<b>Uses Allowed:</b> As specified by the amended PUD	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 09/2010	<b>Platted:</b> 05/09	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. A financial institution with a drive-through window is allowed as a special use in this PUD – Planned Unit Development zoning district, provided specific conditions are met. The proposed drive-through window and ATM kiosk meet all six provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking outlined in Section 14-03-10(2) of the City Code of Ordinances (Zoning). Copies of both sections the ordinance are attached.</li> <li>2. The proposed special use would not adversely affect the public health, safety and general welfare.</li> <li>3. The proposed special use would not be detrimental to the use or development of adjacent properties.</li> <li>4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.</li> <li>5. Adequate public facilities and services are in place.</li> <li>6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.</li> <li>7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.</li> </ol>		

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window and ATM kiosk in conjunction with a financial institution on Lot 1, Block 1, Capitol View Addition, with the following conditions:

1. The construction and operation of a drive-through and ATM kiosk window must meet all applicable requirements for such a use in the PUD – Planned Unit Development zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.

*/jt*

**14-03-08(4)**

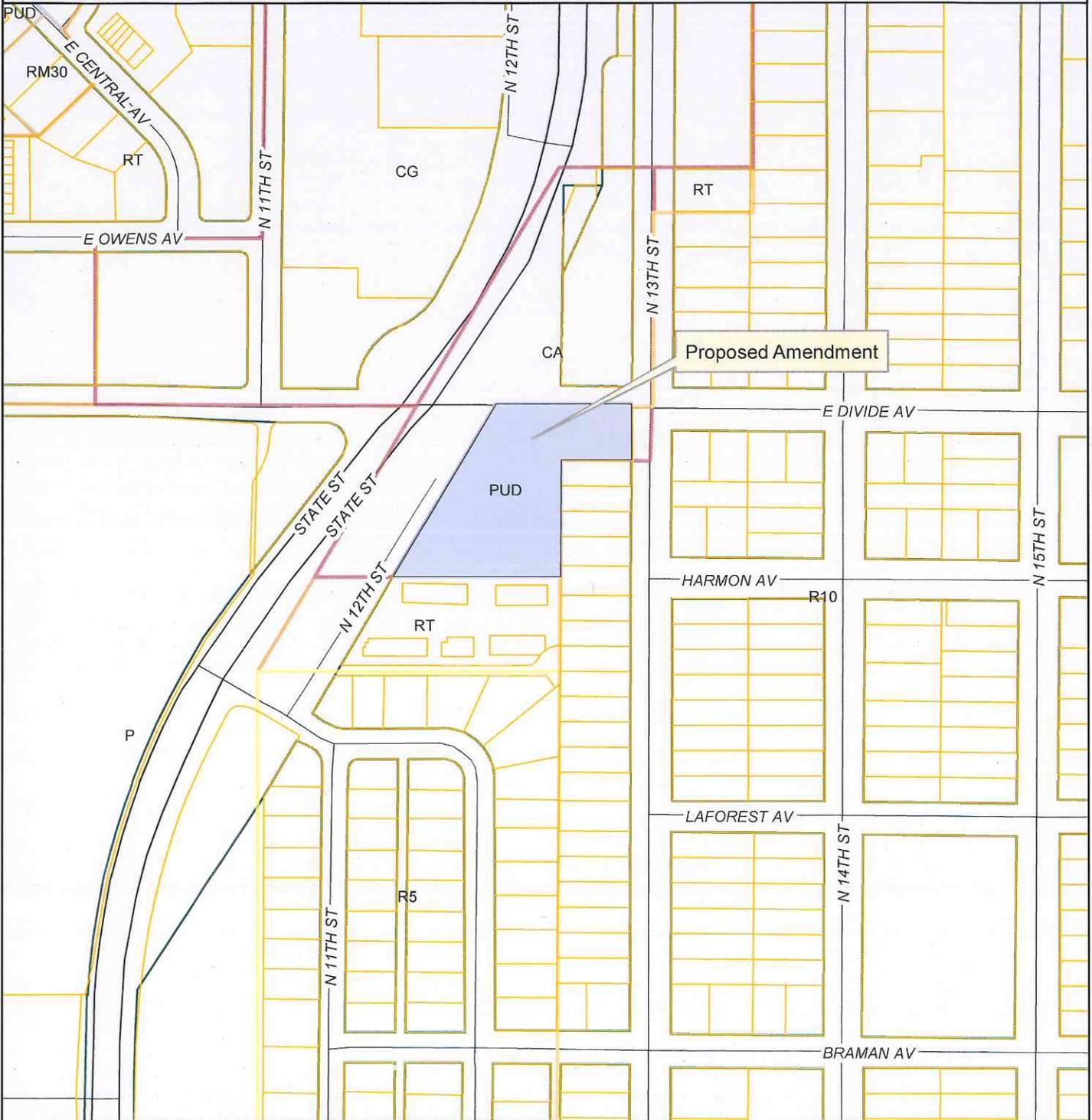
- g. Drive-in retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in facility, including, but not limited to drive-in restaurants, banks or other drive-in facilities exclusive of theatres may be permitted in a CG, CR, MA or HM district (drive-in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

## 14-03-10(2)

3. 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 PUD Amendment Capitol View Addition



December 2013

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.



**RECEIVED**  
JAN 26 2015  
**E Divide Ave**

NORTH 13th STREET

EAST DIVIDE AVENUE

STATE STREET - HWY 83

NORTH 12th STREET

25' Building Setback

Property Line

Proposed Building  
32,000 s.f.

Landscape Buffer

Underground Parking  
Total - 22 stalls

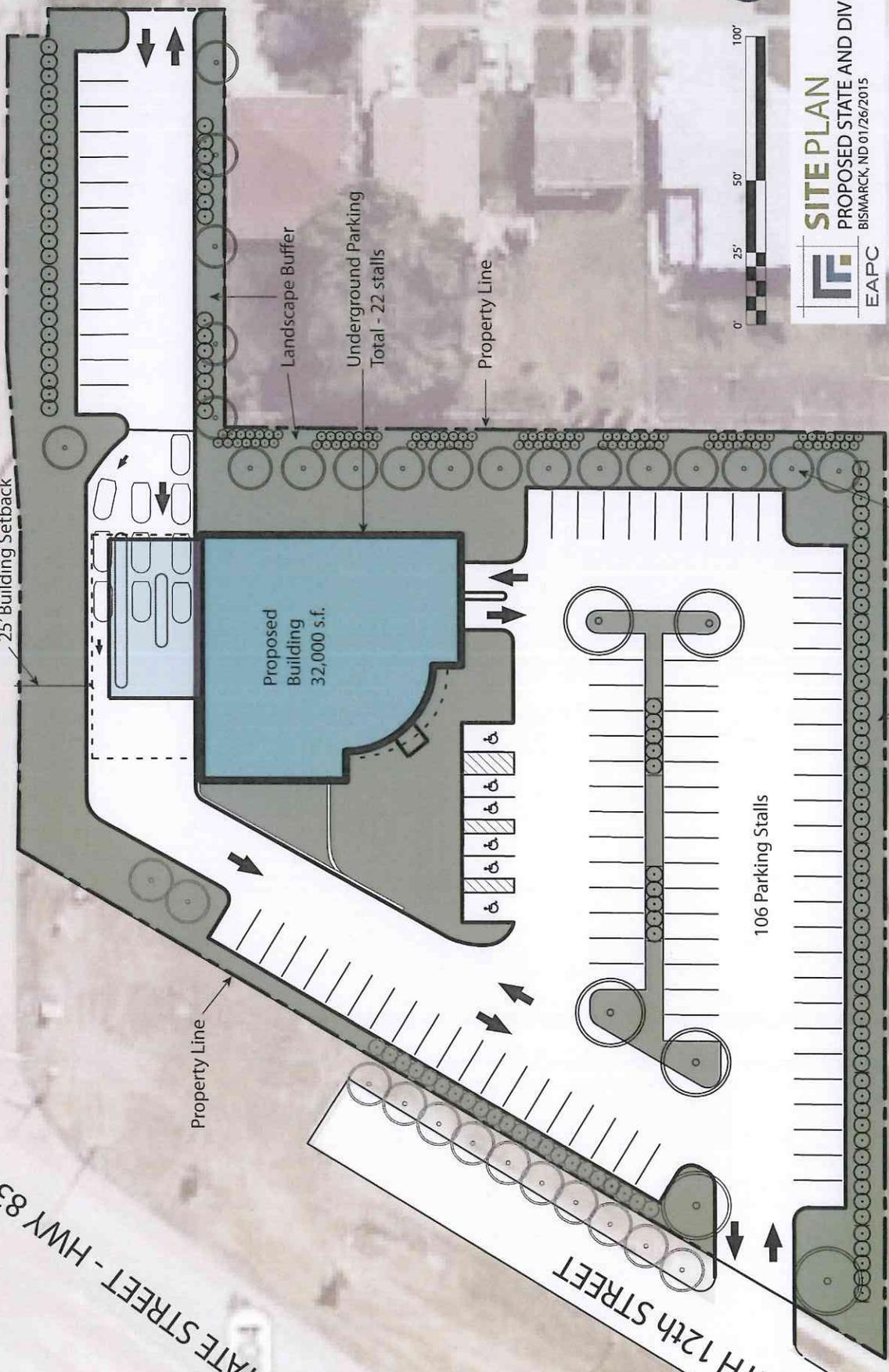
Property Line

106 Parking Stalls

Landscape Buffer



**SITE PLAN**  
PROPOSED STATE AND DIVIDE BLDG  
BISMARCK, ND 01/26/2015  
**EAPC**



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Lot 2, Block 2, Rolling Meadows Subdivision – Special Use Permit (Oversized Accessory Building)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> February 25, 2015
<b>Owner(s):</b> Roger Rostvet	<b>Engineer:</b> None
<b>Reason for Request:</b> To increase the total square feet of accessory buildings located on a rural residential lot to 3,120 square feet, by constructing a 1,440 square foot accessory building.	
<b>Location:</b> North of Bismarck, south of 57 <sup>th</sup> Avenue NE and east of 52 <sup>nd</sup> Street NE along the north side of Grassy Lane.	
<b>Project Size:</b> 4.49 acres (lot size)	<b>Number of Lots:</b> One lot in one block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>Land Use:</b> Rural residential
<b>Zoning:</b> RR – Rural Residential	<b>Zoning:</b> RR – Rural Residential
<b>Uses Allowed:</b> Large lot single-family dwellings and limited agriculture	<b>Uses Allowed:</b> Large lot single-family dwellings and limited agriculture
<b>Maximum Density Allowed:</b> One unit per 65,000 square feet	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> 04/1972	<b>Platted:</b> 06/1977
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>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).</li> <li>According to the permit information on file with the Building Inspection Division, there is an existing 1,680 square foot accessory building constructed in 2011 located on the property. If approved, the proposed special use would increase the total area of accessory buildings to 3,120 square feet.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>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.</li> </ol>	

(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 3,120 square feet on Lot 7, Block 2, Rolling Meadows Subdivision.

*/JW*

# Proposed Special Use Permit Lot 7, Block 2, Rolling Meadows Subdivision

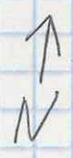


January 21, 2015 (h1b)

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.



195.64  
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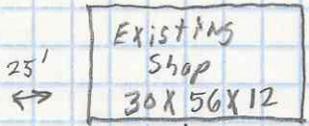


520.56  
↔

513.03  
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Roger Rostvet  
4740 Grassy Lane  
Lot 7, Block 2,  
Rolling Meadows  
Subdivision

Lot Size  
2.49 AC.



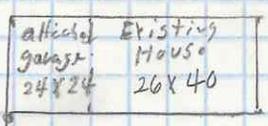
85'  
↔



E. Property Line

Propose Building  
30 X 48 X 13  
Post Frame

75'  
↕



160'  
↕

1 sq. = 10'

80'  
↕

221.15  
↔

Grassy Lane

# CITY OF BISMARCK

## Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-05, 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.

ef. 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.

57. 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.

67. 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, ~~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, 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.