



<b>6. Lot 8, Block 15, Replat of Part of Tibesar’s First Subdivision –</b>	
Zoning Change (RT to R5) (Klee) .....	27
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
<b>7. Subdivision Regulations/Roadway Design Standards –</b>	
Zoning Ordinance Text Amendment (Klee) .....	31
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
<b>8. Off-Street Parking &amp; Loading/Downtown Parking District –</b>	
Zoning Ordinance Text Amendment (JT) .....	35
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny

**REGULAR AGENDA  
PUBLIC HEARINGS**

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

<b>9. Airport Road 3<sup>rd</sup> Addition (JW)</b>	
a. Zoning Change (R10 & MA to R10, RT and MA).....	39
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	43
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
<b>10. BREI Estates First Addition Second Replat – Minor Subdivision Final Plat (JT).....</b>	<b>49</b>
<i>Staff recommendation: continue</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
<b>11. Tract 207 of the NW¼ of Section 2, T138N-R80W/Lincoln Township –</b>	
Zoning Change (P to MA) (JT) .....	55
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
<b>12. Lot 16, Block 17, Sonnet Heights Subdivision –</b>	
Zoning Change (R5 to R10) (JW) .....	59
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
<b>13. Lot 1A of Lot 1, Block 1, Kilber North Addition –</b>	
Zoning Change (RM30 to Conditional RT) (Klee).....	63
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
<b>14. Tract 304 of Block 9, Tracts 420, 422 and 500, All of Blocks 41, 43, 45, 47, 67, 69 &amp; 71, and Lots 1-18, Block 65, Original Plat, and Lots 1 &amp; 2, Block 4 and Lot 1, Block 5, Wachter’s Addition – Zoning Change (CG to DC) (JT) .....</b>	<b>67</b>
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

15. **Lot 10, Block 3, Green Acres Estates – Rural Residential Lot Split (JW)** ..... 71  
*Hay Creek Township*  
*Staff recommendation: approve*                      approve    continue    table    deny
16. **Lots 2 & 3, Block 3, Bohe Acres – Rural Residential Lot Split (JW)** ..... 75  
*Hay Creek Township*  
*Staff recommendation: approve*                      approve    continue    table    deny
17. **Lot 2, Block 1, Northern Sky Addition – Special Use Permit/Drive-through Pharmacy (JW)**..... 81  
*Staff recommendation: approve*                      approve    continue    table    deny
18. **Lot 3, Block 2, Pheasant Valley Subdivision – Special Use Permit/Accessory Building (JW)**..... 87  
*Hay Creek Township*  
*Staff recommendation: approve*                      approve    continue    table    deny
19. **Lot 3, Block 3, Golden Heights Subdivision – Special Use Permit/Moved In Building (JW)**..... 91  
*Apple Creek Township*  
*Staff recommendation: approve*                      approve    continue    table    deny
20. **Subdivision Regulations/Improvements – Zoning Ordinance Text Amendment (Klee)**.. 97  
*Staff recommendation: approve*                      approve    continue    table    deny

**OTHER BUSINESS**

21. **Other**

**ADJOURNMENT**

22. **Adjourn.** The next regular meeting date is scheduled for Wednesday, July 22, 2015.

Enclosures:        Meeting Minutes of May 27, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> The Ridge at Hawktree Third Subdivision – Zoning Change (A to Conditional R5)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Burnt Creek Group, LLC	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> Rezone the property from A – Agricultural to Conditional R5 – Residential and develop 89 residential lots.		
<b>Location:</b> Northwest of Bismarck within the Extraterritorial Area, along the east side of ND Highway 1804 and along the north side of Burnt Creek Drive (part of the NE¼ of Section 2 and the NW¼ of Section 1, T139N-R81W/Hay Creek Township)		
<b>Project Size:</b> 100 acres	<b>Number of Lots:</b> 95 lots (6 lots are unbuildable) in 3 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> A – Agriculture	<b>Land Use:</b> Low-density residential	
<b>Uses Allowed:</b> A – Agriculture	<b>Zoning:</b> Conditional R5 – Residential	
<b>Maximum Density Allowed:</b> A – One unit/40 acres	<b>Uses Allowed:</b> Single Family Residential	
	<b>Maximum Density Allowed:</b> Minimum lot size of 20,000 SF in Conditional R5 (approximately two units per acre).	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> N/A	<b>Platted:</b> N/A	<b>Annexed:</b> N/A
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The applicant is requesting the same conditional zoning used for prior The Ridge at Hawktree subdivisions. The conditions would be as follows: <ol style="list-style-type: none"> <li>a. Uses Permitted. The uses permitted shall be as outlined in Section 14-04-03, R5 – Residential District, of the City Code of Ordinances.</li> <li>b. Development standards. <ol style="list-style-type: none"> <li>i. The minimum lot size is 20,000 square feet.</li> <li>ii. The minimum lot width is 80 feet.</li> <li>iii. The minimum side yard setback is 15 feet.</li> <li>iv. The minimum rear yard setback is 30 feet.</li> <li>v. The minimum front yard setback is 30 feet.</li> <li>vi. All other development standards shall be as outlined in Section 14-04-03, R5 – Residential District, of the City Code of Ordinances.</li> </ol> </li> </ol> </li> </ol>		

**FINDINGS:**

1. The proposed zoning change generally conforms to the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. The plan identifies the land as Low-Density Residential, yielding gross densities of 1 to 4 units per acre. The proposed plat shows a gross density of less than 1 lot per acre (including non-buildable areas).
2. The proposed zoning change would be compatible with adjacent land uses. Prior phases of The Ridge at Hawktree, which are under development to the east, were designated the same Conditional R-5 that is proposed for this subdivision. Adjacent properties to the west and north are within the FEMA Special Flood Hazard Area and remain undeveloped. Land to the south is zoned A - Agriculture and is used as a mining operation.
3. The subdivision proposed for the property would not be annexed, and the subdivision is outside of the area requiring water infrastructure to meet city specifications. Therefore, the proposed subdivision would not place an undue burden on public facilities and services.
4. The proposed zoning would not adversely affect property in the vicinity.
5. The proposed zoning change would generally be consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from A- Agricultural to Condition R5 – Residential for The Ridge at Hawktree Third Addition.

/dn

# Proposed Plat and Zoning Change (A to Conditional R5) The Ridge at Hawktree Third Subdivision



Proposed Plat

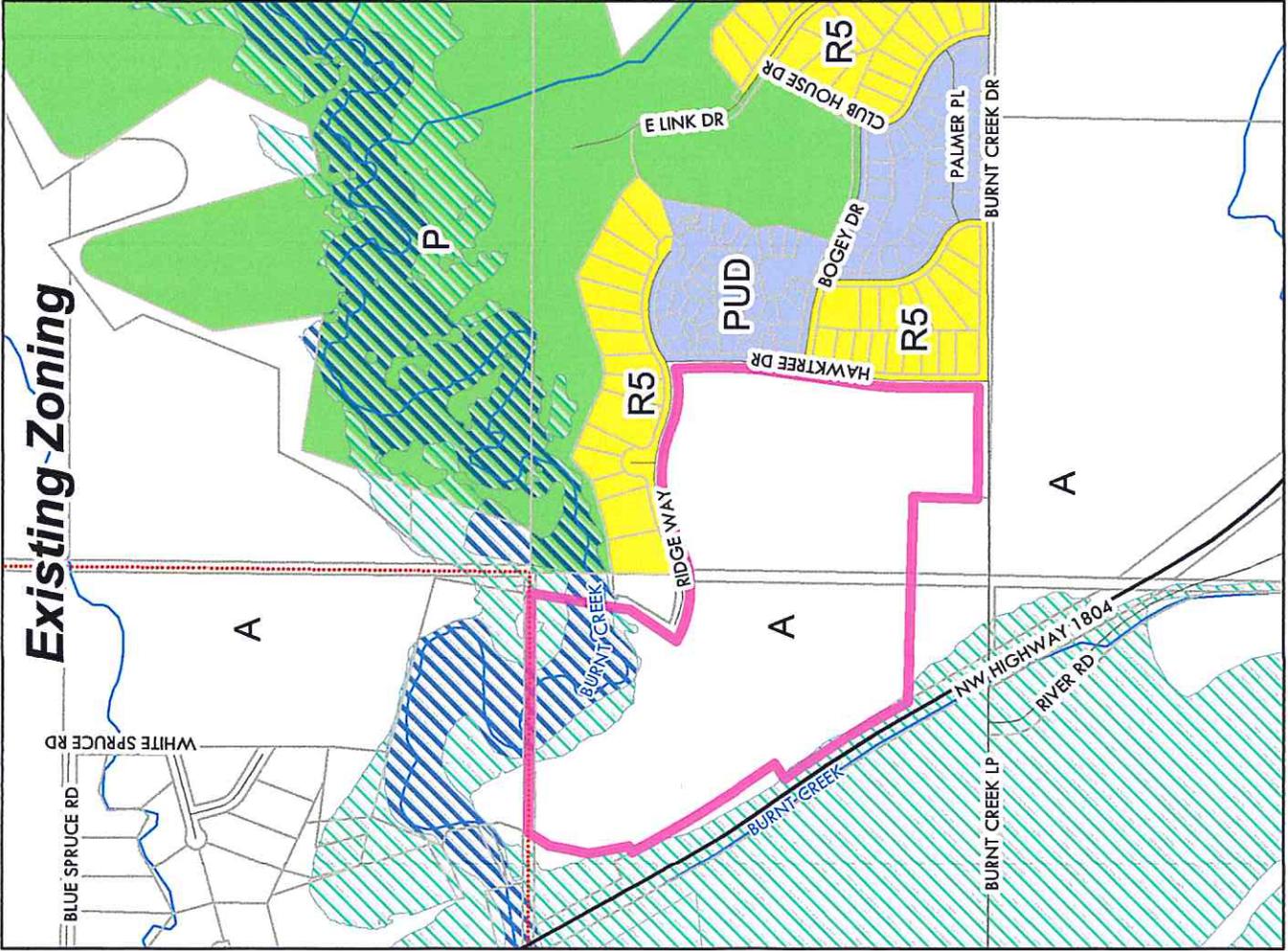
March 5, 2015 (h1b)

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.

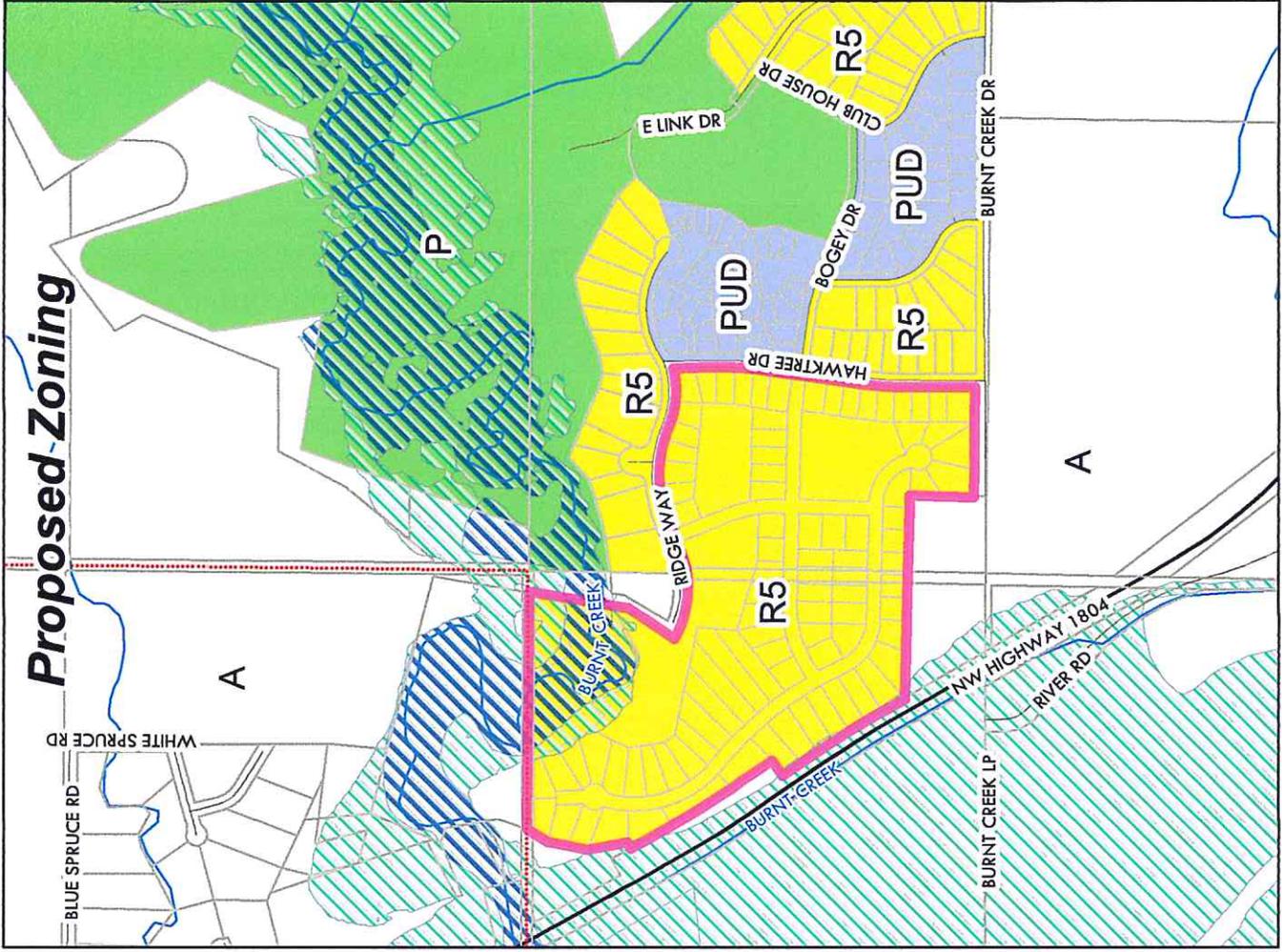


# The Ridge at Hawktree 3rd Subdivision - Zoning Change

## Existing Zoning



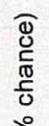
## Proposed Zoning



City Limits



Extraterritorial Area



Floodplain (1% chance)



Floodway



Feet  
0 445 890 1,780

June, 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> The Ridge at Hawktree Third Subdivision – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Burnt Creek Group, LLC	<b>Engineer:</b> KLJ	
<b>Reason for Request:</b> Rezone the property from A – Agricultural to Conditional R5 – Residential and develop 89 residential lots.		
<b>Location:</b> Northwest of Bismarck within the Extraterritorial Area, along the east side of Highway 1804 and along the north side of Burnt Creek Drive (part of the NE¼ of Section 2 and the NW¼ of Section 1, T139N-R81W/Hay Creek Township).		
<b>Project Size:</b> 100 acres	<b>Number of Lots:</b> 95 lots (6 lots are unbuildable) in 3 blocks.	
<b>EXISTING CONDITIONS:</b>		
<b>PROPOSED CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Low-density residential	
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> Conditional R5 – Residential	
<b>Uses Allowed:</b> A – Agriculture	<b>Uses Allowed:</b> Single Family Residential	
<b>Maximum Density Allowed:</b> A – One unit/40 acres	<b>Maximum Density Allowed:</b> Minimum lot size of 20,000 SF in Conditional R5 (approximately two units per acre).	
<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 intends to install private sanitary infrastructure to serve each lot of the subdivision. Sewage would travel from lots through sanitary lines to a central wastewater treatment area on the northern edge of the plat. The treatment area is supported by a series of three drainfields that will be designated as unbuildable on the final plat. All sanitary facilities, easements, and land will be held in common by the owners of the subdivision lots.</p> <p style="text-align: right;"><i>(continued)</i></p>		

2. Significant portions of several lots are comprised of steep slopes. Title 14 of the Bismarck Code of Ordinances defines a steep slope as any slope of 18% grade or higher, and states that “development is either not recommended or described as poorly suited due to slope steepness and/or the site’s soil characteristics.” The backyard portions of lots along both sides of Falcon Drive have slopes with grades between 40% and 55%. Lot 23, Block 1 is identified as unbuildable on the Utility Plan on account of the slopes. Engineering has requested a geotechnical study to determine slope stability and suitability for construction on all lots with steep slopes prior to submission of the final plat. Staff recommends establishment of a slope protection easement on the final plat to limit development and preserve vegetation in sensitive areas, possibly requiring further geotechnical study before construction on individual lots.
3. The applicant is requesting a waiver from the maximum allowable length of cul-de-sacs in Section 14-09-05 of the Bismarck Code of Ordinances. The ordinance requires lengths no greater than 750’, and the applicant is proposing a cul-de-sac of 1650’ in length for Falcon Drive. The road travels up an embankment with steep slopes on both sides, and a secondary connection to this street is not feasible due to these constraints. The ordinance discourages cul-de-sacs, but allows that “cul-de-sacs may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water.”
4. The plat for the Ridge at Hawktree 3<sup>rd</sup> Subdivision does not continue the existing alignment of Ridge Way, as established in the Ridge at Hawktree [1<sup>st</sup> subdivision]. This results in a permanent dead-end of this road without any right-of-way for a turnaround.
5. The Applicant is requesting a waiver from certain access management standards. The applicant requests a reduction in the required non-access lines around certain intersections from 100’ to 60’ and will work with the City Engineer to determine where this may be appropriate.
6. A preliminary stormwater management plan has been submitted, and a detention area is shown on the eastern portion of the preliminary plat. The plan is still under review, but there are no substantial outstanding issues involving stormwater management at this time.

#### **FINDINGS:**

1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan for this area, which identifies Burnt Creek Drive as an existing arterial roadway.
3. The proposed zoning change would be compatible with adjacent land uses. Prior phases of The Ridge at Hawktree subdivisions, which are under development to the east, were designated the same Conditional R-5 that is proposed for this subdivision. Adjacent properties to the west and north are within the FEMA Special Flood Hazard Area and remain undeveloped. Land to the south is zoned A- Agriculture and is used as a mining operation.
4. The subdivision would not be annexed, and the subdivision is outside of the area requiring water infrastructure to meet city specifications. Therefore, the proposed subdivision would not place an undue burden on public facilities and services.

5. The proposed subdivision plat would not adversely affect property in the vicinity, provided that recommended conditions are met.
6. The proposed subdivision plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided that recommended conditions are met.
7. The proposed subdivision plat is consistent with the master plan, other adopted plans, policies and accepted planning practice, provided that recommended conditions are met.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat for The Ridge at Hawktree Third Addition on the condition that:

1. A geotechnical study of areas with steep slopes will be submitted with the final plat;
2. Slope protection easements will be included on the plat in accordance with the findings of the study, and lot lines will be adjusted as necessary to allow sufficient buildable area; and
3. The extension of Ridge Way west of the intersection with Divot Drive that lacks an adequate turn around will be resolved.

*/dn*

# Proposed Plat and Zoning Change (A to Conditional R5) The Ridge at Hawktree Third Subdivision



March 5, 2015 (hlb)

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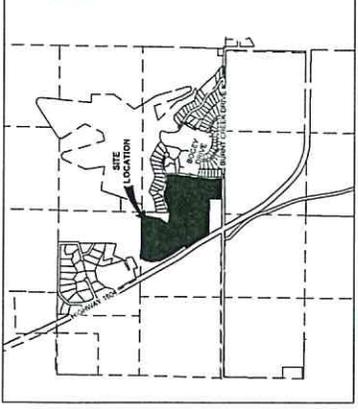


# THE RIDGE AT HAWKTREE THIRD SUBDIVISION

ALL OF AUDITOR'S LOT 'B' OF THE NORTHWEST QUARTER OF SECTION 1 AND AUDITOR'S LOT 'C' OF THE  
 NORTHEAST QUARTER OF SECTION 2 BOTH IN TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL  
 AND A PORTION OF LOT 'B' OF AUDITOR'S LOT 1 AND LOT 2 OF THE SOUTHEAST QUARTER OF SECTION 35,  
 TOWNSHIP 140 NORTH, RANGE 81 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA

RECEIVED  
 JUN 16 2015

SECTION 35  
 TOWNSHIP 140 N  
 RANGE 81 W

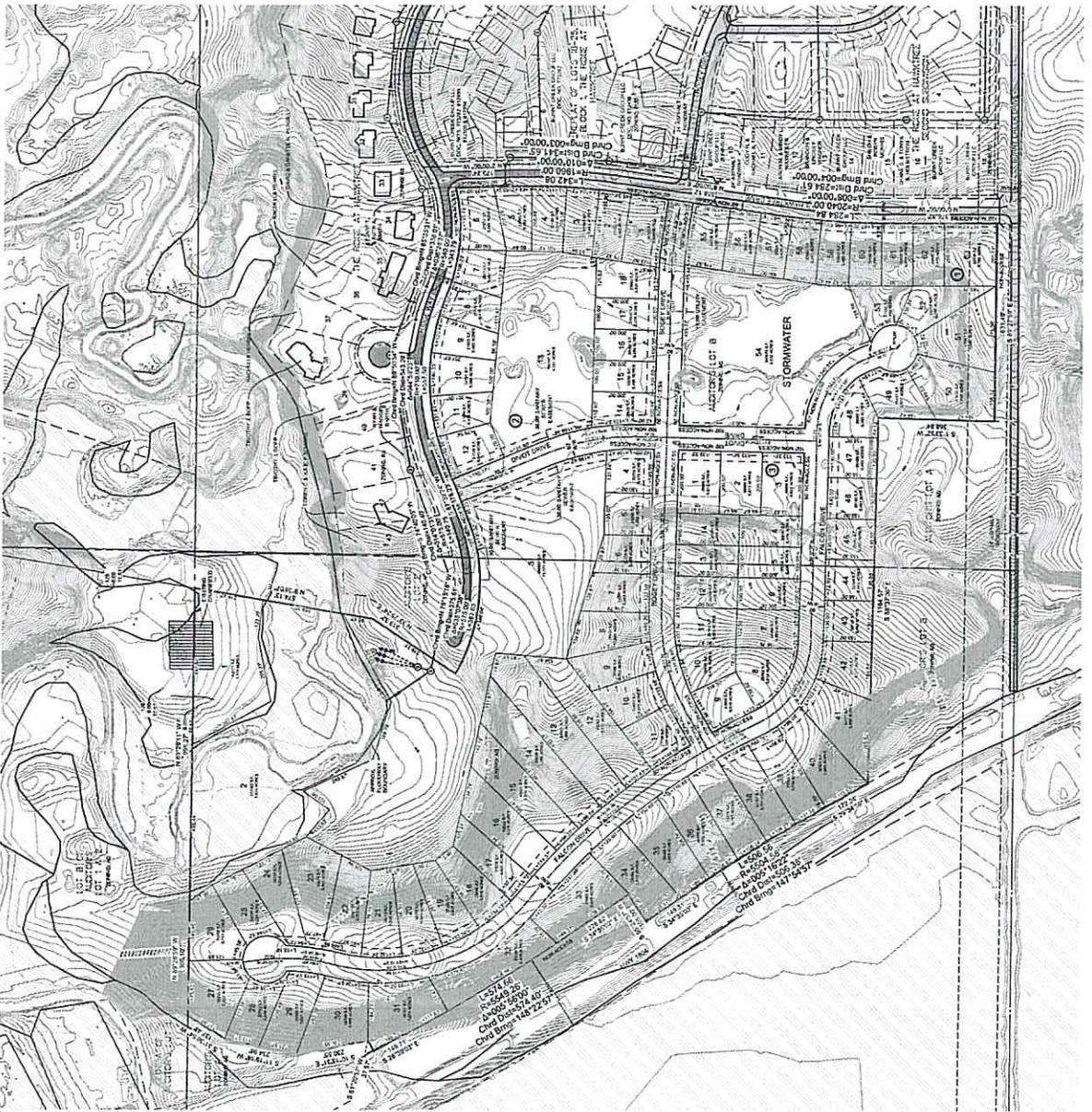
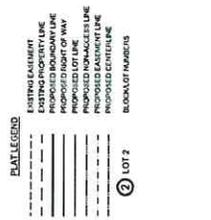
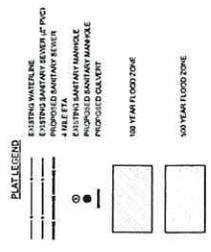
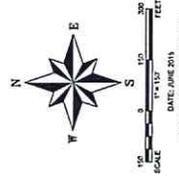


**ENGINEER:**  
 ANDREW J. GILBERT  
 1000 W. 13TH STREET  
 BISMARCK, NORTH DAKOTA 58103

**ZONING INFORMATION:**  
 EXISTING AS  
 PROPOSED CONCEPTUAL PLS

**PLAT INFORMATION:**  
 - BOUNDABLE LOTS  
 - TOTAL ACRES - 4.333 ACRES  
 - TOTAL AREA - 187,147 SQ FT

**NOTES:**  
 BEARINGS AND DISTANCES MAY VARY FROM  
 PREVIOUS PLATS DUE TO DIFFERENT METHODS  
 OF MEASUREMENT.  
 LOT 2 AND LOT 31, BLOCK 1, ARE NON-BOUNDABLE LOTS  
 LOT 1, LOT 7 AND LOT 8, BLOCK 1 AND LOT 15, BLOCK 2 ARE  
 RESERVED FOR DEVELOPMENT ON FUTURE PLATS.



RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,  
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE  
PROPOSED PLAT AND ZONING CHANGE OF THE RIDGE AT  
HAWKTREE THIRD 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 RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH 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:

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6.2.2015  
CHAIRMAN, TOWNSHIP BOARD

  
6/2/15  
ATTEST: TOWNSHIP CLERK

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1, Block 3, KMK Estates – Zoning Change (RR to R10 & Conditional RT)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Larry Benzinger and Vivian Lang	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property for future twin homes and multi-family or office uses.		
<b>Location:</b> In northwest Bismarck along the west side of North Washington Street and the south side of Buckskin Drive.		
<b>Project Size:</b> 4.09 acres	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>Land Use:</b> Two-family residential and office uses	
<b>Zoning:</b> RR – residential	<b>Zoning:</b> R10 – Residential Conditional RT – Residential	
<b>Uses Allowed:</b> RR – Large lot single-family residential	<b>Uses Allowed:</b> R10 – Single and two-family residential Conditional RT – Multi-family dwellings and office uses with building heights not to exceed 2-stories	
<b>Maximum Density Allowed:</b> RR – 1 unit/65,000 SF	<b>Maximum Density Allowed:</b> R10 – 10 units/acre Conditional RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/1959	<b>Platted:</b> 06/1966	<b>Annexed:</b> 09/2015
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. The parcel measures approximately 510 feet east/west and 350 feet north/south. The applicant intends to split the parcel into two separate lots with the existing house and outbuilding located on the west 170 feet of the parcel. The R10 zoning district would be located on the west 170 feet, the remaining 340 feet of the parcel would be zoned Conditional RT – Residential.</li> <li>2. A similar zoning change was completed in 2014 on the parcel to the south of this parcel. Planning staff noted some concerns relating to the request for RT-Residential zoning along the eastern portion of the parcel. The RT-Residential zoning district allows office uses and multi-family uses such as condos, apartments, townhomes and group living facilities. Without a defined use for this property, Planning staff cannot support an unconditional RT-Residential zoning district because the allowable height of 50 feet in the RT-Residential zoning district has the potential for allowing incompatible land uses adjacent to the existing single-family and rural residential uses to the south and north. With previous zoning change requests along North Washington Street, Planning staff has supported limiting structures to no more than 2-stories in height.</li> </ol>		

**FINDINGS:**

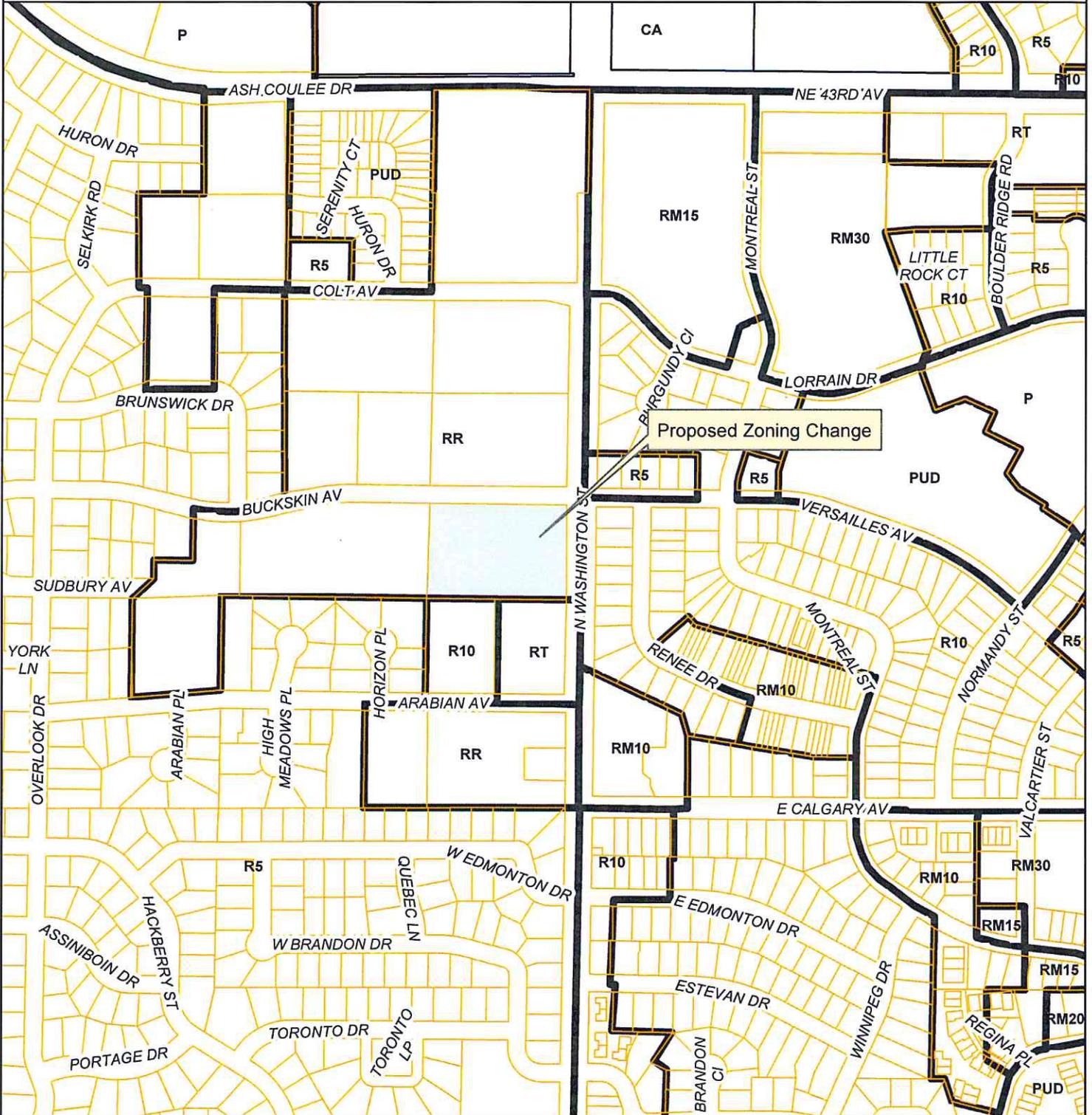
1. The proposed zoning change is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include single-family dwellings to the south and west, large-lot single-family rural residential dwellings and a church to the north, and single and two-family dwellings across North Washington Street to the east.
3. The parcel is already annexed; therefore, the zoning change would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity, provided limitations are placed on the overall height of any structures and structures would not exceed two stories.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations, provided limitations are placed on the overall height of any structures and structures would not exceed two stories.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice, provided limitations are placed on the overall height of any structures and structures would not exceed two stories.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RR – Residential zoning district to the R10 – Residential on the West 170 feet of Lot 1 and to the Conditional RT – Residential zoning district Lot 1 less the West 170 feet, Block 3, KMK Estates, with the understanding that Planning staff will recommend limitations on the height of structures as a condition to be considered by the Planning & Zoning Commission.

/jt

# Proposed Zoning Change (RR to R10 and RT) Lot 1, Block 3, KMK Estates First Addition

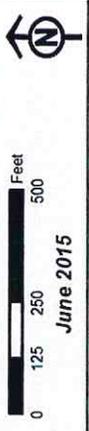
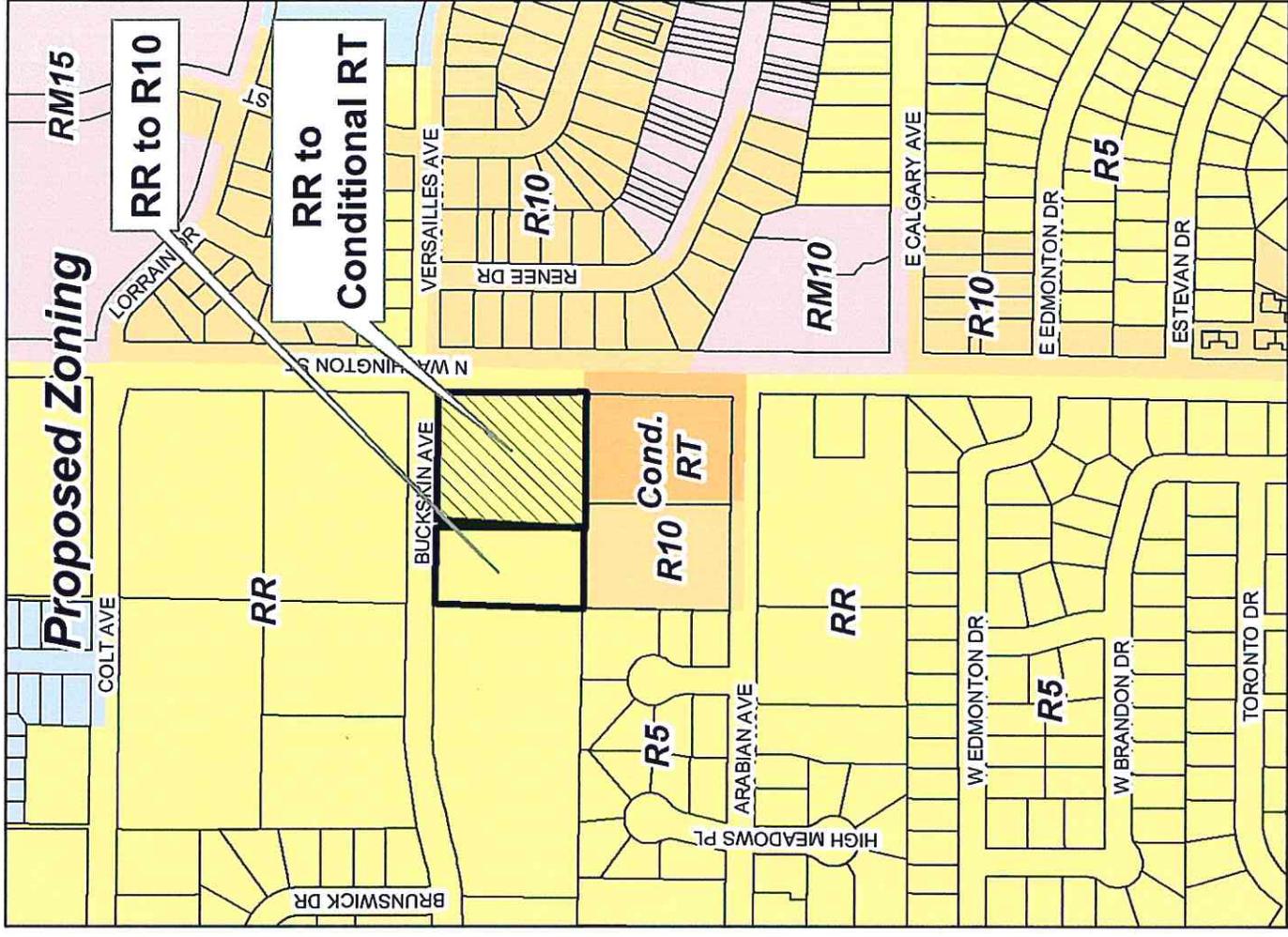


March 5, 2015 (h/b)

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# Lot 1, Block 3, KMK Estates - Zoning Change

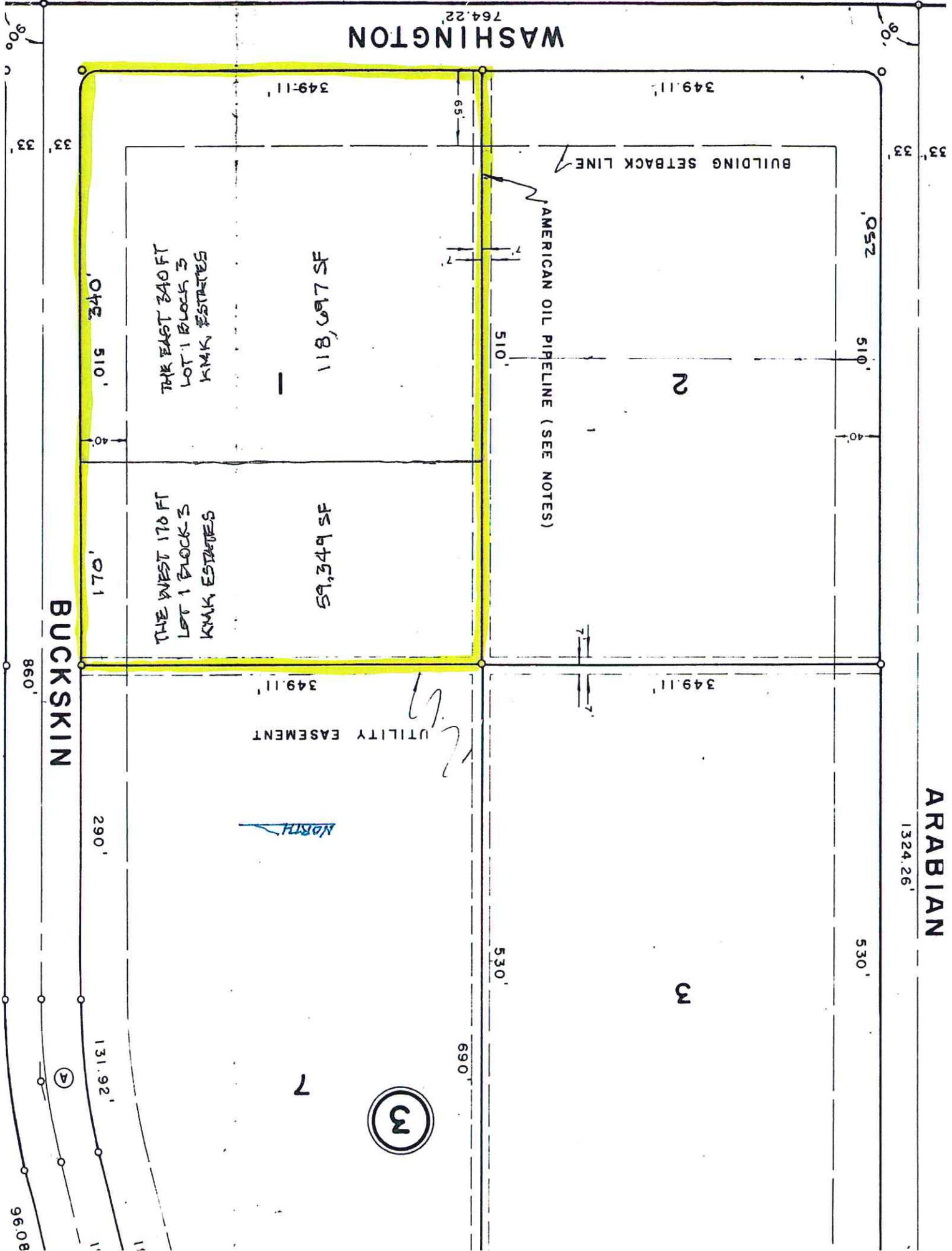


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WASHINGTON

ARABIAN

BUCKSKIN



764.22

349.11'

349.11'

65'

BUILDING SETBACK LINE

AMERICAN OIL PIPELINE (SEE NOTES)

THE EAST 340 FT  
LOT 1 BLOCK 3  
KMK ESTATES

118,697 SF

THE WEST 170 FT  
LOT 1 BLOCK 3  
KMK ESTATES

59,349 SF

340'

170'

510'

052'

510'

2

40'

349.11'

349.11'

UTILITY EASEMENT

NORTH

3

530'

530'

3

690'

290'

131.92'

860'

96.08

1324.26'

90°

90°

33'

33'

33'

33'

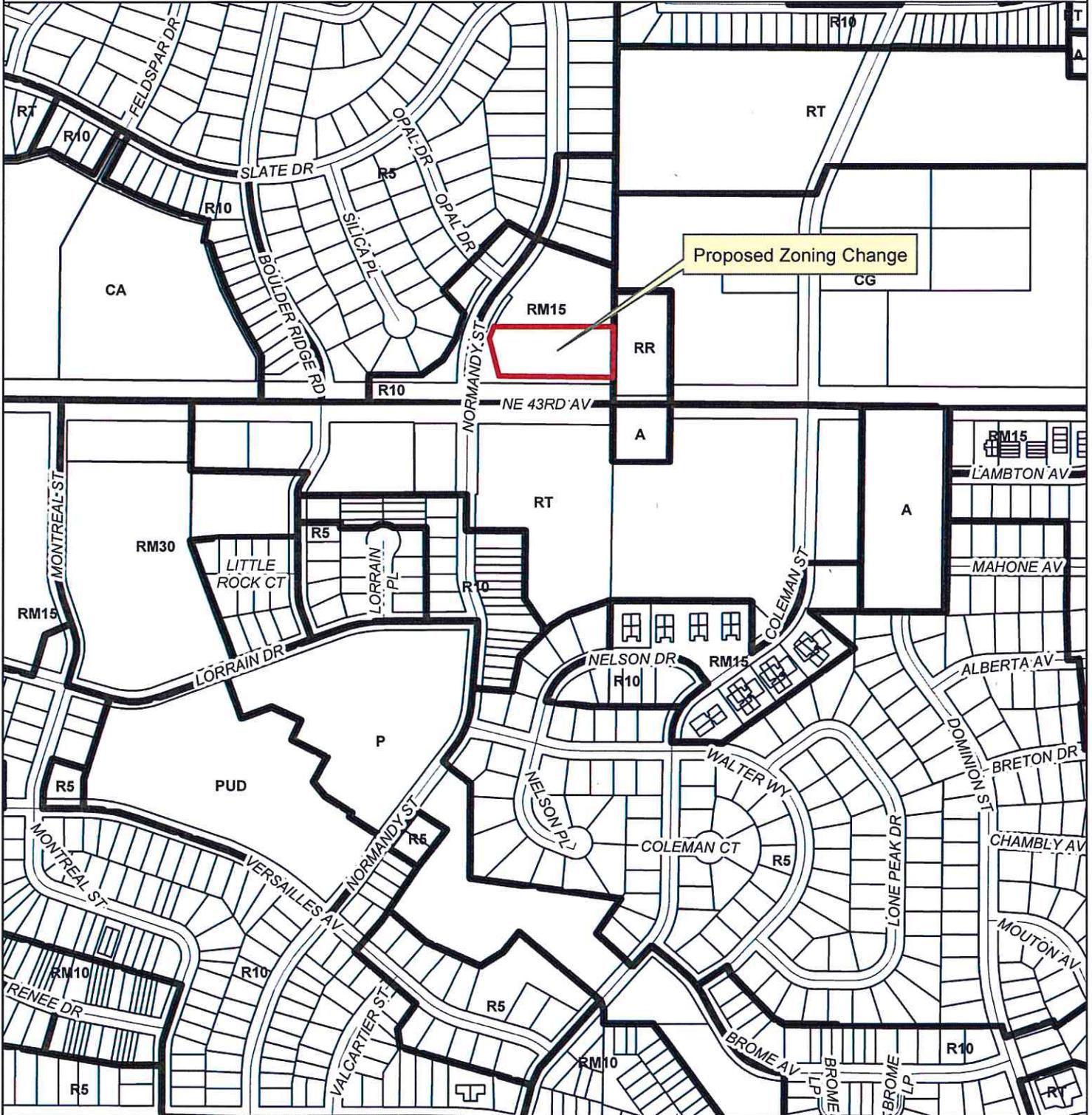
**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> The South 170 feet of Lot 2, Block 1, Boulder Ridge 3 <sup>rd</sup> Addition – Zoning Change (RM15 to RT)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Robert Knutson	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow development of office uses on southern portion of previously platted lot.		
<b>Location:</b> Along the north side of 43 <sup>rd</sup> Avenue NE and the east side of Boulder Ridge Road.		
<b>Project Size:</b> 75,501 square feet/1.73 acres	<b>Number of Lots:</b> Part of 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RM15 – Residential	<b>Land Use:</b> Office use	
<b>Uses Allowed:</b> RM15 – Multi-family residential	<b>Zoning:</b> RT – Residential	
<b>Maximum Density Allowed:</b> RM15 – 15 units/acre	<b>Uses Allowed:</b> RT – Offices and multi-family residential	
	<b>Maximum Density Allowed:</b> RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/2012	<b>Platted:</b> 05/2012	<b>Annexed:</b> 05/2012
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped RM15-Residential zoned property to the north, developing R5-Residential and R10-Residential zoned property to the west, office uses and one rural residence to the south across 43<sup>rd</sup> Avenue NE and developing CG-Commercial zoned property and one rural residence to the east.</li> <li>3. The property is already annexed and municipal services are in place; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
<p>Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for the south 170 feet of Lot 2, Block 1, Boulder Ridge 3<sup>rd</sup> Addition, with the understanding that the lot will need to be split through the City’s lot modification process so that there are not two zoning districts on one parcel.</p>		
/Klee		

# Proposed Zoning Change (RM15 to RT)

## The South 170 feet of Lot 2, Block 1

### Boulder Ridge 3rd Addition

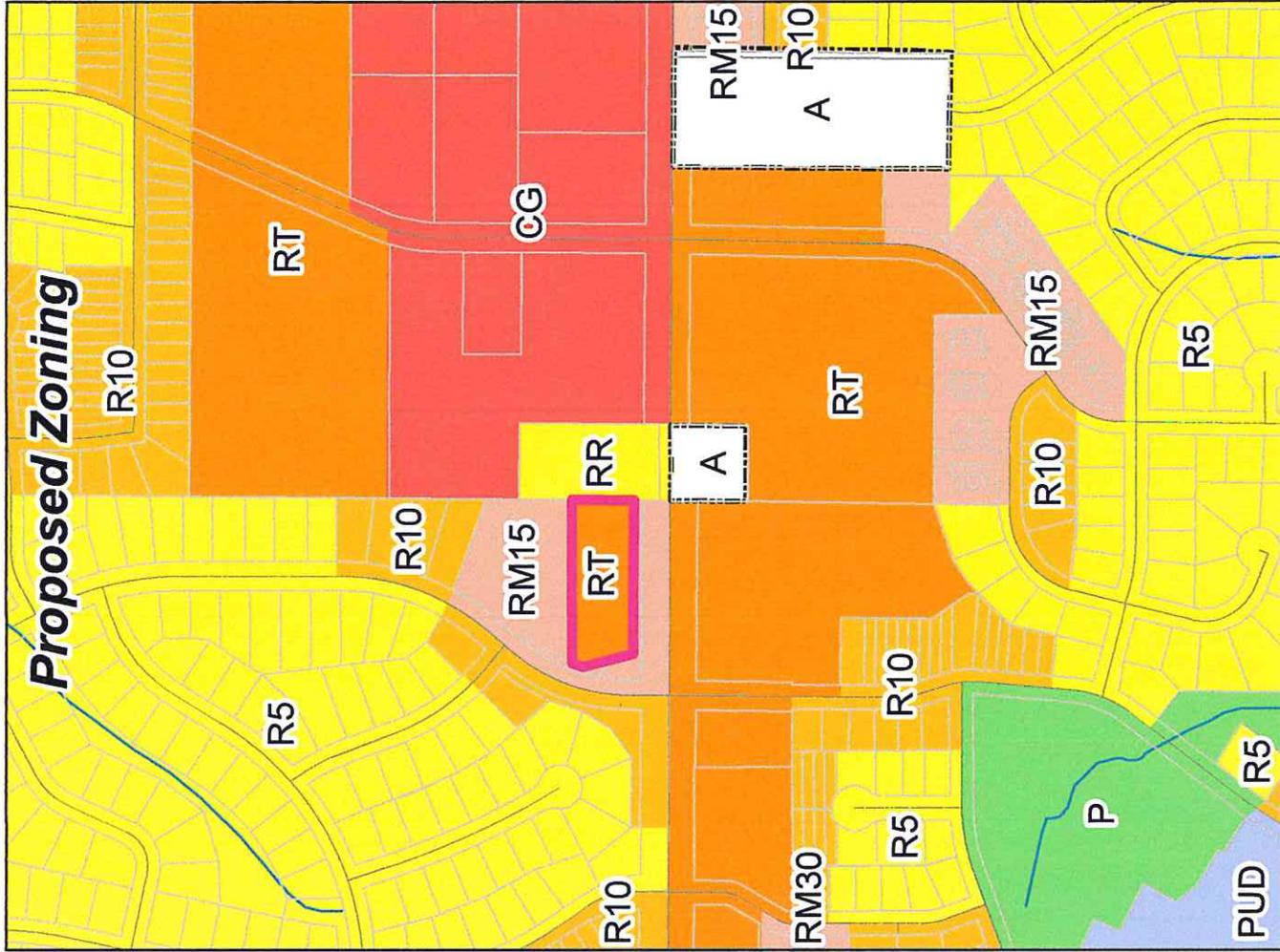
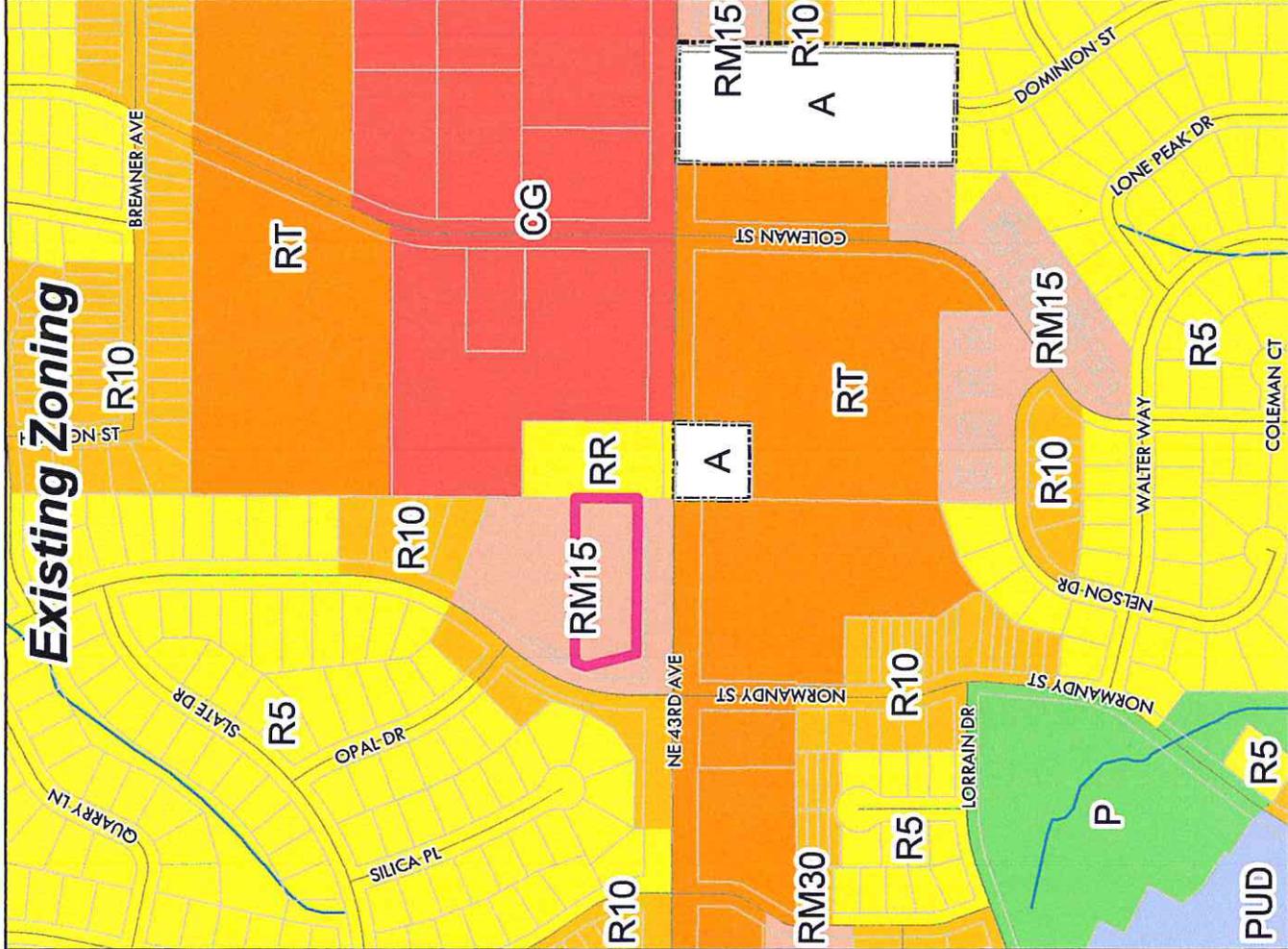


May 26, 2015 (h/b)

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.



# South 170 Ft of Lot 2, Block 1 Boulder ridge 3rd Addition - Zoning Change



Project Area
 City Limits
 Extraterritorial Area
 Floodplain (1% chance)
 Floodway

North
 0 212.5 425 850 Feet

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.

June, 2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 2 & 3, Block 4, Meadowlark Commercial Seventh Addition – Zoning Change (RT to PUD)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2014	
<b>Owner(s):</b> Skyline Properties, LLP	<b>Engineer:</b> Larson Engineering	
<b>Reason for Request:</b> To rezone the property to allow a storage facility with an associated retail use.		
<b>Location:</b> In north Bismarck, east of US Highway 83 along the south side of the future section line road, 57 <sup>th</sup> Avenue NE and the west side of the future North 19 <sup>th</sup> Street.		
<b>Project Size:</b> 16.89 acres	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Vacant/Undeveloped	<b>Land Use:</b> Storage facility with associated retail	
<b>Zoning:</b> RT – Residential	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> RT – Multi-family residential and offices	<b>Uses Allowed:</b> PUD – Uses specified in PUD	
<b>Maximum Density Allowed:</b> RT – 30 units per acre	<b>Maximum Density Allowed:</b> PUD – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/2014	<b>Platted:</b> 12/2014	<b>Annexed:</b> 12/2014
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. Planning staff has concerns with the proposed storage facility and the location of the proposed facility. When this property was platted in 2014, Planning staff raised concerns about the separation of commercial land uses and industrial land uses in this area. In particular, the Future Land Use Plan in the 2014 Growth Management Plan (Plan) demonstrates that this area should be developed as a commercial area. The Plan also indicates that industrial land uses should be located between the existing CP railroad and Hay Creek.</li> <li>2. Planning staff also raised concerns about public streets and access to the site. In particular, 57<sup>th</sup> Avenue NE to the north is a section line roadway that is not currently constructed. North 19<sup>th</sup> Street would also provide access via public roadway to the site; however, the roadway has not been constructed. In addition to the concern with access, Planning staff informed the applicant that 57<sup>th</sup> Avenue NE would need to be constructed prior to development of Lot 1, Block 4 in the northeast corner of the site. The applicant has proposed accessing Lot 1, Block 4 through a private street developed in concert with the proposed storage facility. It has been City of Bismarck policy to require adjacent public streets to be constructed and in place or under contract prior to development of parcels within City limits.</li> </ol>		

**FINDINGS:**

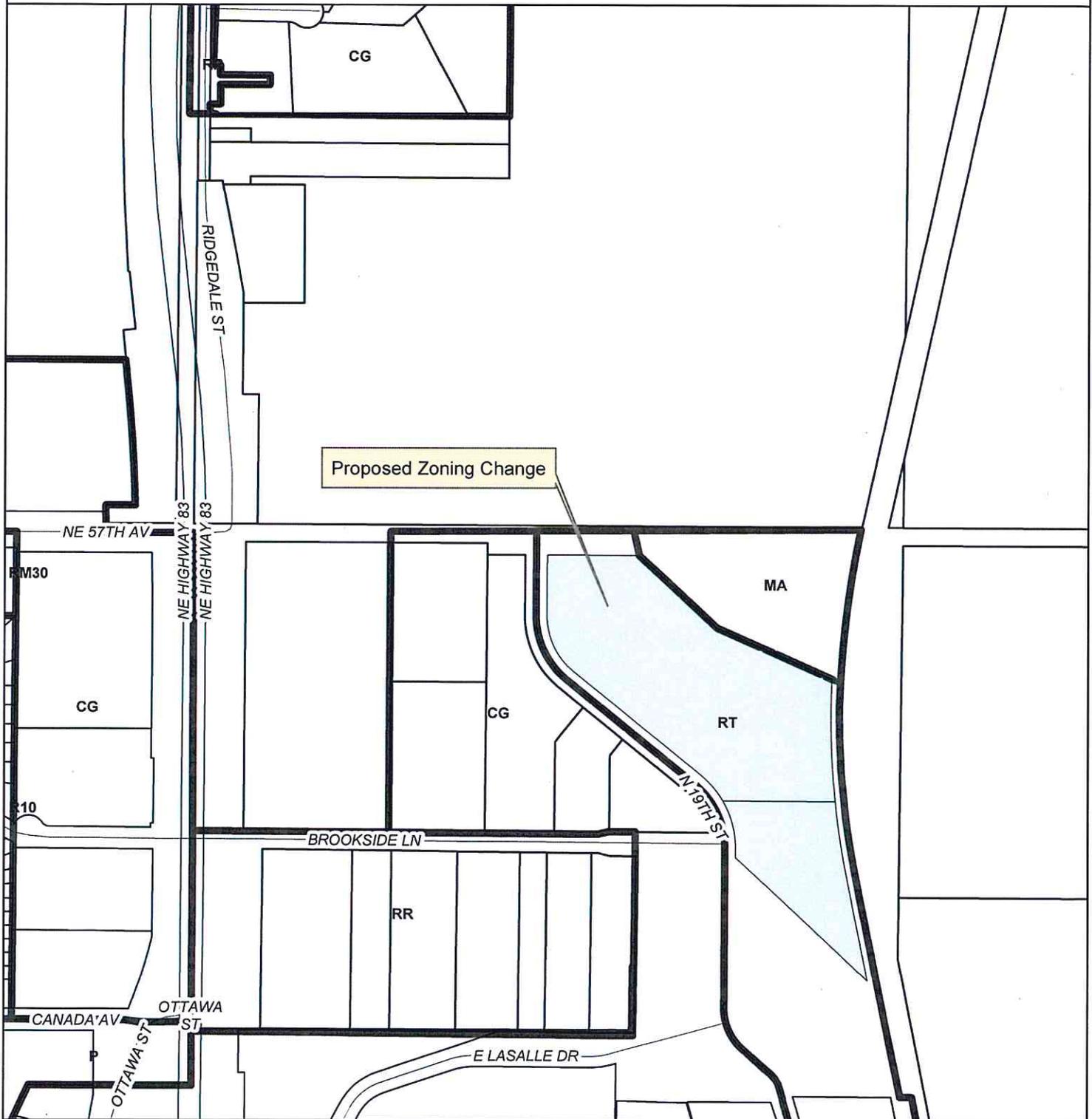
1. The proposed zoning change would not be consistent with the Future Land Use Plan in the 2014 Growth Management Plan. The Future Land Use Plan reflects open space and commercial uses, storage facilities are considered and industrial land use and not an appropriate use in a commercial district.
2. The previous arrangement between the applicant and the Bismarck Parks and Recreation District (BPRD) would have provided land to the BPRD along the Hay Creek corridor for multi-use trails and open space. As part of the arrangement, BPRD would have become the land owner along a portion of North 19<sup>th</sup> Street, thus resulting in BPRD sharing a portion of the construction costs associated with the extension of North 19<sup>th</sup> Street. The current agreement between the applicant and the BPRD would no longer result in the BPRD owning land along North 19<sup>th</sup> Street; however, the applicant has indicated a willingness to provide an easement to allow the extension of the Hay Creek trail. The final location of the future trail extension is not known at this time and it is likely that the exact location would not be determined until such time as each lot along the east side of North 19<sup>th</sup> Street is studied and programmed to accommodate an end-user of the property. If the final location of the multi-use trail cannot lie adjacent to Hay Creek due to topographic constraints, BPRD has indicated that an alternative would be to locate the multi-use trail within the North 19<sup>th</sup> Street public right-of-way.
3. The proposed zoning change would be somewhat compatible with adjacent land uses. Adjacent land uses include agricultural to the north and east, developing commercial property to the south and five, rural residential homes to the west. The residential properties gain access to their homes from the US Highway 83 frontage road and onto Brookside Lane. The access to the proposed storage facility would be along North 19<sup>th</sup> Street. Brookside Lane and North 19<sup>th</sup> Street would not intersect; therefore additional traffic would not be likely along the residential street, Brookside Lane.
4. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, there are existing rural residentially-zoned homes south of the proposed zoning change.
5. The entire property has been annexed; therefore the zoning change would not place an undue burden on public services.
6. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular, the proposed industrial use is not supported by the Future Land Use Plan (FLUP); industrial land uses would be more appropriate located between Hay Creek and the CP railroad line. In addition, adequate access to Lot 1, Block 4 via a public roadway does not currently exist and the developer does not intend to construct the roadway at this time.
7. The proposed zoning change is not consistent with the master plan, other adopted plans, policies. In particular, the proposed land use does not follow the FLUP of the 2014 Growth Management Plan (GMP) and the proposal to not construct North 19<sup>th</sup> Street and 57<sup>th</sup> Avenue NE adjacent to the lots proposed for development is inconsistent with long standing City policy.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RT – Residential zoning district to the PUD – Planned Unit Development zoning district, with the understanding that staff will work with the developer to address to concerns listed above.

/jt

# Proposed Zoning Change (RT to PUD) Lots 2-3. Block 4, Meadowlark Commercial 7th Addition



May 27, 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.



MAY 22 2015



SKYLINE PROPERTIES, LLC

PO Box 2315

Bismarck, ND 58502

PUD Application Narrative  
Lots 2 and 3, Block 4  
of  
Meadowlark Commercial Seventh Addition

The legal description is Lots 2 and 3, Block 4 of Meadowlark Commercial Seventh Addition to the City of Bismarck.

The present ownership of both lots is Skyline Properties, LLC.

The objective of the PUD is to allow a mixed-use facility along the east side of North 19<sup>th</sup> Street. The mixed use will include a climate-controlled storage facility with retail space, parking for the storage and retail, an outdoor storage area for seasonal, recreation vehicles like boats and campers, and a private road to access an industrial lot (Lot 1, Block 4 of Meadowlark Commercial Seventh) to the north that will have non-climate-controlled storage. The industrial lot to the north is **not** part of the PUD, but the access road to it is. This access road will be a private road that will provide access to the storage building site on Lot 1, Block 4 until 43<sup>rd</sup> Avenue is constructed to provide access to this site. The outdoor storage area will be screened from view from 19<sup>th</sup> Street with a privacy fence and landscape screening. Landscape screening will include medium height (ten to fifteen feet high) deciduous and evergreen trees and average height (2 to 4 feet) shrubbery.

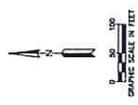
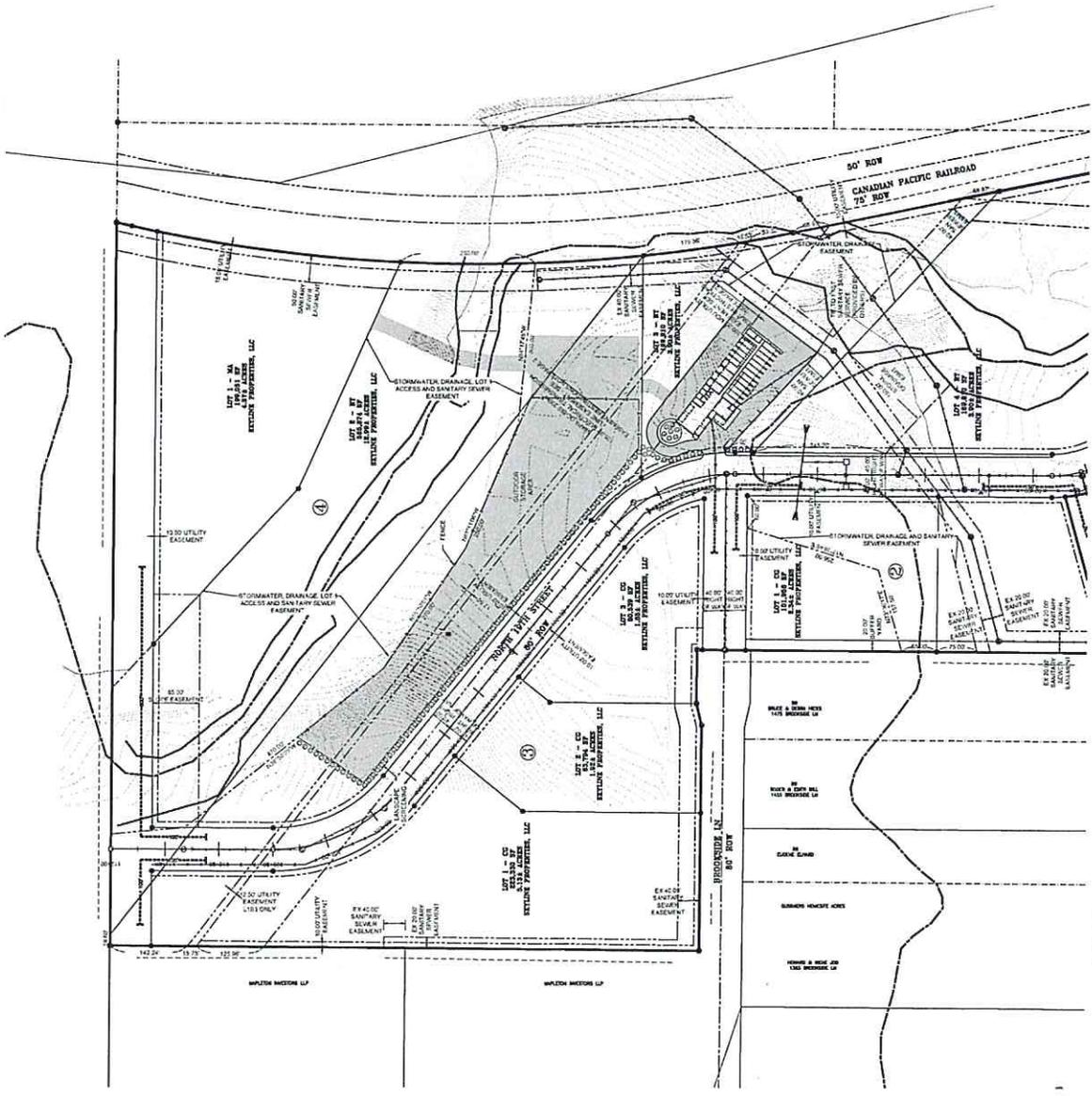
Building material for the climate-controlled storage and retail building will be as shown on the attached sketch.

Skyline Properties, LLC

  
\_\_\_\_\_  
Dan Schmaltz, Managing Member

MAY 22 2015

- EXISTING LAND USE:
  - VACANT PROPERTY
- PROPOSED LAND USE:
  - HEATED INDOOR STORAGE
  - OUTDOOR STORAGE
- MAX BUILDING HEIGHT:
  - 47.5 FT
- BUILDING INFORMATION:
  - 300,000 SQ FT BUILDING FOOTPRINT = 171,25' X 72.5' (12,416.0 SF)
  - LOADING AREA = 48' X 47' (2037.0 SF)
  - MAIN FLOOR = 14,452.0 SF
  - TOTAL STORAGE AREA = 62,075.0 SF (12,415 X 5 LEVELS)
- TYPE OF BUILDING:
  - HEATED INDOOR STORAGE
  - RETAIL FACILITY
- TOTAL ACRES OF PUD:
  - L2, 100 MEADOWLARK COMMERCIAL 7TH: 3.904 ACRES
  - L3, 84 MEADOWLARK COMMERCIAL 7TH: 3.904 ACRES
  - TOTAL ACRES: 16.891 ACRES



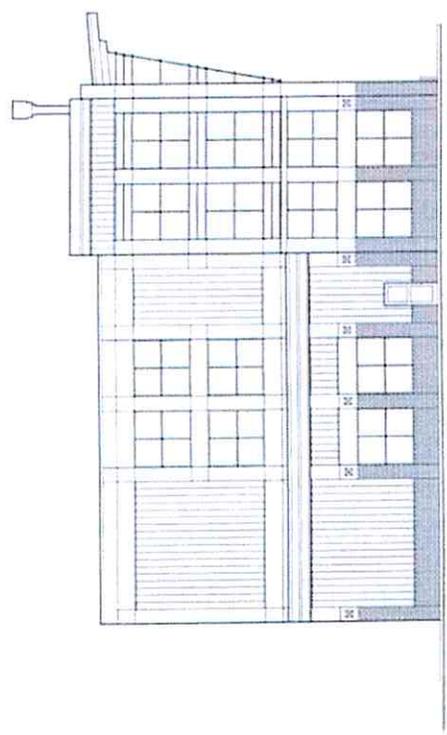
PROJECT TITLE: BLOCK 4, LOTS 2 & 3 MEADOWLARK COMMERCIAL 7TH ADDITION		SHEET TITLE: PROPOSED P.U.D. LAYOUT COLD, HEATED, & OUTDOOR STORAGE FACILITIES	
DATE: JUNE 1, 2015	APP: JUNE 1, 2015	DATE: 5/27/2015	APP: JUNE 1, 2015
PROJECT NO: 5285-0003	SHEET NO: 1	TOTAL SHEETS: 1	REV NO: 0

SKYLINE PROPERTIES, LLC  
C/O DAN SCHWALZ  
1401 SKYLINE BOULEVARD, SUITE 250  
BISMARCK, ND 58503

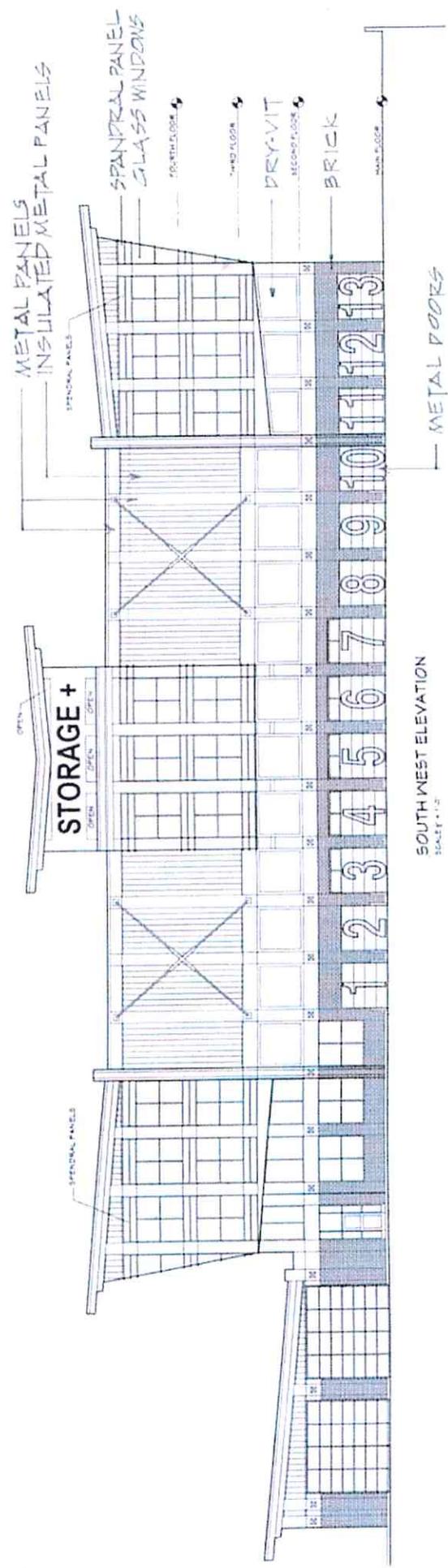
WENCK ASSOCIATES  
Responsive partner. Exceptional outcomes.  
301 1ST STREET NE, SUITE 202 OFFICE (DUL) 754-5372  
WACO, TX 76798 FAX: (767) 754-5377



REV	REVISION DESCRIPTION	DATE	BY	CHK	APP	REV DATE



NORTH WEST ELEVATION  
SCALE: 1/4" = 1'-0"

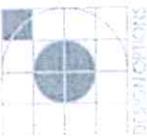


SOUTH WEST ELEVATION  
SCALE: 1/4" = 1'-0"

SHEET - 5  
5/21/15

STORAGE +  
5403 N. 14TH STREET  
BISMARCK, ND 58503

ARCHITECTURE INTERIORS DESIGN



DESIGN OPTIONS  
201 WASHINGTON SQUARE DRIVE SOUTH  
BISMARCK NORTH DAKOTA 58104  
701.788.2244

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 8, Block 15, Replat of Part of Tibesar's First Subdivision Zoning change (RT to R5)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Alex Shevchenko	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Rezone the single lot from RT- Residential to R5- Residential to meet minimum lot size requirements for the zoning district and allow construction of a single-family home.		
<b>Location:</b> In north Bismarck, along the south side of East Capitol Avenue and approximately one and a half blocks west of the intersection of East Capitol Avenue and State Street.		
<b>Project Size:</b> 7,261 Square Feet	<b>Number of Lots:</b> 1 Lot in 1 Block	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Vacant residential lot/undeveloped	<b>Land Use:</b> Single Family Residential	
<b>Zoning:</b> RT – Residential District	<b>Zoning:</b> R5 – Residential	
<b>Uses Allowed:</b> Offices and Multifamily Residential	<b>Uses Allowed:</b> Single Family Residential	
<b>Maximum Density Allowed:</b> 16 families per net acre	<b>Maximum Density Allowed:</b> 5 families per gross acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 11/2001	<b>Platted:</b> 2/25/1971	<b>Annexed:</b> 2/25/1971
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>In the R5 Zoning District, the owner of the lot will be entitled to a home occupation pursuant of Section 14-03-06 of the Bismarck Code of Ordinances.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>This are is not included in the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan because it was already platted and zoned.</li> <li>The proposed use would be compatible with adjacent land uses. Adjacent land uses include single family dwellings in the R5 Zoning District to the north, west, and south, and a neighborhood commercial use to the east.</li> <li>The property is already annexed; therefore, the zoning change would not place an undue burden on public services</li> <li>The proposed zoning change and subsequent development would not adversely affect property in the vicinity</li> </ol>		

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

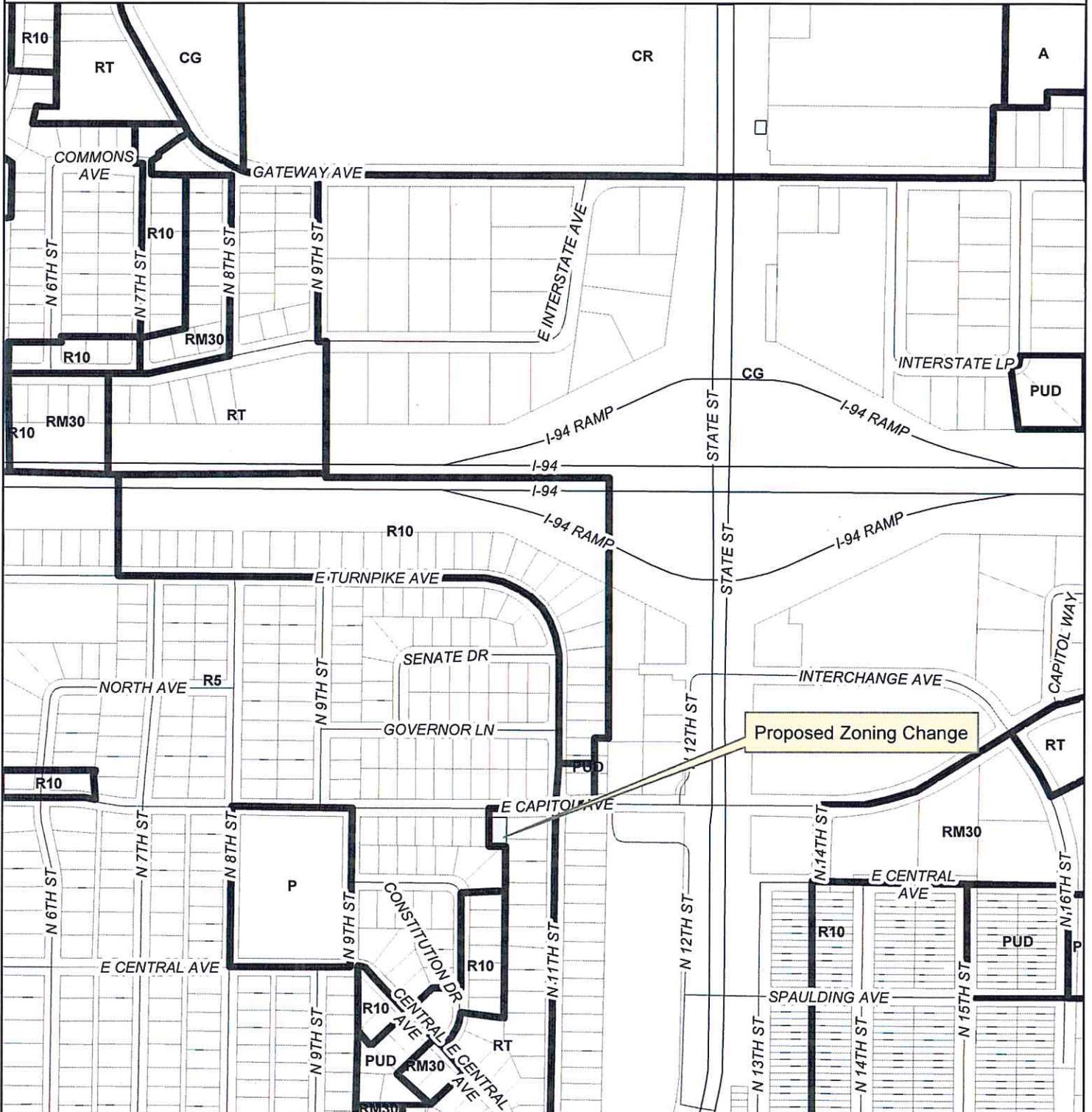
**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from RT – Residential to R5 – Residential for Lot 8, Block 15, Replat of Part of Tibesar’s First Subdivision.

*/dn*

# Proposed Zoning Change (RT to R5)

## Lot 8, Block 15, Replat of Part of Tibesar's First Subdivision

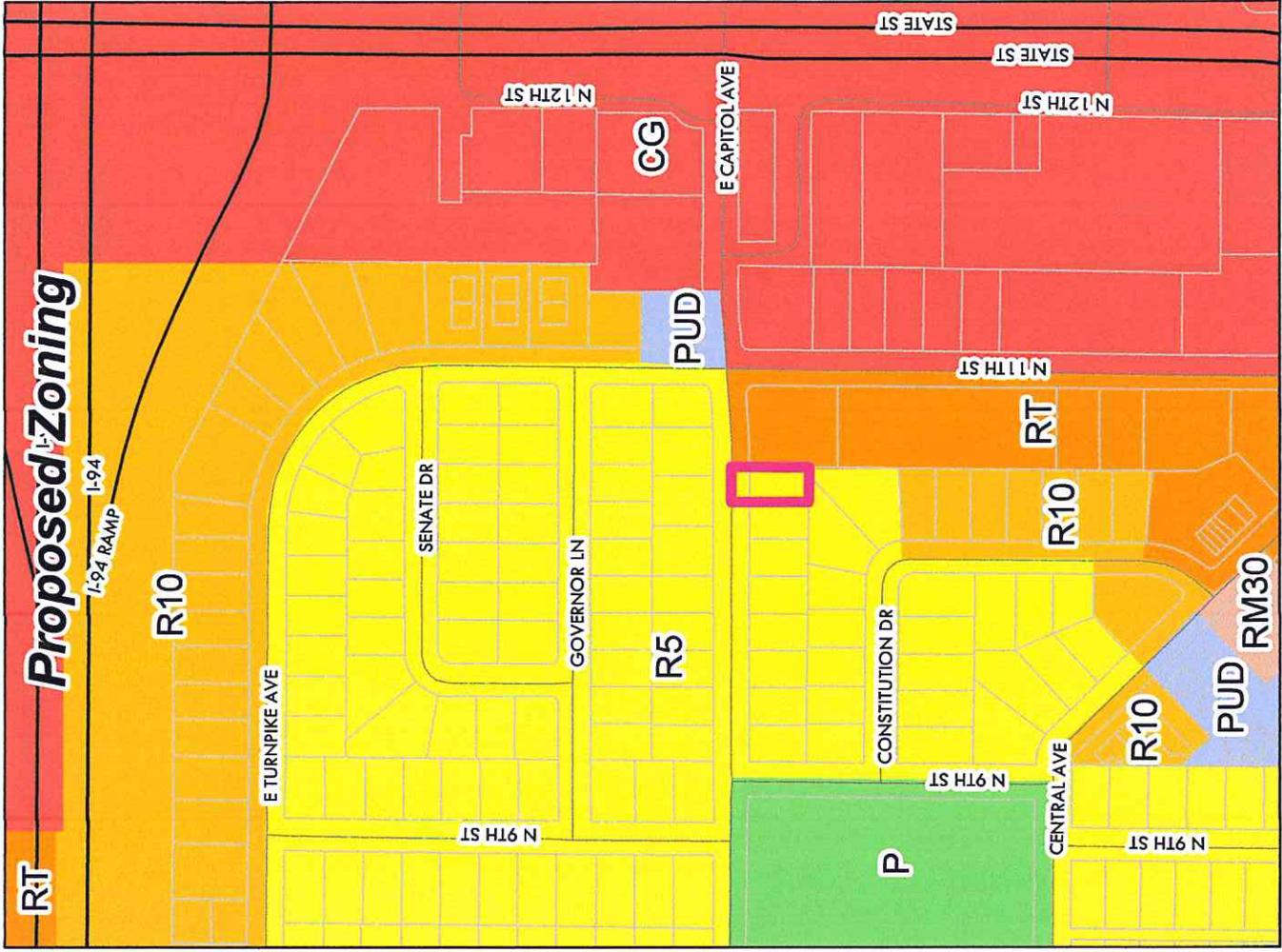
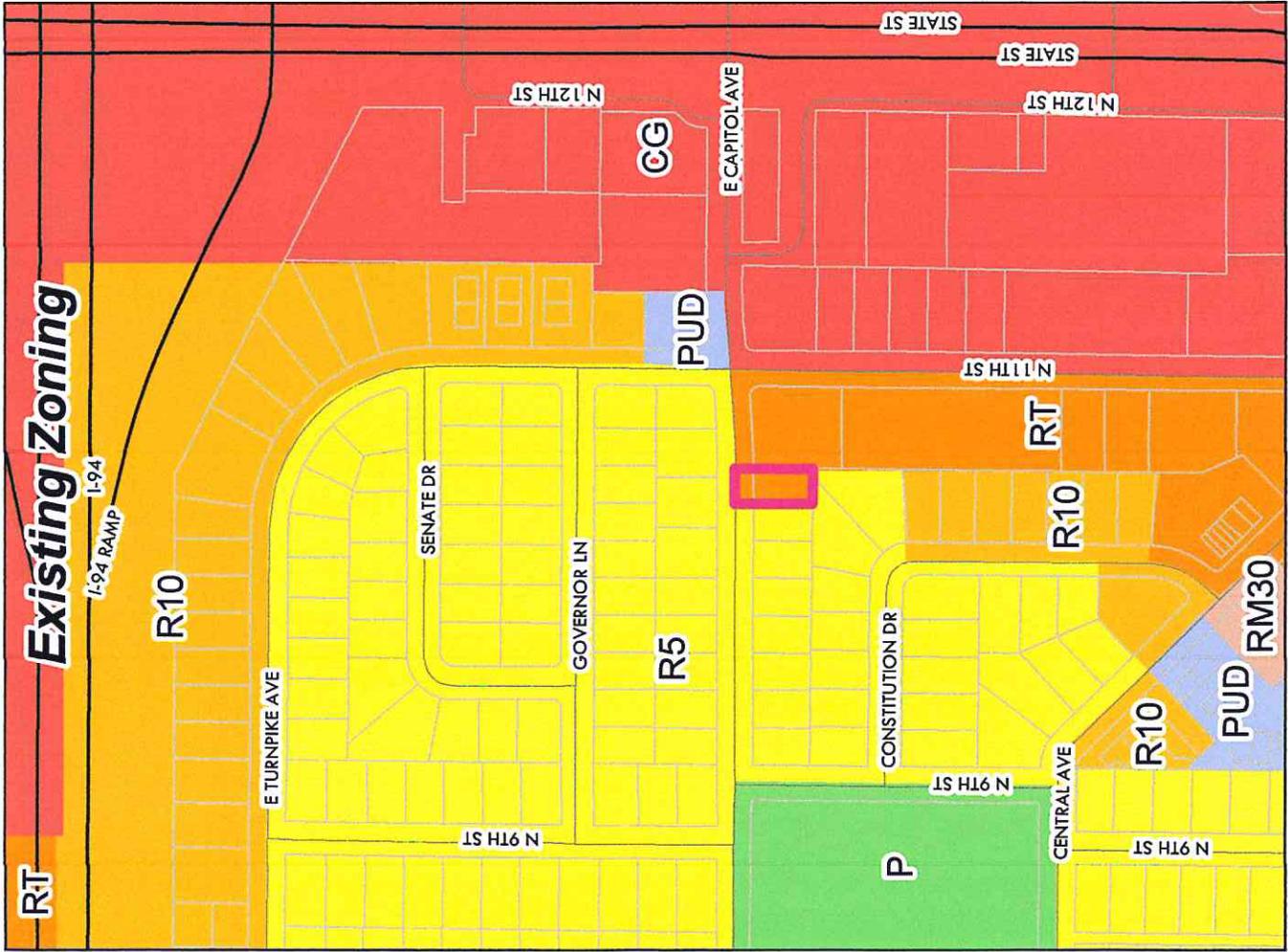


June 12, 2015 (h/b)

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.



# The Ridge at Hawktree 3rd Subdivision - Zoning Change



Project Boundary



City Limits



Extraterritorial Area



Floodplain (1% chance)



Floodway



June, 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.

# 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 14-09-05 AND 14-09-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND, DESIGN STANDARDS AND IMPROVMENTS.

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

Section 1. Amendment. Section 14-09-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Design Standards is hereby amended and re-enacted to read as follows:

14-09-05. Design Standards.

1. Streets and alleys:

\* \* \* \* \*

k. In all areas within the corporate limits of the City of Bismarck, unless otherwise shown on the master plan, right-of-way and roadway widths shall be as follows:

Functional Classification	Minimum Right-of-Way (in feet)	Typical Roadway Width (in feet)
Principal Arterial	150	63
Minor Arterial	120	51
Collector	80	44
Local	66	40
Local (mountable)	60	37

curb only)

<b>Local Roadway</b>		
<b>Minimum Right of Way Width of 66 feet, Residential Zoning, Standard Curb<sup>1</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
32 feet	Parking on one side	Except near fire hydrants (26' Min. IFC)
36 feet	Parking on one side	Except near fire hydrants (26' Min. IFC)
40 feet	Parking on both sides	Existing standard

1. City Engineer may allow in subsequent phases of an existing development with mountable curb in the same section.

<b>Collector Roadway</b>		
<b>Minimum Right of Way Width of 80 feet, Low Density Residential Zoning<sup>1</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
32 feet	No parking either side <sup>1</sup>	Except near fire hydrants (26' Min. IFC)
40 feet	Parking on both sides	
44 feet	Parking on both sides	Existing standard

1. No Access or Limited access points (shared access).

<b>Collector Roadway</b>		
<b>Minimum Right of Way Width of 80 feet, High Density/Commercial/Industrial Zoning<sup>1</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
40 feet	No parking either side	
44 feet	Parking on one side	Not recommended
48 feet	Parking on both sides	Existing Standard

1. No access or Limited access points as much as possible (shared access).

<b>Parkway</b>		
<b>Minimum Right of Way Width of 120 feet, Low or High Residential Zoning, Standard Curb<sup>1,2,3</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
24 feet	No Parking	Include bike lane

1. Includes Bike Lane
2. Includes raised median
3. Includes median landscaping

<b>Minor Arterial</b>		
<b>Minimum Right of Way Width of 120 feet<sup>1</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
51 feet (typical)	No Parking	Include bike lane

1. Roadway width to be determined by a Traffic Operations Study.

<b>Principal Arterial</b>		
<b>Minimum Right of Way Width of 150 feet<sup>1</sup></b>		
<u>Street Width</u>	<u>Parking Restrictions</u>	<u>Comments</u>
63 feet (typical)	No Parking	Include bike lane

1. Roadway width to be determined by a Traffic Operations Study.

If demonstrated by the developer that special circumstances exist, the City Engineer may recommend adjusted minimum ~~required right-of-way and roadway widths~~ during the subdivision review and approval process.

\* \* \* \* \*

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

# 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 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING/REQUIREMENTS IN CERTAIN ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-10 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Off-Street Parking and Loading is hereby amended and re-enacted to read as follows:

**14-03-10. Off-Street Parking and Loading.**

- Off-street parking and loading requirements in certain zoning districts. In that section of the city described as follows: Commencing at the intersection of the east line of Ninth Street and Thayer Avenue; thence south on Ninth Street to a point one hundred fifty feet south of the south boundary line of Main Avenue being the center line of the Burlington Northern Railway Company right-of-way; thence west along the said center line of the Burlington Northern Railway Company right-of-way to the **west center** line of Seventh Street extended; thence south to the center line of Bowen Avenue; thence west along the center line of Bowen Avenue to **Fifth Street**; **thence north along the center line of Fifth Street to Front Avenue; thence west along the center line of Front Avenue to Third Street; the center line of the vacated alley in Block 65, Original Plat; thence north along the center line of the vacated alley in Block 65, Original plat to the center line of Sweet Avenue; thence west along the center line of Sweet Avenue to the center line of Third Street;** thence north on Third Street **one**

~~hundred fifty feet~~ to the center line of the Burlington Northern Railway Company right-of-way; thence west along the center line of the Burlington Northern Railway Company right-of-way to the east line of Washington Street extended; thence north along the east line of Washington Street to the northwest corner of Lot 24, Block 84, Original Plat; thence east from the northwest corner of Lot 24, Block 84, Original Plat to the southwest corner of Lot 6, Block 84, Original Plat; thence north from the southwest corner of Lot 6, Block 84, Original Plat to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the east line of Mandan Street; thence north along the east line of Mandan Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of First Street; thence south along the east line of First Street to the northwest corner of Lot 18, Block 110, Original Plat; thence east from this point to the east line of Second Street; thence north along the east line of Second Street to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the east line of Third Street; thence north along the east line of Third Street to the south line of Avenue A; thence east along the south line of Avenue A to the east line of Lot 4, Block 26, Northern Pacific Second Addition; thence south from this point along the center line of Block 26, Northern Pacific Second Addition and Block 126, Original Plat to the south line of Rosser Avenue; thence east along the south line of Rosser Avenue to the west line of Eighth Street; thence south along the west line of Eighth Street to the south line of Thayer Avenue; thence east along the south line of Thayer Avenue to the point of beginning, the following off-street parking provisions shall apply:

a. For any new building replacing a building existing at the date of this article, a new building being constructed on vacant land or any building in which the floor space is increased by any additions or structural alterations, off-street parking space will not be required under this article, but will be provided by the City of Bismarck, as the governing body of this city may from time to time provide by eminent domain, or other authorized legal means, and assess against the benefited property.

b. Notwithstanding any other requirements of this section relative to off-street parking, off-street

loading shall be provided as designated elsewhere in this section.

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Airport Road 3 <sup>rd</sup> Addition - Zoning Change (R10 & MA to R10, RT & MA)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Joe Werner (Lot 1) Jack and Bonnie Werner (Lots 2,3 and 4) Jimmy and Janice Lahman (Lot 5) Gerald Hilzendeger (Lot 6)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Plat and rezone property for the continuation of the residential uses on Lot 1 and light industrial uses on Lots 3-6, and for new office or multi-family uses on Lot 2.		
<b>Location:</b> In central Bismarck, between East Bowen Avenue and Tatley Park Road, along the west side of Airport Road.		
<b>Project Size:</b> 2.6 acres	<b>Number of Lots:</b> 6 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Residential and industrial uses	<b>Land Use:</b> Residential, office and industrial uses	
<b>Zoning:</b> R10 – Residential MA – Industrial	<b>Zoning:</b> R10 – Residential RT – Residential MA – Industrial	
<b>Uses Allowed:</b> R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	<b>Uses Allowed:</b> R10 – Single and two-family residential RT – Offices and multi-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	
<b>Maximum Density Allowed:</b> R10 – 10 units/acre MA – NA	<b>Maximum Density Allowed:</b> R10 – 10 units / acre RT – 30 units / acres MA – NA	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is outside the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP).</li> <li>3. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include single-family residential zoned RM30 - Residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, a mix of single and two-family residential uses to the west and Tatley Park to the south across Tatley Park Road.</li> <li>2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.</li> </ol>		
<i>(continued)</i>		

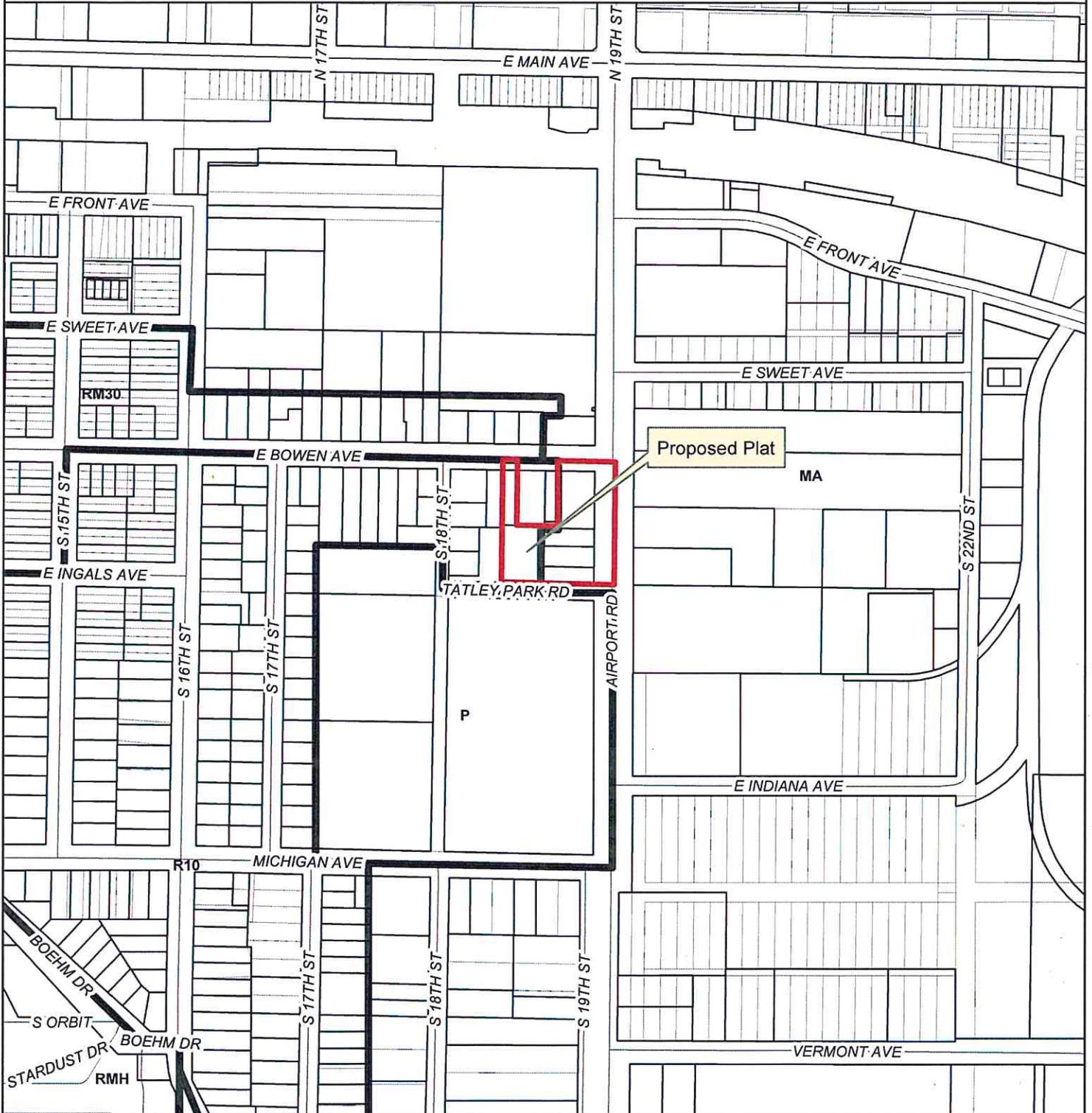
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change from the R10 – Residential and MA – Industrial zoning districts to the R10 – Residential zoning district on Lot 1 to the RT – Residential zoning district on Lot 2 and to the MA – Industrial zoning district on Lots 3-6, Block 1, Airport Road 3<sup>rd</sup> Addition.

*/JW*

# Proposed Zoning Change (R10 & MA to R10, MA & PUD) Airport Road 3rd Addition



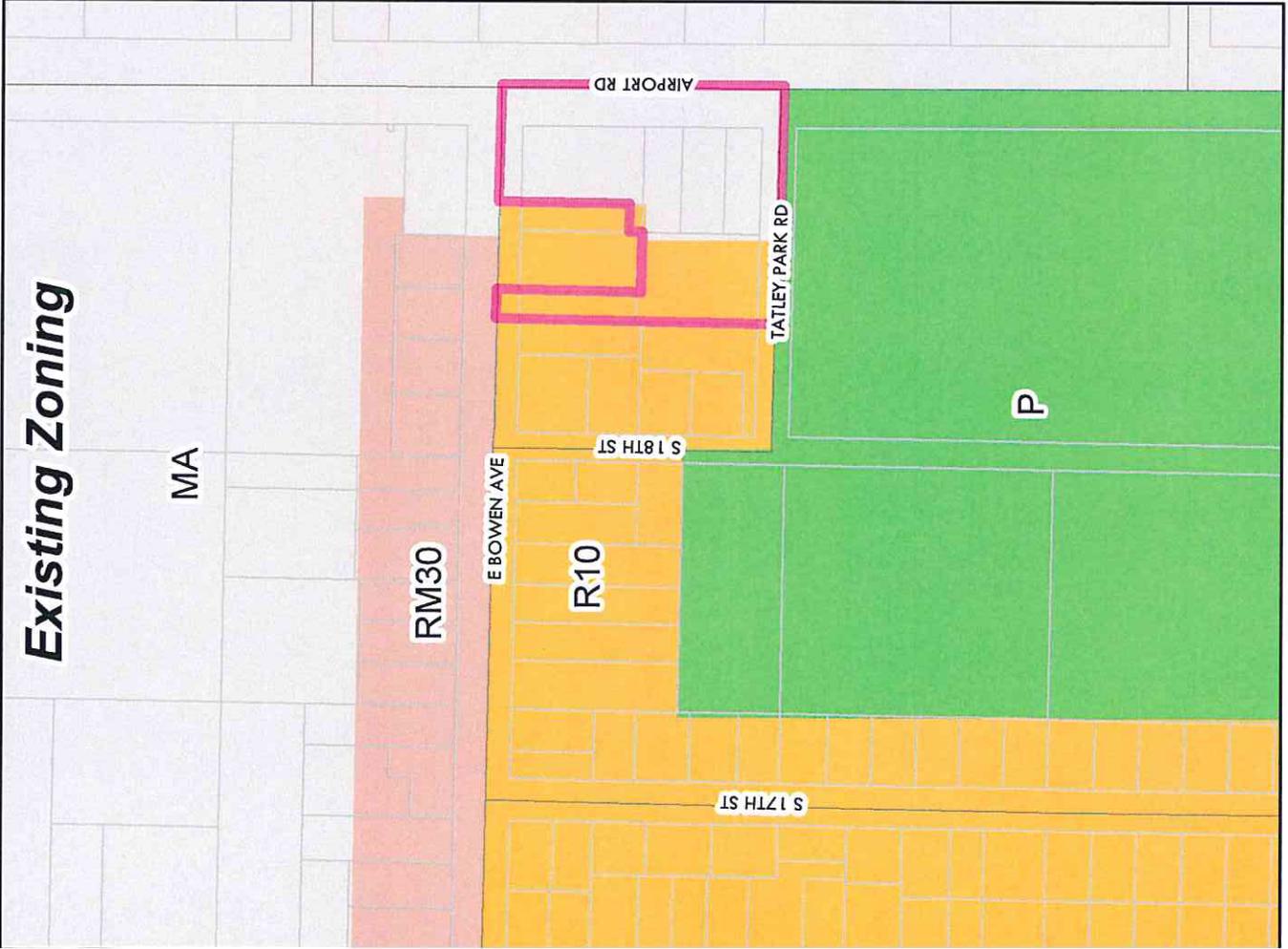
March 5, 2015 (hlb)

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 herein.

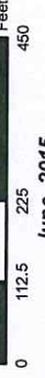
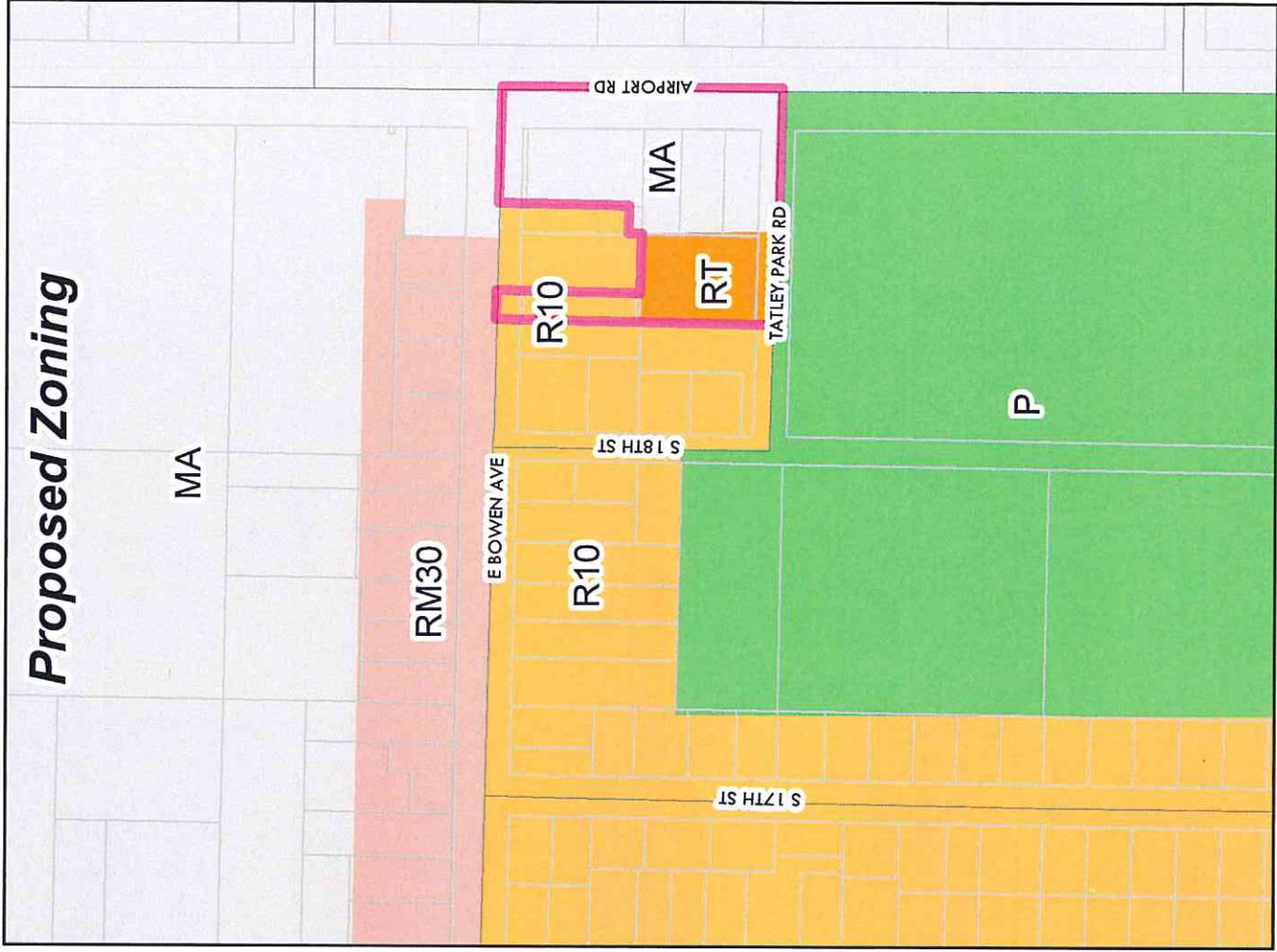


# Airport Road 3rd Addition - Zoning Change

## Existing Zoning

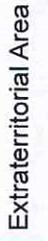


## Proposed Zoning



June, 2015

City Limits Extraterritorial Area



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> Airport Road 3rd Addition – Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Joe Werner (Lot 1) Jack and Bonnie Werner (Lots 2,3 and 4) Jimmy and Janice Lahman (Lot 5) Gerald Hilzendeger (Lot 6)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Plat and rezone property for the continuation of the residential uses on Lot 1 and light industrial uses on Lots 3-6, and for new office or multi-family uses on Lot 2.		
<b>Location:</b> In central Bismarck, between East Bowen Avenue and Tatley Park Road, along the west side of Airport Road.		
<b>Project Size:</b> 2.6 acres	<b>Number of Lots:</b> 6 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Residential and industrial uses	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R10 – Residential MA – Industrial	<b>Land Use:</b> Residential, office and industrial uses	
<b>Uses Allowed:</b> R10 – Single and two-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	<b>Zoning:</b> R10 – Residential RT – Residential MA – Industrial	
<b>Maximum Density Allowed:</b> R10 – 10 units/acre MA – NA	<b>Uses Allowed:</b> R10 – Single and two-family residential RT – Offices and multi-family residential MA – Light industrial, general commercial, warehouses, storage facilities and shop condos	
<b>Maximum Density Allowed:</b> R10 – 10 units / acre RT – 30 units / acre MA – NA		
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for approval of a final plat have been met.</li> <li>2. The storm water management plan has been approved by the City Engineer.</li> <li>3. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.</li> </ol>		
<i>(continued)</i>		

3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include single-family residential zoned RM30 - Residential and industrial uses to the north across East Bowen Avenue, industrial uses to the east across Airport Road, a mix of single and two-family residential uses to the west and Tatley Park to the south across Tatley Park Road.
4. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision would not have an adverse impact on property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

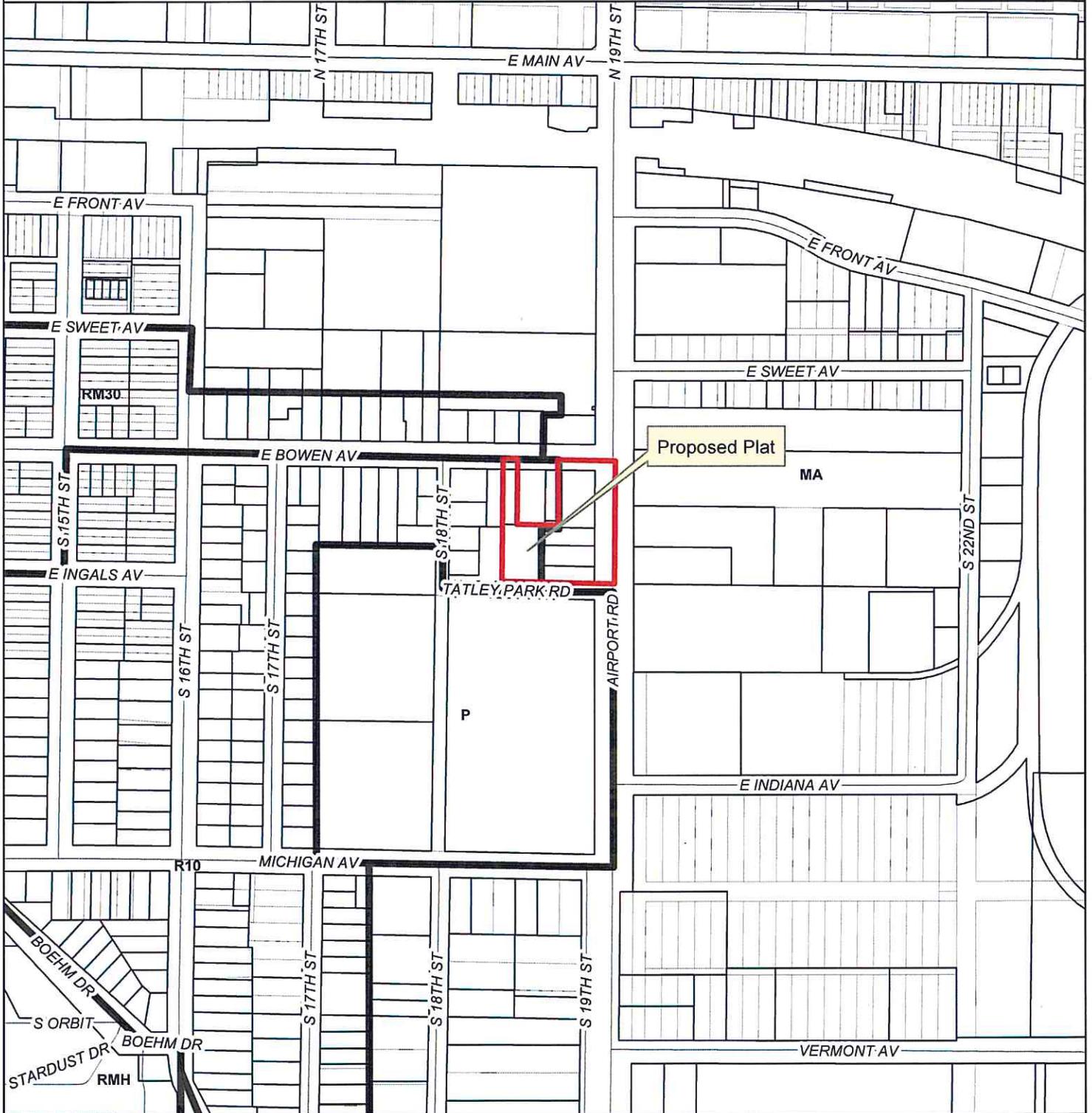
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat for Airport Road 3rd Addition with the following condition:

1. The building height on Lot 2, Block 1 of the proposed subdivision be limited to two stories in height.

*/JW*

# Proposed Zoning Change (R10 & MA to R10, MA & PUD) Airport Road 3rd Addition



March 5, 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.





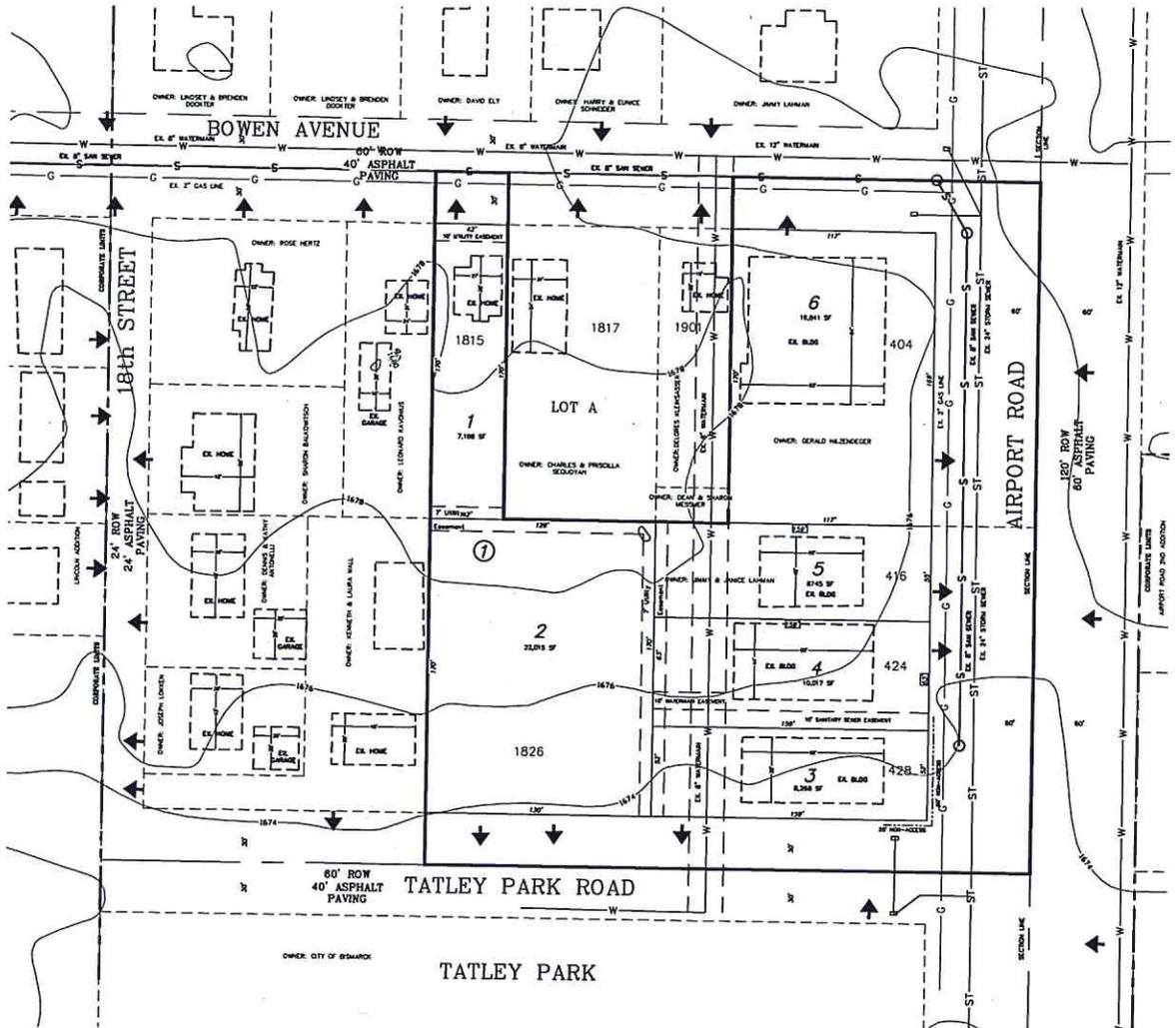
# AIRPORT ROAD 2ND ADDITION PRELIMINARY PLAT

LOTS B,C, AND D OF AUDITOR'S LOT 5 AND PART OF THE SW 1/4 OF  
SECTION 3, T. 138 N., R. 80 W.

**BISMARCK, NORTH DAKOTA**



SCALE - 1"=30'  
0 15 30 45  
MARCH 19, 2015  
MAYO 88



PROJECT LOCATION



*LOCATION MAP*

**OWNER: LOTS 1-4**  
**JACK & BONNIE WERNER**  
39 CAPTAIN MARSH DR  
MANDAN, ND 58554

**OWNER: LOT 5**  
**JIM LAHMAN**  
412 RIVER ROAD  
BISMARCK, ND 58504

**OWNER: LOT 6**  
**GERALD HILZENDEGER**  
404 AIRPORT ROAD  
BISMARCK, ND 58504

2.60 ACRES  
EXISTING ZONING: R10/MA  
PROPOSED ZONING: R10/MA/PUD  
6 LOTS



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> BREI Estates First Addition Second Replat – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> ToddcO, Inc. (owner) Verity Homes of Bismarck, LLC (applicant)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat property to allow for additional twinhome lots.		
<b>Location:</b> In northwest Bismarck, west of North Washington Street and south of East LaSalle Drive, along the south side of LaPaz Avenue (Lots 3-8, Block 4, BREI Estates First Addition Replat).		
<b>Project Size:</b> 1.20 acres	<b>Number of Lots:</b> 6 lots in 1 block (existing) 10 lots in 1 block (proposed)	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> Conditional R10-Residential	<b>Land Use:</b> Two-family residential	
	<b>Zoning:</b> Conditional R10-Residential	
<b>Uses Allowed:</b> Conditional R10 – Two-family residential only	<b>Uses Allowed:</b> Conditional R10 – Two-family residential only	
<b>Maximum Density Allowed:</b> Conditional R10 – 10 units/acre	<b>Maximum Density Allowed:</b> Conditional R10 – 10 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 04/2013	<b>Platted:</b> 04/2013 (BREI Estates) 11/2013 (Corrective Replat)	<b>Annexed:</b> 04/2013
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>This property was platted, zoned and annexed in April 2013. However, there was an error made by the surveyor with the field measurements and on the recorded mylar copy of the subdivision plat. The entire subdivision was replatted to correct the field error in November 2013. The overall BREI Estates subdivision size was reduced by 6,610 square feet.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>All technical requirements for approval of a minor subdivision final plat have been met.</li> <li>The storm water management plan has not been approved by the City Engineer.</li> <li>The proposed subdivision has been annexed; therefore, it would not place an undue burden on public services and facilities.</li> <li>The existing Conditional R10 zoning district for the proposed subdivision would not change and would continue to be compatible with adjacent land uses. Adjacent land uses include single-family residential to the south, twinhomes and developing multi-family to the east and north and single-family residential and undeveloped land to the west.</li> </ol>		
<i>(continued)</i>		

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:**

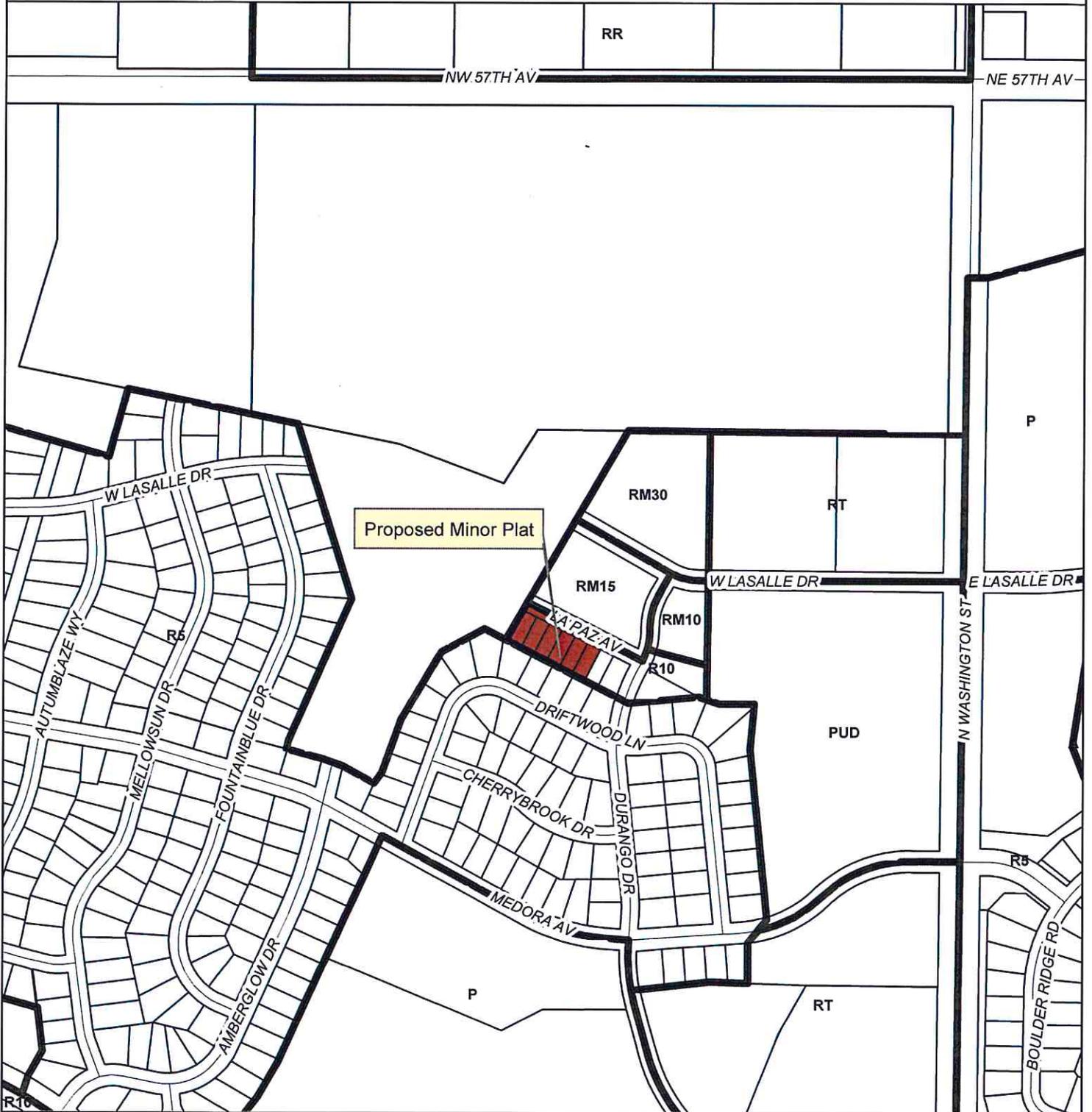
Based on the above findings, staff recommends holding the public hearing but continuing action on the minor subdivision final plat of BREI Estates First Addition Second Replat until the storm water management plan is approved by the City Engineer.

If the storm water management plan is approved prior to the Planning & Zoning Commission meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the minor subdivision final plat of BREI Estates First Addition Second Replat.

*/jt*

# Proposed Minor Plat BREI Estates First Addition Second Replat



May 22, 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 herein.







**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Tract 207 of the NW ¼, Section 2, Lincoln Township – Zoning Change (P to MA)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Wade French & Brandi Lynch	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> Rezone property to allow the continuation of light industrial land uses.		
<b>Location:</b> In east Bismarck, south of East Main Avenue along the east side of South 26 <sup>th</sup> Street (Tract 207 of the NW ¼ of Section 2, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 0.76 acres/33,218 square feet	<b>Number of Lots:</b> One tract	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Industrial/warehouse	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> P – Public	<b>Land Use:</b> Industrial/warehouse	
<b>Uses Allowed:</b> Public uses including parks, trails and stormwater facilities	<b>Zoning:</b> MA – Industrial	
<b>Uses Allowed:</b> Light industrial uses including storage facilities and manufacturing	<b>Maximum Density Allowed:</b> N/A	
<b>Maximum Density Allowed:</b> N/A	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> 07/1974
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The property was initially part of the BNSF right-of-way. Due to the location of the property within the railroad right-of-way and the adjacency of this property to the North Dakota State Penitentiary, the property was zoned a P – Public prior to BNSF selling the property in 2010. This tract was purchased from the BNSF Railway in 2010 by Praxair, Inc. The current owners/applicants recently purchased the property from Praxair, Inc.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>This proposed zoning change is outside of the area included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include office and industrial land uses to the north and west, the North Dakota State Penitentiary to the east and the City of Bismarck Public Works facility to the south.</li> <li>The parcel is already annexed; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> <li>The proposed zoning change would not adversely affect property in the vicinity.</li> </ol>		
<i>(continued)</i>		

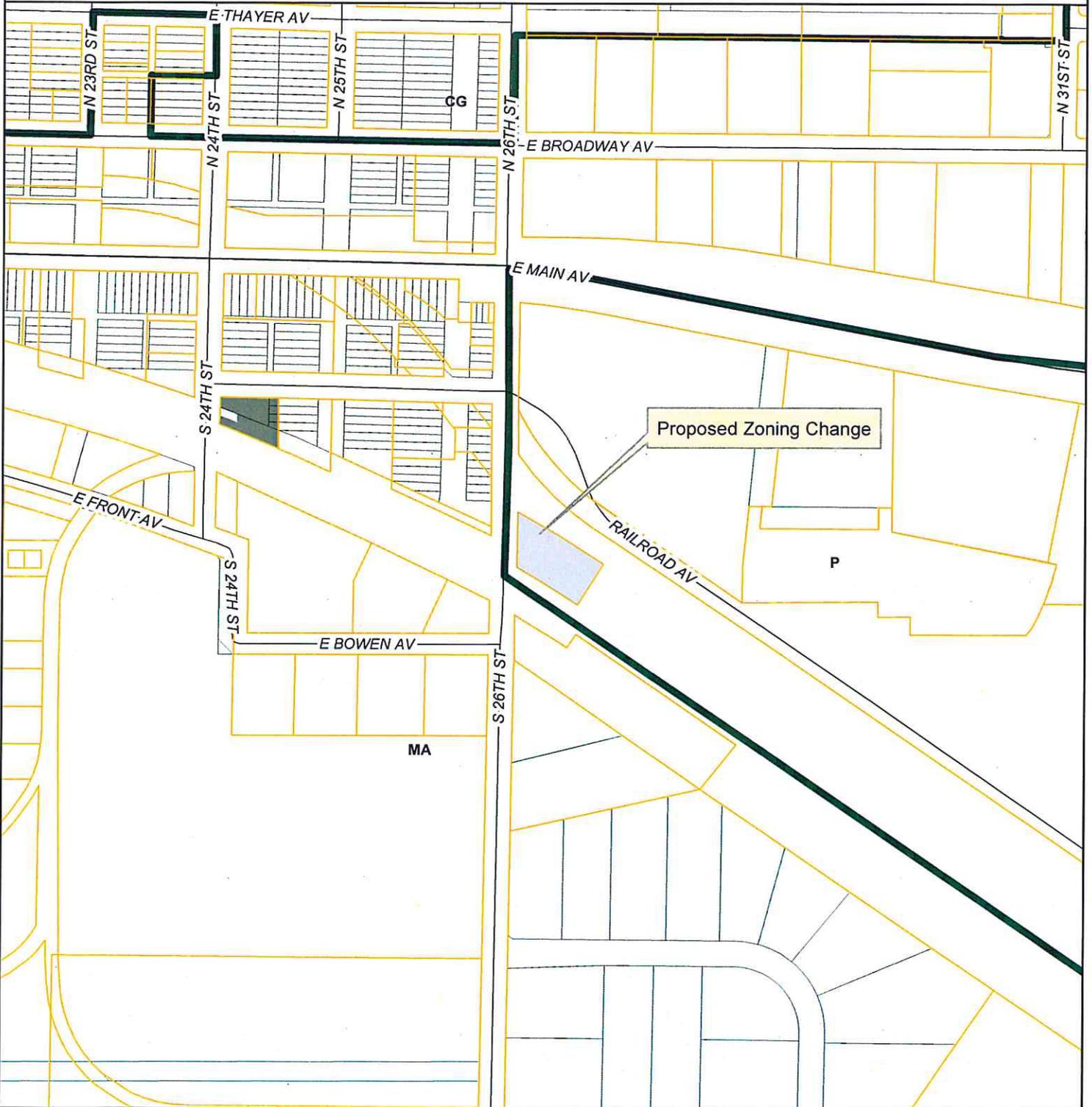
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change from the P – Public zoning district to the MA – Industrial zoning district for Tract 207 of the NW ¼ of Section 2 T138N-R80W/Lincoln Township.

*ljt*

**Proposed Zoning Change (P to MA)**  
**Tract 207 of the NW1/4 of Section 2, T138N-R80W**  
**Lincoln Township**



March 5, 2015 (h1b)

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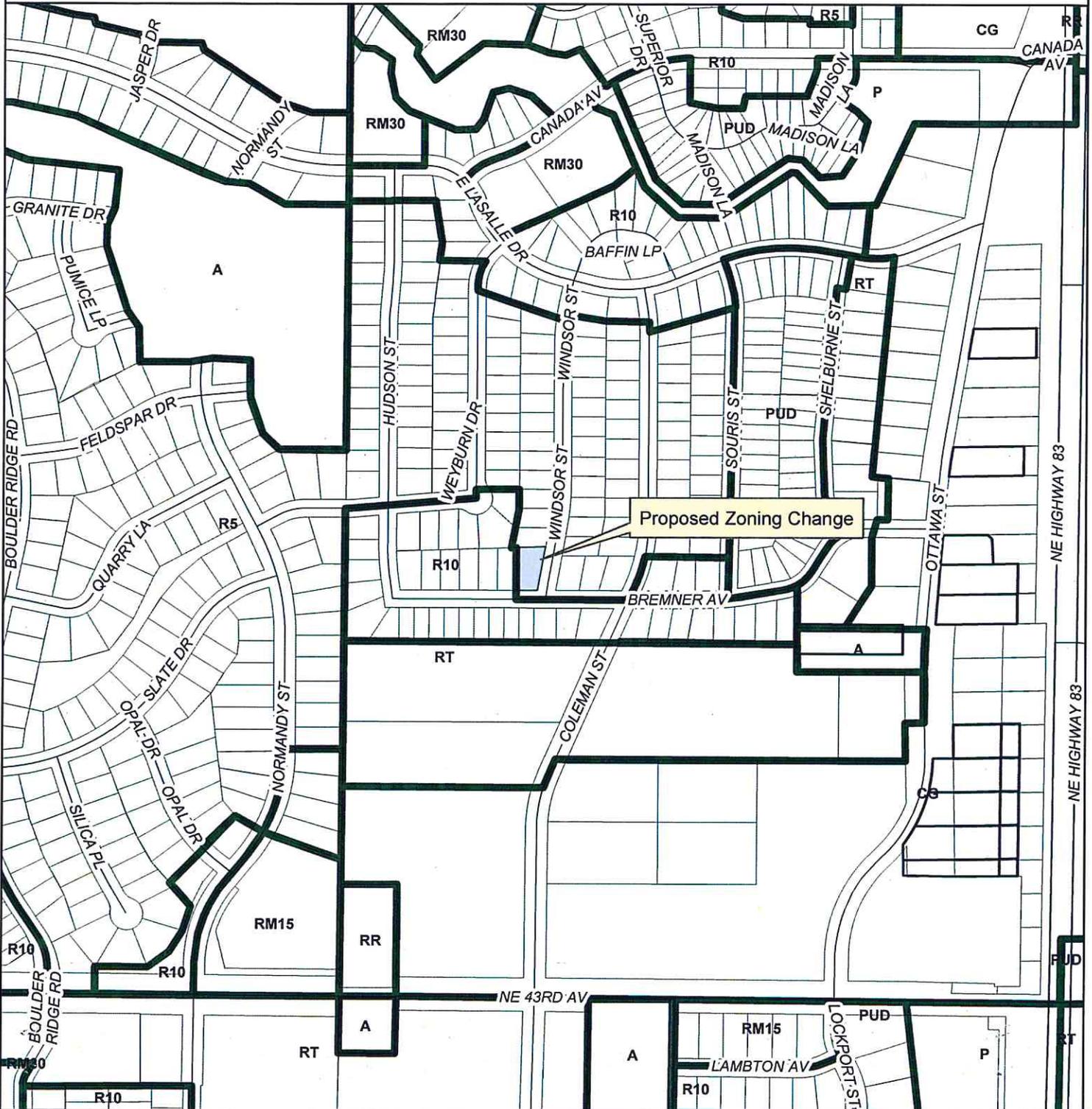


**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 16, Block 17, Sonnet Heights Subdivision – Zoning Change (R5 to R10)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Jadranka and Danko Buzakovic	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow for the development of a twinhome.		
<b>Location:</b> In northeast Bismarck, west of US Highway 83, along the north side of Bremner Avenue and west side of Windsor Street.		
<b>Project Size:</b> 14,557 square feet, more or less	<b>Number of Lots:</b> 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> R5 – Residential	<b>Land Use:</b> Two-family residential	
<b>Uses Allowed:</b> Single-family residential	<b>Zoning:</b> R10 – Residential	
<b>Maximum Density Allowed:</b> 5 units/acre	<b>Uses Allowed:</b> Single and two-family residential	
	<b>Maximum Density Allowed:</b> 10 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/1980	<b>Platted:</b> 12/1980	<b>Annexed:</b> 03/2007
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing R10 – Residential zoned property to the west and south, and developing R5 – Residential zoned property to the north and east across Windsor Street.</li> <li>3. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 16, Block 17, Sonnet Heights Subdivision.		
/JW		

# Proposed Zoning Change (R5 to R10)

## Lot 16, Block 17, Sonnet Heights Subdivision

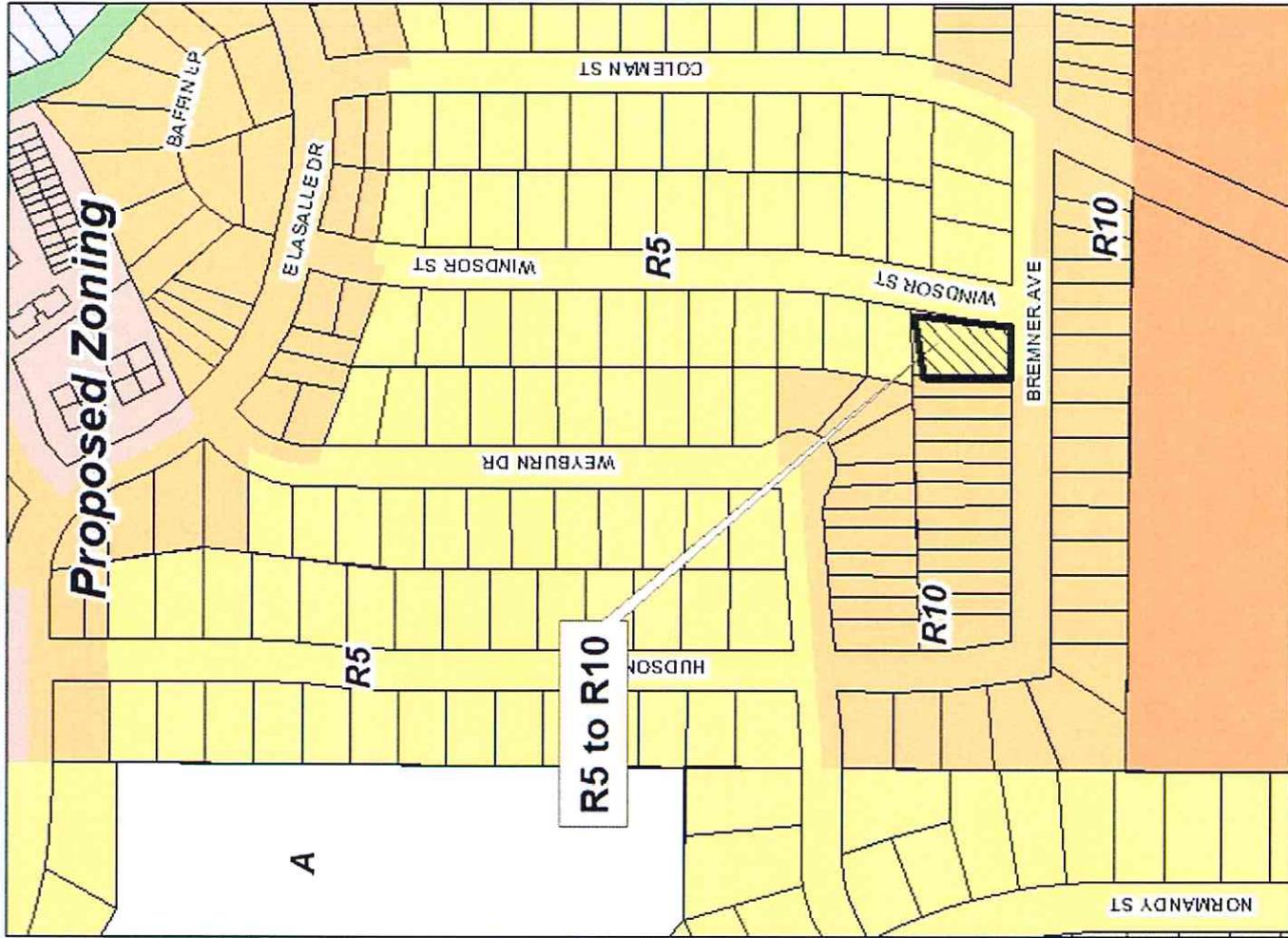
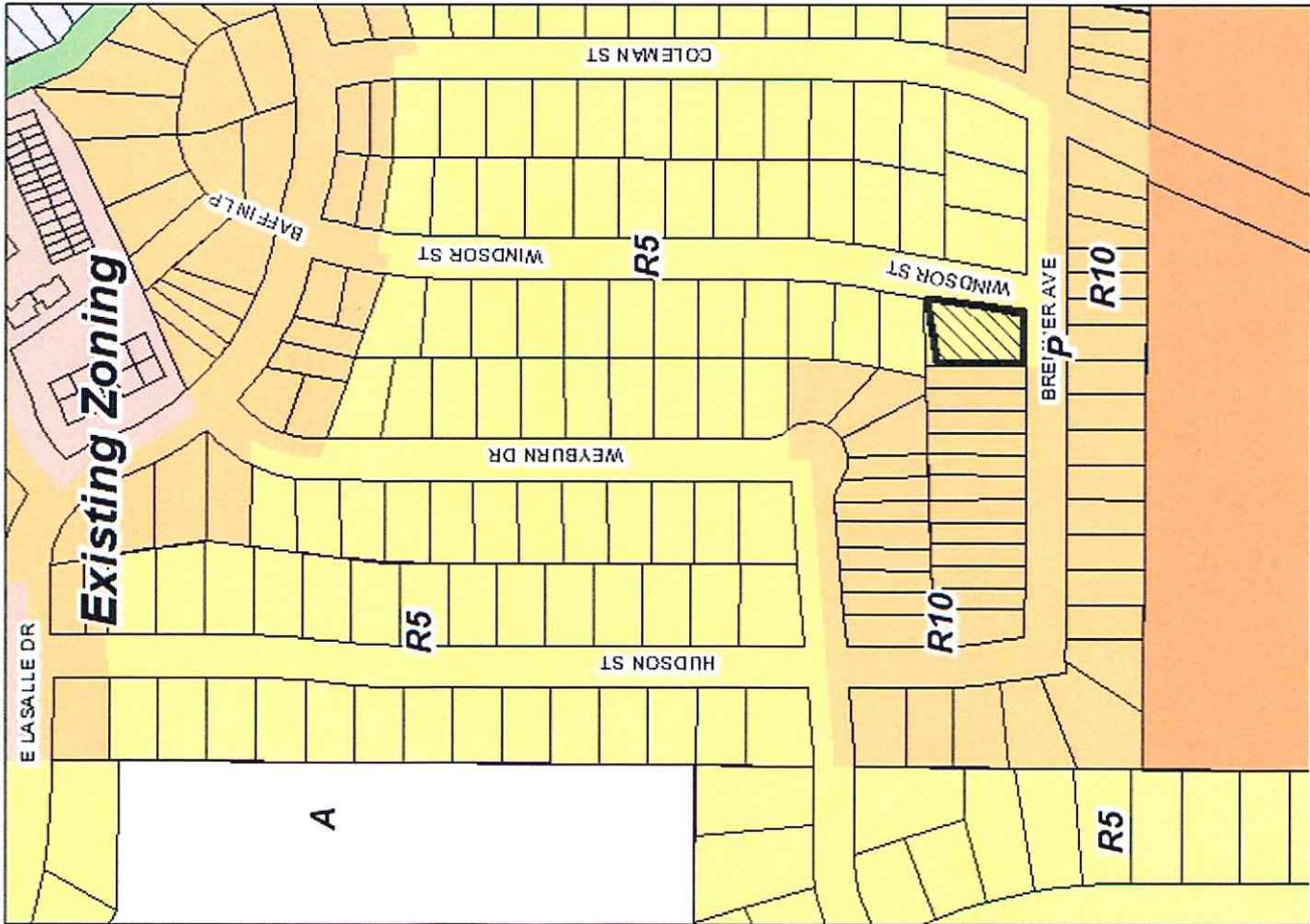


March 5, 2015 (h1b)

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Lot 16, Block 17, Sonnet Heights Subdivision



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. June 2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 1A, Block 1, Kilber North Addition – Zoning Change (RM30 to Conditional RT)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Kilber Investments, LLC	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow development of office uses on southern portion of previously platted lot.		
<b>Location:</b> Along the south side of 43 <sup>rd</sup> Avenue NE between Montreal Street and Boulder Ridge Road.		
<b>Project Size:</b> 2.07 acres	<b>Number of Lots:</b> Part of 1 lot in 1 block	
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Office use	
<b>Zoning:</b> RM30 – Residential	<b>Zoning:</b> Conditional RT – Residential	
<b>Uses Allowed:</b> RM30 – Multi-family residential	<b>Uses Allowed:</b> RT – Offices and multi-family residential	
<b>Maximum Density Allowed:</b> RM30 – 30 units/acre	<b>Maximum Density Allowed:</b> RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/2012	<b>Platted:</b> 05/2012	<b>Annexed:</b> 05/2012
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>The applicant has been working with the developer of Ridgeview Office Centre located northeast of this property on the development of an office building on this site. The proposed site layout located the building in the northwest are of the parcel away from the R10 zoned property to the south. A copy of the concept plan for the development of this property is attached.</li> <li>The applicant also owns the twinhomes to the south and has installed a row of mature evergreens along the southern edge of this parcel to provide a visual screen between the twinhomes and any development on this parcel.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.</li> <li>The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family and institutional uses to the west, undeveloped R10 – Residential zoned property to the south, developing R10 – Residential and office uses to the to the east across Boulder Ridge Road and developing office uses to the north.</li> <li>The property is already annexed and municipal services are in place; therefore, the proposed zoning change would not place an undue burden on public services and facilities.</li> </ol>		
<i>(continued)</i>		

4. The proposed zoning change would not adversely affect property in the vicinity, provided conditions were placed on the RM30 zoning to limit the size and height on buildings on the site.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

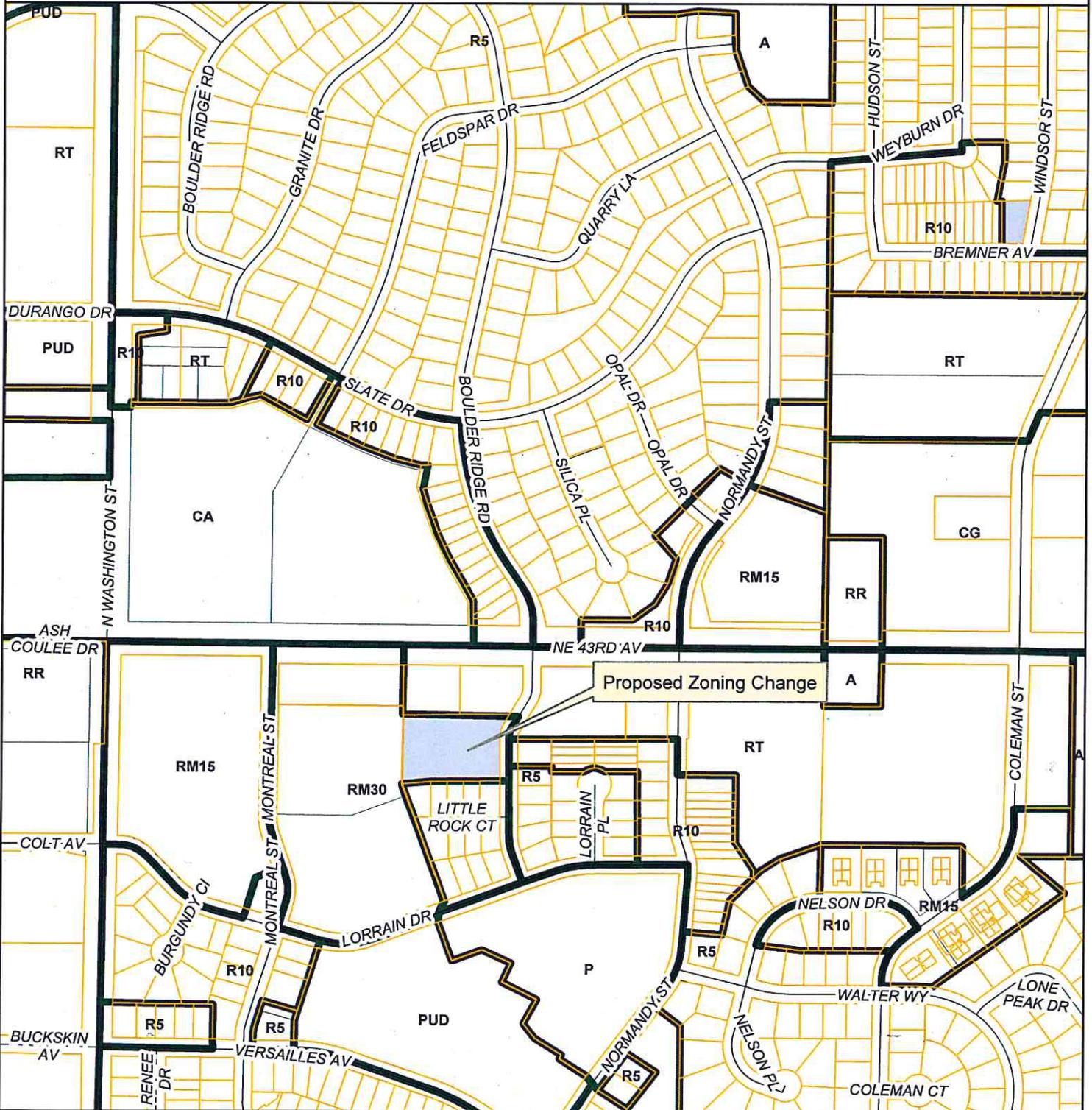
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the Conditional RT – Residential zoning district for Lot 1A, Block 1, Kilber North Addition, with the conditions that the building height would be limited to two stories in height except for any architectural features such as towers, which would be limited to 45 feet in height, and the footprint of the building would be limited to 13,500 square feet.

/Klee

# Proposed Zoning Change (RM30 to RT)

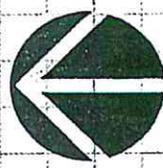
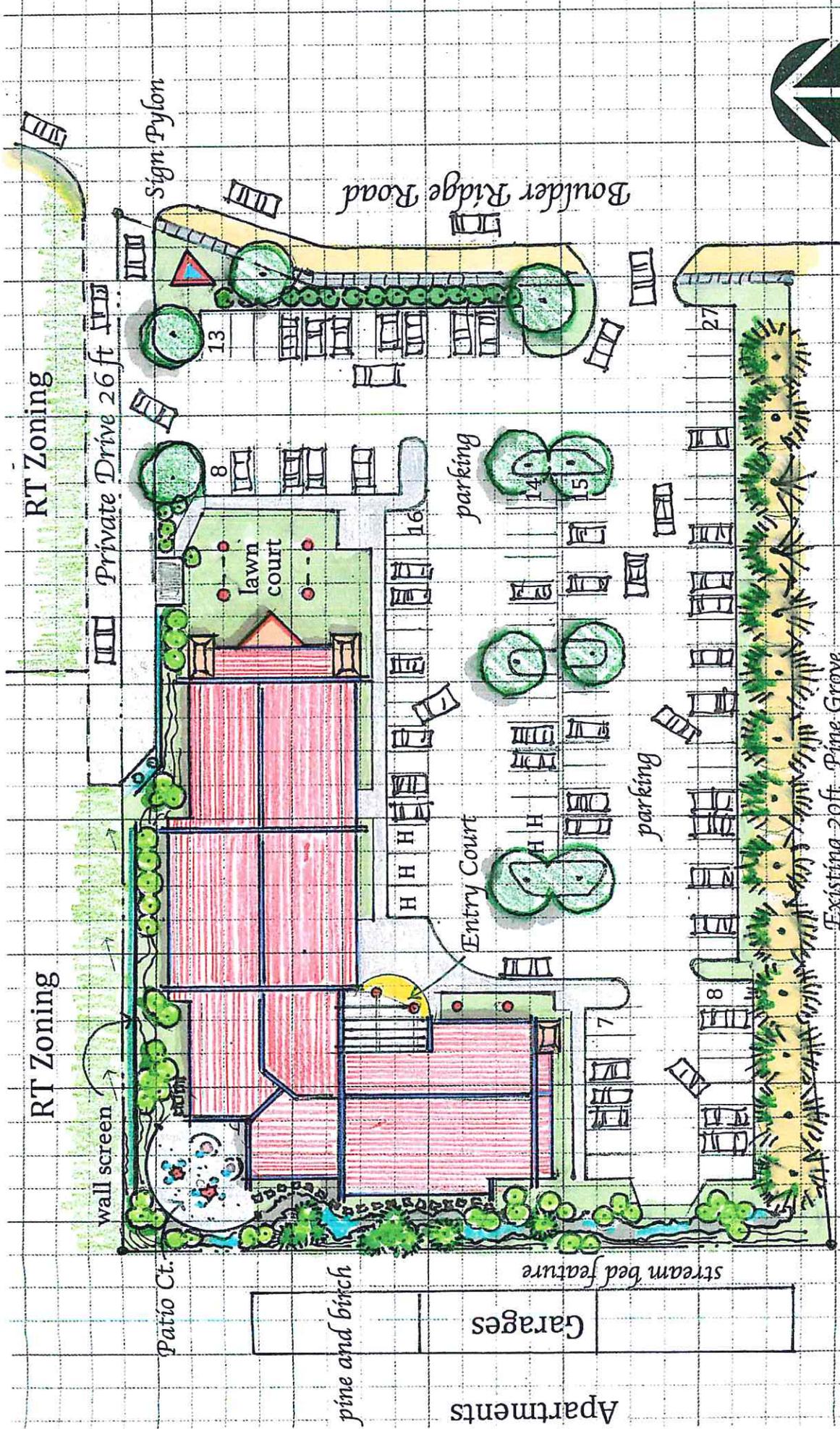
## Lot 1A of Lot 1, Block 1, Kilber North Addition



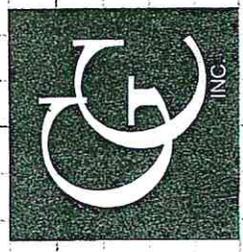
May 1, 2015 (h1b)

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North  
Scale 1"=50'



GALPIN CO  
P.O. Box 2567  
Bismarck, ND 58502  
701-258-6663

3/30/15

Twin Home rentals

# Ridge West / office centre

Lot 1A :: Lot 1 :: Bl. 1 ... Kilber North Addition

Two story Offices... 13,500 sf / floor

Building height:

- Two story height (match Ridgeview Office Centre)
- 23ft to-fascia
- 35 ft to roof ridge
- 43 ft at tower peak.

Parking provided = 108 spaces  
 Parking required = 108 spaces

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Tract 304 of Block 9; Tracts 420 & 422 of Block 11; Tract 500 of Block 13; All of Blocks 41, 43, 45, 47, 67, 69, 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition – Zoning Change (CG to DC)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Pressdough of Bismarck, LLC, Bismarck Parks & Recreation District, Bismarck Arts & Galleries Association, City of Bismarck, MDU, William & Alva Townsend, Dakota Surgery & Laser Center, Dakota Eye Institute and Bismarck Futures, LLC	<b>Engineer:</b> N/A	
<b>Reason for Request:</b> City-initiated zoning change to extend the DC – Downtown Core zoning district to allow for future development opportunities and treat the area as an extension of the downtown core of the community.		
<b>Location:</b> In central Bismarck, south of Main Avenue between South 3 <sup>rd</sup> Street and South 7 <sup>th</sup> Streets.		
<b>Project Size:</b> 40.73 acres	<b>Number of Lots:</b> 20 parcels in 12 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Mixed-use development	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning</b> CG – Commercial	<b>Land Use:</b> Mixed-use development	
<b>Uses Allowed:</b> General commercial	<b>Zoning:</b> DC – Downtown Core	
<b>Maximum Density Allowed:</b> 42 units/acre	<b>Uses Allowed:</b> Mixed-use development including retail, multi-family residential, commercial and office uses	
	<b>Maximum Density Allowed:</b> N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> Pre-1980	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<p>1. The City of Bismarck is initiating the proposed zoning change request to facilitate future development in areas identified by the 2013 Downtown Bismarck Sub Area Study as opportunities to create mixed-use buildings to provide new multi-family housing, retail, office and hotel facilities in the downtown area. The proposed zoning change to the DC – Downtown Core zoning district would allow for an increase in lot coverage up to 100%, eliminate building setbacks from property lines and it would also require the architectural review of any new construction or exterior modifications to buildings within the district by the Downtown Design Review Committee. The DC – Downtown Core zoning district also utilizes a land use table identifying compatible and complementary land uses in the downtown area. The DC – Downtown Core zoning district supports and strongly encourages pedestrian-friendly design, active ground floor uses such as retail, restaurants and taverns, and entertainment uses with integrated uses on upper floors including offices and residential uses.</p>		

**FINDINGS:**

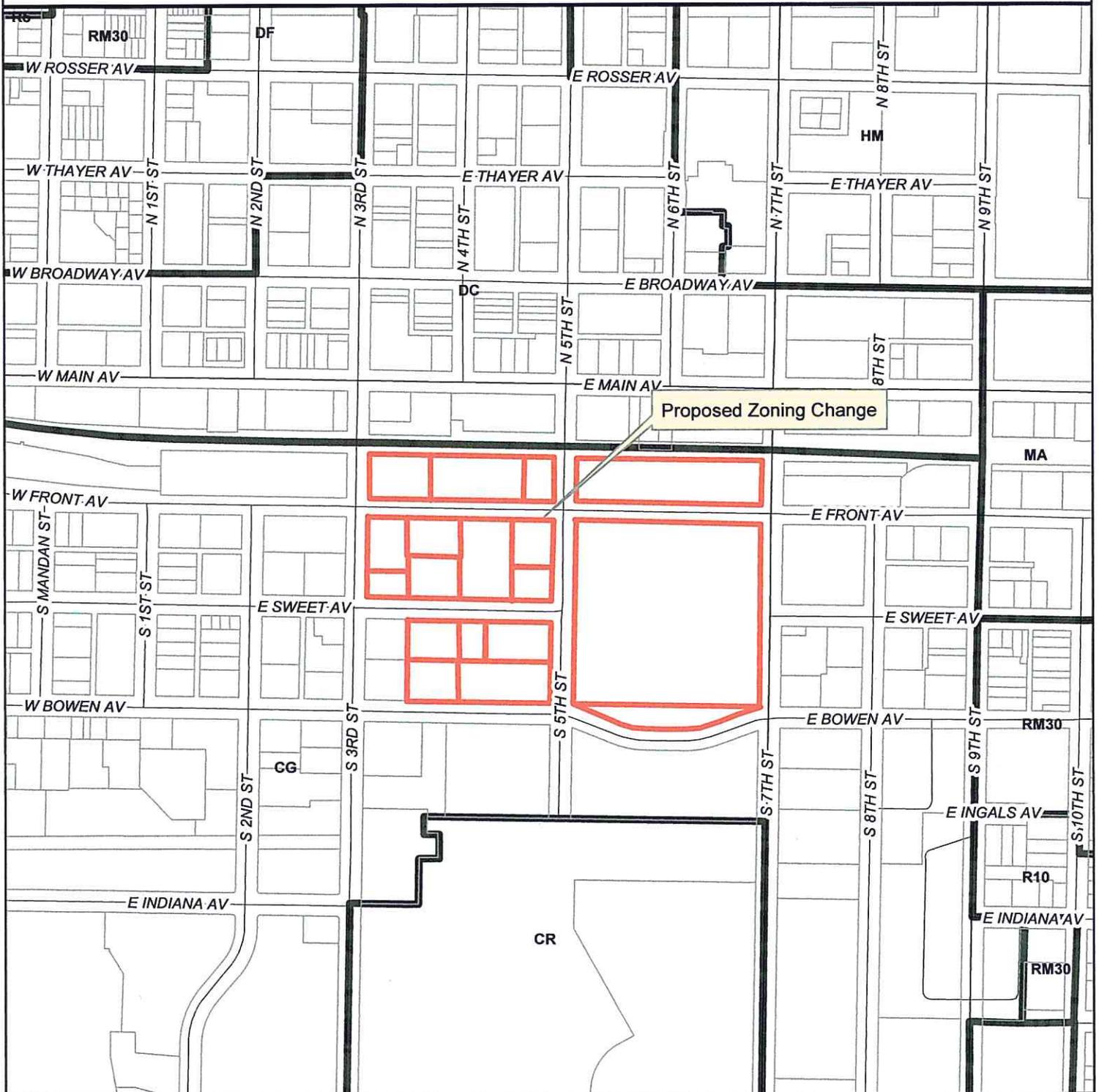
1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a mix of retail, entertainment, service uses to the north, east and west and Kirkwood Mall to the south.
2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services.
3. The proposed zoning change and subsequent development would not adversely affect property in the vicinity.
4. The proposed zoning change and subsequent development is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change 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 approval of the zoning change from CG – Commercial zoning district to the DC – Downtown Core zoning district for Tract 304 of Block 9; Tracts 420 & 422 of Block 11; Tract 500 of Block 13; All of Blocks 41, 43, 45, 47, 67, 69 71 and Lots 1-18, Block 65, Original Plat and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition.

*/jt*

**Proposed Zoning Change (CG to DC)**  
**Tract 304 of Block 9, Tracts 420, 422 and 500,**  
**All of Blocks 41, 43, 45, 47, 67, 69 & 71, and Lots 1-18, Block 65, Original Plat,**  
**and Lots 1 & 2, Block 4 and Lot 1, Block 5, Wachter's Addition**

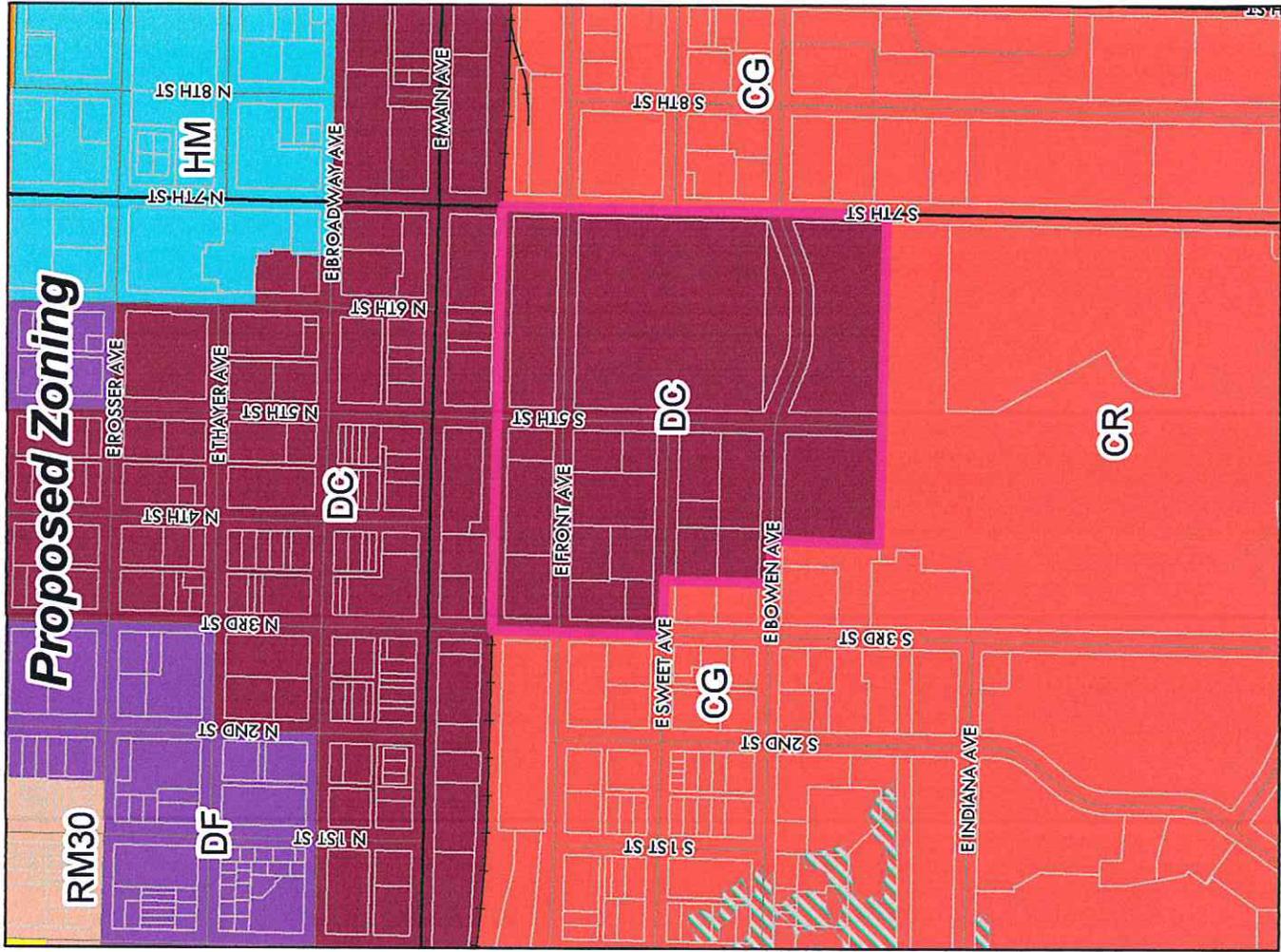
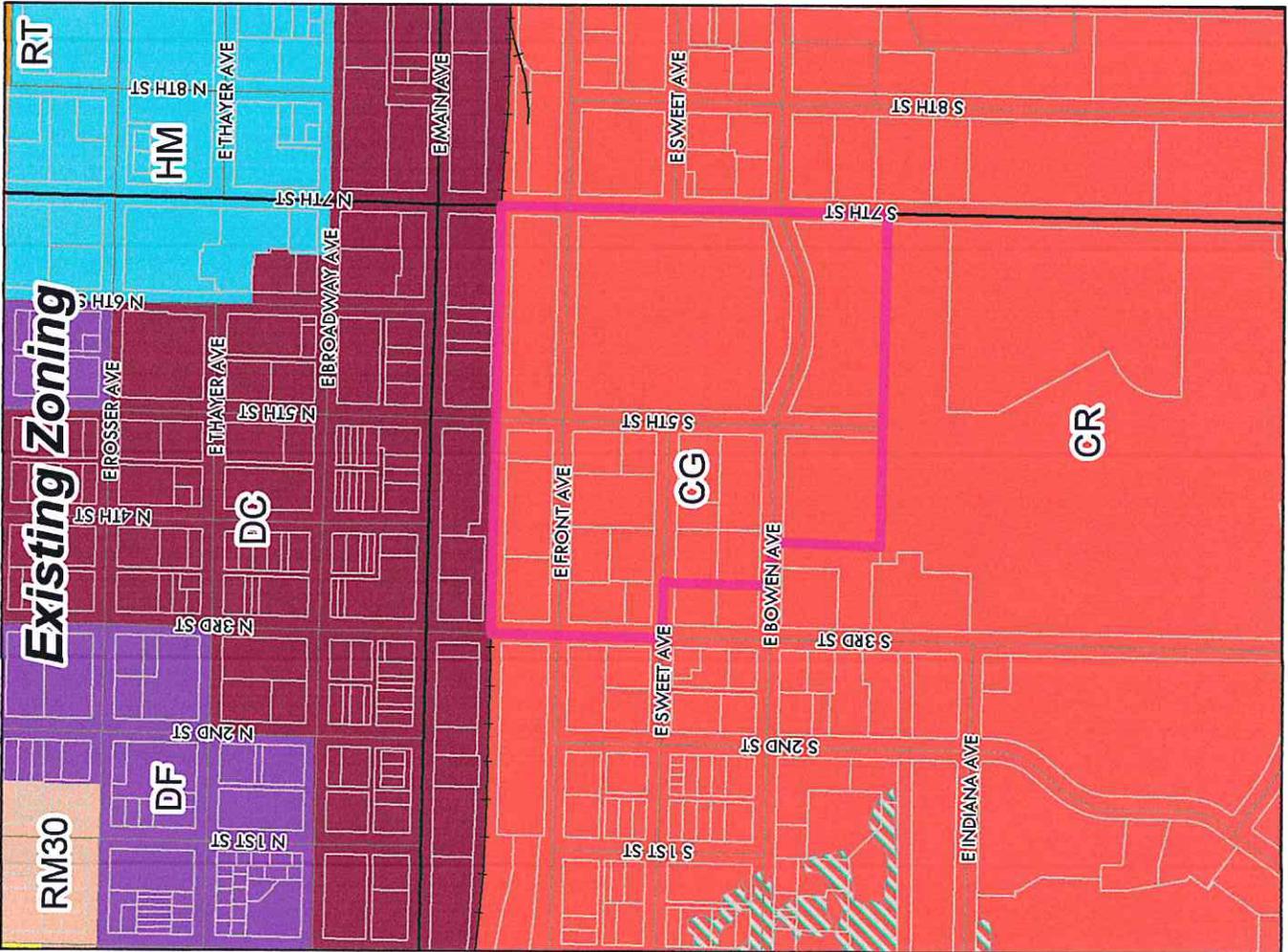


May 21, 2015 (klee)

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.



# Downtown Core Zoning District Expansion - Zoning Change



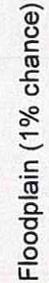
Project Area



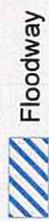
City Limits



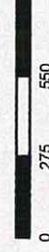
Extraterritorial Area



Floodplain (1% chance)



Floodway



0 275 550 1,100 Feet



North

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.

June, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Lot 10, Block 3, Green Acres Estate's – Rural Residential Lot Split	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015
<b>Owner(s):</b> Llyod and June Pfaff (owners) Bob Foerder (applicant)	<b>Engineer/Surveyor:</b> N/A
<b>Reason for Request:</b> Split Lot into two rural residential parcels.	
<b>Location:</b> North of Bismarck, north of 57 <sup>th</sup> Avenue NW along the west side of North Washington Street and the south side of 64 <sup>th</sup> Avenue NW.	
<b>Project Size:</b> 4.05 acres (2.01 acres northern parcel and 2.04 acres southern parcel)	<b>Number of Lots:</b> One lot into two parcels
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Rural residential	<b>Land Use:</b> Rural residential
<b>Zoning:</b> RR – Residential	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Rural residential	<b>Uses Allowed:</b> Rural residential
<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> 10/1972	<b>Platted:</b> 10/1972
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>The applicant and owner are requesting to split one lot into two parcels. The southern parcel will be accessed via an existing access point along North Washington Street. The northern parcel will be accessed via a new access point along 64<sup>th</sup> Avenue NW.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>All technical requirements for approval of a rural residential lot split have been met.</li> <li>The Hay Creek Township Board of Supervisors has recommended approval of the lot split.</li> <li>The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.</li> <li>The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.</li> <li>The proposed rural residential lot split will not place an undue burden on existing public services and facilities, provided access for the southern parcel is obtained via the existing access point on North Washington Street and access to the northern parcel is obtained via a 64<sup>th</sup> Avenue NW</li> <li>The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>	

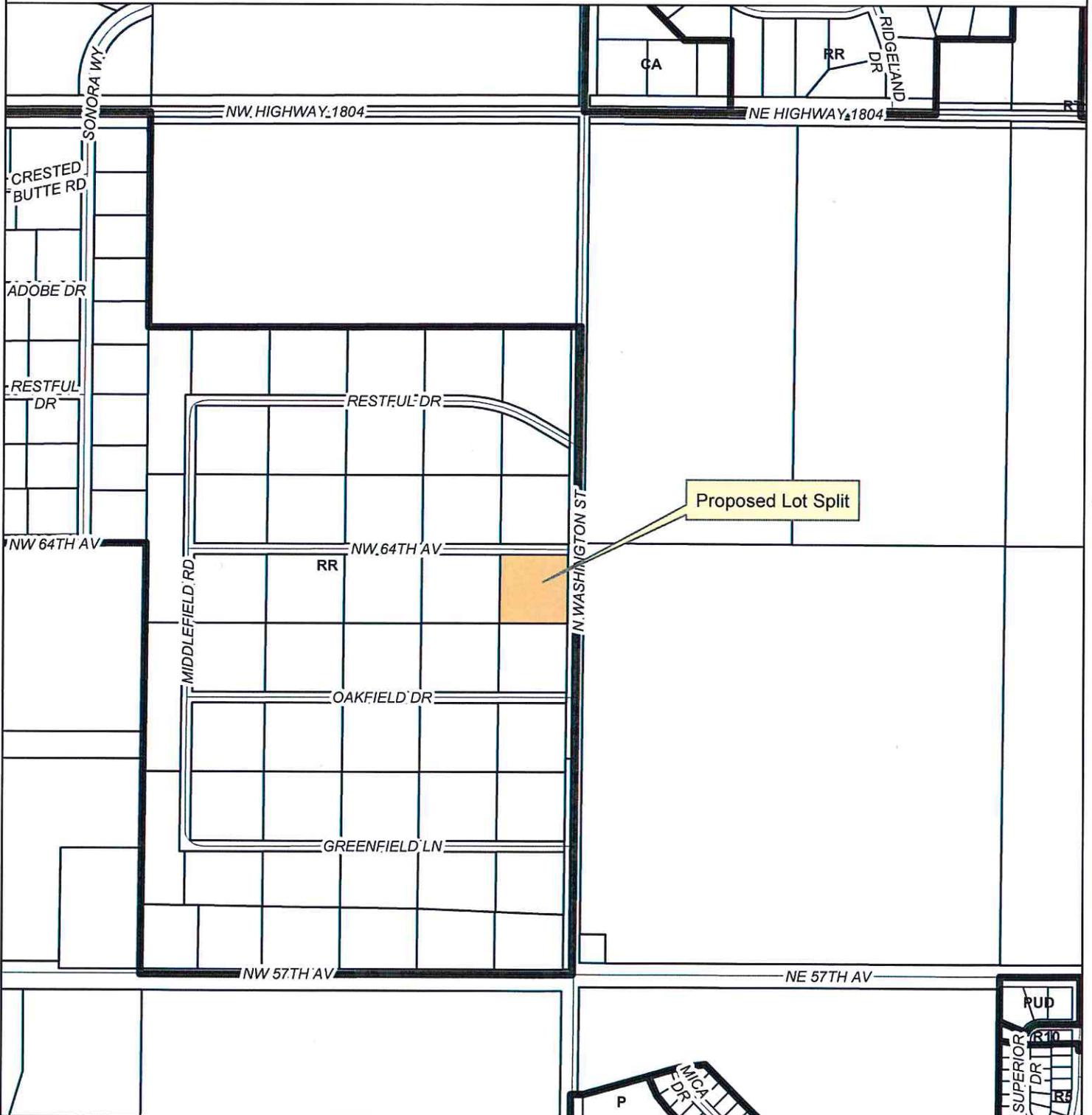
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the rural residential lot split for Lot 10, Block 3, Green Acres Subdivision, with the following conditions:

1. Additional access points for the resulting parcel will not be permitted on North Washington Street.
2. An Auditor's plat is prepared and recorded with the Burleigh County Records office.

*/JW*

# Proposed Rural Residential Lot Split Lot 10, Block 3, Green Acres Estates



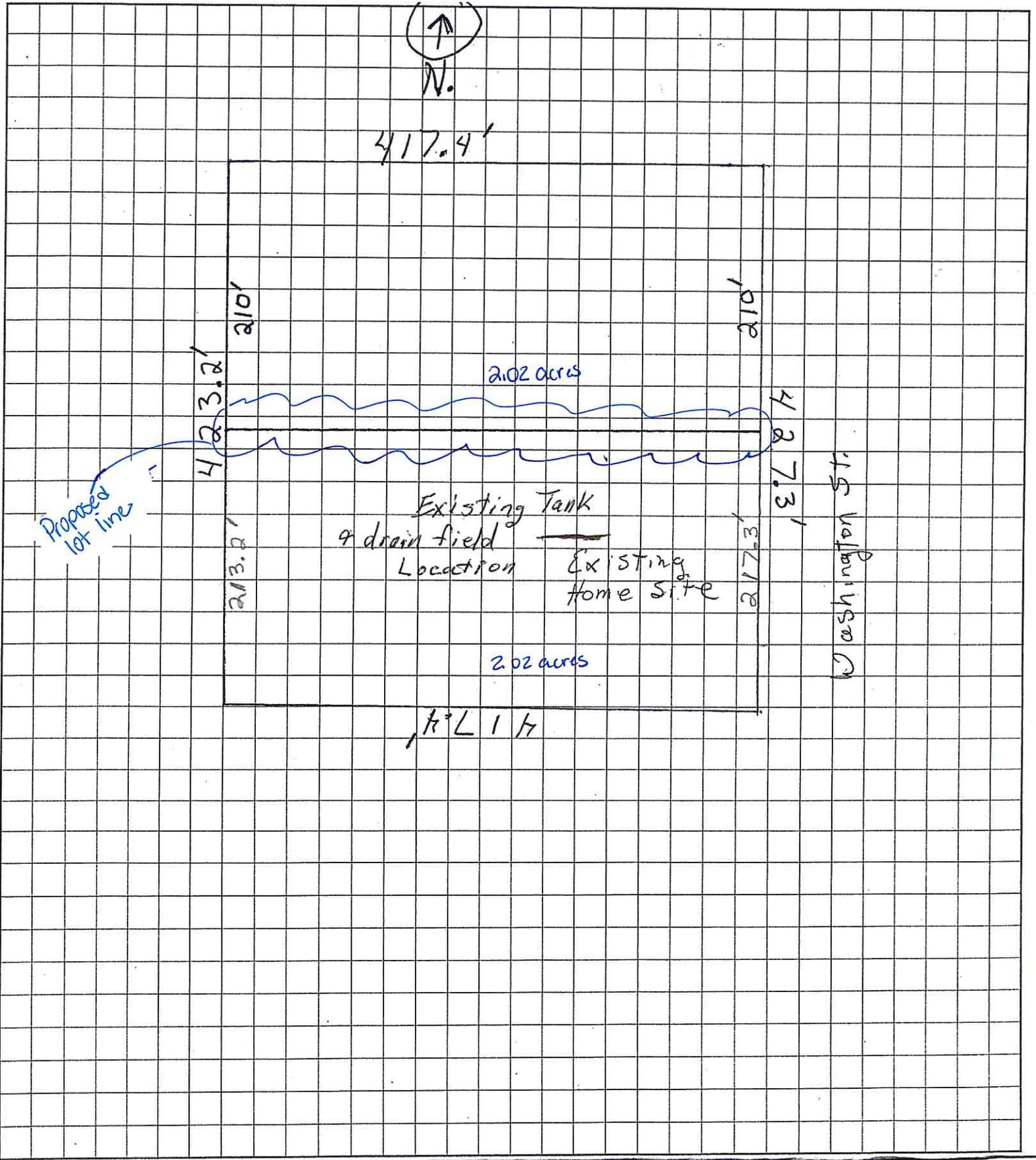
May 26, 2015 (h1b)

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.



Proposed Split: Starting at the NW Corner go S. 210 ft., then E. 417.4 Ft. to the property line, then N. 210 Ft. to the N.E. corner, then West returning to N.W. Corner of the property.

RECEIVED  
MAY 06 2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Lot 2 and Lot 3, Block 3, Bohe Acres – Rural Residential Lot Split	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015
<b>Owner(s):</b> Ronald Becker (owner) Mark Becker (applicant)	<b>Engineer/Surveyor:</b> N/A
<b>Reason for Request:</b> Split two existing lots to create three rural residential parcels.	
<b>Location:</b> North of Bismarck, north of 43 <sup>rd</sup> Avenue NE along the west side of Bohe Drive.	
<b>Project Size:</b> 1.95 acres (Lot 2), 2.89 acres (Lot 3)	<b>Number of Lots:</b> Two lots into three parcels
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Rural residential
<b>Zoning:</b> RR – Residential	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Rural residential	<b>Uses Allowed:</b> Rural residential
<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> 04/1977	<b>Platted:</b> 04/1977
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>The applicant and owner are requesting to split two existing lots into three parcels. The existing access point along 43<sup>rd</sup> Avenue NE is proposed to remain. Additional access points along 43<sup>rd</sup> Avenue NE will not be permitted by the City Traffic Engineer and the County Engineer due to safety concerns. A shared access and maintenance agreement is required to serve the additional southern parcel (Lot 2B &amp; 3A). An additional shared access and maintenance agreement to serve Lot 2B &amp; 3A from Bohe Drive will also be required as the existing access point along 43<sup>rd</sup> Avenue NE may be removed with the reconstruction of 43<sup>rd</sup> Avenue in the future.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>All technical requirements for approval of a rural residential lot split have been met.</li> <li>The Hay Creek Township Board of Supervisors has recommended approval of the lot split.</li> <li>The resulting parcels will meet the minimum lot width (150 feet), depth (200 feet) and area requirements (65,000 square feet) for the RR – Residential zoning district.</li> <li>The proposed rural residential lot split will not be detrimental to the use or development of adjacent properties.</li> <li>The proposed rural residential lot split will not place an undue burden on existing public services and facilities, provided access for the southern two parcels is obtained via the existing access point on 43<sup>rd</sup> Avenue NE.</li> <li>The proposed rural residential lot split is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>	

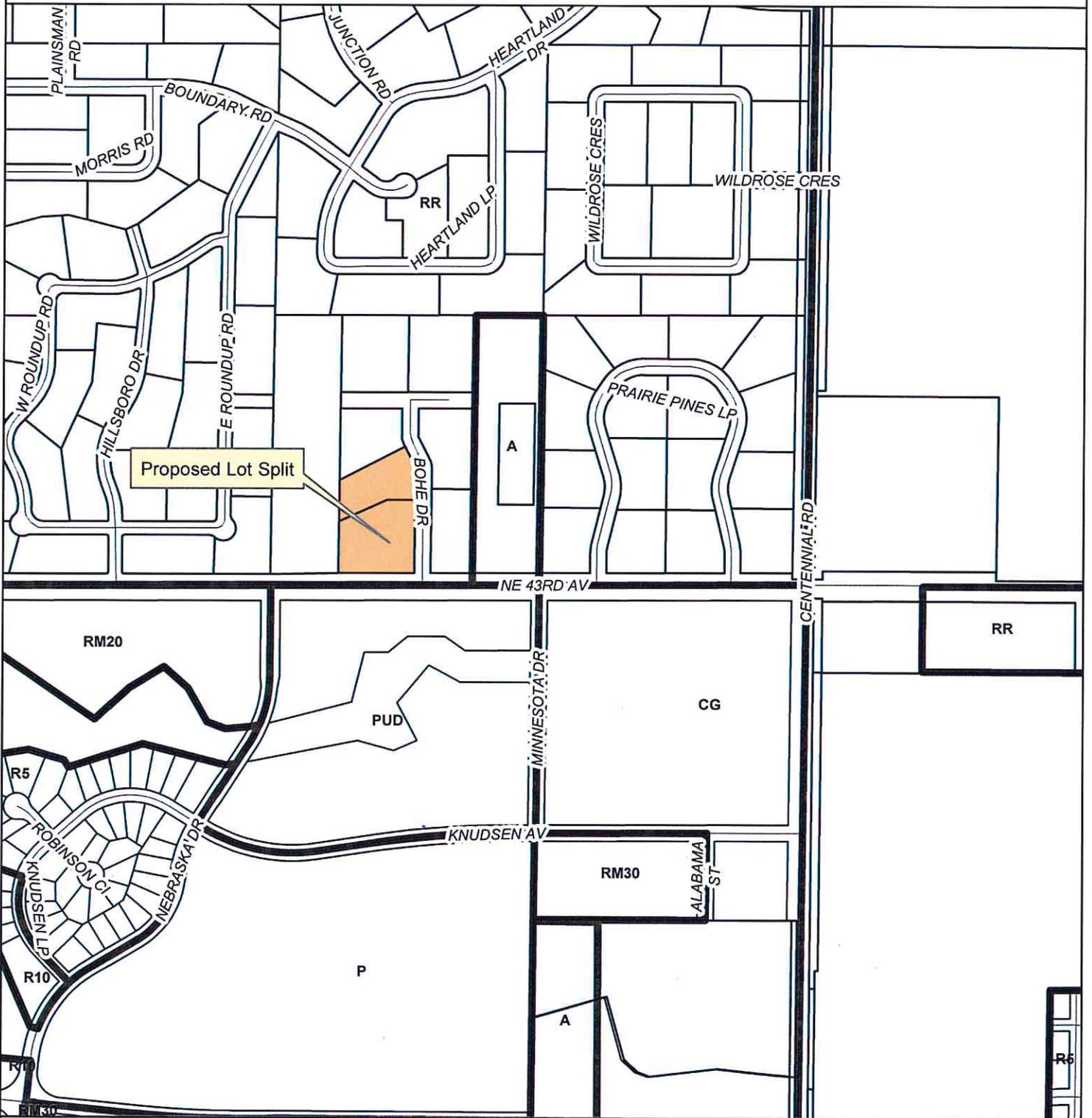
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the rural residential lot split for Lot 2 and Lot 3, Block 3, Bohe Acres, with the following conditions:

1. Additional access points for the resulting parcels will not be permitted on 43<sup>rd</sup> Avenue NE.
2. A shared access and maintenance agreement is recorded for the existing access point on 43<sup>rd</sup> Avenue NE to serve proposed Lot 2B & 3A and Lot 2C & 3B.
3. A shared access and maintenance agreement is recorded for an additional access point along Bohe Drive to serve proposed Lot 2B & 3A.

*/JW*

# Proposed Rural Residential Lot Split Lots 2-3, Block 3, Bohe Acres

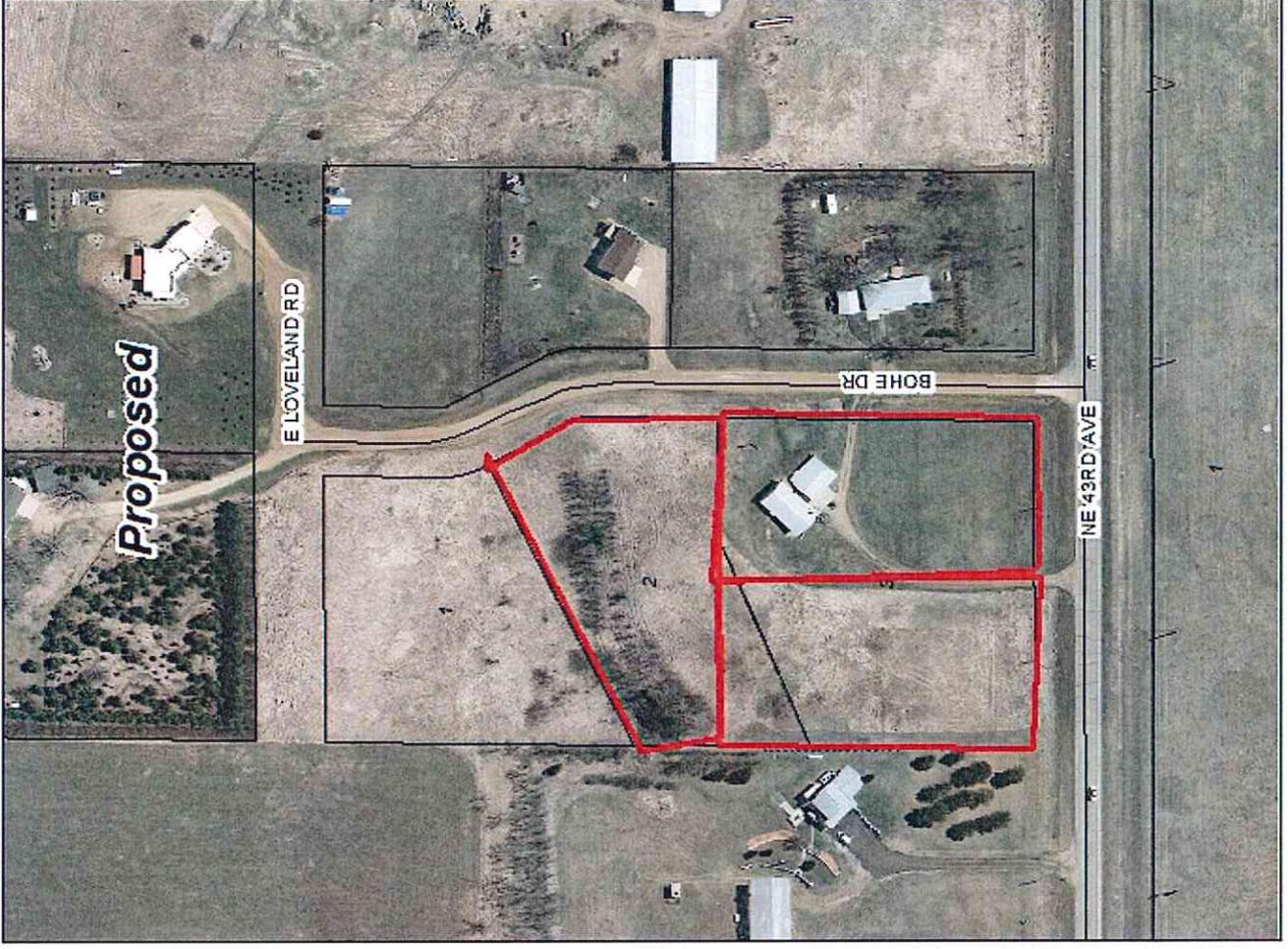


May 26, 2015 (hib)

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 herein.

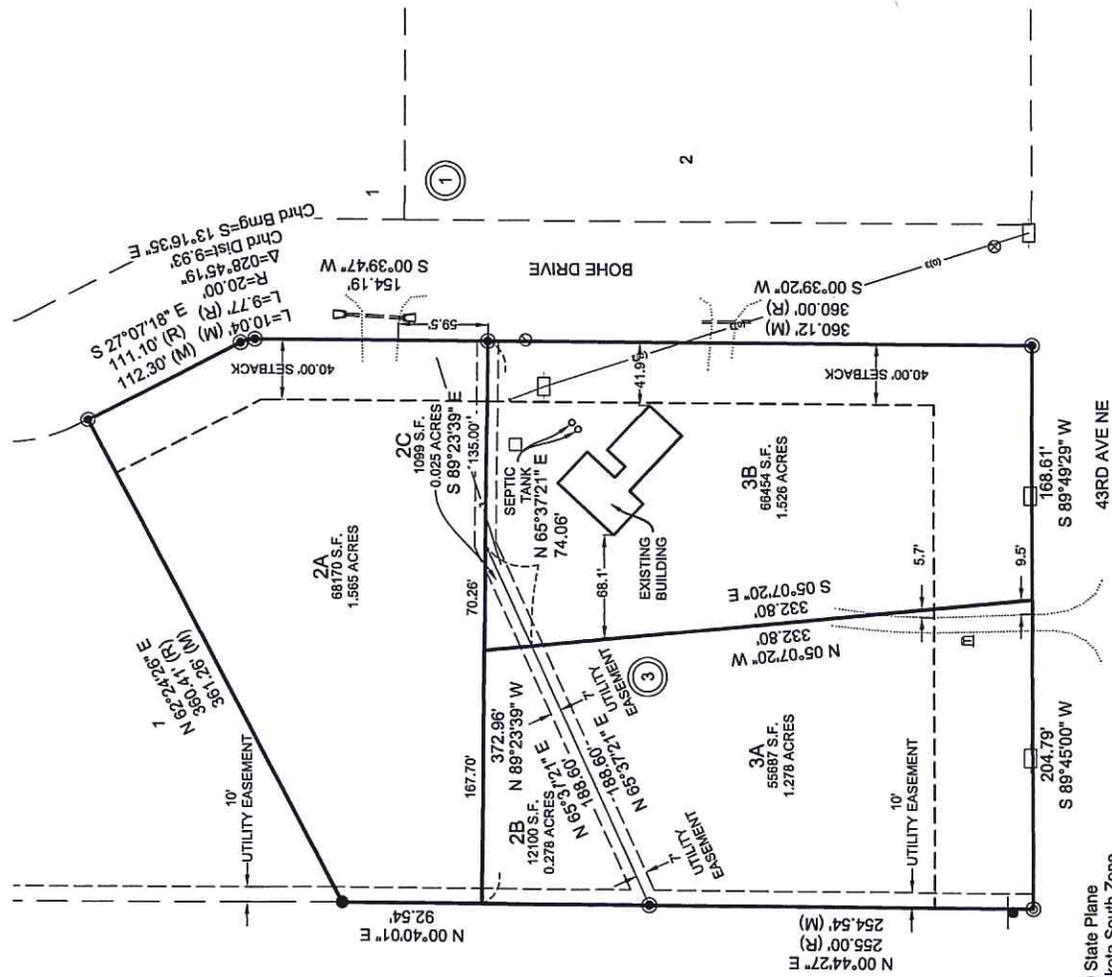


# Rural Residential Lot Split - Lot 2 and Lot 3, Block 3, Bohe Acres



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.





- LEGEND**
- ⊙ 1/2" Rebar - Found
  - 1" Rebar - Found
  - ⊙ 1" Iron Pipe (bent) - Found



**LOT COMBINATION EXHIBIT**

MARK BECKER  
BISMARCK, ND

Lot 2A, Lot 2B & Lot 3A and  
Lot 2C & 3B, Block 3, Bong Acres  
SW 1/4, Sec. 14, T. 139N., R. 60W.,  
Burlington County, ND

**KLJ**

DATE: 06/11/15  
BY: JKL  
PROJECT: 151133

**NOTE:**  
Survey was performed in ND State Plane  
NAD 1983 (conus), North Dakota South Zone,  
Units are International Feet.  
Distances shown are grid distances

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,  
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE  
PROPOSED RURAL RESIDENTIAL LOT SPLIT FOR LOTS 2-3, BLOCK 3,  
BOHE ACRES SUBDIVISION AND HEREBY RECOMMEND TO THE  
BOARD OF CITY COMMISSIONERS THAT SAID RURAL RESIDENTIAL LOT  
SPLIT BE (APPROVED)(DENIED). (PLEASE ATTACH CONDITIONS, IF ANY, TO  
THE BOARD'S ACTION.)

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

Access via Bohe

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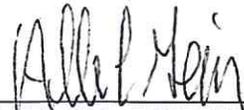
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CHAIRMAN, TOWNSHIP BOARD

6-2-15  
DATE

  
ATTEST: TOWNSHIP CLERK

6/2/15  
DATE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 2, Block 1, Northern Sky Addition – Special Use Permit (Drive-Through)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Wilment Properties LLC	<b>Engineer:</b> Swenson, Hagen & Co	
<b>Reason for Request:</b> Allow a drive-through window in conjunction with a pharmacy in a medical office / clinic.		
<b>Location:</b> In northwest Bismarck, north of Ash Coulee Drive and south of Durango Drive, along the east side of Northern Sky Drive (205 Durango Drive).		
<b>Project Size:</b> 1.99 acres	<b>Number of Lots:</b> One lot in one block	
<b>EXISTING CONDITIONS:</b>		<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> Undeveloped	<b>Land Use:</b> Medical office / clinic and pharmacy with a drive – through window	
<b>Zoning:</b> CA – Commercial	<b>Zoning:</b> CA – Commercial	
<b>Uses Allowed:</b> Multi-family residential, offices and neighborhood commercial	<b>Uses Allowed:</b> Multi-family residential, offices and neighborhood commercial	
<b>Maximum Density Allowed:</b> 30 units per acre	<b>Maximum Density Allowed:</b> 30 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 03/2013	<b>Platted:</b> 03/2013	<b>Annexed:</b> 03/2013
<b>ADDITIONAL INFORMATION:</b>		
1. The Board of City Commissioners at their meeting of May 15, 2015 approved a zoning ordinance text amendment to allow a drive-through for pharmacies as an ancillary use to a medical office / clinic in the CA – Commercial zoning district with approval of a special use permit.		
<b>FINDINGS:</b>		
1. A pharmacy with a drive-through window in a medical office / clinic is allowed as a special use in the CA – Commercial zoning district, provided specific conditions are met. The proposed drive-through window all of the 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.		
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.		
<i>(continued)</i>		

4. The use would be designed, operated and maintained in a manner that is compatible with the appearance of the existing character of the surrounding area.
5. Adequate public facilities and services are in place.
6. This use would not cause a negative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of a special use permit to allow a drive-through window in a conjunction with a pharmacy in a medical office / clinic on Lot 2, Block 1, Northern Sky Addition, with the following conditions:

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

*/JW*

**Section 14-03-08(4)(g) of the City Code of Ordinances**

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

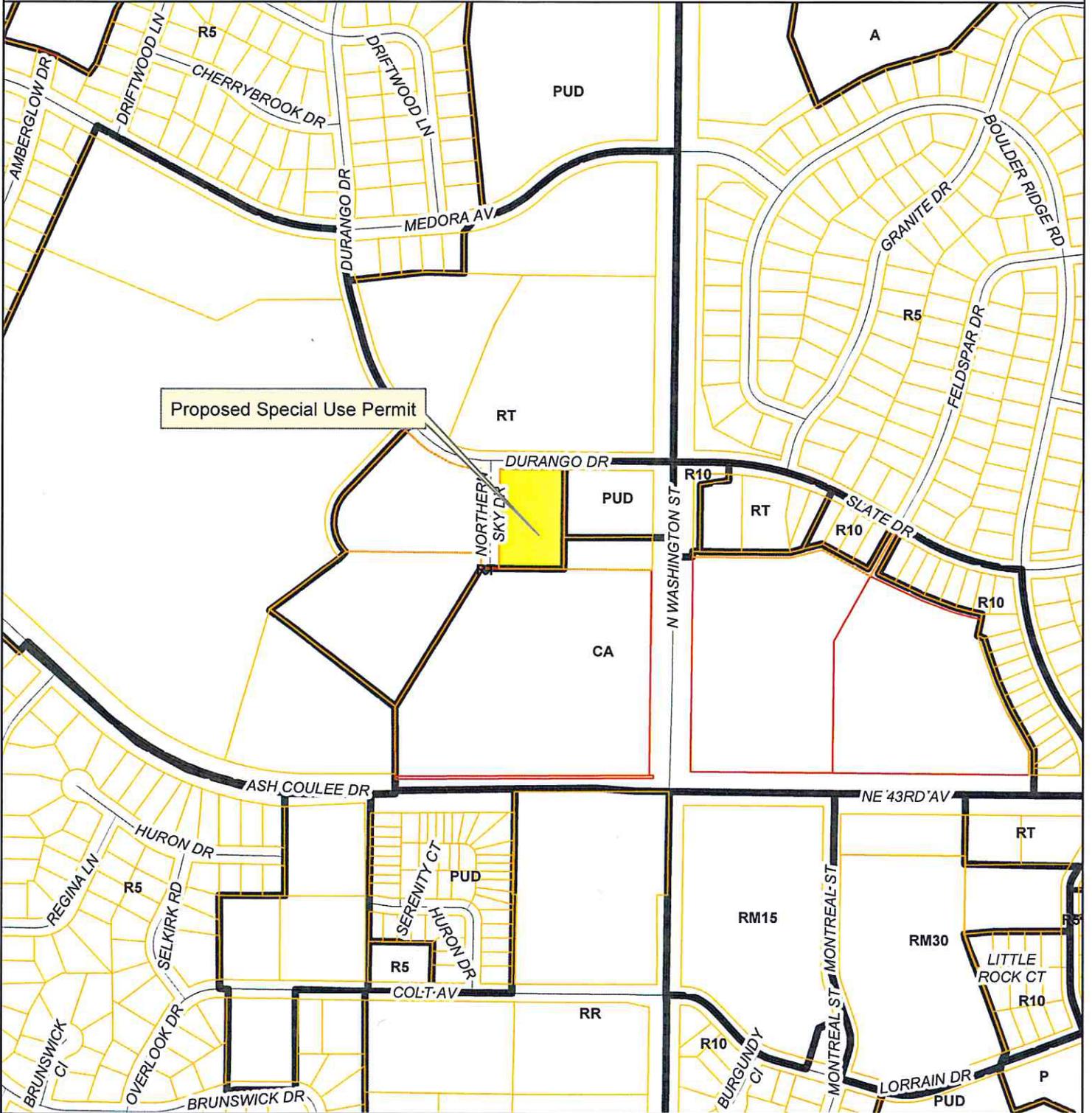
1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
2. Access to and egress from a drive-in / drive-through establishment shall be arranged for the free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

**Section 14-03-10(2) of the City Code of Ordinances**

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

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

# Proposed Special Use Permit Lot 2, Block 1, Northern Sky Addition



May 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 herein.





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Lot 2, Block 2, Pheasant Valley Subdivision– Special Use Permit (oversized accessory building )	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015
<b>Owner(s):</b> Randy Jahner	<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 3,200 square feet, by constructing a 3,200 square foot accessory building.	
<b>Location:</b> North of Bismarck, west of Centennial Road south of 71 <sup>st</sup> Street NE along the north side of Rooster Road.	
<b>Project Size:</b> 2.16acres (lot size)	<b>Number of Lots:</b> One lot in one block
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Rural residential	<b>PROPOSED CONDITIONS:</b> <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> Pre-1980	<b>Platted:</b> 06/2001
<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>The storm water management plan and subdivision were approved in 2001. There is a 100' x 150' storm water easement is located on Lot 2, Block 2, Pheasant Valley Subdivision. The owner has placed fill material and constructed a retaining wall in a portion of the storm water easement. Prior to obtaining a building permit to construct the proposed 3,200 square foot accessory building, an amendment to the existing storm water management plan must be submitted and approved by the City Engineer and the County Engineer and the required storm water facilities must be installed and certified by the City Engineer and County Engineer. . In addition, a plat modification to revise the existing 100' x 150' storm water easement must be approved by the Board of City Commissioners.</li> </ol>	

**FINDINGS:**

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
2. The proposed special use would not adversely affect the public health, safety and general welfare, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
3. The proposed special use would not be detrimental to the use or development of adjacent properties, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.
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, provided, an amendment to the storm water management plan is approved, revisions to the platted storm water easement are made and the required storm water management facilities are constructed.

**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 3,200 square feet of Lot 2, Block 2, Pheasant Valley Subdivision with the following conditions:

1. An amendment to the existing storm water management plan must be submitted and approved by the City Engineer and the County Engineer.
2. The required storm water facilities must be installed and certified by the City Engineer and County Engineer.
3. A plat modification to revise the existing 100' x 150' storm water easement must be approved by the Board of City Commissioners.
4. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

/JW

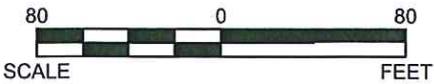
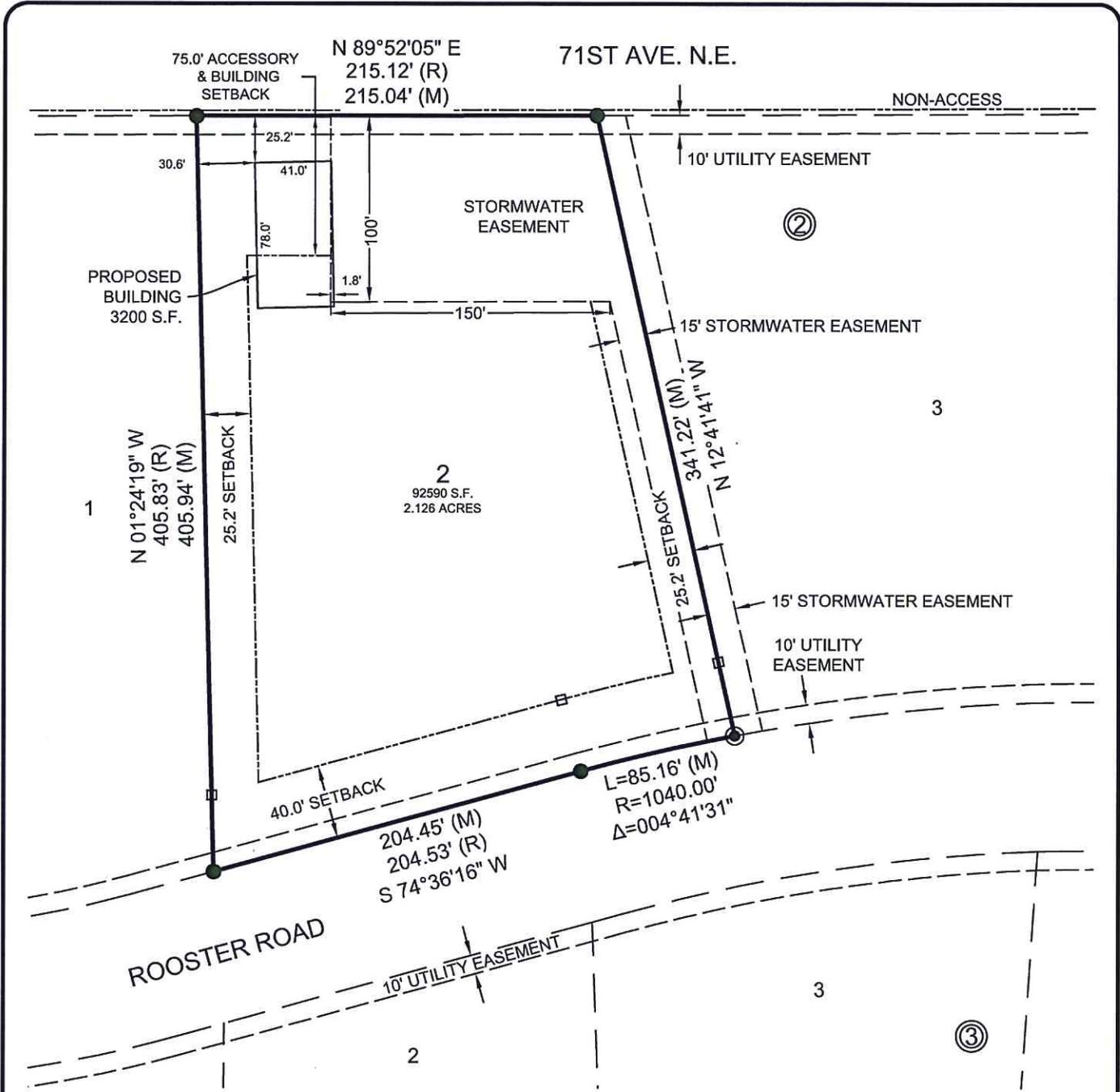
# Proposed Special Use Permit Lot 2, Block 2, Pheasant Valley Subdivision



March 5, 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.





**LEGEND**

- MONUMENT FOUND
- ⊙ MONUMENT SET
- BUILDING SETBACK

Rev'd.			
<b>LOT SURVEY EXHIBIT</b> <b>RANDY JAHNER</b> <b>BISMARCK, NORTH DAKOTA</b>			
3520 ROOSTER ROAD LOT 2, BLOCK 2 PHEASANT VALLEY SUBDIVISION BISMARCK, NORTH DAKOTA			
DRWN. BY JM	CHKD BY JRJ	PROJECT NO. 1615250	DATE 06/16/2015

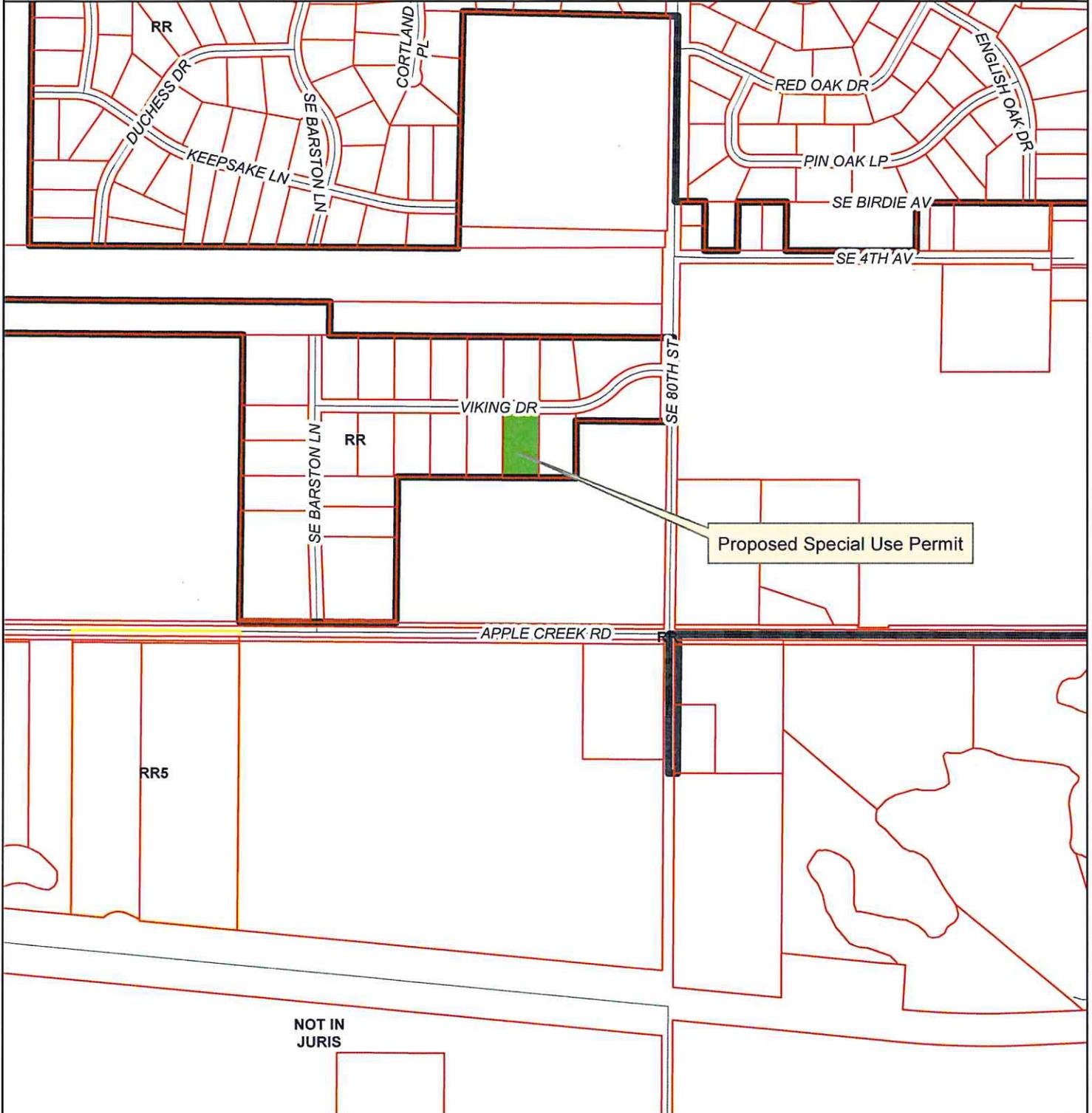
**BISMARCK-BURLEIGH COUNTY COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lot 3, Block 3, Golden Heights Subdivision – Special Use Permit (House Move)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> June 24, 2015	
<b>Owner(s):</b> Brandon Fettig	<b>Engineer:</b> None	
<b>Reason for Request:</b> Move a previously located structure to be occupied as a single-family dwelling.		
<b>Location:</b> The property is located east of Bismarck, west of 80 <sup>th</sup> Street Se between County Highway 10 and Apple Creek Road along the south side of Viking Drive.		
<b>Project Size:</b> 2.20 acres	<b>Number of Lots:</b> One lot in one block	
<b>EXISTING CONDITIONS:</b>		
<b>PROPOSED 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> Rural residential and limited agriculture	<b>Uses Allowed:</b> Rural residential 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> 06/2003	<b>Platted:</b> 06/2003	<b>Annexed:</b> NA
<b>ADDITIONAL INFORMATION:</b>		
1. The proposed special use permit is to move a previously occupied in another located structure (single-family dwelling) from 6455 Middle Field Drive to 7717 Viking Drive (Lot 3, Block 3, Golden Heights Subdivision).		
<b>FINDINGS:</b>		
1. A moved in building or structure that has been previously located at another location may be permitted in any district as a special use, provided specific conditions are met. The proposed special use meets all of the provisions outlined in Section 14-03-08(3)(r) of the City Code of Ordinances (Special Uses). A copy of the ordinance is attached.		
2. A building inspection has been completed and conformance with the building code would be met prior to issuance of the certificate of occupancy. A copy of the inspection report is attached.		
3. The house to be moved and proposed use of the property as a single-family rural residence would be compatible with the neighborhood.		
4. The request is compatible with adopted plans, policies and accepted planning practice.		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of a special use permit to move a previously located structure to be occupied as a single-family residence into Lot 3, Block 3, Golden Heights Subdivision.		

/JW



# Proposed Special Use Permit Lot 3, Block 3, Golden Heights Subdivision

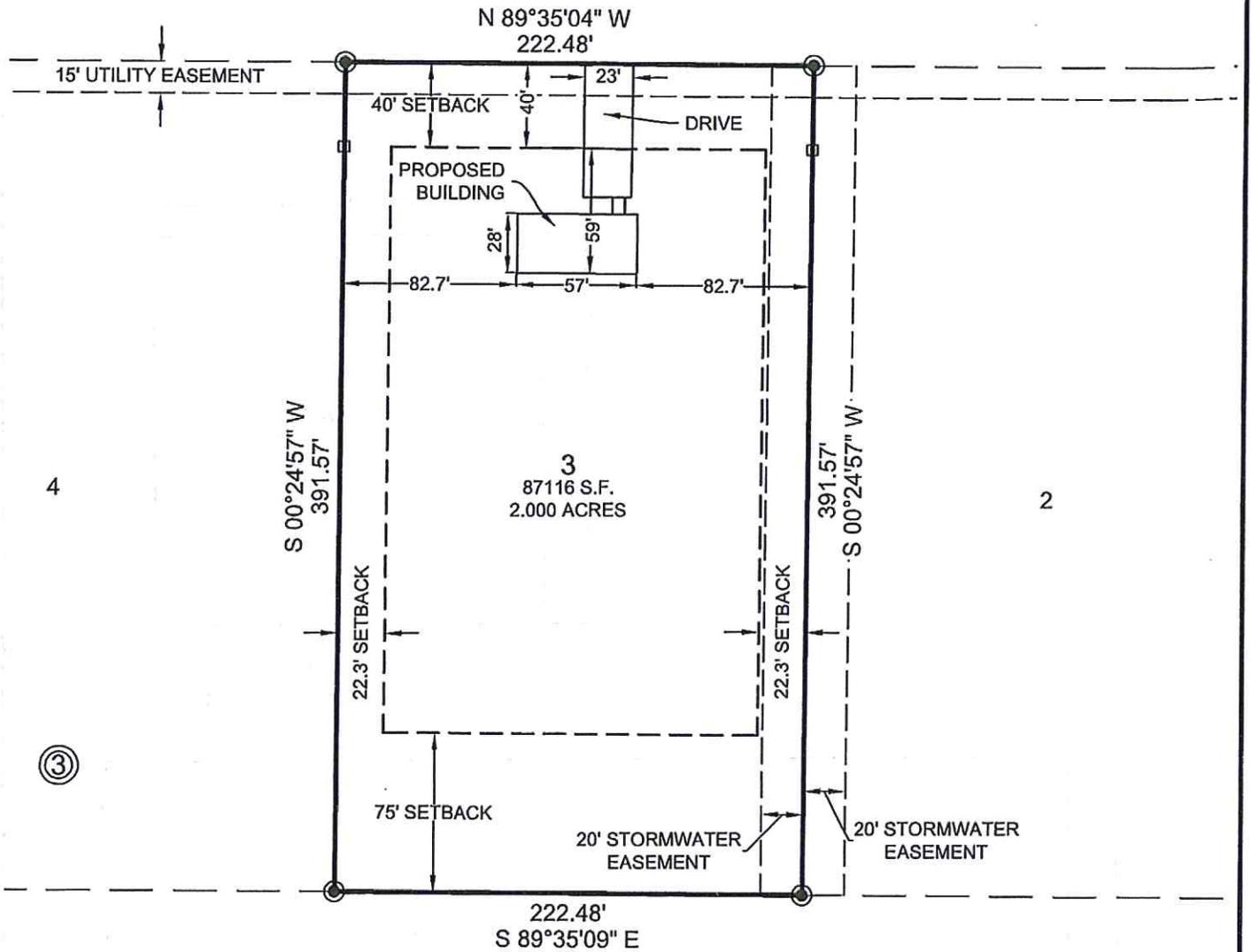


May 26, 2015 (h1b)

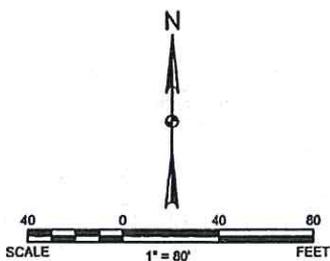
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



VIKING DRIVE



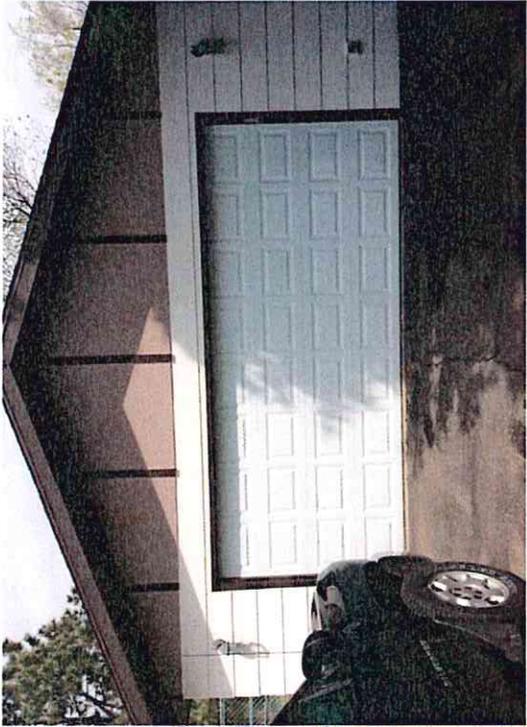
③



LEGEND

- MONUMENT FOUND
- ⊙ MONUMENT SET
- BUILDING SETBACK

Rev'd. -			
LOT SURVEY EXHIBIT BRANDON FETTIG BISMARCK, NORTH DAKOTA			
7717 VIKING DRIVE LOT 3, BLOCK 3 GOLDEN HEIGHTS SUBDIVISION BURLEIGH COUNTY, ND			
	DRAWN BY JM	CHECKED BY JRJ	PROJECT NO. 1615246
		DATE 05/20/2015	





## Community Development Department

Date: June 17, 2015

To: Jenny Wollmuth, Planner  
Community Development Department, Planning Division

From: Brady Blaskowski, Building Official  
Community Development Department, Building Inspections Division

Subject: House moving from 6455 Middlefield Rd, Bismarck ND, 58503 to 7717 Viking Dr,  
Bismarck ND, 58504

An inspection of the existing house located at the above referenced address was completed by a member of the Bismarck Inspections Division on May 8<sup>th</sup> 2015.

At the time of inspection the house was found to be in good condition and no alterations or repairs were necessary prior to moving the structure.

It is our understanding that the house will be relocated to an undeveloped lot within the City of Bismarck ETA. All applicable permits for the development of the lot including a building permit for the construction of the foundation that will support the existing structure must be obtained prior to issuance of the moving permit.

If you have any questions with regard to the above information, please contact me at 355-1467.

Brady Blaskowski  
Building Official



# CITY OF BISMARCK

## Ordinance No. XXXX

*First Reading* \_\_\_\_\_  
*Second Reading* \_\_\_\_\_  
*Final Passage and Adoption* \_\_\_\_\_  
*Publication Date* \_\_\_\_\_

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-09-05 AND 14-09-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE SUBDIVISION OF LAND, DESIGN STANDARDS AND IMPROVMENTS.

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

Section 1. Amendment. Section 14-09-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Design Standards is hereby amended and re-enacted to read as follows:

14-09-05. Design Standards.

1. Streets and alleys:

a. The arrangement, character, extent, width, grade, and location of all streets shall conform to the master plan and shall be considered in relation to existing and planned streets, to topographical conditions, and to the proposed uses of lands to be served thereby.

b. Where it is now shown on the master plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing arterial and collector streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the planning commission to

meet a particular situation where topographical or other conditions make continuance of or conformance to existing streets impractical.

c. Local streets shall be so laid out that their use by through traffic is discouraged.

d. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission shall limit access to the arterial street and may require reverse frontage of lots with a screen planting contained in a non-access reservation along the rear property lines, deep lots with rear services alleys, or other treatment that it deems advisable to limit such access and to give adequate protection to residential properties and to afford separation of through and local traffic.

e. Private streets are discouraged but may be permitted provided that the plat of any subdivision with private streets shall clearly establish or indicate private easements on such streets for the benefit of those who may become owners of lots in such subdivision, and further shall provide use of such private street easements to and for the use of any governmental subdivision, its officers and employees for utilities and any other governmental use or uses it deems necessary or advisable, provided the City shall not be responsible in any way to furnish any City services if such private street easements are not properly maintained or are obstructed by the owners of property in the subdivision. Private streets shall meet, at a minimum, the requirements of the most recent version of the International Fire Code (IFC) that has been adopted by the City and shall not become a maintenance liability for the City or County, depending on the location. Detailed written justification for the use of private streets in proposed subdivision plats shall be provided as part of the plat application process. Each private street shall be evaluated by the City or County, depending on the location, during the subdivision review and approval process.

f. Nonaccess lines shall be placed along all arterial streets and at the intersections thereof of

all streets, with the dimensions of same to be approved by the planning commission.

g. Street jogs should be avoided.

h. A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

i. When connecting street lines deflect from each other by more than ten (10) degrees they shall be connected by a curve of adequate radius to insure clear visibility for vehicles.

j. Intersecting streets shall be laid out at as nearly right angles as possible, and no such angle of intersection shall be less than sixty (60) degrees.

k. In all areas within the corporate limits of the City of Bismarck, unless otherwise shown on the master plan, right-of-way and roadway widths shall be as follows:

Functional Classification	Minimum Right-of-Way (in feet)	Typical Roadway Width (in feet)
Principal Arterial	150	63
Minor Arterial	120	51
Collector	80	44
Local	66	40
Local (mountable curb only)	60	37

If demonstrated by the developer that special circumstances exist, the City Engineer may recommend adjusted minimum required right-of-way and roadway widths during the subdivision review and approval process.

l. In all areas outside the corporate limits but within the two-mile extraterritorial area of the City of Bismarck, unless otherwise shown on the master plan, right-of-way and roadway widths shall be as follows:

Minimum	Typical
---------	---------

Functional Classification	Right-of-Way (in feet)	Roadway Width (in feet)
Principal Arterial	150	40
Minor Arterial	150	36
Collector	120 80	30
Local	80	26

If demonstrated by the developer that special circumstances exist, the County Engineer may recommend adjusted minimum required right-of-way and roadway widths during the subdivision review and approval process.

~~Private streets shall meet, at a minimum, the requirements of the city fire code and shall not become a city maintenance liability. Each private street shall be evaluated by the city prior to installation.~~

lm. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other standards of these regulations, and where the planning commission finds it will be practicable to require the dedication of the other half-street when the adjoining property is subdivided. Wherever there exists a half-street adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

mn. Cul-de-sacs. The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Detailed written justification for the use of cul-de-sac streets in proposed subdivision plats shall be provided as part of the plat application process. In such cases where cul-de-sacs are accepted by the City, the following standards shall apply:

1. Length. The maximum overall length of a cul-de-sac shall be seven hundred-fifty (750) feet. The minimum throat length of a cul-de-sac shall be two hundred-thirty (230) feet. Such lengths shall be measured from the centerline intersection with the through street to the center point of the turnaround.

2. Turnaround Dimension. One of the following sets of dimensional standards shall apply:

a. Circular cul-de-sac turnarounds shall have a dedicated right-of-way diameter of at least one hundred twenty-two (122) feet and a paved diameter of at least ninety-six (96) feet for plats within the corporate limits and a paved diameter of at least eighty (80) feet for plats within the extraterritorial area. Such paved diameter shall be measured from face to face of the curb within the corporate limits and from roadway edge to roadway edge within the extraterritorial area.

b. Irregular cul-de-sac turnarounds shall provide a minimum inside radius of twenty-eight (28) feet to the face of the curb and a minimum outside turning radius of forty-eight (48) feet to the face of the curb. Additional area beyond the minimum outside radius will need to be provided if parking is allowed.

3. Lot Width. In the R5 and R10-Residential zoning districts, each lot located on a cul-de-sac street shall have a minimum width of forty (40) feet, measured at the front property line and in addition, shall have a minimum width of sixty (60) feet, measured at the front setback line.

4. Multi-use Paths. Access easements may be required to provide current and/or future access connections from the turnaround terminus area to other streets, schools, neighborhood activity centers, or open space areas. Such

access easements shall be included in a maintenance agreement with either a neighborhood association or governmental entities, subject to review and approval by the City or County and recorded as part of the subdivision plat approval process.

5. Islands/Medians. Islands or medians within a cul-de-sac are subject to the following standards:

a. Maintenance. Landscaped islands or medians may be permitted provided a neighborhood association assumes responsibility for curb and vegetation maintenance. Maintenance agreements shall be reviewed and approved by the City, depending on the location of the plat, and recorded as part of the subdivision plat approval process.

b. Parking. Islands and or medians may provide off-street parking areas. All such parking shall be subject to review and approval by the City or County, depending on the location of the plat.

c. Snow storage. Islands or medians, including any adjacent parking area shall be available for snow storage purposes by the City or County, depending on the location of the plat.

d. The design of such proposed islands or medians shall be subject to review and approval by the City or County, depending on the location of the plat during the subdivision plat approval process. Landscaping within islands or medians within the corporate limits shall be subject to the City's landscape permit approval process.

6. Street Surface Width. The minimum width of street surface on a cul-de-sac within the corporate limits shall be forty (40) feet, or if separated by an island or median, each lane shall be at least twenty (20) feet in width. If

constructed with mountable curbs, the minimum street surface width may be reduced to thirty-seven (37) feet and the minimum width of each lane may be reduced to eighteen and one-half (18.5) feet. If fire hydrants are located along a cul-de-sac, all such lane widths shall be at least twenty-six (26) feet.

no. No street names will be used that will duplicate or be confused with the names of existing streets. Streets that are now or will eventually be continuations of existing streets shall be called by the names of the existing streets. The City shall review and make ~~at least general~~ recommendations for street names. Numbered street names may only be used for arterial and collector roadways within the northeast and south east quadrants.

op. All streets shall have a grade of not less than three-tenths (0.3) per cent. No arterial street shall have a grade in excess of five (5) per cent, and no other street shall have a grade in excess of ten (10) per cent except that roadways with grades not meeting these standards may be allowed where topography makes it impossible to meet normal standards.

p. Alleys shall be avoided in residential districts but may be required in commercial and industrial districts.

q. The width of all alleys shall be no less than twenty (20) feet.

r. Dead-end alleys should be avoided, but if unavoidable, shall be provided with adequate turnaround facilities at the closed end.

s. On rural road sections within the corporate limits of the City of Bismarck the following standards shall apply:

1. Adequate culverts shall be installed to handle all drainage, with a minimum size of eighteen (18) inches in diameter or equivalent. The owner shall present to the City Engineer of the appropriate jurisdiction two (2) copies of a

report proposing the size, type, and location of all drainage structures. All drainage structures shall conform to current North Dakota ~~State Highway~~ Department ~~of Transportation~~ standard specifications. For drainage structures with drainage areas of over forty (40) acres, the report shall include acceptable engineering calculations for the required hydraulic capacity. Written approval shall be obtained from the ~~City Engineer of the appropriate jurisdiction~~ prior to the installation of drainage structures.

2. Gravel surfacing, where permitted, shall be in accordance with the standards and specifications of the ~~City Engineer of the appropriate jurisdiction (city, township, or county)~~.

Rural subdivision roadways must be paved in accordance with the standards and specifications of the ~~City Engineer of the appropriate jurisdiction (city, township or county)~~.

All approaches shall be graveled ~~or paved~~ in accordance with the standards and specifications of the ~~City Engineer of the appropriate jurisdiction (city, township, or county)~~.

3. All drainage under streets, private drives, and approaches must have culverts installed where required by the ~~City Engineer of the appropriate jurisdiction or superintendent of roads~~.

4. All streets must be constructed to an adequate height to ~~insure ensure~~ proper snow clearance and removal. Any deviation from the minimum road section must have written approval of the ~~City Engineer of the appropriate jurisdiction prior to construction~~. Protective covenants shall be filed by the owner to preserve the backslopes extending onto the lots.

5. The ~~City Engineer of the appropriate jurisdiction or superintendent of roads~~ will inspect the completed roads in each subdivision

before assuming responsibility and maintenance of the roads and streets to ~~insure~~ ensure that the above standards, and those of the zoning and ~~subdivision~~ regulations, have been complied with.

6. No more than two (2) approaches onto an ~~arterial or section line~~ ~~county or township~~ road in any one thousand three hundred twenty (1,320) feet of distance will be allowed without prior approval of ~~the board of county commissioners and the City Engineer of the appropriate jurisdiction.~~ No approach may be constructed without first having obtained an approach permit from the ~~City Engineer of the respective jurisdiction.~~

t. On rural road sections outside the corporate limits but within the extraterritorial area of the City of Bismarck the following standards shall apply:

1. Adequate culverts shall be installed to handle all drainage, with a minimum size of eighteen (18) inches in diameter or equivalent. The owner shall present to the county engineer two (2) copies of a report proposing the size, type, and location of all drainage structures. All drainage structures shall conform to current North Dakota Department of Transportation standard specifications. For drainage structures with drainage areas of over forty (40) acres, the report shall include acceptable engineering calculations for the required hydraulic capacity. Written approval shall be obtained from the county engineer prior to the installation of drainage structures.

2. Gravel surfacing, where permitted, shall be in accordance with the standards and specifications of the county engineer. Gravel surfacing shall be spread the full width of the roadway. The depth of the gravel surfacing shall not be less than six (6) inches when compacted in place. Aggregates for gravel surfacing shall conform to North Dakota Department of Transportation specifications for Class 5 Aggregate.

All costs for sampling and testing shall be the responsibility of the developer.

3. Rural subdivision roadways must be paved in accordance with the standards and specifications of the county engineer. Minimum depth of hot bituminous pavement shall be six (6) inches in the MA or MB zoning district and four (4) inches in all other zoning districts compacted in place with proper base and subgrade.

All approaches shall be graveled with Class 5 or Class 3 aggregate to an uncompacted depth of two (2) inches. Gravel shall extend from the edge of the roadway to the property line.

3. All drainage under streets, private drives, and approaches must have culverts installed where required by the county engineer.

4. All streets must be constructed to an adequate height to ensure proper snow clearance and removal. Any deviation from the minimum road section must have written approval of the county engineer. Protective covenants shall be filed by the owner to preserve the backslopes extending onto the lots.

5. The county engineer will inspect the completed roads in each subdivision before assuming responsibility and maintenance of the roads and streets to ensure that the above standards have been complied with.

6. No more than two (2) approaches onto an arterial or section line road in any one thousand three hundred twenty (1,320) feet of distance will be allowed without prior approval of the board of county commissioners and the county engineer. No approach may be constructed without first having obtained an approach permit from the county engineer.

\* \* \* \* \*

Section 2. Amendment. Section 14-09-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Improvements is hereby amended and re-enacted to read as follows:

14-09-06. Improvements.

1. Improvements Required within the Corporate Limits.

Before issuing a building permit for any structure within the city corporate limits, the City will require that the following improvements are either:

a. Constructed and in place;

b. Assured of completion by the deposit with the City of Bismarck of a certified check in an amount sufficient to construct such improvements, the amount to be determined by the City Engineer; or,

c. Assured of completion by the posting of a bond with the City of Bismarck, in an amount sufficient to construct such improvements, the amount to be determined by the City engineer, and the form and surety of the bond to be approved by the city legal officer City Attorney. The improvements required shall be:

1) Street and alley grading.

2) Sanitary sewers, except where, in the opinion of the City Engineer, the provision of sanitary sewers is impractical, in which case individual lots will comply with the size requirements of these regulations and will be provided with approved septic tanks and disposal fields prior to or at the time of construction of any buildings on such lots.

3) Watermains, except where, in the opinion of the City Engineer, connection to a public water supply is impractical, in which case individual lots will comply with the size requirements of these regulations.

4) Monuments, as required by the North Dakota Century Code.

5) Fences shall be provided along the boundary of any subdivision at all points at which the subdivision abuts or adjoins interstate highway right-of-way or any open drainage facility where required. Said fence shall meet the requirements of the North Dakota Department of Transportation where applicable, and the City Engineer.

2. Procedure for Improvements within the Corporate Limits.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to and approved by the City Engineer.

b. At the time such plans, profiles and specifications are submitted for review, the City Engineer shall prepare an estimate of cost for office checking and field inspection of all improvements. The subdivider shall thereupon deposit with the ~~city auditor~~ Director of Finance an amount of money equal to said estimated cost. All work done by the City Engineer in connection with checking, computing and correcting such plans for improvements and in connection with field inspection of the construction thereof, shall be charged to such deposit. If during the progress of the work, it shall appear that the cost thereof will exceed the amount so deposited, the City Engineer shall notify the subdivider of this fact and shall do no further work in connection with such review or field inspection until the subdivider has deposited the additional amount of money necessary to cover the cost of the work.

c. Upon completion of the work of checking plans and inspecting the construction of improvements, the City Engineer shall forward to the ~~city auditor~~ Director of Finance a statement of the amount of the engineering and inspection costs to be charged against the deposit made by the subdivider. The ~~city auditor~~ Director of Finance shall thereupon refund to the subdivider any unexpended balance of such deposits. If such engineering and inspection charges shall for any

reason exceed the amount of the deposits, the ~~city auditor~~ Director of Finance shall collect the balance due and shall issue a statement that such charges have been paid.

~~3~~d. At the time of filing an application for a building permit the applicant will submit either (a) a certificate signed by the City Engineer that all required improvements are in place or (b) a certificate signed by the City Engineer that plans, specifications, and profiles for such improvements have been filed with and approved by him, and a certificate signed by the ~~city auditor~~ Director of Finance that a certified check or satisfactory performance bond has been posted for completion of improvements. Where part of the improvements has been completed, appropriate certification will be filed.

~~4~~e. Other improvements which may be required by the City after a building permit is issued include:

- ~~a~~1. Crosswalks;
- ~~b~~2. Street and alley paving;
- ~~c~~3. Sidewalks;
- ~~d~~4. Curb and gutter;
- ~~e~~5. Storm sewers, culverts and bridges;
- ~~f~~6. Street lights.

~~5~~3. Improvements Required within the Extraterritorial Area.

a. A building permit for any structure within a platted subdivision within the extraterritorial area may not be issued until all improvements described in ~~paragraph b. of~~ this section are constructed and accepted by the County Engineer.

b. The improvements required are:

1. The grading of all roadways within the subdivision;

2. The paving of all roadways within the subdivision, unless this requirement was specifically waived by both the Board of City Commissioners and the Board of County Commissioners in conjunction with the approval of the subdivision;

3. The installation of the storm water management facilities required to manage storm water in accordance with the approved storm water management plan and submittal of a statement from the consulting engineer that certifies that the facilities were built in accordance with the approved storm water management plan; and

4. The construction of any other required facilities, such as turning lanes or bridges.

c. Improvements that are required within a right-of-way under the jurisdiction of the North Dakota Department of Transportation must be accepted by the NDDOT District Engineer.

d. The completion of required off-site improvements, such as the construction of turning lanes or the paving of section line roadways, may be delayed with the submittal of an assurance of completion.

*(Ord. 4914, 06-09-98; Ord. 5477, 12-13-05)*

4. Procedure for Improvements within the Extraterritorial Area.

a. No improvements shall be made unless and until all necessary plans, profiles and specifications therefor shall have been submitted to and approved by the County Engineer in accordance with the Burleigh County Highway Department Subdivision Road Design and Construction Policy.

b. Before any improvements are installed, the developer shall submit a County Development Permit Application to the County Engineer. Once the Development Permit Application has been reviewed and approved by the County Engineer, the developer may proceed with the construction of the road subgrades within the subdivision.

c. Upon satisfactory completion of all required roadways, the County Engineer will notify the City in writing.

\* \* \* \* \*

Section 2. 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 3. Effective Date. This ordinance shall take effect following final passage, adoption and publication.