Bismarck

Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
October 28, 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 September 23, 2015 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **High Meadows Thirteenth Addition** – Preliminary Plat (JT) 1

   Staff recommendation: tentative approval ☐tentative approval ☐table ☐deny

3. **University of Mary Second Subdivision** – Zoning Change (A & RR to RR) (Klee)..... 7

   Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

4. **Meadowlark Commercial Ninth Addition** – Zoning Change (RT & P to CG) (JT)..... 11

   Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

5. **Lot 18, Block 1, Edgewood Village Fifth Addition** – Zoning Change(RM15 to R5)(JW)15

   Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

6. **Lots 14-20, Block 4, South Meadows Addition**– Zoning Change (R5, R10 & RM15 to R10 & RM15) (Klee)..... 19

   Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

7. **Multiple Parcels in KMK Estates, KMK Estates 2nd and Geloff Estates** – Zoning Change (RR to R5) (Klee)..... 23

   Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

8. **Kamrose Crossing** – PUD Amendment (JT) 27

Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

9. **Schilling Addition** – PUD Amendment (JT) 43

Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

10. **Future Land Use Plan (FLUP) –**
Future Land Use Plan Amendments/Modifications (DN) 57

Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

11. **Special Uses/Asphalt & Concrete Batch Plants –**
Zoning Ordinance Text Amendment (Klee) 61

Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

PUBLIC HEARINGS

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

12. **Meadowlark Commercial 8th Addition –** Minor Subdivision Final Plat (JT) 65

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

13. **Lots 4-6, Block 16, Northern Pacific Addition** – Zoning Change (RM30 to DF) (JT) 71

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

14. **Lot 1, Block 1, Burns Subdivision –**
Special Use Permit (accessory building) (JW) 75

Hay Creek Township

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

15. **Lot 12, Block 2, Southridge Subdivision –**
Special Use Permit (accessory building) (JW) 79

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

16. **Lot 3, Block 4, Northwood Estates Replat –**
Special Use Permit (accessory building) (JW) 85

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

17. **Off-Premise Signs/Billboards** – Zoning Ordinance Text Amendment (JW/DN) 89

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

18. **R10 Residential District/Row Houses** – Zoning Ordinance Text Amendment (Klee) 101

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

19. **Special Uses/Temporary Uses** – Zoning Ordinance Text Amendment (Klee) 105

Staff recommendation: approve ☐approve ☐continue ☐table ☐deny

OTHER BUSINESS

20. Other

ADJOURNMENT

21. Adjourn. The next regular meeting date is scheduled for **Tuesday, November 17, 2015**.

Enclosures: Meeting Minutes of September 23, 2015
Building Permit Activity Month to Date Report for September 2015
Building Permit Activity Year to Date Report for September 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: High Meadows Thirteenth Addition – Preliminary Plat	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Greg & Gail Mayer (owner/applicant) Donald & Lorraine Fitzgerald (owner)	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Replat property to allow for six, single-family residential lots.	
Location: In northwest Bismarck along, the north side of Arabian Avenue west of North Washington Street (A replat of Lot 5 and part of Lot 6, Block 3, KMK Estates).	
Project Size: 2.74 acres +/-	**Number of Lots:** 6 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Single-family residential
Zoning: RR – Residential	**Zoning:** R5 – Residential
Uses Allowed: Large lot, single-family dwellings	**Uses Allowed:** Single-family dwellings
Maximum Density Allowed: 1 unit per 65,000 SF	**Maximum Density Allowed:** 5 units per acre

PROPERTY HISTORY:		
Zoned: 04/1959	**Platted:** 11/1969	**Annexed:** 10/2014

ADDITIONAL INFORMATION:

1. The City is initiating this zoning change from the RR – Residential zoning district to the R5 – Residential zoning district as a courtesy to the properties included in the recent annexation of portions of KMK Estates, KMK Estates 2nd Subdivision and Geloff Estates Addition. Four previously-annexed parcels in this area that area still zoned RR – Residential have also been included. It is our intent to rezone property to bring them into the urban single-family residential zoning district now that the parcels are within the corporate limits. The area included with the proposed plat is part of the City-initiated zoning change.

2. There is an existing accessory building on the property and it would occupy the proposed lot identified as Lot 1, Block 1. The accessory building is associated with the existing single-family dwelling that currently occupies the lot proposed as Lot 6, Block 1. The accessory building would not occupy the same lot as the existing principle dwelling. An accessory building is not allowed on a lot without a principle structure; therefore, the accessory building would need to be removed from the proposed Lot 1, Block 1 prior to recording of the plat.

FINDINGS:

1. All technical requirements for consideration of a preliminary plat have been met.

(continued)

2. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.

3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include single-family residential to the north, east, south and west.

4. The property is already annexed and municipal services will be installed conjunction with development; therefore, the proposed subdivision would not place an undue burden on public services.

5. The proposed subdivision would not have an adverse impact on property in the vicinity.

6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

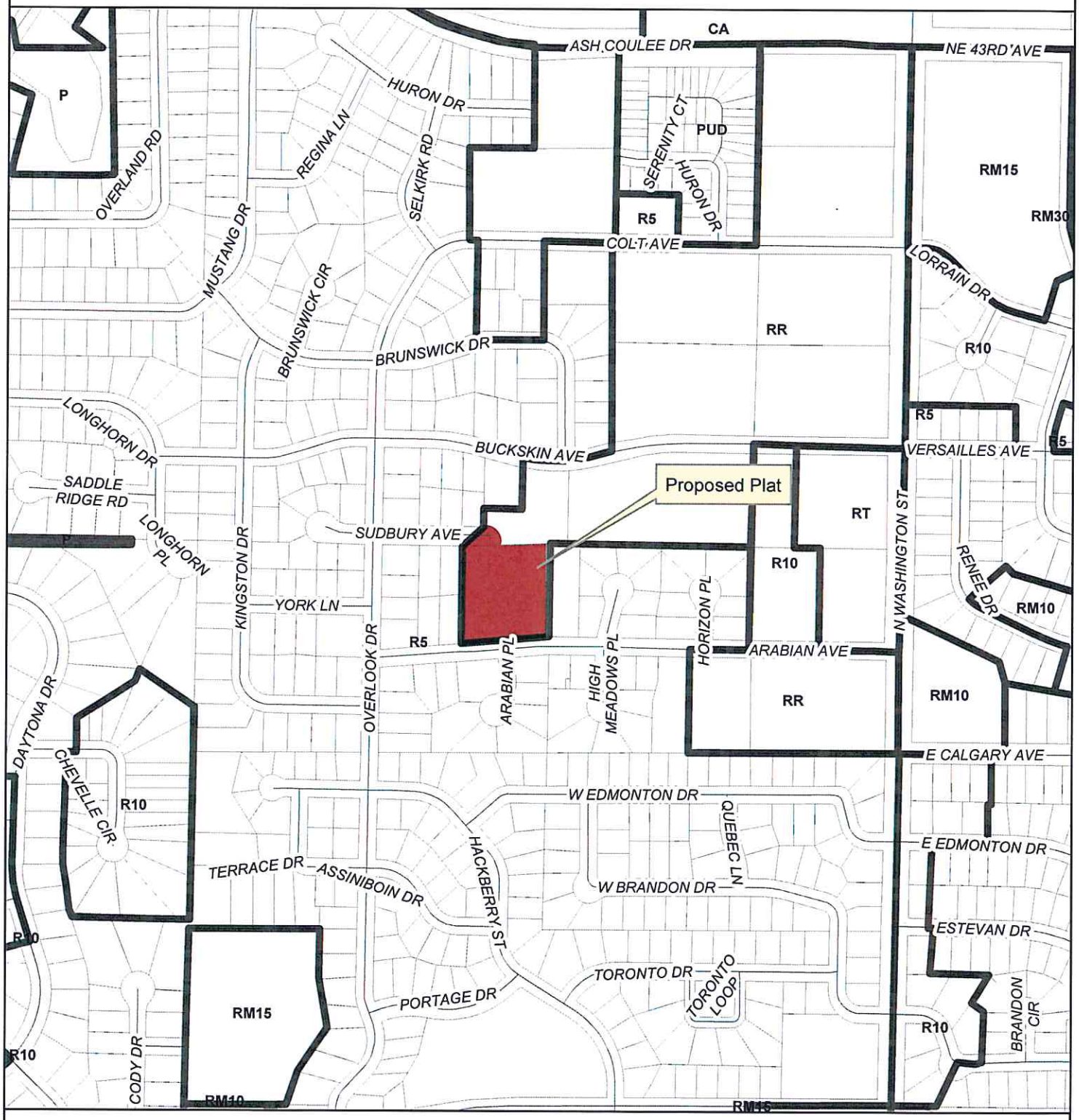
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the preliminary plat for High Meadows Thirteenth Addition with the condition to remove the existing accessory builiding.

/jt

Proposed Plat
High Meadows 13th 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.

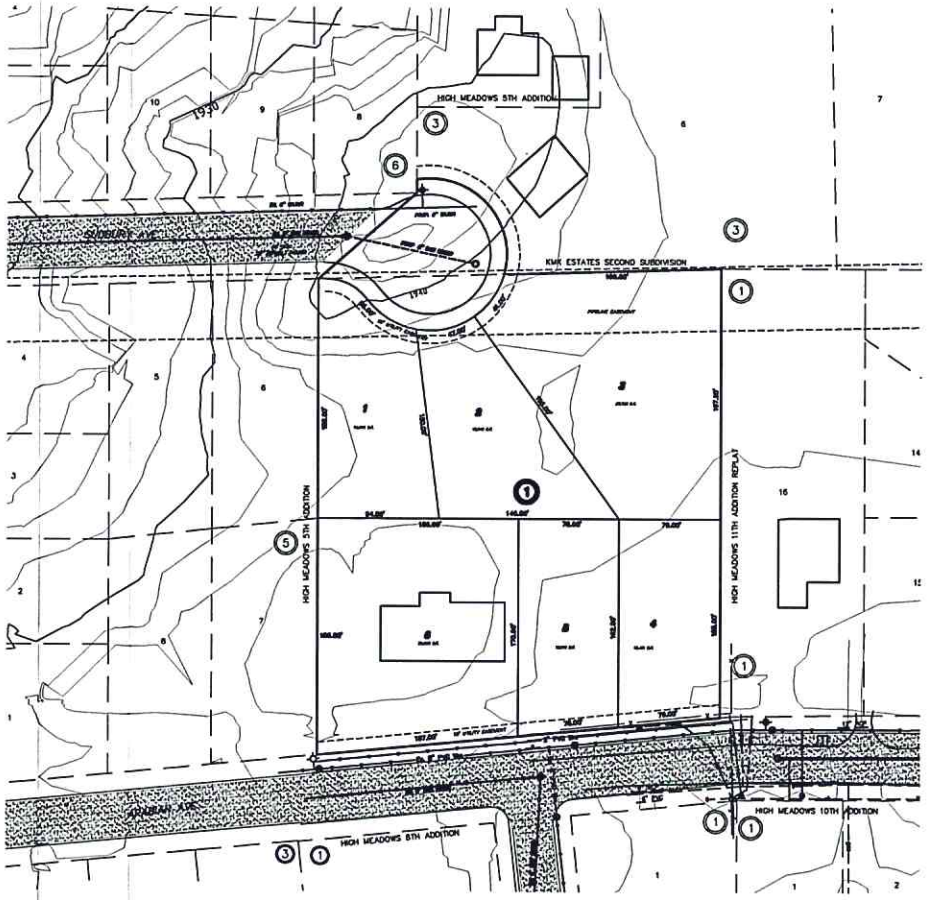
0 200 400 800 Feet

N

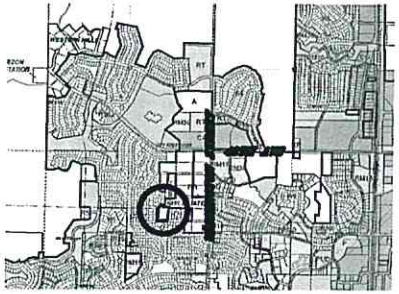
HIGH MEADOWS THIRTEENTH ADDITION

REPLAT OF LOT 5 AND PART OF LOT 6 BLOCK 3
KMK ESTATES SUBDIVISION
PART OF THE E 1/2 OF THE NW 1/4 OF SECTION 20,
TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP



2.74 ACRES
EXISTING ZONING: R5
6 LOTS

OWNER: GREG MAYER
ADDRESS: 1022 E DIVIDE AVENUE
BISMARCK, ND 58501
PHONE: (701) 400-2586

OWNER: DON FITZGERALD
ADDRESS: 435 BUCKSKIN DRIVE
BISMARCK, ND 58501
PHONE: (701) 258-7191

SCALE – 1" = 40'

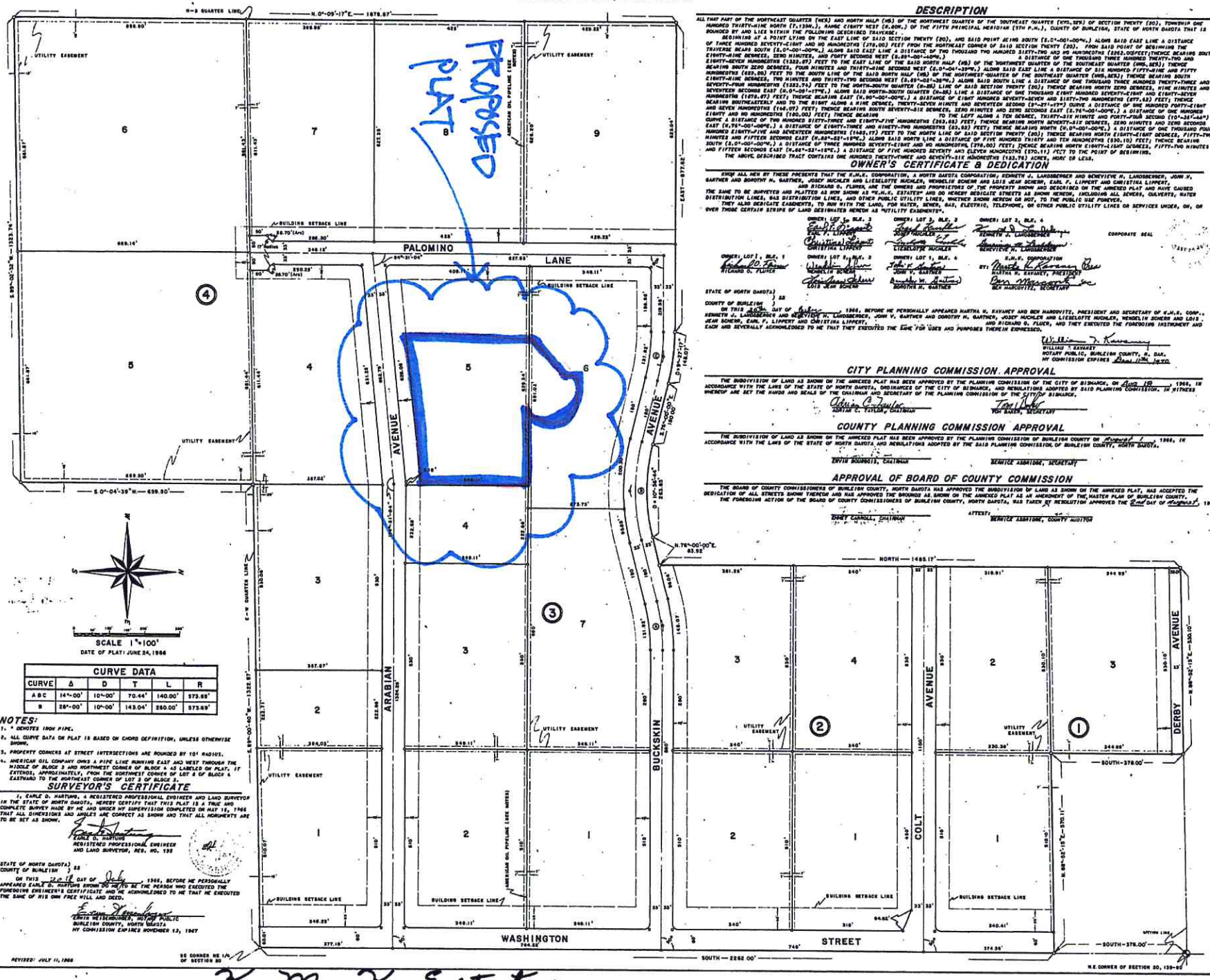
VERTICAL DATUM: NGVD 29

SEPTEMBER 25, 2015

SWENSON, HAGEN & COMPANY P.C.
Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management
909 Basin Avenue
Bismarck, North Dakota 58501
shcp@swensonhagen.com
Phone (701) 223-2699
Fax (701) 223-2616

K.M.K. ESTATES

BURLEIGH COUNTY, NORTH DAKOTA



CURVE DATA					
CURVE	Δ	D	T	L	R
A B C	14°-00'	10°-00'	70.44'	140.00'	573.69'
B	28°-00'	10°-00'	143.04'	280.00'	573.69'

NOTES:

1. * DENOTES IRON PIPE.
2. ALL CURVE DATA ON PLAT IS BASED ON CHORD DEFINITION, UNLESS OTHERWISE SHOWN.
3. PROPERTY CORNERS AT STREET INTERSECTIONS ARE ROUNDED BY 10' RADIUS.
4. AMERICAN OIL COMPANY OWNS A PIPE LINE RUNNING EAST AND WEST THROUGH THE MIDDLE OF BLOCK 3 AND NORTHWEST CORNER OF BLOCK 4 AS LABELED ON PLAT. IT EXTENDS, APPROXIMATELY, FROM THE NORTHWEST CORNER OF LOT 6 OF BLOCK 4 EASTWARD TO THE NORTHEAST CORNER OF LOT 2 OF BLOCK 3.

SURVEYOR'S CERTIFICATE

I, EARLE D. HARTUNG, A REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND COMPLETE SURVEY MADE BY ME AND UNDER MY SUPERVISION COMPLETED ON MAY 15, 1966 THAT ALL DIMENSIONS AND ANGLES ARE CORRECT AS SHOWN AND THAT ALL MONUMENTS ARE TO BE SET AS SHOWN.

EARLE D. HARTUNG
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR, REG. NO. 1313

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

ON THIS 12th DAY OF July, 1966, BEFORE ME PERSONALLY APPEARED EARLE D. HARTUNG KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING ENGINEER'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME OF HIS OWN FREE WILL AND DEED.

ERWIN WEISHAUPTER, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES NOVEMBER 13, 1967

REVISED: JULY 11, 1966

DESCRIPTION

ALL THAT PART OF THE NORTHEAST QUARTER (NE¼) AND NORTH HALF (N½) OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (N½, SE¼) OF SECTION TWENTY (20), TOWNSHIP ONE HUNDRED THIRTY-NINE NORTH (T.139N.), RANGE EIGHTY WEST (R.80W.) OF THE FIFTH PRINCIPAL MERIDIAN (5TH P.M.), COUNTY OF BURLEIGH, STATE OF NORTH DAKOTA THAT IS BOUNDED BY AND LIES WITHIN THE FOLLOWING DESCRIBED TRAVERSE:

BEGINNING AT A POINT LYING ON THE EAST LINE OF SAID SECTION TWENTY (20), AND SAID POINT BEING SOUTH (S.0°-00'-00"W.) ALONG SAID EAST LINE A DISTANCE OF THREE HUNDRED SEVENTY-EIGHT AND NO HUNDREDTHS (378.00) FEET FROM THE NORTHEAST CORNER OF SAID SECTION TWENTY (20). FROM SAID POINT OF BEGINNING THE TRAVERSE BEARS SOUTH (S.0°-00'-00"W.) ALONG SAID EAST LINE A DISTANCE OF TWO THOUSAND TWO HUNDRED SIXTY-TWO AND NO HUNDREDTHS (2262.00FEET)THENCE BEARING SOUTH EIGHTY-NINE DEGREES, ZERO MINUTES, AND FORTY SECONDS WEST (S.89°-00'-40"W.) A DISTANCE OF ONE THOUSAND THREE HUNDRED TWENTY-TWO AND EIGHTY-SEVEN HUNDREDTHS (1322.87) FEET TO THE EAST LINE OF THE SAID NORTH HALF (N½) OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW¼,SE¼) THENCE BEARING SOUTH ZERO DEGREES, FOUR MINUTES AND THIRTY-NINE SECONDS WEST (S.0°-04'-39"W.) ALONG SAID EAST LINE A DISTANCE OF SIX HUNDRED FIFTY-NINE AND FIFTY HUNDREDTHS (659.50) FEET TO THE SOUTH LINE OF THE SAID NORTH HALF (N½) OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW¼,SE¼) THENCE BEARING SOUTH EIGHTY-NINE DEGREES, TWO MINUTES AND THIRTY-TWO SECONDS WEST (S.89°-02'-32"W.) ALONG SAID SOUTH LINE A DISTANCE OF ONE THOUSAND THREE HUNDRED THIRTY-THREE AND SEVENTY-FOUR HUNDREDTHS (1323.74) FEET TO THE NORTH-SOUTH QUARTER (N-S¼) LINE OF SAID SECTION TWENTY (20); THENCE BEARING NORTH ZERO DEGREES, NINE MINUTES AND SEVENTEEN SECONDS EAST (N.0°-09'-17"E.) ALONG SAID NORTH-SOUTH QUARTER (N-S¼) LINE A DISTANCE OF ONE THOUSAND EIGHT HUNDRED SEVENTY-EIGHT AND EIGHTY-SEVEN HUNDREDTHS (1078.87) FEET; THENCE BEARING EAST (N.90°-00'-00"E.) A DISTANCE OF EIGHT HUNDRED SEVENTY-SEVEN AND SIXTY-TWO HUNDREDTHS (877.62) FEET; THENCE BEARING SOUTHEASTERLY AND TO THE RIGHT ALONG A NINE DEGREE, TWENTY-SEVEN MINUTE AND SEVENTEEN SECOND (9°-27'-17") CURVE A DISTANCE OF ONE HUNDRED FORTY-EIGHT AND SEVEN HUNDREDTHS (148.07) FEET; THENCE BEARING SOUTH SEVENTY-SIX DEGREES, ZERO MINUTES AND ZERO SECONDS EAST (S.76°-00'-00"E.) A DISTANCE OF ONE HUNDRED EIGHTY AND NO HUNDREDTHS (180.00) FEET; THENCE BEARING TO THE LEFT ALONG A TEN DEGREE, THIRTY-SIX MINUTE AND FORTY-FOUR SECOND (10°-36'-44") CURVE A DISTANCE OF TWO HUNDRED SIXTY-THREE AND EIGHTY-FIVE HUNDREDTHS (263.85) FEET; THENCE BEARING NORTH SEVENTY-SIX DEGREES, ZERO MINUTES AND ZERO SECONDS EAST (N.76°-00'-00"E.) A DISTANCE OF EIGHTY-THREE AND NINETY-TWO HUNDREDTHS (83.92) FEET; THENCE BEARING NORTH (N.0°-00'-00"E.) A DISTANCE OF ONE THOUSAND FOUR HUNDRED EIGHTY-FIVE AND SEVENTEEN HUNDREDTHS (1485.17) FEET TO THE NORTH LINE OF SAID SECTION TWENTY (20); THENCE BEARING NORTH EIGHTY-EIGHT DEGREES, FIFTY-TWO MINUTES AND FIFTEEN SECONDS EAST (N.88°-52'-15"E.) ALONG SAID NORTH LINE A DISTANCE OF FIVE HUNDRED THIRTY AND TEN HUNDREDTHS (530.10) FEET; THENCE BEARING SOUTH (S.0°-00'-00"W.) A DISTANCE OF THREE HUNDRED SEVENTY-EIGHT AND NO HUNDREDTHS (378.00) FEET; THENCE BEARING NORTH EIGHTY-EIGHT DEGREES, FIFTY-TWO MINUTES AND FIFTEEN SECONDS EAST (N.88°-52'-15"E.) A DISTANCE OF FIVE HUNDRED SEVENTY AND ELEVEN HUNDREDTHS (570.11) FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS ONE HUNDRED TWENTY-THREE AND SEVENTY-SIX HUNDREDTHS (123.76) ACRES, MORE OR LESS.

OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE K.M.K. CORPORATION, A NORTH DAKOTA CORPORATION; KENNETH J. LANGSBERGER AND BENEVIEVE H. LANGSBERGER, JOHN V. GARTNER AND DOROTHY M. GARTNER, JOSEF NACHLER AND LIESELOTTE NACHLER, HENNELIN SCHERM AND LOIS JEAN SCHERM, EARL F. LIPPERT AND CHRISTINA LIPPERT, AND RICHARD O. FLUHER, ARE THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN AND DESCRIBED ON THE ANNEXED PLAT AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS NOW SHOWN AS "K.M.K. ESTATES" AND DO HEREBY DEDICATE STREETS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, WATER DISTRIBUTION LINES, GAS DISTRIBUTION LINES, AND OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS, TO RUN WITH THE LAND, FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS".

OWNER: LOT 1, BLK. 2 — EARL F. LIPPERT, CHRISTINA LIPPERT
OWNER: LOT 3, BLK. 3 — JOSEF NACHLER, LIESELOTTE NACHLER
OWNER: LOT 3, BLK. 4 — KENNETH J. LANGSBERGER, BENEVIEVE H. LANGSBERGER
CORPORATE SEAL
OWNER: LOT 1, BLK. 1 — RICHARD O. FLUHER
OWNER: LOT 2, BLK. 3 — HENNELIN SCHERM, LOIS JEAN SCHERM
OWNER: LOT 1, BLK. 4 — JOHN V. GARTNER, DOROTHY M. GARTNER
K.M.K. CORPORATION BY: MARTHA H. KAVANEY, PRESIDENT; BEN MARCOVITZ, SECRETARY

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH } SS

ON THIS 25th DAY OF July, 1966, BEFORE ME PERSONALLY APPEARED MARTHA H. KAVANEY AND BEN MARCOVITZ, PRESIDENT AND SECRETARY OF K.M.K. CORP., KENNETH J. LANGSBERGER AND BENEVIEVE H. LANGSBERGER, JOHN V. GARTNER AND DOROTHY M. GARTNER, JOSEF NACHLER AND LIESELOTTE NACHLER, HENNELIN SCHERM AND LOIS JEAN SCHERM, EARL F. LIPPERT AND CHRISTINA LIPPERT, AND RICHARD O. FLUHER, AND THEY EXECUTED THE FOREGOING INSTRUMENT AND EACH AND SEVERALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR USES AND PURPOSES THEREIN EXPRESSED.

WILLIAM T. KAVANEY
NOTARY PUBLIC, BURLEIGH COUNTY, N. DAK.
MY COMMISSION EXPIRES June 13th 1970

CITY PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON Aug 18, 1966, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK, AND REGULATIONS ADOPTED BY 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.

JOHN C. TAYLOR, CHAIRMAN — TOM BAKER, SECRETARY

COUNTY PLANNING COMMISSION APPROVAL

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF BURLEIGH COUNTY ON August 1, 1966, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION OF BURLEIGH COUNTY, NORTH DAKOTA.

ERVIN BOURGOIS, CHAIRMAN — BERNICE ASBRIDGE, SECRETARY

APPROVAL OF BOARD OF COUNTY COMMISSION

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 DEDICATION OF ALL STREETS SHOWN THEREON AND HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT OF THE MASTER PLAN OF BURLEIGH COUNTY.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE 2nd DAY OF August, 1966.

EMMET CARROLL, CHAIRMAN — ATTEST: BERNICE ASBRIDGE, COUNTY AUDITOR

K. M. K. Estates

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: University of Mary Second Subdivision – Zoning Change (A & RR to RR)	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): University of Mary	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Plat and zone property for further development of university campus.	
Location: South of Bismarck, along the southwest side of ND Highway 1804 approximately two miles south of 48th 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: 95.8 acres	**Number of Lots:** 3 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: University owned/undeveloped	**Land Use:** Expansion of university campus
Zoning: A – Agricultural	**Zoning:** RR – Residential
Uses Allowed: A – Agriculture	**Uses Allowed:** RR – Rural residential and other uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres	**Maximum Density Allowed:** RR – One unit/65,000sf for single family; dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: N/A	**Platted:** N/A

ADDITIONAL INFORMATION:

1. The area platted as University of Mary is zoned RR – Residential. The education use group, which includes a college campus, is allowed as a permitted use in the RR – Residential zoning district. The education group is not a permitted use in the A – Agricultural zoning district.

FINDINGS:

1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as a civic. This future land use designation includes public or institutional service bases, major recreation, educational campuses and other civic facilities.

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include the University of Mary campus to the north, the Annunciation Monastery to the northwest and west and a combination of agricultural uses and rural residential to the southeast, south, east and northeast across ND Highway 1804.

(continued)

3. The property is already owned by the University of Mary, would be served by municipal water via a contract with the City, has a private on-site wastewater treatment system and has direct access to ND Highway 1804; therefore, the zoning change would not place an undue burden on public services and facilities.

4. The proposed zoning change would not adversely affect property in the vicinity.

5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

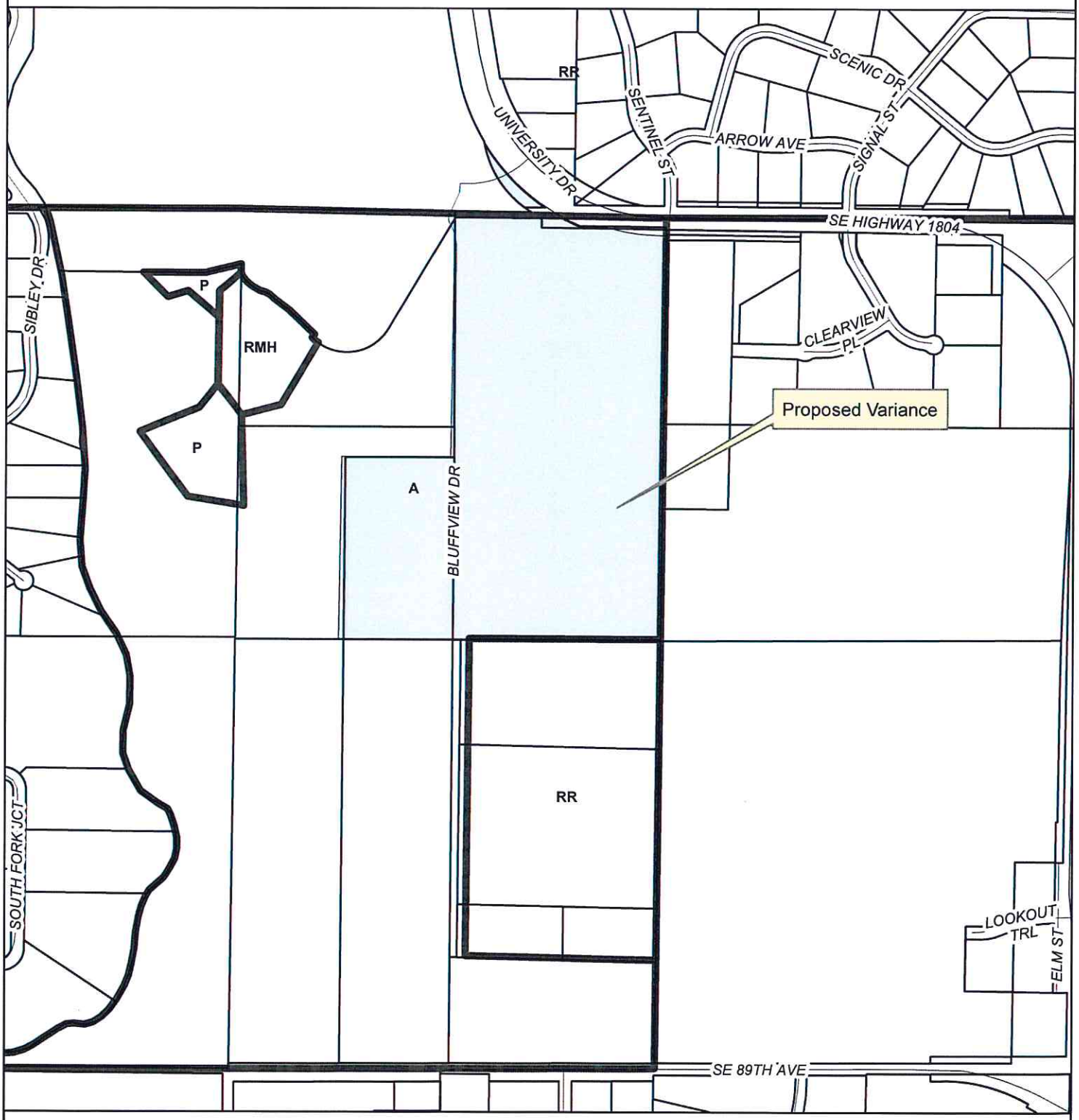
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural and RR – Residential zoning district to the RR – Residential zoning district for the University of Mary Second Subdivision.

/Klee

Proposed Zoning Change (A & RR to RR)
University of Mary Second Subdivision



October 20, 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.

0 335 670 1,340 Feet

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Lot 3, Block 6, Meadowlark Commercial Third Addition & Lots 6-8, Block 4, Meadowlark Commercial Seventh Addition (proposed as a replat to be titled Meadowlark Commercial Ninth Addition) – Zoning Change (P & RT to CG)

Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Invesco Holdings, Inc Skyline Properties, LLC	**Engineer:** Wenck Associates

Reason for Request:
Replat and rezone property to allow commercial development projects.

Location:
In north Bismarck, along the east side of North 19th Street approximately ¼ mile north of 43rd Avenue NE (A replat of Lot 3, Block 6, Meadowlark Commercial Third Addition and Lots 6-8, Block 4, Meadowlark Commercial Seventh Addition).

Project Size: 9.59 acres	**Number of Lots:** 3 lots in a block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Vacant/Undeveloped	**Land Use:** General commercial
Zoning: P – Public RT – Residential	**Zoning:** CG – Commercial
Uses Allowed: P – Public parks, open space and multi-use trails RT – Multi-family dwellings and office uses	**Uses Allowed:** CG – General commercial, multi-family residential and offices
Maximum Density Allowed: P – N/A RT – 30 units per acre	**Maximum Density Allowed:** CG – 42 units per acre

PROPERTY HISTORY:

Zoned:	Platted:	Annexed:
06/2005 (MC 3rd Addition) 12/2014 (MC 7th Addition)	06/2005 (MC 3rd Addition) 12/2014 (MC 7th Addition)	06/2005 (MC 3rd Addition) 12/2014 (MC 7th Addition)

ADDITIONAL INFORMATION:

1. The property has been proposed to be platted as a minor subdivision final plat in conjunction with the zoning change request. The public hearing for the minor subdivision final plat would occur in conjunction with the public hearing for the zoning change request. Consideration of the minor subdivision final plat is not required; however, it is required of the zoning change request.

2. Planning staff has raised concerns with the applicant's request to change the areas currently zoned P – Public and RT – Residential to CG – Commercial. In particular, this area, as currently zoned, would provide an appropriate zoning transition from the commercial and multi-family residential land uses that are developing to the west across North 19th Street. The undeveloped area to the east across the CP railroad line has been designated as medium density residential and open space in the Future Land Use Plan in the 2014 Growth Management Plan.

(continued)

FINDINGS:

1. The proposed zoning change would not be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. Although the area proposed for the zoning change is outside of the area included in the FLUP, the FLUP identifies the undeveloped area to the east as medium density residential (MDR). The MDR designation corresponds to development that averages six to seven units per acre. The MDR designation would typically involve a mix of residential land uses including single-family, duplex or townhomes and multi-family dwellings in conjunction with a small amount of commercial land uses intended to service the residential neighborhoods in the vicinity. It is the position of Planning Staff that current land uses defined in the FLUP support appropriate zoning transitions and desired future land uses.

2. The proposed zoning change would be somewhat compatible with a portion of the adjacent land uses. Adjacent land uses include undeveloped commercially-zoned parcels to the west and north, developing commercial property to the south and undeveloped agricultural land to the east. The proposed zoning change would eliminate the current zoning transition that has been established by the applicant through previous subdivision plats and zoning change requests.

3. The proposed zoning change may have an adverse impact on property in the vicinity; in particular, an adequate zoning transition would not be provided between the commercially-zoned property and the undeveloped property to the east which is identified in the FLUP as medium density residential.

4. The entire property has been annexed; therefore, the zoning change would not place an undue burden on public services.

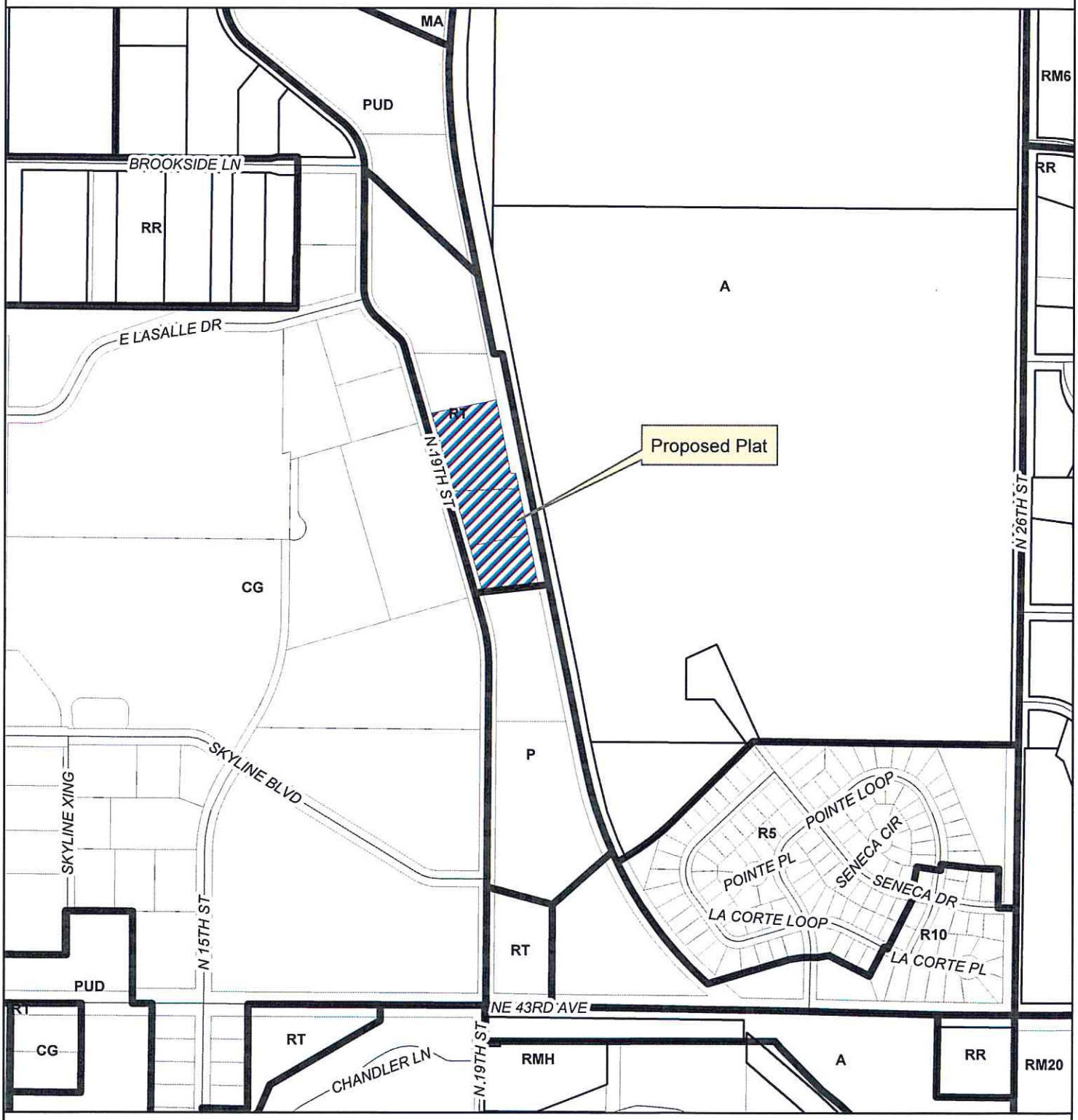
5. The proposed zoning change is not consistent with the general intent and purpose of the zoning ordinance. In particular, Planning staff has concerns regarding the requested zoning change of property that is currently zoned P – Public and intended to allow the natural flow of Hay Creek and future open space and multi-use trail connections and the elimination of an adequate zoning transition from commercial land uses to residential land uses as determined by the FLUP.

6. The proposed zoning change is not 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 request, with the understanding that Planning staff would not be supportive of the zoning change request as requested by the applicant. Planning staff would be supportive of the zoning change from the P – Public zoning district to the RT – Residential zoning district 3, Block 6, Meadowlark Commercial Third Addition to allow a contiguous RT zoning district along the east side of North 19th Street.

Proposed Plat and Zoning Change (RT to CG)
Meadowlark Commercial Ninth Addition



June 15, 2015 (hlb)

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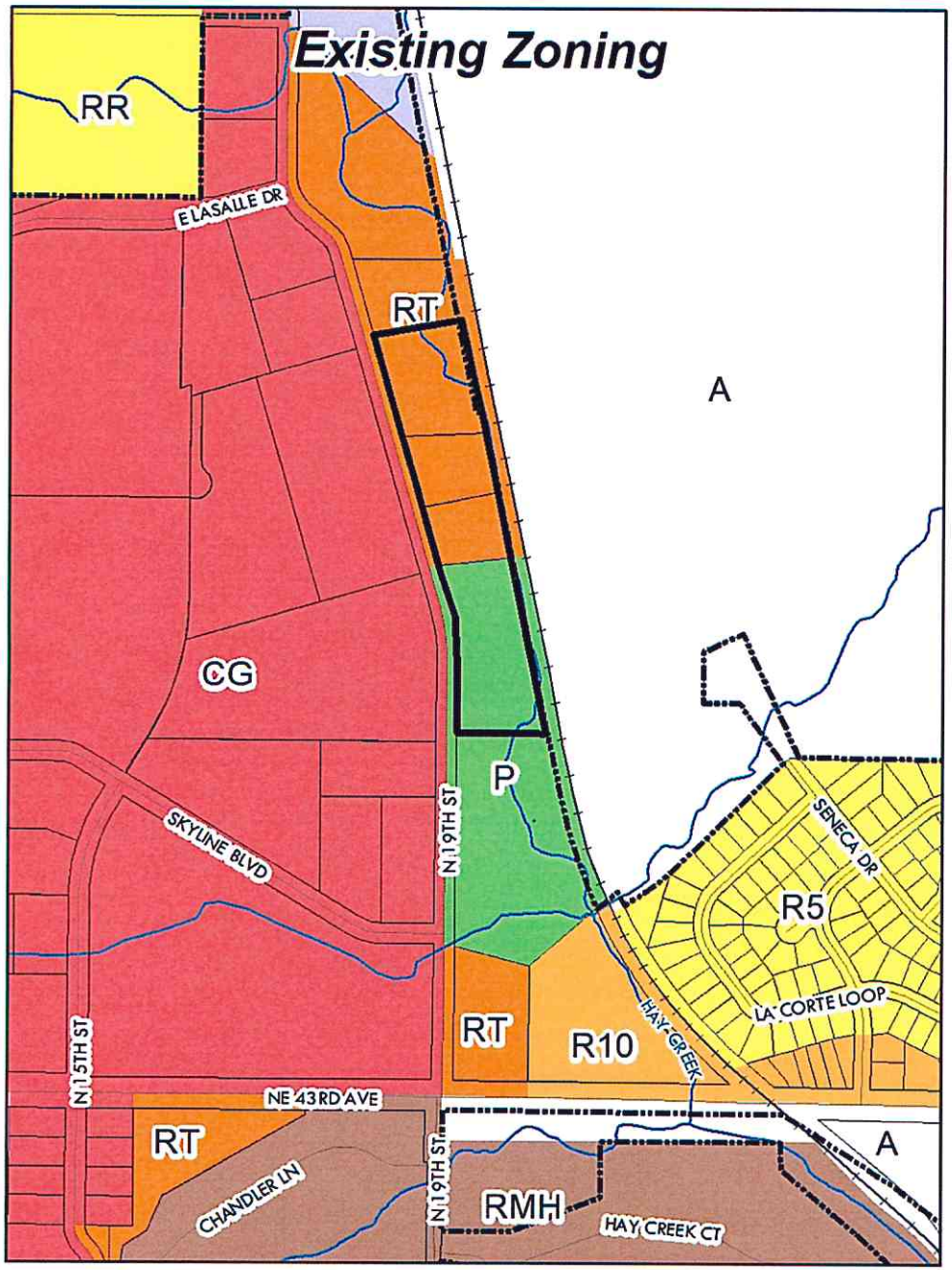
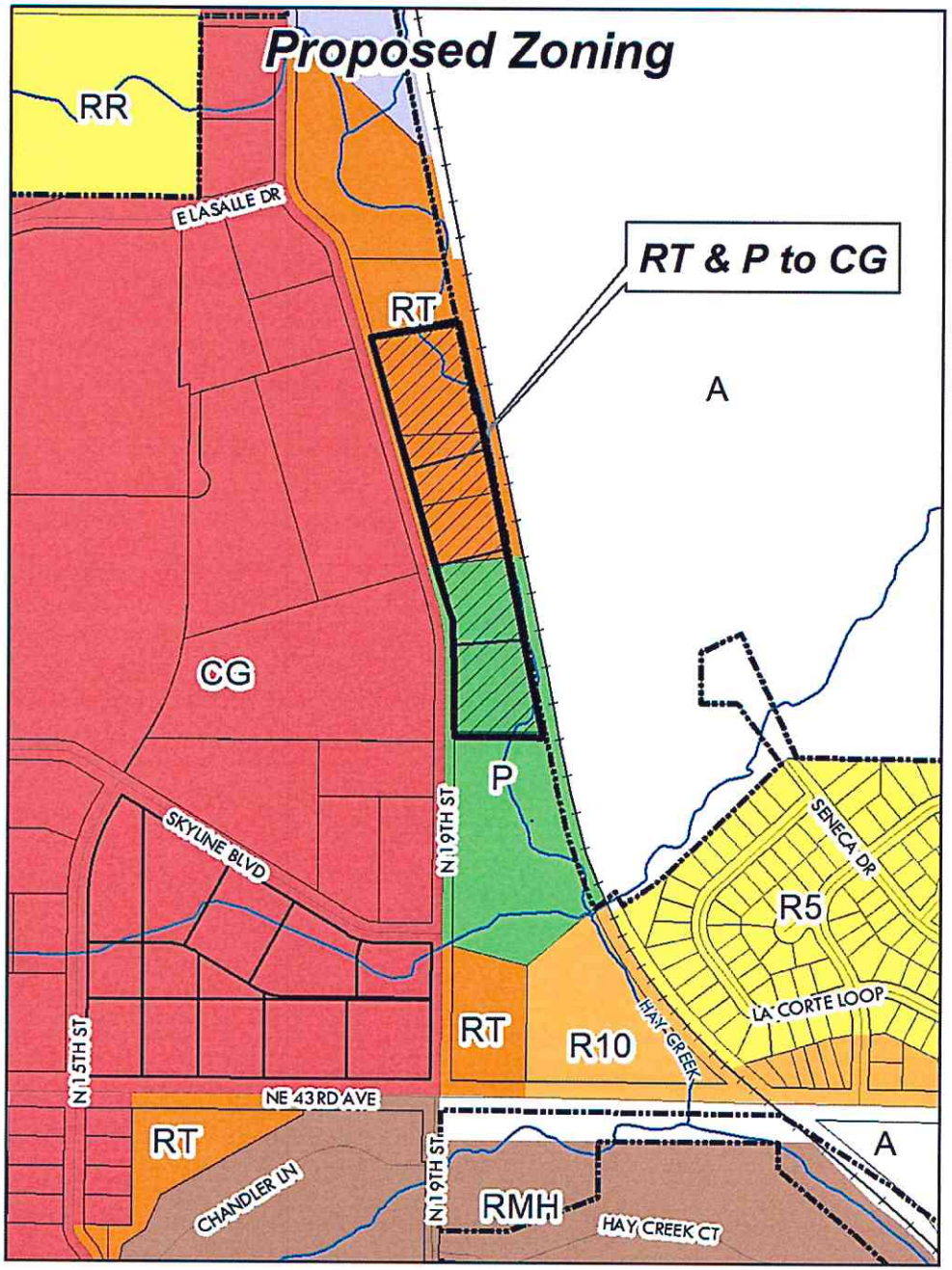
Meadowlark Commercial Ninth Addition - Zoning Change





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October, 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 18, Block 1, Edgewood Village 5th Addition – Zoning Change (RM15 to R10)	
Status: Planning Commission – Consideration	**Date:** October 28, 2018
Owner(s): Bud and Joan Zavalney Douglas and Beverly Doolittle Scott and Cheryl Olson	**Engineer:** None
Reason for Request: Rezone property to in order to combine with adjacent residential parcels.	
Location: In northwest Bismarck, north of East Century Avenue west of Edgewood Village Court.	
Project Size: 47,419 square feet, more or less	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Multi-family residential	**Land Use:** Single and two-family residential
Zoning: RM15 – Multi-family residential	**Zoning:** R10 – Residential
Uses Allowed: RM15 – Multi-family residential	**Uses Allowed:** R10 – Single and two-family residential
Maximum Density Allowed: RM15 – 15 units/acre	**Maximum Density Allowed:** R10 – 10 units/acre

PROPERTY HISTORY:		
Zoned: 07/2011	**Platted:** 08/2008	**Annexed:** 08/2008

ADDITIONAL INFORMATION:

1. When the plat of Edgewood Village 5th Addition was approved staff was told that Lot 18, Block 1 would be combined with Lot 65, Block 2, Edgewood Village Second Addition. However, the property was purchased by the adjacent owners to the east (Lot 1, 2, and 5, Block 1).

2. The proposed zoning change is being requested in conjunction with a lot modification to split Lot 18 into three parcels and combine the resulting parcels with their adjacent lots to the east (Lot 1, Lot 2 and Lot 5, Edgewood Village 5th Addition). Prior to approving the lot modification, the resulting parcels must be located within the same zoning district and an Auditor's Lot legally describing the resulting parcels located in Lot 18 must be created.

FINDINGS:

1. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include RM30 – Residential zoned property including a newly constructed public park and trail system to the north, undeveloped RM15 – Residential zoned property west and south and single and two-family development to the east.

(continued)

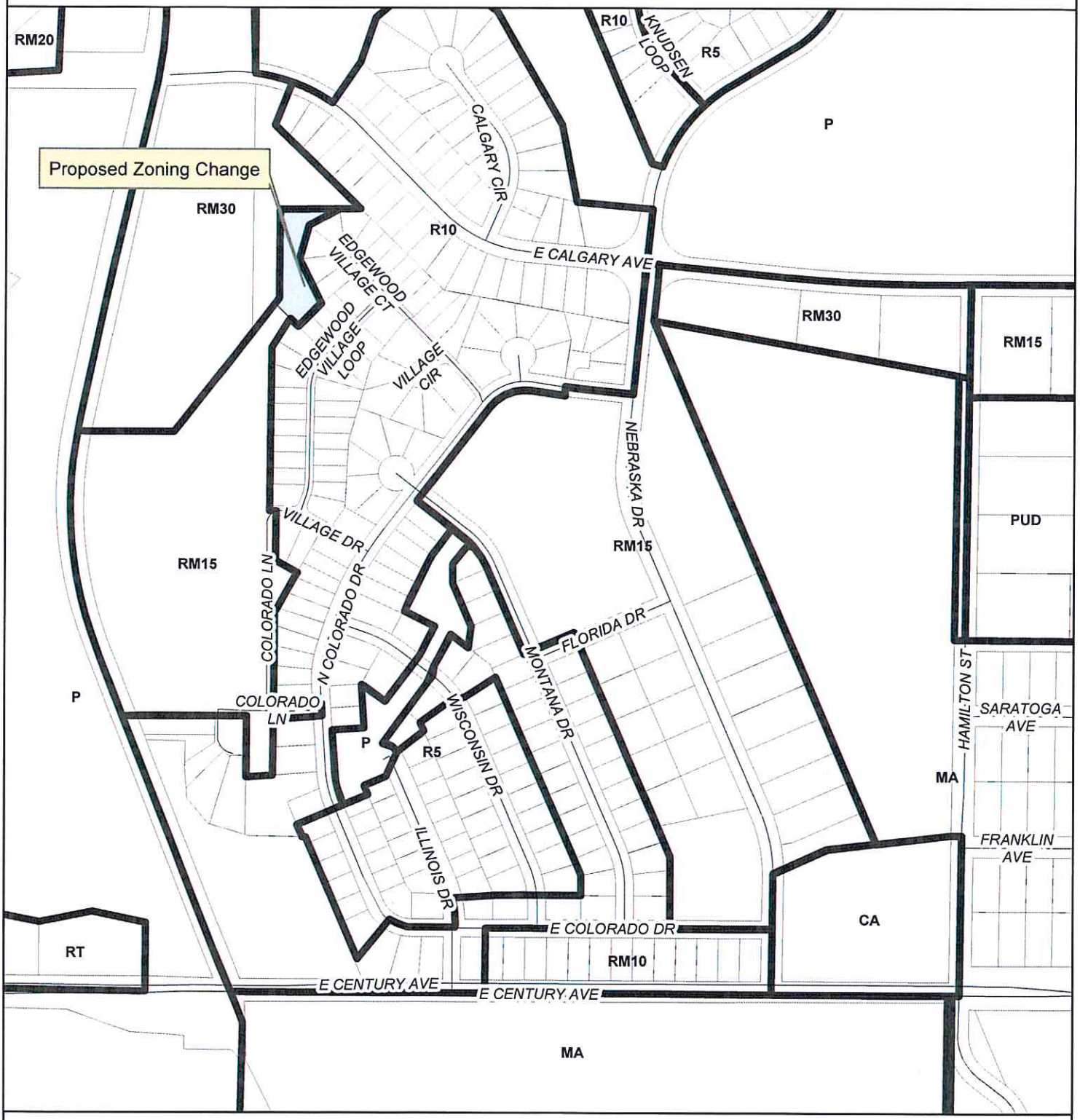
2. The property is already annexed; therefore, the proposed zoning change would not place an undue burden on public services.
3. The proposed zoning change would not adversely affect property in the vicinity.
4. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15 – Residential zoning district to the R10 – Residential zoning district on Lot 18, Block 1, Edgewood Village 5th Addition.

/JW

Proposed Zoning Change (RM15 to R10)
Lot 18, Block 1, Edgewood Village 5th Addition



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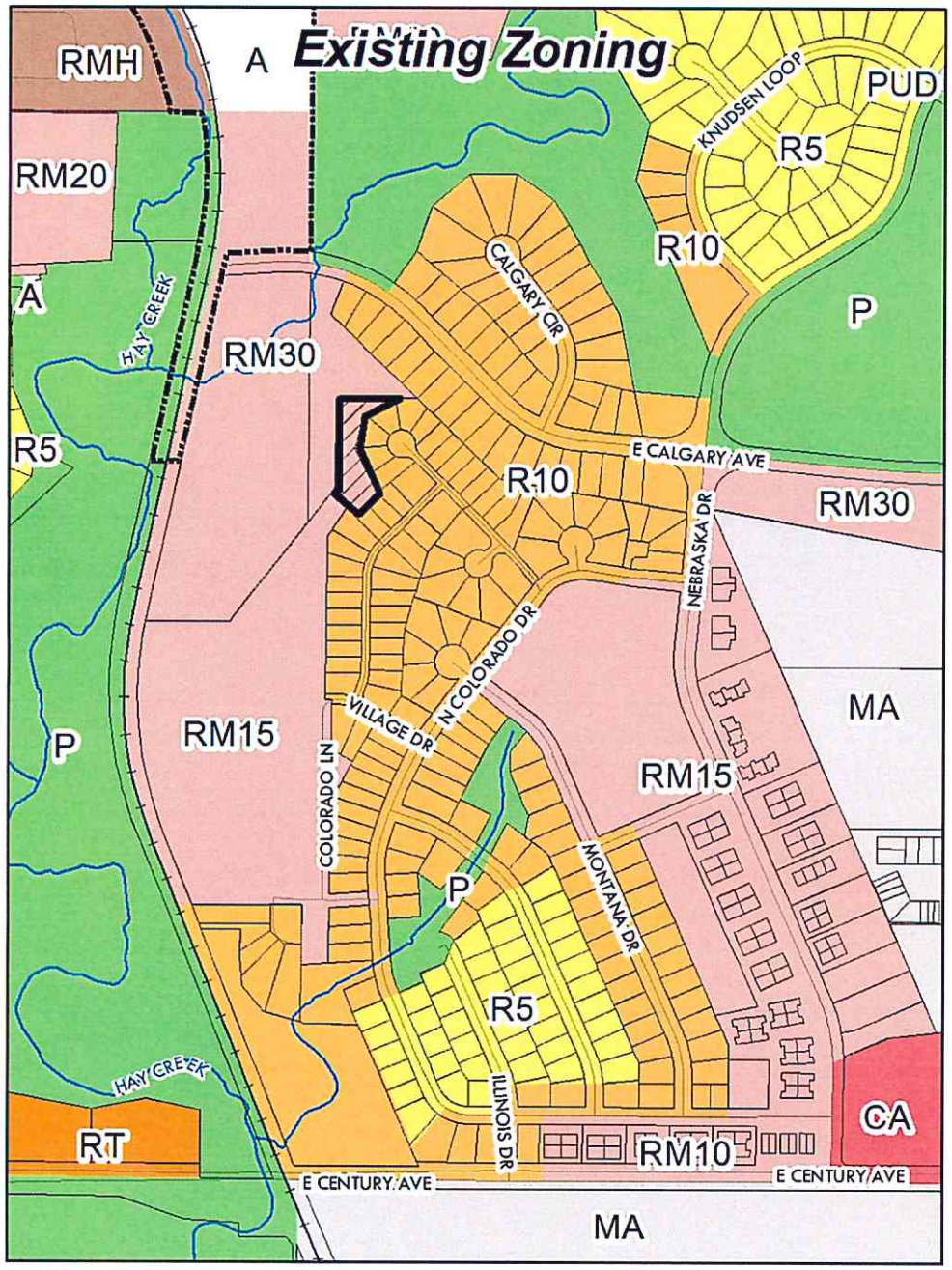
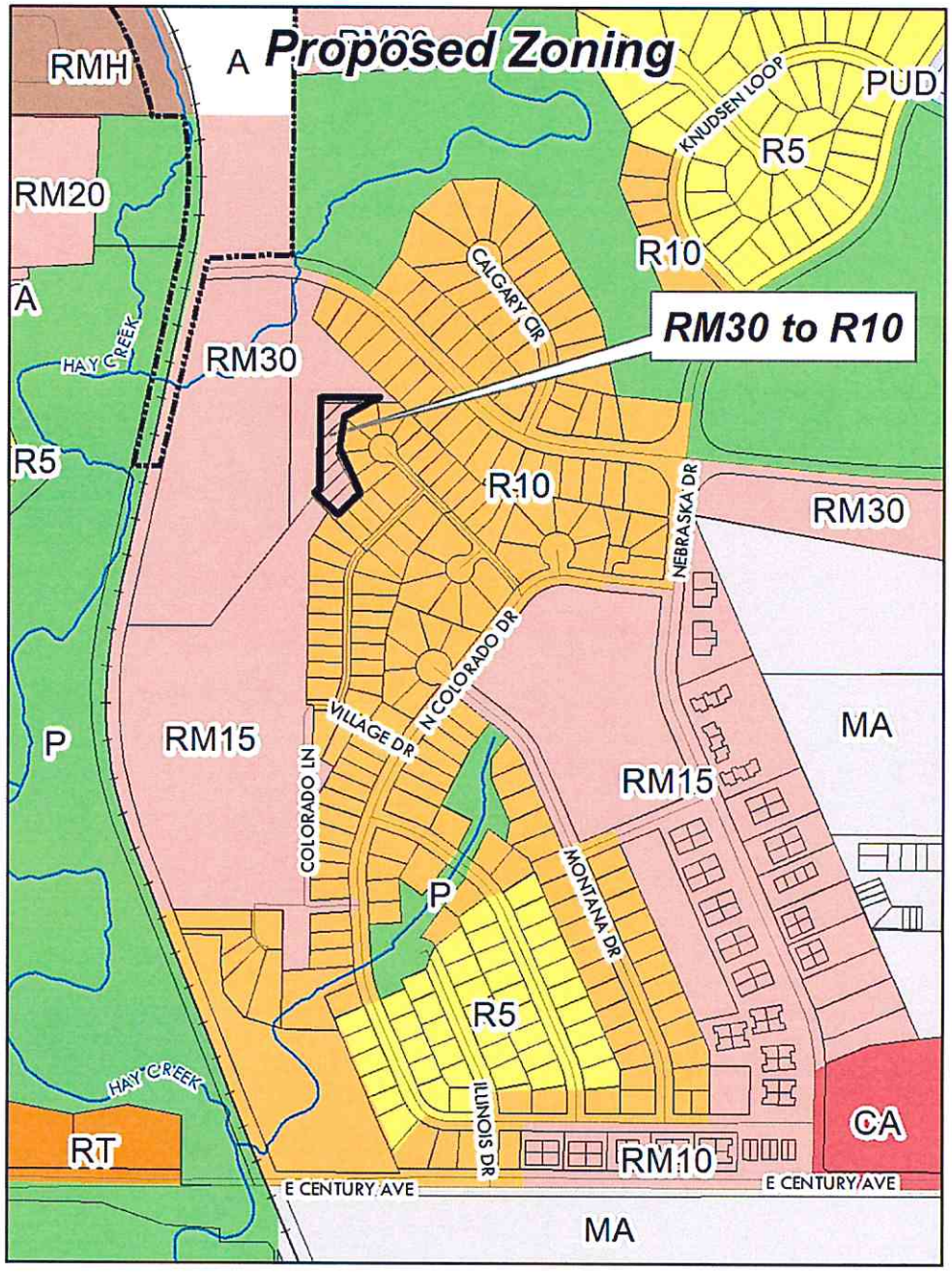
Lot 18, Block 1, Edgewood Village 5th Addition - Zoning Change





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October, 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lots 14-19, Block 4, South Meadows Addition – Zoning Change (R5 & R10 to R10 & RM15)	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Chad Wachter	**Engineer:** SEH, Inc.
Reason for Request: Rezone property for multi-family residential development and required zoning transition.	
Location: Along the south side of Meridian Drive, west of South Washington Street and south of West Burleigh Avenue.	
Project Size: 1.52 acres	**Number of Lots:** 5 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Mixed density residential
Zoning: R5 – Residential R10 – Residential	**Zoning:** R10 – Residential RM15 – Residential
Uses Allowed: R5 – Single-family residential R10 – Single and two-family residential	**Uses Allowed:** R10 – Single and two-family residential RM15 – Multi-family residential
Maximum Density Allowed: R5 – 5 units/acre R10 – 10 units/acre	**Maximum Density Allowed:** R10 – 10 units/acre RM15 – 15 units/acre

PROPERTY HISTORY:		
Zoned: 10/2014	**Platted:** 10/2014	**Annexed:** 10/2014

FINDINGS:

1. The Future Land Use Plan (FLUP) in the 2014 Growth Management Plan (GMP) identifies this area as medium density residential.

2. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing single- and two-family residential to the north and west, undeveloped agricultural land to the east, and rural residential to the south.

3. The property is already annexed and services are being installed; 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 R5 – Residential and R10 – Residential zoning districts to the Conditional R10 – Residential on Lots 14 and 15, and to the RM15 – Residential zoning district on Lots 16-19, Block 4, South Meadows Addition, with the understanding that the development of the two R10-Residential lots will be limited to two-family dwellings in order to provide an appropriate land use transition between the single-family residential land use to the west and the multi-family residential land use on Lots 16-20.

/Klee

Proposed Zoning Change (R5 and R10 to R10 and RM15)
Lots 14-19, Block 4, South Meadows Addition

June 15, 2015 (hlb)

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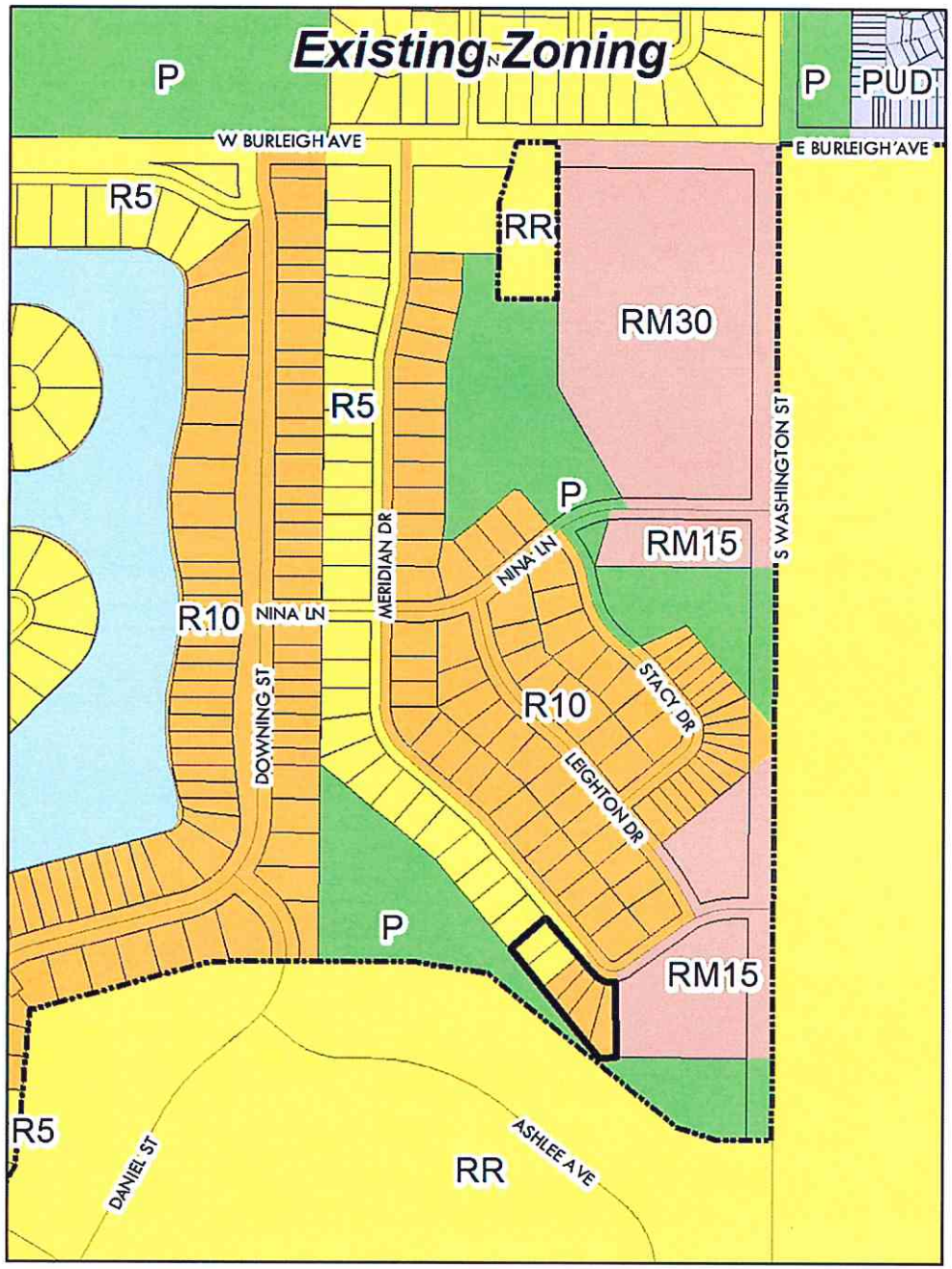
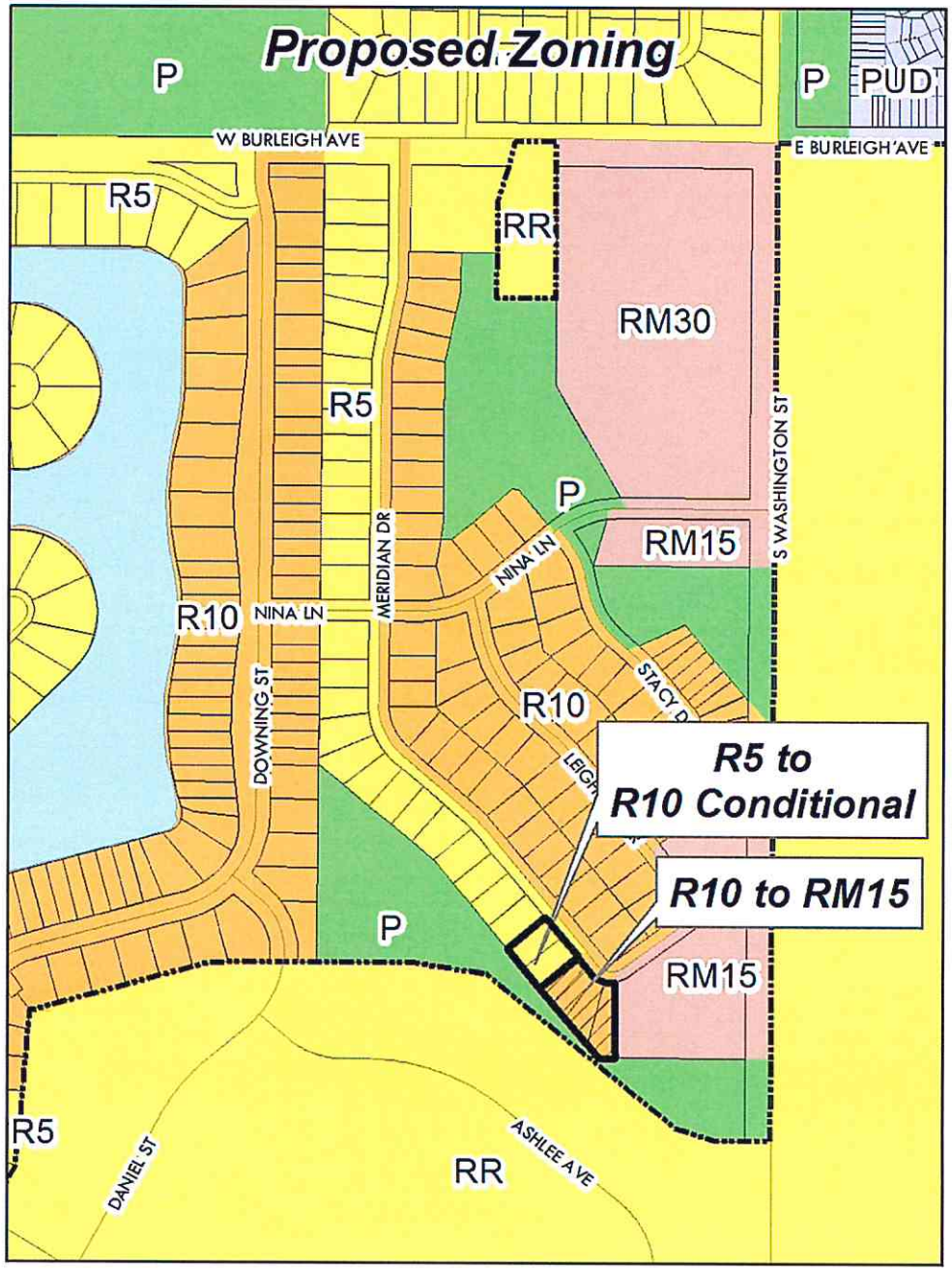
Lots 14-19, Block 4, South Meadows Addition - Zoning Change





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October, 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Multiple Parcels in KMK Estates, KMK Estates 2nd and Geloff Estates – Zoning Change (RR to R5)	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Multiple Owners	**Engineer:** N/A
Reason for Request: City-initiated request to rezone recently annexed property.	
Location: In northwest Bismarck, west of North Washington Street and south of Ash Coulee Drive.	
Project Size: 48.85 acres, more or less	**Number of Lots:** 16 parcels in 5 blocks
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Single-family residential	**Land Use:** Single-family residential
Zoning: RR – Residential	**Zoning:** R5 - Residential
Uses Allowed: RR – Large-lot rural single-family residential	**Uses Allowed:** R5 – Single-family residential
Maximum Density Allowed: RR – 65,000 square feet /unit	**Maximum Density Allowed:** R5 – 5 units/acre

PROPERTY HISTORY:		
Zoned:	**Platted:**	**Annexed:**
04/1959 (A to R1 - County)	08/1966 (KMK)	10/1986 (Perez Torres)
06/1978 (R1 to RR - ETA)	11/1969 (KMK 2nd)	07/1991 (Century Baptist)
	07/2013 (Geloff)	05/1992 (Flurer)
		03/2014 (Geloff)
		10/2014 (KMK & KMK 2nd)

ADDITIONAL INFORMATION:

1. The City is initiating this zoning change from the RR – Residential zoning district to the R5 – Residential zoning district as a courtesy to the properties included in the recent annexation of portions of KMK Estates, KMK Estates 2nd Subdivision and Geloff Estates Addition. Four previously-annexed parcels in this area that area still zoned RR – Residential have also been included. It is our intent to rezone property to bring them into the urban single-family residential zoning district now that the parcels are within the corporate limits.

2. Staff will notify the impacted residents of this action after the Planning & Zoning Commission calls for a public hearing on the request. An owner may opt out of this City-initiated zoning change, with the understanding that a zoning change would be required before resubdiving their property or using it for purposes other than large-lot single-family.

FINDINGS:

1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.

(continued)

2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include low density residential uses to the west and south, undeveloped CA – Commercial zoned land to the north across Ash Coulee Drive, and mixed-density residential and a religious institution to the east across North Washington Street.

3. The property is already annexed and municipal services have been or will be installed; 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.

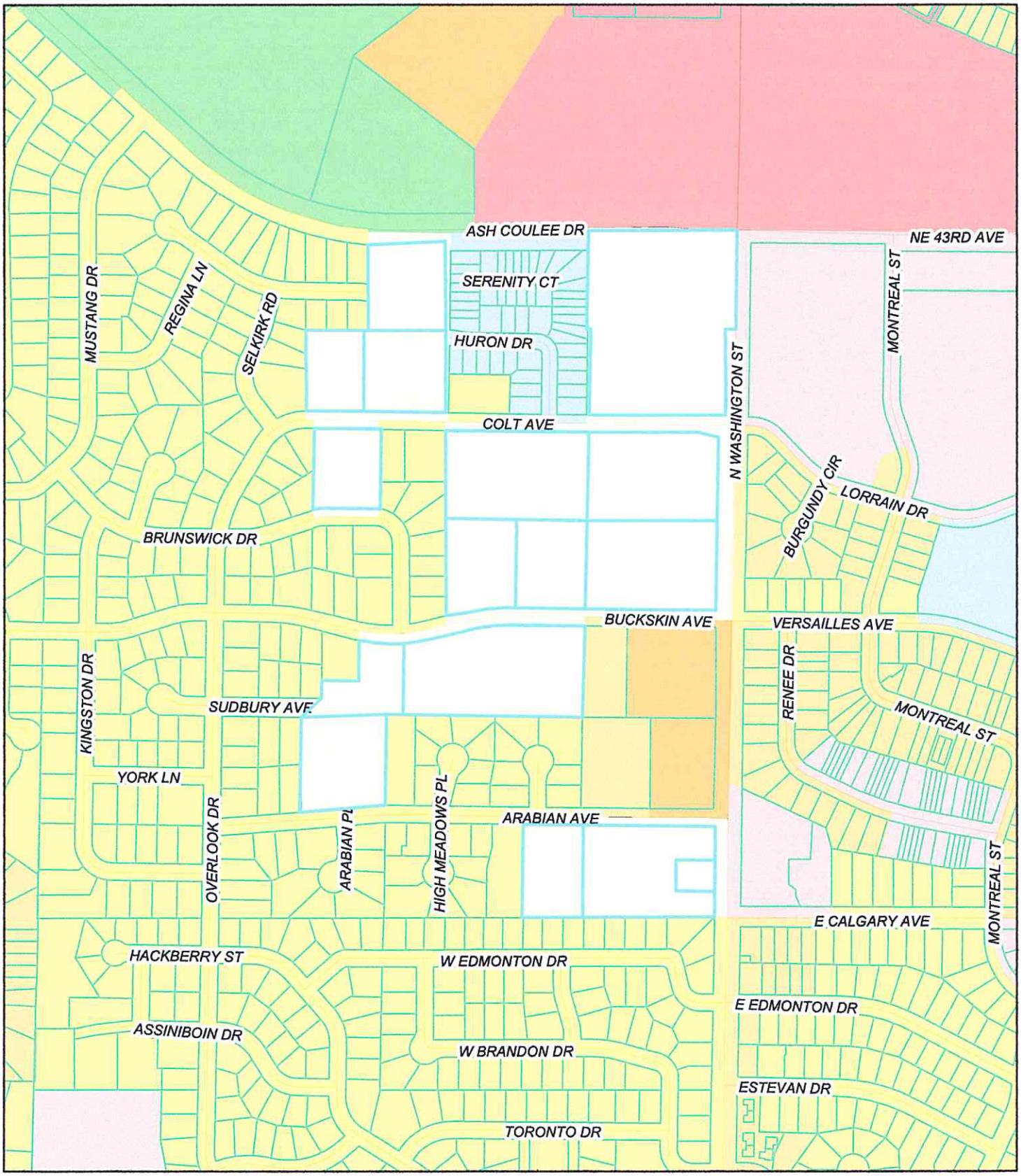
RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the City-initiated zoning change from the RR – Residential zoning district to the R5 – Residential zoning district on the following parcels, with the understanding that individual property owners may opt out of the zoning change if desired:

- Lot 1, Block 1, KMK Estates and part of the NE ¼ of the NE ¼ of Section 20, T139N-R80W
- Lots 1 and 2, Block 2, KMK Estates
- Lot A of Lot 3, Block 2, KMK Estates
- Lot B of Lot 3, Block 2, KMK Estates
- Lot 4, Block 2, KMK Estates
- The East Half of Lot 5 less Lot A, Block 3, KMK Estates
- Lot 6 less that part taken for High Meadows 5th, Block 3, KMK Estates
- Lot 7, Block 3, KMK Estates
- Lot 1 less the North 120 feet of the South 220 feet of the East 150 feet, Block 4, KMK Estates
- The North 120 feet of the South 220 feet of the East 150 feet of Lot 1, Block 4, KMK Estates
- Lot 2, Block 4, KMK Estates
- Lot 14 less the East 314 feet, Block 4, KMK Estates 2nd Subdivision
- The East 314 feet of Lot 14, Block 4, KMK Estates 2nd Subdivision
- Lot 15 less the West 253 feet, Block 4, KMK Estates 2nd Subdivision
- Lots 1-6, Block 1, Geloff Estates

/Klee

Proposed Zoning Change (RR to R5)



October 2015

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BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Kamrose Crossing Addition – Major PUD Amendment	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Verity Homes of Bismarck, LLC	**Engineer:** Swenson, Hagen & Co.
Reason for Request: Amend the PUD to allow the use of residential grade materials as a primary siding material in addition to fiber cement board.	
Location: In south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.	
Project Size: 4.96 acres	**Number of Lots:** 78 lots in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** 18-building/74-unit row house development
Zoning: RM15 – Residential	**Zoning:** PUD – Planned Unit Development
Uses Allowed: RM15 – Multi-family residential	**Uses Allowed:** PUD – Uses specified in PUD
Maximum Density Allowed: RM15 – 15 units/acre	**Maximum Density Allowed:** PUD – Density specified in PUD

PROPERTY HISTORY:		
Zoned: 07/2014	**Platted:** 07/2014	**Annexed:** 06/2007

ADDITIONAL INFORMATION:

1. The applicant has indicated a desire to modify the primary exterior building material on newly constructed buildings from the previously approved fiber cement board to residential grade siding. The architectural elements and accent materials would not be modified.

2. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

FINDINGS:

1. The proposed PUD amendment is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

(continued)

2. The proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue.

3. The property is annexed and services are being extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.

4. The proposed PUD amendment would not adversely affect property in the vicinity.

5. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

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

RECOMMENDATION:

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

/jt

14-04-18. Planned Unit Developments.

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

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

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

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

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

4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

        2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

KAMROSE CROSSING ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6074 (Adopted July 22, 2014)
MAJOR PUD AMENDMENT (Adopted March 25, 2015)
MAJOR PUD AMENDMENT (Adopted _____)

WHEREAS, Ordinance No. 6074 was adopted by the Board of City Commissioners on July 22, 2014; and

WHEREAS, Ordinance No. 6074 was amended by the Planning & Zoning Commission on March 25, 2015

WHEREAS, the PUD shall only be amended in accordance with the provisions of Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments); and

WHEREAS, Verity Homes of Bismarck, LLC has requested an amendment to the Planned Unit Development for Lots 1-78, Block 1, Kamrose Crossing Addition.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-78, Block 1, Kamrose Crossing Addition

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

1. *Uses Permitted.* Uses permitted include:

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

2. *Development Standards.*

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

3. *Design and Aesthetic Standards.*

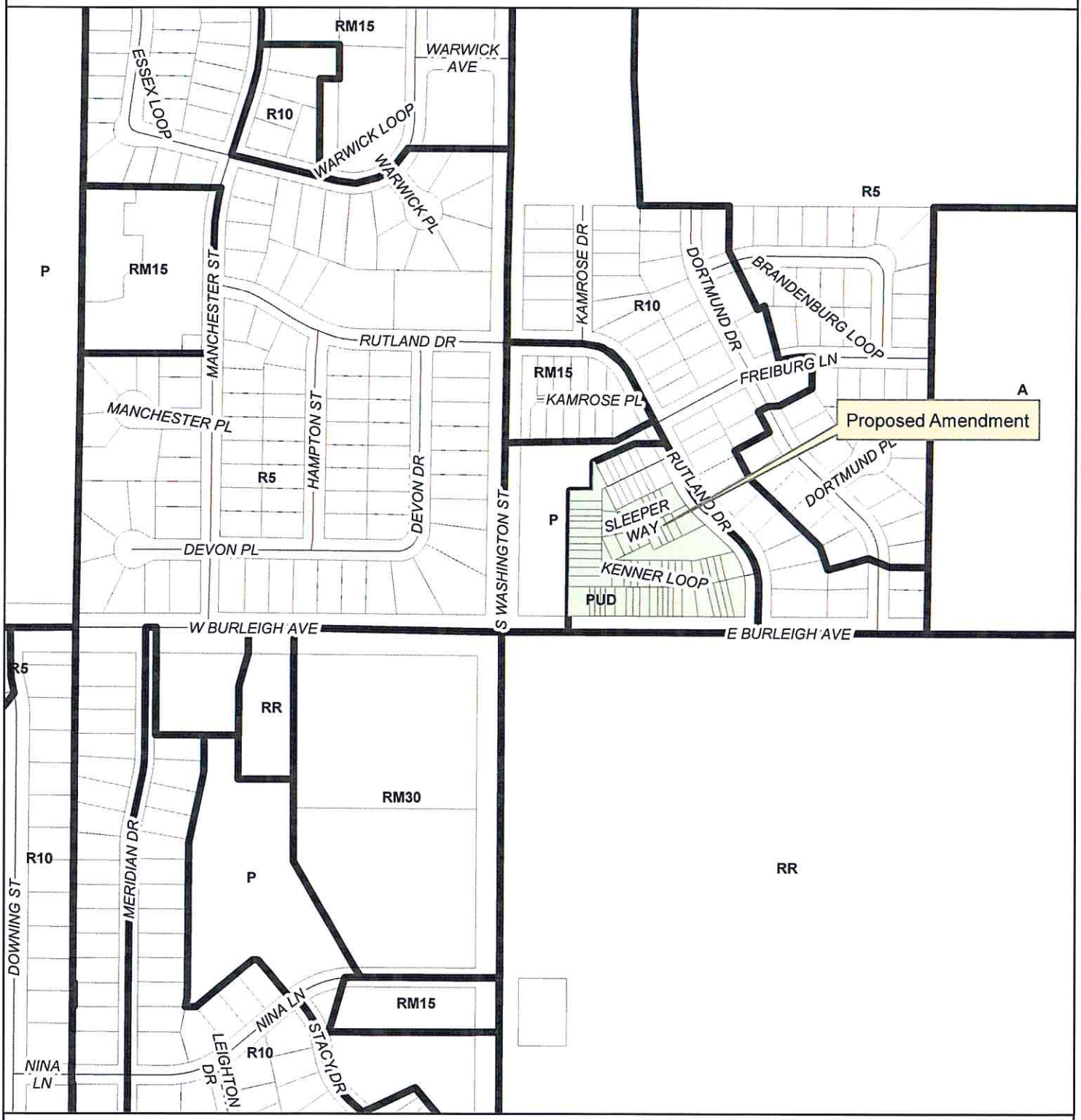
   Each building or structure shall utilize select finish materials including fiber cement board~~,~~ <u>or residential grade materials</u> as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.*

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

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

Proposed PUD Amendment
Lots 1-32 and 46-78, Block 1, Kamrose Crossing Addition



June 15, 2015 (hlb)

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Bismarck City Planning Commission:

RECEIVED
SEP 18 2015

Please consider the PUD amendment for Kamrose Crossing as follows:

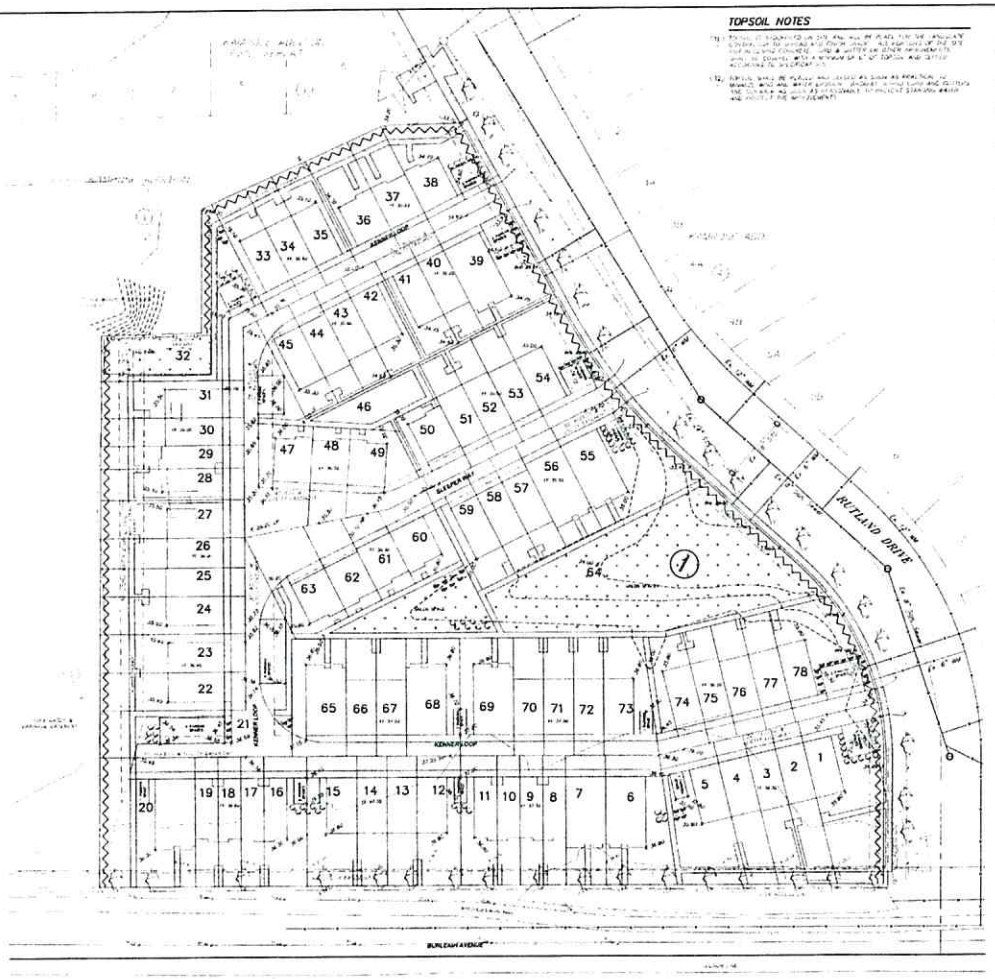
WE would like to request that the PUD be amended for JUST the replacement of the fiber cement siding with a vinyl siding. Same width and similar coloring. Stone, trim and bump outs will remain fiber cement.

Due to the difficult nature of finding trained trades in this area to install the product we have found that it is more beneficial to our customers to change to a vinyl product. The vinyl product will have a similar look and color to the fiber cement.

Attached you will find the color palette of the vinyl siding and also the renderings of the buildings. ONLY the fiber cement siding will be changed. Architectural elements will remain the same.

Sincerely,

Verity Homes.

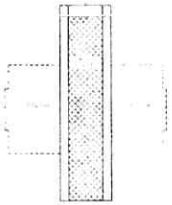


TOPSOIL NOTES

GENERAL LANDSCAPING

SEEDING NOTES

PAVEMENT



STAINED CONCRETE DETAIL

PLANT PALETTE

	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY
TREES	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SHRUBS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

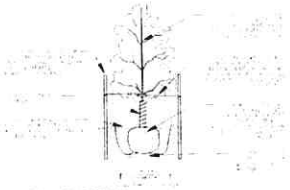
PLANT LEGEND

LEGEND

- EXISTING SANITARY SEWER
- EXISTING WATERMAIN
- EXISTING STORM SEWER
- EXISTING CONTOUR
- EXISTING GATE VALVE
- EXISTING HYDRANT
- EXISTING MANHOLE
- EXISTING ASPHALT
- PROP. SAN. SEWER
- PROP. WATERMAIN
- PROP. STORM SEWER
- PROP. CLEANOUT
- PROP. MANHOLE
- PROP. GATE VALVE
- PROP. HYDRANT
- PROP. CONTOUR
- PROP. GRADE
- PROP. FLAGPOLE
- PROP. REINFORCED
- PROP. INSULATION

CALL BEFORE YOU DIG
NORTH DAKOTA
UTILITIES UNDERGROUND LOCATION SERVICE
1-800-795-0555

SHRUB/PERENNIAL PLANTING DETAIL



TREE PLANTING DETAIL

5" CONCRETE WITH FIBERMESH

SCALE = 1"=40'
SEPTEMBER 15, 2014
NOVE 29

SWENSON HAGEN & CO

DATE
REVISION

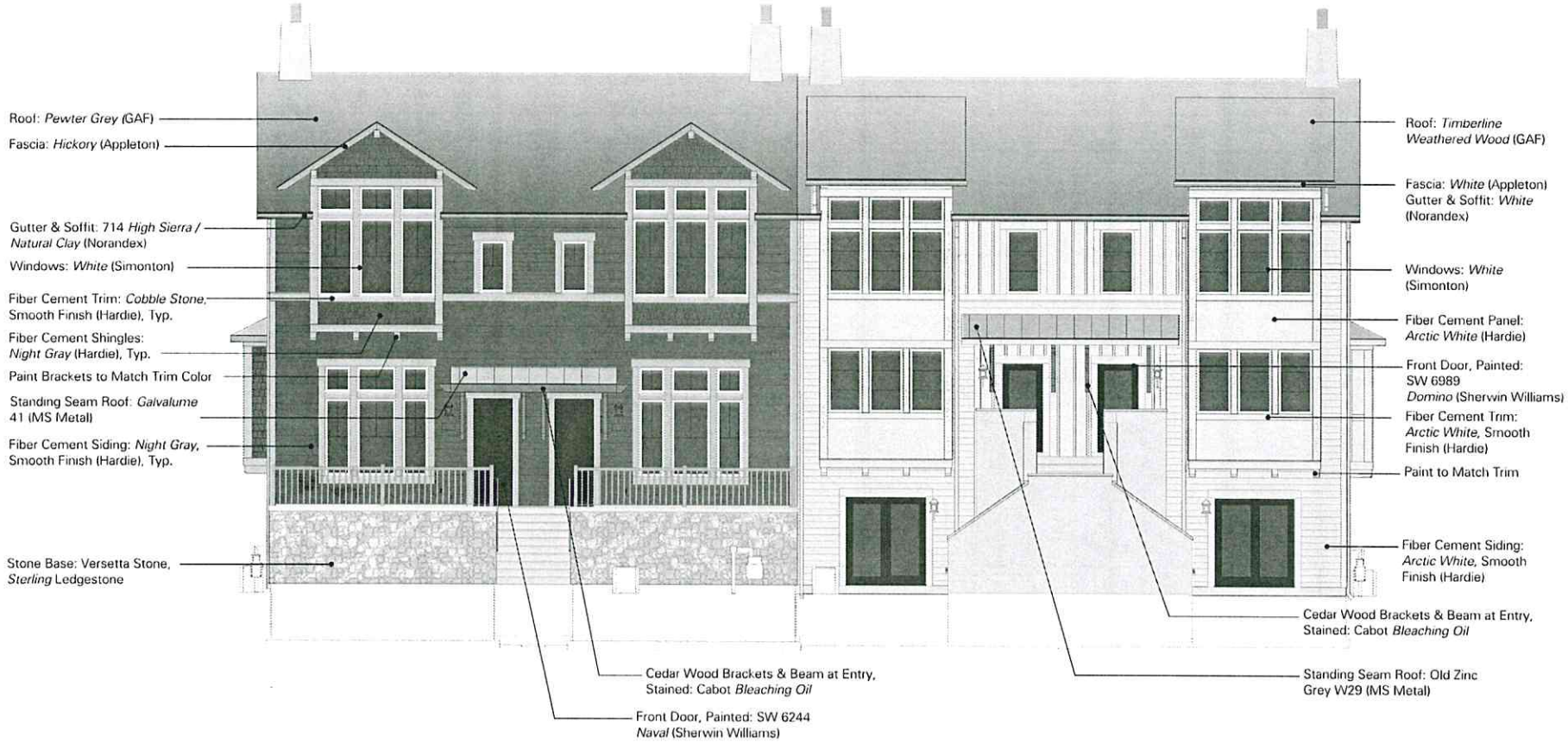
GRADING, PAVING & LANDSCAPING
KAMROSE CROSSING
BISMARCK, NORTH DAKOTA

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

DRAWN BY
CHECK BY
DATE
FILE
COMPUTER FILE
SURVEY

SHEET
C3.0

SEP 18 2015



BUILDING TWELVE - FRONT ELEVATION

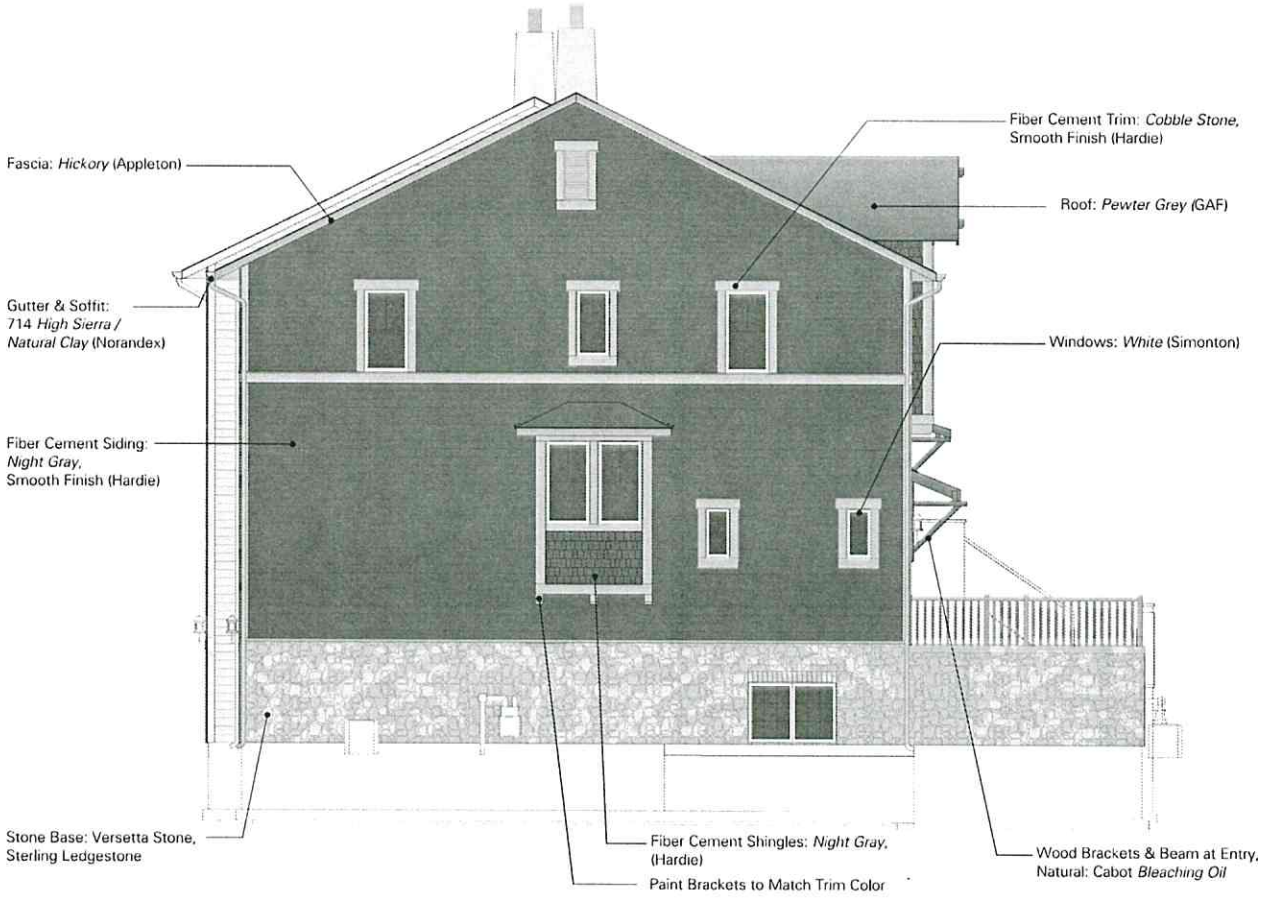
VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET

© 2015 URBAN DESIGN ASSOCIATES

URBAN DESIGN ASSOCIATES



BUILDING TWELVE - SIDE ELEVATIONS

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION

11 JUNE 2015

0 8 16 24 FEET

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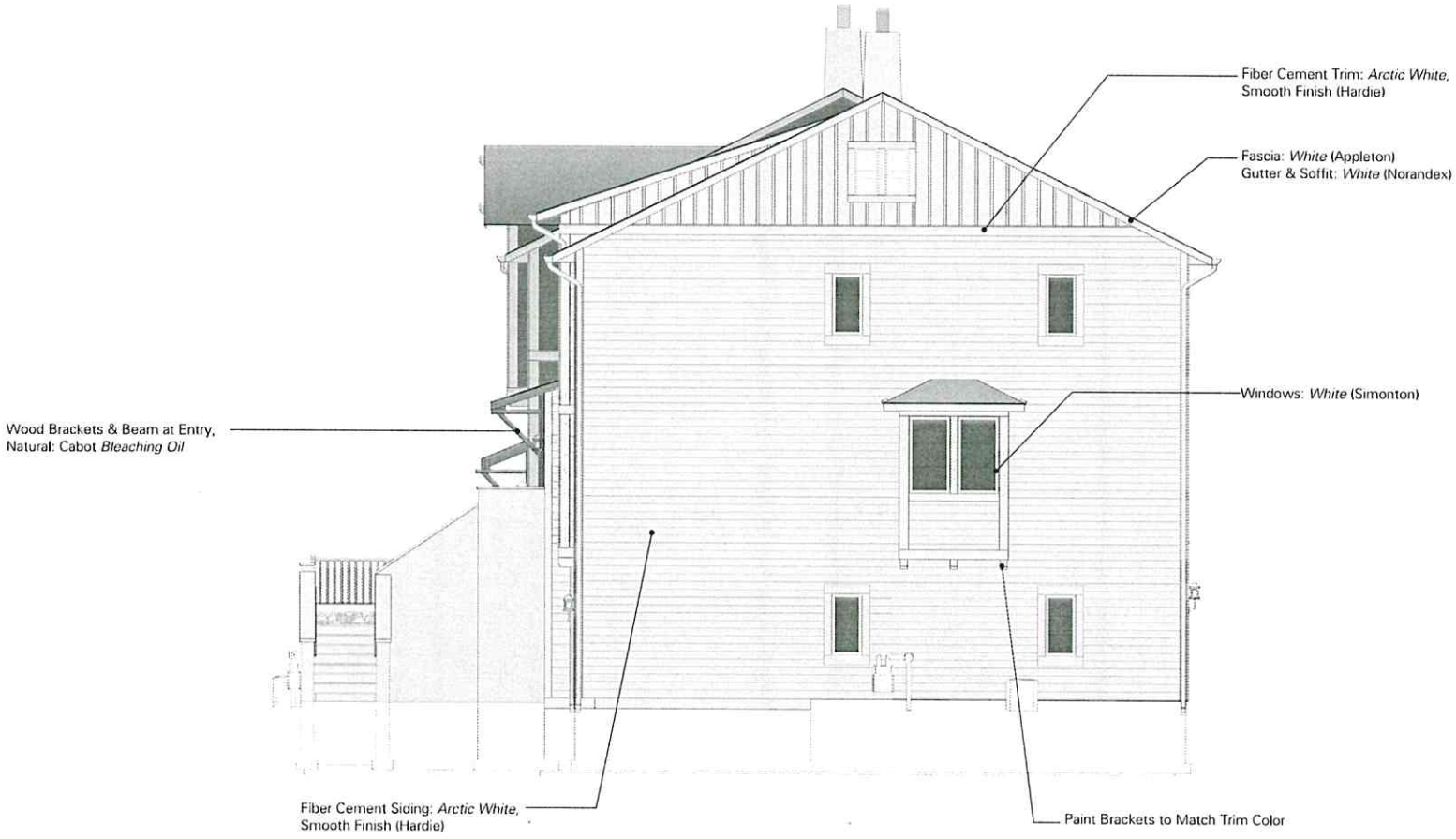

BUILDING TWELVE - SIDE ELEVATIONS

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET

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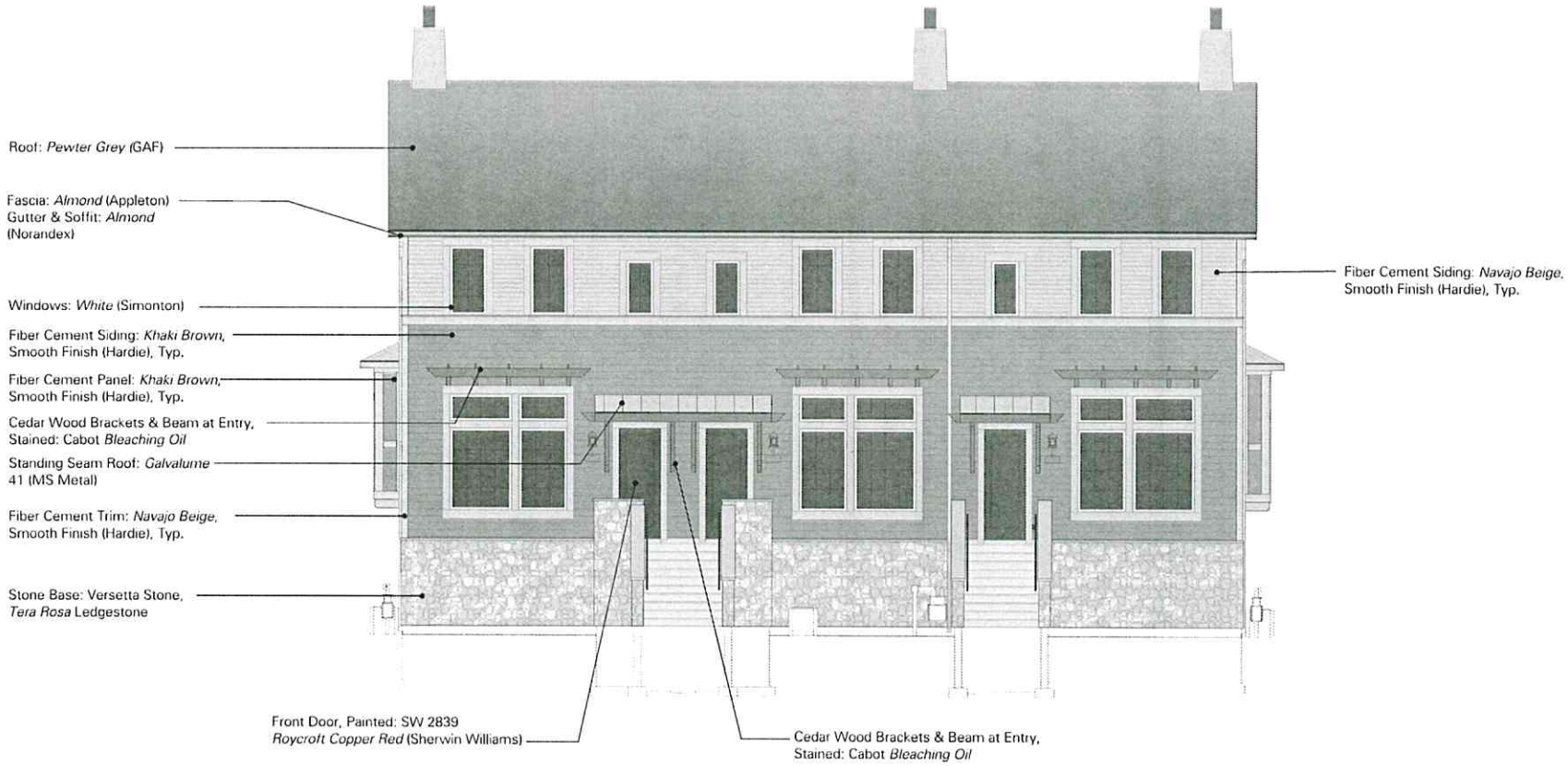
BUILDING TWELVE - REAR ELEVATION

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET



BUILDING FIFTEEN - FRONT ELEVATION

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET

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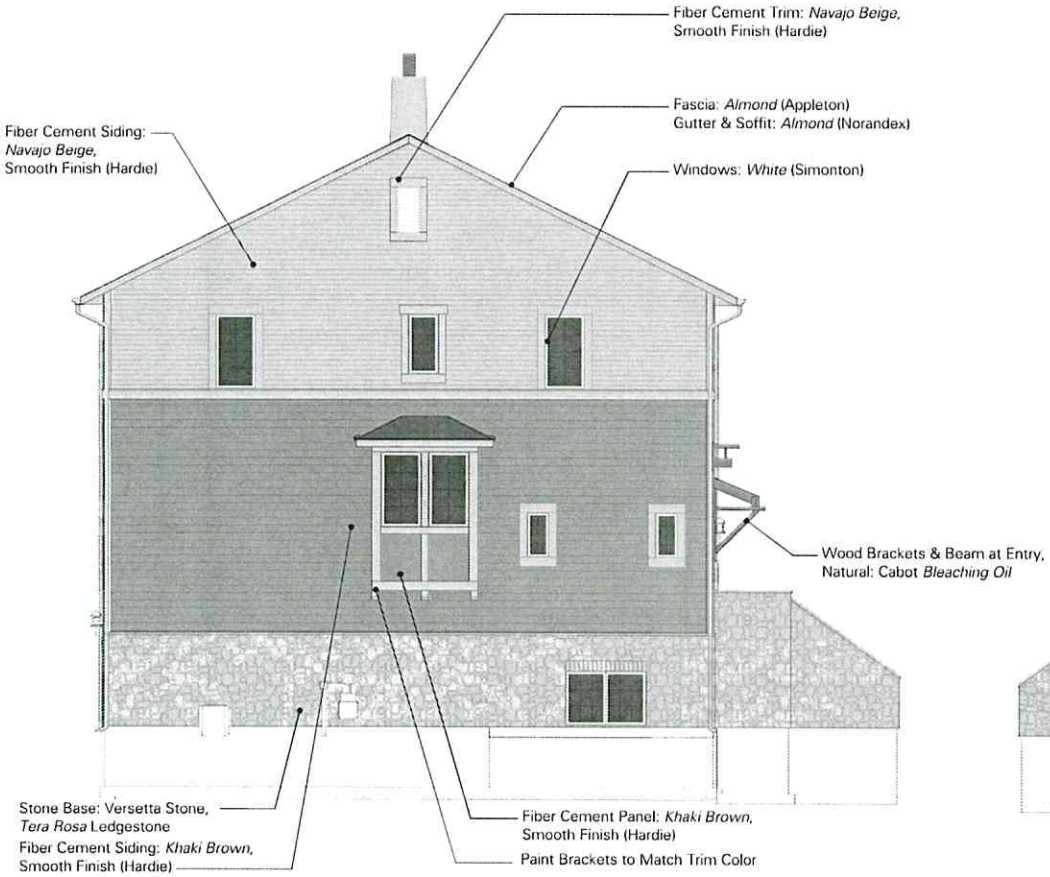
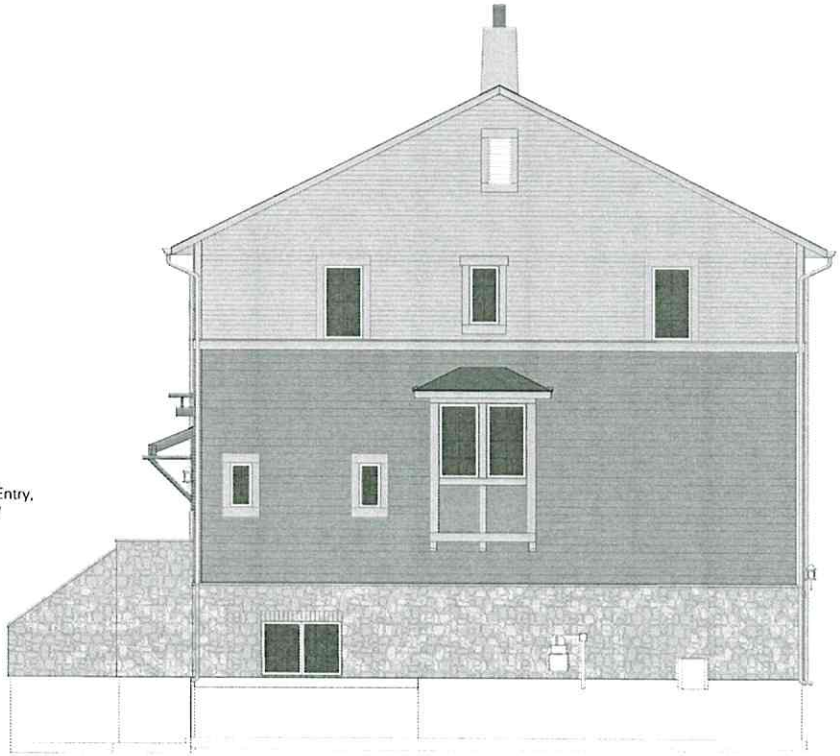




BUILDING FIFTEEN - SIDE ELEVATIONS

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET

SIGN ASSOCIATES

BUILDING FIFTEEN - REAR ELEVATION

VERITY HOMES | BISMARCK, NORTH DAKOTA

KAMROSE - COLOR SELECTION
11 JUNE 2015

0 8 16 24 FEET

© 2014 URBAN DESIGN ASSOCIATES

URBAN DESIGN ASSOCIATES

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1, Block 1, Schilling First Addition – Major PUD Amendment	
Status: Planning Commission – Consideration	**Date:** October 28, 2015
Owner(s): Schilling Properties, LLC	**Engineer:** None
Reason for Request: The applicant wishes to develop the remaining portion of the property with a two-story, multi-tenant mixed-use building that would include below-grade parking, offices and retail uses.	
Location: Along the north side of 43rd Avenue NE just east of US Highway 83(1400 43rd Avenue NE).	
Project Size: 4.386 acres	**Number of Lots:** 1 lot in 1 block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Six cold-storage buildings	**Land Use:** Two-story, mixed-use building to include offices, a restaurant/coffee shop and six cold-storage units as constructed
Zoning: PUD – Planned Unit Development	**Zoning:** PUD – Planned Unit Development
Uses Allowed: PUD – Uses specified in PUD	**Uses Allowed:** PUD – Uses specified in PUD
Maximum Density Allowed: PUD – Density specified in PUD	**Maximum Density Allowed:** PUD – Density specified in PUD

PROPERTY HISTORY:		
Zoned: 09/1996 & 09/2011 (Amended)	**Platted:** 09/1996	**Annexed:** 09/1996

ADDITIONAL INFORMATION:

1. The property was zoned as a PUD – Planned Unit Development in 1996 for the purposes of creating a storage facility with up to 12 buildings and one single-family dwelling to be constructed on-site.

2. In 2003 the owners submitted an application for an amendment to the PUD to allow the construction of an "over and under" storage building and installing landscaping in-lieu of a previously-proposed security wall. It was determined that the applicant's proposal did not constitute a major change from the original PUD. No action was taken on the request and the application was withdrawn.

3. In 2011 the owners submitted an application for an amendment to the PUD to allow the construction of a five-story building containing office uses and residential condominiums. The PUD was amended as requested; however, the project was not implemented.

4. Currently there are six storage buildings located on the eastern 320 feet of the parcel. The west 334 feet is vacant and undeveloped. The site is accessed by a single approach off of 43rd Avenue NE. The site plan included with the application indicates the continued use of the existing driveway.

(continued)

5. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

6. The first two storage buildings in the original PUD were constructed in 1997. In 2003 a site plan was submitted and approved for the second phase of buildings; the plan included landscaping throughout the property. To date, no landscaping has been installed on the property.

7. The site plan that was submitted in conjunction with the special use permit application in 1996 demonstrated a series of storage buildings, a residential dwelling and screening/security walls around the facility. The development of the current facility has deviated slightly from the original proposal; in particular, the residential dwelling was not constructed nor was the screening/security wall around the facility.

8. The proposed development would be subject to the City's site plan review building plan review and permitting processes prior to the commencement of development.

FINDINGS:

1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.

2. The proposed amendment is compatible with adjacent land uses. Adjacent land uses include partially-developed commercial property to the north, undeveloped, commercially-zoned property to the east, office uses south of 43rd Avenue NE and developing commercial property to the west across US Highway 83.

3. The area is already annexed; therefore the proposed amendment would not place an undue burden on public services.

4. The proposed amendment would not adversely affect property in the vicinity.

5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.

6. The proposed amendment is consistent with all adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the Major PUD Amendment for Schilling First Subdivision as outlined in the attached draft PUD amendment document.

/jt

14-04-18. Planned Unit Developments.

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

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

    a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
        1) The existing topographic character of the land;
        2) Existing and proposed land uses;
        3) The location of all existing and proposed buildings, structures and improvements;
        4) The maximum height of all buildings;
        5) The density and type of dwelling;
        6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
        7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
        8) Proposed interior buffer areas between uses;
        9) Acreage of PUD;
        10) Utility service plan showing existing utilities in place and all existing and proposed easements;
        11) Landscape plan; and
        12) Surrounding land uses, zoning and ownership.

    b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
        1) A statement of the present ownership and a legal description of all the land included in the planned unit;
        2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
        3) A copy of all proposed condominium agreements for common areas.

    c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
        1) Elevations of the front and one side of a typical structure.
        2) A perspective of a typical structure, unless waived by the planning department.

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

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

4. Changes.
    a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
    b. All other changes in the planned unit shall be initiated in the following manner:
        1) Application for Planned Development Amendment.
            a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
            b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

        2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

        3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

SCHILLING FIRST SUBDIVISION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 4783 (Adopted August 13, 1996)
MAJOR PUD AMENDMENT (Adopted September 28, 2011)
MAJOR PUD AMENDMENT (Adopted _____)

WHEREAS, Ordinance No. 4783 was adopted by the Board of City Commissioners on August 13, 1996; and

WHEREAS, Ordinance No. 4783 was amended by the Planning & Zoning Commission on September 28, 2011; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, Schilling Properties, LLC has requested an amendment to the Planned Unit Development for Schilling First Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1, Block 1, Schilling First Subdivision

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

1. *Uses Permitted.* ~~Uses permitted include a mixed use development, including the six storage facilities as constructed in 1997 & 2003, and a 5-story building containing office uses, document and record storage, a maximum of 3 residential units and below-grade parking.~~ Permitted uses include a 2-story multi-tenant mixed-use building with below grade parking, a coffee shop/restaurant, offices and retail uses. One drive through facility is allowed along the north side of the building in conjunction with the coffee shop/restaurant. The configuration of the buildings on-site shall closely resemble the site plan submitted with the application. Any change in the use of any building from that indicated above will require an amendment to this PUD.

2. *Residential Development Standards.* ~~The maximum allowable density shall be 3 units.~~ Residential uses are not permitted.

3. *Commercial Development Standards.* The six existing cold storage facilities on the east 330 feet of Lot 1 may remain as constructed. The cold storage facilities may not be expanded without amending the PUD in accordance with

Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). ~~The mixed-use building on the west 334 feet of Lot 1 shall be no larger than 56,000 square feet in size and no taller than five stories with below-grade parking.~~ The setbacks for the ~~5~~2-story building shall be a minimum front yard setback of 50 feet along 43rd Avenue NE, a minimum front yard setback of 50 feet along US Highway 83, a minimum side yard setback of 10 feet on the east and a minimum rear yard setback of 10 feet north. The minimum building setback requirements for the existing storage facilities adjacent to 43rd Avenue NE shall be a front yard setback of 15 feet along 43rd Avenue NE, a minimum rear yard setback of 10 feet, and a minimum side yard setback of 10 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code.

4. *Design Standards.* Primary building materials for the ~~5~~2-story ~~office~~ mixed-use building shall include brick, ~~brick veneer~~, precast concrete panels or stone. Accent building materials shall include ~~storefront and curtain wall glazing, prefinished metal coping, and metal panels~~ EIFS or stucco.

5. *Parking and Loading.* Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. All off-street parking spaces required and all driveways on private property leading to such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

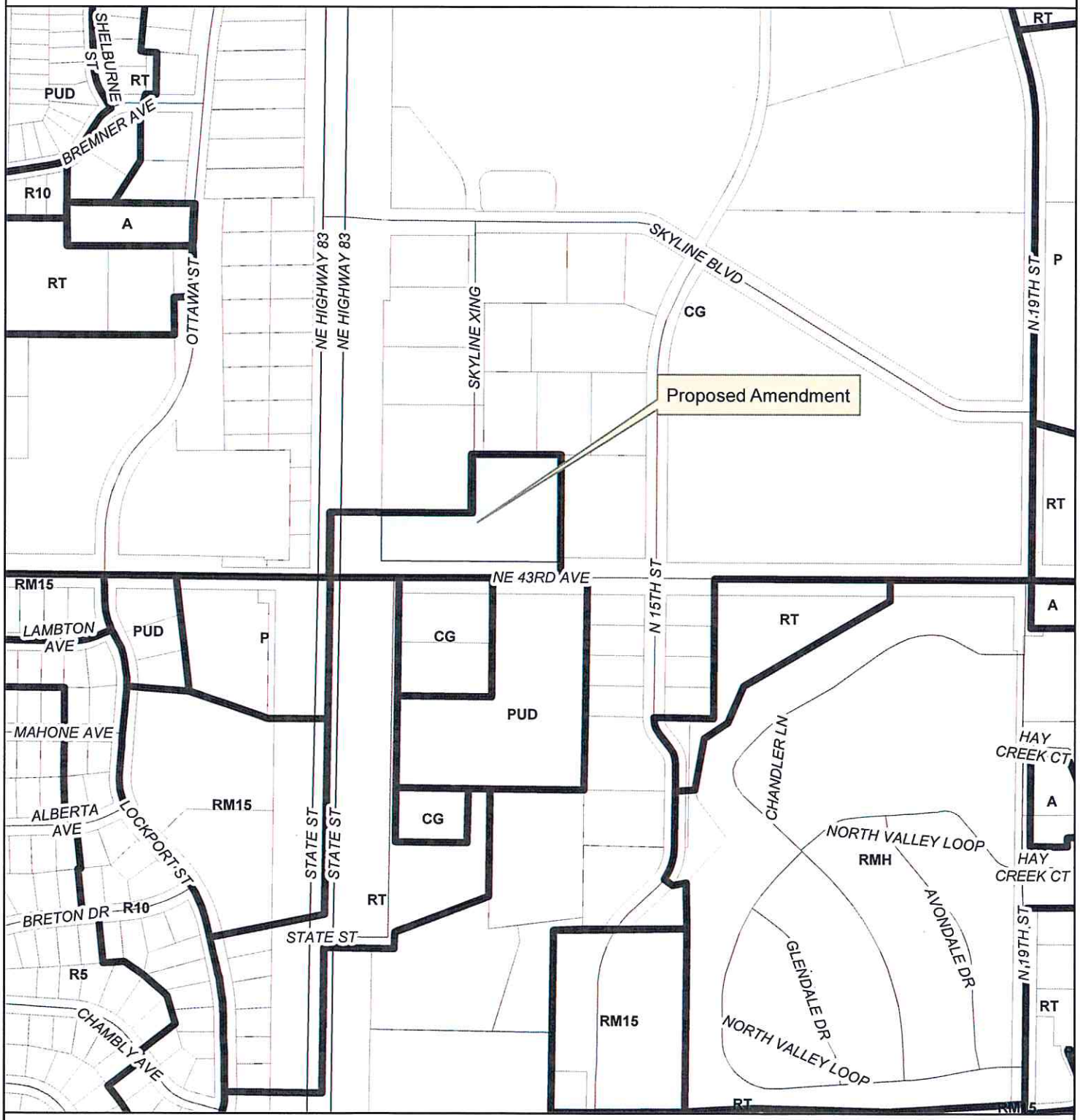
6. *Landscaping and Screening.* Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The remaining landscaping along the north side of the storage buildings shall also be installed in conjunction with site development.

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

8. *Signage.* Signage for the development may be installed in accordance with the provisions of Section 4-04 (Signs and Outdoor Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

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

Proposed PUD Amendment
Lot 1, Block 1, Schilling First Subdivision



September 24, 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.

0 200 400 800 Feet

N

DJR
ARCHITECTURE, INC.

333 Washington Avenue North, Suite 210, Union Plaza, Minneapolis, MN 55401
T: 612.676.2700 F: 612.676.2796 www.djr-inc.com

DEVELOPMENT NARRATIVE

DATE: September 24, 2015
SUBJECT: PUD Amendment
LOCATION: Highway 83 and 43rd Avenue, Bismarck, ND
Lot 1, Block 1, Schilling First Addition

PROJECT DESCRIPTION:

The proposed 23,489 SF project is a two-story building with retail and coffee shop/restaurant spaces on the first floor and office spaces on the second floor. The building will also have a below grade parking garage with 49 spaces. Great Clips will be one of the retail tenants. The remaining coffee shop/restaurant and retail tenants as well as the office tenants will be determined at a later date, after marketing activities are commenced.

SITE FEATURES:

The building will be placed in the center of the open portion of the lot. Parking is located on the south, east and west sides, with below grade parking access drive-thru and stacking located on the north side. Trash storage and recycling space will be provided in an enclosed building on the north side.

PARKING REQUIREMENTS:

Based on the current uses of proposed tenants, 132 parking spaces are required. The current plan provides for 49 in the garage and 83 spaces on the surface lot, 4 accessible spaces will be provided on surface and 2 in the enclosed parking garage.

LANDSCAPING FEATURES:

The final landscape plan will be developed in the next phase of design work. The plan will include planting areas and trees at the corners of the lot, near building entries and at the transition to the Hotel property on the north side.

BUILDING FEATURES:

The first floor will be designed as a multi-tenant strip retail building with tenant entries on the south and second exits to the north. The tenant space on the west end will most likely be a coffee shop or restaurant and will be provided with a drive-thru on the north side.

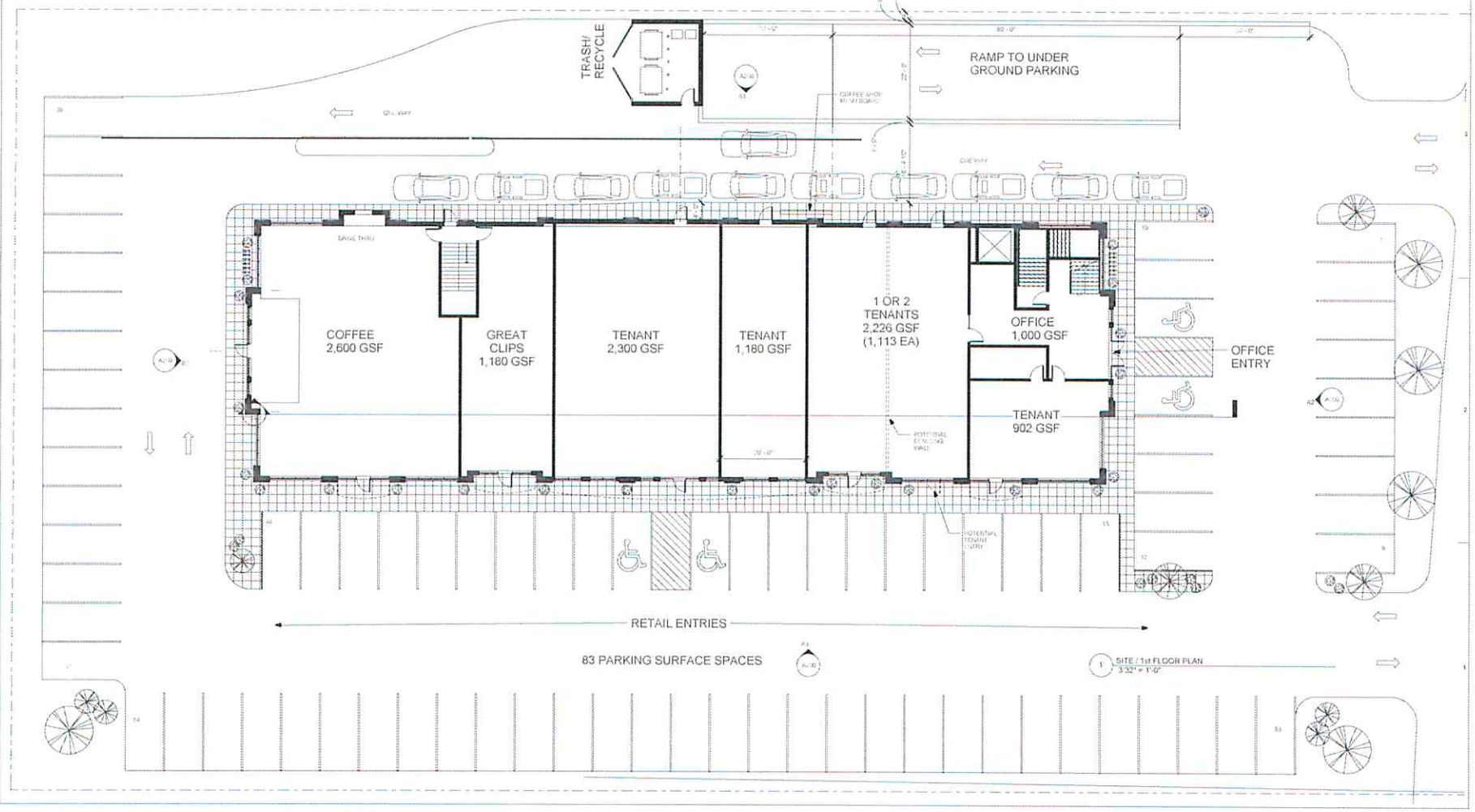
The office space on the second floor will be accessed through a two-story entry lobby located on the east side of the building. The elevator and an open stair will be located in this lobby. The office space will be subdivided as spaces are leased. The stair locations provide flexibility for tenant arrangement as well as for code existing requirements.

The primary exterior material will be brick with cast stone accents and an EFIS (or stucco) sections on each end of the second floor. The parapet will be stepped and a decorative cornice provided on all sides of the building. Decorative lighting will be provided on the storefront on the brick pilasters.

PROJECT RECAP	
1st Floor	= 11,844 GSF
2nd Floor	= 11,645 GSF
TOTAL	= 23,489 GSF

PARKING REQUIRED		
1st Floor:		
Retail	- 7,788 @ 1:200	= 39
Coffee/Rest	- 2,600 @ 1:60	= 42
Office	- 1,000 @ 1:250	= 4
TOTAL		= 85
2nd Floor:		
Office	- 11,645 @ 1:250	= 47
TOTAL		= 132

PARKING PROVIDED	
Surface	= 83
Below Ground	= 49
TOTAL	= 132



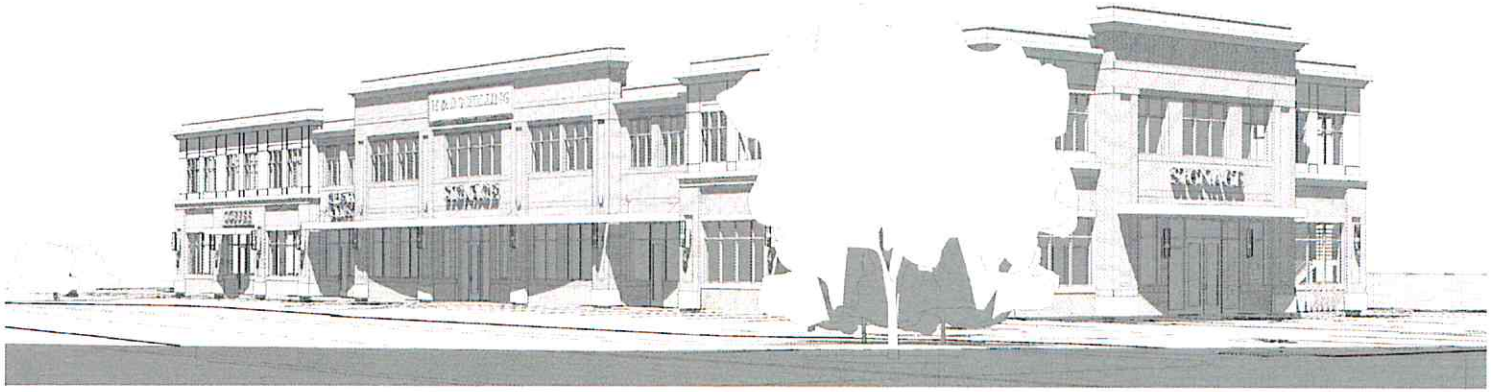
DJR ARCHITECTURE, INC

BISMARCK OFFICE - RETAIL

PRELIMINARY NOT FOR CONSTRUCTION

SITE & 1ST FLOOR PLAN

AS100



1 OVERALL VIEW

C1 VIEW OF OFFICE ENTRY, TOWARDS DRIVETHRU

A1 VIEW OF CARIBOU

DJR
ARCHITECTURE INC

CLIENT
CONTRACTOR
STRUCTURAL
CIVIL

BISMARCK OFFICE - RETAIL
PRELIMINARY, NOT FOR CONSTRUCTION

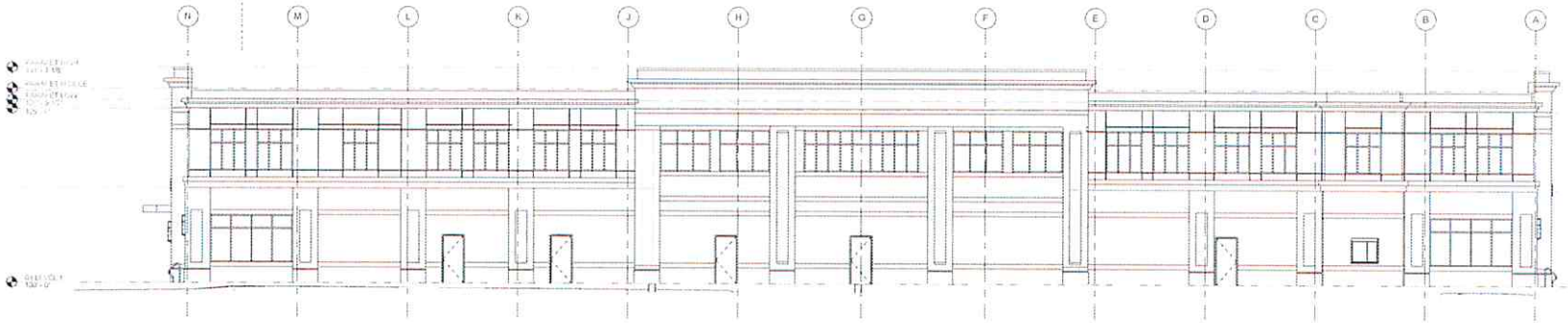
3D VIEWS

A201

A3 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

A2 WEST EXTERIOR ELEVATION
1/8" = 1'-0"

A2 EAST EXTERIOR ELEVATION
1/8" = 1'-0"



A1 NORTH EXTERIOR ELEVATION
1/8" = 1'-0"

DJR ARCHITECTURE, INC.

CLIENT

CONTRACTOR

STRUCTURAL

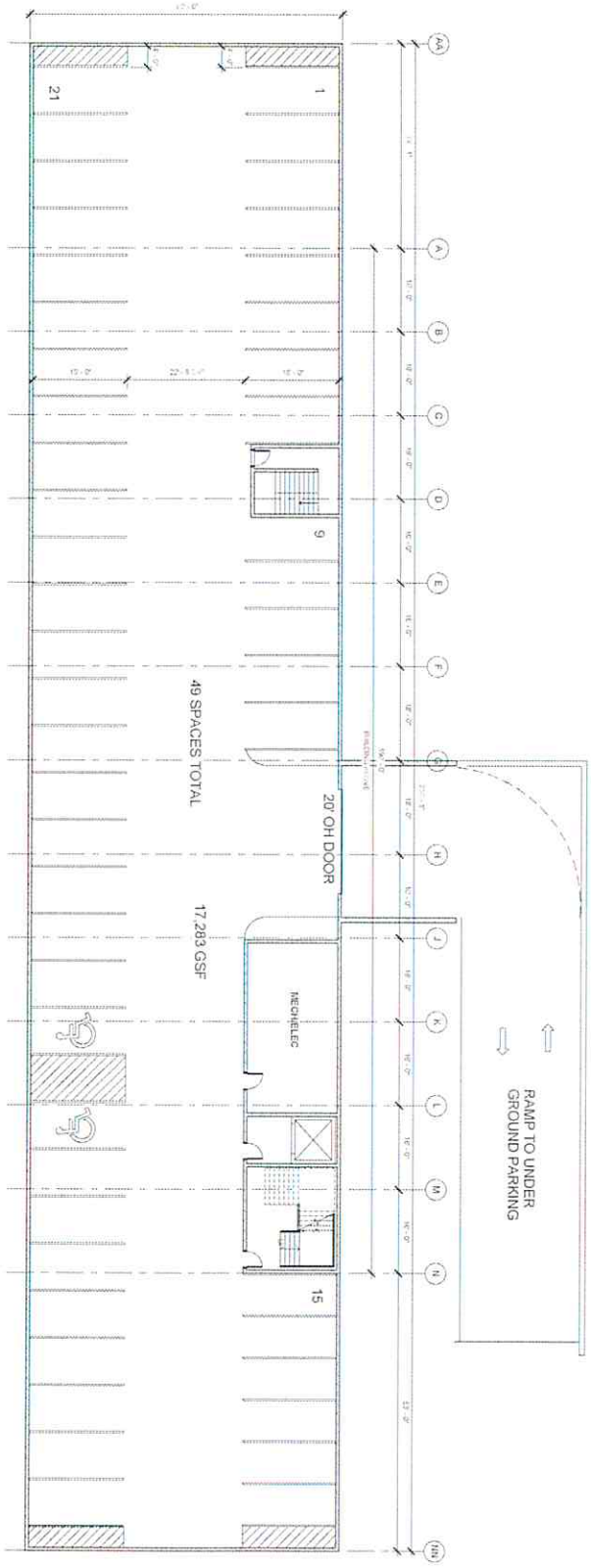
CIVIL

BISMARCK OFFICE - RETAIL

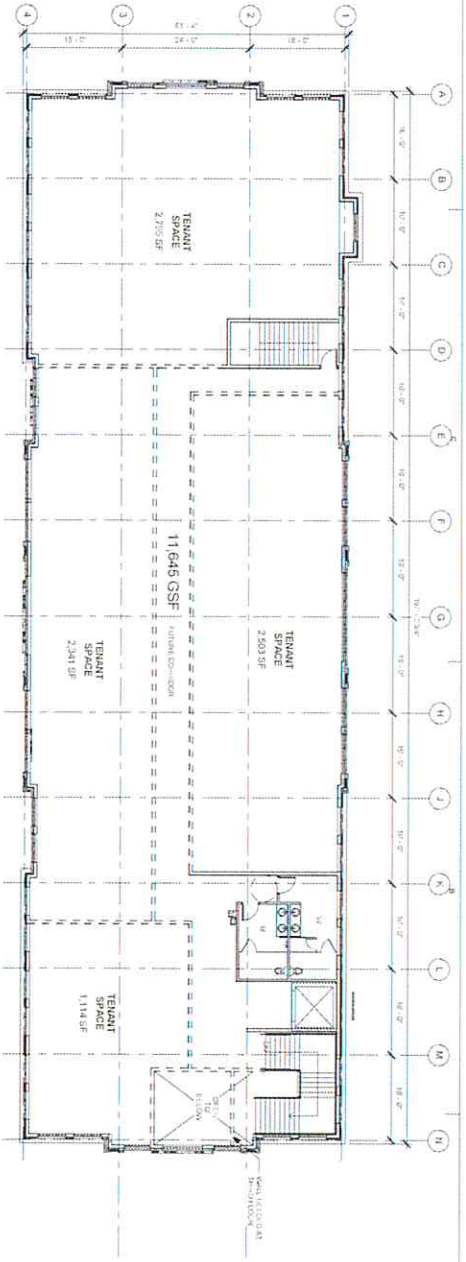
PRELIMINARY NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS

A200



A1 PARKING LEVEL - GSF = 17,283
3/32" = 1'-0"



A2 LEVEL 2 - GSF = 11,644
3/32" = 1'-0"

BISMARCK OFFICE - RETAIL

PRELIMINARY, NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL P1 & 2ND LEVEL

A110

DJR
ARCHITECTURE, INC

CLIENT | CONTRACTOR | STRUCTURAL | CIVIL

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:

Title:
Region-wide amendments to the Future Land Use Plan (FLUP)

Status:	**Date:**
Planning Commission – Final Consideration	October 28, 2015

Reason for Request:
Align the Future Land Use Plan in the 2014 Growth Management Plan with other adopted plans, including the 2014 Fringe Area Road Master Plan and the 2015 Ash and Ward Coulees Watershed Master Plan, as well as make other updates to the Future Land Use Plan.

Location:
The City of Bismarck and its Extraterritorial Area.

BACKGROUND:

1. The Future Land Use Plan (FLUP) in the 2014 Growth Management Plan was adopted by the Bismarck Planning and Zoning Commission on March 26, 2014 and by the Board of City Commissioners on April 22, 2014.

2. The plan anticipated regular revisions to the boundaries: "The City would be well served to undertake periodic reviews, perhaps annually, and implement updates of all boundaries pertinent to the 2014 Growth Management Plan to reflect actual growth patterns and development activity." (Page 32)

3. The Fringe Area Roadway Master Plan (FARMP) was adopted shortly after the Future Land Use Plan, on September 9, 2014. The proposed changes to the Future Land Use Plan show 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.

4. The Bismarck Board of City Commissioners adopted the Ash and Ward Coulees 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.

5. The proposed Future Land Use Plan amendments reflect rezonings and annexations that have occurred in the last year.

6. The proposed Future Land Use Plan amendments make stylistic change that fills in gaps between districts, which improves the usability of the map at all scales.

FINDINGS:

1. The proposed amendment is compatible with adjacent land uses;

2. The proposed amendment is justified by a change in conditions since the Future Land Use Plan was established or last amended, in particular the adoption of the Fringe Area Road Master Plan and the Ash and Ward Coulees Watershed Master Plan;

(continued)

3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;

4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;

5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and planning practice; and

6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

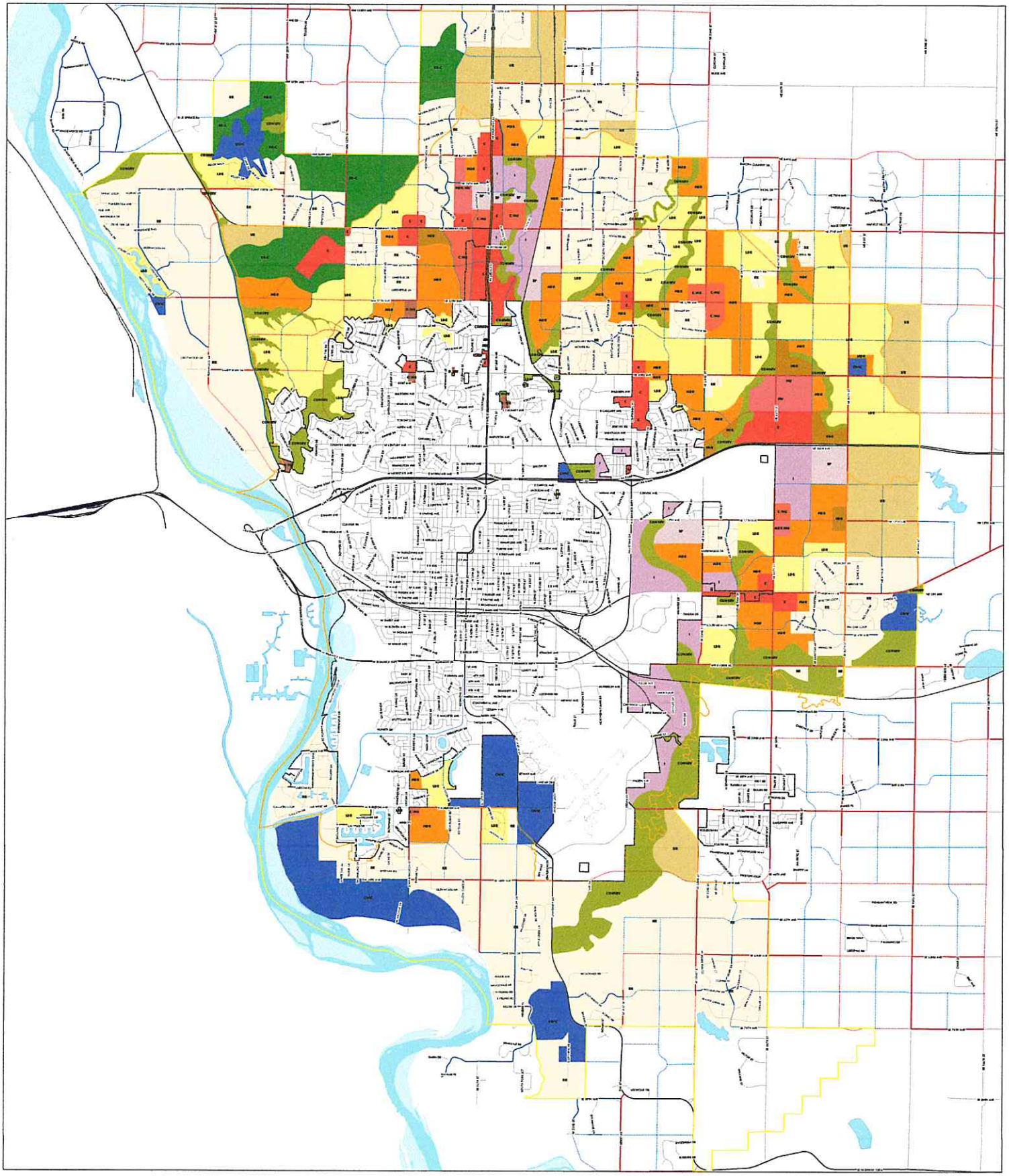
RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the attached amendments to the Future Land Use Plan (FLUP).

/dn

Future Land Use Plan with Proposed 2015 Changes Shown

Bismarck Planning Dept. 9/23/2015



DRAFT 2015 Future Land Use Plan

- Conservation
- Business Park
- Commercial
- Commercial/Mixed Use
- Civic
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Med. Density Res./Mixed Use
- Mixed Use
- Office/Mixed Use
- Clustered Rural Residential
- Conventional Rural Residential
- Urban Reserve

2014 Fringe Master Plan Roads

- Arterial
- Collector
- Existing Arterial
- Existing Collector

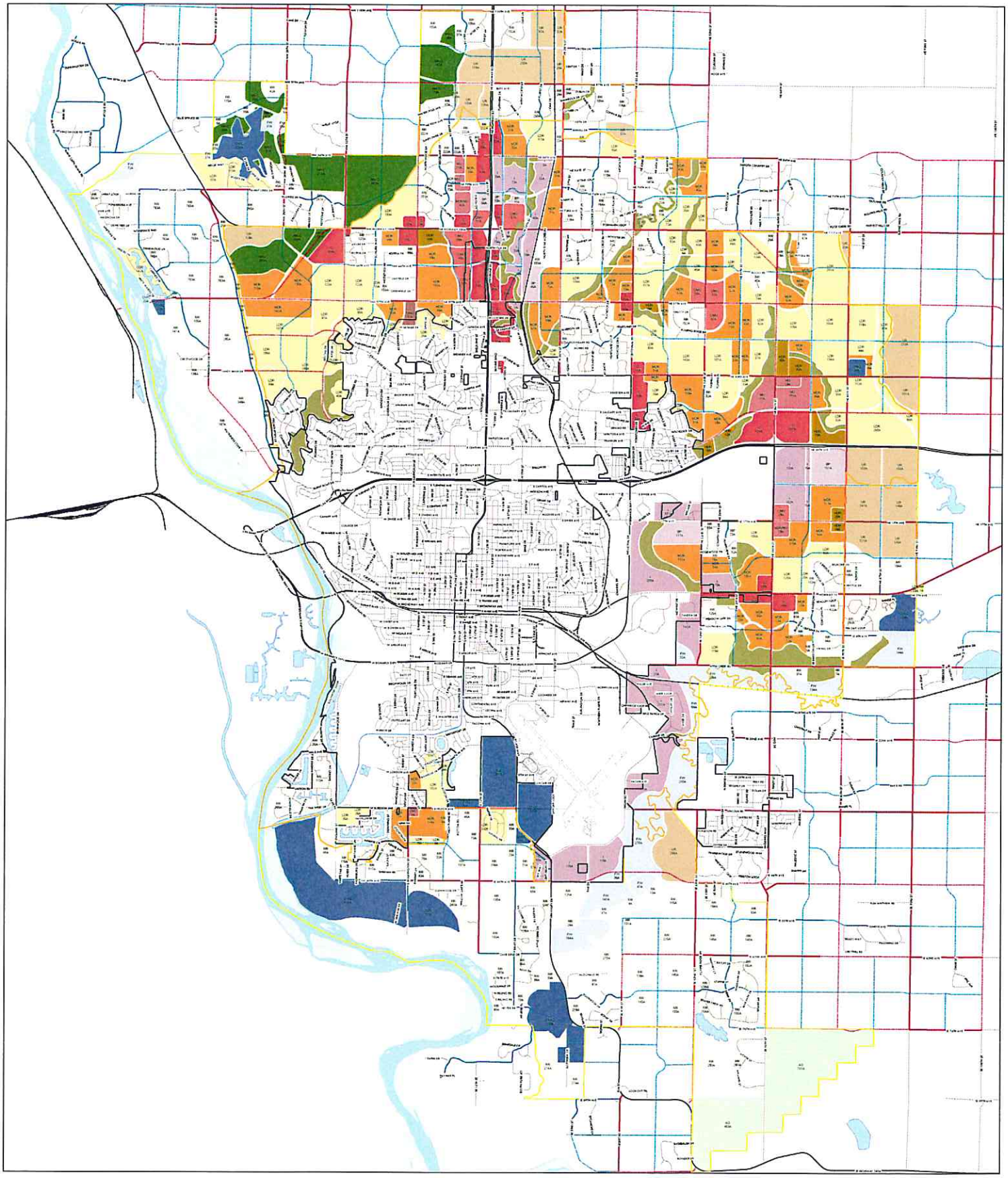
0 1 2 4 Miles

N

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

Future Land Use Plan as Adopted in 2014 Growth Management Plan

Bismarck Planning Dept. 10/22/2015



2014 Fringe Master Plan Roads

- Arterial
- Collector
- Existing Arterial
- Existing Collector

- 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

0 1 2 4 Miles

N

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

CITY OF BISMARCK
Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES AND ASPHALT AND CONCRETE BATCH PLANTS.

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:

14-03-08. 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.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

t. Asphalt and Concrete Batch Plants. Asphalt ~~and concrete~~ batch plants, either permanent or

temporary, may be permitted in any A or MA district, and concrete batch plants, either permanent or temporary, may be permitted in any A district, as a special use provided:

1. The site is located at least 1/2 mile from any residentially zoned property.

2. A site plan is submitted showing the overall dimensions of the site, the location of specific activities, fences, parking areas and access roads.

3. A written narrative is submitted describing the operation of the facility, including fugitive dust management, run-off control, and spill containment.

4. A permit to operate is issued by the North Dakota Department of Health prior to operation of the facility, if required.

5. The County Engineer and/or City Engineer, depending on location of the site, has approved the proposed access (ingress/egress) for the operation.

6. For temporary asphalt or concrete batch plants, the following additional provisions apply:

a) The temporary asphalt or concrete batch plant is for a specific construction project and not for general sale of product to the public.

b) At the time of initial consideration, the applicant provides a detailed written explanation of the length of time needed for the use.

c) The use is for a specified period of time, tied to the duration of the construction project, which shall be clearly stated in the approval of the temporary use permit.

* * * * *

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: Meadowlark Commercial Eighth Addition – Minor Subdivision Final Plat	
Status: Planning Commission – Public Hearing (Continued)	**Date:** October 28, 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 19th 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:	**PROPOSED CONDITIONS:**
Land Use: Undeveloped	**Land Use:** Commercial
Zoning: CG – Commercial	**Zoning:** CG – Commercial
Uses Allowed: CG – General commercial uses	**Uses Allowed:** CG – General commercial uses
Maximum Density Allowed: CG – 42 units/acre	**Maximum Density Allowed:** CG – 42 units/acre

PROPERTY HISTORY:		
Zoned: 07/2005	**Platted:** 07/2005	**Annexed:** 07/2005

ADDITIONAL INFORMATION:

1. 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 because the roadways would be contained to the interior vehicular circulation of the development.

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 property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.

(continued)

4. 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.

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.

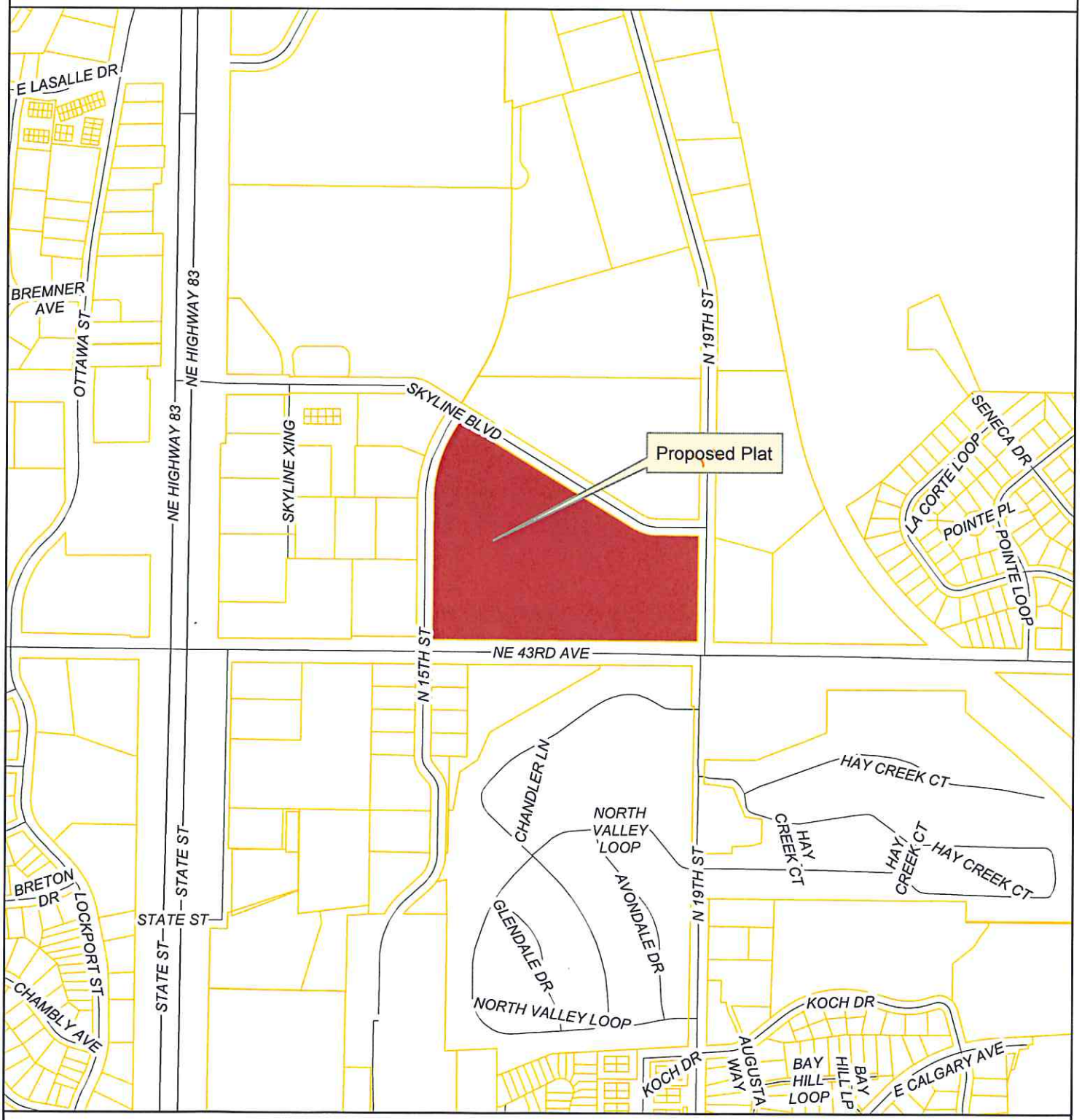
RECOMMENDATION:

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.

0 270 540 1,080 Feet

N

SEP 0 9 2015

MEADOWLARK COMMERCIAL EIGHTH ADDITION

A REPLAT OF LOT 1, BLOCK 1 OF MEADOWLARK COMMERCIAL THIRD ADDITION IN THE SOUTH WEST 1/4, SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA,

TO BE HEREAFTER KNOWN AS:

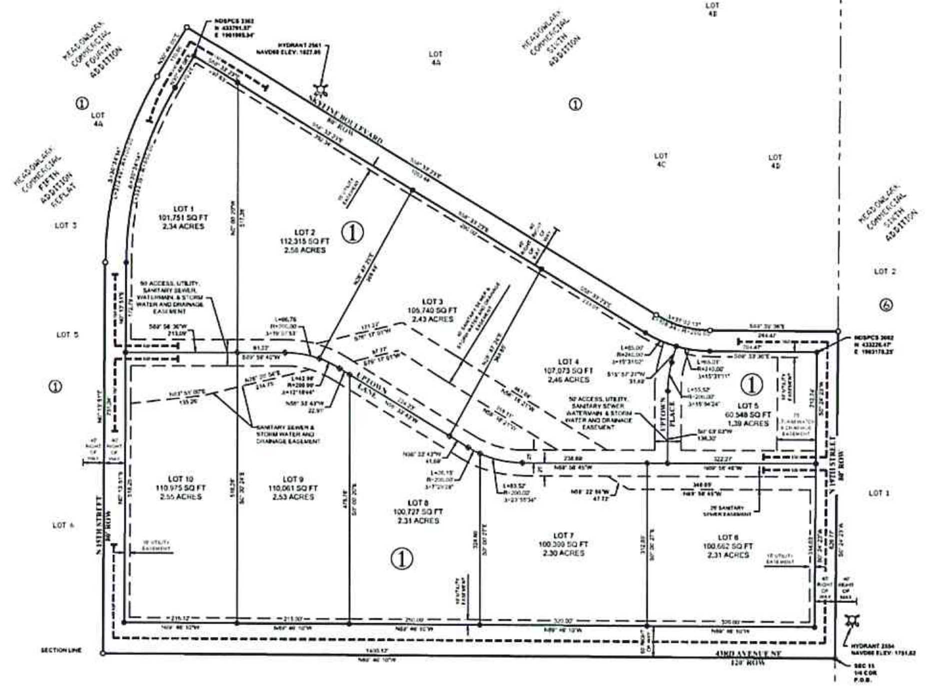
LOTS 1 THROUGH 10, BLOCK 1 OF MEADOWLARK COMMERCIAL EIGHTH ADDITION TO THE CITY OF BISMARCK, LYING IN THE SOUTH WEST 1/4, SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA.

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

LEGEND

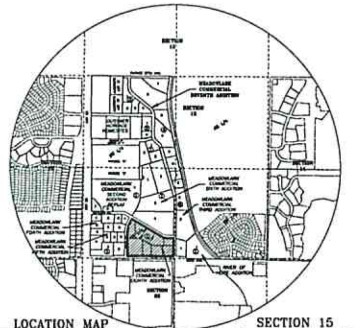
- FOUND IRON MONUMENT
- TO BE SET, BOUNDARY MONUMENTATION 5/8"x18" REBAR W/ L.S. CAP STAMPED "NELSON PLS 3638"
- TO BE SET, PROPERTY CORNER ½"x18" REBAR W/ L.S. CAP STAMPED "NELSON PLS 3638"
- COMPUTED ROADWAY POINT
- NON ACCESS LINE
- PLAT BOUNDARY LINE
- BLOCK LINE
- LOT LINE
- EASEMENT LINE
- ROADWAY CENTERLINE
- SECTION LINE / 1/4 LINE
- EXISTING HYDRANT



PERIMETER METES & BOUNDS DESCRIPTION

A REPLAT OF LOT 1, BLOCK 1 OF MEADOWLARK COMMERCIAL THIRD ADDITION TO THE CITY OF BISMARCK, LYING IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WHICH IS THE POINT OF BEGINNING; THENCE N89°46'10"W ALONG THE SOUTH SECTION LINE OF SECTION 15 A DISTANCE OF 1400.12 FEET TO THE NORTH 15TH STREET RIGHT-OF-WAY CENTERLINE; THENCE N0°13'51"E ALONG SAID RIGHT-OF-WAY CENTERLINE A DISTANCE OF 751.04 FEET; THENCE ALONG SAID RIGHT-OF-WAY CENTERLINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 30°34'14", AN ARC LENGTH OF 373.49 FEET, A CHORD BEARING OF N15°30'58"E, AND A CHORD DISTANCE OF 369.08 FEET; THENCE N30°48'05"E ALONG SAID RIGHT-OF-WAY CENTERLINE A DISTANCE OF 110.66 FEET TO THE SKYLINE BOULEVARD RIGHT-OF-WAY CENTERLINE; THENCE S58°33'23"E ALONG SAID RIGHT-OF-WAY CENTERLINE A DISTANCE OF 1053.44 FEET; THENCE ALONG SAID RIGHT-OF-WAY CENTERLINE ON A CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 31°02'13", AN ARC LENGTH OF 108.34 FEET, A CHORD BEARING OF S74°05'57"E, AND A CHORD DISTANCE OF 107.02 FEET; THENCE S89°35'36"E ALONG SAID RIGHT-OF-WAY CENTERLINE A DISTANCE OF 244.47 FEET TO THE NORTH 19TH STREET RIGHT-OF-WAY CENTERLINE; THENCE S0°24'23"W ALONG SAID RIGHT-OF-WAY CENTERLINE A DISTANCE OF 626.77 FEET TO THE POINT OF BEGINNING. CONTAINING 27.94 ACRES, MORE OR LESS.



LOCATION MAP
N.T.S.

SECTION 15
T 139 N, R 80 W

BASIS OF BEARINGS & HORIZONTAL DATUM
BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83 (86 ADJUSTMENT), SOUTH ZONE.

VERTICAL DATUM
THE CITY OF BISMARCK VERTICAL CONTROL NETWORK, NAVD88

TOTAL ACREAGE WITHIN
27.94± Acres

ACREAGE OF LOTS
23.20± Acres

ACREAGE OF STREETS
4.74± Acres

ACREAGE WITHIN SW 1/4 SECTION 15
27.94± Acres

OWNERS
MDS PROPERTIES, LLC & INVESCO HOLDINGS, INC.
PO BOX 2135
BISMARCK, ND 58502-2135

SURVEYOR
KEVIN G. NELSON, PE, PLS
WENCK ASSOCIATES, INC.
301 1ST STREET NE, SUITE 202
MANDAN, ND 58554

APPROVAL OF CITY PLANNING COMMISSION

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

WAYNE LEE YEAGER
CHAIRMAN

CARL D. HOKENSTAD
SECRETARY

APPROVAL OF BOARD OF CITY COMMISSION

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

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED ON THE __ DAY OF ______.

W.C. WOCKEN
CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE THIS PLAT OF MEADOWLARK COMMERCIAL SEVENTH ADDITION AS SHOWN ON THIS PLAT.

DATED THIS __ DAY OF ______

MELVIN J. BULLINGER, P.E.
CITY ENGINEER

BURLEIGH COUNTY RECORDER

OWNER'S DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 1, BLOCK 1, THIS PLAT BEING TITLED A REPLAT OF LOT 1, BLOCK 1 OF MEADOWLARK COMMERCIAL THIRD ADDITION IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, TO BE HEREAFTER KNOWN AS LOTS 1 THROUGH 10 - BLOCK 1, OF MEADOWLARK COMMERCIAL EIGHTH ADDITION TO THE CITY OF BISMARCK, LYING IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION, FOR THE PURPOSE OF DEFINING AND DESCRIBING THE PROPERTY AS SHOWN BY THIS PLAT.

I DO DEDICATE THE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER DISTRIBUTION LINES AND ANY OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC FOREVER. I ALSO HEREBY DEDICATE THE EASEMENTS 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 EASEMENTS". I ALSO HEREBY DEDICATE THE EASEMENTS TO RUN WITH THE LAND FOR ACCESS ON THOSE CERTAIN STRIPS OF LAND DESIGNATED HERON AS "ACCESS EASEMENTS, STORM WATER EASEMENTS, DRAINAGE EASEMENTS, AND SANITARY SEWER EASEMENTS".

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS, THE __ DAY OF ______

MDS PROPERTIES, LLC

BY ______
DAN SCHMALTZ

TITLE AUTHORIZED AGENT / MEMBER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS, THE __ DAY OF ______, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAN SCHMALTZ, AUTHORIZED AGENT / MEMBER OF MDS PROPERTIES, LLC, A CORPORATION AND THAT HE, AS SUCH BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING OWNER'S DEDICATION BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS AUTHORIZED AGENT / MEMBER.

MY COMMISSION EXPIRES ______

NOTARY PUBLIC

OWNER'S DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF LOT 1, BLOCK 1, THIS PLAT BEING TITLED, A REPLAT OF LOT 1, BLOCK 1 OF MEADOWLARK COMMERCIAL THIRD ADDITION IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, TO BE HEREAFTER KNOWN AS LOTS 1 THROUGH 10 - BLOCK 1, OF MEADOWLARK COMMERCIAL EIGHTH ADDITION TO THE CITY OF BISMARCK, LYING IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION, FOR THE PURPOSE OF DEFINING AND DESCRIBING THE PROPERTY AS SHOWN BY THIS PLAT.

I DO DEDICATE THE STREETS AS SHOWN HEREON INCLUDING ALL SEWER, CULVERTS, WATER DISTRIBUTION LINES AND ANY OTHER PUBLIC UTILITY LINES, WHETHER SHOWN HEREON OR NOT, TO THE PUBLIC FOREVER. I ALSO HEREBY DEDICATE THE EASEMENTS 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 EASEMENTS". I ALSO HEREBY DEDICATE THE EASEMENTS TO RUN WITH THE LAND FOR ACCESS ON THOSE CERTAIN STRIPS OF LAND DESIGNATED HERON AS "ACCESS EASEMENTS, STORM WATER EASEMENTS, DRAINAGE EASEMENTS, AND SANITARY SEWER EASEMENTS".

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS, THE __ DAY OF ______

INVESCO HOLDINGS, INC.

BY ______
DAN SCHMALTZ

TITLE AUTHORIZED AGENT / MEMBER

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS, THE __ DAY OF ______, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAN SCHMALTZ, AUTHORIZED AGENT / MEMBER OF INVESCO HOLDINGS, INC. A CORPORATION AND THAT HE, AS SUCH BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING OWNER'S DEDICATION BY SIGNING THE NAME OF THE CORPORATION BY HIMSELF AS AUTHORIZED AGENT / MEMBER.

MY COMMISSION EXPIRES ______

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, KEVIN G. NELSON, A PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF NORTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF INVESCO HOLDINGS, INC. AND MDS PROPERTIES, LLC. AS OWNERS AND UNDER THEIR DIRECTION, DID ON OR PRIOR TO JUNE 30TH, 2015, SURVEY THE LAND DESCRIBED AS FOLLOWS: A REPLAT OF LOT 1, BLOCK 1 MEADOWLARK THIRD ADDITION IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA, TO BE HEREAFTER KNOWN AS: LOTS 1 THROUGH 10, BLOCK 1 OF MEADOWLARK COMMERCIAL EIGHTH ADDITION TO THE CITY OF BISMARCK, LYING IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA.

I ALSO HEREBY CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE SURVEY MADE UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN THEREON ARE ACCURATE, THE REQUIRED MONUMENTS HAVE BEEN SET AND THAT THE DIMENSIONAL AND GEODETIC DETAILS ARE CORRECT, AND THAT THIS PLAT IS TO THE BEST OF MY KNOWLEDGE AND BELIEF, IN ALL RESPECTS, A TRUE DESCRIPTION OF SAID PROPERTY.

DATED THIS __ DAY OF ______.

KEVIN G. NELSON, LS 3638

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

ON THIS, THE __ DAY OF ______, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED KEVIN G. NELSON, A PROFESSIONAL LAND SURVEYOR IN AND FOR THE STATE OF NORTH DAKOTA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING SURVEYOR'S CERTIFICATE, AND I HEREBY ACKNOWLEDGE THAT HE EXECUTED THE FOREGOING INSTRUMENT.

MY COMMISSION EXPIRES ______.

NOTARY PUBLIC

SURVEYOR'S SEAL

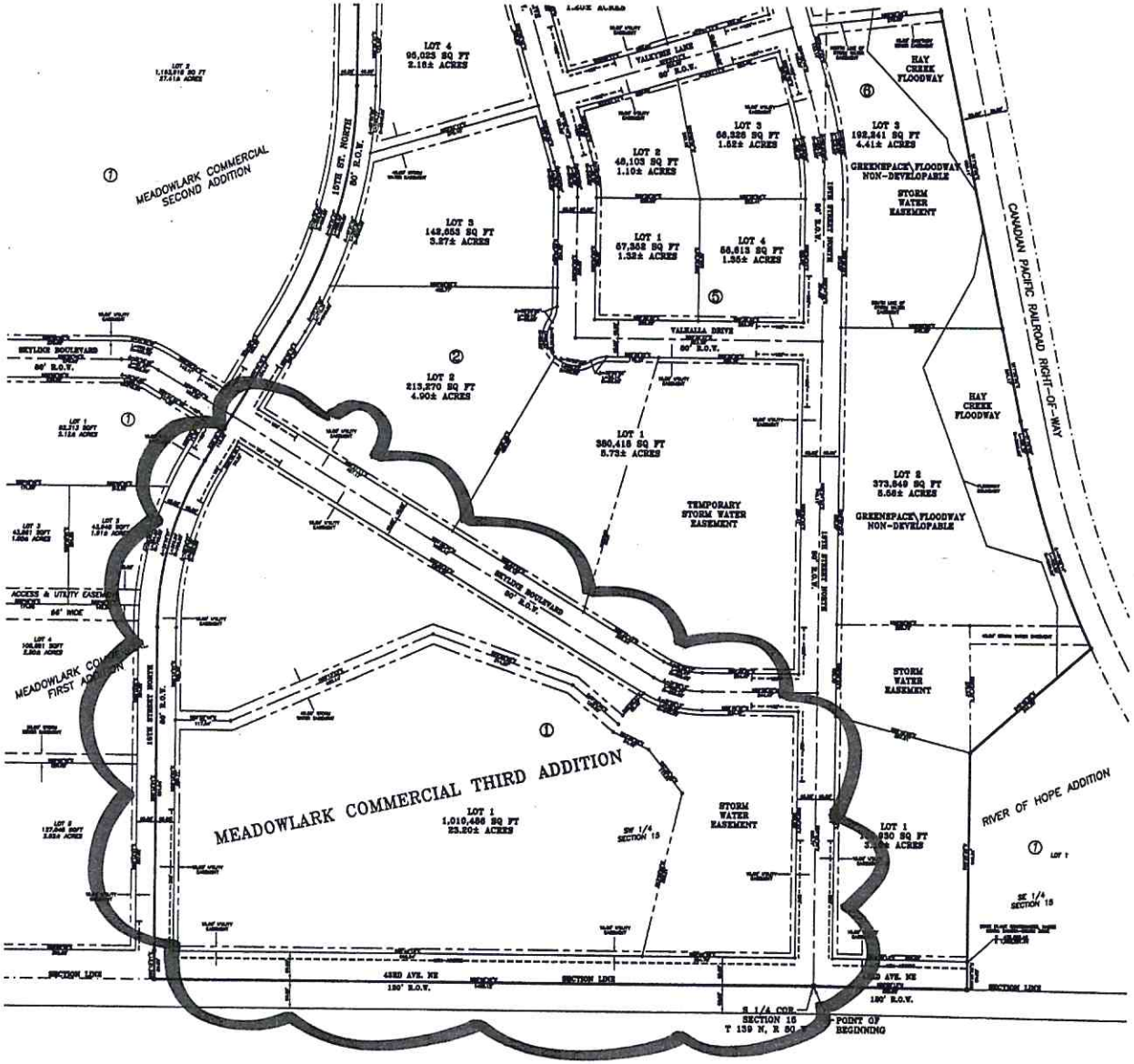
PRELIMINARY
NOT FOR PLATTING

DATE
September 9, 2015

Prepared by: WENCK Associates

MEADOWLARK COMMERCIAL THIRD ADDITION

A PLAT OF LOT 1, BLOCK 1; LOTS 1–6, BLOCK 2; LOTS 1 & 2, BLOCK 3; LOTS 1–6, BLOCK 4; LOTS 1–4, BLOCK 5 AND LOTS 1–4, BLOCK 6 OF MEADOWLARK COMMERCIAL THIRD ADDITION TO THE CITY OF BISMARCK, ALSO BEING A REPLAT OF LOT 1, BLOCK 3 OF MEADOWLARK COMMERCIAL FIRST ADDITION; LOT 1, BLOCK 3 OF MEADOWLARK COMMERCIAL SECOND ADDITION AND LOT 1, BLOCK 1 OF MEADOWLARK PARK FIRST ADDITION, LYING IN SECTION 15, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE 5TH P.M., BURLEIGH COUNTY, NORTH DAKOTA.



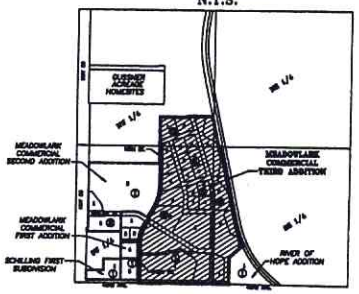
PERIMETER METES & BOUNDS DESCRIPTION

A Plat of Lot 1, Block 1; Lots 1–6, Block 2; Lots 1 & 2, Block 3; Lots 1–6, Block 4; Lots 1–4, Block 5 and Lots 1–4, Block 6 of Meadowlark Commercial Third Addition to the City of Bismarck, also being a replat of Lot 1, Block 3 of Meadowlark Commercial First Addition; Lot 1, Block 3 of Meadowlark Commercial Second Addition and Lot 1, Block 1 of Meadowlark Park First Addition, lying in Section 15, Township 139 North, Range 80 West of the 5th P.M., Burleigh County, North Dakota, and being more particularly described as follows:

Beginning at the South Quarter Section corner of said Section 15; thence N89°46'12"E along the south line of said Section 15, a distance of 1400.12 feet; thence N00°13'38"E along the center line of 15th Street, a distance of 50.00 feet; thence N89°13'38"E along said center line, a distance of 591.84 feet; thence northeasterly along the arc of a curve to the right and said center line, having a central angle of 20°24'27" and a radius of 750.00 feet, a distance of 272.03 feet; thence N109°46'05"E along said center line, a distance of 119.04 feet to the center line intersection of said 15th Street and Skyline Boulevard; thence N35°00'15"E along said center line a distance of 134.14; thence northeasterly along said center line and on an arc of a curve to the left, having a central angle of 20°20'40" and a radius of 1000.00 feet, a distance of 338.00 feet; thence N55°20'37"E along said center line, a distance of 203.00 feet to the northwest corner of Meadowlark Commercial Second Addition; thence N00°39'23"W along the north line, a distance of 40.00 feet to the northwest corner of Lot 2, Block 1, said Meadowlark Commercial Second Addition; thence N00°39'37"E, a distance of 395.00 feet; thence N00°39'37"E, a distance of 42.67 feet; thence N00°39'37"E, a distance of 420.00 feet; thence S89°20'37"E, a distance of 200.10 feet; thence S89°20'37"E, a distance of 212.00 feet; thence N73°39'17"E, a distance of 59.00 feet; thence S89°20'43"E, a distance of 208.07 feet to the westerly right-of-way line of the Dakota Interest Valley and Western Railroad; thence S11°39'37"E along said right-of-way line, a distance of 663.44 feet to the east-west quarter line of said Section 15; thence S89°20'43"E along said right-of-way line and said east-west quarter line, a distance of 54.00 feet; thence S11°39'37"E along said right-of-way line, a distance of 555.00 feet; thence S11°39'37"E along said right-of-way line, a distance of 455.11 feet; thence S11°39'37"E along said right-of-way line, a distance of 326.17 feet; thence southeasterly along the arc of a curve to the left, having a central angle of 31°30'00" and a radius of 2896.83 feet, a distance of 191.21 feet; thence southeasterly along the arc of a curve to the left, having a central angle of 11°00'14" and a radius of 1000.00 feet, a distance of 403.00 feet to the northerly line of Lot 1, Block 1, River of Hope Addition; thence S89°46'36"W along said northerly line of Lot 1, Block 1, a distance of 341.38 feet to the northwest corner of said Lot 1, Block 1; thence S00°39'37"E along the westerly line of said Lot 1, Block 1, a distance of 446.26 feet to the northerly right-of-way line of 43rd Avenue; thence S89°20'37"E, a distance of 50.00 feet to said south section line of Section 15; thence N89°46'12"E along said south section line, a distance of 350.00 feet to the Point of Beginning and containing 107.60 acres, more or less.

LOCATION MAP

N.T.S.



SECTION 15
T 139 N, R 80 W

LEGEND

- SET, 5/8"x18" REBAR W/ L.S. CAP STAMPED "ZELMER #3756"
- TO BE SET, 5/8"x18" REBAR W/ L.S. CAP STAMPED "ZELMER #3756"
- FOUND 5/8"x18" REBAR W/ L.S. CAP STAMPED "ZELMER #3756"
- FOUND IRON PIPE
- COMPUTED CORNER LOCATION
- COMPUTED ROADWAY & EASEMENT POINTS
- NON ACCESS LINE

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

OWNERS

MEADOWLARK HILLS, LLC
P.O. BOX 2219
BISMARCK, ND 58502-2219

BMCCO HOLDINGS, INC. &
KEITH DANKS, JR.

TOTAL ACREAGE WITHIN PLAT
107.60 ± ACRES

ACREAGE OF LOTS
88.40 ± ACRES

ACREAGE OF STREETS
19.20 ± ACRES

SURVEYOR

BRUCE P. ZELMER, LS
BARTLETT & WEST ENGINEERS, INC.
3426 EAST CENTURY AVE.
BISMARCK, ND 58501

DATE
July 6, 2005

BASIS OF BEARINGS

BEARINGS SHOWN ARE GRID BEARINGS BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH ZONE, REFERENCED FROM THE CITY OF BISMARCK GPS CONTROL MONUMENTS "B 4-21" AND "B 36-10".

PAGE 2 OF 3

Prepared By:
BARTLETT & WEST
ENGINEERS
3426 E. Century Ave.
Bismarck, North Dakota 58503
701-258-1110
FAX 701-258-1111
www.bartwest.com

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lots 4-6, Block 16, Northern Pacific Addition – Zoning Change (RM30 to DF)	
Status: Planning Commission – Public Hearing	**Date:** October 28, 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 2nd Street and the north side of East Avenue A.	
Project Size: 21,996 square feet/0.5 acre	**Number of Lots:** 3 lots in 1 block (5 parcels)
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Mixed-density residential	**Land Use:** Multi-family residential
Zoning: RM30 – Residential	**Zoning:** DF – Downtown Fringe
Uses Allowed: RM30 – Multi-family residential	**Uses Allowed:** DF – Multi-family, offices and limited commercial
Maximum Density Allowed: RM30 – 30units/acre	**Maximum Density Allowed:** DF – 30 units/acre

PROPERTY HISTORY:		
Zoned: Pre-1980	**Platted:** 04/1879	**Annexed:** Pre-1980

FINDINGS:

1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned.
2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include 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 approval of 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.

/jt

Proposed Zoning Change (RM30 to DF)
Lots 4-6, Block 16
Northern Pacific Addition

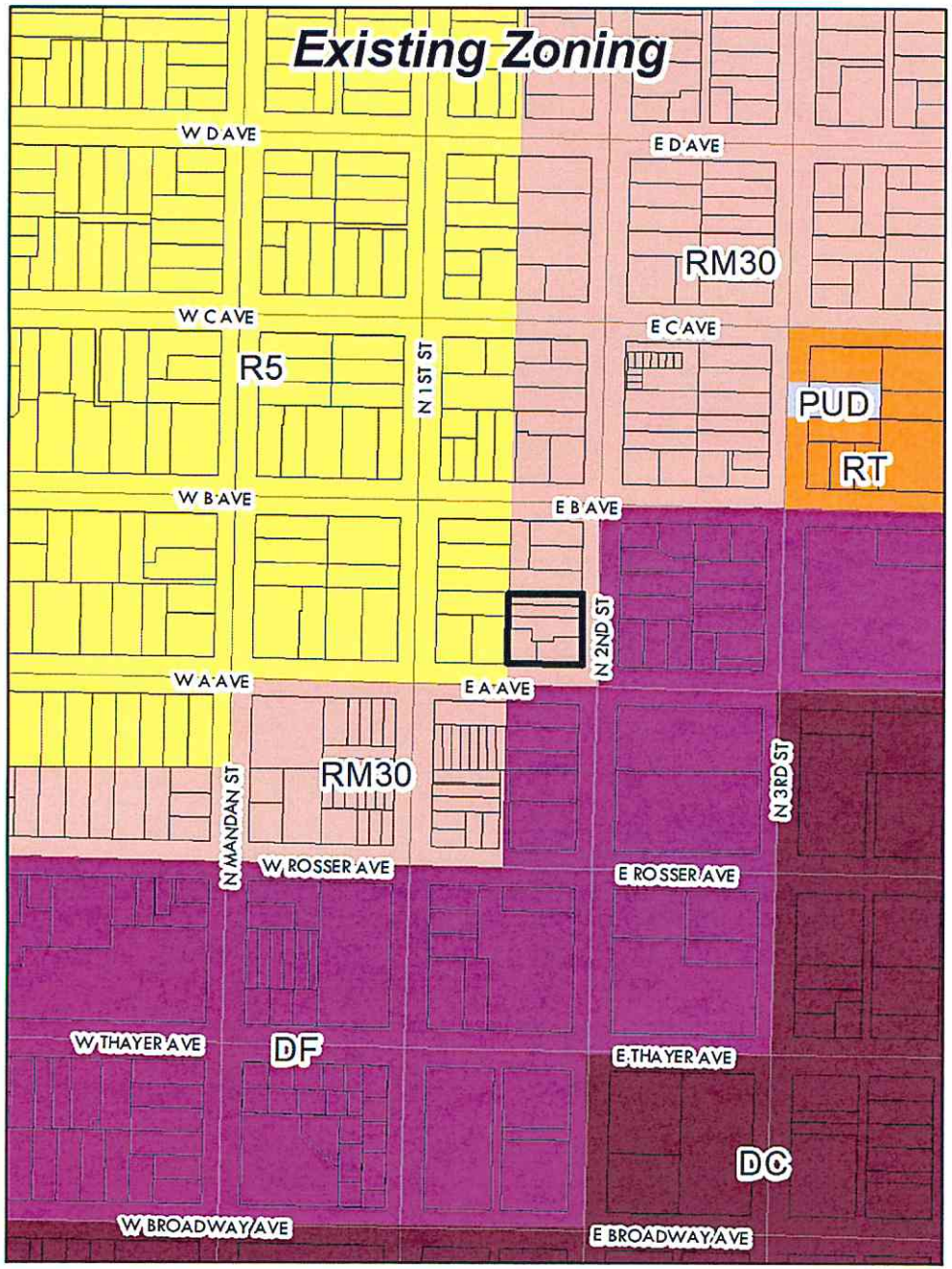
June 15, 2015 (hlb)

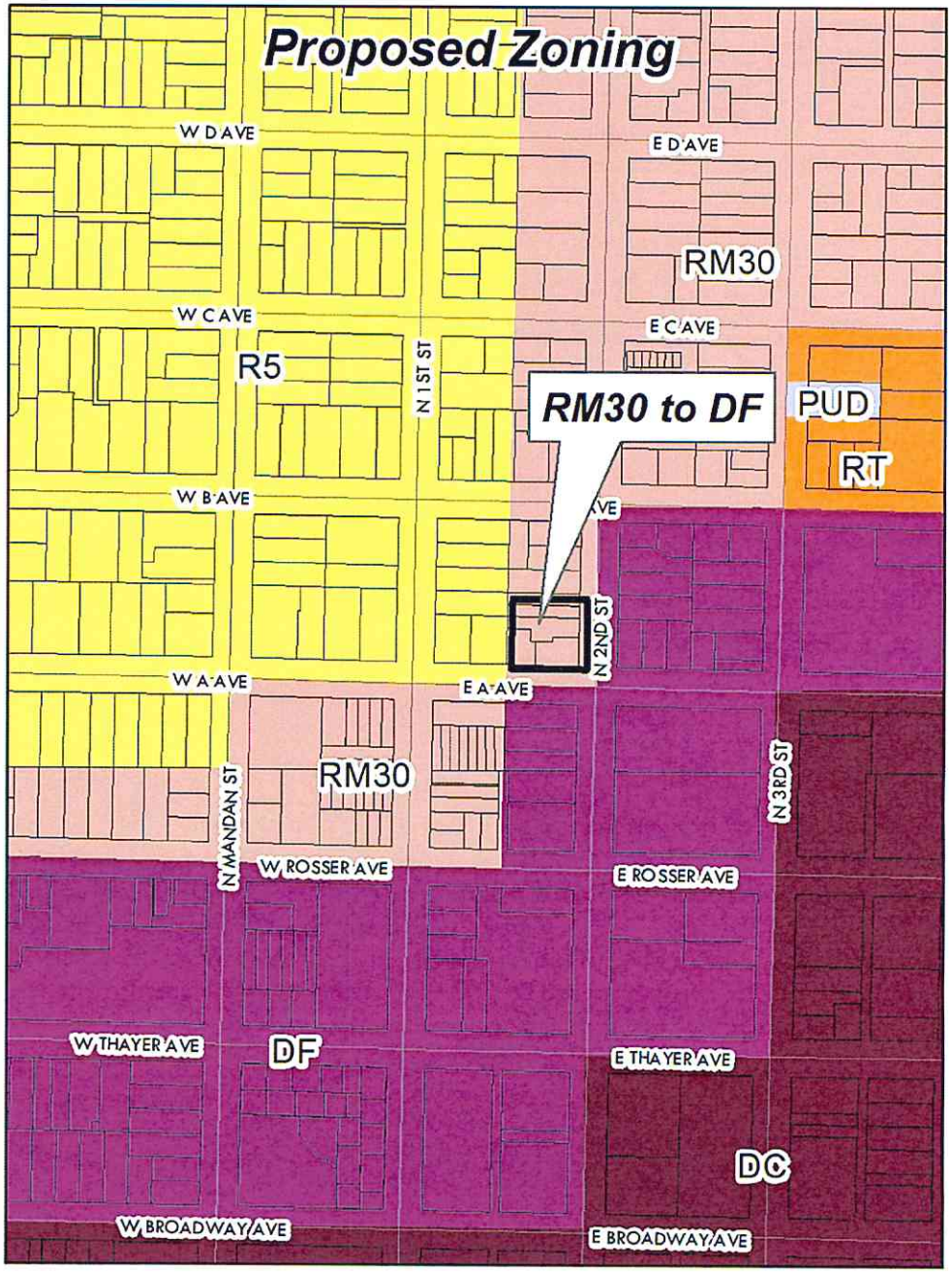
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 165 330 660 Feet

N

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





Feet
0 125 250 500

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September, 2015

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 1, Block 1, Burns First Subdivision– Special Use Permit (oversized accessory building)	
Status: Planning Commission – Public Hearing	**Date:** October 28, 2015
Owner(s): Jeff and Kristen Blees	**Engineer:** None
Reason for Request: To increase the total square feet of accessory buildings located on a rural residential lot to 3,184 square feet by constructing a 784 square foot accessory building.	
Location: North of Bismarck, south of 84th Avenue NE, along the west side of 41st Street NE.	
Project Size: 3.7 acres (lot size)	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: RR – Rural Residential	**Zoning:** RR – Rural Residential
Uses Allowed: Large-lot rural single-family dwellings and limited agriculture	**Uses Allowed:** Large-lot rural single-family dwellings and limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	**Maximum Density Allowed:** One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 06/1997	**Platted:** 06/1997

ADDITIONAL INFORMATION:

1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).

2. The Board of Adjustment at their meeting of December 1, 2003 approved a variance to construct a 2,400 accessory building. A permit for the accessory building was obtained in September 2005. The applicant is requesting approval of a special use permit to construct an additional 784 square foot accessory building, which would increase the total square feet of accessory buildings located on their property to 3,184 square feet.

(continued)

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 proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The proposed special use would be compatible with the surrounding rural residential neighborhood.
5. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,184 square feet on Lot 1, Block 1, Burns First Subdivision with the following conditions.

1. A building permit must be obtained to construct the proposed 784 square foot accessory building.
2. The proposed accessory building meets all applicable requirements out lined in the zoning ordinance.

/JW

Proposed Special Use Permit
Lot 1, Block 1, Burns First Subdivision

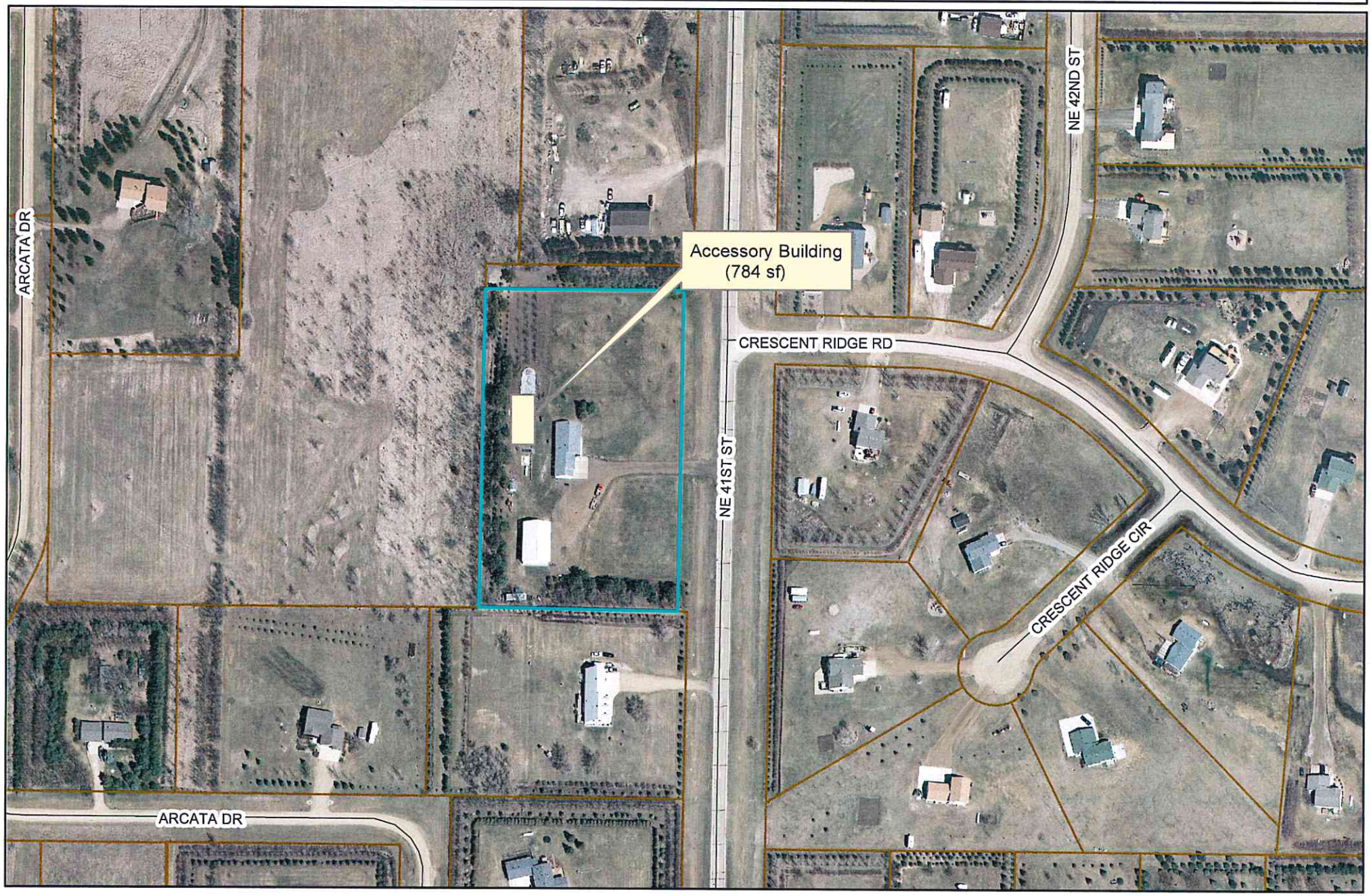
June 15, 2015 (hlb)

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

0 165 330 660 Feet

N

Lot 1, Block , Burns First Subdivision - Oversized Accessory Buildng



Date: 10/20/2015

0 90 180 360 540 720 Feet

N

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: Lot 12, Block 2, Southridge Subdivision– Special Use Permit (oversized accessory building)	
Status: Planning Commission – Public Hearing	**Date:** October 28, 2015
Owner(s): Damion Deibert	**Engineer:** None
Reason for Request: To increase the total square feet of accessory buildings located on a rural residential lot to 2,604 square feet in order to bring a recently constructed accessory building into compliance with the zoning ordinance.	
Location: South of Bismarck, west and north of University Drive / ND Highway 1804 along the south side of Southridge Lane.	
Project Size: 3.0 acres (lot size)	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: RR – Rural Residential	**Zoning:** RR – Rural Residential
Uses Allowed: Large-lot rural single-family dwellings and limited agriculture	**Uses Allowed:** Large-lot rural single-family dwellings and limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	**Maximum Density Allowed:** One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 12/1976	**Platted:** 06/2002

ADDITIONAL INFORMATION:

1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).

2. A building permit was issued on October 10, 2014 to construct a 2,400 square foot accessory building. After the accessory building was constructed it was discovered that the size of the building was 204 square feet larger than the size permitted with the building permit. In addition, the side wall height of the building was constructed at sixteen (16) feet, two feet higher than the maximum allowable side wall height of fourteen (14) feet for an accessory building outlined in Section 14-04-01(10) of the City Code of Ordinances. A variance to increase the side wall height to sixteen (16) feet was approved by the Board of Adjustment on October 1, 2015.

(continued)

FINDINGS:

1. The proposed special use now complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties.

4. The proposed special use would be compatible with the surrounding rural residential neighborhood.

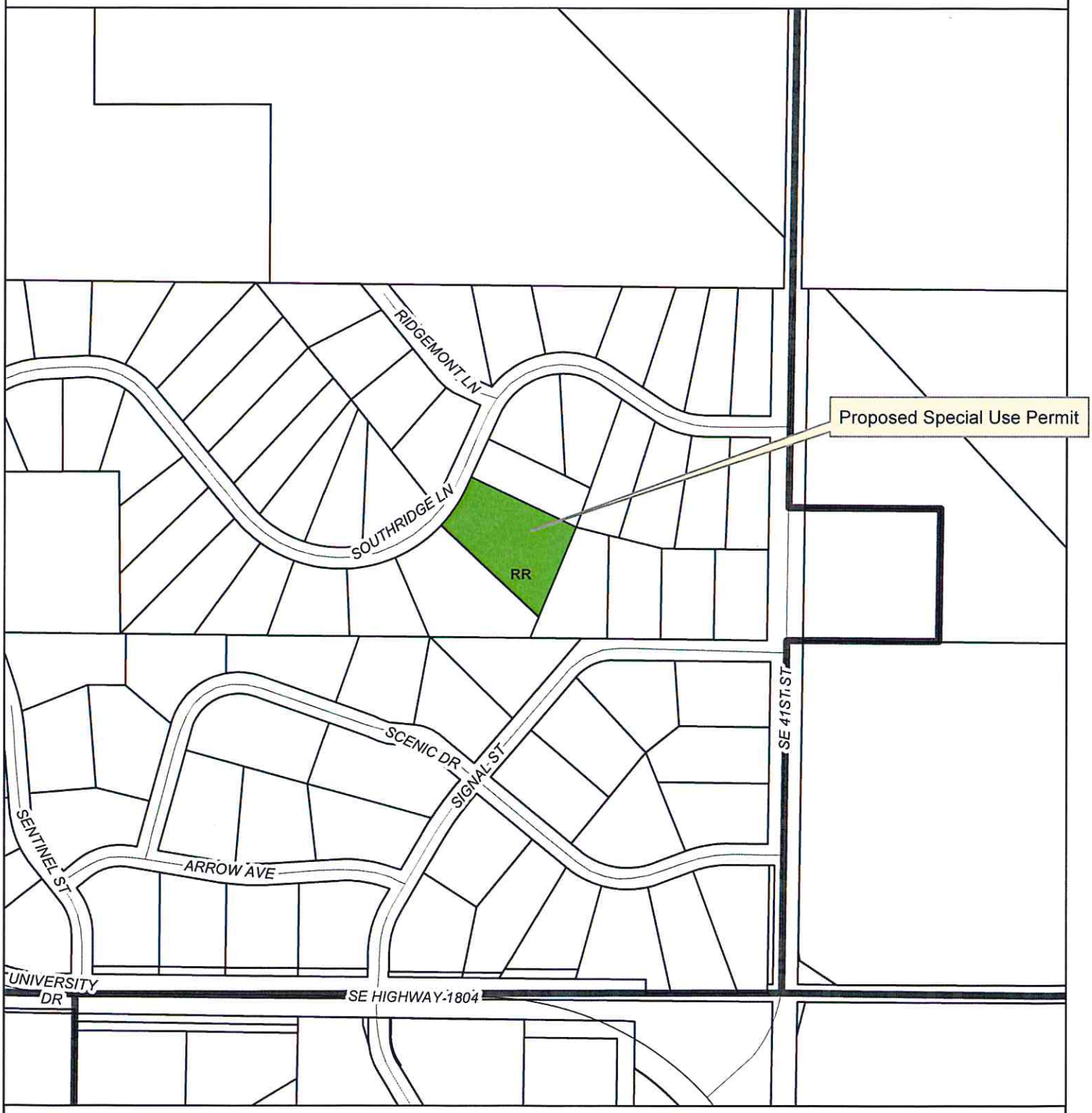
5. The request is compatible with adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 2,604 square feet on Lot 12, Block 2, Southridge Subdivision in order to bring a recently constructed accessory building into compliance with the zoning ordinance.

/JW

Proposed Special Use Permit
Lot 12, Block 2, Southridge Subdivision



June 15, 2015 (hlb)

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

0 200 400 800 Feet

N

Lot 12, Block 2, Southridge Subdivision - Oversized Accessory Building

Date: 10/20/2015

0 80 160 320 480 640 Feet

N

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.

3739 Southridge Lane
(accessory building)

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

BACKGROUND:	
Title: Lot 3, Block 4, Northwood Estates Replat– Special Use Permit (oversized accessory building)	
Status: Planning Commission – Public Hearing	**Date:** October 28, 2015
Owner(s): Jeff and Kristen Blees	**Engineer:** None
Reason for Request: To increase the total square feet of accessory buildings located on a rural residential lot to 3,200 square feet.	
Location: North of Bismarck, east of US Highway 83 and south of 110th Avenue NE, along the west side of Olive Lane.	
Project Size: 2.42 acres (lot size)	**Number of Lots:** One lot in one block
EXISTING CONDITIONS:	**PROPOSED CONDITIONS:**
Land Use: Rural residential	**Land Use:** Rural residential
Zoning: RR – Rural Residential	**Zoning:** RR – Rural Residential
Uses Allowed: Large-lot rural single-family dwellings and limited agriculture	**Uses Allowed:** Large-lot rural single-family dwellings and limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	**Maximum Density Allowed:** One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 03/1975	**Platted:** 09/1975

ADDITIONAL INFORMATION:

1. Section 14-03-01(10) of the City Code of Ordinances permits the area of allowable accessory buildings for a single-family residence on a lot of this size in an RR – Residential to be increased to a maximum of thirty-two hundred (3,200) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses).

2. A variance from Section 14-04-01(6) of the City Code of Ordinances (Rural Residential)(Rear yard) to reduce the required rear yard setback from seventy-five (75) feet to twenty (20) feet has also been requested. A public hearing on this request is scheduled for the November 5, 2015 meeting of the Board of Adjustment.

(continued)

FINDINGS:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided a variance to reduce the required rear yard setback from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.

2. The proposed special use would not adversely affect the public health, safety and general welfare.

3. The proposed special use would not be detrimental to the use or development of adjacent properties.

4. The proposed special use would be compatible with the surrounding rural residential neighborhood.

5. The request is compatible with adopted plans, policies and accepted planning practice, provided a variance to reduce the required rear yard setback from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to increase the total allowable square feet of accessory buildings to 3,200 square feet on Lot 3, Block 4, Northwood Estates Replat with the following conditions:

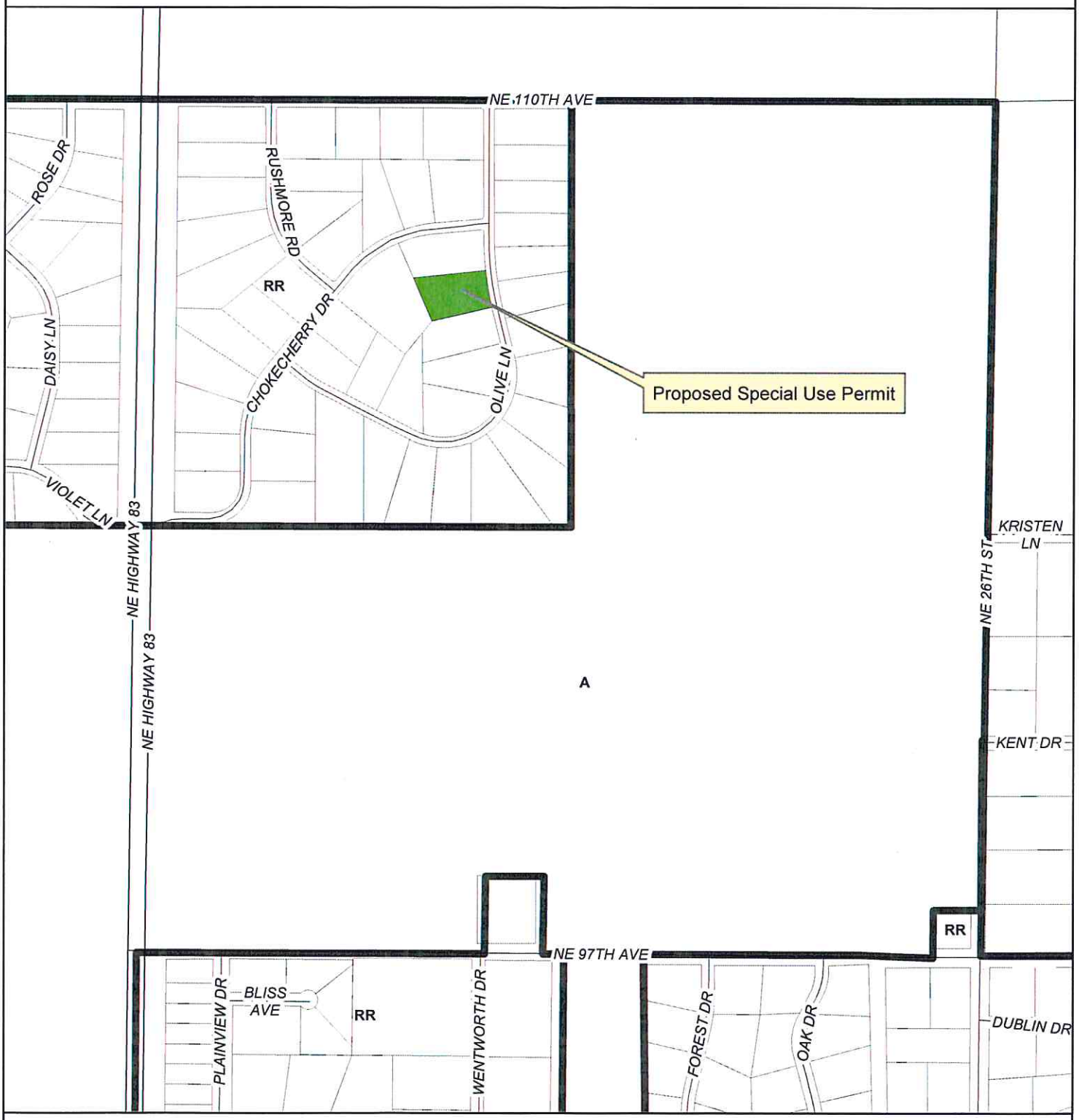
1. A variance to reduce the required rear yard setback outlined in Section 14-04-01(6) of the City Code of Ordinances (Rural Residential)(Rear Yard) from seventy-five (75) feet to twenty (20) feet is approved by the Board of Adjustment.

2. A building permit must be obtained to construct the proposed 3,200 square foot accessory building.

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

/JW

Proposed Special Use Permit
Lot 3, Block 4, Northwood Estates Replat



September 29, 2015 (hlb)

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0 335 670 1,340 Feet

N

Lot 3, Block 4, Northwood Estates Replat - Oversized Accessory Building

Date: 10/20/2015

0 75 150 300 450 600 Feet

N

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

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

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

> Digital Off-Premise Advertising Sign: An off-premise advertising sign with a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications. A sign with one digital face and one static face shall be considered a digital off-premise advertising sign.
>
> * * * * *
>
> Off-Premise Advertising Sign: A ground sign, as defined in the most recent adoption of the International Building Code (IBC), advertising, or intending to advertise, any goods or services that are not associated with the use of the premises. An off-premise advertising sign may be static, digital, illuminated, non-illuminated or any combination thereof.

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

14-03-07. Use Groups. In order to carry out the purposes of this title, certain uses having similar characteristics are classified together as "use groups". In any district in which a use group is permitted, it is the intent of this title to permit any particular member of that use group to be located within that district. In any district in which a use group is not listed as a permitted use, it is the intent of this title to prohibit each and every member of that use group from locating within that district. These use groups shall apply to all zoning districts except the Downtown Core and Downtown Fringe district.

* * * * *

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

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

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

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

1) Reserved.

2) Motor vehicle repair garage.

3) Commercial school, including business, secretarial, dancing, music, physical culture, technical trade school, adult education or vocational education.

4) Commercial parking lot or structure.

5) Tire and battery repair.

6) Furniture repair and upholstery.

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

~~8~~ 7) Radio, television or communication broadcast and receiving facilities.

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

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

* * * * *

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

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

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

functions and shall meet the following provisions:

a. Off-premise advertising signs shall not be subject to front yard setback requirements for each zoning district, but the entirety of the sign shall be set back at least fifteen (15) feet from any property line fronting a street, except that off-premise advertising signs oriented toward Interstate 94 (not business loop) are exempted from this front yard setback requirement.

b. The sign shall meet provisions outlined in Chapter 04-04 of the City Code of Ordinances.

c. Any illumination of the sign shall be directed toward the sign and not away from the sign.

d. The sign shall be located adjacent to a minor or principal arterial roadway.

e. Each sign face may not exceed four hundred (400) square feet in area, sixteen (16) feet in height or twenty (25) feet in width, with the exception of off-premise advertising signs oriented toward Interstate 94 (not business loop) or Bismarck Expressway east of the intersection with Airport Road, which may not exceed six hundred and seventy two (672) square feet in area, sixteen (16) feet in height or fifty (50) feet in width. In addition, No off-premise advertising sign face may be less than two hundred and eighty (280) square feet in area.

f. The sign shall have no more than two faces per sign. Signs with two faces back-to-back shall be treated as one sign, provided said faces are parallel or have an angle of separation of no more than thirty (30) degrees. No two sign faces may be stacked vertically.

g. The sign shall not exceed fifty (50) feet in height, measured from the top of the nearest curbline to the top of the sign or structure. The display area of a digital billboard sign shall be located no less than ten (10) feet above the adjacent street grade.

h. Digital off-premise advertising signs shall meet the following additional standards.

1. The sign shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, animation or frame effects is prohibited.

2. The sign shall have a default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and

3. The sign shall have a mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.

i. All parts of the sign shall be located at least three hundred (300) feet from any part of an existing or approved off-premise advertising sign and at least one hundred (100) feet from the nearest right-of-way line of any intersection of an arterial and/or collector roadway. In addition, all parts of digital signs shall be located at least twelve hundred (1,200) feet from any part of an existing or approved digital off-premise advertising sign and at least five hundred (500) feet from the nearest right-of-way of an

interstate interchange. Distance is measured as the linear distance along the centerline of the roadway toward which the sign is oriented. The distance shall be measured between any two signs on the same or opposite sides of this roadway.

j. The sign shall be located at least three hundred (300) feet from any RR-Residential, RR5-Residential, R5-Residential, R10-Residential, RM-Residential, or RMH-Residential zoning district, as measured from any part of the sign to the nearest property line within any residential zoning district.

k. The sign shall not resemble or interfere, to any degree, with the effectiveness of a traffic control device, sign or signal; shall not be placed beside or behind a traffic control device in a location or at a height that makes a motorist's view of a traffic control device indistinguishable from the sign; shall not obstruct or interfere with a motorist's view of approaching, merging or intersecting traffic within the operational area of an intersection; and shall not have distracting flashing or moving lights so designed or lighted as to create a traffic hazard. The City Engineer and Chief of Police shall verify in writing that the provisions of this subsection have been met.

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

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

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

advertising sign. An existing non-conforming sign must meet all requirements outlined in this chapter prior to approval of a special use permit.

4. Nothing in this section shall be construed to confer a preference or any greater protection for certain off-premise advertising signs based on the content or message of the sign, whether commercial or non-commercial in nature.

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

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

* * * * *

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

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary farm and garden produce sales.

d. Seasonal nursery and bedding stock sales.

e. Filling station.

f. Drive-in retail or service establishment.

g. Child care center.

h. Small animal veterinary clinic.

i. Golf driving range.

j. Auto laundry - car wash.

k. Retail liquor sales.

l. Microbrewery.

m. Off-premise advertising sign.

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

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

* * * * *

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

a. Temporary Christmas tree sales.

b. Temporary farm and garden produce sales.

c. Seasonal nursery and bedding stock sales.

d. Filling station.

e. Child care center.

f. Drive-in retail or service establishment.

g. Auto laundry - car wash.

h. Retail liquor sales.

i. Off-premise advertising sign.

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

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

* * * * *

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

a. Temporary Christmas tree sales.

b. Temporary religious meetings.

c. Temporary circus/fair/carnival.

d. Temporary farm and garden produce sales.

e. Temporary fireworks sales.

f. Seasonal nursery and bedding stock sales.

g. Solid waste disposal facility.

h. Airport.

i. Recreational vehicle park.

j. Filling station.

k. Drive-in retail or service establishment.

l. Motor vehicle parts salvage yard.

m. Small animal veterinary clinic.

n. Animal hospital or kennel.

o. Golf driving range.

p. Junkyard.

q. Retail liquor sales.

r. Racetracks.

s. Child care center.

t. Off-premise advertising sign.

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

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

* * * * *

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

a. Temporary Christmas tree sales.

b. Temporary circus/fair/carnival.

c. Temporary religious meeting.

d. Seasonal nursery and bedding stock sales.

e. Temporary fireworks sales.

f. Temporary farm and garden produce sales.

g. Airport.

h. Solid waste disposal facility.

i. Motor vehicle parts salvage yard.

j. Small animal veterinary clinic.

k. Animal hospital or kennel.

l. Junkyard.

m. Adult entertainment center.

n. Auto laundry - car wash.

o. Vehicular racetrack.

p. Hazardous material bulk storage plant.

q. Off-premise advertising sign.

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

Section 10. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

CITY OF BISMARCK
Ordinance No. XXXX

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

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.

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 thirty-six (36) months, 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.