

- 6. **Accessory Solar Energy Systems (DN)**
Zoning Ordinance Text Amendment | ZOTA2016-00239

REGULAR AGENDA

PUBLIC HEARINGS

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

- 7. **Sections 18 & 19, T139N-R80W/Hay Creek Township (DN)**
Fringe Area Road Master Plan Amendment | FRMP2016-00151

Staff recommendation: approve approve continue table deny

- 8. **Schwans Commercial Addition (JT)55**
 - **Final Plat | FPLT2016-002**

Staff recommendation: approve approve continue table deny

 - **Zoning Change (A to CG) | ZC2015-036**

Staff recommendation: approve approve continue table deny

 - **Special Use Permit | SUP2016-001**

Staff recommendation: approve approve continue table deny

- 9. **Tracts A & B of Auditor's Lot 30, Park Hills Auditor's Lots and parts of Blocks 4 and 9, Park Hills Second Addition (JW)**
Zoning Change (CG and R10 to P) | ZC2016-00265

Staff recommendation: approve approve continue table deny

- 10. **Various Lots and Tracts in Central and West Bismarck (DN)**
City-Initiated Zoning Change - Phase 4 of 6
(R5, R10, RM15, and RM30 to P) | ZC2016-00370

Staff recommendation: approve approve continue table deny

- 11. **Subdivision Regulations/Rural Residential Lot Splits (JW)**
Zoning Ordinance Text Amendment | ZOTA2016-00177

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

- 12. **Other**

ADJOURNMENT

13. Adjourn. The next regular meeting date is scheduled for **April 27, 2016.**

Enclosures: Meeting Minutes of February 24, 2016
Building Permit Activity Month to Date Report for February 2016
Building Permit Activity Year to Date Report for February 2016



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

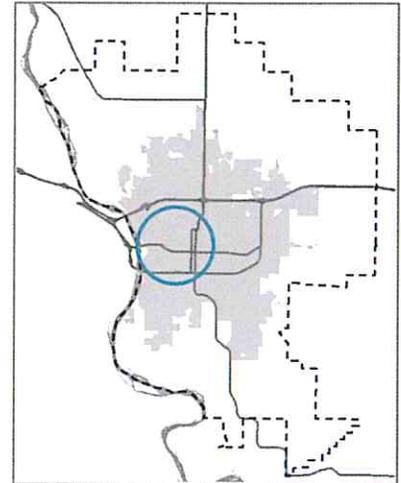
Agenda Item # 3
 March 23, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKit Project ID: PUDA2016-001

Project Summary

Title:	Block 15, McKenzie's Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Catholic Diocese of Bismarck
Project Contact:	Al Fitterer Architect, PC
Location:	In central Bismarck, along the west side of North Washington Street between West Avenue A and West Avenue B.
Project Size:	90,000 square feet
Request:	To amend the Planned Unit Development (PUD) amendment approved in 2014 to allow the building located at 304 West A Avenue (CB Little House) to be used as an office use.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 Block	Number of Lots:	1 Block
Land Use:	Religious facilities and office uses	Land Use:	Religious facilities and office uses
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	N/A

Property History

Zoned:	03/2004 (PUD) 04/2004 (Amended) 10/2014 (Amended)	Platted:	Pre-1980	Annexed:	Pre-1980
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Staff Analysis

Section 14-04-18 of the City Code of Ordinances (Planned Unit Development) indicates that the intent of the City's Planned Unit Development (PUD) 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

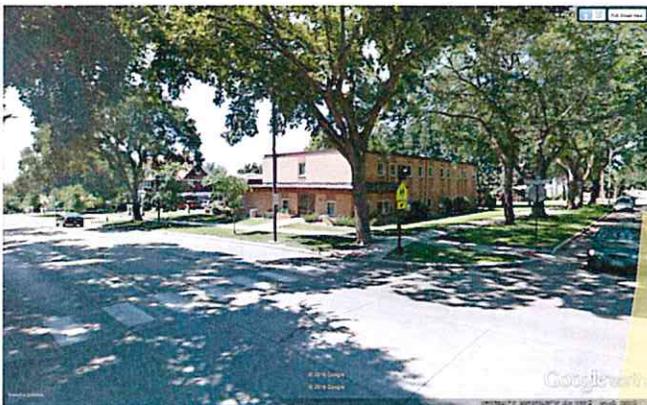
(continued)

streets and utilities; and to preserve the natural and scenic features of open space.” A copy of this section is attached.

There have been a series of amendments to the existing PUD since the original PUD was approved in March 2004. The original PUD included provisions that brought the existing office uses into compliance and allowed for the adaptive reuse of the CB Little House for non-Diocese offices.

The PUD was amended again in April of 2005 to allow the demolition of the carriage house which was being used for storage. Since the use of the carriage house for storage was included in the original PUD ordinance, removing the carriage house from the property required an amendment to the PUD. The area occupied by the carriage house has become open space.

The PUD was further amended in October 2014 to allow the demolition and reconstruction of the office building located at 520 North Washington Street (Center for Pastoral Ministry), and to change the use of the building located at 304 West Avenue A (CB Little House) from offices for the ND State Bar Association into residential living quarters for clergy of the Diocese of Bismarck.



(Block 15, McKenzie's Addition looking southwest)

The October 2014 amendments to the PUD have been abandoned by the owner. According to the applicant the building located at 520 North Washington Street (Center for Pastoral Ministry) will not be demolished and all building occupancies will remain the same, as identified in the original 2004 PUD. In particular, the building located at 304 West Avenue A (CB Little

House) will be used as an office use for the chancery offices of the Diocese and is no longer planned to be used as residential living quarters for clergy of the Diocese of Bismarck.

As neither of the buildings or uses are changing, the proposed PUD amendment would be compatible with adjacent land uses. Adjacent land uses include residential to the north, south and east, and a Catholic grade school with associated offices to the west.

Required Findings of Fact

1. The proposed zoning change outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies will continue to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;

(continued)

10. The proposed amendment is consistent with the master plan, other adopted plans, policies and planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Block 15, McKenzie's Addition, as outlined in the attached PUD amendment document.

Attachments

1. Draft PUD amendment document
2. Location Map
3. Site Plan
4. PUD Written Statement
5. Section 14-04-18 – PUD

Staff report prepared by: Jenny Wollmuth, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

**BLOCK 15, MCKENZIE'S ADDITION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5309 (Adopted March 23, 2004)
MAJOR PUD AMENDMENT (Adopted April 27, 2005)
MAJOR PUD AMENDMENT (Adopted October 14, 2014)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5309 was adopted by the Board of City Commissioners on March 23, 2004; and

WHEREAS, Ordinance No. 5309 was amended by the Planning & Zoning Commission on April 27, 2005; 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:

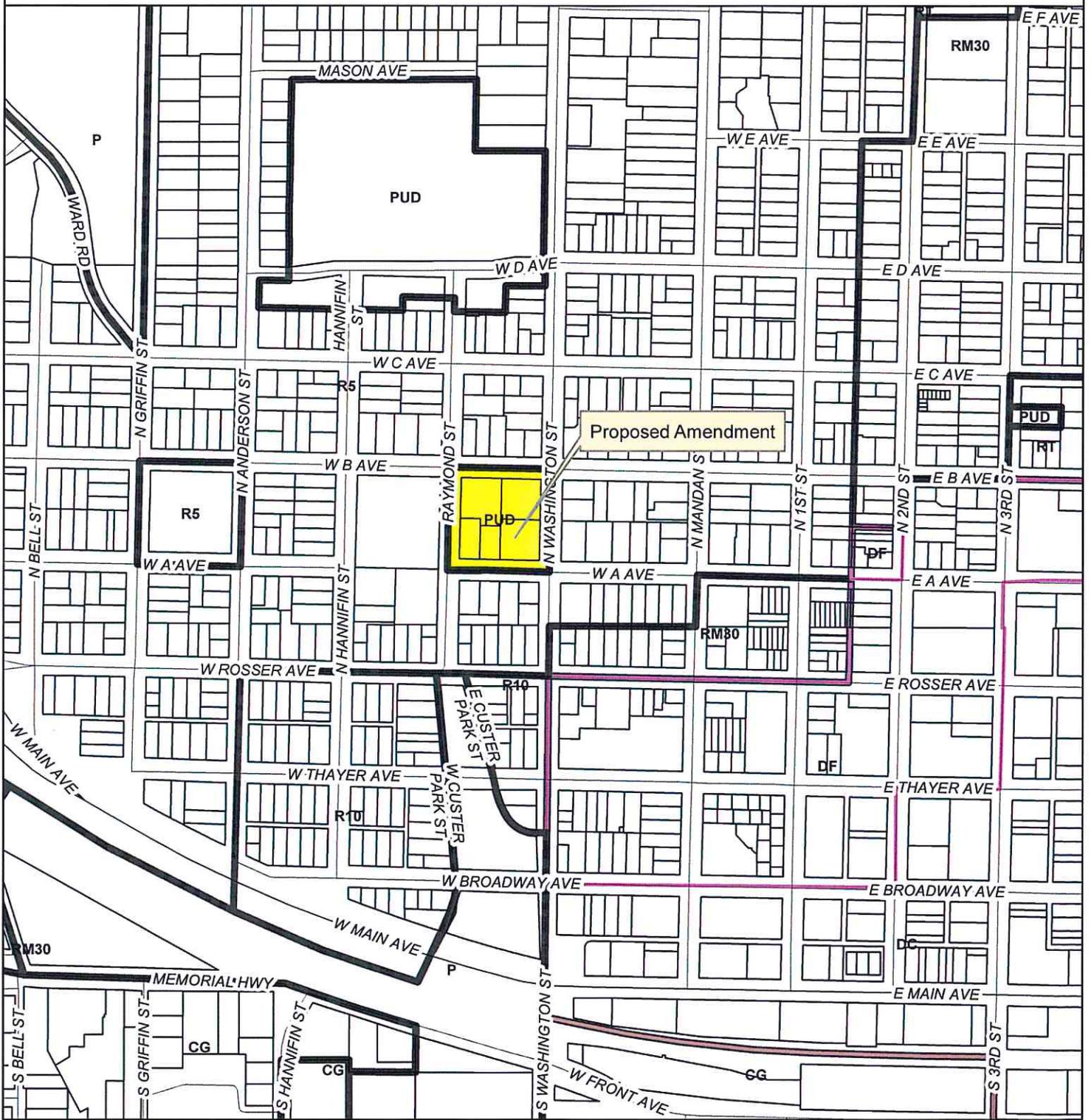
Block 15, McKenzie's Addition is hereby approved and this PUD is now subject to the following development standards:

- 1. Uses Permitted.* Uses permitted include uses accessory to a religious facility (rectory/offices), office uses, and parking. The use of the building at 519 Raymond Street (northwest corner of the block) is limited to rectory/office for Cathedral of the Holy Spirit; the use of the building at 520 North Washington Street (northeast corner of the block) is limited to offices and other related uses in conjunction with the Catholic Diocese of Bismarck's Center for Pastoral Ministry; and the use of the building at 304 West Avenue A (southeast corner of the block – CB Little House) is limited to professional offices (medical or bank uses not allowed) ~~no more than five (5) residential living units for the Catholic Diocese of Bismarck clergy.~~ The use of both the carriage house and the maintenance building is limited to accessory storage. Any change in the use of any building from that indicated above will require an amendment to this PUD.
- 2. General Development Standards.* The maximum allowable density, minimum lot area, minimum lot width, lot coverage, setbacks and height limits are the same as the R5-Residential standards. Any change to the buildings that would violate these standards will require an amendment to this PUD.

3. *Parking.* Adequate parking shall continue to be provided on site for the existing and proposed uses.

4. *Signage.* Signage is limited to the existing sign at the entrance on North Washington Street, the existing sign at the entrance on East Avenue A, the existing sign on the front of the rectory building, and one additional sign. The existing signs may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The one additional sign allowed may be a monument style sign or of a style similar to the existing signs, with a face no more than 15 square feet in area. This new sign may be placed at the entrance on North Washington Street or at the entrance on East Avenue A (it may not be placed at the southeast corner of the block).

Proposed PUD Amendment Block 15, McKenzie's Addition

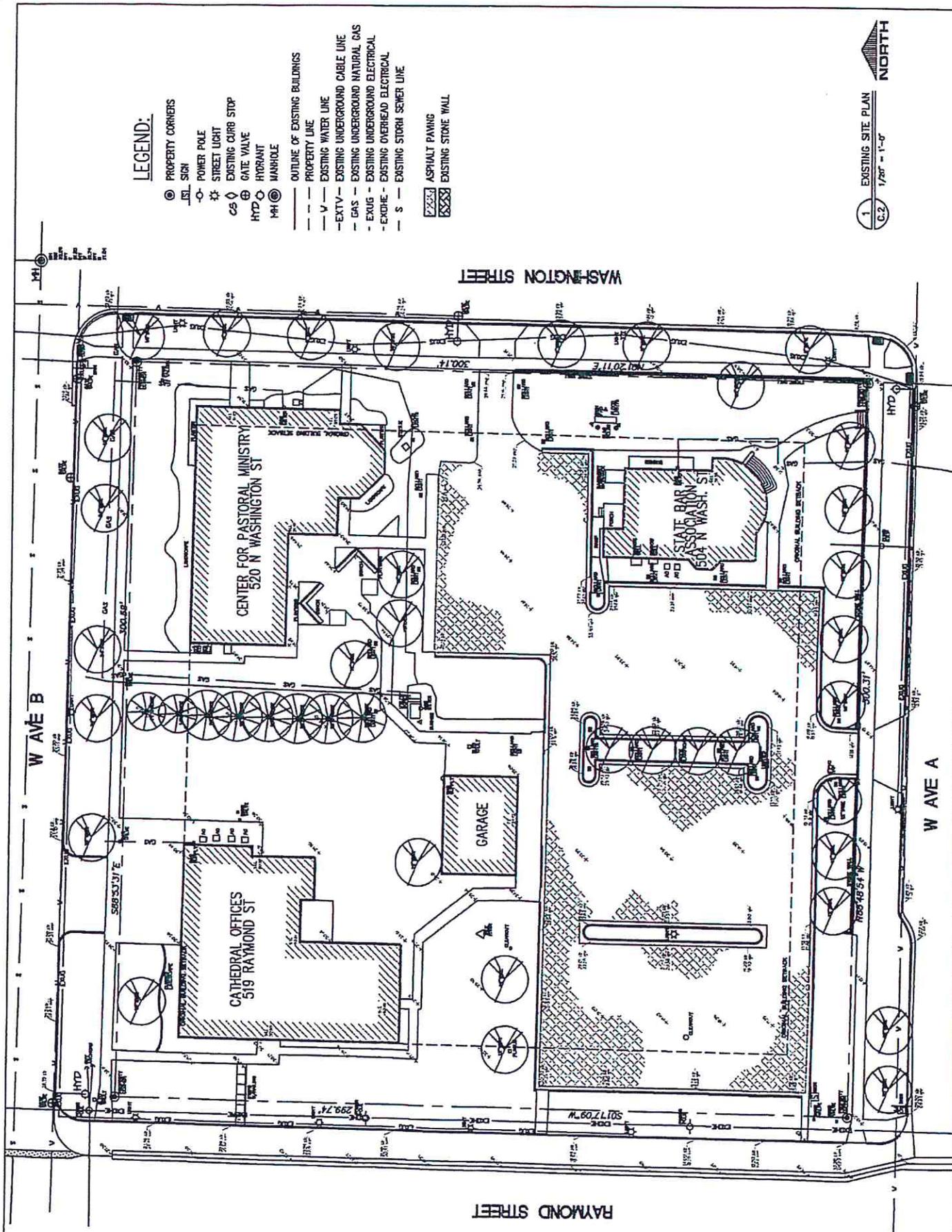


June 15, 2015 (hib)

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



FEB 18 2016



LEGEND:

- ⊙ PROPERTY CORNERS
- ⊙ SIGN
- ⊙ POWER POLE
- ⊙ STREET LIGHT
- ⊙ EXISTING CURB STOP
- ⊙ GATE VALVE
- ⊙ HYDRANT
- ⊙ MANHOLE
- OUTLINE OF EXISTING BUILDINGS
- PROPERTY LINE
- EXISTING WATER LINE
- EXTV- EXISTING UNDERGROUND CABLE LINE
- GAS- EXISTING UNDERGROUND NATURAL GAS
- EXUG- EXISTING UNDERGROUND ELECTRICAL
- EXOHE- EXISTING OVERHEAD ELECTRICAL
- S- EXISTING STORM SEWER LINE
- ▨ ASPHALT PAVING
- ▨ EXISTING STONE WALL

1 EXISTING SITE PLAN
C.2 1/2" = 1'-0"



CENTER FOR PASTORAL MINISTRY
F1221
6-12-14
C.2

AL FITTNER, ARCHITECT PC
200 10th Ave NW
PO BOX 120 MANDAN, NORTH DAKOTA 58554
701-843-7544 FAX 701-843-7544

FEB 18 2016



Al Fitterer Architect PC

200 Third Avenue NW • PO Box 129 • Mandan, ND 58554 • Phone (701)663-7543 • Fax (701)663-7544

Attachment to Unified Development Application City of Bismarck

To: Community Development – Bismarck **From:** Al Fitterer, Al Fitterer Architect PC

Attn: Jenny Wollmuth, Planner **Date:** 2/19/2016 (original date 7/7/2014)

Re: Roman Catholic Diocese of Bismarck **CC:** Dale Eberle, Chancellor

Urgent For Review For Your Use Please Reply

PUD Amendment to Ordinance No. 5309

1. 520 North Washington; Center for Pastoral Ministry
 - a. NE Corner of block.
 - i. ~~Demolish existing two-story office structure.~~
 - ii. ~~Construct new office building with partial basement.~~
 - iii. ~~Setback variance from 25 to 17 feet. (existing building setback is 17 feet)~~

2. 519 North Raymond; Cathedral of Holy Spirit
 - a. NW Corner of block.
 - i. Existing use is office space.
 - ii. ~~Change from office use to rectory for Cathedral of Holy Spirit.~~

3. 304 West Avenue A; CB Little House
 - a. SE Corner of block
 - i. Existing use is office space.
 - ii. ~~Change from office use to residential.~~

4. Maintenance building
 - a. Center of block
 - i. ~~Demolish building.~~

The changes requested above in August 2014 have been abandoned! All building occupancies will remain the same including the use of the CB Little house as an office usage. The only change for the CB Little house will be the office occupant. The chancery offices of the diocese will move from 420 Raymond Street to the CB Little house at 304 West Avenue A. There will be a total of seven (7) staff in the building including the bishop and chancellor.

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 describe 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 noncompatible 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.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

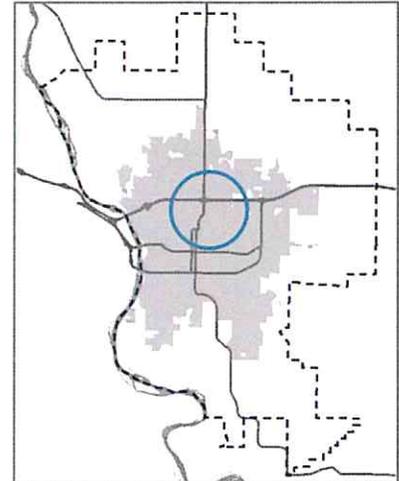
Agenda Item # 4
 March 23, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2016-002

Project Summary

Title:	Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	First International Bank & Trust
Project Contact:	Peter Stenehem
Location:	In north-central Bismarck, along the east side of State Street and the south side of East Divide Avenue
Project Size:	3.96 acres
Request:	To modify the existing PUD to allow for the height reduction of the proposed parking structure by one floor; to reduce the setbacks along the west and east sides of the site; to modify the off-street parking requirements; and to allow for modifications to a proposed pole sign on the west side of the property and to allow for a lit sign on the east-facing building façade.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	5 lots in 3 blocks	Number of Lots:	5 lots in 3 blocks
Land Use:	Undeveloped	Land Use:	Two multi-story mixed-use office buildings and a parking structure
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	N/A	Max Density Allowed:	N/A

(continued)

Property History

<p>Zoned: 11/2009 09/2010 (Amended) 02/2015 (Amended) 12/2015 (Amended)</p>	<p>Platted: 11/2009 (Capital View Addition) 05/1976 (Capitol Place) 02/1915 (Fisher Addition)</p>	<p>Annexed: Pre-1980</p>
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Staff Analysis

The applicant has indicated its desire would be to remove one level of the off-street parking structure to help limit the impacts of the facility on the residential land uses in the area. The applicant has requested a reduction of the previously-approved setbacks along the west and east sides of the site to allow for a larger number of parking stalls on each level of the parking structure. Additionally, the applicant has requested an increase in the maximum height of the proposed pylon sign along the west side of the property. The proposed change in the sign height is being requested due to the significant change in elevation across the site from north to south. The applicant is also requesting one illuminated sign on the east-facing building façade. Planning staff does not support illuminated signage on the east-facing building façade due to the proximity to the residential uses.

and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;

6. The amended planned unit development would preserve the natural features of the site inasmuch as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Required Findings of Fact

1. The proposed amendment is outside the area of Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The area is already annexed; therefore the City of Bismarck would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition.

Attachments

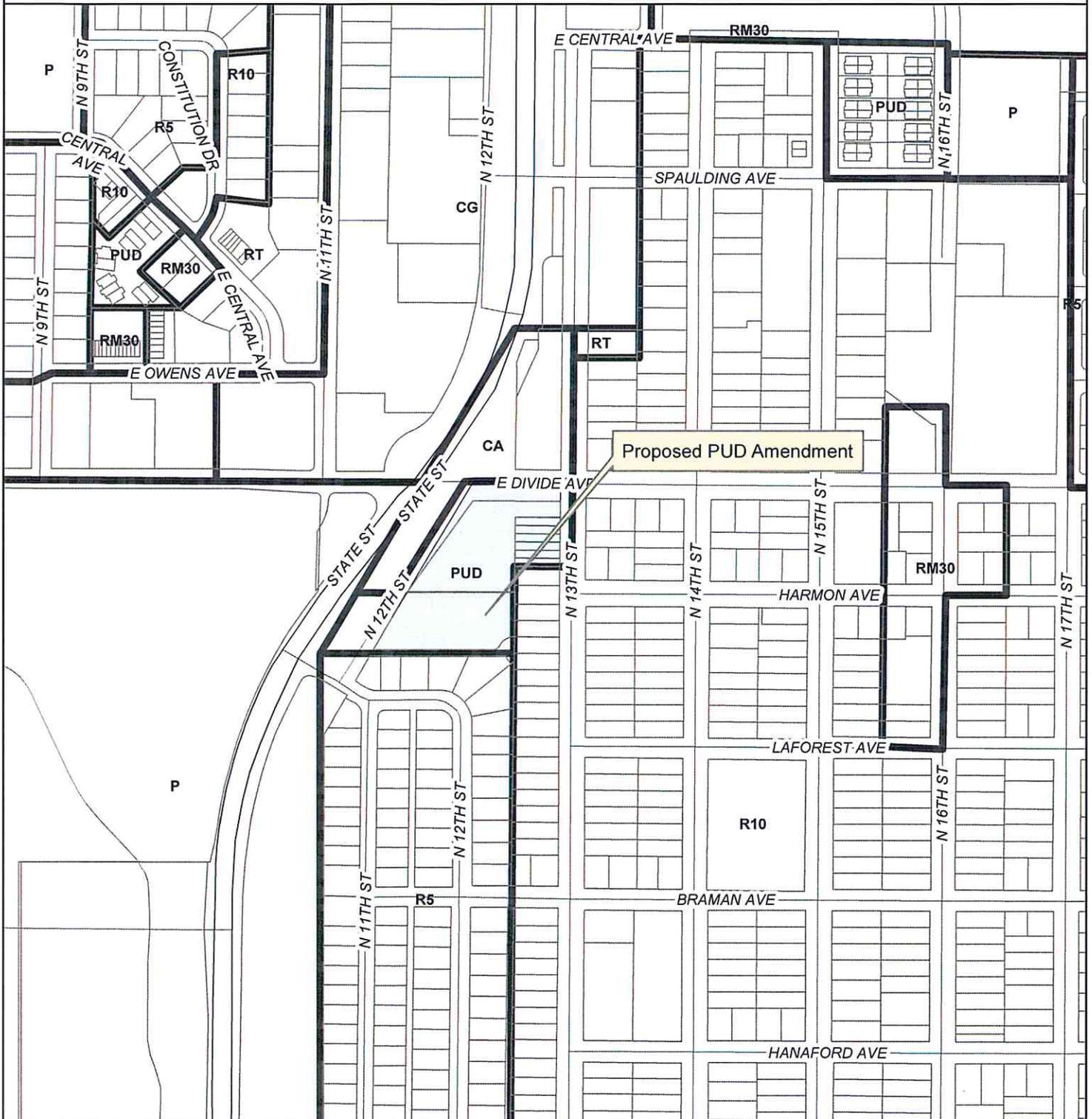
1. Location Map

- | | |
|---------------------------------|---------------------------------|
| 2. Approved Site Plan | 5. Proposed Building Elevations |
| 3. Proposed Site Plan | 6. PUD Written Statement |
| 4. Approved Building Elevations | |
-

Staff report prepared by: Jason Tomanek, Senior Planner
710-355-1849 | jtomanek@bismarcknd.org

Proposed PUD Amendment

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



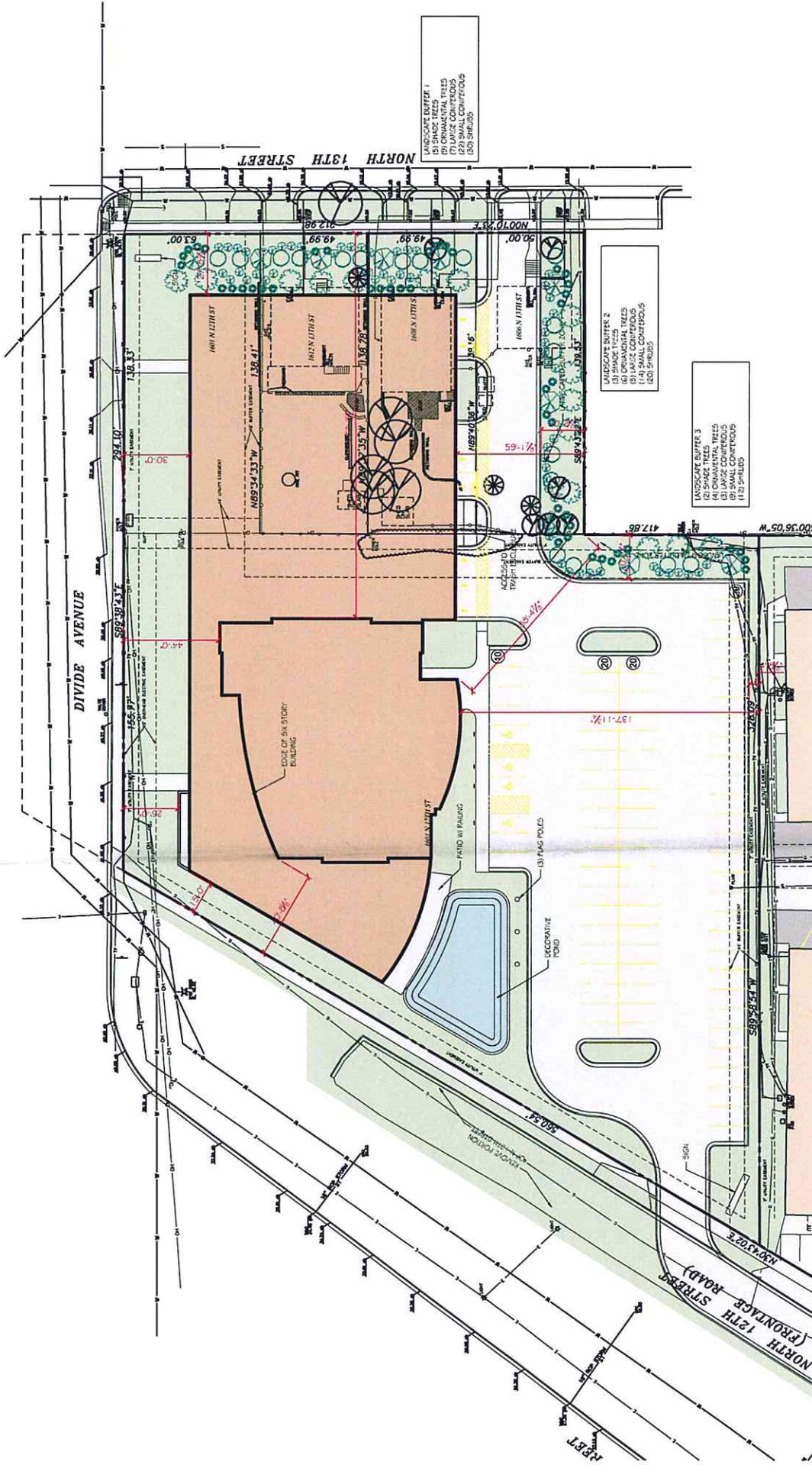
February 26, 2016 (h1b)

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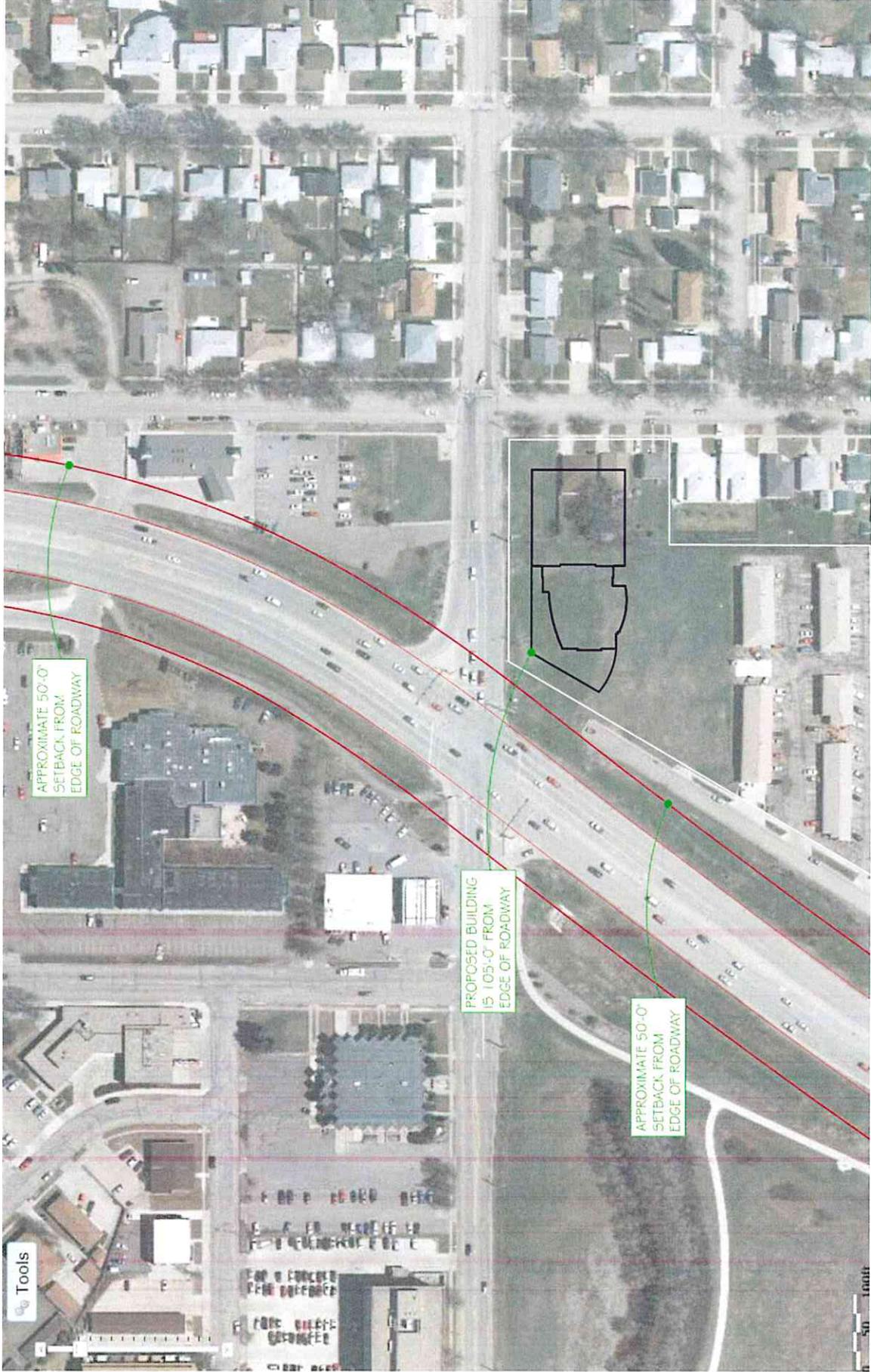


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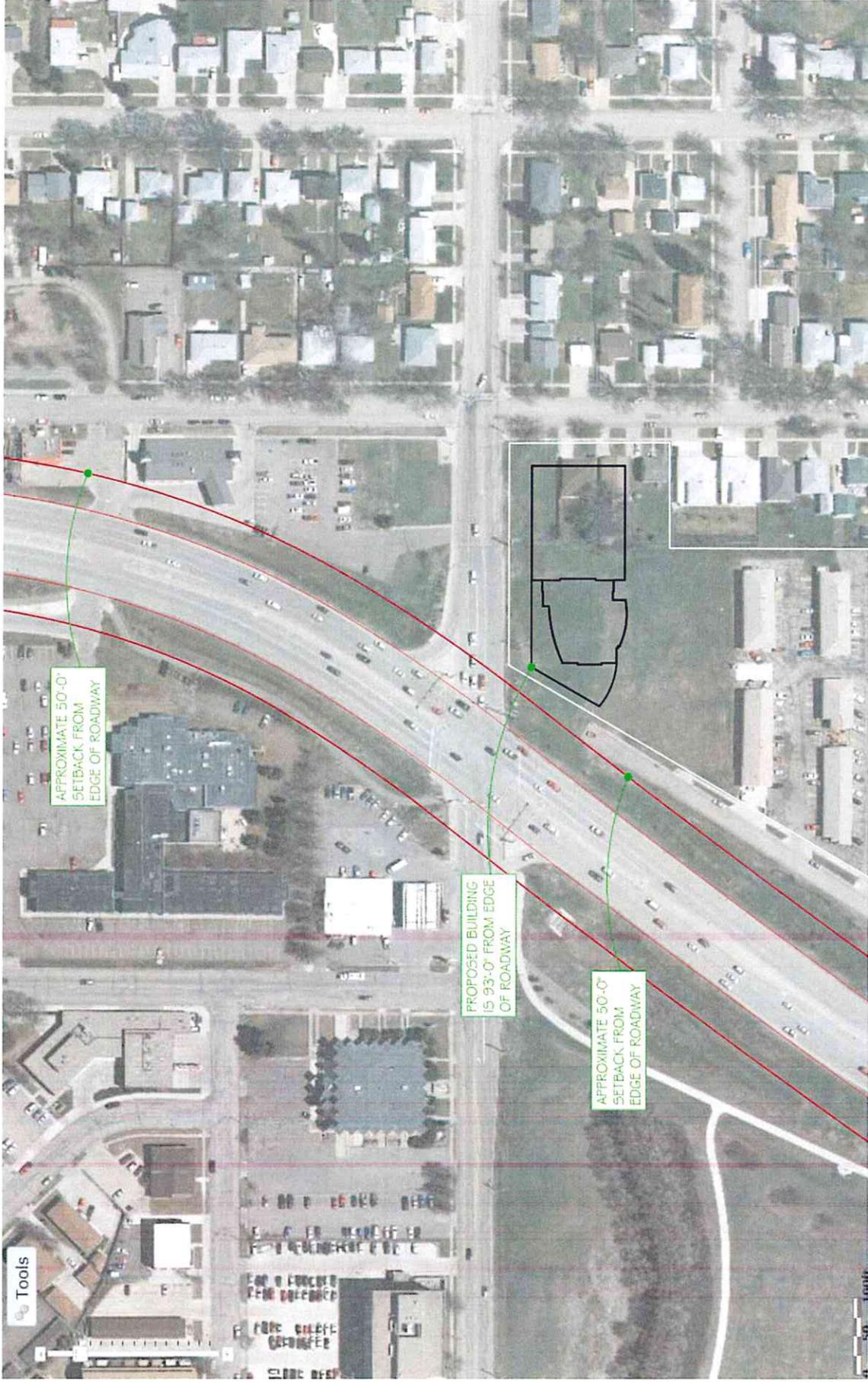


Approved Design

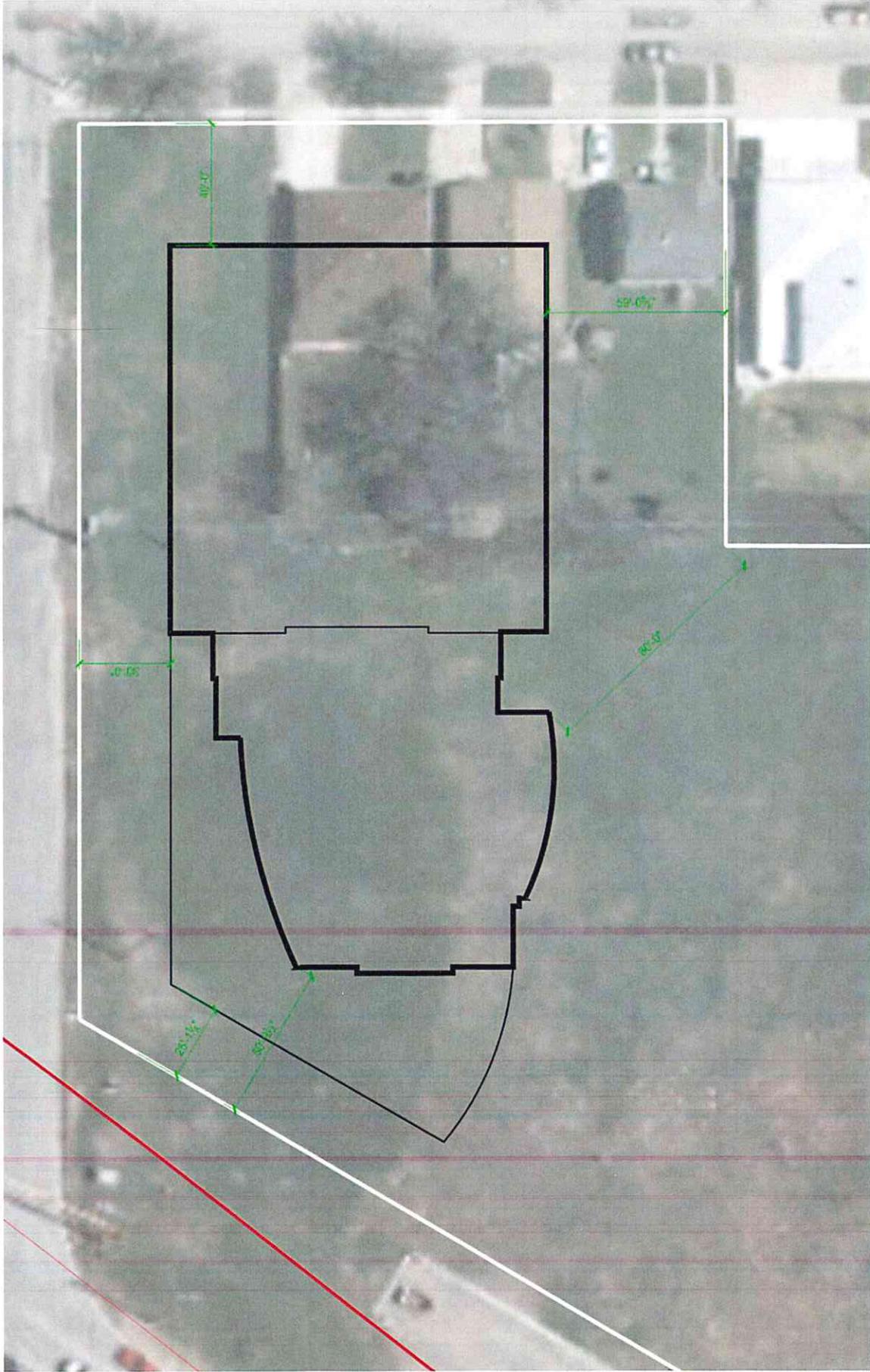


Regional Aerial Photo

Proposed Design (Revision to Approved PUD)

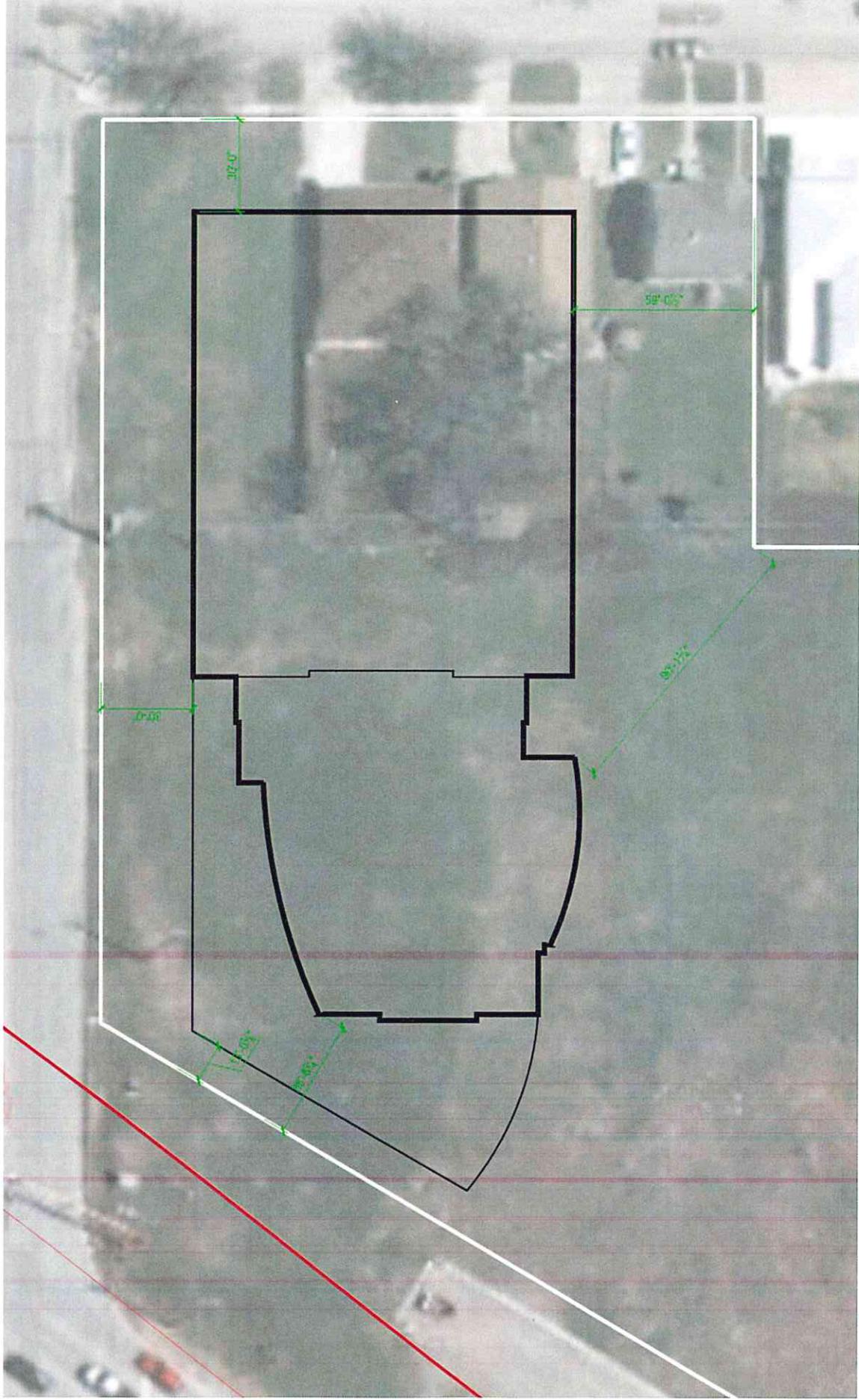


Approved Design



Aerial Photo Showing Approved Setbacks

Proposed Design (Revision to Approved PUD)



Aerial Photo Showing Approved Setbacks

Approved PUD Design



View from the corner of Divide and 13th Street

Proposed Design (Revision to Approved PUD)



View from the corner of Divide and 13th Street

Approved PUD Design



View near proposed driveway on 13th Street

Proposed Design (Revision to Approved PUD)



View near proposed driveway on 13th Street



Project: First International Bank & Trust
Location: 1601 N. 12 St., Bismarck, ND
Lot 1 Block 1 Capital View Add.
Date: February 25, 2016 – Revised March 15, 2016

This document is to serve as a written statement for a **Revision** to the approved PUD 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 & Trust.
- 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

On behalf of the property owner, First International Bank & Trust, I am submitting the following revisions for consideration and approval.

1. It is requested that “Professional Office” be added to the permitted uses list. This will allow for other compatible office uses without limiting uses to “Office-bank group”.
2. It is requested that the dimensional standards be modified as follows:
 - a. The minimum building setback along the west is 15’-0” adjacent to North 12th Street/State Street.

Refer to attached drawing page 6. This drawing shows the building footprint and the west setback as approved at 25’-0”. The edges of the roadway along State Street have been highlighted with thin red lines. Thicker red lines indicate an imaginary 50’-0” setback from the edge of the roadway. North of the subject property the existing buildings are at or very near this 50’-0” setback. The subject development would have a setback of 105’-0” from the edge of the roadway. Drawing page 7 shows the actual setbacks to the property line as 25’-1 1/8” to the first floor and 50’-9 1/4” to the office tower. Drawing page 8 shows the building footprint located with the proposed/revised setbacks. The setback from the edge of the roadway will be 95’-0”; much greater than the existing buildings to the north. Drawing page 9 shows the actual setbacks from the property line as 15’-0” to the first floor and 40’-8 1/8” to the office tower. We believe that even with this reduced setback, the development will be visually set back further than the adjacent developments. In addition, the first floor along State Street will be set into the sloping grade. In other words, the north side of the first floor will be completely below grade and the south side will be exposed. That will reduce the visual impact of this



floor. Since the office tower will be the prominent structure, the setback will look and feel like 40'-8 1/8".

- b. The minimum building setback along the north is 25'-0" adjacent to East Divide Avenue.

This setback is to remain unchanged.

- c. The minimum building setback along the east is 27'-0" adjacent to 13th Street North and 80'-0" adjacent to residential dwellings.

The design of the parking ramp has been modified to eliminate one story of parking. This change requires a slightly larger building footprint and thereby encroaches into the current 40'-0" setback. Drawing page 1 shows the existing 13th Street view prior to demolition of the existing houses. The view consists of small homes, driveways, cars and very minimal landscaping. Drawing pages 2 and 3 show renderings of the proposed parking ramp as approved in the PUD with three above grade stories, a 40'-0" setback and the designed landscape buffer. Drawing pages 4 and 5 show renderings at the same view angles of the proposed/revised design. The parking ramp has been reduced to two stories above grade and the setback has been reduced to 27'-0". The landscape buffer is the same. We believe that the reduction of a story justifies the reduced setback. Further, the renderings clearly illustrate that the landscape buffer is much more effective at screening the lower parking structure.

- d. The minimum building setback along the south is 50'-0" for the parking structure and 80'-0" for the office tower.

The south setback from the parking structure has not changed from the original submittal, but we are requesting that it be set at 50'-0" based on the revised parking ramp design. The actual setback shown on the drawings is 59'-0 1/2".

3. It is requested that the Parking and Loading requirements under Development Standards be modified to reference the new parking requirements currently being considered for approval by the city council.

The new parking ordinance being considered by the city Council will more accurately respond to the parking requirements of this development. The current parking requirements, if applied to this development, would result in excessive and unnecessary parking. Parking calculation have been provided with this submittal to illustrate compliance with the proposed ordinance change.



4. It is requested that a single wall mount sign be allowed on the upper wall of the east facing façade.

A single wall mounted sign on the east façade is being requested to identify the building to customers coming from the east. The sign will be internally lit and will be mounted near the top of the building. This will place the sign 280'-0" from the closest neighboring house. In addition, it will be approximately 80'-0" above the ground on Divide Avenue. We believe that this vertical and horizontal separation from the neighbors will eliminate any negative effect on the adjacent property owner.

5. It is requested that the height of the pylon sign along State Street be increased from 30'-0" to 50'-0".

Along the State Street frontage, the existing property grade drops severely from a high point of 1841 feet at the Divide Avenue intersection to 1815 feet at the proposed sign location; a drop of 26 feet. A 30'-0" high sign would not be seen when traveling from the north due to this grade. A 50'-0" tall sign would provide better sight lines and would be appropriate based on the scale of the project and the unique grade condition.

Sincerely,

Adam Heindel, AIA, LEED AP
Architect
Consolidated Construction Company

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 describe 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 noncompatible 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.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

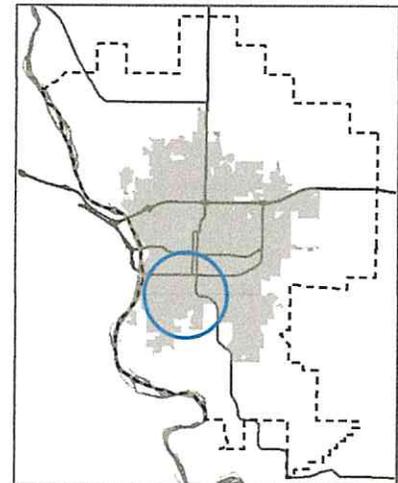
Agenda Item # 5
 March 23, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-004

Project Summary

Title:	Various P-Public District Zoning Changes (R5, R10, RM15, RMH, and MA to P) – Phase 5 of 6
Status:	Planning & Zoning Commission – Consideration
Owner(s):	City of Bismarck Bismarck Parks and Recreation District Bismarck Public Schools Bismarck Airport
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Various tracts of land in south Bismarck
Project Size:	90.49 Acres
Request:	City-initiated action to rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	9 tracts	Number of Lots:	9 tracts
Land Use:	Parks, schools, airport clearance zone, fire station, and stormwater facility	Land Use:	Parks, schools, airport clearance zone, fire station, and stormwater facility
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential R10 – Residential RM15 – Multi-family residential RMH – Residential MA – Industrial	Zoning:	P – Public Use
Uses Allowed:	Various, depending on zone	Uses Allowed:	P – Parks, schools, open space, stormwater facilities, and other public uses.
Max Density Allowed:	Various, depending on zone	Max Density Allowed:	P – N/A

(continued)

Staff Analysis

In Section 14-04-16 of the Bismarck Code of Ordinances, the P – Public zoning district is “established as a district in which the predominant use of land is for public uses,” specifically for public recreation, education and other government services. Over time, several parcels throughout the city have been acquired by a government agency and put to public use, while remaining in their original zoning district. The Community Development Department proposes to rezone these properties to the P – Public zoning district, in order to meet the intent of the ordinance and improve the consistency of the zoning map.

This project is the fifth of six rezoning phases planned around the city. Most of the tracts of land in this phase are schools sites, including Wachter Middle School, South Central High School, Jeanette Myhre Elementary School, Dorothy Moses Elementary School, and Victor Solheim Elementary School.

Two park areas are proposed for rezoning, the site of community gardens adjacent to the municipal baseball park near the corner of Sweet Avenue and South Washington Street and a lot in the South Meadows subdivision recently dedicated for a public park.

The project also includes a city-owned stormwater management facility across the railroad tracks from the State Penitentiary., and industrial lots northwest of the airport that were recently purchased by the Bismarck Airport to protect the clearance zone for landing aircraft.

Representatives from the City of Bismarck Public Works Department, the Parks and Recreation District, Bismarck Airport, and Bismarck Public Schools were consulted to assure that all of the properties listed will continue in their current use into the future.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification, as the properties are already annexed and served;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the P – Public zoning district for the properties described as:

- All of Block 1, Parkview Addition
- Lots 2 and 3, Block 14, Park Hill Subdivision of Lot 14 and Lot A of Auditors Lot 15, Park Hill Addition (Auditors Lots)
- All of Block 12, Meadow Valley 3rd Addition
- Lot 1-3, Block 1, Meadow Valley Addition;

Based on the above findings, staff recommends approval of the zoning change from the R10 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 9, Block 1, Washington Meadows 2nd Addition;

Based on the above findings, staff recommends approval of the zoning change from the RM15 –

Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 2, Block 3, South Meadows Addition.

And for the zoning change from the RMH – Residential zoning district to the P – Public zoning district for the property described as:

- Part of Auditor's Lot 1 of the SW ¼ of Section 3, T138N-R80W/Lincoln Township beginning in the SW corner of said lot, thence North for a distance of 587 feet, thence East for a distance of 564.73 feet, thence South for a distance of 586.64 feet, thence West for a distance of 564.74 feet to the point of beginning;

And for the zoning change from the MA – Industrial zoning district to the P – Public zoning district for the property described as:

- All of Blocks 2 and 4, and Lots 1 – 7 of Block 3, Lots 1 – 6 of Block 5, and Lots 6 – 9 of Block 6, Shamrock Industrial Park
- Lot 13, Block 1, Sloven 2nd Subdivision and Parcel 45C of Section 2, T138N-R80W/Lincoln Township.

Attachments

- Location Map
- Zoning Map

Staff report prepared by: Daniel Nairn, AICP, Planner
710-355-1854 | dnairn@bismarcknd.gov



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6
March 23, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-002

Project Summary

Title:	Accessory Solar Energy Systems
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Sections Amended:	14-02-03 and 14-03-06
Request:	Amend zoning ordinance to allow solar energy systems as an accessory use in all residential and non-residential zoning districts, subject to certain conditions.



Freestanding Installation at Bismarck State College Source: JTomaneK

Staff Analysis

Solar energy systems are currently not addressed in the City Code of Ordinances. The proposed ordinance would amend Title 14 to create a new definition and add provisions to allow solar energy systems, either rooftop or freestanding, as an accessory use in any zoning district under certain conditions. The attached draft ordinance has been written based on meetings with industry stakeholders and an interested property-owner, as well as reviews of other similar ordinances throughout the state and nationwide. While this ordinance only addresses smaller-scale systems that produce energy for on-site use, future ordinance

amendments could be considered for community-scale or utility-scale systems.

Demand for Solar Energy Systems

The use of household solar energy systems has increased rapidly nationwide in recent years. The leading industry group reports that residential solar installations have grown by >50% each of the last four consecutive years. Although solar energy collection is not common in North Dakota, where energy prices are among the lowest in the nation, local experts expect demand to increase somewhat in the future. The price of equipment is dropping, federal incentives are available, and nationwide corporations that do business locally are adopting policies to generate renewable energy (Walmart is the largest rooftop solar-energy producer in the nation). Furthermore, North Dakota’s climate is above average for potential solar power. Because of the growing market, many cities have recently adopted ordinances to encourage solar energy while safeguarding the public interest.

Types of Solar Energy Systems

The draft ordinance distinguishes between three types of solar energy systems:

1. *Building-Integrated Systems.* The solar panels are substituted for structural components of the building, such as roof-shingles or awnings.

(continued)

These are encouraged, and there are no regulations beyond the building permit for the structure.

2. *Building-Mounted Systems:* This is a traditional photovoltaic or thermal solar collector mounted onto a roof or wall. The ordinance imposes minimal restrictions on these systems.
3. *Freestanding Systems:* This is an array of solar collectors that are ground-mounted or pole-mounted. Because of the impact on surrounding properties, the ordinance is somewhat more restrictive for these systems.

Measuring Accessory Use

The draft ordinance allows a solar energy system in any district only if it provides energy for the primary use on the property. The most effective way to benchmark and administer this requirement is to set a limitation on the size of any system, based on the primary use.

The suggested cap on a freestanding system on a residential property is 800 square feet per dwelling unit, or about 45 panels. There is no suggested cap for rooftop systems, because they are less intrusive and self-limited based on the size of the southern slope of a roof. This cap is based on a conservative estimate for how much solar energy would be necessary to offset an annual utility bill for a typical residence, based on the following assumptions:

Energy Consumption

Average Household Monthly Energy Use in North Dakota: 1,240 kWh
(Source: U.S EIA)

Energy Production

Rated output per SF for a mid-cost panel system: 14 Watts
(Source: Reynold Miller)

Average output per rated Kw per month in Bismarck: 144 kWh
(Source: U.S EIA)

Consumption = Production Size 610 SF

On average, a household in Bismarck should be able to meet energy needs with a 610 SF solar energy system (about 8.5 Kw), but allowances for somewhat larger

systems may be appropriate for a few reasons. First, net metering arrangements with the utility companies in North Dakota typically charge retail rates for energy consumption while paying wholesale rates for energy production on a monthly basis. Therefore, if a system sells power to the grid during the longer summer days and buys it back during the shorter winter days, it would need to generate somewhat more energy than consumed annually to fully financially offset household energy bills. Second, the zoning ordinance should allow some flexibility for systems that power larger than average homes. The 800 SF cap would apply to most residential properties, but rural properties may be eligible for larger systems based on acreage.



Solar over parking at Cincinnati Zoo

Source: Wikimedia

The suggested cap on freestanding systems for non-residential uses is half the building footprint. Energy needs are much more variable for commercial and institutional uses, so a precise measurement is not practical. In most cases, there is sufficient rooftop exposure to satisfy non-residential energy needs. Placing solar arrays above parking lots is often an attractive option, because it also provides shade for vehicles. The proposed ordinance does not place any size limitations solar arrays over parking lots.

Dimensional and Other Requirements

In addition to a size constraint, the draft ordinance includes setback and height limitations. Setbacks are set to be equivalent to other accessory structures, including a restriction on placement in a front yard. The suggested height limitation for a freestanding system is 12 feet, which is within the range of model ordinances. The applicant would also be required to initiate an

(continued)

interconnection agreement with the appropriate utility company, and would be responsible for acquiring any solar easements from neighbors, if necessary.

Standard safety provisions, such as guarding any high-voltage apparatus, meeting wind loads, and preventing electrical surges to the grid are not addressed by this ordinance. These concerns are addressed by building codes and the National Electrical Code, which would be enforced by the City's Building Inspections Division, along with the proposed zoning ordinance amendment.

Some cities require installations to be performed by a licensed installer. However, the industry stakeholders consulted are not aware of any licensed installers currently based out of North Dakota, so this requirement could create a major impediment and is not recommended. A master electrician would need to sign off on an installation to meet code requirements.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment relating to accessory solar energy systems.

Attachments

1. Draft zoning ordinance amendment
 2. Supporting diagrams and photographs
-

Staff report prepared by: Daniel Nairn, AICP, Planner
710-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 AND SECTION 14-03-06 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO ACCESSORY SOLAR ENERGY SYSTEMS.

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

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

Building-Integrated Solar Energy System: Any active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Solar Collector: A solar photovoltaic cell, panel, or array, or solar hot water collection device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Energy System: Any active mechanical or passive thermal device or feature of a structure designed to collect, distribute, and/or store the sun's radiant energy. A system may consist of a solar collector, battery, and/or any appurtenant features. Passive solar collecting architectural features, such as windows and skylights, are not included in this definition.

Section 2. Amendment. Section 14-03-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-06. Incidental Uses

* * * * *

4. Solar Energy Systems:

a. Intent: Encourage investment in solar energy generation on all parcels in the city, both residential and non-residential, while providing that all such systems are safe and harmonious with the surrounding area.

b. Solar Access: an applicant may obtain solar easements from the adjoining property owners to preserve direct access to sunlight, as authorized by Section 47-05-01.2 of the North Dakota Century Code. A permit granted by the City of Bismarck to install a solar energy system does not guarantee solar access.

c. Accessory Use: Solar energy systems are permitted in all zoning districts as an accessory use, subject to all requirements of this Section 14-03-06 and building code requirements of Title 4 of the Code of Ordinances.

1. A solar energy system must be located on the same lot or parcel of land as the primary use it is intended to serve.

2. A solar energy system is intended to produce energy primarily for on-site consumption but excess electrical power may be transferred to a power supply grid pursuant to utility company interconnection agreements. Total annual revenue from solar energy production on a lot or parcel should not exceed total annual costs of energy consumption for the principal and accessory uses on the lot or parcel.

3. The principal use must conform to all regulations of the underlying zoning district.

d. **Permits Required:** The following permits shall be required prior to installation of a solar energy system:

1. A building-integrated solar energy system requires no additional permits beyond the building permit required for the structure.

2. A building permit must be obtained prior to installation of any building-mounted or freestanding solar energy system. A building permit will be granted by the Building Official to any applicant who has demonstrated that all requirements of this section and other applicable sections of the Code of Ordinances have been met.

e. **Building-mounted Solar Energy Systems:** Any system that is mounted to the roof or attached to the wall of a principal or accessory structure shall meet the following requirements:

1. The building-mounted system shall not render the structure to which it is attached non-compliant with the height or setback requirements of the underlying zoning district.

2. No roof-mounted system may extend beyond the edge of a roof, and no wall-mounted system may extend beyond the façade of a wall.

3. A system mounted to a residential roof shall have a pitch oriented in the same direction as and no more than twenty percent (20%) steeper than the pitch of the roof on which the system is mounted, and no part of the system shall be higher than two (2) feet above the surface of the roof. Measurements are made from any position of an adjustable system.

4. A system mounted to a non-residential roof shall be no higher than twelve (12) feet above the surface of the roof, measured from any position of an adjustable system.

5. A system mounted to a wall of a structure shall not project more than five (5) feet from the structure.

f. **Freestanding Solar Energy Systems:** Any system that is ground-mounted or pole-mounted, not attached to a structure, shall meet the following requirements:

1. No freestanding system is permitted on a residential property if the combined total area of all solar energy systems on the lot or parcel, whether building-mounted or freestanding, would exceed eight hundred (800) square feet per dwelling unit.

i. Freestanding systems on lots or parcels zoned A - Agricultural, RR - Rural Residential, or RR5 - Rural Residential are permitted to be up to an additional two hundred (200) square feet per acre of land in the lot or parcel.

2. No freestanding system on a non-residential property may exceed one-half (1/2) the area of the building footprint of the principal use on the lot or parcel, except that any system collocated with and above a required off-street parking lot shall not be counted toward total allowable area.

3. A freestanding system must meet all setback restrictions that apply to accessory buildings in the zoning district in which it is located, as outlined in Subsection 4 of Section 14-03-05. Setbacks must be met for all positions of an adjustable system.

4. No freestanding system may exceed twelve (12) feet in height, measured from any position of an adjustable system to the ground adjacent to the base of the system.

5. No freestanding system may extend into or over a legally-recorded easement.

6. All abandoned or unused freestanding solar energy systems in a state of disrepair shall

be removed by the property owner within twelve (12) months of the cessation of operations. Removal of any foundation is not required.

g. **Interconnection:** The property owner of any solar energy system that will be connected to the electrical power grid shall receive authorization to enter into an interconnection agreement with the applicable utility company prior to applying for permits from the City.

h. **Appearance:** the following provisions apply when any part of a solar energy system may be visible from any public right-of-way of any adjacent street frontage, except for alleys.

1. All electrical and plumbing lines serving a freestanding system shall be buried.

2. All exterior electrical and plumbing lines, batteries, and other appurtenant features serving a building-mounted system shall be either screened or painted/coated to match the color of adjacent roofing or siding materials. This provision does not apply to a solar collector.

3. The non-collecting side of a solar collector and other appurtenant features of any freestanding system shall be screened from view of said public right-of-way with vegetation and/or fencing.

i. **Information Requirements:** Prior to the issuance of a permit, the Zoning Administrator shall be provided with any requested information necessary to prove compliance with this subsection, including but not limited to:

1. For freestanding systems, a scaled and dimensioned site plan of the lot or parcel, including existing structures on the lot, location and orientation of proposed system, property lines, required setbacks, easements, rights-of-way, and a utility diagram applicable to the proposed system.

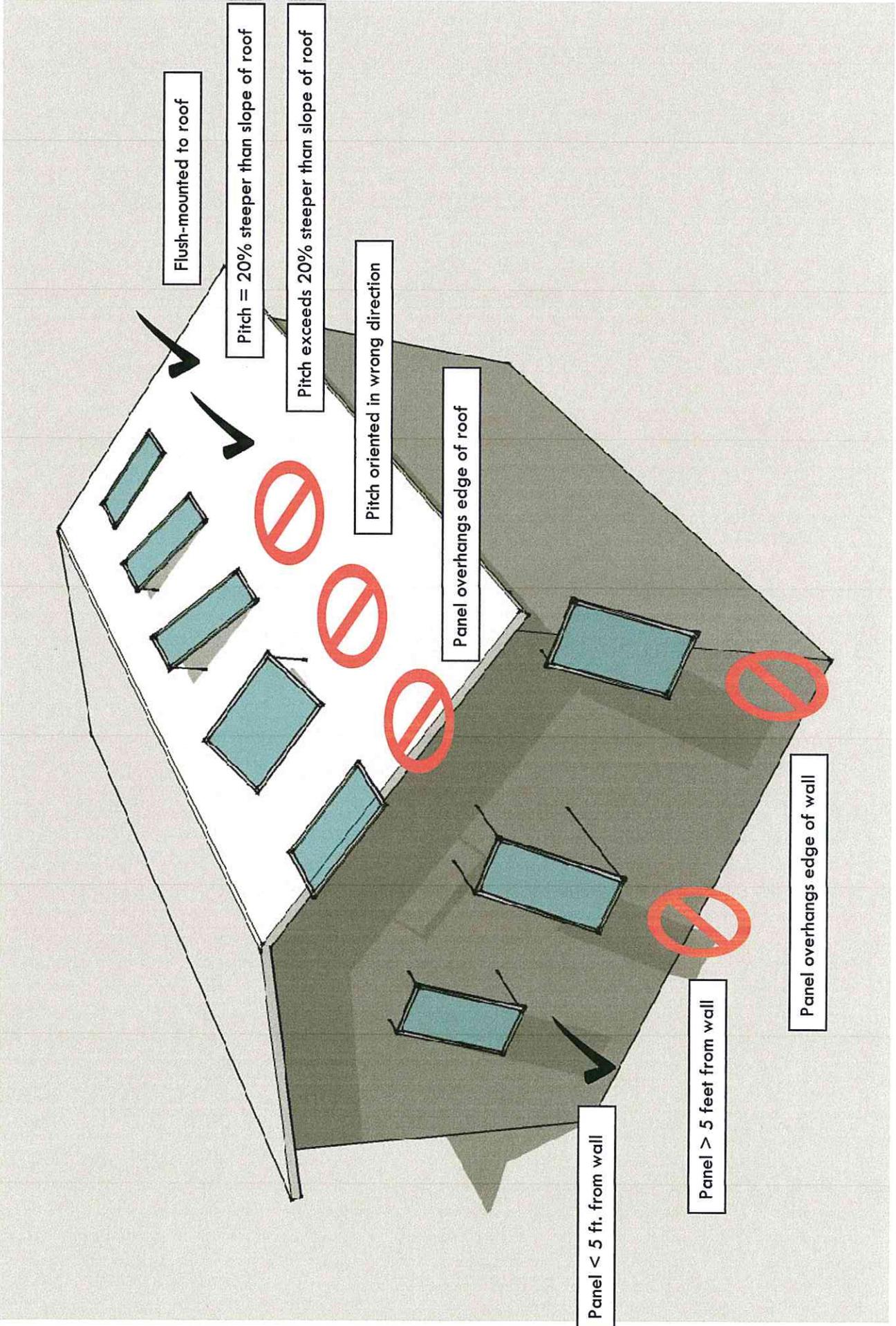
2. Specifications and/or drawings of the system and any component parts provided by the manufacturer, including heights and lengths at various positions for adjustable systems.

3. Acknowledgement from the applicable utility company that an interconnection agreement has been requested, if applicable.

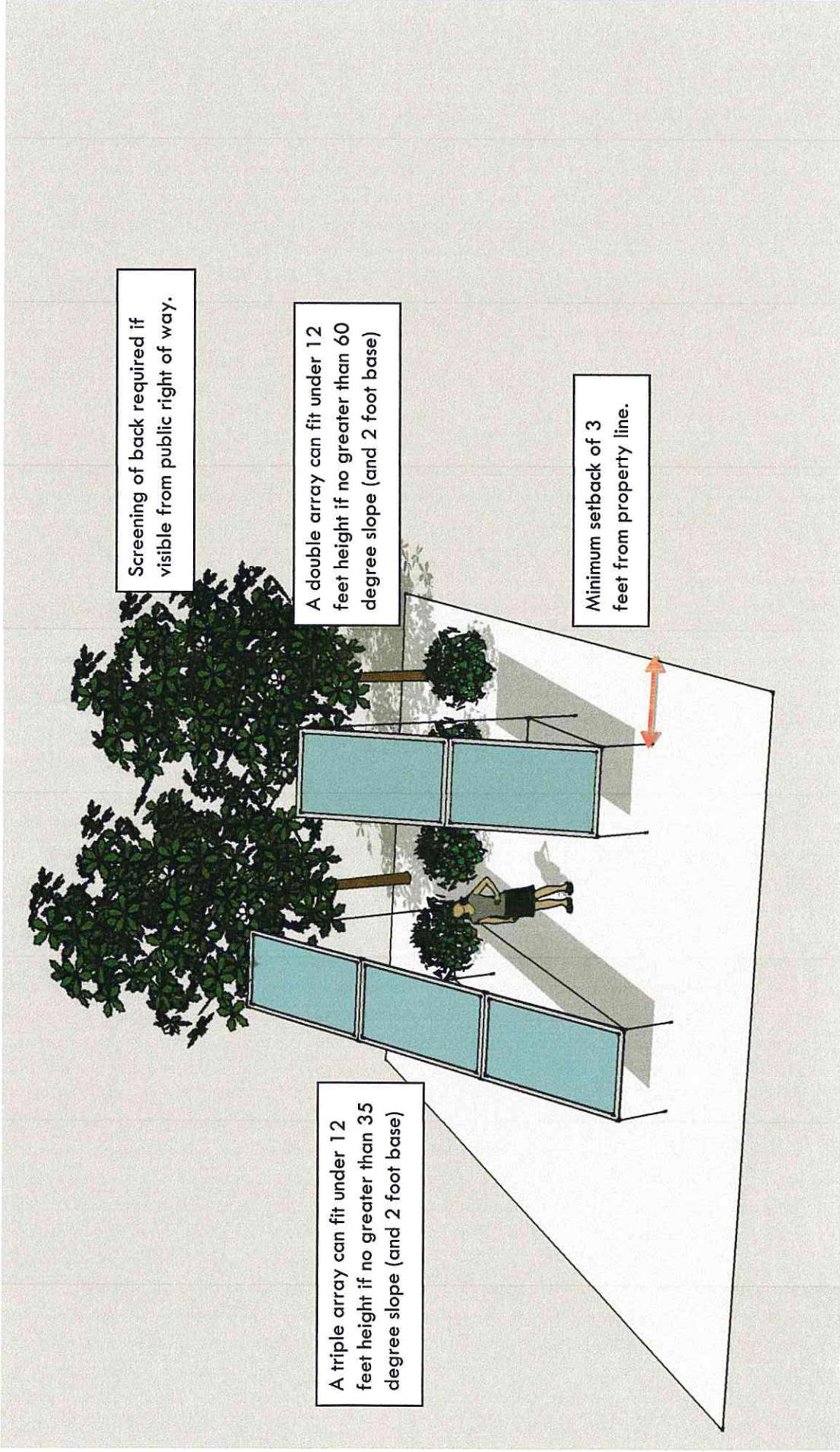
Visual Impact of Residential Household Solar Arrays

Building-Mounted	Freestanding	
<p>1 Kw or approximately 100 SF</p>		
<p>2 Kw or approximately 200 SF</p>		
<p>10 Kw or approximately 1,000 SF</p>		

Solar Panel Placement on Residential Building



Requirements for Freestanding Solar Energy Systems





STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

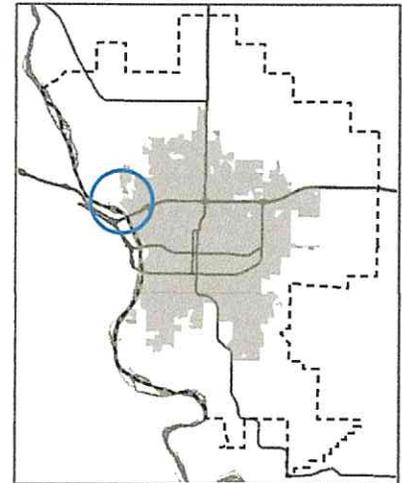
Agenda Item # 7
 March 23, 2016

Application for: Fringe Area Road Master Plan Amendment

TRAKiT Project ID: FRMP2016-001

Project Summary

Title:	City-Initiated amendment to the 2014 Fringe Area Road Master Plan, as amended, in Sections 18 & 19, T139N-R80W/Hay Creek Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Santa Fe, LLP Gerald & Cynthia Buchholz Ronald Knutson Tyler Coulee, LLP
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	North of Promontory Point, between River Road and the proposed extension of Tyler Parkway.
Project Size:	5,057 linear feet of right-of-way
Request:	Remove one section of arterial roadway and downgrade one section of arterial roadway to a collector roadway in the 2014 Fringe Area Road Master Plan, as amended.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	N / A	Number of Lots:	N / A
Land Use:	Undeveloped	Land Use:	Undeveloped
Designated GMP Future Land Use:	Low Density Residential and Conservation	Designated GMP Future Land Use:	Low Density Residential and Conservation
Zoning:	A – Agricultural	Zoning:	A – Agricultural
Uses Allowed:	A – Agriculture	Uses Allowed:	A – Agriculture
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	A – 1 unit / 40 acres

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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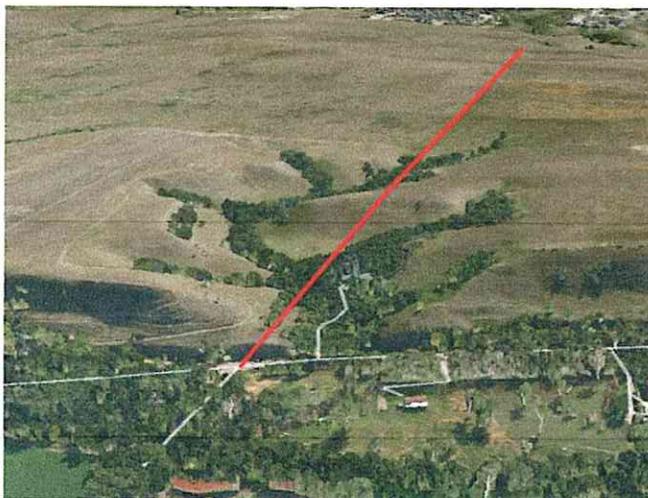
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Staff Analysis

The 2014 Fringe Area Road Master Plan (FARMP) includes a future section of roadway that would traverse the Missouri River bluffs from River Road up to areas north of Promontory Point, functioning as an extension of the existing Sandy River Drive. The intent was to connect River Road to a future extension of Tyler Parkway, and provide an alternative means for east-west travel.

Staff from the City of Bismarck, Burleigh County, and the Bismarck-Mandan MPO recently met concerning this planned road, and there was a consensus to support an amendment to the FARMP to eliminate the proposed arterial roadway for Sandy River Drive between River Road and to Clairmont Road and downgrade the arterial roadway to a collector roadway between Clairmont Road and the future Tyler Parkway, as illustrated on the attached map.

There are several reasons for the amendment. The western end of the road would be very steep, with 140 feet of elevation gain over a 1,000 feet of distance, through a winding coulee. Extensive grading would be necessary to make construction feasible. Secondly, the 2015 Ash and Ward Coulee Watershed Master Plan recommended installing a series of detention areas in the coulees along this bluff to manage water flows down to the river bottoms. The construction of a roadway would likely conflict with this stormwater management recommendation.



Approximate alignment of future roadway proposed for removal/downgrade from FARMP

In addition, the benefits of constructing this roadway do not appear to justify the costs. Burleigh County has begun roadway design for an extension of the east-west arterial 57th Avenue NW to descend down the bluffs a mile north of this location, providing an alternative means for traffic. The Future Land Use Plan in the 2014 Growth Management Plan, as amended, anticipates low-density rural residential development in the river bottoms area, limiting the amount of potential users of an extension of Sandy River Drive.

The eastern segment of the planned roadway does not have the same topographical constraints. Staff consensus is that this should remain in the plan, to facilitate a connection between the Clairmont Road collector and the future Tyler Parkway arterial. This east-west connection will become necessary for traffic circulation as the area is built-out with single-family residential development. Collector roadways should remain relatively straight, but have less stringent right-of-way and access management standards.

The alignment of the segment of roadway between Clairmont Road and Tyler Parkway is proposed to be shifted approximately 150 feet south of the section line to accommodate development proposals that are underway. Likewise, a proposed north-south collector that could connect to the middle of this segment is proposed to shift approximately 150 feet to the east. This allows the collector to be aligned with a planned future local road from the south.

Required Findings of Fact

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the 2014 Fringe Area Road Master Plan was established or last amended;
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
5. The proposed amendment is consistent with the other aspects of the master plan, other

(continued)

adopted plans, policies and accepted planning practice; and

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

remove an arterial segment of roadway, downgrade an arterial segment to a collector segment, and shift the location of two collector segments, as illustrated on the attached map.

Attachments

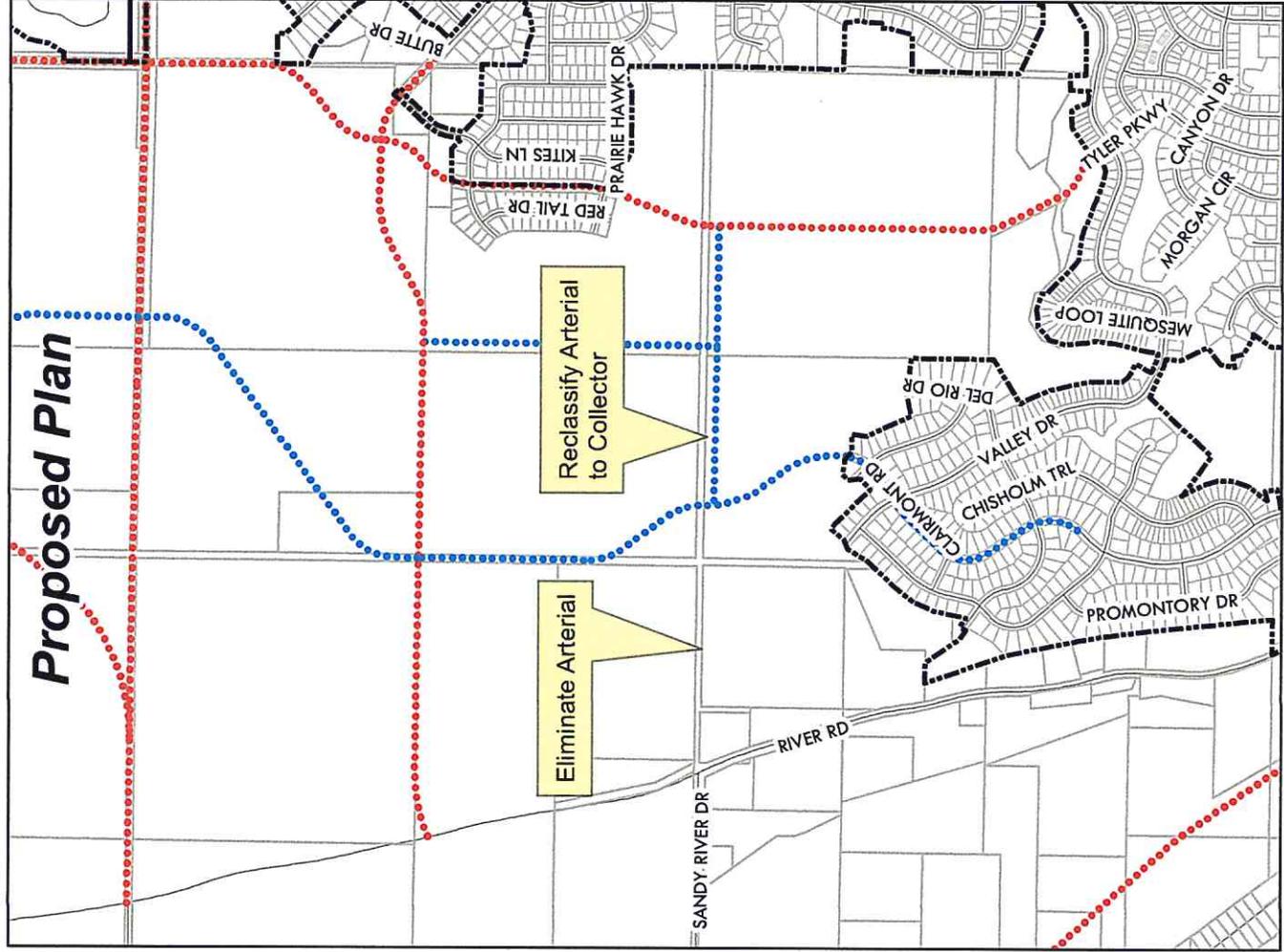
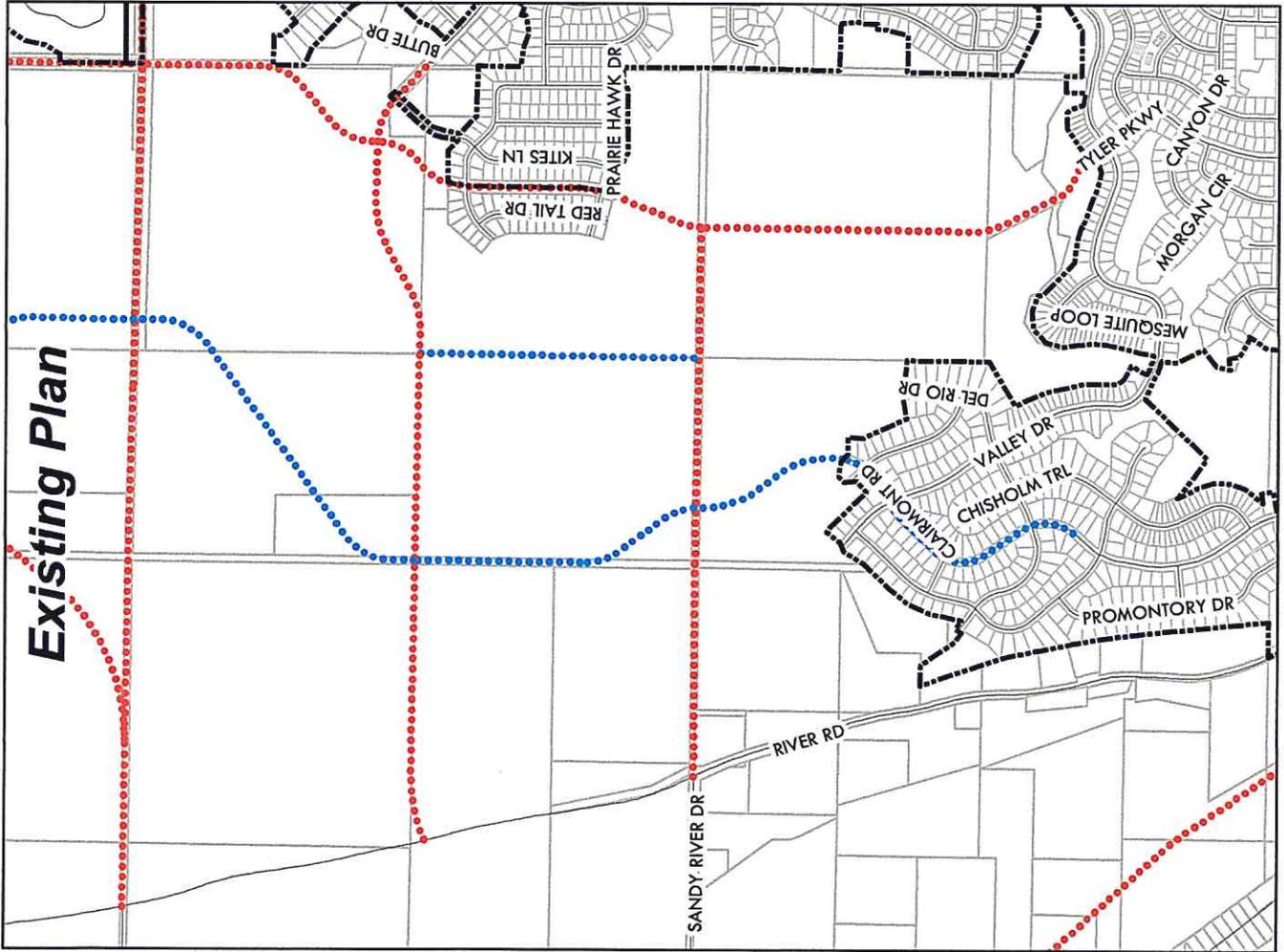
1. FARMP Amendment Map

Staff Recommendation

Based on the above findings, staff recommends approval of an amendment to the 2014 Fringe Area Road Master Plan, as amended, specifically to

Staff report prepared by: Daniel Nairn, AICP, Planner
710-355-1854 | dnairn@bismarcknd.gov

Fringe Area Roadway Master Plan Amendment - Sandy River Drive



City Limits

..... Extraterritorial Area

..... Planned Arterial

..... Planned Collector

Feet

0

 800

 1,600

 3,200

North

March, 2016

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.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

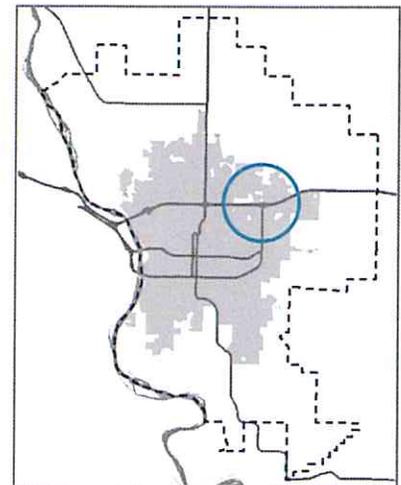
Agenda Item # 7
 March 23, 2016

**Application for: Zoning Change
 Major Subdivision Final Plat
 Special Use Permit**

TRAKiT Project ID: ZC2015-036
 TRAKiT Project ID: FPLT2016-002
 TRAKiT Project ID: SUP2016-001

Project Summary

Title:	Schwan's Commercial Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Schwan Family Partnership
Project Contact:	Harvey Schneider, Toman Engineering
Location:	In east Bismarck, along the west side of Centennial Road and the north side of Interstate 94.
Project Size:	4.15 acres
Request:	To plat and zone the property to allow for future commercial development project, and to obtain a special use permit to allow for the operations of a filling station with a car wash.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	One parcel	Number of Lots:	2 lots in 1 block
Land Use:	Undeveloped	Land Use:	Commercial
Designated GMP Future Land Use:	Commercial	Designated GMP Future Land Use:	Commercial
Zoning:	A – Agricultural	Zoning:	CG – Commercial
Uses Allowed:	A – Agriculture	Uses Allowed:	CG – General commercial, multifamily residential, and offices
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	01/2016
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(continued)

Staff Analysis

The applicant has indicated the proposed commercial uses would include a convenience store on the northern lot and a hotel on the southern lot of the property. A special use permit is required to allow for the operation of a filling station with a car wash. The conditions of the special use permit to allow for the operation of a filling station with a car wash would be satisfied by the proposed layout of the site. A landscape buffer yard easement has been included along the west edge of the property to allow for adequate screening between the single-family land use to the west and the proposed commercial land uses.

Required Findings of Fact

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission on January 27, 2016;
3. The proposed subdivision is outside the boundary of the 2014 Fringe Area Road Master Plan;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
9. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Special Use Permit

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 is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Adequate public facilities and services are in place or would be provided at the time of development;
6. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
7. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

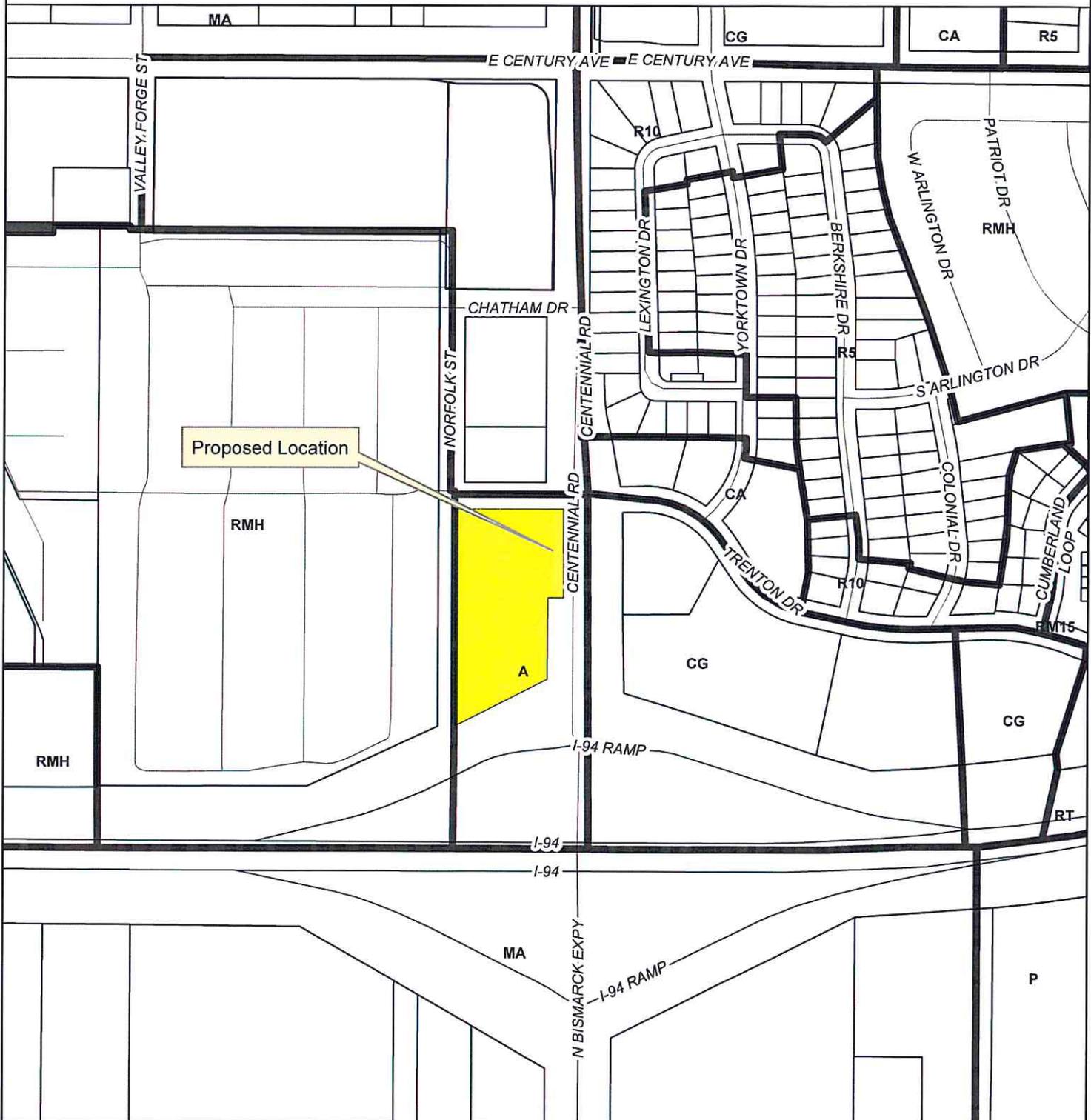
Based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning district, approval of the final plat for Schwan’s Commercial Addition and approval of the special use permit to allow for the operation of a filling station with an auto laundry/carwash facility.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Final Plat
4. Reduction of Preliminary Plat
5. Site Plan
6. Section 14-03-08(4)(e) – Filling Stations
7. Section 14-03-08(4)(m) – Car Wash

Staff report prepared by: Jason Tomanek, Senior Planner
701.355.1849 | jtomanek@bismarcknd.gov

Proposed Zoning Change (A to CG), Plat and Special Use Permit Schwan's Commercial Addition



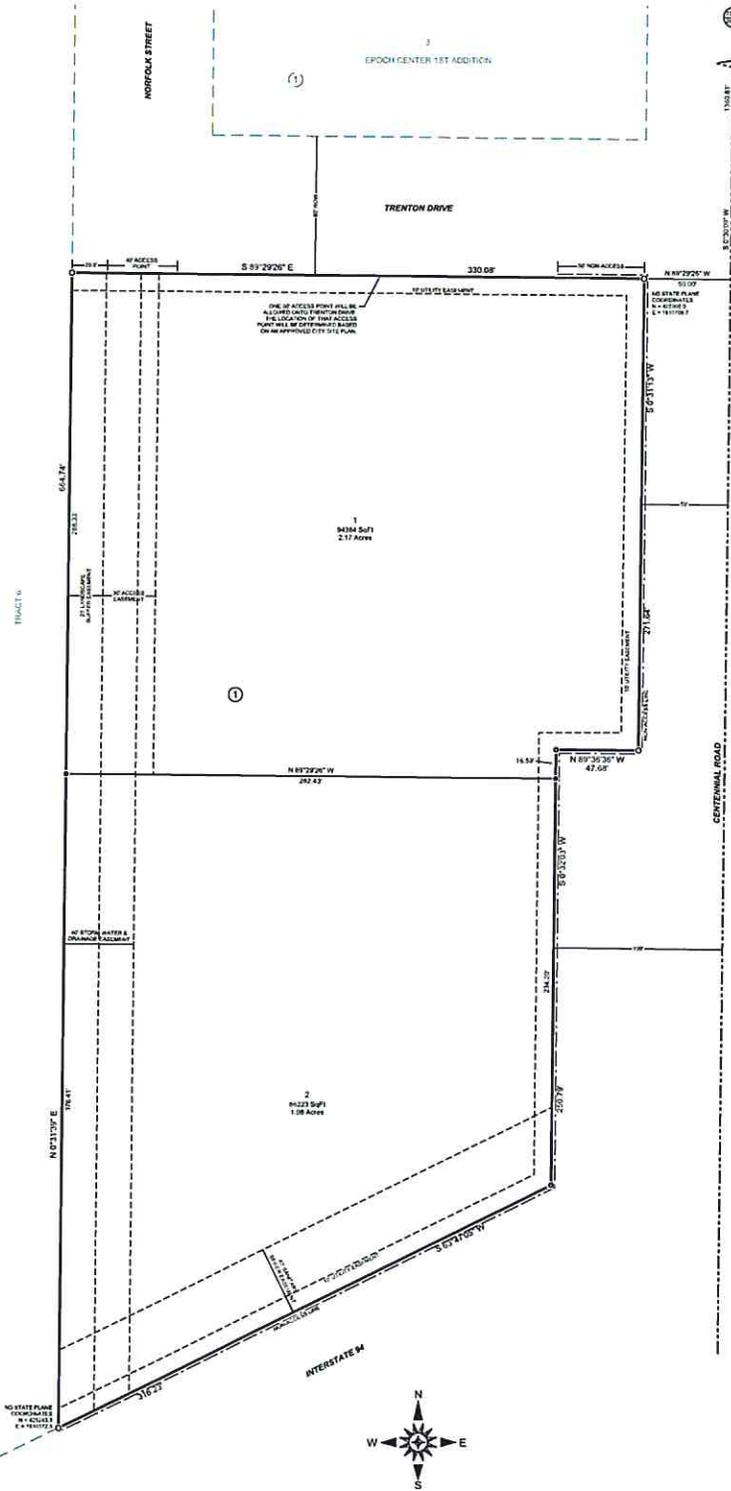
March 14, 2016 (h/b)

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



SCHWAN'S COMMERCIAL ADDITION

TO THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA
TRACT 5 OF THE NE1/4 SECTION 26, T139N-R80W OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION OF JURISDICTION
ALL OF TRACT 5 OF THE NE1/4 OF SECTION 26, TOWNSHIP 133 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, OF THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, SAID TRACT OF LAND CONTAINING 4.15 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE
ANDREA L. MARGAARDT, NORTH DAKOTA REGISTERED LAND SURVEYOR NO. 4623, HEREBY CERTIFY THAT I HAVE CALLED TO BE SURVEYED BY MY FORCES UNDER MY SUPERVISION THE PROPERTY OF SAID TRACT HEREON AND I HAVE PREPARED THE ACCOMPANYING PLAT. FURTHER, THAT DISTANCES INDICATED HEREON ARE MEASURED AND MARKED THE METHOD AND BEARING ARE INDICATED IN QUADRANTS AND DEGREES, MINUTES, AND SECONDS THROUGHOUT, THAT SAID PLAT DOES TRULY SHOW THE SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ANDREA L. MARGAARDT, RLS 4623

STATE OF NORTH DAKOTA)
COUNTY OF BOKSITON)

ON THIS 15 DAY OF 2016, THERE APPEARED BEFORE ME ANDREA L. MARGAARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE CERTIFICATE AND DO KNOWLEDGE TO ME THAT SHE EXECUTED THE SAME AS HER OWN FREE ACT AND DEED.

WAYNE E. BRENNER
NOTARY PUBLIC, NORTH DAKOTA

OWNER'S CERTIFICATE AND DECLARATION
KNOW ALL MEN BY THESE PRESENTS THAT SCHWAN FAMILY PARTNERSHIP, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CALLED THIS PORTION OF SAID TRACT HEREON TO BE SURVEYED AND PLATTED AS "SCHWAN'S COMMERCIAL ADDITION, BISMARCK, NORTH DAKOTA."

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

THEY FURTHER HEREBY GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID AGREEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTAINANT TO THE LAND OF SAID PARTIES. IT ALSO DEDICATES SAID ACCESS EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND EMPLOYEES FOR UTILITIES AND OTHER GOVERNMENTAL USE OR USES IF DEEMED NECESSARY OR ADVISABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBTSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STEVE SKARNAL, PRESIDENT
SCHWAN FAMILY PARTNERSHIP

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, THIS 15 DAY OF 2016.

NOTARY PUBLIC
COUNTY
MY COMMISSION EXPIRES

APPROVAL OF CITY PLANNING COMMISSION
THE SUBDIVISION SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK ON THIS 15 DAY OF 2016, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCE OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN CARL E. HORNSTADT - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS
THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THIS 15 DAY OF 2016.

ATTEST:
W. G. WOODEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER
I, MELVYN J. BUELSINGER, CITY ENGINEER FOR THE CITY OF BISMARCK, NORTH DAKOTA HEREBY APPROVES "SCHWAN'S COMMERCIAL ADDITION, BISMARCK, NORTH DAKOTA" AS SHOWN ON THE ANNEXED PLAT.

MELVYN J. BUELSINGER - CITY ENGINEER

OWNER:
SCHWAN FAMILY PARTNERSHIP
PO BOX 1274
BISMARCK, ND 58502

BASED ON BEARING
WEST EPOCH CENTER LINE TRACT 5
NORTH 90° 31' 39" EAST

NOTES
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
2. CITY AND NCDOT APPROVED FENCING REQUIRED ALONG ALL RIGHTS-OF-WAY PRIOR TO BEGINNING BUILDING PERMIT.
3. TOTAL SUBDIVISION ACREAGE: 4.15 ACRES



3-17-2016

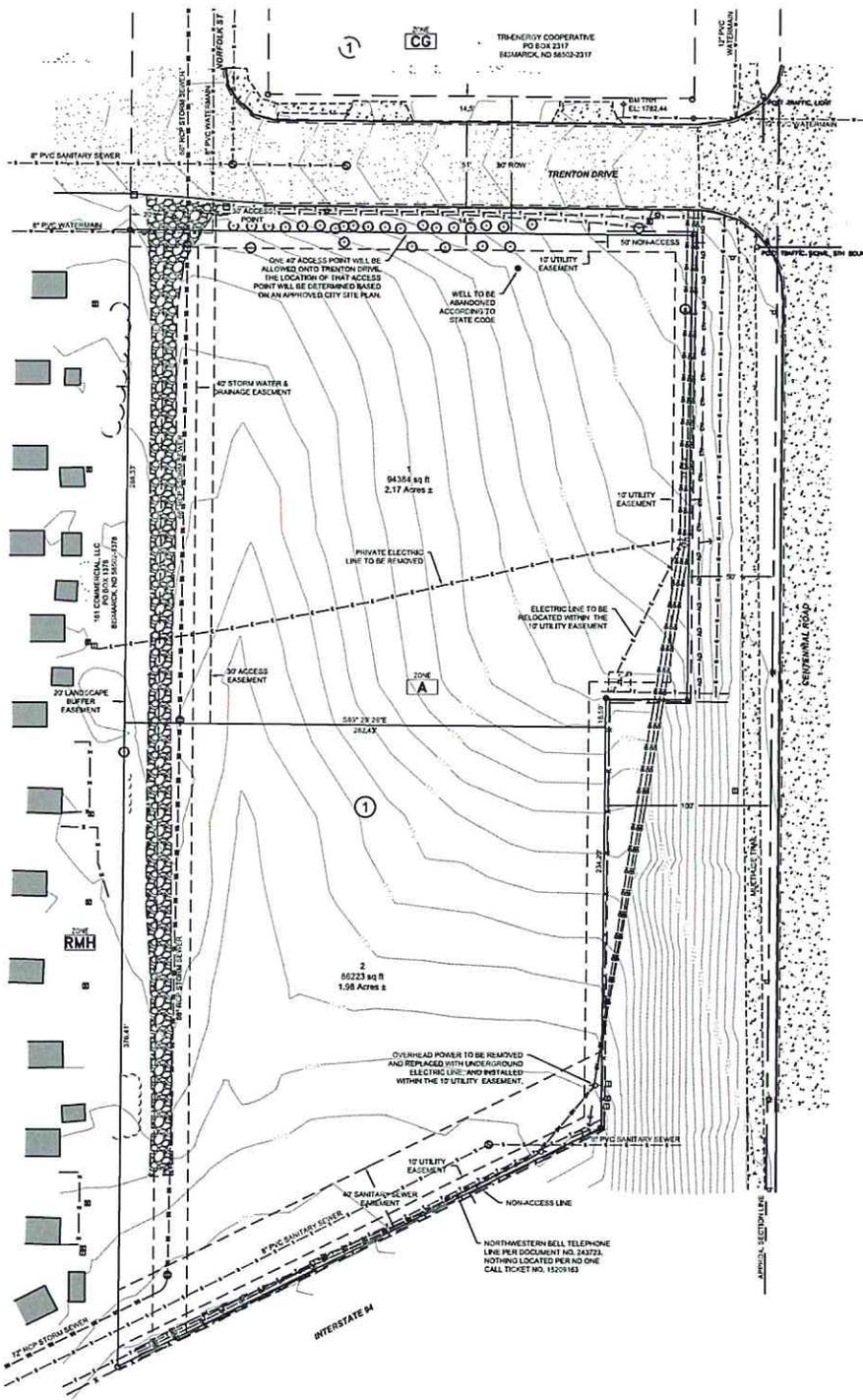
HORIZ. DATUM: NAD83
VERT. DATUM: NAVD83

- LEGEND**
- FOUND ROW MARKER
 - FOUND REBAR MONUMENT
 - REBAR MONUMENT TO BE SET

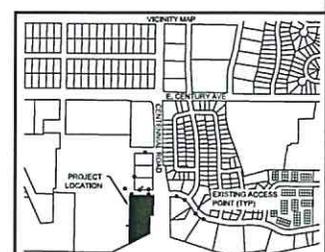
JAN 14 2016

PRELIMINARY PLAT OF SCHWAN'S COMMERCIAL ADDITION

TRACT 5 OF NE1/4, SECTION 26, T139N-R80W, OF THE CITY OF
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



- LEGEND**
- PROPERTY CORNER TO BE SET
 - FOUND PROPERTY CORNER
 - FOUND ROW MARKER
 - TRAFFIC SIGNAL POST
 - SANITARY SEWER MANHOLE
 - STORM SEWER MANHOLE
 - FIRE HYDRANT
 - GATE VALVE
 - ELECTRIC BOX
 - SIGN
 - CABLE TV TELEPHONE PEDESTAL
 - ELECTRIC METER
 - LIGHT POLE
 - POWER POLE
 - GUYANCHOR POLE
 - WOODEN PILLAR
 - DECIDUOUS TREE
- S00° 01' 54"E 586.15' MEASURED BEARING-DISTANCE
 N00° 02' 03"E 1046.15' RECORD BEARING-DISTANCE
 ▬ CURB & GUTTER
 ▬ FENCE
 ▬ GAS LINE
 ▬ CABLE TV
 ▬ STORM SEWER
 ▬ SANITARY SEWER
 ▬ WATERMAIN
 ▬ TELEPHONE
 ▬ UNDERGROUND ELECTRIC
 ▬ OVERHEAD POWER
 [Pattern] CONCRETE
 [Pattern] ASPHALT
 [Pattern] GRAVEL
 [Pattern] BUILDING
 [Pattern] TREE ROW
 [Pattern] BUSHES



OWNER:
SCHWAN FAMILY PARTNERSHIP
PO BOX 1216
BISMARCK, ND 58502

DATE OF RECORDING:
BASIS OF BEARING: WEST BOUNDARY TRACT 5
NORTH 07° 31' 30" EAST

NOTES:
1. TRACT 5 IS CURRENTLY IN THE E.T.A. BUT IS IN THE PROCESS OF BEING ANNEXED INTO THE CITY OF BISMARCK.
2. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
3. TOTAL LOTS: 4.15 ACRES

TOMAN ENGINEERING
501 1st Street NW, Mandak, ND 58554
Phone: 701-663-6483 * Fax: 701-663-0923

1. 1/2" = 10' (VERTICAL SCALE) 1/8" = 10' (HORIZONTAL SCALE) 1/4" = 10' (SCALE)

14-03-08(4)(e)

e. Filling stations. A filling station may be permitted in a CA, CB, CG, CR, or MA district as a special use provided:

1. The minimum total area of the premises shall be at least twenty-one thousand (21,000) square feet with minimum lot dimensions of one hundred forty (140) feet in width and length.
2. Pump dispensers shall have a setback of at least fourteen (14) feet from the property line.
3. The filling station building shall have a fifty (50) foot setback from property lines adjacent to public streets.
4. A filling station may front on only one arterial or collector street and may also be adjacent to a local street.
5. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from intersecting street corner on local streets.
6. All repair areas, grease and wash racks shall be maintained within the principal building.
7. Rubbish bins and storage racks shall be maintained within a screened area only.
8. Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five (5) spaces for each service stall or bay on the premises.
9. No storing or parking of wrecked or partially disassembled automobiles or trucks for periods of greater than ninety-six (96) hours shall be allowed.
10. Above-ground storage of petroleum products may be allowed only in MA-Industrial District subject to prior written approval of the Fire Department and adherence to the requirements of subsection p of this section.

14-03-08(4)(m)

m. Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, CR, MA or MB district as a special use, provided:

1. The lot area, lot width, front yard, side yards, rear yards, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located except that the minimum front yard setback shall be twenty-five (25) feet.
2. Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
3. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local streets.
4. An auto laundry-car wash may front on only one arterial or collector street and may also be adjacent to a local street.
5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. All curb cuts, widths, and other specifications shall comply with the standards established by the city engineer.
6. No fence, wall, terrace, structure, shrubbery or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the front ten (10) feet of any lot except a sign pole of two (2) feet or less in any dimension.
7. No automobile shall be parked in the first fifteen feet of a required setback area.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

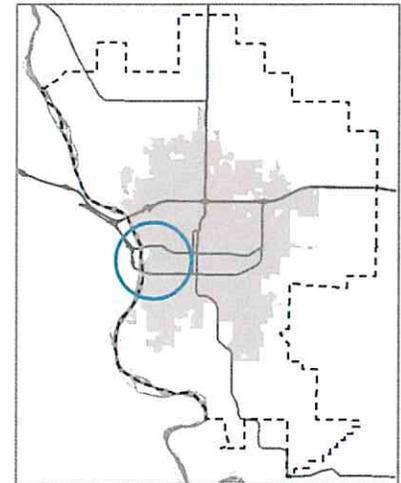
Agenda Item # 9
 March 23, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-002

Project Summary

Title:	Tracts A & B of Auditor's Lot 30, Park Hills Auditor's Lots and parts of Blocks 4 and 9, Park Hills Second Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Bank of North Dakota
Project Contact:	Joe Herslip
Location:	In west Bismarck, in the southeast quadrant of the intersection of West Main Avenue and Memorial Highway.
Project Size:	7.8 acres, more or less
Request:	Rezone property to P-Public for future development



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 parcels	Number of Lots:	2 parcels
Land Use:	Office and Financial uses associated with the Bank of North Dakota	Land Use:	Office and Financial uses associated the Bank of North Dakota and the State of North Dakota
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan.
Zoning:	CG – Commercial R10 – Residential	Zoning:	P – Public
Uses Allowed:	CG – General commercial, multi-family residential, and offices R10 – Single and two-family residential	Uses Allowed:	P – Parks, open space, stormwater facilities, and other public uses
Max Density Allowed:	CG – 42 units / acre R10 – 10 units / acre	Max Density Allowed:	P – N/A

Property History

Zoned:	Pre-1980	Platted:	Pre-1980	Annexed:	Pre-1980
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(continued)

Staff Analysis

The applicant is proposing a zoning change from the CG – Commercial zoning district and the R10 – Residential zoning district to the P – Public zoning district for future expansion of the Bank of North Dakota campus.



(Bank of North Dakota property)

The proposed zoning change would not adversely affect adjacent properties. Adjacent land uses include a mix of commercial, office, single and two-family uses to the north across East Main Avenue, a mix of single, two and multi-family residential use to the east, and commercial uses to the south, across Memorial highway.

The proposed zoning change is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended, because it was previously platted and zoned.

The property is already annexed and municipal services are in place.

Required Findings of Fact

1. The proposed zoning change is outside the area included in the Future Land Use Plan in the 2014 Growth Management Plan, as amended;

2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

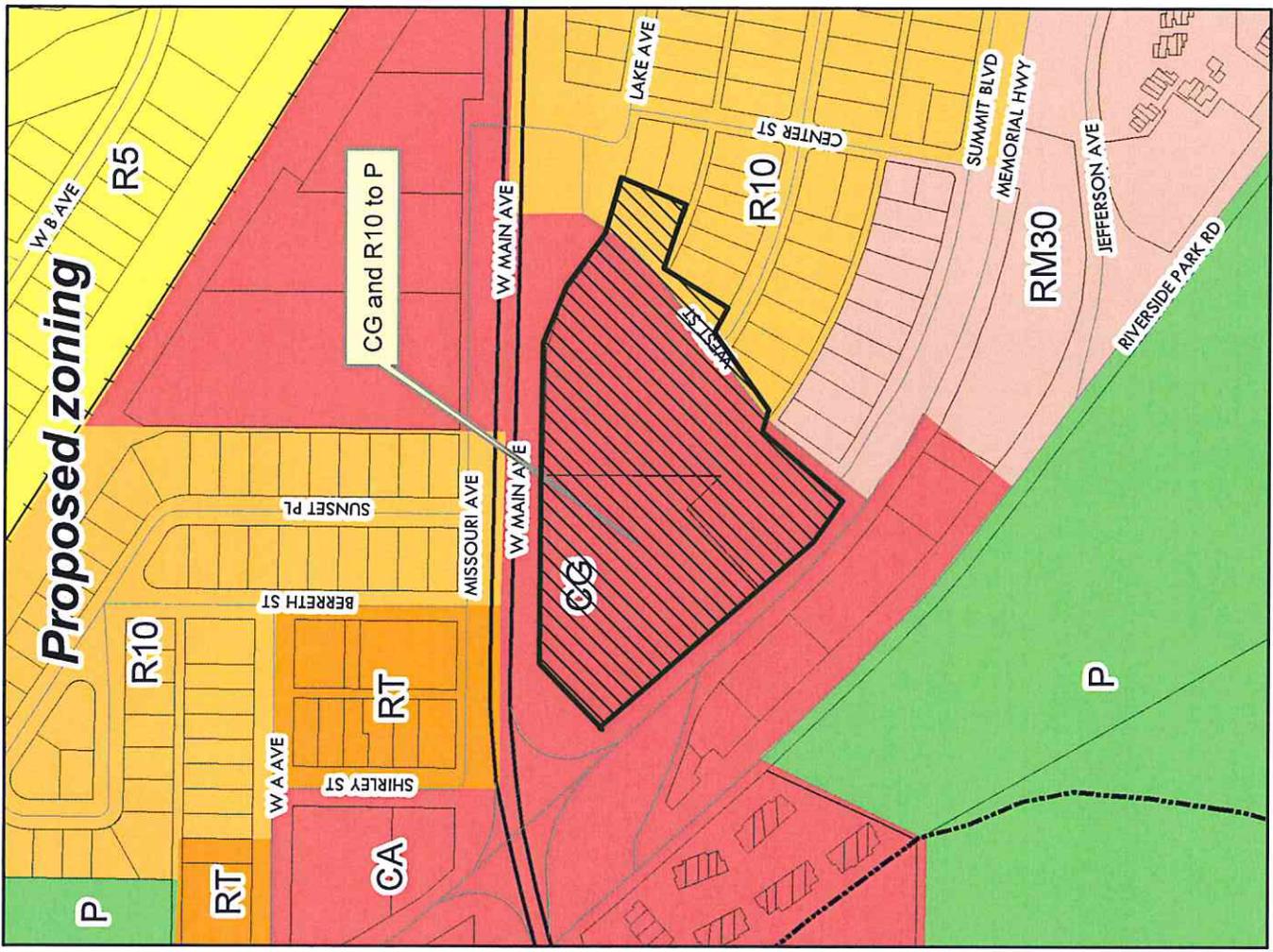
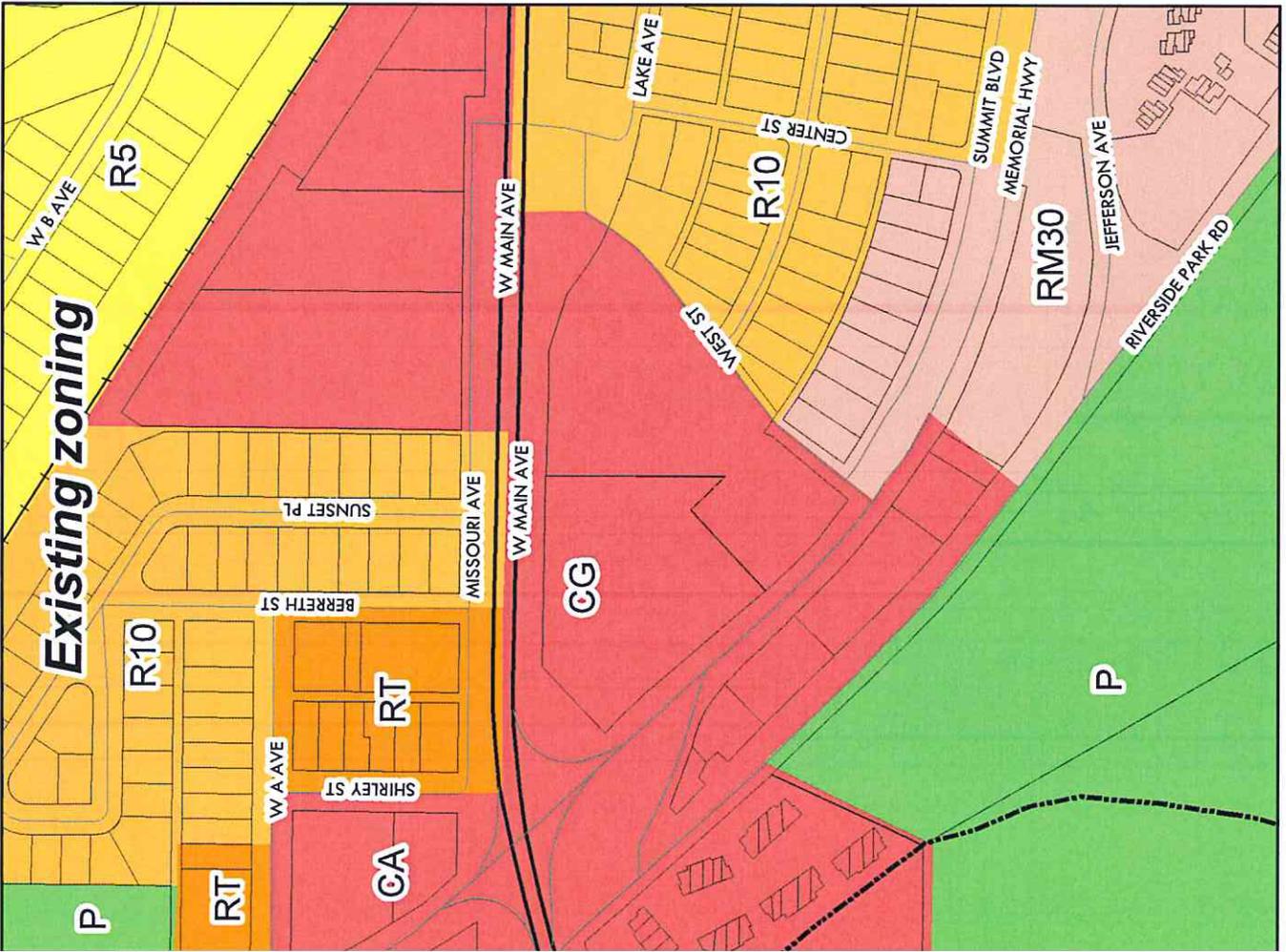
Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the CG – Commercial zoning district and the R10 – Residential zoning district to the P – Public zoning district for Tracts A & B of Auditor's Lot 30, Park Hills Auditor's Lots and parts of Blocks 4 and 9, Park Hills Second Addition.

Attachments

1. Location Map
2. Zoning Map
3. Site Plan

Tracts A & B of Auditor's Lot 30, park Hills Auditor's Lot and parts of Block 4 and 9, Park Hills Second Addition



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.

February, 2016



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

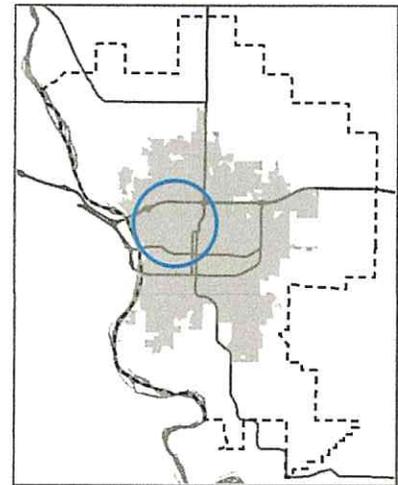
Agenda Item # 10
 March 23, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-003

Project Summary

Title:	Various P-Public District Zoning Changes (R5, R10, RM15, RM30, and RT to P) – Phase 4 of 6
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	City of Bismarck Bismarck Parks and Recreation District Bismarck Public Schools Bismarck Board of Higher Education (BSC)
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	Various tracts of land in central and west Bismarck
Project Size:	72 acres
Request:	City-initiated action to rezone properties in public ownership to the P-Public zoning district to enhance consistency of the zoning map



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	22 tracts	Number of Lots:	22 tracts
Land Use:	Parks, schools, college campus, and stormwater facilities	Land Use:	Parks, schools, university campus, and stormwater facilities
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential R10 – Residential RM15 – Multi-family residential RM30 – Residential RT – Residential	Zoning:	P – Public Use
Uses Allowed:	Various, depending on zone	Uses Allowed:	P – Parks, schools, open space, stormwater facilities, and other public uses.
Max Density Allowed:	Various, depending on zone	Max Density Allowed:	P – N/A

(continued)

Staff Analysis

In Section 14-04-16 of the Bismarck Code of Ordinances, the P – Public zoning district is “established as a district in which the predominant use of land is for public uses,” specifically for public recreation, education and other government services. Over time, several parcels throughout the city have been acquired by a government agency and put to public use, while remaining in their original zoning district. The Community Development Department – Planning Division proposes to rezone these properties to the P – Public zoning district, in order to meet the intent of the ordinance and improve the consistency of the zoning map.

This project is the fourth of six rezoning phases planned around the city. Most of the tracts of land in this phase are dedicated as parks, including Memorial Park, Marian Park, Rosa Young Park and a small section of Tom O’Leary Golf Course. This phase also includes the schools sites for Bismarck High School, Will-Moore Elementary School, Highland Acres Elementary School, Northridge Elementary School, and Grimsrud Elementary School. Also included is a strip of land on the east edge of the Bismarck State College campus.

Representatives from the City of Bismarck Public Works, the Parks and Recreation District, Bismarck State College, and Bismarck Public Schools were consulted to assure that all of the properties listed will continue in their current use into the future.

Required Findings of Fact

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification, because the properties are already annexed and served;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the P – Public zoning district for the properties described as:

- Lot 7, Block 12, Nagel’s 4th Addition, less a part of said lot described as: beginning in the SW corner of Lot 6 of said block, thence East parallel to and 20 feet South of said South line a distance of 126.75 feet to the East line, thence Northwesterly a distance of 21.49 feet to the SW corner of said Lot 6, thence West 120 feet to the point of beginning.
- Part of the S $\frac{1}{2}$ of Section 29, T139N-R80W/Hay Creek Township described as: Beginning at a point 1327.26 feet West and 1344.9 feet South from the NE corner of the S $\frac{1}{2}$ of said Section 29, thence West a distance of 586.725 feet, thence North a distance of 493.03 feet, thence East a distance of 586.68 feet, thence South a distance of 484.84 feet to the point of beginning.
- A tract of land dedicated as “Marian Park” on the plats of Marian Park 2nd Addition, Replat of Marian Park 2nd Addition, and Marian Park 3rd Addition.
- A tract of land in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 28, T139N-R80W/Hay Creek

(continued)

Township described as: Beginning 170 feet West of the centerline of 4th Street and 190 feet North of the centerline of Divide Avenue, thence West a distance of 300 feet, thence North a distance of 470 feet, thence East a distance of 300 feet, thence South a distance of 470 feet to the point of beginning.

- Lots 15-21, Block 1, Highland Acres 2nd Addition.
- Balance of Block 9, Highland Acres designated on plat as "School and Playground"
- A Tract of land dedicated as "Memorial Park" on the plat of Highland Acres, less right of way for East Coulee Road and less an 8 foot extension to Lot 7, Block 2 and less Tracts 2, 3, and 4
- All of Block 5, Keating Subdivision less 1178 square feet in the NW corner.
- Lot 21, Block 3, Keating Addition less a part of said lot described as: beginning in the NW corner of said lot, thence S 32-03-00 W on the West line of said lot to the SW corner of said Lot 21 for a distance of 159.55, thence S 57-57-00 E on the South line of said lot a distance of 44 feet, thence N 32-03-00 E and parallel to the West line of Lot 21 to a point on the South line of Avenue B a distance of 169.64 feet more or less, thence Westerly along said South line a distance of 45.14 feet more or less to the point of beginning.
- Block 4, Keating Addition less four tracts of land in the SW of said Block 4, each described as follows:
 - Beginning at the SW corner of said Block 4, thence North 25-25-00 East along the West boundary line of said Block 4 a distance of 120.81 feet, thence South 57-57-00 East a distance of 83.96, thence South 32-03-00 West a distance of 120 feet, thence North 57-57-00 West along the South boundary line of said Block 4 a

distance of 70 feet to the point of beginning.

- Beginning at a point on the South boundary line of said Block 4, said point being south 57-57-00 East a distance of 70 feet from the SW corner of said block, thence North 32-03-00 East a distance of 120 feet, thence South 57-57-00 East a distance of 70 feet, thence South 32-03-00 West a distance of 120 feet, thence North 57-57-00 West along the South boundary line of said Block 4, a distance of 70 feet, to the point of beginning.
- Beginning at a point on the South boundary line of said Block 4, said point being South 57-57-00 East a distance of 210 feet from the SW corner of said Block 4, thence North 32-03-00 East a distance of 120 feet, thence South 21-22-00 East a distance of 163.95 feet, thence South 22-18-00 East a distance of 38.75 feet so the SE corner of said Block 4, thence in a northwesterly direction on a curve along the South boundary line of said Block 4 a distance of 117.67 to the point of beginning.
- Beginning at a point on the South boundary line of said Block 4, said point being South 57-57-00 East a distance of 140 feet from the SW corner of said Block 4, thence North 32-32-00 East a distance of 120 feet, thence North 57-57-00 West along the South boundary line of said Block 4 a distance of 70 feet to the point of beginning
- And one tract of land in the NW of said Block 4, described as follows:
 - A tract of land being 43.2' wide lying East of and adjacent to and extending the

entire lot line of Lot 8, Block 1, Keating Addition.

- Lot 2, Block 9, Keating Addition
- Tract 1 of Lot 7, Block 3, Highland Acres Second Addition
- Lots 1 and 2, Block 22 McKenzie's Addition and the S½ of the vacated Avenue A adjacent to Lot 1
- Lots 3 and 4, Block 22, McKenzie's Addition
- Lots 5-16, Block 22, McKenzie's Addition and the S½ of the vacated Avenue A adjacent to Lot 16
- Lots 7-18, Block 21, McKenzie's Addition and the N½ of the vacated Avenue A adjacent to said lots and the W½ of vacated Thompson Street adjacent to Lot 7 and the E½ of vacated Williams Street adjacent to Lot 18
- The West 14 feet of the E½ of vacated Thompson Street adjacent to Lot 18, Block 20, McKenzie's Addition
- Lots 9-12, Block 23, McKenzie's Addition and the South 6 feet of the West 10 feet of Lot 13 of said block.
- Lots 1-24, Block 18, Mckenzie's Addition

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

- Lot 1, Block 3, Schafer Heights

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

- All of Block 79, McKenzie and Coffin's Addition.

And for the zoning change from the RM30 – Residential and R10 – Residential zoning district to the P – Public zoning district for the property described as:

- All of Blocks 53 and 54, Northern Pacific 2nd Addition and all of Blocks 65 and 66, McKenzie and Coffin's Addition and all vacated 8th Street adjacent to said blocks and all of vacated Avenue D adjacent o said blocks and a vacated alley in Blocks 65 and 66, McKenzie and Coffin's Addition.

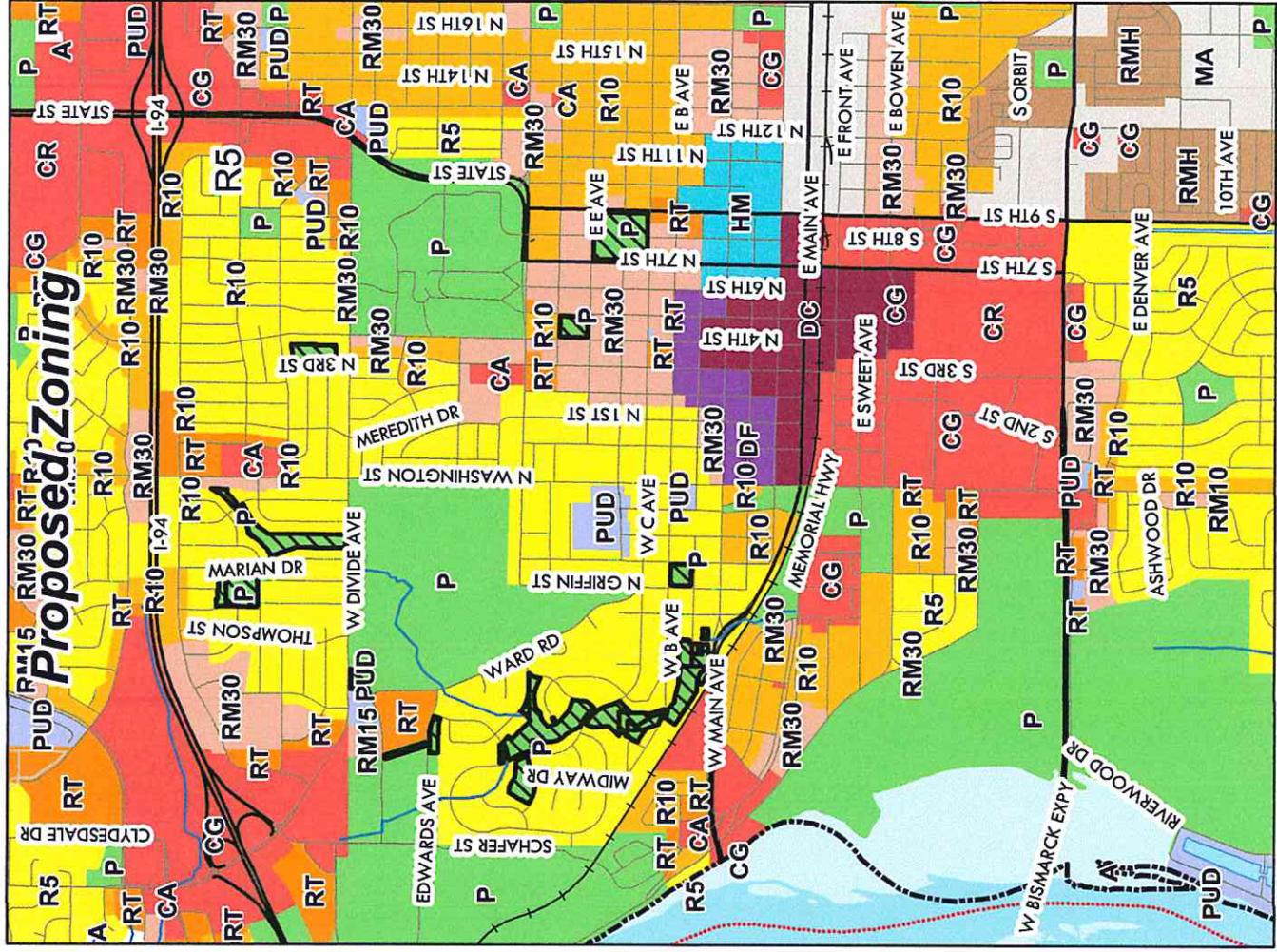
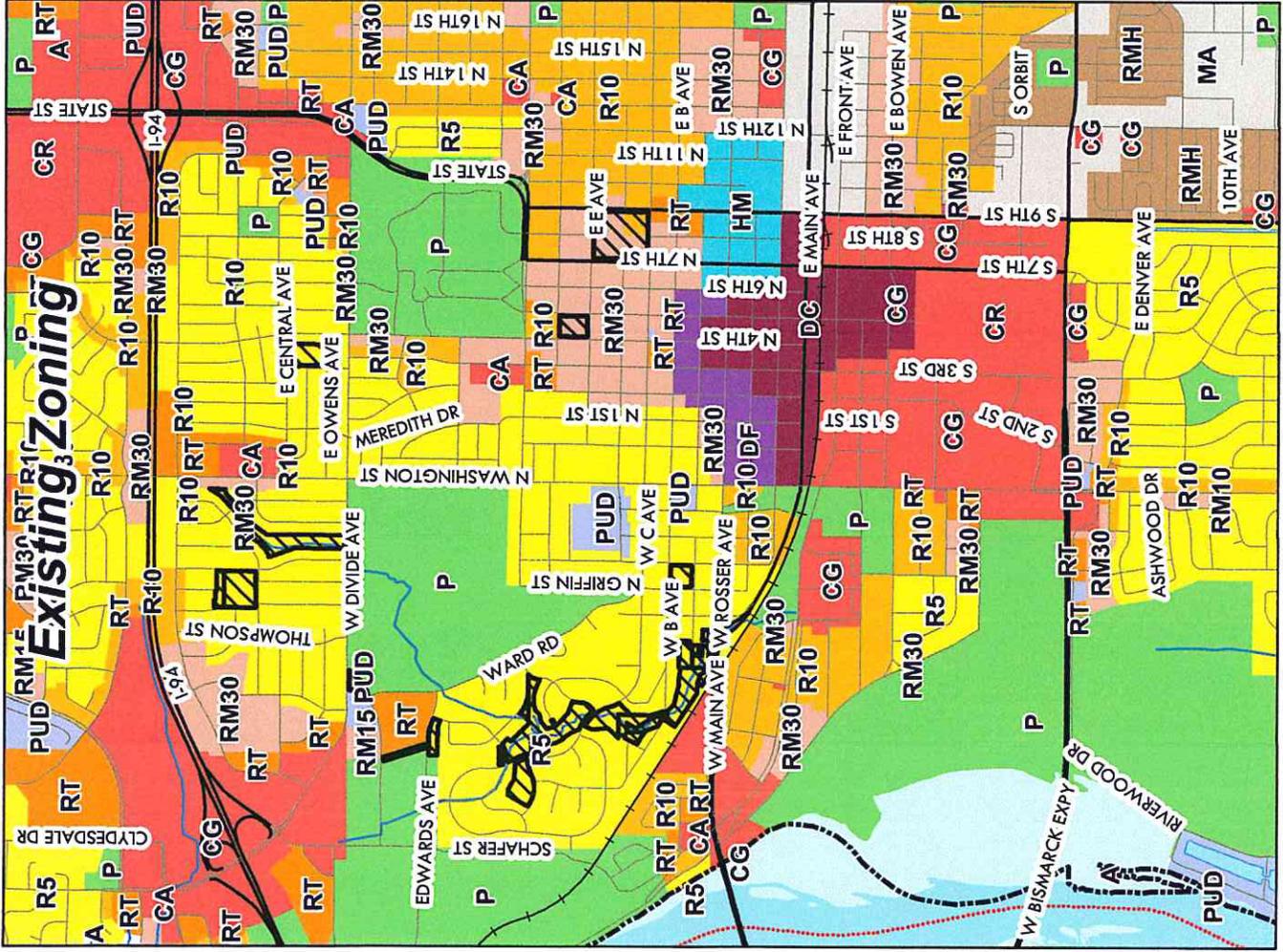
And for the zoning change from the Conditional RT – Residential zoning district to the P – Public zoning district for the property described as:

- Lot 1a of Lot 1 and Lot 2a of Lot 2, Block 2, Schafer Heights.

Attachments

1. Location Map
2. Zoning Map

Various P-Public District Zoning Changes (Phase 4) - Zoning Change



-  Areas to be Changed
-  City Limits
-  Extraterritorial Area

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



February, 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 11
March 23, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-001

Project Summary

Title:	Subdivision Regulation / Rural Residential Lot Splits
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Jenny Wollmuth, Planner, City of Bismarck
Sections Amended:	14-09-04(2)(e)(i)
Request:	Amend the zoning ordinance to modify application submittal deadlines for Rural Residential Lot Splits

Staff Analysis

The proposed amendment modifies the application submittal deadline requirement for Rural Residential Lot Splits to match the submittal deadline requirement for all other land use / development applications that appear before the Planning and Zoning Commission.

When modifications were made to the zoning ordinance updating the submittal deadlines for land use / development applications from twenty-three (23) days prior to the Planning and Zoning Commission meeting to the current requirement, which is thirty-three (33) days, the application submittal language for Rural Residential Lot Splits was not updated. If approved as proposed, the amendment would change the submittal deadline for Rural Residential Lots Split applications to match all other land use / development applications.

Required Findings of Fact

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning ordinance text amendment relating to Subdivision Regulation Procedures for Rural Residential Lot Splits as outlined in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment

CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-09-04 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO REGULATIONS GOVERNING THE -STREET PARKING AND LOADING.

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

Section 1. Amendment. Section 14-09-04 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-09-04. Procedure.

2. Lot Modifications - Lot Line Adjustments, Lot Splits and Lot Combinations:

e. For lot splits in RR - Residential and RR5 - Residential districts, the application shall be subject to a public hearing before the Planning and Zoning Commission, in accordance with the following procedure:

i. The application for a lot modification, along with all required items identified herein, shall be submitted to the Director of Community Development at least twenty-three (23) days prior to the Planning and Zoning Commission meeting at which the request is to be acted upon by the specified application deadline and on the proper form.

ii. After receipt of all items required for the application for approval of a lot split, the

Director of Community Development shall give notice of a public hearing on the proposed lot split by advertising the time and place of such hearing in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the date of such hearing. Not less than ten (10) days prior to the date of such hearing, all known adjacent property owners within 1,320 feet of the proposed lot split shall be notified of the public hearing by letter. The Director of Community Development shall send a notice of the time and place of such public hearing to the property owner(s) before the date fixed for the hearing. The public hearing may be held at any regular or special meeting of the Planning and Zoning Commission.

- iii. After a public hearing, the Planning Commission may act upon the request for a rural residential lot split. The action of the Planning Commission, together with the reasons therefore, will be entered in the official records of the Planning Commission and the applicant shall be so notified. If the Planning Commission approves the lot split, the applicant shall record a document that legally creates the two new parcels with the Burleigh County Recorder. Failure to record such a document within sixty (60) days shall nullify the approval of the lot split.

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

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