



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
April 27, 2016

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

Item No. Page No.

MINUTES

- 1. Consider approval of the minutes of the March 23, 2016 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Koch Creek Commercial Subdivision (JW) 1

Hay Creek Township

- Zoning Change (A to CG) | ZC2016-007

Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny

- Preliminary Plat | PPLT2016-002

Staff recommendation: tentative approval [] tentative approval [] continue [] table [] deny

- 3. Silver Ranch Addition (DN) 7

- Zoning Change (A & RR to R5, R10, RT, CA & P) | ZC2016-006

Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny

- Preliminary Plat | PPLT2016-001

Staff recommendation: tentative approval [] tentative approval [] continue [] table [] deny



4. **Schilling First Addition** (Klee)
 Planned Unit Development Amendment | PUDA2016-003.....21
Staff recommendation: schedule a hearing *schedule a hearing* *table* *deny*
5. **Lots 1-4, Block 1, Gary Nelson Addition** (Klee)
 Zoning Change (R5 to R10) | ZC2016-00533
Staff recommendation: schedule a hearing *schedule a hearing* *table* *deny*
6. **Various Lots and Tracts in Bismarck ETA** (DN)
 City-Initiated Zoning Change - Phase 6 of 6
 (A, RR & R5 to P) | ZC2016-008.....37
Staff recommendation: schedule a hearing *schedule a hearing* *table* *deny*

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

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

7. **Light of Christ Addition** (JW)43
- **Annexation** | ANNX2015-015
Staff recommendation: approve *approve* *continue* *table* *deny*
 - **Zoning Change (A to Conditional RT)** | ZC2015-037
Staff recommendation: approve *approve* *continue* *table* *deny*
 - **Fringe Area Road Master Plan Amendment** | FRMP2015-001
Staff recommendation: approve *approve* *continue* *table* *deny*
 - **Final Plat** | FPLT2016-001
Staff recommendation: approve *approve* *continue* *table* *deny*
8. **Promontory Point VI Addition - REVISED** (DN)53
- **Annexation** | ANNX2015-011
Staff recommendation: approve *approve* *continue* *table* *deny*
 - **Zoning Change (A to R5)** | ZC2015-025
Staff recommendation: approve *approve* *continue* *table* *deny*
 - **Final Plat** | FPLT2015-007
Staff recommendation: approve *approve* *continue* *table* *deny*

9. **Promontory Point VII Addition (DN)**63
- **Annexation | ANNX2015-012**
Staff recommendation: approve approve continue table deny
 - **Zoning Change (A to R5 & P) | ZC2015-026**
Staff recommendation: approve approve continue table deny
 - **Final Plat | FPLT2015-008**
Staff recommendation: approve approve continue table deny

PUBLIC HEARINGS

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

10. **Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition (Klee)**
Planned Unit Development Amendment | PUDA2016-002.....75
Staff recommendation: approve approve continue table deny
11. **Block 15, McKenzie’s Addition (JW)**
Planned Unit Development Amendment | PUDA2016-001 93
Staff recommendation: approve approve continue table deny
12. **Various Lots and Tracts in South Bismarck (DN)**
City-Initiated Zoning Change - Phase 5 of 6
(R5, R10, RM15, and RM30 to P) | ZC2016-003..... 103
Staff recommendation: approve approve continue table deny
13. **Lot 3, Block 1, Hay Creek Pines Subdivision (JW)**
Special Use Permit (Accessory Building) | SUP2016-002 109
 Hay Creek Township
Staff recommendation: approve approve continue table deny
14. **NE¼ of NW¼, Section 33, Gibbs Township (JW)**
Special Use Permit (Accessory Building) | SUP2016-003 113
 Gibbs Township
Staff recommendation: approve approve continue table deny
15. **Lots 1-8, Block 25, Casey’s 4th Addition (JW)**
Special Use Permit (Child Care Center) | SUP2016-004..... 117
Staff recommendation: approve approve continue table deny

16. **Lot 2, Block 1, Munich Addition (JW)**
Special Use Permit (Child Care Center) | SUP2015-016..... 125

Staff recommendation: approve approve continue table deny

17. **Accessory Solar Energy Systems (DN)**
Zoning Ordinance Text Amendment | ZOTA2016-002..... 131

Staff recommendation: approve approve continue table deny

OTHER BUSINESS

18. **Other**

ADJOURNMENT

19. **Adjourn.** The next regular meeting date is scheduled for **May 25, 2016.**

Enclosures: Meeting Minutes of March 23, 2016
 Building Permit Activity Month to Date Report for March 2016
 Building Permit Activity Year to Date Report for March 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

April 27, 2016

Application for: Zoning Change

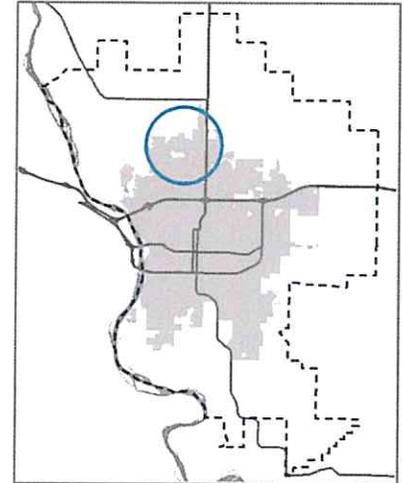
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2016-007

PPLT2016-002

Project Summary

| | |
|-------------------------|--|
| <i>Title:</i> | Koch Creek Commercial Subdivision |
| <i>Status:</i> | Planning & Zoning Commission – Consideration / Tentative Approval |
| <i>Owner(s):</i> | Michael Koch |
| <i>Project Contact:</i> | Mike Hill, Ulteig Engineers |
| <i>Location:</i> | North of Bismarck, between US Highway 83 and North Washington Street, along the north side of ND Highway 1804. |
| <i>Project Size:</i> | 8.32 acres |
| <i>Request:</i> | Plat and rezone property for future development of an electrical substation and future commercial use. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|-----------------------|--|--|
| <i>Number of Lots:</i> | 1 parcel | <i>Number of Lots:</i> | 2 lots in 1 block |
| <i>Land Use:</i> | Undeveloped | <i>Land Use:</i> | Commercial uses, including electrical substation |
| <i>Designated GMP Future Land Use:</i> | Commercial | <i>Designated GMP Future Land Use:</i> | Commercial |
| <i>Zoning:</i> | A – Agricultural | <i>Zoning:</i> | CG – Commercial |
| <i>Uses Allowed:</i> | A – Agriculture | <i>Uses Allowed:</i> | CG – General commercial, multi-family residential, and offices |
| <i>Max Density Allowed:</i> | A – 1 unit / 40 acres | <i>Max Density Allowed:</i> | CG – 42 units / acre |

Property History

| | | | | | |
|---------------|-----|-----------------|-----|-----------------|-----|
| <i>Zoned:</i> | N/A | <i>Platted:</i> | N/A | <i>Annexed:</i> | N/A |
|---------------|-----|-----------------|-----|-----------------|-----|

(continued)

Staff Analysis

The zoning change and plat are being requested for future commercial development including an electrical substation to be located on Lot 1, Block 1 of the proposed subdivision. Future development of the site will require approval of an annexation request by the Planning and Zoning Commission and the Board of City Commissioners.

At their meeting of April 4, 2016, the Burleigh County Board of Commissioners granted a waiver from the County's Gravel Road Improvement Policy, with the understanding that the roadways within the proposed plat shall be paved by the owner / developer once the construction of the electrical substation located on Lot 1, Block 1 is completed.

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.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. 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.
5. 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.
6. 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;
7. 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;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agriculture zoning district to the CG – Commercial zoning district and tentative approval of the preliminary plat of Koch Creek Commercial Subdivision.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Preliminary Plat

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

Proposed Plat and Zoning Change (A to CG) Koch Creek Commercial Subdivision

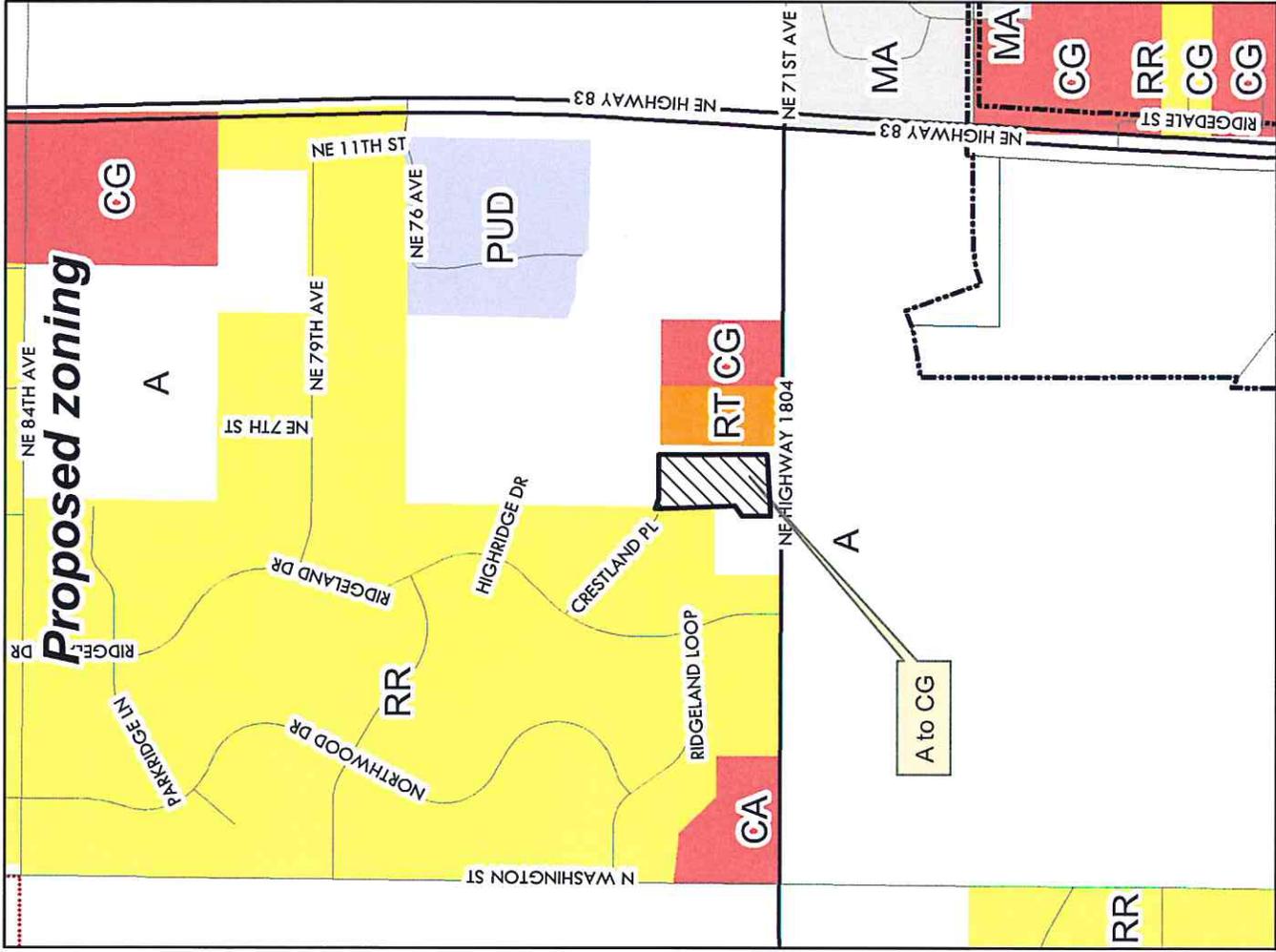
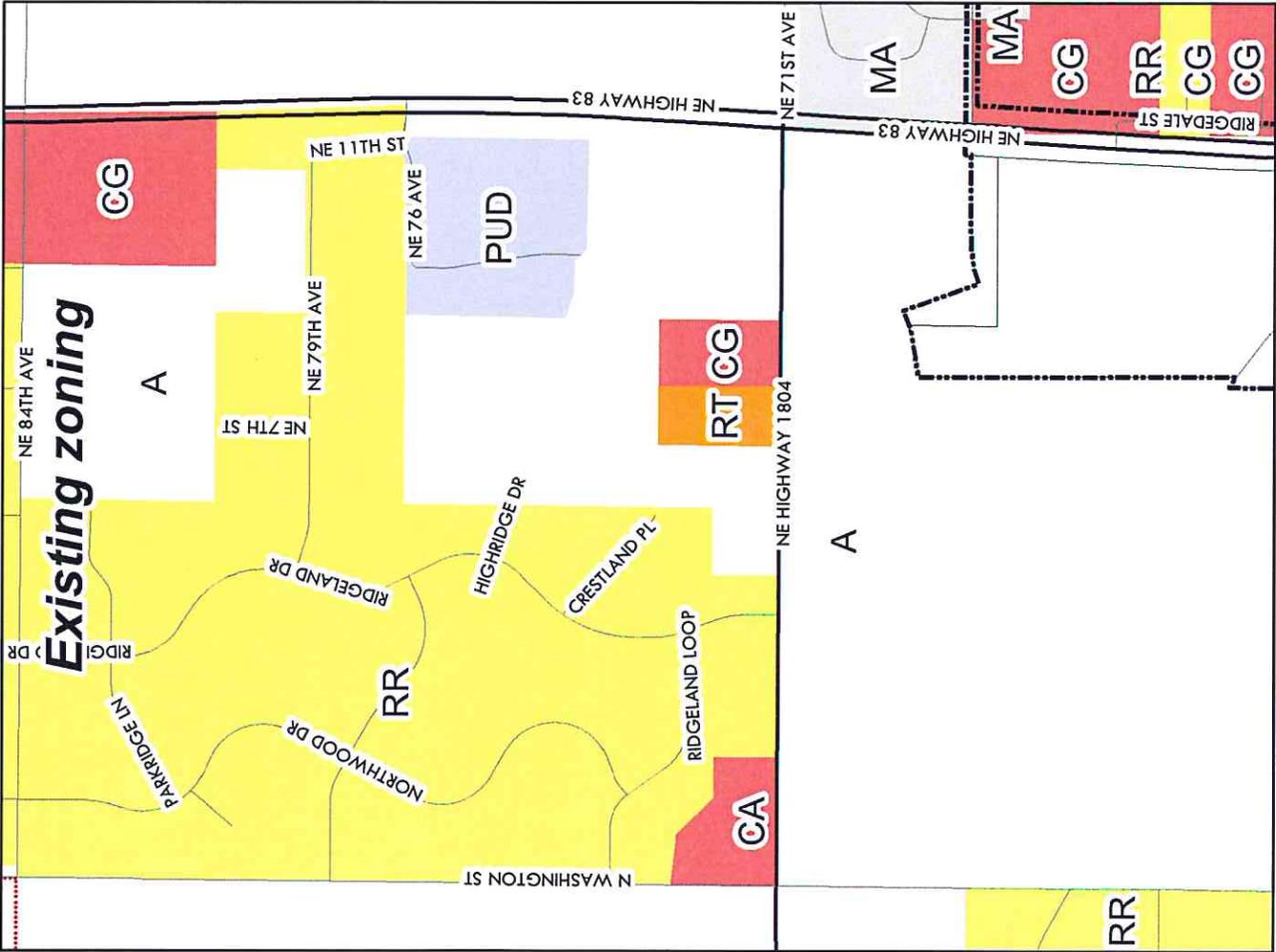


March, 28, 2016 (h1b)

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



Koch Creek Commercial Subdivision



April, 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 # 3

April 27, 2016

Application for: Zoning Change

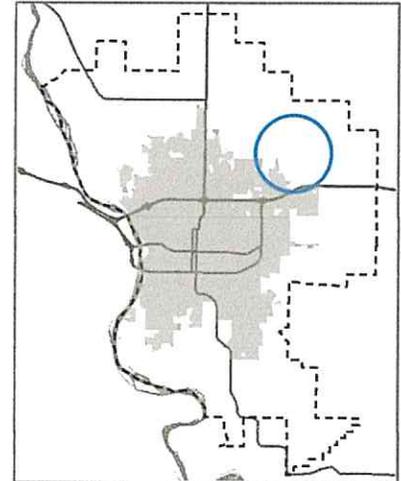
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2016-006

PPLT2016-001

Project Summary

| | |
|-------------------------|--|
| Title: | Silver Ranch First Addition |
| Status: | Planning & Zoning Commission – Consideration |
| Owner(s): | Investcore, Inc. Silver Ranch, LLP |
| Project Contact: | Ken Nysether, SEH |
| Location: | Northeast of Bismarck, along the south side of 43 rd Avenue NE and the east side of 52 nd Street NE. |
| Project Size: | 155 acres |
| Request: | Plat and rezone 266 lots for mixed-density residential, office, and neighborhood commercial land uses. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|-------------------------|--|-------------------------|---|
| Number of Lots: | 0 | Number of Lots: | 266 |
| Land Use: | Agricultural | Land Use: | Single-family residential, multi-family residential, offices, neighborhood commercial, park, and greenway |
| Designated GMP | Low Density Residential | Designated GMP | Low Density Residential |
| Future Land Use: | Medium Density Residential Conservation | Future Land Use: | Medium Density Residential Conservation |
| Zoning: | A – Agricultural RR – Residential | Zoning: | R5 – Residential R10 – Residential RT – Residential CA – Commercial P – Public Use |

(continued)

| | | | |
|-----------------------------|---|-----------------------------|---|
| Uses Allowed: | A – Agriculture RR – Large lot single-family residential and limited agriculture | Uses Allowed: | R5 – Single-family residential R10 – Single and two-family residential RT – Offices and multi-family residential CA – Neighborhood commercial P – Parks, open space, stormwater facilities, and other public uses |
| Max Density Allowed: | A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet | Max Density Allowed: | R5 – 5 units / acre R10 – 10 units / acre RT – 30 units / acre CA – 30 units / acre P – N/A |

Property History

| | | | | | |
|---------------|-----|-----------------|-----|-----------------|-----|
| Zoned: | N/A | Platted: | N/A | Annexed: | N/A |
|---------------|-----|-----------------|-----|-----------------|-----|

Staff Analysis

Silver Ranch First Addition is a major urban subdivision proposed for the area northeast of Bismarck. The development would be predominantly single-family residential in character, but would also include multifamily-residential, neighborhood commercial, offices, and a greenway with a park. It is the first proposed phase of a larger master plan for development that extends north to 57th Avenue NE and west to 66th Street NE.

Concurrence with Plans

The 2014 Growth Management Plan and the 2014 Fringe Area Road Master Plan are the primary plans that govern outward growth and development of the city, and they are both relevant to the review of this development.

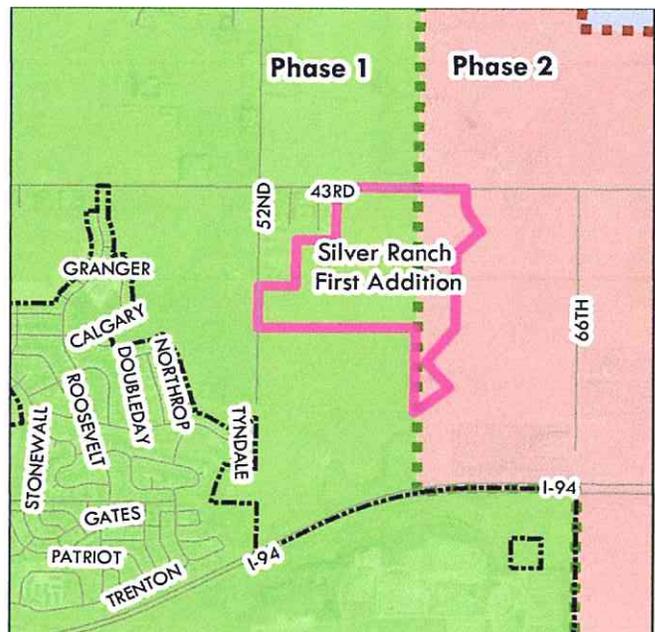
The Growth Management Plan includes the following strategy:

“Maintain a compact and orderly pattern of urban growth and development to promote an efficient use of present and future public investments in roadways, utilities and other services.”

The area proposed for development is not contiguous with the existing city limits of Bismarck, but it is mostly within Phase 1, which is the area that the city expects to

develop within the short-term future (prior to 2025). The plan promotes the use of public subsidies to support development within this area.

Growth Phasing Plan

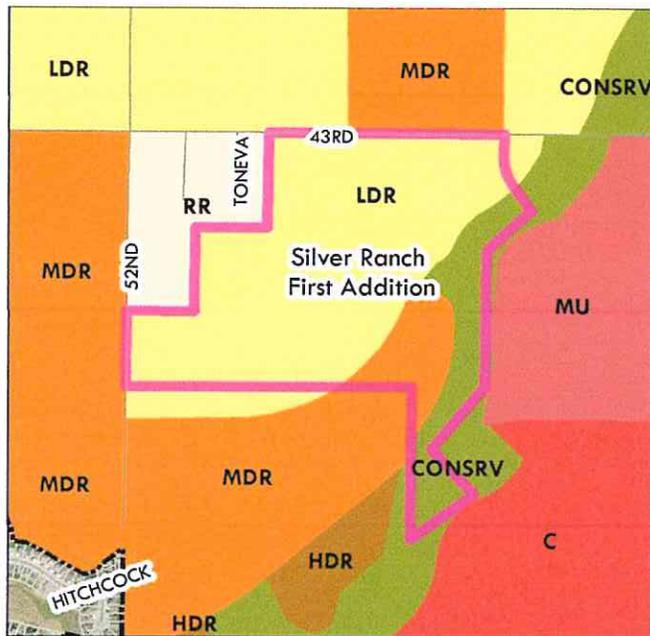


The Future Land Use Plan shows the area of Silver Ranch First Addition as mostly Low-Density Residential, with a small amount of Medium-Density Residential, and a Conservation area. The proposed subdivision matches

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the conservation area outlines in the Future Land Use Plan very closely, with a preserved greenway dedicated along the east side of the plat. Although about 15% of the subdivision is proposed to be zoned for commercial or office uses, the overall character of the “development block” could still reasonably be considered low-density residential. The more intensive uses are proposed for areas adjacent to 43rd Ave in the northern portion of the subdivision.

Future Land Use Plan



LDR = Low-Density Residential
 MDR = Medium-Density Residential
 CONSRV = Conservation Area

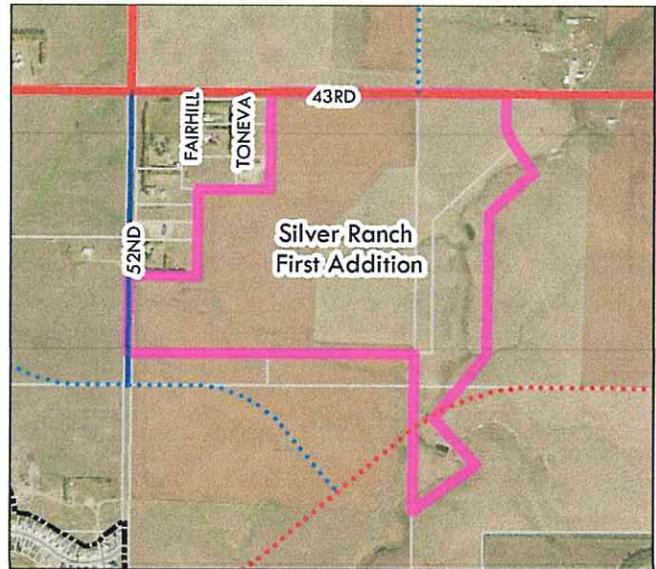
The Fringe Area Road Master Plan identifies 43rd Avenue NE as an arterial roadway, and 52nd Street NE as a collector roadway. The appropriate right-of-way is shown as dedicated on the preliminary plat. The plan also shows a future alignment for East Century Avenue traversing the southeast portion of the plat. The preliminary plat does not show a dedicated right-of-way for Century Avenue at this time, but staff recommends adding this on the final plat.

Transportation Infrastructure to Support Development

The roads and utilities necessary to support urban development on this site are not currently constructed and available, but the applicant, in conversation with

City staff, is in the process of developing a plan for extending needed services.

Fringe Area Road Master Plan



The existing conditions of 43rd Avenue NE and 52nd Street NE are not currently sufficient to support the development of Silver Ranch First Addition. 43rd Avenue NE is a two-lane rural section roadway west of Fairhill Road, and a gravel road from this point east. According to NDDOT, 1,235 vehicles currently travel per day on the paved portion of 43rd Avenue NE west of 52nd Street NE (2016 Count). The roadway of 52nd Street NE is built as a gravel road to driveways in Huber Subdivision, but only exists as a section line trail south of this point.

The Northeast Bismarck Subarea Study, adopted by the Bismarck-Mandan MPO Policy Board in November of 2015, is the most current plan for future roadway improvements in this area. This plan proposes the improvement of both 43rd Avenue NE and 52nd Street NE adjacent to Silver Ranch First Addition to three-lane urban roads. The plan also proposes improvements to 43rd Avenue NE west of Roosevelt Drive and at the intersection of Centennial Road that would likely be needed to handle the increased traffic volumes. All of these are listed as “short term corridor improvements,” proposed to be in place by 2025. However, none of

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these projects have been listed on the fiscally-constrained Long-Range Transportation Plan that governs the expenditure of federal transportation funds in the region. In other words, no funding source has been identified for these planned improvements.



Existing 43rd Avenue NE at Fairhill Road (facing east)



Existing 52nd Street NE (facing south)

The adopted fire code of the City of Bismarck requires secondary access to any area with more than thirty residential units. Development of Silver Ranch First Addition could commence with use of 43rd Avenue NE to Centennial Road as the only access, but a secondary access point will need to be available prior to the issuance of a building permit for the thirty-first home. The preferred route for secondary access would be south on 52nd Street NE to the existing city limits.

There is no plan for transit service to support this area. However, the Northeast Corridor Study does propose a future shared-use path along a coulee. This area is dedicated as public space on the plat, and the Bismarck Parks and Recreation District intends to install a shared-use path along the greenway. The applicant has also submitted a letter of intent to include a neighborhood park in the subdivision, as required by the adopted Neighborhood Parks Policy. Discussions

are underway concerning the exact location and design of this park.

The plat includes the creation of two new collector roadways. They are labeled on the preliminary plat as Silver Ranch Road and Lois Lane, although the applicant is working with Combined Emergency Communications to determine final street names. Roundabouts may be used at the intersections of these two roadways with 43rd Avenue NE to enhance traffic flow.

The five blocks of single-family residential lots in the interior of the subdivision are very long at approximately 1,100 feet. The preliminary plat shows an access easement through the middle of these blocks, to allow the construction of a multi-use pathway.

Utilities and Stormwater

The applicant proposes to supply water to the subdivision through a new connection along the section line right of way of 43rd Avenue NE from Roosevelt Drive to the proposed site. The South Central Regional Water District currently owns pipes in this corridor, but these are likely not suitable for the capacity and fire protection needed. Easements may need to be obtained from the adjoining landowners to install new water pipelines.

The applicant proposes a sanitary sewer connection with installation of a new pipe along the coulee on the east side of the subdivision, ultimately crossing under Interstate 94 and connecting into the City's system south of the interstate. The applicant is currently in discussion with the landowner to the south regarding an easement that is necessary for this sanitary sewer line.

The preliminary plat includes a network of utility easements needed for internal service to the development. Montana-Dakota Utilities has requested some revisions to these easements to accommodate their gas lines.

A preliminary stormwater management plan has been submitted and reviewed by the City Engineering Department. All of the water from the site flows to the south-east into the coulee. Two detention areas are

(continued)

proposed where the water enters this coulee to slow downstream flows from the developed site.

Annexation

Annexation has not been applied for at this time, and an exact annexation route between the existing City limits and this site has not been identified. Because urban zoning districts are being requested, an annexation must be approved prior to development of the site.

The applicant has discussed using the proposed sanitary sewer easement as a pathway for annexation, but this is problematic. NDCC 40-51.2-04 contains provisions for annexation by petition from landowners, but the party holding an easement would not appear to have the right to petition for annexation through the easement. Under this section, the petition must come from the landowner.

Subdivision Ordinance

Section 14-09-04 of the Bismarck Code of Ordinances states that:

“It will be the duty of the planning commission to discourage the subdividing of lands that are far in advance of the needs of the community; that by their location cannot be efficiently served by public utilities, fire protection, police protection or other municipal services.”

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, provided that required buffers are installed;
3. It is unclear at this time whether 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.

Preliminary Plat

1. Sufficient technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision does not entirely conform to the 2014 Fringe Area Road Master Plan, as amended;
3. A statement of intent for the provision of neighborhood parks and open space has been submitted;
4. The City of Bismarck Traffic Engineer has not required a Traffic Impact Study for this development at this time.
5. 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.
6. It is unclear at this time whether 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;
7. 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;

8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision 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 zoning change from A – Agricultural to R5 – Residential, R10 – Residential, RT – Residential, CA – Commercial, and P – Public Use zoning districts, and tentative approval of the preliminary plat for Silver Ranch First Addition, subject to the following conditions:

1. Commitments to improve 43rd Avenue NE and 52nd Street NE as identified in the Northeast Bismarck Subarea Study and necessary to provide efficient service to the proposed subdivision, as determined by the City Engineer, are identified prior to approval of the final plat.

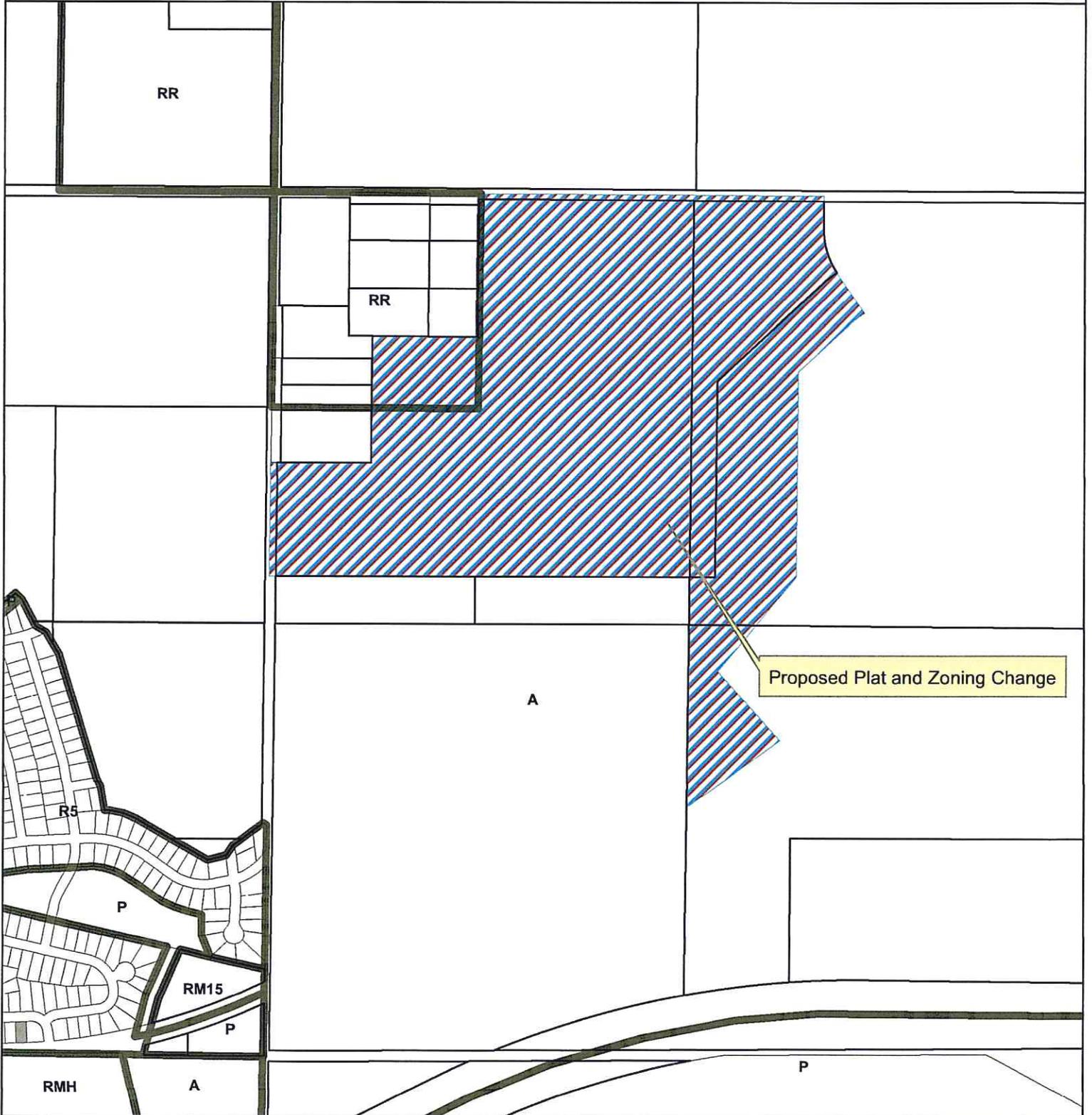
2. A plan detailing proposed transportation improvements to provide secondary access for emergency operations is submitted with the final plat.
3. All easements or rights-of-way necessary to provide water and sewer service are secured prior to approval of the final plat.
4. A viable annexation route is identified to connect the proposed subdivision to the existing city limits prior to approval of the final plat.
5. The plat is modified to dedicate sufficient right-of-way for a future extension of East Century Avenue prior to approval of the final plat.
6. The plat is modified to allow sufficient utility easements within the subdivision, as requested by utility companies prior to approval of the final plat.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Proposed Plat and Zoning Change (A to R5, R10, RT, CA & P) Silver Ranch Addition



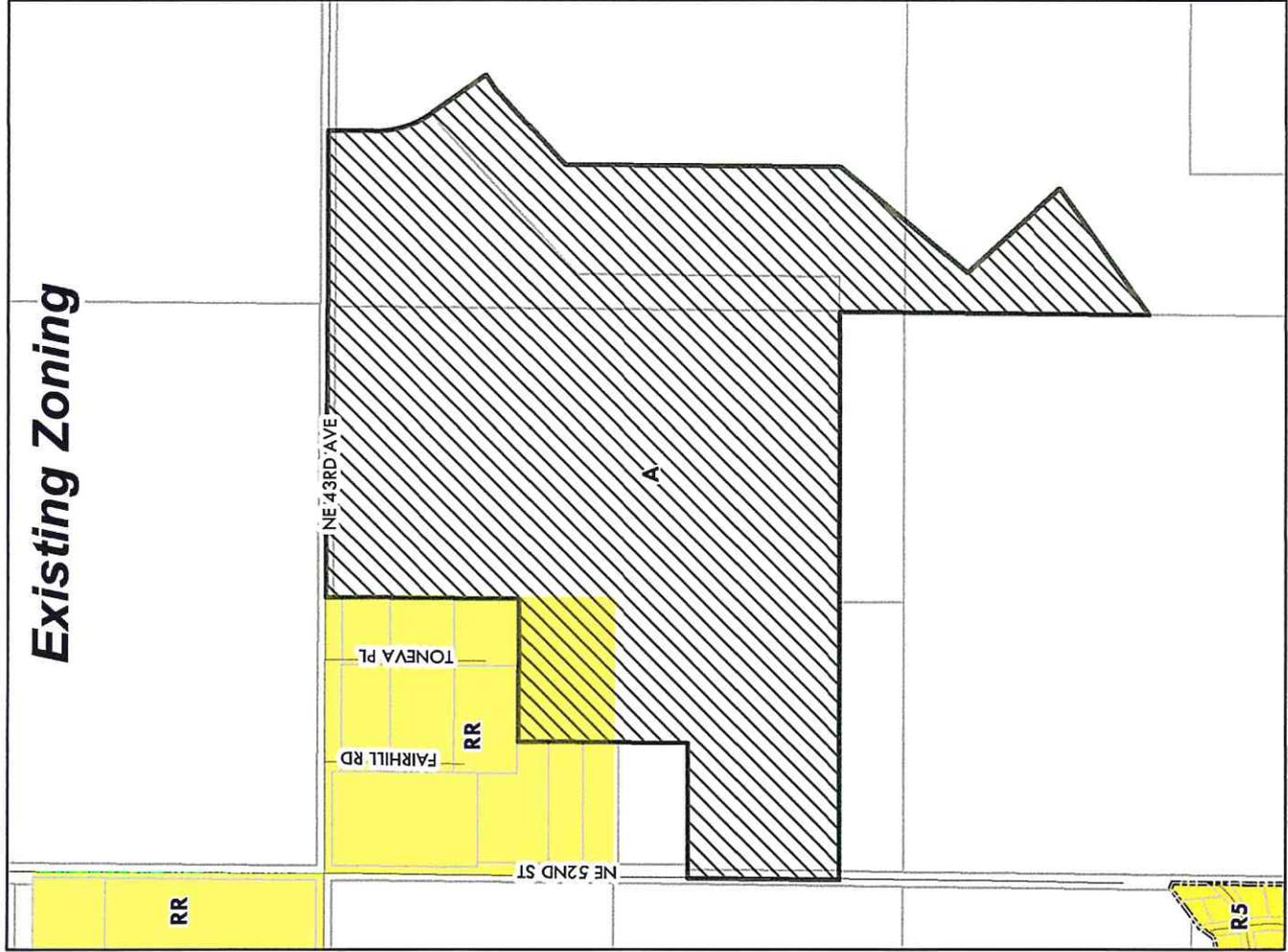
June 15, 2015 (h1b)

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

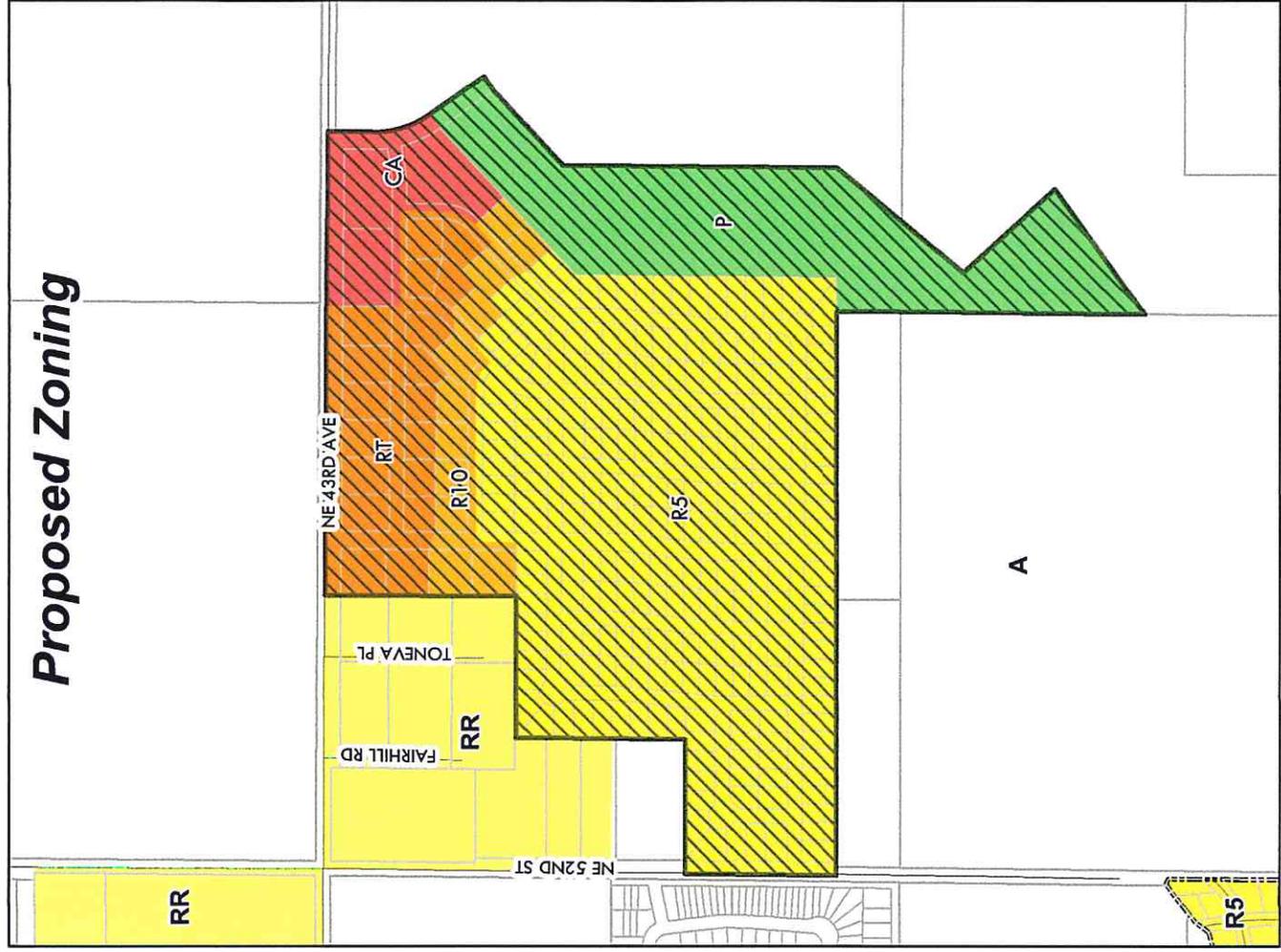


Silver Ranch First Addition - Zoning Change (A and RR to R5, R10, RT, CA, and P)

Existing Zoning



Proposed Zoning



City Limits



Extraterritorial Area

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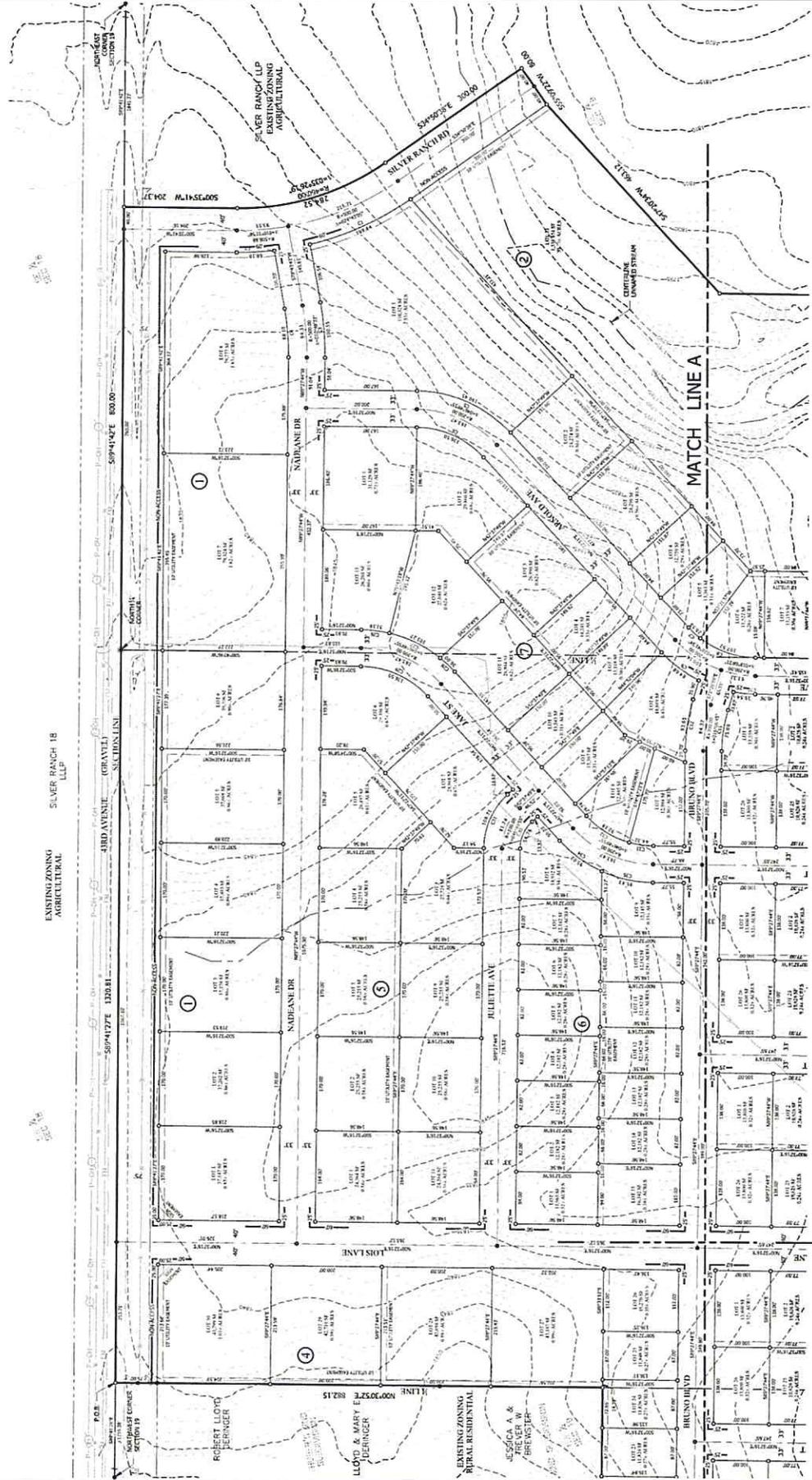


April, 2016



SILVER RANCH FIRST ADDITION

Auditor's Lot B and C of Section 19, and part of the East Half of Section 19,
 Township 139 North, Range 79 West of the Fifth Principal Meridian,
 City of Bismarck, Burleigh County, North Dakota



PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|------------|---------|------------|
| C26 | 012°35'09" | 233.00' | 51.18' |
| C27 | 025°23'38" | 233.00' | 103.27' |
| C28 | 009°51'09" | 233.00' | 36.60' |
| C29 | 046°49'55" | 187.00' | 136.50' |
| C30 | 046°49'55" | 67.00' | 54.76' |
| C31 | 046°49'55" | 133.00' | 106.71' |
| C32 | 031°37'37" | 187.00' | 92.16' |
| C33 | 015°12'18" | 187.00' | 44.33' |
| C34 | 023°11'53" | 233.00' | 95.02' |
| C35 | 023°28'02" | 233.00' | 95.43' |

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|------------|---------|------------|
| C1 | 021°12'15" | 540.00' | 199.84' |
| C2 | 007°13'33" | 540.00' | 68.10' |
| C3 | 010°48'33" | 533.00' | 100.55' |
| C4 | 010°48'33" | 487.00' | 88.10' |
| C5 | 046°49'55" | 233.00' | 190.45' |
| C6 | 046°49'55" | 187.00' | 136.50' |

LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP IS MARK
- ROADWAY POINT
- PLAT BOUNDARY
- CONN ACCESS SIDE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE
- STREAM CENTERLINE

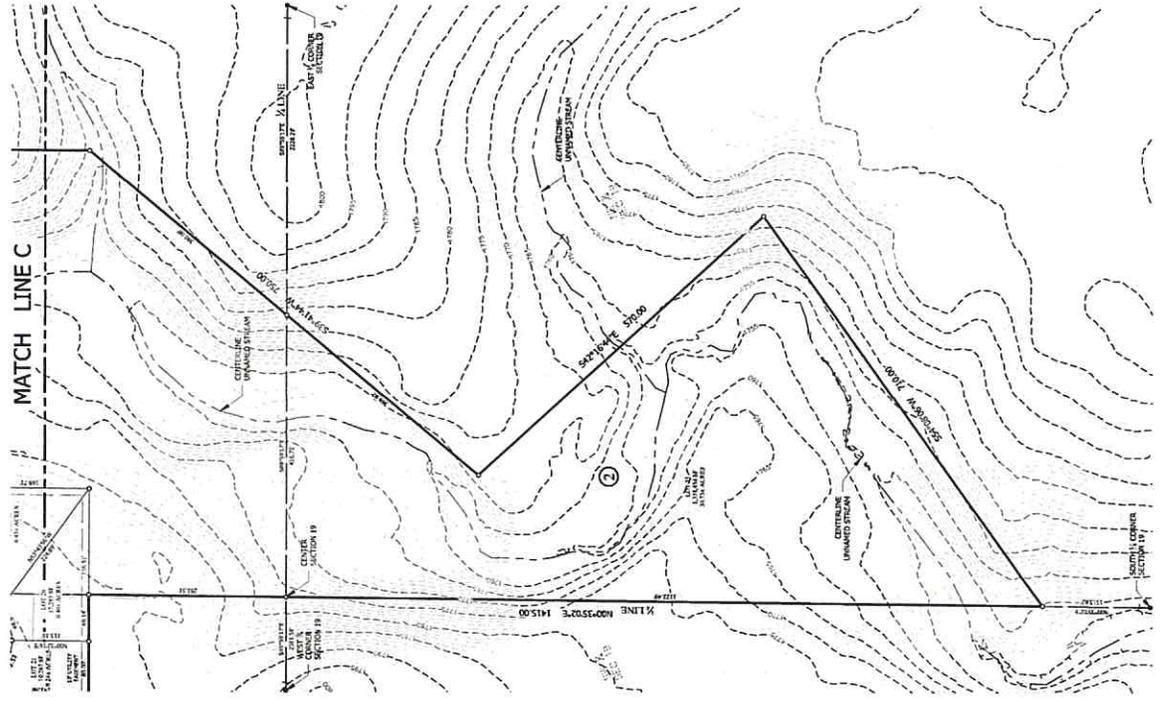
Scale: 1" = 40'

North Arrow

SEH
 PROFESSIONAL SURVEYOR
 BISMARCK, ND 58103-9017
 www.seh.com

SILVER RANCH FIRST ADDITION

Auditor's Lot B and C of Section 19, and part of the East Half of Section 19,
Township 139 North, Range 79 West of the Fifth Principal Meridian,
City of Bismarck, Burleigh County, North Dakota



LEGEND:

- ROUND MONUMENT
- REBAR W/ CAP IS BLM
- ROADWAY POINT
- PLOT BOUNDARY
- NON ACCESS LINE
- - - UTILITY EASEMENT
- - - ADJACENT LOT LINE
- - - SECTION LINE





STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 4

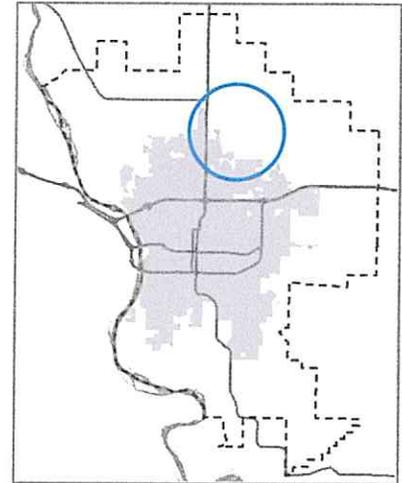
April 27, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2016-003

Project Summary

| | |
|-------------------------|---|
| Title: | Schilling First Addition PUD |
| Status: | Planning & Zoning Commission – Consideration |
| Owner(s): | Schilling Properties, LLC (Harvey Schilling & Cary Schilling) |
| Project Contact: | Scott Nelson, DJR Architecture |
| Location: | North Bismarck, along the east side of US Highway 83/State Street and the north side of 43 rd Avenue NE. |
| Project Size: | 4.39 acres |
| Request: | Amend PUD to reduce overall size and scale of mixed use commercial building to be constructed on west side of property. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|--|--|---|
| Number of Lots: | 1 lot in 1 block | Number of Lots: | 1 lot in 1 block |
| Land Use: | Storage facility | Land Use: | Storage facility and mixed-use commercial building. |
| 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: | PUD – Density specified in PUD |

Property History

| | | | | | |
|---------------|--|-----------------|---------|-----------------|---------|
| Zoned: | 11/2015 (PUDA) 09/2011(PUDA) 09/1996 (PUD) | Platted: | 09/1996 | Annexed: | 09/1996 |
|---------------|--|-----------------|---------|-----------------|---------|

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

(continued)

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.”

The property was platted and zoned as PUD – Planned Unit Development in 1996 to allow the development of a storage facility on the eastern portion of the lot. In 2011, the PUD was amended to allow the construction of a five-story mixed-use building with office and residential uses on the western portion of the lot. In 2015, the PUD was again amended to reduce the size of the new mixed-use building and to eliminate the residential component of the project.

The proposed PUD amendment would increase the height of the building to three stories, and would include a mix of commercial and office uses on the western portion of the lot.

Required Findings of Fact

1. The proposed amendment is outside of 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 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 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.

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, Schilling First Addition, as outlined in the attached draft PUD amendment document.

Attachments

1. Draft PUD amendment document
2. Location Map
3. Overall Site Plan
4. Site Plan for New Building
5. Building Elevations for New Building
6. Section 14-04-18 of City Code of Ordinances

**SCHILLING FIRST SUBDIVISION PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 4783 (Adopted August 13, 1996)
MAJOR PUD AMENDMENT (Adopted September 28, 2011)
MAJOR PUD AMENDMENT (Adopted November 17, 2015)
MAJOR PUD AMENDMENT (Adopted _____)**

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

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

WHEREAS, Ordinance No. 4783 was again amended by the Planning & Zoning Commission on November 17, 2015; and

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

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

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

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

Lots 1, Block 1, Schilling First Subdivision

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

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

~~2. Residential Development Standards. Residential uses are not permitted.~~

~~3. Commercial Development Standards.~~ The six existing cold storage facilities on the east 330 feet of Lot 1 may remain as constructed, with a minimum front

yard setback of 15 feet along 43rd Avenue NE, a minimum side yard setback of 10 feet on the east side of the lot and a minimum rear yard setback of 10 feet on the south side of the lot. The cold storage facilities may not be expanded without amending the PUD in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments).

The new mixed-use building on the western portion of the lot shall have a footprint no larger than 12,000 square feet, an overall area above-ground of not more than 36,000 square feet, and be no more than three stories or 45 feet in height, with The setbacks for the 2-story building shall be a minimum front yard setback of 50 feet along 43rd Avenue NE, a minimum front yard setback of 50 feet along US Highway 83/State Street, a minimum side yard setback of 10 feet on the east and a minimum rear yard setback of 10 feet on the north side of the lot. The minimum building setback requirements for the existing storage facilities adjacent to 43rd Avenue NE shall be a front yard setback of 15 feet along 43rd Avenue NE, a minimum rear yard setback of 10 feet, and a minimum side yard setback of 10 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code.

A minimum separation of twenty (20) feet shall be maintained between the new mixed-use building and the existing cold storage facilities.

43. *Design Standards.* The six existing cold storage facilities on the east 330 feet of Lot 1 may remain as constructed. Primary building materials for the 2-story new mixed-use building shall include brick, precast concrete panels or stone. Accent building materials shall may include EIFS or stucco.

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

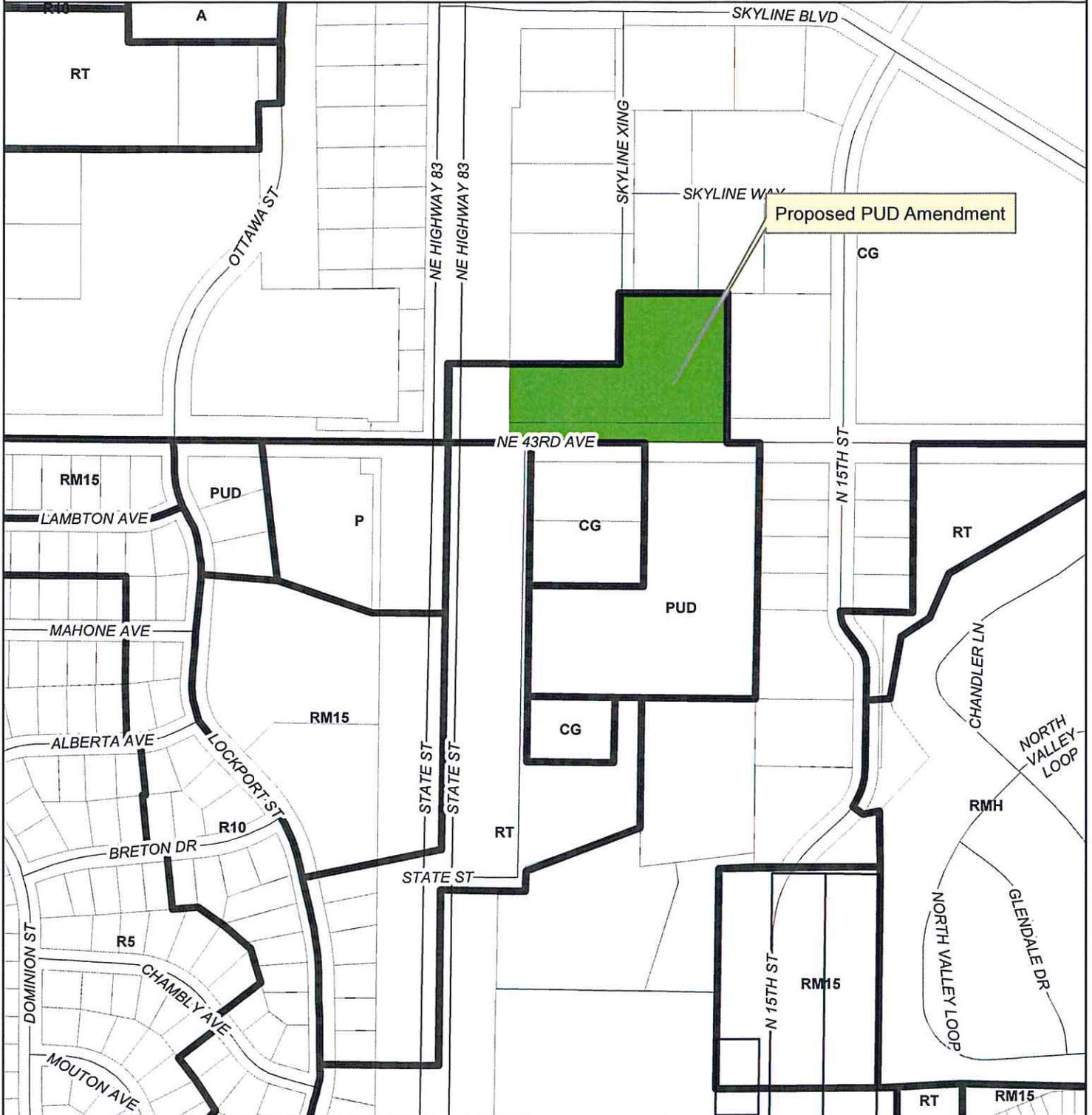
65. *Landscaping and Screening.* Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The remaining required landscaping along the north side of the storage buildings that has not yet been installed shall must be installed in conjunction with site development of the western portion of the site.

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

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

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

Proposed PUD Amendment Schilling First Addition



June 15, 2015 (hlb)

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



RECEIVED
MAR 14 2016

DJR
ARCHITECTURE, INC.

10000 10th St, Suite 100
Baltimore, Maryland 21202
410.527.2700 www.djr.com

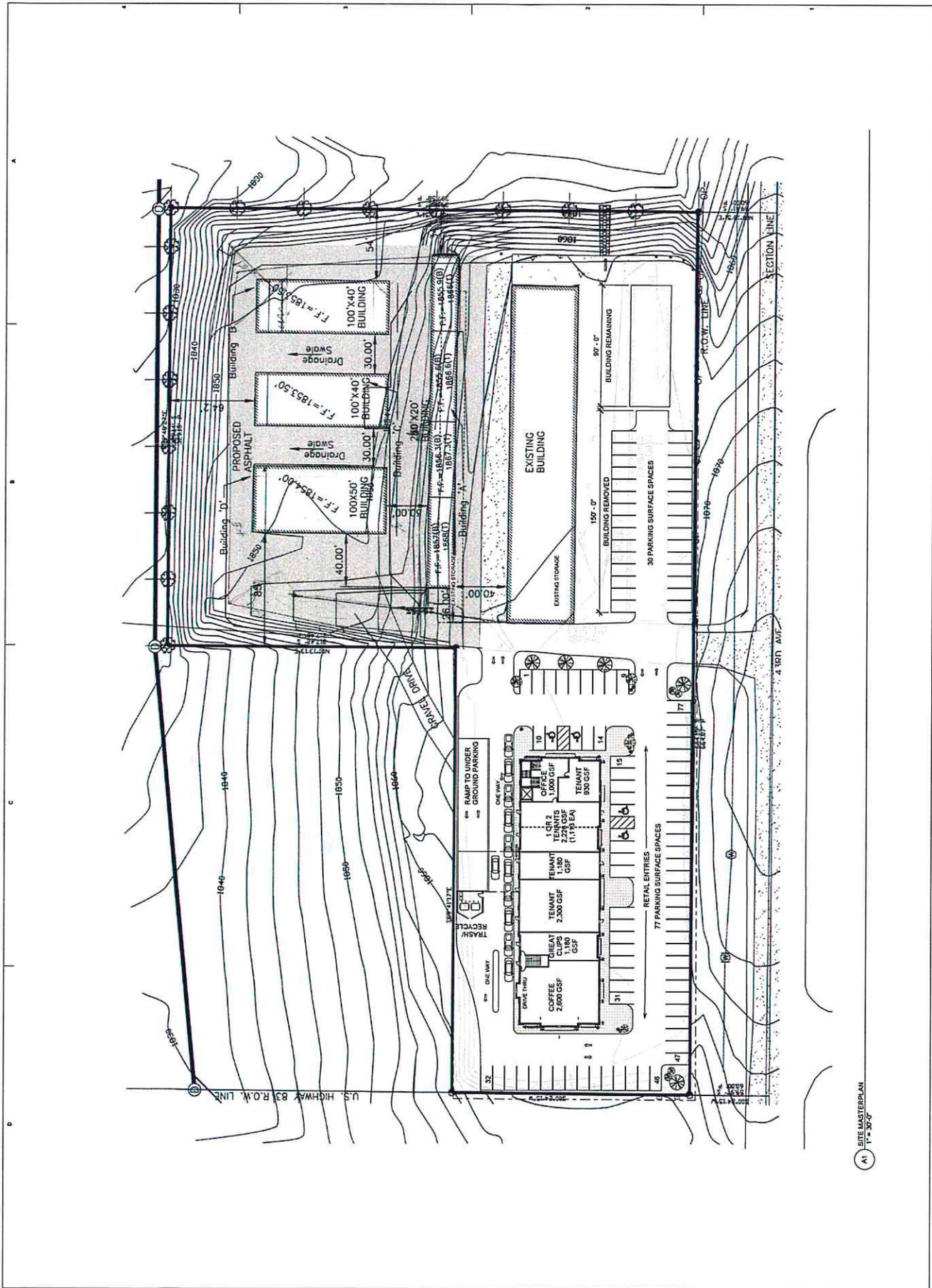
CLIENT: STRUCTURAL CONTRACTOR

Project 15438
Date 03/11/16
Drawn by AMM
Checked by SM

BISMARCK OFFICE - RETAIL - 3 STORY
PRELIMINARY - NOT FOR CONSTRUCTION

SITE MASTERPLAN

AS100



A1 SITE MASTERPLAN
1" = 30' 0"

RECEIVED

MAR 14 2016

DJR ARCHITECTURE, INC.

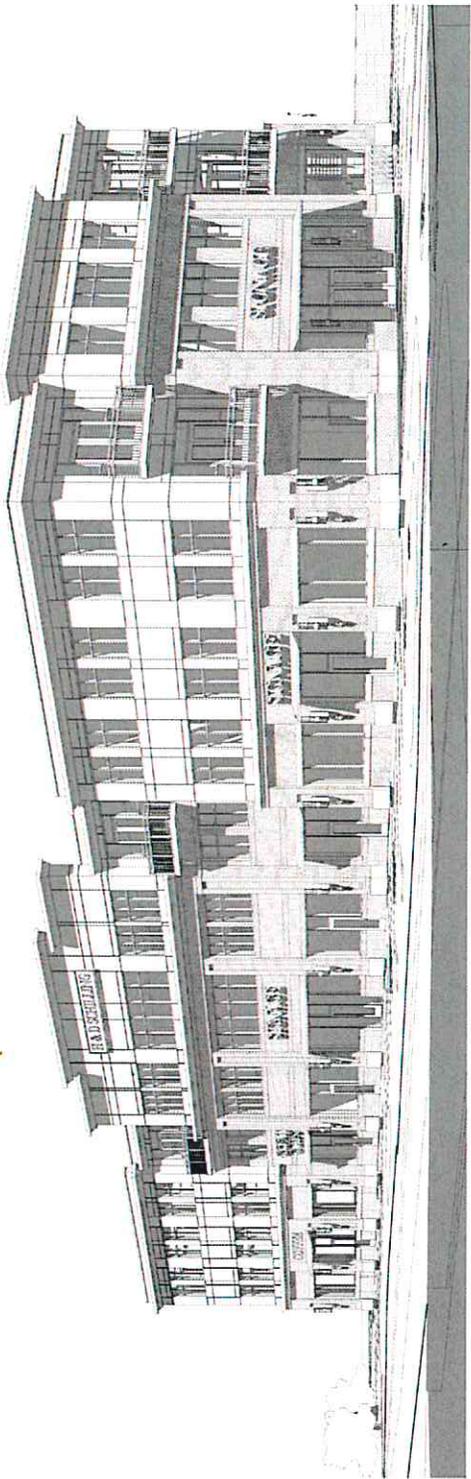
1000 WEST 10TH AVENUE, SUITE 100
DENVER, COLORADO 80202
303.733.1000

CLIENT: BISMARCK OFFICE - RETAIL - 3 STORY
PROJECT # 151612
DATE: 03/01/16
DRAWN BY: JFW
CHECKED BY: SM

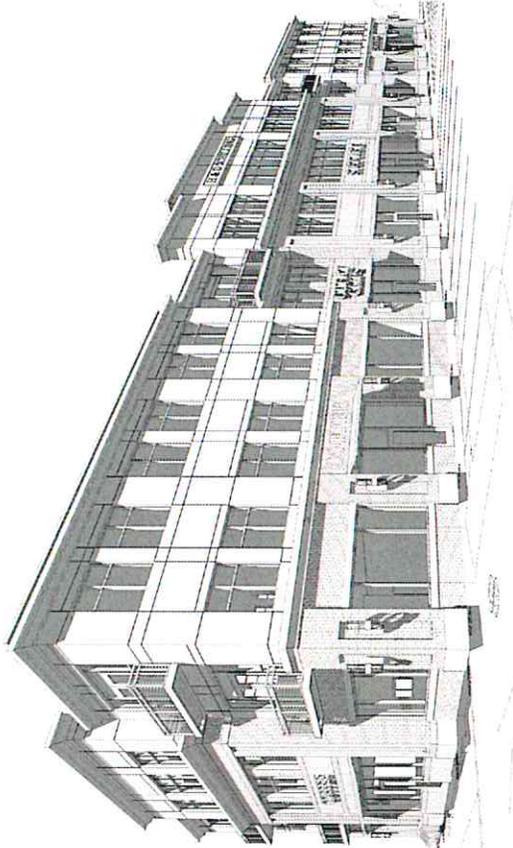
3D VIEWS
PRELIMINARY - NOT FOR CONSTRUCTION

BISMARCK OFFICE - RETAIL - 3 STORY
PRELIMINARY - NOT FOR CONSTRUCTION

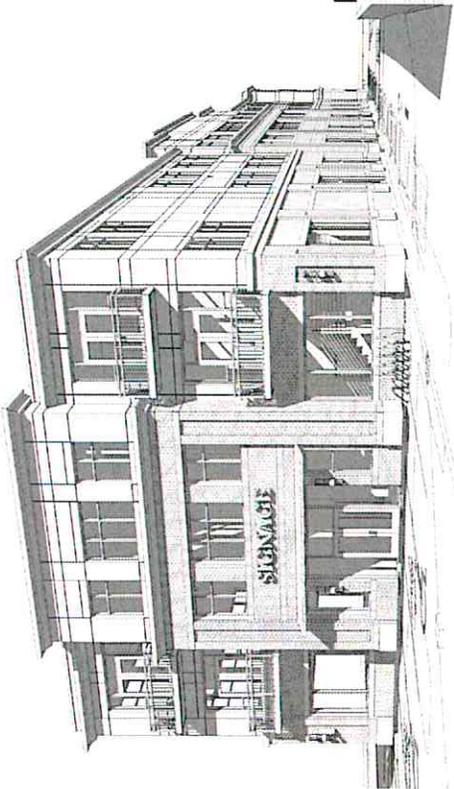
A201



A2 OVERALL VIEW



A1 VIEW OF CARIBOU



G1 VIEW OF OFFICE ENTRY, TOWARDS STREET

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.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

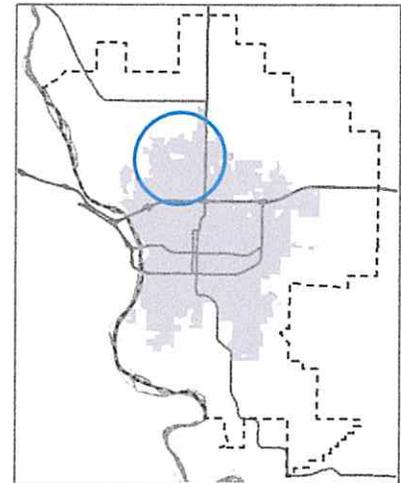
Agenda Item # 5
 April 27, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-005

Project Summary

| | |
|-------------------------|--|
| <i>Title:</i> | Lots 1-4, Block 1, Gary Nelson Addition |
| <i>Status:</i> | Planning & Zoning Commission – Consideration |
| <i>Owner(s):</i> | Karen Nelson |
| <i>Project Contact:</i> | Jack Kavaney |
| <i>Location:</i> | Northwest Bismarck, along the northwest side of Nelson Drive between Normandy Street and Coleman Street, and south of 43 rd Avenue NE |
| <i>Project Size:</i> | 1.35 acres |
| <i>Request:</i> | Rezone property from R5 – Residential to R10 – Residential to allow the development of two-family dwellings as well as single-family dwellings. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|--|--|--|
| <i>Number of Lots:</i> | 4 lots in 1 block | <i>Number of Lots:</i> | 4 lots in 1 block |
| <i>Land Use:</i> | Undeveloped | <i>Land Use:</i> | One and two-family residential |
| <i>Designated GMP Future Land Use:</i> | Already zoned. Not in Future Land Use Plan | <i>Designated GMP Future Land Use:</i> | Already zoned. Not in Future Land Use Plan |
| <i>Zoning:</i> | R5 – Residential | <i>Zoning:</i> | R10 – Residential |
| <i>Uses Allowed:</i> | R5 – Single-family residential | <i>Uses Allowed:</i> | R10 – Single and two-family residential |
| <i>Max Density Allowed:</i> | R5 – 5 units / acre | <i>Max Density Allowed:</i> | R10 – 10 units / acre |

Property History

| | | | | | |
|---------------|---------|-----------------|---------|-----------------|---------|
| <i>Zoned:</i> | 11/2013 | <i>Platted:</i> | 11/2013 | <i>Annexed:</i> | 06/2005 |
|---------------|---------|-----------------|---------|-----------------|---------|

Staff Analysis

The applicant is requesting a zoning change to allow the development of two-family dwellings on these four lots. The property to the north of these lots is zoned RT

– Residential, the properties to the northwest and southeast are zoned R10 – Residential and the property to the east is zoned RM15 – Residential. The zoning change to R10 – Residential will allow these

(continued)

larger lots to be developed as two-family residential, which will be a more appropriate land use given the zoning of adjacent parcels.

Required Findings of Fact

1. The proposed zoning change is outside of 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 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.

Staff Recommendation

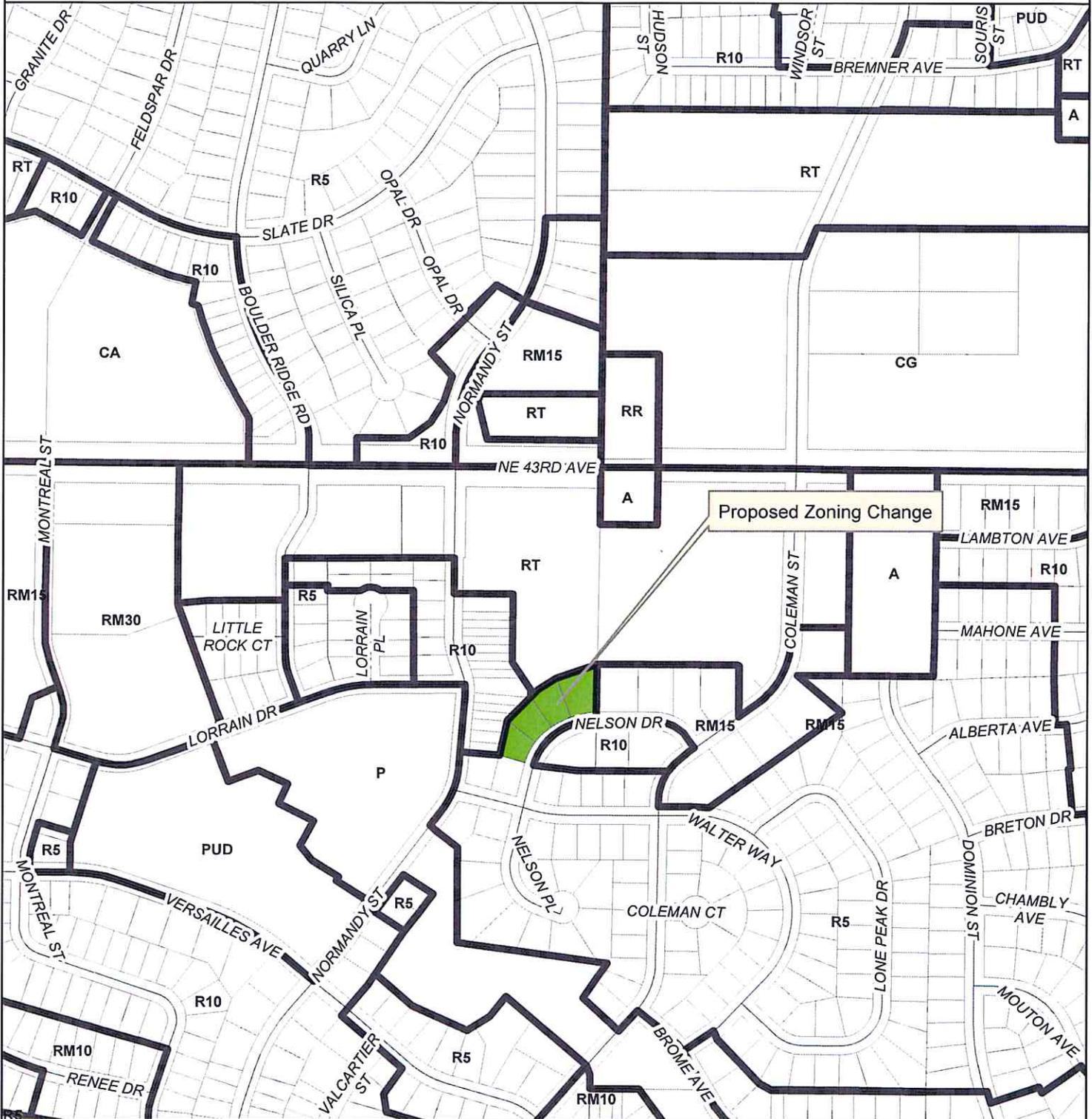
Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition.

Attachments

1. Location Map
2. Zoning Map

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

Proposed Zoning Change (R5 to R10) Lots 1-4, Block 1, Gary Nelson Addition

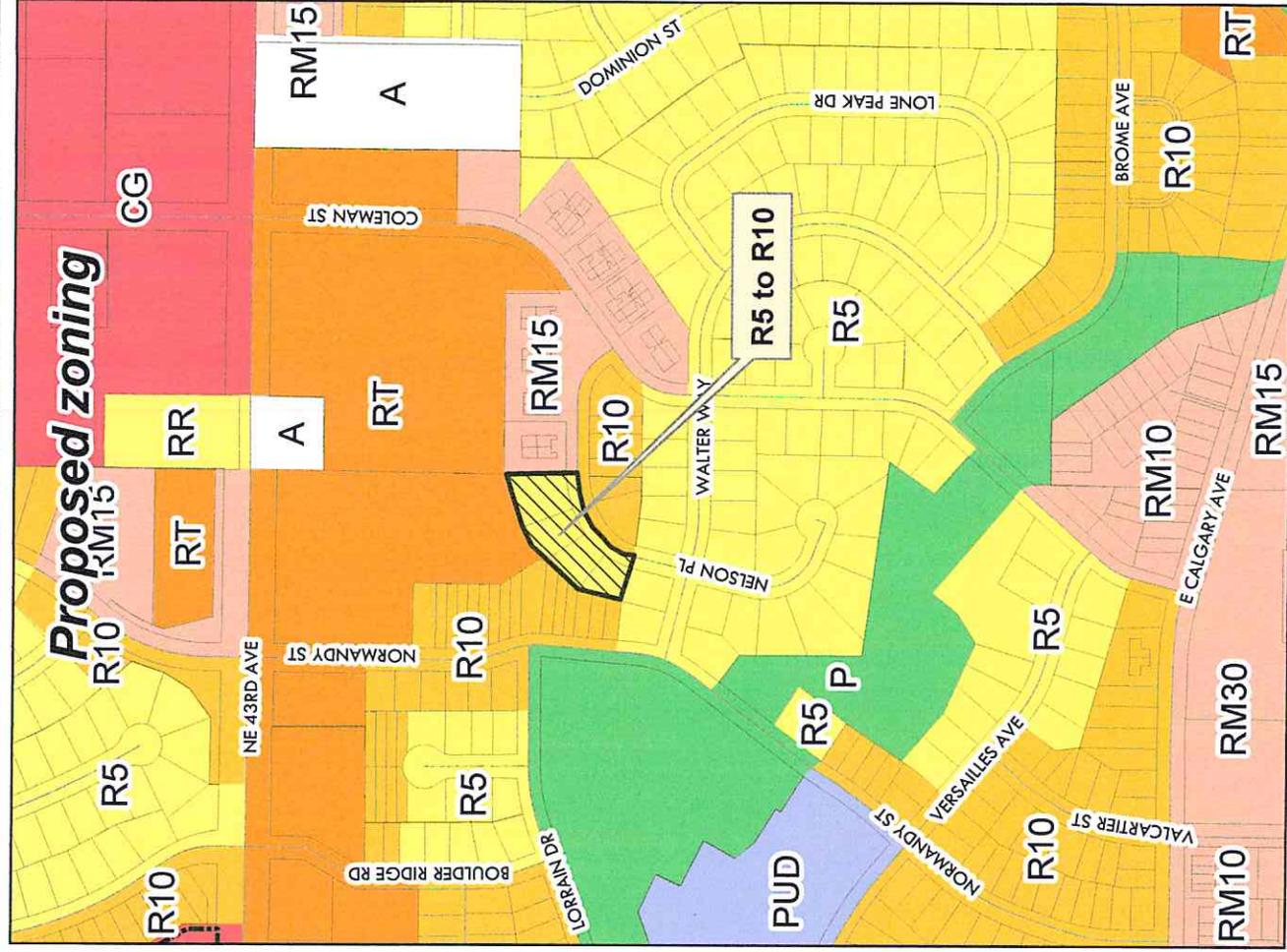
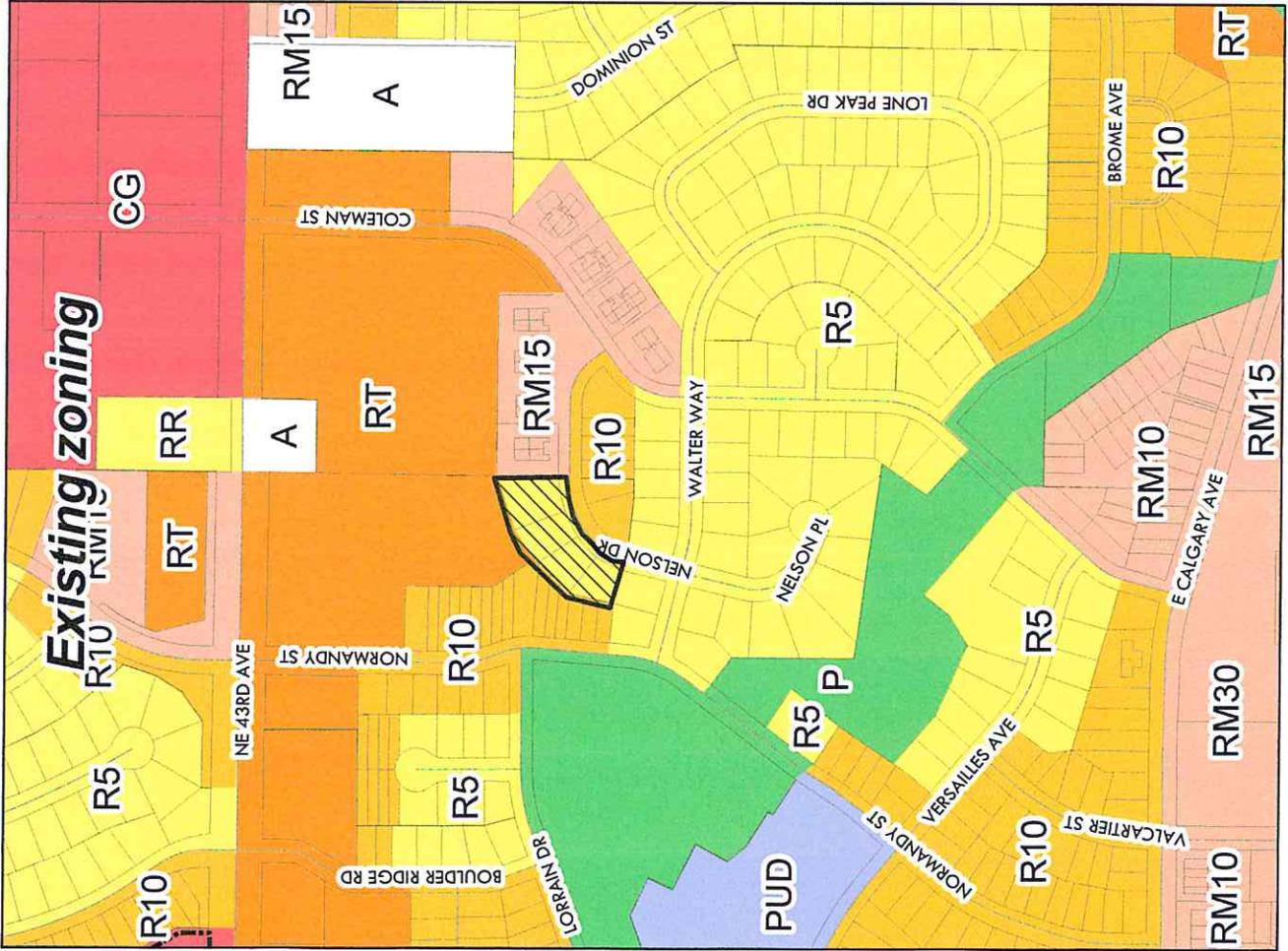


June 15, 2015 (h1b)

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Lots 1-4, Block 1, Gary Nelson Addition - Zoning Change



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon. April, 2016



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 6

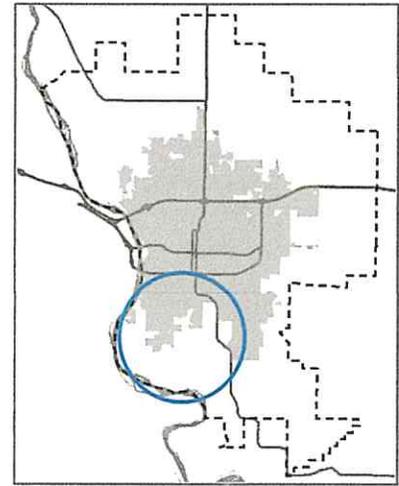
April 27, 2016

Application for: Zoning Change

TRAKIT Project ID: ZC2016-004

Project Summary

| | |
|------------------|--|
| Title: | Various P-Public District Zoning Changes (R5, RR, and A to P) – Phase 6 of 6 |
| Status: | Planning & Zoning Commission – Consideration |
| Owner(s): | Bismarck Parks and Recreation District Bismarck Public Schools State of North Dakota United States Army Corp of Engineers |
| Project Contact: | Daniel Nairn, AICP, Planner, City of Bismarck |
| Location: | Various tracts of land in south Bismarck.. |
| Project Size: | 103.09 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: | 7 tracts | Number of Lots: | 7 tracts |
| Land Use: | Parks, schools, open space | Land Use: | Parks, schools, open space |
| Designated GMP | Civic | Designated GMP | Civic |
| Future Land Use: | Low Density Residential Conventional Rural Residential | Future Land Use: | Low Density Residential Conventional Rural Residential |
| Zoning: | R5 – Residential RR – Residential A – Agriculture | 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 last of six rezoning phases planned. All of the parcels are south of the city limits in the City’s Extraterritorial Area.

Two parcels that are part of Cottonwood Park are proposed for rezoning. Other sites proposed for rezoning are part of the grounds of the Missouri River Correctional Center, Prairie Rose School, and the portion of Sibley Island within the City’s jurisdiction.

Representatives from the Parks and Recreation District, state agencies, 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:

- Auditor’s Lot G of the SW ¼ of NE ¼, the NW ¼ of the SE ¼, the NE ¼ of the SW ¼, and the SE ¼ of the NW ¼ of Section 16 T138N-R80W/Lincoln Township.

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

- Lot 5, Block 3, Ridgeview Acres 2nd Subdivision
- Lot A of Lot 22, Block 2, Falconer Estates
- Lot A of Lot 23, Block 2, Falconer Estates
- All unplatted portions of the SW ¼ of Section 34, T138N-R80W/Lincoln Township, known as a portion of Sibley Island.

And of the zoning change from the A –Agricultural zoning district to the P – Public zoning district for the properties described as:

- Auditor’s Lot H of the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼ of Section 16, T138N-R80W/Lincoln Township.

And of the zoning change from the A –Agricultural zoning district and the P – Public zoning district to the P – Public zoning district for the properties described as:

(continued)

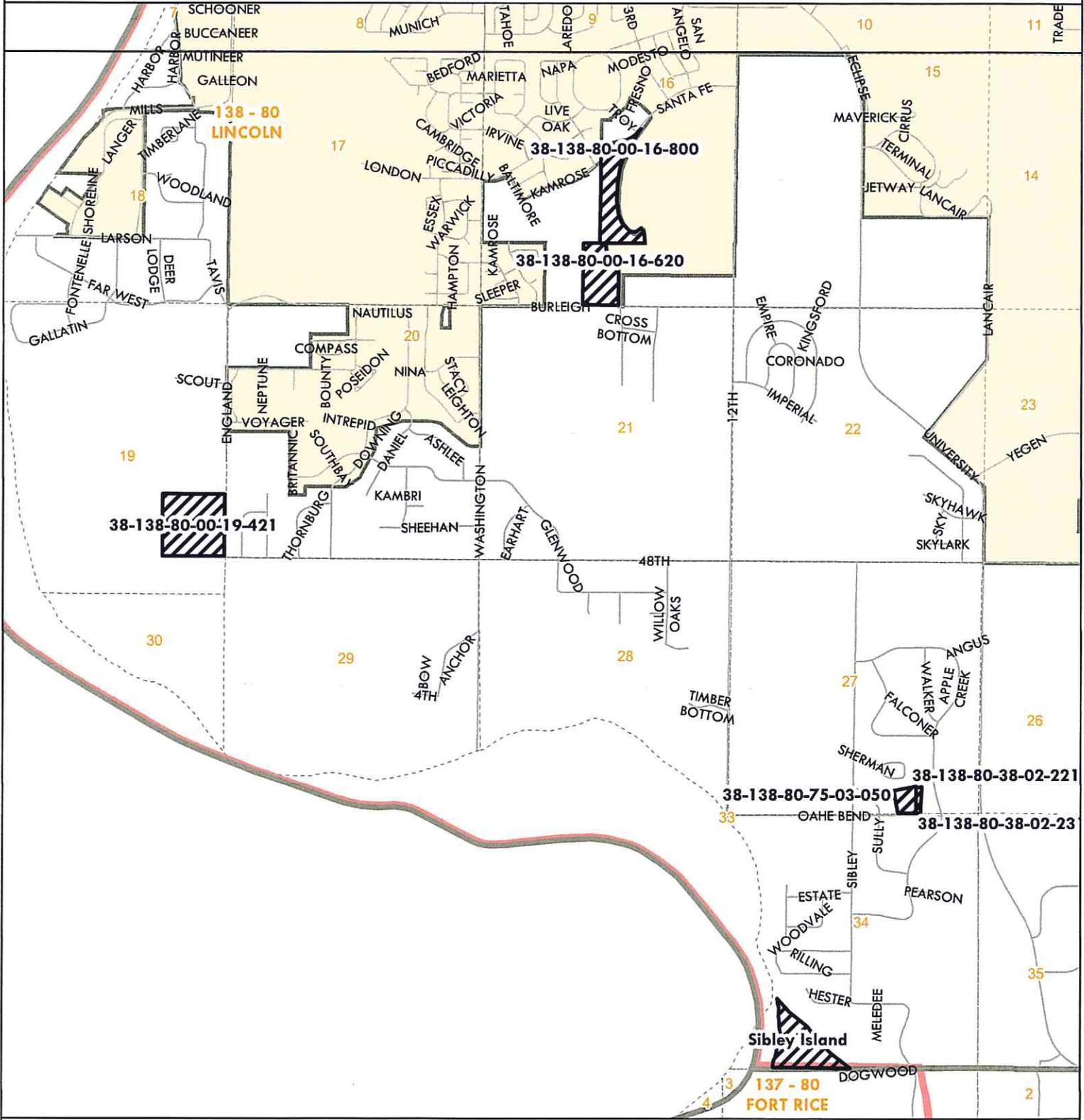
- Government lot 5 of the SE ¼ of Section 19, T138N-R80W/Lincoln Township.

Attachments

- Location Map
 - Zoning Map
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Phase VI: Various P-Public Zoning Changes (RR, R5, and A to P) in Bismarck ETA



April 18, 2016 (DAN)



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STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

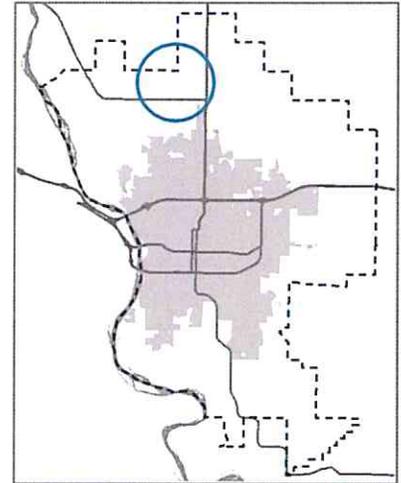
Agenda Item # 7
 April 27, 2016

Application for: Annexation
Zoning Change
Fringe Area Road Master Plan Amendment
Major Subdivision Final Plat

TRAKiT Project ID:ANNX2015-0
 ZC2015-037
 FRMP2015-001
 FPLT2016-001

Project Summary

| | |
|-------------------------|---|
| Title: | Light of Christ Addition |
| Status: | Planning Commission – Public Hearing |
| Owner(s): | Light of Christ Catholic Schools |
| Project Contact: | Brad Krogstad, KLJ John Richter, Light of Christ Catholic Schools |
| Location: | In north Bismarck, between North Washington Street and US Highway 83, along the north side of 57 th Avenue NE. |
| Project Size: | 48.26 acres |
| Request: | Rezone, plat, and annex property for future Light of Christ Catholic Schools high school campus. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|----------------------------|--|---|
| Number of Lots: | 2 parcels | Number of Lots: | 1 lot in 1 block |
| Land Use: | Agriculture | Land Use: | Light of Christ Catholic Schools campus |
| Designated GMP Future Land Use: | Medium Density Residential | Designated GMP Future Land Use: | Medium Density Residential |
| RT – Residential | A – Agricultural | Zoning: | Conditional RT – Residential |
| Uses Allowed: | A – Agriculture | Uses Allowed: | Conditional RT – campus uses |
| Max Density Allowed: | A – 1 unit / 40 acres | Max Density Allowed: | RT – 30 units / acre |

Property History

| | | | | | |
|---------------|-----|-----------------|-----|-----------------|-----|
| Zoned: | N/A | Platted: | N/A | Annexed: | N/A |
|---------------|-----|-----------------|-----|-----------------|-----|

(continued)

Staff Analysis

The proposed zoning change to the Conditional RT – Residential zoning district, annexation, Fringe Area Road Master Plan (FARMP) Amendment and plat are being requested for development of the property for the future St. Mary's High School campus.

A zoning change to the Conditional RT – Residential zoning district would limit the proposed uses for the site to campus uses associated with Light of Christ Catholic Schools and the Bismarck Diocese and limit the overall height of buildings to no more than three stories in height. Adjacent land uses include undeveloped agriculturally zoned property to the north, east and west, and developing urban properties to the south across 57th Avenue NE.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Medium Density Residential, which requires an overall density of 4 to 10 units per acre. The residential use and density categories displayed in the FLUP are based on a development block concept that defines the character of an area. Although the proposed plat does not contain residential units, the MDR development block for this area requires a diverse mix of underlying land use types and densities. These land use types and corresponding densities may include a mix of multi-family residential uses, office uses and neighborhood commercial uses.

An amendment to the Fringe Area Road Master Plan (FARMP) for Section 9, Hay Creek Township has been requested. If approved this amendment would relocate the intersection of Ridgeland Drive, the north-south collector for this section, and 57th Avenue NE to a location approximately 725 feet to the west along the east side of the proposed plat. This roadway segment would be in alignment with Ridgeland Drive to the north across North Dakota Highway 1804. The City Traffic Engineer is supportive of the proposed amendment.

The property would be annexed and an annexation route would be from Daybreak Addition to the east along the north side of 57th Avenue NE. The required description of the proposed annexation route and concurrence of the annexation from the impacted land owners have been submitted.

A traffic impact study has been submitted by the consulting engineer as the proposed plat would likely generate a significant number of vehicle trips that would affect the circulation and safety of public roadways in the vicinity. In conjunction with approval of the final plat, the City Traffic Engineer has requested recommendations outlined in the Traffic Impact Study for traffic control, lane configurations, and lighting, be implemented as part of the construction of the roadways associated with the plat, as outlined in the attached memo dated April 21, 2016.

The recommendations outlined in the attached memo from the City Traffic Engineer shall be constructed in conjunction with site development and addressed in the Developers Agreement, which will be approved in conjunction with the final plat.

Required Findings of Fact

Annexation

1. 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 annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

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

(continued)

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 new zoning classification at the time the property is developed;
9. 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;
10. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
11. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
12. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
13. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Fringe Area Road Master Plan Amendment

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the 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 adopted plans, policies and accepted planning practice; and
6. The proposed amendment 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.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The storm water management plan for the subdivision has been approved by the City Engineer;
5. The provision of the neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The City Engineer has determined, based on a traffic impact study, that any adverse impact to the circulation and safety of public roadways that may result from development allowed by the proposed subdivision would be substantially mitigated by the time the property is developed;
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.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation, zoning change from the A – Agriculture zoning district to the Conditional RT – Residential zoning district, amendment of the Fringe Area Road Master Plan, and final plat for Light of Christ Addition with the following condition for the proposed zoning change:

1. The development of the site is limited to campus uses associated with Light of Christ Catholic Schools and the Bismarck Diocese, and the overall heights of buildings are limited to three stories in height.

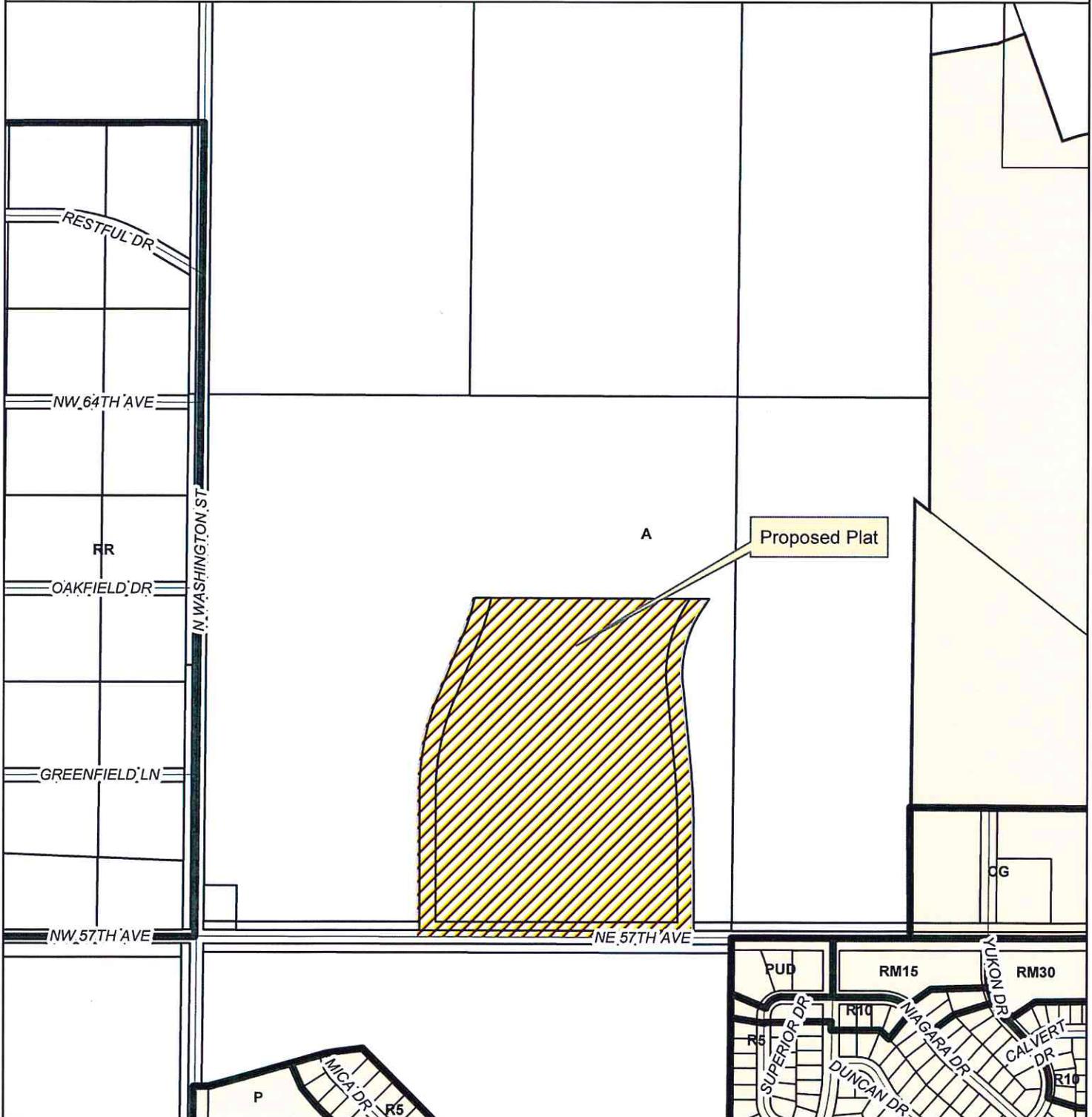
2. The recommendations outlined in the attached memo from the City Traffic Engineer shall be constructed in conjunction with site development and addressed in the Developers Agreement, which will be approved in conjunction with the final plat

Attachments

1. Location Map
 2. Zoning Map
 3. Annexation Route
 4. Fringe Area Road Master Plan (FARMP) Amendment Map
 5. Memo from City Traffic Engineer
-

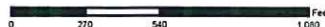
Staff report prepared by: Jenny Wollmuth, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Plat, Annex, FARMP and Zoning Change (A to P) Light of Christ Addition

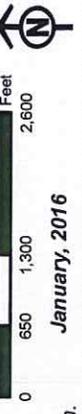
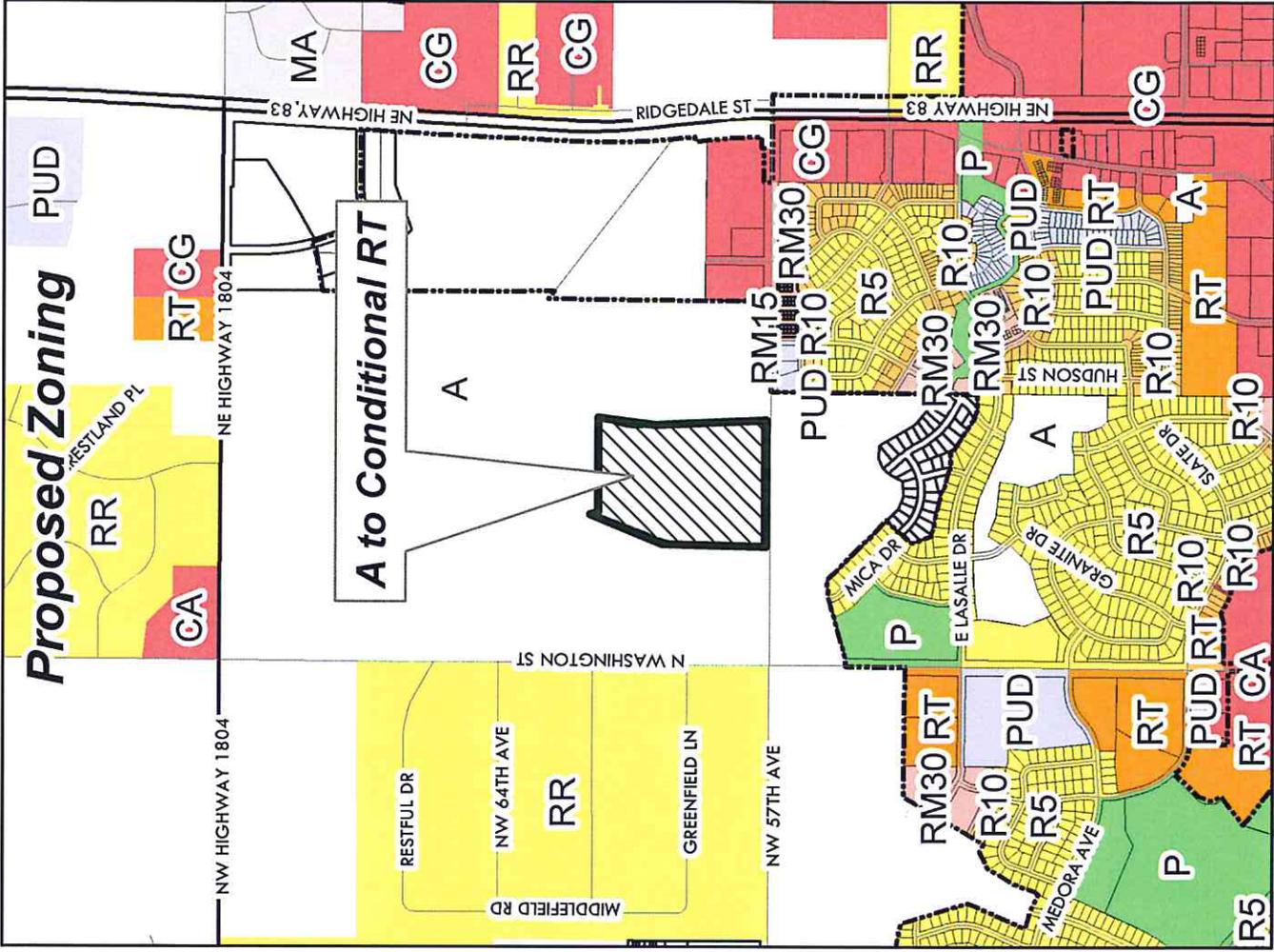
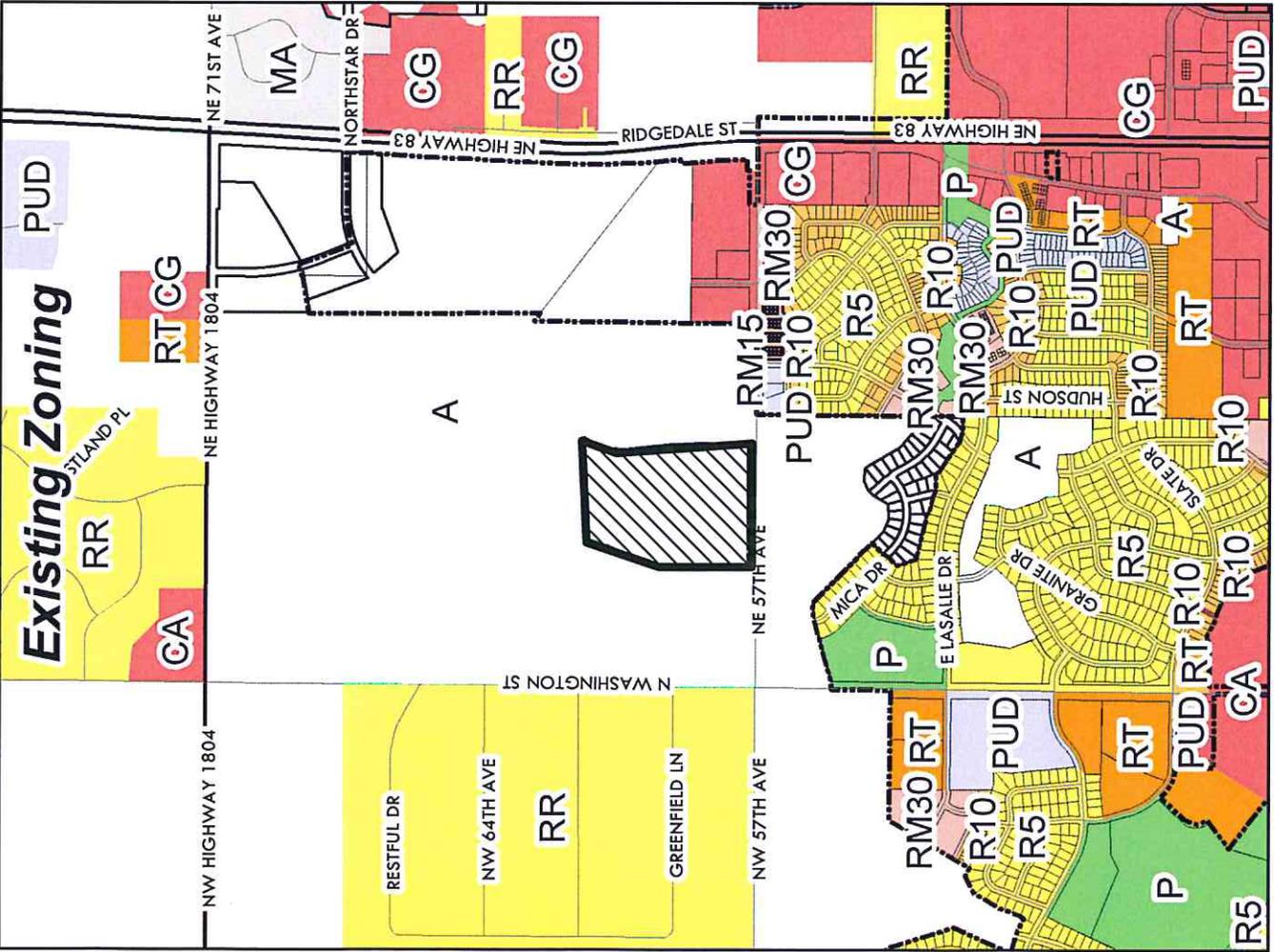


June 15, 2015 (h1b)

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



Light of Christ Addition - Zoning Change



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

January, 2016



| NO. | DATE | REVISION |
|-----|------|----------|
| | | |
| | | |
| | | |

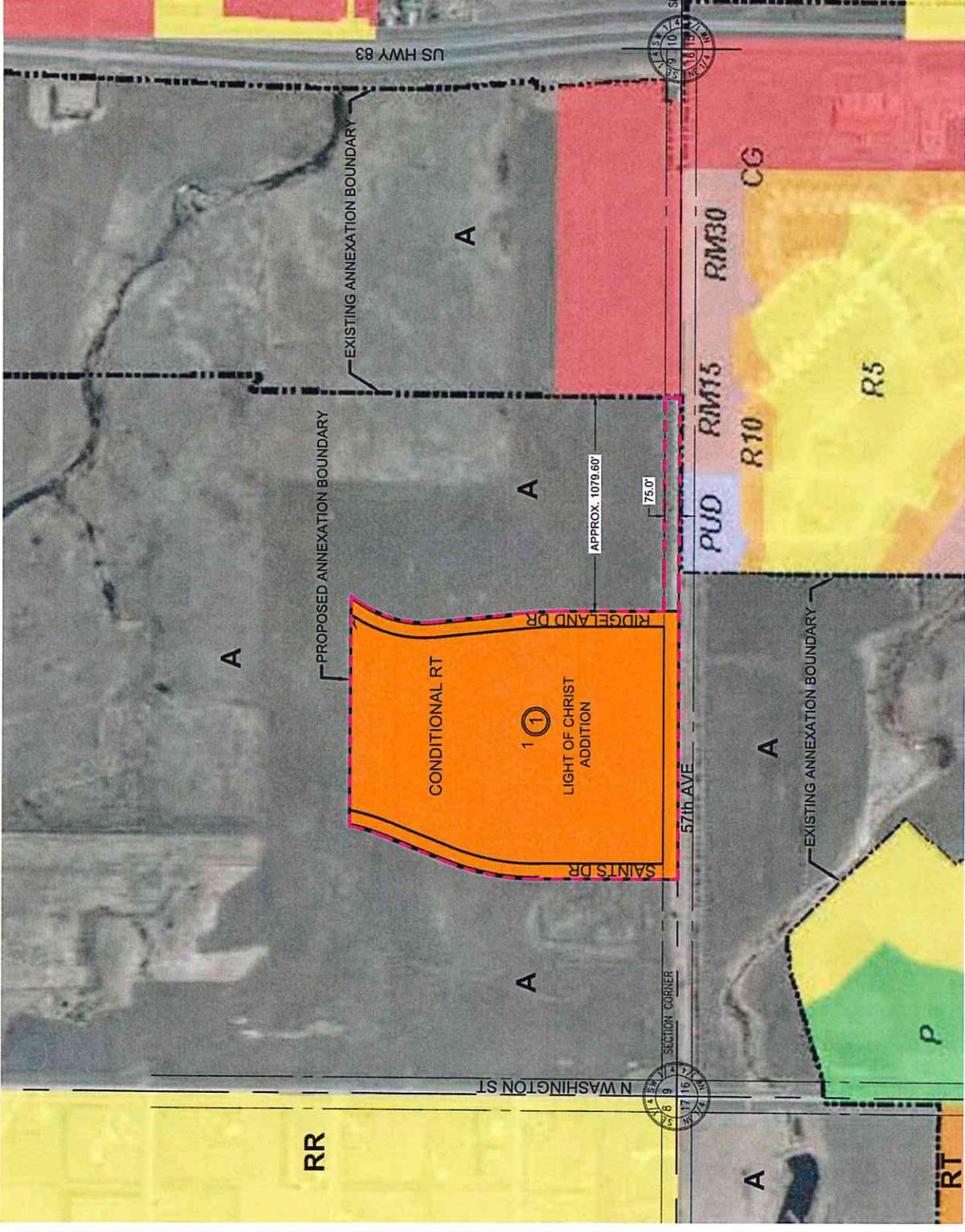
| |
|---------------------------|
| DATE 03/20/16 |
| SCALE AS SHOWN |
| PROJECT NUMBER 1614298 |
| PROJECT NAME SACD |

LIGHT OF CHRIST ADDITION
 LIGHT OF CHRIST CATHOLIC SCHOOLS
 BISMARCK, NORTH DAKOTA
 ZONING & ANNEXATION EXHIBIT

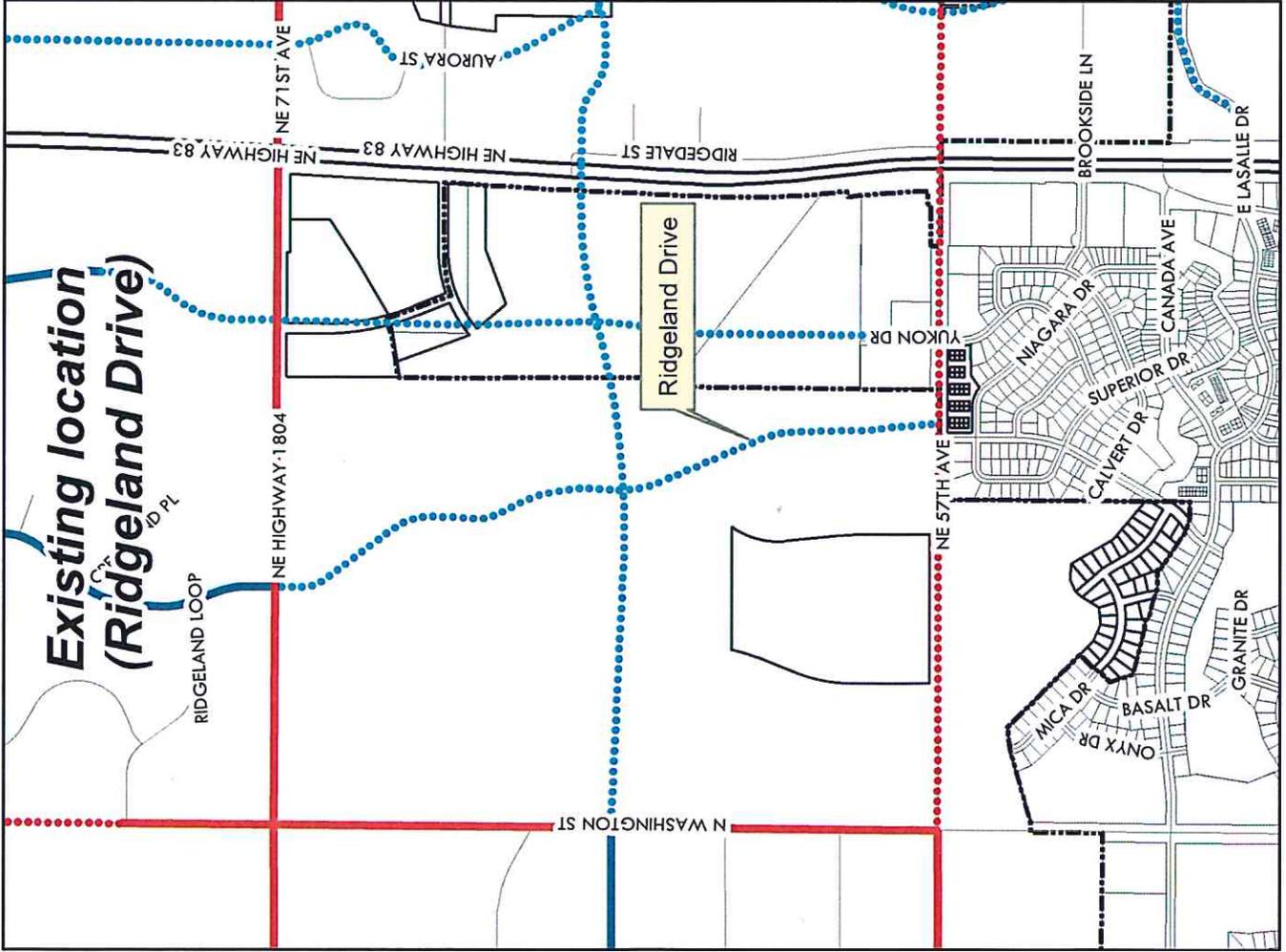
SHEET 1

- Legend:**
- █ CG (HEAVY COMMERCIAL)
 - █ PUD
 - █ (PLANNED UNIT DEVELOPMENT)
 - █ P (PUBLIC)
 - █ R10 (TWO-FAMILY)
 - █ RR (RURAL SINGLE FAMILY)
 - █ R5 (SINGLE FAMILY)
 - █ RM15, RM30 (MULTI-FAMILY)
 - █ RT (OFFICE/MULTI-FAMILY)
 - █ A (AGRICULTURAL)
 - BISMARCK ANNEXATION
 - PROPOSED ANNEXATION

LOT 1, BLOCK 1,
 LIGHT OF CHRIST ADDITION
 EXISTING ZONING - A (AGRICULTURAL)
 PROPOSED ZONING - CONDITIONAL
 RT

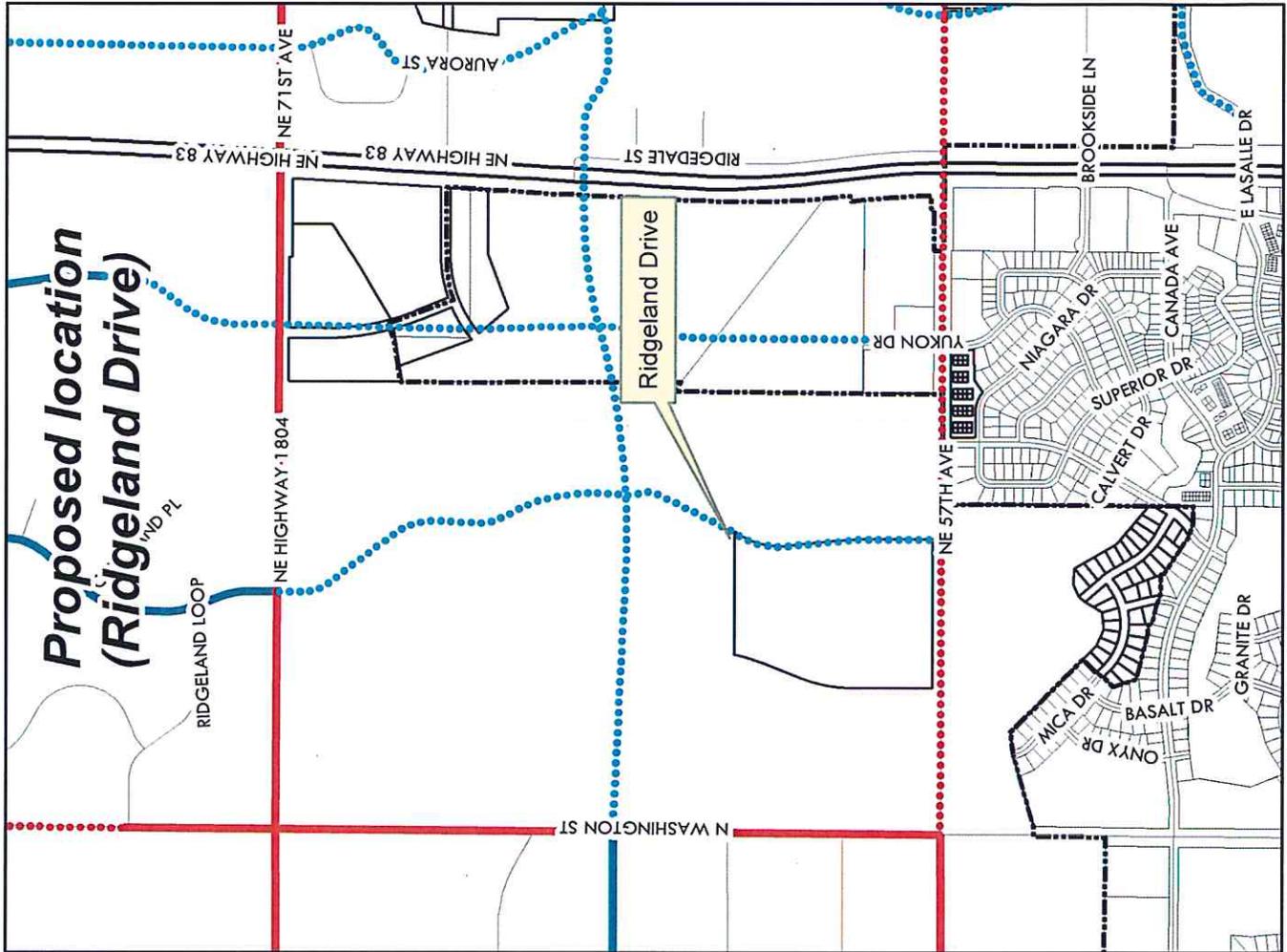


Light of Christ Addition - Fringe Area Road Master Plan Amendment



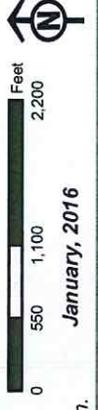
**Existing location
(Ridgeland Drive)**

Ridgeland Drive



**Proposed location
(Ridgeland Drive)**

Ridgeland Drive



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. January, 2016

Bismarck Engineering Department

TO: Carl Hokenstad, AICP
Director of Community Development

FROM: Mark Berg, PE
Traffic Engineer, Engineering Department 

DATE: April 21, 2016

SUBJECT: Light of Christ Addition, Traffic Impact Study

I have reviewed the Traffic Impact Study prepared by KJL for the proposed plat titled Light of Christ Addition and concur with the recommendations provided in the study that minimize impacts to existing traffic facilities, and provide safety for the traveling public.

I recommend the implementation of the following recommendations from the study as part of the construction of the roadways.

Traffic Control:

- At the intersection of North Washington Street and 57th Avenue NE, monitor vehicular volumes and install a traffic signal when traffic warrants are met.
 - In addition, when a traffic signal is warranted, the traffic signal shall be coordinated with the signalized intersection at the intersection of Lasalle Drive and North Washington Street.
- At the intersection of Saints Drive and 57th Avenue NE, a southbound stop control shall be installed for Saints Drive.
- At the intersection of Ridgeland Drive and 57th Avenue NE, monitor vehicular traffic volumes and install a traffic signal when warranted.

Lane Configuration:

- At the intersection of North Washington Street and 57th Avenue NE, install an additional westbound left turn lane when the intersection is signalized.
- At the intersection of Saints Drive and 57th Avenue NE, install a 300 foot eastbound left turn lane with a 144 foot turn lane taper length and 270 feet of transition taper length as per NDDOT Design Manual (III-03.05.01) for a 45 mph design speed.
 - Install an exclusive 100 foot southbound right turn lane with a 96 foot turn lane taper.
 - Install an exclusive 100 foot southbound left turn lane.
 - Saints Drive shall be signed on both sides of the roadway "No Parking Anytime" from 57th Avenue NE to a point 200 feet north the 57th Avenue NE right-of-way.
- At the intersection of Ridgeland Drive and 57th Avenue, install a 300 foot eastbound left turn lane with a 144 foot turn lane taper length and 270 feet of transition taper length and a 200 foot

westbound right turn lane with a 144 foot turn lane taper length as per NDDOT Design Manual (III-03.05.01) for 45 mph design speed.

- Install for foot southbound traffic, a 200 foot exclusive right, through and left turn lanes and 96 foot turn lane taper lengths and a 16 foot receiving lane.
- North of the operation area of the intersection of Ridgeland Drive and 57th Avenue NE should be marked and signed as a Two Way Left Turn Lane (TWLTL) through the northern most access driveway into the Light of Christ facility.
- Ridgeland Drive shall be signed on both sides of the roadway “No Parking Anytime” from 57th Avenue NE to a point 100 feet beyond the northern most access driveway into the Light of Christ facility.

Lighting

- Lighting shall be installed along Saints Drive and Ridgeland Drive based on roadway classification.
- Lighting shall be installed at the intersections along 57th Avenue NE at Saints Drive and Ridgeland Drive.

These improvements should be included as part of the developers agreement.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 8

April 27, 2016

Application for: Annexation
Zoning Change
Major Subdivision Final Plat

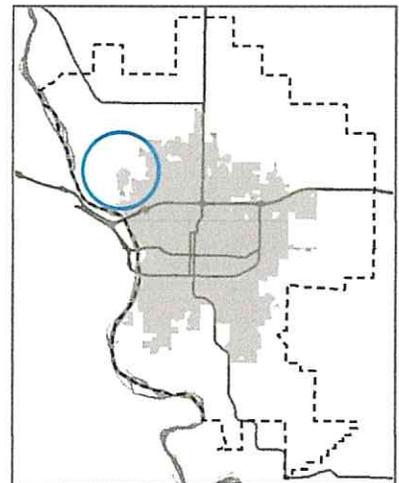
TRAKiT Project ID: ANNX2015-011

ZC2015-025

FPLT2015-007

Project Summary

| | |
|-------------------------|---|
| Title: | Promontory Point VI Addition |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Lancelot Development, Inc. Santa Fe, LLP |
| Project Contact: | Toni Haider, SEH |
| Location: | Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (Part of the E½ of Section 24 in T139N-R81W and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township) |
| Project Size: | 55.43 |
| Request: | Plat and rezone property to allow the development of 133 residential lots, and annex a portion of the subdivision. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|-----------------------------|-------------------------|-----------------------------|--------------------------------|
| Number of Lots: | 0 | Number of Lots: | 133 |
| Land Use: | Undeveloped | Land Use: | Low-Density Residential |
| Designated GMP | Low Density Residential | Designated GMP | Low Density Residential |
| Future Land Use: | | Future Land Use: | |
| Zoning: | A – Agricultural | Zoning: | R5 – Residential |
| Uses Allowed: | A – Agriculture | Uses Allowed: | R5 – Single-family residential |
| Max Density Allowed: | A – 1 unit / 40 acres | Max Density Allowed: | R5 – 5 units / acre |

Property History

| | | | | | |
|---------------|-----|-----------------|-----|-----------------|-----|
| Zoned: | N/A | Platted: | N/A | Annexed: | N/A |
|---------------|-----|-----------------|-----|-----------------|-----|

(continued)

Staff Analysis

The Planning and Zoning Commission held a public hearing for Promontory Point VI Addition on November 17, 2015 and recommended approval of the final plat and zone change. However, the layout and boundaries of the plat have been modified since that meeting, so another public hearing is being held for the plat and zoning change. The primary changes are the result of an amendment to the Fringe Area Road Master Plan that will be reviewed by the City Commission on April 26th. This amendment allows the developer to remove the arterial Sandy River Drive and replace it with the collector Frisco Way, which is offset from the section line. This enables the addition of two lots, while providing the necessary connectivity to undeveloped land to the north and east.

The proposed single-family residential developments of Promontory Point VI Addition and Promontory Point VII Addition are interrelated in many ways, and the public hearings for both developments are scheduled for the same meeting of the Planning and Zoning Commission. All stormwater detention facilities for both subdivisions are within the VII Addition. Also a park included in the VII Addition will satisfy the Neighborhood Park Development policy requirements for both subdivisions.

Rights-of-Way and Access Easements

Promontory Point VI Addition would be accessed entirely through the Promontory Point V Addition, primarily from the collector roadways Clairmont Road and Valley Drive. Public safety issues have been identified with the name of this roadway, because of its circuitous path and non-sequential addressing. The Community Development Department is reviewing this street name, with guidance from emergency services providers, and it may be changed if the City Commission wishes to take action to do so. However, this does not necessarily need to be accomplished prior to approval and recordation of the plats for Promontory Point VI and VII Additions.

Blocks 5, 7, and 8 are greater than 900 feet in length. Per Section 14-09-05 of the Bismarck Code of Ordinances, the Planning and Zoning Commission may require multi-use paths and easements to provide additional access through blocks of this length. The plat

shows three access easements, each of which are 20 feet in width, to provide pedestrian and bicycle access through the middle of these longer blocks. The developer would only be responsible for constructing the path through Blocks 7 and 8. The access through Block 5 can be constructed if lands to the east of the subdivision are developed in the future. The intent of these pathways is to create local non-motorized transportation access and amenity for the neighborhood, not necessarily to provide for regional use. The paths would be maintained by a future neighborhood association, and provisions for such should be written into any private agreements.

Annexation

At this time, only two lots are proposed for annexation: Lot 1, Block 1 and Lot 1, Block 2 in the SW corner of the subdivision. The annexation of these lots creates a contiguous annexation route to lots within Promontory Point VII Addition. The landowner is required to petition the City for an annexation of additional lots in Promontory Point VI prior to any development of these lots.

Required Findings of Fact

Annexation

1. 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 annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

(continued)

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.
6. 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.
 7. 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;
 8. 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;
 9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 11. The proposed subdivision 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.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;
5. A draft neighborhood park agreement or a park concept development plan has been accepted by the Bismarck Parks and Recreation District;

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district and approval of the final plat for Promontory Point VI Addition subject to the following conditions:

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

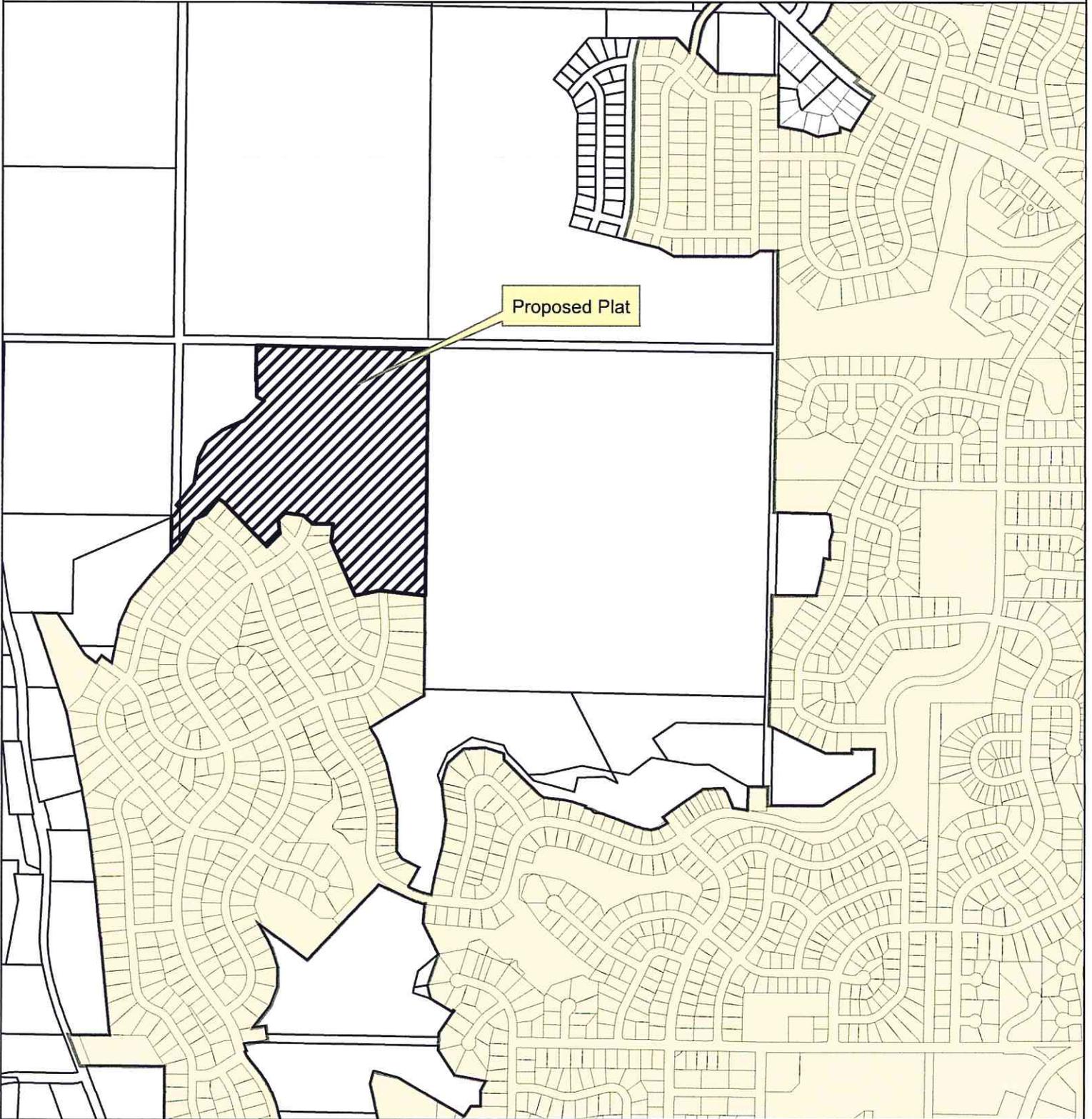
(continued)

Attachments

1. Location Map
 2. Zoning Map
 3. Annexation Map
 4. Reduction of Final Plat
-

Staff report prepared by: Daniel Nairn, AICP Planner
701-355-1854 | dnairn@bismarcknd.gov

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



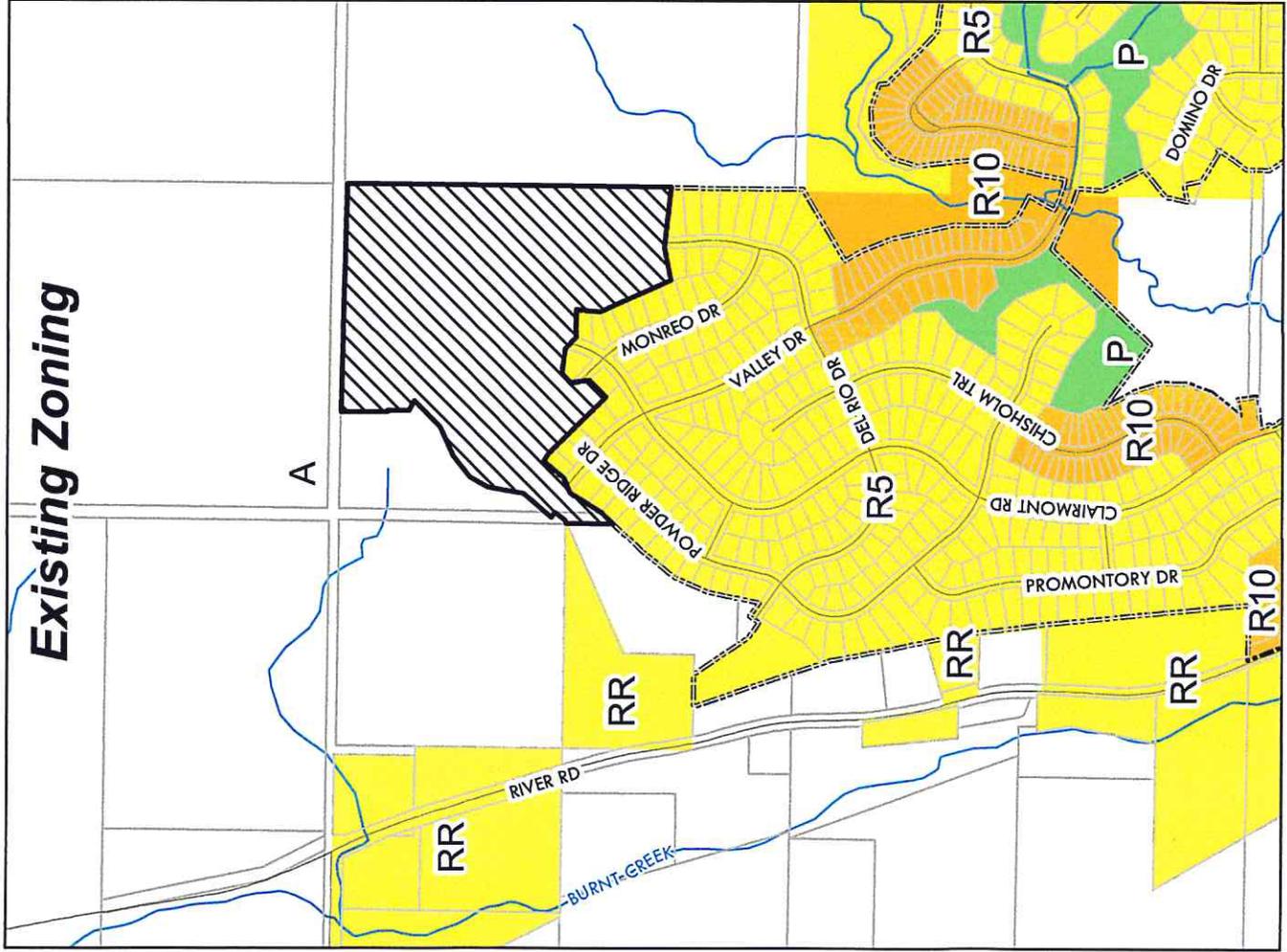
June 15, 2015 (h/b)

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

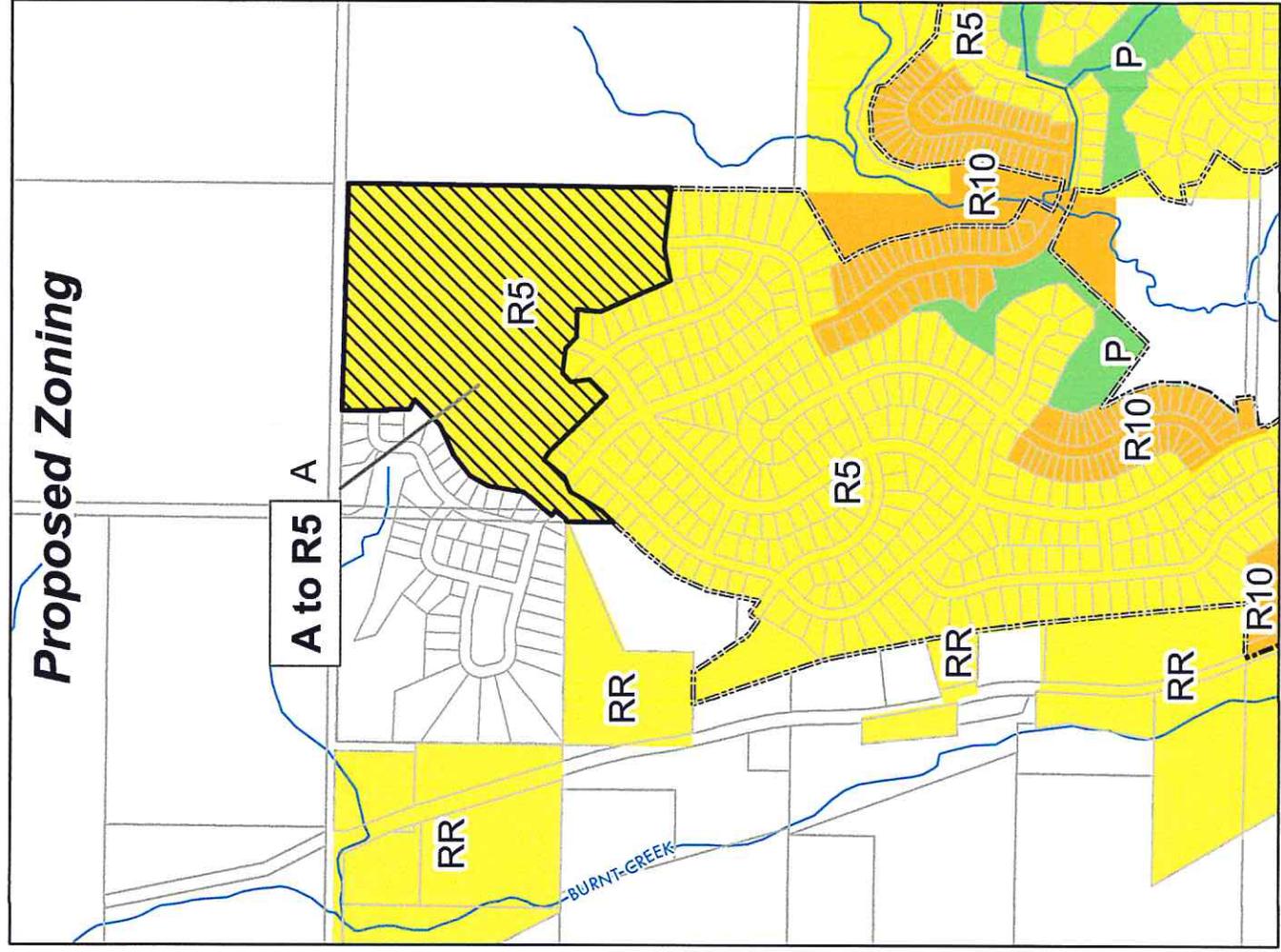


Promontory Point VI Addition - Zoning Change

Existing Zoning



Proposed Zoning



Proposed Subdivision Boundary



City Limits



Extraterritorial Area



April, 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.

**PROMONTORY POINT VI
ADDITION
ANNEXATION MAP**

DESCRIPTION:

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

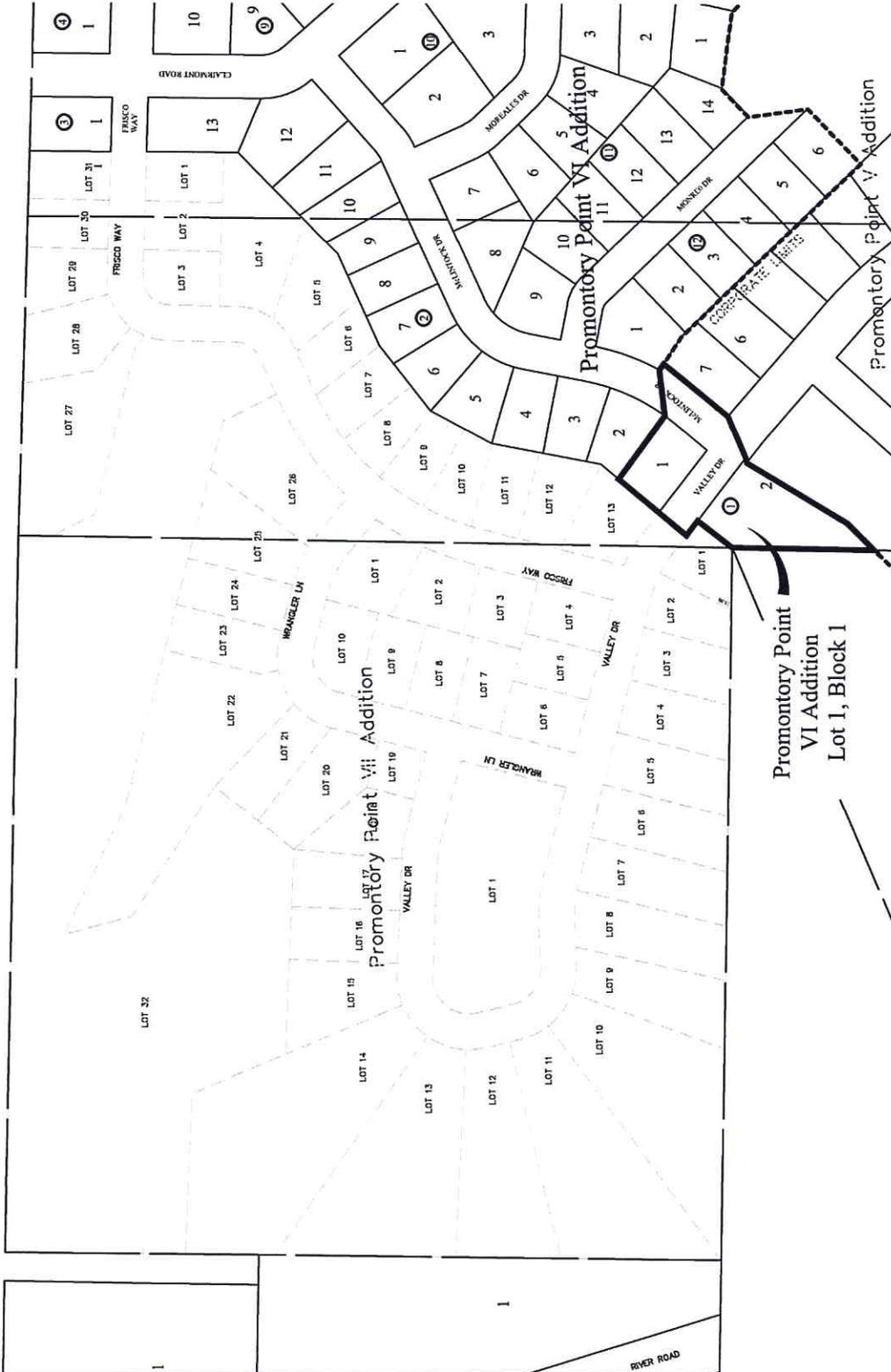
LEGEND:

----- CURRENT CORPORATE LIMITS
----- PROPOSED CORPORATE LIMITS



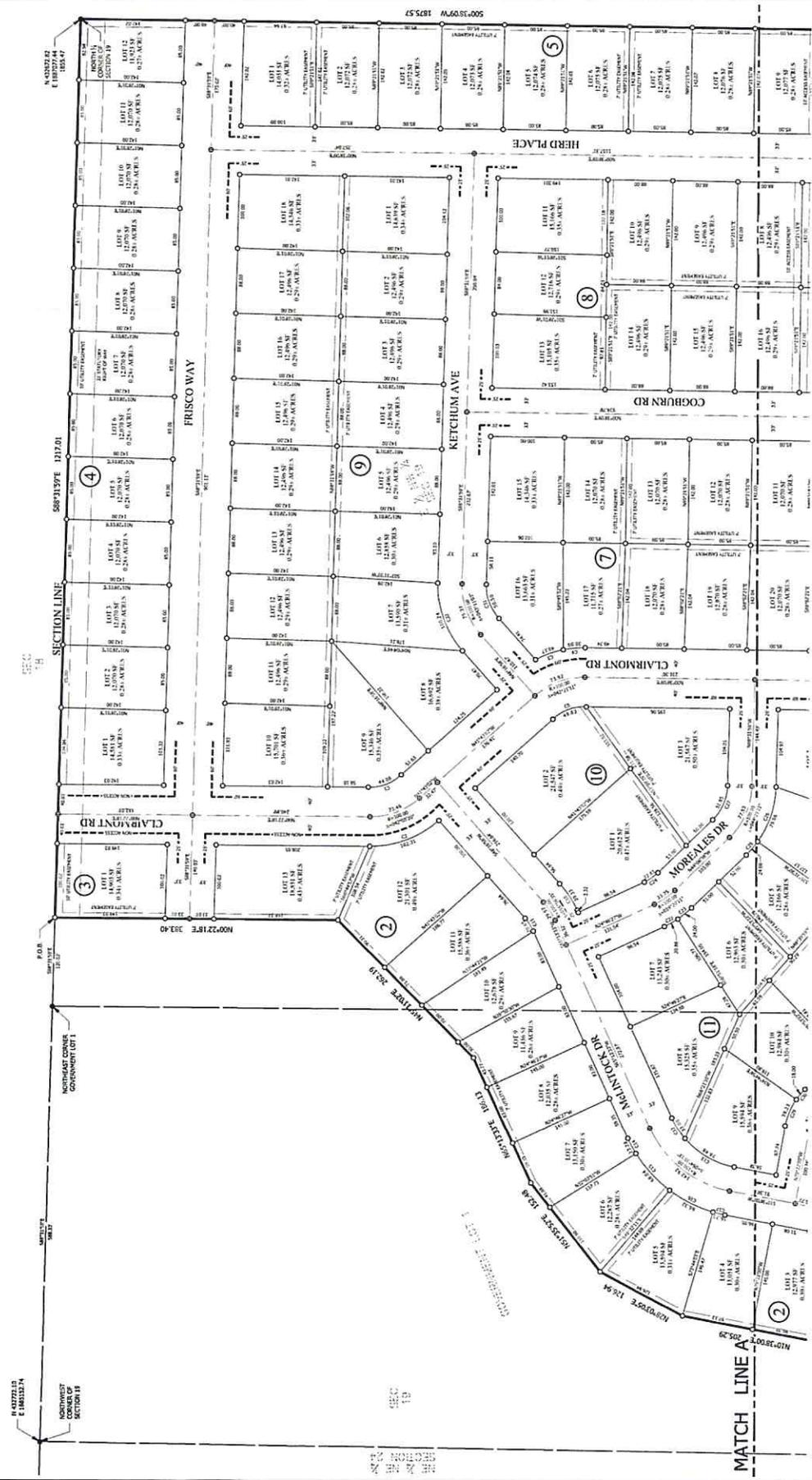
SEH
PHONE: 703.354.7121
4750 WINDY HILLS DRIVE, SUITE 6
DUNN, MISSISSIPPI 39025-5077
www.sehinc.com

Date: 4/12/16



PROMONTORY POINT VI ADDITION

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



LEGEND:

- FOUND MONUMENT
- REAR W/ CAPS MARK
- ROADWAY POINT
- RAIL BOUNDARY
- NON ACCESS LINE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-----------|---------|------------|
| C20 | 01027152" | 133.00' | 24.06' |
| C26 | 05405329" | 133.00' | 79.06' |
| C27 | 04425271" | 67.00' | 51.95' |
| C31 | 04371103" | 67.00' | 50.50' |
| C32 | 04371103" | 133.00' | 100.24' |

PARCEL CURVE DATA

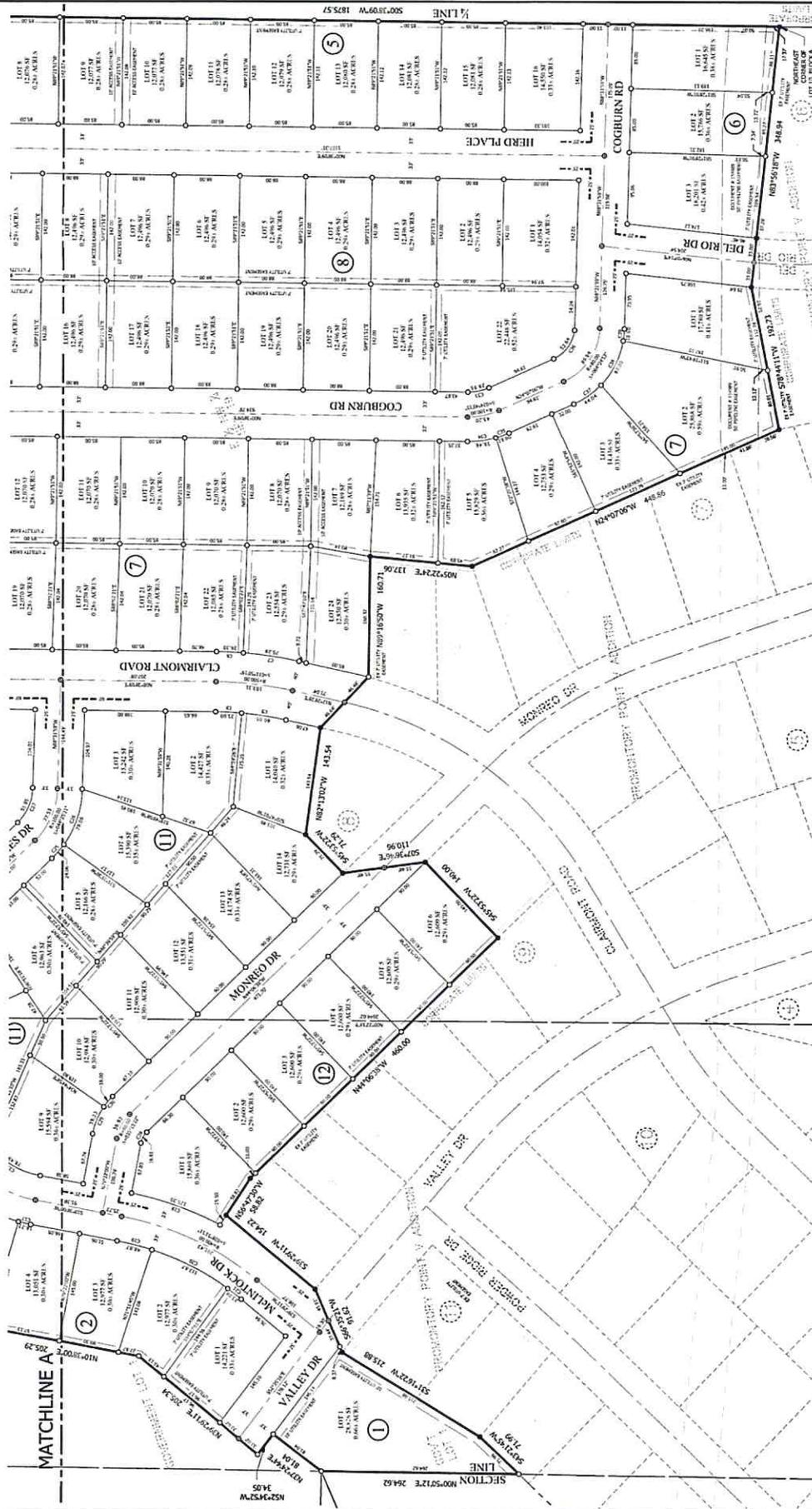
| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-----------|---------|------------|
| C13 | 03872556" | 117.00' | 78.46' |
| C14 | 00771724" | 183.00' | 23.28' |
| C15 | 0211808" | 183.00' | 68.04' |
| C16 | 02045477" | 183.00' | 66.33' |
| C17 | 00514115" | 183.00' | 16.73' |
| C22 | 0085846" | 133.00' | 20.88' |
| C23 | 01020255" | 133.00' | 24.00' |
| C24 | 0192011" | 67.00' | 22.81' |

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-----------|---------|------------|
| C1 | 0420520" | 60.00' | 44.08' |
| C2 | 04132116" | 140.00' | 102.31' |
| C3 | 01628300" | 140.00' | 40.17' |
| C4 | 01216400" | 140.00' | 30.00' |
| C5 | 0472449" | 60.00' | 49.83' |
| C10 | 0165435" | 133.00' | 39.33' |
| C11 | 01732335" | 67.00' | 20.65' |
| C12 | 01893237" | 117.00' | 33.00' |

PROMONTORY POINT VI ADDITION

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



LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP IS BARR
- ROADWAY POINT
- PLAT BOUNDARY
- - - - - NON ACCESSIBLE
- UTILITY MEASUREMENT
- ADJACENT LOT LINE
- SECTION LINE

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-----------|---------|------------|
| C29 | 02°41'00" | 93.00' | 38.23' |
| C30 | 01°10'22" | 93.00' | 18.00' |
| C31 | 02°44'51" | 67.00' | 28.95' |
| C32 | 01°53'00" | 133.00' | 38.46' |
| C33 | 00°51'09" | 133.00' | 19.00' |
| C37 | 02°19'53" | 47.00' | 52.84' |
| C38 | 03°38'22" | 113.00' | 67.00' |
| C39 | 00°08'38" | 113.00' | 16.00' |

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-------------|---------|------------|
| C6 | 00°35'10" | 540.00' | 36.30' |
| C7 | 00°7'59"14" | 540.00' | 75.26' |
| C8 | 00°42'13"3" | 460.00' | 35.00' |
| C9 | 00°7'29"48" | 460.00' | 60.05' |
| C18 | 01°53'49" | 433.00' | 125.30' |
| C19 | 00°7'30'15" | 367.00' | 48.07' |
| C20 | 01°74'44"4" | 367.00' | 113.67' |
| C21 | 00°33'51"2" | 367.00' | 23.08' |
| C28 | 03°51'22" | 27.00' | 16.81' |

PARCEL CURVE DATA

| CURVE | DELTA | RADIUS | ARC LENGTH |
|-------|-------------|---------|------------|
| C6 | 00°42'13"3" | 460.00' | 35.00' |
| C9 | 00°7'29'48" | 460.00' | 60.05' |
| C18 | 01°53'49" | 433.00' | 125.30' |
| C28 | 03°51'22" | 27.00' | 16.81' |
| C29 | 02°41'00" | 93.00' | 38.23' |
| C30 | 01°10'22" | 93.00' | 18.00' |
| C31 | 02°44'51" | 67.00' | 28.95' |
| C38 | 06°24'53" | 47.00' | 52.84' |

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 922 BASIN AVENUE, STE. 101
 BISMARCK, ND 58504-6831
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STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 9

April 27, 2016

Application for: Annexation
Zoning Change
Major Subdivision Final Plat

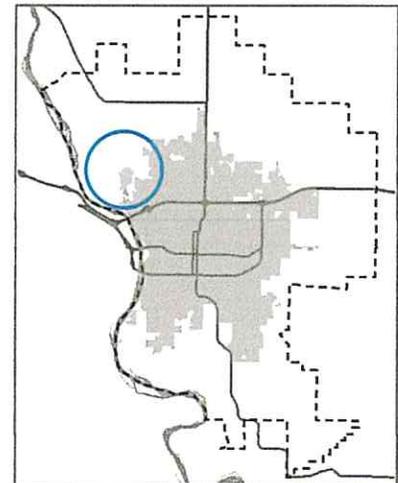
TRAKiT Project ID: ANNX2015-012

ZC2015-026

FPLT2015-008

Project Summary

| | |
|-------------------------|--|
| Title: | Promontory Point VII Addition |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Lancelot Development, Inc. Santa Fe, LLP |
| Project Contact: | Toni Haider, SEH |
| Location: | Along the top of the plateau north of Burnt Boat Drive in northwest Bismarck, between River Road and the Tyler Coulee (Part of the E ¹ / ₂ of Section 24 in T139N-R81W and part of the NW ¹ / ₄ of Section 19, T139N-R80W/Hay Creek Township). |
| Project Size: | 51.94 |
| Request: | Plat and rezoning property to allow the development of 56 residential lots. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|-----------------------------|-------------------------|-----------------------------|---|
| Number of Lots: | 0 | Number of Lots: | 56 |
| Land Use: | Undeveloped | Land Use: | Low-Density Residential |
| Designated GMP | Low Density Residential | Designated GMP | Low Density Residential |
| Future Land Use: | Conservation | Future Land Use: | Conservation |
| Zoning: | A – Agricultural | Zoning: | R5 – Residential P – Public Use |
| Uses Allowed: | A – Agriculture | Uses Allowed: | R5 – Single-family residential P – Parks, open space, stormwater facilities, and other public uses |
| Max Density Allowed: | A – 1 unit / 40 acres | Max Density Allowed: | R5 – 5 units / acre P – N/A |

Property History

| | | | | | |
|---------------|-----|-----------------|-----|-----------------|-----|
| Zoned: | N/A | Platted: | N/A | Annexed: | N/A |
|---------------|-----|-----------------|-----|-----------------|-----|

(continued)

Staff Analysis

The preliminary plat for Promontory Point VII Addition was tentatively approved by the Planning and Zoning Commission on September 15, 2015, subject to the following conditions:

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

Steep Slope Protection

This subdivision abuts the bluffs of the Missouri River on the west side, and 25 of the lots contain steep slopes of this bluff or connected coulees. The applicant proposes to protect these areas from erosion or subsidence with use of a "slope protection easement" that is defined and applied to each of the effected lots on the plat. The easement uses the same language used in prior additions of Promontory Point, prohibiting structures in the easement area, as well as any irrigation or soil disturbance. Swimming pools are not allowed in back yards at all.

In July of 2015, The City Commission adopted the Ash and Ward Coulee Watershed Stormwater Master Plan, which includes a geotechnical study of these steep slope areas. The study shows a geotechnical setback line from the bluff line and recommends protecting this area or conducting further site-specific study. Some of the lots and right-of-way proposed in the preliminary plat were within this setback line, so the applicant performed a more detailed study of the site to clarify a more exact location for the slope protection

easement. As a result of the study, the slope protection easement and western loop of Valley Drive were shifted approximately 130 feet to the east away from the bluff line. The lot lines were readjusted to assure sufficient buildable area within each lot.

The Community Development Department has written letters to all lot owners with steep slope areas in the prior Promontory Point additions to inform them of the slope protection easement, and the Building Inspections division will conduct periodic inspections and enforcement of these provisions. Compliance with the slope protection easement is necessary to prevent erosion and property damage.

Rights-of-way

The preliminary plat showed dedicated right of way for future extension of Sandy River Drive as an arterial roadway along the northern boundary of the subdivision. However, a Fringe Area Road Master Plan amendment recommended for approval by the Planning and Zoning Commission during their March 2016 meeting eliminates the need for this road. The right of way has been removed from the final plat.

The primary means of access to Promontory Point VII is through Valley Drive. Public safety issues have been identified with the name of this roadway, because of its circuitous path and non-sequential addressing. The Community Development Department is reviewing this street name, with guidance from emergency services providers, and it may be changed if the City Commission wishes to take action to do so. However, this does not necessarily need to be accomplished prior to approval and recordation of the plats for Promontory Point VI and VII Additions.

Park and Public Lands

Promontory Point VII Addition would feature a neighborhood park in the center of Valley Drive (the proposed location of the park has moved from the location shown on the preliminary plat.) The 1.94 acre park would include a playground, an open shelter, and a paved loop around the perimeter. The center of the park will be utilized for stormwater detention, which is needed to direct water runoff away from the bluffs. The park will satisfy conditions of the Neighborhood

(continued)

Park Development Policy for both Promontory Point VI and VII Additions and will be assessed to all lot owners within a ½ walk of the site, per adopted policy. An agreement to develop the park has been submitted to the Park Board and is awaiting ratification by both parties. Finalization of the agreement is necessary before either plat can be approved by the City Commission.

In addition to the park, two other lots are proposed to be rezoned to the P – Public zoning district. A lift station would be installed on the corner of Valley Drive and Wrangler Lane for the sanitary sewer system, and Lot 27, Block 1 is reserved for a second stormwater detention area. The remainder of the subdivision is proposed to be R5 – Residential. The large Lot 32, Block 1 at the north of the subdivision will remain in private ownership in the R5 – Residential zoning district, although it is completely within the slope protection easement and therefor unbuildable.

Annexation

The applicant is proposing to annex 22 of the 56 lots in the subdivision at this time. This annexation is necessary to satisfy the Planning and Zoning Commission’s requirement to not allow any lots to be split by the township line. The applicant will need to petition the City to annex additional lots before development begins in those areas.

Required Findings of Fact

Annexation

1. 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 annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

5. The proposed annexation would not adversely affect the public health, safety and general welfare.

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.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer;

5. A draft neighborhood park agreement has been submitted to the Bismarck Parks and Recreation District for their acceptance;
6. 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.
7. 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;
8. 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;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and

11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation indicated on the attached map, zoning change from the A – Agricultural zoning district to the R5 – Residential and P – Public zoning districts, and approval of the final plat for Promontory Point VII Addition, subject to the following conditions:

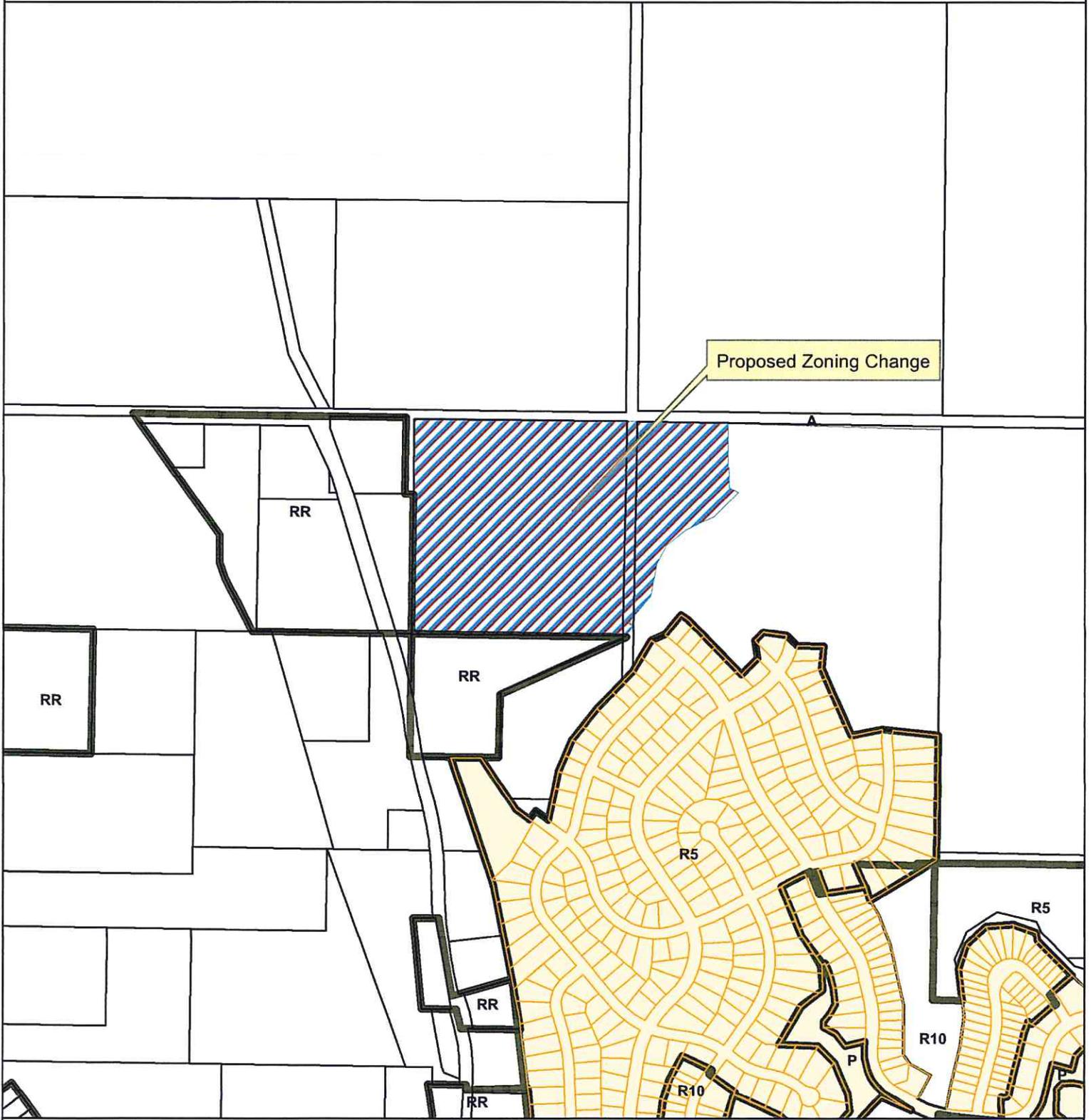
1. A Park Development Agreement is signed by the applicant and the Bismarck Parks and Recreation District prior to the subdivision plat being forwarded to the City Commission for final action.

Attachments

1. Location Map
2. Zoning Map
3. Annexation Map
4. Reduction of Final Plat
5. Diagram of proposed park property
6. Comparison of Geotechnical Setback Lines

Staff report prepared by: Daniel Nairn, AICP Planner
701-355-1854 | dnairn@bismarcknd.gov

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



June 15, 2015 (h/b)

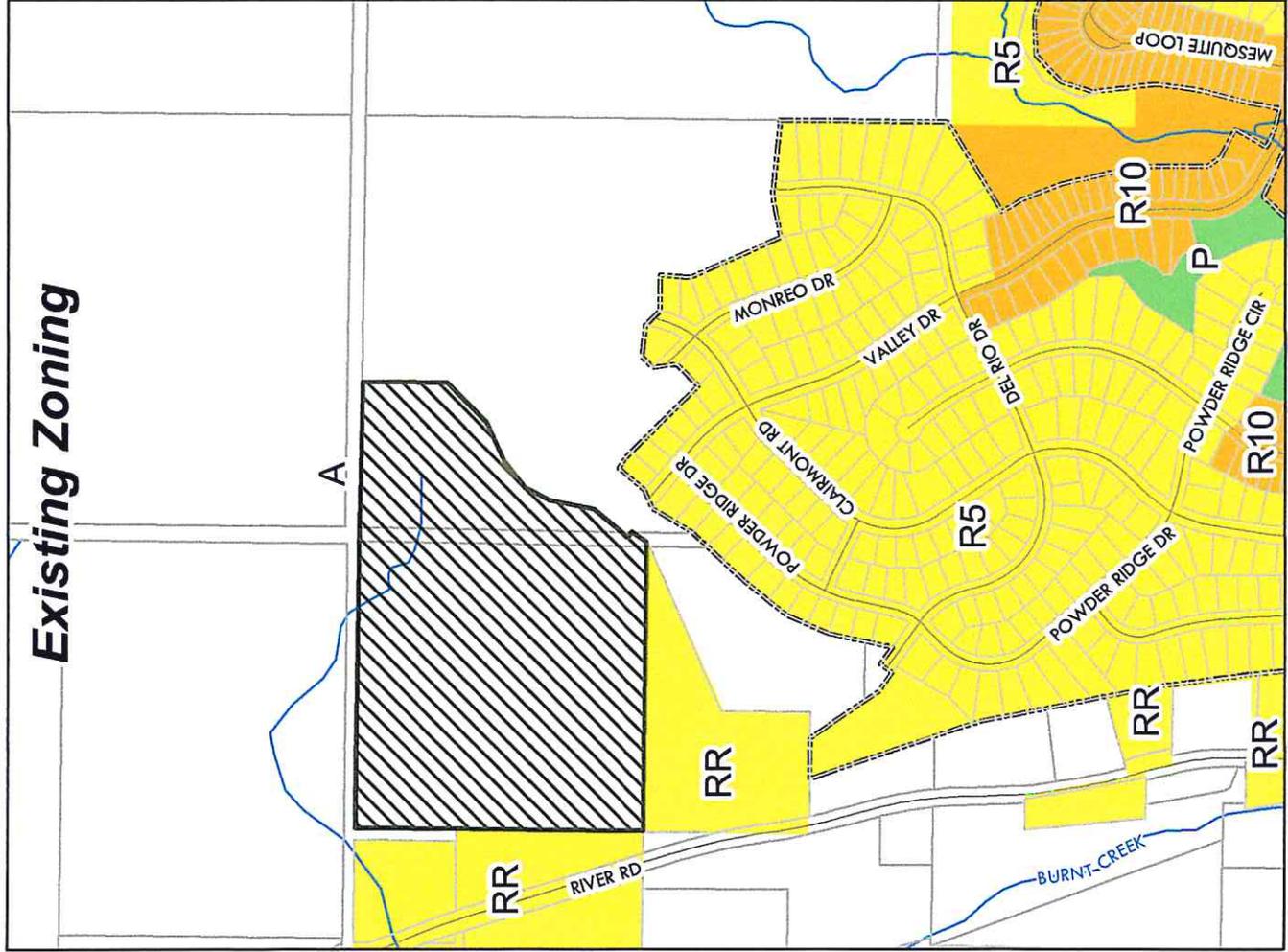
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 337.5 675 1,350 Feet

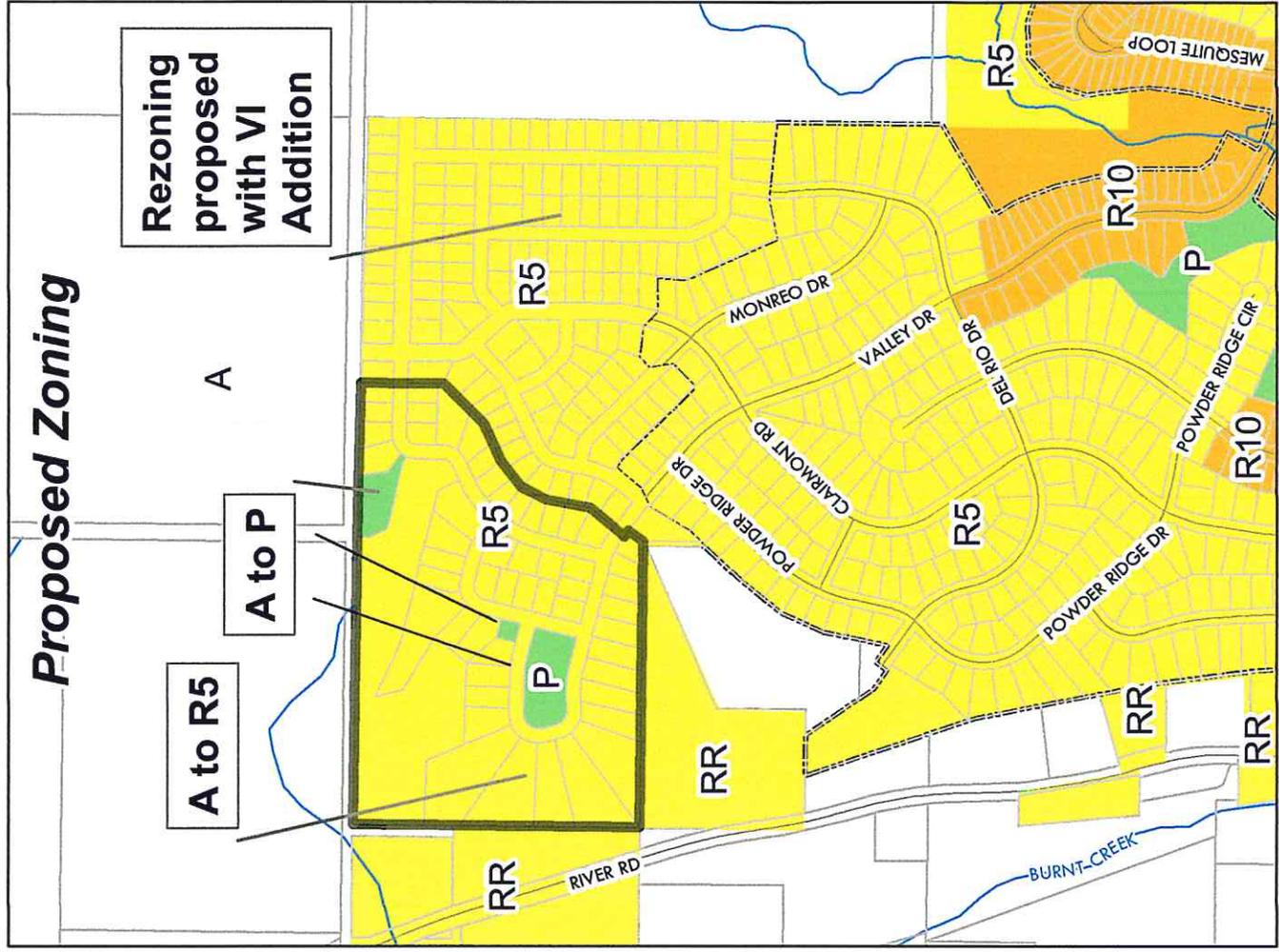


Promontory Point VII Addition - Zoning Change

Existing Zoning



Proposed Zoning



Proposed Subdivision



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.

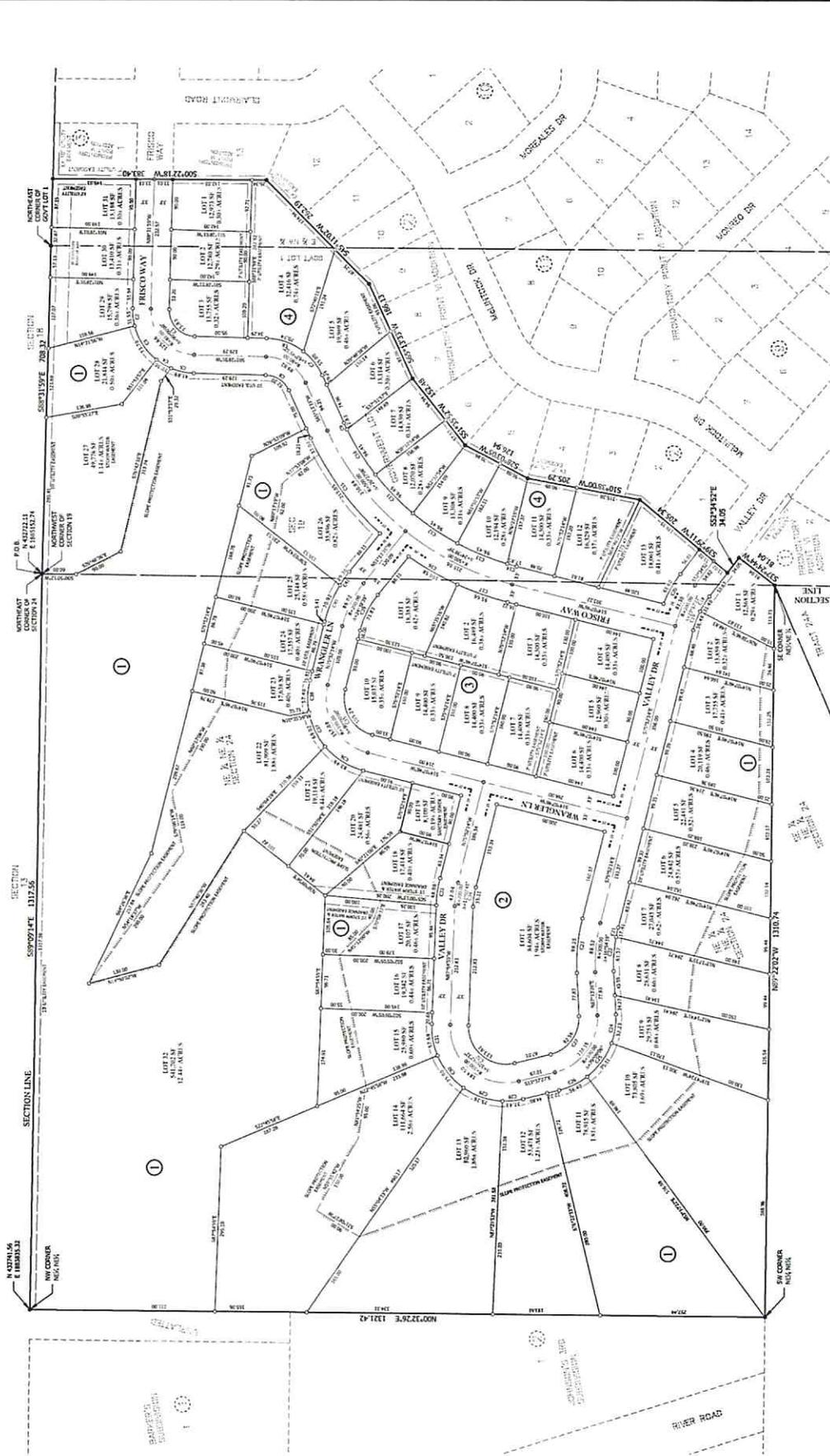


April, 2016



PROMONTORY POINT VII ADDITION

All of the Northeast Quarter of the Northeast Quarter of Section 24, Township 139 North, Range 81 West
 Part of the East Half of the Northwest Quarter and Part of Government Lot 1 of Section 19, Township 139 North, Range 80 West
 of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



LEGEND:

- FOUND MONUMENT
- REAR W/ CAP L5 844
- ROADWAY POINT
- NON-ACCESSION
- UTILITY FACILITY
- ALIQUOT LOT LINE
- SECTION LINE
- LOT PROTECTION EASEMENT

| PARCEL CURVE DATA | | |
|-------------------|------------|-------------------|
| CURVE | DELTA | RADIUS ARC LENGTH |
| C37 | 029°43'57" | 133.00' 69.02' |
| C38 | 024°43'45" | 133.00' 57.40' |
| C39 | 024°58'30" | 107.00' 70.87' |
| C40 | 017°52'25" | 133.00' 70.87' |
| C41 | 007°11'17" | 133.00' 28.35' |

| PARCEL CURVE DATA | | |
|-------------------|------------|-------------------|
| CURVE | DELTA | RADIUS ARC LENGTH |
| C28 | 019°07'55" | 133.00' 37.43' |
| C29 | 022°25'20" | 133.00' 75.26' |
| C30 | 033°05'34" | 133.00' 75.00' |
| C31 | 024°51'03" | 133.00' 57.68' |
| C32 | 100°42'33" | 81.00' 113.81' |
| C33 | 019°50'41" | 133.00' 48.98' |
| C34 | 017°52'41" | 107.00' 35.11' |
| C35 | 005°00'00" | 67.00' 108.24' |
| C36 | 033°37'18" | 133.00' 85.49' |

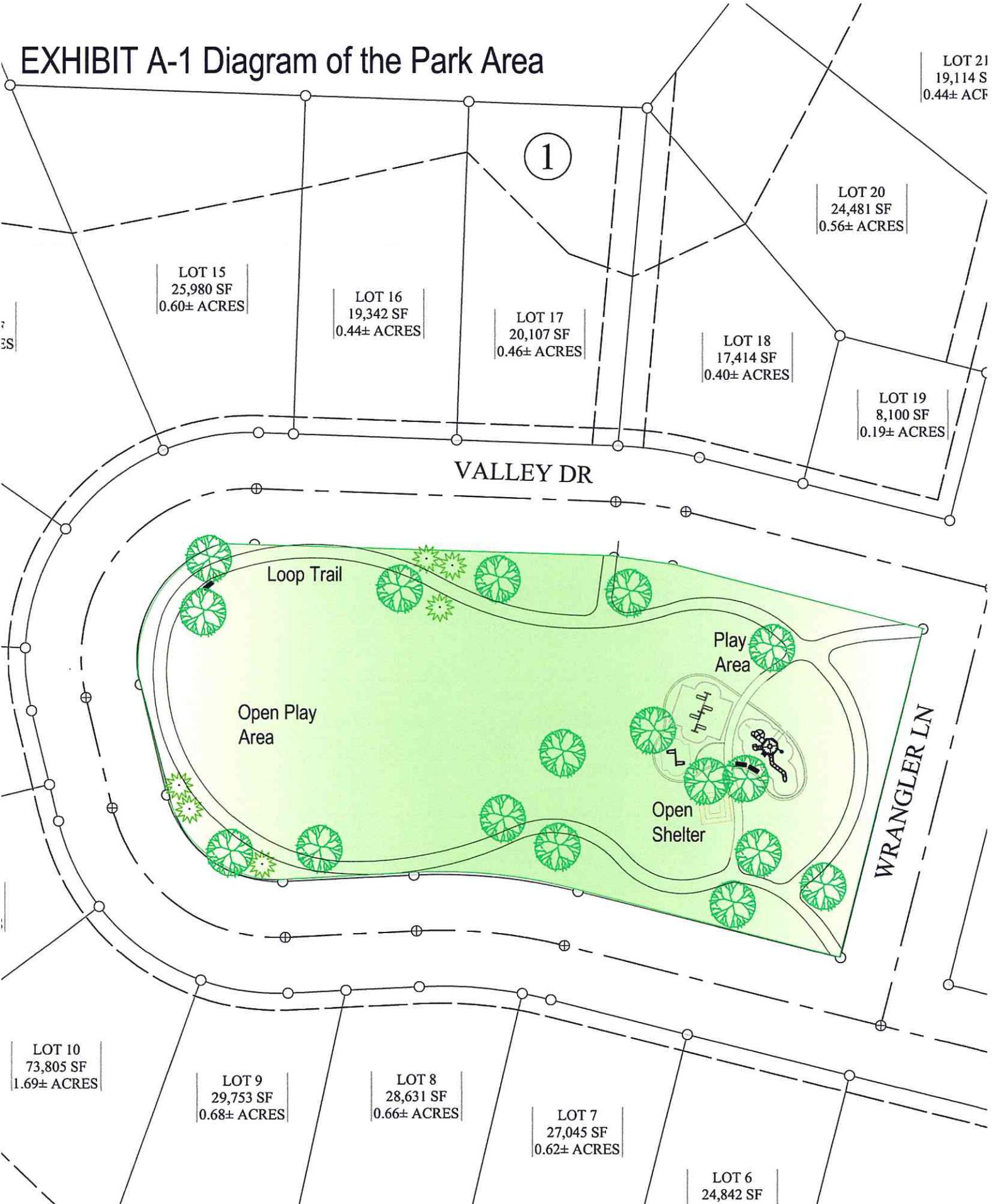
| PARCEL CURVE DATA | | |
|-------------------|------------|-------------------|
| CURVE | DELTA | RADIUS ARC LENGTH |
| C19 | 012°31'00" | 167.00' 36.48' |
| C20 | 015°08'50" | 233.00' 01.62' |
| C21 | 003°44'09" | 267.00' 17.41' |
| C22 | 012°50'11" | 267.00' 61.37' |
| C23 | 019°34'09" | 333.00' 98.25' |
| C24 | 027°29'47" | 333.00' 92.23' |
| C25 | 032°21'18" | 133.00' 75.11' |
| C26 | 024°17'50" | 133.00' 98.40' |
| C27 | 019°09'09" | 67.00' 92.26' |

| PARCEL CURVE DATA | | |
|-------------------|------------|-------------------|
| CURVE | DELTA | RADIUS ARC LENGTH |
| C10 | 011°49'29" | 67.00' 96.45' |
| C11 | 011°50'00" | 67.00' 96.45' |
| C12 | 011°49'29" | 67.00' 96.45' |
| C13 | 011°49'29" | 67.00' 96.45' |
| C14 | 003°17'37" | 67.00' 17.85' |
| C15 | 003°17'37" | 67.00' 17.85' |
| C16 | 016°44'42" | 53.00' 100.36' |
| C17 | 016°44'42" | 53.00' 100.36' |
| C18 | 016°44'22" | 167.00' 31.00' |

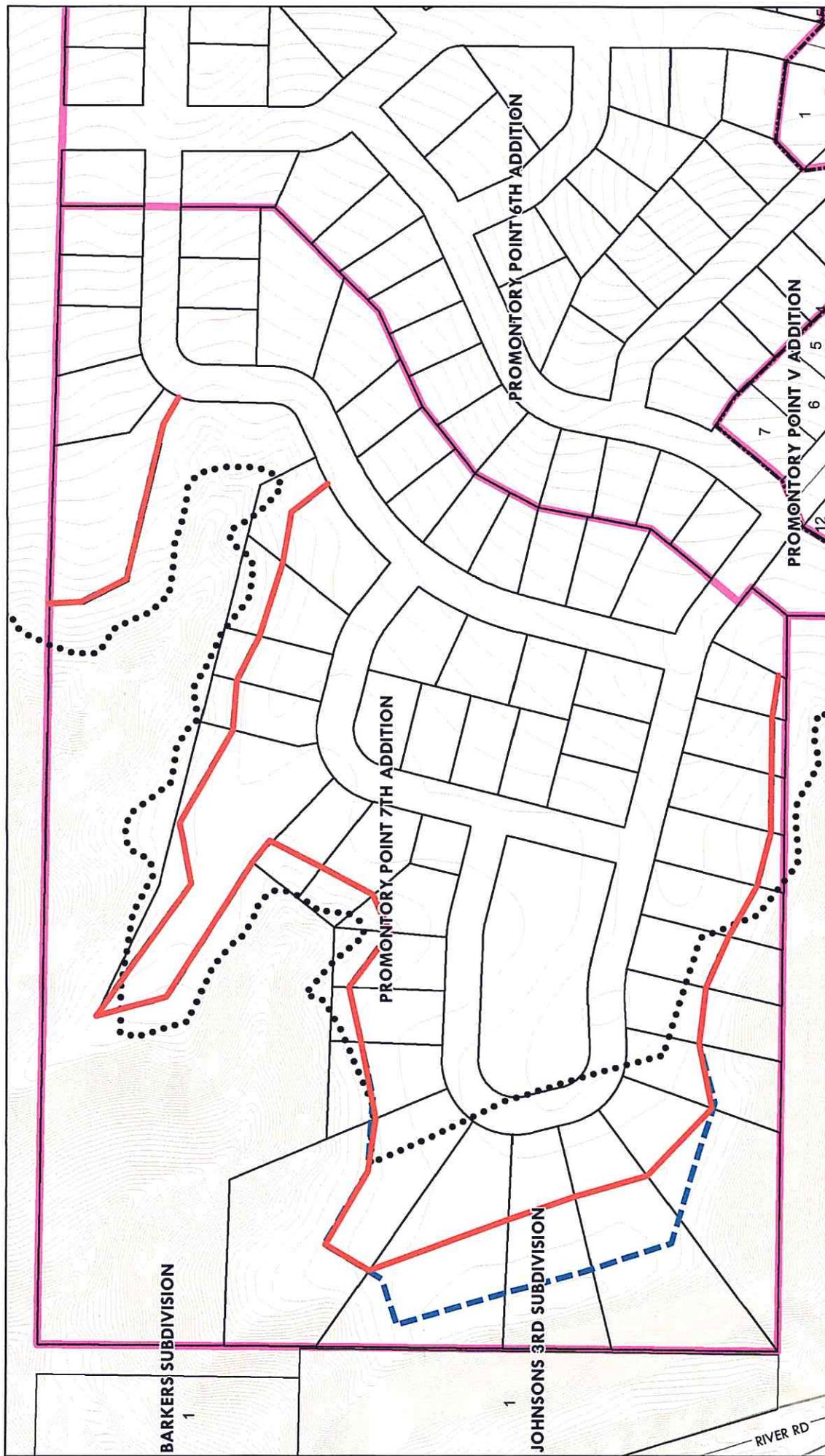
| PARCEL CURVE DATA | | |
|-------------------|------------|-------------------|
| CURVE | DELTA | RADIUS ARC LENGTH |
| C1 | 080°00'00" | 47.00' 73.87' |
| C2 | 019°52'37" | 113.00' 31.85' |
| C3 | 037°52'01" | 113.00' 75.70' |
| C4 | 015°23'45" | 113.00' 36.36' |
| C5 | 011°41'17" | 113.00' 41.86' |
| C6 | 033°57'14" | 113.00' 70.34' |
| C7 | 027°53'18" | 113.00' 55.00' |
| C8 | 003°43'27" | 47.00' 92.30' |
| C9 | 001°34'28" | 47.00' 12.83' |

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 www.sehinc.com

EXHIBIT A-1 Diagram of the Park Area



Promontory Point VII: Comparison between Geotechnical Setback Lines



900 Feet

450

225

0

- FINAL PLAT Slope Protection Easement
- - - PRELIMINARY PLAT Slope Protection Easement
- Geotechnical Setback Line from Ash-Ward Coulee Study

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



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 10

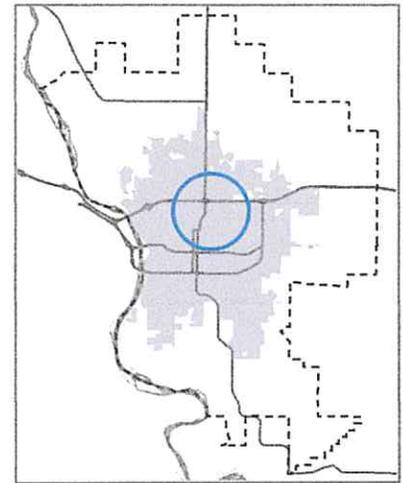
April 27, 2016

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 – Public Hearing |
| Owner(s): | First International Bank & Trust |
| Project Contact: | Peter Stenehjem |
| 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 adjacent to the northern building by one floor; to reduce the setbacks along the west and east sides of the site for the northern building; to modify the off-street parking requirements; to increase the height of the proposed pole sign on the west side of the property; and to clarify requirements for signage on building façades. |



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> |
|---|---|--------------------------|

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

The Planned Unit Development for this property was approved in December 2015. As development of the final plans has progressed, some changes have been made in an effort to improve the overall project.

The applicant has indicated a desire to remove one level of the off-street parking structure adjacent to the north building to help limit the impacts of the facility on the residential land uses in the area. The applicant has also 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 of the north building; however, staff cannot support that portion of the request because it would face a residential neighborhood and it is not included in the draft PUD amendment document.

The proposed changes to the PUD are addressed in the attached draft PUD amendment document. In addition to the changes requested by the applicant in conjunction with final plans for phase one of the development, the PUD has also been clarified to address phase two of the project.

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 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;
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 approval of 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, as outlined in the attached draft PUD amendment document.

Attachments

1. Draft PUD Amendment Document
2. Location Map
3. Revised Site Plan
4. Exhibit 1 | Building Elevations (11/5/2015)
5. Parking Calculations
6. PUD Written Statement
7. Section 14-04-18 of City Code of Ordinances

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

**CAPITOL VIEW PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 6181 (Adopted December 22, 2015)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 6181 was adopted by the Board of City Commissioners on December 22, 2015; 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, First International Bank and Trust has requested an amendment to the Planned Unit Development for Lot 1, Block 1, Capital View Addition; Lot 1, Block 1, Capitol Place; and Lots 5-10, Block 8, Fisher Addition.

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

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

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

1. Uses Permitted. The following uses are permitted within this PUD:

- a. Two multi-story mixed-use buildings developed in two phases, occupied primarily by uses in the office-bank group. The office bank group includes financial institutions and general office uses. The north building is considered phase one of the development and the south building is considered phase two of the development.
- b. Drive-through teller service establishment in conjunction with a financial institution (phase one of the development).
- c. Temporary drive-through teller service establishment in one existing building located on the southern portion of the site. The drive-through teller service would cease operation at the existing building upon operation of the financial institution in the phase one mixed-use building.
- d. Accessory parking structure adjacent to the north building (phase one)
- e. A restaurant with a bar (phase one).
- f. A coffee shop (phase two of the development).

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

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

3. *Dimensional Standards.*

- a. The minimum building setback along the west side of the property is 25 feet adjacent to North 12th Street /State Street for the north building (phase one) and 25 feet adjacent to North 12th Street/State Street for the south building (phase two).
- b. The minimum building setback along the north side of the property is 25 feet adjacent to East Divide Avenue (phase one).
- c. The minimum building setback along the east side of the property is 40 feet adjacent to North 13th Street North (phase one) and 80 feet adjacent to residential dwellings on the west side of North 13th Street (phase two).
- d. The minimum building setback along the south side of the property is 40 feet plus 10 feet for each story beyond the second story of the building 50 feet for the parking structure and 80 feet for the office building.
- e. Height. The maximum building height is 85 feet for the primary portion of the north building and the maximum height for the elevator tower of the north building is 106 feet, as shown on Exhibit 1 submitted with the application (phase one). The maximum building height for the elevator tower is 106 feet for the primary portion of the south building is 45 feet, as shown on Exhibit 1 submitted with the application. The maximum building height for the accessory parking structure along the east side of the north building is 46 feet, as shown on Exhibit 1 submitted with the application.
- f. Lot Coverage. The maximum lot coverage for buildings and required parking is 75% of the total lot area.

4. *Design and Aesthetic Standards.*

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

5. *Development Standards.*

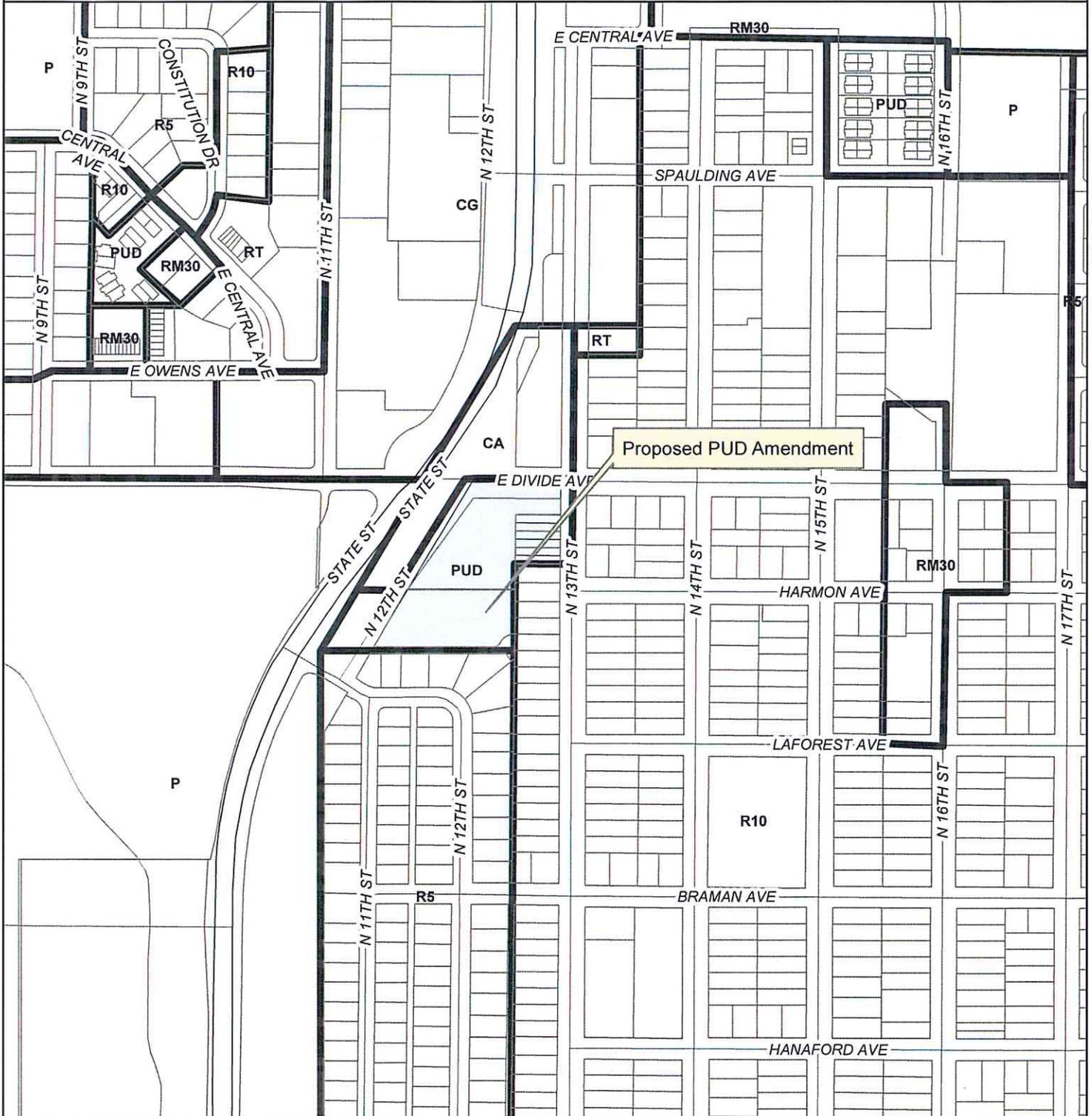
- a. Accessory Buildings. Accessory buildings are not allowed within this Planned Unit Development.
 - b. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.
 - c. Landscaping and Screening. Landscaping and buffer yards shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
 - d. Buffer Yards. Buffer yards shall be provided along the south and east property lines and shall generally conform to the site plan that was submitted with the application. The buffer yards shall be completely installed in conjunction with phase one development.
 - e. Screening of Mechanical Equipment and Solid Waste Collection Areas. Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
 - f. Signage. Signage for the development shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development. A single pylon sign for the development shall be allowed along the North 12th Street/State Street frontage and may shall not exceed 30 50 feet in height. Digital Electronic message center signage on the north-facing building facades shall not be permitted. Signage shall not be permitted on the east-facing building facades, however, any such signage on the east facades of either building or the south façade of the south building shall not be lit, either externally or internally.
 - g. Lighting. Exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts.
 - h. All other development standards shall be as outlined in Section 14-04-08, RT-Residential District, of the City Code of Ordinances.
6. *Roadway Improvements.* The developer shall be responsible for the cost of implementing the recommendations of the October 2015 Traffic Impact Study as approved.
7. *Site Plan Review.* The site plan submitted with the application does not constitute an official site plan. Prior to development the proposed

development is subject to the City's Site Plan Review Process and must meet the established regulations and guidelines.

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

Proposed PUD Amendment

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



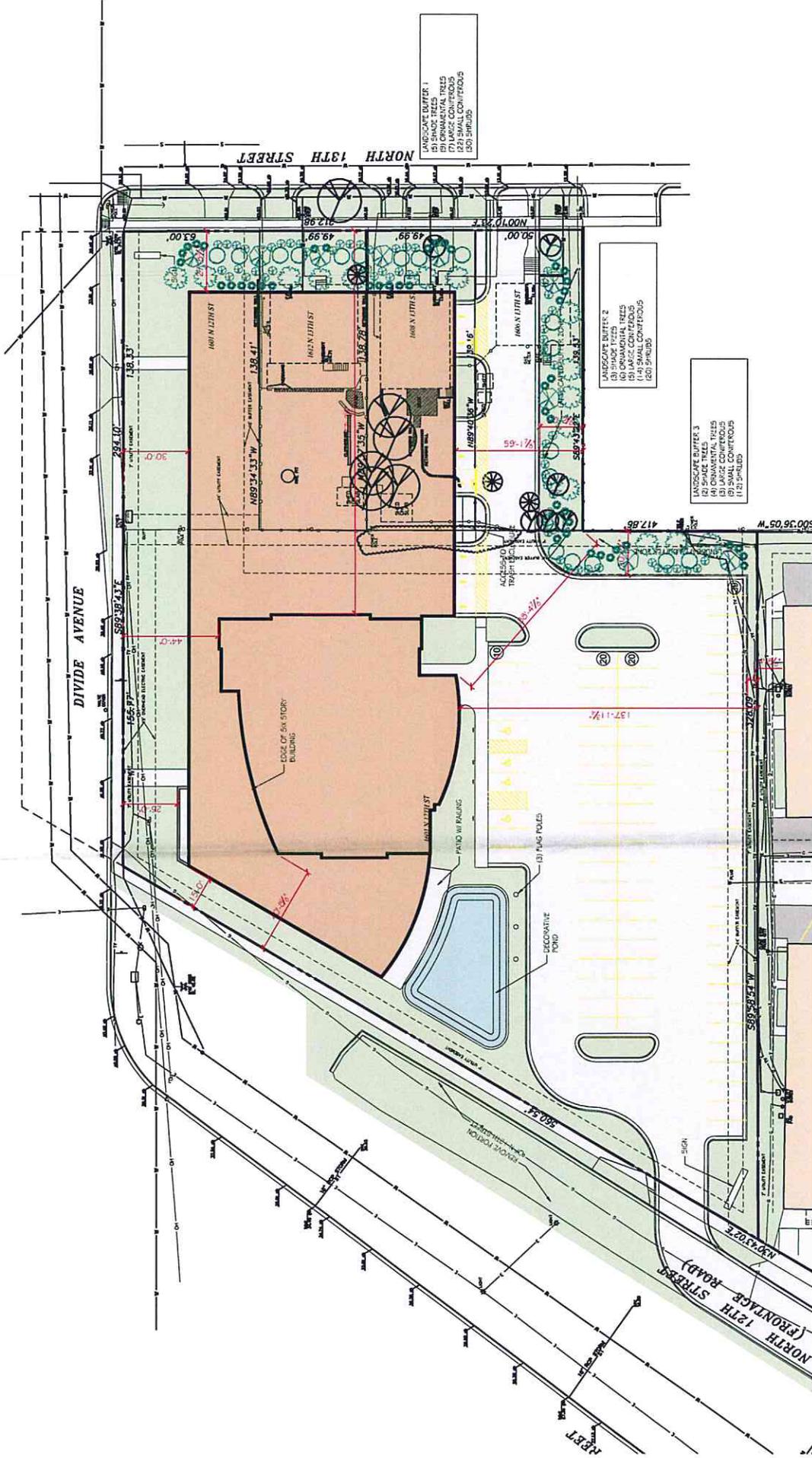
February 26, 2016 (hlb)

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



RECEIVED

MAR 16 7/11/16



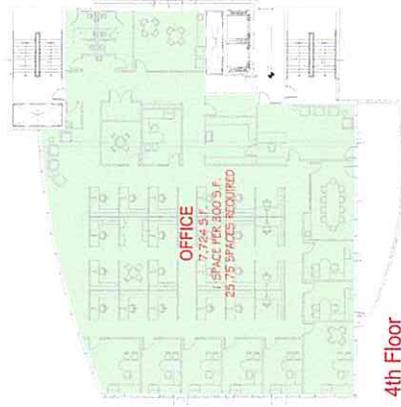
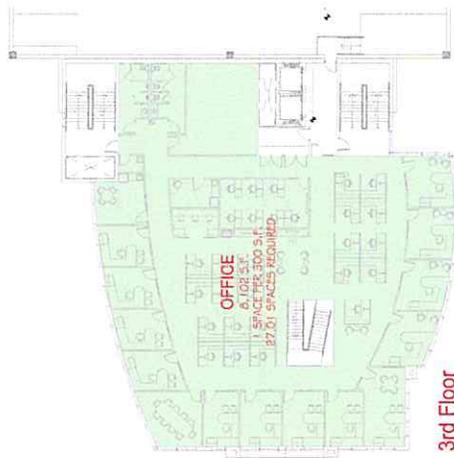
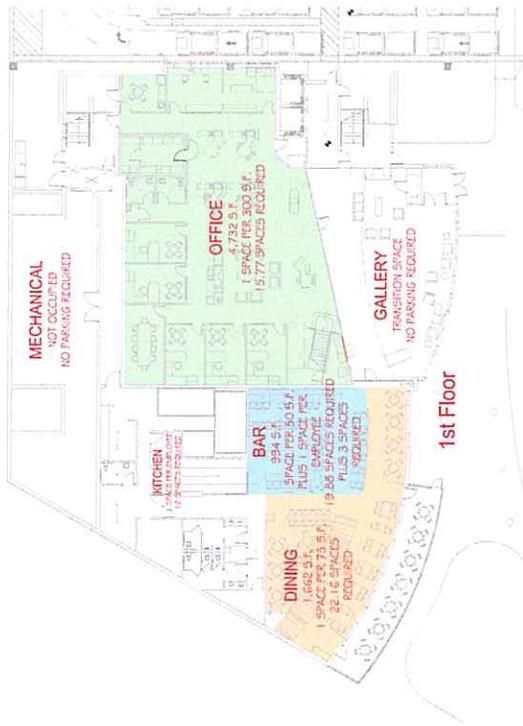
PHASE ONE SITE PLAN

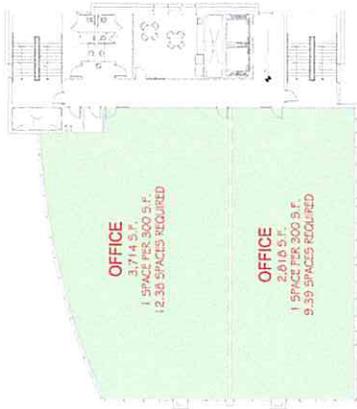
SCALE: 1" = 20'-0"

First International Bank & Trust

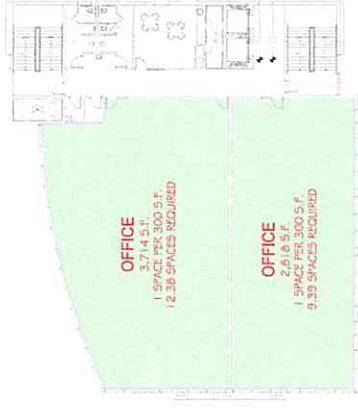
Bismarck, North Dakota

Project No. 039402 Date: 3/15/2016





5th Floor



6th Floor

| PARKING CALCULATIONS | |
|----------------------|--|
| FIRST FLOOR | |
| OFFICE | 4,732 S.F. 1 SPACE PER 300 S.F. 15.77 SPACES |
| BAR | 954 S.F. 1 SPACE PER 50 S.F. 19.08 SPACES |
| RESTAURANT | 1,622 S.F. 1 SPACE PER 100 S.F. 16.22 SPACES |
| SECOND FLOOR | |
| OFFICE | 6,205 S.F. 1 SPACE PER 300 S.F. 20.68 SPACES |
| THIRD FLOOR | |
| OFFICE | 5,102 S.F. 1 SPACE PER 300 S.F. 17.01 SPACES |
| FOURTH FLOOR | |
| OFFICE | 7,724 S.F. 1 SPACE PER 300 S.F. 25.75 SPACES |
| FIFTH FLOOR | |
| OFFICE | 6,332 S.F. 1 SPACE PER 300 S.F. 21.11 SPACES |
| SIXTH FLOOR | |
| OFFICE | 6,532 S.F. 1 SPACE PER 300 S.F. 21.77 SPACES |
| | TOTAL REQUIRED 132 SPACES |



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.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 11

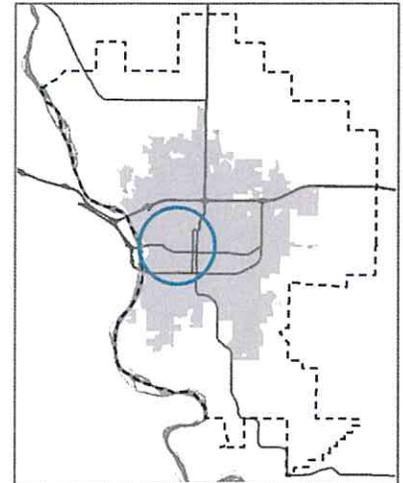
April 27, 2016

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 – Public Hearing |
| 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) previously amended 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 |
|---------------|---|-----------------|----------|-----------------|----------|

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

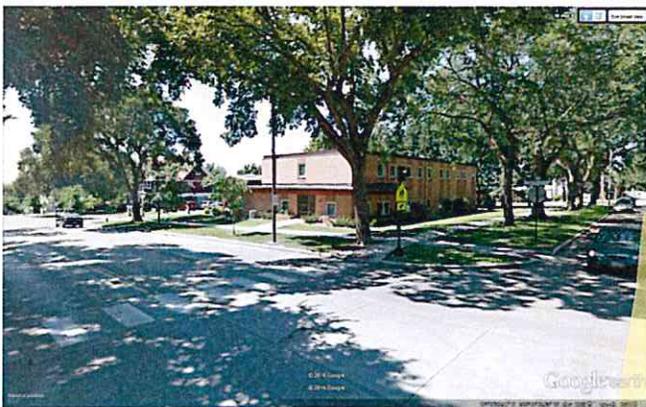
(continued)

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 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;

(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 approval of 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.

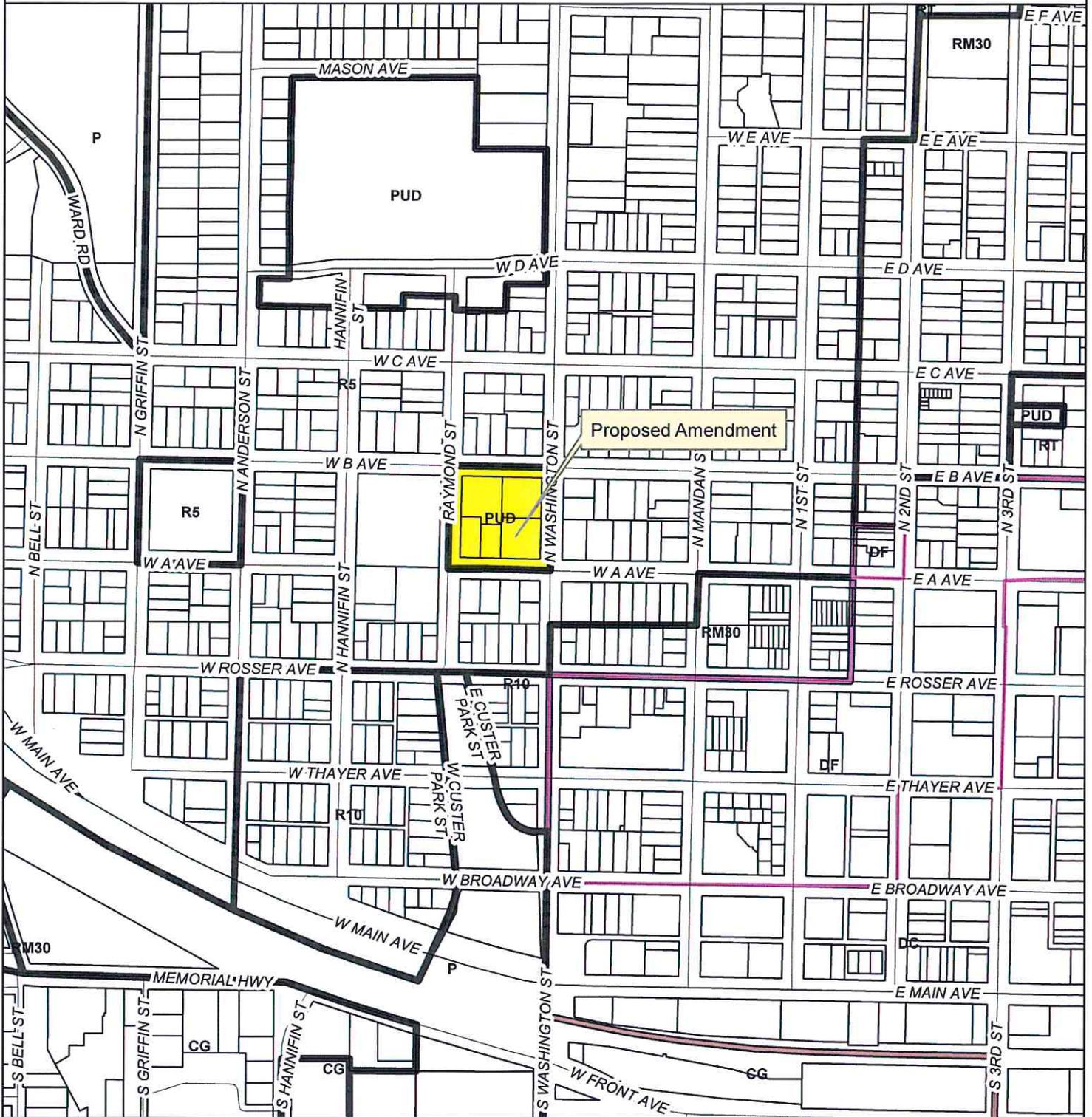
NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

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

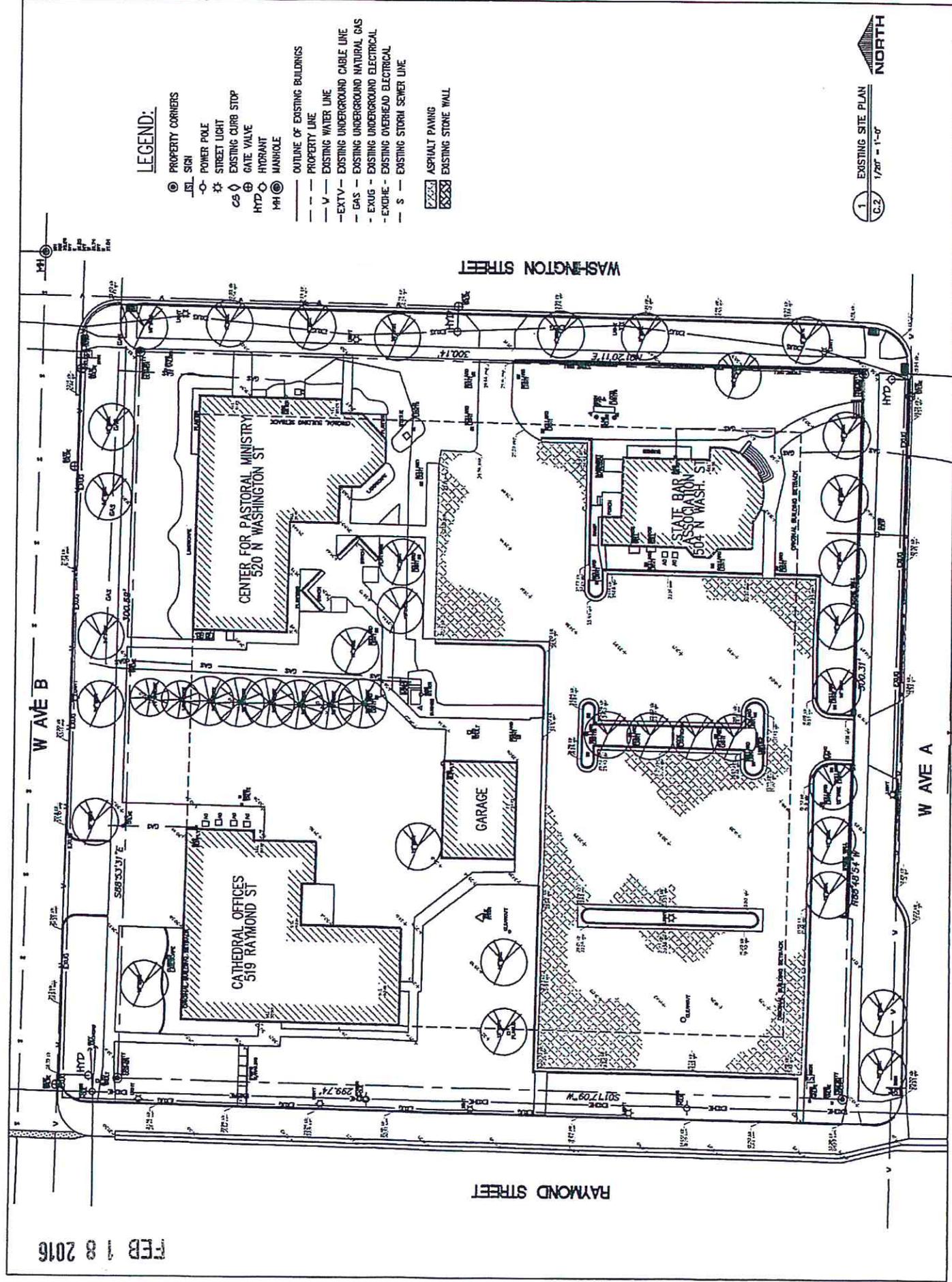


June 15, 2015 (hlb)

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



FEB 18 2016



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

AL FITTNER, ARCHITECT PC
200 THIRD AVE NW
PO BOX 129 MANDAN, NORTH DAKOTA 58554
701-863-7544 FAX

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 described the objectives; and
 - 3) A copy of all proposed condominium agreements for common areas.
 - c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
 - 1) Elevations of the front and one side of a typical structure.
 - 2) A perspective of a typical structure, unless waived by the planning department.
2. Review and approval.
 - a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
 - b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.
3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:
 - a. Proposal conforms to the comprehensive plan.
 - b. Buffer areas between 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 # 12

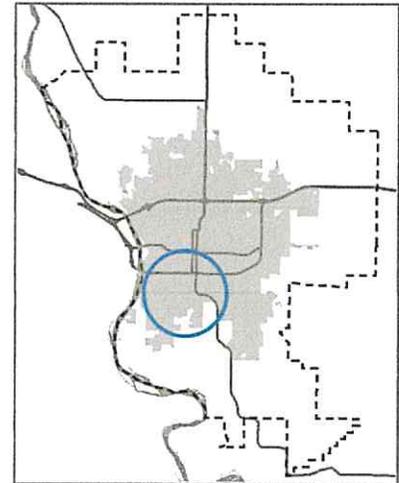
April 27, 2016

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

And 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;

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

- Part of Auditors 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 of the zoning change from the MA – Industrial zoning district to the P – Public zoning district for the property described as:

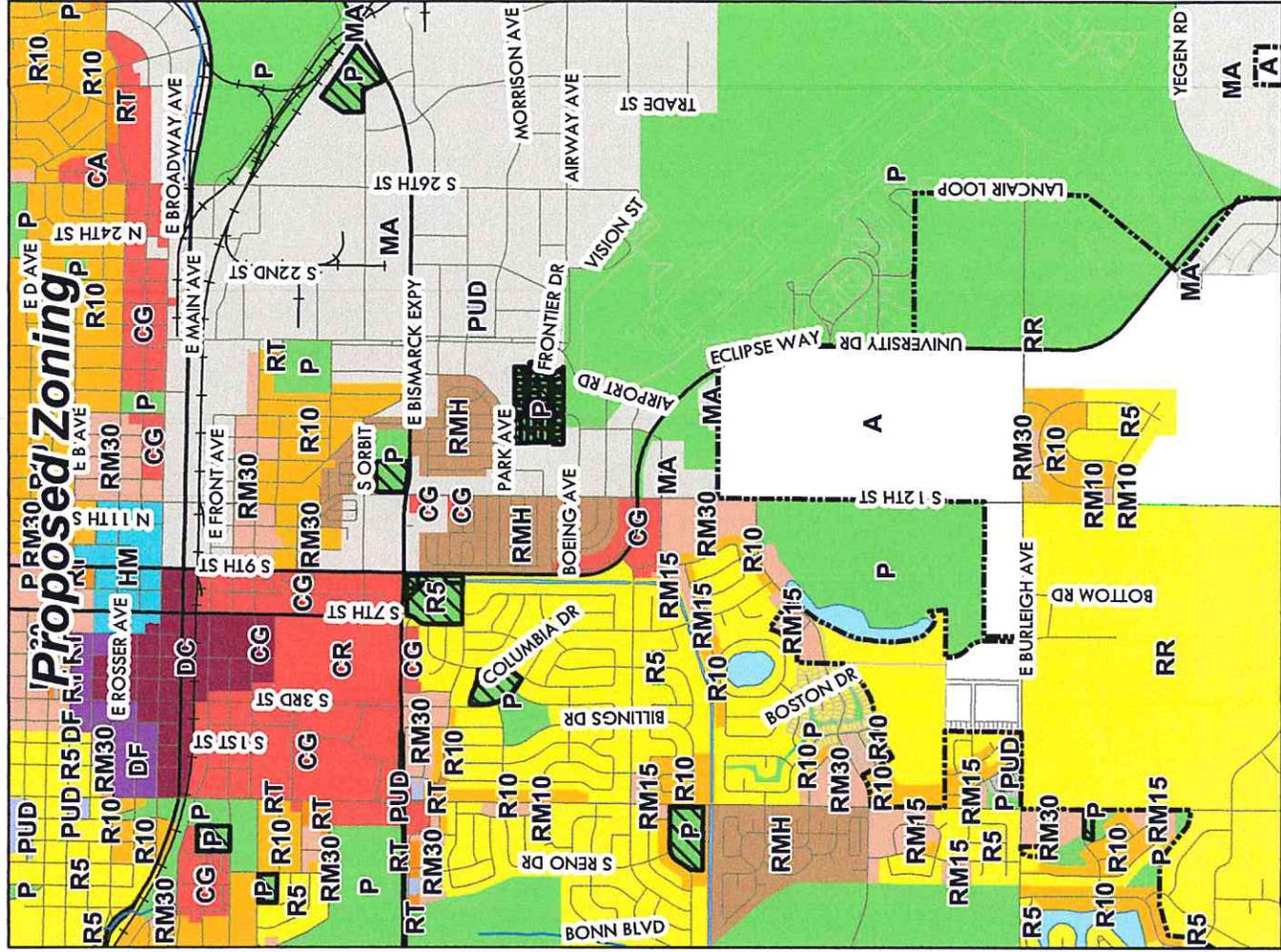
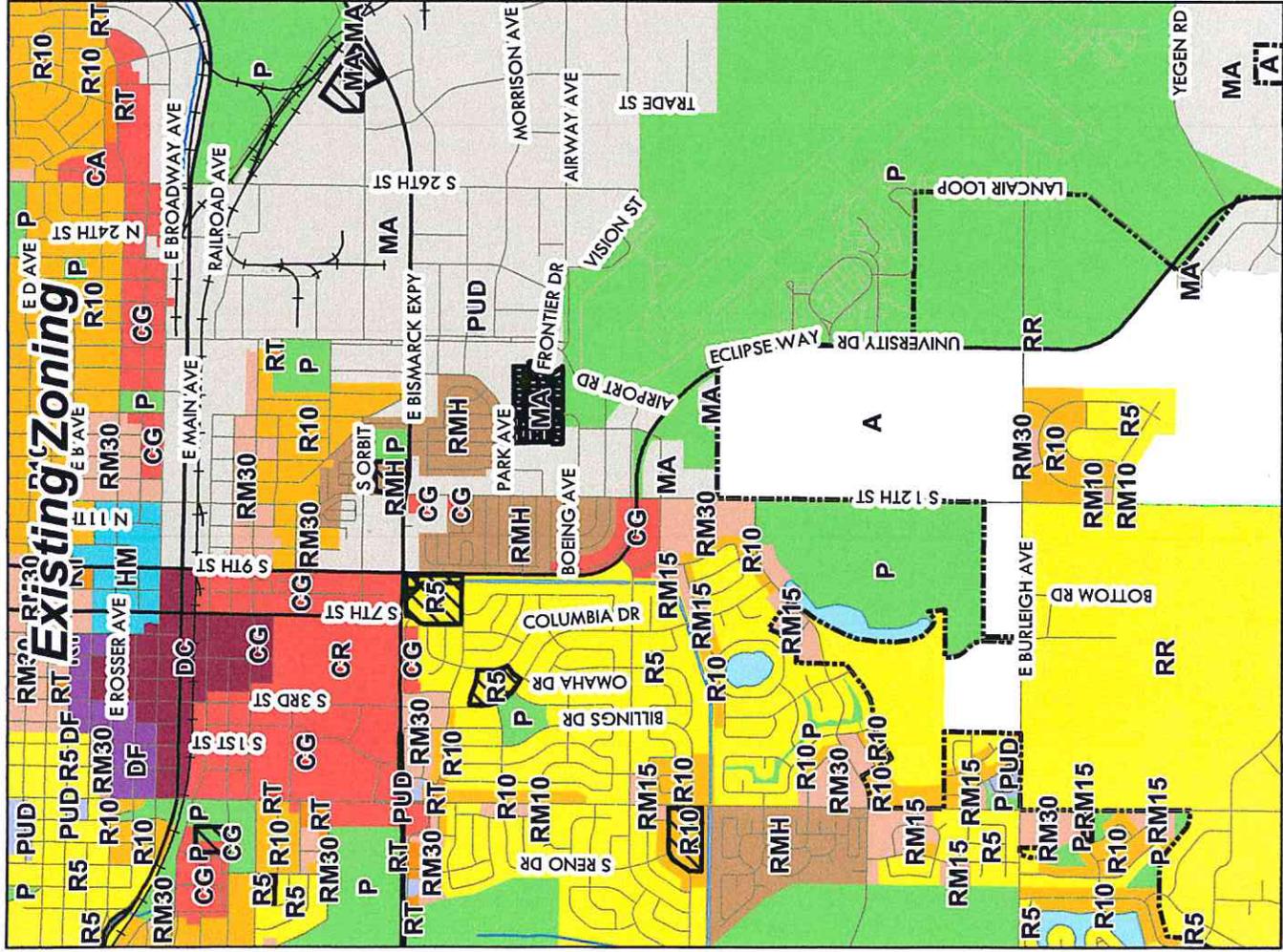
- All of Blocks 2 and 4, and Lots 1 – 7 of Block 3, Lots 1 – 6 of Block 5, and Lots 6 – 9 of Block 6, Shamrock Industrial Park
- Lot 13, Block 1, Sloven 2nd Subdivision and Parcel 45C of Section 2, T138N-R80W/Lincoln Township.

Attachments

1. Location Map
 2. Zoning Map
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Various P-Public District Zoning Changes (Phase 5) - 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.



March, 2016





STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

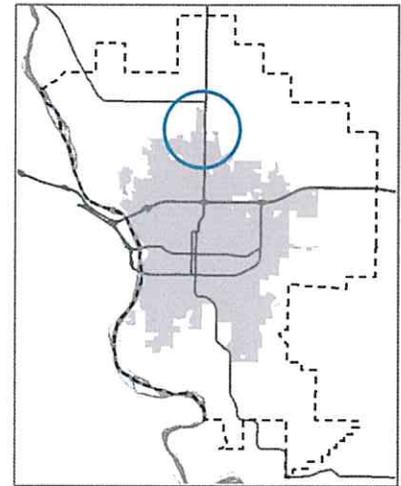
Agenda Item # 13
 April 27, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-002

Project Summary

| | |
|-------------------------|--|
| Title: | Lot 3, Block 1, Hay Creek Pines |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Ian Fyfe |
| Project Contact: | Alvie Jarratt, Straightway Construction, Inc. |
| Location: | In north Bismarck, east of US Highway 83, between 97 th Avenue NE and 84 th Avenue, along the west side of Forest Drive. |
| Project Size: | 1.99 acres |
| Request: | Approval of a special use permit for an oversized accessory building that would increase the total area of accessory buildings on the property to 2,750 square feet by constructing a 2,400 square foot accessory building with a 350 square foot covered patio. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|--|--|--|
| Number of Lots: | 1 lot | Number of Lots: | 1 lot |
| Land Use: | Rural residential | Land Use: | Rural residential |
| 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: | RR – Residential | Zoning: | RR – Residential |
| Uses Allowed: | RR – Large lot single-family residential and limited agriculture | Uses Allowed: | RR – Large lot single-family residential and limited agriculture |
| Max Density Allowed: | RR – 1 unit per 65,000 square feet | Max Density Allowed: | RR – 1 unit per 65,000 square feet |

Property History

| | | | | | |
|---------------|----------|-----------------|---------|-----------------|-----|
| Zoned: | Pre-1980 | Platted: | 08/1979 | Annexed: | N/A |
|---------------|----------|-----------------|---------|-----------------|-----|

(continued)

Staff Analysis

Section 14-03-06 of the City Code of Ordinances (Incidental Uses) limits the maximum area of accessory buildings for a lot of this size located in the RR – Residential zoning district to 2,400 square feet. However, the total area of accessory buildings may be increased to a maximum area of 3,200 square feet provided a special use permit is approved by the Bismarck Planning and Zoning Commission.

The applicant is proposing to construct a 2,400 square foot accessory building with a 350 square foot covered patio. If approved as proposed, the total area of accessory buildings located on the property would be increased to 2,750 square feet.

Required Findings of Fact

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;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. 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 and;
7. 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 special use permit for an oversized building that would increase the total area of accessory buildings on the property to 2,750 square feet by constructing a 2,400 square foot accessory building with a 350 square foot patio Lot 3, Block 1, Hay Creek Pines.

Attachments

1. Location Map
2. Site Plan

Staff report prepared by: Jenny Wollmuth, Planner
710-355-1845 | jwollmuth@bismarcknd.org

Proposed Special Use Permit Lot 3, Block 1, Hay Creek Pines



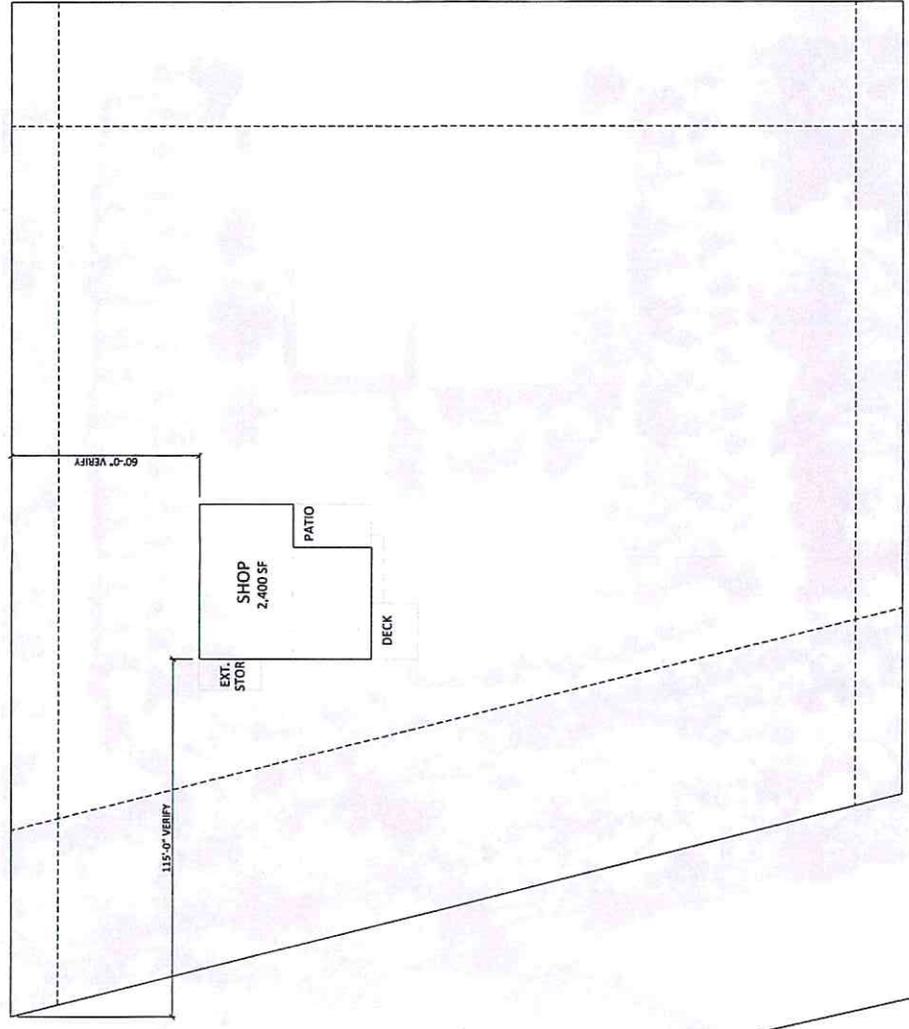
June 15, 2015 (hlb)

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



RECEIVED
MAR 7 2016

These drawings are for CONCEPTUAL PURPOSE ONLY. They are not to be used for construction. The contractor is responsible for verifying the accuracy, local code requirements, and other information. The contractor is responsible for providing information that may lead to approval for the project or building in the project.



1 SITE PLAN
1/2\"/>

zoning district: RR

LOT: HAYCREEK PINES SUBDIVISION
9506 Forest Drive, Bismarck, ND
- Verify lot line locations and site information as required

ZONING DISTRICT:
- Lot Size (approx): 83,000sf
- Front yard setback: 40'
- Side yard: min. 15' & sum of width of two side yards not less than 20% of lot width
- 290' * 2 = 58' / 2 = 29'
- Rear yard: min. 50' & 20% of depth of lot (under 75')
- 290' * 2 = 58'
- Height of Accessory structure: 25'
- Accessory Buildings:
- Max 2,400sf for 65,000sf+ lot
- Max Wall Height: 14'

COVENANTS:
- Verify as req'd



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 14

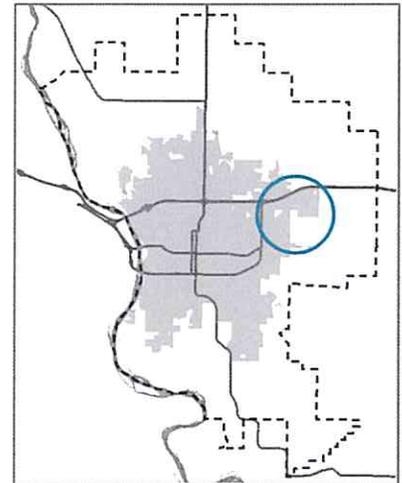
April 27, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-XXX

Project Summary

| | |
|-------------------------|---|
| Title: | The NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Joseph and Peggy Holzer |
| Project Contact: | Peggy Holzer |
| Location: | East of Bismarck, north of County Highway 10, between 80th Street NE and 93rd Street NE, along the south side of 17th Avenue NE. |
| Project Size: | 40 acres |
| Request: | Approval of a special use permit for an oversized accessory building that would increase the total area of accessory buildings on the property to 7,000 square feet by constructing a 5,000 square foot accessory building. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|-----------------------------|-----------------------|-----------------------------|-----------------------|
| Number of Lots: | 1 parcel | Number of Lots: | 1 parcel |
| Land Use: | Agriculture | Land Use: | Agriculture |
| Designated GMP | Urban Reserve | Designated GMP | Urban Reserve |
| Future Land Use: | | Future Land Use: | |
| 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 |
|---------------|-----|-----------------|-----|-----------------|-----|

(continued)

Staff Analysis

Section 14-03-06 of the City Code of Ordinances (Incidental Uses) limits the maximum area of accessory buildings for a lot of this size located in the A – Agriculture zoning district to 4,000 square feet. However, the total area of accessory buildings may be increased to a maximum area of 7,500 square feet provided a special use permit is approved by the Bismarck Planning and Zoning Commission.

There is an existing 2,000 square foot accessory building, which was constructed in 2005, located on the property. The applicant is proposing to construct an additional 5,000 square foot accessory building. If approved as proposed, the total area of accessory buildings located on the property would be increased to 7,000 square feet.

Required Findings of Fact

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;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. 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 and;
7. 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 special use permit for an oversized building that would increase the total area of accessory buildings on the property to 7,000 square feet by constructing a 5,000 square foot accessory building on the NE ¼ of the NW ¼, Section 33 less right-of-way, T139N-R79W/Gibbs Township.

Attachments

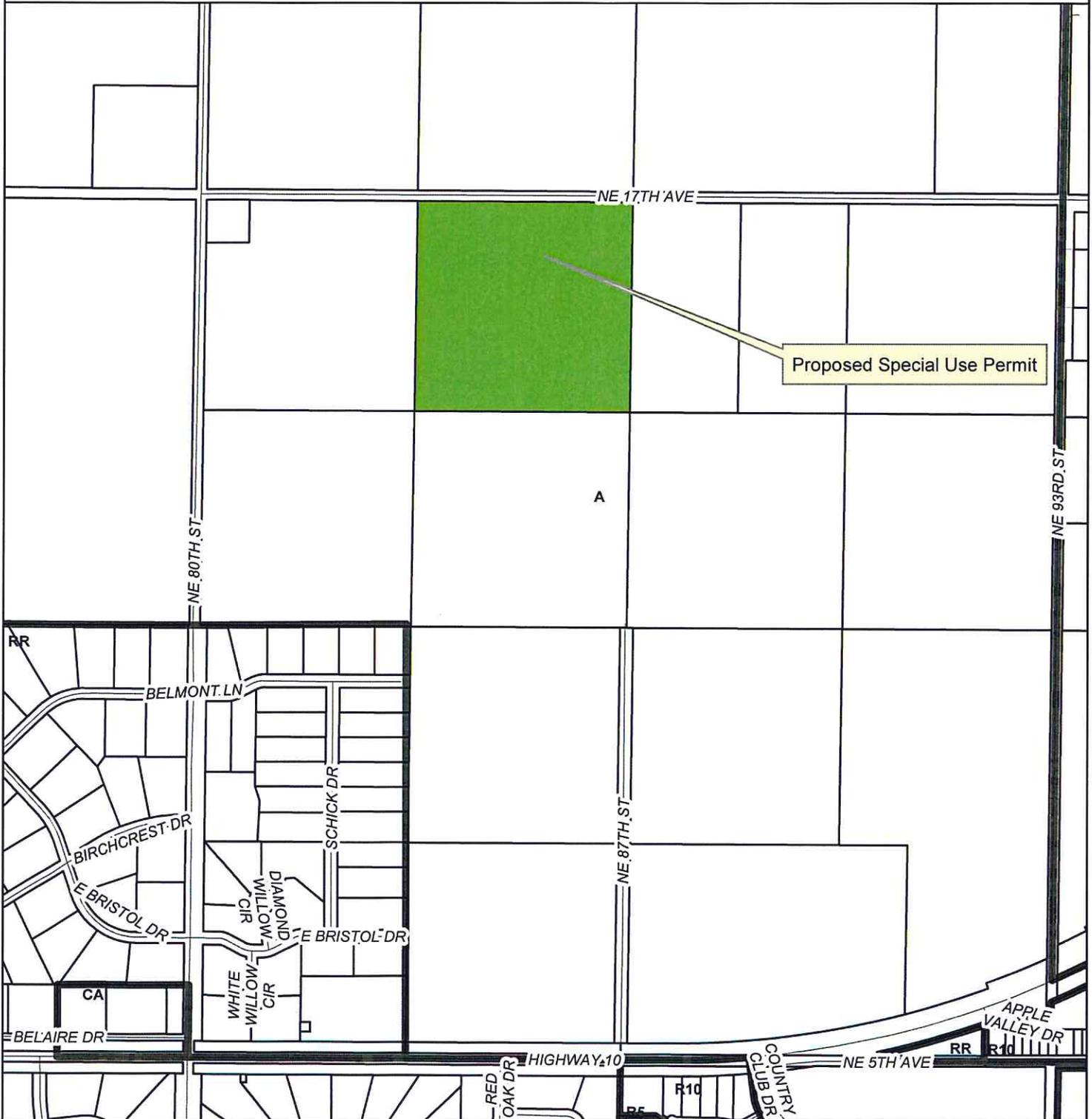
1. Location Map
2. Reduction of Final Plat

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

Proposed Special Use Permit

The NE1/4 of the NW1/4 of Section 33 less the right-of-way

T139N-R79W/Gibbs Township



June 15, 2015 (h1b)

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**NE1/4 of the NW1/4 of Section 33 less the right-of-way,
T139N-R79W/Gibbs Township (8445 17th Avenue NE)**



Date: 4/13/2016

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 15

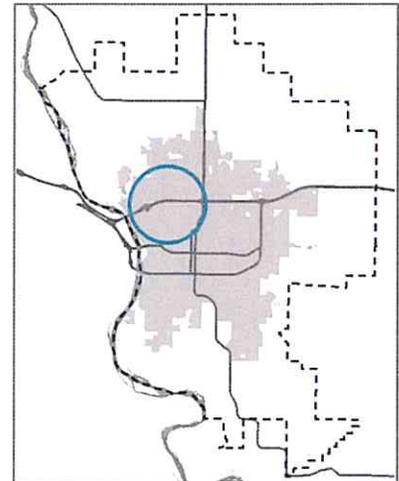
April 27, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-004

Project Summary

| | |
|-------------------------|---|
| Title: | Lots 1-8, Block 25, Casey's 4 th Addition |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Good Shepherd Lutheran Church |
| Project Contact: | Bill Bauman, YMCA |
| Location: | In central Bismarck, in the southeast quadrant of the intersection of North Washington Street and East Divide Avenue. |
| Project Size: | 66,482 square feet |
| Request: | Approval of a special use permit to operate a child care center. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|--|--|--|
| Number of Lots: | 1 lot | Number of Lots: | 1 lot |
| Land Use: | Religious facility | Land Use: | Religious facility with child care center |
| 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: | R10 – Residential | Zoning: | R10 – Residential |
| Uses Allowed: | R10 – Single and two-family residential | Uses Allowed: | R10 – Single and two-family residential |
| Max Density Allowed: | R10 – 10 units / acre | Max Density Allowed: | R10 – 10 units / acre |

Property History

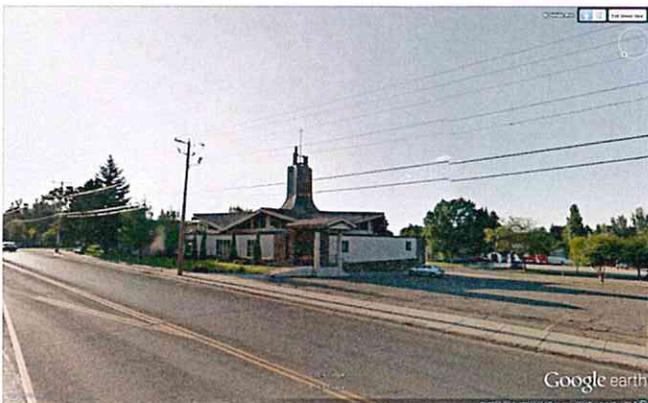
| | | | | | |
|---------------|----------|-----------------|----------|-----------------|----------|
| Zoned: | Pre-1980 | Platted: | Pre-1980 | Annexed: | Pre-1980 |
|---------------|----------|-----------------|----------|-----------------|----------|

(continued)

Staff Analysis

A child care center is allowed as a special use in the R10 - Residential zoning district, provided certain conditions are met. The proposed child care center does not meet all five (5) provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses). In particular, the required outdoor play area is proposed to be located within the required twenty-five (25) foot building setback line along East Divide Avenue and the required off-street parking spaces cannot be met. A copy of the ordinance is attached.

The applicant has requested approval of variances from Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses) to allow the required outdoor play area to be located within the twenty-five (25) foot building setback and to reduce the number of required off-street parking spaces associated with the proposed special use. A public hearing on this request is scheduled for the May 7, 2016 meeting of the Board of Adjustment. Approval of the proposed variances is a condition of staff's recommendation of approval of the proposed special use.



(Good Shepherd Church, taken from East Divide Avenue looking east)

The proposed child care center will operate as a summer program and an after school program and is intended to accommodate 90 children ages six (6) to twelve (12) years. The child care center will employ 7 staff and the hours of operation will be Monday through Friday from June 4 to August 12 from 6:30am to 6pm and Monday through Friday from 3:00pm to 6:00pm during the school year.

The applicant has been working with the Building Inspection Division and the Fire Department to ensure that all of the requirements to establish and operate a child care center are met.

The City Traffic Engineer has concerns regarding the location of the proposed outdoor recreation area. In particular, the height of the required fence and the location of a walk through gate. Although, Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses) does not specify provisions that require a maximum fence height and location of walk through gates. Staff suggests that the required outdoor play area be fenced with a 6 foot non-climbable fence and that a walk through gate not open toward East Divide Avenue.

Required Findings of Fact

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, provided variances from Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses) are approved as proposed by the Board of Adjustment;
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;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. 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 and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a child care center on Lots 1-8, Block 25, Casey's 4th Addition with the following condition.

1. Variances from Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses) to allow the required outdoor play area to be located within the twenty-five (25) foot building setback and to reduce the number of required off-street parking spaces associated

with the proposed special use be approved by the Board of Adjustment.

Attachment

1. Location Map
2. Site Plan
3. Building Plan
4. Section 04-03-08(4)(q) of the City Code of Ordinances

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

Proposed Special Use Permit

Lots 1-8, Block 25, Casey's 4th Addition



June 15, 2015 (h1b)

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



14-03-08(4)(q)

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
2. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
3. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
4. Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.
5. Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 16

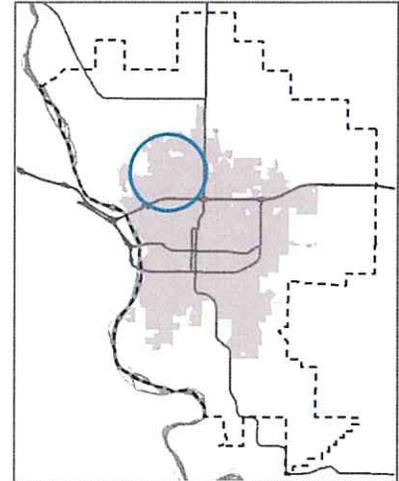
April 27, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2015-016

Project Summary

| | |
|-------------------------|--|
| Title: | Lot 2, Block 1, Munich Addition |
| Status: | Planning & Zoning Commission – Public Hearing |
| Owner(s): | Trotter Properties, LLC. |
| Project Contact: | Tana Trotter |
| Location: | In central Bismarck, along the south side of West divide Avenue, southeast of the intersection of West Divide Avenue and West Turnpike Avenue. |
| Project Size: | 88,810 square feet |
| Request: | Approval of a special use permit to operate a Child Care Center. |



Site Information

| Existing Conditions | | Proposed Conditions | |
|--|--|--|--|
| Number of Lots: | 1 lot | Number of Lots: | 1 lot |
| Land Use: | Fitness club | Land Use: | Fitness club with child care center |
| 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 | Zoning: | CG – Commercial |
| Uses Allowed: | CG – General commercial, multi-family residential, and offices | Uses Allowed: | CG – General commercial, multi-family residential, and offices |
| Max Density Allowed: | CG – 42 units / acre | Max Density Allowed: | CG – 42 units / acre |

Property History

| | | | | | |
|---------------|--|-----------------|--|-----------------|----------|
| Zoned: | Pre-1980 (Prairie Hills) 11/2002 (Horizon View) | Platted: | Pre-1980 (Prairie Hills) 11/2002 (Horizon View) 06/2014 (Munich Addition) | Annexed: | Pre-1980 |
|---------------|--|-----------------|--|-----------------|----------|

(continued)

Staff Analysis

If approved as proposed, this would be the second special use permit for the property. A special use permit for a drive-through was approved by the Planning and Zoning Commission at their meeting of October 24, 2016.

A child care center is allowed as a special use in the CG – Commercial zoning district, provided certain conditions are met. The proposed child care center meets all five (5) provisions outlined in Section 14-03-08(q) of the City Code of Ordinances (Special Uses). A copy of the ordinance is attached.

The proposed child care center is intended to accommodate 20 children ages two (2) months to eleven (11) years. However, the number and ages of the children will vary due to the drop-off environment of the proposed child care center. The child care center will employ 7 staff and the hours of operation will be from 8am to 7pm.

The applicant has been working with the Building Inspection Division and the Fire Department to ensure that all of the requirements to establish and operate a child care center are met.

The proposed child care center is located on the second floor of the building. The required outdoor recreation area is located on a second floor patio connected to the child care center and is surrounded by a 42" parapet wall on two sides. The City Fire Marshall has concerns with the proposed special use. In particular the height of the parapet wall surrounding the second floor outdoor recreation area and the potential for children to climb the wall and fall over the side. Although Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses) does not include provisions that require a maximum fence height. Staff suggests that the required outdoor play area be fenced with a 6 foot non-climbable parapet wall or fence.

Required Findings of Fact

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;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. 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 and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

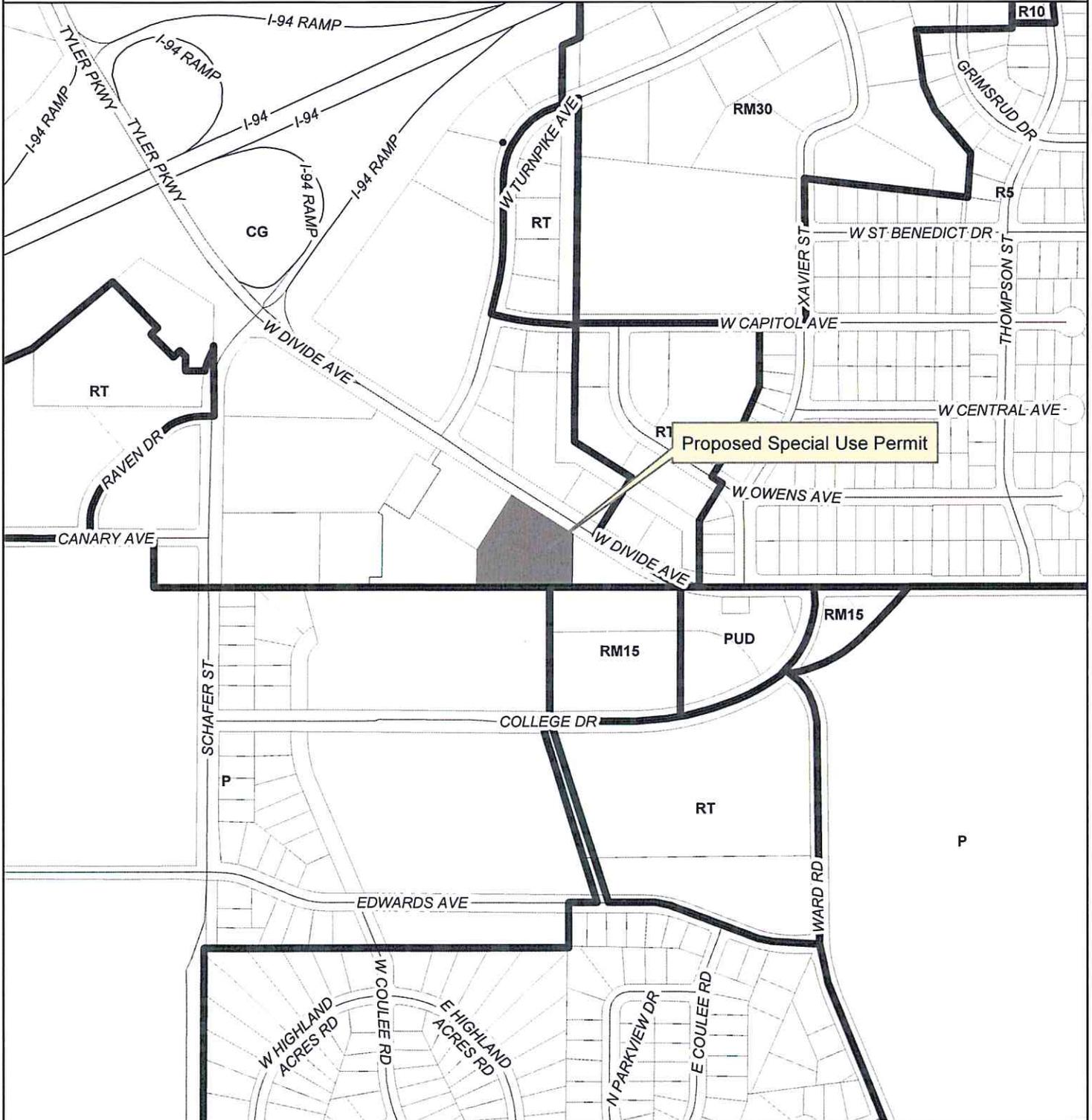
Based on the above findings, staff recommends approval of the special use permit to allow a child care center on Lot 2, Block 1, Munich Addition with the following condition.

1. The site must generally conform to the site plan submitted with the application.

Attachments

1. Location Map
2. Site Plan
3. Section 14-03-08(4)(q) of the City Code of Ordinances

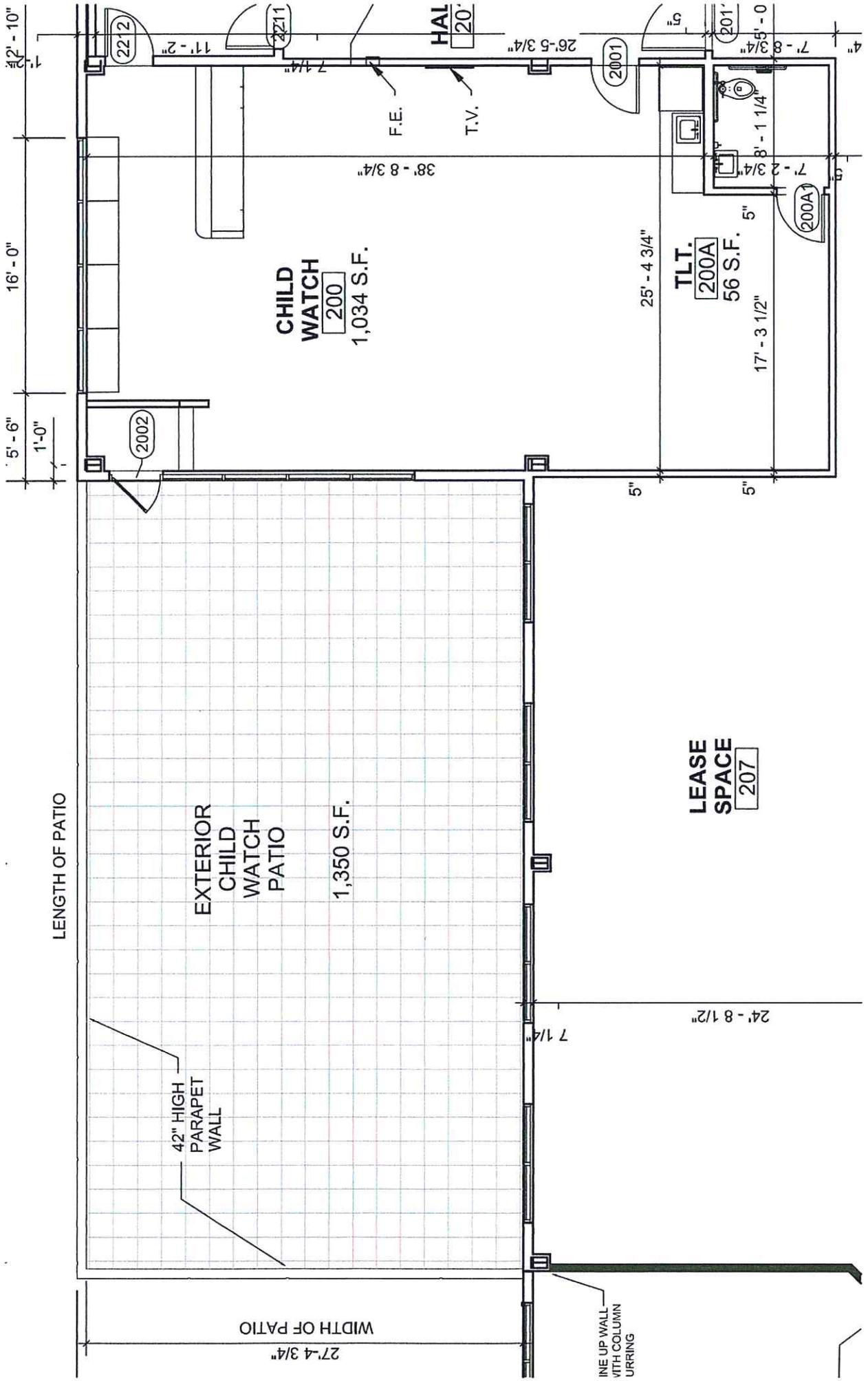
Proposed Special Use Permit Lot 2, Block 1, Munich Addition



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 herein.





14-03-08(4)(q)

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
2. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
3. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
4. Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.
5. Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 17
April 27, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-002

Project Summary

| | |
|-------------------|--|
| Title: | Accessory Solar Energy Systems |
| Status: | Planning & Zoning Commission – Public Hearing |
| 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

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

Planning Basis for Amendment

In the State of North Dakota, all zoning ordinances must be “made in accordance with a Comprehensive Plan.” The Accessory Solar Energy System amendment implements several City of Bismarck planning objectives. The 2012 Bismarck Strategic Plan contains two relevant goals:

- 7. Respect, protect, and enhance our community’s natural environment; and
- 2. Promote efforts to beautify, preserve, and enhance our aesthetically pleasing community.

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

The ordinance is written to provide a reasonable balance between these two goals, encouraging use of renewable energy while protecting existing residential neighborhoods. Additionally, the 2014 Growth Management Plan includes a tactic under goal #2 to “require underground placement or screening of utilities where possible,” which could be considered applicable to solar collection 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

(continued)

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. 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 |
| <small>(Source: U.S EIA)</small> | |

Energy Production

| | |
|--|----------|
| Rated output per SF for a mid-cost panel system: | 14 Watts |
| <small>(Source: Reynold Miller)</small> | |

| | |
|---|---------|
| Average output per rated Kw per month in Bismarck | 144 kWh |
| <small>(Source: U.S EIA)</small> | |

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. Because of the size of rural lots, the impact of larger solar arrays on surrounding neighbors is limited.

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.

(continued)

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.



Solar over parking at Cincinnati Zoo

Source: Wikimedia

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 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 approval of the attached zoning ordinance text amendment relating to accessory solar energy systems.

Attachments

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

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

2. An accessory 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.

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

1. A building-integrated accessory 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 accessory 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 accessory solar energy system that is ground-mounted or pole-mounted, not attached to a structure, shall meet the following requirements:

1. Freestanding accessory systems shall be counted toward lot coverage requirements of the underlying zoning district.

2. No freestanding accessory solar energy system on a residential property may exceed eight hundred (800) square feet in area per dwelling unit, except that such 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 in area per acre of land in the lot or parcel.

3. No freestanding accessory solar energy 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.

4. A freestanding accessory solar energy 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.

5. No freestanding accessory solar energy 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.

6. No freestanding accessory solar energy system may extend into or over a legally-recorded easement.

7. All abandoned or unused freestanding accessory 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 an accessory 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 accessory solar energy system shall be buried.

2. All exterior electrical and plumbing lines, batteries, and other appurtenant features serving a building-mounted accessory solar energy 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 accessory solar energy 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:

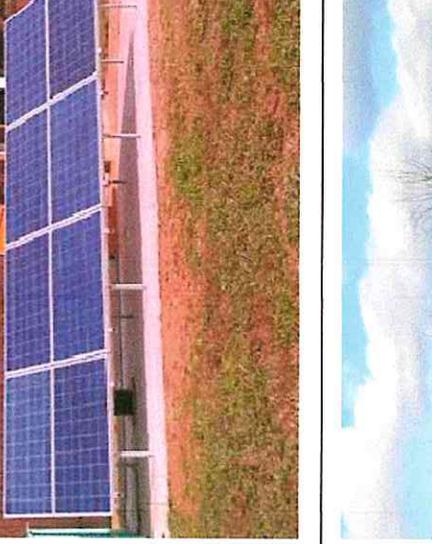
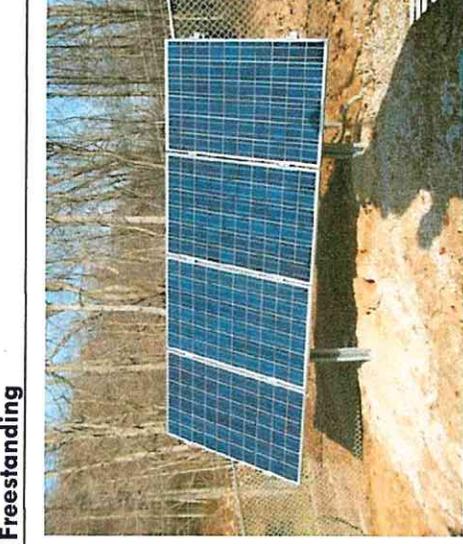
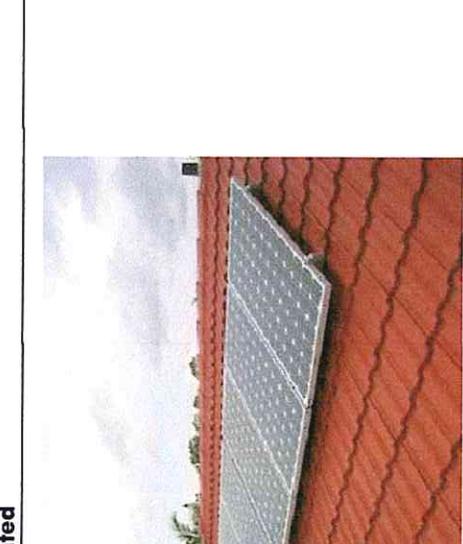
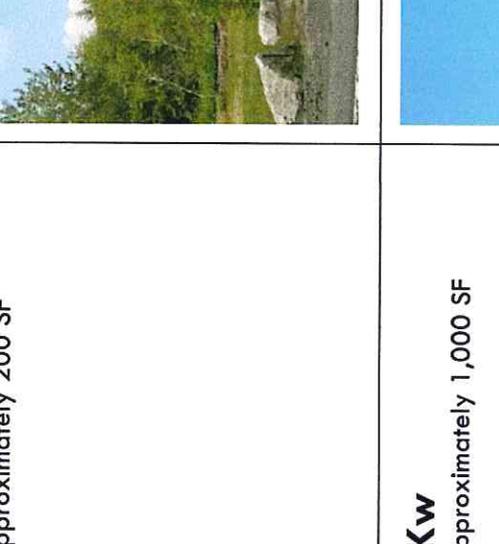
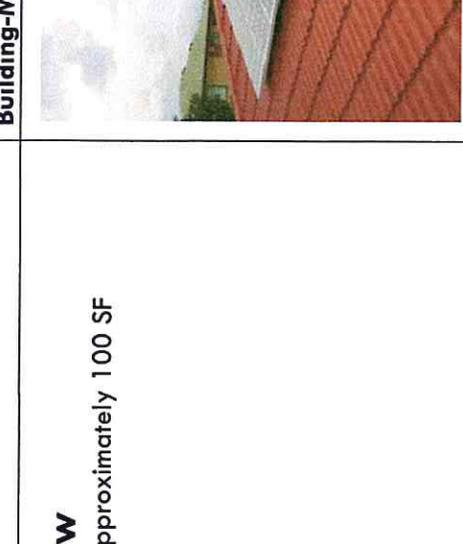
1. For freestanding accessory solar energy systems, a scaled and dimensioned site plan of the lot or parcel, including existing structures on the

lot, location and orientation of proposed system, property lines, required setbacks, easements, rights-of-way, and a utility diagram applicable to the proposed system.

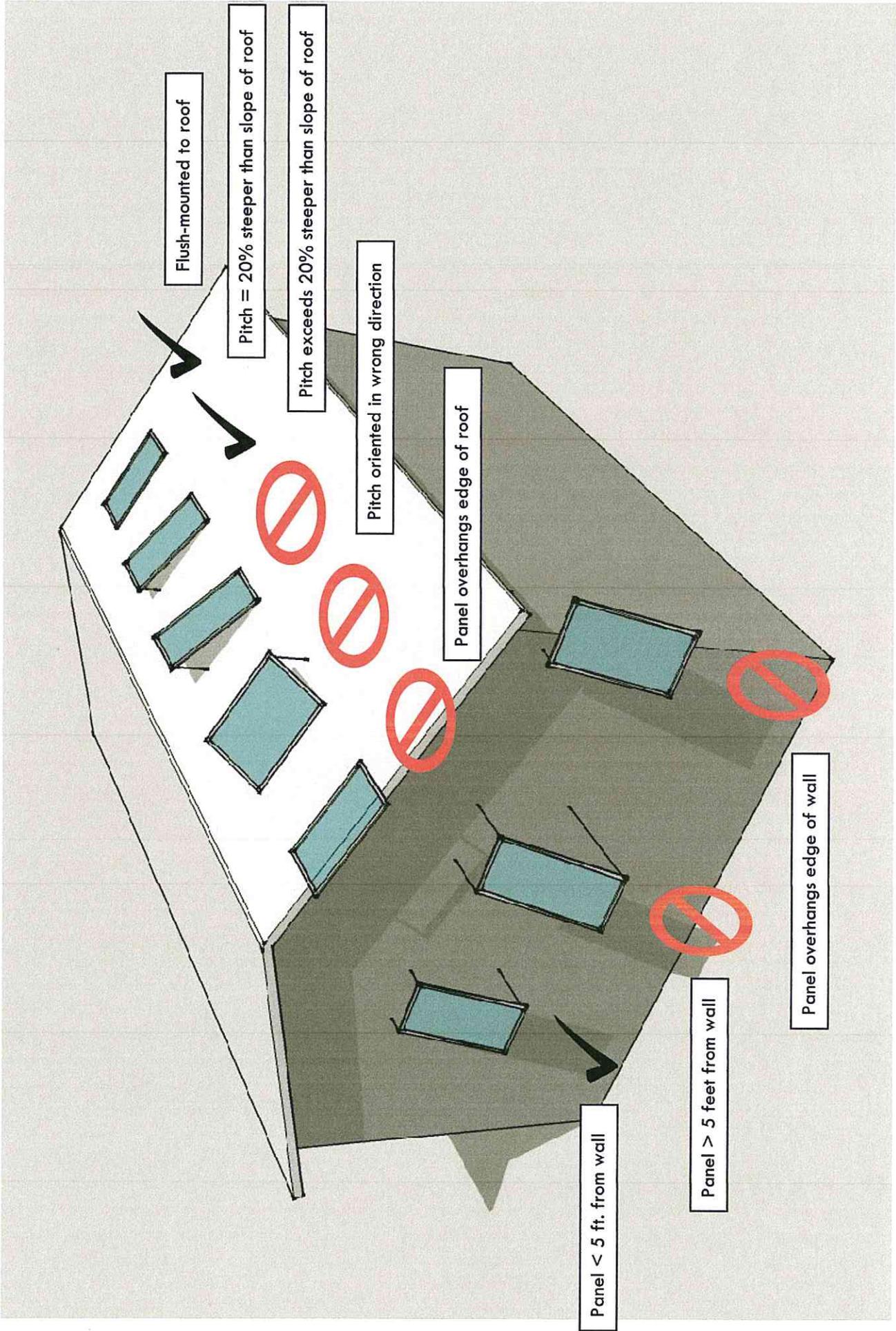
2. Specifications and/or drawings of the system and any component parts provided by the manufacturer, including heights and lengths at various positions for adjustable systems.

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

