



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION
MEETING AGENDA
May 25, 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 April 27, 2016 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

- 2. Silver Ranch First Addition (DN) Future Land Use Plan Amendment, Section 19, Gibbs Township | FLUP2016-001..... 1
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
3. Cottonwood Lake Sixth Addition Second Replat (JW) Zoning Change (Conditional RM10 to RM10) | ZC2016-011 9
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
4. Southland Second Addition First Replat (DN) Zoning Change (RM15 to PUD) | ZC2016-012..... 13
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
5. Lots 4 & 5, Block 4, Meadowlark Commercial Seventh Addition (Klee) Zoning Change (RT to CA) | ZC2016-008..... 21
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny
6. Part of Wachters Addition, Wachters Addition Replat, part of Replat of Kavaney Commercial Park and part of Boutrous 2nd Addition (DN) City-Initiated Zoning Change (CR to CG) | ZC2016-013 25
Staff recommendation: schedule a hearing [] schedule a hearing [] table [] deny



7. **Accessory Dwelling Units (DN)**
 Zoning Ordinance Text Amendment | ZOTA2016-00433
Staff recommendation: schedule a hearing *schedule a hearing* *table* *deny*

REGULAR AGENDA

PUBLIC HEARINGS

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

8. **Schilling First Addition (Klee)**
 Planned Unit Development Amendment | PUDA2016-003.....45
Staff recommendation: approve *approve* *continue* *table* *deny*
9. **Lots 1-4, Block 1, Gary Nelson Addition (Klee)**
 Zoning Change (R5 to R10) | ZC2016-00559
Staff recommendation: approve *approve* *continue* *table* *deny*
10. **Various Lots and Tracts in Bismarck ETA (DN)**
 City-Initiated Zoning Change - Phase 6 of 6
 (A, RR & R5 to P) | ZC2016-008.....63
Staff recommendation: approve *approve* *continue* *table* *deny*

OTHER BUSINESS

11. **Infill and Redevelopment Plan**69
12. **Certificate of Appreciation – Mel Bullinger**
13. **Other**

ADJOURNMENT

14. **Adjourn.** The next regular meeting date is scheduled for **June 22, 2016.**

Enclosures: Meeting Minutes of April 27, 2016
 Building Permit Activity Month to Date Report for April 2016
 Building Permit Activity Year to Date Report for April 2016



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

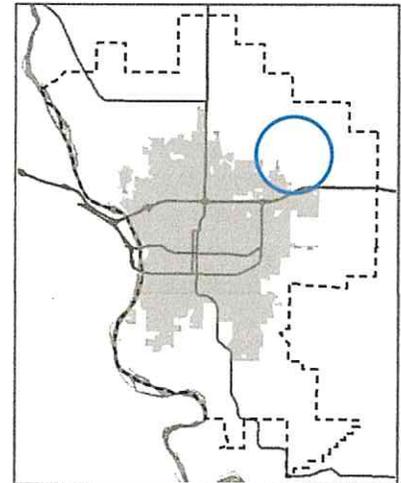
Agenda Item # 2
 May 25, 2016

Application for: Future Land Use Plan Amendment

TRAKiT Project ID: FLUP2016-001

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, including amending the Future Land Use Plan to support the proposed zoning.



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	Medium Density Residential/Mixed Use
Future Land Use:	Medium Density Residential Conservation	Future Land Use:	Commercial/Mixed Use Low Density Residential Medium Density Residential Conservation
Zoning:	A – Agricultural RR – Residential	Zoning:	R5 – Residential R10 – Residential RT – Residential CA – Commercial CG – Commercial P – Public Use

(continued)

<i>Uses Allowed:</i>	A – Agriculture RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential RT – Offices and multi-family residential CA – Neighborhood commercial CG – General commercial, multi-family residential, and offices P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre RT – 30 units / acre CA – 30 units / acre CG – 42 units / acre P – N/A

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The preliminary plat and zoning change request for Silver Ranch First Addition were introduced during the April meeting of the Planning and Zoning Commission. The current request is to amend the Future Land Use Plan in the 2014 Growth Management Plan, as amended, to allow a greater intensity of commercial and residential uses than the Future Land Use Plan currently allows.

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 the conservation area outlined in the Future Land Use Plan very closely, with a preserved greenway dedicated along the east side of the plat.

The applicant is proposing to rezone some of the land along 43rd Avenue NE to facilitate commercial, office, and multifamily residential uses. In the previous report, staff opined that the overall character of the “development block” could still reasonably be considered low-density residential because of the small scale of other uses proposed. However, the applicant has requested an increased intensity of uses in the

northern portions of the subdivision, which no longer can be interpreted to fit within the intent of the Future Land Use Plan.

Based on the attached amendment request from the applicant, staff recommends amending the northern portion of the area to Medium-Density Residential Mixed Use, which is defined in the 2014 Growth Management Plan as:

“Medium Density Residential Mixed Use: Mixed use areas with medium density residential as the dominant use, typically accounting for more than 50% of the overall development area.”

This also includes a small area to the west of the proposed plat for Silver Ranch Addition.

Staff is currently not comfortable with a large amount of commercial uses in this area for two reasons. There are existing rural residential and proposed low-density residential uses in close proximity, and the primary commercial area is proposed to be due east of this location along the 66th Street corridor. Development of a commercial corridor too soon could preempt demand for commercial uses near a future interchange, where the location is more suitable.

(continued)

The Medium-Density Residential Mixed Use area would allow a reasonable amount of commercial and office uses, mostly to serve the surrounding neighborhood. Staff will work with the applicant to determine zoning districts that match the intent of the Future Land Use Plan, including potentially conditional zoning districts, with the understanding that staff may not recommend approval of the zoning changes as they are currently proposed.

Required Findings of Fact

1. The proposed amendment is compatible with adjacent land uses;
2. The proposed amendment is justified by a change in conditions since the future land use plan was established or last amended;
3. The Gibbs Township Board of Supervisors will be notified of the proposed amendment prior to the public hearing;
4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;

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

Staff Recommendation

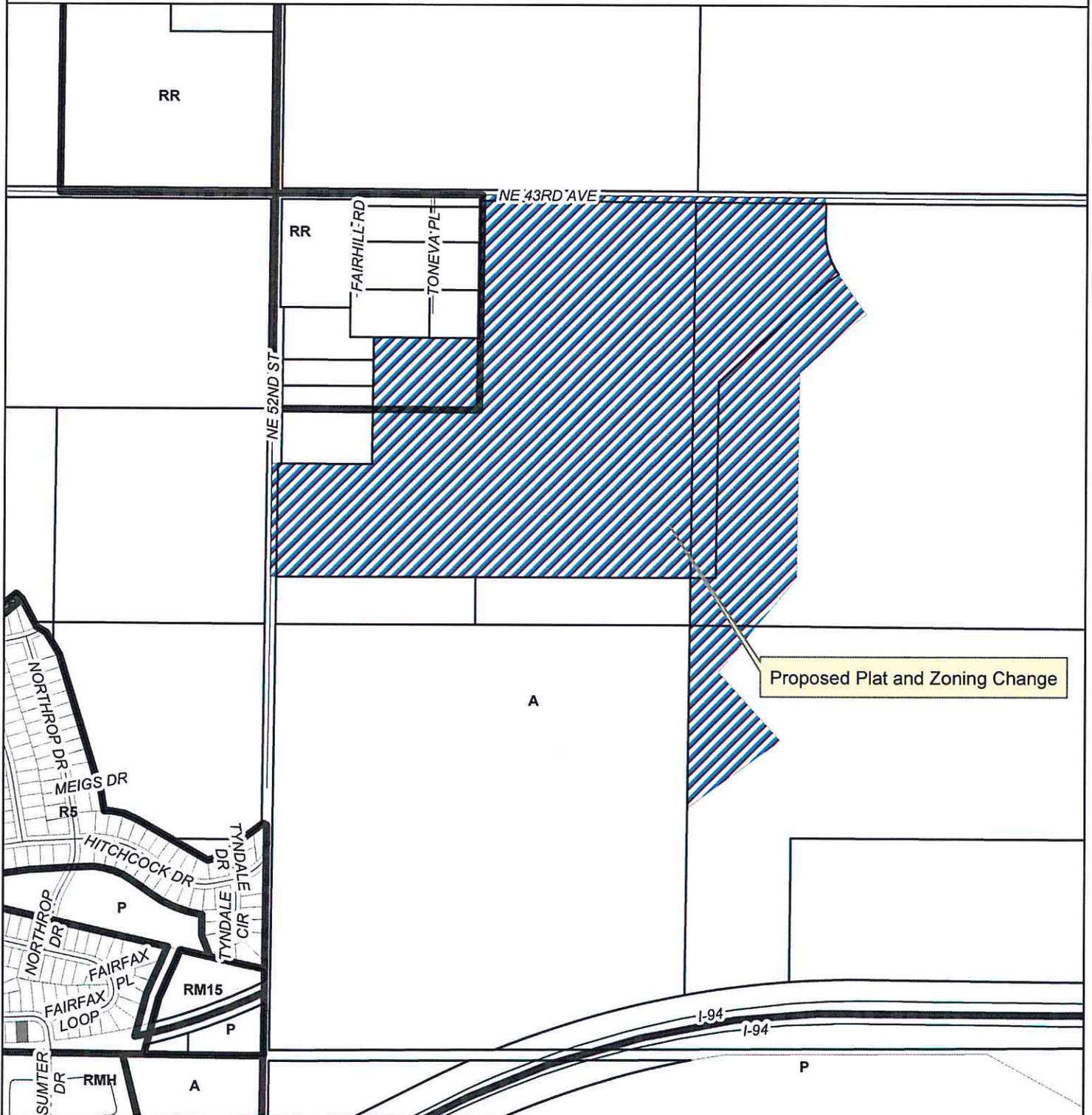
Based on the above findings, staff recommends scheduling a public hearing to amend the Future Land Use Plan in the 2014 Growth Management Plan, as amended, from Low Density Residential to Medium Density Residential Mixed Use in the N ½ of Section 19, T139N-R79W/Gibbs Township as shown in the attached map.

Attachments

1. Location Map
2. FLUP Amendment Map
3. Request to Amend Future Land Use Plan
4. Proposed Zoning Map submitted with Final 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



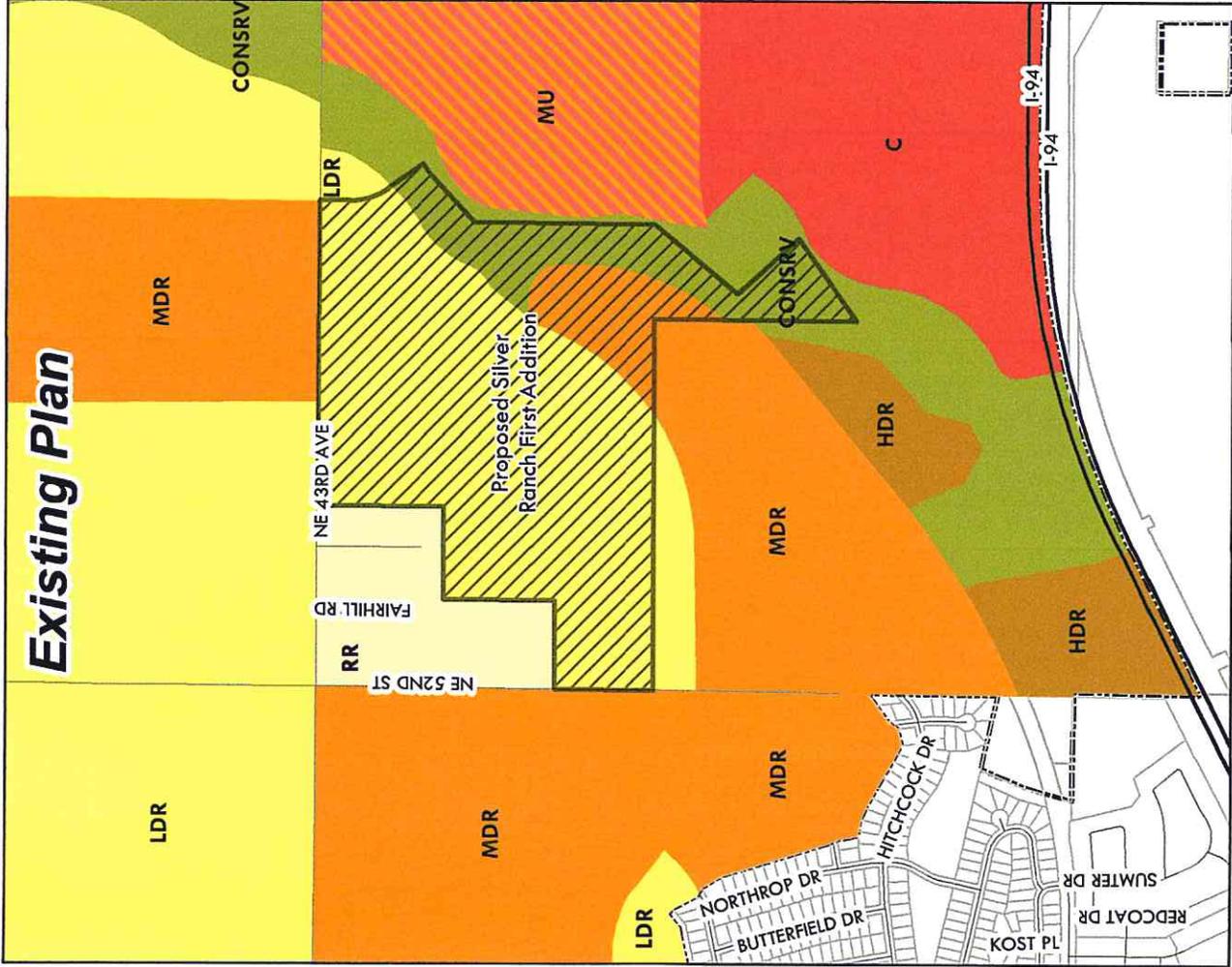
June 15, 2015 (h1b)

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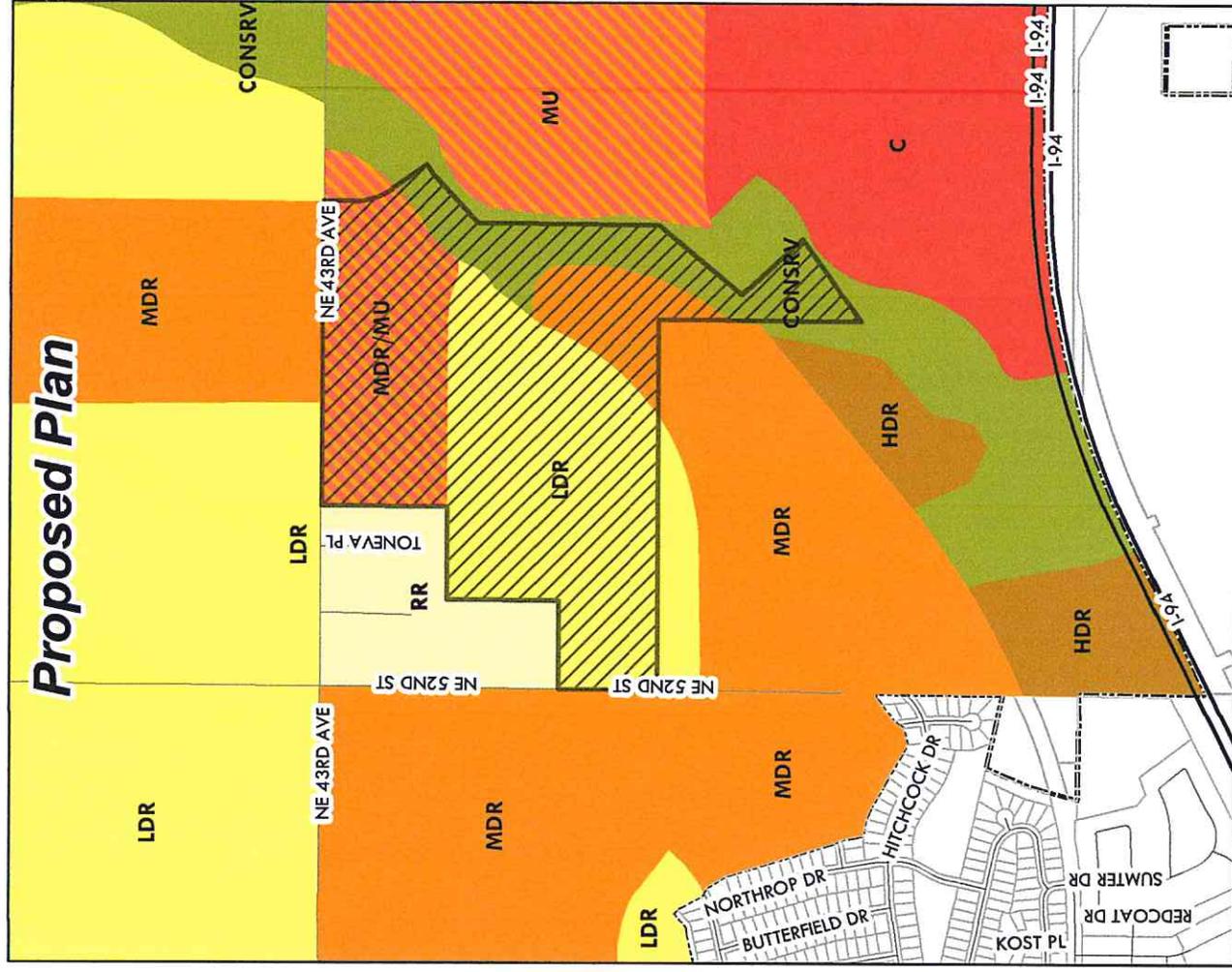


Silver Ranch First Addition - Future Land Use Plan Change (LDR to MDR/MU)

Existing Plan

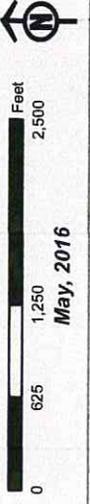


Proposed Plan



LDR = Low Density Residential
 MDR = Medium Density Residential
 HDR = High Density Residential
 C = Commercial
 CONSRV = Conservation
 RR = Rural Residential
 MDR/MU = Medium Density Residential Mixed Use

This map is for representational use only and does not represent a survey.
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Building a Better World
for All of Us®

May 17, 2016

RE: City of Bismarck
Land Use Amendment for Silver Ranch
First Addition
SEH No. 14.00

Daniel Nairn, AICP
Planner
City of Bismarck
221 N. 5th Street
Bismarck, ND 58506

Dear Daniel Nairn:

SEH on behalf of WW investments, requests a future land use plan amendment for Silver Ranch 1st Addition. 43rd Avenue, which is the northern border, has been identified as a principal arterial for Bismarck. We request the land use change from low density residential to include medium and high density residential land uses with commercial and commercial mixed-use adjacent to the 43rd Avenue corridor. The beltway project proposed on 66th Street will also convey traffic to the 43rd Avenue corridor. The *Northeast Bismarck Subarea Study* identified 43rd Avenue as a high volume roadway. We feel that the low density residential category is a nonconforming use adjacent to such a corridor. We propose the amendment to allow the zoning submitted with the final plat for Silver Ranch 1st Addition.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

A handwritten signature in black ink, appearing to read "Toni Haider", is written over the typed name.

Toni Haider
Engineer

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Engineers | Architects | Planners | Scientists

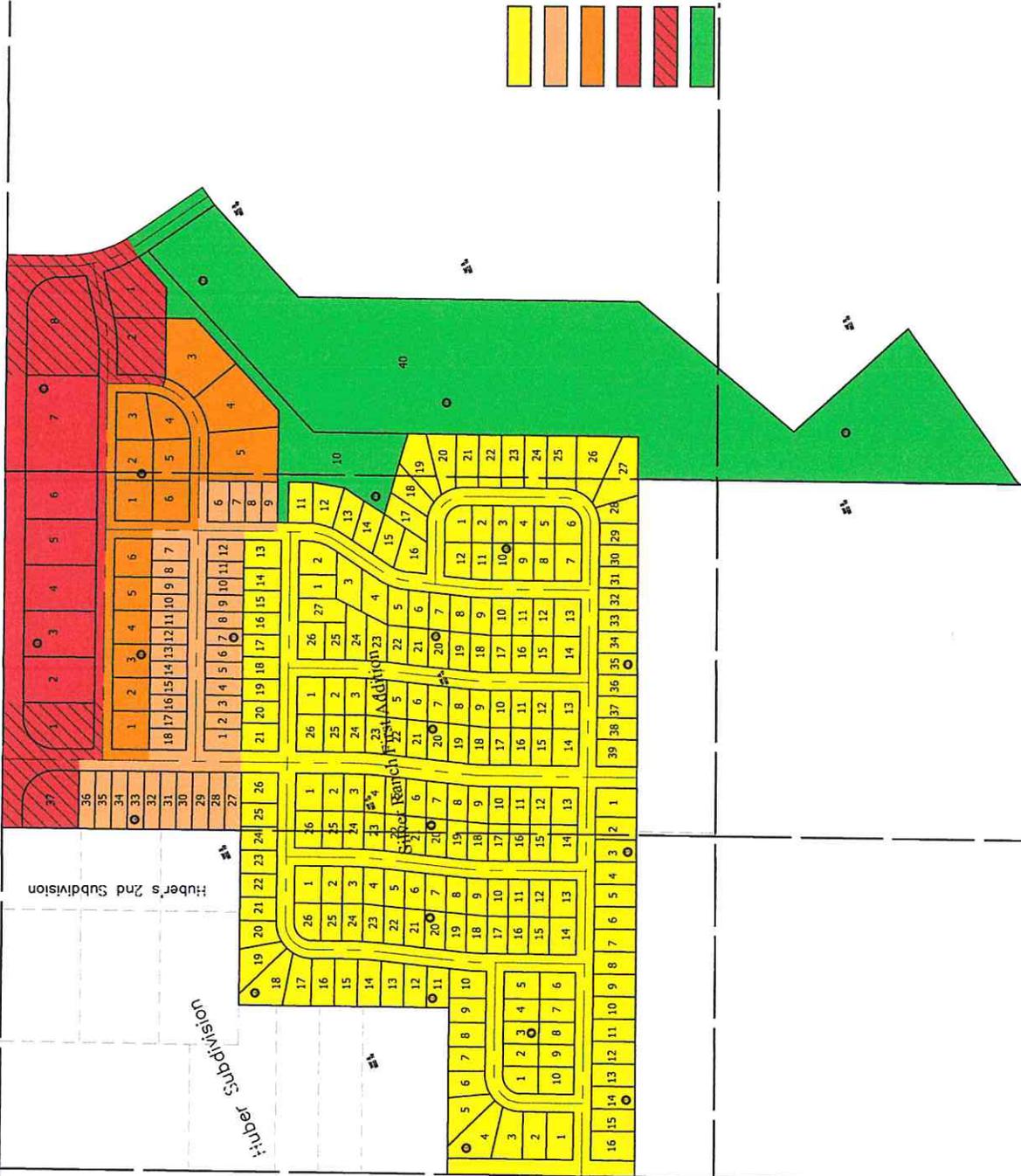
Short Elliott Hendrickson Inc., 4719 Shelburne Street, Suite 6, Bismarck, ND 58503-5677
SEH is 100% employee-owned | sehinc.com | 701.354.7121 | 888.908.8166 fax

SILVER RANCH FIRST ADDITION ZONING MAP

DESCRIPTION:

AUDITOR LOTS B & C AND PART OF THE EAST HALF OF SECTION 19

EXISTING ZONING	PROPOSED ZONING
A	R5
A	R10
A	RT
A	CA
A	CG
A	P



PHONE: 701.354.7121
 4715 SHELBOURNE ST., SUITE 6
 BUSINESS CENTER 5877
 WWW.SEH.COM



Date: 4/21/16



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

Agenda Item # 3

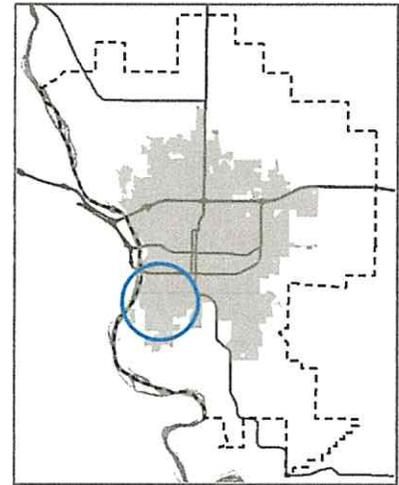
May 25, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-011

Project Summary

Title:	Cottonwood Lake Sixth Addition Second Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Sattler Homes Inc.
Project Contact:	Dave Patience, Swenson, Hagen & Co.
Location:	In south Bismarck, south of Wachter Avenue along the north side of Irvine Loop and east side of South Washington Street.
Project Size:	40,763 square feet
Request:	Rezone property from Conditional RM10 to RM10



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2	Number of Lots:	9
Land Use:	Undeveloped	Land Use:	Multi-family 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:	Conditional RM10 – Residential	Zoning:	RM10 – Residential
Uses Allowed:	One four-unit condo on Lot 1 and Lot 2, Block 1, Cottonwood lake 6 th Addition Replat	Uses Allowed:	RM10 – Multi-family residential
Max Density Allowed:	RM10 – 10 units / acre	Max Density Allowed:	RM10 – 10 units / acre

Property History

Zoned:	08/2004 (Cottonwood Lake 6 th Addition) 08/2013 (Cottonwood Lake 6 th Addition Replat)	Platted:	08/2004 (Cottonwood Lake 6 th Addition) 08/2013 (Cottonwood Lake 6 th Addition Replat)	Annexed:	08/2004 (Cottonwood Lake 6 th Addition)
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Staff Analysis

The proposed zoning change is being requested in conjunction with a minor subdivision plat titled Cottonwood Lake Sixth Addition Second Replat. The proposed minor plat will reconfigure Lots 1 and 2, Block 2, Cottonwood Lake Sixth Addition Replat to allow the construction of a series of row houses on Lots 1-9, Block 1, of the proposed minor plat.

This property was zoned Conditional RM10 – Residential in 2013 as the applicant intended to construct two 4-unit condos on Lots 1 & 2, Block 1, Cottonwood Sixth Addition Replat. In addition, a 15 foot wide landscape buffer yard along the north line of the property was required to be installed in conjunction with the development of the condos. The applicant has indicated that the 15-foot wide buffer will be installed prior to the development of the proposed row houses associated with the proposed zoning change.

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 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.

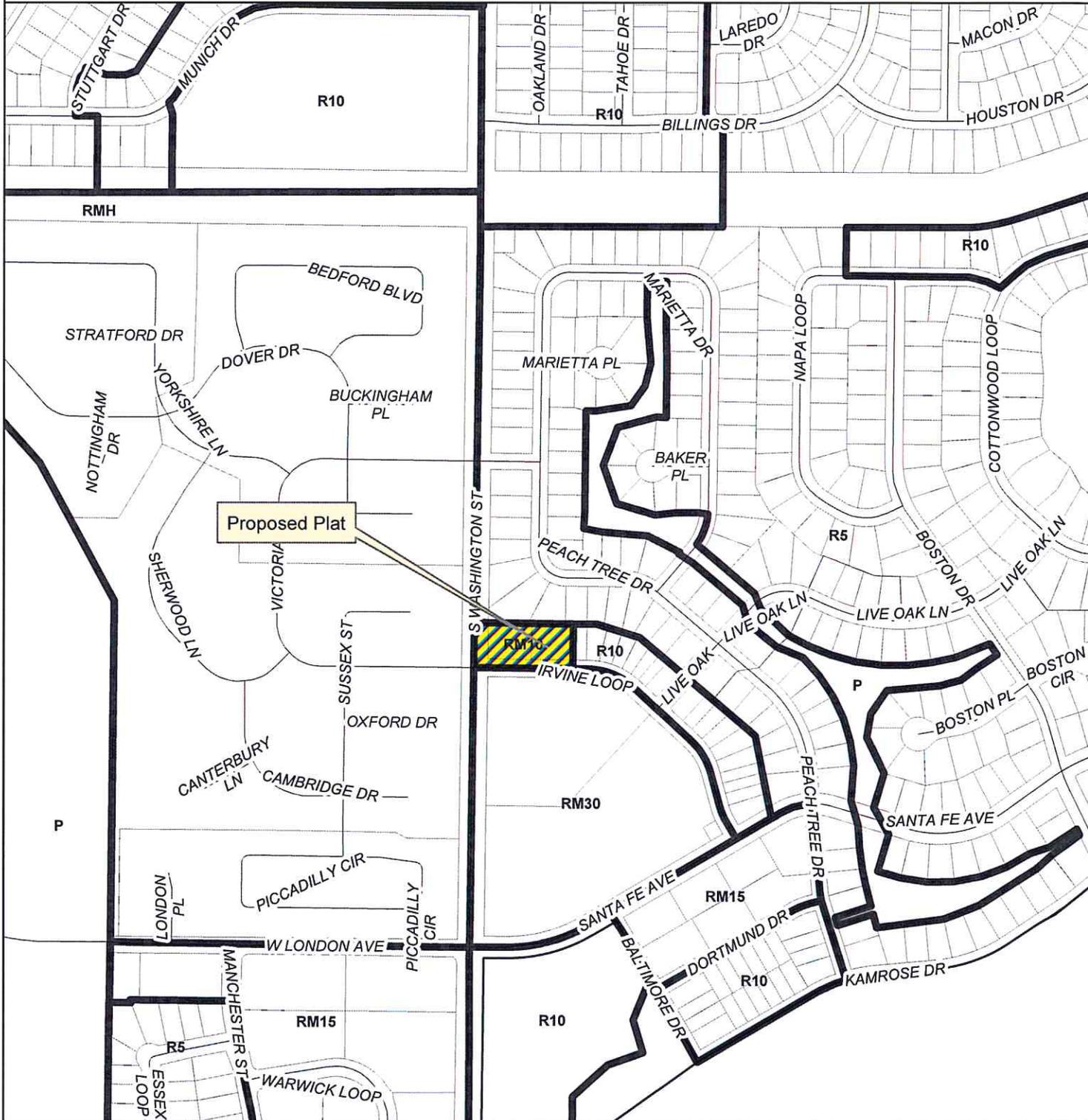
Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the Conditional RM10 – Residential zoning district to the RM10 – Residential zoning district for Cottonwood Lake Sixth Addition Second Replat.

Attachments

1. Location Map
2. Zoning Map

Proposed Minor Plat and Zoning Change (Conditional RM10 to RM10) Cottonwood Lake Sixth Addition Second Replat

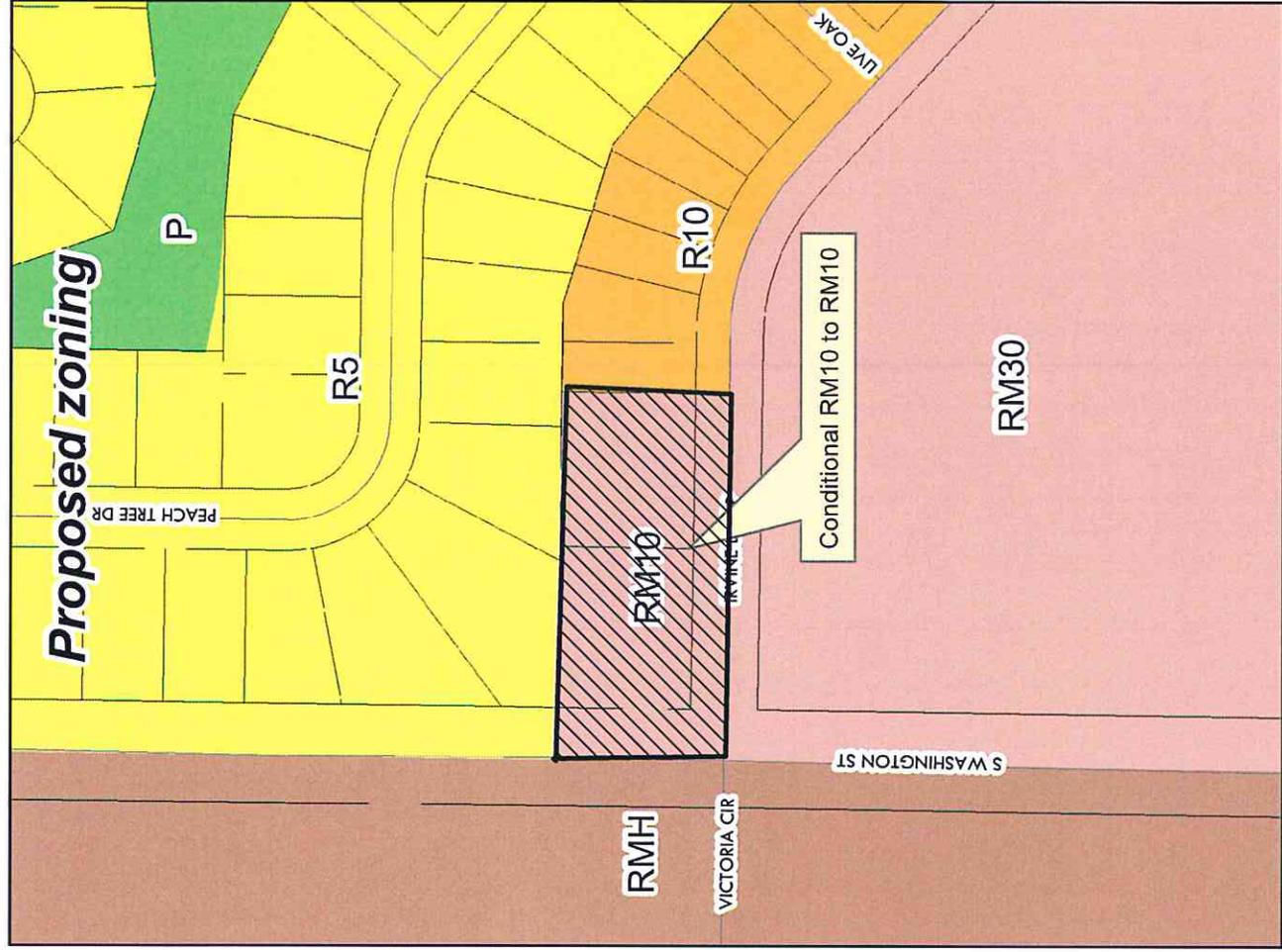
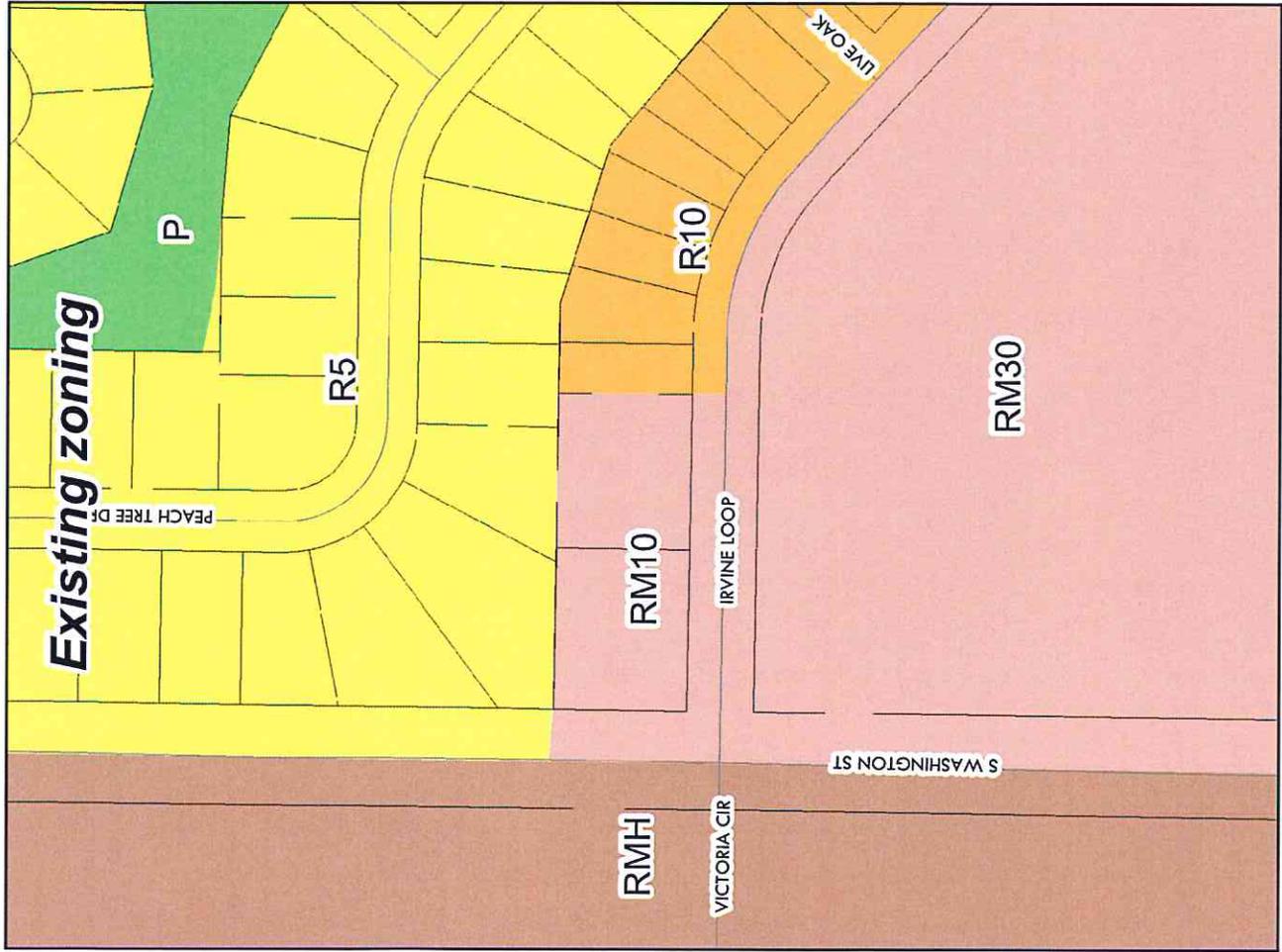


June 15, 2015 (hlb)

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Cottonwood lake Sixth Addition Second Replat (Conditional RM10 to RM10)



May, 2016

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STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

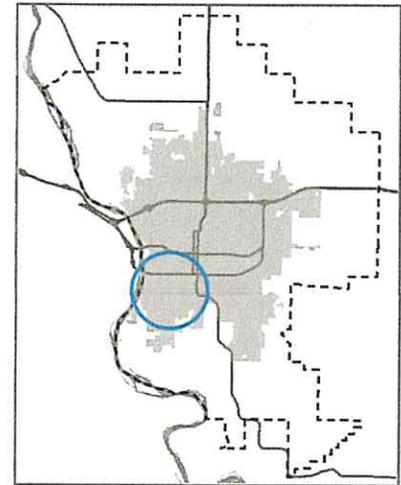
Agenda Item # 4
 May 25, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKIT Project ID: PUDA2016-012

Project Summary

Title:	Planned Unit Development, Southland 2 nd Addition 1 st Replat
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Sattler Homes, Inc.
Project Contact:	Jason Petryszyn, PE, Swenson Hagen & Co.
Location:	In south Bismarck, east of South Washington Street and north of East Burleigh Avenue.
Project Size:	5.87 Acres
Request:	Rezone to PUD to allow 4-unit residential dwellings.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	7	Number of Lots:	32
Land Use:	Undeveloped	Land Use:	Multifamily 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:	RM15 – Residential	Zoning:	PUD – Planned Unit Development
Uses Allowed:	RM15 – Multi-family residential	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	RM15 – 15 units / acre	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	6/24/2014	Platted:	9/2/2014	Annexed:	6/24/2014
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Staff Analysis

The property owner of Block 7 of Southland Second Addition proposes to replat the entire block to create individual lots for eight 4-unit residences. While the existing R15 – Residential zoning district allows this level of density, the plan would create lot sizes that are

below the minimum lot size in the RM15 district of 7,000 square feet.

The draft PUD ordinance includes use, setback, lot area, height, and common space restrictions that are tailored to the site plan proposed for this block. A copy of the draft PUD and site plan are attached to this report. The

(continued)

minor plat will be presented the following month during the public hearing for the zoning change to PUD.

The site would contain a single private roadway of 20' in width, which is the minimum allowable by ordinance, to serve the interior units. Garages and drives of units on the exterior of the block will be oriented toward either Santa Fe Avenue or the roadway to the south, which is likely to be renamed from Dortmund Drive to another unique name.

Required Findings of Fact

Planned Unit Development Amendment

1. The proposed amendment generally conforms to 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 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.

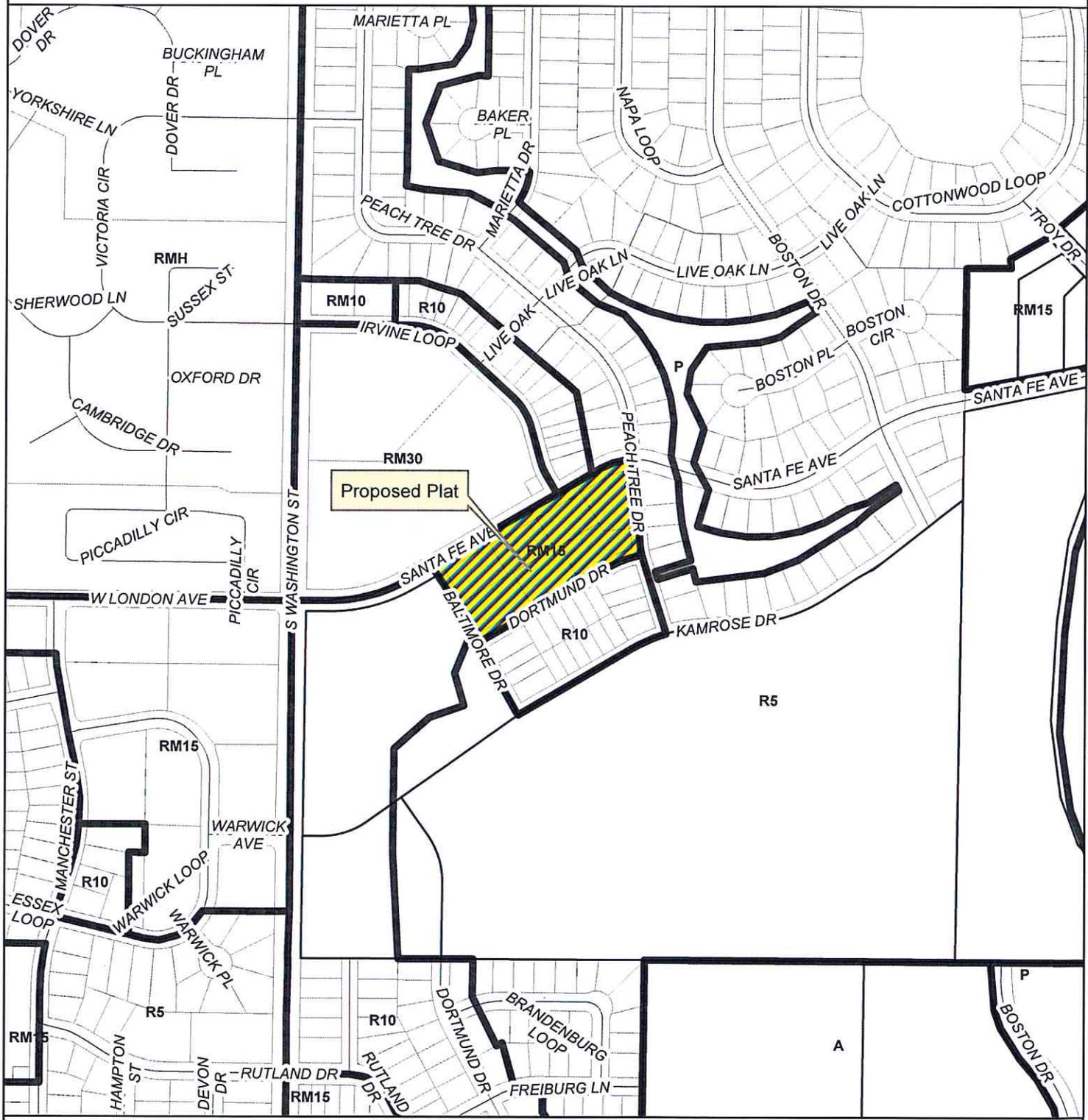
Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the major Planned Unit Development (PUD) amendment for Southland Second Addition 1st Replat, as outlined in the attached draft PUD ordinance.

Attachments

1. Location Map
2. Zoning Map
3. Draft PUD Ordinance
4. PUD Site Plan
5. Proposed Southland Second Addition 1st Replat

Proposed Minor Plat and Zoning Change (RM15 to PUD) Southland Second Addition First Replat

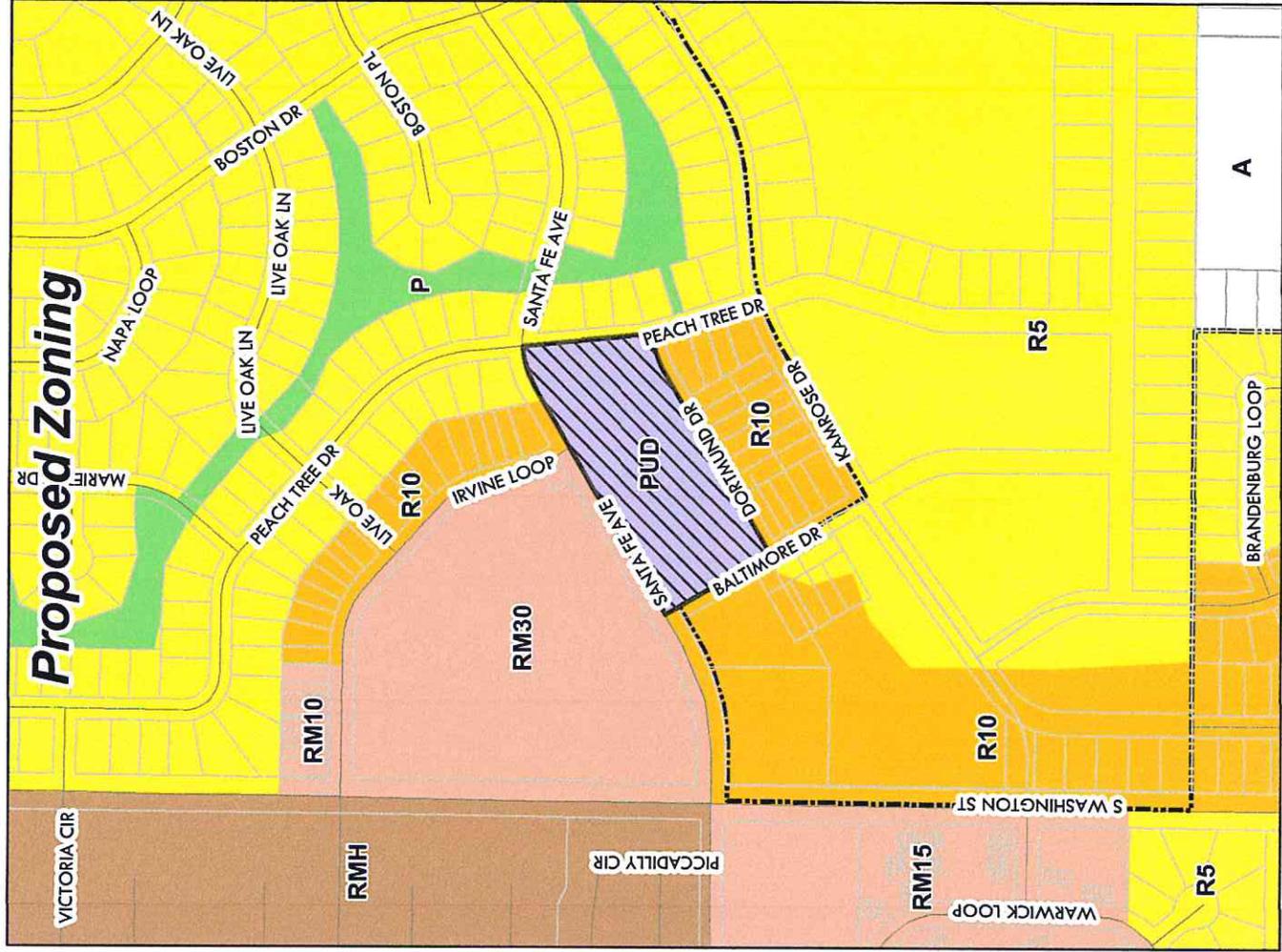
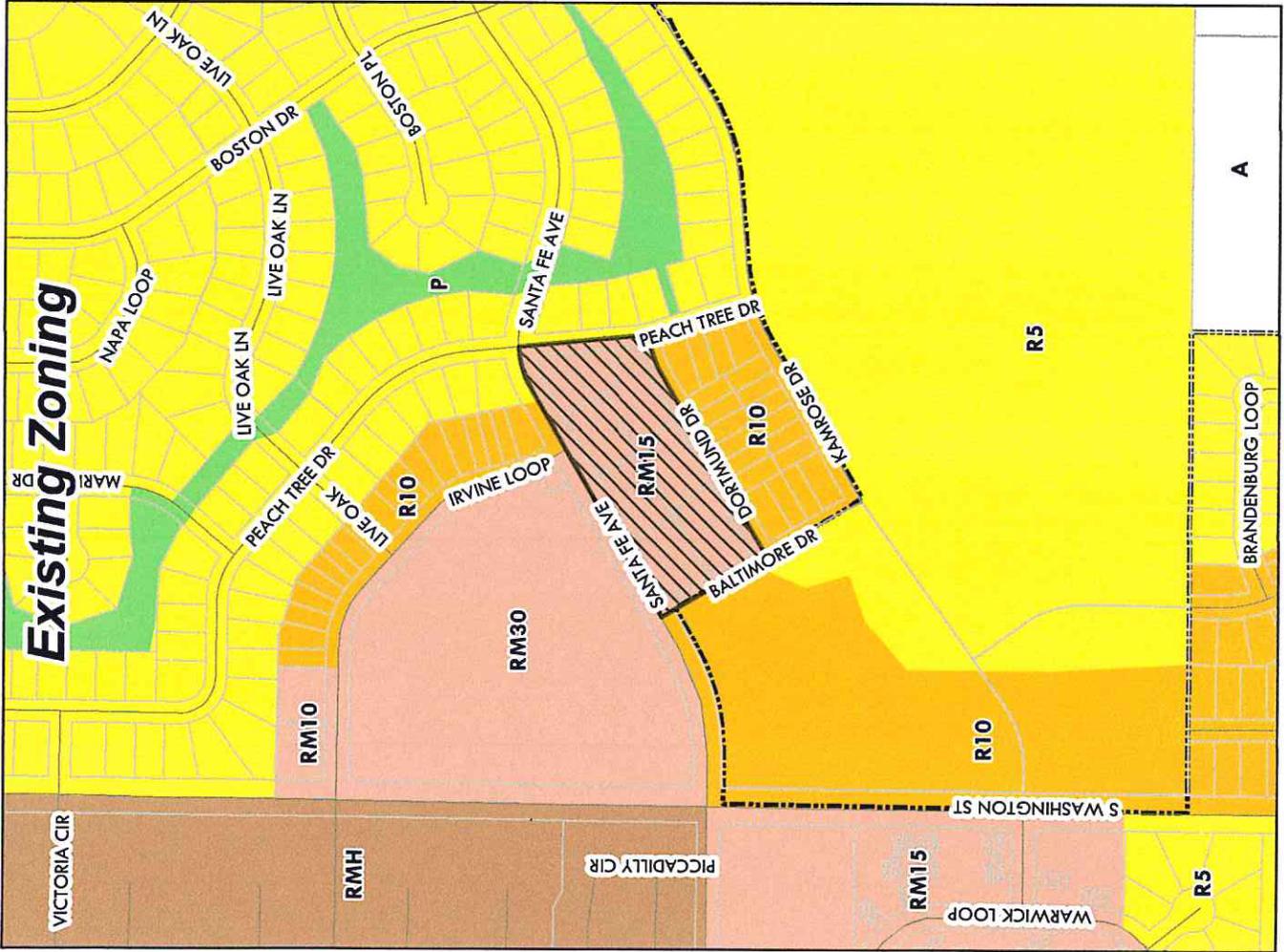


June 15, 2015 (hlb)

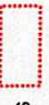
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Silver Ranch First Addition - Zoning Change (A and RR to R5, R10, RT, CA, and P)



City Limits Extraterritorial Area



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ORDINANCE NO.

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

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

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

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

The following described property shall be excluded from the RM15 – Residential district and included within the PUD – Planned Unit Development District.

Lots 1 – 32, Block 1, Southland Second Addition First Replat

This PUD is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted within this Planned Unit Development:

a. Four-unit residential condominiums on separate lots.

2. *Special Uses.* There are no allowed special uses within this Planned Unit Development.

3. *Dimensional Standards.*

a. **Front Yard Setback.** The minimum front yard setback is twenty (20) feet from an adjacent public right-of-way, or fourteen (14) feet from an adjacent private drive.

b. **Side Yard Setback.** The minimum side yard setback for non-adjoining buildings is ten (10) feet. There is no minimum side yard setback for lots with adjoining buildings.

- c. Rear Yard Setback. This is not applicable, because no portion of any lot is considered a rear yard.
- d. Minimum Lot Area. All lots shall be at least 4,000 Square Feet in area.
- e. Lot Coverage. The maximum lot coverage for buildings is fifty (50) percent of the total lot area.
- f. Height. No building shall exceed forty (40) feet in height.

4. *Common Space.* All improvements in lands designated on the Southland 3rd Addition 1st Replat as "Access Easement" shall be constructed and maintained by the developer and/or a homeowners association.

4. *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 approval by the Bismarck Planning & Zoning Commission.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

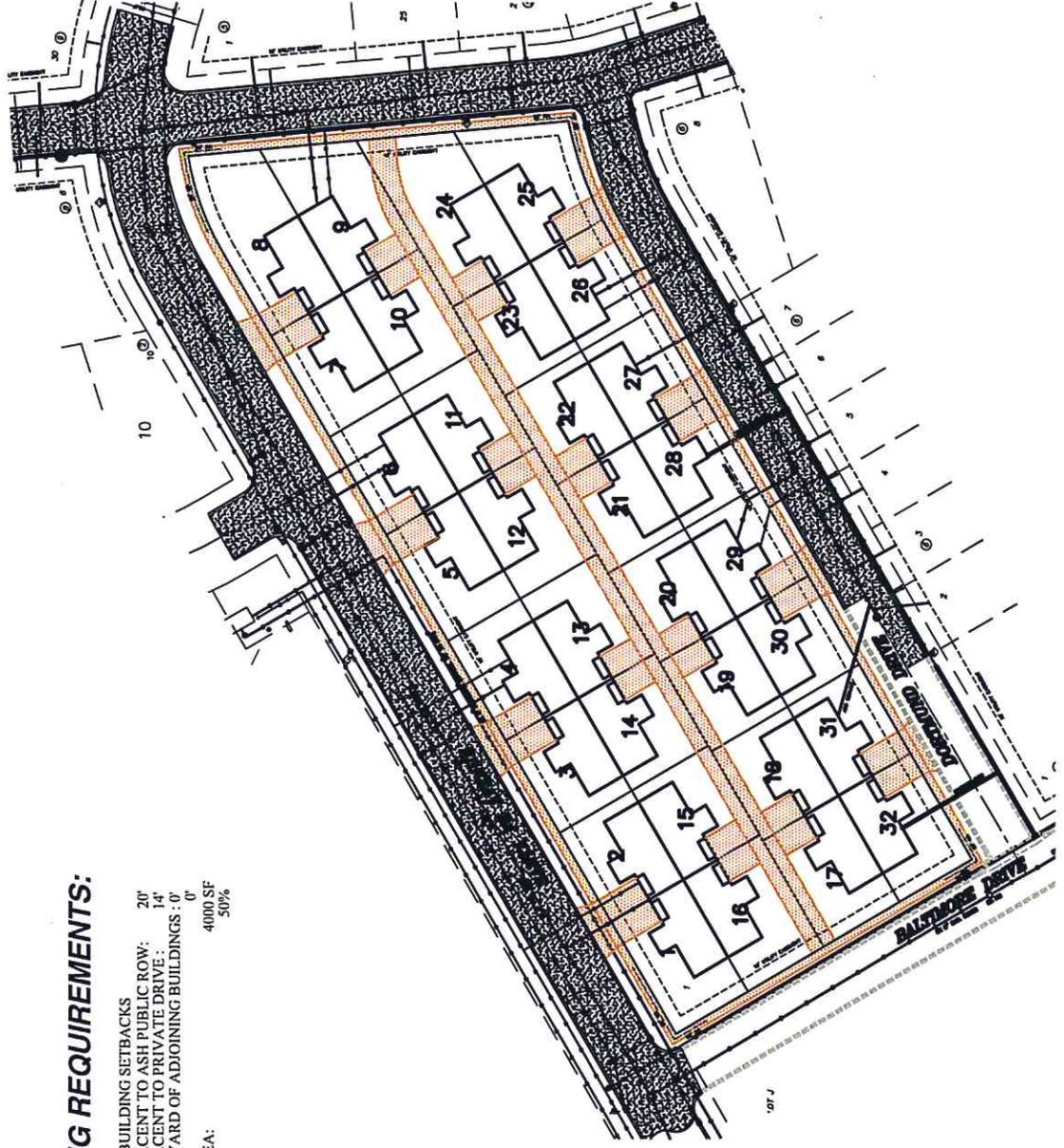
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APR 22 2016



SOUTHLAND 2ND ADDITION FIRST REPLAT

PUD SITE PLAN

BISMARCK, NORTH DAKOTA



PUD ZONING REQUIREMENTS:

- MINIMUM PRIMARY BUILDING SETBACKS
- FRONT YARD ADJACENT TO ASH PUBLIC ROW: 20'
- FRONT YARD ADJACENT TO PRIVATE DRIVE: 14'
- SIDE YARD/REAR YARD OF ADJOINING BUILDINGS: 0'
- REAR YARD: 0'
- MINIMUM LOT AREA: 4000 SF
- LOT COVERAGE: 50%

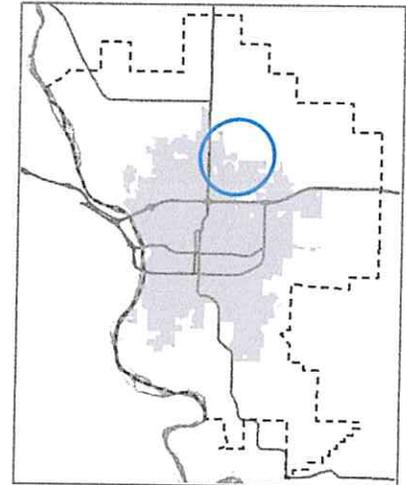


Application for: Zoning Change

TRAKiT Project ID: ZC2016-005

Project Summary

Title:	Lots 4-5, Block 4, Meadowlark Commercial 7 th Addition
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Skyline Properties, LLC
Project Contact:	Brian Zuroff, Wenck Associates, Inc.
Location:	In north Bismarck, along the west side of North 19 th Street north of Skyline Boulevard.
Project Size:	9.05 acres
Request:	Rezone property from RT – Residential to CA – Commercial to allow the development of office and neighborhood commercial uses.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 1 block	Number of Lots:	2 lots in 1 block
Land Use:	Undeveloped	Land Use:	Neighborhood commercial
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:	RT – Residential	Zoning:	CA – Commercial
Uses Allowed:	RT – Offices and multi-family residential	Uses Allowed:	CA – Neighborhood commercial
Max Density Allowed:	CA – 30 units / acre	Max Density Allowed:	CA – 30 units / acre

Property History

Zoned:	12/2014	Platted:	12/2014	Annexed:	12/2014
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Staff Analysis

The applicant is requesting a zoning change to allow the development of neighborhood commercial and office uses in this area, rather than office and multi-

family residential uses. The area to the south was recently rezoned to CA – Commercial in conjunction with Meadowlark Commercial 9th Addition (a replat that has been approved by the City but has not yet been

(continued)

recorded). This change is being requested to provide a northward continuation of the CA – Commercial zoning district from Skyline Boulevard to the southern end of the PUD zoning approved for a storage facility.

This area was originally zoned RT – Residential to provide a zoning transition between the CG – Commercial zoned property on the west side of North 19th Street and future medium density residential uses on the east side of the Hay Creek corridor envisioned by the Future Land Use Plan. The presence of the Hay Creek corridor and the CP railroad also creates a distance separation between this property and the developable property to the east. The proposed CA – Commercial zoning, along with the physical separation of the proposed commercial land uses and the future residential land uses, would also be an acceptable zoning transition.

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 on the zoning change from the RT – Residential zoning district to the CA – Commercial zoning district for Lots 4-5, Block 4, Meadowlark Commercial 7th Addition.

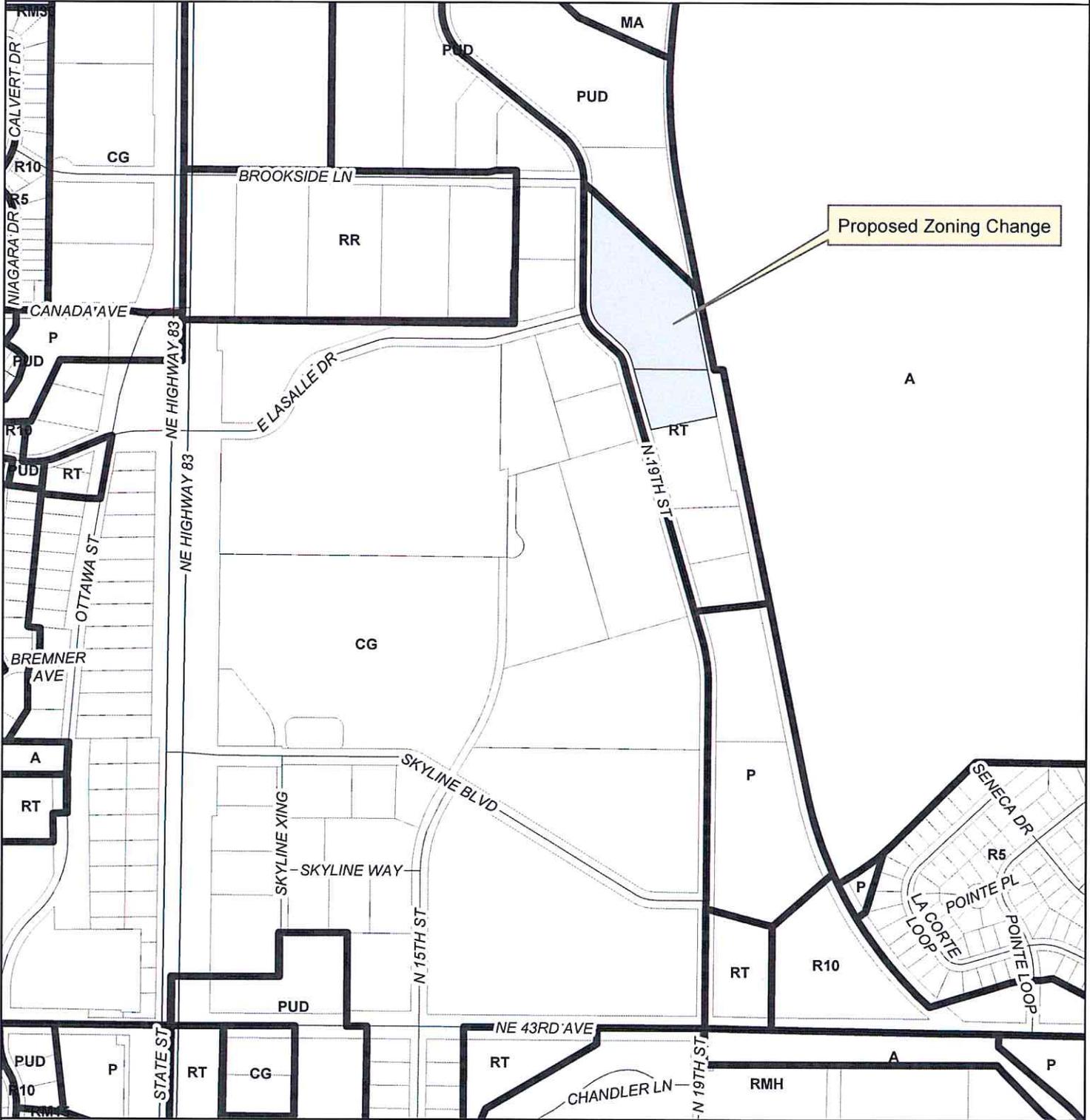
Attachments

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 (RT to CA)

Lots 4-5, Block 4, Meadowlark Commercial 7th Addition

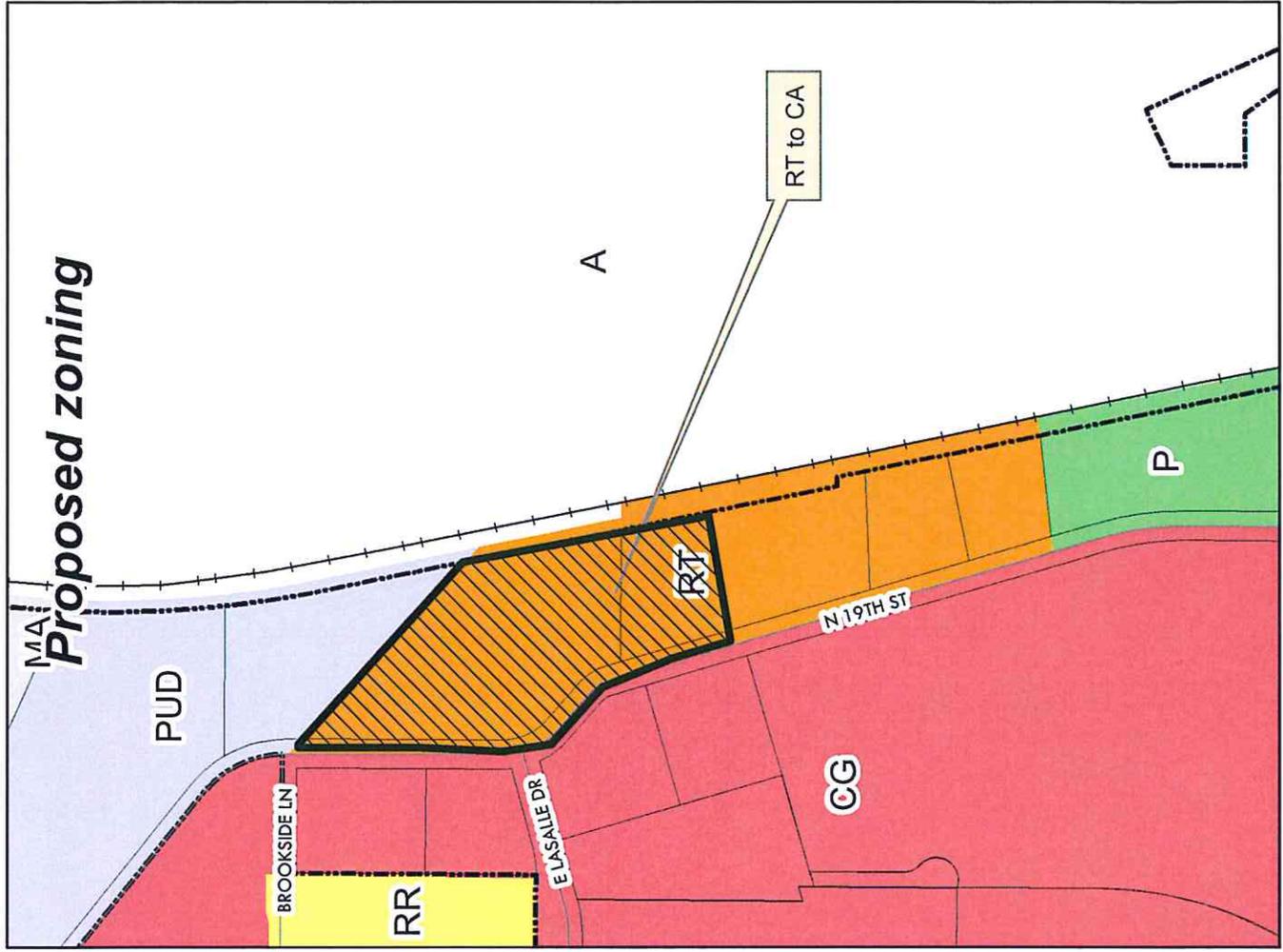
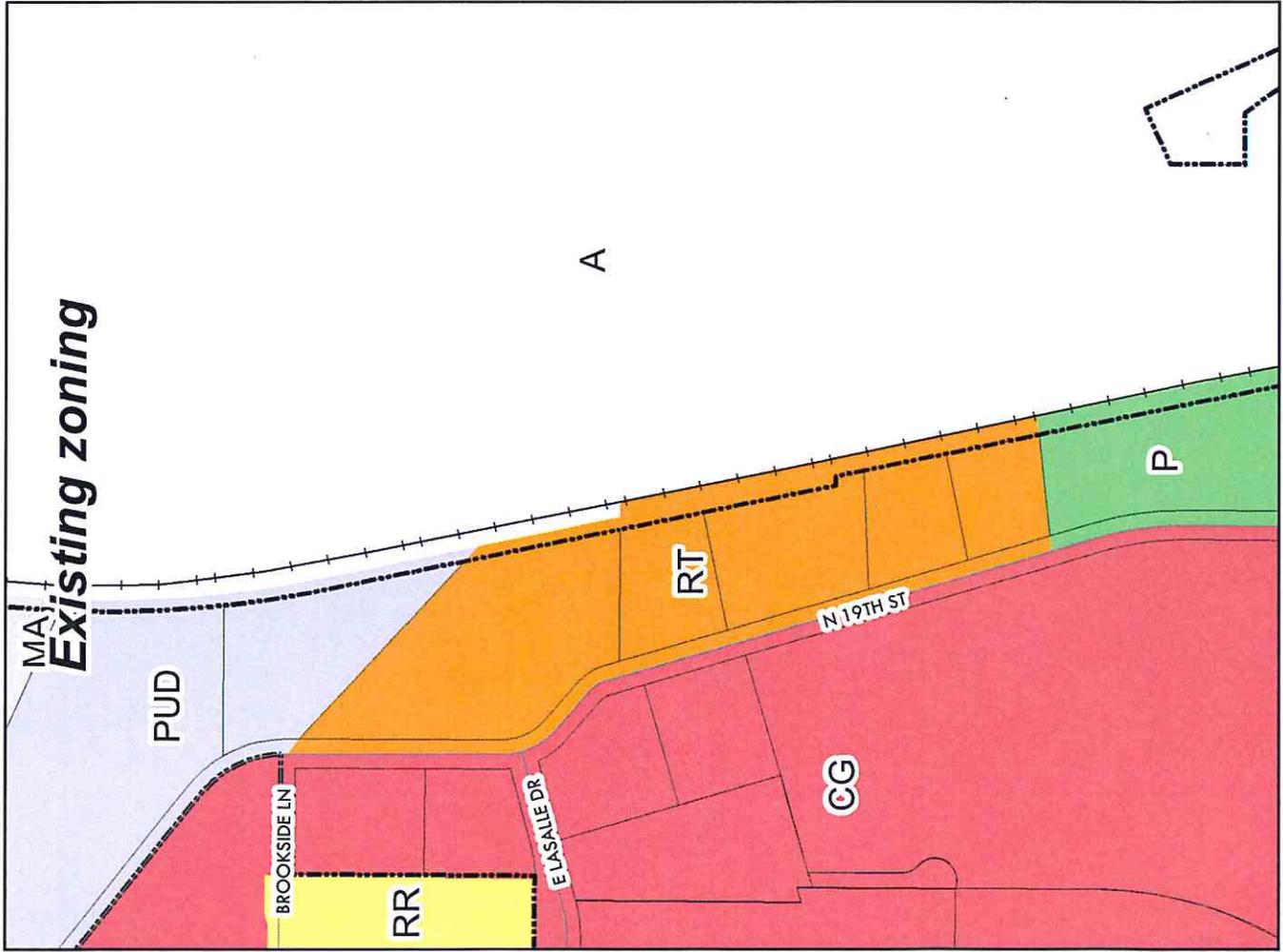


June 15, 2015 (h1b)

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Lots 4-5, Block 4, Meadowlark Commercial 7th Addition



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

May, 2016



STAFF REPORT

City of Bismarck
 Community Development Department
 Planning Division

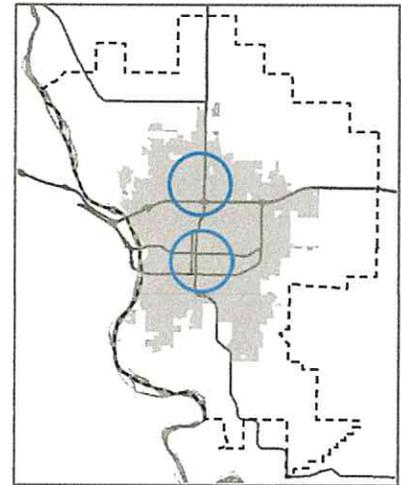
Agenda Item # 6
 May 25, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-013

Project Summary

Title:	CR – Commercial to CG – Commercial Rezoning
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Gate City Bank Gateway Fashion Mall LLC Kirkwood Mall Acquisitions LLC McDonalds Corporation Dan's Supermarket INC EBD Nevada Food LLC Montana Dakota Utilities Target Corporation Boutrous Group LLP Michael Boutrous
Project Contact:	Daniel Nairn, AICP, Planner, City of Bismarck
Location:	The Gateway Mall and Kmart Shopping Center areas on both sides of State Street, north of Interstate 94 and South of East Century Avenue; and Kirkwood Mall area bounded by South 3 rd Street, East Bismarck Expressway, South 7 th Street, and East Bowen Avenue
Project Size:	120.24
Request:	Rezone all CR – Commercial zoning districts to CG – Commercial to allow the removal of CR – Commercial from ordinance to provide greater flexibility to property owners and to simplify the zoning regulations.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	19	Number of Lots:	19
Land Use:	Regional shopping mall, big-box retail, pad retail sites.	Land Use:	Regional shopping mall, big-box retail, pad retail sites.
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:	CR – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CR – General Commercial and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices

(continued)

Max Density Allowed: CR – N/A

Max Density Allowed: CG – 42 units / acre

Staff Analysis

Staff proposes to rezone all areas currently zoned CR – Commercial to CG – Commercial, and then to eliminate the CR – Commercial zoning district to simplify the zoning ordinance and map.

The CR – Commercial zoning district was established in 1974 with the following purposes:

- a. To prohibit residential, heavy commercial and industrial uses of the land, and to prohibit any other use which would substantially interfere with the development or continuation of commercial structures in the district.
- b. To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the regional area served.

The zoning district was only applied to three areas: the Gateway Mall area, the Kmart area, and the Kirkwood Mall area. Over the years the CR – Commercial zoning district has shrunken somewhat, as certain portions were rezoned to CG – Commercial to allow different forms of development.

The CR Zoning District was created in an era when the City wished to encourage and protect large-scale enclosed malls. Each CR District must be at least 40 acres in size, and the principal building must have at least 300,000 square feet of floor area. However, neither the Gateway Mall nor the Kmart Area CR districts currently meet the 40 acre standard, and the Kmart building is only a third the size of the minimum requirement.

An important difference between these two zoning districts is the uses allowed within each. The CR district is more restrictive than the CG – Commercial zoning district, as shown in the following chart:

P = Permitted
 X = Not Permitted
 SUP = Permitted with Special Use Permit

	CG	CR
Multifamily Housing	P	X
Group dwelling	P	X
Multifamily high rise	P	X
Hotel-motel	P	X
Retail group A	P	P
Service group A	P	P
Office-bank group	P	P
Retail group B	P	X
Service group B	P	X
Commercial recreation group	P	P
Wholesale group	P	X
Health-medical group	P	P
Education group	P	X
Public recreation group	P	X
Railroad or bus passenger station	P	X
Commercial greenhouse	P	X
Commercial parking lot	P	X
Religious institution	P	P
Temporary Christmas tree sales	SUP	SUP
Temporary religious meetings	SUP	X
Temporary farm and garden produce sales	SUP	SUP
Seasonal nursery and bedding stock sales	SUP	SUP
Filling station	SUP	SUP
Drive-in retail or service establishment	SUP	SUP
Child care center	SUP	SUP
Small animal veterinary clinic	SUP	X
Golf driving range	SUP	X

(continued)

Auto laundry - car wash	SUP	SUP
Retail liquor sales	SUP	SUP
Microbrewery	SUP	X
Off-premise advertising sign	SUP	X

Setbacks and height limits are also significantly stricter in the CR than the CG Commercial zoning district, and the CR district includes its own minimum parking standards which contradict the parking requirements contained in Section 14-03-10.

Staff proposes this change to provide more flexibility for possible redevelopment opportunities within the districts currently zoned CR – Commercial. While there is still a market for the conventional enclosed malls that were built in the 1960s and 1970’s, many of these sites around the country are also being redeveloped in a variety of ways. Staff does not see any reason to constrain the creativity of property owners with a zoning district that mandates a conventional retail mall model.

Furthermore, the elimination of a zoning district that is not widely utilized helps simplify the zoning ordinance and map, which enhances the ordinances accessibility to the public and general usability.

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 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 CR –Commercial zoning district to the CG – Commercial zoning district for the properties described as:

- Tract of the land in the NW ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township, described as: the East 40 feet of the West 140 feet of the South 50 feet of the North 1,162.84 feet of said quarter-quarter section.
- Parcel 1A-3 of the NW ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township.
- Part of Lot 2, Block 1, Boutrous 2nd Addition, described as: Beginning at a point 175 feet South of the NW corner of Lot 1 of said Block, thence bearing East for a distance of 212 feet; thence bearing South for a distance of 95 feet; thence bearing West for a distance of 212 feet; thence bearing North for a distance of 95 feet to the point of beginning, and the East 40 feet of the West 140 feet of the South 120 feet of the North 929.2 feet of the NW ¼ of the NW ¼ of Section 27, T139N-R80W/Hay Creek Township.
- Part of Lot 3, Block 1, Boutrous 2nd Addition, described as: Beginning at the SW corner of said Lot 3; thence bearing North for a distance of 115 feet; thence bearing East for a distance

(continued)

of 145 feet; thence bearing South for a distance of 115 feet; thence bearing West for a distance of 145 feet to the point of beginning, and the East 40 feet of the West 140 feet of the South 60.8 feet of the North 1223.64 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27 and the East 50 feet of the South 54.2 feet of the North 1277.84 feet of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, T138N-R80W/Lincoln Township.

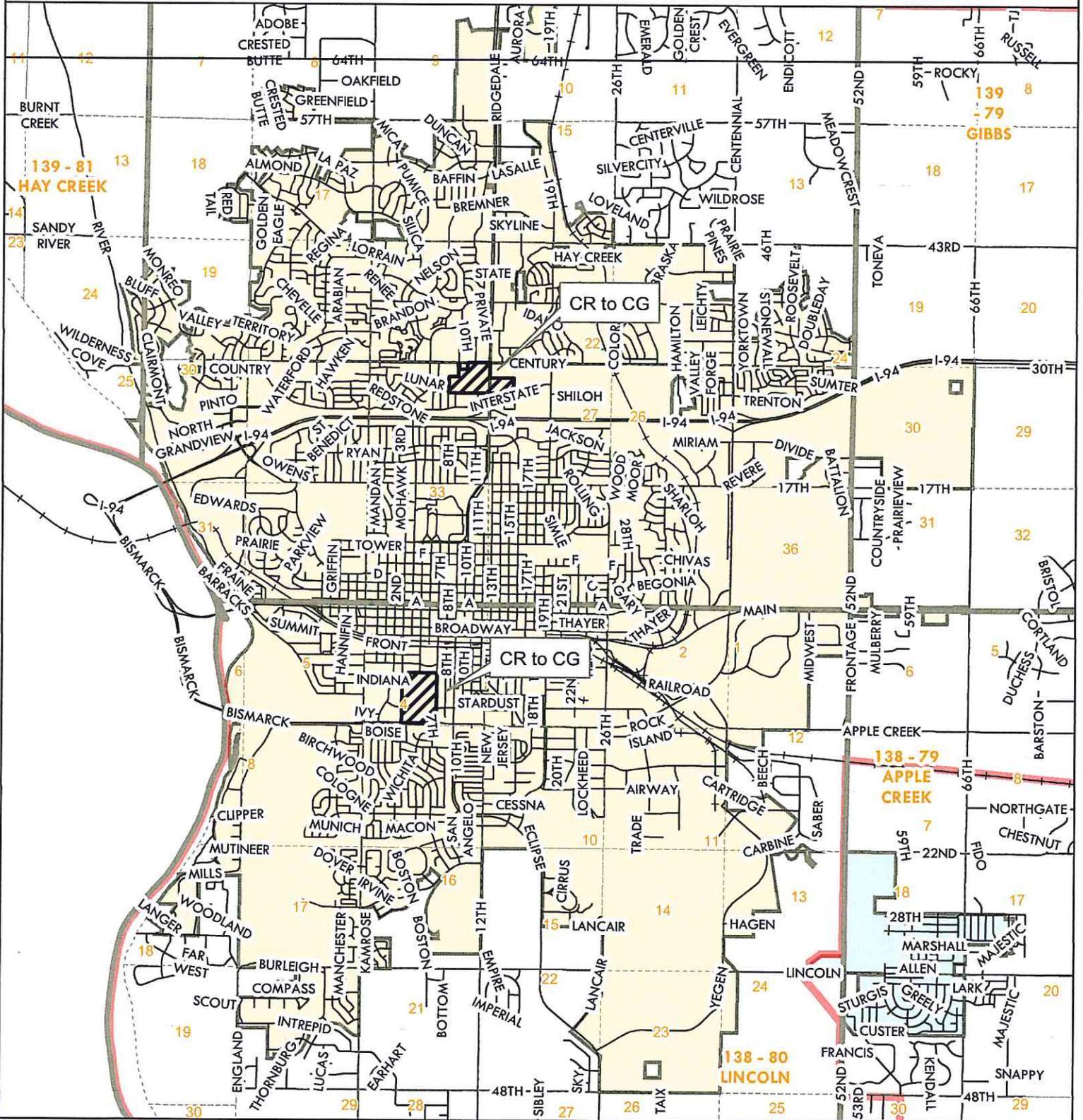
- Lots 1-2, Block 1, Boutrous 2nd Addition, Less Part of Lot 3, Block 1, Boutrous 2nd Addition, described as: Beginning at the SW corner of said Lot 3; thence bearing North for a distance of 115 feet; thence bearing East for a distance of 145 feet; thence bearing South for a distance of 115 feet; thence bearing West for a distance of 145 feet to the point of beginning and Part of said Lot 3, and Less Part of Lot 2, Block 1, Boutrous 2nd Addition, described as: Beginning at a point 175 feet South of the NW corner of Lot 1 of said Block, thence bearing East for a distance of 212 feet; thence bearing South for a distance of 95 feet; thence bearing West for a distance of 212 feet; thence bearing North for a distance of 95 feet to the point of beginning.
- Lot 1, Block 1, Replat of Kaveney Commercial Park.
- The South 129.76 feet of Lot 2 of Gateway Mall Plot Plan, Block 1, Replat of Kaveney Commercial Park.
- The North 50.24 feet of Lot 2 of Gateway Mall Plot Plan and the South 49.76 feet of Lot 3 of Gateway Mall Plot Plan, Block 1, Replat of Kaveney Commercial Park.
- The North 130 feet of Lot 2 of Gateway Mall Plot Plan, Block 1, Replat of Kaveney Commercial Park.
- Lot 4 of Gateway Mall Plot Plan, Block 1, Replat of Kaveney Commercial Park.
- Lots 5-6 of Gateway Mall Plot Plan and Lot A of Lot 8 of Gateway Mall Plot Plan, Block 1, Replat of Kaveney Commercial Park, Less Parcel 2-1 taken for right-of-way of US Highway 83.
- Lot 4, Block 1, Kaveney Commercial Park Second Replat.
- Lot B of Auditor's Lot 8, Block 1, Replat of Kaveney Park Commercial Park, less that part taken for Lots 2-3, Block 1, Kaveney Commercial Park 2nd Replat.
- Lot C of Auditor's Lot 8, Block 1, Replat of Kaveney Park Commercial Park, less that part taken for Lots 2-3, Block 1, Kaveney Commercial Park 2nd Replat.
- Auditor's Lot 8, Block 1, Replat of Kaveney Park Commercial Park, Less Lot A, Lot B, Lot C, and that park taken for Lots 1 and 4, Block 1, Kaveney Commercial Park 2nd Replat.
- Auditors Lot A, C, and D, Blocks 3 and 4, Wachter's Addition, Less a part of Auditor's Lot A, described as: Beginning at the SW corner of Lot 8 of said Block 4; thence bearing East a distance of 207.14 feet; thence bearing South a distance of 203.75 feet; thence bearing West a distance of 207.66 feet; thence bearing North a distance of 200 feet to the Point of Beginning, and Less part taken for Wachter's Addition Replat.
- Lot 1, Block 1, Wachter's Addition Replat.
- Auditor's Lot E and F of Blocks 3 and 4, Wachter's Addition, Less the right-of-way of South 3rd Street.
- The North 294.10 feet of Lot 8, Block 4, Wachter's Addition.

Attachments

1. Location Map
2. Zoning Map

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

Zoning Change of All CR-Commercial zoning disticts to CG- Commercial zoning districts

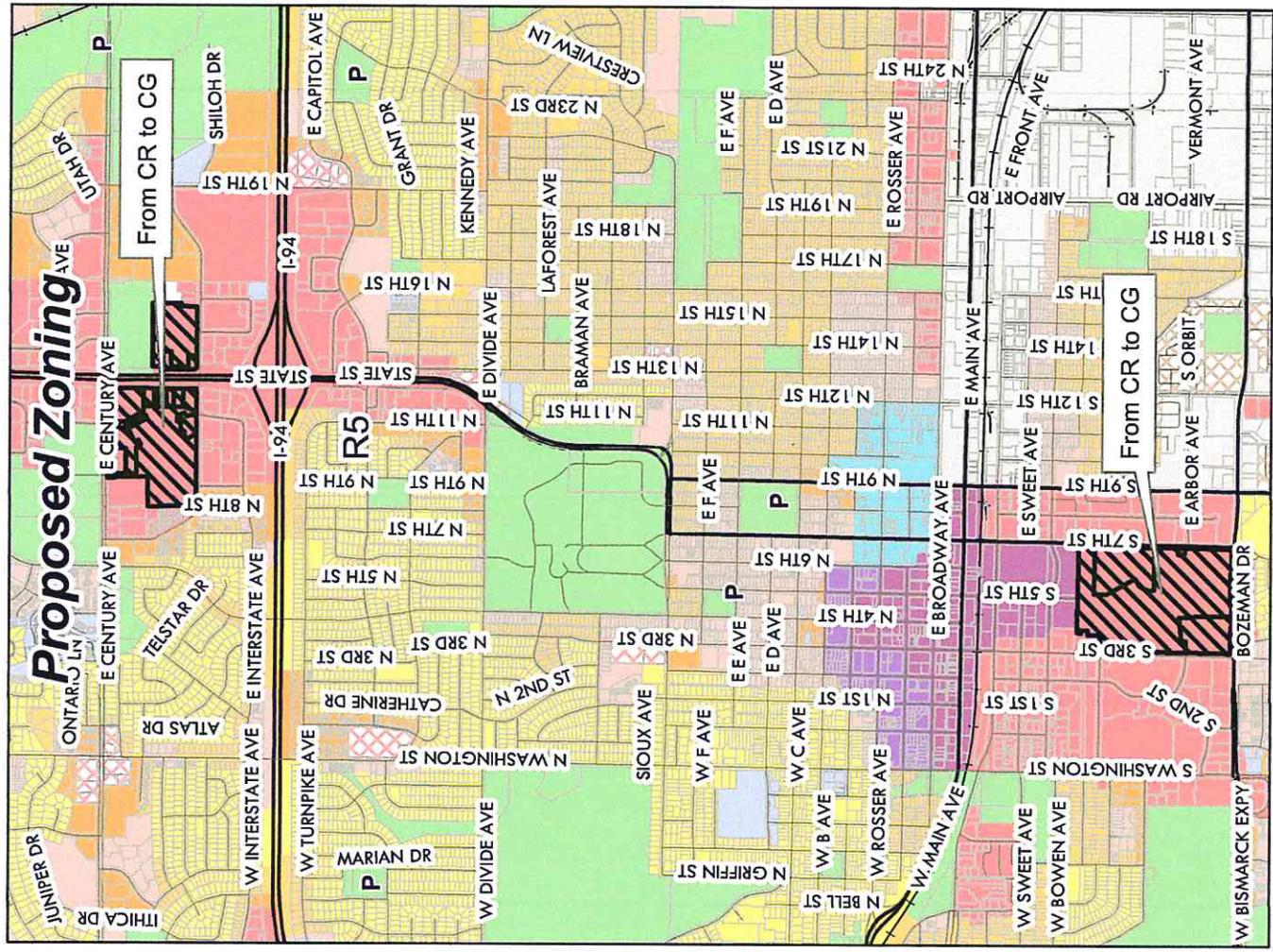
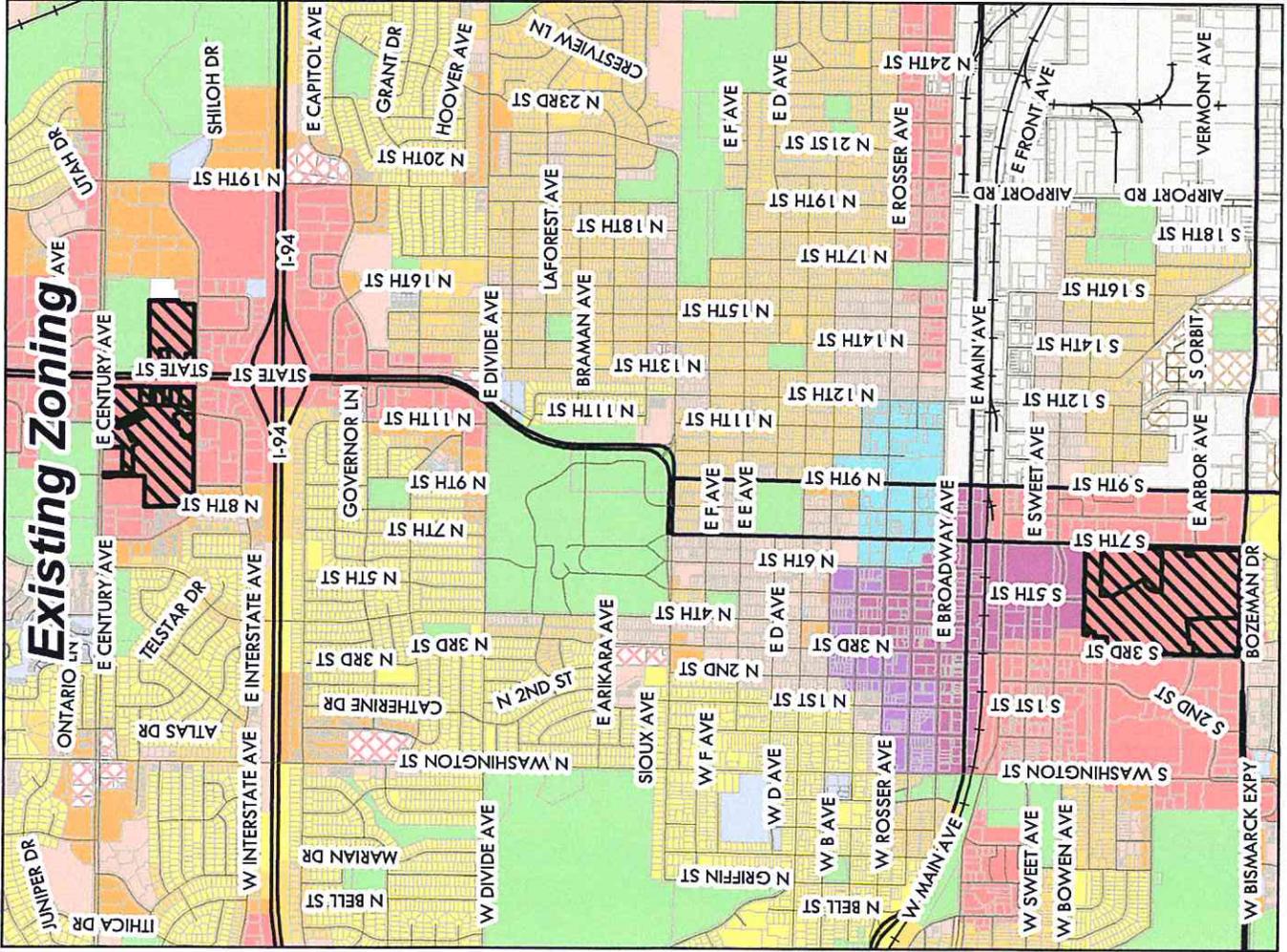


May 19, 2016 (DAN)

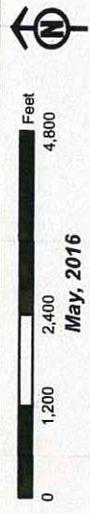
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Rezoning all CR - Commercial districts to CG - Commercial



-  Parcels to Rezone
-  City Limits
-  Extraterritorial Area



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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7
May 25, 2016

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2016-004

Project Summary

Title:	Accessory Dwelling Units
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP
Sections Amended:	14-02-03 Definitions, 14-03-06 Special Uses, 14-04-01 RR Residential District, 14-04-01.1 RR5 Residential District, 14-04-03 R5 Residential District, 14-04-06 R10 Residential District, 14-04-07 RM Residential District, 14-04-14 A Agricultural District.
Request:	Amend zoning ordinance to allow accessory dwelling units to single-family homes as a special use in all residential zoning districts subject to certain conditions.

Staff Analysis

Accessory dwelling units (ADUs) are housing units that are inside of or on the same lot as a single-family dwelling, but clearly subordinate to the primary home on the property. ADUs may commonly be found in basements, above detached garages or as a separate structure on the lot, similar to a guest house. They are often known colloquially as “granny flats,” because they are commonly used to provide an independent yet nearby housing option for extended family members.

ADUs are currently not allowed in any zoning district in the City of Bismarck, although an internal ADU could be considered a duplex in zoning districts that allow this use. There have been cases where individual homeowners have created an ADU in violation of zoning laws. The lack of a clear pathway for City approval may be causing some property owners to forgo building permits for these improvements, which creates potential health and safety concerns.

There are a few recognized benefits to ADUs. They offer an alternative housing option for smaller households, including for older citizens and people with special needs. They provide options for affordability, both for a person renting an ADU and for a homeowner who can use additional rental income to cover costs of living. New housing stock is added without need for

additional municipal infrastructure. Finally, if implemented carefully, the increased density can be achieved while maintaining the traditional character of single-family neighborhoods.

There are several factors to consider that may help ADUs truly fit within into the context of an existing neighborhood. Additional residents typical require additional parking. An accessory dwelling unit that is out of scale with the primary house may be undesirable for their surrounding residents.

The draft zoning ordinance text amendment includes several requirements for ADUs:

- A special use permit is required, which means a public hearing will be held and neighbors will be notified for each application.
- Either the primary home or the ADU must be owner-occupied.
- Provisions for additional off-street parking for the ADU must be made.
- Size restrictions prevent the ADU from being as large as the primary home on the property.
- All residential building code requirements apply.

(continued)

At this point there are still a number of unresolved questions that staff will continue to discuss:

- Should a special use permit for and ADU require renewals on a regular basis?
- Should additional limits be placed on the use of ADUs in rural areas?
- Should ADUs be allowed in existing non-conforming accessory structure, as long as they are improved to meet all building code requirements?
- Could the owner-occupancy requirements be subverted by use of a corporate trust?
- Is the requirement for a special use permit in all zoning districts an unnecessary deterrent to this housing type or an important safeguard?
- Are design requirements or requirements regarding the placement of the entrance necessary?

Required Findings of Fact

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

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

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of various sections in chapters 14-03 and 14-04 of the Bismarck Code of Ordinances related to accessory dwelling units as shown in the attached draft ordinance.

Attachments

1. Draft zoning ordinance amendment

CITY OF BISMARCK

Ordinance No. XXXX

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

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 AND SECTION 14-03-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO ACCESSORY DWELLING UNITS.

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:

Accessory Dwelling Unit: A separate and complete dwelling unit established in conjunction with but clearly subordinate to the principal single-family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains at least one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Incidental Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses

* * * * *

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

* * * * *

w. Accessory Dwelling Units:

1. Intent: Provide for a broader range of housing options, efficiently utilize existing infrastructure and housing stock, and preserve the character of existing single-family neighborhoods.

2. Applicability: An accessory dwelling unit to a single-family dwelling is permitted as a special use within any R5 - Residential, R10 - Residential, RM - Residential, RR - Rural Residential, RR5 - Rural Residential, and A - Agricultural zoning districts subject to all requirements of the City of Bismarck Code of Ordinances, unless otherwise stated within this section.

3. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

a. No more than one accessory dwelling unit may be permitted on each lot or parcel.

b. An accessory dwelling unit must be contained completely within the principal structure on the lot or parcel, or contained within an accessory structure that meets all requirements of Section 14-03-05 Supplementary Provisions and Section 14-03-08 Incidental Uses.

c. The principal or accessory dwelling unit must be occupied by the owner of the subject parcel as a legal residence for more than six (6) months of any given year. The owner-occupant may be a benefited person in a private trust. The owner-occupancy requirement applies to the applicant as well as all subsequent owners of the property.

d. At least one off-street parking space shall be provided for an accessory dwelling, in addition to any parking required for the principal dwelling unit on the lot. However, in such cases where existing conditions render additional parking infeasible, the applicant may submit a parking plan to demonstrate how on-street facilities or other methods are sufficient to meet anticipated parking demand, such the dwelling unit being reserved for a class or individual who does not need to store a personal vehicle on-site.

e. Size requirements

1. Units within Principal Structure: The floor area of an accessory dwelling unit may not exceed forty percent (40%) of the gross floor area of the principal structure, excluding any attached garage, and may not be greater than 800 square feet or less than 300 square feet.

2. Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet, regardless of the overall size of the accessory structure.

f. An accessory dwelling unit on any lot or parcel that does not conform to the minimum lot size requirement of the underlying zoning district may only be permitted inside the principal building.

g. The accessory dwelling unit must be connected to public utilities if available on the lot or parcel. If the lot is serviced by an on-site sewage

treatment facility, the applicant must show that sufficient sewage treatment capacity will be available to meet anticipated needs.

h. The accessory dwelling unit must comply with all residential building code requirements outlined in Title 4 of the Bismarck Code of Ordinances.

4. **Methods of Creation.** A new accessory dwelling unit may be created in any of the following ways:

a. Conversion of a portion of an existing principal or accessory structure into a separate accessory dwelling unit.

b. Expansion of an existing structure that is in compliance with all setback, lot coverage, and height requirements of the underlying zoning district.

c. Construction of a new structure containing a single family dwelling unit with an internal accessory dwelling unit.

d. Construction of a new detached accessory structure containing a dwelling unit on a lot with an existing principal structure.

e. Reuse of a non-conforming second dwelling unit within a residence that has ceased to be continuously utilized as a dwelling unit and thus does not qualify as a non-conforming use under Section of 14-03-09 of the Bismarck Code of Ordinances.

6. **Special Use Permit Submittal Requirements.** The following documents shall be submitted with any application for a special use permit to allow an accessory dwelling unit:

a. A building plan necessary to show compliance with all requirements of the residential building code.

b. For all new construction of an accessory structure, a site plan is required. The site plan must show, to scale, the location and dimensions of the building, all required setbacks, and any easements on the property.

c. For all accessory dwelling units that would comply with required parking, a parking plan as detailed in Subsection 3.d of this Section.

d. For all accessory dwelling units that would be served by an on-site sewage treatment facility, sufficient evidence to assure compliance with Subsection 4.f of this Section to the satisfaction of the Building Official.

5. Termination of Special Use Permit. A special use permit for an accessory dwelling shall automatically expire if the permitted accessory dwelling unit is substantially altered and no longer in conformance with these provisions, the owner of the property no longer occupies one of the units, or the required parking is no longer maintained and available for use by the occupant.

Section 4. Amendment. Section 14-04-01 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR Residential District is hereby amended and re-enacted to read as follows:

14-04-01. RR Residential District. In any RR residential district, the following regulations shall apply:

* * * * *

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

- a. Child care centers
- b. Religious Institution
- c. Accessory Dwelling Unit.

Section 5. Amendment. Section 14-04-01.1 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RR5 Residential District is hereby amended and re-enacted to read as follows:

14-04-01.1. RR5 Residential District. In any RR5 residential district, the following regulations shall apply:

* * * * *

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

- a. Child care centers
- b. Religious Institution
- c. Accessory Dwelling Unit.

Section 6. Amendment. Section 14-04-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R5 Residential District is hereby amended and re-enacted to read as follows:

14-04-03. R5 Residential District. In any R5 residential district, the following regulations shall apply:

* * * * *

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

- a. Child care centers
- b. Religious Institution
- c. Accessory Dwelling Unit.

Section 7. Amendment. Section 14-04-06 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to R10 Residential District is hereby amended and re-enacted to read as follows:

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

* * * * *

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

- a. Child care centers
- b. Religious Institution
- c. Accessory Dwelling Unit.

Section 7. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district, the following regulations shall apply:

* * * * *

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

- a. Child care centers
- b. Religious Institution
- c. Accessory Dwelling Unit.

Section 8. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to RT Residential District is hereby amended and re-enacted to read as follows:

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

* * * * *

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

- a. Temporary circus/fair/carnival.
- b. Temporary Christmas tree sales.
- c. Temporary religious meetings.
- d. Seasonal nursery and bedding stock sales.
- e. Temporary fireworks sales.
- f. Temporary farm and garden produce sales.
- g. Solid waste disposal facility.
- h. Recreational vehicle park.
- i. Small animal veterinary clinic.
- j. Animal hospital or kennel.
- k. Airport.
- l. Cemetery.
- m. Junkyard.
- n. Child care center.
- o. Religious institution.
- p. Golf driving range.
- q. Vehicular racetrack.
- r. Hazardous material bulk storage plant.

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

t. Accessory Dwelling Unit

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

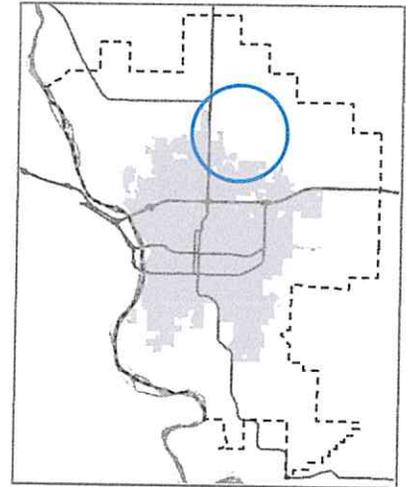
Agenda Item # 8
May 25, 2016

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2016-003

Project Summary

Title:	Schilling First Addition PUD
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Schilling Properties, LLC (Harvey Schilling & Cary Schilling)
Project Contact:	Scott Nelson, DJR Architecture
Location:	In 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

Number of Lots:	1 lot in 1 block
Land Use:	Storage facility
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD

Proposed Conditions

Number of Lots:	1 lot in 1 block
Land Use:	Storage facility and mixed-use commercial building.
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses 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
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Staff Analysis

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

the City's Planned Unit Development (PUD) district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the

(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.” A copy of this section of the ordinance is attached.

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, would accommodate the existing storage facilities on the property, 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 approval of 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 13,000 square feet, an overall area above-ground of not more than 39,00 square feet, and be no more than three stories 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.

Underground parking may be provided on the site, with the entrance to any such underground parking located north of the new mixed-use building. The ramp to the underground parking may be covered with a structure that generally conforms to the site plan and elevations submitted with the application, constructed in accordance with any applicable requirements of Title 4 of the City Code of Ordinances (Building Regulations).

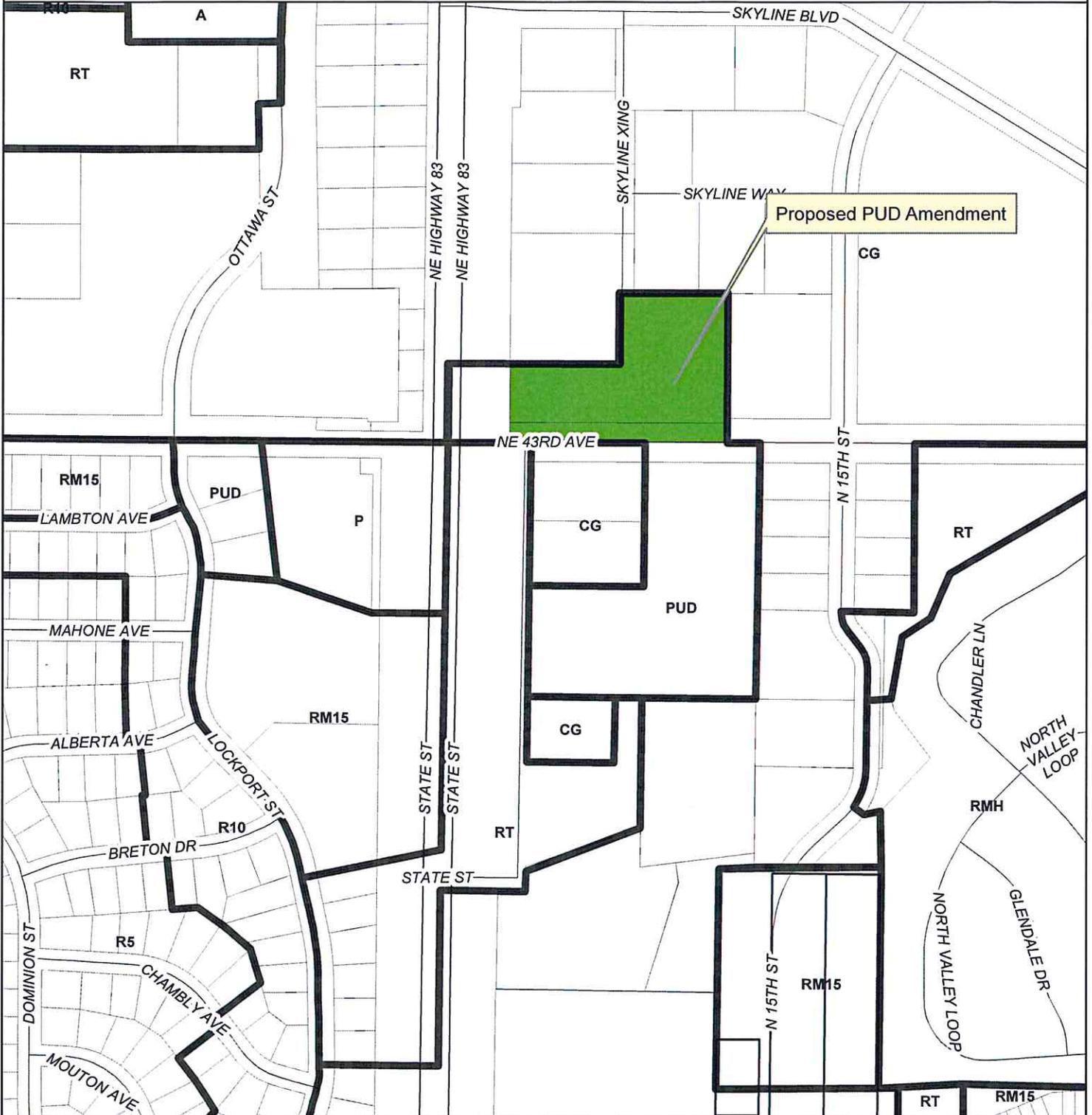
65. *Landscaping and Screening.* Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening). The remaining required landscaping along the north side of the storage buildings that has not yet been installed shall must be installed in conjunction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

CONSTRUCTION

STRUCTURAL

CLIENT

DATE

PROJECT

SCALE

CHECKED BY

DATE

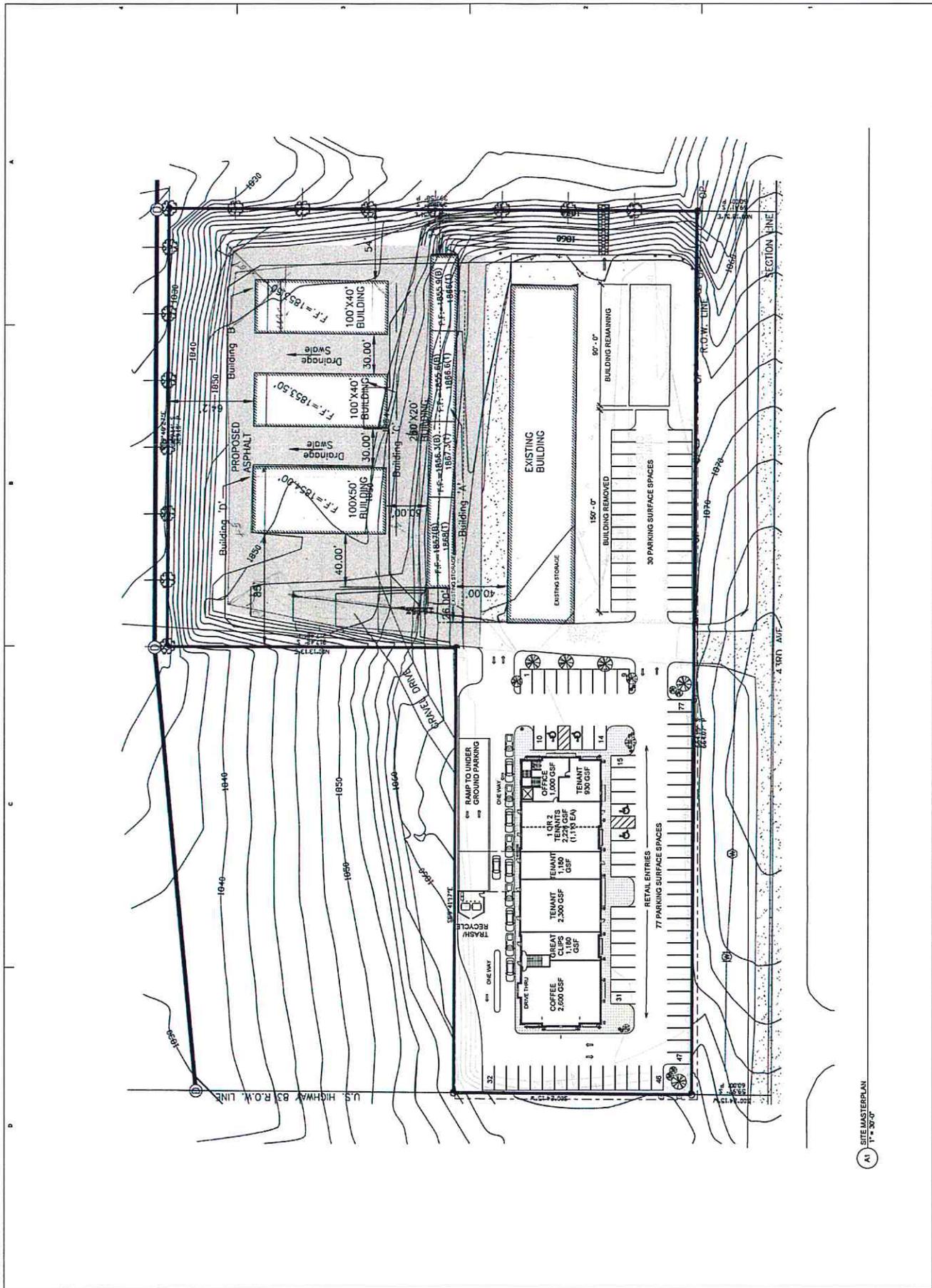
PROJECT

SCALE

SITE MASTERPLAN

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

AS100



A1 SITE MASTERPLAN
1" = 30'

PROJECT: BISMARCK OFFICE / RETAIL - 3 STORY
 DATE: 05/21/15
 DRAWN BY: JAV
 CHECKED BY: JAV
 CONTRACTOR: [REDACTED]
 STRUCTURAL: [REDACTED]
 MECHANICAL/ELECTRICAL/PLUMBING: [REDACTED]

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

SITE & LEVEL 1 FLOOR PLAN

AS101

PARKING PROVIDED - 3 STORY

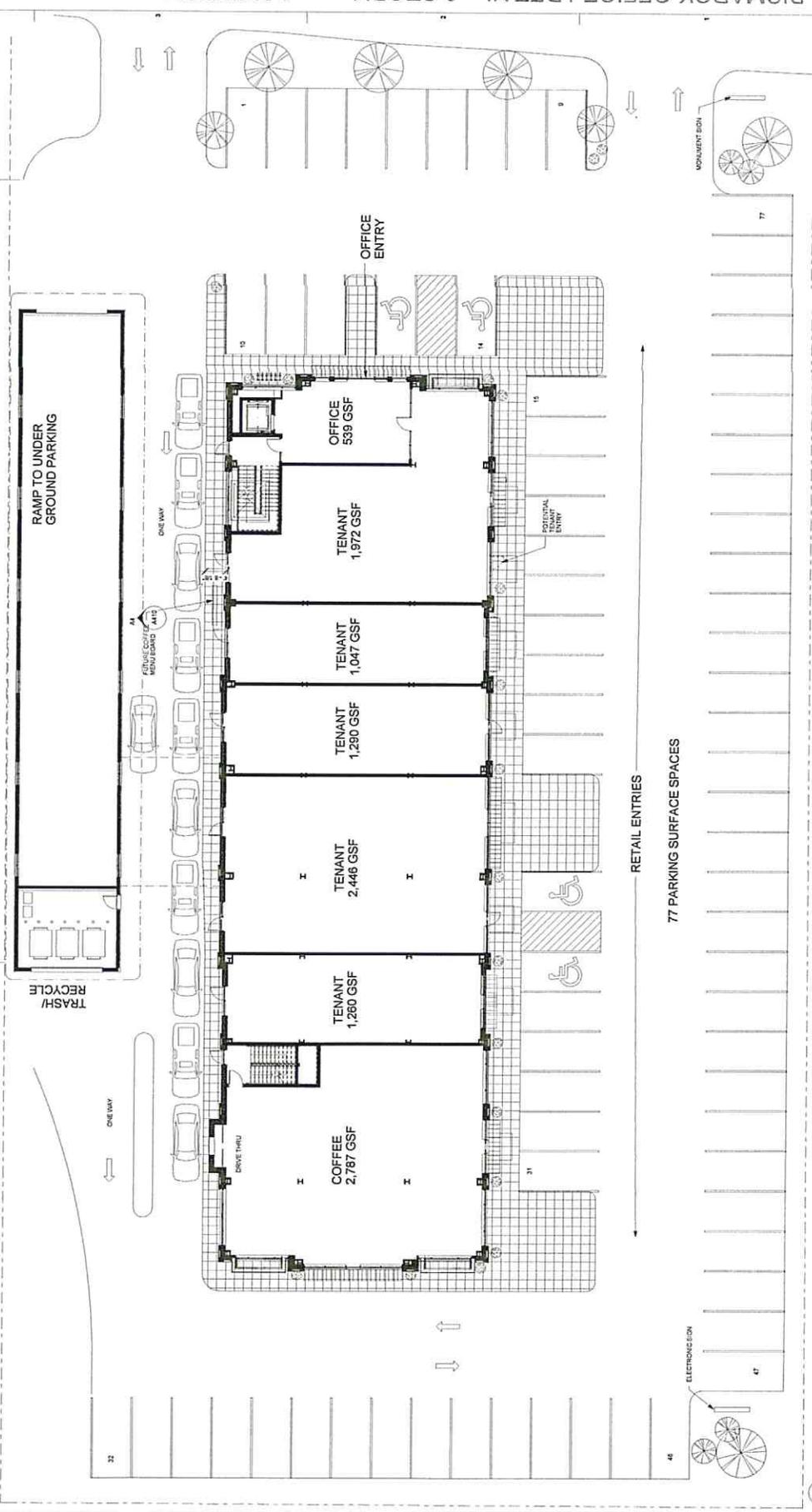
Surface	= 77
Below Ground	= 47
TOTAL	= 124

PARKING REQUIRED

1st Floor: 45 Total			
Retail	- 8,015 @ 1:250	= 32	
Coffee/Rest	- 2,787 @ 1:250	= 11	
Office	- 689 @ 1:300	= 2	
2nd Floor: 36 Total			
Office	- 11,014 @ 1:300	= 36	
3rd Floor: 37 Total			
Office	- 11,221 @ 1:300	= 37	
TOTAL: 3 STORY			= 118

PROJECT RECAP - 3 STORY

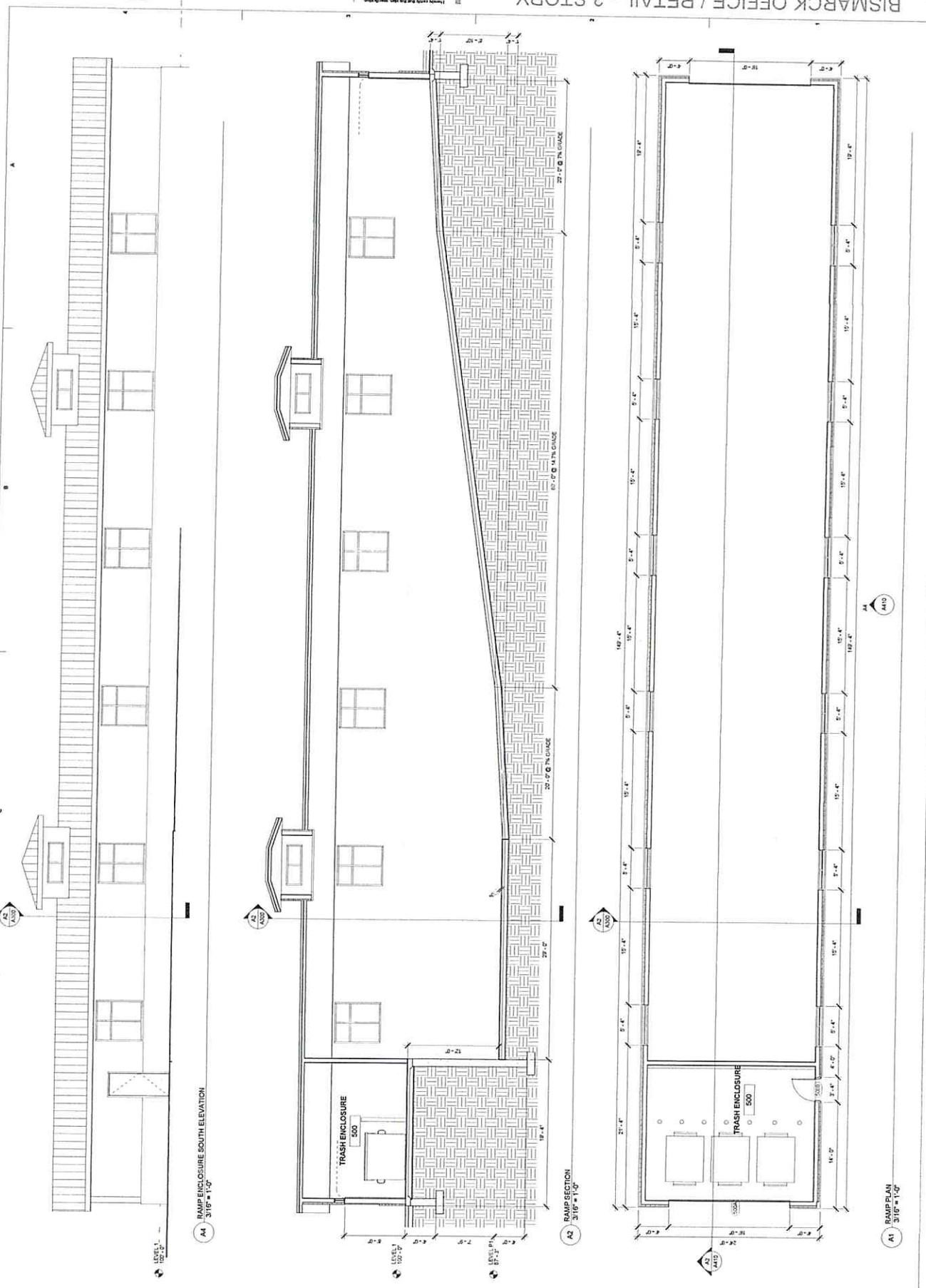
1st Floor	= 12,070 GSF
2nd Floor	= 11,660 GSF
3rd Floor	= 11,920 GSF
TOTAL	= 35,650 GSF



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

DJR
 ARCHITECTURE, INC.
 237 COMMERCIAL AVENUE, SUITE 100
 MINNETONKA, MINNESOTA 55345
 TEL: 952.895.4444 FAX: 952.895.4445
 WWW.DJRARCHITECTURE.COM

CONTRACTOR: **CH2M HILL**
 1211 EAST RIVER ROAD, SUITE 200
 BISMARCK, ND 58103
 CONTRACT NO: **15042**
 DATE: **05/08/15**
 DRAWN BY: **SM**
 CHECKED BY: **DM**



A4 RAMP ENCLOSURE SOUTH ELEVATION
 3/16" = 1'-0"

A2 RAMP SECTION
 3/16" = 1'-0"

A1 RAMP PLAN
 3/16" = 1'-0"

LEVEL 1
 102'-2"

LEVEL 2
 97'-4"

LEVEL 3
 92'-6"

A2
 1000

A4
 1000

A1
 1000

TRASH ENCLOSURE
 500

TRASH ENCLOSURE
 500

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.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

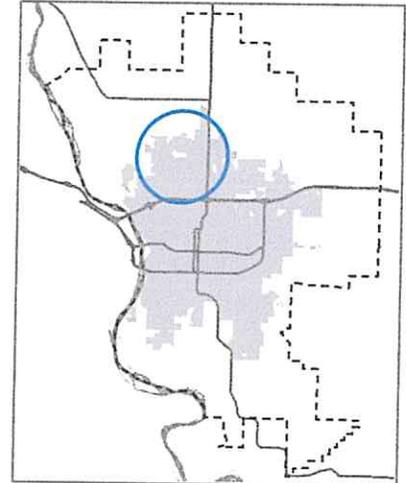
Agenda Item # 9
May 25, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-005

Project Summary

Title:	Lots 1-4, Block 1, Gary Nelson Addition
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Karen Nelson
Project Contact:	Jack Kavaney
Location:	In northwest Bismarck, along the northwest side of Nelson Drive between Normandy Street and Coleman Street, and south of 43 rd Avenue NE.
Project Size:	1.35 acres
Request:	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	
Number of Lots:	4 lots in 1 block	Number of Lots:	4 lots in 1 block
Land Use:	Undeveloped	Land Use:	One and two-family 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:	R5 – Residential	Zoning:	R10 – Residential
Uses Allowed:	R5 – Single-family residential	Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre	Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	11/2013	Platted:	11/2013	Annexed:	06/2005
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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 approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district for Lots 1-4, Block 1, Gary Nelson Addition.

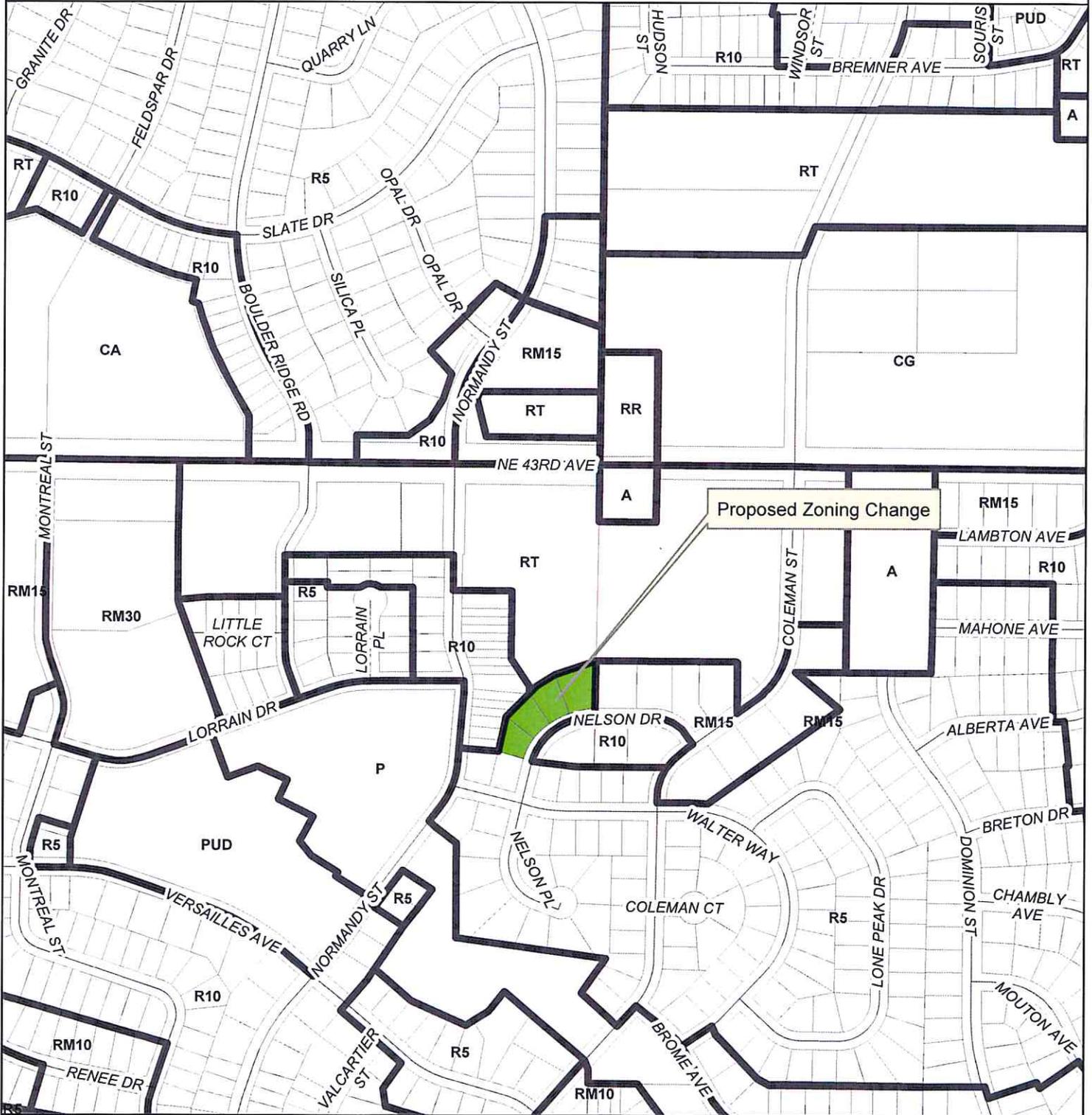
Attachments

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

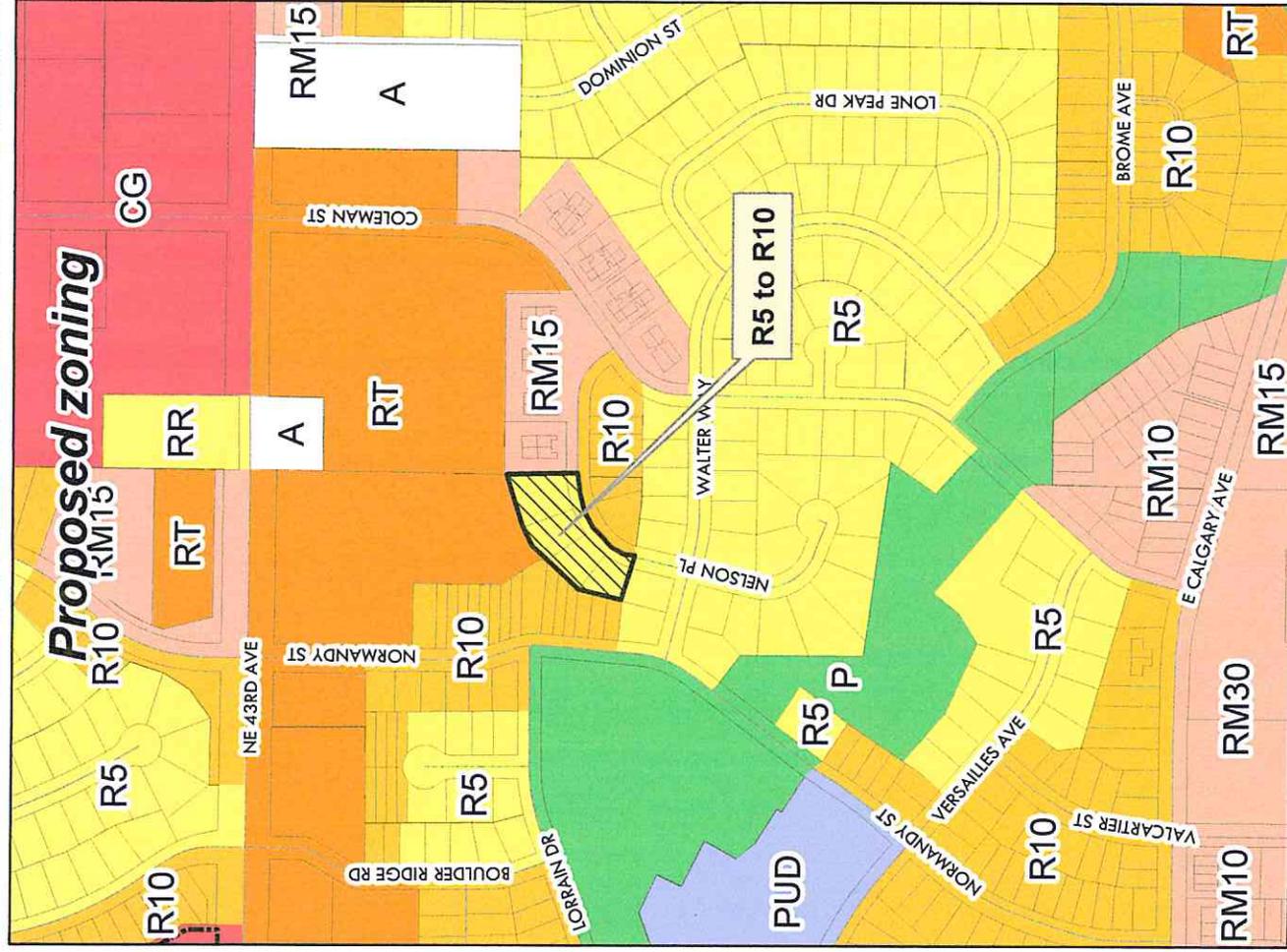
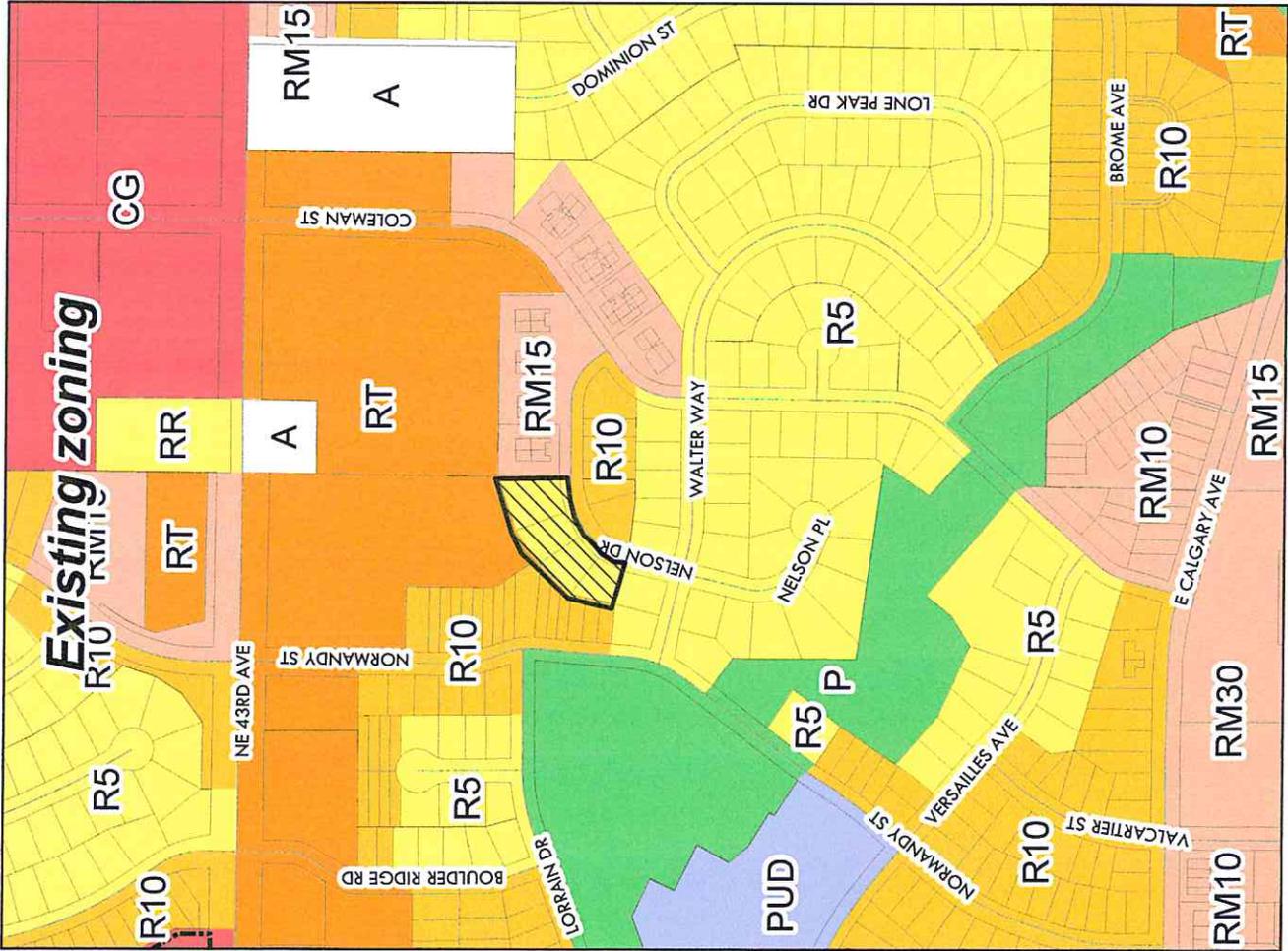


June 15, 2015 (h1b)

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.



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

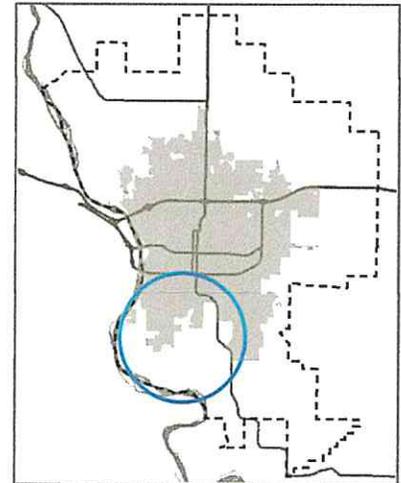
Agenda Item # 10
 May 25, 2016

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 – Public Hearing
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:	108.73 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>	8 tracts	<i>Number of Lots:</i>	8 tracts
<i>Land Use:</i>	Parks, schools, stormwater facility, open space	<i>Land Use:</i>	Parks, schools, stormwater facility, open space
<i>Designated GMP</i>	Civic	<i>Designated GMP</i>	Civic
<i>Future Land Use:</i>	Low Density Residential Conventional Rural Residential	<i>Future Land Use:</i>	Low Density Residential Conventional Rural Residential
<i>Zoning:</i>	R5 – Residential RR – Residential MA – Industrial A – Agriculture	<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 last of six rezoning phases planned. All of the parcels are south of the city limits in the City’s Extraterritorial Area, except for one stormwater detention area with the North Plains Commerce Center.

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

- Auditor’s Lot A of Lot 1, Block 2, Northern Plains Commerce Centre Addition.

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.

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

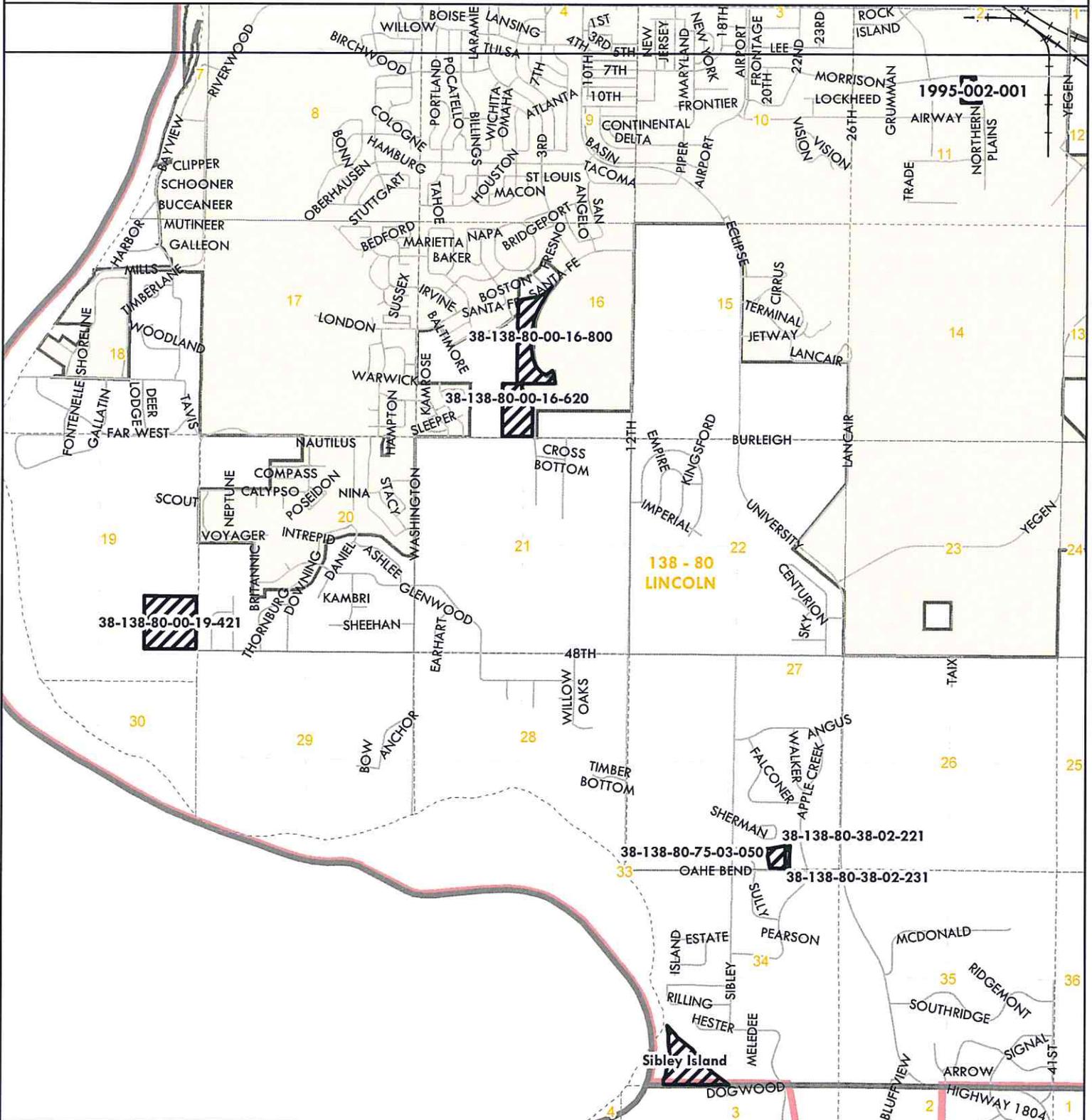
And of the zoning change from the A –Agricultural zoning district and the P – Public zoning district to the P – Public zoning district for the properties described as:

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, MA and A to P) in South Bismarck and Bismarck ETA

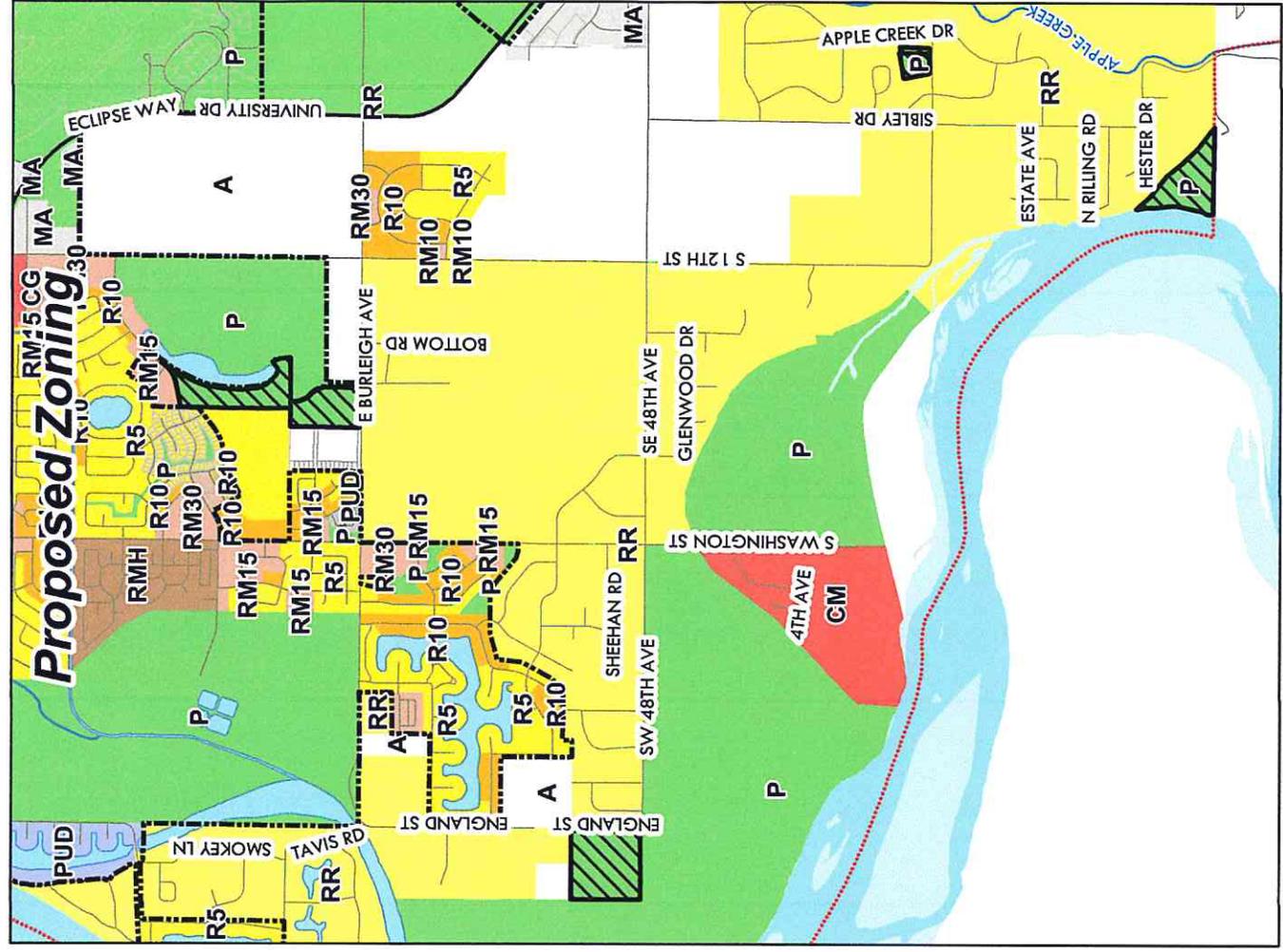
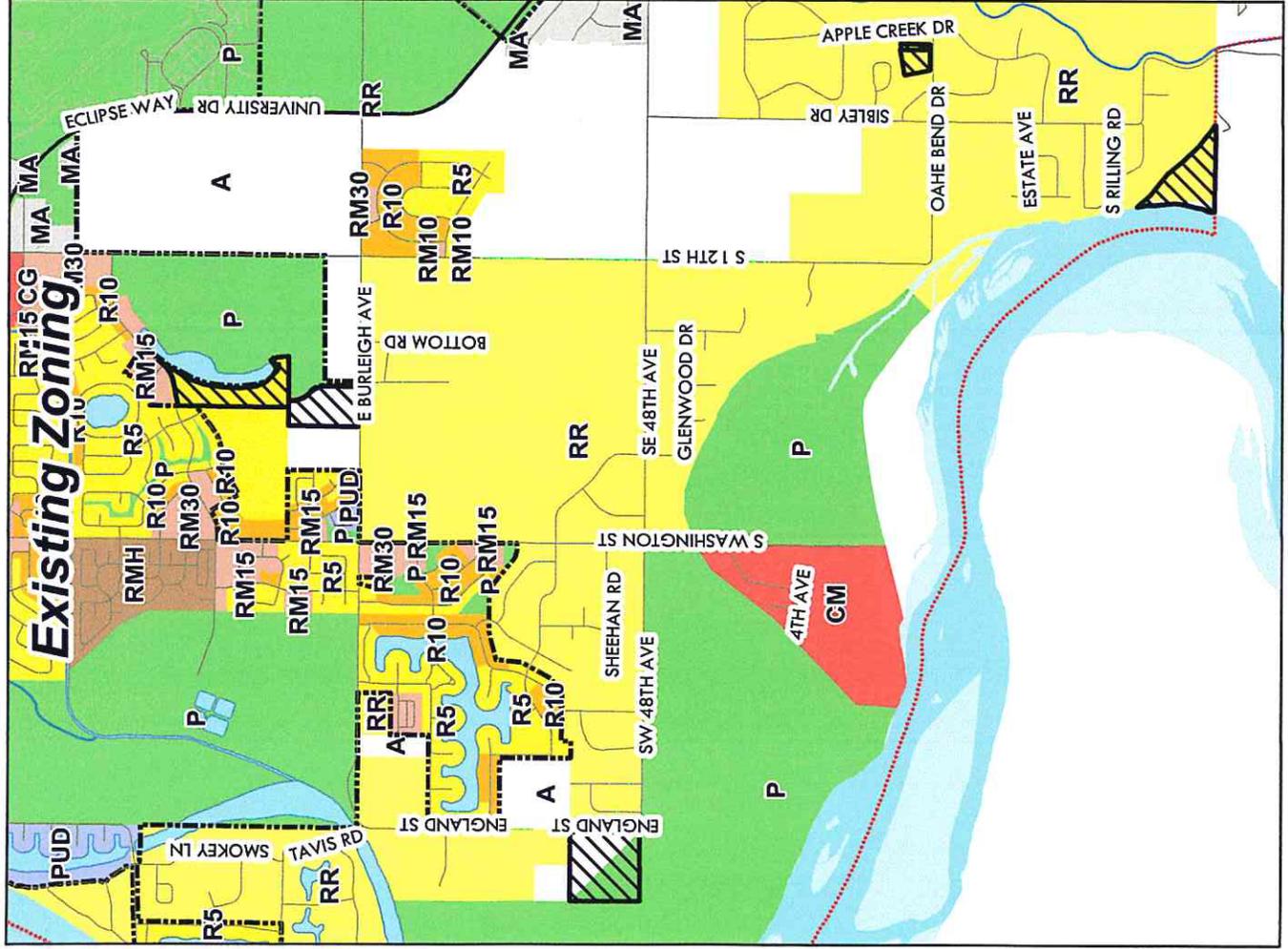


May 9, 2016 (DAN)



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

Various P-Public District Zoning Changes (Phase 6) - 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.

Feet
 0 1,650 3,300 6,600

April, 2016



Community Development Department

MEMORANDUM INFILL AND REDEVELOPMENT PLAN

TO: Chairman Wayne Yeager, Planning and Zoning Commission

FROM: Daniel Nairn, AICP

DATE: May 19, 2016

Over the next several months, the City of Bismarck's Community Development Department will be drafting an Infill and Redevelopment Plan. The City's 2014 Growth Management Plan primarily addressed growth on the periphery of the city, and the intent of the 2016 Infill and Redevelopment Plan is to supplement this plan by focusing on growth and redevelopment in areas that are already "built-out" and within the city limits of Bismarck.

Under Chapter 40-48 of the North Dakota Century Code, the City Planning Commission is granted the authority to prepare a "master plan" with the following purpose:

"The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, best will promote the amenities of life, health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including adequate provision for light and air, distribution of population, good civic design and arrangement, wise and efficient expenditure of public funds, the adequate provision of public utilities and other public requirements, the improvement and control of architecture, and the general embellishment of the area under its jurisdiction."

The City of Bismarck currently utilizes a series of plans that together comprise our "master plan" or "comprehensive plan." These include the Strategic Plan, the Growth Management Plan, the Fringe Area Road Master Plan, the Urban Renewal Plan



(pertaining specifically to the downtown), and several regionally-specific corridor plans and utility plans. The Infill and Redevelopment Plan would fill a niche that is currently not covered by any of the existing components of the City's Comprehensive Plan, and it will provide guidance for future zoning decisions, ordinance revisions, and other City policies and practices.

The following topics may be incorporated into the Plan:

- Accessory Dwelling Units
- Strategies for Preservation of Historic Districts
- Adaptive Reuse of Existing Structures
- Parking Requirements for More Compact Areas
- Traditional Neighborhood Development Zoning District
- Revisions to Planned Unit Development Standards
- Mitigation of Potential Contamination through Brownfield Grants
- Potential Infill and Redevelopment Incentives
- Lot Standards for Small-Scale Infill Development
- Property Maintenance Requirements for Rental Properties

Planning staff will work with the City staff and an advisory group of stakeholders in the community to collect data, prepare the plan, and revise the plan through meetings and communications. One public meeting will be held to provide the broader citizenry the opportunity to review and react to a draft of the plan. The date and time of this meeting will be provided once it has been determined.

If you have any questions or need any additional information about this Plan, please contact Daniel Nairn, AICP at 355-1854 or dnairn@bismarcknd.gov.

BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
April 27, 2016

The Bismarck Planning & Zoning Commission met on April 27, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Brian Bitner, Mel Bullinger, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Ken Selzler was absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the March 23, 2016 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the March 23, 2016 meeting as presented. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. KOCH CREEK COMMERCIAL SUBDIVISION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. SILVER RANCH ADDITION – ZONING CHANGE AND PRELIMINARY PLAT**
- C. SCHILLING FIRST ADDITION – PUD AMENDMENT**
- D. LOTS 1-4, BLOCK 1, GARY NELSON ADDITION – ZONING CHANGE**
- E. VARIOUS LOTS AND TRACTS IN BISMARCK ETA – ZONING CHANGE**

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

- A. Koch Creek Commercial Subdivision – Zoning Change and Preliminary Plat
- B. Silver Ranch Addition – Zoning Change and Preliminary Plat
- C. Schilling First Addition – PUD Amendment
- D. Lots 1-4, Block 1, Gary Nelson Addition – Zoning Change
- E. Various Lots and Tracts in Bismarck ETA – Zoning Change

MOTION: Commissioner Lee made a motion to approve consent agenda items A, B, C, D and E, granting tentative approval or calling for public hearings on the items as recommended by staff. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – ZONING CHANGE, FRINGE AREA ROAD MASTER PLAN
AMENDMENT AND FINAL PLAT
LIGHT OF CHRIST ADDITION**

Chairman Yeager called for the public hearing on the final plat; the zoning change from the A-Agriculture zoning district to the Conditional RT-Residential zoning district; an amendment of the Fringe Area Road Master Plan to 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 and final consideration of the annexation of Light of Christ Addition. The proposed plat is one lot in one block on 48.26 acres and is located in north Bismarck, between North Washington Street and US Highway 83, along the north side of 57th Avenue NE (Auditor's Lot E of the SW1/4 of Section 9, T139N-R80W/Hay Creek Township).

Ms. Wollmuth gave an overview of the request, including the following findings for the 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.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth then gave the findings for the 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.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings for the 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.
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings for the 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.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmtuh said, 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 to 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; and final plat for Light of Christ Addition, with the following conditions:

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 developer's agreement, which will be approved in conjunction with the final plat.

Commissioner Seminary said this is an exciting project for the City and asked if the developer will be responsible for the cost of installing the roads as part of the developer's agreement.

Ms. Wollmuth said a developer's agreement does not require any one entity to pay for construction of roadways, but rather lays out the design and development requirements. She said typically the developer does pay for the construction of roadways associated with the plat, however, the applicant is working out the particulars of the developer's agreement with the City Engineering Department and the final developer's agreement will be available and approved by the Bismarck City Commission in conjunction with the final plat.

Chairman Yeager opened the public hearing.

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

Commissioner Schwartz said in the past, schools have been zoned P-Public and asked why this one will be zoned Conditional RT-Residential. Ms. Wollmuth said it is a parochial school with additional offices for the Diocese, so staff felt the Conditional RT-Residential was a more appropriate fit in this case.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend 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 to 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; and final plat for Light of Christ Addition with the following conditions: 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; and 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. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – ZONING CHANGE AND REVISED FINAL PLAT
PROMONTORY POINT VI ADDITION**

Chairman Yeager called for the public hearing on the revised final plat and the zoning change from the A-Agriculture zoning district to the R5-Residential zoning district for Promontory Point VI Addition and final consideration of the annexation of a portion of the plat. The proposed plat is 133 lots in 12 blocks on 55.43 acres and is located 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/West Hay Creek Township and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township).

Mr. Nairn gave an overview of the requests, including the following findings for the 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.
5. The proposed annexation would not adversely affect the public health, safety and general Welfare.

Mr. Nairn then gave the findings for the 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.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings for the 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.
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.

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

Mr. Nairn said, based on these findings, staff recommends approval of the partial annexation of two lots, 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.

Commissioner Seminary said discussion of a Fringe Area Road Master Plan amendment for this area held at City Commission last night would probably have gone differently had they known these requests were going to be discussed tonight. He said the discussion order may want to be revisited for amendments to the Fringe Area Road Master Plan.

Commissioner Lee asked if development of the proposed park space will be delayed since it has been moved from the proposed Promontory Point VI Addition to Promontory Point VII Addition.

Mr. Nairn said it is expected that the filing and development of both subdivisions will take place at relatively the same time. He said it is possible Promontory Point VII Addition could be developed first, but that is not known for sure at this time.

Commissioner Lee asked if it would be possible for the park to be developed prior to the residential lots.

Mr. Nairn said the developer's agreement for the park requires all buyers of lots nearby, including those in Promontory Point V Addition, to be notified of the new park and the assessment for it.

Chairman Yeager opened the public hearing.

Written comments voicing the need for a park in this area were received from Jeff Runito and are attached as Exhibit A.

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

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the partial annexation, 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; and 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. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARING – ZONING CHANGE AND FINAL PLAT
PROMONTORY POINT VII ADDITION**

Chairman Yeager called for the public hearing on the final plat, the zoning change from the A-Agriculture zoning district to the R5-Residential and P-Public zoning districts and final consideration of the annexation of a portion of Promontory Point VII Addition. The proposed plat is 56 lots in four blocks on 51.94 acres and is located 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/West Hay Creek Township and part of the NW¼ of Section 19, T139N-R80W/Hay Creek Township).

Mr. Nairn gave an overview of the requests, including the following findings for the 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.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn then gave the findings for the 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.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings for the 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.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on these finding, staff recommends approval of the partial 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 condition:

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.

Commissioner Seminary said the consulting engineer for the watershed study spoke to the erosion issues in this area and questioned the feasibility of developing this area. He said now that there will be an extra setback for the protection slope easement, irrigation limitations and inspections required, there must be a great deal of erosion concerns.

Mr. Nairn said the Ash and Ward Coulee Water Shed Study did show issues of that matter.

Chairman Yeager opened the public hearing.

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

Commissioner Laning said he recognizes the concerns and is hesitant to approve it because of the need for an extra setback requirements and erosion issues.

Commissioner Seminary said he has seen homeowners go to great lengths to strengthen slopes because of erosion issues and they cannot have people come back and say it was approved knowing there are those problems. He said it should be approved but with it being very apparent to buyers that these problems are there, so at least the Commission has done its job.

Commissioner Laning asked if the no irrigation provision is only for those new properties over the slope protection easement. Mr. Nairn replied they would not be allowed any irrigation of the slope protection easement on the property, and should control the run-off onto these areas as well.

Commissioner Bitner asked why there is a difference in the boundary lines on the plat compared to the Ash and Ward Coulee Study. Mr. Nairn replied the slope protection easement map shows the original recommendation, the requested slope protection easement and what is proposed on the plat. He said the applicant performed a more localized soil study in order to determine the final line.

Commissioner Seminary said this could move forward to City Commission with the recommendation that the City Attorney be consulted with to strengthen the language as it relates to the slope protection easement.

Commissioner Waldoch asked if any soil borings have been performed. Mr. Nairn said some were done by the applicants' consultants and that is how the proposed setback and slope protection easement were determined.

Ms. Waldoch asked how much area on average would be allowed to be irrigated between the setback line and a house. Mr. Nairn said some lots are larger than others so it would vary depending on the lot and where a home is placed with some being 20-30 feet and some being less.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the partial 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 condition: 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. Commissioner Bitner seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

Chairman Yeager stated he has a conflict of interest with the next agenda item as an employee of the consulting firm, however, is not directly assigned to this particular project and would like the Commission to either dismiss him as Chairman for this item or give him permission to stay in position. The general consensus of the Commission was to allow him to stay in his position as Chairman.

**PUBLIC HEARING – PUD AMENDMENT
LOT 1, BLOCK 1, CAPITAL VIEW ADDITION, LOT 1, BLOCK 1, CAPITOL
PLACE AND LOTS 5-10, BLOCK 8, FISHER ADDITION**

Chairman Yeager called for the public hearing on a major PUD amendment for Lot 1, Block 1, Capital View Addition, Lot 1, Block 1, Capitol Place and Lots 5-10, Block 8, Fisher Addition to amend the existing Planned Unit Development (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. The property is located in north-central Bismarck, along the east side of State Street and the south side of East Divide Avenue.

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

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 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 insomuch 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 accepted planning practice,
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee said, based on the findings contained in the staff report, 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 draft PUD amendment document.

Commissioner Laning asked if a sign on the building is generally permissible if it is not lit up. Ms. Lee said, according to the draft PUD included in the packet, any sign facing east on the first building cannot be lit and a sign on the second building cannot be lit on the south or east sides.

Adam Heindle, Consolidated Construction Co., said they are generally in agreement on the requirements of the new PUD but they would like to ask for further allowances on lit signs. He said many other buildings in the area have them and it significantly helps their business to be identified easily. He said they have designed a sign that would allow white LED light to shine through a mesh overlay at a very low intensity (60 lumens) and it would also be 100 feet in the air. He said it will not blink or change color and would not likely be perceivable to the directly adjacent neighborhood.

Commissioner Laning asked if the owner would be acceptable to the Commission restricting the lighting to a certain magnitude.

Commissioner Waldoch said the difference between this building and one downtown is that it is very close to a residential neighborhood and she is hesitant to the changes because of that.

Commissioner Schwartz asked what prompted the overall changes to the proposed structures.

Mr. Heindle said they found an opportunity to slightly change the configuration of the parking ramps which would allow them to reduce the height of the buildings which they saw as a plus to the adjacent neighborhood.

Commissioner Bitner said light sensitivity is real issue and he does see an issue with moving the sign. He asked what type of sign it would be.

Mr. Heindle said they did not want to place the pylon too low because of the grade change on the property and the sign would be a brick and stone base.

Commissioner Seminary asked if this request adheres to the current sign ordinance and decisions made on previous sign requests. Ms. Lee replied it is different because of the PUD,

but this same neighborhood does have a similar sign nearby and it does not necessarily have to do with the light from the sign but rather the visibility of a lit sign from the neighborhood.

Commissioner Bullinger asked if the originally proposed 192 parking spaces on the property has changed. Mr. Heindle said that has not changed, that spaces were added to surface parking and distributed from the third floor of the ramp to only the first and second floors, allowing them to significantly reduce the height of the parking ramp.

Chairman Yeager asked if this is in compliance with the new parking ordinance. Ms. Lee said it is.

Commissioner Lee said there is already a lot of light at the intersection of Divide Avenue and State Street and this does not seem to add too much to that.

Mr. Heindle said there is significant tree growth in the surrounding area and with the sign being so high up it is unlikely that it would be noticed except from further away.

Commissioner Bitner asked why it is necessary if it can only be seen from far away. Mr Heindle said they do actually prefer it that way, similar to the sign on the Radisson.

Chairman Yeager opened the public hearing.

David Mason, First International Bank and Trust, said they have been back and forth on the best end result for this project and he would like to see the extra sign approval go forward, as he sees it appropriate for the neighborhood as well as the City.

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

Commissioner Seminary said he is going to be sensitive to the neighborhood on this request, as the property is going to have so many significant changes as it is and he will not support an approval of a lit sign on the east side of the building.

Commissioner Waldoch said she feels the same, and if a motion to approve it does not pass then she will support the original staff recommendation.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to approve 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 draft PUD amendment document and with the extra allowance of a lit sign on the east side of the north building. Commissioner Lee seconded the motion and with Commissioners Atkinson, Laning, Lee, Schwartz and Yeager voting in favor of the motion and Commissioners Bitner, Bullinger, Donahue, Seminary and Waldoch opposing the motion, the motion failed.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve 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 draft PUD amendment document. Commissioner Lee seconded the motion and with Commissioners Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary and Waldoch voting in favor of the motion, the request was approved. Commissioners Atkinson and Yeager opposed the motion.

PUBLIC HEARING – PUD AMENDMENT BLOCK 15, MCKENZIE’S ADDITION

Chairman Yeager called for the public hearing on a major PUD amendment for Block 15, McKenzie’s Addition to amend the existing 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. The property is located in central Bismarck, along the west side of North Washington Street between West Avenue A and West Avenue B.

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

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 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 insomuch 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 accepted planning practice,
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the major Planned Unit Development (PUD) amendment for Block 15, McKenzie's Addition, as outlined in the draft PUD amendment document.

Chairman Yeager opened the public hearing.

Al Fitterer, Al Fitterer Architect, PC, said the original request was to reconstruct an office building but they will no longer need to demolish the original building due to financial constraints and the decision to rather move offices into the CB Little House.

Written comments in support of this request are attached as Exhibit B.

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

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the major Planned Unit Development (PUD) amendment for Block 15, McKenzie's Addition, as outlined in the draft PUD amendment document. Commissioner Bitner seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

VARIOUS LOTS AND TRACTS IN SOUTH BISMARCK – CITY-INITIATED ZONING CHANGE PHASE 5 OF 6

Chairman Yeager called for the public hearing on a City-initiated zoning change from the R5-Residential, R10-Residential, RM15-Residential, RMH-Residential, MA-Industrial and P-Public zoning districts to the P-Public zoning district. The properties are located in south Bismarck.

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

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

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

Mr. Nairn said, based on the above findings, staff recommends approval of the City-initiated zoning change from the R5-Residential, R10-Residential, RM15-Residential, RMH-Residential, CG-Commercial, MA-Industrial and P-Public zoning districts to the P-Public zoning district for various lots and tracts in south Bismarck, as more particularly described in the staff report.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bullinger made a motion to recommend approval of the City-initiated zoning change from the R5-Residential, R10-Residential, RM15-Residential, RMH-Residential, CG-Commercial, MA-Industrial and P-Public zoning districts to the P-Public zoning district for various lots and tracts in south Bismarck, as more particularly described in the staff report. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – SPECIAL USE PERMIT LOT 2, BLOCK 5, PRAIRIE VIEW SUBDIVISION

Chairman Yeager called for the public hearing on 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 on Lot 2, Block 5, Prairie View Subdivision. The property is located

north of Bismarck, east of US Highway 83, between 97th Avenue NE and 84th Avenue, along the west side of Forest Drive (9506 Forest Drive).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The 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.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the 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 on Lot 2, Block 5, Prairie View Subdivision.

Chairman Yeager opened the public hearing.

Written comments regarding the appearance of the structure were received from Jeff Schild and are attached as Exhibit C.

Commissioner Donahue asked if the email received from a neighboring resident regarding the appearance of the structure has been addressed.

Ms. Wollmuth said the general contractor has stated the accessory building will match the home.

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

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the 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 on Lot 2, Block 5, Prairie View Subdivision. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

Gibbs Township Supervisor Richard Sander joined the meeting at this time.

**PUBLIC HEARING – SPECIAL USE PERMIT
NE1/4 OF THE NW1/4 OF SECTION 33, GIBBS TOWNSHIP**

Chairman Yeager called for the public hearing on 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 on the NE1/4 of the NW1/4 of Section 33, T139N-R79W/Gibbs Township. The property is located east of Bismarck, north of County Highway 10, between 80th Street NE and 93rd Street NE, along the south side of 17th Avenue NE (8445 17th Avenue NE).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The 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.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the 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 on the NE1/4 of the NW1/4 of Section 33, T139N-R79W/Gibbs Township.

Chairman Yeager opened the public hearing.

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

Mr. Sander said the resolution for this request has been signed and approved by Gibbs Township and they do not see any issues with it.

MOTION: Based on the findings contained in the staff report, Commissioner Bitner made a motion to approve the 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 on the NE1/4 of the NW1/4 of Section 33, T139N-R80W/Gibbs Township. Commissioner Waldoch seconded the motion and the request was unanimously approved with Mr. Sander and Commissioners Atkinson, Bullinger, Donahue, Laning, Selzler, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOTS 1-8, BLOCK 25, CASEY’S 4TH ADDITION**

Chairman Yeager called for the public hearing on a special use permit to operate a child care center on Lots 1-8, Block 25, Casey’s 4th Addition. The property is located in central Bismarck, in the southeast quadrant of the intersection of North Washington Street and East Divide Avenue (106 Osage Avenue).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance, 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.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, 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 conditions:

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 eliminate the required off-street parking spaces associated with the proposed special use be approved by the Board of Adjustment.
2. The required outdoor play area must be fenced with a 6-foot, non-climbable fence and that a walk-through gate not open toward East Divide Avenue.

Commissioner Seminary asked why this request is being seen by the Planning Commission prior to the Board of Adjustment. Ms. Wollmuth said procedurally, the request for approval of the special use permit is done first because if not approved there would be no need to request approval of a variance by the Board of Adjustment. She said if the special use permit is not approved today then the request for a variance will be removed from the agenda for the next Board of Adjustment meeting.

Commissioner Laning asked why the parking requirement cannot be met with 96 spaces available. Ms. Wollmuth said the current site does not meet the off-street parking requirements because the required parking is not provided on the same parcel as the church and the existing site cannot accommodate any additional parking. She said it will now be considered a mixed-use facility with a per-seat provided parking requirement.

Commissioner Waldoch said she has concerns with parking being available in the event of a funeral with this already being on the corner of a high traffic intersection.

Commissioner Seminary asked what would be considered a non-climbable fence. Ms. Wollmuth said a vertical fence, no chain or anything of that nature for safety purposes.

Chairman Yeager opened the public hearing.

Mary LaDuke, 1327 Meredith Drive, said she obtained multiple signatures from property owners directly adjacent to Good Shepherd Lutheran Church who are in opposition to this request. She said there was a funeral at the church last week and traffic was severely congested during that time. She said she understands there is a dire need for daycare, but the church has such a large congregation that it cannot accommodate another use at this time.

She said parking needs to stay open in front of the surrounding homes for use by the owners and their guests and she would like to see the daycare occupy a more appropriate space. She said only a few people that she spoke with voiced support for the daycare only because of the need for it, and it concerns her that up to 4,000 people could occupy the church at any given time. Written comments and photographs submitted by Ms. LaDuke are attached as Exhibits D and E.

Jack McDonald, 208 East Divide Avenue, said he is on the Board of Trustees for the YMCA and also lives in this neighborhood. He said he wants to emphasize the importance of the need to open up quality child care, as a recent survey done showed a major need for child care in North Dakota. He said they will comply with all of the requirements desired by the Commission, but this is a very major need in the community right now.

Bill Bauman, Missouri Valley Family YMCA, said this will only provide services for school age children and the need for that is significant at this time. He said commercial space is not readily available and the need is very immediate. He said their services are growing, so the opportunity to combine with partners in the community, such as the church, would provide an excellent and local resource. He said the space to be used in the church would be the lower level and families would be advised to park where it has the least impact on the surrounding neighborhood. He said they are hoping to be collaborative in this effort and find a way to fully use an otherwise underutilized resource.

Pastor Craig Schweitzer, Good Shepherd Lutheran Church, said a major component of the church is to provide community outreach and services. He said multiple other groups use the facility and this would not be any different. He said the congregation has space to house 1,400 congregants, not all 4,000 members at one time, and he feels this is a practical and appropriate request to be approved as an additional use.

Commission Atkinson asked if there has been any discussion regarding obtaining additional parking for the site.

Pastor Schweitzer said not as long as he has been at the church but they have always been willing to share parking with the YMCA across the street, as they share with the church parking as well.

Chairman Yeager asked how security and safety will be maintained if the church is needed for a function during the same hours as the child care. Mr. Bauman replied the child care space will be completely separate from those spaces to be used for various church functions and different entrance points into the building will be used by the children and staff.

Commissioner Bitner said he understands the need for more child care and the church wanting to help the YMCA, but he would like to know how the neighborhood concerns are going to be addressed. Mr. Bauman said the uses operate on different schedules so it is not likely that a funeral or wedding would be taking place during peak child care pick-up and drop-off times. He said they will also be directing their staff to park in the extra parking lot that the church owns on the south side of Osage Avenue.

Commissioner Bullinger asked how often it will happen that the children need to go across the street to the main YMCA facility. Mr. Bauman said that would only take place under staff supervision and in the event that their schedule does conflict with an event at the church.

Steve Madler, 5615 Falconer Drive, said he is on the church council and he understands that one main factor with this request is that there are parking and traffic issues, but the benefits of a daycare outweigh any major impact it would have on the neighborhood.

Commissioner Laning asked how many parking spaces are available in the lot south of Osage Avenue. Mr. Madler said it has 51 spaces.

Chairman Yeager said Planning staff has made an educated and professional recommendation and there is a reason for them recommending approval of this request.

Liz Larson, 1325 Meredith Drive, said she understands the need for child care and does have some concerns such as parking, but she does not feel the daycare will necessarily have that large of an impact on the neighborhood.

Additional written comments received from Jean Doll are attached as Exhibit F.

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

Commissioner Seminary said he used to live in this neighborhood and also uses the YMCA facilities and he is sensitive to this request. He said there has and will be challenges with parking and traffic but there is only so much the church can do about it. He said the church has been a great neighbor but the bigger thing is the dire need for child care and this is an opportunity to fulfill a need. He said once there is a significant traffic congestion concern it cannot be fixed, it can only be moved elsewhere.

Commissioner Bullinger asked if pick-up and drop-off will be restricted to one side of the building. Mr. Bauman said their plan is to have the child care only use the south side entrance.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit to allow a child care center on Lots 1-8, Block 25, Casey's 4th Addition with the following conditions: 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 eliminate the required off-street parking spaces associated with the proposed special use be approved by the Board of Adjustment; and 2. The required outdoor play area must be fenced with a 6-foot, non-climbable fence and that a walk through gate not open toward East Divide Avenue. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson,

Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT
LOT 2, BLOCK 1, MUNICH ADDITION**

Chairman Yeager called for the public hearing on a special use permit to operate a child care center on Lot 2, Block 1, Munich Addition. The property is located in central Bismarck, along the south side of West Divide Avenue, southeast of the intersection of West Divide Avenue and West Turnpike Avenue (1151 West Divide Avenue).

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

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The 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.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit to allow a child care center on Lot 2, Block 1, Munich Addition with the following conditions:

1. The site must generally conform to the site plan submitted with the application.
2. That the required outdoor play area, located on the second floor of the building be surrounded with a 6 foot non-climbable parapet wall or fence.

Commissioner Laning asked if the owner would object to a higher fence around the outdoor play area.

Ms. Wollmuth said she has attempted to have a discussion with the owner regarding the height of the fence but has not been able to have a formal discussion yet.

Ms. Trotter asked when it was that the Fire Department said a higher fence was needed. Ms. Wollmuth said as of Thursday (April 21st) a higher fence had not been installed yet.

Ms. Trotter said since she was issued a certificate of occupancy and higher fence has been constructed so she would like it to be reinspected.

Commissioner Bitner said they make a motion to include the requirement that a 6 foot fence be installed even if it is already done. Ms. Trotter said that would be fine with her.

Chairman Yeager opened the public hearing.

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

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve 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; and 2. That the required outdoor play area, located on the second floor of the building be surrounded with a 6 foot non-climbable parapet wall or fence. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT ACCESSORY SOLAR ENERGY SYSTEMS

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to Accessory Solar Energy Systems.

Mr. Nairn explained that the proposed amendment would allow solar energy systems as an accessory use in all residential and non-residential zoning districts, subject to certain conditions.

Mr. Nairn then gave the following findings:

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

Mr. Nairn said based on the above findings, staff recommends approval of the zoning ordinance text amendment relating to Accessory Solar Energy Systems, as outlined in the attached draft ordinance.

Commissioner Bitner asked if arrays on rooftops with directional orientation being allowed to increase efficiency have been discussed.

Mr. Nairn said the rooftop panels would have to be oriented the direction of the roof. He said that the efficiency of the panels has increased so much over the years that adjustable tilts are not as cost-effective as they used to be.

Commissioner Seminary said the future of heating and cooling is changing and he would like to see the additional allowance of a mechanism for vetting ideas as technology changes and demand becomes massive.

Chairman Yeager opened the public hearing.

Rick Geloff, 425 Colt Avenue, said he approached Planning staff in November with the hopes of being allowed to add some solar panels to his property, which has since been annexed. He said half of the right-of-way in his back yard is developed and rather than fully develop his property, he came up with this solar panel use instead. He said he has contacted utility companies to find out about the buy-back process and learned he would need at least 1,600 square feet of coverage allowed in order for him to break even. He said he would be more in favor of the proposed ordinance if it were on a per square foot of lot size allowance, and it also states it may not be visible from a public right-of-way, but he does not believe the road behind his lot is not technically a complete right-of-way. He said this will only work if the percentage can be increased to allow a return on investment.

Commissioner Bitner said they should not even consider an ordinance that will completely reject the possibility of solar panels being an option and the return is also based on energy needed for the owner's home. He said any home would need a certain size of array in order to break even.

Commissioner Lee said energy costs are increasing and asked if there is any concern regarding reflection off the panels and towards a neighboring home. Mr. Nairn said the panels should absorb so much of the sun that any amount reflected should not be noticed.

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

Commissioner Bullinger asked if a solar energy system would be allowed to be mounted to an accessory structure. Mr. Nairn said an accessory building to a residence would have to meet the same requirements.

Commissioner Seminary said the goal for a return on investment should not be the first priority with this but rather a strong ordinance. He said the math of the issue complicates it from the beginning is that this is a baby step, assuming it will probably need to be amended several times yet. He said industry experts should be consulted in order to be ahead of this change as much as possible.

Mr. Nairn said those who have been consulted said they would like to see allowance for larger community solar energy systems, and staff will work on an ordinance for this in the future.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning ordinance text amendment relating to Accessory Solar Energy Systems, as outlined in the attached draft ordinance. Commissioner Seminary seconded the motion and the request was unanimously approved with Commissioners Atkinson, Bitner, Bullinger, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:30 p.m. to meet again on May 25, 2016.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

Hilary Balzum

From: Planning - General Mailbox
Sent: Wednesday, April 20, 2016 12:59 PM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Regarding April 27th meeting

From: Jeff Rundio [mailto:jeffrundio@gmail.com]
Sent: Wednesday, April 20, 2016 10:50 AM
To: Planning - General Mailbox
Subject: Regarding April 27th meeting

To whom it may concern,

I live in Promontory point V. It is a nice community overall. However, there is one big problem with the way it is laid out so far. There is no green space whatsoever. The new plans for Promontory VI MUST include a large park and field. I cannot stress this enough. I would even say if there is no park planned then the zoning should not allowed to change. Thank you for your consideration.

Jeff

Hilary Balzum

From: Planning - General Mailbox
Sent: Tuesday, April 19, 2016 8:36 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Diocese PUD amendment

From: bobwefald [mailto:bobwefald@msn.com]
Sent: Monday, April 18, 2016 3:26 PM
To: Planning - General Mailbox
Cc: 'Susan Wefald'
Subject: Diocese PUD amendment

Dear Planning People:

We have no objection to the proposed Diocese amendment to their PUD causing the C.B. Little House to revert to use for office space. Quite frankly, we never understood why they changed it to residential in the first place as it is not a good or modern residence.

The Cathedral priests and parishioners have always been great neighbors! And they so very nicely take care of their property!

Sincerely,

Bob

Bob Wefald
Home phone – [701-223-8975](tel:701-223-8975)
Cell phone – [701-595-2401](tel:701-595-2401)
312 West Avenue B
Bismarck ND 58501-3413

Hilary Balzum

From: Planning - General Mailbox
Sent: Tuesday, April 26, 2016 8:27 AM
To: Carl Hokenstad; Daniel Nairn; Hilary Balzum; Jason Tomanek; Jenny Wollmuth; Kim Lee
Subject: FW: Special Use Permit in Hay Creek Pines

From: J. Schild [mailto:schild4@hotmail.com]
Sent: Monday, April 25, 2016 9:51 PM
To: Planning - General Mailbox
Subject: Special Use Permit in Hay Creek Pines

Dear Sir or Madam,

My name is Jeff Schild, and I live at 9130 Forest Drive in the Hay Creek Pines Development. I was sent a letter informing me about a public hearing on a special use permit for an oversized accessory building to be erected at 9506 Forest Drive (Item 13 on your online agenda as of the evening of 4/25) requesting any commentary.

It appears the new structure will be behind the home, and will blend in well with the surroundings without much if any tree removal, so I do not have a problem with a structure being erected. The only concern that I have is that it follows the Protective Covenants of the area. This is partially covered in your agenda packet, but in our covenants in section 4 it states "...materials, and workmanship is in harmony with exiting structures...". Therefore, I wish that you ensure that this does not become a "pole barn" building with metal sides and/or roof but matches the existing house siding and roofing as close as reasonably possible. I do not believe this would be a problem given the nice buildings in the neighborhood and how nice and well kept this landowner keeps his property, but figured it was worth mentioning so it is not a problem nor will become a legal problem later in time. If this request can not be met then I would protest the structure.

Thank you for your time,
Jeff Schild

To: Planning and Zoning Commission.
April 27, 2016 Exhibit D.

We, the undersigned, oppose any additional construction on the southeast portion of the Good Shepherd lots.

We want to remain in a residential section of Bismarck as opposed to a commercial section, which is why we are also not in agreement with the addition of a day care within the church proper.

The neighborhood is already having a difficult time with the traffic resulting from the existing programs at Good Shepherd. Parking needs extend to both sides of Osage, Meredith Drive, Divide Avenue and Catherine Drive. During snowy winters, the snow banks plus the parking of cars on both sides of Meredith Drive reduce the street to a one lane situation. It is very dangerous.

We suggest the YMCA and Good Shepherd Church find a commercially zoned area for the Day Care.

Mary LaDuke 1327 Meredith Dr.
Jean Doll 1323 Meredith Dr, Bismarck
Mud cow 1324 Meade Ln Bismarck
Joe Homan 107 OSAGE AVE
Tammy Homan 107 Osage Ave
Robert Arnold 1329 Meredith Dr Bismarck ND 58001

I only contacted families around the perimeter of the church. Time and weather prevented more canvassing.
One family was sympathetic to the day care
The other family wanted to attend this mtg.
One family is out of town.



1323 Meredith Drive
Bismarck, ND 58501
April 25, 2016

RECEIVED
APR 25 2016

TO: Bismarck Community Development-Planning Commission
ATTN Jenny Wollmuth
FROM: Jean Doll

RE: Good Shepherd Luthern Church/YMCA
request for special use permit for
day care for 90 children

In 1992 I moved to Meredith Drive to an area zoned single family residential. At that time, GSLC property had an east facing residence (facing Meredith Drive) on the east edge of what is now their parking lot. The residence provided a partial buffer to the sight and sounds of their parking lot.

When I became aware of the plan to remove the home on that lot, I talked with a GSLC minister and expressed my concerns about the noise and commotion from a planned expanded parking lot. He assured me that the church would plant a hedge on the east edge of the parking lot as a buffer. It did not happen.

GSLC is an active church with their regular schedule, weddings, funerals and various support groups such as AA. Parking always appears to be an issue with it spilling over the residential neighborhood, and repeated use of neighborhood driveways for "turn arounds".

I have no information on what they plan for ingress and egress to serve 90 children! I expect that it means increased vehicular traffic and congestion. It is nearly impossible to access Washington Street from Osage Avenue. The same is true with Meredith Drive access to Divide Avenue to make a left turn. Washington Street and Divide Avenue intersection is a bottleneck.

I am not aware of any outreach from GSLC officials concerning how they might minimize impacts (such as diminished attractiveness of this single family neighborhood) to those of us who own property in the immediate area.

Please call me if you have any questions. Thanks for what you do.



PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 4/2016

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

Census Code	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	29	\$5,783,569.85	38	\$7,130,416.63	3	\$1,023,907.00	3	\$874,800.63
ROWHOUSE (2) 1-HR FIRE SEPARATION	37	\$4,868,100.00	15	\$2,182,388.50	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	3	\$208,660.50	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	4	\$0.00	10	\$0.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	1	\$0.00	10	\$4,940,500.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$128,100.00	0	\$0.00	0	\$0.00	0	\$0.00
OTHER NEW	0	\$0.00	1	\$32,550.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	6	\$128,065.50	2	\$75,944.50	2	\$55,657.00	4	\$225,552.30
RESIDENTIAL GARAGES	6	\$223,766.00	14	\$121,230.00	14	\$280,768.00	10	\$202,322.00
DECKS PORCHES & COVERED PATIOS	28	\$108,295.00	14	\$38,370.00	5	\$15,375.00	5	\$23,775.00
SWIMMING POOLS & SPAS	0	\$0.00	1	\$65,000.00	1	\$74,000.00	1	\$51,000.00
OTHER	12	\$325,000.00	6	\$120,470.00	0	\$0.00	0	\$0.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	3	\$9,345.00	3	\$6,820.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	16	\$82,954.00	12	\$65,640.25	5	\$31,587.50	3	\$15,912.50
COMMERCIAL BUILDINGS	35	\$646,978.00	17	\$8,052,845.64	1	\$472,000.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	1	\$1,525,000.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	1	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	14	\$58,591.00	12	\$113,911.29	0	\$0.00	0	\$0.00

PERMIT ACTIVITY REPORT - MTD
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*****City*****ETA*****

Census Code	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SIGN ALTERATION	2	\$14,234.00	2	\$7,461.00	0	\$0.00	0	\$0.00
Total	197	\$12,502,748.35	170	\$24,936,561.71	31	\$1,953,294.50	26	\$1,393,362.43

PERMIT ACTIVITY REPORT - MTD
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*****City*****ETA*****

Trade Permit Type	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	65	\$0.00	41	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	26	\$0.00	64	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	13	\$35.00	8	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	4	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	6	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	17	\$133,429.00	9	\$644,240.00	2	\$4,395.00	0	\$0.00
BUILDING MECHANICAL FIREPLACE	10	\$38,500.00	21	\$81,100.00	3	\$12,000.00	7	\$27,900.00
BUILDING MECHANICAL HVAC APPLIANCE	23	\$145,950.00	5	\$48,657.00	1	\$6,980.00	1	\$1,000.00
BUILDING MECHANICAL NEW CONSTRUCTION	29	\$450,272.00	62	\$9,933,310.05	3	\$30,600.00	7	\$26,250.00
BUILDING MECHANICAL OTHER	0	\$0.00	5	\$20,640.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	38	\$64,340.95	19	\$19,700.00	0	\$0.00	5	\$6,683.00
BUILDING PLUMBING	35	\$692,701.00	93	\$5,510,400.00	5	\$40,600.00	6	\$134,970.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	4	\$0.00	3	\$0.00
Total	268	\$1,525,227.95	335	\$16,258,047.05	18	\$94,575.00	30	\$207,253.00

PERMIT ACTIVITY REPORT - MTD
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*****City*****ETA*****

	4/2016	4/2015	4/2016	4/2015
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	4	0	0	0
2-UNIT DUPLEX OR CONDO	0	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	37	15	0	0
SINGLE FAMILY DETACHED	29	38	3	3
Total	70	57	3	3

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

Census Code	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	51	\$9,884,846.00	63	\$12,732,390.31	9	\$2,278,735.75	8	\$2,155,764.06
ROWHOUSE (2) 1-HR FIRE SEPARATION	62	\$8,310,636.75	17	\$2,607,448.70	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	0	\$0.00	3	\$208,660.50	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	12	\$0.00	17	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	1	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00
MOTELS	0	\$0.00	1	\$24,000.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	3	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	1	\$99,622.00	0	\$0.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	5	\$13,000.00	34	\$9,818,023.00	0	\$0.00	3	\$1,709,288.00
HOSPITALS & INSTITUTIONAL	4	\$155,000.00	0	\$0.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	3	\$263,100.00	3	\$7,656,470.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	1	\$3,255,847.00	1	\$1,432,100.00	0	\$0.00	0	\$0.00
RETAIL SALES	4	\$1,288,600.00	2	\$3,283,140.00	0	\$0.00	0	\$0.00
OTHER NEW	0	\$0.00	15	\$979,332.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	11	\$230,156.75	3	\$80,039.50	6	\$163,231.00	6	\$270,285.30
RESIDENTIAL GARAGES	17	\$288,453.02	15	\$129,422.00	24	\$544,834.00	14	\$307,686.00
DECKS PORCHES & COVERED PATIOS	47	\$173,380.00	19	\$46,490.00	6	\$16,995.00	13	\$41,175.00
SWIMMING POOLS & SPAS	1	\$62,112.70	3	\$86,000.00	1	\$74,000.00	2	\$126,000.00
OTHER	28	\$624,396.48	26	\$1,454,610.59	3	\$9,100.00	1	\$82,680.00
HOME OCCUPATION	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	3	\$9,345.00	3	\$6,820.00	2	\$46,080.00	0	\$0.00
BASEMENT FINISH	76	\$371,370.25	68	\$338,454.62	20	\$122,590.85	21	\$110,786.78

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

Census Code	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
COMMERCIAL BUILDINGS	70	\$5,458,797.00	19	\$8,213,445.64	3	\$697,000.00	0	\$0.00
OFFICE BUILDINGS	1	\$7,500.00	7	\$1,339,755.00	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	11	\$1,986,188.00	0	\$0.00	0	\$0.00
PUBLIC BUILDING	0	\$0.00	1	\$7,000.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NURSERY STOCK SALES	1	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	3	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	53	\$435,966.01	36	\$640,335.53	0	\$0.00	1	\$2,400.00
SIGN ALTERATION	7	\$51,198.46	5	\$67,161.00	0	\$0.00	0	\$0.00
Total	469	\$31,110,877.42	392	\$53,386,639.79	74	\$3,952,566.60	69	\$4,806,065.14

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

Permit Type	4/2016		4/2015		4/2016		4/2015	
	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	318	\$59,195.00	179	\$0.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	111	\$7,000.00	138	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	63	\$35.00	22	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	10	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	15	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	16	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	71	\$259,970.00	25	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	39	\$486,055.00	27	\$1,968,580.00	5	\$20,295.00	3	\$11,095.00
BUILDING MECHANICAL FIREPLACE	54	\$183,522.00	63	\$238,550.00	11	\$42,500.00	12	\$50,110.00
BUILDING MECHANICAL HVAC APPLIANCE	100	\$643,910.20	31	\$127,171.00	10	\$79,517.00	1	\$1,000.00
BUILDING MECHANICAL NEW CONSTRUCTION	174	\$5,365,537.00	161	\$11,708,411.05	28	\$1,058,085.00	28	\$326,575.00
BUILDING MECHANICAL OTHER	0	\$0.00	14	\$224,552.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	123	\$173,859.45	66	\$81,273.99	11	\$20,293.00	14	\$18,679.00
BUILDING PLUMBING	145	\$3,083,177.55	159	\$6,476,583.00	12	\$89,533.00	18	\$213,620.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	7	\$0.00	17	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
Total	1240	\$10,262,261.20	898	\$20,825,121.04	85	\$1,310,223.00	95	\$631,529.00

PERMIT ACTIVITY REPORT - YTD
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Living Units	*****City*****		*****ETA*****	
	4/2016	4/2015	4/2016	4/2015
	Units	Units	Units	Units
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	11	0	0	0
2-UNIT DUPLEX OR CONDO	0	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	62	16	0	0
SINGLE FAMILY DETACHED	51	63	9	7
Total	124	83	9	7