

- 6. **Lot 8, Block 15, Replat of Part of Tibesar's First Subdivision –**
 Zoning Change (RT to R5) (DN)..... 21
Staff recommendation: approve approve continue table deny

- 7. **Lots 2 & 3, Block 4, Meadowlark Commercial Seventh Addition –**
 Zoning Change (RT to PUD) (JT)..... 25
Staff recommendation: approve approve continue table deny

- 8. **Lot 2, Block 1, Wisdom Office Park Addition –**
 Special Use Permit/Day Care Center (JW)..... 43
Staff recommendation: approve approve continue table deny

- 9. **Off-Street Parking & Loading/Downtown Parking District –**
 Zoning Ordinance Text Amendment (JT) 51
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

- 10. **Other**

ADJOURNMENT

- 11. **Adjourn.** The next regular meeting date is scheduled for Wednesday, August 26, 2015.

Enclosures: Meeting Minutes of June 24, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Part of Lot 4, Block 2, Pinehurst Fourth Addition (to be known as Lot 4B of Lot 4) – Zoning Change (RM15 to RT)		
Status: Planning Commission – Consideration	Date: July 22, 2015	
Owner(s): Lloyd Anderson, LLP	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow the development of office uses on southeastern portion of previously platted lot.		
Location: In northwest Bismarck, in the northwest quadrant of the intersection of Hackberry Street and West Century Avenue.		
Project Size: 73,064 square feet, more or less	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Office use	
Zoning: RM15 – Residential	Zoning: RT – Residential	
Uses Allowed: RM15 – Multi-family residential	Uses Allowed: RT – Multi-family residential and offices	
Maximum Density Allowed: RM15 – 15 units/acre	Maximum Density Allowed: RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 05/1980	Platted: 5/1980	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The proposed zoning change is being requested to allow the development of a professional office building on the southeast portion of the parcel. A copy of the concept plan for the development of the parcel is attached. A request for a lot modification to split the parcel into two parcels has been submitted. 		
FINDINGS:		
<ol style="list-style-type: none"> The area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped residentially zoned land to the immediate north, single-family residential to the north, office uses to the east and southeast and multi-family residential and undeveloped RT – Residential zoned property to the south across West Century Avenue. The property is already annexed and utilities are in place; therefore, the proposed zoning change would not place an undue burden on public services. 		
<i>(continued)</i>		

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

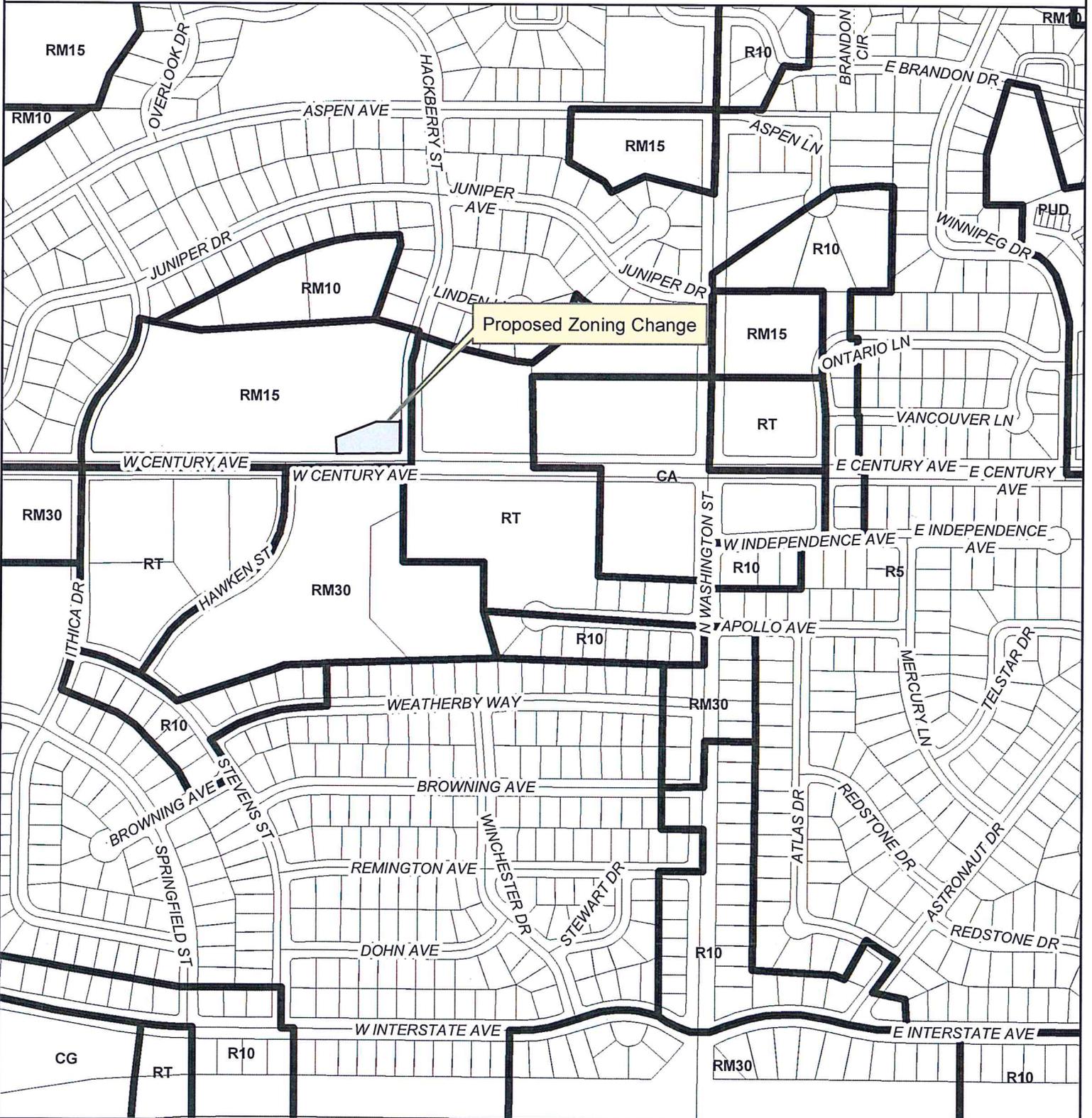
RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district on part of Lot 4, Block 2, Pinehurst Fourth Addition (to be known as Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition).

/JW

Proposed Zoning Change (RM to RT)

Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition



July 13, 2015 (jlw)

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

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

Section 1. Amendment. Section 14-04-21.3 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Downtown Districts/Use Categories is hereby amended and re-enacted to read as follows:

14-04-21.3 Use Categories.

* * * * *

e. Parking, Accessory. Accessory parking facilities provide parking that is accessory to a specific use, but not located on the same parcel as the use. Examples include short and long-term parking facilities, both surface and in structures. A facility that provides both accessory parking for a specific use and fee parking for people not connected to the use is classified as a commercial parking facility.

f. Parking, Commercial. Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and fee parking for people not connected to the use is also classified as a commercial parking facility. Examples include short and long-term parking facilities, both surface and in structures.

g. Retail Sales and Services. Retail sales and services are firms that are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Examples of retail sales and services are broken down into four categories: sales-oriented, personal-service-oriented, entertainment-oriented, and repair oriented.

Examples of sales-oriented uses include stores selling, leasing or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery and videos; food sales; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light trucks and other recreational vehicles.

Examples of personal services-oriented uses include branch banks; laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians (out-patient only); and animal grooming.

Examples of entertainment-oriented uses include restaurants, cafes, delicatessens, brewpubs, bars and taverns; indoor entertainment activities such as bowling alleys, ice rinks, game arcades, and pool halls; dance halls; indoor firing ranges; theaters; health clubs and gyms; membership clubs and lodges; and hotels, motels and other temporary lodging with an average stay of less than 30 days, including bed and breakfast facilities.

Examples of repair-oriented uses include repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

This category does not include self-service storage uses, adult entertainment centers, animal hospitals or kennels, off-premise advertising signs or microbreweries.

* * * * *

Section 2. Amendment. Section 14-04-21.4 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the Downtown Districts/Use Standards is hereby amended and re-enacted to read as follows:

14-04-21.4 Use Standards.

* * * * *

8. Parking, Accessory.

a. For surface parking lots, landscaping must be provided in accordance with the provisions of Section 14-03-11 of this ordinance.

b. For surface parking lots adjacent to a residential use, a buffer yard must also be provided in accordance with the provisions of Section 14-03-11 of this ordinance.

c. For parking structures in the downtown area, the design standards for buildings shall apply.

9. Parking, Commercial.

a. For surface parking lots, landscaping must be provided in accordance with the provisions of Section 14-03-11 of this ordinance.

b. For surface parking lots adjacent to a residential use, a buffer yard must also be provided in accordance with the provisions of Section 14-03-11 of this ordinance.

c. The ground floor of multi-level commercial parking structures shall have retail sales and service uses located between the parking structure and any public sidewalk, except where frontage is needed to

provide vehicular and pedestrian access to the facility.

ed. For parking structures in the downtown area, the design standards for buildings shall apply.

* * * * *

Section 3. 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 4. Effective Date. This ordinance shall take effect following final passage and adoption.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 1, Block 3, KMK Estates – Zoning Change (RR to R10 & Conditional RT)		
Status: Planning Commission –Public Hearing	Date: July 22, 2015	
Owner(s): Larry Benzinger and Vivian Lang	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property for future twin homes and multi-family or office uses.		
Location: In northwest Bismarck along the west side of North Washington Street and the south side of Buckskin Drive.		
Project Size: 4.09 acres	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Rural residential	Land Use: Two-family residential and office uses	
Zoning: RR – residential	Zoning: R10 – Residential Conditional RT – Residential	
Uses Allowed: RR – Large lot single-family residential	Uses Allowed: R10 – Single and two-family residential Conditional RT – Multi-family dwellings and office uses with building heights not to exceed 2-stories	
Maximum Density Allowed: RR – 1 unit/65,000 SF	Maximum Density Allowed: R10 – 10 units/acre Conditional RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 05/1959	Platted: 06/1966	Annexed: 09/2014
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The parcel measures approximately 510 feet east/west and 350 feet north/south. The parcel has been split 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. 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 two-stories in height. 		

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:

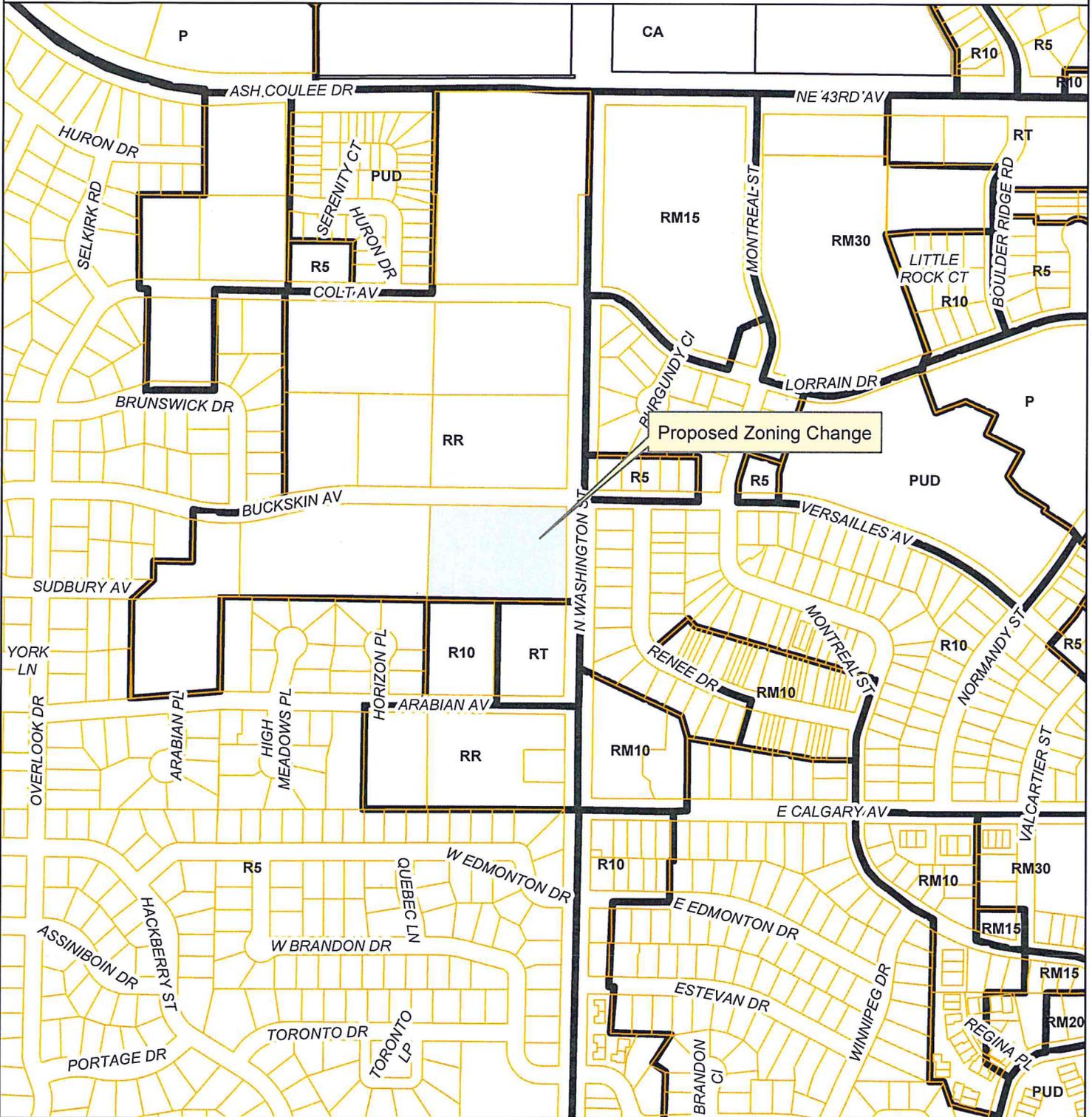
Based on the above findings, staff recommends approval of the zoning change from the RR – Residential zoning district to the R10 – Residential on the West 170 feet of Lot 1 and to the Conditional RT – Residential zoning district Lot 1 less the West 170 feet, Block 3, KMK Estates, with the following condition:

1. The maximum height of any building is limited to two stories

/jt

Proposed Zoning Change (RR to R10 and RT)

Lot 1, Block 3, KMK Estates First Addition

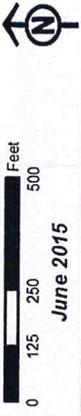
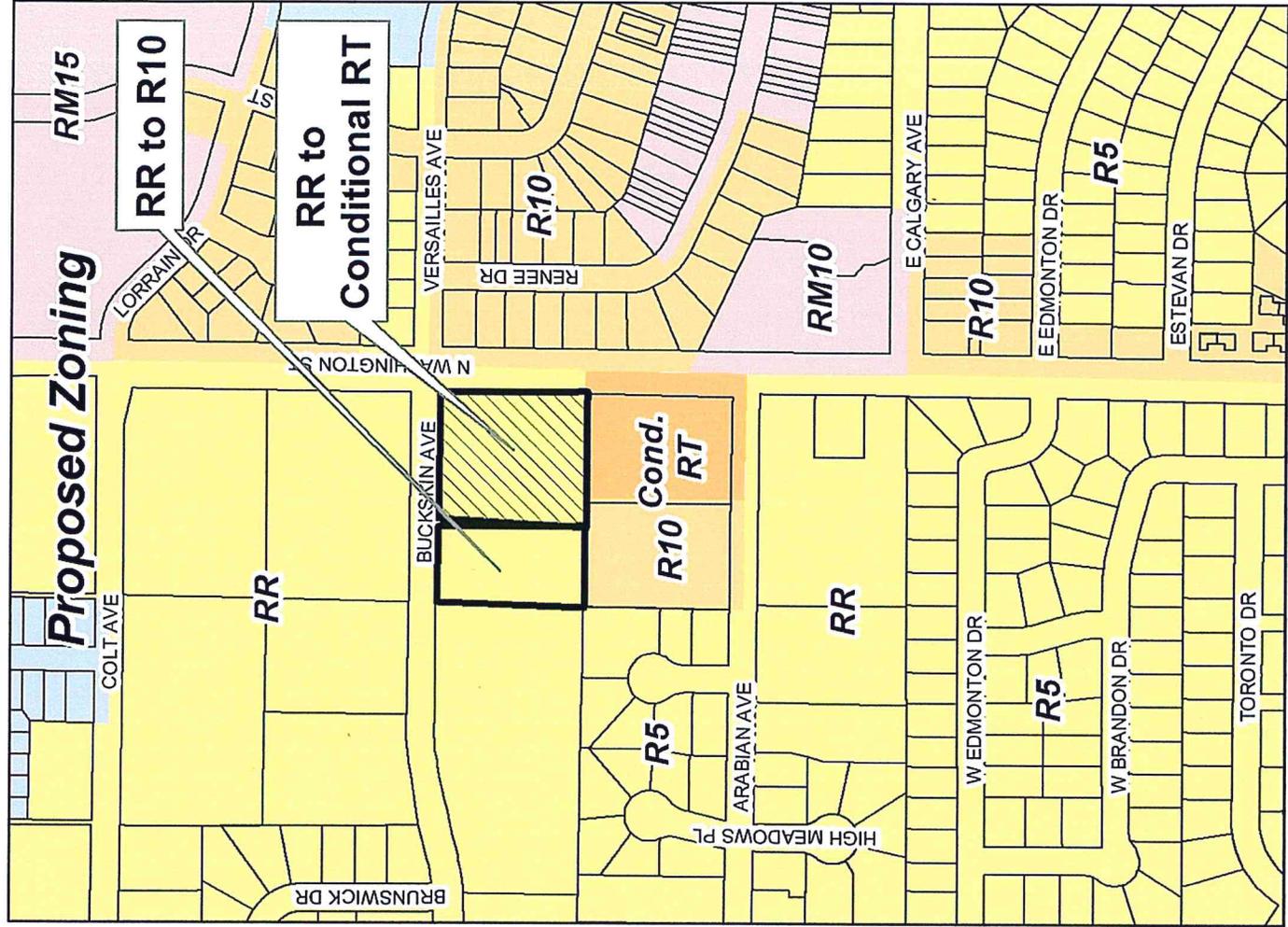
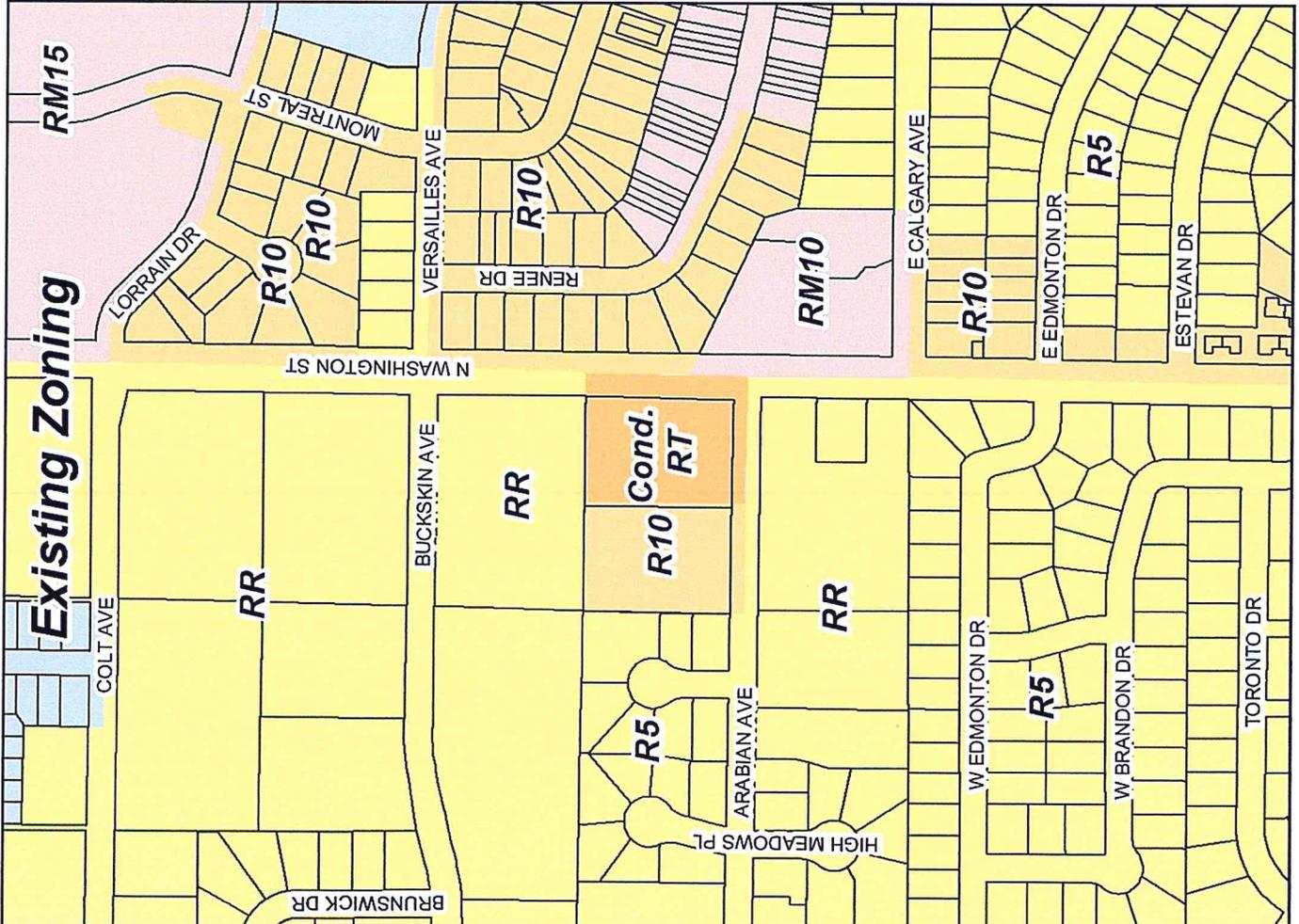


March 5, 2015 (hlb)

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Lot 1, Block 3, KMK Estates - Zoning Change



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June 2015

WASHINGTON

ARABIAN

1324.26'

530'

510'

510'

40'

3

530'

690'

349.11'

349.11'

AMERICAN OIL PIPELINE (SEE NOTES)

510'

65'

118,697 SF

59,349 SF

UTILITY EASEMENT

349.11'

THE EAST 340 FT
LOT 1 BLOCK 3
KMK ESTATES

THE WEST 170 FT
LOT 1 BLOCK 3
KMK ESTATES

340'

170'

290'

131.92'

BUCKSKIN

860'

96.0'

33'

90°

33'

90°

764.22'



NORTH

7

BUILDING SETBACK LINE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: The South 170 feet of Lot 2, Block 1, Boulder Ridge 3 rd Addition – Zoning Change (RM15 to RT)		
Status: Planning Commission – Public Hearing	Date: July 22, 2015	
Owner(s): Robert Knutson	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow development of office uses on southern portion of previously platted lot.		
Location: Along the north side of 43 rd Avenue NE and the east side of Boulder Ridge Road.		
Project Size: 75,501 square feet/1.73 acres	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM15 – Residential	Land Use: Office use	
Uses Allowed: RM15 – Multi-family residential	Zoning: RT – Residential	
Maximum Density Allowed: RM15 – 15 units/acre	Uses Allowed: RT – Offices and multi-family residential	
	Maximum Density Allowed: RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 05/2012	Platted: 05/2012	Annexed: 05/2012
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> As there is a 318 foot non-access line along the western edge of this parcel along with a common lot, and a continuous non-access line along the southern edge of the parcel, an access easement will be required across the northern portion of the lot to provide access to the southern portion from Normandy Street. 		
FINDINGS:		
<ol style="list-style-type: none"> 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. 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 43rd Avenue NE and developing CG-Commercial zoned property and one rural residence to the east. 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. The proposed zoning change would not adversely affect property in the vicinity. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		

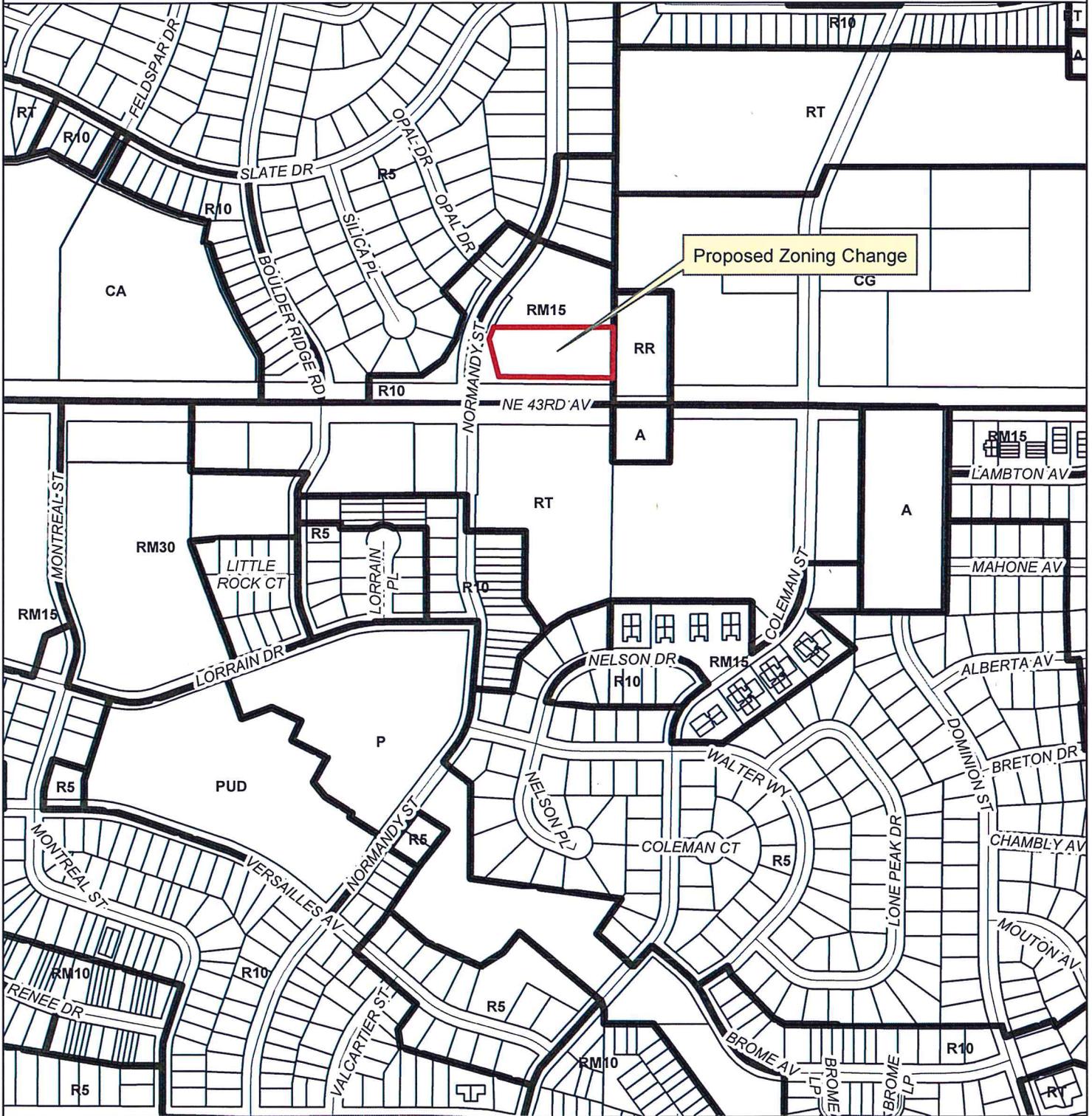
RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district for the South 170 feet of Lot 2, Block 1, Boulder Ridge 3rd Addition, with the understanding that the lot will need to be split through the City’s lot modification process prior to the request being forwarded to the City Commission for final action and that an access easement is provided across the northern portion of the lot so that the South 170 feet of Lot 2 has an access route from Normandy Street.

/Klee

Proposed Zoning Change (RM15 to RT)

The South 170 feet of Lot 2, Block 1 Boulder Ridge 3rd Addition

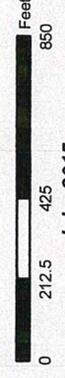
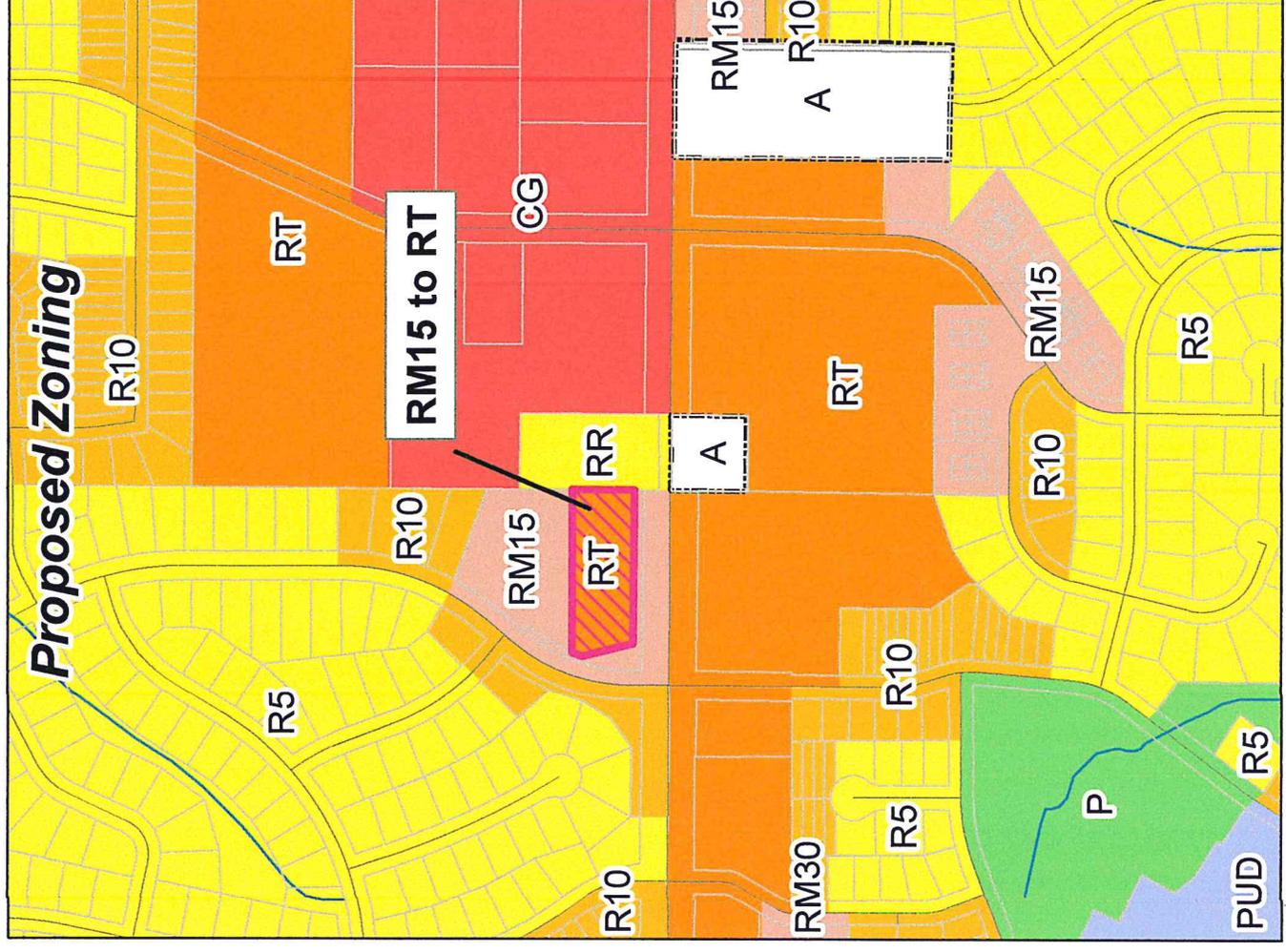
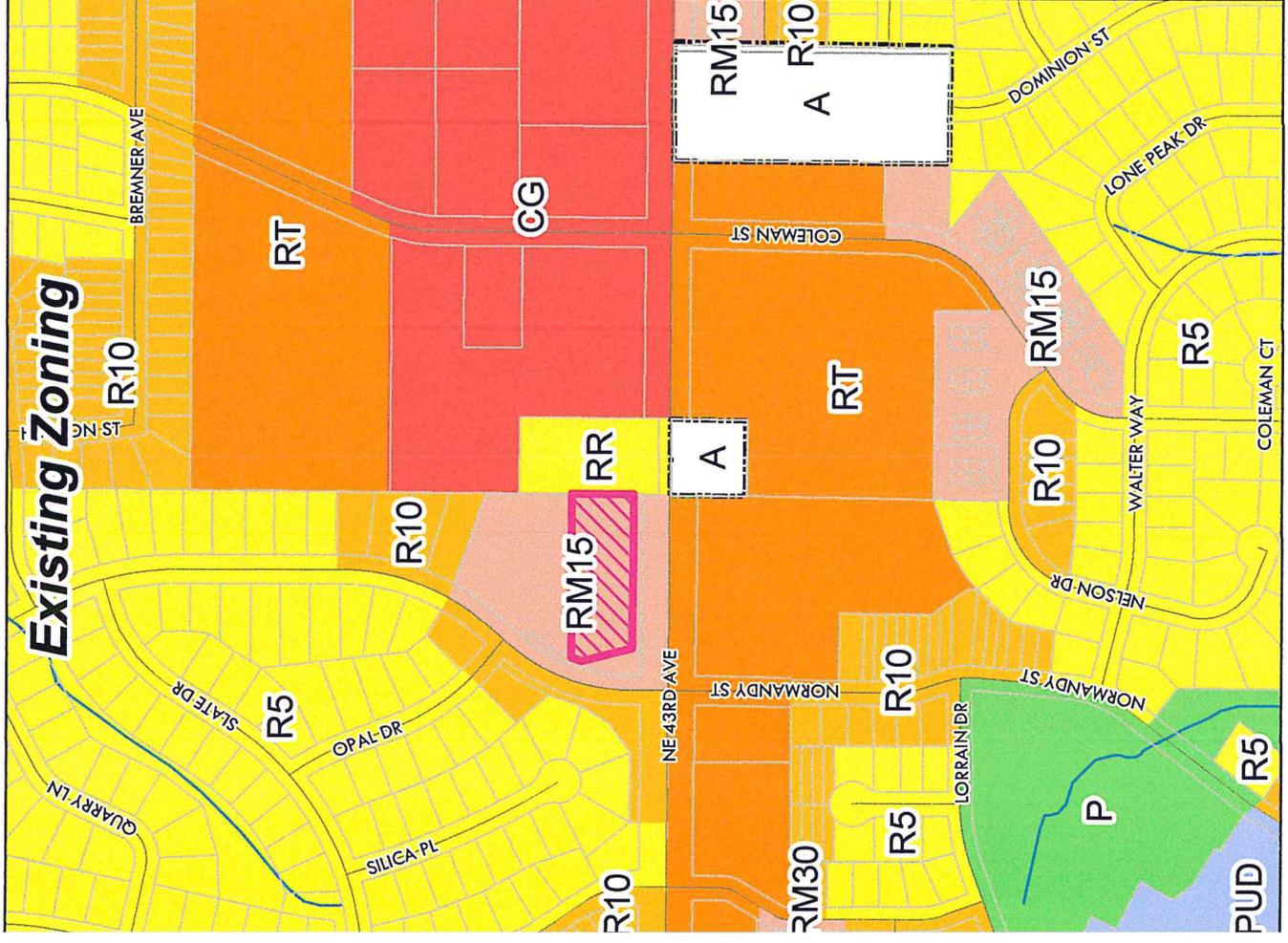


May 26, 2015 (hib)

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 hereon.



South 170 Feet of Lot 2, Block 1 Boulder Ridge 3rd Addition - Zoning Change



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

July, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 8, Block 15, Replat of Part of Tibesar's First Subdivision – Zoning Change (RT to R5)		
Status: Planning Commission – Public Hearing	Date: July 22, 2015	
Owner(s): Alex and Nadiya Shevchenko	Engineer: N/A	
Reason for Request: 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.		
Location: 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.		
Project Size: 7,261 Square Feet	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant residential lot/undeveloped	Proposed Conditions:	
Zoning: RT – Residential	Land Use: Single-family Residential	
Uses Allowed: Offices and Multifamily Residential	Zoning: R5 – Residential	
Maximum Density Allowed: 30 units per acre	Uses Allowed: Single-family Residential	
	Maximum Density Allowed: 5 units per acre	
PROPERTY HISTORY:		
Zoned: 11/2001	Platted: 2/25/1971	Annexed: 2/25/1971
ADDITIONAL INFORMATION:		
1. 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 City Code of Ordinances.		
FINDINGS:		
1. This area is not included in the Future Land Use Plan (FLUP) of the 2014 Growth Management Plan because it was already platted and zoned.		
2. The proposed use would be compatible with adjacent land uses. Adjacent land uses include single-family dwellings to the north, west, and south, and an office use to the east.		
3. The property is already annexed; therefore, the zoning change would not place an undue burden on public services.		
4. The proposed zoning change and subsequent development would not adversely affect property in the vicinity.		

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

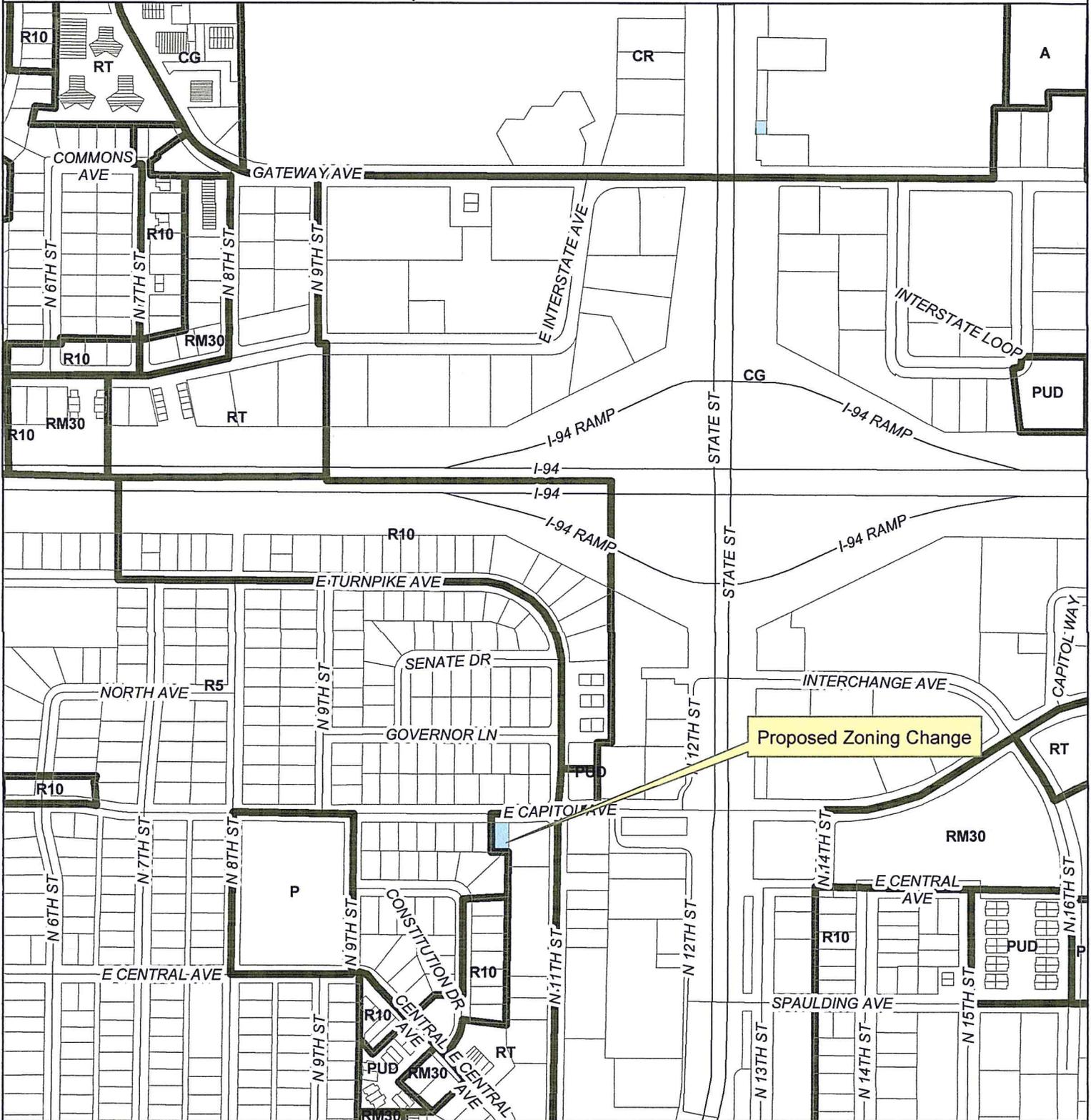
RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from RT – Residential zoning district to R5 – Residential zoning district 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

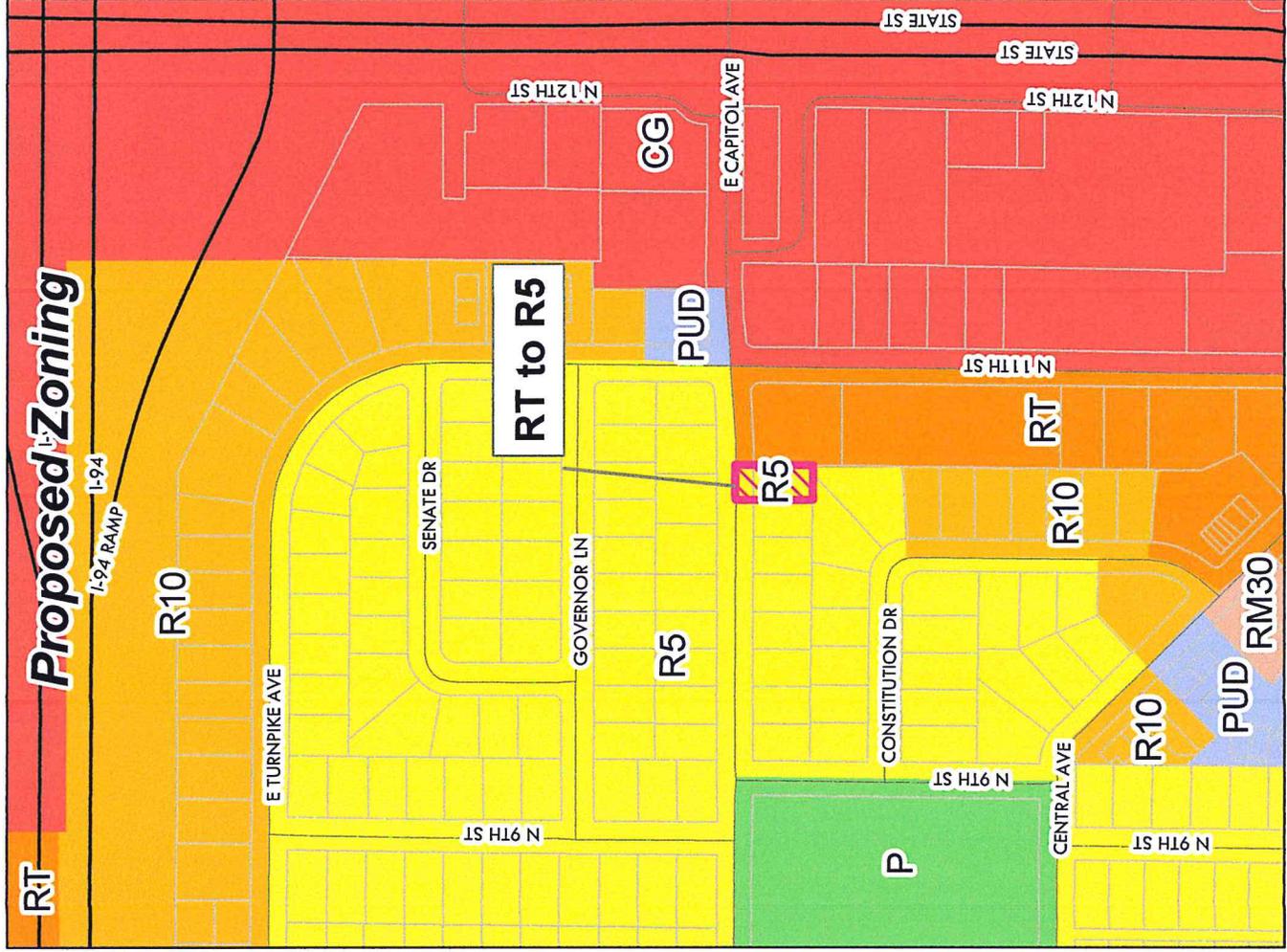
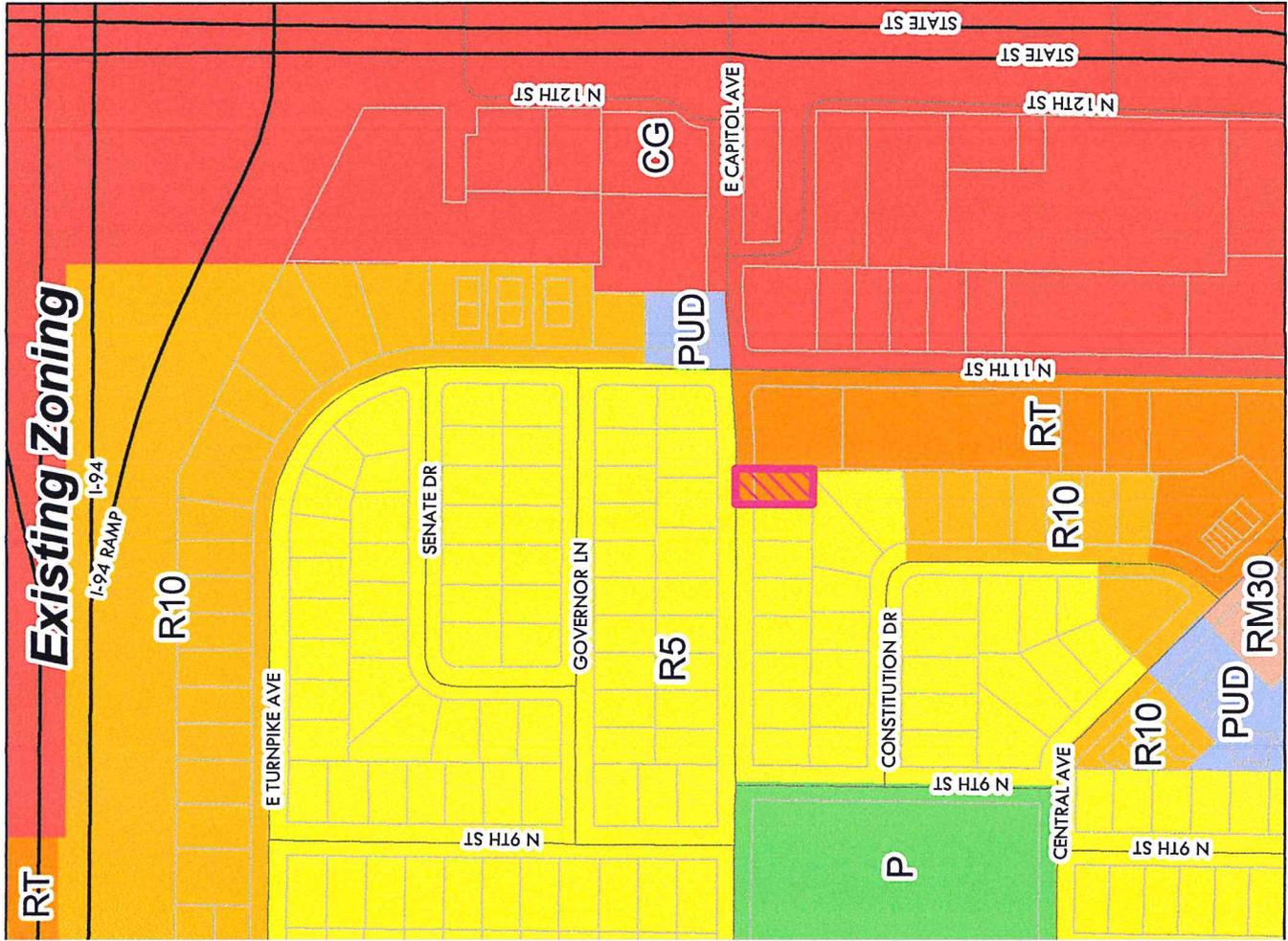


June 12, 2015 (hlb)

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



Replat of Tibesar's First Subdivision - Zoning Change



Project Boundary



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.

July, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 2 & 3, Block 4, Meadowlark Commercial Seventh Addition – Zoning Change (RT to PUD)		
Status: Planning Commission – Consideration	Date: July 22, 2015	
Owner(s): Skyline Properties, LLP	Engineer: Wenck Associates	
Reason for Request: To rezone the property to allow a storage facility with an associated retail use.		
Location: In north Bismarck, east of US Highway 83 along the south side of the future section line road, 57 th Avenue NE and the west side of the future North 19 th Street.		
Project Size: 16.89 acres	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: RT – Residential	Zoning: PUD – Planned Unit Development	
Uses Allowed: RT – Multi-family residential and offices	Uses Allowed: PUD – Uses specified in PUD	
Maximum Density Allowed: RT – 30 units per acre	Maximum Density Allowed: PUD – N/A	
PROPERTY HISTORY:		
Zoned: 12/2014	Platted: 12/2014	Annexed: 12/2014
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 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. 2. Planning staff also raised concerns about public streets and access to the site. In particular, 57th Avenue NE to the north is a section line roadway that is not currently constructed. North 19th Street would also provide access via public roadway to the site; however, the roadway has not been constructed beyond the southern point of Brookside Lane. In addition to the concern with access, Planning staff informed the applicant that 57th 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. 		
<i>(continued)</i>		

3. The applicant has indicated that the proposed storage and retail facility would be developed in phases. Phase 1 would be the main facility proposed for Lot 3, Block 4. This facility would include climate-controlled storage with a supporting retail space and associated parking areas. Phase 2 would include the development of outdoor storage located on Lot 2, Block 4. The outdoor storage area would be used for storage of vehicles, boats, trailers and recreational vehicles. The outdoor storage area would be screened from views along North 19th Street by a screening fence, between six and ten feet in height; and a landscaped area consisting of deciduous and evergreen trees and shrubs.
4. The applicant has also indicated that Lot 4, Block 4, which is currently zoned MA – Industrial would be developed as a third phase to include cold storage facilities. Lot 4, Block 4 is not part of this request; however, City staff has met with the developer regarding the third phase of the proposed development and is generally supportive of the entire project with the understanding that Lot 4, Block 4 would not be developable until such time as a public street has been constructed to access the property. The applicant's master plan indicates a private roadway would connect through Lot 3, Block 4 to Lot 4, Block 4. City staff, including the Traffic Engineer, the Fire Marshal and Planners have indicated that the private roadway accessing Lot 4, Block 4 would not be sufficient to allow for development of the lot currently zoned MA – Industrial.

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 19th Street, thus resulting in BPRD sharing a portion of the construction costs associated with the extension of North 19th Street. The current agreement between the applicant and the BPRD would no longer result in the BPRD owning land along North 19th Street; however, the applicant has indicated a willingness to provide an easement to allow the extension of the Hay Creek trail. The final location of the future trail extension is not known at this time and it is likely that the exact location would not be determined until such time as each lot along the east side of North 19th Street is studied and programmed to accommodate an end-user of the property. If the final location of the multi-use trail cannot lie adjacent to Hay Creek due to topographic constraints, BPRD has indicated that an alternative would be to locate the multi-use trail within the North 19th Street public right-of-way.
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 19th Street. Brookside Lane and North 19th 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.

(continued)

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 19th Street and 57th Avenue NE adjacent to the lots proposed for development is inconsistent with long standing City policy.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RT – Residential zoning district to the PUD – Planned Unit Development zoning district, as outlined in the draft PUD ordinance.

/jt

ORDINANCE NO.

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

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

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RT – Residential District and included within the PUD – Planned Unit Development District.

Lots 2-3, Block 4, Meadowlark Commercial Seventh Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include one climate-controlled storage facility with associated retail uses on Lot 3, Block 4, Meadowlark Commercial Seventh Addition. Outdoor storage of vehicles and recreational vehicles on Lot 2, Block 4, Meadowlark Commercial Seventh Addition.
2. *Special Uses.* There are no special uses permitted within this Planned Unit Development.
3. *Dimensional Standards.*
 - a. *Front Yard Setback.* The minimum front yard setback is 25 feet along North 19th Street.
 - b. *Side Yard Setback.* The minimum side yard setback is 20 feet.
 - c. *Rear Yard Setback.* The minimum rear yard setback is 20 feet.
 - d. *Height.* The maximum building height is 65 feet.

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

4. *Design Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.
- b. Building Materials. All building facades must be designed with architecturally finished materials, with primary building materials being limited to modular masonry materials such as brick, stone or dimensional block; precast concrete or aggregate panels; stucco or stucco-like materials; or non-corrugated prefinished metal architectural panels. If prefinished metal architectural panels are used, no more than 70% of any elevation facing a public right-of-way may consist of this material.
- c. Fence. A 10-foot screening fence shall be installed to screen the outdoor storage area. The screening fence shall meet the setback requirements and be constructed with heavy duty PVC or vinyl materials and provide an opaque screen of the outdoor storage area.
- d. Landscaping. Landscape materials including evergreen trees, deciduous trees and shrubs designed and installed in a manner sufficient to provide additional screening of the outdoor storage area.
- e. Outdoor Storage Area. The outdoor storage area surface material may be gravel, crushed concrete or a similar material suitable for said use. An access point in the northerly portion of Lot 2 would be acceptable to allow secondary access to the outdoor storage area.

- 5. *Private Roadway Maintenance.* The development and construction of the private roadways shall be the responsibility of the developer. The parking lot shall be constructed of an all- weather, dustless surface such as concrete or asphalt. The access roadway(s) to the shall also be constructed with an all-weather, dustless surface with a minimum roadway width not less than 20-foot wide.

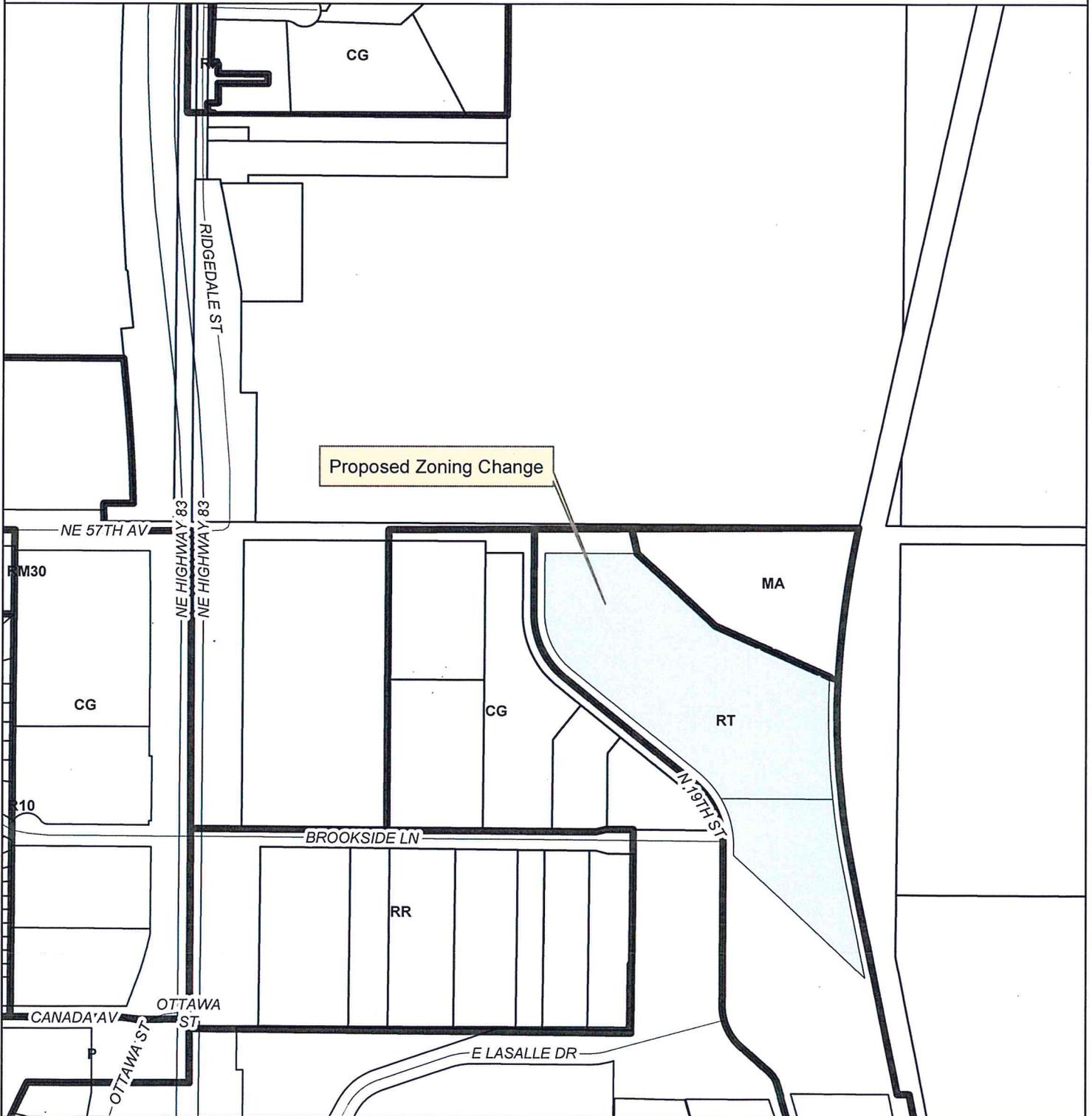
- 6. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

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

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

DRAFT

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

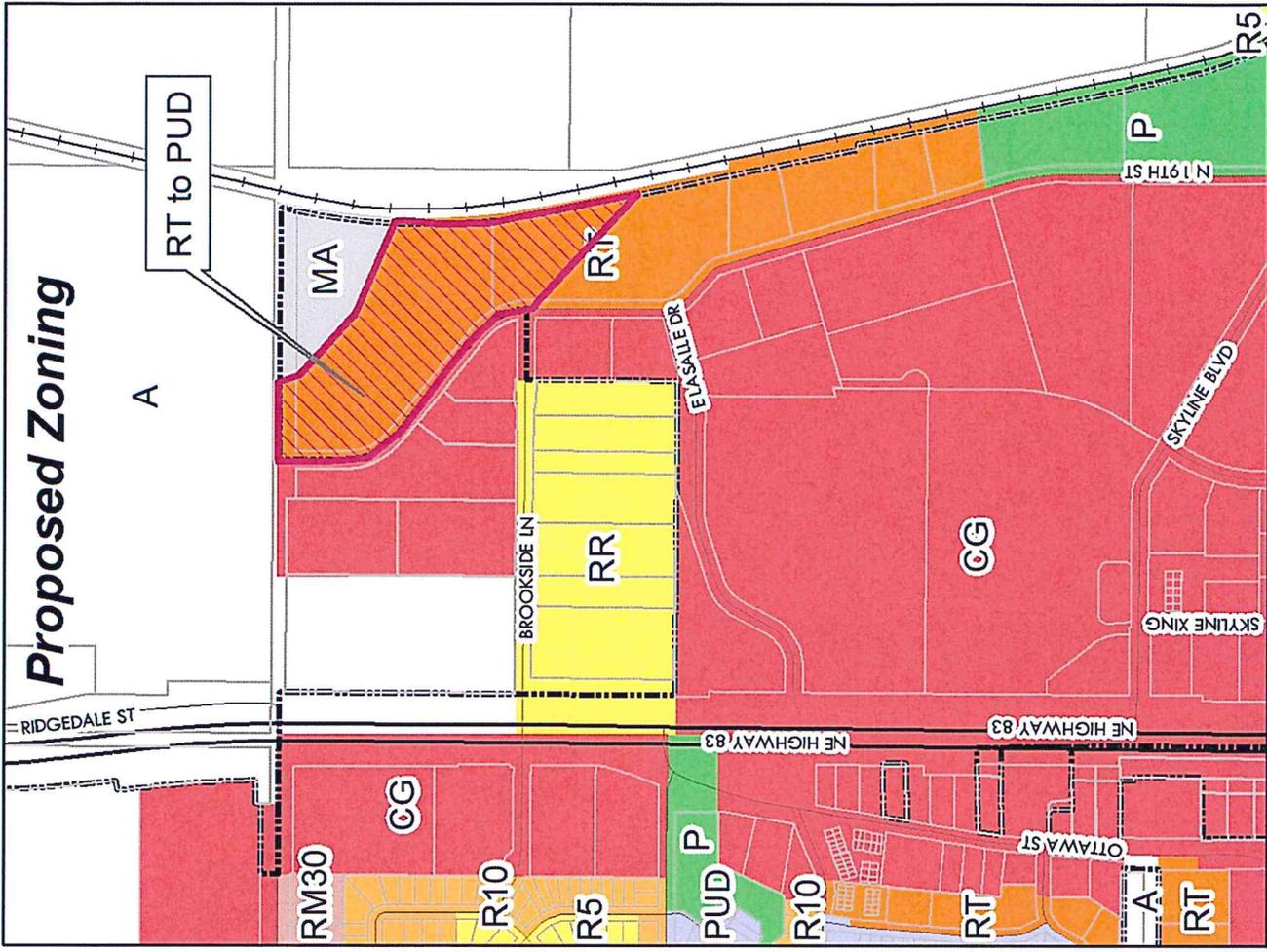
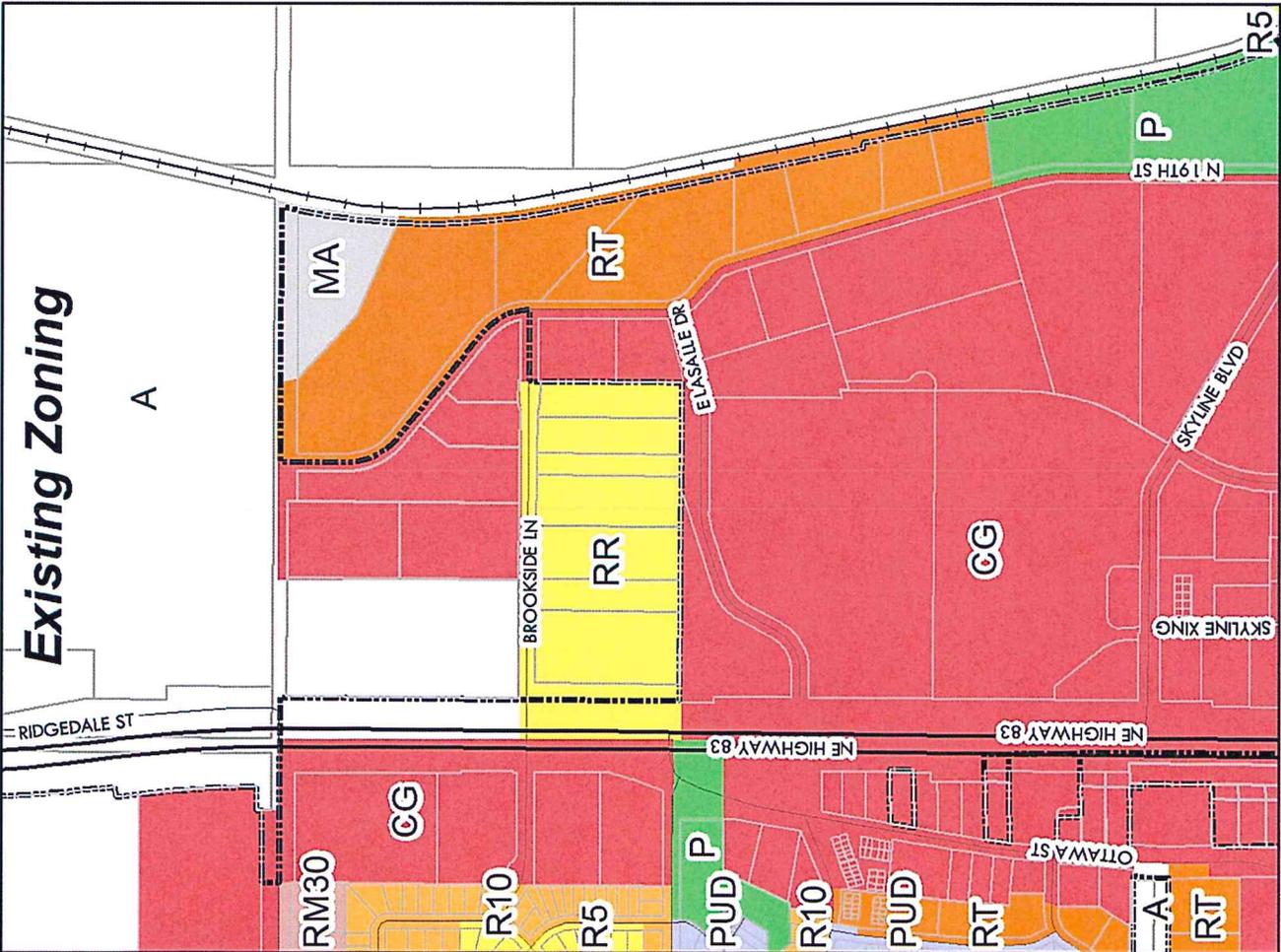


May 27, 2015 (h1b)

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.



Lots 2-3, Block 4, Meadowlark Commercial Seventh Addition - Zoning Change



-  Project Boundary
-  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.



July, 2015

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

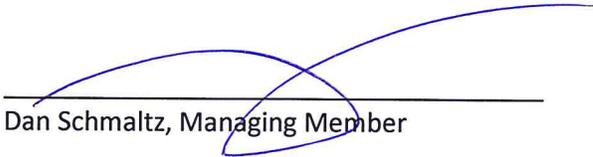
The legal description is Lots 2 and 3, Block 4 of Meadowlark Commercial Seventh Addition to the City of Bismarck.

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 19th 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 43rd Avenue is constructed to provide access to this site. The outdoor storage area will be screened from view from 19th 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.

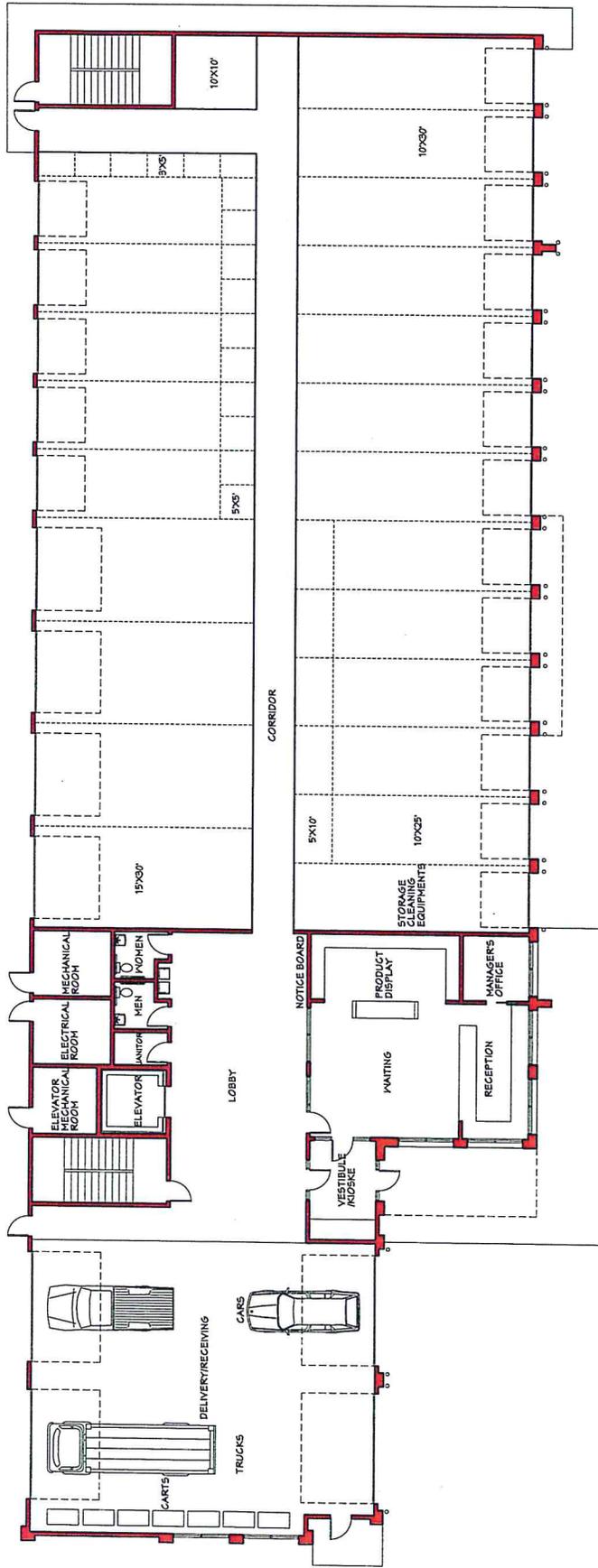
Skyline Properties, LLC



Dan Schmaltz, Managing Member



STORAGE + 5403 N 19TH STREET, BISMARCK, ND 58503

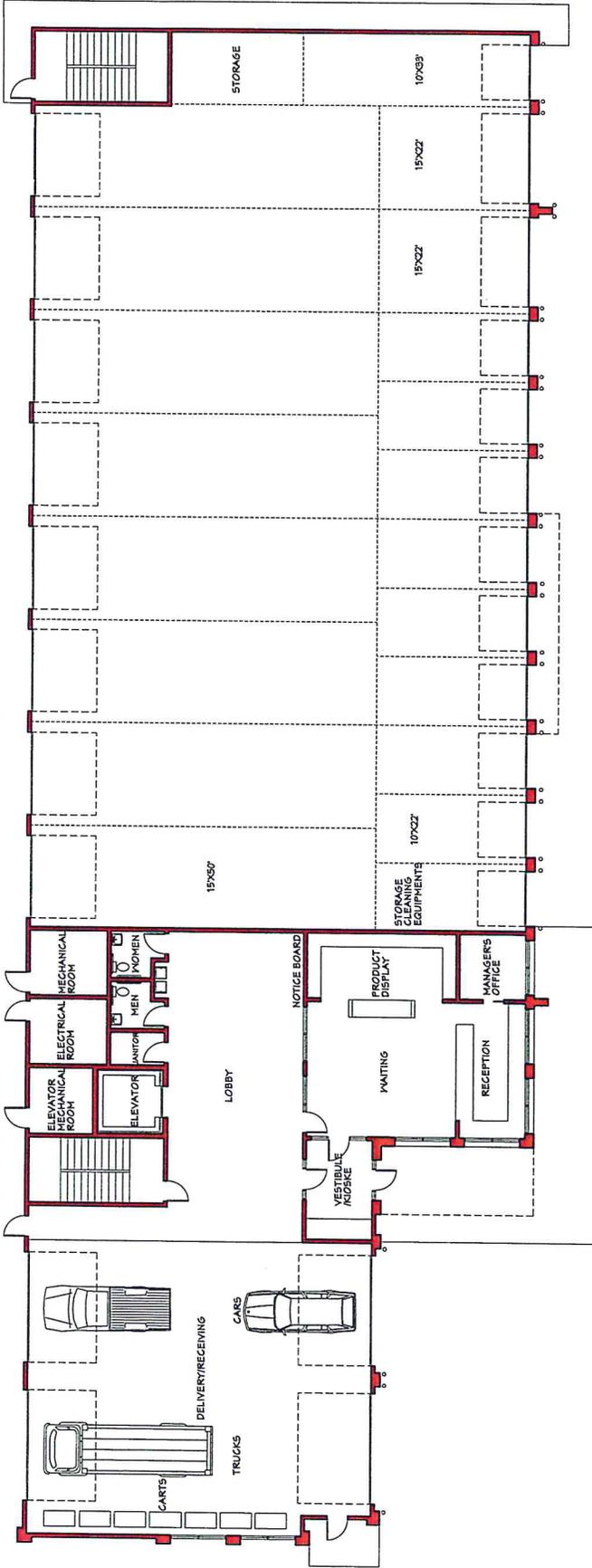


MAIN FLOOR PLAN
SCALE 1/8" = 1'-0"



STORAGE +
5403 N 14TH STREET
BISMARCK, ND 58503

SHEET - 1



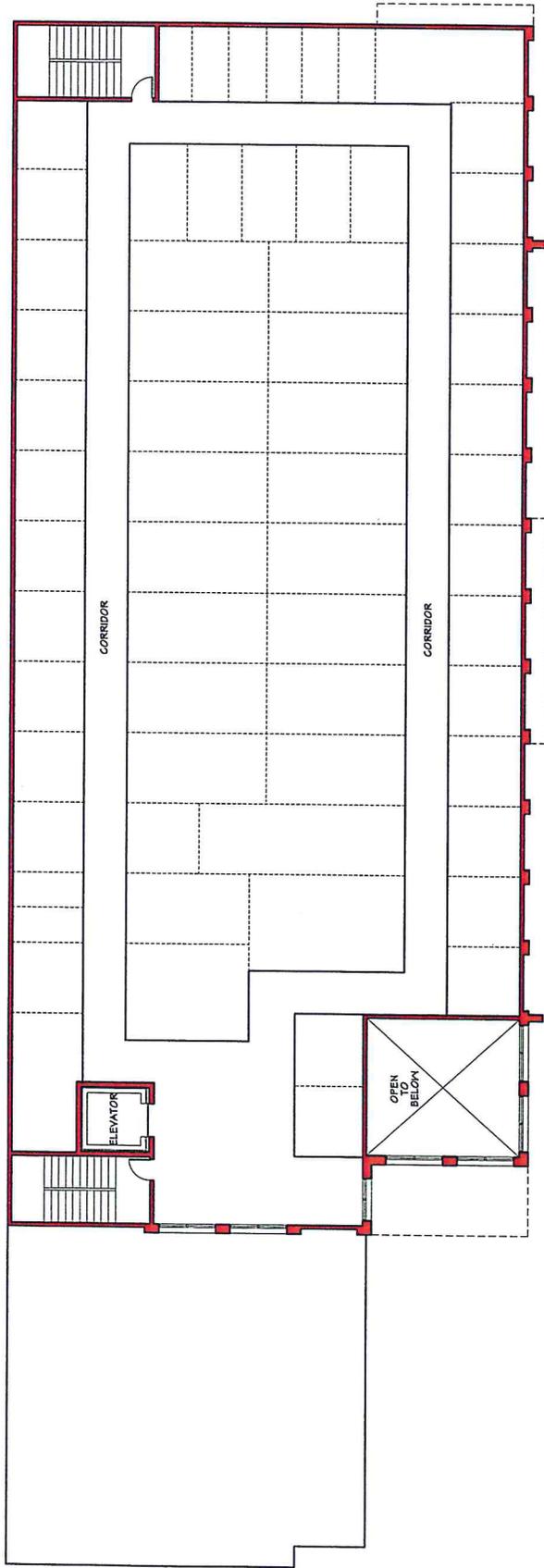
MAIN FLOOR ALTERNATE PLAN
SCALE 1/8" = 1'-0"



ARCHITECTURE INTERIORS DESIGNS
DESIGN OPTIONS INC.
2441 MADISON SQUARE DRIVE SOUTH
FARGO NORTH DAKOTA 58104
701 866 2066

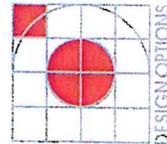
STORAGE +
5403 N 19TH STREET
BISMARCK, ND 58503

SHEET - 1A




SECOND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

ARCHITECTURE INTERIORS DESIGNS



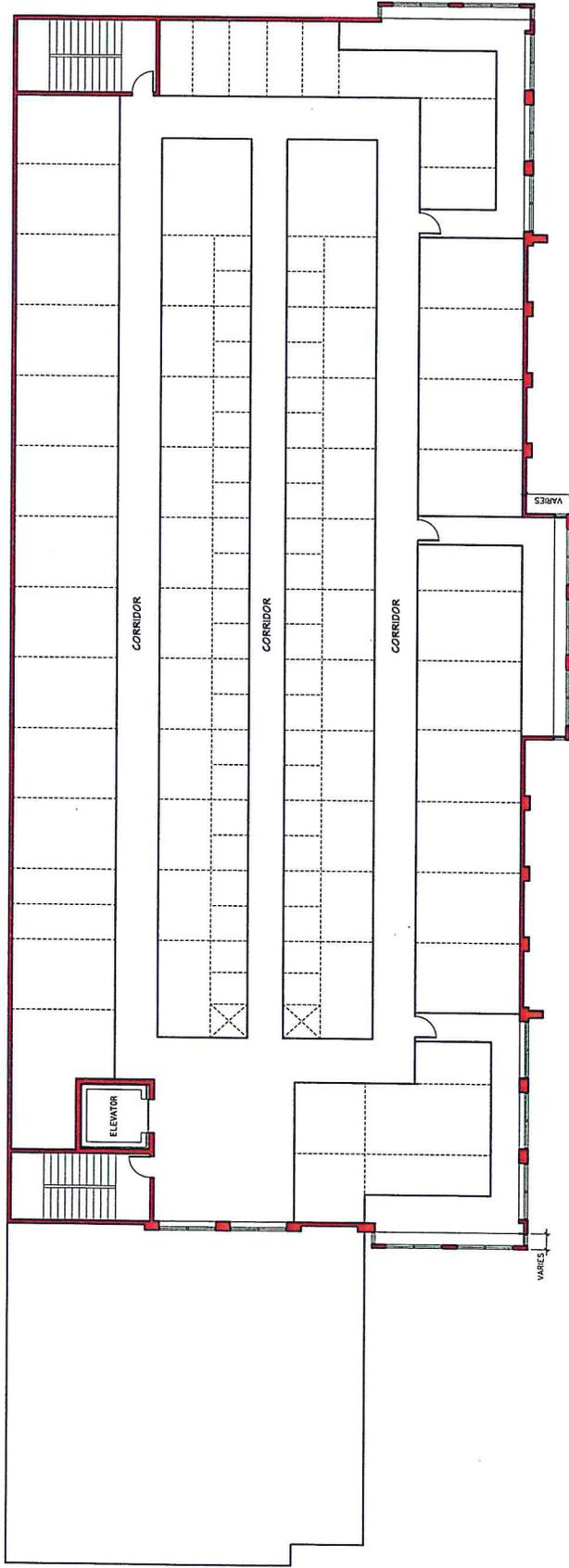
DESIGN OPTIONS INC.

2441 MADISON SQUARE DRIVE SOUTH
 FARGO NORTH DAKOTA 58104
 701.866.2666

STORAGE +

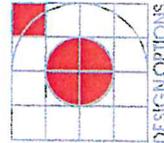
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 BISMARCK, ND 58503

SHEET - 2



THIRD FLOOR PLAN
SCALE 1/8" = 1'-0"

ARCHITECTURE INTERIORS DESIGNS



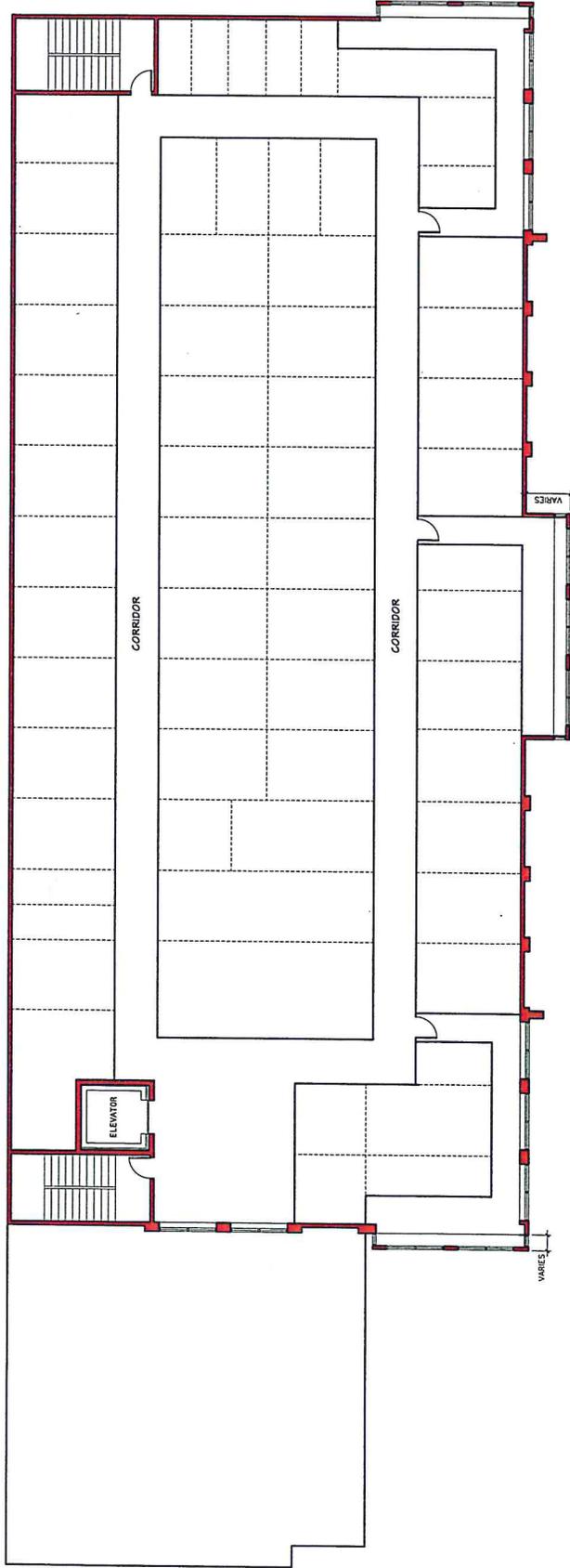
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2411 MADISON SQUARE DRIVE SOUTH
FARGO NORTH DAKOTA 58104
701.866.2066

STORAGE +

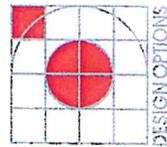
5403 N 14TH STREET
BISMARCK, ND 58503

SHEET - 3



FOURTH FLOOR PLAN
SCALE = 1/8"

ARCHITECTURE INTERIORS DESIGNS



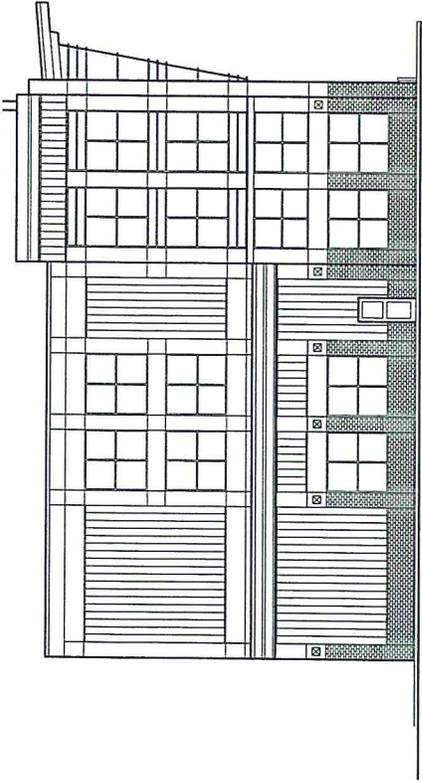
DESIGN OPTIONS INC.

2441 MADISON SQUARE DRIVE SOUTH
FARGO NORTH DAKOTA 58104
701.866.2066

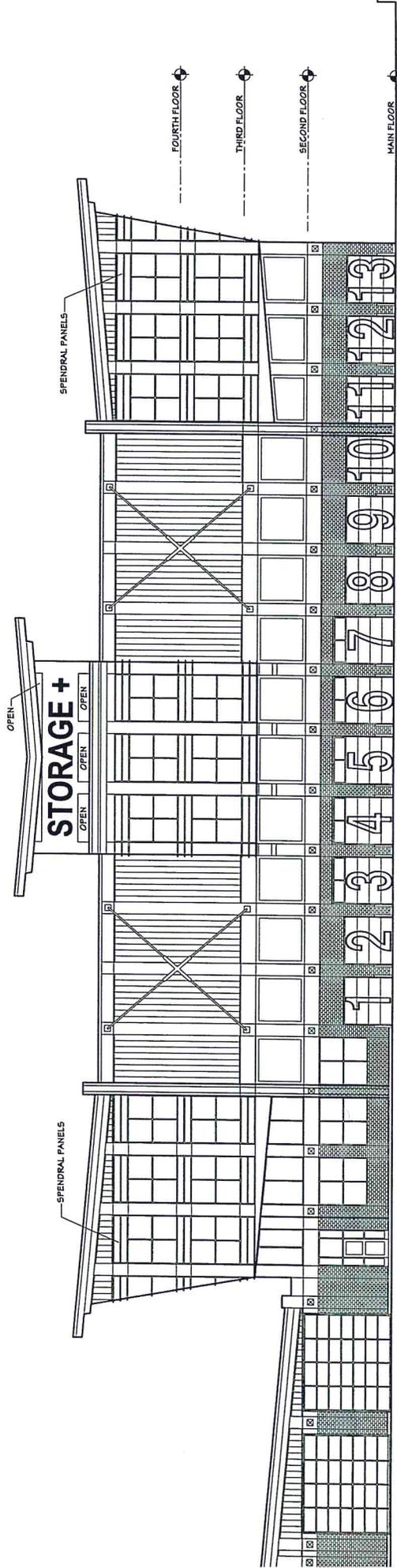
STORAGE +

5403 N 14TH STREET
BISMARCK, ND 58503

SHEET - 4

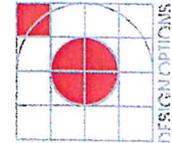


NORTH WEST ELEVATION
SCALE 1/8" = 1'-0"



SOUTH WEST ELEVATION
SCALE 1/8" = 1'-0"

ARCHITECTURE INTERIORS DESIGNS



DESIGN OPTIONS INC.

2441 MADISON SQUARE DRIVE SOUTH
FARGO NORTH DAKOTA 58104
701 866-2066

STORAGE +

5403 N 14TH STREET
BISMARCK, ND 58503

SHEET - 5

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 2, Block 1, Wisdom Office Park Addition – Special Use Permit (Child Care Center)		
Status: Planning Commission – Public Hearing	Date: July 22, 2015	
Owner(s): Steve and Tabatha Reimer (owner) Missouri Valley YMCA (applicant)	Engineer: None	
Reason for Request: To obtain approval to allow the development and operation of a child care center.		
Location: In north Bismarck, between State Street and North 19 th Street, along the south side of East Century Avenue (1701 East Century Avenue).		
Project Size: 95,362 square foot (lot) / 18, 314 square foot (building)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Vacant educational facility	Land Use: Child care center	
Zoning: RT – Residential	Zoning: RT – Residential	
Uses Allowed: RT – Multi-family residential, offices, and child care center with special use permit	Uses Allowed: RT – Multi-family residential, offices, and child care center with special use permit	
Maximum Density Allowed: 30 units per acre	Maximum Density Allowed: 30 units per acre	
PROPERTY HISTORY:		
Zoned: 08/1981	Platted: 05/2003	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The proposed child care center is intended to accommodate 240 children with 78 children under the age of 2½ years old and will employ a maximum number of 43 employees on one shift. The hours of operation would be from 6:30 am to 6:00 pm, Monday through Friday. A 3,800 square foot outdoor recreation area is proposed for the child care center. According to the applicant there would be no more than 40 children utilizing the area at one time. The provision for a child care center requires a minimum of 75 square feet of outdoor recreation space per child. As the State of North Dakota's requirements allow a smaller outdoor recreation area with a rotation of children using the outdoor recreation area, it seems reasonable to allow such a rotation in this situation. With the 3,800 square foot outdoor recreation area, no more than 50 children could be using the outdoor recreation area at one time; the applicant has indicated that the maximum number of children that would be using the area at any one time is 40. The applicant has been working with the Building Inspections Division, Fire Marshal and the State of North Dakota Human Services Department to ensure that all the requirements set forth to establish and operate a child care center are met. 		

FINDINGS:

1. A child care center is allowed as a special use in the RT – Residential zoning district, provided specific conditions are met. The proposed child care center meets the provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances, provided that the number of children using the outdoor recreation area does not exceed 50. A copy of this section is 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, provided a fire sprinkler system is installed to meet the current building and fire code requirements.
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. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets and provide for appropriate on-site circulation of traffic; in particular, adequate off-street parking would be provided.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a child care center on Lot 2, Block 1, Wisdom Office Park Addition with the following conditions:

1. The operation of the day care center must meet all applicable requirements for such a use in the RT – Residential zoning district.
2. Development of the site must generally conform to the site plan submitted with the application.
3. The number of children using the outdoor recreation area at one time be limited to 50.

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

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1) Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.

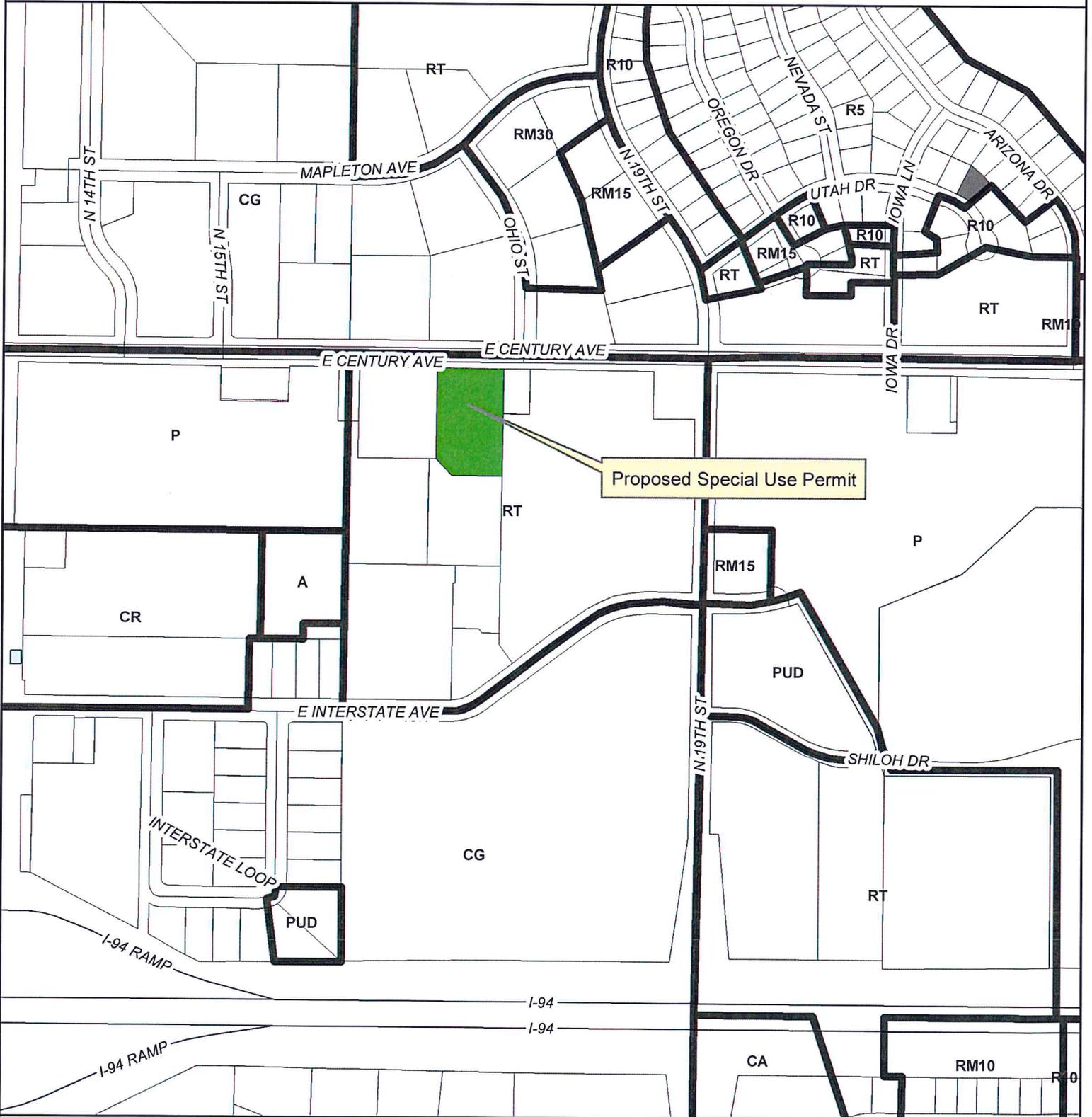
2) Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.

3) Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.

4) Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.

5) Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

Proposed Special Use Permit Lot 2, Block 1, Wisdom Office Park Addition



June 15, 2015 (h/b)

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





Bismarck Fire Department

1020 E Central Ave. Bismarck ND 58501-1936
Phone: 701-355-1400 Fax: 701-222-6524

June 11, 2015

Brian Marquart
YMCA
1608 N Washington ST
Bismarck ND 58501-2675

Re: Annual Fire Safety Inspection results for Rasmussen College, 1701 E Century Ave.

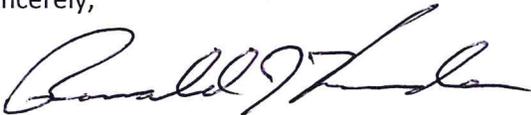
Dear Brian Marquart:

This letter is in regards to the fire inspection that was conducted at 1701 E Century Avenue on June 11, 2015.

At the time of the inspection no violations were observed. It is my understanding that the YMCA is in the process of converting the existing facility into a daycare center. The building does not have a fire sprinkler system. As per our conversation, the YMCA is planning on retrofitting the building with a fire sprinkler system to meet the current building and fire code requirements. Prior to occupancy of the building a Knox Box key box will need to be installed at the front entrance for the fire department.

Thank you for your cooperation during the inspection process. If you have any questions please feel free to contact me at (701) 355-1410.

Sincerely,



Ronald Kunda
Fire Marshal

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.

7. 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 to the south line of 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; a point 384.11 feet south of the center line of Bowen Avenue; thence west along the south side of Lot 1, Block 5, Wachter's Addition and Lot 2, Block 4, Wachter's Addition to the southwest corner of Lot 2; thence north along the west line of Lot 2, Block 4, Wachter's Addition to the center line of Bowen Avenue; thence west along the center line of Bowen Avenue to the center line of the vacated alley adjacent to Lots 1-12, Block 65, Original Plat; thence north along the center line

of said vacated alley to the center line of Sweet Avenue; thence north along the center line of the vacated alley adjacent to and west of Lots 19-24, Block 47, Original Plat to the center line of the vacated alley adjacent and to the north of Lot 24; thence west 7.5 feet along the center line of the vacated alley adjacent to Lot 7, Block 47, Original Plat; thence north to the center line of Front Avenue; thence west along the center line of Front Avenue to the center line of 3rd Street; ~~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; 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:~~

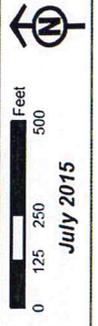
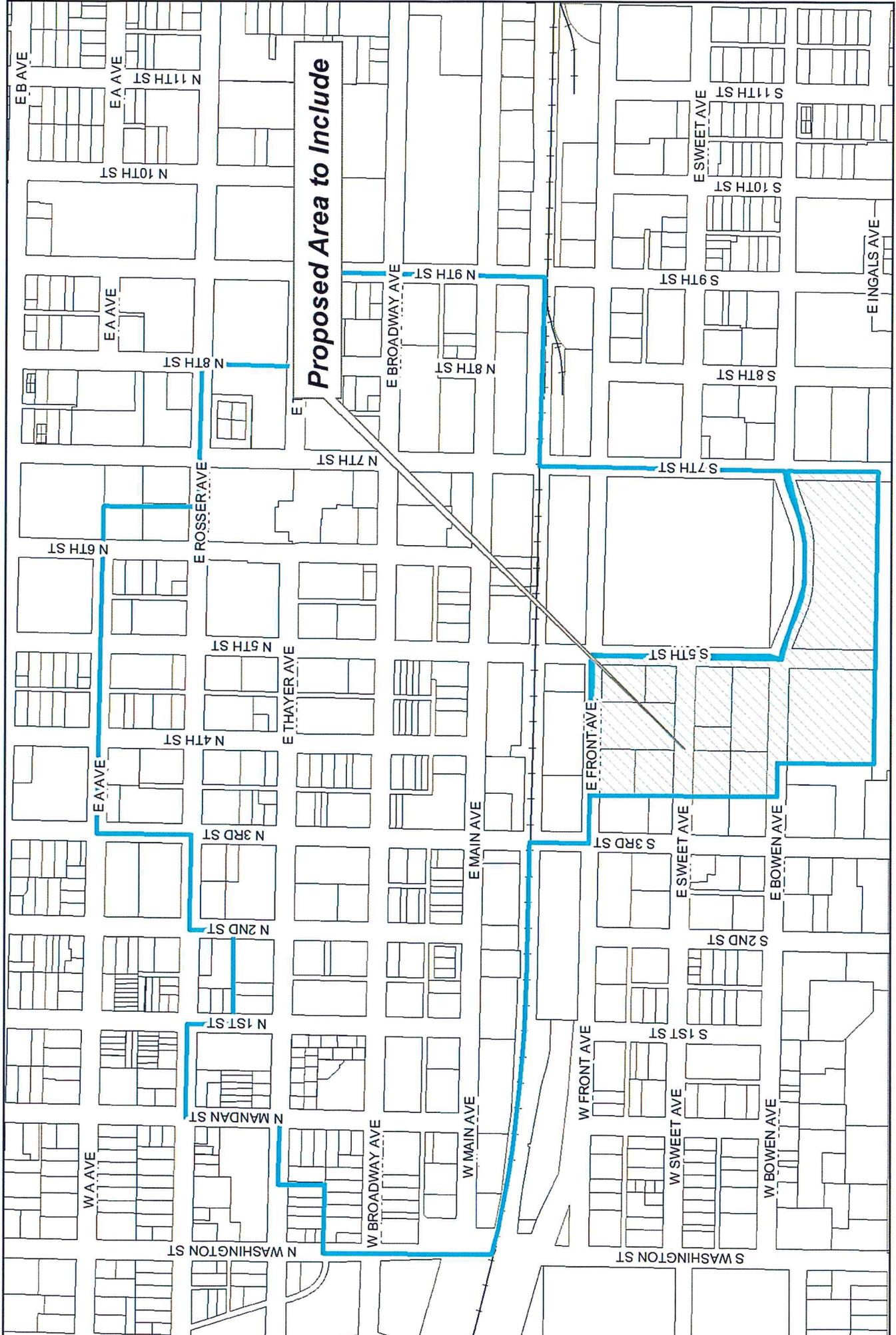
a. For any new building replacing a building existing at the date of this article, a new building being constructed on vacant land or any building in which the floor space is increased by any additions or structural alterations, off-street parking space will not be required under this article, but will 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.

Proposed Downtown Parking District Expansion



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.

July 2015