



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
August 26, 2015

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

Item No. Page

MINUTES

- 1. Consider approval of the minutes of the July 22, 2015 meeting of the Bismarck Planning & Zoning Commission.

URBAN RENEWAL PLAN

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

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 3. Promontory Point VI Addition (DN)
a. Zoning Change (A to R5) 1
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
b. Preliminary Plat 5
Staff recommendation: tentative approval [] tentative approval [] table [] deny
4. Sandy River Place Subdivision – Preliminary Plat (JW) 11
Hay Creek Township
Staff recommendation: tentative approval [] tentative approval [] table [] deny



5. Off Street Parking and Loading/Plan Required –	
Zoning Ordinance Text Amendment (Klee)	15
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
6. Off-Premise Signs/Billboards – Zoning Ordinance Text Amendment (JW/DN)	17
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny
7. Floodplain Regulations – Zoning Ordinance Text Amendment (Klee).....	27
<i>Staff recommendation: schedule a hearing</i>	<input type="checkbox"/> schedule a hearing <input type="checkbox"/> table <input type="checkbox"/> deny

REGULAR AGENDA

FINAL CONSIDERATION

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

8. Various Lots & Tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke’s Subdivision and Wutzke’s 2nd Subdivision – Annexation (DN)	29
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

FINAL CONSIDERATION/PUBLIC HEARING

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

9. Ash Coulee Estates Addition – v2 (Klee)	
a. Annexation.....	33
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Minor Subdivision Final Plat.....	37
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

PUBLIC HEARINGS

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

10. Part of Lot 4, Block 2, Pinehurst 4th Addition – Zoning Change (RM15 to RT) (JW)	41
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
11. Lot 6, Block 4, Countryside Estates 4th Subdivision – Special Use Permit/Accessory Building (JW).....	45
<i>Gibbs Township</i>	
<i>Staff recommendation: approve</i>	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

12. **Lot 1, Block 2, Olive Tree Subdivision –**
Special Use Permit/Move In Previously Occupied Building (JW)..... 51

Hay Creek Township

Staff recommendation: approve approve continue table deny

13. **Lot 4, Block 1, Hamilton’s First Addition –**
PUD Site Development Review (JT)..... 57

Hay Creek Township

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

14. **Other**

ADJOURNMENT

15. **Adjourn.** The next regular meeting date is scheduled for Wednesday, September 23, 2015.

Enclosures: Meeting Minutes of July 22, 2015
 Building Permit Activity Report for July 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VI Addition – Zoning Change		
Status: Planning Commission – Consideration	Date: August 26, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Plat and rezone the property to allow the development of 132 residential lots.		
Location: Along the top of the plateau north of Burnt Boat Drive in north-west Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N - R81W and part of the NW ¼ of Section 19 in T139N-R80W Hay Creek Township)		
Project Size: 56.34 acres	Number of Lots: 132 lots in 11 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A

FINDINGS:
<ol style="list-style-type: none"> 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. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural land to the north and east, and developing single-family lots in prior phases of Promontory Point to the south. 3. The proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. <p align="right"><i>(continued)</i></p>

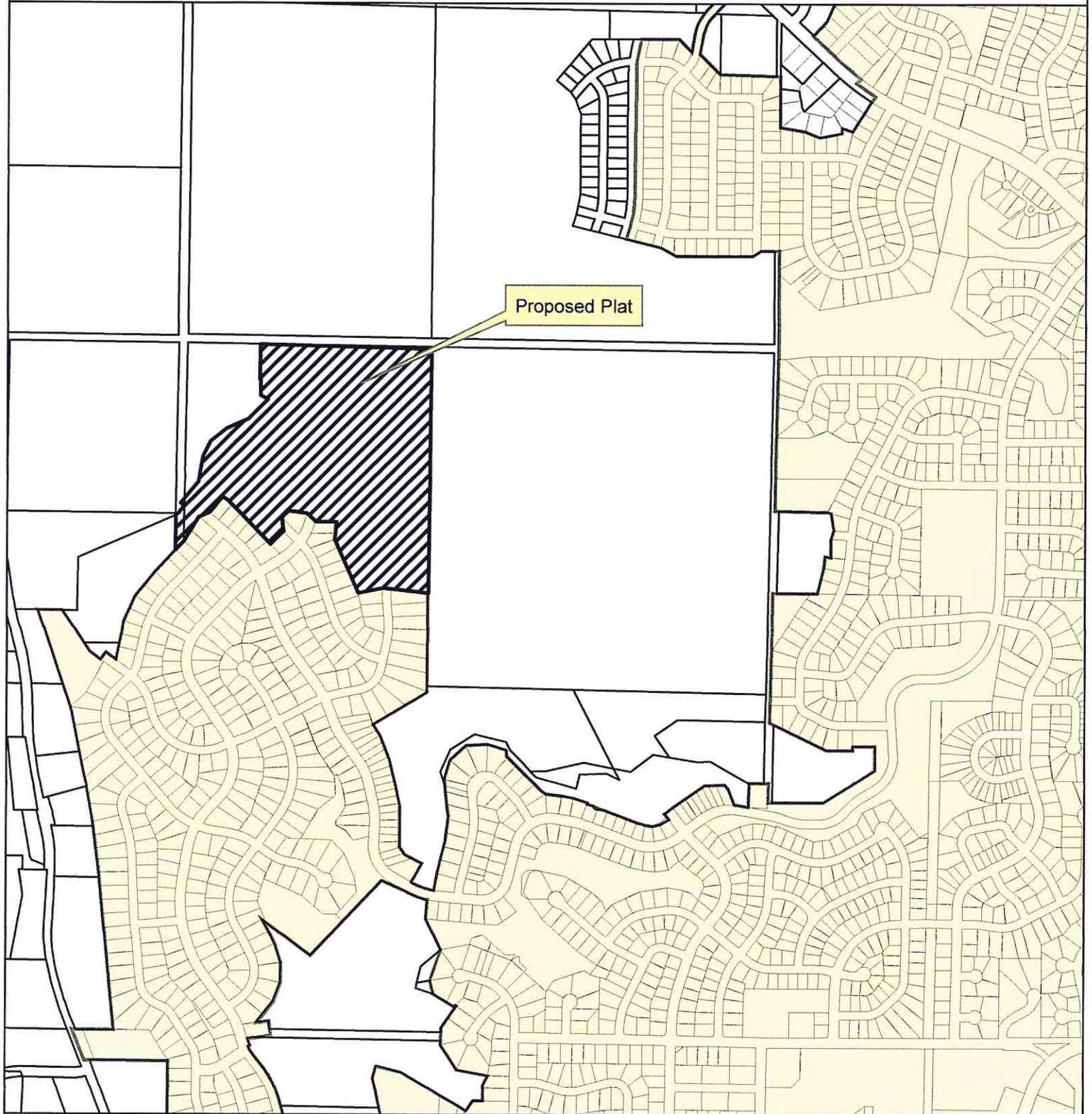
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from A – Agricultural to R5 – Residential for Promontory Point VI Addition.

/dn

Proposed Plat and Zoning Change (A to R5) Promontory Point VI Addition



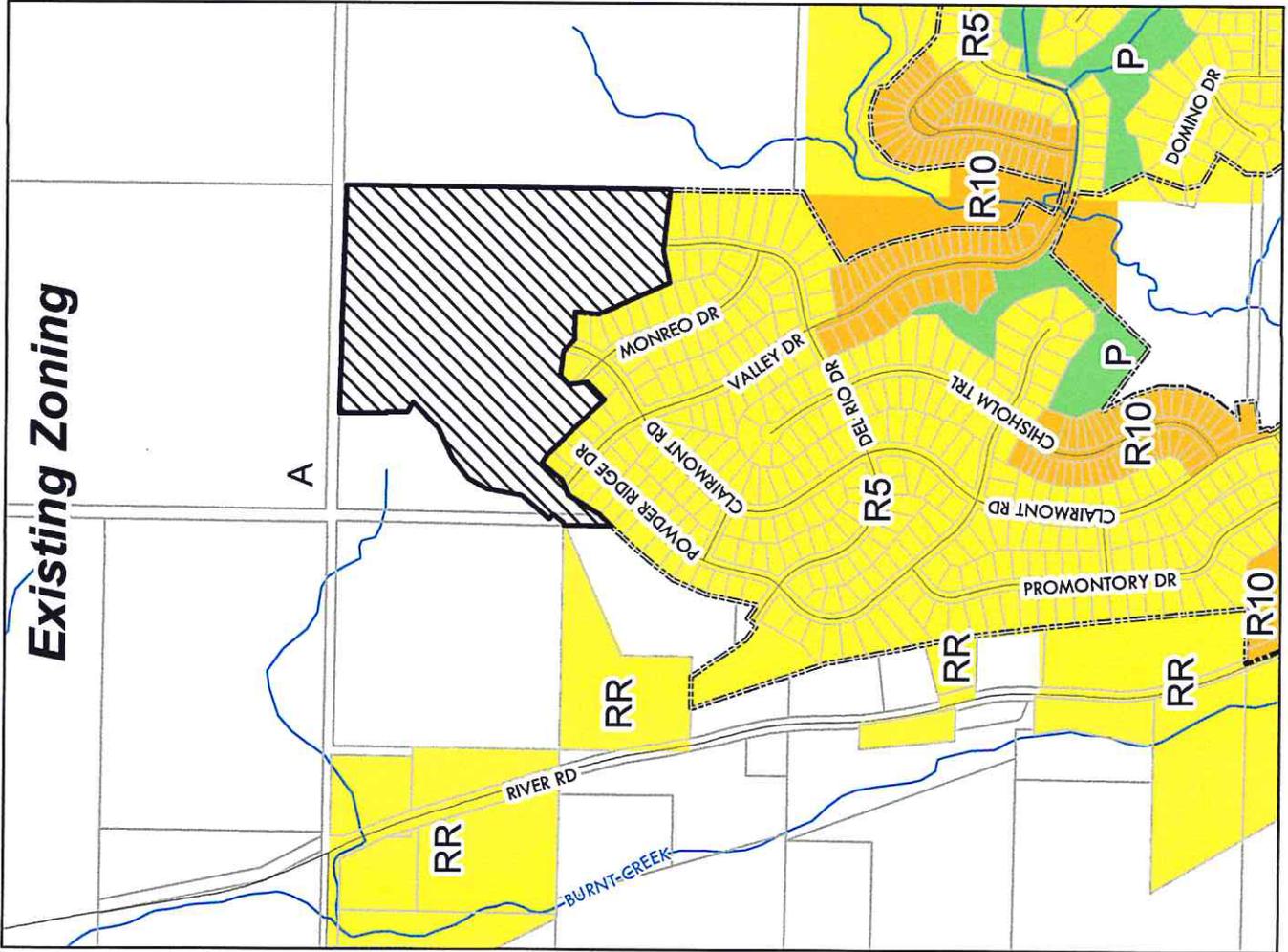
June 15, 2015 (hlb)

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.

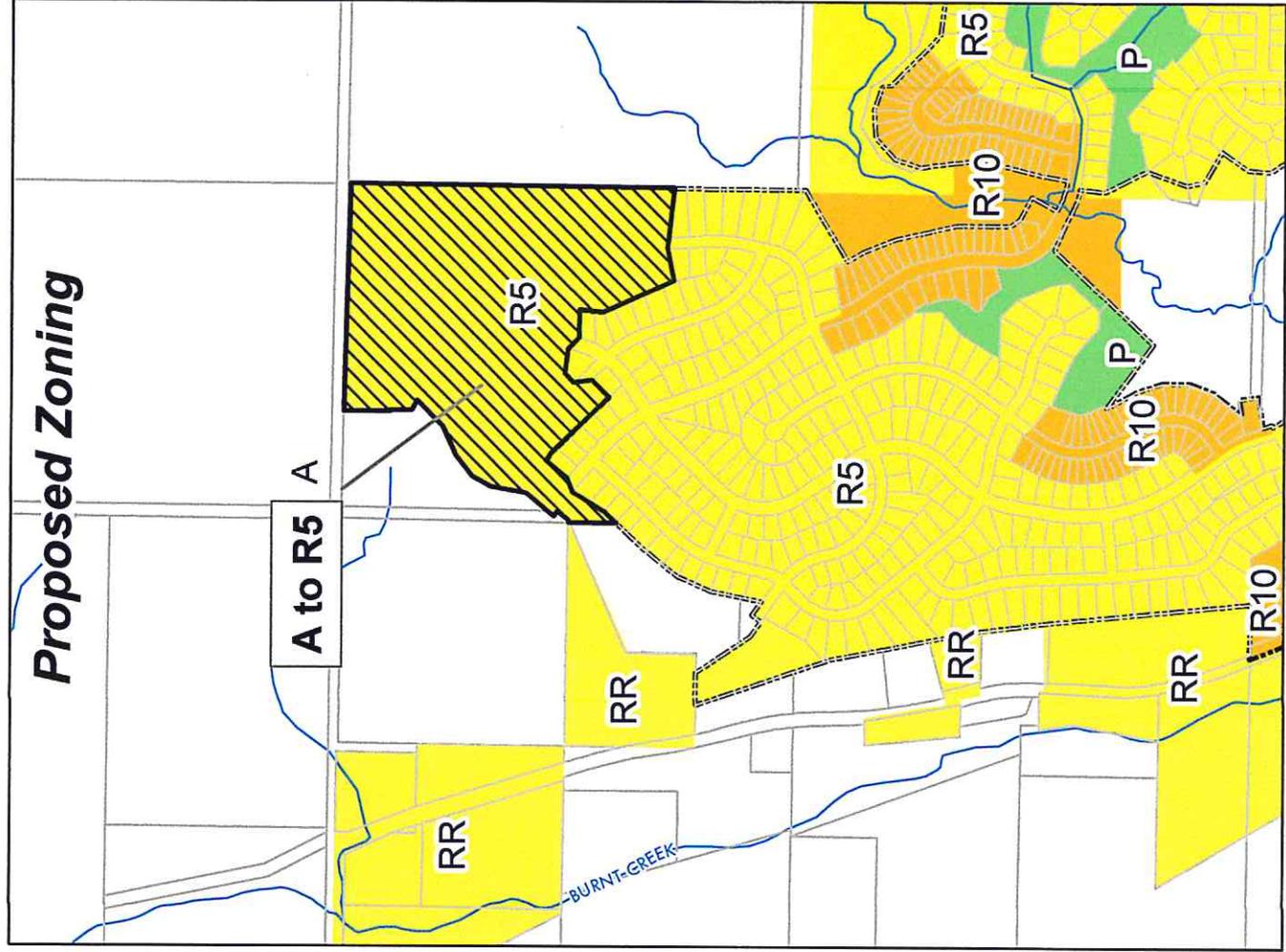


Promontory Point VI Addition - Zoning Change

Existing Zoning



Proposed Zoning



-  Proposed Subdivision Boundary
-  City Limits
-  Extraterritorial Area

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August, 2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VI Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: August 26, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Plat and rezone property to allow the development of 132 residential lots.		
Location: Along the top of the plateau north of Burnt Boat Drive in north-west Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N - R81W and part of the NW ¼ of Section 19 in T139N-R80W Hay Creek Township)		
Project Size: 56.34 acres	Number of Lots: 132 lots in 11 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. The applicant is working with Bismarck Parks and Recreation to develop a Park Concept Plan and park development agreement to install a neighborhood park within the 7th addition of the Promontory Point subdivision, which is expected to be submitted in the next few months. This park would be within a ½ mile walking distance of most lots in Promontory Point VI Addition, and the Director of Parks and Recreation accepts this park to meet the requirements for both additions. An agreement and concept plan would be presented to the Planning Commission during the public hearing for the final plat.</p> <p align="right"><i>(continued)</i></p>		

1. The plat includes 60 feet of right-of-way for a future extension of Sandy River Drive that is planned to be constructed along the section line at the northern border of the plat. This alignment is shown on the Fringe Area Roadway Master Plan as an arterial roadway. The dedication will meet half of the required width with the expectation that the balance will be dedicated if the lands to the north are developed. This roadway would not be constructed with Promontory Point VI Addition.
2. Although prior phases of Promontory Point subdivisions include steep slopes that were regulated with slope protection easements shown on the plat, Promontory Point VI Addition doesn't contain any steep slopes.
3. Blocks 5, 7, and 8 are greater than 900 feet in length. Per Section 14-09-05 of the Bismarck Code of Ordinances, the Planning Commission may require multiuse paths and easements to provide additional access through blocks of this length. The plat shows three access easements, each of which are 20 feet in width, to provide pedestrian access through the middle of these longer blocks. The developer will only be responsible for constructing the path through Blocks 7 and 8. The access through Block 5 can be constructed if lands to the east of the subdivision are developed in the future.
4. A preliminary stormwater management plan has been submitted, and a detention area would be provided within Promontory Point VII Subdivision to manage stormwater generated from this development. The applicant has agreed to provide additional erosion control measures to protect existing downslope areas during the construction process.

FINDINGS:

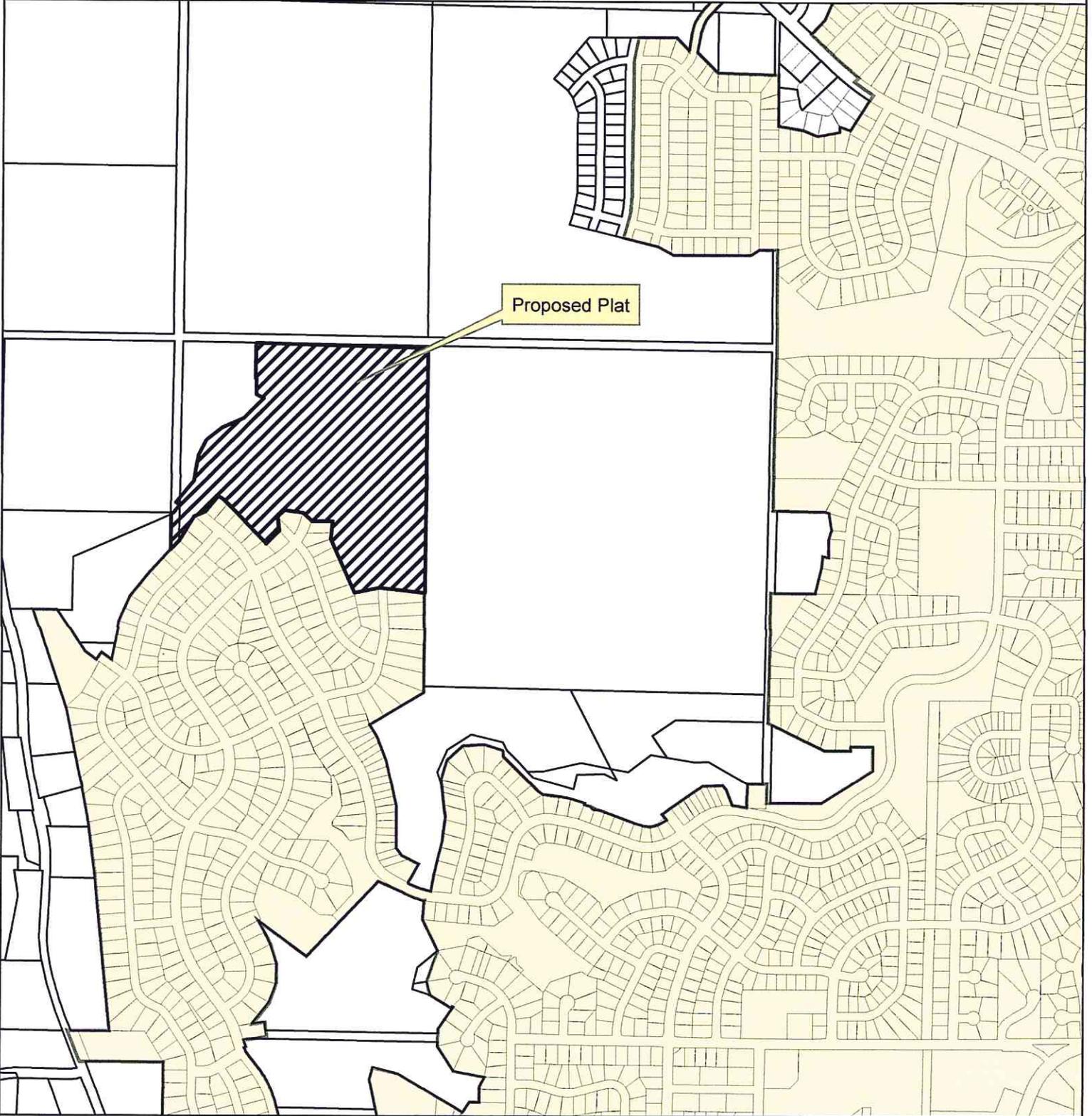
1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan for this area, which identifies Clairmont Drive as a future north-south collector and Sandy River Drive as a future east-west arterial roadway.
3. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include agricultural land to the north, west, and east and developing single-family lots to the south.
4. The subdivision would not be annexed at this time, but will be annexed prior to development. Therefore, the proposed subdivision would not place an undue burden on public facilities and services.
5. The City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed.
6. The proposed subdivision plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision plat is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of Promontory Point VI Addition.

/dn

Proposed Plat and Zoning Change (A to R5) Promontory Point VI Addition



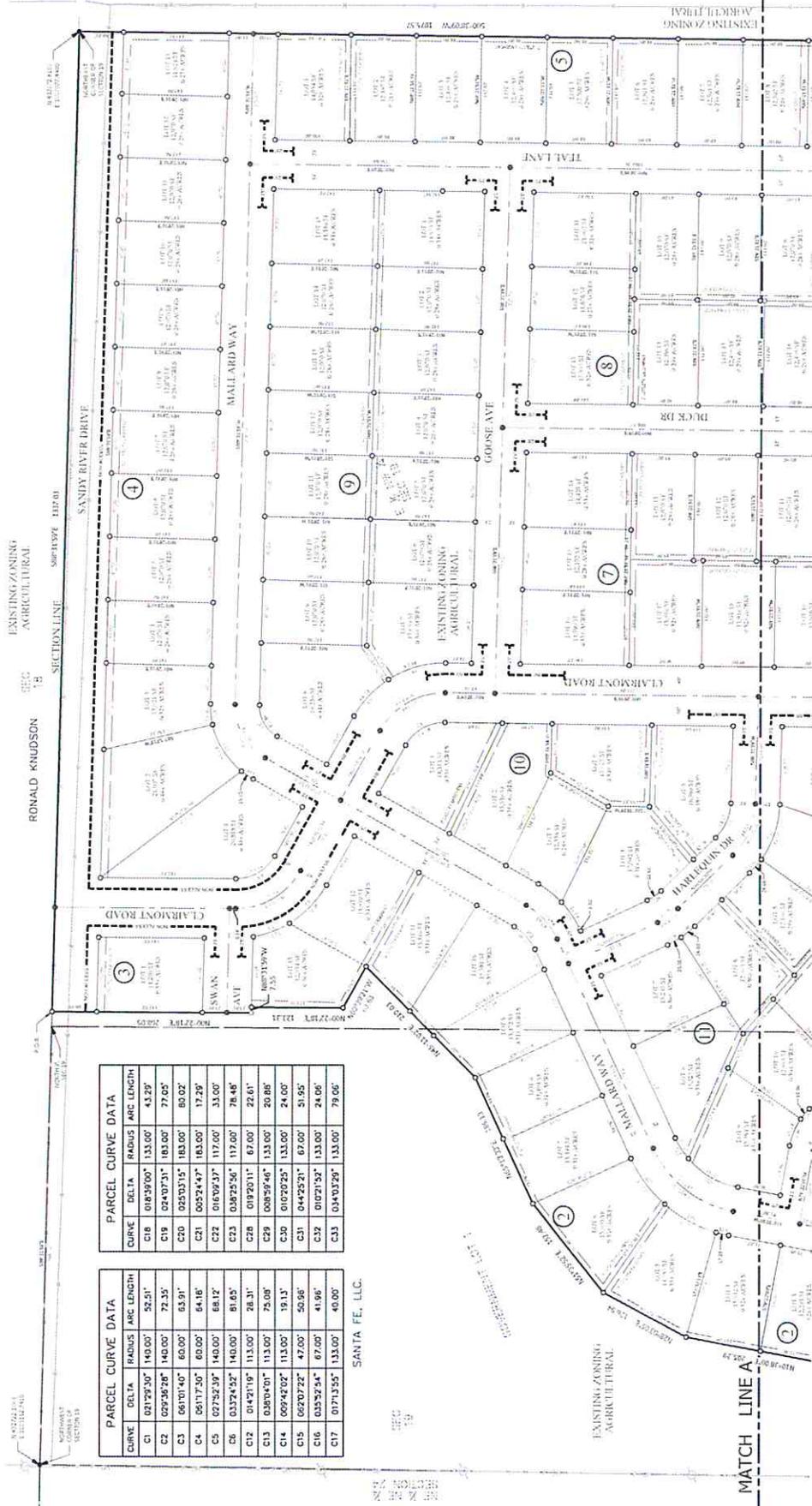
June 15, 2015 (hlb)

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PROMONTORY POINT VI ADDITION

Part of the East Half of the Northwest Quarter and Part of Government Lot 1 of Section 19,
 Township 139 North, Range 80 West of the Fifth Principal Meridian,
 City of Bismarck, Burleigh County, North Dakota



PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C1	02125230	140.00	52.31
C2	02936228	140.00	72.35
C3	06107140	60.00	63.91
C4	06117130	60.00	64.46
C5	02752329	140.00	68.12
C6	03374322	140.00	81.65
C7	01427119	113.00	78.31
C8	03893401	113.00	75.06
C9	06942402	113.00	19.13
C10	06970722	47.00	50.86
C11	03232324	67.00	41.96
C12	01713357	133.00	40.00
C13	01832700	133.00	43.29
C14	02407331	183.00	77.05
C15	02503115	183.00	80.02
C16	00524142	183.00	17.29
C17	01604327	117.00	33.00
C18	03822354	117.00	78.48
C19	01920111	67.00	22.61
C20	00852441	133.00	20.86
C21	01020225	133.00	24.00
C22	04422321	67.00	51.55
C23	01021352	133.00	24.00
C24	03403229	133.00	79.06

SANTA FE, LLC.

LEGEND

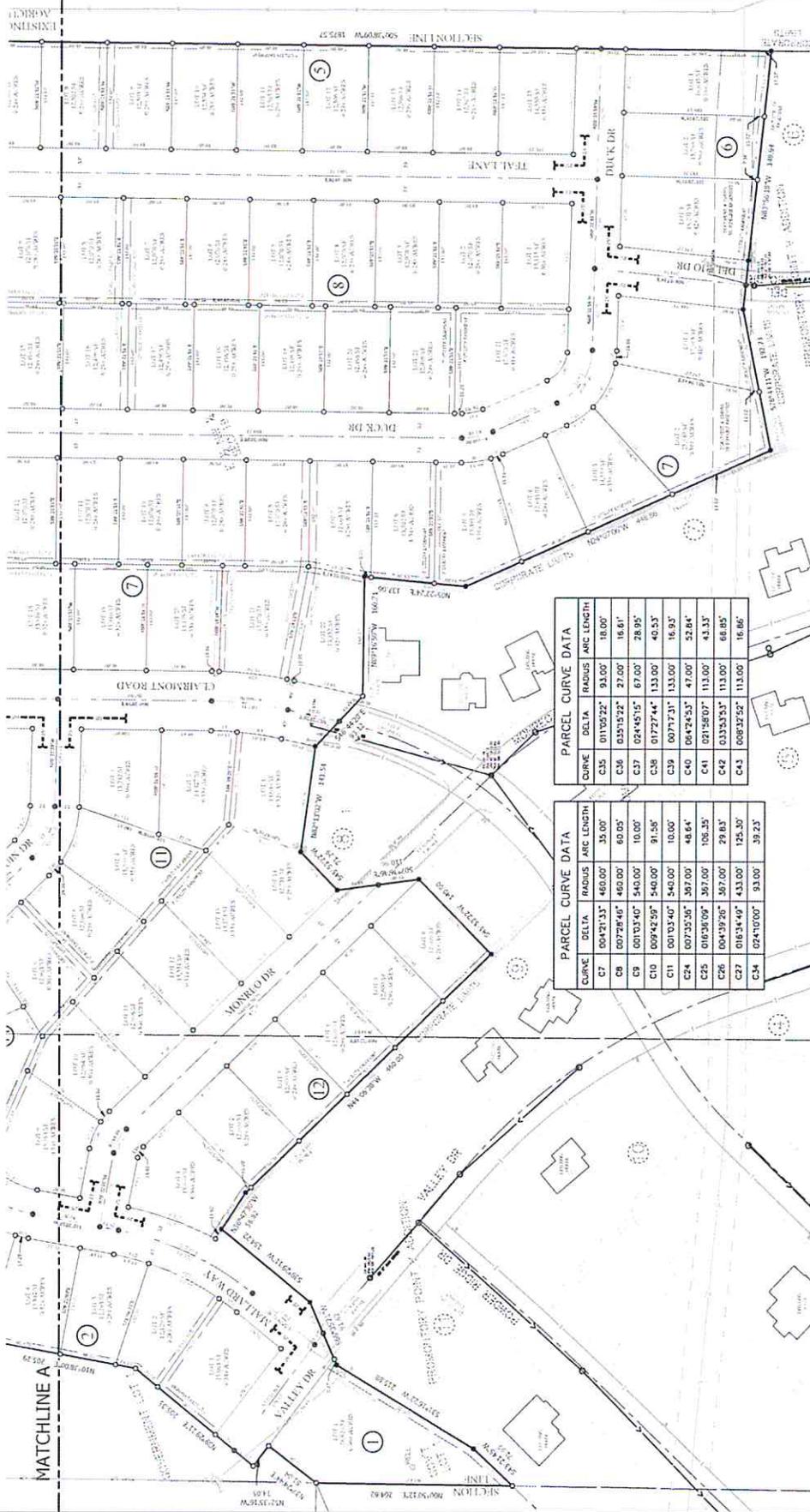
- FOUND MONUMENT
- 5/8" REBAR W/ CAP LS-8444
- COMPUTED ROADWAY POINT



SEH
 902 BISMARCK AVENUE, SUITE 100
 BISMARCK, ND 58104-6037
 www.seh.com

PROMONTORY POINT VI ADDITION

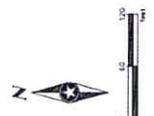
Part of the East Half of the Northwest Quarter and Part of Government Lot 1 of Section 19,
 Township 139 North, Range 80 West of the Fifth Principal Meridian,
 City of Bismarck, Burleigh County, North Dakota



PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C7	004°21'33"	460.00'	35.00'
C8	007°28'46"	460.00'	60.05'
C9	001°03'40"	540.00'	10.00'
C10	009°42'59"	540.00'	91.56'
C11	001°03'40"	540.00'	10.00'
C12	007°35'36"	387.00'	48.64'
C25	010°36'09"	387.00'	108.35'
C26	004°39'26"	387.00'	29.83'
C27	010°34'49"	433.00'	125.30'
C34	024°10'00"	93.00'	39.23'
PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C35	011°05'22"	93.00'	16.00'
C36	035°15'22"	27.00'	16.61'
C37	024°45'15"	67.00'	28.95'
C38	017°27'44"	133.00'	40.53'
C39	007°17'31"	133.00'	16.93'
C40	08°42'45"	47.00'	52.84'
C41	021°56'07"	113.00'	41.13'
C42	033°33'53"	113.00'	68.95'
C43	008°33'52"	113.00'	16.86'

- LEGEND**
- FOUND MONUMENT
 - 5/8" REBAR W/ CAP LS-8444
 - COMPUTED ROADWAY POINT

NOTE:
 Existing monuments and monuments set by Burleigh County are shown.



PROJECT: 08/14/15
 NO. 139 NORTH, R. 80 WEST
 BISMARCK, ND 58103
 www.seh.com

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Sandy River Place Subdivision – Preliminary Plat	
Status: Planning Commission – Consideration	Date: August 26, 2015
Owner(s): Greg Lang	Engineer: Swenson, Hagen & Company
Reason for Request: Re-plat property to increase the number of single-family rural residential lots from two to eight.	
Location: Northwest of Bismarck, west of River Road along the south side of Sandy River Drive (A Replat of Lot 1 & 2, Block 1, Clooten Subdivision)	
Project Size: 19.51 acres	Number of Lots: 8 lots in 1 block
EXISTING CONDITIONS:	
Land Use: Rural residential	PROPOSED CONDITIONS: Rural residential
Zoning: RR – Residential	Zoning: RR – Residential
Uses Allowed: Rural residential & limited agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 01/1989	Platted: 01/1989
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain and must meet all applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District). In addition, a federally designated wetland is also located within the proposed subdivision. The US Army Corps of Engineers (USACE) requires any impact to wetlands to first be avoided, second minimized and finally mitigated. The consulting engineer has indicated to staff that the wetland will be avoided. A waiver request was submitted to allow the use of a cul-de-sac (Sandy River Place). The request seems reasonable as the Nustar pipeline extends the southern portion of the plat and roadways are generally not constructed over the pipeline. In addition, property to the south of the proposed subdivision will have access to Fernwood Drive, an arterial roadway for this section, when developed. 	
FINDINGS:	
<ol style="list-style-type: none"> All technical requirements for consideration of a preliminary plat have been met. 	
<i>(continued)</i>	

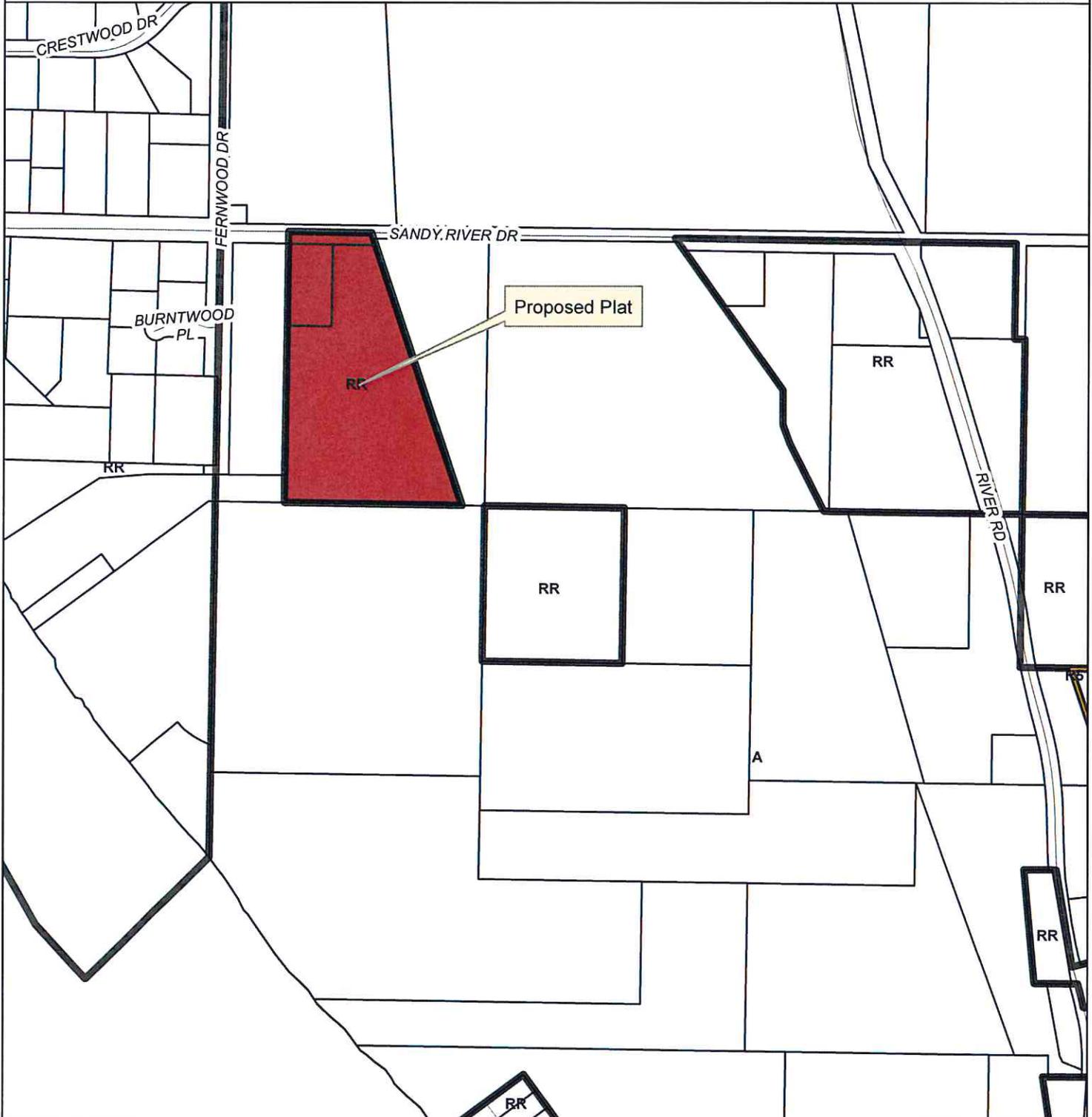
2. The proposed subdivision is generally consistent with the 2014 Fringe Area Road Master Plan (FARMP) for this area, which identifies Sandy River Drive as an arterial roadway.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include agricultural property to the south, east, and north across Sandy River Drive, and rural residential to the west.
4. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Sandy River Drive via Sandy River Place; therefore the proposed zoning change would not place an undue burden on public services.
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 with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for Sandy River Place Subdivision.

/JW

Proposed Plat Sandy River Place Subdivision



June 15, 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.



RECEIVED
AUG 12 2015

SANDY RIVER PLACE SUBDIVISION

BEING A REPLAT OF LOT 1 & 2 BLOCK 1
CLOOTEN SUBDIVISION

NORTHWEST 1/4 NORTHWEST 1/4
SECTION 24, T. 139N., R. 81 W.

BISMARCK, NORTH DAKOTA

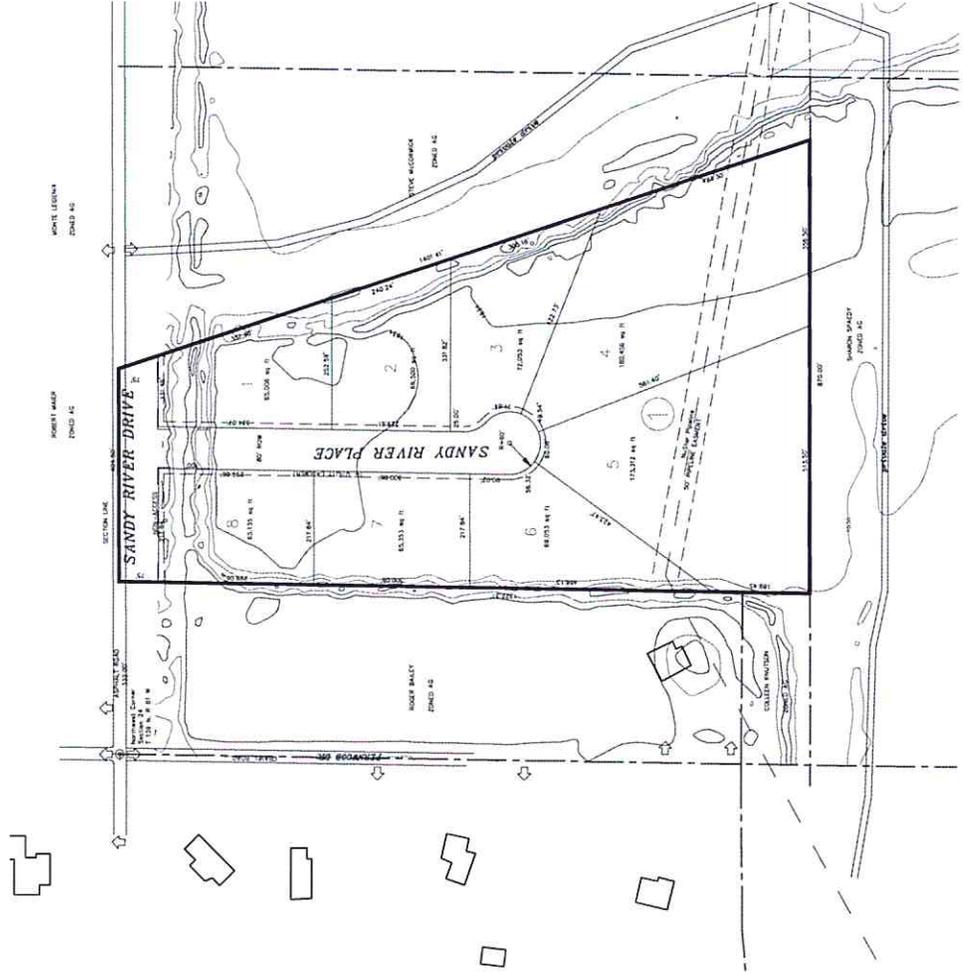


SCALE - 1"=100'
1" = 100'
AUGUST 12, 2015
NAVD 83

FLOODPLAIN INFORMATION
 FLOODPLAIN INFORMATION
 MAP COMMUNITY PANEL NUMBER
 AUGUST 12, 2015
 FLOOD PLAIN ELEVATION=1529.6
 (NAVD 83)

OWNER & DEVELOPER:
 GREG LANG
 8646 HOGUE ROAD
 BISMARCK ND 58501
 220-2301

19.51 ACRES
 EXISTING ZONING: A
 PROPOSED ZONING: RR
 8 LOTS



STEVENSON, HAGEN & COMPANY, P.C.
 1000 BROADWAY, SUITE 1000
 BISMARCK, ND 58501
 (701) 771-1100
 www.stevensonhagen.com

CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-10 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO OFF-STREET PARKING AND LOADING.

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.

10. Plan of required off-street parking or loading areas. For the purpose of converting parking or loading spaces into the required parking or loading area, plans must be submitted to the Zoning Administrator to show how the required parking or loading space shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking or loading area. For each parking space, not under roof, there shall be provided additional area for lanes, alleys, aisles and drives necessary for safe and adequate parking maneuvering. For each off-street loading space required by this section there shall be provided space clear and free of all obstructions, at least ten (10) feet in width, fifty feet (50) feet in length and fourteen (14) feet in height. Off-street parking and off-street loading space shall be provided with methods of ingress and egress such that it will be unnecessary for trucks or tractor-trailer combinations to back into them from a street or out of them into a street. Off-street loading spaces may utilize adjacent local streets as needed

for ingress and egress when specifically approved in writing by the City Engineer or his designee, based upon a submitted drawing using truck turning radius templates that demonstrates how the loading spaces will be utilized.

(Ord. 4117, 12-30-86; Ord. 4213, 8-02-88; Ord. 4323, 4-24-90; Ord. 4236, 1-17-89; Ord. 4325 and 4326, 4-24-90 & 5-01-90; Ord. 4333, 6-05-90; Ord. 4332, 6-05-90; Ord. 4336, 7-31-90; Ord. 4770, 06-25-96; Ord. 4821, 02-25-97; Ord. 4863, 08-12-97; Ord. 4936, 09-08-98; Ord. 5206, 10-08-02; Ord. 5207, 10-08-02; Ord. 5247, 04-22-03; Ord. 5295, 02-24-04; Ord. 5501, 04-25-06; Ord. 5527, 06-27-06; Ord. 5693, 09-23-08; Ord. 5728, 05-26-09; Ord. 5852, 11-22-11; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6043, 04-22-14; Ord. 6050, 05-27-14)

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 14-02-03, 14-03-07, 14-04-12, 14-04-13, 14-04-14, and 14-04-15 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DEFINITIONS, USE GROUPS, SPECIAL USES, AND THE CG, CR, MA, AND MB ZONING DISTRICTS.

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

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

Digital Off-Premise Advertising Sign: An off-premise advertising sign with a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications.

Off-Premise Advertising Sign: A ground sign, as defined in the most recent adoption of the International Building Code (IBC), advertising any goods or services that are not associated with the use of the premises. An off-premise advertising sign may be static, digital, illuminated, non-illuminated or any combination thereof.

Section 2. Amendment. Section 14-03-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Use Groups is hereby amended and re-enacted to read as follows:

14-03-07. Use Groups. In order to carry out the purposes of this title, certain uses having similar characteristics are classified together as "use groups". In any district in which a use group is permitted, it is the intent of this title to permit any particular member of that use group to be located within that district. In any

district in which a use group is not listed as a permitted use, it is the intent of this title to prohibit each and every member of that use group from locating within that district. These use groups shall apply to all zoning districts except the Downtown Core and Downtown Fringe district.

* * * * *

5. Service group B. The use in service group B is one in which the principal activity is technical or vocational instruction by a private organization for profit, repair and service to motor vehicles (not including a filling station as defined herein) and other service uses not necessary in or appropriate to neighborhood commercial districts, and for which one or more of the following factors is present:

a. Repair or service operations are such as to produce some offensive noise, dust, odor, glare, heat or vibration perceptible or measurable from outside the building in which the use is located.

b. The use is one which, if placed on a lot adjacent to a lot in a residential district, would create an unusual safety hazard for the lot or other lots in said residential district, or would otherwise unduly depreciate the value of any lot in said residential district.

c. The following uses are declared to be typical uses in service group B:

- 1) Reserved.
- 2) Motor vehicle repair garage.
- 3) Commercial school, including business, secretarial, dancing, music, physical culture, technical trade school, adult education or vocational education.
- 4) Commercial parking lot or structure.
- 5) Tire and battery repair.

6) Furniture repair and upholstery.

~~7) Outdoor advertising sign, billboard.~~

8) Radio, television or communication broadcast and receiving facilities.

Section 3. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses. In order to carry out the purposes of this title, the board of city commissioners finds it necessary to require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by the city planning and zoning commission and by the Zoning Administrator (where allowed) prior to the granting of a building permit or certificate of occupancy and that the city planning and zoning commission and the Zoning Administrator (where allowed) are hereby given limited discretionary powers relating to the granting of such permit or certificate.

* * * * *

y. Off-Premise Advertising Sign: Off-Premise Advertising Signs may be permitted in any CG, CR, MA, and MB district as a special use provided:

1. The sign meets provisions outlined in Chapter 24-17 of the North Dakota Century Code (NDCC) and a permit has been issued by the Department of Transportation, where required.

2. A site plan is submitted showing the overall dimensions of the sign, the location of the sign and any appurtenant features. The site plan shall be accompanied by a narrative description of operational elements of the sign including illumination and any electronic functions and shall meet the following provisions:

a. The sign shall meet the setback requirements for the underlying zoning district.

- b. The sign shall meet provisions outlined in Chapter 04-04 of the City of Bismarck Code of Ordinances.
- c. Any illumination of the sign shall be directed toward the sign and not away from the sign.
- d. The sign shall be located adjacent to a minor or principal arterial roadway.
- e. The sign shall be located at least three hundred (300) feet from any existing or approved off premise advertising sign. In addition, digital signs shall be located at least twelve hundred (1,200) feet from any existing or approved digital off premise advertising sign. Distance is measured as the linear distance along the centerline of the roadway between any two signs on the same or opposite sides of the roadway.
- f. The sign shall be located at least three hundred (300) feet from any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district.
- g. The sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching,

merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard. The City Engineer and Chief of Police shall verify in writing that conditions of this provision have been met.

h. The sign shall not obstruct any other existing sign, either off-premise or on-premise.

i. The sign shall not project over the public right-of-way or any property line or be located within the sight triangle as defined in Section 14-02-03 of the City of Bismarck Code of Ordinances.

3. A separate special use permit shall be required for the conversion of any existing non-digital sign to a digital off-premise advertising sign.

Section 4. Amendment. Section 14-04-12 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CG Commercial District is hereby amended and re-enacted to read as follows:

14-04-12. CG Commercial District. In any CG commercial district, the following regulations shall apply:

* * * * *

The following special uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.

- d. Seasonal nursery and bedding stock sales.
- e. Filling station.
- f. Drive-in retail or service establishment.
- g. Child care center.
- h. Small animal veterinary clinic.
- i. Golf driving range.
- j. Auto laundry - car wash.
- k. Retail liquor sales.
- l. Microbrewery.
- m. Off-premise advertising sign.

Section 5. Amendment. Section 14-04-13 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to CR Commercial District is hereby amended and re-enacted to read as follows:

14-04-13. CR Commercial District. In any CR commercial district, the following regulations shall apply:

* * * * *

The following uses are allowed under special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Seasonal nursery and bedding stock sales.
- d. Filling station.
- e. Child care center.
- f. Drive-in retail or service establishment.
- g. Auto laundry - car wash.

h. Retail liquor sales.

i. Off-premise advertising sign.

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

14-04-14. MA Industrial District. In any MA industrial district, the following regulations shall apply:

* * * * *

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary circus/fair/carnival.
- d. Temporary farm and garden produce sales.
- e. Temporary fireworks sales.
- f. Seasonal nursery and bedding stock sales.
- g. Solid waste disposal facility.
- h. Airport.
- i. Recreational vehicle park.
- j. Filling station.
- k. Drive-in retail or service establishment.
- l. Motor vehicle parts salvage yard.
- m. Small animal veterinary clinic.
- n. Animal hospital or kennel.
- o. Golf driving range.

- p. Junkyard.
- q. Retail liquor sales.
- r. Racetracks.
- s. Child care center.
- t. Off-premise advertising sign.

Section 7. Amendment. Section 14-04-15 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to MB Industrial District is hereby amended and re-enacted to read as follows:

14-04-15. MB Industrial District. In any MB industrial district, the following regulations shall apply:

* * * * *

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary circus/fair/carnival.
- c. Temporary religious meeting.
- d. Seasonal nursery and bedding stock sales.
- e. Temporary fireworks sales.
- f. Temporary farm and garden produce sales.
- g. Airport.
- h. Solid waste disposal facility.
- i. Motor vehicle parts salvage yard.
- j. Small animal veterinary clinic.
- k. Animal hospital or kennel.
- l. Junkyard.

- m. Adult entertainment center.
- n. Auto laundry - car wash.
- o. Vehicular racetrack.
- p. Hazardous material bulk storage plant.
- q. Off-premise advertising sign.

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

Section 10. 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 SECTION 14-04-19 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE FP FLOODPLAIN DISTRICT.

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

Section 1. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted to read as follows:

14-04-19. FP Floodplain District. In any FP floodplain district, the following regulations shall apply:

* * * * *

3. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

* * * * *

"Pre-FIRM Building" means a building for which construction or substantial improvement occurred on or before December 31, 1974 or before the effective date of an initial Flood Insurance Rate Map (FIRM).

"Post-FIRM Building" means a building for which construction or substantial improvement occurred after December 31, 1974 or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

* * * * *

6. Provisions for flood hazard reduction.

* * * * *

b. Specific standards. In all special flood hazard areas where base flood elevation data have been provided as set forth in subsection 4(b) (basis for establishing the special flood hazard areas) or subsection 5(d)(2) (use of other base flood data), the following provisions are required:

* * * * *

5. Additions to existing structures.

a. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory building that is considered a post-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure, provided the lowest floor of the existing structure is elevated on fill and/or a permanent foundation to at least one (1) foot above the base flood elevation. Any addition to any existing residential structure, non-residential structure, manufactured home, garage, deck, landing or accessory building that is considered a pre-FIRM building and is not deemed a substantial improvement may be constructed with the lowest floor at the same elevation as the existing structure.

* * * * *

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 and adoption.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Various Lots & Tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke's Subdivision and Wutzke's 2nd Subdivision – City-Initiated Annexation	
Status: Planning Commission – Final Consideration	Date: August 26, 2015
Owner(s): Mervyn M. Mertz – Part of NE ¼ of Section 21 Capital Electric Co-op, INC - Part of NE ¼ of Section 21 Donald W & Virginia J Cook – Lot 10, Wutzke's Subdivision Dale Pahlke - Lot 6, Wutzke's Subdivision Richard and Susan Horst - Lot 3, Wutzke's Subdivision Vue Community Credit Union - Lot 2, Wutzke's Subdivision Bergen Real Estates, LLC – Lot 1, Wutzke's Subdivision Robert and Erna Mertz - Part of the SE ¼ of Section 16 Kevin Lee Emineth – Lots 4 and 19, Wutzke's Second Subdivision Roy and Vivian Bauer – Lots 5, 6, 7, 16, 17, and 18, Wutzke's Second Subdivision	Engineer: N/A
Reason for Request: Annex various unannexed lots and parcels completely surrounded by corporate limits.	
Location: In north Bismarck, along the north and south sides of 43 rd Avenue NE and the west side of Highway 83.	
Project Size: 15.39 acres, more or less	Number of Lots: 10 tracts
EXISTING CONDITIONS:	
Land Use: Undeveloped, single-family residential, commercial, utilities	PROPOSED CONDITIONS:
Land Use: Undeveloped, single-family residential, commercial, utilities	Land Use: Undeveloped, single-family residential, commercial, utilities
Zoning: A – Agricultural CG – Commercial	Zoning: A – Agricultural CG – Commercial
Uses Allowed: A – Agricultural Uses CG – General commercial, multi-family residential and offices	Uses Allowed: A – Agricultural Uses CG – General commercial, multi-family residential and offices
Maximum Density Allowed: A – 1 units/40 acre CG – 42 units/acre	Maximum Density Allowed: A – 1 units/40 acre CG – 42 units/acre

(continued)

PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: 10/1952 (Wutzke's) 07/1953 (Wutzke's 2 nd)	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. All of the parcels included in this City-initiated request are completely surrounded by the corporate limits. 2. All owners have been contacted regarding the City-initiated annexation. To date, no formal protests have been received regarding the annexation action. The Community Development and Public Works Departments will discuss scheduling for future connections the City public utilities with landowners that have asked questions about this. 3. Per Section 40-51.2-07 of the North Dakota Century Code, A city commission may initiate an annexation by resolution. After passage, the resolution must be published and all affected property owners must be notified. The annexation takes effect thirty days after the date of first publication, unless owners of more than one fourth of the territory proposed for annexation file a written protest. The city commission holds a final public meeting to determine the sufficiency of any protests. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve any potential development allowed by the annexation. 2. The proposed annexation would not adversely affect property in the vicinity. 3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. 4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		
RECOMMENDATION:		
<p>Based on the above findings, staff recommends approval of the City-initiated annexation of various unannexed lots and parcels in Section 16 & 21, T139N-R80W/Hay Creek Township, as described as:</p> <p>Part of the NE ¼ of Section 21, Township 139 North, Range 80 West, Burleigh County, North Dakota and described as follows: beginning at the NW corner of said NE ¼; thence due South at 90 degree angle along the quarter section line a distance of 208.7 feet to a corner of Lot 1, Block 1, North Hills Sixteenth Addition; thence due east at 90 degree angle along the northern boundary of said lot a distance of 208.7 feet; thence due north at 90 degree angle along the west boundary of said lot a distance of 208.7 feet to the section line boundary between Sections 21 and 16; thence due West at 90 degree angle along said section line a distance of 208.7 feet to the point of beginning.</p> <p>Part of the NE ¼ of Section 21, Township 139 North, Range 80 West, Burleigh County, North Dakota and described as follows: beginning at a point 1,414.3 feet west of the NE corner of said Section 21, on the east-west section line; thence due South a distance of 757 feet; thence west at 90 degree angle a distance of 300 feet; thence due north at 90 degree angle a distance of 757 feet to the section line boundary between Sections 21 and 16; thence due east at 90 degree angle a distance of 300 feet to the point of beginning.</p>		
<i>(continued)</i>		

Lot 1, Lot 2, Lot 3, Lot 6 and Lot 10, Wutzke's Subdivision, Burleigh County, North Dakota, less the portion of Lot 3 of said subdivision previously annexed into the City of Bismarck, North Dakota, and described by Ordinance 5938 (adopted January 8, 2013).

Lot 16, Lot 17, Lot 18, Lot 19, the north half of Lot 15, the west 68 feet of Lot 4, the west 68 feet of Lot 5, the west 68 feet of Lot 6, the west 68 feet of Lot 7, and the north half of the west 68 feet of Lot 8, Wutzke's Second Subdivision, Burleigh County, North Dakota.

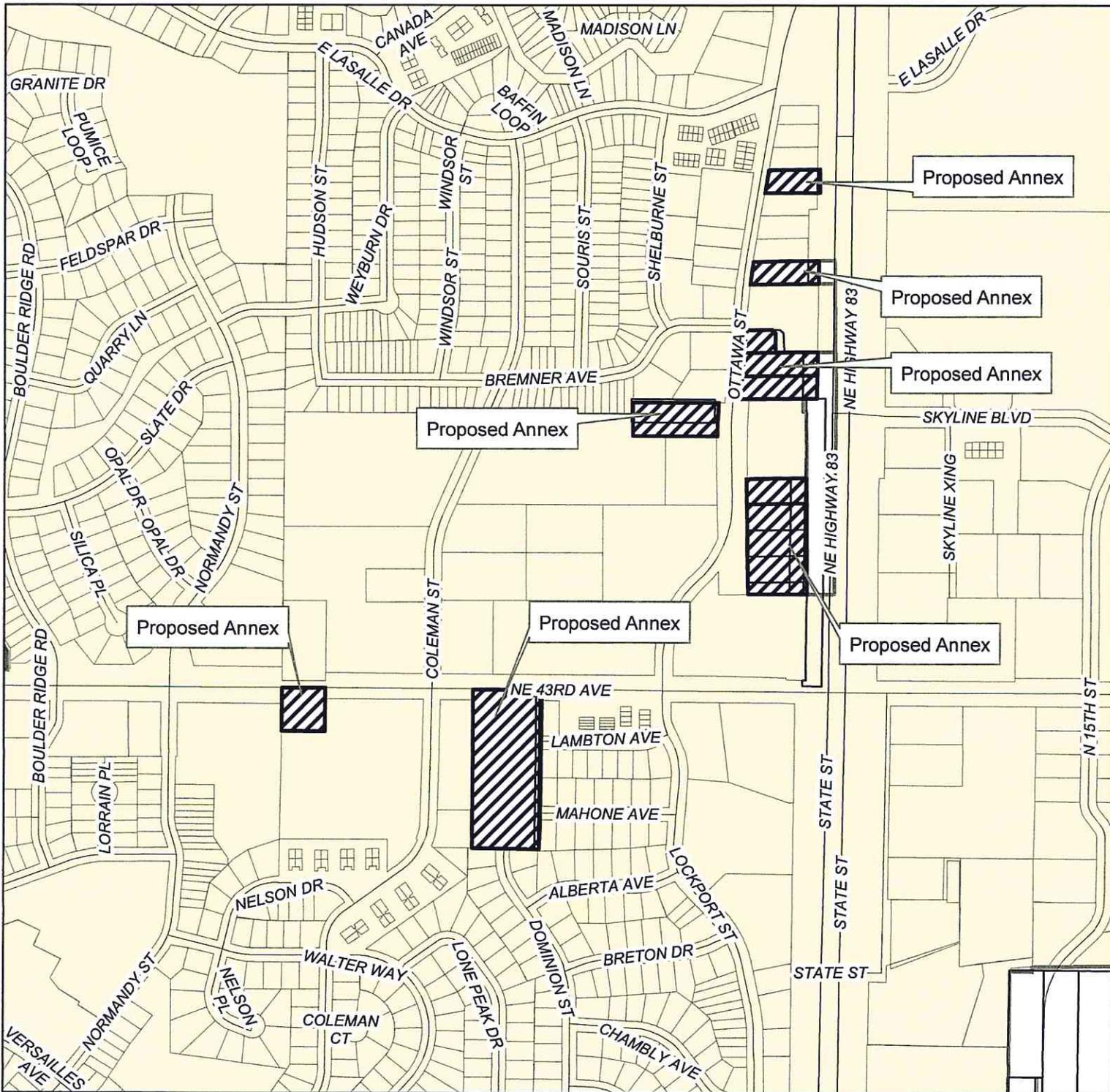
Part of the SE $\frac{1}{4}$ of Section 16, Township 139 North, Range 80 West, Burleigh County, North Dakota and described as follows: commencing at the NE corner of Lot 3, Block 1, 43rd Avenue Commercial Park 2nd Addition, then along the north line of Lots 3 and 1 of said subdivision a distance of 392.96 feet; thence north along the east boundary of Lot 1 of said subdivision and the east boundary of Lot 5, Block 1, Sonnet Heights 5th Replat a distance of 162.81 feet: thence east along the southern boundary of Lot 4 and Lot 1, Block 1, of Sonnet Heights 5th Replat a distance of 437.62 feet to the SE corner of Lot 1, Block 1 of said subdivision; thence south along the western boundary of the right of way of Ottawa Street to the point of beginning.

The above described tracts of land contain 15.39 acres, more or less

/DN

Proposed Annexation

Various Lots & Tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke's Subdivision and Wutzke's 2nd Subdivision



July 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 hereon.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

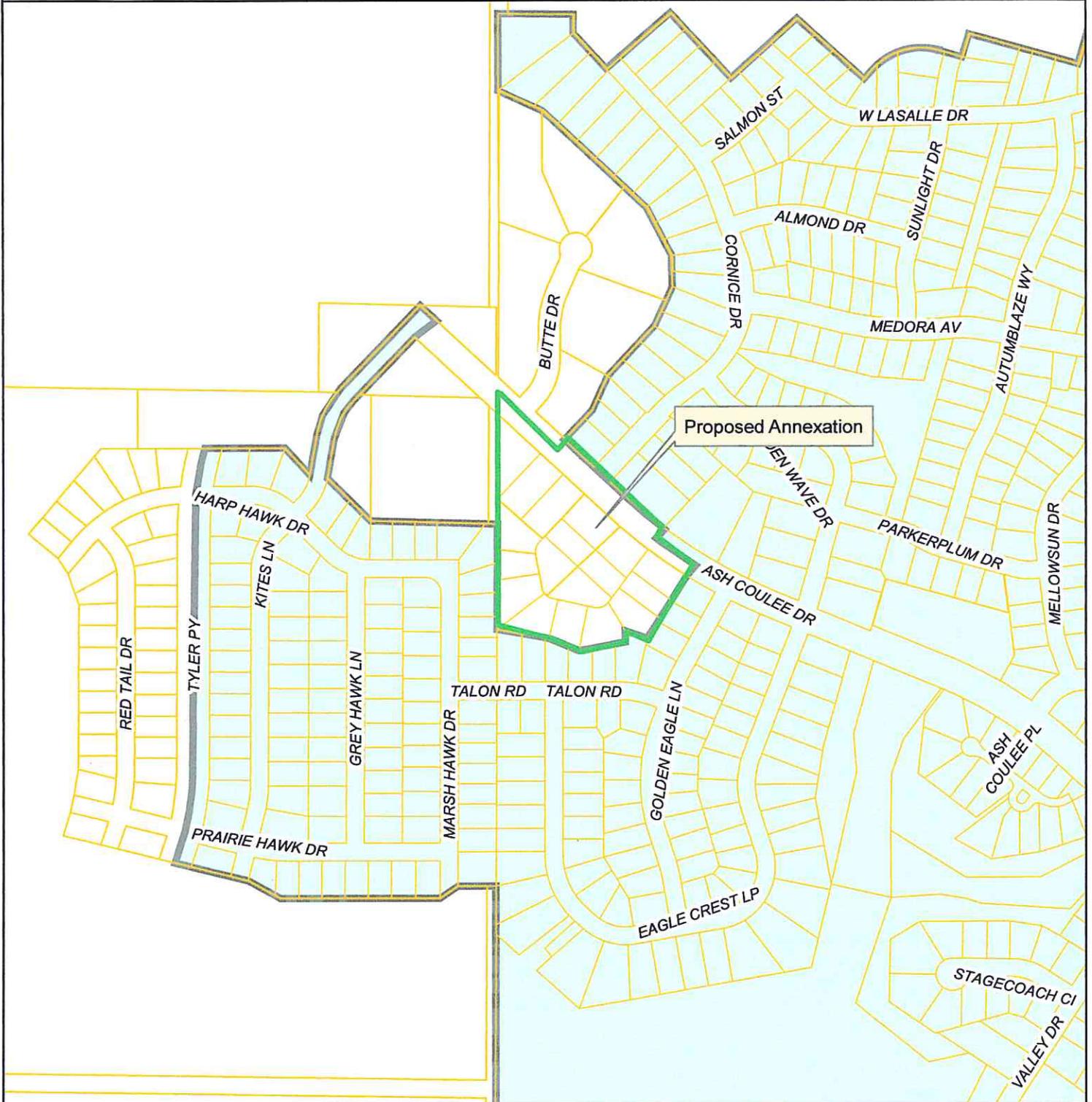
BACKGROUND:		
Title: Ash Coulee Estates Addition – Annexation		
Status: Planning Commission – Final Consideration	Date: August 26, 2015	
Owner(s): Verity Homes of Bismarck, LLC – Lots 6-28 Darrel & Joan Scofield – Lots 1-5	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and annex property for single-family residential development.		
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).		
Project Size: 9.59 acres	Number of Lots: 28 lots in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped w/one rural residence	Land Use: Single-family residential	
Zoning: R5 – Residential	Zoning: R5 – Residential	
Uses Allowed: R5 – Single-family residential	Uses Allowed: R5 – Single-family residential	
Maximum Density Allowed: R5 – 5 units per acre	Maximum Density Allowed: R5 – 5 units per acre	
PROPERTY HISTORY:		
Zoned: 11/2014 (replat) 05/1985 (Western Hills)	Platted: 11/2014(replat) 05/1985 (Western Hills)	Annexed: N/A
ADDITIONAL INFORMATION		
<ol style="list-style-type: none"> When the plat and zoning change for Ash Coulee Estates Second Addition were approved by the City Commission in June 2014, it was done with the understanding Lots 1-3 would be combined as one tax parcel to accommodate the existing single-family rural residence, and with the understanding that the parcel will not be split until all three lots are annexed and municipal services provided. Because Lot 3 is being included in the replatted portion of the proposed development, the entire plat must be annexed prior to development. 		
FINDINGS:		
<ol style="list-style-type: none"> The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development. The proposed annexation would not adversely affect property in the vicinity. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lots 1-28, Block 1, Ash Coulee Estates Addition.

/Klee

Proposed Annexation Ash Coulee Estates Addition



May 19, 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.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Ash Coulee Estates Addition – Minor Subdivision Final Plat (v2)		
Status: Planning Commission – Public Hearing	Date: August 26, 2015	
Owner(s): Verity Homes of Bismarck, LLC – Lots 6-28 Darrel & Joan Scofield – Lots 1-5	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and annex property for single-family residential development.		
Location: In northwest Bismarck, along the south side of Ash Coulee Drive west of Valley Drive (a replat of Lots 1-18, Block 1, Ash Coulee Second Addition).		
Project Size: 9.59 acres	Number of Lots: 28 lots in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped w/one rural residence		Land Use: Single-family residential
Zoning: R5 – Residential		Zoning: R5 – Residential
Uses Allowed: R5 – Single-family residential		Uses Allowed: R5 – Single-family residential
Maximum Density Allowed: R5 – 5 units per acre		Maximum Density Allowed: R5 – 5 units per acre
PROPERTY HISTORY:		
Zoned: 11/2014 (Ash Coulee 2nd) 05/1985 (Western Hills)	Platted: 11/2014(Ash Coulee 2nd) 05/1985 (Western Hills)	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A request for approval of a minor subdivision final plat for a previous version of this plat was recommended for approval by the Planning and Zoning Commission but denied by the Board of City Commission on June 23, 2015. This version of the minor subdivision final plat reduces the total number of lots from 30 lots to 28 lots. 2. The plat includes 7.95 acres in lots and 1.64 acres in public right-of-way (Ash Coulee Drive). The overall density of the plat including the public right-of-way is 2.92 units per acre (which is the traditional way to calculate density). Excluding the Ash Coulee Drive right-of-way, the density of the portion of the plat in lots is 3.52 units per acre. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. The proposed minor subdivision final plat meets all of the applicable requirements of the subdivision regulations, including the minimum lot dimension requirements and density requirements for the underlying R5-Residential zoning district. 		
<i>(continued)</i>		

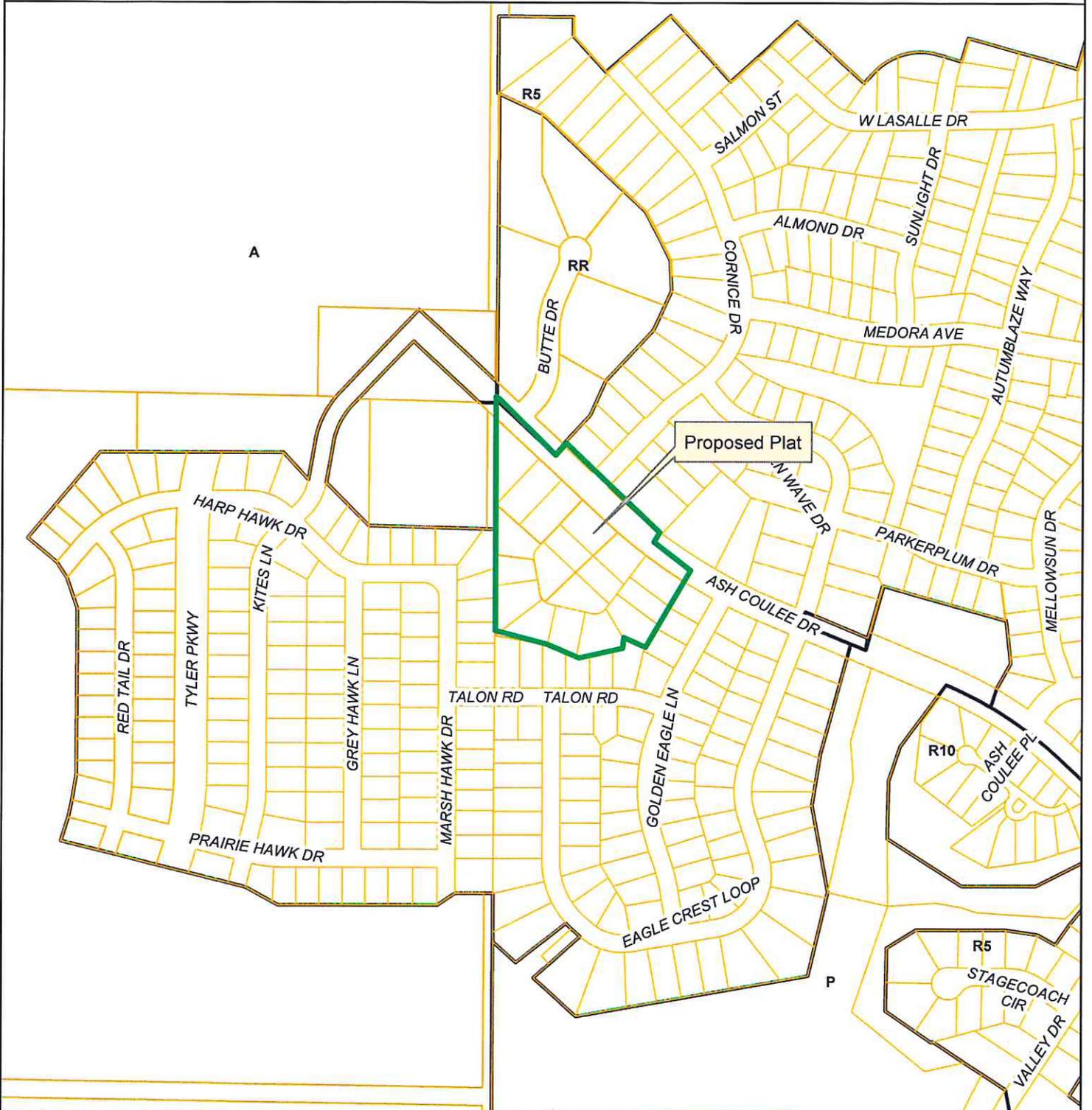
3. The storm water management plan has been approved by the City Engineer.
4. The proposed minor subdivision final plat would be compatible with adjacent land uses. Adjacent land uses include a rural residential to the northwest, low density urban residential to the northeast, east, south and southwest, and agricultural to the west.
5. The property would be annexed and services would be extended in conjunction with development; therefore, the proposed minor subdivision final plat would not place an undue burden on public services and facilities.
6. The proposed minor subdivision final plat would not adversely affect property in the vicinity.
7. The proposed minor subdivision final plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed minor subdivision final plat is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Ash Coulee Estates Addition.

/Klee

Proposed Minor Subdivision Final Plat Ash Coulee Estates Addition



May 19, 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 herein.



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition – Zoning Change (RM15 to RT)		
Status: Planning Commission – Public Hearing	Date: August 26, 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 a 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:		
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 – Multi-family residential and offices	
	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. 		
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 far 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. 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. 		
<i>(continued)</i>		

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

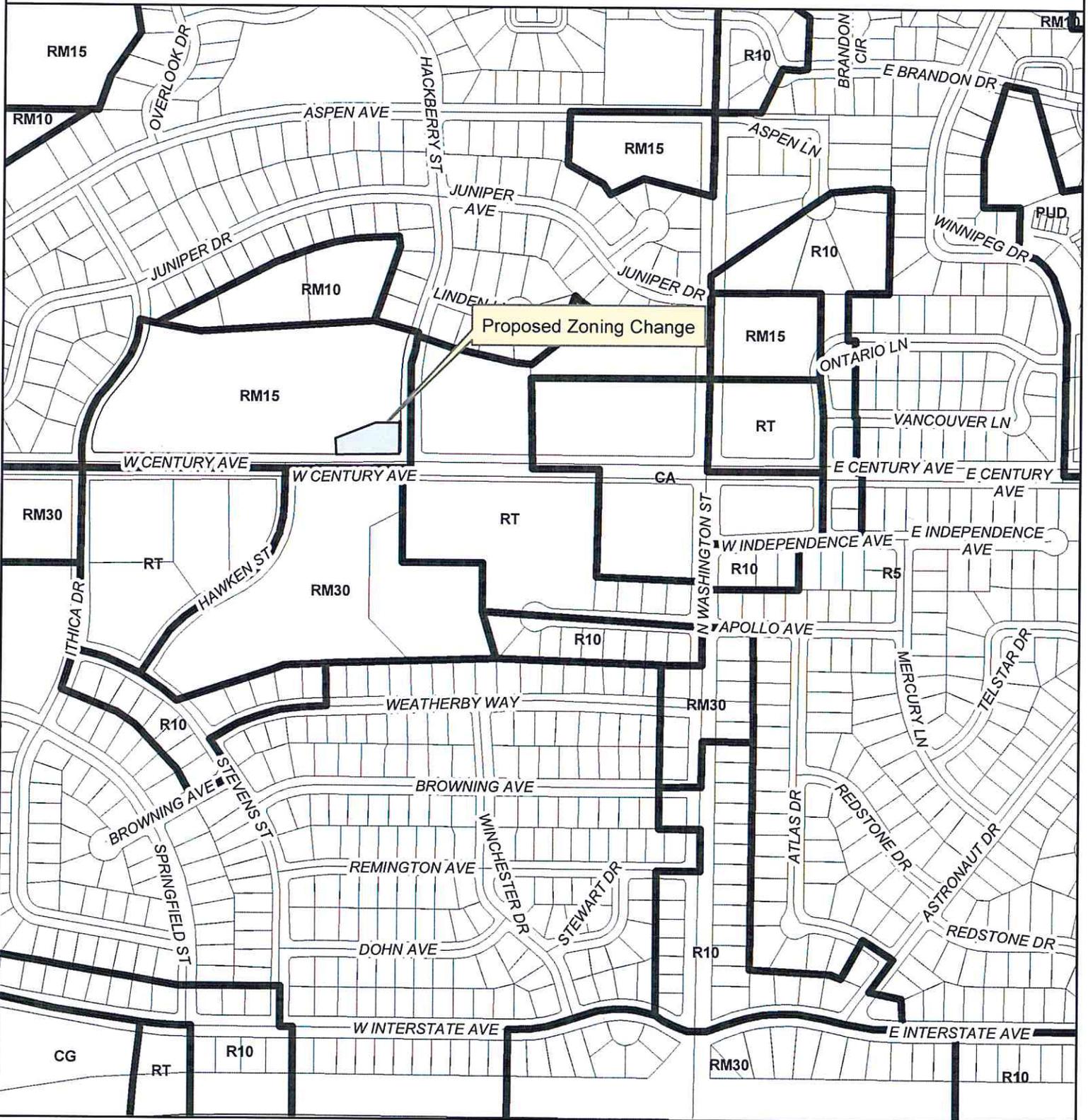
RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the RT – Residential zoning district on 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

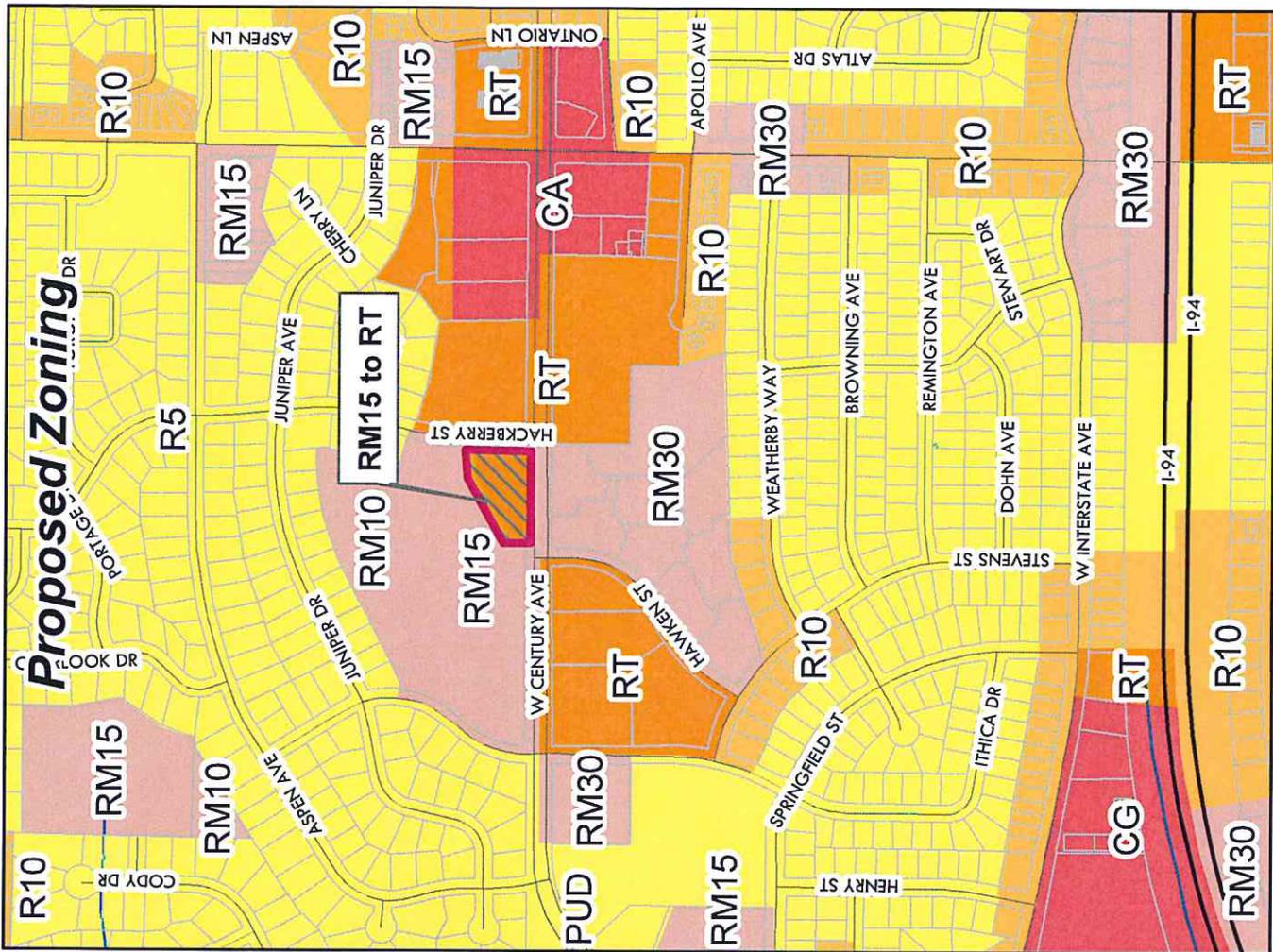
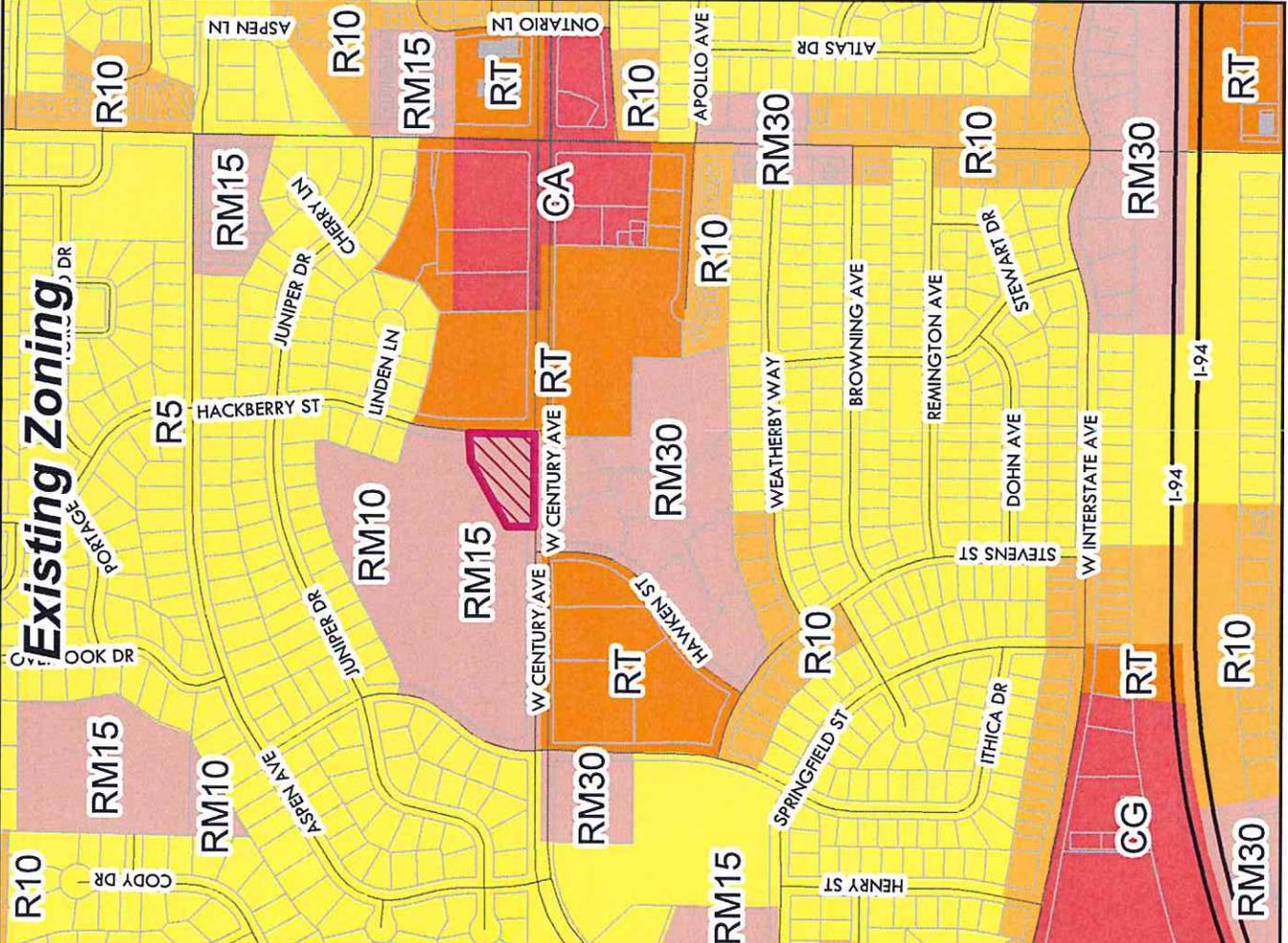


July 13, 2015 (jlw)

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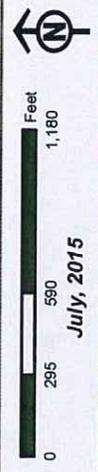


Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition



City Limits Extraterritorial Area

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July, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Lot 6, Block 4, Countryside Estates 4 th Subdivision– Special Use Permit (oversized accessory building)	
Status: Planning Commission – Public Hearing	Date: August 26, 2015
Owner(s): James Schmidt	Engineer: None
Reason for Request: To increase the total square feet of accessory buildings located on a rural residential lot to 3,194 square feet, by constructing a 1,794 square foot accessory building.	
Location: East of Bismarck, in the southeast quadrant of the intersection of Cherrywood Drive and 17 th Avenue NE.	
Project Size: 1.54 (lot size)	Number of Lots: One lot in one block
EXISTING CONDITIONS:	
Land Use: Rural residential	Land Use: Rural residential
Zoning: RR – Rural Residential	Zoning: RR - Rural Residential
Uses Allowed: Large lot rural single-family dwellings and limited agriculture	Uses Allowed: Large lot rural single-family dwellings and limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 08/1999	Platted: 08/1999
ADDITIONAL INFORMATION:	
1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).	
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.	
2. The Gibbs Township Board of Supervisors has recommended approval of the proposed special use.	
3. The proposed special use would not adversely affect the public health, safety and general welfare.	
<i>(continued)</i>	

4. The proposed special use would not be detrimental to the use or development of adjacent properties.
5. The proposed special use would be compatible with the surrounding rural residential neighborhood.
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed special use.
7. The request is compatible with adopted plans, policies and accepted planning practice.

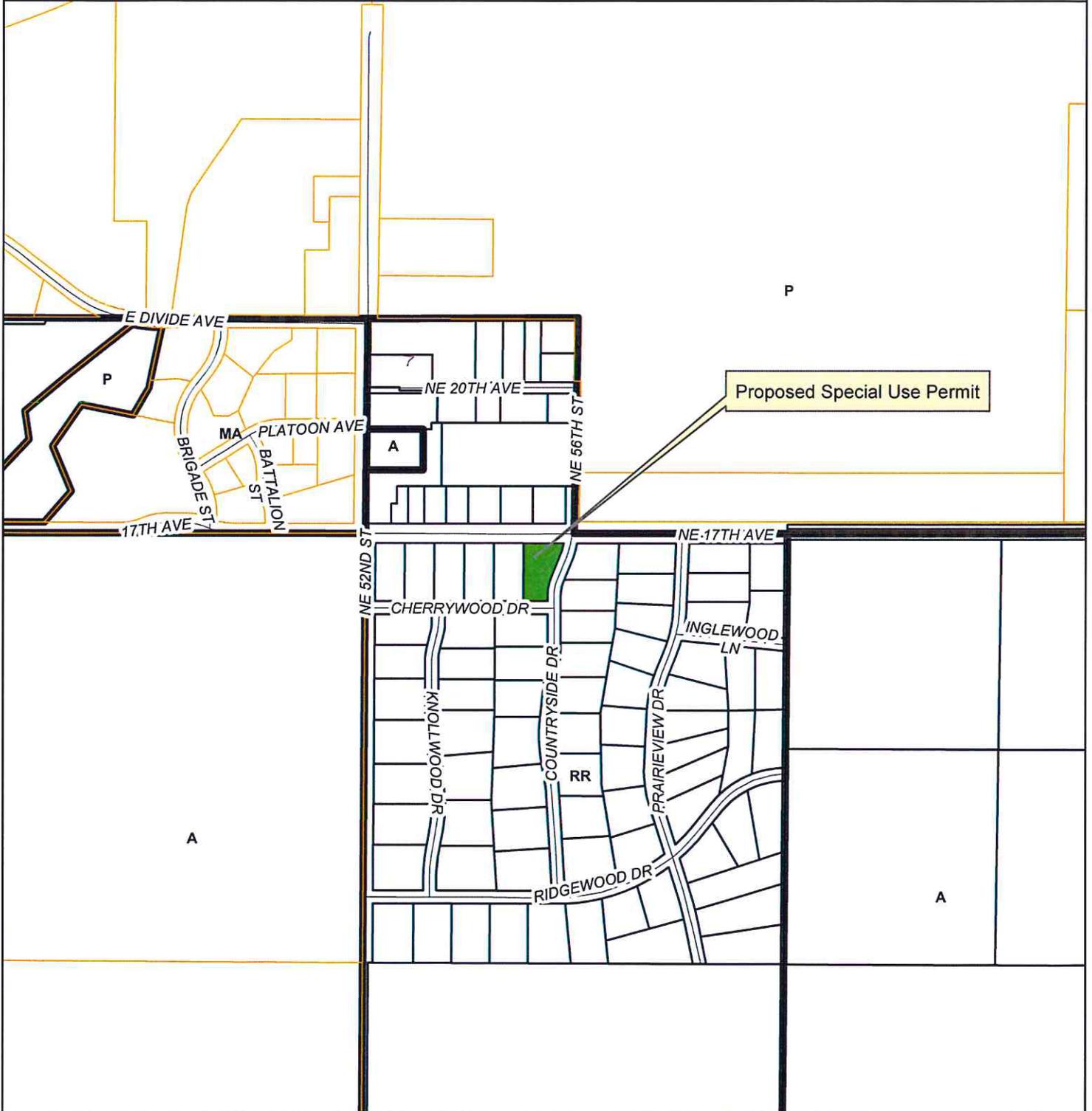
RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,194 square feet on Lot 6, Block 4, Countryside Estates 4th Subdivision with the following condition:

1. The proposed accessory building meets all applicable requirements outlined in the zoning ordinance.

/JW

Proposed Special Use Permit Lot 6, Block 4, Countryside Estates 4th Subdivision



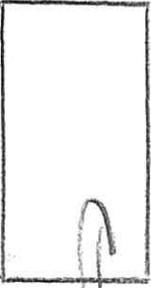
June 15, 2015 (hlb)

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James Schmidt
1620 Countryside Dr

NEIGHBOR'S
ACCESSORY
BLDG.



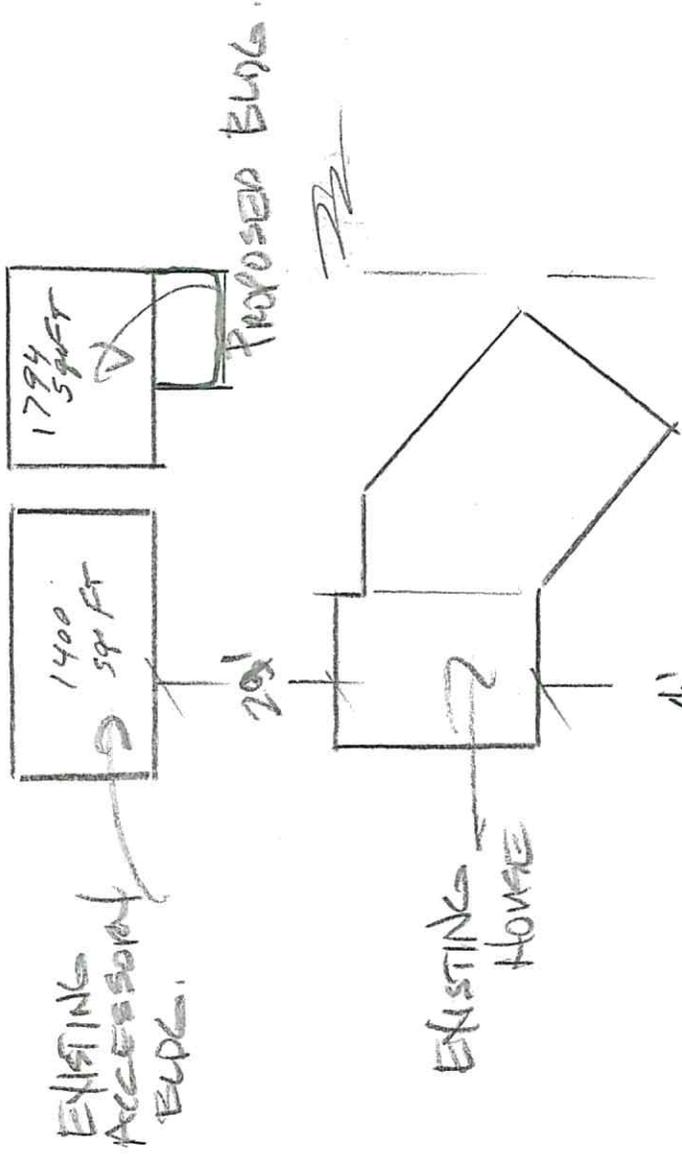
Non-access Control line

17TH AVE NE

CITY
LANDFILL

35' Watermain & utility easement

59' Non-access
Control line



PROPOSED BLDG.

EXISTING
HOUSE

EXISTING
ACCESSORY
BLDG.

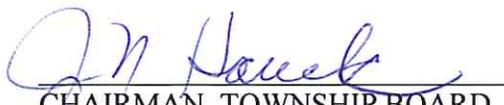
COUNTRYSIDE DR.

CHERRYWOOD DR.

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED SPECIAL USE PERMIT FOR AN ADDITIONAL 1, 794 SQUARE FOOT
ACCESSORY BUILDING TO BE LOCATED ON LOT 6, BLOCK 4, COUNTRYSIDE
ESTATES 4TH SUBDIVISION, BRINGING THE TOTAL AREA OF ACCESSORY
BUILDINGS ON THIS PROPERTY TO 3,194 SQUARE FEET, AND HEREBY
RECOMMEND TO THE BISMARCK PLANNING AND ZONING
COMMISSION THAT SAID SPECIAL USE PERMIT BE (APPROVED)(DENIED).
(PLEASE ATTACH CONDITIONS, IF ANY, TO
THE BOARD'S ACTION.)

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



CHAIRMAN, TOWNSHIP BOARD

7-30-2015
DATE



ATTEST: TOWNSHIP CLERK

7/30/2015
DATE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 5, Block 2, Olive Tree Subdivision – Special Use Permit (House Move)		
Status: Planning Commission – Public Hearing	Date: August 26, 2015	
Owner(s): Andrew Basaraba	Engineer: None	
Reason for Request: Move a previously located structure to be occupied as a single-family dwelling.		
Location: The property is located in north Bismarck, west of Burnt Creek Loop along the south side of Olive Tree Drive.		
Project Size: 1.4 acres (lot size)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
PROPOSED CONDITIONS:		
Land Use: Rural residential	Land Use: Rural residential	
Zoning: RR – Rural residential	Zoning: RR – Rural residential	
Uses Allowed: Large lot rural residential and limited agriculture	Uses Allowed: Large lot rural residential and limited agriculture	
Maximum Density Allowed: One unit per 65,000 square feet	Maximum Density Allowed: One unit per 65,000 square feet	
PROPERTY HISTORY:		
Zoned: 04/1959	Platted: 12/2001	Annexed: NA
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The proposed special use permit is to move a previously occupied structure (single-family dwelling) from 3816 South Washington Street to 5605 Olive Tree Drive (Lot 5, Block 2, Olive Tree Subdivision). According to the Burleigh County Tax Director, the single-family dwelling was constructed in 1968 and the 534 square foot detached accessory building, which will be moved with the single-family dwelling, was constructed in 1976. Both the single-family dwelling and accessory building were constructed using conventional light frame construction methods. 2. According to the Burleigh County Tax Director, there is a vacant 420 square foot dwelling with a 216 square foot deck constructed in 1920 located on the property. The applicant has indicated that the existing dwelling and deck will be removed prior to occupying the new single-family dwelling on the property. 3. The proposed special use is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain and must meet all applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District). 		
<i>(continued)</i>		

4. A note on the plat of Olive Tree Subdivision states that “no building permits will be issued on any lot until the road to that Lot is constructed and accepted by the County Engineer providing access to Burnt Creek Loop.” The proposed special use is located on a corner lot adjacent to Olive Tree Drive and Green Tree Loop. Olive Tree Drive provides access to Burnt Creek Loop and has been constructed and approved by the County Engineer. The County Engineer has determined that the construction of Green Tree Loop would not be required as the proposed special use will be accessed via Olive Tree Drive.
5. An inspection of the single-family dwelling to be moved was completed by the Building Inspection Division in July 2015. During the inspection it was noted that the addition to the original house was constructed without obtaining a building permit and does not meet code requirements. The addition must be removed prior to obtaining a moving permit.

FINDINGS:

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. The Hay Creek Township Board of Supervisors has not yet commented on the proposed special use.
3. 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.
4. The house to be moved and proposed use of the property as a single-family rural residence would be compatible with the neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

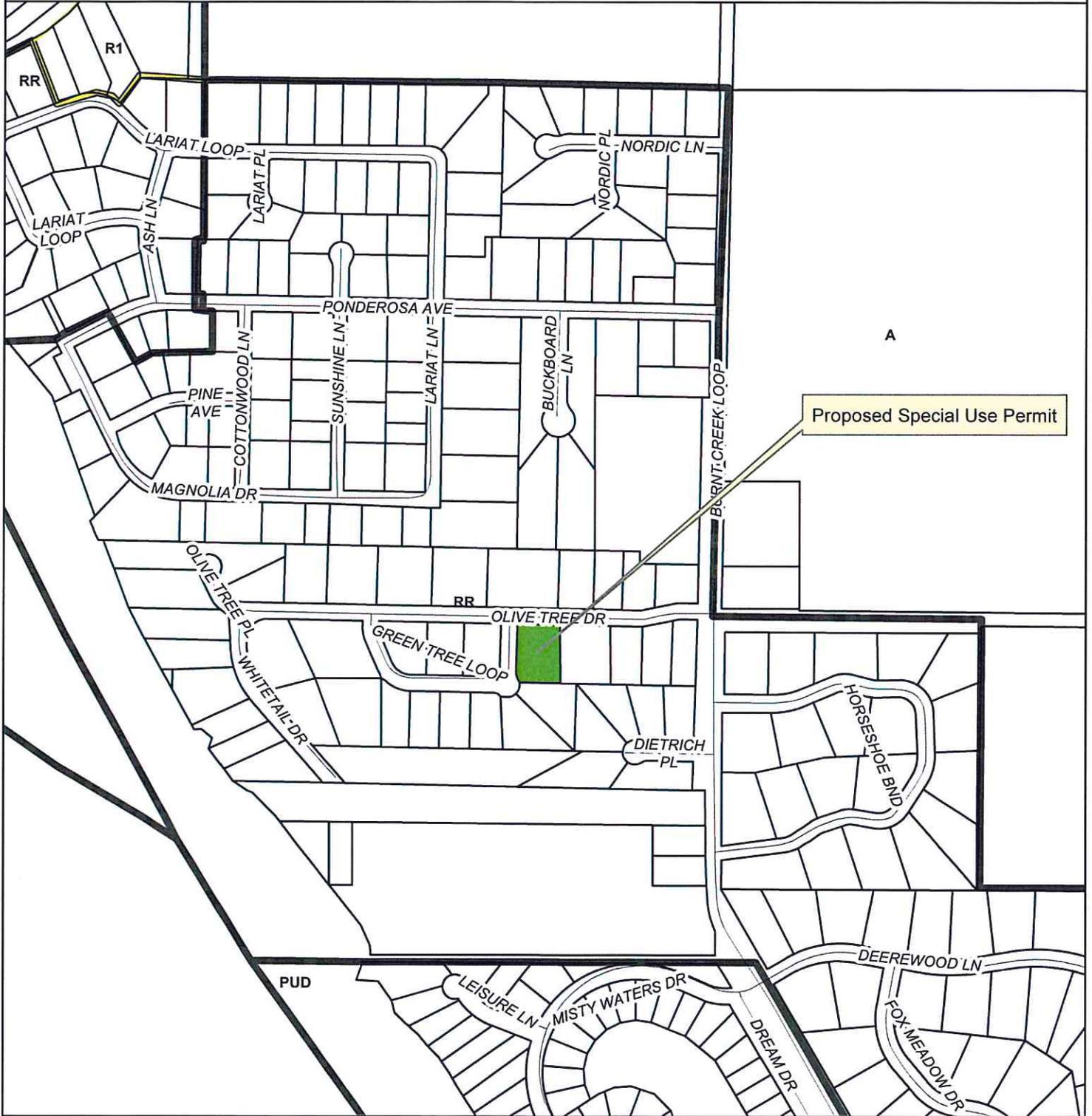
RECOMMENDATION:

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 5, Block 2, Olive Tree Subdivision with the following conditions:

1. All applicable permits for the development of the lot including a building permit for the construction of the foundation that will support the single-family dwelling and detached accessory building must be obtained prior to issuance of the moving permit.
2. All applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District) must be met.
3. The non-permitted addition to the house must be removed prior to obtaining a moving permit.

/JW

Proposed Special Use Permit Lot 5, Block 2, Olive Tree Subdivision

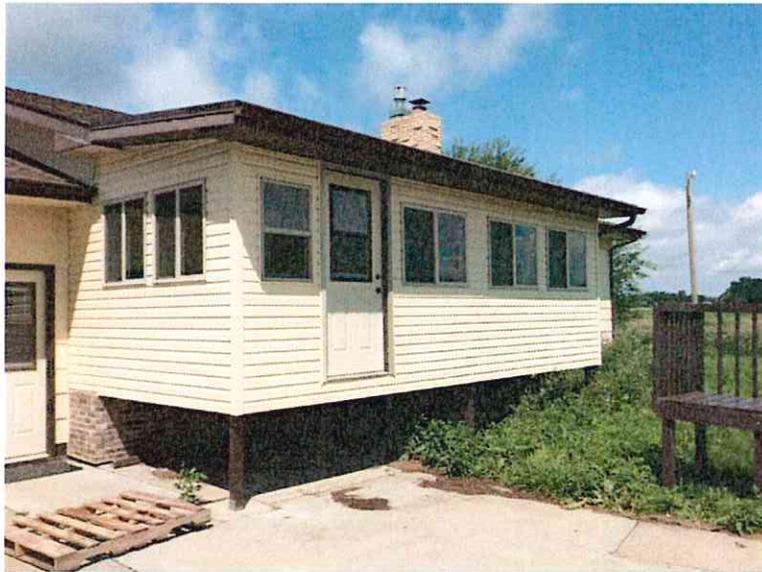


June 15, 2015 (h1b)

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.



Lot 5, Block 2,
Olive Tree Subdivisi





Community Development Department

Date: July 27, 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 3810 Stacy Dr, Bismarck ND, 58504 to 5605 Olive Tree 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 July 16th 2015.

At the time of inspection the original house was found to be in good condition; however, an addition was added onto the house that we have some concerns with. The addition will need to be removed prior to relocating the home.

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



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 4, Block 1, Hamilton's First Addition – PUD Site Development Review		
Status: Planning Commission – Public Hearing	Date: August 26, 2015	
Owner(s): James Nelson & Gary Lind	Engineer: N/A	
Reason for Request: To allow for the development of a six-building, 115-unit cold storage facility.		
Location: In northeast Bismarck along the east side of Hamilton Street between East Calgary Avenue and East Century Avenue.		
Project Size: 2.88 acres (parcel) 6 buildings with 115 units 50,520 square feet (buildings combined)	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Six building, 115-unit storage facility	
Zoning: PUD-Planned Unit Development	Zoning: PUD-Planned Unit Development	
Uses Allowed: Service Group A, with restrictions; Service Group, with restrictions; Industrial Group A, with restrictions; Commercial recreation group, with restrictions; and Office-bank group, with restrictions (<i>See attached ordinance for complete list of allowable uses</i>).	Uses Allowed: Service Group A, with restrictions; Service Group, with restrictions; Industrial Group A, with restrictions; Commercial recreation group, with restrictions; and Office-bank group, with restrictions (<i>See attached ordinance for complete list of allowable uses</i>).	
Maximum Density Allowed: N/A	Maximum Density Allowed: N/A	
PROPERTY HISTORY:		
Zoned: 05/2009	Platted: 05/2009	Annexed: 05/2009
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Within the PUD ordinance for Hamilton's First Addition, there is a requirement that states, "<i>Prior to the development of any lot within this plat, the proposed site plan and building elevations, including building materials and colors, shall be reviewed by City staff in accordance with the City's site plan review procedure and shall also be approved by the Bismarck Planning & Zoning Commission. The Planning & Zoning Commission shall not approve a proposed site plan and building elevations until a public hearing has been held on the proposal. Notice of the time and place of such hearing shall be given in the official newspaper of the City of Bismarck once per week for two (2) consecutive weeks prior to the date of such hearing and all known property owners within three hundred (300) feet of the plat of Hamilton's First Addition shall be given written notice not less than ten (10) days prior to the date of the public hearing.</i>" 2. The PUD ordinance for Hamilton's First Addition contains requirements pertaining to the design, appearance, building materials, building colors, outdoor storage areas, parking and loading areas, landscaping and screening, buffer yards, screening of mechanical equipment and solid waste collection areas, and signage (<i>See attached ordinance for a complete list of design and development standards</i>). 		
<i>(continued)</i>		

3. The building materials provisions within the ordinance specify that, *“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 prefinished non-corrugated 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. The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete (including poured in place, pre-cast concrete panels and concrete block). The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right-of-way. Any building elevation 100 feet or more in width shall be visually broken up through the use of different materials, colors and/or architectural features to lessen the visual mass of the building as viewed from adjacent properties or the public right-of-way. All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.”*
4. The building colors provisions within the ordinance specify that, *“Buildings erected within this development will have a three part color scheme. The main mass of the building shall be of a color shade chosen for consistency with the range of color shades utilized for structures that already exist in the surrounding residential area. Neutral, subtle colors which reflect those found in the natural environment are recommended to help deemphasize the overall mass of building elevation. The lower level of building shall be of a darker shade, either of the same color or of a complementary color to that utilized for the main mass of building. The lower level color will be applied to help establish a pedestrian scale for the development. For the purpose of this provision, the lower level of building shall be defined as a minimum three (3) foot high band from base of the façade for a one-story building or a minimum six (6) foot high band from base of the façade for a two-story building. Design features which provide accents to the building façade shall be of a brighter color which is vibrant but not garish, in a shade which complements colors utilized in the main mass and lower level of the building. The building accents color shall be utilized in architectural features provided to visually break up the facade, and lend depth and harmony to the building’s appearance. No more than one accent color should be used per building.”*
5. The landscaping, screening and buffer yard provisions within the ordinance specify that, *“Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances. In accordance with the requirements of Section 14-03-11, a buffer yard for the entire development shall be provided along the entire eastern edge of the PUD. Said buffer yard shall be no less than fifty (50) feet in width and shall be shown on the face of the plat as a landscape easement. The entire landscape buffer yard shall be installed within one (1) year of the subdivision plat being recorded, and shall include a berm no less than six (6) feet in height and be planted with a minimum of four (4) shade trees, three (3) ornamental trees, five (5) large upright coniferous trees and ten (10) small upright coniferous trees per one hundred (100) linear feet, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City’s landscaping ordinance. No building permits will be issued for any lot within the subdivision until the landscape buffer yard for the entire subdivision is in place.”*
6. The off-street parking and loading provisions of the ordinance specify that, *“Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses.”*

(continued)

FINDINGS:

1. The proposed site plan, building elevations, building materials and colors have been submitted. The proposed building materials include pre-finished, non-corrugated metal architectural panels and a stucco-like material for the exterior. The roof material proposed is also non-corrugated metal panels.
2. A three-part color scheme is proposed for the exterior building colors. The colors include MS Colorfast 45 Paint System labeled as *Light Stone*, *Burnished Slate* and *Bright White*. The *Light Stone* color is proposed as the primary building color, the *Burnished Slate* color would be a 3-foot high wainscot band around the entire building and the *Terracotta Orange* color would be the accent color.
3. The 50-foot wide, 6-foot high berm has been constructed and the required vegetation was installed. The general shape and location of the berm is acceptable; in particular, the berm extends north-south along the entire east property line of Hamilton's First Addition and generally conforms to the previously-approved design submitted in conjunction with the plat and zoning change request from 2009.

RECOMMENDATION:

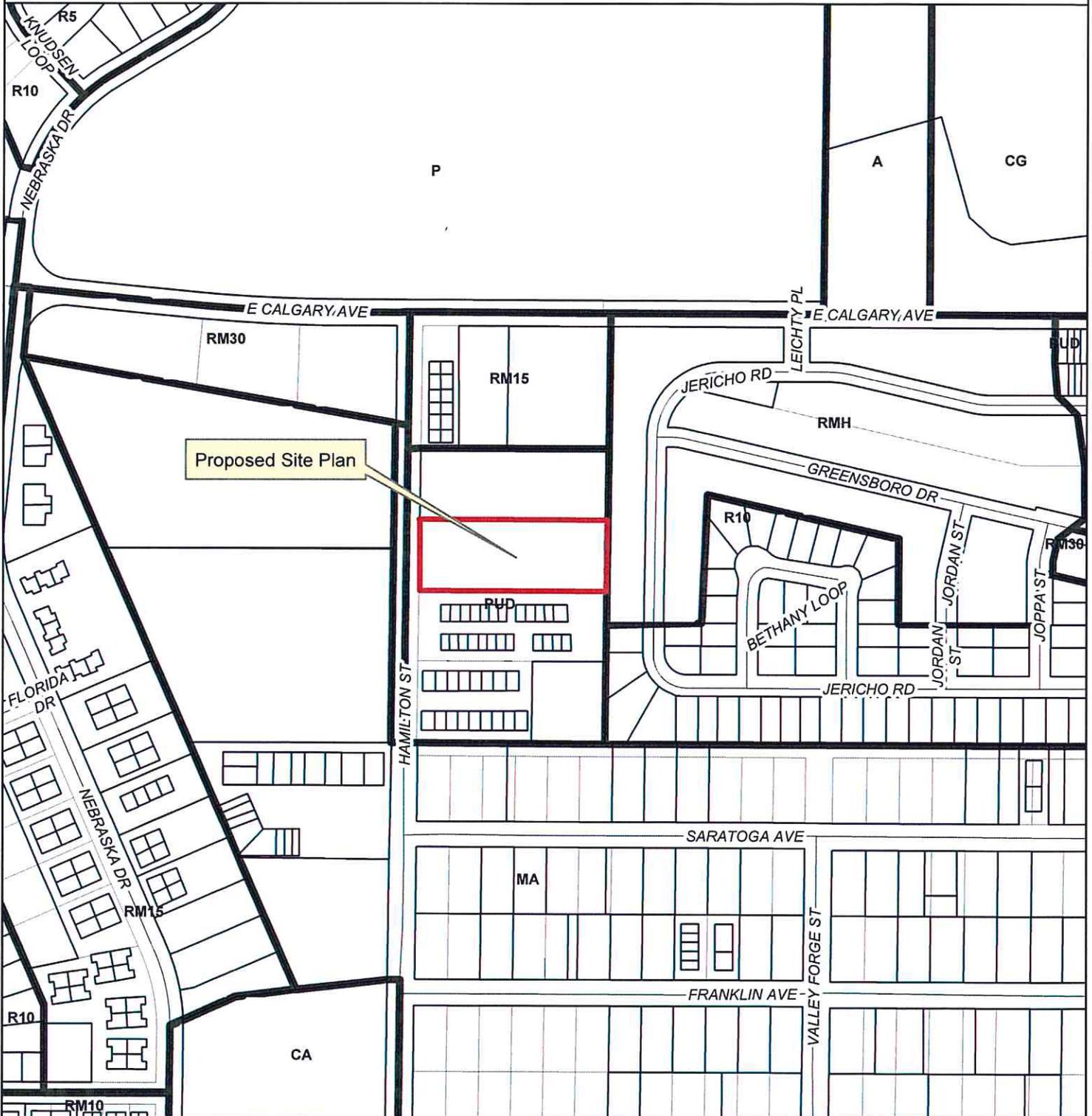
Based on the above findings, staff recommends approval of the site plan and building elevations with the following conditions:

1. Development of the site, including the building materials and colors, generally conforms to the site plan submitted with the application.

/jt

Proposed Site Plan

Lot 4, Block 1, Hamilton's First Addition



June 15, 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.



RECEIVED

AUG 11 2015

NO.	DESCRIPTION	DATE

SHEET TITLE:
Typical Exterior Elevations

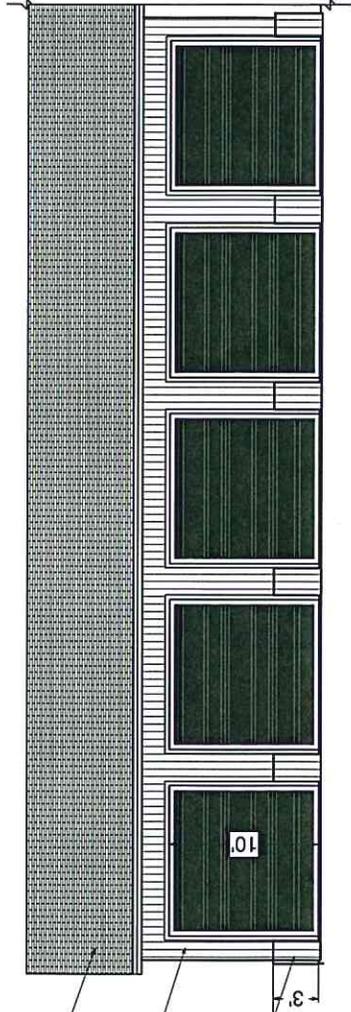
PROJECT DESCRIPTION:
Hamilton's First Addition

DRAWINGS PROVIDED BY:
Tobias Warrman Construction LLC
Bismarck, ND 58501
701-527-1847

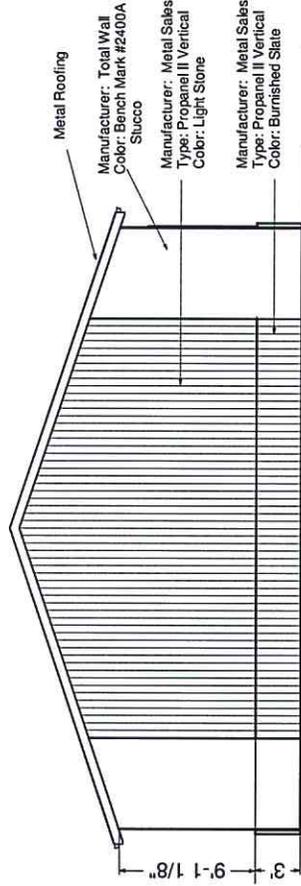
DATE:
8/10/2015

SCALE:
1/8" = 1'-0"

SHEET:
A-1



○ Typical Front Elevation
Scale: 1/8" = 1'-0"



○ Typical Street Side Exterior Elevation
Scale: 1/8" = 1'-0"

Building Notes:
 12' H Walls (to be determined)
 4:12 Gable Roof
 Steel Roof
 10'w x 10'h Garage Overhead Doors
 3'H Wainscoting
 Building Exterior To Be Similar to:
 3307,3309,3313,3317 Hamilton Street
 Condo Complexes 1-4

RECEIVED

AUG 11 2015

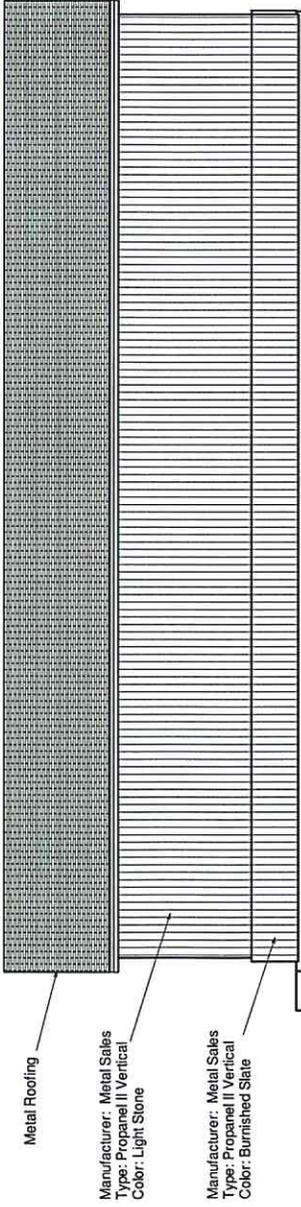
NO.	DESCRIPTION	DATE

SHEET TITLE:
Typical Exterior Elevations

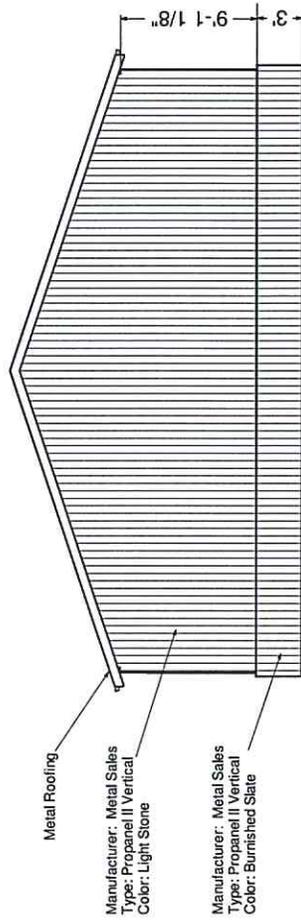
PROJECT DESCRIPTION:
Hamilton's First Addition

DRAWINGS PROVIDED BY:
Tobias Marmar Construction LLC
BRUNNEN, NO. 59501
701-527-1847

DATE:
8/10/2015
SCALE:
1/8" = 1'-0"
SHEET:
A-2



○ Typical Back Exterior Elevation
Scale: 1/8" = 1'-0"



○ Typical Nonstreet Side Exterior Elevation
Scale: 1/8" = 1'-0"

Building Notes:
 12' H Walls (to be determined)
 4:12 Gable Roof
 Steel Roof
 10'w x 10'h Garage Overhead Doors
 3'H Wainscoting
 Building Exterior To Be Similar to:
 3307, 3309, 3313, 3317 Hamilton Street
 Condo Complexes 1-4

ORDINANCE NO. 5725

<i>First Reading</i>	<u>May 12, 2009</u>
<i>Second Reading</i>	<u>May 26, 2009</u>
<i>Final Passage and Adoption</i>	<u>May 26, 2009</u>
<i>Publication Date</i>	<u>May 16 & 23, 2009</u>

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 THE CITY 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 R10 – Residential district and included within the PUD – Planned Unit Development District.

Lots 1-7, Block 1, Hamilton's First Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this Planned Unit Development:

a. Service group A, limited to barbershop, beauty shop, dressmaker, tailor, laundry pick-up agency, self-service laundry, radio and appliance repair, food service establishment (exclusive of drive-in restaurants), shoe repair, watch repair, jewelry repair, camera repair, and commercial child care facility for child care not in excess of four (4) hours in any twenty-four (24) hour period (*dry cleaning plants and mortuaries of funeral homes not permitted*).

b. Service group B, limited to commercial school (including business, secretarial, dancing, music, physical culture, technical trade school, adult education or vocational education) and furniture repair and upholstery (*motor vehicle repair, commercial parking lot or structure, tire and battery repair, outdoor advertising sign/billboard and radio, television or communication broadcast and receiving facilities not permitted*).

c. Wholesale group.

d. Industrial group A, excluding ice manufacturing; soft drink bottling plant; the sale, rental or storage of oil and gas well drilling equipment; petroleum bulk plants; and manufacturing or brewery of

alcoholic beverages (storage permitted) (*all other Industrial group A uses would be permitted*).

e. Commercial recreation group, limited to bowling alley, dance hall, pool or billiard hall, roller and ice skating facilities, athletic facility, theater within an enclosed structure, auditorium, coin-operated amusement and game devices, private or fraternal clubs and miniature golf courses (*tavern, saloon and bar not permitted*).

f. Office-bank group, limited to general office (*banks and medical offices not permitted*).

g. Storm water management facilities, including a regional detention pond to be located on Lot 7.

2. *Special Uses*. The following uses are allowed as special uses within this Planned Unit Development, subject to the provisions of Section 14-03-08 of the City Code of Ordinances:

- a. Temporary Christmas tree sales.
- b. Temporary religious meetings.
- c. Temporary farm and garden produce sales.
- d. Seasonal nursery and bedding stock sales.
- e. Recreational vehicle park.
- f. Filling station.
- g. Small animal veterinary clinic.
- h. Animal hospital or kennel.
- i. Golf driving range.

Other special uses identified in Section 14-03-08 but not included in this list shall be prohibited.

3. *Use Standards*. All uses within this planned unit development shall conform to the following requirements:

- a. There is no unusual fire, explosion or safety hazard.
- b. There is no production of noise at any boundary of this district in which such use is located in excess of the average intensity of street and traffic noise at that point.
- c. There is no emission of smoke in excess of any density described as No. One as measured by a standard Ringelmann Chart as prepared by the United States Bureau of Mines; provided, however, that smoke of a density not in excess of No. Two on a Ringelmann Chart will be permitted for a period not in excess of four minutes in any thirty-minute period.

d. There is no emission of dust, dirt, or toxic or offensive odors or gas.

e. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.

f. There is no activity which produces electrical, electronic or radio frequency interference beyond the boundaries of the property on which the activity is located.

4. *Dimensional Standards.*

a. **Front Yard Setback.** The minimum front yard setback is fifteen (15) feet.

b. **Side Yard Setback.** The minimum side yard setback is ten (10) feet.

c. **Rear Yard Setback.** The minimum rear yard setback is ten (10) feet.

d. **Height.** The maximum building height is thirty-five (35) feet.

e. **Lot Coverage.** The maximum lot coverage for buildings and required parking is eight (80) percent of the total lot area.

f. **Landscape Buffer Setback.** The minimum setback from the eastern property line of the subdivision is fifty (50) feet to accommodate the required landscape buffer.

5. *Design and Aesthetic Standards.*

a. **Intent.** It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance.

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 prefinished non-corrugated 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.

The following building types and materials are expressly prohibited: wood as an exterior wall finish, except where used as an accent material; corrugated metal roofing or siding; and exposed, untextured, uncolored, unaugmented concrete (including poured in place, pre-cast concrete panels and concrete block).

The main entrance or façade of the buildings shall be given special treatment through the use of different materials, colors and/or architectural features to enhance the view from the public right-of-way.

Any building elevation 100 feet or more in width shall be visually broken up through the use of different materials, colors and/or architectural features to lessen the visual mass of the building as viewed from adjacent properties or the public right-of-way.

All subsequent renovations, additions and related structures constructed after the construction of the original building shall be constructed of materials comparable to those used in the original construction and shall be designed in a manner conforming to the original architectural design and general appearance.

c. **Building Colors.** Buildings erected within this development will have a three part color scheme.

The main mass of the building shall be of a color shade chosen for consistency with the range of color shades utilized for structures that already exist in the surrounding residential area. Neutral, subtle colors which reflect those found in the natural environment are recommended to help deemphasize the overall mass of building elevation.

The lower level of building shall be of a darker shade, either of the same color or of a complementary color to that utilized for the main mass of building. The lower level color will be applied to help establish a pedestrian scale for the development. For the purpose of this provision, the lower level of building shall be defined as a minimum three (3) foot high band from base of the façade for a one-story building or a minimum six (6) foot high band from base of the façade for a two-story building.

Design features which provide accents to the building façade shall be of a brighter color which is vibrant but not garish, in a shade which complements colors utilized in the main mass and lower level of the building. The building accents color shall be utilized in architectural features provided to visually break up the facade, and lend depth and

harmony to the building's appearance. No more than one accent color should be used per building.

d. **Enclosed Building Requirement.** All production, processing, storage, sales, display, or other business activity shall be conducted within a completely enclosed building except for outdoor storage areas.

e. **Outdoor Storage Areas.** Outdoor storage areas shall be placed to the rear or side of the principal structure; shall be subject to the building setback requirements along Calgary Avenue and Hamilton Street; shall not be located over any easement; shall be fenced around the perimeter with a wall or fence not less than six (6) feet in height; shall have a paved or gravel surface; shall be maintained in an orderly fashion; and shall not reduce the amount of required off-street parking on the site. For any portion of an outdoor storage area located along Calgary Avenue or Hamilton Street, the wall or fence must be completely opaque (non-transparent); constructed of wood, masonry or similar materials that complement the exterior of the building (plastic slats in a chain link fence would not be acceptable; and the area between the fence and the property line must be planted with a minimum of two (2) shade trees, two (2) ornamental trees, two (2) large upright coniferous trees or five (5) small upright coniferous trees, and fourteen (14) shrubs per one hundred (100) linear feet of frontage in conjunction with site development, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City's landscaping ordinance. The height of materials stored, excluding operable vehicles and equipment, shall not exceed the height of the fence.

6. *Development Standards.*

a. **Accessory Buildings.** Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.

b. **Parking and Loading.** Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. Loading areas shall be oriented away from the residentially-zoned property to the east of the subdivision.

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

d. **Buffer Yards.** In accordance with the requirements of Section 14-03-11, a buffer yard for the entire development shall be provided along the entire eastern edge of the PUD. Said buffer yard shall be no less than fifty (50) feet in width and shall be shown on the face of the plat as a landscape easement. The entire landscape buffer yard shall be installed within one (1) year of the subdivision plat being recorded, and shall include a berm no less than six (6) feet in height and be planted with a minimum of four (4) shade trees, three (3) ornamental trees, five (5) large upright coniferous trees and ten (10) small upright coniferous trees per one hundred (100) linear feet, with minimum sizes at planting and the minimum sizes at maturity as outlined in the requirements for buffer yards in the City's landscaping ordinance. No building permits will be issued for any lot within the subdivision until the landscape buffer yard for the entire subdivision is in place.

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

f. **Signage.** Signage for the development may be installed in accordance with the provisions of Section 14-03-05 (10) (Industrial Park Area Identification Signs). Signage for individual lots within the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

6. ***Approval of Site Plans and Building Elevations.*** Prior to the development of any lot within this plat, the proposed site plan and building elevations, including building materials and colors, shall be reviewed by City staff in accordance with the City's site plan review procedure and shall also be approved by the Bismarck Planning & Zoning Commission. The Planning & Zoning Commission shall not approve a proposed site plan and building elevations until a public hearing has been held on the proposal. Notice of the time and place of such hearing shall be given in the official newspaper of the City of Bismarck once per week for two (2) consecutive weeks prior to the date of such hearing and all known property owners within three hundred (300) feet of the plat of Hamilton's First Addition shall be given written notice not less than ten (10) days prior to the date of the public hearing.

7. ***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 approval by the Bismarck Planning & Zoning Commission.

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

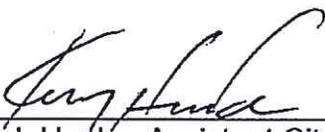
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

STATE OF NORTH DAKOTA)
)
COUNTY OF BURLEIGH)

I, Keith J. Hunke, do hereby certify that I am the duly appointed, qualified Assistant City Administrator of the City of Bismarck, North Dakota and that the foregoing is a full, true and correct copy of an ordinance adopted by the Board of City Commissioners at its regular meeting of May 26, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Bismarck, North Dakota, this 27th day of May, 2009.

(SEAL)



Keith J. Hunke, Assistant City Administrator

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
July 22, 2015**

The Bismarck Planning & Zoning Commission met on July 22, 2015, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Mel Bullinger, Mike Donahue, Doug Lee, Ken Selzer, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioners Brian Bitner, Vernon Laning and Mike Schwartz were absent.

MINUTES

Chairman Yeager called for consideration of the minutes of the June 24, 2015 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the June 24, 2015 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. PART OF LOT 4, BLOCK 2, PINEHURST 4TH ADDITION – ZONING CHANGE**
- B. DOWNTOWN DISTRICTS/PARKING GARAGES – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Part of Lot 4, Block 2, Pinehurst 4th Addition – Zoning Change
- B. Downtown Districts/Parking Garages – Zoning Ordinance Text Amendment

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

**PUBLIC HEARING – ZONING CHANGE
LOT 1, BLOCK 3, KMK ESTATES**

Chairman Yeager called for the public hearing on the zoning change from the RR-Residential zoning district to the R10-Residential and Conditional RT-Residential zoning districts for Lot 1, Block 3, KMK Estates. The property is located in northwest Bismarck along the west side of North Washington Street and the south side of Buckskin Drive.

Mr. Tomanek gave an overview of the request, including the following 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.

Mr. Tomanek said, based on the above findings, staff recommends approval of the zoning change from the RR – Residential zoning district to the R10 – Residential zoning district on the West 170 feet of Lot 1 and to the Conditional RT – Residential zoning district on 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.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from the RR – Residential zoning

district to the R10 – Residential zoning district on the West 170 feet of Lot 1 and to the Conditional RT – Residential zoning district for 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. Commissioner Seminary seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
THE SOUTH 170 FEET OF LOT 2, BLOCK 1, BOULDER RIDGE 3RD ADDITION**

Chairman Yeager called for the 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 3rd Addition. The property is located along the north side of 43rd Avenue NE and the east side of Normandy Street.

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

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.
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 43rd Avenue NE and developing CG-Commercial zoned property and one rural residence to the east.
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.
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.

Ms. Lee said, 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.

Dave Patience, Swenson, Hagen & Co., explained that the area to the east of this location is transitioning and developing as commercial uses and there is office uses on the south side of 43rd Avenue NE. He said he feels this is an appropriate transition as well. In order to protect the surrounding residential and rural residential neighborhood, there will be ten to twelve condo-style units that will face the street to the north of this parcel, not the single family homes. He added that landscaping is already in place.

Chairman Yeager opened the public hearing.

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

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

**PUBLIC HEARING – ZONING CHANGE
LOT 8, BLOCK 15, REPLAT OF PART OF TIBESAR’S FIRST SUBDIVISION**

Chairman Yeager called for the public hearing on the zoning change from the RT – Residential zoning district to R5 – Residential zoning district for Lot 8, Block 15, Replat of Part of Tibesar’s First Subdivision. The property is located 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.

Mr. Nairn gave an overview of the request, including the following 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.

Mr. Nairn said, 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.

Chairman Yeager opened the public hearing.

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

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

PUBLIC HEARING – ZONING CHANGE LOTS 2 & 3, BLOCK 4, MEADOWLARK COMMERCIAL SEVENTH ADDITION

Chairman Yeager called for the public hearing on the zoning change from the RT – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 2 & 3, Block 4, Meadowlark Commercial Seventh Addition. The property is located in north Bismarck, east of US Highway 83 along the south side of the future section line road, 57th Avenue NE, and the west side of the future North 19th Street.

Mr. Tomanek gave an overview of the request, including the following 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, BRPD would have become the land owner along a portion of North 19th Street, thus resulting in BPRD sharing a portion of the construction costs associated with the extension of North 19th Street. The current agreement between the applicant and the BPRD would no longer result in the BPRD owning land along North 19th Street; however, the applicant has indicated a willingness to provide an easement to allow the extension of the Hay Creek trail. The

final location of the future trail extension is not known at this time and it is likely that the exact location would not be determined until such time as each lot along the east side of North 19th Street is studied and programmed to accommodate an end-user of the property. If the final location of the multi-use trail cannot lie adjacent to Hay Creek due to topographic constraints, BPRD has indicated that an alternative would be to locate the multi-use trail within the North 19th Street public right-of-way.

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.
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.

Mr. Tomanek said, 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.

Commissioner Atkinson asked why the staff recommendation is to approve the request if there are so many things in the staff report stating the request is not compatible with the location.

Mr. Tomanek said after meeting with the applicant and knowing their intentions of how to design the landscape screening around the property as well as access and design, staff feels the concept and the operation plans for the facility are in line with the surrounding area.

Commissioner Seminary said he is sometimes confused on the consistency of the use versus the staff recommendation being appropriate; however, he feels this is the appropriate recommendation for this request given what is coming in the future for North 19th Street. He said that will be a major north to south connection over time and asked what the main concern is with this request when it comes to compatibility with the surrounding area.

Mr. Tomanek said the main concerns are access, public roadways and the general storage use being an industrial use; however the proposed facility would be climate controlled and regularly staffed so that softens the impact of this particular use quite a bit. He said there is not anything in the community thus far with this level of design, but the adjacent rural residential homes will see somewhat of an impact. He said the area in general is programmed now for future commercial uses.

Commissioner Seminary said he agrees with what Mr. Tomanek said and that previous studies did not anticipate the magnitude of growth the City has been seeing, and the City needs to find a way to become more comfortable with storage uses.

Commissioner Lee asked what the primary access point to the facility will be. Mr. Tomanek said patrons would mostly come from the south, up North 19th Street, or over on East LaSalle Drive once that is completely constructed and open. He said a temporary cul-de-sac easement sized appropriately for emergency services to access the site will be in place as well as a dustless, all-weather surface road.

Chairman Yeager opened the public hearing.

Bruce Hicks, 1475 Brookside Lane, said he has been a resident of Gussner Home Sites for many years and that East LaSalle Drive is paved all the way up to their development but right now most of the earth work has been done using North 19th Street. He said this is causing a large mess on the road and he is not opposed to development and can see the benefits of it, but right now there is already a lot of construction traffic on Brookside Lane. He said there is a culvert being constructed and dirt work seems to be done without any real plan. He said he feels communication is lacking between the developer and the neighborhood, as they were told 57th Avenue NE would be used to move equipment, not Brookside Lane, and now a lot of the regular traffic is shortcutting through the neighborhood as well. He said the culvert being dug through the creek is causing a lot of runoff through the coulee which floods the entire area.

Chairman Yeager asked if Brookside Lane is maintained by Burleigh County. Mr. Tomanek said it is and that it is platted and a public right-of-way, but it is outside city limits. He suggested communication with Burleigh County is needed to resolve the concerns Mr. Hicks has.

Commissioner Atkinson asked how long it will be before East LaSalle Drive connects to North 19th Street. Commissioner Bullinger said that need is development driven so it would depend on how much and how fast development takes place.

Brian Zuroff, Wenck Associates, said the plan is to have those roadways connect in the fall of 2015 based on the projected development plan. He said utility plans are being worked on and the exit from the cul-de-sac would be curbed to avoid regular traffic shortcutting and using Brookside Lane. He said the developer is also willing to barricade the trail being used to prevent any heavy truck traffic, adding that some increased traffic will be experienced upon development but nothing comparable to that of a multi-family use. He said the disturbed wetland and drainage areas have to be replaced so the water issues will be resolved. It is the desire of the developer to have a very high end storage facility, as there is a severe lack of that in the area now. He said they have received conditional use terms from MDU as well as WAPA because of the easement, so those will also have to remain accessible to those entities.

Mr. Hicks said there might not be much traffic as a result of this project, but would like to see the many other projects going up in the area, such as Dick's Sporting Goods and Gordman's, be taken into consideration as well. He said traffic is already changing and is going to get crazier and will always find its way onto Brookside Lane.

Commissioner Lee asked if Mr. Hicks would feel more comfortable with the plan if the developer was asked to barricade Brookside Lane. Mr. Hicks said that would make him feel a lot better.

Mr. Tomanek said staff can work with the County Engineer and the City Traffic Engineer as far as barricading Brookside Lane and the perimeters necessary to allow that, but it would have to be included as a condition of the motion and approval of the request.

Darin Will said his mother owns two properties on Brookside Lane and asked how the construction equipment will be moved if not down Brookside Lane once the proposed road and bridge are in place and the road cannot handle that large of a load. He said they are also experiencing water issues that were not there prior to development.

Mr. Tomanek said one option may be to construct 57th Avenue NE as it would be a section line road.

Kevin Nelson, Wenck Associates, said those concerns will most certainly be addressed and that equipment will be moved using North 19th Street as much as possible. A permit is currently being processed to complete the culvert there as well to make utilization of that roadway safer.

Commissioner Lee asked if it would negatively affect the development if a restriction was imposed on Brookside Lane. Mr. Nelson said it would not.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the zoning change from the RT – Residential zoning district to the PUD – Planned Unit Development zoning district, as outlined in

the draft PUD ordinance, with the condition that the developer will work with Burleigh County and the City of Bismarck to create a plan to block access by construction traffic via Brookside Lane and to explore alternative access points, for Lots 2 & 3, Block 4, Meadowlark Commercial Seventh Addition. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 2, BLOCK 1, WISDOM OFFICE PARK ADDITION**

Chairman Yeager called for the public hearing on the special use permit to allow the development and operation of a child care center on Lot 2, Block 1, Wisdom Office Park Addition. The property is located in north Bismarck, between State Street and North 19th Street, along the south side of East Century Avenue (1701 East Century Avenue).

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

Ms. Lee said, 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 child 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 must be limited to 45.

Chairman Yeager opened the public hearing.

Bill Baumann, Director of the Missouri Valley Family YMCA, said child care is in huge demand in Bismarck right now and they currently are only meeting 30-40% of the need at this time. He said families want to move here and know that they will be able to find high quality child care when they do. He said this would be a great location for a child care center as it has perfect access and minimal internal building changes will be needed. He said they are hoping to open by February 1st and, because the YMCA is such a huge provider nationwide, they can partner with large local businesses to provide quality care for the children of those employers.

Commissioner Lee asked how many children the Bismarck YMCA currently provides care for. Mr. Baumann said they currently have 170 children enrolled in their infant, toddler and preschool programs total and could double that number with this new facility.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve 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 child 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; and 3. The number of children using the outdoor recreation area at one time must be limited to 45. Commissioner Atkinson seconded the motion and the request was approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT OFF-STREET PARKING & LOADING/DOWNTOWN PARKING DISTRICT

Chairman Yeager called for the public hearing for a zoning ordinance text amendment relating to off-street parking and loading/downtown parking district. Mr. Tomanek explained that the proposed amendment would extend the boundaries of the downtown parking district. Staff recommends approval of the amendment as presented.

Commissioner Bullinger asked what the verbage relating to the south line or the center line makes reference to. Mr. Tomanek explained that is in regards to the edge of the right-of-way unless otherwise specified.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the proposed zoning ordinance draft language and the recommendation of staff, Commissioner Seminary made a motion to recommend approval of the zoning ordinance text amendment relating to off-street parking and loading/downtown parking district as recommended by staff. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Lee, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:20 p.m. to meet again on August 26, 2015.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2015

*****City*****ETA*****

Census Code	7/2015		7/2014		7/2015		7/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	25	\$4,573,269.85	38	\$6,956,474.04	17	\$3,365,176.83	2	\$563,738.25
ROWHOUSE (2) 1-HR FIRE SEPARATION	15	\$2,306,225.00	5	\$778,770.00	0	\$0.00	4	\$721,514.50
FIVE OR MORE FAMILY	0	\$0.00	2	\$13,395,000.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	10	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	3	\$190,400.00	0	\$0.00	1	\$0.00
INDUSTRIAL BUILDINGS	5	\$5,261,249.40	13	\$9,468,865.00	1	\$885,800.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	2	\$11,443,587.00	0	\$0.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$337,679.00	0	\$0.00	0	\$0.00	0	\$0.00
OFFICE; BANK, & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$422,661.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	0	\$0.00	0	\$0.00	1	\$700,000.00	0	\$0.00
OTHER NEW	12	\$6,000.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	3	\$34,611.00	2	\$20,113.50	4	\$401,479.65	2	\$23,563.00
RESIDENTIAL GARAGES	15	\$113,568.00	13	\$82,640.00	7	\$214,199.00	6	\$71,424.00
DECKS PORCHES & COVERED PATIOS	25	\$77,295.00	21	\$65,239.50	6	\$22,620.00	2	\$18,450.00
SWIMMING POOLS & SPAS	1	\$56,000.00	2	\$89,663.00	0	\$0.00	0	\$0.00
OTHER	4	\$50,800.00	10	\$12,850.00	0	\$0.00	1	\$10,560.00
STORAGE SHEDS	1	\$2,160.00	1	\$2,880.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	14	\$82,479.75	13	\$45,182.50	7	\$39,045.00	0	\$0.00
COMMERCIAL BUILDINGS	8	\$3,224,325.75	5	\$2,038,237.00	2	\$204,000.00	0	\$0.00
OFFICE BUILDINGS	1	\$95,000.00	3	\$418,813.25	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	4	\$198,910.00	0	\$0.00	0	\$0.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2015

*****City*****ETA*****

Census Code	7/2015		7/2014		7/2015		7/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
PUBLIC BUILDING	2	\$52,000.00	2	\$1,368,693.28	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE - FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$286,625.32	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	11	\$75,080.00	12	\$827,302.98	0	\$0.00	0	\$0.00
Total	158	\$27,791,329.75	158	\$828,420.25	45	\$5,832,320.48	19	\$1,409,222.75

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2015

*****City*****ETA*****

Trade Permit Type	7/2015		7/2014		7/2015		7/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	38	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	49	\$79,500.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	27	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	3	\$2,250.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	35	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	1	\$0.00	128	\$0.00	0	\$0.00	1	\$0.00
BUILDING ELECTRICAL POOL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	28	\$131,397.00	0	\$0.00	3	\$23,400.00	0	\$0.00
BUILDING MECHANICAL FIREPLACE	20	\$71,578.00	0	\$0.00	2	\$14,817.00	0	\$0.00
BUILDING MECHANICAL HVAC APPLIANCE	13	\$56,945.00	0	\$0.00	4	\$79,729.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	43	\$2,372,949.00	0	\$0.00	9	\$498,630.00	0	\$0.00
BUILDING MECHANICAL OTHER	0	\$0.00	142	\$2,738,052.50	0	\$0.00	16	\$173,329.00
BUILDING MECHANICAL WATER HEATER	29	\$35,671.00	0	\$0.00	1	\$1,265.00	0	\$0.00
BUILDING PLUMBING	39	\$1,550,885.00	81	\$356,060.00	7	\$246,893.00	16	\$49,990.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	16	\$0.00	16	\$0.00
Total	326	\$4,301,175.00	351	\$3,094,112.50	42	\$864,734.00	49	\$223,319.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 7/2015

Living Units	*****City*****		*****ETA*****	
	7/2015	7/2014	7/2015	7/2014
	Units	Units	Units	Units
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	0	120	0	0
MANUFACTURED HOMES	0	0	0	0
ROOM ADDITIONS	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	15	5	0	4
SINGLE FAMILY DETACHED	25	38	17	2
Total	40	164	17	6