

PUBLIC HEARINGS

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

4. **Sandy River Place Subdivision – Final Plat (JW)**..... 25
Hay Creek Township
Staff recommendation: continue approve continue table deny

5. **Meadowlark Commercial 9th Addition (JT)**
 - a. **Zoning Change (RT & P to CG)**..... 33
Staff recommendation: continue approve continue table deny
 - b. **Minor Subdivision Final Plat** 37
Staff recommendation: continue approve continue table deny

6. **Lot 18, Block 1, Edgewood Village Fifth Addition – Zoning Change (RM15 to R10)(JW)**.....43
Staff recommendation: approve approve continue table deny

7. **University of Mary Second Subdivision – Zoning Change (A & RR to RR) (Klee)**..... 47
Staff recommendation: approve approve continue table deny

8. **Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition – Zoning Change (R5, RT & PUD to PUD) (JT)**..... 51
Staff recommendation: approve approve continue table deny

9. **Kamrose Crossing – PUD Amendment (JT)** 79
Staff recommendation: approve approve continue table deny

10. **Schilling First Subdivision – PUD Amendment (JT)**..... 89
Staff recommendation: approve approve continue table deny

11. **Lot 2, Block 5, Prairie View Subdivision – Special Use Permit (accessory building) (JW)** 103
Apple Creek Township
Staff recommendation: continue approve continue table deny

12. **Future Land Use Plan (FLUP) – Future Land Use Plan Amendments/Modifications (DN)** 107
Staff recommendation: approve approve continue table deny

13. **Special Uses/Asphalt & Concrete Production Facilities – Zoning Ordinance Text Amendment (Klee)**..... 115
Staff recommendation: approve approve continue table deny

OTHER BUSINESS

14. Other

ADJOURNMENT

15. Adjourn. The next regular meeting date is scheduled for **December 16, 2015**.

Enclosures: Meeting Minutes of October 28, 2015
Building Permit Activity Month to Date Report for October 2015
Building Permit Activity Year to Date Report for October 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Various P-Public District Zoning Changes (R5, RM15, and R30 to P) – Phase 1 of 6		
Status: Planning Commission – Consideration	Date: November 17, 2015	
Owner(s): City of Bismarck	Engineer: N/A	
Reason for Request: Rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map.		
Location: Various tracts of land north of Interstate 94 and west of Us Highway 83.		
Project Size: 33.87 acres	Number of Lots: 10 Tracts	
EXISTING CONDITIONS:		
PROPOSED CONDITIONS:		
Land Use: Parks, school, and stormwater facilities.	Land Use: Parks, school, and stormwater facilities.	
Zoning: R5 – Residential RM15 – Multi-family Residential RM30 – Multi-family Residential	Zoning: P – Public	
Uses Allowed: R5 – Residential RM15 – Multi-family Residential RM30 – Multi-family Residential	Uses Allowed: Parks, schools, stormwater facilities, and other public uses	
Maximum Density Allowed: R5 – 5 units/acre RM15 – 15 units/acre RM30 – 30 units/acre	Maximum Density Allowed: N/A	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning changes are outside the area covered in the Future Land Use Plan in the 2014 Growth Management Plan. 2. The proposed zoning change would be compatible with adjacent land uses. 3. The proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

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

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from R5 - Residential to P – Public zoning district for the properties described as:

Lot 1, Block 4, Pinehurst 6th Addition.

All of Block 1, Northwest Addition less that portion replatted into Pinehurst 6th Addition.

Auditor's Lot 2 of the NW ¼, Section 28, Township 139N, Range 80W, less the East 53 feet thereof.

Lots 15 and 16, Block 2, County West XXVI Addition.

Lot 16, Block 4, K&L's 2nd Addition, less Lot 16A and Lot 9A of Lot 9, Block 4, K&L's 2nd Addition.

Lot 1, Block 7, County West XXVIII Addition.

And the zoning change from RM15 – Residential to P – Public zoning district for the properties described as:

Lot 2, Block 4, Pinehurst 6th Addition.

Lot 1, Block 2, Menards 2nd Addition.

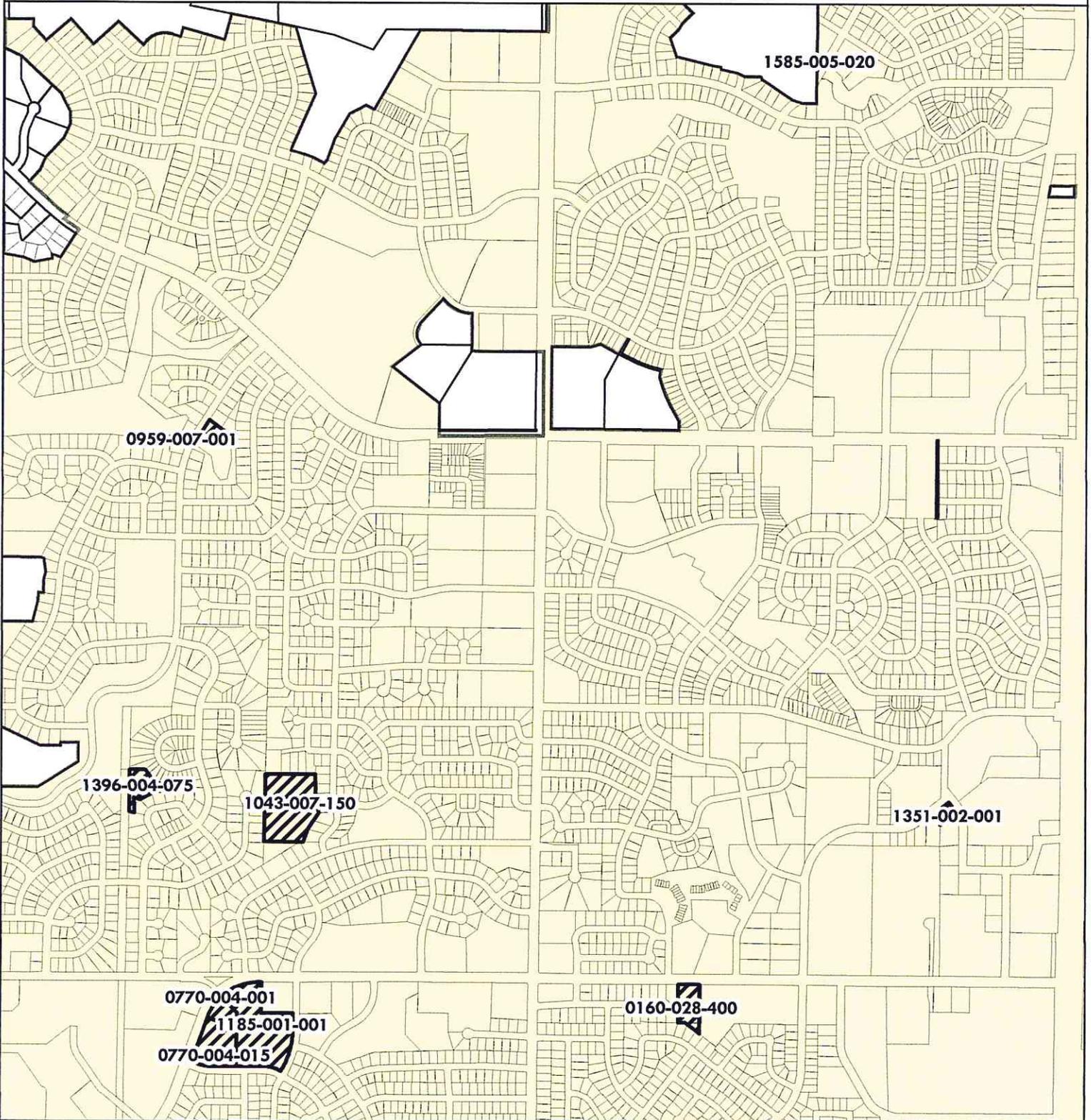
Lot 7, Block 7, High Meadows Addition, less a parcel of land located in the NW ¼ of the SE ¼ of Section 20, Township 139N, Range 80W, being a portion of Lot 7, Block 7, High Meadows Addition; being further described as follows: commencing at a ¾" iron pipe at the SW corner of Lot 7, Block 7, High Meadows Addition; Then N 89-55-47 E on the South line of Lot 7, Block 7, a distance of 382.68 feet to the point of beginning. Then N 19-42-21 E a distance of 139.16 to a capped "T" iron; Thence S 75-39-14 E to a capped "T" iron set on the West right-of-way line of Overlook Drive; Thence Southerly on the arc of the curve concave to the East having a radius of 145.00 feet and a central angle of 47-18-57 a distance of 94.43 feet to a capped "T" iron set on the South line of Lot 7, Block 7, High Meadows Addition; thence S 89-55-47 W on said South line a distance of 150.00 feet to the point of beginning.

And the zoning change from RM30 - Residential to P – Public zoning district for the properties described as:

Lot 2, Block 5, Sonnet Heights Subdivision 1st Replat

/dn

Various P-Public Zoning Changes (R5, RM15 & RM30 to P) North of I-94 and West of State Street



November 6, 2015 (dan)

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: Promontory Point VI Addition – Partial Annexation		
Status: Annexation – Final Consideration	Date: November 17, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Annex a portion of the proposed subdivision.		
Location: Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N-R81W and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township)		
Project Size: 1.51 acres	Number of Lots: 2 lots in 2 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The applicant has elected to annex only a small portion of the proposed subdivision at this time, and then annex the remainder of the subdivision at some time in the future before public infrastructure is extended to the site. 2. The annexation is necessary to create a path to the proposed Promontory Point VII Addition, where several lots must be annexed prior to recordation of that plat. These lots must be annexed because they are divided by a township line and, if remaining in the county, would be split between two separate taxing entities. State law would also require the plat to show the statutory section line right-of-way if the portions of the plat crossing the section line are outside of city limits at the time the plat is recorded. 		
<i>(continued)</i>		

FINDINGS:

1. The City and other agencies would be able to provide necessary public services, facilities and programs to serve the lots proposed for annexation.
2. The proposed annexation would not adversely affect property in the vicinity.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and planning practice.

RECOMMENDATION:

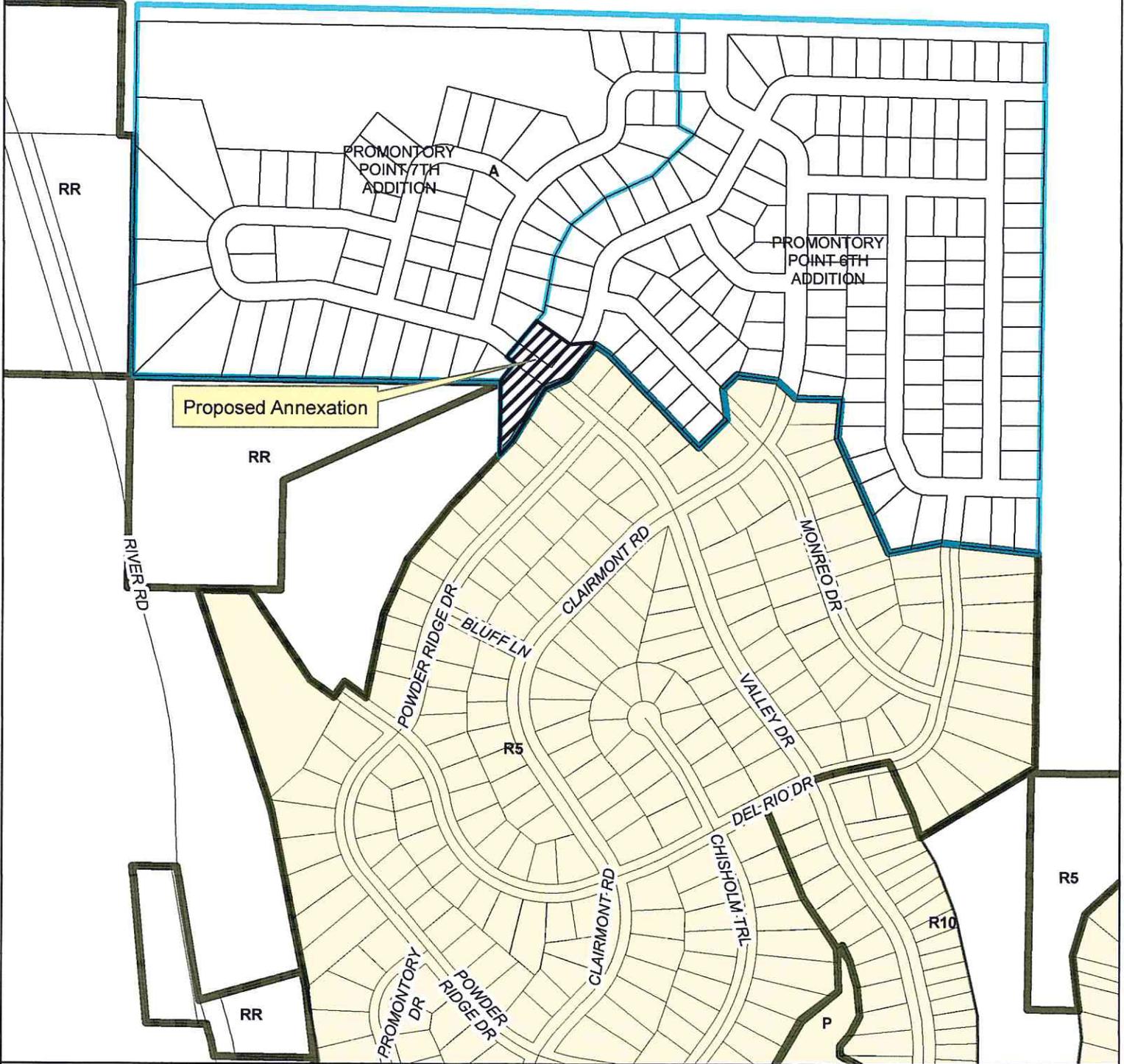
Because the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for an annexation.

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 annexation of Lot 1, Block 1 and Lot 1, Block 2, Promontory Point VI Addition.

/dn

Proposed Annexation
Lot 1, Block 1 and Lot 1, Block 2 and the proposed
Valley Drive right-of-way and a portion of the proposed
Mallard Way right-of-way within, Promontory Point VI Addition



June 15, 2015 (h1b)

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PROMONTORY POINT VI
ADDITION
ANNEXATION MAP

DESCRIPTION:

PROMONTORY POINT VI:
BLOCK 1 - LOT 1
BLOCK 2 - LOT 1
CONTAINING 1.50± ACRES

LEGEND:

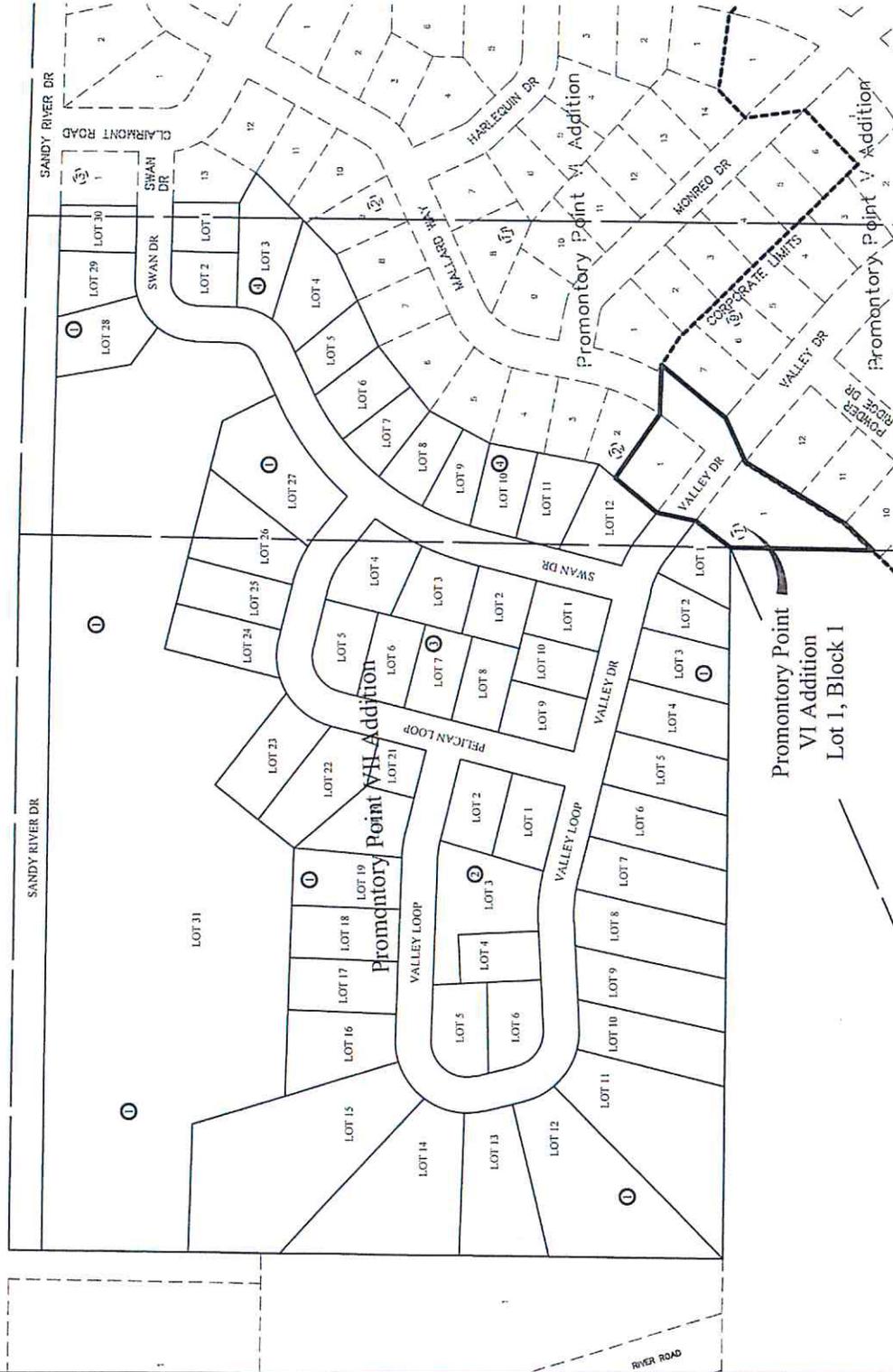
--- CURRENT CORPORATE LIMITS
— PROPOSED CORPORATE LIMITS



PHONE: 701.354.7121
505 EAST WYOMING, STE. 101
DALLAS, TEXAS 75201
www.sehinc.com



Date: 9/25/15



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VI Addition – Zoning Change (A to R5)		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Plat and rezone the property to allow the development of 131 single-family residential lots.		
Location: Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N-R81W and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township)		
Project Size: 56.34 acres	Number of Lots: 131 lots in 12 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change generally conforms to the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. The plan identifies the land as Low-Density Residential. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include agricultural land to the north and east, and developing single-family lots in prior phases of Promontory Point to the south. 3. The proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 		
<i>(continued)</i>		

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

RECOMMENDATION:

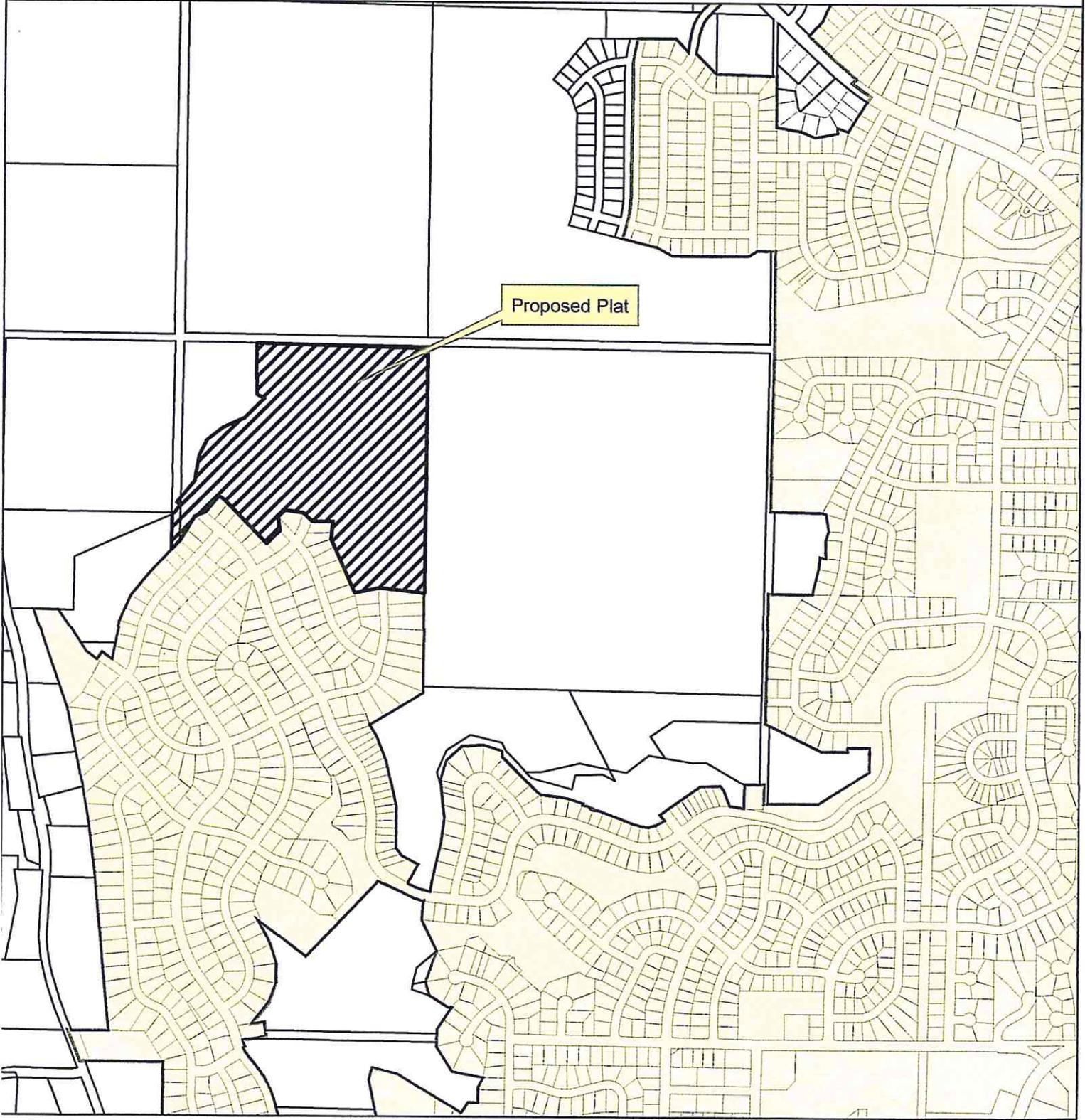
Because the storm water management plan for the final plat has not yet been approved by the City Engineer, staff recommends holding the public hearing but continuing action on the request for a zoning change.

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 for the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district for Promontory Point VI Addition.

/dn

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



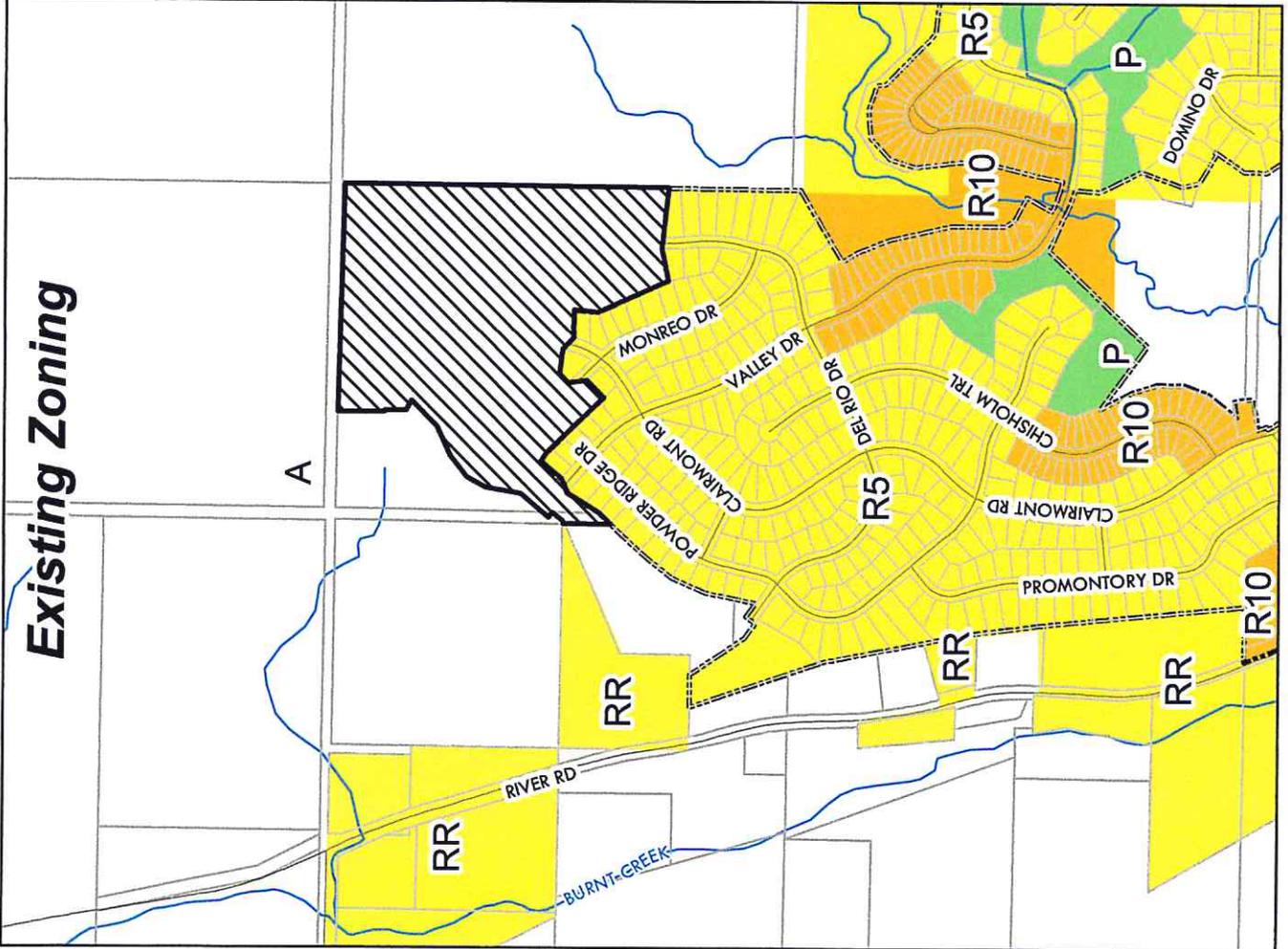
June 15, 2015 (h1b)

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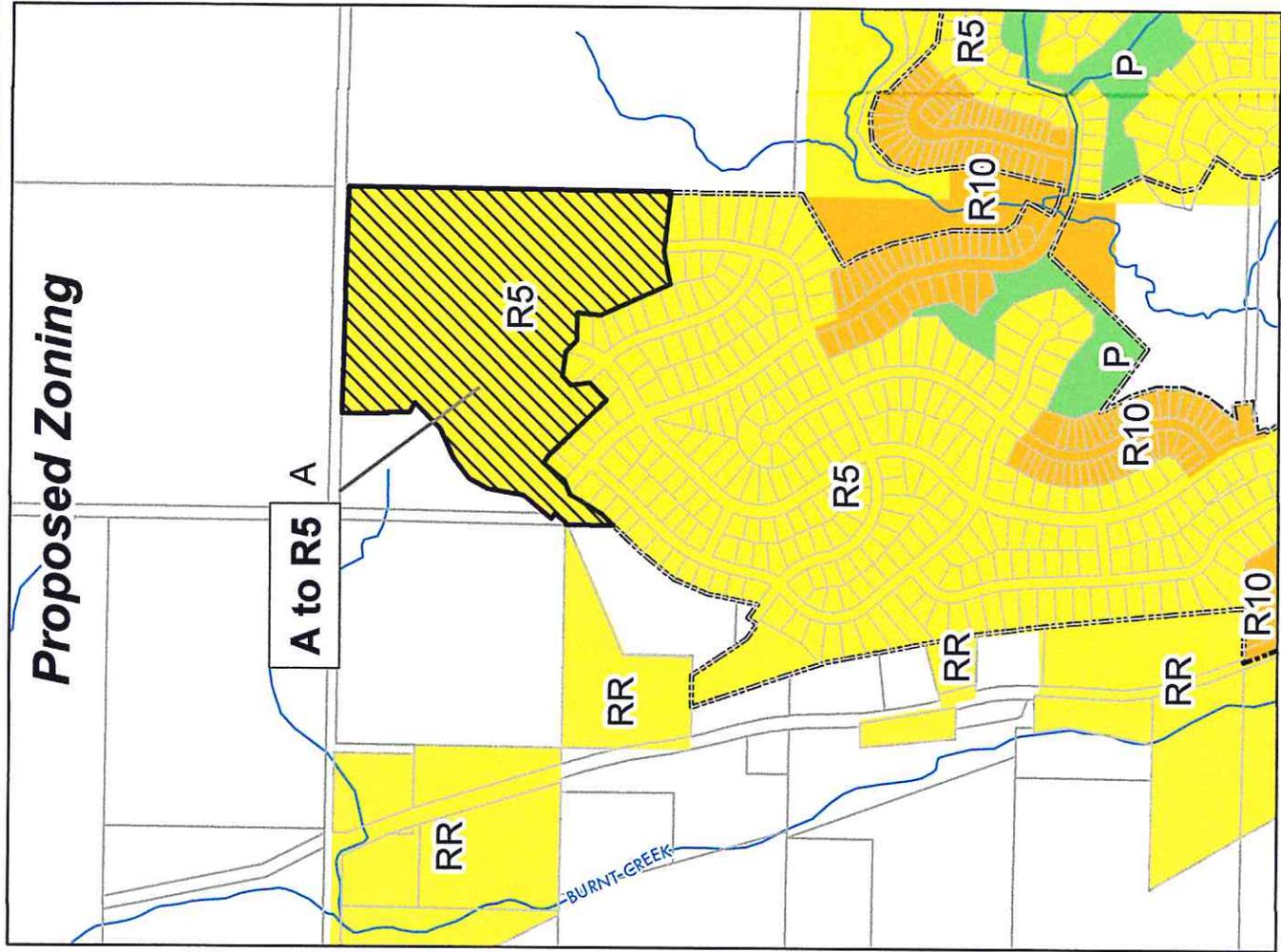


Promontory Point VI Addition - Zoning Change

Existing Zoning



Proposed Zoning



August, 2015

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Promontory Point VI Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Lancelot Development, Inc. Santa Fe, LLP	Engineer: SEH, Inc.	
Reason for Request: Plat and rezone property to allow the development of 131 residential lots.		
Location: Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N-R81W and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township)		
Project Size: 56.34 acres	Number of Lots: 131 lots in 12 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Land Use: Undeveloped	Land Use: Low-density residential	
Zoning: A – Agriculture	Zoning: R5 – Residential	
Uses Allowed: A – Agriculture	Uses Allowed: Single-family residential	
Maximum Density Allowed: A – One unit/40 acres	Maximum Density Allowed: R5 – 5 units/acre	
PROPERTY HISTORY:		
Zoned: N/A	Platted: N/A	Annexed: N/A
ADDITIONAL INFORMATION:		
<p>1. The applicant and the Bismarck Parks and Recreation District are in the process of developing a Park Development Agreement that would satisfy the conditions for both Promontory Point VI Addition and Promontory Point VII Addition. The land and general layout of the proposed park have been determined and an illustration is attached. The applicant and Park District are still in discussion over the appraised value of the land and the benefitting properties for a special assessment district.</p> <p style="text-align: right;"><i>(continued)</i></p>		

2. The City Engineer has not approved the stormwater management plan for Promontory Point VI Addition. The draft stormwater management plan for the subdivision relies on proposed detention areas that would be included with the development of Promontory Point VII Addition, which has been tentatively approved by the Planning and Zoning Commission. These facilities should be constructed prior to the issuance of any building permits for Promontory Point VI Addition. If the plat for the next phase is not recorded, the land utilized for stormwater facilities must be protected by easement.
3. The plat includes 60 feet of right-of-way for a future extension of Sandy River Drive that is planned to be constructed along the section line at the northern border of the plat. This alignment is shown on the Fringe Area Roadway Master Plan as an arterial roadway. The dedication would meet half of the required width with the expectation that the balance would be dedicated when the lands to the north are developed. This roadway would not be constructed with Promontory Point VI Addition.
4. Although prior phases of Promontory Point subdivisions include steep slopes that were regulated with slope protection easements shown on the plat, Promontory Point VI Addition does not contain any steep slopes.
5. Blocks 5, 7, and 8 are greater than 900 feet in length. Per Section 14-09-05 of the Bismarck Code of Ordinances, the Planning and Zoning Commission may require multi-use paths and easements to provide additional access through blocks of this length. The plat shows three access easements, each of which are 20 feet in width, to provide pedestrian and bicycle access through the middle of these longer blocks. The developer would only be responsible for constructing the path through Blocks 7 and 8. The access through Block 5 can be constructed if lands to the east of the subdivision are developed in the future. The intent of these pathways is to create local transportation access and amenity for the neighborhood, not necessarily to provide for regional use. The paths would be maintained by a future neighborhood association, and provisions for such should be written into the agreements.

FINDINGS:

1. There preliminary plat was tentatively approved by the Bismarck Planning and Zoning Commission at their meeting of August 26, 2015.
2. All technical requirements for consideration of a preliminary plat have been met.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan for this area, which identifies Clairmont Drive as a future north-south collector and Sandy River Drive as a future east-west arterial roadway.
4. The storm water management plan has not been approved by the City Engineer.
5. The proposed subdivision is compatible with adjacent land uses. Adjacent land uses include agricultural land to the north, west, and east and developing single-family lots to the south.
6. The subdivision would not be annexed at this time, but will be annexed prior to development. Therefore, the proposed subdivision would not place an undue burden on public facilities and services.
7. The City and other agencies would be able to provide necessary public services, facilities, and programs to serve the development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision plat is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.

(continued)

9. The proposed subdivision plat 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.

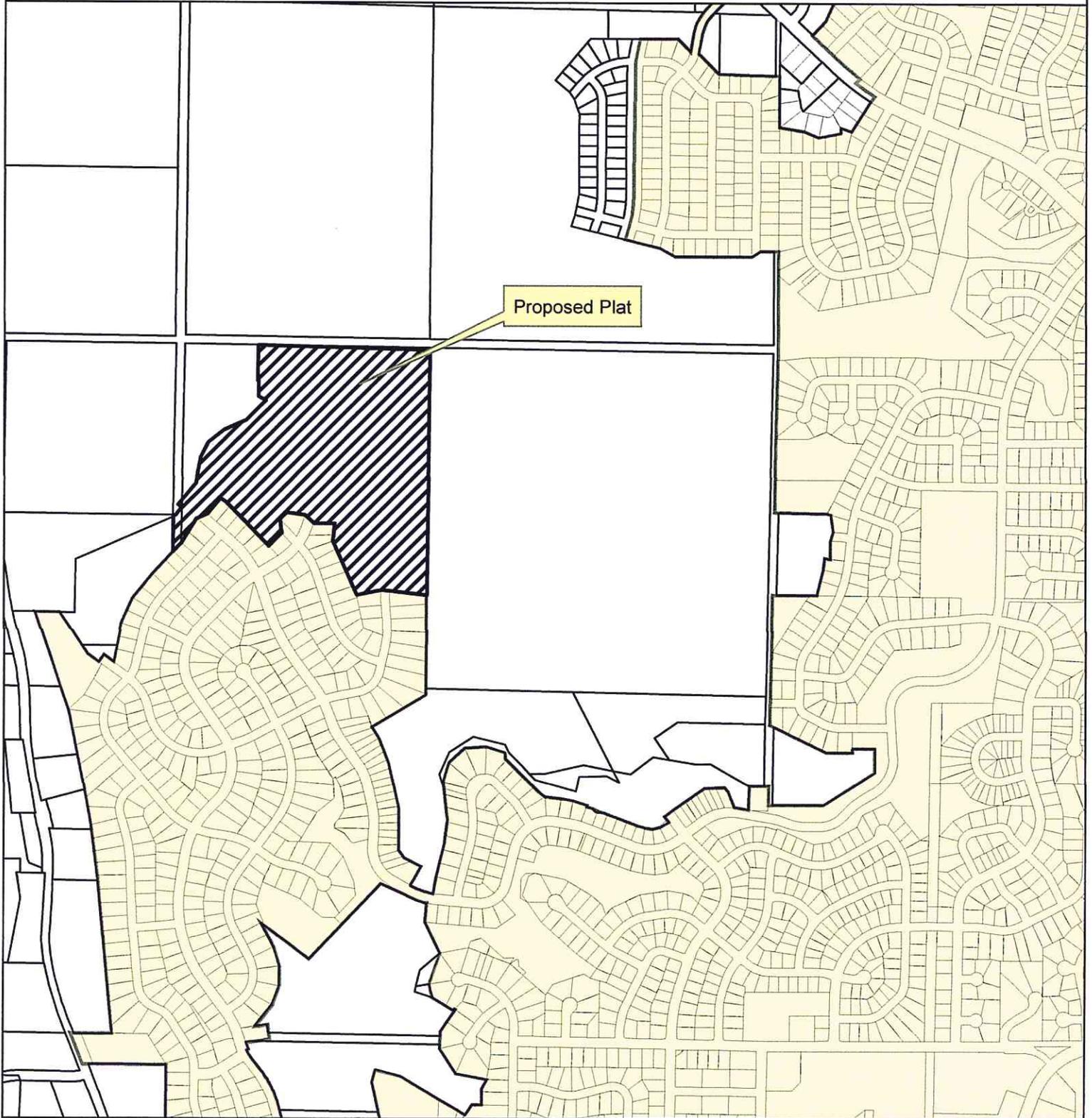
If the storm water management plan is approved by the City Engineer prior to the Planning and Zoning Commission meeting, staff will change its recommendation to:

Based on the above findings, staff recommends approval of the final plat for Promontory Point VI Addition, subject to the following conditions:

1. A Park Development Agreement is signed by the applicant and the Bismarck Parks and Recreation District prior to the subdivision plat being forwarded to the City Commission for final action.
2. All Stormwater management facilities outlined in an approved stormwater management plan, whether inside or outside the boundaries of the plat, are installed prior to the issuance of any building permit within Promontory Point VI Addition, and sufficient land for said facilities is designated either on a plat or a separate easement.

/dn

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



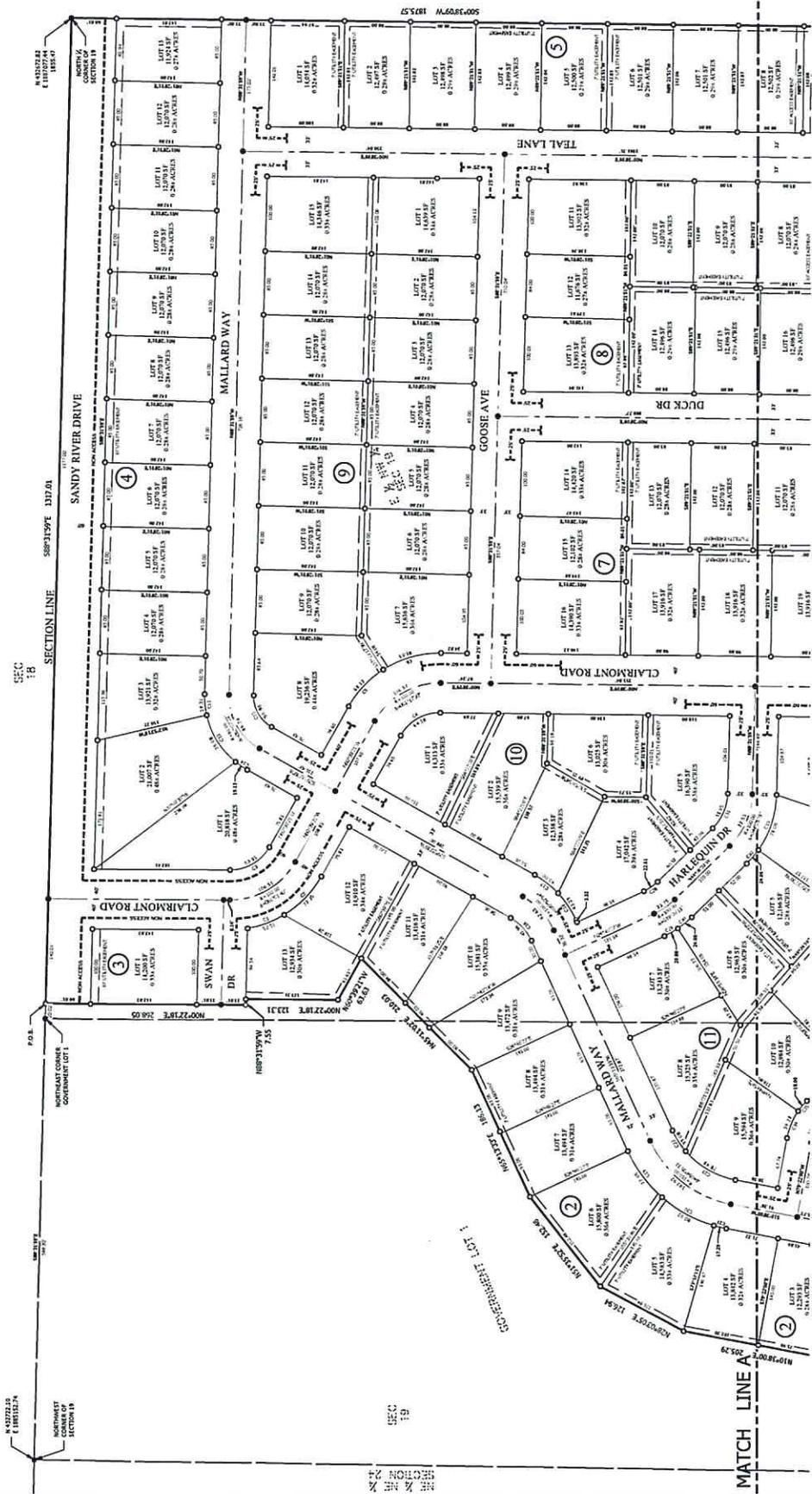
June 15, 2015 (hlb)

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PROMONTORY POINT VI ADDITION

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



PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C21	016°07'37"	117.00'	33.00'
C23	032°25'56"	117.00'	78.48'
C28	018°20'11"	87.00'	23.81'
C29	005°59'48"	133.00'	20.88'
C30	010°20'25"	133.00'	24.00'
C31	044°25'21"	87.00'	51.95'
C32	010°21'50"	133.00'	24.90'
C33	034°03'29"	133.00'	79.06'

PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C14	009°45'02"	113.00'	19.13'
C15	063°07'22"	47.00'	50.98'
C16	035°32'54"	87.00'	41.98'
C17	017°13'55"	133.00'	40.00'
C18	016°39'00"	133.00'	43.29'
C19	024°07'31"	183.00'	77.05'
C20	003°03'15"	183.00'	60.02'
C21	005°24'47"	183.00'	17.29'

PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C1	017°29'30"	140.00'	52.51'
C2	020°36'28"	140.00'	72.35'
C3	081°01'40"	80.00'	83.91'
C4	081°17'30"	60.00'	64.18'
C5	027°32'39"	140.00'	88.12'
C6	033°24'32"	140.00'	81.65'
C13	038°04'01"	113.00'	75.06'

LEGEND:

- FOUND MONUMENT
- MARK BY LAP LASH
- ROADWAY POINT
- LOT BOUNDARY
- - - - - EASEMENT
- - - - - ADJACENT LOT LINE
- SECTION LINE

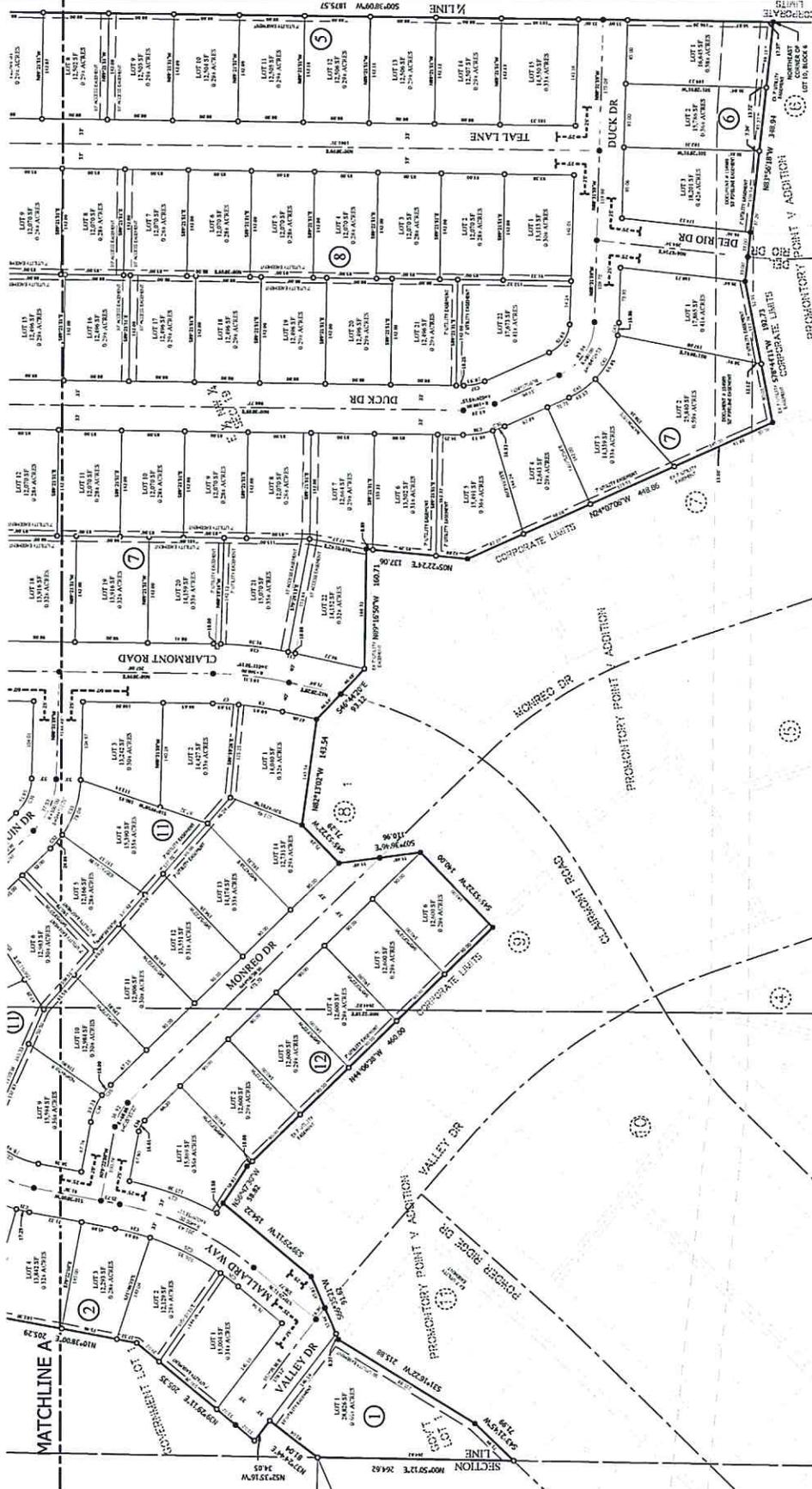
SEH
 923 MAIN AVENUE, STE. 101
 BISMARCK, ND 58004-6644
 WWW.SEH.COM

SCALE: 1" = 40'

N

PROMONTORY POINT VI ADDITION

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



PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C27	016°34'49"	433.00'	125.30'
C34	024°10'00"	93.00'	39.23'
C35	011°05'22"	93.00'	18.00'
C36	035°52'27"	27.00'	16.81'
C37	024°45'15"	67.00'	28.85'
C38	017°27'44"	133.00'	40.53'
C39	007°17'31"	133.00'	16.83'
C40	064°24'53"	47.00'	52.84'

PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C7	007°21'33"	460.00'	35.00'
C8	007°29'48"	460.00'	60.05'
C9	001°03'40"	340.00'	10.00'
C10	009°42'59"	340.00'	91.50'
C11	001°03'40"	340.00'	10.00'
C24	007°35'38"	387.00'	48.64'
C25	016°38'09"	387.00'	106.35'
C26	004°39'26"	387.00'	28.85'

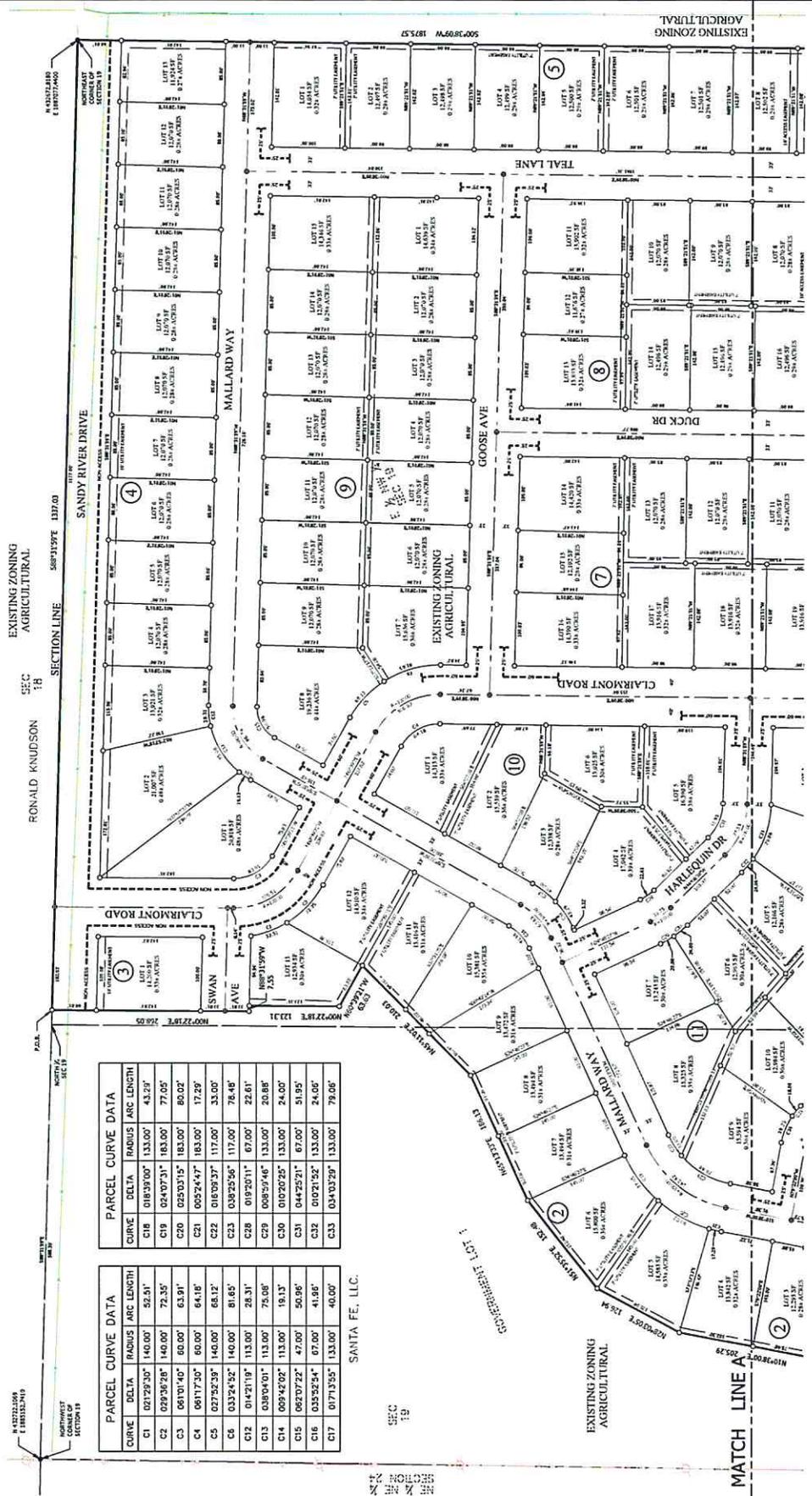
- LEGEND:
- FOUND MONUMENT
 - NEWM W/ CAP IS 844
 - ROADWAY POINT
 - PLAT BOUNDARY
 - - - - - REAL ACCESS LINE
 - - - - - PLATT FASHEMENT
 - - - - - ADJACENT LOT LINE
 - - - - - SECTION LINE



ENGINE: DAN SUE, DTS
 932 BACON AVENUE, STE 103
 BISMARCK, ND 58006-6604
 www.seh.com

PROMONTORY POINT VI ADDITION

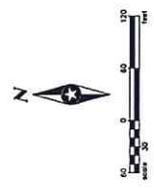
Part of the East Half of the Northwest Quarter and Part of Government Lot 1 of Section 19,
 Township 139 North, Range 80 West of the Fifth Principal Meridian,
 City of Bismarck, Burleigh County, North Dakota



PARCEL CURVE DATA			
CURVE	BETA	RADIUS	ARC LENGTH
C1	019°29'30"	140.00'	52.51'
C2	029°30'28"	140.00'	72.35'
C3	061°01'40"	80.00'	63.91'
C4	061°17'30"	60.00'	64.18'
C5	027°52'39"	140.00'	68.12'
C6	033°24'52"	140.00'	81.85'
C7	014°21'18"	113.00'	28.31'
C8	039°04'01"	113.00'	75.08'
C9	009°42'02"	113.00'	19.13'
C10	062°07'22"	47.00'	50.96'
C11	035°52'54"	87.00'	41.98'
C12	071°19'55"	133.00'	40.00'

SANTA FE, LLC

SEC 19

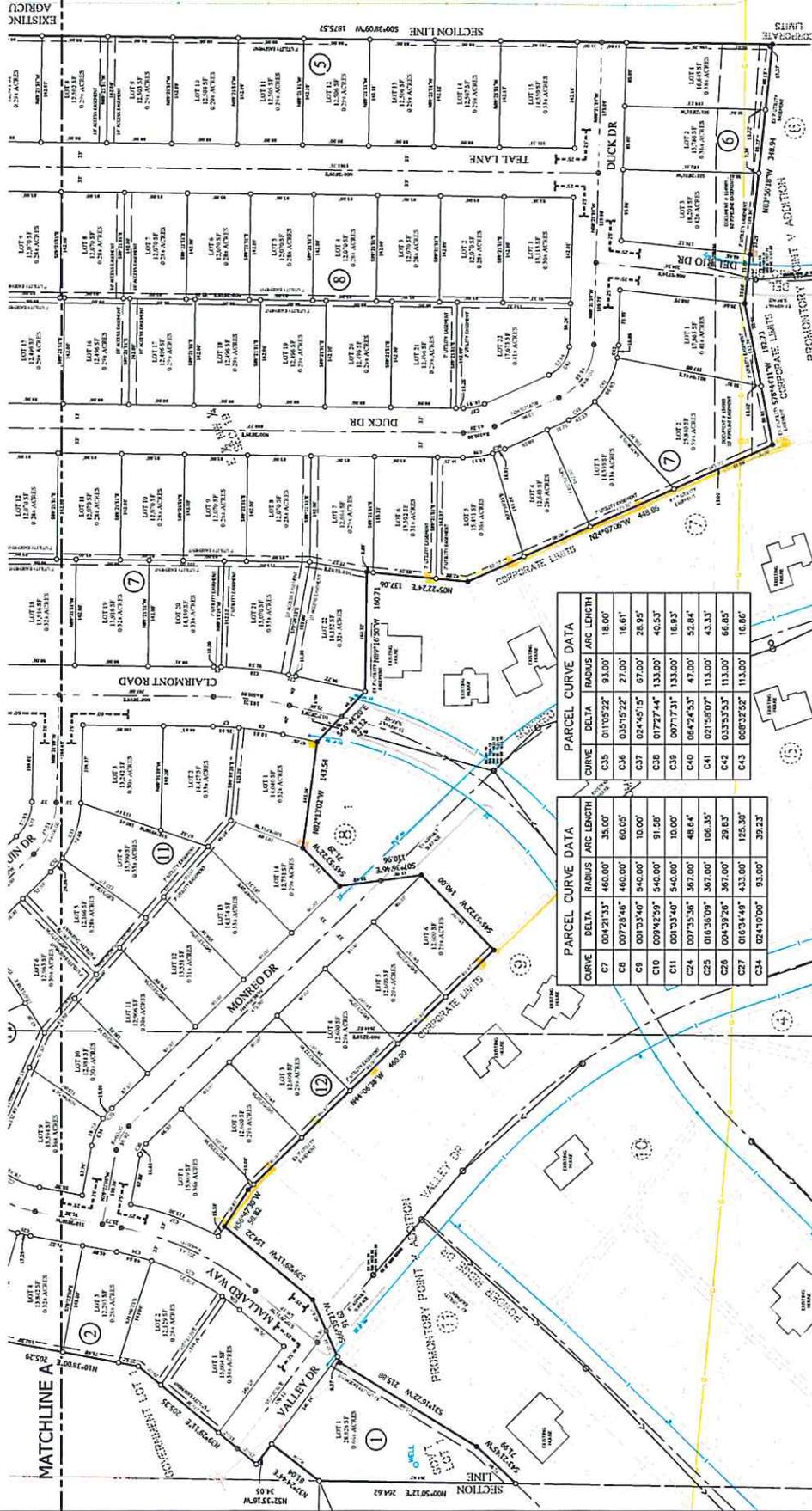


- LEGEND**
- FOUND MONUMENT
 - 5/8" REBAR W/ CAP LS-6444
 - COMPUTED ROADWAY POINT



PROMONTORY POINT VI ADDITION

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



PARCEL CURVE DATA		
CURVE	DELTA	RADIUS ARC LENGTH
C7	004°21'33"	460.00'
C8	007°28'46"	460.00'
C9	001°03'40"	540.00'
C10	009°42'59"	540.00'
C11	001°03'40"	540.00'
C12	007°25'36"	567.00'
C13	016°36'09"	567.00'
C14	004°39'26"	567.00'
C15	016°34'48"	433.00'
C16	024°10'00"	93.00'
C17	015°05'22"	93.00'
C18	035°15'22"	27.00'
C19	024°45'15"	67.00'
C20	07°27'44"	133.00'
C21	007°17'31"	133.00'
C22	08°24'53"	47.00'
C23	031°56'07"	113.00'
C24	033°53'53"	113.00'
C25	008°32'52"	113.00'
C26	024°10'00"	93.00'



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

NOTE:
 Existing Monuments from City of Bismarck, GIS System, not field located.



EXHIBIT A-1 DIAGRAM OF PARK AREA

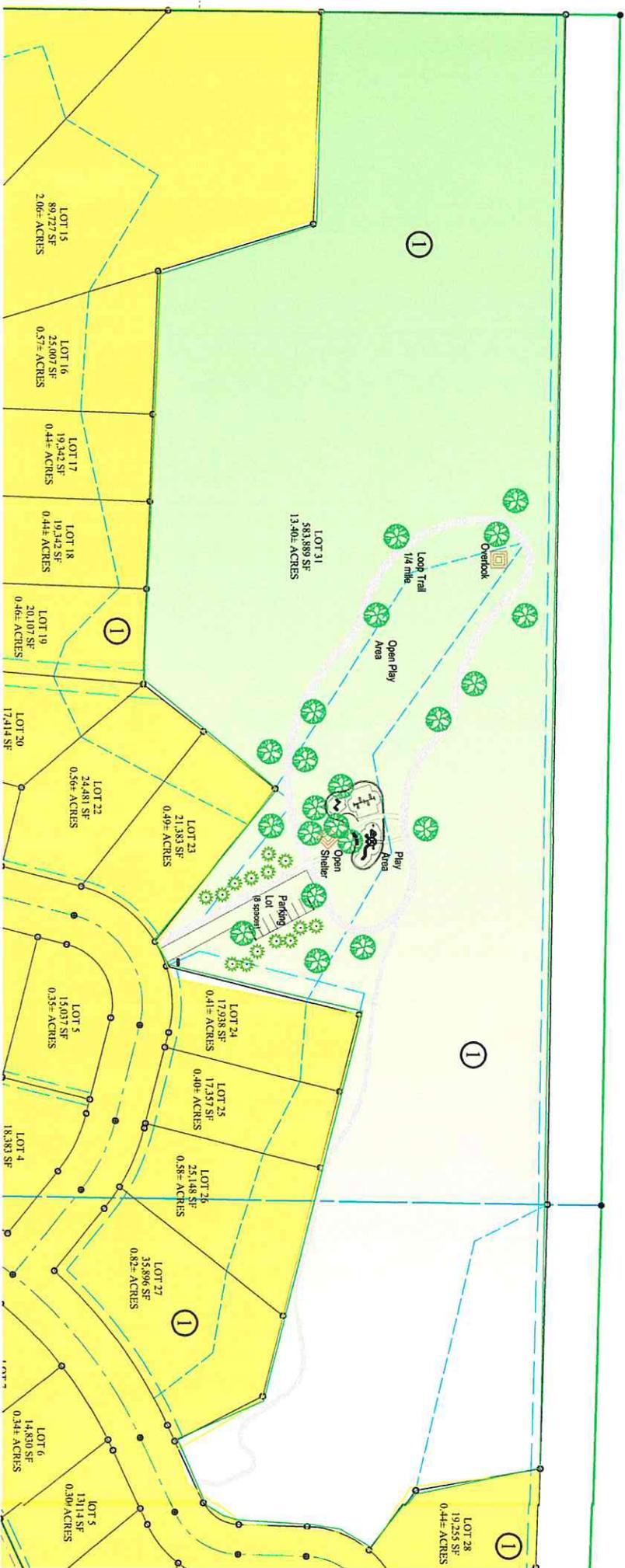


Exhibit B - Park amenities and Cost Estimate of the Individual Park Amenities				
Promontory Park				
	QTY	UNIT	PRICE	TOTAL PRICE
NEIGHBORHOOD PARK FEATURES - general assessment				
EARTHWORK/INFRASTRUCTURE				
General Grading	1	LS	20000.00	\$20,000.00
Water Service/Irrigation	1	LS	12000.00	\$12,000.00
Earthwork/Infrastructure Total				\$32,000.00
PLAY EQUIPMENT				
Play Equipment & Installation	1	LS	90000.00	\$90,000.00
Wood Fiber	1	LS	10000.00	\$10,000.00
Play Equipment Total				\$100,000.00
PICNIC SHELTER				
Wood Shelter with Metal Roof	1	LS	30000.00	\$30,000.00
Overlook Shelter with Metal Roof	1	LS	20000.00	\$20,000.00
Electric to Main Shelter	1	LS	10000.00	\$10,000.00
Shelter Total				\$60,000.00
PAVEMENT				
Shelter Pads	500	SF	6.00	\$3,000.00
Trail Loop	13300	SF	5.00	\$66,500.00
Play Access Path	810	SF	6.00	\$4,860.00
Play Curb	260	LF	22.00	\$5,720.00
Paving Total				\$80,080.00
FURNISHINGS				
Benches	2	EA	800.00	\$1,600.00
Picnic Tables	6	EA	800.00	\$4,800.00
Grill	1	EA	200.00	\$200.00
Furnishings Total				\$6,600.00
PLANTINGS				
Evergreen Trees	29	EA	250.00	7,250.00
Deciduous Trees	20	EA	250.00	5,000.00
Ornamental Grasses/Perennials	45	EA	15.00	675.00
Lawn Seed/Prep	60000	SF	0.15	9,000.00
Plantings Total				21,925.00
NEIGHBORHOOD PARK AMENITIES TOTAL				300,605.00
DISTRICT-WIDE PARK FEATURES - BPRD assessment				
Parking Lot				
Parking Lot	5800	SF	6.00	\$34,800.00
DISTRICT-WIDE AMENITIES TOTAL				34,800.00

Estimated park costs	\$ 335,405
Land costs	\$ 270,000
Estimated consultant fees	\$ 36,895
Assessment fees	\$ 60,541
10% contingencies	\$ 37,230
Total estimated cost	\$ 740,070

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Sandy River Place Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: November 17, 2015
Owner(s): Greg and Marny Lang Ross Lang	Engineer: Swenson, Hagen & Company
Reason for Request: Replat property to increase the number of single-family rural residential lots from two to eight.	
Location: Northwest of Bismarck, west of River Road along the south side of Sandy River Drive (A Replat of Lot 1 & 2, Block 1, Clouten's First Subdivision)	
Project Size: 19.51 acres	Number of Lots: 8 lots in 1 block
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: Rural residential	Land Use: Rural residential
Zoning: RR – Residential	Zoning: RR – Residential
Uses Allowed: Rural residential & limited agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 65,000 square feet	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: 01/1989	Platted: 01/1989
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The proposed subdivision is located within the Special Flood Hazard Area (SFHA) or 100-year floodplain and must meet all applicable requirements for development of a property located within the SFHA outlined in Section 14-04-19 of the City Code of Ordinances (Floodplain District). In addition, a federally designated wetland is also located within the proposed subdivision. The US Army Corps of Engineers (USACE) requires any impact to wetlands to first be avoided, second minimized and finally mitigated. The consulting engineer has indicated to staff that the wetland will be avoided. A waiver request was submitted to allow the use of a cul-de-sac (Sandy River Place). The request seems reasonable as the Nustar pipeline extends across the southern portion of the plat. In addition, property to the south of the proposed subdivision will have access to Fernwood Drive, a future arterial roadway for this section, when developed. 	
FINDINGS:	
<ol style="list-style-type: none"> The preliminary plat was tentatively approved by the Bismarck Planning and Zoning Commission at their meeting of August 26, 2015. 	
<i>(continued)</i>	

2. All technical requirements for approval of a final plat have been met.
3. The Hay Creek Township Board of Supervisors has recommended approval of the final plat.
4. The storm water management plan has not yet been approved by the City Engineer with written concurrence from the County Engineer.
5. The proposed subdivision is generally consistent with the 2014 Fringe Area Road Master Plan (FARMP) for this area, which identifies Sandy River Drive as a future arterial roadway.
6. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include agricultural property to the south, east, and north across Sandy River Drive, and rural residential to the west.
7. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Sandy River Drive via Sandy River Place; therefore, the proposed zoning change would not place an undue burden on public services.
8. The proposed subdivision would not adversely affect property in the vicinity.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

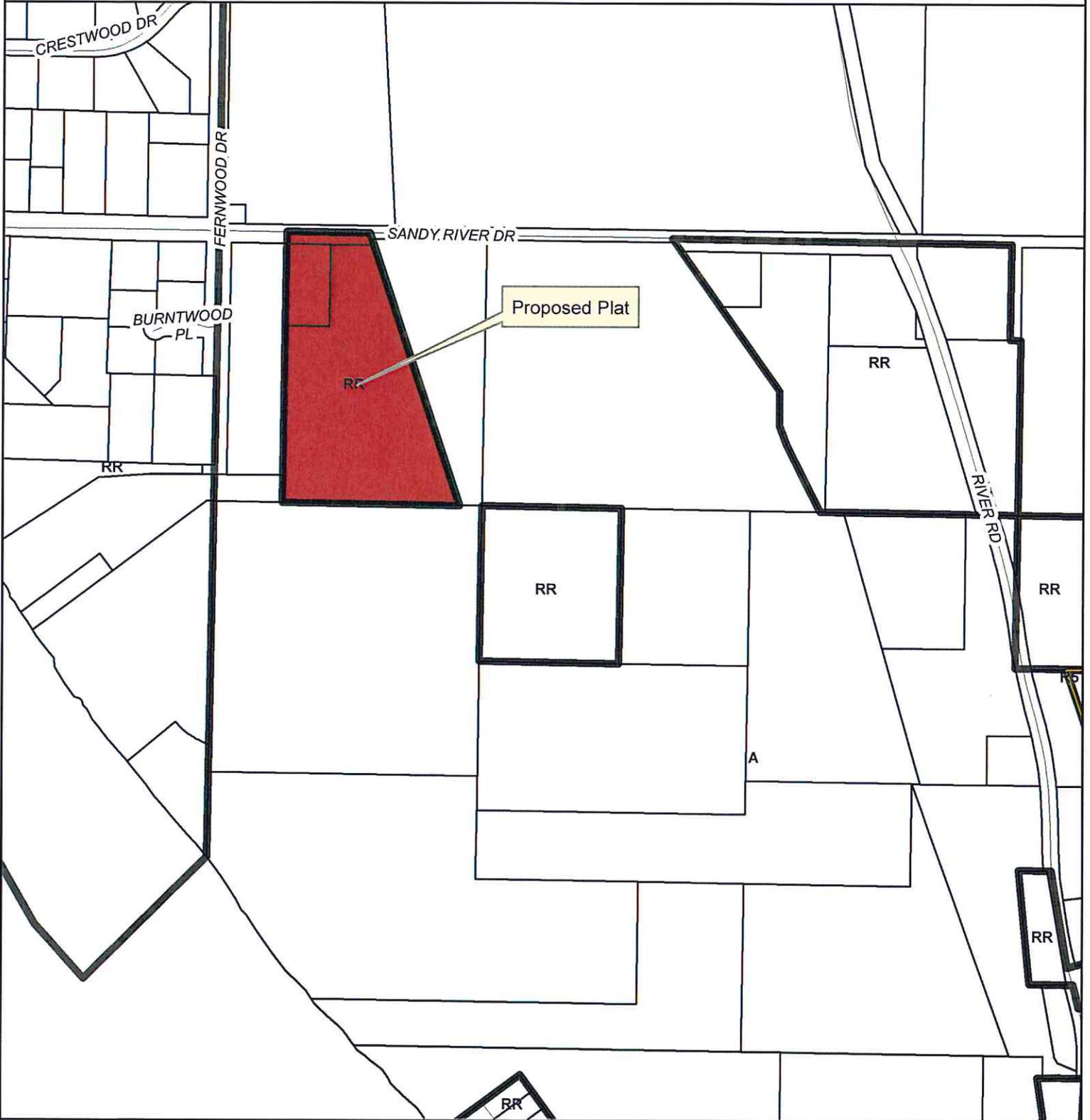
Because the storm water management plan has not yet been approved by the City Engineer with written concurrence with the County Engineer, staff recommends holding the public hearing but continuing action on the request for a final plat.

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

Based on the above findings, staff recommends approval of the final plat for Sandy River Place Subdivision, including the granting of a waiver to allow the use of a cul-de-sac (Sandy River Place)100 within the subdivision.

/JW

Proposed Plat Sandy River Place Subdivision



June 15, 2015 (hlb)

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Sandy River Place proposed cul de sac

Sandy River Place is a cul de sac and is limited by National Fire Code to a length of 750 feet.

The proposed subdivision is within the 100 year Flood Plain.

This will require construction of the road 4-5 feet above the existing ground.

That will make construction of Sand River Place difficult.

The Nustar Pipe Line lies approximately 300 feet south of the end of the cul de sac.

There has in the past been a tendency to avoid crossing the Nustar pipeline with roadway construction.

South of the pipeline is an isolated area approximately 200 feet wide and 800 feet long.

This will be the borrow area needed for construction of the roadway and building sites.

The borrow area will have standing water in the future and will be used for storm water storage.

The property to the south of this project will have access to a future arterial roadway.

The arterial roadway is shown on the Fringe Area Road Alignments.

Therefore the extension of Sandy River Place is not necessary.

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT OF SANDY RIVER PLACE SUBDIVISION AND HEREBY
RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT
(APPROVED)(DENIED). WE FURTHER RECOMMEND ACCEPTANCE OF THE
RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH COUNTY
BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH
CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

D. Leane
CHAIRMAN, TOWNSHIP BOARD

Sept 1, 2015
DATE

Alli Hein
ATTEST: TOWNSHIP CLERK

9/1/15
DATE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Ninth Addition – Zoning Change (P & RT to CG)		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Invesco Holdings, Inc Skyline Properties, LLC	Engineer: Wenck Associates	
Reason for Request: Replat and rezone property to allow for commercial development projects.		
Location: In north Bismarck, along the east side of North 19 th Street approximately ¼ mile north of 43 rd 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: 15.06 acres	Number of Lots: 4 lots in 1 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: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)	Platted: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)	Annexed: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)
ADDITIONAL INFORMATION:		
<p>\</p> <ol style="list-style-type: none"> 1. 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 of the 2014 Growth Management Plan. 2. The area currently zoned P – Public was initially going to be owned by the Bismarck Parks & Recreation District (BPRD). Currently, BPRD no longer has in interest in owning the property, with the condition that adequate rights-of-way or easements are provided to allow for the construction of a multi-use trail system along the east side of North 19th Street. 		

FINDINGS:

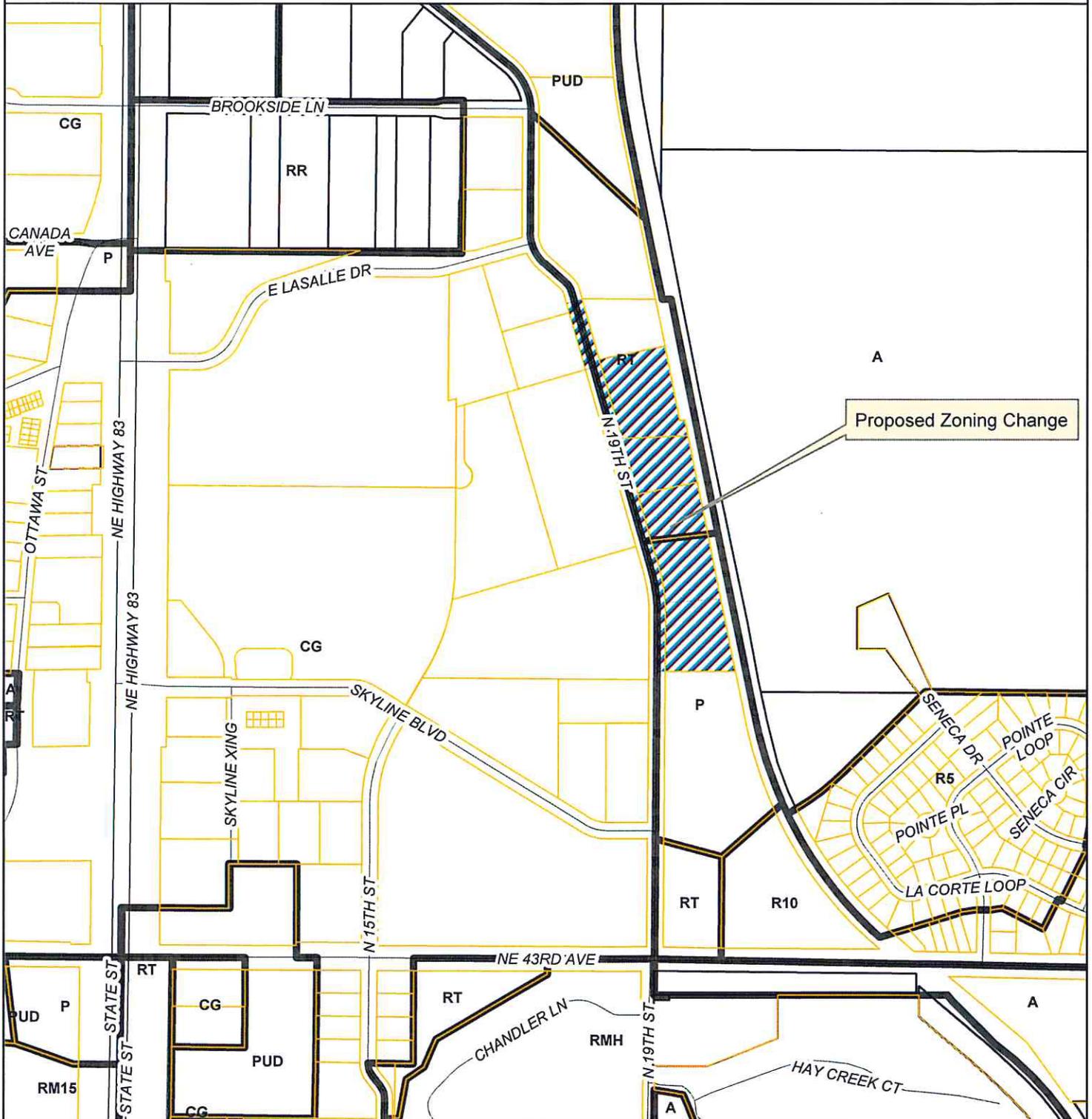
1. The proposed zoning change would not be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. Although the area proposed for the zoning change is outside of the area included in the FLUP, the FLUP identifies the undeveloped area to the east as medium density residential (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:

The applicant has requested the Planning & Zoning Commission delay action on this request and to continue the hearing until the December 16, 2015 meeting. Planning staff has no objections to the applicant's request to continue the hearing with the understanding that Planning staff would recommend to deny the zoning change request to CG – Commercial on Lots 1-4, Block 1, Meadowlark Commercial Ninth Addition. Planning staff would be supportive of the zoning change request to the RT – Residential zoning district for that portion currently zoned P – Public.

/jt

Proposed Zoning Change (P & RT to CG) Meadowlark Commercial Ninth Addition

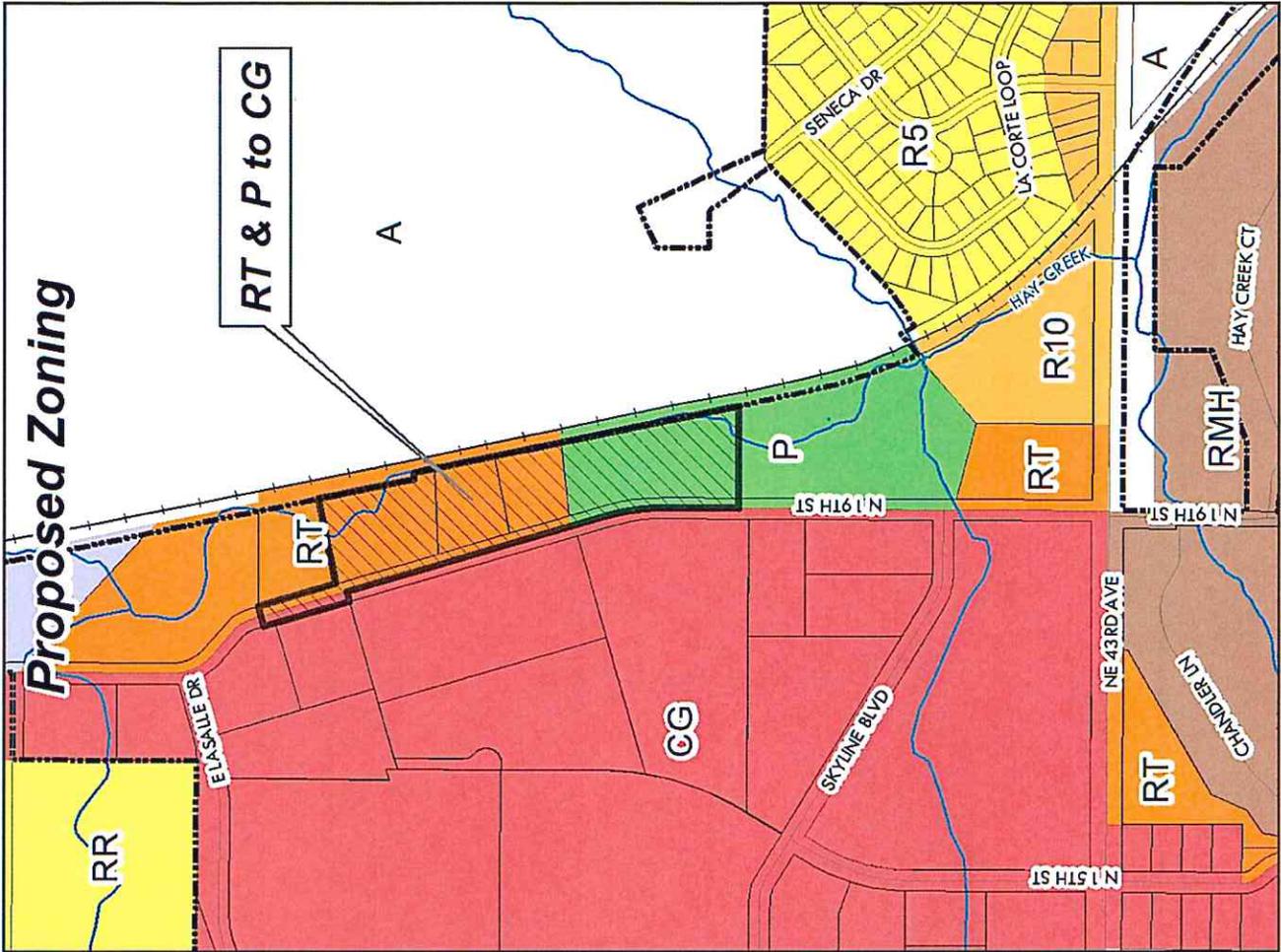
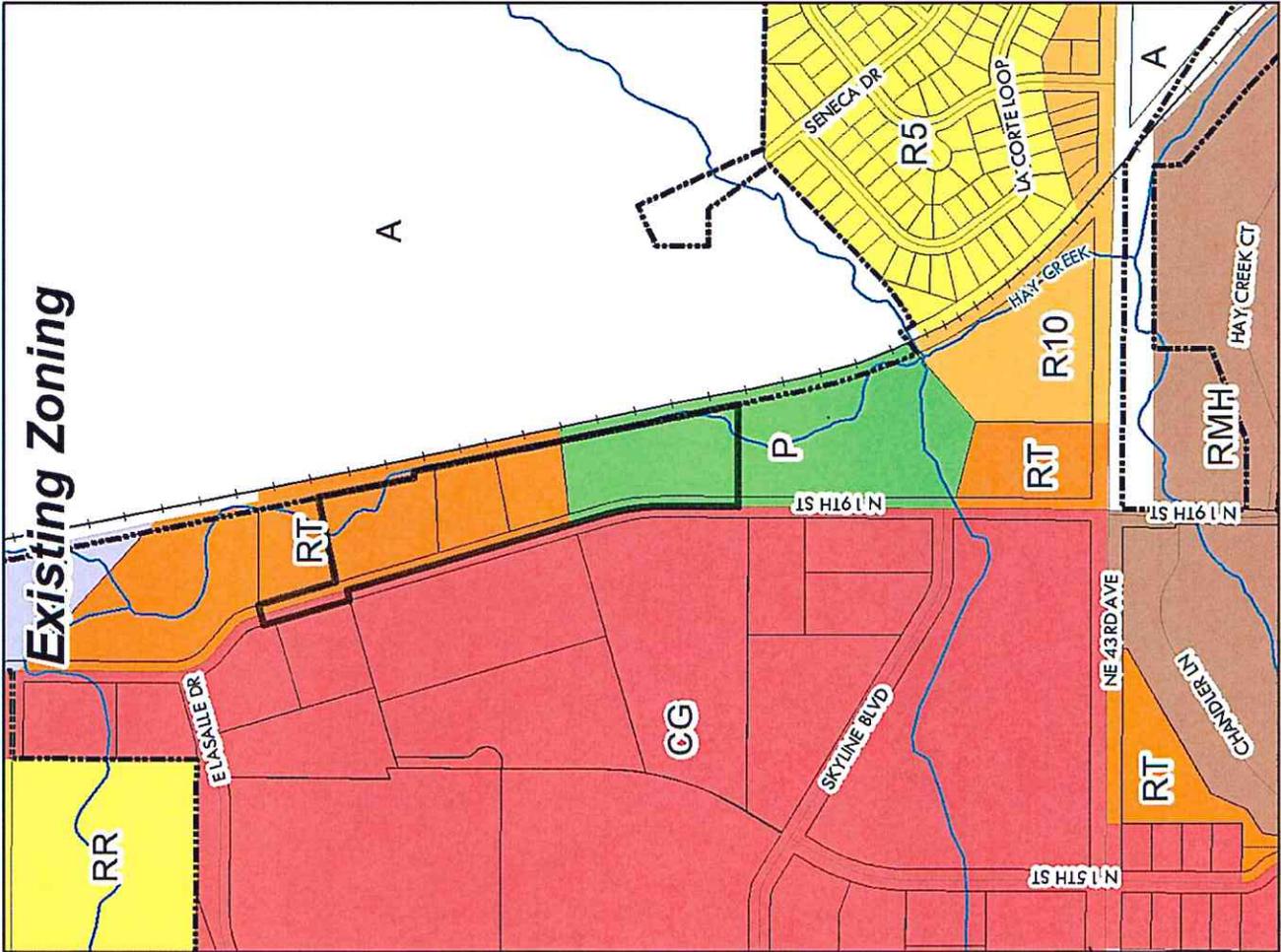


June 15, 2015 (h1b)

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Meadowlark Commercial Ninth Addition - Zoning Change



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. November, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Meadowlark Commercial Ninth Addition – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Invesco Holdings, Inc Skyline Properties, LLC	Engineer: Wenck Associates	
Reason for Request: Replat and rezone property to allow for commercial development projects.		
Location: In north Bismarck, along the east side of North 19 th Street approximately ¼ mile north of 43 rd 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: 15.06 acres	Number of Lots: 4 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
Zoning: P – Public RT – Residential	Land Use: General commercial	
Uses Allowed: P – Public parks, open space and multi-use trails RT – Multi-family dwellings and office uses	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: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)	Platted: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)	Annexed: 06/2005 (MC 3 rd Addition) 12/2014 (MC 7 th Addition)
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. A waiver has been granted by the City Engineer from the storm water management plan requirements. 3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 4. A request to change the zoning to allow commercial uses has been submitted in conjunction with proposed subdivision. The proposed zoning would not be entirely compatible with adjacent land uses. Adjacent land uses include developing commercial land uses to the north, south and west and undeveloped land to the east which has been identified as medium-density residential in the Future Land Use Plan in the 2014 Growth Management Plan. 		
<i>(continued)</i>		

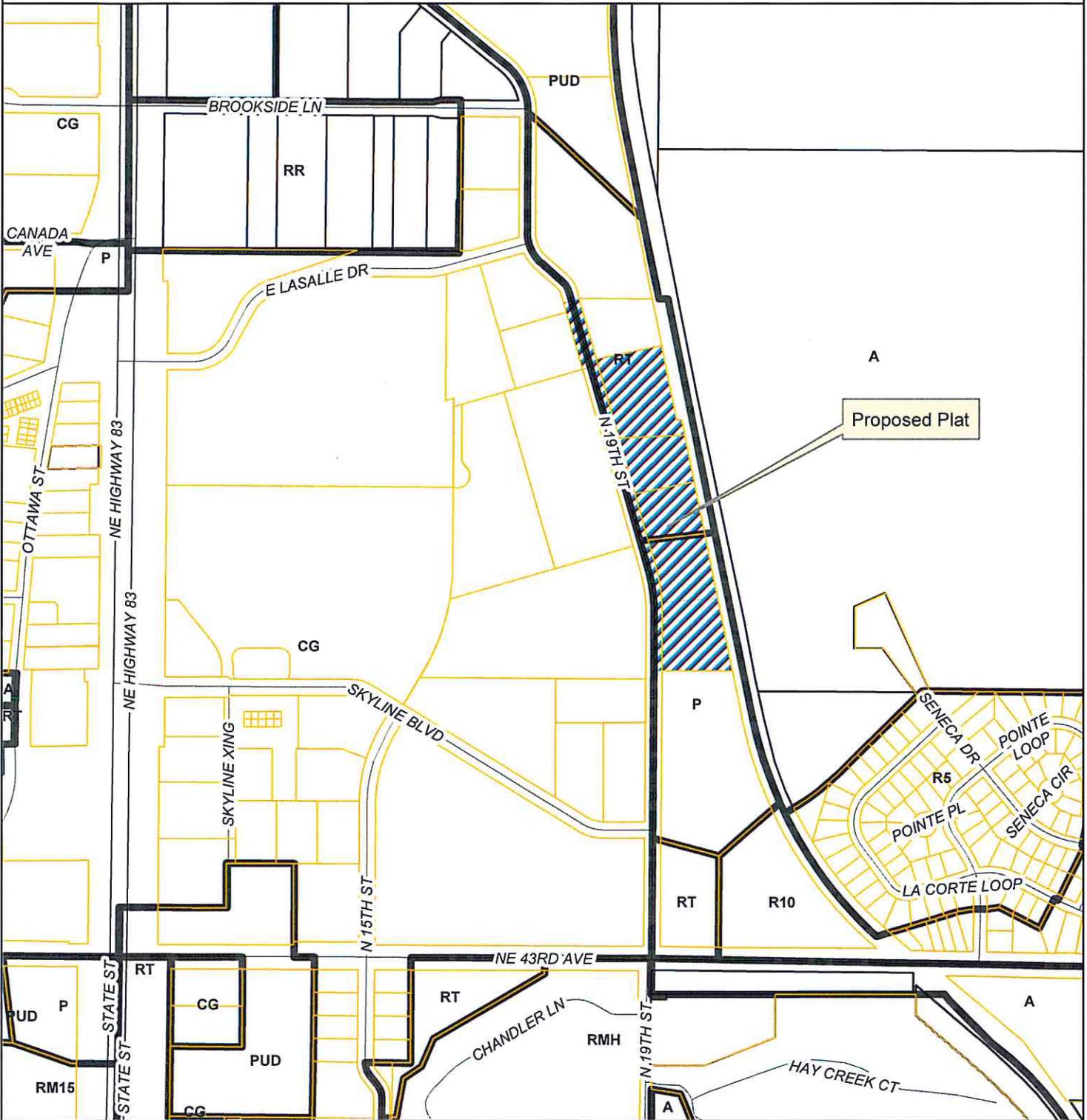
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies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

RECOMMENDATION:

The applicant has requested the Planning & Zoning Commission delay action on this request and to continue the hearing until the December 16, 2015 meeting. Planning staff has no objections to the applicant's request to continue the hearing. Planning staff is supportive of the minor subdivision final plat for Meadowlark Commercial Ninth Addition.

/jt

Proposed Plat Meadowlark Commercial Ninth Addition



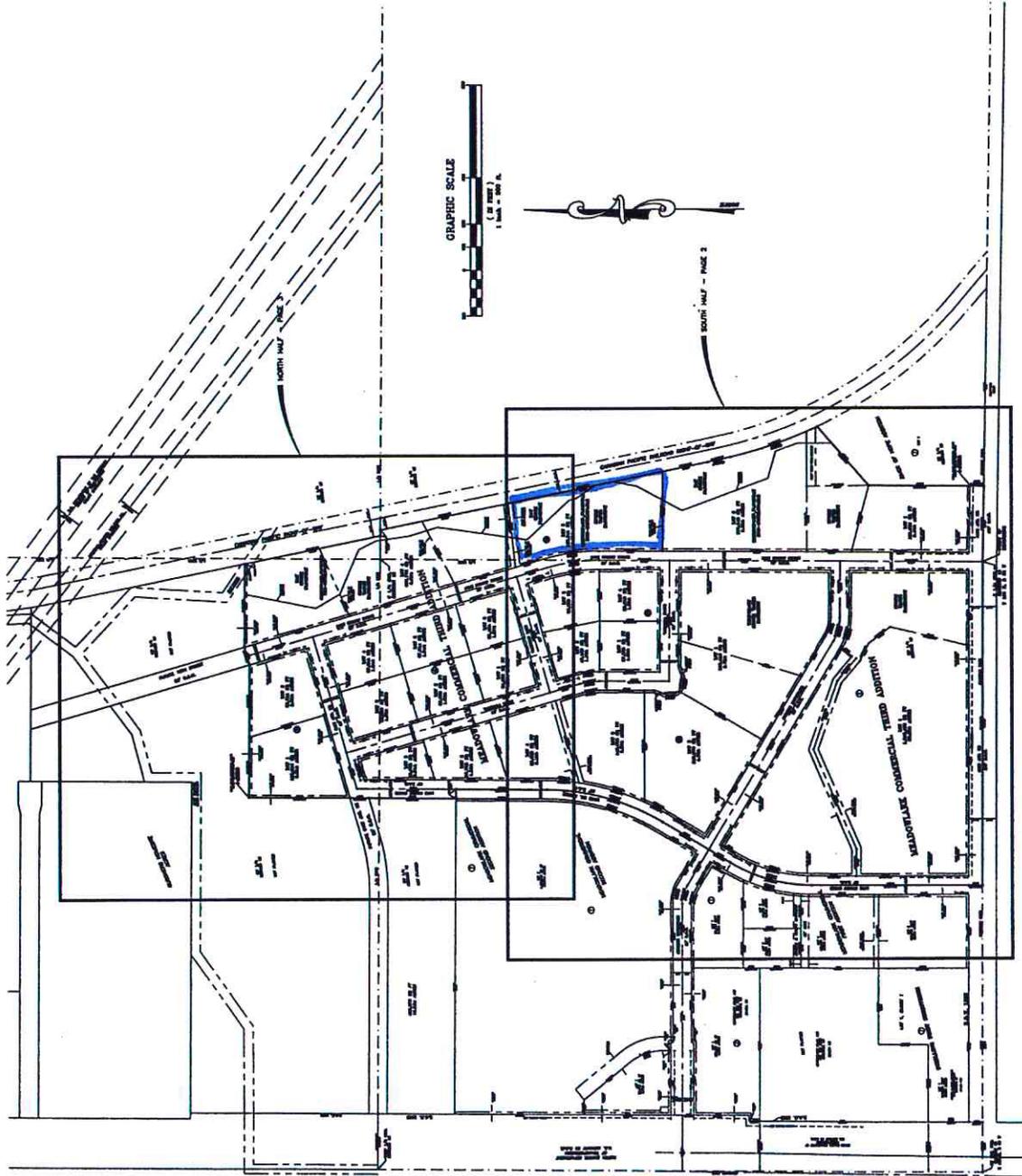
June 15, 2015 (hlb)

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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.



DATE
MAY 8, 1938

PAGE 1 OF 3

Prepared by
BARTLEY
ENGINEER

1488
1093

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 18, Block 1, Edgewood Village 5 th Addition – Zoning Change (RM15 to R10)		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Bud and Joan Zavalney Douglas and Beverly Doolittle Scott and Cheryl Olson	Engineer: None	
Reason for Request: Rezone property in order to combine portions with adjacent residential parcels.		
Location: In northeast 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:		
Land Use: Multi-family residential	PROPOSED CONDITIONS:	
Zoning: RM15 – Multi-family residential	Land Use: Single and two-family residential	
Uses Allowed: RM15 – Multi-family residential	Zoning: R10 – Residential	
Maximum Density Allowed: RM15 – 15 units/acre	Uses Allowed: R10 – Single and two-family residential	
PROPERTY HISTORY:	Maximum Density Allowed: R10 – 10 units/acre	
Zoned: 07/2011	Platted: 07/2011	Annexed: 08/2008
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> When the plat of Edgewood Village 5th Addition was approved in 2011 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). 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 plat legally describing the resulting parcels located in Lot 18 must be created and recorded. 		
FINDINGS:		
<ol style="list-style-type: none"> 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. 		
<i>(continued)</i>		

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 approval of 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

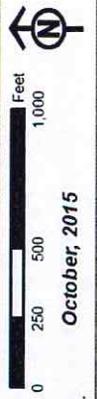
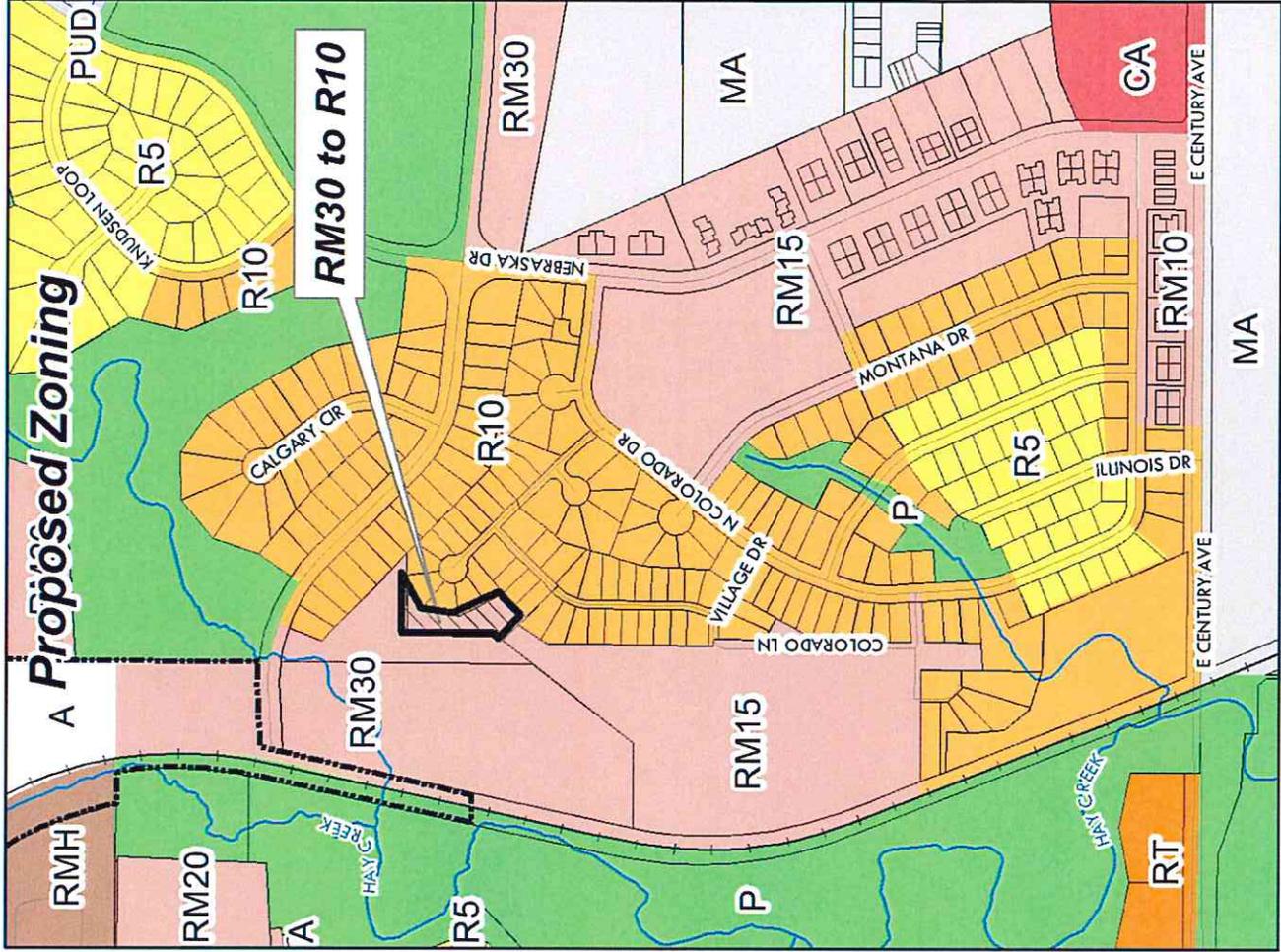
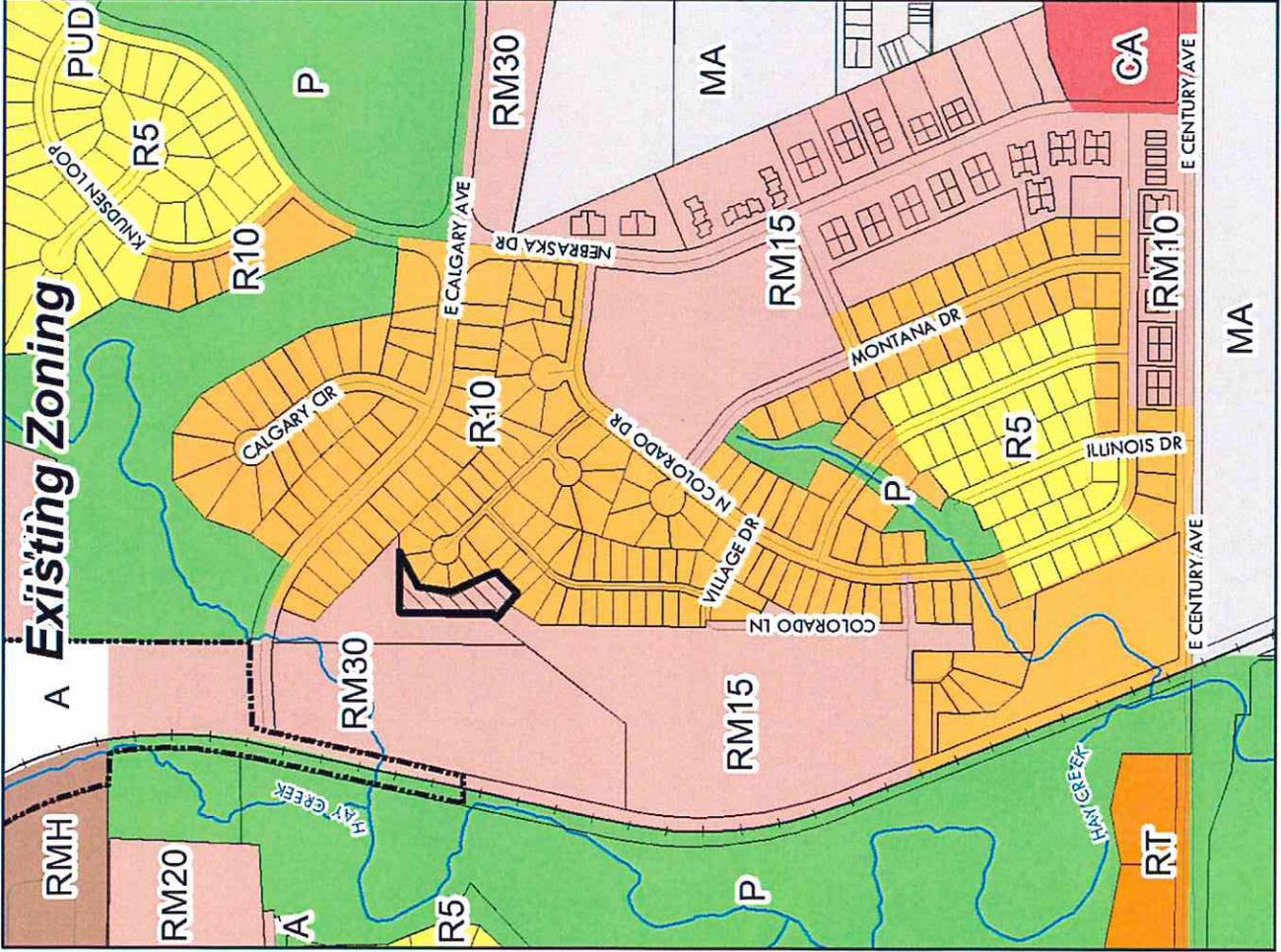


June 15, 2015 (hlb)

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



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. October, 2015

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: University of Mary Second Subdivision – Zoning Change (A & RR to RR)	
Status: Planning Commission – Public Hearing	Date: November 17, 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 48 th Avenue SE (Government Lot 3, the SE¼ of the NW¼, and part of the SW¼ of the NW¼, Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 95.8 acres	Number of Lots: 3 lots in 1 block
EXISTING CONDITIONS:	
Land Use: University owned/undeveloped	PROPOSED CONDITIONS:
Zoning: A – Agricultural	Land Use: Expansion of university campus
Uses Allowed: A – Agriculture	Zoning: RR – Residential
Maximum Density Allowed: A – One unit/40 acres	Uses Allowed: RR – Rural residential and other uses, including educational facilities
	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.	
<i>(continued)</i>	

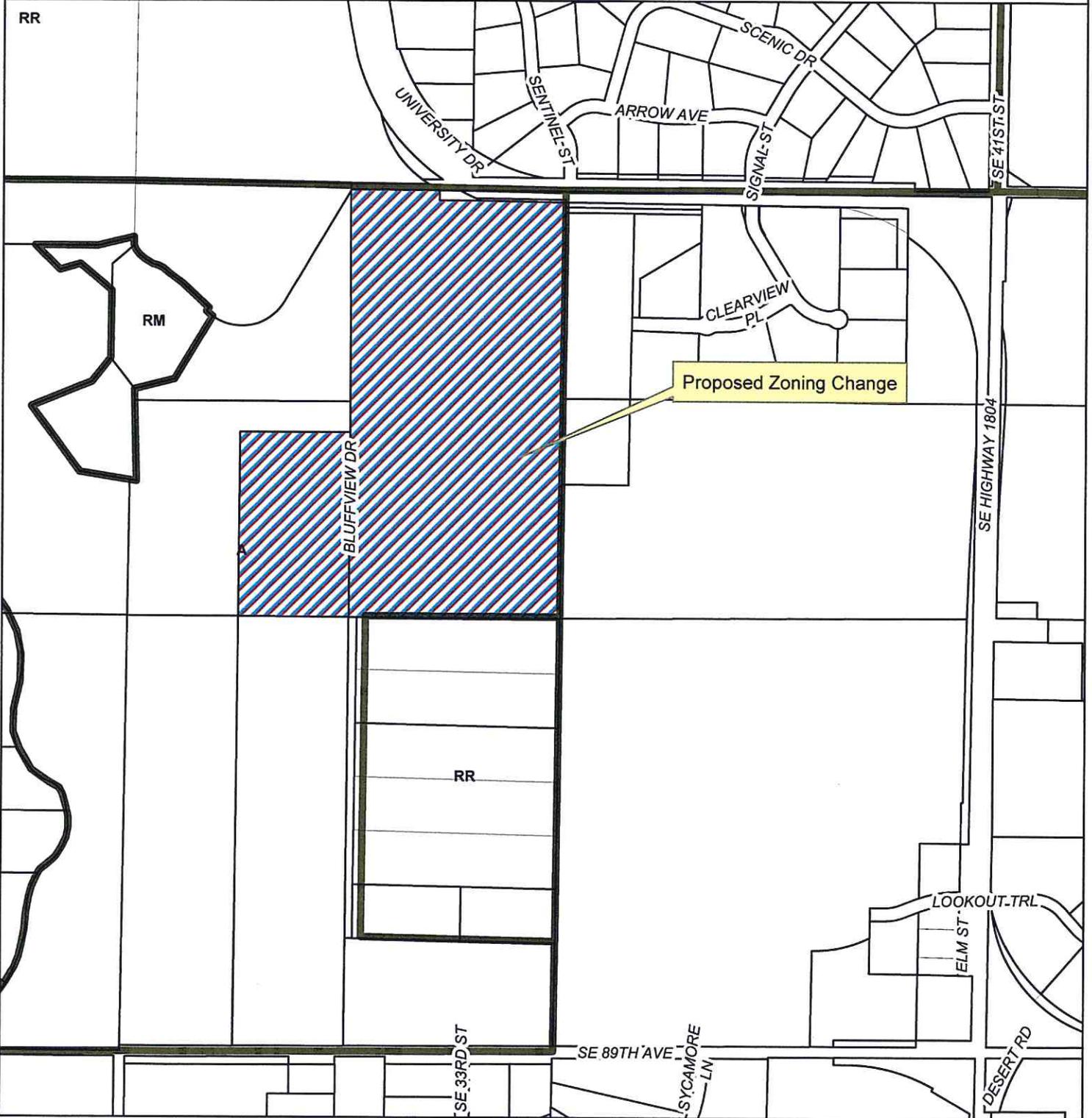
3. The property is already owned by the University of Mary, would be served by municipal water via a contract with the City, has a private on-site wastewater treatment system and has direct access to ND Highway 1804; therefore, the zoning change would not place an undue burden on public services and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

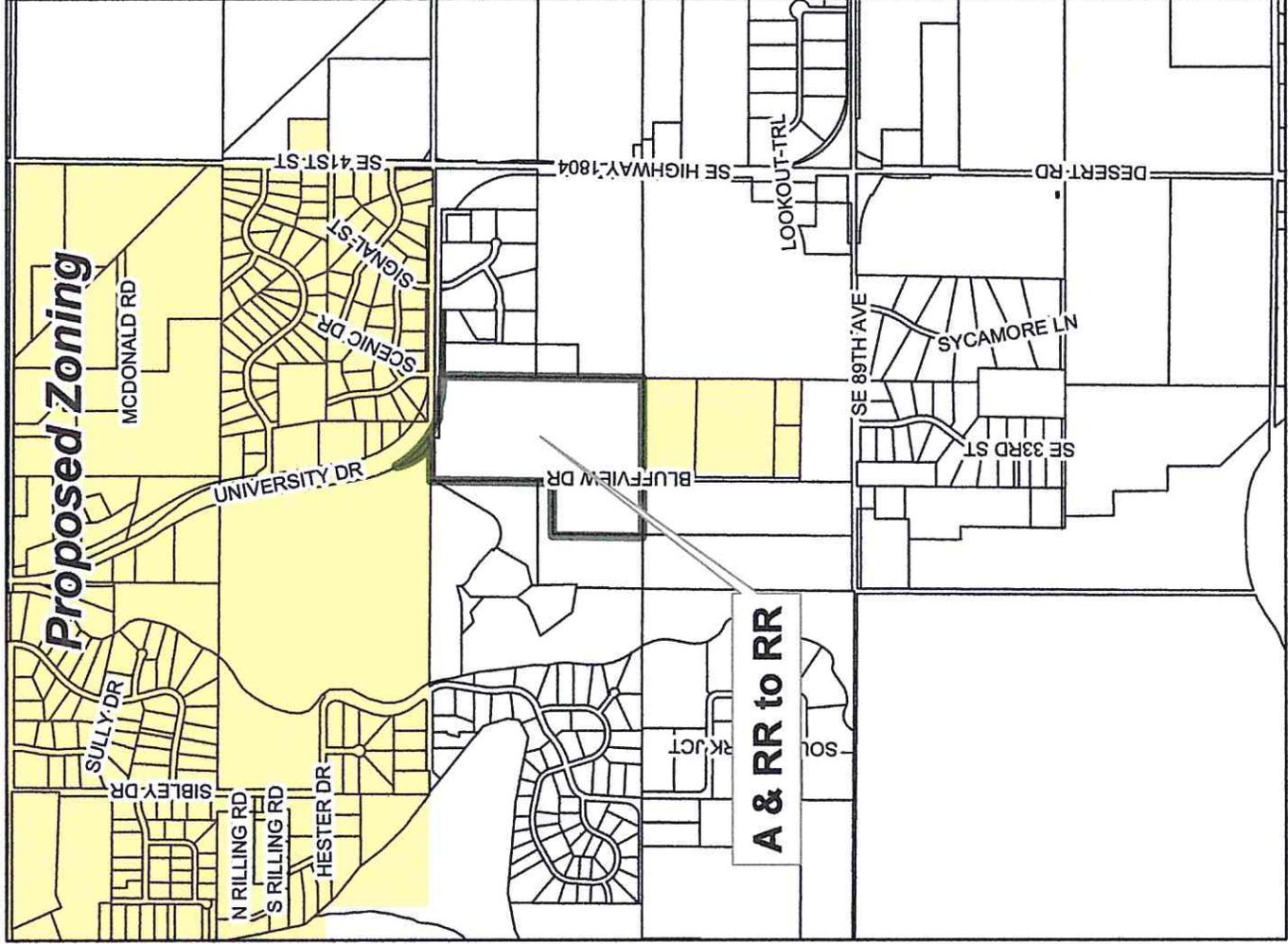
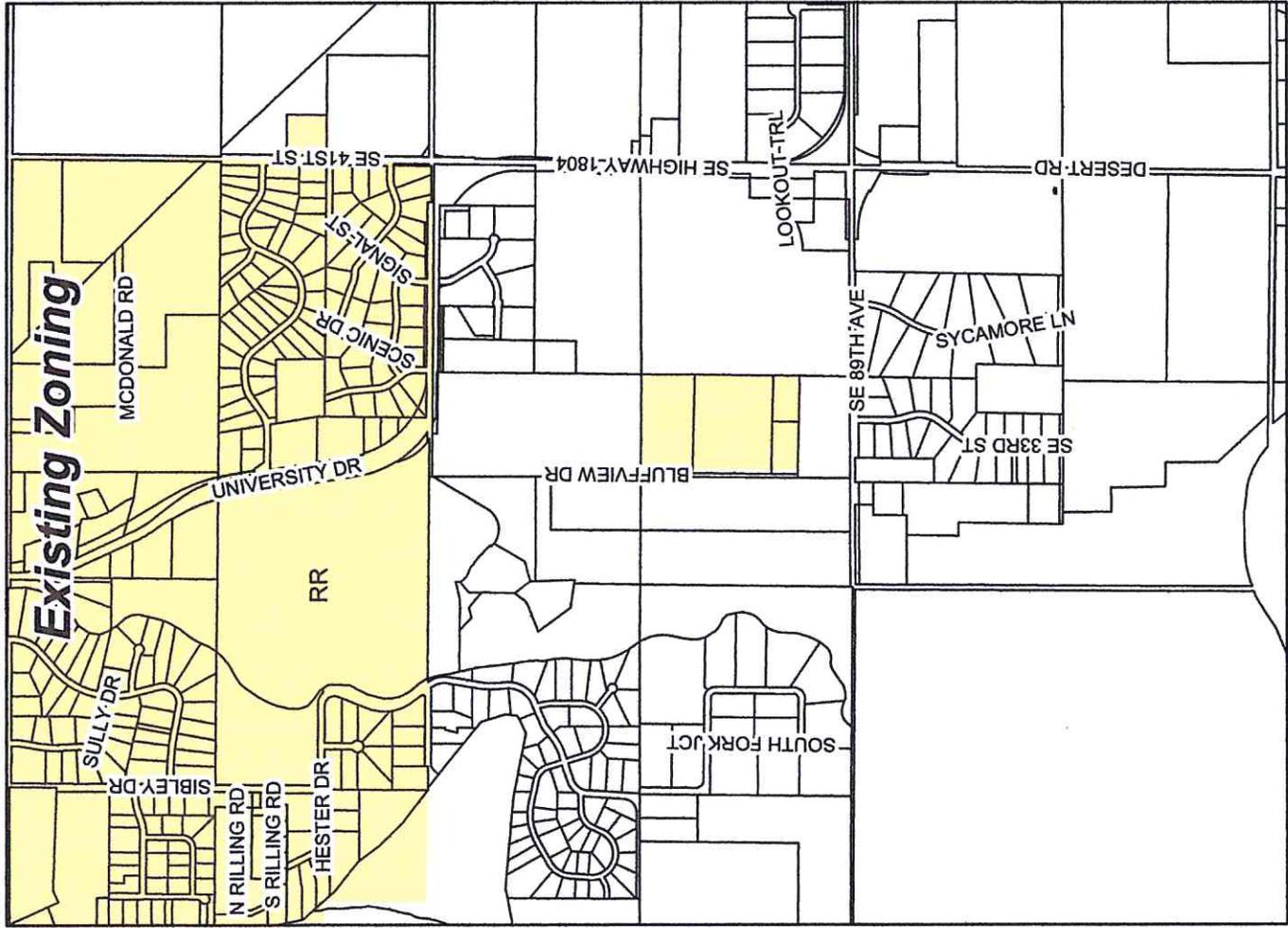


November 5, 2015 (h1b)

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University of Mary Second Subdivision - Zoning Change



November 2015

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition – Zoning Change (R10, RT, & PUD to PUD)		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): First International Bank & Trust	Consultant: Consolidated Construction Company, Inc.	
Reason for Request: To allow for the two-phased development of two multi-story office/mixed-use buildings. The request is to construct a 6-story mixed-use building with an associated 4-story parking structure on the northern portion of the property as phase one. The initial building would include a financial institution with a drive-through, offices and a restaurant with a tavern. The applicant has indicated in addition to the offices and restaurant use, the rooftop of the 6-story building would be used as an outdoor gathering area for private events. The 4-story parking structure would be included with phase one improvements. The second phase of the project would be to construct a 3-story office building with a coffee shop on the southern portion of the parcel.		
Location: Along the east side of State Street just south of East Divide Avenue.		
Project Size: 3.96 acres	Number of Lots: 5 lots in 3 blocks	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped (Capital View Addition) Multi-family/office (Capitol Place) Three single-family dwellings (Fisher Addition)	Land Use: Two multi-story mixed-use office buildings	
Zoning: PUD – Planned Unit Development	Zoning: PUD – Planned Unit Development	
Uses Allowed: As specified by the PUD	Uses Allowed: As specified by the PUD	
Maximum Density Allowed: N/A	Maximum Density Allowed: As specified PUD	
PROPERTY HISTORY:		
Zoned: 09/2010	Platted: 05/09	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The zoning change was considered by the Planning & Zoning Commission on May 27, 2015. The project has been on-hold pending the results of a Traffic Impact Study that was requested by the City Traffic Engineer. 2. The initial PUD in 2009 permitted an 84-foot tall, mixed-use office building with two dwelling units on the top floor. 3. In 2010, the PUD was amended at the request of a previous property owner, to allow the construction of a 3-story hotel. That plan has been abandoned. 4. The PUD for Capital View Addition was amended in February 2015 to allow a 5-story office building with underground parking and a financial institution with a drive-through. 		
<i>(continued)</i>		

5. The applicant purchased much of the property in March of 2015. The remaining portion of the property along 13th Street was purchased in August of 2015. The applicant has acquired the office/apartment buildings to the south and three single-family homes to the east to allow for ingress and egress to and from the site and to allow for the proposed parking structure. The proposed use would be one six-story, mixed-use building with a supporting parking structure and one 3-story building. The proposed uses include a bank, offices, a restaurant and a coffee shop.
6. The initial Traffic Impact Study was submitted in August 2015, revisions to the study were requested by the City Traffic Engineer . A revised Study that was acceptable to the City Traffic Engineer was submitted in October 2015. The Study identifies that an additional 3,189 vehicle trips per day would be added to the intersection of State Street and Divide Avenue. The study also indicates that the AM and PM peak travel times would each increase by 293 vehicle trips. The report does note that the proposed project is anticipated to increase vehicle trips through the neighborhood to the south; however, it does also note that the anticipated traffic volumes are still within expected ranges for local residential streets. The report also states that the proposed project does not have an impact on the two elementary schools to the east, noting that the start and end times of the schools are outside the peak travel hours of the proposed project. The Study provides conclusions and recommendations for the State Street and Divide Avenue intersection. In particular, the report states that the proposed development would have minimal impact on the traffic operations on the State Street and Divide Avenue intersection; however, it does recommend the following improvements should be considered as traffic volumes increase:

- Vehicle capacity improvements would need to be made for left turn movements on both State Street and Divide Avenue.
- The northbound 13th Street and Divide Avenue intersection should be striped with a dedicated left turn lane and a through/right turn lane.
- Converting the State Street and 12th Street intersection to a three-quarter intersection. This configuration would eliminate left turns from 12th Street onto State Street while all other movements are allowed to remain.
- At the 12th Street and State Street intersection, it is recommended that the median created by the three-quarter access at State Street be extended which would create a right-in/right-out access point, thus eliminating vehicle trips through the neighborhood.

The City Traffic Engineer has provided a memo with comments relating to the Study, the memo is included with the supporting documentation. The City Traffic Engineer has stated that the frontage road along the west side of the property is to remain part of the public right-of-way; however, it could be improved by the developer after receiving approval from the City of Bismarck. In addition, the developer would need to incorporate a turnaround for public vehicles such as snow plows, fire trucks, school busses, etc.; and the developer shall be responsible for the cost of implementing the recommendations of the Traffic Impact Study.

FINDINGS:

1. The proposed use would be somewhat compatible with adjacent land uses provided an appropriate landscape buffer yard is installed in conjunction with the initial phase of development. Adjacent land uses include the Capitol grounds to the west, commercial uses to the north and single and two-family residential to the south and east.
2. The property is already annexed; therefore, the zoning change would not place an undue burden on public services, provided transportation system improvements are implemented in conjunction with site development.

(continued)

3. The proposed zoning change and subsequent development would not adversely affect property in the vicinity provided the landscape buffer yard is installed in conjunction with site development, signage is not allowed on the east-facing building facades and exterior lighting of the building and the off-street parking areas is designed in a manner to limit the amount of ambient light that is cast onto the adjoining residential properties.
4. The proposed zoning change and subsequent development is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed zoning change and subsequent development is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the R10, RT and PUD zoning districts to the PUD – Planned Unit Development District for Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition, as outlined in the attached PUD document with the following condition:

- The developer shall be responsible for the cost of implementing the recommendations of the Traffic Impact Study

/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.

ORDINANCE NO.

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

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

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

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

The following described property shall be excluded from the, PUD – Planned Unit Development district, RT – Residential district and the R10 – Residential district and included within the PUD – Planned Unit Development District.

Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this PUD:
 - a. Office-bank group
 - b. Drive-through teller service establishment in conjunction with a financial institution (phase one of the development)
 - c. Drive-through teller service establishment in one existing building located on the southern portion of the site. The drive-through teller service would cease operation at the existing building upon operation of the financial institution in the phase one mixed-use building.
 - d. Accessory parking structure
 - e. A restaurant with a bar
 - f. A coffee shop (phase two of the development)

All other uses not included in this list shall be prohibited.

2. *Special Uses.* There are no special uses allowed.

3. *Dimensional Standards.*

- a. The minimum building setback along the west is 25 feet adjacent to North 12th Street /State Street.
- b. The minimum building setback along the north is 25 feet adjacent to East Divide Avenue
- c. The minimum building setback along the east is 40 feet adjacent to 13th Street North and 80 feet adjacent to residential dwellings.
- d. The minimum building setback along the south is 40 feet plus 10 feet for each story beyond the second story of the building.
- e. Height. The maximum building height is 85 feet for the primary portion of the building, as shown on Exhibit 1 submitted with the application. The maximum building height for the elevator tower is 106 feet, as shown on Exhibit 1 submitted with the application. The maximum building height for the parking structure is 46 feet, as shown on Exhibit 1 submitted with the application.
- e. Lot Coverage. The maximum lot coverage for buildings and required parking is 75% of the total lot area.

4. *Design and Aesthetic Standards.*

- a. Intent. It is the intent of the design standards to create and maintain a high visual quality and appearance for this development, encourage architectural creativity and diversity, create a lessened visual impact upon the surrounding land uses, and stimulate and protect investment through the establishment of high standards with respect to materials, details and appearance. The design of the building shall generally conform to the submitted architectural renderings submitted with the application. The building's primary exterior treatments shall be composed of brick or a similar material, precast panels or a similar material, metal panels or a similar material and glass windows.

5. *Development Standards.*

- a. Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.
- b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. 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.

- c. Landscaping and Screening. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
 - d. Buffer Yards. Buffer yards shall be provided along the south and east property lines and shall generally conform to the site plan that was submitted with the application. The buffer yards shall be completely installed in conjunction with phase one development.
 - e. 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).
 - f. Signage. Signage for the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development. A pylon sign may not exceed 30 feet in height. Digital signage on the north-facing facades shall not be permitted. Signage shall not be permitted on the east-facing building facades.
 - g. Lighting. Exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts.
 - h. All other development standards shall be as outlined in Section 14-04-08, RT-Residential District, of the City Code of Ordinances.
7. *Site Plan Review.* The site plan submitted with the application does not constitute an official site plan. Prior to development the proposed development is subject to the City's Site Plan Review Process and must meet the established regulations and guidelines.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

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

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

Proposed Zoning Change (R5, RT & PUD to PUD)

Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition



May 21, 2015 (klee)

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





OCT 16 2015

Project: First International Bank & Trust
Location: 1601 N. 12 St., Bismarck, ND
Lot 1 Block 1 Capital View Add.
Date: October 16, 2015

This document is to serve as a written statement for a PUD Application for the following properties:

- 1601 N. 12th St. (Lot 1 Block 1 Capital View ADD), 1501, 1511, 1515, 1535, & 1571 N. 12th St. (Lot 1 Block 1 Capitol Place) Owned by First International Bank.
- Lots 5-10 Block 8 Fisher Addition
 - o 1606 N. 13th St. & 1608 N. 13th St. Owned by First International Bank & Trust
 - o 1612 N. 13th St. Owned by First International Bank & Trust

The purpose of this PUD application is to incorporate one single owned property from the above listed properties for a multi-building office development owned by First International Bank & Trust.

The property will consist of two Multi-Story Office buildings (Phase 1 = Approx. 65,500sf / Phase 2 = Approx. 27,740sf), one parking structure w/ 130 stalls and paved surface parking.

Chris Sievert

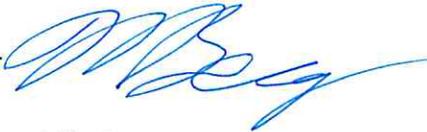
Project Director
Consolidated Construction Company

Bismarck Engineering Department

Date: October 29, 2015

To: Jason Tomanek
Senior Planner
Community Development

From Mark A. Berg, PE, Traffic Engineer



Re: First International Bank Traffic Impact Study

This memo is to inform you that the City of Bismarck has received and has had an opportunity to review the First International Bank Traffic Impact Study which was submitted for the proposed First International Bank development at the intersection of State Street and Divide Avenue.

I have reviewed the study and have not identified any significant changes necessary for acceptance of this study. The proposed recommendations identified in this study are consistent with those anticipated for a development of this nature. I am providing approval and acceptance with the impact study provided that the following contingences are abided by:

- The frontage road shall not be vacated but the developer could be permitted to make improvements after receiving approval from the City of Bismarck.
- The developer shall incorporate a turnaround approved by Public Works for turnaround for snow plow equipment.
- The developer shall be responsible for the cost of implementing the recommendations of the study. Before any of these improvements are implemented the developer shall provide design drawings for review and approval to the City Engineer.
- The existing private sign located in the boulevard shall be removed from the public right of way before acceptance and approval of this Traffic Impact Study is granted.

If you have any questions concerning the traffic impact study please contact me (355-1529).

Melvin J. Bullinger, P.E., City Engineer

Phone: 701-355-1505 ★ TDD: 711 ★ FAX: 701-222-6593 ★ 221 N. Fifth Street ★ P.O. Box 5503 ★ Bismarck, ND 58506-5503



OCT 16 2015

First International Bank & Trust

Proposed Mixed Use Development

State & E. Divide
Bismarck, North Dakota

Re: Parking Study

First International Bank & Trust intends to construct a six story mixed use office tower at the south east corner of State Street and E. Divide Street. The building will include an Outlaws restaurant and a First International Bank & Trust retail branch bank on first floor, bank offices on second and third floors and leasable office spaces on floors four, five and six. The total useable square footage of the planned building is 49,736 s.f. This area is exclusive of mechanical spaces, shafts, stairways and elevators since those spaces do not contribute to the occupant load of the building. The development will also include surface parking and a parking ramp. The City of Bismarck zoning ordinance requires one stall per 60 square feet of floor area for the restaurant and one stall per 250 square feet of floor area for the office space.

We, the ownership group and the design team, believe that since the ordinance does not take into account peak and off-peak parking for the mixed use nature of this development, complying with the City ordinance will result in excessive and unnecessary parking. Since this development will include multiple professional office uses and a restaurant, further analysis is required to determine an adequate level of parking. The intent of the developer and design team is to provide adequate parking to serve the needs of the users, but not to overbuilding since additional parking beyond what is truly required has little to no value to the owner or the city. Further, excessive parking creates negative effects like additional run-off and in the case of a parking structure, additional building height.

It is our understanding that because of the PUD zoning, ordinances can be flexible to adapt to the specific of a development. We request that you to consider the following alternative analysis.

Relevant Experience:

First International Bank & Trust operates multiple branch banks throughout North Dakota, Minnesota and Arizona. They know the operation of their branch banks and have a very clear understand the parking requirements for both employees and customers. Their branch bank in Williston, North Dakota was constructed in 2013 and has been operating at full capacity without issues in regards to parking since opening.

Outlaws' Bar and Grill operates locations in Watford City, North Dakota and Williston, North Dakota. The Williston location is most similar in size and scope to the proposed Bismarck location. That restaurant was constructed in 2013 and has been operating without issue in regards to parking since opening.

These two projects serve as our basis of design for the first three floors of the Bismarck building.

OCT 15 2015

Findings of Fact

Existing Williston Development					
	Square Footage	Number of Employees (Largest Shift)	Number of Customers (Peak Times)	Number of Seats	Parking Required
Branch Bank	9370 s.f.	18	12	18	30
Bank Offices	10,596 s.f.	16	0	16	16
Outlaws'	5,460 s.f.	15	148	148	65*
Total					111

* Based on 1 space per 3 seats.

The bank's hours of operation are Monday through Friday 8:00 am to 5:00 pm and Saturdays 8:00 am to 1:00 pm. They are closed on Sunday. Their peak hours of operation are during the hours of 8:00 am, 12:00 pm and 4:00 pm.

Outlaws' hours of operation are Monday through Saturday 11:00 am to 10:00 p.m. and Sunday 12:00 p.m. to 9:00 p.m. Their peak hours are from 12:00 pm to 1:30 pm for lunch and 6:30 pm to 9:00 pm for diner.

Analysis

Exhibit A details the parking calculations based on use group and peak demand times. According to the table, the development requires 338 parking stalls based on the uses. However, when peak demands are applied, the maximum parking demand will occur between 1:00 pm and 2:00 pm and will result in 200 stalls. This time is unique, because the restaurant will still have a rush from the lunch crowd and office users will be returning to the office after their lunch hour. Additional parking demand for the "diner rush" at the restaurant and the usage of the roof-top patios for special events all occur after business hours for the bank and office uses and, therefore, do not contribute to the maximum parking demand. A combination of those uses after hours and on weekends shows a parking demand of less than 215 stalls.

Similar data is provided for the phase two development. The coffee shop will have peak hours between 8:00 am and 10:00 am and then again after 5:00 pm. When the site is fully developed the peak hour will exist between 1:00 pm and 2:00 pm and will result in a parking demand of 293 stalls.

Conclusion

Information gathered in this study was based off of factual data provided from existing building plans of the comparable Williston developments and first-hand knowledge of the daily operations at these facilities directly from the operators. Based on this study, we believe that an on-site parking count of 200 stalls in phase one and 293 stalls when phase two is completed will provide sufficient parking for this development. As such, we request your approval of this study as part of the PUD.



Sincerely,

Adam Heindel, AIA, LEED AP
Architect

OC 1-10-2015

First International Bank & Trust

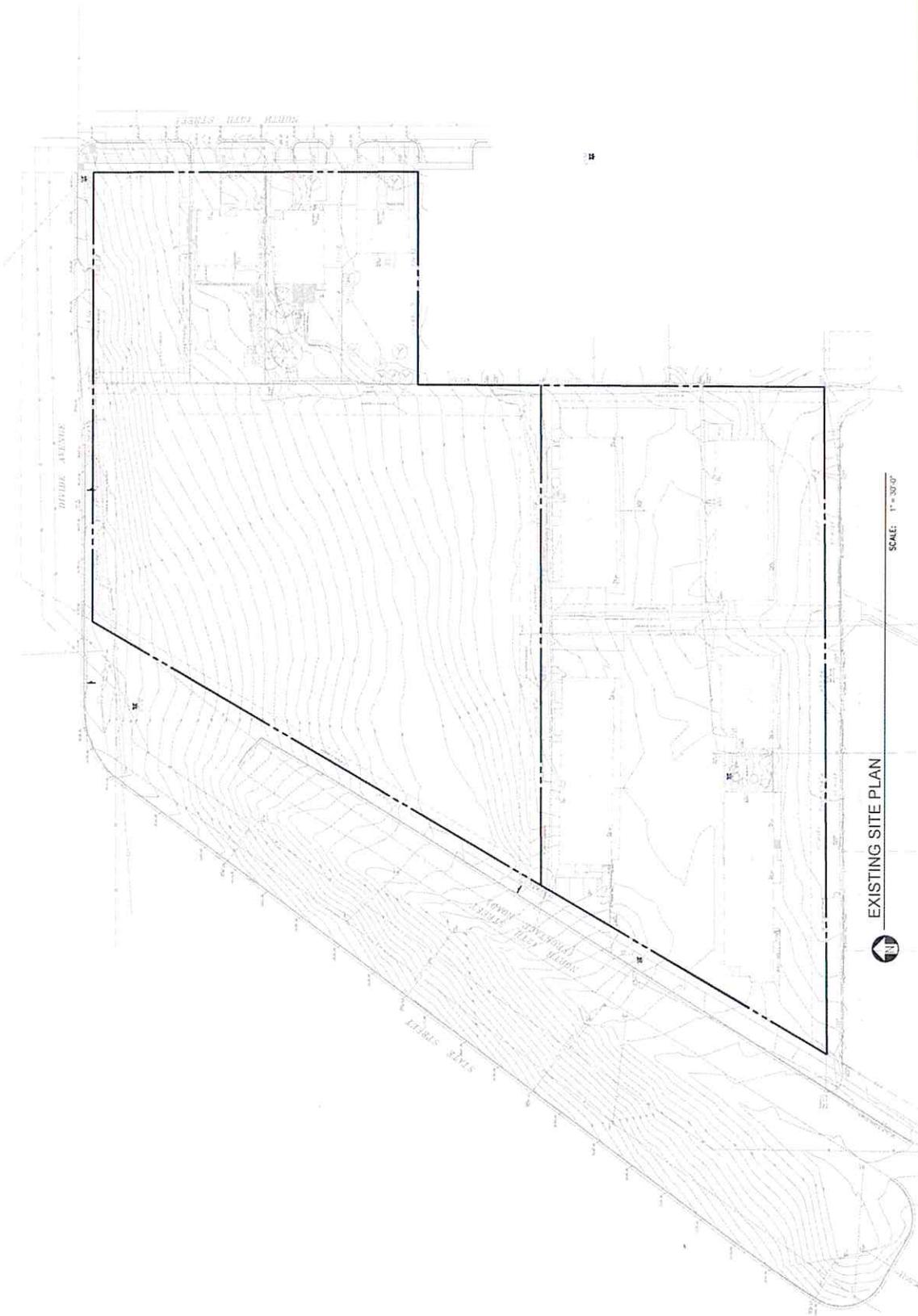
Exhibit A

Bismarck Mixed Use Building
Parking Analysis

Use	Square Footage	Number of Employees (Largest Shift)	Number of Customers (Peak Times)	Number of Seats	Required Parking	Peak 1	Peak 2	Peak 3	Peak 4	Peak 5	Peak 6	Peak 7	Peak 8	Peak 9	Peak 10	
						8am - 9am	9am - 10am	10am - 11am	11am - 12pm	12pm - 1pm	1pm - 2pm	2pm - 3pm	3pm - 4pm	4pm - 5pm	5pm - 9pm	
Phase 1																
First Floor																
Retail Bank	4675	11	10	11	21	21	15	15	18	21	18	15	15	21	0	
Outlaws' Bar and Grill	5043	15	151	151	66 ¹	5	15	15	35	50 ³	35	25	25	35	66	
Second Floor																
Bank Office	7247	18	0	18	18	18	18	18	16	14	18	18	18	14	0	
Second Floor Roof Patio ²	4030	n/a	n/a	134	0	0	0	0	0	0	0	0	0	0	45	
Third Floor																
Bank Office	8669	33	0	33	33	33	33	33	29	26	33	33	33	26	0	
Fourth Floor																
Lease Space	7990	32	0	32	32	32	32	32	28	25	32	32	32	25	0	
Fourth Floor Roof Patio ²	605	n/a	n/a	n/a	20	0	0	0	0	0	0	0	0	0	20	
Fifth Floor																
Lease Space	7990	32	0	32	32	32	32	32	28	25	32	32	32	25	0	
Sixth Floor																
Lease Space	7990	32	0	32	32	32	32	32	28	25	32	32	32	25	0	
Roof Patio	6088	n/a	n/a	n/a	84	0	0	0	0	0	0	0	0	0	84	
					Total	338	173	177	177	182	186	200	187	187	171	215
Phase 2																
First Floor																
Office	6230	25	0	25	25	25	25	25	22	20	25	25	25	22	0	
Coffee Shop	1200	5	15	15	10 ¹	10	10	8	8	8	8	8	8	10	10	
Second Floor																
Office	7430	30	0	30	30	30	30	30	27	25	30	30	30	30	0	
Third Floor																
Office	7430	30	0	30	30	30	30	30	27	25	30	30	30	30	0	
					Total	95	95	93	84	78	93	93	93	92	10	
Development Total					433	268	268	270	266	264	293	280	280	283	224	

Notes:

1. Parking count based on one stall for every 3 seats
2. Patio space is used for employees during work hours and does not contribute the additional occupants or parking. Addition parking would be required during Peak 10 only.
3. Peak 5 for Outlaws' are based on 70% of total capacity



EXISTING SITE PLAN



SCALE: 1" = 30'0"

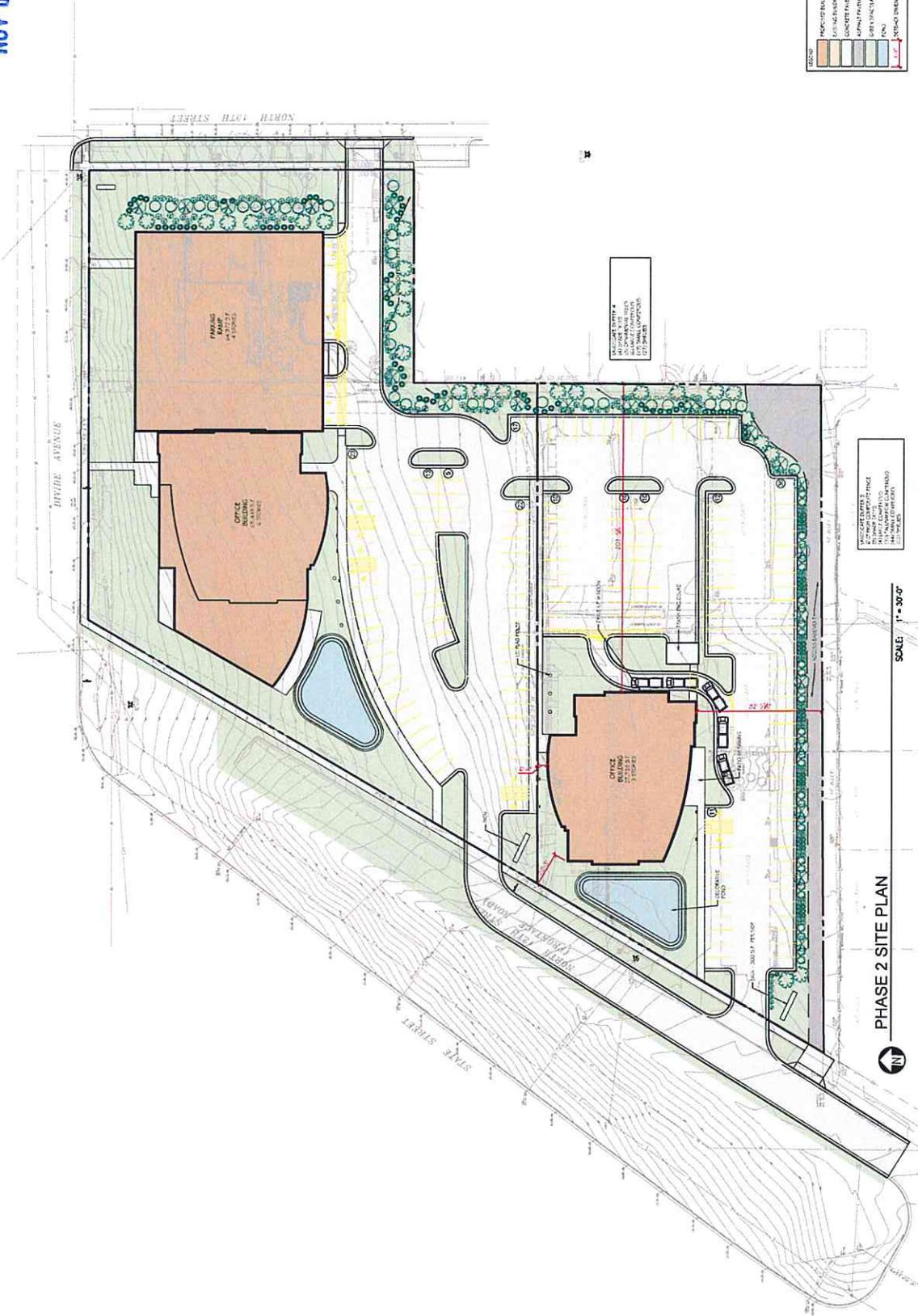
Proposed Development

Bismarck, North Dakota

Date: 10/16/2015

Project No. 039402

RECEIVED
NOV 05 2015



PHASE 2 SITE PLAN

SCALE: 1" = 30'-0"



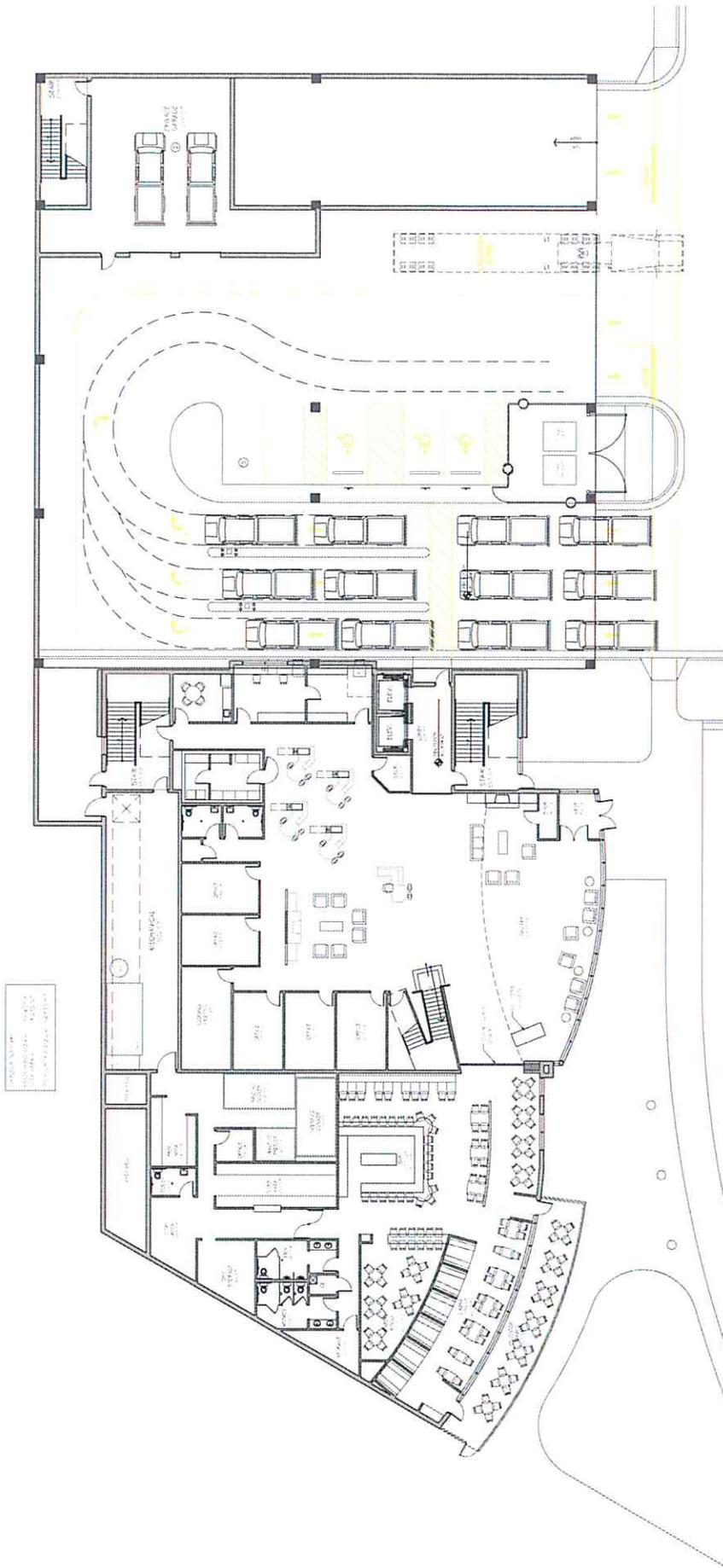
Proposed Development

Bismarck, North Dakota

Project No. 039402

Date: 11/4/2015

800-642-6774
www.1cal2build.com
Appleton, WI / Milwaukee, WI / Bismarck, ND



1. ALL ROOMS TO BE
 FINISHED TO MEET
 ALL APPLICABLE
 REGULATIONS

FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"



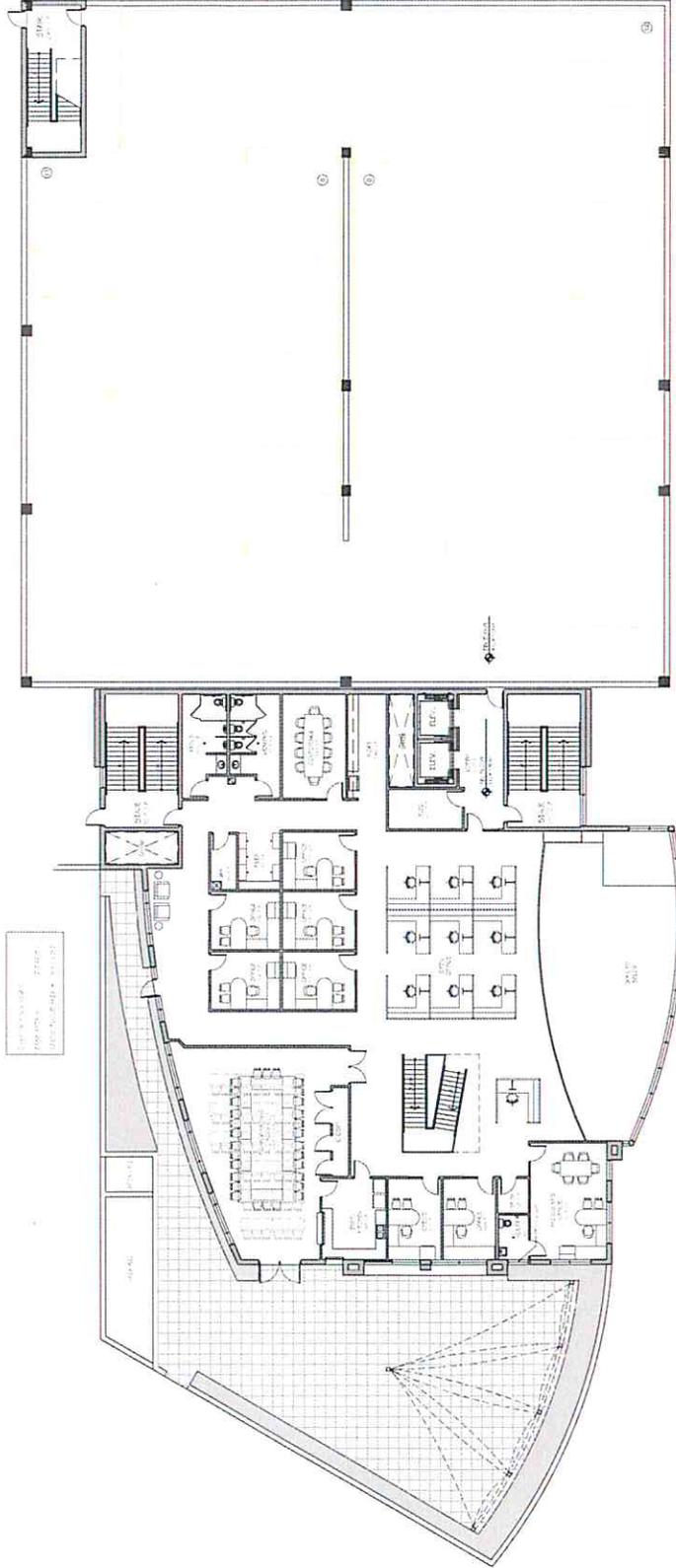
Proposed Development

Bismarck, North Dakota

Project No. 039402

Date: 10/16/2015

800-642-6774
 www.fcil2build.com
 Appleton, WI / Milwaukee, WI / Bismarck, ND
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SECOND FLOOR PLAN



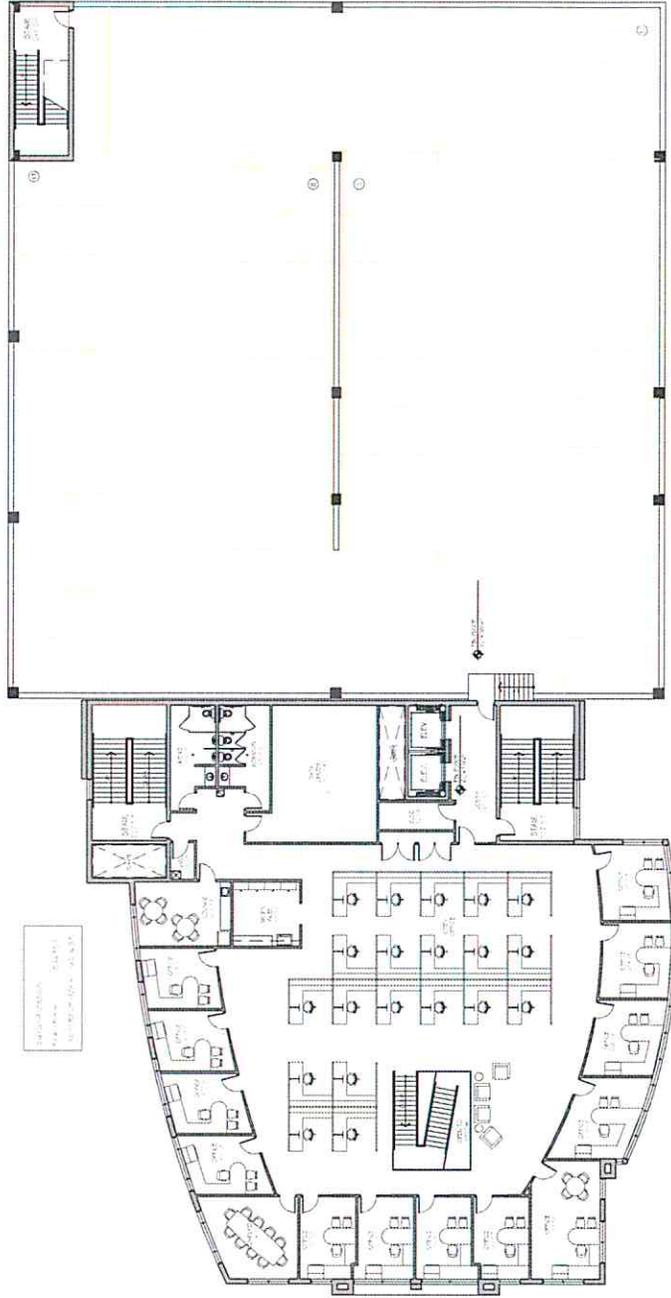
SCALE: 3/32" = 1'-0"

Proposed Development

Bismarck, North Dakota

Project No. 039402

Date: 10/16/2015



THIRD FLOOR PLAN

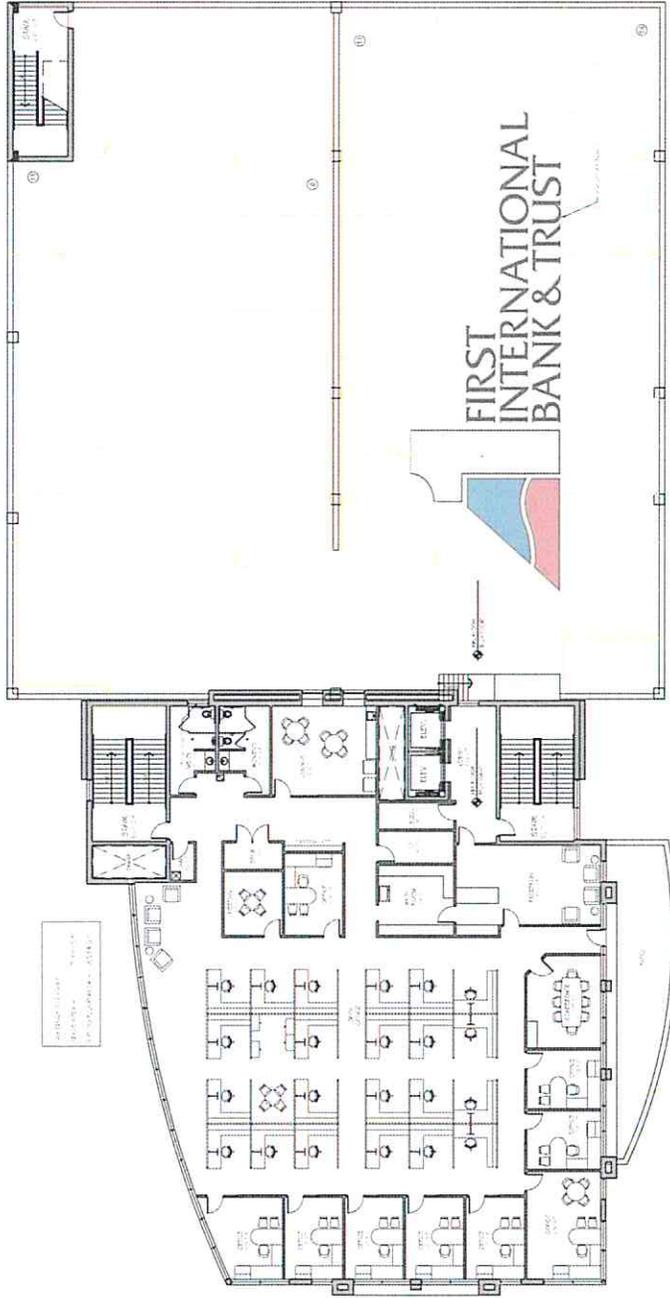
SCALE: 3/32" = 1'-0"

Proposed Development

Bismarck, North Dakota

Date: 10/16/2015

Project No. 039402



FOURTH FLOOR PLAN



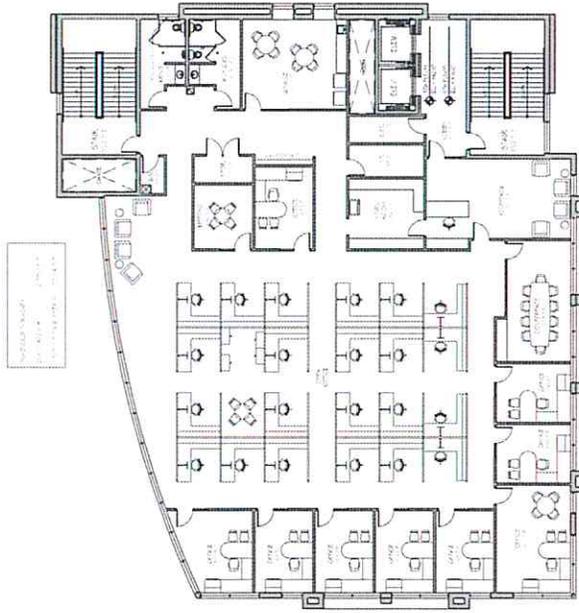
SCALE: 3/32" = 1'-0"

Proposed Development

Bismarck, North Dakota

Date: 10/16/2015

Project No. 039402



NOT TO SCALE
 1/16" = 1'-0"
 1/8" = 1'-0"

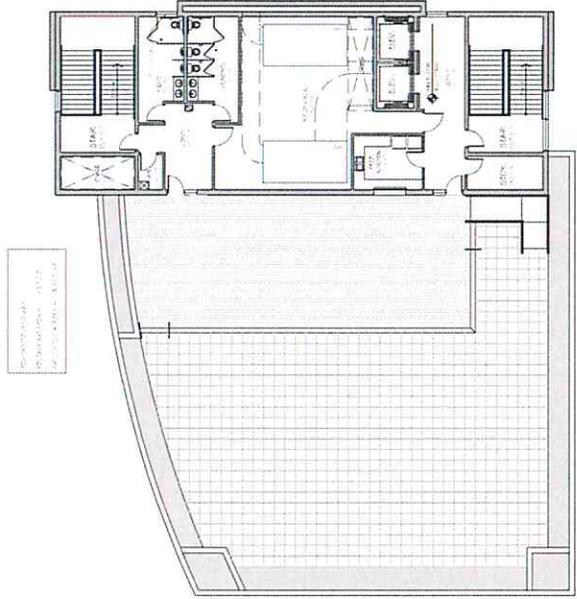
FIFTH AND SIXTH FLOOR PLANS

SCALE: 3/32" = 1'-0"



Proposed Development

Bismarck, North Dakota
 Project No. 039402
 Date: 10/16/2015



ROOF PLAN

SCALE: 3/32" = 1'-0"



Proposed Development

Bismarck, North Dakota
 Project No. 039402
 Date: 10/16/2015



Proposed Development

Bismarck, North Dakota
 Project No. 039402
 Date: 10/16/2015

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Kamrose Crossing Addition – Major PUD Amendment		
Status: Planning Commission – Public Hearing	Date: November 17, 2015	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Amend the PUD to allow the use of a variety 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:		
<ol style="list-style-type: none"> 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. 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:		
<ol style="list-style-type: none"> The proposed PUD amendment is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. 		
<i>(continued)</i>		

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 approval of 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; or other residential grade materials as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

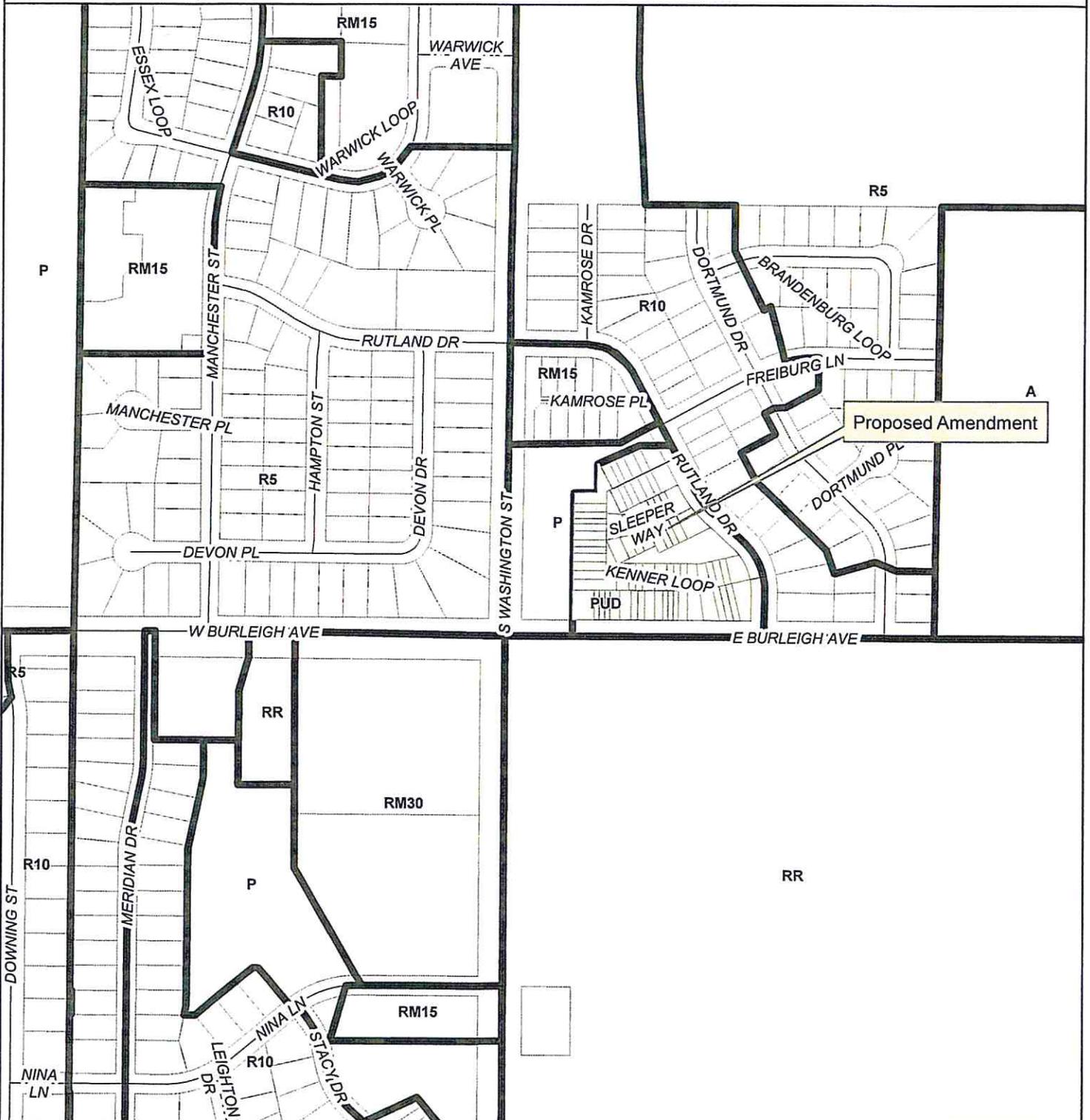
4. *Private Roadway Maintenance.*

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)

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 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.



Roof: Pewter Grey (GAF)

Fascia: Terra Bronze (Appleton)

Gutter & Soffit: 253 Terratone (Norandex)

Windows: White (Simonton)

Fiber Cement Siding: Pearl Gray, Smooth Finish (Hardie), Typ.

Fiber Cement Panel: Pearl Gray, Smooth Finish (Hardie), Typ.

Paint Brackets to Match Trim Color
Standing Seam Roof: Old Town Grey W25 (MS Metal)

Fiber Cement Trim: Pearl Gray, Smooth Finish (Hardie), Typ.

Stone Base: Versetta Stone, Sterling Ledge Stone

Roof: Slate (GAF)

Fascia: Sandstone (Appleton)
Gutter & Soffit: Sandstone (Norandex)

Windows: White (Simonton)

Fiber Cement Siding: Evening Blue, Smooth Finish (Hardie)

Fiber Cement Trim: Cobble Stone Smooth Finish (Hardie)

Front Door, Painted: SW 6989 *Domino* (Sherwin Williams)

Fiber Cement Panel: Cobble Stone Smooth Finish (Hardie)

Standing Seam Roof: Weathered Copper W50 (MS Metal)

Cedar Wood Brackets & Beam at Entry,
Stained: Cabot Bleaching Oil

Front Door, Painted: SW 2802 *Rockwood Red* (Sherwin Williams)

BUILDING THIRTEEN - FRONT ELEVATION

VERITY HOMES | BISMARCK, NORTH DAKOTA

KANROSE - COLOR SELECTION
05 MARCH 2015



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 1, Block 1, Schilling First Subdivision – Major PUD Amendment		
Status: Planning Commission – Public Hearing	Date: November 17, 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 43 rd Avenue NE just east of US Highway 83(1400 43 rd Avenue NE).		
Project Size: 4.39 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:		
<ol style="list-style-type: none"> 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. 		
<i>(continued)</i>		

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 included 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 approval of 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:

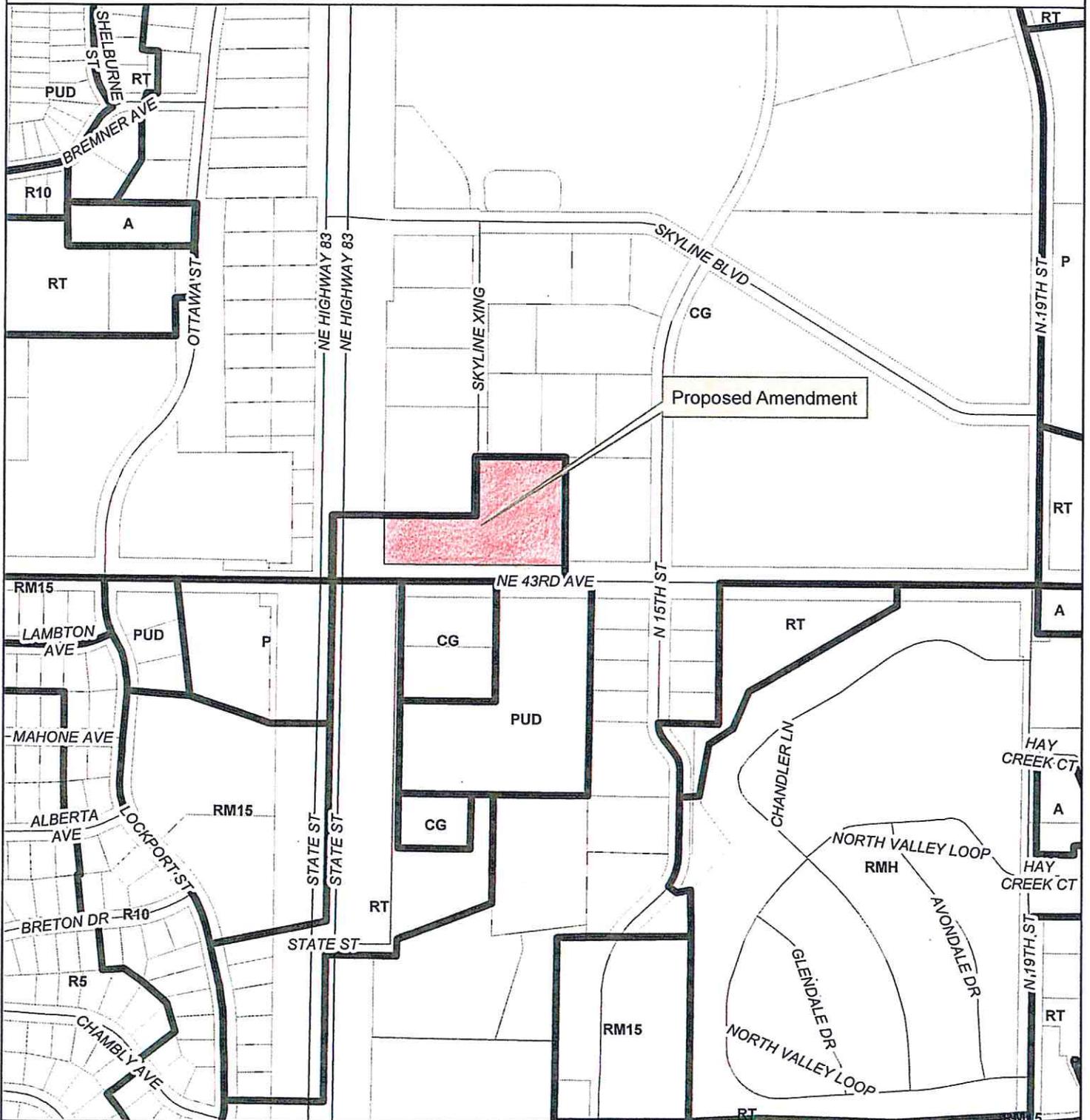
1. *Uses Permitted.* ~~Uses permitted include a mixed use development, including the six storage facilities as constructed in 1997 & 2003, and a 5-story building containing office uses, document and record storage, a maximum of 3 residential units and below grade parking. Permitted uses include a 2-story 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.~~ 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 52-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 52-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.



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.

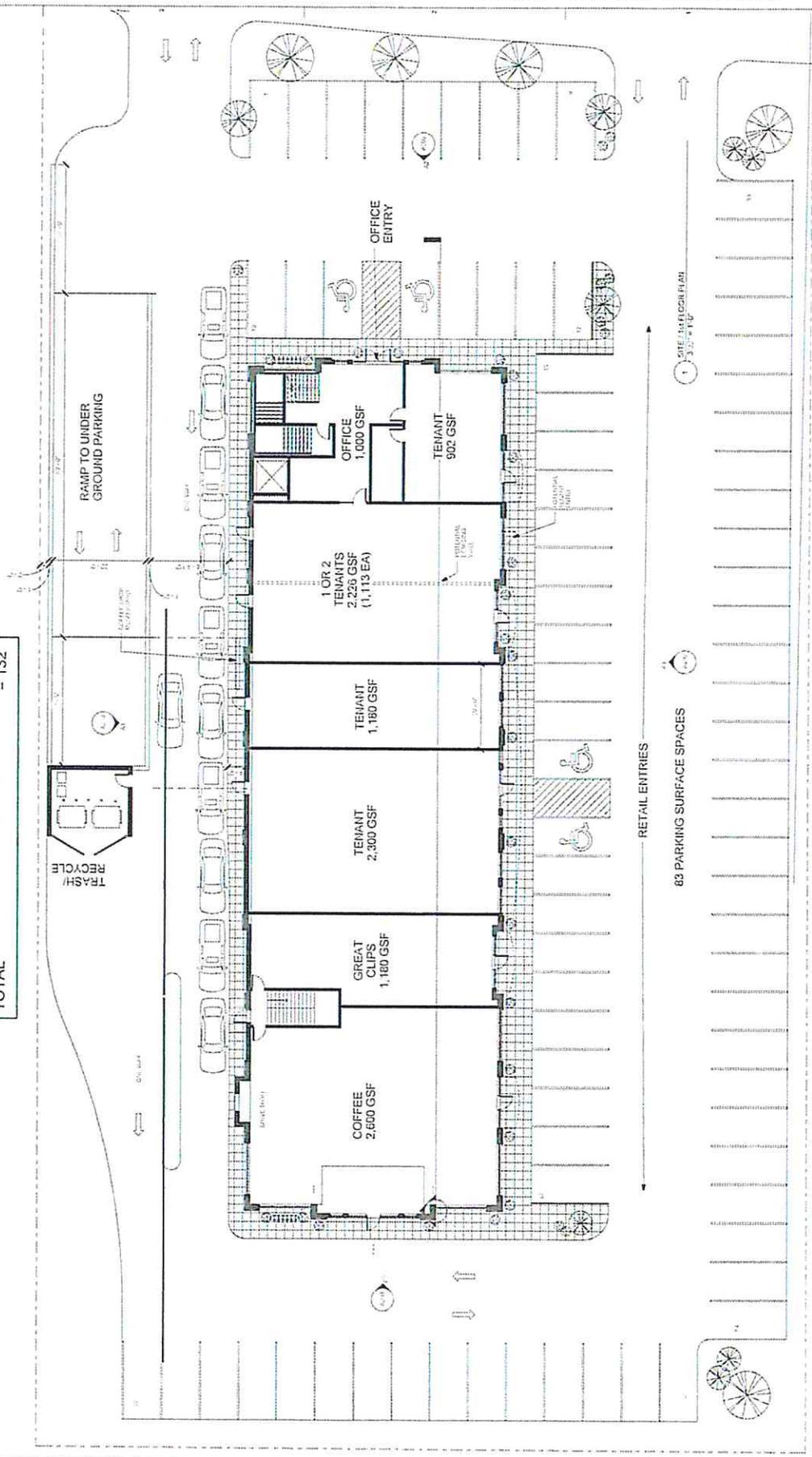
The office space on the second floor will be accessed through a two-story entry lobby located on the east side of the building. The elevator and an open stair will be located in this lobby. The office space will be subdivided as spaces are leased. The stair locations provide flexibility for tenant arrangement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

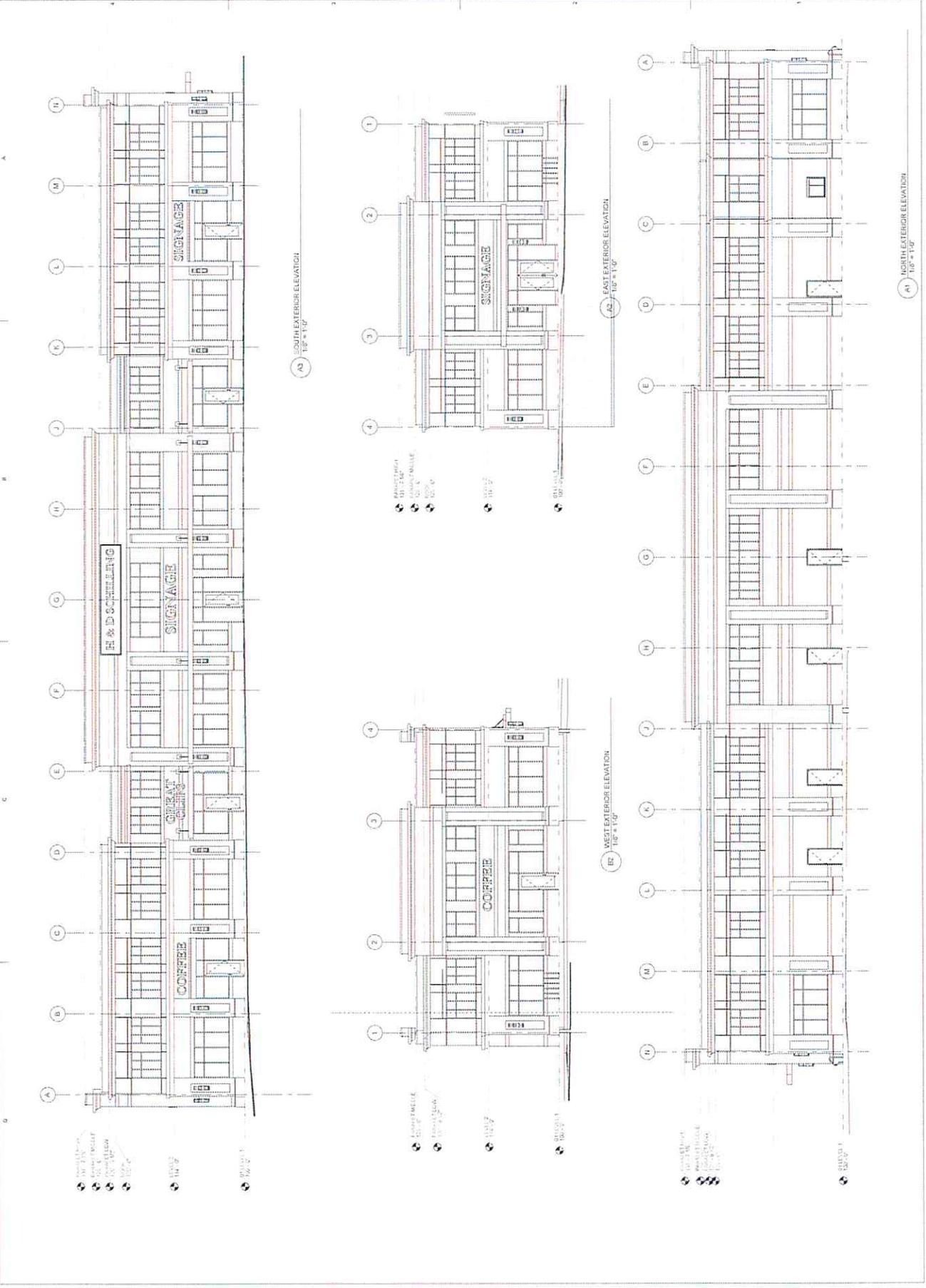
PARKING PROVIDED	
Surface	= 83
Below Ground	= 49
TOTAL	= 132

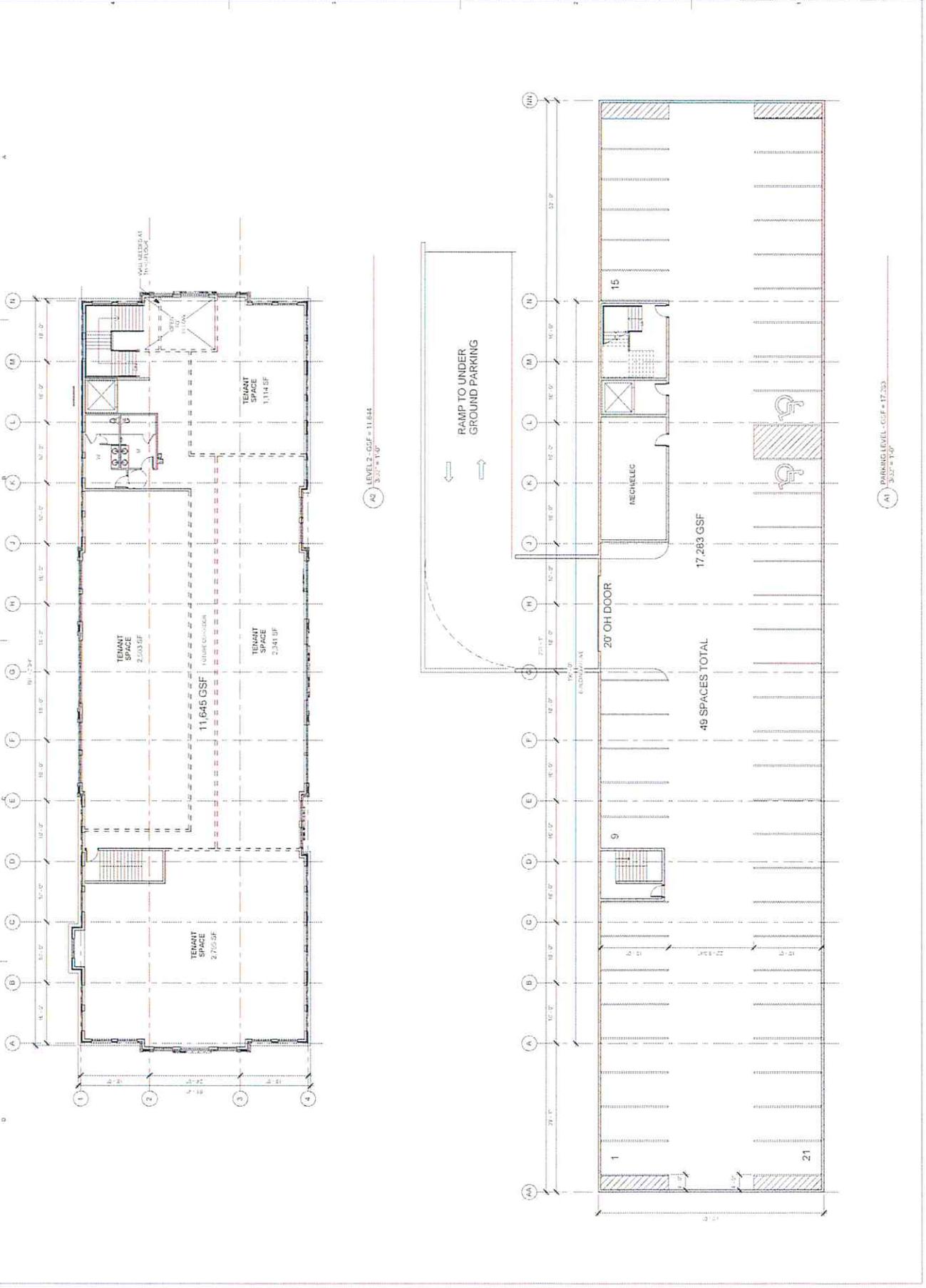


BISMARCK OFFICE - RETAIL
PRELIMINARY NOT FOR CONSTRUCTION

DATE	10/18/14
BY	10/18/14
CHKD	10/18/14
APP	10/18/14
CHKD BY	10/18/14
APP	10/18/14
CHKD BY	10/18/14
APP	10/18/14
CHKD BY	10/18/14
APP	10/18/14
CHKD BY	10/18/14
APP	10/18/14

DJR ARCHITECTURE, INC.





A2 LEVEL 2 - GSF = 11,645
3.00" = 1'-0"

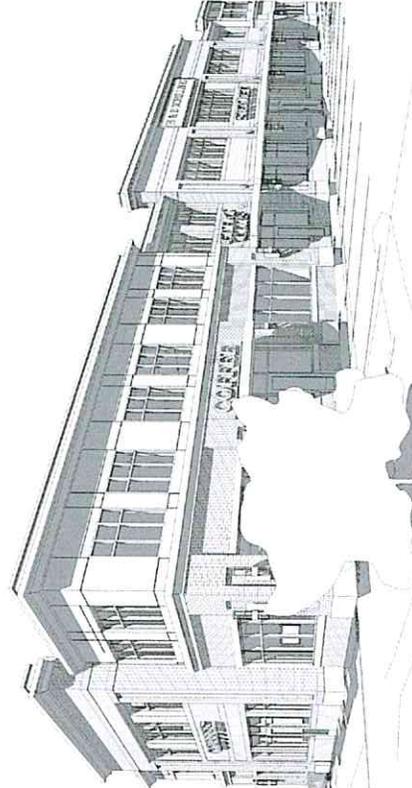
A1 PARKING LEVEL - GSF = 17,283
3.00" = 1'-0"

BISMARCK OFFICE - RETAIL

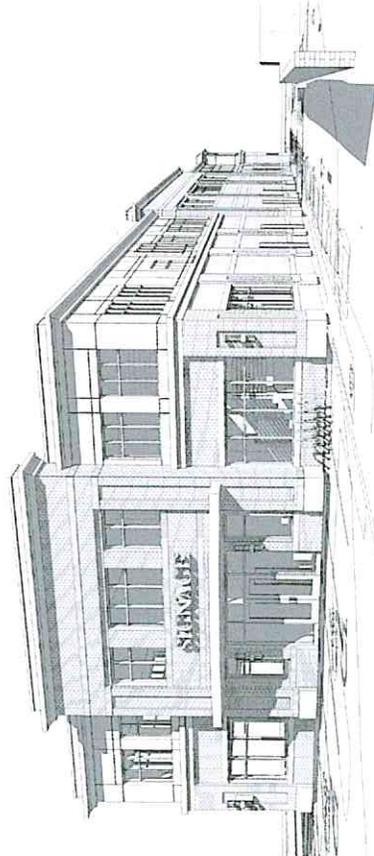
PRELIMINARY - NOT FOR CONSTRUCTION

Checked by:	Checked
Drawn by:	Andri
Date:	02/27/15
Project #:	15002
Client:	15002
Contractor:	15002
Contract:	15002
Structural:	15002
MEP:	15002
Other:	15002

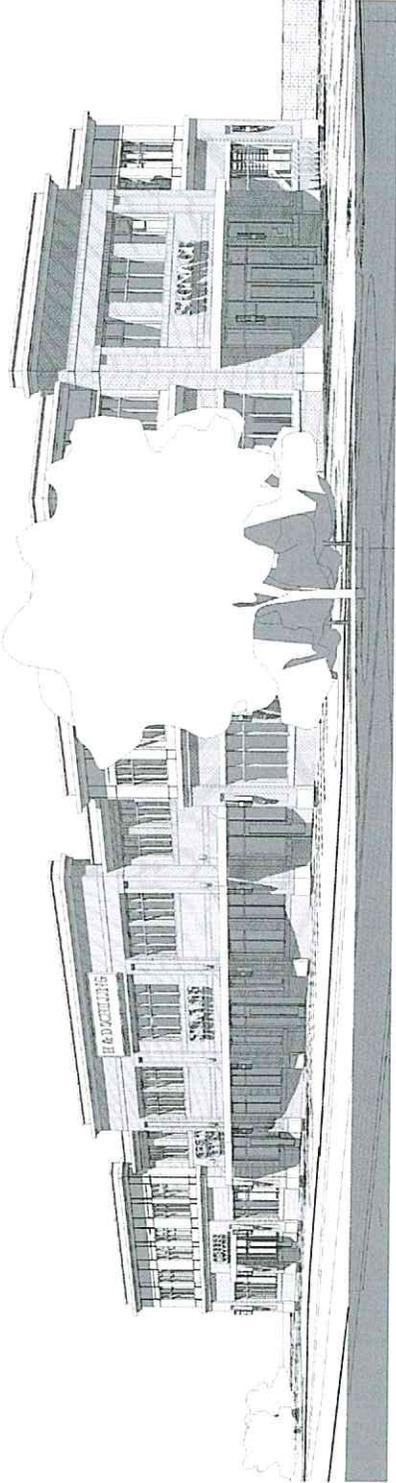
DJR
ARCHITECTURE, INC.
1555 COMMERCIAL AVENUE, SUITE 200
BISMARCK, NORTH DAKOTA 58501
701.782.2222



A1 VIEW OF CARIBOU



C1 VIEW OF OFFICE ENTRY, TOWARDS DRIVEWAY



1 OVERALL VIEW

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: Lot 2, Block 5, Prairie View Subdivision– Special Use Permit (oversized accessory building)	
Status: Planning Commission – Public Hearing	Date: November 17, 2015
Owner(s): Cletus and Darcy Ackerman	Engineer: None
Reason for Request: To increase the total square feet of accessory buildings located on a rural residential lot.	
Location: East of Bismarck, east of 52 nd Street NE and south of East Main Avenue, along the north side of Meadowlark Lane.	
Project Size: 1.1 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: 07/1968	Platted: 07/1968
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The applicant has requested the public hearing be continued to the December 16, 2015 meeting of the Bismarck Planning and Zoning Commission to allow him more time to reevaluate the size of the proposed accessory building and to decide on a conforming location of the proposed accessory building. 2. A variance from Section 14-04-01(5) of the City Code of Ordinances (Rural Residential)(Side Yard) to reduce the required side yard setback from fifteen (15) feet to three (3) feet was denied by the Board of Adjustment at their meeting of November 5, 2015. 3. 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 (2,400) square feet, provided a special use permit is approved by the Planning and Zoning Commission in accordance with provisions of Section 14-03-08 of the City Code of Ordinances (Special Uses). 	

FINDINGS:

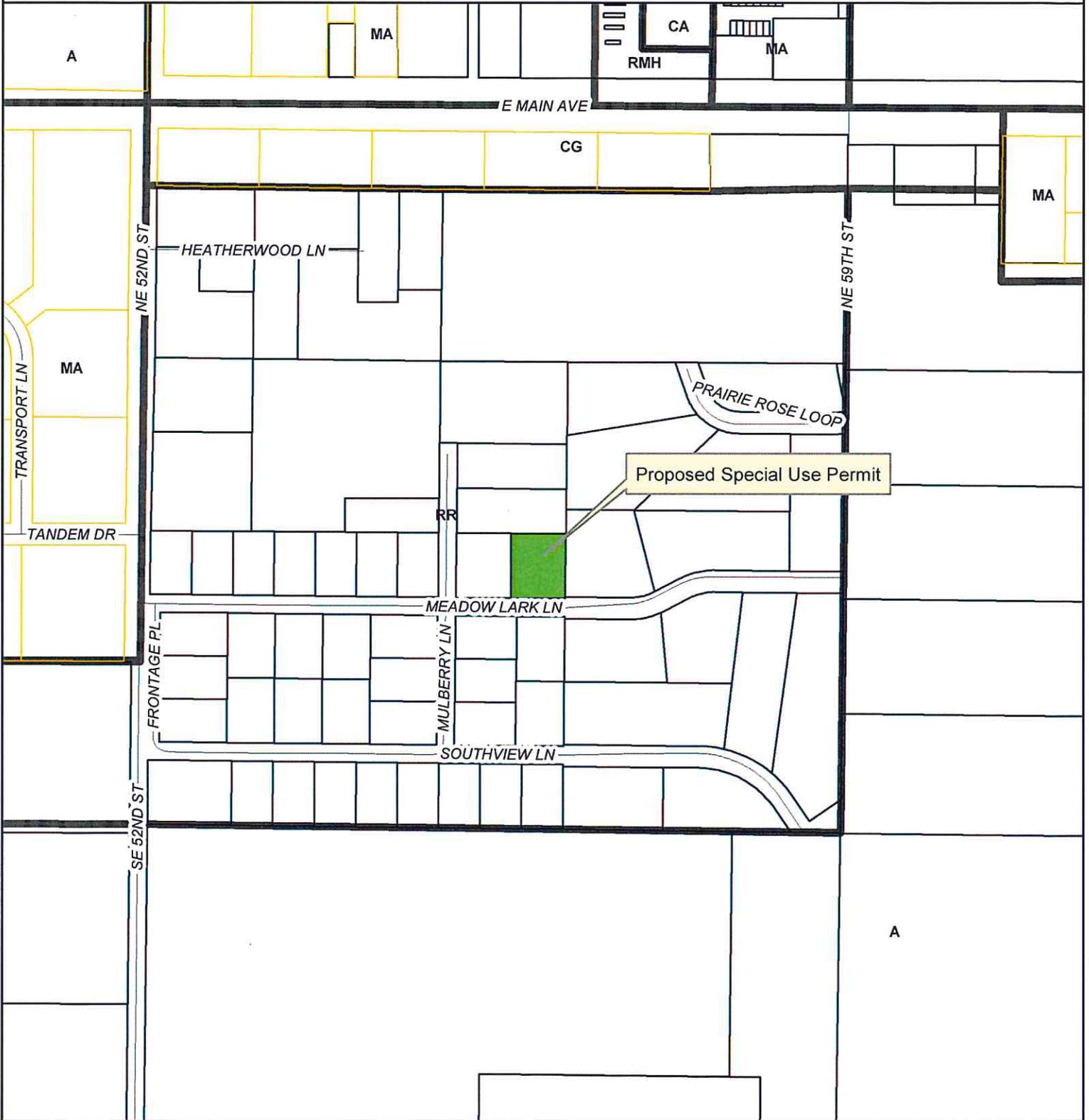
1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use would not adversely affect the public health, safety and general welfare.
3. The proposed special use 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 applicant's request, staff recommends continuing the public hearing on the special use permit to increase the total allowable square footage of accessory buildings on Lot 2, Block 5, Prairie View until the December 16, 2015 meeting of the Bismarck Planning and Zoning Commission.

/JW

Proposed Special Use Permit Lot 2, Block 5, Prairie View Subdivision



June 15, 2015 (h1b)

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



RESOLUTION

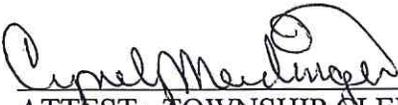
WE, THE BOARD OF TOWNSHIP SUPERVISORS OF APPLE CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
SPECIAL USE PERMIT FOR LOT 2, BLOCK 5, PRAIRIE VIEW SUBDIVISION TO
INCREASE THE TOTAL AREA OF ACCESSORY BUILDINGS TO 2,088 SQUARE
FEET AND HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS
THAT SAID SPECIAL USE PERMIT BE (APPROVED)(DENIED).

(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

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

ACT Board recommends approval if all setbacks
are met.

 10-2-2015
CHAIRMAN, TOWNSHIP BOARD DATE

 11-2-15
ATTEST: TOWNSHIP CLERK DATE

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

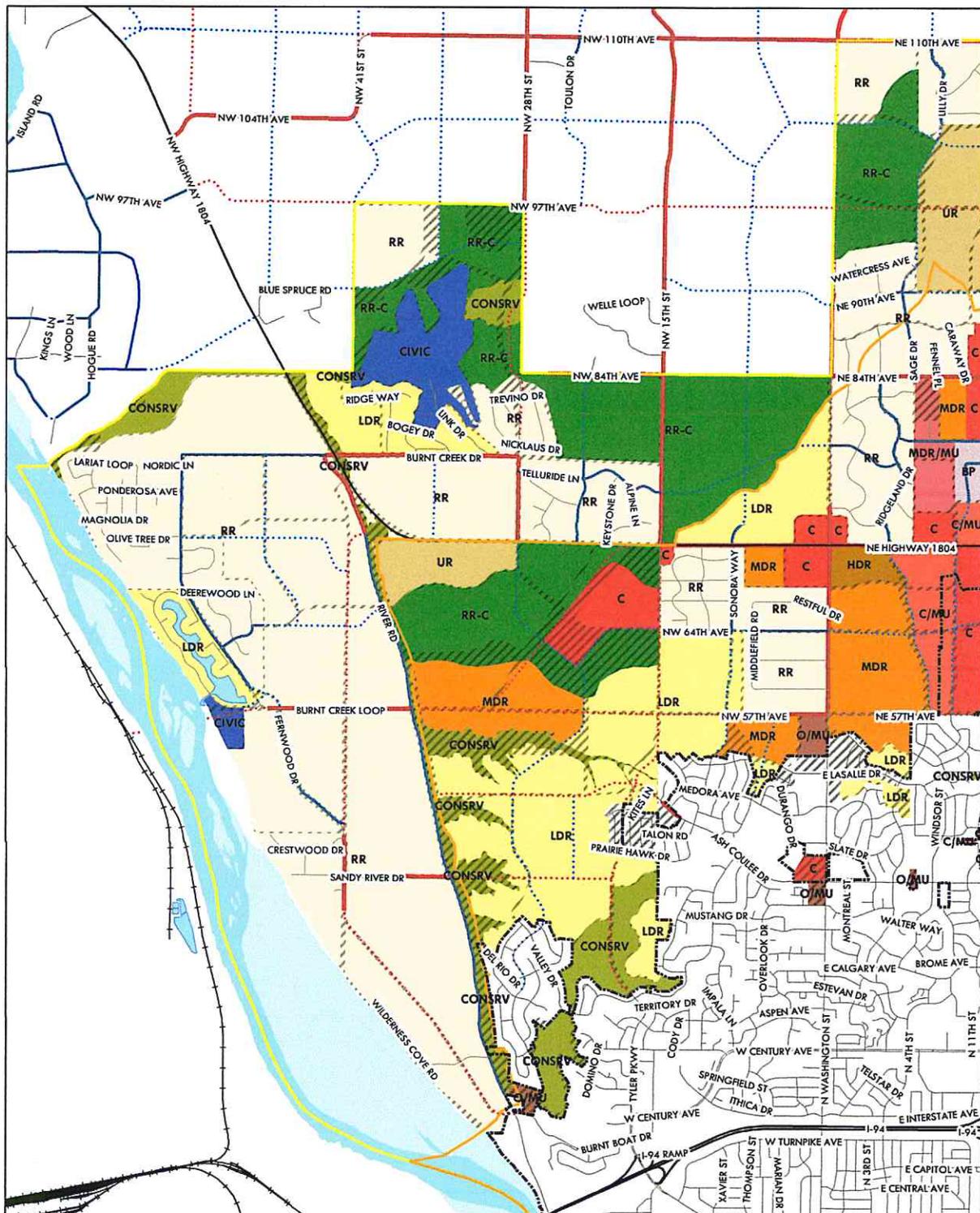
BACKGROUND:	
Title: Region-wide amendments to the Future Land Use Plan (FLUP)	
Status: Planning Commission – Public Hearing	Date: November 17, 2015
Reason for Request: Align the Future Land Use Plan in the 2014 Growth Management Plan with other adopted plans, including the 2014 Fringe Area Road Master 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.	
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 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:	
<ol style="list-style-type: none"> 1. The proposed amendments are compatible with adjacent land uses. 2. The proposed amendments are 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. 	
<i>(continued)</i>	

3. The proposed amendments are in the public interest and not solely for the benefit of a single property owner.
4. The proposed amendments are consistent with the general intent and purpose of the zoning ordinance.
5. The proposed amendments are consistent with the other aspects of the master plan, other adopted plans, policies and planning practice.
6. The proposed amendments would not adversely affect the public health, safety, and general welfare.

RECOMMENDATION:

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

/dn

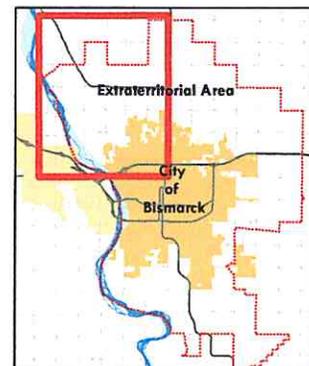
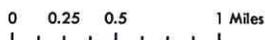


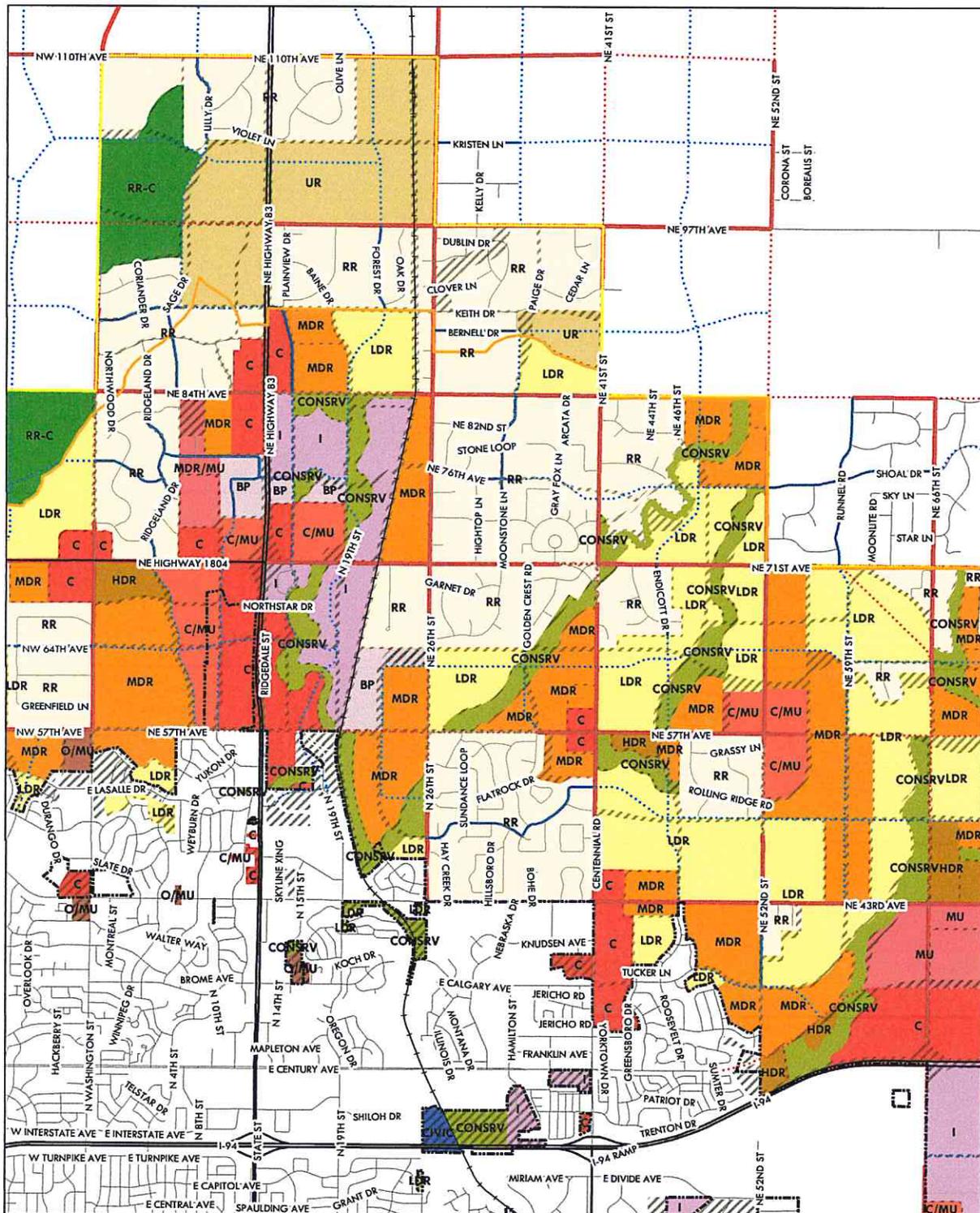
- Changes from 2014 FLUP
- DRAFT 2015 Future Land Use Plan**
- Conservation
- Business Park
- Commercial
- Commercial/Mixed Use
- Civic
- High Density Residential
- Industrial

- 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

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





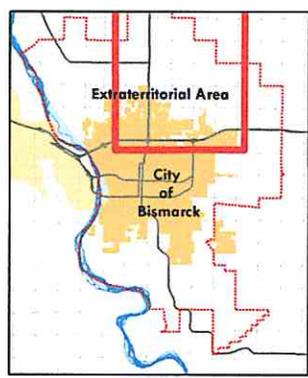
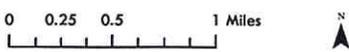
DRAFT 2015 Future Land Use Plan

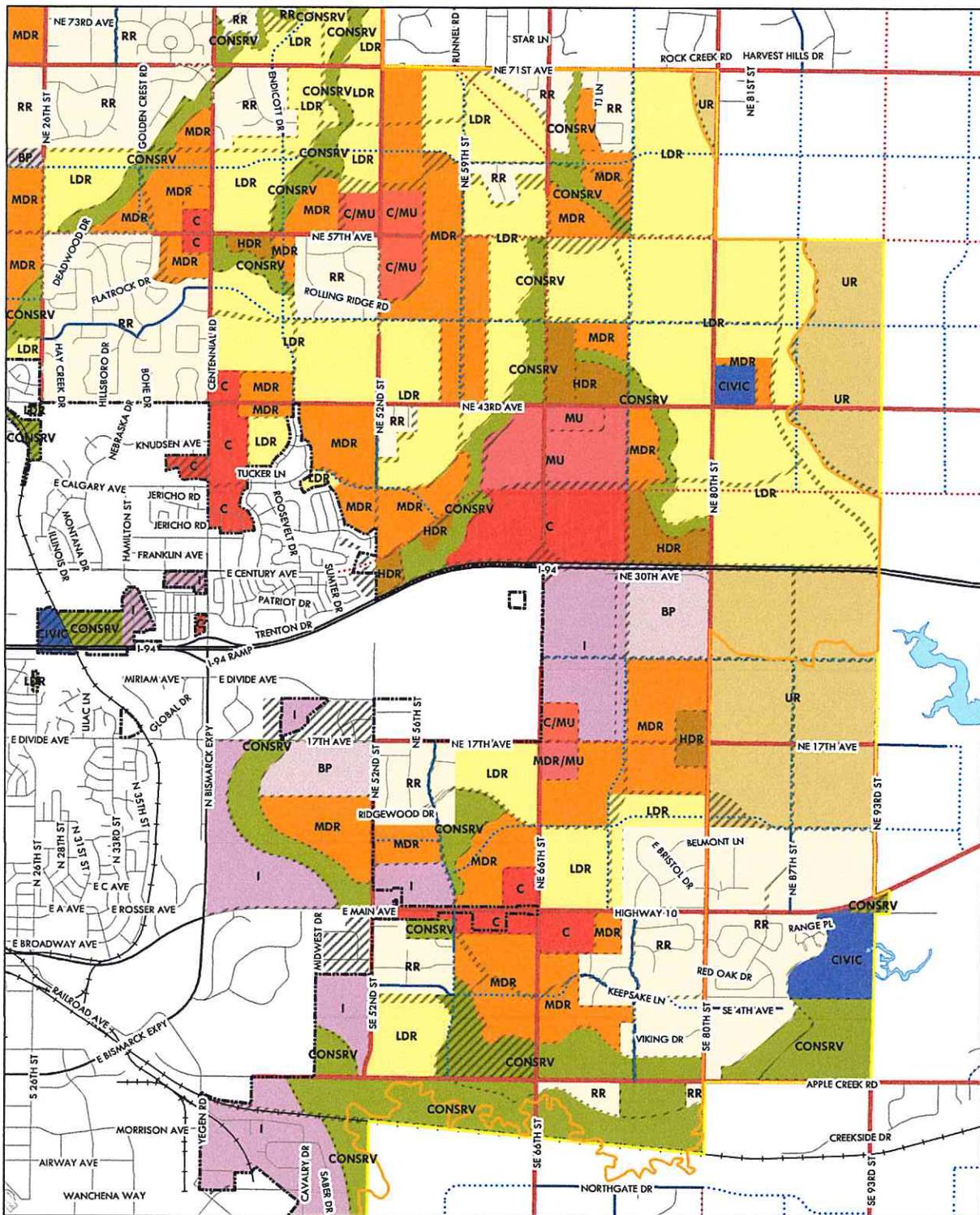
- Conservation
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2014 Fringe Master Plan Roads

- Arterial
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Changes from 2014 FLUP
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DRAFT 2015 Future Land Use Plan

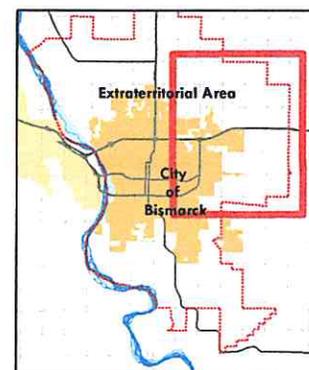
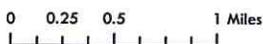
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-  Civic
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-  Industrial

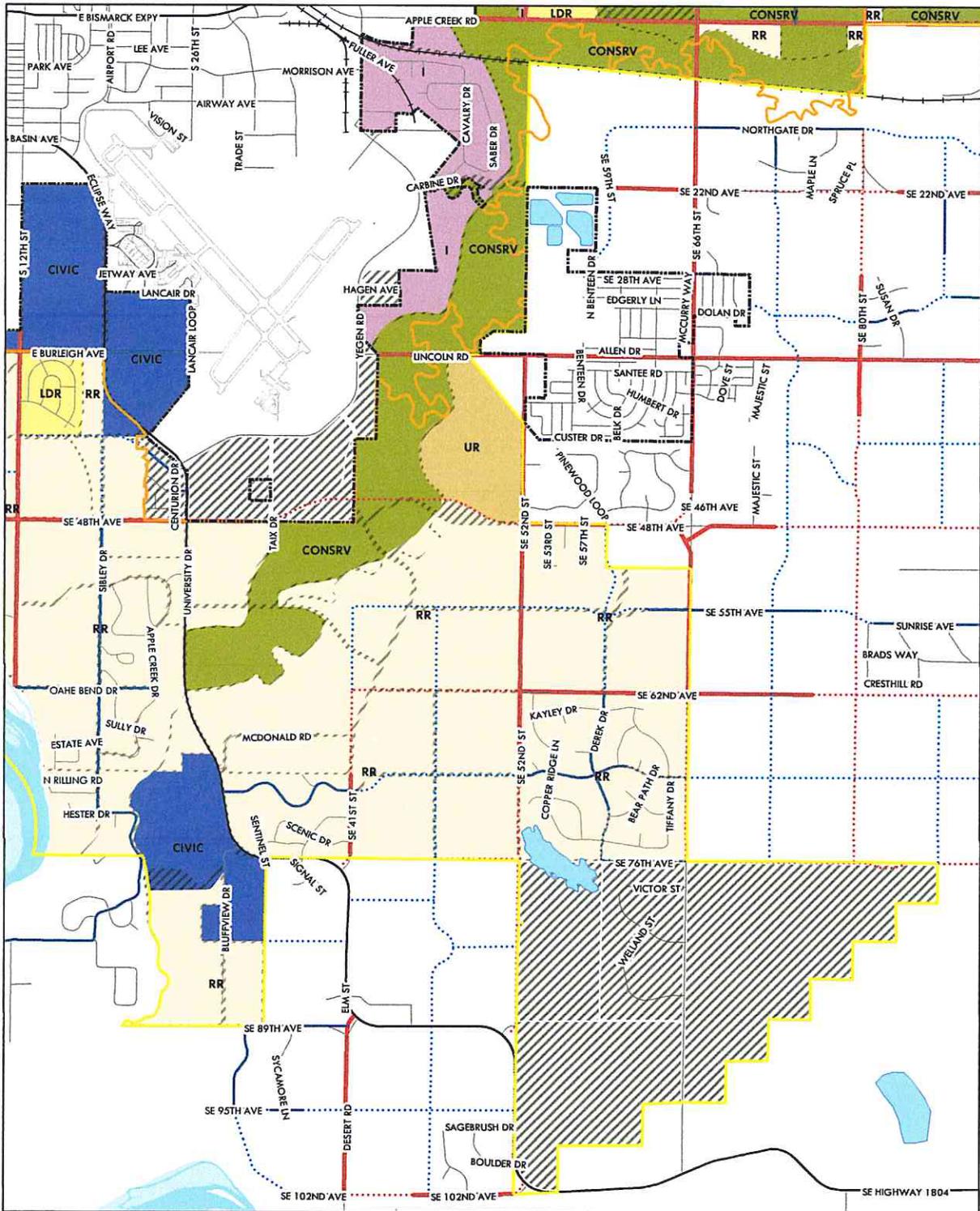
-  Low Density Residential
-  Medium Density Residential
-  Med. Density Res./Mixed Use
-  Mixed Use
-  Office/Mixed Use
-  Clustered Rural Residential
-  Conventional Rural Residential
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2014 Fringe Master Plan Roads

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-  Collector
-  Existing Arterial
-  Existing Collector

Changes from 2014 FLUP
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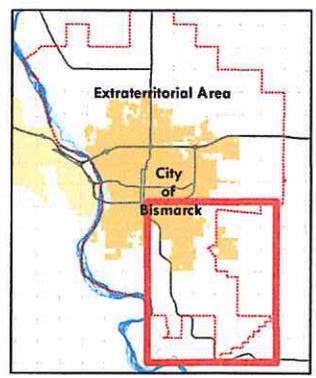
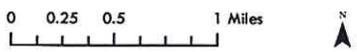


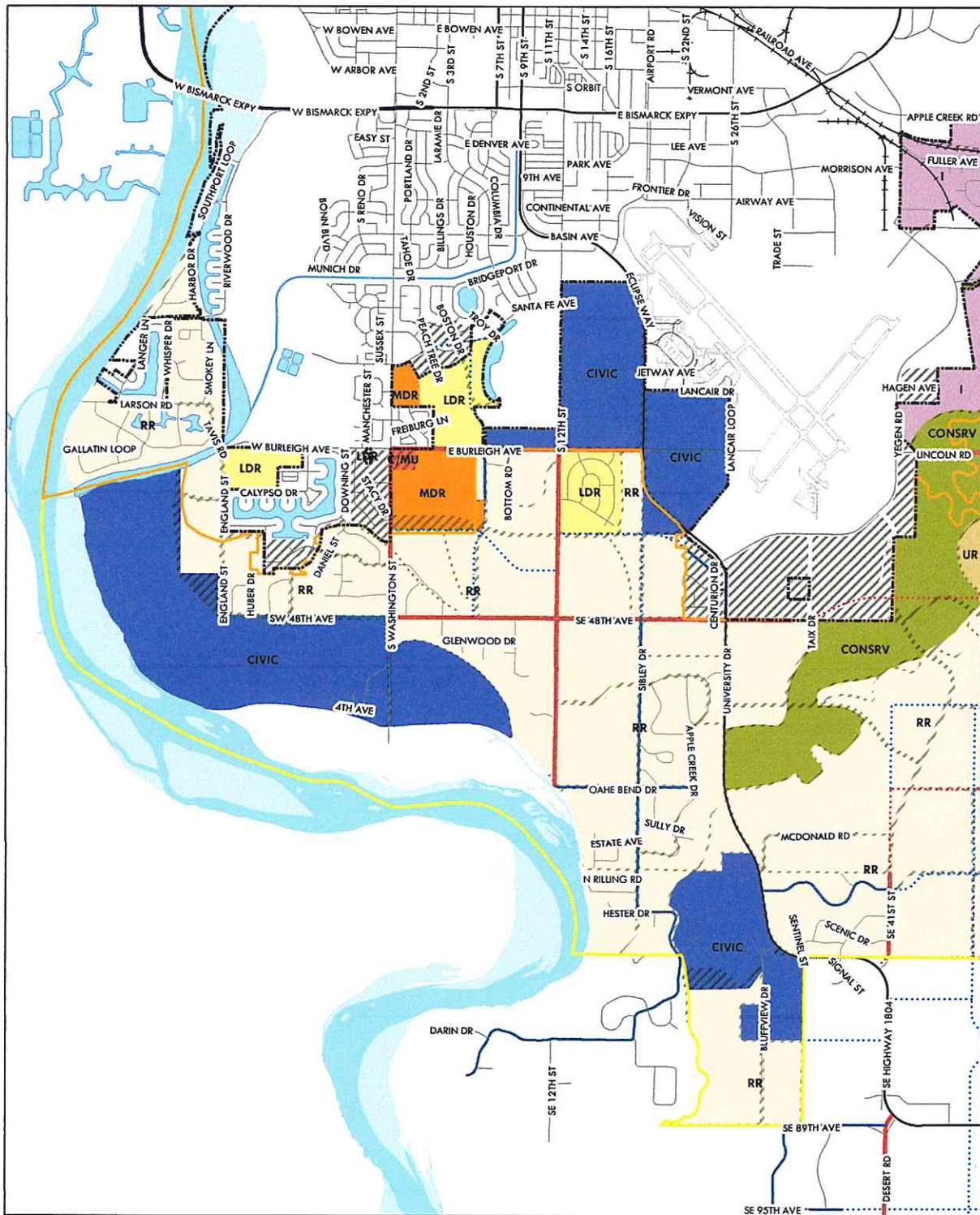


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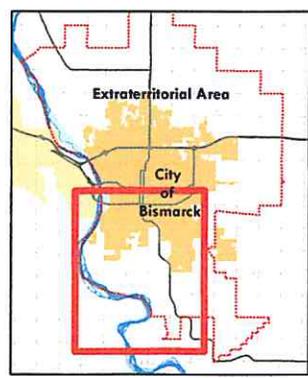
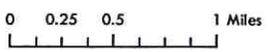


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- 2014 Fringe Master Plan Roads - Arterial
- 2014 Fringe Master Plan Roads - Collector
- Existing Arterial
- Existing Collector

- 2014 Fringe Master Plan Roads - Arterial
- 2014 Fringe Master Plan Roads - Collector
- Existing Arterial
- Existing Collector

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CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-08, 14-04-14 AND 14-04-17 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SPECIAL USES, THE MA INDUSTRIAL DISTRICT, THE A AGRICULTURAL DISTRICT 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 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.

* * * * *

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~~ Production Facilities. Asphalt ~~and concrete batch plants~~ production facilities, either permanent or temporary, may be permitted in any A or MA district, ~~and concrete batch plants production facilities, 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~~ production facilities, the following additional provisions apply:

a) The temporary asphalt or concrete ~~batch plants~~ production facility 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. Amendment. Section 14-04-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the 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:

* * * * *

2. Uses permitted. The following uses are permitted:

* * * * *

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

* * * * *

t. Asphalt production facilities, both permanent and temporary

* * * * *

Section 3. Amendment. Section 14-04-14 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the A Agricultural District is hereby amended and re-enacted to read as follows:

14-04-17. "A" Agricultural District. In an A agricultural district, the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

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

* * * * *

s. Concrete and asphalt production facilities,
both permanent and temporary

* * * * *

Section 4. 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 5. Effective Date. This ordinance shall take effect following final passage, adoption and publication.