



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
September 23, 2015

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

Item No. Page No.

MINUTES

- 1. Consider approval of the minutes of the August 26, 2015 meeting of the Bismarck Planning & Zoning Commission.

MPO NORTHEAST BISMARCK SUBAREA STUDY

- 2. Presentation and Public Meeting on the Metropolitan Planning Organization's Final Northeast Bismarck Subarea Study - Wade Kline, KLJ (Action Requested: Make Recommendation to Board of City Commissioners)

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 3. Promontory Point VII Addition (DN)
a. Zoning Change (A to R5 & P) 1
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
b. Preliminary Plat 5
Staff recommendation: tentative approval [] tentative approval [] table [] deny
4. Lots 4-6, Block 16, Northern Pacific Addition - Zoning Change (RM30 to DF) (JT)..... 13
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny



- 5. **Special Uses/Temporary Uses – Zoning Ordinance Text Amendment (Klee)**..... 17
Staff recommendation: schedule a hearing schedule a hearing table deny
- 6. **R10 Residential District/Row Houses – Zoning Ordinance Text Amendment (Klee)**..... 19
Staff recommendation: schedule a hearing schedule a hearing table deny

REGULAR AGENDA

FINAL CONSIDERATION

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

- 7. **JMAC Industrial Addition, all of the Northstar Drive Right-of-Way in Northstar Commercial Park and Northstar Commercial Park 3rd Addition and part of US Highway 83 Right-of-Way – Annexation (JT)** 23
Staff recommendation: approve approve continue table deny

PUBLIC HEARINGS

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

- 8. **Meadowlark Commercial 8th Addition – Minor Subdivision Final Plat (JT)**..... 27
Staff recommendation: continue approve continue table deny
- 9. **SouthBay Fourth Addition First Replat – Minor Subdivision Final Plat (DN)** 35
Staff recommendation: continue approve continue table deny
- 10. **University of Mary Second Subdivision – Final Plat (Klee)** 41
Staff recommendation: continue approve continue table deny
- 11. **Downtown Districts/Parking Garages – Zoning Ordinance Text Amendment (Klee)**..... 47
Staff recommendation: approve approve continue table deny
- 12. **Off Street Parking and Loading/Plan Required – Zoning Ordinance Text Amendment (Klee)**..... 51
Staff recommendation: approve approve continue table deny
- 13. **Subdivision Regulations/Roadway Design Standards – Zoning Ordinance Text Amendment (DN)**..... 53
Staff recommendation: approve approve continue table deny
- 14. **Floodplain Regulations – Zoning Ordinance Text Amendment (Klee)**..... 57
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

15. **Revised Future Land Use Plan** – Review and Discuss
16. **Geotechnical Setback Line** – Review and Discuss
17. **Other**

ADJOURNMENT

18. **Adjourn.** The next regular meeting date is scheduled for Wednesday, October 28, 2015.

Enclosures: Meeting Minutes of August 26, 2015
Building Permit Activity Month to Date Report for August 2015
Building Permit Activity Year to Date Report for August 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VII Addition – Zoning Change (A to R5 and P)		
Status: Planning Commission – Consideration	Date: September 23, 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 59 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 (All of the NE¼ of Section 24 in T139N-R81W/West Hay Creek Township and part of the E½ of the NW¼ of Section 19, T139N-R80W/ Hay Creek Township)		
Project Size: 51.04 acres	Number of Lots: 59 lots in 4 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: A – Agriculture	Land Use: Low-density residential, public park, and open space	
Uses Allowed: A – Agriculture	Zoning: R5 – Residential P – Public	
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: R5 – Single-family residential P – Public uses	
	Maximum Density Allowed: R5 – 5 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> The proposed zoning change generally conforms to the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. The plan identifies the area as Low-Density Residential (LDR), yielding gross densities of 1 to 4 units per acre. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include undeveloped land proposed for single-family lots to the east, agricultural land to the north, and bluffs to the south and west. 		
<i>(continued)</i>		

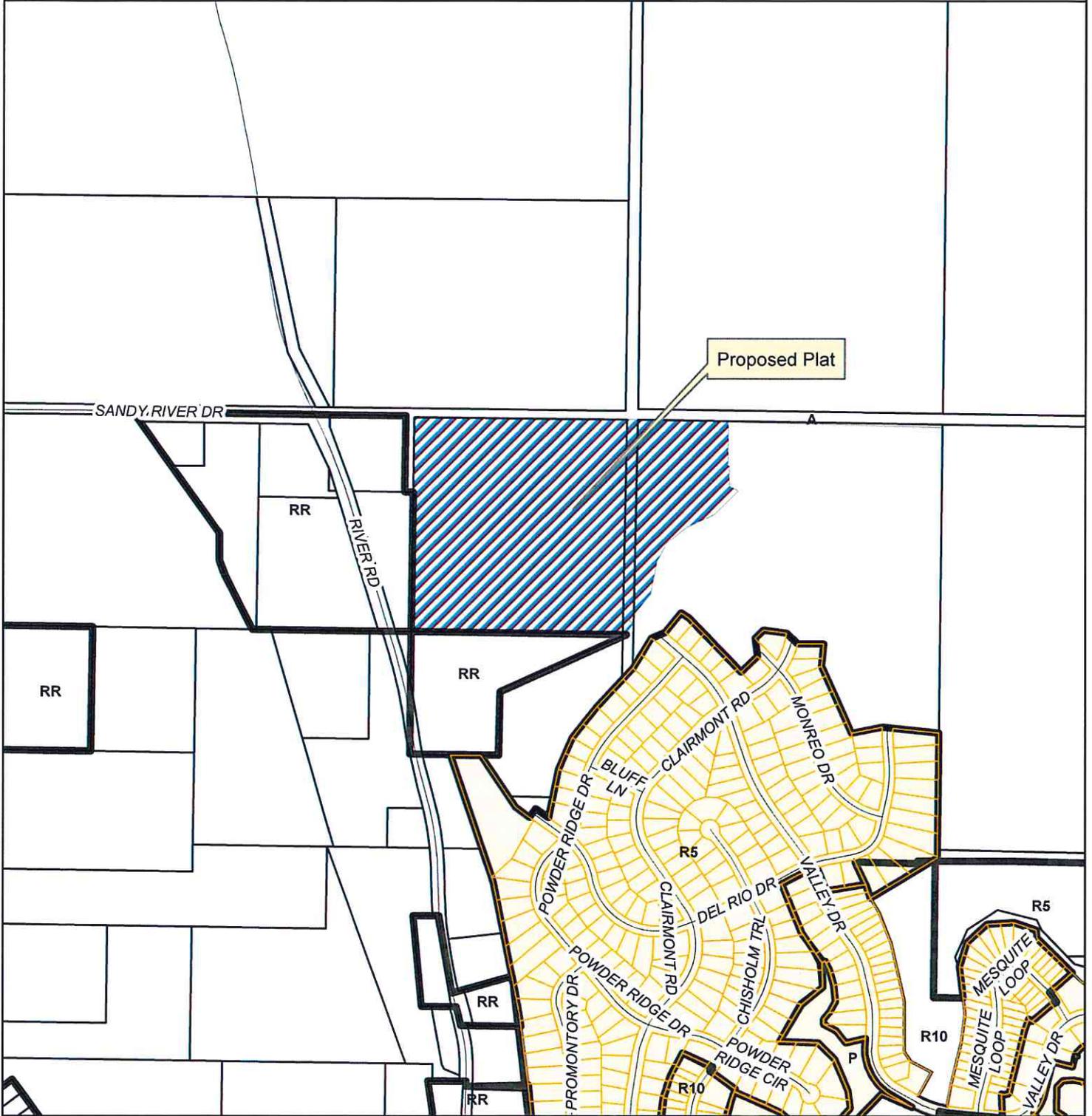
3. The proposed zoning change would not place an undue burden on public services.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. 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 zoning district to the R5 – Residential and P – Public zoning districts for Promontory Point VII Addition.

/dn

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



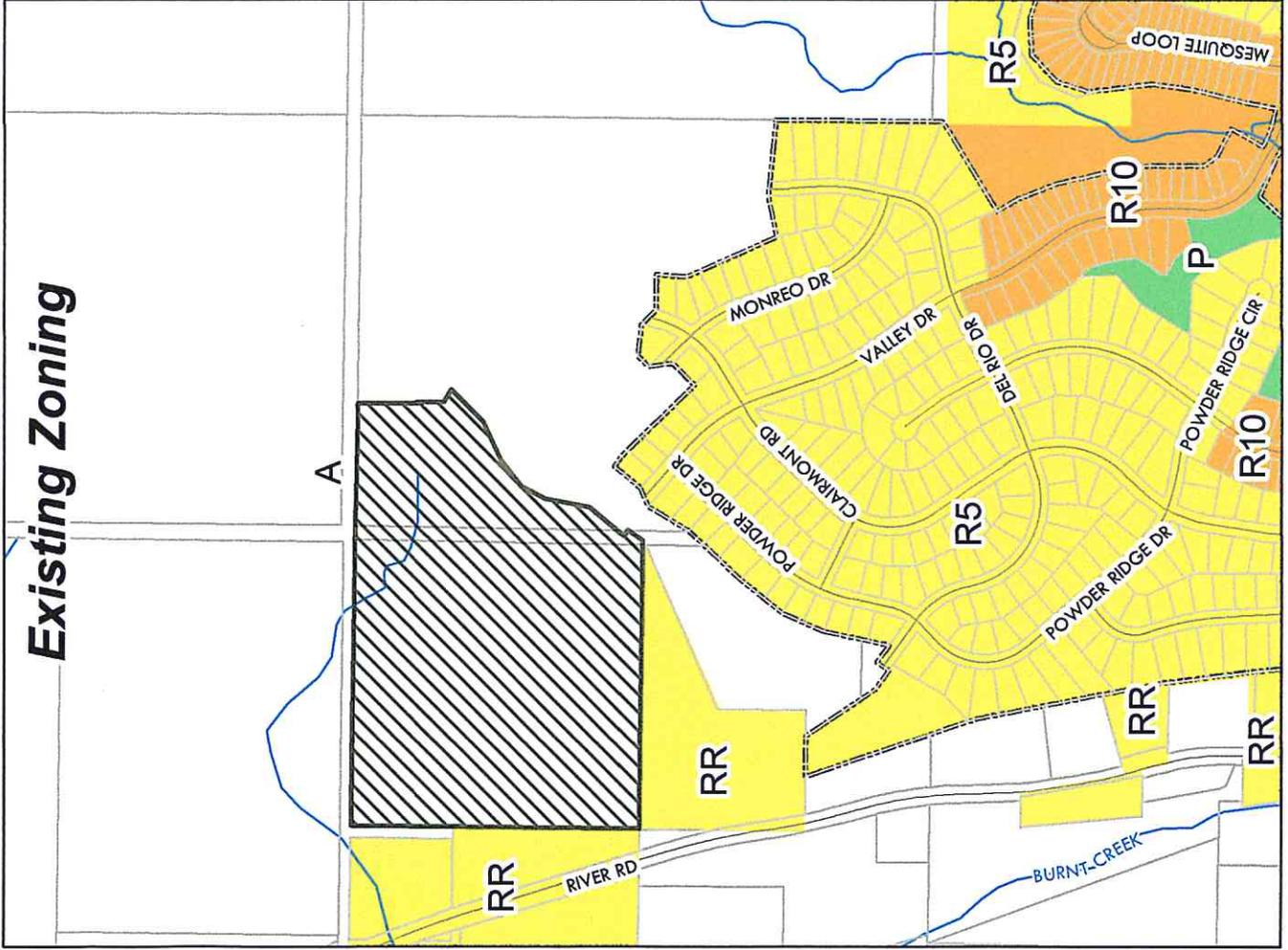
June 15, 2015 (hib)

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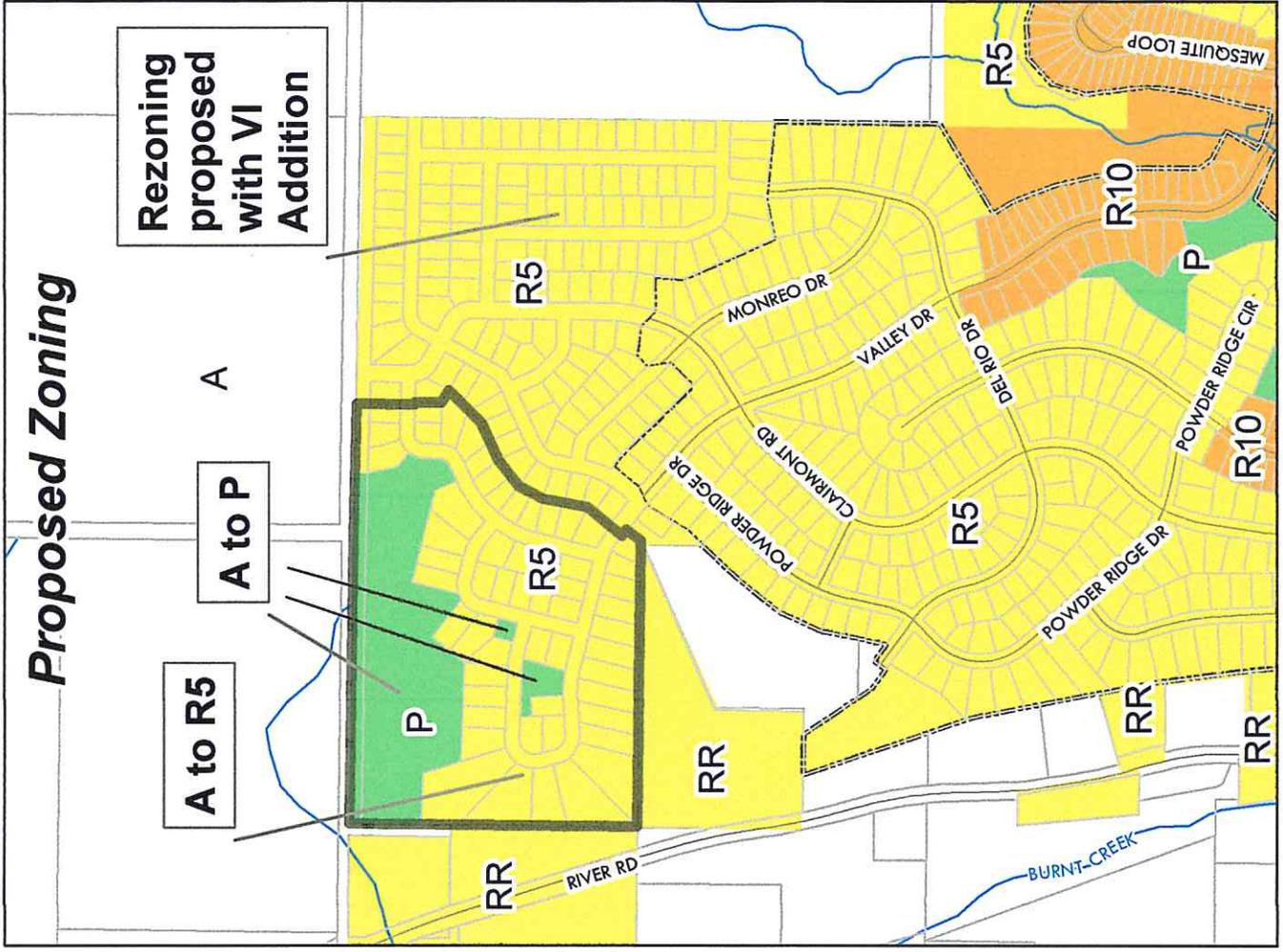


Promontory Point VII Addition - Zoning Change

Existing Zoning

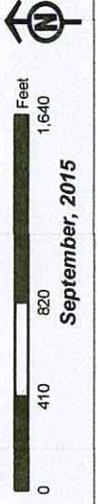


Proposed Zoning



-  Proposed Subdivision
-  City Limits
-  Extraterritorial Area

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VII Addition – Preliminary Plat		
Status: Planning Commission – Consideration	Date: September 23, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Plat and rezone property to allow the development of 59 residential lots.		
Location: Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (All of the NE¼ of Section 24 in T139N-R81W/West Hay Creek Township and part of the E½ of the NW¼ of Section 19, T139N-R80W/ Hay Creek Township)		
Project Size: 51.04 acres	Number of Lots: 59 lots in 4 blocks	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential, public park, and open space	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: R5 – Single-family residential P – Public uses	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre P – N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. In accordance with the 2014 Fringe Area Road Master Plan, the north 60 feet of the plat along the section line is dedicated as public right-of-way for a future extension of Sandy River Drive. No roads from this subdivision connect to this future arterial roadway. 2. A preliminary stormwater management plan has been submitted, and two lots will be dedicated to the public for retention of stormwater from this subdivision, as well as the tentatively approved Promontory Point VI Addition. 		
<i>(continued)</i>		

3. The plat for Promontory Point VII Addition includes a 13.4 acre lot that is reserved for a public park. The land is proposed to transfer to the Bismarck Parks and Recreation District for development into a neighborhood park, in accordance with the City's adopted Neighborhood Parks and Open Space policy. The main access for the park will be from the curve on Pelican Lane, and a secondary trail is proposed to connect to Swan Drive. The applicant and the District are in the process of negotiating a park development agreement, which will be presented for review by the Planning and Zoning Commission during the public hearing for the final plat of either Promontory Point VI Addition or Promontory Point VII Addition.
4. The plat includes several areas along the west, north, and south sides with steep slopes. The applicant proposes a slope protection easement shown on the plat with restrictions imposed on landowners to prevent erosion. A similar easement was used in prior additions of Promontory Point. The City Commission adopted the Ash and Ward Coulee Watershed Stormwater Master Plan, which includes a geotechnical study of the steep slope areas included in this plat. The study includes a geotechnical setback line from the steep slopes; there are some discrepancies between this line and the slope setback line shown on the plat, as shown in the attached map.
5. The boundary between Hay Creek West and Hay Creek townships runs through the plat, and seven lots are bifurcated by this line. This is problematic if the subdivision is recorded prior to annexation for two reasons. 1) The lots would be subject to two separate tax entities; and 2) the 33 feet of right-of-way on each side of the section line would have to be shown on the plat unless formally vacated by the Burleigh County Commission. For these reasons, the applicant intends to annex at least this portion of the plat prior to recordation.

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 Sandy River Drive as a future east-west arterial roadway.
3. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include proposed single-family lots to the east, agricultural land to the north, and bluffs to the south and west.
4. The subdivision would not be annexed at this time, but would be annexed prior to development and/or recordation of the final plat. 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.

(continued)

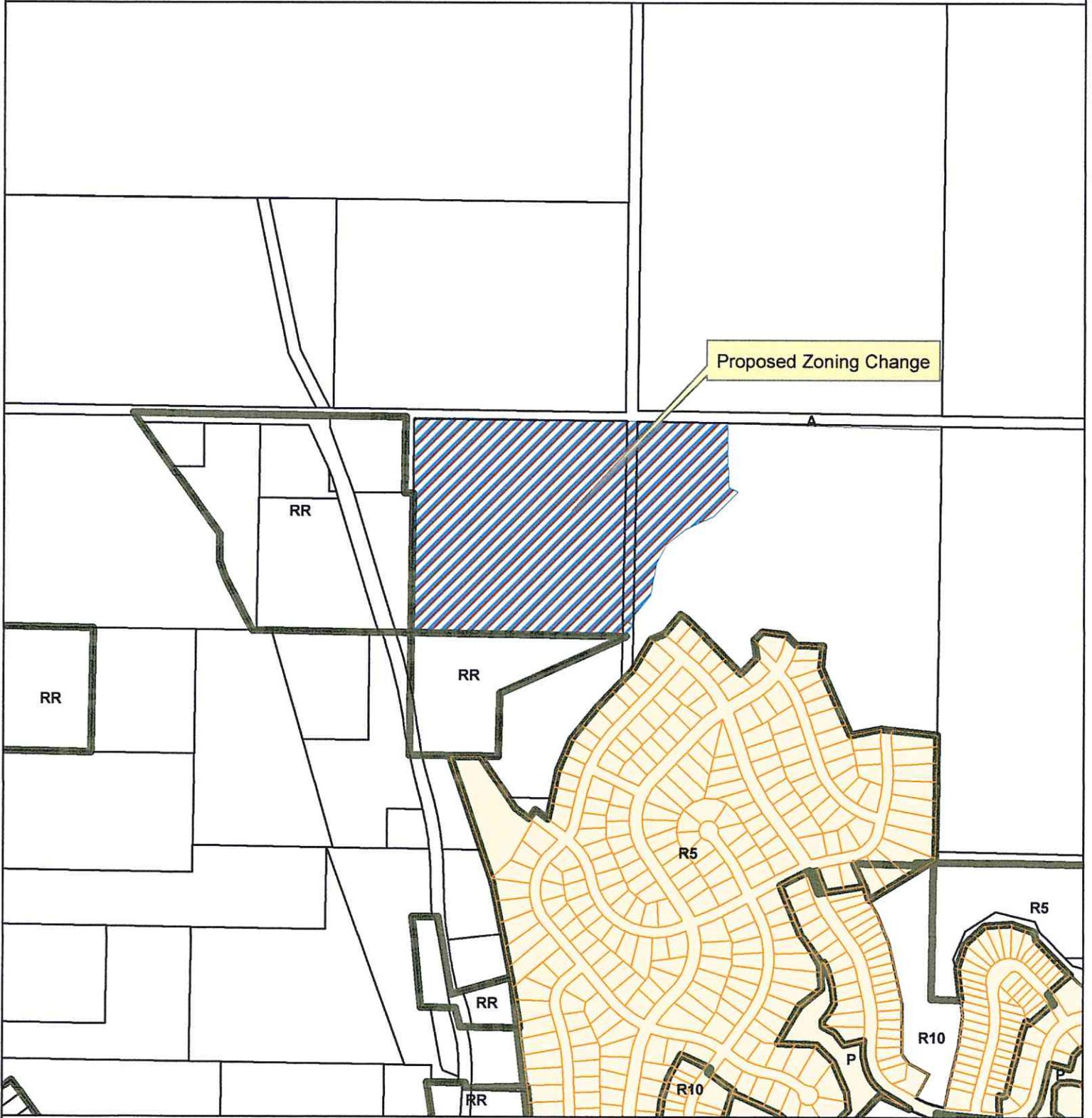
RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat of Promontory Point VII Addition, subject to the following conditions:

1. A Park Development Agreement is written and ratified by the applicant and the Bismarck Parks and Recreation District prior to approval of the final plat.
2. The slope protection easement is evaluated with reference to the adopted Ash and Ward Coulee Watershed Stormwater Master Plan with input from City Engineering and Public Works departments, and changes are made as deemed necessary.
3. All lots bifurcated by the section line between Hay Creek West and Hay Creek townships, as well as an area necessary to create a contiguous path between these lots and the existing City limits, are be annexed prior to recordation of the final plat.

/dn

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



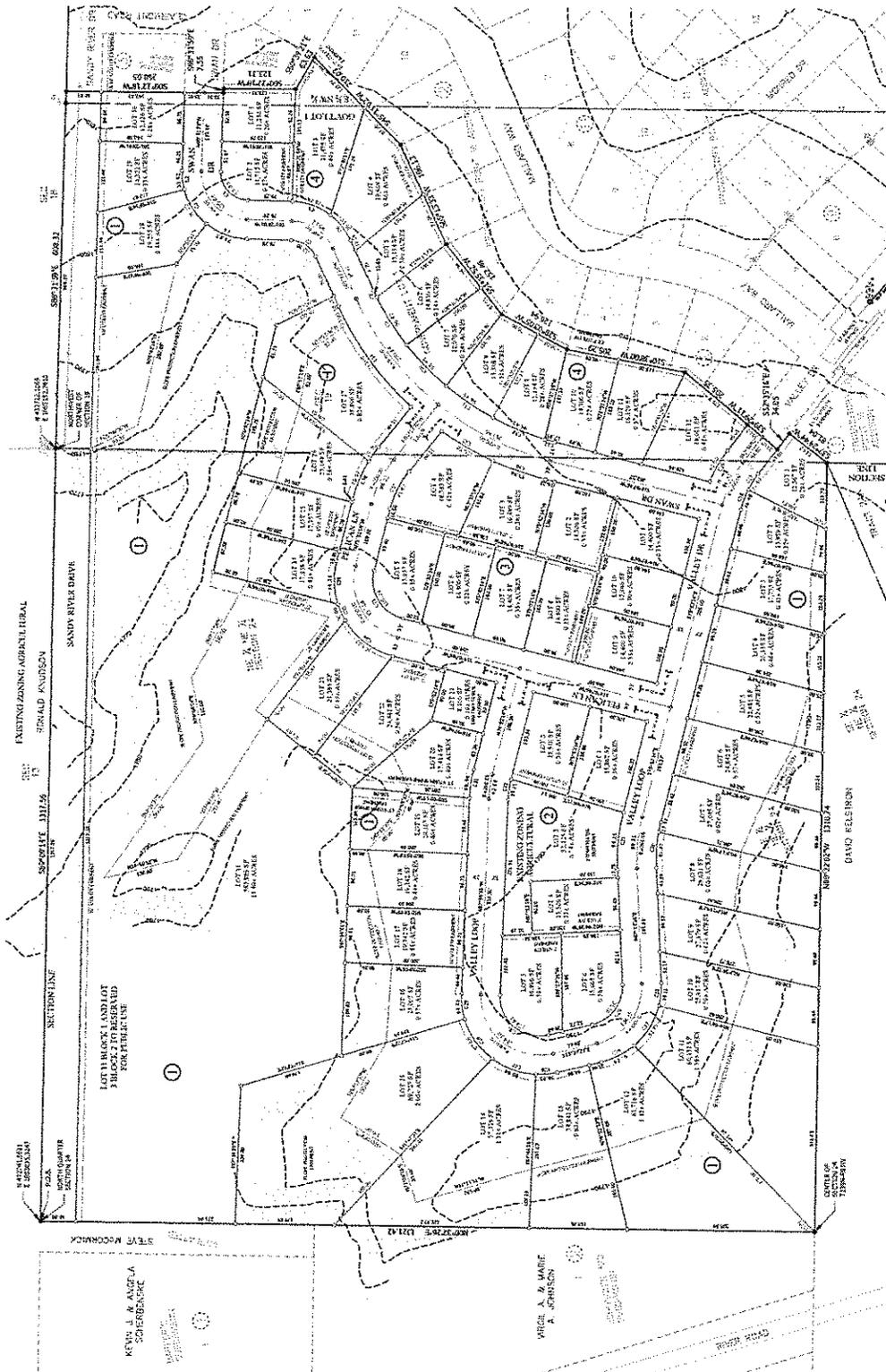
June 15, 2015 (hlb)

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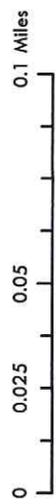
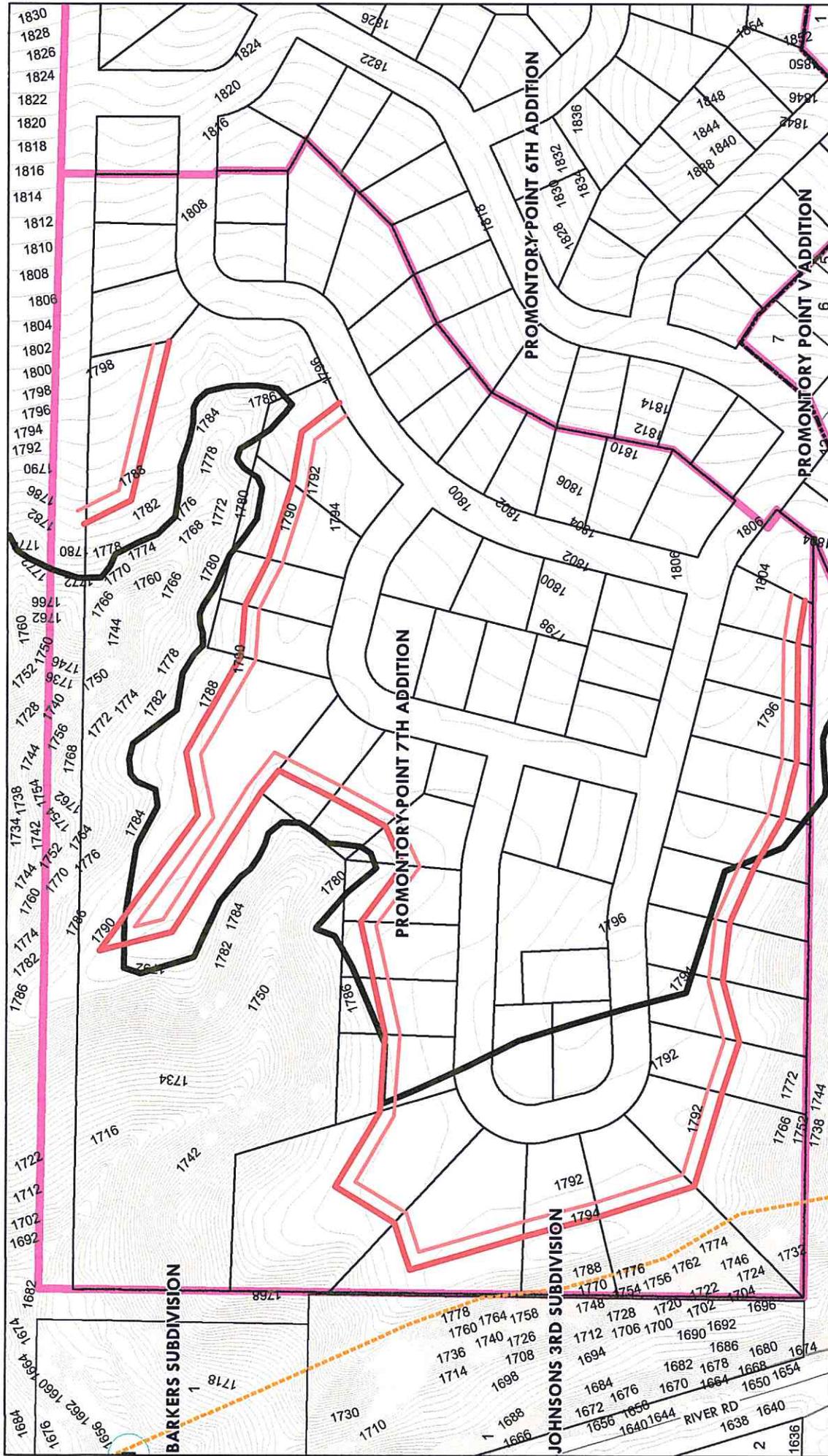
PROMONTORY POINT VII ADDITION

All of the Northeast Quarter of the Northeast Quarter of Section 24, Township 139 North, Range 81 West
 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



LEGEND:
 FORMER BOUNDARY
 REMAINDER OF 1/4 SECTION
 PART TOWNSHIP
 NON-ACCESSIBLE
 QUILITY FURNISH
 SECTION LINE

PARCEL CURVE DATA			
CURVE	DELTA	ARC LENGTH	ARC LENGTH
C1	01149597	487.50	96.45
C2	01149597	487.50	96.45
C3	01149597	487.50	96.45
C4	01149597	487.50	96.45
C5	01149597	487.50	96.45
C6	01149597	487.50	96.45
C7	01149597	487.50	96.45
C8	01149597	487.50	96.45
C9	01149597	487.50	96.45
C10	01149597	487.50	96.45
C11	01149597	487.50	96.45
C12	01149597	487.50	96.45
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C97	01149597	487.50	96.45
C98	01149597	487.50	96.45
C99	01149597	487.50	96.45
C100	01149597	487.50	96.45



Geotechnical Setback Line from Ash-Ward Coulee Study

Preliminary Plat for Promontory Point VII

Slope Protection Easement

Additional Development Restrictions

This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lots 4-6, Block 16, Northern Pacific Addition – Zoning Change (RM30 to DF)		
Status: Planning Commission – Consideration	Date: September 23, 2015	
Owner(s): The Boutrous Group, LLC 506 Properties, LLC	Engineer: N/A	
Reason for Request: Rezone property to allow for redevelopment of the property as a multi-family facility.		
Location: In central Bismarck, along the west side of North 2 nd Street and the north side of East Avenue A.		
Project Size: 21,996 square feet/.5 acre	Number of Lots: 3 lots in 1 block (5 parcels)	
EXISTING CONDITIONS:		
Land Use: Mixed-density residential	PROPOSED CONDITIONS:	
Zoning: RM30 – Residential	Land Use: Multi-family residential	
Uses Allowed: RM30– Multi-family residential	Zoning: DF – Downtown Fringe	
Uses Allowed: DF – Multi-family, offices and limited commercial	Maximum Density Allowed: DF – 30 units/acre	
Maximum Density Allowed: RM30 – 30units/acre	PROPERTY HISTORY:	
Zoned: Pre-1980	Platted: 04/1879	Annexed: Pre-1980
FINDINGS:		
<ol style="list-style-type: none"> 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 mixed density residential to the north and west, mixed-density residential and office uses to the south; vacant parcels and mixed-density residential to the east and the Federal Building to the southeast. 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. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM30 – Residential zoning district to the DF – Downtown Fringe zoning district for Lots 4-6, Block 16, Northern Pacific Addition.		

Proposed Zoning Change (RM30 to DF)

Lots 4-6, Block 16

Northern Pacific Addition



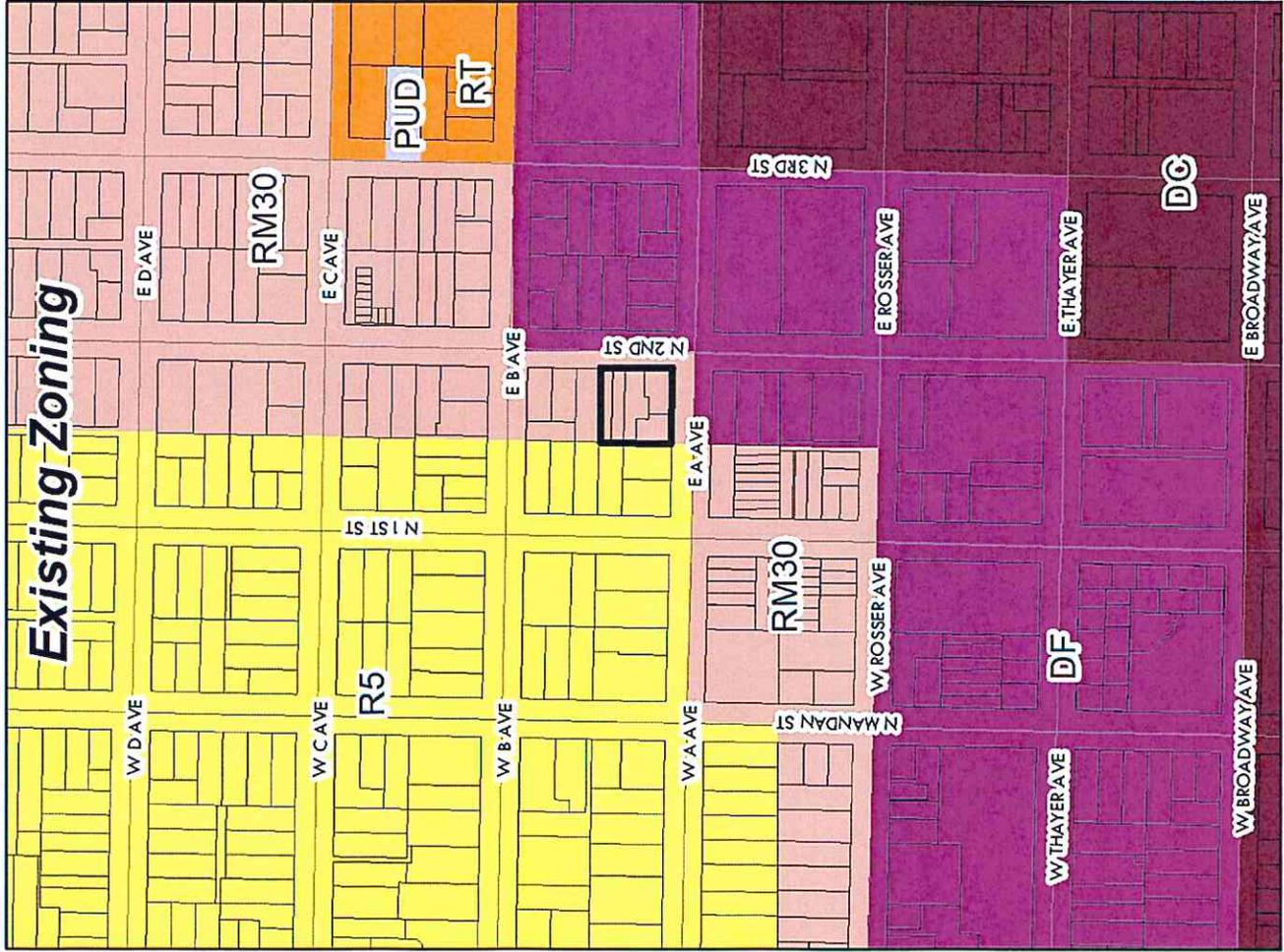
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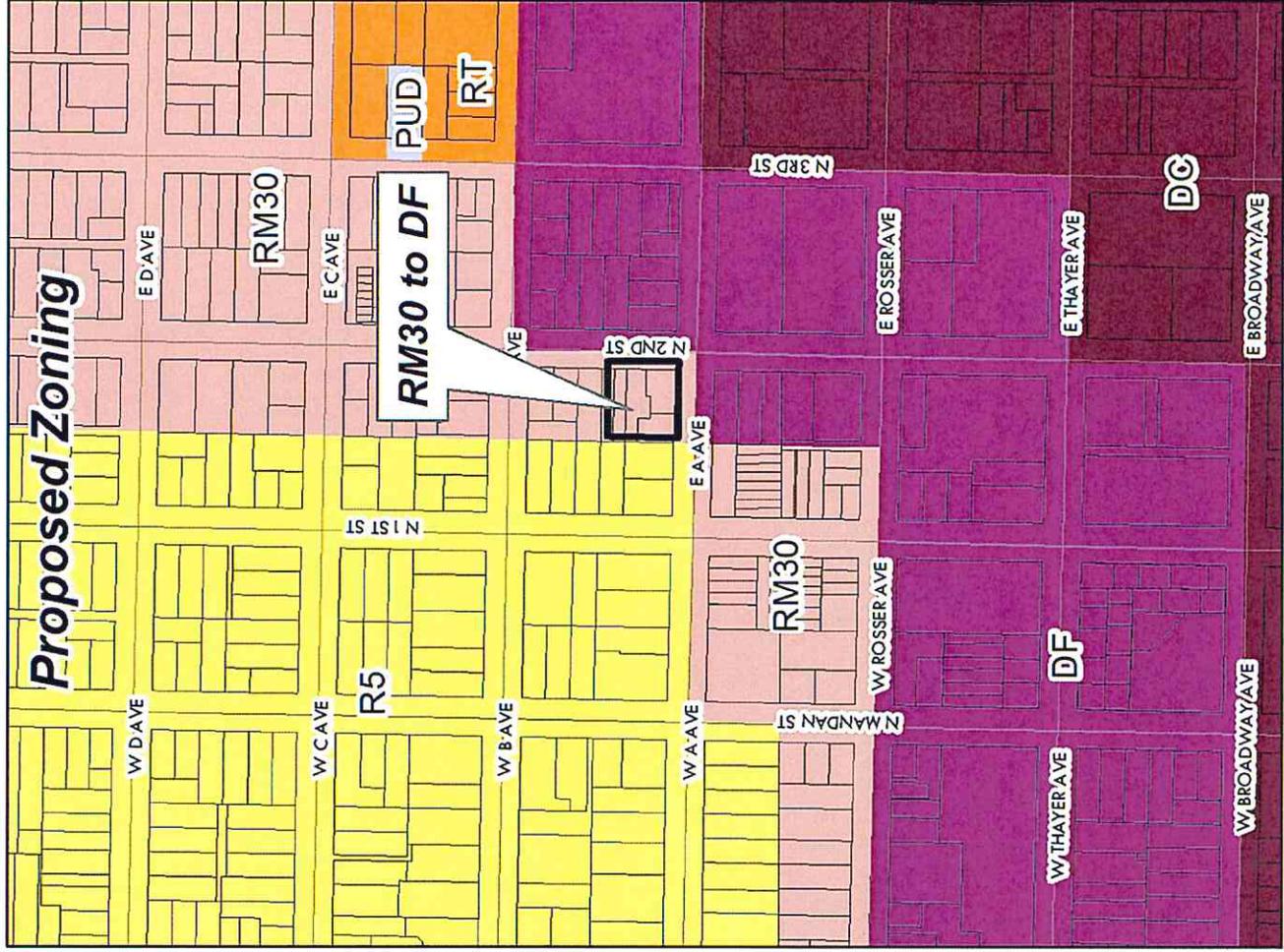


Lots 4-6, Block 16, Northern Pacific Addition - Zoning Change

Existing Zoning



Proposed Zoning



September, 2015

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CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES/TEMPORARY USES.

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

Section 1. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses/Temporary 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.

* * * * *

2. Temporary uses (administrative approval). The Zoning Administrator is authorized to grant permits for certain temporary uses without a public hearing or approval of the city planning and zoning commission. All temporary structures used for the following uses shall be removed within fifteen (15) days after termination of the use. The

following are temporary uses to which such regulations apply:

* * * * *

h. For the placement of a temporary structure for a school or religious institution for a period of not more than twelve (12) months, provided the structure meets the setback requirements for the underlying zoning district, does not reduce the amount of required off-street parking, and meets all applicable building code requirements. The temporary use permit may be renewed for up to two (2) additional twelve (12) month periods, for a total of not more than three (3) consecutive twelve (12) month permits, except as provided by the provisions of the North Dakota Century Code.

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 14-04-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE R10 RESIDENTIAL DISTRICTS, USES PERMITTED, ROW HOUSES.

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

Section 1. Amendment. Section 14-04-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the R10 Residential District is hereby amended and re-enacted to read as follows:

14-04-06. R10 Residential District. In any R10 residential district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted:

* * * * *

e. Row house. Attached single-family dwelling in groups of two (2).

1) Density. The maximum allowable density shall be ten (10) families per gross acre.

2) Lot area.

a) Lot and yard requirement regulations for row house, townhouse or zero lot line

attached units. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

Lot area in square feet--not less than 3,500 feet per unit;

Lot width of front building line--not less than 30 feet, provided, however, that on a record lot corresponding to a plat or deed recorded prior to 1953, the minimum lot width measured along the front building line may be reduced to not less than twenty-five (25) feet.

Depth of front yard in feet--not less than 25 feet;

Width of side yard in feet--20 percent of the lot width for each dwelling unit but not less than 6 feet, except 25 feet shall be maintained at corner lots.

Depth of rear yard in feet--20 feet average but not less than 15 feet at nearest point.

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provisions. Row house, townhouse or zero lot line attached units shall have wall separations between each dwelling unit of at least a two-hour, fire-resistant wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by the city building code pertaining to area separation walls.

5) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit in compliance with Section 14-03-10 hereof.

6) Regulations Imposed on Overall Structure. The lot coverage requirements and the minimum front, side and rear yard setbacks shall

be imposed on the overall structure rather than on each individual unit.

* * * * *

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: JMAC Industrial Addition, all of the Northstar Drive Right-of-Way in Northstar Commercial Park and Northstar Commercial Park 3 rd Addition and part of US Highway 83 Right-of-Way – Annexation		
Status: Planning Commission – Final Consideration	Date: September 23, 2015	
Owner(s): Redland, LLC	Engineer: Bartlett & West	
Reason for Request: Annex property for industrial development.		
Location: North of Bismarck, along the south side of 71 st Avenue NE.		
Project Size: 80.42 acres	Number of Lots: 13 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Industrial and public open space/Hay Creek	
Zoning: MA – Industrial CG – Commercial A – Agriculture P – Public	Zoning: MA – Industrial CG – Commercial A – Agriculture P – Public	
Uses Allowed: MA – Industrial uses including a ready-mix concrete plant, storage facilities and manufacturing CG – Commercial uses A – Agricultural uses P – Public uses including parks, open space, trails and storm water facilities	Uses Allowed: MA – Industrial uses including a ready-mix concrete plant, storage facilities and manufacturing CG – Commercial uses A – Agriculture uses P – Public uses including parks, open space, trails and storm water facilities	
Maximum Density Allowed: MA – N/A CG – 42 units/acre A – 1 unit/40 acres P – N/A	Maximum Density Allowed: MA – N/A CG – 42 units/acre A – 1 unit/40 acres P – N/A	
PROPERTY HISTORY:		
Zoned: 05/2015	Platted: 05/2015	Annexed: N/A
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 the development allowed by the annexation at the time of development. 2. The proposed annexation would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

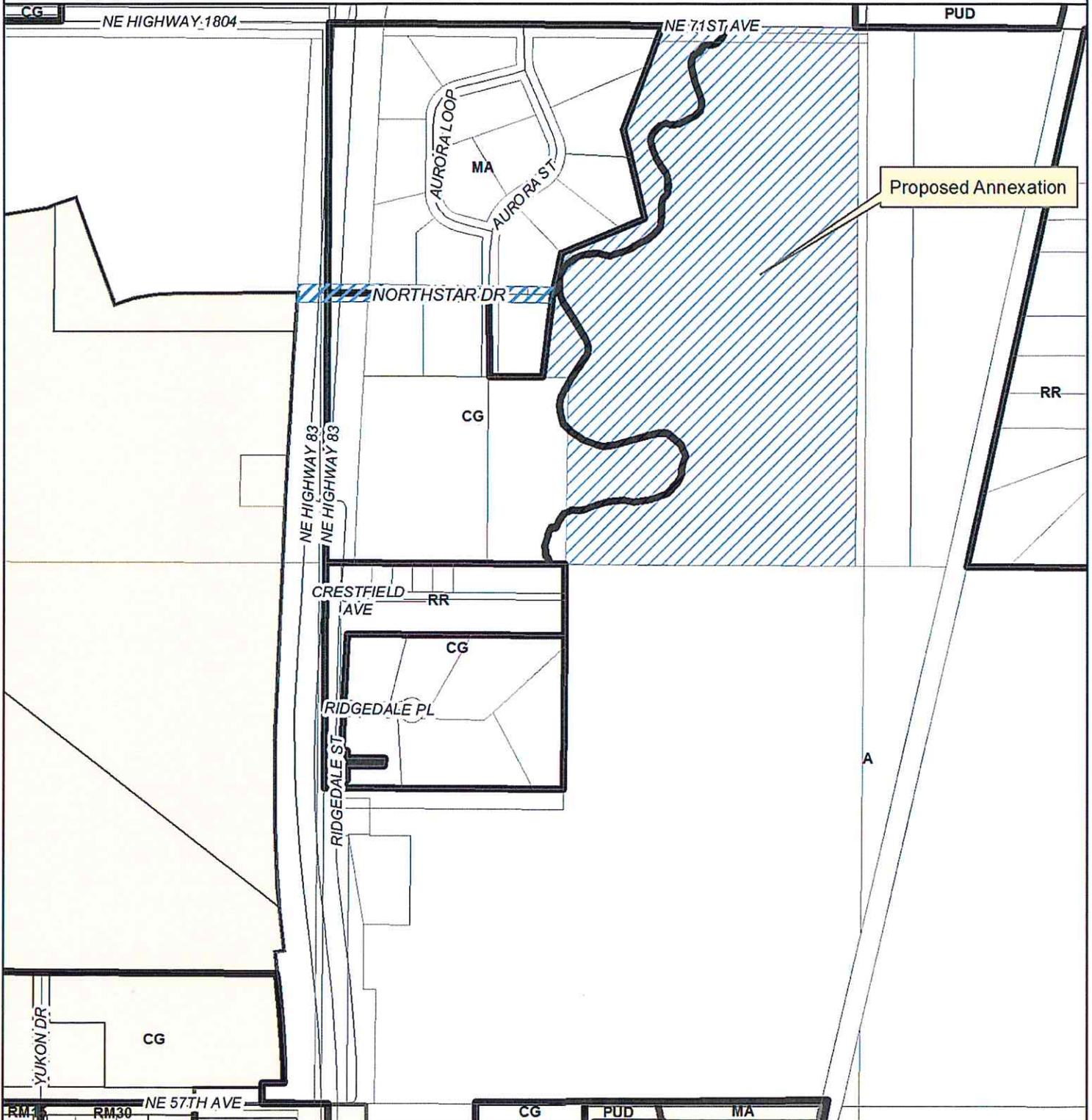
RECOMMENDATION:

Based on the above findings, staff recommends approval of the annexation of Lots 1-3, Block 1, Lots 1-7, Block 2, Lots 1-2, Block 3 and Lot 1, Block 4, JMAC Industrial Addition, all of the Northstar Drive Right-of-Way in Northstar Commercial Park and Northstar Commercial Park 3rd Addition and part of US Highway 83 Right-of-Way.

/jt

Proposed Annexation

JMAC Industrial Addition, all of the Northstar Drive right-of-way and part of US Highway 83 right-of-way



August 4, 2015 (h/b)

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



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Eighth Addition – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: September 23, 2015	
Owner(s): MDS Properties, LLC Invesco Holdings, Inc.	Engineer: Wenck Associates	
Reason for Request: Replat the property to create 10 lots for future commercial development.		
Location: In north Bismarck along the west side of North 19 th Street and the north side of 43rd Avenue NE (A replat of Lot 1, Block 1, Meadowlark Commercial Third Addition).		
Project Size: 27.9 acres	Number of Lots: 10 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: CG – Commercial	Land Use: Commercial	
Uses Allowed: CG – General commercial uses	Zoning: CG – Commercial	
Maximum Density Allowed: CG – 42 units/acre	Uses Allowed: CG – General commercial uses	
PROPERTY HISTORY:	Maximum Density Allowed: CG – 42 units/acre	
Zoned: 07/2005	Platted: 07/2005	Annexed: 07/2005
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> The applicant is requesting the use of private roadways within the development. Written justification for the request was submitted with the application and is attached for review. Planning staff does not have a concern with the request to utilize private roadways within the development. 		
FINDINGS:		
<ol style="list-style-type: none"> All technical requirements for approval of a minor subdivision final plat have been met. The storm water management plan has not been approved by the City Engineer. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. The zoning for the proposed subdivision is not changing and would continue to be compatible with adjacent land uses. Adjacent land uses include developing commercial land uses to the north, south and west and a proposed apartment complex and proposed office uses to the east across North 19th Street. 		
<i>(continued)</i>		

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

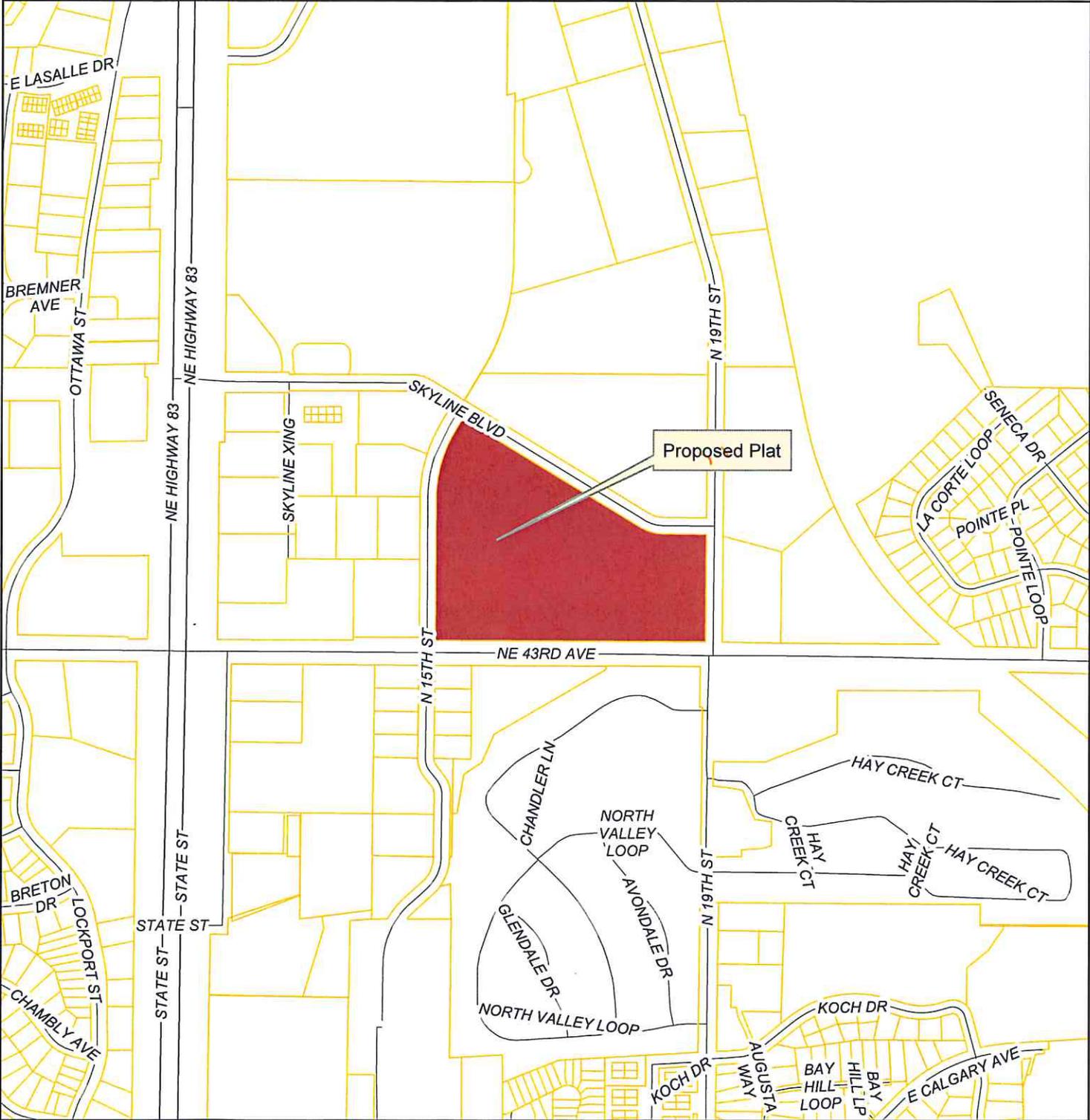
RECOMMENDATION:

Because the storm water management plan has not yet been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a final plat.

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

Based on the above findings, staff recommends approval of the minor subdivision final plat for Meadowlark Commercial Eighth Addition , including the granting of a waiver to allow the use of private roadways within the subdivision.

Proposed Plat Meadowlark Commercial Eighth 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.





Responsive partner.
Exceptional outcomes.

July 24, 2015

Department of Community Development

Planning Division
City of Bismarck
221 North 5th Street
Bismarck, ND 58506

RE: Meadowlark Commercial 8th Addition – Minor Plat
Written Justification for the use of Private Roadways
Wenck File #5296-0005

To Whom It May Concern:

Per conversations with City Staff and requirements within the Minor Plan Submittal Checklist, the following is the written justification for the use of Private Roadways within Meadowlark Commercial 8th Addition as desired by our client, Mr. Dan Schmaltz.

It is the desire of Mr. Schmaltz and his associated investors for Meadowlark Commercial 8th Addition to be an Integrated Development. With this, it is their intent to begin development at the east end of the development, and privately fund all of the underground utilities, roadways, and buildings to be placed on the subdivided property. The intent of this is to install utility services to buildings and complete roadwork as needed to suit the development in an effort to reduce the amount of re-construction that would take place (i.e. removing roadway surfacing to install additional utility services, relocate utility services, etc.).

The overall plan for the Integrated Development is to provide a place where smaller, neighborhood-oriented businesses can provide services to the surrounding community. With the addition of numerous multi-family and high-density residential areas surrounding the area, this would provide a “mini-downtown” feel for the population, without the additional travel and high impacts it would create to the parking in the Downtown Bismarck area.

Additional advantages to the use of the private roadway in this development include, but are not limited to:

- Increased Amount of Greenspace – additional boulevard area would not be present, therefore giving more space for building space and green space, and allowing the developer to better utilize property that already comes with a premium price.
- Allow for a Higher Density of Parking – The use of on-street parking without the restrictions to parallel parking.
- The Utilization of Private Property for Sidewalk – It is the intent to develop a meandering sidewalk with a “Boardwalk Feel” throughout the development, as opposed to a restrictive standard sidewalk parallel to the roadway. This would allow the use of patios and retailers to provide outdoor shopping space in addition to their interior building space.

**Department of Community
Development**
Planning Division
City of Bismarck
July 24, 2015



The overall plan for the development is to start on the East end of the property, and develop 1 to 2 lots per year. The developers intend to construct the entirety of Meadowlark Commercial 8th Addition themselves, bringing in local, small businesses to help stimulate the economy with something other than the typical "Big-Box" retailers currently present in the area.

It is the full intent of Mr. Schmaltz and his investors to abide by building offsets, greenspace, parking, and other regulations set forth by the current zoning "CG – Commercial".

If you have any questions or concerns, please feel free to contact me at any time.

Sincerely,

Wenck Associates, Inc.

A handwritten signature in blue ink that reads 'Brian Zuroff'.

Brian Zuroff, EIT
Civil Engineer
bzuroff@wenck.com
Office: (701) 751-3370
Direct: (701) 751-6146
301 1st Street NE, Suite 202
Mandan, ND 58554

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: SouthBay Fourth Addition First Replat – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: September 23, 2015	
Owner(s): Mayflower Properties	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat property to rearrange lots and allow construction of twenty (20) 3-4 unit townhomes.		
Location: In southwest Bismarck, south of West Burleigh Avenue and approximately one mile west of South Washington Street		
Project Size: 1.20 acres	Number of Lots: 24 lots in 1 block (existing) 20 lots in 1 block (proposed)	
EXISTING CONDITIONS:	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: 3-4 Unit Townhomes	
Zoning: RM10-Residential	Zoning: RM10-Residential	
Uses Allowed: RM10 – Multifamily Residential	Uses Allowed: RM10 – Multi-family residential	
Maximum Density Allowed: RMR10 – 10 units/acre	Maximum Density Allowed: RM10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 4/2012	Platted: 4/2012	Annexed: 4/2012
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. This property was platted, zoned and annexed in April 2012. Townhomes have been constructed on all lots within Block 2, and many of the lots on the north end of Block 1. The applicant has proposed to modify the arrangement of the southernmost lots in the plat for the purpose of constructing townhomes side-by-side rather than in clusters of four. 2. According to the City Engineering Department, a low area between the southern boundary of this plat and the northern portion of lots on the north side of Calypso Drive does not have sufficient drainage presently. City Engineering recommends grading and installation of stormwater facilities in this area prior to the recordation of the plat. 3. This replat retains the 20-foot wide private roadways from the original SouthBay Fourth Addition. However, legal access is only granted to the common areas within the replat, and the access to Compass Loop within the replat, previously held by owners within Southbay Fourth Addition, may be removed by the recording of this replat. The common use agreement documents for the whole area should be revised to assure that all lot owners have access to all private roads. 		
<i>(continued)</i>		

FINDINGS:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The storm water management plan has not been approved by the City Engineer.
3. The proposed subdivision has been annexed; therefore, it would not place an undue burden on public services and facilities.
4. The existing RM10 – Residential zoning district for the proposed subdivision would not change and would continue to be compatible with adjacent land uses. Adjacent land uses include single-family residential to the south, developing townhomes to the north and undeveloped land outside of City limits to the west.
5. The proposed subdivision would not adversely affect property in the vicinity, provided that drainage issues are resolved prior to development of the lots.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Because the storm water management plan has not been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a final plat.

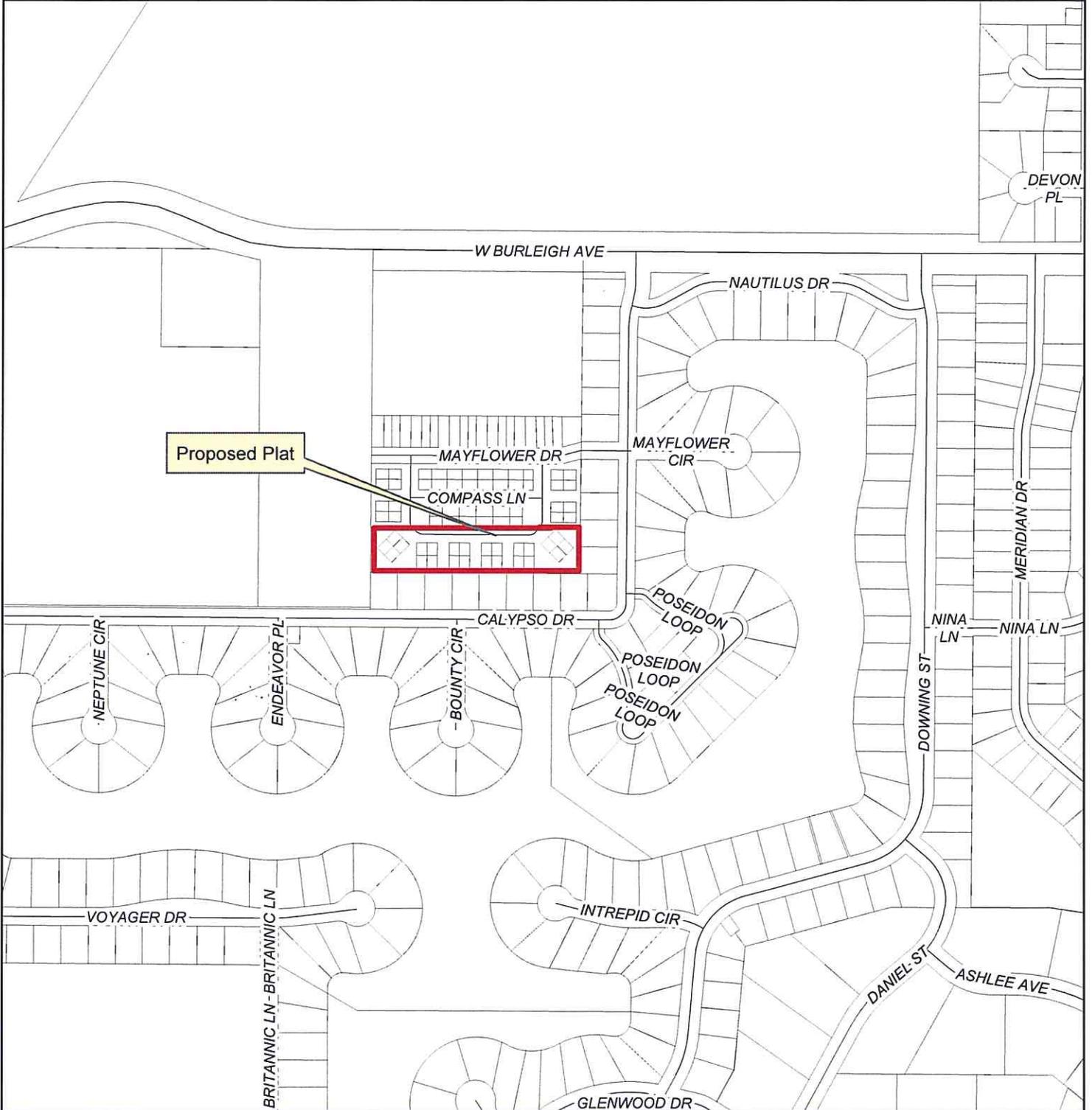
If the storm water management plan is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the minor subdivision final plat for SouthBay Fourth Addition First Replat, subject to the following conditions:

1. Prior to recording the final plat, the proposed grading and storm water collection improvements on the southern boundary of the project shall be constructed.
2. Streets signs displaying “No Parking – Fire Lane” will be placed on both sides of Compass Loop by the developer at the time of site development.
3. The recorded common use agreements for SouthBay Fourth Addition are revised to assure that owners of lots in both SouthBay Fourth Addition and SouthBay Fourth Addition First Replat have access to all private roadways within both plats, and the revised agreement is recorded in conjunction with SouthBay Fourth Addition First Replat.

/dn

Proposed Plat Southbay Fourth Addition First Replat



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.



NOTES

BASED ON RECORDS OF THE BUREAU OF LAND MANAGEMENT, NORTH DAKOTA, THE SOUTH ZONE IS CITY ORDINANCE.

WHO MONUMENT IS 152.03 FEET TO THE SOUTHWEST CORNER OF THE 182.13 (NAVD 88) ELEV = 182.13 (NAVD 88)

COORDINATE DESIGN SYSTEM: NORTH DAKOTA STATE COORDINATE SYSTEM HAD 83 SOUTH ZONE ADJUSTMENT OF 1988 1/4 INCH PER HUNDRED FEET

NATIONAL GEODETIC DATUM OF 1988

REMARKS AND DISTANCES HAVE BEEN MEASURED TO DIFFERENT HEIGHTS OF MEASUREMENTS

0 MONUMENT TO BE SET

0 MONUMENT IN PLACE

LOT 1 BLOCK 2 IS A COMMON AREA LOT ADJACENT TO ADJACENT LAND OWNERS AND MAINTAINED BY A FUTURE LOCAL ASSOCIATION GROUP.

CURVE DATA				
NUMBER	ARC LENGTH	DELTA ANGLE	TANGENT	RADIUS
A	26.18	157°00'00"	13.17	100.00

FLOODPLAIN INFORMATION

FLOOD PLAIN INFORMATION: FLOOD PLAIN ELEVATION: 1638.0 (NAVD 88)

AREA DATA

AREA 1	1638.00	1638.00
AREA 2	1638.00	1638.00
AREA 3	1638.00	1638.00
AREA 4	1638.00	1638.00
AREA 5	1638.00	1638.00
AREA 6	1638.00	1638.00
AREA 7	1638.00	1638.00
AREA 8	1638.00	1638.00
AREA 9	1638.00	1638.00
AREA 10	1638.00	1638.00
AREA 11	1638.00	1638.00
AREA 12	1638.00	1638.00
AREA 13	1638.00	1638.00
AREA 14	1638.00	1638.00
AREA 15	1638.00	1638.00
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AREA 29	1638.00	1638.00
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AREA 31	1638.00	1638.00
AREA 32	1638.00	1638.00
AREA 33	1638.00	1638.00
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AREA 37	1638.00	1638.00
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AREA 39	1638.00	1638.00
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AREA 44	1638.00	1638.00
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AREA 49	1638.00	1638.00
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AREA 52	1638.00	1638.00
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AREA 67	1638.00	1638.00
AREA 68	1638.00	1638.00
AREA 69	1638.00	1638.00
AREA 70	1638.00	1638.00
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AREA 73	1638.00	1638.00
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AREA 83	1638.00	1638.00
AREA 84	1638.00	1638.00
AREA 85	1638.00	1638.00
AREA 86	1638.00	1638.00
AREA 87	1638.00	1638.00
AREA 88	1638.00	1638.00
AREA 89	1638.00	1638.00
AREA 90	1638.00	1638.00
AREA 91	1638.00	1638.00
AREA 92	1638.00	1638.00
AREA 93	1638.00	1638.00
AREA 94	1638.00	1638.00
AREA 95	1638.00	1638.00
AREA 96	1638.00	1638.00
AREA 97	1638.00	1638.00
AREA 98	1638.00	1638.00
AREA 99	1638.00	1638.00
AREA 100	1638.00	1638.00



SouthBay

FOURTH ADDITION

LOTS 1 & 2 OF AUDITOR'S LOT Z OF THE N 1/2 OF THE N 1/2 OF SECTION 20, T.138N., R.80W. BISMARCK, NORTH DAKOTA

DESCRIPTION

LOT 1 AND LOT 2 OF AUDITOR'S LOT Z OF THE NORTH 1/2 OF THE NORTH 1/2 SECTION 20 TOWNSHIP 138 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SOUTHBAY SECOND ADDITION, THENCE SOUTH 80 DEGREES 31 MINUTES 00 SECONDS WEST ALONG THE WESTERLY LINE OF SAID SOUTHBAY 2ND ADDITION A DISTANCE OF 1188.30 FEET TO THE NORTHERLY LINE OF SAID SOUTHBAY SECOND ADDITION; THENCE NORTH 80 DEGREES 31 MINUTES 00 SECONDS WEST ALONG SAID NORTHERLY LINE A DISTANCE OF 771.99 FEET TO THE NORTHWEST CORNER OF LOT 13 BLOCK 2 OF SAID SOUTHBAY SECOND ADDITION; THENCE NORTH 00 DEGREES 24 MINUTES 24 SECONDS EAST A DISTANCE OF 1188.45 FEET TO THE NORTH LINE 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20; THENCE SOUTH 89 DEGREES 37 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE A DISTANCE OF 774.28 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 21.11 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TIM LANGERUD, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON DECEMBER 10, 2012, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODEIC DETAILS ARE CORRECT.

SWENSON, HAGEN & CO. P.C.
802 BASIN AVENUE
BISMARCK, NORTH DAKOTA

TIM LANGERUD
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 5770

ON THIS 11th DAY OF May, 2012, BEFORE ME PERSONALLY APPEARED TIM LANGERUD, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE 11th DAY OF May, 2012, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

Wayne Lee Teacher - Chairman
Carl O. Norenstad - Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE 10th DAY OF May, 2012.

W.C. WOODEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE 'SOUTHBAY FOURTH ADDITION', BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

Melvin J. Bullinger
CITY ENGINEER

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SOUTHBAY DEVELOPMENT LLC, COREY BOWNER AND MICHELLE BOWNER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAVE CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS 'SOUTHBAY FOURTH ADDITION', BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE SAID STREETS AS SHOWN HEREON INCLUDING ALL SEWER, COLLECTORS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER & DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DEDICATED HEREON AS "STORM WATER & DRAINAGE EASEMENTS" FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREON AND TO MAINTAIN AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF SAID GOVERNMENT WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES IN BISMARCK WHO HAVE ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREINAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF SAID GOVERNMENT WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES IN BISMARCK WHO HAVE ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREINAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF SAID GOVERNMENT WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

STATE OF NORTH DAKOTA) OWNERS OF LOTS 2-22 BLOCK 1 SOUTHBAY DEVELOPMENT LLC KEVIN TURNBOW, PRESIDENT
COUNTY OF BURLEIGH) OWNERS OF LOTS 1-19 BLOCK 2 SOUTHBAY FOURTH ADDITION

ON THIS 11th DAY OF May, 2012, BEFORE ME PERSONALLY APPEARED KEVIN TURNBOW KNOWN TO ME TO BE THE PRESIDENT OF SOUTHBAY DEVELOPMENT LLC WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

OWNERS OF LOT 1 BLOCK 1

ON THIS 11th DAY OF May, 2012, BEFORE ME PERSONALLY APPEARED COREY & MICHELLE BOWNER KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

OWNERS OF LOT 1 BLOCK 1

ON THIS 11th DAY OF May, 2012, BEFORE ME PERSONALLY APPEARED COREY & MICHELLE BOWNER KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

OWNERS OF LOT 1 BLOCK 1

ON THIS 11th DAY OF May, 2012, BEFORE ME PERSONALLY APPEARED COREY & MICHELLE BOWNER KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

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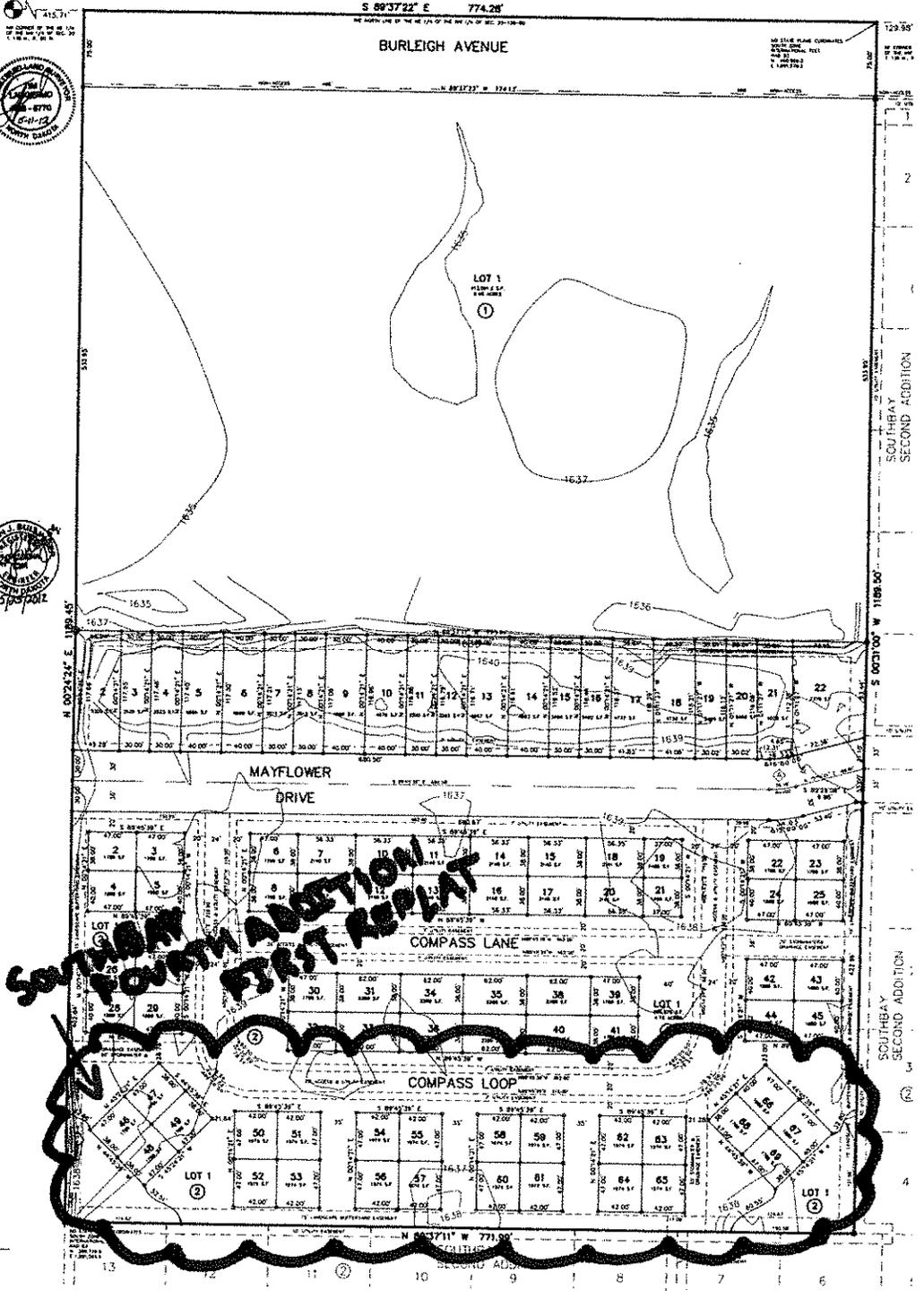
DAVID PATIENCE
Notary Public
State of North Dakota
My Commission Expires Aug. 24, 2016

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

SWENSON, HAGEN & COMPANY P.C.

802 Basin Avenue
Bismarck, ND 58503
765-222-2222
www.swh.com

MICHELLE BOWNER
OWNERS OF LOT 1 BLOCK 1



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: University of Mary Second Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: September 23, 2015
Owner(s): University of Mary	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat property for further development of university campus.	
Location: South of Bismarck, along the southwest side of ND Highway 1804 approximately two miles south of 48 th Avenue SE (Government Lot 3, the SE¼ of the NW¼, and part of the SW¼ of the NW¼, Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 97.16 acres	Number of Lots: 3 lots in one block
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: University owned/undeveloped	Land Use: Expansion of university campus
Zoning: A – Agricultural	Zoning: A – Agricultural
Uses Allowed: A – Agriculture	Uses Allowed: A – Agriculture
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: A – One unit/40 acres
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The plat is being proposed to clean up the underlying legal description and allow further development of the University of Mary campus in the future. A preliminary site plan for this property has not been submitted. 2. The area included in the proposed plat was originally included in the plat of University of Mary Subdivision, but was removed from the plat prior to final approval. 3. As educational facilities are not a permitted use within the A-Agricultural zoning district, a zoning change to RR-Residential will be required prior to expansion of the campus into this area. 4. The Burleigh County Board of Commissioners, at its meeting of April 8, 2015, granted a contingent waiver regarding construction of the north-south collector along the eastern edge of the proposed plat. Burleigh County will not require the University of Mary to construct the quarter line road if they meet the following requirements; 1) The University of Mary must show/grant standard roadway right-of-way along the east side of their property in the University of Mary Second Subdivision Plat, and 2) They must present a letter to the County Engineer declaring that they will agree to a Special Assessment District (to cover their share of the cost) to construct a quarter line road along the east side of their property. The timing of the construction, cost allocation, and all other engineering factors will be at the discretion of the County Engineer. The County Engineer will combine their letter into an engineering memo that will be recorded against the University of Mary property. If these steps are taken Burleigh County will not oppose the filing of the University of Mary Second Subdivision plat. 	

FINDINGS:

1. All technical requirements for approval of a final plat have been met.
2. The storm water management plan has not yet been approved by the City Engineer. As the proposed plat is located within the ETA, written concurrence from the Burleigh County Engineer is also required.
3. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway. The west half of a future collector roadway is being dedicated along the eastern edge of the plat (Sentinel Street). An existing road easement along the quarter-section line provides a connection to Bluffview Drive.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north, the Annunciation Priory to the northwest and west and a combination of agricultural uses and rural residential to the southeast, south, east and northeast across US Highway 1804.
5. The property would be served by an extension of City water from the campus and a private on-site sewer treatment system and would have direct access on ND Highway 1804; therefore, the subdivision would not place an undue burden on public services and facilities, provided the property is zoned appropriately prior to development.
6. The proposed subdivision would not adversely affect property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

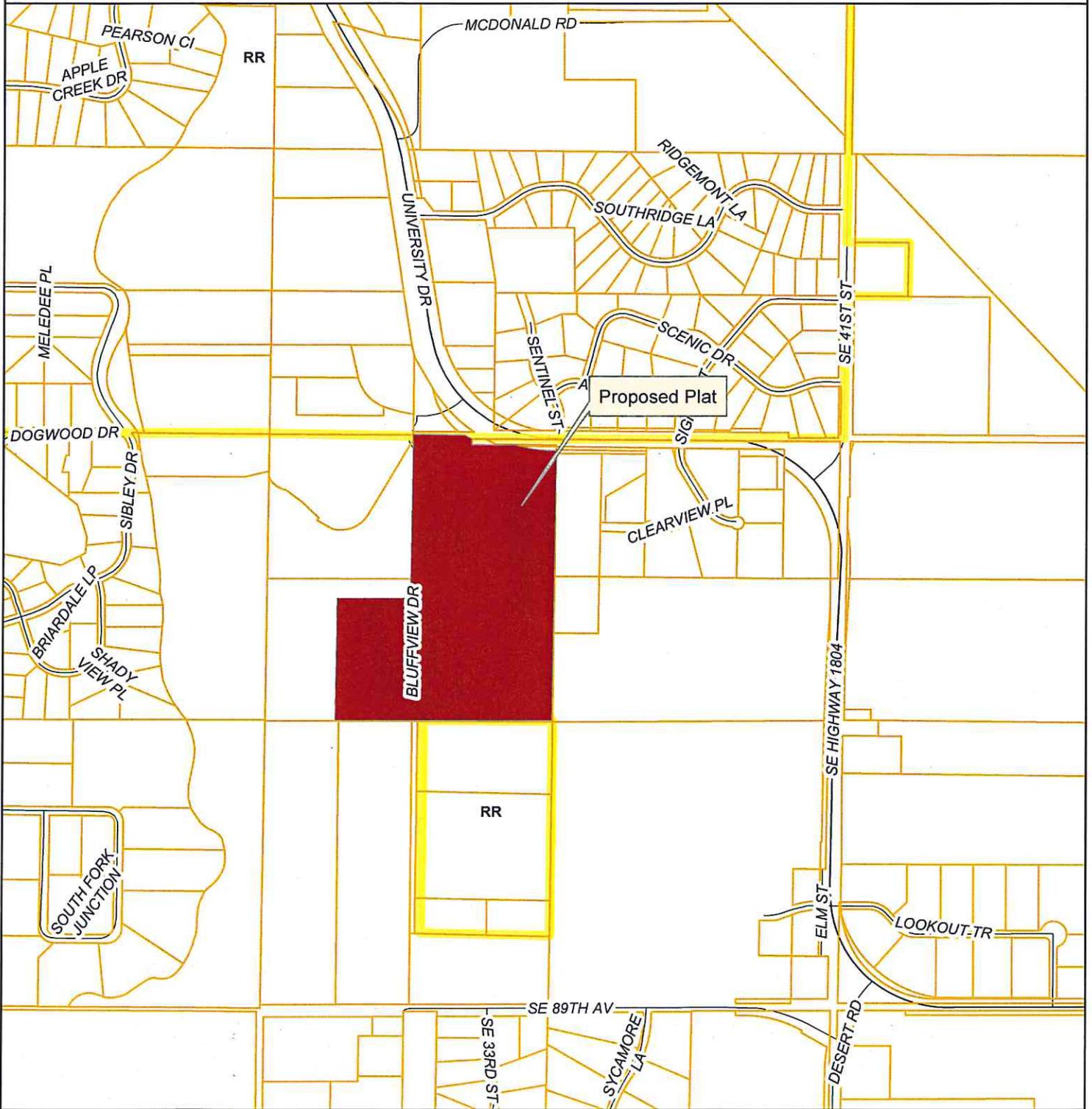
Because the storm water management plan has not yet been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a final plat.

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

Based on the above findings, staff recommends approval of the final plat for the University of Mary Second Subdivision, including a granting of a waiver to delay the construction and paving of the Sentinel Street, and with the understanding that the property will be zoned appropriately prior to development and that the letter required by Burleigh County regarding improvements to Sentinel Street is submitted and accepted by the County Engineer prior to the recording of the final plat.

/Klee

Proposed Plat University of Mary Second Subdivision



January 26, 2015 (h1b)

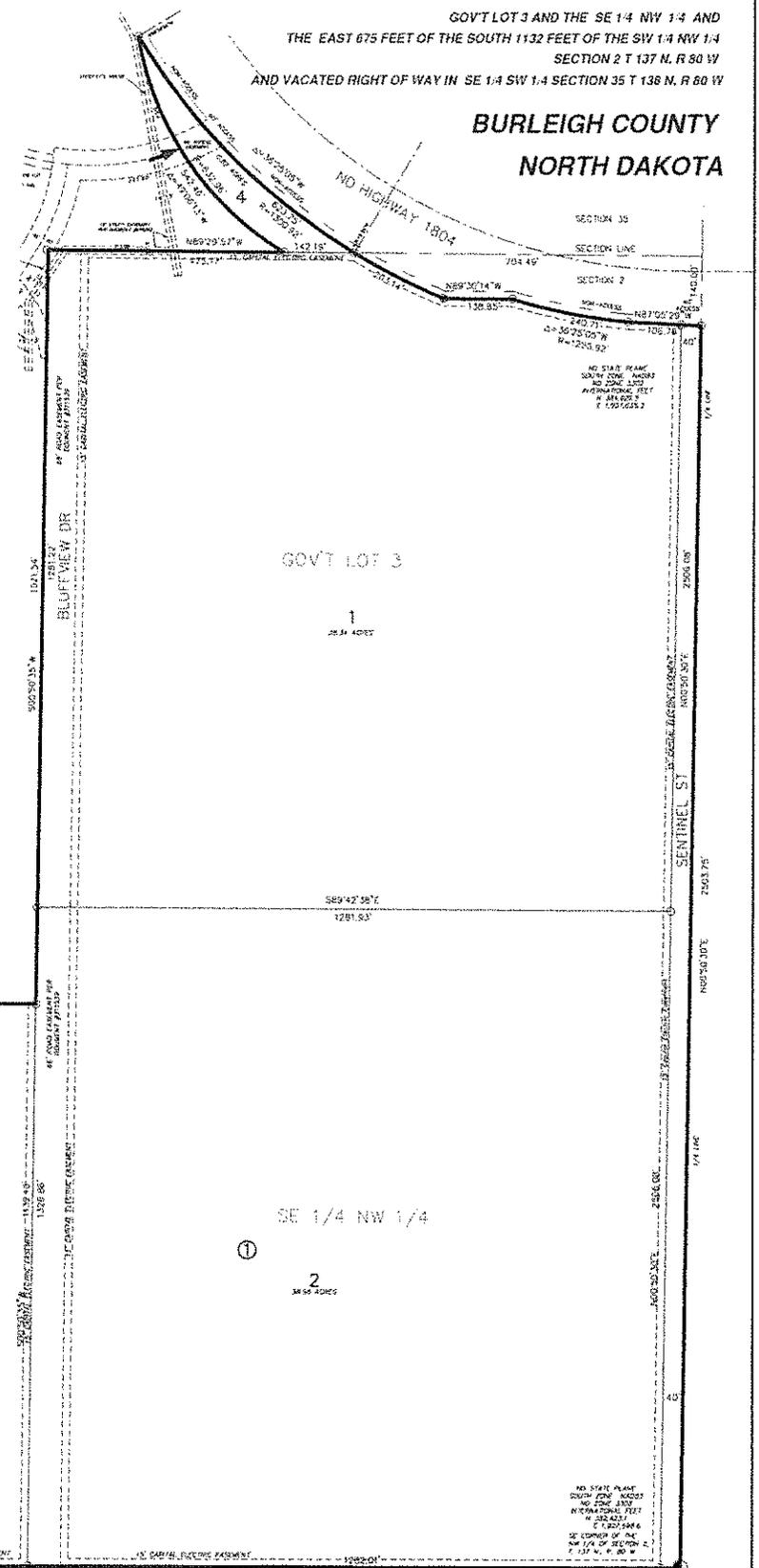
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



UNIVERSITY OF MARY SECOND SUBDIVISION

GOVT LOT 3 AND THE SE 1/4 NW 1/4 AND
THE EAST 675 FEET OF THE SOUTH 1132 FEET OF THE SW 1/4 NW 1/4
SECTION 2 T 137 N. R 80 W
AND VACATED RIGHT OF WAY IN SE 1/4 SW 1/4 SECTION 35 T 138 N. R 80 W

BURLEIGH COUNTY NORTH DAKOTA



DESCRIPTION

GOVERNMENT LOT 3 OF THE UNIVERSITY OF MARY SECOND SUBDIVISION IS THE EAST 675 FEET OF THE SOUTH 1132 FEET OF THE GOVERNMENT LOT 3 OF THE NORTHWEST 1/4 SECTION 2 T137N R80W...
 ALSO DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 2...
 BEARING S 11° 15' 00\"/>

SURVEYOR'S CERTIFICATE

I, TERRY BALTER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PROGRAM CARRIED OUT IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS OF THE STATE OF NORTH DAKOTA...
 ON THIS 04th DAY OF SEPTEMBER, 2015, BEFORE ME PERSONALLY APPEARED TERRY BALTER KNOWN TO ME TO BE THE PERSON DESIGNATED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

STATE OF NORTH DAKOTA))
 COUNTY OF BURLEIGH))
 I, TERRY BALTER, Notary Public,
 Burleigh County, North Dakota,
 do hereby certify that the foregoing is a true and correct copy of the original record of the above described tract containing 0.24 ACRES, more or less.

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE 04th DAY OF SEPTEMBER, 2015, IN ACCORDANCE WITH CHAPTER 15-02 OF THE NORTH DAKOTA CODE, AS AMENDED TO THE EXTENT OF THE PLANNING COMMISSION'S AUTHORITY. THE PLANNING COMMISSION HAS REVIEWED THE PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF BISMARCK'S ZONING ORDINANCES AND THE CITY OF BISMARCK'S SUBDIVISION ACT.

WYNNE LEE REIDER - CHAIRMAN
 CARL D. HORNSTING - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE PROPOSED STREETS AND HAS APPROVED THE ZONING AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MAJOR PLAN OF BISMARCK, NORTH DAKOTA, AND HAS HEREBY VACATED ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE 04th DAY OF SEPTEMBER, 2015.

TERRY BALTER - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, WYNNE LEE REIDER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE 'UNIVERSITY OF MARY SECOND SUBDIVISION', BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE PROVISIONS OF ALL STREETS SHOWN HEREON, HAS APPROVED THE ZONING AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MAJOR PLAN OF BURLEIGH COUNTY, NORTH DAKOTA, AND HAS HEREBY VACATED ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT. THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE 04th DAY OF SEPTEMBER, 2015.

TERRY BALTER - COUNTY ADMINISTRATOR

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNIVERSITY OF MARY BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION THEREOF HEREBY TO BE DIVIDED AND PLATTED AS 'UNIVERSITY OF MARY SECOND SUBDIVISION', BISMARCK, NORTH DAKOTA, AND TO BE LOCATED AS SHOWN HEREON.

THEY ALSO DEDICATE EASEMENTS TO THE COUNTY OF BURLEIGH TO RUN WITH THE LAND, FOR USE, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY HEREBY DEDICATE UNDER THE COUNTY OF BURLEIGH 'STORM WATER & DRAINAGE EASEMENTS' TO RUN WITH THE LAND FOR THE PURPOSES OF 'STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THOSE AREAS DESIGNATED HEREON AS 'STORM WATER & DRAINAGE EASEMENTS' FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE AND MAINTAINING STORM WATER MANAGEMENT FACILITIES TOGETHER WITH NECESSARY APPURTENANCES THEREFOR FOR STORM WATER, STORM SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER FLOW IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT.

STATE OF NORTH DAKOTA))
 COUNTY OF BURLEIGH))
 I, TERRY BALTER, Notary Public,
 Burleigh County, North Dakota,
 do hereby certify that the foregoing is a true and correct copy of the original record of the above described tract containing 0.24 ACRES, more or less.

ON THIS 04th DAY OF SEPTEMBER, 2015, BEFORE ME PERSONALLY APPEARED TERRY BALTER KNOWN TO ME TO BE THE PERSON DESIGNATED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

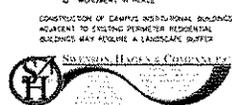
TERRY BALTER - NOTARY PUBLIC



SCALE - 1" = 100'
 0 50 100 150
 FEET
 SEPTEMBER 4, 2015
 NAVID RS

NOTES

- 1. GOVT LOT 3
- 2. SE 1/4 NW 1/4
- 3. SW 1/4 NW 1/4
- 4. STORM WATER & DRAINAGE EASEMENT
- 5. UTILITY EASEMENT
- 6. SANITARY SEWER EASEMENT
- 7. STORM SEWER EASEMENT
- 8. SURFACE WATER DRAINAGE EASEMENT
- 9. 15' CAPITAL ELECTRIC EASEMENT
- 10. 15' CAPITAL ELECTRIC EASEMENT



CONSTRUCTION OF CAMPUS INSTITUTIONAL BUILDINGS ADJACENT TO EXISTING PERIMETER RESIDENTIAL BUILDINGS MAY REQUIRE A LANDSCAPE BUFFER.
 STATE OF NORTH DAKOTA
 COUNTY OF BURLEIGH
 TERRY BALTER, Notary Public,
 Burleigh County, North Dakota,
 do hereby certify that the foregoing is a true and correct copy of the original record of the above described tract containing 0.24 ACRES, more or less.

FEB 18 2015

UNIVERSITY OF MARY SECOND SUBDIVISION

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

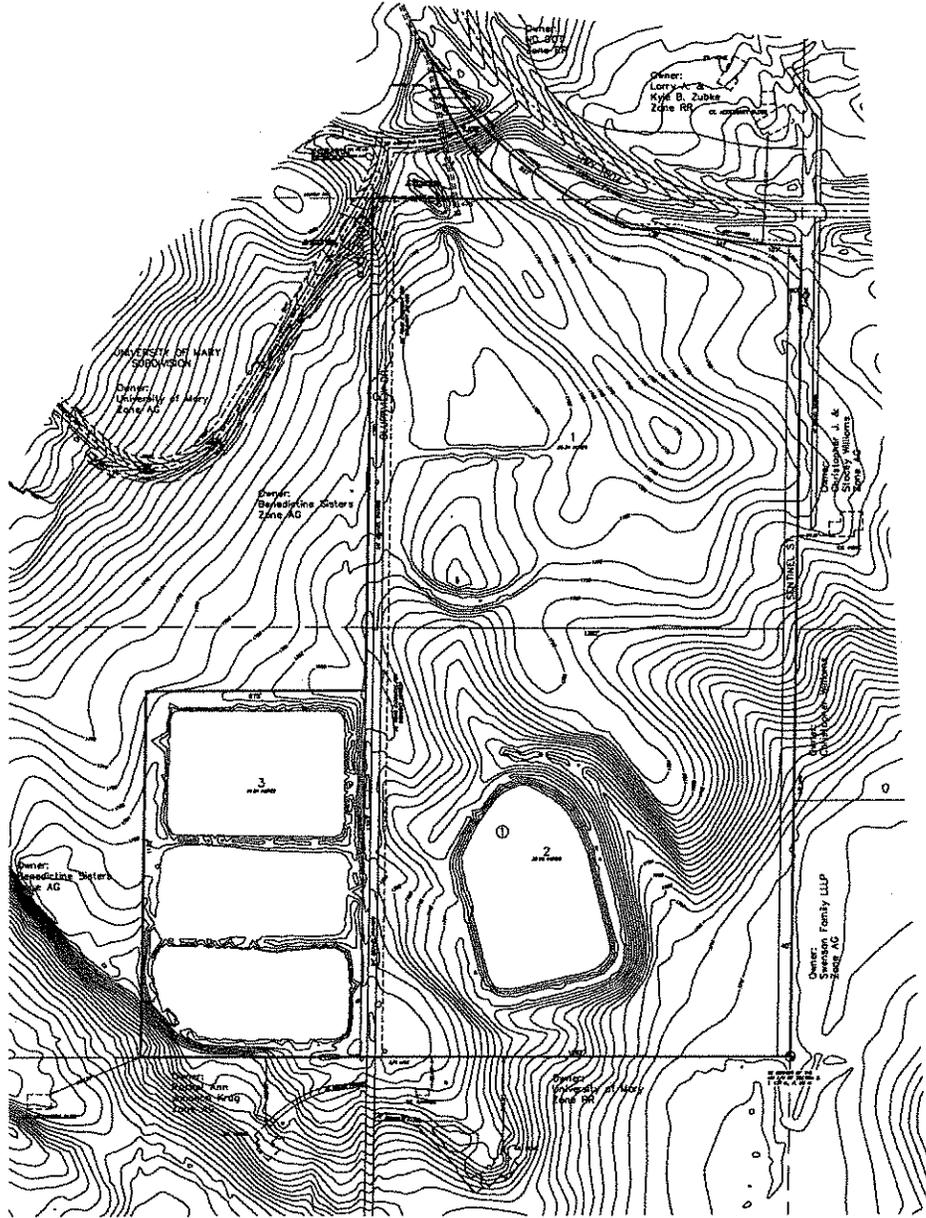
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



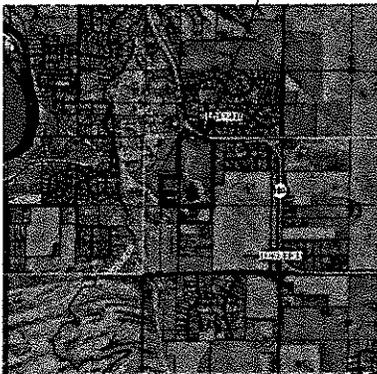
SCALE - 1"=150'
0 150 300
JANUARY 22, 2015
RAYO 88

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

97.16 ACRES
EXISTING ZONING: A
3 LOTS



PROJECT LOCATION



LOCATION MAP



CITY OF BISMARCK Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-21.3 AND 14-04-21.4 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO DOWNTOWN DISTRICTS, USE CATEGORIES AND USE STANDARDS.

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

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

14-04-21.3 Use Categories.

* * * * *

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

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

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

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

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

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

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

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

* * * * *

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

14-04-21.4 Use Standards.

* * * * *

8. *Parking, Accessory.*

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

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

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

9. *Parking, Commercial.*

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

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

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

facility, along the retail corridors identified as signature streets in the 2013 Downtown Bismarck Subarea Plan (Fifth Street between Kirkwood Mall and Avenue A and Main Avenue between Washington Street and Seventh Street) and along other streets that are predominantly retail sales and service uses along the street frontage, in order to promote and maintain walkability.

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

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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

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

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

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

14-02-03. Definitions

* * * * *

Street-Collector: Roadway which provides traffic movements between local roads and arterial roads and also provides direct access to abutting property. Collectors are often only two-lane roads but should be planned and designed to minimize on-street parking and direct driveway access. ~~The locations of roadways classified as collectors shall be as designated on the most recent edition of the North Dakota Department of Transportation functional classification map.~~

~~Street-Local:~~ Roadway whose primary function is to provide access to abutting property. Local roads are usually two-lane roads with parking and direct access to adjacent lands.

Street-Local Commercial: Roadway whose primary function is to provide access to abutting commercial,

industrial, or multifamily residential property. Local Commercial roads are typically two-lane roads with parking and direct access to adjacent lands within all districts other than R5-Residential and R10-Residential.

Street-Local Residential: Roadway whose primary function is to provide access to abutting residential property. Local Residential roads are typically two-lane roads with parking and direct access to adjacent lands within the R5-Residential and R10-Residential zoning districts.

Street-Parkway: A multi-modal roadway designed according to complete street principles to operate at moderate speeds. Parkways typically include one drive lane and one bike lane in each direction, a raised and landscaped median, and landscaped boulevards and sidewalks on both sides of the street.

Section 2. Amendment. Section 14-09-05 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Regulations Governing the Subdivision of Land/Design Standards is hereby amended and re-enacted to read as follows:

14-09-05. Design Standards

* * * * *

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

Functional Classification	Minimum Right-of-Way (in feet)	Typical Minimum Roadway Width ¹ (in feet)
Principal Arterial	150	63 ²
Minor Arterial	120	51 ²
Parkway	120	36 ³
Collector (No Parking)	80	36
Collector (Parking one side)	80	44
Collector (Parking both sides)	80	48
Collector	80	44
Local	66	40

Local (mountable curb only)	60	37
Local Commercial	80	48
Local Residential	66	32

¹ Measured as the distance between curb faces.

² Typical width. Actual width to be determined by traffic study.

³ Including both drive lanes and bike lanes, but not including median.

Principal arterials, minor arterials, and parkways shall be designed to prohibit all on-street parking. Collector roadways may be designed to prohibit all on-street parking or allow parking on either or both sides of the street, subject to the minimum roadway widths of this section and all restrictions of Section 12-13-02 of the City Code of Ordinances. Local residential and local commercial roadways shall be designed to allow on-street parking on both sides of the street, subject to all restrictions of Section 12-13-02 of the City Code of Ordinances.

All streets shall be constructed with standard curbs. However, the City Engineer may allow mountable curbs for subdivisions that are extensions of existing subdivisions that include mountable curbs.

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

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

Functional Classification	Minimum Right-of-Way (in feet)	Typical Roadway Width (in feet)
Principal Arterial	150	40
Minor Arterial	150	36

Collector	80	30
Local	80	26

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

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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

CITY OF BISMARCK Ordinance No. XXXX

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

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:

* * * * *

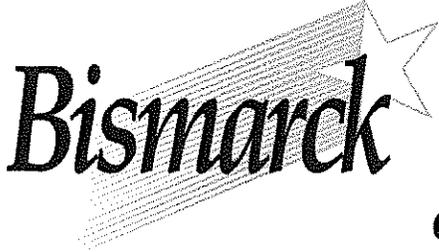
5. Additions to existing structures.

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

MEMORANDUM

TO: Chair Yeager and Planning Commissioners

FROM: Daniel Nairn, AICP, Planner

DATE: September 23, 2015

SUBJ: Proposed Update to 2014 Future Land Use Plan

Introduction and Purpose

The Future Land Use Plan (FLUP) was adopted by the Bismarck Board of City Commissioners on April 22, 2014, as a component of the 2014 Growth Management Plan, to manage growth and encourage orderly development of the City and its extraterritorial area. The Planning Division recommends an update to this map that incorporates the following revisions:

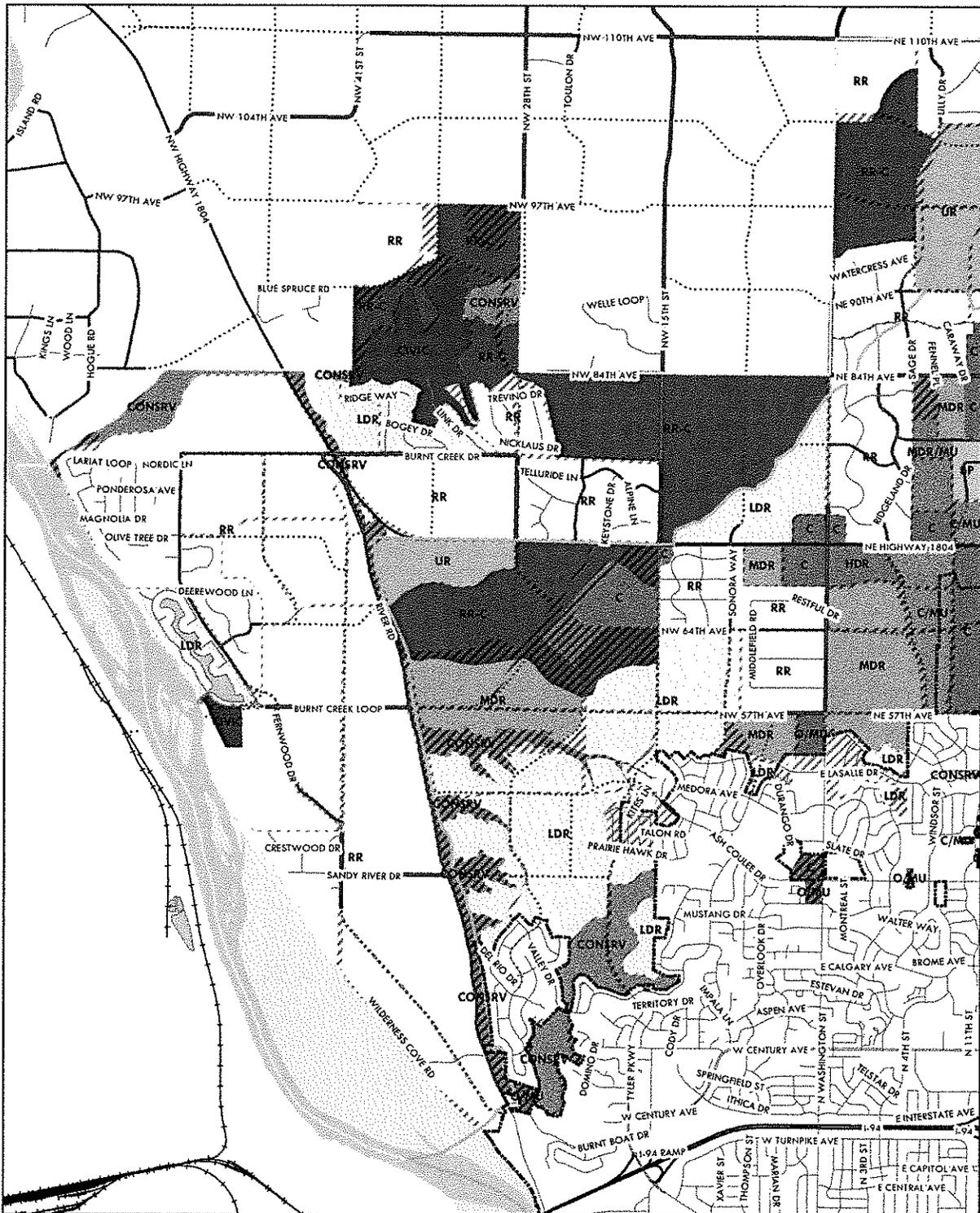
1. The Fringe Area Roadway Master Plan (FARMP) was adopted shortly after the Future Land Use Plan. The proposed changes to the Future Land Use Plan shows these planned arterial and collector roadways and the future land use districts on the same map, and some district boundaries have been adjusted to match these roadway alignments.
2. The Bismarck Board of City Commissioners adopted the Ash and Ward Coulee Watershed Master Plan in August of 2015. This plan included future land use recommendations for the areas along the bluffs in northwest Bismarck based on topography. The proposed Future Land Use Plan amendments incorporate these recommendations.
3. The proposed Future Land Use Plan is revised to reflect rezonings and annexations that have occurred in the last year.
4. The proposed Future Land Use Plan includes a stylistic change that fills in gaps between districts, which improves the usability of the map at all scales.

Staff considers this update to be routine maintenance of the map, rather than an overhaul of the substance and intent of the Plan. There are no proposed changes to the Phasing Plan portion of the Growth Management Plan. Please provide any feedback concerning these proposed changes.



Next Steps

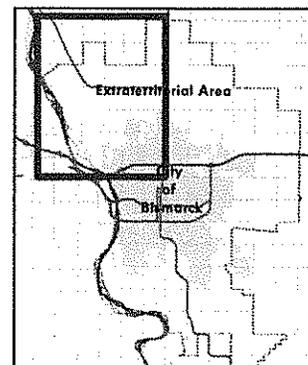
The Planning Division will submit a draft updated Future Land Use Map for consideration during your October 2015 meeting, and then schedule a public hearing for the following month.

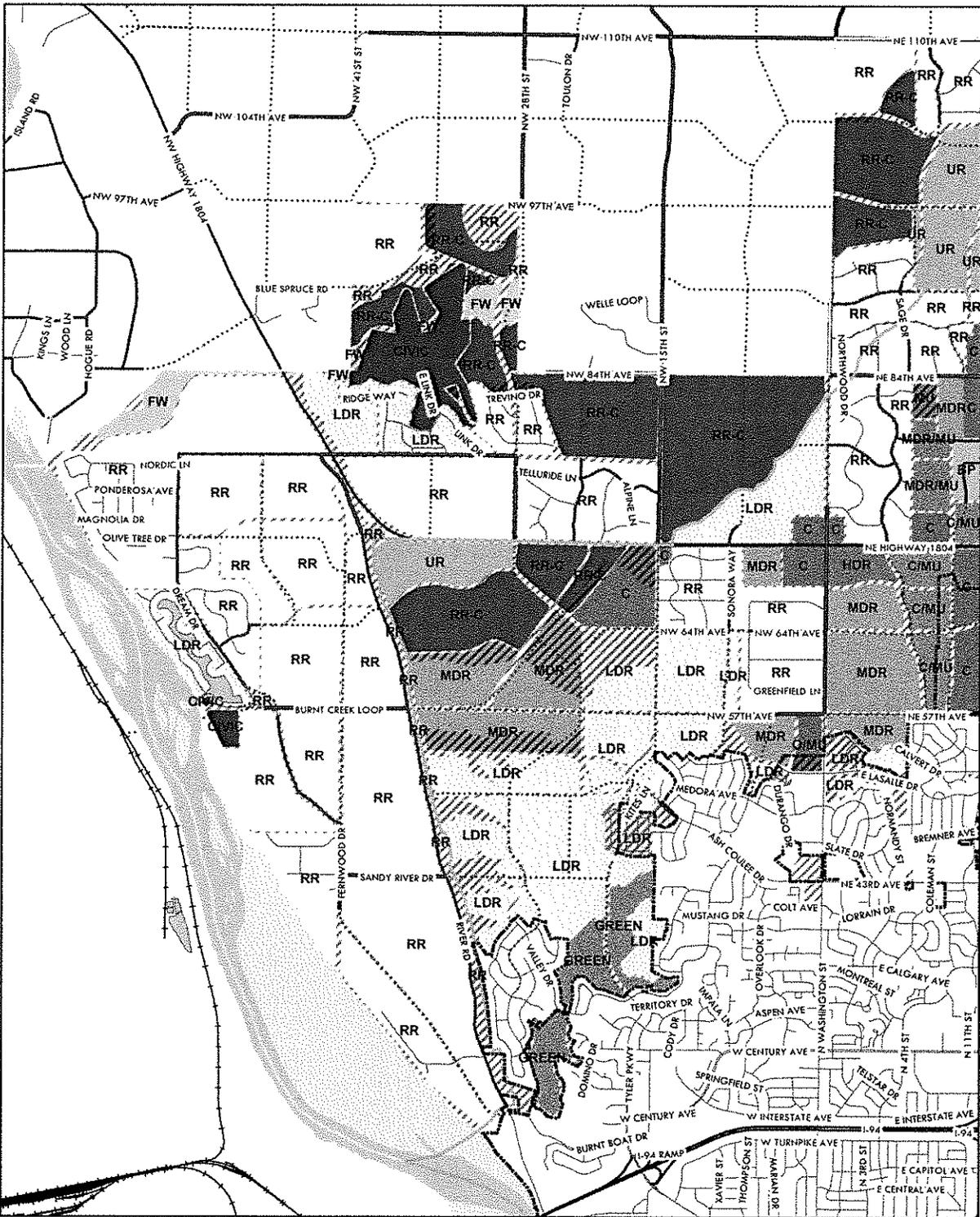


	Changes from 2014 FLUP		Low Density Residential	2014 Fringe Master Plan Roads	
	Conservation		Medium Density Residential		Arterial
	Business Park		Med. Density Res./Mixed Use		Collector
	Commercial		Mixed Use		Existing Arterial
	Commercial/Mixed Use		Office/Mixed Use		Existing Collector
	Civic		Clustered Rural Residential		
	High Density Residential		Conventional Rural Residential		
	Industrial		Urban Reserve		

This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

0 0.25 0.5 1 Miles





2014 Future Land Use Plan

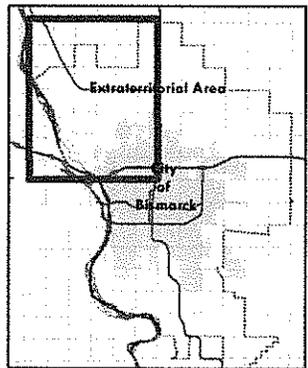
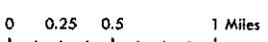
- Agriculture
- Business Park
- Commercial
- Commercial/Mixed Use
- Civic
- Floodway
- Greenways/Open Space
- High Density Residential

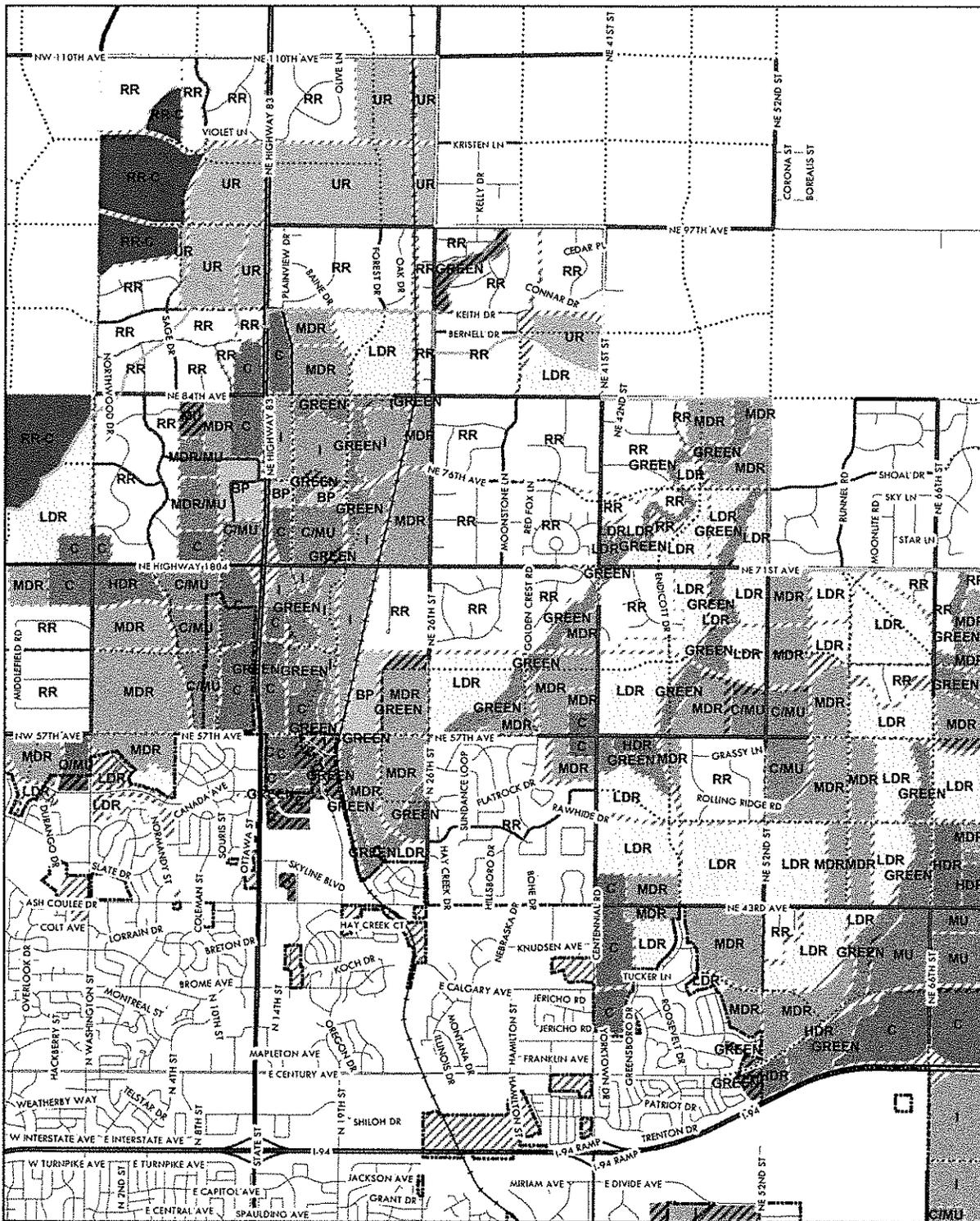
- Industrial
- Low Density Residential
- Medium Density Residential
- Med. Density Res./Mixed Use
- Mixed Use
- Office/Mixed Use
- Clustered Rural Residential
- Traditional Rural Residential
- Urban Reserve

2014 Fringe Master Plan Roads

- Arterial
- Collector
- Existing Arterial
- Existing Collector
- Changes from 2014 FLUP

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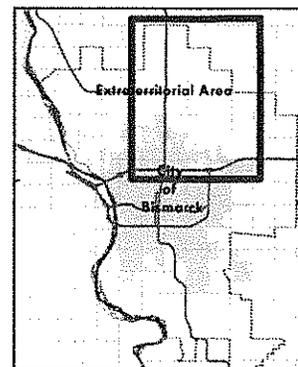
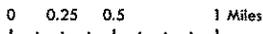
2014 Future Land Use Plan

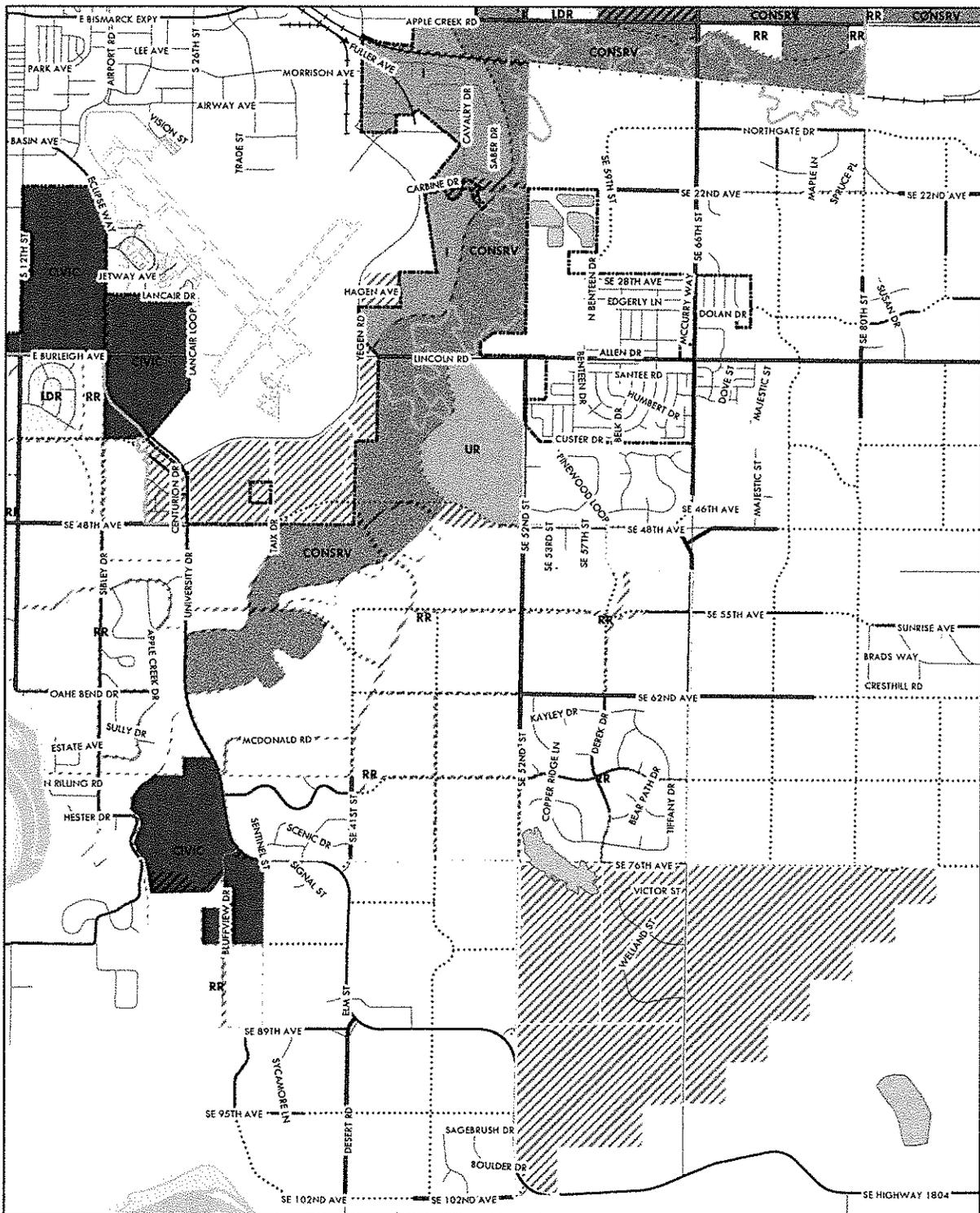
- Agriculture
- Business Park
- Commercial
- Commercial/Mixed Use
- Civic
- Floodway
- Greenways/Open Space
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Med. Density Res./Mixed Use
- Mixed Use
- Office/Mixed Use
- Clustered Rural Residential
- Traditional Rural Residential
- Urban Reserve

2014 Fringe Master Plan Roads

- Arterial
- Collector
- Existing Arterial
- Existing Collector
- Changes from 2014 FLUP

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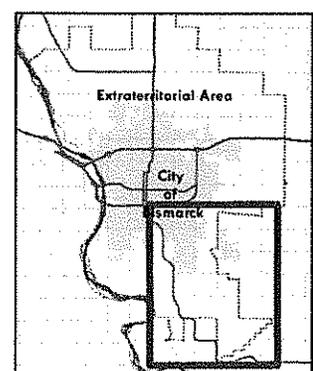


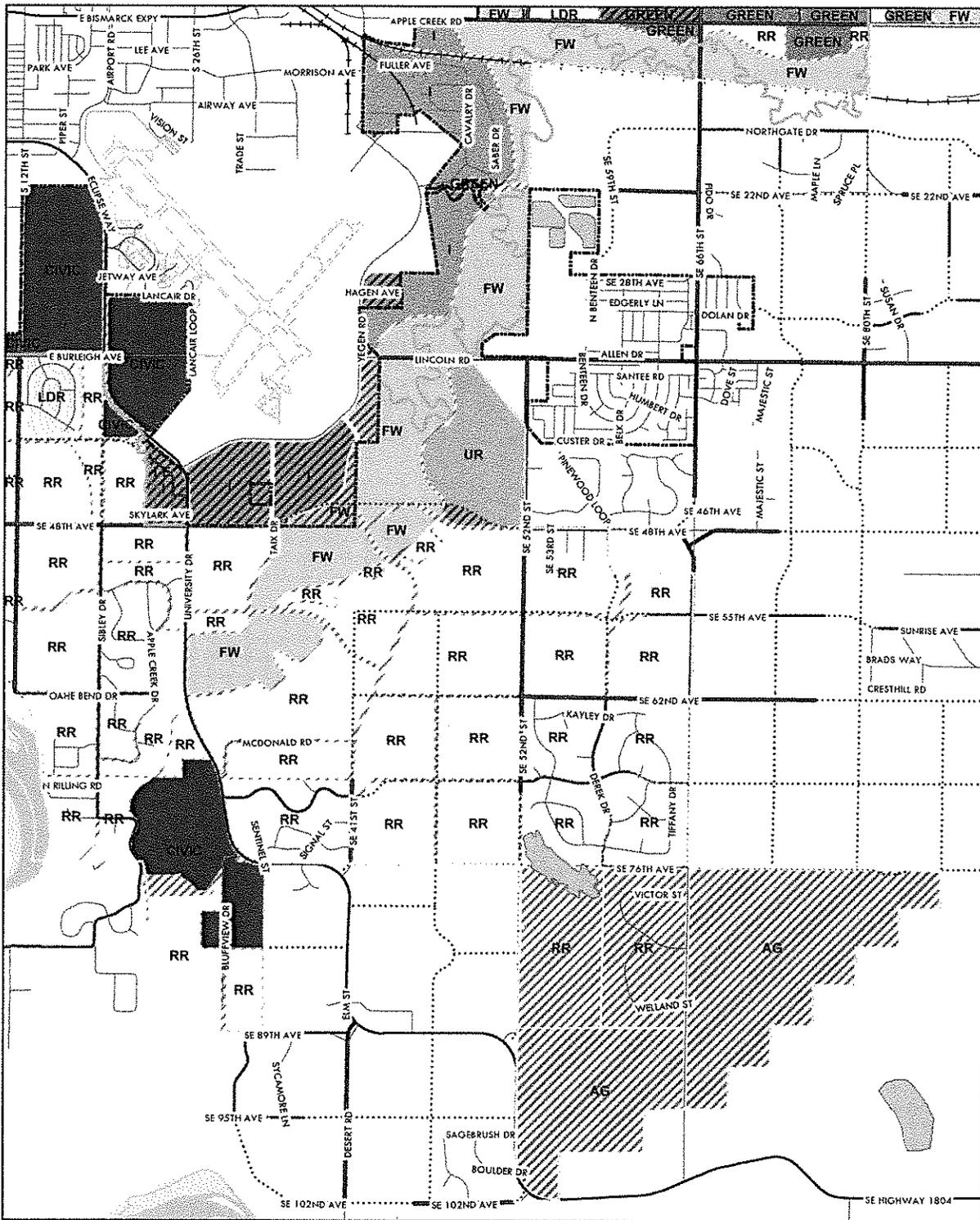


	Changes from 2014 FLUP		Low Density Residential	2014 Fringe Master Plan Roads
	Conservation		Medium Density Residential	
	Business Park		Med. Density Res./Mixed Use	
	Commercial		Mixed Use	
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2014 Future Land Use Plan

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- Urban Reserve

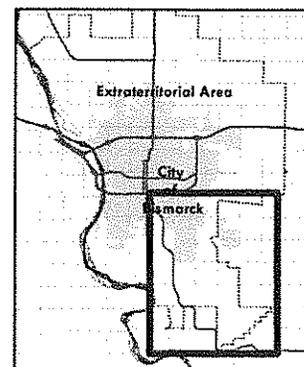
2014 Fringe Master Plan Roads

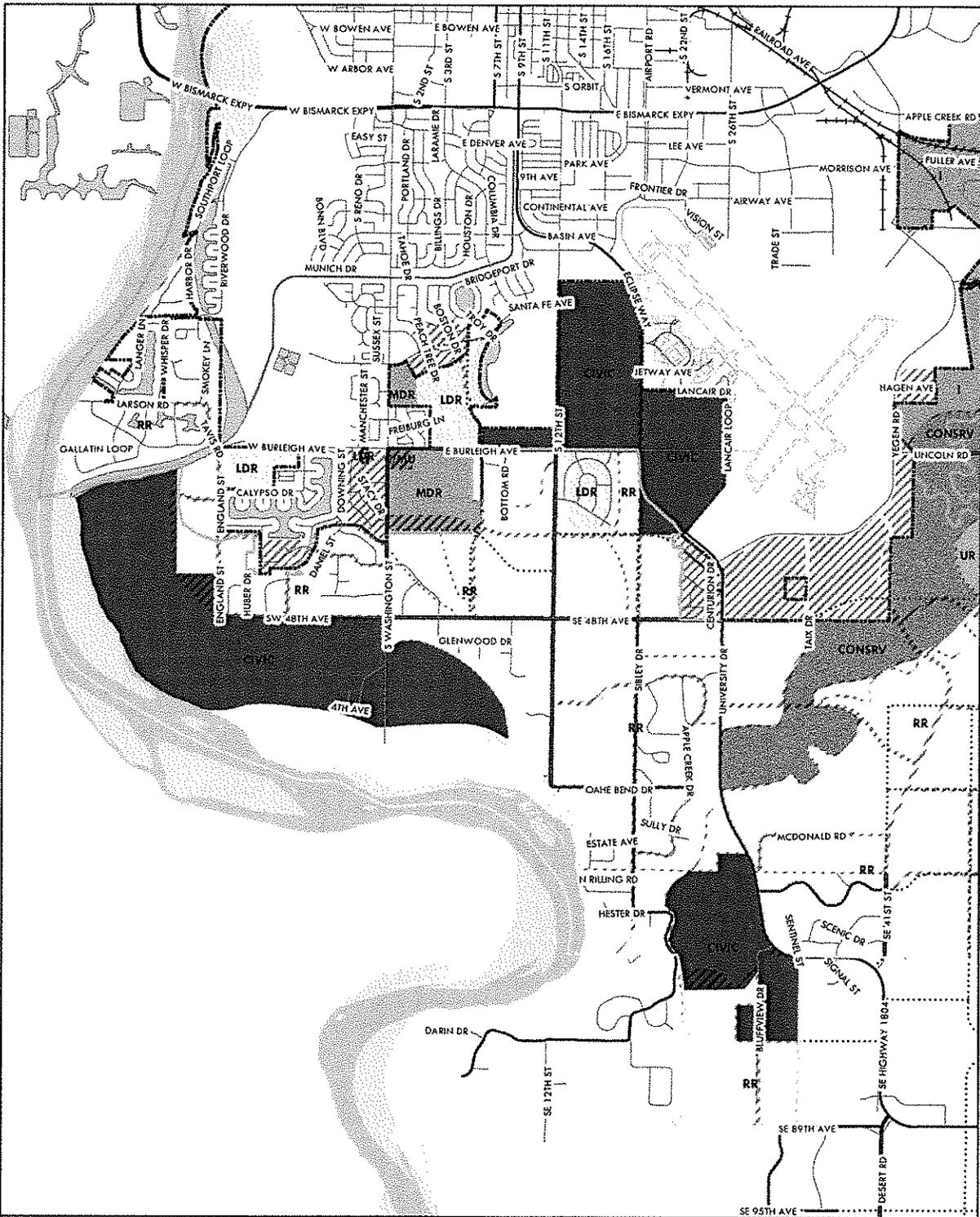
- Arterial
- Collector
- Existing Arterial
- Existing Collector
- Changes from 2014 FLUP

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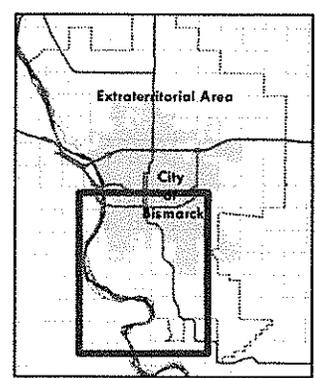


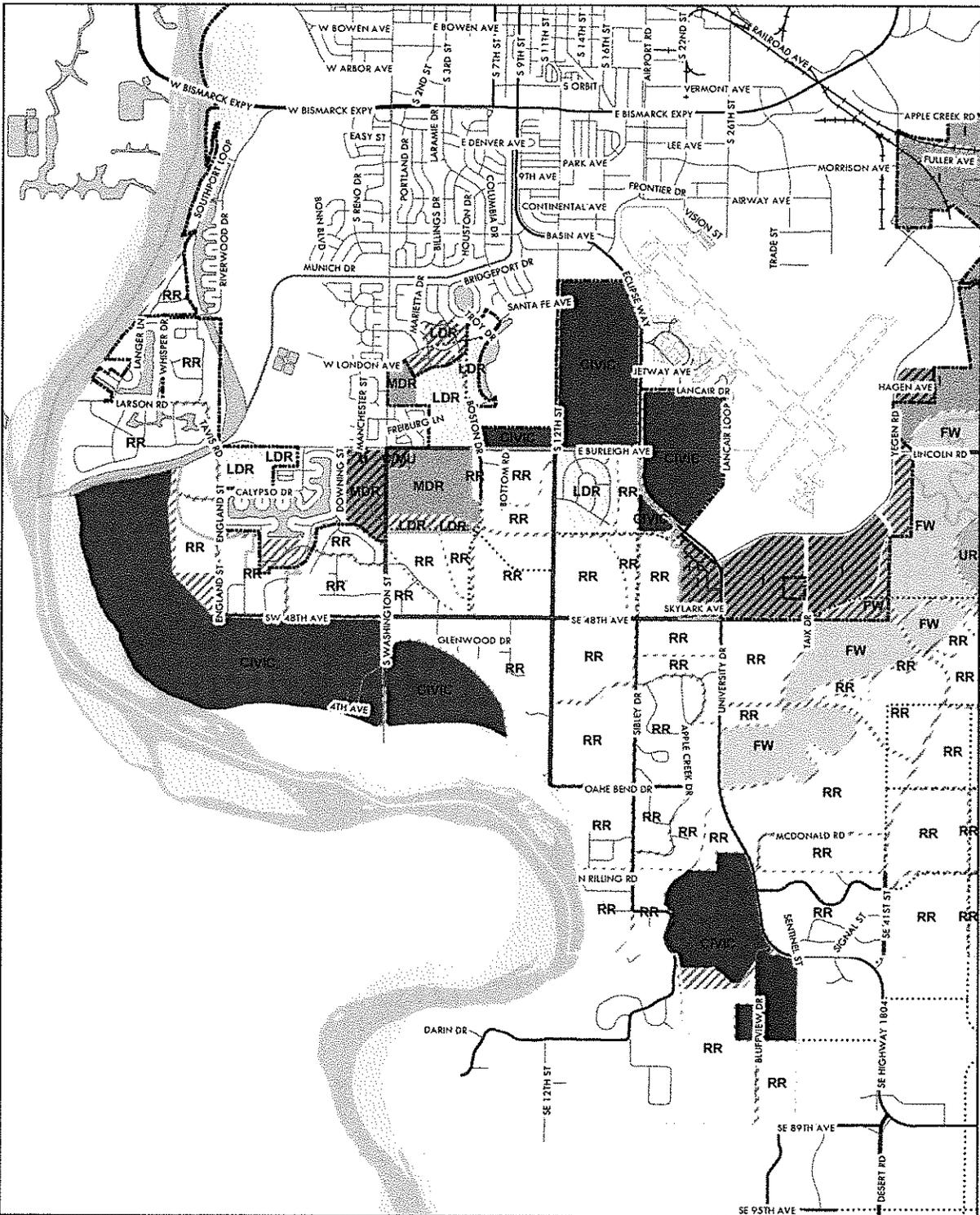


	Changes from 2014 FLUP		Low Density Residential	2014 Fringe Master Plan Roads
	Conservation		Medium Density Residential	
	Business Park		Med. Density Res./Mixed Use	
	Commercial		Mixed Use	
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	Industrial		Urban Reserve	

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2014 Future Land Use Plan

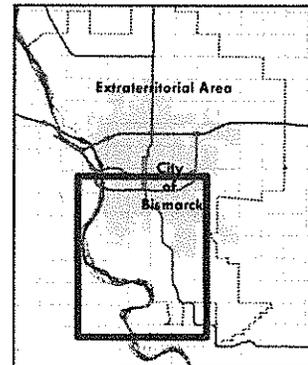
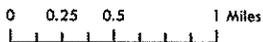
- Agriculture
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2014 Fringe Master Plan Roads

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- Collector
- Existing Arterial
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- Changes from 2014 FLUP

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Community Development Department

MEMORANDUM

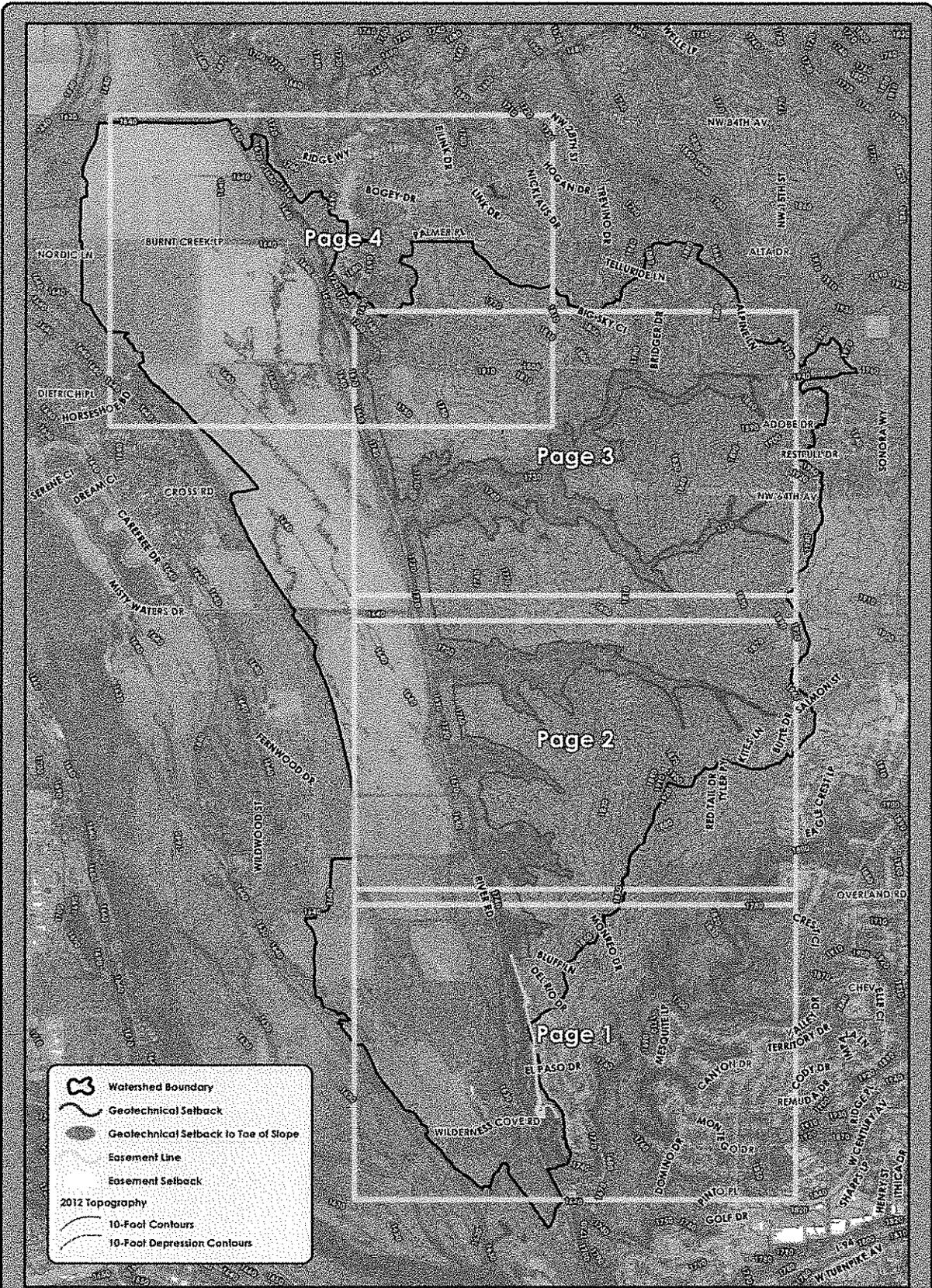
TO: Chair Yeager and Planning Commissioners
FROM: Daniel Nairn, AICP, Planner
DATE: September 23, 2015
SUBJ: Geotechnical Setback

The Bismarck City Commission recently approved the Ash and Ward Coulee Watershed Master Plan. This engineering study includes a Geotechnical Evaluation Report that establishes a setback line along the bluffs in north-west Bismarck and makes the following recommendation:

“We recommend the geotechnical setback be considered an area where future development should not be planned. If it is desired for development to encroach into this area, we recommend the developer perform a site specific slope stability analysis, including, but not limited to, geotechnical borings, laboratory testing of material strength properties, and slope stability analysis.”

The maps of the geotechnical setback line are attached. The Planning Division is meeting with staff from other City departments to determine how this setback and the recommendation from the study can most effectively be incorporated into the City’s subdivision process. This information is presented to you for discussion.





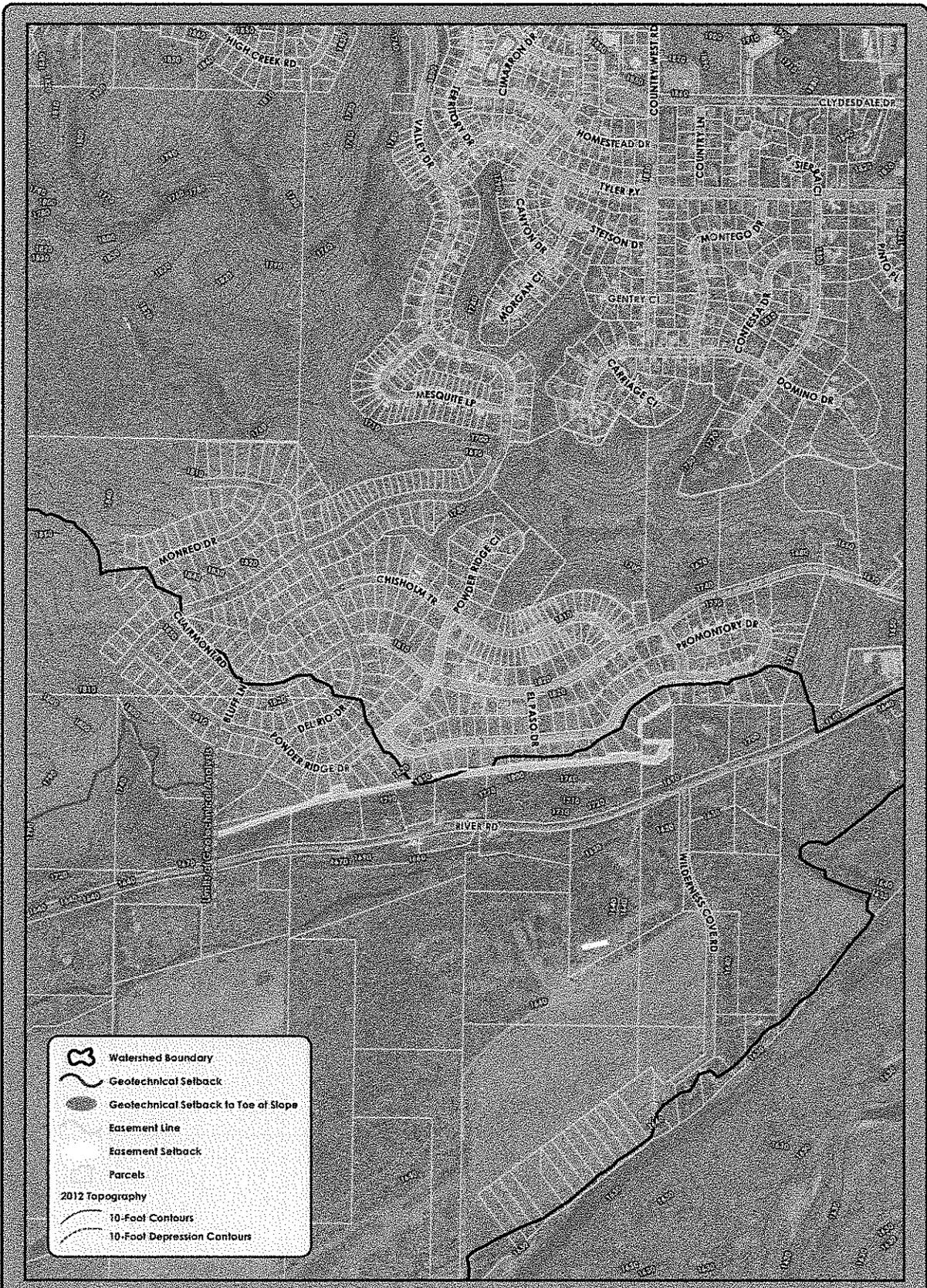
	Watershed Boundary
	Geotechnical Setback
	Geotechnical Setback to Toe of Slope
	Easement Line
	Easement Setback
2012 Topography	
	10-Foot Contours
	10-Foot Depression Contours

1 inch = 2,000 feet

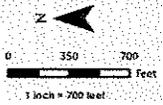
Locator Map Not to Scale

Geotechnical Setback- Overview
 City of Bismarck
 Ash and Ward Coulee Stormwater Master Plan

	 Advanced Engineering and Environmental Services, Inc.
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-  Watershed Boundary
-  Geotechnical Setback
-  Geotechnical Setback to Toe of Slope
-  Easement Line
-  Easement Setback
-  Parcels
-  2012 Topography
-  10-Foot Contours
-  10-Foot Depression Contour

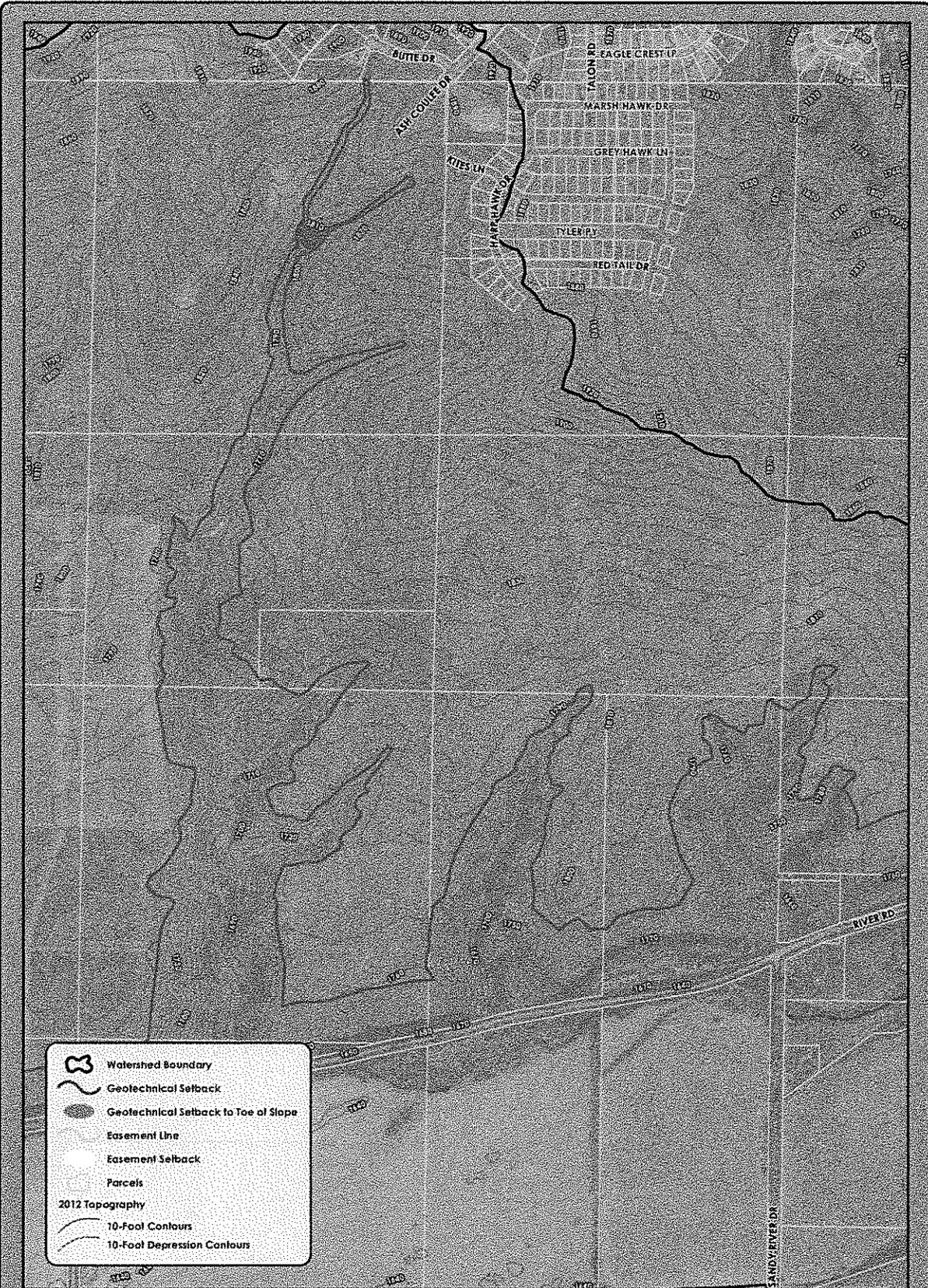


Geotechnical Setback

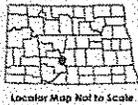
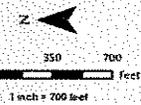
City of Bismarck

Ash and Ward Coulee Stormwater Master Plan



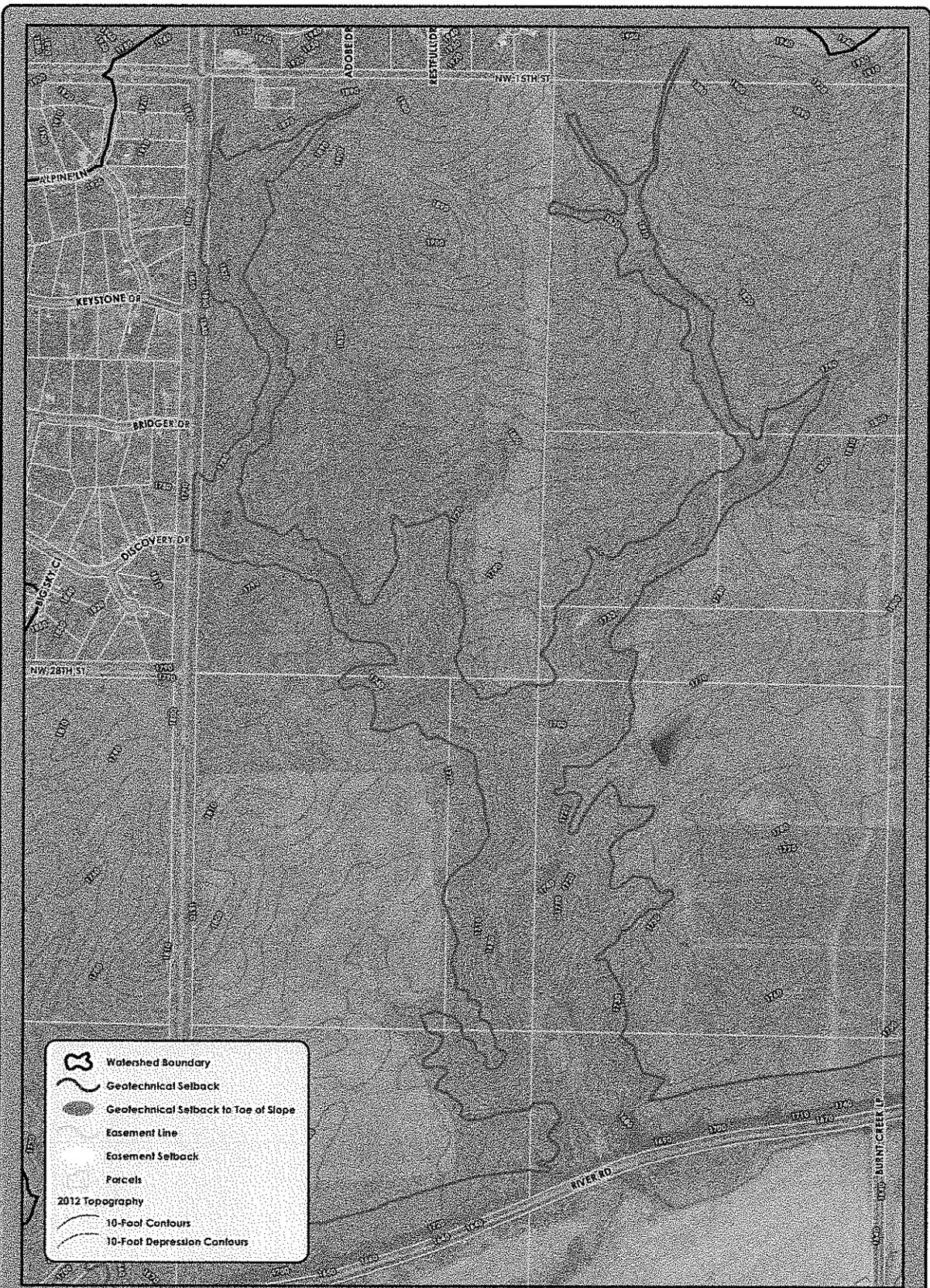


	Watershed Boundary
	Geotechnical Setback
	Geotechnical Setback to Toe of Slope
	Easement Line
	Easement Setback
	Parcels
	2012 Topography
	10-Foot Contours
	10-Foot Depression Contours



Geotechnical Setback
 City of Bismarck
 Ash and Ward Coulee Stormwater Master Plan

BRAUN INTERTEC	AES Advanced Engineering and Environmental Services, Inc.



	Watershed Boundary
	Geotechnical Setback
	Geotechnical Setback to Toe of Slope
	Easement Line
	Easement Setback
	Parcels
	2012 Topography
	10-Foot Contours
	10-Foot Depression Contours

Page 3 of 4

N

0 350 700 Feet

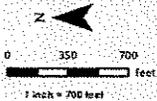
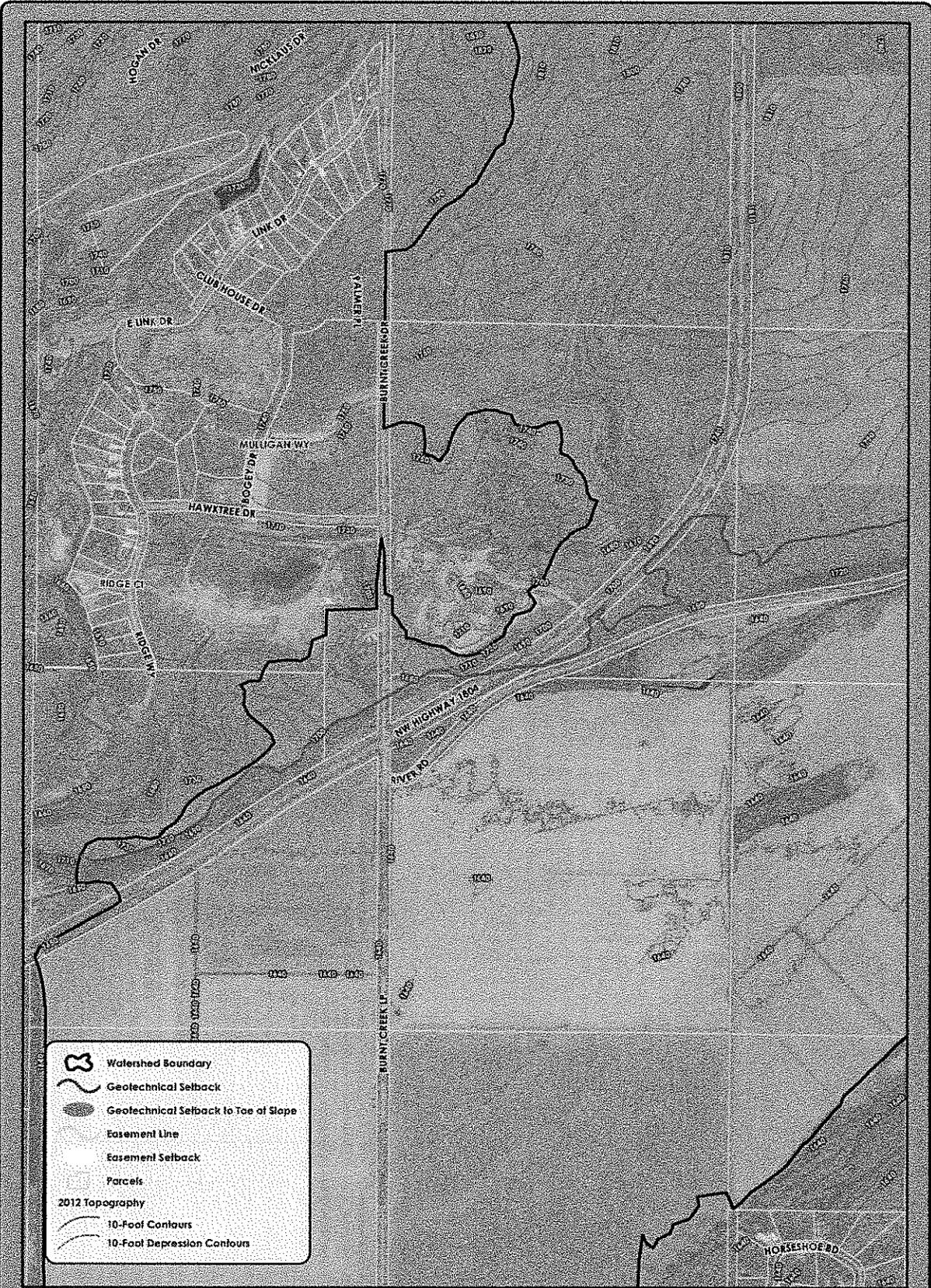
1 inch = 700 feet



Geotechnical Setback

City of Bismarck
Ash and Ward Coulee Stormwater Master Plan

BRAUN INTERTEC	AES Advanced Engineering and Environmental Services, Inc.
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Geotechnical Setback

City of Bismarck
 Ash and Ward Coulee Stormwater Master Plan



BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
August 26, 2015

The Bismarck Planning & Zoning Commission met on August 26, 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, Vernon Laning, Ken Selzler, Lisa Waldoch and Wayne Yeager. Commissioner Seminary participated via telephone.

Commissioners Brian Bitner, Doug Lee and Mike Schwartz were absent.

Township Supervisors John Hauck (Gibbs Township) and Dave Pearce (Hay Creek Township) were also in attendance.

MINUTES

Chairman Yeager called for consideration of the minutes of the July 22, 2015 meeting.

MOTION: Commissioner Bullinger made a motion to approve the minutes of the July 22, 2015 meeting as received. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

URBAN RENEWAL PLAN

Mr. Wocken explained that the North Dakota Century Code requires any amendments to the Urban Renewal Plan to be deemed acceptable by the Planning and Zoning Commission prior to being approved by the Bismarck City Commission to ensure the changes are consistent with the Comprehensive Plan for the municipality. He said changes made include the revision date, the addition of specific uses to public improvements, tax increment district specifications, the addition of the FiveSouth parking project, modifications to developer obligation provisions and financing specifications. He added that an item was overlooked relating to the reconstruction of Sweet Avenue and said it should be underlined as it is a new addition to the Plan.

MOTION: Commissioner Atkinson made a motion to accept the changes made to the Urban Renewal Plan as being consistent with the City's Comprehensive Plan. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. PROMONTORY POINT VI ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. SANDY RIVER PLACE SUBDIVISION – PRELIMINARY PLAT**
- C. OFF-STREET PARKING AND LOADING/PLAN REQUIRED – ZONING ORDINANCE TEXT AMENDMENT**
- D. OFF-PREMISE SIGNS/BILLBOARDS – ZONING ORDINANCE TEXT AMENDMENT**
- E. FLOODPLAIN REGULATIONS – ZONING ORDINANCE TEXT AMENDMENT**

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

- A. Promontory Point VI Addition – Zoning Change and Preliminary Plat
- B. Sandy River Place Subdivision – Preliminary Plat
- C. Off-Street Parking and Loading/Plan Required – Zoning Ordinance Text Amendment
- D. Off-Premise Signs/Billboards – Zoning Ordinance Text Amendment
- E. Floodplain Regulations – Zoning Ordinance Text Amendment

MOTION: Commissioner Seminary made a motion to approve consent agenda items A,B, C, D and E, 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, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

FINAL CONSIDERATION – ANNEXATION VARIOUS LOTS & TRACTS IN SECTIONS 16 & 21, T139N-R80W/HAY CREEK TOWNSHIP, INCLUDING PARTS OF WUTZKE’S SUBDIVISION AND WUTZKE’S 2ND SUBDIVISION

Chairman Yeager called for final consideration of the City-initiated annexation of various lots & tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke’s Subdivision and Wutzke’s 2nd Subdivision. The properties are located in north Bismarck, along the north and south sides of 43rd Avenue NE and the west side of U.S. Highway 83.

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

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.

Mr. Nairn said, 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 in the staff report.

Mr. Nairn explained that the request has been modified to eliminate Lot 10, Wutzke's Subdivision, in Section 21 as requiring annexation of that property would require the owners to connect to City services and they do not wish to make that connection at this time.

Commissioner Laning asked if all of the other properties would have connections to City services. Mr. Nairn said there is only a few existing single-family residential uses that would connect at some point in the future, but the remaining lots are currently vacant.

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to approve the City-initiated annexation of various lots & tracts in Sections 16 & 21, T139N-R80W/Hay Creek Township, including parts of Wutzke's Subdivision and Wutzke's 2nd Subdivision, excluding Lot 10, Wutzke's Subdivision, as recommended by staff. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION/PUBLIC HEARING – ANNEXATION AND MINOR
SUBDIVISION FINAL PLAT
ASH COULEE ESTATES ADDITION**

Chairman Yeager called for final consideration of the annexation and the public hearing on the minor subdivision final plat for Ash Coulee Estates Addition. The property is located 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).

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

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the development allowed by the annexation at the time of development.
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.

Ms. Lee then gave the findings for the minor subdivision final plat:

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.
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.

Ms. Lee said, based on the above findings, staff recommends approval of the annexation and minor subdivision final plat of Ash Coulee Estates Addition.

Commissioner Atkinson asked if it is typical for a plat to not include the right-of-way, in this case Ash Coulee Drive, in calculations of allowable density on plats. Ms. Lee said they are ok with calculating density without that small piece from the plat. She said some letters of concern were received from the neighbors and she would like to explain that the 2014 Growth Management Plan is a tool used to determine proper zoning and, at the time this project was started, it was an area proposed to be low density residential. She said the lowest density available is R5-Residential.

Chairman Yeager opened the public hearing.

Art Goldammer, Verity Homes of Bismarck, said he would like to see the Commission uphold the ordinance as it is written and following the overall planning laws as they have done in the past when considering his requests.

Ken Tupa, Horizon Heights Homeowners Association, said he wants to see the Commission deny these requests. He said this can be looked at as reducing the number of lots compared to the original request from 30 to 28, but they are still going from the original 18 lots allowed in the original plat up to 28 and he feels that is inconsistent with the surrounding developments where the lots are all 1 to 2½ units per acre. Mr. Tupa's written comments are attached as Exhibit A.

Sabina Gasper, 1333 Golden Eagle Lane, said she and Mr. Tupa met with Mr. Goldammer and explained that 21 or 22 lots would be more appropriate here and he was only willing to come down to 28. She said this is still a higher density, the lot sizes are smaller and the proposed single road seems too narrow for the amount of housing that will be there. She said the City Commission already denied this proposal once and she thinks whatever goes in should be consistent with the area. She said there is more mixed density to the north of this location and thinks that would be a better location for this area as well.

Additional written comments in opposition to this request are attached as Exhibit B.

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

Commissioner Seminary asked if the calculation of the units per acre is correct and if the zoning proposed would be considered consistent. Ms. Lee said yes, the density calculations included in the staff report are correct and the zoning is appropriate.

Mr. Atkinson asked if all of the possible numbers of units per acre calculated with and without the Ash Coulee Drive right-of-way would qualify for an R5 zoning district. Ms. Lee said they would.

Mr. Laning asked if they could approve the annexation request today and continue discussion of the replat to the next meeting.

Chairman Yeager said this request has been through the whole process and back again and he does not think a continued debate will accomplish anything. He said a decision needs to be made and it cannot be delayed any longer.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the annexation and minor subdivision final plat of Ash Coulee Estates Addition. Commissioner Atkinson seconded the motion and the request was approved with Commissioners Atkinson, Bullinger, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioners Donahue and Laning opposed the motion.

**PUBLIC HEARING – ZONING CHANGE
LOT 4B OF LOT 4, BLOCK 2, PINEHURST 4TH ADDITION**

Chairman Yeager called for the public hearing on the zoning change from the RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition. The property is located in northwest Bismarck, in the northwest quadrant of the intersection of Hackberry Street and West Century Avenue.

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

1. 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.
2. 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.
3. The property is already annexed and utilities are in place; therefore, 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.
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. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition.

Chairman Yeager opened the public hearing.

John Stumpf, 303 Hackberry Street, said he wants the zoning to be honored as it exists now and the area is developable by the owner as it is. He said the existing zoning is relied on when purchases are made surrounding the property and the new zoning district proposed allows very different uses and is incompatible with the area. He said the apartments that have been built across the street are having a negative impact and this zoning change will only bring more problems with access and congestion since the elementary school traffic is already using Hackberry Street as an access point. He said the existing zoning should be honored and the property owners surrounding the area will be impacted. He said he does not feel enough research and consideration is being done.

Dave Patience, Swenson, Hagen & Co., said a master plan of the area was submitted with the request and the owner is going to remain the same. He said the existing zoning would allow for apartments, but the use to the east is a doctor's office. He feels something of a similar use here would be good along Century Avenue, as there would only be activity during business hours and the constant, high traffic that comes with multi-family dwellings can be avoided. He said the owner does not wish to build apartments even though the zoning would allow it right now, but it is less than two acres and that large of a use would be difficult to support.

Chairman Yeager said the area is surrounded by RT and RM30 zoning and asked if a higher density zoning along an arterial roadway is more appropriate than single family homes. Ms. Wollmuth said that is correct and this is consistent with the City's plans and Policies.

Commissioner Seminary asked if any traffic impact concerns have been raised by staff with this request and what the application and review process is like for a zoning change.

Ms. Wollmuth replied when a request is submitted to the Community Development Department, it is automatically scheduled for review by City staff members and no issues or concerns have been raised with this particular request.

Additional written comments in opposition to this request are attached as Exhibit C.

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

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to approve the zoning change from RM15 – Residential zoning district to RT – Residential zoning district for Lot 4B of Lot 4, Block 2, Pinehurst 4th Addition. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 6, BLOCK 4, COUNTRYSIDE ESTATES 4TH SUBDIVISION

Chairman Yeager called for the public hearing on the special use permit 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. The property is located east of Bismarck, in the southeast quadrant of the intersection of Cherrywood Drive and 17th Avenue NE.

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

Ms. Wollmuth said, 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.

Chairman Yeager opened the public hearing.

Township Supervisor Hauck said Gibbs Township does not feel this will have any detrimental impact to the area and they are comfortable with approving the request.

Written comments received in opposition to this request are attached as Exhibit D.

There being no further 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 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. Commissioner Waldoch seconded the motion and the request was approved with Gibbs Township Supervisor Hauck and Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 5, BLOCK 2, OLIVE TREE SUBDIVISION**

Chairman Yeager called for the public hearing on the special use permit to move a previously located structure to be occupied as a single-family dwelling onto Lot 5, Block 2, Olive Tree Subdivision. The property is located in north Bismarck, west of Burnt Creek Loop along the south side of Olive Tree Drive.

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

Ms. Wollmuth said, based on the above findings, staff recommends approval 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.

Chairman Yeager opened the public hearing.

Andrew Basaraba said he is the owner and would like the Commission to consider approving this request as the lot is run down and moving a house there would be a vast improvement to the property.

Dave Pearce, Hay Creek Township Supervisor, said the township resolution has not been signed yet as they wanted some input from the neighbors. He said there are not any covenants that would cause a conflict with this house move and their main concern was that a modular home would be getting moved in. He said now that they know it will be a stick built home, those concerns have dissolved and he is confident the Township will be agreeable to it now.

Commissioner Waldoch said she is familiar with this home and said it is very well maintained and a solid home even without the unpermitted addition that has been requested to be removed.

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

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve the 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; and 3. The non-permitted addition to the house must be removed prior to obtaining a moving permit. Commissioner Atkinson seconded the motion and the request was approved with Hay Creek Township Supervisor Pearce and Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – PUD SITE DEVELOPMENT REVIEW LOT 4, BLOCK 1, HAMILTON’S FIRST ADDITION

Chairman Yeager called for the public hearing for PUD site development review for Lot 4, Block 1, Hamilton’s First Addition. The property is located in northeast Bismarck along the east side of Hamilton Street between East Calgary Avenue and East Century Avenue.

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

Mr. Tomanek said based on the findings contained in the staff report, staff recommends approval of the site plan and building elevations with the following condition:

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

Mr. Tomanek further explained that a requirement of the PUD for this location is that the site plan be reviewed and approved by the Planning and Zoning Commission. He added that this is only the second one that has ever been done.

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 Donahue made a motion to approve the site plan and building elevations with the following condition: 1. Development of the site, including the building materials and colors, generally conforms to the site plan submitted with the application. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, 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 6:11 p.m. to meet again on September 23, 2015.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Lee Yeager
Chairman

August 21, 2015

Bismarck Planning and Zoning Commission
Mr. Wayne Yeager, Chairman
City County Office Building
221 N. 5th St.
Bismarck, ND 58501

Re: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

Chairman Yeager and members of the Bismarck Planning and Zoning Commission:

As you know, the Horizon Heights Homeowners Association opposed the first and second requested zoning and plat changes earlier this year to the Ash Coulee Second Addition development. We remain opposed to the new request before you with the same concerns and for the same reasons.

As an adjacent development representing more than 350 homeowners within Horizon Heights, the Horizon Heights Homeowners Association (HHHA) feels this plat change is not significantly different from the previous requested change denied by the City Commission, remains a departure from the pattern for orderly residential development in this area and is inconsistent with the unit density for adjacent developments.

According to the 2014 Bismarck Growth Management Plan (existing and future use), Horizon Heights and Eagle Crest developments as well as the Ash Coulee Addition and parcels to the west are designated low-density residential areas (corresponding to R5 zoning). As defined, low-density is 1-4 units per acre with an average of 2.5.

While the new plat request for the Ash Coulee Addition may technically meet the requirements for R5 zoning, it ignores the low-density residential designation for this area. Further, by including lots 1 & 2 (with an existing home and not part of the proposed development) and a significant portion of Ash Coulee Drive itself to arrive at a total acreage of 9.59 acres, the current overall calculated density is understated. The real change for this proposed new plat is the 6.8 acres with 26 units, resulting in a unit density greater than the low-density definition average of 2.5; in fact the density is 3.82 units per acre, with lots 1 & 2 removed. This density is inconsistent with adjacent developments, resulting in a significantly higher average than Horizon Heights and Eagle Crest developments (1.0 – 2.5 units per acre).

Following the City Commission decision to deny the previous request on June 23, 2015 (28 new lots for development), our association and a representative from the Eagle Crest homeowners reached out to Verity Homes in an effort to work together on a solution we could all support. Please know we do not oppose development, nor do we oppose a reasonable solution.

Our association supports the current plat approved in 2014 with 18 total lots, 16 for new development. Verity Homes' initial request (June, 2015) was for 30 total lots, 28 for new development. At our meeting we asked if Verity Homes would consider a plat with 21-22 lots for new development. Although 21-22 lots is greater than the current 2014 plat and results in a density of approximately 3 units per acre (.5 units greater than the low-density average definition in the 2014 management plan), we feel this is a reasonable solution and more consistent with the adjacent development densities than the requested plat before you.

As neighbors, we appreciated the willingness of Verity Homes to meet with us and consider an alternative plat. We do respect their position. However, the request for a new plat with 26 lots for development on 6.8 acres results in substantially greater density than surrounding developments and therefore, for the reasons we have presented in the past few months and reiterate in this letter, we continue to oppose this request for a plat change.

The current zoning and plat (approved in 2014 with 18 lots) remain appropriate for this property, are most consistent with adjacent developments and we feel were confirmed within the findings when approved in 2014, including:

"The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low-density urban residential to the northeast, east and south, and agricultural to the west."

The Horizon Heights Homeowners Association respectfully asks the Commission to deny the request for a plat change and reaffirm the 2014 plat and findings which are consistent with adjacent developments and the 2014 Growth Management Plan definition for the low-density residential land use category (1-4 units per acre, with a 2.5 average).

Sincerely,



Ken Tupa
President,
Horizon Heights Homeowners Association
PO Box 1842
Bismarck, ND 58502



Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, August 24, 2015 12:24 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

From: C M [mailto: [REDACTED]]
Sent: Saturday, August 22, 2015 10:46 AM
To: Planning - General Mailbox
Subject: Re: Proposed Plat change, Lots 1-18, Block 1, Ash Coulee Second Addition

Chairman Yeager and Bismarck Planning and Zoning Commission Members:

Please accept these written comments in response to the modified minor subdivision final plat for Ash Coulee Estates Addition, a replat of Lots 1-18, Block 1, Ash Coulee Second Addition, scheduled for public hearing before your commission on Wednesday, August 26, 2015.

This subdivision has been before your commission several times previously in 2014 and 2015. Yet again Verity Homes seeks a departure from the plat approved by the planning and zoning commission and the city commission in 2014. In 2014 the plat in question was approved for 18 total lots. In 2015 Verity Homes initially sought a special exemption under a PUD for an incredible 41 lots. Declined by the planning and zoning commission, another request was submitted by Verity for 30 lots (28 for new development). The 30-lot development was rejected by the city commission amongst strong community and neighborhood opposition as well as density concerns.

I understand that Verity met with neighborhood stakeholders following the rejection of its 30-lot (28 new lot) plan. Despite the fact that the original 18-lot plan is most reasonable, neighbors expressed a willingness to compromise and requested Verity consider a plat with 21-22 lots. Verity apparently rejected that compromise effort to harmonize Verity plans with neighborhood wishes and the lower-density requirements.

The land area and accompanying density calculations for this plat received a good deal of scrutiny during the most recent city commission meeting. Not until after final public input and repeated questioning from commissioners to planner Kim Lee was a calculation error/oversight acknowledged. A final consensus was reached by the commission, city planner, and concerned neighbors--the proposed new plat is fairly stated as **6.8 acres**. Under the current proposal for your consideration 6.8 acres with 26 units yields a density of 3.82, well over the low-density average of 2.5 and inconsistent with *any* of the adjoining areas in Eagle Crest, Horizon Heights, or Western Hills. The current proposal is not compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low-density urban residential to the northeast, east and south, and agricultural to the west.

The already-approved 2014 replat for 16 new lots remains the most appropriate. The most recent iteration of 26 new lots is little changed from the 28 new lot plat just recently rejected by the city commission. I again join my neighbors and adjoining neighborhoods in respectfully requesting the commission deny this request for a

plat change and affirm the appropriate 2014 plat. The 2014 Growth Management plan should be adhered to, which defines low-density residential land use as 1-4 units per acre with a 2.5 unit average.

Sincerely,

Cade Jorgenson
Melissa Jorgenson
Melissa Jorgenson

Hilary Balzum

From: Planning - General Mailbox
Sent: Thursday, August 20, 2015 10:59 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Lot 4, Block 2, Pinehurst Fourth Addition - Zoning Change

From: Dave F [mailto:████████████████████]
Sent: Thursday, August 20, 2015 10:11 AM
To: Planning - General Mailbox
Subject: Lot 4, Block 2, Pinehurst Fourth Addition - Zoning Change

To who it may concern,

My name is David Forster, I currently reside at 2900 Ithica Dr. just to the west of the land in question. I strongly oppose this change. I would like to know the justification to change this zoning after all of these years. When changing the zoning within the city, I would like to know what criteria is used to base such a decision on?

Once one parcel of this land is re-zoned, what's to stop you from re-zoning the entire plot?!?! This land was zoned RM15 for many years and Lloyd Anderson LLP wants this changed for one reason: so that they can make more money. The residents of this area built their homes with the understanding that this land would be used for duplexes or condos, not to have large apartments or commercial offices next door.

I've watched the city permit large multi-family apartment buildings adjacent to this land on the south side of century avenue. I think it is a disgrace to build this kind of housing so close to Centennial elementary school. The type of residents these dwellings attract as well as the increased traffic put the children at an increased risk. I would ask that you do not re-zone Lot 4B of Lot 4, Block 2, Pinehurst Fourth Addition.

Sincerely,

David Forster

Hilary Balzum

From: Planning - General Mailbox
Sent: Monday, August 24, 2015 12:26 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Public Hearing 26 Aug 2015- Special Use permit

From: Bev & Jerry [mailto:████████████████████]
Sent: Sunday, August 23, 2015 4:19 PM
To: Planning - General Mailbox
Subject: Public Hearing 26 Aug 2015- Special Use permit

To all concerned:

I am unable to attend the planned public hearing on Wednesday August 26, 2015 regarding request by James Schmidt for a special use permit to increase the total area of accessory buildings on Lot 6, Block 4 Countryside Estates 4th subdivision.

I would like to go on record as opposing approval of the special use permit, simply to maintain the configuration of the development as originally planned.

I would however, yield to the wishes of the immediate neighbors, in the event that they would be in favor of granting the approval.

Thank you

Jerry Duppong
5711 Inglewood Lane
Bismarck ND

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2015

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

Census Code	8/2015			8/2014			8/2014		
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations	
SINGLE FAMILY DETACHED	18	\$3,313,235.58	35	\$6,784,099.48	6	\$1,467,364.50	9	\$1,681,809.60	
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	\$299,548.00	24	\$3,374,985.00	0	\$0.00	0	\$0.00	
FIVE OR MORE FAMILY	1	\$4,200,000.00	0	\$0.00	0	\$0.00	0	\$0.00	
MANUFACTURED HOMES	5	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	
MOBILE HOME	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00	
MOBILE HOME	0	\$0.00	9	\$0.00	0	\$0.00	0	\$0.00	
NON-STRUCTURAL DEVELOPMENT	2	\$97,000.00	0	\$0.00	0	\$0.00	0	\$0.00	
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	1	\$635,311.64	0	\$0.00	0	\$0.00	
AMUSEMENT & RECREATION	0	\$0.00	1	\$343,900.00	0	\$0.00	0	\$0.00	
INDUSTRIAL BUILDINGS	15	\$2,107,780.00	9	\$5,571,200.00	2	\$352,976.73	0	\$0.00	
HOSPITALS & INSTITUTIONAL	1	\$17,500,000.00	0	\$0.00	0	\$0.00	0	\$0.00	
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$258,985.00	0	\$0.00	0	\$0.00	0	\$0.00	
OFFICE, BANK, & PROFESSIONAL BUILDINGS	0	\$0.00	3	\$550,000.00	0	\$0.00	0	\$0.00	
SCHOOLS & EDUCATIONAL	0	\$0.00	1	\$1,100,000.00	0	\$0.00	0	\$0.00	
OTHER NEW	1	\$500.00	0	\$0.00	0	\$0.00	0	\$0.00	
ROOM ADDITIONS	2	\$63,401.25	5	\$151,431.50	0	\$0.00	0	\$0.00	
RESIDENTIAL GARAGES	9	\$69,280.00	12	\$82,783.00	11	\$259,728.00	13	\$287,792.00	
DECKS PORCHES & COVERED PATIOS	24	\$82,262.50	22	\$56,241.00	3	\$15,315.00	2	\$43,280.00	
SWIMMING POOLS & SPAS	1	\$82,891.00	2	\$109,690.00	1	\$60,000.00	0	\$0.00	
OTHER	3	\$70,500.00	9	\$1,432,886.00	0	\$0.00	0	\$0.00	
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	
STORAGE SHEDS	1	\$2,100.00	0	\$0.00	2	\$1,000.00	1	\$2,400.00	
BASEMENT FINISH	5	\$26,106.00	14	\$81,861.50	2	\$9,889.50	4	\$20,116.25	

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2015

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

Census Code	8/2015		8/2014		8/2015		8/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
COMMERCIAL BUILDINGS	16	\$8,161,100.00	1	\$57,672.00	1	\$900,000.00	0	\$0.00
OFFICE BUILDINGS	0	\$0.00	1	\$25,531.49	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	1	\$80,000.00	0	\$0.00	0	\$0.00
PUBLIC BUILDING	0	\$0.00	1	\$4,187,428.00	0	\$0.00	0	\$0.00
RESIDENTIAL	0	\$0.00	2	\$0.00	1	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	14	\$80,500.00	16	\$256,637.00	0	\$0.00	0	\$0.00
Total	124	\$36,415,189.33	171	\$24,879,657.61	29	\$3,066,273.73	29	\$2,035,397.85

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2015

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

Trade Permit Type	8/2015		8/2014		8/2015		8/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRICAL ALTERATION	27	\$1,750.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	26	\$24,500.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	18	\$57,740.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	3	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	1	\$0.00	145	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	5	\$115,610.00	0	\$0.00	5	\$9,020.00	0	\$0.00
BUILDING MECHANICAL FIREPLACE	4	\$12,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL HVAC APPLIANCE	15	\$78,626.00	0	\$0.00	2	\$10,500.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	56	\$854,873.00	0	\$0.00	4	\$36,131.00	0	\$0.00
BUILDING MECHANICAL OTHER	0	\$0.00	121	\$726,927.00	0	\$0.00	21	\$85,002.00
BUILDING MECHANICAL WATER HEATER	12	\$38,267.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	59	\$1,029,810.00	111	\$297,202.00	11	\$141,500.00	12	\$44,300.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	13	\$0.00	5	\$0.00
Total	229	\$2,213,176.00	378	\$1,024,129.00	35	\$197,151.00	38	\$129,302.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 8/2015

Living Units	*****City*****		*****ETA*****	
	8/2015	8/2014	8/2015	8/2014
	Units	Units	Units	Units
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	40	0	0	0
MANUFACTURED HOMES	0	0	0	0
ROOM ADDITIONS	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	2	24	0	0
SINGLE FAMILY DETACHED	18	35	6	9
Total	60	59	6	9

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 8/2015

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

Census Code	8/2015			8/2014			8/2014		
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations	
SINGLE FAMILY DETACHED	163	\$30,830,864.90	213	\$39,640,550.97	50	\$10,929,060.92	57	\$10,554,363.88	
ROWHOUSE (2) 1-HR FIRE SEPARATION	39	\$5,915,039.45	136	\$20,297,176.84	0	\$0.00	4	\$721,514.50	
2-UNIT DUPLEX OR CONDO	3	\$208,660.50	10	\$1,473,424.35	0	\$0.00	0	\$0.00	
THREE OR FOUR FAMILY	0	\$0.00	1	\$1,006,200.00	0	\$0.00	0	\$0.00	
FIVE OR MORE FAMILY	3	\$14,362,000.00	6	\$27,008,451.00	0	\$0.00	0	\$0.00	
MANUFACTURED HOMES	48	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00	
MOBILE HOME	1	\$0.00	11	\$0.00	0	\$0.00	0	\$0.00	
MOBILE HOME	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00	
MOBLE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00	
MOTELS	1	\$24,000.00	0	\$0.00	0	\$0.00	0	\$0.00	
NON-STRUCTURAL DEVELOPMENT	18	\$97,000.00	0	\$0.00	1	\$0.00	0	\$0.00	
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	5	\$825,711.64	0	\$0.00	1	\$0.00	
AMUSEMENT & RECREATION	1	\$249,353.40	0	\$0.00	0	\$0.00	0	\$0.00	
AMUSEMENT & RECREATON	0	\$0.00	1	\$343,900.00	0	\$0.00	0	\$0.00	
CHURCHES & RELIGIOUS	2	\$53,513.00	0	\$0.00	0	\$0.00	0	\$0.00	
INDUSTRIAL BUILDINGS	57	\$25,218,325.40	43	\$26,233,421.00	6	\$2,948,064.73	1	\$237,129.00	
HOSPITALS & INSTITUTIONAL	5	\$29,830,087.00	0	\$0.00	0	\$0.00	0	\$0.00	
OFFICE; BANK; & PROFESSIONAL BUILDINGS	8	\$12,378,934.00	0	\$0.00	1	\$182,500.00	0	\$0.00	
OFFICE, BANK, & PROFESSIONAL BUILDINGS	0	\$0.00	7	\$2,008,859.00	0	\$0.00	0	\$0.00	
SCHOOLS & EDUCATIONAL	2	\$4,436,658.00	1	\$1,100,000.00	2	\$906,900.00	0	\$0.00	
RETAIL SALES	3	\$4,880,140.00	2	\$217,815.00	0	\$0.00	0	\$0.00	
OTHER NEW	31	\$1,790,895.85	0	\$0.00	0	\$0.00	0	\$0.00	
PUBLIC BUILDINGS	1	\$41,664,400.00	0	\$0.00	0	\$0.00	0	\$0.00	

PERMIT ACTIVITY REPORT - YTD
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*****City*****ETA*****

Census Code	8/2015			8/2014			8/2014		
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations	
ROOM ADDITIONS	13	\$493,851.01	21	\$476,689.90	11	\$712,516.95	7	\$266,323.90	
RESIDENTIAL GARAGES	57	\$452,606.00	66	\$583,962.00	49	\$1,347,050.00	60	\$1,327,693.50	
DECKS PORCHES & COVERED PATIOS	133	\$394,500.00	152	\$582,159.75	35	\$108,525.00	17	\$142,750.00	
SWIMMING POOLS & SPAS	6	\$318,870.00	7	\$324,028.00	3	\$186,000.00	2	\$84,675.00	
OTHER	50	\$2,343,035.59	75	\$25,601,248.00	3	\$125,806.00	6	\$257,466.50	
HOME OCCUPATION	2	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00	
STORAGE SHEDS	10	\$20,231.50	13	\$35,380.00	2	\$1,000.00	3	\$44,131.00	
BASEMENT FINISH	103	\$526,199.12	107	\$691,075.68	35	\$188,058.50	22	\$139,499.00	
COMMERCIAL BUILDINGS	60	\$27,233,833.39	32	\$12,077,931.98	4	\$1,291,000.00	3	\$596,760.00	
OFFICE BUILDINGS	10	\$1,527,055.00	16	\$2,969,085.74	0	\$0.00	0	\$0.00	
OTHER ADDITIONS	13	\$1,998,188.00	15	\$9,200,437.04	3	\$275,000.00	3	\$2,887,348.00	
PUBLIC BUILDING	4	\$134,000.00	9	\$72,942,787.28	0	\$0.00	0	\$0.00	
APARTMENTS TO CONDOS	0	\$0.00	16	\$0.00	0	\$0.00	0	\$0.00	
SINGLE FAMILY TO MULTI-FAMILY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00	
MULTI-FAMILY TO SINGLE - FAMILY	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00	
RESIDENTIAL	1	\$0.00	3	\$0.00	1	\$0.00	0	\$0.00	
COMMERCIAL	5	\$0.00	3	\$286,625.32	0	\$0.00	0	\$0.00	
FIREWORKS SALES	0	\$0.00	1	\$0.00	14	\$0.00	13	\$0.00	
NURSERY STOCK SALES	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00	
MISC TEMPORARY STRUCTURES	7	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00	
NEW SIGN PERMITS	88	\$1,210,939.17	72	\$2,905,028.86	1	\$2,400.00	1	\$21,000.00	
SIGN ALTERATION	6	\$85,711.00	1	\$16,500.00	0	\$0.00	0	\$0.00	
1303 ELECTRONIC MESSAGE CENTER	0	\$0.00	1	\$34,711.49	0	\$0.00	0	\$0.00	
Total	959	\$208,678,891.28	1083	\$257,330,161.72	221	\$19,203,882.10	200	\$17,263,163.28	

PERMIT ACTIVITY REPORT - YTD
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*****City*****ETA*****

Permit Type	8/2015		8/2014		8/2015		8/2014	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	317	\$1,750.00	0	\$0.00	1	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	283	\$104,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	136	\$57,740.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	14	\$2,250.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	85	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	21	\$0.00	895	\$0.00	0	\$0.00	2	\$0.00
BUILDING ELECTRICAL POOL	6	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	77	\$2,283,743.00	0	\$0.00	18	\$60,060.00	0	\$0.00
BUILDING MECHANICAL FIREPLACE	123	\$503,171.00	0	\$0.00	15	\$68,756.00	0	\$0.00
BUILDING MECHANICAL HVAC APPLIANCE	71	\$313,331.00	0	\$0.00	11	\$104,325.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	353	\$17,965,655.05	0	\$0.00	55	\$1,020,361.00	0	\$0.00
BUILDING MECHANICAL OTHER	15	\$227,984.00	1062	\$12,851,761.50	1	\$10,450.00	141	\$876,438.00
BUILDING MECHANICAL WATER HEATER	152	\$235,776.99	1	\$0.00	21	\$27,108.00	0	\$0.00
BUILDING PLUMBING	361	\$11,921,812.00	540	\$4,545,118.00	62	\$973,683.00	66	\$534,113.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	58	\$0.00	36	\$0.00
Total	2018	\$33,617,213.04	2498	\$17,396,879.50	242	\$2,264,743.00	245	\$1,410,551.00

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Living Units	*****City*****		*****ETA*****	
	8/2015	8/2014	8/2015	8/2014
	Units	Units	Units	Units
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	147	276	0	0
OTHER NEW	0	0	0	0
THREE OR FOUR FAMILY	0	4	0	0
MANUFACTURED HOMES	0	1	0	0
2-UNIT DUPLEX OR CONDO	4	20	0	0
ROOM ADDITIONS	0	0	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	38	136	0	4
SINGLE FAMILY DETACHED	163	214	47	57
Total	352	651	47	61